Z&P Meeting: August 10, 2015
City Council Meeting: September 8, 2015

STAFF PLANNING REPORT
Special Use Permit

CASE 024-15: A request for a Special Use Permit (1st Request) for an Open Air Market.

LOCATION: 1209 S Main Street

APPLICANT: Laverne Miller Trust

REQUESTED USE: Open Air Market

CORRIDOR: N/A

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
R-1 Single-family residential	Undeveloped	22,800 ft^2

SITE CONTEXT:

	North	East	South	West
Existing Zoning	C-2	M-2	C-2	C-2
Land Use	Commercial	Joplin Flea Market	Commercial	Commercial

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
Main Street	Arterial	80'
Markwardt Street	Secondary	50'

IS OFF STREET PARKING PROVIDED?

Yes.

WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?

No.

DISCUSSION:

The applicant is requesting a Special Use Permit (1st 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.

CONDITIONS FOR CONSIDERATION:

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.

Staff recommends approval of Case 024-15.

RECEIVED 7-13-15

SPECIAL USE PERMIT APPLICATION

Return Form to:
Planning / Community Development Specialist.
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only

Case No.: 024-15
Filing Fee: $ 350.00
Date Advertised: _____
Date Notices Sent _____
Public Hearing Date: 8-11-15

APPLICANT: LAUGHNE Miller Trust PHONE: 417 623 3743

ADDRESS: 216 E. 12th ZIP: 64801

OWNER: LAUGHNS Miller Trust PHONE: 417 623 3743

ADDRESS: 216 E 12th ZIP: 64801

LOCATION OF PROPERTY: 1209 S Main St.

LEGAL DESCRIPTION: THE South 214' OF THE Following Cox's 7th Lots 1-6 INC BLK 1, City of Joplin, Jasper County, MO

PRESENT ZONING CLASSIFICATION: COMMERCIAL ACREAGE: _____

PRESENT USE OF PROPERTY: VACANT LAND

PROPOSED LAND USE ACTIVITY: OPEN AIR MARKET

ADJACENT ZONING AND LAND USE:

	Land Use	Zoning
North	MAJOR STOP TATTOO SHOP	COMMERCIAL C-2
South		
East	FLEA MARKET	COMMERCIAL C-2
West		COMMERCIAL C-2

Does the proposed special use meet the following standards? If yes, attach a separate sheet explaining why.

	Yes	No
1. Is deemed necessary for the public convenience at that location.	☒	☐
2. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.	☒	☐
3. Is found to be generally compatible with the neighborhood in which it is proposed.	☒	☐
4. Will comply with the height and area regulations of the district in which it is located unless specifically granted.	☒	☐
5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect.	☒	☐
6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.	☒	☐

Should this special use be valid only for a specific time period? Yes ☒ No ☐

If Yes, what length of time? 5 yrs

SIGNATURE: Lo Veen Mitte Trust DATE: 7/13/15

BY: [signature] TITLE: Trustee

Attachments Required:

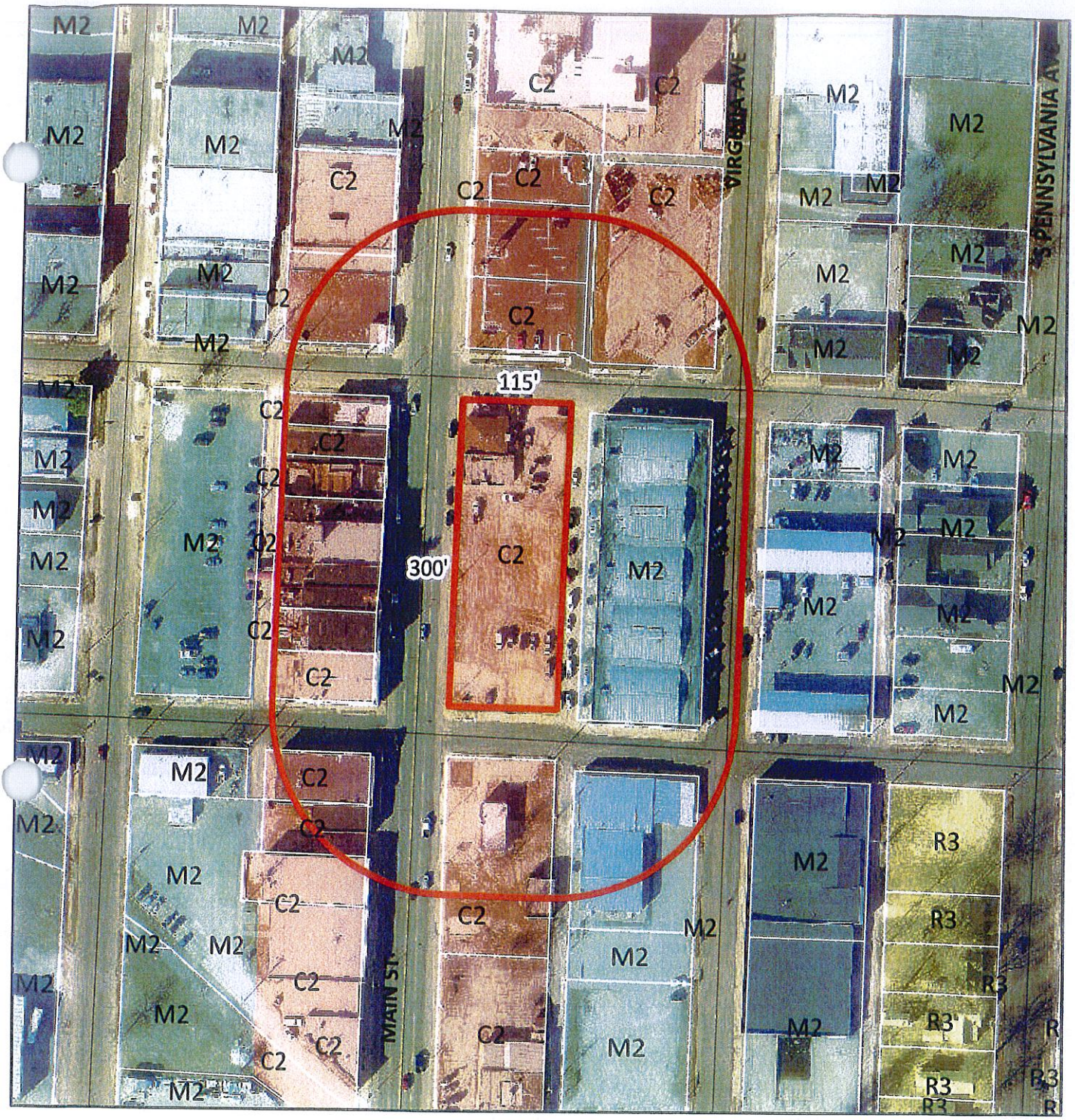
1. One copy of a legal description of the property on which the use is to be located.
2. One copy of the necessary descriptive material related to the intensity and extent of the proposed use, including any traffic conditions that may result; any danger from fire hazards; how the proposed use may effect the character of the surrounding properties; and how the proposed use will benefit the City of Joplin

The Special Use Permit that will be issued will have set of conditions that will require information regarding the following: (Additional conditions may be imposed by the Commission and Council)

1. Hours of Operation. 9 a.m. - 6 p.m.
2. Days of Operation. Monday - Friday
3. Number of Off-street Parking Spaces. _____
4. Signs (Generally signs are limited to one sign not larger that one (1) foot by two (2) feet set no more than six (6) feet off the ground and at least ten (10) feet inside the property line.) will put a sign on the property
5. Number of Assistants or employees. 4
6. Nature of the Business. Open air market
7. Location of the Business. 1209 S Main

Violation of any condition will cause a complaint to be filed with the Municipal Court and the Permit will be suspended immediately requiring reapplication.

This open air market to be located at 1209 Main will provide a space to venders to display and sell farm produce and crafts to the general public. The Lavern Miller Trust owns the surrounding properties and this permit will enhance those activities of the Joplin Flea Market. The flea market currently has a staff of four to work with their existing vendors and the new vendors this permit will allow. The city and its citizens will benefit from a central location where growers can sell their produce and sales tax will be collected. By being open 5 days a week in a central location, it will better service our citizens.



Case 024-15: 1209 S Main Street – A request for a Special Use Permit (1st request) for the operation of an Open Air Market – Laverne Miller Trust.

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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.

Mr. Eastman opened the public hearing for Case 024-15.

Mr. Steve Harless, 2161 Nashville Street, Joplin, appeared representing 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.

Mr. Eastman asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 024-15.

MR. SMITH MOVED, SECONDED BY MR. CORTEZ, THAT CASE 024-15 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL FOR A FIVE-YEAR SPECIAL USE PERMIT TO BE ISSUED TO THE LAVERNE MILLER TRUST, WITH THE HOURS OF OPERATION BEING RESTRICTED FROM 6:00 A.M. TO 6:00 P.M., BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. CORTEZ, MR. DERMOTT, MR. EASTMAN, AND MR. SMITH VOTING "AYE"; AND WITH MR. BROWN, MR. DUNCAN, AND MR. RAMSOUR BEING ABSENT (4 IN FAVOR, 3 ABSENT).