CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2024-294 – Rezoning

MEETING DATE:
December 2, 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 035-24: 642 E Fountain Rd – Rezoning – A request to rezone from District R-1 (Single-Family Residential) to District R-2 (Two-Family Residential) – Robert & Gloria Robertson

BACKGROUND:
Schuber Mitchell Homes seeks to purchase these 19 acres from the Robertsons. Unincorporated property automatically receives an R-1 District designation when it is annexed into City Limits. The change of zoning will allow for more residential homes to be constructed. They wish to connect this to their subdivision that is currently under construction (Emerald Glades). The lots they propose to develop will be to the same density as those of Emerald Glades.

PLANNING & ZONING COMMISSION TESTIMONY:
Schuber Mitchell and OWN Engineering represented the case.

PUBLIC COMMENT;
None.

RECOMMENDATIONS:
Staff recommends approving Council Bill 2024-294
Planning & Zoning Commission recommends approving Case 035-24 (6 in Favor, 0 Opposed, 1 Absent)

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

Case 035-24: Rezoning

642 E Fountain Rd- Rezoning- A request to rezone from District R-1 (Single- Family Residential) to District R-2 (Two- Family Residential)- Robertson Trust

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

Micah Souder of 811 E 3rd St. Joplin, Missouri presented the case on behalf of Robertson Trust.

Mr. Souder stated that the property was no longer under contract and that Shuber Mitchell has taken ownership. Mr. Souder explained that the reason for the request for rezoning is so the new owners could build multiple homes on the property.

Mr. Kimble asked the commission if they had any questions for the applicant.

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.

DR. ROSENBERG MADE A MOTION TO APPROVE CASE 035-24. THIS MOTION WAS SECONDED BY MS. KLUE- MICHAEL. MOTION CARRIED. (6 IN FAVOR, 0 NAY, 1 ABSENT)

Z&P Meeting: November 11, 2024
City Council Meeting: December 2, 2024

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 035-24 A request to rezone from District R-1 (Single-Family Residential) to District R-2 (Two-Family Residential)

LOCATION 642 E Fountain Rd

APPLICANT Gloria and Roger Robertson/Robertson Trust

EXISTING CONDITIONS

Zoning	Land Use	Property Size
N/A (Jasper County)	Single-Family Home	Approximately 19 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	N/A (Jasper County)	R-1	N/A (Jasper County)	N/A (Jasper County)
Land Use	Vacant	Single-Family Residential Home	Vacant	Single-Family Residential Home

FUTURE LAND USE

The property is not identified on the Future Land Use Map, but nearby areas are identified as Low Density Residential on the Future Land Use Map.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
E Fountain Rd	Local	60′

UTILITIES

City Sewer needs to be extended.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Under the terms of the Joplin Development Code, R-2 is identified as a compatible use for low-density development.

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

Unincorporated property automatically receives an R-1 District designation when it is annexed into City Limits. The change in zoning will allow for more residential homes to be constructed.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

This property is consistent with the City's development patterns. The existing Emerald Glades Subdivision is zoned R-1 PD and developed at a higher density (50′ wide lots). The change in zoning for this property will allow the owners to develop the property and create lots at the same density as the surrounding area.

DISCUSSION

Schuber Mitchell Homes seeks to purchase these 19 acres from the Robertsons. They wish to connect this to their subdivision which is currently under construction (Emerald Glades). The lots developed here will be of the same/similar size in their new proposed addition.

Staff recommends approval of Case 035-24.

ENCLOSURES

- Map of property
- Application

Rezoning Procedures

Applicability. The rezoning process provides review of changes to the boundary of zoning districts (map amendment) that may be necessary to implement the comprehensive plan, to account for changed conditions in the general area, or to reflect a change in public policies with respect to future development. Application for a rezoning may be initiated by the property owner, the City Council, or the Planning Commission.

Review Criteria. A rezoning shall be reviewed according to the following criteria:

1. The application is consistent with the comprehensive plan, and any official plan or program developed under the guidance of that plan.
2. The application supports the character of the neighborhood, considering the design of streets, civic spaces, and other open spaces; the scale, pattern, and format of buildings; the zoning of property and intent of other zoning districts in the vicinity; and the compatibility, transitions, and integration of existing and potential future uses.
3. The suitability of the subject property for the uses to which it has been restricted.
4. The application furthers the intent of the proposed zoning district and the general purposes of these regulations.
5. The application demonstrates compliance with all substantive standards and guidance of the proposed zoning district; or, where no proposed development application is associated with the application, there is a likelihood of development that complies with all substantive standards can be demonstrated.
6. The ability of the City or other government agencies to provide any services, facilities or programs that may be necessary if the application is approved.
7. The effect of approval on surrounding property, including the likelihood that surrounding areas may be developed in accordance with current zoning or future plans.
8. The recommendations of professional staff or other reviews associated with the application.

Review Procedures. In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to zoning map amendment applications.

1. Applications may be accompanied by one of the following complementary applications: a Site Plan, a Special Use Permit, or a Concept Plan of a similar nature to that required in Section 2.04 for Planned Developments.
2. Applications may be accompanied by any plat that is necessary for the project.
3. The City Council may recommend the application be returned to Planning Commission for further study or additional information at its next regular meeting. Failure by the Planning Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation.
4. The Planning Commission may recommend, or City Council may approve a lessor change than was proposed in the notice, whether in extent of property or project area, or in the scale, intensity, or other substantive standards for proposed project and zoning change.

Effect of Decision. Rezoning shall be approved by the City Council in the form of an ordinance. Approved changes shall be indicated on the Official Zoning Map by the Director within 30 days following approval. Any application that includes a required site plans or other similar applications

(except Concept Plans), may proceed to building permits after the effective date of the ordinance and upon satisfying all other conditions of the approval. If the applicant fails to obtain a building permit within one year of the effective date of the ordinance approving the change, the Director may schedule a hearing to reconsider and revert the zoning to the previous classification, subject to all procedures and criteria of the original change.

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.: 035-24
Filing Fee: $600.00
Received: 10/4/24
Date Advertised: _____
Proj. No.: 24-111
Public Hearing Date: 11/11/24

Applicant: Schuber Mitchell Homes, LLC Phone No.: 636-577-4220

Address: 2340 S. Rangline Rd, Joplin, MO 64804 Email: keaker@schubermitchell.com

Owner: Robertson Tr Phone No.: _____

Address: _____ Email: _____

Location of Property: 642 East Fountain Road

Present Use of Property: Residential & Agricultural

Proposed Use of Property: Residential

Current Zoning: Agricultural Requested Zoning: R-2

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	Agricultural	N/A
South	Industrial	N/A
East	Residential	R-1
West	Residential	N/A

Character of the Neighborhood: Low-density residential, R-1 PD residential, and industrial.

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: The proposed R-2 zoning matches generally with the surrounding low-density residential and with the zoning of the nearby Emerald Glades subdivision.

Conformance with Comprehensive Plan:

Yes	No	
■	☐	Consistent with Development Policies? Note: low-density residential
■	☐	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: Fountain Road

Classification of Street(s):

Arterial ☐ Collector ☐ Local ■

Right-of-Way Width: 60 feet

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: A preliminary plat will be submitted to the City of Joplin for review and approval per the City's code of ordinances which will show how lots, street right-of-way, and drainage & utility easements will be laid out throughout the subdivision.

Unique Characteristic of Property and/or Additional Comment:

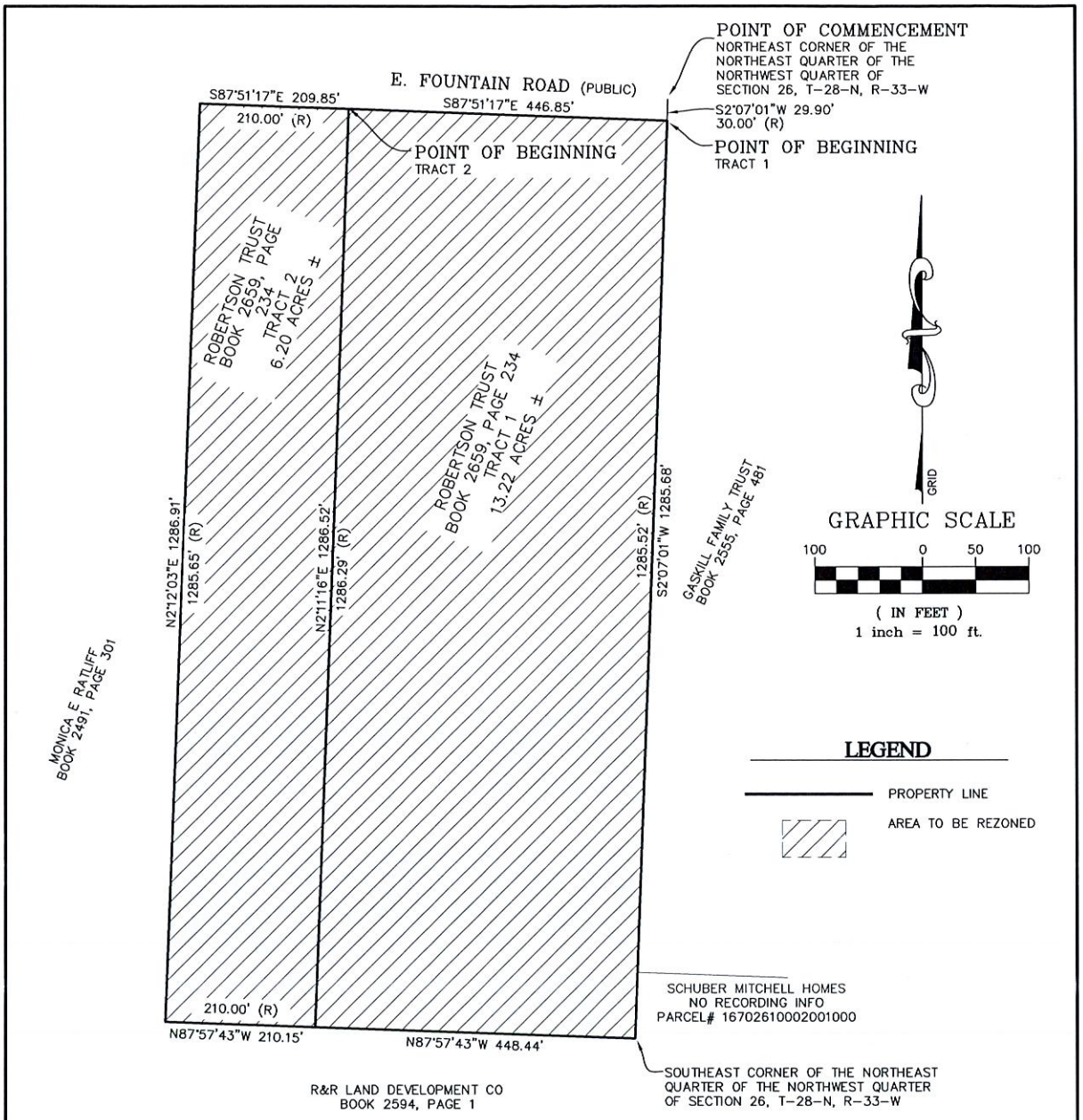
This development is planned to connect to the Northwest corner of phase 6 of the Emerald Glades subdivision.

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. Owner affidavit will be provided ahead of public meetings.

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:  **Date:** 10/4/2024



REZONING DESCRIPTION

TRACT 1:
A PART OF THE EAST ONE-HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 26, TOWNSHIP 28, RANGE 33, JASPER COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION, THENCE S 02°07'19" W ALONG THE EAST LINE OF SAID QUARTER, QUARTER 30.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF FOUNTAIN ROAD AND THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE S 02°07'19" W 1285.52 FEET TO THE SOUTHEAST CORNER OF SAID QUARTER, QUARTER, THENCE N 87°57'37" W ALONG THE SOUTH LIE OF SAID QUARTER, QUARTER, 448.44 FEET; THENCE N 02°11'34" E 1286.29 FEET TO THE SOUTH RIGHT-OF-WAY OF FOUNTAIN ROAD, THENCE S 87°51'41" E ALONG SAID RIGHT-OF-WAY 446.85 FEET TO THE POINT OF BEGINNING, BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS AND RESERVATIONS OF RECORD, CONTAINING 13.21 ACRES, MORE OR LESS.

REZONING DESCRIPTION CONT.

TRACT 2:
A PART OF THE EAST ONE-HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 26, TOWNSHIP 28, RANGE 33, JASPER COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION, THENCE S 02°07'19" W ALONG THE EAST LINE OF SAID QUARTER, QUARTER 30.00 FEET TO THE SOUTH RIGHT-OF-WAY OF FOUNTAIN ROAD, THENCE N 87°51'41" W ALONG SAID RIGHT-OF-WAY 446.85 FEET TO THE POINT OF BEGINNING, THENCE S 02°11'34" W 1286.29 FEET TO THE SOUTH LINE OF SAID QUARTER, QUARTER, THENCE N 87°57'37" W ALONG SAID SOUTH LINE 210.00 FEET TO THE WEST LINE OF THE EAST ONE-HALF (E 1/2) OF SAID QUARTER, QUARTER, THENCE N 02°11'34" E ALONG SAID WEST LINE 1285.65 FEET TO THE SOUTH LINE OF FOUNTAIN ROAD, THENCE S 87°57'41" E ALONG SAID RIGHT-OF-WAY 210.00 FEET TO THE POINT OF BEGINNING, BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, AND RESERVATIONS OF RECORD, CONTAINING 6.20 ACRES MORE OR LESS.

DRAWING NUMBER: JOP-100-7522

811 E. Third Street
Joplin, MO 64801
417.782.7399
COA# 00062
FORMERLY ANDERSON ENGINEERING
OWN

SCHUBER MITCHELL HOMES, LLC
REZONING
SKETCH
FOUNTAIN ROAD, JASPER COUNTY, MISSOURI

DRAWN BY: TSR	FIELD BY:
DATE: 09/16/2024	FIELD BK:

STATE OF Missouri)
) ss.
COUNTY OF Jasper)

OWNERSHIP AFFIDAVIT AND CONSENT

Comes now Robertson Trust (Property Owner) who, being duly sworn upon his/her oath, does state that he/she is the owner of the property described as

Rezoning Legal Description and Rezoning Exhibit Attached

(legal description) more commonly known as 642 E Fountain Rd, Joplin, MO 64801. 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 Schuber Mitchell Homes, LLC to speak on my behalf and act as my Agent at the meeting in Case Number 035-24.

Date: 10/7/24

Signature of Owner

Roger Robertson
Printed Name

Signature of Owner

Gloria Robertson
Printed Name

In witness whereof I have hereunto subscribed my name and affixed my official seal this 7th day of October, 2024.

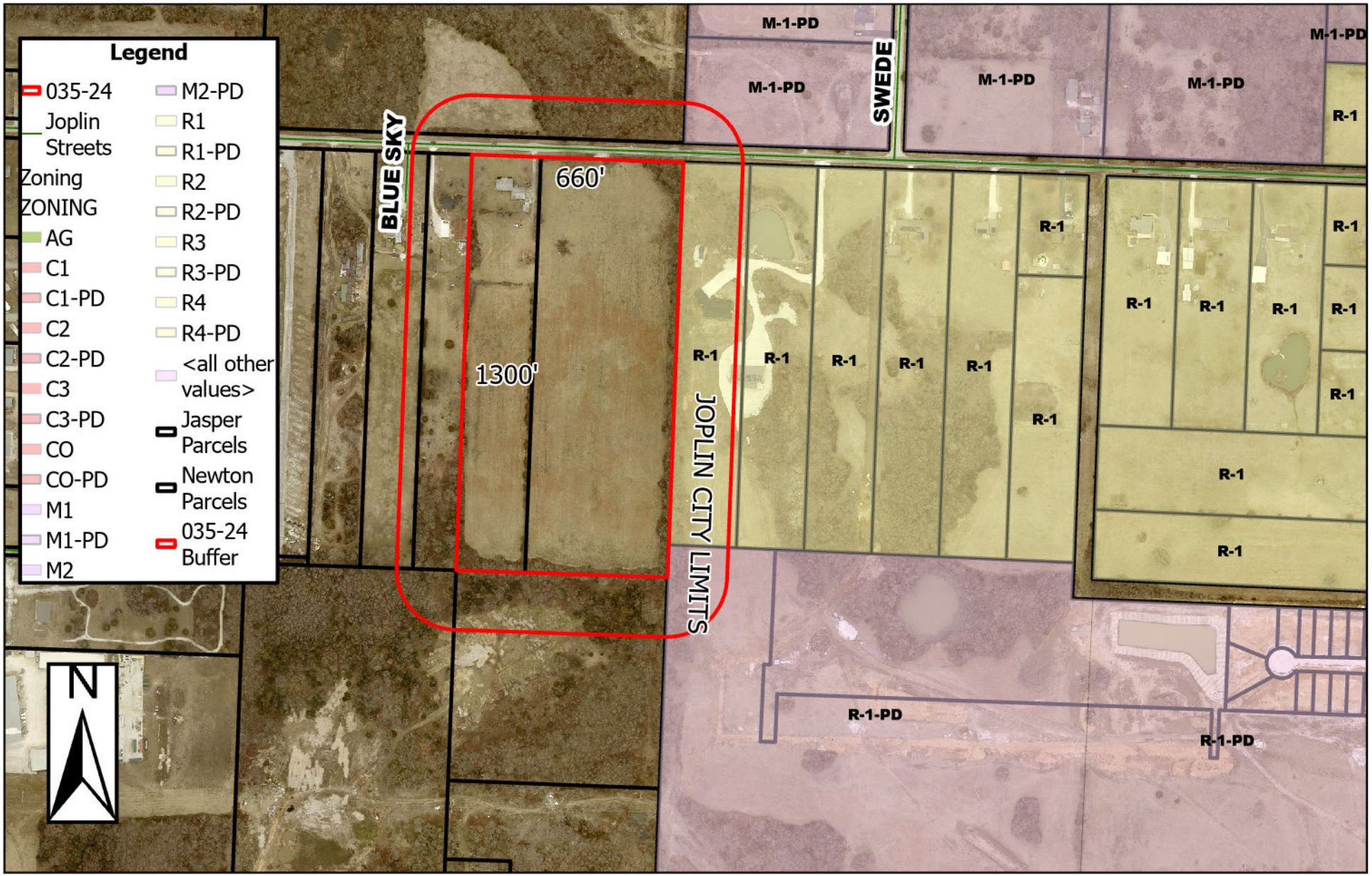
OSCAR CARCENO
Notary Public, Notary Seal
State of Missouri
Jasper County
Commission # 24875610
My Commission Expires 02-07-2028

Notary

My commission expires: 2-7-28

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 035-24: Rezoning



642 E Fountain Rd - Rezoning - A request to rezone from District R-1 (Single-Family Residential) to District R-2 (Two-Family Residential) - Margaret & Ellis Townsend

0 125 250 500 750 1,000 Feet

P & Z Case 035-24
Roger & Gloria Robertson (Robertson Trust)
(P & Z Recommended to Approve)

COUNCIL BILL NO. 2024-294 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) and include in District R-2 (Two-Family Residential) property as described below and located at 642 E Fountain Rd, 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. 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).

TRACT 1: A PART OF THE EAST ONE-HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 26, TOWNSHIP 28, RANGE 33, JASPER COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION, THENCE S 02°07'19" W ALONG THE EAST LINE OF SAID QUARTER, QUARTER 30.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF FOUNTAIN ROAD AND THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE S 02°07'19" W 1285.52 FEET TO THE SOUTHEAST CORNER OF SAID QUARTER, QUARTER, THENCE N 87°57'37" W ALONG THE SOUTH LIE OF SAID QUARTER, QUARTER, 448.44 FEET; THENCE N 02°11'34" E 1286.29 FEET TO THE SOUTH RIGHT-OF-WAY OF FOUNTAIN ROAD, THENCE S 87°51'41" E ALONG SAID RIGHT-OF-WAY 446.85 FEET TO THE POINT OF BEGINNING, BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS AND RESERVATIONS OF RECORD, CONTAINING 13.21 ACRES, MORE OR LESS.

TRACT 2: A PART OF THE EAST ONE-HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 26, TOWNSHIP 28, RANGE 33, JASPER COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION, THENCE S 02°07'19" W ALONG THE EAST LINE OF SAID QUARTER, QUARTER 30.00 FEET TO THE SOUTH RIGHT-OF-WAY OF FOUNTAIN ROAD, THENCE N 87°51'41" W ALONG SAID RIGHT-OF-WAY 446.85 FEET TO THE POINT OF BEGINNING, THENCE S 02°11'34" W 1286.29 FEET TO THE SOUTH LINE OF SAID QUARTER, QUARTER,

THENCE N 87°57'37" W ALONG SAID SOUTH LINE 210.00 FEET TO THE WEST LINE OF THE EAST ONE-HALF (E 1/2) OF SAID QUARTER, QUARTER, THENCE N 02°11'34" E ALONG SAID WEST LINE 1285.65 FEET TO THE SOUTH LINE OF FOUNTAIN ROAD, THENCE S 87°57'41" E ALONG SAID RIGHT-OF-WAY 210.00 FEET TO THE POINT OF BEGINNING, BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, AND RESERVATIONS OF RECORD, CONTAINING 6.20 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_____, 2024, by a vote of _____.

_____
Keenan T. Cortez, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney