CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2022-276 – Zoning District Change

MEETING DATE:
September 6, 2022

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
City Manager – Nicholas Edwards

FUNDING SOURCE:
These payments are included in the FY2021-22 budget of the Community Planning Fund.

SUMMARY REQUEST:
Case 047-22: Rezoning - Approximately 215 feet North of the intersection of N. Florida Ave. and E. Newman Rd. – A request to remove from District C-1 (Neighborhood Commercial) and include in District C-O (Non-retail Commercial) for future development – Kamran Zafar

BACKGROUND:
This request to rezone to C-O is along the N. Florida Ave. corridor. This rezoning does meet the infill goals of the Comprehensive Plan.

Given the relatively high traffic volume, as well as the collector classification of Florida Ave., this property would be appropriate for low intensity commercial uses or moderate to high intensity residential uses. Additionally, C-O zoning is appropriate as a low-intensity commercial buffer along the corridor between the heavy industrial uses and zoning to the East and the residential zoning and uses to the West.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Hamza Kamran, 2825 N. Highland Ave, Joplin, Missouri spoke as a representative of Kamran Zafar on the rezoning. He stated they have requested to move from C-1 to C-O simply because that zone requires a larger residential property. He stated that given the square footage of that area, it is approximately 24,000 square feet. They cannot put units and enough parking spaces in that lot. So, given some minimum requirements by our architect a simple 24x36 foot unit in a duplex would result in an 864 square foot unit with two parking spaces and following ADA compliance that is another 162 square feet. So, a single unit and two lots will result in 1,188-square foot space. So, given one duplex, that is already approximately 4700 square feet, and we want to build two units there that fit within that space. Anything larger which is in C-O area will not fit in that space.

PUBLIC COMMENT;

There were a number of comments provided by citizens during the public hearing portion of this case. These comments tended to regard flooding issues and the exact location of the proposed development. These comments can be read in the minutes attached as part of this case.

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2022-276.
Planning & Zoning Commission recommends approval for Case 047-22 (6 in Favor, 0 Opposed, 1 Absent)

ATTACHMENTS
Staff Planning Report
P&Z Commission Minutes
Applicant Materials
Map

Case 047-22: Rezoning

Approximately 215 feet North of the intersection of N. Florida Ave. and E. Newman Rd.-A request to remove from District C-1 (Neighborhood Commercial) and include in District C-O (Non-retail Commercial) for future development.

Mr. Hamza Kamran, 2825 N. Highland Ave, Joplin, Missouri spoke as a representative of Kamran Zafar on the rezoning. He stated they have requested to move from C-1 to C-O simply because that zone requires a larger residential property. He stated that given the square footage of that area, it is approximately 24,000 square feet. They cannot put units and enough parking spaces in that lot. So, given some minimum requirements by our architect a simple 24x36 foot unit in a duplex would result in an 864 square foot unit with two parking spaces and following ADA compliance that is another 162 square feet. So, a single unit and two lots will result in 1,188-square foot space. So, given one duplex, that is already approximately 4700 square feet, and we want to build two units there that fit within that space. Anything larger which is in C-O area will not fit in that space.

Mr. Eastman asked if there were any questions from the board on Case 047-22.

There were none.

Mr. Eastman asked if anyone wanted to speak in favor of Case 047-22.
There were none.

Mr. Eastman asked if anyone wanted to speak in opposition of Case 047-22.

Larry Newton, 910 N. Florida, Joplin, Missouri. Mr. Newton stated he was not necessarily in opposition of this rezoning. Mr. Newton asked if this property was north of the convenience store and was it in the location of where Shamrock was going.

Mr. Eastman stated he did not know the answer and referred to Mr. Stanton.

Mr. Stanton stated he did not know the specifics of that development.

Mr. Newton asked if the location was on Florida.

Mr. Stanton replied, yes, north Florida.

Mr. Newton asked if it was in the flood plain.

Mr. Stanton stated there is a portion of that property in the flood plain but not the entirety of it. Most of the north and west side along the edge are within the flood plain but it still leaves a considerable buildable area outside of it.

Mr. Newton stated to go back to the original statement of the other lady. When all that development was done our car lot flooded when the City redirected the drainage. We have pictures after it was developed, and we had 3 feet of water in our car lot. So, they had to come out and redirect the water again. So, then they directed it and it went down to our house. So, again, Mr. Newton stated he was not opposed to it, but the drainage situation is something he hoped the City considered. Because it was a tremendous outcome from the last one. Then when they did the entry way into the car lot, they made them so steep to redirect the water so each car that entered the car lot bottomed out and ripped the bottom of the cars out. Those are some of my concerns.

Mr. Stanton stated just like the previous case any development that takes place the property will go through our review process with Public Works and Engineering. There are storm water requirements that must be followed for any building permit. They would not be exempt from that by any means.

Mr. Newton stated the city came out and redid it three times because of the issues and problems they were having. They could not get it corrected properly. That is just a concern.

Mr. Eastman asked if there was anyone who wished to speak in opposition of Case 047-22.

Carolyn Corle, 3815 Northview Dr. Joplin, Missouri stated she was not necessarily in opposition to the rezoning. But we own all the property around that where the Goodman building is located. We own that building and the "L" shape around it. We did sell that property to Shamrock. She stated she knew the City gave them so much trouble because of the flooding. She stated that the City may need to look back on that. They ended up having to sell it. It may be taken care of now but just heads up. That was a huge issue just a few years ago and I know nothing has changed. They use it to dump fill and it is right by Turkey Creek. That does need to be addressed.

Mr. Kimble asked Ms. Corle so he would have a better understanding of what she was talking about. He asked could she please tell him in relation to the lot where her property was previously or still is located.

Ms. Corle presented a map and approached the Board.

Ms. Corle stated that the first two, because they were in a flood plain, were sold to the City of Joplin for $1.00, love, and affection. The other lots were the ones sold to Shamrock. She stated Shamrock wanted to build there and literally could not because of all the stuff that went into that. She could not quote what all that was and suggested the City just look back and find it.

Mr. Kimble thanked Ms. Corle and asked Mr. Stanton a question. Mr. Kimble asked if there had been work done at the Turkey Creek site. Mr. Kimble felt like he had seen them reinforcing it with rock and cement. Filling in to help that flood plain situation. He asked if there was anything official on that.

Mr. Stanton replied that he is not up to date on all the Public Works projects going on. It is very likely that may be the case. We have routine maintenance on many of our flood ways and adjacent areas.

Holly Roy, 5082 Kolkmeyer, Joplin, Missouri stated that property is in her family trust the acreage that is "L" shape behind the fire station. She stated they sold to Shamrock probably back in 2000. She does not know what came from all of that. She stated that they sold some of the property close to Turkey Creek to the City so they would have access into Turkey Creek. Okay, that fill that you see in there was done illegally. My husband before he passed away put up a sign that said, do not dump because that started right after the tornado. Somehow, someone was dumping their concrete and other items in there. Of course, now it has grown up to where we really cannot do anything with it without hiring a dozer to come in there and doze that mess out. Her question was if this gentleman is wanting to put a duplex in there, is it on the east side or is it on the west side of Florida.

Mr. Stanton stated the east side of Florida.

Ms. Roy stated that is our side then. We owned those lots until we sold them to Shamrock. Some lots were sold to the City to give them access to work on the bridge. That was some time ago, but her question is how far from that will go back because there is not much space between Florida and where those people were dumping stuff on her property.

Mr. Stanton stated that our City code has certain set back requirements that any developer will have to meet. He did not recall the ones for C-O at this time but given the size of this property any building will roughly be in the middle of the property.

Ms. Roy stated okay is it going to take up most of that property that he is talking about.

Mr. Stanton stated that would depend on the design of the structure.

Ms. Roy asked what if the dump stuff has been partially dumped on his lot. That is what I am asking. That has been a horrible issue with our family. The dumping was never agreed. When we built the Southwest Machine building to the east of there, we did have lots of landfill brought in so we could get it up past the flood stage. I am thinking that might still be in the flood stage or flood plain.

Mr. Stanton stated there is a small portion of the property that is. Any grading work or dirt work will be the responsibility of the owner or developer at the time of construction. Of course, it does need to meet all City regulations. You are permitted to build in the 100-year flood plain with a certain elevation. Again, that will be up to whatever plans the developer chooses.

Ms. Roy reiterated her questions and concerns regarding the dump stuff. Is it set back far enough? Who will be responsible for that? Will he be responsible for that? She stated they have not had it surveyed so I do not know it could be part of what he is talking about, and it might not be, and it might be us.

Mr. Stanton stated yes, the developer would be responsible for anything within their property lines.

Ms. Roy asked we are talking duplex, right?

Mr. Stanton replied yes that is the proposed development.

Ms. Roy stated she has no opposition to that, and her only concern was that boundary of the trust property.

Mr. Eastman asked if there was anyone else who wished to speak in opposition to Case 047-22.

MR. KIMBLE MOVED THAT CASE 047-22 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MS. PHILLIPS SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAYS, 1 ABSENT)

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 047-22 A request to remove from District C-1 (Neighborhood Commercial) and include in District C-O (Non-retail Commercial) for future residential development

LOCATION Approx. 215 feet North of the intersection of N. Florida Ave. and E. Newman Rd.

APPLICANT Kamran Zafar

EXISTING CONDITIONS

Zoning	Land Use	Property Size
C-1	Vacant	0.36

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-1/R-1	M-2	M-2	C-3/R-1
Land Use	Vacant	Fuel Sales/Vacant	Truck Dock	Single-family Residential

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future low-density residential.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
N. Florida Ave.	Collector	60'

UTILITIES

Utilities in place.

FLOOD PLAIN

This property is partially in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The Future Land Use Map does indicate future low-density residential; however, C-O does meet the intent of infill development goals of the Comprehensive Plan.

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

The current zoning of C-1 is suitable for the property. This portion of N. Florida Ave., particularly near the intersection with Newman Rd. is a relatively high trafficked area. Development pressures have pushed this area into a transitionary phase from residential with fringe industrial and commercial, to a more robust commercial intersection.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning will not be detrimental to nearby property. This corridor contains a number of existing uses that correlate to the existing use of the subject property. Properties that are directly adjacent contain an existing commercial use, and are zoned a more intense zoning district.

DISCUSSION

This request to rezone to C-O is along the N. Florida Ave. corridor. This rezoning does meet the infill goals of the Comprehensive Plan.

Given the relatively high traffic volume, as well as the collector classification of Florida Ave., this property would be appropriate for low intensity commercial uses or moderate to high intensity residential uses. Additionally, C-O zoning is appropriate as a low-intensity commercial buffer along the corridor between the heavy industrial uses and zoning to the East and the residential zoning and uses to the West.

Staff recommends approval of Case 047-22.

ENCLOSURES

- Map of property
- Application

Avg

REZONING APPLICATION FORM

Return Form to:
Planner
Joplin City Hall
602 S. Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 1511
FAX 417-625-4738

For Office Use Only

Case No.: 47-22
Filing Fee: $550.00
Date Advertised:
Date Notices Sent
Public Hearing Date:

APPLICANT: KAMRAN ZAFAR PHONE: 417-669-4855
ADDRESS: 2825 N. HIGHLAND AVE EMAIL: K_Zafar@icloud.com

OWNER: SAME AS ABOVE PHONE:
ADDRESS: EMAIL:

LOCATION/ADDRESS OF PROPERTY:

Present Zoning C-1 Requested Zoning: C-0 Acreage: 0.75
Present Use of Property: VACANT

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	VACANT	
South	GAS STATION	
East	VACANT	
West	FLORIDA AVE	

Character of the Neighborhood: Residential & Gen Commercial.

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: Lack of space for large dwelling specially parking requirements.

CONFORMANCE WITH COMPREHENSIVE PLAN:

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

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Florida Ave
2. Classification of Street(s):
   Arterial_____ Collector X 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 IN ORDER 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/OR ADDITIONAL COMMENT:

THE FOLLOWING **MUST** ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey. Must be legible.
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 affect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit and Agent Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned

SIGNATURE: [signature] DATE: 6/14/2022

TITLE: OWNER

I am applying to rezone the said property

Justification Statement for Rezoning
June 14, 2022

Request
I, Kamran Zafar (resident of Joplin, Missouri) am requesting to rezone the subject property from C1 (Multi-family property) to Duplex to allow the development of duplexes. The future land use of the property is residential and general commercial.

Justification of Request
While the property is zoned C1 (including but not limited to multi-family property), it is not a suitable zoning for the site as the area does not provide an adequate space; additionally, proximity to Florida Avenue is inadequate for a structure of such size and necessary parking.

However, the subject property is a tremendous in-fill location for this duplex project with convenient access to existing city services and utilities. Also, the property is located in a central location with excellent access to major roadways (Rangeline, Florida Avenue, Newman Road) and to several of the premier shopping areas such as the shopping district near Rangeline and 4th street.

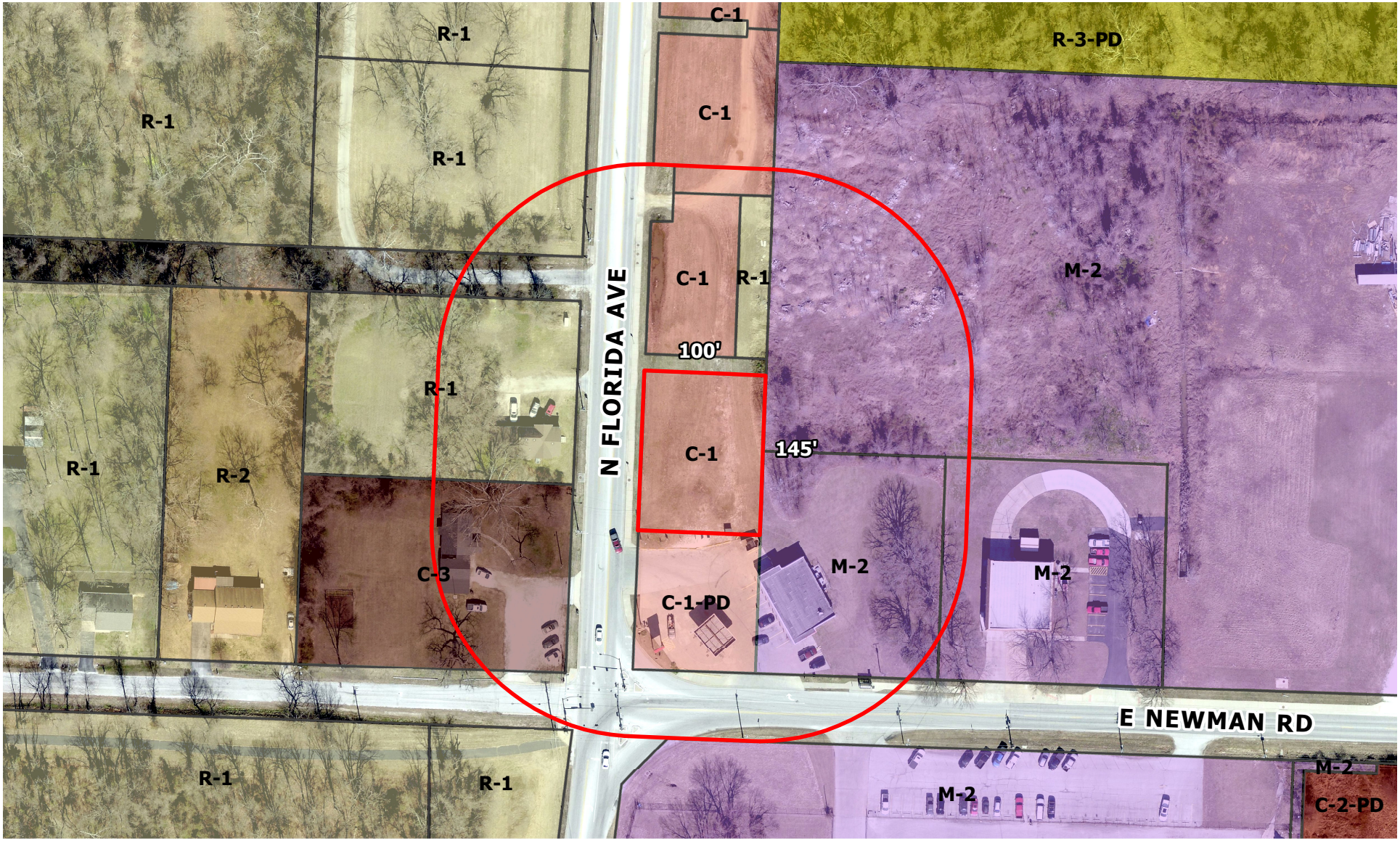
Some of the existing infrastructure and city services the project will benefit from are as follows:

- Gas station available from a walking distance
- Fire Station available on the same block
- Easy access to Rangeline
- Close proximity of churches, elementary schools, and business amenities

Based upon the above and the attached information, the applicant respectfully requests approval of this rezoning.

Kamran Zafar
(417) 669-4855

Case 047-22: Rezoning
Approx. 215 feet North of the intersection of N. Florida Ave. and E. Newman Rd.



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N

0 50 100 200 300 400 Feet

P & Z Case 047-22
Kamran Zafar
(P & Z Recommended Approval)

COUNCIL BILL NO. 2022-276 ORDINANCE NO.

AN ORDINANCE amending Ordinance No. 2022-274, passed by the Council of the City of Joplin, Missouri, August 1, 2022, by removing from District C-1 (Neighborhood Commercial) and including in District C-O (Non-retail Commercial) property as described below and located approximately 215 feet north of the intersection of N. Florida Ave. and E. Newman Rd., 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. 2022-274 is hereby amended by removing from District C-1 (Neighborhood Commercial) the following described property and including in District C-O (Non-retail Commercial).

> Tract 2: All of Lots Numbered Seven Hundred Forty-Three (743), Seven Hundred Forty-four (744), Seven Hundred Forty-five (745), and Seven Hundred Forty-six (746) in Castle Rock Subdivision in the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof, together with the North one-half (N1/2) of vacated 19th Street lying south of and adjoining said lots. Subject to easements, restrictions, reservations, and covenants of record, if any

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_____, 2022, by a vote of _____.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____

Peter C. Edwards, City Attorney