CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2019-281-Rezone to Neighborhood Commercial District (C-1)

MEETING DATE:
November 4, 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 037-19: 2818, 2824, 2828, and 2832 E. 19th St. – A request to remove from District R-1 (Single-family Residential) and include in District C-1 (Neighborhood Commercial) for future commercial development. – Brad Fagan

BACKGROUND:
This property has been on the market for some time and has had very little interest for development single family residences. The applicant's request to rezone to a C-1 Neighborhood Commercial zone is not inappropriate for this property considering the intent of C-1 districts is to provide neighborhood level uses such as banks, offices, and small shops. Uses in this district are to not generate large amounts of traffic commonly seen in the intense commercial uses along Range Line Road.

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. Uses in these districts are restricted to light uses that generate little traffic and nuisance

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Brad Fagan, 1002 Carrington Terrace, Joplin, MO 64804, owner of the property described in the rezoning request. Mr. Fagan stated that The City Comprehensive Plan identifies 20th Street between Range Line Road and Schifferdecker Ave. as a Planned Development corridor with intent that post-tornado redevelopment would focus on commercial uses. Design Standards have been established by the Planning & Zoning Department to guide the planned commercial development of the 20th Street Corridor.

A significant investment has been made in widening E. 20th Street to a five-lane arterial street and to construct a railroad overpass at 20th and Michigan to facilitate commercial development. The requested zoning change would be a positive step towards the commercial development.

PUBLIC COMMENT;
None.

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 037-19.

ATTACHMENTS
CB 2019- 281, Staff Planning Report, P&Z Commission Minutes

CB 2019-281

Mr. Dermott read the procedures for the public hearing.

Mr. Eastman and Mr. Dermott has abstained themselves from Case 037-19. Ms. Brueckner-Sears conducted the public hearing for case 037-19.

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Mr. Brad Fagan, 1002 Carrington Terrace, Joplin, MO 64804, owner of the property described in the rezoning request. Mr. Fagan stated that The City Comprehensive Plan identifies 20th Street between Range Line Road and Schifferdecker Ave. as a Planned Development corridor with intent that post-tornado redevelopment would focus on commercial uses.

The redevelopment guidelines created by the Citizens Advisory Recovery Team (CART) and presented to the City Council support the planning goals in the City Comprehensive Plan relative to commercial development of East 20th Street. Also, design standards have been established by the Planning & Zoning Department to guide the planned commercial development of the 20th Street Corridor.

A significant investment has been made in widening E. 20th Street to a five-lane arterial street and to construct a railroad overpass at 20th and Michigan to facilitate commercial development. The requested zoning change would be a positive step towards the commercial development.

MS. STEEL MOVED, SECONDED BY MR. MCCULLOUGH, FOR CASE 037-19 BE FORWARDED TO THE CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL. MOTION CARRIED, MRS. KOELKEBECK, MRS. STEELE, MS. BRUCKNER-SEARS, AND MR. MCCULLOUGH, VOTING "AYE. (4 IN FAVOR, 0 NAYS, 1 ABSENT, 2 ABSTAINED).

Z&P Meeting: October 14, 2019
City Council Meeting: November 4, 2019

STAFF PLANNING REPORT
Rezoning

CASE 037-19 A request to rezone from R-1 (Single-family Residential) to C-1 (Neighborhood Commercial) for future commercial development.

LOCATION 2818, 2824, 2828, & 2832 E. 19th St.

APPLICANT Brad Fagan

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Vacant	1.3 acres

SITE CONTEXT

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

FUTURE LAND USE

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

TRANSPORTATION

Streets with access	Classification	Right-of-way width
E. 20th St.	Arterial	150'
E. 19th St.	Local	50'
S. Highview Ave.	Local	60'

UTILITIES Improvements on these lots will likely result in the abandonment or replacement of existing sanitary sewer piping or structures.

FLOOD PLAIN This property is partially in the flood plain. Stormwater management applies

(i.e. water quality/detention). Any structure proposed within the flood plain is subject to the City's Flood Plain Ordinance requirements.

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 R-1 is suitable for future residential development. The R-1 district does restrict the intensity of residential development and prohibits many uses. This property has been on the market for some time and has had little to no interest in its current state.

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. The C-1 district is designed to be used amongst residential uses, hence its title, Neighborhood Commercial. Uses in these districts are restricted to light uses that generate little traffic and nuisance. In addition, any stormwater concerns due to the parts of the property being within the flood plain would be governed under the City's Flood Plain Ordinance.

DISCUSSION

This property has been on the market for some time and has had very little interest for development single family residences. The applicant's request to rezone to a C-1 Neighborhood Commercial zone is not inappropriate for this property considering the intent of C-1 districts is to provide neighborhood level uses such as banks, offices, and small shops. Uses in this district are to not generate large amounts of traffic commonly seen in the intense commercial uses along Range Line Road, for instance.

In addition, considering the property's frontage along 20th St., a major arterial connecting two sides of Joplin, a commercial use oriented toward this street is appropriate. It is likely that this street frontage is what is dampening interest in the development of this property under its current zoning.

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

Staff recommends approval of Case 037-19.

ATTACHMENTS

- Application
- Map

REZONING APPLICATION FORM

RECEIVED 9/13/19

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.: 037-19
Filing Fee: $500.00 - pd 09-13-2019
Date Advertised:
Date Notices Sent
Public Hearing Date: 10-14-19

APPLICANT: Brad Fagan PHONE: (417) 850-6498
ADDRESS: 1002 Carrington Terrace, Joplin, MO ZIP: 64804
OWNER: Fagan Holdings and Investments, Inc. PHONE: (417) 850-6498
ADDRESS: 313 West 13th Street, Joplin, MO ZIP: 64804
LOCATION OF PROPERTY: Four Lots: 2818, 2824, 2828 and 2832 East 19th
LEGAL DESCRIPTION: See attached Legal Description and Survey by Tri-State Engineering dated 05-15-2014.

Present Zoning R-1 Requested Zoning: C-1 Acreage: 1.3
Present Use of Property: Vacant Lots

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Residential	R-1
South	Residential	R-1
East	Commercial	C3-PD
West	Residential	R-1

CHARACTER OF THE NEIGHBORHOOD: Residential and Commercial. Parcel consists of 4 vacant lots fronting East 20th which the City has designated for future commercial uses.

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   No. Property to the east is zoned C-3.
2. Are there substantial reasons why the property cannot be used in accord with existing zoning?
   If yes, explain: Parcel is in an area designated for future commercial.

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes. See City of Joplin Development Policies.
2. Consistent with Future Land Use Map? Yes. See City of Joplin 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: East 20th Street and South Highview.
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?
   _____

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:

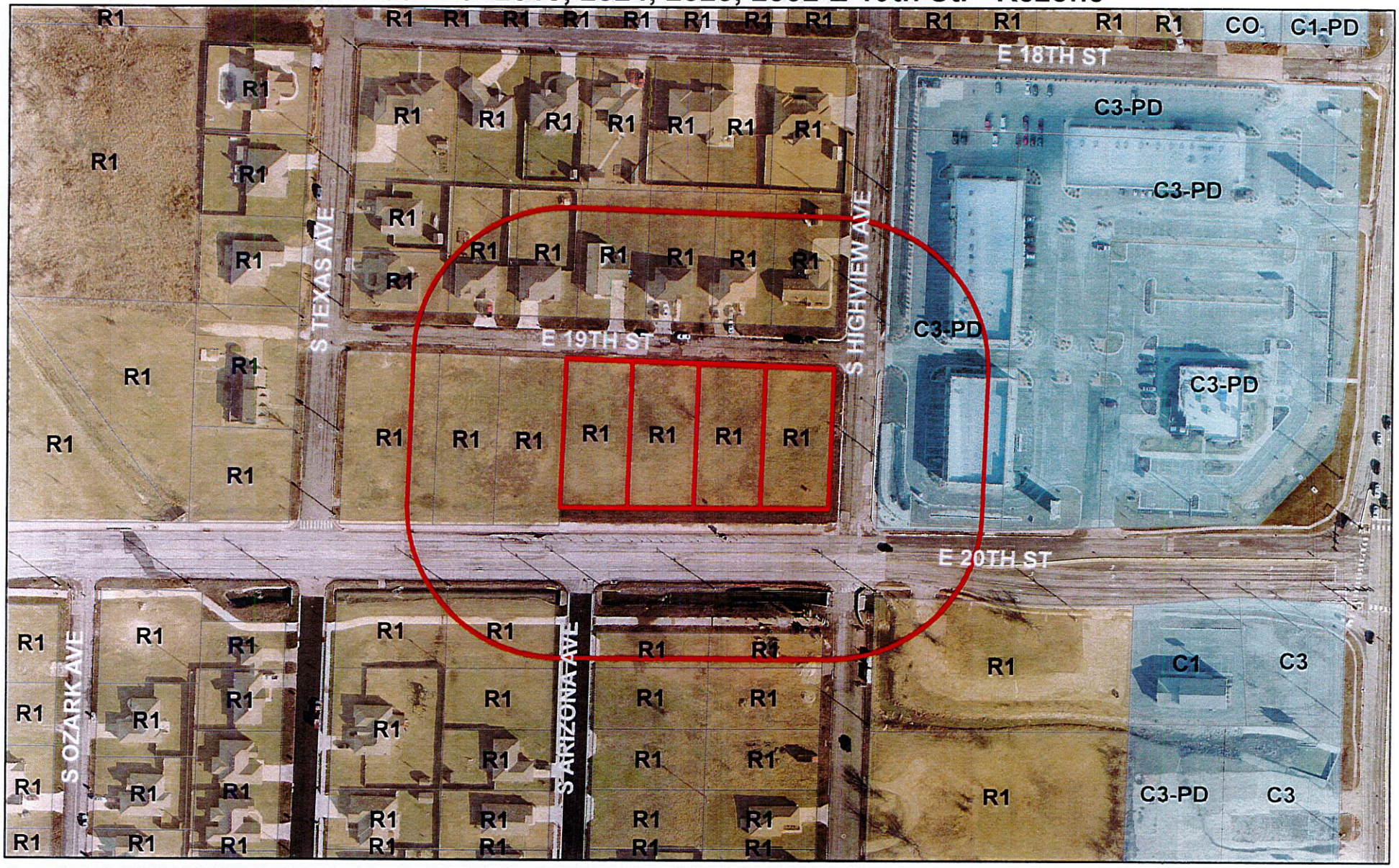
The City recently installed sidewalks on the South and East sides of the parcel. The City of Joplin Planning has determined that Commercial development is the best use for the area that the parcel is located in.

SIGNATURE: Fagan Holdings and Investments, Inc. DATE: September 5, 2019

BY: Brad Fagan

TITLE: President

Case 037-19: 2818, 2824, 2828, 2832 E 19th St. - Rezone



Case 037-19: 2818, 2824, 2828, 2832 E 19th St. - A request to remove from District R-1 and include in District C-1 for the purpose of future commercial development - Brad Fagan

0 75 150 300 450 600 Feet

N

P & Z Case 037-19
Brad Fagan
(P & Z Recommended Approval)

COUNCIL BILL NO. 2019-281 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 R-1 and including in District C-1 property as described below and located 2818, 2824, 2828, and 2832 E 19th St., 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 C-1:

All of the East 37.00 feet of lot numbered 28 and all of the West 43.00 feet of lot numbered 27 in Dowell's First Addition to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof, except the South 32.00 feet for road Right-of-Way; and all of the West 26 feet of lot numbered 26 and the East 52 feet of lot numbered 27 in Dowell's First Addition to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof, except the South 32.00 feet for road Right-of-Way; and the West 13 feet of lot numbered 25 and the east 67 feet of lot numbered 26 in Dowell's First Addition to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof, except the south 32.00 feet for road Right-of-Way; and all of the East 82 feet of lot numbered 25 in Dowell's First Addition to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof, except the South 32.00 feet thereof taken for road Right-of-Way, containing 1.3 acres more or less.

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