JOPLIN | PLANNING & ZONING COMMISSION

MINUTES
MONDAY, JANUARY 9, 2023
4:00 P.M.

The Planning and Zoning Commission met in a regular session, Monday, January 9, 2023. Present were Commission members Drew Kimble, Janice Steele, Rodney McCullough, Ryan Jackson and Benjamin Rosenberg. Troy Bolander, Johan Bullington, Tyler Bellairs and Vicky Copeland represented the Planning, Development and Neighborhood Services Department.

1. **Roll Call:** Vicky Copeland called the roll.

MR. JACKSON MOVED TO EXCUSE MS. PHILLIPS AND MS. WARREN FROM THE JANUARY 9, 2023, MEETING. MS. STEELE SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

2. **Approval of Minutes:**

MS. STEELE MOVED TO APPROVE THE DECEMBER 12, 2022, MINUTES. MR. JACKSON SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

Public Hearings

Mr. Kimble read the Public Hearing Procedures.

Case 001-23: Rezoning

Property located approximately 200 feet East of the intersection of S. Maiden Ln. and W. 2nd St., South of W. 2nd St. and North of W. 4th St. to construct multi-family housing-A request to Rezone from District M-2 (Heavy Industrial) to District R-3 (Apartment House)-Gil Stevens (Representative of the Owner)

Mr. Tyler Bellairs stated he was contacted by Gil Stevens, representative of the owner, prior to this evening's meeting and Mr. Stevens requested this matter to be tabled.

Mr. Bolander stated the public hearing was advertised in the Joplin Globe so we must proceed with the hearing.

Mr. Kimble asked if there were any questions from the Commission on Case 001-23.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 001-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 001-23.

There were none.

MR. MCCULLOUGH MOVED THAT CASE 001-23 BE TABLED AND FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION THAT CASE 001-23 BE TABLED. MR. ROSENBERG SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

Case 002-23: Rezoning

1027 & 1029 S. Porter Ave.-A request to rezone from District M-2 (Heavy Industrial) to District R-2 (Two-Family Residential) to construct single family homes-Travis Ledford.

Travis Ledford, 2811 Moffet Ave., Joplin, Missouri. Mr. Ledford stated he is requesting to build two residential homes.

Ms. Steele asked Mr. Ledford if he had already cleared the property.

Mr. Ledford stated yes.

Mr. Kimble stated he knew the history of the property dated back to warehouses and he asked Mr. Ledford if the soil had been tested.

Mr. Bolander stated that is a requirement of Jasper County before issuing a building permit, but they will check with the County.

Mr. Kimble asked if there were any questions from the Commission on Case 002-23.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 002-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 002-23.

There were none.

MR. JACKSON MOVED THAT CASE 002-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. MCCULLOUGH SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

Case 003-23: Request to Vacate

> Approximately 161 feet of 24th St. East of S. Golf Link Rd., approximately 161 feet of 23rd St. East of S. Golf Link Rd., and approximately 825 feet of S. Golf Link Rd. South of W. 22nd St.-A request to vacate three streets-City of Joplin.

Mr. Tyler Bellairs stated the City is requesting a street vacation and sell the property to Mr. David Powell. The sale would not include utility easements. The utility easements maintain rights to this property.

Mr. Kimble asked if there were any questions from the Commission on Case 003-23.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 003-23.

David Powell, 3805 W. 26th, Joplin, Missouri. Mr. Powell stated he had already purchased all the residential properties affected by the vacation of these properties and cleared these properties as well.

Mr. Kimble asked if anyone else wished to speak in favor of Case 003-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 003-23.

There were none.

MS. STEELE MOVED THAT CASE 003-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. ROSENBERG SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

Case 004-23: Rezoning

> 3504 W. 24th St.-A request to rezone from District R-1 (Single-Family Residential) to District R-3 (Apartment House) for future town house development-City of Joplin.

Mr. Bellairs, City of Joplin, the request to rezone for R-1 to R-3 to build market rate town homes on the property. He stated that in order to construct these homes and comply with zoning the property will need to be rezoned to R-3.

Mr. Kimble asked if there were any questions from the Commission on Case 004-23.

Mr. McCullough asked if the development of the property will affect the playground at all.

Mr. Bolander stated actually no. They have agreed to keep the playground open for the residents of the Iron Gates Community. Some of the equipment may be moved but the park will remain.

Mr. Kimble asked what kind of access would be available for the residents of Iron Gates pertaining to where the park will end up on the property.

Mr. Bolander stated basically the same right of ways that are used right now. He stated we are just vacating everything up near the Country Club. But they will still be able to provide access from the streets that are not being vacated.

Mr. McCullough asked if the playground is maintained by the City or the church.

Mr. Bolander stated the new property owner will maintain the park. He stated that was part of the agreement.

Mr. Kimble asked if there were any questions from the Commission on Case 004-23.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 004-23.

Mr. Charles Stillman, 1524 S. Minnesota Ave., Joplin, Missouri. Mr. Stillman stated he is the minister of the Iron Gates Christian Church. He stated they worked out an agreement with Mr. Powell to leave the playground there. He stated that from their prospective they are hoping that if the project is built that some of the people will elect to cross the street to come to their church. He stated there is only seventeen members and they are all in their eighties, so they desperately need more people. He stated they are in favor of anything that is going to bring in more people to this area.

Mr. David Powell, 3805 W. 26th St., Joplin, Missouri. Mr. Powell stated what first gave him the idea to do this was some casual discussion with some in City government who stated there is an unexpected demand for retirement age people who want to move into a luxury level condominium where there is no maintenance. So, that is what got the wheels turning. So, we polled lots of people who are 100% in favor of this. He stated they think there is a strong demand for people not only in Joplin who want to downsize but other people who are moving here from California and other places who are looking for a retirement destination. He stated that is the idea behind the project. He stated they were calling them luxury condominiums. Most of them are one story but there has been some interest expressed in two story so there may be up to four units that are two story and twelve one story.

Ms. Steele asked how many square feet in each of the units.

Mr. Powell stated 1200-1700 square feet.

Mr. Kimble asked if there were any questions from the Commission on Case 004-23.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 004-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 004-23.

Jason Zumwalt, 2404 W. Highland Ave., Joplin stated he came to present a Petition of Protest mainly just for the safety aspect of the neighborhood. He stated Iron Gates is a very small streeted neighborhood specifically speaking on Golf Links Rd. He stated this weekend alone he witnessed cars trying to diverse north to south on Golf Link Rd. getting stuck behind someone walking. He stated that if this approved, they should definitely ensure this is a wide enough area to accommodate a plethora of new traffic. He stated that as a resident living on the corners of 24th and Highland he is concerned about the closure of the last little bit of his property will either turn into an entrance which will definitely pump a ton of volume of traffic through there. But mostly he would like to ensure that school age children can still get on the bus and get back and forth to that park especially if Golf Link Rd is closed. He has noticed that most of the traffic that does go through the park at this time does use Golf Link not West Highland. He stated it is available, it is accessible, but it is a pretty run-down street. He stated there would definitely need to have concession from the Builder.

Mr. Kimble asked if there were any questions from the Commission on Case 004-23.

There were none.

Mr. Kimble stated he had a question for the City on Case 004-23. Mr. Kimble asked with the expected increased traffic out there does the City expect to do anything with the road width.

Mr. Bolander stated they thought the vacation of Golf Link Rd. was actually a good thing because it limits traffic at least to that area along there. Mr. Bolander stated you are correct it is insufficient width. He stated it is typically up to the developer to put in new streets or improve streets if they need widened. He stated they did not think in this case they needed it since Golf Link Rd. is going to be vacated. Mr. Powell is going to own it and maintain it. Basically, it will just be a drive into his development.

Mr. Kimble asked if there were any other questions on Case 004-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 004-23.

There were none.

MR. ROSENBERG MOVED THAT CASE 004-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. JACKSON SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

Case 005-23: Voluntary Annexation

Property located West of S. Twin Hills Dr. and South of W. Par Ln.-Request to Voluntarily Annex into the Corporate Limits of the City of Joplin-4 State Builders

Blake Onstot, 720 Harley Circle, Carl Junction, Missouri. Mr. Onstot stated they are wanting to take these 4.5 acres and put six lots on it. There is a large retention pond that will go behind it along the railroad tracks that will capture all the water from the properties.

Mr. Kimble stated he assumed that his road would just extend from the existing road.

Mr. Onstot stated correct. One of the issues that we discussed previously on the last sub-division was the fact that Par Lane is relatively narrow now. He stated they are actually going to cut that street and widen it to the south and put in new curb and guttering down the south side of that property to collect water and also run it to the same retention pond.

Mr. Kimble asked if there were any questions from the Commission on Case 005-23.

Mr. Rosenberg asked where the sewer was located on the property.

Mr. Onstot stated the sewer will run just across Par Lane on the north side. There is also a sewer main to the east of it so it will run along the south side of the road on Par Lane.

Mr. Rosenberg asked if the Commission was seeing his plat today.

Mr. Onstot replied yes.

Mr. Kimble asked if there were any additional questions from the Commission on Case 005-23.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 005-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 005-23.

Mark Lane, 2230 Fairway Dr., stated they had been through all this before with the first phase of this and we have always been concerned about the width of Par Lane. Mr. Lane stated he knew he would widen it but still there is concern about the corner coming right off Twin Hills Dr. The other concern directed toward the City is the lift station located Country Club and 20th Street. He stated he had heard they were at maximum capacity and now they were going to put in another twenty homes in there. He stated he thought that should be considered and reviewed.

Mr. Kimble asked if anyone else would like to speak in opposition of Case 005-23.

There were none.

MR. ROSENBERG MOVED THAT CASE 005-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. JACKSON SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

Case 068-22: Site Plan Review

634 N. Main St.-A request to review a site plan-Gus Properties, LLC.

Bob Higginbotham, P.O. Box 687 Webb City, Missouri. Mr. Higginbotham stated this location is a duplicate of a building that he has done two additional times in the City. The last one was at 6th & Jackson and they have received an overwhelming response in the neighborhood. The consensus of the neighborhood was that it had improved the neighborhood greatly. He stated they will be building the same 12-unit apartment building. The variance will be they will be adding a triplex on that location as well. He referred to the site-plan provided to the Commissioners is a result of

collaboration with the City in pre-development. He stated they had a lot of conversations about traffic flow and the speed of traffic on Main Street. How to bring tenants into these areas and back out safely.

Mr. Kimble asked if there were any questions from the Commission on Case 068-22.

Mr. McCullough asked how many units total.

Mr. Higginbotham replied 15 total, 12 in the one building and a tri-plex with three in the other building.

Mr. Jackson asked about the access into the property. Would they be able to turn in off of street into the alley. Would that be the access points in.

Mr. Higginbotham stated yes, the west alley of the property would be the safest place for ingress and egress into those locations. He stated they had looked at the traffic flow there and the speeds. The speed limit is low but the typical speeds up to there are well in advance of 55 and 60 miles per hour commonly. He stated it posed a great danger to drop out on to Main Street or to try and bring traffic in off Main Street.

Mr. Jackson asked if there was an exit point off Main Street or did he misread that.

Mr. Higginbotham stated no, he did not believe there was. They looked at the ingress and egress for fire trucks up the alley and the trash trucks. Everything in the pre-development meeting suggested they could handle the flow of the traffic and what support system was needed there.

Mr. Kimble asked if the Commission had additional questions on Case 068-22.

Mr. Kimble asked so the alley can support trash trucks obviously going through there more or less. He stated this may bleed over into the City as far as the question goes as well but if two people were to come together face to face someone would have to have the foresight to pull out and let someone come out because it is narrow. Mr. Kimble asked if there would be any widening of the alley way to accommodate for two cars or two vehicles to get by, if need be, without creating any congestion.

Mr. Higginbotham stated there are no plans to widen the alley way. He stated there was talk on the City's part they may have to visit the condition of the alley way itself. It is paved in large part there or asphalted. He stated the entrances into the development had a line of sight all the way to the crest of the hill to the south as well as to F street itself. So, it is easy to see before you leave the parking lot what is occurring in the alley.

Mr. Kimble asked if the Commission had additional questions on Case 068-22.

Mr. Jackson stated the site plan did reflect an exit on North Main Street. It shows the exit to be for south bound traffic.

Mr. Higginbotham stated that was not necessarily an error. It was in discussion in the pre-development meeting. We discussed whether we would put one there or not. The result in the pre-development meeting was the City would leave that to his discretion. He stated he indicated to them that once we spend some time up there and it looked like we could do it safely. He stated his concern was funneling cars out on to Main Street. He stated it would be of negligible costs to put an exit there, but he did not know if it was prudent.

Mr. Jackson stated it made sense to make it for south bound traffic only.

Mr. Higginbotham asked how that would be enforced, that was the question that came up. That was the topic brought up in the pre-development meeting. How would you stop traffic from going the other direction. He stated at the apex of that hill you are just asking for trouble there.

Mr. Kimble asked if the Commission had additional questions on Case 068-22.

Ms. Steele stated she did not have a question just a comment as a Commissioner. She stated that she thought Mr. Higginbotham was putting a lot of living space in a very small area.

Mr. Higginbotham stated he understood why she was saying that, but he had done it successfully in three other locations but this exact building in two. He stated it had not been an undue burden. He stated he did not have any complaints on traffic and both neighborhoods, really all three have no issues or complaints. He stated as a matter of fact he had very positive feedback with the same exact building in more dense areas than this. He stated he understood why it looked that way, but he had replicated this in the city limits with success and with no negative experience by the neighbors.

Mr. Jackson asked if this was the same structure off Wall Street by the downtown loop.

Mr. Higginbotham stated yes at 1st and Wall. Also, the same structure at 6th and Jackson. He stated at 6th and Jackson they had a neighbor contact them this past week and let them know they are grateful for what they did in the neighborhood. They stated it was a great improvement. Mr. Higginbotham stated it was vacant land the City had

taken over that had dilapidated buildings on it. He stated the neighbors had been appreciative thus far.

Mr. Bolander stated for clarification when we review the plans, we look at the density and it does meet the maximum density requirements of our code at this location.

Mr. Kimble asked if there were additional questions or comments from the Commission on Case 068-22.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 068-22.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 068-22.

There were none.

MR. JACKSON MOVED THAT CASE 068-22 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. ROSENBERG SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

Mr. Rosenberg asked if we were not going to do the plat.

Mr. Bolander stated we are it is why we are going to have the annexation first so if that proceeds and is approved, the annexation will be approved first.

Mr. Rosenberg asked if we were going to do it under New Business.

Mr. Bolander yes, it is actually not a Public Hearing but Zoning and Planning typically allows people to speak about plats. In reality it is an administrative decision if it meets the requirements of our code it has to be passed. This body typically allows people to speak even though it is not required.

3. New Business:

Case 006-23: Review Preliminary Plat

Property located West of S. Twin Hills Dr. and South of W. Par Ln. -A request to review a preliminary plat-4 State Builders.

Blake Onstot, 720 Harley Circle, Carl Junction, Missouri. Mr. Onstot stated again, the plat showed they are looking at doing six lots on the south side on Par Lane. We are going to do an oversize retention pond behind more than what is required. We will maintain this as a constant body of water for aesthetic purposes. Simply six lots on the south side to add to the developments we had to the west.

Mr. Kimble stated you said maintaining the retention pond for aesthetic purposes. He asked are you going to be beautifying it or just making sure it doesn't get overgrown and messy.

Mr. Onstot stated originally it was set up that each one of these lots that you see go all the way to the south. Each of these homeowners after the fact will be responsible for maintaining the retention pond. He stated on the opposite side they would do something very low maintenance to where they have access to maintain the other side, but the idea would be for it to stay as it is and grow up with some evergreens and what not in between that and the railroad tracks.

Mr. Kimble asked if there were any questions from the Commission on Case 006-23.

Mr. Kimble asked if anyone wished to speak in favor of Case 006-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 006-23.

Ken Myers, 4410 Golf Link Dr., Joplin, Missouri. Mr. Myers stated he lived two blocks behind the proposed project. He stated his main question was whether the housing would be considered R-1 housing not any other type of housing where buildings can go in there.

Mr. Bellairs stated yes, they are going to be R-1 single family housing.

Mr. Myers stated that was his main concern, but he is also concerned about the retention pond. He stated that would be a big mosquito trap, that is one thing that is

worrying the others in the neighborhood. Mr. Myers stated he understood why he was doing it. He stated he would like to see something else done with it to make it more presentable to our neighborhood. He stated you know with a big open body of water like that you know what can happen. He stated that at the meeting they had a few days ago with Blake he stated they had no plans to fencing it. He stated he worried about kids getting into it because a big, nice pond sure would attract kids in the summertime. He stated he was not really against it but those were two big considerations that he had hoped the Commission would consider.

Mr. Kimble asked a question of Mr. Onstot regarding the considerations Mr. Myers brought up. Mr. Kimble stated you said each party would be responsible for maintaining the pond, etc. So, if it came up and the neighbors wanted to fence it or put up some sort of barrier, they would be free to do something like that for safety.

Mr. Onstot stated correct, but that would not negate the responsibility to maintain the property.

Mr. Kimble stated but they would have the freedom to put up some sort of barrier if they chose to do so.

Mr. Rosenberg asked if this pond was designed to hold water or to just temporarily hold water and let it out a little slower.

Mr. Onstot stated for the purpose of aesthetics and the intentions were to please the neighborhood the idea was that we would create a pond that actually holds water and not just an overrun reservoir. So that again was the intention to make it an actual pond. He stated that is not something they are set too if the neighborhood would prefer, we do something different like a water in and water out retention. He stated that is on the table, but the idea was to go above and beyond to make it aesthetically pleasing.

Mr. Bolander stated regardless it had to be a functional detention or retention pond, so we do not flood property owners downstream.

Mr. Kimble asked if there were any further questions on Case 006-23.

Ms. Steele asked Mr. Bolander to repeat his last phrase.

Mr. Bolander stated well when you build something on undeveloped ground that water has to go somewhere because it can not be absorbed anymore, so regardless he must build something whether it is going to retain water or detain water to keep that water from going downstream quickly and flooding property owners. So, regardless of it's a

pond or a retention pond that retains it for just a little bit, he must have something there to accommodate his development.

Ms. Steele stated that now they are sending it to the Council for it to be annexed in Joplin, correct?

Mr. Bellairs stated that is correct the annexation was passed.

Ms. Steele stated that once it is developed and the houses are built, and it is in the City limits the City still has no responsibility to oversee or know that the retention pond is doing what it is intended to do.

Mr. Bellairs stated that is correct.

Mr. Bolander stated it has to function. We have to make sure it continues to function even though it is publicly owned. We have to make sure it continues to function as a retention or detention pond.

Ms. Steele stated she hoped that the people who build out there know that is the way it is and that it is their responsibility. She stated she hoped that was clear in the covenant that the homeowner was responsible.

Mr. Kimble asked if there were any other questions by the Commission on Case 006-23.

There were none.

Mr. Kimble asked if anyone else wanted to speak in opposition of Case 006-23.

Mark Lane, 2230 Fairway Dr. Mr. Lane stated when he brought up the sewer a while ago, he did not get any feedback on it. He stated he wanted to know if the City was aware of the lift station and that they are putting 20 additional houses on it. He asked if they were going to have to do something about this.

Mr. Bolander stated yes, Engineering and Public Works have reviewed this proposal and it passed their inspection and they signed off on this request.

Mr. Lane stated they did even with the drain water runoff.

Mr. Bolander stated they looked at all infrastructure, stormwater and sewer.

Mr. Kimble asked how often that lift station would be checked on. So, we get the houses built, there are people there, there is water, it rains etc. We go a few years down the road, does there have to be a situation that causes the re-inspection.

Mr. Bolander stated no, they monitor that 365 days a year and 24 hours a day because if they don't and it breaks it is a big issue.

Mr. Kimble asked if anyone wished to speak in opposition of Case 006-23.

There was none.

MR. ROSENBERG MOVED THAT CASE 006-23 BE RECOMMENDED FOR APPROVAL. MR. MCCULLOUGH SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

Mr. Bolander stated since this is classified as a minor subdivision, preliminary and final plats can be on the same agenda. The preliminary plat is just approved by this body. The final is reviewed and forwarded to the City Council for denial or approval. You can state the presentation and the preliminary plat can reflect the presentation for the final plat and generally ask if there is anyone in favor or against.

Case 007-23: Review Final Plat

> Property located West of S. Twin Hills Dr. and South of W. Par Ln. -A request to review a final plat-4 State Builders.

Blake Onstot, 720 Harley Circle, Carl Junction, Missouri. Mr. Onstot made the comment the presentation of the preliminary plat will reflect the presentation of the final plat.

Mr. Kimble asked if there were any questions for the Commission on Case 007-23.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 007-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 007-23.

There were none.

MR. JACKSON MOVED THAT CASE 007-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. ROSENBERG SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

4. **Adjournment:**

MR. MCCULLOUGH MOVED, SECONDED BY MS. STEELE TO ADJOURN. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

Approved _____
Drew Kimble, Chairman

Approved Vicky Copeland
Vicky Copeland, Recording Secretary