**CITY OF JOPLIN**
**COUNCIL AGENDA ITEM**

**ITEM:**
CB 2023-295 – 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 050-23: NE Corner of Rob O'Brian Way and E 26th St – Rezoning – A request to rezone from District R-1 (Single-Family Residential) to District M-2 (Heavy Industrial) – MGI Leasing Inc.

**BACKGROUND:**

JIDA annexed the property in 2022. When property is annexed into the City's Corporate limits, it comes in as R-1 (Single-Family Residential). The property was never rezoned following the annexation. This parcel was sold to MGI Leasing, Inc. They are wanting to develop a truck stop on this site and will need to rezone the property in order to do so.

The Future Land Use Map identifies the area as an Industrial Opportunity Zone for future Industrial Development. This area is also within the Joplin Industrial Development Authority, which means any future development must also be compliant with JIDA's development regulations, along with the City's.

Located in the Industrial Park, this property is best suited for manufacturing, storage/warehousing, or other heavy industrial uses.

Future development may impact property directly East of this Parcel. The property is located in the County, and does not have a City Zoning District, which means that the City cannot require buffering/screening for any future industrial development. Any decision to do so would be made through private agreement.

**PLANNING & ZONING COMMISSION TESTIMONY:**
Mr. Wayne Stephenson represented this case on behalf of MGI Leasing Inc. He stated the property was annexed into the City as R-1 and they were requesting to rezone to M-2 to fit in with the rest of the industrial park. He stated that the plan was to use the site as a food liner struck stop. They would have an office, three maintenance bays and two wash bays.

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

**RECOMMENDATIONS**:
Staff recommends approval for Council Bill 2023-295
Planning & Zoning Commission recommends approval for Case 050-23 (7 in Favor, 0 Opposed)

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

**Case 050-23**

NE Corner of Rob O'Brian Way and E 26th St-Rezoning-A request to rezone from District R-1 (Single-Family Residential) to District M-2 (Heavy Industrial)-MGI Leasing Inc.

Wayne Stephenson, 302 S. Sergeant, Joplin, Missouri. Mr. Stephenson stated he was with GB Engineering and representing MGI Leasing. This property was annexed into the city as R-1 and they were requesting to rezone to M-2 to fit in with the rest of the industrial park. This parcel does have a project plan. It is a food liner trucking project. They have an office, three maintenance bays and two wash bays.

Mr. Kimble asked if there were any questions from the Commission on Case 050-23.

There were none.

Mr. Kimble asked if there was any one to speak in favor of Case 050-23.

There were none.

Mr. Kimble asked if there was any one to speak in opposition of Case 050-23.

There were none.

**MR. LANDIS MOVED THAT CASE 050-23 BE APPROVED AND FORWARDED TO THE CITY COUNCIL FOR APPROVAL. MR. JACKSON SECONDED THE MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAY)**

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

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

# STAFF PLANNING REPORT
## Rezoning

**CASE 050-23** A request to rezone from District R-1 (Single-Family Residential) to District M-2 (Heavy Industrial)

**LOCATION** NE Corner of Rob O'Brian Way and E 26th St

**APPLICANT** MGI Leasing Inc.

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### EXISTING CONDITIONS

| Zoning | Land Use | Property Size |
|---|---|---|
| R-1 | Vacant | Approximately 11 Acres |

### SITE CONTEXT

| | North | East | South | West |
|---|---|---|---|---|
| Existing Zoning | M-2 | Outside City Limits | R-1 | M-2 |
| Land Use | Vacant | Vacant/Single-Family Home | Vacant | Manufacturing |

### FUTURE LAND USE

The property is identified as an Industrial Opportunity Zone on the future land use map.

### TRANSPORTATION

| Streets with access | Classification | Right-of-way width |
|---|---|---|
| Rob O'Brian Way | Local | 90′ |
| E 26th St | Local | 70′ |

## UTILITIES

Sanitary Sewer will need to be extended to the site.

## 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 an Industrial Opportunity Zone for future Industrial Development. This area is also within the Joplin Industrial Development Authority, which means any future development must also be compliant with JIDA's development regulations, along with the City's.

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

Located in the Industrial Park, this property is best suited for manufacturing, storage/warehousing, or other heavy industrial uses.

### THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Future development may impact property directly East of this Parcel. The property is located in the County, and does not have a City Zoning District, which means that the City cannot require buffering/screening for any future industrial development. Any decision to do so would be made through private agreement.

### DISCUSSION

JIDA annexed the property in 2022. When property is annexed into the City's Corporate limits, it comes in as R-1 (Single-Family Residential). The property was never rezoned following the annexation. This parcel was sold to MGI Leasing, Inc. They are wanting to develop a truck stop on this site and will need to rezone the property in order to do so.

**Staff recommends approval of Case 050-23.**

### 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.: 050-23
Filing Fee: $550.00
Received: 10/3/23
Date Advertised:
Proj. No.: 23-223
Public Hearing Date: 11/13/23

Applicant: Jim Kane Phone No.: 563-584-2626

Address: 501 Bell St. Suite #301, Dubuque, IA 52001 Email: jimkane@mccoygroup.com

Owner: MGI Leasing INC Phone No.:

Address: 2099 E Southpark CT Dubuque, IA 52003 Email:

Location of Property: 8261 E 26th St Joplin, MO 64804

Present Use of Property: Vacant Land

Proposed Use of Property: Tractor Trailer parking and repair

Current Zoning: R-1 Requested Zoning: M-2

**Surrounding Land Use and Zoning:**

| | Land Use | Zoning |
|---|---|---|
| North | Vacant Land | R-1 Applying for M-2 |
| South | Vacant Land | M-2 |
| East | Vacant Land | Jasper County |
| West | Industrial | M-2 |

Character of the Neighborhood: Joplin Industrial Park

**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: R-1 does not fit surrounding area(industrial park)

**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: 26 th St, Rob O'Brian Way

Classification of Street(s):

Arterial ☐ Collector ☐ Local ☑

Right-of-Way Width: 75', 75'

**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:**

This property was annexed into the City of Joplin R-1.The JIDA is applying to have the property to the North rezoned M-2 as well.

_____

_____

_____

**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:** J. Kane **Date:** 9-29-23

**Statement for Rezone Reasoning**:

This property and the property to the north were annexed into the City limits as R1 under the current City annexation process; and need to me rezoned to M-2 to match the surrounding industrial park zoning. Both properties are currently applying for rezoning from R-1 to M-2.

This property will be used as a new Foodliner Trucking office and maintenance facility. Minimal traffic impact expected due to location of the facility within a master planned industrial development.

**Legal Description:**

A Tract of Land in the SE-1/4 of section 14, T27N, R32W of the 5th Principal base and meridian in Jasper County, Missouri, being more fully described as follows:

Commencing at the west quarter corner of the said section 14;

Thence S 88°50'48" E, 1329.20 feet to the southwest corner of said SE-1/2 of the NW-1/4, the point of beginning.

Thence N 01°41'01" E along the west line of said SE-1/4 of the NW-1/4 a distance of 917.42 feet.

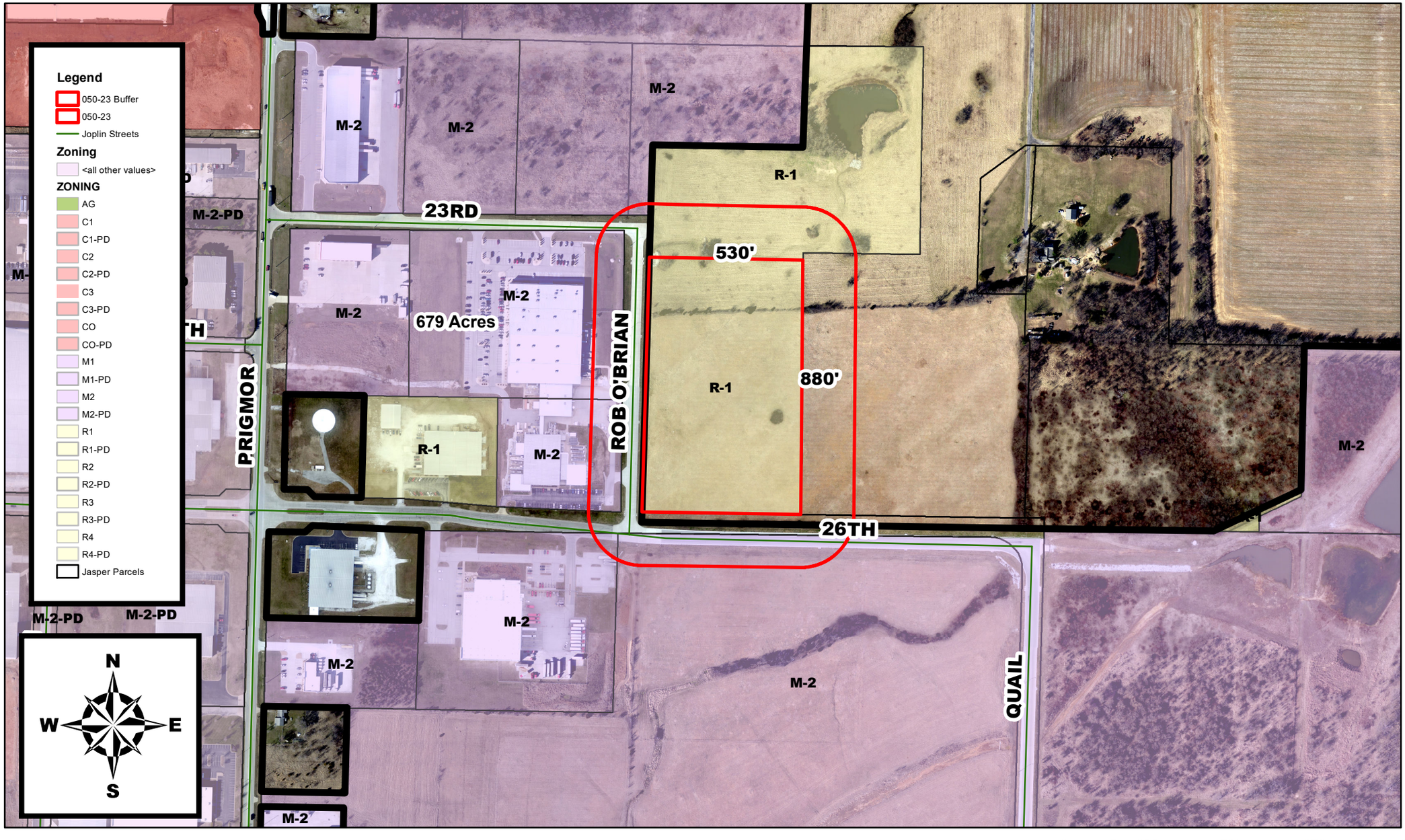
Thence S 88° 51'28" E, 531.89 feet

Thence S 01°41'48" W, 917.53 feet to a point on the south line of said SE-1/4 of the NW-1/4;

Thence N 88°50'48" W, 531.68 feet to the point of beginning

Containing 11.20 Acres (487,877 square feet), more or less.

# Case 050-23: Rezoning




NE Corner of Rob O'Brian Way and E 26th St – Rezoning – A request to rezone from District R-1 (Single-Family Residential) to District M-2 (Heavy Industrial) – MGI Leasing Inc.

P & Z Case 050-23
MGI Leasing Inc
(P & Z Recommend Approval)

COUNCIL BILL NO. 2023-295 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 including in District M-2 (Heavy Industrial) property as described below and located at the NE Corner of Rob O'Brian Way and E 26th 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 R-1 (Single-Family Residential) the following described property and including in District M-2 (Heavy Industrial).

**A TRACT OF LAND IN THE SE-1/4 OF THE NW-1/4 OF SECTION 14, T27N, R32W OF THE 5TH PRINCIPAL BASE AND MERIDIAN IN JASPER COUNTY, MISSOURI, BEING MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 14; THENCE S 88°50'48"E, 1329.20 FEET TO THE SOUTHWEST CORNER OF SAID SE-1/4 OF THE NW-1/4, THE POINT OF BEGINNING; THENCE N 01°41'01"E ALONG THE WEST LINE OF SAID SE-1/4 OF THE NW-1/4, A DISTANCE OF 917.42 FEET; THENCE S 88°51'28"E, 531.89 FEET; THENCE S 01°41'48"W, 917.53 FEET TO A POINT ON THE SOUTH LINE OF SAID SE-1/4 OF THE NW-1/4; THENCE N 88°50'48"W, 531.68 FEET TO THE POINT OF BEGINNING. CONTAINING 11.20 ACRES (487,877 SQUARE FEET), MORE OR LESS. SUBJECT TO A UTILITY EASEMENT, 10.0 FEET IN WIDTH, CONTIGUOUS TO AND INSIDE THE ENTIRE PERIMETER. BASIS OF BEARINGS: MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE.**

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