CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2022-272 – Zoning District Change

MEETING DATE:
July 5, 2022

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
City Manager – Nicholas Edwards

FUNDING SOURCE:
These payments are included in the FY2021-22 budget of the Community Planning Fund.

SUMMARY REQUEST:
Case 041-22: Rezoning – 4579 Hwy 43 – A request to remove from district R-1 (Single-family Residential) and include in District M-2 (Heavy Industrial) for future commercial development – Brice Martin.

BACKGROUND:
This portion of S. Hwy. 43, both immediately North and South if I-44, was annexed in between 2006 and 2011. Most of these properties still hold the default zoning of R-1 Single-family that all annexed properties hold following annexations. As the applicant is looking at expanding their facility, a zoning change is required for permit approval.

Hwy. 43 is a high traffic corridor, particularly with this proximity to I-44. The uses at this interchange for I-44 are generally geared toward automotive and, even more so, semi-truck traffic. Generally, interstate interchanges face high development pressure; single-family residences located in this area would be inappropriate.

PLANNING & ZONING COMMISSION TESTIMONY:
Cary Scheurich, 4 State Trucks located at 4579 S. Highway 43, Joplin, Missouri, our main goal is R-1 to M-1. Project details provided by Mr. Scheurich. He stated that 20 plus years ago when this was annexed into the City, the City never changed the zoning. Now, this is a requirement by the Building Department. We have an ongoing building project and we are waiting on the permit. This is part of the procedure.

The question was directed to Mr. Scheurich about the project.

Mr. Scheurich stated they were building an addition on the warehouse.

PUBLIC COMMENT;
None.

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2022-272.
Planning & Zoning Commission recommends approval for Case 041-22 (7 in Favor, 0 Opposed)

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

Case 041-22: Rezoning-4579 Hwy 43-A request to remove from district R-1 (Single family Residential) and include in District M-2 (Heavy Industrial) for future commercial development-Brice Martin.

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The question was directed to Mr. Scheurich about the project.

Mr. Scheurich stated they were building an addition on the warehouse.

No further questions from the Commission.

No one appeared to speak in favor or opposition to request.

MOTION WAS MADE BY MR. KIMBLE TO FORWARD CASE 041-22 TO THE CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL. MS. PHILLIPS SECONDED THE MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAYS)

Z&P Meeting: June 13, 2022
City Council Meeting: July 5, 2022

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 041-22 A request to remove from District R-1 (Single-family Residential) and include in District M-2 (Heavy Industrial) for future commercial development

LOCATION 4579 Hwy. 43

APPLICANT Brice Martin

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Distribution/Warehousing	24.28 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1	Out of City Limits	Out of City Limits	R-1
Land Use	Fuel Sales/KOA	Single-family Residential/Vacant	Single-family Residential	Fuel Sales

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. Hwy. 43		120'

UTILITIES

Utilities in place.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

This request is consistent with the Comprehensive Plan. The future land use map does indicate future retail commercial, and M-2 zoning is appropriate to coincide with that designation, particularly with the existing use.

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

The current zoning of R-1 is not suitable for the property. Hwy. 43 is a high traffic corridor, particularly with this proximity to I-44. The uses at this interchange for I-44 are generally geared toward automotive and, even more so, semi-truck traffic. Generally, interstate interchanges face high development pressure; single-family residences located in this area would be inappropriate.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning will not be detrimental to nearby property. This corridor contains a number of existing uses that correlate to the existing use of the subject property. Other adjacent properties that are more residential in nature would be protected by buffer requirements under the zoning code.

DISCUSSION

This request to rezone to M-2 Heavy Industrial is appropriate for this property. This portion of S. Hwy. 43, both immediately North and South if I-44, was annexed in between 2006 and 2011. Most of these properties still hold the default zoning of R-1 Single-family that all annexed properties hold following annexations. As the applicant is looking at expanding their facility, a zoning change is required for permit approval.

The Future Land Use Map does show this area and this property specifically as future Retail Commercial. The M-2 zoning district does include uses that are compatible with that designation. M-2 zoning is also appropriate in the context of a high-traffic corridor.

Staff recommends approval of Case 041-22.

ENCLOSURES

- Map of property
- Application

REZONING APPLICATION FORM

Return Form to:
Planner
Joplin City Hall
602 S. Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 1511
FAX 417-625-4738

For Office Use Only

Case No.:
Filing Fee: $550.00
Date Advertised:
Date Notices Sent
Public Hearing Date:

APPLICANT: Brice Martin PHONE: 417-624-2900, Ext. 116
ADDRESS: 4579 Hwy 43 Joplin Mo 64804 EMAIL: brice.martin@4statetrucks.com

OWNER: Foundation 43 North LLC PHONE: 417-624-2900, Ext. 116
ADDRESS: 4579 Hwy 43 Joplin Mo 64804 EMAIL: brice.martin@4statetrucks.com

LOCATION/ADDRESS OF PROPERTY: 4579 Hwy 43 Joplin Mo 64804

Present Zoning R1 Requested Zoning: M2 Acreage: 24.28
Present Use of Property: Commercial / Retail

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Commercial	
South	Commercial	
East	Commercial	
West	Commercial	

Character of the Neighborhood: Commercial / industrial / Retail

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   No
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? Yes
   If yes, explain: City requesting change

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map? Yes

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: State Hwy 43
2. Classification of Street(s):
   Arterial X Collector _____ Local _____
3. Right-of-Way Width: Unknown
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   No

IS PLATTING OR REPLATTING REQUIRED IN ORDER TO PROVIDE FOR:

1. Appropriately Sized Lots? No
2. Properly Sized Street Right-of-Way? No
3. Drainage Easements? No
4. Utility Easements:
   - Electricity? No
   - Gas? No
   - Sewers? No
   - Water? No
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND/OR ADDITIONAL COMMENT:

THE FOLLOWING **MUST** ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey. Must be legible. (See attached from Survey
2. 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.
3. Owner Affidavit and Agent Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned

SIGNATURE: [signature] DATE: 4/30/22

TITLE: V.P.

Zoning District Change Application

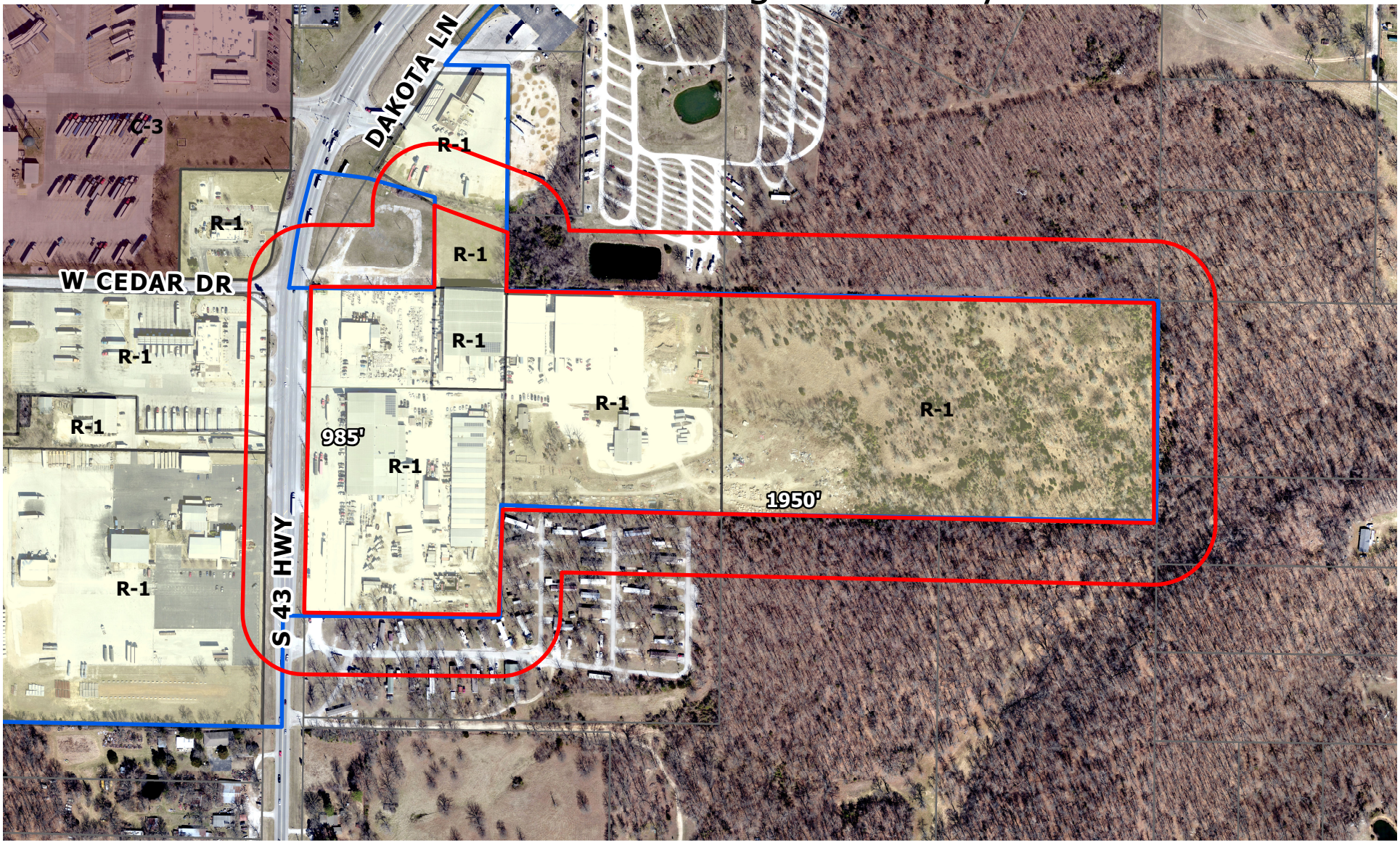
Accompanying Item #2

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.

Our Statement:

Reasoning for the rezoning was a request by the City of Joplin to rezone from R-1. We do not expect any traffic conditions changes or danger from fire hazards. The zoning change allows the city to get the zoning correct with building use on this property.

Case 041-22: Rezoning - 4579 Hwy 43



4579 Hwy 43 – A request to remove from district R-1 (Single-family Residential) and include in District M-2 (Heavy Industrial) for future commercial development – Brice Martin

Joplin City Limits

0 165 330 660 990 1,320 Feet

N

P & Z Case 041-22
Brice Martin
(P & Z Recommended Approval)

COUNCIL BILL NO. 2022-272 ORDINANCE NO.

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 (Single-family Residential) and including in District M-2 (Heavy Industrial) property as described below and located at 4579 Hwy. 43, City of Joplin, Newton County, Missouri.

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. 2004-256 is hereby amended by removing from District R-1 (Single-family Residential) the following described property and including in District M-2.

Tract #1 Being a part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 4, Township 26, Range 33, Newton County, Missouri, described as beginning a the Northeast Corner of the Northwest Quarter (NW1/4) of the Southwest Quarter of Section 4, Township 26, Range 33, Newton County, Missouri, thence South 00 Degrees, 12 Minutes, West along the East line of said Quarter, Quarter 662.44 feet to the South line of the North One-half (N1/2) of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 4, thence West along said line 649.30 feet, thence South 00 Degrees, 12 Minutes, West 331.34 feet to the South line of the North One-half (N1/2) of the South One-half (S1/2) of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section 4, Thence West along said line 587.39 feet more or less to the East Right-of-way line of Missouri State Highway 43, Thence Northerly along said Right-of-way 692.67 feet to a point 30.00 feet North of the South line of the North one-half (N1/2) of the North One-half (N1/2) of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 4 , thence East 647.54 feet, thence North 00 degrees, 12 Minutes, East 301.34 feet more or less to the North line of said Quarter, Quarter, Thence East 589.30 feet to the Point of Beginning, being subject to a 30.00 foot Road Easement along the North line and Easterly through said tract, being subject to all other easements, right-of-ways, and reservations of record. Tract #2 Being a part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 4, Township 26, Range 33, Newton County, Missouri, described as commencing at the Northeast corner of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 4, Township 26, Range 33, Newton County, Missouri, Thence West along the North line of said Quarter, Quarter 649.30 feet to the Point of Beginning, thence North 00 Degrees, 37 Minutes, East 170.80 feet, thence North 66 Degrees, 39 Minutes, West 231.20 feet, Thence South 00 Degrees, 37 Minutes, West 265.65 feet to a point 3.00 feet South of the North line of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section 4, thence West a long a line 3.00 feet South of said Quarter, Quarter line 375.82 feet to the East Right-of-way line of Missouri State Highway 43, thence Southerly along the East Right-of-way of Said Highway 43 298.40 feet more or less to a point 30.00 feet North of the South line of the

North One-half (N1/2) of the North One-half (N1/2) of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 4, Thence East 427.54 feet to a point 809.30 feet West of the East line of Said Quarter, Quarter, Thence North 00 Degrees, 12 Minutes, East 301.34 feet to the North line of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 4, Thence East along said line 160.00 feet to the Point of Beginning, being subject to all easements, Right-of-ways, and reservations of record. Tract #3 All that part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 4, Township 26, Range 33, Newton County, Missouri described as Commencing at the Northeast corner of said Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 4, thence West along the North line of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) 589.30 feet to the Point of Beginning, thence South 00 Degrees, 12 Minutes, West 301.34 feet, thence West 220.00 feet, thence North 00 Degrees, 12 Minutes, East 301.34 feet, thence East 220.00 feet to the Point of beginning, being subject to all easements, right-of-ways, and reservations of record, Together with rights of Ingress Egress over the North 30.00 feet of the South 40.00 feet of the North one-half (N1/2) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 4, Township 26, Range 33, Newton County, Missouri

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_____, 2022, by a vote of _____.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney