CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2022-289 – Zoning District Change

MEETING DATE:
December 5, 2022

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
City Manager – Nicholas Edwards

FUNDING SOURCE:
These payments are included in the FY2021-22 budget of the Community Planning Fund.

SUMMARY REQUEST:
Case 064-22: Rezoning – 3024 E 9th St – A request to remove from District C-3 (Commercial) and include in District R-2 (Two-Family Residential) for future commercial development – Schuber Mitchel

BACKGROUND:
The change in zoning will not be detrimental to nearby property. R-2 is the best suited zoning for residential use. Zoning the property under R-2 will make this property consistent with the adjacent properties to the East and the South. The rezoning is consistent with the Comprehensive Plan. Given the current low density residential neighborhood, as well as the local classification of 9th St., this request to rezone to R-2 along the E. 9th St. Collector is appropriate for residential. Furthermore, the rezoning connects this property to the other R-2 properties.

PLANNING & ZONING COMMISSION TESTIMONY:
Terry Mitchell stated Schuber Mitchell purchased property located at 3024 E. 9th Street, Joplin, Missouri. They demolished the dilapidated house that was there and built back a single-family home. They went to sell the property and it was noted that it was under C-3 zoning. Now they possess a house sitting right in the middle of a neighborhood on a C-3 lot that has residents on all four sides of it. He asked Mr. Bolander if it was part of the master plan. Mr. Mitchell stated they are just asking for R-2. Mr. Bolander stated Mr. Mitchell was asking for a re-zoning that is not unusual for this area. Mr. Bolander stated properties to the East and the North are zoned R-2. That allows single family homes and duplexes in some cases. Most are single family homes and that is what Mr. Mitchell has built as well. It is in compliance with our policies in our comprehensive plan and our future land use map.

PUBLIC COMMENT;
There were none.

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2022-289.
Planning & Zoning Commission recommends approval for Case 064-22 (5 in Favor, 0 Opposed)

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

Case 064-22: Rezoning

3024 E. 9th Street-A request to remove from District C-3 (Commercial) and include in District R-2 (Two Family Residential)-Schuber Mitchell.

Terry Mitchell, 3331 N. Range Line, Joplin, Missouri. Mr. Mitchell stated they purchased property located at 3024 E. 9th Street, Joplin, Missouri. They demolished the dilapidated house that was there and built back a single-family home. They went to sell the property and it was noted that it was under C-3 zoning. Now we have a house sitting right in the middle of a neighborhood on a C-3 lot that has residents on all four sides of it. He asked Mr. Bolander if it was part of the master plan. Mr. Mitchell stated they are just asking for R-2. It is R-1 that was built there right now but to accommodate selling this house.

Mr. Bolander stated Mr. Mitchell was asking for a re-zoning that is not unusual for this area. If you look to the east of this property and actually to the north as well the properties around are zoned R-2 single family residential. That allows single family homes and duplexes in some cases. Most are single family homes and that is what Mr. Mitchell has built as well. It is in compliance with our policies in our comprehensive plan and our future land use map.

Mr. Kimble asked for any questions from the Commission on Case 064-22.

There were none.

Mr. Kimble asked if there was anyone in the audience who wished to speak in favor of Case 064-22.

There were none.

Mr. Kimble asked if there was anyone in the audience who wished to speak in opposition of Case 064-22.

There were none.

MR. ROSENBERG MOVED THAT CASE 064-22 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. MCCULLOUGH SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

Z&P Meeting: November 14, 2022
City Council Meeting: December 5, 2022

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 064-22 A request to remove from District C-3 (Commercial) and include in District R-2 (Two-Family Residential) for single family residential use.

LOCATION 3024 E 9th Street

APPLICANT Schuber Mitchell

EXISTING CONDITIONS

Zoning	Land Use	Property Size
C-3	Residential	Approximately 0.22 Acre

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1	R-2	R-2	C-3
Land Use	Residential	Residential	Residential	Residential

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as low-density residential.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
E. 9nd St.	Local	30′

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?

This request is consistent with the Comprehensive Plan. This site is adjacent to other R-1 and R-2 properties (primarily R2).

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

R-2 is the best suited zoning for residential purposes. The property is presently being used as single family residential. Zoning the property under R-2 will make this property consistent with the adjacent properties to the East and the South.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning will not be detrimental to nearby property. The adjacent property South and East are already zoned R-2. Rezoning this property will bring it into consistency.

DISCUSSION

Given the current low density residential neighborhood, as well as the local classification of 9th St., this request to rezone to R-2 along the E. 9th St. Collector is appropriate for residential. Furthermore, the rezoning connects this property to the other R-2 properties.

Staff recommends approval of Case 064-22.

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.: 064-22
Filing Fee: $550.00
Received: 10-12-22
Date Advertised:
Proj. No.: 22-0134
Public Hearing Date: 11-14-22

Applicant: Schuber Mitchell Phone No.: 4172915731
Address: 3331 N. Range Line Email: TMitchell@schubermitchell.com
Owner: Schuber Mitchell Phone No.: Same
Address: Email:
Location of Property: 3024 E 9th
Zoned C-3
Present Use of Property: Residential Single Family
Proposed Use of Property: Residential " "
Current Zoning: C-3 Requested Zoning: R-1

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	Residential	R-1
South	"	R-1
East	"	R-1
West	"	C-3

Character of the Neighborhood: Residential Homes

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: Lot HAd A house we Demo After purchasing And permited to Build A single Family Home. permit WAS Approved And we Later found out It WAS zoned C-3

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: _____

_____

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:** 10/12/2022

Walters, Thomas

From: Terry Mitchell <tmitchell@schubermitchell.com>
Sent: Thursday, October 13, 2022 3:34 PM
To: Walters, Thomas
Subject: Re: Rezoning Application Clarification 3024 E 9th

This email originated outside our network. If it is unsolicited or unexpected, please delete. If expected, use caution when opening any links or attachments.

Yes R-2 would be fine

Get Outlook for iOS

From: Walters, Thomas <TWalters@Joplinmo.Org>
Sent: Thursday, October 13, 2022 2:13:58 PM
To: Terry Mitchell <tmitchell@schubermitchell.com>
Subject: Rezoning Application Clarification 3024 E 9th

You don't often get email from twalters@joplinmo.org. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless you are confident the content is safe.

Terry,

The adjacent residential properties are zoned R-2. Would you be amenable to changing the requested district to R-2 instead of R-1?

It will have no impact on the use, or staff recommendation for the requested district is appropriate, however, thinking long term it could be beneficial to have consistent zoning with the adjacent properties.

It is up to you. Please let me know by replying to this email so I can add it to the case file to explain the change from the application, if that is what you decide.

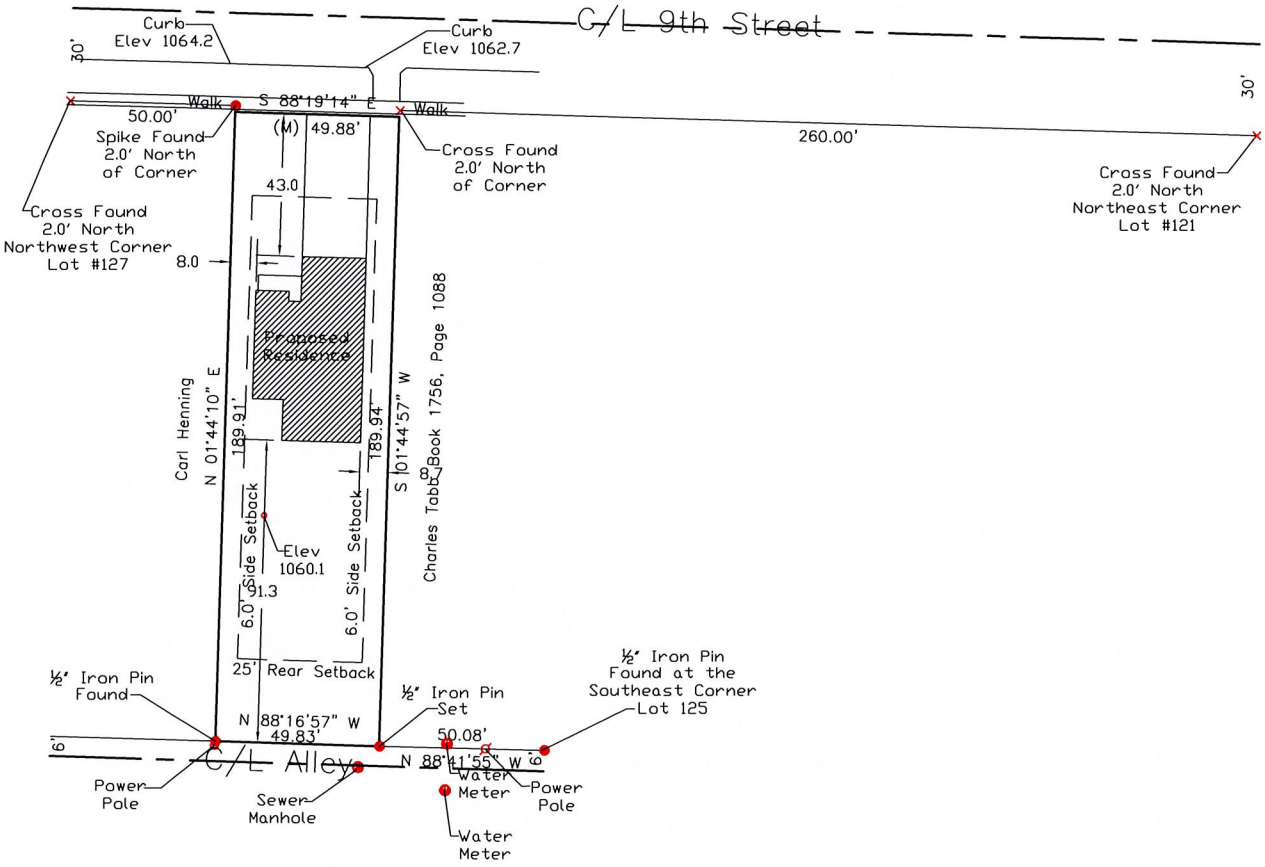
Thank you,

Thomas Walters
Planner
602 S Main St
Joplin, MO 64801
phone: 417-624-0820 Ext. 1539
email: TWalters@Joplinmo.Org
web: JoplinMo.org

0 40 80 120

SCALE: One inch equals 40 feet.

BASIS OF BEARINGS: The South line of 9th Street taken as S 88°19'14" E as per Missouri West NAD83 per MoDot GPS Network.
CLASS OF PROPERTY:(c) Urban
SOUCE DEED: Schuber Mitchell Homes Book 2618, Page 443



PROPERTY DESCRIPTION:
All of Lot Number One-hundred & Twenty-six (126) in Hatten's Subdivison, bieng a part of the Northwest Quarter (NW¼) of Section 7, Township 27, Range 32, in the City of Joplin, Jasper County, Missouri, being subect to all easements, right-of-ways, and reservations of record.

Stewart & Neece Land Surveying Company
Since 1972 Joplin, Mo.

SURVEYOR'S CERTIFICATE:
I Rodney C. Neece a Registered Land Surveyor of Joplin, Jasper County, Missouri, Do hereby certify that the field notes and attached plat are true and accurate description of the work performed and measurements taken; survey made in accordance with the Missouri Standards for Property Boundary Surveys of the Department of Agriculture, Division of Weights & Measures and Consumer Protection, and is not a warranty of title either expressed or implied, This declaration is made to the original owner and/or purchaser of the survey as of the date indicated in the title block, It is not transferable to additional institutions or subsequent owners and may not be used in connection with a survey "Survey Affidavit" or similar document, statement, or mechanism to obtain title insurance for any subsequent or future grantees, furthermore, this survey is not valid without the original signature and embossed seal.

STATE OF MISSOURI
RODNEY C. NEECE
PLS-002691
PROFESSIONAL LAND SURVEYOR

STEWART AND NEECE LAND SURVEYING, INC.
1201 East 15th Street, Joplin, Missouri 64804
Phone: 417-624-0311 Fax: 417-624-0365

SURVEY FOR: Schuber Mitchell Homes		
DRAWN: Allgood	DATE: 12-8-21	ADDRESS: 3024 East 9th Joplin, Mo.
APPROVED: RCN/JB	S/T/R: 7-27-32	
SCALE: 1"=40'	File Name: L126H	CERT OF AUTHORITY: LSC-2019012803

Case 064-22: Rezoning - 3024 E 9th Street



3024 E 9th Street - A request to remove from District C-3 (Commercial) and include in District R-2 (Two Family Residential) for development - Schuber Mitchell

0 50 100 200 300 400 Feet

N

P & Z Case 064-22
Schuber Mitchell
(P & Z Recommended Approval)

COUNCIL BILL NO. 2022-289 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 C-3 (Commercial) and including in District R-2 (Two Family Residential) property as described below and located at 3024 E 9th St, City of Joplin, 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 C-3 (Commercial) the following described property and including in District R-2 (Two Family Residential).

All of Lot Number One-hundred & Twenty-six (126) in Hatten's subdivision, being a part of the Northwest Quarter (NW1/4) of Section 7, Township 27, Range 32, in the City of Joplin, Jasper County, Missouri, being subject to all easements, right-of-ways, and reservations of record, and generally described as 3024 E 9th Street.

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_____, 2022, by a vote of _____.

Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney