Z&P Meeting: September 14, 2015
City Council Meeting: October 5, 2015

STAFF PLANNING REPORT
Rezoning

Case 030-15: A request to rezone from R-1 (Single-Family Residential) to R-2 (Two-Family Residential)

LOCATION: Southeast corner of Shady Lane and Silver Creek Drive

APPLICANT: Charles Ward

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
R-1 (Single-Family Residential)	Undeveloped	3.8 acres

SITE CONTEXT:

	North	East	South	West
Existing Zoning	R-1	R-1	R-1	R-1
Land Use	Single-Family Residential	Single-Family Residential	Single-Family Residential	Single-Family Residential

FUTURE LAND USE:

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

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
Silver Creek Drive	Secondary	70'
Shady Lane	Secondary	50'

UTILITIES: The property has utility connections.

FLOOD PLAIN: N/A

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

No. This area is classified as low-density residential in our Comprehensive Plan. Additionally, this could create an isolated zoning area that does not match the character of the neighborhood.

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

Mr. Ward would like to construct duplexes on the property to attract renters to the Silver Creek area; in order to do so, the zoning classification must be R-2, Two-Family Residential. Currently these lots are zoned R-1, Single-Family Residential, and do not accommodate the construction of duplexes.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

A higher density residential zoning designation could potentially affect nearby property adversely. Neighbors have expressed concern regarding rental property in their neighborhood, as well as duplexes in the middle of a single-family neighborhood.

DISCUSSION

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.

ENCLOSURES:

Map.

REZONING APPLICATION FORM

RECEIVED 7-24-15

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.: 030-15
Filing Fee: $350.00
Date Advertised: 8-30-15
Date Notices Sent: 8-31-15
P&Z Date: 9-14-15
City Council Date: 10-5-15

APPLICANT: CHARLES E. WARD PHONE: 417-850-5254
ADDRESS: 4245 RUBY LANE JOPLIN, MO ZIP: 64804
EMAIL: -
OWNER: JUSTIN & ANDREA WARD PHONE: 417-540-4091
ADDRESS: 3200 TERRACE DRIVE ZIP:
EMAIL: -
LOCATION OF PROPERTY: SILVER CREEK DR. TO SHADY LANE LOT 1 & 2
LEGAL DESCRIPTION: Lots 1 & 2 of Blk #. Briggs addition

Present Zoning R-1 Requested Zoning: R-2 Acreage:
Present Use of Property: NONE - TIMBER (WOODS)
Proposed Use of Property: DUPLEX HOUSING

SURROUNDING LAND USE AND ZONING:

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

CHARACTER OF THE NEIGHBORHOOD: Residential

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   No - still residential
2. Are there substantial reasons why the property cannot be used in accord with existing zoning?
   If yes, explain: Yes - only allows single family houses

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map?

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: Shady Lane, Silver Creek Dr
2. Classification of Street(s):
   Arterial See Collector ____ Local Secondary
3. Right-of-Way Width: ____
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   No

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

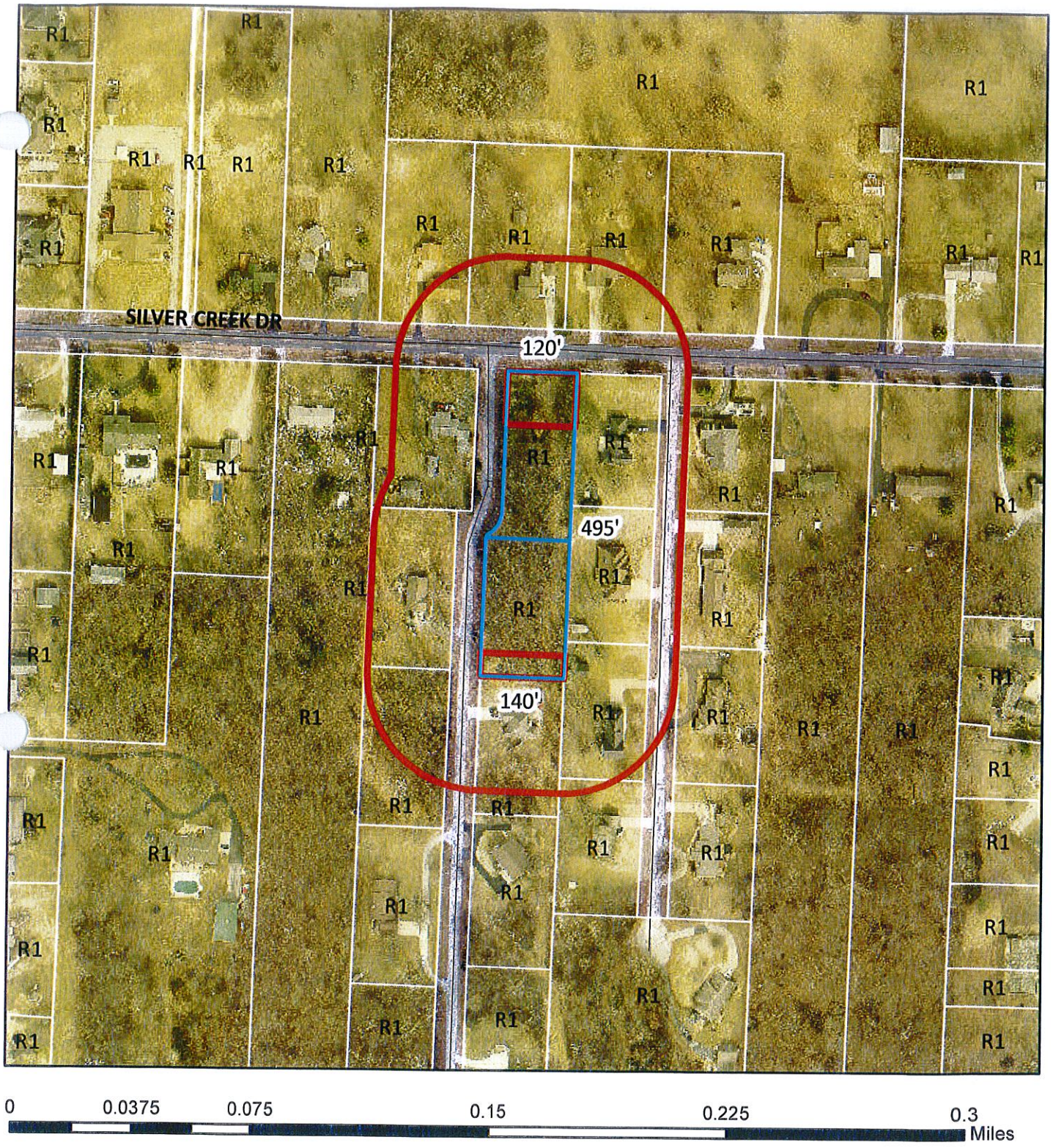
1. Appropriately Sized Lots? No
2. Properly Sized Street Right-of-Way? No
3. Drainage Easements? No
4. Utility Easements:
   - Electricity? No
   - Gas? No
   - Sewers? No
   - Water? No
5. Additional Comments: None.

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: Charles E. Ward DATE: 7-24-15

BY: Charles E. Ward

TITLE: ____



Case 030-15: The Southeast corner of Silver Creek Drive and Shady Lane - A request to rezone from R-1 (Single-Family Residential) to R-2 (Two-Family Residential) for the construction of duplexes - Charles Ward.

N

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.

Mr. Eastman opened the public hearing for Case 030-15.

Mr. Charles Ward, 4245 Robb Lane, Joplin, appeared to request the rezoning of property in Case 030-15. He is a general contractor in the Joplin and in Duquesne. 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 through SMB Bank for $200,000 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 previously requested rezoning for duplexes 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 being built in this area. They are willing to put forth a big effort and a lot of money to invest into a community that is very stagnant.

Mr. Ward expressed concern about the area not having any growth. He 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, 3200 Terrace Drive, Joplin, operates JW Construction and has constructed duplexes for Mayberry Construction, Gary Rose, and several other contractors. He discussed the interest in this town for duplexes versus homes.

Mr. Ward 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.

Mr. Ward would not construct a low-end project in Silver Creek. He wants to dictate what the tenants do when they move in. He will provide full maintenance including lawn care. The front façade of the duplexes will be full masonry. He has a lot of building experience and knows what the duplexes need to look like. His development will bring some growth toward the southern part of Joplin. The trees on the property will remain.

Mr. Ward stated his 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. He sees rental property as being 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.

Mr. Duncan asked Mr. Ward how many duplexes he is projecting for the property. He replied five duplexes without a water retention pond. Once he sees how things progress, and a professional engineer looks at the water retention, he believes he has sufficient space for six or seven duplexes. His goal is to construct five duplexes.

Mr. Duncan asked Mr. Ward if he is aware that 98 protest petitions have been filed, and he understood many of the area residents were opposed to the request.

Mr. Eastman asked for comments from the audience.

Mr. Gordon Sweeton, 4403 Malaura Lane, Joplin, appeared in opposition and thanked the commissioners for allowing the residents to attend the meeting and express their opposition to this rezoning. He has no personal animosity against the builders, but the residents express concern about decreased property values if duplexes are constructed in this area. They have visited with realtors who have informed them their residential property values will decrease.

Mr. Sweeton stated 80 percent of the homes in Silver Creek are owner-occupied homes, with most of the residents residing there 15 to 30 years. They moved there because Silver Creek had restrictions where duplexes or housing projects could not be built. Trailer houses were also not allowed. They were assured those restrictions would apply even after they became a part of Joplin.

Mr. Sweeton stated many senior citizens have had their homes in Silver Creek for a long time. He discussed the meeting with Village of Silver Creek where Mr. Ward got perturbed because he couldn't speak and do what he wanted to do. He tried to intimidate the Silver Creek residents by stating if he was not able to rezone the property for duplexes, he would put a "crack house" in there. That doesn't affect just the area property owners but affects the whole City of Joplin.

Mr. Sweeton expressed concern about who would live in the duplexes. The residents are strongly opposed to the rezoning of this property, and they would respectfully request that the Planning and Zoning Commission deny this request.

Mr. Duncan asked Mr. Sweeton if there are any other duplexes to his knowledge in Silver Creek, and he replied no.

Mr. Duncan stated Mr. Sweeton made references that when Silver Creek was annexed into the City of Joplin, the residents were told previous covenants or restrictions would be kept. Mr. Duncan asked Mr. Bolander if there is any record of that.

Mr. Bolander stated the City of Joplin does not enforce private covenants, as any deed restrictions or private covenants are enforced by homeowners' associations. The property is zoned R-1, so the only thing that can be built at this time are single-family homes. The property came into the City of Joplin with R-1 single-family residential zoning, with that being the restriction at this time.

Mr. Cortez asked when Silver Creek was incorporated into the city limits of Joplin, and Mr. Bolander replied during 2013.

Mr. Ramsour asked Mr. Sweeton to request those in the audience who are opposed to this request to stand. About 40 persons stood to express their opposition.

Mr. John Powell, 4402 Malaura Lane, Joplin, appeared in opposition and stated his property is directly behind the area that Mr. Ward is wanting to rezone. Mr. Powell has resided in this area for 22 years and has always known someone would build something behind him, but he expected it to

be a house similar to his. He lives on a street containing 3,000 to 4,000 square foot homes and didn't expect to have a duplex right behind him.

Mr. Powell stated Mr. Ward alluded to the fact that he was planning to construct senior housing. Mr. Powell stated no public transportation is available to that area. The streets have very narrow shoulders and don't have sidewalks. There are no local shopping areas for seniors. Mr. Powell is not opposed to Mr. Ward building houses comparable to what is in the area.

Mr. Ramsour asked Mr. Powell if he lives directly east or south of the property in this request, and he replied directly east. He resides along Silver Creek Drive, with Malaura being the next street east from Shady Lane. He expressed concern about decreased property values with duplexes behind him. He stated the reason many residents purchased homes in Silver Creek was because no trailers or duplexes were in the area, along with very little rental property.

Mr. Eastman asked Mr. Powell if Mr. Ward ever proposed a floor plan for what he was planning to build. Mr. Powell stated the meeting with the Village of Silver Creek was actually for petition signing and wasn't actually a meeting. Mr. Ward did not visit with any of the neighbors and inform them about his plans to construct duplexes. The residents learned about the request when they received the letters from the City of Joplin.

Ms. Linda Lindquist, 4510 Shady Lane, Joplin, appeared in opposition and has resided in Silver Creek since 1990 and described this area as being in the country. She saw the signage on the property and does not want duplexes. She wants to keep the area the way that it is and wants to go on record as a homeowner in Silver Creek Village in opposition to this request since the property is almost in her front yard.

Mr. Dan Miller, 4401 Malaura Lane, Joplin, appeared in opposition and stated he resides directly across the street from John Powell. Mr. Miller did not attend the Silver Creek meeting but did submit a protest petition. He learned that Mr. Ward conveyed that he was planning construction of two duplexes, and now at this meeting he is hearing a minimum of five duplexes and possibly even seven duplexes. With the distance that's involved on that property from north to south, those duplexes will be basically wall-to-wall and end up in an apartment style environment.

Mr. James Wardell, 4415 Hickory Lane, Joplin, appeared in opposition and stated he lost his home on Bedford Place to a fire and looked for housing all over Joplin and settled in Silver Creek. The reason he settled there was because of the single-family dwellings, the country, and the trees.

Mr. Todd Zarr, 4507 Shady Lane, Joplin, appeared in opposition and stated his property buts up directly to the proposed property. He moved to Silver Creek following the tornado because of the single-family dwellings and the nice country style location and the trees. He stated the duplexes will make a Shady Lane a throughway and a constant traffic hazard.

Mr. Eastman asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 030-15.

MR. CORTEZ MOVED, SECONDED BY MR. DERMOTT, THAT CASE 030-15 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR DENIAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND

DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, MR. EASTMAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).