MINUTES
PLANNING AND ZONING COMMISSION
REGULAR MEETING
JULY 11, 2016
4:00 P.M.

The Planning and Zoning Commission met in regular session on Monday, July 11, 2016. Present were Commission members Chad Brown, Wendy Brueckner-Sears, Keenan Cortez, Seth Dermott, Gary Duncan, Peter Ramsour, and Lee Smith. Troy Bolander, Taylor Cunningham, and Susan Champlin represented the Planning, Development, and Neighborhood Services department.

Mr. Smith read the public hearing procedures and stated that the cases on this agenda will be presented to the City Council on Monday, August 1, 2016.

Case 021-16: 2201 North Main Street – A request to rezone from R-1 (Single-Family Residential) to C-1 (Neighborhood Commercial) – Christ in Youth.

Mr. Brown wished to abstain from the discussion and vote on Case 021-16 due to a conflict of interest. He left the dais at this point.

Mr. Smith opened the public hearing for Case 021-16.

Mr. Ryan Claborn, 2201 North Main Street, appeared representing Christ in Youth, the owner of the property in this request. They purchased a 20-acre plot adjacent to their existing land. They are requesting the rezoning of the southwest five acres for the construction of a warehouse for storage of equipment owned by Christ in Youth.

Mr. Ramsour asked if the property where site preparation is occurring is the property rezoning is being requested for, and Mr. Claborn replied yes. He understood dirt work could be done as long as Christ in Youth wasn't constructing anything.

Mr. Cortez asked if this will require the presentation of development plans to this commission before the warehouse can be constructed. Ms. Cunningham replied this won't require a site plan review since the property is not within any of the planned development corridors. Christ in Youth will still proceed through the regular commercial building permit process with the City staff.

Mr. Ramsour asked if access will be provided by the current existing roads up to Main Street. Mr. Claborn replied a private drive comes off from Main Street that accesses their existing property, with the warehouse being accessed from that drive.

Mr. Smith asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 021-16.

MR. DUNCAN MOVED, SECONDED BY MR. DERMOTT, THAT CASE 021-16 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

MS. BRUECKNER-SEARS, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE"; AND WITH MR. BROWN ABSTAINING (6 IN FAVOR, 1 ABSTENTION, 0 ABSENT).

Mr. Brown returned to the dais at this point.

Case 022-16: 2306 Xenia Street – A request for a Special Use Permit (First Request) for the operation of a Day Care Home – Yvonne Vonderosa.

Mr. Smith opened the public hearing for Case 022-16.

Ms. Yvonne Vonderosa, 2306 Xenia Street, Joplin, appeared to request a special use permit for the operation of a home day care. She believes it would be an asset to the community. She has 21 years' experience with the school district and some commercial day cares.

Mr. Duncan noticed Ms. Vonderosa's back yard is fenced and asked if there is a playground area for the children. She has some tricycles and small toys but plans on purchasing a Little Tykes slide and a small playhouse.

Mr. Duncan asked about a square footage requirement per child, and Ms. Vonderosa replied she is in compliance. She isn't exactly sure of the square footage requirement but stated she is in compliance with everything.

Mr. Ramsour asked if the chain link fence is sufficient, and Ms. Vonderosa replied yes. The bikes will be stored inside the garage.

Mr. Cortez asked if it will be difficult for people to turn around when they drop off children since Xenia Street is not a through street. Ms. Vonderosa replied they can drive to Florida Avenue or Independence Avenue and circle around the block.

Mr. Smith asked for comments from the audience.

Mr. Randy Owens, 2289 County Road 176, Carthage, Missouri, owns the property at 2306 Xenia Street where Ms. Vonderosa plans to open the day care. Mr. Owens supports the concept of what she plans to do and believes she would do a good job for the city and the families she would serve. However, he has a problem with the liability insurance as long as he owns the property. His insurance agent and his attorney have advised him to speak in opposition until the liability issues are resolved.

Mr. Owens stated his name is still on the deed. He has a contract for deed where Ms. Vonderosa is purchasing the property, and he is selling. He believes the issue can be resolved to remove his name from the deed since he doesn't want any liability with this venture whatsoever. He wants Ms. Vonderosa to continue to buy the house and to succeed with what she wants to do.

Mr. Ramsour asked Mr. Owens about his timeline on resolving these issues, and he replied as soon as possible. Everything is being handled in Jasper County. He can ask his attorney to prepare the financial documents, with the recording of the deed with the county. He thought the process will

take three weeks if everything cooperates. He owns the house "free and clear" with the purchase just being between Ms. Vonderosa and himself, his attorney, and the recorder of deeds.

Mr. Smith asked if Ms. Vonderosa could purchase a rider on her insurance to satisfy Mr. Owens' requirements. Mr. Owens replied not at this time.

Ms. Cunningham would recommend tabling this request, with a permit not being granted until all the legal issues between Mr. Owens and Ms. Vonderosa are resolved.

Mr. Smith asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 022-16.

MR. CORTEZ MOVED, SECONDED BY MR. BROWN, THAT CASE 022-16 BE TABLED, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MS. BRUECKNER-SEARS, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

Case 023-16: 2024, 2025, and 2119 Maryland Avenue – A request to rezone from R-1 (Single Family Residential) to R-2 (Two-Family Residential) for the construction of duplexes – Brad Allphin Investments.

Mr. Smith opened the public hearing for Case 023-16.

Mr. Eric Allphin appeared on behalf of Brad Allphin Investments, 12607 Raccoon Road, Granby, Missouri. Their plan is to extend Maryland Avenue between 20th Street and 22nd Street. Following completion of the roadway, they plan to construct duplexes as show on the plot plan.

Mr. Allphin's engineer will develop the storm water detention plans. He did not want to proceed with detention plans pending the outcome of the rezoning request. Preliminary plans are for the water to drain onto the new Maryland Avenue towards 22nd Street.

Mr. Allphin stated the construction would be really nice, with the duplexes being something he would like to live in. The duplexes will contain granite countertops and tile floors, with these not being low-income units. He would like to cater to the housing needs for the new medical school.

Mr. Duncan asked how many units these duplexes would contain, and Mr. Allphin replied 13 duplexes containing 26 units.

Mr. Smith asked about the rent, and Mr. Allphin replied around $1,000 monthly.

Mr. Duncan asked Mr. Allphin where the water will be retained. He replied along the west side of Maryland Avenue and along the back side of the duplexes on the west side of Maryland. There is sufficient room behind the duplexes along the east side of Maryland to retain the water.

Mr. Smith asked if there will be some type of retaining wall. Mr. Allphin replied there will either be a concrete retaining wall or a berm type, depending on how much room there is and how high it would have to be.

Mr. Duncan asked if there will be condominiums on both sides of Maryland Avenue, and Mr. Allphin replied yes.

Mr. Smith asked if a roadway will be constructed, and Mr. Allphin replied Maryland Avenue will be extended through where it doesn't currently exist. Maryland Avenue can be accessed from 20th Street or from 22nd Street. This will improve traffic flow through the area.

Mr. Smith asked for comments from the audience.

Mr. Keith Adams, 2102 South Patterson Avenue, Joplin, appeared in opposition to the request. He and his wife reside immediately east of the proposed addition.

Mr. Adams gave a brief history of the property in the request and stated Frank Rook inherited that property from his grandfather. Former Public Works Director Harold McCoy stated even though Maryland Avenue was never a street, you could traverse through it as long as the City of Joplin maintained that roadway. Mr. Adams understood Brad Allphin has purchased the entire piece of property, and it would be quite costly for the City to construct a street through there.

Mr. and Mrs. Adams' home was totally destroyed in the tornado, and they made a decision to build back. He would like for the zoning to continue as R-1 since it is surrounded by single-family homes. He stated Eric Allphin has constructed some nice homes, and that the duplexes are nice apartments.

Mr. Adams stated Mr. Allphin convinced him that the single-family property values would increase, but he thought that was hard to believe with apartments being built among houses.

Mr. Adams apologized that he hasn't seen the drawings to really know enough to provide any feedback as to what he thought the development should be. He looks at the back side of the apartments in the 2000 block of Maryland Avenue and is looking at wood fences and the back of the roofs. He stated his wife may be agreeable to the proposed development if Mr. Allphin erects while plastic fencing rather than wood fencing.

Mr. Duncan asked Mr. Adams if his objection is that Mr. Allphin is constructing apartments or condominiums in a neighborhood. Mr. Adams had no opposition to duplexes but expressed concern about high-rise buildings.

Mr. Ramsour asked Mr. Adams if most of the houses in the area are one story or two stories, and he replied one story.

Mr. Duncan asked Mr. Adams if he has seen the drawings of the proposed duplexes, and he replied not yet. Mr. Allphin showed Mr. and Mrs. Adams the development plans.

Mr. Adams asked Mr. Allphin if the residents along Patterson Avenue would be looking at the back side of the duplexes, and he replied yes.

Mr. Adams asked Mr. Allphin if he proposes a privacy fence along the rear property line, and he replied yes. Mr. Adams asked Mr. Allphin if he proposes plastic or wood fencing, and he replied wood. Mr. Adams discussed the number of wood fences being erected in the neighborhood.

Mr. Ramsour asked Mr. Adams if he represents any other property owners in the neighborhood or is basically speaking for himself. He stated one gentleman is pretty unhappy and immediately put his house up for sale.

Ms. Margaret Kannady, 2211 McConnell Avenue, Joplin, appeared in opposition to the request. Her house was gutted and totally rebuilt after the tornado. Only a small portion of her property lies within the 185 feet for which the City staff mailed letters notifying the surrounding owners of this hearing.

Ms. Kannady stated this area is a wonderful, family-oriented neighborhood. She has resided there 21 years and stated that the neighbors watch out for each other. She mentioned a lot of children in the neighborhood, and they love to play basketball in the edge of the street. The cul-de-sac on McConnell makes it easy for drivers to see them when they come up through there.

Ms. Kannady would like for Maryland Avenue to be opened and to be called McConnell Avenue since it is difficult to give someone directions. She expressed concern about the neighborhood staying a family-oriented neighborhood and about the water retention project. She stated 22nd Street is lower than all the surrounding property in that area. She wished Mr. Allphin was building single-story duplexes but expressed concern about the drainage situation and the type of neighbors she would have.

Mr. Duncan stated there are apartments on the other end of Maryland near 20th Street, and he asked Ms. Kannady if those have presented any problem to the neighborhood. She replied those duplexes are two blocks away from her home, with the proposed duplexes being within one-half block of her home.

Mr. Duncan stated the existing duplexes on Maryland near 20th Street abut single-family areas and asked Ms. Kannady if she is aware of any problems in that area. She was not aware of any issues and just knows the people who reside in the 2200 block on McConnell, Patterson, and Delaware Avenues.

Ms. Gail Francis, 2115 Delaware Avenue, Joplin, appeared and stated she cannot say she is 100 percent in favor of the request. Her property and her neighbor's property are to the west of the property in this request. Her biggest concern is the storm water runoff problem, in that the detention basin will be on the back side of her back yard.

Ms. Francis and her neighbors currently have enough water the way the land is behind her house. The water flows north and west, so it comes across her property and the property immediately to the north, which is 2111 Delaware. There is some absorption since the property to the north of her is currently vacant.

Ms. Francis is not very familiar with the landscape on the east side of Delaware but stated there is a small slope, so some of the water would run to 22nd Street, but there is no storm drain on 22nd Street. She thought any water would flow to 22nd Street, west to Delaware, and then north on

Delaware. A small ditch exists between the two apartment complexes on either side of Delaware, with that street becoming flooded, and the water going into that ditch. The ditch is not well-maintained. Additional water coming in that direction would make the flooding situation worse.

Ms. Francis discussed the possibility of the water running in another direction if the ditch was maintained better. She expressed concern about the detention basin overflowing. She has no problems with the existing apartments off 20th Street and Maryland Avenue. That complex is well-maintained and mowed regularly. She hasn't had any problems with the residents. The rain water is her biggest concern, and how that will be addressed so it won't flow into her yard and cause more problems.

Ms. Cunningham stated all these requests are reviewed by the City engineers who work with sanitary sewer and storm water. They are totally aware of this development, and building permits would be totally dependent on an adequate storm water detention system based on engineering calculations that must be approved by a licensed engineer. No permits can be issued without an adequate storm water detention system.

Mr. Cortez asked Ms. Francis if she has any issues with the two-story design. She would prefer one story, but she hasn't seen any problems with the two-story duplexes north of her property.

Mr. Allphin thought the storm water will actually improve the situation since some of the water does run towards Ms. Francis' property. The water won't run that direction after he builds there.

Mr. Allphin also owns the duplexes along the west side of Delaware Avenue south of 20th Street. He maintains very nice places and keeps residents who are really nice. He is not a slumlord by any means, and people who live in his duplexes can attest to that.

Mr. Ramsour discussed the planning report, which states the request is consistent with the comprehensive plan. He asked if this is before or after the tornado. Ms. Cunningham stated the plan was adopted during 2012, after the tornado.

Mr. Ramsour asked if duplexes that far from 20th Street are consistent with the comprehensive plan. Ms. Cunningham stated the future land use map shows some low-density and moderate-density residential uses in this area. Because of the development to the north and west and along 20th Street, there will be some depth where mixed-use corridor will exist just by the nature of everything that is being rebuilt. The staff saw no inconsistencies with the comprehensive plan or the design guidelines since these are nice-looking facilities.

Mr. Smith asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 023-16.

MR. CORTEZ MOVED, SECONDED BY MR. DUNCAN, THAT CASE 023-16 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, MS. BRUECKNER-SEARS, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, AND MR. RAMSOUR VOTING "AYE"; AND WITH MR. SMITH VOTING "NAY" (6 IN FAVOR, 1 OPPOSED, 0 ABSENT).

Case 024-16: 602 North Wall Avenue – A request for a Special Use Permit (First Request) for the operation of a Bed and Breakfast – Stephen Grindle.

Mr. Smith opened the public hearing for Case 024-16.

Mr. Bolander excused himself from the discussion on Case 024-16 since Stephen Grindle is a direct employee of his, so Ms. Cunningham addressed any questions.

Ms. Ann Leach, 523 South Sergeant Avenue, Joplin, stated she is a colleague of Mr. Grindle. He is a member of her young professionals' group that she coaches through the Chamber of Commerce, so she knows him professionally. She has had the opportunity to tour his home in anticipation of this meeting.

Ms. Leach stated Mr. Grindle was interested in her representation because she appeared before this commission and went through the same process. She is familiar with his desires for the property.

Ms. Leach's space has a private entrance off-street, and Mr. Grindle is interested in making two rooms available in their home. Ms. Leach understood there will be no meal preparation, as Mr. and Mrs. Grindle are not interested in providing the "breakfast" in bed and breakfast.

Ms. Leach asked Mr. Grindle if there would be a big neon sign announcing the location, and he stated there will not be. He has ample off-street parking available. He has a lovely home and neighborhood in the North Town area.

Mr. Grindle has the support of his neighbors, and if this does move forward to the City Council, he is prepared to share copies of those support letters with the Council.

Ms. Leach stated when she requested the special use permit for her facility, she mentioned her space could be utilized for small lunches and work groups. She does not prepare the meals but stated the participants can bring in their own lunches.

Mr. Brown asked if there is a reason the letters of support weren't provided for this commission. Ms. Leach didn't make them available for Planning and Zoning but prepared a packet for the City Council. Mr. Grindle has those letters and would be happy to share, but Ms. Leach did not believe it was necessary at this point. Ms. Cunningham stated Mr. Grindle is out of state at this time.

Mr. Cortez asked how Mr. Grindle plans to inform the public about the facility without signage. Ms. Leach makes this available through online bed and breakfast free marketing sites and also through referrals from downtown businesses and the Convention and Visitors Bureau. There is a huge amount of traffic coming to Joplin, and people are seeking housing especially in this part of the city.

Mr. Smith asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 024-16.

Mr. Ramsour stated the staff report mentions the special use permit is renewable in July, 2016, and Ms. Cunningham replied she meant July, 2018. She will change that for the City Council.

MR. RAMSOUR MOVED, SECONDED BY MR. BROWN, THAT CASE 024-16 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR A TWO-YEAR SPECIAL USE PERMIT BE ISSUED TO RACHEL AND STEPHEN GRINDLE, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MS. BRUECKNER-SEARS, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

Election of Planning and Zoning Commission Officers:

Mr. Smith stated the commissioners need to elect a vice-chair. He opened the floor for nominations.

MR. CORTEZ NOMINATED GARY DUNCAN FOR THE POSITION OF VICE-CHAIR.

Mr. Smith asked for additional nominations, and none were received. He asked for a vote to approve the nomination of Gary Duncan for the position of vice-chair.

MR. BROWN, MS. BRUECKNER-SEARS, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, MR. RAMSOUR, AND MR. SMITH VOTED "AYE" (7 IN FAVOR, 0 ABSENT).

Ms. Cunningham stated a special meeting of the Planning and Zoning Commission will be called within the next two to three weeks to rezone property located at the northwest corner of 26th and Main Streets for construction of a new Braum's restaurant.

There being no further business to come before the Planning and Zoning Commission, the meeting stood adjourned at 4:46 p.m.

Approved Lee Z Smith
Lee Smith, Chairman

Approved Susan Champlin
Susan Champlin, Secretary