JOPLIN | PLANNING & ZONING COMMISSION

MINUTES
MONDAY, DECEMBER 12, 2022
4:00 P.M.

The Planning and Zoning Commission met in a regular session, Monday, December 12, 2022. Present were Commission members Janice Steele, Rodney McCullough, Mary Anne Phillips, Amia Warren, Ryan Jackson and Benjamin Rosenberg. Troy Bolander, Thomas Walters, Tyler Bellairs and Vicky Copeland represented the Planning, Development and Neighborhood Services Department.

1. **Roll Call:** Vicky Copeland called the roll.

MR. ROSENBERG MOVED TO EXCUSE MR. KIMBLE FROM THE DECEMBER 12, 2022 MEETING. MR. JACKSON SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAYS, 1 ABSENT)

2. **Approval of Minutes:**

MR. ROSENBERG MOVED TO APPROVE THE NOVEMBER 14,2022 MINUTES. MS. WARREN SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAYS, 1 ABSENT)

Public Hearings

Ms. Steele read the Public Hearing Procedures.

Case 065-22: Rezoning

3 Tracts in the 2300 Block of W. 2nd Street-Generally located at 2310 W. 2nd Street-A request to remove from DistrictR-1 (Single Family) and include in District R-2 (Two Family Residential)-KLB Properties, LLC.

Mr. Kyler Baker, 302 Silverwood Lane, Joplin, Missouri. Mr. Baker was representing KLB Properties, LLC. and they have requested rezoning from R1 to R2. He stated he still planned on building single-family homes in that area. R2 would allow him a certain size lot whereas R1 placed limitations on him. R2 gives him the size lot he needs to accommodate the number of homes he wanted to build. He thought the number of homes would be six in that full area.

Ms. Steele asked, the entire block.

Mr. Baker stated yes that is his goal. He just wanted to build nice new homes. They would be rental property for him. He stated he kept all his rental property maintained with good tenants. He just wanted to do good stuff for Joplin and revitalize that area.

Ms. Steele asked if anyone would like to speak in opposition of Case 065-22.

Mary Replogle, 1502 S. Michigan Ave. B-3 A-4, Joplin, Missouri. Ms. Replogle stated she owned a house with her husband located at 209 S. Winfield. She proposed a question to Mr. Baker and asked what three address he owned. Ms. Replogle stated now that she is clear she would like to make known that 2310 W. 2nd is not known as 2310. It is known as 2314 and 2310. She stated her grandmother owned all that property and her uncle owned all the Railroad property. He purchased it from the Railroad down in Texas and then he in turn sold it to her husband. He is waiting to speak also. He owned it for a few years and then he sold it.

Neal Replogle, 209 S. Winfield Ave. Joplin, Missouri. Mr. Replogle stated he resided a couple of doors down from the property.

Mary Replogle stated she was told by her grandmother growing up that this Railroad property when they were finished with it would revert to the landowners around that area. Ms. Replogle stated she had copies of the Warranty Deed from 207 S. Winfield. She advised that she had their Warranty Deed for 209 S. Winfield and she had the Warranty Deed for William Clemmons and Karen Birch. Unfortunately, Karen Birch's son has the property also now. She stated she did not have time to contact him because they just received their letter from the City the other day. She stated that putting duplexes or apartments or whatever it may be, even single-family homes is not a good

idea for that area. Especially duplexes or apartments. It will make the area worse. She stated they have worked and worked and worked to get this area back up. She thinks it should remain as R-1 instead of R-2. She stated there are several other people in opposition, but they could not make it because they are working.

Mr. Neal Replogle stated like she previously stated he bought the Railroad right-of-way from her uncle from the Railroad company in Texas when they put it up for sale. Bill bought it and then I bought it from Bill. The Railroad guy came out and surveyed it and everything. They said because the Railroad line was abandoned so many years ago, like over thirty something years ago, since he had been here. His neighbor's yard was fenced in and everything down there for thirty years or more. Then someone came in and took out all the fence and everything. They were trying to take that property also to add to that other one or whatever. Parts of that on the one side like where his neighbor is at, that reverted back to his property and that is why it was fenced in. And then in the back where the Clemmons are back on the one end that reverted back too. He stated they had paperwork to that out of my records from the Railroad and everything. He stated they know both properties really well and he kept them up for a long time and everything. One used to be her grandma's property, 2310 W. 2nd and 2314 W. 2nd. He stated that 2314 W. 2nd was a big house and 2310 W. 2nd was just a little bitty rock house. It used to be a rental property, that little piece in the back. He stated he thought he pretty much covered that. That was pretty much what he wanted to say. He stated he sold it to the guy down on 3rd Street. He is dead and his partner has it now the Railroad right-of-way. He sold it, but he did not know who he sold it to but them boundaries were in line. He stated he had papers to show where it goes through on the Railroad side. How far it goes down from Winfield down to Monroe. It was more narrow than wide. He stated he could not do what he wanted to do with it. He stated he wanted to put a three bay garage back up on the concrete slab but the City at the time told him he could not because of the zoning change. At that time, it was just a pain to keep it up, so he sold it to this other guy. He resold it to whoever has it now. Now on the 2314 W. 2nd and 2310 W. 2nd a guy named Roger bought that side over there, the grandma's side. He stated that is pretty much all he has to say. He stated he thought they were going by the old records on their survey.

Mr. Jackson asked to clarify the addresses because he was confused. So, he asked Mr. Replogle if his family owned the properties located at 2310 W. 2nd and 2314 W. 2nd.

Mr. Replogle stated yes.

Mr. Jackson asked if both the properties were sold.

Mr. Replogle responded, right.

Mr. Jackson asked so there is also the Railroad property that comes in here as well.

Mr. Replogle stated he bought that.

Mr. Jackson stated correct, and you sold that to another gentlemen.

Mr. Replogle stated yes.

Mr. Jackson stated okay and what were your respective addresses. Where do you live in relation to this.

Mr. Replogle stated just a couple of doors up from this on the same side at 209 S. Winfield. He said the way they got it marked off from the previous owner goes across my neighbor's yard at an angle and it don't touch mine it sits on the back corner fence down to the corner of 3rd and Monroe. Almost to the corner.

Mr. Jackson asked Mr. Replogle if he was the tan house that sits there. He stated he was looking at a map on his phone.

Mr. Replogle said the tan house would be 207 S. Winfield. Nobody said nothing to them or gave them any paperwork or nothing. They went to a deal in Carthage, and they came back and the fence was all ripped out. The line goes down that direction there with it being fenced in for over thirty plus years it should be grandfathered in.

Ms. Steele stated adverse possession.

Mr. Jackson stated you mentioned a Warranty Deed.

Ms. Replogle stated yes, these Warranty Deeds were given to my husband when they sold the property to him.

Ms. Steele asked Ms. Replogle so when you sold the property there is another Warranty Deed issued when you sold it. Ms. Steele asked, are you claiming ownership or a right to this property.

Mr. Replogle stated no.

Ms. Replogle stated what she was doing was letting everyone know that the triangular shape of the 2310 W. 2nd Street property. There are two properties there. Her grandmother owned 2314 W. 2nd. Her name was Mary A. Smith. She passed away in June 1990. Property was originally sold to Erma Money. She stated the reason why she

knows so much about this area is she had family at 1st and Winfield. Her mother owned property at 3rd and Winfield. Basically, this has been a family neighborhood.

Mr. Jackson stated that usually when Railroad property is transferred usually they get the first right of getting it back but they let you transfer the title from the person who bought it from them to you. And everything was good. They just relinquished it.

Mr. Replogle stated, no sir.

Ms. Replogle stated her uncle bought the property from the Railroad company in Texas. He passed away and her cousin was interested in buying it and they sold it to him.

Mr. Replogle stated when her dad died, he got it. He is the one who purchased it. He sold it to me. They were in Texas. Just a narrow property.

Mr. Jackson said basically where the track was and the right-of-way on each side. But you say they have signed off on the fact that they take no claim to it and you have legal ownership of the property.

Mr. Replogle stated he sold it.

Ms. Replogle stated the agreement on this Railroad was there was a street car track that went down the middle of her grandmother's drive-way. When they abandoned it she got it free and clear. Railroad said when they abandoned it after so many years the Railroad property would revert back to the people who were living at those addresses at the time that are up for question.

Mr. Jackson said so what he was hearing from Mr. Replogle was that he sold the property off to another individual.

Ms. Replogle said he sold it to Penny who owns the trucking company at 3rd and Monroe.

Mr. Jackson stated so the question is had Mr. Baker purchased the property from this other gentleman.

Mr. Replogle stated that is what he is trying to figure out.

Ms. Steele asked Mr. Bolander if the land in question was free and clear.

Mr. Bolander stated yes, he did not want to get to much off the subject because it is a rezoning request. We receive documentation that he owns it free and clear. We checked that before the item was placed on the agenda.

Ms. Steele thanked Mr. Bolander.

Ms. Replogle stated that once again she thought it would be wrong to rezone it to R-2 because it will bring all kinds of people in that do not need to be in the neighborhood.

Mr. Replogle said there is just way too much riff raff over there now. We have trouble over there all the time. People have to get guns to protect their homes. He stated he had a gun to protect his home. There is a problem with homeless. Not so much in the day but at night.

Ms. Steele stated that if that land was developed maybe that would cut down on the homeless coming in there.

Ms. Replogle stated no. She said not to get off the subject but 118 and 112 Winfield all those homes are about 25 years old, and they were supposed to make the neighborhood nicer. No. They rent and sell to all kinds of people.

Mr. Replogle stated they have had drug dealers over there and everything else.

Ms. Steele asked if there was anything else they would like to bring before the Commission.

Ms. Replogle stated that would be everything.

Ms. Steele asked if anyone else would like to speak in opposition of Case 065-22.

Mr. Stan Asbell, 1502 S. Michigan Ave., Joplin, Missouri. Mr. Asbell stated the reason he was against this rezoning was my great uncle who owned the property what the confusion was when it was sold where the property lines and fences were you could not build on the property because there was not enough room there already to do anything that is why Mr. Replogle was not allowed to rebuild the shop that fell in from the ice storm. And then when Ms. Replogle's grandmother's house burnt they were not able to rebuild because there was not enough room on said property. Because between where the grandmother's house laid and then the little rock house behind her house which she owned both properties and then where the main Railroad came through which Mr. Smith owned where his shop was. Mr. Replogle bought it. When that all fell in because of the storm he was not able to rebuild because they said there was not enough

property there because the property the homeowners owned around it that the Railroad had taken it had reverted back to the homeowner. Which wasn't very big pieces, but it was enough where no body was able to rebuild. All of a sudden now everyone is able to rebuild there, and nobody knows why. Nobody has said anything or come door to door or said this is our intentions, we would like to know anything about it. But that has not happened. He does understand because he does construction himself. But he stated he knows that is not always the case. But, in saying that a lot of the homes there are low-income homes. You go in and put in these new dwellings and stuff that is going to raise their taxes on their property. Like Mr. Replogle pays $380.00 a year for his home taxes. Those new places go in then his home taxes go up. Everybody in that neighborhood's taxes will go up on their own home property. It happened. So, these low-income families that have these other houses what are they going to do when it comes time for their taxes because they have all these new dwellings coming up around them. They are coded nicer new homes. So, there is that problem. That is the reason he stated he is against it. The families around there now are doing good to hold their own. New dwellings come in that will definitely raise their property tax. Then so you have this new one coming in and then if they start this well your house looks like this, and we have this new one here that is going to cause a lot of problems for them again. Because they can't keep the upkeep of their homes because they are low-income families. So basically, that is the reason I am against it.

Mr. Rosenberg proposed a question to Mr. Bolander. What is the minimum lot size width. Is it 50 or did we raise that.

Mr. Bolander stated that is the question we are trying to answer this evening. In the new code to get a 50' lot in an area that has not been platted you have to rezone it to R-2. Even if you build a single-family home. Most of those lots in that area are already 50' wide. He is requesting an R-2 zoning district so he can put in single-family homes with 50' lots. If it is not rezoned to R-2 he has every right to develop it under R-1 with new homes as well, but the lots will have to be 65' wide. That is the question this evening.

Mr. Jackson stated so the plot size would be sufficient to accommodate what he is requesting to do.

Mr. Bolander stated yes 50' lots which are typical in that neighborhood.

Mr. Jackson asked what would the access be the way it is laid out. Will it be sufficient for people to get to and from the property.

Mr. Bolander stated he thought it would be off a lot on 3rd street and the majority would be off 2nd street.

MR. JACKSON MOVED THAT CASE 065-22 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MS. PHILLIPS SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAYS, 1 ABSENT)

Case 067-22: Rezoning

2629 and 2827 S. Oliver Ave.-A request to rezone from R-1 (Single Family Residential) to R-4 (Mixed Density Neighborhood)-Schuber Mitchell Homes.

Josh, 114 Sunset Loop, Carl Junction. Josh is a civil engineer with Anderson Engineering here with Schuber Mitchell Homes representing this request tonight. They are requesting the Commission table this rezoning case in order for them to hold a neighborhood meeting with local residents so they can go over specifics of the project.

Ms. Steele asked if anyone else would like to speak in favor of Case 067-22.

There were none.

Ms. Steele asked if anyone would like to speak in opposition of Case 067-22.

Brenda Nelson, 2609 S. Oliver Avenue, Joplin, Missouri. She asked the definition of a mixed density neighborhood.

Mr. Bolander stated a mixed density neighborhood under our new code can contain different sizes of lots. Some lots can be larger, and some can be smaller. You can have a use of duplexes, multi-family if there is enough room and single-family homes.

Ms. Nelson stated that is what she thought. She said they have been through the neighborhood speaking to other neighbors and they are all opposed to this because they all have single family dwellings. They do not want duplexes or apartment buildings going up. She asked how they came up with 2827 S. Oliver. Is that a vacant property.

Mr. Bolander stated that is a general description. What is the correct description is the legal description that was advertised in the Joplin Globe.

Ms. Nelson asked if the property being discussed ran east and west.

Mr. Bolander stated yes and north and south. Everything in red.

Ms. Steele stated the larger part runs north and south. The two-ingress egress they are east and west. Does that make sense.

Ms. Nelson stated yes. How many dwellings are they talking about putting on those. Have they requested to put a street through there.

Ms. Steele stated she believed that is why Schuber Mitchell's representative asked to table this case. So, they can talk to neighbors and tell you what they plan to do.

Terry Mitchell, Schuber Mitchell Homes, Joplin, Missouri. He stated they basically want to do single family homes in that area.

Mr. Bolander stated we have a new provision in our code call the Courtyard Pattern. He stated one of the first examples we saw in Joplin was on Jackson Ave off 32nd Street. The area is called Jackson Hills and it is all those new homes and they have a common courtyard in the middle.

Ms. Steele stated, but we do not have that to show to the homeowners right now.

Mr. Bolander stated we do not. That is why the applicant is requesting a neighborhood meeting.

Ms. Steele stated that is why they requested this case to be tabled.

Ms. Steele asked if anyone else would like to speak in opposition of Case 067-22.

There were none.

MR. ROSENBERG MOVED THAT CASE 067-22 BE TABLED. MR. MCCULLOUGH SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAYS, 1 ABSENT)

Case 071-22: Rezoning

5850 E. 20TH Street-A request to rezone from R-1 (Single Family Residential) to C-3 (Commercial)

Bo Bennett, Lamar, Missouri. Mr. Bennett is requesting to rezone from R-1 to C-3 for a business.

Mr. Jackson asked what sort of business operation.

Mr. Bennett stated general contractor.

Mr. Jackson stated so storage lot for equipment.

Mr. Bennett stated yes.

Mr. Jackson asked if it would be paved or graveled.

Mr. Bennett stated they spoke during the Planning and Zoning meeting about leaving some of it gravel because of the equipment. That would be toward the back of the property. The frontage would be paved.

Ms. Steele asked if the Commission had any questions on Case 071-22.

Mr. Bolander stated for clarification on the map that everything around it is C-3. It was rezoned last year. So, this little square is the only remaining part that is R-1.

Mr. Rosenberg asked Mr. Bolander wouldn't an M zoning be more appropriate than a C.

Mr. Bolander stated he thought they went with a C-3 because everything around it is C-3. You can still have storage of equipment in C-3 district.

Mr. Jackson asked the scope of what C-3 would allow.

Mr. Bolander stated it is the heaviest commercial district and you are also allowed storage in a C-3 district as well.

Mr. Jackson asked about terms of signage.

Mr. Bolander stated due to the location of 249 they can get a variance for a taller sign if needed.

Ms. Steele stated she did not see a yellow sign out there. Right next to it they are already clearing land. That is not what is included in this.

Mr. Bolander stated no, it is already zoned C-3. This land next to it.

Ms. Steele asked if anyone would like to speak in opposition of Case 071-22.

There were none.

MR. JACKSON MOVED THAT CASE 071-22 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MS. STEELE SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAYS, 1 ABSENT)

3. **Old Business**: None

4. **New Business**:

Case 068-22: Site Plan Review

634 N. Main Street-A request to review a site plan-Gus Properties LLC

The applicant was not present.

Mr. Bolander stated in the absence of the applicant, Case 068-22 should be tabled.

MR. JACKSON MOVED THAT CASE 068-22 BE TABLED. MS. PHILLIPS SECONDED THE MOTION. MR. ROSENBERG VOTED IN OPPOSTION OF TABLING CASE 068-22. MOTION CARRIED. (5 IN FAVOR, 1 NAYS, 1 ABSENT)

MS. STEELE MOVED FOR ELECTION OF OFFICERS. MR. MCCULLOUGH SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAYS, 1 ABSENT)

MR. MCCULLOUGH MOVED FOR ELECTION OF MR. KIMBLE AS CHAIRMAN. MR. JACKSON SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAYS, 1 ABSENT)

MR. MCCULLOUGH MOVED FOR ELECTION OF MS. PHILLIPS AS VICE CHAIRMAN. MR. JACKSON SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAYS, 1 ABSENT)

MR. JACKSON MOVED FOR ELECTION OF MS. WARREN AS SECRETARY. MR. MCCULLOUGH SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAYS, 1 ABSENT)

Mr. McCullough opened discussion regarding the five-minute time limit for each speaker imposed by the City Council. He asked if the same rules of procedure could apply to the Planning and Zoning meetings. He wanted to make a Motion.

Mr. Bolander stated that is correct there is a time limit on City Council speakers.

Mr. Jackson asked Mr. Bolander if that had not been the rule in the past.

Mr. Bolander stated no we never had a limit. You can make that recommendation, but it will probably be a change in the by-laws. So, we would probably have to hold a public hearing on that. We can do it, but it would not go be effectively immediately until we go through our change in the by-laws.

Ms. Phillips asked what the historic take on this was. Was it considered not necessary or is some of this stuff so complicated that you can not do it in five minutes.

Mr. Bolander stated not necessarily. He thinks Zoning and Planning have always allowed people to speak their mind. Of course, we do not want people getting up and saying the same thing over and over again. We just did not have that limitation on people presenting or speaking on an issue.

Mr. Jackson asked do you feel it is more of an extraordinary kind of situation where it happens where it goes on for such a long amount of testimony.

Mr. Bolander stated he has mixed thoughts on it. Seems like the Zoning and Planning is the first to hear it. You want to get as much information as you can because you are making recommendations to City Council. He thought there were some advantages to allowing people to speak especially if they are really passionate and have a lot to say about it. Then, you do not want people getting up and saying the same things over and

over. When we look at your meetings, we have not had many really long meetings. Sometimes you do but it has not really been an issue. Mr. Bolander reiterated that this body is the first to hear the information and you are making the recommendation to the City Council. You are filtering the information for the City Council. They probably do not need as much information because they have the minutes.

Ms. Steele stated that during her years on the Commission if someone goes on and on it has been the Chairman's responsibility to say, do you have any other information.

Mr. Bolander stated that is correct.

MR. MCCULLOUGH MOVED FOR SETTING A FIVE-MINUTE SPEAKING TIME LIMIT FOR SPEAKERS IN THE PUBLIC HEARING. MOTION WAS NOT SECONDED. MOTION DID NOT PASS.

5. <u>Adjournment:</u>

MS. WARREN MOVED, SECONDED BY MS. STEELE TO ADJOURN. MOTION CARRIED. (6 IN FAVOR, 0 NAYS, 1 ABSENT)

Approved _____
Drew Kimble, Chairman

Approved Vicky Copeland
Vicky Copeland, Recording Secretary