City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: September 4, 2018

Item: COUNCIL BILL NO. 2018-270
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Copy of Council Bill 2018-270
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: A tract of land on the west side of North St. Louis Avenue, located approximately 656 feet north of the intersection of North St. Louis Avenue and East Fountain Road – A request to rezone from M-1-PD (Restricted Industrial Planned Development) to R-1 (Single-Family Residential) for residential development – Brad Barone.

STAFF SUMMARY:
This property was originally zoned industrial in order to limit the number of surrounding residential properties so that the Joplin Airport's airspace could be protected. That protection is not so stringent at this time. Many of the surrounding properties are currently zoned Restricted Industrial Planned Development. Despite this, many of these properties currently have residential uses. The Future Land Use Map shows these properties to be Low-Density Residential, so this rezoning request is appropriate.

Staff recommends Case 033-18 be approved.

PLANNING & ZONING COMMISSION TESTIMONY:
Gretchen Barone, 1829 Philadelphia, Webb City, MO. Mr. & Mrs. Barone purchased the property approximately 2 years ago with the intent to build a single family residential home. They plan on building an approximately 3,000 square foot home with possibly a detached garage on the 5-acre property.

PUBLIC COMMENT:
None.

CB 2018-270

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Mr. Cortez asked if there were any questions from the Commission? There were not. Also, asking if there is anyone to speak in favor of this case? There were not. No one speaking against this case.

MR. MCCULLOUGH MOVED, SECONDED BY MR. RAMSOUR THAT CASE 033-18, 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 033-18 A request to rezone from M1-PD (Restricted Industrial Planned Development District) to R-1 (Single Family Residential)

LOCATION A tract of land on the west side of N. St. Louis Avenue, located approximately 656 feet north of the intersection of N. St. Louis Ave. and E. Fountain Road

APPLICANT Brad Barone

EXISTING CONDITIONS

Zoning	Land Use	Property Size
M1-PD	Vacant	4.79 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	N/A	M-2	M1-PD	M1-PD
Land Use	Residential Home	Vacant Pasture	Residential Home	Vacant Woods

FUTURE LAND USE

Joplin's Future Land Use Map shows this lot as Low-Density Residential.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
St. Louis Avenue	Arterial	50'

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

This property was originally zoned industrial in order to limit the number of surrounding residential properties so that the Joplin Airport's airspace could be protected. However, that protection is not so stringent at this time, and there are many residential uses in the area. Many of the surrounding properties are currently zoned Restricted Industrial Planned Development. Despite this, many of these properties currently have residential uses. The Future Land Use Map shows these properties to be Low-Density Residential, so this rezoning request is appropriate. Mr. Barone hopes to build a home on his property, but he will need to rezone the property in order to do so. Based on the characteristics of the surrounding properties, rezoning to Single-Family Residential is an appropriate use for the parcel in question.

Staff recommends approval of Case 033-18.

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 417-625-4738

For Office Use Only
Case No.: 033-18
Filing Fee: $500.00
Date Advertised: 7-29-18
Date Notices Sent: 7-31-18
P&Z Date: 8-13-18
City Council Date: 9-4-18

APPLICANT: Brad + Gretchen Barone PHONE: 417-483-4769
ADDRESS: Parcel ID: 16602300000019001 ZIP: 64870
EMAIL: gretchenanette9@gmail.com
OWNER: Brad + Gretchen Barone PHONE: 417-483-4769
ADDRESS: 1821 Philadelphia ZIP: 64870
EMAIL: BaroneHVAC@yahoo.com
LOCATION OF PROPERTY: N St. Louis
LEGAL DESCRIPTION: 4.79 acres

Present Zoning M1-PD Requested Zoning: Residential R-1 Acreage: 4.79
Present Use of Property: Vacant
Proposed Use of Property: Residential - Home w/ garage

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Residential Home	
South	Residential Home	M-1-PD
East	Vacant Wooded land/pasture	VACANT
West	Vacant wooded land	M-1-PD

CHARACTER OF THE NEIGHBORHOOD: Mixed neighborhood / Residential

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: Would like to build family residential dwelling.

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map? Yes "Low Density Residential"

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: St. Louis | Prairie Flower Rd
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?
   No

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:

SIGNATURE: Gretchen Greene | _____ DATE: 6/22/18

BY: _____

TITLE: Owners

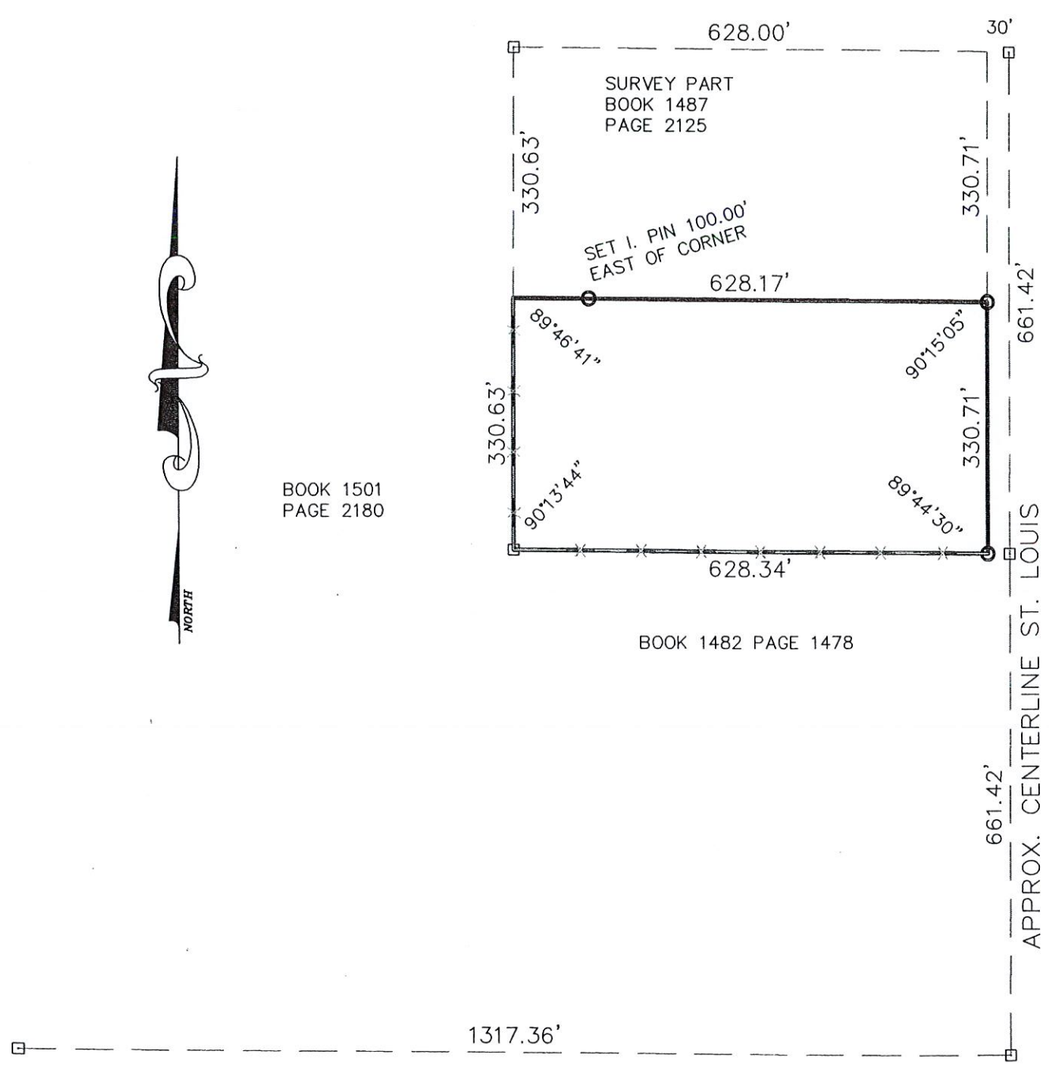
City of Joplin Application

Intent for Re-Zoning

Brad & Gretchen Barone

Property Parcel ID 16602300000019001
N ST LOUIS ST

We have intent to build approximately 3000 sq ft single family residential home, with two car attached garage. We also intend to build a 3 car non-attached garage near home, similar exterior to home. Buildings will be built on the back half of property, near western tree line, home facing the east, with driveway access to St. Louis. Utility access is near the Northwest end of the property.



200 0 100 200

(IN FEET)

1 INCH = 200 FT.

LEGEND

- FOUND IRON PIN
- SET 1/2" IRON PIN
- FENCE

STATE OF MISSOURI
CHRIS E. STEWART
NUMBER LS-1960
REGISTERED LAND SURVEYOR

09.27.2016

CHRIS E. STEWART RLS 1960

DESCRIPTION

The South Half of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 23, Township 28, Range 33, Jasper County, Missouri, Except that part taken off the East side thereof for St. Louis Avenue.

Containing 4.77 Acres According to Surveyor's Calculations.

Subject to any existing easements or restriction of record.

FEMA INFORMATION

Surveyor has not determined FEMA Zones for this tract.

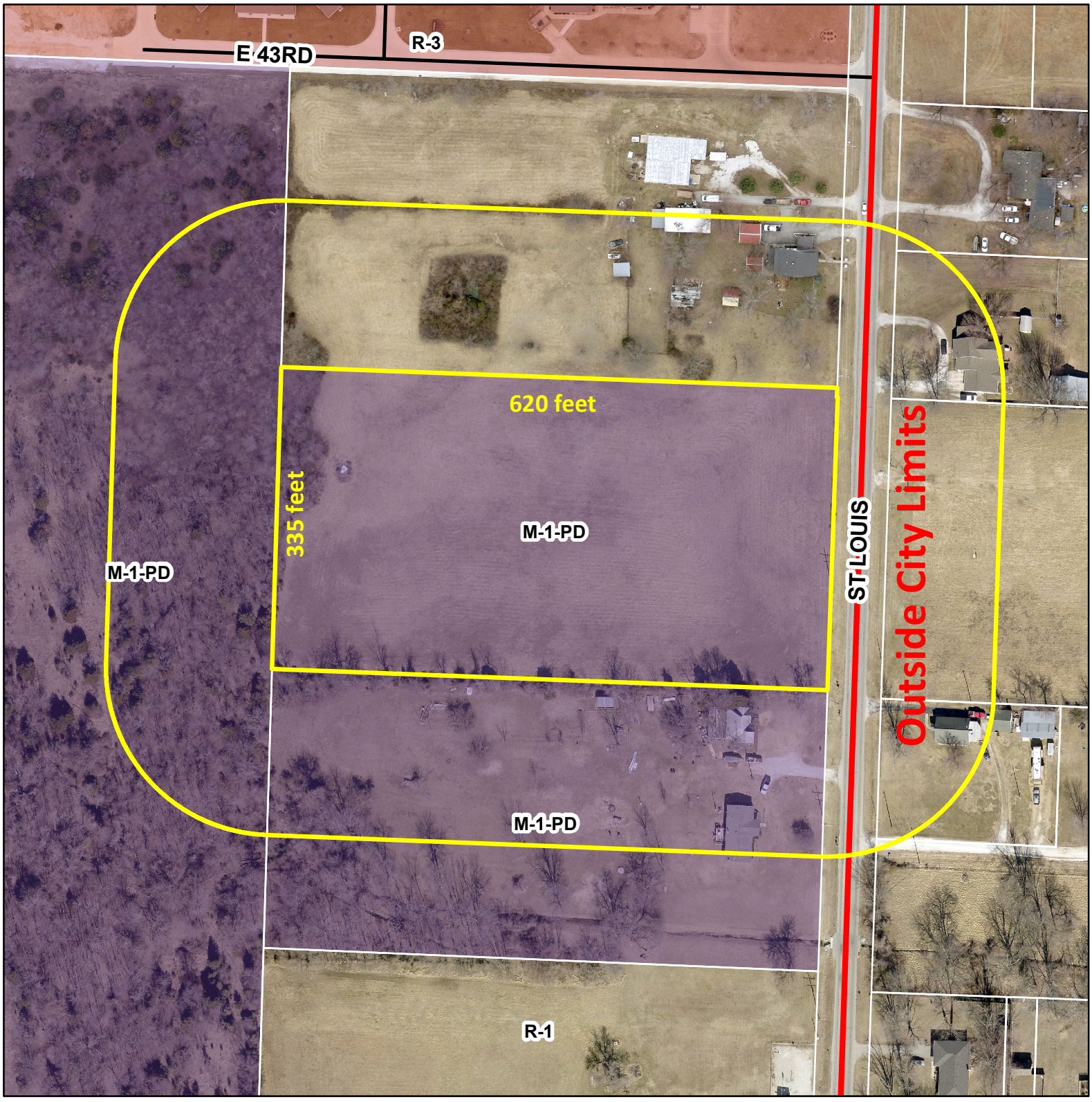
NOTE

THIS SURVEY HAS BEEN PERFORMED BASED ON KNOWLEDGE AND INFORMATION IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS, AND IS NOT A GUARANTEE OR WARRANTY EITHER EXPRESSED OR IMPLIED.

CHRIS STEWART SURVEYING
1217 E. 24th Street
Joplin, Missouri
64804
PHN 417-782-1595
E MAIL
karensue.stewart@yahoo.com

CUSTOMER: KELLER WILLIAMS MILLER			
SURVEY OF Part Section 23, T-28, r-33 N. St. Louis Avenue – Joplin			
DATE 09/27/16	BY CES	REVISED	BOOK PAGE FILE 232833mi
SCALE 1"=200'	ACC Urban		

Case 033-18



0 125 250 500 750 1,000 Feet

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N

P & Z Case 033-18

Brad Barone
(P & Z Recommended Approval)

COUNCIL BILL NO. 2018-270 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 M-1-PD and including in District R-1 property as described below and located A tract of land on the west side of North St. Louis Avenue, located approximately 656 feet north of the intersection of North St. Louis Avenue and East Fountain Road, 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 DistrictM-1-PD and including same in District R-1:

THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 28, RANGE 33, JASPER COUNTY, MISSOURI, EXCEPT THAT PART TAKEN OFF THE EAST SIDE THEREOF FOR ST. LOUIS AVENUE.

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