CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2023-268 – Zoning District Change

MEETING DATE:
May 1, 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 017-23: Rezoning – 2927 E 9th St – A Request to Rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial) to construct a parking lot for a restaurant – Hoan Van Nguyen

BACKGROUND:
The owners of the property also own 842 S Range Line Rd (formerly a Mexican restaurant). These properties are directly adjacent to one another. The owners would like to provide better parking for the restaurant and are seeking to develop the R-1 property into a Commercial parking lot. The owners have demolished the existing house and plan to expand the parking lot to provide a better solution for their tenants and guests. The new development will also trigger the City's buffer requirement, meaning they would be required to landscape the West side of the property to the adjacent R-1 District.

PLANNING & ZONING COMMISSION TESTIMONY:
Uyen Nguyen, 1209 Van Winkle St., Joplin, Missouri. She stated she was the applicant's daughter and representative. Their request was made to rezone the property and construct a parking lot. The restaurant that is presently in the location at 842 S. Range Line is moving. They desire to remodel the present restaurant, but they need additional parking. Therefore, they are seeking to rezone the property at 2927 E. 9th. She stated the house had already been demolished. Mr. Rosenberg asked if they would be required to put up screening on the West side. Mr. Bolander stated that they would.

PUBLIC COMMENT;
There was no public comment in opposition.

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2023-268
Planning & Zoning Commission recommends approval of Case 017-23 (7 in Favor, 0 Nay)

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

Case 017-23: Rezoning

2927 E. 9th St.-Rezoning-A Request to Rezone from District R-1 (Single Family Residential) to District C-3 (Commercial) to construct a parking lot for a restaurant-Hoan Van Nguyen.

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Mr. Kimble asked if there were any questions from the Commission on Case 017-23.

Mr. Rosenberg proposed a question to staff if they were required to fence off the west side.

Mr. Bolander stated yes, they would be required to landscape and provide a 6 ft. minimum fence.

Mr. Jackson asked why not grandfather.

Mr. Bolander stated currently grandfathered.

There were no further questions.

Mr. Kimble asked if anyone wished to speak in favor of Case 017-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 017-23.

There were none.

MR. ROSENBERG MOVED THAT CASE 017-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MS. WARREN SECONDED THE MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAY)

Z&P Meeting: April 10, 2023
City Council Meeting: May 1, 2023

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 017-23 A request to rezone from R-1 (Single-Family Residential) to C-3 (Commercial).

LOCATION 2927 E 9th St, Joplin, MO 64801

APPLICANT Hoan Van Nguyen

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Single-Family Residential	Approximately 0.15 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-3	C-3	C-3	R-1
Land Use	Commercial	Commercial	Commercial	Single-Family Home

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
9th St	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. The request is also consistent with the Future Land Use Map for this area.

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

The subject property is adjacent to an existing Commercial property off of Range Line. The proposed Commercial use is more suitable for this property than Single-Family Residential, given its location to a high-traffic commercial road.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning will not be detrimental to nearby property. The proposed use matches the existing uses in the area. The property rezoning will slightly expand the Commercial zoning where heavy Commercial use is already present.

DISCUSSION

The owners of the property also own 842 S Range Line Rd (formerly a Mexican restaurant). These properties are directly adjacent to one another. The owners would like to provide better parking for the restaurant and are seeking to develop the R-1 property into a Commercial parking lot. The owners do not plan to increase the intensity of their use, but rather expand the parking lot to provide a better solution for their tenants and guests.

Staff recommends approval of Case 017-23.

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.: 017-23
Filing Fee: $550.00
Received: 2/14/23
Date Advertised:
Proj. No.: 23-037
Public Hearing Date: 4/10/23

Applicant: Hoan Van Nguyen Phone No.: 417 437 1223
Address: 1209 Van Winkle St, 64801 Email: uyen nguyenmo96@gmail.com
Owner: Hoan Van Nguyen Phone No.:
Address: & Ngan Hoang Kim Nguyen Email:
Location of Property: 2927 E 9th St, Joplin, MO 64801
Present Use of Property: Residential house - Ka Unoccupied
Proposed Use of Property: Parking Lot
Current Zoning: R-1 Requested Zoning: C-3

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	Commercial Business	C-3
South	Commercial Business	C-3
East	Commercial Business	C-3
West	Single Family Home	R-1

Character of the Neighborhood: Commercial

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: We need to add more parking space to the existing restaurant

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: 9th St

Classification of Street(s):

Arterial ☐ Collector ☐ Local ☒

Right-of-Way Width: 60'

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:

_____

_____

_____

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: Hoa Van Nguyen **Date:** 02. 13. 2023

Owner Affidavit

My name is Ngan Hoang Kim Nguyen, co-owner of the residential house located at 2927 E 9th st, Joplin, MO 64801. I am writing this letter to give my husband, Hoan Van Nguyen, the permision to apply for rezoning the house.

ngan.

Ngan Hoang Kim Nguyen

Date: 02/13/2023

Reason for Rezoning

Date: 02/13/2023

Property address: 2927 E 9th St, Joplin, MO 64801

To: Joplin City Council

We, Hoan and Ngan Nguyen, husband and wife, are the owners of residential house located at 2927 E 9th st and the business building next to it at 842 S Rangeline Rd (Lucy's Mexican Restaurant). Our tenant (Lucy's owner) is moving out this May. We'd like to keep a business going so we want to turn it into a very nice Vietnamese restaurant operated by us. In order to do that, we need to remodel the building and expand it. The City of Joplin requires more parking space for that, therefore, we want to rezone our residential house that currently being unoccupied, we then will apply for a demolish permit to make the additional parking lot. With the rezoning is intended to use for parking lot only, there would not be any fire hazards. We believe this change is very necessary to operate a restaurant business on Rangeline. We're very confident making it a successful bussiness. Our restaurant will provide a new kind of culinary experiece, we support local farmers, and create local employment opportunities.

Recorded in Jasper County, Missouri

Recording Date/Time: 08/02/2022 at 03:40:23 PM

Book: 2652 Page: 47

Instr #: **2022013364**
Type: **WD**
Pages: **2**
Fee: **$27.00 S**

Electronically Recorded

RECORDER OF DEEDS SEAL JASPER COUNTY, MO

Charlotte Pickering
Recorder of Deeds

Corporation Warranty Deed

THIS INDENTURE, Made and entered into this **1st** day of **August, 2022** by and between

Big WC LLC, a Missouri Limited Liability Company

a corporation duly organized under the laws of the State of Missouri, hereinafter **GRANTOR**, and

Ngan Hoang Kim Nguyen and Hoan Van Nguyen, husband and wife

hereinafter referred to as **GRANTEE**, whether one or more.

(Grantee's mailing address is 1209 Van Winkle Street, Joplin, MO 64801)

WITNESSETH, that Grantor, for and in consideration of the sum of One Dollar and other valuable considerations paid by Grantee, the receipt of which is hereby acknowledged, does by these presents GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM unto Grantee the following described Real Estate, situated in the County of **JASPER** and State of Missouri, to wit:

All of Lot Numbered Three (3) in JUNCTION SUB-DIVISION of Lots Numbered Twenty-seven (27), Twenty-Eight (28), Twenty-nine (29), and Thirty (30) in Villa Heights, now a part of the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof.

TO HAVE AND TO HOLD THE SAME, together with all rights, immunities, privileges and appurtenances to the same belonging, unto Grantee and unto its successors and assigns forever, the said Grantor hereby covenanting that it is seized of an indefeasible estate in fee in the premises herein conveyed; that it has good right to convey the same; that the said premises are free and clear from any incumbrance done or suffered by it or those under whom it claims; and that Grantor will WARRANT AND DEFEND the title to the premises unto Grantee, and to the successors and assigns of such forever, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has caused these presents to be signed by its Members the day and year first above written.

Big WC LLC

By: _____
William F. Roderique, Member

By: _____
Craig Powell, Member

Corporation Warranty Deed

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Big WC LLC

By: _____
William F. Roderique, Member

By: _____
Craig Powell, Member

STATE OF MISSOURI)

)ss

COUNTY OF JASPER)

On this 1st day of August, 2022 before me, appeared William F. Roderique and Craig Powell, to me personally known, who being by me duly sworn, did say that they are the Members of Big WC LLC, a Missouri Limited Liability Company and that said instrument was signed in behalf of said Limited Liability Company by authority of its Members and William F. Roderique and Craig Powell acknowledged said instrument to be the free act and deed of said Limited Liability Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office, the day and year first above written.

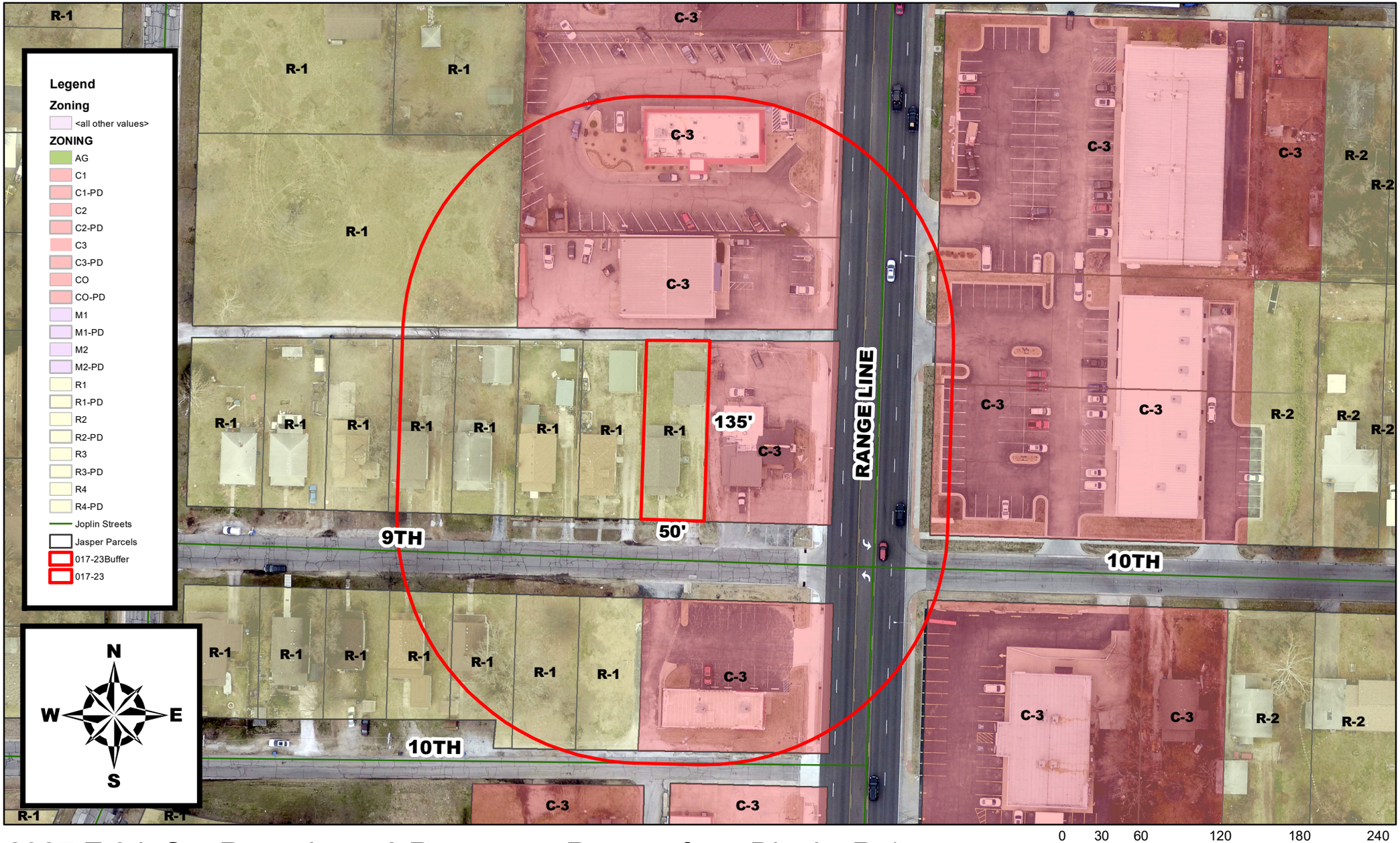
Brenda R Reynolds

Brenda R. Reynolds, Notary Public

My Term Expires: August 18, 2022

BRENDA R. REYNOLDS
Notary Public – Notary Seal
STATE OF MISSOURI
Jasper County
My Commission Expires Aug. 18, 2022
Commission #14429341

Case 017-23 - Rezoning



2927 E 9th St - Rezoning – A Request to Rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial) to construct a parking lot for a restaurant – Hoan Van Nguyen

P & Z Case 017-23
Hoan Van Nguyen
(P & Z Recommended Approval)

COUNCIL BILL NO. 2023-268 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 C-3 (Commercial) property as described below and located at 2927 E 9th St.

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 C-3 (Commercial).

All of lot Numbered Three (3) in JUNCTION SUB-DIVISION of Lots Numbered Twenty-seven (27), Twenty-Eight (28), Twenty-nine (29), and Thirty (30) in Villa Heights, now a part of the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof.

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