CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2019-267-Rezone to Commercial District (C-3)

MEETING DATE:
July 1, 2019

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, Interim City Manager- Daniel Pekarek.

SUMMARY REQUEST:
Case 020-19: 3925 South Range Line Road – A request to rezone from Single Family Residential District (R-1) to Commercial District (C-3) for the operation of a Medical Marijuana Dispensary – Joe Burtrum Jr.

BACKGROUND:
The property in the request is currently zoned single-family residential due to the merger of the City of Joplin and the Village of Silver Creek. The property is located along the Range Line commercial corridor that contains large traffic volumes near an Interstate interchange. The RV business located 250ft to the south of this request is also zoned R-1 (single-family residential) because of the merger between Joplin and Silver Creek. In the future if the city needed to assign an appropriate zoning classification to the RV business, it would be C-3 (Heavy Commercial) so heavy commercial uses are already operating in this area. There are existing "heavy" commercial and "heavy" industrial uses already operating in this area which makes it difficult to recommend the denial of the request to rezone the property to C-3.

PLANNING & ZONING COMMISSION TESTIMONY:
Joe Burtrum Jr., 7192 Gateway Drive, Joplin, MO. This property has always been commercial until annexed into the City of Joplin and the City rezoned it to R-1. He is wanting it back to commercial and turn it into a new business.

Mr. Ramsour stated that any annexation into the city comes in automatically as R-1 and must be rezoned if the need exists for that.

Mr. McCullough asked Mr. Burtrum if he was going to use the existing building that is on the property?

Mr. Burtrum stated he will use the existing building, it is on 1 acre of property.

PUBLIC COMMENT:
Derek Snyder, 3007 Silver Creek Dr., Joplin, MO. Mr. Burtrum's application listed his intended use for this property as a Medical Marijuana Dispensary. Mr. Snyder also stated that the address is Range Line Rd but is on the outer road. There is not direct access to Range Line. He also believes that any kind of C-3 establishment in that area would definitely conflict with the neighborhood surroundings of Silver Creek. He thinks it would devalue properties, lead to deterioration of the neighborhood environment that exists there now.

Ancelee Corkel, 3006 Keller Dr., Joplin, MO. She stated that she has gone around the neighborhood and to the four of the five adjoining properties in this 185' radius and everyone sent in petitions against the rezoning. She also stated that they are glad to be in Joplin, but they don't want to be messed with and further down the road if they open this door what is going to happen to Silver Creek Rd. She hopes that the commissioners listen to their recommendation and deny the rezoning.

Dody Walker, 3211 Moorehead Dr., Joplin, MO, which is directly affected by this potential change. This is the only access to her property as far as Moorehead Dr., which is also a dead-end street consisting of 19 homes. The traffic concerns are when the former FAG Bearing lets out, there is about 15 minutes after each shift change that you cannot turn left going out of Moorhead Dr. There are children playing, a small creek, tree lined village, deer, foxes, we do not have retail business. She stated they don't want it there.

Ms. Corkel stated that FAG Bearing was the first one to send in the protest petition to City Hall by electronic device and that was done at least a week ago. It is here somewhere and has gotten lost and they are a major part of this property that is in question.

Mr. Bolander stated that it hasn't been a week, we sent them the Petition of Protest on Friday. They did say they would protest but they have not returned it yet.

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

RECOMMENDATIONS:
Planning & Zoning Commission recommends denial (5 in Favor, 1 Nay, 1 Absent).
Staff recommends approval of Case 020-19.

ATTACHMENTS
CB 2019- 267, Staff Planning Report, P&Z Commission Minutes