City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: May 1, 2017

Item: COUNCIL BILL NO. 2017-257
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Copy of Council Bill 2017-257
2) Planning Report
3) Commission Minutes

Planning/Community Development Manager: Troy Bolander
City Attorney: Peter C. Edwards
City Manager: Samuel L. Anselm
Board or Commission: Planning and Zoning Commission Date: 04/10/17

Recommended Action: Planning and Zoning Commission recommended Tabled by a vote of "6 in favor, 1 abstained"

SUMMARY/REQUEST:
Case 009-17: Southwest Corner of South Even Avenue and West 26th Street-A request to rezone from R-1 (Single Family Residential) to R-1-PD (Planned Development Single-Family Residential) for the construction of a single family residential development – Schuber Mitchell Homes.

STAFF SUMMARY:
The request is for approximately 13 acres west of the Cedar Ridge subdivision. Schuber Mitchell Homes would like to develop a higher density single-family residential subdivision to provide smaller lot sizes and yards that require less maintenance. These lots would be 50' in width with a front yard setback of 15' and a rear yard setback of 20'. This request includes land in the final plat submitted for Cedar Point Plat 1 (Case 007-17) in addition to land that has not been platted to the west. While the lot sizes of this development are smaller than a typical single-family residential subdivision, this rezoning request provides a buffer to the south and east comprised of typically sized lots that are 65' in width with 25' front and rear yard setbacks.

Staff recommends approval of Case 009-17.

PLANNING & ZONING COMMISSION TESTIMONY:
Jerrod Hogan, Anderson Engineering, 811 E. 3rd Street, Joplin, MO, stated that is a rezoning request for a portion of Case 007-17's sub-division. The PD designation will allow Schuber Mitchell homes to plat some smaller lots. On the east and south sides, there will be standard sized lots. Schuber Mitchell is requesting a PD to create 50-foot lots inside of the subdivision to allow for some smaller yard and home sizes. Previously this conceptual plan showed a culdesac on the west side, but Schuber Mitchell would like to put in an additional street. The turn radii were also redone to meet current fire code standards.

Mr. Duncan asked where that street will be because the map still shows the cul-de-sac.

Mr. Hogan stated the original plan the cul-de-sac on the west side did not include the eastbound street. So, West 28th Street off South Evens goes to the cul-de-sac and then you can turn and it is Asa Lane off the cul-de-sac to West 27th Place.

Mr. Smith asked where the Railroad Tracks are on the map. Mr. Hogan stated they were on the north side.

PUBLIC COMMENT:
Speaking in favor of this case is Dan Mitchell, Schuber Mitchell Homes, 1621 Anderson Drive, Webb City MO, stated the requested smaller lots would be inside of the dark boundary line shown on the attached map. It will be all single-family residential homes. Mr. Mitchell said he wanted to apologize publicly with the insinuation that property was less valuable along the railroad track.

Mr. Ramsour asked for clarification that the minimum lot size in the Zoning Code is 65 feet and this vote is to allow some lots to be 50 feet wide.

Mr. Bolander stated that the commission was not approving the lot size right now. The commission is approving a rezoning to a Planned Development that would allow for smaller lot sizes. However, if it is re-zoned to a PD, the commission would still have to approve the preliminary and final plat with smaller lot sizes.

Mr. Mitchell stated that he was speaking with some of the neighbors and he will present a set of private covenants to them.

Mr. Duncan asked what the ratio of 50 ft to 65 ft lots was?

Mr. Mitchell stated that there was a variety and the final number would not be set until they came back with the preliminary and final plats.

Speaking against the case is Mark Peron, 4523 W. 26th Place, Joplin, MO, stated that Schuber Mitchell is requesting to change this land to a Planned Development, which allows them to make a series of changes later. The staff has said that they could come back with a change to the lot size, but there are eight (8) or nine (9) other things that can be altered under a PD designation. Mr. Peron also stated that if the houses were not going to decrease the property value of other homes, there would be no need for a buffer zone like Schuber Mitchell is proposing. He also requested that all previous comments regarding Case 007-17 be incorporated here as well.

Mr. Bolander stated that the lot sizes have not been determined and suggested that the neighborhood work with Schuber Mitchell to resolve some of the issues that have been brought up at this meeting. The neighborhood will be notified again when the preliminary and final plats are submitted to change any lot sizes. Until those plats are approved, the minimum standard is 65' in width.

Mr. Peron stated again that a Planned Development could allow more changes than just lot size.

Mr. Smith asked if there were any more questions for Mr. Peron? There were not.

Nancy Pataso, 4222 W 26th Place, Joplin, MO, requested that the rezoning be tabled so that the neighborhood could work with Schuber Mitchell on the proposed development standards.

Paul Fleming, 4442 W 27th Place, Joplin, MO, stated that when there are small lots, especially with duplexes and apartments, crime in the neighborhood goes up. He is concerned that many of these homes will become rentals which could also cause increased crime.

Bonnie Morris, 3507 W. 28th Place, Joplin, MO, stated that she and her husband walk every day and there are no sidewalks and with more traffic it will be less safe for them.