CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2020-276-Rezone to District C-3 (Commercial)

MEETING DATE:
December 7, 2020

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.

SUMMARY REQUEST:
Case 038-20: 4301 S. Rangeline Rd. – A request to remove from District R-1 (Single-family Residential) and include in District C-3 (Commercial) for recreational vehicle and parts sales and service – Martin L. Wheelan, Jr.

BACKGROUND:
This property was annexed in with the rest of Silver Creek, which is why this property and most others to the East of Rangeline Rd. in this area are all zoned R-1 Single-family residential. The future land use map does clearly show this corridor of Rangeline Rd. to be retail commercial. Indeed, some of the uses existing here already fall into that category. The change in zoning to C-3 should not be detrimental to the nearby property.

PLANNING & ZONING COMMISSION TESTIMONY:
Marci King, daughter and realtor for Mr. Wheelan, Keller Williams Realty, 619 S. Florida Ave., Joplin, MO. Based on the use of the land, owned by Wheelan Investments located on the northeast corner of 44th Street and Rangeline Rd. They are requesting that the RV Center and the parcels attached to it be rezoned from R-1 to C-3. The Wheelan's intent is to sell the property.

PUBLIC COMMENT:
Anselee Corkle, her property adjoins with the Wheelan's. She thinks it is fine to change it to C-3. She is not opposed of the change. They have been a good neighbor and their business is an 8am to 6pm, daily operation except on weekends. It has two lights and no night noise. Her concern is the selling of the property potentially to service stations, who are looking at the property. If it becomes a service station, it will be open 365 days, 24 hours a day, with vehicle noise, 18 wheelers, trash blowing around, 24-hour lights, and noise. This is a residential area and want to keep our area clean and quiet for the families that live there.

FUNDING SOURCE:
These payments are included in the FY 2019-20 budget of the Community Planning Fund.

RECOMMENDATIONS:
Planning & Zoning Commission recommends approval for Case 038-20, (4 in Favor, 1 Absent, 1 Abstain).
Planning & Zoning Staff recommends approval.

ATTACHMENTS:
CB 2020-275, Staff Planning Report, P&Z Commission Minutes

CB 2020-276

Case 038-20: 4301 S. Rangeline Rd. – A request to remove from District R-1 (Single-family Residential) and include in District C-3 (Commercial) for recreational vehicle and parts sales and service – Martin L. Wheelan, Jr.

Mr. Eastman will abstain from this case.

Marci King, daughter and realtor for Mr. Wheelan, Keller Williams Realty, 619 S. Florida Ave., Joplin, MO. Based on the use of the land, owned by Wheelan Investments located on the northeast corner of 44th Street and Rangeline Rd. They are requesting that the RV Center and the parcels attached to it be rezoned from R-1 to C-3. The Wheelan's intent is to sell the property.

Mr. Stanton stated that most of the Rangeline corridor of Silver Creek has not been rezoned. The future land use map shows the Rangeline corridor to be future retail commercial including these properties.

Mr. Ramsour asked the commissioners if they had any other questions for Ms. King. They did not. Mr. Ramsour asked if there was anyone else that would like to speak in favor of this case.

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Mr. Ramsour asked if there was anyone else that would like to speak in favor of this case? There was not. Mr. Ramsour asked if there was anyone in opposition to the case? There was not.

MS. STEELE MOVED, SECONDED BY MR. KIMBLE THAT CASE 038-20 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MRS. STEELE, MR. MCCULLOUGH, AND MR. KIMBLE VOTING "AYE". (4 IN FAVOR, 1 ABSENT, 1 ABSTAIN).

Z&P Meeting: November 9, 2020
City Council Meeting: December 7, 2020

STAFF PLANNING REPORT
Rezoning

CASE 038-20 A request to rezone from R-1 (Single-family Residential) to C-3 (Commercial)

LOCATION 4301 S. Rangeline Rd.

APPLICANT Martin L. Wheelan Jr.

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Single-family Residential	Approx. 7.3 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1	R-1	R-1	C-2-PD
Land Use	Law Firm/Single-family Residential	Single-family Residential	Animal Hospital	Vacant

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future retail commercial.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
S. Rangeline Rd.	Arterial	170'
Silver Creek Dr.	Local	70'
Outer Rd.	Local	65'
Keller Dr.	Local	50'
Moorehead Dr.	Local	50'

UTILITIES

Utilities do not need to be extended to this property. Utilities are currently in place.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The request is consistent with the comprehensive plan. The future land use map does show this property to be future retail commercial.

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

The current zoning of R-1 is not suitable in this area. With frontage along S. Rangeline Rd., a major arterial, as well as its proximity to both I-44 and the intersection of S. Rangeline Rd. and E. 44th St., R-1 Zoning, and single-family residential development in general, would not be appropriate at the location of this property.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning to C-3 should not be detrimental to the nearby property. Property that is across Rangeline is already zoned to allow for commercial uses. Additionally, other property that is to the North and South have commercial uses on them, albeit they are not zoned correctly. The properties to the East, which appear to mostly be residential, will be protected by the buffer requirements in the zoning code. In this case of a C-3 district bordering an R-1 district, the C-3 district will be required to provide a buffer that is 20' wide of dense natural landscaping, or a combination of a berm and fencing with landscaping.

DISCUSSION

This property was annexed in with the rest of Silver Creek, which is why this property and most others to the East of Rangeline Rd. in this area are all zoned R-1 Single-family residential. The future land use map does clearly show this corridor of Rangeline Rd. to be retail commercial. Indeed, some of the uses existing here already fall into that category. This request is compatible with the Comprehensive Plan, the Future Land Use Map, and the zoning requested is appropriate for the area. C-3 zoning is consistent with the transportation network and capacity of the area.

Staff recommends approval of Case 038-20.

ATTACHMENTS

- Application

- Map

Call Marci King ✓
(334) 475 0979

REZONING APPLICATION FORM

RECEIVED 10-1-20

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.: 038-20
Filing Fee: ~~$550.00~~ Waived - annexation (S. Lover Creek)
Date Advertised: _____
Date Notices Sent 10-26-20
Public Hearing Date: 11-9-20

APPLICANT: Martin L. Wheeler, Jr. PHONE: 417-623-3110
ADDRESS: 4301 S. Range Line Rd; Joplin, MO 64804 ZIP: _____

OWNER: Wheeler Investments LLC PHONE: 417-437-4014
ADDRESS: 7001 E. 32nd St; Joplin, MO 64804 ZIP: 417-437-0092

LOCATION/ADDRESS OF PROPERTY: 4301 S. Range Line Rd
Joplin, MO 64804

Present Zoning R-1 Requested Zoning: C3 Acreage: 7.3
Present Use of Property: Recreational Vehicle Sales, Service, Parts Sales

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Attorney office	R-1
South	Veterinary and industrial tarp	R-1
East	Residential	R-1
West	Commercial property zoned C-2 PD	C-2 PD

Character of the Neighborhood: Commercial property, fronts to Range Line Rd.

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts? no
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? yes
   If yes, explain: It is an existing business

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? yes
2. Consistent with Future Land Use Map? yes

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Range Line Rd; Silver Creek Road; Koller Drive; Outer Road
2. Classification of Street(s):
   Arterial Range Line Collector _____ Local _____
3. Right-of-Way Width: _____
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   No.

~~IS PLATTING OR REPLATTING REQUIRED IN ORDER TO PROVIDE FOR:~~

1. ~~Appropriately Sized Lots?~~ _____
2. ~~Properly Sized Street Right-of-Way?~~ _____
3. ~~Drainage Easements?~~ _____
4. ~~Utility Easements:~~
   ~~Electricity?~~ _____
   ~~Gas?~~ _____
   ~~Sewers?~~ _____
   ~~Water?~~ _____
5. ~~Additional Comments:~~ _____

UNIQUE CHARACTERISTIC OF PROPERTY AND /OR ADDITIONAL COMMENT:

Wheeler RV Center is an existing business, ~~no change will be made there~~. We are going to list the 2.54 acres on the South side of property for sale.

THE FOLLOWING **MUST** ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey.
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 affect 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

SIGNATURE: [signature] DATE: 9-29-2020

EMAIL: marty@wheelerrv.com

TITLE: Owner - Registered Agent

352-13575

3-3

EXHIBIT "A"

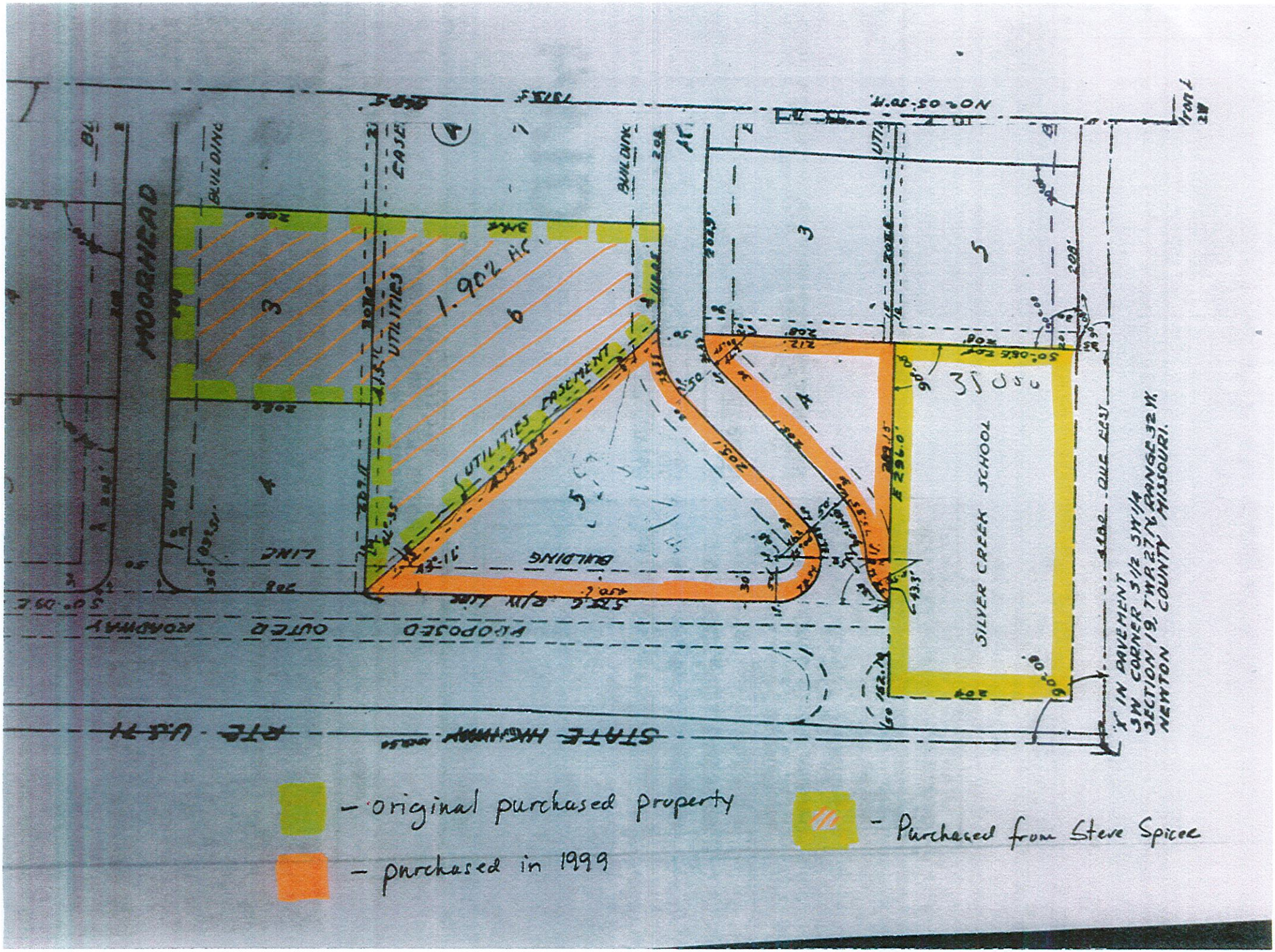
Tract #1: Showroom — All of Lot Numbered Five (5) in Block Four (4) in Silver Creek Park, a Subdivision of a part of the South Half of the Southwest Quarter of Section 19, Township 27, Range 32, being an addition to the Village of Silver Creek, Newton County, Missouri, according to the recorded plat thereof.

Tract #2: Pie shape w/ — All of Lot Numbered Four (4) Block One (1) in Silver Creek Park, a Subdivision of a part of the South Half of the Southwest Quarter of Section 19, Township 27, Range 32, being an addition to the Village of Silver Creek, Newton County, Missouri, according to the recorded plat thereof.

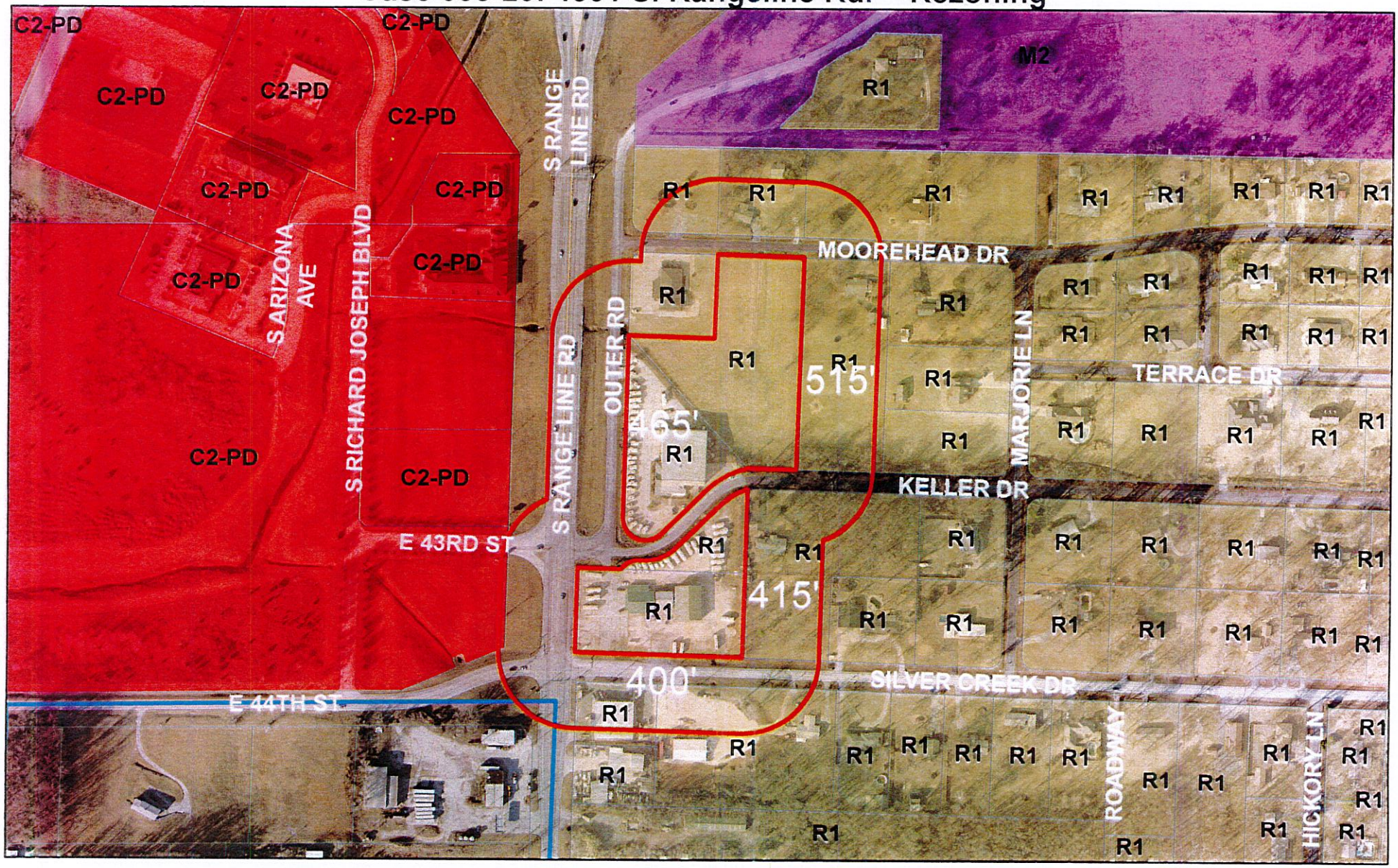
Tract #3: on Moorehead Behind — All of Lots Numbered 3 and 6 in Block 4 in SILVER CREEK PARK, a subdivision of part of the South Half of the Southwest Quarter of Section 19, Township 27, Range 32, Newton County, Missouri.

Tract #4: Showroom — 2 Acres in the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 19, Township 27, Range 32, described as beginning at a point approximately 30 feet North of the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 19 said point being intersection of public road running along West and South sides of said Section 19, thence North along the East line of public road a distance of 209 feet, thence East 418 feet, thence South 209 feet, to the North line of public road, thence West along the North line of said public road 418 feet to point of beginning except road right of ways, in Newton County, Missouri.

Old Silver Creek School


MOORHEAD
1.902 AC.
UTILITIES EASEMENT
SILVER CREEK SCHOOL
PROPOSED OUTER ROADWAY
STATE HIGHWAY
- original purchased property
- purchased in 1999
- Purchased from Steve Spicer

Case 038-20: 4301 S. Rangeline Rd. - Rezoning



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0 170 340 680 1,020 1,360 Feet

N

P & Z Case 038-20
Martin Wheelan Jr.
(P & Z Recommended Approval)

COUNCIL BILL NO. 2020-276 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 R-1 and including in District C-3 property as described below and located 4301 S Rangeline Rd., City of Joplin, Newton 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 the following described property and including in District C-3:

All of Lot Numbered Five (5) in Block Four (4) in Silver Creek Park, a Subdivision of a part of the South Half of the Southwest Quarter of Section 19, Township 27, Range 32, being an addition to the Village of Silver Creek, Newton County, Missouri, according to the recorded plat thereof; and all of Lot Numbered Four (4) Block (1) in Silver Creek park, a Subdivision of a part of the South Half of the Southwest Quarter of Section 19, Township 27, Range 32, being an addition to the Village of Silver Creek, Newton County, Missouri, according to the recorded plat thereof; and All of Lots Numbered 3 and 6 in Block 4 in Silver Creek Park, a subdivision of part of the South Half of the Southwest Quarter of Section 19, Township 27, Range 32, Newton County, Missouri; and 2 acres in the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 19, Township 27, Range 32, described as beginning at a point approximately 30 feet North of the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 19 said point being intersection of public road running along West and South sides of said Section 19, thence North along the East line of public road a distance of 209 feet, thence East 418 feet, thence South 209 feet, to the North line of public road, thence West along the North line of said public road 418 feet to point of beginning except road right-of-ways, in Newton 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 thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of_____, 2020, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney