Z&P Meeting: September 12, 2016
City Council Meeting: October 3, 2016

STAFF PLANNING REPORT
Rezoning

CASE 036-16 A request to rezone from R-1 (Single Family Residential) to R-2 (Two-Family Residential) for the construction of duplexes

LOCATION 2024, 2025, and 2119 Maryland Avenue

APPLICANT Brad Allphin Investments

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1 Single-Family Residential	Undeveloped	3.95 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1 Single-Family Residential	R-2-PD Planned Two-Family Residential District	R-1 Single-Family Residential and	R-1 Single-Family Residential and
Land Use	Residential	Residential	Residential	Residential

FUTURE LAND USE

The City of Joplin's future land use map classifies this area as moderate and low-density residential.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
22nd Street	Secondary	50'
Future Maryland Ave	Secondary	50'

UTILITIES No. Utilities will be added in future construction.

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
Residential duplexes are not permitted in the R-1 zoning district.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY
This zoning change would not detrimentally affect nearby property.

DISCUSSION
This property is located at 21st Street and Maryland Avenue. Currently, Maryland Avenue dead ends at the northern edge of the property and does not go through from 20th Street to 22nd Street. The developer will be improving the street to City of Joplin specifications in order to connect 20th Street to 22nd Street at Maryland Avenue. The duplex rentals will be three bedroom, two and a half bedrooms with storm shelters. There are a total of eleven proposed duplexes on the site.

The applicant presented a similar proposal to the commission in July, but the rezoning was denied by the City Council. Mr. Allphin re-submitted his request with the elimination of the two southernmost duplexes. These lots will remain zoned R-1, Single Family Residential.

Staff recommends approval of Case 036-16.

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.: 036-16
Filing Fee: $450.00
Date Advertised: _____
Date Notices Sent: _____
Public Hearing Date: _____

APPLICANT: Brad Allphin PHONE: 417-850-5652
ADDRESS: 2121 Delaware Ave Joplin MO ZIP: 64804
OWNER: Brad Allphin PHONE: 417-592-9229
ADDRESS: 2121 Delaware Ave Joplin MO ZIP: 64804
LOCATION OF PROPERTY: 2024, 2025, 2119 Maryland Ave
LEGAL DESCRIPTION: See attached

Present Zoning R-1 Requested Zoning: R-2 Acreage: _____
Present Use of Property: None

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Duplexes	R-2
South	Residential	R-1
East	Residential	R-1
West	Residential	R-1

CHARACTER OF THE NEIGHBORHOOD: Mixed density 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? ____
   If yes, explain: Must be re-zoned to build duplexes

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: will improve with Maryland Street Finished
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:

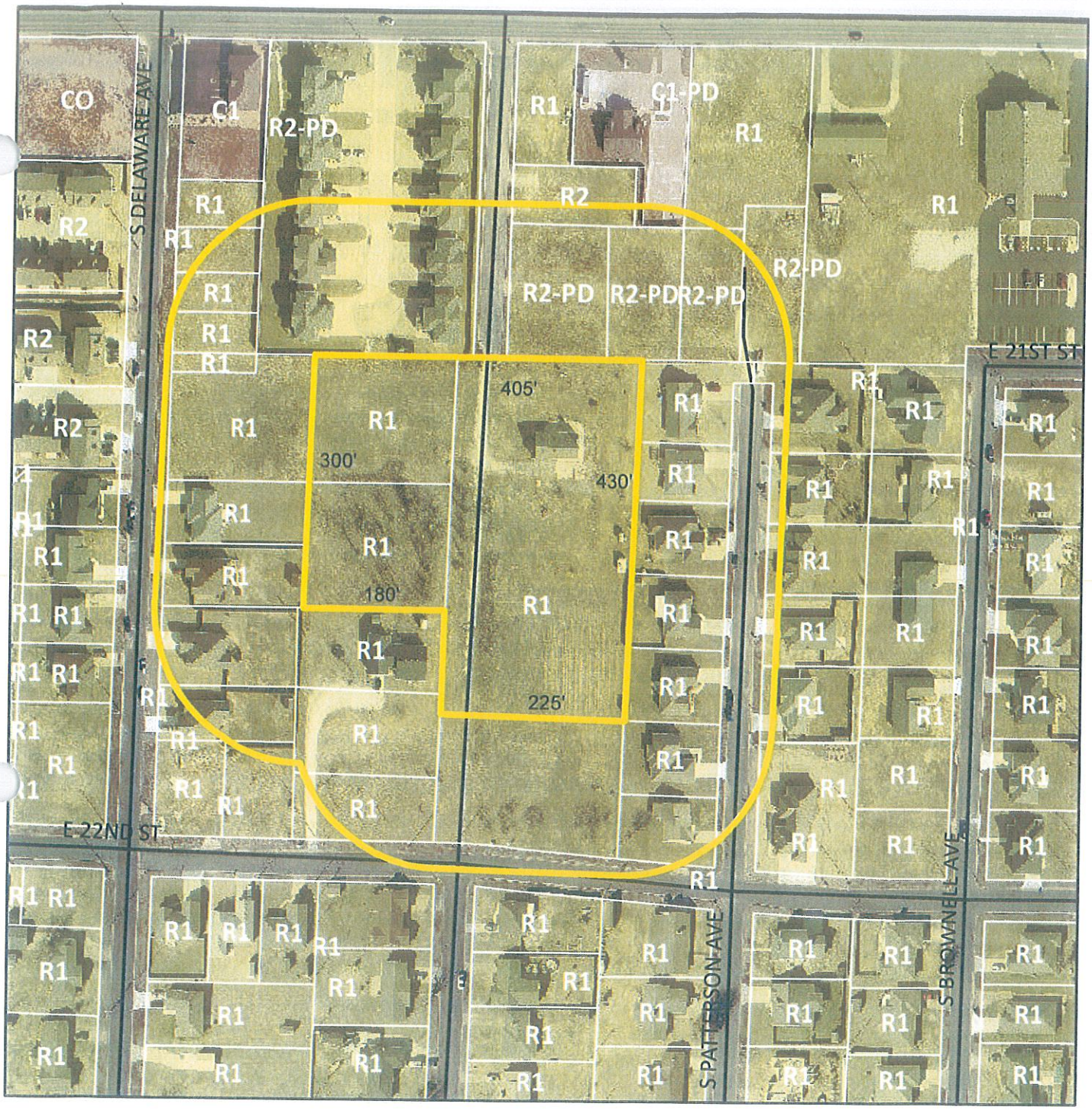
1. Appropriately Sized Lots? No
2. Properly Sized Street Right-of-Way? No
3. Drainage Easements? NO
4. Utility Easements:
   - Electricity? NO
   - Gas? NO
   - Sewers? NO
   - Water? NO
5. Additional Comments: N/A

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: _____ DATE: 8-4-16

BY: Brad Allphin

TITLE: Owner



Case 036-16: 2024, 2025 and 2119 South Maryland Avenue – A request to rezone from R-1 (Single-Family Residential) to R-2 (Two-Family Residential) for the construction of duplexes – Brad Allphin Investments.

N

Brad Allphin Investments



OWNER/BUILDER TO VERIFY ALL DIMENSIONS AND DESIGN DETAILS

ARTISTIC RENDERING
N.T.S.

REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION

BRAD ALLPIN INVESTMENTS
MARYLAND PROJECT
JOPLIN, MO

DRAWINGS PROVIDED BY:
Fyock Home Design
Chuck Fyock
417-438-0120

DATE:
7/8/2016

SCALE:
1/4"=1'

SHEET #
1

Case 036-16: 2024, 2025 and 2119 South Maryland Avenue – A request to rezone from R-1 (Single-Family Residential) to R-2 (Two-Family Residential) for the construction of duplexes – Brad Allphin Investments.

Mr. Dermott has a couple of real estate listings on Patterson Avenue in this neighborhood and asked if he should abstain from the discussion and vote on this request. He is not the agent but is a broker of the office.

Mr. Smith asked Mr. Dermott if he could render a fair and impartial judgment on this case, and he would prefer being excluded on this case. He left the dais at this point.

Mr. Smith opened the public hearing for Case 036-16.

Mr. Bradley Allphin, 2121 Delaware Avenue, Joplin, stated his residence abuts the property in this request. He stated this is a revision of his previously approved rezoning application, but he has made some changes at the south end of the property. He will add three single-family homes at the south end of the property near 22nd Street to separate the duplexes to continue the vision across East 22nd Street.

Mr. Allphin stated four homes have been constructed facing 22nd Street between Delaware and Maryland Avenues. Three additional homes will be constructed east of Maryland to separate the duplexes from the single-family homes. There will be 11 duplexes going up Maryland towards 20th Street. Maryland Avenue will be completed, with the current roadway being an eyesore to the community.

Mr. Allphin will hire engineers for water retention. He stated these will be nice duplexes containing 1,700 square feet with granite and tile. He believes the duplexes will add a lot of value to the properties he currently owns in this area.

Mr. Duncan asked Mr. Allphin if the existing house on the east side of Maryland Avenue is to be demolished, and he replied yes. He has visited with the Fire Department about possibly donating it to the City of Joplin for training purposes. He has also considered relocation, but it is constructed on a slab. Mostly likely it will be demolished and hauled away.

Mr. Duncan asked if Maryland Avenue is being opened through to 22nd Street, and Mr. Allphin replied yes. That is how the street was designed originally, but the previous owner erected barriers to stop the traffic.

Mr. Duncan asked where single-family homes would be constructed, and Mr. Allphin replied along the southern border of the property. Two houses will be constructed facing 22nd Street.

Mr. Smith asked Mr. Allphin if he has checked with the utilities, and he replied yes. He believes there is gas service in this area, along with manholes for water lines.

Mr. Duncan asked Mr. Allphin if the revision was made following a neighborhood meeting, or how that revision came about, since several people spoke in opposition before. Ms. Cunningham stated during the City Council meeting, concerns were expressed from residents of the neighborhood and from some members of the City Council that the duplexes went too far south because they went all the way to 22nd Street. A motion to approve the request died for lack of a

second. Mr. Allphin revised his plan to include single-family homes along the southern border of the property so the duplexes didn't go all the way through. The commissioners now have that revised plan.

Mr. Smith asked for comments from the audience.

Ms. Margaret Kannady, 2211 McConnell Avenue, Joplin, appeared in opposition and cannot see that a whole lot has changed from the time when the City Council denied the request. She stated Mr. Allphin is just adding three more houses and has not done anything about the drainage that will be pooled at 22nd Street and Patterson Avenue. His plan to construct three houses by 22nd Street will put the duplexes back north, but there will still be 26 duplexes with at least two cars in every duplex, totaling 52 cars, plus the cars from the three houses. There will be 58 additional cars in the neighborhood.

Ms. Kannady stated Mr. Allphin has not conducted a traffic study in that area and has not visited with the neighbors.

Ms. Kannady stated Mr. Allphin invested in this property following the tornado. She has worked very hard to pay for her property and maintain it, and she expressed concern about decreasing residential property values. She didn't receive a letter from the City this time notifying her about the rezoning request. She stated Mr. Allphin's request was denied before, and he made some ridiculous revisions and resubmitted the request without the neighborhood being notified except for signage that appeared last week. She asked the commissioners if they have visited this area when the water ran down Patterson Avenue to 24th Street and up to the houses and into Rosedale Park. She expressed concern about nothing being done to 22nd Street to handle that water. The water will go up into the houses of the people who reside at the intersection of 22nd and Patterson.

Ms. Kannady resents people bringing a development like this into a quiet neighborhood that already has a lot of traffic and where children play outside. She asked for a traffic analysis for McConnell Avenue, 22nd Street, and 24th Street. She expressed concern about Mr. Allphin leasing these duplexes to college students. She stated $1,000 monthly rent is a lot of money, but four college students may divide the rent to save money. She expressed concerns about the traffic and the drainage.

Ms. Kannady stated Mr. Allphin made the decision to invest in that property. She stated Maryland Avenue has been closed since the former owner dug a ditch across it and erected a barrier. When she first moved into her home, she drove down Maryland from 20th Street. She asked the commissioners and the City Council to develop some solution to solve the problems Mr. Allphin is going to create in her neighborhood.

Ms. Cunningham stated the plan was revised to move that southern boundary up. Letters are mailed to all property owners within 185 feet of the property to be rezoned. She understood Ms. Kannady resides south of 22nd Street.

Ms. Kannady stated part of her property lies within 185 feet, but Ms. Cunningham replied not when Mr. Allphin revised the boundary for which rezoning is being requested.

Ms. Kannady stated the three houses near 22nd Street will also bring additional traffic into the area. She expressed concern about Mr. Allphin trying to develop this property in any way possible. She

resents that the City of Joplin is helping Mr. Allphin instead of listening to the people who live in that neighborhood. She believes the City is trying to help him build this development, but there are plenty of other places that do not have residential areas where he can build his development. She does not care if he constructs private homes, but she does not want 26 units.

Mr. Smith asked for additional testimony.

Ms. Sharon Wheeler, 2122 South Patterson Avenue, Joplin, appeared in opposition and stated she resides directly behind where Mr. Allphin is trying to construct the multi-family dwellings. Her background is commercial/residential underwriting, so she asked what underwriting this property went through in order to get this, with a certain amount of feet to construct the roadway. She stated behind her home is a 10-foot easement for the electrical line that runs down the back of the property. She stated Mr. Allphin is trying to cram a street, houses, and duplexes into this property. The houses and duplexes will be on top of each other unless there are setbacks.

Ms. Cunningham discussed the setback requirements. The City staff reviewed Mr. Allphin's plans with his surveyor who prepared the layout for the proposed development. The duplexes must have 12 feet between them. The roadway meets all of the minimum setback requirements for the City of Joplin.

Ms. Wheeler asked if these setbacks won't push anything into her property, and Ms. Cunningham replied nothing is being pushed into her property.

Ms. Wheeler asked how far the houses will be from the setback. Ms. Cunningham stated 25-foot front yard and back yard setbacks are required.

Ms. Wheeler asked if two of the single-family houses are in front, with one in back, identical to what exists along the west side of Maryland Avenue. Ms. Cunningham replied it would be the same.

Ms. Wheeler asked which direction the house in the back is facing, and Ms. Cunningham replied it would be facing west towards the new, improved Maryland Avenue.

Ms. Wheeler asked about the setbacks for the two houses in the front. Ms. Cunningham replied 25 feet in the front and back, with six-foot side setbacks.

Ms. Wheeler asked if the houses would be six feet from the property line, and Ms. Cunningham replied those setbacks are the City of Joplin's requirements for single-family houses—six feet on the side yards and 25 feet on the front and back yards.

Ms. Wheeler stated the side yard setback was eight feet when her house was built. Ms. Cunningham wasn't employed by the City when Ms. Wheeler's home was built, but she goes by the zoning codes that she has.

Ms. Wheeler's concern is the back side. She stated Mr. Allphin's two-story duplexes will look down into the back of her property, with fencing not covering that.

Ms. Cunningham stated if single-family homes are built, they could also be two-story. The City cannot restrict the housing to one or two stories.

Ms. Wheeler asked if the 25-foot rear yard setback includes the 10-foot easement, and Ms. Cunningham replied part of that easement can be within that setback.

Ms. Wheeler expressed concern about the properties being so close together with so many buildings being crammed into that space. She asked if the one single-family house that still exists will remain. She mentioned the apartments along 20th Street with one lone single-family house. Then an insurance company has been allowed to build, with a church and another single-family dwelling. Three single-family dwellings face 20th Street, and all that property was zoned for single-family dwellings before the tornado except for the southeast corner of 20th Street and Connecticut Avenue. The library and other businesses and offices now exist along 20th Street.

Ms. Cunningham stated this proposal doesn't have any property that fronts on 20th Street, with 20th Street being designated as a future commercial corridor. There has been a lot of commercial rezoning along 20th Street in accordance with the City's future land us plan.

Ms. Wheeler stated traffic will be coming off of 20th Street onto an entirely total single-family area. She stated there are no apartments or duplexes on 22nd Street. Ms. Cunningham stated there will be no apartments or duplexes on 22nd Street with this proposal. Three single-family houses will be constructed near 22nd Street.

Ms. Wheeler asked how the distance between 22nd Street and the back property line of that third house, and Ms. Cunningham can check the survey. She stated this isn't her proposal, and that she is just the City staff person who is reporting and answering questions. She makes sure the development meets all of the City's setback requirements.

Ms. Wheeler asked about the setback requirements. Ms. Cunningham replied 25 front and back yard setbacks. Ms. Wheeler is discussing the area from 22nd Street to the back of the last house. Ms. Cunningham discussed the development plans with Ms. Wheeler.

Ms. Wheeler asked if Mr. Allphin has proposed any revisions for the drainage. Ms. Cunningham replied the City staff has all of the storm water requirements that pertain to all developments within the City of Joplin. Those calculations are based on impermeable surface areas by engineers, with that work being inspected by City staff.

Ms. Wheeler understands this is being done by the standards but asked what those standards are. Ms. Cunningham is not a storm water engineer who deals with this. Mr. Bolander doesn't know what the water situation is except what has been explained by the neighbors who experience it. The developer is not required to correct that situation, but they can't make it worse. What they do on site has to retain the water so it flows off at a rate where it doesn't make any of the water runoff worse than what it is right now.

Ms. Wheeler asked if there is no requirement to improve the drainage, and Mr. Bolander replied a developer is not required to improve a current situation.

Ms. Wheeler asked if the City is required to improve the situation. Mr. Bolander replied the City staff does not require a developer to improve a situation, but they can't make it worse. The neighbors won't receive any more water than what they're currently receiving. The water will be released at a rate where it will not impact the neighbors. A developer is not required to address a storm water problem that already exists.

Ms. Wheeler asked if the City of Joplin is required to take care of the situation, and Mr. Bolander replied not necessarily. The City makes improvements in some areas but is not required to address a current situation.

Ms. Wheeler asked about the residents' avenue, and Mr. Bolander replied visiting with Dan Johnson, the City's storm water engineer.

Mr. Smith asked Ms. Wheeler for any additional comments regarding the development, and she would prefer for all the buildings to be single-family dwellings within that area. She thought it would be fine for Mr. Allphin to construct duplexes but just not in her residential area.

Ms. Kannady discussed the recent heavy rainfall the area received, and she has seen water running on McConnell Avenue up into the residents' yards because it rained so hard. She stated the area will be flooded during heavy rainfall but stated the area won't be flooded if Mr. Allphin does not build there.

Mr. Bolander stated McConnell Avenue won't flood when Mr. Allphin builds there because he is required to hold his own water on site and release it at a rate where it doesn't make the issue worse. If the area is flooding right now, it will probably continue to flood, but Mr. Allphin cannot make the situation worse.

Ms. Kannady stated 22nd Street does not flood now, but a lot of new concrete will create flooding on 22nd Street. She stated Mr. Allphin is taking away a large field that absorbs that water, with the water having to go somewhere. The water will go into Ms. Wheeler's back yard or down Maryland Avenue to 22nd Street. Mr. Bolander stated that is correct, and that is why a developer is required to build detention facilities to hold that water and release it at a rate where it doesn't flood anyone downstream.

Mr. Ralph Gomez, 2106 Patterson Avenue, Joplin, appeared in opposition. He recently purchased his home and was told that nothing was going to be constructed behind his home. He is now hearing about flooding and other issues.

Mr. Smith understood the flooding has been an ongoing issue for more than 20 years. He understands the development will not make the situation worse.

Mr. Gomez purchased his property with the assumption that nothing was to be built behind his home. Mr. Smith stated Mr. Allphin and the City staff will be available following this meeting to address any issues the area residents may have.

Mr. Allphin stated he will be available after the meeting to visit with the neighbors. He is not really concerned about drainage issues since he owns the property containing the existing townhouses on 20th Street just east of Delaware Avenue. He spent over $20,000 to retain the water from that development. To ease the concerns of the duplexes he currently owns, he does not allow any college students to lease his duplexes. He encourages leasing to families since he resides in this area and wants to keep the community nice.

Mr. Ramsour asked Mr. Bolander about the pre and post-tornado conditions on this property. Mr. Ramsour asked if everything was pretty well devastated, or if there was ever anything on the property in this request, and Mr. Bolander replied one home existed on the property.

Ms. Wheeler stated the City Council minutes from August 1, 2016, show that Mr. Allphin's target demographic was college students, but now he is saying he will not rent to college students.

Mr. Smith stated Mr. Allphin is not targeting college students and stated he may have changed his mind if he previously mentioned leasing to college students.

Mr. Allphin is looking for families since the units will contain three bedrooms and two and one-half baths. Some of the medical students have that income level will be seeking residency. He will not allow several students to lease one unit and divide the rent since some of the individuals may opt out due to conflicts between them. He is seeking families who can afford the rent.

Mr. Smith closed the public hearing for Case 036-16 and entertained a motion.

MR. RAMSOUR MOVED, SECONDED BY MR. BROWN, THAT CASE 036-16 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. BROWN, MS. BRUECKNER-SEARS, MR. CORTEZ, MR. DUNCAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE"; AND WITH MR. DERMOTT ABSTAINING (6 IN FAVOR, 1 ABSTENTION, AND 0 ABSENT).

Mr. Dermott returned to the dais at this point.