CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2021-287 – Rezone M-2 to R-3.

MEETING DATE:
November 1, 2021

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.

SUMMARY REQUEST:
Case 054-21: Approximately 550 feet South of the intersection of S. Rex Ave. and E. 13th St. – A request to remove from District M-2 (Heavy Industrial) and include in District R-3 (Apartment House) for future residential development – Hung Nguyen

BACKGROUND:
The change in zoning will not be detrimental to nearby property. The uses permitted in R-3 are significantly less intense than those permitted in the current M-2 district. Furthermore, the majority of uses within the Joplin city limits along Rex Ave. are high-density residential or commercial.

This request to rezone to R-3 is for future duplex or multi-family development on the site. No buffer is required in this case. Stormwater management would be required with any development due to the size. Proper fire access will also be required, and an extension of fire hydrants may be required per the fire marshal.

PLANNING & ZONING COMMISSION TESTIMONY:
Hung Nguyen, 3411 E 11th Street, Joplin, MO. We own a piece of property behind 15th Street Wal-Mart by the water tower. We were wanting to build some duplexes. Right now, just rezone the property. We will start building next year.

PUBLIC COMMENT;
None.

RECOMMENDATIONS:
Staff recommends approval for Case 054-21.
Planning & Zoning Commission recommends approval for Case 054-21 (6 Favor, 0 Nays, 1 Absent)

ATTACHMENTS
CB 2021-287, Staff Planning Report, P&Z Commission Minutes

CB 2021-287

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Mr. Eastman asked the Commissioners if they had any other questions? They did not. Mr. Eastman asked if there was anyone to speak in favor or against of this case? There was not.

MR. KIMBLE MOVED, SECONDED BY MR. MCCULLOUGH THAT CASE 054-21 BE FORWARDED TO THE CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MS. STEELE, MR. EASTMAN, MR. MCCULLOUGH, MR. KIMBLE, MS. PHILLIPS, AND MS. WARREN "AYE", (6 IN FAVOR, 1 ABSENT)

Z&P Meeting: October 11, 2021
City Council Meeting: November 1, 2021

STAFF PLANNING REPORT
Rezoning

CASE 054-21 A request to remove from District M-2 (Heavy Industrial) and include in District R-3 (Apartment House) for future residential development.

LOCATION Approximately 550 feet South of the intersection of S. Rex Ave. and E. 13th St.

APPLICANT Hung Nguyen

EXISTING CONDITIONS

Zoning	Land Use	Property Size
M-2	Vacant	Approx. 2 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	Out of City Limits	M-1	M-2	C-3
Land Use	Single-family Residential	Single-family Residential	Retail/Water Tower	Retail

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
S. Rex Ave.	Local	35'

UTILITIES

Utilities in place.

FLOOD PLAIN

This property is not in a 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 does indicate future Retail Commercial. However, this request is consistent with the infill development goals in that plan. It is also consistent with nearby property along the Rex Ave. corridor.

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

The current zoning of M-2 is unsuitable at this property. This portion of Joplin has almost completely transitioned from industrial uses to commercial and residential. The property is also ill-shaped to host most industrial uses today.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning will not be detrimental to nearby property. The uses permitted in R-3 are significantly less intense than those permitted in the current M-2 district. Furthermore, the majority of uses within the Joplin city limits along Rex Ave. are high-density residential or commercial.

DISCUSSION

This request to rezone to R-3 is for future duplex or multi-family development on the site. No buffer is required in this case. Stormwater management would be required with any development due to the size. Proper fire access will also be required, and an extension of fire hydrants may be required per the fire marshal.

The request is found to be consistent with the comprehensive plan and future land use map.

Staff recommends approval of Case 054-21.

ATTACHMENTS

- Application
- Map

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.: 054-21
Filing Fee: ~~$500.00~~ $50.00
Date Advertised:
Date Notices Sent: 10-4-21
P&Z Date: 10-11-21
City Council Date: 11-1-21

APPLICANT: Hung Nguyen PHONE: (417) 529-0384 & Lam
ADDRESS: 3411 E. 11th St. Joplin MO ZIP: 64801
EMAIL: N/A
OWNER: Hung Nguyen PHONE (417) 529-0384
ADDRESS: 3411 E 11th St Joplin MO ZIP: 64801 & Kha & 417-434-3725
EMAIL: N/A
LOCATION OF PROPERTY: 15th St Joplin
LEGAL DESCRIPTION: Land located right behind Wal-Mart on 15th St. Missouri Water Tower is located right next to this property

Present Zoning: No current Requested Zoning: Commercial Acreage: 3 acres
Present Use of Property: Vacant Lot
Proposed Use of Property: Building a 12 unit Complex Building

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North		
South	~~Non commercial~~	~~Commercial~~
East		
West		

CHARACTER OF THE NEIGHBORHOOD: Neighborhood is surrounded by a few Houses and Missouri Water Tower is right next to it also.

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? NO
   If yes, explain:

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? NO
2. Consistent with Future Land Use Map? NO

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
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: 15th St Rangeline Road
2. Classification of Street(s):
   Arterial_____ Collector_____ Local Joplin
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: X [signature] DATE: 8-24-21

BY: _____

TITLE: ~~12 Complex~~ 12 Unit Duplex Building

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N

0 100 200 400 600 800 Feet

P & Z Case 054-21
Hung Nguyen
(P & Z Recommended Approval)

COUNCIL BILL NO. 2021-287 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 M-2 (Heavy Industrial) and including in District R-3 (Apartment House) property as described below and located at approximately 550 feet South of the intersection of S. Rex Ave and E. 13th Street, in the 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. 2004-256 is hereby amended by the following described property and including in District R-3:

Tract 1: A survey of a parcel of land in the Southwest Quarter of Section 7, Township 27 North, Range 32 West, in the City of Joplin, Jasper County, Missouri, being a portion of the property described as tract two, in the Jasper County, Missouri, Recorder's Office in Book 1561 at Page 1647, being more particularly described as follows: Commencing at the center of Section 7, Township 27 North, Range 32 West, Jasper County, Missouri, thence along the North line of the Southwest Quarter of Section 7, North 88 degrees 28 minutes 56 seconds West, 900.80 feet, thence leaving said North line, South 01 degrees 36 minutes 39 seconds West 882.20 feet to a point on the West right-of-way ling of Rex Avenue, thence leaving said West line, North 88 degrees 28 minutes 58 seconds West 490.78 feet to the Point of Beginning, thence continuing North 88 degrees 28 minutes 58 seconds West 100.00 feet to the Southwest corner of aforementioned tract two, thence along the West line of tract two, North 01 degrees 44 minutes 18 seconds East 208.00 feet to the Northeast corner of tract two, thence along the North line thereof, South 88 degrees 28 minutes 58 seconds East 100.00 feet, thence leaving said North line South 01 degrees 44 minutes 18 seconds West 208.00 feet to the Point of beginning, All lying in the Southwest Quarter of Section 7, Township 27 North, Range 32 West, in the City of Joplin, Jasper County, Missouri. Tract 2: a survey of a parcel of land in the Southwest Quarter of Section 7, Township 27 North, Range 32 West, in the City of Joplin, Jasper County, Missouri, being a portion of the property described as tract two, in the Jasper County, Missouri, Recorder's Office in Book 1561 at Page 1647, being more particularly described as follows: Commencing at the center of Section 7, Township 27 North, Range 32 West, Jasper County, Missouri, thence along the North line of the Southwest Quarter of Section 7, North 88 degrees 28 minutes 56 seconds West 900.80 feet, thence leaving said North line, South 01 degrees 36 minutes 39 seconds West 674.20 feet to a point on the West right-of-way line of Rex Avenue and the Point of Beginning, thence along said West right-of-way line South 01 degrees 36 minutes 39 seconds West 168.00 feet, thence leaving said West line, North 88 degrees 28 minutes 58 seconds West 100.28 feet, thence North 01 degrees 36 minutes 39 seconds East 100.00 feet, thence North 88 degrees 28 minutes 58 seconds West 150.00 feet, thence South 01 degrees 36 minutes 39 seconds West 140.00 feet, thence North 88 degrees 28 minutes 58 seconds West 240.50 feet, thence North 01 degrees 44 minutes 18

seconds East 208.00 feet, thence South 88 degrees 28 minutes 58 seconds East 490.32 feet to the Point of Beginning, All lying in the Southwest Quarter of Section 7, Township 27 North, Range 32 West, in the City of Joplin, Jasper County, Missouri.

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_____, 2021, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney