City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: September 8, 2015

Item: COUNCIL BILL NO. 2015-265
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Planning/Community Development Manager: Troy Bolander
City Attorney: Peter C. Edwards
City Manager: Samuel L. Anselm
Board or Commission: Planning and Zoning Commission Date: 8/10/2015

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "4 in favor, 3 absent"

SUMMARY/REQUEST:
Case 020-15: 300 feet west of the Northwest Corner of Zora Street and Range Line Road – A request to rezone from C-1 (Neighborhood Commercial District) to C-3 (Commercial District) for future commercial development – Boyd Enterprises.

STAFF SUMMARY:
The owner of this property would like it to be conforming to their adjacent property which is currently a Casey's gas/convenience store. This would allow the land to be marketed at a higher traffic intensity for a wider range of uses.

Staff recommends approval of Case 020-15.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. David Boyd requested the rezoning of the property in Case 020-15 for future commercial development to make it more marketable.

Mr. Cortez asked Mr. Boyd if he has any construction plans at this time, and he replied no.

PUBLIC COMMENT:
None.

P & Z Case 020-15
Boyd Enterprises
(P & Z Recommended Approval)

COUNCIL BILL NO. 2015-265 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 C-3 property as described below and located 300 feet west of the northwest corner of Zora Street and Range Line Road in the 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 C-1 and including same in District C-3:

A TRACT OF LAND FIVE (5) ACRES IN A SQUARE IN THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 25, TOWNSHIP 28, RANGE 33, BEING PART OF MISCELLANEOUS TRACT NUMBERED ELEVEN (11) TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, EXCEPT ALL THAT PART OF THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 28, RANGE 33, JASPER COUNTY, MISSOURI DESCRIBED AS BEGINNING AT A POINT 50.40 FEET WEST AND 70.0 FEET NORTH 00°36' EAST FROM THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 25, THENCE SOUTH 53°23' WEST, 39.82 FEET TO A POINT 83.40 FEET WEST AND 45.0 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 25, THENCE NORTH 87°46' WEST PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHEAST QUARTER (SE/4), 67.0 FEET; THENCE SOUTH 73°48' WEST, 79.06 FEET TO A POINT 20.0 FEET NORTH OF AND 225.40 FEET WEST OF THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER. (SE/4) OF THE SOUTHEAST QUARTER (SE/4), THENCE NORTH 87°46' WEST PARALLEL TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER (SE/4) OF THE SOUTHEAST QUARTER (SE/4), 192.16 FEET, THENCE NORTH 02°14' EAST, 20.0 FEET, THENCE NORTH 87°06'27" EAST, 74.91 FEET, THENCE NORTH 73°06'07" EAST, 280.35 FEET, THENCE NORTH 38°08'15" EAST, 38.88 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF ROUTE 71, THENCE SOUTH 00°36' WEST 100.14 FEET TO THE POINT OF BEGINNING, AND EXCEPT COMMENCING AT A POINT 423.69 FEET WEST OF THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 28, RANGE 33, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, THENCE NORTH 396.69 FEET TO THE POINT OF BEGINNING, THENCE NORTH 70 FEET, THENCE WEST 115 FEET, THENCE SOUTH 70 FEET,

THENCE EAST 115 FEET TO THE POINT OF BEGINNING, ALSO EXCEPT COMMENCING AT A POINT 423.69 FEET WEST OF THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 28, RANGE 33, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, THENCE NORTH 326.69 FEET TO THE POINT OF BEGINNING, THENCE NORTH 70 FEET, THENCE WEST 115 FEET, THENCE SOUTH 70 FEET, THENCE EAST 115 FEET TO THE POINT OF BEGINNING, ALSO EXCEPT COMMENCING AT A POINT 423.69 FEET WEST OF THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 28, RANGE 33, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, THENCE NORTH 256.69 FEET TO THE POINT OF BEGINNING, THENCE NORTH 70 FEET, THENCE WEST 115 FEET, THENCE SOUTH 70 FEET, THENCE EAST 115 FEET TO THE POINT OF BEGINNING, ALSO EXCEPT COMMENCING AT A POINT 423.69 FEET WEST OF THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 28, RANGE 33, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, THENCE NORTH 186.69 FEET TO THE POINT OF BEGINNING, THENCE NORTH 70 FEET, THENCE WEST 115 FEET, THENCE SOUTH 70 FEET, THENCE EAST 115 FEET TO THE POINT OF BEGINNING, ALSO EXCEPT COMMENCING AT A POINT 423.69 FEET WEST OF THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 28, RANGE 33, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, THENCE NORTH 116.69 FEET TO THE POINT OF BEGINNING, THENCE NORTH 70 FEET, THENCE WEST 115 FEET, THENCE SOUTH 70 FEET, THENCE EAST 115 FEET TO THE POINT OF BEGINNING, ALSO EXCEPT COMMENCING AT A POINT 423.69 FEET WEST OF THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 28, RANGE 33, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, THENCE NORTH 40.00 FEET TO THE POINT OF BEGINNING, THENCE NORTH 76.69 FEET, THENCE WEST 115 FEET, THENCE SOUTH 76.69 FEET, THENCE EAST 115 FEET TO THE POINT OF BEGINNING, ALSO EXCEPT A TRACT OF LAND BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 28 NORTH, RANGE 33 WEST OF THE FIFTH PRINCIPLE MERIDIAN, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 28 NORTH, RANGE 33 WEST IN JASPER COUNTY, MISSOURI; THENCE ALONG THE SOUTH LINE OF SAID SECTION 25, NORTH 87°39'56" WEST A DISTANCE OF 423.69 FEET; THENCE LEAVING SAID SOUTH LINE OF SAID SECTION 25 NORTH 02°09'44" EAST A DISTANCE OF 39.33 FEET TO AN EXISTING ½" REBAR CAPPED PLS NO. 1960; THENCE NORTH 02°09'44" EAST A DISTANCE OF 0.67 FEET TO A SET 5/8" REBAR CAPPED COA2011029473, SAID POINT BEING ON THE NORTHERN RIGHT-OF-WAY LINE OF EAST ZORA STREET AS IT NOW EXISTS; THENCE ALONG SAID NORTHERN RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES: SOUTH 87°28'17" EAST A DISTANCE OF 6.20 FEET TO AN EXISTING ½" REBAR; THENCE NORTH 87°13'55" EAST A DISTANCE OF 74.90 FEET TO AN EXISTING ½" REBAR; THENCE NORTH 73°12'29" EAST A DISTANCE OF 58.54 FEET TO THE POINT OF BEGINNING 1, SAID POINT BEING MARKED BY A SET 5/8" REBAR CAPPED COA2011029473; THENCE LEAVING SAID NORTHERN RIGHT-OF-WAY LINE ALONG THE WEST BOUNDARY LINE OF TRACT 1 NORTH 00°43'17" EAST A DISTANCE OF 248.65 FEET5 TO A SET 5/8" REBAR CAPPED COA2011029473; THENCE LEAVING SAID WEST

BOUNDARY LINE ALONG THE NORTH BOUNDARY LINE OF SAID TRACT 1 SOUTH 89°27'34" EAST A DISTANCE OF 235.16 FEET TO A SET 5/8" REBAR CAPPED COA2011029473, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF NORTH RANGELINE ROAD (HIGHWAY 49) AS CURRENTLY EXISTS; THENCE LEAVING SAID NORTH BOUNDARY LINE ALONG SAID WEST RIGHT-OF-WAY LINE SOUTH 00°43'17" WEST A DISTANCE OF 151.85 FEET TO AN EXISTING "X" IN CONCRETE, SAID "X" MARKING THE INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE AND THE NORTH RIGHT-OF-WAY LINE OF EAST ZORA STREET AS IT CURRENTLY EXISTS; THENCE SOUTH 38°16'28" WEST A DISTANCE OF 38.86 FEET TO AN EXISTING ½" REBAR IN ASPHALT; THENCE ALONG SAID NORTHERN RIGHT-OF-WAY LINE OF EAST ZORA STREET SOUTH 73°12'29" WEST A DISTANCE OF 221.75 FEET TO THE POINT OF BEGINNING.

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 _____, 2015, by a vote of _____.

_____
Michael L. Seibert, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

Z&P Meeting: August 10, 2015
City Council Meeting: September 8, 2015

STAFF PLANNING REPORT
Rezoning

CASE 020-15: A request to rezone from C-1 (Neighborhood Commercial District) to C-3 (Commercial District) for future commercial development.

LOCATION: 300 feet west of the Northwest Corner of Zora Street and Rangeline Road

APPLICANT: Boyd Enterprises

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
C-1 (Neighborhood Commercial District)	Undeveloped	1.97 acres

SITE CONTEXT:

	North	East	South	West
Existing Zoning	C-3 PD	C-3	C-1	R-2
Land Use	Joplin Urgent Care	Casey's	Southwest Missouri Bank	Duplexes

FUTURE LAND USE:

The City of Joplin's future land use map classifies this area as future commercial development.

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
Zora	Secondary	60'
Rangeline	Arterial	100'

UTILITIES: The property has utility connections.

FLOOD PLAIN: N/A

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes.

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

Boyd Enterprises wishes to alter the zoning at this site so that it can accommodate a more traffic-intensive use; C-1 is a lighter commercial designation not meant for uses with heavy traffic flow or intensity.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

This zoning change would not detrimentally affect nearby property.

DISCUSSION

The owner of this property would like it to be conforming to their adjacent property which is currently a Casey's gas/convenient store. This would allow the land to be marketed at a higher traffic intensity for a wider range of uses.

Staff recommends approval of Case 020-15.

ENCLOSURES:

Map.

RECEIVED
6-26-15

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.: 020-15
Filing Fee: $350.00
Date Advertised:
Date Notices Sent:
P&Z Date: 8-11-15
City Council Date:

APPLICANT: David Boyd PHONE: 417-396-8573
ADDRESS: 2915 Clermont ZIP: 64804
EMAIL: N/A
OWNER: Boyd Enterprises PHONE: 417-396-8593
ADDRESS: P.O. Box 1068, Kirksville, MO ZIP: 63501
EMAIL:
LOCATION OF PROPERTY: NW Corner of Zora & Rangeline
LEGAL DESCRIPTION: See attached

Present Zoning C1 Requested Zoning: C3 Acreage:
Present Use of Property: Undeveloped
Proposed Use of Property: Future commercial development

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	CoxHealth Urgent care	C3-PD
South	Bank	C1
East	Commercial	Webb City
West	Duplex/townhomes	

CHARACTER OF THE NEIGHBORHOOD: Range line commercial corridor

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: Would like to accomodate uses w/ heavier traffic.

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:
   ___ Site Plan ___ Landscape Plan ___ Building Elevations N/A

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Rangeline & Zora
2. Classification of Street(s):
   Arterial ✓ Collector _____ Local ✓
3. Right-of-Way Width: 100 ft, 60 ft
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? 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: None.

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: Donald R. Boyd DATE: 5/26/15

BY: _____

TITLE: President



Case 020-15: Northwest Corner of Zora Street and Rangeline Road – A request to rezone from C-1 (Neighborhood Commercial District) to C-3 (Commercial District) for future commercial development – Boyd Enterprises.

N

Case 020-15: 300 feet west of the Northwest Corner of Zora Street and Range Line Road – A request to rezone from C-1 (Neighborhood Commercial District) to C-3 (Commercial District) for future commercial development – Boyd Enterprises.

Mr. Eastman opened the public hearing for Case 020-15.

Mr. David Boyd, 2915 Vermont Avenue, Joplin, appeared to request the rezoning of the property in Case 020-15 for future commercial development to make it more marketable.

Mr. Cortez asked Mr. Boyd if he has any construction plans at this time, and he replied no.

Mr. Eastman asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 020-15.

MR. CORTEZ MOVED, SECONDED BY MR. DERMOTT, THAT CASE 020-15 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. CORTEZ, MR. DERMOTT, MR. EASTMAN, AND MR. SMITH VOTING "AYE"; AND WITH MR. BROWN, MR. DUNCAN, AND MR. RAMSOUR BEING ABSENT (4 IN FAVOR, 3 ABSENT).