CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2023-285 – Zoning District Change

MEETING DATE:
October 2, 2023

ORIGINATING DEPARTMENT:
Planning, Development and Neighborhood Services

REVIEWED BY:
Director of Planning, Development & Neighborhood Services – Troy Bolander
Director of Finance – Leslie Haase
City Attorney – Peter Edwards
Assistant City Manager – Tony Robyn
City Manager – Nicholas Edwards

FUNDING SOURCE:
These payments are included in the FY2023 budget of the Community Planning Fund.

SUMMARY REQUEST:
Case 042-23: Property Directly South of the Intersection of W 32nd St and S Nellie Mae – Rezoning – A request to rezone from District R-1 (Single-Family Residential) to District MUC (Mixed Use Commercial) – Jimmer Pinjuv

BACKGROUND:
Considering the existing uses and the current zoning of the neighborhood, along with the policies of the Comprehensive Plan, the property is best suited for a variety of future development, which can include low or high density residential, or less intensive commercial, which would all be permitted uses under the MUC zoning.

The purpose of the MUC Zoning District is to closely integrate neighborhoods with small-scale commercial businesses, such as grocery stores or small offices, in a walkable setting.

The change in zoning will not be detrimental to nearby property. The existing neighborhood has a mix of housing including single-family homes and senior living. Wildwood Ranch Subdivision has included MUC development in their plans as well. The existing character and planned development for the neighborhood is for a mix of uses and density to create an integrated, walkable neighborhood.

This property is not shown on the future land use map. However, the proposed development is consistent with the policies of the Comprehensive Plan. Multi-Use neighborhoods, which include low-density and high-density residential, and less intensive commercial, are all suitable land uses for the edges of designated corridors, such as 32nd St.

PLANNING & ZONING COMMISSION TESTIMONY:

Lillian Bryant with OWN Engineering presented the case, representing the owner. They stated they wished to rezone to MUC so that they could develop single-family homes and retail. Mr. Rosenberg asked staff if this was the first-time property had been rezoned to MUC. Mr. Bellairs stated that the Commission had seen this before when part of the Wildwood Ranch Subdivision was rezoned to MUC. Mr. Rosenberg stated he had no objection but did not see where MUC permitted single-family homes. Mr. Bellairs stated that in Article 4 of the zoning code, single-family, duplexes, and multi-family are all permitted under MUC zoning, as well as small scale commercial retail and offices. Mr. Landis asked if there were any covenants or restrictions. Mr. Bellairs stated that there was nothing restricting use besides the zoning.

PUBLIC COMMENT;

There was no public comment in favor or opposition of the rezoning.

RECOMMENDATIONS:

Staff recommends approval of Council Bill 2023-285
Planning & Zoning Commission recommends approval of Case 042-23 (5 in Favor, 2 absent)

ATTACHMENTS

Staff Planning Report
P&Z Commission Minutes
Applicant Materials
Map

JOPLIN | PLANNING & ZONING COMMISSION

MINUTES
MONDAY, SEPTEMBER 11, 2023
4:00 P.M.

The Planning and Zoning Commission met in a regular session, Monday, September 11, 2023. Present were Commission members Mary Anne Phillips, Amia Warren, Benjamin Rosenberg, Rodney McCullough and Cole Landis. Tyler Bellairs and Vicky Copeland represented the Planning, Development and Neighborhood Services Department.

1. **Roll Call:** Vicky Copeland called the roll.

2. **Motion to Excuse:**

MR. LANDIS MOVED TO EXCUSE MR. KIMBLE AND MR. JACKSON. MS. WARREN SECONDED THE MOTION. MOTION CARRIED (5 IN FAVOR, 0 NAY, 2 ABSENT)

3. **Approval of Minutes:**

MR. LANDIS MOVED TO APPROVE THE AUGUST 14, 2023, MINUTES. MR. ROSENBERG SECONDED THE MOTION. MOTION CARRIED.
(5 IN FAVOR, 0 NAY, 2 ABSENT)

4. **Public Hearings**

Ms. Phillips read the Public Hearing Procedures.

Case 042-23: Rezoning

Property Directly South of the Intersection of W 32nd St and S Nellie Mae-Rezoning-A request to rezone from District R-1 (Single-Family Residential) to District MUC (Mixed Use Commercial)-Jimmer Pinjuv

Lillian Bryant, 811 E. 3rd St., Joplin, Missouri. Ms. Bryant stated she was the engineer representing Wildwood Ranch. They were looking to rezone the property from R-1, roughly 10 acres. It was annexed into the City as R-1, and they would like to do mixed use commercial to keep their flexibility with having some single-family homes and also some retail in the future. She asked if there were any questions.

Mr. Rosenberg proposed a question of City Staff. He asked if this was the first time, they have had a MUC request.

Mr. Bellairs stated no actually they have had one in Wildwood Ranch annexation before.

Mr. Rosenberg stated he had no objection except he was reading MUC zoning and he found no housing listed at all.

Mr. Bellairs said the land use table for permitted uses and article four of the zoning code it discussed which uses are permitted where. If you go to the land use table and all residential building most residential building types including single family and duplexes, apartments and different forms of multi-family are permitted as well as small scale commercial, small offices and small retail.

Mr. Landis asked if there were any covenants or restrictions that would restrict that type of use.

Mr. Bellairs asked if he was speaking about the same development that was just referenced.

Mr. Landis stated just in general the vicinity of where the land is located. That area is in Wildwood Ranch. So was there any covenants or restrictions that would restrict it from being anything other than R-1.

Mr. Bellairs stated there was nothing that would restrict it besides the zoning.

Ms. Phillips asked if there were any other questions from the Commission.

There were none.

Ms. Phillips asked if there was any one to speak in favor of Case 042-23.

There were none.

Ms. Phillips asked if there was any one to speak in opposition of Case 042-23.

There were none.

MR. ROSENBERG MOVED THAT CASE 042-23 BE APPROVED AND FORWARDED TO THE CITY COUNCIL FOR APPROVAL. MR. MCCULLOUGH SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAY, 2 ABSENT)

5. Adjournment:

MR. ROSENBERG MOVED, SECONDED BY MS. WARREN TO ADJOURN. MOTION CARRIED. (5 IN FAVOR, 0 NAY, 2 ABSENT)

Approved _____
Drew Kimble, Chairman

Approved _____
Vicky Copeland, Recording Secretary

Rezoning Application

Return Form to:
Planner
Joplin City Hall
602 S. Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 1511
Zoning-Planning@JoplinMO.org

Office Use Only
Case No.: 042-23
Filing Fee: $550.00
Received: 8/4/23
Date Advertised:
Proj. No.: 23-202
Public Hearing Date: 9/11/23

Applicant: Jimmer Pinjuv Phone No.: 417-529-6440

Address: 1032 Antelope Rd, Joplin, MO 64804 Email: jimmer@wwrlife.com

Owner: Jimmer Pinjuv Phone No.: 417-529-6440

Address: 1032 Antelope Rd, Joplin, MO 64804 Email: jimmer@wwrlife.com

Location of Property: Forrest View Lane & W 32nd Street

Present Use of Property: Vacant

Proposed Use of Property: Mixed Use Commercial

Current Zoning: R-1 Requested Zoning: MUC

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	vacant	N/A
South	Single Family Residential	R1
East	nursing home	R1
West	vacant	MUC

Character of the Neighborhood: Mixed commercial and residential

Relationship to Existing Zoning Pattern:

Yes	No	
○	◉	Would proposed change create a small, isolated district unrelated to surrounding districts?
◉	○	Are there substantial reasons why the property cannot be used in accord with existing zoning?

If yes, explain: Current zoning will not allow mixed use of residential and commercial in the same zone.

Conformance with Comprehensive Plan:

Yes	No	
◉	○	Consistent with Development Policies?
◉	○	Consistent with Future Land Use Map?

Traffic Conditions:

Yes	No	
○	◉	Will turning movements caused by the proposed use create an undue traffic hazard?

Street(s) with Access to Property: 32nd Street

Classification of Street(s):

Arterial ☐ Collector ☑ Local ☐

Right-of-Way Width: 90'

Subdivision Platting:

Yes	No	
○	◉	Is platting required?
◉	○	Are lots appropriately sized?
◉	○	Is street right-of-way appropriately sized?

◉ ○ Are drainage and utility easements adequately sized and provided?

Additional Platting Comments: _____

_____

_____

Unique Characteristic of Property and/or Additional Comment:

_____

_____

_____

Submission of Documents: The following documents are **required** at time of submission.

Yes	No	
◉	○	Completed and signed application.
◉	○	One copy of a legal description of the property proposed to be rezoned from a deed or certified survey. Must be legible.
◉	○	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 affect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
○	◉	Owner Affidavit and Agent Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned.

Applications that are incomplete or missing required documents will not be processed or scheduled on an agenda to the Planning & Zoning Commission until corrected and resubmitted.

Signature: _____ For Wildwood Ranch LLC **Date:** 7.27.23

Z&P Meeting: September 11, 2023
City Council Meeting: October 2, 2023

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 042-23 A request to rezone from District R-1 (Single-Family Residential) to District MUC (Mixed-Use Commercial)

LOCATION Property South of the Intersection of W 32nd St and Nellie Mae, Joplin, Missouri 64804

APPLICANT Jimmer Pinjuv

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Vacant	Approximately 10 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1	R-1	R-1	MUC
Land Use	Single-Family Home	Senior Living	Vacant/Single-Family Home	Vacant

FUTURE LAND USE

The property is part of an annexation from 2015, and it is not on the future land use map.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
W 32nd St	Collector	60′
Nellie Mae	Local	45′

UTILITIES

Utilities will need to be extended for future development.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

This property is not shown on the future land use map. However, the proposed development is consistent with the policies of the Comprehensive Plan. Multi-Use neighborhoods, which include low-density and high-density residential, and less intensive commercial, are all suitable land uses for the edges of designated corridors, such as 32nd St.

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

The property was annexed into the City as R-1. Jimmer, the owner, is not sure what they are wanting to use the property for. MUC would allow most types of residential development and some commercial. Future development could potentially include either or a mixture of the two.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning will not be detrimental to nearby property. The existing neighborhood has a mix of housing including single-family homes and senior living. Wildwood Ranch Subdivision has included MUC development in their plans as well. The existing character and planned development for the neighborhood is for a mix of uses and density to create an integrated, walkable neighborhood.

DISCUSSION

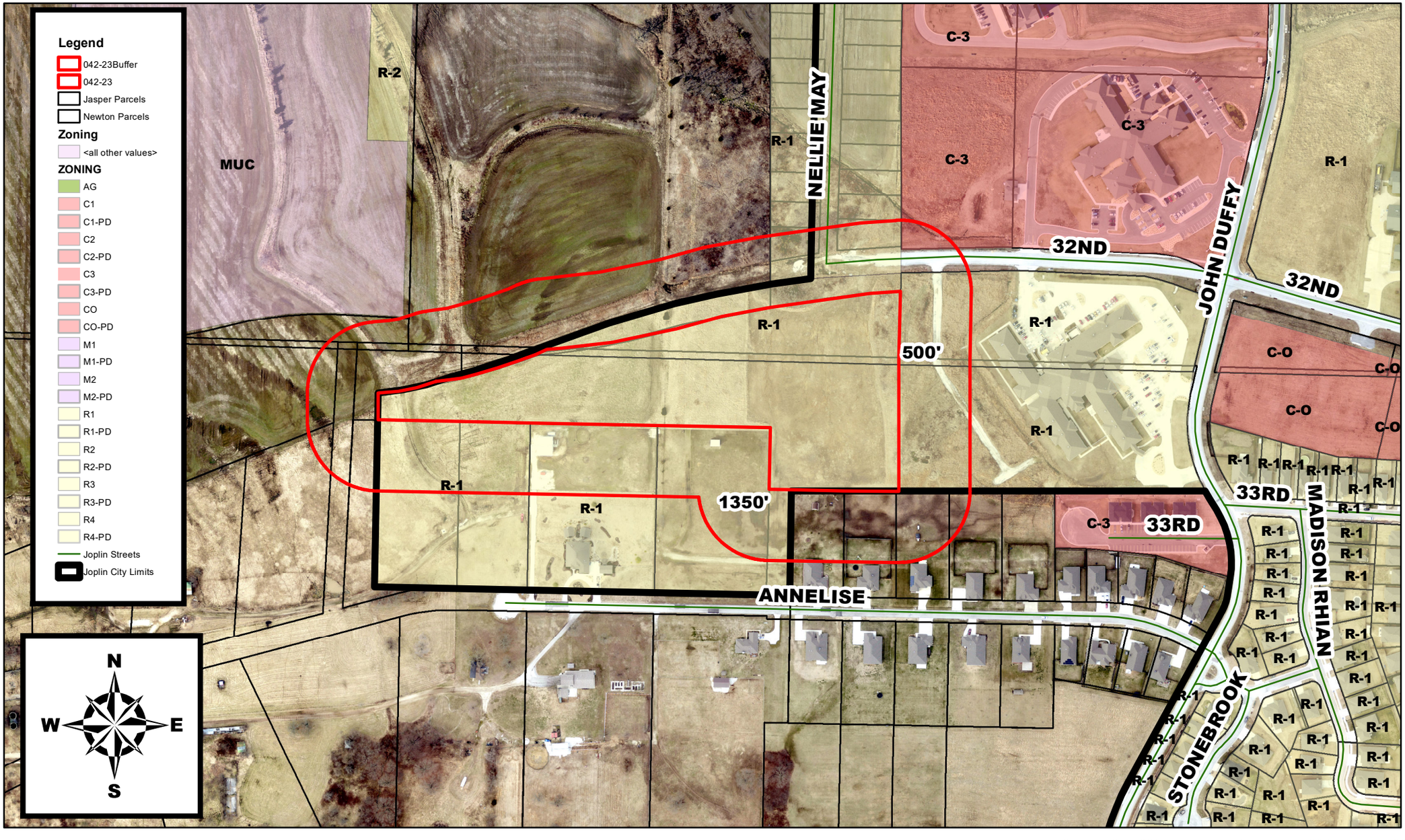
Considering the existing uses and the current zoning of the neighborhood, along with the policies of the Comprehensive Plan, the property is best suited for a variety of future development, which can include low or high density residential, or less intensive commercial, which would all be permitted uses under the MUC zoning.

Staff recommends approval of Case 042-23.

ENCLOSURES

- Map of property
- Application

Case 042-23: Rezoning



Property Directly South of the Intersection of W 32nd St and S Nellie Mae – Rezoning – A request to rezone from District R-1 (Single-Family Residential) to District MUC (Mixed Use Commercial) – Jimmer Pinjuv

P & Z Case 042-23
Jimmer Pinjuv
(P & Z Recommended Approval)

COUNCIL BILL NO. 2023-285 ORDINANCE NO.

AN ORDINANCE amending Ordinance No. 2022-274, passed by the Council of the City of Joplin, Missouri, August 1, 2022, by removing from District R-1 (Single-Family Residential) to District MUC (Mixed-Use Commercial) property as described below and located directly South of the Intersection of W 32nd St and S Nellie Mae.

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. 2022-274 is hereby amended by removing from District R-1 (Single-Family Residential) the following described property and including in District MUC (Mixed-Use Commercial).

ALL THAT PART OF THE NORTH HALF (N1/2) OF SECTION 24, TOWNSHIP 27, RANGE 34, AND ALL THAT PART OF LOT 1 OF FOREST VIEW SUBDIVISION, NEWTON COUNTY, MISSOURI, AND THAT PART OF THE SOUTH HALF (S1/2) OF SECTION 13, TOWNSHIP 27, RANGE 34, JASPER COUNTY, MISSOURI, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 24, THENCE N88°40'30"W ALONG THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 2027.70 FEET TO THE POINT OF BEGINNING;THENCE S00°00'00"W A DISTANCE OF 347.52 FEET;THENCE N88°50'39"W A DISTANCE OF 329.81 FEET; THENCE N01°09'21"E A DISTANCE OF 160.39 FEET; THENCE N88°50'39"W A DISTANCE OF 1080.65 FEET; THENCE N03°12'00"E A DISTANCE OF 236.11 FEET; THENCE S86°40'29"E A DISTANCE OF 264.52 FEET, THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 509.78 FEET, WITH A RADIUS OF 1545.00 FEET, WITH A CHORD BEARING OF N83°50'52"E, WITH A CHORD LENGTH OF 507.47 FEET;THENCE WITH A REVERSE CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 634.95 FEET, WITH A RADIUS OF 2955.00 FEET, WITH A CHORD BEARING OF N80°33'03"E, WITH A CHORD LENGTH OF 633.73 FEET; THENCE S00°00'00"W A DISTANCE OF 220.09 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.6 ACRES MORE OR LESS. A location more generally known as Property Directly South of the Intersection of W 32nd St and S Nellie Mae.

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 thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of_____, 2023, by a vote of _____.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney