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

CB 2019-267

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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.

Mr. Ramsour asked if there was anyone to speak in favor of this case? There were not. Is there anyone to speak in opposition of this case?

Derek Snyder, 3007 Silver Creek Dr., Joplin, MO. He understands what the duties of this Commission are and you're here to make a recommendation to the City Council. Ultimately, the City Council will decide if this property should be rezoned or not. Mr. Burtrum's application listed his intended use for this property as a Medical Marijuana Dispensary. Mr. Snyder went over the C-3 District regulations for the commissioners. There is a chapel right at the entry way of Silver Creek area. The current building use to be the Village Hall for Trustee meetings. 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.

Mr. Ramsour stated that before we vote all the Petitions of Protest we have in front of us will be announced.

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. Mrs. Corkel read the state rules for Medical Marijuana Dispensaries. 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.

Mr. Ramsour stated that just for informational purposes that at our meeting last month we did pass an ordinance changing/amending the Joplin Zoning Regulations to accommodate Medical Marijuana Dispensaries within the city limits.

Mr. Bolander stated that City of Joplin determines the categories which would be permitted in C-2 or C-3 districts, they are the heavier districts.

Mr. Ramsour stated that the City of Joplin is on top of this new industry.

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 can not 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.

Mr. Ramsour read into record the Petitions of Protest. There were from Wheelen Investments, Rick Bradley, 3011 Moorehead Dr., and Ozark Agents, LLC by Christopher Dumm. Mr. Ramsour asked staff if they have anything they would like to elaborate on? Mr. Bolander stated he did not.

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.

MR. EASTMAN MOVED, SECONDED BY MR. DERMOTT, TO BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR DENIAL FOR CASE 020-19. MOTION CARRIED, WITH MR. RAMSOUR, MR. DERMOTT, MRS. STEELE, MR. MCCULLOUGH, AND MR. EASTMAN VOTING "AYE". MRS. BRUCKNER-SEARS VOTING "NAY". (5 IN FAVOR, 1 NAYS, 1 ABSENT).

Z&P Meeting: June 10, 2019
City Council Meeting: July 1, 2019

STAFF PLANNING REPORT
Rezoning

CASE 020-19 A request to rezone from R-1 (Single Family Residential) to C-3 (Commercial District)

LOCATION 3925 S. Range Line Rd.

APPLICANT Joe Burtrum Jr.

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Wedding Chapel	Approx. 1 Acre

SITE CONTEXT

	North	East	South	West
Existing Zoning	M-2	R-1	R-1	C-2-PD
Land Use	Manufacturing Company and I-44 & Range Line Rd. Interchange	Single-Family Residential	Law Office & RV Sales and Service	Range Line Commercial Corridor with Hotel and Restaurant

FUTURE LAND USE

Joplin's Future Land Use Map shows this property is appropriate for a retail commercial use which is consistent with the request.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
Outer Rd. used for Range Line access	Arterial	Approx. 270 ft.: part of the Range Line Rd right-of-way

UTILITIES Utilities do not need to be extended to this property.

FLOOD PLAIN N.A.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Even though this property is currently zoned single-family residential, it has a commercial use on the property (wedding chapel). This occurred because the Village of Silver Creek merged with the City of Joplin. Under the city's zoning regulations, regardless of the current land use, all properties that are brought into the City of Joplin through annexations and mergers are automatically zoned R-1 until a public hearing is held to try and determine an appropriate zoning classification. The adopted future land use map shows the property is appropriate for retail commercial development which is consistent with the proposed use and other uses permitted in C-3 districts. The request is consistent with the development policies of the city's comprehensive plan.

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

This property is currently zoned residential and contains a wedding chapel which is not a heavy commercial use. The applicant is proposing to rezone the property to commercial to allow the sale of medical marijuana. The city council recently adopted regulations to restrict the sale of licensed medical marijuana to heavier commercial districts such as C-2 (Central Business District) and C-3 (Commercial Districts). The current R-1 district or potential "lighter" commercial districts do not permit retail sales of medical marijuana.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

There will be minimal impact on adjacent and nearby commercial properties since most of the existing commercial use are classified as C-2 or C-3 type land uses. The greatest impact will be to the nearby single-family residents located to the east.

DISCUSSION

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 current R-1 district does not appear to be the best use of this property because of the existing commercial use located on the property and the heavy commercial and heavy industrial activities located nearby. For example, an RV sales and repair service is located to the south within 250 ft. of the property in this request. Like the property in the rezoning request, the RV business 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. Likewise, a M-2 district is located to the North and contains a heavy manufacturing business. Again, 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.

Staff recommends approval of Case 020-19.

ATTACHMENTS

- Application

REZONING APPLICATION FORM

RECEIVED 5-13-19

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.: ~~60~~ 020-19
Filing Fee: $500.00
Date Advertised: 5/26/19
Date Notices Sent: 5/28/19
P&Z Date: 6-10-19
City Council Date: 7-1-19

APPLICANT: Joe H. Burtrum JR PHONE: 417-781-4000
ADDRESS: 7192 Gateway Dr. ZIP:
EMAIL: JLWCWB4O@gmail.com
OWNER: NORMA & Joe Burtrum PHONE: 417-781-4000
ADDRESS: ZIP: 64804
EMAIL:
LOCATION OF PROPERTY: 3925 South Rangeline
LEGAL DESCRIPTION:

Present Zoning R-1 Requested Zoning: C-3 Acreage:
Present Use of Property: Wedding Chapel
Proposed Use of Property: Medical Marijuana Dispensary

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Manufacturing	M2
South	Law Offices	~~M2~~ Commercial
East	Resident	R1
West	Highway Rangeline	

CHARACTER OF THE NEIGHBORHOOD: Commercial

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:

CONFORMANCE WITH COMPREHENSIVE PLAN:

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

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
4. For Planned Developments the following must be submitted and reviewed before the rezoning can be advertised for public hearing:
   ___ Site Plan ___ Landscape Plan ___ Building Elevations

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Moorehead Dr.
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?
   _____

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:_____
   _____
   _____

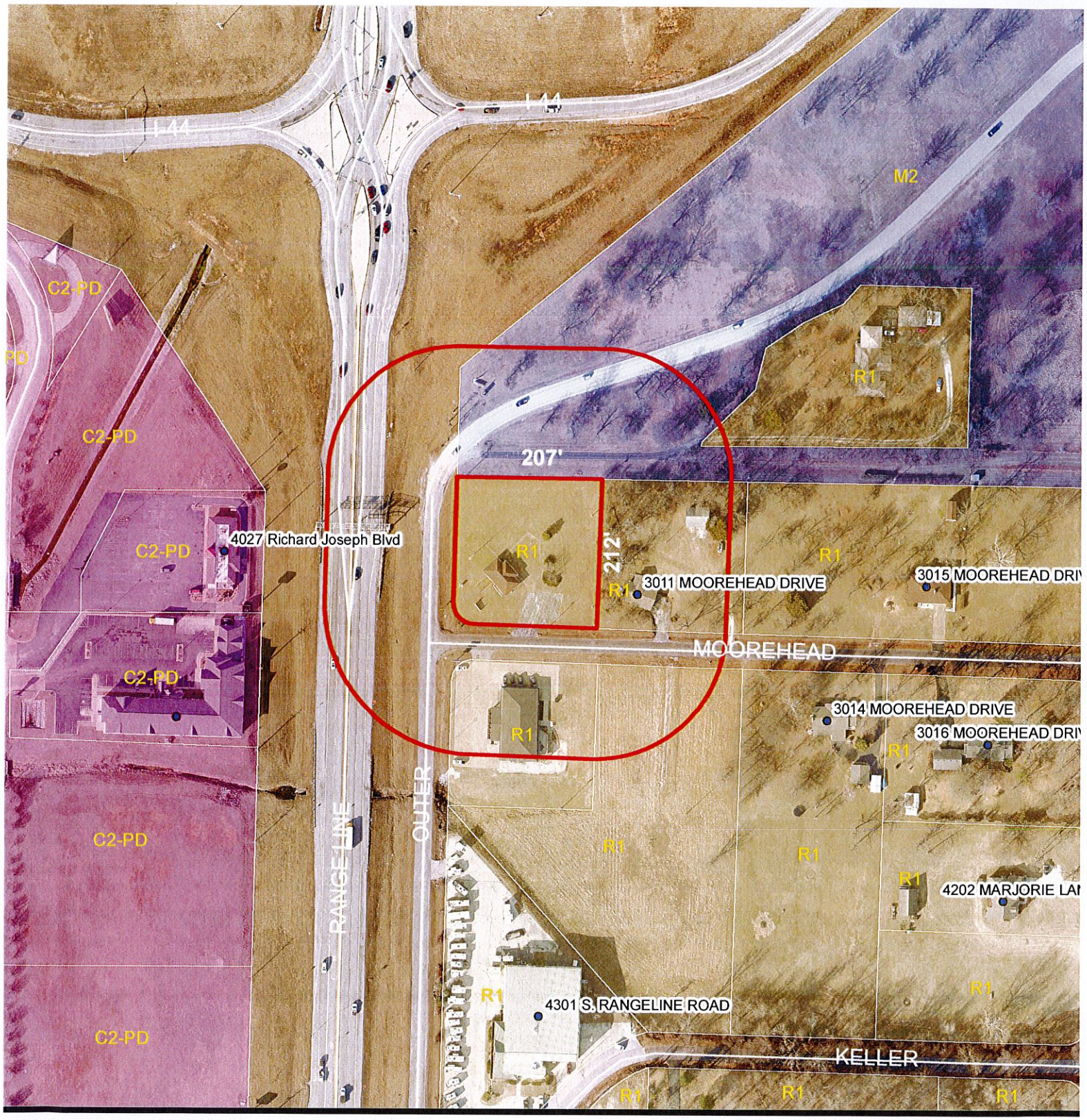
UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

_____
_____
_____

SIGNATURE: _____ DATE:_____

BY: _____

TITLE: _____



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P & Z Case 020-19
Joe Burtrum Jr.
(P & Z Recommended Denial)

COUNCIL BILL NO. 2019-267 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 R-1 and including in District C-3 property as described below and located 3925 South Range Line Road, City of Joplin, 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-3:

> Lot 5 in Block 5 in Silver Creek Park Subdivision to the Village of Silver Creek now in the City of Joplin, Newton County, Missouri according to the recorded plat thereof.

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_____, 2019, by a vote of _____.

_____
Gary L. Shaw, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney