CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2019-275-Rezone to Commercial District (C-3)

MEETING DATE:
October 7, 2019

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, Interim City Manager- Daniel Pekarek.

SUMMARY REQUEST:
Case 031-19: 5051 S Main Street - A request to remove from District C-1-PD (Neighborhood Commercial Planned Development) and include in District C-3 (Commercial) for the purpose of future commercial development – Gil Stevens.

BACKGROUND:
The C-3 zone that is requested by the applicant permits more intense development as well as more uses. Considering the proximity of this site to a major regional destination as well as high capacity infrastructure at the I-44 junction, the rezoning requested is not inappropriate for the area.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Gil Stevens, 23 Pheasant Run Drive, Joplin, MO. The owner of this property is Ron Stenger, Joplin LLC. The property to the north has a C-3 Zoning. The reason for this request is that in the event that there would be a user that would have a requirement for this zoning district. Mr. Stevens stated that currently he did not have anyone interested in this property.

PUBLIC COMMENT;
Adam Boyd, 5200 Brookwood, Joplin, Mo. Mr. Boyd owns the property to the east of this request. There is a rise that is on the other side of the hill and it drops off on the other side. With that hill and drop off we have a buffer of privacy and let an apartment building or a two-story duplex, those people will be looking down at my house and pool.

FUNDING SOURCE:
These payments are included in the FY 2018-19 budget of the Community Planning Fund.

RECOMMENDATIONS:
Planning & Zoning Commission recommends approval, 5 in Favor, 0 Nays, 2 Abstained.
Staff recommends approval of Case 031-19.

ATTACHMENTS
CB 2019- 275, Staff Planning Report, P&Z Commission Minutes

CB 2019-275

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Mr. Dermott and Mr. Eastman excused themselves from this case.

Mr. Gil Stevens, 23 Pheasant Run Drive, Joplin, MO. The owner of this property is Ron Stenger, Joplin LLC. The property to the north has a C-3 Zoning. The reason for this request is that in the event that there would be a user that would have a requirement for this zoning district. Mr. Stevens stated that currently he did not have anyone interested in this property.

Mr. Ramsour asked if there was anyone that would like to speak in favor of this case? There was not. Mr. Ramsour asked if there was anyone who would like to speak in opposition to this case?

Mr. Adam Boyd, 5200 Brookwood, Joplin, Mo. Mr. Boyd owns the property to the East of this request. There is a rise that is on the other side of the hill and it drops off on the other side. With that hill and drop off, we have a buffer of privacy. If it is rezoned, and an apartment building or a two-story duplex is built, those people will be looking down at my house and pool. Consequently, if there is not a reason to rezone it at the present time, myself and my neighbor would appreciate it for the commission to hold off until it is pertinent.

Mr. Ramsour asked if any of the Commissioners had any questions for Mr. Boyd. They did not. There was no one else to speak against this proposal.

MRS. KOLKEBECK MOVED, SECONDED BY MR. MCCULLOUGH, FOR CASE 031-19 BE FORWARDED TO THE CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL. MOTION CARRIED, MR. RAMSOUR, MRS. KOELKEBECK, MRS. STEELE, MS. BRUCKNER-SEARS, AND MR. MCCULLOUGH, VOTING "AYE". MR. DERMOTT AND MR. EASTMAN ABSTAINED. (5 IN FAVOR, 0 NAYS, 2 ABSTAINED).

Z&P Meeting: September 9, 2019
City Council Meeting: October 7, 2019

STAFF PLANNING REPORT
Rezoning

CASE 031-19 A request to rezone from C-1 PD (Neighborhood Commercial) to C-3 (Commercial) for future commercial development.

LOCATION 5051 S. Main St.

APPLICANT Gil Stevens

EXISTING CONDITIONS

Zoning	Land Use	Property Size
C-1 PD	Vacant	13.5 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-3	R-1	R-1	C-1 PD/C3
Land Use	Medical Office	Single-family Residential	Single-family/Vacant	Motorcycle Sales/Vacant

FUTURE LAND USE

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

TRANSPORTATION

Streets with access	Classification	Right-of-way width
S. Main St.	Collector	175'

UTILITIES N/A – Utilities do not need to be extended to the property.

FLOOD PLAIN N/A – this property is not in the flood plain.

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

The site as zoned C-1 PD is suitable for future commercial development. The C-1 PD district does restrict commercial development's intensity and prohibits many commercial uses.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

This zoning change should not detrimentally affect nearby property. There is adequate space on the site in which any potential developer can mitigate the conflict of commercial uses with other uses in accordance with the City's buffer requirements.

DISCUSSION

While the C-1 PD district does allow for future commercial development, the C-3 zone that is requested by the applicant permits more intense development as well as more uses. Considering the proximity of this site to a major regional destination as well as high capacity infrastructure at the I-44 junction, the rezoning requested is not inappropriate for the area. Nearby parcels to the North and Northwest are already zoned C-3, and the rezoning of this site would be an extension along the S. Main St. corridor of commercial zoning.

While the future land use map only shows the portion of this property along S. Main St. as commercial, the pressures of development are pushing this area to transition to more commercial uses to complement the nearby regional medical center as well as users of I-44. Conflicts that may arise between uses can be mitigated through buffer requirements in the zoning code.

This property is subject to the City of Joplin's Zoning Code requirements.

Staff recommends approval of Case 031-19.

ATTACHMENTS

- Application
- Map

REZONING APPLICATION FORM

RECEIVED 7-25-19

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.: 031-19
Filing Fee: $500.00
Date Advertised: 8-25-19
Date Notices Sent 8-23-19
Public Hearing Date: 9/9/19

APPLICANT: Gil Stevens PHONE: 417-437-1061
ADDRESS: 619 Florida Ave Joplin, MO ZIP: 64801
OWNER: Ron Stenger Joplin, LLC PHONE:
ADDRESS: 5051 S National Bldg 5-100 Springfield, MO ZIP: 65810
LOCATION OF PROPERTY: 5051 S Main Street Joplin, MO. 64804
LEGAL DESCRIPTION: See Attached

Present Zoning C1-PD Requested Zoning: C3-PD Acreage: 13.4
Present Use of Property: Vacant Land

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Mercy Hospital	C3
South	Vacant Land	R-1
East	Vacant Land	R-1
West	HWY + Vacant Land	C3+R1

CHARACTER OF THE NEIGHBORHOOD: Commercial except to the East + South Property to the south only has one home the rest in acreage - small buffer to the east

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: Current C1-PD does not permit the sale of liquor except consumed on property

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies?
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

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: S Main/Harmon Blvd
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?
   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:

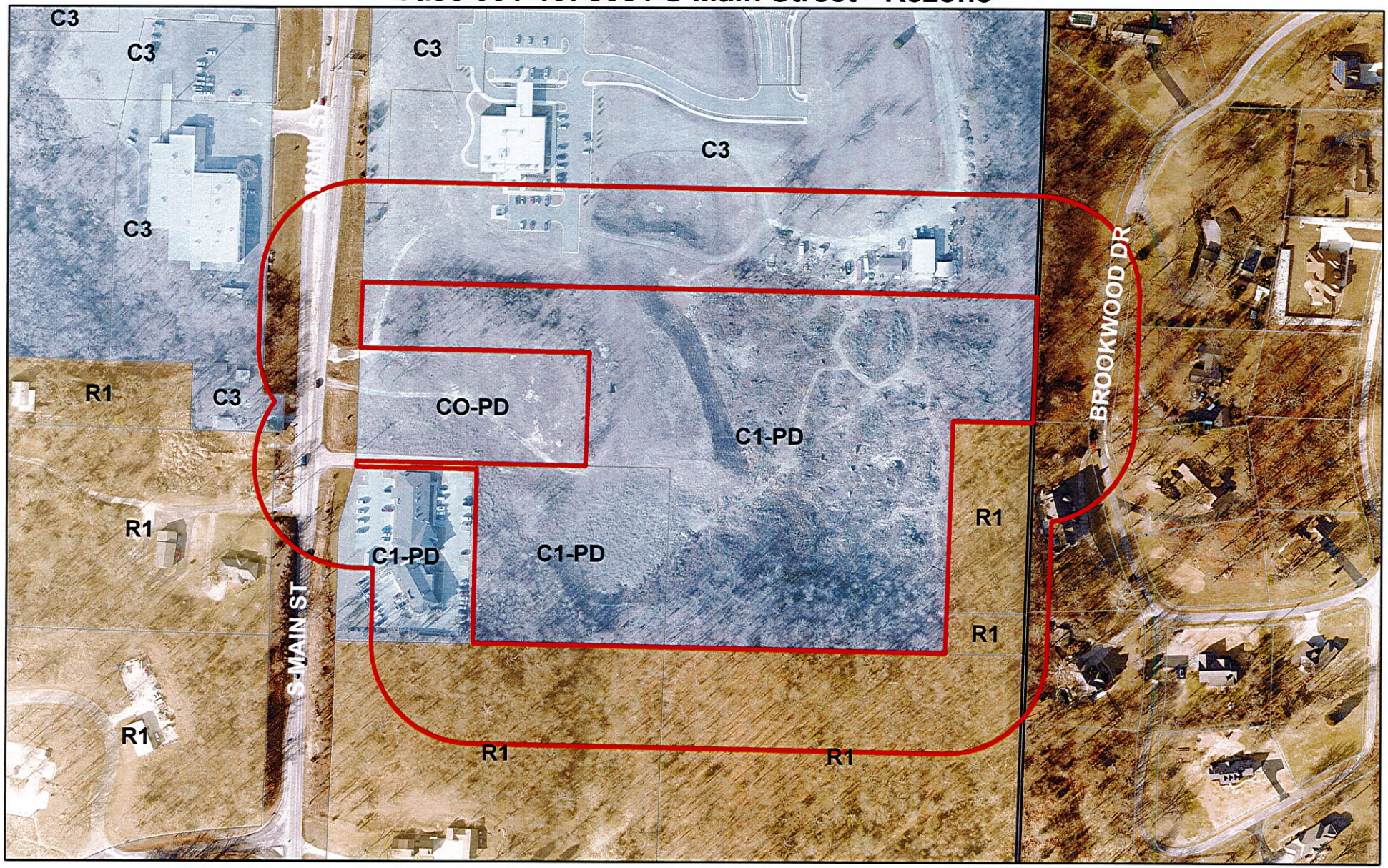
UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:
All Property to the North + Northwest is zoned C-3

SIGNATURE: Gilt B. Stevens DATE: 25 July 2019

BY: Giltner B. Stevens Agent for Owner

TITLE: Applicant

Case 031-19: 5051 S Main Street - Rezone



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Joplin City Limits

0 100 200 400 600 800 Feet

N

P & Z Case 031-19
Gil Stevens
(P & Z Recommended Approval)

COUNCIL BILL NO. 2019-275 ORDINANCE NO.

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-1-PD and including in District C-3 property as described below and located 5051 S Main Street, City of Joplin, Newton 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. 2004-256 is hereby amended by the following described property and including in District C-3:

All that part of the Northwest Quarter Southwest Quarter of Section 26, Township 27 North, Range 33 West, Newton County, Missouri, described as beginning at the Southwest corner of the Northwest Quarter of the Southwest Quarter of said section; thence North 330 feet; thence West 660 feet; thence south 330 feet to the point of beginning; except commencing at the West Quarter corner of Section 26, Township 27, Range 33; thence South along the West line of said section 1320.28 feet to the Southwest corner of the Northwest Quarter of the Southwest Quarter; thence N89°20'30"E along the South line of said Quarter 26.66 feet to the East right-of-way South Main Street and the point of beginning; thence N89°20'30"E 278.29 feet; thence 0°36'23"E 317.75 feet; thence N89°44'W 208.29 feet to said right-of-way; thence along said right-of-way S0°16'31"W 31.96 feet; thence N89°43'59"W 70.0 feet; thence S0°16'W 290.26 feet to the point of beginning. And described as all of the Northwest Quarter of the Southwest Quarter of Section 26, Township 27, Range 33, Newton County, Missouri, except a tract of land described as beginning at the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 26; thence North 330 feet; thence East 660 feet; thence South 330 feet, thence West 660 feet to the point of beginning. And except commencing at the Northwest corner of the Southwest Quarter of Section 26; thence South along the West line of the Southwest Quarter of Section 26, 788.92 feet; thence S89°44'E, 98.14 feet to the point of beginning; thence S89°44'E, 417.42 feet; thence S0°02'W, 208.71 feet; thence N89°44'W 417.42 feet to a point in the East right-of-way line of highway; thence N0°16'E along said East right-of-way line of highway 208.71 feet to the point of beginning. And except commencing at the Northwest Corner of the Northwest Quarter of the Southwest Quarter of Section 26; thence N89°21'E along the North line of the Northwest Quarter of the Southwest Quarter of said Section 26, 310.82 feet; thence S0°16'W 45.0 feet to the point of beginning; thence N89°21'E 1003.74 feet to the East line of the Northwest Quarter of the Southwest Quarter of said section 26; thence S615.11 feet; thence S89°21'W 1214.61 feet; thence N0°16'E 197.15 feet; thence N89°21'E 40.0 feet; thence N0°16'E 210.0 feet; thence N89°21'E 168.0 feet; thence N0°16'E 208.0 feet to the point of beginning. And except commencing at the Southeast corner of the Northwest Quarter of the Southwest Quarter of Section 26; thence N0°23'E along the East line of the Northwest Quarter of the Southwest Quarter 73.27 feet to the Southwest corner of lot 15 in Royal Oaks Subdivision the point of beginning; thence N0°23'E 350.0 feet; thence West 145.0 feet; thence S0°23'W 350.0 feet; thence East 145.0 feet to the point of beginning. And except beginning at the Southeast corner of the Northwest Quarter of the Southwest Quarter of

Section 26; thence N0°23'E along the East line of the Northwest Quarter of the Southwest Quarter 73.27 feet; thence West 145.00 feet; thence S0°23'W 73.93 feet to the South line of the Northwest Quarter of the Southwest Quarter; thence N89°44'E 145.00 feet to the point of beginning. And except commencing at the Northwest corner of the Southwest Quarter of Section 26; thence N89°21'E along the North line of the Southwest Quarter of said Section 26, 102.82 feet; thence S0°16'W 45.0 feet to the point of beginning, said point being on the East right-of-way line of Missouri State Highway 86; thence South 0°16'W 418.0 feet along said highway; thence N89°21'E 40.0 feet; thence N0°16'E 210.0 feet; thence N89°21'E 168.0 feet; thence N0°16'E 208.0 feet to the South right-of-way of 50th Street; thence S89°21'W 208 feet to the point of beginning. And except any part thereof taken, deeded or used for road or highway purposes

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_____, 2019, by a vote of _____.

_____
Gary L. Shaw, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney