CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2023-294 – 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 049-23: 216 E 12th St – Rezoning – A request to rezone from District M-2 (Heavy Industrial) to District C-2 (Central Business) – LaVerne Miller Trust

BACKGROUND:

The property located at 216 E 12th Street is one of several lots in the neighborhood owned by Laverne Miller Trust. Formerly a law office, the property triggered a zoning inspection when the tenant applied for a business license to operate a tattoo shop. Law offices do not require a business license, so an inspection was never performed. Staff notified the owner that the property would need to be rezoned, and the owner decided to rezone this lot along with their other legally non-conforming commercial properties.

The Future Land Use Map identifies the area as Retail Commercial. The existing uses of the property are consistent with this. The request will make the present uses consistent with the zoning. This property is best suited for commercial use. The subject property and surrounding properties are still zoned M-2 from old Industrial Districts. Most of the uses within this area are legally nonconforming residential or commercial. All the uses within the subject property are legally nonconforming commercial uses. The request will not negatively impact the neighborhood or surrounding properties. Several of the neighboring properties are already zoned C-2 and the subject property's current use is a mix of commercial uses.

PLANNING & ZONING COMMISSION TESTIMONY:
Jim Hardy represented the case on behalf of LaVerne Miller Trust. Mr. McCullough asked why there was one address listed for several parcels being rezoned. Mr. Bellairs stated that it was staff's attempt to make it easier to find. The addresses on the street do not match up with the City's assigned addresses. He stated they did advertise in the Joplin Globe with all the parcels, but to minimize confusion between departments and the public, they described the property with one address.

PUBLIC COMMENT;
There was no comment in favor or opposition of this case.

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2023-294
Planning & Zoning Commission recommends approval for Case 049-23 (7 in Favor, 0 Opposed)

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

Case 049-23

216 E. 12th St-Rezoning-A request to rezone from District M-2 (Heavy Industrial) to District C-2 (Central Business) – LaVerne Miller Trust

Jim Hardy, P.O. Box 1781, Joplin, Missouri. He stated he was present to answer any questions.

Mr. Kimble asked if there were any questions from the Commission on Case 049-23.

Mr. McCullough questioned the address and the pictures presented to the Commission.

Mr. Bellairs stated the staff attempted to make it a little easier. The addresses on the street that you would use for navigation do not match the City's addresses. He stated they did advertise this in the Joplin Globe with all the parcels listed but they condensed the addressing for simplification. He referred to all the properties outlined in red on the map. Mr. Hardy stated that all the properties had been used as commercial and to his knowledge had not been used as industrial.

Mr. Kimble asked if there were any further questions from the Commission on Case 049-23.

There were none.

Mr. Kimble asked if there was any one to speak in favor of Case 049-23.

There were none.

Mr. Kimble asked if there was any one to speak in opposition of Case 049-23.

There were none.

MR. JACKSON MOVED THAT CASE 049-23 BE APPROVED AND FORWARDED TO THE CITY COUNCIL FOR APPROVAL. MR. LANDIS SECONDED THE MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAY)

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 049-23 A request to rezone from District M-2 (Heavy Industrial) to District C-2 (Central Business)

LOCATION 216 E 12th St

APPLICANT Laverne Miller Trust

EXISTING CONDITIONS

Zoning	Land Use	Property Size
M-2	Service/Retail	Approximately 2 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-2/M-2	M-2	M-2	C-2
Land Use	Parking Lot/Single-Family Residential	Single-Family Residential/Two-Family Residential	Retail/Service	Service/Parking Lot

FUTURE LAND USE

The property is identified as Retail Commercial on the future land use map.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
12th St	Local	50′
13th St	Local	50′
Virginia Ave	Local	60′
Pennsylvania Ave	Collector	60′

UTILITIES

Utilities are in place.

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 identifies the area as Retail Commercial. The existing uses of the property are consistent with this. The request will make the present uses consistent with the zoning.

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

This property is best suited for commercial use. The subject property and surrounding properties are still zoned M-2 from old Industrial Districts. Most of the uses within this area are legally nonconforming residential or commercial. All the uses within the subject property are legally nonconforming commercial uses.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The request will not negatively impact the neighborhood or surrounding properties. Several of the neighboring properties are already zoned C-2 and the subject property's current use is a mix of commercial uses.

DISCUSSION

The property located at 216 E 12th Street is one of several lots in the neighborhood owned by Laverne Miller Trust. Formerly a law office, the property triggered a zoning inspection when the tenant applied for a business license to operate a tattoo shop. Law offices do not require a business license, so an inspection was never performed. Staff notified the owner that the property would need to be rezoned, and the owner decided to rezone this lot along with their other legally non-conforming commercial properties.

Staff recommends approval of Case 049-23.

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.: 049-23
Filing Fee: $550.00
Received: 9/22/23
Date Advertised:
Proj. No.: 23-222
Public Hearing Date: 11/13/23

Applicant: JAMES D HARDY Phone No.: 417-540-3724

Address: P.O. BOX 1781 JOPLIN 64802 Email: JIM@HWACPA.COM

Lots 5-16, 17, 34, 33 in John C. Cox Jr.'s 1st add.

Owner: LAVERN MILLER TRUST Phone No.: 417-540-3724
JIM HARDY TRUSTEE

Address: P.O. BOX 1781 JOPLIN MO 64802 Email: JIM@HWACPA.COM

Location of Property: 216 E 12TH JOPLIN MO AKA ALSO 1206 VIRGINIA

Present Use of Property: COMMERICAL & RESIDENTAL

Proposed Use of Property: COMMERICAL (TATTOO SHOP) & RESIDENCE

Current Zoning: COMMERICAL M-2 Requested Zoning: MIXED USE COMMERICAL & RESIDENTIAL

* Consulted with applicant - C-2

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	WAREHOUSE	COMMERICAL
South	RESIDENTIAL	RESIDENTIAL
East	RESIDENTIAL	RESIDENTIAL
West	COMMERICAL	COMMERICAL

Character of the Neighborhood: MIXED USE

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 FIRE DEPARTMENT SAID THE CURRENT USE DOES NOT COMPLY WITH ZONING THE PROPERTY HAS BEEN USED THE SAME WAY SINCE 1988

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: 12TH STREET AND VIRGINA

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:

THE CURRENT USE AND PLANNED USE ARE THE SAME

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: _____ TRUSTEE _____ **Date:** 9/12/23

Ila Vern Miller Trust

Affidavit for Rezoning change

The LaVern Miller Trust has a property in need of a zoning change.

The property was built in 1988 by LaVern Miller and used as an office on the lower (first) floor and her residence on the upper (Second) floor. We recently had a visit by a fire department captain who said the use of the property did not meet zoning requirements. The Trustees of the trust want to make sure all our properties meet all city and county requirements.

We believe the use was proper due to the length of time it has been used both commercial and residential.

Therefore, we are requesting mixed use zoning of the upper floor residential and the lower floor commercial.

This change will have no effect on the area or surrounding properties, traffic patterns nor change the character of the area.

The fire department made other suggestions which we are in the process of having completed.

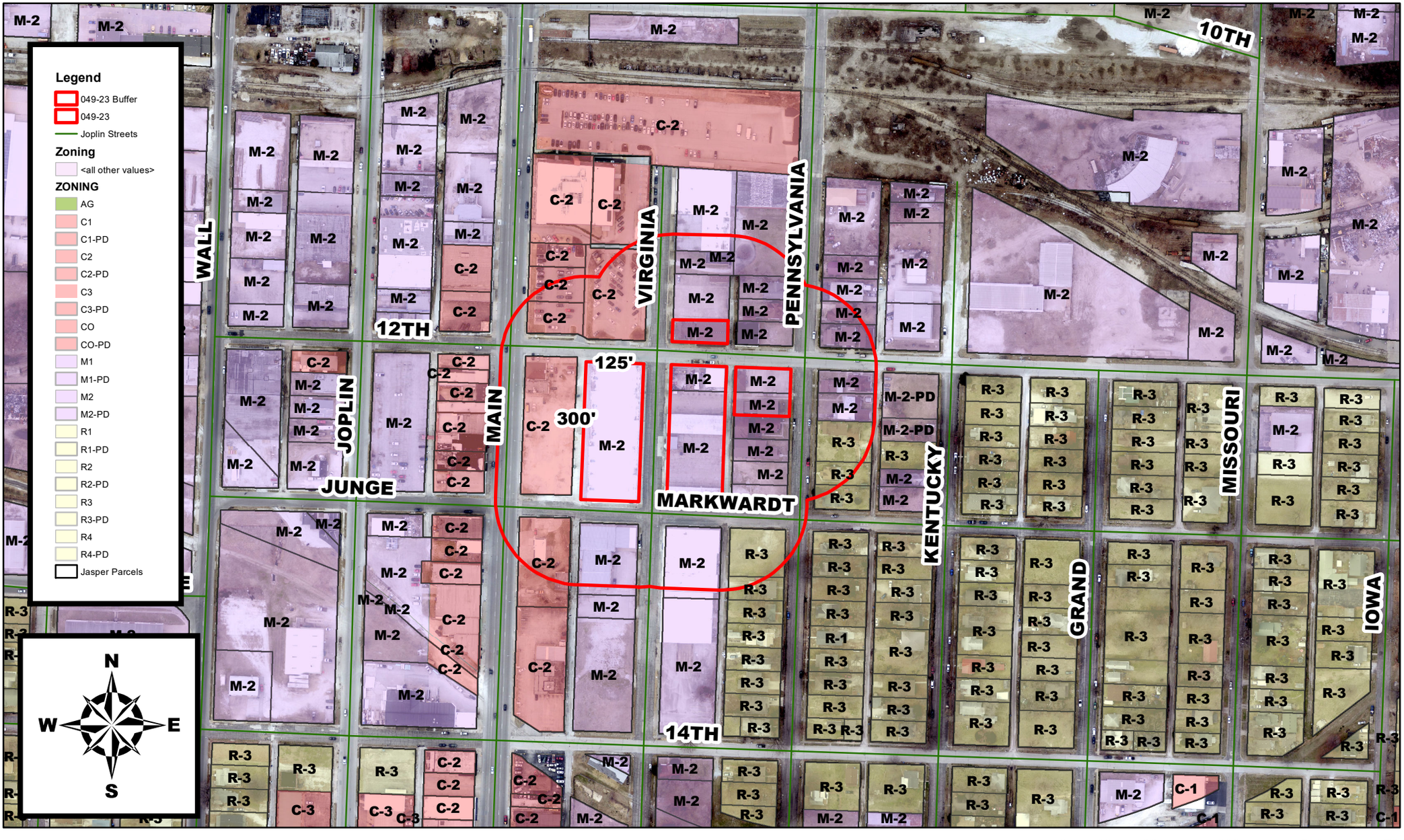
The address of the property is a little confusing as Beacon has it as 1207 Virgina and we have it as 216 East 12th.

Respectively

LaVern Miller Trust

By James D Hardy, Trustee

Case 049-23: Rezoning



216 E 12th St – Rezoning – A request to rezone from District M-2 (Heavy Industrial) to District C-2 (Central Business) – LaVerne Miller Trust

P & Z Case 049-23
LaVerne Miller Trust
(P & Z Recommend Approval)

COUNCIL BILL NO. 2023-294 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 M-2 (Heavy Industrial) and including in District C-2 (Central business) property as described below and located at 216 E 12th St.

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 M-2 (Heavy Industrial) the following described property and including in District C-2 (Central Business).

Tract #1: All of Lot Numbered Thirty-three (33), Except the East 80 Feet in JOHN C. COX JR.'S ADDITION to the City of Joplin, Jasper County, Missouri. Tract #2: All of Lot Numbered Thirty-four (34) in JOHN C. COX JR.'S ADDITION to the City of Joplin, Jasper County, Missouri. All of Lot 16 in John C. Cox, Jr.'s First Addition to the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof. All of Lot 17 in John C. Cox, Jr's First Addition to the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof. All of Lot 33 in John C. Cox, Jr's First Addition to the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof. ALL OF LOTS NUMBERED FIVE (5), SIX (6), SEVEN (7), EIGHT (8), NINE (9), TEN (10), ELEVEN (11), TWELVE (12), THIRTEEN (13) AND FOURTEEN (14) IN JOHN C. COX, JR.'S ADDITION TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI. ALL OF LOT NUMBERED FIFTEEN (15) IN JOHN C. COX JR.'S ADDITION, TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

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