P & Z Case 014-16
Empire District Electric Company
(P & Z Recommended Approval)

RESOLUTION NO. 2016-004

A RESOLUTION granting a Special Use Permit (First Request) to Empire District Electric Company for the expansion of an existing substation located at 2712 North St. Louis Avenue, in the City of Joplin, Jasper County, Missouri.

WHEREAS, the Planning and Zoning Commission at a Public Hearing held on April 11, 2016, recommended that a Special Use Permit be granted for the expansion of an existing substation located at 2712 North St. Louis Avenue, in the City of Joplin, Jasper County, Missouri.

WHEREAS, a public hearing was held before the City Council on May 2, 2016, in compliance with said request;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Joplin, as follows:

That a Special Use Permit be granted to Empire District Electric Company for the expansion of an existing substation in the City of Joplin, Missouri, on the following described real estate, to-wit:

> ALL OF LOTS 24, 25, 26, 27, 28, 33, 34, 35, AND 36 OF THE JOPLIN-WEBB CITY ACRES SUBDIVISION, LOCATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 26, TOWNSHIP 28 NORTH, RANGE 33 WEST, ALL IN JASPER COUNTY, MISSOURI, BEING DESCRIBED MORE FULLY AS FOLLOWS: COMMENCING AT A FOUND MAG NAIL AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 26; THENCE N02°12'15"E ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26, 30.27 FEET; THENCE N87°57'08"W, 80.61 FEET MORE OR LESS TO A FOUND IRON PIN ON THE NORTH RIGHT-OF-WAY OF EAST ZORA STREET; THENCE ALONG SAID NORTH RIGHT-OF-WAY THE FOLLOWING: N87°57'08"W, 374.46 FEET; N02°17'10"E, 7.50 FEET TO A SET IRON PIN; N85°57'56"W, 220.04 FEET TO A SET IRON PIN; N87°55'06"W, 205.06 FEET TO A SET IRON PIN; THENCE LEAVING SAID NORTH RIGHT-OF-WAY, N02°16'23"E, 394.87 FEET TO A SET IRON PIN; THENCE S87°59'37"E, 439.86 FEET TO A FOUND IRON PIN; THENCE N03°27'31"E, 15.01 FEET; THENCE S87°56'12"E, 204.39 FEET; THENCE N02°09'29, 219.94 FEET TO A SET IRON PIN; THENCE S87°55'04"E, 205.23 FEET TO A SET IRON PIN ON THE WEST RIGHT-OF-WAY OF NORTH ST. LOUIS AVENUE; THENCE S02°12'31"W ALONG SAID WEST RIGHT-OF-WAY, 595.00 FEET TO A FOUND IRON PIN; THENCE S47°22'04"W ALONG THE NORTH RIGHT-OF-WAY OF EAST ZORA STREET, 71.39 FEET TO A FOUND IRON PIN AND POINT OF BEGINNING. CONTAINING 9.11 ACRES MORE OR LESS. SUBJECT TO ALL RESTRICTIONS, EASEMENTS OR RIGHT-OF-WAYS, IF ANY.

and the said Special Use Permit is hereby issued with the following conditions and made a part thereof:

1. This Special Use Permit is issued to Empire District Electric Company for the construction and operation of an expansion to an existing substation.
2. The permit shall be permanent.
3. The site be screened from residential areas in compliance with the City of Joplin Zoning Code's landscaping requirements.
4. This property will not be accessible to the public and will be secured at all times.
5. All regulations as stated in Appendix 29-A (Zoning Code) of the Joplin Municipal Code shall be followed at all times.
6. Any other conditions set by the City Council of the City of Joplin.

The violation of any condition set forth in this Resolution shall be interpreted as a violation of Appendix 29-A (Zoning Code) of the Municipal Codes of the City of Joplin and shall be administered in accordance with the provisions of Section 34 (Violation and Penalty) of Appendix 29-A of that Code. Conviction in Municipal Court for violation of any condition as set forth in this Resolution shall cause the immediate termination of this Special Use Permit and require the applicant as named in Item No. 1 above to reapply for renewal.

The Municipal Planner is hereby authorized and directed to issue said permit to Empire District Electric Company in accordance with the plans and specifications on file in the Office of the Building Official.

The City Clerk is hereby ordered to file this Resolution with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2016.

_____
Michael L. Seibert, Mayor

ATTEST: _____
Barbara L. Hogelin, City Clerk