City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: September 8, 2015

Item: RESOLUTION NO. 2015-017
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Copy of Resolution
2) Planning Report
3) Commission Minutes

Planning/Community Development Manager: Troy Bolander
City Attorney: Peter C. Edwards
City Manager: Samuel L. Anselm
Board or Commission: Planning and Zoning Commission Date: 8/10/2015

Recommended Action: Planning and Zoning Commission recommended approval for a five-year Special Use Permit by a vote of "4 in favor, 3 absent"

SUMMARY/REQUEST:
Case 024-15: 1209 South Main Street – A request for a Special Use Permit (first request) for the operation of an Open Air Market – Laverne Miller Trust.

STAFF SUMMARY:
The applicant is requesting a Special Use Permit (First Request) to create an open-air market that will sell produce as well as homemade crafts from accepted vendors. The Joplin Flea Market will be filling in the lot in order to accommodate individual vendors on-site. There will be parking on the south and east sides of the lot, which have a minimum requirement of chip-and-seal in order to be dust free.

The following items are conditions for consideration of the Special Use Permit:

1. This Special Use Permit is issued to the Laverne Miller Trust for the operation of an Open Air Market.
2. The permit shall be for five years, renewable in September 2020.
3. Any parking on the site shall be dust free.
4. Business hours should be restricted to 6 a.m. to 6 p.m., Monday through Friday.
5. All regulations as stated in the Joplin Food Code (sections 9-101.10 - 9-101.14) shall be followed at all times.
6. All regulations as stated in Appendix 29-A (Zoning Code) of the Joplin Municipal Code shall be followed at all times.
7. Any other conditions set by the City Council of the City of Joplin.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Steve Harless represented the Laverne Miller Trust. They propose an open-air market at 1209 Main Street where the green Shanks building was demolished in anticipation of having something new at that location. The open-air market would be complementary to the Joplin Flea Market immediately to the east.

Mr. Eastman asked Mr. Harless about the hours of operation. He replied 8:00 a.m. to 4:00 p.m. on Monday, Tuesday, and Wednesday, or on Tuesday, Wednesday, and Thursday. The open-air market would be closed during the weekends when the flea market is in operation. The open-air market would attract business to the area.

Mr. Eastman asked if tents or what type of structures would be used, and Mr. Harless replied basically tents. Grass will be planted in this area, with a chip-and-seal parking area. He has a plot plan of the proposed development.

Mr. Bolander stated dust-proofing is required for parking and loading areas with a minimum chip-and-seal surface.

Mr. Smith asked if there is a certain time the operation would need to stop. Mr. Bolander stated the City Code contains general nuisance and noise limitations but stated this commission has the ability to restrict the hours of operation in the Special Use Permit itself.

Mr. Smith thought about operating hours of 8:00 a.m. to 6:00 p.m. or 6:00 a.m. to 6:00 p.m. Mr. Harless thought the latest time the market would stay open would be 5:00 p.m. to capture business from those visiting after work. The vendors would like to sell from this location during the week instead of selling their merchandise in other areas.

Mr. Smith asked about the operating hours for the Joplin Flea Market, and Mr. Harless replied from 8:00 a.m. to 5:00 p.m. on Saturdays and Sundays.

Mr. Eastman asked if the open-air market would be year-round or seasonal, and Mr. Harless replied possibly year-round depending on the weather.

PUBLIC COMMENT:
None.