CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2019- 270 -Rezone to C-2 (Central Business).

MEETING DATE:
August 5, 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 025-19: 1202 S. Joplin Ave. – A request to rezone from Heavy Industrial (M-2) to Central Business (C-2) for the operation of a duplex – Lera Dill.

BACKGROUND:
The current duplex use on the property would typically not be allowed in a M-2 (Heavy Industrial) district. The duplex is classified as a legal non-conforming use and is "grandfathered" under our current zoning code.
The property in this request has always been zoned M-2 (Heavy Industrial) and is part of the old downtown industrial district which predates the current industrial park system we use today. The structure on the lot formerly contained a business (Magnolia House) and residence.
The property owner has received interest from potential buyers to purchase the property to continue the residential use as a duplex since it is near our central business district. But, most lenders will not approve a loan for a use that is classified as a legal non-conforming use and is not located in an appropriate zoning district. The change to a C-2 district will permit the duplex use to continue.

PLANNING & ZONING COMMISSION TESTIMONY:
Lera Dill, 1220 E 44th Street, Joplin, MO 64804. Ms. Dill stated that they had the property for about 22 years and was originally built as a two-family dwelling. They have had different businesses on the property. They have recently remodeled and made the building back into a duplex.

PUBLIC COMMENT;
None.

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

RECOMMENDATION:
Staff recommends approval of Case 0-.

ATTACHMENTS
CB 2019- 270, Staff Planning Report, P&Z Commission Minutes

Case 025-19: 1202 S. Joplin Ave. – A request to rezone from Heavy Industrial (M-2) to Central Business (C-2) for the operation of a duplex – Lera Dill.

Mr. Ramsour stated that there are two (2) members, Mr. Dermott and Mr. Eastman, from the Commission that abstained themselves.

Lera Dill, 1220 E 44th Street, Joplin, MO 64804. Ms. Dill stated that they had the property for about 22 years and was originally built as a two-family dwelling. They have had different businesses on the property. They have recently remodeled and made the building back into a duplex.

Mr. Ramsour asked if there were any questions for Ms. Dill?

Mrs. Steele asked in this is the property with the beautiful magnolia on it?

Mrs. Dill stated it was.

Mr. Ramsour asked if there was anyone to speak in favor of this case? There were not. No one spoke in opposition of the case.

MRS. BRUCKNER-SEARS MOVED, SECONDED BY MRS. STEELE, TO APPROVE CASE 025-19 AND BE FORWARDED TO THE CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MRS. BRUECKNER-SEARS, MRS. STEELE, MR. MCCULLOUGH, VOTING "AYE". MR. DERMOTT, MR. EASTMAN -ABSTAINED. (4 IN FAVOR, 0 NAYS, 1 ABSENT, 2 ABSTAINED).

Z&P Meeting: July 8, 2019
City Council Meeting: August 5, 2019

STAFF PLANNING REPORT
Rezoning

CASE 025-19 A request to rezone from M-2 (Heavy Industrial) to C-2 (Central Business)

LOCATION 1202 S. Joplin Ave.

APPLICANT Lera Dill

EXISTING CONDITIONS

Zoning	Land Use	Property Size
M-2	Duplex	6,000 sq. ft.

SITE CONTEXT

	North	East	South	West
Existing Zoning	M-2	M-2	M-2	M-2
Land Use	Parking Lot/Auto Parts Store	Parking Lot	Commercial Garage	Warehouse/Offices

FUTURE LAND USE

Joplin's Future Land Use Map shows this property is appropriate for a heavy industrial use which is inconsistent with this 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 serve the existing duplex at this location

FLOOD PLAIN N.A.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The request is inconsistent with the development policies of our comprehensive plan. The policies of the comprehensive plan discourage residential dwellings in heavy industrial areas. Heavy Industrial areas can contain uses that are unsightly and produce nuisances such as noise/odor that are incompatible with residential uses.

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

The current duplex use on the property would typically not be allowed in a M-2 (Heavy Industrial) district. The duplex is classified as a legal non-conforming use and is "grandfathered" under our current zoning code.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The proposed zoning change will have minimal impact on nearby property. A duplex use is already located on the property in this request. The proposed zoning will allow the duplex to continue in an appropriate zoning district.

DISCUSSION

The property in this request has always been zoned M-2 (Heavy Industrial) and is part of the old downtown industrial district which predates the current industrial park system we use today. The structure on the lot formerly contained a business (Magnolia House) and residence. Today, the structure only contains the residential use. The property owner has received interest from potential buyers to purchase the property to continue the residential use as a duplex since it is near our central business district. But, most lenders will not approve a loan for a use that is classified as a legal non-conforming use and is not located in an appropriate zoning district. The change to a C-2 district will permit the duplex use to continue. In most cases staff would not recommend a zoning change that would encourage a residential use in a heavy industrial district. But, the old downtown industrial district today at this location contains uses and businesses that would be permitted in a C-2 district. The C-2 district also permits residential uses to encourage a "mixed" use of businesses and residences that you would typically find in a downtown. Staff does not believe the zoning change to allow the duplex use to continue will be a threat to the nearby businesses and staff does not believe the existing businesses will be a threat to the duplex use. Especially since the duplex use already exists at this location.

Staff recommends approval of Case 025-19.

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 417-625-4738

For Office Use Only

Case No.: 025-19
Filing Fee: $500.00
Date Advertised: 6-23-19
Date Notices Sent 6-21-19
Public Hearing Date: 7-8-19

APPLICANT: Lera Dill PHONE: 417 483-1708
ADDRESS: 1220 E 44th Street, Joplin ZIP: 64804
OWNER: Lera Dill PHONE: 417 483 1708
ADDRESS: 1220 E 44th Street, Joplin ZIP: 64804
LOCATION OF PROPERTY: 1202 Joplin
LEGAL DESCRIPTION:

Present Zoning M-2 Requested Zoning: C-2 Acreage:
Present Use of Property: Duplex

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	VACANT COMM BUILD.	M-2
South	VACANT COMM BUILD.	M-2
East	PARKING LOT	M-2
West	OFFICE BUILD	M-2

CHARACTER OF THE NEIGHBORHOOD: COMMERCIAL USES

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   YES, BUT AREA IS COMMERCIAL
2. Are there substantial reasons why the property cannot be used in accord with existing zoning?
   If yes, explain: DOES NOT ALLOW A DUPLEX

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? YES
2. Consistent with Future Land Use Map? NO

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

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: 12th St.
2. Classification of Street(s):
   Arterial_____ Collector_____ Local X
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 TO PROVIDE FOR:

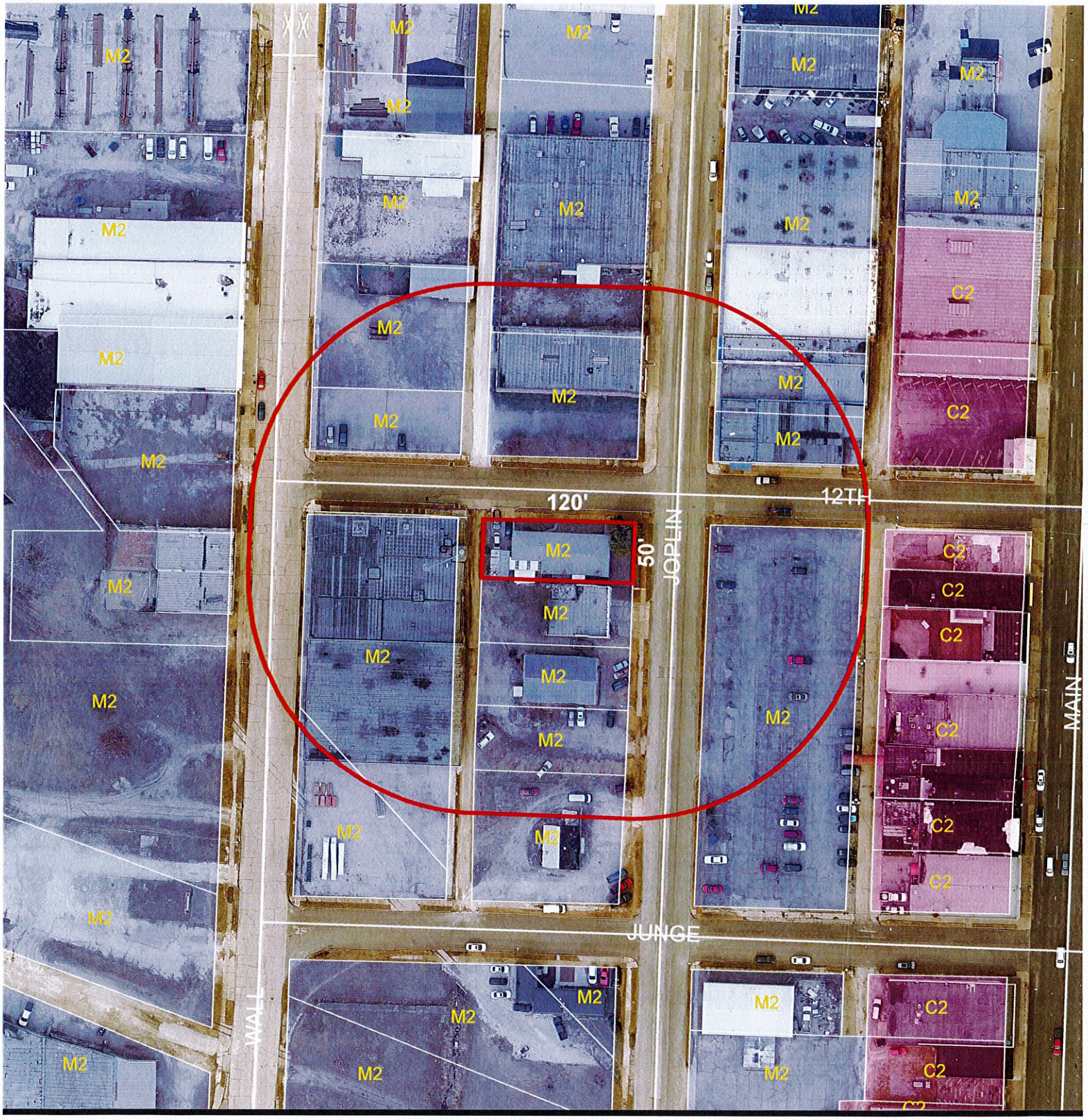
1. Appropriately Sized Lots? NO
2. Properly Sized Street Right-of-Way? NO
3. Drainage Easements? NO
4. Utility Easements:
   - Electricity? NO
   - Gas? NO
   - Sewers? NO
   - Water? NO
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: [signature] DATE: 6/24/19

BY: _____

TITLE: Owner



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P & Z Case 025-19
Lera Dill
(P & Z Recommended Approval)

COUNCIL BILL NO. 2019-270 ORDINANCE NO.

AN ORDINANCE approving a request by Lera Dill to remove from District M-2 (Heavy Industrial) and include in District C-2 (Central Business) for the operation of a duplex

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 included in District C-2:

Lot 1, Block 3, in Cox 7th 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_____, 2019, by a vote of _____.

_____
Gary L. Shaw, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney