City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: September 8, 2015

Item: COUNCIL BILL NO. 2015-269
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 028-15: 500 feet south of the intersection of 32nd Street and Oliver Avenue – A request to rezone from R-1 (Single Family Residential) and R-3 (Multi-Family Residential) to C-1 PD (Neighborhood Commercial District) – City of Joplin.

STAFF SUMMARY:
Landmark Hospital is expanding its facilities and would like to buy this property from the City of Joplin. In order to do so, the City of Joplin must rezone it for commercial use to allow for medical facilities.

Staff recommends approval of Case 028-15.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Bolander stated this commission and the City Council declared this property as being excess several years ago. At that time, a potential developer wanted to construct multi-family residential units there. That project actually fell through. The staff now has some interest in this piece from another developer who is requesting a commercial designation. The request is in compliance with the Comprehensive Plan since commercial zoning exists to the east and to the north. The nursing facility to the west is also zoned commercial. The staff recommends approval of this request.

PUBLIC COMMENT:
None.

P & Z Case 028-15
City of Joplin
(P & Z Recommended Approval)

COUNCIL BILL NO. 2015-269 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 R-1 and District R-3 and including in District C-1-PD property as described below and located 500 feet south of the intersection of 32nd Street and Oliver Avenue in the 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 R-1 and District R-3 and including same in District C-1-PD:

A PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 27 NORTH, RANGE 33 WEST IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 27, RANGE 33, IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI, THENCE SOUTH 01 DEGREE, 42 MINUTES, 35 SECONDS, WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 50.01 FEET; THENCE SOUTH 89 DEGREES, 36 MINUTES, 28 SECONDS EAST AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 1504.01 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF WEST 32ND STREET; THENCE SOUTH 01 DEGREES, 42 MINUTES, 35 SECONDS WEST, 500.00 FEET; THENCE NORTH 89 DEGREES, 36 MINUTES, 28 SECONDS WEST 986.67 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01 DEGREES, 42 MINUTES, 35 SECONDS, WEST 297.00 FEET; THENCE NORTH 89 DEGREES, 36 MINUTES, 28 SECONDS, WEST 517.34 FEET; THENCE NORTH 01 DEGREES, 42 MINUTES, 35 SECONDS EAST 500 FEET, THENCE SOUTH 89 DEGREES, 36 MINUTES, 28 SECONDS EAST, 517.34 FEET; THENCE SOUTH 01 DEGREES 42 MINUTES, 35 SECONDS WEST 203 FEET TO THE POINT OF BEGINNING. APPROXIMATELY 6 ACRES MORE OR LESS.

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 028-15: A request to rezone from R-1 (Single-Family Residential) and R-3 (Multi-Family Residential) to C-1 PD (Neighborhood Commercial, Planned Development).

LOCATION: 32nd Street and Oliver Ave

APPLICANT: City of Joplin

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
R-1 Single-Family Residential	Undeveloped	4 acres
R-3 Multi-Family Residential	Undeveloped	1 acre

SITE CONTEXT:

	North	East	South	West
Existing Zoning	C-1 PD	C-O PD	N/A	R-1
Land Use	Landmark Hospital	Undeveloped	Newton County	Residential

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
32nd Street	Arterial	80'
Oliver Avenue	Secondary	50'

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

This property cannot be utilized for commercial development due to its residential zoning designation.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

This zoning change would not detrimentally affect nearby property.

DISCUSSION

Landmark Hospital is expanding its facilities and would like to buy this property from the City of Joplin. In order to do so, the City of Joplin must rezone it for commercial use to allow for medical facilities.

Staff recommends approval of Case 028-15.

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.: 028-15
Filing Fee: $350.00
Date Advertised:
Date Notices Sent:
P&Z Date: 8-11-15
City Council Date:

APPLICANT: Stewart and Neece Land Surveying PHONE: 417-624-0311
ADDRESS: 1201 East 15th, Joplin, MO ZIP: 64804
EMAIL: rlneece@msn.com
OWNER: White Oak Real Estate Investment LLC PHONE:
ADDRESS: 240 S. Mount Auburn, Cape Girardeau, MO ZIP: 63701
EMAIL:
LOCATION OF PROPERTY: 32nd and Oliver, Newton County, MO
LEGAL DESCRIPTION: see attached

Present Zoning R1 and R3 Requested Zoning: C1 PD Acreage: Approximately 5 acres
Present Use of Property: undeveloped
Proposed Use of Property:
none

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Empire Sub Station	R-1 & CO-PD
South	undeveloped	R-1
East	Current Landmark Hospital, National Guard	C-1 PD
West	Oliver Street, Medical	R-3

CHARACTER OF THE NEIGHBORHOOD: Medical, 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:

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

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property:_____
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?
   _____

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? 457.28 x 497.00_____
2. Properly Sized Street Right-of-Way?_____
3. Drainage Easements?_____
4. Utility Easements:
   Electricity?_____
   Gas?_____
   Sewers?_____
   Water?_____
5. Additional Comments: #3-4 will be addressed with the site plan_____
   _____
   _____

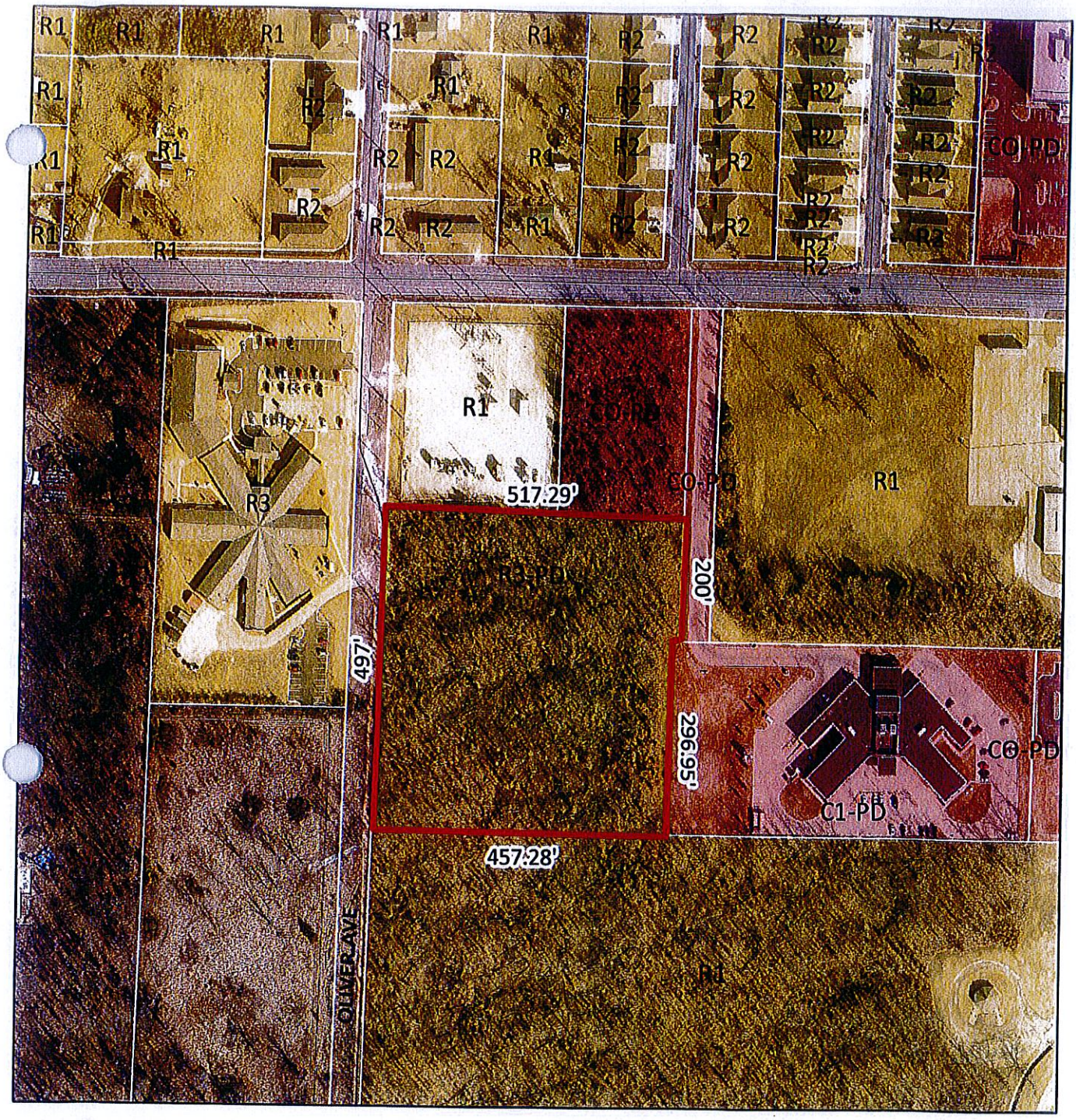
UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

_____
_____
_____

SIGNATURE: _____ DATE: 8-7-15

BY: ROY SOLMONSEN

TITLE: _____



0 0.05 0.1 0.2 Miles

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N

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Mr. Eastman opened the public hearing for Case 028-15.

Mr. Bolander stated this commission and the City Council declared this property as being excess several years ago. At that time, a potential developer wanted to construct multi-family residential units there. That project actually fell through. The staff now has some interest in this piece from another developer who is requesting a commercial designation. The request is in compliance with the Comprehensive Plan since commercial zoning exists to the east and to the north. The nursing facility to the west is also zoned commercial. The staff recommends approval of this request.

Mr. Eastman asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 028-15.

MR. CORTEZ MOVED, SECONDED BY MR. DERMOTT, THAT CASE 028-15 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).