CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2024-263 – Rezoning

MEETING DATE:
April 7, 2025

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:

Not applicable for this item.

SUMMARY REQUEST:

Case 013-25: 707 S Sergeant Ave – Rezoning – A request to rezone from District C-3 (Commercial) to District R-3 (Multi-Family Residential) – Kerri Clark

BACKGROUND:

The owner's sale of the home is being delayed because of the legally non-conforming use. The property must be rezoned to match the existing use for the sale to close.

The change in use is less intensive. The proposed rezoning will bring the existing use (Single-Family Home) into conformity with the subject property's zoning classification. This will permit the use by right. The requested zoning (R-3) is compatible with the existing pattern of development on this block. This will not create any detrimental effect (R-3).

PLANNING & ZONING COMMISSION TESTIMONY:

Kerri Clark of 9720 Arch Lane, Joplin, Missouri represented the case for the Estate of Gregory Beeler. Ms. Clark stated that the request to rezone is, so she can sell her father's home, due to it being zoned improperly. Ms. Clark explained that the property is zoned as a commercial property but is a residential property.

Dr. Rosenberg asked why the property is being proposed to be rezoned as R-3 instead of R-1 since it is a single-family home.

Mr. Bellairs explained that the recommendation for the R-3 zoning was due to the zoning of adjacent properties and if the property were to ever be developed in the future the property should be compatible with other adjacent properties.
Mr. Bellairs explained that R-3 still permits single-family residential, but it allows single-family residentials at a higher density. Mr. Bellairs stated that the zoning comes down to the sizing of the lot and it would not be allowed to be platted as an R-1 due to the lots size.

PUBLIC COMMENT;

James Flyshaker of 2402 S Indiana Ave, Joplin, Missouri asked to speak in opposition to this case. Mr. Flyshaker stated that he is in opposition to this case, due to concerns regarding parking for the adjacent properties. Mr. Flyshaker stated that he would be fine if the property was zoned as a single-family residential.

RECOMMENDATIONS:
Staff recommends approving Council Bill 2025-263
Planning & Zoning Commission recommends amending the requested zoning district to R-1 (Single-Family Residential) and approving Case 013-25 (7 in Favor, 0 Opposed)

ATTACHMENTS
Staff Planning Report
P&Z Commission Minutes
Applicant Materials
Map

CASE 013-25: REZONING

A request to rezone from District C-3 (Commercial) to District R-3 (Multi-Family Residential)- 707 S Sergeant Ave- Kerri Clark, Executor for the Estate of Gregory Beeler

Mr. Kimble asked if the representative would step forward and state their name and address for the record.

Kerri Clark of 9720 Arch Lane, Joplin, Missouri represented the case for the Estate of Gregory Beeler.

Ms. Clark stated that the request to rezone is, so she can sell her father's home, due to it being zoned improperly. Ms. Clark explained that the property is zoned as a commercial property but is a residential property.

Dr. Rosenberg asked why the property is being proposed to be rezoned as R-3 instead of R-1 since it is a single-family home.

Kristi Benefiel of 1739 S Garrison, Carthage, Missouri stated that she had reached out to the City for proper zoning and Mr. Bellairs explained it needed to be zoned R-3, due to the other properties in the area.

Mr. Bellairs explained that the recommendation for the R-3 zoning was due to the zoning of adjacent properties and if the property were to ever be developed in the future the property should be compatible with other adjacent properties. Mr. Bellairs explained that R-3 still permits single-family residential, but it allows single-family residentials at a higher density. Mr. Bellairs stated that the zoning comes down to the sizing of the lot and it would not be allowed to be platted as an R-1 due to the lots size.

Mr. Bellairs stated that the commission can make a recommendation to change the requested zoning.

Mr. Kimble asked if there was anyone present in the audience that would like to speak in favor of this case.

Mr. Kimble asked if there was anyone in the audience that would like to speak in opposition to this case.

James Flyshaker of 2402 S Indiana Ave, Joplin, Missouri asked to speak in opposition to this case.
Mr. Flyshaker stated that he is in opposition to this case, due to concerns regarding parking for the adjacent properties. Mr. Flyshaker stated that he would be fine if the property was zoned as a single- family residential.

Ms. Benefiel asked if, since the property has been zoned as C-3, if that means the property allows multi parking.
Mr. Kimble stated that this was correct.
DR. ROSENBERG MADE A MOTION TO APPROVE CASE 013-25 ON THE STIPULATION THE ZONING BE CHANGED TO R-1 (SINGLE FAMILY RESIDENTIAL). THIS MOTION WAS SECONDED BY MR. LANDIS. MOTION CARRIED. (7 IN FAVOR, 0 IN OPPOSITION)

Z&P Meeting: March 10, 2025
City Council Meeting: April 7, 2025

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 013-25 A request to rezone from District C-3 (Commercial) to District R-3 (Multi-Family Residential)

LOCATION 707 S Sergeant Ave

APPLICANT Kerri Clark (Executer for the Estate of Gregory Beeler)

EXISTING CONDITIONS

Zoning	Land Use	Property Size
C-3	Single-Family Home	Approximately .13 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-3	C-3	R-3	C-3
Land Use	Single-family home	Vehicle Service	Building Supply Store/Warehousing	Vacant

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 Sergeant Ave	Local	60′

UTILITIES

Utilities in place.

FLOOD PLAIN

The 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. Many of the properties along 7th St were upzoned to support future commercial development. This never occurred here, and the house was existing and the use legally non-conforming. 701 and 707 S Sergeant are still single-family homes.

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

The Zoning Code requires a minimum lot size of 10,000 square feet to support more intensive commercial developments in a C-3 District. On a 50′ x 120′ lot, Commercial is not the highest and best use. It is difficult for many developers to come up with a plan that incorporates all the requirements for non-residential developments on a lot this small. The highest and best use is R-3.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in use is less intensive. The proposed rezoning will bring the existing use (Single-Family Home) into conformity with the subject property's zoning classification. This will permit the use by right. The requested zoning is compatible with the existing pattern of development on this block. This will not create any detrimental effect.

DISCUSSION

The owner's sale of the home is being delayed because of the legally non-conforming use. The property must be rezoned to match the existing use for the sale to close.

City Staff recommends approval of Case 013-25.

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.: Ø13-25
Filing Fee: $600.00
Received: 2/6/25
Date Advertised:
Proj. No.: 25-18
Public Hearing Date: 3/10/25

Applicant: Kerri Clark Executor of Trust Phone No.: 417-438-8067
Address: 9720 Arch Lane Joplin, MO 64804 Email: Kerriberi1@yahoo.com
Owner: The Estate of Gregory Beeler Sr. Phone No.: 417-438-8067
Address: 9720 Arch Lane Joplin, MO 64804 Email: Kerriberi1@yahoo.com
Location of Property: 707 S. Sergeant Joplin, MO
Present Use of Property: Residential
Proposed Use of Property: Residential
Current Zoning: C-3 Requested Zoning: R-3

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	Multi family 3 unit apartment	C-3
South	Residence single family	R-3
East	Residence single family	R-3
West	Church	C-3

Character of the Neighborhood: Residential neighborhood w/ commercial located only on corner lots that adjoin to 7th St. This property does not + has not adjoined 7th St. It is a single family residential property.

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: It is a single family residence on a residential street with a lot size of .1291 acre. It is not handicap accessible would not comply w/ ADA for a business. This has only been used as a residence.

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: Sergeant

Classification of Street(s):

Arterial ☐ Collector ☐ Local ☐

Right-of-Way Width: _____

Subdivision Platting: - The Subdivision has been in place for many years.

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:

This is a single family residence. It has not been used as commercial. In order for this property to be sold as a single family residence, and for the buyer to be funded it needs to be zoned R-3.

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:** 2-6-25

IN THE CIRCUIT COURT OF JASPER COUNTY, MISSOURI
PROBATE DIVISION AT CARTHAGE

FILED
JAN 08 2025
JASPER COUNTY CIRCUIT COURT
CARTHAGE, MISSOURI

IN THE MATTER OF:

The Gregory Keith Beeler, Sr Revocable Trust) 24AP-PR00498

ORDER APPOINTNING SUCCESSOR TRUSTEE

Now on this day comes this matter for hearing and the Court appoints Karri Lynn Clark as the successor trustee of The Gregory Beeler, Sr Revocable Trust.

1-8-2025
Date

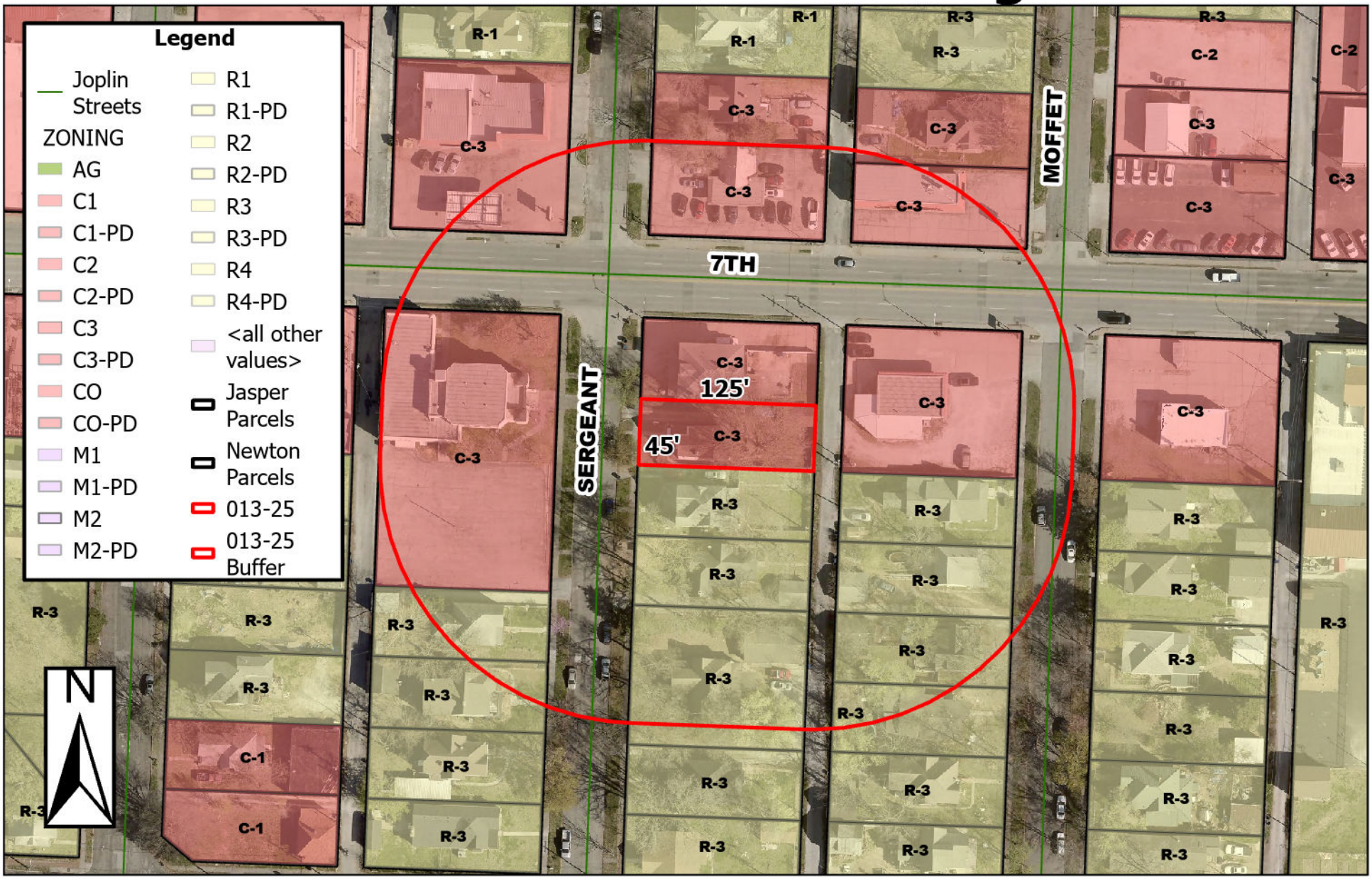
Judge John Nicholas

COURT SEAL OF



JASPER COUNTY

Case 013-25: Rezoning



707 S Sergeant Ave – Rezoning – A request to rezone from C-3 (Commercial) to R-3 (Multi-Family Residential) – Kerri Clark

P & Z Case 013-25
The Estate of Gregory Beeler Sr.
(P & Z Recommended to Amend to District R-1 and Approve)

COUNCIL BILL NO. 2025-263 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 C-3 (Commercial) and include in District R-1 (Single-Family Residential) property as described below and located at 707 S Sergeant Ave, 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. 2022-274 is hereby amended by removing from District C-3 (Commercial) the following described property and including in District R-1 (Single-Family Residential).

ALL OF LOT NUMBERED THIRTY-NINE (39) EXCEPT THE NORTH 5 FEET IN BYERS AND MURPHY'S THIRD ADDITION TO THE CITY OF JOPLIN, JASPER OUNTY, MISSOURI 64801.

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_____, 2025, by a vote of _____.

_____
Keenan T. Cortez, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney