MINUTES
PLANNING AND ZONING COMMISSION
REGULAR MEETING
SEPTEMBER 12, 2016
4:00 P.M.

The Planning and Zoning Commission met in regular session on Monday, September 12, 2016. Present were Commission members Chad Brown, Wendy Brueckner-Sears, Keenan Cortez, Seth Dermott, Gary Duncan, Peter Ramsour, and Lee Smith. Troy Bolander, Taylor Cunningham, and Susan Champlin represented the Planning, Development, and Neighborhood Services department.

Mr. Smith read the public hearing procedures and stated that the cases on this agenda will be presented to the City Council on Monday, October 3, 2016.

Case 030-16: Approximately 1,900 feet south and 1,800 feet west of the intersection of Apple Road and County Road 180 – A request from Joplin Industrial Development Corporation for the voluntary annexation into the corporate limits of the City of Joplin – Joplin Industrial Development Authority.

Mr. Smith opened the public hearing for Case 030-16.

Mr. Kurt Higgins, Allgeier-Martin & Associates, 7231 East 24th Street, Joplin, stated he is the engineer who works with the Joplin Industrial Development Authority (JIDA). He stated Case 030-16, Case 031-16, Case 032-16, and Case 033-16 are all linked together. JIDA is annexing some property that they and Richard and Diane Volk own. The annexation will allow JIDA to utilize some City Community Development Block Grant (CDBG) funding to complete a lift station and install a gravity sewer line to serve part of the Crossroads Industrial Park.

Mr. Duncan asked Mr. Higgins about the relationship between JIDA and Joplin Development Properties II in Case 040-16 and stated JIDA is also applying for the same plot. Mr. Higgins stated JIDA doesn't have any connection with Joplin Development Properties II.

Mr. Duncan asked if these properties are located in the same area, and Mr. Bolander replied Joplin Development Properties II is actually in the Wildwood Ranch area. The property in Case 030-16 is at the Crossroads Industrial Park.

Mr. Smith asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 030-16.

MR. CORTEZ MOVED, SECONDED BY MR. BROWN, THAT CASE 030-16 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MS. BRUECKNER-SEARS, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

Case 031-16: Approximately 1,900 feet south of the intersection of Apple Road and County Road 180 – A request from Joplin Industrial Development Corporation for the voluntary annexation into the corporate limits of the City of Joplin – Joplin Industrial Development Authority.

Mr. Smith opened the public hearing for Case 031-16. He asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 031-16.

MR. DUNCAN MOVED, SECONDED BY MR. DERMOTT, THAT CASE 031-16 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MS. BRUECKNER-SEARS, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

Case 032-16: Approximately 1,400 feet south and 220 feet west of the intersection of Apple Road and County Road 180– A request from Joplin Industrial Development Corporation for the voluntary annexation into the corporate limits of the City of Joplin – Joplin Industrial Development Authority.

Mr. Smith opened the public hearing for Case 032-16. He asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 032-16.

MR. DERMOTT MOVED, SECONDED BY MS. BRUECKNER-SEARS, THAT CASE 032-16 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MS. BRUECKNER-SEARS, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

Case 033-16: Approximately 340 feet west of the intersection of Apple Road and County Road 180– A request from Joplin Industrial Development Corporation for the voluntary annexation into the corporate limits of the City of Joplin – Joplin Industrial Development Authority.

Mr. Smith opened the public hearing for Case 033-16. He asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 033-16.

MR. RAMSOUR MOVED, SECONDED BY MR. CORTEZ, THAT CASE 032-16 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED,

WITH MR. BROWN, MS. BRUECKNER-SEARS, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

Case 034-16: Southeast Corner of 15th Street and Range Line Road – A request to review a Site Plan for the construction of a restaurant – Woodsonia Real Estate.

Mr. Smith opened the public comment period for Case 034-16.

Mr. Jeff Elliott, Woodsonia Real Estate, 11909 Arbor Street, Suite B, Omaha, Nebraska 68144, appeared requesting the site plan review for Buffalo Wild Wings. Mr. Wayne Stephenson with Anderson Engineering was also present.

Mr. Elliott has modified the site plan slightly. Woodsonia Real Estate is purchasing approximately 0.9 acres. A parking lot is planned along the south side of 15th Street east of Range Line Road. The existing Buffalo Wild Wings will be relocated, with a free-standing building to be constructed. The building will contain 5,445 square feet, with an outside patio adding another 200 square feet. There will be 117 parking spaces, with the restaurant having 242 seats total, including the patio. This will be Buffalo Wild Wings' newest prototype restaurant.

Mr. Duncan asked about the revision from the site plan the commissioners initially received, and Mr. Elliott thought the building was shifted slightly to the north. The old site plan contained a larger parking field on the north side. The parking on the north lot is in a north-south direction for people to walk more straight and directly down into the restaurant.

Mr. Smith asked if the entrance faces Range Line Road, and Mr. Elliott replied that is correct.

Mr. Cortez asked if the City staff has conducted any traffic studies to determine the traffic count on the roadway between Panda Express and Kum & Go and asked if there will be any issues with patrons crossing that roadway. Mr. Bolander stated this is a platted subdivision that formerly contained a theater. The squares and boxes shown on the map are actually lots. Part of the agreement with that subdivision is that everyone has access from those easements. This is not a public roadway but is a private drive, with all those lots using that private drive.

Mr. Bolander stated the staff has not conducted a study but is discussing acquisition of the easement known as 15th Street in that subdivision and making it a public right-of-way to control some of that access and the traffic flow. Studies will be conducted at the intersection of 15th Street and Range Line Road.

Mr. Smith asked for comments from the commissioners and the audience, and none were received. He then closed the public comment period for Case 034-16.

MR. DUNCAN MOVED, SECONDED BY MR. DERMOTT, THAT THE SITE PLANS AS PRESENTED IN CASE 034-16 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC COMMENT PERIOD. THE MOTION CARRIED, WITH MR. BROWN, MS. BRUECKNER-SEARS, MR. CORTEZ,

MR. DERMOTT, MR. DUNCAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

Case 035-16: 655 South Lavender Lane – A request to rezone from R-1 (Single-Family Residential) to R-3 (Multi-Family Residential) for the construction of a multi-family residential development – O'Reilly Holdings, LLC.

Mr. Smith opened the public hearing for Case 035-16.

Ms. Denise Heintz appeared representing O'Reilly Holdings, LLC, 5051 South National Avenue, Suite 7B, Springfield, Missouri, to request the rezoning of the property in Case 035-16 for a proposed multi-family affordable housing development that O'Reilly Holdings submitted with the Missouri Housing Development Commission. The development would contain 48 affordable housing units in four and six-plex buildings. A portion of the buildings will be two-story since they are townhomes, with all the buildings having street access.

O'Reilly Holdings submitted a $9 million project with the Missouri Housing Development Commission in September. That commission reviews all applications and makes a decision during December and approves the successful applications. If O'Reilly Holdings are successful with their application, they would prepare development plans and begin construction next summer. Construction will take 12 months, with affordable housing being available during mid-2018.

This is a combined workforce housing application, so a portion of the income qualifications are at 60 percent area median income, and 20 percent of the units are at 80 percent area median income. The development contains a mix of two-bedroom and three-bedroom units. There will be 12 two-bedroom units with monthly rental rates between $410.00 and $460.00, and 36 three-bedroom, two-bath units with rental rates from $550.00 to $650.00.

This application is a partnership between O'Reilly Holdings and Economic Security Corporation. They have joint-ventured and partnered on a number of similar projects in the City of Joplin. Most of the projects included historic tax credits, such as the Frisco Station and other projects.

O'Reilly Holdings conducted a neighborhood meeting and discussed the project, with 14 to 20 attendees. Most of the attendees were from University Heights Subdivision that lies northwest of the property in this request. Those present at the meeting expressed concern about the flood plain and the water issues. There is a defined flood plain on the north side of the property, with O'Reilly Holdings not developing within that flood plain. Other concerns included storm water detention and runoff, with O'Reilly Holdings assuring the neighbors that they would be developing the project with professional engineers and complying with all of the requirements set by the City of Joplin to seek approval and a building permit.

The neighbors also expressed concern about access on Seventh Street, and O'Reilly Holdings will work with the Missouri Department of Transportation (MoDOT) on access off of Seventh Street. A traffic study will most likely be conducted.

Mr. Smith asked if Seventh Street will be the only access into the development, and Ms. Heintz replied yes. O'Reilly Holdings will have a turn-around that will comply with the fire safety requirements.

Mr. Heintz visited the property following the neighborhood meeting to see if there are privacy tree lines on both sides of this property. O'Reilly Holdings would be able to preserve the existing tree line and do not expect any increase in visibility because the natural buffer should remain in place.

Ms. Heintz is requesting R-3 zoning, but the development contains less than five units per acre, so O'Reilly Holdings is well below what the maximum density would allow per acre.

Mr. Ramsour asked the City staff if Lavender Lane will ever be developed. Mr. Bolander asked if Lavender Lane is currently a driveway into another property, and Ms. Heintz replied yes.

Mr. Bolander stated Lavender Lane doesn't have the current right-of-way width to be a public street, so it will probably remain a private drive or a private lane. Ms. Heintz stated Lavender Lane lies to the west of the property in this request, with the access to the proposed development being east of that. They would not utilize Lavender Lane as access.

Mr. Duncan asked Ms. Heintz about the estimated width of the greenway between the proposed development and the property owners to the west. Ms. Cunningham stated the zoning code allows a 20-foot natural landscaping buffer between those two zoning districts.

Ms. Heintz stated there will be 65 feet between the property line and the back of the buildings on the west side. The tree line is a solid privacy line.

Mr. Duncan asked if any parking will be within that 65-foot space, and Ms. Heintz replied no parking will be in that area. The parking is all in the interior of the development.

Mr. Duncan asked Ms. Heintz if the proposed development lies to the east of Lavender Lane, and she replied yes. It appears that O'Reilly Holdings' property line starts on the east boundary of Lavender Lane.

Mr. Cortez asked about plans for a privacy fence or any kind of security fence between the University Circle neighborhood and this proposed development. Ms. Heintz plans on retaining the existing tree line, which is very thick and very solid, so she has not budgeted in a privacy fence. She is not opposed to looking at a privacy fence but stated the natural tree is very solid. They normally erect privacy fences around the parameters of their properties.

Mr. Ramsour thought the north end of the development should contain a circular turn-around instead of a hammerhead turn-around. Ms. Heintz stated the turn-around allows the emergency vehicles to back up and turn around. She will design it the way the Fire Department and the City staff requests. She stated the hammerhead uses less concrete and keeps the turn-around out of the 100-year flood plain.

Ms. Cunningham stated a turn-around must be provided per the City's fire code similar to what was developed on 14th Street west of Range Line Road.

Mr. Smith asked for additional questions from the commissioners, and none were received. He then asked for comments from the audience.

Mr. Robert Downey, 4226 University Circle, Joplin, appeared in opposition to the request. He discussed the neighborhood meeting, at which questions were specifically asked about the tree

line. O'Reilly Holdings told the neighbors they didn't have any indication whether they would retain the tree line or wouldn't retain it. Now the developers are stating they will retain the tree line, so Mr. Downey would like to have that stipulated that they will maintain that tree line. What they told the neighbors is not what they are telling the commissioners.

Mr. Downey stated all the homeowners in University Circle received letters from the Federal Emergency Management Agency (FEMA) that the area had been designated as a flood plain. The City of Duquesne contracted with Allgeier-Martin and spent $22,000 to have each of the homes surveyed to see if they were in the flood plain, with 21 out of the 22 homes being out of the flood plain. Mr. Downey's property lies one foot out of the flood plain.

Mr. Downey expressed concern that O'Reilly Holdings' development will pouring a lot of water that would normally be consumed in the ground. The University Heights Subdivision and Tall Grass Estates will both be in serious jeopardy if the development contributes at all to the flood plain since it is very, very close.

Mr. Downey stated if water drains onto his property, he will file a lawsuit that O'Reilly Holdings were the major contributors because it adjudged to be out of the flood plain before they built. His real concern is maintaining that sight line. He is confident that none of the commissioners would like to see low-income housing next to their property. He discussed the potential for flood plain issues that the developers would need to make sure that they submit documentation from their engineers that they are not going to have any effect on any additional area.

Mr. Brown asked Mr. Downey if the tree line would be adequate privacy. He replied it is adequate at this time but would not be adequate during the winter months when the trees are barren.

Mr. Brown asked if a privacy fence would be preferable over a tree line. Mr. Downey did not believe a privacy fence would be preferable over a tree line, but it would certainly be a nice addition to the tree line. He will still see the rooftops of the buildings and expressed concern about the decrease in residential property values. Nobody wants to purchase a new home and then learn low-income housing is being constructed on adjoining property.

Mr. Ramsour asked Mr. Downey if his property lies in Duquesne, and he replied yes. The property in the request lies in Joplin, but Mr. Downey stated the development has a significant and direct bearing on the Duquesne residents. He expressed concern about the citizens of Duquesne not having a voice, but a development in Joplin affects them and decreases their home values, and that's an important consideration for the Duquesne residents.

Ms. Cunningham will add the city limit line to her map. The area that is shaded yellow with a zoning designation lies in Joplin, but she would add a clear city boundary line to the map.

Mr. Downey stated Tall Grass Estates lies in Joplin, with the person living behind him being in Joplin. The two residents are separated by 50 feet.

Mr. Duncan asked Mr. Downey if the property between University Circle and Seventh Street also in Duquesne. Ms. Cunningham stated that property contains a private residence that was annexed into Joplin last year, with the property to the south and west being in Duquesne and not in Joplin.

Mr. Smith understood the City staff would be dealing with O'Reilly Holdings' engineers. Ms. Cunningham stated O'Reilly Holdings must obtain a land disturbance permit which requires storm water calculations and plans to build storm water retention that the City's storm water engineer reviews, and it is also inspected. This is a requirement for any development containing over 1,000 square feet.

Mr. Downey asked about a stipulation that O'Reilly Holdings will address the storm water issues. Mr. Duncan personally prefers the tree line. Mr. Downey thought they would have sufficient room for both the tree line and fencing if they have 65 feet between the buildings and the property line.

Ms. Cunningham stated the only way to have a stipulation requiring that the tree line remain intact is if the property has a planned development overlay where the property is rezoned to District R-3-PD instead of District R-3. Stipulations can be attached to the rezoning. One of the landscaping options would removing the tree line and erecting a fence.

Mr. Downey asked if the trees would have to remain if the property is zoned to District C-3. Ms. Cunningham replied if the zoning was changed to a planned development, the City Council can attach stipulations to that rezoning.

Mr. Downey would opt for the tree line himself simply because it will be denser and thicker. He won't see the rooftops over the tree line, so that concern will be eliminated during the growing season.

Mr. Duncan drove that area and agreed the tree line is very thick. Even during the wintertime, there will be a lot of woods separating the homeowners from the development. Mr. Downey stated the tree line would be preferable to removing that and erecting fencing.

Mr. Cortez asked Mr. Downey about determining what the decrease in residential property values would be. He did not believe anybody has gotten to the point, but the values of the homes in University Circle run between $150,000 and $225,000. He stated the devaluation of the homes would be fairly substantial due to drainage concerns and a low-income development.

Mr. Duncan understood a couple of properties in Tall Grass Estates were rentals and asked if all the properties on University Circle were private properties without any rentals. Mr. Downey stated it is all private property. When he purchased his home, there was no development behind him. His builder purchased the four lots behind him and built several houses behind him. He believes at least 90 percent of the homes are privately owned.

Mr. Ramsour asked if anyone from Tall Grass Estates is present in the audience, but Mr. Downey was not sure the residents from Tall Grass Estates were advised of this request. His neighbors received a letter from the City of Joplin, but he did not. Ms. Cunningham stated letters are mailed to all property owners within 185 feet of property for which rezoning is being requested. The two properties in the southeast corner of Tall Grass Estates should have received letters, with all the property owners on the eastern side of University Circle receiving letters.

Mr. Ramsour asked if anyone representing the City of Duquesne is present in the audience, but Mr. Downey did not know if they were contacted in that regard.

Mr. Roger Gronewold, 4030 East Seventh Street, Joplin, appeared in opposition to the request and stated he has a home and a business along the north side of Seventh Street. He also has a home on the south side of Seventh Street. That property is not in Duquesne but lies in Jasper County.

Mr. Gronewold discussed the nature of the area being single-family homes, along with a business or two. He assumes Joplin is hoping to grow into the eastern corridor of Seventh Street, and he would encourage, if there is rezoning, that in the future that would be considered commercial ground. As a taxpayer, he would be happier to be a part of a tax production instead of a tax absorption area such as this. He asked the commissioners to consider that seriously.

Mr. John Alburty, 100 Lavender Lane, Joplin, appeared in opposition and stated he owns property to the north and to the west of the property for which rezoning is being requested. Lavender Lane is his driveway. The majority of the tree line is on his property on either side of his driveway. He is in the process of thinning out the tree line so he can drive through. He is trying to keep all the trees he can, but the tree line is not thick all the way down the driveway. Most of the tree line is not on O'Reilly Holdings' property but is on his property.

Mr. Alburty stated all the drainage from the proposed development will flow across his driveway. Storm water detention only slows the drainage down but doesn't decrease the total amount of water coming off all the new concrete and rooftops.

Mr. Smith asked Mr. Alburty if his properties lies within the Joplin city limits, and he replied no. He did not receive a letter notifying him of this request since his residence is 600 feet away. Fifty (50) percent of his property is bordered by O'Reilly Holdings' property.

Mr. Smith understood part of Lavender Lane lies in Joplin, and Mr. Alburty stated the entrance lies within the Joplin city limits. Mr. Bolander stated only the south part of Lavender Lane is within the City of Joplin.

Mr. Duncan asked Mr. Alburty where the water would run across his access road, and he replied mostly to the north. He stated the ground mostly slopes towards the north to Turkey Creek, but there is a slight slope to the west also.

Mr. Duncan asked Mr. Alburty if he currently has drainage issues during heavy rains. He replied his driveway has been blocked by water and has washed out before.

Ms. Heintz stated O'Reilly Holdings was not required to hold a neighborhood meeting, but their policy is to always hold a neighborhood meeting since they can learn things from the neighbors that they can adjust their plans and accommodate according to their concerns. The tree line was one of those items, so after the meeting she drove the property and thought there was sufficient space to leave the tree line. She sent this information to her engineer and her architect to confirm, based on the existing topography and the proposed development. They thought they could preserve the tree line on both sides of the development.

Mr. Smith asked Ms. Heintz how much of the tree line is actually on the neighbor's property, and she suggested the commissioners look at the existing site plan. She stated the traffic from the proposed development will not go through or by University Heights, with their access to their development not going through O'Reilly Holdings' property either.

Mr. Duncan asked Ms. Heintz about any further discussion with her engineer on how they would accomplish the drainage. She replied O'Reilly Holdings fall under the City of Joplin's codes and requirements and does not want water standing in their development either.

Ms. Cunningham stated the storm water retention is based off the calculation of the total impermeable surface area that O'Reilly Holdings is actually disturbing. It must be based off of the square footage of land disturbance.

Mr. Duncan asked if the City of Joplin or the U.S. Army Corps of Engineers declares an area as a flood area. Mr. Bolander replied the Corps of Engineers and FEMA decide if it's a flood plain.

Mr. Joe Lewis, 4222 University Circle, Joplin, appeared in opposition to the request and stated Allgeier-Martin & Associates surveyed the University Circle development. He spoke with Allgeier-Martin trying to obtain a flood elevation survey on his home. He lives on the northeast corner of University Heights Subdivision. He was told by Allgeier-Martin that only seven properties were exempted from the flood plain, with his property not being one of them.

Mr. Lewis stated the parcel of land in this request drops significantly from Seventh Street to the north, and he did not see how the developer can prevent any of this water from running over across Mr. Alburty's driveway and into his back yard.

Mr. Lewis has not had any flooding but has had water come into his fence once, but the development is still 75 feet away from his house. He expressed concern that improvements with concrete making the water flow easier is going to increase the danger that he might get flooded. He has purchased flood insurance through FEMA, but he doesn't see how this is going to help that situation. It will actually hurt that situation.

Mr. Lewis works for the real estate department for a local bank and has had discussions with a few seasoned realtors and several appraisers. They all agree that low-income housing diminishes the value of the properties surrounding it. One person even told him to sell his property now, but he stated nobody wants to buy property in a FEMA flood zone.

Mr. Kurt Higgins, Allgeier-Martin & Associates, 7231 East 24th Street, Joplin, stated the flood plain in this area is due to the drainage into Turkey Creek. Turkey Creek's drainage basin runs all the way south of Interstate 44. Developments in Duenweg, Duquesne, and Crossroads Industrial Park all drain into Turkey Creek. The flood plain is impacted by a lot of developments in and outside of Joplin, so the area in this request is a dot on that drainage basin.

Mr. Higgins stated the drainage from the proposed development is not going to impact the FEMA flood plain. The development should be designed to the City standards and is a small piece of the overall drainage area that will have hardly any impact at all on this flood plain.

Mr. Duncan asked Mr. Higgins where along Turkey Creek the drainage from this property would have to flow. He replied Mr. Alburty is correct in that everything from this property drains from the south to the north, so it currently drains across his driveway and into Turkey Creek.

Mr. Duncan asked how the drainage runs through the area, and Mr. Higgins replied it is just a flat slope. He did not know if there is a ditch before Lavender Lane becomes Mr. Alburty's driveway.

Mr. Bolander stated storm water retention doesn't keep water from flowing. It doesn't make it flow another direction uphill. It just slows it to the point where it keeps at the same velocity. It won't fix a problem if there is already a flooding problem, but it's not going to make it worse.

Mr. Higgins stated a detention basin collects the storm water and then releases it at the same pre-development rate. The quantity of water increases because water is being stored. There is more water runoff, but it is slowed down so that it doesn't increase the peak flows off the property. If storm water controls weren't in place, the flood plain would be increased as the Turkey Creek drainage basin continues to development. The proposed development will not have an impact on its own into Turkey Creek. A 1,000 acre development upstream would have a significant impact.

Mr. Smith asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 035-16.

Mr. Duncan noted the concerns of the neighbors on University Circle and the discussion of landscaping and water retention, understanding that the development must comply with the City of Joplin codes.

MR. DUNCAN MOVED, SECONDED BY MR. CORTEZ, THAT CASE 035-16 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MS. BRUECKNER-SEARS, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE"; AND WITH MR. BROWN VOTING "NAY" (6 IN FAVOR, 1 OPPOSED, 0 ABSENT).

Case 036-16: 2024, 2025 and 2119 South Maryland Avenue – A request to rezone from R-1 (Single-Family Residential) to R-2 (Two-Family Residential) for the construction of duplexes – Brad Allphin Investments.

Mr. Dermott has a couple of real estate listings on Patterson Avenue in this neighborhood and asked if he should abstain from the discussion and vote on this request. He is not the agent but is a broker of the office.

Mr. Smith asked Mr. Dermott if he could render a fair and impartial judgment on this case, and he would prefer being excluded on this case. He left the dais at this point.

Mr. Smith opened the public hearing for Case 036-16.

Mr. Bradley Allphin, 2121 Delaware Avenue, Joplin, stated his residence abuts the property in this request. He stated this is a revision of his previously approved rezoning application, but he has made some changes at the south end of the property. He will add three single-family homes at the south end of the property near 22nd Street to separate the duplexes to continue the vision across East 22nd Street.

Mr. Allphin stated four homes have been constructed facing 22nd Street between Delaware and Maryland Avenues. Three additional homes will be constructed east of Maryland to separate the duplexes from the single-family homes. There will be 11 duplexes going up Maryland towards

20th Street. Maryland Avenue will be completed, with the current roadway being an eyesore to the community.

Mr. Allphin will hire engineers for water retention. He stated these will be nice duplexes containing 1,700 square feet with granite and tile. He believes the duplexes will add a lot of value to the properties he currently owns in this area.

Mr. Duncan asked Mr. Allphin if the existing house on the east side of Maryland Avenue is to be demolished, and he replied yes. He has visited with the Fire Department about possibly donating it to the City of Joplin for training purposes. He has also considered relocation, but it is constructed on a slab. Mostly likely it will be demolished and hauled away.

Mr. Duncan asked if Maryland Avenue is being opened through to 22nd Street, and Mr. Allphin replied yes. That is how the street was designed originally, but the previous owner erected barriers to stop the traffic.

Mr. Duncan asked where single-family homes would be constructed, and Mr. Allphin replied along the southern border of the property. Two houses will be constructed facing 22nd Street.

Mr. Smith asked Mr. Allphin if he has checked with the utilities, and he replied yes. He believes there is gas service in this area, along with manholes for water lines.

Mr. Duncan asked Mr. Allphin if the revision was made following a neighborhood meeting, or how that revision came about, since several people spoke in opposition before. Ms. Cunningham stated during the City Council meeting, concerns were expressed from residents of the neighborhood and from some members of the City Council that the duplexes went too far south because they went all the way to 22nd Street. A motion to approve the request died for lack of a second. Mr. Allphin revised his plan to include single-family homes along the southern border of the property so the duplexes didn't go all the way through. The commissioners now have that revised plan.

Mr. Smith asked for comments from the audience.

Ms. Margaret Kannady, 2211 McConnell Avenue, Joplin, appeared in opposition and cannot see that a whole lot has changed from the time when the City Council denied the request. She stated Mr. Allphin is just adding three more houses and has not done anything about the drainage that will be pooled at 22nd Street and Patterson Avenue. His plan to construct three houses by 22nd Street will put the duplexes back north, but there will still be 26 duplexes with at least two cars in every duplex, totaling 52 cars, plus the cars from the three houses. There will be 58 additional cars in the neighborhood.

Ms. Kannady stated Mr. Allphin has not conducted a traffic study in that area and has not visited with the neighbors.

Ms. Kannady stated Mr. Allphin invested in this property following the tornado. She has worked very hard to pay for her property and maintain it, and she expressed concern about decreasing residential property values. She didn't receive a letter from the City this time notifying her about the rezoning request. She stated Mr. Allphin's request was denied before, and he made some ridiculous revisions and resubmitted the request without the neighborhood being notified except

for signage that appeared last week. She asked the commissioners if they have visited this area when the water ran down Patterson Avenue to 24th Street and up to the houses and into Rosedale Park. She expressed concern about nothing being done to 22nd Street to handle that water. The water will go up into the houses of the people who reside at the intersection of 22nd and Patterson.

Ms. Kannady resents people bringing a development like this into a quiet neighborhood that already has a lot of traffic and where children play outside. She asked for a traffic analysis for McConnell Avenue, 22nd Street, and 24th Street. She expressed concern about Mr. Allphin leasing these duplexes to college students. She stated $1,000 monthly rent is a lot of money, but four college students may divide the rent to save money. She expressed concerns about the traffic and the drainage.

Ms. Kannady stated Mr. Allphin made the decision to invest in that property. She stated Maryland Avenue has been closed since the former owner dug a ditch across it and erected a barrier. When she first moved into her home, she drove down Maryland from 20th Street. She asked the commissioners and the City Council to develop some solution to solve the problems Mr. Allphin is going to create in her neighborhood.

Ms. Cunningham stated the plan was revised to move that southern boundary up. Letters are mailed to all property owners within 185 feet of the property to be rezoned. She understood Ms. Kannady resides south of 22nd Street.

Ms. Kannady stated part of her property lies within 185 feet, but Ms. Cunningham replied not when Mr. Allphin revised the boundary for which rezoning is being requested.

Ms. Kannady stated the three houses near 22nd Street will also bring additional traffic into the area. She expressed concern about Mr. Allphin trying to develop this property in any way possible. She resents that the City of Joplin is helping Mr. Allphin instead of listening to the people who live in that neighborhood. She believes the City is trying to help him build this development, but there are plenty of other places that do not have residential areas where he can build his development. She does not care if he constructs private homes, but she does not want 26 units.

Mr. Smith asked for additional testimony.

Ms. Sharon Wheeler, 2122 South Patterson Avenue, Joplin, appeared in opposition and stated she resides directly behind where Mr. Allphin is trying to construct the multi-family dwellings. Her background is commercial/residential underwriting, so she asked what underwriting this property went through in order to get this, with a certain amount of feet to construct the roadway. She stated behind her home is a 10-foot easement for the electrical line that runs down the back of the property. She stated Mr. Allphin is trying to cram a street, houses, and duplexes into this property. The houses and duplexes will be on top of each other unless there are setbacks.

Ms. Cunningham discussed the setback requirements. The City staff reviewed Mr. Allphin's plans with his surveyor who prepared the layout for the proposed development. The duplexes must have 12 feet between them. The roadway meets all of the minimum setback requirements for the City of Joplin.

Ms. Wheeler asked if these setbacks won't push anything into her property, and Ms. Cunningham replied nothing is being pushed into her property.

Ms. Wheeler asked how far the houses will be from the setback. Ms. Cunningham stated 25-foot front yard and back yard setbacks are required.

Ms. Wheeler asked if two of the single-family houses are in front, with one in back, identical to what exists along the west side of Maryland Avenue. Ms. Cunningham replied it would be the same.

Ms. Wheeler asked which direction the house in the back is facing, and Ms. Cunningham replied it would be facing west towards the new, improved Maryland Avenue.

Ms. Wheeler asked about the setbacks for the two houses in the front. Ms. Cunningham replied 25 feet in the front and back, with six-foot side setbacks.

Ms. Wheeler asked if the houses would be six feet from the property line, and Ms. Cunningham replied those setbacks are the City of Joplin's requirements for single-family houses—six feet on the side yards and 25 feet on the front and back yards.

Ms. Wheeler stated the side yard setback was eight feet when her house was built. Ms. Cunningham wasn't employed by the City when Ms. Wheeler's home was built, but she goes by the zoning codes that she has.

Ms. Wheeler's concern is the back side. She stated Mr. Allphin's two-story duplexes will look down into the back of her property, with fencing not covering that.

Ms. Cunningham stated if single-family homes are built, they could also be two-story. The City cannot restrict the housing to one or two stories.

Ms. Wheeler asked if the 25-foot rear yard setback includes the 10-foot easement, and Ms. Cunningham replied part of that easement can be within that setback.

Ms. Wheeler expressed concern about the properties being so close together with so many buildings being crammed into that space. She asked if the one single-family house that still exists will remain. She mentioned the apartments along 20th Street with one lone single-family house. Then an insurance company has been allowed to build, with a church and another single-family dwelling. Three single-family dwellings face 20th Street, and all that property was zoned for single-family dwellings before the tornado except for the southeast corner of 20th Street and Connecticut Avenue. The library and other businesses and offices now exist along 20th Street.

Ms. Cunningham stated this proposal doesn't have any property that fronts on 20th Street, with 20th Street being designated as a future commercial corridor. There has been a lot of commercial rezoning along 20th Street in accordance with the City's future land us plan.

Ms. Wheeler stated traffic will be coming off of 20th Street onto an entirely total single-family area. She stated there are no apartments or duplexes on 22nd Street. Ms. Cunningham stated there will be no apartments or duplexes on 22nd Street with this proposal. Three single-family houses will be constructed near 22nd Street.

Ms. Wheeler asked how the distance between 22nd Street and the back property line of that third house, and Ms. Cunningham can check the survey. She stated this isn't her proposal, and that she

is just the City staff person who is reporting and answering questions. She makes sure the development meets all of the City's setback requirements.

Ms. Wheeler asked about the setback requirements. Ms. Cunningham replied 25 front and back yard setbacks. Ms. Wheeler is discussing the area from 22nd Street to the back of the last house. Ms. Cunningham discussed the development plans with Ms. Wheeler.

Ms. Wheeler asked if Mr. Allphin has proposed any revisions for the drainage. Ms. Cunningham replied the City staff has all of the storm water requirements that pertain to all developments within the City of Joplin. Those calculations are based on impermeable surface areas by engineers, with that work being inspected by City staff.

Ms. Wheeler understands this is being done by the standards but asked what those standards are. Ms. Cunningham is not a storm water engineer who deals with this. Mr. Bolander doesn't know what the water situation is except what has been explained by the neighbors who experience it. The developer is not required to correct that situation, but they can't make it worse. What they do on site has to retain the water so it flows off at a rate where it doesn't make any of the water runoff worse than what it is right now.

Ms. Wheeler asked if there is no requirement to improve the drainage, and Mr. Bolander replied a developer is not required to improve a current situation.

Ms. Wheeler asked if the City is required to improve the situation. Mr. Bolander replied the City staff does not require a developer to improve a situation, but they can't make it worse. The neighbors won't receive any more water than what they're currently receiving. The water will be released at a rate where it will not impact the neighbors. A developer is not required to address a storm water problem that already exists.

Ms. Wheeler asked if the City of Joplin is required to take care of the situation, and Mr. Bolander replied not necessarily. The City makes improvements in some areas but is not required to address a current situation.

Ms. Wheeler asked about the residents' avenue, and Mr. Bolander replied visiting with Dan Johnson, the City's storm water engineer.

Mr. Smith asked Ms. Wheeler for any additional comments regarding the development, and she would prefer for all the buildings to be single-family dwellings within that area. She thought it would be fine for Mr. Allphin to construct duplexes but just not in her residential area.

Ms. Kannady discussed the recent heavy rainfall the area received, and she has seen water running on McConnell Avenue up into the residents' yards because it rained so hard. She stated the area will be flooded during heavy rainfall but stated the area won't be flooded if Mr. Allphin does not build there.

Mr. Bolander stated McConnell Avenue won't flood when Mr. Allphin builds there because he is required to hold his own water on site and release it at a rate where it doesn't make the issue worse. If the area is flooding right now, it will probably continue to flood, but Mr. Allphin cannot make the situation worse.

Ms. Kannady stated 22nd Street does not flood now, but a lot of new concrete will create flooding on 22nd Street. She stated Mr. Allphin is taking away a large field that absorbs that water, with the water having to go somewhere. The water will go into Ms. Wheeler's back yard or down Maryland Avenue to 22nd Street. Mr. Bolander stated that is correct, and that is why a developer is required to build detention facilities to hold that water and release it at a rate where it doesn't flood anyone downstream.

Mr. Ralph Gomez, 2106 Patterson Avenue, Joplin, appeared in opposition. He recently purchased his home and was told that nothing was going to be constructed behind his home. He is now hearing about flooding and other issues.

Mr. Smith understood the flooding has been an ongoing issue for more than 20 years. He understands the development will not make the situation worse.

Mr. Gomez purchased his property with the assumption that nothing was to be built behind his home. Mr. Smith stated Mr. Allphin and the City staff will be available following this meeting to address any issues the area residents may have.

Mr. Allphin stated he will be available after the meeting to visit with the neighbors. He is not really concerned about drainage issues since he owns the property containing the existing townhouses on 20th Street just east of Delaware Avenue. He spent over $20,000 to retain the water from that development. To ease the concerns of the duplexes he currently owns, he does not allow any college students to lease his duplexes. He encourages leasing to families since he resides in this area and wants to keep the community nice.

Mr. Ramsour asked Mr. Bolander about the pre and post-tornado conditions on this property. Mr. Ramsour asked if everything was pretty well devastated, or if there was ever anything on the property in this request, and Mr. Bolander replied one home existed on the property.

Ms. Wheeler stated the City Council minutes from August 1, 2016, show that Mr. Allphin's target demographic was college students, but now he is saying he will not rent to college students.

Mr. Smith stated Mr. Allphin is not targeting college students and stated he may have changed his mind if he previously mentioned leasing to college students.

Mr. Allphin is looking for families since the units will contain three bedrooms and two and one-half baths. Some of the medical students have that income level will be seeking residency. He will not allow several students to lease one unit and divide the rent since some of the individuals may opt out due to conflicts between them. He is seeking families who can afford the rent.

Mr. Smith closed the public hearing for Case 036-16 and entertained a motion.

MR. RAMSOUR MOVED, SECONDED BY MR. BROWN, THAT CASE 036-16 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MS. BRUECKNER-SEARS, MR. CORTEZ, MR. DUNCAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE"; AND WITH MR. DERMOTT ABSTAINING (6 IN FAVOR, 1 ABSTENTION, AND 0 ABSENT).

Mr. Dermott returned to the dais at this point.

Case 037-16: 570 feet West and 600 feet North of the intersection of 32nd Street and John Duffy Drive – A request for the voluntary annexation into the corporate limits of the City of Joplin – O'Reilly Holdings, LLC.

Mr. Smith opened the public hearing for Case 037-16.

Ms. Jane Earnhart, Olsson Associates, Springfield, Missouri, appeared and stated this request is for a voluntary annexation within the Wildwood Ranch development. She is trying to annex the entire parcel into the Joplin city limits before O'Reilly Holdings develops the property. They already own the property. The eastern half lies within the Joplin city limits, with the western portion being outside.

Mr. Ramsour asked Ms. Cunningham about creating lines on her maps delineating which properties currently lie within the Joplin city limits. She showed the commissioners which properties lie inside and outside the current city boundaries.

Mr. Ramsour asked if everything east of John Duffy Drive lies inside the Joplin city limits, and Ms. Cunningham replied that is correct.

Mr. Smith asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 037-16.

MR. CORTEZ MOVED, SECONDED BY MS. BRUECKNER-SEARS, THAT CASE 037-16 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MS. BRUECKNER-SEARS, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

Case 038-16: 570 feet West and 600 feet North of the intersection of 32nd Street and John Duffy Drive – A request to rezone from R-1 (Single-Family Residential) to C-3 (Commercial) – O'Reilly Holdings, LLC.

Mr. Smith opened the public hearing for Case 038-16.

Ms. Jane Earnhart, Olsson Associates, Springfield, Missouri, understands this property comes into the City of Joplin with R-1 zoning. O'Reilly Holdings are planning a senior residential development, including convalescent care, and need C-3 zoning for this property.

Mr. Duncan asked how this development is related to Joplin Development Properties II, and Ms. Cunningham replied they are unrelated.

Mr. Ramsour asked if everything annexed into the City of Joplin first comes in with R-1 zoning, and Ms. Cunningham replied that is correct.

Mr. Smith asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 038-16.

MR. BROWN MOVED, SECONDED BY MR. DERMOTT, THAT CASE 038-16 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MS. BRUECKNER-SEARS, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

Case 039-16: 570 feet West of the intersection of 32nd Street and John Duffy Drive – A request from Joplin Industrial Development Corporation for the voluntary annexation into the corporate limits of the City of Joplin – Joplin Development Properties II.

Mr. Smith opened the public hearing for Case 039-16.

Mr. Gerald Norton, Olsson & Associates, 702 South Main Street, Joplin, appeared representing Joplin Development Properties II, the owner of the property. The parent company is LTC, who owns the residential care facility on the southwest corner of John Duffy Drive and 32nd Street. They will be constructing a second facility on the northwest corner of John Duffy and 32nd Street. This request is for a voluntary annexation to add the remaining 3.5 acres to property that was annexed into Joplin last year.

Mr. Smith asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 039-16.

MR. DUNCAN MOVED, SECONDED BY MR. RAMSOUR, THAT CASE 039-16 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MS. BRUECKNER-SEARS, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

Case 040-16: 570 feet West of the intersection of 32nd Street and John Duffy Drive – A request to rezone from R-1 (Single Family Residential) to C-3 (Commercial) – Joplin Development Properties II.

Mr. Smith opened the public hearing for Case 040-16.

Mr. Gerald Norton, Olsson & Associates, 702 South Main Street, Joplin, stated Joplin Development Properties II owns 10 acres. The east 6.5 acres are already zoned C-3, with the 3.5 acre portion coming into the City of Joplin with R-1 zoning. Mr. Norton is requesting rezoning to District C-3 to make the zoning consistent.

Mr. Smith asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 040-16.

MR. CORTEZ MOVED, SECONDED BY MR. DERMOTT, THAT CASE 040-16 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MS. BRUECKNER-SEARS, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

There being no further business to come before the Planning and Zoning Commission, the meeting stood adjourned at 5:37 p.m.

Approved

Gary Duncan, Vice-Chairman

Approved

Susan Champlin, Secretary