City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: July 3, 2017

Item: COUNCIL BILL NO. 2017-257
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Copy of Council Bill 2017-257
2) Planning Report
3) Commission Minutes

Planning/Community Development Manager: Troy Bolander
City Attorney: Peter C. Edwards
City Manager: Samuel L. Anselm
Board or Commission: Planning and Zoning Commission Date: 06/12/17

Recommended Action: Planning and Zoning Commission recommended Denial by a vote of "5 in favor, 1 abstained, 1 absent

SUMMARY/REQUEST:
Case 009-17: Southwest Corner of South Even Avenue and West 26th Street-A request to rezone from R-1 (Single Family Residential) to R-1-PD (Planned Development Single-Family Residential) for the construction of a single family residential development – Schuber Mitchell Homes. As of 6/26/17, Schuber Mitchel has requested that the request to Rezone be withdrawn. Since it has been published for a Public Hearing, this item will appear on the 7/3/17 agenda for a Public Hearing. At the conclusion of the Public Hearing, staff seeks a motion from Council striking the item from the agenda.

STAFF SUMMARY:
This request originally went to the Planning and Zoning Commission on April 10, 2017 and went to the City Council on May 1, 2017. It was tabled by the Planning and Zoning Commission and the City Council to allow the property owner time to meet with the neighborhood to discuss issues related to the proposed development and submit preliminary covenants for the new subdivision.

This rezoning request is for approximately 13 acres west of the Cedar Ridge subdivision. Schuber Mitchell Homes would like to develop a higher density single-family residential subdivision to provide smaller lot sizes and yards that require less maintenance. These lots would be 50' in width with a front yard setback of 15' and a rear yard setback of 20'. The Woodlands development in Wildwood Ranch has similar lot sizes and setback lines and is being constructed by Schuber Mitchell as well. This request includes land in the final plat submitted for Cedar Point Plat 1 (Case 007-17) in addition to land that has not been platted to the west. If this rezoning request is approved, Schuber Mitchell will submit another plat to accommodate the new lots as well as changes to existing lots in Cedar Point Plat 1.

While the lot sizes of this development are smaller than a typical single-family residential subdivision, this rezoning request provides a buffer to the south and east comprised of typically

sized lots that are 65' in width with 25' front and rear yard setbacks. This rezoning request would allow a broader range of housing choices. Because Schuber Mitchell is developing the entire subdivision, smaller lot sizes would blend in with the rest of the neighborhood.

Staff recommends approval of Case 009-17.

PLANNING & ZONING COMMISSION TESTIMONY:
Dan Mitchell, Schuber Mitchell Homes, 1621 Anderson Drive, Webb City MO, stated that he was requesting the PD overlay on the interior and northern edge of Cedar Point neighborhood. The PD will only be in the interior lots. Everything that is touching the existing Cedar Ridge neighborhood will remain zoned as R-1 without the possibility for smaller lots. A PD zoning with smaller lot sizes would allow Schuber Mitchell to build an additional 11 homes in the new neighborhood. Mr. Mitchell stated that the plans for this section fit in the PD regulations. He read Section 29A 1701 paragraph A, which can be found on page 73 of the City of Joplin Zoning Code. Schuber Mitchell's plans fit the current neighborhood and meet the intent of the Planned District overlay. The new neighborhood with have upgraded infrastructure, sidewalks and convert previous overgrown field where people were dumping trash into a place where families settle and invest in our city.

After the first P&Z meeting Schuber Mitchell requested the Commission to table the request for rezoning. Schuber Mitchell met with the neighborhood at one public meeting and talked to numerous residents individually. Most residents were fearful of smaller houses and lower values, fearful of more traffic in the neighborhood without sidewalks, and fearful of storm water issues.

Mr. Smith asked if the sewer system is already in place? Mr. Mitchell stated that some of the sewer was there and some must be installed by Schuber Mitchell.

PUBLIC COMMENT:
Mark Parrin, 4523 West 26th Place, Joplin, MO, stated he wanted to touch on Section 29A 1701 of the Zoning Regulations. Mr. Mitchell stated that the development must be interrelated with an adjacent development and area, but just because he is not asking for apartments doesn't mean it is interrelated with our neighborhood. If you continue with that it states "and to maintain the overall desires intensity of land use." Most of the neighborhood has 70 to 80-foot-wide lots. The proposed development from Schuber Mitchell would not match the existing neighborhood aesthetic. Mr. Mitchell is asking to shrink the property size, and there is a considerable difference between an 80-foot lot to a 50-foot lot in this area. The neighborhood desires open spaces and houses in this area now have about 20 to 30 feet between them. The people in the neighborhood are against this development. Schuber Mitchell just wants to maximize their profit. Thank you for your time.

Terra Miller, 4401 W. 27th Street, Joplin, MO. She presented 200 signatures from property owners in the sub-division who are in opposition. The whole community is not in opposition to them building they are in opposition to the lot sizes of 50 feet.

Mr. Weinkein, 4803 W. 28th Place, Joplin, MO, is a retired Traffic Engineer from MoDOT and a Realtor. He stated that Schuber-Mitchell should maintain the consistency of the Cedar Ridge neighborhood, which is zone for 65 feet minimum lots. When the previous developer bough this land, the overall development plan was to extend Lois Lane to 32nd Street, but that is beyond what the City can do at this point. The proposed development from Schuber Mitchell will have a

negative impact on Cedar Ridge.

Paul Howie, 4819 W. 28th Street, Joplin, MO. The average family usually has two cars and with the 11 more homes and 22 additional cars it will cause more issues in the neighborhood.

Harvey Hutchinson, 4512 W. 27th Place, Joplin, MO, asked if Mr. Mitchell could make all the lots in the subdivision 50 feet after the first development plan was complete. Ms. Cunningham stated that Mr. Mitchell would not be able to do that. The request is for a specific parcel of land that has a legal description and there is no possibility to add to that land without another public hearing.