Z&P Meeting: September 12, 2016
City Council Meeting: October 3, 2016

STAFF PLANNING REPORT
Rezoning

CASE 035-16 A request to rezone from R-1 (Single-Family Residential) to R-3 (Multi-Family Residential)

LOCATION 655 South Lavender Lane

APPLICANT O'Reilly Holdings, LLC

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1 Single Family Residential	Undeveloped	Approx. 9 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	N/A	N/A	N/A	R-1, Single Family Residential
Land Use	Undeveloped	Undeveloped	Residential	Residential

FUTURE LAND USE

The City of Joplin's future land use map classifies the area long 7th Street as future commercial development.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
7th Street (MoDOT)	Arterial	165'

UTILITIES Yes.

FLOOD PLAIN The northern portion of this site is in a flood zone.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Currently, part of this site is zoned R-1 and does not accommodate multi-family residential development.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

This zoning change would not detrimentally affect nearby property.

DISCUSSION

This property was recently annexed into the City of Joplin in August of 2015. It is approximately nine acres, with about one third of the parcel lying in the flood plain. Currently the site is undeveloped. The City of Joplin's future land use map shows future commercial development along East 7th Street. There is a sewer line that runs along the east side of the northern half of the parcel.

The proposed development consists of approximately 48 affordable housing units; these would be a mixture of 2- and 3-bedroom units. The development consists of 10 residential buildings as well as a community building and playground. There will be landscaped parking and a storm water detention area on the northern portion of the parcel that lies in the flood plain. Staff considers this to be an appropriate use due to the transition of light commercial and residential development on East 7th Street.

Staff recommends approval of Case 035-16.

REZONING APPLICATION FORM

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.: 035-16
Filing Fee: $ 450.00
Date Advertised:
Date Notices Sent
Public Hearing Date:

APPLICANT: O'Reilly Holdings, LLC (Denise Heintz) PHONE:417-893-6006
ADDRESS:5051 S. National Avenue, Suite 7B, Springfield, MO ZIP:65810
OWNER:AM Properties, LLC PHONE:
ADDRESS:7231 E. 24th St., Joplin, MO (Glen Davidson) ZIP:64804
LOCATION OF PROPERTY:7th Street and Lavendar Lane
LEGAL DESCRIPTION:All of a tract of land described as follows: Beginning 25 feet East of the Southwest corner of the Southeast Quarter of the Southwest Quarter of Section 5, Township 27, Range 32, Jasper County, Missouri, thence East 300 feet, thence North 1320 feet, thence West 300 feet, thence South 1320 feet to the point of beginning.

Present Zoning R1 Requested Zoning R3 Acreage: 9.09
Present Use of Property: Residential

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Not in city limits	
South	Not in city limits	
East	Not in city limits	
West	Residential	R1

CHARACTER OF THE NEIGHBORHOOD: Residential

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   No
2. Are there substantial reasons why the property cannot be used in accord with existing zoning?
   If yes, explain: Does not allow multi-family in a R1 zoning

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map? Yes

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may effect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Yes
2. Classification of Street(s):
   Arterial X Collector Local
3. Right-of-Way Width: 165 Feet
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   No

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

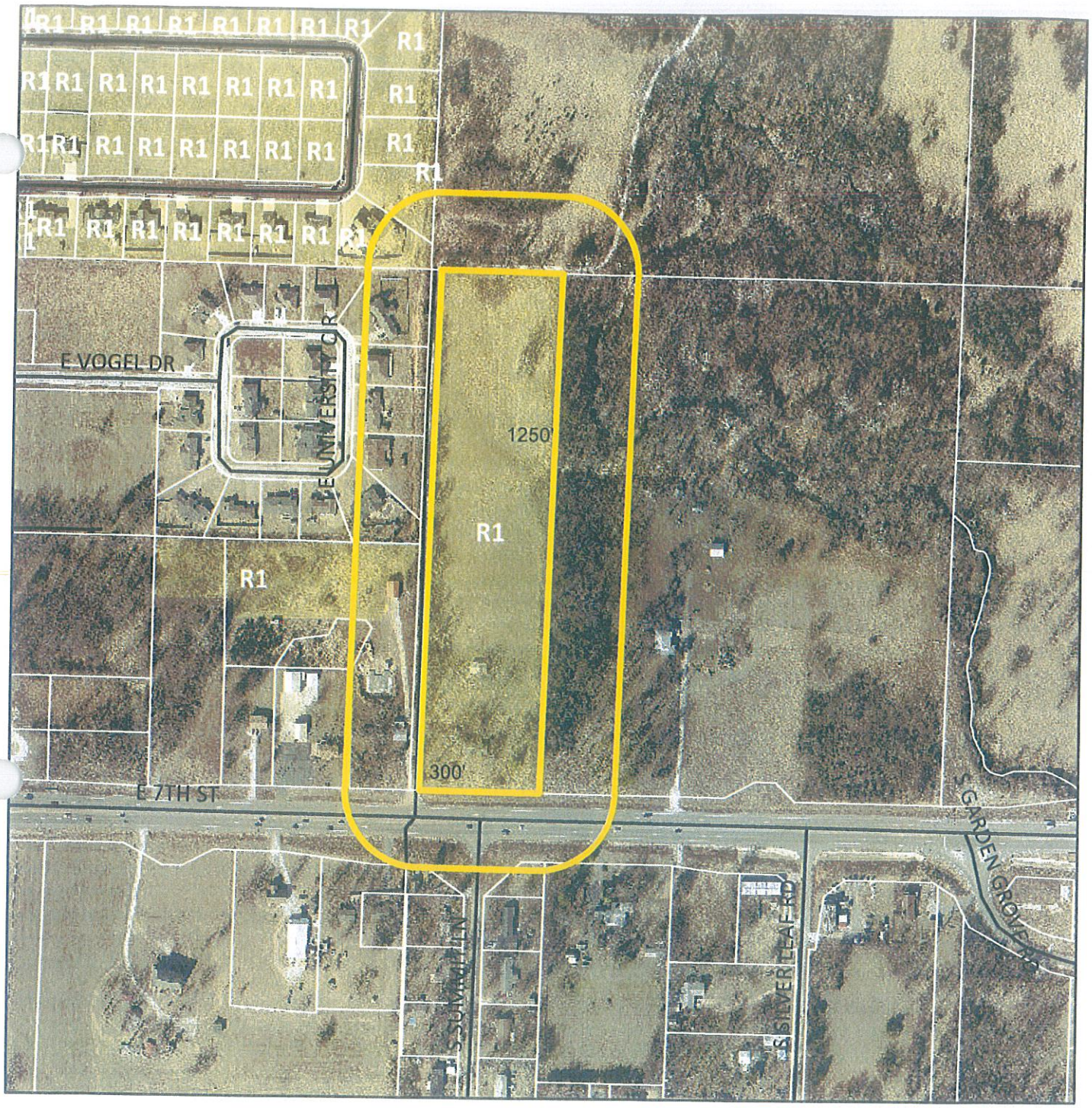
1. Appropriately Sized Lots?
2. Properly Sized Street Right-of-Way?
3. Drainage Easements?
4. Utility Easements:
   - Electricity?
   - Gas?
   - Sewers?
   - Water?
5. Additional Comments:

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: [signature] DATE: 8/1/2016

BY: Denise Heintz

TITLE: Partner / Director of Development



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.

N

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Aug 05,2016 2:23pm



A3 SITE PLAN
SCALE: 1" = 50 FT

NORTH

LAVENDER MEADOWS APARTMENTS

SOUTH LAVENDER LANE & EAST 7TH ST.
JOPLIN, MISSOURI, JASPER COUNTY, 64804

STARK WILSON DUNCAN ARCHITECTS INC
315 NICHOLS RD. STE 228 • KANSAS CITY, MO 64112 • T 816.531.1600 F 816.531.1978

SWD ARCHITECTS EST 1935
ARCHITECTURAL CORPORATION
MISSOURI CERTIFICATE OF AUTHORITY NO. 000973

SEAL
ARCHITECT - TIMOTHY O.K. WILSON
MO. LICENSE NO. A-6972

PRELIMINARY NOT FOR CONSTRUCTION

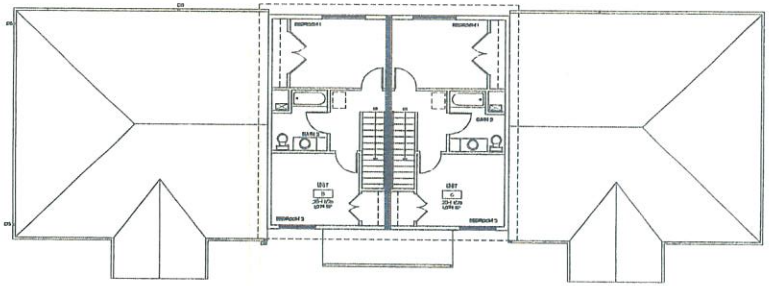
5C
SITE PLAN

ISSUE DATE:
2016 07 31
REVISIONS:

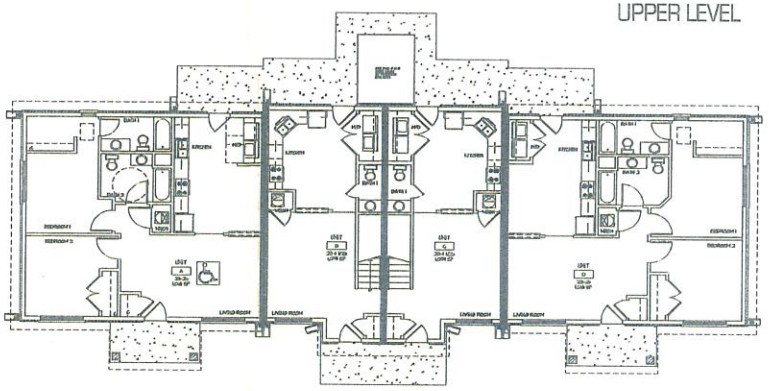
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UPPER LEVEL



GROUND LEVEL

A3 TYPE A BUILDING PLANS
SCALE 1/8" = 1'-0"

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LAVENDER MEADOWS APARTMENTS
SOUTH LAVENDER LANE & EAST 7TH ST.
JOPLIN, MISSOURI, JASPER COUNTY, 64804

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315 NICHOLS RD STE 228 KANSAS CITY, MO 64112 T 816 531 1668 F 816 531 1978

SEAL
ARCHITECT - TIMOTHY O K WILSON
MO LICENSE NO A-6972

PRELIMINARY NOT FOR CONSTRUCTION

14C
TYPE A BUILDING
PLANS

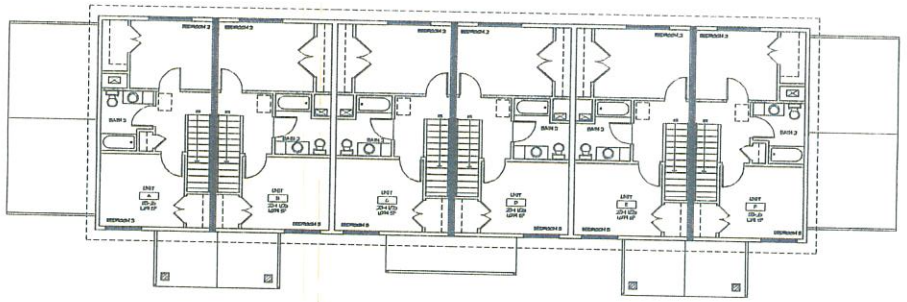
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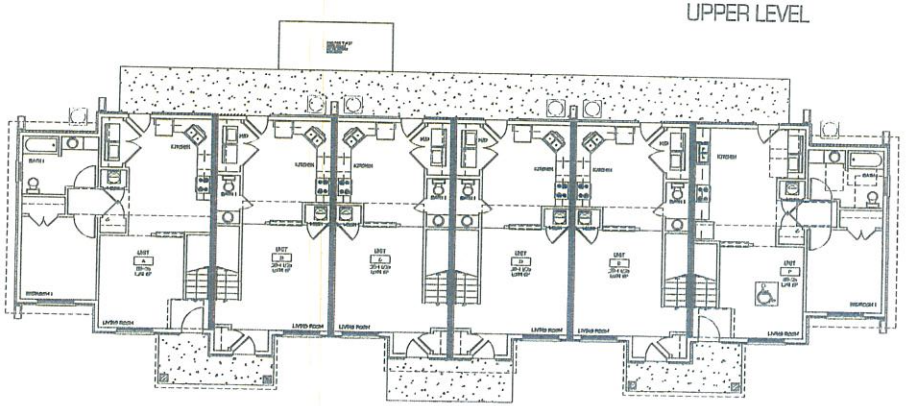
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UPPER LEVEL



GROUND LEVEL

A3 TYPE B BUILDING PLANS
SCALE: 1/8" = 1'-0"

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LAVENDER MEADOWS APARTMENTS

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STARK WILSON DUNCAN ARCHITECTS INC
315 NICHOLS RD, STE 220 - KANSAS CITY, MO 64112 - T 816 531 1659 F 816 531 1978

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ARCHITECT - TIMOTHY O K WILSON
MO LICENSE NO A-6972

PRELIMINARY NOT FOR CONSTRUCTION

14C
TYPE B BUILDING PLANS

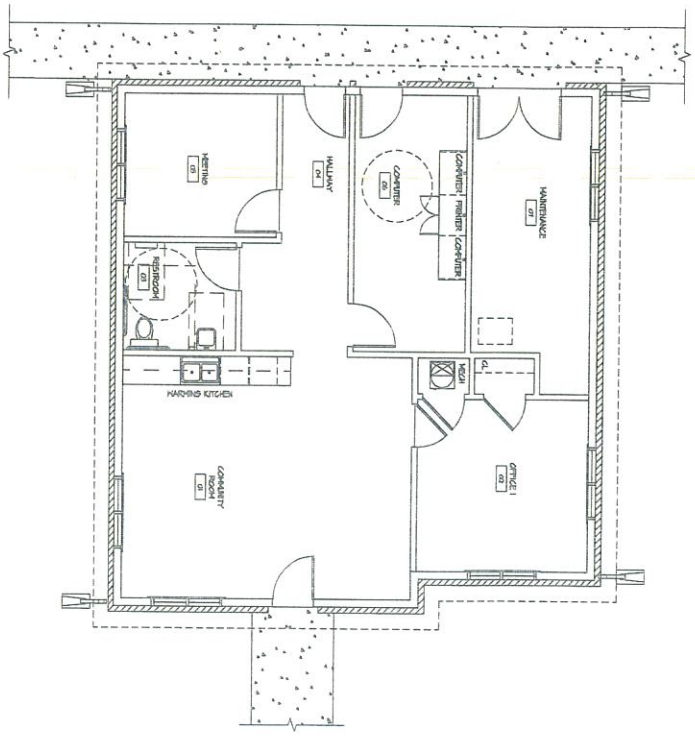
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C3 OFFICE FLOOR PLAN
SCALE: 1/4" = 1'-0"
1234 GSF

NORTH

SEAL
ARCHITECT - TIMOTHY O K WILSON
MO LICENSE NO A-8972

PRELIMINARY NOT FOR CONSTRUCTION

14C
OFFICE
FLOOR PLAN

ISSUE DATE:
2016.07.31
REVISIONS:

PROJECT NO.: 0000

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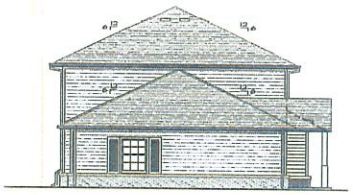
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LAVENDER MEADOWS APARTMENTS
SOUTH LAVENDER LANE & EAST 7TH ST.
JOPLIN, MISSOURI, JASPER COUNTY, 64804

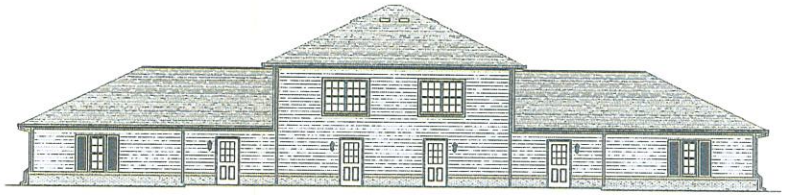
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315 NICHOLS RD, STE 228 - KANSAS CITY, MO 64112 - T 816.531.1699 F 816.531.1978

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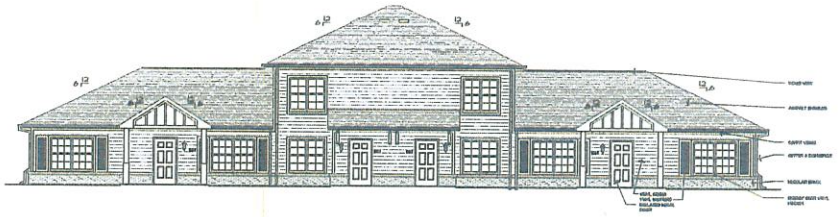
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OF AUTHORITY NO 000073



SIDE



REAR



FRONT

A3 TYPE A BUILDING ELEVATIONS
SCALE: 1/8" = 1'-0"

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LAVENDER MEADOWS APARTMENTS

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MO. LICENSE NO A-6972

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14A
TYPE A BUILDING
ELEVATIONS

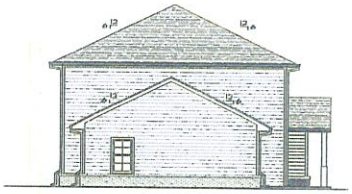
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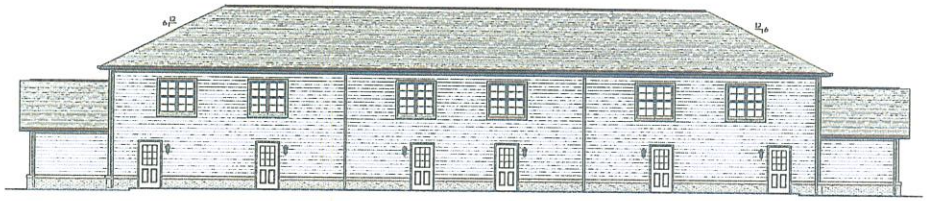
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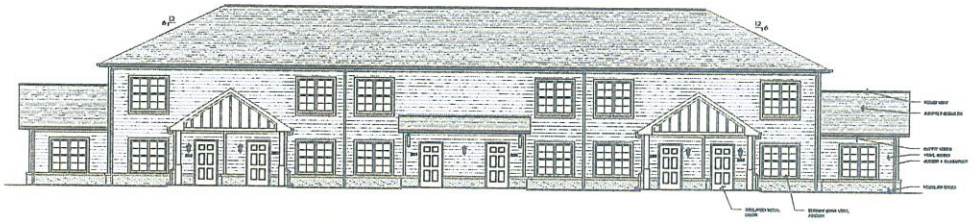
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SIDE



REAR



FRONT

A3 TYPE B BUILDING ELEVATIONS
SCALE: 1/8" = 1'-0"

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OF AUTHORITY NO 000073

LAVENDER MEADOWS APARTMENTS

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ARCHITECT - TIMOTHY O K WILSON
MO LICENSE NO A-6972

PRELIMINARY NOT FOR CONSTRUCTION

14A
TYPE B BUILDING
ELEVATIONS

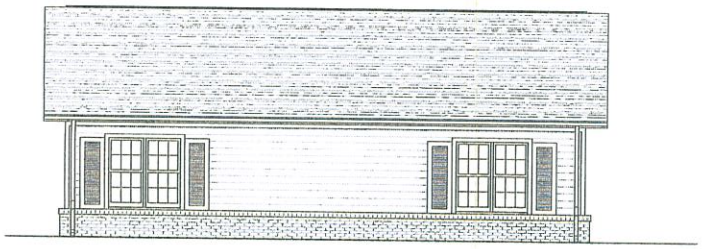
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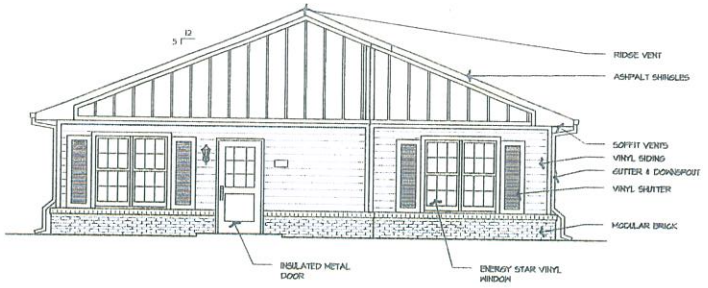
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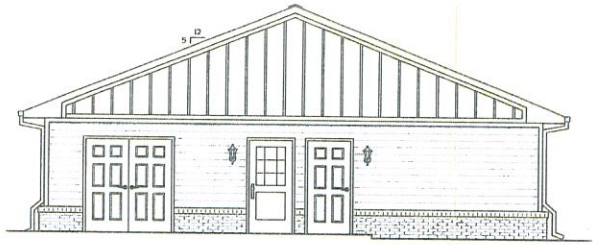
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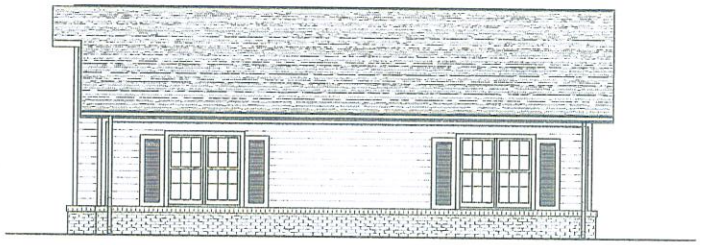
F8 SIDE ELEVATION
SCALE: 1/4" = 1'-0"



F3 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



A8 REAR ELEVATION
SCALE: 1/4" = 1'-0"



A3 SIDE ELEVATION
SCALE: 1/4" = 1'-0"

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LAVENDER MEADOWS APARTMENTS
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MO LICENSE NO A-6972

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14A
OFFICE
BUILDING
ELEVATIONS

ISSUE DATE:
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REVISIONS:

PROJECT NO.: 0000

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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).