CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2024-283 – Rezoning

MEETING DATE:
October 7, 2024

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:
Not applicable for this item.

SUMMARY REQUEST:
Case 028-24: 630 S Porter Ave – Rezoning – A request to rezone from C-1 (Neighborhood Commercial) to District R-2 (Two-Family Residential) – Thanh Cong Pham

BACKGROUND:
The applicant, Tang Cong Pham, is seeking to sell the home as part of the Joplin Housing Assistance Program (JHAP). The applicant is unable to close on the property, due to the commercial zoning district. Rezoning the property to match the existing use will permit single-family use by right and allow the owner to build a new home in the future.

The existing character of the lot and the rest of the block is low-density residential. There is an existing single-family home on the lot. A lot of this size is very limited in its potential to be developed as a commercial site. The highest and best use of this property based on its size and the surrounding uses is single-family residential. To keep the zoning district compatible with the rest of the block, staff recommends an R-2 zoning district. R-2 still allows for a single-family home.

The property is not within a planned corridor. While this property does fall within a future retail-commercial zone, this lot and the others nearby fall within the Comprehensive Plan's definition of Residential Low-density: "Existing areas of single-family development in long-standing neighborhoods."

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Pham stated he would like to rezone from commercial to residential. Ms. Phillips asked Mr. Pham if he wanted to rezone so another person could use JHAP money to rebuild the lot. She stated she thought you had to live in the home currently to receive the grant money. Mr. Pham responded that he had lived in the home since 1997, and the home had burnt down two years ago.

Mr. Pham stated he had remodeled the home and would like to sell the home but was having difficulty selling to a potential buyer because the bank will not finance a commercial lot through the JHAP program.

Mr. Bellairs stated to Mrs. Phillips that JHAP was not relevant to the zoning and the use of the property. Whether or not the property makes it through the JHAP process was not relevant to the case.

Mrs. Alisha Nunnelly spoke in favor of the case. She explained that when Mr. Pha had listed the home for sale, the county said it was zoned residential. The home went under contract for a buyer using JHAP. Mrs. Nunnelly states that she does not believe that the buyer's lender would approve of the buyer purchasing the property due to it being C-1.

PUBLIC COMMENT;
None.

RECOMMENDATIONS:
Staff recommends approving Council Bill 2024-283
Planning & Zoning Commission recommends approving Case 028-24 (7 in Favor, 0 Opposed, 0 Absent)

ATTACHMENTS
Staff Planning Report
P&Z Commission Minutes
Applicant Materials
Map

Case 028-24: REZONING

630 S Porter Ave – Rezoning – A request to rezone from C-1 (Neighborhood Commercial) to R-2 (Two-Family Residential) – Thanh Cong Pham

Mr. Kimble asked if the applicant could come forward and state their name and address for the record.

Thanh Pham of 630 S Porter Ave. Joplin, Missouri presented the case. Mr. Pham stated he would like to rezone his address from commercial to residential.

Mr. Kimble asked if the commission had any questions for Mr. Pham.

Ms. Phillips asked Mr. Pham if he wanted to rezone this property so another person could use JHAP money to rebuild the lot. She stated she thought you had to live in the home currently to receive the grant money.

Mr. Pham responded that he had lived in the home since 1997, and the home had burnt down two years ago. Mr. Pham stated he had remodeled the home and would like to sell the home but was having difficulty selling to a potential buyer because the bank will not finance a commercial lot through the JHAP program.

Mr. Tyler Bellairs stated to Mrs. Phillips that JHAP was not relevant to the zoning and use of the property.

Mrs. Alisha Nunnelly asked the commission if she could speak on behalf of Mr. Pham.

Mrs. Nunnelly states that originally when Mr. Pham had listed the home for sale, the county said it was zoned as residential. The home went under contract with a buyer using JHAP. Mrs. Nunnelly states that she does not believe that the buyer's lender would approve of the buyer purchasing the property due to it being zoned C-1. Mrs. Nunnelly state that the owner Mr. Pham was unaware this property was zoned as C-1, as the home is in a residential neighborhood. Mrs. Nunnelly states that Mr. Pham wants to rezone this address so the owner Mr. Pham can sell the home not only to a JHAP buyer, but as a residential property.

Mr. Kimble asked the commission if they had any other questions.

Mr. Kimble asked if there was anyone in the audience that would like to speak in favor of this case.

Mr. Kimble asked if there was anyone in the audience that would like to speak in opposition to this case.

Mr. Kimble opened the floor to the commission for a motion of this case.

MR. ROSENBERG MOVED THAT CASE 028-24 BE APPROVED. MR. LANDIS SECONDED THE MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAY, 0 ABSENT)

Z&P Meeting: September 9, 2024
City Council Meeting: October 7, 2024

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 028-24 A request to rezone from District C-1 (Neighborhood Commercial) to District R-2 (Two-Family Residential)

LOCATION 630 S Porter Ave

APPLICANT Tang Cong Pham

EXISTING CONDITIONS

Zoning	Land Use	Property Size
C-1	Single Family Home	Approximately 0.15 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-2	R-2	R-1	C-3
Land Use	Single-Family Home	Single-Family Home	Single-Family Home	Restaurant – Quick Serve

FUTURE LAND USE

The property is identified as Retail Commercial on the Future Land Use Map.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
S Porter Ave	Local	60′
W 7th St	Arterial	60′

UTILITIES

City Utilities are in place.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The property is not within a planned corridor. While this property does fall within a future retail-commercial zone, this lot and the others nearby fall within the Comprehensive Plan's definition of Residential Low-density: "Existing areas of single-family development in long-standing neighborhoods."

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

The existing character of the lot and the rest of the block is low-density residential. There is an existing single-family home on the lot. A lot of this size is very limited in its potential to be developed as a commercial site. The highest and best use of this property based on its size and the surrounding uses is single-family residential. To keep the zoning district compatible with the rest of the block, staff recommends an R-2 zoning district. R-2 still allows for a single-family home.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The zoning change will be a downzone. This block and the properties south of 7th and east of Porter consist of single-family homes. This zoning change will make the property more compatible with the surrounding area.

DISCUSSION

The applicant, Tang Cong Pham, is seeking to sell the home as part of the Joplin Housing Assistance Program (JHAP). The applicant is unable to close on the property, due to the commercial zoning district. Rezoning the property to match the existing use will permit a single-family use by right and allow the owner to build a new home in the future.

Staff recommends approval of Case 028-24.

ENCLOSURES

- Map of property
- Application

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.: 028-24
Filing Fee: $600.00
Received: 7/9/24
Date Advertised:
Proj. No.: 24-093
Public Hearing Date: 9/9/24

Applicant: THANH CONG PHAM Phone No.: 417-437-1926

Address: 2021 S. OAKCLIFF Rd Email:

Owner: THANH CONG PHAM Phone No.:

Address: 2021 S. OAKCLIFF Rd Email:

Location of Property: 630 S. Porter

Present Use of Property: VACANT

Proposed Use of Property:

Current Zoning: RESIDENCE Requested Zoning: R2

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	Residental	R2
South	Residental	R1
East	RESidental	R2
West	Commercial	C3

Character of the Neighborhood: Single Family Homes

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: _____

_____

_____

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: _____

_____

Classification of Street(s):

Arterial ☒ Collector ☐ Local ☐

Right-of-Way Width: _____

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: Thanh Cong Pham **Date:** 07-09-2024

Need to rezone to sell the house

Case 028-24: Rezoning



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0 35 70 140 210 280
Feet

P & Z Case 028-24
Thanh Cong Pham
(P & Z Recommended to Approve)

COUNCIL BILL NO. 2024-283 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 C-1 (Neighborhood Commercial) and including in District R-2 (Two-Family Residential) property as described below and located at 630 S Porter Ave.

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 C-1 (Neighborhood Commercial) the following described property and including in District R-2 (Two-Family Residential).

All of the South 40 feet of Lot 12 in Continental Zinc Company's Addition to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof.{

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_____, 2024, by a vote of _____.

_____
Keenan T. Cortez, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney