# REZONING APPLICATION FORM

RECEIVED 3-12-15

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.: 610-15
Filing Fee: $350.00
Date Advertised:
Date Notices Sent: 3-30-15
P&Z Date: 4-13-15
City Council Date: 5-4-15

APPLICANT: MAJ 2006 Family Limited Partnership PHONE: 417-781-8512
ADDRESS: P.O. Box 2602 Joplin MO ZIP: 64803
EMAIL: yorktownpoc@gmail.com
OWNER: SAME PHONE:
ADDRESS: ZIP:
EMAIL:
LOCATION OF PROPERTY: NWC Range Line Rd. + 15th St
LEGAL DESCRIPTION: SEE ATTACHED

Present Zoning Res + Commercial Requested Zoning: PD Acreage: 1.7 +/-
Present Use of Property: VACANT
Proposed Use of Property: Chili's Restaurant

SURROUNDING LAND USE AND ZONING:

| | Land Use | Zoning |
|---|---|---|
| North | Commercial | |
| South | Commercial | |
| East | Commercial | |
| West | Residential | |

CHARACTER OF THE NEIGHBORHOOD: Commercial N, E & S, Residential to the West

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   No
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? YES
   If yes, explain: Area way too busy for residential uses.

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? YES
2. Consistent with Future Land Use Map? YES

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may effect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned
4. For Planned-Developments the following must be submitted and reviewed before the rezoning can be advertised for public hearing:
   ___ Site Plan ___ Landscape Plan ___ Building Elevations

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: RANGE LINE Rd. & 15TH ST
2. Classification of Street(s):
   Arterial ✓ Collector _____ Local _____
3. Right-of-Way Width: _____
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   NO

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? NO
2. Properly Sized Street Right-of-Way? NO
3. Drainage Easements? ? I DON'T THINK SO
4. Utility Easements:
   Electricity? IN PLACE
   Gas? IN PLACE
   Sewers? IN PLACE
   Water? IN PLACE
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

AT THIS BUSY INTERSECTION WE FEEL COMMERCIAL USES ARE IDEAL FOR OUR COMMUNITY

SIGNATURE: _____ DATE: _____

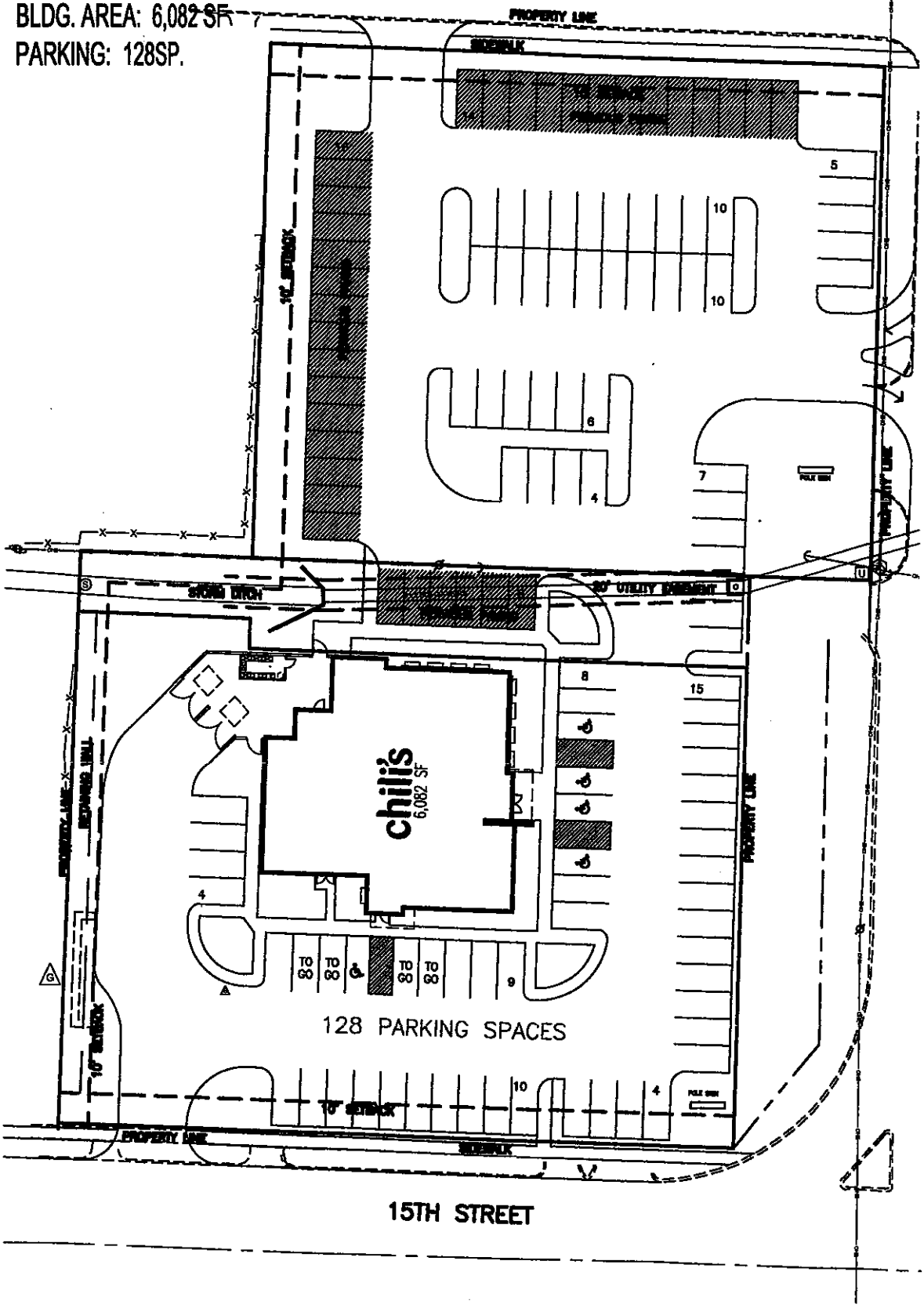
BY: _____

TITLE: _____

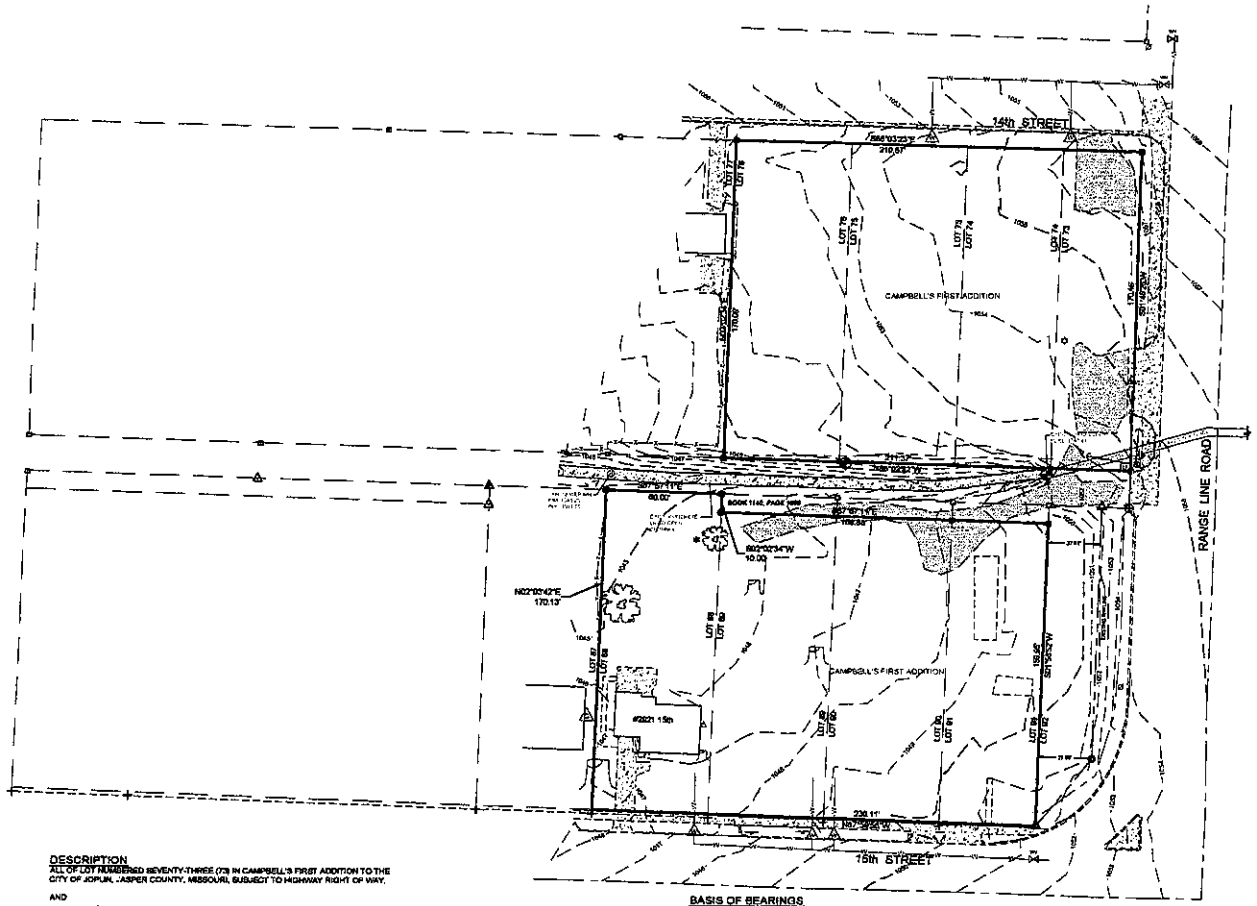
CHILI'S P16.4 FLIP
JOPLIN, MO
Preliminary Site Plan
03/02/2015

chili's

BLDG. AREA: 6,082 SF
PARKING: 128SP.



Survey







**LEGEND**

- FOUND IRON PIN
- SET IRON PIN
- SET CROSS
- COPPER WELD
- BENCH MARK
- FOUND NAIL
- LIGHT POLE
- POWER POLE
- ELECTRIC SERVICE POLE
- GUY ANCHOR
- GAS METER
- TELEPHONE PEDESTAL
- SANITARY SEWER MANHOLE
- UTILITY POLE
- UTILITY BOX
- WATER METER
- WATER VALVE
- WATER LINE
- TREE
- STUMP
- (P) PLATTED
- (M) MEASURED
- INDEX CONTOUR
- INTERMEDIATE CONTOUR

**DESCRIPTION**

ALL OF LOT NUMBERED SEVENTY-THREE (73) IN CAMPBELL'S FIRST ADDITION TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, SUBJECT TO HIGHWAY RIGHT OF WAY.

AND

ALL OF LOTS NUMBERED SEVENTY-FOUR (74) AND SEVENTY-FIVE (75) IN CAMPBELL'S FIRST ADDITION TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI.

AND

ALL OF LOT NUMBERED SEVENTY-SIX (76) IN CAMPBELL'S FIRST ADDITION TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI.

AND

ALL OF LOTS NUMBERED NINETY (90) AND NINETY-ONE (91) EXCEPT THE NORTH 10 FEET THEREOF IN CAMPBELL'S FIRST ADDITION TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI ACCORDING TO THE RECORDED PLAT THEREOF.

AND

ALL OF LOT NUMBERED EIGHTY-NINE (89) IN CAMPBELL'S FIRST ADDITION TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI ACCORDING TO THE RECORDED PLAT THEREOF, EXCEPT THE NORTH 10.00 FEET THEREOF (SEE BOOK 1140, PAGE 1998).

AND

ALL OF LOT NUMBERED EIGHTY-EIGHT (88) IN CAMPBELL'S FIRST ADDITION TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

CONTAINING 1.7 ACRES MORE OR LESS.

SUBJECT TO ANY EXISTING EASEMENTS OR RESTRICTIONS OF RECORD.

**BASIS OF BEARINGS**

BEARINGS ARE BASED ON THE SOUTH LINE OF LOTS 88 - 91 IN CAMPBELL'S FIRST ADDITION TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, BEING ASSUMED AS N67°59'58"W.

**SOURCE DOCUMENTS**

BOOK 2008, PAGE 607
BOOK 2018, PAGE 1599
BOOK 2228, PAGE 2307
BOOK 1140, PAGE 1998 (NORTH 10 FEET OF LOT 89)

**NOTES**

SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

**BENCH MARK INFORMATION**

T.B.M. "A" = 1060.35
60d NAIL IN THE SOUTHWEST SIDE OF A TELEPHONE/CABLE TV POLE NEAR THE SOUTHWEST CORNER OF LOT 75.
T.B.M. "B" = 1061.77
CHISELED SQUARE IN THE CENTER OF A HEADWALL NEAR THE SOUTHEAST CORNER OF LOT 74 AND THE EAST END OF A CONCRETE LINED DITCH.

SURVEY IS NOT VALID WITHOUT ORIGINAL SIGNATURE IN BLUE INK AND EMBOSSED SEAL.

MISSOURI CERTIFICATE OF AUTHORIZATION NUMBER 000708, EXPIRATION DATE DEC. 31, 2014
SURVEYOR REGISTRATION NO. 2014

THIS SURVEY HAS BEEN PERFORMED BASED ON KNOWLEDGE AND INFORMATION IN ACCORDANCE WITH CURRENTLY ACCEPTED PROCEDURES CONSISTENT WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS, AND IS NOT A GUARANTEE OR WARRANTY EITHER EXPRESSED OR IMPLIED. CERTIFICATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS AND MAY NOT BE USED IN CONJUNCTION WITH A "SURVEY AFFIDAVIT" OR SIMILAR DOCUMENT, STATEMENT OR AGREEMENTS TO OBTAIN TITLE INSURANCE FOR ANY SUBSEQUENT OR FUTURE GRANTEES.

STEVEN G. LEWIS
LS-2514

TRI-STATE ENGINEERING
Professional Engineers & Land Surveyors
702 SOUTH MAIN - JOPLIN, MO 64801
P.O. BOX 1807 - JOPLIN, MO 64802
PH. 417-781-0843 - FAX 417-781-4714
TOLL FREE 1-866-781-3843
www.tristate-engineering.com
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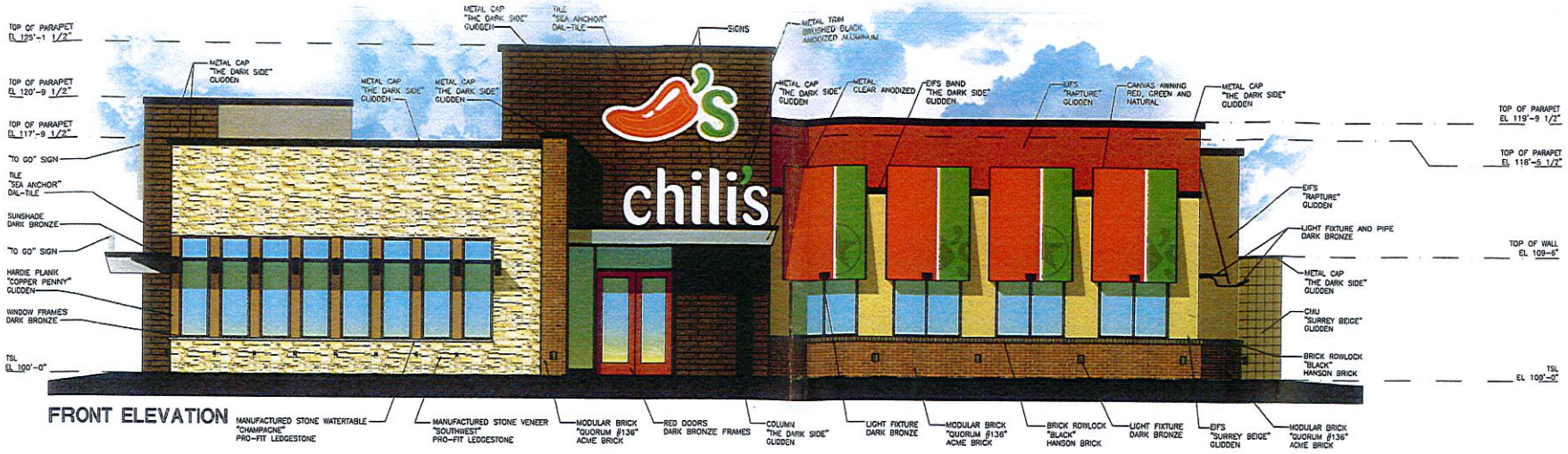
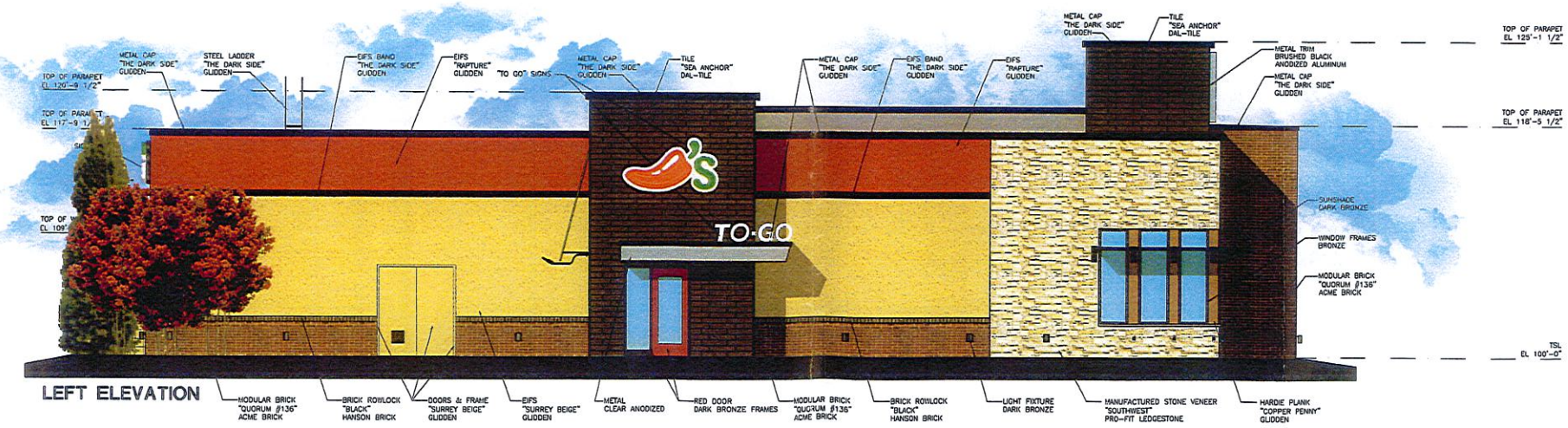
CUSTOMER
CONSTRUCTION ADVENTURES, INC.

SURVEY OF
LOTS 73 - 76 AND 88 - 91 INCLUSIVE IN CAMPBELL'S FIRST ADDITION
JOPLIN, JASPER COUNTY, MISSOURI

| DATE | JOB NO. | DWN. BY | ACCURACY | REVISED | F.B. |
|---|---|---|---|---|---|
| 4/8/14 | 13870 | GW | 1/1000 | | 1207/80 |




chili's

# EXTERIOR ELEVATIONS-BRINKER NAME, CITY & STATE

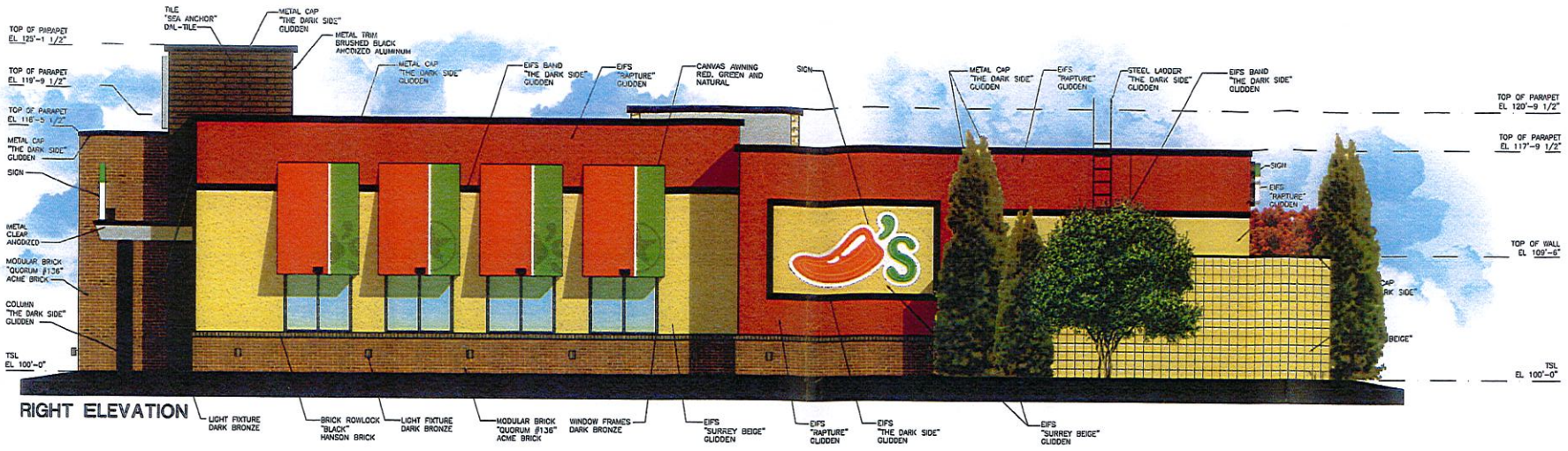
## PROTO 16.2 FLIP

GHA

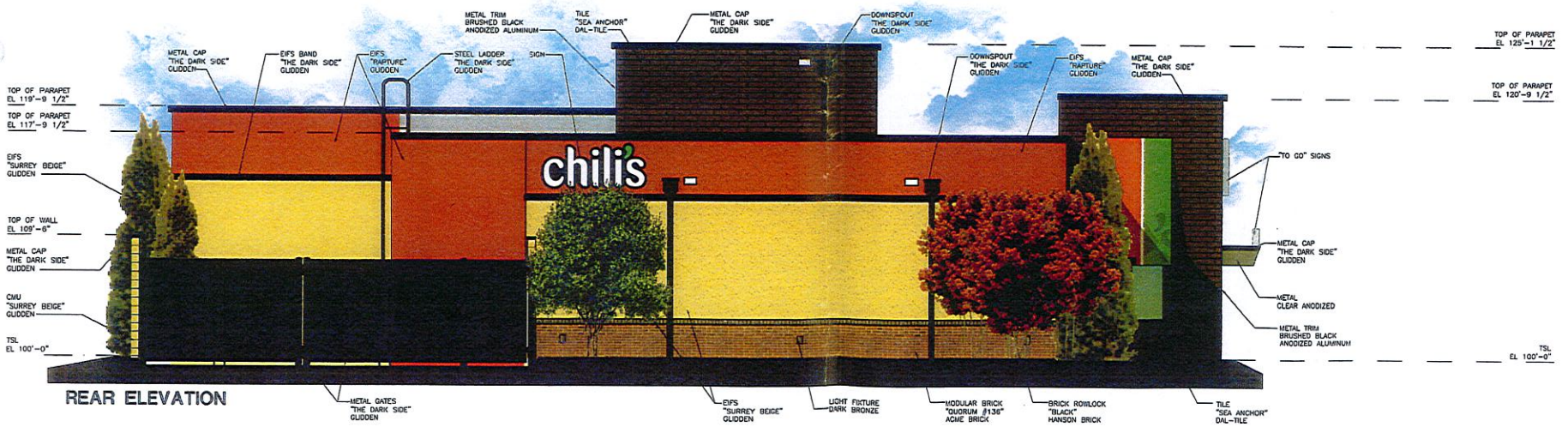
0 2 4 8 16

04.24.13 120448.001

BRINKER INTERNATIONAL




RIGHT ELEVATION




REAR ELEVATION

chili's

# EXTERIOR ELEVATIONS-BRINKER NAME, CITY & STATE

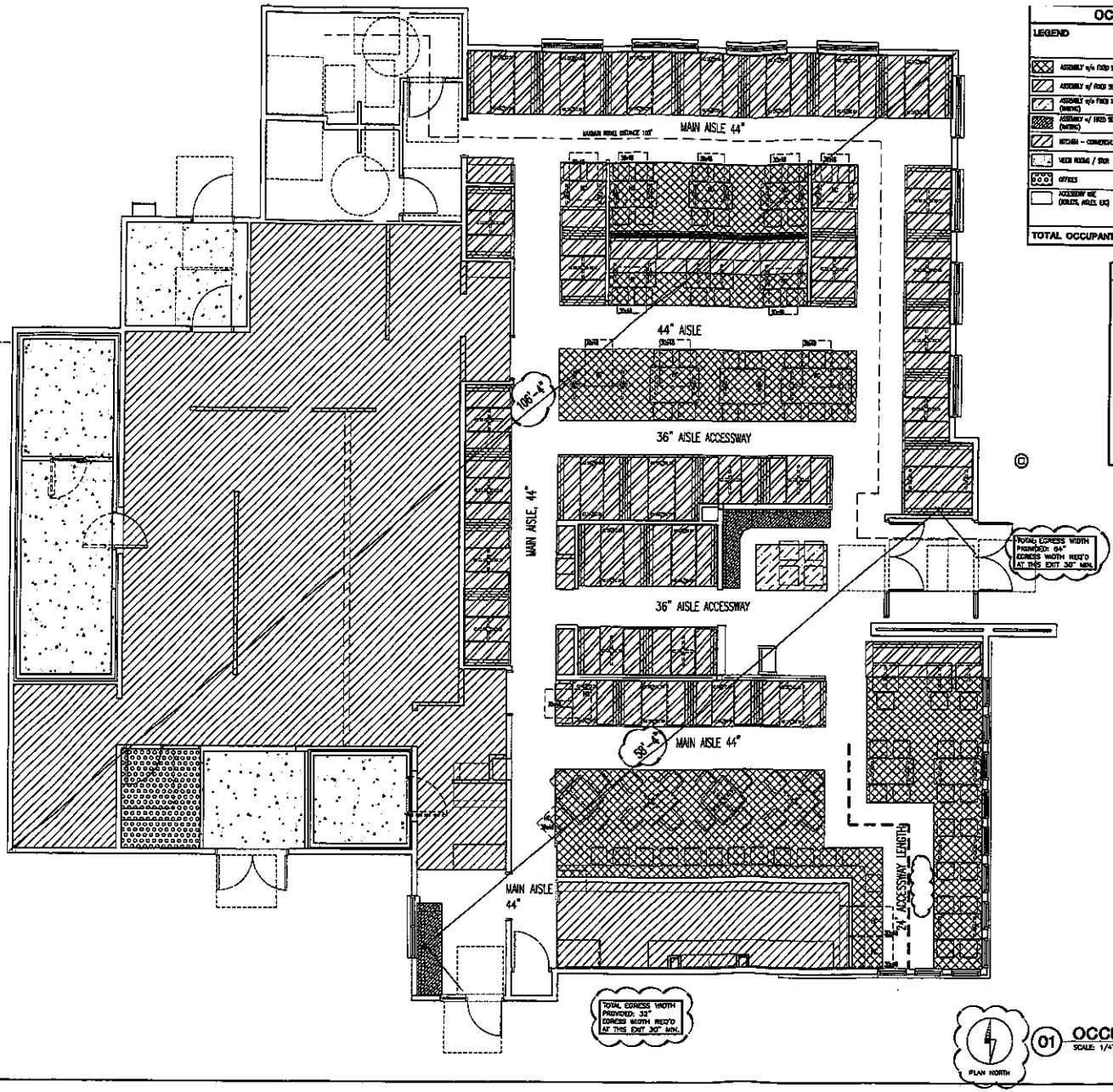
## PROTO 16.2 FLIP

GHA

0 2 4 8 16

04.24.13 120448.001

BRINKER INTERNATIONAL




## OCCUPANCY CALCULATIONS

| LEGEND | AREA | CODE REF | CALC QTY | ACTUAL QTY. OF SEATS/EMP. | HIGHER AMT. OF CALC. OR ACTUAL |
|---|---|---|---|---|---|
| ASSEMBLY w/o FIXED SEATS | 765 SF | 15 SF / PERSON | 51 | 63 | 63 |
| ASSEMBLY w/ FIXED SEATS | 316 LF | 1 PER 24" OF BENCH | 158 | 156 | 158 |
| ASSEMBLY w/o FIXED SEATS (DINING) | 25 SF | 5 SF / PERSON | 5 | — | 5 |
| ASSEMBLY w/ FIXED SEATS (DINING) | 22 LF | 1 PER 18" OF BENCH | 15 | 13 | 15 |
| KITCHEN – COMMERCIAL | 1702 SF | 200 SF / PERSON | 9 | 24 | 24 |
| MECH ROOMS / STOR | 485 SF | 300 SF / PERSON | 2 | — | 2 |
| OFFICES | 58 SF | 100 SF / PERSON | 1 | 1 | 1 |
| ACCESSORY USE (TOILETS, AISLES, ETC) | — | EXCLUDED | — | — | — |
| TOTAL OCCUPANTS | | | 230 | 257 | 256 |

## SEATING CAPACITIES

| TYPES | PARTIES | SEATS | % OF PARTIES |
|---|---|---|---|
| BAR DINING | | | |
| BAR STOOLS | N/A | 13 | 0% |
| 2-TOP FLEX | 3 | 6 | 5.5% |
| 4-TOP SQ | 4 | 16 | 7.3% |
| 4-TOP FLEX | 4 | 16 | 7.3% |
| 4-TOP BOOTH | 4 | 16 | 7.3% |
| BAR TOTAL | 15 | 67 | 27.4% |
| MAIN DINING | | | |
| 2-TOP FLEX | 2 | 4 | 3.6% |
| 4-TOP FLEX | 7 | 28 | 12.7% |
| 8-TOP FLEX | 2 | 12 | 3.6% |
| 4-TOP BOOTH | 17 | 68 | 30.9% |
| 6-TOP BOOTH | 12 | 72 | 21.8% |
| DINING TOTAL | 40 | 184 | 72.6% |
| GRAND TOTAL | 55 | 251 | 100% |

## EGRESS NOTES

BUILDING DIAGONAL: APPROX 106'-4"

DISTANCE BETWEEN EXITS: (> THAN 1/3, SPRINKLERED) APPROX 58'-4" FT (106/3 = 35.3)

MINIMUM 2 EXITS REQUIRED 2 PROVIDED IN DINING 3 PROVIDED FOR BUILDING

MAXIMUM TRAVEL DISTANCE: (ALLOWABLE: 250 FT. SPRINKLERED) APPROX. 103 FT FROM MEN'S ACCESSIBLE STALL

01 OCCUPANCY LOAD / EGRESS PLAN
SCALE: 1/4"=1'-0"

GHA
Architecture / Development
Quorum Place
14801 Quorum Drive
Suite 300
Dallas Texas 75254
Ph: [illegible]
Fax: [illegible]

RESTAURANT #XXXX

PROTOTYPE 15.4.0 FLIP

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

ISSUE FOR REVIEW 05.16.14

NO REVISION

PROJECT NUMBER
120448.001

SHEET NUMBER
A002

ORIGINAL ISSUE DATE - 12.12.12




0 137.5 275 550 825 1,100 Feet

Case 010-15: A rezoning request of seven residential lots and one commercial lot from R-1 (Single Family Residential) and C-1 (Commercial) to C-3 PD (Commercial Planned Development); located at the Northwest corner of 15th and Rangeline Road - Yorktown Properties.

N

Case 010-15: Northwest Corner of 15th Street and Range Line Road – a request to rezone from District R-1 (Single-Family Residential) and District C-1 (Neighborhood Commercial) to District C-3 PD (Commercial Planned Development) for future commercial development – Yorktown Properties.

Mr. Eastman opened the public hearing for Case 010-15.

Mr. Mike Mellinger, 2615 East 36th Street, Joplin, appeared and stated that he and the property owner have entered into an agreement subject to the rezoning to lease this property to Chili's for a free-standing restaurant. The property encompasses several lots that previously contained commercial and residential buildings. One existing home on the southwest corner of the property will be removed.

Mr. Mellinger stated that the driveways shown on the development plan line up with what the Missouri Department of Transportation (MoDOT) asked him to do. The intersection of 15th Street and Range Line Road is a high-traffic intersection.

Mr. Mellinger stated there is a small non-buildable piece of land on the southeast corner that he and Yorktown Properties do not own. MoDOT will eventually take that property as part of the intersection improvements, so that area is not included in this request.

Mr. Eastman asked what type of fencing or berm will be placed adjacent to the houses on the west end of the property, and what type of lighting will be involved. Mr. Mellinger typically erects a six-foot privacy fence, with some land on the west side of the fencing to allow for some landscaping on the residential side. This would be very similar to what was done at the Bel-Aire Center at 20th Street and Range Line Road.

Mr. Mellinger stated that the lighting will be designed to shine onto the property and not off of the property. He is not really in control of what Chili's would do since the property will be leased to them, but the owners can control what Chili's would have to do. If the commissioners believe something needs to be accomplished, that can be incorporated into the planned district.

Mr. Duncan asked Mr. Mellinger if he is leasing the land to Chili's, and he replied yes. Chili's would construct their own building, with the owners entering into a ground lease with them.

Mr. Duncan thought Mr. Mellinger bermed up the property at 20th and Range Line besides erecting the privacy fence, or if he just erected a privacy fence. Mr. Mellinger stated that the topography is a lot different, with the top of the property being bermed to increase the height of the fence.

Mr. Duncan discussed the amount of height the developers want to achieve for a privacy fence and asked if there is a minimum requirement on that. Mr. Bolander stated they can do a combination of fencing and berming. The code doesn't contain any specific standards, but the landscaping and berming can be included as part of the requirements since this is a planned district.

Mr. Mellinger stated that one the benefits of doing the planned development is that he can modify and mold the development to fit what the commissioners want.

Mr. Duncan asked Mr. Mellinger how traffic will enter the restaurant coming from the three directions. He replied the intersection of 15th and Range Line has a traffic signal, with a median going north all the way to the north portion of the property. The Range Line entrance will be a "right-in/right-out" entrance. An additional entrance is provided from 15th Street, with a relief driveway entering the property from 14th Street. Northbound traffic would turn left onto 15th Street and turn right into the property. Eastbound traffic would make a left turn. Southbound traffic would make a "right-in/right-out" turn.

Mr. Duncan asked if only one house would be removed, and Mr. Mellinger stated yes. The house is on the north side of 15th Street at the southwest corner of the property in this request.

Mr. Eastman asked for comments from the audience.

Dr. Keith Grebe, 2736 East 15th Street, Joplin, appeared in opposition to the request. He commended the Majzoub family for their work at 20th and Range Line. His opposition is not to the Majzoub family or to their properties, but to the type of business they want to develop at 15th and Range Line. The area residents do not oppose commercial zoning, but they do oppose food service or anything that brings a high-traffic business into this area. The 15th Street entrance enters into a school zone, placing more traffic in a school zone on a heavily-traveled street.

Dr. Grebe stated when this commission approved the rezoning for O'Reilly Auto Parts at 14th and Range Line, one of the requirements was that they do not have an entrance onto 14th Street. The neighbors oppose anything that will bring high-volume traffic into this area. They don't oppose commercial zoning, but he thought the placement of a high-volume restaurant in this particular area will create problems for the area residents, who firmly oppose this request.

Mr. Duncan thought a restaurant like Chili's would not be creating a high traffic volume at the times that school zone was being used for children going to school or leaving school. Dr. Grebe stated that is somewhat true, but there will still be more traffic in this area.

Dr. Grebe stated he and his neighbors supported Payless Shoes, which is the ideal type of business for this particular area. He thought Chili's could find other places to go, with this property not being the only option they have. The restaurant is not a good fit for the neighborhood.

Mr. Michael Pier, 2915 East 14th Street, Joplin, appeared in opposition to the request. Five families with children live in his block, so he opposes an entrance onto 14th Street. The restaurant would increase the neighborhood traffic tenfold at the very least. People who want to avoid the traffic light at 15th Street turn down his block driving at speeds of 35 to 40 miles per hour, endangering the children on this block and placing them at a higher risk of being hit by a car.

Mr. Pier is not opposed to progress, but he stated Chili's will be serving alcohol during the hours the children will be playing in 14th Street, creating an even bigger risk of being injured by someone who has had too much to drink.

Mr. Eastman asked Mr. Pier for his address, and he replied 2915 East 14th Street. Mr. Eastman asked Mr. Pier if he owns or leases the property, and he replied that he owns it.

Mr. Duncan asked Mr. Pier how he determined the traffic would increase tenfold with the high traffic volume on Range Line. He replied that some people are driving down 14th Street since it is difficult to turn left onto Range Line, with some people coming to the restaurant from the west.

Mr. Ramsour asked Mr. Pier if he is only opposed to the 14th Street entrance or if he is opposed to the whole project. He replied his opposition to the 14th Street entrance is the biggest issue at this time, but he hadn't thought about dumpster odors so close to his home.

Mr. Pier stated that closing off 14th Street to through traffic might be an option because it would still allow Chili's to place a driveway on 14th Street.

Mr. Duncan asked if closing off 14th Street is an option, and Mr. Bolander was not sure at this point. The City staff must review the traffic flow and traffic capacity.

Mr. Barry Sanborn, 2911 East 15th Street, Joplin, appeared in opposition to the request and expressed concern about the demolition of another home along 15th Street.

Mr. Eastman asked for further comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 010-15.

**MR. DUNCAN MOVED, SECONDED BY MR. CORTEZ, THAT CASE 010-15 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. BROWN, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, MR. EASTMAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).**