CB 2018-265

Case 024-18: Adjacent and South of I-44 at Exit 1 – A request to rezone from Single Family Residential District (R1) to Commercial Planned Overlay District (C3-PD) – Bill Richert

Mr. Cortez asked if there was anyone else to speak in favor? Mr. Richert is not able to be in attendance today, so staff will present the case.

Mr. Whitmore stated that a request to rezone this property came before this board on April 9, 2018. It was approved by this board and denied by City Council. The previous request was for commercial, but now the request is for planned district C-3. Planned District is different because any development will come before staff and other city officials for the approval of the site plans. The site plans must be approved by this commission and City Council before any development can proceed. The Future Land Use Map classifies this lot as Commercial. Utilities will need to be extend to the property from the north of I-44. This property is consistent with the comprehensive plan. The access to and from I-44 makes this property suitable for commercial development.

Mr. Ramsour asked when this property was annexed into the city limits.

Mr. Bolander stated that at the time it was owned by the Sitton Family. A little history many years ago the City of Joplin held an involuntary annexation and that was denied. Then the City went to the property owners and asked if they would like to voluntarily annex into the City. We developed a land use plan, which recognized a lot of the properties along the interstate would be commercial. If it didn't come into the City at that time, there would be nothing preventing it from being commercial right now because Newton County does not have land use regulations.

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

Is there anyone to speak against this rezoning?

Alan Mauk, 4404 Aadrvark Drive, Joplin, MO. Mr. Mauk stated that this piece of property came before City Council two months ago and council voted to preserve residential zoning of this area. Mainly because the gentleman who owns the property had no plans for the property. There is no consideration for City Council's actions or the community in which it is located. We have noticed there is not a sewer line on the south side, so a boar would have to take place underneath I-44. The elevation there will have to be a pumping station, there are no water plans. The outer road could not withstand truck traffic. The community is asking for the Residential District to stay until plans can be prepared for the community to voice their opposition or their support or this project.

Casey Vanstory, 1601 S. Outer Road, Joplin, MO. She read a statement that she had written out. She stated that Mr. Richert is not here to answer any questions and she feels that they are being bullied by Mr. Richert and City Staff. Her land is adjacent and showed pictures. Things that need to be considered before rezoning the property, characteristics of the neighborhood is one of them. There is a total of eight (8) families that this rezoning will affect.

Mr. Ramsour asked Mrs. Vanstory if they lived in the city limits.

Mrs. Vanstory stated she did not. When police are called the Newton County Sherriff responds rather than the City of Joplin Police.

Mr. McCullough asked Mrs. Vanstory if her property was adjacent to this property?

Mrs. Vanstory stated that it was.

Mr. McCullough stated that she had the opportunity to annex into the city if she wished to.

Mrs. Vanstory stated she never had the opportunity, nor has my family.

Mr. McCullough stated that if you are adjacent to a property that is in the city limits you can request to be annexed in at any time.

Mrs. Vanstory asked if annexing in would give us city utilities and how long would that be for us to receive.

Mr. Bolander stated not necessarily the utilities, but it would be police, fire, and trash. Utilities would be depending how long it takes for the city to get out there. With this property getting utilities, it would be feasible to get them to your property as well.

Mrs. Vanstory stated that was never brought up to her.

Mr. Cortez asked if there were any other questions? There were not.

Nick and Tamara Breedlove, 1645 Outer Road, Joplin, MO. We have never been approached to be annexed into the City. The old Nickerson Farms was on a lagoon system. The parking lot and the piece of property where the building was, were level with the road. The rest of the property is down in a valley. They would have to do a lot of landfill and the gas line runs through the valley. If they moved that line it would cause flooding on their property.

Mr. Cortez closed the case.

Mr. Bolander stated that he had to make some comments for the record. He wanted to make sure that the decision was based on the six (6) factors that are listed in the code.

1. Character of the neighborhood.
2. Zoning and uses of properties nearby.
3. Suitability of the subject property for the uses for which it has been restricted.
4. Extent for which the newer restrictions or change in zoning will judgmentally affect the nearby property.
5. The findings concerning the extent which the rezoning request meets the intent of the regulation.
6. Compliance with the Comprehensive Development Plan -Future Land Use Map.

Mr. Cortez asked if they have the option of tabling this case.

Mr. Bolander stated that was correct. You have all your options available. You can approve it, you can deny it, or you can table it.

MR. RAMSOUR MADE THE MOTION AND SECONDED BY MRS. BRUCKNER-SEARS, THAT CASE 024-18, BE TABLED. MOTION CARRIED, WITH MR. CORTEZ, MR. RAMSOUR, MR. DERMOTT, MRS. BRUECKNER-SEARS, MRS. KOELKEBECK AND MR. MCCULLOUGH VOTING "AYE". (6 IN FAVOR, 0 NAYS, 1 ABSENT).