CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2023-281 – 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 036-23: 802 S Maiden Lane – Rezoning – A request to rezone from District M-2 (Heavy Industrial to District C-3 (Commercial) – Dandy Properties

BACKGROUND:
The owner of the property is wanting to develop an O'Reilly's Auto Parts store at the subject location. While the surrounding commercial use is grandfathered, the new development must obtain the proper zoning before being able to develop the property for the proposed use.

The Future Land Use Map depicts the property as future Retail Commercial, which is consistent with the request for C-3. Maiden Ln is an arterial street, and both sides are slowly turning into commercial properties. The surrounding area is not zoned for Commercial use; however, it still has grandfathered uses operating on it (Sonic and the City). The proposition is consistent with the development policies of the Comprehensive Plan.

The zoning will not detrimentally affect any of the nearby properties. Given the grandfathered commercial uses, these properties will most likely eventually rezone to a Commercial zoning as well. The proposed rezoning will match the existing use of neighboring properties.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Scott Wagoner represented the case on behalf of the owner. He stated they are seeking to develop a new O'Reilly's on the property. There were no questions from the Commission.

PUBLIC COMMENT;
There was no public comment in favor or opposition of this request.

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2023-281
Planning & Zoning Commission recommends the approval of Case 036-23 (7 in Favor, 0 Opposed)

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

Case 036-23: Rezoning

802 S Maiden Lane-Rezoning-A request to rezone from District M-2 (Heavy Industrial to District C-3 (Commercial)-Dandy Properties

Scott Wagoner, 802 S Walker, Webb City, Missouri. Mr. Wagoner represented O'Reilly Automotive. They want to build a new O'Reilly's in the N.E. corner of this property.

Mr. Kimble asked if there were any questions from the Commission on Case 036-23.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 036-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 036-23.

There were none.

MS. WARREN MOVED THAT CASE 036-23 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 036-23 A request to rezone from District M-2 (Heavy Industrial) to District C-3 (Commercial)

LOCATION 802 S Maiden Ln, Joplin, Missouri 64801

APPLICANT Dandy Properties

EXISTING CONDITIONS

Zoning	Land Use	Property Size
M-2	Vacant	Approximately 5.75 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	M-2	C-1	M-2	M-2
Land Use	Sonic	Neighborhood Commercial	The City - Spa/Vacant	Vacant

FUTURE LAND USE

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

TRANSPORTATION

Streets with access	Classification	Right-of-way width
S Maiden Ln	Arterial	75′

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 depicts the property as future Retail Commercial, which is consistent with the request for C-3. Maiden Ln is an arterial street, and both sides are slowly turning into commercial properties. The surrounding area is not zoned for Commercial use; however, it still has grandfathered uses operating on it (Sonic and the City). The proposition 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

The property and surrounding properties are not suitable for Industrial developments. The existing uses of the neighborhood are commercial, and with the traffic that S Maiden Ln generates, the proposed commercial zoning is better suited for this property.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The zoning will not detrimentally affect any of the nearby properties. Given the grandfathered commercial uses, these properties will most likely eventually rezone to a Commercial zoning as well. The proposed rezoning will match the existing use of neighboring properties.

DISCUSSION

The owner of the property is wanting to develop an O'Reilly's Auto Parts store at the subject location. While the surrounding commercial use is grandfathered, the new development must obtain the proper zoning before being able to develop the property for the proposed use.

Staff recommends approval of Case 036-23.

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.: 036-23
Filing Fee: $550.00
Received: 5-5-23
Date Advertised:
Proj. No.: 23-180
Public Hearing Date: 6-12-23

Applicant: O'Reilly Automotive Stores, Inc Phone No.: 417-866-2741

Address: 233 S Patterson Ave, Springfield, MO 65802 Email: pc@weareown.com

Owner: Dandy Properties Phone No.: N/A

Address: 9826 Pine Lake Dr, Houston, TX 77055 Email: N/A

Location of Property: 802 S Maiden Lane

Present Use of Property: Vacant

Proposed Use of Property: O'Reilly Auto Parts Retail Store

Current Zoning: M-2 Requested Zoning: C-3

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	Sonic Drive-In	M2
South	US Bank	M2
East	Retail Buildings	C1
West	Vacant	M2

Character of the Neighborhood: North, South and East of the property is developed commercial property, west of the property is vacant land

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: Existing zoning M-2 will not allow an auto parts retail store

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: S Maiden Ln

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:

_____

_____

_____

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:** 9/13/23

STATE OF Texas)
) ss.
COUNTY OF Harris)

OWNERSHIP AFFIDAVIT AND CONSENT

Comes now Dandy Properties (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 description (legal description) more commonly known as 802 S Maiden Lane. 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 O'Reilly Automotive Stores Inc. to speak on my behalf and act as my Agent at the meeting in Case Number To Be Determined.

Date: 5/9/23

Signature of Owner

VICTORIA HERRIN
Printed Name

In witness whereof I have hereunto subscribed my name and affixed my official seal this 9 day of May, 2023.

Luis Tzunux
Notary

My commission expires: January 9, 2027

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.)

TEXAS ORDINARY CERTIFICATE OF ACKNOWLEDGMENT
Civil Practice & Remedies Code § 121.007

The State of Texas

County of Harris

Before me, Luis Tzunux, Notary Public
Name and Character of Notarizing Officer, e.g., "John Smith, Notary Public"

on this day personally appeared Victoria Herrin
Name of Signer

☐ known to me
☐ proved to me on the oath of

Name of Credible Witness

☑ proved to me through Drivers License
Description of Identity Card or Document

to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 9 day of May, 2023
Day *Month* *Year*

LUIS TZUNUX
Notary ID #134135050
My Commission Expires
January 9, 2027

Place Notary Seal and/or Stamp Above

Signature of Notarizing Officer

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Ownership Affidavit and Consent

Document Date: 5/9/23 Number of Pages: 1

Signer(s) Other Than Named Above: No other signers

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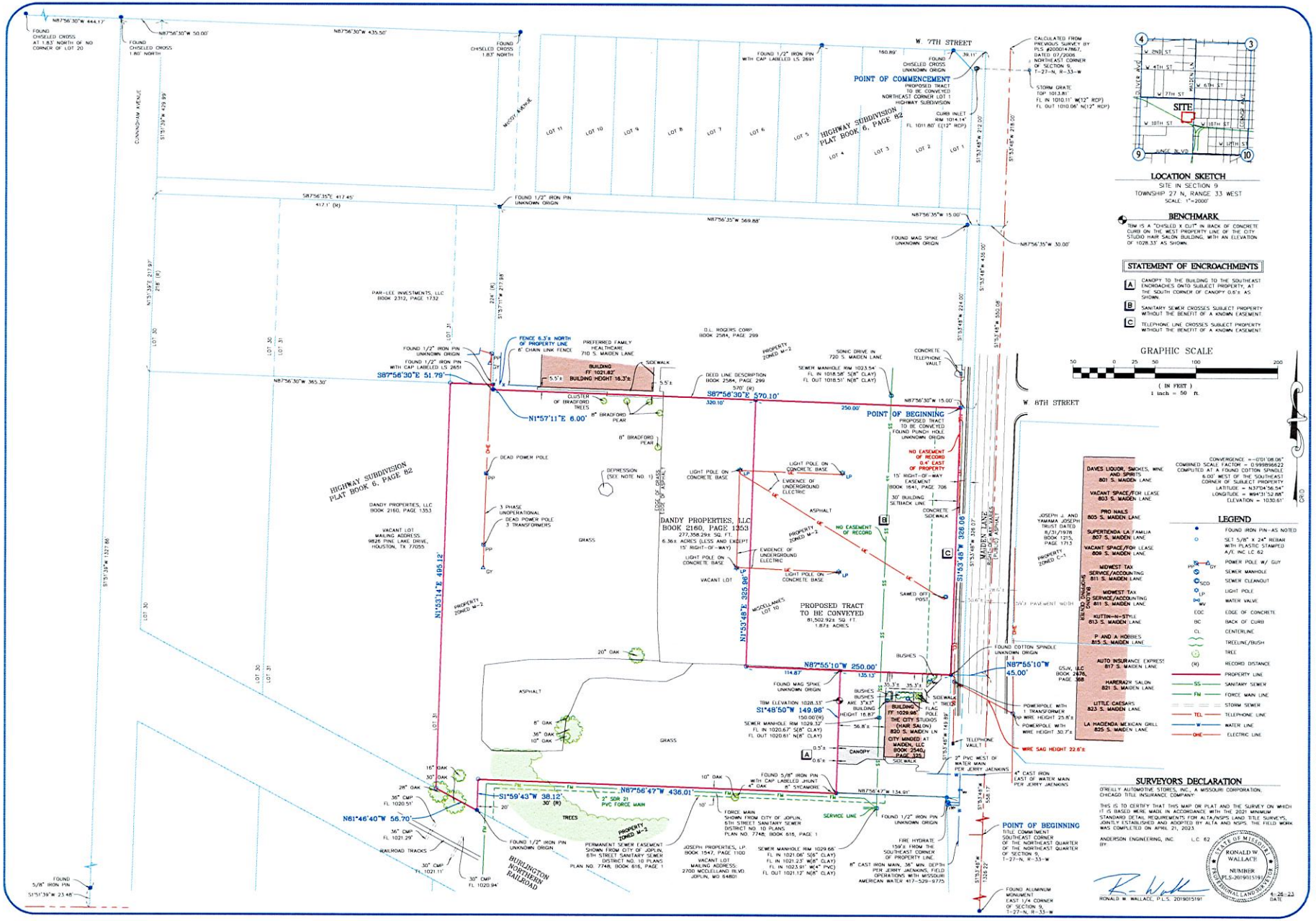

ANDERSON ENGINEERING
EMPLOYEE OWNED
ENGINEERS SURVEYORS LABORATORIES DRILLING GIS
811 E. 3RD STREET JOPLIN, MISSOURI 64801 PHONE (417) 782-7399

REVISIONS				DRAWING INFO	
NO	DESCRIPTION	BY	DATE	FIELD BY:	KE, LB
1	CHANGES PER COMMENTS	SLW	4/10/23	DRAWN BY:	SLW
2	REVISION TO TITLE COMMITMENT	SLW	6/26/23	CHECK BY:	RWW
				DATE:	4-4-23
				FIELD BOOK:	
				JOB NUMBER	23J02007

O'REILLY AUTOMOTIVE STORES, INC.

ALTA/NSPS LAND TITLE SURVEY

800 SOUTH MAIDEN LANE
JOPLIN, JASPER COUNTY, MISSOURI

DRAWING NO. JOP-100-6980
SHEET NUMBER 1 OF 2

SV1



LOCATION SKETCH

SITE IN SECTION 9
TOWNSHIP 27 N, RANGE 33 WEST
SCALE: 1"=2000'

STATEMENT OF ENCROACHMENTS

- A — CANOPY TO THE BUILDING TO THE SOUTHEAST ENCROACHES ONTO SUBJECT PROPERTY, AT THE SOUTH CORNER OF CANOPY 0.6'± AS SHOWN.
- B — SANITARY SEWER CROSSES SUBJECT PROPERTY WITHOUT THE BENEFIT OF A KNOWN EASEMENT.
- C — TELEPHONE LINE CROSSES SUBJECT PROPERTY WITHOUT THE BENEFIT OF A KNOWN EASEMENT.

BENCHMARK

ITEM IS A "CHISLED X CUT" IN BACK OF CONCRETE CURB ON THE WEST PROPERTY LINE OF THE CITY STUDIO HAIR SALON BUILDING, WITH AN ELEVATION OF 1028.33' AS SHOWN

ZONING DATA

ZONING INFORMATION PROVIDED BY THE CITY OF JOPLIN PLANNING AND ZONING DEPARTMENT, 417-624-0820

SUBJECT PROPERTY IS ZONED M-2, HEAVY INDUSTRIAL DISTRICT

HEIGHT: BUILDINGS AND STRUCTURES SHALL NOT EXCEED 55 FEET AND SHALL NOT EXCEED FOUR (4) STORIES IN HEIGHT

FRONT YARDS: THERE HALL BE A FRONT YARD OF NOT LESS THAN 30 FEET.

SIDE YARDS: NO SIDE YARD REQUIRED EXCEPT THAT A SIDE YARD ABUTTING A STREET IN THE CASE OF A CORNER LOT, OR A SIDE YARD ABUTTING A ZONED RESIDENTIAL LOT SHALL BE PROVIDED, SUCH SIDE YARD BEING NOT LESS THAN 15 FEET.

REAR YARDS: NO REAR YARD REQUIRED EXCEPT THAT A REAR YARD ABUTTING A ZONED RESIDENTIAL LOT SHALL BE PROVIDED, SUCH REAR YARD BEING NOT LESS THAN 20 FEET.

NOTES

1) POSSIBLE SINKHOLE DEPRESSION DUE TO MINING IN THE JOPLIN, MISSOURI AREA. TO FURTHER INVESTIGATE CONTACT A LOCAL GEOTECHNICAL ENGINEER.

2) BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, WEST ZONE.

3) THERE ARE RANDOM FADED STRIPED PARKING ON SUBJECT PROPERTY FROM PREVIOUS RETAIL BUSINESS THAT NO LONGER EXIST.

4) THERE IS NO EVIDENCE OF EARTH MOVEMENT, AT TIME OF FIELD SURVEY.

5) THERE IS NO EVIDENCE OF SITE BEING USED AS A SOLID WASTE DUMP, AT TIME OF FIELD SURVEY.

6) THERE WERE NO PLANNED CHANGES IN STREET RIGHT-OF-WAY PER DAKOTA RUSK, WITH THE CITY OF JOPLIN, 417-624-0820.

7) VERTICAL DATUM IS NAVD88 AS ESTABLISHED BY THE MODOT VRS NETWORK.

8) A TITLE COMMITMENT WAS PROVIDED BY THE CLIENT AND REFERENCED IN THE PREPARATION OF THIS SURVEY. THE TITLE COMMITMENT WAS ISSUED BY CHICAGO TITLE INSURANCE COMPANY, DATED FEBRUARY 8, 2023.

9) MAIDEN LANE IS CLASSIFIED AS A MINOR ARTERIAL ROAD AND THE SPEED LIMIT IS 35 MPH, PER MODOT TRANSPORTATION PLANNING MAP.

10) TELEPHONE LINE SHOWN IS A 48 STRAND PER TREVOR STEAGLE, 816-401-1543.

11) THERE ARE NO GAS LINES ON SUBJECT PROPERTY.

12) WATER LINES ARE APPROXIMATE. 120'± SOUTH OF PROPERTY LINE ON THE WEST RIGHT-OF-WAY OF MAIDEN LANE, NEAREST FIRE HYDRATE IS 159'± FROM SOUTHEAST CORNER OF PROPERTY CORNER ON WEST RIGHT-OF-WAY OF MAIDEN LANE. WATER MAIN NORTH OF FIRE HYDRATE IS A 2" PVC WATER MAIN SOUTH OF FIRE HYDRATE IS 8" CAST IRON. WATER LINES RUNNING EAST TO WEST ARE 4" CAST IRON. WATER LINE INFORMATION PROVIDED BY JERRY JAENKINS, FIELD OPERATIONS WITH MISSOURI AMERICAN WATER 417-529-9775.

13) STORM WATER IS 409'± NORTH OF THE NORTHEAST CORNER OF SUBJECT PROPERTY AT THE INTERSECTION OF MAIDEN LANE AND 7TH STREET.

SCHEDULE B ITEMS

TITLE COMMITMENT PROVIDED BY CHICAGO TITLE INSURANCE COMPANY
COMMITMENT NUMBER: KCC2303391 REVISION 2.24.23
COMMITMENT DATE: FEBRUARY 8, 2023 AT 08:00 AM

(9) AN UNRECORDED LEASE WITH CERTAIN TERMS, COVENANTS, CONDITIONS AND PROVISIONS SET FORTH THEREIN AS DISCLOSED BY THE DOCUMENT

ENTITLED: MEMORANDUM OF LEASE
LESSOR: VICTOR R. FREER AND ETHEL L. FREER
LESSEE: WAL-MART PROPERTIES, INC., A DELAWARE CORPORATION
RECORDING DATE: JANUARY 21, 1974
RECORDING NO: BOOK 1171 AT PAGE 1143.
-NOT PLOTTABLE. SUBJECT TO TERMS AND CONDITIONS WITHIN.

(10) TERMS AND PROVISIONS OF SUBORDINATION AGREEMENT RECORDED JANUARY 23, 1974 IN BOOK 1171 AT PAGE 1391.

ASSIGNMENT OF THE LESSEE'S INTEREST UNDER SAID LEASE,

ASSIGNOR: WAL-MART PROPERTIES, INC., A DELAWARE CORPORATION
ASSIGNEE: HURON ASSOCIATES, A PENNSYLVANIA LIMITED PARTNERSHIP
RECORDING DATE: JANUARY 23, 1974
RECORDING NO: BOOK 1171 AT PAGE 1315.

ASSIGNMENT OF THE LESSOR'S INTEREST UNDER SAID LEASE.

ASSIGNOR: VICTOR R. FREER AND ETHEL L. FREER
ASSIGNEE: MARILYN A. HERRIN, TRUSTEE OF THE MARILYN A. HERRIN REVOCABLE TRUST AGREEMENT DATED DECEMBER 17, 1997
RECORDING DATE: DECEMBER 17, 1997
RECORDING NO: BOOK 1551 AT PAGE 1810.
-NOT PLOTTABLE. SUBJECT TO TERMS AND CONDITIONS WITHIN.

(11) AN UNRECORDED LEASE WITH CERTAIN TERMS, COVENANTS, CONDITIONS AND PROVISIONS SET FORTH THEREIN AS DISCLOSED BY THE DOCUMENT

ENTITLED: MEMORANDUM OF LEASE
LESSOR: VICTOR R. FREER AND ETHEL L. FREER
LESSEE: WAL-MART PROPERTIES, INC.
RECORDING DATE: JANUARY 21, 1974
RECORDING NO: BOOK 1171 AT PAGE 1146.

MODIFICATION OF LEASE RECORDED JANUARY 23, 1974 IN BOOK 1171 AT PAGE 1315.

ASSIGNMENT OF THE LESSOR'S INTEREST UNDER SAID LEASE.

ASSIGNOR: VICTOR R. FREER AND ETHEL L. FREER
ASSIGNEE: MARILYN A. HERRIN
RECORDING DATE: JANUARY 30, 1998
RECORDING NO: BOOK 1551 AT PAGE 1812.
-NOT PLOTTABLE. SUBJECT TO TERMS AND CONDITIONS WITHIN.

(12) AN UNRECORDED LEASE WITH CERTAIN TERMS, COVENANTS, CONDITIONS AND PROVISIONS SET FORTH THEREIN AS DISCLOSED BY THE DOCUMENT

ENTITLED: MEMORANDUM OF LEASE
LESSOR: HURON ASSOCIATES
LESSEE: WAL-MART STORES, INC.
RECORDING DATE: JANUARY 23, 1974
RECORDING NO: BOOK 1171 AT PAGE 1318.

ASSIGNMENT OF THE LESSOR'S AND LESSEE'S INTEREST UNDER SAID LEASE.

ASSIGNOR: HURON ASSOCIATES AND WAL-MART STORES, INC.
ASSIGNEE: PACIFIC MUTUAL LIFE INSURANCE COMPANY
RECORDING DATE: JANUARY 23, 1974
RECORDING NO: BOOK 1171 AT PAGE 1463.
-NOT PLOTTABLE. SUBJECT TO TERMS AND CONDITIONS WITHIN.

TITLE DESCRIPTION

TITLE COMMITMENT PROVIDED BY CHICAGO TITLE INSURANCE COMPANY
COMMITMENT NUMBER: KCC2303391 REVISION 2.24.23
COMMITMENT DATE: FEBRUARY 8, 2023 AT 08:00 AM

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 27, RANGE 33, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 27, RANGE 33, RUNNING THENCE NORTH ON SECTION LINE BETWEEN SECTIONS 9 AND 10 IN SAID TOWNSHIP 27, RANGE 33, A DISTANCE OF 1101 7/10 FEET TO THE CORNER OF THE MINING LOTS NUMBERED FIFTY-THREE (53), FIFTY-FOUR (54), FIFTY-FIVE (55), AND FIFTY-SIX (56) IN THE KOHNOOR MINING LANDS,
THENCE WEST ALONG THE EAST AND WEST LINE BETWEEN THE SAID LOTS A DISTANCE OF 666 6/10 FEET, THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID SECTION 9 A DISTANCE OF 1102 1/10 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, THENCE EAST ALONG THE SAID SOUTH LINE TO THE PLACE OF BEGINNING,
EXCEPT ALL OF LOTS NUMBERED THIRTY (30) AND THIRTY-ONE (31) IN HIGHWAY SUB-DIVISION LYING SOUTH OF THE RAILROAD RIGHT-OF-WAY AND ALL OF MISCELLANEOUS LOT NUMBERED TEN (10), LYING SOUTH OF THE RAILROAD RIGHT-OF-WAY IN SECTION 9, TOWNSHIP 27, RANGE 33 IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF,
AND EXCEPT ALL THAT PART OF MISCELLANEOUS LOT TEN (10) IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 27, RANGE 33, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, AND LOTS NUMBERED THIRTY (30) AND THIRTY-ONE (31) IN THE HIGHWAY SUB-DIVISION TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT NUMBERED ONE (1) OF THE HIGHWAY SUB-DIVISION, THENCE SOUTH ALONG THE WEST RIGHT-OF-WAY OF MAIDEN LANE A DISTANCE OF 212 FEET, THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID HIGHWAY SUB-DIVISION A DISTANCE OF 585 FEET TO THE POINT OF BEGINNING, THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF MAIDEN LANE A DISTANCE OF 218 FEET, THENCE WEST AND PARALLEL TO THE NORTH LINE OF LOTS NUMBERED THIRTY (30) AND THIRTY-ONE (31) IN THE HIGHWAY SUB-DIVISION A DISTANCE OF 417.1 FEET MORE OR LESS TO THE WEST PROPERTY LINE OF SAID LOT NUMBERED THIRTY (30), THENCE NORTH A DISTANCE OF 218 FEET TO THE NORTHWEST CORNER OF SAID LOT NUMBERED THIRTY (30), THENCE EAST A DISTANCE OF 417.1 FEET MORE OR LESS TO THE POINT OF BEGINNING,
AND EXCEPT A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 27, RANGE 33, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT NUMBERED ONE (1) IN THE HIGHWAY SUB-DIVISION, THENCE SOUTH ALONG THE WEST LINE OF MAIDEN LANE A DISTANCE OF 912 FEET TO THE POINT OF BEGINNING, THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID HIGHWAY SUB-DIVISION A DISTANCE OF 585 FEET MORE OR LESS, THENCE SOUTH 30 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY OF THE FRISCO RAILROAD, THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY TO THE WEST RIGHT-OF-WAY OF MAIDEN LANE, THENCE NORTH 266.7 FEET MORE OR LESS TO THE POINT OF BEGINNING,
AND EXCEPT ALL OF A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 27, RANGE 33, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF LOT NUMBERED ONE (1) OF HIGHWAY SUBDIVISION IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 1 IN HIGHWAY SUBDIVISION AS RECORDED IN THE JASPER COUNTY RECORDER'S OFFICE, THENCE SOUTH 01 DEGREE 54 MINUTES 51 SECONDS WEST ALONG THE WEST RIGHT-OF-WAY OF MAIDEN LANE A DISTANCE OF 762.00 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING SOUTH 01 DEGREE 54 MINUTES 51 SECONDS WEST A DISTANCE OF 150.00 FEET, THENCE NORTH 87 DEGREES 56 MINUTES 22 SECONDS WEST PARALLEL WITH THE SOUTH LINE OF SAID HIGHWAY SUBDIVISION A DISTANCE OF 150.00 FEET, THENCE NORTH 01 DEGREE 54 MINUTES 51 SECONDS EAST PARALLEL WITH THE WEST RIGHT-OF-WAY LINE OF MAIDEN LANE A DISTANCE OF 150.00 FEET, THENCE SOUTH 87 DEGREES 56 MINUTES 22 SECONDS EAST A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING,
EXCEPT THE EAST 15 FEET FOR ROAD RIGHT-OF-WAY OF MAIDEN LANE, BEING A PART OF MISCELLANEOUS TRACT NUMBERED TEN (10) IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 27, RANGE 33, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, AS SET OUT IN CORPORATION WARRANTY DEED FILED MAY 13, 2020 IN BOOK 2540 AT PAGE 325.

SURVEY DESCRIPTION PROPOSED TRACT TO BE CONVEYED

PART OF A TRACT OF LAND DESCRIBED IN BOOK 2160 AT PAGE 1353 IN THE RECORDER OF DEEDS OFFICE IN JASPER COUNTY, MISSOURI, AND BEING PART OF MISCELLANEOUS TRACT NUMBER 10 IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 27 NORTH, RANGE 33 WEST, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 1, HIGHWAY SUBDIVISION, ACCORDING TO THE RECORDED PLAT IN PLAT BOOK 6 AT PAGE 82, THENCE SOUTH 01°53'48" WEST, 436.00 FEET ALONG THE EAST LINE OF SAID LOT 1 AND THE PROJECTION THEREOF, THENCE NORTH 87°56'30" WEST, 15.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF MAIDEN LANE, SAID POINT BEING A FOUND PUNCH HOLE AND THE POINT OF BEGINNING, THENCE SOUTH 01°53'48" WEST, 326.06 FEET ALONG SAID WEST RIGHT OF WAY LINE TO A FOUND COTTON SPINDLE AT THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2540 AT PAGE 325, THENCE ALONG THE NORTH LINE AND PROJECTION THEREOF OF SAID TRACT NORTH 87°55'10" WEST, 250.00 FEET TO A SET 5/8" IRON PIN WITH CAP LABELLED A/E LC 62, THENCE LEAVING SAID PROJECTION NORTH 01°53'48" EAST, 325.96 FEET TO A SET 5/8" IRON PIN WITH CAP LABELLED A/E LC 62 ON THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN BOOK 2584 AT PAGE 299, THENCE ALONG SAID SOUTH LINE SOUTH 87°56'30" EAST, 250.00 FEET TO THE POINT OF BEGINNING CONTAINING 1.87 ACRES, MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR OF FACT. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, WEST ZONE.

SURVEYOR'S DECLARATION

O'REILLY AUTOMOTIVE STORES, INC., A MISSOURI CORPORATION,
CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARDS DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS. THE FIELD WORK WAS COMPLETED ON APRIL 21, 2023.

ANDERSON ENGINEERING, INC. L.C. 62
BY:

STATE OF MISSOURI — RONALD W WALLACE — NUMBER PLS-2019015191 — NATIONAL LAND SURVEYOR

RONALD W. WALLACE, P.L.S. 2019015191

4-26-23
DATE

UTILITY NOTE

THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF UTILITIES AND INFORMATION AVAILABLE FROM UTILITY COMPANIES. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. LOCATE NO. 2304170723.

FLOOD NOTE

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 290163 0258 E, WHICH BEARS AN EFFECTIVE DATE OF NOVEMBER 2, 2012 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE.

UTILITY OWNERS

SEWER AND STORMWATER
CITY OF JOPLIN
POC: JOE BURTON,
SEWER MAINTENANCE SUPERVISOR
PHONE: (417) 624-0820 EXT 1565

POC: DEAN SMITH,
INFRASTRUCTURE MAINTENANCE SUPERVISOR
PHONE: (417) 624-0820 EXT 1561

POC: LYNDELL EDWARDS,
WASTEWATER TREATMENT PLANTS SUPERVISOR
PHONE: (417) 624-3615

USIC TREVOR STEAGLE
PHONE: (816) 401-1543

GAS
SPIRE MO WEST
POC: CUSTOMER SERVICE
PHONE: (800) 582-1234
USIC TREVOR STEAGLE
PHONE: (816) 401-1543

ELECTRIC
LIBERTY UTILITIES
POC: CUSTOMER SERVICE
PHONE: (800) 206-2300
USIC TREVOR STEAGLE
PHONE: (816) 401-1543

TELECOMMUNICATIONS
AT&T DISTRIBUTION
POC-1: CUSTOMER SERVICE
PHONE: (800) 331-0500
USIC TREVOR STEAGLE
PHONE: (816) 401-1543

WATER
MISSOURI AMERICAN WATER COMPANY
POC-1: CUSTOMER SERVICE
PHONE: (866) 430-0820
USIC TREVOR STEAGLE
PHONE: (816) 401-1543

ANDERSON ENGINEERING
EMPLOYEE OWNED
ENGINEERS SURVEYORS LABORATORIES DRILLING GIS
811 E. 3RD STREET JOPLIN, MISSOURI 64801 PHONE (417) 782-7399

NO	REVISIONS DESCRIPTION	BY	DATE
1	CHANGES PER COMMENTS	SJW	4/10/23
2	REVISION TO TITLE COMMITMENT	SJW	4/26/23

DRAWING INFO

FIELD BY:	KE, LB
DRAWN BY:	SJW
CHECK BY:	RWW
DATE:	4-4-23
FIELD BOOK:	
JOB NUMBER	23.022017

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O'REILLY AUTOMOTIVE STORES, INC.

ALTA/NSPS LAND TITLE SURVEY

800 SOUTH MAIDEN LANE
JOPLIN, JASPER COUNTY, MISSOURI

DRAWING NO. JOP-100-6980
SHEET NUMBER 2 OF 2

SV1

OWN

Engineering beyond.™

May 4, 2023

Joplin, MO Planning Division
Attn: Tyler Bellairs
602 S Main St.
Joplin, MO 64801

Rezone Statement

This statement is to describe the use of changing the current property of 802 S Maiden Ave, Joplin, MO 64801 from M-2 zoning to a C-3 zoning. The reason for the rezoning of this property from M-2 to C-3 is to allow the construction of a new O'Reilly Auto Parts retail store which is not allowed in M-2 zoning.

Summary of Impacts:

Traffic:

O'Reilly Auto Parts stores traditionally are low traffic generators due to ~60% of the business being delivery to local mechanics and the retail business spread over the entire business day.

Fire Hazards:

There are no fire hazards since the business is the sale of retail auto parts with no service.

Will proposed change affect character of surrounding properties:

The proposed change will not negatively affect the character of current surrounding properties as there is an existing bank to the south of the property, an existing Sonic restaurant to the north of the property and an existing retail outlet mall to the west of the property.

The proposed rezoning is consistent with the Comprehensive Plan and is a good fit with the character of surrounding properties.

Will the proposed change benefit the City of Joplin:

This proposed change will provide a substantial benefit to the City of Joplin and its Citizens by bringing stable and good paying job opportunities from a local Company, keeping retail automotive parts prices competitive and providing a long term and consistent presence.

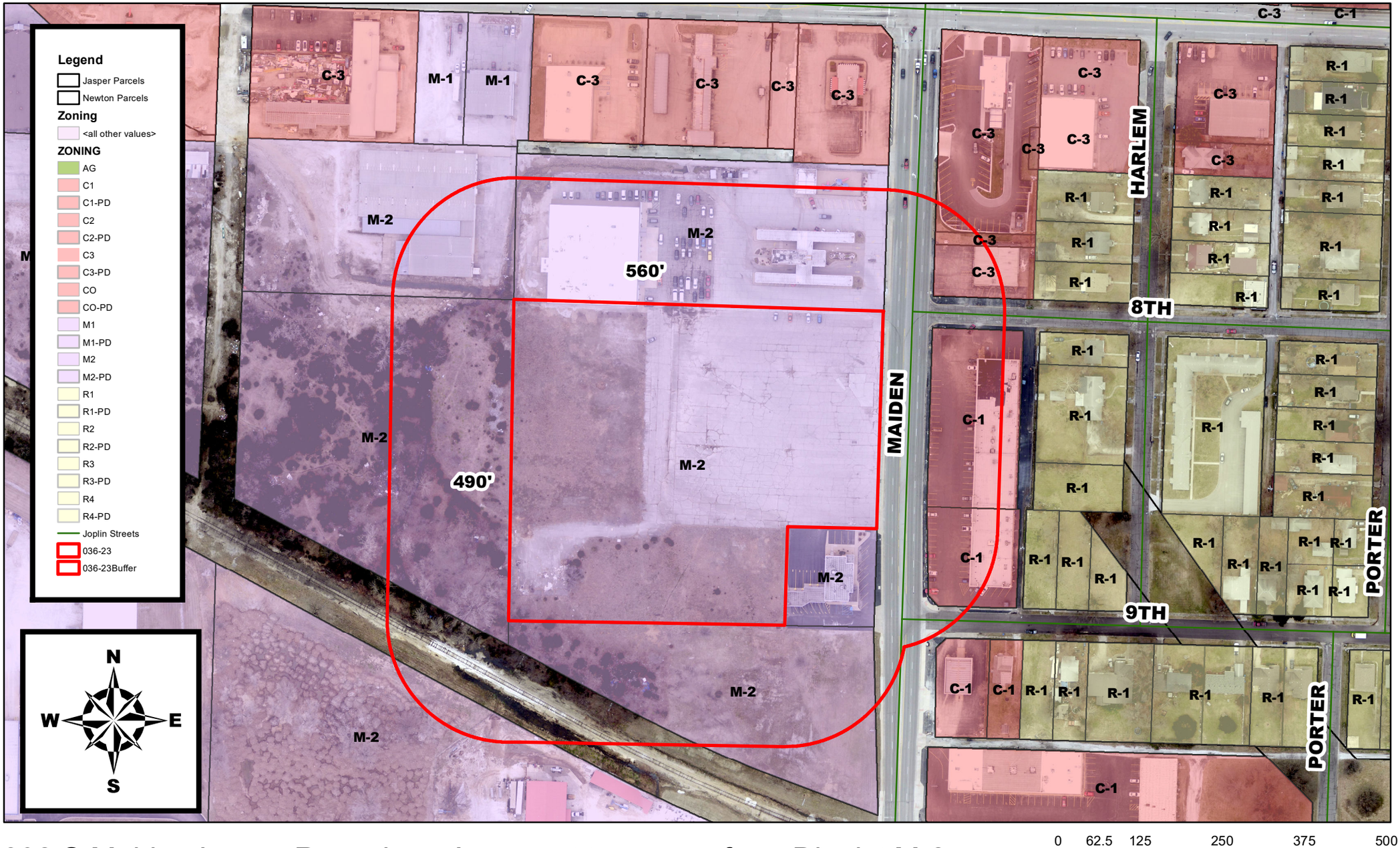
Other existing locations in the City of Joplin have proven to be stable & valuable assets to the City of Joplin and we look forward to continuing this trend with this new location.

Legal Description:

PART OF A TRACT OF LAND DESCRIBED IN BOOK 2160 AT PAGE 1353 IN THE RECORDER OF DEEDS OFFICE IN JASPER COUNTY, MISSOURI, AND BEING PART OF MISCELLANEOUS TRACT NUMBER 10 IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 27 NORTH, RANGE 33 WEST, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 1, HIGHWAY SUBDIVISION, ACCORDING TO THE RECORDED PLAT IN PLAT BOOK 6 AT PAGE 82; THENCE SOUTH OF 01°53'48" WEST, 436.00 FEET ALONG THE EAST LINE OF SAID LOT 1 AND THE PROJECTION THEREOF; THENCE NORTH 87°56'30" WEST, 15.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF MAIDEN LANE, SAID POINT BEING A FOUND PUNCH HOLE AND THE POINT OF BEGINNING; THENCE SOUTH 01°53'48" WEST, 326.06 FEET ALONG SADI WEST RIGHT OF WAY LINE TO A FOUND COTTON SPINDLE AT THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2540 AT PAGE 325; THENCE ALONG THE NORTH LINE AND PROJECTION THEREOF OF SAID TRACT NORTH 87°55'10" WEST, 250.00 FEET TO A SET OF ⅝" IRON PIN WITH CAP LEVELED A/E LC 62; THENCE LEAVING SAID PROJECTION NORTH 01°53'48" EAST, 325.96 FEET TO A SET ⅝" IRON PIN WITH CAP LEVELED A/E LC 62 ON THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN BOOK 2584 AT PAGE 299; THENCE ALONG SAID SOUTH LINE SOUTH 87°56'30" EAST, 250.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.87 ACRES, MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENT OF RECORD OR FACT. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, WEST ZONE.

37°10'04.7"

Case 036-23: Rezoning



802 S Maiden Lane - Rezoning - A request to rezone from District M-2 (Heavy Industrial) to District C-3 (Commercial) - Dandy Properties

P & Z Case 036-23
Dandy Properties
(P & Z Recommended Approval)

COUNCIL BILL NO. 2023-281 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) to District C-3 (Commercial) property as described below and located at 802 S Maiden Ln.

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 C-3 (Commercial).

PART OF A TRACT OF LAND DESCRIBED IN BOOK 2160 AT PAGE 1353 IN THE RECORDER OF DEEDS OFFICE IN JASPER COUNTY, MISSOURI, AND BEING PART OF MISCELLANEOUS TRACT NUMBER 10 IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 27 NORTH, RANGE 33 WEST, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 1, HIGHWAY SUBDIVISION, ACCORDING TO THE RECORDED PLAT IN PLAT BOOK 6 AT PAGE 82; THENCE SOUTH OF 01°53'48" WEST, 436.00 FEET ALONG THE EAST LINE OF SAID LOT 1 AND THE PROJECTION THEREOF; THENCE NORTH 87°56'30" WEST 15.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF MAIDEN LANE, SAID POINT BEINA A FOUND PUNCH HOLE AND THE POINT OF BEGINNING; THENCE SOUTH 01°53'48" WEST, 326.06 FEET ALONG SADI WEST RIGHT OF WAY LINE TO A FOUND COTTON SPINDLE AT THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2540 AT PAGE 325; THENCE ALONG THE NORTH LINE AND PROJECTION THEREOF OF SAID TRACT NORTH 87°55'10" WEST, 250.00 FEET TO A SET OF 5/8" IRON PIN WITH CAP LEVELED A/E LC 62; THENCE LEAVING SAID PROJECTION NORTH 01°53'48" EAST, 325.96 FEET TO A SET 5/8" IRON PIN WITH CAP LEVELED A/E LC 62 ON THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN BOOK 2584 AT PAGE 299; THENCE ALONG SAID SOUTH LINE SOUTH 87°56'30" EAST, 250.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.87 ACRES, MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENT OF RECORD OR FACT. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, WEST ZONE.

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