JOPLIN | PLANNING & ZONING COMMISSION

MINUTES

MONDAY, DECEMBER 9, 2024

4:00 P.M.

The Planning and Zoning Commission of the City of Joplin met in a regular session on Monda, December 9, 2024, at 4 P.M. Present were Commission members Natasha Klue-Michael, Drew Kimble, Cole Landis, Gary Spruce, Amia Warren, Benajmin Rosenberg and Mary Anne Phillips. Tyler Bellairs represented the Planning, Development and Neighborhood Services Department.

1. **Roll Call:**

   Zoie Hamilton called the role.

   MR. LANDIS MADE A MOTION TO EXCUSE MS. WARREN FROM THE PLANNING AND ZONING COMMISSION MEETING ON DECEMBER 9, 2024. MRS. KLUE- MICHAEL SECONDED THIS MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAY, AND 1 ABSENT)

   Minutes should reflect that Ms. Warren joined the meeting at a later time, and a motion was made to approve her attendance of this meeting.

2. **Approval of Minutes:**

   DR. ROSENBERG MADE A MOTION TO APPROVE THE NOVEMBER 11, 2024, MEETING MINUTES OF THE PLANNING AND ZONING

COMMISSION. THIS MOTION WAS SECONDED BY MRS. KLUE-MICHAEL. MOTION CARRIED. (5 IN FAVOR, 1 ABSENT, 1 ABSTAIN)

3. Public Hearings:

Mr. Kimble read the Public Hearings Procedures.

CASE 036-24: Special Use Permit

2120 E 24th St- Special Use Permit- A request for a Special Use Permit to operate a Concert House (second request)- Jeffery Morrow

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

Jeffery Morrow of 2120 E 24th St. Joplin, Missouri presented the case for the request for a Special Use Permit.

Mr. Morrow stated the reason for the request for this Special Use Permit is so that he can continue to hold home concerts for the community. Mr. Morrow explained that he has been holding in home concerts since 2013 at his residence. Mr. Morrow explained what a concert house is. Mr. Morrow explained that they present performances in their living room. Mr. Morrow stated that it is not a business, and the proceeds from the concerts go directly to the artist. Mr. Morrow also stated that there are only a few house concerts held every year at this residence and the concerts end before 10 PM. Mr. Morrow further explained that guests are required to use off street parking and shuttle to the home, and that they never offer or sell food or drinks to guests. Mr. Morrow continued to explain that he has followed the conditions of the first Special Use Permit as directed, by not sharing the address of the concerts and requiring guests to make reservations to attend shows. Mr. Morrow asked the commission for consideration of permanent approval for his concert house.

Mr. Kimble asked the commission if they had any questions for the applicant.

Dr. Rosenberg asked Mr. Morrow the amount of guest he allowed in his house during a concert.

Mr. Morrow explained that he had spoken with the Fire Marshall earlier in the day regarding the number of guests, and the Fire Marshall had given him a number of 49 with recommendations on ways he could increase that number.

Dr. Rosenberg asked Mr. Morrow if he was still utilizing portable bathrooms for guests during the home concerts.

Mr. Morrow explained that he has a portable bathroom located on his back porch for guests to use, and he has constructed a privacy fence as requested by City council during the first request of the Special Use Permit.

Dr. Rosenberg asked Mr. Morrow if it was correct that he does not sell any food or drink to guests during the home concerts.

Mr. Morrow explained that it was correct, and he does not sell any food or drink to guests during the home concerts.

Dr. Rosenberg asked Mr. Morrow if he allowed guests to bring and consume alcohol to the home concerts if they bring it themselves.

Mr. Morrow explained that if a guest brings or consumes alcohol during the home concert themselves, he allows the guest to. Mr. Morrow continued to explain that he has never had a problem with guest behavior with this policy, and he does not encourage guests to bring or consume alcohol during the home concerts.

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

Mr. Bellairs stated that the changes Mr. Morrow was required to make for the second request for the special use permit were a limit on occupancy to 49 guests at one time and request for a permanent permit. Mr. Bellairs also explained that in the 2 years since the first special use permit was granted, there had been no comment, petition or complaints had been submitted to the planning office.

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

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

Mary Prigmore of 2202 E 24th Street, Joplin, Missouri asked to speak in opposition to this case. Ms. Prigmore stated that she has experienced large tour buses parked on Delaware Street. Ms. Prigmore explained that there was a situation this past summer where a man had yelled obscenities from the front porch of the concert

house. Ms. Prigmore asked the commission to deny this special use permit for these reasons.

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

Ms. Phillips asked Mr. Bellairs if there had been any complaints or petitions received to the planning department since the commission had received the information for this meeting.

Mr. Bellairs stated that the planning department had not received any calls or complaints that any conditions of the special use permit had been violated.

Ms. Phillips asked Mr. Bellairs including police, fire and health department.

Mr. Bellairs stated that was correct.

MRS. KLUE-MICHAEL MADE A MOTION TO APPROVE CASE 036-24. MR. KIMBLE SECONDED THIS MOTION. MOTION DOES NOT CARRY. (3 IN FAVOR, 4 NAY)

CASE 037-24: Rezoning

1222 E 32nd St- Rezoning- A request to rezone from District C-2 PD (Central Business-Planned Development) to District C-1 (Neighborhood Commercial)- O'Reilly Automotive Sales, INC.

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

Blake Rourick of 216 N Mina Ave. Joplin, Missouri presented the case for OWN Engineering on behalf of O'Reilly Automotive Sales INC.

Mr. Rourick stated the reason for this request for rezoning is so the applicant can have an expansion on the property.

Mr. Kimble asked Mr. Bellairs why the applicant was rezoning if in the development and comprehensive plan area stated that this area was consistent with retail commercial.

Mr. Bellairs stated that retail commercial is a future landmark designation that is referred to in the development and comprehensive plan, and that neighborhood

commercial is one of the zonings that is compatible with retail commercial designation with the comp plan.

Mr. Kimble asked the commission if they had any questions for the representative.

Dr. Rosenberg asked Mr. Bellairs why there is a need to rezone from central business to C-1 zoning.

Mr. Bellairs explained that central business zoning was intended for businesses in the downtown districts, due to different developmental policies. Mr. Bellairs continued to explain that with the C-1 zoning, the business is already an existing business and the lot it sits on is zoned as C-1. Mr. Bellairs explained that the applicant wants to rezone to C-1 so that the expansion is consistent zoning as the main business.

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

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. LANDIS MADE A MOTION TO APPROVE CASE 037-24. THIS MOTION WAS SECONDED BY DR. ROSENBERG. MOTION CARRIED. (7 IN FAVOR, 0 NAY)

CASE 038-24: REZONING

117 N Moffet- Rezoning- A request to rezone from District R- 3 (Multi-Family Residential) to District R-3 HP (Multi-Family Residential- Historic Preservation Overlay)- William and Linda Mosley

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

Thomas Walters of 602 S Main St. Joplin, Missouri presented the case on behalf of the Historic Preservation Commission for the City of Joplin.

Mr. Walters explained to the commission that the request for rezoning was already heard in front of the Historic Preservation Commission for the City of Joplin, and they had recommended approval. Mr. Walter explained that the criteria needed to be considered for the Historic Preservation overlay had been met by the applicants.

Mr. Walters explained that the criteria met by the applicants were met by the historical significance criteria 3. Mr. Walter explained that criteria 3 of historical significance was stated as "its identification with a person or person who significantly contributed to the development of the community, county, state, or country". Mr. Walter stated this criterion was met due to the home being associated with Frank E. Weeks.

Mr. Walters stated that the second criteria that this home met for the historical significance was " its identification as the work of a master builder, designer, architect or landscape architect whose individual work has influenced the development of the community, county, state or country". Mr. Walter stated that this criterion was met due to the association the house has with prominent local architects Garstang and Rea.

Mr. Kimble asked the commission if they had questions for the representative.

Dr. Rosenberg asked Mr. Walter why the owners were trying to rezone if it was only a single-family home.

Mr. Walters explained that the rezoning request was just for the Historical Preservation Overlay dedication and not the zoning of the property.

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

Linda Mosely of 117 N Moffet Ave. Joplin, Missouri asked to speak in favor of this case. Mrs. Mosely explained she would like the support of the commission so her house can be listed with the Historical Preservation Overlay.

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

DR. ROSENBERG MADE A MOTIN TO APPROVE CASE 038-24. THIS MOTION WAS SECONDED BY MR. LANDIS. MOTION CARRIED. (7 IN FAVOR, 0 NAY)

CASE 039-24: ALLEY 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 applicant or representative to come forward and state their name and address for the record.

Max DiCarlo and Andrew Seemiller with Frist Street Development of 4700 Bellview Dr. Kansas City, Missouri presented the case on behalf of Seneca Enterprises.

Mr. Seemiller explained that they had made the changes recommended by the City Council. Mr. Seemiller explained that in the revisions to the plans they have changed the use of roll over curbs, to striping and they have widened the necessary areas for ingress and egress. Mr. Seemiller stated that City engineers have stated that this revised plan should improve the overall flow of the site.

Mr. Kimble asked if anyone on the commission had questions for the representative.

Dr. Rosenberg asked Mr. Seemiller, who owned the property to the west of the alley, directly behind the corner property.

Mr. DiCarlo stated that the property Dr. Rosenberg had asked about is currently owned by Seneca Enterprises, whose First Street Development has a purchase and sale agreement with to purchase both sides of the alley.

Dr. Rosenberg asked Mr. DiCarlo if there would be anything preventing them from fencing the property in if they chose to do so.

Mr. DiCarlo stated that there is not anything preventing them from fencing the property in.

Mr. DiCarlo stated that the turning templates provided show that there is no approaching on private property that is being used as a turnaround. Mr. DiCarlo continued to explain that the turning templates also show the use of the WB67 semi-trailer, which is the largest semi-trailer that can be on the roadway.

Mr. Kimble asked Mr. DiCarlo if the property on both sides of the alley way is owned by the developer.

Mr. DiCarlo explained that they are currently owned by the seller, since the property selling is contingent on the approval of the project and are both part of the purchase and sell agreement.

Mr. Kimble asked Mr. Bellairs if it was acceptable to ask for a vacation of the alleyway if the property is not yet owned by the representatives that have proposed the movement of the alleyway.

Mr. Bellairs stated that the current owners had applied for the alley vacation, which is Seneca Enterprises LLC, and they signed an owner affidavit so that First Street Development could present the case on behalf of them. Mr. Bellairs stated that this is a common practice for public hearing cases.

Mrs. Klue- Michael asked the representatives how trucks would get down the alleyway if there were cars in the drive through, if there were cars wanting to enter the drive through from the Range Line entrance.

Mr. DiCarlo stated that at the site was designed to allow car stacking for 19 cars. Mr. DiCarlo continued to explain that a semi-truck may have to wait around a minute if there were more than 19 cars in the stack, to be able to drive through the lot.

Mr. Kimble asked Mr. DiCarlo if cars did not want to exit through the Range Line exit and are trying to exit through the Frost Avenue exit, if this could cause an issue with traffic in the lot.

Mr. DiCarlo explained that they had done a study on the traffic through the site, and there is minimal traffic from large vehicles and only a few times a week, typically not at peak hours, so he does not believe this would be an issue.

Mr. Kimble asked Mr. Bellairs if there should be concern over the roadway at Frost Avenue due to the traffic from large vehicles.

Mr. Bellairs stated that when public streets are designed, they must be constructed to the public works standard and that this street would not receive any more traffic than 11th street currently does due to the large shipments received by business in the area.

Ms. Phillips asked Mr. DiCarlo if cars had the ability to go north or south on Range Line Road.

Mr. DiCarlo stated that cars had the ability to go north or south on Range Line Road. Mr. DiCarlo explained that the plan was reviewed by the Missouri Department of Transportation and they were comfortable with access as proposed, and the tenant can post way finding signs on their own.

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

Mr. Morris Glaze of 3321 Delaware, Joplin, Missouri asked to speak in favor of this case. Mr. Glaze explained that he had 43 years of experience in the trucking industry and dispatching trucks. Mr. Glaze stated that upon visiting the alley and reviewing the current plans presented, he does not see that there should be any issue with the deliveries being made to current business owners.

Mr. Kimble asked Mr. Glaze if the north side of the alley way that exits onto 10th Street would take be able to take truck traffic and trucks would be able to turn onto 10th Street, then turn onto Range Line.

Mr. Glaze explained that a short trailer would be able to, since there are no obstructions.

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

Mr. Darieus Adams of 2520 Kingsdale St. Joplin, Missouri asked to speak in favor of this case. Mr. Adams continued to explain that the plans presented he believes are adequate for all range of semi-trailers to use. Mr. Adams stated the applicant has gone above and beyond what the City has asked to address the concerns.

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

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

Martha Pope of 7974 County Road 290, Carl Junction, Missouri asked to speak in opposition to this case. Ms. Pope stated that she is the owner of the property west of the proposed Dutch Brothers location. Ms. Pope explains that her tenant's driveways enter from the alley way, and she believes the proposed changes will cause issues involving her tenant's privacy, trash service and noise issues. Ms. Pope also asked for clarification regarding where the fence would be placed for her tenants if this project was approved.

Mr. Seemiller explained that Ms. Pope's property is to the west of Frost Street and not the alley way in question. Mr. Seemiller continued to explain that the fence will be situated on the east side of Frost Street, where there is currently fencing.

Ms. Pope asked where the trash receptacles will be placed in regard to her property.

Mr. Seemiller explained that the trash receptacles will be placed to the east of the fence, behind the drive through of the proposed business.

Ms. Pope asked if the alley way will allow customers to come and go at all times.

Mr. Kimble explained that there would be several ways, including through the alley way for traffic to go through the area.

Mr. Bellairs stated that the property Ms. Pope owns is on a platted street and that nothing is being vacated there, which is also why she did not receive a letter.

Mrs. Klue- Michale asked Mr. Bellairs for clarification regarding the proposed completion of Frost Avenue.

Mr. Bellairs explained that Frost Avenue will be constructed, but not completed to 10th Street.

Ms. Pope asked if this meant that all of the truck traffic would be going through the street near her property then.

Mr. Kimble stated that this would be correct.

Mrs. Klue- Michael asked Ms. Pope if the only parking available to her tenants was located in the alley.

Ms. Pope explained that this is correct.

Mr. Kimble asked Ms. Pope if her tenants park on Frost Avenue.

Ms. Pope stated that her tenants take Frost Avenue and drive directly into the driveway.

Mr. Kimble asked Ms. Pope if any of her tenants have any small children.

Ms. Pope explained that one of her tenants have grandchildren.

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

Norman Cramer of 1032 S Range Line Road, Joplin, Missouri asked to speak in opposition to this case.

Mr. Cramer stated that the proposed changes would not allow his delivery drivers to make deliveries with the proposed turn templates. Mr. Cramer explained that his delivery drivers stated they would not be comfortable delivering to his business due to safety concerns regarding traffic, which could lead to him losing his suppliers to his business. Mr. Cramer voiced concerns regarding a camera that had been placed in the alley way. Mr. Cramer also explained that many of his elderly customers have voiced

concerns about not being able to use the alley way to access his business. Mr. Cramer explained that his deliveries are anywhere from 5AM to 9AM during the weekdays and he feels this would cause backed up traffic since that would be the most realistic time for customers to want coffee.

Mr. Spruce asked Mr. Cramer if his deliveries could be delivered on a small truck due to the lower weight amounts.

Mr. Cramer explained that his deliveries come from the Kansas City area, and he is not the only delivery for his supplier.

Mr. DiCarlo asked to clarify that First Street Development did have the camera installed so they could analyze and make sure they could accommodate the traffic of the area as proposed.

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

Matt Kincaid of 17534 Baseline Boulevard, Jasper, Missouri and Brett Faubion of 362 NW 50th Road, Jasper, Missouri asked to speak in opposition to this case. Mr. Kincaid explained that he is a truck driver and a farmer. Mr. Kincaid explained that he has concerns about impeding traffic due to the turns required by the semi-trucks. Mr. Kincaid also stated concerns regarding the water flow of the area.

Mr. Bellairs explained that during any new civil project, the City's civil engineers and the applicants' engineers are required to address any issues regarding stormwater. Mr. Bellaris continued to state that he is not a civil engineer and not part of the review regarding the stormwater process for civil projects.

Mr. Kincaid asked Mr. Bellairs what the elevation was currently for the project without pavement being poured for the facility.

Mr. Bellairs stated that he cannot speak to that, as he is not a civil engineer, but the City does have a review process for all new projects.

Mr. Faubion stated concerns regarding the congestion of traffic due to the large turns needed for semi-trailers to make into the parking lot.

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

Geary Williams of 2930 Illinois Avenue, Joplin, Missouri asked to speak in opposition to this case. Mr. Williams stated there was a camera put on his property that he did not

authorize. Mr. Williams stated he owns near the proposed Dutch Brothers location and has concerns over the traffic that will be brought to this area.

Ms. Phillips asked Mr. Williams if he allows Mr. Cramer to make turns on his property.

Mr. Williams stated that this is correct.

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

DR. ROSENBERG MADE A MOTION TO APPROVE CASE 039-24. THIS MOTION WAS SECONDED BY MR. LANDIS. MOTION CARRIED. (4 IN FAVOR, 3 NAY)

4. **New Business:**
   There was no new business to discuss.

5. **Other Business:**

   There was no other business to discuss.

6. **Adjournment:**

   MRS. KLUE-MICHAEL MADE A MOTION TO ADJOURN THE DECEMBER 9, 2024, MEETING OF THE CITY OF JOPLIN PLANNING AND ZONING COMMISSION. MR. LANDIS SECONDED THIS MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAY)

   MR. LANDIS MADE A MOTION TO AMEND THE MINUTES TO REFLECT MS. WARREN BEING IN ATTENDANCE OF THE DECEMBER 9, 2024, MEETING. THIS MOTION WAS SECONDED BY MRS. KLUE- MICHAEL. MOTION CARRIED. (7 IN FAVOR, 0 NAY)

Approved _____
Drew Kimble, Chairman

Approved _____
Zoie Hamilton, Recording Secretary