CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2023-277 – 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 031-23: 2100 S Prigmor Ave – Rezoning – A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial) – Joplin Travel Plaza, LLC

BACKGROUND:
The owner of Big Apple Truck Stop purchased the subject property following the annexation, rezoning, and development of the property where the Big Apple Truck Stop is currently located. They purchased the property from MODOT and are now seeking to bring it into the Corporate Limits of the City of Joplin under the same zoning as their other property. When property is annexed into the City, the default zoning is R-1. To develop the property in the future, the owner has requested it to be rezoned, following the Annexation Case (032-23).

PLANNING & ZONING COMMISSION TESTIMONY:
John Bolte, with Small Arrow Engineering, represented the owner. He stated that they are requesting to change the zoning. The Commissioners had no questions.

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

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2023-277
Planning & Zoning Commission recommends approval of Case 031-23 (7 in Favor, 0 Opposed)

ATTACHMENTS

Staff Planning Report
P&Z Commission Minutes
Applicant Materials
Map

Case 031-23: Rezoning

2100 S Prigmor Ave-Rezoning-A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial)-Joplin Travel Plaza, LLC

John Bolte, Small Arrow Engineering, 1302 S Main St., Joplin, Missouri. Mr. Bolte stated he represented the owner Travel Plaza. He said in essence this would complete their exercise to take the parcel from the traditional R-1 to C-3.

Mr. Kimble asked if there were any questions from the Commission on Case 031-23.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 031-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 031-23.

There were none.

MR. ROSENBERG MOVED THAT CASE 031-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. JACKSON 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 031-23 A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial)

LOCATION 2100 S Prigmor Ave, Joplin, MO 64801

APPLICANT Joplin Travel Plaza, LLC

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Vacant	Approximately 1.5 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	MODOT ROW	M-2	C-3	C-3
Land Use	I-44	Vacant	Big Apple Truck Stop/Vacant	Big Apple Truck Stop

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future Industrial.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
S Prigmor Ave	Collector	116′

UTILITIES

The site has access to utilities.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The Future Land Use Map describes the property as future Industrial. The proposed rezoning is consistent with the Comprehensive Plan. Truck stops are a compatible use for C-3 and M-2 Zoning Districts.

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

The property was purchased from Missouri Department of Transportation (MODOT) by Joplin Travel Plaza, LLC. The owner is seeking to make the property Commercial, consistent with their adjacent facility (Big Apple Truck Stop).

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning will not be detrimental to nearby property. The owner seeks to bring the subject property into the same zoning as the property to the West of them, which they also own. Big Apple Truck Stop was annexed into the City of Joplin and rezoned to C-3. They are seeking to do the same thing here.

DISCUSSION

The owner of Big Apple Truck Stop purchased the subject property following the annexation, rezoning, and development of the property where the Big Apple Truck Stop currently is. They purchased the property from MODOT and are now seeking to bring it into the Corporate Limits of the City of Joplin under the same zoning as their other property. When property is annexed into the City, the default zoning is R-1. To develop the property in the future, the owner has requested it to be rezoned, following the Annexation Case (032-23).

Staff recommends approval of Case 031-23.

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.

STATE OF Missouri)
) ss.
COUNTY OF Jasper)

OWNERSHIP AFFIDAVIT AND CONSENT

Comes now Balwinder Singh (Property Owner) who, being duly sworn upon his/her oath, does state that he/she is the owner of the property described as See attached legal (legal description) more commonly known as Excess R/W parcels SW Quad I-44 & Prigmor. I am unable to attend the Joplin Planning and Zoning meeting but would like my comments to be heard by the Commission. I hereby nominate and give consent for John H. Bolte, P.E. to speak on my behalf and act as my Agent at the meeting in Case Number _____. Regarding Annexation and Zoning.

Date: 4/19/2023

_____
Signature of Owner

_____
Printed Name

Balwinder Singh
Signature of Owner

BALWINDER SINGH
Printed Name

In witness whereof I have hereunto subscribed my name and affixed my official seal this 19th day of April, 2023

JACQUELYN M SHIMMIN
Notary Public – Notary Seal
STATE OF MISSOURI
Jasper County
My Commission Expires Aug. 30, 2025
Commission #21925337

Jacquelyn M. Shimmin
Notary

My commission expires: Aug 30, 2025

Note: The local legislative body reserves the right to rezone property without the owner's consent for the purpose of promoting health, safety, morals, or the general welfare of the community. The Missouri Revised Statutes Chapter 89 (Zoning and Planning) authorizes this power to the legislative body.)

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.: 031-23
Filing Fee: $550.00
Received: 4/20/23
Date Advertised:
Proj. No.: 23-172
Public Hearing Date: 6/12/23

Applicant: Small Arrow Engineering, LLC, John Bolte, P.E. Phone No.: 417-291-5530

Address: 1302 S Main St, Joplin, MO 64801 Email: jbolte@smallarrow.com

Owner: Joplin Travel Plaza, LLC, Bill (Balwinder) Singh Phone No.: 201-344-2206

Address: 805 W. Battlefield Rd, Springfield, MO 65807 Email: joplintravelplaza@gmail.com

Location of Property: I-44 & Prigmor Avenue, SW Quadrant

Present Use of Property: Vacant

Proposed Use of Property: Commercial

Current Zoning: R1 Requested Zoning: C3

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	Interstate	I-44
South	Warehouse & Industrial	M2PD
East	Commercial	M2
West	Vacant	M2PD

Character of the Neighborhood: North Entrance to Joplin Industrial Park sits between two travel centers and has I-44 frontage, has a commercial/industrial feel.

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: being freshly annexed, R1 is not the appropriate zoning. The property was acquired excess right-of-way, C3 brings this parcel to the same zoning as the parent parcel.

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: Prigmor Ave

Classification of Street(s):

Arterial ☐ Collector ☐ Local ☐

Right-of-Way Width: _____

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:

The parcel's proximity to I-44 and Prigmor frontages, along with the adjoining parcel's undeveloped space will provide a highly visible site and provide an excellent location for future commercial development.

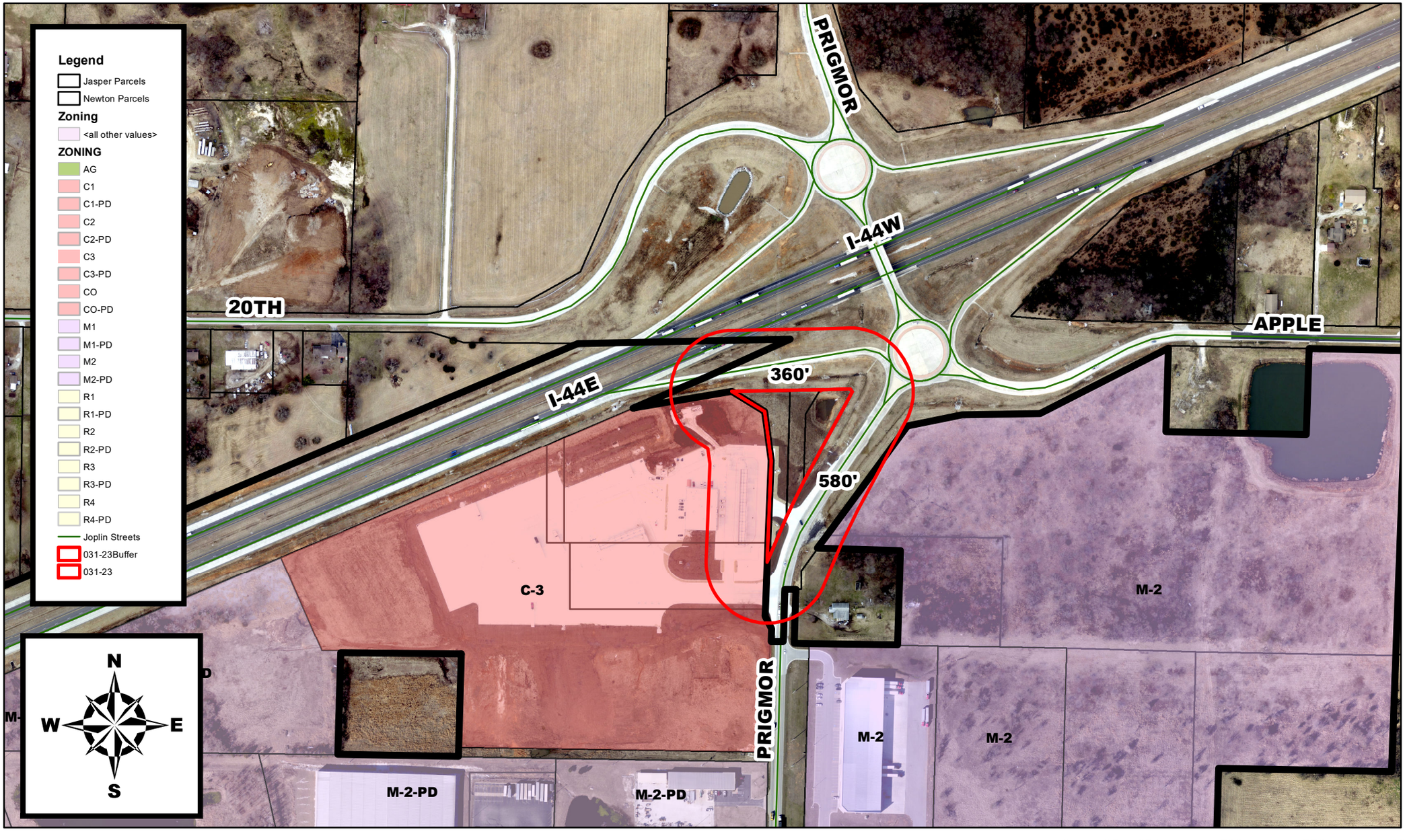
Submission of Documents: The following documents are **required** at time of submission.

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: _____, P.E. **Date:** Apr. 19, 2023

Case 031-23: Rezoning



2100 S Prigmor Ave - Rezoning - A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial) - Joplin Travel Plaza, LLC

P & Z Case 031-23
Joplin Travel Plaza, LLC
(P & Z Recommended Approval)

COUNCIL BILL NO. 2023-277 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-1 (Single-Family Residential) to District C-3 (Commercial) property as described below and located at 2100 S Prigmor 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 R-1 (Single-Family Residential) the following described property and including in District C-3 (Commercial).

TRACT 1 ALL THAT PART OF SECTIONS 14 AND 15, TOWNSHIP 27, RANGE 32, JASPER COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 14, THENCE S01°39'05"W ALONG THE WEST LINE OF SAID SECTION 14 A DISTANCE OF 193.10 FEET TO THE POINT OF BEGINNING; THENCE N88°26'54"E A DISTANCE OF 103.67 FEET; THENCE S67°37'50"W A DISTANCE OF 15.66 FEET; THENCE S32°35'20"W A DISTANCE OF 79.06 FEET; THENCE S02°00'46"W A DISTANCE OF 208.68 FEET; THENCE S28°31'21"W A DISTANCE OF 53.53 FEET; THENCE S23°26'30"W A DISTANCE OF 208.18 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD 190 (PRIGMOR AVENUE); THENCE N01°58'58"E A DISTANCE OF 300.34 FEET TO A STEEL RIGHT-OF-WAY MARKER; THENCE N07°22'07"W A DISTANCE OF 151.12 FEET TO A STEEL RIGHT-OF-WAY MARKER; THENCE N58°20'23"W A DISTANCE OF 117.16 FEET TO A CORNER POST;; THENCE N88°26'54"E A DISTANCE OF 177.93 FEET TO THE POINT OF BEGINNING. CONTAINING 1.1 ACRES MORE OR LESS

TRACT 2 ALL THAT PART OF SECTIONS 14, TOWNSHIP 27, RANGE 32, JASPER COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 14, THENCE S01°39'05"W ALONG THE WEST LINE OF SAID SECTION 14 A DISTANCE OF 193.10 FEET; THENCE N88°26'54"E A DISTANCE OF 182.38 FEET TO THE POINT OF BEGINNING; THENCE N88°26'54"E A DISTANCE OF 78.71 FEET; THENCE S32°45'20"E A DISTANCE OF 10.88 FEET; THENCE S28°31'21"W A DISTANCE OF 311.97 FEET; THENCE N02°00'46"E A DISTANCE OF 208.68 FEET; THENCE N32°35'20"E A DISTANCE OF 79.06 FEET; THENCE N67°37'50"E A DISTANCE OF 15.66 FEET TO THE POINT OF BEGINNING; CONTAINING 0.4 ACRES MORE OR LESS

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