Z&P Meeting: October 10, 2016
City Council Meeting: November 7, 2016

STAFF PLANNING REPORT
Rezoning

CASE 046-16 A request to rezone from R-1 (Single-Family Residential) to C-3 (Commercial)

LOCATION 400 feet east of the intersection of 32nd Street and Schifferdecker Avenue

APPLICANT ALIF Properties

EXISTING CONDITIONS

Zoning	Land Use	Property Size
N/A (Newton County)	Undeveloped	1.5 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1	R-1	N/A	R-1
Land Use	Residential	Multi-Family	Undeveloped	Commercial

FUTURE LAND USE

Because this area is not in the City of Joplin, there is no future land use identified.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
32nd Street	Arterial	35'

UTILITIES Access to sewer that runs along 32nd Street.

FLOOD PLAIN N/A

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

Currently, part of this site is zoned R-1 and does not accommodate commercial development.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

This zoning change would not detrimentally affect nearby property.

DISCUSSION

This property is approximately 1.5 acres that lies directly east of Casey's General Store at 32nd and Schifferdecker. It is currently undeveloped and outside of the city limits of the City of Joplin. Pending the approval of a voluntary annexation request, the property owner would like to rezone this parcel to C-3 (Commercial) for the construction of a Dollar General store. When a property is annexed into the City of Joplin, it automatically comes in under an R-1 zoning designation.

The City of Joplin's Future Land Use Map does not show a designation for this area because it is not within City boundaries. However, because it currently sits between a gas station and a car wash and is along a major commercial corridor, staff believes a higher zoning classification to be appropriate.

Staff recommends approval of Case 046-16.

REZONING APPLICATION FORM

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.: 046-16
Filing Fee: $450.00
Date Advertised: 9-25-16
Date Notices Sent: 9-29-16
P&Z Date: 10-10-16
City Council Date: 11-7-16

APPLICANT: Steve Wade PHONE: 417-483-6991
ADDRESS: 1909 E 12th ZIP: 66739
EMAIL: swade@oasiscws.com

OWNER: ALIF Properties, LLC. PHONE: 417-483-6991
ADDRESS: ZIP:
EMAIL:

LOCATION OF PROPERTY: 2700 block of W 32nd St Joplin, MO
LEGAL DESCRIPTION: See attached

Present Zoning N/A (will be R-1) Requested Zoning: C-3 Acreage: 1.5 acres
Present Use of Property: undeveloped
Proposed Use of Property: commercial (dollar general)

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Residential	R-1
South	Undeveloped	N/A
East	Poplar Place Housing	R-1
West	Casey's General Store	R-1

CHARACTER OF THE NEIGHBORHOOD: Mixture of low-density residential to the north and commercial/multi-family along the east and west

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: R-1 does not allow for commercial

CONFORMANCE WITH COMPREHENSIVE PLAN:

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

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: 32nd ST and SCHIFFELDECKER

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?

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 ADDITIONAL COMMENT:

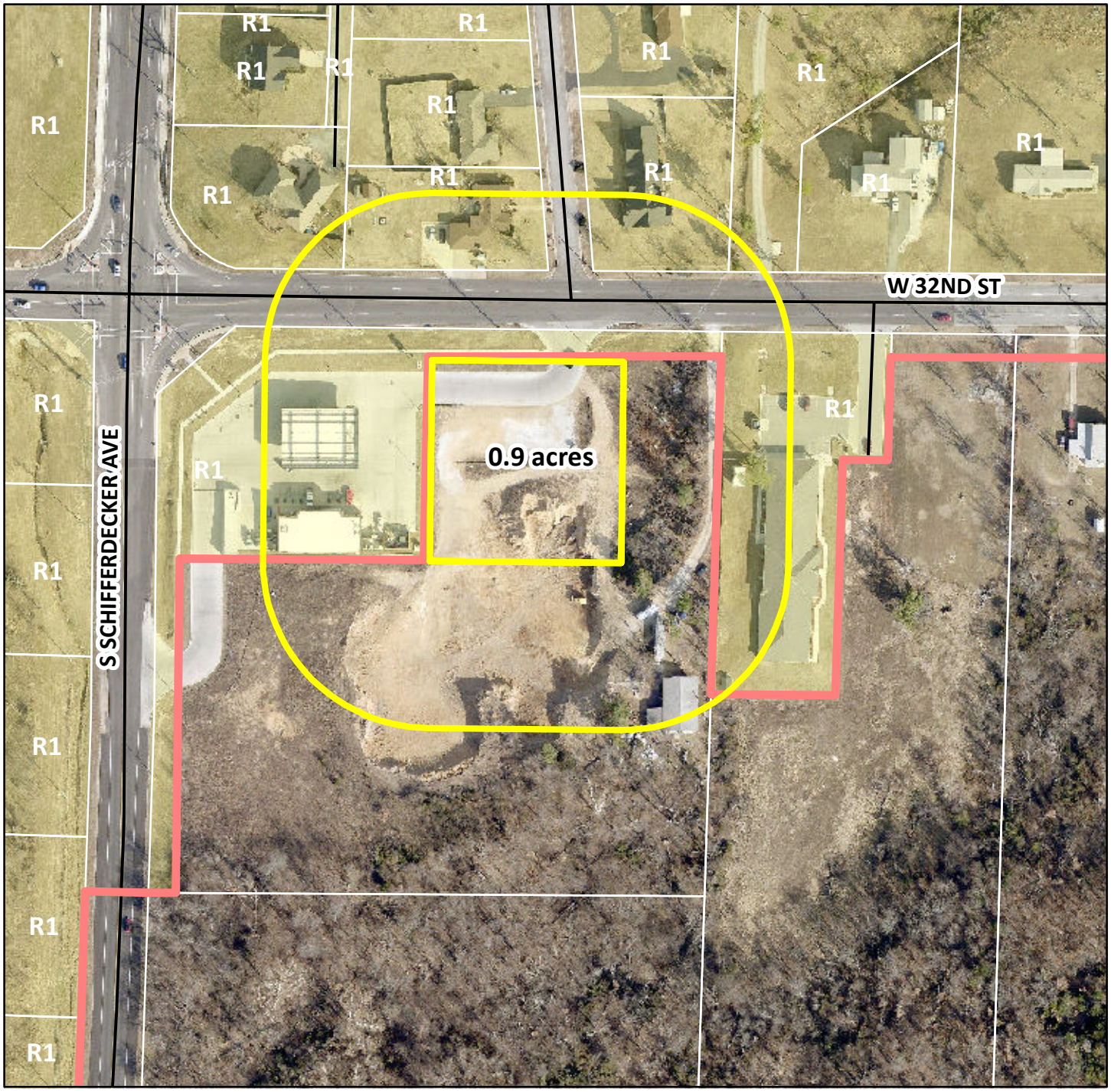
SIGNATURE: DATE: 9/8/2016

BY: ALIF Properties

TITLE: Managing Partner

Request for Zoning

Property is located between a Casey's General Store and a Car Wash Proposal is for a Dollar General Retail Store. Annexation and Rezoning is to gain access to utilities from City of Joplin. The zoning of property will be appropriately conforming with similar retail on each side of said property. City of Joplin will receive tax benefits and provide discount shopping for area residents. We see no impact to the area in regards to traffic flow



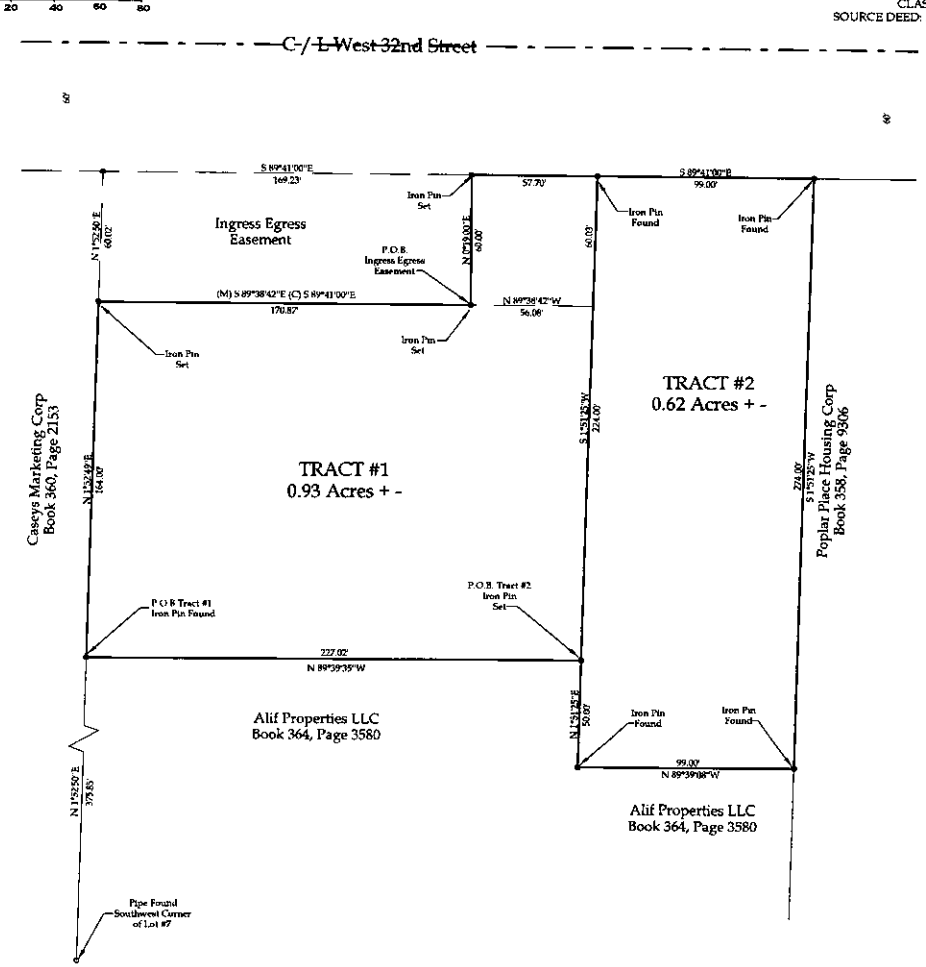
Case 046-16: 400 feet east of the intersection of 32nd Street and Schifferdecker Avenue – A request to rezone from R-1 (Single Family Residential) to C-3 (Commercial) – ALIF Properties.

N

Algood

SCALE: ONE INCH EQUALS 40 FEET.
0 20 40 60 80

BASIS OF BEARINGS: The West line of Lot #7 taken as North 01 Degrees, 52 Minutes, 50 Seconds East.
CLASS OF PROPERTY:(c) Urban.
SOURCE DEED: Alif Properties LLC Book 364, Page 3580



Tract #1
A tract of land being a part of Lot Numbered Seven (7) in Pile and Perry Subdivision, Newton County, Missouri, Beginning at the Southwest Corner of Lot Number Seven (7) in said Subdivision, Thence North 01 Degrees, 52 Minutes, 50 Seconds East along the West line of said Lot Number Seven (7) 375.85 feet to the Point of Beginning, said point begin the Southeast Corner of a tract of land described in Book 360, at Page 2153, Thence continuing along said West line of said Lot North 01 Degrees, 52 Minutes, 50 Seconds East along the East line of said tract 164.00 feet, Thence South 89 Degrees, 41 Minutes, 00 Seconds East 170.87 feet, Thence North 00 Degrees, 19 Minutes, 00 Seconds East 60.00 feet to the South Right-of-way of 32nd Street, Thence South 89 Degrees, 41 Minutes, 00 Seconds East along said Right-of-way 57.70 feet, Thence South 01 Degrees, 51 Minutes, 25 Seconds West 224.00 feet, Thence North 89 Degrees, 39 Minutes, 35 Seconds West 227.02 feet to the Point of Begining, Being subject to all easements, right-of-ways, and reservations of record, Containing 0.93 Acres more or less.

Together with a Ingress Egress & Utility Easement described as follows:
A fractional part of Lot Seven (7), of Pile Perry Subdivision, in Newton County, Missouri, being more particularly described as, Commencing at the Southwest Corner of Lot Seven (7) of said Pile and Perry Subdivision, Thence North 01 Degrees, 52 Minutes, 10 Seconds East 593.83 feet along the West line of said Lot Seven (7), to the true point of beginning of the hereinafter described easement, Thence continuing North 01 Degrees, 52 Minutes, 10 Seconds East 60.02 feet along the West line to the Southerly Right-of-way of 32nd Street, Thence South 89 Degrees, 41 Minutes, 00 Seconds East 169.23 feet along said Southerly Right-of-way, Thence South 00 Degrees, 19 Minutes 00 Seconds West 60.00 feet, Thence North 89 Degrees, 41 Minutes, 00 Seconds West 170.87 feet to the true point of beginning.

Being subject to and together with a Ingress Egress & Utility Easemment described as follows:
Commencing at the Sothwest corner of Lot Numbered Seven (7) in Pile and Perry Subdivision, Newton County, Missouri, Thence North 01 Degrees, 52 Minutes, 50 Seconds East along the West line of said Lot Number Seven (7) 539.85 feet, Thence South 89 Degrees, 41 Minutes, 00 Seconds East 170.87 feet to the Point of Beginning, Thence North 00 Degrees, 19 Minutes, 00 Seconds East 60.00 feet to the South Right-of-way of 32nd Street, Thence South 89 Degrees, 41 Minutes, 00 Seconds East along said Right-of-way 57.70 feet, Thence South 01 Degrees, 51 Minutes, 25 Seconds West 60.03 feet, Thence North 89 Degrees, 41 Minutes, 00 Seconds West 56.08 feet to the Point of Begining.

Tract #2
A tract of land being a part of Lot Numbered Seven (7) in Pile and Perry Subdivision, Newton County, Missouri, Beginning at the Southwest Corner of Lot Number Seven (7) in said Subdivision, Thence North 01 Degrees, 52 Minutes, 50 Seconds East along the West line of said Lot Seven (7) 375.85 feet said point begin the Southeast Corner of a tract of land described in Book 360, at Page 2153, Thence South 89 Degrees, 39 Minutes, 35 Seconds East 227.02 feet to the Point of Beginning, Thence North 01 Degrees, 51 Minutes, 25 Seconds East 224.00 feet to the South Right-of-way of 32nd Street, Thence South 89 Degrees, 41 Minutes, 00 Seconds East along said Right-of-way 99.00 feet to the East line of said Lot Seven (7), Thence South 01 Degrees, 51 Minutes, 25 Seconds West along said East line of Lot Number Seven (7), 274.00 feet, Thence North 89 Degrees, 39 Minutes, 35 Seconds West 99.00 feet, Thence North 01 Degree, 51 Minutes, 25 Seconds East 50.00 feet to the Point of Beginning, Being subject to all easements, right-of-ways, and reservations of record, Containing 0.62 Acres more or less.

Together with an Ingress Egress Easement Described as follows:
A fractional part of Lot Seven (7), of Pile Perry Subdivision, in Newton County, Missouri, being more particularly described as, Commencing at the Southwest Corner of Lot Seven (7) of said Pile and Perry Subdivision, Thence North 01 Degrees, 52 Minutes, 10 Seconds East 593.83 feet along the West line of said Lot Seven (7), to the true point of beginning of the hereinafter described easement, Thence continuing North 01 Degrees, 52 Minutes, 10 Seconds East 60.02 feet along the West line to the Southerly Right-of-way of 32nd Street, Thence South 89 Degrees, 41 Minutes, 00 Seconds East 169.23 feet along said Southerly Right-of-way, Thence South 00 Degrees, 19 Minutes 00 Seconds West 60.00 feet, Thence North 89 Degrees, 41 Minutes, 00 Seconds West 170.87 feet to the true point of beginning.

Together with a Ingress Egress & Utility Easemment described as follows:
Commencing at the Sothwest corner of Lot Numbered Seven (7) in Pile and Perry Subdivision, Newton County, Missouri, Thence North 01 Degrees, 52 Minutes, 50 Seconds East along the West line of said Lot Number Seven (7) 539.85 feet, Thence South 89 Degrees, 41 Minutes, 00 Seconds East 170.87 feet to the Point of Beginning, Thence North 00 Degrees, 19 Minutes, 00 Seconds East 60.00 feet to the South Right-of-way of 32nd Street, Thence South 89 Degrees, 41 Minutes, 00 Seconds East along said Right-of-way 57.70 feet, Thence South 01 Degrees, 51 Minutes, 25 Seconds West 60.03 feet, Thence North 89 Degrees, 41 Minutes, 00 Seconds West 56.08 feet to the Point of Begining.

SURVEYOR'S CERTIFICATE

I, RODNEY C. NEECE, A REGISTERED LAND SURVEYOR OF JOPLIN, JASPER COUNTY, MISSOURI, DO HEREBY CERTIFY THAT THE FIELD NOTES AND THE ATTACHED PLAT ARE A TRUE AND ACCURATE DESCRIPTION OF THE WORK PERFORMED AND MEASUREMENTS TAKEN. SURVEY WAS MADE IN ACCORDANCE WITH THE MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS OF THE MISSOURI DEPARTMENT OF AGRICULTURE, DIVISION OF WEIGHTS & MEASURES AND LAND SURVEY, AND IS NOT A WARRANTY OF TITLE EITHER EXPRESSED OR IMPLIED. THIS DECLARATION IS MADE TO THE ORIGINAL OWNER AND/OR PURCHASER OF THE SURVEY AS OF THE DATE INDICATED IN THE TITLE BLOCK. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS AND MAY NOT BE USED IN CONNECTION WITH A "SURVEY AFFIDAVIT" OR SIMILAR DOCUMENT, STATEMENT, OR MECHANISM TO OBTAIN TITLE INSURANCE FOR ANY SUBSEQUENT OR FUTURE GRANTEES. FURTHERMORE, THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND EMBOSSED SEAL.

RODNEY C. NEECE. MO.L.S. #2691

CERTIFICATE OF RECORDING

This document, number _____ filed for record on _____, 20__, at _____ o'clock _M recorded _____ 20__, in Book _____ Page _____

For Bill of Assurance, see Deed Record Book _____ Page _____"

RECORDER OF DEEDS

SURVEY FOR:
Steve Wade

PROPERTY ADDRESS: West 32nd Street Joplin, Missouri

SECTION - 21	TOWNSHIP - 27	RANGE - 33
SCALE 1 = 40'.00"	DATE: 8-8-16	
FILE NAME:DOLRGNL		

STEWART & NEECE LAND SURVEYING COMPANY INC.
1201 EAST 19TH STREET, JOPLIN, MISSOURI 64804
PHONE: 4174624-0311 FAX: 417-624-0385
SERVING SOUTHWEST MISSOURI SINCE THE YEAR 1922.
LAND SURVEYS, LOT SURVEYS, SUBDIVISIONS, MINE DATA, BLUEPRINTS
CERT OF AUTHORITY LSC-2004000198

Case 046-16: 400 feet east of the intersection of 32nd Street and Schifferdecker Avenue – to rezone from R-1 (Single Family Residential) to C-3 (Commercial) – ALIF Properties.

Mr. Smith opened the public hearing for Case 046-16.

Mr. Steve Wade, 1909 East 12th, Galena, Kansas, appeared to request the rezoning of the property in Case 046-16 to District C-3. Ms. Cunningham stated C-3 is the appropriate zoning since property automatically comes into the City of Joplin with R-1 zoning. This motion would need to be amended as well.

Mr. Smith asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 046-16.

Mr. Brown stated no plans were included in the agenda packet and asked Ms. Cunningham about rezoning this to a planned district. She replied this property is not included in the planned development corridor. The C-3 zoning is what was requested.

MR. BROWN MOVED, SECONDED BY MR. DERMOTT, THAT CASE 046-16 BE AMENDED TO REFLECT ONLY TRACT 1 BEING REZONED TO DISTRICT C-3, WITH RECOMMENDATION FOR APPROVAL BEING FORWARDED TO THE CITY COUNCIL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MS. BRUECKNER-SEARS, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, AND MR. SMITH VOTING "AYE"; AND WITH MR. RAMSOUR BEING ABSENT (6 IN FAVOR, 1 ABSENT).