CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2024-282 – Alley Vacation

MEETING DATE:
August 19, 2024

ORIGINATING DEPARTMENT:
Planning, Development and Neighborhood Services

REVIEWED BY:
Director of Planning, Development & Neighborhood Services – Troy Bolander
Director of Finance – Leslie Haase
City Attorney – Peter Edwards
Assistant City Manager – Tony Robyn
City Manager – Nicholas Edwards

FUNDING SOURCE:
Not applicable for this item.

SUMMARY REQUEST:
Case 029-24: 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

BACKGROUND:
Trash trucks and the public currently utilize the alley for access to the commercial property on this block. While City staff would not usually recommend the vacation of a part of an active alley, the developer is offering to record a public access easement running east to west which would connect Range Line Rd to Frost Ave. Furthermore, they will improve a portion of Frost Ave at their own expense. This will provide an alternative connection, with legally recorded access for the public, businesses on this block, city services (trash, emergency services, etc.). Frost Ave is currently a platted street with no improvements. This will also give the residences at 1030/1032 Frost Ave and 2933/2931 E 11th St an improved street built to City standards.

The applicant has not been able to provide vacation consent forms for business/property owners along the rest of the alley. However, no access is being lost from property owners adjacent to the alley.

PLANNING & ZONING COMMISSION TESTIMONY:
Max DiCarlo and Andy Seewiller with First Street Development presented the case. They explained that the project was going to reroute alley access by recording a public easement to Frost Ave, which they would be improving a portion of. This vacation was for a Dutch Brothers Coffee.

Mr. Bellairs stated that there was a protest petition, but access is not being lost so that they did not need the consent forms from the public. Staff mailed letters to all of the property owners with land adjacent to the alley on the block between 10th and 11th. This was only a right-of-way vacation, and utilities would not be impacted.

Mr. Kimble asked about the consent forms not being provided. He asked if some people were not able to be reached. Mr. Bellairs stated that was correct, and that 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. The part of the alley being vacated is not directly adjacent to anyone other than the applicant; they are the only ones gaining property 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.

PUBLIC COMMENT;
Darieus Adams spoke in favor of the case. He stated that he has known Mr. Seewiller and Mr. DiCarlo, and that they are men of their word. He stated that they are providing the access easement and the improvements to Frost.

Norman Kraemer spoke in opposition to the request. He was concerned about his 54' delivery trucks being able to make the turns.

Mr. Kimble asked staff and the applicant about this. Mr. Bellairs stated that the plans have not been submitted, but that staff looks at turning performances for every project, specifically for maintaining fire access for Ladder 1. Mr. Bellairs said that this is something that Mr. DiCarlo's team accounted for.

Mr. Seemiller and Mr. DiCarlo provided further detail. They said that they accounted for the 54' trucks by adding additional concrete and roll over curb for the trucks to make that turn, and it is their opinion and the opinion of their civil engineer that it will be sufficient.

Mr. Kimble said he would like to see those plans. Mr. Bellairs said he will provide them to Mr. Kimble once we receive them.

RECOMMENDATIONS:
Staff recommends Approval of Council Bill 2024-282
Planning & Zoning Commission recommends Approval of Case 029-24 (7 in Favor, 0 Opposed, 0 Absent)

ATTACHMENTS
Staff Planning Report
P&Z Commission Minutes
Applicant Materials
Map