CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2023-266 – Zoning District Change

MEETING DATE:
April 3, 2023

ORIGINATING DEPARTMENT:
Planning, Development and Neighborhood Services

REVIEWED BY:
Director of Planning, Development & Neighborhood Services – Troy Bolander
Director of Finance – Leslie Haase
City Attorney – Peter Edwards
Assistant City Manager – Tony Robyn
City Manager – Nicholas Edwards

FUNDING SOURCE:
These payments are included in the FY2023 budget of the Community Planning Fund.

SUMMARY REQUEST:
Case 016-23: Rezoning – A Request to Rezone from District R-1 (Single-Family Residential) to District R-2 (Two-Family Residential) for Property located at 507 N Wall Ave. to remodel a duplex – Jerry Hill

BACKGROUND:
The existing building on the property is a single-family home, which the owner seeks to convert into a duplex. The owner is requesting an R-2 zoning, which is a continuation of the surrounding neighborhood, and is consistent with the Comprehensive Plan and the Future Land Use Map.

PLANNING & ZONING COMMISSION TESTIMONY:
There was no comment or questions from the Commissioners.

PUBLIC COMMENT;
There was no public comment in opposition or in favor.

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2023-266
Planning & Zoning Commission recommends approval of Case 016-23 (4 in Favor, 3 Opposed)

ATTACHMENTS

Staff Planning Report
P&Z Commission Minutes
Applicant Materials
Map

Case 016-23: Rezoning

A request to Rezone from District R-1 (Single-Family Residential) to District R-2 (Two-Family Residential) for Property located at 507 N. Wall Ave. to remodel a duplex-Jerry Hill.

Mr. Jerry Hill, 111 Killdeer Rd., Rogers, Arkansas. Mr. Hill stated he would like to rezone this property from R-1 to R-2 to make it an up and down duplex.

Mr. Kimble asked so you are adding in a structure rather than rehabbing what is there.

Mr. Hill stated no, he was rehabbing what is currently there. He said it was previously a duplex up and down in the past decade. He was just turning it into what it once was.

Mr. Kimble asked if there were any other questions from the Commission on Case 016-23.

Ms. Phillips stated that entire block on that side of the street going to E Street is R-1. The opposite side on the west side is all R-1. Part of that is because there is a church and churches are R-1. As you go west all the properties on N. Pearl are R-1. Then as you go north of E Street, they are all R-1 going from Main Street clear over to Lone Elm. To the south are some R-2. She said to just bust that block up by putting it in R-2 she does not see how that helps the neighborhood. She stated it may help you sustainably make it pay for itself, but she was not in favor of busting up the block.

Mr. Hill stated if he was not mistaken the property across the street is commercial for that church.

Ms. Phillips stated technically it is residential R-1 because that is what churches are.

Mr. Hill asked if there were residences north on that same block that have multi-family residences.

Ms. Phillips said it could be non-conforming use, but it is zoned technically R-1. At least the last time this map was updated.

Mr. Bolander stated we must look at the existing zoning districts not necessarily the current use like the former request. It is primarily R-2 to the south of this request across D Street and to the east along Joplin Ave. He is asking for an extension of the R-2 district that is already present. Joplin has like pyramid zoning so in an R-3 district you could have duplexes and single-family homes. In R-2 districts you can have duplexes and single-family homes and in R-1 you just have single-family homes. So, even though you see a lot of existing R-2 districts most of those are single-family homes, but it would allow a duplex if someone wanted to build one.

Mr. Hill stated this property was not going to be changed in any way. It will have two separate families, one up and one down that was previously done before. There will be no modifications to the property at all.

Mr. Kimble asked if there were any other questions from the Commission on Case 016-23.

There were none.

Mr. Kimble asked if anyone else wished to speak in favor of Case 016-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 016-23.

Kenan Klein, 530 N. Wall Ave., Joplin, Missouri. Mr. Klein stated he had the privilege of living in North Heights for four years now and he loves seeing single-family homes in the neighborhood. He was concerned about it being broken up into duplexes and more people moving in as renters. They have seen a crime spike from the south side of this neighborhood. He would love for a single family to move in and own the property, own the space, and make it a safer place for all of them to live. It was just a preference he and other neighbors had.

Mr. Jackson asked if he was in the circle reflected on the diagram. He asked if Mr. Klein had signed a petition of protest that the City provides.

Mr. Klein stated he did not have a petition of protest sent to his house. He only saw the letter that came a week ago.

Mr. Jackson stated so City staff could probably provide better clarification that there is a form on the City website that you can get and print off and if you are in opposition and it requires more votes for it to pass if there is a certain percentage of property owners

who sign it and oppose it, but you must get it notarized. Mr. Jackson asked Mr. Bolander if he missed anything or if there was something he wanted to add.

Mr. Bolander stated no, that is exactly correct.

Ms. Phillips asked if any petitions had been submitted.

Mr. Bolander said no. It stated in the letter they received that you could acquire a petition from City staff or get it off the website.

Mr. Klein stated he missed that in the letter but that was good to know for next time.

Mr. Jackson said if you have a certain percentage go against it requires two-thirds of Council to approve it.

Mr. Kimble asked if anyone else wished to speak in opposition of Case 016-23.

MR. ROSENBERG MOVED THAT CASE 016-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. MCCULLOUGH SECONDED THE MOTION. MOTION CARRIED. MS. PHILLIPS, MS. STEELE AND MR. JACKSON OPPOSED. (4 IN FAVOR, 3 NAY)

Z&P Meeting: March 13, 2023
City Council Meeting: April 3, 2023

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 016-23 A request to rezone from R-1 (Single-Family Residential) to R-2 (Two-Family Residential).

LOCATION 507 N Wall Ave, Joplin, MO 64801

APPLICANT Jerry Hill

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Vacant Single-Family Home	Approximately 0.3 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1	R-1	R-2	R-2
Land Use	Single-Family Residential	Single-Family Residential	Single-Family Residential	Single-Family Residential

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future Low-Density Residential.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
W D St	Local	50′
N Wall Ave	Local	60′

UTILITIES

The site is accessible to utilities.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

This request is consistent with the Comprehensive Plan. R-2 zoning is consistent with the Future Land Use classification of Low-Density Residential. R-2 is also consistent with the existing zoning of the neighborhood.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

The owner seeks to renovate the existing building and convert the structure into a duplex. The owner is required to rezone for this use to be permitted.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning will not be detrimental to nearby property. The property is surrounded by existing R-2 zonings, which are all permitted by right to have Two-Family Residential dwellings.

DISCUSSION

The existing building on the property is a single-family home, which the owner seeks to convert into a duplex. The owner is requesting an R-2 zoning, which is a continuation of the surrounding neighborhood, and is consistent with the Comprehensive Plan and the Future Land Use Map.

Staff recommends approval of Case 016-23.

ENCLOSURES

- Map of property
- Application

Rezoning Application

Return Form to:
Planner
Joplin City Hall
602 S. Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 1511
Zoning-Planning@JoplinMO.org

Office Use Only
Case No.: 06-23
Filing Fee: $550.00
Received: 2/3/23
Date Advertised:
Proj. No.: 23-021
Public Hearing Date: 3/13/23

Applicant: Jerry Hill Phone No.: 479-366-8408

Address: 111 Killdeer Rd. Rogers, AR 72756 Email: jmhilljr@cox.net

Owner: Jerry & Joy Hill Phone No.: 479-366-8408

Address: same Email: same

Location of Property: 507 N Wall Ave. Joplin, MO 64801

Present Use of Property: currently not in use

Proposed Use of Property: up/down duplex

Current Zoning: R1 Requested Zoning: R2

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	(503) res.multi-family	R2
South	(520)res.improv	R1
East	(520)res.improv	R1
West	(681) EXEMPT	

Character of the Neighborhood: mixed use; with youth center on the property to the west, 2 mult-family units on the same street to the north and SFH's elsewhere.

Relationship to Existing Zoning Pattern:

Yes	No	
○	◉	Would proposed change create a small, isolated district unrelated to surrounding districts?
◉	○	Are there substantial reasons why the property cannot be used in accord with existing zoning?

If yes, explain: would like to renovate this house to the original use of an up/down duplex

Conformance with Comprehensive Plan:

Yes	No	
◉	○	Consistent with Development Policies?
◉	○	Consistent with Future Land Use Map?

Traffic Conditions:

Yes	No	
○	◉	Will turning movements caused by the proposed use create an undue traffic hazard?

Street(s) with Access to Property: N. Wall Ave. and "D" streets with an alleyway along the eastern border of property.

Classification of Street(s):

Arterial ☐ Collector ☐ Local ☑

Right-of-Way Width: _____

Subdivision Platting:

Yes	No	
○	◉	Is platting required?
◉	○	Are lots appropriately sized?
◉	○	Is street right-of-way appropriately sized?

◉ ○ Are drainage and utility easements adequately sized and provided?

Additional Platting Comments: _____

Unique Characteristic of Property and/or Additional Comment:

double lot size and off-street parking; house is built to accomodate up/down duplex.

Submission of Documents: The following documents are **required** at time of submission.

Yes	No	
◉	○	Completed and signed application.
◉	○	One copy of a legal description of the property proposed to be rezoned from a deed or certified survey. Must be legible.
◉	○	One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may affect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
◉	○	Owner Affidavit and Agent Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned.

Applications that are incomplete or missing required documents will not be processed or scheduled on an agenda to the Planning & Zoning Commission until corrected and resubmitted.

Signature: _____ **Date:** 1/18/2023

situated in Jasper County, Missouri, described as follows:

ALL OF LOTS NUMBERED 105 AND 106 IN NORTH HEIGHTS ADDITION TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI.

LAYMAN'S DESCRIPTION: 507 NORTH WALL, JOPLIN, MISSOURI.

TO HAVE AND TO HOLD [illegible]

Reasoning for the rezoning of 507 N Wall Ave

This property is a 2 level house that was originally a top and bottom duplex. We would like to remodel this house back to its' original format of a top and bottom duplex.

The impact on the neighborhood would be that the house which has been abandoned and neglected for years would once again be lived in. This would keep the property maintained and discourage loiters and mischievous behavior in the neighborhood.

The impact on parking should be minimal to zero as there is already street parking available for this house. North Wall Ave. is a wide street and does accommodate street parking without obstructing traffic flow. This property has space for off street parking which will also be utilized.

In the updating of this house as a duplex, the house will be equipped to meet current fire codes.

Case 016-23 - Rezoning



507 N Wall Ave - A request to rezone from R-1 (Single-Family Residential) to R-2 (Two-Family Residential) - Jerry Hill

P & Z Case 016-23
Jerry Hill
(P & Z Recommended Approval)

COUNCIL BILL NO. 2023-266 ORDINANCE NO.

AN ORDINANCE amending Ordinance No. 2022-274, passed by the Council of the City of Joplin, Missouri, August 1, 2022, by removing from District R-1 (Single-Family Residential) to R-2 (Two-Family Residential) property as described below and located at 507 N Wall Ave.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days' notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2022-274 is hereby amended by removing from District R-1 (Single-Family Residential) the following described property and including in District R-2 (Two-Family Residential).

ALL OF LOTS NUMBERED 105 ANO 106 IN NORTH HEIGHTS ADDITION TO THE CITY OF JOPLIN.JASPER COUNTY, MISSOURI.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of_____, 2023, by a vote of _____.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney