CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2019-284-Rezone to Apartment House District (R-3)

MEETING DATE:
May 18, 2020

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 040-19: 3110 E 13th St. - A request to remove from District M-2-PD (Heavy Industrial District Planned Development) and include in District R-3 (Apartment House District) for the purpose of future residential development – Phong Nguyen

BACKGROUND:
UPDATE: This case was originally tabled due to a property line dispute. We have been provided additional documentation resolving this to be able to move forward with this case.

This property was formerly a single-family residence which burned down within the last two years. In that time, the property has not been well-maintained and has sat vacant.

While the property itself as an isolated parcel is suitable for industrial development, when taking the neighboring land uses into account, the parcel is no longer suitable for industrial development The applicant's request to rezone to a R-3 Apartment House District zone is not inappropriate for this property considering it is the intent of the developers to develop their site with dense multi-family units.

PLANNING & ZONING COMMISSION TESTIMONY:
Phong Nguyen, 2216 Pennsylvania, Joplin, MO. He is the owner of the property and would like the rezoning for multi-family. The neighbor across the street is zoned R-3.

PUBLIC COMMENT:
None.

FUNDING SOURCE:
These payments are included in the FY 2018-19 budget of the Community Planning Fund.

RECOMMENDATIONS:
Planning & Zoning Commission recommends approval for Case 040-19, 6 in favor, 0 Nays, 1 Absent.

ATTACHMENTS
CB 2019-284, Staff Planning Report, P&Z Commission Minutes

CB 2019-284

Case 040-19: 3110 E 13th St. - A request to remove from District M-2-PD (Heavy Industrial District Planned Development) and include in District R-3 (Apartment House District) for the purpose of future residential development – Phong Nguyen

Phong Nguyen, 2216 Pennsylvania, Joplin, MO. He is the owner of the property and would like the rezoning for multi-family. The neighbor across the street is zoned R-3. (Sketch was passed around to the Commissioner of the duplexes).

Mr. Ramsour asked if there were any other questions for the Mr. Nguyen? There was not. Is there was anyone who would like to speak in favor to this case? There was not. He also asked if there was anyone to speak in opposition of this case? There was not.

MRS. BRUCKNER-SEARS MOVED, SECONDED BY MRS. STEELE, CASE 040-19 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED WITH MR. RAMSOUR, MR. DERMOTT, MRS. BRUCKNER-SEARS, MRS. STEELE, MR. MCCULLOUGH, AND MR. EASTMAN VOTING "AYE". (6 IN FAVOR, 0 NAYS, 1 ABSENT).

Z&P Meeting: March 9, 2020
City Council Meeting: May 18, 2020

STAFF PLANNING REPORT
Rezoning

CASE 040-19 A request to remove from District M-2-PD (Heavy Industrial District Planned Development) and include in District R-3 (Apartment House District) for the purpose of future residential development.

LOCATION 3110 E 13th St.

APPLICANT Phong Nguyen

EXISTING CONDITIONS

Zoning	Land Use	Property Size
M-2-PD	Vacant	0.86 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-3	Outside City Limits	C-3	C-3
Land Use	Sing-family Residential	Single-family Residential	Retail	Retail

FUTURE LAND USE

The City of Joplin's future land use map classifies this area as future low-density residential.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
E. 13th St.	Collector	50'

UTILITIES Utilities are provided to the site.

FLOOD PLAIN This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes.

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

The site as zoned M-2-PD is suitable for future industrial development. The M-2-PD district does permit the most intense industrial development and prohibits few uses. However, this property is bounded on all sides by either commercial or residential uses, making most heavy industrial uses permitted in the M-2-PD district inappropriate in this place. While the property itself as an isolated parcel is suitable for industrial development, when taking the neighboring land uses into account, the parcel is no longer suitable for industrial development.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

This zoning change should not detrimentally affect nearby property. The uses permitted in the R-3 zoning district will have negligent negative affect on nearby properties as well as restrict uses permitted in the M-2-PD district that would create nuisances.

DISCUSSION

This case was tabled at the November 9, 2019 Planning & Zoning Commission meeting and the December 6, 2019 City Council meeting due to a potential issue with the legal description. Having been resolved, the case will be taken off the table.

This property was formerly a single-family residence which burned down within the last two years. In that time, the property has not been well-maintained and has sat vacant.

The applicant's request to rezone to a R-3 Apartment House District zone is not inappropriate for this property considering it is the intent of the developers to develop their site with dense multi-family units. The R-3 district provides the density to scale down the intensity of land use from the big-box retail to the West to the single-family homes to the East.

In addition, considering the property's frontage along E 13th St., a collector, a high-density residential use on this street is appropriate. Any access management providing ingress and egress will be addressed during site plan review.

This property is subject to the City of Joplin's Zoning Code requirements.

Staff recommends approval of Case 040-19.

ATTACHMENTS

- Application

- Map

RECEIVED 10/28/19

REZONING APPLICATION FORM

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.: 040-19
Filing Fee: $500.00
Date Advertised: 11-24-19
Date Notices Sent 11-22-19
Public Hearing Date: 12-9-19 / 3-9-20

APPLICANT: Phong Nguyen PHONE (417) 529-5158
ADDRESS: 2216 Pennsylvania Ave ZIP: 64804
OWNER: Same PHONE:
ADDRESS: ZIP:
LOCATION OF PROPERTY: 3110 E 13th
LEGAL DESCRIPTION: See attachment

Present Zoning M2-PD Requested Zoning: R3 Acreage:
Present Use of Property: Vacant Land

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Residential	R-3
South	Commercial	C-3
East	Residential	Not in city limit
West	Commercial	C-3

CHARACTER OF THE NEIGHBORHOOD: Commercial to Residential

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: Difficult from M2-PD Wid to Residential

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map? NO

Will be there 10:15AM 3/9/20

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
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 effect 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

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: 13th
2. Classification of Street(s):
   Arterial _____ Collector Primrose Local _____
3. Right-of-Way Width: —
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   NO

IS PLATTING OR REPLATTING REQUIRED 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 ADDITIONAL COMMENT:

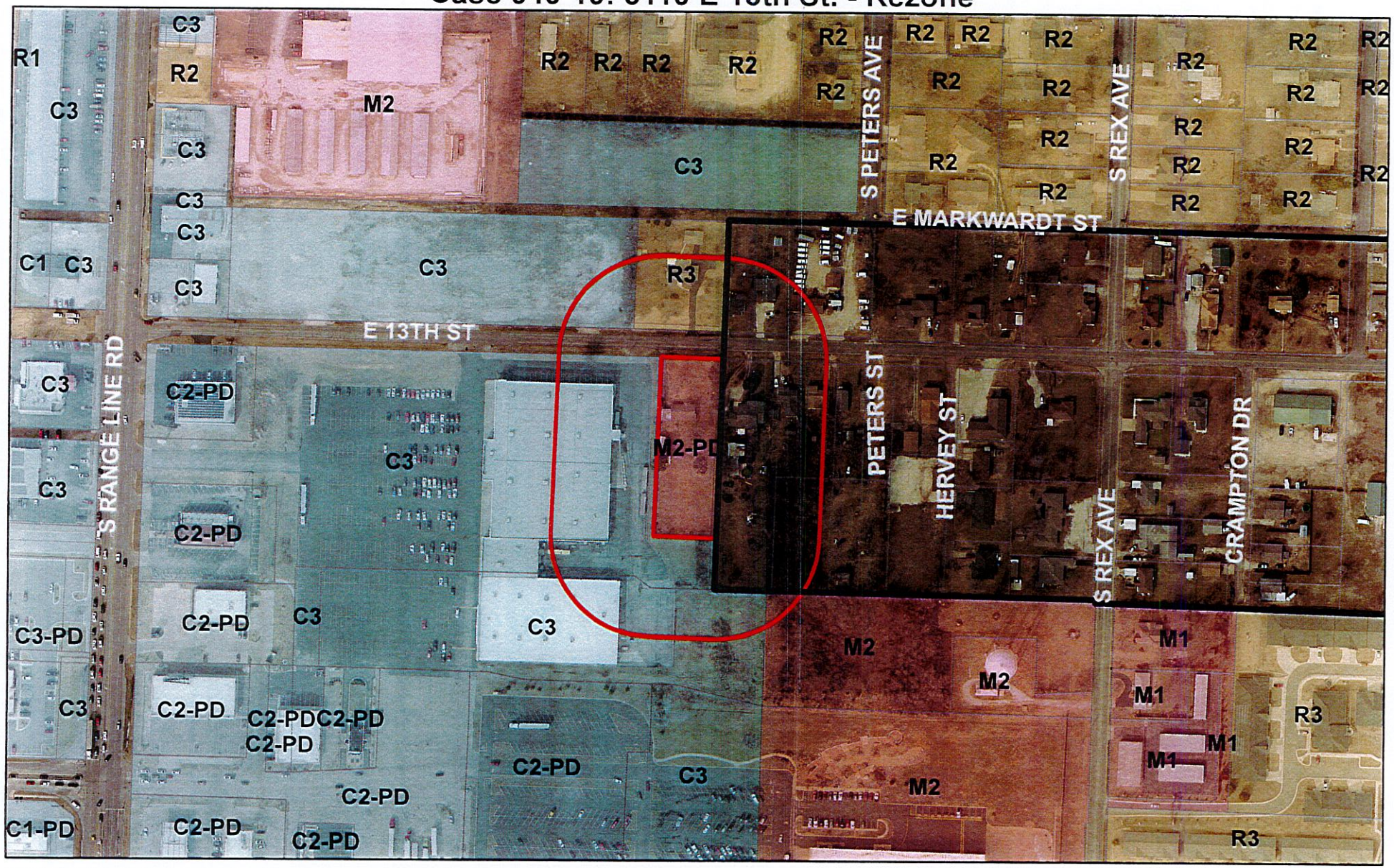
Rezone from M2-PD to R-3

SIGNATURE: _____ DATE: 10-14-19

BY: Phong Nguyen

TITLE: Owner

Case 040-19: 3110 E 13th St. - Rezone


R1
C3
R2
M2
R2
R2
R

P & Z Case 040-19
Phong Nguyen
(P & Z Recommended Approved)

COUNCIL BILL NO. 2019-284 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 M-2-PD and including in District R-3 property as described below and located 3110 E 13th St, 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-3:

> All that part of the Southwest Quarter of Section 7, Township 27, Range 32, in the City of Joplin, Jasper County, Missouri, described as commencing 40 feet East of the Northwest Corner of the South one-half of said Section 7, thence South 248 feet to the Southeast corner of Range Line Road and 13th Street, thence East 933.4 feet to the point of beginning, thence South 416 feet, thence East 104 feet, thence North 416 feet to the South line of 13th Street, thence West 104 feet along the South line of 13th Street to the point of beginning, except that part conveyed to Payless Cashways by documents filed June 18, 1985 in Book 1294 at Page 1839 and May 10, 1984 at 3:41 P.M. in Book 1278 at Page 533.

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_____, 2020, by a vote of _____.

_____
Gary L. Shaw, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney