JOPLIN | PLANNING & ZONING COMMISSION

MINUTES
MONDAY, MARCH 13, 2023
4:00 P.M.

The Planning and Zoning Commission met in a regular session, Monday, March 13, 2023. Present were Commission members Drew Kimble, Janice Steele, Amia Warren, Rodney McCullough, Mary Anne Phillips, Ryan Jackson and Benjamin Rosenberg. Troy Bolander, Rachel Holcomb, Tyler Bellairs, Johan Bullington and Vicky Copeland represented the Planning, Development and Neighborhood Services Department.

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

2. **Approval of Minutes:**

MR. ROSENBERG MOVED TO APPROVE THE FEBRUARY 13, 2023, MINUTES. MS. STEELE SECONDED THE MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAY)

Public Hearings

Mr. Kimble read the Public Hearing Procedures.

Case 060-22: Voluntary Annexation

A Request to Voluntarily Annex into the Corporate Limits of the City of Joplin Property Located at the intersection of W. 32nd Street and S John Duffy Dr., approx. 3500 feet west of S John Duffy Dr. to construct a new subdivision-Ashok Patel

Logan Ellis, 811 E. 3rd St. Joplin, Missouri 64801. He stated he represented Anderson Engineering, and they were asking for a voluntary annexation.

Mr. Kimble asked if there were any questions from the Commission on Case 060-22.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 060-22.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 060-22.

There were none.

MR. JACKSON MOVED THAT CASE 060-22 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. ROSENBERG SECONDED THE MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAY)

Case 011-23: Rezoning

> Rezoning-A Request to Rezone from District C-3 (Commercial) to M-2 (Industrial) for Property located at 6701 E. 26th St. to develop a truck and trailer storage facility-Luke Gibson (representative of the owner)

Luke Gibson, 2650 E. 32nd St. Suite 221, Joplin, Mo. He stated he was asking to rezone the property to accommodate a distribution and trucking business from California. This would serve his business as well as other businesses who wish to store trucks and trailers in the area.

Mr. Kimble asked if there were any questions from the Commission on Case 011-23.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 011-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 011-23.

There were none.

MR. ROSENBERG MOVED THAT CASE 011-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MS. PHILLIPS SECONDED THE MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAY)

Case 012-23: Rezoning

A request to Rezone from District R-1 (Single-Family Residential) to C-3 PD (Commercial-Planned District) for Property located at 2501 E. 20th St. to operate administrative and counseling offices-Rapha House International

Mr. Brandon Freed, 712 S. Main St., Joplin, Missouri 64801. Mr. Freed stated they wanted to convert the church building into administration offices and a counseling center. They would relocate their administrative headquarters to this location.

Mr. Kimble asked if there were any questions from the Commission on Case 012-23.

Mr. Rosenberg asked why they were asking for C-3 instead of C-1.

Mr. Freed stated it was City staff recommendation.

Mr. Bellairs stated to stay with consistency along 20th Street.

Mr. Rosenberg stated that what that meant to him was that if Rapha House changed their mind or decided to sell it, they could put in a convenience store, liquor store, a marijuana store or a 24-hour gas station in if the property was zoned C-3. He asked for clarification.

Mr. Bolander stated you are correct. When you rezone C-3 you must allow all those usages under C-3. He stated he thought they were looking at an extension of the C-3-PD district that is located there already. He stated if you feel that was too heavy of a district, we do have C-1 PD located to the east. It could actually be an extension of that district as well. It sounds like C-1 PD would be an appropriate district to allow offices.

Mr. Rosenberg stated he felt more comfortable with the C-1 PD rather than the C-3.

Mr. Bolander stated you have every right to amend it. He said it sounds like if it was going to be restricted to office use that would be appropriate.

Mr. Freed stated was he correct that the property adjacent to the west is already C-3.

Mr. Bolander stated that is correct.

Mr. Freed stated doesn't it make sense to just continue with C-3 since they are already adjacent.

Mr. Bolander stated you can, but you also have C-1 PD to the east that is existing as well.

Mr. Rosenberg said to the east the zoning is C-1 and to the north you would abut some nice homes. Mr. Rosenberg stated he was not concerned about Rapha House, but he was concerned about the future. Once they rezone the property it remains rezoned.

Ms. Phillips stated plus there are additional lots that are not developed. Ms. Phillips said she agreed with Mr. Rosenberg that the rezoning was too close to R-1 single family residential.

Mr. Jackson asked Mr. Freed if he would be agreeable to C-1 or would you rather have C-3.

Mr. Freed stated that C-1 would fulfill their needs but obviously they plan on staying there a long time. They do not have any intention on moving but C-3 would be preferrable. He said he did not know what the future of the 20th Street development would entail.

Mr. Kimble asked if there were any other questions from the Commission on Case 012-23.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 012-23.

Dana Parker, 1808 SE Murphy Blvd., Joplin, Mo. She thanked Dr. Rosenberg for recognizing that they live there. She stated she has nothing against Rapha House, she believed they are a very good organization. She is terrified of the C-3. They live in a wonderful neighborhood. It is quiet and they would like to keep that. Casa just moved in, and they do not have a problem with that. She stated their main problem was that if you go C-3 they need to put in a water retention pond because their property was being destroyed by the water coming off 20th Street. Across the street on the property they are buying, the previous owners put in big pipes to gush the water into their yard. She stated that everything they have built since the tornado had been destroyed. The water goes through their yard into the neighbor's yard and then across into someone else's pool. All their dirt. She said that is their big concern. Those large grassy areas that you mentioned belong to my brother and me. They had hoped to build more residences but there was too much water pooling down because there is no water retention pond in this location. She stated before the storm they never had an issue. Their basement floods constantly. They would like some recognition of that. Casa when they were building recognized there was an issue, and they built a better pond. She does not know how well it will work but they did try. She stated they would like to see something done, dig a hole, they do not want the water in their yard. That is their biggest problem. They are terrified of bars or filling stations going in their yard. They have always had a good neighborhood.

Mr. Jackson asked Ms. Parker as far as the water retention issues have you ever addressed the City.

Ms. Parker stated yes, and they always say they would get back to us.

Mr. Jackson stated he knew they were there before any of the development. He said he believed Rapha House would have less of an impact than putting in a car wash.

Ms. Parker stated absolutely.

Mr. Jackson asked if the City was looking into the impact of the addition of the adjacent properties on homeowners.

Mr. Bolander asked as far as water.

Mr. Jackson stated yes.

Mr. Bolander stated he was out on the property one day when she called. He was accompanied by the City Manager, and he believed Engineering had been looking into it. He does not know the extent of the conversation between Engineering and the homeowner. He stated he could check on that. He said the requirements today whether it was C-3 or C-1 there must be storm water retention. Any additions made on this property the water must be retained regardless of the zoning district it is in.

Ms. Parker stated they built a berm that didn't really do anything. They would have liked to have planted a garden. We cannot do anything. They have a large lot. She stated they have been told they do not need that by people of the City way back. She said they own this property, they take care of it, they are good citizens, they pay their taxes, and they obey the laws. They would like some courtesy in return. They want to protect their assets.

Mr. Jackson asked Mr. Bolander if those issues had been presented to Rapha House.

Mr. Bolander stated first we need to see what was discussed and what had been done. He said the last time he was out there was a couple of years ago. Mr. Bolander said if they are not making any additions to the building, they are not required to put in any storm water retention in if it is already being accommodated. He stated in relation to the onsite visit he did not have enough good information concerning storm water to give at this time. He would have to follow up with engineering and report back to the Commission.

Mr. Kimble asked if anyone else wished to speak in favor of Case 012-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 012-23.

There were none.

MR. JACKSON MOVED THAT CASE 012-23 BE MODIFIED FOR REZONING AT C-1 PD. MR. ROSENBERG SECONDED THE MOTION. MOTION CARRIED. MS. STEELE OPPOSED THE MOTION. (6 IN FAVOR, 1 NAY)

Mr. Bolander pointed out that they had just amended the request and now they would have to make a Motion to forward it on to City Council with the C-1 PD designation.

MR. JACKSON MOVED THAT CASE 012-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. ROSENBERG SECONDED THE MOTION. MOTION CARRIED. MS. STEELE OPPOSED THE MOTION. (6 IN FAVOR, 1 NAY)

Case 013-23: Rezoning

> A request to Rezone from District R-1 (Single-Family Residential) to R-2 PD (Two- Family Residential) for Property located at the intersection of W 32nd Street and S John Duffy Dr., approx. 3500 feet west of S John Duffy Dr. to construct a new subdivision-Ashok Patel

Logan Ellis, 811 E. 3rd St., Joplin, Missouri. He represented Anderson Engineering, and they were requesting the rezoning.

Mr. Rosenberg asked if these were being platted for single family.

Mr. Ellis stated it would be a mixture.

Mr. Rosenberg asked if it would be in the same zoning.

Mr. Bolander stated just for clarification under our last zoning code update because of the demand for 50' ft. lots the old standard we allow that now but only in a R-2 district. He said that is the reason for the designation. The majority of the property would be for single family homes, but they do have some areas for mixed use, commercial and residential which is identified on the plat.

Mr. Rosenberg said okay.

Ms. Steele stated so your plan is to have some single family and in the future you may a Casey's out there for instance, or something so is that why we are addressing different.

Mr. Ellis stated yes.

Ms. Steele said so your plan is to have a plan development for everything that is needed out there.

Mr. Bolander stated this area that you are looking at that is going to R-2 will primarily be single family residential. The lots themselves are not large enough to accommodate duplexes. But there are some other areas that you will see on the plat that could.

Ms. Phillips asked so why are we requesting zoning for R-2.

Mr. Bolander stated as he mentioned earlier, the zoning code allows for 50' ft lots only in an R-2 district.

Mr. Kimble asked if there were any other questions from the Commission on Case 013-23.

There were none.

Mr. Kimble asked if anyone else wished to speak in favor of Case 013-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 013-23.

There were none.

MS. STEELE MOVED THAT CASE 013-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. ROSENBERG SECONDED THE MOTION. MOTION CARRIED. MR. MCCULLOUGH ABSTAINED. (6 IN FAVOR, 1 ABSTAINED)

Case 014-23: Rezoning

> A request to Rezone from District R-1 (Single-Family Residential) to MUC (Mixed Use Commercial) for the Southwest part of Property located at the intersection of W. 32nd Street and S John Duffy Dr., approx. 3500 feet west of S John Dr. to construct a new subdivision-Ashok Patel

Logan Ellis, 811 E. 3rd St., Joplin, Missouri. He represented Anderson Engineering, and they were requesting the rezoning.

Mr. Kimble asked if there were any other questions from the Commission on Case 014-23.

There were none.

Mr. Kimble asked if anyone else wished to speak in favor of Case 014-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 014-23.

There were none.

MR. ROSENBERG MOVED THAT CASE 014-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MS. WARREN SECONDED THE MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAY)

Case 015-23: Rezoning

> A request to Rezone from District R-1 (Single-Family Residential) to MUC (Mixed Use Commercial) for the Northeast part of Property located at the intersection of W 32nd Street and S John Duffy Dr., approx. 3500 feet west of S John Duffy Dr. to construct a new subdivision-Ashok Patel.

Logan Ellis, 811 E. 3rd St., Joplin, Missouri. He represented Anderson Engineering, and they were requesting the rezoning.

Mr. Kimble asked if there were any other questions from the Commission on Case 015-23.

There were none.

Mr. Kimble asked if anyone else wished to speak in favor of Case 015-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 015-23.

There were none.

MR. JACKSON MOVED THAT CASE 015-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MS. STEELE SECONDED THE MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAY)

Case 016-23: Rezoning

A request to Rezone from District R-1 (Single-Family Residential) to District R-2 (Two-Family Residential) for Property located at 507 N. Wall Ave. to remodel a duplex-Jerry Hill.

Mr. Jerry Hill, 111 Killdeer Rd., Rogers, Arkansas. Mr. Hill stated he would like to rezone this property from R-1 to R-2 to make it an up and down duplex.

Mr. Kimble asked so you are adding in a structure rather than rehabbing what is there.

Mr. Hill stated no, he was rehabbing what is currently there. He said it was previously a duplex up and down in the past decade. He was just turning it into what it once was.

Mr. Kimble asked if there were any other questions from the Commission on Case 016-23.

Ms. Phillips stated that entire block on that side of the street going to E Street is R-1. The opposite side on the west side is all R-1. Part of that is because there is a church and churches are R-1. As you go west all the properties on N. Pearl are R-1. Then as you go north of E Street, they are all R-1 going from Main Street clear over to Lone Elm. To the south are some R-2. She said to just bust that block up by putting it in R-2 she does not see how that helps the neighborhood. She stated it may help you sustainably make it pay for itself, but she was not in favor of busting up the block.

Mr. Hill stated if he was not mistaken the property across the street is commercial for that church.

Ms. Phillips stated technically it is residential R-1 because that is what churches are.

Mr. Hill asked if there were residences north on that same block that have multi-family residences.

Ms. Phillips said it could be non-conforming use, but it is zoned technically R-1. At least the last time this map was updated.

Mr. Bolander stated we must look at the existing zoning districts not necessarily the current use like the former request. It is primarily R-2 to the south of this request across D Street and to the east along Joplin Ave. He is asking for an extension of the R-2 district that is already present. Joplin has like pyramid zoning so in an R-3 district you could have duplexes and single-family homes. In R-2 districts you can have

duplexes and single-family homes and in R-1 you just have single-family homes. So, even though you see a lot of existing R-2 districts most of those are single-family homes, but it would allow a duplex if someone wanted to build one.

Mr. Hill stated this property was not going to be changed in any way. It will have two separate families, one up and one down that was previously done before. There will be no modifications to the property at all.

Mr. Kimble asked if there were any other questions from the Commission on Case 016-23.

There were none.

Mr. Kimble asked if anyone else wished to speak in favor of Case 016-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 016-23.

Kenan Klein, 530 N. Wall Ave., Joplin, Missouri. Mr. Klein stated he had the privilege of living in North Heights for four years now and he loves seeing single-family homes in the neighborhood. He was concerned about it being broken up into duplexes and more people moving in as renters. They have seen a crime spike from the south side of this neighborhood. He would love for a single family to move in and own the property, own the space, and make it a safer place for all of them to live. It was just a preference he and other neighbors had.

Mr. Jackson asked if he was in the circle reflected on the diagram. He asked if Mr. Klein had signed a petition of protest that the City provides.

Mr. Klein stated he did not have a petition of protest sent to his house. He only saw the letter that came a week ago.

Mr. Jackson stated so City staff could probably provide better clarification that there is a form on the City website that you can get and print off and if you are in opposition and it requires more votes for it to pass if there is a certain percentage of property owners who sign it and oppose it, but you must get it notarized. Mr. Jackson asked Mr. Bolander if he missed anything or if there was something he wanted to add.

Mr. Bolander stated no, that is exactly correct.

Ms. Phillips asked if any petitions had been submitted.

Mr. Bolander said no. It stated in the letter they received that you could acquire a petition from City staff or get it off the website.

Mr. Klein stated he missed that in the letter but that was good to know for next time.

Mr. Jackson said if you have a certain percentage go against it requires two-thirds of Council to approve it.

Mr. Kimble asked if anyone else wished to speak in opposition of Case 016-23.

MR. ROSENBERG MOVED THAT CASE 016-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. MCCULLOUGH SECONDED THE MOTION. MOTION CARRIED. MS. PHILLIPS, MS. STEELE AND MR. JACKSON OPPOSED. (4 IN FAVOR, 3 NAY)

Ms. Steele stated she would like to see uniformity in the Code in this area.

3. <u>New Business:</u>

Case 062-22: Preliminary Plat

A Request to Review a Preliminary Plat for Property located at the intersection of W 32nd Street and S John Duffy Dr., approx. 3500 feet west of S John Duffy Dr. to construct a new subdivision-Ashok Patel

Tyler Bellairs, City of Joplin stated the City spoke with the applicant today and they are requesting to table Case 062-22.

MS. STEELE MOVED THAT CASE 062-22 BE TABLED. MS. WARREN SECONDED THE MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAY)

4. <u>Other Business</u>:

Mr. Bolander addressed the City of Joplin, Missouri Planning and Zoning Commission Procedures Manual that was provided to each Commissioner and Staff Member present. He stated this was his responsibility. He referred to the section in the Procedural Manual that defined the role of the Commissioners, role of the City Council and what you base your decision on when it comes to rezoning, sub-division plats and special use

permits. Each use different processes for approval. He asked that each Commissioner read the Procedural Manual and become familiar with the content before the next meeting. He stated that if anyone had any questions to please reach out to him. He reiterated the "Exparte Contact" code of conduct. During the Public Hearings the discussion must occur during that hearing, so it is transparent and fair. Both sides need to hear the discussion. Mr. Bolander said the manual would be discussed at the next meeting.

5. **Adjournment:**

MR. MCCULLOUGH MOVED, SECONDED BY MS. STEELE TO ADJOURN. MOTION CARRIED. (7 IN FAVOR, 0 NAY)

Approved _____
Drew Kimble, Chairman

Approved Vicky Copeland
Vicky Copeland, Recording Secretary