City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: October 5, 2015

Item: COUNCIL BILL NO. 2015-271
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: 9/14/2015

Recommended Action: Planning and Zoning Commission recommended denial by a vote of "7 in favor, 0 absent"

SUMMARY/REQUEST:
Case 030-15: Southeast corner of Shady Lane and Silver Creek Drive – A request to rezone from R-1 (Single-Family Residential) to R-2 (Two-Family Residential) – Charles Ward.

STAFF SUMMARY:
These lots are large, matching the size of most of the lots in the neighborhood. Silver Creek was not annexed into the City of Joplin until 2013 and has a much lower residential density than most other residential neighborhoods in Joplin. The houses are mostly large, over 2000 square feet, on lots that are far above our minimum requirements. Creating higher density housing in the middle of this neighborhood does not follow our future land use map, which shows the area as low-density residential. Additionally, the two lots, once zoned R-2, would create an isolated zoning district within the neighborhood.

Staff recommends denial of Case 030-15.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Charles Ward requested the rezoning of property in Case 030-15. He is requesting rezoning to District R-2 for high-end duplexes in the area. He and his son have been builders for many years, with his son receiving pre-approval for financing to construct these duplexes. They previously requested rezoning for duplexes from another entity, who denied their request.

Mr. Duncan asked Mr. Ward if he previously requested rezoning from the Joplin City Council, and he replied no. He requested rezoning through the Village of Silver Creek. He and his son have recently built their homes in Silver Creek, with those being the only new homes in this area. They are willing to invest a lot of money into a community that is very stagnant.

Mr. Ward expressed concern about the lack of growth and thought the residents of Silver Creek should be asking him and his son what can be done to increase their property values. Several homes in Silver Creek have been for sale for some time due to stagnant property values.

Mr. Justin Ward operates JW Construction and has constructed duplexes for several contractors. He discussed the interest in this town for duplexes versus homes.

The Wards' have purchased a large piece of property that has been undeveloped for quite some time. His goal is not to upset anybody in Silver Creek. The area may still have the name of Silver Creek, but they are now in Joplin. He stated two properties bringing in two building permits and two utility bills will not do Joplin any favors versus five to seven projects he could put on that property, with all of them being over $200,000 projects.

The Wards' want to dictate what the tenants do when they move in and will provide full maintenance including lawn care. The front façade of the duplexes will be full masonry. The trees on the property will remain.

This property is 600 to 700 feet long and 140 feet deep and has a lot of potential. Constructing properties that are bringing in money will benefit the City of Joplin. Rental property is the most beneficial thing at this time, with some renters potentially purchasing property in this area. Mercy Hospital employees may want to come to Silver Creek.

The development will consist five duplexes without a water retention pond, but there is sufficient space for six or seven duplexes.

PUBLIC COMMENT:
Comments in opposition were received from the following:

Mr. Gordon Sweeton, 4403 Malaura Lane, Joplin
Mr. John Powell, 4402 Malaura Lane, Joplin
Ms. Linda Lindquist, 4510 Shady Lane, Joplin
Mr. Dan Miller, 4401 Malaura Lane, Joplin
Mr. James Wardell, 4415 Hickory Lane, Joplin
Mr. Todd Zarr, 4507 Shady Lane, Joplin

They expressed concern about decreased single-family residential property values if duplexes are constructed, traffic issues, and who would live in the duplexes. They stated there are no existing duplexes and very little rental property in Silver Creek, and they expressed concern about five to seven duplexes being planned for the property.

About 40 persons expressed their opposition to the Planning and Zoning Commission, with 98 petitions of protest being filed.