JOPLIN | PLANNING & ZONING COMMISSION

MINUTES
MONDAY, August 12, 2024
4:00 P.M.

The Planning and Zoning Commission met in a regular session, Monday, August 12, 2024. Present were Commission members Natasha Klue-Michael, Cole Landis, Gary Spruce, Amia Warren, Benjamin Rosenberg, Mary Anne Phillips and Drew Kimble. Tyler Bellairs represented the Planning, Development and Neighborhood Services Department.

1. **Roll Call:** Tyler Bellairs called the role.

2. **Approval of Minutes:**

MR. LANDIS MOVED TO APPROVE THE JULY 8, 2024, MINUTES. MS. KLUE-MICHAEL SECONDED THE MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAY 0 ABSENT)

3. **Public Hearings**

Mr. Kimble read Public Hearing Procedures.

Case 029-24: VACATION

An alley located at 1036 S Range Line Rd – Alley Vacation – A request to vacate a portion of alley right-of-way – Seneca Enterprises MO, LLC

Mr. Kimble asked if anyone wished to speak on this case.

Mr. Bellairs asked Mr. Kimble if we want to have the applicant present the case.

Mr. Bellairs said that he has an exhibit showing the rerouted alley access. Mr. Bellairs stated we had one petition of protest.

Max DiCarlo, First Street Development, presented the case. They had been working on this project and were on a previous agenda in June. They had asked to delay the case to gather more support from neighboring property owners. They have planned an access easement so that the situation remains the same.

Ms. Phillips asked staff if this was an alley or a street? South Frost Ave?

Mr. Bellairs stated that Frost Ave is not being impacted by the request, the vacation is for the alley between Frost Ave, and undeveloped street, and Range Line Rd.

Ms. Phillips asked why there is not a 185' buffer around this map.

Mr. Bellairs stated the 185' buffer is a requirement by State Statute for rezoning and special use permit cases. It is not a requirement for vacations. We notify property owners adjacent to the alley, as they gain property in a vacation or are impacted by access. We sent notices to all the property owners on this block.

Mr. Kimble asked how that notice was sent. Was it a mail notice or a knock on the door?

Mr. Bellairs said it was a mailed notice to all the property owners on this block between 10th and 11th.

Mr. Rosenberg asked if the improvements to Frost Street is contingent on approval.

Mr. Bellairs said that is going to be part of the development review phase when we receive the building plans. The improvements of Frost Ave are also going to correspond with the signed easement agreement with the City, that was included in the application materials. The agreement will be signed by the City on approval of the vacation request. As soon as the alley is vacated, we will have access to connect from the rest of the alley to Frost.

Mr. Rosenberg asked, so if we approve this case, Frost will be improved?

Mr. Bellairs stated yes, we cannot lose access for this property or adjacent properties on the block. He displayed the exhibit showing the access easement connecting to Frost Ave.

Mr. Kimble asked staff why the packet stated the applicant has not been able to provide vacation consent forms. He asked if it meant that there were people who were not reachable?

Mr. Bellairs said yes, that was correct. He stated Troy received an email from one of the property owners, Mr. Sterrit, that he was in support. This was because we were not losing access, and because we were maintaining it via rerouted access, and because the part of the alley being vacated is not directly adjacent to anyone other than the applicant, they are the only ones gaining anything from the vacation. The vacation consent forms are typically for if we are enlarging someone's property through the vacation of right-of-way or losing access. They are not a requirement, but this was a transparent notice to include in the discussion.

Mr. Kimble asked if anyone would like to speak in favor of the case.

Darieus Adams, 2520 S Kingsdale, Joplin, spoke in favor of the case. This request is just pushing access West. They are granting an easement and improving it. Mr. Adams said he would like to offer that Andy and Max are men of their word and would do everything they can to make this right.

Ms. Phillips asked what is going in there.

Mr. Seemiller, 4700 Belleview, Kansas City, MO. It will be a Dutch Brothers Coffee with a large drive through. They are going to reroute the easement for all of the public to use. They are also improving part of Frost Ave. There is property fronting the unimproved Frost Ave. They are taking on improving 25% of Frost Ave, which will be beneficial to that property.

Mr. Kimble asked if there was anyone else who would like to speak in favor.

Mr. Kimble asked if there was anyone who would like to speak in opposition.

Norman Kraemer, 1032 Range Line, Joplin. They have 54' semis come through every week. The drivers said they do not see how they can get their trucks through the new access. The trucks will not be able to get out with a 54' trailer. They are not sure they can get out. It has been this way for 58 years.

Mr. Kimble asked if the trucks come North to South or South to North.

Mr. Kraemer said they come in from 11th St.

Ms. Klue-Michael asked if they could park the truck on 11th and still deliver.

Mr. Kraemer said we are talking about 2-3 tons of meat. The drivers cannot do that.

Mr. Kimble asked if the coffee place is going into the existing building.

Mr. Bellairs said it will be new construction.

Mr. Landis asked if it will be going on the corner of 11th and Frost.

Mr. Bellairs said the whole site will include both parcels East and West of the alley. Mr. Bellairs clarified that this is a ROW vacation, not an easement vacation, so they will not be putting anything permanent in the alley because they cannot impact utilities. So they will have the building sit on the East side of the alley with a drive through across the whole site running East to West.

Mr. Kimble asked if there will be adequate space from 11th around the drive to get back to Mr. Kraemer's site.

Mr. Bellairs stated yes, it is a one-way access with either way. An alley does not see too much traffic and are one way anyways. As far as the trucks making the turn, Max DiCarlo's team looked into that. Mr. Bellairs asked Mr. DiCarlo if he wanted to present that information.

Mr. Seemiller said that the truck turning templates were provided by the civil engineer, and that those turns were able to be achieved. They also provided a roll over curb to provide the turning radius. It is their opinion the trucks will not have any issue.

Mr. Kimble asked if they had access to those templates.

Mr. Bellairs said we do not have the turning radius, that is part of the plan submittal. Something to add, the City looks at access being able to support large turn radius' for Ladder 1 and fire access. Staff always checks to make sure sites can support the larger vehicles.

Mr. Kimble asked if the trucks would have to back down the alley way rather than driving South to North.

Mr. Bellairs said not necessarily, they could just as easily make the access from 11th and exit onto 10th street.

Mr. Kimble said he would love to be able to see the information from the engineers regarding the turning radius. Is that something Mr. Kraemer had access to?

Mr. Kraemer said they brought in one for a 30' truck semi. They said they would be giving him an updated site plan for a 54'. He only saw one for a 30'. The truck driver he talks to has been driving trucks for 50 years. He does not see how they can access this with the planned reroute.

Mr. Kimble asked the applicant if the engineers have made concessions for a 54' truck.

Mr. DiCarlo said yes, that is why they added the rollover curb, along with an additional 3' of concrete, to account for the 54' truck. They received a round of comments, and they are getting ready to resubmit with that being reflected.

Mr. Kimble said he would like to be able to see the plans.

Mr. Bellairs said when we get those drawings, he can make those available to Mr. Kimble.

Mr. Kimble asked if there was any additional testimony from Mr. Kraemer.

Mr. Kraemer said the truck drivers have issues. They used to come off Range Line until the State acquired easements. This is there only way of getting products.

Mr. Kimble asked if there was anyone else who would like to speak in opposition.

Mr. Kimble opened up this case for a motion.

MR. ROSENBERG MOVED THAT CASE 029-24 BE APPROVED WITH THE CONTINGENCY THAT OUR ENGINEERING DEPARTMENT SAYS THAT MR. KRAEMER CAN GET HIS TRUCKS THROUGH AND FORWARDED TO THE CITY COUNCIL FOR APPROVAL. MR. LANDIS SECONDED THE MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAY, 0 ABSENT)

Ms. Phillips asked if the meeting was still being recorded because she is watching ads right now.

Mr. Bellairs stated that he was informed by our IT Department that it was good to go and that it was recording.

Ms. Phillips stated that is why we ask for names and addresses because it is transcribed from the recording.

6. Other Business:

None

7. Adjournment:

MR. PHILLIPS MOVED, SECONDED BY MR. SPRUCE TO ADJOURN. MOTION CARRIED. (7 IN FAVOR, 0 NAY, 0 ABSENT)

Approved _____
Drew Kimble, Chairman

Approved _____
Tyler Bellairs, Recording Secretary