Z&P Meeting: April 11, 2022
City Council Meeting: May 2, 2022

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

# STAFF PLANNING REPORT
## Special Use Permit

**CASE 025-22** A request for a Special Use Permit (1st Request) for the operation of an outdoor entertainment & recreation use

**LOCATION** 2401, 2419, 2423, & 2427 S. Main St.

**APPLICANT** Jason Shaw

---

### EXISTING CONDITIONS

| Zoning | Land Use | Property Size |
|---|---|---|
| C-3 Commercial | Vacant | Approximately 6 acres |

### SITE CONTEXT

| | North | East | South | West |
|---|---|---|---|---|
| Existing Zoning | C-3 | R-1 | C-3 | C-3 |
| Land Use | Vacant | Single-family residential/Vacant | Vacant | Restaurant |

### TRANSPORTATION

| Streets with access | Classification | Right-of-way width |
|---|---|---|
| S. Main St. | Arterial | 80′ |
| E. 24th St. | Local | 50′ |
| E. 25th St. | Local | 50′ |

### WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?

No.

**UTILITIES** Utilities do not need to be extended to the property.

**FLOOD PLAIN** N/A

**STAFF ANALYSIS**

**IS DEEMED NECESSARY FOR THE PUBLIC CONVENIENCE AT THAT LOCATION.**

Food truck parks are often found along existing commercial corridors for high visibility for food trucks that do not often have the means to advertise that brick-and-mortar restaurants have. In the same way, locating in that regard allows the public to know about the location as well. It is also more appropriate for a use like this to be located in existing commercial areas rather than within predominately residential areas.

**IS SO DESIGNED, LOCATED, AND PROPOSED TO BE OPERATED THAT THE PUBLIC HEALTH, SAFETY, AND WELFARE WILL BE PROTECTED.**

The use will be required to follow the conditions set forth below regarding noise, lighting, and health requirements in order to ensure the public health, safety, and welfare will be protected.

**IS FOUND TO BE GENERALLY COMPATIBLE WITH THE NEIGHBORHOOD IN WHICH IT IS PROPOSED.**

S. Main St. is an arterial corridor with a variety of commercial uses located along the street from general retail to restaurants. While there are some residential uses nearby, generally speaking, most commercial corridors transition to residential uses once off of the main corridor. This location is no different. The S. Main St. corridor is still filling out from losses from the tornado.

**WILL COMPLY WITH THE HEIGHT AND AREA REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED UNLESS SPECIFICALLY GRANTED.**

Any permanent or semi-permanent structure will be required to meet the height requirements of the C-3 district, including any bathrooms or tents. No additional structure, or addition to the existing structure, is planned.

**OFF-STREET PARKING AND LOADING AREAS WILL BE PROVIDED IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THE ZONING REGULATIONS AND SUCH AREAS WILL BE SCREENED FROM ADJOINING RESIDENTIAL USES AND LOCATED SO AS TO PROTECT SUCH RESIDENTIAL USE FROM ANY INJUIOUS EFFECT.**

Limited parking for up to 30 vehicles will be provided on-site.

**ADEQUATE UTILITY, DRAINAGE, AND OTHER SUCH NECESSARY FACILITIES HAVE BEEN OR WILL BE PROVIDED.**

Utilities are presently in place. Drainage is handled via curb and gutter running parallel to the street. No alterations to the site are planned that would increase impervious area or stormwater runoff.

## DISCUSSION

The applicant is requesting a Special Use Permit for the first time with this application for the operation of an outdoor recreation and entertainment use, more specifically, a food truck park. The facility provides up to 30 off-street parking spaces on-site and employs 4-6 assistants or employees.

The applicant anticipates operations from Tuesday to Thursday, 10am – 8pm, Friday and Saturday 8am – 10pm, and Sunday 8am – 2:30pm.

## CONDITIONS

1. This Special Use Permit is issued to Jason Shaw for the operation of an outdoor recreation and entertainment use at 2401, 2419, 2423, & 2427 S. Main St.
2. The permit shall be valid for 1 year upon approval, being eligible for renewal in May 2023.
3. Off street parking for at least thirty (30) vehicles shall be provided.
4. Vehicles shall be legally parked curbside and/or the owner shall have parking areas provided. Any shared parking agreements shall be on the east side of S. Main St. to minimize pedestrian crossings. All parking areas are to be of an all-weather surface.
5. Onsite events, such as live music, fairs, or other large gatherings, shall end no later than one half hour prior to when the City noise ordinance takes effect.
6. Alcoholic beverages shall be served by legal means. Proper state liquor licensing shall occur. No alcoholic beverage shall leave the property into public spaces. Trash receptacles shall be provided.
7. Temporary food vendors may serve/sell food on the premises at no more than one monthly event.
8. Mobile food vendors (those licensed under the City of Joplin Food Ordinance) may serve/sell food at any time that operations are permitted through this Special Use Permit.
9. All vendors shall pass inspections from the Joplin City Fire Department. All vendors needing electricity shall have electric service inspected for appropriateness for service lines to their rented site.
10. Tents are limited to being erected for no more than 180 days in a calendar year.
11. Onsite fires shall be prohibited per the Fire Marshal.
12. Permanent restrooms must be provided and meet the onsite setback and design regulations per the Zoning Code and Comprehensive Plan.
13. All regulations as stated in Appendix 29-A (Zoning Code) of the Joplin Municipal Code shall be followed at all times.
14. Any other conditions set by the City Council of the City of Joplin.

## ENCLOSURES

- Map of subject property
- Application

RECEIVED
3-1-22

# SPECIAL USE PERMIT APPLICATION

Return Form to:
Office of the Planning/Community Development Manager
Joplin City Hall
602 S. Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 1511
FAX 417-625-4738

For Office Use Only

Case No.: 025-22
Filing Fee: $550.00
Date Advertised: 3-27-22
Date Notices Sent 3-28-22
Public Hearing Date: 4-11-22

APPLICANT: Jason Shaw PHONE: 605 351 9583

ADDRESS: # P.O. Box 265 Chester, SD 57016 EMAIL: oldfarmhousecafe@outlook.com

OWNER: Artie's Delectable Delights & Catering PHONE: 6053519583

ADDRESS: same as above EMAIL:

LOCATION/ADDRESS OF PROPERTY: 24 & 25 & main

PRESENT ZONING CLASSIFICATION: commercial ACREAGE:

PRESENT USE OF PROPERTY: vacant

PROPOSED LAND USE ACTIVITY: food, with occational music and family activities.

ADJACENT ZONING AND LAND USE:

| | Land Use | Zoning |
|---|---|---|
| North | vacant | commercial |
| South | vacant | commercial |
| East | Residential / vacant | |
| West | commercial | commercial |

Does the proposed special use meet the following standards? If yes, attach a separate sheet explaining why.

| | Yes | No |
|---|---|---|
| 1. Is deemed necessary for the public convenience at that location. | X | |

*Continues on following page*

2. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected. X ____

3. Is found to be generally compatible with the neighborhood in which it is proposed. X ____

4. Will comply with the height and area regulations of the district in which it is located unless specifically granted. X ____

5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect. X ____

6. Adequate utility, drainage, and other such necessary facilities have been or will be provided. X ____

Should this special use be valid only for a specific time period? Yes _____ No X

If Yes, what length of time? _____

ATTACHMENTS REQUIRED:

1. One copy of a legal description of the property on which the use is to be located (deed or certified survey). Must be legible.
2. One copy of the necessary descriptive material related to the intensity and extent of the proposed use, including any traffic conditions that may result; any danger from fire hazards; how the proposed use may affect the character of the surrounding properties; and how the proposed use will benefit the City of Joplin.
3. One copy of a site plan of the property.

The Special Use Permit that will be issued will have set of conditions that will require information regarding the following: (Additional conditions may be imposed by the Commission and Council)

1. Hours of Operation: Tuesday-Thursday 10am-8pm Fr & Sat 8am-10pm Sunday 8am-2:30pm
2. Days of Operation: see above
3. Number of Off-street Parking Spaces: 30
4. Signs (Generally signs are limited to one sign not larger than one (1) foot by two (2) feet set no more than six (6) feet off the ground and at least ten (10) feet inside the property line): _____
5. Number of Assistants or Employees: 4-6
6. Nature of the Business: food service, family entertainment, activities under our L.L.C.

STATE OF Missouri )
) ss.
COUNTY OF Jasper )

AGENT AFFIDAVIT AND CONSENT

Comes now Jason Shaw (Agent) who, being duly sworn upon his/her oath, does state that he/she is the representative speaking on behalf of the owner Gary Powers (Owner) of the property located at S. Main 24th 25th, for Case Number ____.

Date: March 1, 2022

Jason A. Shaw
Signature of Agent

Jason A. Shaw
Printed Name

In witness whereof I have hereunto subscribed my name and affixed my official seal this 1st day of March, 2022.

Lindsay J. Dunn
Notary

My commission expires: 6-29-2024

LINDSAY J. DUNN
NOTARY PUBLIC
NOTARY SEAL
#12380334
MY COMMISSION EXPIRES 6-29-2024
JASPER COUNTY
STATE OF MISSOURI

STATE OF MO )
) ss.
COUNTY OF Jasper )

OWNERSHIP AFFIDAVIT AND CONSENT

Comes now Gary Powers (Property Owner) who, being duly sworn upon his/her oath, does state that he/she is the owner of the property described as 24 to 25 Main Joplin Mo (legal description) more commonly known as S Main 24th 25th. I am unable to attend the Joplin Planning and Zoning meeting but would like my comments to be heard by the Commission. I hereby nominate and give consent for Brendon Swartzer or Jason Shaw to speak on my behalf and act as my Agent at the meeting in Case Number _____.

Date: Feb 28 2022

Gary Powers
Signature of Owner

Gary Powers
Printed Name

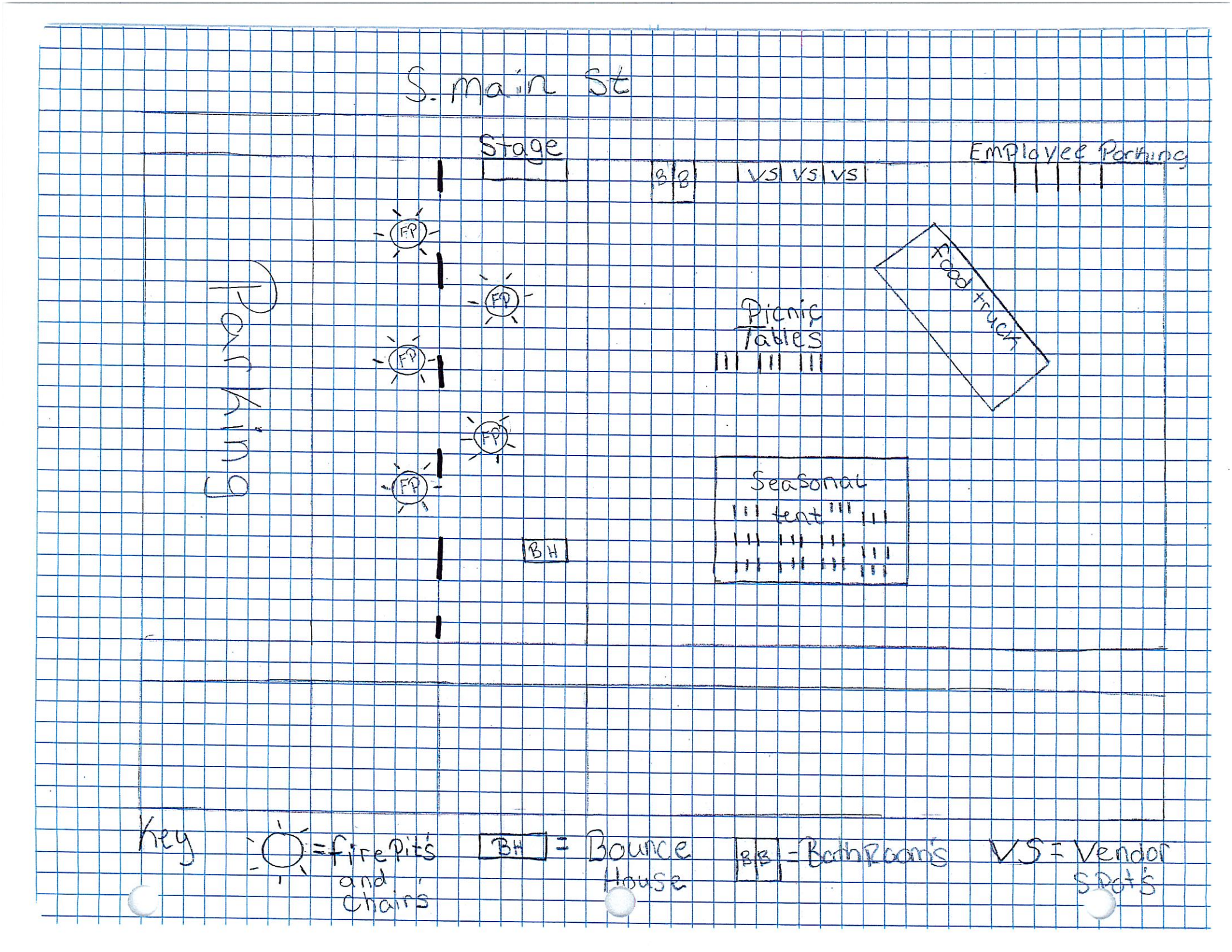
In witness whereof I have hereunto subscribed my name and affixed my official seal this 28 day of Feb, 2022.

Tamara R. Miranda
Notary

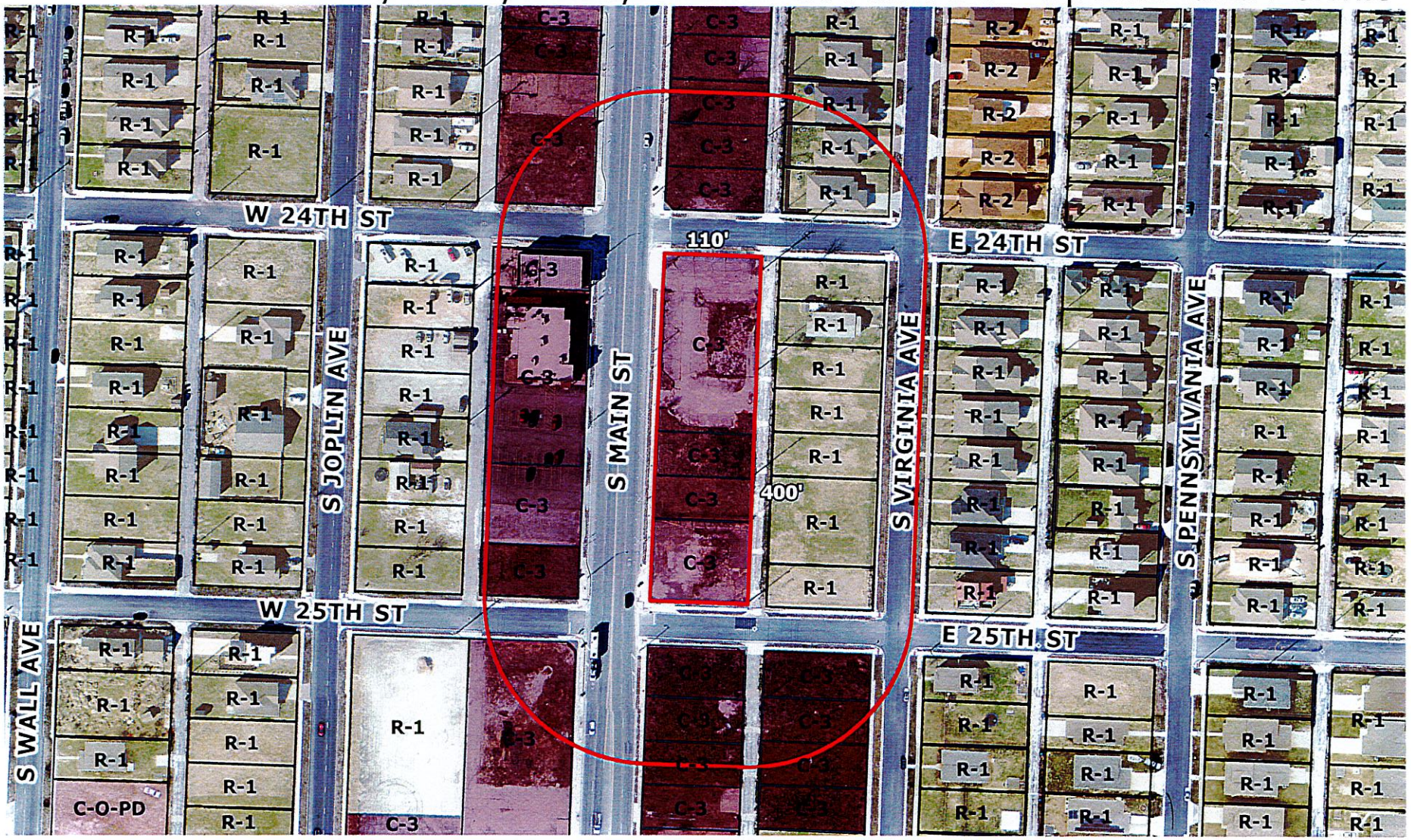
My commission expires: 4/4/2023

TAMARA R. MIRANDA
Notary Public – Notary Seal
STATE OF MISSOURI
Jasper County
My Commission Expires Apr. 4, 2023
Commission #15168123

*Note: The local legislative body reserves the right to rezone property without the owner's consent for the purpose of promoting health, safety, morals, or the general welfare of the community. The Missouri Revised Statutes Chapter 89 (Zoning and Planning) authorizes this power to the legislative body.)*


S. Main St
Stage
Employee Parking
B B
VS VS VS
FP
FP
FP
FP
FP
Food truck
Picnic Tables
Seasonal tent
BH
Town Square
Key
= Fire Pits and Chairs
BH = Bounce House
B B = Bathrooms
VS = Vendor Spots

# Case 025-22: 2401, 2419, 2423, & 2427 S. Main St. - Special Use Permit




A request for a Special Use Permit (1st Request) for the operation of an outdoor entertainment & recreation use – Jason Shaw.

Joplin City Limits

0 62.5 125 250 375 500 Feet

N