Z&P Meeting: July 9, 2018
City Council Meeting: August 6, 2018

STAFF PLANNING REPORT
Rezoning

CASE 024-18 A request to rezone from R-1 (Single Family Residential) to C3-PD (Commercial Planned Overlay District) for future commercial development

LOCATION I-44 at Exit 1, near the Oklahoma state line

APPLICANT Bill Richert

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Vacant	14 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-3	N/A	N/A	N/A
Land Use	RV Park	Rural Residential	Rural Residential	Agriculture

FUTURE LAND USE

The City of Joplin's Future Land Use Map classifies this lot as Commercial

TRANSPORTATION

Streets with access	Classification	Right-of-way width
Outer Road	Secondary	50'

UTILITIES Utilities need to be extended to the property.

FLOOD PLAIN N/A

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes. The future land use map recommends this property be used for retail commercial activities.

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

This property is currently zoned R-1. The property's direct access and location along I-44 does not make this property suitable for single-family residential development. The zoning change to C-3 is required for commercial development.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The property directly to the East located outside of the city could potentially be impacted by the zoning change to commercial. But, this property and the remaining property is located outside of this request and is not located within Joplin's city limits. Newton County currently does not have any land use regulations and it can be argued that any potential commercial development located in the city is in a better position to protect nearby residences (even residences located outside of the city) than any property that may be developed for commercial or industrial uses were there are no land use regulations.

DISCUSSION

This property was annexed into the city and was automatically given the zoning of R-1. It was previously used as commercial property known as "Nickerson Farms". The property was voluntarily annexed into the city with the understanding that it would be developed for commercial uses in the future. The property's close proximity and access to I-44 makes it very ideal for commercial development.

On April 9, 2018 Mr. Richert applied to have this property rezoned from R-1 (Single Family Residential) to C-3 (Commercial). This request was approved by the Planning and Zoning Commission unanimously. However, when the case appeared before the City Council there was resistance from adjacent property owners and the Council did not approve the rezoning request. The adjacent property owners expressed concerns that their property value would decrease due to potentially unsightly Commercial development.

The property owner is seeking to rezone again, this time to Commercial Planned Overlay District (C3-PD). It is the property owner's hope that having a Planned District designation will mitigate many of the adjacent property owners' concerns. Having a Planned District designation would require the commercial development's site plan be reviewed and approved by the City Council prior to the issuance of a building permit.

Staff recommends approval of Case 024-18.

ATTACHMENTS

- Application

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 417-625-4758

For Office Use Only
Case No.: 024-18
Filing Fee: $500.00
Date Advertised: 6-24-18
Date Notices Sent: 6-26-18
P&Z Date: 7-9-18
City Council Date: 8-6-18

APPLICANT: BILL RICHERT EXIT-ONE, LLC PHONE: 918 743-6262
ADDRESS: PO Box 2352, TULSA, OK ZIP: 74101
EMAIL: brichert@sbcglobal.net
OWNER: EXIT-ONE, LLC PHONE:
ADDRESS: PO BOX 2352, TULSA, OK ZIP: 74101
EMAIL: SAME
LOCATION OF PROPERTY: EXIT-ONE OF I-44 (SOUTH SIDE)
LEGAL DESCRIPTION:

Present Zoning: R1 Requested Zoning: C3-PD Acreage: 14 AC
Present Use of Property: VACANT
Proposed Use of Property: COMMERCIAL

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	CASINO, C-STORE	
South	RURAL	NOT IN CITY LIMIT
East	RURAL RESIDENTIAL	" " " "
West	RURAL	" " " "

CHARACTER OF THE NEIGHBORHOOD: INTERSTATE HIGHWAY INTERCHANGE COMMERCIAL ON NORTH, RURAL ON SOUTH, EAST, WEST

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: THE SITE WAS FORMERLY A RESTAURANT SITE

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: OUTER ROAD, INTERSTATE 44 INTERCHANGE
2. Classification of Street(s):
   Arterial_____ Collector_____ Local _____ INTERSTATE 44
3. Right-of-Way Width: _____
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   _____

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots?_____
2. Properly Sized Street Right-of-Way?_____
3. Drainage Easements?_____
4. Utility Easements:
   - Electricity?_____
   - Gas?_____
   - Sewers?_____
   - Water?_____
5. Additional Comments:_____

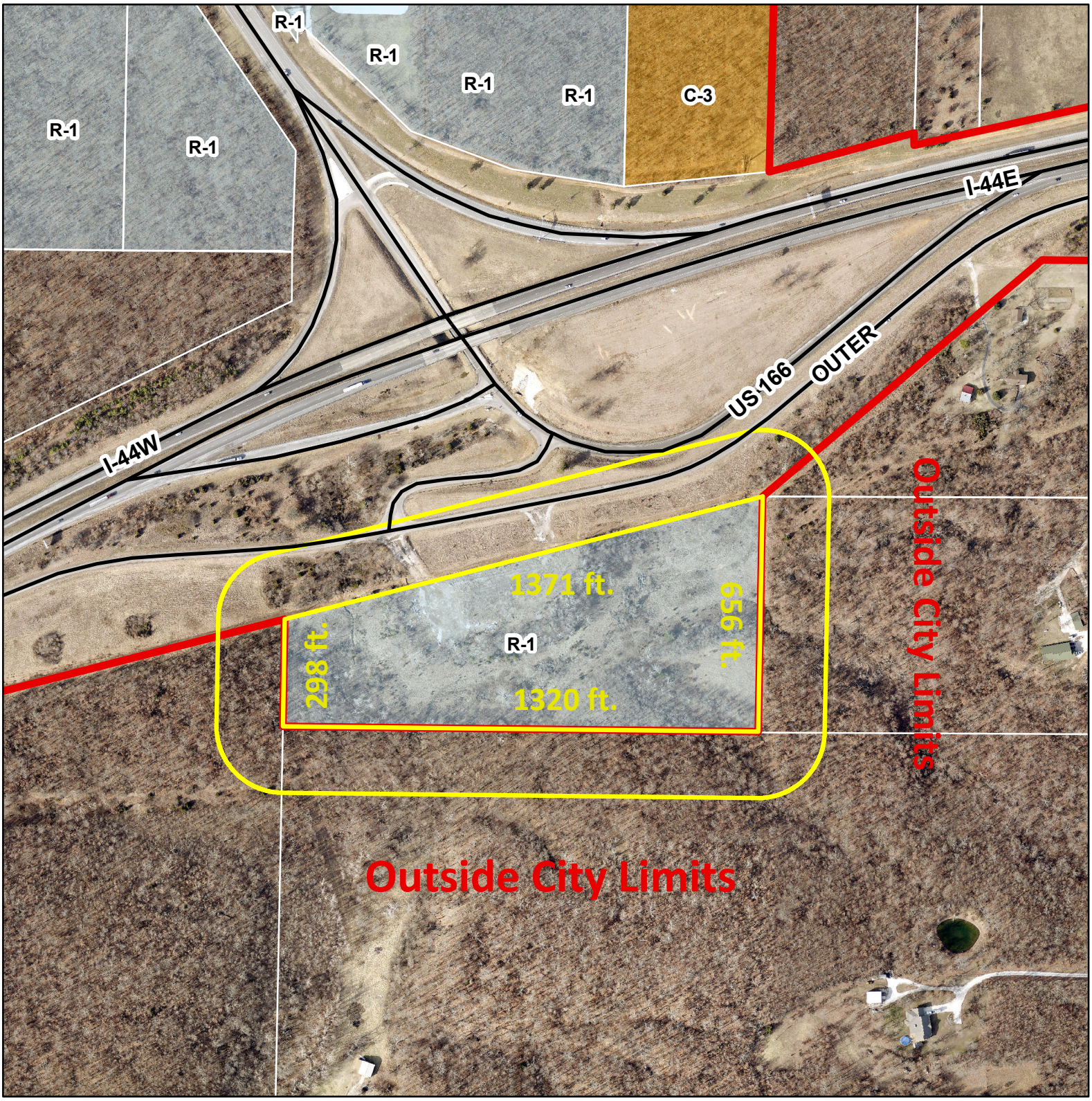
UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

PROPERTY WAS FORMERLY A NICKERSON FARMS RESTAURANT AND IS LOCATED ACROSS FROM THE DOWNSTREAM CASINO

SIGNATURE: _____ DATE: 6/8/18

BY: BILL RICHERT

TITLE: PARTNER, OWNER



0 320 640 1,280 1,920 2,560 Feet

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

N