ITEM: CB 2021-260 – Rezone to District R-1

MEETING DATE: March 1, 2021

ORIGINATING DEPARTMENT: Planning, Development, and Neighborhood Services

REVIEWED BY: Director of Planning, Development & Neighborhood Services-Troy Bolander, Director of Finance-Leesie Haase, City Attorney-Peter Edwards, City Manager-Nicholas Edwards

SUMMARY REQUEST: Case 009-21: 4307 Swede Ln. - A request to remove from District M-1-PD (Restricted Industrial Planned Development) and include in District R-1 (Single-family Residential) for future residential development – Alan Bemo.

BACKGROUND: The request is consistent with the comprehensive plan. The future land use map does show this property to be future low-density residential. The current zoning of M-1-PD is not suitable in this area. At one time the plan was for this area to develop with industrial uses, given is proximity to the airport. However, pressure for residential development led to single-family zoning and uses occupying this area. Industrial uses are still in this area, however they are to be located to the North of Logan Dr.

PLANNING & ZONING COMMISSION TESTIMONY: Alan Bemo, 4409 Swede Ln., Joplin, MO., which is next door to the property that I am wanting rezoned. The reason is my daughter would like to acquire that property and build a house. It is a nice residential area for children and not a lot of traffic.

Mr. Ramsour asked at this point if it will be just a single dwelling.

Mr. Bemo stated that was correct. As far as he knows his daughter is not planning on putting other dwellings on the property.

PUBLIC COMMENT: None.

FUNDING SOURCE: These payments are included in the FY 2020-21 budget of the Community Planning Fund.

RECOMMENDATIONS: Planning & Zoning Commission recommends approval, (5 in favor, 2 Absent).

ATTACHMENTS: CB 2021-260, Staff Planning Report, P&Z Commission Minutes
Case 009-21: 4307 Swede Ln. - A request to remove from District M-1-PD (Restricted Industrial Planned Development) and include in District R-1 (Single-family Residential) for future residential development – Alan Bemo.

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Mr. Ramsour asked if the commissioners had any questions for Mr. Bemo? They did not. Mr. Ramsour asked if there was anyone in the audience who would like to speak in favor of this case? There was not. Mr. Ramsour asked if there was anyone in the audience who would like to speak in opposition to this case? There was not.

**MS. PHILLIPS MOVED, SECONDED BY MS. EASTMAN THAT CASE 009-21 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MS. STEELE (BY PHONE), MR. EASTMAN, MS. BRUCKNER-SEARS (BY PHONE), AND MS. PHILLIPS VOTING “AYE” (5 IN FAVOR, 2 ABSENT)**
STAFF PLANNING REPORT
Rezoning

CASE 009-21
A request to rezone from M-1-PD (Restricted Industrial Planned Development) to R-1 (Single-family Residential).

LOCATION
4307 Swede Ln.

APPLICANT
Alan Bemo

EXISTING CONDITIONS

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Land Use</th>
<th>Property Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>M-1-PD</td>
<td>Single-family Residential</td>
<td>Approx. 3.04 acres</td>
</tr>
</tbody>
</table>

SITE CONTEXT

<table>
<thead>
<tr>
<th></th>
<th>North</th>
<th>East</th>
<th>South</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Zoning</td>
<td>R-2</td>
<td>R-1</td>
<td>M-1-PD</td>
<td>M-1-PD</td>
</tr>
</tbody>
</table>

FUTURE LAND USE
Joplin’s Future Land Use Map shows this property as future low-density residential.

TRANSPORTATION

<table>
<thead>
<tr>
<th>Streets with access</th>
<th>Classification</th>
<th>Right-of-way width</th>
</tr>
</thead>
<tbody>
<tr>
<td>N. Swede Ln.</td>
<td>Local</td>
<td>50’</td>
</tr>
</tbody>
</table>

UTILITIES
Utilities 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 low-density residential.

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

The current zoning of M-1-PD is not suitable in this area. At one time the plan was for this area to develop with industrial uses, given is proximity to the airport. However, pressure for residential development led to single-family zoning and uses occupying this area. Industrial uses are still in this area, however they are to be located to the North of Logan Dr., as shown in the Future Land Use Map.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning to R-1 will not be detrimental to nearby property. The R-1 district is the most protected districted with the fewest allowable uses. Rezoning to a district that allows for much less intense developments will not have a detrimental affect on nearby property.

DISCUSSION

This request is compatible with the Comprehensive Plan, the Future Land Use Map, and the zoning requested is appropriate for the area. Nearby properties will not be affected by the change to a less intense zoning district.

Staff recommends approval of Case 009-21.

ATTACHMENTS

- Application
- Map
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.: 009-21
Date Advertised: 
Date Notices Sent: 
P&Z Date: 2-8-21
City Council Date: 3-1-21

APPLICANT: Alan Bemo  PHONE: 417 499 5083
ADDRESS: 4409 Swede Ln  ZIP: 64801
EMAIL: alienoneearth@psmail.net
OWNER: same
ADDRESS: 
EMAIL: 

LOCATION OF PROPERTY: 4307 Swede lane
LEGAL DESCRIPTION: South half of lot 3 and North 44.00' of Lot 4 in Midway Gardens, as shown in Plat 3003 at pg 1086, containing 3.04 acres

Present Zoning M1-PD  Requested Zoning R1  Acreage: 3.04 acres
Present Use of Property: pasture  Proposed Use of Property: residence

SURROUNDING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R2</td>
</tr>
<tr>
<td>South</td>
<td>M1-PD</td>
</tr>
<tr>
<td>East</td>
<td>R1</td>
</tr>
<tr>
<td>West</td>
<td>M1-PD</td>
</tr>
</tbody>
</table>

Presently rezoning to R1

CHARACTER OF THE NEIGHBORHOOD: quiet rural setting, Neighbors enjoy walking to enjoy wildlife

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?
   If yes, explain: want to build a house here (my daughter)

CONFORMANCE WITH COMPREHENSIVE PLAN:
1. Consistent with Development Policies?

2. Consistent with Future Land Use Map?
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:
2. Classification of Street(s):
   Arterial___ Collector___ Local___
3. Right-of-Way Width:
4. Will turning movements caused by the proposed use create an undue traffic hazard?

IS PLATTING OR REPLATTING REQUIRED 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 ADDITIONAL COMMENT:

SIGNATURE: ___ DATE: 1-12-21

BY: ____________________________________________

TITLE: ________________________________________
Case 009-21: 4307 Swede Ln. - A request to remove from District M-1-PD (Restricted Industrial Planned Development) and include in District R-1 (Single-family Residential) for future residential development – Alan Bemo.
P & Z Case 009-21
Alan Bemo
(P & Z Recommended Approval)

COUNCIL BILL NO. 2021-260
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 M-1-PD and including in District R-1 property as described below and known as 4307 Swede Ln., 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 the following described property and including in District R-1:

A tract of land in the Northwest Quarter of the Southeast Quarter of Section 23, Township 28 North, Range 33 West, as shown in a Deed in Book 2399 at Page 10 in the Jasper County Recorder’s Office in Carthage, Missouri and being more particularly described as follows: All of the South Half of Lot 3 and the North 44.00’ of Lot 4 in Midway Gardens, as shown in Plat Book 3 at Page 196. Containing 3.04 acres, more or less, and subject to any easements, covenants, restrictions, or rights-of-ways of record.

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 __________________, 2021, by a vote of ____________________.

______________________________
Ryan D. Stanley, Mayor

ATTEST:

______________________________
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

______________________________
Peter C. Edwards, City Attorney