INFORMAL AGENDA

March 5, 2012

5:15 p.m.

1. Discussion of surplus land property
2. Update on Economic Development
3. Any other business

# COUNCIL AGENDA

March 5, 2012

6:00 P.M., Council Chambers

| General Council Members | MAYOR | Zone Council Members |
|---|---|---|
| Mike Woolston | Mike Woolston | Gary Shaw |
| Morris Glaze | | Melodee Colbert-Kean |
| Bill Scearce | | (Mayor ProTem) |
| Jack Golden | | Dr. Benjamin D. Rosenberg |
| Trisha A. Raney | | Michael Seibert |

1. **Call to Order**
   Invocation
   Pledge of Allegiance

2. **Roll Call**

3. **Presentations**
   1. Proclamation recognizing and congratulating Souls Harbor for thirty years of ministry.

   2. Presentation by Joplin Schools Superintendent Dr. CJ Huff on the bond levy issue.

4. **Finalization of Consent Agenda**

5. **Reports and Communications**

6. **Citizen Requests and Petitions**

7. **Public Hearings**
   **Public Hearings Procedures**
   1. COUNCIL BILL NO. 2012-263 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located at 2911, 2914, 2920 and 2922 East 22nd Street in the City of Joplin, Jasper County, Missouri. (Requested by Fred Parrett. Planning and Zoning recommended amending the requested rezoning to District to C-3-PD)

Anyone wishing to address the Council should step to the Podium and state their name and address. If the matter is not a Public Hearing, a request to speak to the Council should be prepared prior to the meeting. Speaking time will be limited to five minutes.

Sound enhancement units are available for hearing impaired customers. You will be asked to provide a form of identification as security, which will be returned when you return the unit.
If you are in need of disability related auxiliary aids or services, contact the City Clerks Office at (417) 624-0820 ext. 220. Forty-eight hours notice is requested.

2. COUNCIL BILL NO. 2012-264 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and District C-0-PD and including in District C-1 property as described below and located at 1931 South St. Louis Avenue in the City of Joplin, Jasper County, Missouri. (Requested by Kevin Locke. Planning and Zoning recommended approval).

3. COUNCIL BILL NO. 2012-265 - AN ORDINANCE providing for the vacation of portions of Iowa Avenue and Missouri Avenue between 20th Street and 24th Street; and 22nd Street between Grand Avenue and Iowa Avenue, in the City of Joplin, Jasper County, Missouri. (Requested by Joplin R-VIII School District. Planning and Zoning recommended approval)

4. COUNCIL BILL NO. 2012-266 - AN ORDINANCE providing for the vacation of portions of 24th Street between Grand Avenue and Indiana Avenue; and Missouri Avenue, Iowa Avenue, Minnesota Avenue, and Ohio Avenue from 24th Street to south of 24th Street, in the City of Joplin, Jasper County, Missouri.

5. COUNCIL BILL NO. 2012-267 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-0 property as described below and located at 521 West 32nd Street in the City of Joplin, Jasper County, Missouri. (Requested by Alan McQuigg. Planning and Zoning recommended amending the requested zoning to C-O-PD).

6. COUNCIL BILL NO. 2012-268 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located on Lot 66, Cedar Ridge Subdivision, in the City of Joplin, Jasper County, Missouri. (Requested by RS Anderson. Planning and Zoning Recommended Denial).

7. COUNCIL BILL NO. 2012-269 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located at 2602, 2604, and 2610 South Virginia Avenue, in the City of Joplin, Jasper County, Missouri. (Requested by Larry Fugate. Planning and Zoning Recommended Approval).

8. COUNCIL BILL NO. 2012-270 - AN ORDINANCE providing for the vacation of the East 30 feet of Lot 110 of Banker's Third Addition, in the City of Joplin, Jasper County, Missouri. (Requested by City of Joplin. Planning and Zoning Recommended Approval).

9. RESOLUTION NO. 2012-009 - A RESOLUTION granting a Special Use Permit (First Request) to BEHR, LLC, for the construction of parking lots near 36th Street and Garrison and Alabama Avenues, in the City of Joplin, Newton County, Missouri. (Requested by BEHR, LLC. Planning and Zoning Recommended Denial).

10. COUNCIL BILL NO. 2012-271 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-1-PD property as described below and located at 2616 East 20th Street, in the City of Joplin, Jasper County, Missouri. (John Yaple. Planning and Zoning Recommended Denial).

11. COUNCIL BILL NO. 2012-272 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-1-PD property as described below and located at 2602 East 20th Street, in the City of Joplin, Jasper County, Missouri. (Requested by Jon Viles. Planning and Zoning recommended Denial).

**8. Consent Agenda**

1. Minutes of the February 6, 2012 Council Meeting
2. Minutes of the February 21, 2012 Council Meeting

**9. Resolutions**

**10. Ordinances – Emergency**

1. COUNCIL BILL NO. 2012-002 - AN ORDINANCE approving a Systems Agreement by and between the City of Joplin and Tyler Technologies, Inc., dealing generally with the set-up and maintenance of a Web-site to accommodate on-line payment of violation fines by citizens to the Municipal Court; amending the Annual Budget of the City of Joplin for the Fiscal Year 2011-2012 as adopted by Ordinance 2011-136 on October 17, 2011; authorizing the City Manager to execute said Systems Agreement by and on behalf of the City of Joplin; and containing an emergency clause.

2. COUNCIL BILL NO. 2012-117 - AN ORDINANCE authorizing the City of Joplin, Missouri enter into a purchase order with Scurlock Industries in the amount of Thirty Three Thousand and no/100 Dollars ($33,000.00) providing how the cost shall be made and levied; and containing an emergency clause.

3. COUNCIL BILL NO. 2012-118 - AN ORDINANCE approving the City of Joplin to enter into an Agreement with Camcor Environmental to provide professional services for the Remediation of Metals Contaminated Soil and authorizing the Public Works Director to execute said Agreement; and containing an emergency clause.

4. COUNCIL BILL NO. 2012 – 119 - AN ORDINANCE approving the contract by and between the City of Joplin and Lynn Rowe for the demolition of the structure(s) and clearing of lot area located at 911 S. PENNSYLVANIA in the City of Joplin, Missouri, for the amount of Three Thousand Seven Hundred Twenty and 00/100 Dollars ($3,720.00) providing how the cost thereof shall be paid;
how the assessment thereof shall be made; and containing an emergency clause.

5. COUNCIL BILL NO. 2012 – 120 - AN ORDINANCE approving the contract by and between the City of Joplin and B & D Yardbuilders for the demolition of the structure(s) and clearing of lot area located at 1601 FURNACE in the City of Joplin, Missouri, for the amount of Two Thousand Three Hundred Sixteen and 00/100 Dollars ($ 2,316.00) providing how the cost thereof shall be paid;
how the assessment thereof shall be made; and containing an emergency clause.

6. COUNCIL BILL NO. 2012-500 - AN ORDINANCE approving the delivery of the City of Joplin, Missouri refunding Certificates of Participation, Series 2012, for the purpose of providing funds to refinance the costs of certain improvements for the City, Missouri; authorizing certain other actions in connection with the delivery of said certificates; adopting a tax exempt financing compliance procedure; authorizing the City Manager to execute said refunding by and on behalf of the City of Joplin; and containing an emergency clause.

**11. Ordinances – First Reading**

**12. Ordinances – Second Reading**

**13. Ordinances - Third Reading**

**14. Unfinished Business**

**15. New Business**

1. Case 026-12: 2034 South Connecticut Avenue – A request for a Site Plan Review for the reconstruction of an apartment house complex – (Requested by Jorge DuQuene/ Crystal Goedereis Planning and Zoning Recommended Approval).

2. Vote to go into closed session, which shall pertain to the hiring, firing, disciplining, or promotion of an employee or particular employees of a governmental body involving personal information as set forth in Section 610.021(3) RSMo, as amended, 2011, more specifically for the purpose of evaluating certain Council employees. This meeting, record, and vote to be closed to the extent provided by law. The City Council shall adjourn at the end of the session.

**Notice posted at 4:30 p.m. on this the 1st day of March, 2012. (RSMo 610.020)**

INFORMAL NOTES

February 21, 2012

| | |
|---|---|
| Update on request of Sister City with Pamplona Spain from Shaun Steele | This request has been put off until after the election. Shaun Steele is a candidate in the April 3, 2012 election. |
| Discussion of the MAPS Livability Grant award | Robert Lolley with MAPS, briefed council on the FEMA route being added to the existing Trolley route. He also said computers will soon be able to talk to the vehicles and riders will be able to schedule after -hour scheduling. Council approved $61,000 to for the spending of the computers. |
| Discussion of First Response Fund | Council made recommendations and approved Gary Duncan, Paul Teverow, Ron Darby Phil Stinnett and Fred Mason as Trustees to the First Response Fund.<br><br>Mr. Scearce asked Mayor if the Council was going to make an appointment to represent the board. The Mayor stated he was going to ask Mr. Shaw. Mr. Scearce said he would like to nominate Mr. Golden based on his housing expertise. Vote was 5-4, Mr. Golden is the Representative from Council. |
| Presentation on revenue generating ideas at Athletic Complex by Chris Cotten | Chris Cotten talked about advertising signs. Council consented to proceed with idea. |
| Volunteers | Mr. Golden brought up the questions about volunteers having a place to sleep. Staff came up with a place or a solution. Fire Chief Mitch Randles says it's a safety issue. Volunteers want to come in and give out of the goodness of their heart. Maybe there is a possibility of housing arrangements being made at local colleges. Bottom line it is a big issue. |

CITY OF JOPLIN

CITY COUNCIL MEETING

MINUTES

February 21, 2012

CALL TO ORDER
The regular meeting for the Joplin City Council was called to order at 6:00 p.m. by Mayor Michael R. Woolston

ROLL CALL
All were present

INVOCATION - read by City Attorney, Brian Head

FLAG SALUTE – led by Mr. Shaw

PRESENTATIONS
*Read Across America* Proclamation honoring Dr. Seuss' birthday. Crystal Stokes will be in attendance to receive the proclamation. Crystal Stokes received the Proclamation

Presentation on a proposed new storm siren policy – Fire Chief Mitch Randles presented a proposed new storm policy to council. Motion by Mr. Golden, Second by Mr. Scearce to approve the $270,000 by including replacing 2 of the 25 sirens; upgrading 16 of the 25 sirens which are currently not able to perform silent testing or group activations; allows back up activation capabilities; add solar capabilities to exiting sirens is an additional $5,000 per siren or $100,000.00. Voting in favor were Council Members: Colbert-Kean, Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 9. Nays: 0.

FINALIZATION OF CONSENT AGENDA
There being no further business to come before the Council, the Consent Agenda was finalized.

REPORTS AND COMMUNICATIONS

CITIZEN REQUESTS AND PETITIONS

PUBLIC HEARINGS
Public Hearing Procedures read by City Clerk Barbara Hogelin

The City Council of the City of Joplin through this introduction, accepts into evidence the 2003 Comprehensive Plan, the Zoning Code of the City of Joplin, the Subdivision Regulations of the City of Joplin, the Telecommunications Ordinance, and the Stormwater Management

Regulations of the City of Joplin being Appendices 29-A, 29-B, 29-D, 29-E and 29-F of the Joplin Municipal Code. Report of the Planning and Zoning Commission, recommendations of the City's staff, and other written documentation presented as that information applies to each public hearing.

ACTION

Public Hearing for Special Use Permit located at 1901 S. Pearl.

Mayor Woolston opened the Public Hearing

Jim Michael, 115 Kelly Lane, Carl Junction, appeared in favor of this request.

No one appeared or in opposition to this request.

Mayor Woolston closed the Public Hearing.

Mr. Golden introduced Resolution No. 2012-007. Motion by Mr. Golden, Second by Mr. Glaze to Approve Resolution No. 2012-007. Voting in favor were Council Members: Colbert-Kean, Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 9. Nays: 0.

The Resolution was read as being RESOLUTION NO. 2011-008

A RESOLUTION granting a Special Use Permit (First Request) to South Joplin Christian Church for the operation of a group residential facility located at 1901 South Pearl Avenue in the City of Joplin, Jasper County, Missouri. Motion by Mr. Glaze, Second by Mr. Golden to Approve Resolution No. 2011-008. Voting in favor were Council Members: Colbert-Kean, Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 9. Nays: 0.

CONSENT AGENDA APPROVED
Motion by Mr. Shaw, Second by Mr. Golden, to Approve the Consent Agenda. Voting in favor were Council Members: Colbert-Kean, Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 9. Nays: 0.

COUNCIL BILL NO. 2012-253 - AN ORDINANCE amending Ordinance No. 2004-256 passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-2 and including in District C-0 property as described below and located at 2328 South Connecticut Avenue in the City of Joplin, Jasper County, Missouri. Ordinance No. 2012-026

COUNCIL BILL NO. 2012-254 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District M-1 and including in District C-3 property as described below and located at the northwest corner of Sixth Street and Grand Avenue in the City of Joplin, Jasper County, Missouri. Ordinance No. 2012-027

AMENDED COUNCIL BILL NO. 2012-255-AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 PD property as described below and located at 2612 and 2614 South Virginia Avenue in the City of Joplin, Jasper County, Missouri. Ordinance No. 2012-028

COUNCIL BILL NO. 2012-257 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District R-3 property as described below and located at the southeast corner of 36th Street and Indiana Avenue in the City of Joplin, Newton County, Missouri. Ordinance No. 2012-029

COUNCIL BILL NO. 2012-258 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District R-2 property as described below and located at 2515 and 2519 South Connor Avenue in the City of Joplin, Jasper County, Missouri. Ordinance No. 2012-030

RESOLUTIONS

RESOLUTIONS

RESOLUTION NO. 2012-008

Dr. Rosenberg introduced Resolution No. 2012-008. Motion by Dr. Rosenberg, Second by Mr. Scearce, to Approve Resolution No. 2012-008. Voting in favor were Council Members: Colbert-Kean, Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 9.

The Resolution was read and Approved as being: RESOLUTION NO. 2012-008

A RESOLUTION approving Bylaws for the operation of the First Response Tornado Fund of the City of Joplin.

ORDINANCES-EMERGENCIES

COUNCIL BILL NO. 2012-116

Mr. Seibert introduced Council Bill No. 2012-116. Motion by Mr. Seibert, Second by Mr. Glaze to Adopt Council Bill No. 2012-116. Voting in favor were Council Members: Colbert-Kean, Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 9. Nays: 0.

The Council Bill was declared Adopted and entitled Ordinance No. 2012-031

AN ORDINANCE authorizing the City to enter into an Agreement Empire District Industries Inc. for the Zora and Main Interchange Project – J7S0788 and containing an emergency clause.

COUNCIL BILL NO. 2012-605

Mr. Shaw introduced Council Bill No. 2012-605. Motion by Mr. Shaw, Second by Ms. Colbert-Kean to Adopt Council Bill No. 2012-605. Voting in favor were Council Members: Colbert-Kean, Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 9. Nays: 0.

The Council Bill was declared Adopted and entitled Ordinance No. 2012-032

ANORDINANCE approving an Agreement for Comprehensive Aquatic Risk Management Program with the City of Joplin, Missouri, Jeff Ellis & Associates, Inc. dealing generally with the providing services and technical support for the training and monitoring the operations of lifeguards for the three (3) City Swimming Pools, and authorizing the City Manager to execute said Agreement by and on behalf of the City of Joplin; and containing an emergency clause.

COUNCIL BILL NO. 2012-606

Mr. Glaze introduced Council Bill No. 2012-606. Motion by Mr. Glaze, Second by Mr. Golden to Adopt Council Bill No. 2012-606. Voting in favor were Council Members: Colbert-Kean, Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 9. Nays: 0.

The Council Bill was declared Adopted and entitled Ordinance No. 2012-033

AN ORDINANCE authorizing and approving the City to purchase a used/refurbished Triple Combination Pumper apparatus from Fire Services, Inc., for the amount of Eighty One Thousand, Nine Hundred and Fifty dollars, Zero Cents ($81,950.00); and, amending the Annual Budget of the City of Joplin for the Fiscal Year 2011-2012 as adopted by Ordinance 2011-136 on October 17, 2011; and, authorizing the City Manager to execute a Purchase Order by and on behalf of the City of Joplin; and, containing an emergency clause.

ORDINANCES – FIRST READING

ORDINANCES – SECOND READING

ORDINANCES – THIRD READING

UNFINISHED BUSINESS

NEW BUSINESS

Motion by Mr. Glaze, Second by Mr. Shaw, to Appoint as Trustees Fred Mason, Phil Stinnett, Ron Darby, Gary Duncan and Paul Teverow to the First Response Tornado Fund. Voting in favor were Council Members: Colbert-Kean, Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 9. Nays: 0.

Vote to go into closed session, which shall pertain to legal action, causes of action, or litigation including a public governmental body and any confidential or privileged communications

between a governmental body or its representatives and its attorneys as set forth in Section 610.021(1) RSMo, as amended, 2011. This meeting, record, and vote to be closed to the extent provided by law. The City Council shall adjourn at the end of the session. Motion by Mr. Shaw, Second by Mr. Golden to go into closed session. Voting in favor were Council Members: Colbert-Kean, Golden, Glaze, Raney, Rosenberg, Seibert, Shaw, and Woolston, 8. Nays: 1, Scearce.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 6:55 p.m.

Respectfully submitted,

Barbara L Hogelin

Barbara L. Hogelin, MMC/MPCC
City Clerk

# CITY OF JOPLIN, MISSOURI
## Surplus Land Policy and Procedures
## Effective April 1, 2012

### ***PURPOSE***

There is a trust and duty inherent in the collection of taxes to utilize those taxes keeping in mind the public's best interests. Acquisition of property is a natural extension of this duty since there are certain responsibilities that must be met when handling public property. Taxpayers see constant reminders of their City government at work: roads, sidewalks, streetlights, public parks, and public safety vehicles, just to name a few. They represent the government's investment of taxpayer dollars in real property for the public's convenience, use, safety, or enjoyment.

### ***OBJECTIVES***

This policy relating to the determination of the disposal of surplus real property has been instituted to ensure the City of Joplin follows practices which:

*promote stewardship of the City's assets;
*plan and schedule maintenance of assets; and,
*assure that the City is promptly disposing of surplus property.

These policies and procedures have been prepared pursuant to Article IV, Sections 4.02 and 4.03 of the Joplin City Charter and Article V, Division 2 of the Joplin City Code to achieve the following objectives:

*to vest the Finance Department with the responsibility for the establishment of and for monitoring compliance with proper accounting practices and internal control guidelines which maintain the highest levels of safety, quality, and integrity; and,
*to, at all times, exercise positive financial accountability in the safekeeping and responsibilities of assets.

The City incurs costs related to the maintenance and upkeep of property. It is the objective of the City to identify any surplus property and dispose of it in a timely manner in order to reduce maintenance costs and place the property back on the property tax rolls. Property on the tax rolls generates revenue for many different governmental entities such as the school district, the county, and the city. Therefore, the objective of the land surplus policy is to retain property the City will use now and in the future, as well as dispose of property that the City won't use to maximize taxpayer's resources.

## ***SURPLUS LAND POLICY***

*A. Land Bank*

1. The Finance Department, along with the Public Works Department, shall maintain a land bank record.
2. The land bank record is a listing of ***all*** property owned by the City of Joplin.
3. The land bank record shall include the parcel identification number, the physical address, the year acquired, the purchase price or fair market value at date of acquisition, the size of the property, and the zoning of the property.
4. The land bank record shall include the designation of buildable lot versus non-buildable lot based on the lot size, as well as any surplus identification. Anything less than 7,800 square feet is a non-buildable lot, except for certain properties previously platted as buildable.
5. The Finance Department will record all acquisitions and disposals to the land bank record at the time of the event.

*B. Determination of Surplus Land*

1. Identify location, size, and zoning of property. This will include information such as buildable lot versus a non-buildable lot, as well as any connectivity to other public property.
2. Identify current and future land use of property. This shall include the determination of any possible future public use, such as parks, trails, easements, and future right-of-way needs, etc.
3. Designate the property as surplus or land to be retained by the City.

*C. Land Acquisition*

1. The City of Joplin may acquire land through many different methods, including, but not limited to, right-of-way acquisition, purchase, and donation.
2. The City of Joplin shall assess all property prior to accepting any land.

*D. Land Disposal*

1. The City of Joplin may only dispose of land through the land disposal process set forth in the procedures section of this policy.
2. The City of Joplin shall assess all property prior to disposing of any land.
3. The City shall, when possible, retain any and all property necessary for easements, rights-of-way, etc. prior to the sale of any excess property.
4. The City shall evaluate the market conditions prior to disposing of land in order to maximize taxpayer's resources.

*E. Policy Violations*

1. Violation of these policies and procedures by any City employee shall result in corrective action being taken, which is pursuant to Section Eight of the City of Joplin Employee Rules and Regulations Manual.

*F. Policy and Procedure Revisions*

1. Any revisions or modifications to the surplus land policy and procedures will be made by the Finance Department and approved by the City Manager and/or the City Council.

## ***SURPLUS LAND PROCEDURES***

*A. Determination of Surplus Land Designation*

1. The Public Works Department, including the Planning and Zoning Division, shall identify the location, size, buildable status, and zoning of property. This will include any connectivity to City-owned property.
2. The Public Works Department, including the Planning and Zoning Division, shall analyze the current and future land use of the property. This shall include the determination of any possible future use by the City, such as parks, trails, easements, and right-of-way needs. The Public Works Department will contact all city departments to assist with the analysis, as needed.
3. The Public Works Department shall make a recommendation to the City Manager to designate the property as surplus to be sold or as property to be retained by the City for future use.
4. The City Manager, Public Works Department, and Finance Department may physically review the property to make the final determination of the designation, as needed.
5. The City Manager, Public Works Department, and Finance Department shall evaluate the general market conditions as one factor in determining a surplus land designation.

*B. Land Acquisition*

1. The City may acquire land through many different methods, such as right-of-way acquisition, purchase, and donations, etc.
2. The City shall assess any donated land prior to its acceptance.
3. The Public Works Department, including the Planning and Zoning Division, shall identify the location, size, buildable status, and zoning of property. This will include any connectivity to City-owned property.
4. The Public Works Department, including the Planning and Zoning Division, shall analyze the current and future land use of the property. This shall include the determination of any possible future use by the City, such as parks, trails, easements, and right-of-way needs. The Public Works Department will contact all city departments to assist with the analysis, as needed.
5. The Public Works Department shall analyze any costs associated with accepting the donated land.
6. The Public Works Department shall make a recommendation to the City Manager to either accept or decline the donation.
7. The City Manager, Public Works Department, and Finance Department may physically review the property to make the final determination of the donation, as needed.

*C. Assign Surplus Land Value*

1. The City shall first assign a fair market value to the surplus property.
    a. The Right-of-Way Negotiator shall establish an internal fair market value for all surplus property based on comparables.
    b. The City shall ***also*** obtain an outside appraisal for any surplus property with an internal fair market value of $20,000 or greater prior to offering the property for sale.

*D. Determine Minimum Sales Price*

1. The minimum sales price for any property may be 90% of the fair market value.
2. If the property has not sold within 6 months of the advertisement date, the minimum sales price may be reduced to 85% of the fair market value.
3. If the property has not sold within 1 year of the original advertisement date, the minimum sales price may be reduced to 75% of the fair market value.
4. If the property has not sold within 18 months of the original advertisement date, the City Council may determine the minimum sales price.

*E. Sale of Non-Buildable Property*

1. The sale of any non-buildable property is only valuable to surrounding property owners. A non-buildable lot is a lot less than 7,800 square feet, unless the property was previously platted as buildable.
2. The sale of non-buildable property does not require an excess property declaration by the Planning and Zoning Commission or the City Council.
3. The Finance Department will establish the minimum sales price as set forth above.
4. The Finance Department shall advertise the sale of the non-buildable lot in the newspaper for one day.
5. The notice of sale shall be mailed to all surrounding property owners on the date of advertisement.
6. The property shall be posted for sale by the Public Works Department upon notification from the Finance Department.
7. Sealed bids will be accepted 30 days after the advertisement date.
8. The City will accept the highest sealed bid from a surrounding property owner above the established minimum bid price.
9. The City will take an ordinance to the City Council to approve the sale of the non-buildable lot per the sealed bid process.
10. Upon approval of the sale of the property, a Quit Claim Deed shall be conveyed to the bidder upon receipt of payment by certified check, money order, or cash.
11. If the property does not sale as set forth above, the matter will be placed before the City Council for further direction to dispose of the property.
12. The City reserves the right to retain any surplus property.

*F. Sale of Buildable Property*

1. Upon notification, the Planning and Zoning Division shall set a public hearing with the Planning and Zoning Commission to request a declaration of excess property.
2. Upon declaration by P&Z Commission, City Council shall approve the declaration of excess property.

3. The Finance Department will establish the minimum sales price as set forth above.
4. The Finance Department shall advertise the sale of the buildable property in the newspaper for one day.
5. The notice of sale shall be mailed to all surrounding property owners on the date of advertisement.
6. The property shall be posted for sale by the Public Works Department upon notification from the Finance Department.
7. Sealed bids will be accepted 60 days after the advertisement date.
8. The City will accept the highest sealed bid above the established minimum bid price.
9. The City will take an ordinance to the City Council to approve the sale of the property per the sealed bid process.
10. Upon approval of the sale of the property, a Quit Claim Deed shall be conveyed to the bidder upon receipt of payment by certified check, money order, or cash.
11. If the property does not sale as set forth above, the matter will be placed before the City Council for further direction to dispose of the property.
12. The City reserves the right to retain any surplus property.

City of **JOPLIN** City Council Agenda Item

**Requested Council Meeting Date: March 5, 2012**

**Item: RESOLUTION NO. 2012-009**
**Originating Department: PLANNING & COMMUNITY DEVELOPMENT**

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Resolution

Public Works Director: David Hertzberg DXH Date: 2.24/2012
City Attorney: Brian Head BH Date: 2/26/12
City Manager: R. Mark Rohr RMR Date: 2-28-12
Board or Commission: Planning and Zoning Commission L/C Date: 2/13/2012

Recommended Action: Planning and Zoning Commission recommended denial by a vote of "6 in favor, 1 absent"

SUMMARY/REQUEST:
Case 023-12: Near 36th Street and Garrison and Alabama Avenues – A request for a permanent Special Use Permit (first request) for parking lots – BEHR, LLC.

STAFF SUMMARY:
The applicant is requesting a special use permit for the construction of parking lots for a proposed apartment house complex.

The request is part of a proposed apartment development on the R-3 (Apartment House District) located south of the property for which this application applies.

The following items are conditions for consideration of the Special Use Permit:

1. This Special Use Permit is issued to BEHR, Inc.
2. The permit shall be permanent.
3. Screening, storm water measures, and landscaping shall conform to code.
4. Any other conditions set by the City Council of the City of Joplin.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Kellstadt explained that he was contacted by Mr. Branson Harris, the owner of BEHR, LLC. He indicated that he would like to have this case tabled so he could perform community meetings in the neighborhood which this will affect. He and other representation from his organization are not present since he requested this case to be tabled for future reconsideration.

Mr. Anderson explained that since this request was published as a public hearing, a public hearing will still be conducted to solicit comments for and against the proposal, with the commissioners deciding how to vote on this case. He opened the public hearing for Case 023-12 and asked for comments in favor of this request.

PUBLIC COMMENT:
Comments in opposition to the request were received from the following:

Mr. Jerry Chew, 2302 East 36th Street, Joplin
Mr. Trevor Keller, 2143 East 36th Street, Joplin
Mr. Allen Shirley, 3520 South Alabama Avenue, Joplin
Mr. Jason Mayberry, representing Mayberry Brothers Construction, owner of property at 2601 and 2603 East 36th Street
Mr. Ron Gatz, 2137 East 36th Street, Joplin
Ms. Barbara Medler, 2613 East 35th Street, Joplin
Mr. Craig Davis, 2126 East 36th Street, Joplin
Mr. Benny Phillips, 2126 East 36th Street, Joplin

They explained that the developers of the property have had more time to get prepared than the area residents have. They purchased their property as single-family, with the area having a covenant for single-family development. The covenant clearly states that all plotted residents within Joplin Square must be R-1 single-family housing only. They expressed concern about having a parking lot next door to their homes. Mr. Keller stated that 60 area residents have signed an unofficial protest petition to the parking lots, as well as the proposed apartments.

The residents expressed concern about parking along the streets in front of their homes since the development plans show 128 units in 16 buildings, with 259 parking spaces.

The residents expressed opposition to commercializing the area and have worked to make the area along 35th Street and 36th Street a very nice neighborhood. They expressed concerns about increased traffic and speeding, the safety of children and pedestrians, the crime rate, and decreased residential property values. The lack of public parks in the area was also mentioned.

A comment was made that the land south of this area is zoned R-3 and could allow multi-family units, and that R-3 zoning requires a certain density limit based on parking spaces and the size of buildings. This request lets that density increase by putting part of that required infrastructure off-premise with the use of a Special Use Permit. Using the Special Use Permit to change the intent of the zoning is bad policy and should be done to effectively degrade the R-1 buffer zone that is already in place for that R-3 zone.

Mr. Anderson noted for the record that 11 written protest petitions have been filed with the City staff. He explained that eight parties submitted written protests.

Mr. Kellstadt explained that Case 023-12 is for the Special Use Permit for the parking lots, and that the property to the south is already zoned R-3, which permits by right single-family homes, duplexes, and multi-family residential uses. The developer would not be required to proceed through the public hearing process for the development of that property zoned R-3. The case being presented is only for the parking lots on those two parcels along 36th Street.

Mr. Kellstadt explained that the City staff has received a very preliminary conceptual layout in the past, but he informed the developer of some considerations that he was unaware of at the time, so those plans are extremely conceptual and should not be considered anything more than that.

Mr. Anderson strongly suggested that anyone in the audience who is strongly opposed to the request who has not completed a petition of protest, that they please complete a petition, since this is the way to express their opinion to the City Council, as well as appearing at the public hearing. He explained that 11 protest petitions of record have been received.

The audience applauded Mr. Chew's comments after he made his presentation. Mr. Anderson explained that the residents' input will be greater received if they speak before the City Council during the public hearing and complete their protest petitions without applauding.

A lady in the audience asked if only 11 people have signed the protest petitions, and Mr. Anderson replied that only 11 petitions have been received. He explained that on some of the petitions, the husband and wife have signed together, but 11 written petitions have been received.

Mr. Kellstadt explained that the City staff received a petition with approximately 60 signatures, but this is not a legal petition for the City Council. Individual protest petition forms are available on the fourth floor of City Hall. Those forms must be notarized so the City staff knows that those who sign the forms are who they say they are. The City staff can assist the petitioners with notarizing the petitions. The City staff cannot by law accept the petition with the 60 signatures but requires the notarized petitions that are available on the fourth floor.

Mr. Keller was informed that the first petition with the 60 names is acceptable, but that those who reside within 185 feet of the property in the request are the ones who need to complete the City's petition of protest. He stated this is the reason the City staff has only 11 protest petitions.

Mr. Anderson explained that the City's policy for completion of the individual protest petitions has been in place for many years. He thanked everyone for attending the public hearing.

Z&P Meeting: February 13, 2012
City Council Meeting: March 5, 2012

# STAFF PLANNING REPORT

**CASE 023-12:**

Petition the Council for a permanent Special Use Permit (1st Request) for the use of a parking lot.

**APPLICANT:**

BEHR, LLC

**LOCATION:**

Near 36th Street and Garrison Avenue and 36th Street and Alabama Avenue

**PRESENT ZONING:**

R-1 (Single-Family Residential)

**PRESENT USE OF PROPERTY:**

Undeveloped

**PROPOSED LAND USE ACTIVITY:**

Parking Lot

**EXISTING CONDITIONS:**

**PROPERTY SIZE**

Approximately 35,254 square feet and 33,980 square feet (0.81 acre and 0.78 acre)

| | LAND USE | EXISTING ZONING |
|---|---|---|
| **NORTH** | Single-Family homes & Undeveloped | R-1, R-3, & R-4 |
| **SOUTH** | Undeveloped | R-3 |
| **EAST** | Single-Family homes and duplexes | R-1 & R-4 |
| **WEST** | Single-Family homes | R-1 |

**TRAFFIC CONDITIONS:**

**STREET(S) WITH ACCESS TO PROPERTY, STREET CLASSIFACATION, AND RIGHT-OF-WAY WIDTH**

36th Street, local (residential) street, 50 feet

**IS OFF STREET PARKING PROVIDED?**

Yes, if approved.

**IS AN OFF-STREET DROP-OFF / PICK-UP AREA REQUIRED? (FAMILY DAYCARE ONLY):**

N/A

**LEAD TEST RESULTS (DAYCARE ONLY):**

N/A

**DISCUSSION:**

The applicant is requesting a special use permit for the construction of parking lots for a proposed apartment house complex.

**ADDITIONAL INFORMATION OR COMMENTS:**

The request is part of a proposed apartment development on the R-3 (Apartment House District) located south of the property for which this application applies.

**CONDITIONS FOR CONSIDERATION:**

1. This Special Use Permit is issued to BEHR, Inc.
2. The permit shall be permanent.
3. Screening, storm water measures, and landscaping shall conform to code.
4. Any other conditions set by the City Council of the City of Joplin.

RECEIVED
10-10-11

# SPECIAL USE PERMIT APPLICATION

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.: 023-12
Filing Fee: $ 350.00
Date Advertised: 1-29-12
Date Notices Sent
Public Hearing Date: 2-13-12

APPLICANT: BEHR, LLC PHONE: 479-806-8670

ADDRESS: PO BOX 2771, FORT SMITH, AR ZIP: 72913

OWNER: BEHR, LLC PHONE: SAME

ADDRESS: SAME ZIP: SAME

LOCATION OF PROPERTY: 36TH STREET, NEAR GARISON AVE

LEGAL DESCRIPTION: LOTS 1, 21, & 22 IN JOPLIN SQUARE SUBDIVISION PLAT #1

PRESENT ZONING CLASSIFICATION: R1 ACREAGE: 1.6

PRESENT USE OF PROPERTY: UNDEVELOPED

PROPOSED LAND USE ACTIVITY: PARKING LOT FOR PROPOSED R3 DEVELOPMENT SOUTH OF LOTS 1, 21, & 22

ADJACENT ZONING AND LAND USE:

| | Land Use | Zoning |
|---|---|---|
| North | SINGLE FAMILY RESIDENTIAL | R1, R3, R4 |
| South | UNDEVELOPED, I-44 | R3 |
| East | SINGLE FAMILY RESIDENTIAL | R4 |
| West | SINGLE FAMILY RESIDENTIAL | R1 |

Does the proposed special use meet the following standards? If yes, attach a separate sheet explaining why.

| | Yes | No |
|---|---|---|
| 1. Is deemed necessary for the public convenience at that location. | ☒ | ☐ |
| 2. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected. | ☒ | ☐ |
| 3. Is found to be generally compatible with the neighborhood in which it is proposed. | ☒ | ☐ |
| 4. Will comply with the height and area regulations of the district in which it is located unless specifically granted. | ☒ | ☐ |
| 5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect. | ☒ | ☐ |
| 6. Adequate utility, drainage, and other such necessary facilities have been or will be provided. | ☒ | ☐ |

Should this special use be valid only for a specific time period? Yes ☐ No ☒

If Yes, what length ~~of time~~? _____

SIGNATURE: _____ DATE: 10-11-2011

BY: BRANSEN HARRIS, BEHR, LLC TITLE: OWNER

Attachments Required:

1. One copy of a legal description of the property on which the use is to be located.
2. One copy of the necessary descriptive material related to the intensity and extent of the proposed use, including any traffic conditions that may result; any danger from fire hazards; how the proposed use may effect the character of the surrounding properties; and how the proposed use will benefit the City of Joplin

The Special Use Permit that will be issued will have set of conditions that will require information regarding the following: (Additional conditions may be imposed by the Commission and Council)

1. Hours of Operation. _____
2. Days of Operation. _____
3. Number of Off-street Parking Spaces. _____
4. Signs (Generally signs are limited to one sign not larger that one (1) foot by two (2) feet set no more than six (6) feet off the ground and at least ten (10) feet inside the property line.) _____
5. Number of Assistants or employees. _____
6. Nature of the Business. _____
7. Location of the Business. _____

Violation of any condition will cause a complaint to be filed with the Municipal Court and the Permit will be suspended immediately requiring reapplication.




0 137.5 275 550 825 1,100 Feet

**Case 023-12: A request for a permanent Special Use Permit for a parking lot as part of a future apartment complex development for the area generally known as near the intersections of 36th Street and Garrison Avenue and 36th Street and Alabama Avenue in the Joplin Square Subdivision - BEHR, LLC**

N

Case 023-12: Near 36th Street and Garrison and Alabama Avenues – A request for a permanent Special Use Permit (first request) for parking lots – BEHR, LLC

Mr. Kellstadt explained that he was contacted by Mr. Branson Harris, the owner of BEHR, LLC. He indicated that he would like to have this case tabled so he could perform community meetings in the neighborhood which this will affect. He and other representation from his organization are not present since he requested this case to be tabled for future reconsideration.

Mr. Anderson explained that a public hearing will still be conducted to solicit comments for and against the proposal, with the commissioners deciding how to vote on this case. He opened the public hearing for Case 023-12 and asked for comments in favor of this request.

Since no comments in favor were received, Mr. Anderson then asked for comments in opposition to this request.

Mr. Jerry Chew, 2302 East 36th Street, Joplin, appeared in opposition to the request and explained that he lives at the intersection of 36th and Garrison, right across the street from this project. He asked about the delay or about the hearing.

Mr. Anderson explained that since this case was published as a public hearing, a public hearing is being conducted. The owner has requested that the commissioners table the case, but they are still holding the public hearing to hear comments on both sides of the issue.

Mr. Chew is opposed to both tabling the issue and to the request. He explained that the developers have had more time to get prepared than the area residents have. He stated that a large group of people who have worked very hard are present in the audience, and he thought they should be heard. He and his wife purchased his property as single-family, with the area having covenants for single-family development. The houses around his home are all the same, and the residents don't feel that they need a parking lot right next door to their house.

Mr. Anderson asked Mr. Chew to show the commissioners where he resides, and he replied the southeast corner of the intersection of 36th Street and Garrison Avenue. When he purchased his property, he was under the impression that it was zoned for single-family uses, and that the residents have a covenant for single-family use, and the houses surrounding the area are single-family. He mentioned some duplexes up the street, but all the property within the 185-foot boundary contains single-family homes.

Mr. Smith asked Mr. Chew if he is opposed to both parking lots, and he replied that he is opposed to both. He is opposed to the whole project.

The audience applauded Mr. Chew's comments at this point. Mr. Anderson asked everyone in the audience not to applaud since this does not influence the City Council. He asked everyone to hold their applause to their personal thoughts.

Mr. Trevor Keller, 2143 East 36th Street, Joplin, appeared in opposition to the request. He resides about 200 feet west from the corner of the lot next to Garrison Avenue. He explained that 60 area families have signed an unofficial protest petition to the parking lots, as well as the apartments.

Mr. Jason Mayberry appeared Mayberry Brothers Construction, 2024 East 32nd Street, which owns 2601 and 2603 East 36th Street and 2606 and 2608 East 36th Street, along with the duplexes to the east and additional property in the area. He expressed opposition to commercializing the area and explained that his company and the area residents have worked hard to make the area along 35th Street and 36th Street a very nice neighborhood. He stated that this area is heavily walked and expressed concern about decreased residential property values.

Mr. Ron Gatz, 2137 East 36th Street, Joplin, appeared in opposition and understood and accepted that part of the land south of this area is already zoned R-3 and could have multi-family units developed on it. He also understood that R-3 zoning requires a certain density limit based on parking spaces and the size of buildings. He explained that this request lets that density increase by putting part of that required infrastructure off-premise with the use of a Special Use Permit. He thought using the Special Use Permit to change the intent of the zoning is bad public policy and shouldn't be done to effectively degrade the R-1 buffer zone that is already in place for that R-3 zone. He opposed the land use change and did not believe the commissioners should be approving Special Use Permits to change the intent of the R-3 zoning.

Ms. Barbara Medler, 2613 East 35th Street, Joplin, appeared in opposition and explained that her property is not a part of the original plat but is in Mayberry's Second Addition to Joplin Square. She expressed concern regarding the increased traffic and was told what she could and couldn't do in that neighborhood. She spent a considerable amount of money irrigating her yard and expressed concern about putting too much traffic into the area.

Mr. Craig Davis, 2202 East 36th Street, Joplin, appeared in opposition and explained that the plans that he saw show one of the apartment complexes entirely on the property zoned R-1. He explained that three of the apartment buildings overflow onto the eastern lot which is currently zoned R-1 for which a parking lot is proposed. He thought the Special Use Permit was a dead issue and that the property would need to be rezoned.

Mr. Benny Phillips, 2126 East 36th Street, Joplin, appeared in opposition and expressed concern about increased traffic and speeding in this area. He expressed concern about safety with the residents backing out of their driveways due to increased traffic on 36th Street.

Mr. Craig Davis, 2202 East 36th Street, Joplin, explained that there are no public parks as Joplin expands and asked where the apartment residents will go for recreation other than the current residents' back yards. He would like to see the development of public parks in this area to relieve the congestion.

Mr. Anderson asked for additional comments from the audience, and none were received. He then closed the public hearing for Case 023-12 and noted for the record that 11 written protest petitions have been filed with the City staff. He explained that eight parties submitted written protests.

Mr. Kellstadt explained that Case 023-12 is for the Special Use Permit for the parking lots, and that the property to the south is already zoned R-3, which permits by right single-family homes, duplexes, and multi-family residential uses. The developer would not be required to proceed through the public hearing process for the development of that property zoned R-3. The case being presented is only for the parking lots on those two parcels along 36th Street.

Mr. Kellstadt explained that the City staff has received a very preliminary conceptual layout in the past, but he informed the developer of some considerations that he was unaware of at the time, so those plans are extremely conceptual and should not be considered anything more than that.

Mr. Anderson closed Case 023-12 and entertained a motion.

**MR. SMITH MOVED, SECONDED BY MR. HARRINGTON, THAT CASE 023-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR DENIAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. ANDERSON, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN BEING ABSENT (6 IN FAVOR, 1 ABSENT).**

Mr. Anderson strongly suggested that anyone in the audience who is strongly opposed to the request who has not completed a petition of protest, that they please complete a petition, since this is the way to express their opinion to the City Council, as well as appearing at the public hearing. He explained that 11 protest petitions of record have been received.

Mr. Anderson explained that the residents' input will be greater received if they speak before the City Council during the public hearing and complete their protest petitions without applauding.

A lady in the audience asked if only 11 people have signed the protest petitions, and Mr. Anderson replied that only 11 petitions have been received. He explained that on some of the petitions, the husband and wife have signed together, but 11 written petitions have been received.

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Mr. Keller was informed that the first petition with the 60 names is acceptable, but that those who reside within 185 feet of the property in the request are the ones who need to complete the City's petition of protest. He stated that this is the reason the City staff has only 11 protest petitions.

Mr. Anderson explained that the City's policy for completion of the individual protest petitions has been in place for many years. He thanked everyone for attending the public hearing.

P & Z Case 023-12
BEHR, LLC
(P & Z Recommended Denial)

# RESOLUTION NO. 2012-009

**A RESOLUTION** granting a Special Use Permit (First Request) to BEHR, LLC, for the construction of parking lots near 36th Street and Garrison and Alabama Avenues, in the City of Joplin, Newton County, Missouri.

WHEREAS, the Planning and Zoning Commission at a Public Hearing held on February 13, 2012, recommended that a Special Use Permit be granted to BEHR, LLC, for the construction of parking lots near 36th Street and Garrison and Alabama Avenues, in the City of Joplin, Newton County, Missouri.

WHEREAS, a public hearing was held before the City Council on March 5, 2012, in compliance with said request;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Joplin, as follows:

That a Special Use Permit be granted to BEHR, LLC, for the construction of parking lots located in the City of Joplin, Missouri, on the following described real estate, to-wit:

Lots 1, 21 and 22 in Joplin Square Subdivision Plat 1 to the City of Joplin, Newton County, Missouri

and the said Special Use Permit is hereby issued with the following conditions and made a part thereof:

1. This Special Use Permit is issued to BEHR, Inc.
2. The permit shall be permanent.
3. Screening, storm water measures, and landscaping shall conform to code.
4. Any other conditions set by the City Council of the City of Joplin.

The violation of any condition set forth in this Resolution shall be interpreted as a violation of Appendix 29-A (Zoning Code) of the Municipal Codes of the City of Joplin and shall be administered in accordance with the provisions of Section 34 (Violation and Penalty) of Appendix 29-A of that Code. Conviction in Municipal Court for violation of any condition as set forth in this Resolution shall cause the immediate termination of this Special Use Permit and require the applicant as named in Item No. 1 above to reapply for renewal.

The Municipal Planner is hereby authorized and directed to issue said permit to BEHR, LLC, in accordance with the plans and specifications on file in the Office of the Building Official.

The City Clerk is hereby ordered to file this Resolution with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2012.

_____
Michael R. Woolston, Mayor

ATTEST:_____
Barbara L. Hogelin, City Clerk

City of **JOPLIN** City Council Agenda Item

**Requested Council Meeting Date: March 5, 2012**

**Item: COUNCIL BILL NO. 2012-271**
**Originating Department: PLANNING & COMMUNITY DEVELOPMENT**

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg DKH Date: 2.24/2012
City Attorney: Brian Head BH Date: 2/28/12
City Manager: R. Mark Rohr RMR Date: 2-28-12
Board or Commission: Planning and Zoning Commission C/C Date: 2/13/2012

Recommended Action: Planning and Zoning Commission recommended denial by a vote of "6 in favor, 1 absent"

SUMMARY/REQUEST:
Case 024-12: 2616 East 20th Street – A request to rezone from District R-1 (Single-Family Residential) to District C-1-PD (Neighborhood Commercial – Planned Development) for future commercial development – John Yaple.

STAFF SUMMARY:
This property is suited for commercial development due to its location along an arterial street.

The zoning change request is consistent with the CART recommendations. The 20th Street Corridor has been identified by the CART to transition from primarily residential to a mix of uses. By applying a Planned Development overlay district, the City of Joplin will be able to apply oversight to future development of this property in order to minimize detrimental effects on nearby properties.

This request is consistent with the development recommendations presented by the CART. Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. John Yaple appeared to request the rezoning of property located at 2616 East 20th Street. He explained that this request is in accordance with what the CART has recommended for 20th Street and hoped it would fall in line with what the City's consultant deems that needs to happen with 20th Street.

Mr. Yaple explained that the Main Street, Seventh Street, and 32nd Street corridors have filled up pretty rapidly at this point, and that some place will be need for small business to go. He stated

that the small businesses will not able to afford the prices on Range Line Road, and he expressed the need for commercial development along 20th Street. He thought this is the time to rezone 20th Street for commercial uses or leave it residential.

Mr. Smith asked if the CART plan has been adopted at this point, and Mr. Anderson replied that they have made some suggestions/recommendations which will be on display during the open house on Tuesday evening.

Mr. Kellstadt explained that the CART recommended examining the potential changes along certain corridors, including 20th Street, to include multi-use development. Those regulations are not in place yet, with the open house and subsequent meetings being planned to determine the potential changes along the corridors, and what the multi-uses mean and how that could be implemented. Those changes are now just recommendations and are not policy.

PUBLIC COMMENT:
Comments in opposition to the request were received from the following:

Mr. Arnold Nicholas, owner of property located at 2608 East 20th Street
Bob and Julie Sheldon, 2017 South Florida Avenue, Joplin

They explained that they rebuilding their residential properties and expressed concern about commercial property adjoining their residential property. They expressed concern about the decrease in residential property values and would like the area to remain residential.

Z&P Meeting: February 12, 2012
City Council Meeting: March 5, 2012

# STAFF PLANNING REPORT

**CASE 024-12:**

Petition the Council to rezone from District R-1 (Single-Family Residential) to District C-1-PD (Neighborhood Commercial District – Planned Development) for future commercial development.

**APPLICANT:**

John Viles

**LOCATION:**

2616 East 20th Street

**PRESENT ZONING:**

R-1 (Single-Family Residential)

**REQUESTED ZONING:**

C-1-PD (Neighborhood Commercial District - Planned Development)

**EXISTING CONDITIONS:**

**PROPERTY SIZE**

Approximately 90'x206' (18,540 square feet or 0.425 acre)

**FLOOD PLAIN**

Zone X

| SITE | LAND USE | EXISTING ZONING |
|---|---|---|
| NORTH | Single-Family homes | R-1 |
| SOUTH | Single-Family homes | R-1 |
| EAST | Single-Family homes | R-1 |
| WEST | Single-Family homes | R-1 |

**TRAFFIC CONDITIONS:**

**STREET(S) WITH ACCESS TO PROPERTY**

20th Street
Alabama Avenue

**CLASSIFICATION OF STREET(S)**

20th Street – Arterial
Alabama Avenue – Local

**RIGHT-OF-WAY WIDTH**

20th Street – 80 feet
Alabama Avenue – 50 feet

**WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?**

No.

**UTILITIES:**

The property has all utility connections

**CONSISTENT WITH FUTURE LAND USE MAP?**

No, however this request is consistent with recommendations from the CART.

**STAFF ANALYSIS:**

**CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?**

No. Even though this request is not consistent with the Future Land Use Map, this is consistent with redevelopment recommendations from the CART.

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

This property is suited for commercial development due to its location along an arterial street.

**THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY**

The zoning change request is consistent with the CART recommendations. The 20th Street Corridor has been identified by the CART to transition from primarily residential to a mix of uses. By applying a Planned Development overlay district, the City of Joplin will be able to apply oversight to future development of this property in order to minimize detrimental effects on nearby properties.

**DISCUSSION**

This request is consistent with the development recommendations presented by the CART. Staff recommends approval.

RECEIVED 12-1-11

CITY OF JOPLIN, MISSOURI
REZONING APPLICATION FORM

Return Form to:
Planning / Community Development Specialist
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only
Case No.: 024-12
Filing Fee:
Date Advertised: 1-29-12
Date Notices Sent:
Public Hearing Date: 2-13-12

APPLICANT: John Yaple PHONE: 417-540-3837
ADDRESS: 3401 N. Rangeline Rd Joplin ZIP: 64801
OWNER: John Yaple PHONE: 417-540-3837
ADDRESS: 3401 N. Rangeline Rd Joplin ZIP: 64801
LOCATION OF PROPERTY: 2614 E 20th Joplin mo 64804
LEGAL DESCRIPTION: See Deed Attached.

Present Zoning R-1 Requested Zoning: C-1 PD Acreage: .46
Present Use of Property: Vacant lot

SURROUNDING LAND USE AND ZONING:

| | Land Use | Zoning |
|---|---|---|
| North | Vacant | R-1 |
| South | Vacant | R-1 |
| East | Vacant | R-1 |
| West | Tornado Damaged Home | R-1 |

CHARACTER OF THE NEIGHBORHOOD: leveled by Tornado

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
no this would continue commercial use closer to Rangeline.
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? If yes, explain:
would better serve the community as commercial.

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map? ~~yes~~ NO

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 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.

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Alabama & 20th (Drive-way on both)
2. Classification of Street(s):
   Arterial_____ Collector_____ Local_____
3. Right-of-Way Width: _____
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:
Corner lot on the corner of Alabama and 20th just west of the Murphy intersection.

SIGNATURE: [signature] DATE: 12-1-11
BY: John A. Hample
TITLE: Owner/applicant.

(Note: By signing this application you are signifying that you are either the legal owner of the subject property or are a legal representative of the owner or owners of the subject property.)




**Case 024-12 and Case 025-12: A request to rezone from District R-1 (Single-Family Residential District) to District C-1-PD (Neighborhood Commercial District - Planned Development) for the area generally described as 2602 and 2616 East 20th Street for future commercial development - John Yaple and Jon M. and Karen S. Viles**

N

Case 024-12: 2616 East 20th Street – A request to rezone from District R-1 (Single-Family Residential) to District C-1-PD (Neighborhood Commercial – Planned Development) for future commercial development – John Yaple.

Mr. Anderson opened the public hearing for Case 024-12.

Mr. John Yaple, 311 South Pearl Avenue, Joplin, appeared to request the rezoning of property located at 2616 East 20th Street. He explained that this request is in accordance with what the CART has recommended for 20th Street and hoped it would fall in line with what the City's consultant deems that needs to happen with 20th Street.

Mr. Yaple explained that the Main Street, Seventh Street, and 32nd Street corridors have filled up pretty rapidly at this point, and that some place will be need for small business to go. He stated that the small businesses will not able to afford the prices on Range Line Road, and he expressed the need for commercial development along 20th Street. He thought this is the time to rezone 20th Street for commercial uses or leave it residential.

Mr. Smith asked if the CART plan has been adopted at this point, and Mr. Anderson replied that they have made some suggestions/recommendations which will be on display during the open house on Tuesday evening.

Mr. Kellstadt explained that the CART recommended examining the potential changes along certain corridors, including 20th Street, to include multi-use development. Those regulations are not in place yet, with the open house and subsequent meetings being planned to determine the potential changes along the corridors, and what the multi-uses mean and how that could be implemented. Those changes are now just recommendations and are not policy.

Mr. Anderson asked for comments from the audience.

Mr. Arnold Nicholas, owner of property located at 2608 East 20th Street, Joplin, appeared in opposition to the request. He appreciated the fact that the owner's property was destroyed, and that they would like to receive the maximum value for their property. He is rebuilding his property, and he expressed concern about commercial property adjoining his residential property.

Mr. Nicholas asked his banker about the effect the commercial zoning would have on his property, and he expressed concern about selling the property on a secondary market loan. The major lending institutions will not accept the loan if the adjoining property is zoned commercial.

Mr. Nicholas has already placed new siding and a new roof on his four-bedroom, three-bath house. He expressed the need for that type of housing in the $75,000 to $80,000 price range, in that a new house cannot be constructed for that price. He expressed concern about the decrease in the residential property value for his home.

Mr. Nicholas expressed concern about rezoning the property first without know what type of development will take place there, in that the lots at 2616 and 2602 East 20th Street are very narrow lots for commercial development. He expressed opposition to the request and explained that the property needs to remain residential.

Bob and Julie Sheldon, 2017 South Florida Avenue, Joplin, appeared in opposition to the request. Mr. Sheldon explained that they have been residents of this neighborhood for 29 years. They like the neighborhood and stated that it is a nice, quiet neighborhood. His back yard adjoins the property at 2616 East 20th Street, and he expressed opposition to commercial zoning on that property.

Mr. Sheldon has constructed a garage and is planning on building a house there, and he expressed concern about decreased residential property values. He expressed concern about having the transition lot between commercial and residential uses. He wants the whole area to remain residential and to be built back like it was. He expressed concern about the residential areas being eroded away and stated that there are many lots available for commercial development in Joplin.

Mrs. Julie Sheldon expressed concern about rezoning driving her away from the area, as this area is her home and she would like to rebuild there.

Mr. Anderson asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 024-12.

**MR. HARRINGTON MOVED, SECONDED BY MR. GILSTRAP, THAT CASE 024-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR DENIAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. ANDERSON, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN BEING ABSENT (6 IN FAVOR, 1 ABSENT).**

P & Z Case 024-12
John Yaple
(P & Z Recommended Denial)

**COUNCIL BILL NO. 2012-271** **ORDINANCE NO.**

**AN ORDINANCE** amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-1-PD property as described below and located at 2616 East 20th Street, in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by removing the following described property from District R-1 and including same in District C-1-PD:

All of Lot Numbered One (1) Except the South 68 feet in Eckhart's Addition Amended Plat to the City of Joplin, Jasper County, Missouri according to the recorded plat thereof.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2012.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

**Requested Council Meeting Date: March 5, 2012**

**Item: COUNCIL BILL NO. 2012-272**
**Originating Department: PLANNING & COMMUNITY DEVELOPMENT**

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg Date: 2.24/2012
City Attorney: Brian Head Date: 2/28/12
City Manager: R. Mark Rohr Date: 2-28-12
Board or Commission: Planning and Zoning Commission Date: 2/13/2012

Recommended Action: Planning and Zoning Commission recommended denial by a vote of "6 in favor, 1 absent"

SUMMARY/REQUEST:
Case 025-12: 2602 East 20th Street – A request to rezone from District R-1 (Single-Family Residential) to District C-1-PD (Neighborhood Commercial – Planned Development) for future commercial development – Jon Viles.

STAFF SUMMARY:
This property is suited for commercial development due to its location along an arterial street.

The zoning change request is consistent with the CART recommendations. The 20th Street Corridor has been identified by the CART to transition from primarily residential to a mix of uses. By applying a Planned Development overlay district, the City of Joplin will be able to apply oversight to future development of this property in order to minimize detrimental effects on nearby properties.

This request is consistent with the development recommendations presented by the CART. Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Jon M. Viles appeared to request the rezoning of property located at 2602 East 20th Street. He and his wife lost their home which was located behind Bob Sheldon and his wife. He also lost two three-bedroom rental homes and a two-bedroom rental home damaged but repaired.

Mr. Viles kept the vacant lot at 2602 East 20th Street, also known as 20th Street and Florida Avenue. He is interested in selling this property, which has access from 20th Street and from Florida. He explained that the property meets the C-1-PD requirement, with the property being very suitable for offices of all kinds. He thought about an insurance office or a dental office.

Mr. Viles and his wife have attended the citizens' advisory recovery meetings at Forest Park Baptist and the Joplin Area Chamber of Commerce. They could have rebuilt a new rental home on this property, but after the CART proposed a mixed use district, they felt it would be more productive for the City and the neighborhood if rezoned C-1-PD commercial.

Mr. Viles understood that two persons in the audience will be opposed to his request, but he noted that there are 23 properties within the 185-foot boundary, with those in opposition being only two out of 23 property owners. He currently resides on 33rd Street and agreed with Mr. Yaple, who also resides off 32nd Street, and expressed concern about access onto 32nd Street due to so much traffic.

Mr. Viles thought the City needs to take some of the traffic load off of 32nd Street and place some commercial traffic on 20th Street since there is very little commercial activity on 20th Street. He applied for rezoning for this property on September 6, 2012, and was asked by the City staff to wait due to the CART process. He expressed concern that it is now February, and property owners are still waiting. He felt like Joplin needs to allow something on 20th Street, and he did not believe an insurance office or a dentist's office would hurt.

Mr. Viles visited with the offices of the Methodist Church located on the north side of 20th Street and asked if they would be favor of commercial zoning. They indicated they would be in favor of commercial zoning. They would not sign his affidavit but would not have a problem if someone purchased his property for a small business. He visited with the owners of the three new homes to the south along Florida Avenue, who were not opposed to him rezoning his property.

PUBLIC COMMENT:
Comments in opposition to the request were received from the following:

Mr. Arnold Nicholas, owner of property located at 2608 East 20th Street
Bob and Julie Sheldon, 2017 South Florida Avenue, Joplin

They explained that they rebuilding their residential properties and expressed concern about commercial property adjoining their residential property. They expressed concern about the decrease in residential property values and would like the area to remain residential. They also expressed concern about accessing 20th Street.

Z&P Meeting: February 12, 2012
City Council Meeting: March 5, 2012

# STAFF PLANNING REPORT

**CASE 025-12:**

Petition the Council to rezone from District R-1 (Single-Family Residential) to District C-1-PD (Neighborhood Commercial District – Planned Development) for future commercial development.

**APPLICANT:**

Jon M. and Karen S. Viles

**LOCATION:**

2602 East 20th Street

**PRESENT ZONING:**

R-1 (Single-Family Residential)

**REQUESTED ZONING:**

C-1-PD (Neighborhood Commercial District - Planned Development)

**EXISTING CONDITIONS:**

**PROPERTY SIZE**

Approximately 86'x150' (12,900 square feet or 0.3 acre)

**FLOOD PLAIN**

Zone X

| SITE | LAND USE | EXISTING ZONING |
|---|---|---|
| NORTH | Single-Family homes | R-1 |
| SOUTH | Single-Family homes | R-1 |
| EAST | Single-Family homes | R-1 |
| WEST | Single-Family homes | R-1 |

**TRAFFIC CONDITIONS:**

**STREET(S) WITH ACCESS TO PROPERTY**

20th Street
Florida Avenue

**CLASSIFICATION OF STREET(S)**

20th Street – Arterial
Florida Avenue – Local

**RIGHT-OF-WAY WIDTH**

20th Street – 80 feet
Florida Avenue – 50 feet

**WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?**

No.

**UTILITIES:**

The property has all utility connections

**CONSISTENT WITH FUTURE LAND USE MAP?**

No, however this request is consistent with recommendations from the CART.

**STAFF ANALYSIS:**

**CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?**

No. Even though this request is not consistent with the Future Land Use Map, this is consistent with redevelopment recommendations from the CART.

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

This property is suited for commercial development due to its location along an arterial street.

**THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY**

The zoning change request is consistent with the CART recommendations. The 20th Street Corridor has been identified by the CART to transition from primarily residential to a mix of uses. By applying a Planned Development overlay district, the City of Joplin will be able to apply oversight to future development of this property in order to minimize detrimental effects on nearby properties.

**DISCUSSION**

This request is consistent with the development recommendations presented by the CART. Staff recommends approval.

CITY OF JOPLIN, MISSOURI
REZONING APPLICATION FORM

Return Form to:
Planning / Community Development Specialist
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only
Case No.: 025-12
Filing Fee:
Date Advertised: 1-29-12
Date Notices Sent
Public Hearing Date: 2-13-12

APPLICANT: JON M. VILES & KAREN S. VILES PHONE: 417-622-1052
ADDRESS: 2107 E. 33rd St. JOPLIN MO. ZIP: 64804
OWNER: JON M. VILES & KAREN S. VILES PHONE: 417-622-1052
ADDRESS: 2107 E. 33rd st JOPLIN MO ZIP: 64804
LOCATION OF PROPERTY: 2602 E. 20th JOPLIN MO. 64804
LEGAL DESCRIPTION: ALL OF LOT NUMBERED TWO (2) IN LONG'S SUB-DIVISION IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, EXCEPT THE NORTH TEN (10) FEET THEREOF, ACCORDING TO THE RECORDED PLAT THEREOF
Present Zoning R-1 Requested Zoning: C-1-PO Acreage:
Present Use of Property: VACANT LAND

SURROUNDING LAND USE AND ZONING:

| | Land Use | Zoning |
|---|---|---|
| North | 20TH STREET | R-1 |
| South | VACANT LAND | R-1 |
| East | VACANT LAND | R-1 |
| West | VACANT LAND | R-1 |

CHARACTER OF THE NEIGHBORHOOD: LEVEL – VACANT

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
Yes, would create a small isolated district.
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? If yes, explain:

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map? No

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 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.

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Corner lot with access to 20th & Florida ave.
2. Classification of Street(s):
   Arterial Yes Collector Yes Local _____
3. Right-of-Way Width: FLORIDA AVE. 50.0'
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? N/A
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:
Right on 20th would make great Commercial. Creating new business in Joplin. Near Range-line and high traffic area. If Commercial could create new jobs and increase tax growth.

SIGNATURE: Jon M. Viles DATE: Sept. 6th, 2011
BY: _____
TITLE: Owner

(Note: By signing this application you are signifying that you are either the legal owner of the subject property or are a legal representative of the owner or owners of the subject property.)




**Case 024-12 and Case 025-12: A request to rezone from District R-1 (Single-Family Residential District) to District C-1-PD (Neighborhood Commercial District - Planned Development) for the area generally described as 2602 and 2616 East 20th Street for future commercial development - John Yaple and Jon M. and Karen S. Viles**

N

Case 025-12: 2602 East 20th Street – A request to rezone from District R-1 (Single-Family Residential) to District C-1-PD (Neighborhood Commercial – Planned Development) for future commercial development – Jon Viles.

Mr. Anderson opened the public hearing for Case 025-12.

Mr. Jon M. Viles, 2107 East 33rd Street, Joplin, appeared to request the rezoning of property located at 2602 East 20th Street. He and his wife lost their home which was located behind Bob Sheldon and his wife. He also lost two three-bedroom rental homes and a two-bedroom rental home damaged but repaired.

Mr. Viles kept the vacant lot at 2602 East 20th Street, also known as 20th Street and Florida Avenue. He is interested in selling this property, which has access from 20th Street and from Florida. He explained that the property meets the C-1-PD requirement, with the property being very suitable for offices of all kinds. He thought about an insurance office or a dental office.

Mr. Viles and his wife have attended the citizens' advisory recovery meetings at Forest Park Baptist and the Joplin Area Chamber of Commerce. They could have rebuilt a new rental home on this property, but after the CART proposed a mixed use district, they felt it would be more productive for the City and the neighborhood if rezoned C-1-PD commercial.

Mr. Viles understood that two persons in the audience will be opposed to his request, but he noted that there are 23 properties within the 185-foot boundary, with those in opposition being only two out of 23 property owners. He agreed with Mr. Yaple, who also resides off 32nd Street, and expressed concern about access onto 32nd Street due to so much traffic.

Mr. Viles thought the City needs to take some of the traffic load off of 32nd Street and place some commercial traffic on 20th Street since there is very little commercial activity on 20th Street. He applied for rezoning for this property on September 6, 2012, and was asked by the City staff to wait due to the CART process. He expressed concern that it is now February, and property owners are still waiting. He felt like Joplin needs to allow something on 20th Street, and he did not believe an insurance office or a dentist's office would hurt.

Mr. Viles visited with the offices of the Methodist Church located on the north side of 20th Street and asked if they would be favor of commercial zoning. They indicated they would be in favor of commercial zoning. They would not sign his affidavit but would not have a problem if someone purchased his property for a small business. He visited with the owners of the three new homes to the south along Florida Avenue, who were not opposed to him rezoning his property.

Mr. Anderson asked for comments from the audience.

Bob and Julie Sheldon, 2017 South Florida Avenue, Joplin, appeared in opposition to the request and explained that the lot at 2602 East 20th Street is an extremely narrow lot directly to the north of his property. Mr. Sheldon expressed concern about being the transition lot between the commercial property and the residential properties to the south. He expressed concern about rezoning for speculation, with hundreds of commercial lots being available in Joplin for offices.

Mr. Sheldon explained that this is a residential neighborhood, and he would like to see it remain a nice, quiet neighborhood. He discussed Mr. Viles' concern about accessing 32nd Street and would not like to see that happen on 20th Street.

Mr. Arnold Nicholas, owner of property located at 2608 East 20th Street, Joplin, appeared in opposition to the request. He has known Mr. Viles for a long time but explained that spot zoning is never a good idea. He thought the CART is trying to develop an overall plan that does not include spot zoning. He stated that many new homes are being developed in this area, with nothing being done in several other areas along 20th Street.

Mr. Anderson asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 025-12.

**MR. LANDRITH MOVED, SECONDED BY MR. HARRINGTON, THAT CASE 025-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR DENIAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. ANDERSON, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN BEING ABSENT (6 IN FAVOR, 1 ABSENT).**

P & Z Case 025-12
Jon Viles
(P & Z Recommended Denial)

**COUNCIL BILL NO. 2012-272** **ORDINANCE NO.**

**AN ORDINANCE** amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-1-PD property as described below and located at 2602 East 20th Street, in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by removing the following described property from District R-1 and including same in District C-1-PD:

All of Lot Numbered Two (2) in Long's Subdivision to the City of Joplin, Jasper County, Missouri, Except the North Ten (10) feet thereof, according to the recorded plat thereof.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2012.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

**Requested Council Meeting Date: March 5, 2012**

**Item: COUNCIL BILL NO. 2012-263**
**Originating Department: PLANNING & COMMUNITY DEVELOPMENT**

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg — Date: 2.24/2012
City Attorney: Brian Head — Date: 2/24/12
City Manager: R. Mark Rohr — Date: 2-28-12
Board or Commission: Planning and Zoning Commission — Date: 2/13/2012

Recommended Action: Planning and Zoning Commission recommended amending the requested rezoning from District C-3 to District C-3-PD by a vote of "6 in favor, 1 absent"

SUMMARY/REQUEST:
Case 015-12: 2911, 2914, 2920, and 2922 East 22nd Street – A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial) for future commercial development – Fred Parrett.

STAFF SUMMARY:
This property is suited for commercial development as identified in the comprehensive plan. The zoning change should not detrimentally affect nearby properties due to the proximity to Range Line Road.

The owners of nearby properties have sought similar rezoning. Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Fred Parrett explained that he owns the four properties shown on East 22nd Street and resided at 2920 East 22nd Street at the time of the tornado. He stated that the street has always been very busy, with 22nd Street being used to avoid the intersection of 20th Street and Range Line Road. He stated that all the structures on that block are gone, and that it is time to rezone since the property is connected to existing commercial property. He thought this was a good time to make these commercial properties and stated that the three lots on the south side of 22nd Street are contiguous.

Mr. Smith asked Mr. Parrett if he owns the property on the north side that is zoned R-1, and he replied that is correct. He owns one lot on the north side and three lots on the south side.

Mr. Smith mentioned one lot on the north side zoned R-1 between Mr. Parrett's lot and the existing district. Mr. Parrett doesn't own that lot but stated his contiguous lots are on the south side.

Mr. Smith asked Mr. Parrett if he would have any problem if the commissioners just approved the rezoning for the three lots on the south side of 22nd Street. He personally knows the owner of one of the properties on the north side of 22nd Street who also wants to rezone to commercial.

Mr. Smith asked Mr. Parrett if this is the property to the east of the lot he owns on the north side of the street, and he replied that this person owns the property to the west of 2911 East 22nd Street. Mr. Parrett does not know who currently owns the property directly west of Arby's.

Mr. Landrith asked Mr. Parrett if he would have any objection to rezoning the property to a planned district with his properties. He was not fully informed on exactly what the planned district entails and asked if District C-0-PD is what the commissioners are suggesting. He asked if that district would include office buildings.

Mr. Landrith replied that was correct, but that Mr. Parrett must also submit plans to the Planning and Zoning Commission and to the City Council for review.

Mr. Landrith discussed the recent rezoning requests along the east side of Highview Avenue, with the commissioners amending those requests to rezone the properties to District C-0-PD. The City Council rejected all four requests. He thought rezoning from the least intensive residential use to the most extensive commercial use presents a problem. He thought the planned district would be better with the existing houses to the south and west.

Mr. Parrett explained that he could smell the paint fumes coming from a body shop located directly behind his home at 2920 East 22nd Street. He mentioned the Kum-N-Go convenience store directly east of his property. The body shop and another business were located directly to the south, along with apartments being located south of his property. He didn't see where the City Council would have much rationale to not rezone these properties to District C-3.

Mr. Parrett thought this area would be a good location for Joplin's future expansion of business and commerce and would prefer not to rezone the property to District C-0-PD.

Mr. Harrington asked Mr. Landrith if he is recommending C-0-PD zoning or C-3-PD zoning, and he replied C-3-PD.

Mr. Harrington explained that the property would still be zoned commercial, but a potential developer must submit the site plans to this commission and the City Council for review.

Mr. Parrett does not personally plan to develop the property but wishes to position himself to sell those properties for the maximum amount possible.

Mr. Harrington asked Mr. Parrett if he has any objection to District C-3-PD (planned district) so that whoever purchases the property must submit their plans to the City for approval. He explained that it still gives Mr. Parrett the same C-3 zoning, but it does require the development to submit their plans for approval. Mr. Parrett wouldn't object to the planned district and if it involves drainage and utilities for the plan development.

Mr. Landrith preferred a planned district. He expressed concern that the decisions being made as City, as the Planning and Zoning Commission, and as the City Council will affect the city for the next 25 to 50 years, and he thought this should be done in an orderly manner with a great deal of thought and not rush into it with spot zoning and all the other things that could take place. He explained that the planned district does allow for better control of what type of development takes place and makes it a little more orderly than what it has been in the past.

PUBLIC COMMENT:

The following property owners appeared in favor of the request:

Mr. Ed Campbell, owner of property at 2907 East 22nd Street

Ms. Diane Schwarting, owner of property at 2908 East 22nd Street

They expressed concern about the safety of children and thought it was time to rezone the property in this area commercial. They discussed the increased traffic flow on 22nd Street due to the commercial activity in this area.

The following person appeared in opposition to the request:

Dr. Keith Grebe, 2736 East 15th Street

He expressed concern about the increased traffic funneling into a residential area and creating more problems for people who are already building homes in this area. He discussed the development of a buffer to separate the commercial areas from the residential areas. He thought the City Council is looking into some type of master plan for the area between Highview and Range Line from this particular area down to Seventh Street. He expressed concern about rezoning with no idea what type of development will take place, who will inhabit the property, or how the property will be used.

Mr. McClure asked Dr. Grebe if he would be opposed to changing the zoning plan to a C-3-PD district. He replied that this is the heaviest commercial use in the zoning code and expressed concern about placing that zoning adjacent to people who are building houses. He discussed the need to maintain a residential integrity. He thought those in the area are willing to discuss businesses that have entrances from Range Line back into this area and route their traffic off of Range Line, but that those rezoning along Highview were wanting to use Highview as their main entrance. He thought businesses in this area would use 22nd Street and Highview as their main approach, plus Range Line. He opposed that simply because it brings the traffic into the area.

Mr. Anderson noted for the record that one petition of protest has been filed by Mr. Gary Reed. He reminded those present that the City Council will review this request on Monday, March 5. He explained that an open house will be taking place in City Hall on Tuesday, February 14, from 5:30 to 7:30 p.m. to visit with the City of Joplin's consultant to review of the City's Comprehensive Plan. This plan does not just cover the tornado zone, but the entire city.

Mr. Anderson encouraged those present to attend the open house and review the plans and express their comments to the consultant about what they think his plan for the future of Joplin is.

Mr. Kellstadt explained that this also involves the ongoing efforts that the Citizen Advisory Recovery Team (CART) has recommended, as well as various citizens who have participated in the development of the Comprehensive Plan.

Z&P Meeting: February 12, 2012
City Council Meeting: March 5, 2012

# STAFF PLANNING REPORT

**CASE 015-12:**

Petition the Council to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial District) for future commercial development.

**APPLICANT:**

Fred W. Parrett

**LOCATION:**

2911, 2914, 2920, and 2922 West 22nd Street

**PRESENT ZONING:**

R-1 (Single-Family Residential)

**REQUESTED ZONING:**

C-3 (Commercial District)

**EXISTING CONDITIONS:**

**PROPERTY SIZE**

Approximately 90'x120' and 245'x120' (10,800 and 29,406 square feet)

**FLOOD PLAIN**

Zone X

| SITE | LAND USE | EXISTING ZONING |
|---|---|---|
| NORTH | Commercial & Single-Family Residential | C-3 & R-1 |
| SOUTH | Commercial & Single-Family Residential | C-3 & R-1 |
| EAST | Commercial & Single-Family Residential | C-3 & R-1 |
| WEST | Single-Family Residential | R-1 |

**TRAFFIC CONDITIONS:**

**STREET(S) WITH ACCESS TO PROPERTY**

22nd Street

**CLASSIFICATION OF STREET(S)**

22nd Street – local

**RIGHT-OF-WAY WIDTH**

22nd Street – 50 feet

**WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?**

No.

**UTILITIES:**

The property has all utility connections

**CONSISTENT WITH FUTURE LAND USE MAP?**

Yes

**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**

This property is suited for commercial development as identified in the comprehensive plan.

**THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY**

The zoning change should not detrimentally affect nearby properties due to proximity to Range Line Road.

**DISCUSSION**
Nearby properties have sought similar rezoning. Staff recommends approval.

**CITY OF JOPLIN, MISSOURI**
**REZONING APPLICATION FORM**

Return Form to:
Planning / Community Development Specialist
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only
Case No.: 12-9 R
~~Filing Fee~~: 015-12
Date Advertised: 1-29-12
Date Notices Sent:
Public Hearing Date: 2-13-12

RECEIVED

APPLICANT: FRED W. PARRETT PHONE: 405-285-5856
ADDRESS: 7301 E. WATERLOO Rd., EDMOND, OK ZIP: 73034
OWNER: FRED W PARRETT PHONE: 405-285-5856
ADDRESS: 7301 E WATERLOO Rd, EDMOND, OK ZIP: 73034
LOCATION OF PROPERTY: 2911 E. 22nd - 2914 E. 22nd - 2920 E 22nd + 2922 E 22nd, JOPLIN, MO
LEGAL DESCRIPTION: SEE ATTACHED

Present Zoning R-1 Requested Zoning: COMM L-3 Acreage: 0.92
Present Use of Property: RES. HOUSING

SURROUNDING LAND USE AND ZONING:

| | Land Use | Zoning |
|---|---|---|
| North | RESIDENCE | R1 |
| South | APTS | B2 + R1 |
| East | COMML CHURCH + GO | R1 + O3 |
| West | RESIDENCE | R-1 |

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:
   NO

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 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.

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: 22nd St
2. Classification of Street(s):
   Arterial _____ Collector _____ Local ✓
3. Right-of-Way Width: 50'
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? NO
2. Properly Sized Street Right-of-Way? _____
3. Drainage Easements? _____
4. Utility Easements:
   - Electricity? YES
   - Gas? YES
   - Sewers? YES
   - Water? YES
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: Fred W Parrett DATE: 12/9/11
BY: _____
TITLE: _____

(Note: By signing this application you are signifying that you are either the legal owner of the subject property or are a legal representative of the owner or owners of the subject property.)




**Case 015-12: A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial Districtl) for commercial development at the area generally described as 2911, 2914, 2920,and 2922 East 22nd Street - Fred Parrett**

N

Case 015-12: 2911, 2914, 2920, and 2922 East 22nd Street – A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial) for future commercial development – Fred Parrett.

Mr. Anderson opened the public hearing for Case 015-12.

Mr. Fred Parrett, 7301 East Waterloo Road, Edmond, Oklahoma, appeared and explained that he owns the four properties shown on East 22nd Street and resided at 2920 East 22nd Street at the time of the tornado. He stated that the street has always been very busy, with 22nd Street being used to avoid the intersection of 20th Street and Range Line Road. He explained that all the structures on that block are gone, and that it is time to rezone. The property is connected to existing commercial property, and he would like to receive as much money as possible for the lots.

Mr. Parrett thought this was a good time to make these commercial properties and explained that the three lots on the south side of 22nd Street are contiguous.

Mr. Smith asked Mr. Parrett if he owns the property on the north side that is zoned R-1, and he replied that is correct. He owns one lot on the north side and three lots on the south side.

Mr. Smith mentioned one lot on the north side that is zoned R-1 between Mr. Parrett's lot and the existing district. Mr. Parrett stated that he doesn't own that lot, but that his contiguous lots are on the south side.

Mr. Smith asked Mr. Parrett if he would have any problem if the commissioners just approved the rezoning for the three lots on the south side of 22nd Street. He personally knows the owner of one of the properties on the north side of 22nd Street, and that he also wants to rezone to commercial.

Mr. Smith asked Mr. Parrett if this is the property to the east of the lot he owns on the north side of the street, and he replied that this person owns the property to the west of 2911 East 22nd Street. Mr. Parrett does not know who currently owns the property directly west of Arby's.

Mr. Landrith asked Mr. Parrett if he would have any objection to rezoning the property to a planned district with his properties. He was not fully informed on exactly what the planned district entails and asked if District C-0-PD is what the commissioners are suggesting. He asked if that district would include office buildings.

Mr. Landrith replied that was correct, but that Mr. Parrett must also submit plans to the Planning and Zoning Commission and to the City Council for review.

Mr. Landrith discussed the recent rezoning requests along the east side of Highview Avenue, with the commissioners amending those requests to rezone the properties to District C-0-PD. The City Council rejected all four requests. He thought that rezoning from District R-1 to District C-3 presents a problem with rezoning from the least intensive residential use to the most extensive commercial use. He thought the planned district would be better with the existing houses to the south and west.

Mr. Parrett explained that occasionally he could smell the paint fumes coming from a body shop located directly behind his home at 2920 East 22nd Street. He mentioned the Kum-N-Go

convenience store directly east of his property. The body shop and another business were located directly to the south, along with apartments being located south of his property. He didn't see where the City Council would have much rationale to not rezone these properties to District C-3.

Mr. Parrett thought this area would be a good location for Joplin's future expansion of business and commerce and would prefer not to rezone the property to District C-0-PD.

Mr. Harrington asked Mr. Landrith if he is recommending C-0-PD zoning or C-3-PD zoning, and he replied C-3-PD.

Mr. Harrington explained that the property would still be zoned commercial, but a potential developer must submit the site plans to this commission and the City Council for review.

Mr. Parrett does not personally plan to develop the property but wishes to position himself to sell those properties for the maximum amount possible.

Mr. Harrington asked Mr. Parrett if he has any objection to District C-3-PD (planned district) so that whoever purchases the property must submit their plans to the City for approval. He explained that it still gives Mr. Parrett the same C-3 zoning, but it does require the development to submit their plans for approval.

Mr. Parrett replied that he wouldn't object to the planned district and if it involves drainage and utilities for the plan development.

Mr. Anderson asked for comments from the audience in favor of this request.

Mr. Ed Campbell appeared in favor of the request and explained that he owns the property at 2907 East 22nd Street, directly west of Mr. Parrett's property at 2911 East 22nd. Mr. Campbell expressed concern about the safety for children in the area and believes it is time to make that property commercial. He discussed the intense traffic flow on 22nd Street during the last couple of years and did not believe this area is safe for residential development. He thought it would be better rezoned for some type of commercial property.

Ms. Diane Schwarting appeared in favor and explained that she owns the property at 2908 East 22nd Street, directly west of Mr. Parrett's three lots on the south side of the street. She agreed that 22nd Street should be commercial due to the big increase in traffic since she purchased her property 13 years ago.

Ms. Schwarting mentioned a bank, Rib Crib, Kentucky Fried Chicken, Lowe's, and the other businesses on the south end of the block, and the additional traffic using 22nd Street to avoid the traffic signal at 20th Street. She discussed the traffic coming to the convenience store and to the other businesses to the south. She expressed concern about the safety for children in the area and explained that at her current residence, her grandchildren can ride their bicycles.

Ms. Schwarting thought that those who were protesting the rezoning along Highview Avenue wanted a buffer between Range Line and Highview. She thought that 22nd Street is just like 24th Street in that it will become more and more busy, but that the rezoning along 22nd Street would be a good buffer to make the transition between Range Line and Highview. She, along with Ed and

Barbara Campbell, has applied to have their properties rezoned to commercial. She didn't feel like the area along 22nd Street is as homey as it once was.

Ms. Schwarting tried to include her application on this meeting's agenda so the commissioners would know that six out of 10 property owners on that street who are seeking commercial zoning. She didn't wish to make more money for selfish needs if she felt like it was just for her.

Mr. Anderson asked for additional comments in favor, and none were received. He then asked for comments in opposition to this request.

Dr. Keith Grebe, 2736 East 15th Street, Joplin, appeared in opposition to the request and also owns property in the 1800 block of Texas Avenue. He felt for the people who own property in that area because they have suffered a loss, but he opposed the request for several reasons. He discussed Mr. Parrett's comments regarding the traffic in this area and the problems with the commercial area abutting the residential properties.

Dr. Grebe thought the commercial zoning would only make the traffic issues much worse. He stated that Mr. Parrett's property does not front onto Range Line Road but fronts onto 22nd Street. The traffic will again funnel into a residential area and create more problems for the people who are already building homes in the area.

Dr. Grebe explained that when the City Council reviewed the other property in the area, they discussed a buffer in the Master Plan to be able to separate these areas from the residential areas. He did not believe this meant more commercial property, but a physical buffer such as trees, plants, or fences buffer the area. He realizes that a lot of property owners want to maximize their return from their property, but that there are numerous homeowners rebuilding in that area right now, with the problems being transferred from these particular individuals to those homeowners.

Dr. Grebe discussed the piecemeal rezoning requests, but he hoped that the reason the City Council denied the previous requests is that they are looking into some type of a project all the way from this particular area down to Seventh Street, and how to treat the City's Master Plan in terms of coming down to Highview Avenue for commercial development. He strongly opposes this rezoning request since it makes the problems for the owners in that block worse for the people who are rebuilding.

Dr. Grebe explained that this request is a proposal to sell with no idea what type of development will take place there, who will inhabit the property, and how the property will be used. He stated that homeowners are rebuilding next door to this property and investing money into their homes and do not want the traffic and other issues. The rezoning will make these issues worse for everyone else in that area.

Dr. Grebe understands that the property owners want to maximize their return, but he did not believe it should be at the cost at the neighborhood and the other people in this area. He thought that until the City develops a Master Plan, the area residents will unanimously oppose any rezoning requests.

Mr. Smith asked Dr. Grebe for his address, and he replied 2736 East 15th Street. He also owns property at 18th Street and Texas Avenue on which he plans to rebuild single-family housing.

Mr. McClure asked Dr. Grebe if he would be opposed to changing the zoning plan to a C-3-PD district. He replied that this is the heaviest commercial use in the zoning code and expressed concern about placing that zoning adjacent to people who are building houses. He discussed the need to maintain a residential integrity. He thought those in the area are willing to discuss businesses that have entrances from Range Line back into this area and route their traffic off of Range Line, but that those rezoning along Highview were wanting to use Highview as their main entrance. He thought businesses in this area would use 22nd Street and Highview as their main approach, plus Range Line. He opposed that simply because it brings the traffic into the area.

Dr. Grebe explained that the property in this request has a convenience store sitting in front of it, so the property cannot be accessed from Range Line. He stated that the property must be accessed from 22nd Street and from Highview, making the traffic issues in the area much worse.

Mr. Anderson asked for additional comments in opposition, and none were received. He then closed the public hearing for Case 015-12. He noted for the record that one petition of protest has been filed by Mr. Gary Reed on this case.

Mr. Landrith preferred a planned district. He expressed concern that the decisions being made as City, as the Planning and Zoning Commission, and as the City Council will affect the city for the next 25 to 50 years, and he thought this should be done in an orderly manner with a great deal of thought and not rush into it with spot zoning and all the other things that could take place. He explained that the planned district does allow for better control of what type of development takes place and makes it a little more orderly than what it has been in the past.

**MR. LANDRITH MOVED, SECONDED BY MR. GILSTRAP, TO AMEND CASE 015-12 FROM THE REQUESTED DISTRICT C-3 TO DISTRICT C-3-PD, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. ANDERSON, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN BEING ABSENT (6 IN FAVOR, 1 ABSENT).**

**MR. LANDRITH MOVED, SECONDED BY MR. SMITH, TO FORWARD THE AMENDED DISTRICT C-3-PD TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL AS AMENDED IN THE PREVIOUS MOTION. THE MOTION CARRIED, WITH MR. ANDERSON, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN BEING ABSENT (6 IN FAVOR, 1 ABSENT).**

Mr. Anderson reminded those present that the City Council will review this request on Monday, March 5. He explained that an open house will be taking place in City Hall on Tuesday, February 14, from 5:30 to 7:30 p.m. to visit with the City of Joplin's consultant to review of the City's Comprehensive Plan. This plan does not just cover the tornado zone, but the entire city.

Mr. Anderson encouraged those present to attend the open house and review the plans and express their comments to the consultant about what they think his plan for the future of Joplin is.

Mr. Kellstadt explained that this also involves the ongoing efforts that the Citizen Advisory Recovery Team (CART) has recommended, as well as various citizens who have participated in the development of the Comprehensive Plan.

P & Z Case 015-12
Fred Parrett
(P & Z Recommended amending the
requested rezoning to District C-3-PD)

**COUNCIL BILL NO. 2012-263** **ORDINANCE NO.**

**AN ORDINANCE** amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located at 2911, 2914, 2920 and 2922 East 22nd Street in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by removing the following described property from District R-1 and including same in District C-3:

All of the East 90 feet of Lot Numbered ten (10) in Kindred's Subdivision to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof and All of Lot Numbered Nine (9) Except the East 90 feet and Except the West 140 feet in Kindred's Subdivision in the City of Joplin, Jasper County, Missouri, according to the plat thereof, and All of the East 90 feet of Lot Numbered Nine (9) in Kindred's Subdivision to the City of Joplin, Jasper County, Missouri according to the plat thereof, and All of the West 130 feet of Lot Numbered Seven (7) Except the East 50 feet thereof in Kindred's Subdivision in the City of Joplin, Jasper County, Missouri according to the plat thereof.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2012.

ATTEST: Michael R. Woolston, Mayor

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

**Requested Council Meeting Date: March 5, 2012**

**Item: COUNCIL BILL NO. 2012-264**
**Originating Department: PLANNING & COMMUNITY DEVELOPMENT**

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg — Date: 2.24/2012
City Attorney: Brian Head — Date: 2/24/12
City Manager: R. Mark Rohr — Date: 2-28-12
Board or Commission: Planning and Zoning Commission — Date: 2/13/2012

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "6 in favor, 1 absent"

SUMMARY/REQUEST:
Case 016-12: 1931 South St. Louis Avenue – A request to rezone from District R-1 (Single-Family Residential) and C-O-PD (Non-Retail District Planned Development) to District C-1 (Neighborhood Commercial) for future salon – Kevin Locke.

STAFF SUMMARY:
This property is suited for commercial development as identified in the comprehensive plan. The zoning change should not detrimentally affect nearby properties due to proximity to similar commercially zoned properties.

This property is consistent with development patterns identified for this area. Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Kevin Locke appeared to request the rezoning of the residential piece of property at 1931 South St. Louis for construction of his wife's beauty shop. He has a site plan showing where the building will sit in relationship to the lot, and some pictures of what he proposes to do.

Mr. Anderson asked Mr. Locke if he is seeking C-1 or C-3 zoning, and he replied C-1.

PUBLIC COMMENT:
None.

Z&P Meeting: February 12, 2012
City Council Meeting: March 5, 2012

# STAFF PLANNING REPORT

**CASE 016-12:**

Petition the Council to rezone from District R-1 (Single-Family Residential) and District C-O-PD (Non-Retail District-Planned Development) to District C-1 (Neighborhood Commercial) for a future beauty salon.

**APPLICANT:**

Kevin Locke

**LOCATION:**

1931 South St. Louis Avenue

**PRESENT ZONING:**

R-1 (Single-Family Residential) and C-O-PD (Non-Retail District-Planned Development)

**REQUESTED ZONING:**

C-1 (Neighborhood Commercial District)

**EXISTING CONDITIONS:**

**PROPERTY SIZE**

Approximately 145'x192' (28,525 square feet or 0.65 acre)

**FLOOD PLAIN**

Zone X

| SITE | LAND USE | EXISTING ZONING |
|---|---|---|
| NORTH | Single-Family Homes and Duplexes | R-1 & R-2 |
| SOUTH | Commercial Strip Mall and Bank | C-2-PD & C-1-PD |
| EAST | Commercial Office (former) | C-1 & C-O-PD |
| WEST | Commercial Office (former) | C-O-PD |

**TRAFFIC CONDITIONS:**

**STREET(S) WITH ACCESS TO PROPERTY**

20th Street, St. Louis Avenue

**CLASSIFICATION OF STREET(S)**

20th Street – Arterial
St. Louis Avenue – Local

**RIGHT-OF-WAY WIDTH**

20th Street – 70 feet
St. Louis Avenue – 60 feet

**WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?**

No.

**UTILITIES:**

The property has all utility connections

**CONSISTENT WITH FUTURE LAND USE MAP?**

Yes

**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**

This property is suited for commercial development as identified in the comprehensive plan.

**THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY**

The zoning change should not detrimentally affect nearby properties due to proximity to similar commercially zoned properties.

**DISCUSSION**

This property is consistent with development patterns identified for this area. Staff recommends approval.

RECEIVED 12-29-11

**CITY OF JOPLIN, MISSOURI**
**REZONING APPLICATION FORM**

Return Form to:
Planning / Community Development Specialist
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only
Case No.: 016-12
Filing Fee:
Date Advertised: 1-29-12
Date Notices Sent
Public Hearing Date: 2-13-12

APPLICANT: Kevin Locke PHONE: 417-782-7238
ADDRESS: P.O. Box 2004 Joplin Mo ZIP: 64803
OWNER: Bob & Marie Smith PHONE:
ADDRESS: 1931 St Louis Joplin Mo. ZIP: 64804
LOCATION OF PROPERTY: 1931 St Louis
LEGAL DESCRIPTION: See Attachments

Present Zoning: R-1 & C-O-PD Requested Zoning: C-1 Acreage:
Present Use of Property: Vacant

SURROUNDING LAND USE AND ZONING:

| | Land Use | Zoning |
|---|---|---|
| North | Vacant | R-1 |
| South | Commerce Bank | C-2PD & C-1PD |
| East | Vacant | CO-PD |
| West | Vacant | CO-PD |

CHARACTER OF THE NEIGHBORHOOD: Commerical - Vacant

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: R-1 Need to be zoning for Beauty Salon & retail

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 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.

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: St Louis
2. Classification of Street(s):
   Arterial ✓ Collector _____ Local ✓
3. Right-of-Way Width: 70 ± 60'
4. Will turning movements caused by the proposed use create an undue traffic hazard?

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? N/A
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: Kevin Locke DATE: 12-28-11

BY:

TITLE:

(Note: By signing this application you are signifying that you are either the legal owner of the subject property or are a legal representative of the owner or owners of the subject property.)




**Case 016-12: A request to rezone from District R-1 (Single-Family Residential) and C-O-PD (Non-Retail District-Planned Development) to District C-1 (Neighborhood Commercial District) for commercial development at the area generally described as 1931 South St. Louis Avenue - Kevin Locke**

N

Case 016-12: 1931 South St. Louis Avenue – A request to rezone from District R-1 (Single-Family Residential) and C-O-PD (Non-Retail District Planned Development) to District C-1 (Neighborhood Commercial) for future salon – Kevin Locke.

Mr. Anderson opened the public hearing for Case 016-12.

Mr. Kevin Locke, P.O. Box 2004, Joplin, appeared to request the rezoning of the residential piece of property at 1931 South St. Louis for construction of his wife's beauty shop. He has a site plan showing where the building will sit in relationship to the lot, and some pictures of what he proposes to do.

Mr. Anderson asked Mr. Locke if he is seeking C-1 or C-3 zoning, and he replied C-1.

Mr. Anderson asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 016-12.

**MR. LANDRITH MOVED, SECONDED BY MR. HARRINGTON, THAT CASE 016-12 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. ANDERSON, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN BEING ABSENT (6 IN FAVOR, 1 ABSENT).**

P & Z Case 016-12
Kevin Locke
(P & Z Recommended Approval)

**COUNCIL BILL NO. 2012-264** **ORDINANCE NO.**

**AN ORDINANCE** amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and District C-0-PD and including in District C-1 property as described below and located at 1931 South St. Louis Avenue in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by removing the following described property from District R-1 and District C-0-PD including same in District C-1:

Commencing at the Northeast corner of Lot 29 in Banker's Third Addition to the City of Joplin, Jasper County, Missouri thence South along the East line of said Lot 29 and Lot 28, 495.52 feet to the Point of Beginning. Thence South 194.26 feet, thence North 89 Degrees, 55 Minutes, 10 Seconds West (Call on deed: South 89 Degrees, 57 Minutes West) 130.0 feet. Thence North 100.83 feet, Thence North 88 Degrees, 32 Minutes, 40 Seconds East 43.39 feet, thence North 89 Degrees, 34 Minutes, 53 Seconds East 86.65 feet to the Point of Beginning, except any part taken or deeded for Road purposes. Subject to any easements, restrictions or reservations of record. And Beginning at the Southeast corner of Lot numbered 28 in Banker's Third Addition to the City of Joplin, Jasper County, Missouri, thence North 98.35 feet, thence South 89 degrees 57 minutes West 130 feet, thence South 101.30 feet, thence North 89 degrees 57 minutes East 43.39 feet, thence North 88 degrees 0 minutes East 86.7 feet to the point of beginning and Banker's 3rd Beginning 10 feet North of the Southwest corner of Lot 41 thence North to the Northwest corner of Lot 40 thence East 60 feet thence South 25 feet thence West 45 feet thence South to a point 10 feet North of the South Line of LOT 41 thence west to the Point of Beginning.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2012.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

**Requested Council Meeting Date: March 5, 2012**

**Item: COUNCIL BILL NO. 2012-265**
**Originating Department: PLANNING & COMMUNITY DEVELOPMENT**

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg — Date: 2.24/2012
City Attorney: Brian Head — Date: 2/28/12
City Manager: R. Mark Rohr — Date: 2-28-12
Board or Commission: Planning and Zoning Commission — Date: 2/13/2012

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "6 in favor, 1 absent"

SUMMARY/REQUEST:
Case 017-12: Street Vacation – A request to vacate portions of Iowa Avenue and Missouri Avenue between 20th Street and 24th Street; and 22nd Street between Grand Avenue and Iowa Avenue – Joplin R-VIII School District.

STAFF SUMMARY:
The applicant owns the property within the area. Staff believes the vacation will not cause the public to suffer a loss or inconvenience.

The Fire Department has noted that the fire hydrants should be relocated as needed for fire protection of the dead end streets. Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Paul Bard and Mr. Chris Erisman, Allgeier-Martin & Associates, appeared to request the vacation of the streets as stated in Case 017-12. Mr. Bard is the chief financial officer for the Joplin Schools. He explained that these vacations are critical to the redevelopment of the site for the rebuilding of Joplin High School and Franklin Technical Center. They conducted a hearing last week and received no public comment on this particular case.

PUBLIC COMMENT:
None.

Z&P Meeting: February 13, 2012
City Council Meeting: March 5, 2012

# STAFF PLANNING REPORT

**CASE 017-12:**

Petition Council to vacate an area between Indiana Avenue and Grand Avenue and 20th Street to 24th Street, which includes the vacation of portions of Iowa Avenue and Missouri Avenue between 20th Street and 24th Street, and 22nd Street between Grand Avenue and Iowa Avenue.

**APPLICANT:**

Joplin R-VIII School District

**LOCATION:**

Between Indiana Avenue and Grand Avenue and 20th Street and 24th Street.

**TYPE OF EASEMENT(S):**

Road and public/utility easements

**SIZE OF EASEMENT(S):**

Approximately 58 acres.

**REASON FOR VACATION:**

Consolidate property for the rebuilding of Joplin High School

**ARE UTILITES CURRENTLY LOCATED IN THE EASEMENT?:**

There are utilities currently located within the area but all utility companies have provided notification that they are agreeable with the vacation.

**HAVE UTILITITY COMPANIES WITH RIGHTS TO THE EASEMENT CONSENTED TO THE PROPOSED VACATION?:**

All utility companies have verified that they concur with the vacation request.

**STAFF ANALYSIS:**

**WILL PRIVATE RIGHTS BE INJURED OR ENDANGERED BY THE VACATION?**

No, the applicant own the property within the area.

**WILL THE VACATION CAUSE THE PUBLIC TO SUFFER A LOSS OR INCONVENIENCE?**

Staff believes the vacation will not cause the public to suffer a loss or inconvenience.

**STAFF RECOMMENDATION:**

The Fire Department noted that the fire hydrants should be relocated as needed for fire protection of the dead end streets. Staff recommends approval of this request.

**ENCLOSURES:**

None

RECEIVED
1-6-12

CITY OF JOPLIN

# APPLICATION FOR VACATION OF STREET OR RESERVATION

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.: 017-12
Filing Fee: $ 350.00
Date Advertised: 1-29-12
Date Notices Sent
Public Hearing Date: 2-13-12

I. Applicant Name: Joplin Schools, Joplin, MO Phone: 417-625-5200

If more than one property applicant, please submit additional names, address and phone numbers on attached sheet(s)

Address: 3901 E. 32nd Street, Joplin, MO Zip: 64802

II. Type of vacation requested (check one):

Street Vacation ☒

Alley Vacation ☒

Utility vacation ☒

Other (Please specify)

III. Legal Description of area requested to be vacated: See attached Legal Description labeled Attachment A.

IV. Please indicate below the extent to which the following standards are met, in the applicant's opinion.

1. Private rights will not be injured or endangered by the vacation. Applicant agrees. Land recently purchased by the applicant now surrounds the area requested to be vacated.

2. The vacation will not cause the public to suffer a loss or inconvenience. Applicant agrees. Land recently purchased by the applicant now surrounds the area requested to be vacated.

3. In justice to the applicant(s) the vacation should be granted. Applicant agrees. Land recently purchased by the applicant surrounds the area requested to be vacated. These areas will be needed to redevelop the site for construction of a new high school facility.

V. Required Attachments:

1. Affidavit(s) from each owner of land adjoining said area that is proposed to be vacated, whom are not listed as an applicant, indicating their consent to the vacation.

2. Survey or such other drawing acceptable to the Planning / Community Development Manager depicting the street, alley or public reservation sought to be vacated and the properties and property ownerships surrounding said street, alley or public reservation.

3. Affidavit(s) from the following private utility companies indicating their consent to vacate the easement. The following private companies must be contacted and consent to the vacation for the Public Hearing can take place.

| | |
|---|---|
| a.) MGE Missouri Gas Energy | (800) 582-1234 |
| b.) Empire District Electric Company | (417) 624-0300 |
| c.) Cable One | (417) 624-6340 |
| d.) MO American Water Company | (800) 256-6426 |
| e.) AT&T | (800) 464-7928 |




**Case 017-12 and Case 018-12: A request to vacate all public rights of way and public utility easements in the area between Indiana Avenue to Grand Avenue and 20th Street to south of 24th Street - Joplin R-VIII School District**

Case 017-12: Street Vacation – A request to vacate portions of Iowa Avenue and Missouri Avenue between 20th Street and 24th Street; and 22nd Street between Grand Avenue and Iowa Avenue – Joplin R-VIII School District.

Mr. Anderson opened the public hearing for Case 017-12.

Mr. Paul Bard, 5716 Ridge Trail, Joplin, and Mr. Chris Erisman, Allgeier-Martin & Associates, appeared to request the vacation of the streets as stated in Case 017-12. Mr. Bard is the chief financial officer for the Joplin Schools. He explained that these vacations are critical to the redevelopment of the site for the rebuilding of Joplin High School and Franklin Technical Center. They conducted a hearing last week and received no public comment on this particular case.

Mr. Anderson asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 017-12.

**MR. McCLURE MOVED, SECONDED BY MR. SMITH, THAT CASE 017-12 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. ANDERSON, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN BEING ABSENT (6 IN FAVOR, 1 ABSENT).**

P & Z Case 017-12
Joplin R-VIII School District
(P & Z Recommended Approval)

**COUNCIL BILL NO. 2012-265** **ORDINANCE NO.**

**AN ORDINANCE** providing for the vacation of portions of Iowa Avenue and Missouri Avenue between 20th Street and 24th Street; and 22nd Street between Grand Avenue and Iowa Avenue, in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That all that part of public right-of-way of portions of Iowa Avenue and Missouri Avenue between 20th Street and 24th Street; and 22nd Street between Grand Avenue and Iowa Avenue, in the City of Joplin, Jasper County, Missouri, described as follows are hereby vacated, conveyed, relinquished, and reverted to the owners of the abutting lots and land:

A tract of land in the Northwest-Quarter of Section 14, Township 27 North, Range 33 West of the Fifth Principal Base and Meridian in the City of Joplin, Jasper County, Missouri being more fully described as follows: All that part of said Northwest-Quarter being bounded on the North by the South right-of-way line of 20th Street, being bounded on the East by the West right-of-way line of Indiana Avenue, being bounded on the South by the North right-of-way line of 24th Street and being bounded on the West by the East right-of-way line of Grand Avenue.

Section 2. That this vacation of the portions of the streets and utility easements hereby vacated shall not affect or derogate from the existing rights of way or other easements of public utility companies now having installations in those portions of the streets or easements hereby vacated. Such utility companies shall have the right to maintain, repair and replace any such installations now on the vacated portions of said streets and shall be subject to the rights of the City of Joplin for sewer construction and maintenance.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2012.

ATTEST: Michael R. Woolston, Mayor

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

## Requested Council Meeting Date: March 5, 2012

**Item: COUNCIL BILL NO. 2012-266**
**Originating Department: PLANNING & COMMUNITY DEVELOPMENT**

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg — Date: 2.24/2012
City Attorney: Brian Head — Date: 2/28/12
City Manager: R. Mark Rohr — Date: 2-28-12
Board or Commission: Planning and Zoning Commission — Date: 2/13/2012

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "6 in favor, 1 absent"

SUMMARY/REQUEST:
Case 018-12: Street Vacation – A request to vacate portions of 24th Street between Grand Avenue and Indiana Avenue; and Missouri Avenue, Iowa Avenue, Minnesota Avenue, and Ohio Avenue from 24th Street to south of 24th Street– Joplin R-VIII School District.

STAFF SUMMARY:
The applicant owns the property within the area.

Staff believes the vacation will not cause the public to suffer a loss or significant inconvenience as this proposed vacation will result in the creation of four dead end roads to neighborhoods that have connections to 26th Street for an east-west corridor.

The Fire Department has noted that the fire hydrants should be relocated as needed for fire protection of the dead end streets. Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Paul Bard explained that at last week's public hearing, some public comments were received on their original proposal. The School District's engineer made some revisions in that original proposal and developed a new plan for the roadways in this request.

Mr. Chris Erisman, Allgeier, Martin & Associates, explained that the commissioners received a diagram on the proposed roadway modifications in that area along the new south property line for the Joplin High School campus. He stated that some comments were received during the public hearing, after which he visited with the City staff and the project architect to make some modifications that addressed most of the concerns that were expressed at that public meeting.

Mr. Erisman explained that one concern involved the construction of a new roadway on Joplin High School property, with concern about traffic being funneled from that new roadway in those residential areas all towards 26th Street. The request was then revised to keep Ohio Avenue open all the way to 24th Street, and 24th Street open all the way to Ohio to allow for another connection or route from those residential areas. The residents will have access to Indiana Avenue as well.

Mr. Anderson asked Mr. Erisman to describe the new roadway to be located south of existing 24th Street between Ohio and Iowa Avenues, and to connect with Ohio to the south. Mr. Erisman replied that is correct.

Mr. Anderson asked if there will be a cul-de-sac on the north end of Missouri Avenue at 24th Street, and Mr. Erisman replied that is correct.

Mr. Erisman explained that most of the concerns expressed were regarding Ohio, Minnesota, and Iowa Avenues, in that all the traffic was to be redirected to 26th Street. He stated that the connection between those streets was put back in to leave Ohio Avenue the way it currently exists to allow for access to Indiana Avenue as well.

PUBLIC COMMENT:
Comments in favor of the request were received from the following:
Mr. Phil Stinnett, 2206 East 10th Street, Joplin
Ms. Charlotte Duke, 2528 Ohio Avenue, Joplin
Mr. Jim Fleischaker, 2402 Indiana Avenue, Joplin
They expressed concern at the public meeting conducted by the Joplin Schools about the east-west traffic flow and redirecting all the traffic to 26th Street. The School District addressed their concerns by revising the roadway layout for 24th Street, Ohio Avenue, Minnesota Avenue, and Iowa Avenue. They have provided another roadway through the property from 24th Street east and west, and while it is not configured like the old 24th Street, it does provide another way for people to move in that direction and take some traffic off 26th Street.

Mr. Stinnett asked who will pay for any adjustments and changes that need to be made but understood that the School District is not implementing any new issues with 26th Street, so if 26th Street is a traffic problem now, it will continue to be a problem. It will not be a problem because of what the School District has done, but just due to pure growth.

Mr. Stinnett explained that the City of Joplin cannot support tax issues in this area, but can only educate people. The City cannot take a stand, and even though the City wouldn't be taking a stand on the bond, by approving this, if much of the neighborhood were opposed to it, and the City deciding to make a decision that might be in the positive, it would seem to be that they were supporting part of the issue.

Mr. Stinnett stated if the Planning and Zoning Commission and the City Council decide to support this request, they are not supporting the School District in their bond issue specifically since it's a neutral issue at this point. He previously had reservations but was glad to see that the School District not only expressed interest in his comments, but also the neighbors' comments. He recommended approval of this request and forward it to the City Council in an affirmative manner.

Z&P Meeting: February 13, 2012
City Council Meeting: March 5, 2012

# STAFF PLANNING REPORT

**CASE 018-12:**

Petition Council to vacate an area between Indiana Avenue and Grand Avenue that includes 24th Street, and portions of Missouri Avenue, Iowa Avenue, Minnesota Avenue, and Ohio Avenue south of 24th Street.

**APPLICANT:**

Joplin R-VIII School District

**LOCATION:**

An area between Indiana Avenue and Grand Avenue that includes 24th Street, and portions of Missouri Avenue, Iowa Avenue, Minnesota Avenue, and Ohio Avenue south of 24th Street.

**TYPE OF EASEMENT(S):**

Road and public/utility easements

**SIZE OF EASEMENT(S):**

Approximately 7 acres

**REASON FOR VACATION:**

Consolidate property for the rebuilding of Joplin High School

**ARE UTILITES CURRENTLY LOCATED IN THE EASEMENT?:**

There are utilities currently located within the area but all utility companies have provided notification that they are agreeable with the vacation.

**HAVE UTILITITY COMPANIES WITH RIGHTS TO THE EASEMENT CONSENTED TO THE PROPOSED VACATION?:**

All utility companies have verified that they concur with the vacation request.

**STAFF ANALYSIS:**

**WILL PRIVATE RIGHTS BE INJURED OR ENDANGERED BY THE VACATION?**

No, the applicant own the property within the area.

**WILL THE VACATION CAUSE THE PUBLIC TO SUFFER A LOSS OR INCONVENIENCE?**

Staff believes the vacation will not cause the public to suffer a loss or significant inconvenience as this proposed vacation will result in the creation of four dead end roads to neighborhoods that have connections to 26th Street for an east-west corridor.

**STAFF RECOMMENDATION:**

The Fire Department noted that the fire hydrants should be relocated as needed for fire protection of the dead end streets. Staff recommends approval of this request.

**ENCLOSURES:**

None

RECEIVED
1-6-12

CITY OF JOPLIN

## APPLICATION FOR VACATION OF STREET OR RESERVATION

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.: 018-12
Filing Fee: $ 350.00
Date Advertised: 1-29-12
Date Notices Sent
Public Hearing Date: 2-13-12

I. Applicant Name: Joplin Schools, Joplin, MO Phone: 417-625-5200

If more than one property applicant, please submit additional names, address and phone numbers on attached sheet(s)

Address: 3901 E. 32nd Street, Joplin, MO Zip: 64802

II. Type of vacation requested (check one):

Street Vacation ☒

Alley Vacation ☐

Utility vacation ☐

Other (Please specify)

III. Legal Description of area requested to be vacated: See attached Legal Description labeled Attachment A.

IV. Please indicate below the extent to which the following standards are met, in the applicant's opinion.

1. Private rights will not be injured or endangered by the vacation. Applicant agrees. Land recently purchased by the applicant now surrounds the area requested to be vacated.

2. The vacation will not cause the public to suffer a loss or inconvenience. Applicant agrees. Land recently purchased by the applicant now surrounds the area requested to be vacated.

3. In justice to the applicant(s) the vacation should be granted. Applicant agrees. Land recently purchased by the applicant surrounds the area requested to be vacated. These areas will be needed to redevelop the site for construction of a new high school facility.

V. Required Attachments:

1. Affidavit(s) from each owner of land adjoining said area that is proposed to be vacated, whom are not listed as an applicant, indicating their consent to the vacation.

2. Survey or such other drawing acceptable to the Planning / Community Development Manager depicting the street, alley or public reservation sought to be vacated and the properties and property ownerships surrounding said street, alley or public reservation.

3. Affidavit(s) from the following private utility companies indicating their consent to vacate the easement. The following private companies must be contacted and consent to the vacation for the Public Hearing can take place.

| | |
|---|---|
| a.) MGE Missouri Gas Energy | (800) 582-1234 |
| b.) Empire District Electric Company | (417) 624-0300 |
| c.) Cable One | (417) 624-6340 |
| d.) MO American Water Company | (800) 256-6426 |
| e.) AT&T | (800) 464-7928 |




**Case 017-12 and Case 018-12: A request to vacate all public rights of way and public/utility easements in the area between Indiana Avenue to Grand Avenue and 20th Street to south of 24th Street - Joplin R-VIII School District**

Case 018-12: Street Vacation – A request to vacate portions of 24th Street between Grand Avenue and Indiana Avenue; and Missouri Avenue, Iowa Avenue, Minnesota Avenue, and Ohio Avenue from 24th Street to south of 24th Street– Joplin R-VIII School District.

Mr. Anderson opened the public hearing for Case 018-12.

Mr. Paul Bard, 5716 Ridge Trail, Joplin, explained that at last week's public hearing, some public comments were received on their original proposal. The School District's engineer made some revisions in that original proposal and developed a new plan for the roadways in this request.

Mr. Chris Erisman, Allgeier, Martin & Associates, 7231 East 24th Street, Joplin, and explained that the commissioners received a diagram on the proposed roadway modifications in that area along the new south property line for the Joplin High School campus. He stated that some comments were received during the public hearing, after which he visited with the City staff and the project architect to make some modifications that addressed most of the concerns that were expressed at that public meeting.

Mr. Erisman explained that one concern involved the construction of a new roadway on Joplin High School property, with concern about traffic being funneled from that new roadway in those residential areas all towards 26th Street. The request was then revised to keep Ohio Avenue open all the way to 24th Street, and 24th Street open all the way to Ohio to allow for another connection or route from those residential areas. The residents will have access to Indiana Avenue as well.

Mr. Anderson asked Mr. Erisman to describe the new roadway to be located south of existing 24th Street between Ohio and Iowa Avenues, and to connect with Ohio to the south. Mr. Erisman replied that is correct.

Mr. Anderson asked if there will be a cul-de-sac on the north end of Missouri Avenue at 24th Street, and Mr. Erisman replied that is correct.

Mr. Erisman explained that most of the concerns expressed were regarding Ohio, Minnesota, and Iowa Avenues, in that all the traffic was to be redirected to 26th Street. He stated that the connection between those streets was put back in to leave Ohio Avenue the way it currently exists to allow for access to Indiana Avenue as well.

Mr. Anderson asked for comments from the audience in favor of the request.

Mr. Phil Stinnett, 2206 East 10th Street, Joplin, explained that he attended the School District's public meeting and expressed some concern about traffic patterns and directing the traffic to 26th Street, which really cannot handle much more traffic that it currently handles.

Mr. Stinnett also discussed the issue about moving traffic east and west, with 20th Street and 26th Streets now being the only two east-west corridors for a six-block area. He is attending the Planning and Zoning Commission meeting in support of the issue since those concerns were addressed by the School District. He reviewed the revised roadway layout explained that Ohio, Minnesota, and Iowa Avenue now have opportunities to go to 24th Street and to Indiana Avenue,

or back to 26th Street, with connections between all three streets. He understood Missouri Avenue must have a cul-de-sac since it lies in the low area.

Mr. Stinnett explained that the School District has provided another roadway through the property from 24th Street east and west, and while it is not configured like the old 24th Street, it does provide another way for people to move in that direction and take some of the traffic off 26th Street.

Mr. Stinnett asked who will pay for any adjustments and changes that need to be made but understood that the School District is not implementing any new issues with 26th Street, so if 26th Street is a traffic problem now, it will continue to be a problem. It will not be a problem because of what the School District has done, but just due to pure growth.

Mr. Stinnett expressed concern about placing the City Council in a backup position, in that the City of Joplin cannot support tax issues in this area, but can only educate people. The City cannot take a stand, and even though the City wouldn't be taking a stand on the bond, by approving this, if much of the neighborhood were opposed to it, and the City deciding to make a decision that might be in the positive, it would seem to be that they were supporting part of the issue.

Mr. Stinnett thought this has been eliminated because now it's a neutral issue, in that the School District hasn't taken away from what's there. If the Planning and Zoning Commission and the City Council decide to support this request, they are not supporting the School District in their bond issue specifically since it's a neutral issue at this point. He previously had reservations but was glad to see that the School District not only expressed interest in his comments, but also the neighbors' comments. He recommended approval of this request and forward it to the City Council in an affirmative manner.

Ms. Charlotte Duke, 2528 Ohio Avenue, Joplin, appeared in favor of the request and explained that she has attended several school board meetings, along with last week's public hearing. She asked if the School District was planning to close Ohio Avenue, and they informed her they were not closing it, but that the City was. Two days later a representative from Allgeier-Martin showed her their plans for cul-de-sacs on every street.

Ms. Duke expressed concern about not being able to go east from Ohio Avenue since the traffic is blocked up from Indiana to Ohio during peak traffic times during the day. She did not believe a traffic signal would stop the problem since the traffic will still be blocked off. She felt that the School District has answered her problem about not being able to go east, in that she can still go south and west but will now be able to go north and east. She asked when Wisconsin Avenue will be reopened.

Mr. Jim Fleischaker, 2402 South Indiana Avenue, Joplin, appeared in favor of this proposition and is also in favor of the representation at the previous meetings that the School District is proposing a traffic study. He thought the latest change to the roadway plans will ease the situation, but that a study still needs to be made, with possibly some changes to 26th Street regarding traffic control with four-way stops or traffic studies. He had no objections and supported this proposal.

Mr. Anderson asked for additional comments from the audience, and none were received. He then closed the public hearing for Case 018-12.

**MR. HARRINGTON MOVED, SECONDED BY MR. LANDRITH, THAT CASE 018-12 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. ANDERSON, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN BEING ABSENT (6 IN FAVOR, 1 ABSENT).**

P & Z Case 018-12
Joplin R-VIII School District
(P & Z Recommended Approval)

**COUNCIL BILL NO. 2012-266** **ORDINANCE NO.**

**AN ORDINANCE** providing for the vacation of portions of 24th Street between Grand Avenue and Indiana Avenue; and Missouri Avenue, Iowa Avenue, Minnesota Avenue, and Ohio Avenue from 24th Street to south of 24th Street, in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That all that part of public right-of-way of portions of 24th Street between Grand Avenue and Indiana Avenue; and Missouri Avenue, Iowa Avenue, Minnesota Avenue, and Ohio Avenue from 24th Street to south of 24th Street, in the City of Joplin, Jasper County, Missouri, described as follows are hereby vacated, conveyed, relinquished, and reverted to the owners of the abutting lots and land:

A tract of land in Durham Acres, an addition in the Northwest-Quadrant of Section 14, Township 27 North, Range 33 West of the Fifth Principal Base and Meridian in the City of Joplin, Jasper County, Missouri being more fully described as follows: Beginning at the Northwest corner of Lot 167 of Durham Acres; thence East along the South right-of-way line of 24th Street to the Northeast corner of Lot 11 of Durham Acres; thence South along the East line of Lots 11 through 14 of Durham Acres to a point that is 73.0 feet South of the Northeast corner of said Lot 14; thence West and parallel with the North line of Lot 14 to a point on the West line of Lot 14; thence North along said West line, 73.0 feet to the Northwest corner of Lot 14; thence West along the South line of Lots 28, 33, 48, 53, and 68 to the Southwest corner of said Lot 68; thence North along the West line of Lots 68 and 69 to a point that is 7.0 feet South of the Northwest corner of Lot 69; thence West and parallel with the North line of Lot 118 to a point on the West line of Lot 118 that is 7.0 feet South of the Northwest corner of Lot 118; thence North along the West line of Lots 118 and 117 to a point that is 2.0 feet North of the Southwest corner of Lot 117; thence West and parallel with the South line of Lot 136 to a point on the West line of Lot 136 that is 2.0 feet North of the Southwest corner of Lot 136; thence South along the East line of Lots 167 and 168 to a point that is 1.0 feet North of the Southeast corner of Lot 168; thence West and parallel with the South line of Lot 168 to a point on the West line of Lot 168 that is 1.0 feet North of the Southwest corner of Lot 168; thence North along the West line of Lots 168 and 167 to the Point of Beginning and All that part of 24th Street extending from the East right-of-way line of Grand Avenue to a point that is 115.0 feet West of the West right-of-way line of Indiana Avenue in the Northwest-Quarter of Section 14, Township 27 North, Range 33 West of the Fifth Principal Base and Meridian in the City of Joplin, Jasper County, Missouri.

Section 2. That this vacation of the portions of the streets and utility easements hereby vacated shall not affect or derogate from the existing rights of way or other easements of public utility companies now having installations in those portions of the streets or easements hereby vacated. Such utility companies shall have the right to maintain, repair and replace any such installations now on the vacated portions of said streets and shall be subject to the rights of the City of Joplin for sewer construction and maintenance.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2012.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

**Requested Council Meeting Date: March 5, 2012**

**Item: COUNCIL BILL NO. 2012-267**
**Originating Department: PLANNING & COMMUNITY DEVELOPMENT**

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg OKH Date: 2.24/2012
City Attorney: Brian Head Date: 2/28/12
City Manager: R. Mark Rohr Date: 2-28-12
Board or Commission: Planning and Zoning Commission Date: 2/13/2012

Recommended Action: Planning and Zoning Commission recommended amending the requested zoning from District C-0 to District C-0-PD by a vote of "6 in favor, 1 absent"

SUMMARY/REQUEST:
Case 019-12: 521 West 32nd Street -- A request to rezone from District R-1 (Single-Family Residential) to District C-O (Non-Retail District) for a medical office – Alan McQuigg.

STAFF SUMMARY:
This property is suited for commercial development due to its location along an arterial corridor. The zoning change should not detrimentally affect nearby properties due to proximity to similar commercially zoned properties.

This property is consistent with development patterns identified for this area. Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Dr. Alan McQuigg appeared to request the rezoning of the property at 521 West 32nd Street for a commercial medical office building. He explained that of the four properties along the street, the property at 521 West 32nd received substantial damage due to the tornado and is condemned at this time. He has affidavits from the two property owners who wish to zone their property commercial, with the other two owners along 32nd Street wishing to zone to commercial also.

Dr. McQuigg explained that across 32nd Street immediately south contains commercial buildings, basically Joplin Dental Arts, the kidney and dialysis center, and Dr. Burnett's office, with Freeman Hospital being two blocks to the south. He stated that this is a very high traffic area and forwarded to the commissioners some diagrams and photographs of his proposal for offices at this time. He felt like this would be a good location for some nice-looking medical buildings and stated that he plans to inhabit one of these buildings for the next 20 years.

Mr. Smith explained that a letter was received from a nearby property owner concerning a planned district and asked Dr. McQuigg about District C-0-PD. He thought it would be simplest to rezone the property to District C-0, but he would not be opposed to the planned district.

Mr. Smith explained that the property across 32nd Street to the south is also zoned as a planned district, and Dr. McQuigg wasn't aware of that.

Mr. Landrith wished to rezone the property to District C-0-PD to conform with the existing planned districts along the south side of 32nd Street, to make all the zoning uniform. He explained that with the planned district, the surrounding residential property owners will be assured of a buffer between their properties and the medical offices.

PUBLIC COMMENT:
Mr. Tim McNally, PRO 100 Realtors, 2401 East 32nd Street, Joplin, appeared and explained that he has the properties at 525 and 531 West 32nd Street advertised for sale. The owners of 525 West 32nd Street would like to see the property being rezoned to commercial. Their listing states that they would take a contract contingent on the rezoning of those two properties as well.

Ms. Linda Wheeler, 3130 South Moffet Avenue, Joplin, appeared in favor of the rezoning of the property since the south side of 32nd Street has become largely commercial and professional buildings. She is fully in favor of that kind of development with the existing offices and Freeman Hospital in this area.

Ms. Wheeler thought the medical development in that area has already proceeded to such an extent that rezoning the property for medical offices is a good idea. She asked about any provision for fencing off a medical office building from a residential lot.

Mr. Kellstadt explained that there are buffering requirements between the commercial uses and residential uses. The buffering may include fencing or other more natural landscaping items.

Ms. Wheeler asked about an opportunity to see the architectural plans, and Mr. Kellstadt replied that is only made public during a planned development review through this commission and the City Council. If this commission and the City Council were to approve this request as a planned district, the site plan review would come back through these public meetings. If the rezoning goes forward as C-0 without the "PD" designation, the plan review would be administrative and would not proceed through a public hearing.

Z&P Meeting: February 12, 2012
City Council Meeting: March 5, 2012

# STAFF PLANNING REPORT

**CASE 019-12:**

Petition the Council to rezone from District R-1 (Single-Family Residential) to District C-O (Non-Retail District) for a future medical office.

**APPLICANT:**

C. Alan McQuigg

**LOCATION:**

519 and 521 West 32nd Street

**PRESENT ZONING:**

R-1 (Single-Family Residential)

**REQUESTED ZONING:**

C-O (Non-Retail District)

**EXISTING CONDITIONS:**

**PROPERTY SIZE**

Approximately 140'x291' (40,740 square feet or 0.94 acre)

**FLOOD PLAIN**

Zone X

| SITE | LAND USE | EXISTING ZONING |
|---|---|---|
| NORTH | Single-Family Residential | R-1 |
| SOUTH | Medical Offices | C-O-PD |
| EAST | Single-Family Residential | R-1 |
| WEST | Single-Family Residential | R-1 |

**TRAFFIC CONDITIONS:**

**STREET(S) WITH ACCESS TO PROPERTY**

32nd Street

**CLASSIFICATION OF STREET(S)**

32nd Street – Arterial

**RIGHT-OF-WAY WIDTH**

32nd Street – 100 feet

**WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?**

No.

**UTILITIES:**

The property has all utility connections

**CONSISTENT WITH FUTURE LAND USE MAP?**

No, however this request is consistent with recent rezoning and development patterns along the section of 32nd Street west of Main Street.

**STAFF ANALYSIS:**

**CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?**

Yes. Even though this request is not consistent with the Future Land Use Map, this is consistent with development patterns along 32nd Street.

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

This property is suited for commercial development due to its location along an arterial corridor.

**THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY**

The zoning change should not detrimentally affect nearby properties due to proximity to similar commercially zoned properties.

**DISCUSSION**
This property is consistent with development patterns identified for this area. Staff recommends approval.

## REZONING APPLICATION FORM

RECEIVED 1-6-12

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.: 019-12
Filing Fee: $ 350.00
Date Advertised: 1-29-12
Date Notices Sent:
Public Hearing Date: 2-13-12

APPLICANT: C. Alan McQuigg, DDS, MS PHONE: 417-206-7300
ADDRESS: 1710 East 32nd St; Joplin, MO ZIP: 64804
OWNER: Sylvia L. Spurlin PHONE:
ADDRESS: 519 West 32nd Street; Joplin, MO ZIP: 64804
LOCATION OF PROPERTY: 519 West 32nd Street
LEGAL DESCRIPTION: East 80 Feet of Lot 27 Mohaska Subdivision to the City of Joplin, Jasper County, Missouri.

Present Zoning R-1 Requested Zoning: C-O Acreage: 80Feet X 292 Feet
Present Use of Property: Residential

SURROUNDING LAND USE AND ZONING:

| | Land Use | Zoning |
|---|---|---|
| North | Residential | R- |
| South | Commercial/Medical Offices | C-O-PD |
| East | Residencial | R- |
| West | Residential | R- |

CHARACTER OF THE NEIGHBORHOOD: Edge of tornado damaged area, Medical Offices South side of 32nd Street moderate damage to houses still unrepaired, one condemned(521 W. 32nd).

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   No, proposed dental/medical offices match (Freeman, Oral SurgCtr, Joplin Dental Arts...)
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? Yes
   If yes, explain: traffic noise, small lots do not allow turn around for autos, medical area.

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Will require a limited modification from residential to commercial. - Yes
2. Consistent with Future Land Use Map? NO

# 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.: _____
Filing Fee: $ 350.00
Date Advertised: _____
Date Notices Sent: _____
Public Hearing Date: _____

APPLICANT: C. Alan McQuigg, DDS, MS PHONE: 417-206-7300
ADDRESS: 1710 East 32nd Street; Joplin, MO ZIP: 64804
OWNER: David and Teresa Clifton PHONE: _____
ADDRESS: 521 West 32nd Street; Joplin, MO ZIP: 64804
LOCATION OF PROPERTY: 521 West 32nd Street
LEGAL DESCRIPTION: West 60 Feet of Lot 27 Mohaska Subdivision to the City of Joplin, Jasper County, Missouri.

Present Zoning R - 1 Requested Zoning: C - O Acreage: 60 Feet X 294.16 Feet
Present Use of Property: Residential

SURROUNDING LAND USE AND ZONING:

| | Land Use | Zoning |
|---|---|---|
| North | Residential | R- 1 |
| South | Commercial/Medical Offices | C- O - PD |
| East | Residencial | R- 1 |
| West | Residential | R- 1 |

CHARACTER OF THE NEIGHBORHOOD: Edge of tornado damaged area, Medical Offices South side of 32nd Street moderate damage to houses still unrepaired, one condemned(521 W. 32nd).

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   No, proposed dental/medical offices match (Freeman, Oral SurgCtr, Joplin Dental Arts...)
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? Yes
   If yes, explain: traffic noise, small lots do not allow turn around for autos, medical area.

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Will require a limited modification from residential to commercial. - Yes
2. Consistent with Future Land Use Map? NO

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: West 32nd Street
2. Classification of Street(s):
   Arterial X Collector _____ Local _____
3. Right-of-Way Width: _____
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: _____

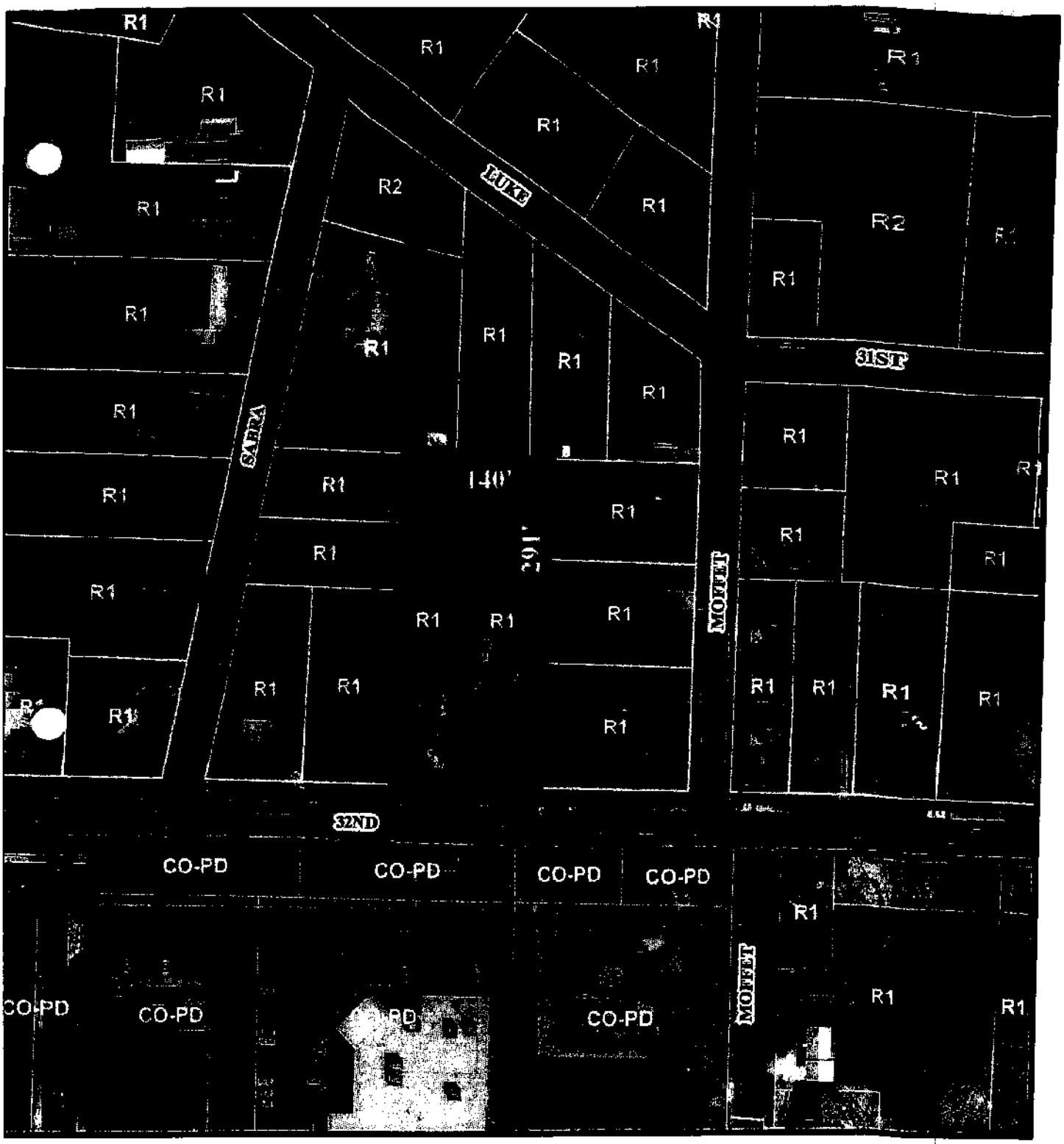
UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

See Attached Statement.

SIGNATURE: _____ DATE: 01-01-2012

BY: C. Alan McQuigg, DDS, MS

TITLE: Developer of Said Property




0 105 210 420 630 840 Feet

**Case 019-12: A request to rezone from District R-1 (Single-Family Residential) to C-O (Non-Retail District) for a medical office at the area generally described as 519 and 521 West 32nd Street - C. Alan McQuigg**

N

Case 019-12: 521 West 32nd Street – A request to rezone from District R-1 (Single-Family Residential) to District C-O (Non-Retail District) for a medical office – Alan McQuigg.

Mr. Anderson opened the public hearing for Case 019-12.

Dr. Alan McQuigg, 1710 East 32nd Street, Joplin, appeared to request the rezoning of the property at 521 West 32nd Street for a commercial medical office building. He explained that of the four properties along the street, the property at 521 West 32nd received substantial damage due to the tornado and is actually condemned at this time. He has affidavits from the two property owners who wish to zone their property commercial, with the other two owners along 32nd Street wishing to zone to commercial also.

Dr. McQuigg explained that across 32nd Street immediately south contains commercial buildings, basically Joplin Dental Arts, the kidney and dialysis center, and Dr. Burnett's office, with Freeman Hospital being two blocks to the south. He stated that this is a very high traffic area and forwarded to the commissioners some diagrams and photographs of his proposal for offices at this time. He felt like this would be a good location for some nice-looking medical buildings and stated that he plans to inhabit one of these buildings for the next 20 years.

Mr. Anderson asked for comments in favor of the request.

Mr. Tim McNally, PRO 100 Realtors, 2401 East 32nd Street, Joplin, appeared and explained that he has the properties at 525 and 531 West 32nd Street advertised for sale. The owners of 525 West 32nd Street would like to see the property being rezoned to commercial. Their listing states that they would take a contract contingent on the rezoning of those two properties as well.

Mr. Smith explained that a letter was received from a nearby property owner concerning a planned district and asked Dr. McQuigg about District C-0-PD. He thought it would be simplest to rezone the property to District C-0, but he would not be opposed to the planned district.

Mr. Smith explained that the property across 32nd Street to the south is also zoned as a planned district, and Dr. McQuigg wasn't aware of that.

Ms. Linda Wheeler, 3130 South Moffet Avenue, Joplin, appeared in favor of the rezoning of the property since the south side of 32nd Street has become largely commercial and professional buildings. She is fully in favor of that kind of development with the existing offices and Freeman Hospital in this area.

Ms. Wheeler thought the medical development in that area has already proceeded to such an extent that rezoning the property for medical offices is a good idea. Her home was constructed in 1940, so even though she has certain reservations, she is actually in favor of this rezoning. She asked about any provision for fencing off a medical office building from a residential lot.

Mr. Kellstadt explained that there are buffering requirements between the commercial uses and residential uses. The buffering may include fencing or other more natural landscaping items.

Ms. Wheeler asked about an opportunity for her to see the architectural plans, and Mr. Kellstadt replied that is only made public during a planned development review through this commission and the City Council. If this commission and the City Council were to approve this request as a planned district, the site plan review would come back through these public meetings. If the rezoning goes forward as C-0 without the "PD" designation, the plan review would be administrative and would not proceed through a public hearing.

Mr. Anderson asked for additional comments from the commissioners and the audience, and none were received.

Mr. Landrith wished to rezone the property to District C-0-PD to conform with the existing planned districts along the south side of 32nd Street, to make all the zoning uniform. He explained that with the planned district, the surrounding residential property owners will be assured of a buffer between their properties and the medical offices.

**MR. LANDRITH MOVED, SECONDED BY MR. SMITH, TO AMEND CASE 019-12 FROM THE REQUESTED DISTRICT C-0 TO DISTRICT C-0-PD, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. ANDERSON, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN BEING ABSENT (6 IN FAVOR, 1 ABSENT).**

**MR. LANDRITH MOVED, SECONDED BY MR. GILSTRAP, THAT CASE 019-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL AS AMENDED IN THE PREVIOUS MOTION. THE MOTION CARRIED, WITH MR. ANDERSON, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN BEING ABSENT (6 IN FAVOR, 1 ABSENT).**

P & Z Case 019-12
Alan McQuigg
(P & Z Recommended amending the requested zoning to C-0-PD)

**COUNCIL BILL NO. 2012-267** **ORDINANCE NO.**

**AN ORDINANCE** amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-0 property as described below and located at 521 West 32nd Street in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by removing the following described property from District R-1 and including same in District C-0:

All of the East 80 feet of Lot 27 in Mohaska Subdivision to the City of Joplin, Jasper County, Missouri and All of a strip of land 60 fect wide, upon and along the West side of Lot Numbered Twenty-seven (27) in Mohaska Subdivision, in the City of Joplin, Jasper County, Missouri.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2012.

ATTEST: Michael R. Woolston, Mayor

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

**Requested Council Meeting Date: March 5, 2012**

**Item: COUNCIL BILL NO. 2012-268**
**Originating Department: PLANNING & COMMUNITY DEVELOPMENT**

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg Date: 2.24/2012
City Attorney: Brian Head Date: 2/28/12
City Manager: R. Mark Rohr Date: 2-29-12
Board or Commission: Planning and Zoning Commission Date: 2/13/2012

Recommended Action: Planning and Zoning Commission recommended denial by a vote of "4 in favor, 1 opposed, 1 abstention, and 1 absent"

SUMMARY/REQUEST:
Case 020-12: Lot 66, Cedar Ridge Subdivision – A request to rezone from District C-1 (Neighborhood Commercial) to District C-3 (Commercial) for a convenience store – R.S. Anderson, Inc.

STAFF SUMMARY:
This is a request to rezone a 2.3 acre parcel located in the Northwest corner of 32nd Street and Country Club Road from C-1 (Neighborhood Commercial) to C-3 (Commercial District) for a potential convenient store. The owner/applicant, R.S. Anderson, Inc. intends on rezoning the property on speculation that a potential convenient store will purchase the property. In 2000, City Council rezoned this tract from District R-1 (Single-Family Residential) to its existing zoning at the request of the owner. At the time of the rezoning, the owner intended on constructing a convenient store to serve the newly platted residential lots to the north and west. He rezoned some of the adjacent parcels surrounding the subject property to District R-2 (Two-Family Residential) to act as a buffer between commercial and single-family residential uses. The C-1 use permitted convenient stores until the last Zoning Regulation update in 2003.

The subject property has approximately 421 feet and 238 feet of frontage along the collector roads Country Club Road and 32nd Street, respectably. Access for the subject property on 32nd Street can be problematic due to the poor visibility, so driveway access will have to come off of Country Club Road for any future development. The surrounding area consists of single family homes zoned District R-1 and R-2 to the north and west, an industrial business to the east (Jasper County), and a former home to the south (Newton County).

Staff feels the applicant's request for District C-3 is too intense for the subject property. District C-3 allows for truck stops, manufacturing and assembly, outdoor vehicle repair shops, and used

car lots. All of these uses are not compatible with residential develop and should be allowed only on major arterial roads.

Any type of development at this location needs to be sensitive to the nearby residential homes.

A fifty foot gas line is located on the subject property so any development must be located farther to the west.

City Council gave guidance to the intensity of future development at this location during the hearing for the initial zoning change request in 2010. No major changes to the request are included in this submittal. In light of this history, and of nearby development of single-family homes, staff recommends denial of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. McClure asked to be excused from the discussion and vote on this request, as he has a business relationship with the petitioner.

Mr. Dan Whitworth appeared on behalf of the petitioner for this rezoning. He presented the commissioners some photographs of the property in this request. He explained that the rezoning request lists the petitioner as being R. S. Anderson, Inc. but is actually the Anderson Trust. Randy Anderson was a developer, with the property in this area being part of his subdivision. He stated that Mr. Anderson died a few years ago in a boating accident, and this is actually his trust and an attempt to sell off the remaining portions of that particular tract. The beneficiaries of the trust are his two surviving children.

Mr. Whitworth explained that this property would have been zoned for a convenience store at the time that it was originally zoned in 2003. After that time, the City amended its zoning code and took that particular use out of existence and made that into a higher usage. In visiting with the applicants, Mr. Whitworth has the authority for his client to amend the request to District C-2-PD.

Mr. Whitworth explained that that the property is on the edge of Joplin, with either industrial or commercial or agricultural uses on three sides of the property. He understood that residential properties exist along the west side of the property and asked the commissioners to consider the fact that when this area was originally developed, the property adjoining this proposed development to the west received an R-2 (duplex) designation. He understood that this was originally intended as a buffer. Those tracts were sold, with those purchasing the land placing single-family residences on those tracts.

Mr. Whitworth mentioned some concerns regarding traffic and explained that the intersection is controlled with one stop sign. He mentioned some discussion with the City's professional staff about the access to that tract being further back to the north, in which the planned district would allow the City staff to have the involvement in how to handle the access.

Mr. Whitworth did not anticipate increased traffic flow due to the development taking place further to the west and to the north. He explained that access cannot be gained from the south since that area is landlocked, so the petitioners do not believe the proposed development will affect the flow of traffic. He expressed some concern about the intersection whether the convenience store is constructed or not.

Mr. Smith expressed concern about traffic coming off the hill. He believed that the speed limit on 32nd Street is 35 miles per hour, with traffic coming 50 to 55 miles per hour through this area.

Mr. Whitworth mentioned a double-fatality accident that recently occurred to the west and explained that a storm siren and a gas pipeline easement exist on the southeast corner of the tract in this request, which would not allow ingress or egress right at the intersection anyway.

Mr. Landrith wished to deny this request. He has driven 32nd Street going both eastbound and westbound and explained that you can't see the traffic until you are right on the intersection. He stated that this request was denied two years ago, and he hasn't seen any change that would make him vote any differently.

PUBLIC COMMENT:
Mr. Jason Mayberry, 3019 South Heartland, Joplin, appeared in opposition and explained that his back yard adjoins the property in this request. He expressed concern about having a gas station in his back yard and explained that this is a nice area in Cedar Ridge that the residents have worked hard to develop. He expressed concern about late night traffic, noise, and the decrease in residential property values.

Mr. Mayberry discussed the amount of traffic coming through this area. He expressed concern about stopping the influx of traffic on 32nd Street, with the traffic being redirected to the convenience store before proceeding to their destination. He mentioned several accidents in this area and expressed concern about the hill on 32nd Street. He thought it was a bad location for a convenience store.

Mr. Anderson asked Mr. Mayberry which property he lives in, and he replied the second property zoned R-2 from the north end of Heartland.

Mr. Anderson noted for the record that five written petitions of protest have been received, with Mr. Mayberry being one of those five petitions that have been filed.

Z&P Meeting: February 12, 2012
City Council Meeting: March 5, 2012

# STAFF PLANNING REPORT

**CASE 020-12:**

Petition the Council to rezone from District C-1 (Neighborhood Commercial) to District C-3 (Commercial District) for a future convenience store.

**APPLICANT:**

R.S. Anderson, Inc.

**LOCATION:**

Northwest corner of 32nd Street and Country Club Road

**PRESENT ZONING:**

C-1 (Neighborhood Commercial)

**REQUESTED ZONING:**

C-3 (Commercial District)

**EXISTING CONDITIONS:**

**PROPERTY SIZE**

Approximately 238'x421' (100,198 square feet or 2.3 acres)

**FLOOD PLAIN**

Zone X

| SITE | LAND USE | EXISTING ZONING |
|---|---|---|
| NORTH | Undeveloped/Detention Pond | C-1 |
| SOUTH | Single-Family Homes | Newton County/No Zoning |
| EAST | Industrial Building | Jasper County/No Zoning |
| WEST | Single-Family Homes | R-2 |

## TRAFFIC CONDITIONS:

### STREET(S) WITH ACCESS TO PROPERTY

Country Club Road
32nd Street

### CLASSIFICATION OF STREET(S)

Country Club Road - Collector
32nd Street – Collector

### RIGHT-OF-WAY WIDTH

Country Club Road – 60 feet
32nd Street – 60 feet

### WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?

Sight visibility for vehicles traveling on the adjacent roads and vehicles pulling in and out of the proposed site could be a potential issue. Implementing the City of Joplin's access management regulations may alleviate these potential issues. The ideal place for an access driveway should be the far northeast corner of the property, which is the farthest from the Country Club Road and 32nd Street Intersection.

### UTILITIES:

Utilities are currently on site.

### CONSISTENT WITH FUTURE LAND USE MAP?

Yes.

## STAFF ANALYSIS:

### CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

This proposed rezoning was previously submitted in early 2010 but was denied by the City Council on February 1, 2010. Although the proposed zoning may be consistent with the Future Land Use Map, the development patterns have changed since the initial platting of the subdivision of which this parcel is a part. The lots to the west of this parcel were initially zoned R-2 (Two-Family Residential) to serve as a buffer between the future commercial development of this parcel and the Single-Family homes further west. However, since that time Single-Family homes were built on those parcels thereby leaving no buffer zone.

When the plan for developing the parcel in question was initiated, the zoning category C-1 (Neighborhood Commercial) allowed convenience stores. The zoning regulations were subsequently changed, which resulted in convenience stores no longer being permitted in C-1 (Neighborhood Commercial) zones.

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

The property is zoned C-1 (Neighborhood Commercial), which allows many retail uses like shopping centers, restaurants, and grocery stores but prohibits convenient stores. Convenient stores are only permitted in District C-2 (Central Business Commercial) and District C-3 (Commercial District).

**THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY**

The greatest negative impact will be to the residence located to the west of the subject request. Since the development of Single-Family homes to the west of the property, there would be no buffer zoning to separate the heavier commercial use from the single-family homes.

**DISCUSSION**

This is a request to rezone a 2.3 acre parcel located in the Northwest corner of 32nd Street and Country Club Road from C-1 (Neighborhood Commercial) to C-3 (Commercial District) for a potential convenient store. The owner/applicant, R.S. Anderson, Inc. intends on rezoning the property on speculation that a potential convenient store will purchase the property. In 2000, City Council rezoned this tract from District R-1 (Single-Family Residential) to its existing zoning at the request of the owner. At the time of the rezoning, the owner intended on constructing a convenient store to serve the newly platted residential lots to the north and west. He rezoned some of the adjacent parcels surrounding the subject property to District R-2 (Two-Family Residential) to act as a buffer between commercial and single-family residential uses. C-1 use permitted convenient stores until the last Zoning Regulation update in 2003.

The subject property has approximately 421' and 238' of frontage along the collector roads Country Club Road and 32nd Street, respectably. Access for the subject property on 32nd Street can be problematic due to the poor visibility, so driveway access will have to come off of Country Club Road for any future development. The surrounding area consists of single family homes zoned District R-1 and R-2 to the north and west, an industrial business to the east (Jasper County), and a former home to the south (Newton County).

Staff feels the applicant's request for District C-3 is too intense for the subject property. District C-3 allows for truck stops, manufacturing and assembly, outdoor vehicle repair shops, and used car lots. All of these uses are not compatible with residential develop and should be allowed only on major arterial roads.

Any type of development at this location needs to be sensitive to the nearby residential homes.

A fifty foot gas line is located on the subject property so any development must be located farther to the west.

City Council gave guidance to the intensity of future development at this location during the hearing for the initial zoning change request in 2010. No major changes to the request are included in this submittal. In light of this history, and of nearby development of single-family homes, staff recommends denial.

RECEIVED
1-9-12

CITY OF JOPLIN, MISSOURI
REZONING APPLICATION FORM

Return Form to:
Planning / Community Development Specialist
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only
Case No.: 020-12
Filing Fee:
Date Advertised: 1-29-12
Date Notices Sent
Public Hearing Date: 2-13-12

APPLICANT: R.S.ANDERSON, INC. PHONE:
ADDRESS: P. O. BOX 8, JOPLIN, MO ZIP: 64802-0008
OWNER: SAME PHONE:
ADDRESS: ZIP:
LOCATION OF PROPERTY:
LEGAL DESCRIPTION: LOT 66 IN CEDAR RIDGE SUBDIVISION, PLAT NO 4, PHASE II REPLAT IN THE CITY OF JOPLIN, SECTION 18, TOWNSHIP 27, RANGE 33, JASPER COUNTY, MISSOURI

Present Zoning C-1 Requested Zoning: C-3 Acreage:
Present Use of Property: UNDEVELOPED

SURROUNDING LAND USE AND ZONING:

| | Land Use | Zoning |
|---|---|---|
| North | DRAINAGE BASIN | C-1 |
| South | MIXED | NOn-ZONED |
| East | MIXED | NON-ZONED |
| West | RESIDENTIAL | R-2 |

CHARACTER OF THE NEIGHBORHOOD: MIX OF RESIDENTIAL & NON_ZONED, HIGH VOLUME TRAFFIC

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:
EXISTING ZONING WOULD NOT ALLOW THE CONVENIENCE STORE.

CONFORMANCE WITH COMPREHENSIVE PLAN:

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

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: 32nd & COUNTRY CLUB DRIVE
2. Classification of Street(s):
   Arterial _____ Collector _____ Local _____
3. Right-of-Way Width: 45 feet by 40 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? NO
2. Properly Sized Street Right-of-Way? NO
3. Drainage Easements? NO
4. Utility Easements:
   - Electricity? NO
   - Gas? NO
   - Sewers? NO
   - Water? NO
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

THE SIZE AND LOCATION OF LOT INTERSECTION OF 32nd and AND COUNTRY CLUB DRIVE MAKES IT IDEAL FOR COMMERCIAL DEVELOPMENT LIKE A CONVENIENCE STORE. BUFFER COULD BE MADE TO LIMIT IMPACT ON RESIDENTIAL AREA.

SIGNATURE: _____ DATE: 1-9-12

BY: _____

TITLE: _____

(Note: By signing this application you are signifying that you are either the legal owner of the subject property or are a legal representative of the owner or owners of the subject property.)




0 162.5 325 650 975 1,300 Feet

**Case 020-12: A request to rezone from District C-1 (Neighborhood Commercial District) to C-3 (Commercial District) for a convenience store at the area generally described as the northwest corner of 32nd Street and Country Club Road - R.S. Anderson, Inc.**

N

Case 020-12: Lot 66, Cedar Ridge Subdivision – A request to rezone from District C-1 (Neighborhood Commercial) to District C-3 (Commercial) for a convenience store – R. S. Anderson, Inc.

Mr. McClure asked to be excused from the discussion and vote on this request, as he has a business relationship with the petitioner. He then left the Council Chambers.

Mr. Anderson opened the public hearing for Case 020-12.

Mr. Dan Whitworth, 626 South Byers Avenue, Joplin, appeared on behalf of the petitioner for this rezoning. He presented the commissioners some photographs of the property in this request. He explained that the rezoning request lists the petitioner as being R. S. Anderson, Inc. but is actually the Anderson Trust. He stated that Randy Anderson was a developer, with the property in this area being part of his subdivision. Mr. Anderson died a few years ago in a boating accident, and this is actually his trust and an attempt to sell off the remaining portions of that particular tract. The beneficiaries of the trust are his two surviving children.

Mr. Whitworth explained that this property would have been zoned for a convenience store at the time that it was originally zoned in 2003. After that time, the City amended its zoning code and took that particular use out of existence and made that into a higher usage. In visiting with the applicants, Mr. Whitworth has the authority for his client to amend the request to District C-2-PD.

Mr. Whitworth explained that that the property is on the edge of Joplin, with either industrial or commercial or agricultural uses on three sides of the property. He understood that residential properties exist along the west side of the property and asked the commissioners to consider the fact that when this area was originally developed, the property adjoining this proposed development to the west received an R-2 (duplex) designation. He understood that this was originally intended as a buffer. Those tracts were sold, with those purchasing the land placing single-family residences on those tracts.

Mr. Whitworth mentioned some concerns regarding traffic and explained that the intersection is controlled with one stop sign. He mentioned some discussion with the City's professional staff about the access to that tract being further back to the north, in which the planned district would allow the City staff to have the involvement in how to handle the access.

Mr. Whitworth did not anticipate increased traffic flow due to the development taking place further to the west and to the north. He explained that access cannot be gained from the south since that area is landlocked, so the petitioners do not believe the proposed development will affect the flow of traffic. He expressed some concern about the intersection whether the convenience store is constructed or not.

Mr. Smith expressed concern about traffic coming off the hill. He believed that the speed limit on 32nd Street is 35 miles per hour, with traffic coming 50 to 55 miles per hour through this area.

Mr. Whitworth mentioned a double-fatality accident that recently occurred to the west and explained that a storm siren and a gas pipeline easement exist on the southeast corner of the tract in this request, which would not allow ingress or egress right at the intersection anyway.

Mr. Anderson asked for comments from the audience.

Mr. Jason Mayberry, 3019 South Heartland, Joplin, appeared in opposition and explained that his back yard adjoins the property in this request. He expressed concern about having a gas station in his back yard and explained that this is a nice area in Cedar Ridge that the residents have worked hard to develop. He expressed concern about late night traffic, noise, and the decrease in residential property values.

Mr. Mayberry thought this is a bad location for a convenience store since this property lies in a swale, with a lot of traffic coming from the west through the Cedar Ridge area. He expressed concern about stopping the influx of traffic on 32nd Street, and that the traffic will be redirected to go to the convenience store before they proceed to their destination. He mentioned several accidents in this area and expressed concern about the hill on 32nd Street. He thought it was a bad location for a convenience store.

Mr. Anderson asked Mr. Mayberry which property he lives in, and he replied the second property zoned R-2 from the north end of Heartland.

Mr. Anderson asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 020-12. He noted for the record that five written petitions of protest have been received, with Mr. Mayberry being one of those five petitions that have been filed.

Mr. Landrith wished to deny this request. He has driven 32nd Street going both eastbound and westbound and explained that you can't see the traffic until you are right on the intersection. He stated that this request was denied two years ago, and he hasn't seen any change that would make him vote any differently.

**MR. LANDRITH MOVED, SECONDED BY MR. HARRINGTON, THAT CASE 020-12 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR DENIAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. ANDERSON, MR. GILSTRAP, MR. HARRINGTON, AND MR. LANDRITH VOTING "AYE"; WITH MR. SMITH VOTING "NAY"; WITH MR. McCLURE ABSTAINING; AND WITH MR. EASTMAN BEING ABSENT (4 IN FAVOR, 1 OPPOSED, 1 ABSTENTION, AND 1 ABSENT).**

Mr. McClure returned to the dais at this time.

P & Z Case 020-12
R. S. Anderson, Inc.
(P & Z Recommended Denial)

**COUNCIL BILL NO. 2012-268** **ORDINANCE NO.**

**AN ORDINANCE** amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located on Lot 66, Cedar Ridge Subdivision, in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by removing the following described property from District R-1 and including same in District C-3:

Lot 66 in Cedar Ridge Subdivision, Plat Number 4, Phase II Replat in the City of Joplin, Jasper County, Missouri.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2012.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

**Requested Council Meeting Date: March 5, 2012**

**Item: COUNCIL BILL NO. 2012-269**
**Originating Department: PLANNING & COMMUNITY DEVELOPMENT**

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg DKH Date: 2.24/2012
City Attorney: Brian Head BH Date: 2/28/12
City Manager: R. Mark Rohr RMR Date: 2-28-12
Board or Commission: Planning and Zoning Commission PC Date: 2/13/2012

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "6 in favor, 1 absent"

SUMMARY/REQUEST:
Case 021-12: 2602, 2604, and 2610 South Virginia Avenue – A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial) for Taco Bell – Larry Fugate.

STAFF SUMMARY:
This property is consistent with development patterns identified for this area. Considering the development recommendations presented by the CART and given that location at the intersection of an arterial corridor and collector street, staff recommends approval with a Planned Development overlay district, C-3-PD.

PLANNING & ZONING COMMISSION TESTIMONY:
Ms. Donna Reed appeared representing the applicant to develop the property once the Taco Bell is rebuilt.

Mr. Harrington asked Ms. Reed if Taco Bell will actually be constructed on that property, or if it is being redeveloped on Main Street. She replied that Taco Bell has purchased the property along Virginia Avenue and will most likely use that for parking once the Taco Bell is rebuilt. She understood that the property to the south was rezoned at the last meeting and understood that the applicant plans to use that property for the same reason.

Mr. Anderson asked Ms. Reed how she is related on this transaction, and she replied that she is the district manager for Taco Bell.

Mr. Smith asked Ms. Reed if Taco Bell is the owner of the property, and she replied that they recently purchased the property.

PUBLIC COMMENT: None.

Z&P Meeting: February 12, 2012
City Council Meeting: March 5, 2012

# STAFF PLANNING REPORT

**CASE 021-12:**

Petition the Council to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial District) for future commercial development.

**APPLICANT:**

J. Larry Fugate

**LOCATION:**

2602, 2604, and 2610 South Virginia Avenue

**PRESENT ZONING:**

R-1 (Single-Family Residential)

**REQUESTED ZONING:**

C-3 (Commercial District)

**EXISTING CONDITIONS:**

**PROPERTY SIZE**

Approximately 121'x152' (18,392 square feet or 0.42 acre)

**FLOOD PLAIN**

Zone X

| SITE | LAND USE | EXISTING ZONING |
|---|---|---|
| NORTH | Single-Family homes | R-1 |
| SOUTH | Single-Family homes | R-1 |
| EAST | Single-Family homes | R-1 |
| WEST | Taco Bell | C-3 |

## TRAFFIC CONDITIONS:

**STREET(S) WITH ACCESS TO PROPERTY**

26th Street
Virginia Avenue

**CLASSIFICATION OF STREET(S)**

26th Street – Collector
Virginia Avenue – Local

**RIGHT-OF-WAY WIDTH**

26th Street – 50 feet
Virginia Avenue – 60 feet

**WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?**

No.

**UTILITIES:**

The property has all utility connections

**CONSISTENT WITH FUTURE LAND USE MAP?**

No, however this request is consistent with recent rezoning requests and is consistent with recommendations from the CART.

## STAFF ANALYSIS:

**CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?**

No. Even though this request is not consistent with the Future Land Use Map, this is consistent with development patterns along South Main Street. Modern development standards require certain number of parking, storm water measure, and other elements that make it necessary for similar developments to utilize more square footage than what the previous facility had available.

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

This property is suited for commercial development due to its location at the intersection of an arterial street and collector street.

**THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY**

The zoning change should not detrimentally affect nearby properties due to proximity to similar commercially zoned properties. Recent rezoning request south of this property was recommended for approved by the Zoning and Planning Commission from R-1 (Single-Family Residential) to C-3 (Commercial District).

**DISCUSSION**

This property is consistent with development patterns identified for this area. Considering the development recommendations presented by the CART and given that location at the intersection of an arterial corridor and collector street, staff recommends approval with a Planned Development overlay district, C-3-PD.

Original

RECEIVED
1-9-12

CITY OF JOPLIN, MISSOURI
REZONING APPLICATION FORM

Return Form to:
Planning / Community Development Specialist
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only
Case No.: 02-1-12
Filing Fee:
Date Advertised: 1-29-12
Date Notices Sent:
Public Hearing Date: 2-13-12

APPLICANT: J Larry Fugate PHONE: 316 722 5670
ADDRESS: 208 So Maize Rd, Wichita ZIP: 67209
OWNER: J. Larry Fugate PHONE: 316 722 5670
ADDRESS: 208 So Maize Rd Wichita ZIP: 67209
LOCATION OF PROPERTY: 2602 2604 2610 S. Virgina Avenue
LEGAL DESCRIPTION: All of lots Numbered One(1) Two(2) and Three(3) in Thompson's Addition to the City of Joplin, Jasper County Missouri, According to the Recorded Plat Thereof.
Present Zoning R-1 Requested Zoning: C-3 Acreage: 18,300 Sf
Present Use of Property: Vacant

SURROUNDING LAND USE AND ZONING:

| | Land Use | Zoning |
|---|---|---|
| North | Rezoning App In Process | R-1 |
| South | Vacant | R-1 |
| East | Vacant | R-1 |
| West | Restaurant | C-1 |

CHARACTER OF THE NEIGHBORHOOD: Neighborhood Completely Vacant after the Tornado of May 22, 2011.

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
NO! Property to the North is undergoing ReZoning R-1 to C-3
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? If yes, explain: Yes
The property is currently zoned R-1, needs to change to C-1.

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. yes Consistent with Development Policies? Development policy is considering a change future ReDevelopment Committee is recommending a zone change.
2. No Consistent with Future Land Use Map? Development policy is changing after the Tornado of 5/22/11. -NO

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 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.

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Virginia Avenue
2. Classification of Street(s):
   Arterial _____ Collector _____ Local X
3. Right-of-Way Width: _____
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? No
2. Properly Sized Street Right-of-Way? No
3. Drainage Easements? No
4. Utility Easements:
   Electricity? No
   Gas? No
   Sewers? No
   Water? No
5. Additional Comments: The three lots being considered for rezoning would turn from dirt to concrete which may require water run off planning.

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:
The three properties in question (2602, 2604, 2610 Virginia are owned by J. Larry Rogers currently vacant and would be used mostly for parking

SIGNATURE: Michael J Carney DATE: 1/9/2012
BY: Michael J Carney
TITLE: Director of Real Estate and Development.

(Note: By signing this application you are signifying that you are either the legal owner of the subject property or are a legal representative of the owner or owners of the subject property.)




0 95 190 380 570 760 Feet

**Case 021-12: A request to rezone from District R-1 (Single-Family Residential District) to District C-3 (Commercial District) for Taco Bell at the area generally described as 2602, 2[illegible], and 2610 South Virginia Avenue - J. Larry Fugate**

N

Case 021-12: 2602, 2604, and 2610 South Virginia Avenue – A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial) for Taco Bell – Larry Fugate.

Mr. Anderson opened the public hearing for Case 021-12.

Ms. Donna Reed, 1902 Osage Orange, Joplin, appeared representing the applicant to develop the property once the Taco Bell is rebuilt.

Mr. Harrington asked Ms. Reed if Taco Bell will actually be constructed on that property, or if it is being redeveloped on Main Street. She replied that Taco Bell has purchased the property along Virginia Avenue and will most likely use that for parking once the Taco Bell is rebuilt. She understood that the property to the south was rezoned at the last meeting and understood that the applicant plans to use that property for the same reason.

Mr. Anderson asked Ms. Reed how she is related on this transaction, and she replied that she is the district manager for Taco Bell.

Mr. Smith asked Ms. Reed if Taco Bell is the owner of the property, and she replied that they recently purchased the property.

Mr. Anderson asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 021-12.

**MR. McCLURE MOVED, SECONDED BY MR. SMITH, THAT CASE 021-12 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. ANDERSON, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN BEING ABSENT (6 IN FAVOR, 1 ABSENT).**

P & Z Case 021-12
Larry Fugate
(P & Z Recommended Approval)

**COUNCIL BILL NO. 2012-269** **ORDINANCE NO.**

**AN ORDINANCE** amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located at 2602, 2604, and 2610 South Virginia Avenue, in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by removing the following described property from District R-1 and including same in District C-3:

All of Lots Numbered One (1), Two (2) and Three (3) in Thompson's Addition to the City of Joplin, Jasper County, Missouri according to the recorded plat thereof.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2012.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

**Requested Council Meeting Date: March 5, 2012**

**Item: COUNCIL BILL NO. 2012-270**
**Originating Department: PLANNING & COMMUNITY DEVELOPMENT**

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg — Date: 2.24/2012
City Attorney: Brian Head — Date: 2/28/12
City Manager: R. Mark Rohr — Date: 2-28-12
Board or Commission: Planning and Zoning Commission — Date: 2/13/2012

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "6 in favor, 1 absent"

SUMMARY/REQUEST:
Case 022-12: Street Vacation – A request to vacate the East 30 feet of Lot 110 of Banker's Third Addition – City of Joplin.

STAFF SUMMARY:
This request is for the consolidation of property of the adjoining property owners from which the roadway easement came. The easement will revert to the property from which it was dedicated.

Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Eric Kellstadt explained that a 30-foot wide strip of land was deeded to the City as a roadway easement. When the United Methodist Church Southwest District rebuilt their office building, it was constructed partly on the easement. The church representative contacted the City staff about vacating this property.

Mr. Kellstadt has contacted all of the utilities, and they have indicated their concurrence with this request. Empire District Electric Company did indicate that they wish to have an agreement with the church for assurances that if the structure were to be destroyed again in the future, that they would not rebuild in the utility easement. The church did provide those accommodations in writing, so Empire District received the assurances that they requested.

Mr. Anderson asked if this property was originally owned by the church or the property owner and was dedicated to the City for the easement. Mr. Kellstadt replied that is correct, in that it was owned by the two church parcels, and only those church parcels, not the adjacent property owners.

PUBLIC COMMENT: None.

Z&P Meeting: February 13, 2011
City Council Meeting: March 5, 2011

# STAFF PLANNING REPORT

**CASE 022-12:**

Petition Council to vacate a roadway easement and the west 5-feet of the easement from utilities.

**APPLICANT:**

City of Joplin

**LOCATION:**

The easement being located east of the St. James United Methodist Church and United Methodist Church Southwest District Office properties.

**TYPE OF EASEMENT(S):**

Road

**SIZE OF EASEMENT(S):**

30 ft. by 384 ft.

**REASON FOR VACATION:**

Consolidate property of the adjoining property owners from which the roadway easement came.

**ARE UTILITES CURRENTLY LOCATED IN THE EASEMENT?:**

There are utilities currently located within the eastern 25 feet of the roadway easement. A 25 foot utility easement will remain.

**HAVE UTILITITY COMPANIES WITH RIGHTS TO THE EASEMENT CONSENTED TO THE PROPOSED VACATION?:**

All utility companies have provided concurrence.

**STAFF ANALYSIS:**

**WILL PRIVATE RIGHTS BE INJURED OR ENDANGERED BY THE VACATION?**

No, the roadway easement will revert to the property from which it was dedicated.

**WILL THE VACATION CAUSE THE PUBLIC TO SUFFER A LOSS OR INCONVENIENCE?**

Staff believes the vacation will not cause the public to suffer a loss or inconvenience.

**STAFF RECOMMENDATION:**

Staff recommends approval of this request.

**ENCLOSURES:**

None

CITY OF JOPLIN

APPLICATION FOR VACATION OF STREET OR RESERVATION

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.: 022-12
Filing Fee: $ 350.00
Date Advertised: 1-25-12
Date Notices Sent
Public Hearing Date: 2-13-12

I. Applicant Name: City of Joplin Phone: 417-624-0820

If more than one property applicant, please submit additional names, address and phone numbers on attached sheet(s)

Address: 602 South Main Street Zip: 64804

II. Type of vacation requested (check one):

Street Vacation ☒

Alley Vacation ☐

Utility vacation ☒

Other (Please specify)

III. Legal Description of area requested to be vacated: East thirty (30) feet of Lot 110 of Banker's Third Addition to the City of Joplin, Jasper County, Missouri.

IV. Please indicate below the extent to which the following standards are met, in the applicant's opinion.

1. Private rights will not be injured or endangered by the vacation. No private rights will be injured or endangered by the vacation.

2. The vacation will not cause the public to suffer a loss or inconvenience. The vacation will not cause the public to suffer a loss or inconvenience.

3. In justice to the applicant(s) the vacation should be granted. The right-of-way/easement described above is a remnant dedicated by the property owned by St. James United Methodist Church. The dedicated right-of-way/easement remains undeveloped.

V. Required Attachments:

1. Affidavit(s) from each owner of land adjoining said area that is proposed to be vacated, whom are not listed as an applicant, indicating their consent to the vacation.

2. Survey or such other drawing acceptable to the Planning / Community Development Manager depicting the street, alley or public reservation sought to be vacated and the properties and property ownerships surrounding said street, alley or public reservation.

3. Affidavit(s) from the following private utility companies indicating their consent to vacate the easement. The following private companies must be contacted and consent to the vacation for the Public Hearing can take place.

| | |
|---|---|
| a.) MGE Missouri Gas Energy | (800) 582-1234 |
| b.) Empire District Electric Company | (417) 624-0300 |
| c.) Cable One | (417) 624-6340 |
| d.) MO American Water Company | (800) 256-6426 |
| e.) AT&T | (800) 464-7928 |




**se 022-12: A request to vacate right-of-way and portion of a utility easement east of St.
es United Methodist Church - City of Joplin**

N

Case 022-12: Street Vacation – A request to vacate the East 30 feet of Lot 110 of Banker's Third Addition – City of Joplin.

Mr. Anderson opened the public hearing for Case 022-12.

Mr. Eric Kellstadt, an employee of the City of Joplin, 602 South Main Street, Joplin, explained that a 30-foot wide strip of land was deeded to the City as a roadway easement. When the United Methodist Church Southwest District rebuilt their office building, it was constructed partly on the easement. The church representative contacted the City staff about vacating this property.

Mr. Kellstadt has contacted all of the utilities, and they have indicated their concurrence with this request. Empire District Electric Company did indicate that they wish to have an agreement with the church for assurances that if the structure were to be destroyed again in the future, that they would not rebuild in the utility easement. The church did provide those accommodations in writing, so Empire District received the assurances that they requested.

Mr. Anderson asked if this property was originally owned by the church or the property owner and was dedicated to the City for the easement. Mr. Kellstadt replied that is correct, in that it was owned by the two church parcels, and only those church parcels, not the adjacent property owners.

Mr. Anderson asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 022-12.

**MR. HARRINGTON MOVED, SECONDED BY MR. McCLURE, THAT CASE 022-12 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. ANDERSON, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN BEING ABSENT (6 IN FAVOR, 1 ABSENT).**

P & Z Case 022-12
City of Joplin
(P & Z Recommended Approval)

**COUNCIL BILL NO. 2012-270** **ORDINANCE NO.**

**AN ORDINANCE** providing for the vacation of the East 30 feet of Lot 110 of Banker's Third Addition, in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That all that part of public right-of-way of a portion of the East 30 feet of Lot 110 of Bankers Third Addition, in the City of Joplin, Jasper County, Missouri, described as follows are hereby vacated, conveyed, relinquished, and reverted to the owners of the abutting lots and land:

All of the East 30 feet of Lot Numbered 110 of Banker's Third Addition to the City of Joplin, Jasper County, Missouri to be used for street purposes; and all utility easements for the area described as the West 5 feet of the East 30 feet of Lot Numbered 110 of Banker's Third Addition to the City of Joplin, Jasper County, Missouri.

Section 2. That this vacation of the portion of the street and utility easements hereby vacated shall not affect or derogate from the existing rights of way or other easements of public utility companies now having installations in this portion of the street or easements hereby vacated. Such utility companies shall have the right to maintain, repair and replace any such installations now on the vacated portion of said street and shall be subject to the rights of the City of Joplin for sewer construction and maintenance.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2012.

ATTEST: Michael R. Woolston, Mayor

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W. Head, City Attorney

**MINUTES**
**PLANNING AND ZONING COMMISSION**
**REGULAR MEETING**
**FEBRUARY 13, 2012**
**4:00 P.M.**

The Planning and Zoning Commission met in regular session on Monday, February 13, 2012. Present were Commission Members Bruce Anderson, Justin Gilstrap, Bob Harrington, Don Landrith, Don McClure, and Lee Smith. Commission Member Kent Eastman was absent. Eric Kellstadt, David Hunt, and Susan Champlin represented the Planning/Community Development office.

Mr. Anderson stated that the cases on this agenda will be presented to the City Council on Monday, March 5, 2012.

The City staff reported that Mr. Eastman was out of town and was unable to attend this meeting.

**MR. HARRINGTON MOVED, SECONDED BY MR. LANDRITH, THAT MR. EASTMAN BE EXCUSED FROM ATTENDING THIS MEETING. THE MOTION CARRIED, WITH MR. ANDERSON, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN BEING ABSENT (6 IN FAVOR, 1 ABSENT).**

**City of Joplin** **City Council Agenda Item**

**REQUESTED COUNCIL MEETING DATE:** March 5, 2012

**ITEM:** Council Bill No. 2012-002 approving an Agreement between the City of Joplin and Tyler Technologies, Inc., to provide for the setup and support of a Web-site to accommodate payment of Municipal Court violation fines utilizing on-line services.

**ORIGINATING DEPARTMENT:** Legal Department

**ATTACHMENTS:** Council Bill No. 2012-002; copy of Exhibit – Systems Agreement.

| | | |
|---|---|---|
| **DEPARTMENT HEAD:** | Brian W. Head | **DATE:** 2-21-12 |
| **MUNICIPAL COURT ADM:** | Lawrence Myers | **DATE:** 2-28-12 |
| **FINANCE DIRECTOR:** | Leslie Jones | **DATE:** 2-22-12 |
| **CITY MANAGER:** | R. Mark Rohr | **DATE:** 2-29-12 |

**INTRODUCTION:**

This Council Bill approves a Systems Agreement between the City and Tyler Technologies, Inc., dealing generally with the setup and maintenance of a Web-site to accommodate on-line payment of fines by citizens to the Municipal Court.

**DISCUSSION:**

While there are many mandatory Court appearance offenses, such as those listed below:

- any drug or alcohol related offense;
- driving while revoked or suspended;
- any violation resulting in an accident;
- insurance (proof of financial responsibility);
- operator's license violations
- speeding 26 miles per hour or higher
- assault
- domestic violence
- larceny, shoplifting or theft
- littering
- soliciting
- harassment
- trespassing,

there are many more that do not require a court appearance, and may be paid without such appearance in Court. Currently, this may be done by calling our office and by using a Visa/MC or debit card, or by appearing in person at the Court's Administrative Office and paying with cash, check, money order, Visa/MC or debit card. No one likes getting a ticket, but why

compound the situation by spending valuable time in court. We would like to make available, a third option of payment – "on-line" payment. This option could easily be the most convenient for our citizens because:

- It can be done while they are at home;
- It can be done while they are at work;
- It can be done anywhere they can have access to a computer;
- They don't have to spend time in court;
- They don't have to spend time standing in line; and,
- They don't have to spend time on hold while on the phone.

Our current In-Court Computer System through Tyler Technologies does offer this service. The investment to the City would be a one-time Set-up fee of $800.00; a $75.00 per month Maintenance fee; and, a $100.00 per month User fee. The total investment for the first year would be $2,900.00 and would require an amendment to the Budget. The actual amount for Budget purposes would actually be $2,200.00 since there are now only nine (9) months remaining for the FY. Thereafter, the annual investment cost would be $2,100.00.

**RECOMMENDATION:**

Staff recommends passage of this Council Bill on an emergency basis.

LM
attachment

COUNCIL BILL NO. 2012-002 ORDINANCE NO.

AN ORDINANCE approving a Systems Agreement by and between the City of Joplin and Tyler Technologies, Inc., dealing generally with the set-up and maintenance of a Web-site to accommodate on-line payment of violation fines by citizens to the Municipal Court; amending the Annual Budget of the City of Joplin for the Fiscal Year 2011-2012 as adopted by Ordinance 2011-136 on October 17, 2011; authorizing the City Manager to execute said Systems Agreement by and on behalf of the City of Joplin; and containing an emergency clause.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That the Systems Agreement by and between the City of Joplin and Tyler Technologies, Inc., dealing generally with the set-up and maintenance of a Web-site to accommodate on-line payment of violation fines by citizens to the Municipal Court, a true and accurate copy of the same being attached hereto and incorporated herein, be and the same is hereby approved.

Section 2. That Fiscal year 2011-2012 budgeted appropriations as adopted by Ordinance 2011-136 be amended by increasing appropriations by the total amount of $2,200.00.

Section 3. That the Director of Finance is hereby authorized and directed to make all necessary entries on the City records to show the increase in appropriations.

Section 4. That the City Manager is hereby authorized and directed to execute said Systems Agreement by and on behalf of the City of Joplin.

Section 5. That the City hereby declares this Ordinance, being an ordinance dealing generally with payment of current city government expenses, to be an emergency within the meaning of Section 2.12(3) of the HOME RULE CHARTER of the City of Joplin, Missouri, and as such, this Ordinance shall become effective immediately upon its passage.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2012, by a vote of _____.

_____
Michael R. Woolston, Mayor

ATTEST:

_____

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____

Brian W. Head, City Attorney

tyler technologies

CLIENT COPY

# Systems Agreement

Local Government Division

*Agreement between:*

**Tyler Technologies, Inc**
5519 53rd Street
Lubbock, Texas 79414
(800) 646-2633
(806) 797-4849 Fax

And

**City of Joplin, MO**
303 East Third Street
Joplin, MO 64801
(417) 624-0820

*Issued date:* February 16, 2012

tyler technologies

## AGREEMENT

This agreement is entered into by and between Tyler Technologies, Inc., hereinafter referred to as COMPANY, located at 5519 53rd Street, Lubbock, Texas 79414; and; **City of Joplin, MO**, hereinafter referred to as CLIENT on, _____, 2012.

COMPANY and CLIENT agree as follows:

1. COMPANY shall furnish the products and services as described in this Agreement, and CLIENT shall pay the prices set forth in this Agreement.

2. This Agreement consists of this Cover and the following Attachments and Exhibits:
   - Section A — Investment Summary (A-D)
   - Section B — COMPANY Agreement Terms and Conditions

3. The License Fees set forth in the Investment Summary are based on defined category levels. Placement within a category is based on the size of the organization serviced and measured by such factors as operating budget, number of employees, number of utility accounts, number of sworn officers, population of the entity, etc.

IN WITNESS WHEREOF, persons having been duly authorized and empowered to enter into this Agreement hereunto executed this Agreement effective as of the date last set forth below.

**Client:** **City of Joplin, MO**

By: _____
Signature

_____
Printed Name

_____
Title

_____
Date

_____
Sales Tax Certificate Number

**Tyler Technologies, Inc.:**

By: S. Brett Cate
Signature

S. Brett Cate
Printed Name

President, Local Government Division
Title

2/16/12
Issue Date

## Investment Summary

**Mark Morris**
**City of Joplin, MO**

tyler

| | | | |
|---|---|---|---|
| **Prepared for:** | **City of Joplin, MO** | **Contract ID # :** | 2012-0037 |
| **Contact Person:** | Mark Morris | **Issue Date:** | 2/16/12 |
| **Address:** | 303 East Third Street<br>Joplin, MO 64801 | **Salesman:** | R. Burns |
| **Phone:** | (417) 624-0820 | | |
| **Fax:** | | **Tax Exempt:** | *Yes / No* |
| **Email:** | mmorris@joplinmo.org | | |

| | | Initial Fees | Monthly Fees* |
|---|---|---|---|
| **Total Monthly Services**<br>*Internet Services and Products*<br>**Please note this is not an Annual agreement, the fees listed herein are monthly fees.* | | 800 | 175 |
| **Totals** | | $ 800 | $ 175 |

## Hosted Applications

**Mark Morris**
**City of Joplin, MO**
**February 16, 2012**

| Service | QTY | Charges | | Initial Year | Annual Fee |
|---|---|---|---|---|---|
| **Citizen Portal** | | | | | |
| One Time Setup Fee<br>- Hardware Configuration<br>- DNS registration | 1 | 800 | | 800 | |
| Monthly fee to support and host Web site | | 75 | /month | 900 | 900 |
| **INCODE Court Online Component** | | | | | |
| Monthly support/maintenance fee<br>- Display of citation/citations for payment<br>- Collects plea from defendant<br>- Security – SSL (Secure Socket Layer)<br>- Payment Processing - Credit Card<br>▪ Payment packet is created to be imported to Court System<br>*NOTE: Defendant pays $2.50 fee per transaction for payment on-line and $5.00 fee for other online options.* | | 100 | /month | 1,200 | 1,200 |
| Hosted Applications Total | | | | 2,900 | 2,100 |

# COMPANY WEB SERVICES - INTERNET BASED PRODUCTS SUBSCRIPTION AGREEMENT TERMS AND CONDITIONS

THIS AGREEMENT is effective as of the date of acceptance set forth at the end hereof, and is by and between Tyler Technologies, Inc., hereinafter referred to as COMPANY and the party signing this agreement as the "SUBSCRIBER".

**DEFINITIONS**

**COMPANY Web Services** COMPANY Web Services are designed to enable SUBSCRIBER to easily establish a presence on the Internet. COMPANY Web Hosting and Design is composed of the COMPANY Web Hosting and Design Publishing Component and other miscellaneous components. These components may be used independently or in conjunction with each other.

**COMPANY Court On-Line** The COMPANY Court On-Line Component provides the ability for municipal court fines to be paid by credit card via the Internet. Since it was designed by COMPANY, this system interfaces seamlessly with COMPANY's InCourt Municipal Court System.

**AGREEMENTS**

1) **TERM.** SUBSCRIBER must return an executed copy of this Agreement to COMPANY within 90 days from the issue date. Thereafter, the Agreement will be voided and is subject to change. Subject to the limitations of this Section 1, and unless otherwise provided for in this Agreement, the term of this Agreement shall commence as of the effective date and shall continue for three (3) years. The term shall thereafter be automatically extended in separate consecutive periods of twelve (12) months duration unless either party gives written notice to terminate. Notice to terminate must provide at least sixty (60) days notice of said intent. In the event that the SUBSCRIBER fails to pay any amount payable to COMPANY hereunder, when due, or fails to comply with any other provision of this Agreement, COMPANY may terminate the SUBSCRIBER's rights by written notice to that effect to the SUBSCRIBER. COMPANY may, by written notice to the SUBSCRIBER, terminate its obligations under this Agreement in the event that COMPANY, for whatever reason, ceases to host SUBSCRIBER's Web Site. A termination of the SUBSCRIBER's rights under this Agreement shall not terminate any of the parties' rights under this Agreement to receive or hold amounts rightfully owing to the respective party pursuant to the terms of this agreement or to enforce the intellectual and proprietary rights in the COMPANY concept, web site, software, and technology. Upon termination or non-renewal of this agreement, the parties shall each promptly account for all due but unpaid amounts hereunder. If SUBSCRIBER wishes to terminate before the stated term expires, SUBSCRIBER must give sixty (60) days written notice in order not to incur termination costs of $525.00. Please also see section entitled "**TERMINATION**" in this Agreement.

2) **NATURE OF WEB SITE.** COMPANY shall maintain a web site accessable over the Internet, for SUBSCRIBER. This web site shall contain both static information pages, non-static interactive pages as well as payment function pages. The web site shall allow a citizen with Internet access to view relevant data provided by SUBSCRIBER. This data may include certain data elements from SUBSCRIBER's Tyler Software System. This web site shall be equipped to accept payment of amounts owed to SUBSCRIBER, via Secured Socket Layer (SSL) encryption and credit card or debit card charge.

3) **DATA PROCUREMENT.** COMPANY must host the components and services listed in the Investment Summary of this Agreement. The SUBSCRIBER will be required to setup a merchant account with Electronic Transaction System Corporation or authorized.net for the sole use of COMPANY Web Service transactions. The merchant account must be setup to fund to the SUBSCRIBER bank account. All fees for the merchant account will be paid by SUBSCRIBER.

   SUBSCRIBER will be required to install and run Tyler Web Services in order for the COMPANY On-Line application to access and transfer the necessary data from the SUBSCRIBER's primary software system, to COMPANY's web server. The transfer will occur on a real time basis. Additionally, certain information, such as payment information, must be conveyed to SUBSCRIBER. COMPANY will assume responsibility for transferring such information back to SUBSCRIBER on a regular basis. Tyler Web Services requires a dedicated IP address. Assignment of dedicated IP address is the sole responsibility of SUBSCRIBER.

4) **LICENSED SOFTWARE OWNERSHIP.** SUBSCRIBER agrees that COMPANY possesses exclusive title to and ownership of the COMPANY Software.
   a. SUBSCRIBER agrees that SUBSCRIBER acquires neither ownership nor any other interest in the COMPANY Software, except for the right to use and possess the COMPANY Software in accordance with the terms and conditions of this Agreement.
   b. All rights not expressly granted to SUBSCRIBER in this Agreement are retained by COMPANY.
   c. SUBSCRIBER agrees that COMPANY Software including, but not limited to, systems designs, programs in source and/or object code format, applications, techniques, ideas, and/or know-how utilized and/or developed by COMPANY are and shall remain the exclusive property of COMPANY. SUBSCRIBER agrees that the COMPANY Software consists of COMPANY's trade secrets. COMPANY shall retain all copyrights in the COMPANY Software, whether published or unpublished.

# COMPANY WEB SERVICES - INTERNET BASED PRODUCTS SUBSCRIPTION AGREEMENT TERMS AND CONDITIONS

d. COMPANY agrees that all data provided to COMPANY for the purposes of generating the web site shall remain the property of SUBSCRIBER. Should SUBSCRIBER terminate the Internet Services in good standing and in accordance with the termination provisions of this Agreement, COMPANY agrees to return to SUBSCRIBER, all graphics, text documents, and data files held by COMPANY.

5) **SUBSCRIBER MEMBERSHIP FEES.** For establishing new COMPANY Web Services, the SUBSCRIBER shall pay to COMPANY the amounts as stated in the Investment Summary.

6) **INSITE FEES.** COMPANY may increase the INSITE per-transaction fee for online payment no more than once per year with prior written notice.

7) **NOT ASSIGNABLE.** The rights of the SUBSCRIBER under this Agreement are not assignable without the prior written consent of COMPANY. Any attempt to sublicense, assign, encumber or transfer any of the rights, duties or obligations under this Agreement by the SUBSCRIBER is void. Subject to the foregoing, this Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective permitted assigns and successors.

8) **SOFTWARE MAINTENANCE.** This SUBSCRIPTION AGREEMENT includes unlimited telephone support, support by communication modem, and all software upgrades, enhancements and new releases. COMPANY reserves the right to change the functionality of future releases of its software and SUBSCRIBER understands that COMPANY is not obligated to include specific functionality in future releases unless provided for herein.

9) **PARTIAL INVALIDITY.** Should any provision or clause of this Agreement be held to be invalid, such invalidity shall not affect any other provision or clause hereof, which can be given effect without such invalid provision or clause.

10) **RESPONSIBILITY OF DATA.** COMPANY will assume responsibility for all data transfer, but not responsible for data accuracy.

11) **SITE REQUIREMENTS.**

a. SUBSCRIBER shall maintain a high speed internet connection (1.5mbps download AND 512kbps upload) with a static IP address and must be able to provide COMPANY with IP connection to SUBSCRIBER's network through Citrix GotoAssist, VPN, Citrix, or Microsoft Terminal Services. COMPANY shall use the connection to assist with problem diagnosis and resolution. COMPANY is not responsible for purchase of VPN client software license or configuration of SUBSCRIBER's firewall settings. No **wireless Internet connections allowed.**

b. COMPANY shall provide SUBSCRIBER with remote support through the use of secure connection over the Internet connection via Citrix GotoAssist. If SUBSCRIBER will not allow access through GotoAssist, COMPANY cannot guarantee support standards will be met.

12) **PROPRIETARY INFORMATION.**

a. Distribution of COMPANY Software. SUBSCRIBER may not sell, assign, transfer, disclose, or otherwise make available, either directly or indirectly, any object code, documentation or other material relating to the Software, in whole or in part, or any copy of the same in any form, to any other person or entity.

b. Software as Trade Secret. SUBSCRIBER shall maintain the confidentiality of the Software and unless specifically authorized by COMPANY or except for ordinary and necessary backup purposes, SUBSCRIBER may not make or have made any copies of the Software or any part thereof. SUBSCRIBER shall include COMPANY's proprietary notice or other legend on any copies made by SUBSCRIBER as permitted hereunder.

13) **WARRANTY, DISCLAIMER, LIMITATION ON LIABILITY.** COMPANY warrants that the Software will substantially conform to current specifications delivered by COMPANY to SUBSCRIBER pursuant to this Agreement, including COMPANY's response to the Request for Proposal for six (6) months following installation; provided, however, that COMPANY's warranty hereunder shall not cover or apply to any software or part thereof that is not developed or designed by COMPANY. In the event that the Software is found to be defective in such respect and SUBSCRIBER notifies COMPANY in writing within six (6) months after its receipt of the Software of any substantial non-conformity of the Software with such specifications, COMPANY's sole obligation under this warranty is to remedy such defect within a reasonable time. THE FOREGOING WARRANTY IS EXCLUSIVE AND IS MADE IN LIEU OF ALL OTHER WARRANTIES OR REPRESENTATIONS, WHETHER EXPRESS OR IMPLIED, IN FACT OR IN LAW, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. COMPANY SHALL IN NO EVENT BE LIABLE FOR DAMAGES THAT EXCEED THE AMOUNT OF THE CHARGES PAID BY SUBSCRIBER HEREUNDER FOR THE DEVELOPMENT AND LICENSE OF THE SOFTWARE. IN NO EVENT SHALL COMPANY BE LIABLE FOR SPECIAL, INCIDENTAL, EXEMPLARY, INDIRECT OR CONSEQUENTIAL DAMAGES OR FOR LOSS OF PROFITS, REVENUES OR DATA, EVEN IF COMPANY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

# COMPANY WEB SERVICES - INTERNET BASED PRODUCTS SUBSCRIPTION AGREEMENT TERMS AND CONDITIONS

14) **HOLD HARMLESS.** SUBSCRIBER agrees that it will hold COMPANY harmless against any claims, damages, liabilities, costs and expenses, including reasonable attorneys' fees, arising out of or relating to

a. SUBSCRIBER's failure to implement any corrections, improvements and new releases relating to the Software, or any part thereof,
b. SUBSCRIBER's unauthorized alterations to or use of the Software, or
c. SUBSCRIBER's breach of any of its obligations to maintain the confidentiality of the Software or SUBSCRIBER's unauthorized copying thereof.

15) **TERMINATION.** This Agreement or any license referenced hereunder may be terminated by COMPANY upon written notice to SUBSCRIBER if SUBSCRIBER performs any breach of the terms of this Agreement. At the date of termination of this Agreement, SUBSCRIBER shall promptly return to COMPANY any Software, related documentation, materials and other property of COMPANY then in its possession, and any copies thereof wherever located. Notwithstanding the foregoing, all provisions hereof relating to confidentiality of the Software shall survive the termination of this Agreement.

16) **GENERAL.**

a. This Agreement shall be governed by the laws of SUBSCRIBER's state of domicile and constitutes the entire Agreement between the parties hereto with respect to the Software described herein, and shall supersede all previous or contemporaneous negotiations, commitments and writings with respect to the matters set forth herein.
b. All acceptances by COMPANY of purchase orders and all sales by COMPANY are expressly limited to and made on the basis of the terms and conditions set forth herein, notwithstanding receipt or acknowledgment of SUBSCRIBER's order forms or specifications containing additional or different provisions, or conflicting oral representations by an agent, representative or employee of COMPANY. Any such additional or different terms are hereby objected to. All acceptances by COMPANY are expressly conditional on SUBSCRIBER's assent to the additional or different terms and conditions set forth in this Agreement. If these terms and conditions are not acceptable, SUBSCRIBER should notify COMPANY at once.

City of **JOPLIN** City Council Agenda Item

**Requested Council Meeting Date: March 5, 2012**
**Council Bill 2012-117**

**Item: Box Culvert Replacement Purchase**
**Originating Department: Public Works – Engineering**

Attachments: 1) Location Map
2) Bid Tabulation
3) Council Bill No. 2012-117

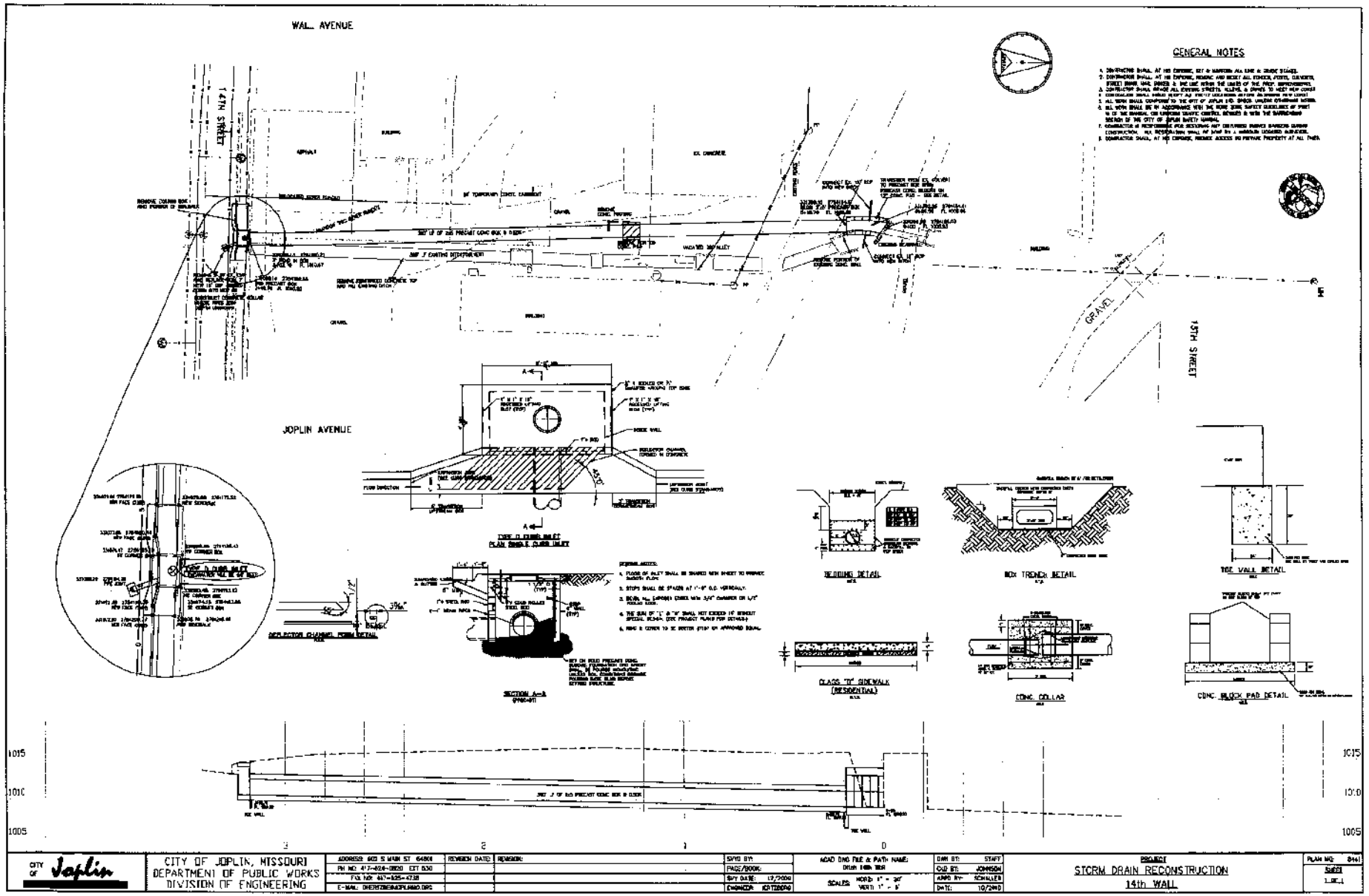
| | |
|---|---|
| Engineering Department: Jack Schaller JS | Date: 2-22-12 |
| Department Head: David Hertzberg DH | Date: 2/27/12 |
| Finance Department: Leslie Jones LJ | Date: 2-28-12 |
| City Attorney: Brian Head BH | Date: 2/28/12 |
| City Manager: Mark Rohr MR | Date: 2-29-12 |

**Recommended Action:** Approval of a purchase order with Scurlock Industries in the amount of $33,000.00 to supply pre-cast concrete box for 14th & Joplin Avenue projects.

**Background:** The 1998 Stormwater Management Master Plan included a box culvert replacement that will be constructed using City staff. The culvert at 14th & Joplin Ave, is undersized and or structurally deficient.

**Discussion:** A Notice to bidders that solicited bids for the material purchase was published in the Joplin Globe for a period of 1 day. Two firms submitted bids (see attached bid tabulations) that were opened on February 21, 2012. Scurlock Industries. was the lowest bidder of $33,000.00.

**Recommendation:** It is recommended that the purchase order with Scurlock Industries in the amount of $33,000.00 to supply a pre-cast box culvert be approved.




CITY OF Joplin

CITY OF JOPLIN, MISSOURI
DEPARTMENT OF PUBLIC WORKS
DIVISION OF ENGINEERING

ADDRESS: 602 S MAIN ST 64801
PH NO: 417-624-0820 EXT 530
FAX NO: 417-625-4738
E-MAIL: DWETZEL@JOPLINMO.ORG

REVISION DATE | REVISION:

SVYD BY:
PAGE/BOOK:
SVY DATE: 12/2004
ENGINEER: KRT/DWD

ACAD DWG FILE & PATH NAME: Ditch 14th.dwg
SCALES: HORIZ 1" = 20' VERT 1" = 5'

DRN BY: STAFF
CHD BY: JOHNSON
APPD BY: SCHALLER
DATE: 10/2005

PROJECT
STORM DRAIN RECONSTRUCTION
14th WALL

PLAN NO: 8141
SHEET 1 OF 1

# BID TABULATION

**PROJECT: Pre Cast Box 14th & Joplin Ave**
**DATE OF BID OPENING: February 21, 2012 10:00 a.m.**

| CONTRACTOR | BID |
|---|---|
| Scurlock | $33,000.00 |
| Dura-Kast | $39,600.00 |
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**COUNCIL BILL NO. 2012-117** **ORDINANCE NO.**

AN ORDINANCE authorizing the City of Joplin, Missouri enter into a purchase order with Scurlock Industries in the amount of Thirty Three Thousand and no/100 Dollars ($33,000.00) providing how the cost shall be made and levied; and containing an emergency clause.

BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. That the, City of Joplin, Missouri enter into a purchase order with Schurlock Industries in the amount of Thirty Three Thousand and no/100 Dollars ($33,000.00) is hereby approved.

Section 2. Upon the final approval and acceptance of the contractor's work under said agreement in writing by the Director of Public Works, and his certification to that effect to the Director of Finance, said contractor shall be paid from the Parks/Stormwater Sales Tax Fund, Account No. 130-4555-530-8665 Project TS0443.

Section 3. That the Director of Public Works is hereby authorized to enter into an agreement on behalf of the City of Joplin.

Section 4. This Ordinance is an emergency within the meaning of Section 2.12 (6) in that said ordinance provides for public improvements and is considered an emergency by the Council and as such shall become effective immediately upon this passage as provided by the Home Rule Charter for the City of Joplin.

Passed by the Council of the City of Joplin, Missouri, this _____ day of _____, 2012, by a _____ vote.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

**Council Bill No. 2012-117**

I hereby certify that a sufficient amount is available in the Parks/Stormwater Sales Tax Fund, Account No. 130-4555-530-8665 Project TS0443 to pay the amounts called for on the basis of the bids received by the City Engineer.

_____

Leslie Jones, Director of Finance

City of **JOPLIN** City Council Agenda Item

**Requested Council Meeting Date: March 5, 2012**
**Council Bill No. 2012-118**
**Item: Remediation of Metals Contaminated Soil**
**Originating Department: PUBLIC WORKS – ENGINEERING**

Attachments: 1) Bid Tab
2) Proposal
3) Council Bill No. 2012-118

| | |
|---|---|
| Engineering: Jack Schaller JS | Date: 2/27/12 |
| Public Works: David Hertzberg DH | Date: 2/27/12 |
| Finance Department: Leslie Jones LJ | Date: 2-28-12 |
| City Attorney: Brian Head BH | Date: 2/28/12 |
| City Manager: Mark Rohr MR | Date: 2-28-12 |

**Recommended Action:** Approval of award of contract with Camcor Environmental on a per unit price basis as set forth in the bid proposal.

**Background:** After the tornado of May 22, 2011 it was found that several properties in the City of Joplin contained unacceptable levels of metals contaminated soil. Property owners who are wishing to rebuild in the tornado designated area need to have their properties tested in compliance with City Ordinance Section 26-76, soil testing for lead and cadmium prior to building permit issuance in designated areas. Property owners must have an approved remediation plan on file with the City of Joplin and County Health Department. Certain properties that have been tested to date have shown levels beyond acceptable maximums.

Property owners may apply for yard remediation assistance from the City's EPA grant for remediation of lead and cadmium. Property owners will provide a legal right of entry to perform the services, agreement and accept the performance of the services.

**Discussion:** Remediation of unacceptable levels of metals contaminated soil was advertised in the Joplin Globe for one day. Bids were opened on February 23, 2012 with 6 firms bidding. The contractor must perform services in accordance with the Jasper County Environmental Contamination Ordinance guidelines. The bid price is on a per unit price and was calculated based on an average lot size.

**Recommendation:** Staff recommends approval of an award of contract to Camcor Environmental on a per unit price basis as set forth in the bid proposal.

City of Joplin

Remediation of Metals Contaminated Soil

February 23, 2012

| | CONTRACTOR | | | Bennett Inc. | | Big John's | | Cancor Environmental | | DNT Environmental | | Snyder Construction | | Sprouls Construction | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Item | Quantity | Unit | Unit Price | Extended Price | Unit Price | Extended Price | Unit Price | Extended Price | Unit Price | Extended Price | Unit Price | Extended Price | Unit Price | Extended Price |
| 1 | Contaminated Yard Soil (includes excavating, hauling & disposing | 100 | CY | 25.00 | 2,500.00 | 33.80 | 3,380.00 | 11.71 | 1,171.00 | 18.50 | 1,850.00 | 68.00 | 6,800.00 | 24.00 | 2,400.00 |
| 2 | Clean Yard Soil ( Includes hauling, spreading) | 100 | CY | 30.00 | 3,000.00 | 25.00 | 2,500.00 | 17.07 | 1,707.00 | 21.75 | 2,175.00 | 26.00 | 2,600.00 | 27.00 | 2,700.00 |
| 3 | Clean Yard Fill (includes hauling spreading, Compacting) | 100 | CY | 25.00 | 2,500.00 | 15.00 | 1,500.00 | 9.56 | 956.00 | 18.50 | 1,850.00 | 24.00 | 2,400.00 | 26.00 | 2,600.00 |
| 4 | Visible Barrier Material(includes hauling and spreading | 550 | SY | 0.90 | 495.00 | 0.63 | 346.50 | 0.46 | 253.00 | 2.00 | 1,100.00 | 1.70 | 935.00 | 0.60 | 330.00 |
| 5 | Fertilizer (includes hauling, spreading) | 8 | 50 lb bag | 50.00 | 250.00 | 20.00 | 100.00 | 24.47 | 122.35 | 55.00 | 275.00 | 100.00 | 500.00 | 80.00 | 400.00 |
| 6 | Driveway Rock (includes hauling, spreading) | 15 | Ton | 15.00 | 225.00 | 15.00 | 225.00 | 11.26 | 168.90 | 18.00 | 270.00 | 30.00 | 450.00 | 30.00 | 450.00 |
| 7 | Seed and Mulch (includes hauling, spreading. | 5,000 | SF | 0.20 | 1,000.00 | 0.12 | 600.00 | 0.13 | 650.00 | 0.15 | 750.00 | 0.20 | 1,000.00 | 0.25 | 1,250.00 |
| | | | | | 0.00 | | 0.00 | | 0.00 | | 0.00 | | 0.00 | | 0.00 |
| | | | | | | | | | | | | | | | |
| | | | Total | | 9,970.00 | | 8,661.50 | | 5,026.25 | | 8,270.00 | | 14,685.00 | | 10,130.00 |

Math Error

Reconciled by Lisa White

Approved by: Jackie Eckerle

# BID RESPONSE PRICE PER UNIT FORM

Bidder agrees to perform all the work described in the specifications and shown on the plans, for the following unit price:

| Item | Unit | Unit Price Bid (A) | Average Residential Yard Quantity (B) | Total Base Bid Amount (A * B) |
|---|---|---|---|---|
| Contaminated Yard Soil (includes excavating, hauling and disposing) | Cubic Yard | | 100 CY | |
| Clean Yard Soil (includes hauling, spreading) | Cubic Yard | | 100 CY | |
| Clean Yard Fill (includes hauling, spreading compacting) | Cubic Yard | | 100 CY | |
| Visible Barrier Material (includes hauling and spreading) | Square Yard | | 550 SQ YD | |
| Fertilizer (includes hauling, spreading) | 50-pound bag | | 5 BAGS | |
| Driveway Rock (includes hauling, spreading) | Ton | | 15 TONS | |
| Seed and Mulch (includes hauling, spreading) | Square Foot | | 5,000 SQ FT | |
| | | | | |
| **GRAND TOTAL** | | | | |

(Amounts are to be shown in both words and figures. In case of discrepancy, the amount shown in words will govern).

The above unit prices shall include all labor, materials, bailing, shoring, removal, overhead, profit, insurance, etc., to cover the finished work of the several kinds called for. Changes shall be processed in accordance with paragraph 13 of the General Conditions.

Bidder understands that the Owner reserves the right to reject any or all bids and to waive any informalities in the bidding.

The bidder agrees that this bid shall be good and may not be withdrawn for a period of 90 calendar days after the scheduled closing time for receiving bids.

Upon receipt of written notice of the acceptance of this bid, bidder will execute the formal contract attached within 10 days and deliver a Surety Bond or Bonds as required by Paragraph 22 of the General Conditions. The bid security attached in the sum of _____ ($_____) is to become the property of the Owner in the event the contract and bond are not executed within the time above set forth, as liquidated damages for the delay and additional expense to the Owner caused thereby.

Respectfully submitted:

(SEAL - if bid is by a corporation)

By _____

(Title)

(Business Address and Zip Code)

**COUNCIL BILL NO. 2012-118 ORDINANCE NO.**

AN ORDINANCE approving the City of Joplin to enter into an Agreement with Camcor Environmental to provide professional services for the Remediation of Metals Contaminated Soil and authorizing the Public Works Director to execute said Agreement; and containing an emergency clause.

BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. That the City enter into an Agreement between the City of Joplin and Camcor Environmental to provide professional services for the Remediation of Metals Contaminated Soil on a per unit price basis as set forth in the bid proposal, a true and accurate copy of the same being attached hereto and incorporated herein is hereby approved.

Section 2. That the Public Works Director of the City of Joplin, Missouri, is hereby authorized to execute said Agreement for and on behalf of the City of Joplin.

Section 3. This ordinance is an emergency within the meaning of Section 2.12 (6) in that said ordinance provides for public improvements and is considered an emergency by the Council and as such shall become effective immediately upon this passage as provided by the Home Rule Charter for the City of Joplin.

Passed by the Council of the City of Joplin, Missouri, this _____ day of

_____, 2012, by a _____ vote.

ATTEST: _____
Michael R. Woolston, Mayor

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

**Requested Council Meeting Date: March 5, 2012**

**Item: COUNCIL BILL NO. 2012-119**
**Originating Department: BUILDING REGULATIONS**

Attachments: 1) Council Bill No. 2012- 119
2) Photograph of Property
3) Bid Tabulation

Building Regulations: Tim Nyander Date: 9.0. 2/27/12
Department Head: David Hertzberg Date: 2/27/12
Finance Department: Leslie Jones Date: 2-28-12
City Attorney: Brian Head Date: 2/28/12
City Manager: R. Mark Rohr Date: 2-28-12

Recommended Action: Approval of Contract with Lynn Rowe to remove the structures and any remaining debris including foundation and footings located at 911 S. PENNSYLVANIA.

Summary: The above listed address was "tagged" as a dangerous building on November 11, 2011. The structure was determined to be dangerous under sub sections of Dangerous Building Code (Section 26-612, Joplin City Code). February 17, 2012 an advertisement for bids began in the Joplin Globe with bids being received on February 22, 2012. At that time bids were received as follows:

| | |
|---|---|
| **Lynn Rowe** | **$ 3720.00** |
| B & D Yard builders | $ 3800.00 |
| Big John's | $ 3950.00 |
| Camcor | $ 4150.00 |
| Belfor | $ 25,310.00 |

A Special Tax Bill will be issued after the demolition is completed. The Special Tax Bill acts as a lien against the property until it is paid, with the owner having five years to pay off the assessment. The bill also is a personal debt of the owner.

Staff recommends that the demolition contract be awarded to Lynn Rowe.

**COUNCIL BILL NO. 2012 – 119 ORDINANCE NO.**

AN ORDINANCE approving the contract by and between the City of Joplin and Lynn Rowe for the demolition of the structure(s) and clearing of lot area located at 911 S. PENNSYLVANIA in the City of Joplin, Missouri, for the amount of Three Thousand Seven Hundred Twenty and 00/100 Dollars ($ 3,720.00); providing how the cost thereof shall be paid; how the assessment thereof shall be made; and containing an emergency clause.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That the contract with Lynn Rowe in the amount of Three Thousand Seven Hundred Twenty and 00/100 Dollars ($ 3,720.00) is hereby approved for the demolition of the structure(s) and clearing of lot area located at 911 S. PENNSYLVANIA.

Section 2. The contractor will be paid in cash for the portion of the work performed by him, and this amount will be appropriated from the Revolving Public Improvement Fund, and will be evidenced by a special tax bill made and levied against 911 S. PENNSYLVANIA and legally described as:

ALL THAT TRACT OFSCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF PENNSYLVANIA AVE. 142 FEET SOUTH OF 9TH ST. AND 510 FEET EAST OF THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11 TOWNSHIP 27 RANGE 33 IN THE CITYOF JOPLIN THENCE SOUTH 44 FEET MORE OR LESS TO THE NORTHWEST CORNER OF MISCELLANEOUS TRACTNUMBER 18 IN SAID SECTION 11 THENCE EAST 140 FEET THENCE NORH 44 FEET MORE OR LESS TO A POINT DUE EAST OF SAID POINT OF BEGINNING, THENCE WEST 140 FEET TO THE POINT OF BEGINNING BEING A PART OF MISCELLANEOUS TRACT NUMBERED SEVETEEN IN SECTION 11 TOWNSHIP 27 RANGE 33 IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI.

Section 3: That the City of Joplin declares that this ordinance relating to the immediate preservation of public health and welfare special is an emergency within the meaning of Section 2.12 (1) of the HOME RULE CHARTER of the City of Joplin, Missouri and the Council hereby declares that this ordinance shall be in full force and effect from and after its passage.

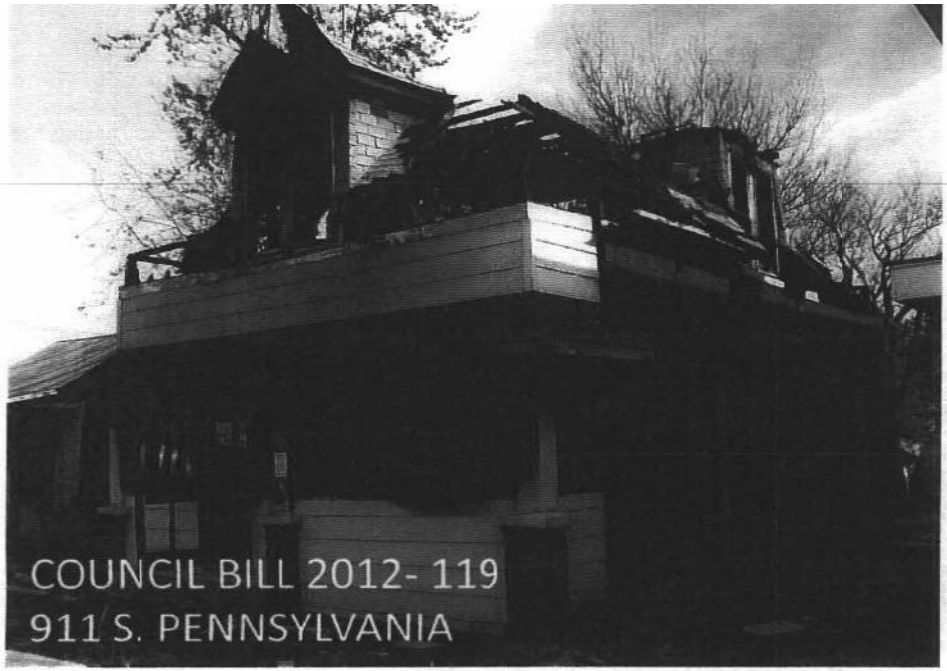
Passed by the Council of the City of Joplin, Missouri, this _____ day of _____, 2012, by a _____ vote.

ATTEST:

_____
Barbara Hogelin – City Clerk

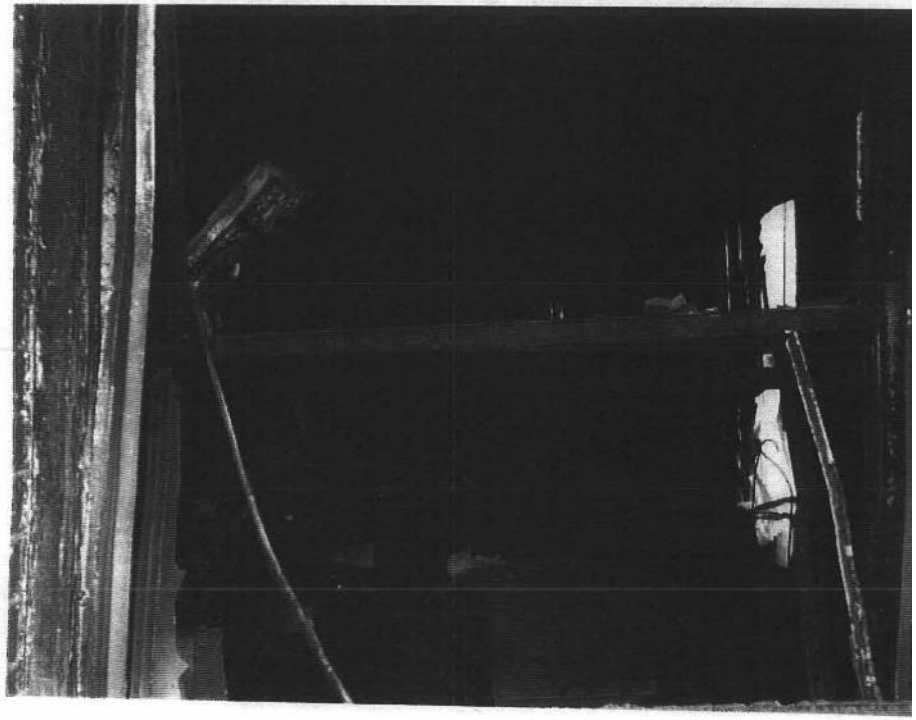
_____
Michael R. Woolston - Mayor

APPROVED AS TO FORM:_____
Brian W. Head - City Attorney


COUNCIL BILL 2012- 119
911 S. PENNSYLVANIA







MISSOURI

# BID TABULATION:

BID #: ____ DESCRIPTION: 911 S. PENNSYLVANIA AVENUE DEPARTMENT: BUILDING REGULATIONS

BID OPENING DEADLINE: 2/22/2012 OPENED: 10:00 A.M. 2/22/2012

OPENED BY: JEFF OLIVER WITNESSED BY: MARCI STOEBEL APPROVED BY: [signature]

| VENDOR NAME: | DATE RECEIVED: | CONTACT NAME: | PHONE # | AMOUNT OF BID: |
|---|---|---|---|---|
| LYNN ROWE | 2/22/12 | LYNN ROWE | 417-439-5991 | $ 3720.00 |
| B&D YARD BUILDERS | 2/22/12 | DENNIS NEELY | 417-437-7506 | $ 3800.00 |
| BIG JOHN'S | 2/22/12 | SID DAVIS | 417-437-0285 | $ 3950.00 |
| CAMCOR | 2/22/12 | SARA CAMERER | 417-455-3861 | $ 4150.00 |
| BELFOR | 2/22/12 | JUSTIN HILBURN | 417/553-4457 | $ 25,310.00 |
| | | | | |
| | | | | |

City of **JOPLIN** City Council Agenda Item

**Requested Council Meeting Date: March 5, 2012**

**Item: COUNCIL BILL NO. 2012-120**
**Originating Department: BUILDING REGULATIONS**

Attachments: 1) Council Bill No. 2012- 120
2) Photograph of Property
3) Bid Tabulation

| | |
|---|---|
| Building Regulations: Tim Nyander | Date: 9.0. 2/27/12 |
| Department Head: David Hertzberg | Date: 2/27/12 |
| Finance Department: Leslie Jones | Date: 2-28-12 |
| City Attorney: Brian Head | Date: 2/28/12 |
| City Manager: R. Mark Rohr | Date: 2-28-12 |

Recommended Action: Approval of Contract with B & D Yardbuilders to remove the structures and any remaining debris including foundation and footings located at 1601 FURNACE

Summary: The above listed address was "tagged" as a dangerous building on September 29, 2011. The structure was determined to be dangerous under sub sections of Dangerous Building Code (Section 26-612, Joplin City Code). February 17, 2012 an advertisement for bids began in the Joplin Globe with bids being received on February 22, 2012. At that time bids were received as follows:

| | |
|---|---|
| Lynn Rowe | $ 2345.00 |
| **B & D Yard builders** | **$ 2316.00** |
| Big John's | $ 2999.00 |
| Camcor | $ 3001.00 |
| Belfor | $ 14,661.00 |

A Special Tax Bill will be issued after the demolition is completed. The Special Tax Bill acts as a lien against the property until it is paid, with the owner having five years to pay off the assessment. The bill also is a personal debt of the owner.

Staff recommends that the demolition contract be awarded to B & D Yardbuilders.

**COUNCIL BILL NO. 2012 – 120 ORDINANCE NO.**

AN ORDINANCE approving the contract by and between the City of Joplin and B & D Yardbuilders for the demolition of the structure(s) and clearing of lot area located at 1601 FURNACE in the City of Joplin, Missouri, for the amount of Two Thousand Three Hundred Sixteen and 00/100 Dollars ($ 2,316.00); providing how the cost thereof shall be paid; how the assessment thereof shall be made; and containing an emergency clause.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That the contract with B & D Yardbuilders in the amount of Two Thousand Three Hundred Sixteen and 00/100 Dollars ($ 2,316.00) is hereby approved for the demolition of the structure(s) and clearing of lot area located at 1601 FURNACE.

Section 2. The contractor will be paid in cash for the portion of the work performed by him, and this amount will be appropriated from the Revolving Public Improvement Fund, and will be evidenced by a special tax bill made and levied against 1601 FURNACE and legally described as:

ALL OF LOT NIMBERED ONE (1) IN BLOCK NUMBERED FORTY-FOUR (44) IN FORST ADDITION TO EAST JOPLIN CITY, NOW A PART OF THE CITYOF JOPLIN, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF. TOGETHER WITH THE EAST ONE-HALF OF VACATED MCKEE STREET LYING WEST OF AND ADJOINING SAID LOT 1.

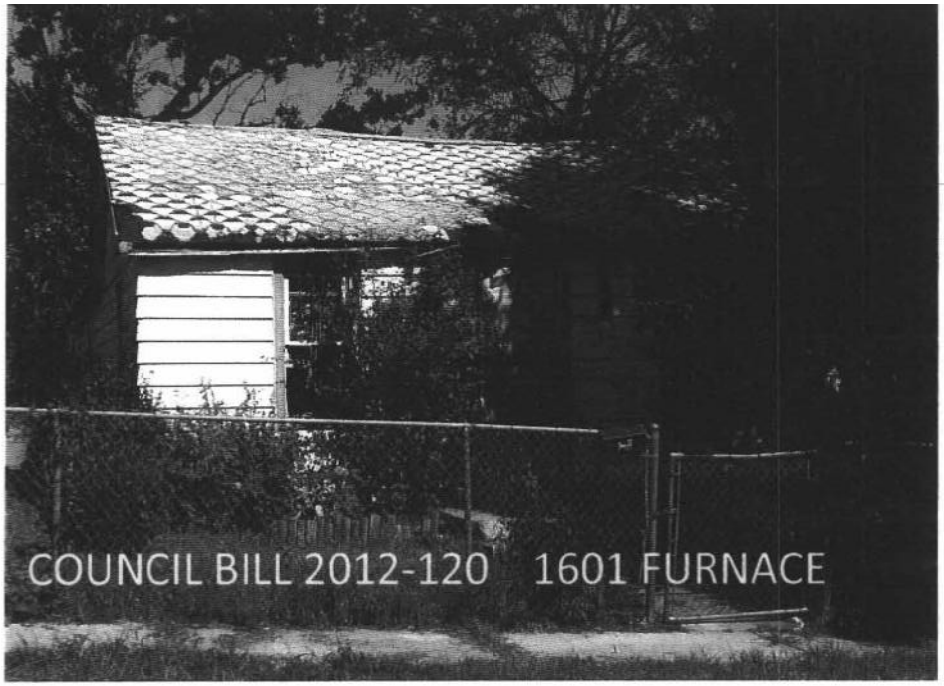
Section 3: That the City of Joplin declares that this ordinance relating to the immediate preservation of public health and welfare special is an emergency within the meaning of Section 2.12 (1) of the HOME RULE CHARTER of the City of Joplin, Missouri and the Council hereby declares that this ordinance shall be in full force and effect from and after its passage.

Passed by the Council of the City of Joplin, Missouri, this _____ day of _____, 2012, by a _____ vote.

ATTEST: Michael R. Woolston - Mayor

Barbara Hogelin – City Clerk

APPROVED AS TO FORM:_____
Brian W. Head - City Attorney


COUNCIL BILL 2012-120 1601 FURNACE







JOPLIN
MISSOURI

# BID TABULATION:

BID #: ____ DESCRIPTION: 1601 E. FURNACE STREET DEPARTMENT: BUILDING REGULATIONS

BID OPENING DEADLINE: 2/22/2012 OPENED: 10:00 A.M. 2/22/2012

OPENED BY: JEFF OLIVER WITNESSED BY: MARCI STOEBEL APPROVED BY:

| VENDOR NAME: | DATE RECEIVED: | CONTACT NAME: | PHONE # | AMOUNT OF BID: |
|---|---|---|---|---|
| LYNN ROWE | 2/22/12 | LYNN ROWE | 417-439-5991 | $ 2345.00 |
| B&D YARD BUILDERS | 2/22/12 | DENNIS NEELY | 417-437-7506 | $ 2316.00 |
| BIG JOHN'S | 2/22/12 | SID DAVIS | 417-437-0285 | $ 2999.00 |
| CAMCOR | 2/22/12 | SARA CAMERER | 417-455-3861 | $ 3001.00 |
| BELFOR | 2/22/12 | JUSTIN HILBURN | 417/553-4457 | $ 14,661.97 |
| | | | | |
| | | | | |

City of Joplin

City Council Agenda Item

**REQUESTED COUNCIL MEETING DATE: MARCH 5, 2012**

**ITEM: COUNCIL BILL NO. 2012-500**

**ORIGINATING DEPARTMENT: FINANCE DEPARTMENT**

**Finance Director: Leslie Jones** Date: 2-28-12
**City Attorney: Brian Head** Date: 2/28/12
**City Manager: Mark Rohr** Date: 2-28-12

**INTRODUCTION:**
This Council Bill authorizes the issuance of refunding certificates of participation, Series 2012 to replace the Series 2003 certificates of participation for the renovation of City Hall, the Justice Center, and the Health Department.

**DISCUSSION:**
In 2003, the City issued $6 million in Certificates of Participation for twenty years for the purchase and renovation of City Hall, as well as the renovation of the Justice Center and the Health Department. The current outstanding balance of the C.O.P.'s is approximately $4,355,000. The interest rate started at 3.375% and varies throughout the twenty years, ending with an interest rate of 4.5%.

The first opportunity to refinance the C.O.P.'s is June of 2012. The City Council recently approved a resolution to begin the process of refinancing the COPS. This ordinance authorizes the refinancing of the C.O.P.'s.

The City will issue a uniform refunding which will spread the savings uniformly over the remaining 12 year life of the certificates. At current projections of rates starting at 2% and ending at 3.125%, the net present value savings of the uniform refunding is approximately $443,000.

**RECOMMENDATION:**

City Staff recommends this Council Bill be approved on an emergency basis.

**COUNCIL BILL NO. 2012-500** **ORDINANCE NO.**

AN ORDINANCE approving the delivery of the City of Joplin, Missouri refunding Certificates of Participation, Series 2012, for the purpose of providing funds to refinance the costs of certain improvements for the City, Missouri; authorizing certain other actions in connection with the delivery of said certificates; adopting a tax exempt financing compliance procedure; authorizing the City Manager to execute said refunding by and on behalf of the City of Joplin; and containing an emergency clause.

**WHEREAS**, the City of Joplin, Missouri (the "City") is a constitutional home rule city and political subdivision duly organized and existing under the laws of the State of Missouri, as amended; and

**WHEREAS**, the City has previously issued its Certificates of Participation, Series 2003 (the "Refunded Certificates") to provide funds for the financing of the costs to acquire, construct, renovate, furnish and equip a new city hall location, convert the then-existing city hall to a public safety and justice center, convert the City's public works building for use by the health department, demolish a health department building and convert another health department building for retention of City records; and

**WHEREAS**, the City owns certain real estate and the improvements thereon (the "Site," together with the improvements now or hereafter located thereon being the "Facilities"), and desires to provide for the refunding of the Refunded Certificates; and

**WHEREAS**, UMB Bank, N.A. (the "Trustee") is a national banking association duly organized and existing under the laws of the United States of America; and

**WHEREAS**, the City finds and determines that it is desirable that the City authorize and approve (i) the lease from the City to the Trustee of the Site; (ii) the lease from the Trustee to the City of the Facilities; (iii) the sale and delivery of the City of Joplin, Missouri Refunding Certificates of Participation, Series 2012 (the "Series 2012 Certificates"), for the purpose of providing funds, together with certain other funds available to the City for such purpose, to refund the Refunded Certificates; and (iv) the Indenture of Trust between the City and UMB Bank, N.A., as trustee (the "Trustee"); and

**WHEREAS**, the City further finds and determines that it is desirable in connection with the lease of the Site and of the Facilities, the refunding of the Refunded Certificates and the sale and delivery of the Series 2012 Certificates that the City enter into certain documents, and that the City take certain other actions and approve the execution of certain other documents as herein provided.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI:**

**Section 1. Authorization of Documents.** The City is hereby authorized to enter into the following documents (the "Transaction Documents"), in substantially the forms on file in the records of the City, with such changes therein as shall be approved by the officials of the City executing such documents, such officials' signatures thereon being conclusive evidence of their approval thereof:

(a) Indenture of Trust (the "Indenture") between the City and the Trustee.

(b) Site Lease between the City and the Trustee under which the City will lease the Site to the Trustee.

(c) Lease Purchase Agreement, between the Trustee and the City under which the Trustee will lease the Facilities to the City.

(d) Certificate Purchase Agreement (the "Certificate Purchase Agreement") between the City and Piper Jaffray & Co. (the "Underwriter"), related to the sale and delivery of the Series 2012 Certificates.

(e) Tax Compliance Agreement between the City and the Trustee.

(f) Compliance Services Agreement between the City and the law firm of Gilmore & Bell, P.C.

**Section 2. Approval of Sale of the Series 2012 Certificates.** The City hereby approves the sale and delivery of the Series 2012 Certificates, for the purpose of providing funds, together with other available funds of the City, to (1) refinance the costs of improvements for the City by refunding the Refunded Certificates and (2) pay certain costs related to the sale and delivery of the Series 2012 Certificates and the refunding of the Refunded Certificates, all pursuant to the terms of the Indenture.

The Series 2012 Certificates shall be sold to the Underwriter. The Series 2012 Certificates shall be in such denominations, shall be issued in such aggregate principal amount, shall be in such forms, shall be subject to prepayment prior to the stated payment dates thereof, shall have such other terms and provisions, and shall be executed and delivered in such manner and subject to such provisions, covenants and agreements, as are set forth in the Indenture and the Certificate Purchase Agreement.

**Section 3. Execution of Documents.** The Mayor, City Manager and City Clerk of the City and other appropriate officers of the City are hereby authorized and directed to execute, attest, acknowledge, deliver and record, for and on behalf of and as the act and deed of the City, the Transaction Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

**Section 4. Refunding of Refunded Certificates.** The City hereby approves the prepayment of the Refunded Certificates on June 1, 2012.

**Section 5. Tax-Exempt Financing Compliance Procedure.** To promote compliance with the ongoing requirements of federal tax and securities laws and regulations related to the Series 2012 Certificates and other currently outstanding and future tax-exempt obligations of the City, the City hereby adopts the Tax-Exempt Financing Compliance Procedure, attached hereto as **Exhibit A**, as its official policy and procedure with respect to all tax-exempt obligations issued by the City.

**Section 6. Further Authority.** The officers, agents and employees of the City, including the Mayor, City Manager and City Clerk of the City shall be, and they hereby are, authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance, and to carry out, comply with and perform the duties of the City with respect to the Transaction Documents and the Tax-Exempt Financing Compliance Procedure, and to make alterations, changes or additions to such documents and related agreements, statements, instruments and documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

**Section 7. Official Statement.** The Preliminary Official Statement related to the Series 2012 Certificates is hereby ratified and approved and the final Official Statement is hereby approved and adopted by supplementing, completing and amending the Preliminary Official Statement. The Mayor is hereby authorized to execute the Official Statement, and the use and public distribution of the Preliminary Official Statement and the final Official Statement by the Underwriter in connection with the sale of the Series 2012 Certificates is hereby authorized. The proper officials of the City are hereby authorized to execute and deliver a certificate pertaining to the Official Statement, dated as of the date of payment for and delivery of the Series 2012 Certificates.

**Section 8. Emergency Measure; Effective Date.** Due to time constraints involved in the pricing and delivery of the Series 2012 Certificates (which are being issued to refinance the costs of certain improvements and property of the City, as described in the recitals to this Ordinance) this Ordinance is declared by the City Council to be an emergency measure within the meaning of Sections 2.12(1) and 2.12(6) of the Home Rule Charter of the City of Joplin, Missouri. This Ordinance shall take effect and be in full force immediately after its passage by the City Council and approval by the Mayor.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2012, by a _____ vote.

_____
Michael R. Woolston, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

# EXHIBIT A

# TAX-EXEMPT FINANCING COMPLIANCE PROCEDURE

**CITY OF JOPLIN, MISSOURI**

**TAX-EXEMPT FINANCING COMPLIANCE PROCEDURE**

**Dated as of March 5, 2012**

March 5, 2012

**TAX-EXEMPT FINANCING COMPLIANCE PROCEDURE**

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Exhibit A – List of Tax-Exempt Bonds Covered by this Compliance Procedure


* * *

# TAX-EXEMPT FINANCING COMPLIANCE PROCEDURE

## ARTICLE I

## DEFINITIONS

**Section 1.1. Definitions**. Capitalized words and terms used in this Compliance Procedure have the following meanings:

"**Annual Compliance Checklist**" means a questionnaire and/or checklist described in **Section 6.1** hereof that is completed each year for the Tax-Exempt Bonds.

"**Annual Report**" means the Issuer's audited financial statements (or unaudited financial statements as permitted by the Continuing Disclosure Undertaking for the Tax-Exempt Bonds) and certain other financial information and operating data required to be filed annually with the MSRB for the Tax-Exempt Bonds.

"**Bond Compliance Officer**" means the Issuer's Director of Finance or, if the position of Director of Finance is vacant, the person filling the responsibilities of the Director of Finance for the Issuer.

"**Bond Counsel**" means a law firm selected by the Issuer to provide a legal opinion regarding the tax status of interest on the Tax-Exempt Bonds as of the issue date or the law firm selected to advise the Issuer on matters referenced in this Compliance Procedure.

"**Bond Restricted Funds**" means the funds, accounts, and investments that are subject to arbitrage rebate and/or yield restriction rules that have been identified in the Tax Compliance Agreement for the Tax-Exempt Bonds.

"**Bond Transcript**" means the "transcript of proceedings" or other similarly titled set of transaction documents assembled by Bond Counsel following the issuance of the Tax-Exempt Bonds.

"**Code**" means the Internal Revenue Code of 1986, as amended.

"**Compliance Procedure**" means this Tax-Exempt Financing Compliance Procedure.

"**Continuing Disclosure Undertaking**" means the Continuing Disclosure Agreement(s), Continuing Disclosure Undertaking(s), Continuing Disclosure Certificate(s) or other written certification(s) of the Issuer setting out covenants for satisfying the Issuer's requirements for providing information to the MSRB pursuant to SEC Rule 15c2-12 on an ongoing basis for one or more Tax-Exempt Bond issues.

"**Cost**" or "**Costs**" means all costs and expenses paid for the acquisition, design, construction, equipping or improvement of a Project Facility or costs of issuing Tax-Exempt Bonds for a Project Facility.

"**EMMA**" means the Electronic Municipal Market Access system for municipal securities disclosures established and maintained by the MSRB, which can be accessed at www.emma.msrb.org.

**"Final Written Allocation"** means the Final Written Allocation of Tax-Exempt Bond proceeds prepared pursuant to **Section 5.4** of this Compliance Procedure.

**"Financed Assets"** means that part of a Project Facility treated as financed with Tax-Exempt Bond proceeds as reflected in a Final Written Allocation or, if no Final Written Allocation was prepared, the accounting records of the Issuer and the Tax Compliance Agreement for the Tax-Exempt Bonds.

**"Governing Body"** means the City Council of the Issuer.

**"Intent Resolution"** means a resolution of the Issuer stating (1) the intent of the Issuer to finance all or a portion of the Project Facility, (2) the expected maximum size of the financing and (3) the intent of the Issuer to reimburse Costs of the Project Facility paid by the Issuer from proceeds of the Tax-Exempt Bonds.

**"IRS"** means the Internal Revenue Service.

**"Issuer"** means the City of Joplin, Missouri.

**"MSRB"** means the Municipal Securities Rulemaking Board, or any successor repository designated as such by the Securities and Exchange Commission in accordance with Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

**"Placed In Service"** means that date (as determined by the Bond Compliance Officer) when the Project Facility is substantially complete and in operation at substantially its design level.

**"Project Facility"** means all tangible or intangible property financed in whole or in part with Tax-Exempt Bonds that are (1) functionally related or integrated in use, (2) located on the same physical site or proximate sites, and (3) expected to be Placed In Service within a one-year period of each other.

**"Rebate Analyst"** means the rebate analyst for the Tax-Exempt Bonds selected pursuant to the Tax Compliance Agreement.

**"Regulations"** means all regulations issued by the U.S. Treasury Department to implement the provisions of Code §§ 103 and 141 through 150 and applicable to tax-exempt obligations.

**"Tax Compliance Agreement"** means the Federal Tax Certificate, Tax Compliance Agreement, Arbitrage Instructions, or other written certification or agreement of the Issuer setting out representations and covenants for satisfying the post-issuance tax compliance requirements for the Tax-Exempt Bonds.

**"Tax-Exempt Bonds"** means any bond, note, installment sale agreement, lease or certificate intended to be a debt obligation of the Issuer or another political subdivision or government instrumentality, the proceeds of the which are to be loaned or otherwise made available to the Issuer, and the interest on which is excludable from gross income for federal income tax purposes. A list of all Tax-Exempt Bonds outstanding and subject to this Compliance Procedure as of March 5, 2012, is attached as **Exhibit A.**

**"Tax-Exempt Bond File"** means documents and records which may consist of paper and electronic medium, maintained for the Tax-Exempt Bonds. Each Tax-Exempt Bond File will include the following information if applicable:

(a) Intent Resolution.
(b) Bond Transcript.
(c) Final Written Allocation and/or all available accounting records related to the Project Facility showing expenditures allocated to the proceeds of the Tax-Exempt Bonds and expenditures (if any) allocated to other sources of funds.
(d) All rebate and yield reduction payment calculations performed by the Rebate Analyst and all investment records provided to the Rebate Analyst for purposes of preparing the calculations.
(e) Forms 8038-T together with proof of filing and payment of rebate.
(f) Investment agreement bid documents (unless included in the Bond Transcript) including:
  (1) bid solicitation, bid responses, certificate of broker;
  (2) written summary of reasons for deviations from the terms of the solicitation that are incorporated into the investment agreement; and
  (3) copies of the investment agreement and any amendments.
(g) Any item required to be maintained by the terms of the Tax Compliance Agreement involving the use of the Project Facility or expenditures related to tax compliance for the Tax-Exempt Bonds.
(h) Any opinion of Bond Counsel regarding the Tax-Exempt Bonds not included in the Bond Transcript.
(i) Amendments, modifications or substitute agreements to any agreement contained in the Bond Transcript.
(j) Any correspondence with the IRS relating to the Tax-Exempt Bonds including all correspondence relating to an audit by the IRS of the Tax-Exempt Bonds or any proceedings under the Tax-Exempt Bonds Voluntary Closing Agreement Program (VCAP).
(k) Any available questionnaires or correspondence substantiating the use of the Project Facility in accordance with the terms of the Tax Compliance Agreement for the Tax-Exempt Bonds.
(l) For refunding bond issues, the Tax-Exempt Bond File for the refunded Tax-Exempt Bonds.

## ARTICLE II

## PURPOSE AND SCOPE

**Section 2.1. Purpose of Compliance Procedure.**

(a) The Issuer uses Tax-Exempt Bonds to fund Costs of a Project Facility. The Issuer understands that in exchange for the right to issue Tax-Exempt Bonds at favorable interest rates and terms, the Code and Regulations impose ongoing requirements related to the proceeds of the Tax-Exempt Bonds and the Project Facility financed by the Tax-Exempt Bonds. These requirements focus on the investment, use and expenditure of proceeds of the Tax-Exempt Bonds and related funds as well as restrictions on the use of the Project Facility.

(b) The Issuer recognizes that the IRS has stated that all issuers of Tax-Exempt Bonds should have separate written procedures regarding ongoing compliance with the federal tax requirements for Tax-Exempt Bonds.

(c) The Issuer is required under the Continuing Disclosure Undertaking to provide disclosures of certain financial information and operating data and to file notices of certain material events to the marketplace to facilitate informed secondary market trading in Tax-Exempt Bonds issued by the Issuer. The Issuer is committed to full compliance with the tax and securities law requirements for all of its outstanding and future tax-exempt financings. This Compliance Procedure is adopted by the Governing Body to comply with the IRS and Securities and Exchange Commission directives and to improve tax and securities law compliance and documentation.

**Section 2.2. Scope of Compliance Procedure; Conflicts.** This Compliance Procedure applies to all Tax-Exempt Bonds currently outstanding and all Tax-Exempt Bonds issued in the future. If the provisions of this Compliance Procedure conflict with a Tax Compliance Agreement, the Continuing Disclosure Undertaking or any other specific written instructions of Bond Counsel, the terms of the Tax Compliance Agreement, Continuing Disclosure Undertaking or specific written instructions of Bond Counsel will supersede and govern in lieu of this Compliance Procedure. Any exception to this Compliance Procedure required by Bond Counsel as part of a future issue of Tax-Exempt Bonds will be incorporated in the Tax Compliance Agreement or Continuing Disclosure Undertaking, as applicable, for the future issue. Any requirements imposed on the Issuer in the Tax Compliance Agreement will be noted by the Bond Compliance Officer and incorporated into the Annual Compliance Checklist. The Issuer acknowledges that the Continuing Disclosure Undertaking may also apply to taxable securities that may be issued by the Issuer.

**Section 2.3. Amendments and Publication of Compliance Procedure.** This Compliance Procedure may be amended from time-to-time by the Governing Body. Copies of this Compliance Procedure and any amendments will be included in the permanent records of the Issuer.

## ARTICLE III

## BOND COMPLIANCE OFFICER; TRAINING

**Section 3.1. Bond Compliance Officer Duties.** The Bond Compliance Officer is responsible for implementing this Compliance Procedure. The Bond Compliance Officer will work with other employees that use the Project Facility to assist in implementing this Compliance Procedure. The Bond Compliance Officer will consult with Bond Counsel, legal counsel to the Issuer, accountants, tax return preparers and other outside experts to the extent necessary to carry out the purposes of this Compliance Procedure. The Bond Compliance Officer will report to the Governing Body as necessary, and at least annually, regarding implementation of this Compliance Procedure and any recommended changes or amendments to this Compliance Procedure.

**Section 3.2. Training.** When appropriate, the Bond Compliance Officer and/or other employees of the Issuer under the direction of the Bond Compliance Officer will attend training programs offered by the IRS or other industry professionals regarding tax-exempt financing that are relevant to the Issuer. At the time the individual acting as the Bond Compliance Officer passes the responsibilities for carrying out the provisions of this Compliance Procedure to another individual, the outgoing Bond Compliance Officer is responsible for training the incoming individual acting as Bond Compliance Officer to ensure the Issuer's continued compliance with the provisions of this Compliance Procedure and all Tax Compliance Agreements for any outstanding Tax-Exempt Bonds.

## ARTICLE IV

## TAX-EXEMPT BONDS CURRENTLY OUTSTANDING

**Section 4.1. Tax-Exempt Bonds Covered by Article IV Procedures.** This Article IV applies to all Tax-Exempt Bonds issued prior to the date of this Compliance Procedure that are currently outstanding. These Tax-Exempt Bonds are listed on **Exhibit A**.

**Section 4.2. Tax-Exempt Bond File.** As soon as practical, the Bond Compliance Officer will attempt to assemble as much of the Tax-Exempt Bond File as is available for the Tax-Exempt Bonds listed on **Exhibit A**.

**Section 4.3. Annual Compliance Checklists.** As soon as practical following the adoption of this Compliance Procedure, the Bond Compliance Officer will work with Bond Counsel and/or legal counsel to the Issuer and cause Annual Compliance Checklists to be completed for all outstanding Tax-Exempt Bonds and will follow the procedures specified in Article VI to complete the Annual Compliance Checklists and thereafter include each completed Annual Compliance Checklist in the Tax-Exempt Bond File.

**Section 4.4. Correcting Prior Deficiencies in Compliance.** In the event the Bond Compliance Officer determines any deficiency in compliance with a Tax Compliance Agreement for an outstanding Tax-Exempt Bond listed on **Exhibit A**, the Bond Compliance Officer will follow the procedures described in the Regulations or the Tax-Exempt Bonds Voluntary Closing Agreement Program (VCAP) to remediate the noncompliance. If remediation of the noncompliance requires the Issuer to submit a request under VCAP, the Bond Compliance Officer will undertake this step only after reporting the violation to the Governing Body and obtaining its approval.

## ARTICLE V

## COMPLIANCE PROCEDURE FOR NEW TAX-EXEMPT BOND ISSUES

**Section 5.1. Application.** This Article V applies to Tax-Exempt Bonds issued on or after the date of this Compliance Procedure.

**Section 5.2. Prior to Issuance of Tax-Exempt Bonds.**

(a) Intent Resolution. The Governing Body will authorize and approve the issuance of Tax-Exempt Bonds. Prior to or as a part of this authorizing resolution or ordinance, the Governing Body may adopt an Intent Resolution.

(b) Directions to Bond Counsel. The Bond Compliance Officer will provide a copy of this Compliance Procedure to Bond Counsel with directions for Bond Counsel to structure the documentation and procedural steps taken prior to issuing the Tax-Exempt Bonds so that they conform to the requirements of this Compliance Procedure, except to the extent Bond Counsel determines that different procedures are required. The Bond Compliance Officer will consult with Bond Counsel so that appropriate provisions are made to fund or reimburse the Issuer's costs and expenses incurred to implement this Compliance Procedure.

(c) Tax Compliance Agreement. For each issuance of Tax-Exempt Bonds, a Tax Compliance Agreement will be signed by an officer or employee of the Issuer. The Tax Compliance

Agreement will (1) describe the Project Facility and the anticipated Financed Assets, (2) identify all Bond Restricted Funds and provide for arbitrage and rebate compliance, (3) for new money financings, require a Final Written Allocation, and (4) contain a form of the Annual Compliance Checklist for the Tax-Exempt Bonds. The Bond Compliance Officer will confer with Bond Counsel and the Issuer's counsel regarding the meaning and scope of each representation and covenant contained in the Tax Compliance Agreement.

(d) Preliminary Cost Allocations. For each issuance of Tax-Exempt Bonds, the Bond Compliance Officer in consultation with Bond Counsel, will prepare a preliminary cost allocation plan for the Project Facility. The preliminary cost allocation plan will identify the assets and expected costs for the Project Facility, and when necessary, will break-out the portions of Costs that are expected to be financed with proceeds of the Tax-Exempt Bonds (the "Financed Assets") and the portions, if any, expected to be financed from other sources.

(e) Tax Review with Bond Counsel. Prior to the sale of Tax-Exempt Bonds, the Bond Compliance Officer and Bond Counsel will review this Compliance Procedure together with the draft Tax Compliance Agreement to ensure that any tax compliance issues in the new financing are adequately addressed by this Compliance Procedure and/or the Tax Compliance Agreement. If Bond Counsel determines that this Compliance Procedure conflicts with the Tax Compliance Agreement, or must be supplemented to account for special issues or requirements for the Tax-Exempt Bonds, the Bond Compliance Officer will ask Bond Counsel to include the written modifications or additions in the final Tax Compliance Agreement. The Bond Compliance Officer will request Bond Counsel to prepare a form of Annual Compliance Checklist for use in monitoring the ongoing compliance requirements for the Tax-Exempt Bonds.

**Section 5.3. Accounting and Recordkeeping.**

(a) Accounting for New Money Projects. The Bond Compliance Officer will be responsible for accounting for the investment and allocation of proceeds of the Tax-Exempt Bonds. The Bond Compliance Officer will establish separate accounts or subaccounts to record expenditures for Costs of the Project Facility. Where appropriate, the Bond Compliance Officer may use accounts established as part of the Issuer's financial records for this purpose. In recording Costs for the Project Facility, the Bond Compliance Officer will ensure that the accounting system will include the following information: (1) identity of person or business paid, along with any other available narrative description of the purpose for the payment, (2) date of payment, (3) amount paid, and (4) invoice number or other identifying reference.

(b) Accounting for Refunded Bonds and Related Refunded Bond Accounts. For Tax-Exempt Bonds that are issued to refund prior Tax-Exempt Bonds, the Tax Compliance Agreement will set out special accounting and allocation procedures for the proceeds of the financing, and if necessary, proceeds of the refinanced Tax-Exempt Bonds.

(c) Tax-Exempt Bond File. The Bond Compliance Officer will be responsible for assembling and maintaining the Tax-Exempt Bond File. The Annual Reports, other reports and notices of certain material events filed by the Issuer with the MSRB will be publicly available on EMMA and need not be separately maintained in the Tax-Exempt Bond File.

**Section 5.4. Final Allocation of Bond Proceeds.**

(a) Preparation of Final Written Allocation; Timing. The Bond Compliance Officer is responsible for making a written allocation of proceeds of Tax-Exempt Bonds to expenditures and identifying the Financed Assets. This process will be memorialized in the Final Written Allocation. For

a new money financing, the Bond Compliance Officer will commence this process as of the earliest of (1) the requisition of all Tax-Exempt Bond proceeds from any segregated Tax-Exempt Bond funded account, (2) the date the Project Facility has been substantially completed or (3) four and one/half years following the issue date of the Tax-Exempt Bonds. For Tax-Exempt Bonds issued only to refund a prior issue of Tax-Exempt Bonds, the Bond Compliance Officer will work with Bond Counsel to prepare and/or document the Final Written Allocation for the Project Facility financed by the refunded Tax-Exempt Bonds and include it in the Tax Compliance Agreement.

(b) Contents and Procedure. The Bond Compliance Officer will consult the Tax Compliance Agreement and, if necessary, contact Bond Counsel to seek advice regarding any special allocation of Tax-Exempt Bond proceeds and other money of the Issuer to the Costs of the Project Facility. If no special allocation is required or recommended, the Bond Compliance Officer will allocate Costs of the Project Facility to the proceeds of the Tax-Exempt Bonds in accordance with the Issuer's accounting records. Each Final Written Allocation will contain the following: (1) a reconciliation of the actual sources and uses to Costs of the Project Facility, (2) the percentage of the cost of the Project Facility financed with proceeds of the Tax-Exempt Bonds (sale proceeds plus any investment earnings on those sale proceeds), (3) the Project Facility's Placed in Service date, (4) the estimated economic useful life of the Project Facility, and (5) any special procedures to be followed in completing the Annual Compliance Checklist (e.g., limiting the Annual Compliance Checklist to specific areas of the Project Facility that the Final Written Allocation or the Tax Compliance Agreement treats as having been financed by Tax-Exempt Bonds).

(c) Finalize Annual Compliance Checklist. As part of the preparation of the Final Written Allocation, the Bond Compliance Officer will update the draft Annual Compliance Checklist contained in the Tax Compliance Agreement. The Bond Compliance Officer will include reminders for all subsequent arbitrage rebate computations required for the Tax-Exempt Bonds in the Annual Compliance Checklist.

(d) Review of Final Written Allocation and Annual Compliance Checklist. Each Final Written Allocation and Annual Compliance Checklist will be reviewed by legal counsel to the Issuer or Bond Counsel for sufficiency and compliance with the Tax Compliance Agreement and this Compliance Procedure. Following the completion of the review, the Bond Compliance Officer will execute the Final Written Allocation.

## ARTICLE VI

## ONGOING MONITORING PROCEDURES

**Section 6.1. Annual Compliance Checklist.** An Annual Compliance Checklist will be completed by the Bond Compliance Officer each year following completion of the Final Written Allocation. Each Annual Compliance Checklist will be designed and completed for the purpose of identifying potential noncompliance with the terms of the Tax Compliance Agreement or this Compliance Procedure and obtaining documents (such as investment records, arbitrage calculations, or other documentation for the Project Facility) that are required to be incorporated in the Tax-Exempt Bond File. The Bond Compliance Officer will refer any responses indicating a violation of the terms of the Tax Compliance Agreement to legal counsel to the Issuer or Bond Counsel and, if recommended by counsel, will follow the procedure set out in **Section 4.4** hereof to remediate the non-compliance.

**Section 6.2. Arbitrage and Rebate Compliance.** The Bond Compliance Officer will monitor the investment of Bond Restricted Funds and provide investment records to the Rebate Analyst

on a timely basis. The Bond Compliance Officer will follow the directions of the Rebate Analyst with respect to the preparation of and the timing of rebate or yield reduction computations.

## ARTICLE VII

## CONTINUING DISCLOSURE

**Section 7.1. Annual Disclosure Filings.** For each issuance of Tax-Exempt Bonds, the Bond Compliance Officer will review the Continuing Disclosure Undertaking to determine the financial information and operating data required to be included in the Annual Report to be filed by the Issuer with the MSRB on EMMA. The Bond Compliance Officer will cause the Annual Report to be filed with the MSRB on EMMA within the timeframe provided in the Continuing Disclosure Undertaking for the Tax-Exempt Bonds.

**Section 7.2. Material Event Disclosure Filings.** For each outstanding issue of Tax-Exempt Bonds, the Bond Compliance Officer will review the Continuing Disclosure Undertaking to determine the "material events" that require prompt notice to be filed with the MSRB. Generally, the occurrence of any of the following events with respect to the Tax-Exempt Bonds represents a "material event:"

(1) principal and interest payment delinquencies;
(2) non-payment related defaults, if material;
(3) unscheduled draws on debt service reserves reflecting financial difficulties;
(4) unscheduled draws on credit enhancements reflecting financial difficulties;
(5) substitution of credit or liquidity providers, or their failure to perform;
(6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
(7) modifications to rights of bondholders, if material;
(8) bond calls, if material, and tender offers;
(9) defeasances;
(10) release, substitution or sale of property securing repayment of the Bonds, if material;
(11) rating changes;
(12) bankruptcy, insolvency, receivership or similar event of the obligated person;
(13) the consummation of a merger, consolidation, or acquisition involving the obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
(14) appointment of a successor or additional trustee or the change of name of the trustee, if material.

After obtaining actual knowledge of the occurrence of any event that the Bond Compliance Officer believes may constitute an event requiring disclosure, the Bond Compliance Officer will contact Bond Counsel to determine if notice of the event is required to be given to the MSRB under the Continuing Disclosure Undertaking. If it is determined that notice should be provided to the MSRB or is required to be provided to the MSRB by the Continuing Disclosure Undertaking, the Bond Compliance

Officer will cause the appropriate notice to be filed with the MSRB on EMMA within 10 business days after the occurrence of the event or as otherwise directed by Bond Counsel.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF JOPLIN, MISSOURI
March 5, 2012

**EXHIBIT A**

**LIST OF TAX-EXEMPT BONDS COVERED BY THIS COMPLIANCE PROCEDURE**

***Currently Outstanding Issues (governed by Article IV)***

1. Limited Obligation Bonds (State Revolving Fund Program), Series 1995
2. Sewerage System Revenue Bonds (State of Missouri – Direct Loan Program – ARRA), Series 2010
3. Sewerage System Revenue Bonds (State of Missouri – Direct Loan Program), Series 2011A
4. Certificates of Participation, Series 2003.
5. Equipment Lease-Purchase Agreement between the City of Joplin, Missouri and Motorola, Inc., dated as of March 1, 2006, with Equipment Schedule dated as of March 1, 2006 and Equipment Schedule dated as of July 1, 2007.

***Future Issues Currently Anticipated (governed by Article V)***

6. Refunding Certificates of Participation, Series 2012.

City of **JOPLIN** City Council Agenda Item

**Requested Council Meeting Date: March 5, 2012**

**Item: SITE PLANS REVIEW FOR 2034 SOUTH CONNECTICUT AVENUE**
**Originating Department: PLANNING & COMMUNITY DEVELOPMENT**

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Site Plans

Public Works Director: David Hertzberg DKH Date: 2.24/2012
City Attorney: Brian Head BE Date: 2/28/12
City Manager: R. Mark Rohr RMR Date: 2-28-12
Board or Commission: Planning and Zoning Commission SK Date: 2/13/2012

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "6 in favor, 1 absent"

SUMMARY/REQUEST:
Case 026-12: NEW BUSINESS - 2034 South Connecticut Avenue – A request for a Site Plan Review for the reconstruction of an apartment house complex – Jorge DuQuene/ Crystal Goedereis.

STAFF SUMMARY:
This area is zoned correctly for this use, and the plans are in compliance with the development policies of the Comprehensive Plan. The plans are also consistent with the development codes of the City of Joplin.

The reconstruction of this development is a result of tornado damage. Staff recommends approval of the development plans.

PLANNING & ZONING COMMISSION TESTIMONY:
Crystal Goedereis and Jorge DuQuene appeared to request review of site plans for the reconstruction of an apartment house complex. Ms. Goedereis explained that the plans contain everything that the City staff has recommended to make this the best project possible for the area.

PUBLIC COMMENT:
None.

# STAFF PLANNING REPORT

**CASE 026-12:**

Review plans for Connecticut Point Apartments.

**APPLICANT:**

Crystal Goedereis and Jorge DuQuesne for Fugerson Property Group

**NAME OF DEVELOPMENT:**

Connecticut Point Apartments

**LOCATION:**

2034 South Connecticut Avenue

**PRESENT ZONING:**

C-2-PD (Commercial Business District – Planned Development), R-3-PD (Apartment House District – Planned Development) and R-3 (Apartment House District).

**EXISTING CONDITIONS:**

**PROPERTY SIZE**

Approximately 6 Acres

**FLOOD PLAIN**

Flood Zone "X" (Areas of Minimal Flooding)

| | LAND USE | EXISTING ZONING |
|---|---|---|
| **SITE** | Former Apartment Complex | C-2-PD, R-3-PD, and R-3 |
| **NORTH** | Former Bank and Shopping Center | C-1-PD and C-2-PD |
| **SOUTH** | Former Apartments and Gymnasium | C-2-PD and R-3 |
| **EAST** | Various Commercial Uses | R-3, C-1, and C-3 |
| **WEST** | Apartments and Storage | C-2-PD and R-3 |

**TRAFFIC CONDITIONS:**

**STREET(S) WITH ACCESS TO PROPOSED DEVELOPMENT**

Connecticut Avenue
Rhode Island Avenue

**CLASSIFICATION OF STREET(S)**

Connecticut Avenue – Arterial
Rhode Island Avenue – Local

**RIGHT-OF- WAY WIDTH**

Connecticut Avenue – 80 feet
Rhode Island Avenue – 60 feet

**WILL TURNING MOVEMENTS OF THE PROPOSED DEVELOPMENT CREATE AN UNDUE TRAFFIC HAZARD?**

The proposed non-retail commercial building will not create an undue traffic hazard

**PARKING REQUIRMENTS:**

Parking is in compliance with City requirements.

**UTILITIES:**

The site has all utilities

**LANDSCAPING REQUIREMENTS:**

Landscaping is provided on site. It is in compliance with the requirements of City code.

**BUFFERING REQUIREMENTS:**

This property is adjacent to commercially zoned land and Apartment House zoned land, no buffer yard is required.

**STAFF ANALYSIS:**

**CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?**

Yes, this area is zoned correctly for this use and the plans are in compliance with the development policies of the Comprehensive Plan.

**DISCUSSION**

Plans are consistent with development codes of the City of Joplin.

**ADDITIONAL INFORMATION OR COMMENTS**

The reconstruction of this development is a result of tornado damage.

**STAFF RECOMMENDATION:**

Staff recommends approval of the development plans.

**ENCLOSURES:**

Plans

**CITY OF JOPLIN, MISSOURI**

RECEIVED 1-9-12

**SITE PLAN REVIEW APPLICATION**

Return Form To:
Planning and Community Development Manager
City of Joplin
602 South Main Street
Joplin, MO 64801

417-624-0820
FAX 417-625-4707

For Office Use Only
Case ID:
Date Filed:
Filing Fee: $350*

**APPLICANT INFORMATION:**

Applicant: Crystal Goodgreau Tri Star Contractors 479-445-4970 / JORGE DUQUESNE Phone: 479-633-7654
Address: PO Box 536, Lowell, AR Zip: 72745
Owner: FERGUSON PROPERTY GROUP Phone: 479-445-4970
Address: 11031 S MEMORIAL DR TULSA, OK Zip: 74133-7357

**PROPERTY INFORMATION:**

Address of Property: 2034 CONNECTICUT AVENUE
Legal Description: SEE SURVEY

Present Zoning Classification: R-3 Acreage:
Present Use of Property: MULTI FAMILY / COMMERCIAL
Proposed Use of Property: MULTI FAMILY

**ADJACENT ZONING AND LAND USE:**

| | Land Use | Zoning |
|---|---|---|
| North | COMMERCIAL | C-1/C-2 |
| South | MULTI FAMILY RESID | |
| East | COMMERCIAL | C-1/C-2 |
| West | MULTI FAMILY RESID | R3 |

| Does the proposed site plan meet the following criteria? If yes, attach a separate sheet explaining why (To be completed by the applicant). | | Yes | No |
|---|---|---|---|
| 1. | Does the proposal conform to the provisions of the City's Zoning regulations? | ✓ | |
| 2. | Will the development be compatible with the surrounding area? | ✓ | |
| 3. | Does the proposal conform to the provisions of the City's Subdivision Regulations? | ✓ | |
| 4. | Does the proposal conform to the goals, objectives and policies of the Comprehensive Plan? | ✓ | |
| 5. | Does the proposal conform to the customary engineering standards used in the City? | ✓ | |
| 6. | Are the streets, paths, walkways, and driveways located such that they enhance safety and minimize any adverse traffic impact on the surrounding area? | ✓ | |
| 7. | Have the proposed buildings, structures, walkways, roads, driveways, open space (if any), and parking lots been located to preserve existing off-site views and create desirable on-site views, conserve natural resources and amenities including prime agricultural land, minimize any adverse flood impact, ensure that proposed structures are located on suitable soils, minimize any adverse environmental impact, and minimize any present or future cost to the City and private providers of utilities in order to adequately provide public utility services to the site. | ✓ | |
| 8. | For Moderate-and High-density Residential Developments: Does the site plan conform to development standards? | ✓ | |

Applicant's Signature

1/6/12
Date

**CITY OF JOPLIN, MISSOURI**

**SITE PLAN CHECKLIST**

Return Form To:
Planning and Community Development Manager
City of Joplin
602 South Main Street
Joplin, MO 64801

417-624-0820
FAX 417-625-4707

For Office Use Only:

Submittal Date:_____
Filing Fee:_____
Meeting Date:_____

i. Name of Project: CONNECTICUT POINTE APARTMENTS
ii. Location of Project: 2034 CONNECTICUT AVENUE
iii. Name of Owner: FERGUSON PROPERTY GROUP / GLENN FERGUSON
iv. Name of Person who Prepared the Site Plan: JORGE DU QUESNE
v. Instructions:

The following checklist is to be completed by the applicant. The Site Plan shall include the following data, details and supporting information which are found to be relevant to the proposal. All site plans shall be prepared by an architect or landscape architect registered in the State of Missouri, or by a professional engineer licensed in the State of Missouri. The number of pages submitted will depend on the proposal's size and complexity.

A. Site Plan Content Requirements: Does the Site Plan comply with or show the following?

| | | Yes | No |
|---|---|---|---|
| 1. | Name of the project, address, boundaries, date, north arrow and scale of the plan. | X | |
| 2. | Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect. | X | |
| 3. | Name and address of all owners of record of abutting parcels. | X | 0 |
| 4. | All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures. | X | |
| 5. | The location and use of all existing and proposed buildings and structures within the development, including all dimensions of height and floor area, show all exterior entrances and all anticipated future additions and alterations, and typical elevations and building materials. | X | |

| | | Yes | No |
|---|---|---|---|
| 6. | The location of all present and proposed public and private ways, driveways, sidewalks, ramps, curbs and fences. Location type and screening details for all waste disposal containers shall also be shown. | X | |
| 7. | The location of required parking areas including parking stalls, setbacks and loading and service areas | ✓ | |
| 8. | The location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties. | X | |
| 9. | The location, height, size, materials, and design of all proposed signage. | X | |
| 10. | A landscape plan showing all existing open space, trees forest cover and water sources, and all proposed changes to these features including the size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, flood plains, and drainage retention areas. | X | |
| 11. | The location of all existing and proposed utility systems including: | | |
| | a. sewer lines and manholes; | X | |
| | b. water lines and fire hydrants; | X | |
| | c. telephone, cable and electrical systems; and | X | |
| | d. storm drainage system including existing and proposed drain lines, culverts, catch basins, head walls, end walls, hydrants, manholes, and drainage swales. | X | |
| 12. | Plans to prevent the pollution of surface or groundwater, the erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable. | X | |
| 13. | Existing and proposed topography shown at not more than two-foot contour intervals. All elevation shall refer to United States Geodetic Survey (U.S.G.S.) datum. No building shall be located in the 100-year flood plain. | X | |
| 14. | Existing and proposed zoning district boundaries adjacent to the site's perimeter shall be drawn and identified on the plan. | X | |
| 15. | Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site. | | N/A |

| | | Yes | No |
|---|---|---|---|
| 16. | A detailed traffic study for mixed use and multi-tenant developments, or for developments in heavy traffic areas, if required by the Community Development Director, to include: | | |
| | a. The projected number of motor vehicle trips to enter or exit the site, estimated for daily and peak hour traffic level. | ___ | X N/A |
| | b. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and | ___ | X N/A |
| | c. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given. | ___ | X N/A |

Applicant Signature

1/6/12
Date

Case 026-12: NEW BUSINESS - 2034 South Connecticut Avenue – A request for a Site Plan Review for the reconstruction of an apartment house complex – Jorge DuQuene/ Crystal Goedereis.

Mr. Anderson opened the public comment period for Case 026-12.

Ms. Crystal Goedereis, Siloam Springs, Arkansas, and Jorge DuQuene, Rogers, Arkansas, appeared to request review of site plans for the reconstruction of an apartment house complex. Ms. Goedereis explained that the plans contain everything that the City staff has recommended to make this the best project possible for the area.

Mr. Anderson asked for comments from the commissioners and the audience, and none were received. He then closed the public comment period for Case 026-12.

**MR. HARRINGTON MOVED, SECONDED BY MR. McCLURE, THAT THE SITE PLANS AS PRESENTED IN CASE 026-12 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. ANDERSON, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN BEING ABSENT (6 IN FAVOR, 1 ABSENT).**