City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: September 4, 2018

Item: COUNCIL BILL NO. 2018-269
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Copy of Council Bill 2018-269
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: 08/13/18

Recommended Action: Planning and Zoning Commission recommended to table by a vote of "4 in Favor, 0 Nay, 3 Absent."

SUMMARY/REQUEST:
Case 033-18: 7414 E 32nd Street – A request to rezone from C-1 (Neighborhood Commercial District) to R-1 (Single-Family Residential District) – Thomas Christensen

STAFF SUMMARY:

On April 9, 2018, this property was rezoned from Single-Family Residential (R-1) to Neighborhood Commercial District (C-1). At the time, there was a potential deal to sell the property for commercial use. However, that deal has fallen through and will no longer take place. The applicant wishes to once again rezone this property to Single-Family Residential (R-1) in order to keep using it for its current use and possibly sell it as a residential property.

Staff recommends Case 033-18 be approved.

PLANNING & ZONING COMMISSION TESTIMONY:
Thomas Christensen, 7414 E 32nd Street, Joplin, MO. He is requesting that the property be rezoned back to R-1 (Single-Family Residential). This neighborhood is mixed use with 5 residences and 3 commercial properties. Without an R-1 designation the problem is to get an appraisal or be able to re-sell the property as residential since it is non-conforming use.

Mr. Bolander stated that this case did come before the board several months ago to have the property zoned C-1. There was a commercial contract that fell through.

PUBLIC COMMENT:
None.

CB 2018-269

Case 032-18: 7414 E 32nd Street – A request to rezone from C-1 (Neighborhood Commercial District) to R-1 (Single-Family Residential District) – Thomas Christensen.

Thomas Christensen, 7414 E 32nd Street, Joplin, MO. He is requesting that the property be rezoned back to R-1 (Single-Family Residential). This neighborhood is mixed use with 5 residences and 3 commercial properties. Without an R-1 designation the problem is to get an appraisal or be able to re-sell the property as residential since it is non-conforming use.

Mr. Ramsour wanted to know if this case came before us a few months ago?

Mr. Bolander stated that this case did come before the board several months ago to have the property zoned C-1. There was a commercial contract that fell through.

Mr. Cortez asked Mr. Christensen if he currently lives at this address.

Mr. Christensen stated he does.

Mr. Cortez asked if there were any other questions for Mr. Christensen? There were not. Anyone to speak in favor of this case? There were not. Anyone to speak against this case? There were not. Case closed.

MR. RAMSOUR MOVED, SECONDED BY MRS. BRUECKNER-SEARS THAT CASE 032-18, BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL MOTION CARRIED, WITH MR. CORTEZ, MR. RAMSOUR, MRS. BRUECKNER-SEARS, AND MR. MCCULLOUGH VOTING "AYE". (4 IN FAVOR, 0 NAYS, 3 ABSENT).

Z&P Meeting: August 13, 2018
City Council Meeting: September 4, 2018

STAFF PLANNING REPORT
Rezoning

CASE 032-18 A request to rezone from C-1 (Neighborhood Commercial District) to R-1 (Single Family Residential)

LOCATION 7414 E. 32nd Street

APPLICANT Thomas Christensen

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Residential	5 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-3	M-2	N/A	N/A
Land Use	Commercial	Industrial	Vacant	Vacant

FUTURE LAND USE

Joplin's Future Land Use Map shows this lot as Retail Commercial. The surrounding properties are shown to be either Industrial or Retail Commercial.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
East 32nd Street	Arterial	80'

UTILITIES Utilities need to be extended to this property.

FLOOD PLAIN N/A

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Rezoning this property to Single Family Residential would allow it to be consistent with its current use. There are a mix of zoning districts in this vicinity of town.

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

Rezoning this property to residential would be consistent with its current use.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Rezoning will minimally impact surrounding properties.

DISCUSSION

On April 9, 2018, this property was rezoned from Single-Family Residential (R-1) to Neighborhood Commercial District (C-1). At the time, there was a potential deal to sell the property for commercial use. However, that deal has fallen through and will no longer take place. The applicant wishes to once again rezone this property to Single-Family Residential (R-1) in order to keep using it for its current use and possibly sell it as a residential property. There is currently a house on the property, but no adjacent properties are zoned Residential. However, the character of the surrounding neighborhood does not make rezoning this lot to residential an inappropriate use.

Staff recommends approval of Case 032-18.

ATTACHMENTS

- Application

RECEIVED 7-6-18

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.: Q32-18
Filing Fee: $500.00
Date Advertised: 7-29-18
Date Notices Sent: 7-31-18
P&Z Date: 8-6-18
City Council Date: 9-4-18

APPLICANT: THOMAS CHRISTENSEN PHONE: 417-437-2915
ADDRESS: 7414 E. 32ND STREET ZIP: 64804
EMAIL: TOMCHRIS32@GMAIL.COM
OWNER: SAME PHONE:
ADDRESS: ZIP:
EMAIL:
LOCATION OF PROPERTY: 7414 E. 32ND STREET
LEGAL DESCRIPTION: See attached

Present Zoning C-1 Requested Zoning: R-1 Acreage: 5
Present Use of Property: RESIDENCE
Proposed Use of Property: RESIDENCE

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	RESIDENCE	NA
South	FARM LAND	NA
East	WAREHOUSE	NA
West	VACANT LAND	NA

CHARACTER OF THE NEIGHBORHOOD: MIXED USE WITH 5 SINGLE FAMILY RESIDENCES AND THREE COMMERCIAL USES

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: PROPERTY CANNOT BE SOLD OR REFINANCED AS RESIDENE SINCE ADDRAISAL WILL SHOW HIGHEST & BEST USE AS COMMERCIAL

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: 32ND STREET (HIWAY FF)
2. Classification of Street(s):
   Arterial X Collector _____ Local _____
3. Right-of-Way Width: 50'
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   CENTER TURN LANE PRESENT

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: _____

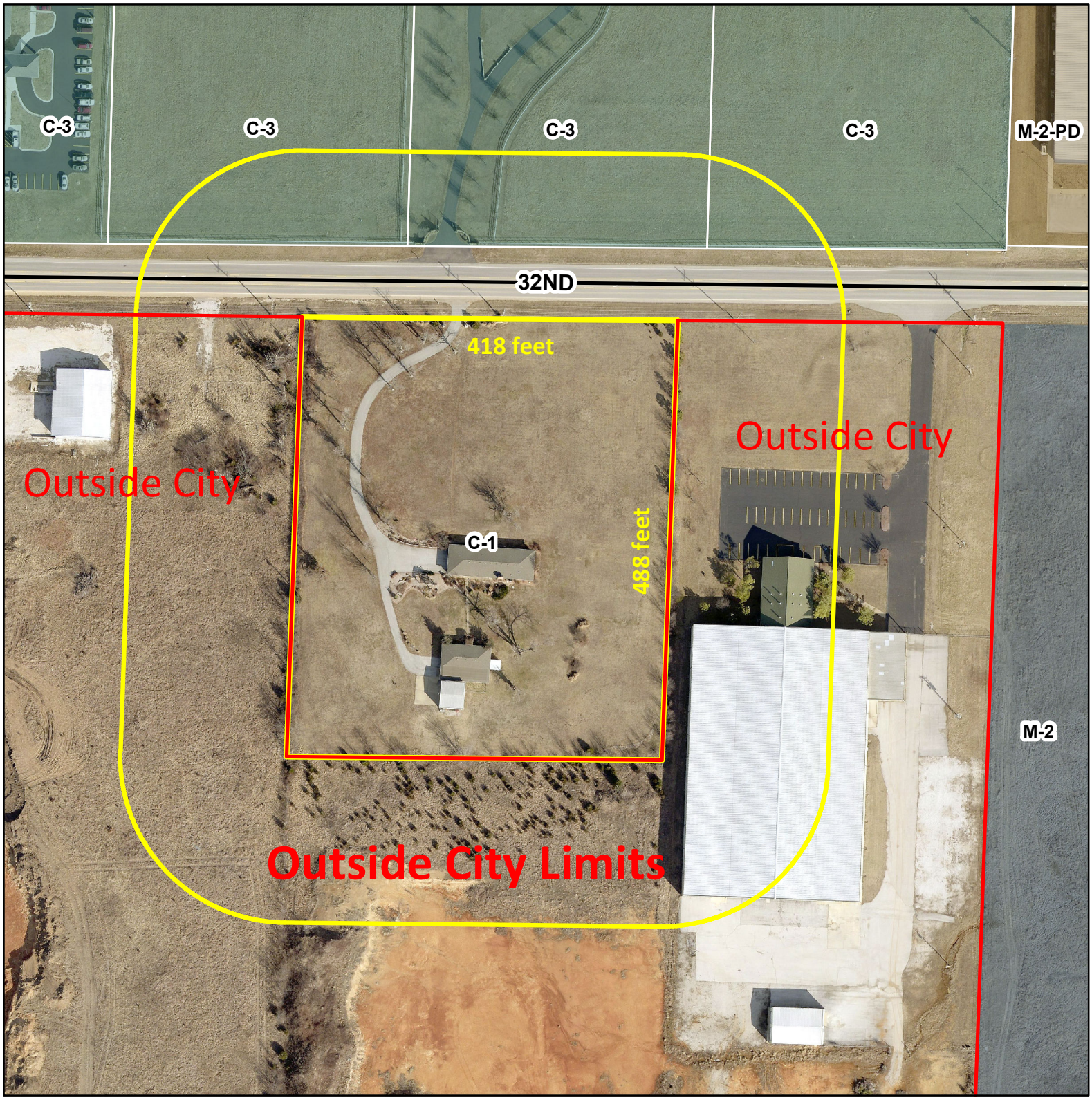
UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

BECAUSE OF MIXED USE NATURE OF NEIGHBORHOOD APPRAISALS WILL BE DIFFICULT TO SHOW HIGHEST & BEST USE AS RESIDENCE WITH C-1 ZONING

SIGNATURE: Thomas A Christensen DATE: 7-6-18

BY: THOMAS A CHRISTENSEN

TITLE: OWNER



0 125 250 500 750 1,000 Feet

Case 032-18: 7414 E. 32nd Street -- A request to rezone from Neighborhood Commercial District (C1) to Single Family Residential (R1) for residential use -- Thomas Christiansen

N

P & Z Case 032-18

Thomas Christiansen
(P & Z Recommended Approval)

COUNCIL BILL NO. 2018-269 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 C-1 and including in District R-1 property as described below and located 7414 E. 32nd Street, City of Joplin, Newton 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 C-1 and including same in District C-1:

BEG 358.17' W & 41.83' S NE COR NW1/4 NE1/4 S 490' W 418' N 490' E 418' TO POB OF SECTION 22, TOWNSHIP 27, RANGE 32, LOCATED IN THE CITY OF JOPLIN, NEWTON 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