MINUTES
PLANNING AND ZONING COMMISSION
REGULAR MEETING
AUGUST 13, 2018
4:00 P.M.

The Planning and Zoning Commission met in regular session on Monday, August 13, 2018. Present were Commission members Keenan Cortez, Peter Ramsour, Wendy Brueckner-Sears and Rodney McCullough. Troy Bolander, Edward Whitmore, and Lindsay Dunn, represented the Planning, Development, and Neighborhood Services Department.

1. Roll Call:

Mr. Cortez called the roll. Mr. Dermott, Mrs. Koelkebeck and Mrs. Steele were absent.

MRS. BRUECKNER-SEARS MOVED, SECONDED BY MR. RAMSOUR TO EXCUSE MR. DERMOTT, MRS. KOELKEBECK AND MRS. STEELE. MOTION CARRIED, WITH MR. CORTEZ, MR. RAMSOUR, MRS. BRUECKNER-SEARS, AND MR. MCCULLOUGH VOTING "AYE". (4 IN FAVOR, 0 NAYS, 3 ABSENT).

2. Approval of July 9, 2018 Minutes:

MR. RAMSOUR MOVED, SECONDED BY MRS. BRUCKNER-SEARS, TO APPROVE THE JULY 9, 2018 MINUTES. MOTION CARRIED, WITH MR. CORTEZ, MR. RAMSOUR, MRS. BRUECKNER-SEARS, AND MR. MCCULLOUGH VOTING "AYE". (4 IN FAVOR, 0 NAYS, 3 ABSENT).

3. Old Business:

None.

4. New Business:

None.

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 Tuesday, September 4, 2018.

Case 031-18: 733 S. Picher Avenue – A request for a Special Use Permit (1st request) for the operation of a parking lot – Stephanie Theis.

Stephanie Theis, Executive Director of Children's Haven of Southwest Missouri, 711 S Picher, Joplin, MO. They own that block and 733 S Picher is on that block. They are wanting a parking lot on that property for 15 parking spaces. This will be to utilize three (3) Vans that they use for

transportation of the children. They have been parking on Picher Ave. and the Vans have been damaged over the years. Also, a way to unload and load the children safely. 733 S Picher Avenue is two lots, on which the residential homes have been demolished. One of the properties burned and the property owner donated the property to Children's Haven. The time of use during the day for the parking lot would be from 7:00am to 8:00pm. We would have visitors during the day, parents that might park there, people that are coming for tours of the children's home. There is parking behind the home and the staff normally parks there and will continue to park behind the home.

Mr. Cortez asked if there were any questions from the Commission to Ms. Theis?

Mr. Ramsour wanted to know if the lot was going to be paved?

Mrs. Theis stated it would be. They are working with Anderson Engineering and Midland Construction on the project.

Mr. Cortez asked if it would be fenced?

Mrs. Theis stated they were looking at the greenspace.

Mr. Cortez asked if there were any other questions for the applicant? There were not. Mr. Cortez asked if there was anyone else that would like to speak in favor of this case?

Jerry Holcomb, 3016 W. 26th Street, Joplin, MO. He is on the board of Children's Haven and has been for a number of years. He stated that he thinks the facility has done nothing but bring up the neighborhood. He is whole heartedly in support of the request.

Mr. Cortez asked if there was anyone to speak against this case? There were not. Case Closed.

MRS. BRUECKNER-SEARS MOVED, SECONDED BY MR. RAMSOUR THAT CASE 031-18, BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL MOTION CARRIED, WITH MR. CORTEZ, MR. RAMSOUR, MRS. BRUECKNER-SEARS, AND MR. MCCULLOUGH VOTING "AYE". (4 IN FAVOR, 0 NAYS, 3 ABSENT).

Case 032-18: 7414 E 32nd Street – A request to rezone from C-1 (Neighborhood Commercial District) to R-1 (Single-Family Residential District) – Thomas Christensen.

Thomas Christensen, 7414 E 32nd Street, Joplin, MO. He is requesting that the property be rezoned back to R-1 (Single-Family Residential). This neighborhood is mixed use with 5 residences and 3 commercial properties. Without an R-1 designation the problem is to get an appraisal or be able to re-sell the property as residential since it is non-conforming use.

Mr. Ramsour wanted to know if this case came before us a few months ago?

Mr. Bolander stated that this case did come before the board several months ago to have the property zoned C-1. There was a commercial contract that fell through.

Mr. Cortez asked Mr. Christensen if he currently lives at this address.

Mr. Christensen stated he does.

Mr. Cortez asked if there were any other questions for Mr. Christensen? There were not. Anyone to speak in favor of this case? There were not. Anyone to speak against this case? There were not. Case closed.

MR. RAMSOUR MOVED, SECONDED BY MRS. BRUECKNER-SEARS THAT CASE 032-18, BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL MOTION CARRIED, WITH MR. CORTEZ, MR. RAMSOUR, MRS. BRUECKNER-SEARS, AND MR. MCCULLOUGH VOTING "AYE". (4 IN FAVOR, 0 NAYS, 3 ABSENT).

Case 033-18: A tract of land on the west side of North St. Louis Avenue, located approximately 656 feet north of the intersection of North St. Louis Avenue and East Fountain Road – A request to rezone from M-1-PD (Restricted Industrial Planned Development) to R-1 (Single-Family Residential) for residential development – Brad Barone.

Gretchen Barone, 1829 Philadelphia, Webb City, MO. Mr. & Mrs. Barone purchased the property approximately 2 years ago with the intent to build a single family residential home. They plan on building an approximately 3,000 square foot home with possibly a detached garage on the 5-acre property.

Mr. Cortez asked if there were any questions from the Commission? There were not. Also, asking if there is anyone to speak in favor of this case? There were not. No one speaking against this case.

MR. MCCULLOUGH MOVED, SECONDED BY MR. RAMSOUR THAT CASE 033-18, BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL MOTION CARRIED, WITH MR. CORTEZ, MR. RAMSOUR, MRS. BRUECKNER-SEARS, AND MR. MCCULLOUGH VOTING "AYE". (4 IN FAVOR, 0 NAYS, 3 ABSENT).

Case 024-18: A tract of land directly south of I-44, adjacent to Exit 1 – A request to rezone from R-1 (Single-Family Residential) to C-3-PD (Commercial Planned Development) for future commercial development – Bill Richert.

Mr. Whitmore stated that due to the controversy of this case he would read off the criteria for making a zoning decision. Zoning decisions should be based on the entire Community, not just the interests of a particular property owner or neighboring property owners. The Planning & Zoning Commission should try to distinguish between facts and opinions at a public hearing. Zoning decisions should include consideration of long range community goals as well as short range needs. The recommendations of the Comprehensive Plan should be the primary source for this information. The Comprehensive Plan should be reviewed on a regular basis by the Planning & Zoning Commission. It is important to zone base on land use issues not the personal issues affecting the individual applicant. Instead, decisions should be based on whether the land is appropriate for the proposed zoning district.

Finding of Fact Hearing:

Mr. Whitmore stated the six (6) criteria that zoning decisions are made upon.

1. Character of the neighborhood.

This surrounding property is residential, however, further to the east there are existing commercial properties.

2. Zoning and uses of properties nearby. This is mixed, residential and commercial use.

3. Suitability of the subject property for the uses for which it has been restricted.
To restrict this property to residential, being so close to the interstate would not be a suitable use for this property.

4. Extent for which the newer restrictions or change in zoning will detrimentally affect the nearby property.
The extent of removal of the restrictions or change the zoning may detrimentally affect nearby property. But due to the already high-volume traffic on Outer Road, it does not seem likely to dramatically affect nearby property owners.

5. The findings concerning the extent which the rezoning request meets the intent of the zoning regulation.
The rezoning of this property does meet the intent of the Comprehensive Plan and Zoning Regulations.

6. Compliance with the Comprehensive Development Plan -Future Land Use Map.
The Future Land Use Map shows this property as commercial and it was annexed into the City of Joplin with the intent to be commercial property.

Mr. Richert, 6033 S. Québec Ave., Tulsa OK. He is one of the owners of the property. They are asking the Planning & Zoning Commission for a rezoning for the property at Exit 1 from R-1 to C-3-PD. The understanding is that it will allow commercial uses, but a site plan will need to be brought in for P&Z approval and City Council approval before any development may occur. The zoning at exit interchanges all through Joplin are the same: C-3. They are asking to be able to do a similar type of development to what was on that property before, Nickerson Farms Restaurant. Mr. Richert stated that they are the owners, not the developers.

Mr. Cortez wanted to know from Mr. Richert if he was able to tell us what the developer is hoping to do on that property?

Mr. Richert stated probably in the same respects as a hotel, restaurant, C-Store.

Mr. Ramsour wanted to know from Mr. Bolander how long ago was this piece of property annexed into the City and why was it this particular parcel and not any of the adjacent parcels.

Mr. Bolander stated the property owner approached the City about coming into the City. He wanted to receive city services. It was one of the co-founders of Sitton Truck Lines who owned this property. When we annexed the interstate, he requested to be annexed, which occurred in 2008.

Mr. Ramsour asked if the property was annexed as a vacant lot.

Mr. Bolander stated it did. It was with the understanding from Mr. Sitton that it would be commercial property. Mr. Sitton could have developed the land any way he chose to if this property wasn't annexed into the city. There are no land use regulations in the county.

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?

Casey Van Story, 1601 S. Outer Road, Joplin, MO. She stated that there are laws that are established by the state on how to do the rezoning. Once again, she came here feeling taken advantage of. She stated she was not given proper notice of this meeting for a third time, but was hand delivered a letter. The sign for the public hearing does not have any dates on it and just has the time. She feels the City is completely against her and is completely attacked by the City. The major concerns are the fabrication of the distance of the utilities. Nickerson Farms was run off a well and a lagoon system. She said there is a natural gas line that runs through the property and prevents any permanent structures being built within 20 feet of this line. Mr. Richert was not made aware of that until the first meeting by someone else. The land itself has a hill and it will cause flooding on all of the properties. She stated that she has failed to receive any notifications and she is adjacent to the property of the rezoning request. She would like to see all notifications. She re-read her letter that she had written at the meeting two months ago. Things that need to be considered before rezoning the property, characteristics of the neighborhood is one of them. She stated that a nearby commercial development would endanger her family.

Mr. Cortez asked if there were any questions for Mrs. Van Story.

Alan Mauk, 4404 Aardvark Drive, Joplin, MO. Mr. Mauk stated that he had the highest regard for Troy and his staff in dealing with them over the years. I have found them very good to work with and certainly above reproach. At this point in time, you have to consider a developer from Tulsa, who hastily drives by his property and doesn't care if it is full of garbage and trash to make a meeting to change a designation on a property that your own staff has acknowledge there are numerous homes in the area that would be affected by this. The business that was there 40 years ago that was on a well and lagoon would not be accepted today. You have a developer that comes in who does not have a plan or any thought about the process. He has not spoken about any of the utilities, lighting, and upkeep on Outer Road. You have an obligation to the City and the families around the community to make sure any decision you make is one that will address the infrastructure of the development and the cost to the City. Has Planning and Zoning seen a plan?

Mr. Bolander stated he has not, but Mr. Richert is requesting a C-3-PD, which means a planned overlay district and the developer will have to come back with a plan. You can't base a rezoning on a specific use or plan. The PD does require him to come back and show this body and City Council a plan before he can proceed with any development.

Mr. Mauk stated that he appreciates Mr. Bolander explanation. So why doesn't the commission wait to see what their plan is first, so you will be able to see the infrastructure needs of the community.

Mr. Cortez asked Commissioners if they had any questions for Mr. Mauk. They did not.

Mr. Ramsour asked Mr. Bolander his opinion on the proper notification of the land owners.

Mr. Bolander stated that we are required to make a good faith effort to notify property owners within 185 feet. There is some debate on whether we need to notify property owners who are not in City limits, but we still do that as our policy. We did check down in Newton County and see why Mrs. Van Story was not receiving a letter. According to Newton County the property is

owned by Molandco Incorporated. That may have been a mistake, but she should check with Newton County because that is where we receive our records from.

Mr. Cortez asked if there was anyone else to speak against this case?

Tamara Breedlove, 1645 Outer Road, Joplin, MO. She stated she didn't have anything new to say except that she is against the rezoning.

Mr. Cortez closed the case.

MR. RAMSOUR MOVED, SECONDED BY MRS. BRUECKNER-SEARS THAT CASE 024-18, BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL MOTION CARRIED, WITH MR. CORTEZ, MR. RAMSOUR, MRS. BRUECKNER-SEARS, AND MR. MCCULLOUGH VOTING "AYE". (4 IN FAVOR, 0 NAYS, 3 ABSENT).

6. Other Business

Mr. Cortez 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. MCCULLOUGH, THAT THE MEETING BE ADJOURNED. THE MOTION CARRIED, WITH MR. CORTEZ, MR. RAMSOUR, MRS. BRUECKNER-SEARS, AND MR. MCCULLOUGH VOTING "AYE". (4 IN FAVOR, 0 NAYS, 3 ABSENT).

Approved _____
Keenan Cortez, Chairman

Approved _____
Lindsay Dunn, Secretary