CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2023-273 – Zoning District Change

MEETING DATE:
July 3, 2023

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:
These payments are included in the FY2023 budget of the Community Planning Fund.

SUMMARY REQUEST:
Case 026-23: 801, 803, 805, W 1st St., and 104 N Jackson Ave – Rezoning - A request to rezone from District R-2 (Two-Family Residential) to District R-3 (Apartment House) – Shaun Grindle, Cleveland Apartments, LLC

BACKGROUND:
The owner of the property seeks to restore the Cleveland Apartments. Staff and the owner's team have held a predevelopment meeting over the proposed project, and the City required the owner rezone to match the use.

The property is currently only zoned for Two-Family Residential. The existing apartments were present on the property before the zoning code was updated and the R-2 zoning was added to the neighborhood. For these apartments to operate again, the property is required to obtain an Apartment House zoning.

While the Future Land Use Map indicates that the neighborhood is Low-Density Residential, the proposed use is consistent with the elements and goals of the Comprehensive Plan. The proposed restoration will offer more alternative housing options, particularly in a low-moderate income neighborhood.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Jeff Neal explained what they were doing on the property and answered the Commissioners' questions. He stated to make the project cost-efficient, they are adding 6 units to the basement. He also explained they planned on turning the house into a duplex.

PUBLIC COMMENT;
There was no public comment in favor or opposition of the rezoning.

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2023-273
Planning & Zoning Commission recommends approval of Case 026-23 (7 in Favor, 0 Opposed)

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

Case 026-23: Rezoning

801, 803, 805 W 1st St., and 104 N Jackson Ave-Rezoning-A request to rezone from District R-2 (Two-Family Residential) to District R-3 (Apartment House)-Shaun Grindle, Cleveland Apartments, LLC.

Jeff Neal, 212 S Joplin Ave. Suite 3, Joplin, Missouri. Mr. Neal stated he was the general contractor and developer of this property. They were requesting the property be rezoned from R-2 to R-3 because of the properties prior use. It was previously a six-plex and the property was the subject of a serious fire. They were in the process of putting a new roof back on the building. The property is listed on the National Registry of Historic Places. They were moving forward with a full restoration of the building, however to make that restoration viable due to the increased costs associated with the fire, they have made the decision to make this a twelve-plex with six apartments in the basement. The basements were already full basements. So, that is the reason we are asking for a rezone.

Mr. Kimble asked if there were any questions from the Commission on Case 026-23.

Ms. Phillips stated she thought the paperwork said they were making one suite into two suites. So, a suite was all three stories before.

Mr. Neal said well originally the basements had only been used for storage and some of them had washer and dryer hookups in the basements. At one time the basements were interconnected. There are still doors that lead between them. He stated the current plan was to do the upper two floors as a standalone two-bedroom two-bath apartment. Then the downstairs which is a full basement will be either a one or two bedroom. Basically, it is a studio, but it will have actual bedrooms in it. A small one- or two-bedroom apartment.

Mr. Rosenberg directed a question to Mr. Neal. He asked what type of egress and ingress the basement apartments would have.

Mr. Neal stated those already had exterior doors to the basements so those will continue to be in place. The way they have it planned actually there would be two sunken terraces that would be at basement level on the backside down to a 12 x 12 patio area. There would be steps up to the same level as the porches that come off the first floor. He stated please realize the basements are already elevated above ground level so when we talk about basement living these would have windows to the exterior on them. The first floor actually starts about four feet above the ground level.

Mr. Rosenberg asked about off street parking.

Mr. Neal said the redevelopment would include the seven coach garages that are along the adjacent property which the current owners own as well. There is also two driveways at that particular location.

Ms. Phillips asked if the garages would be restored.

Mr. Neal stated yes.

Ms. Phillips asked what about the house.

Mr. Neal said that was a different contractor working on that portion. That is continuing and the plans are to turn it into a duplex. Behind the house between the house and the garages there is a concrete pad. The idea was to turn that area into a small green space so that families living in the twelve apartments can have an interior green space for kids and other activities.

There were no further questions.

Mr. Kimble asked if anyone wished to speak in favor of Case 026-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 026-23.

There were none.

MR. JACKSON MOVED THAT CASE 026-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MS. WARREN SECONDED THE MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAY)

Z&P Meeting: June 12, 2023
City Council Meeting: July 3, 2023

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 026-23 A request to rezone from District R-2 (Two-Family Residential) to District R-3 (Apartment House).

LOCATION 801, 803, 805 W 1st St and 104 N Jackson Ave, Joplin, Missouri 64801

APPLICANT Shaun Grindle, Cleveland Apartments, LLC

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-2	Apartments	Approximately 0.5 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-2	R-2	R-2	R-2
Land Use	Single-Family Home	Single-Family Home	Single-Family Home	Single-Family Home

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future Low-Density Residential.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
W 1st St	Local	60′
N Jackson Ave	Collector	60′

UTILITIES

The site is accessible to utilities.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

While the Future Land Use Map indicates that the neighborhood is Low-Density Residential, the proposed use is consistent with the elements and goals of the Comprehensive Plan. The proposed restoration will offer more alternative housing options, particularly in a low-moderate income neighborhood.

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

The property is currently only zoned for Two-Family Residential. The existing apartments were present on the property before the zoning code was updated and the R-2 zoning was added to the neighborhood. In order for these apartments to operate again, the property is required to obtain an Apartment House zoning.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning will not be detrimental to nearby property. The proposed use matches the existing building and character that the neighborhood possessed before the zoning was changed. Restoring these apartments will be beneficial to the surrounding properties.

DISCUSSION

The owner of the property seeks to restore the Cleveland Apartments. Staff and the owner's team have held a predevelopment meeting over the proposed project, and the City required that the owner rezone to match the use. Parking is proposed on the North lot (108 N Jackson) for the apartments. The proposed development will also utilize On-street Parking credit and Bicycle Parking credit under the parking reductions in Article 7, Access and Parking Standards, of the Joplin Development Code. The proposed development of this property has been through a preliminary review with the City, and the City's current requirements under the new Zoning Code will be met.

Staff recommends approval of Case 026-23.

ENCLOSURES

- Map of property
- Application

Rezoning Procedures

Applicability. The rezoning process provides review of changes to the boundary of zoning districts (map amendment) that may be necessary to implement the comprehensive plan, to account for changed conditions in the general area, or to reflect a change in public policies with respect to future development. Application for a rezoning may be initiated by the property owner, the City Council, or the Planning Commission.

Review Criteria. A rezoning shall be reviewed according to the following criteria:

1. The application is consistent with the comprehensive plan, and any official plan or program developed under the guidance of that plan.
2. The application supports the character of the neighborhood, considering the design of streets, civic spaces, and other open spaces; the scale, pattern, and format of buildings; the zoning of property and intent of other zoning districts in the vicinity; and the compatibility, transitions, and integration of existing and potential future uses.
3. The suitability of the subject property for the uses to which it has been restricted.
4. The application furthers the intent of the proposed zoning district and the general purposes of these regulations.
5. The application demonstrates compliance with all substantive standards and guidance of the proposed zoning district; or, where no proposed development application is associated with the application, there is a likelihood of development that complies with all substantive standards can be demonstrated.
6. The ability of the City or other government agencies to provide any services, facilities or programs that may be necessary if the application is approved.
7. The effect of approval on surrounding property, including the likelihood that surrounding areas may be developed in accordance with current zoning or future plans.
8. The recommendations of professional staff or other reviews associated with the application.

Review Procedures. In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to zoning map amendment applications.

1. Applications may be accompanied by one of the following complementary applications: a Site Plan, a Special Use Permit, or a Concept Plan of a similar nature to that required in Section 2.04 for Planned Developments.
2. Applications may be accompanied by any plat that is necessary for the project.
3. The City Council may recommend the application be returned to Planning Commission for further study or additional information at its next regular meeting. Failure by the Planning Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation.
4. The Planning Commission may recommend, or City Council may approve a lessor change than was proposed in the notice, whether in extent of property or project area, or in the scale, intensity, or other substantive standards for proposed project and zoning change.

Effect of Decision. Rezoning shall be approved by the City Council in the form of an ordinance. Approved changes shall be indicated on the Official Zoning Map by the Director within 30 days following approval. Any application that includes a required site plans or other similar applications

(except Concept Plans), may proceed to building permits after the effective date of the ordinance and upon satisfying all other conditions of the approval. If the applicant fails to obtain a building permit within one year of the effective date of the ordinance approving the change, the Director may schedule a hearing to reconsider and revert the zoning to the previous classification, subject to all procedures and criteria of the original change.

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.: 6026-23
Filing Fee: $550.00
Received: 4/14/23
Date Advertised: _____
Proj. No.: 23-163
Public Hearing Date: 6/12/23

Applicant: Shaun Grindle Phone No.: 530-205-7218

Address: 315 N Connor Ave, Joplin, MO 64801 Email: 4windsgroup@gmail.com

Owner: Shaun Grindle, Cleveland Apts., LLC Phone No.: 530-205-7218

Address: 12066 Streeter Rd. Auburn, CA 95602 Email: 4windsgroup@gmail.com

Location of Property: 801, 803, 805 W 1st St., & 104 N Jackson Ave

Present Use of Property: Residential Apartment Complex - Vacant

Proposed Use of Property: Residential Apartment Complex

Current Zoning: R2 Requested Zoning: R3

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	Single Family Residence -owned by same owner	R1
South	Single Family Residence	R1
East	Single Family Residence	R1
West	Single Family Residence	R1

Character of the Neighborhood: Residential Neighborhood, Historical Housing

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: Due to the current state of the property, 6 apartments are no longer the most adequate option for the property. Therefore, the proposed 12 apartments are a much more economically viable option for the future.

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: 1st Street , Jackson Avenue

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:

Historical Buildings

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:** 04/07/2023

Web Copy

Recorded in Jasper County, Missouri
Recording Date/Time: **05/10/2018** at **08:37:43 AM**
Book: **2467** Page: **69**
Instr #: **2018006409**
Type: **WD**
Pages: **2**
Fee: **$27.00 S**

Electronically Recorded

RECORDER OF DEEDS SEAL JASPER COUNTY, MO

Charlotte Pickering
Recorder of Deeds

Corporation Warranty Deed

THIS INDENTURE, Made and entered into this 9th day of May, 2018 by and between

God's Resort, Inc., a Missouri Not-for-Profit Corporation

a Corporation duly organized under the laws of the State of Missouri, hereinafter **GRANTOR**, and

Cleveland Apts., LLC, a Missouri Limited Liability Company

hereinafter referred to as **GRANTEE**, whether one or more.

(Grantee's mailing address is 602 N. Wall Ave., Joplin, MO 64801

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

All of Lots Numbered Fifty-one (51) through Fifty-four (54) both inclusive, in MRS. MOFFET'S ADDITION to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof.

TO HAVE AND TO HOLD THE SAME, together with all rights, immunities, privileges and appurtenances to the same belonging, unto Grantee and unto its successors and assigns forever, the said Grantor hereby covenanting that it is seized of an indefeasible estate in fee in the premises herein conveyed; that it has good right to convey the same; that the said premises are free and clear from any incumbrance done or suffered by it or those under whom it claims; and that Grantor will WARRANT AND DEFEND the title to the premises unto Grantee, and to the successors and assigns of such forever, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has caused these presents to be signed by its PRESIDENT the day and year first above written.

God's Resort, Inc., a Missouri Not-for-Profit Corporation

Dwayne Friend, President

1851775 ABBEY-J

Charlotte Pickering, Recorder of Deeds

Web Copy

STATE OF MISSOURI)

)ss

COUNTY OF JASPER)

On this 8th day of May, 2018 before me, appeared Dwayne Friend, to me personally known, who being by me duly sworn, did say that he is the President of God's Resort, Inc., a Missouri Not-for-Profit Corporation and that said instrument was signed in behalf of said Corporation by authority of its Board of Directors, and Dwayne Friend acknowledged said instrument to be the free act and deed of said Corporation.

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

Sarah B. Sheller

Sarah B. Sheller, Notary Public

My Term Expires: September 12, 2019

"NOTARY SEAL"
Sarah B. Sheller, Notary Public
State of Missouri, Newton County
Commission # 15419091
My Commission Expires Sept. 12, 2019

Charlotte Pickering, Recorder of Deeds

Rezoning Application : Cleveland Apts.

The reason behind the rezoning of the property is because the property will be going from an original 6 residential suites to 12 residential suites causing the need to rezone from R2 to R3. The impact on traffic conditions will be minimal for the area. The community and character of the surrounding properties will be positively impacted with this change. Precautions for fire hazards will be taken. All units will be fully fire sprinkled to reduce the risks of fire hazards within the building shell. As a whole, putting 12 residential suites in this area seems to be a viable option and will only positively impact the city of Joplin.

Case 026-23: Rezoning



801 W 1st St - Rezoning - A request to rezone from District R-2 (Two-Family Residential) to District R-3 (Apartment House) - Shaun Grindle, Cleveland Apartments, LLC

P & Z Case 026-23
Cleveland Apartments, LLC
(P & Z Recommended Approval)

COUNCIL BILL NO. 2023-273 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 R-2 (Two-Family Residential) to District R-3 (Apartment House) property as described below and located at 801 W 1st St.

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 R-2 (Two-Family Residential) the following described property and including in District R-3 (Apartment House).

All of Lots Numbered Fifty-one (51) through Fifty-four (54) both inclusive, in MRS. MOFFET'S ADDITION to the City of Joplin, Jasper 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_____, 2023, by a vote of _____.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney