City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: December 7, 2015

Item: COUNCIL BILL NO. 2015-277
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Copy of Council Bill
2) Planning Report
3) Commission Minutes

Planning/Community Development Manager: Troy Bolander
City Attorney: Peter C. Edwards
City Manager: Samuel L. Anselm
Board or Commission: Planning and Zoning Commission Date: 11/09/2015

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "5 in favor, 2 absent"

SUMMARY/REQUEST:
Case 040-15: 103-105 North Wall Avenue – A request to rezone from C-1 (Non-Retail Commercial) to C-2 (Central Business District) – Gus Enterprises.

STAFF SUMMARY:
Currently, the property owner can build multi-family residential units in this zoning designation. However, a C-2 zoning designation would give more buildable lot space because of the differing setback requirements. This would not require any building setbacks except on the north side of the property where it abuts a residential zoning district. In this case, a ten foot setback would be required.

A C-2 zoning designation for this property would also more closely mirror our growing downtown district in development style. A C-2 zoning district already exists directly south of this lot across First Street and one block east on Joplin Avenue.

Staff recommends approval of Case 040-15.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Bob Higginbotham, owner of Gus Enterprises, stated the property at 103-105 North Wall Avenue is currently zoned C-1. He would like to rezone the property to District C-2 since the parking restrictions in District C-1 make it not practical to include all the parking spaces he wants since he plans to construct 12 living units there. Because of the infrastructure costs involved, it is not economically viable to construct fewer than 12 units. The property to the south is already zoned C-2, with the residences to the north being zoned R-3. The change in zoning would facilitate the project.

Mr. Duncan asked Mr. Higginbotham if the zoning remained R-1, how many parking spaces would be required for 12 units. He replied he can only have five living units with C-1 zoning since parking must be provided on the property. The C-2 zoning eases the setback restrictions so he can fit what he needs to do on the property to address any drainage issues and to provide ample parking for the tenants.

Mr. Bolander stated Mr. Higginbotham will continue to have parking on the property, but the setbacks will be changed. District C-2, the downtown district, provides for zero setback lines and will allow him to place parking on the property to accommodate those units. It is not a situation where Mr. Higginbotham will not have any parking at all.

Mr. Duncan understood an apartment complex existed there years ago with on-street parking and no problems. He asked if all the parking will be on-street parking. Mr. Higginbotham stated there should be no parking on the street. He will provide ample off-street parking.

Mr. Ramsour asked Mr. Higginbotham about his plans for the stone fence or wall. He would like the development to look like the downtown business district and will incorporate that particularly into the building on the south side to retain some history and make the property look commercial.

PUBLIC COMMENT:
None.

Z&P Meeting: November 9, 2015
City Council Meeting: December 7, 2015

STAFF PLANNING REPORT
Rezoning

CASE 040-15: A request to rezone from C-1 (Neighborhood Commercial District) to C-2 (Central Business District).

LOCATION: 103 and 105 N Wall Avenue

APPLICANT: Gus Enterprises, LLC.

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
C-1 (Neighborhood Commercial District)	Undeveloped	11,500 ft²

SITE CONTEXT:

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

FUTURE LAND USE:

The City of Joplin's future land use map classifies this area as future commercial development.

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
1st Street	Secondary	60'
Wall Ave	Secondary	60'

UTILITIES: The property has utility connections.

FLOOD PLAIN: N/A

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes.

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

Multi-family residential development is permitted by right in this zoning. Designating this property as C-2, Central Business District, would allow smaller building and parking lot setbacks which would more closely match adjacent downtown development.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

This zoning change would not detrimentally affect nearby property.

DISCUSSION

Currently, the property owner can build multi-family residential units in this zoning designation. However, a C-2 zoning designation would give more buildable lot space because of the differing setback requirements. This would not require any building setbacks except on the north side of the property where it abuts a residential zoning district. In this case, a ten foot setback would be required.

A C-2 zoning designation for this property would also more closely mirror our growing downtown district in development style. A C-2 zoning district already exists directly south of this lot across First Street and one block east on Joplin Avenue.

Staff recommends approval of Case 040-15.

ENCLOSURES:

Map.

REQUEST C2

REZONING APPLICATION FORM

Return Form to:
Planning / Community Development Specialist.
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only
Case No.:
Filing Fee: $350.00
Date Advertised:
Date Notices Sent:
P&Z Date:
City Council Date:

APPLICANT: GUS ENTERPRISES LLC PHONE: 417 206 7792
ADDRESS: 839 W 4TH ST. ZIP: 64801
EMAIL: BOB@BOBHIGGINBOTHAM.COM
OWNER: GUS ENTERPRISES LLC PHONE: 417 825 2005
ADDRESS: 839 W. 4TH, JOPLIN, MO ZIP: 64834
EMAIL: BOB@BOBHIGGINBOTHAM.COM
LOCATION OF PROPERTY: 103 N. WALL AVE – 105 N WALL AVE
LEGAL DESCRIPTION: ALL OF LOT NUMBERED NINETY-NINE (99) IN ORIGINAL TOWN OF MURPHYSBURG, NOW A PART OF THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI.

Present Zoning C-1 Requested Zoning: C2 Acreage: .138
Present Use of Property: VACANT LOT
Proposed Use of Property: C2 MULTI-FAMILY AND PARKING LOT

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	MULTI FAMILY/SINGLE RES.	R-3
South	PARKING/COMMERCIAL BLDG	C2
East	PARKING LOT	C1
West	PARKING LOT/COMMERCIAL	C-1

CHARACTER OF THE NEIGHBORHOOD: TO THE NORTH IS MIXTURE OF RENTALS, SINGLE/MULTI FAMILY ALL ZONED R3. THE REMAINING AREA CONSISTS OF COMMERCIAL BLDGS. AND PARKING LOTS.

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   THIS WILL BRIDGE BETWEEN COMMERCIAL BUILDINGS AND MIXED USE R-3 STRUCTURES.
2. Are there substantial reasons why the property cannot be used in accord with existing zoning?
   If yes, explain: ZONING IS REQUIRED TO BUILD A MULTI-FAMILY BUILDING

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? YES, THIS IS CONSISTENT W/ HIGH DENSITY DWLPMNT, DOWNTOWN DISTRICT
2. Consistent with Future Land Use Map? NA/YES

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. 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 effect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned
4. For Planned Developments the following must be submitted and reviewed before the rezoning can be advertised for public hearing:
   ___ Site Plan ___ Landscape Plan ___ Building Elevations

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: FIRST ST., WALL AVE., EAST ALLEY OF WALL AVE.
2. Classification of Street(s):
   Arterial_____ Collector_____ Local X
3. Right-of-Way Width: _____
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   NO, OFF-STREET PARKING WILL FACILITATE TRAFFIC FLOW.

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? NO
2. Properly Sized Street Right-of-Way? YES
3. Drainage Easements? NO
   Utility Easements:
   Electricity? NO
   Gas? NO
   Sewers? NO
   Water? NO
5. Additional Comments: THERE WAS PREVIOUSLY AN APARTMENT BUILDING AT THIS LOCATION. IT DID NOT HAVE OFF-STREET PARKING. THIS WILL HAVE OFF-STREET PARKING AS REQUIRED.

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:
THIS PROPERTY LAYS BETWEEN COMMERCIAL BUILDINGS AND COMMERCIAL PARKING LOTS AND MIXED USE MULTI-FAMILY AND SINGLE-FAMILY RESIDENCES THAT ARE ALL ZONED R-3.

SIGNATURE: _____ DATE: 10.15.15

BY: Bob Higginbotham

TITLE: MANAGING MEMBER - GUS ENTERPRISES LLC.

All of lot numbered Ninety-Nine (99) in Original Town of Murphysburgh, now a part of the City of Joplin, Jasper County, Missouri.

(Otherwise known as 103 N. Wall Ave.)

GUS Enterprises LLC

There is a demand for transitional housing as well as affordable housing. My intention is to make this part of the City of Joplin's Crime Free Multi-Family Housing. This will provide a safe and peaceful environment for area residents.

The existing two lots are vacant lots. One previously was occupied by an apartment building. That apartment building did not have off-street parking, yet it did not create an undue traffic flow problem in this area.

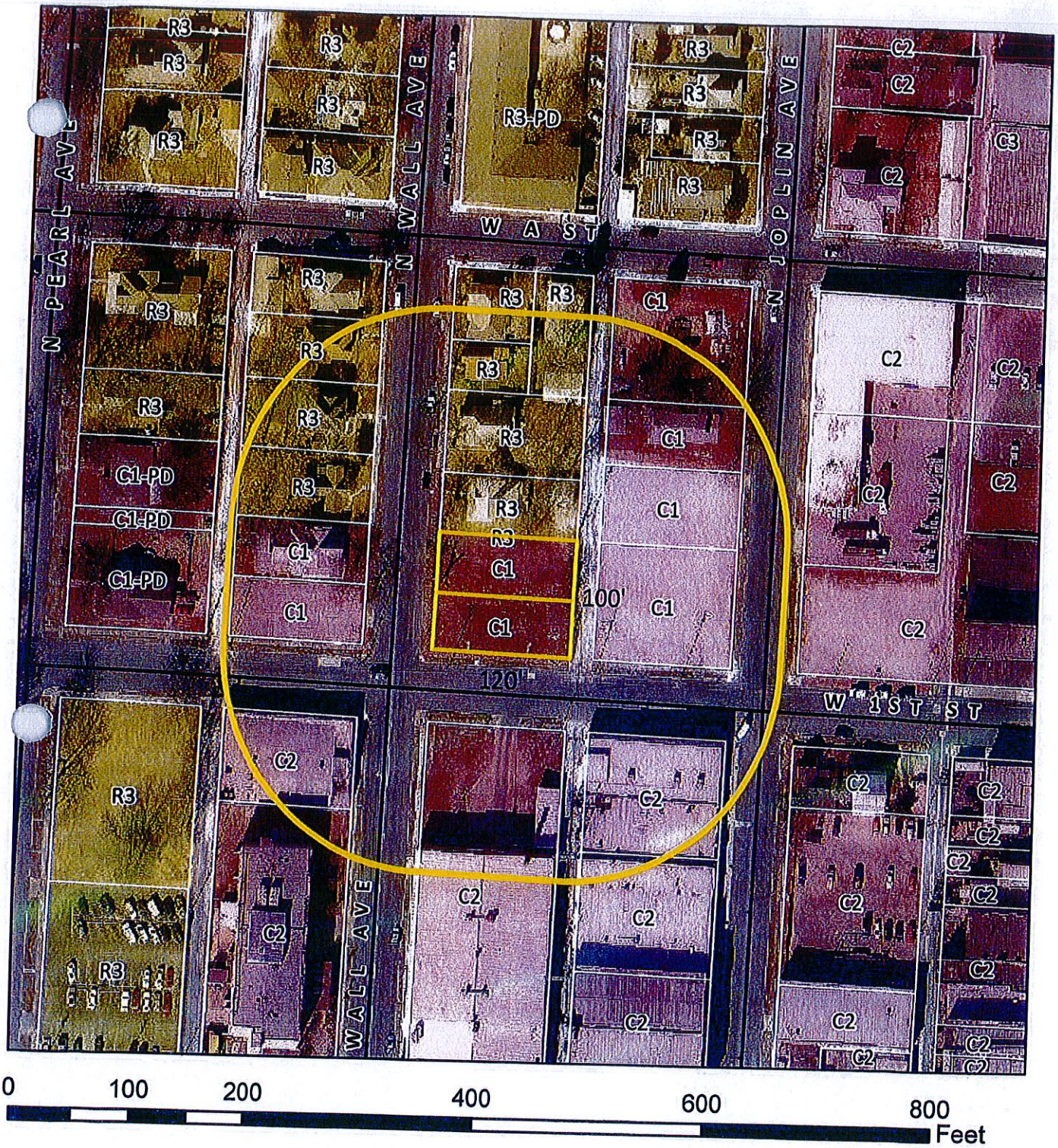
The proposed zoning change will allow an apartment building to again re-occupy this area. This will have the required, off-street parking. The off-street parking will facilitate ingress/egress without causing undue traffic flow issues within the neighborhood.

This proposed change will create a buffer and transition between commercial buildings and commercial parking lots that are to the south and east and the mixed use multi-family and single family residences to the north. The mixed use and single family homes are all on property that is currently zoned R-3.

Sincerely,

Bob Higginbotham





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Case 040-15: 103-105 North Wall Avenue – A request to rezone from C-1 (Non-Retail Commercial) to C-2 (Central Business District) – Gus Enterprises.

Mr. Eastman opened the public hearing for Case 040-15.

Mr. Bob Higginbotham, owner of Gus Enterprises, stated the property at 103-105 North Wall Avenue is currently zoned C-1. He would like to rezone the property to District C-2 since the parking restrictions in District C-1 make it not practical to include all the parking spaces he wants since he plans to construct 12 living units there. Because of the infrastructure costs involved, it is not economically viable to construct fewer than 12 units. The property to the south is already zoned C-2, with the residences to the north being zoned R-3. The change in zoning would facilitate the project.

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Mr. Eastman asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 040-15.

MR. BROWN MOVED, SECONDED BY MR. DERMOTT, THAT CASE 040-15 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MR. DERMOTT, MR. DUNCAN, MR. EASTMAN, AND MR. RAMSOUR VOTING "AYE"; AND WITH MR. CORTEZ AND MR. SMITH BEING ABSENT (5 IN FAVOR, 2 ABSENT).

P & Z Case 040-15
Gus Enterprises
(P & Z Recommended Approval)

COUNCIL BILL NO. 2015-277 ORDINANCE NO.

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-1 and including in District C-2 property as described below and located at 103-105 North Wall Avenue in the 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. 2004-256 is hereby amended by removing the following described property from District C-1 and including same in District C-2:

ALL OF LOTS NUMBERED 99 AND 100 IN THE ORIGINAL TOWN OF MURPHYSBURG, NOW A PART OF THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI.

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 for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2015, by a vote of _____.

_____
Michael L. Seibert, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney