MINUTES
PLANNING AND ZONING COMMISSION
REGULAR MEETING
JULY 9, 2018
4:00 P.M.

The Planning and Zoning Commission met in regular session on Monday, July 9, 2018. Present were Commission members Keenan Cortez, Peter Ramsour, Seth Dermott, Debra Koelkebeck, Wendy Brueckner-Sears and Rodney McCullough. Troy Bolander, Edward Whitmore, and Bet Willhite, represented the Planning, Development, and Neighborhood Services Department.

1. Roll Call:

Mr. Cortez called the roll. Mrs. Steele was absent.

MRS. BRUECKNER-SEARS MOVED, SECONDED BY MR. CORTEZ TO EXCUSE MRS. STEELE. MOTION CARRIED, WITH MR. CORTEZ, MR. RAMSOUR, MR. DERMOTT, MRS. BRUECKNER-SEARS, MRS. KOELKEBECK AND MR. MCCULLOUGH VOTING "AYE". (6 IN FAVOR, 0 NAYS, 1 ABSENT).

2. Approval of June 11, 2018 Minutes:

MR. RAMSOUR MOVED, SECONDED BY MRS. KOELKEBECK, TO APPROVE THE JUNE 11, 2018 MINUTES. MOTION CARRIED, WITH MR. CORTEZ, MR. RAMSOUR, MR. DERMOTT, MRS. BRUECKNER-SEARS, MRS. KOELKEBECK AND MR. MCCULLOUGH VOTING "AYE". (6 IN FAVOR, 0 NAYS, 1 ABSENT).

3. Old Business:

None.

4. New Business:

a. Election of Chairman, Vice-Chairman, and Secretary.

Mr. Cortez stated that next is the election of a new chairman, vice-chair and secretary due to that Mr. Duncan is no longer with us.

Nominations: Chairman: Mr. Cortez nominated by Mr. Ramsour with Mrs. Brueckner-Sears second the nomination. Mr. Cortez accepted and motion carries.

Vice-Chairman: Mr. Ramsour nominated by Mr. Dermott with Mrs. Koelkebeck second the nomination. Mr. Ramsour accepted and motion carries.

Secretary: Mr. Dermott nominated by Mr. Ramsour with Mrs. Brueckner-Sears second the nomination. Mr. Dermott accepted and motion carries.

5. Public Hearings:

Mr. Cortez read the public hearing procedures and stated that the cases on this agenda will be presented to the City Council on Monday, August 6, 2018.

Case 024-18: Adjacent and South of I-44 at Exit 1 – A request to rezone from Single Family Residential District (R1) to Commercial Planned Overlay District (C3-PD) – Bill Richert.

Mr. Cortez asked if there was anyone else to speak in favor? Mr. Richert is not able to be in attendance today, so staff will present the case.

Mr. Whitmore stated that a request to rezone this property came before this board on April 9, 2018. It was approved by this board and denied by City Council. The previous request was for commercial, but now the request is for planned district C-3. Planned District is different because any development will come before staff and other city officials for the approval of the site plans. The site plans must be approved by this commission and City Council before any development can proceed. The Future Land Use Map classifies this lot as Commercial. Utilities will need to be extend to the property from the north of I-44. This property is consistent with the comprehensive plan. The access to and from I-44 makes this property suitable for commercial development.

Mr. Ramsour asked when this property was annexed into the city limits.

Mr. Bolander stated that at the time it was owned by the Sitton Family. A little history many years ago the City of Joplin held an involuntary annexation and that was denied. Then the City went to the property owners and asked if they would like to voluntarily annex into the City. We developed a land use plan, which recognized a lot of the properties along the interstate would be commercial. If it didn't come into the City at that time, there would be nothing preventing it from being commercial right now because Newton County does not have land use regulations.

Mr. Cortez asked if there was anyone else that would like to speak in favor of this case? There were not.

Is there anyone to speak against this rezoning?

Alan Mauk, 4404 Aadrvark Drive, Joplin, MO. Mr. Mauk stated that this piece of property came before City Council two months ago and council voted to preserve residential zoning of this area. Mainly because the gentleman who owns the property had no plans for the property. There is no consideration for City Council's actions or the community in which it is located. We have noticed there is not a sewer line on the south side, so a boar would have to take place underneath I-44. The elevation there will have to be a pumping station, there are no water plans. The outer road could not withstand truck traffic. The community is asking for the Residential District to stay until plans can be prepared for the community to voice their opposition or their support or this project.

Casey Vanstory, 1601 S. Outer Road, Joplin, MO. She read a statement that she had written out. She stated that Mr. Richert is not here to answer any questions and she feels that they are being bullied by Mr. Richert and City Staff. Her land is adjacent and showed pictures. Things that need to be considered before rezoning the property, characteristics of the neighborhood is one of them. There is a total of eight (8) families that this rezoning will affect.

Mr. Ramsour asked Mrs. Vanstory if they lived in the city limits.

Mrs. Vanstory stated she did not. When police are called the Newton County Sherriff responds rather than the City of Joplin Police.

Mr. McCullough asked Mrs. Vanstory if her property was adjacent to this property?

Mrs. Vanstory stated that it was.

Mr. McCullough stated that she had the opportunity to annex into the city if she wished to.

Mrs. Vanstory stated she never had the opportunity, nor has my family.

Mr. McCullough stated that if you are adjacent to a property that is in the city limits you can request to be annexed in at any time.

Mrs. Vanstory asked if annexing in would give us city utilities and how long would that be for us to receive.

Mr. Bolander stated not necessarily the utilities, but it would be police, fire, and trash. Utilities would be depending how long it takes for the city to get out there. With this property getting utilities, it would be feasible to get them to your property as well.

Mrs. Vanstory stated that was never brought up to her.

Mr. Cortez asked if there were any other questions? There were not.

Nick and Tamara Breedlove, 1645 Outer Road, Joplin, MO. We have never been approached to be annexed into the City. The old Nickerson Farms was on a lagoon system. The parking lot and the piece of property where the building was, were level with the road. The rest of the property is down in a valley. They would have to do a lot of landfill and the gas line runs through the valley. If they moved that line it would cause flooding on their property.

Mr. Cortez closed the case.

Mr. Bolander stated that he had to make some comments for the record. He wanted to make sure that the decision was based on the six (6) factors that are listed in the code.

1. Character of the neighborhood.
2. Zoning and uses of properties nearby.
3. Suitability of the subject property for the uses for which it has been restricted.
4. Extent for which the newer restrictions or change in zoning will judgmentally affect the nearby property.
5. The findings concerning the extent which the rezoning request meets the intent of the regulation.
6. Compliance with the Comprehensive Development Plan -Future Land Use Map.

Mr. Cortez asked if they have the option of tabling this case.

Mr. Bolander stated that was correct. You have all your options available. You can approve it, you can deny it, or you can table it.

MR. RAMSOUR MADE THE MOTION AND SECONDED BY MRS. BRUCKNER-SEARS, THAT CASE 024-18, BE TABLED. MOTION CARRIED, WITH MR. CORTEZ,

MR. RAMSOUR, MR. DERMOTT, MRS. BRUECKNER-SEARS, MRS. KOELKEBECK AND MR. MCCULLOUGH VOTING "AYE". (6 IN FAVOR, 0 NAYS, 1 ABSENT).

Case 025-18: A tract of land located approximately 225 feet south of 20th Street, on the east side of Delaware Avenue – A request to rezone from Single Family Residential District (R1) to Two-Family Residential Planned Overlay District (R2-PD) for the construction of duplexes – Parker Properties & Investments.

Kevin Parker, 1115 Illinois, Joplin, MO 64801. Mr. Parker stated that he has 5 lots that he had purchased after the tornado. The property is just off 20th Street and surrounded by duplexes on the northeast side and commercial on the north side. He desires to build 6 quality duplexes in that location. Since the purchase of this property, the R-2 zone has extended to the Southeast. The duplexes are three-bedroom, two baths. They appraise at $265,000.00 apiece. They are brick and smart siding.

Mr. Dermott wanted to know about a buffer between the property and the R-1 properties.

Mr. Parker stated that he considered building a fence. A privacy fence of some sort would probably make a good buffer.

Mr. Cortez asked if there were any other questions for Mr. Parker. There was not. He also asked if there was anyone else that would like to speak in favor of this case? There was not. Would anyone like to speak in opposition of this case?

Gayle Frances, 2115 Delaware, Joplin, MO. She stated that she rebuilt after the tornado on the same lot. Mrs. Frances stated that she feels like she is being inundated by duplexes. Right behind Mr. Parkers property is a pond and there is a pipe that could possibly over flow and flow right through the duplexes. She would like a buffer of some kind between the two properties.

Mr. Ramsour wanted to ask Mr. Bolander, if we change the zoning with the concept of a buffer, can we do that or not?

Mr. Bolander stated it was already in the code. Between R-1 and R-2 Districts there are different options he could use. It is an administrative requirement. Mr. Bolander mentioned that Mr. Parker is requesting an R2-PD District, so the plans will come back to this commission before permits can be issued.

Mr. Cortez asked if there were any other questions? There was not. Case 025-18 is closed.

MR. DERMOTT MADE THE MOTION AND SECONDED BY MR. RAMSOUR, THAT CASE 025-18, BE FORWARDED TO THE CITY COUNCIL WITH RECOMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. CORTEZ, MR. RAMSOUR, MR. DERMOTT, MRS. BRUECKNER-SEARS, MRS. KOELKEBECK AND MR. MCCULLOUGH VOTING "AYE". (6 IN FAVOR, 0 NAYS, 1 ABSENT).

Case 026-18: A tract of land located in the Tallgrass Subdivision, along Tallgrass Drive – A request to rezone from Single Family Residential District (R1) to Two-Family Residential District (R2) for the construction of duplexes – Steven G. Vogel

Mrs. Bruckner-Sears excused herself from this case.

Steve Vogel, 116 Hillcrest, Galena, KS. I am packaging this sub-division for several developers in Joplin. Some of the developers stated that they would like to have the option of building Patio Houses or duplexes. The covenant in Tallgrass would demand the same thing as single family residential. Same requirements. It will bring in quality renters and owners. To the North of this property is all open land, to the east is all open land, to the south of the property is open land except a portion of it which is University Circle. To the west is a resident. Most of the developers are just wanting the option.

Mr. Cortez asked if there were any questions?

Mr. Ramsour asked Mr. Vogel when did he first develop this property?

Mr. Vogel stated as a guess approximately 2003 or 2004. He also stated that he is liquidating for his retirement. He also submitted documents from homeowners that were not opposed.

Mr. Cortez asked if there was anyone else to speak in favor of Case 026-18? There was not. He wanted to know if there was anyone there in opposition of Case 026-18.

Charles Edgington, 6759 Dutch Elm Drive, Joplin, MO 64804. I am a property own at 4114 Plumthicket Drive. Mr. Vogel did call him and see if Mr. Edgington would support him. He stated he wouldn't. Mr. Edgington would like to voice some concerns. Mr. Edgington referenced the six factors that zoning decisions should be based upon. After speaking with the other neighbors, finding out this has been tried before or after the tornado. It wasn't approved at that time.

Mr. Bolander read the six factors again.

Mr. Edgington stated that with character of the neighborhood and set up for single family. The properties that are developed are for single families. With the needs of the community, there is ample development for duplexes and other housing elsewhere.

Mr. Cortez asked if there were any questions for Mr. Edgington? There was not.

Dustin Storm, 4130 Plumthicket Dr., Joplin, MO. We remodel this house to make it our dream home. After moving in we learned of the rezoning that Mr. Vogel was wanting to do. Out of the eight (8) petitions of protest petitions, 2 are from elderly widows, who previously agreed with Mr. Vogel and they didn't have a problem. They later spoke with their children and advised them they should not have agreed. It was first brought up to me as a mixture of R-1 and R-2. When speaking with the neighbors, we are against the R-2 or R-3 zoning.

Mr. Cortez asked if there were any questions for Mr. Storm.

Mr. Dermott asked Mr. Storm how he came up with the number 8?

Mr. Storm stated that 2 of the people we spoke to are renting the house and we are including their petitions of protest since they live in the neighborhood.

Tony Hulfeld, 4122 Plumthicket Dr., Joplin, MO. Stated that he has spoken to the neighbors and he is very opposed to this. The one thing he would worry about is the effect of the value of the homes. University Circle is a very nice area and that is what our area should be.

Mr. Cortez asked if there were any questions for Mr. Hulfeld? There was not.

Mr. Vogel readdressed the Commission. Mr. Vogel stated he canvassed the neighborhood and did not get the reaction that is here today. If it makes it easier on the Planning and Zoning Commission, he will opt to withdraw the application.

Mr. Cortez closed Case 026-18 closed.

MR. DERMOTT MADE THE MOTION AND SECONDED BY MR. MCCULLOUGH, THAT CASE 026-18, BE FORWARDED TO THE CITY COUNCIL WITH RECOMENDATION FOR DENIAL. MOTION CARRIED, WITH MR. CORTEZ, MR. RAMSOUR, MR. DERMOTT, MRS. KOELKEBECK AND MR. MCCULLOUGH VOTING "AYE". (5 IN FAVOR, 0 NAYS, 1 ABSTAIN, 1 ABSENT).

Case 027-18: 2202 S. Jackson Avenue – A request to declare surplus property – City of Joplin

Mr. Whitmore stated that this was previously the old Senior Center, the new Senior Center is now in operation. The City is requesting to declare this as surplus property.

Mr. Cortez asked if there were any questions for staff? There was not. Anyone else to speak in favor of this case? There was not. Anyone to speak in opposition of this case? There was not.

MRS. BRUCKNER-SEARS MADE THE MOTION AND SECONDED BY MR. RAMSOUR, THAT CASE 027-18, BE FORWARDED TO THE CITY COUNCIL WITH RECOMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. CORTEZ, MR. RAMSOUR, MR. DERMOTT, MRS. BRUECKNER-SEARS, MRS. KOELKEBECK AND MR. MCCULLOUGH VOTING "AYE". (6 IN FAVOR, 0 NAYS, 1 ABSENT).

Case 028-18: 903 S. Virginia Ave. – A request to declare surplus property – City of Joplin

Mr. Whitmore stated that this property is currently zone M-2 (Heavy Industrial). It is approximately .09 acres. The north of this property is a warehouse, to the east is residential, to the west is vacant property, and south is warehouse storage. Two streets with access are 8th and Virginia. This property was a donation to the City by Clean Uniform Company as part of a redevelopment project. It is considered an unbuildable lot due to size and the property owner to the east has expressed interest in it and would be the first offered to purchase the property.

Mr. Cortez asked if there were any questions for staff? There were not. Anyone else wishing to speak in favor of this case?

Mike Smith, 210 E. 9th Street, Joplin, MO. This property is connected to my property and there is only one driveway into the property. He has been taking care of the property since he has moved

into that neighborhood. He doesn't want to build on that property, but he will take care of this property.

Mr. Cortez asked if there was anyone wishing to speak in opposition of this case? There was none.

MRS. BRUCKNER-SEARS MADE THE MOTION AND SECONDED BY MR. DERMOTT, THAT CASE 028-18, BE FORWARDED TO THE CITY COUNCIL WITH RECOMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. CORTEZ, MR. RAMSOUR, MR. DERMOTT, MRS. BRUECKNER-SEARS, MRS. KOELKEBECK AND MR. MCCULLOUGH VOTING "AYE". (6 IN FAVOR, 0 NAYS, 1 ABSENT).

Case 029-18: 3137 S. Wall Ave. – A request to declare surplus property – City of Joplin

Mr. Whitmore stated that this property is currently zoned R-1 (Single Family Residential) and is vacant. It is approximately .15 acres. There is a church to the west, vacant property to the south, the property to the east is zoned C-1 but has a single-family home, and to the north is a single-family home. The property was purchased by the city for the 32nd widening project. Note that if there is a buyer for this property, a legal description for the portion needed for Right of Way will need to be taken from the portion that is sold to the property owner.

Mr. Cortez asked if there were questions for staff? There was not. Anyone wishing to speak in favor of this case? There was not. Anyone wishing to speak against? There was not.

MR. RAMSOUR MADE THE MOTION AND SECONDED BY MR. DERMOTT, THAT CASE 029-18, BE FORWARDED TO THE CITY COUNCIL WITH RECOMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. CORTEZ, MR. RAMSOUR, MR. DERMOTT, MRS. BRUECKNER-SEARS, MRS. KOELKEBECK AND MR. MCCULLOUGH VOTING "AYE". (6 IN FAVOR, 0 NAYS, 1 ABSENT).

Case 030-18: A tract of land located north of 26th Street between Pearl Avenue and Wall Avenue – A request to rezone from Single Family Residential District (R1) to Neighborhood Commercial District (C1) for the construction of a restaurant – Chris Parrish

Chris Parrish, 10435 County Rd. 260, Carl Junction, MO. He stated he is asking for the whole block where the Irving School was located to be rezone for the construction of a family restaurant. We currently just have plans for the south 1/3 of the property but asking for the rezoning of the block for future use.

Mr. Ramsour asked about access to the property.

Mr. Parrish stated there isn't access off 26th Street. They are looking at an east/west entrance.

Mr. Ramsour stated that access would be from Wall Ave and Pearl Street, not 26th Street.

Mr. Parrish stated that just from Pearl Street at this time. We are trying to keep the history of the property and building.

Mr. Cortez wanted to know the type of restaurant?

Mr. Parrish stated it would be fast food Mexican.

Mr. Ramsour asked Mr. Bolander if school properties are usually R-1?

Mr. Bolander stated that it is not unusual. Schools are allowed in residential areas.

Mr. Cortez asked if there was anyone else wishing to speak in favor of this case? There was not. Anyone wishing to speak in opposition of this case? There was not.

MRS. BRUCKNER-SEARS MADE THE MOTION AND SECONDED BY MR. DERMOTT, THAT CASE 030-18, BE FORWARDED TO THE CITY COUNCIL WITH RECOMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. CORTEZ, MR. RAMSOUR, MR. DERMOTT, MRS. BRUECKNER-SEARS, MRS. KOELKEBECK AND MR. MCCULLOUGH VOTING "AYE". (6 IN FAVOR, 0 NAYS, 1 ABSENT).

6. Other Business

Cortez

Mr. ~~Duncan~~ asked if there is anything else to come before this commission? There being no further business to come before the Planning and Zoning Commission, the meeting stood adjourned at 5:00 p.m.

MR. RAMSOUR MOVED, SECONDED BY MR. DERMOTT, THAT THE MEETING BE ADJOURN THE MOTION CARRIED, WITH MR. CORTEZ, MR. RAMSOUR, MR. DERMOTT, MRS. BRUECKNER-SEARS, MRS. KOELKEBECK AND MR. MCCULLOUGH VOTING "AYE". (6 IN FAVOR, 0 NAYS, 1 ABSENT).

Approved _____
Keenan Cortez, Chairman

Approved _____
Lindsay Dunn, Secretary