JOPLIN | PLANNING & ZONING COMMISSION

MINUTES
MONDAY, JUNE 27, 2022
4:00 P.M.

The Planning and Zoning Commission met in a regular session, Monday, June 27, 2022. Present were Commission members Wendy Brueckner-Sears, Janice Steele, Rodney McCullough, Mary Anne Phillips and Amia Warren. Troy Bolander, Keegan Stanton and Vicky Copeland represented the Planning, Development and Neighborhood Services Department.

1. Roll Call: Vicky Copeland called the roll.

MR. MCCULLOUGH MOVED TO EXCUSE MR. EASTMAN AND MR. KIMBLE. MS. WARREN SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

Public Hearings

Ms. Brueckner-Sears read the Public Hearing Procedures.

Case 043-22: New Zoning Code to the City of Joplin.

Mr. Chris Brewster, Multistudio formerly Gold/Evans, 4200 Pennsylvania, Kansas City, Missouri. Multistudio is the City's planning consultant on this project working with City Staff and a Citizen's Committee. Mr. Brewster presented Articles 1-9 covering subdivision regulations, procedures, historic preservation standards, floodplain regulations, wireless communication facilities siting, zoning map, and development standards.

Ms. Steele asked when Mr. Brewster referred to administrative was he referring to the Zoning and Planning Staff.

Mr. Brewster stated, yes, correct. In the one area where I mentioned a change is on administrative plats. So, it is things like a lot line adjustment or one of the options that we put in is building a survey plat where someone a building that may have attached a row house where everyone knows it will be owned individually but you can not really plat it until those walls are built. There is an administrative process for them to turn in that information and verify what was built was on the approved plat. A lot split might be another example if the lot is owned and could be split and both of those meet the existing zoning, it is already zoned for that then staff could approve those types of applications as well. Things that are more routing and do not involve any infrastructure improvements and don't significantly impact the development patterns around the area. There is currently a process for them to be done administratively. We have added a few more things that we typically see in a city for those. Another type of administrative decision that we are keeping is the site plan review which is one that is done by staff as well. More of when an application comes in and if it is zoned properly and meets all the standards the staff reviews that and approves it administratively. So, those types of things that do not really involve discretion is what we are talking about.

Mr. McCullough stated that through the Boards approval they also need to make a note that 2.05 that the special use permits final approval should go to the City Council in all cases.

Mr. Brewster stated, yes, that is another example of how this code will be easier to adjust and amend as you find new needs. We will go into this table and make that change and then check a few other things but essentially all that does is trigger that in 2.01 all the criteria for you as a recommending body kick in and the Council makes the decision based on the same criteria.

Ms. Steele asked so this will skip Zoning and Planning all together. The staff will make their decision and make a recommendation to the Council.

Mr. Brewster stated no. Mr. Brewster stated he thought they have two different things. Mr. Brewster stated the first question was administrative decisions which is what staff would approve and the last question was on special use permits and we are recommending that those come before the Board similar to a rezoning. You would review the project, use the criteria that is in the code for either special use permits generally or some of them might have specific criteria for that special use which you would review and make a recommendation to the Council much like you do on a rezoning and then they make the decision. It is two different issues that are reflected in this table.

Mr. Bolander stated it would be the same process we have now for the special use permits.

Mr. McCullough agreed.

Ms. Phillips asked are these suggestions or had fast laws and rules on Article 3.

Mr. Brewster stated in addressing Ms. Phillips question particularly in the streets and street networks they are laws. They are standards that must be met. If you are building new there is no reason, why you should not meet these standards. They may have different options to choose a different street type, but the tradeoff is essentially between a standard one which represents the status quo. Your current standards are reflected there to one where they are building a new neighborhood that has a mix of housing types in it. The code will state you make your choice either a standard street or a neighborhood street. The neighborhood street is going to have greater design enhancements. That design will have wider sidewalks, street trees and maybe a narrower street section. So, there is not necessarily a one for one. The standard is in the code. They will have to meet one or another. What they will find is that they may be able to do less space on a neighborhood street but there is going to be more requirements as well. There is not an easy way on how to say what costs more or less from these standards. But what it is doing is giving options to create different contact space on the designs and connectivity of streets. There are clear standards that must be met. It is not a guideline necessarily. Mr. Brewster stated that when referring to the guides that is more flexibility on the back end if you run into something that is not working. There are decision criteria for staff to use to determine whether it warrants flexibility in the code. I will refer to staff.

Mr. Stanton stated this also ties back to our complete street ordinance that was adopted by Council. Keep in mind that instructs us to look at this through a context sensitive lens. Not every street is going to have bike lanes, not every street is going to have on street parking and even the ones that do will likely be able to fit all or most of those facilities within the required right of way that we request from subdivision platters. So, it should not take up any extra room. They may have to build more infrastructure, but it would not be on every street or in front of every house. But in the places where it is appropriate it would be required to meet these standards.

Ms. Phillips asked how objective or subjective is this because it sounds grey to me.

Mr. Stanton stated, correct me if I am wrong with anything that we have in here that gives staff, council, or this commission any objective decision-making area there are

standards listed that we can consult as decision makers to help us make those decisions.

Mr. Brewster stated each of these types that are listed here includes a description on where and how they should be used. So essentially what we have done with these four different types is taken what your current code might say which right now it would just say right-of-way is 100 ft. and pavement width is 60 ft. So essentially what we are saying is that may be right or wrong depending on which of these contexts you are in. So, that is the standard street. You might just design that street and that is it but if you are in a walkable area that 100 ft. and 60 ft. may need to be allocated differently. If anything, we give more specifics on how to create those different types and there are criteria on where and how those should be used.

Ms. Brueckner-Sears stated, correct me if I am wrong. If we were going to have a street and we had 100 ft. to work with and you have your street with two lanes and depending on where the property is located, you may have some bike lanes or off-street parking. If it is in a residential area, you do not have to offer a bike lane in a sub-division, but you may want to offer a green space with some trees and a sidewalk and then the house. You would have to build that in there depending on where it is in the city. If it is on Main Street obviously, we are going to need some room for off-site parking. There is some discretion to adapt to the site. Does that make any more sense?

Mr. Bolander stated that is correct. Right now, Ms. Phillips we do not have those standards. You have more requirements but more flexibility.

Ms. Steele stated, if I am a developer and I want to build as many houses as I can in my plat, I want to stick to the standard and I do not want to move up to the neighborhood where I am required to do more as a developer.

Mr. Brewster stated, not necessarily. I understand your question. A developer who wants to do as many houses as they can is going to find when we get to the zoning districts this will make more sense. They will find the R-4 zoning district most attractive because it allows the greatest mix of housing types. One of the planning policy reasons for doing that is to have a better neighborhood character, have more things mixed that are compatible and to get a walkable development pattern. So, in that case they would have to do the neighborhood street type to mesh with that context. That may mean less right-of-way, but it will probably mean smaller blocks and more connected street networks, and more streetscape designs. They would be forced to analyze that choice. Is that going to be a good decision for me or not? If they are just wanting to do what you are suggesting a standard street type nothing fancy, they are going to be more

limited to your current sub-division and zoning standards. More of a typical R-1 which has not changed under this code. It is the 7800 sq. ft. lots that will be a more conventional sub-division. They are essentially getting those two choices.

Ms. Steele thanked Mr. Brewster.

Ms. Warren stated, are you saying that the zoning type will determine the street type.

Mr. Brewster stated, it can. It is not necessarily a one for one. The context and intent statements that Mr. Stanton mentioned reflect zoning development patters and characteristics. There are others as well. If you look at that section, it gives staff good decision-making points where one should be used and not another.

Ms. Phillips asked, how in the world are you going to know if the person buys, builds, or creates a duplex and lives on the other side of the dwelling. Who is going to police that?

Mr. Brewster stated that is a current standard, so we are relaxing a little. It is a current standard that is in there, but you are correct it is an enforcement issue in a lot of cities. I would say it is more generally used as an enforcement mechanism when there is a problem. I think the policy question is, does owner occupancy do a better job of insuring whether there is a problem or not. That is why we recommend keeping it in the R-S and R-1 where we probably do not think accessory dwelling units are going to be as prominent. Or if they, are we would want to step more cautiously versus R-2 and R-3 zoning districts. We think it is more appropriate and that is why that requirement would be in those zoning districts. But your point is correct it is difficult to know when that is occurring, and I will defer to staff. It is a current requirement now and a lot of cities dealing with it use it more as a hook when there is a problem. Maybe, that is why there is a root or an issue or problem.

Mr. Bolander stated Chris is correct. We have this requirement now, but we usually find out about it when we have something to stand on.

Ms. Phillips stated that sometimes you can find out by looking at who is paying for trash and other services.

Mr. Bolander stated that is the protocol for staff.

Ms. Phillips asked where in Joplin is there a solid row of anything? How do you decide that is standard for the neighborhood when it is already mixed?

Mr. Brewster stated that is exactly why we went with this strategy. I think those areas are zoned on a broader basis. We would agree with you that you do not want to zone property on a property-by-property basis for one building. What we are saying is those R-2 and R-3 neighborhoods to have a mix, but the current code just has a density requirement so for the R-3 it says multifamily building 2500 sq. ft. per unit. It does not say whether that is a four unit building or a 40-unit building. So, it is open to how ever much land you can acquire to put a building in. What we are saying is those should be small or medium apartments and those should be a site-based review to see that those go in there. If you look at the R-3 and going on up it allows for all those building types. It is currently mixed. There are 7800 and 3500 sq. ft. lots. We typically see the patters of ends of blocks, or the side streets chunked off into the smaller lots and that is a good pattern and way to mix them. So that open square or location criteria would allow the staff something to look at the pattern to allow a mix of types.

Mr. Stanton stated Mr. Brewster was correct. An example is almost all Murphysburg is zoned R-3.

Ms. Phillips stated that does not make it right or good. She stated it does not make it perfect.

Mr. Stanton stated he understood her concern. Mr. Stanton advised that going back man decades the intent of zoning that area R-3 was so that people could convert those large homes into multiple units. The zoning that was passed back then is the zoning currently in place. He stated there is a mix in housing in that area, but this new code would allow that to continue.

Ms. Phillips stated the historic area is mostly R-1. They have made us go to R-1. She stated that her block is R-1 except the ends.

Mr. Bolander stated this gives us better ability especially on form or appearance for those homes that are being converted. He stated you know the history of this area. During the time of urban renewal people were moving out of those neighborhoods. At that time the City thought that by rezoning the area it would encourage people to reinvest in that area. Now, it is going back the other way as we have seen in the last decade. Those areas that are R-1 are still being protected and these areas that are higher density allows us a little more guidance on appearance to fit in better with the neighborhood.

Mr. Brewster stated that is the intent on this approach which is to make sure the most opportunities that we are adding new are in the R-4 district because it is so little used. Anything that comes in will require rezoning for that district. The least changes or no

change are in the AG, R-S AND R-1. Essentially there is no change between this code and the previous code. The R-2 and R-3 have more in filled based strategy where there are some of those opportunities, but those open squares give the staff some context review criteria. The neighborhood design standards do apply in those areas to help make sure that anything new fits into the character of the neighborhood. This gives a view of the overall approach.

Mr. McCullough asked about boarding house zoning.

Mr. Brewster stated that one thing this code would allow, and he believes our current code allows is that one of those building if it had 2500 sq. ft. per unit could do that currently. They would not be able to do the shared kitchen and bathroom with this new code. Mr. Brewster did not know how current code would treat that housing style. As far as taking that house and dividing it into four units he believed that could happen today if it is R-3 and what we are doing is saying could happen, but we want it to remain a house scaled building which is that multi-house building type. An apartment building is a different building type it would have different lot and development standards. The biggest change is we have capped those in scale based on this, whereas now in R-3 it is not. It is simply if you have 2500 sq. ft. unit, you could have four units to 40 units or beyond. Please correct me if I am wrong particularly on the boarding house issue, it is a specific nuance that is difficult to deal with.

Mr. Bolander stated yes, that would be classified as a group home general not limited. But a group home general so we would not allow it in a single-family residential area or apartment area. A lot of that in California is a result of housing costs. We do not have that here.

Ms. Phillips stated that she has always relied on the fire code when it comes to chopping up the larger homes. Fire codes call for fire walls, fire suppression and off-street parking.

Mr. Bolander stated that had not changed.

Ms. Phillips state that is if they only obtain a permit and do not to it under the cover of dark.

Mr. Brewster recalled this conversation from the open house. Mr. Brewster stated he knows that is an issue. We are encouraging and reinforcing the current practice from a planning and zoning standpoint, and we are relying on the building code being the one that determines whether that could or could not happen. Mr. Brewster stated that to do what some of these are suggesting would require a substantial investment maybe

even a cost prohibited investment from a building code standpoint. But understanding that people who skirt the codes may be doing that now and maybe doing that in the future.

Ms. Phillips asked fencing for residential or commercial.

Mr. Brewster stated, both are in there. He thought one of the questions they had during the Council work session was is there an additional expense because of these standards. He cannot say there will not be, but you have landscaping standards now that cause something to be triggered. He things where they have landed is more specificity on what is required so it is easier to budget and allocate that. They have placed an emphasis on the area of the site that impacts what the community experiences the most, the frontages. We want them allocating the spending they are doing to the areas that are most important to the community. He does think there is some flexibility in the code to double count things if it is well designed. For an example, your parking buffer could become your frontage landscape as well if you design the site correctly. So, there are opportunities to do thing more effectively and efficiently based on our criteria. In most cases maybe there is a little bit more of an expense. Usually when that has happened there is additional capacity going on with it. There are probably greater expectations of what you need to do which saves time. Time is money. In other cases, it might be the same or lesser requirement because we have said to allocate your landscape services here and do not landscape the entire site if it is not necessary. It is difficult to say what the dollar-for-dollar impact will be. I am confident this was a big part of your plan, and we are implementing that.

Ms. Steele needs an explanation and clarification on fencing and in particular side fencing. Flexibility is built into the permit above privacy fences talking about a side yard. Does that mean you are going to allow the fencing to come all the way to the sidewalk if it is a side fence. Or will it only go to the front of the home itself.

Mr. Brewster stated that we treat front fencing different than the side. It must be lower or more open in the front. On the side and particularly on the street side if it is a privacy fence there is a certain setback that would kick in for the higher fences than the side fences. If it is a residential side as it is in the back behind the front it could be the typical six ft. fence.

Mr. Stanton stated that when he referenced that in the staff report he was talking about a portion of the code that where the side yard is the active social space of the property maybe that is where the patio or deck is built that would allow them to build the privacy fence in the side yard. Our existing code does not allow privacy fences in the side yard at all. The code presented today is proposing that where those building are oriented in

a way where the side yard is essentially functioning as the back yard that would allow them to build a privacy fence.

Ms. Steele stated that if the house is situated like that the privacy fence can come all the way to the street or sidewalk, whichever it might be.

Mr. Stanton stated, no, not to the street or sidewalk only to the front corner of the house. So, anything that is in the front face of the house cannot be any taller than four ft. and must be open construction. For example, a picket fence or something like that.

Ms. Steele thanked Mr. Stanton for his explanation.

Ms. Phillips stated it gets confusing when some of the houses are on the street and some of the houses are faxing the cross street. How do you decide what is the front and what is the back? Maybe they use the side more than the back.

Ms. Brueckner-Sears stated maybe this gives the Board more discretion to look at the site and then decide okay now we understand why they are requesting this. She stated she thought it was good.

This plan will be presented to the City Council for 1st reading on July 18, 2022. The 2nd and 3rd reading on August 1, 2022.

MR. MCCULLOUGH MOVED TO RECOMMEND APPROVAL OF CASE 043-22. MS. WARREN SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

2. Other Business: None

Ms. Brueckner-Sears asked if there is any other business.

Mr. Stanton replied none.

3. Adjournment:

MR. MCCULLOUGH MOVED, SECONDED BY MS. STEELE TO ADJOURN. MOTION CARRED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

Approved _____

~~Wendy Brueckner-Sears~~, Chair - CO HEAT BREATHER

Approved Vicky Copeland

Vicky Copeland, Recording Secretary