CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2021-263-Rezone to District R-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 013-21: Approximately 800' North and 300' West of the intersection of N. St. Louis Ave. and E. Fountain Rd. - A request to remove from District R-1 (Single-family Residential) and include in District R-2 (Two-family Residential) for future residential development – Mayberry Rentals.

BACKGROUND:
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. As St. Louis Ave. is a collector-level street, single-family zoning and uses are typically inappropriate in a context like this.

PLANNING & ZONING COMMISSION TESTIMONY:
Jake Mayberry, 1235 John Duffy, Joplin, MO., same story here. It is depending on the retention plan that our engineers draw up. I am uncertain about how many duplexes that we are planning to put in. Possibility of two private drives into it and three rows of duplexes. Possibility of 1 down the middle and the other two rows we are uncertain about right now because of how much ground we have to take up with the retention.

PUBLIC COMMENT;
None.

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

RECOMMENDATIONS:
Staff recommends approval for Case 013-21.
Planning & Zoning Commission recommends approval for Case 013-21 (6 Favor, 0 Nays, 1 Absent)

ATTACHMENTS
CB 2021-263, Staff Planning Report, P&Z Commission Minutes

CB 2021-263

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Mr. Ramsour asked if the commissioners had any questions for Mr. Mayberry? They did not. Mr. Ramsour asked if there was anyone in the audience who would like to speak in favor of this case? There was not. Mr. Ramsour asked if there was anyone in the audience who would like to speak in opposition to this case? There was not.

Mr. Ramsour presented two (2) written Petition of Protest from Allen and Linda Wilson, 1533 Prairie Flower Rd., Joplin, MO and Larry and Paula Kamler, 1331 E Fountain Rd. Joplin, MO.

MS. BRUCKNER-SEARS MOVED, SECONDED BY MR. KIMBLE THAT CASE 013-21 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 013-21 A request to remove from District R-1 (Single-family Residential) and include in District R-2 (Two-family Residential) for future residential development

LOCATION Approximately 800' North and 300' West of the intersection of N. St. Louis Ave. and E. Fountain Rd.

APPLICANT Mayberry Rentals

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Vacant	Approx. 4.8 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	M-1-PD	Out of City Limits	M-1-PD	M-1-PD
Land Use	Single-family Residential	Single-family Residential	Single-family Residential	Vacant

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
N. St. Louis Ave.	Collector	60'

UTILITIES

Utilities in place.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The request is consistent with the comprehensive plan and the Future Land Use Map. Two-family residential and the R-2 zone maintain low-density characteristics.

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

The current zoning of R-1 is somewhat suitable for this property. As St. Louis Ave. is a collector-level street, single-family zoning and uses are typically inappropriate in a context like this. In addition, this tract is likely too small to be subdivided into a feasible neighborhood without having more 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. Additionally, the nearby properties currently zoned M-1-PD could be host to much more intense uses than those found in R-2.

DISCUSSION

This request is compatible with the Comprehensive Plan and Future Land Use Map and the zoning requested is appropriate for the area. Nearby properties will not be affected by the change. Two-family residential is a much less intense use of property than those allowed in M-1-PD, which the neighboring properties are zoned as.

Staff recommends approval of Case 013-21.

ATTACHMENTS

- Application
- Map

REZONING APPLICATION FORM

RECEIVED 1-27-21

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.: 013-21
Filing Fee: $550.00
Date Advertised: 2-21-21
Date Notices Sent 2-22-21
Public Hearing Date: 3-8-21

APPLICANT: Mayberry Rentals PHONE: 417 434 1070
ADDRESS: 2024 E 32nd St Joplin, MO ZIP: 64804

OWNER: Mayberry Rentals PHONE: 417 434 1070
ADDRESS: 2024 E 32nd St. Joplin, MO ZIP: 64804

LOCATION/ADDRESS OF PROPERTY: N. St Louis St.
Parcel ID 16602300000019001 Alt. ID 35-017680-1000

Present Zoning R1 Requested Zoning: R2 Acreage: 4.79
Present Use of Property: Vacant, Empty Lot

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Residential	R1
South	Residential	R1
East	Residential (Webb City City Limits)	R1
West	Rural Ag	R1

Character of the Neighborhood: It is all residential. There is an assisted living complex to the north and housing developments

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?
   If yes, explain: There is no reason why we can't use it for R-1 ~~other~~ but we want to put duplexes on it as a rental property

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: Prairie Flower Rd.
2. Classification of Street(s):
   Arterial_____ Collector_____ Local X
3. Right-of-Way Width: _____
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   _____

IS PLATTING OR REPLATTING REQUIRED IN ORDER TO PROVIDE FOR:

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

UNIQUE CHARACTERISTIC OF PROPERTY AND/OR ADDITIONAL COMMENT:

_____

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: _____ DATE: 1/27/2021

EMAIL: jamayberry@mayberryconstruction.com

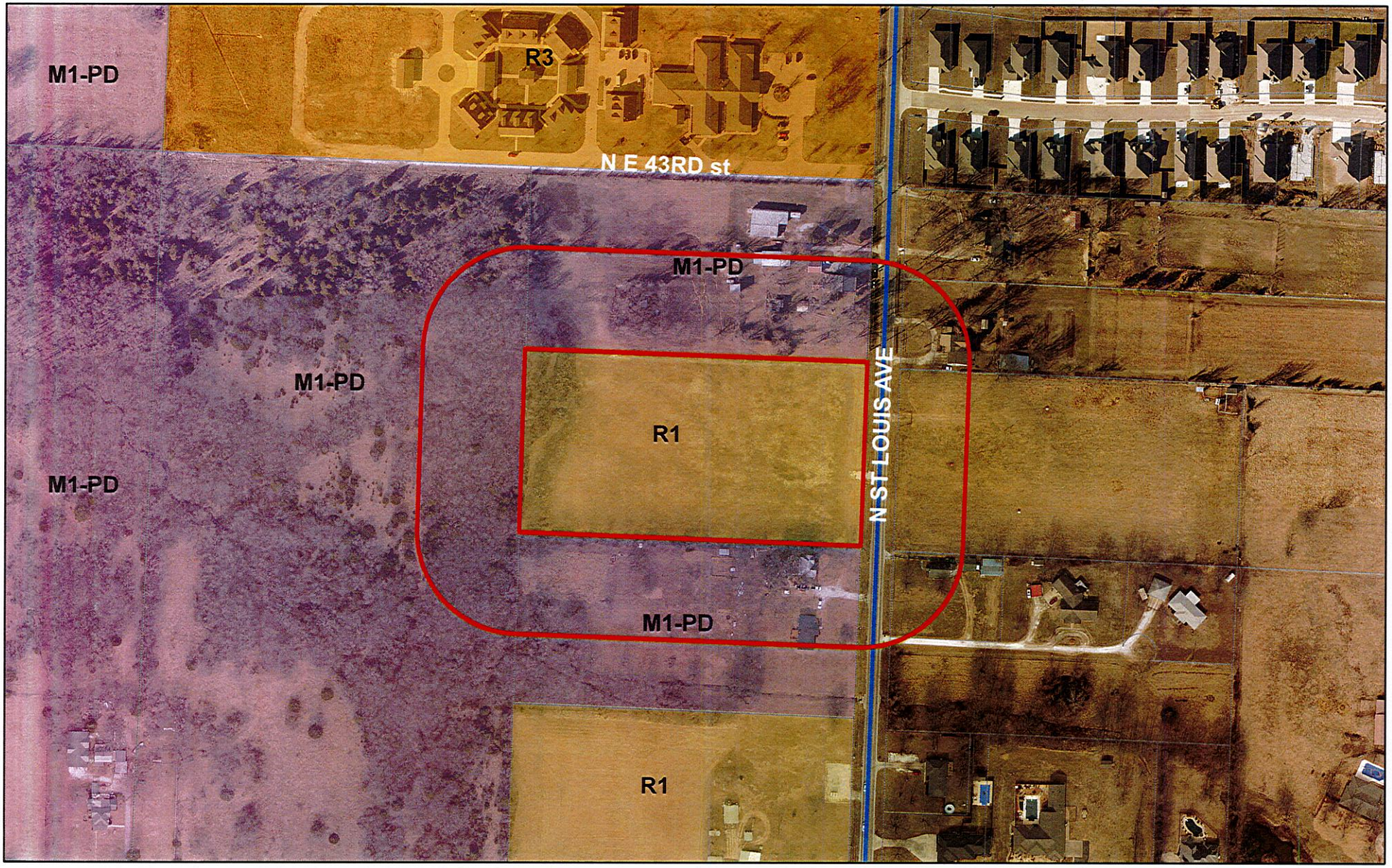
TITLE: _____

Reason for Rezoning

We applying to have this lot rezoned so that we can put duplexes on it. It is zoned R-1 and we are wanting to rezone it R2. The lot is 4.79 acres so there is room for duplexes instead of single family homes and just north of the lot there is housing developments and an assisted living center. Just north of the housing developments is the City of Joplin airpark business center. We believe the rezoning will not affect the surrounding area in a negative way, but will add quality affordable housing to the area and develop the lot in a way that will be appealing. We do not foresee any problems with traffic or right of ways with this rezoning.

Mayberry Rentals LLC

Case 013-21: Approximately 800' North and 300' West of the intersection of N. St. Louis Ave. and E. Fountain Rd.



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Joplin City Limits

0 125 250 500 750 1,000 Feet

N

P & Z Case 013-21
Mayberry Rentals
(P & Z Recommended Approval)

COUNCIL BILL NO. 2021-263 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 R-1 (Single Family Residential) and include in District R-2 (Two-family Residential) property as described below and located approximately 800' North and 300' West of the intersection of N. St. Louis Ave. and E. Fountain Rd. 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 the South One-half of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 23, Township 28, Range 33, in the City of Joplin, Jasper County, Missouri, EXCEPT that part taken off the East side thereof for St. Louis Ave., more generally described as approximately 800' North and 300' West of the intersection of N. St. Louis Ave. and E. Fountain Rd.

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