CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
016-25 – Rezoning

MEETING DATE:
June 2, 2025

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 016-25: 1148 S Pennsylvania Ave – Rezoning – A request to rezone from District M-2 (Heavy Industrial) to District R-3 (Multi-Family Residential) – Roy Shelvey

BACKGROUND:

The owner must rezone this property to close on a sale of the home. The use is legally non-conforming, and rezoning to R-3 will allow the use by right. R-3 is the highest and best use for this neighborhood, which currently includes a mix of residential housing types and neighborhood commercial uses.

PLANNING & ZONING COMMISSION TESTIMONY:

Roy Shelvey of 2233 Benjamin Drive, Carthage, Missouri stated the request to rezone is due to wanting to sell the home. Mr. Shelvey stated that when he went to sell the home, he could not due to the home being zoned M-2 (Heavy Industrial). Mr. Shelvey stated that this zoning was missed when he bought the home since he used cash instead of a loan. Mr. Shelvey stated that the way the home is zoned, the bank would not provide the client with a loan because if there was more than 51 percent damage, the home would not be able to be rebuilt.
Ms. Phillips asked the applicant why he requested the zoning of R-3 (Multi-Family Residential).
Mr. Bellairs stated that the R-3 (Multi-Family Residential) request is due to the existing character of the neighborhood, which is not primarily a single-family residential area, due to the mixed housing types in the neighborhood. Mr. Bellairs stated that R-1 imposes more restrictive development regulations on adjacent properties, which could be considered a takings.

PUBLIC COMMENT;

There was none.

RECOMMENDATIONS:
Staff recommends approving Council Bill 2025-270
Planning & Zoning Commission recommends approving Case 016-25 (5 in Favor, 0 Opposed, 2 Absent)

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

CASE 016-25: REZONING

Mr. Kimble asked the applicant to step forward and state their name and address for the record.

Roy Shelvey of 2233 Benjamin Drive, Carthage, Missouri stated the request to rezone is due to wanting to sell the home. Mr. Shelvey stated that when he went to sell the home, he could not due to the home being zoned M-2 (Heavy Industrial). Mr. Shelvey stated that this zoning was missed when he bought the home since he used cash instead of a loan. Mr. Shelvey stated that the way the home is zoned, the bank would not provide the client with a loan because if there was more than 51 percent damage, the home would not be able to be rebuilt.

Mr. Kimble asked the commission if they had any questions for the applicant.

Ms. Phillips asked the applicant if there was damage to the home.

Mr. Shelvey stated that there is no damage to the home.

Mr. Bellairs stated that what Mr. Shelvey is referring to is the non-conforming status of a home in the Zoning Code.

Ms. Phillips asked the applicant why he requested the zoning of R-3 (Multi-Family Residential).

Mr. Bellairs stated that the R-3 (Multi-Family Residential) request is due to the existing character of the neighborhood, which is not primarily a single-family residential area, due to the mixed housing types in the neighborhood. Mr. Bellairs stated that R-1 imposes more restrictive development regulations on adjacent properties, which could be considered a takings.

Mr. Kimble asked if there was anyone in the audience that would like to speak in favor of this case.

Mr. Kimble asked if there was anyone in the audience that would like to speak in opposition to this case.

MR. SPRUCE MADE A MOTION TO APPROVE CASE 016-25. THIS MOTION WAS SECONDED BY MRS. KLUE-MICHAEL. MOTION CARRIED. (5 IN FAVOR, 0 IN OPPOSITION, 2 ABSENT)

Z&P Meeting: May 12, 2025
City Council Meeting: June 2, 2025

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 016-25 A request to rezone from District M-2 (Heavy Industrial) to District R-3 (Multi-Family Residential)

LOCATION 1148 S Pennsylvania Ave

APPLICANT Roy Shelvey

EXISTING CONDITIONS

Zoning	Land Use	Property Size
M-2	Single-Family Home	Approximately 0.14 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	M-2	M-2	M-2	M-2
Land Use	Commercial Garage/Shop	Commercial Garage/Shop	Single-Family Home	Service/Salon

FUTURE LAND USE

The property is identified as Retail Commercial on the Future Land Use Map.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
S Pennsylvania	Local	60′

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 Plan identifies this corridor as Retail Commercial. The existing neighborhood is mixed use, with a variety of residential housing types and neighborhood commercial uses.

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

Prior to modern industrial parks, industrial developments used to be common close to the railroad. Most of this neighborhood is legally non-conforming, with residences and commercial uses within an industrial zoning district. Rezoning this property will allow the existing single-family use by right.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

This rezoning will not detrimentally affect nearby properties. Many of the surrounding properties are either single-family homes or commercial uses.

DISCUSSION

The owner must rezone this property to close on a sale of the home. The use is legally non-conforming, and rezoning to R-3 will allow the use by right. R-3 is the highest and best use for this neighborhood, which is mixed use.

Staff recommends approval of Case 016-25.

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.: 016-25
Filing Fee: $600.00
Received: 3/12/25
Date Advertised:
Proj. No.: 25-026
Public Hearing Date: 5/12/25 P&Z
6/2/25 CC

Applicant: Roy Shelley Phone No.: (417) 313-2599
Address: 2233 Benjamin Dr Email: Shelrune107@gmail.com
Owner: Roy Shelley Phone No.:
Address: 2233 Benjamin Dr. Email:
Location of Property: 1148 S Penn
Present Use of Property: Single-Family Home
Proposed Use of Property: Single-Family Home
Current Zoning: M-2 Requested Zoning: R-3

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	Vacant	M-2
South	Home (Single-Family)	M-2
East	Shop	M-2
West	Parking Lot	M-2

Character of the Neighborhood: Mixed Use - Single family & 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: Use is legally non-conforming - If more then 50% of appraised value is destroyed, will have to rezone to rebuild

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: Pennsylvania Ave

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:

It is a house and in order to sell it needs to be zoned Residential.

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.
NA	☐	Owner Affidavit and Agent Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned.

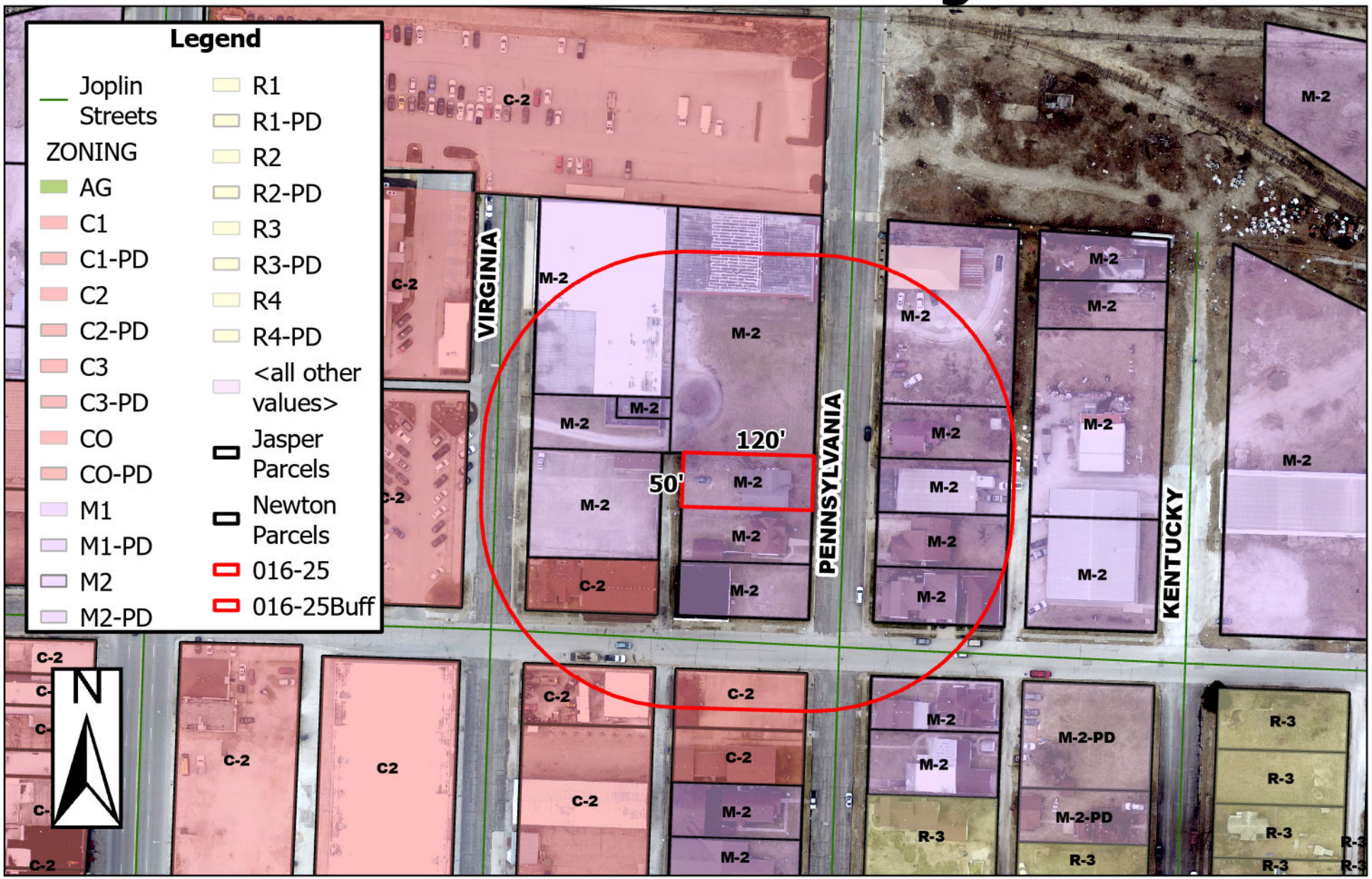
Applications that are incomplete or missing required documents will not be processed or scheduled on an agenda to the Planning & Zoning Commission until corrected and resubmitted.

Signature: Ray D Shelby **Date:** 3-6-25

EXHIBIT "A" TO BUYER'S TITLE AFFIDAVIT

All of Lot Numbered Thirty (30) in J.C. Cox, Jr.'s First Addition to the City of Joplin, Jasper County, Missouri.

Case 016-25: Rezoning



1148 S Pennsylvania Ave – Rezoning – A request to rezone from District M-2 (Heavy Industrial) to District R-3 (Multi-Family Residential) – Roy Shelvey

P & Z Case 016-25
Roy Shelvey
(P & Z Recommended to Approve)

COUNCIL BILL NO. 2025-270 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 M-2 (Heavy Industrial) and include in District R-3 (Multi-Family Residential) property as described below and generally known as 1148 S Pennsylvania Ave, 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. 2022-274 is hereby amended by removing from District M-2 (Heavy Industrial) the following described property and including in District R-3 (Multi-Family Residential).

All of Lot Numbered Thirty (30) in J.C. Cox, Jr's First Addition to the City of Joplin, Jasper County, Missouri.

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_____, 2025, by a vote of _____.

_____
Keenan T. Cortez, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney