JOPLIN | PLANNING & ZONING COMMISSION

MINUTES
MONDAY, September 09, 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 August 12, 2024, MINUTES. MS. KLUE-MICHAEL SECONDED THE MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAY 0 ABSENT)

3. **Public Hearings:**

Mr. Kimble read the Public Hearing Procedures.

Case 028-24: REZONING

630 S Porter Ave – Rezoning – A request to rezone from C-1 (Neighborhood Commercial) to R-2 (Two-Family Residential) – Thanh Cong Pham

Mr. Kimble asked if the applicant could come forward and state their name and address for the record.

Thanh Pham of 630 S Porter Ave. Joplin, Missouri presented the case. Mr. Pham stated he would like to rezone his address from commercial to residential.

Mr. Kimble asked if the commission had any questions for Mr. Pham.

Mrs. Phillips asked Mr. Pham if he wanted to rezone this property so another person could use JHAP money to rebuild the lot. She stated she thought you had to live in the home currently to receive the grant money.

Mr. Pham responded that he had lived in the home since 1997, and the home had burnt down two years ago. Mr. Pham stated he had remodeled the home and would like to sell the home but was having difficulty selling to a potential buyer because the bank will not finance a commercial lot through the JHAP program.

Mr. Tyler Bellairs stated to Ms. Phillips that JHAP was not relevant to the zoning and use of the property.

Mrs. Alisha Nunnelly asked the commission if she could speak on behalf of Mr. Pham.

Mrs. Nunnelly states that originally when Mr. Pham had listed the home for sale, the county said it was zoned as residential. The home went under contract with a buyer using JHAP. Mrs. Nunnelly states that she does not believe that the buyer's lender would approve of the buyer purchasing the property due to it being zoned C-1. Mrs. Nunnelly state that the owner Mr. Pham was unaware this property was zoned as C-1, as the home is in a residential neighborhood. Mrs. Nunnelly states that Mr. Pham wants to rezone this address so the owner Mr. Pham can sell the home not only to a JHAP buyer, but as a residential property.

Mr. Kimble asked the commission if they had any other questions.

Mr. Kimble asked if there was anyone in the audience that would like to speak in favor of this case.

Mr. Kimble asked if there was anyone in the audience that would like to speak in opposition to this case.

Mr. Kimble opened the floor to the commission for a motion of this case.

MR. ROSENBERG MOVED THAT CASE 028-24 BE APPROVED. MR. LANDIS SECONDED THE MOTION. MOTION CARRIED. (07 IN FAVOR, 0 NAY, 0 ABSENT)

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 the audience if there was anyone that would like to speak about this case.

Mr. Bellairs stated for the record that the city has receive petitions of protest from Norman Kraemer, Gary Williams, Martha and Jerry Pope.

Mr. Andrew Seemiller of 4700 Belleview, Kansas City, Missouri. Mr. Seemiller states that he is present due to the city council asking him to return after having time to discuss with the Kraemer family, opportunities to work together and garner their support. Mr. Seemiller gave a presentation for the commission to view. Mr. Seemiller explains that he would like to explain the history of the block, since there was some confusion at the previous city council meeting. Mr. Seemiller states that the back parcel behind the alley and frost street was rezoned to C-3 in 2013. Mr. Seemiller explains that this is Mr. Geary Williams property and he requested it to be rezoned. Mr. Seemiller states that First Street Development is interested in purchasing the two parcels to the south, and to reroute the traffic through the site over to Frost Street. Mr. Seemiller says they would be improving this at their own cost. Mr. Seemiller states that Mr. Kraemer shared at the last meeting that the semi-trucks are coming in off eleventh street, turning around on Mr. Geary's property as shown in the red of the diagram; then exiting back onto eleventh street. Mr. Seemiller states with that information he wanted to offer an updated site plan. Mr. Seemiller explains on the third slide of the presentation that this is an egress and easement area they would be dedicating with a formal recorded document, that would be legal and ongoing in perpetuity for all traffic; Mr. Kraemer's delivery trucks or any traffic. Mr. Seemiller states that all of the cost and maintenance would be on his tenant and their sole responsibility for the area highlighted in blue for maintenance and on-going costs as well. Mr. Seemiller describes the fourth slide of the presentation as the updated site plan. Mr. Seemiller states they have updated the sight plans to accommodate the ingress and egress on the truck turning templates. Mr. Seemiller states that in the updated plans they have moved the planned improvements back into the sight, to allow for proper turning radiuses for semi-

trucks, in addition to adding roll over curbs for extra precaution that the semi-trucks have full turning capabilities. Mr. Seemiller explains that the fifth slide of the presentation is the car stacking plan for the tenant. Mr. Seemiller states that the highest volume of cars for the tenant is ten cars in the stack and that those cars are serviced typically in 90 seconds. Mr. Seemiller explains that the diagram shows nineteen cars in the stack, which is above the required stacking plan for Dutch Bothers. Mr. Seemiller specifies that the City of Joplin does not have a required minimum or maximum stacking for coffee use. Mr. Seemiller explains that the sixth slide of the presentation is the ingress turning template, explains that the semi- truck will enter in through Frost and Eleventh Street, make a right-hand turn, utilize the roll over curb between the drive through, and come down and turn into the alley behind Mr. Kraemer's building. Mr. Seemiller states that these diagrams are done by an engineer in auto-cad with industry standard turning templates. Mr. Seemiller explains that the seventh slide is a picture showing the use of rollover curbs at the Quik-Trip on Thirty-Second Street in Joplin, that his tenant is proposing to install. Mr. Seemiller explains that the eighth slide is conformation from the engineer that designed the plan, and confirmation for the engineer at the City of Joplin stating that the templates work as shown.

Mr. Max DiCarlo, 4700 Belleview Ave, Kansas City, Missouri, states that the presentation is a summary of their efforts to come to a solution with the Kraemer family. Mr. DiCarlo states that they were not able to garner Mr. Kraemer's support. Mr. DiCarlo explains that the slide depicts a photo metric plan that shows no light pollution for residential property to the west and the six-foot fence they propose to build to further protect residents from light.

Mr. Kimble asked the commission if there were any questions.

Mr. Kimble asks about traffic from the coffee bar as they turn to go north on Range Line Road.

Mr. Seemiller explains that the traffic will have 3 options when leaving the coffee bar. Mr. Seemiller states that these options would be a left out, right out, or circle back to Frost Street to Eleventh street in order to make a full turn, they can use the alley to Tenth street.

Mr. Kimble then asks if someone would like to go north on Range Line Road, if they would have to go back through the drive through line, out to Frost Street and exit through that point.

Mr. Seemiller explains that this is only one way for traffic to exit the location onto north Range Line Road, but they would not have to fully enter the drive through line.

Mrs. Phillips asks if Frost Avenue is planned to be completed all the way through to Tenth street.

Mr. Seemiller explains that there are no current plans for this. Mr. Seemiller states that Frost Avenue is zoned for this completion at the discretion of the city or a private developer.

Mr. Kimble asks if Frost Avenue is going to be finished in concrete or asphalt.

Mr. Seemiller states that the street will be finished to city standards.

Mr. Bellairs states that the city has a code all developers have to follow when making plotted roadway improvements and would be the same as any other street that is being improved.

Mr. Kimble states he has a concern with the use of asphalt, due to the amount of traffic turning into and out of the area. Mr. Kimble asks if there is any plan in place to maintain the road once it is completed, for the residents that currently reside in the area.

Mr. Seemiller states they plan to follow city standards for asphalt.

Mr. DiCarlo states he would plan to work with the city staff and commission to come to a solution for a material for the amount of traffic.

Ms. Klue-Michael asks if the visual was accurate in showing the alley will no longer come out onto Eleventh street where is previously did, since it is being redirected to Frost Avenue.

Mr. DiCarlo explains this is correct.

Ms. Klue-Michael asks if semi-trucks are supposed to use the drive-through to exit, while cars are in the drive-through line at the coffee bar.

Mr. DiCarlo states that the semi-trucks are not supposed to use the drive through, but the drive alley. Mr. DiCarlo also states that according to their engineers and the Dutch Bros operations team, that this plan would not cause any conflict for other traffic. Mr. DiCarlo explains that they are not planning to take access but reroute it.

Ms. Klue-Michael asks to clarify on the diagram, that the area of Frost Avenue shown is property of Dutch Brothers or technically an alley.

Mr. DiCarlo states that this is technically the Dutch Brothers property, and as such it would be their responsibility for maintenance on the road.

Mr. Bellairs states this would be a recorded ingress/egress easement for public use.

Mr. Landis asks if Dutch Brothers semi-trucks would also need to use this easement for their deliveries, not just Mr. Kraemer and other businesses.

Mr. DiCarlo states this is true, and that this improvement is also for all traffic, not just deliveries.

Mr. Kimble asks if there are any numbers on how many people on average visit Dutch Brothers during peak hours.
Mr. DiCarlo explains that they do not have an exact number, as each location is different, but they would be willing to talk with the franchise owner and city staff to get the information before the next city council meeting if approved today.

Mr. Kimble asked Mr. Bellairs if Frost Avenue built up if there are any requirements for the street.

Mr. Bellairs states there is none besides the textbook standards of thirty-one feet from curb to curb and the residents must conform to the city's standards.

Mr. Spruce asks about the semi-trucks pulling into the easement off Frost Avenue and how they would be going against the flow of traffic, if it would be a problem for traffic.

Mr. DiCarlo states he does not believe it would cause a problem due to the distance from when you enter Frost Avenue and turn into the drive through.

Mrs. Phillips asks if the proposed tenants have positive feedback from surrounding property owners.

Mr. DiCarlo states that there has been a mixed response from surrounding property owners. MR. DiCarlo states that he believes vacation consents are not required in this instance because they are not taking access from other property owners, but rerouting access.

Mr. Bellairs explains this is correct regarding the vacation consents. Mr. Bellairs also states that the protest percentages are not factored into cases like this and should not have an impact on this vote.

Ms. Klue-Michael asks Mr. Bellairs if the city has contacted the residents or owners of property on Frost Avenue to let them know that there would be updates to this street.

Mr. Bellairs states that it is not necessary since it is a plotted street.

Mr. Kimble asks Mr. Bellairs if there has been any thought into extra traffic in the area, when children are going to school.

Mr. Bellairs states that there has not been a traffic study conducted, however this property is zoned C-3, so it is expected to have high traffic volume and permits high traffic volume in this area.

Mr. Kimble states that this raises safety concerns for the children attending the local school.

Mr. Landis asks what peak time would be for this establishment.

Mr. DiCarlo states that peak times could be expected around seven to nine in the morning, and four-thirty to six-thirty in the evening.

Mr. Kimble asks if there are any other questions from the commission.

Mr. Kimble asks if there is any support for this case.

Mr. Darris Adams of 2527 S Kingsdale, Joplin, Missouri, states he had acquaintances in the trucking industry come to the proposed location. Mr. Adams states these acquaintances thought the easement would be an improvement to the area.

Mr. Kimble asks if the commission has any questions.

Mr. Kimble asks if there is anyone else wishing to speak in support of this case.

Mr. Kimble asks if there is any opposition for this case.

Mr. Norman Cramer, 1032 S. Range Line Road, Joplin, Missouri, states he is opposed to this case due to concerns about traffic flow with the new proposed

tenant. Mr. Cramer states there is no opportunity for him to purchase a new location as a small business.

Mr. Rosenberg asks Mr. Kramer if he is aware that the owner of the property currently used by Mr. Kramer could deny him access to it at any time.

Mr. Cramer states he is aware of and has approached the owner of the property, but the property is not currently for sale.

Mr. Kimble asks if there is anyone else that would like to speak in opposition to this case.

Mr. Andy Cramer of 1032 S. Range Line Road, Joplin, Missouri, states he has received letters of opposition from several of their distribution companies. Mr. Cramer read letters of opposition from the owner of Golden Dragon, Harvest Meats, Gold Crown Food Company, and Martha Pope.

Mr. Kimble asks if there are any questions from the commission.

Mr. Geary Williams of 2930 Illinois Avenue, Joplin, Missouri states he is in opposition to this case due to the high amount of traffic and other concerns related to traffic in the area.

Mr. Kimble asked if the commission had any questions.

Mr. Kimble asked if there was anyone else in the audience that would like to speak in opposition to the case.

Mr. Kimble opened the case for a motion.

MR. ROSENBERG MOVED THAT CASE 029-24 BE APPROVED. MR. LANDIS SECONDED THE MOTION. MOTION CARRIED. (07 IN FAVOR, 0 NAY, 0 ABSENT)

6. Other Business:

None

7. Adjournment:

MS. WARREN MOVED, SECONDED BY MR. SPRUCE TO ADJOURN. MOTION CARRIED. (6 IN FAVOR, 1 NAY, 0 ABSENT)

Approved _____
Drew Kimble, Chairman

Approved _____
Zoie Hamilton, Recording Secretary