City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: September 8, 2015

Item: COUNCIL BILL NO. 2015-267
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 025-15: 185 feet north of the intersection of 23rd Street and Maiden Lane – A request to rezone from R-1 (Single-Family Residential) to C-3 (Commercial District) – City of Joplin.

STAFF SUMMARY:
This billboard has been displaced by the City of Joplin's Maiden Lane widening project. The City is relocating the billboard and granting a billboard easement on City property rather than buying out the lease. Lamar Advertising and their associates have met with appropriate City staff before drafting the easement language and constructing the new billboard.

Staff recommends approval of Case 025-15.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Bolander stated that because of the Maiden Lane widening project, a billboard needed to be relocated. He is investigating the relocation to this piece of City-owned property to be in compliance with the City's sign code. This property must be zoned commercial. The commercial zoning meets the requirements of the Comprehensive Plan, which recommends a commercial designation at this location. Staff recommends approval of this request.

Mr. Eastman asked if the billboard will be erected on the north side or the south side of the property, or if it will be centered on the property. Mr. Bolander stated it would be located close to the south property line.

Mr. Eastman asked if this will be declared as excess property, and Mr. Bolander replied that the area containing the billboard will be leased. The property will probably be declared excess in the future. It is the former location of the fire station that was destroyed in the tornado.

PUBLIC COMMENT:
None.

P & Z Case 025-15
City of Joplin
(P & Z Recommended Approval)

COUNCIL BILL NO. 2015-267 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-3 property as described below and located 185 feet north of the intersection of 23rd Street and Maiden Lane 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 R-1 and including same in District C-3:

ALL OF LOTS NUMBERED SIXTY-SEVEN (67) AND SIXTY-EIGHT (68) IN LUDWIG'S FIRST ADDITION IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF; AND ALL THAT PART OF THE VACATED ALLEY LYING WEST OF AND ADJOINING SAID LOTS 67 AND 68 IN LUDWIG'S FIRST ADDITION IN 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 _____, 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 025-15: A request to rezone from R-1 (Single-Family Residential) to C-3 (Commercial District).

LOCATION: 500 feet south of the intersection of 22nd and Maiden Lane

APPLICANT: City of Joplin

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
R-1 Single-Family Residential	Undeveloped	4 acres

SITE CONTEXT:

	North	East	South	West
Existing Zoning	C-3	R-1	C-1	R-3
Land Use	Feerick's	Residential	Dentist Office	Undeveloped

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
Maiden Lane	Arterial	80'

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

Billboards are not permitted in residential zoning designations.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

This zoning change would not detrimentally affect nearby property.

DISCUSSION

This billboard has been displaced by the City of Joplin's Malden Lane widening project. The City is relocating the billboard and granting a billboard easement on City property rather than buying out the lease. Lamar Advertising and their associates have met with appropriate City staff before drafting the easement language and constructing the new billboard.

Staff recommends approval of Case 025-15.

ENCLOSURES:

Map

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.: 025-15
Filing Fee: $ 350.00
Date Advertised: 6-26-15
Date Notices Sent 6-23-15
Public Hearing Date: 8-10-15

APPLICANT: City of Joplin PHONE: 417-624-0820
ADDRESS: 602 S Main, Joplin, MO 64801 ZIP: 64801
OWNER: City of Joplin PHONE: 417-624-0820
ADDRESS: 2206 Maiden Lane ZIP: 64804
LOCATION OF PROPERTY: 23rd and Maiden Lane
LEGAL DESCRIPTION: ALL OF LOTS NUMBERED SIXTY-SEVEN (67) AND SIXTY-EIGHT (68) IN LUDWIG'S FIRST ADDITION IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF; AND ALL THAT PART OF THE VACATED ALLEY LYING WEST OF AND ADJOINING SAID LOTS 67 AND 68 IN LUDWIG'S FIRST ADDITION IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI
Present Zoning R-1 Requested Zoning: C-3 Acreage:
Present Use of Property: Undeveloped

SURROUNDING LAND USE AND ZONING:

	Zoning	Land Use
North	C-3	Commercial
South	C-1	Commercial
East	R-1	Residential
West	R-3	Undeveloped

CHARACTER OF THE NEIGHBORHOOD: The Maiden Lane corridor is mostly commercial with some residential throughout.

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: This billboard is being moved due to the Maiden Lane widening project and this parcel must be rezoned for commercial according to the City of Joplin zoning code in order to allow billboards.

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

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Maiden Lane
2. Classification of Street(s):
   Arterial X Collector Local
3. Right-of-Way Width: 60'
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   No.

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

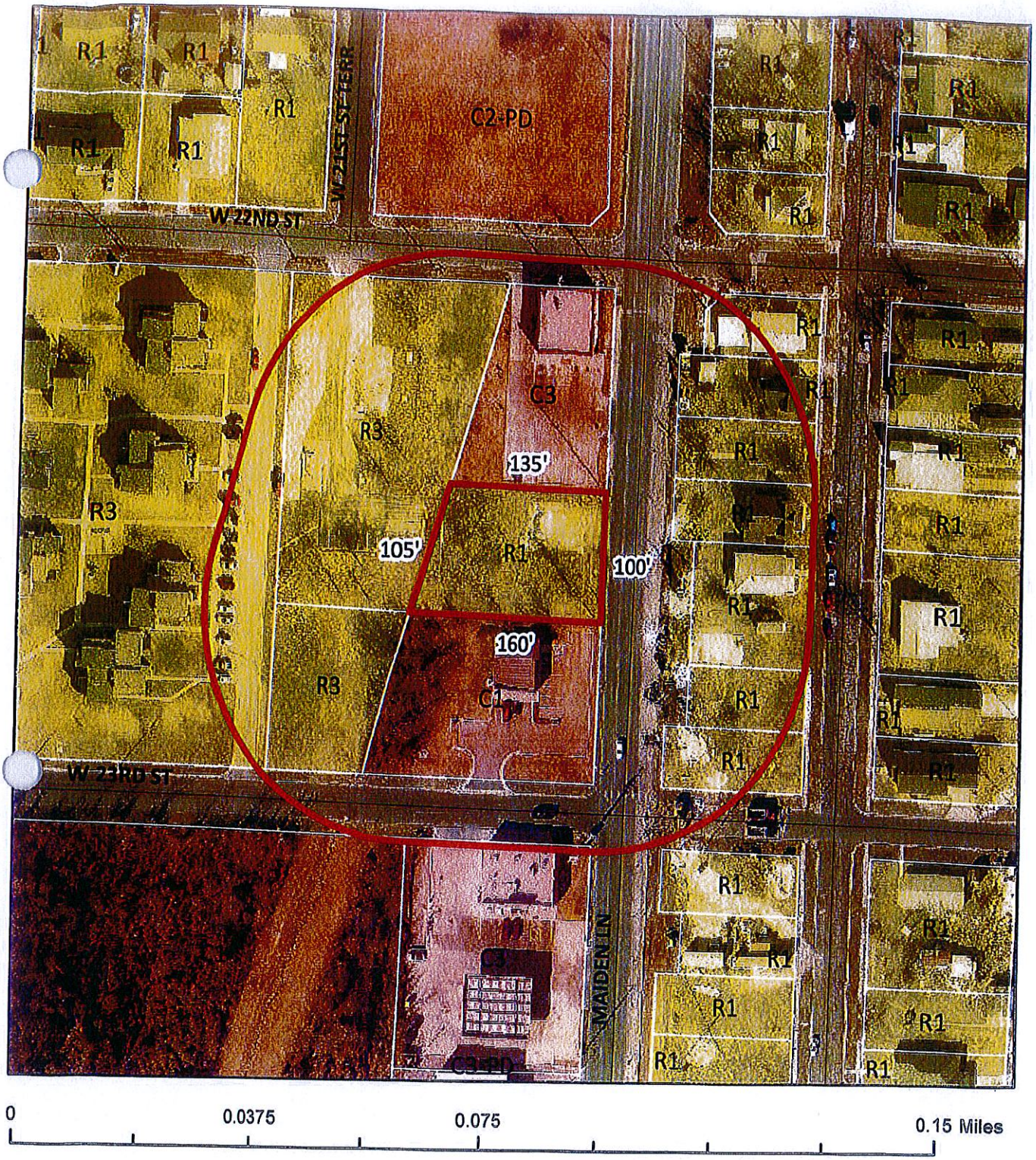
1. Appropriately Sized Lots? No.
2. Properly Sized Street Right-of-Way? No.
3. Drainage Easements? No.
4. Utility Easements:
   - Electricity? No.
   - Gas? No
   - Sewers? No
   - Water? No
5. Additional Comments: N/A

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: _____ DATE: 8-7-15

BY: Troy Boxander

TITLE: _____



0 0.0375 0.075 0.15 Miles

Case 025-15: 185 feet south of the intersection of 23rd Street and Maiden Lane – A request to rezone from R-1 (Single-Family Residential) to C-3 (Commercial District) – City of Joplin.

N

Case 025-15: 185 feet north of the intersection of 23rd Street and Maiden Lane – A request to rezone from R-1 (Single-Family Residential) to C-3 (Commercial District) – City of Joplin.

Mr. Eastman opened the public hearing for Case 025-15.

Mr. Bolander stated that because of the Maiden Lane widening project, a billboard needed to be relocated. He is investigating the relocation to this piece of City-owned property to be in compliance with the City's sign code. This property must be zoned commercial. The commercial zoning meets the requirements of the Comprehensive Plan, which recommends a commercial designation at this location. Staff recommends approval of this request.

Mr. Eastman asked if the billboard will be erected on the north side or the south side of the property, or if it will be centered on the property. Mr. Bolander stated it would be located close to the south property line.

Mr. Eastman asked if this will be declared as excess property, and Mr. Bolander replied that the area containing the billboard will be leased. The property will probably be declared excess in the future. It is the former location of the fire station that was destroyed in the tornado.

Mr. Eastman asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 025-15.

MR. CORTEZ MOVED, SECONDED BY MR. DERMOTT, THAT CASE 025-15 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).