CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2023-287 – Rezoning Request

MEETING DATE:
November 6, 2023

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:
These payments are included in the FY2023 budget of the Community Planning Fund.

SUMMARY REQUEST:
Case 044-23: 1802 S Connecticut Ave – Rezoning – A request to rezone from District R-1 (Single-Family Residential) to District R-2 (Two-Family Residential) – Marsha Spiares

BACKGROUND:
The owner of this property is wanting to develop duplexes with access off 18th St, like the duplexes north of them. The minimum square footage for suburban duplexes is 7800 square feet, so the owner can fit at least three (3) on the subject property. The proposed zoning and use are compatible with the existing neighborhood.

Due to several characteristics of the location, like being on Connecticut Ave, an Arterial St, and being in a neighborhood already zoned and used for two-family residential, as well as being located across the street from a civic/institutional use (library), this property is best utilized as two-family residential.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Eastman represented the case for the owner. He stated that they wished to develop three duplexes on the subject property. Mr. Kimble asked if he could assume that both driveways would be off of 18th St. Mr. Eastman confirmed this and stated that there had been no protest petitions filed. Mr. Bellairs confirmed Mr. Eastman's statement.

PUBLIC COMMENT;
Mr. Kimble opened the floor to public comments. There were none.

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2023-287
Planning & Zoning Commission recommends approval for Case 044-23 (7 in Favor, 0 Opposed)

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

Case 044-23: Rezoning

1802 S. Connecticut-Rezoning-A request to rezone from District R-1 (Single-Family Residential) to District R-2 (Two-Family Residential)-Marsha Spiares

Kent Eastman, 619 S. Florida, Joplin, Missouri. Mr. Eastman represented the owners of the property. He stated as you could see this was a rather large lot depth wise. It was unlikely someone would want to build a house facing 18th street because of the shallow backyard. But there was enough property there if they zoned for duplexes, they could get three duplexes with two car garages and the bedrooms upstairs. This plan had been built at 26th and Adele and had been very popular. Also noted across the street and to the north were duplexes. On the east side of Connecticut was the library. Diagonally across was vacant land and he believed that property was still R-1. To the south there was a house and to the south of that were more duplexes. They feel that was the highest and best use for the land. This particular property had been in the Estes family for many years, and they have mowed it for all these years. They think it is time to sell the property.

Mr. Kimble asked if he could assume that both driveways would be entering onto 18th street.

Mr. Eastman stated yes. Also, he stated there had not been any protest petitions submitted on this case.

Mr. Bellairs confirmed there had not been any protest petitions submitted.

Mr. Kimble asked if there were any questions from the Commission.

There were none.

Mr. Kimble asked if there was any one to speak in favor of Case 044-23.

There were none.

Mr. Kimble asked if there was any one to speak in opposition of Case 044-23.

There were none.

MR. ROSENBERG MOVED THAT CASE 044-23 BE APPROVED AND FORWARDED TO THE CITY COUNCIL FOR APPROVAL. MR. LANDIS SECONDED THE MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAY)

Z&P Meeting: October 9, 2023
City Council Meeting: November 6, 2023

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 044-23 A request to rezone from District R-1 (Single-Family Residential) to District R-2 (Two-Family Residential)

LOCATION 1802 S Connecticut, Joplin, Missouri 64801

APPLICANT Marsha Spiares

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Vacant	Approximately .65 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-2 PD	C-3 PD	R-1	R-1
Land Use	Duplexes	Civic/Institutional	Single-Family Dwelling	Single-Family Dwelling

FUTURE LAND USE

The property is identified as Low-Density Residential on the future land use map.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
E 18th St	Local	60′
S Connecticut Ave	Arterial	60′

UTILITIES

The site has access to utilities. Sanitary Sewer can be accessed off S Connecticut Ave.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The property identifies the neighborhood as Low-Density Residential. Property north and south of 1802 S Connecticut Ave is identified as Moderate-Density Residential, all of which is on Connecticut, an Arterial Street with higher levels of traffic. R-2 is a suitable district for Low-Density and Moderate-Density Residential and is compatible with the existing neighborhood.

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

Due to several characteristics of the location, like being on Connecticut Ave, an Arterial St, and being in a neighborhood already zoned and used for two-family residential, as well as across the street from a civic/institutional use (library), this property is best utilized as two-family residential.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning will not be detrimental to nearby property. The existing neighborhood has a mix of housing styles including single-family homes and duplexes.

DISCUSSION

The owner of this property is wanting to develop duplexes with access off 18th St, like the duplexes north of them. The minimum square footage for suburban duplexes is 7800 square feet, so the owner can fit at least three (3) on the subject property. The proposed zoning and use are compatible with the existing neighborhood.

Staff recommends approval of Case 044-23.

ENCLOSURES

- Map of property
- Application

CITY OF JOPLIN, MISSOURI
REZONING APPLICATION FORM

Return Form to:
Planning / Community Development Specialist
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only
Case No.: 044 - 23
Filing Fee:
Date Advertised:
Date Notices Sent
Public Hearing Date: October 9, 2023
Recieved 8/28/23
Proj # 23-210

APPLICANT: LWJG, LLC PHONE:
ADDRESS: 2408 STANNETT DR ZIP: 64804
OWNER: Marsha Spades PHONE: 417 483 6929
ADDRESS: SAME ZIP: 64804
LOCATION OF PROPERTY: 1802 S CONNECTICUT - JOPLIN, MO 64804
LEGAL DESCRIPTION: SEE ATTACHED

Present Zoning R-1 Requested Zoning: R-2 Acreage: .62
Present Use of Property: VACANT LOT

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	R-1 DUPLEX	R-2
South	DUPLEX	R-2
~~East~~ WEST	SINGLE FAM	R-1
~~West~~ EAST	COMM LIBRARY	C

CHARACTER OF THE NEIGHBORHOOD: MIXED USE

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? If yes, explain: Yes WANTING TO BUILD 3 DUPLEXES

CONFORMANCE WITH COMPREHENSIVE PLAN:

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

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 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.

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: EAST 18TH
2. Classification of Street(s):
   Arterial _____ Collector X 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? 93 x 93 - 3
2. Properly Sized Street Right-of-Way? YES
3. Drainage Easements? TBD
4. Utility Easements:
   Electricity? _____
   Gas? W/A
   Sewers? AVAILABLE
   Water? AVAILABLE
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:
LARGE CORNER LOT RIGHT FOR P/U DUPLEXES

SIGNATURE: _____ DATE: 8-21-22
BY: ~~JEFF GRIGGS~~ LINDA WILLIAMS
TITLE: PARTNER - MEMBER

(Note: By signing this application you are signifying that you are either the legal owner of the subject property or are a legal representative of the owner or owners of the subject property.)

STATE OF MISSOURI)
) ss.
COUNTY OF Jasper)

OWNERSHIP AFFIDAVIT AND CONSENT

Comes now MARSHA L. Spiares (Property Owner) who, being duly sworn upon his/her oath, does state that he/she is the owner of the property described as 1802 S CONNECTICUT (legal description) more commonly known as SEE ATTACHED. I am unable to attend the Joplin Planning and Zoning meeting but would like my comments to be heard by the Commission. I hereby nominate and give consent for KENT EASTMAN to speak on my behalf and act as my Agent at the meeting in Case Number _____.

Date: 8/24/2023

Marsha L. Spiares
Signature of Owner

MARSHA L. Spiares
Printed Name

In witness whereof I have hereunto subscribed my name and affixed my official seal this 24 day of August, ~~201T.~~ 2023

Notary

TAMI MARLAY
Notary Public, Notary Seal
State of Missouri
Newton County
Commission # 13449897
My Commission Expires 07-25-2025

My commission expires: 7/25/2025

(Note: The local legislative body reserves the right to rezone property without the owner's consent for the purpose of promoting health, safety, morals, or the general welfare of the community. The Missouri Revised Statutes Chapter 89 (Zoning and Planning) authorizes this power to the legislative body.)

Case 044-23: Rezoning



1802 S Connecticut – Rezoning – A request to rezone from District R-1 (Single-Family Residential) to District R-2 (Two-Family Residential) – Marsha Spiares

P & Z Case 044-23
Marsha Spiares
(P & Z Recommended Approval)

COUNCIL BILL NO. 2023-287 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 R-1 (Single-Family Residential) to District R-2 (Two-Family Residential) property as described below and located 1802 S Connecticut 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 R-1 (Single-Family Residential) the following described property and including in District R-2 (Two-Family Residential).

Beginning at the North east corner of Lot numbered Twenty nine (29) in Banker's Third (3) Addition to the City of Joplin, Jasper County, Missouri, Thence West 140.0 feet, thence South 100.0 feet, thence East 130.0 feet, thence North 100.0 feet to the point of beginning. All of Lot Numbered thirty-five (35) in Baker's Third Addition to 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_____, 2023, by a vote of _____.

_____

Douglas W. Lawson, Mayor

ATTEST:

_____

Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____

Peter C. Edwards, City Attorney