CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2024-263 – Rezoning

MEETING DATE:
May 6, 2024

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 013-24: 1401 E 33rd St – Rezoning – A request to rezone from District R-1 (Single-Family Residential) to District R-3 (Multi-Family Residential) – Lynn Joines

BACKGROUND:
The applicant would like to purchase the property from the owner, remove the mobile homes, and build apartments. Mobile homes are not permitted on a property of this size under the current code. The existing mobile home park is a legally non-conforming use. The proposed changes to the property bring it into conformity with our development policies.

The request is consistent with existing patterns of development. There will be no negative impact on the surrounding properties. The plans are to remove the existing mobile homes, which is currently a legally non-conforming use, and build apartments. This change will make the property more compatible with the surrounding properties. The Future Land Use Map identifies the property as Future High-Density Residential. The Request is consistent with the policies of the Comprehensive Plan. R-3 is the most compatible use for this Future Land Use designation.

The size of the property, the existing land use, and the Future Land Use Map all conflict with the current zoning of the property. R-1 is not the most appropriate zoning district for this parcel.

PLANNING & ZONING COMMISSION TESTIMONY:
Jason Wike spoke on behalf of the property owner. The address at 1401 E. 33rd St. is presently a 16-unit mobile home park that also has a quad plex on it. They are in the process of purchasing it and they would like for it to go from a R-1 to a R-3 multi-family because it is multi-family and there is multi-family all around it. The property is also located one block off 32nd street so there is plenty of traffic.

Mr. Landis asked how many units were planned. Mr. Wike responded that the goal was to remove the mobile homes and construct an apartment complex, either two 8-plex's or a 28-unit building, but that everything would depend on density.

PUBLIC COMMENT;
None.

RECOMMENDATIONS:
Staff recommends Approval for Council Bill 2024-263
Planning & Zoning Commission recommends Approval for Case 013-24 (5 in Favor, 0 Opposed, 2 Absent)

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

Case 013-24: Rezoning

1401 E 33rd St-Rezoning-A request to rezone from District R-1 (Single-Family Residential) to District R-3 (Multi-Family Residential)-William Rust

Jason Wike, P.O. Box 461, Duenweg, Missouri, spoke on behalf of the property. The address at 1401 E. 33rd St. is presently a 16-unit mobile home park that also has a quad plex on it. They are in the process of purchasing it and they would like for it to go from a R-1 to a R-3 multi-family because it is multi-family and there is multi-family all around it. The property is also located one block off 32nd street so there is plenty of traffic.

Mr. Kimble asked if there were any questions from the Commission on Case 013-24.

Mr. Landis asked how many units he planned on putting in that space.

Mr. Wike stated their long-term goal was to remove all the mobile homes and they have been in communication with Mr. Bellairs in what they can put back after it is done. They would like to put in one big 28-unit apartment complex if they can. Depending on footprint size. They would like to keep the four-plex. If they can not do the 28-unit they would like to put two eight-plex so they could keep the 16 doors. They would like to put in nice multi-family low A class, no C or D like nice multi-family to go back. That is what they are doing with the four-plex as well. Everything would be brought up to a nicer A class standard.

Mr. Landis asked if there would be any amenities that would go with this at all.

Mr. Wike stated no all that was a tax liability.

Mr. Kimble asked if there were any questions from the Commission on Case 013-24.

There were none.

Mr. Kimble asked if there was any one to speak in favor of Case 013-24.

There were none.

Mr. Kimble asked if there was any one to speak in opposition of Case 013-24.

There were none.

MR. LANDIS MOVED THAT CASE 013-24 BE APPROVED AND FORWARDED TO THE CITY COUNCIL FOR APPROVAL. MR. ROSENBERG SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAY, 2 ABSENT)

Z&P Meeting: April 8, 2024
City Council Meeting: May 6, 2024

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 013-24 A request to rezone from District R-1 (Single-Family Residential) to District R-3 (Multi-Family Residential)

LOCATION 1401 E 33rd St

APPLICANT Jason Wike (Lynn Joines – Owner)

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Mobile Home Park	Approximately 1.8 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-1	C-1	R-3	R-1/R-3
Land Use	Retail	Retail	Duplexes/Apartments	Single-Family Homes

FUTURE LAND USE

The property is identified as Future High Density Residential.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
E 33rd St	Local	30′

UTILITIES

City Utilities are in place.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The Future Land Use Map identifies the property as Future High-Density Residential. The Request is consistent with the policies of the Comprehensive Plan. R-3 is the most compatible use for this Future Land Use designation.

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

The size of the property, the existing land use, and the Future Land Use Map all conflict with the current zoning of the property. R-1 is not the most appropriate zoning district for this parcel.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The request is consistent with existing patterns of development. There will be no negative impact on the surrounding properties. The plans are to remove the existing mobile homes, which is currently a legally non-conforming use, and build apartments. This change will actually make the property more compatible with the surrounding properties.

DISCUSSION

The applicant would like to purchase the property from the owner, remove the mobile homes, and build apartments. Mobile homes are not permitted on a property of this size under the current code. The existing mobile home park is a legally non-conforming use. The proposed changes to the property bring it into conformity with our development policies.

Staff recommends approval of Case 013-24.

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.: 013-24
Filing Fee: $600.00
Received: 3-1-2024
Date Advertised: _____
Proj. No.: 24-060
Public Hearing Date: 4-8-24

Applicant: Jason wike Phone No.: 817-894-6857

Address: _____ Email: Chefwike@Gmail.com

Owner: LYNN JOINES Phone No.: _____

Address: _____ Email: _____

Location of Property: 1401 E 33rd St JOPLIN MO 64804

Present Use of Property: mobile homes

Proposed Use of Property: Apartments

Current Zoning: R1 Requested Zoning: R3

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	Retail	C-1
South	Duplexes	R-3
East	Retail	C-1
West	Single-family homes	R-3

Character of the Neighborhood: Moderate/High-Density Residential

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: _____

_____

_____

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: _____

_____

Classification of Street(s):

Arterial ☐ Collector ☐ Local ☐

Right-of-Way Width: _____

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: _____ **Date:** 3/1/24

We would Like this rezoned so we can Remove the rundown mobile homes and build Aparments. So we can OFFer Joplin modern Affordable mulit Family Units.

Recorded in Newton County, Missouri
Recording Date/Time: **01/17/2024** at **08:34:52 AM**
Book: **373** Page: **293**
Instr #: 202400294
Type: QC
Pages: 2
Fee: $27.00 S

Electronically Recorded

Jennifer A. Childers
Recorder of Deeds

QUIT-CLAIM DEED

This Indenture, Made and entered into on the 12th day of July 2023, by and between **Cynthia Rust**, a single person of Jasper County, Missouri, ("Grantor"), and **William Rust,** a single person of Jasper County, Missouri ("Grantee").

(Mailing address of said named grantee is: (1401 E. 33rd St., Joplin, Mo. 64804).

WITNESSETH, that the Grantor, in consideration of the sum of ($10.00) Ten Dollars and other good and valuable consideration, to him paid by the Grantee the receipt of which is hereby acknowledged does by these presents, REMISE, RELEASE and FOREVER QUIT CLAIM unto the said Grantee, the following described lots, tracts or parcels of land, lying, being and situate in the County of Jasper and State of Missouri, to-wit:

ALL OF THE SOUTH 328.42 FEET OF LOT NUMBERED ONE (1) LYNN JOINES SUBDIVISION, IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI, BEING A PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 23, TOWNSHIP 27, RANGE 33, ACCORDING TO THE RECORDED PLAT THEREOF.

Commonly known as: 1401 E 33rd Street, Joplin, MO 64804

TO HAVE AND TO HOLD THE SAME, with all the rights, immunities, privileges and appurtenances thereto belonging, unto the Grantee and unto his heirs and assigns forever; so that neither the said Grantor nor her heirs nor any other person or persons, for her or in her name or behalf, shall or will hereinafter claim or demand any right or title to the aforesaid premises or any part thereof, but they and each of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand or seal the day and year above written.

Rezoning Procedures

Applicability. The rezoning process provides review of changes to the boundary of zoning districts (map amendment) that may be necessary to implement the comprehensive plan, to account for changed conditions in the general area, or to reflect a change in public policies with respect to future development. Application for a rezoning may be initiated by the property owner, the City Council, or the Planning Commission.

Review Criteria. A rezoning shall be reviewed according to the following criteria:

1. The application is consistent with the comprehensive plan, and any official plan or program developed under the guidance of that plan.
2. The application supports the character of the neighborhood, considering the design of streets, civic spaces, and other open spaces; the scale, pattern, and format of buildings; the zoning of property and intent of other zoning districts in the vicinity; and the compatibility, transitions, and integration of existing and potential future uses.
3. The suitability of the subject property for the uses to which it has been restricted.
4. The application furthers the intent of the proposed zoning district and the general purposes of these regulations.
5. The application demonstrates compliance with all substantive standards and guidance of the proposed zoning district; or, where no proposed development application is associated with the application, there is a likelihood of development that complies with all substantive standards can be demonstrated.
6. The ability of the City or other government agencies to provide any services, facilities or programs that may be necessary if the application is approved.
7. The effect of approval on surrounding property, including the likelihood that surrounding areas may be developed in accordance with current zoning or future plans.
8. The recommendations of professional staff or other reviews associated with the application.

Review Procedures. In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to zoning map amendment applications.

1. Applications may be accompanied by one of the following complementary applications: a Site Plan, a Special Use Permit, or a Concept Plan of a similar nature to that required in Section 2.04 for Planned Developments.
2. Applications may be accompanied by any plat that is necessary for the project.
3. The City Council may recommend the application be returned to Planning Commission for further study or additional information at its next regular meeting. Failure by the Planning Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation.
4. The Planning Commission may recommend, or City Council may approve a lessor change than was proposed in the notice, whether in extent of property or project area, or in the scale, intensity, or other substantive standards for proposed project and zoning change.

Effect of Decision. Rezoning shall be approved by the City Council in the form of an ordinance. Approved changes shall be indicated on the Official Zoning Map by the Director within 30 days following approval. Any application that includes a required site plans or other similar applications

(except Concept Plans), may proceed to building permits after the effective date of the ordinance and upon satisfying all other conditions of the approval. If the applicant fails to obtain a building permit within one year of the effective date of the ordinance approving the change, the Director may schedule a hearing to reconsider and revert the zoning to the previous classification, subject to all procedures and criteria of the original change.

Cynthia Rust

Cynthia Rust

MISSOURI ACKNOWLEDGEMENT- UNMARRIED PERSON

STATE OF MISSOURI)
) ss.
COUNTY OF JASPER)

On this 27th day of July 2023, before me, a Notary Public, personally appeared Cynthia Rust, a single person, to me known to be the person described in and who executed the foregoing Quit Claim Deed as Grantor, and acknowledged to me that she executed the same as her free and voluntary act and deed for the purposes therein stated. Said grantor further declared herself to be single and unmarried.

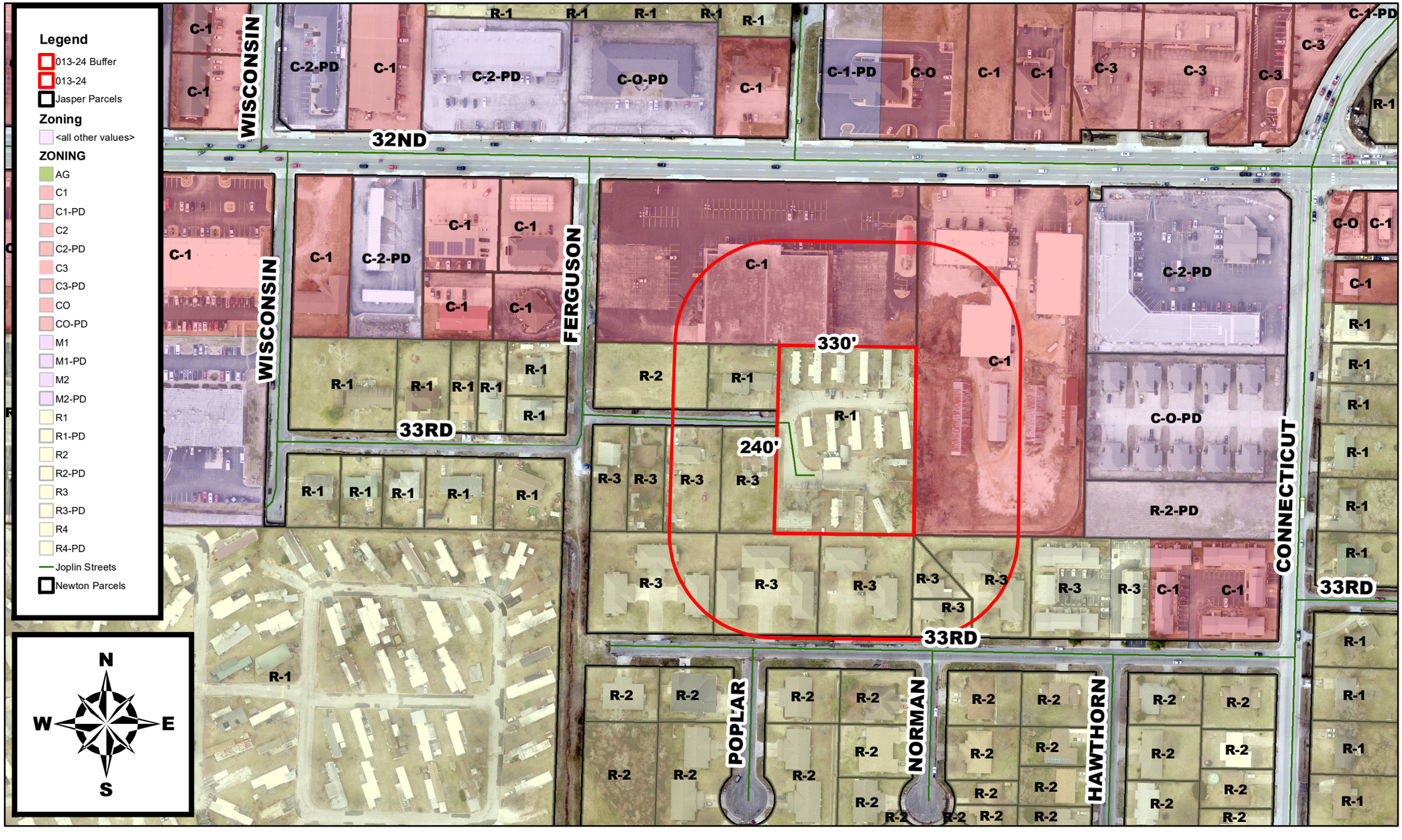
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said State and County the day and year last above written.

LINDSEY BARNES
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
MY COMMISSION EXPIRES JANUARY 13, 2026
JASPER COUNTY
COMMISSION #14566695

My Commission expires:

Notary Public

Case 013-24: Rezoning



1401 E 33rd St - A request to rezone from District R-1 (Single-Family Residential) to District R-3 (Multi-Family Residential) - Lynn Joines

P & Z Case 013-24
William Rust
(P & Z Recommended Approval)

COUNCIL BILL NO. 2024-263 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 R-1 (Single-Family Residential) and include in District R-3 (Multi-Family Residential) property as described below and located at 1401 E 33rd 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 R-3 (Multi-Family Residential).

ALL OF THE SOUTH 328.42 FEET OF LOT NUMBERED ONE (1) LYNN JOINES SUBDIVISION, IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI, BEING A PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 23, TOWNSHIP 27, RANGE 33, 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_____, 2024, by a vote of _____.

_____

Douglas W. Lawson, Mayor

ATTEST:

_____

Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____

Peter C. Edwards, City Attorney