CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2020-260 - Rezone to C-1 (Neighborhood Commercial)

MEETING DATE:
June 1, 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 016-20: 5526 W 32nd St. – A request to remove from District C-O (Non-Retail Commercial) and include in District C-1 (Neighborhood Commercial) for the purpose of future commercial development. – Stanley Weaver

BACKGROUND:
The current zoning of C-O is suitable in this area. 32nd St. is the gateway to the Wildwood Ranch area and will likely become a high-traffic street as the area develops. The change in zoning to C-1 will not be detrimental to the nearby property as uses in the C-1 district are limited in intensity and scale and typically are uses to serve the nearby residential population.

PLANNING & ZONING COMMISSION TESTIMONY:
Stanley Weaver, 8063 SE Strawberry Lane, Galena, KS. He owns the property at 5526 W. 32nd Street, where there is currently an architectural office. He is requesting a change from C-O to C-1, Neighborhood Commercial. Since the adjacent properties to the east and to the west have not developed as they had been planned. He is asking for his property to be rezoned to be more marketable in the future.

PUBLIC COMMENT:
Marilyn Worden, 5527 W 33rd St., Joplin, MO. She is not in opposition of what he brought forth as the food services, but I was told that apartments were going to be there. Is it going to be apartments or more commercial?

Mr. Stanton stated that multi-family uses are permitted in C-1 District. They are limited to the 2,500 square feet per unit. If he wanted to build units, he would be limited.

Ms. Worden stated that if they are two story, then she would be opposed to the request. Her property abuts and with a two-story building the top floor would be able to see into her back yard

FUNDING SOURCE:
These payments are included in the FY 2019-20 budget of the Community Planning Fund.

RECOMMENDATIONS:
Planning & Zoning Commission recommends Approval for Case 016-20, 7 in favor, 0 Nays.
Staff recommends approval of Case 016-20

ATTACHMENTS
CB 2020-260, Staff Planning Report, P&Z Commission Minutes

CB 2020-260

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Mr. Ramsour asked if the Commissioners had any questions? They did not. Mr. Ramsour asked if there was anyone who would like to speak in favor to this case? There was not. Mr. Ramsour asked if there was anyone who would like to speak in opposition to this case?

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Ms. Worden stated that if they are two story, then she would be opposed to the request. Her property abuts and with a two-story building the top floor would be able to see into her back yard.

Mr. Ramsour asked if there were any other questions? He also explained that this was for just the rezoning for that piece of property not any other property.

MR. EASTMAN MOVED, SECONDED BY MR. MCCULLOUGH, CASE 016-20 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MR. DERMOTT, MRS. KOELKEBECK, MRS. BRUCKNER-SEARS (CALL IN), MRS. STEELE, MR. MCCULLOUGH, AND MR. EASTMAN VOTING "AYE". (7 IN FAVOR, 0 NAYS).

Z&P Meeting: May 11, 2020
City Council Meeting: June 1, 2020

STAFF PLANNING REPORT
Rezoning

CASE 016-20 A request to rezone from C-O (Non-retail Commercial) to C-1 (Neighborhood Commercial)

LOCATION 5526 W 32nd St.

APPLICANT Stanley Weaver

EXISTING CONDITIONS

Zoning	Land Use	Property Size
C-O	Office	1.0 Acre

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1	C-O	R-1	C-O
Land Use	Vacant	Vacant	Single-family Residential	Vacant

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future commercial.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
W 32nd St.	Collector	95'

UTILITIES

Utilities do not need to be extended to this property. Utilities are currently in place.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The request is consistent with the comprehensive plan. The future land use map shows this property is in an area designated as future commercial development. It is also compatible with the proposed land uses in the Wildwood Ranch Land Use Plan.

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

The current zoning of C-O is suitable in this area. 32nd St. is the gateway to the Wildwood Ranch area, so it is intended to become a high-traffic street as the area develops. Commercial property along a high-trafficked street is appropriate.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning to C-1 will not be detrimental to the nearby property. The C-1 zoning district allows uses that are to service the neighborhood level. Places that have smaller building footprints, generate low traffic, and are overall less intense are permitted in C-1.

DISCUSSION

This request is compatible with the Comprehensive Plan, the Future Land Use Map, and the land use map for Wildwood. C-1 zoning maintains a less intense commercial district that can service the nearby neighborhoods now, and future development as well.

Staff recommends approval of Case 016-20.

ATTACHMENTS

- Application
- Map

REZONING APPLICATION FORM

RECEIVED 3-6-20

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.: 016-20
Filing Fee: $550.00
Date Advertised: 4-26-20
Date Notices Sent 4-27-20
Public Hearing Date: 5-11-20

APPLICANT: STANLEY WEAVER PHONE: 417 438 1819
ADDRESS: GALENA, KS ZIP: 66739

OWNER: STANLEY WEAVER PHONE: 417 438 1819
ADDRESS: GALENA, KS ZIP: 66739

LOCATION/ADDRESS OF PROPERTY: 5526 WEST 32ND STREET JOPLIN, MO 64804

Present Zoning C-O Requested Zoning: C-1 Acreage: 1
Present Use of Property: OFFICE

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	FARM LAND	R-1
South	RESIDENTIAL SINGLE FAMILY	R-1
East	VACANT	C-O ?
West	VACANT	C-O

Character of the Neighborhood: PLANNED COMMUNITY, MOSTLY RESIDENTIAL WITH LONG TERM CARE FACILITIES

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? YES
   If yes, explain: FUTURE GROWTH WILL REQUIRE FOOD AND DRINK BUSINESSES TO SERVE THE NEIGHBORHOOD

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? YES
2. Consistent with Future Land Use Map? YES

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: _____
2. Classification of Street(s):
   Arterial _____ Collector _____ 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 IN ORDER TO PROVIDE FOR:

1. Appropriately Sized Lots? NO
2. Properly Sized Street Right-of-Way? NO
3. Drainage Easements? NO
4. Utility Easements:
   - Electricity? NO
   - Gas? NO
   - Sewers? NO
   - Water? NO
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND/OR ADDITIONAL COMMENT:
PROPERTY IS A PRIME LOCATION TO SERVE THE NEIGHBORHOOD WITHIN WALKING & SHORT DRIVING DISTANCES

THE FOLLOWING **MUST** ACCOMPANY YOUR APPLICATION:

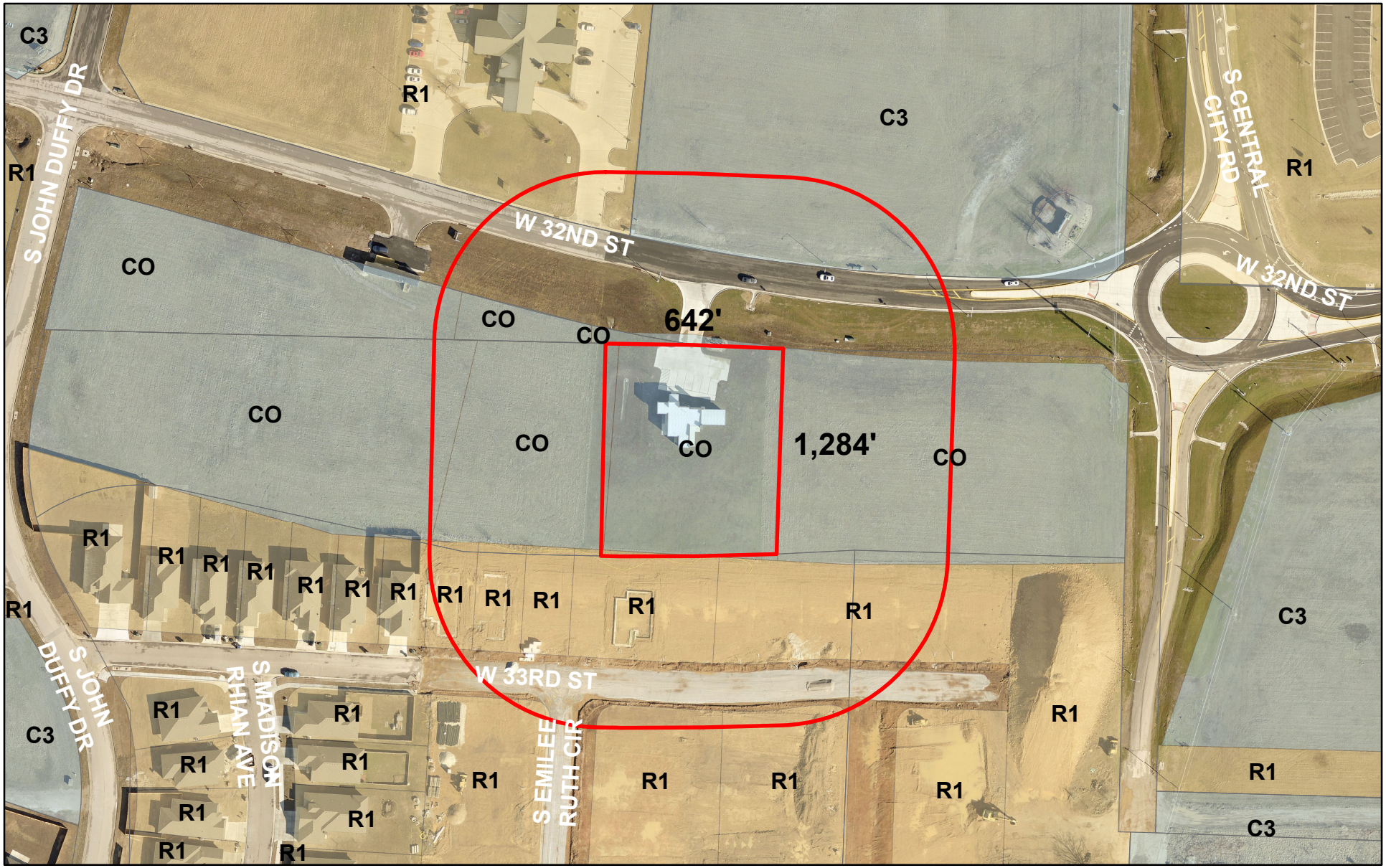
✓ 1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may affect the character of the surrounding properties, and how the proposed change will benefit the City of Joplin.
X 3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned

SIGNATURE: Stan Weaver DATE: 3/16/20

EMAIL: stan@team6.us

TITLE: OWNER

Case 016-20: 5526 W 32nd St. - Rezone



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P & Z Case 016-20
Stanley Weaver
(P & Z Recommended Approval)

COUNCIL BILL NO. 2020-260 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 C-O and including in District C-1 property as described below and located 5526 W 32nd Street, City of Joplin, Jasper County and Newton 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 C-1:

> All that part of Section 13 and 24 in Township 27, Range 34, in the City of Joplin, in Both Jasper and Newton Counties, Missouri described as follows: commencing at the Northeast Corner of the Northeast Quarter of Section 24, thence S01°52'02"W along the East line of said Northeast Quarter a distance of 38.68 feet; thence continuing S01°52'02"W a distance of 194.57 feet; thence N90°00'00"W a distance of 33.38 feet; thence N88°36'16"W a distance of 83.97 feet to the point of beginning; thence continuing N86°36'16"W a distance of 248.29 feet to a non-tangent curve to the left having a radius of 2950.00 feet and a chord bearing a distance of S80°18'22"E, 178.00 feet said point being on the South right-of-way line of 32nd Street; thence along said South right-of-way line an arc distance of 178.06 feet; thence away from said right-of-way line a distance of 229.27 feet to the point of beginning; except any part taken or deeded for road subject to any easement or restrictions of record, containing 1.0 acres more or less

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