

**CITY OF JOPLIN
COUNCIL AGENDA ITEM**

ITEM:

CB 2022-255 – Rezone R-1 to C-3-PD.

MEETING DATE:

March 7, 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.

SUMMARY REQUEST:

Case 012-22: 2023, 2047, 2101, & 2121 S. Highview Ave. – A request to remove from District R-1 (Single-family Residential) and include in District C-3 (Commercial) for future commercial development. – Brad Fagan.

BACKGROUND:

This request is consistent with the Comprehensive Plan. The future land use map does indicate future retail commercial, C-3 zoning is appropriate to coincide with that designation. The change in zoning will not be detrimental to nearby property. The requested zoning is in line with existing commercial uses along this portion of the Range Line corridor and with existing commercial zoning. Buffer requirements will be required for any new development or redevelopment of the site along any property line that abuts residential zoning.

PLANNING & ZONING COMMISSION TESTIMONY:

Brad Fagan, 1002 Carrington Terrace, Joplin, MO. I am the property own for all the above properties. The post-tornado city comprehensive plan concluded that commercial development is the best use for land located from south Highview east to South Rangeline Road, including the four parcels in the rezoning request. Properties to the north, east, and south of the subject four parcels are zoned commercial. The properties to the west are residential and have been buffered by south Highview Avenue. One residential property, at 2131 South Highview, abuts the subject parcels. There are options for creating a buffer between Commercial and Residential properties

The four parcels have been listed as “for sale” since 2012 with no interest as currently zoned. Bringing the four parcels into compliance with the City Comprehensive Plan and facilitate a potential sale for commercial use by reducing the time required to complete commercial development.

Mr. Kimble asked if Mr. Fagan knew what the use would be for this property would be?

Mr. Fagan stated as he noted there has only been one inquiry since the first of the year. They are interested in Commercial property not residential. They did not reveal a great deal of what the property would be used for. Described to Mr. Fagan as a family entertainment enterprise.

Mr. Kimble had a question for Mr. Stanton. Depending on how much traffic a commercial enterprise may pull in, how well suited is south Highview for the added traffic?

Mr. Stanton stated Highview Ave. right now is 60 feet of right-of-way. It is built mostly in line with what you would expect for a local classified street. Our code does require a butting commercial uses to do cross access agreements. The goal with any type of commercial development would be to keep traffic off Highview by extending these cross-access agreements, so there would be access from Rangeline through some of these businesses to the east. That would be the key part to limiting traffic

Ms. Phillips had a question for Mr. Stanton in reference to buffering. How is the buffer going to work in this situation, with the residential being across the street?

Mr. Stanton stated the code has three types of buffering that can be implemented. Usually, what you see along right-of-way is more of a landscape buffering, possibly a hedge row, trees, and fence vegetation. There is a number of ways it could be done.

PUBLIC COMMENT:

Sarah Baum Coleman, 2131 S Highview, Joplin, MO. I have been in my house at the corner of 22nd and Highview for 21 years. All the property we are talking about is next to me and in the back of me. This is the third time I have had to defend my property; we have to stop and think about not just my home but the homes across the street from me. Brand new, beautiful homes, expensive homes with families. If the change happens it will bring dangerous traffic, crime, and the value of our homes down to nothing.

Mr. Kimble asked if there were any questions for Ms. Baum Coleman? There was not.

Tyson Schmit, 2120 Highview, Joplin, MO. We were very displeased and have been with the signs that have been up for years advertising this land as commercial property before it really is commercial property. Commercial property is a very big concern for us on Highview due to families with children.

Ms. Phillips asked are these homes owner occupied or rentals?

Mr. Schmit stated that as far as he knows everyone on our side of the street, west side, are owner occupied.

Ms. Phillips asked if she could ask staff one more question? Mr. Kimble stated she could. What was the thinking back in the day when it was decided in the Comprehensive Plan it should be commercial?

Mr. Stanton stated he was not here in 2012. Mr. Bolander will be able to give more details on the thought process.

Mr. Bolander stated the Comprehensive Plan, Future Land Use Map has shown this as commercial property, everything from Rangeline to Highview, not only this Comprehensive Plan, but also the one previously. These properties will not market for single family homes. Right now, they are zoned R-1, and no one has taken the opportunity to purchase the lots and rebuild single family homes on the lots. The question is to this group what the best use of this land is.

Mr. Fagan stated that if you're going to amend my request, I would like to withdraw the application. He also stated that he would accept a zoning of C-3-PD.

Mr. Bolander stated that C-3-PD stands the same as C-3, but the site plans must come back to this body and City Council for review.

Mr. Fagan agreed to having the property rezoned to C-3-PD.

RECOMMENDATIONS:

Staff recommends approval for Case 012-22.

Planning & Zoning Commission recommends approval for Case 012-22 (5 Favor, 0 Nays, 1 Absent, 1 Abstained)

ATTACHMENTS

CB 2022-255, Staff Planning Report, P&Z Commission Minutes