CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2022-283 – Zoning District Change

MEETING DATE:
October 3, 2022

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
City Manager – Nicholas Edwards

FUNDING SOURCE:
These payments are included in the FY2021-22 budget of the Community Planning Fund.

SUMMARY REQUEST:
Case 048-22: Rezoning - 1911 and 2001 N. Range Line Rd. – A request to remove from District R-1 (Single-family Residential) and include in District C-3 (Commercial) for future commercial development – Gil Stevens

BACKGROUND:
This request to rezone to C-3 is along the N. Range Line Rd. corridor. This rezoning does coincide with the Future Land Use Map's designation of future retail commercial.

The request is appropriate given the proximity to Range Line Rd., a major arterial corridor in the region. Nearby uses share similar zoning districts, and the residential uses to the East are buffered by a semi-wooded 100' wide railroad right-of-way.

PLANNING & ZONING COMMISSION TESTIMONY:
George Michalopoulus, 1306 S. Range Line Rd., Joplin, Missouri, a representative of this property. Mr. Michalopoulus stated they are proposing to put a Top Golf concept on the driving range of that property. He stated they would like to keep the 9-hole golf course in the back and keep the front putt putt golf and add a kid's putt putt to that area. So, we are proposing to put the new building directly on the driving range. We are trying to incorporate the existing driving range for the Top Golf for what we call "Long Shots." Which is like Top Golf. That allows us to use the infrastructure that is already there on the property the length of the property and all of that. We still want to keep the putt putt to the west, and we would still like to keep the 9-hole golf course to the east. That is our proposal. This is our revision to the proposal.

Mr. Bolander stated he would like to address to Commission to refresh everyone's

memory. The original request was to rezone the whole tract to C-3-PD. There was some opposition from the residents across the railroad tract to the east in that residential neighborhood. Staff feels like this is a fair compromise. They are just restricting that C-3 district to what is adjacent to that Range Line commercial. district. In fact, you can barely see it but to the south of this property the C-3 district extends to the railroad. We did not show it on the map, but you can see the C-3-PD designation. So, the applicant has taken the effort to restrict what they needed to use as C-3 to the Range Line corridor. The distance now between the residential neighborhood and the commercial district is about 1000′ to the north and about since the railroad runs at an angle about 900′ on the south boundary. It is quite a distance from the residential area.

PUBLIC COMMENT;

There were a couple comments provided by citizens during the public hearing portion of this case. These comments tended to regard the original request of the rezoning toward the East near the residential neighborhood bordering the railroad tracks, they were in agreement that this modification brought to you today was a good compromise.

RECOMMENDATIONS:

Staff recommends approving Council Bill 2022-283.
Planning & Zoning Commission recommends approval Case 048-22 (5 in Favor, 0 Opposed, 1 Absent, 1 Abstention)

ATTACHMENTS

Staff Planning Report
P&Z Commission Minutes
Applicant Materials
Map

Case 048-22: Rezoning

1911 and 2001 N. Range Line Rd.- A request to remove from District R-1 (Single-Family Residential) and include in District C-3 (Commercial) for future commercial development.

Mr. Eastman recused himself and turned the meeting over to Mr. Kimble.

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Mr. Kimble asked if any of the Commissioners had any questions on Case 048-22.

Ms. Phillips asked if this is the same Top Golf that was supposed to be built in Webb City.

Mr. Michalopoulus stated, yes ma'am we were originally going to build this in Webb City and then we were pushed back from Webb City. They awarded a different license in Webb City. We are moving our project from Webb City to this location.

Mr. Kimble asked a question. He stated you said you wanted to keep the 9-hole golf course in the back, and this does not necessarily have to do with your new project up front but since you are keeping it, is there any hope in the future that it would be restarted or bought up or continued as is.

Mr. Michalopoulus stated they would like to continue as is of course I would need to talk to the City, but our plans are to serve food and drink on the course. That is why when we originally proposed this, we thought you had to apply for commercial for the entire property. We need to make sure we can serve alcohol and food on the course. There is one of these concepts in California where they have a golf course and virtual golf. They do not have putt putt so we are going one step ahead. We are trying to incorporate a golf resort where everything is central. We are hoping that Range Line would create that high traffic that we need and so forth.

Mr. Kimble stated that was a good vision and thanked Mr. Michalopoulus.

Mr. Kimble asked if anyone wished to speak in favor of Case 048-22.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 048-22.

Dennis Herr, 1610 Whispering Oaks Dr., Joplin, Missouri stated he wanted a clarification. Is the golf course going to remain R-1 and the C-3 is the rectangle, pointing to the diagram? He stated that none of the correspondence received by residents indicated a change.

Mr. Kimble stated that during the last meeting the idea was that the whole thing would be changed to C-3 because of the opposition. Mr. Kimble indicated the only part changed to would be the area in the rectangle. The rectangle would be C-3 and the golf course would remain R-1.

Mr. Bolander stated that is correct.

Mr. Kimble stated that is correct.

Mr. Herr stated okay and thanked the Board.

Mr. Kimble asked if anyone else wished to speak in opposition of Case 048-22.

Shannon Bickford, 1402 Whispering Oaks Dr., Joplin, Missouri asked about the outer red in the diagram.

Mr. Bolander stated the outer red is the distance of 185′ under State Statue. Property owners within 185′ can protest so that is why it has gotten smaller because the C-3 request is now just to that square.

Ms. Bickford stated so, I just want to get clarification and the plan is to make that a restaurant, a partial restaurant, and you want to serve alcohol, so she totally gets that. So, is the first pond within the 185′ staying? So, there are two ponds and the one she stated she can see from her house, the bigger one is staying? She stated she is okay with the restaurant, okay with the rectangle as long as nothing is being destroyed.

Mr. Kimble thanked Ms. Bickford.

Mr. Kimble asked if anyone else wished to speak in opposition of Case 048-22.

There were none.

MS. STEELE MOVED THAT CASE 048-22 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MS. WARREN SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 1 ABSTAINED, 1 ABSENT)

Z&P Meeting: August 8, 2022
City Council Meeting: September 6, 2022

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 048-22 A request to remove from District R-1 (Single-family Residential) and include in District C-3 (Commercial) for future commercial development

LOCATION 1911 & 2001 N. Range Line Rd.

APPLICANT Gil Stevens

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Golf Course	51.22

SITE CONTEXT

	North	East	South	West
Existing Zoning	Outside City Limits	R-1	C-3-PD	Outside City Limits/C-3
Land Use	Vacant	Single-family Residential	Office/Vacant	Commercial

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future retail commercial.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
N. Range Line Rd.	Arterial	150'

UTILITIES

Utilities in place.

FLOOD PLAIN

This property is partially in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

This request is consistent with the Comprehensive Plan. The Future Land Use Map indicates this property as future retail commercial. C-3 zoning permits uses that meet that description.

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

The current zoning of R-1 is somewhat suitable for the property. This property is setback far enough away from Range Line Rd., and is large enough itself that it could feasibly be redeveloped into a single-family neighborhood, although there seems to be limited access to be able to provide public streets from Range Line Rd. On the other hand, the development pressures for commercial uses along the Range Line corridor do extend beyond this property's setback from Range Line as evidenced by 3131 N. Range Line.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning will not be detrimental to nearby property. This corridor contains a number of existing uses that correlate to the existing use of the subject property. Properties that are directly adjacent contain existing commercial uses. Nearby residential uses are buffered by a 100' wide, semi-wooded railroad right of way.

DISCUSSION

This request to rezone to C-3 is along the N. Range Line Rd. corridor. This rezoning does coincide with the Future Land Use Map's designation of future retail commercial.

The request is appropriate given the proximity to Range Line Rd., a major arterial corridor in the region. Nearby uses share similar zoning districts, and the residential uses to the East are buffered by a semi-wooded 100' wide railroad right-of-way.

The applicant has since decreased the size of the request to only a portion of the property nearest Range Line Rd. Please see the updated map of this case to view the new boundaries.

Staff recommends approval of Case 048-22.

ENCLOSURES

- Map of property
- Application

Aug 8, 2022

REZONING APPLICATION FORM

Return Form to:
Planner
Joplin City Hall
602 S. Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 1511
FAX 417-625-4738

For Office Use Only
Case No.: 048-22
Filing Fee: $550.00
Date Advertised:
Date Notices Sent
Public Hearing Date:

APPLICANT: Gil Stevens PHONE: 417-437-1061
ADDRESS: 619 Florida Ave Joplin, MO 64801 EMAIL: gil_stevens@yahoo.com

OWNER: Rangeline Golf Center Inc + Alan K Schmidt PHONE: 417-499-7073
ADDRESS: 2001 North Rangeline Joplin, MO 64801 EMAIL:

LOCATION/ADDRESS OF PROPERTY: 2001 N Rangeline (SEE Attachment)

Present Zoning R-1 Requested Zoning: C-3 Acreage: 51.22
Present Use of Property: Miniature Golf, Driving Range, Baseball Batting Cages + 9 Hole Golf Course

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	NOT IN City	
South	Employer Advantage Properties & Millennium Tennis	C-3-PD
East	Railroad Track + Single Family R-1 Fitness Club	R-1
West	NOT IN City	

Character of the Neighborhood: Property on Rangeline is primarily commercial. Part of this property is in Webb City but still commercial on the west. Property to the is residential but there is a railroad track between subject property + residential area

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? YES
   If yes, explain: Owner plans to have a restaurant and seven electric vehicle.

CONFORMANCE WITH COMPREHENSIVE PLAN:

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

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: North Rangeline Rd + Tea Pin Lane
2. Classification of Street(s):
   Arterial ✓ Rangeline Collector _____ Local ✓ Tea Pin Lane
3. Right-of-Way Width: _____
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   _____

IS PLATTING OR REPLATTING REQUIRED IN ORDER TO PROVIDE FOR:

1. Appropriately Sized Lots? _____
2. Properly Sized Street Right-of-Way? _____
3. Drainage Easements? _____
4. Utility Easements:
   - Electricity? _____
   - Gas? _____
   - Sewers? _____
   - Water? _____
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND/OR ADDITIONAL COMMENT:

_____

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey. Must be legible.
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 affect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit and Agent Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned

SIGNATURE: Alton S. Stein DATE: 27 June 2022

TITLE: Agent for Owner

P & Z Case 048-22
Gil Stevens
(P & Z Recommended Approval)

COUNCIL BILL NO. 2022-283 ORDINANCE NO.

AN ORDINANCE amending Ordinance No. 2022-284, passed by the Council of the City of Joplin, Missouri, October 3, 2022, by removing from District R-1 (Single-family Residential) and including in District C-3 (Commercial) property as described below and located at 1911 and 2001 N. Range Line Rd., City of Joplin, Jasper 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. 2022-284 is hereby amended by removing from District R-1 (Single-family Residential) the following described property and including in District C-3 (Commercial).

Commencing at the West ¼ Corner of Section 31, Township 28, Range 32, in the City of Joplin, Jasper County, Missouri, thence North 89 degrees, 46 minutes, 36 seconds East along the South line of the Northwest 1/4 of said Section 413.40 feet, thence North 0 degrees, 53 minutes, 23 seconds East 645.66 feet, thence North 89 degrees, 46 minutes, 36 seconds East 500.0 feet. Thence North 0 degrees, 53 minutes, 23 seconds East 1048.17 feet. Thence North 89 Degrees, 41 minutes, 12 seconds East 964.70 feet more or less to the West right-of-way of the Missouri Pacific Railroad. Thence South 10 degrees, 21 minutes, 46 seconds West along said Right-of-way 1752.52 feet to the South line of the Northwest ¼ of said Section 32. Thence North 89 degrees, 45 minutes, 45 seconds West 147.20 feet. Thence South 89 degrees, 46 minutes 36 seconds West 1024.98 feet to the Point of Beginning. Being subject to all right-of-ways, easements, and reservations of record all except an approximate 1 acre tract with a house situated thereupon and a road easement from Madison Avenue in Webb City to said and which land is described as follows: commencing at the Southwest Corner of Section 7, Township 28, Range 32, Jasper County, Missouri. Thence North along the West line of said Section 1081.28 feet. Thence South 88degrees, 13 minutes, 57 seconds East 322.13 feet. Thence South 78 degrees, 11 minutes, 31 seconds East 521.17 feet to the Point of Beginning. Thence North 11 degrees, 46 minutes, 29 seconds East 1004.36 feet. Thence South 78 degrees, 11 minutes 31 seconds East 208.71 feet. Thence South 11 degrees, 48 minutes, 29 seconds West 208.71 feet. Thence North 78 degrees, 11 minutes, 31 seconds West 208.71 feet. Thence North 11 degrees, 48 minutes, 29 seconds East 104.35 feet the point of beginning containing 1 acre more or less. Being subject to all easements, right-of-ways, and reservations of record together with a 20 foot easement for ingress and egress being 10 feet on either side of the following described centerline: commencing at the Southwest Corner of said Section 7. Thence North along the West line of said Section 1081.28 feet to the Point of Beginning. Thence South 88 degrees, 13 minutes, 57 seconds, East 322.13 feet. Thence South 78 degrees, 11 minutes, 31 seconds East 521.17 feet to the end of said centerline. Also, included all of Lots Numbered Seventeen (17)

through Thirty-four (34), both inclusive, in OAKLAND PARK, a sub-division of a part of the North One-half of Lots 1 and 2 of the Northwest Fractional Quarter of Section 31, Township 28, Range 32, now in the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof. And Tract 1 All that part of Lot Numbered Two (2) of the Northwest fractional Quarter (NWFrt11/4) of Section 31, Township 28, Range 32 in the City of Joplin, Jasper County, Missouri, described as Commencing at the West Quarter corner of said Section 31 thence North 0°53'23" East along the West line of said Section 655.00 feet, thence North 89°46'36" East 608.32 feet to the point of beginning. Thence North 0°53'23" East 176.47 feet, thence North 89°46'36" East 246.84 feet, thence South 0°53'23" West 176.47 feet, thence South 89°46'36" West 246.84 feet to the point of beginning. Tract 2 Together with an easement for ingress and egress described as commencing at the West Quarter corner of Section 31, Township 28, Range 32, a part in the Village of Oakland Park and a part in the City of Joplin, Jasper County, Missouri, thence North 0°53'23" East along the West line of said Section 655.00 feet, thence North 89°46'36" East 85.00 feet to the point of beginning, thence North 89°46'36" East 523.32 feet, thence North 0°53'23" East 25 feet, thence North 89°46'36" West 293.32 feet, thence North 0°53'23" East 25 feet, thence South 89°46'36" West 230 feet, thence South 0°53'23" West 50 feet to the point of beginning. Subject to any Easements Restrictions and Reservations of Record, if any. More generally described as 1911 & 2001 N. Range Line Rd.

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_____, 2022, by a vote of _____.

Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney