CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2021-273-Rezone to District C-O

MEETING DATE:
July 6, 2021

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.

SUMMARY REQUEST:
Case 029-21: A request to remove from District R-1 (Single-family Residential) and include in District C-O (Non-retail Commercial) for future multi-use development.

BACKGROUND:
C-O uses are intended to serve the neighborhood and generally allow the least intense uses of the commercial zoning districts. They generally do not generate traffic, nuisances, or other detrimental effects to the same degree as those generated by uses in C-2 or C-3. Buffers will be required if the owner alters or fully redevelops the site.

The C-O zoning district is intended to allow uses which service the area and are generally office in nature. This zoning is not inappropriate in this area, given the frontage along a collector street, as well as nearby legal non-conforming commercial uses, commercial zoning districts, and higher density residential zones and districts.

PLANNING & ZONING COMMISSION TESTIMONY:

Mr. Eastman abstained from this case.

Seth Dermott, 424 N. Sergeant, Joplin, MO. Originally, we bought this fire station from the city and it was R-1 and we bought the lot to the south. We would like to make it into a commercial property. Potentially doing something that with an apartment on top level and some commercial.

Ms. Phillips asked Mr. Dermott to refresh her memory. Last month you were here you only had one lot, the fire station lot and it didn't have enough room? Since then you have bought the lot next to it?

Mr. Dermott stated that was correct. We had owned the lot to the south of it and now we are including it so it has enough area to be commercial property.

PUBLIC COMMENT;
None.

FUNDING SOURCE:
These payments are included in the FY 2020-21budget of the Community Planning Fund.

RECOMMENDATIONS:
Staff recommends approval for Case 029-21.
Planning & Zoning Commission recommends approval for Case 029-21 (6 Favor, 0 Nays, 1 Abstain)

ATTACHMENTS
CB 2021-273, Staff Planning Report, P&Z Commission Minutes

CB 2021-273

Case 029-21: 1827 & 1831 S Wall Ave. - A request to remove from District R-1 (Single-family Residential) and include in District C-O (Non-retail Commercial) for future office and residential development – Seth Dermott and Andrew Solomon.

Mr. Eastman abstained from this case.

Seth Dermott, 424 N. Sergeant, Joplin, MO. Originally, we bought this fire station from the city and it was R-1 and we bought the lot to the south. We would like to make it into a commercial property. Potentially doing something that with an apartment on top level and some commercial.

Ms. Phillips asked Mr. Dermott to refresh her memory. Last month you were here you only had one lot, the fire station lot and it didn't have enough room? Since then you have bought the lot next to it?

Mr. Dermott stated that was correct. We had owned the lot to the south of it and now we are including it so it has enough area to be commercial property.

Ms. Phillips stated that now it qualifies to have enough acreage?

Mr. Stanton stated it did. Each lot individually is a little over 5,000 sq. ft. and the minimum lot size for commercial property is 10,000 sq. ft. Together they will have enough square footage.

Ms. Phillips asked if they had anyone protest.

Mr. Stanton stated there were not any protest. He did have a phone call from a nearby church, and they seemed supportive.

Mr. Kimble wanted to know, on the southern-most lot, is that just going to have office space and things of that nature, no retail or that type of businesses?

Mr. Dermott stated that they really didn't know. They think it will probably be just parking.

Ms. Bruckner-Sears asked if there was anyone in the audience who would like to speak in favor of this case? There was not. Ms. Bruckner-Sears asked if there was anyone in the audience who would like to speak in opposition to this case? There was not.

MR. MCCULLOUGH MOVED, SECONDED BY MR. PHILLIPS THAT CASE 029-21 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MS. BRUCKNER-SEARS, MS. STEELE, MR. KIMBLE, MR. MCCULLOUGH, MS. PHILLIPS, AND MS. WARREN VOTING "AYE", MR. EASTMAN ABSTAINED, (6 IN FAVOR, 1 ABSTAINED)

Z&P Meeting: June 14, 2021
City Council Meeting: July 6, 2021

STAFF PLANNING REPORT
Rezoning

CASE 029-21 A request to remove from District R-1 (Single-family Residential) and include in District C-0 (Non-retail Commercial) for future multi-use development

LOCATION 1827 and 1831 S. Wall Ave.

APPLICANT Seth Dermott & Andrew Solomon

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Former Firehouse/Lion's Club	Approx. 0.3 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1	R-3	R-1	R-1
Land Use	Single-family Residential	Single-family Residential	Vacant/Auto Repair	Single-family Residential

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
S. Wall Ave.	Collector	60'
W. 19th St.	Local	50'

UTILITIES

Utilities in place.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The request is consistent with the comprehensive plan. The future land use map does indicate future low-density residential; however, the intent of the C-O district is to permit uses which serve a neighborhood and generally consist of office-type uses.

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

R-1 zoning is suitable for this property.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change to C-O will not detrimentally affect nearby property. C-O uses are intended to serve the neighborhood and generally allow the least intense uses of the commercial zoning districts. They generally do not generate traffic, nuisances, or other detrimental effects to the same degree as those generated by uses in C-2 or C-3. Buffers will be required if the owner alters or fully redevelops the site.

DISCUSSION

The applicant is requesting a rezoning from R-1 to C-O. The C-O zoning district is intended to allow uses which service the area and are generally office in nature. This zoning is not inappropriate in this area, given the frontage along a collector street, as well as nearby legal non-conforming commercial uses, commercial zoning districts, and higher density residential zones and districts. Buffers will be required if the owner intends on altering the site.

Staff recommends approval of Case 029-21.

ATTACHMENTS

- Application
- Map

REZONING APPLICATION FORM

Return Form to:
Planning / Community Development Specialist
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only

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

APPLICANT: SETH DERMOTT & ANDY SOLOMON PHONE: 417-437-4261
ADDRESS: 424 N SERGEANT AVE. JOPLIN, MO ZIP: 64801

OWNER: SETH DERMOTT & ANDY SOLOMON PHONE: 417-437-4261
ADDRESS: 424 N SERGEANT AVE JOPLIN, MO ZIP: 64801

LOCATION/ADDRESS OF PROPERTY: 1827 & 1831 S WALL, JOPLIN, MO 64804

Present Zoning: COMMERCIAL & RESIDENTIAL Requested Zoning: COMMERCIAL Acreage: .28
Present Use of Property: VACANT BUILDING & VACANT LOT

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	SINGLE FAMILY	R1
South	NOLAND AUTO TRIM SHOP	B1
East	SINGLE FAMILY	R1
West	SINGLE FAMILY	R1

Character of the Neighborhood: MOSTLY SINGLE FAMILY - THERE IS COMMERCIAL PROPERTY TO THE SOUTH & EAST. CHURCH IS TO THE WEST & AN APARTMENT BUILDING TO THE NORTH & WEST OF OUR PROPERTY.

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: THERE IS AN APARTMENT ON THE SECOND FLOOR. WE WOULD LIKE TO USE THE FIRST FLOOR AS POTENTIAL COMMERCIAL SPACE.

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: WALL AVE
2. Classification of Street(s):
   Arterial _____ Collector WALL AVE Local 19TH ST
3. Right-of-Way Width: _____
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: NONE

UNIQUE CHARACTERISTIC OF PROPERTY AND/OR ADDITIONAL COMMENT:

FANTASTIC OLD FIRE STATION THAT WOULD BE GREAT TO USE AS A COFFEE SHOP, DELI, OR WOOD FIRE PIZZA. WE WANT TO REJUVENATE THE AREA.

THE FOLLOWING **MUST** ACCOMPANY YOUR APPLICATION:

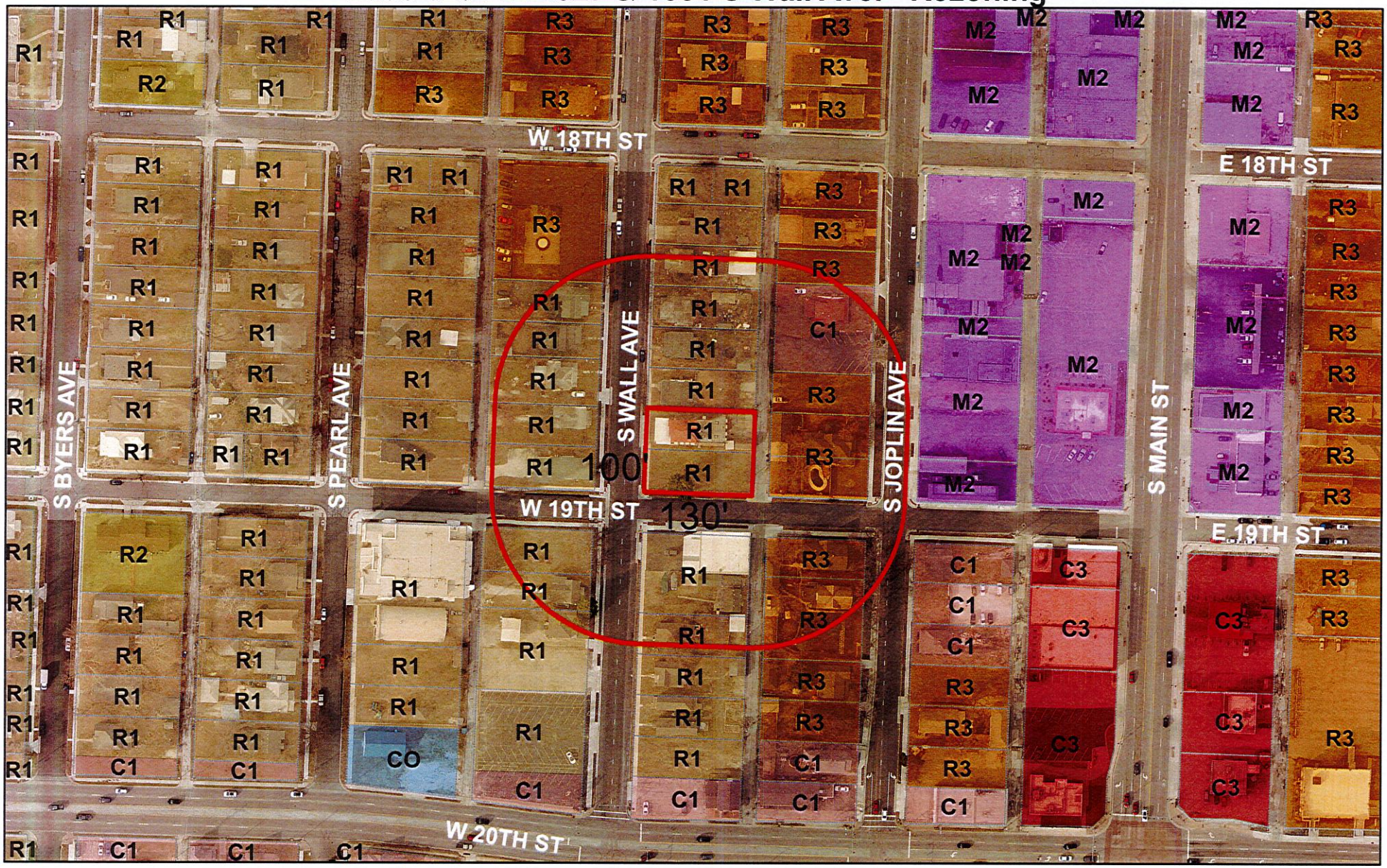
1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may affect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned

SIGNATURE: _____ DATE: 6/7/21

EMAIL: sdermott@kw.com

TITLE: _____

Case 029-21: 1827 & 1831 S Wall Ave. - Rezoning



Case 029-21: 1827 & 1831 S Wall Ave. - A request to remove from District R-1 (Single-family Residential) and include in District C-O (Non-retail Commercial) for future office and residential development – Seth Dermott and Andrew Solomon

P & Z Case 029-21
Seth Dermott & Andrew Solomon
(P & Z Recommended Approval)

COUNCIL BILL NO. 2021-273 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 C-O (Non-Retail Commercial) property as described below and located 1827 & 1831 S Wall Ave, City of Joplin, Jasper 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 the following described property and including in District C-O:

All of Lots Numbered One Hundred Eight (108), One Hundred Nine (109) and One Hundred Ten (110) except the East 30 feet of Lot 110 for street and except all that part of Lots Numbered One Hundred Eight (108), One Hundred Nine (109), and One Hundred Ten (110) in Banker's Third Addition to the City of Joplin, Jasper County Missouri, according to the recorded plat thereof, described as follows: beginning at the Northeast Corner of said Lot 110, thence South 01 Degrees 58'22" West along the East line of said Lot 110, 209.58 feet, thence North 87 degrees 10'29" West 62.18 feet, thence North 25 degrees 49'38" West 20.95 feet, thence on and along a curve to the left having a radius of 69.40 feet a distance of 79.85 feet, thence south 88 degrees 07'03" west 257.57 feet, thence north 01 degrees 58'22" east 156.95 feet to the North line of said lots, thence East 395.06 feet to the point of beginning, and all that part of Lots numbered one hundred eight (108), one hundred nine (109) and One hundred ten (110) in Banker's Third Addition to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof, described as follows: beginning at the northeast corner of said lot 110, thence south 01 degrees 58'22" west along the east line of said lot 110, 209.58 feet, thence north 87 degrees 10'23" west 62.18 feet, thence north 25 degrees 49'38" west 20.35 feet, thence eon and along a curve to the left having a radius of 69.40 feet a distance of 79.85 feet, thence south 88 degrees 07'03" west 257.57 feet, thence north 01 degrees 58'22" east 156.95 feet to the north line of said lots, thence east 395.06 feet to the point of beginning, and together with an ingress and egress easement described as commencing at the northeast corner of said lot 110, thence South 01 degrees 58'22" west along the east line of said lot 110, 209.58 feet, thence north 87 degrees 10'29" west 20.00 feet, thence south 01 degrees 58'22" West 181.43 feet to the north line of 20th Street, thence east along said north line of 20th Street, 20.01 feet, thence north 01 degrees 58'22" east 180.45 feet to the point of beginning, being a part of lot numbered 110 in Banker's Third Addition to the City of Joplin, Jasper 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_____, 2021, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney