CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2023-279 – 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 034-23: 2601 S Jackson – Rezoning – A request to rezone from District R-1 (Single-Family Residential) to District C-O (Commercial Office) - ARWEP

BACKGROUND:
The owner of the property wants to develop a duplex. Duplexes are permitted under the C-O Zoning District. The lot is not the most suitable place for a single-family home on a busy arterial street. The C-O Zoning District is compatible with the existing neighborhood and is better suited for this property.

Due to the location along, W 26th St, an arterial street, the property would be better suited under the proposed zoning. As can be seen along W 26th St, directly East and West of this property, these properties have developed into low-intensity commercial zoning, primarily commercial office with some neighborhood commercial properties as well.

The zoning will not detrimentally affect any of the nearby properties. As stated, commercial properties currently create a barrier between 26th St and the Single-Family Residences just South of 26th St.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. John Motazedi spoke in favor of the rezoning. He stated their intent was to build a duplex. There were no questions from the Commission.

PUBLIC COMMENT;
There was no public comment in favor of the rezoning. Ms. Deborah Park, spoke in opposition, stating that the owners of nearby duplexes promised to put up fences and complete upscale rock work, but they did not, and it was not enforced.

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2023-279
Planning & Zoning Commission recommends the approval of Case 034-23 (6 in Favor, 1 Opposed)

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

Case 034-23: Rezoning

2601 S Jackson-Rezoning-A request to rezone from District R-1 (Single-Family Residential) to District C-O (Commercial Office)- ARWEP

John Motazedi, 902 Rustic Ridge, Joplin, Missouri. Mr. Motazedi stated his intent was to build a duplex.

Mr. Kimble asked if there were any questions from the Commission on Case 034-23.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 034-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 034-23.

Deborah Park, 2612 S Jackson, Joplin, Missouri. Ms. Park stated she was speaking in opposition to the rezoning based on the previous duplexes that were built in proximity. Her concerns were the owners of the other duplexes promised to put up fences and complete upscale rock work, but they did not, and it was never enforced. Also, she stated traffic is a major issue.

MR. ROSENBERG MOVED THAT CASE 034-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. JACKSON SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 1 NAY) MR. LANDIS VOTED NAY.

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

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 034-23 A request to rezone from District R-1 (Single-Family Residential) to District C-O (Commercial Office)

LOCATION 2601 S Jackson Ave, Joplin, Missouri 64801

APPLICANT ARWEP

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Vacant	Approximately 0.2 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-O	C-O	R-1	C-O
Land Use	Single-Family Home	Detached Garage	Single-Family Home	Vehicle Storage Garage

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 26th St	Arterial	95′
S Jackson Ave	Collector	50′

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 Low-Density Residential on the East side of South Jackson Ave. The West side of S Jackson Ave is shown as Office/Institutional. The proposed use is consistent with the development policies of the Comprehensive Plan.

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

Due to the location along, W 26th St, an arterial street, the property would be better suited under the proposed zoning. As can be seen along W 26th St, directly East and West of this property, these properties have developed into low-intensity commercial zoning, primarily commercial office with some neighborhood commercial properties as well.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The zoning will not detrimentally affect any of the nearby properties. As stated, commercial properties currently create a barrier between 26th St and the Single-Family Residences just South of 26th St.

DISCUSSION

The owner of the property wants to develop a duplex. Duplexes are permitted under the C-O Zoning District. The lot is not the most suitable place for a single-family home on a busy arterial street. The C-O Zoning District is compatible with the existing neighborhood and is better suited for this property.

Staff recommends approval of Case 034-23.

ENCLOSURES

- Map of property
- Application

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.: 034-23
Filing Fee: $550.00
Received: 4/25/23
Date Advertised:
Proj. No.: 23-171
Public Hearing Date: 6/12/23

Applicant: John Motazedi Phone No.: 417-529-3278
Address: 902 Rustic Ridge, Joplin, MO Email: john.motazedi@networkdr.com
Owner: Arwep Phone No.: 417-529-3278
Address: 902 Rustic Ridge, Joplin, MO Email: john.motazedi@networkdr.com
Location of Property: 2601 S. Jackson
Present Use of Property: None. Vacant lot.
Proposed Use of Property: Duplex
Current Zoning: R-1 Requested Zoning: R-2 or C-1 C-O

Spoke with applicant on 5/5/23 - changing to C-O (recommended) TB

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	Vacant land	CO
South	Residential House	R1
East	Commercial parking lot.	COPD
West	Vacant land	CO

Character of the Neighborhood: Mix of Commercial and residential.

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: other properties are zoned CO and R-1

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: Jackson and 26th

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:

See attached email documents.

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.
☐	☐ NA	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:** 4/25/2023

Judy Lowe

From: Tony Smith <trsmithinc@hotmail.com>
Sent: Tuesday, April 18, 2023 3:30 PM
To: Judy Lowe
Subject: Fw: Duplex lot proposal 2601 Jackson

CAUTION: External email. Do not click links or open attachments unless you are confident the content is safe.

Your T.R. Smith Construction Inc. Team!

From: Tony Smith <trsmithinc@hotmail.com>
Sent: Friday, July 8, 2022 6:56 AM
To: Bolander, Troy <TBolande@Joplinmo.org>
Subject: Re: Duplex lot proposal 2601 Jackson

Which is the easier process?

Your T.R. Smith Construction Inc. Team!

From: Bolander, Troy <TBolande@Joplinmo.org>
Sent: Friday, July 8, 2022 6:52 AM
To: Tony Smith <trsmithinc@hotmail.com>
Subject: RE: Duplex lot proposal 2601 Jackson

I apologize Julie. I did check it the day your sent it to me and I got tied up with something and I just forgot to get back with you. Sorry. We are short on the rear yard setback of 2'. It needs to be 25' instead of 23'. There are a couple of things we may be able to do. We could apply to the board of adjustment for a variance of 2'. Also, we may be able to rezone the property to C-1 (Neighborhoods Commercial) since it has frontage on 26th St. This district will still allow a duplex. The C-1 zoning district only requires a 15' front yard setback which will allow you to move the duplex to the north. But, I don't know how much opposition you would get from the residential property owners in the neighborhood. Something to think about.

Troy

-----Original Message-----
From: Tony Smith <trsmithinc@hotmail.com>
Sent: Friday, July 8, 2022 4:54 AM
To: Bolander, Troy <TBolande@Joplinmo.org>
Subject: Duplex lot proposal 2601 Jackson

This email originated outside our network. If it is unsolicited or unexpected, please delete. If expected, use caution when opening any links or attachments.

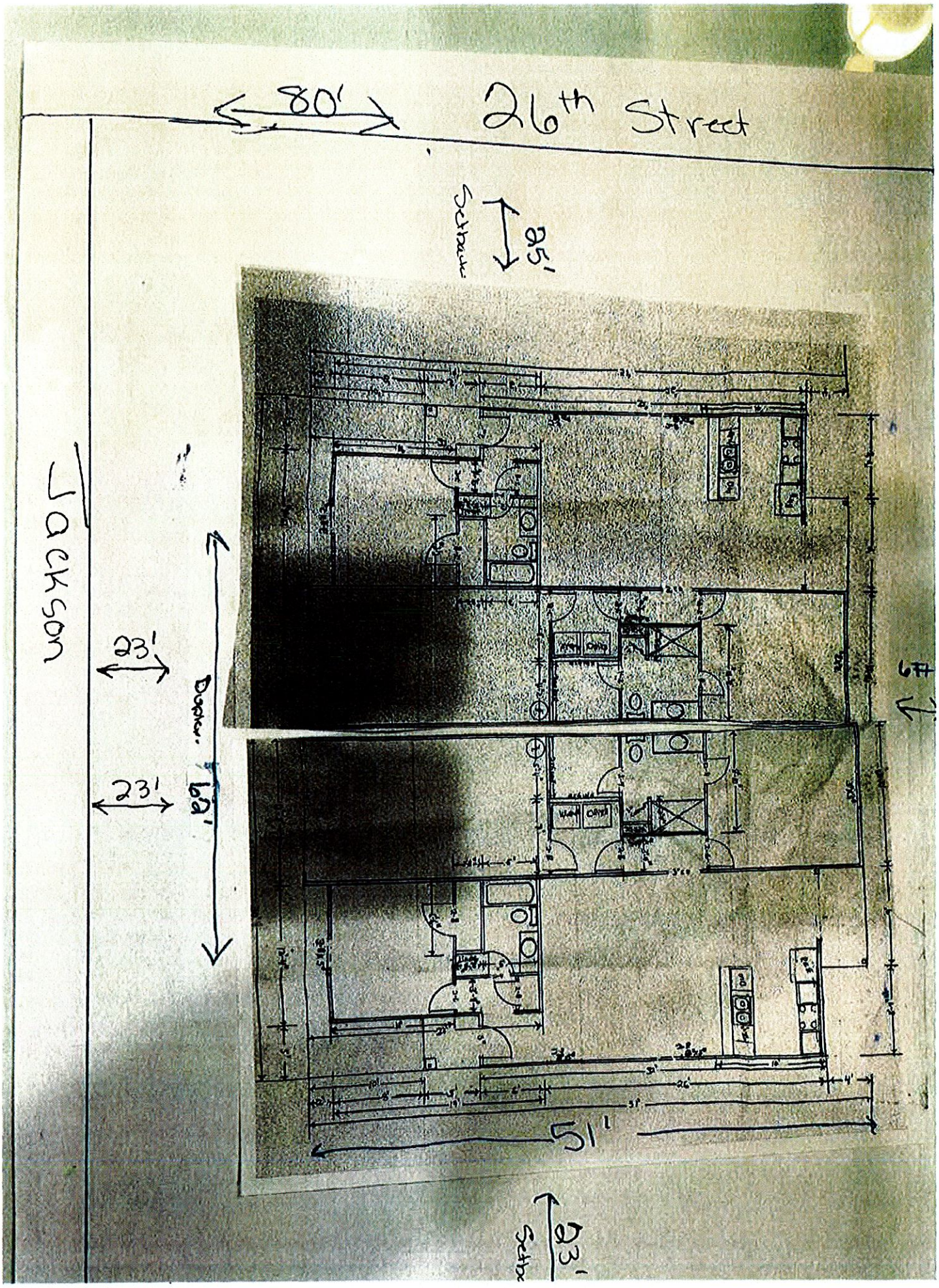
Good morning,

I was just checking on the status of the proposed duplex at 2601 Jackson. Have you had a chance to review to see if that would work? What do we need to do to get the ball rolling?

Thank you,

Julie Smith

Sent from my iPhone


80'
26th Street
Setback
25'
Jackson
23'
23'
Depth
62'
6 ft
51'
23'
Setbac

Judy Lowe

From: Tony Smith <trsmithinc@hotmail.com>
Sent: Tuesday, April 18, 2023 3:29 PM
To: Judy Lowe
Subject: Fw: Duplex lot proposal 2601 Jackson

CAUTION: External email. Do not click links or open attachments unless you are confident the content is safe.

Your T.R. Smith Construction Inc. Team!

From: Tony Smith <trsmithinc@hotmail.com>
Sent: Friday, July 8, 2022 4:54 AM
To: Troy Bolander <TBolande@joplinmo.org>
Subject: Duplex lot proposal 2601 Jackson

Good morning,

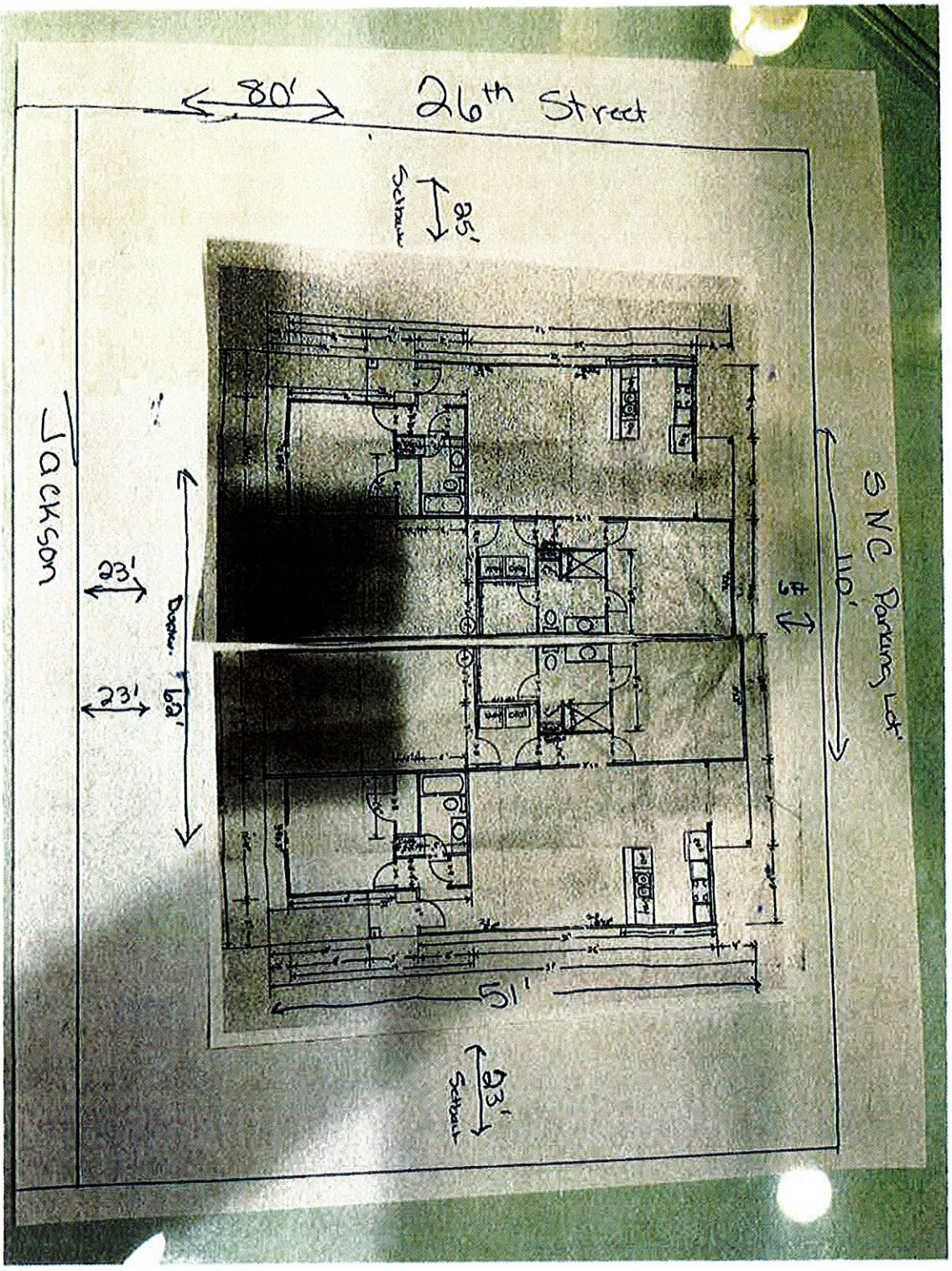
I was just checking on the status of the proposed duplex at 2601 Jackson. Have you had a chance to review to see if that would work? What do we need to do to get the ball rolling?

Thank you,

Julie Smith

Sent from my iPhone

Julie Smith



Sent from my iPhone

Judy Lowe

From: Tony Smith <trsmithinc@hotmail.com>
Sent: Tuesday, April 18, 2023 3:28 PM
To: Judy Lowe
Subject: Fw: 2601 Jackson

CAUTION: External email. Do not click links or open attachments unless you are confident the content is safe.

Your T.R. Smith Construction Inc. Team!

From: Tony Smith <trsmithinc@hotmail.com>
Sent: Friday, July 1, 2022 12:13 PM
To: Troy Bolander <TBolande@joplinmo.org>
Subject: Re: 2601 Jackson

Also most of the houses on this street on the east side are less than 20' from property line on front so if we lined up the front with those it would give us 9 ft in the back yards.

Sent from my iPhone

> On Jul 1, 2022, at 12:10 PM, Tony Smith <trsmithinc@hotmail.com> wrote:
>
> Please don't make fun of my cut and paste. This is my initial thought based on our conversation. Let me know what you think.
>
> Thank you,

BK2236PG1593

4/4/2012 1:52:02 PM

12-06215

BOOK: 2236

PAGE: 1593-1594

STATE OF MISSOURI
COUNTY OF JASPER
RECORDER'S CERTIFICATION

Donna Grove

RECORDER OF DEEDS

Warranty Deed

THIS DEED, Made and entered into this 3rd day of April , 2012, by and between

David A. Brown and Tamra L. Brown, husband and wife

hereinafter referred to as **GRANTOR,** whether one or more, and

Arwep, LLC, A Missouri Limited Liability Company

hereinafter referred to as **GRANTEE,** whether one or more.
(Grantee's mailing address is **5941 Deer Ridge Trail - Joplin, MO 64804**)

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 the West 82 1/2 feet of the North 116 feet of Lot Numbered Fifty-three (53) in MOHASKA SUB-DIVISION 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 forever, Grantor covenanting that it, and the heirs, executors, administrators and assigns of such, shall and will WARRANT AND DEFEND the title to the premises unto Grantee, and to the heirs and assigns of such 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, Grantor has executed this Warranty Deed the day and year first above written.

David A. Brown

Tamra L. Brown

STATE OF MISSOURI)
)ss
COUNTY OF JASPER)

On this 3rd day of April , 2012, before me, personally appeared David A. Brown and Tamra L. Brown, husband and wife to me known to be the 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, the day and year first above written.

Linda Wheelan

My term expires:

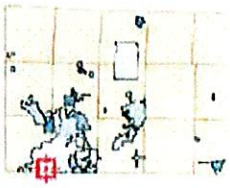
LINDA WHEELAN
Notary Public - Notary Seal
STATE OF MISSOURI
Jasper County - Commission # 10395750
My Commission Expires June 3, 2014

17.25
9.75
27.00

Beacon™ Jasper County, MO



Overview



Legend

- County Boundary
- Parcels
- Local Roads

Parcel ID	19501540017003001	Alternate ID	33-009104-1000	Owner Address	ARWEP
Sec/Twp/Rng	15-27-33	Class	R		5941 DEER RIDGE TRL
Property Address	2601 S JACKSON AVE	Acreage	0.221		JOPLIN, MO 64804
District	115				
Brief Tax Description	MOSHASKA SUB W 82.5' N 116' LOT 53				
	(Note: Not to be used on legal documents)				

Any split parcels recorded after the middle of May will not display until the next tax year.

Date created: 4/18/2023
Last Data Uploaded: 4/18/2023 1:21:42 AM

Developed by Schneider GEOSPATIAL

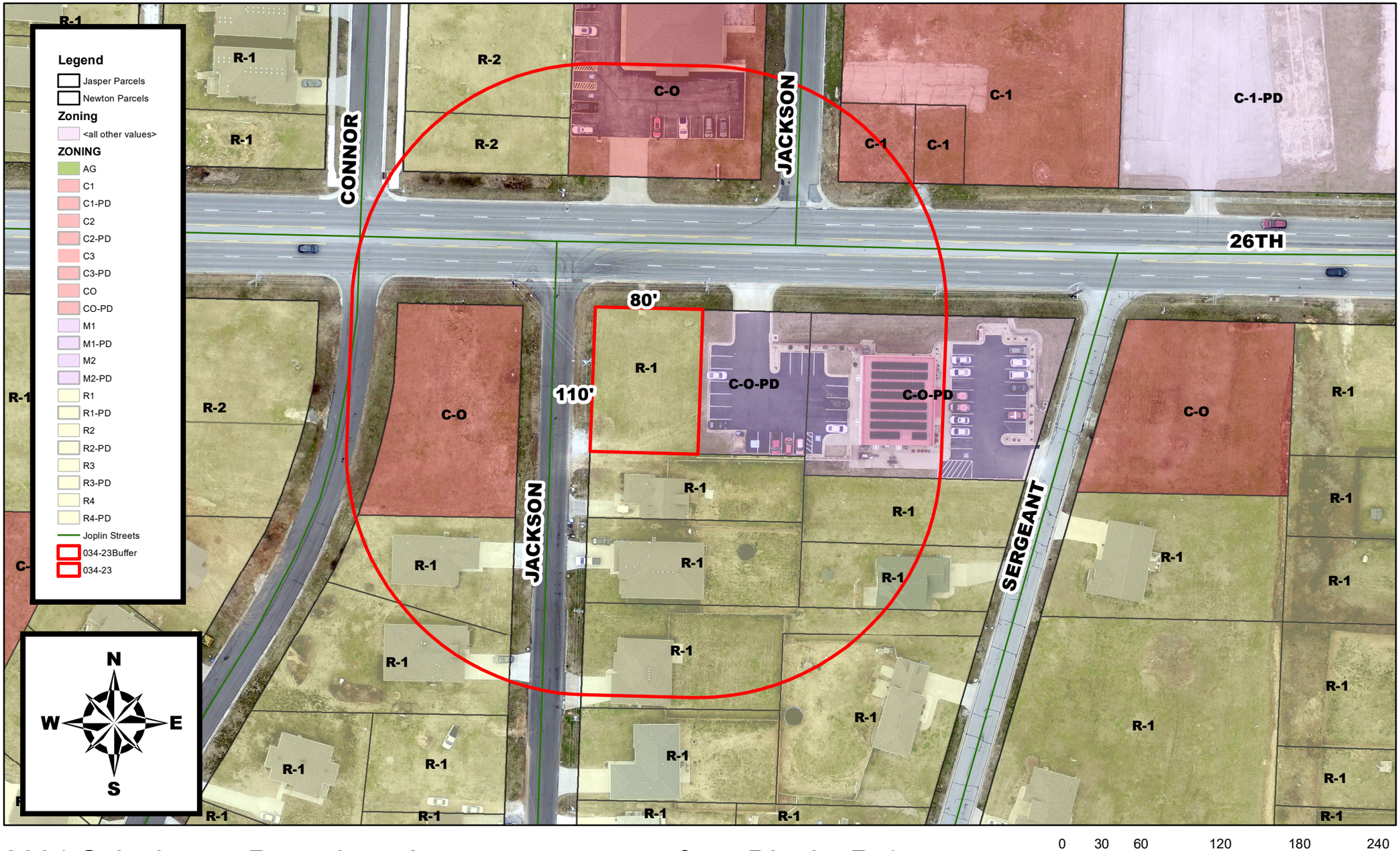
To Whom It May Concern:

RE: Proposed rezoning of the property located at 2601 Jackson

This property is currently zoned R-1; however, it is surrounded to the East, West and North by properties currently zoned CO and COPD. The zoning change would create less traffic on 26th Street as this property would not be used for commercial use.

The rezoning of this property would also allow for additional housing for incoming medical or dental school students as well as additional incoming residents of Joplin.

Case 034-23: Rezoning



2601 S Jackson - Rezoning - A request to rezone from District R-1 (Single-Family Residential) to District C-O (Commercial Office) - ARWEP

P & Z Case 034-23
ARWEP
(P & Z Recommended Approval)

COUNCIL BILL NO. 2023-279 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-O (Commercial Office) property as described below and located at 2601 S Jackson 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-O (Commercial Office).

All of the West 82 1/2 feet of the North 116 feet of Lot Numbered Fifty-three (53) in MOHASKA SUBDIVISION 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