CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2021-262-Rezone to District M-2

MEETING DATE:
April 5, 2021

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 012-21: 1717, 1721, and 1725 S. Connecticut Ave. - A request to remove from District R-1 (Single-family Residential) and include in District R-2 (Two-family Residential) for future residential development – Mayberry Rentals.

BACKGROUND:
The change in zoning to R-2 will not be detrimental to nearby property. The R-2 district is one the most protected districts with very few allowable uses. Rezoning to a district that allows for much less intense developments will not have a detrimental effect on nearby property. This is particularly prudent given that the Future Land Use map does identify this as a potential commercial area

PLANNING & ZONING COMMISSION TESTIMONY:

Jake Mayberry, 1235 John Duffy Blvd, Joplin MO. We own the lots to the north and our intent is to build like what we already have in that area. We have to go through variance as well because when they moved the Connecticut street it messed up the setbacks.

Mr. Kimble stated he has a concern. In that area there are a lot of homes, duplexes or multi-family structures that have driveways that come out onto Connecticut, with people backing out and possible causing accidents.

Mr. Eastman wanted to know if an apron could be poured on each side where they could back to the apron and go out front?

Mr. Mayberry said maybe if the lots are big enough. The lot is not very wide, and he didn’t know.

Mr. Mayberry mentioned that they would have to open onto Connecticut, and he didn’t think of anything they could do about it at this point. If you built a home instead of duplexes it would have the same problem. There will be two car parking for each home.
PUBLIC COMMENT:
Jason Mayberry, 1016 Gillian Dr., Joplin, MO. I am speaking in favor of this case. We did draw something up on this, the driveway we are allow certain setbacks of 33 ½ feet off the sidewalks. This will probably allow enough room for a hammerhead.

Mr. Bolander stated that the city has not seen any designs yet, but it will be recommended that an apron or hammerhead be used.

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

RECOMMENDATIONS:
Staff recommends approval for Case 012-21.
Planning & Zoning Commission recommends approval for Case 012-21 (6 Favor, 0 Nays, 1 Absent)

ATTACHMENTS
CB 2021-262, Staff Planning Report, P&Z Commission Minutes
Case 012-21: 1717, 1721, and 1725 S. Connecticut Ave. - A request to remove from District R-1 (Single-family Residential) and include in District R-2 (Two-family Residential) for future residential development – Mayberry Rentals.

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

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Mr. Bolander stated that the city has not seen any designs yet, but it will be recommended that an apron or hammerhead be used.

Mr. Ramsour asked if there was anyone in the audience who would like to speak in opposition to this case? There was not.

Mr. Ramsour reported that there is one (1) written Petition of Protest from a Mr. Mark Strunk, 2009 E 17th Street and has another property located 1926 E 7th Street.

Ms. Phillips stated she has a question for Mr. Bolander. Is there certain percentage that the council looks at that protest petition will be denied?

Mr. Bolander stated if more that 30% of the land area in 185 feet is in protest, it takes 2/3 of the City Council to pass it. That is by State Statute.

Mr. Mayberry mentioned he did not know there was a petition. Does the petition apply to all lots or just one?
Mr. Ramsour stated that everyone that owns property 185 feet receives a letter from the city prior to this hearing. Then they have an opportunity to come in person to protest orally or written.

Mr. Mayberry stated there are three parcels being rezoned. Does it pertain to all the parcels or just one?

Mr. Bolander stated that it pertains to all three parcels because that is how it was advertised and presented for rezoning.

**MR. EASTMAN MOVED, SECONDED BY MS. BRUCKNER-SEARS THAT CASE 012-21 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MS. BRUCKNER-SEARS, MR. MCCULLOUGH, MR. EASTMAN, MR. KIMBLE, AND MS. PHILLIPS VOTING “AYE”. (6 IN FAVOR, 1 ABSENT)**
STAFF PLANNING REPORT
Rezoning

CASE 012-21  A request to remove from District R-1 (Single-family Residential) and include in District R-2 (Two-family Residential) for future residential development

LOCATION  1717, 1721, and 1725 S. Connecticut Ave.

APPLICANT  Mayberry Rentals

EXISTING CONDITIONS

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Land Use</th>
<th>Property Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>Vacant</td>
<td>Approx. 0.5 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-1</td>
<td>R-1</td>
<td>C-3-PD</td>
<td>R-2-PD</td>
</tr>
<tr>
<td>Land Use</td>
<td>Vacant</td>
<td>Single-family Residential</td>
<td>Library</td>
<td>Two-family Residential</td>
</tr>
</tbody>
</table>

FUTURE LAND USE

Joplin’s Future Land Use Map shows this property as future commercial opportunity area.

TRANSPORTATION

<table>
<thead>
<tr>
<th>Streets with access</th>
<th>Classification</th>
<th>Right-of-way width</th>
</tr>
</thead>
<tbody>
<tr>
<td>S. Connecticut Ave.</td>
<td>Collector</td>
<td>110’</td>
</tr>
<tr>
<td>E. 18th St.</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. While the future land use map does indicate future commercial opportunity area for this property and along the Connecticut corridor, the rezoning request is consistent with the intent of the comprehensive plan.

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

The current zoning of R-1 is somewhat suitable for this property. As Connecticut Ave. is a collector-level street, single-family zoning and uses are typically inappropriate in a context like this. Similar to how there are two-family residential uses to the West and the North, R-2 uses on these properties would act as a sort of transition from the intensity of a collector street to the relative calm of single-family neighborhoods.

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

The change in zoning to R-2 will not be detrimental to nearby property. The R-2 district is one the most protected districts with very few allowable uses. Rezoning to a district that allows for much less intense developments will not have a detrimental effect on nearby property. This is particularly prudent given that the Future Land Use map does identify this as a potential commercial area.

**DISCUSSION**

This request is compatible with the Comprehensive Plan and the zoning requested is appropriate for the area. Nearby properties will not be affected by the change. Two-family residential will act as a transition from a higher intensity corridor of Connecticut Ave. to the less intense single-family neighborhoods to the East.

*Staff recommends approval of Case 012-21.*

**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.: CR-21
Filing Fee: $550.00
Date Advertised: 2-21-21
Date Notices Sent: 2-22-21
Public Hearing Date: 3-9-21

APPLICANT: Modern Retail
PHONE: 417-544-1070
ZIP: 64804

OWNER: Modern Retail Space
ADDRESS:
ZIP:

LOCATION/ADDRESS OF PROPERTY: 1717 Council

Present Zoning: C1
Requested Zoning: C2
Acreage: .17

SURROUNDING LAND USE AND ZONING:

Land Use Zoning
North: Vacant R1
South: Industrial R1
East: Industrial R1
West: Vacant R1

Character of the Neighborhood: Many Retailers Surround

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:

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: [C]ollector
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?
   Possibility that we will need a split to back up

IS PLATTING OR REPLATTING REQUIRED IN ORDER TO PROVIDE FOR:
1. Appropriately Sized Lots? [ ] Lots are appropriately sized
2. Properly Sized Street Right-of-Way? [ ]
3. Drainage Easements? [ ]
4. Utility Easements:
   Electricity? [ ] All utilities present
   Gas? [ ]
   Sewers? [ ]
   Water? [ ]
5. Additional Comments:

UNIQUE CHARACTERISTIC OF PROPERTY AND/OR ADDITIONAL COMMENT:

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: 11/14/21

EMAIL: [email] mayberryconstruction.com

TITLE: Owner
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.: 012-21
Filing Fee: $550.00
Date Advertised:
Date Notices Sent:
Public Hearing Date: 3-9-21

APPLICANT: Mayhew Rentals
ADDRESS: 2024 E 32nd
ZIP: 64804
PHONE: 417-734-1070

OWNER: Mayhew Rentals
ADDRESS: SAME
ZIP:

LOCATION/ADDRESS OF PROPERTY: 1721 Connecticut, Joplin 64804

Present Zoning: R1 Requested Zoning: R2 Acreage: .16
Present Use of Property: Empty Lot

SURROUNDING LAND USE AND ZONING:

North: R2
South: R2
East: R2
West: R2

Character of the Neighborhood: There are many duplexes in this neighborhood, library just south

Zoning: Will Be Duplex

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:

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: Connected
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?
   Possible need for back up area on property

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: All utilities present
   Gas:        All utilities present
   Sewers:     All utilities present
   Water:      All utilities present
5. Additional Comments: ________________________________

UNIQUE CHARACTERISTIC OF PROPERTY AND/OR ADDITIONAL COMMENT:
________________________________________________________________________
________________________________________________________________________

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3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property being rezoned

SIGNATURE: ___________________________ DATE: 1/14/21

EMAIL: juyngby@yungby.com

TITLE: Owner
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.: 012-21
Filing Fee: $550.00
Date Advertised:
Date Notices Sent:
Public Hearing Date: 3-8-21

APPLICANT: Mayberry Construction PHONE:
ADDRESS: 
ZIP:

OWNER: 
ADDRESS: 
PHONE: 
ZIP:

LOCATION/ADDRESS OF PROPERTY: 1725 S. Connecticut Ave Joplin, MO 64804

Present Zoning: R-1 Requested Zoning: R-2 Acreage: .18
Present Use of Property: Empty Lot

SURROUNDING LAND USE AND ZONING:

North: Duplex's Land Use Zoning
South: Library R-1
East: Single Family R-1
West: Duplex's R-2

Character of the Neighborhood: There are duplexes on both sides of Connecticut in this area with the exception of the library to the south.

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? No If yes, explain:

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: Connecticut & 18th & 4th
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?
   No. We will have a back up area for our tenants.

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:

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SIGNATURE: _______________________________ DATE: 1-2-21

EMAIL: __________________________________________

TITLE: __________________________________________
Case 012-21: 1717, 1721, and 1725 S. Connecticut Ave. A Request to Remove from District R-1 (Single-Family Residential) and Include in District R-2 (Two-Family Residential) for Future Residential Development - Mayberry Rentals.
P & Z Case 012-21
Mayberry Rentals
(P & Z Recommended Approval)

COUNCIL BILL NO. 2021-262

ORDINANCE NO. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 (Single Family Residential) and include in District R-2 (Two-family Residential) property as described below and located 1717, 1721, and 1725 S. Connecticut Ave, 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-2:

All of Lot Numbered Seventy-two (72) EXCEPT the North 50 feet in BANKER’S THIRD ADDITION to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof, EXCEPT the West 50 feet taken for road right-of-way and all of the North Fifty (50) Feet of Lot Numbered Seventy-two (72) in BANKER’S THIRD ADDITION to the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof, EXCEPT the West 50 feet taken for road right-of-way and all of the South 12 feet of Lot Numbered Seventy-three (73) in BANKER’S THIRD ADDITION to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof, EXCEPT the West 50 feet taken for road right-of-way, AND EXCEPT the East 12 feet thereof for alley and all of Lot Numbered Seventy-three (73) EXCEPT the South 12 feet in BANKER’S THIRD ADDITION to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof, EXCEPT the West 50 feet taken for road right-of-way, AND EXCEPT the East 12 feet thereof for alley and all of Lot Numbered Seventy-four (74) in BANKER’S THIRD ADDITION to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof, EXCEPT the West 50 feet taken for road right-of-way, AND EXCEPT the East 12 feet thereof for alley.

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