CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2023-293 – Rezoning Request

MEETING DATE:
December 4, 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 048-23: Property West of 16th and Picher (Parcel ID Number 19201030005004000) – Rezoning – A request to rezone from District R-1 (Single-Family Residential) to District R-2 (Two-Family Residential) – Alex Winkleman

BACKGROUND:

The owner is wanting to develop a duplex on this site. The property is currently zoned R-1. The owner will provide off-street parking for the duplexes off the alley. Due to there being no street frontage on the site, the property's only right-of-way frontage is from the alley. The City's Traffic Engineer has reviewed this and determined that access will not be a concern.

The Future Land Use Map indicates this property as Low-Density Residential. R-2 is a compatible zoning district with Low-Density Residential Neighborhoods. The property is in a neighborhood with existing R-2 zoning. The best utility for this property is R-2. The change in zoning will provide this property with the most utility without compromising or detrimentally affecting the neighboring property. The change in zoning will not detrimentally affect nearby property. Duplex development is already permitted in many of the neighboring parcels and lots. There is a storage facility just north of this parcel.

PLANNING & ZONING COMMISSION TESTIMONY:
Alex Winkleman (owner and applicant) represented his case. Dr. Rosenberg asked if Mr. Winkleman planned on using the alley for access. Mr. Winkleman stated he was. Mr. Bellairs said that Public Works reviewed this matter and did not have any issues with the access off of the alley.

PUBLIC COMMENT;
Mr. David Stinnett stated he owned duplexes across the alley. He said it was a high traffic alley and was used as a street. Mr. Stinnet stated that he believed building another duplex on the alley would create too much traffic. Mr. Jackson and Mr. McCullough raised concerns about traffic, fire access, and building addresses. Mr. Bellairs stated that these cases have gone through all of the respective departments and none of these would be a concern. Building, fire, and engineering had no issues with traffic, fire access, and building addresses.

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2023-293
Planning & Zoning Commission recommends approval for Case 048-23 (5 in Favor, 2 Opposed)

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

Case 048-23: Rezoning

> Parcel ID Number 19201030005004000-Rezoning-A request to rezone from District R-1 (Single-Family Residential) to District R-2 (Two-Family Residential)-Alex Winkleman.

Alex Winkleman, 1723 Kent Dr., Webb City, Missouri. Mr. Winkleman stated he would like to build a duplex on the property.

Mr. Kimble asked if there were any questions from the Commission on Case 048-23.

Mr. Rosenberg asked if he planned on using the alley as access.

Mr. Winkleman stated yes with staff approval.

Mr. Bellairs stated they had Public Works review this matter and they did not have a problem with the access coming off the alley.

Mr. Kimble asked if there were any further questions from the Commission on Case 048-23.

There were none.

Mr. Kimble asked if there was any one to speak in favor of Case 048-23.

There were none.

Mr. Kimble asked if there was any one to speak in opposition of Case 048-23.

Mr. David Stinnett, 1059 Prairie Flower, Webb City, Missouri. Mr. Stinnett stated he owned 1608, 1610 and 1616 Picher right across the alley from this property. He said it was a heavily traveled alley like a street. It was a one lane alley and he believed to build a multi-family on it was pushing it for the infrastructure. This was from his experience of owning the property over the last 30 plus years. He had owned one parcel for 35 years and it was heavily traveled.

Ms. Phillips stated she had a question for Mr. David Stinnett. She stated even though all those houses are zoned R-2 up and down Picher Street, are they really duplexes or are they single family.

Mr. Stinnett stated the only duplexes he knew of on the 1600 block of Picher were the ones he owned at 1608 and 1610 Picher. He bought them in the early 90's in 1993 to be exact. He had owned them for 30 years. He had owned 1616 Picher for 35 years. He said it was a heavily traveled alley. There was a single-family home on this lot that burned, and he assumed it sold for taxes because it was abandoned. He imagined the City brought it down at some point.

Ms. Phillips asked if there were two mailboxes at those houses or just one.

Mr. Stinnett asked which houses she was talking about.

Ms. Phillips stated well, we don't see the addresses on the map provided.

Mr. Stinnett asked was she talking about the property he personally owned.

Ms. Phillips stated yes.

Mr. Jackson said just that 1600 block.

Mr. Stinnett stated that 1608 and 1610 have two mailboxes. The address 1616 had one mailbox. It was a separate structure. He said he could understand someone wanting to put a duplex on the property, but the alley was a one-way alley, and it was used like a street already. He stated he realized there was some of that going on in town, but he thought best use would be a single-family residence.

Mr. Jackson asked Mr. Stinnett about the houses he owned on Picher. Do they utilize street parking or utilize parking in the back through the alley.

Mr. Stinnett said both. The one house had a two-car carport and the duplex had approximately four parking spots on the alley.

Mr. Jackson stated the concern was the additional traffic.

Mr. Stinnett said the one particular house had a little garage, the 1616 address, but it was a small garage. It would be for a motorcycle or mini-Cooper or something like that.

Mr. Kimble stated so the 1600 block appeared to be the dividing line here north and west. Are there cars that utilize the alley that were coming from north of 16th street to go all the way down and empty on 17th street. Or was it primarily the residents from 16th street to 17th street that were utilizing that little part of the alleyway.

Mr. Stinnett stated because of the bus barn being where it was located now. Also, there was an old armory building where 17th street comes to a dead end. Because of the bus barn the traffic up and down that alley from 17th street to 15th street was heavy.

Mr. Kimble asked if that was because of people that were going to the bus barn for work.

Mr. Stinnett stated he would assume. He does not have access to know where all the vehicles were going but he does know there was a lot of traffic already. It would only congest more. He stated it is what it is.

Mr. McCullough stated actually the property was not on Picher but in the alley.

Mr. Stinnett stated yes in the alley.

Mr. McCullough asked if that was the legal address for the property.

Mr. Stinnett said he believed the address was Empire, but Empire is not there.

Mr. Bellairs stated currently that vacant property had no address. He spoke to Building, and they stated they would most likely address it off 16th street.

Mr. Jackson asked just by looking at Google maps how far down the alley to the south would they need to go to get the easement for whatever was built there to get the home. Because where he saw the bigger issue was really for access in case of an emergency like a fire or something. He stated a fire truck would not be able to easily get down that alley. He asked where the closest fire hydrant was located because he was not seeing one.

Mr. Bellairs stated the fire hydrants were not shown on the maps. He said the Fire Department had reviewed this case. There were no reported concerns from the Fire Department. He stated he also had Building look at it for addressing. Mr. Bellairs said that as far as alley access this alley would not see any more traffic. It was standard alley width and no different than the alley adjacent to the east. It was the same built alley. You have houses of similar density on both the east and the west sides of the alley between Picher and Murphy.

Mr. Jackson stated that was not his question.

Mr. Stinnett said the only obstacle here was there was not a street. It was strictly the alley.

Mr. McCullough stated correct.

Mr. Stinnett stated there was no street in front of this property. He stated all the other houses had a street and an alley.

Mr. Jackson said his question was not really answered. His question was what kind of fire hazard this could possibly be. He was guessing that the last house burned down because of a fire because we have a lot of that in Joplin. He stated he was looking at that immediate intersection at 16th and Picher and there was not one fire hydrant at any of those four corners. He said he was looking on Google maps. He did not need the map on the screen to see that because he could see a physical picture.

Mr. Bellairs stated he could not speak on behalf of the Fire Department; they send out department comments to other departments. They had no concerns that they addressed with him. Mr. Bellairs stated he could follow up with them.

Mr. Jackson stated he was just more concerned about the safety issue of that.

Mr. Stinnett said his concern was just the access to it. He just wanted to bring it up. It was a heavily traveled alley already. It would become a one-way street with people trying to go both directions. If it was a duplex, then double the traffic. He stated he assumed a house would be grandfathered because there was a house there before.

Mr. Landis asked Mr. Stinnett if he recalled how the previous owners accessed the property before.

Mr. Stinnett said the alley was the only way to get to it.

Ms. Phillips stated she would like to say that our streets are on a maintenance schedule and the alleys are on a different maintenance schedule. She stated she hoped the people who rent this place understood that it was not going to get maintained like a street.

Mr. Stinnett stated he knew all the trash dumpsters were back there. He said he was not judging and doesn't blame someone for wanting to make money and build something on it. And if they got a good deal on it, the location is one where he had not had any problems keeping his property rented. He was just concerned about the traffic count in that one alley because he had owned the property for so long. He had spoke with tenants and it was more like a street than an alley already. He was wondering if

there was a way to check the traffic count. But that was his concern. He stated he was not going to make a big stink about it.

Mr. Kimble asked if there was any one to speak in opposition of Case 048-23.

There were none.

MR. ROSENBERG MOVED THAT CASE 048-23 BE APPROVED AND FORWARDED TO THE CITY COUNCIL FOR APPROVAL. MR. MCCULLOUGH SECONDED THE MOTION. MS. WARREN AND MR. JACKSON VOTED NAY. MOTION CARRIED. (5 IN FAVOR, 2 NAY)

Z&P Meeting: November 13, 2023
City Council Meeting: December 4, 2023

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 048-23 A request to rezone from District R-1 (Single-Family Residential) to District R-2 (Two-Family Residential)

LOCATION Property West of 16th and Picher (PIN: 19201030005004000)

APPLICANT Alex Winkleman

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Vacant	Approximately 0.30 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1	R-2	R-1	R-1
Land Use	National Guard Garage	Single-Family Home	Single-Family Home	Single-Family Home

FUTURE LAND USE

This property is identified as Low-Density Residential on the Future Land Use Map.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
Alley	Alley	15′

UTILITIES

Sanitary Sewer is located within the alley.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The Future Land Use Map indicates this property as Low-Density Residential. R-2 is a compatible zoning district with Low-Density Residential Neighborhoods.

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

The property is in a neighborhood with existing R-2 zoning. The best utility for this property is R-2. The change in zoning will provide this property with the most utility without compromising or detrimentally affecting the neighboring property.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning will not detrimentally affect nearby property. Duplex development is already permitted in many of the neighboring parcels and lots. There is a storage facility just north of this parcel.

DISCUSSION

The owner is wanting to develop a duplex on this site. The property is currently zoned R-1. The owner will provide off-street parking for the duplexes off the alley. Due to there being no street frontage on the site, the property's only right-of-way frontage is from the alley. The City's Traffic Engineer has reviewed this and determined that access will not be a concern.

Staff recommends approval of Case 048-23.

ENCLOSURES

- Map of property
- Application

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.: 048-23
Filing Fee: $550.00
Received: 9/25/23
Date Advertised:
Proj. No.: 23-221
Public Hearing Date: 11-13-23

Applicant: Alex Winkleman Phone No.: 417.483.5628
Address: 1723 Kent dr. Webb City, MO 64870 Email: Alex@wp-servicing.com.
Owner: Alex. Winkleman Phone No.: 417.483.5628
Address: 1723 Kent dr. Webb City, MO 64870 Email: Alex@wp-servicing.com.
USE PIN → Location of Property: Joplin - # parcel = 19201030005006000
Present Use of Property: nothing empty lot.
Proposed Use of Property: Build duplex
Current Zoning: R1 Requested Zoning: R2

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	State of MO JOP	R2
South	Home - 1227 W 17th Joplin, MO	R1
East	1602 S Pitcher	R2
West	1617 Annie baxter Ave	R2

Character of the Neighborhood: new & older homes.
Half is Listed as R2 & other half listed as R1.

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: _____

_____

_____

Conformance with Comprehensive Plan:

Yes	No	
☐	☐	Consistent with Development Policies?
☐	☐	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: Fisher, 16th St & 17th St.

_____

Classification of Street(s):

Arterial ☐ Collector ☐ Local ☒

Right-of-Way Width: _____

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: _____

_____

_____

Unique Characteristic of Property and/or Additional Comment:

_____

_____

_____

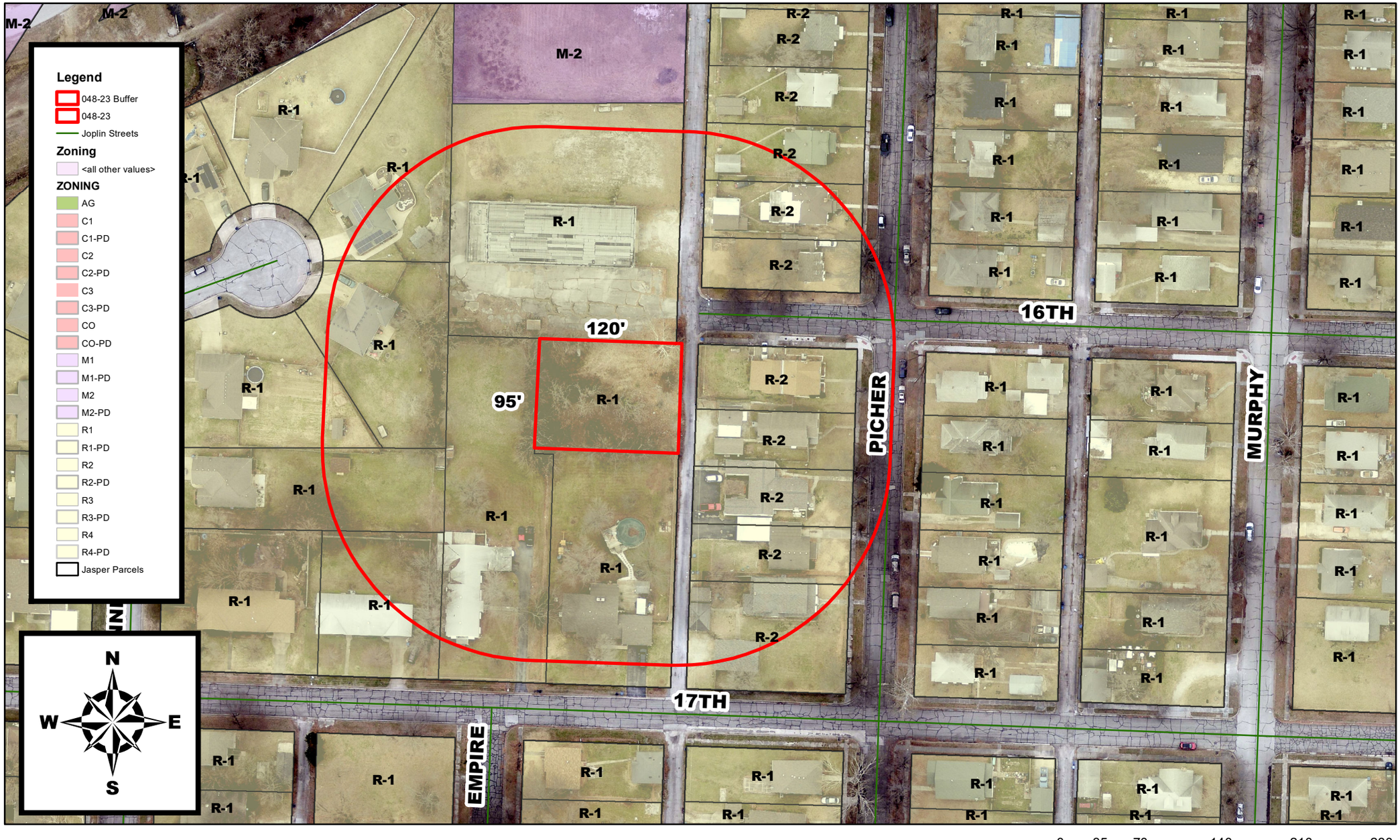
Submission of Documents: The following documents are **required** at time of submission.

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.

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:** _____

Case 048-23: Rezoning



Parcel ID Number 19201030005004000 – Rezoning – A request to rezone from District R-1 (Single-Family Residential) to District R-2 (Two-Family Residential) – Alex Winkleman

P & Z Case 048-23
Alex Winkleman
(P & Z Recommended Approval)

COUNCIL BILL NO. 2023-293 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 West of 16th St and N Picher Ave (Parcel ID Number 19201030005004000).

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).

AL OF A TRACT DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOOUTHWEST QUARTER OF SECTION 10, 10 FEET WEST OF THE NORTHWEST CORNER OF LOT NUMBERED NINETY (90) IN SOUTH JOPLIN LAND COMPANY'S FOURTH ADDITION TO JOPLIN, THENCE WEST ON A LINE WHICH IS THE SOUTH LINE OF SIXTEENTH STREET IN JOPLIN, PRODUCED WEST 131.17 FEET, THENCE SOUTH ON A LINE WHICH WOULD BE THE EAST LINE OF EMPIRE STREET, 100 FEET, THENCE EAST ON A LINE PARALLEL TO THE SOUTH LINE OF SIXTEENTH STREET AS PRODUCED TO A POINT 100 FEET SOUTH OF THE POINT OF BEGINNING. THENCE NORTH 100 FEET TO POINT OF BEGINNING, EXCEPT THE SOUTH 5 FEET THEREOF, BEING APART OF PARCEL NUMBERED 88 OF MISCELLANEOUS TRACT NUMBERED FORT-FIVE (45) NI SECTION 10, TOWNSHIP 27, RANGE 33, NI THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, AND SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

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