City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: August 6, 2018

Item: COUNCIL BILL NO. 2018-266
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Copy of Council Bill 2018-266
2) Planning Report
3) Commission Minutes

Planning/Community Development Manager: Troy Bolander
Finance Director: Leslie Haase
City Attorney: Peter C. Edwards
City Manager: Samuel L. Anselm
Board or Commission: Planning and Zoning Commission Date: 07/9/18

Recommended Action: Planning and Zoning Commission recommended to table by a vote of "6 in Favor, 0 Nay, 1 Absent."

SUMMARY/REQUEST:
Case 025-18: A tract of land located approximately 225 feet south of 20th Street, on the east side of Delaware Avenue – A request to rezone from Single Family Residential District (R1) to Two-Family Residential Planned Overlay District (R2-PD) for the construction of duplexes – Parker Properties & Investments

STAFF SUMMARY:
This property is currently zoned R-1. Because there are duplexes both to the east and west, an R-2 zoning would be more appropriate for this tract of land. The applicant wishes to construct duplexes on this property. Rezoning this property does not violate the policies in Joplin's Comprehensive Plan.

Staff recommends Case 025-18 be approved.

PLANNING & ZONING COMMISSION TESTIMONY:
Kevin Parker, 1115 Illinois, Joplin, MO 64801. Mr. Parker stated that he has 5 lots that he had purchased after the tornado. The property is just off 20th Street and surrounded by duplexes on the northeast side and commercial on the north side. He desires to build 6 quality duplexes in that location. The duplexes are three-bedroom, two baths. They appraise at $265,000.00 apiece.

Mr. Dermott wanted to know about a buffer between the property and the single-family properties.

Mr. Parker stated that he considered building a fence. A privacy fence of some sort would probably make a good buffer.

PUBLIC COMMENT:
Gayle Frances, 2115 Delaware, Joplin, MO. She stated that she rebuilt after the tornado on the same lot. Mrs. Frances stated that she feels like she is being inundated by duplexes. She would like a buffer of some kind between the two properties.

Mr. Bolander mentioned that Mr. Parker is requesting an R-2-PD District, so the plans will come back to this commission before permits can be issued.

CB 2018-266

Case 025-18: A tract of land located approximately 225 feet south of 20th Street, on the east side of Delaware Avenue – A request to rezone from Single Family Residential District (R1) to Two-Family Residential Planned Overlay District (R2-PD) for the construction of duplexes – Parker Properties & Investments

Kevin Parker, 1115 Illinois, Joplin, MO 64801. Mr. Parker stated that he has 5 lots that he had purchased after the tornado. The property is just off 20th Street and surrounded by duplexes on the northeast side and commercial on the north side. He desires to build 6 quality duplexes in that location. Since the purchase of this property, the R-2 zone has extended to the Southeast. The duplexes are three-bedroom, two baths. They appraise at $265,000.00 apiece. They are brick and smart siding.

Mr. Dermott wanted to know about a buffer between the property and the R-1 properties.

Mr. Parker stated that he considered building a fence. A privacy fence of some sort would probably make a good buffer.

Mr. Cortez asked if there were any other questions for Mr. Parker. There was not. He also asked if there was anyone else that would like to speak in favor of this case? There was not. Would anyone like to speak in opposition of this case?

Gayle Frances, 2115 Delaware, Joplin, MO. She stated that she rebuilt after the tornado on the same lot. Mrs. Frances stated that she feels like she is being inundated by duplexes. Right behind Mr. Parkers property is a pond and there is a pipe that could possibly over flow and flow right through the duplexes. She would like a buffer of some kind between the two properties.

Mr. Ramsour wanted to ask Mr. Bolander, if we change the zoning with the concept of a buffer, can we do that or not?

Mr. Bolander stated it was already in the code. Between R-1 and R-2 Districts there are different options he could use. It is an administrative requirement. Mr. Bolander mentioned that Mr. Parker is requesting an R2-PD District, so the plans will come back to this commission before permits can be issued.

Mr. Cortez asked if there were any other questions? There was not. Case 025-18 is closed.

MR. DERMOTT MADE THE MOTION AND SECONDED BY MR. RAMSOUR, THAT CASE 025-18, BE FORWARDED TO THE CITY COUNCIL WITH RECOMENDATION FOR APPROVAL. 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).

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

STAFF PLANNING REPORT
Rezoning

CASE 025-18 A request to rezone from Single Family Residential District (R1) to Two-Family Residential Planned Overlay District (R2-PD) for the construction of duplexes

LOCATION Located approximately 225 feet south of 20th Street, on the east side of Delaware Avenue

APPLICANT Parker Properties & Investments

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Vacant	1.18 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-1	R-2	R-1	R-2
Land Use	Vacant	Duplexes	Single Family Residential	Duplexes

FUTURE LAND USE

The City of Joplin's Future Land Use Map classifies this lot as Low Density Residential.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
Delaware Avenue	Secondary	60'

UTILITIES Utilities do not need to be extended to the property.

FLOOD PLAIN The property is near the 100-year flood zone but not within it.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

No. The Future Land Use Map currently designates this area as Single Family Residential. However, much of the surrounding properties currently have duplexes on them.

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

This property is currently zoned R-1. Because there are duplexes both to the east and west, an R-2 zoning would be more appropriate for this tract of land.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The surrounding properties would not be significantly impacted by rezoning because there are already duplexes on adjacent lots.

DISCUSSION

The applicant wishes to construct duplexes on this property. Because there are already duplexes on adjacent lots to the east and west, duplexes may be a more appropriate use for this property than single family homes. Rezoning this property does not violate the policies in Joplin's Comprehensive Plan.

Staff recommends approval of Case 025-18

ATTACHMENTS

- Application

REZONING APPLICATION FORM

RECEIVED 6-1-18

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.: 025-18
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: Parker Properties & Investments PHONE: 417-624-5552
ADDRESS: 1115 Illinois Ave. ZIP: 64801
EMAIL:
OWNER: Kevin Parker PHONE: 417-624-5552
ADDRESS: 1115 Illinois Ave. ZIP: 64801
EMAIL:
LOCATION OF PROPERTY: 2111, 2019, 2017, 2015 S Delaware Ave.
LEGAL DESCRIPTION: See attachment, Exhibit A.

Present Zoning R-1 Requested Zoning: R2-PD Acreage: 1.18
Present Use of Property: Vacant
Proposed Use of Property: Multi-family residential

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Commercial	C-1
South	Residential	R-1
East	Residential	R2-PD
West	Resdential	R-2

CHARACTER OF THE NEIGHBORHOOD: Mixed use

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: Current lots are too small to meet zoning lot area and width requirements.

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:
   X Site Plan X Landscape Plan X Building Elevations

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: S. Delaware Ave.
2. Classification of Street(s):
   Arterial _____ Collector _____ Local X
3. Right-of-Way Width: 24 Feet
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   No

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

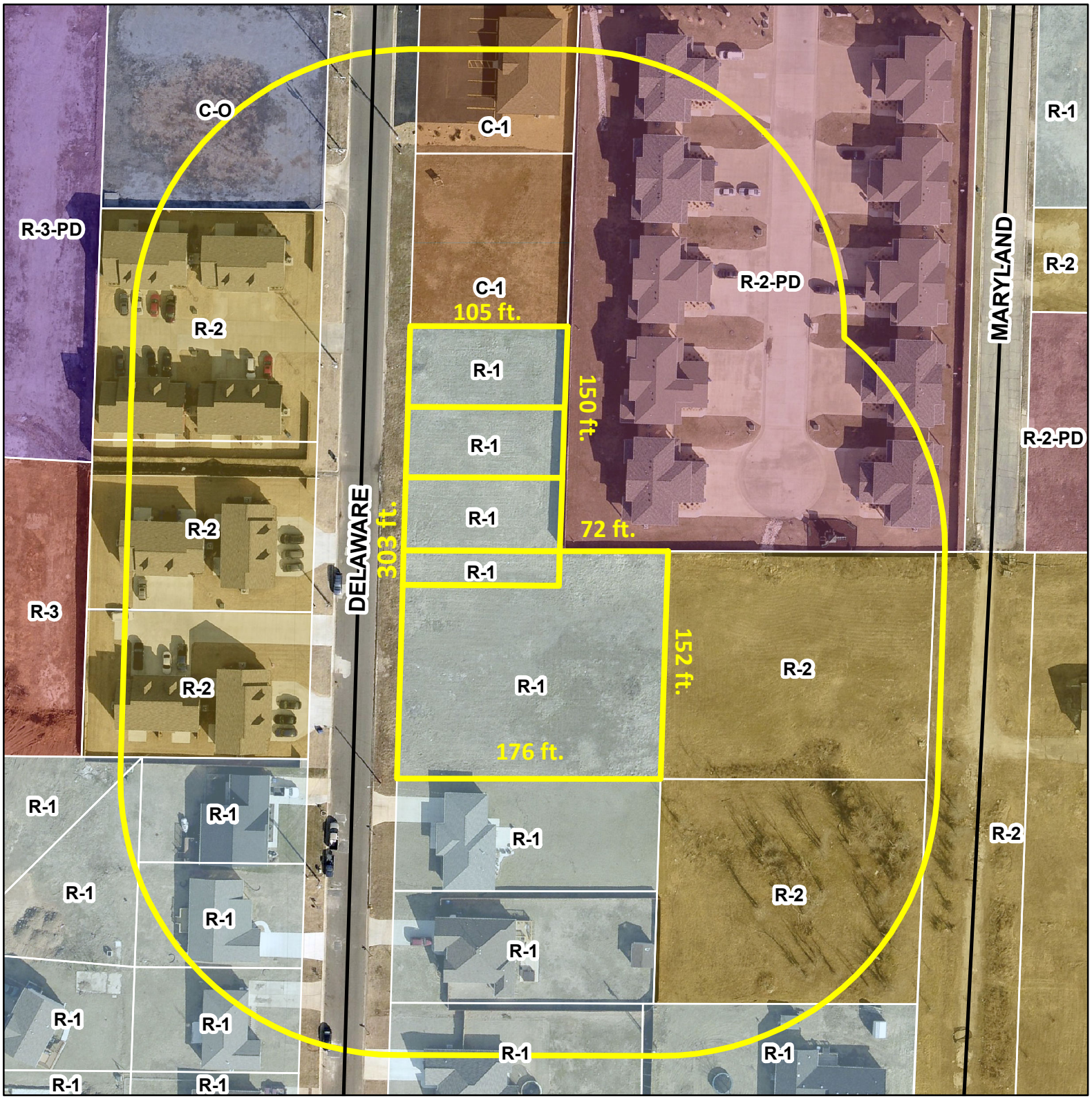
1. Appropriately Sized Lots? Yes
2. Properly Sized Street Right-of-Way? Yes
3. Drainage Easements? Yes
4. Utility Easements:
   - Electricity? Yes
   - Gas? Yes
   - Sewers? Yes
   - Water? Yes
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: _____ DATE: 6/1/18

BY: Wayne Stephenson

TITLE: Civil Engineer



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N







P & Z Case 025-18

Parker Properties &
Investments
(P & Z Recommended Approval)

COUNCIL BILL NO. 2018-266 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 and including in District R-2-PD property as described below and located approximately 225 feet south of 20th Street, on the east side of Delaware Avenue, 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 removing the following described property from District R-1 and including same in District R-2-PD:

Tract 1: All the South 50 feet of the North 106.3 feet of Miscellaneous Tract Numbered Six (6) in Section 13, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof; AND Tract 1a: All of the North 4 feet of the following described tract of land: All of Miscellaneous Tract Numbered 6 in Section 13, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof, EXCEPT the South 50 feet, and EXCEPT the North 106.3 feet thereof, being more particularly described as follows: Commencing at an iron pin found at the Northwest corner of said Miscellaneous Tract Numbered 6 in Section 13, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof, thence South 0°06'14" East along the East right-of-way of Delaware Avenue 106.38 feet to an iron pin found at the point of beginning, thence North 88°25'46" East 103.84 feet to an iron pin found on the East line of said Miscellaneous Tract Numbered. 6, thence South *0°05'45"* East along said line 4 feet, thence South 88°25'47" West 103.84 feet to the West line of said Lot, being the East right-of-way of Delaware Avenue, thence North along said line and right-of-way 4 feet to the point of beginning; AND Tract 2: All of Miscellaneous Tract Numbered 6 in Section 13, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof EXCEPT the South 50 feet, and EXCEPT the North 106.03 feet, and EXCEPT all of the North 4 feet of the following described tract of land: All of Miscellaneous Tract Numbered 6 in Section 13, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof being more particularly described as follows: Commencing at an iron pin found at the Northwest corner of said Miscellaneous Tract Numbered 6, thence South 0°06'14" East along the East right-of-way of Delaware Avenue 106.38 feet to an iron pin found at the point of beginning, thence North 88°25'46" East 103.84 feet to an iron pin found on the East line of said Miscellaneous Tract Numbered 6, thence South 0°05'45" East along said line 4 feet, thence South 88°25'47" West 103.84 feet to the West line of said Lot, being the East right-of-way of Delaware Avenue, thence North along said

line and right-of-way 4 feet to the point of beginning, in the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof AND all of the North 1 foot of the South 50 feet of Miscellaneous Tract Numbered 6, in Section 13, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof; AND Tract 3: All of the South 50 feet of Miscellaneous Tract Numbered 6, EXCEPT the North 1 foot, in Section 13, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof; AND Tract 4: All that Part of Miscellaneous Tract Numbered Thirteen (13) in Section 13, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof, described as beginning 412.50 feet South of the Northwest corner of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW l/4), thence East 103.92 feet, thence South 23 feet, thence West 103.92 feet, thence North 23 feet, more or less, to the point of beginning; AND Tract 5: All of the West One-half (W l/2) EXCEPT the South 150 feet of the following tract of land: Beginning at a point 412.5 feet South of the Northwest corner of the Northeast Quarter (NE l/4) of the Northwest Quarter (NW l/4) of Section 13, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof, running thence South 302.63 feet, thence East a distance of 359.65 feet, thence North 302.63 feet, thence West 359.65 feet to the point of beginning, being part of Miscellaneous Tract Numbered 13 in said Section, Township and Range in the City of Joplin, Jasper County, Missouri, EXCEPT all that part of Miscellaneous Tract Numbered 13 in Section 13, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri, described as beginning 412.5 feet South of the Northwest corner of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) thence East 103.92 feet, thence South 23 feet, thence West 103.92 feet, thence North 23 feet, more or less, to the point of beginning SECTION 13, TOWNSHIP 27, RANGE 33, LOCATED IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI; generally described as a tract of land located approximately 225 feet south of 20th Street, on the east side of Delaware Avenue.

A request from Stephen Vogel to rezone Lots 17 through 32 from R-1 (Single-Family Residential District) to R-2 (Two-Family Residential District) for the construction of duplexes all located in Tallgrass Estates subdivision in 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 for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2018.

_____
Gary L. Shaw, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

Peter C. Edwards, City Attorney