CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2019-268-Rezone to Commercial District (C-3)

MEETING DATE:
July 15, 2019

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, Interim City Manager- Daniel Pekarek.

SUMMARY REQUEST:
Case 022-19: 3106 S. Connecticut Ave. – A request to rezone from Neighborhood Commercial (C-1) to Commercial (C-3) for the operation of a Medical Marijuana Dispensary – Suzanne Nelson.

BACKGROUND:
Mrs Nelson is wanting to add a 3,000sq addition to her building with a separate entrance for her Medical Marijuana Dispensary operation from Suzanne's Natural Foods. She is requesting for this property to be rezoned from C-1 to C-3 for the operation of a Medical Marijuana Dispensary.

PLANNING & ZONING COMMISSION TESTIMONY:
Suzanne Nelson, 67 Horseshoe Dr, Joplin, Missouri. She is requesting for this property to be rezoned from C-1 to C-3 for the operation of a Medical Marijuana Dispensary. Mrs Nelson is wanting to add a 3,000sq addition to her building with a separate entrance for her Medical Marijuana Dispensary operation from Suzanne's Natural Foods. Mrs Nelson is planning on a phase II remodel that will take place if/when she is granted a dispensary license. She currently sells CBD oil and has offered this product for the last 3-4 years along with herbal and retail experience. Suzanne Nelson's husband is a practicing physician of over 35 years. Located in the heart of the medical district which will make it convenient for qualifying patients.

Mr. Ramsour asked if the driveway off of thirty-second (32nd) is going to be finished into a parking lot and driveway.

Mrs. Nelson stated yes, her builder a couple years ago told her to wait until after the construction phase because of the concrete trucks and all of the equipment would tear it up. Planning on waiting until construction is finished to work on which should be by September.

Mr. Ramsour asked if the addition had its own entrance.

Mrs. Nelson stated yes, the addition has its own entrance

PUBLIC COMMENT;
Connie Willmack, 1020 W Kensington Rd, Joplin, Missouri, has worked for Suzanne for 5 years and has been in the herbal industry for twenty-five (25) years. Suzanne's is located across from the VA and always have multiple veterans come in wanting assistance. The approval would benefit both veterans and local citizens that need guidance.

Margo Gardner, 315 N. Tyler, Joplin, Missouri, she is very much in favor of Suzanne and her husband on their endeavor. Mrs Gardner has a background of twenty-five (25) years of pharmacy experience. Suzanne's presenting an area for patients to be comfortable that present real medical needs is crucial.

FUNDING SOURCE:
These payments are included in the FY 2018-19 budget of the Community Planning Fund.

RECOMMENDATIONS:
Planning & Zoning Commission recommends approval (6 in Favor, 0 Nay, 1 Absent).
Staff recommends approval of Case 022-19.

ATTACHMENTS
CB 2019- 268, Staff Planning Report, P&Z Commission Minutes

CB 2019-268

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Mr. Ramsour asked if the commissioners have any questions for Mrs Nelson.

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Mrs. Nelson stated yes, her builder a couple years ago told her to wait until after the construction phase beca use of the concrete trucks and all of the equipment would tear it up. Planning on waiting until construction is finished to work on which should be by September.

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Mr. Ramsour asked if the commissioners had any other questions.

Mr. Ramsour asked if there was anyone that would like to speak in favor of this case?

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Mr Ramso ur asked if the commiss ioners had any other questions?

Mr. Ramsour asked if there was anyone that would like to speak in favor of this case? There were not.

Anyone who would like to speak in opposition to this case? There were not.

Mrs Steele asked about the triangle that is inside of the presented area.

Mr Ramsour responded that was because Mrs. Suza nne ow ns that property.

MRS. BRUCKNER-SEARS MOVED, SECONDED BY MR. DERMONTT, TO BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL FOR CASE 022-19. MOTION CARRIED, WITH MR. RAMSOUR, MR. DERMOTT, MRS. BRUECKNER-SEARS, MRS. STEELE, MR. MCCULLOUGH, AND MR. EASTMAN VOTING "AYE". (6 IN FAVOR, 0 NAYS, 1 ABSENT).

Z&P Meeting: July 8, 2019
City Council Meeting: July 15, 2019

STAFF PLANNING REPORT
Rezoning

CASE 022-19 A request to rezone from C-1 (Single Family Residential) to C-3 (Commercial District)

LOCATION 3106 S. Connecticut Ave.

APPLICANT Suzanne Nelson

EXISTING CONDITIONS

Zoning	Land Use	Property Size
C-1	Health Food Store	Approx. 1.4 Acre

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1	R-1, C-2-PD, C-3-PD	C-O, C-1, C-2-PD	C-3
Land Use	Undeveloped: Applicant owns the vacant R-1 property	Single-Family Home, Office/Medical Building, Retail Strip Center	Restaurant, Retail Strip Center & other Retail Uses	Retail Strip Center

FUTURE LAND USE

Joplin's Future Land Use Map shows this property is appropriate for a retail commercial use which is consistent with the request.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
Connecticut Ave., 32nd St.	Connecticut Ave.: Collector 32nd St.: Arterial	Connecticut Ave.: 80 ft. 32nd St.: approx. 75 ft.

UTILITIES	Utilities do not need to be extended to this property. Utilities are currently in place and have enough capacity.
FLOOD PLAIN	N.A.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

This request is consistent with the development policies of the Comprehensive Plan. You will typically find "heavier" commercial districts and uses located at the intersection of collector and arterial streets since these types of corridors contain larger traffic volumes and are visible to potential customers. Both C-2 and C-3 districts are currently located in the immediate area. The request to rezone to a C-3 district is no different than what the city has already allowed in this area.

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

This property is currently zoned C-1 (Neighborhood Commercial). The applicant is proposing to rezone the property to C-3 (commercial) to allow the sale of medical marijuana. The city council recently adopted regulations to restrict the sale of licensed medical marijuana to heavier commercial districts such as C-2 (Central Business District) and C-3 (Commercial District). The current C-1 district does not permit retail sales of medical marijuana.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

There will be minimal impact on adjacent and nearby commercial properties since most of the existing commercial use are classified as C-2 or C-3 type land uses and there is already a retail business operating from the existing building in this request. The applicant owns the vacant R-1 (Single-Family) residential property to the north which will provide a buffer to the single-family homes located along 30th St.

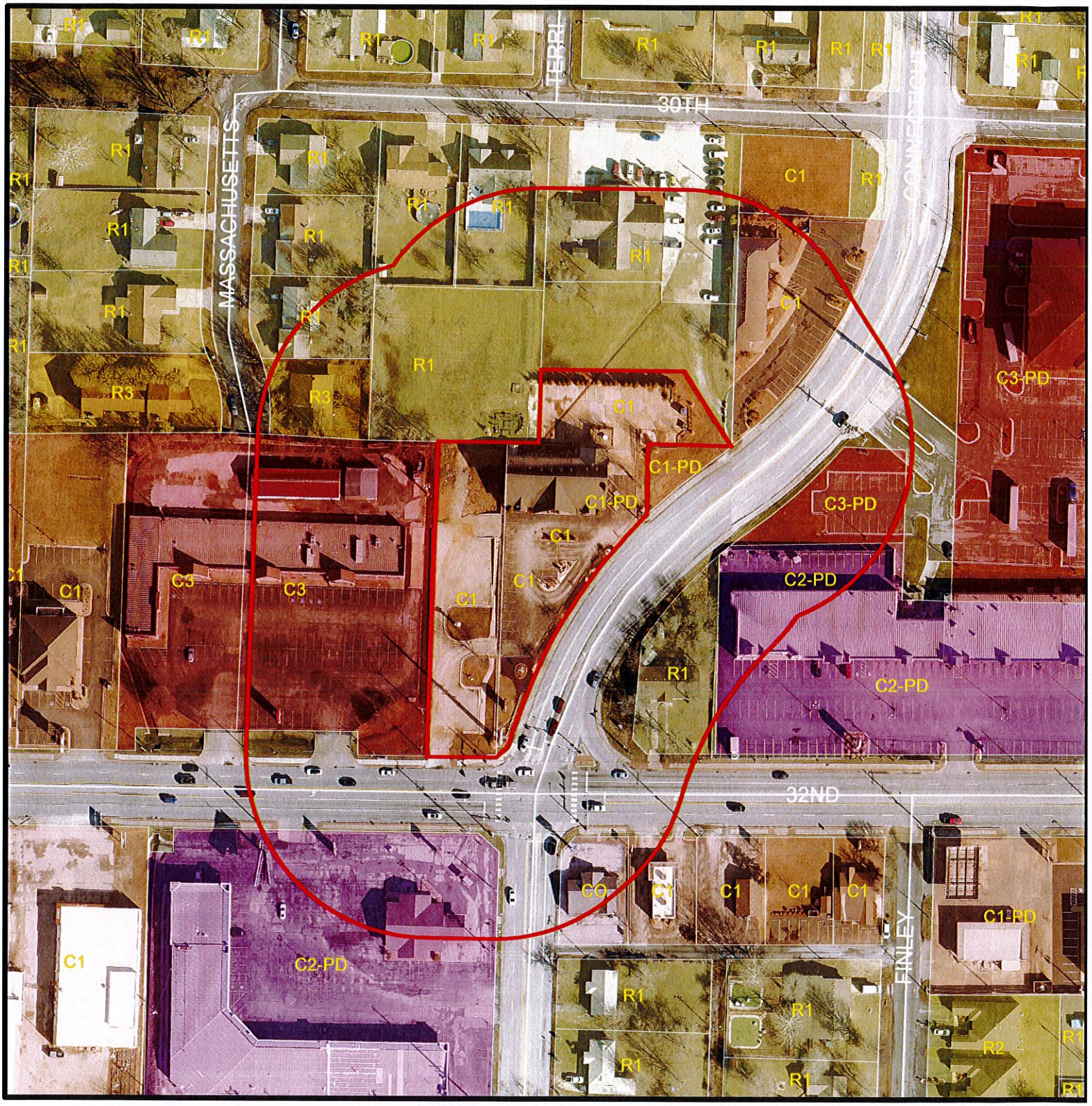
DISCUSSION

The property in this request is zoned C-1 (Neighborhood Commercial) and currently contains a health food store. The property owner is requesting a C-3 designation for the potential sale of medical marijuana. The immediate area already contains heavier commercial districts such as C-2 and C-3 districts. The proposed C-3 district will not be any different than what currently exists in this area. The proposed medical marijuana sales or any other potential C-3 use will be restricted to the retail building that is currently located on the property. The rezoning request is consistent with the development policies in our Comprehensive Plan and the adopted Future Land Use Map.

Staff recommends approval of Case 022-19.

ATTACHMENTS

- Application



300 150 0 300 600

Feet

Case 022-19: 3106 S. Connecticut Ave. – A request to rezone from Neighborhood Commercial (C-1) to Commercial (C-3) for the operation of a Medical Marijuana Dispensary – Suzanne Nelson.

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.: 32-19
Filing Fee: $500.00
Date Advertised: 6-23-19
Date Notices Sent: 6-21-19
P&Z Date: 7/9/19
City Council Date: 7/15/19

APPLICANT: Suzanne Nelson PHONE: 417-850-8595
ADDRESS: 3106 Connecticut Ave, Joplin ZIP: 64804
EMAIL: quarteredoak@gmail.com
OWNER: Big Trees Developer LLC PHONE: 417-850-8595
ADDRESS: 3106 Connecticut Ave, Joplin ZIP: 64804
EMAIL: quarteredoak@gmail.com
LOCATION OF PROPERTY: 3106 Connecticut, Joplin
LEGAL DESCRIPTION: SOUTHMORLAND ACRES ALL LOT 55 & E 43.8' S 1/2 LOT 56
SOUTHMORLAND ACRES E 70' W 140' S1/2 LOT 56

Present Zoning C1 Requested Zoning: C3 Acreage: 1.4
Present Use of Property: Retail (Suzanne's Natural Foods)
Proposed Use of Property: Retail (Suzanne's Natural Foods and Quartered Oak Enterprise)

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Alanon Club & single family homes	R1
South	Retail	C2-PD
East	Retail	C2-PD and C3
West	Retail	C3

CHARACTER OF THE NEIGHBORHOOD: Busy commercial thoroughfare (E 32nd St) with retail, banking, and medical offices nearby.

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?
   If yes, explain: Tenant Quartered Oak Enterprise intends to operate a licensed medical marijuana dispensary.

CONFORMANCE WITH COMPREHENSIVE PLAN:

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

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
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 effect 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
4. For Planned Developments the following must be submitted and reviewed before the rezoning can be advertised for public hearing:
   ___ Site Plan ___ Landscape Plan ___ Building Elevations

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Connecticut Ave and E 32nd Street
2. Classification of Street(s):
   Arterial X Collector _____ Local _____
3. Right-of-Way Width: Approx 40 ft
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   No

IS PLATTING OR REPLATTING REQUIRED 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: _____

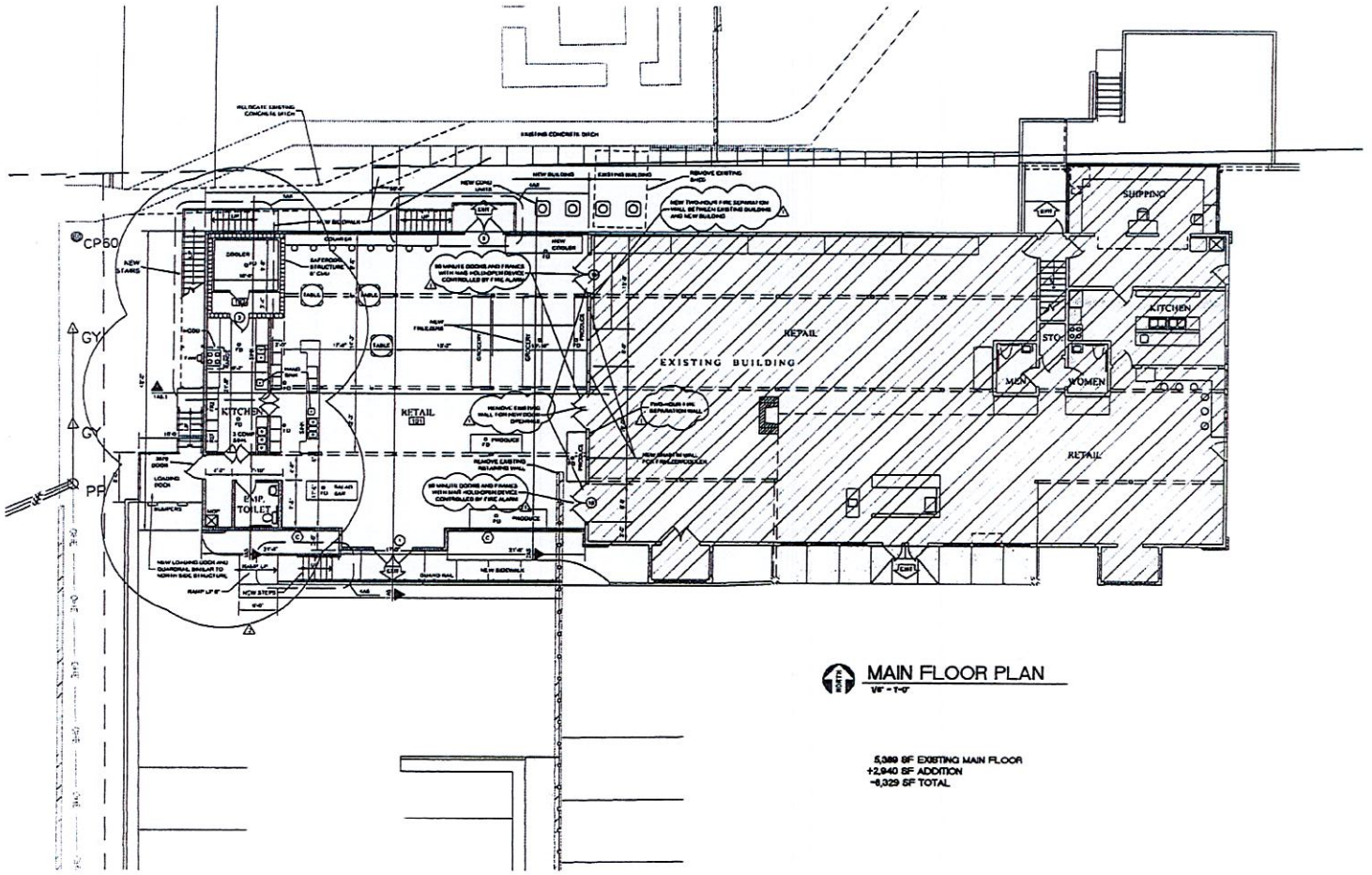
UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

There is existing permitted construction occurring at the time of application. No additional exterior construction will occur as part of this rezoning, only interior remodeling of the existing structure.

SIGNATURE: Suzanne Nelson DATE: 5/23/19

BY: Suzanne Nelson

TITLE: Owner, Big Trees Developer



MAIN FLOOR PLAN

1/8" = 1'-0"

5,389 SF EXISTING MAIN FLOOR
+2,940 SF ADDITION
=8,329 SF TOTAL

NOTES:

1) ALL WORK FOR THIS PROJECT SHALL CONFORM TO THE PROVISIONS OF ALL APPLICABLE CODES, ORDINANCES AND REGULATIONS AS ENDORSED BY ALL GOVERNING BODIES OR JURISDICTIONS INVOLVED. APPLICABLE CODES, REGULATIONS AND LAWS INCLUDE , BUT ARE NOT LIMITED TO THE FOLLOWING.

INTERNATIONAL BUILDING CODE 2012
INTERNATIONAL PLUMBING CODE 2012
INTERNATIONAL MECHANICAL CODE 2012
NATIONAL ELECTRIC CODE LATEST EDITION
NFPA 101 LIFE SAFETY CODE, LATEST EDITION
INTERNATIONAL FIRE CODE 2012
AMERICANS WITH DISABILITIES ACT
FEDERAL ACCESSIBILITY GUIDELINES AND AMERICAN NATIONAL STANDARDS INSTITUTE

2) CITY OF JOPLIN, MO ZONING DISTRICT: C1

3) BUILDING CODE ANALYSIS DATA

TYPE OF CONSTRUCTION: TYPE 5B
OCCUPANCY CLASSIFICATION: (MIXED) 'M' MERCANTILE (IBC SECTION 309) MAIN FLOOR AND 'B' BUSINESS (IBC SECTION 304) UPPER FLOOR
BUILDING ALLOWABLE FLOOR AREA AND HEIGHT (IBC TABLE 503): 9,000 SF PER FLOOR ('B' AND 'M'); TWO STORIES FOR 'B' AND ONE STORY FOR 'M'
OCCUPANCY SEPARATION (IBC SECTION 508.4): SEPARATED OCCUPANCIES (SEE NOTE #1)
FIRE RESISTANCE FOR BUILDING ELEMENTS (IBC TABLE 601): 1 HOUR (SEE NOTE #1)
FIRE RESISTANCE RATING FOR EXTERIOR WALLS (IBC TABLE 602): DISTANCE GREATER THAN 10 FEET, TYPE 5B CONSTRUCTION GROUP 'B' OR 'M' OCCUPANCY = 0 HOURS
FIRE SUPPRESSION SYSTEM (IBC FIGURE 903.2): NONE
NUMBER OF OCCUPANTS (IBC TABLE 1004.1.2):
FOR MAIN FLOOR (GROUP 'M') 4,229 SF / 30 SF PER OCCUPANT = 278 OCCUPANTS.
FOR UPPER FLOOR (GROUP 'B') 4,280 / 100 SF PER OCCUPANT = 44 OCCUPANTS.
UNIMPEDED EGRESS WIDTH (IBC SECTION 1005):
FOR MAIN FLOOR DOORS, TOTAL OCCUPANT LOAD 322 OCCUPANTS X 0.2" PER OCCUPANT = 64.4".
FOR UPPER FLOOR DOORS, TOTAL OCCUPANT LOAD 44 OCCUPANTS X 0.2" PER OCCUPANT = 8.8".
FOR STAIRWAYS, TOTAL OCCUPANT LOAD 44 OCCUPANTS X 0.3" PER OCCUPANT = 13.2".
MAXIMUM DISTANCE FROM ANY POINT TO EXIT (IBC TABLE 1016.2): 75 FEET FOR GROUPS 'B' AND 'M' (FOR OCCUPANT LOADS GREATER THAN 30 AND WITHOUT SPRINKLER SYSTEM).
MAXIMUM EXIT ACCESS TRAVEL DISTANCE (IBC TABLE 1016.2): 200 FEET FOR GROUPS 'B' AND 'M'.
CORRIDOR FIRE RESISTANCE RATING (IBC TABLE 1016.1): ONE HOUR FOR GROUPS 'B' AND 'M' (FOR OCCUPANT LOADS GREATER THAN 30).
MINIMUM CORRIDOR WIDTH (IBC TABLE 1018.2): 36" FOR OCCUPANT CAPACITY LESS THAN 50
MINIMUM NUMBER OF EXITS REQUIRED PER STORY (IBC SECTION 1021.2):
TWO REQUIRED
MINIMUM NUMBER OF TOILET FIXTURES (IBC TABLE 2902.1):
FOR MAIN FLOOR (GROUP 'M') BASED ON 278 TOTAL OCCUPANTS (139 MALE AND 139 FEMALE AND 1 WATER CLOSET PER 500 OCCUPANTS BOTH MALE AND FEMALE, AND 1 LAVATORY FOR 750 OCCUPANTS BOTH MALE AND FEMALE) = 1 WATER CLOSET FOR MALE AND 1 WATER CLOSET FOR FEMALE AND 1 LAVATORY FOR MALE AND 1 LAVATORY FOR FEMALE.
FOR UPPER FLOOR (GROUP 'B') BASED ON 44 TOTAL OCCUPANTS (22 MALE AND 22 FEMALE AND 1 WATER CLOSET FOR FIRST 25 OCCUPANTS BOTH MALE AND FEMALE, AND 1 LAVATORY FOR FIRST 40 OCCUPANTS BOTH MALE AND FEMALE) = 1 WATER CLOSET FOR MALE AND 1 WATER CLOSET FOR FEMALE AND 1 LAVATORY FOR MALE AND 1 LAVATORY FOR FEMALE.

4) THE NEW PORTION OF THE PROJECT IS TO BE SEPARATED FROM THE EXISTING BUILDING BY A TWO-HOUR FIRE RESISTANCE RATED WALL WHICH IS ACCOMPLISHED BY REMOVING THE EXTERIOR SIDING AND SHEATHING AND ADDING TWO LAYERS OF 5/8" GYPSUM BOARD AND THEN ADDING LAYERS OF 5/8" GYPSUM BOARD AS NECESSARY TO THE EXISTING BUILDING SIDE OF THE SAME WALL FRAMING SO THAT THE WALL ENDS UP WITH TWO CONTINUOUS LAYERS OF GYPSUM BOARD ON BOTH SIDES.

5) THE UPPER FLOOR IS INTENDED TO BE SEPARATED FROM THE LOWER FLOOR BY CONSTRUCTION CONSISTING TO BE, OR EQUAL TO, U372 WITH TWO LAYERS OF GYPSUM ATTACHED TO BOTTOM OF FLOOR FRAMING BY USE OF RESILIENT STEEL FURRING CHANNELS.

6) THE ROOF STRUCTURE IS INTENDED TO BE CONSTRUCTED BY USE OF UL DESIGN NO. UP513 WITH ONE LAYER OF GYPSUM ATTACHED TO BOTTOM OF FLOOR FRAMING BY USE OF RESILIENT STEEL FURRING CHANNELS.

7) THE STRUCTURAL WOOD BEAMS AND COLUMNS ARE INTENDED TO BE PROTECTED BY THE USE OF HEAVY TIMBER MINIMUM SIZES CALCULATED BY STRUCTURAL ENGINEER AND APPROVED BY ARCHITECT FOR ONE HOUR MINIMUM FIRE RESISTANCE.

STEVEN W. LACEY
ARCHITECT, LLC
417 EAST CENTRAL, OSEOGO, MO – (417)673-1954
STEVEN W. LACEY ARCHITECT, LLC
MISSOURI ARCHITECT CERTIFICATE OF AUTHORITY NO. 2005030341

BUILDING ADDITIONS FOR:
SUZANNE'S NATURAL FOODS
3186 CONNECTICUT AVENUE
JOPLIN JASPER COUNTY, MISSOURI

Revisions	
11-29-17	ADDENDUM NO. 1 / A
12-04-17	ADDENDUM NO. 2 / A, ADD'L KITCHEN

Sheet Title: MAIN FLOOR PLAN
AUG. 06, 2017

Sheet Number: A2

Copyright 2017
Steven W. Lacey-Architect, LLC

Planning & Zoning Department
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801

To Whom It May Concern:

I, Suzanne Nelson, sole owner of Big Tree Developers, which owns SOUTHMORLAND ACRES ALL LOT 55 & E 43.8' S 1/2 LOT 56 and SOUTHMORLAND ACRES E 70' W 140' S1/2 LOT 56 and the structures therein, wish to rezone these lots from C1 commercial to C3 commercial.

Reasoning for the rezoning
I am requesting this rezoning because I would like to open a licensed medical marijuana dispensary located within the existing building located on the above-named lots. The City of Joplin requires medical marijuana dispensary facilities to be in C3 zoned properties.

Impact of the proposed change, including any traffic conditions that may result
I anticipate no significant impact to the area, including no significant change in traffic volume. The new business on this property will be a small retail establishment. Customers will not be allowed to loiter or consume medical marijuana on the property.

Any danger from fire hazards
No. The dispensary is a retail operation with no manufacturing, cooking, or other fire-prone activities occurring.

How the proposed change may affect the character of the surrounding properties
No anticipated change to the character of surrounding properties. The dispensary's character will be very similar to that of the existing retail business in this location, Suzanne's Natural Foods. Other than signage, there will be no exterior modifications to the structure.

How the proposed change will benefit the City of Joplin
I want to open this dispensary to offer a safe, legal, natural remedy to qualifying patients suffering from a variety of diseases and other ailments. Joplin residents who are qualifying medical marijuana patients will benefit by having a trusted source for legal medical marijuana, offered in a dignified environment with appropriate patient education and care. This dispensary will operate in a respectful manner, focused on the natural healing and pain management offered by medical marijuana.

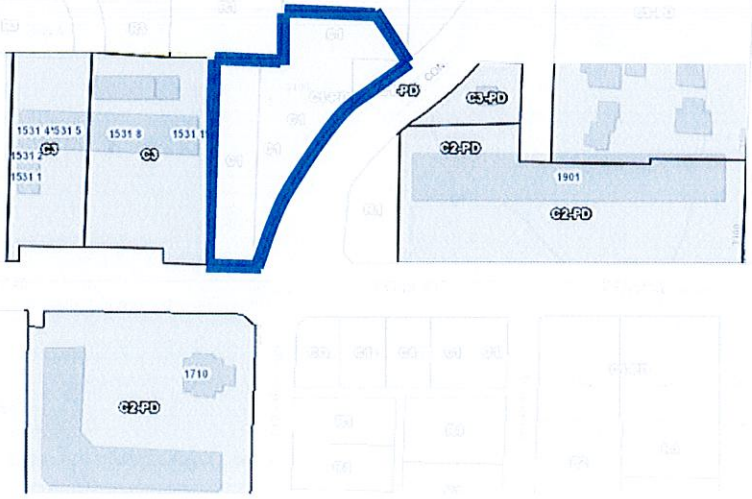
The city itself will benefit from additional employment and increased tax revenues while keeping the character of Southmorland Acres similar to its current character.

Sincerely,

Suzanne Nelson

Suzanne Nelson
Owner, Big Tree Developers
Owner, Suzanne's Natural Foods
Owner, Quartered Oak Enterprise dba Dr Bill's Dispensary

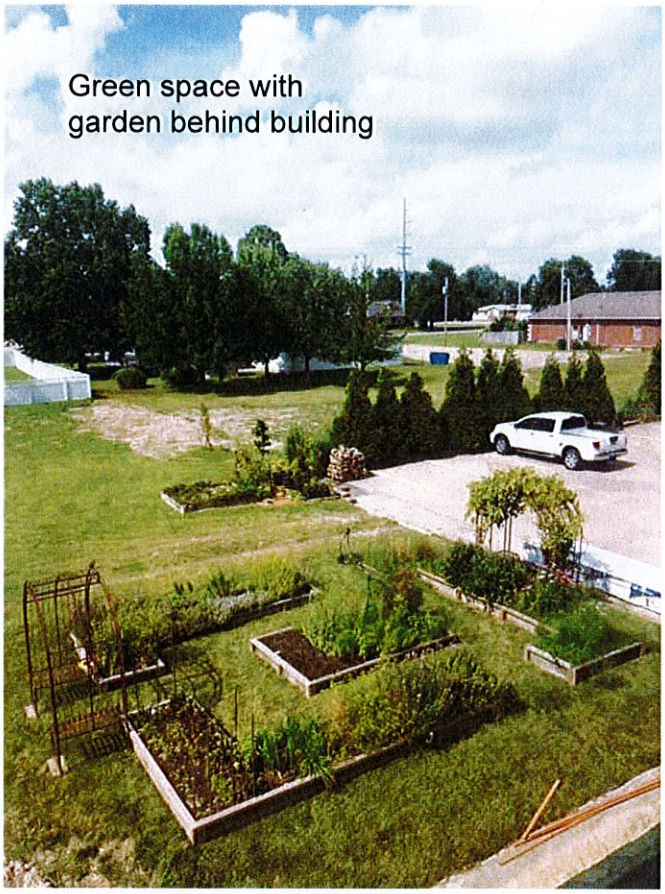
Surrounded on three sides by C2 or C3 commercial




Suzanne's Natural Foods
Connecticut Ave
Connecticut Ave
E 32nd St
E 32nd St



Approximate interior location of dispensary


Green space with
garden behind building

July 8, 2019

Lee Anne Howsmon
2622 East 35th Street
Joplin, MO 64804
417-529-9822
lhowsmon@aol.com

Dear. Mr. Bolander,

Susanne Nelson has been an important part of our business community for over 27 years. I believe in that time she has proven herself to be hardworking, responsible and always trying to give her customers the very best of what she has to offer.

She is wanting to expand her business and request a dispensary license; however, she finds she is zoned a C1 and not a C3. I believe she as always thought she is a C3. Most of her commercial neighbors are a C3. She doesn't have any more traffic than they do, she doesn't make a lot of noise and she isn't open late in the evening.

I really believe that changing Suzanne's from a C1 to a C3 would be a good thing for her business as well as our community.

Sincerely,

Lee Anne Howsmon

Lee Anne Howsmon
(Employee of Suzanne's)

P & Z Case 022-19
Suzanne Nelson
(P & Z Recommended Approval)

COUNCIL BILL NO. 2019-268 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 C-1 and including in District C-3 property as described below and located 3106 Connecticut 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-3:

> All of Lot 55 AND the East 43.8 feet of the South one-half of Lot 56 AND the East 70 feet of the West 140 feet of the South one-half of Lot 56, except, property taken for right-of-way purposed, in Southmorland Acres 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_____, 2019, by a vote of _____.

_____
Gary L. Shaw, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney