City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: August 6, 2018

Item: COUNCIL BILL NO. 2018-268
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Copy of Council Bill 2018-268
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 030-18: A tract of land located north of 26th Street between Pearl Avenue and Wall Avenue – A request to rezone from Single Family Residential District (R1) to Neighborhood Commercial District (C1) for the construction of a restaurant – Chris Parrish.

STAFF SUMMARY:
There are currently residential homes to the east and to the north, but the current preliminary plan for the restaurant would largely divert headlights away from these residential areas.

Staff recommends Case 030-18 be approved.

PLANNING & ZONING COMMISSION TESTIMONY:
Chris Parrish, 10435 County Rd. 260, Carl Junction, MO. He stated he is asking for the whole block where the Irving School was located to be rezone for the construction of a family restaurant. The applicant is the owner of Gringos restaurant in Webb City. Mr. Parrish wishes to construct and operate a second restaurant location on this property. Because 26th Street is designated as "multi-use" then a restaurant would be an appropriate use for this property. Rezoning this property does not violate Joplin's Comprehensive Plan.

PUBLIC COMMENT:
None.

CB 2018-268

Case 030-18: A tract of land located north of 26th Street between Pearl Avenue and Wall Avenue – A request to rezone from Single Family Residential District (R1) to Neighborhood Commercial District (C1) for the construction of a restaurant – Chris Parrish

Chris Parrish, 10435 County Rd. 260, Carl Junction, MO. He stated he is asking for the whole block where the Irving School was located to be rezone for the construction of a family restaurant. We currently just have plans for the south 1/3 of the property but asking for the rezoning of the block for future use.

Mr. Ramsour asked about access to the property.

Mr. Parrish stated there isn't access off 26th Street. They are looking at an east/west entrance.

Mr. Ramsour stated that access would be from Wall Ave and Pearl Street, not 26th Street.

Mr. Parrish stated that just from Pearl Street at this time. We are trying to keep the history of the property and building.

Mr. Cortez wanted to know the type of restaurant?

Mr. Parrish stated it would be fast food Mexican.

Mr. Ramsour asked Mr. Bolander if school properties are usually R-1?

Mr. Bolander stated that it is not unusual. Schools are allowed in residential areas.

Mr. Cortez asked if there was anyone else wishing to speak in favor of this case? There was not. Anyone wishing to speak in opposition of this case? There was not.

MRS. BRUCKNER-SEARS MADE THE MOTION AND SECONDED BY MR. DERMOTT, THAT CASE 030-18, 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 030-18 A request to rezone from Single Family Residential District (R1) to Neighborhood Commercial District (C1) for the construction of a restaurant

LOCATION Located north of 26th Street between Pearl Avenue and Wall Avenue

APPLICANT Chris Parrish

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Vacant	.46 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1	R-1/CO-PD	R3-PD	R-1
Land Use	Single Family Residential/Vacant	Single Family Residential/Vacant	Vacant/Commercial	Power Station

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
26th Street	Arterial	100'
Pearl Avenue	Secondary	60'
Wall Avenue	Collector	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?

Yes, because this property fronts on 26th Street. The Comprehensive Plan designates 26th Street as "Multi-Use Residential-Commercial-Office/Institutional". According to the Comprehensive Plan, Neighborhood Commercial is an appropriate use for this property.

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

This property is currently zoned Single Family Residential (R-1). There are currently residential homes to the east and to the north, but the current preliminary plan for the restaurant would largely divert headlights away from these residential areas.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The applicant plans on constructing and operating a restaurant on this property. Surrounding properties could be impacted by rezoning. But appropriate buffer standards in the form of landscaping, fencing, and setbacks would be required in order to separate the surrounding residential homes from the potential restaurant. The adjacent property to the southeast is currently zoned CO-PD (Non-Retail District). To the west is a power station which would not be impacted by rezoning.

DISCUSSION

This property was formerly the Irving Elementary School. The applicant is the owner of Gringos restaurant in Webb City. Mr. Parrish wishes to construct and operate a second restaurant location on this property. Because 26th Street is designated as "multi-use" then a restaurant would be an appropriate use for this property. Rezoning this property does not violate Joplin's Comprehensive Plan

The following is a statement from the property owner: "We would like to rezone the Irving School block to commercial, so Gringos could bring back a location to the part of Joplin that is currently lacking spirit and traffic. You must admit that this part of Joplin has been the slowest to rebuild from the tornado, making it the dullest part of town. Bringing the Webb City's style of Gringos back to Joplin would drive interest to that area. We currently generate 800 receipts per day and will be expecting a 20% increase at the Joplin location. Our property for rezoning is located on a one-way street so we have planned to utilize that street to direct the traffic out of the lot and keep traffic flowing. The one-way street, Wall avenue starts at 32nd street where both and possibly all three hospitals have the availability to use, making it easier and quicker for all of Joplin to be served in a timely manager, with the route of the one ways. We currently serve numerous customers from the Diamond and Neosho areas in Webb City, by this location would be easier access for those communities and also bring in customers from Kansas. At this time, we will only be developing the south 3rd of the block.

Staff recommends approval of Case 030-18

ATTACHMENTS

- Application

REZONING APPLICATION FORM

RECEIVED 5-18-18

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.: 030-18
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: CA Gringos Properties LLC PHONE: 417-850-5904
ADDRESS: 25th/26th Wall/Pearl ZIP:
EMAIL: webbcitygringos@hotmail.com
OWNER: Christopher & Anissa Parrish PHONE: 417-850-5904
ADDRESS: 10435 County Road 260 Carl Junction, Mo ZIP: 64834
EMAIL: webbcitygringos@hotmail.com
LOCATION OF PROPERTY:
LEGAL DESCRIPTION: All of Lots Numbered Seventy (70) through Seventy-Five (75), both inclusive, and All of Lots Numbered One Hundred Ten (110) through One Hundred Fifteen (115), both inclusive, in O'KEEFE'S SECOND ADDITION to the city of Joplin, Jasper County, Missouri, according to the recorded plat thereof.
Present Zoning R1 Requested Zoning: C1 Acreage: .458
Present Use of Property: vacant
Proposed Use of Property: Restaurant

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	single family residential	R-1
South	vacant	R3-PD
East	vacant	R-1/CO-PD
West	Empire Electric	R-1

CHARACTER OF THE NEIGHBORHOOD:

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: NO

CONFORMANCE WITH COMPREHENSIVE PLAN:

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

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:_____
2. Classification of Street(s):
   Arterial_____Collector_____ Local _____
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:

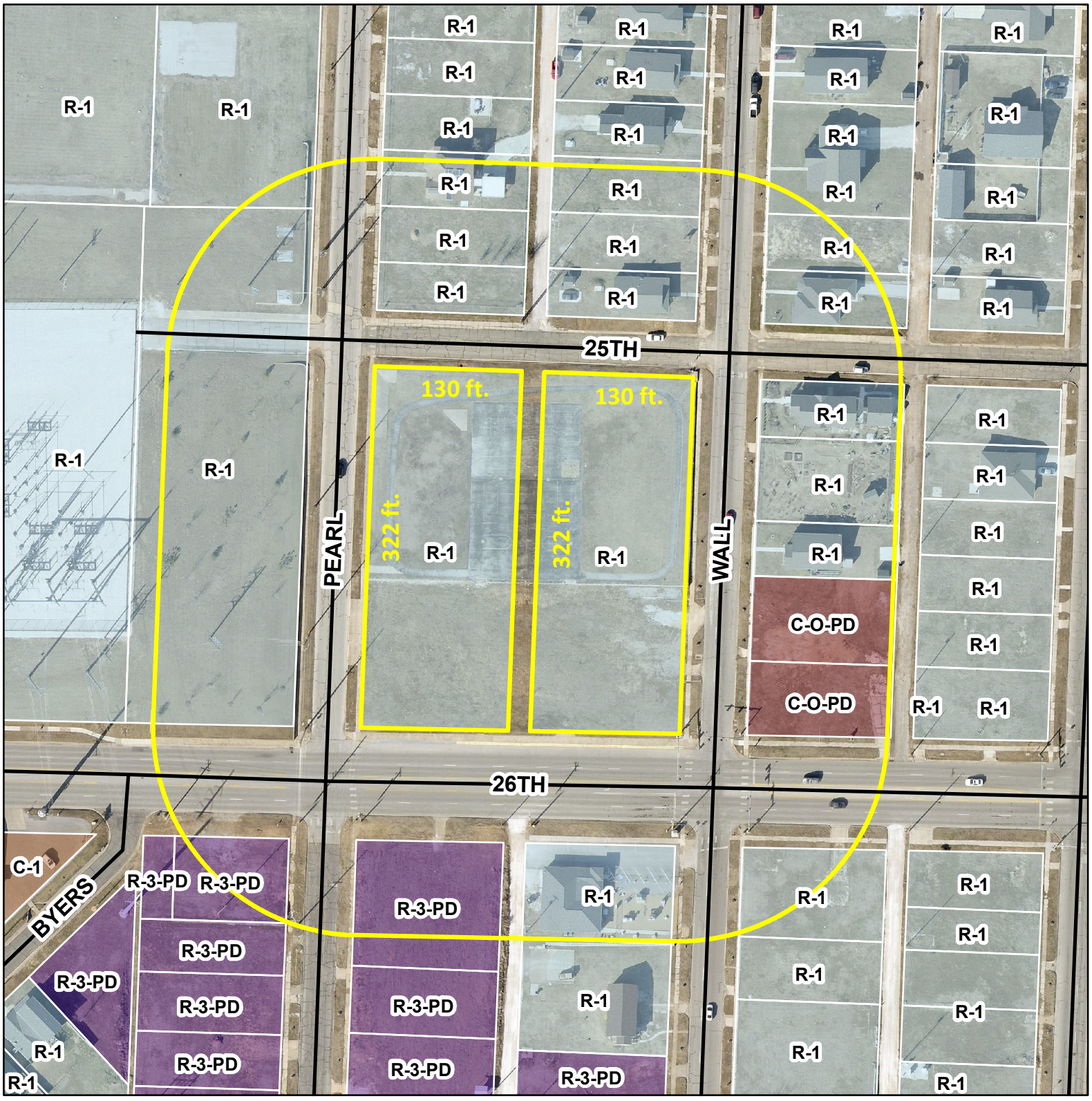
1. Appropriately Sized Lots?_____
2. Properly Sized Street Right-of-Way?_____
3. Drainage Easements?_____
4. Utility Easements:
   Electricity?_____
   Gas?_____
   Sewers?_____
   Water?_____
5. Additional Comments:_____
   _____
   _____

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:
26th Street was originally Irving Elementary School, 2 blocks away from main street, business are starting to develope in this area

SIGNATURE: _____ DATE: 5-16-18

BY: _____

TITLE: OWNER



Case 030-18: A tract of land located north of 26th Street between Pearl Avenue and Wall Avenue -- A request to rezone from Single Family Residential District (R1) to Neighborhood Commercial District (C1) for the construction of a restaurant -- Chris Parrish

P & Z Case 030-18

Chris Parrish
(P & Z Recommended Approval)

COUNCIL BILL NO. 2018-268 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 R-1 and including in District C-1 property as described below and located as a track of land located north of 26th Street between Pearl Avenue and Wall 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 C-1:

All of Lots Numbered Seventy (70) through Seventy-five (75), both inclusive, and All of Lots Numbered One Hundred Ten (110) through One Hundred Fifteen (115), both inclusive, in O'KEEFE'S SECOND 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 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