JOPLIN | PLANNING & ZONING COMMISSION

**MINUTES**
**MONDAY, MAY 8, 2023**
**4:00 P.M.**

The Planning and Zoning Commission met in a regular session, Monday, May 8, 2023. Present were Commission members Drew Kimble, Janice Steele, Amia Warren, Rodney McCullough, Mary Anne Phillips and Ryan Jackson. Troy Bolander, Tyler Bellairs, and Vicky Copeland represented the Planning, Development and Neighborhood Services Department.

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

2. **Motion to Excuse:**

**MS. STEELE MOVED TO EXCUSE MR. ROSENBERG FROM THE MAY 8, 2023, MEETING. MS. WARREN SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAY, 1 ABSENT)**

3. **Approval of Minutes:**

**MR. JACKSON MOVED TO APPROVE THE APRIL 10, 2023, MINUTES. MS. WARREN SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAY, 1 ABSENT)**

## Public Hearings

Mr. Kimble read the Public Hearing Procedures.

**Case 023-23: Vacation of Streets**

9TH St-Vacation of Streets-A request to vacate approximately 200 feet of 9th St between S Rex Ave and S Peters Ave-Rick Benson

Wayne Stephenson, 302 S. Sergeant Ave., Joplin, Missouri. He represented GB Engineering. He stated they were seeking a street vacation to allow for some duplexes. The street is currently not developed. The surrounding streets are not developed either. Therefore, they are seeking vacation of streets approximately 200 feet of 9th St between S Rex Ave and S Peters Ave.

Mr. Kimble asked if there were any questions from the Commission on Case 023-23.

Mr. Jackson stated he had a question for the City. Mr. Jackson asked Mr. Bolander when this property is vacated how does the property become divided up by ownership.

Mr. Bolander stated typically when property is vacated half would go to the north property owner and half would go to the south property owner.

There were no further questions.

Mr. Kimble asked if anyone wished to speak in favor of Case 023-23.

Darci Peterson, 3114 E. 9th St, Joplin, Missouri. She stated she was in favor of vacating 9th St. They had lived there for 25 years, and they own almost two acres right there on 9th St where it dead ends into Peters. She stated she does have a question because she had been unable to find the answer. She directed the question to Mr. Stephenson. She asked if they plan to open 9th St into your development.

Answer was inaudible.

Ms. Peterson stated so it will just be 8th St that opens in.

Answer was inaudible.

Ms. Peterson stated yes. They like the country setting and not having traffic whip through the property. Thank you.

Mr. Kimble asked if anyone wished to speak in opposition of Case 023-23.

There were none.

**MR. JACKSON MOVED THAT CASE 023-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MS. STEELE SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAY, 1 ABSENT)**

**Case 024-23: Vacation of Streets**

> Alley-Vacation of Streets-A request to vacate approximately 130 feet of an alley between 508 S. Virginia Ave and 512 S. Virginia Ave-200 Block Commons, LLC

Jeff Neal, 212 S. Joplin Ave. Ste 3, Joplin, Missouri. Mr. Neal stated he represented 200 Block Commons, LLC. The plans were to turn the space that was 508 S. Virginia Ave into a public greenspace. They plan to build 21 apartments.

Mr. Kimble asked if there were any questions from the Commission on Case 018-23.

Ms. Phillips asked about the trash trucks. She said right now there are dumpsters down there.

Mr. Neal stated the alley was vacated in 1916.

Mr. Bellairs stated he had comments from the trash company. He contacted the trash company on behalf of the applicant. The trash company has confirmed they can get into the alley off 6th St and back into the vacated alley running north and south.

Mr. Kimble stated to be clear. They will back in from Virginia or back in from 6th St.

Mr. Bellairs said they will back in from 6th St. He stated that was what they had done in the past and currently.

Ms. Phillips stated she did not want to see a bunch of dumpsters on Main Street or Virginia or 5th or 6th or compactors or roll off containers.

Mr. Neal stated he did not have an answer for them. He said any one of the properties from 6th back could enforce property rights.

Mr. Bolander said nothing was going to change with the trash company. That was something that Mr. Bellairs had done was to contact them to see if this was an issue.

According to the trash company this would not change their practice now. They have rights to use it from the property owners and they currently back up to get the trash.

Mr. Neal said to his knowledge because of the bridges that go from the alley to the building across the alley the trash trucks don't generally go under those bridges because of the bridge height. That is also why the fire department won't go in there as well.

Mr. Kimble asked so where would the apartment trash service be located. Next to the front door on the north side of the building or the west side of the building in the back from 6th St alleyway.

Mr. Neal stated they own Pennington Building and our new trash dumpster space will actually be down the alley further behind our building. So, that was our intention to put it on our half of the vacated alley further down so the trash truck would have less space to travel.

Mr. Kimble asked if there was another door exiting that building closer from the apartments. To take out their trash they are going to have to walk down and around the corner and through the alley to the south.

Mr. Neal said no, there is currently a fire escape that goes down and the tenants would basically be walking the same distance they do now because presently they do not have trash service set up. Trash service for the Pennington Lofts as well as the Christman Lofts would be combined. So, there will not be a new dumpster down there. They will end up using the existing dumpster. It may get dumped more than once a week, but they are not increasing the number of dumpsters in the alley.

Mr. Kimble stated but they will have to walk around the corner and south to drop their trash off.

Mr. Neal stated that was correct. The dumpster currently at the Christman building is around the corner and to the north so it is effectively the same distance.

Mr. Jackson asked if they could repeat what the trash company said they would do for trash service. What was the response to the City.

Mr. Bolander stated that was one of the first things they checked on because it was a concern to the City as well. Also, there was a concern from a neighbor or property owner in that area. According to them nothing changes. Currently, they back down the

alley from 6th St and then exit from that same alley. Vacated alley, he stated he should mention.

Mr. Jackson said he was just trying to figure out the access point on 6th St.

Ms. Steele stated she thought restaurants and apartment buildings were required by City code to provide an enclosure for the dumpsters. She asked Mr. Neal if he planned to enclose the dumpsters for that many units. Enclosed by a decorative fence or if not decorative well maintained.

Mr. Neal stated he did not at this point and did not think it was a requirement in this case.

Mr. Bolander stated when it is visible from the public right of way that is a requirement but a lot of the newer developments you will see that when it is visible from the public right of way but in this case behind these facilities if it is not visible between buildings you will see that wall or buffer.

Ms. Steele said to take only one parking space. Just a comment.

Mr. Kimble asked if there were any questions from the Commission on Case 024-23.

There were none.

Mr. Neal stated he wanted to make one more comment. They had already received an easement from the City on this property. That easement happened prior to them gaining ownership of the buildings to the north. So, that alley already had an easement that they are allowed to build into which is 8 feet of the 20 feet wide alley. So, at this point the alley had already been reduced to 12 feet wide by the easement they were granted a 1 year or 1-½ year ago. So, the utility of that remaining space becomes less and less.

Mr. Kimble asked if anyone wished to speak in favor of Case 024-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 024-23.

There were none.

**MR. JACKSON MOVED THAT CASE 024-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. MCCULLOUGH SECONDED THE MOTION. MOTION CARRIED.**
**(6 IN FAVOR, 0 NAY, 1 ABSENT)**

**Case 030-23: Voluntary Annexation**

> Property East and West of Highway I-249, South of Newman Rd.-Voluntary Annexation-A request to Voluntarily Annex into the Corporate Limits of the City of Joplin, MO, Jasper County-Raymon Sharp

Mr. Bolander, City of Joplin, represented the owner of the property on the voluntary annexation. The history of this area, City of Joplin did invest 5-7 million dollars when this corridor was built with the Missouri Department of Transportation. This is one of the few properties that are not in the City of Joplin or another community. Much of the property is in Duenweg. We are trying to capitalize our investment the citizens have made and Mr. Sharp has agreed to voluntarily come into the City of Joplin. Both sides of the corridor between Newman Rd. and 7th St. We do recommend the approval of this request.

Mr. Kimble asked if there were any questions from the Commission on Case 030-23.

Mr. Jackson asked if there was any future projected land use for this property.

Mr. Bolander stated yes, we actually did involuntary annexation and had a vote which failed in this area. Part of that requirement was through a land use and a plan submission involuntary annexation. Around the interchanges you will see commercial and then between it mostly industrial type development.

Mr. Jackson asked what the process would be to get city utilities located out there for a hook up.

Mr. Bolander stated they are working on that right now. There is actually sewer going in on the west side of the corridor. In fact, those agreements have been approved by City Council. Then part of that when MODOT built it we did put a sleeve underneath 249 to get utilities to the east side as well.

Ms. Phillips stated she had a question. This was so long ago but she remembered some of the abated soil from the lead contamination underneath one of the highways. Was this one of them.

Mr. Bolander said yes, that was the corridor.

Mr. Jackson asked if the soil was contaminated.

Mr. Bolander stated no. It was a mitigation they used some of the contaminated soil for the 249 corridor and then they encapsulated it with concrete.

Ms. Phillips stated so it is actually under the highway.

Mr. Bolander stated yes.

Mr. Jackson said a question he had was we annex things into the City of Joplin, they now have City services, and they get City utility access which increases the value of their property, and they will also have City Public Safety on their property and then they get a decrease in their property tax bill. They are currently paying for rural services for fire. So, any time we have seen these annexations the landowners typically see a reduction in their property tax. He stated his concern there had been a lot of strong conversations in the last year that our Public Safety was very underfunded and here we are throwing more land onto them, and the City of Joplin will not have anything to offset this additional overhead, but the property owner would have everything to gain.

Mr. Bolander stated the rebuttal to that would be we are hoping this would develop. That would bring in revenue, jobs and property taxes. Right now, they get a decrease because the City tax is cheaper than the County tax so they would be paying City taxes once it comes into the City of Joplin. There is no abatement on the property right now. The only decrease they are going to receive would be the voluntary fire district tax that serves this area is more than the City tax. He stated we receive no tax off this property now.

Mr. McCullough stated that any property next to a freeway that goes residential is there any code that they have to put up any sound barrier.

Mr. Bolander stated no. A lot of the new housing development that you see on 7th St is in the community of Duenweg.

Mr. Kimble asked if there were any other questions from the Commission on Case 030-23.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 030-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 030-23.

Donna Strup, 1096 N. Prosperity Ave., Joplin, Missouri. Ms. Strup stated she lives right across the street. They said industry. Is it going to be zoned industry or residential or commercial. What is their proposal.

Mr. Bolander stated right now there is no proposal. His guess was on the interchanges you would see those developed first and they would be commercial. When we annex property into the City of Joplin it comes in as R-1, single family residential so they would have to go through a rezoning request to get it changed to commercial or even industrial. Right now, if it was annexed into the City of Joplin it comes in as single family residential.

Ms. Strup said okay, so we are just hanging up in the air to see what they are going to do down the road.

Mr. Bolander stated yes. All they are requesting is that it becomes a part of the City of Joplin. They have no development plans presented to us right now.

Ms. Strup stated okay, she just didn't want a big industry right across the street from her property but that is her comment.

Mr. Jackson stated he had a question based on her feedback. This is technically County property now, correct.

Mr. Bolander stated yes.

Mr. Jackson said so if something wanted to go in there commercial or industrial there is no zoning process they have to go through even.

Mr. Bolander stated that is correct.

Mr. Jackson stated they could put a land dump in there.

Mr. Bolander stated yes, there are no land use regulations in the County.

Mr. Jackson said so with the City annexing the property it actually puts more restrictions and control on that.

Mr. Bolander stated that is correct.

Ms. Strup thanked them for the clarification.

**MS. STEELE MOVED THAT CASE 030-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. MCCULLOUGH SECONDED THE MOTION. MOTION CARRIED. (4 IN FAVOR, 2 NAY, 1 ABSENT) VOTE IN OPPOSITION WAS FROM MR. JACKSON AND MS. WARREN.**

## 4. New Business:

### Case 010-23: Preliminary Plat

Property located West of the Intersection of S Oliver Ave. and W 29th St and South of Adele Ave.-Preliminary Plat-A request to review a Preliminary Plat-Majzoub Family Partnership

Joe Pace, 1675 79TH St. North, City Unavailable. He stated he was with Olsen and represented Yorktown properties for this development and was prepared to answer any questions.

Mr. McCullough asked the approximate square footage of the houses.

Mr. Pace stated they are looking at single family residential which is the zoning. They were looking for between 1200-1400 square feet. Three-bedroom starter homes with two car garages.

Mr. Kimble stated as he was looking at the plat, he thought he saw two possible entrances off Oliver and then is 29th going to come all the way through. What are the plans for this property.

Mr. Pace stated there would be two entrances off Oliver and then they will connect to Adele to the north and then to the east on 29th St. they will continue. They have a piece they will dedicate to the right of way to connect that to the existing road.

Ms. Steele stated you will connect to Adele.

Mr. Pace stated yes, they would stub out to Adele for future development. Currently there is not a road there but there is a right of way that is currently dedicated to Adele St.

Mr. Bolander stated just for clarification it will connect to the dedicated right of way. It won't be improved. There will be a right of way in the future in case that does occur.

Mr. Jackson stated this does remain R-1.

Mr. Pace stated yes sir.

Mr. McCullough stated he noticed it was numbered 1-8. So, are there going to develop in eight different sections.

Mr. Pace stated no, they are just numbered blocks for the lot and block numbers. It will be one development. It will be eight blocks.

Mr. Jackson asked how many homes they anticipated in this development.

Mr. Pace said 65-70 homes.

Mr. Bolander stated 65 lots.

Mr. Kimble stated he was out there earlier from Adele looking south and to the east there is a retaining pond that catches some of the runoff from different places. Is there a plan in place yet because it looks like a lot of this land runs downhill to the southeast. Is that retaining pond next to the other apartment complex there going to be made larger. Is there a plan in place to take care of all that water.

Mr. Pace said absolutely sir. The drainage has been analyzed and will be mitigated and handled through the place that has been dedicated on the northeast. It is a detention pond that also meets all the water quality standards for the City of Joplin.

Mr. Kimble stated he saw where the pond was now.

Mr. Kimble asked if there were any other questions from the Commission on Case 010-23.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 010-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 010-23.

There were none.

**MS. WARREN MOVED THAT CASE 010-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. JACKSON SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAY, 1 ABSENT)**

**Case 062-22: Preliminary Plat**

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

Logan Ellis, 811 E. 3rd St, Joplin, Missouri civil engineer with Anderson Engineering representing the Patels on this plat. They are presenting this preliminary plat for a mixed use commercial and residential subdivision.

Mr. Kimble asked if there were any other questions from the Commission on Case 062-22.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 062-22.
There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 062-22.

There were none.

**MS. STEELE MOVED THAT CASE 062-22 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MS. WARREN SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAY, 1 ABSENT)**

5. **Adjournment:**

**MS. STEELE MOVED, SECONDED BY MS. PHILLIPS TO ADJOURN. MOTION CARRIED. (6 IN FAVOR, 0 NAY, 1 ABSENT)**

Approved _____
Drew Kimble, Chairman

Approved Vicky Copeland
Vicky Copeland, Recording Secretary