Z&P Meeting: March 14, 2016
City Council Meeting: April 4, 2016

# STAFF PLANNING REPORT

## Vacation

| | |
|---|---|
| **CASE 010-16** | A request for the vacation of a portion of a street easement |
| **APPLICANT** | Majzoub Family Trust |
| **REPRESENTATIVE** | Mike Mellinger |
| **LOCATION** | 180 ft of 14th Street West of Rangeline Road |

**EXISTING CONDITIONS**

| Easement Type(s) | Easement Size |
|---|---|
| Street | 60 x 185 ft |

**REASON FOR VACATION**

As part of the new Chili's restaurant located at 15th and Rangeline, citizens from the nearby neighborhood requested that 14th street be closed to minimize thru-traffic resulting from the new restaurant.

**UTILITIES CURRENTLY LOCATED IN THE EASEMENT?** Yes.

**UTILITIES PLANNED TO LOCATE IN THE EASEMENT?** N/A

**DISCUSSION**

Residents of this neighborhood requested that 14th Street be closed so that visitors could not cut through the residential neighborhood in order to get to Chili's, ensuring that the entrances were only accessible off of Rangeline Road and 15th Street. Additionally, residents asked for a wall to be constructed across 14th Street following the closure. There was also an additional fire hydrant added so that fire protection is ensured for both sides of the closure.

Staff recommends approval of Case 010-16.

RECEIVED
2-2-16

# CITY OF JOPLIN

## APPLICATION FOR VACATION OF STREET OR RESERVATION

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.: 010-16
Filing Fee: ~~$350.00~~ 450-
Date Advertised: 2-
Date Notices Sent
Public Hearing Date:

---

I. Applicant Name: MAJZOUB FAMILY LIMITED PARTNERSHIP Phone: 781-8812

If more than one property applicant, please submit additional names, address and phone numbers on attached sheet(s)

Address: P.O. Box 2602 JOPLIN MO Zip: 64803

Email: YORKtownprop@gmail.com

II. Type of vacation requested (check all that apply):

Street Vacation X

Alley Vacation

Utility vacation

Other (Please specify)

III. Legal Description of area requested to be vacated: SEE ATTACHMENT

IV. Please indicate below the extent to which the following standards are met, in the applicant's opinion.

1. Private rights will not be injured or endangered by the vacation. The vacated street will be used as a drive for the public.

2. The vacation will not cause the public to suffer a loss or inconvenience. The public will be able to use the vacated street.

3. In justice to the applicant(s) the vacation should be granted. The vacation is required by the City of Joplin.

V. Required Attachments:

1. Affidavit(s) from each owner of land adjoining said area that is proposed to be vacated, whom are not listed as an applicant, indicating their consent to the vacation.

2. Survey or such other drawing acceptable to the Planning / Community Development Manager depicting the street, alley or public reservation sought to be vacated and the properties and property ownerships surrounding said street, alley or public reservation.

3. Affidavit(s) from the following private utility companies indicating their consent to vacate the easement(s). The following private companies must be contacted and consent to the vacation before the request can be advertised for public hearing.

| | |
|---|---|
| a.) MGE Missouri Gas Energy | (800) 582-1234 |
| b.) Empire District Electric Company | (417) 624-0300 |
| c.) Cable One | (417) 624-6340 |
| d.) MO American Water Company | (800) 256-6426 |
| e.) AT&T | (800) 464-7928 |
| f.) Republic Services (Trash) | (800) 431-1507 |

SIGNATURE: Jeff Majors DATE: 1-31-2016

BY: JEFF MAJORS

TITLE: MANAGER - MAJORS FAMILY LIMITED PARTNERSHIP




Case 010-16: 185 feet of 14th Street West of Rangeline Road - a request to vacate a portion of a street easement - Majzoub Family Trust.

N

## FENCE AND GATE NOTES

1. FENCE SHALL BE:
   - MODEL: SIMTEK ECOSTONE FENCE FP96X96
   - SIZE: FENCE PANEL 8' X 8' (TWO STACKED PANELS)
   - FINISH: STONE PATTERN
   - COLOR: BEIGE GRANITE
   - WARRANTY: 25-YEARS

1. GATE SHALL BE:
   - MODEL: SIMTEK ECOSTONE GATE FP96X48
   - SIZE: GATE PANEL 8' X 4'
   - FINISH: STONE PATTERN
   - COLOR: BEIGE GRANITE
   - WARRANTY: 25-YEARS

2. FENCE AVAILABLE FROM:
   SIMTEK FENCE
   www.simtekfence.com
   1-(866) 648-9336

3. CONTRACTOR SHALL PROVIDE TURN-KEY INSTALLATION OF FENCE INCLUDING, BUT NOT LIMITED TO: SHIPMENT, HANDLING, ASSEMBLY, PLACEMENT, INSTALLATION, ETC.

4. CONTRACTOR SHALL COORDINATE SHIPPING AND ORDER PLACEMENT WITH PROPOSED CONSTRUCTION SCHEDULE. ALLOW 10-12 WEEKS FROM ORDER PLACEMENT TO SHIPMENT TO SITE.

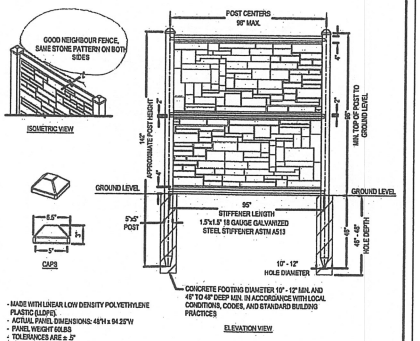
5. CONTRACTOR SHALL ADHERE TO THE MANUFACTURER'S INSTALLATION GUIDELINES, SPECIFICATIONS, AND ANY OTHER REQUIREMENTS OUTLINED BY THE MANUFACTURER FOR ALL FENCE INSTALLATION.

6. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN A COPY OF THE MANUFACTURER'S SPECIFICATIONS PRIOR TO COMMENCING ANY WORK.

7. THE OWNER'S AUTHORIZED REPRESENTATIVE RESERVES THE RIGHT TO REJECT ANY AND ALL WORK EXECUTED BY THE CONTRACTOR WHICH DOES NOT MEET HIS/HER EXPECTATIONS AND THE MANUFACTURER'S SPECIFICATIONS.

SimTek FENCE

SIM TEK FENCE
1330 WEST 400 NORTH
OREM, UT 84057
TOLL FREE: 1-866-648-9336
PHONE: (801) 655-5236
FAX: (801) 655-5240
www.simtekfence.com




- MADE WITH LINEAR LOW DENSITY POLYETHYLENE PLASTIC (LLDPE)
- ACTUAL PANEL DIMENSIONS: 46"H x 94.25"W
- PANEL WEIGHT 60LBS
- TOLERANCES ARE ± 2"

NOTES:
1. US PATENTS 7,478,797 / 7,535,114 FOREIGN PATENTS PENDING.
2. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
3. ALL DIMENSIONS ARE CONSIDERED TRUE AND REFLECT MANUFACTURER'S SPECIFICATIONS.
4. DO NOT SCALE DRAWING.
5. CONTRACTOR'S NOTE: FOR PRODUCT AND COMPANY INFORMATION VISIT www.CADdetails.com/info REFERENCE NUMBER 4312-004.

SIMTEK FENCE
MODEL FP96X96 - FENCE PANEL 8' X 8' (TWO STACKED PANELS)

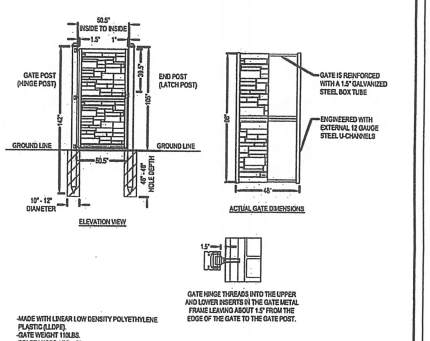
4312-004 REVISION DATE 05/09/2014

PROTECTED BY COPYRIGHT ©2014 CADDETAILS.COM LTD. CADdetails.com

01 FENCE DETAIL
NOT TO SCALE

SimTek FENCE

SIM TEK FENCE
1330 WEST 400 NORTH
OREM, UT 84057
TOLL FREE: 1-866-648-9336
PHONE: (801) 655-5236
FAX: (801) 655-5240
www.simtekfence.com




-MADE WITH LINEAR LOW DENSITY POLYETHYLENE PLASTIC (LLDPE)
-GATE WEIGHT 110LBS.
-TOLERANCES ARE ±5"

NOTES:
1. US PATENTS 7,478,797 / 7,535,114 FOREIGN PATENTS PENDING.
2. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
3. ALL DIMENSIONS ARE CONSIDERED TRUE AND REFLECT MANUFACTURER'S SPECIFICATIONS.
4. DO NOT SCALE DRAWING.
5. CONTRACTOR'S NOTE: FOR PRODUCT AND COMPANY INFORMATION VISIT www.CADdetails.com/info REFERENCE NUMBER 4312-023.

SIMTEK FENCE
GT96X48: GATE 8' H X 4' W - STEEL REINFORCED

4312-023 REVISION DATE 05/09/2014

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02 GATE DETAIL
NOT TO SCALE

LANDSCAPE DETAILS

GHA
Architecture / Development
Quorum Plaza
14901 Quorum Drive
Suite 300
Dallas Texas 75254
Ph: (972) 239-3884
Fax: (972) 239-5054

CHILI'S JOPLIN
NWC OF RANGE LINE & 15TH STREET
JOPLIN, MO
RESTAURANT #577

chili's

PROTOTYPE 16.5.0 FLIP

Case 010-16

DO NOT SCALE DRAWINGS
CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS–NOTIFY ARCHITECT OF ANY DISCREPANCIES PRIOR TO BEGINNING CONSTRUCTION

STATE OF MISSOURI
KORI ANN HAUG
NUMBER LA-2012001041
LANDSCAPE ARCHITECT

02.05.16
KORI HAUG, ASLA, CLARB

4245 North Central Expy
Suite 501
Dallas, Texas 75205
214.865.7192 office

| NO | REVISION |
|---|---|
| 1 | 02.05.17 SCREEN WALL REVISION |

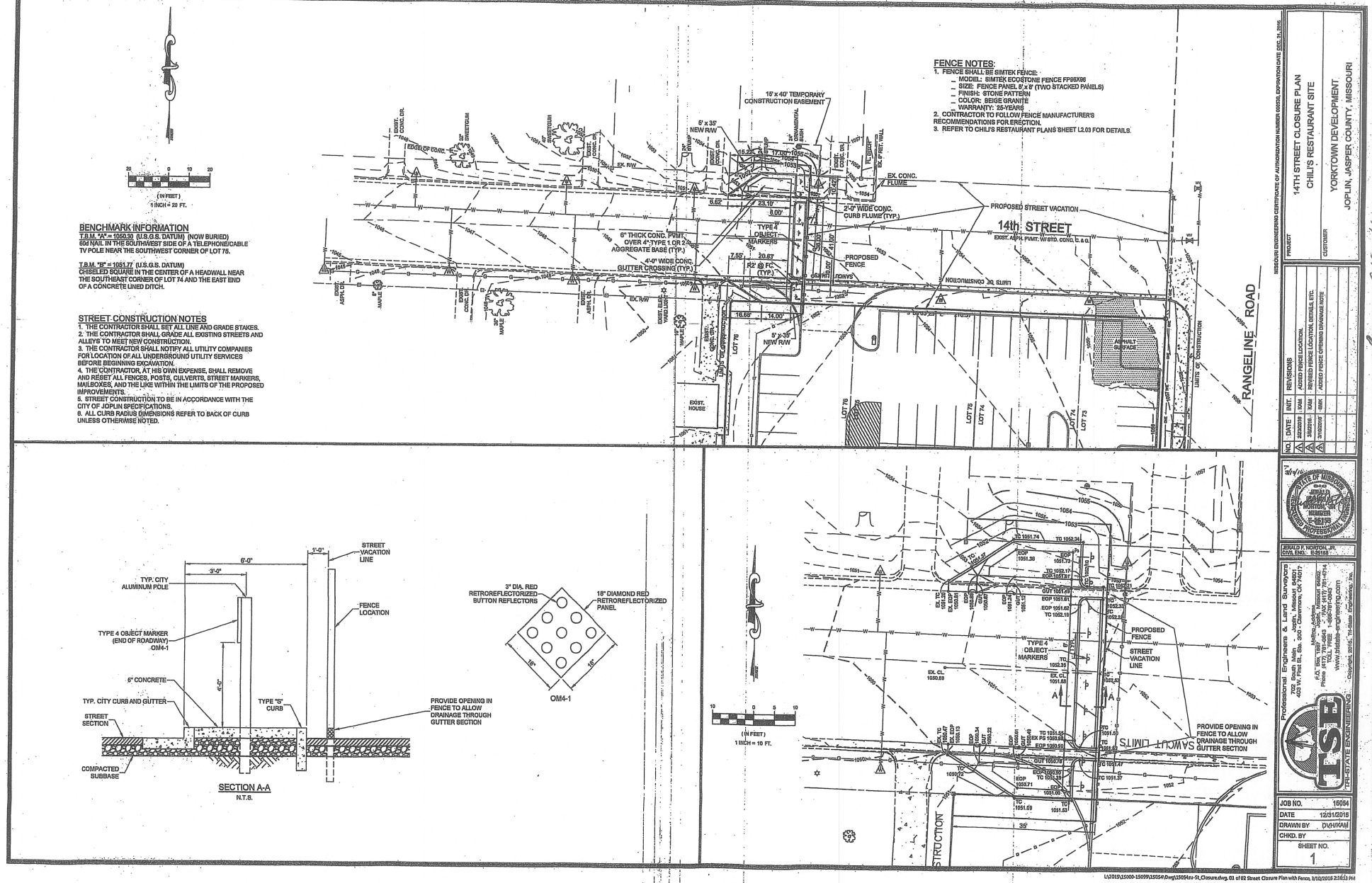
ISSUE FOR CONSTRUCTION 11.24.15
ISSUE FOR BID 10.20.15
ISSUE FOR PERMIT 09.04.15

PROJECT NUMBER
140484.001

SHEET NUMBER
L2.03

ORIGINAL ISSUE DATE – 09.04.15

Saved by: Anna Lee
Saved on: 02.15.16 @ 4:03 PM
Plotted on: 02.15.16 @ 4:05 PM




MISSOURI ENGINEERING CERTIFICATE OF AUTHORIZATION NUMBER 000530, EXPIRATION DATE DEC. 31, 2015

| PROJECT | 14TH STREET CLOSURE PLAN<br>CHILI'S RESTAURANT SITE |
|---|---|
| CUSTOMER | YORKTOWN DEVELOPMENT<br>JOPLIN, JASPER COUNTY, MISSOURI |

| NO. | DATE | INIT. | REVISIONS |
|---|---|---|---|
| 1 | 2/22/2016 | MAK | ADDED FENCE LOCATION. |
| 2 | 3/8/2016 | MAK | REVISED FENCE LOCATION, DETAILS, ETC. |
| 3 | 3/10/2016 | MAK | ADDED FENCE EXPANSION DRIVEWAY NOTE. |

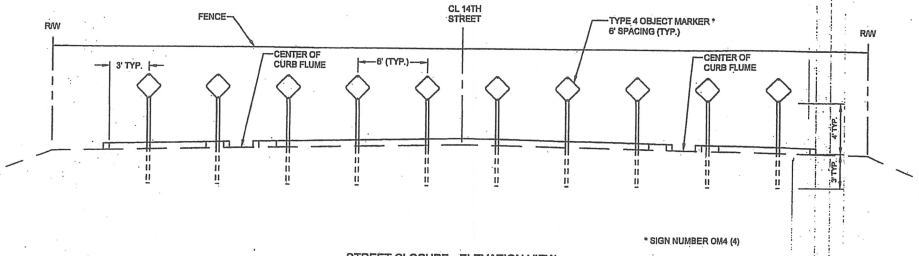
STATE OF MISSOURI
GERALD F. NORTON, JR.
NUMBER E-26195
PROFESSIONAL ENGINEER
GERALD F. NORTON, JR., CIVIL ENG.: E-26195

Professional Engineers & Land Surveyors
TRI-STATE ENGINEERING
403 W. First St., Ste. 300 Joplin, Missouri 64801
P.O. Box 1687 Joplin, Missouri 64802
Phone (417) 781-0464 Fax (417) 781-4714
Jeffrey Adkins jeff@tristate-engineering.com
www.tristate-engineering.com
Copyright 2015, Tri-State Engineering, Inc.

| JOB NO. | 15054 |
|---|---|
| DATE | 12/31/2015 |
| DRAWN BY | DVH/KAM |
| CHKD. BY | |
| SHEET NO. | 1 |

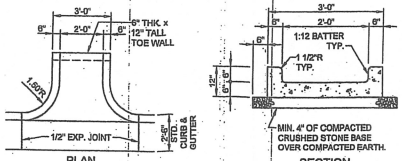
L:\2015\15000-15099\15054\Dwg\15054su-St_Closure.dwg, 03 of 02 Street Closure Plan with Fence, 3/10/2016 2:16:03 PM

Case 010-16

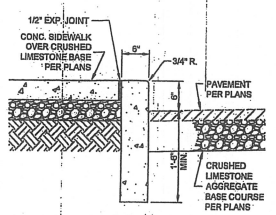



* SIGN NUMBER OM4 (4)

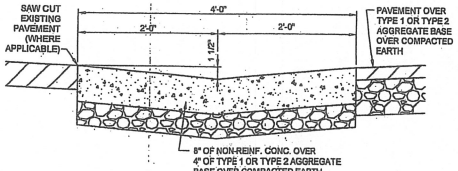
STREET CLOSURE - ELEVATION VIEW
N.T.S.



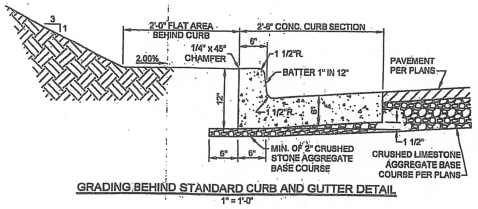

TYP. CURB FLUME
N.T.S.




TYPE "S" CURB DETAIL
N.T.S.




4'-0" GUTTER CROSSING DETAIL
N.T.S.




GRADING BEHIND STANDARD CURB AND GUTTER DETAIL
1" = 1'-0"

MISSOURI ENGINEERING CERTIFICATE OF AUTHORIZATION NUMBER 000259, EXPIRATION DATE DEC. 31, 2016

PROJECT
14TH STREET CLOSURE DETAILS
CHILI'S RESTAURANT SITE

CUSTOMER
YORKTOWN DEVELOPMENT
JOPLIN, JASPER COUNTY, MISSOURI

| NO. | DATE | INIT. | REVISIONS |
|---|---|---|---|
| 1 | 3/8/2016 | KAM | ADDED SEPARATE DETAIL SHEET. |

STATE OF MISSOURI
JERALD P. NORTON
NUMBER E-25188
REGISTERED PROFESSIONAL ENGINEER

JERALD P. NORTON, JR.
CIVIL ENG. E-25188

Professional Engineers & Land Surveyors
703 East Broadway, Suite 100 - Joplin, Missouri 64801
403 W. Rte B, Ste. 300 - Bolivar, Missouri 65613
P.O. Box 1697 - Joplin, Missouri 64802
Phone (417) 781-0545 - FAX (417) 781-4714
Phone (417) 777-0545 - FAX (417) 777-0715
www.tristate-engineering.com
Cooperative Service, Innovative Engineering, Inc.
TRI-STATE ENGINEERING

| | |
|---|---|
| JOB NO. | 16054 |
| DATE | 3/9/2016 |
| DRAWN BY | KAM |
| CHKD. BY | |
| SHEET NO. | 2 |

Case 010-16

L:\2015\15000-15099\15054\Dwg\15054ss_St_Closure_Dtls.dwg, 02 of 02 Street Closure Details, 3/10/2016 11:54:34 AM

Case 010-16: 180 feet of 14th Street West of Range Line Road – A request for vacation of a portion of a street easement – Majzoub Family Limited Partnership.

Mr. Eastman opened the public hearing for Case 010-16.

Ms. Cunningham stated that Brandon Louderback, the City's interim transportation engineer, is present to answer any questions the commissioners may have.

Mr. Mike Mellinger, Mellinger Commercial, 2615 East 36th Street, Joplin, stated the segment of 14th Street to be vacated lies just north of the new Chili's. He showed the commissioners a site plan for the development with the closure of 14th Street. The fencing will connect with Chili's fencing and continue east about 15 feet, and then continuing north across 14th Street.

Mr. Mellinger is asking for the vacation of 14th Street, with that vacation being agreed to between all the parties involved. A neighborhood meeting was conducted two weeks ago, with anyone having property in the general vicinity being invited. About 15 neighbors attended, with the fencing being their main concern. They don't want people walking from one place to the other, with this fencing prohibiting that.

Mr. Duncan asked what O'Reilly Auto Parts think about 14th Street being vacated, and Mr. Mellinger replied they are in favor of the vacation since they own the house behind their property.

Mr. Duncan asked if someone is currently working on that street, and Mr. Mellinger did not believe any work has been done on the street itself. Chili's has done some utility work nearby. They poured one entrance curb that they have to remove since they poured it in the original design opposed to the new design, so that will be corrected shortly. The plan is to have the street vacated prior to their opening date of May 15, 2016.

Mr. Ramsour asked if there is still access from Range Line Road into Chili's or O'Reilly's, and Mr. Mellinger replied that is correct. The City Council asked him to eliminate vehicular traffic going into the residential neighborhood.

Mr. Ramsour stated the portion of 14th Street that is being vacated contains potholes and asked about maintenance. Mr. Mellinger stated Chili's will have a cooperative easement and maintenance agreement with O'Reilly's.

Mr. Eastman asked for comments from the audience.

Mr. Michael Pier, 2915 East 14th Street, Joplin, appeared in favor of vacation of the street. He stated the vacation will decrease the vehicular traffic since Chili's is very popular. They have sufficient parking space for customers and staff, but overflow parking would be along 14th Street if it wasn't vacated. He is in favor of vacating 14th Street adjacent to Range Line Road just for traffic purposes and pedestrian purposes.

Mr. Eastman asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 010-16.

**MR. DERMOTT MOVED, SECONDED BY MR. SMITH, THAT CASE 010-16 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. DERMOTT, MR. DUNCAN, MR. EASTMAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE"; AND WITH MR. BROWN AND MR. CORTEZ BEING ABSENT (5 IN FAVOR, 2 ABSENT).**