CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2021-261-Rezone to District M-2

MEETING DATE:
April 5, 2021

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, City Manager Nicholas Edwards.

SUMMARY REQUEST:
Case 011-21: 801, 805, 809, 813, 817, and 821 S. Minnesota Ave. - A request to remove from District M-2 (Heavy Industrial) and include in District R-2 (Two-family Residential) for future residential development – Schuber Mitchell Homes.

BACKGROUND:
The current zoning of M-2 is somewhat suitable for this property. It appears before the property was vacant, it was used as a storage yard. The change in zoning to R-2 will not be detrimental to nearby property. The R-2 district is one the most protected districts with very few allowable uses. Rezoning to a district that allows for much less intense developments will not have a detrimental effect on nearby property.

PLANNING & ZONING COMMISSION TESTIMONY:
Terry Mitchell, 303 Sunnybrook, Briarbrook. We are asking to have the property rezoned to R-2 and planning on having single family dwellings. We were told that we would be better off doing R-2. We were up in the air on either build duplexes or single-family homes.

PUBLIC COMMENT;
Ralph Green, 720 S Minnesota, Joplin, MO. He stated that those lots have been vacant for a long time and they need to have something on them. Businesses that are in that area are not heavy industrial, they would be conducive to this type of environment.

Mr. Kimble brought up street use since cars will be going into the garages on Minnesota. Do you know the business to the west of there, a garage company and two others, do they ever have anything parked on the street? If there are families are the school busses going to have enough room to drive on the road to pick up children?

Mr. Green stated they did not park big equipment on the street. There are some unusual circumstances sometimes there is a big vehicle parked on the street, but it isn't there very long, but they all have their own parking and all park off street.

FUNDING SOURCE:
These payments are included in the FY 2020-21 budget of the Community Planning Fund.

RECOMMENDATIONS:
Staff recommends approval for Case 011-21.
Planning & Zoning Commission recommends approval for Case 011-21 (6 Favor, 0 Nays, 1 Absent)

ATTACHMENTS
CB 2021-261, Staff Planning Report, P&Z Commission Minutes

CB 2021-261

Case 011-21: 801, 805, 809, 813, 817, and 821 S. Minnesota Ave. - A request to remove from District M-2 (Heavy Industrial) and include in District R-2 (Two-family Residential) for future residential development – Schuber Mitchell Homes.

Terry Mitchell, 303 Sunnybrook, Briarbrook. We are asking to have the property rezoned to R-2 and planning on having single family dwellings.

Mr. Ramsour wanted to understand that they were rezoning to R-2, but you want to build single family homes.

Mr. Mitchell stated that was correct. We were told that we would be better off doing R-2. We were up in the air on either build duplexes or single-family homes.

Ms. Phillips mentioned that there is an alley there is there someway to redo your models and use the alley as access.

Mr. Mitchell stated that all the designs are made for the garage to come off the street. We would have to redesign for the garage to be on the alley side.

Mr. Kimble asked Mr. Bolander if he knows on the other block if they take their trash to the curb or the alley?

Mr. Bolander stated he did not know.
Mr. Ramsour asked if the commissioners had any questions for Mr. Mitchell? They did not. Mr. Ramsour asked if there was anyone in the audience who would like to speak in favor of this case?

Ralph Green, 720 S Minnesota, Joplin, MO. He stated that those lots have been vacant for a long time and they need to have something on them. Businesses that are in that area are not heavy industrial, they would be conducive to this type of environment.

Mr. Ramsour asked the commissioners if they had any questions for Mr. Green?

Mr. Kimble brought up street use since cars will be going into the garages on Minnesota. Do you know the business to the west of there, a garage company and two others, do they ever have anything parked on the street? If there are families are the school busses going to have enough room to drive on the road to pick up children?

Mr. Green stated they did not park big equipment on the street. There are some unusual circumstances sometimes there is a big vehicle parked on the street, but it isn't there very long, but they all have their own parking and all park off street.

Mr. Ramsour asked if there was anyone in the audience who would like to speak in opposition to this case? There was not.

MR. EASTMAN MOVED, SECONDED BY MR. MCCOULLGH THAT CASE 011-21 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MS. BRUCKNER-SEARS, MR. MCCULLOUGH, MR. EASTMAN, MR. KIMBLE, AND MS. PHILLIPS VOTING "AYE". (6 IN FAVOR, 1 ABSENT)

Z&P Meeting: March 8, 2021
City Council Meeting: April 5, 2021

STAFF PLANNING REPORT
Rezoning

CASE 011-21 A request to remove from District M-2 (Heavy Industrial) and include in District R-2 (Two-family Residential) for future residential development

LOCATION 801, 805, 809, 813, 817, and 821 S. Minnesota Ave.

APPLICANT Schuber Mitchell Homes

EXISTING CONDITIONS

Zoning	Land Use	Property Size
M-2	Vacant	Approx. 0.85 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	M-2	R-3	M-2	M-2
Land Use	Vacant	Single-family Residential	Single-family Residential	Light Industrial

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future retail commercial.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
S. Minnesota Ave.	Local	60'
E. 8th St.	Local	50'

UTILITIES

Utilities in place.

FLOOD PLAIN

A portion of this property is in the flood plain, portions of 809, 813, 817, and 821.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The request is consistent with the comprehensive plan. While the future land use map does indicate future retail commercial for this property and the surrounding residential neighborhood, the rezoning request is consistent with the intent of the comprehensive plan, particularly in increasing infill development.

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

The current zoning of M-2 is somewhat suitable for this property. It appears before the property was vacant, it was used as a storage yard. Few industrial uses other than storage would be able to fit on this size of property.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning to R-2 will not be detrimental to nearby property. The R-2 district is one the most protected districts with very few allowable uses. Rezoning to a district that allows for much less intense developments will not have a detrimental effect on nearby property.

DISCUSSION

This request is compatible with the Comprehensive Plan and the zoning requested is appropriate for the area. Nearby properties will not be affected by the change to a less intense zoning district.

Staff recommends approval of Case 011-21.

ATTACHMENTS

- Application
- Map

REZONING APPLICATION FORM

RECEIVED 1-13-21

Return Form to:
Planning / Community Development Specialist
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only

Case No.: 01/-21
Filing Fee: $550.00
Date Advertised: 2-21-21
Date Notices Sent 2-22-21
Public Hearing Date: 3-8-21

APPLICANT: Schuber Mitchell PHONE: 4172915731
ADDRESS: 3331 N RANGE LINE ZIP: 64801

OWNER: PHONE: 4172915731
ADDRESS: ZIP: 64801

LOCATION/ADDRESS OF PROPERTY: 8th & Minnesota

Present Zoning M-2 Requested Zoning: R-2 Acreage: 6 Lots
Present Use of Property: VACANT

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	VACANT	M-2
South	Residential	R-3
East	Residential	R-3
West	M-2	

Character of the Neighborhood: mix of Residential Rental and manufactur

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts? NO
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? NO
   If yes, explain: NO

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map? Yes

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: 8th & 9th from Minnesota
2. Classification of Street(s):
   Arterial _____ Collector _____ Local _____
3. Right-of-Way Width: _____
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   No

IS PLATTING OR REPLATTING REQUIRED IN ORDER TO PROVIDE FOR:

1. Appropriately Sized Lots? Yes 50 x 120
2. Properly Sized Street Right-of-Way? Yes
3. Drainage Easements? Yes
4. Utility Easements:
   - Electricity? Yes
   - Gas? Yes
   - Sewers? Yes
   - Water? yes
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND/OR ADDITIONAL COMMENT:

Will make Affordable Housing in A low income Area

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

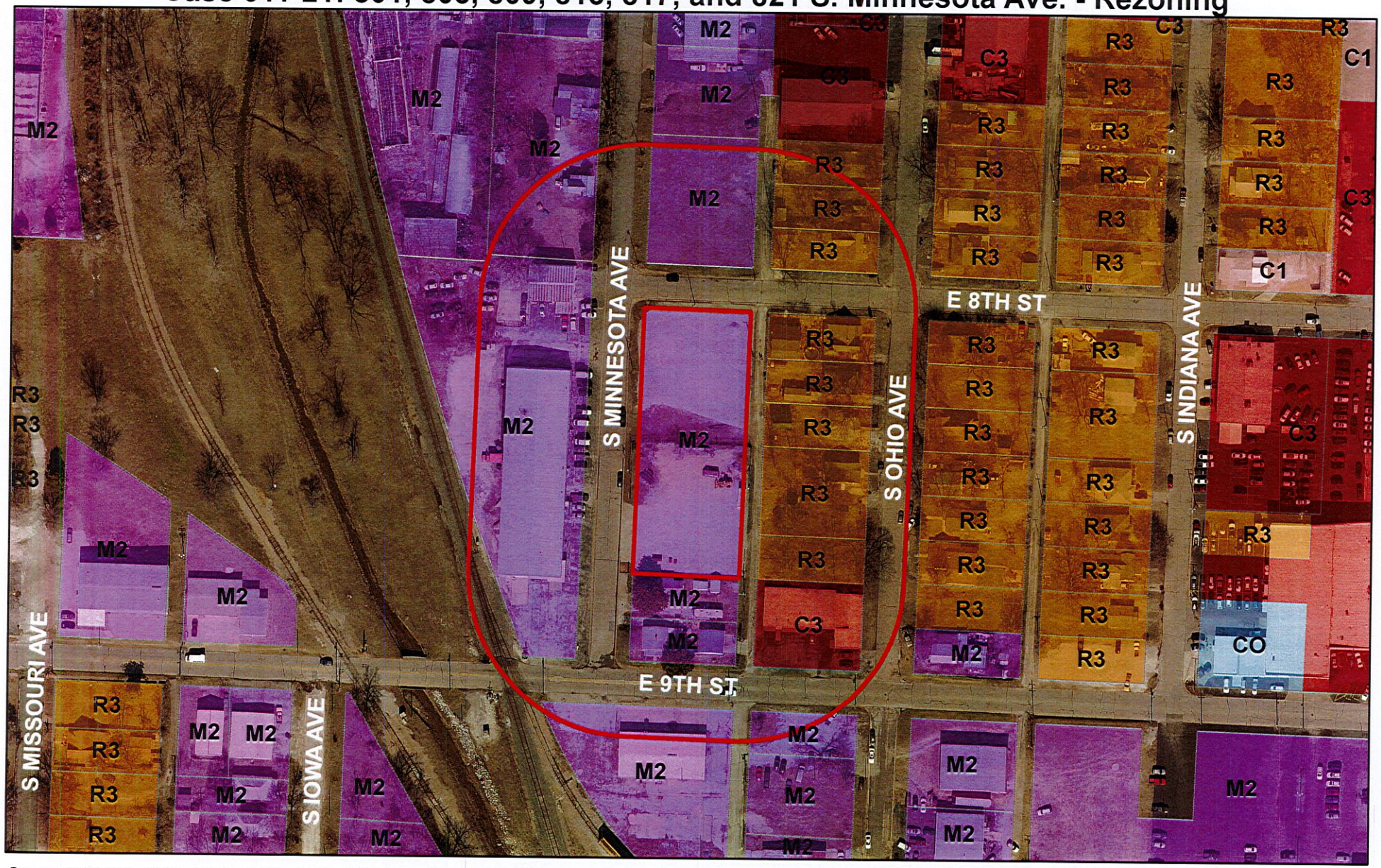
1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may affect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned

SIGNATURE: T. M DATE: 1/14/2021

EMAIL: Tmitchell@schubermitchell.com

TITLE: Land Aquisition

Case 011-21: 801, 805, 809, 813, 817, and 821 S. Minnesota Ave. - Rezoning



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Joplin City Limits

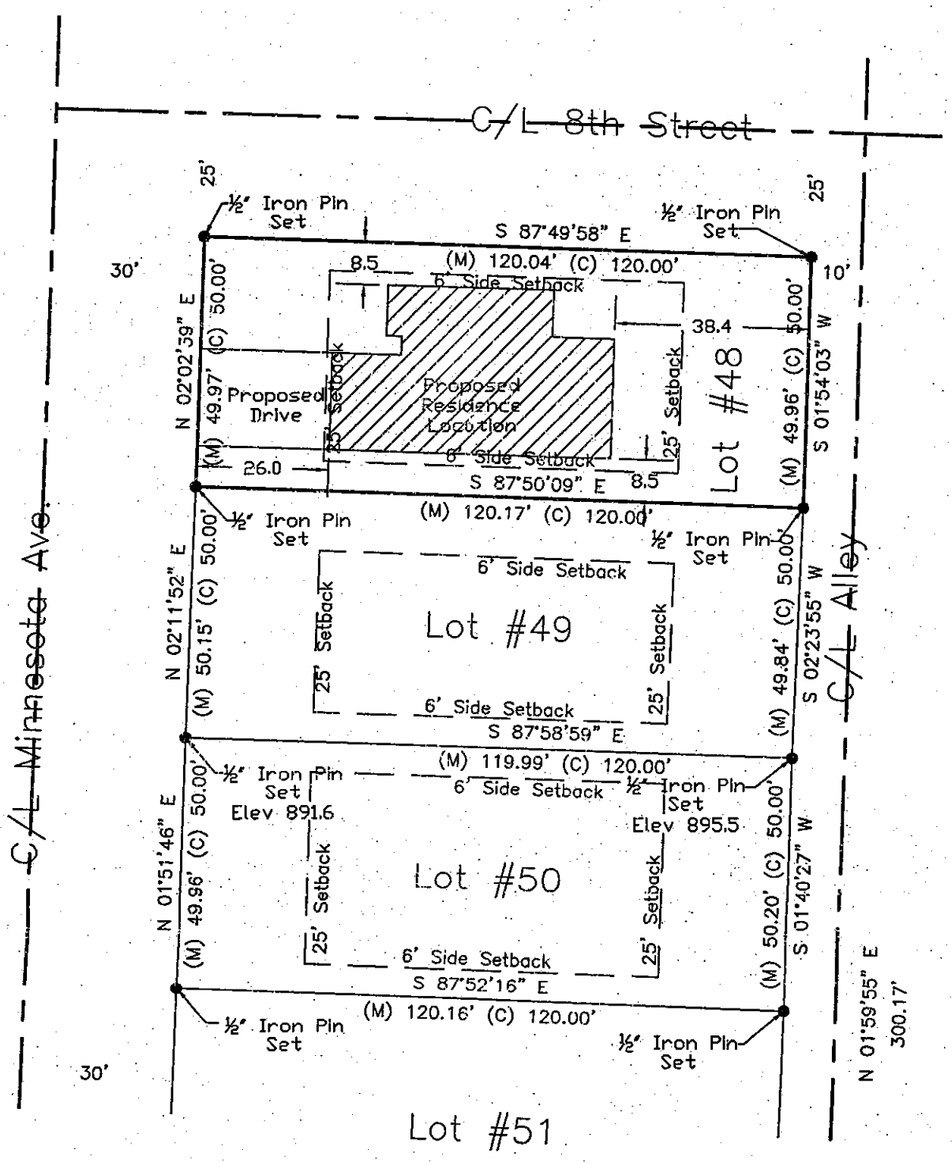
0 75 150 300 450 600 Feet

N

0 30 60 90

SCALE: One inch equals 30 feet.

BASIS OF BEARINGS: The South line of 8th Street taken as S 87°49'58" E as per Missouri West NAD83 per MoDot GPs Network.
CLASS OF PROPERTY: (C) Urban.
SOURCE DEED: Richard Webster, Book 1385, Page 1458



STATE OF MISSOURI
RODNEY C. NEECE
PLS-002691
1/15/2021
PROFESSIONAL LAND SURVEYOR

PROPERTY DESCRIPTION:
All of Lot Numbered Forty-eight (48) in Campbell's Fourth (4th) Addition to the City of Joplin, Jasper County, Missouri, bieng subject to all easements, right-of-ways, and reservations of record.

SURVEYOR'S CERTIFICATE:
I Rodney C. Neece a Registered Land Surveyor of Joplin, Jasper County, Missouri, Do hereby certify that the field notes and attached plat are true and accurate description of the work performed and measurements taken; survey made in accordance with the Missouri Standards for Property Boundary Surveys of the Department of Agriculture, Division of Weights & Measures and Consumer Protection, and is not a warranty of title either expressed or implied, This declaration is made to the original owner and/or purchaser of the survey as of the date indicated in the title block, It is not transferable to additional institutions or subsequent owners and may not be used in connection with a survey 'Survey Affidavit' or similar document, statement, or mechanism to obtain title insurance for any subsequent or future grantees, furthermore, this survey is not valid without the original signature and embossed seal.

Stewart & Neece Land Surveying Company
since 1922 Joplin, Mo.

STEWART AND NEECE LAND SURVEYING, INC.
1201 East 15th Street, Joplin, Missouri 64801
Phone: 417-624-0311 Fax: 417-624-0365

SURVEY FOR: Schuber Mitchell Homes		
DRAWN: Allgood	DATE: 1-4-21	ADDRESS: 8th & Minnesota Joplin, Mo.
APPROVED: RCN	S/T/R: 11-27-33	
SCALE: 1"=30'	FILE NAME: L48-53C4th	Cert of Authority LSC-2019012803

0 30 60 90

SCALE: One inch equals 30 feet.

BASIS OF BEARIGNS: The South line of 8th Street taken as S 87°49'58" E as per Missouri West NAD83 per MoDot GPs Network.
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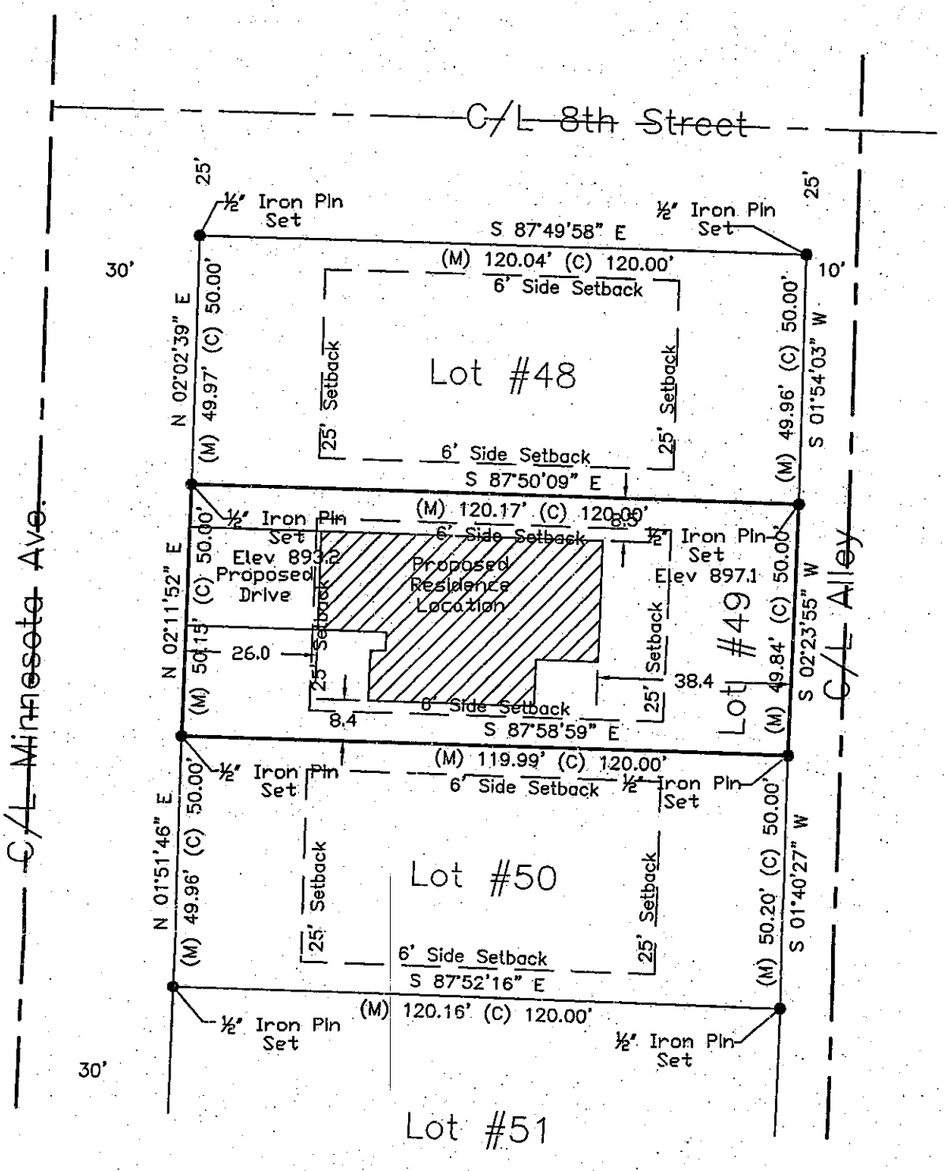

PROPERTY DESCRIPTION:
All of Lot Numbered Forty-nine (49), in Campbell's Fourth (4th) Addition to the City of Joplin, Jasper County, Missouri, bieng subject to all easements, right-of-ways, and reservations of record.

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PLS-002691
1/15/2021
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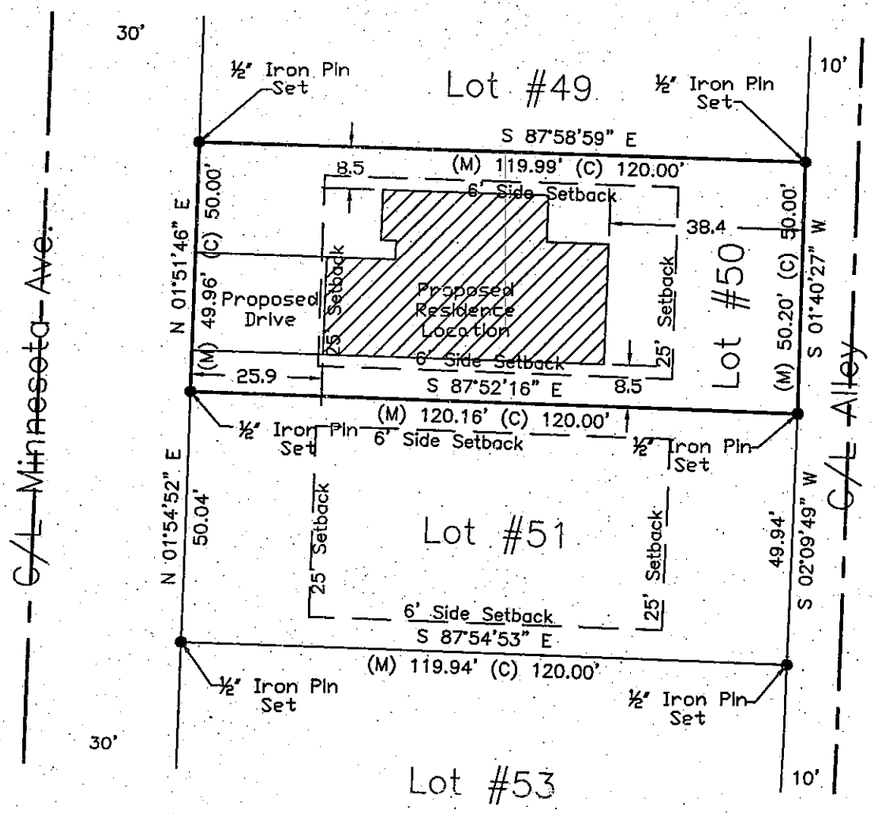

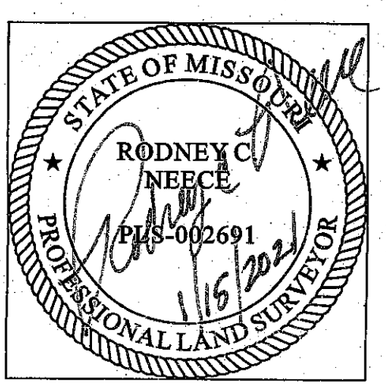

PROPERTY DESCRIPTION:
All of Lot Numbered Fifty (50), in Campbell's Fourth (4th) Addition to the City of Joplin, Jasper County, Missouri, being subject to all easements, right-of-ways, and reservations of record.

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APPROVED: RCN	S/T/R: 11-27-33	
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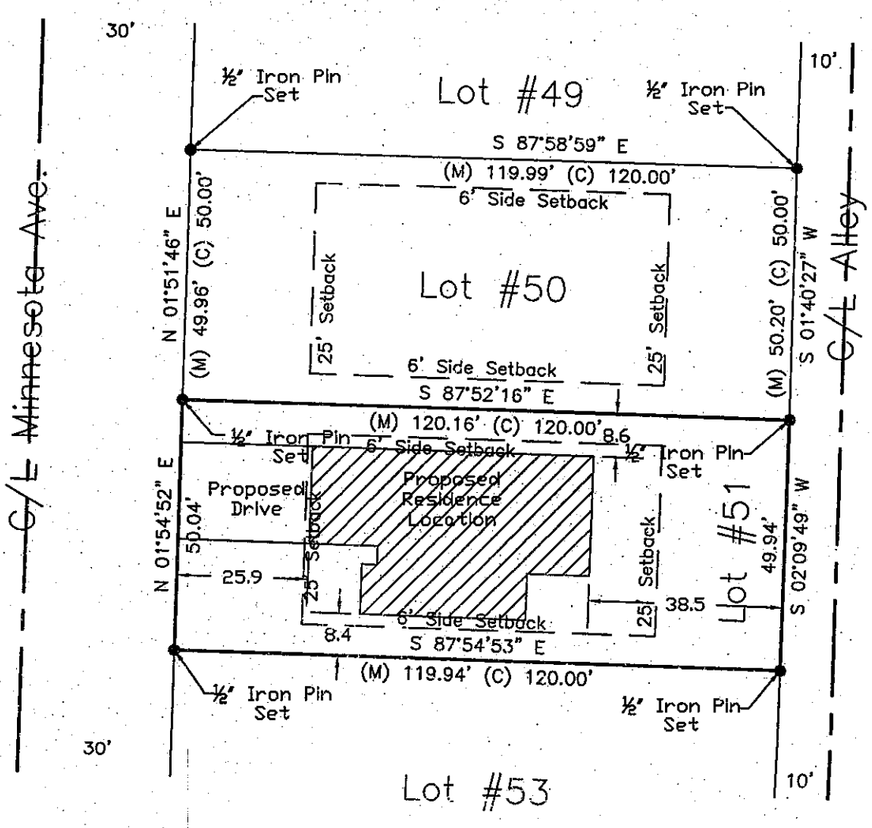

STATE OF MISSOURI
RODNEY C. NEECE
PLS-002691
PROFESSIONAL LAND SURVEYOR
1/10/2022

PROPERTY DESCRIPTION:
All of Lot Numbered Fifty-two (52) in Campbell's Fourth (4th) Addition to the City of Joplin, Jasper County, Missouri, being subject to all easements, right-of-ways, and reservations of record.

SURVEYOR'S CERTIFICATE:
I Rodney C. Neece a Registered Land Surveyor of Joplin, Jasper County, Missouri, Do hereby certify that the field notes and attached plat are true and accurate description of the work performed and measurements taken; survey made in accordance with the Missouri Standards for Property Boundary Surveys of the Department of Agriculture, Division of Weights & Measures and Consumer Protection, and is not a warranty of title either expressed or implied, This declaration is made to the original owner and/or purchaser of the survey as of the date indicated in the title block, It is not transferable to additional institutions or subsequent owners and may not be used in connection with a survey "Survey Affidavit" or similar document, statement, or mechanism to obtain title insurance for any subsequent or future grantees, furthermore, this survey is not valid without the original signature and embossed seal.

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DRAWN: Allgood	DATE: 1-4-21	ADDRESS: 8th & Minnesota Joplin, Mo.
APPROVED: RCN	S/T/R: 11-27-33	
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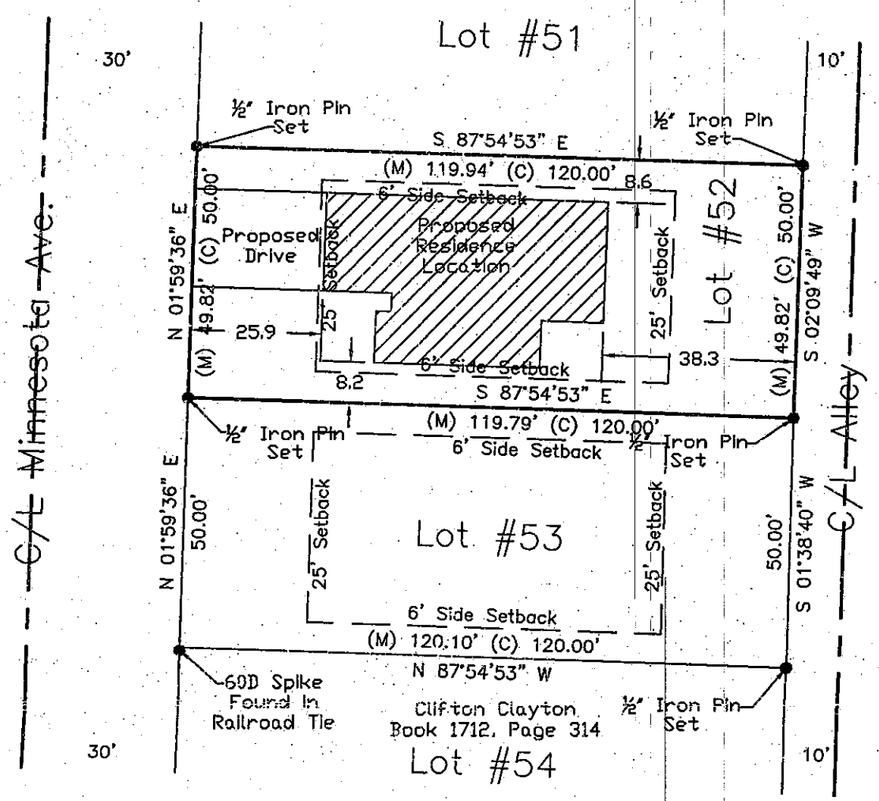

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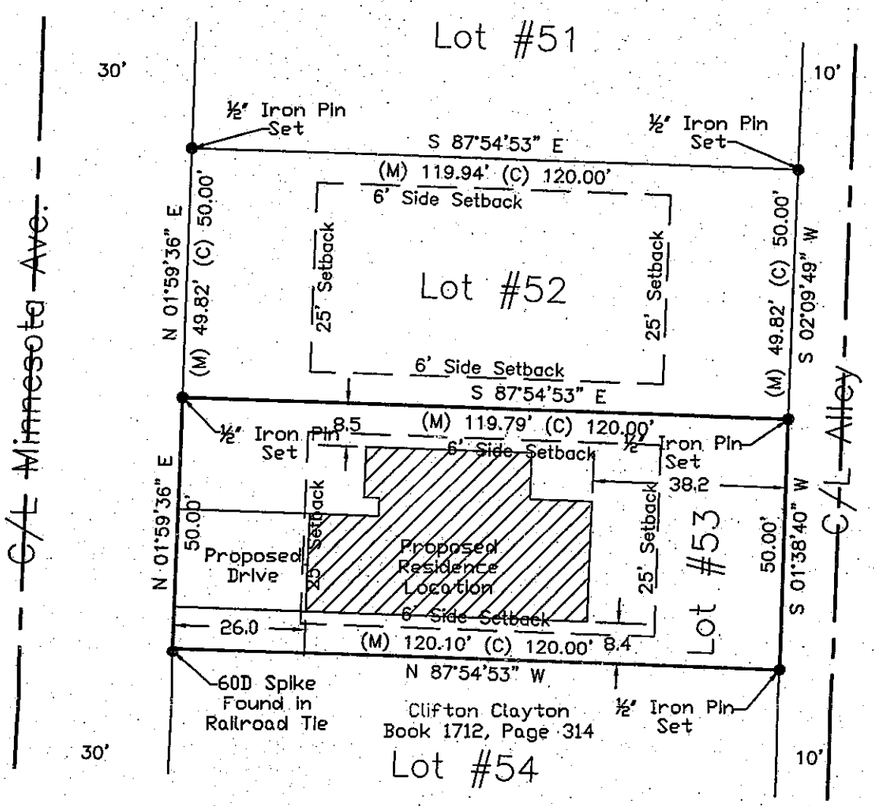

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RODNEY C. NEECE
PLS-002691
1-4-2021
PROFESSIONAL LAND SURVEYOR

PROPERTY DESCRIPTION:
All of Lot Numbered Fifty-three (53) in Campbell's Fourth (4th) Addition to the City of Joplin, Jasper County, Missouri, being subject to all easements, right-of-ways, and reservations of record.

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SCALE: 1"=30'	FILE NAME: L48-53C4th	Cert of Authority LSC-2019012803

P & Z Case 011-21
Schuber Mitchell Homes
(P & Z Recommended Approval)

COUNCIL BILL NO. 2021-261 ORDINANCE NO.

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District M-2 (Heavy Industrial) and include in District R-2 (Two-family Residential) property as described below and located 801, 805, 809, 813, 817, and 821 S Minnesota Ave., City of Joplin, Jasper County, Missouri.

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. 2004-256 is hereby amended by the following described property and including in District R-2:

All of Lots Numbered Forty-eight (48), Forty-nine (49), Fifty (50), Fifty-one (51), Fifty-two (52) and Fifty-three (53) in Campbell's Fourth (4th) Addition to the City of Joplin, Jasper County, Missouri, being subject to all easements, rights-of-way, and reservations of record

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_____, 2021, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney