CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2023-282 – 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 037-23: Property South of 908 E 7th St, on S Indiana Ave – Rezoning – A request to rezone from District C-3 (Commercial) to District R-3 (Apartment House) – Mason Williams

BACKGROUND:
The owner is requesting to rezone the property to R-3 so that he may construct a Single-Family Home on the lot, consistent with the surrounding area. The developer has done several of the houses in the area.

The Future Land Use Map depicts the property as future Retail Commercial. The proposed zoning is consistent with the development policies of the Comprehensive Plan. The Retail-Commercial District is designed to develop more walkable neighborhoods with a mix of housing types.

The zoning will not detrimentally affect any of the nearby properties. Most of the block is currently zoned R-3, with Single-Family Homes.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Mason Williams stated that he was the general contractor for this request. The intent was to build two single-family homes, one on each of the lots. 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 2023-282
Planning & Zoning Commission recommends the approval of Case 037-23 (7 in Favor, 0 Opposed)

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

Case 037-23: Rezoning

Property South of 908 E 7th St., on S Indiana Ave-Rezoning-A request to rezone from District C-3 (Commercial) to District R-3 (Apartment House)-Mason Williams

Mason Williams, 1209 Roosevelt, Joplin, Missouri. He stated he was the general contractor. The intent was to build two single family homes, one on each lot.

Mr. Kimble asked if there were any questions from the Commission on Case 037-23.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 037-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 037-23.

There were none.

MR. JACKSON MOVED THAT CASE 037-23 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 037-23 A request to rezone from District C-3 (Commercial) to District R-3 (Apartment House)

LOCATION South of 908 E 7th St, Joplin, Missouri 64801

APPLICANT Mason Williams

EXISTING CONDITIONS

Zoning	Land Use	Property Size
C-3	Vacant	Approximately 0.15 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-3	R-3	R-3	C-3
Land Use	Office	Auto Shop	Single-Family House	Commercial (Garage Door Supplier)

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 Indiana Ave	Local	60′

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. The proposed zoning is consistent with the development policies of the Comprehensive Plan. The Retail-Commercial District is designed to develop more walkable neighborhoods with a mix of housing types.

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

The property and its location on 7th St make it a suitable location for future Commercial activity. However, most of the block consists of Single-Family Residential Homes. Rezoning to R-3 for the development of another one of these homes is also compatible with the existing neighborhood.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The zoning will not detrimentally affect any of the nearby properties. Most of the block is currently zoned R-3, with Single-Family Homes.

DISCUSSION

The owner is requesting to rezone the property to R-3 so that he may construct a Single-Family Home on the lot, consistent with the surrounding area. The developer has done several of the houses in the area.

Staff recommends approval of Case 037-23.

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.: 037-23
Filing Fee: $550.00
Received: 5/5/23
Date Advertised:
Proj. No.: 23-181
Public Hearing Date: 6/12/23

Applicant: Mason Williams Phone No.: 417-592-7137
Address: 1209 Roosevelt Ave Email: therealtormason@Yahoo.com
Owner: Mason Williams / Pristine Holdings, LLC Phone No.:
Address: 1209 Roosevelt Ave Email:
Location of Property: Campbell's 4th Lots 104. Indiana Ave.
Present Use of Property: Vacant lot
Proposed Use of Property: New construction Single Family Home
Current Zoning: C3 Requested Zoning: R3

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	Park	R2
South	Vacant Lot	R3
East	New Construction Homes	R3
West	Commercial	C3

Character of the Neighborhood: I own 10 of the individual lots. We are wanting to build new homes.

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: _____

_____

_____

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: _____

_____

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?

Yes

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

Additional Platting Comments: _____

Unique Characteristic of Property and/or Additional Comment:

We are wanting to build new single family homes and clean the neighborhood.

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:** 5/5/23

Recorded in Jasper County, Missouri
Recording Date/Time: 04/29/2022 at 03:23:40 PM
Book: 2640 Page: 13
Instr #: **2022007580**
Type: **WD**
Pages: **2**
Fee: **$27.00 S**

Electronically Recorded

RECORDER OF DEEDS SEAL JASPER COUNTY, MO

Charlotte Pickering
Recorder of Deeds

Warranty Deed

THIS DEED, Made and entered into this 25th day of April, 2022, by and between

Dwaine E. Cales and Margaret A. Cales, husband and wife

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

Pristine Holdings, LLC, a Missouri Limited Liability Company

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

(Grantee's mailing address is 1209 Roosevelt Avenue, 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:

Lot 104 **Tract 1: All of Lot Numbered One Hundred Three (103) in CAMPBELL'S FOURTH ADDITION to the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof.**

Tract 2: All of Lots Numbered One Hundred Four (104) and One Hundred Five (105) in CAMPBELL'S FOURTH ADDITION to the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof.

Tract 3: All of Lot Numbered One Hundred Six (106) in CAMPBELL'S FOURTH ADDITION to the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof, EXCEPT the North 15 feet for Highway right-of-way.

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.

(1) 21-58083 ABBEY-J

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed the day and year first above written.

DWAINE E. CALES

MARGARET A. CALES

STATE OF Indiana)
) ss
COUNTY OF Warrick)

On this 25th day of April, 2022, before me, personally appeared Dwaine E. Cales and Margaret A. Cales, 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.

AMANDA REED NOTARY SEAL PUBLIC STATE OF INDIANA MY COMM. EXP. 04/13/2029 COMM. #NP0733052

Amanda Reed
Amanda Reed Notary Public
My term expires: 4-13-2029

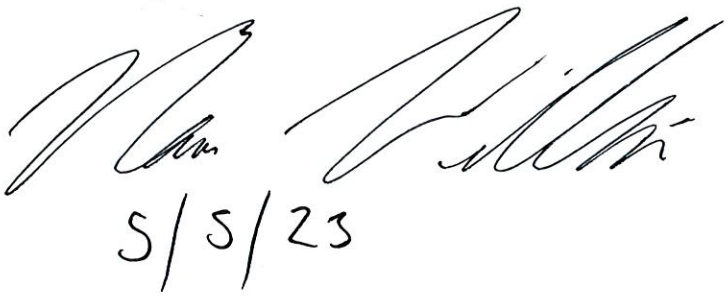
Mason Williams
Pristine Holdings, LLC
1209 Roosevelt Ave
Joplin, MO 64801

To Whom It May Concern:

We are wanting to rezone the C3 lot to R3 on Indiana Ave. It adjoins a lot we own that is vacant and currently R3. Our goal is to build two homes on these lots. This will not cause any traffic issues. It will not cause fire concerns. It will not affect the surrounding areas charecteristics in a negative way. We want to build and improve the surrounding area.

Thank you,

Mason Williams
417-592-7137
therealtormason@yahoo.com



5/5/23

(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.

JOPLIN
MISSOURI

May 5th
Deadline

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:

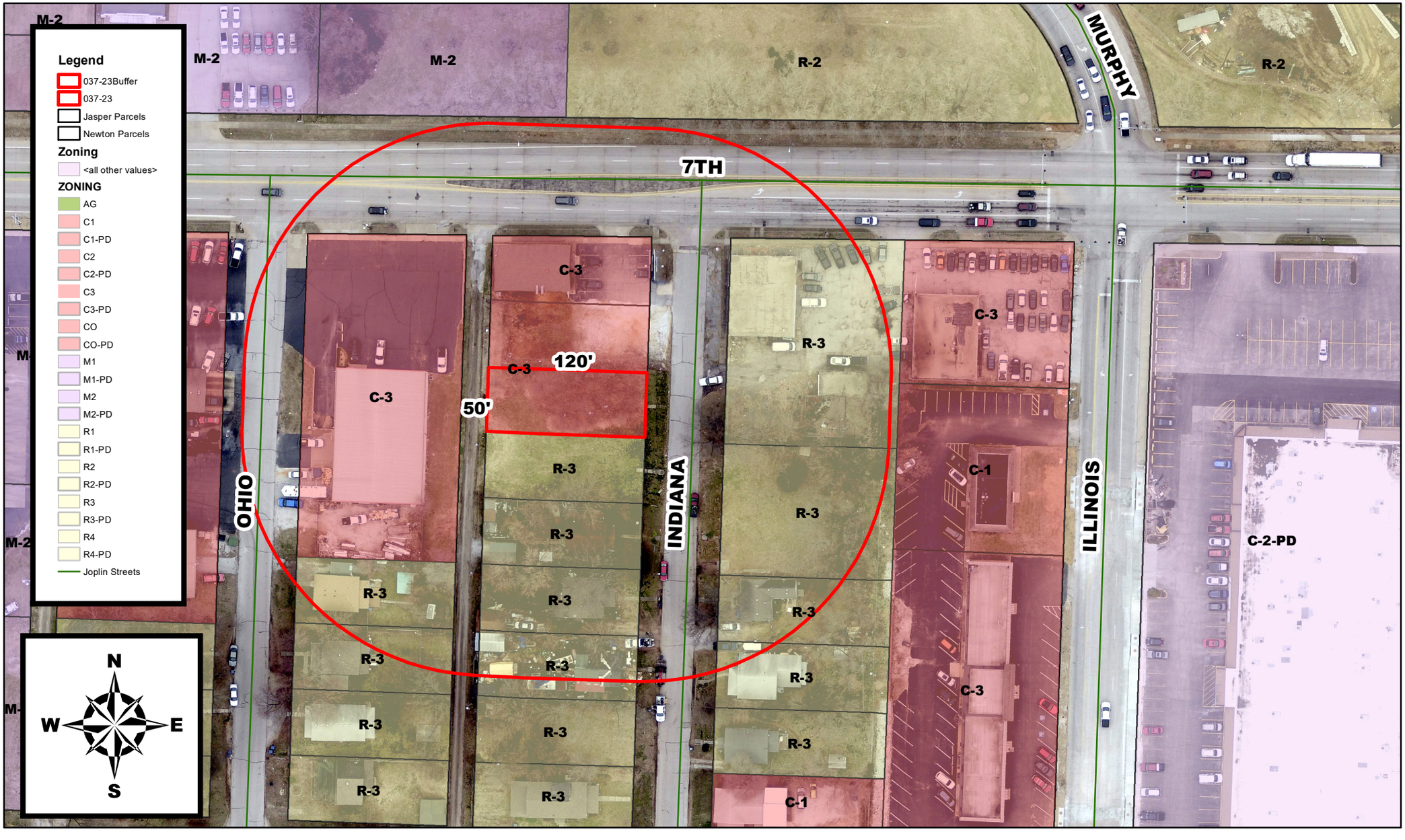
1. The application is consistent with the comprehensive plan, and any official plan or program developed under the guidance of that plan.
2. The application supports the character of the neighborhood, considering the design of streets, civic spaces, and other open spaces; the scale, pattern, and format 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

Case 037-23: Rezoning



Property South of 908 E 7th St - Rezoning - A request to rezone from District C-3 (Commercial) to District R-3 (Apartment House) - Mason Williams

P & Z Case 037-23
Pristine Holdings, LLC
(P & Z Recommended Approval)

COUNCIL BILL NO. 2023-282 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 C-3 (Commercial) to District R-3 (Apartment House) property as described below and located at 908 E 7th 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 C-3 (Commercial) the following described property and including in District R-3 (Apartment House).

All of Lots Numbered One Hundred Four (104) in CAMPBELL'S FOURTH 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