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**Requested Council Meeting Date: October 3, 2016**

**Item: COUNCIL BILL NO. 2016-280**

**Originating Department: PLANNING & COMMUNITY DEVELOPMENT**

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

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Planning/Community Development Manager: Troy Bolander

City Attorney: Peter C. Edwards

City Manager: Samuel L. Anselm

Board or Commission: Planning and Zoning Commission

Date: 9/12/2016

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Recommended Action: Planning and Zoning Commission recommended approval by a vote of “6 in favor, 1 abstention, and 0 absent”

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**SUMMARY/REQUEST:**

Case 036-16: 2024, 2025 and 2119 South Maryland Avenue – A request to rezone from R-1 (Single-Family Residential) to R-2 (Two-Family Residential) for the construction of duplexes – Brad Allphin Investments.

**STAFF SUMMARY:**

This property is located at 21<sup>st</sup> Street and Maryland Avenue. Currently, Maryland Avenue dead ends at the northern edge of the property and does not go through from 20<sup>th</sup> Street to 22<sup>nd</sup> Street. The developer will be improving the street to City of Joplin specifications in order to connect 20<sup>th</sup> Street to 22<sup>nd</sup> Street at Maryland Avenue. The duplex rentals will be three bedroom, two and a half bedrooms with storm shelters. There are a total of eleven proposed duplexes on the site.

The applicant presented a similar proposal to the commission in July, but the rezoning was denied by the City Council. Mr. Allphin re-submitted his request with the elimination of the two southernmost duplexes. These lots will remain zoned R-1, Single Family Residential.

Staff recommends approval of Case 036-16.

**PLANNING & ZONING COMMISSION TESTIMONY:**

Mr. Dermott abstained from the discussion and vote due to a conflict of interest.

Mr. Bradley Allphin stated his residence abuts the property in this request. He stated this is a revision of his previously approved rezoning application, but he has made some changes at the south end of the property. He will add three single-family homes at the south end of the property near 22<sup>nd</sup> Street to separate the duplexes to continue the vision across East 22<sup>nd</sup> Street.

Mr. Allphin stated four homes have been constructed facing 22<sup>nd</sup> Street between Delaware and Maryland Avenues. Three additional homes will be constructed east of Maryland to separate the duplexes from the single-family homes. There will be 11 duplexes going up Maryland towards

20<sup>th</sup> Street. Maryland Avenue will be completed, with the current roadway being an eyesore to the community. Engineers will be hired for water retention. These will be nice duplexes that will add a lot of value to the properties Mr. Allphin currently owns in this area.

Mr. Duncan asked Mr. Allphin if the existing house on the east side of Maryland Avenue is to be demolished, and he replied yes.

Mr. Duncan asked if Maryland Avenue is being opened through to 22<sup>nd</sup> Street, and Mr. Allphin replied yes. That is how the street was designed originally, but the previous owner erected barriers to stop the traffic.

Mr. Duncan asked where single-family homes would be constructed, and Mr. Allphin replied along the southern border of the property. Two houses will be constructed facing 22<sup>nd</sup> Street, with one house facing Maryland Avenue.

Mr. Smith asked Mr. Allphin if he has checked with the utilities, and he replied yes. He believes there is gas service in this area, along with manholes for water lines.

Mr. Duncan asked Mr. Allphin if the revision was made following a neighborhood meeting since several people spoke in opposition before. Ms. Cunningham stated concerns were expressed from neighborhood residents and some City Council members that the duplexes went too far south because they went all the way to 22<sup>nd</sup> Street. A motion to approve the request died for lack of a second. Mr. Allphin revised his plan to include single-family homes along the southern border of the property so the duplexes didn't go all the way through.

#### PUBLIC COMMENT:

Comments in opposition were received from the following:

Ms. Margaret Kannady, 2211 South McConnell Avenue, Joplin

Ms. Sharon Wheeler, 2122 South Patterson Avenue, Joplin

Mr. Ralph Gomez, 2106 South Patterson Avenue, Joplin

They expressed concerns about drainage issues and asked if the City of Joplin is required to improve that situation. They also expressed concerns about increased traffic throughout the neighborhood. They asked about the City's setback requirements and expressed concerns about duplexes adjoining their residential properties.

In response to drainage issue concerns, the City staff has all of the storm water requirements that pertain to all developments within the City of Joplin. Those calculations are based on impermeable surface areas by engineers, with that work being inspected by City staff.

Mr. Bolander stated the City staff does not require a developer to address a storm water problem that already exists, but they can't make it worse. The neighbors won't receive any more water than what they're currently receiving. The water will be released at a rate where it will not impact the neighbors.

With regard to the setback requirements, Ms. Cunningham stated six-foot side yard setbacks and 25-foot front and rear yard setbacks are required. She makes sure the development meets all of the City's setback requirements.