**CITY OF JOPLIN**
**COUNCIL AGENDA ITEM**

**ITEM:**
CB 2024-273 – Rezoning

**MEETING DATE:**
July 1, 2024

**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 021-24: 302 S McKinley Ave – Rezoning – A request to rezone from M-2 (Heavy Industrial) to District R-2 (Two-Family Residential) – SCJ Construction

**BACKGROUND:**
The applicant, SCJ Construction, would like to build a second single-family home on the property. Currently, there are 2 lots that front 3rd St, but the existing house was constructed fronting McKinley. They would like to replat these lots to face McKinley, so that they may build a second single-family home. The existing house is legally non-conforming. They need to remove the lot from heavy industrial zoning before the applicant/owner can build. The existing density of the lots are 6000 square feet. These lot sizes are buildable in the existing R-1 neighborhood because they were already platted. To plat new lots at the same density, the lots need to be zoned R-2.

This neighborhood is a mix of R-1 and R-2 zoning districts, with leftover Industrial. There is some R-2 in the block NW of this site. The single-family homes that are here are 50-foot-wide lots. R-2 is consistent with the existing lots that are zoned R-1, in terms of density. The neighborhood is all low-density residential. Industrial uses are not compatible with the surrounding area. The Joplin Development Code identifies R-2 as a compatible district with low-density residential.

**PLANNING & ZONING COMMISSION TESTIMONY:**
Jonathan Tasset stated he represented the ownership group, SCJ Construction. They proposed to take this property and divide it into two parcels so they could build a second small home next to it keeping with the character of the neighborhood. There is a lot of high-density zoning already there and currently it is zoned M2. That is not appropriate for the house already on the lot. There is an existing home on the lot. It is on one side and what they want to do is subdivide that to do another home. They have plans for that. It would be in keeping with the latest zoning codes for walkable

neighborhoods. They would like to rezone it to an R-2 district which has denser requirements for homes in keeping with the rest of the homes in the neighborhood. Mr. Landis asked if the new home would be a single-family residence. Mr. Tasset stated it would.

Mr. Bellairs stated for the record there was one petition of protest submitted for this case to rezone. The protest occurrence is 9.96%. It is below the 30% minimum to deny the case.

**PUBLIC COMMENT;**
None.

**RECOMMENDATIONS**:
Staff recommends approving Council Bill 2024-273
Planning & Zoning Commission recommends approving Case 021-24 (4 in Favor, 0 Opposed, 2 Absent)

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

**Case 021-24: Rezoning**

302 S. McKinley-Rezoning-A request to rezone from M-2 (Heavy Industrial) to District R-2 (Two-Family Residential)-SCJ Construction

Jonathan Tasset, Architect, 3130 Wisconsin Ste 4, Joplin, Missouri, stated he represented the ownership group, SCJ Construction. They proposed to take this property and divide it into two parcels so they could build a second small home next to it keeping with the character of the neighborhood. There is a lot of high-density zoning already there and currently it is zoned M2. That is not appropriate for the house already on the lot. There is an existing home on the lot. It is on one side and what they want to do is subdivide that to do another home. They have plans for that. It would be in keeping with the latest zoning codes for walkable neighborhoods. They would like to rezone it to an R-2 district which has denser requirements for homes in keeping with the rest of the homes in the neighborhood.

Ms. Warren asked if there were any questions from the Commission on Case 021-24.

Mr. Landis asked if this would be a single-family home.

Mr. Tasset replied yes.

Ms. Warren asked if there were any further questions from the Commission on Case 021-24.

There were none.

Ms. Warren asked if there was anyone to speak in favor of Case 021-24.

There were none.

Ms. Warren asked if there was anyone to speak in opposition of Case 021-24.

There were none.

Mr. Bellairs stated for the record there was one petition of protest submitted for this case to rezone. The protest occurrence is 9.96%. It is below the 30% minimum to deny the case.

**MR. ROSENBERG MOVED THAT CASE 021-24 BE APPROVED AND FORWARDED TO THE CITY COUNCIL FOR APPROVAL. MR. LANDIS SECONDED THE MOTION. MOTION CARRIED. (4 IN FAVOR, 0 NAY, 2 ABSENT)**

Z&P Meeting: June 10, 2024
City Council Meeting: July 1, 2024

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

# STAFF PLANNING REPORT
## Rezoning

**CASE 021-24** A request to rezone from District M-2 (Heavy Industrial) to District R-2 (Two-Family Residential)

**LOCATION** 302 S McKinley Ave

**APPLICANT** SCJ Construction

---

### EXISTING CONDITIONS

| Zoning | Land Use | Property Size |
|---|---|---|
| M-2 | Single Family Home | Approximately 0.3 Acres |

### SITE CONTEXT

| | North | East | South | West |
|---|---|---|---|---|
| **Existing Zoning** | R-1 | R-1 | M-1 | M-2 |
| **Land Use** | Single-Family Home | Church | Community Garden | Vacant Industrial Building |

### FUTURE LAND USE

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

**TRANSPORTATION**

| Streets with access | Classification | Right-of-way width |
|---|---|---|
| S McKinley Ave | Local | 55′ |
| W 3rd St | 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?**

Yes, everything around the property is future Low-Density Residential. The Future Land Use Map only identifies the area as Industrial because that is the existing zoning district. This is a left-over pocket of Industrial zoned property before modern Industrial Parks.

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

The neighborhood is all low-density residential. Industrial uses are not compatible with the surrounding area.

**THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY**

This neighborhood is a mix of R-1 and R-2 zoning districts. There is some R-2 in the block NW of this site. The single-family homes that are here are 50-foot-wide lots. R-2 is consistent with the lots that are zoned R-1, in terms of density.

**DISCUSSION**

The applicant, SCJ Construction, would like to build a second single-family home on the property. Currently, there are 2 lots that front 3rd St, but the existing house was constructed fronting McKinley. They would like to replat these lots to face McKinley, so that they may build a second single-family home. The existing house is legally non-conforming. They need to remove the lot from Industrial before the applicant/owner can build. The existing density of the lots are 6000 square feet. They are allowed in the existing R-1 neighborhood because they were already platted. To plat new lots at the same density, the lots need to be zoned R-2.

**Staff recommends approval of Case 021-24.**

**ENCLOSURES**

- Map of property
- Application

# Rezoning Application

JOPLIN
MISSOURI

**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.: 021-24
Filing Fee: $600.00
Received: 4/4/24
Date Advertised:
Proj. No.: 24-074
Public Hearing Date: 5/13/24

Applicant: SCJ CONSTRUCTION Phone No.: 4175639788

Address: 302 S McKINLEY Email: evan.scjconstruction@gmail.com

Owner: SCJ CONSTRUCTION Phone No.: 417 653 9788

Address: 1927 BIRD AVE JOPLIN Email: evan.scjconstruction@gmail.com

Location of Property: JOPLIN

Present Use of Property: RESIDENTIAL

Proposed Use of Property: RESIDENTIAL

Current Zoning: M2 Requested Zoning: R2

**Surrounding Land Use and Zoning:**

| | Land Use | Zoning |
|---|---|---|
| North | RT | R1 |
| South | | M1 |
| East | | M2 R1 |
| West | | RT M2 |

Character of the Neighborhood: SNGLE FAMILY & 2 FAMILY RESIDENTIAL

☒ ☐ Are drainage and utility easements adequately sized and provided?

Additional Platting Comments: NO

**Unique Characteristic of Property and/or Additional Comment:**

NO

**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. |
| ☐ | ☐ | 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:** _____ **Date:** _____

CURRENTLY USING AS RESIDENTIAL AND WE WOULD LIKE TO ADD ANOTHER HOME ON THE FUTURE ADJACENT LOT.

7012

BOOK 1392 PG 0423

# Warranty Deed

Filed for Record on June 4, 1991, at 8:43 o'clock A M. in Jasper County, Mo.

Document No. _____ recorded in Book _____, Page _____ Edie Swingle

By: Nancy L. Kreitzinger Deputy Recorder of Deeds

THIS DEED, Made and entered into this 31st day of May, 19 91, by and between

Cleo Alvin Pugh and Patricia Kay Pugh, husband and wife

party or parties of the first part, of Jasper County, State of Missouri, grantor(s), and

David M. Ramsey and Cynthia J. Ramsey, husband and wife

party or parties of the second part, of Jasper County, State of Missouri, grantee(s).

Grantee's mailing address is 302 McKinley, Joplin, Missouri 64801

WITNESSETH, that the said party or parties of the first part, for and in consideration of the sum of One Dollar and other valuable considerations paid by the said party or parties of the second part, the receipt of which is hereby acknowledged, does or do by these presents GRANT, BARGAIN, AND SELL, CONVEY AND CONFIRM unto the said party or parties of the second part, the following described Real Estate, situated in the County of Jasper and State of Missouri, to wit:

ALL OF LOTS NUMBERED ONE (1) AND TWO (2) IN W.M. LECKIE'S SUB-DIVISION OF LOTS 22, 26, 27, 38, 39, 42 AND 43 IN FOURTH STREET ADDITION TO THE CITY OF JOPLIN, JASPER COUNTY MISSOURI AND VACATED ALLEY LYING SOUTH OF AND ADJOINING SAID LOTS NUMBERED ONE (1) AND TWO (2)

TO HAVE AND TO HOLD THE SAME, together with all rights, immunities, privileges and appurtenances to the same belonging, unto the said party or parties of the second part forever, the said party or parties of the first part covenanting that said party or parties and the heirs, executors, administrators and assigns of such party or parties shall and will WARRANT AND DEFEND the title to the premises unto the said party or parties of the second part, and to the heirs and assigns of such party or parties forever, against the lawful claims of all persons whomsoever, excepting however, the general taxes for the current calendar year, and thereafter, and special taxes becoming a lien after the date of this deed, and restrictions, easements and building set back lines of record if any, and zoning laws.

IN WITNESS WHEREOF, the said party or parties of the first part has or have hereunto set their hand or hands the day and year first above written.

WITNESS

Cleo Alvin Pugh
Cleo Alvin Pugh

Patricia Kay Pugh
Patricia Kay Pugh

STATE OF MISSOURI
COUNTY OF Jasper } ss.

On this 31st day of May, 19 91 before me personally appeared Cleo Alvin Pugh and Patricia Kay Pugh, husband and wife to me known to be the person or persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Joplin, Missouri, the day and year first above written.

My term expires the 7th day of April, 19 94. Signature Shirley K Webb

(SEAL) Type or Print Shirley K. Webb
Notary Public

STATE OF MISSOURI
COUNTY OF Jasper } ss.

IN THE RECORDER'S OFFICE

I, Recorder of said County, do hereby certify that the within instrument of Writing was, at 8:43 o'clock A M. on the 4th day of June, 19 91, duly filed for record in this office, and has been recorded in Book 1392, Page 423.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Carthage, Missouri, on the day and year aforesaid.

(SEAL)

Edie Swingle
Recorder of Deeds

By Delaine Moyer
Deputy

50680 RV-3

# Case 021-24: Rezoning




0 45 90 180 270 360 Feet

302 S McKinley – Rezoning – A request to rezone from M-2 (Heavy Industrial) to District R-2 (Two-Family Residential) – SCJ Construction

P & Z Case 021-24
SCJ Construction
(P & Z Recommended to Approve)

COUNCIL BILL NO. 2024-273 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-2 (Two-Family Residential) property as described below and located at 302 S McKinley Ave.

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-2 (Two-Family Residential).

**ALL OF LOTS NUMBERED ONE (1) AND TWO (2) IN W.M. LECKIE'S SUB-DIVISION OF LOTS 22, 26, 27, 38, 39, 42 AND 43 IN FOURTH STREET ADDITION TO THE CITY OF JOPLIN, JASPER COUNTY MISSOURI AND VACATED ALLEY LYING SOUTH OF AND ADJOINING SAID LOTS NUMBERED ONE (1) AND TWO (2).**

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_____, 2024, by a vote of _____.

_____
Keenan T. Cortez, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney