INFORMAL AGENDA

June 4, 2012

5:15 p.m.

1. Cedar Ridge Park
2. Any other business

COUNCIL AGENDA

June 4, 2012

6:00 P.M., Council Chambers

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

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

2. **Roll Call**

3. **Presentations**
   Presentation on City's new website

4. **Finalization of Consent Agenda**

5. **Reports and Communications**

6. **Citizen Requests and Petitions**

7. **Public Hearings**
   Public Hearing Procedures
   1.COUNCIL BILL NO. 2012-291 - AN ORDINANCE providing for the vacation of a utility easement located at 2402 South New Hampshire Avenue, in the City of Joplin, Jasper County, Missouri. (Requested by Emily Morrison. Planning and Zoning recommended approval.)

   2.COUNCIL BILL NO. 2012-292 - AN ORDINANCE providing for the vacation of portions of right-of-way and utility easements located south of Interstate 44, north of 50th Street, east of Virginia Avenue, and west of Indiana Avenue, in the City of Joplin, Newton County, Missouri. (Requested by Mercy Health Southwest Missouri/Kansas Corporation. Planning and Zoning Recommended Approval).

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.

3.COUNCIL BILL NO. 2012-293 - AN ORDINANCE providing for the vacation of a sanitary sewer easement located in the City of Joplin, Jasper County, Missouri. (Requested by Joplin R-VIII School District. Planning and Zoning Recommended Approval).

4.RESOLUTION NO. 2012-016 - A RESOLUTION granting a Special Use Permit (First Request) to USA Metal Recycling for a solid waste collection/ processing facility at 2000 West Seventh Street, in the City of Joplin, Jasper County, Missouri. (Requested by USA Metal Recycling. Planning and Zoning Recommended Denial).

8. Consent Agenda

1. Minutes of the May 23, 2012 Council Meeting

9. Resolutions

1.RESOLUTION NO. 2012-017 - A RESOLUTION approving the City Manager to enter into separate agreements with Jasper County and other participating municipalities to re-qualify the Joplin Home Consortium, for the purpose of becoming eligible for U.S. Department of Housing and Urban Development's HOME Investment Partnership Program enti lement funds.

10. Ordinances – Emergency

1.COUNCIL BILL NO. 2012- 135 - AN ORDINANCE approving the purchase of right of way from property at 2711 S. Washington Avenue, consisting of all of Lot Numbered Six (6), in Parker Development Subdivision to the City of Joplin, Jasper County, Missouri; and authorizing the payment of Fifty Thousand and 00/100 dollars ($50,000) and containing a1 emergency clause.

2.COUNCIL BILL NO. 2012- 136 - AN ORDINANCE approving the purchase of right of way from property 2517 Central Street consisting of part of Lots Numbered Twelve (12), Thirteen (13), Fourteen (14), and Fifteen (15), of Block Twenty-Five (25), in College Hill Addition to the City of Joplin, Jasper County, Missouri, and authorizing the payment of Three Thousand Four Hundred Thirty-five and 00/100 dollars ($3,435.00) and containing an emergency clause.

11. Ordinances – First Reading

12. Ordinances – Second Reading and Third Reading

13. Unfinished Business

14. New Business

1. Case 055-12: 2601 South Main Street – A request for a Site Plan Review for the construction of Taco Bell on Commercial-Planned Development property – Larry Fugate.

Notice posted at 4:30 p.m. on this the 31st day of May, 2012. (RSMo 610.020)

Memorandum

To: City Council

CC: Mark Rohr

From: Chris Cotten

Date: 5/30/2012

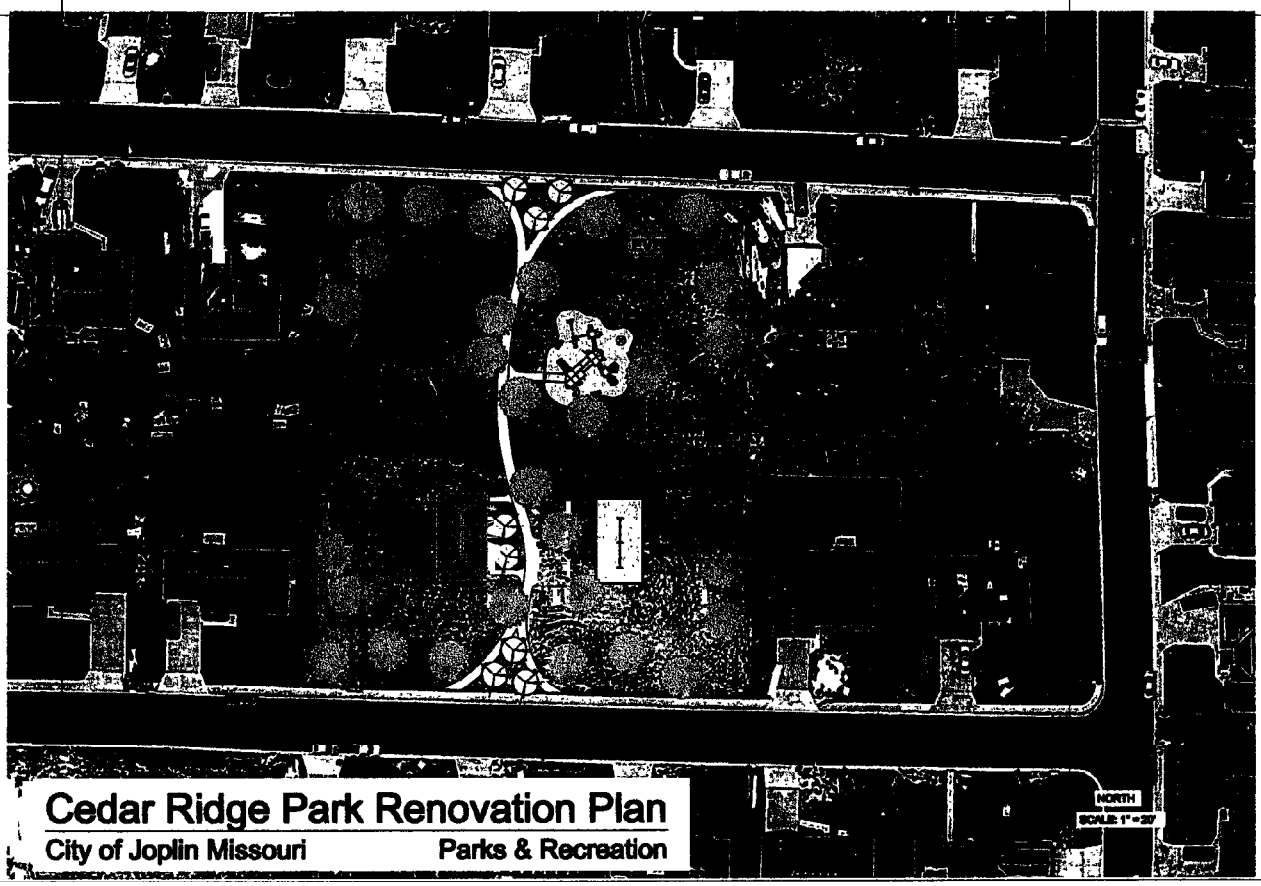
Re: Cedar Ridge

In between 2001 and 2002 the City of Joplin accepted park land from the Cedar Ridge Developer, Phillip Brown. Lot 8 is the south half of a portion dedicated in Plat 3 and lot 19 in Plat 4of the north half of the portion dedicated for parks. As you are aware Cedar Ridge is on the western edge of where the tornado began and there was significant damage in and around the neighborhood.

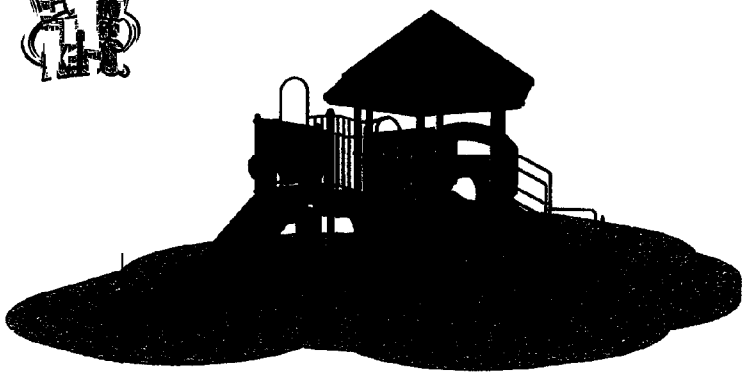
At the time of the storm, the Cedar Ridge Park had no amenities. It was simply a lot that we regularly mowed in the spring and summer. Recently I met with Roger Norton of the Woods Chapel Bible Fellowship out of Blues Spring, Missouri. They would like to install the following playground at the park as part of the rebuild efforts. Additionally, Ivan Lindner with the United Methodist Office of Creative Ministries would like to order in a picnic shelter for that park as well. The trees in that park were destroyed in the May 22nd event and this fall our plan is to plant 30 trees at this park.

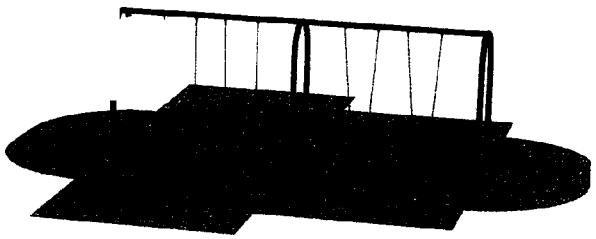
The Blue Springs group would like to install the playground June 22nd and June 23rd. This first step in developing this park will give the children of that area a safe area to play. Later in the summer or early fall the Methodist Church would install the picnic shelter and give families a place to picnic.

The residents of this neighborhood have been asking for quite some time about the development of this park and now we have the opportunity to do so. With your approval I will move forward with the development of this neighborhood park.


Cedar Ridge Park Renovation Plan
City of Joplin Missouri
Parks & Recreation
NORTH

Cedar Ridge Park
Joplin, Mo







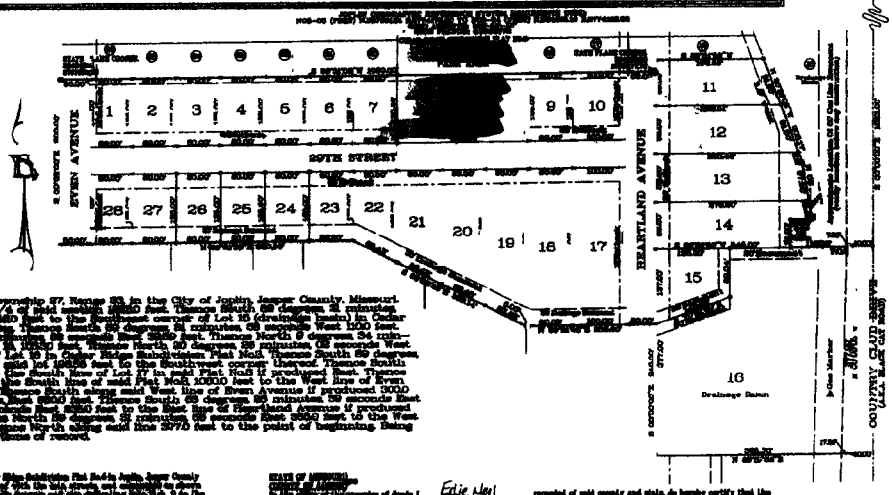
MADE IN MISSOURI

MIRACLE
RECREATION EQUIPMENT COMPANY

IPEMA
CERTIFIED
PUBLIC PLAY EQPT.

CEDAR RIDGE SUBDIVISION PLAT No.4

Being a Part of the Southeast 1/4 of Section 18, Township 27, Range 33, Joplin, Jasper County, Missouri



LEGAL DESCRIPTION

Commencing at the South 1/4 corner of Section 18, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri; thence N 0° 00' 00" E along the West line of the Southwest 1/4 of said section, 2640.0 feet; thence S 89° 59' 30" E, 30.00 feet to the East line of Even Avenue and the point of beginning of the tract of land to be described; thence N 0° 00' 00" E along said East line, 1320.0 feet; thence S 89° 59' 30" E, 1320.0 feet; thence S 0° 00' 00" E, 1320.0 feet; thence N 89° 59' 30" W, 1320.0 feet to the point of beginning. Containing 40.00 acres, more or less, and subject to all easements, rights-of-ways, and reservations of record.

AND

Commencing at the South 1/4 corner of Section 18, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri; thence N 0° 00' 00" E along the West line of the Southwest 1/4 of said section, 2640.0 feet; thence S 89° 59' 30" E, 30.00 feet to the East line of Even Avenue and the point of beginning of the tract of land to be described; thence N 0° 00' 00" E along said East line, 1320.0 feet; thence S 89° 59' 30" E, 1320.0 feet; thence S 0° 00' 00" E, 1320.0 feet; thence N 89° 59' 30" W, 1320.0 feet to the point of beginning. Containing 40.00 acres, more or less, and subject to all easements, rights-of-ways, and reservations of record.

DEDICATION

Know all men by these presents that Cedar Ridge Subdivision Plat No.4 in Joplin, Jasper County, Missouri, as shown by the accompanying plat, has been laid out and platted by the undersigned, who are the owners of the land described in the caption hereon, and who have caused the same to be surveyed and subdivided as shown by the plat hereon; and also dedicating the use of the streets and alleys.

In witness whereof, we have hereunto set our hands and seal this 24 day of May, 2002

Carl E. Hall – President Ronald R. Anderson – Secretary & Treasurer

STATE OF MISSOURI
COUNTY OF Jasper ss.

On this 24th day of May, 2002 before me, a notary public in and for the said county and state, appeared Carl E. Hall, to me known to be the person who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

In testimony whereof, I have hereunto set my hand and affixed my official seal at my office in Joplin, Missouri, said county and state the day and year first above written.

Notary Public Rodney L. Baskin

My commission expires August 3, 2005

STATE OF MISSOURI
COUNTY OF Jasper ss.

I, the undersigned, City Clerk of Joplin, said county and state, do hereby certify that the attached plat of Cedar Ridge Subdivision Plat No.4 in Joplin was duly submitted to the Joplin Planning and Zoning Commission at a meeting held on the 19th day of December, 2001, and that the said plat was approved by the Commission at the said meeting held on the 19th day of December, 2001, and that the said plat was duly passed and approved by the mayor on behalf of the City Council on the 2nd day of January, 2002.

In testimony whereof, I have set my hand and affixed my official seal of the City of Joplin, Missouri hereunto this 2nd day of January, 2002.

City Clerk Mayor City Engineer

Approval of the Zoning & Planning Commission on this 19th day of December, 2001

Chairman of Zoning & Planning Commission

STATE OF MISSOURI
COUNTY OF Jasper ss.

I, the undersigned, County Clerk within and for the county and state aforesaid, Eddie Neil, do hereby certify that the attached plat of Cedar Ridge Subdivision Plat No.4 in Joplin was duly submitted to the County Commission at a meeting held on the 22 day of July, 2002 and that the said plat was approved by the County Commission at the said meeting held on the 22 day of July, 2002.

In witness whereof, I have hereunto set my hand and affixed my official seal at Carthage, Missouri this 22 day of July, 2002

Eddie Neil, County Clerk by Dennis Boyd, Deputy

COMMISSION APPROVAL
Approved by the Jasper County Commission this ____ day of ____, 20__

County Commissioner

Note: Approval of this plat does not obligate the county for any construction or maintenance costs for the street or any other expenses incidental to the development of the subdivision.

NOTE
The undersigned hereby waive any claim for damages occasioned by the establishment of grades or alteration of the surface of any portion of the streets or alleys to conform with the grades as established.

Carl E. Hall – President Ronald R. Anderson – Secretary & Treasurer

SURVEYOR'S CERTIFICATE
I, the undersigned land surveyor of Joplin, Jasper County, Missouri, do hereby certify that the field notes of Cedar Ridge Subdivision Plat No.4 form a true and accurate description of the said tract and accompanying plat as laid out by me and that the survey was made in accordance with the Missouri Minimum Standards for property boundary surveys of the Missouri Department of Natural Resources, Division of Geology and Land Survey.

Surveyed: 05/09/02

In witness whereof, I have set my hand and seal this 10th day of MAY, 2002.

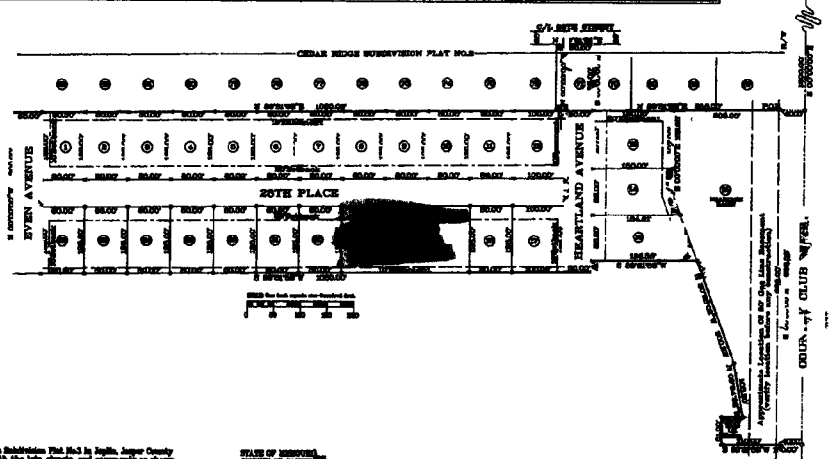
Robert L. Stewart, MO-1858

STEWART & NORCE LAND SURVEYING COMPANY
Joplin, Missouri 64804
Missouri Certificate of Authority LS-2003000102

522

CEDAR RIDGE SUBDIVISION PLAT No.3

Being a Part of the Southeast 1/4 of Section 18, Township 27, Range 33, Joplin, Jasper County, Missouri



511

CITY OF JOPLIN
CITY COUNCIL MEETING
MINUTES

May 23, 2012

CALL TO ORDER

The regular meeting for the Joplin City Council was called to order at 6:00 p.m. by Mayor Melodee Colbert-Kean

ROLL CALL
PRESENT: Melodee Colbert–Kean, Morris Glaze, Jack Golden, Scearce, Michael Seibert, Gary Shaw, and Mike Woolston
ABSENT: Benjamin Rosenberg

INVOCATION – given by City Attorney Brian Head

FLAG SALUTE – led by Boy Scout Troop 156 from Blendeville Christian Church.

PRESENTATIONS
Mayor Colbert-Kean presented members of the Long Term Recovery Committee with a proclamation, acknowledging their collaborative efforts to assist tornado survivors with unmet disaster-related needs. Mayor Colbert-Kean extended the City's sincere appreciation for their volunteerism.

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

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, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: Rosenberg, 1.

Minutes of the May 7, 2012 Council Meeting

Minutes of the May 10, 2012 Special Council Meeting

COUNCIL BILL NO. 2012-287 - AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located at 655 Lavender Lane, in Jasper County, Missouri. Motion by

Mr. Glaze, Second by Mr. Golden to Place Council Bill No. 2012-287 on First Reading and Advance to Second and Third Reading. Ordinance No. 2012-092

COUNCIL BILL NO. 2012-288 - 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-1-PD and including in District C-3-PD property as described below and located at 1900 South Range Line Road and 1805, 1809, 1813, 1817, 1823, 1903, 1909, and 1915 South Highview Avenue in the City of Joplin, Jasper County, Missouri. Ordinance No. 2012-093

AMENDED COUNCIL BILL NO. 2012-290 - 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 and including in District C-3 PD property as described below and located at 1602 South Range Line Road and 2918 and 2920 East 16th Street in the City of Joplin, Jasper County, Missouri. Ordinance No. 2012-094

RESOLUTIONS

RESOLUTION NO. 2012-015-A RESOLUTION authorizing the preparation of a Grant application to the Department of Natural Resources, Division of State Park's Grants Management Section for the Land and Water Conservation Fund (LWCF) and authorizing certain officers and officials of the City to execute the documents necessary to make such Grant application. Motion by Mr. Scearce, Second by Mr. Shaw to Approve Resolution No. 2012-015. Voting in favor were Council Members Colbert-Kean, Golden, Glaze, Raney, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Rosenberg.

ORDINANCES-EMERGENCIES

Mr. Golden introduced Council Bill No. 2012-008. Motion by Mr. Golden, Second by Mr. Seibert to Adopt Council Bill No. 2012-008. Voting in favor were Council Members Colbert-Kean, Golden, Glaze, Raney, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Rosenberg.

The Council Bill was declared Adopted and entitled Ordinance No. 2012-095

AN ORDINANCE approving the Donation Agreement by and between the City of Joplin, Missouri, a Municipal Corporation, and Mercy Health Systems-Joplin, Inc., a Missouri not-for-profit corporation, for donation of certain land generally located at and beyond the southeast corner of 26th Street and McClelland Boulevard, subject to deed restrictions; and authorizing the city Manager to execute the same by and on behalf of the city of Joplin; and containing an emergency clause.

Mr. Shaw introduced Council Bill No. 2012-132. Motion by Mr. Shaw, Second by Ms. Raney to Adopt Council Bill No. 2012-132. Voting in favor were Council Members Colbert-Kean, Golden, Glaze, Raney, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Rosenberg.

The Council Bill was declared Adopted and entitled Ordinance No. 2012-096

AN ORDINANCE approving the City of Joplin to enter into an Agreement with Construction Adventure Inc. to provide professional services for the Foundation Demolition and Debris Removal by Address in the amount of Nine Hundred Nine Thousand Thirty Five Dollars and 44/100 Dollars ($909,035.44) and authorizing the Public Works Director to execute said Agreement; and containing an emergency clause.

Mr. Shaw introduced Council Bill No. 2012-133. Motion by Mr. Shaw, Second by Mr. Golden to Adopt Council Bill No. 2012-133.Voting in favor were Council Members Colbert-Kean, Golden, Glaze, Raney, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Rosenberg.

The Council Bill was declared Adopted and entitled Ordinance No. 2012-097

AN ORDINANCE approving the City of Joplin to enter into an Agreement with Allgeier, Martin and Associates Inc. to provide professional services for the Memorial Hall Foundation Project, not to exceed Thirty Eight Thousand Six Hundred Thirty and No/100 Dollars (38,630.00) and authorizing the Public Works Director to execute said Agreement; and containing an emergency clause.

Mr. Golden introduced Council Bill No. 2012-134. Motion by Mr. Golden, Second by Ms. Raney to Adopt Council Bill No. 2012-134. Voting in favor were Council Members Colbert-Kean, Golden, Glaze, Raney, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Rosenberg.

The Council Bill was declared Adopted and entitled Ordinance No. 2012-098

AN ORDINANCE approving the City of Joplin to enter into a contract with other municipalities, public water supply districts and other public sector entities of the State of Missouri to form a joint Municipal Utility Water Commission, and containing an emergency clause.

Mr. Seibert introduced Council Bill No. 2012-451.Motion by Mr. Seibert, Second by Mr. Scearce to Adopt Council Bill No. 2012-451.Voting in favor were Council Members Colbert-Kean, Golden, Glaze, Raney, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Rosenberg.

The Council Bill was declared Adopted and entitled Ordinance No. 2012-099

AN ORDINANCE approving a Memorandum of Understanding between the State of Missouri, Department of Corrections, and the City of Joplin, Missouri Health Department, to provide TB skin tests and various vaccination services for employees, volunteers and interns of the Department of Corrections; and, authorizing the City Manager to execute the same by and on behalf of the City of Joplin, Missouri; and containing an emergency clause.

Mr. Shaw introduced Council Bill No. 2012-507. Motion by Mr. Shaw, Second by Ms. Raney to Adopt Council Bill No. 2012-507. Voting in favor were Council Members Colbert-Kean, Golden, Glaze, Raney, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Rosenberg.

The Council Bill was declared Adopted and entitled Ordinance No. 2012-100

AN ORDINANCE amending the Classification and Pay Plan adopted by Ordinance No. 2000-192 and authorizing a Three Percent (3.0%) wage adjustment for Classified and Unclassified employees; 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 containing an emergency clause.

Mr. Shaw introduced Council Bill No. 2012-508. Motion by Mr. Shaw, Second by Mr. Seibert to Adopt Council Bill No.2012-508. Voting in favor were Council Members Colbert-Kean, Golden, Glaze, Raney, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Rosenberg.

The Council Bill was declared Adopted and entitled Ordinance No. 2012-101

AN ORDINANCE adopting and establishing the pay rates for the 2011-2012 Fiscal Year for certain Unclassified Council Employees; and containing an emergency clause.

ORDINANCES – FIRST READING

ORDINANCES – SECOND AND THIRD READING

Mr. Scearce introduced Amended Council Bill NO. 2012-289. Motion by Mr. Scearce, Second by Mr. Golden to Adopt Council Bill No. 2012-289. Voting in favor were Council Members Colbert-Kean, Golden, Glaze, Raney, Scearce, Seibert, Shaw, 7. Nays: 0. Absent: 1, Rosenberg. Abstention: 1, Woolston.

The Council Bill was declared Adopted and entitled Ordinance No. 2012-102

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 1825 South Connecticut Avenue in the City of Joplin, Jasper County, Missouri.

UNFINISHED BUSINESS

NEW BUSINESS

There being no further business to come before the Council, the meeting was adjourned at 6:45p.m.

Respectfully submitted,

Barbara Gollhofer

Barbara Gollhofer, MRCC

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: June 4, 2012

Item: COUNCIL BILL NO. 2012-291
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: David Hertzberg — Date: 5/25/2012
City Attorney: Brian Head — Date: 5-30-12
City Manager: R. Mark Rohr — Date: 5/29/12
Board or Commission: Planning and Zoning Commission — Date: 5/14/2012

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "7 in favor, 0 absent"

SUMMARY/REQUEST:
Case 050-12: Utility Vacation– A request to vacate a utility easement at 2402 South New Hampshire Avenue – Emily Morrison.

STAFF SUMMARY:
This request is for vacation of the utility easement for the reconstruction of a single-family house. All utility companies have verified that there are no utilities within the proposed vacation.

Staff believes the vacation will not cause the public to suffer a loss or inconvenience. Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Ms. Emily Morrison, 1330 Wisconsin Avenue, Joplin, appeared and explained that her permanent address is 2402 New Hampshire Avenue. She requested the vacation of the utility easement that runs northwest to southeast through her property on New Hampshire. She has gained the agreement of all the utility companies as requested.

Mr. McClure asked Ms. Morrison if she currently owns both lots upon which the easement is located, and she replied that she does.

PUBLIC COMMENT:
None.

Z&P Meeting: May 14, 2012
City Council Meeting: June 4, 2011

STAFF PLANNING REPORT

CASE 050-12:

Petition Council to vacate a platted utility easement at 2402 South New Hampshire Avenue.

APPLICANT:

Emily A. Morrison

LOCATION:

2402 South New Hampshire Avenue

TYPE OF EASEMENT(S):

Utility

SIZE OF EASEMENT(S):

Approximately 10 ft. by 120 ft.

REASON FOR VACATION:

Reconstruction of a single-family house.

ARE UTILITES CURRENTLY LOCATED IN THE EASEMENT?:

There are no utilities currently located within the easement.

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

All utility companies have verified that there are no utilities within the proposed vacation.

STAFF ANALYSIS:

WILL PRIVATE RIGHTS BE INJURED OR ENDANGERED BY THE VACATION?

No

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, MISSOURI

RECEIVED 3-28-12

APPLICATION FOR VACATION OF STREET OR RESERVATION

Return application Form To:
Planning and Community Development Manager
Municipal Building
321 East 4th Street
P.O. Box 1355
Joplin, Missouri 64802
417-624-0820
FAX 417-625-4707

For Office Use Only:
~~Submittal Date~~: 050-12
Filing Fee:_____
City Council:
Dates Advertised:_____
Date Notices Sent:_____
Public Hearing Date: 6-4-12
Planning & Zoning Commission:
Date Advertised: 4-29-12
Date Notices Sent: 5-1-12
Public Hearing Date: 5-14-12

I. Applicant Name: Emily A. Morrison Phone: (417)499-2983
If more than one property applicant, please submit additional names, address and phone numbers on attached sheet(s)

Address: 2402 New Hampshire 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: Lot Number One hundred twenty-seven (127) & the east 10 ft. of Lot Number One hundred and twenty-Six (126) in Harmony Heights Subdivision, also known as 2402 New Hampshire

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. Sole owner, no other properties will be affected.

2. The vacation will not cause the public to suffer a loss or inconvenience. Current easement bisects private property - no other owners should be affected.

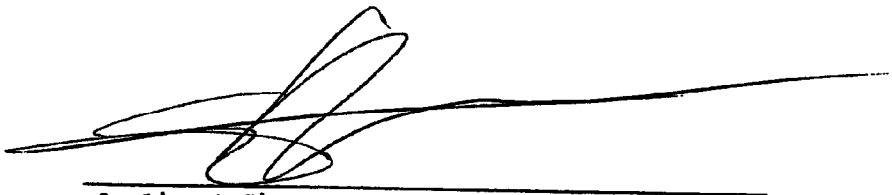
3. In justice to the applicant(s) the vacation should be granted. _____

V. Required Attachments:

1. Names and addresses of all owners of property abutting the proposed vacation area.

2. 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.

3. Survey or such other drawing acceptable to the Planning and 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.



Applicant Signature

2-14-12
Date



Case 050-12: A request to vacate a platted utility easement in the property generally known as 2402 South New Hampshire Avenue - Emily A. Morrison

Case 050-12: Utility Vacation– A request to vacate a utility easement at 2402 South New Hampshire Avenue – Emily Morrison.

Mr. Anderson opened the public hearing for Case 050-12.

Ms. Emily Morrison, 1330 Wisconsin Avenue, Joplin, appeared and explained that her permanent address is 2402 New Hampshire Avenue. She requested the vacation of the utility easement that runs northwest to southeast through her property on New Hampshire. She has gained the agreement of all the utility companies as requested.

Mr. McClure asked Ms. Morrison if she currently owns both lots upon which the easement is located, and she replied that she does.

Mr. Anderson asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 050-12.

MR. LANDRITH MOVED, SECONDED BY MR. HARRINGTON, THAT CASE 050-12 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. EASTMAN, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 050-12
Emily Morrison
(P & Z Recommended Approval)

COUNCIL BILL NO. 2012-291 **ORDINANCE NO.**

AN ORDINANCE providing for the vacation of a utility easement located at 2402 South New Hampshire 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 a utility easement 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 ten (10) feet wide platted utility easement running north and south within the property described as Lot Numbered One Hundred Twenty-Seven (127) and the East ten (10) feet of Lot Numbered One hundred Twenty-Six (126) in Harmony Heights Subdivision, EXCEPT for that portion lying within the South 15 feet, to the City of Joplin, Jasper County, Missouri.

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

ATTEST: Melodee Colbert-Kean, 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: June 4, 2012

Item: COUNCIL BILL NO. 2012-292
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: David Hertzberg — Date: 5/25/2012
City Attorney: Brian Head — Date: 5-30-12
City Manager: R. Mark Rohr — Date: 5/29/12
Board or Commission: Planning and Zoning Commission — Date: 5/14/2012

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "6 in favor, 1 abstention, 0 absent"

SUMMARY/REQUEST:
Case 051-12: Right-of-Way & Utility Vacation– A request to vacate right-of-way and utility easements located south of Interstate 44, north of 50th Street, east of Virginia Avenue, and West of Indiana Avenue – Mercy Health Southwest Missouri/Kansas Communities.

STAFF SUMMARY:
This request is for vacation all rights-of-way and easements for the construction of the new Mercy Hospital. All utility companies have verified that there are no utilities within the proposed vacation.

Staff believes the vacation will not cause the public to suffer a loss or inconvenience. Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Gilstrap excused himself from the discussion and vote for Case 051-12, as he is employed by Mercy Health.

Mr. Randall Wallace, Lathrop & Gage, appeared to request the vacation of right-of-way and utility easements that lie within the approximately 100 acres that Mercy Health has assembled over the last year for the rebuilding of the new hospital.

Mr. Wallace explained that several homeowners negotiated some additional time to stay after closing, so Mercy waited until they vacated the premises before asking for these vacations. They are now asking for vacation of all the right-of-way and utility easements within that property. He has received letters from all the utility providers agreeing to these vacations.

Mr. Eastman asked if only one house remains in this area, and Mr. Wallace understood that there was no one living in this area.

Mr. Eastman noticed a car at the one remaining house. Mr. Wallace thought the residents would be moved out by the time Mercy completes this vacation process.

PUBLIC COMMENT:
None.

Z&P Meeting: May 14, 2012
City Council Meeting: June 4, 2011

STAFF PLANNING REPORT

CASE 051-12:

Petition Council to vacate all rights-of-way and easements in the area generally described as south of Interstate 44, north of 50th Street, east of Virginia Avenue, and west of Inciana Avenue.

APPLICANT:

Mercy Health Southwest Missouri/Kansas Communities

LOCATION:

South of Interstate 44, north of 50th Street, east of Virginia Avenue, and west of Inciana Avenue

TYPE OF EASEMENT(S):

Right-of-Way and Utility

SIZE OF EASEMENT(S):

Various

REASON FOR VACATION:

Construction of new Mercy Hospital.

ARE UTILITES CURRENTLY LOCATED IN THE EASEMENT?:

All utilities have been vacated.

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

All utility companies have verified that there are no utilities within the proposed vacation.

STAFF ANALYSIS:

WILL PRIVATE RIGHTS BE INJURED OR ENDANGERED BY THE VACATION?

No

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, MISSOURI

RECEIVED 4-4-12

APPLICATION FOR VACATION OF STREET OR RESERVATION

Return application Form To:
Planning and Community Development Manager
Municipal Building
321 East 4th Street
P.O. Box 1355
Joplin, Missouri 64802
417-624-0820
FAX 417-625-4707

For Office Use Only:
~~Submittal Date~~: 05/-12
Filing Fee:
City Council:
Dates Advertised:
Date Notices Sent:
Public Hearing Date: 6-4-12
Planning & Zoning Commission:
Date Advertised: 4-29-12
Date Notices Sent: 5-1-12
Public Hearing Date: 5-14-12

I. Applicant Name: Mercy Health Southwest Missouri/Kansas Communities, a Missouri non-profit corporation Phone:

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

Address: attn: Renee Miller, 2817 St. John's Blvd., Joplin Zip: 64804

II. Type of vacation requested (check one):

Street Vacation X

Alley Vacation X

Utility vacation X

Other (Please specify) All public right-of-ways, easements, and subdivisions with the property as described in the attached legal description.

III. Legal Description of area requested to be vacated:

See Attached Exhibit A for legal description of Applicant's property in which it requests vacation, and Exhibit B for a legal description of the actual right-of-way and easement areas to be vacated.

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. The ROW's, easements, and existing platted subdivisions solely within property owned by the applicant. All existing utilities have been removed, and the public nor adjoining property owners use these ROW's to access their properties.

2. The vacation will not cause the public to suffer a loss or inconvenience. Currently the existing ROW's are not being used to access adjoining property. The public has ful access to the existing public ROW's at the perimeter of the vacation boundary.

3. In justice to the applicant(s) the vacation should be granted. The ROW's, easements, and platted subdivisions for which the applicate is requesting to be vacated, are solely contained within the property owned by the applicate. Denial of this vacation request would eliminate the applicants ability to develop the property.

V. Required Attachments:

1. Names and addresses of all owners of property abutting the proposed vacation area.
   Applicant owns all land abutting the proposed vacation area.
2. 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.

3. Survey or such other drawing acceptable to the Planning and 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.
   See Attached Exhibit C

Mercy Health Southwest Missouri/Kansas Communities

By: _____ 04/04/2012
Applicant Signature Gary Pulsipher, President Date



Case 051-12: A request to vacate all rights-of-way and easements within the area generally known as south of I-44, north of 50th Street, east of Virginia Avenue, and west of Indiana Avenue - Mercy Health Southwest Missouri/Kansas Communities

N

Case 051-12: Right-of-Way & Utility Vacation– A request to vacate right-of-way and utility easements located south of Interstate 44, north of 50th Street, east of Virginia Avenue, and West of Indiana Avenue – Mercy Health Southwest Missouri/Kansas Communities.

Mr. Gilstrap excused himself from the discussion and vote for Case 051-12, as he is employed by Mercy Health. He left the Council Chambers at this time.

Mr. Anderson opened the public hearing for Case 051-12.

Mr. Randall Wallace, Lathrop & Gage, 1845 South National, Springfield, Missouri, appeared to request the vacation of right-of-way and utility easements that lie within the approximately 100 acres that Mercy Health has assembled over the last year for the rebuilding of the new hospital.

Mr. Wallace explained that several homeowners negotiated some additional time to stay after closing, so Mercy waited until they vacated the premises before asking for these vacations. They are now asking for vacation of all the right-of-way and utility easements within that property. He has received letters from all the utility providers agreeing to these vacations.

Mr. Eastman asked if only one house remains in this area, and Mr. Wallace understood that there was no one living in this area.

Mr. Eastman noticed a car at the one remaining house. Mr. Wallace thought the residents would be moved out by the time Mercy completes this vacation process.

Mr. Anderson asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 051-12.

MR. HARRINGTON MOVED, SECONDED BY MR. EASTMAN, THAT CASE 051-12 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. EASTMAN, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE"; AND WITH MR. GILSTRAP ABSTAINING (6 IN FAVOR, 1 ABSTENTION, 0 ABSENT).

Mr. Gilstrap returned to the dais at this time.

P & Z Case 051-12
Mercy Health Southwest
Missouri/Kansas Corporation
(P & Z Recommended Approval)

COUNCIL BILL NO. 2012-292 **ORDINANCE NO.**

AN ORDINANCE providing for the vacation of portions of right-of-way and utility easements located south of Interstate 44, north of 50th Street, east of Virginia Avenue, and west of Indiana Avenue, in the City of Joplin, Newton 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 and utility easements located south of Interstate 44, north of 50th Street, east of Virginia Avenue, and west of Indiana Avenue, in the City of Joplin, Newton County, Missouri, described as follows are hereby vacated, conveyed, relinquished, and reverted to the owners of the abutting lots and land:

All that part of the Northwest Quarter of Section 26, Township 27 North, Range 33 West, City of Joplin, Newton County, Missouri, being all that part of the rights-of-way and easements of 45th, 46th, 47th, 48th and 49th Streets and Pennsylvania, Kentucky, Grand and Missouri Avenues, as platted in D.O. Witmer's 2nd Subdivision, a subdivision in the City of Joplin, Newton County, Missouri, duly recorded in the Newton County Recorder's Office in Plat Book 1 at Page 139, lying within the below described boundary; and all that part of said rights-of-way and all of the easements as platted in Whispering Oaks Subdivision, a subdivision in Newton County, Missouri, duly recorded in the Newton County Recorder's Office in Plat Book 3, at Page 87, lying within the said below described boundary: COMMENCING at a found 5/8 inch Iron Pin marking the Northeast corner of the Northwest Quarter of Section 26, Township 27 North, Range 33 West, City of Joplin, Newton County, Missouri; thence South 01 Degrees 42 Minutes 58 Seconds West along the East line of said Quarter, a distance of 25.00 feet; thence departing said East line North 89 Degrees 02 Minutes 33 Seconds West, a distance of 20.00 feet to a set 5/8 inch iron bar with aluminum cap stamped "MO LC 366" at the Northeast corner of Lot 6 of D.O. Witmer's 2nd Subdivision, a subdivision in the City of Joplin, Newton County, Missouri, duly recorded in the Newton County Recorder's Office in Plat Book 1 at Page 139, said point being the POINT OF BEGINNING; thence along the West Right-of-Way line of Indiana Avenue, as now established, South 01 Degrees 42 Minutes 58 Seconds West, a distance of 1,281.57 feet to a set 5/8 inch iron bar with aluminum cap stamped "MO LC 366" in the North line of the Southeast Quarter of the Northwest Quarter of said Section 26; thence continuing along said West Right-of-Way line South 01 Degrees 18 Minutes 10 Seconds West, a distance of 428.19 feet to a set 5/8 inch iron bar with aluminum cap stamped "MO LC 366" in the North Right-of-Way line of 48th Street, as platted in said subdivision; thence along said North Right-of-Way line South 88 Degrees 58 Minutes 52 Seconds West, a distance of 6.15 feet to a found 5/8 inch iron bar in said West Right-of-Way line of Indiana Avenue; thence departing said North Right-of-

Way line South 04 Degrees 48 Minutes 51 Seconds West along said West Right-of-Way line, a distance of 838.23 feet to a set 5/8 inch iron bar with aluminum cap stamped "MO LC 366" at the Southeast corner of Lot 8 of Whispering Oaks Subdivision, a subdivision in Newton County, Missouri, duly recorded in the Newton County Recorder's Office in Plat Book 3, at Page 87, said point being in the North Right-of-Way line of 50th Street, as now established; thence North 88 Degrees 45 Minutes 35 Seconds West along said North Right-of-Way line, a distance of 818.61 feet to a set 5/8 inch iron bar with aluminum cap stamped "MO LC 366" in the East line of Lot 33 of said D.O. Witmer's 2nd Subdivision; thence continuing along said North Right-of-Way line South 01 Degrees 14 Minutes 25 Seconds West, a distance of 10.00 feet to a set 5/8 inch iron bar with aluminum cap stamped "MO LC 366" at the Southeast corner of said Lot 33; thence continuing along said North Right-of-Way line North 88 Degrees 45 Minutes 35 Seconds West, a distance of 1,203.45 feet to a found 1" iron pipe marking the Southwest corner of the tract of land described in the Missouri Warranty Deed duly recorded in the Newton County Recorder's Office in Deed Book 325 at Page 1526; thence departing said North Right-of-Way line North 01 Degrees 21 Minutes 31 Seconds East along the West line of said tract of land, a distance of 50.00 feet to a found 1 inch iron pipe; thence South 88 Degrees 38 Minutes 29 Seconds East along the South line of said tract of land, a distance of 50.00 feet to a found 1inch iron pipe in the East Right-of-Way line of Virginia Avenue, as now established; thence North 01 Degrees 21 Minutes 31 Seconds East along said East Right-of-Way line, a distance of 820.14 feet to a set 5/8 inch iron bar with aluminum cap stamped "MO LC 366" in the Southeast Right-of-Way line of U.S. Interstate 44, as now established; thence North 36 Degrees 24 Minutes 38 Seconds East along said Southeast Right-of-Way line, a distance of 497.56 feet to a found aluminum monument in the North Right-of-Way line of 47th Street, as platted in said D.O. Witmer's 2nd Subdivision; thence continuing along said Southeast Right-of-Way line North 56 Degrees 18 Minutes 07 Seconds East, passing over a found aluminum monument 115.45 feet distant from the origin of the herein course, passing over a found aluminum monument 176.57 feet distant from the origin of the herein course, a distance of 649.27 feet to a found aluminum monument in the West Right-of-Way line of Kentucky Avenue, as platted in said subdivision; thence continuing along said Southeast Right-of-Way line North 01 Degrees 23 Minutes 08 Seconds East, a distance of 227.52 feet to a set 5/8 inch iron bar with aluminum cap stamped "MO LC 366"; thence continuing along said Southeast Right-of-Way line North 50 Degrees 40 Minutes 55 Seconds East, a distance of 361.19 feet to a set 5/8 inch iron bar with aluminum cap stamped "MO LC 366" in the South Right-of-Way line of 45th Street, as platted in said subdivision; thence departing said Southeast Right-of-Way line South 89 Degrees 04 Minutes 40 Seconds East along said North Right-of-Way line, a distance of 207.81 feet to a set 5/8 inch iron bar with aluminum cap stamped "MO LC 366" in the East line of Grand Avenue, as platted in said subdivision; thence North 01 Degrees 14 Minutes 25 Seconds East along said East Right-of-Way line, a distance of 176.69 feet to a set 5/8 inch iron bar with aluminum cap stamped "MO LC 366" in said Southeast Right-of-Way line of U.S. Interstate 44; thence North 50 Degrees 40 Minutes 55 Seconds East along said Southeast Right-of-Way line, a distance of 407.12 feet to a set 5/8 inch iron bar with aluminum cap stamped "MO LC 366" in the South Right-of-Way line of 44th Street, as platted in said subdivision; thence South 89 Degrees 02 Minutes 33 Seconds East along said South Right-of-Way line, a distance of 528.83 feet to the POINT OF

BEGINNING and containing 4,115,004 square feet or 94.467 acres of land, more or less. EXCEPT any part thereof taken, deeded or used for road or highway purposes,

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.

_____
Melodee Colbert-Kean, 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: June 4, 2012

Item: COUNCIL BILL NO. 2012-293
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: David Hertzberg — Date: 5/25/2012
City Attorney: Brian Head — Date: 5-30-12
City Manager: R. Mark Rohr — Date: 5/29/12
Board or Commission: Planning and Zoning Commission — Date: 5/14/2012

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "7 in favor, 0 absent"

SUMMARY/REQUEST:
Case 054-12: Sewer Vacation – A request to vacate a sanitary sewer easement at the Northeast corner of Old 32nd Street and McClelland Boulevard – Joplin R-VIII School District.

STAFF SUMMARY:
This request is for vacation of a sewer easement for the construction of an elementary school. All utility companies have verified that there are no utilities within the proposed vacation.

Staff believes the vacation will not cause the public to suffer a loss or inconvenience. Staff recommends approval of this request.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Michael Keeton, Allgeier-Martin & Associates, appeared representing Joplin R-V II School District. He explained that a sanitary sewer easement exists where the new Irving Elementary School is to be built, with the easement containing an existing line that has been informally abandoned for many years now. He asked that this easement be formally abandoned and vacated at this time.

PUBLIC COMMENT:
None.

Z&P Meeting: May 14, 2012
City Council Meeting: June 4, 2011

STAFF PLANNING REPORT

CASE 054-12:

Petition Council to vacate a sewer easement in the area generally described as near the northeast corner of Old 32nd Street and McClelland Boulevard.

APPLICANT:

Joplin R-VIII School District

LOCATION:

Northeast corner of Old 32nd Street and McClelland Boulevard.

TYPE OF EASEMENT(S):

Sewer

SIZE OF EASEMENT(S):

20' x 705'

REASON FOR VACATION:

Construction of elementary school

ARE UTILITES CURRENTLY LOCATED IN THE EASEMENT?:

All utilities have been vacated.

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

All utility companies have verified that there are no utilities within the proposed vacation.

STAFF ANALYSIS:

WILL PRIVATE RIGHTS BE INJURED OR ENDANGERED BY THE VACATION?

No

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

RECEIVED
4-16-12

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.: 054-12
Filing Fee: $ 350.00
Date Advertised: 4-29-12
Date Notices Sent 5-1-12
Public Hearing Date: 5-14-12

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 drawing labeled EX-1 which includes a complete legal description of the easement.

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. The area requested to be vacated is needed to redevelop the site for the New Elementary School.

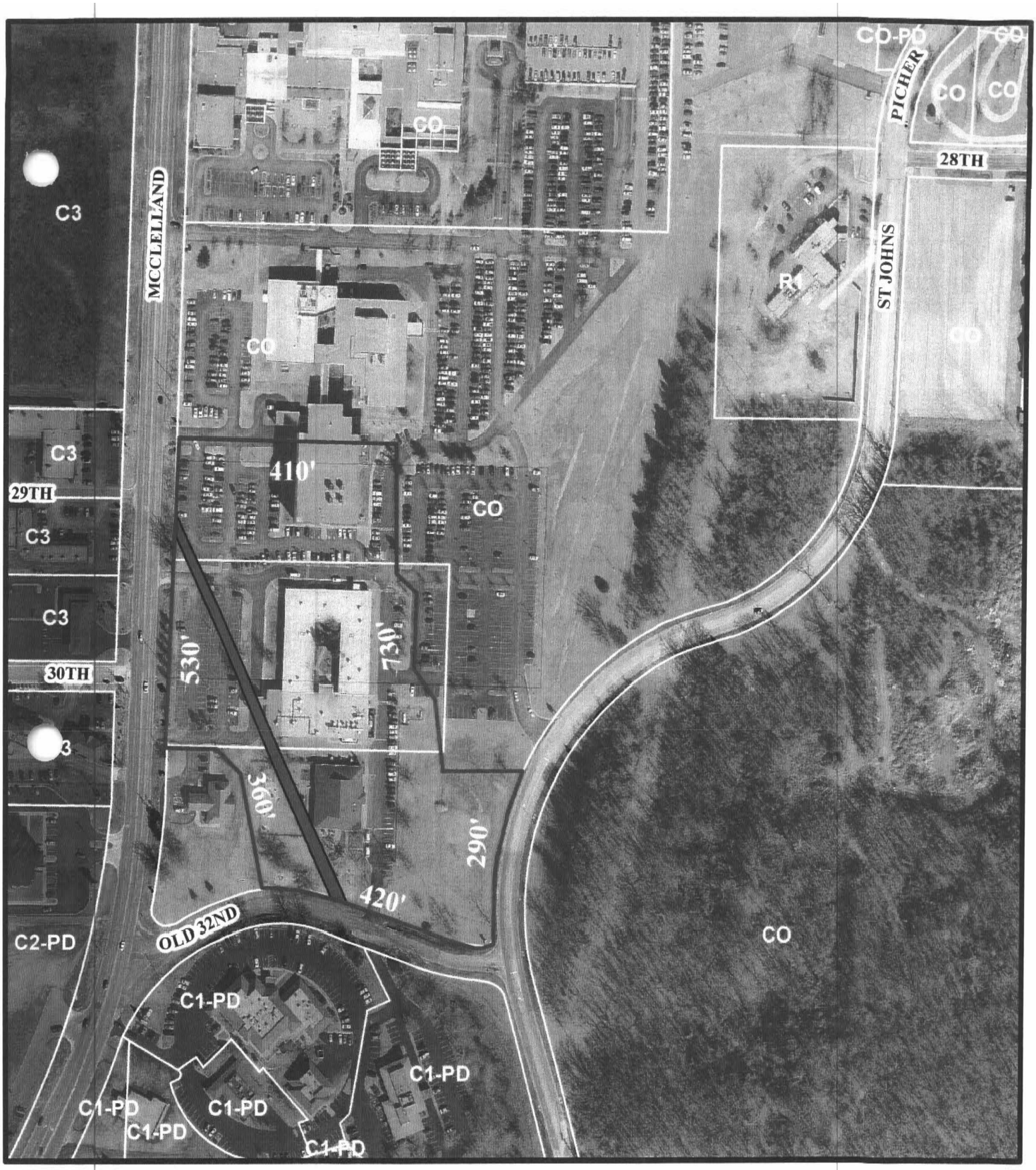
V. Required Attachments:

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 054-12: A request for a utility easement vacation within the area generally described as the northeast corner of Old 32nd Street and McClelland Boulevard - Joplin R-VIII School District

N

Case 054-12: Sewer Vacation – A request to vacate a sanitary sewer easement at the Northeast corner of Old 32nd Street and McClelland Boulevard – Joplin R-VIII School District.

Mr. Anderson opened the public hearing for Case 054-12.

Mr. Michael Keeton, Allgeier-Martin & Associates, 7231 East 24th Street, Joplin, appeared representing Joplin R-VIII School District. He explained that a sanitary sewer easement exists where the new Irving Elementary School is to be built, with the easement containing ar existing line that has been informally abandoned for many years now. He asked that this easement be formally abandoned and vacated at this time.

MR. McCLURE MOVED, SECONDED BY MR. SMITH, THAT CASE 054-12 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. EASTMAN, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 054-12
Joplin R-VIII School District
(P & Z Recommended Approval)

COUNCIL BILL NO. 2012-293 **ORDINANCE NO.**

AN ORDINANCE providing for the vacation of a sanitary sewer easement located 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 a sanitary sewer easement located at the northeast corner of Old 32nd Street and McClelland Boulevard 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 that part of a 20-foot wide sewer line easement in favor to the City of Joplin, Jasper County, Missouri, said easement being recorded in Book 326 at page 469 in the Jasper County Recorder's Office in Carthage, Missouri. That portion of said easement from the Northerly right-of-way line of Old 32nd Street to the Easterly right-of-way line of McClelland Boulevard all lying in the Southwest Quarter of the Southwest Quarter of Section 15, Township 27 North, Range 33 West of said Jasper County, Missouri.

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

_____
Melodee Colbert-Kean, 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: June 4, 2012

Item: RESOLUTION NO. 2012-016
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: David Hertzberg OKH Date: 5/25/2012
City Attorney: Brian Head Date: 5/30/12
City Manager: R. Mark Rohr Date: 5/29/12
Board or Commission: Planning and Zoning Commission EK Date: 5/14/2012

Recommended Action: Planning and Zoning Commission recommended denial by a vote of "7 in favor, 0 absent"

SUMMARY/REQUEST:
Case 053-12: 2000 West Seventh Street – A request for a permanent Special Use Permit (First Request) for the operation of a Solid waste collection/processing facility – USA Meta. Recycling.

STAFF SUMMARY:
The applicant is requesting a special use permit for the use of a solid waste collection/processing facility. The parcel is zoned District M-2 (Heavy Industrial) as is all surrounding zoning.

Any outside storage of materials shall be properly screened in accordance with the zoning code.

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

1. This Special Use Permit to be issued to USA Metal Recycling for the use of a solid waste collection/processing facility
2. The permit shall be for one (1) year renewable in June 2013.
3. Use for a solid waste collection/processing facility only.
4. Proper screening of outside storage according to code.
5. Off-street parking will be required.
6. Any other conditions set by the City Council of the City of Joplin.

PLANNING & ZONING COMMISSION TESTIMONY:

Mr. Tom Smith appeared representing USA Metal Recycling to request a Special Use Permit for a metal recycling operation that is already in operation, with additional operations to start if the Special Use Permit is approved for this site. He has not put a plan together for buildings and such at this point. He was just notified by the City staff that he needs to proceed with this process prior to submitting plans to the City.

Mr. Smith asked Mr. Bolander if the properties zoned M-2 have been zoned that way for many years, and he replied that is correct. He explained that the property is currently zoned M-2 (Heavy Industrial). He stated that recycling businesses, because of some of the nuisances they create, also require a Special Use Permit. More industries can locate there that may make noise but do not require a Special Use Permit, with the City having no control over that whatsoever.

Mr. Harrington asked Mr. Bolander how USA Metal Recycling is operating at this time without a Special Use Permit. He replied that they were issued the first permit in error. He explained that the property is zoned appropriately for that use.

Mr. Landrith has an office in the 900 block of East 12th Street, just east of the recycling center located in that area. He explained that that operation has been horrendous during the last year with everything that is being hauled to that facility. He mentioned the difficulty in driving through on 12th Street with trucks being lined up, 10 to 12 deep at times. He has a great deal of empathy for the neighbors since there are times when it is difficult to hear even inside his office.

PUBLIC COMMENT:

Comments in opposition were received from the following:

Mr. John Reynolds, 2101 Annie Baxter Avenue, Joplin, owner of four lots adjoining the property in this request
Mr. Gary Youngblood, 1907 West 10th Street, Joplin
Mr. Norman Wininger, 717 Roosevelt Avenue, Joplin
Mr. David Cunningham, 2104 West 10th Street, Joplin
Mr. Rick Porter, 2111 West Ninth Street, Joplin
Ms. Esther App, 809 Roosevelt Avenue, Joplin
Ms. Mary Henson, 2025 West 10th Street, Joplin
Mr. Hubert Meier, 810 Roosevelt Avenue, Joplin
Mr. Bob James, 2103 West 10th Street, Joplin
Mr. Fred Ewers, Jr., 2110 West 10th Street, Joplin
Mr. Dan Duensing, 1913 West 10th Street, Joplin

They expressed concerns regarding noise, dust, and increased traffic in the area, along with decreased residential property values.

Mr. Bolander explained that conditions can be applied to the Special Use Permit itself, by limiting the hours of operation, requiring screening, or even limiting the location. He asked the neighbors if moving the operation to the east and north towards Willard Avenue and Seventh Street would be an option for them. They indicated they would still be opposed to the operation.

Mr. Anderson explained that 15 written petitions of protest have been received.

Z&P Meeting: May 14, 2012
City Council Meeting: June 4, 2012

STAFF PLANNING REPORT

CASE 053-12:

Petition the Council for a Special Use Permit (1st Request) for a solid waste collection/processing facility.

APPLICANT:

USA Metal Recycling

LOCATION:

2000 West 7th Street

PRESENT ZONING:

M-2 (Heavy Industrial)

PRESENT USE OF PROPERTY:

Former steel yard

PROPOSED LAND USE ACTIVITY:

Solid waste collection and processing

EXISTING CONDITIONS:

PROPERTY SIZE

Approximately 500' X 365' (126,350 square feet or 3.0 acres)

	LAND USE	EXISTING ZONING
NORTH	Auto Sales and Restaurant	M-2
SOUTH	Industrial and Wholesale	M-2
EAST	Motel	M-2
WEST	Parking Lot	M-2

TRAFFIC CONDITIONS:

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

7th Street, Arterial, 60 feet

IS OFF STREET PARKING PROVIDED?

Yes.

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 use of a solid waste collection/processing facility. The parcel is zoned District M-2 (Heavy Industrial) as is all surrounding zoning.

ADDITIONAL INFORMATION OR COMMENTS:

Any outside storage of materials shall be properly screened in accordance with the zoning code.

CONDITIONS FOR CONSIDERATION:

1. This Special Use Permit to be issued to USA Metal Recycling for the use of a solid waste collection/processing facility
2. The permit shall be for one (1) year renewable in June 2013.
3. Use for a solid waste collection/processing facility only.
4. Proper screening of outside storage according to code.
5. Off-street parking will be required.
6. Any other conditions set by the City Council of the City of Joplin.

RECEIVED
4-11-10

CITY OF JOPLIN, MISSOURI

SPECIAL USE PERMIT APPLICATION

For Office Use Only
Case No.: 053-12
Filing Fee: $350.00
Date Advertised: 4-29-12
Date Notices Sent: 5-1-12
Public Hearing Date: 5-14-12

Return Form To:
Planning and Community Development Manager
City of Joplin
602 South Main Street
Joplin, MO 64801
417-624-0820 Ext. 511
FAX 417-625-4738

APPLICANT: USA METAL RECYCLING PHONE: 479.751.3000

ADDRESS: PO Box 2175 Lowell AR ZIP: 72745

OWNER: GT MANAGEMENT, LLC PHONE: 479.601.3681

ADDRESS: PO Box 1893 LOWELL AR ZIP: 72745

LOCATION OF PROPERTY: 2000 WEST 7TH STREET

LEGAL DESCRIPTION: SEE ATTACHED

PRESENT ZONING CLASSIFICATION: M2 ACREAGE: Approx 9.2

PRESENT USE OF PROPERTY: SCRAP YARD METAL / STEEL YARD

PROPOSED LAND USE ACTIVITY: METAL RECYCLING FACILITY
MATERIAL RECOVERY FACILITY - TRANSFER STATION

ADJACENT ZONING AND LAND USE:

	Land Use	Zoning
North	HEAVY INDUSTRIAL	M2
South	HEAVY INDUSTRIAL / SINGLE FAM.	M2 / R-1
East	HEAVY INDUSTRIAL	M2
West	TWO FAMILY	R2

Yes (circled) No

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

1. Is deemed necessary for the public convenience at that location. ✓

	Yes	No
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: Brenda Smith DATE: 4-10-12

BY: USA Metal Recycling TITLE: Manager/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 affect the character of the surrounding properties; and how the proposed use will benefit the City of Joplin.
3. Ten copies of a site plan (drawn to a scale of 100 feet or less; the inch) that meets all ordinance requirements for the property on which the use is to be located, showing:
   a) structures
   b) boundary lines with dimensions and bearings,
   c) streets,
   d) easements,
   e) parking lot layout,
   f) internal traffic flow,
   g) points of ingress/egress,
   h) landscaping,
   i) setbacks, and
   j) detention, if required:

[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.]

April 10, 2012

Re: Narrative for Special Use Permit
USA Metal Recycling
2000 West 7th Street
Joplin, MO 64801

Question 1: Is deemed necessary for the public convenience at the location?
Answer: Yes, The public will be utilizing the premises to bring ferrous and non ferrous material to the facility.

Question 2: Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected?
Answer: Yes, It is part of our service and commitment to the environment to make sure that public health, safety and the welfare are protected.

Question 3: Is found to be generally compatible with the neighborhood in which it is proposed?
Answer: Yes, the location already is operating as a metal recycling facility and was previously a steel yard.

Question 4: Will comply with the height and area regulations of the district in which it is located unless specifically granted?
Answer: Yes, We will follow the guidelines provided within your City Ordinance.

Question 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 injuries effect.
Answer: Yes, We will be in accordance with the standards set forth in the zoning regulations and will provide a screened area as required to protect residential areas.

Respectfully Submitted,



0 205 410 820 1,230 1,640

Feet

Case 053-12: A request for a Special Use Permit (1st Request) for the operation of a solid waste collection/processing facility for the area generally known as 2000 West 7th Street - USA Metal Recycling

N

Case 053-12: 2000 West Seventh Street – A request for a permanent Special Use Permit (First Request) for the operation of a Solid waste collection/processing facility – USA Metal Recycling.

Mr. Anderson opened the public hearing for Case 053-12.

Mr. Tom Smith appeared representing USA Metal Recycling, 2000 West Seventh Street, Joplin, to request a Special Use Permit for a metal recycling operation that is already in operation, with additional operations to start if the Special Use Permit is approved for this site. He has not put a plan together for buildings and such at this point. He was just notified by the City staff that he needs to proceed with this process prior to submitting plans to the City.

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

Mr. John Reynolds, 2101 Annie Baxter Avenue, Joplin, appeared in opposition to the request and explained that he owns four lots adjoining the property in this request. He has advertised his property for sale and expressed concern about selling his property if the recycling operation goes in. He does not want this facility there.

Mr. Gary Youngbood, 1907 West 10th Street, Joplin, appeared in opposition and expressed concern about the noise that this operation is creating. He expressed concern about this facility being in a residential area.

Mr. Norman Wininger, 717 Roosevelt Avenue, Joplin, appeared in opposition and discussed a previous request for a music studio next door. He had no problem with that operation since it did not create any dust, smoke, or noise. He understood that the recycling facility has been evicted from three other areas and stated that the Environmental Protection Agency (EPA) may have concerns with this operation. He expressed concern about the dust and noise.

Mr. David Cunningham, 2104 West 10th Street, Joplin, appeared in opposition and explained that the noise created by USA Metal Recycling is horrendous. He stated that they load trucks at 7:30 a.m. and that their operation vibrates the walls of his house.

Mr. Rick Porter, 2111 West Ninth Street, Joplin, appeared in opposition and explained that his property is adjacent to USA Metal Recycling. He understood that they were planning to erect a privacy fence or a berm, with none of that being done. They stated that they would operate from 8:00 a.m. to 5:00 p.m. on weekdays and from 8:00 a.m. to 12:00 noon on Saturdays.

Mr. Porter expressed concern about the increased traffic, dust, and noise. He explained that the noise generated by the facility echoes through the neighborhood. He moved into this neighborhood eight years ago and purchased his home because of the quiet neighborhood. He asked why the facility was placed in a residential area and just off Seventh Street. He also expressed concern about the residential property values.

Ms. Esther App, 809 Roosevelt Avenue, Joplin, appeared in opposition and explained that this facility lies across the alley from her home. She expressed concern about the noise being so bad

that she can't sleep or rest. She also expressed concern about the dust, the decreased residential property values, and cars being brought into the facility during the night time hours.

Ms. Mary Henson, 2025 West 10th Street, Joplin, appeared in opposition and explained that all the noise is occurring right behind her property. She has difficulty sleeping and stated that the noise is unbearable. The noise makes her windows rattle.

Mr. Hubert Meier, 810 Roosevelt Avenue, Joplin, appeared in opposition and expressed concern about noise all the time. He thought the facility should be moved somewhere else away from the residential neighborhood. He did not believe salvage yards should be allowed inside the city.

Mr. Bob James, 2103 West 10th Street, Joplin, appeared in opposition and explained that he resides directly south of this facility. He stated that this operation is a nuisance and needs to be abated. He thought it needs to be outside the city limits.

Mr. Fred Ewers, Jr., 2110 West 10th Street, Joplin, appeared in opposition and explained that the area was a pretty nice, quiet neighborhood. He expressed concern about the increased traffic on the alleys, the dust, and the noise.

Mr. Dan Duensing, 1913 West 10th Street, Joplin, appeared in opposition and expressed concern about the noise, the dust, and the unknown future growth of the operation.

Mr. Anderson asked for additional comments, and none were received. He closed the public hearing for Case 053-12.

Mr. Smith asked Mr. Bolander if the properties zoned M-2 have been zoned that way for many years, and he replied that is correct. He explained that the property is currently zoned M-2 (Heavy Industrial). He stated that recycling businesses, because of some of the nuisances they create, also require a Special Use Permit. More industries can locate there that may make noise but do not require a Special Use Permit, with the City having no control over that whatsoever.

Mr. Bolander explained that conditions can be applied to the Special Use Permit itself, by limiting the hours of operation, requiring screening, or even limiting the location. He asked the neighbors if moving the operation to the east and north towards Willard Avenue and Seventh Street would be an option for them. They indicated that they would still be opposed to the operation.

Mr. Anderson explained that 15 written petitions of protest have been received.

Mr. Harrington asked Mr. Bolander how USA Metal Recycling is operating at this time without a Special Use Permit. He replied that they were issued the first permit in error. He explained that the property is zoned appropriately for that use.

Mr. Landrith has an office in the 900 block of East 12th Street, just east of the recycling center located in that area. He explained that that operation has been horrendous during the last year with everything that is being hauled to that facility. He mentioned the difficulty in driving through on 12th Street with trucks being lined up, 10 to 12 deep at times. He has a great deal of empathy for the neighbors since there are times when it is difficult to hear even inside his office.

MR. LANDRITH MOVED, SECONDED BY MR. HARRINGTON, THAT CASE 053-12 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. EASTMAN, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 053-12
USA Metal Recycling
(P & Z Recommended Denial)

RESOLUTION NO. 2012-016

A RESOLUTION granting a Special Use Permit (First Request) to USA Metal Recycling for a solid waste collection/ processing facility at 2000 West Seventh Street, in the City of Joplin, Jasper County, Missouri.

WHEREAS, the Planning and Zoning Commission at a Public Hearing held on May 14, 2012, recommended that a Special Use Permit not be granted to USA Metal Recycling for a solid waste collection/processing facility at 2000 West Seventh Street, in the City of Joplin, Jasper County, Missouri.

WHEREAS, a public hearing was held before the City Council on June 4, 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 USA Metal Recycling for a solid waste collection/ processing facility located in the City of Joplin, Missouri, on the following described real estate, to-wit:

All of a tract of land described as beginning at a point 150 feet East of the Northeast corner of Lot Twenty-two (22) in West Seventh Street Sub-division to the City of Joplin, thence South parallel with the East line of said sub-division 150 feet, thence West 75 feet, thence North 150 feet parallel with the East line of said sub-division to the South line of Seventh Street, thence East 75 feet to the point of beginning, being a part of Miscellaneous Tract Eight (8) in Section 9, Township 27, Range 33, and a part of Miscellaneous Tract 14 in Section 4, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof, AND All of the following described tract lying and being in a part of Miscellaneous Tract 8 in Section 9, Township 27, Range 33 and a part of Miscellaneous Tract 14 in Section 4, Township 27, Range 33, to-wit: Beginning at the Northeast corner of Lot 22 in West 7th Street Sub-division to the City of Joplin, thence running East a distance of 150 feet on a line extending Eastward from the North line of said Lot 22, thence South on a straight line to the right-of-way of the St. Louis and San Francisco Railway Company's railroad, thence in a Northwesterly direction along the North line of said right-of-way to the East line of said Lot 22, thence North along said East side of said Lot 22 to the place of beginning, EXCEPT beginning at a point 150 feet East of the Northeast corner of Lot Twenty-two (22) in West Seventh Street Sub-division to the City of Joplin, thence South parallel with the East line of said sub-division 150 feet, thence West 75 feet, thence North 150 feet parallel with the East line of said sub-division to the South line of Seventh Street, thence East to the point of beginning.

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

1. This Special Use Permit to be issued to USA Metal Recycling for the use of a solid waste collection/processing facility
2. The permit shall be for one (1) year renewable in June 2013.
3. Use for a solid waste collection/processing facility only.
4. Proper screening of outside storage according to code.
5. Off-street parking will be required.
6. 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 USA Metal Recycling, 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.

_____
Melodee Colbert-Kean, Mayor

ATTEST:_____
Barbara L. Hogelin, City Clerk

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: June 4, 2012
Item: RESOLUTION NO. 2012-017
Originating Department: PUBLIC WORKS – COMMUNITY DEVELOPMENT

Attachments: 1) Copy of Resolution No. 2012-017
2) Copy of Joplin HOME Consortium Memorandum of Understanding.

Department Head: David Hertzberg OKH	Date: 5/25/12
Planning/Community Development Manager: Troy Bolander T.B.	Date: 5-25-12
Finance Department: Leslie Jones LJ	Date: 5-30-12
City Attorney: Brian Head	Date: 5-30-12
City Manager: Mark Rohr	Date: 5/29/12

Recommended Action: Approval of Resolution 2012-017.

Summary:
The Home Investment Partnership Program (HOME) is a HUD entitlement program, similar to CDBG, which provides funds to state and local governments to develop affordable housing for low-income households. Each year, approximately $1 billion in HOME funds are allocated among the states and localities nationwide.

The City of Joplin by itself, does not qualify as a HOME recipient, because of HUD's minimum allocation threshold for funding. However, the City has partnered with Jasper County and other participating governmental entities to form the Joplin HOME Consortium. The Consortium does qualify and has received approximately $1.5 million in HOME allocation for affordable housing activities over the past three years.

With the formation of the consortium, The City of Joplin has taken the role of lead entity, making the City responsible for the overall administration of the program.

This resolution authorizes the City Manager to continue existing agreements with Jasper County and participating municipalities, to add the Cities of Duquesne and Purcell, to re-qualify the Consortium and allow an automatic renewal for participation in successive three-year qualification periods, for the purpose of becoming eligible for the HOME Program.

Staff recommends approval of the Memorandum of Understanding.

RESOLUTION NO. 2012-017

A RESOLUTION approving the City Manager to enter into separate agreements with Jasper County and other participating municipalities to re-qualify the Joplin Home Consortium, for the purpose of becoming eligible for U.S. Department of Housing and Urban Development's HOME Investment Partnership Program entitlement funds.

WHEREAS, the National Housing Affordability Act created the HOME Investment Partnership Program to expand the supply of decent and affordable housing; and

WHEREAS, neither the City of Joplin, Jasper County nor other communities located within Jasper County would qualify separately for direct funding through the U.S. Department of Housing and Urban Development's (HUD's) HOME Investment Partnership Program allocation formula; and

WHEREAS, the formation of a consortium permits contiguous units of local government to form a single Participating Jurisdiction (PJ) for the purpose of receiving a HOME Investment Partnership Program allocation to carry-out affordable housing programs, which would not otherwise be funded; and

WHEREAS, the City of Joplin, acting as the Lead Entity of the Participating Jurisdiction (PJ), is desirous of entering into agreements with Jasper County and other participating and additional municipalities to re-qualify the Joplin HOME Consortium for Federal Fiscal Year 2013-2015.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That the City of Joplin re-qualify the Joplin HOME Consortium and automatically renew for participation in successive three-year qualification periods, for the purpose of becoming eligible for the Home Investment Partnership (Entitlement) Program, funded by the U.S. Department of Housing and Urban Development.

Section 2. That the City Manager of the City of Joplin is hereby authorized and directed, upon recommendation and approval of the City Attorney, to execute said Agreement, or Agreements in substantially similar form with Jasper County and other participating municipalities, including new members to the Joplin HOME consortium of the City of Purcell and the City of Duquesne for the re-qualification of the Joplin HOME Consortium

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

_____

Melodee Colbert-Kean, Mayor

ATTEST:

_____

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____

Brian W. Head, City Attorney

A COOPERATIVE AGREEMENT BETWEEN THE CITY OF JOPLIN, MO AND THE CITY OF _____, MO FOR PARTCIPATION IN THE HOME INVESTMENT PARTNERSHIP PROGRAM BEGINNING IN FISCAL YEAR 2013.

THIS AGREEMENT, made and entered into this _____day of _____, 2012 by and between the CITY of _____, MO hereinafter referred to as "CITY" and the CITY OF JOPLIN, MO, hereinafter referred to as "the LEAD ENTITY", each party having duly organized and now existing under the laws of the State of Missouri.

WITNESSETH:

WHEREAS, the parties hereto have determined that it is in the best interests of the public health, safety and welfare to cooperate and undertake, or assist in undertaking, community renewal and lower income housing assistance activities; and

WHEREAS, the U.S. Department of Housing and Urban Development has determined that the LEAD ENTITY is eligible to conduct essential housing assistance activities and qualifies as the lead agency for the HOME Investment Partnership (HOME) Consortium; and

WHEREAS, the CITY is a unit of local government and desires to be eligible for participation in the LEAD ENTITY's HOME Investment Partnership (HOME) Consortium during the LEAD ENTITY's urban city qualification period; and

WHEREAS, the governing body of the LEAD ENTITY did approve and authorize its City Manager to execute this agreement by official action of said governing body on the _____ day of _____ 2012; and

WHEREAS, the governing body of the CITY did approve and authorize its mayor to execute this agreement by official action of said governing body on the _____ day of _____ 2012; and

NOW, THEREFORE, in consideration of the above and foregoing recitals, the mutual covenants and agreements herein contained, and for other good and valuable considerations, the parties hereto agree as follows:

1. PURPOSE : The LEAD ENTITY and the CITY hereby expressly agree that the purpose of this agreement is to cooperate to undertake, or assist in undertaking, essential lower income housing assistance, funded by annual HOME appropriations for the federal fiscal years for which the CONSORTIUM qualifies.
2. NOTIFICATION OF ELIGIBILITY: The LEAD ENTITY has notified the CITY of its intent to seek qualification as a consortium, which requires the collaboration of both entities.
3. PERIOD OF QUALIFICATION: The LEAD ENTITY and the CITY acknowledge that the collaboratives' qualification by HUD as a consortium will automatically be renewed for participation in successive three-year qualification periods regardless of changes in it's population or boundary in any communities contained within the county during that period, except as otherwise provided by 24 C.F. R. Part 92. The LEAD ENTITY will notify the CITY in writing of its right to not participate for the successive three-year qualification period. Failure of the LEAD ENTITY to notify the

CITY and to submit amendments to HUD will void the automatic renewal provision. Further, for grant calculation purposes, the CITY, as an included unit of local government, may not withdraw from the collaborative with the LEAD ENTITY, unless the LEAD ENTITY does not receive a grant for any year during such period of qualification.

4. SELECTION OF FUNDED ACTIVITIES. The LEAD ENTITY and the CITY agree that for the duration of this agreement, the LEAD ENTITY is authorized to carry out any and all activities which shall receive funding from the HOME Consortium for the successive three year qualification period, and that the LEAD ENTITY has ultimate responsibility for filing final statements with HUD, and for compliance with all HUD program requirements.
5. REQUIRED ACTIONS. The LEAD ENTITY and the CITY agree to take all required actions necessary to assure compliance with the Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act of 1974, as amended, and all other applicable laws.
6. LEGAL AUTHORITY. The LEAD ENTITY represents that counsel for the LEAD ENTITY has reviewed the terms and provisions of this agreement and that said counsel has determined that the terms and provisions of this agreement are fully authorized under state and local law and that the agreement provides full legal authority for the LEAD ENTITY to undertake, or assist in undertaking, essential community development and housing assistance activities, specifically publicly assisted housing.
7. FAIR HOUSING ACTIVITIES. The LEAD ENTITY and the CITY acknowledge and agree that both the LEAD ENTITY and the CITY are required to take steps to affirmatively further fair housing. Further, the LEAD ENTITY and the CITY acknowledge and agree that HOME funding shall not be permitted or made available for activities in or in support of the CITY if it is determined that the CITY does not affirmatively further fair housing within its own jurisdiction or impedes the LEAD ENTITY's actions to comply with its fair housing certification.
8. CIVIL RIGHTS POLICIES. The LEAD ENTITY and the CITY acknowledge and represent to the other that they have adopted and are enforcing the following policies, towit: (a) a policy prohibiting the use of excessive force by law enforcement agencies within their respective jurisdictions against any individuals engaged in non-violent civil rights demonstrations; and (b) a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within the jurisdiction.
9. REQUIREMENTS APPLICABLE TO SUB-RECIPIENTS. The LEAD ENTITY and the CITY acknowledge and agree that, pursuant to 24 C.F.R. 92, and amendments thereto, the CITY shall be subject to the same requirements applicable to sub recipients including the requirement for a written agreement set forth in 24 C.F.R. 92, as required of the LEAD ENTITY, as the lead entity for the consortium, and that the action plan and annual updates must be submitted to and approved by HUD. Further, the LEAD ENTITY and CITY agree that neither party, during the period covered by this agreement, shall obstruct the implementation of the action plan as approved by HUD.
10. DURATION OF AGREEMENT. This agreement shall remain in full force and effect for the period covering the successive three year qualification necessary to carry out

activities which will be funded from HOME appropriations for the federal fiscal years for which the consortium is funded. Further, the LEAD ENTITY and the CITY agree that for the duration of this agreement neither party may terminate, cancel, withdraw from, or, any way, impair this agreement.

11. HOME FUNDING. The LEAD ENTITY and the CITY acknowledge that if federal funds for the home program are available during the federal fiscal years they will be utilized following the federal requirements of the HOME program as may be established by HUD, including funding match.

12. IDEMNIFICATION. The LEAD ENTITY and the CITY acknowledge and agree that the forms of financial assistance authorized by HUD under HOME may include the following; interest bearing loans; non-interest bearing loans, interest subsidies; deferred payment loans, grants; and other forms of financial assistance, as approved by HUD. The CITY understands that the LEAD ENTITY's method of funding for its projects under HOME shall be in compliance with 24 CFR 92, however nothing contained herein shall preclude the CITY from selecting any of the other forms of financial assistance authorized by HUD. The CITY understands and acknowledges that the LEAD ENTITY assumes no liability or responsibility for the form of financial assistance selected by the CITY, and the CITY hereby represents that the method of financial assistance shall be in conformance with all the federal requirements of the HOME program as established by HUD. Further, the CITY agrees to protect, indemnify, and hold the LEAD ENTITY, its officers anc employees, free and harmless from and against any and all claims, liabilities, actions or suits, regardless of their nature or merit, alleged or brought against the LEAD ENTITY or CITY, by any CITY participant in the HOME Program or any potential recipient of HOME financial assistance from the CITY, or arising, directly or indirectly, from the negligence or willful misconduct of the CITY in perfo:mance of this agreement.

IN WITNESS WHEREOF, the parties hereto have caused the above and foregoing Cooperation Agreement to be executed in triplicate by their respective and duly authorized officers the day and year first above written.

Signature of City Official	Signature of Lead Entity
Name	Mark Rohr Name
Title	City Manager Title
Attest	Attest

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: June 4, 2012
Council Bill No. 2012-135

Item: Purchase of Property for Widening Schifferdecker Final Phase
Originating Department: Public Works – Engineering

Attachments: 1) Location Map
2) Council Bill No. 2012-135

Department Head: David Hertzberg DKH	Date: 5/25/12
Engineering Department: Jack Schaller JS	Date: 5.25-12
Finance Department: Leslie Jones LJ	Date: 5-30-12
City Attorney: Brian Head	Date: 5/30/12
City Manager: Mark Rohr	Date: 5/29/12

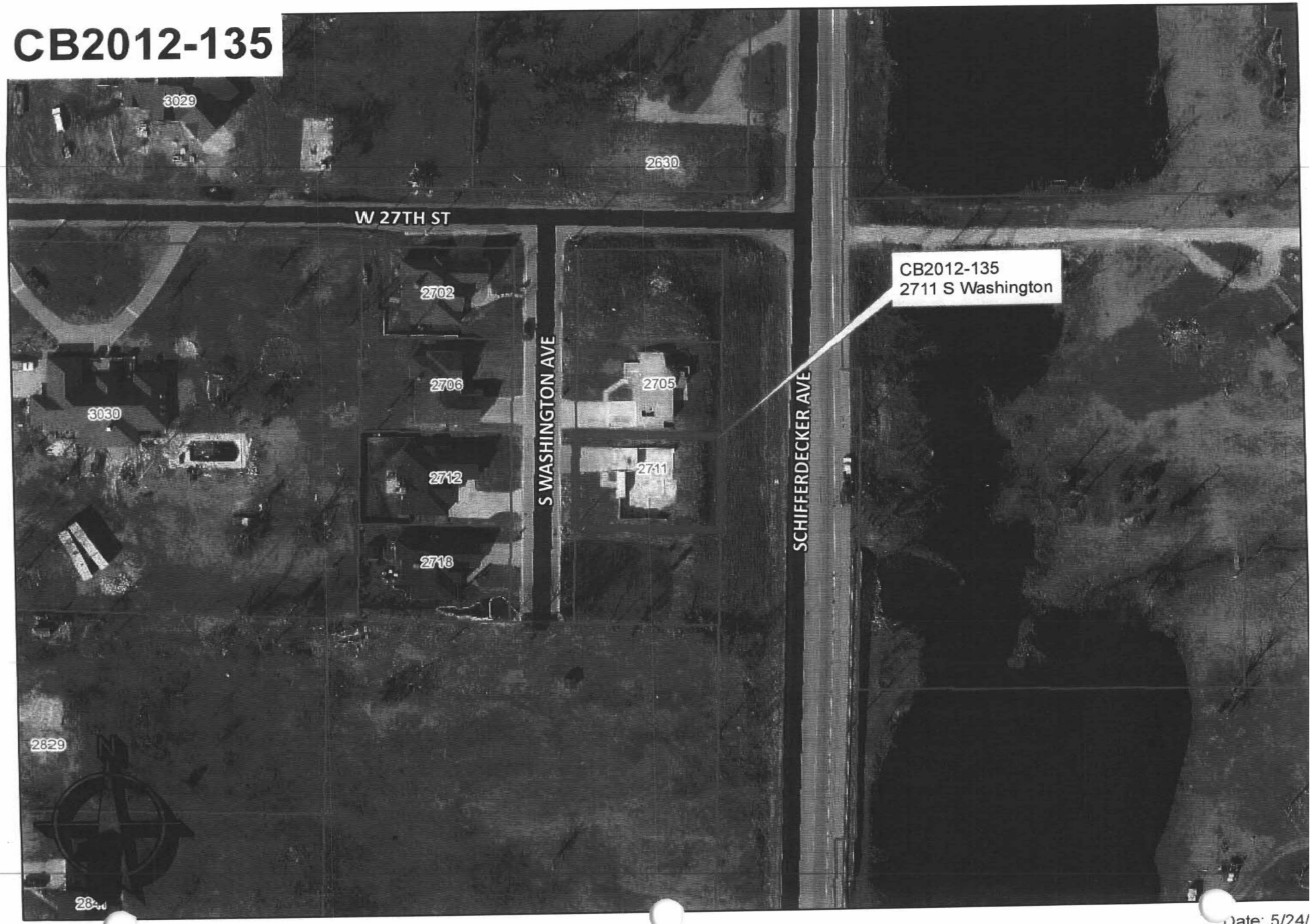
Recommended Action: Purchase of Right of Way at 2711 S. Washington Avenue, for the Schifferdecker Widening Project.

Background: The City of Joplin has budgeted money for the completion of the Schifferdecker widening project. This project was listed as priority number nine among projects included in the 3/8-cent Transportation Sales Tax issue approved by voters in November of 2004. The final phase of construction will complete the scheduled improvements to this major arterial corridor. In order to complete the project it is necessary to purchase right of way from the described property located at 2711 S. Washington Avenue.

Discussion: Staff has reached an agreement with Craig Hudson for Fifty Thousand Dollars, ($50,000.00). This is the appraised amount for this acquisition.

Recommendation: Staff recommends approval for payment of $50,000.00 for the purchase of the described right of way at 2711 S. Washington.

CB2012-135



1 inch = 100 feet

Date: 5/24/

COUNCIL BILL NO. 2012-135 ORDINANCE NO.

AN ORDINANCE approving the purchase of right of way from property at 2711 S. Washington Avenue, consisting of all of Lot Numbered Six (6), in Parker Development Subdivision to the City of Joplin, Jasper County, Missouri; and authorizing the payment of Fifty Thousand and 00/100 dollars ($50,000) and containing an emergency clause.

WHEREAS, Craig Hudson is the legal owner of property at 2711 S. Washington Avenue, consisting of all of Lot Numbered Six (6), in Parker Development Subdivision to the City of Joplin, Jasper County, Missouri and;

WHEREAS, the Council of the City of Joplin approved in the 2011-2012 budget funds for the completion of the Street Widening Improvements on Schifferdecker Avenue.

WHEREAS, in order to make said improvements, it is necessary for the City of Joplin to acquire right of way at 2711 S. Washington Avenue, described herein.

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

Section 1. That the City of Joplin approve the purchase of a right of way at 2711 S. Washington Avenue, consisting of:

All of Lot Numbered Six (6) in PARKER DEVELOPMENT SUBDIVISION in the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof.

Section 2. That the City of Joplin authorize placing $50,000 in escrow for the purchase of right of way at 2711 S. Washington Avenue. Payment will be made from account #145-4565-520-8105 Project TC0509.

Section 3. That the Director of Public Works is hereby authorized to accept this right of way on behalf of the City of Joplin.

Section 4. That the City of Joplin declares that this ordinance relating to a public improvement is an emergency within the meaning of Section 2.12 (6) 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.

COUNCIL BILL NO. 2012-135 ORDINANCE NO.

Passed by the Council of the City of Joplin, Missouri, this _____ day of

_____, 2012 by a vote of _____.

_____
Melodee Colbert-Kean, 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: June 4, 2012
Council Bill No. 2012-136

Item: Purchase of Property for Widening Broadway from St. Louis to Florida
Originating Department: Public Works – Engineering

Attachments: 1) Location Map
2) Council Bill No. 2012-136

Department Head: David Hertzberg DKH	Date: 5/25/12
Engineering Department: Jack Schaller JS	Date: 5-25-12
Finance Department: Leslie Jones LJ	Date: 5-30-12
City Attorney: Brian Head BH	Date: 5-30-12
City Manager: Mark Rohr	Date: 5/29/12

Recommended Action: Purchase of Right of Way at 2517 Central Street for the Broadway widening project.

Background: The City of Joplin has budgeted money for the widening of Broadway Street from St. Louis east to Florida through the 3/8 cent transportation sales tax fund that was approved by voters in August 2004. This project involves the widening of the existing 2-lane road into a 3-line road. Bicycle lanes are included with the widening and a sidewalk is planned on both sides for pedestrians. In order to complete the widening project it is necessary to purchase right of way from the described property located at 2517 Central Street.

Discussion: Staff has reached an agreement with Nickolas and Marilyn R. Pitts for Three Thousand Four Hundred Thirty Five Dollars, ($3,435.00). This is within the compensation range for this acquisition. This is the 2nd of 3 parcels to be acquired.

Recommendation: Staff recommends approval for payment of $3,435.00 for the purchase of the described right of way at 2517 Central Street.

CB2012-136



1 inch = 50 fee

Date: 5/24/2

COUNCIL BILL NO. 2012-136 ORDINANCE NO.

AN ORDINANCE approving the purchase of right of way from property 2517 Central Street consisting of part of Lots Numbered Twelve (12), Thirteen (13), Fourteen (14), and Fifteen (15), of Block Twenty-Five (25), in College Hill Addition to the City of Joplin, Jasper County, Missouri, and authorizing the payment of Three Thousand Four Hundred Thirty-five and 00/100 dollars ($3,435.00) and containing an emergency clause.

WHEREAS, Nickolas and Marilyn R. Pitts are the legal owners of property at 2517 Central Street , consisting of part of Lots Numbered Twelve (12), Thirteen (13), Fourteen (14), and Fifteen (15), of Block Twenty-Five (25), in College Hill Addition to the City of Joplin, Jasper County, Missouri and;

WHEREAS, the Council of the City of Joplin approved in the 2011-2012 budget funds for the purchase of right of way for the Street Widening Improvements on Broadway.

WHEREAS, in order to make said improvements, it is necessary for the City of Joplin to acquire right of 2517 Central Street, described herein.

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

Section 1. That the City of Joplin approve the purchase of a right of way at 2517 Central Street, consisting of:

All that part of Lots Numbered Ten (10) and Eleven (11) in Block Thirty-Two (32) in College Hill Addition to the City of Joplin, Jasper County, Missouri, described as follows:
Beginning at the southeast corner of said Lot Eleven, thence N89°18'44"W along the south line of said Lot Eleven, 5.00 feet; Thence N02°03'01"E, 94.58 feet to a curve to the left having a radius of 79.50 feet; Thence along said curve an arc distance of 95.66 feet to a point on the north line of said Lot Ten; Thence S89°19'04"E away from said curve along the north line of said Lots Ten & Eleven, 55.95 feet to the northeast corner of said Lot Eleven; Thence S02°03'01"W, 169.99 feet to the point of beginning.

Section 2. That the City of Joplin authorize placing $3,435, in escrow for the purchase of right of way at 2517 Central Street. Payment will be made from account #145-4565-520-8105 Project TC0513.

Section 3. That the Director of Public Works is hereby authorized to accept this right of way on behalf of the City of Joplin.

Section 4. That the City of Joplin declares that this ordinance relating to a public improvement is an emergency within the meaning of Section 2.12 (6) 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.

COUNCIL BILL NO. 2012-136 ORDINANCE NO.

Passed by the Council of the City of Joplin, Missouri, this _____ day of

_____, 2012 by a vote of _____.

_____
Melodee Colbert-Kean, 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: June 4, 2012

Item: SITE PLAN REVIEW FOR 2601 SOUTH MAIN STREET
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: David Hertzberg — Date: 5/25/2012
City Attorney: Brian Head — Date: 5-30-12
City Manager: R. Mark Rohr — Date: 5/29/12
Board or Commission: Planning and Zoning Commission — Date: 5/14/2012

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "7 in favor, 0 absent"

SUMMARY/REQUEST:
Case 055-12: 2601 South Main Street – A request for a Site Plan Review for the construction of Taco Bell on Commercial-Planned Development property – Larry Fugate.

STAFF SUMMARY:
Plans are consistent with development codes of the City of Joplin and meet the enhanced development standards of the recently updated Comprehensive Plan corridor development standards.

The reconstruction of this development is a result of tornado damage. Staff recommends approval of the development plans.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. John Bolte, Small Arrow Engineering, has been hired by Larry Fugate and by Confederated Builders to assist them with redevelopment plans for this site.

Mr. Bolte explained that Taco Bell existed at 2601 South Main for many years prior to the tornado and basically operated on the two corner lots of 26th and Main. They acquired a lot immediately behind them at 26th and Virginia prior to the tornado and acquired three additional lots after the tornado to create a six-lot development to give them more room for additional parking and better traffic circulation.

Mr. Bolte explained that the lots on Virginia Avenue were rezoned for commercial use with those lots now falling within the City's planned development requirements. The proposal facility is shifted to the south from the location of the prior store. This shift is also taking into effect the right-of-way acquisition on 26th Street to allow for the realignment of the intersection.

Mr. Bolte has developed a shared access off of Main Street with the property owner to the south. They are in agreement with the shared access, so both parties have moved forward with a design that will allow for that shared point. From an access management standpoint, there is better separation from the traffic signal.

Mr. Bolte discussed a new access point onto Virginia Avenue for circulation and has also shifted the access on 26th Street to the east of the alley. The alley will be used for drive-through purposes, with the alley to be vacated in the future when the development to the south takes place. The alley will be closed, with the only access on 26th Street being the new driveway.

Mr. Bolte explained that the development is being phased where the alley will remain open at this time for drive-through operations. Empire District Electric will be relocating one power pole to the south property line. When the property to the south redevelops later this year, the utility relocations will be completed.

Mr. Bolte explained that some landscaping and green space is being planned to the east of the parking lot towards Virginia Avenue, to provide for some outdoor dining for patrons of Taco Bell. This green space will create a buffer between the development and the residential property along the east side of Virginia.

Mr. Bolte discussed the lighting plans and explained that all the lighting is contained within the property, with no bleed-over into the residential neighborhood to the east.

Mr. Bolte explained that Taco Bell is in a position to move forward with the development pending City Council approval of the site plans in June and obtain a building point at that point. The contractor anticipates a three to four-month timeframe for completion of the building.

Mr. Eastman asked if the new traffic signal will have a left-turn lane going north on Main Street. Mr. Bolte understood that all the traffic signals destroyed by the tornado are being installed as a group package due to federal funding being used for the installations. Mr. Bolander was not sure of the timeframe for the signal installations at this time.

Mr. Eastman thought shifting the entry to the south should help since it was very difficult accessing Taco Bell before. Mr. Bolte explained that access was pretty tight, so the new access is placed as far away as possible from the intersection. He discussed the improved accesses onto 26th Street and onto Virginia Avenue making it easier for patrons to enter and exit.

Mr. McClure asked if any additional landscaping is planned for the outdoor seating area behind the building. Mr. Bolte explained that his plans show landscaping in this area, with a planting schedule for trees and shrubbery. The area north of the drive lane will be irrigated and will contain trees and plantings. The island area to the south will only be mulched until the property to the south is developed. He anticipates a vegetative strip on that owner's side of the property line.

Mr. Gilstrap is happy to see Taco Bell returning and explained that when people were in the drive-through lane at night, the headlights were shining directly onto oncoming traffic. He asked about erecting a barrier to keep the headlights from shining into oncoming traffic at the intersection.

Mr. Bolte explained that the landscaping plans allow for space for a pole-mounted sign. He thought one of the trees could be shifted to the north to line up with the drive-through headlights. He stated that the drive-through lane is further south than before, so the lights will probably be shining into traffic in the northbound right-turning lane on Main Street.

Mr. Anderson liked the plans but asked about speed bumps or traffic control until the alley is vacated. He expressed concern about the safety issue with traffic going up and down the alley at the same time pedestrian traffic is walking from the restaurant east to the outdoor dining area. Mr. Bolte stated that some crosswalk bars can be placed in this area. He thought the alley traffic should be pretty minimal.

Mr. Bolander thought the alley would be vacated prior to Taco Bell's development being completed. The neighbor to the south will actually be requesting the vacation of the alley in the near future.

Mr. Bolander thanked Mr. Bolte and his firm for embracing the new design standards, and also working with the property owner to the south to make sure everything is compatible and works together and flows nicely. Mr. Bolte took into account the landscaping and access management, and Mr. Bolander is really impressed with the park-line facility being placed in the rear as a buffer. The development not only serves the automobile but that neighborhood to the east as well.

PUBLIC COMMENT:
None.

STAFF PLANNING REPORT

CASE 055-12:

Review plans for Taco Bell.

APPLICANT:

Larry Fugate

NAME OF DEVELOPMENT:

Taco Bell

LOCATION:

2601 South Main Street

PRESENT ZONING:

C-3 and C-3-PD (Commercial District and Commercial – Planned Development)

EXISTING CONDITIONS:

PROPERTY SIZE

Approximately 0.8 Acre

FLOOD PLAIN

Flood Zone "X" (Areas of Minimal Flooding)

	LAND USE	EXISTING ZONING
SITE	Former Shopping Center	C-3 and C-3-PD
NORTH	Former Single-Family Home and Former Car Wash	R-1 and C-3
SOUTH	Former Commercial	C-3 and C-3-PD
EAST	Former Single-Family Homes	R-1
WEST	Former Commercial	C-3

TRAFFIC CONDITIONS:

STREET(S) WITH ACCESS TO PROPOSED DEVELOPMENT

Main Street
Virginia Avenue
26th Street

CLASSIFICATION OF STREET(S)

Main Street – Arterial
Virginia Avenue – Local
26th Street – Collector

RIGHT-OF- WAY WIDTH

Main Street – 80 ft
Virginia Avenue – 60 ft
26th Street – 50 ft

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

The property owner has agreed to install a shared access driveway on Main Street with the property to the south. This will allow the driveway to be moved further south of the 26th Street & Main Street intersection thereby reducing a traffic conflict 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 newly adopted corridor design standard requirements.

BUFFERING REQUIREMENTS:

The proposed site plan incorporates the additional landscaping and buffering as identified in the recently updated Comprehensive Plan corridor standards.

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 and meet the enhanced development standards of the recently updated Comprehensive Plan corridor development standards.

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 4-18-12

SITE PLAN REVIEW CHECKLIST

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: 055-12
Filing: _____
Date Advertised: 4-29-12
Date Notices Sent: 5-1-12
Public Hearing Date: 5-14-12

I. **Name of Project:** Taco Bell

II. **Location of Project:** 2601 S. Main Street

III. **Name of Owner:** Larry Fugate

IV. **Name of Person who Prepared the Site Plan:** John Bolte (Small Arrow Engineering)

V. **Instructions:**

The following checklist is to be completed by the applicant/developer and shall accompany the Site Plan when it is submitted to the Planning and Zoning Commission. 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.

Does the Site Plan comply with or show the following?	Yes	No
A. Name of the project, address, boundaries, date, north arrow and scale of the plan.	☑	☐
B. Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.	☑	☐
C. Name and address of all owners of record of abutting parcels.	☑	☐
D. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures.	☑	☐

E. The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, show all exterior entrances and all anticipated future additions and alterations. For developments in the "C-2" Central Business District (CBD), indicate design details to make new construction compatible with existing structures. ☑ ☐

F. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs and fences. Location type and screening details for all waste disposal containers shall also be shown. ☑ ☐

G. The Municipal Planner may require 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. ☐ ☐

H. The location, height, size, materials, and design of all proposed signage. ☑ ☐

I. 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. ☑ ☐

J. The location of all existing and proposed utility systems including:

1. sewer lines and manholes; ☑ ☐

2. water lines and fire hydrants; ☑ ☐

3. telephone, cable and electrical systems; and ☑ ☐

4. storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales. ☑ ☐

K. 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. ☑ ☐

L. 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. If any portion of the parcel is within the 100-year flood plain, the area shall be shown, with base flood elevations; and the developer shall present plans for meeting Federal Emergency Management Agency (F.E.M.A.) requirements. ☑ ☐

M. Zoning district boundaries adjacent to the sites perimeter shall be drawn and identified on the plan. ☑ ☐

N. 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. The City Engineer may require a detailed traffic study for mixed use and multi-tenant developments, or for developments in heavy traffic areas to include:

1. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels. ☐ ☐

2. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and ☐ ☐

3. 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. ☐ ☐

O. For new construction or alterations to any existing structure, a table containing the following information must be included:

1. Area of structure to be used for a particular use, such as retail operation, office, storage, etc.; ☐ ☐

2. Maximum number of employees; ☐ ☐

3. Maximum seating capacity, where applicable; ☐ ☐

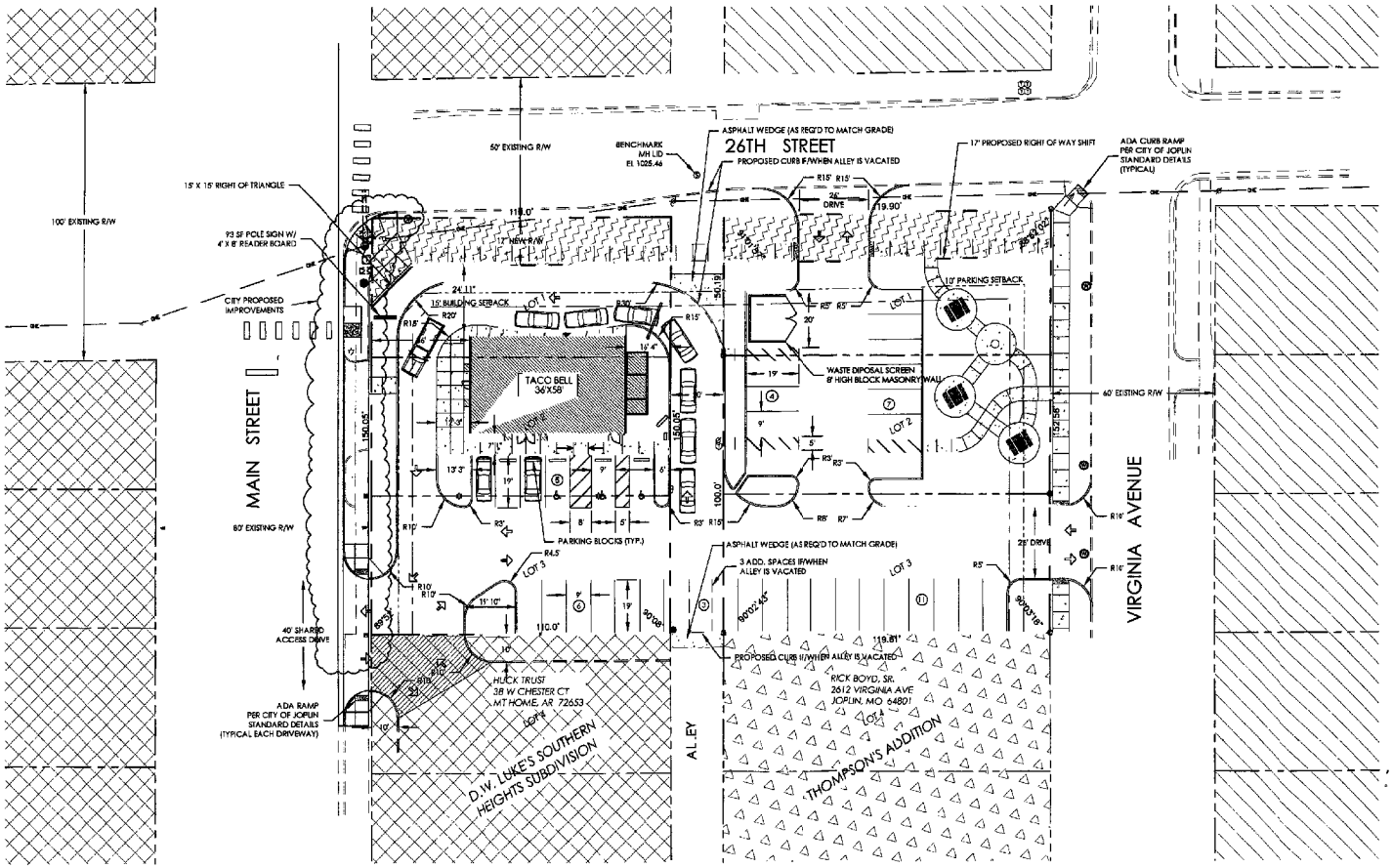
4. Number of parking spaces existing and required for the intended use; and ☑ ☐

5. A landscape plan for improving large areas of paved parking with appropriate landscaping may be required. ☐ ☐



Rendering of Similar Store.

SITE PLAN
FOR
TACO BELL
2601 S. MAIN STREET
JOPLIN, JASPER COUNTY, MISSOURI



0 10 20 40
SCALE 1" = 20

OWNER: J. LARRY FUGATE
FUGATE ENTERPRISES
2085 MAJOR ROAD
WICHITA, KS 67209
(316) 722-5670

DEVELOPER: CONFEDERATED BUILDERS, INC
JOE WAUGH
802 N. BUCKNER ST
DERBY, KS 67037
(316) 788-5913

ENGINEER: SMALL ARROW ENGINEERING, LLC
JOHN H. BOULE PE
216 S. MAIN ST
JOPLIN, MO 64801
(417) 624-2333

ZONING: C3 LOTS 1-2-3 D.W. LUKE'S SOUTHERN HEIGHTS SUB
C3-PD LOTS 1-3 THOMPSON'S ADDITION

LAND USE: RESTAURANT FAST FOOD WITH DRIVE THROUGH

ADJACENT ZONING: C3 & R1

ABUTTING LAND USE: COMMERCIAL (VACANT)

BUILDING DETAILS:
TOTAL SQUARE FOOT: 2,375
MAXIMUM HEIGHT: 24' 9"

SIGN DETAILS:
93 SF POLE SIGN WITH 32 SF READER
30' HEIGHT

MAXIMUM EMPLOYEES: 12
MAXIMUM SEATING: 72
PARKING SPACES REQ'D: 29
PARKING SPACES PROVIDED: 34
ADDITIONAL PARKING SPACES WITH ALLEY VACATION: 3

DETENTION: REQUIREMENTS HAVE BEEN WAIVED FOR THIS SITE.
WATER QUALITY: REQUIREMENTS HAVE BEEN WAIVED FOR THIS SITE
FEMA FLOOD PLAIN: MAP # 29097C0043D EFFECTIVE MARCH 16, 2006
NO PART OF THIS SITE FALLS WITHIN A MAPPED FLOOD PLAIN

PROPERTY DESCRIPTION:

All of Lots Numbered One (1), Two (2), and Three (3) in D. W. LUKE'S SOUTHERN HEIGHTS SUBDIVISION, in the City of Joplin, Jasper County, Missouri, according to the Recorded Plat thereof

And

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

EXCEPT:

THE NORTH 17 FEET OF LOT ONE (1) IN D. W. LUKE'S SOUTHERN HEIGHTS SUBDIVISION IN THE CITY OF JOPLIN, JASPER, COUNTY, MISSOURI

AND EXCEPT

THE NORTH 17 FEET OF LOT ONE (1) IN THOMPSON'S ADDITION IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI

AND EXCEPT

A TRIANGULAR PARCEL COMMENCING AT THE NORTHWEST CORNER OF LOT ONE (1) IN D.W. LUKE'S SOUTHERN HEIGHTS SUBDIVISION IN THE CITY OF JOPLIN, JASPER, COUNTY, MISSOURI, THENCE SOUTH 17 FEET TO THE POINT OF BEGINNING, THENCE EAST 15 FEET, THENCE NORTHWEST TO A POINT ON THE WEST LOT LINE OF SAID LOT 1 SAID POINT BEING 22 FEET SOUTH OF NORTHWEST CORNER, THENCE NORTH 15 FEET TO THE POINT OF BEGINNING

Containing 0.76 Acres more or less.

Subject to any existing easements or restriction of record.

SMALL ARROW ENGINEERING, LLC
216 S. MAIN STREET
PO BOX 1328
JOPLIN, MISSOURI 64802
TEL: 417.624.2333
FAX: 417.624.2441
EMAIL: jboule@small-arrow.com

SMALL ARROW ENGINEERING, LLC
CERTIFICATES OF AUTHORIZATION
MISSOURI E-2012006467
KANSAS No. E-1900
OKLAHOMA No. 8907
ARKANSAS No. 2097

REVISIONS | NO. | DATE | DESCRIPTION

All engineering and architectural plans are the sole property of the engineer and shall not be used for any purpose whatsoever unless released in writing by the engineer. It shall not be used in whole or in part as the basis of any construction without the written consent of the engineer.

Copyright © 2012 by Small Arrow Engineering, LLC

TACO BELL
CONFEDERATED BUILDERS, INC.
2601 S. MAIN STREET
JOPLIN, JASPER COUNTY, MO 64801
SITE PLAN

4/30/12

JOHN H. BOULE
PROFESSIONAL ENGINEER
MO LIC 029511 OK LIC 19035
KS LIC 14094 AR LIC 14360

SURVEY BY: CHRIS STEWART
DRAWN: TSD CHKD: JHB
SCALE: 1"=20'
PROJECT #: 12006
DWG: TACOBD1 SITEDWG
DATE: 04/26/12

PROJECT: TACO BELL
SHEET DESC: SITE PLAN

SHEET 2 OF 11

DEMOLITION, UTILITY & EROSION CONTROL PLAN

FOR

TACO BELL

2601 S. MAIN STREET

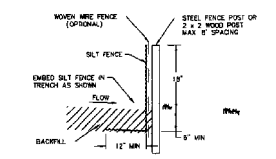
JOPLIN, JASPER COUNTY, MISSOURI

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

PRIOR TO CONSTRUCTION
1) INSTALL TEMPORARY CONSTRUCTION ENTRANCE
2) BEGIN AND CONTINUE A WEEKLY WRITTEN LOG OF INSPECTION AND WORK.

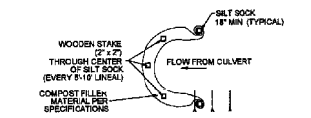
DURING CONSTRUCTION
1) OWNER SHALL PROVIDE WEEKLY INSPECTION AND MAINTENANCE OF SWPPP MEASURES WITH WRITTEN LOG OF ACTIVITIES.
2) STRIP ALL TOPSOIL FROM PROPOSED GRADING AREAS AND STOCKPILE. STOCKPILE SLOPES SHALL NOT BE MORE THAN 3:1
3) GRADE THE ENTIRE SITE AS SHOWN ON THE GRADING PLAN
4) IF GRADING STOPS FOR A PERIOD OF 7 DAYS OR MORE ON SLOPES EQUAL TO OR GREATER THAN 3:1, SEED AND STRAW AREAS AFFECTED WITH RAPIDLY GROWING PLANTS. IF SLOPE IS LESS THAN 3:1, 7 DAYS SHALL APPLY.
5) PROVIDE TEMPORARY BLOCKING OF SEDIMENT TO ALL INLETS.
6) AFTER GRADING IS COMPLETE, PLACE TOPSOIL AT A MINIMUM DEPTH OF 4" IN ALL AREAS EXCEPT IMPERVIOUS AREAS. SEED AND STRAW ALL AREAS.

POST CONSTRUCTION
1) RESEED AND MULCH AS REQUIRED UNTIL VEGETATION IS FINALLY ESTABLISHED
2) CONTINUE INSPECTION AND MAINTENANCE OF TEMPORARY SWPPP BMP MEASURES UNTIL VEGETATION IS THOROUGHLY ESTABLISHED
3) REMOVE TEMPORARY SWPPP BMP MEASURES ONCE VEGETATION IS THOROUGHLY ESTABLISHED.

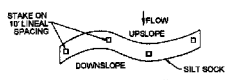


NOTES:

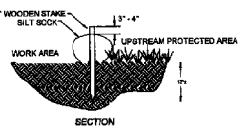
1. PLACE SILT FENCE AT DOWNSLOPE LIMIT OF AREA TO BE GRADED
2. SILT FENCE SHALL BE PLACED ALONG A LEVEL CONTOUR WITH AN ALLOWANCE OF ± 4 INCHES
3. SEDIMENT TRAPPED BY THIS PRACTICE SHALL BE DISPOSED OF IN AN APPROVED SITE IN A MANNER THAT WILL NOT CONTRIBUTE TO ADDITIONAL SILTATION
4. SILT FENCE SHOULD BE SECURELY FASTENED TO EACH SUPPORT POST OR TO WOVEN WIRE, WHICH IS IN TURN ATTACHED TO THE STEEL FENCE POSTS.
5. INSPECTION SHALL BE FREQUENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED
6. SILT FENCE SHALL BE REMOVED WHEN IT HAS SERVED ITS USEFULNESS SO AS NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE
7. ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 6 INCHES.
8. AT EACH END OF SILT FENCE, TURN FENCE UPSLOPE AND EXTEND UNTIL GROUND SURFACE RISES 12 INCHES



PLAN VIEW



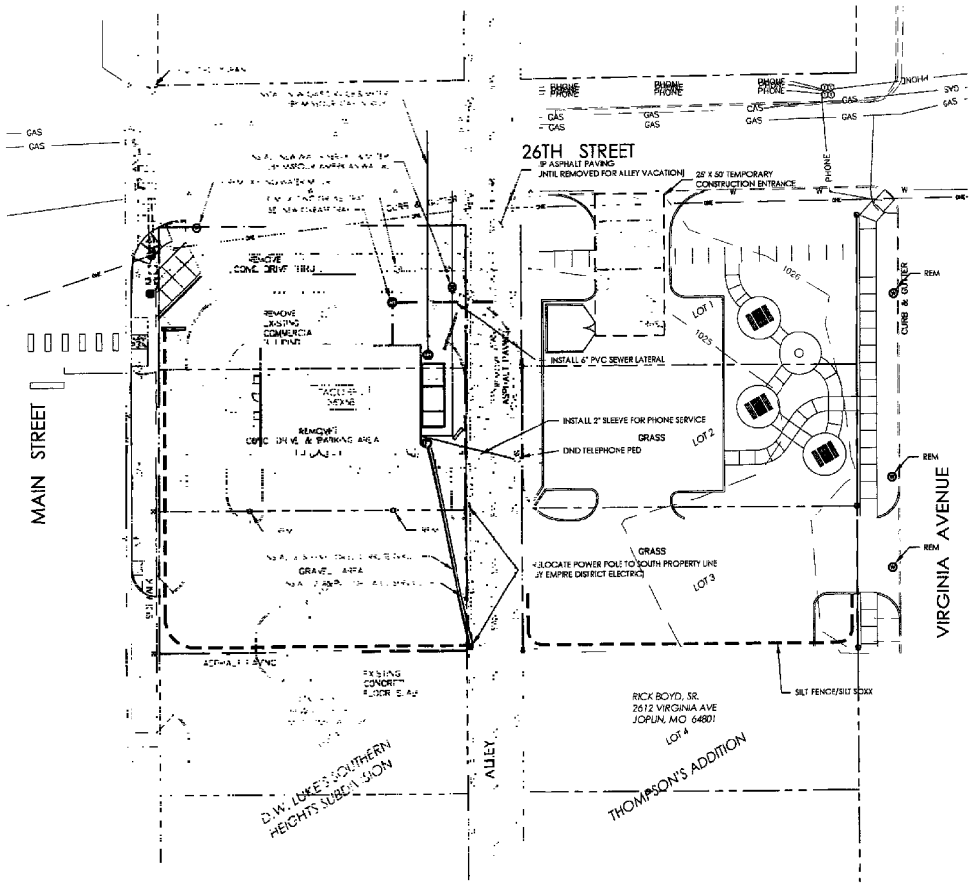
PLAN VIEW



SECTION

SILT SOCK DETAIL

NOTES:
1. SILT SOCK TO MEET FILTREXX® SPECIFICATIONS OR APPROVED EQUAL.
2. INSTALL ACCORDING TO MANUFACTURER SPECIFICATIONS.
3. COMPOST MATERIAL TO BE DISPERSED ON SITE, AS DETERMINED BY INSPECTOR.



EROSION CONTROL NOTES

1. THIS PLAN SHOWS THE LOCATION AND DETAILS FOR PRIMARY SEDIMENT CONTROLS TO BE CONSTRUCTED. THE CONTRACTOR IS RESPONSIBLE FOR CONTROLLING EROSION AND DISCHARGE OF SEDIMENT FROM THE SITE AT ALL TIMES DURING CONSTRUCTION. THE CONTRACTOR SHALL PROVIDE NECESSARY MEASURES DURING ALL PHASES OF HIS OPERATIONS REGARDLESS OF WHETHER THEY ARE SPECIFICALLY NOTED ON THIS PLAN AND SHALL MAINTAIN AND REPLACE CONTROLS AS NECESSARY DURING THE CONTROLS OF HIS OPERATIONS.
2. TEMPORARY CONSTRUCTION ENTRANCE(S) AND SILT FENCES, STRAW BALE DIKES OR OTHER INITIAL SEDIMENT CONTROLS SHOWN ON THIS PLAN MUST BE INSTALLED PRIOR TO ANY OTHER WORK.
3. THE CONTRACTOR SHALL CLEAN STREETS BOTH INTERIOR AND ADJACENT TO THE SITE AS NEEDED AFTER EACH RAINFALL, AND AT THE END OF CONSTRUCTION.
4. THE CONTRACTOR IS RESPONSIBLE FOR CONTROLLING DUST DURING CONSTRUCTION AND SHALL WATER CONSTRUCTION AREAS WHENEVER CONDITIONS WARRANT.
5. THE CONTRACTOR IS RESPONSIBLE FOR CLEANING ACCUMULATED SEDIMENT FROM STORM DRAINS PRIOR TO APPROVAL OF CONSTRUCTION.
6. ALL DISTURBED AREAS NOT RECEIVING OTHER PERMANENT STABILIZATION SUCH AS PAVEMENT, ROOFS, SOIL, ETC., SHALL BE SEEDED AND MULCHED, AS SPECIFIED BY THE CITY OF JOPLIN.
7. TEMPORARY EROSION CONTROL ROCK DITCH CHECKS AND HAY BALE DIKES MAY BE STAGED IF USING 12" MINUS RIP RAP PROTECTION OPTION.
8. IF TURF REINFORCEMENT IS USED THEY SHALL REMAIN IN PLACE AFTER CONSTRUCTION.
9. CONTRACTOR TO PLACE EROSION CONTROL PER PLAN AND AS NEEDED



0 10 20 40

SCALE: 1" = 20'

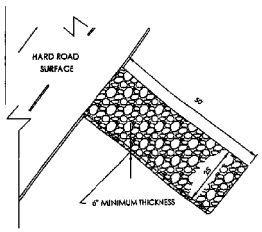
DEMOLITION LEGEND

REM	REMOVE
UIP	USE IN PLACE
DND	DO NOT DISTURB

REMOVAL OF IMPROVEMENTS:

1. REMOVE EXISTING BUILDING MATERIALS & FOUNDATIONS
2. REMOVE EXISTING SITE CURBING
3. REMOVE EXISTING CONCRETE PAVING
4. REMOVE EXISTING ASPHALT PAVING
5. REMOVE EXISTING UTILITY SERVICE LINES & METERS
6. REMOVE ALL GRASS & TOPSOIL TO A MINIMUM OF 6" BELOW EXISTING GRADE BELOW ANY PROPOSED PAVED SURFACES
7. REMOVE EXISTING LIGHT POLES

DO NOT DISTURB EXISTING UTILITIES IN ALLEY



NOTES:
1. INSTALL PRIOR TO ANY OTHER WORK.
2. USE 3"-6" CLEAN CRUSHED LIMESTONE.
3. DRIVE MUST BE AT LEAST 25 FEET WIDE AND 50 FEET LONG.
4. REPLACE AS NEEDED TO MAINTAIN 6" TO 12" DEPTH.

ROCK CONSTRUCTION ENTRANCE
N.T.S.

SMALL ARROW ENGINEERING, LLC
214 S. MAIN STREET
PO BOX 1538
JOPLIN, MISSOURI 64802
TEL: 417.624.2333
FAX: 417.624.2441
EMAIL: jbolte@small-arrow.com

SMALL ARROW ENGINEERING, LLC
CERTIFICATES OF AUTHORIZATION
MISSOURI 2010013647
KANSAS No. E-1990
OKLAHOMA No. 7727
ARKANSAS No. 2097

REVISIONS

NO	DATE	DESCRIPTION

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TACO BELL
CONFEDERATED BUILDERS, INC.
2601 S. MAIN STREET
JOPLIN, JASPER COUNTY, MO 64801
DEMOLITION, UTILITY & EROSION CONTROL PLAN



4/30/12

JOHN H. BOLTE
PROFESSIONAL ENGINEER
MO LIC 2005111 OK LIC 19055
KS LIC 14094 AR LIC 14310

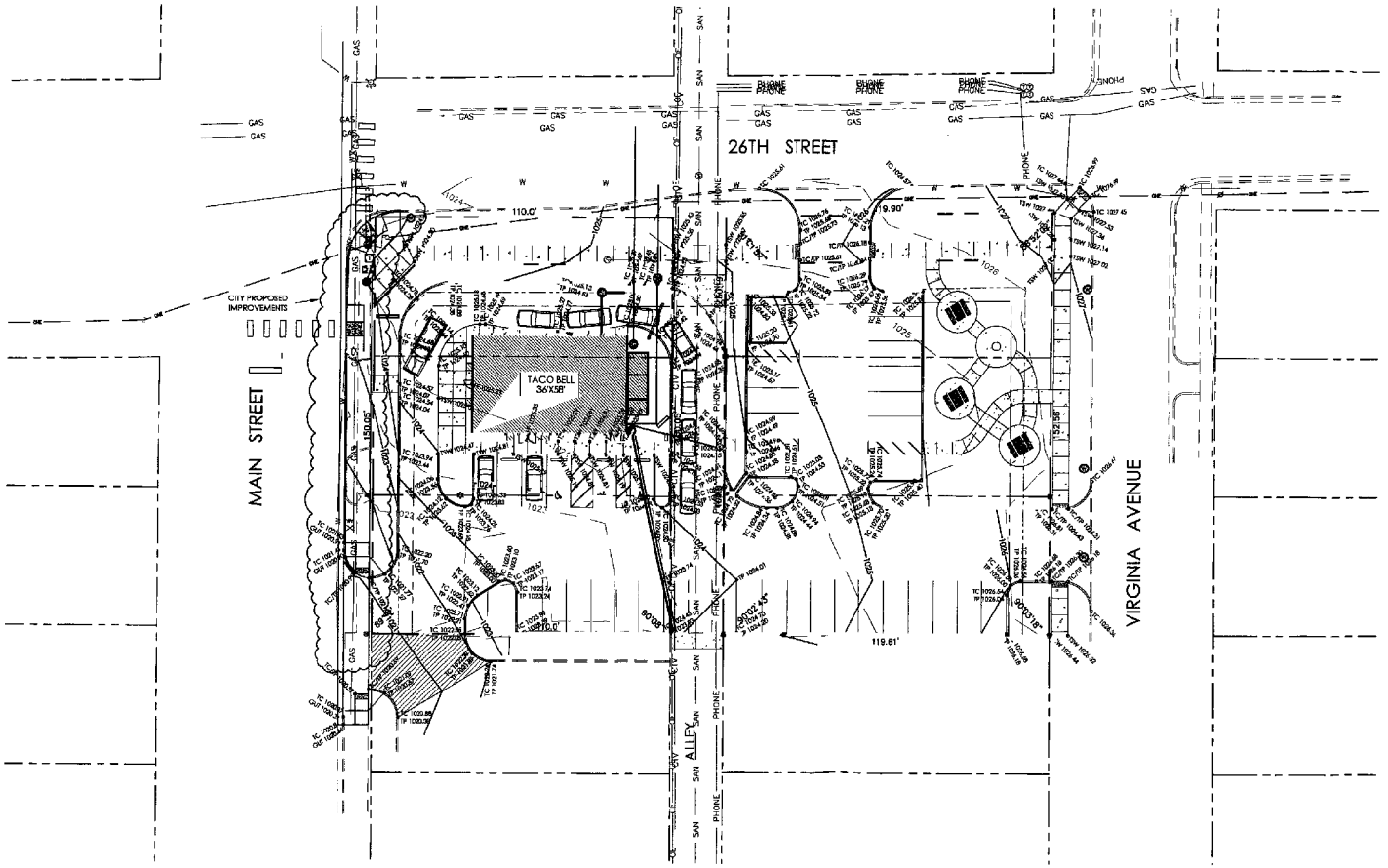
SURVEY BY: CHRIS STEWART
DRAWN: BED CHKD: JHB
SCALE: 1"=20'
PROJECT #: 12054
DWG: TACOBELL SITE.DWG
DATE: 04/30/12

PROJECT: TACO BELL

SHEET DESC: DEMOLITION PLAN

SHEET: 3 OF 11

GRADING PLAN
FOR
TACO BELL
2601 S. MAIN STREET
JOPLIN, JASPER COUNTY, MISSOURI



GRADING NOTES

1) TOPSOIL WITHIN ALL AREAS TO BE CUT OR FILLED SHALL BE STRIPPED TO A DEPTH BELOW THE ROOTS OR EXISTING GROUND COVER. TOPSOIL SHALL BE STOCKPILED IN AREAS DESIGNATED BY THE OWNER. EXCESS TOPSOIL SHALL REMAIN STOCKPILED FOR USE BY THE OWNER. PROPER DRAINAGE OF THE STOCKPILES SHALL BE MAINTAINED.

2) IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE EARTHWORK QUANTITIES.

3) NO CLASSIFICATION OF EXCAVATED MATERIALS WILL BE MADE. EXCAVATION WORK SHALL INCLUDE THE REMOVAL AND SUBSEQUENT HANDLING OF ALL MATERIALS EXCAVATED OR OTHERWISE REMOVED IN PERFORMANCE OF THE WORK, REGARDLESS OF THE TYPE, CHARACTER, COMPOSITION OR CONDITION THEREOF. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR DETERMINING THE AMOUNT OF ROCK EXCAVATION, IF ANY, TO BE INCLUDED IN HIS BID.

4) THE CONTRACTOR SHALL COMPLY WITH ALL LAWS, ORDINANCES, APPLICABLE SAFETY CODE REQUIREMENTS, AND REGULATIONS RELATIVE TO THE HANDLING, STORAGE, AND USE OF EXPLOSIVES AND THE PROTECTION OF LIFE AND PROPERTY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGE CAUSED BY HIS BLASTING OPERATIONS. SUITABLE METHODS SHALL BE EMPLOYED TO CONFINE ALL MATERIALS LIFTED BY BLASTING WITHIN THE LIMITS OF THE EXCAVATION.

5) THE CONTRACTOR SHALL VISIT THE SITE AND BECOME FULLY FAMILIAR WITH ALL OF THE CONDITIONS THAT PERTAIN TO THE WORK DESCRIBED HEREIN. THE FAILURE TO UNDERSTAND OR TO HAVE KNOWLEDGE OF ISSUES THAT COULD HAVE BEEN DETERMINED PRIOR TO BIDDING WILL NOT CONSTITUTE GROUNDS FOR ASKING FOR WORK CHANGE ORDERS OR EXTRA WORK.

6) THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND UTILITIES BEFORE EXCAVATION. UTILITY "MISSOURI ONE-CALL" BY CALLING 1-800-DIG-RITE AT LEAST 48 HOURS PRIOR TO CONSTRUCTION.

GRADING LEGEND

TOC	TOP OF SPILL CURB
TC	TOP OF CURB
TSW	TOP OF SIDEWALK
TP	TOP OF PAVEMENT
FL	FLOW LINE
GUT	GUTTER

0 10 20 40
SCALE 1" = 20

SMALL ARROW ENGINEERING, LLC
2145 S. [illegible]
P.O. [illegible]
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ARKANSAS No. 2297

REVISIONS NO.	DATE	DESCRIPTION

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TACO BELL
CONFEDERATED BUILDERS, INC.
2601 S. MAIN STREET
JOPLIN, JASPER COUNTY, MO 64801
GRADING PLAN

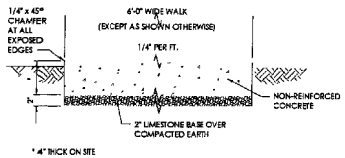
STATE OF MISSOURI
JOHN H. BOLTE
NUMBER E-22911
REGISTERED PROFESSIONAL ENGINEER

4/30/12

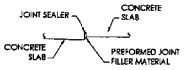
JOHN H. BOLTE
PROFESSIONAL ENGINEER
MO LIC E22911 OK LIC 19055
KS LIC 14094 AR LIC 14010

SURVEY BY: CHRIS STEWART
DRAWN: TSD CHKD: JHB
SCALE: 1"=20'
PROJECT #: 12004
DWG: TACOBELL SITE DWG
DATE: 04/30/12

PROJECT: TACO BELL
SHEET DESC: GRADING PLAN
SHEET 4 OF 11

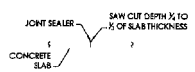


SIDEWALK DETAIL
N.T.S.



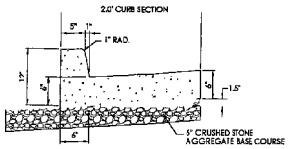
EXPANSION JOINT DETAIL
N.T.S.

NOTE: EXPANSION JOINTS SHALL BE PLACED IN AREAS OF TRANSITION FROM ONE PAVEMENT TYPE OR THICKNESS TO ANOTHER OR BETWEEN PARKING LOTS AT THROATS AND IN ACCORDANCE WITH ACPA GUIDELINES.

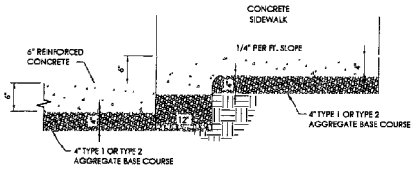


PCCP SAWED JOINT DETAIL
N.T.S

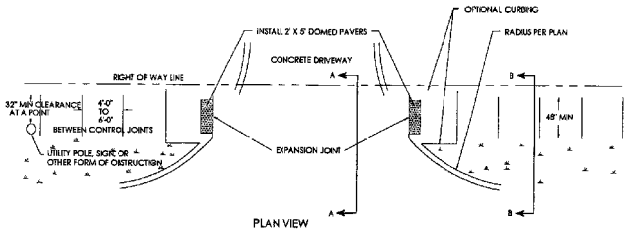
NOTE: CONTRACTION JOINTS SHALL BE PLACED IN BOTH DIRECTIONS AT A MAXIMUM SPACING OF 30 FEET AND IN ACCORDANCE WITH ACPA GUIDELINES.



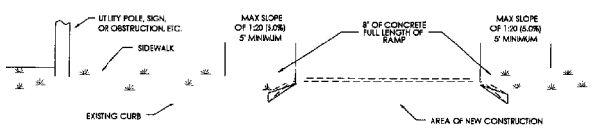
OPTIONAL
CURB AND GUTTER DETAIL
N.T.S.



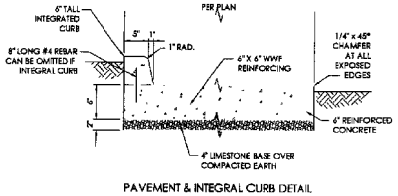
TYPICAL SIDEWALK / CURB SECTION
N.T.S



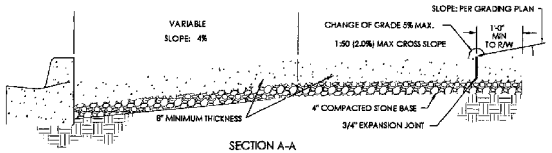
PLAN VIEW



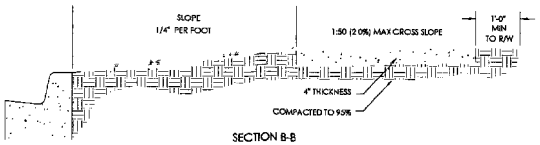
TYPICAL ELEVATION WITH RAMPING



PAVEMENT & INTEGRAL CURB DETAIL
N.T.S.



SECTION A-A



SECTION B-B

TYPICAL COMMERCIAL
DRIVEWAY & SIDEWALK
N.T.S

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OKLAHOMA No. 3537
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REVISIONS
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TACO BELL
CONFEDERATED BUILDERS, INC.
2601 S. MAIN STREET
JOPLIN, JASPER COUNTY, MO 64801
CONSTRUCTION DETAILS

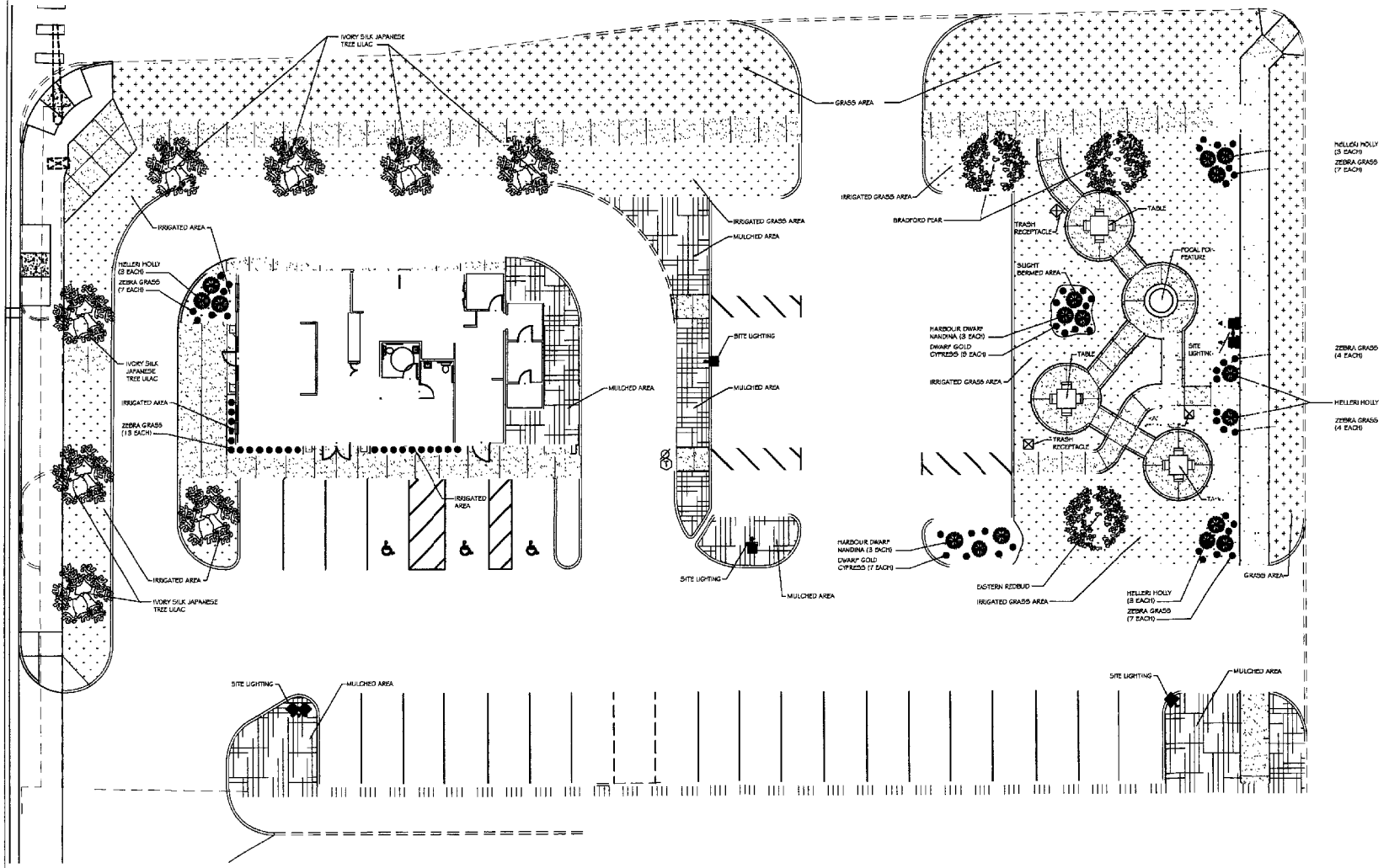
4/30/12

JOHN H. BOLTE
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MO LIC E22511 OK LIC 18888
KS LIC 14094 AR LIC 14310

SURVEY BY: CHRIS STEWART
DRAWN TED CHK'D JHB
SCALE 1"=20'
PROJECT # 1220N
DWG# TACO5811 SHT.DWG
DATE 04/26/12

PROJECT: TACO BELL
SHEET DESC. CONSTR DETAILS
SHEET 5 OF 11

LANDSCAPE PLAN
FOR
TACO BELL
JOPLIN, JASPER COUNTY, MISSOURI



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OKLAHOMA No. 8937
ARKANSAS No. 2097

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TACO BELL
CONFEDERATED BUILDERS, INC.
2601 S. MAIN STREET
JOPLIN, JASPER COUNTY, MO 64801
LANDSCAPE PLAN

STATE OF MISSOURI
JOHN H. BOLTE
NUMBER E-22511
REGISTERED PROFESSIONAL ENGINEER

4/30/12

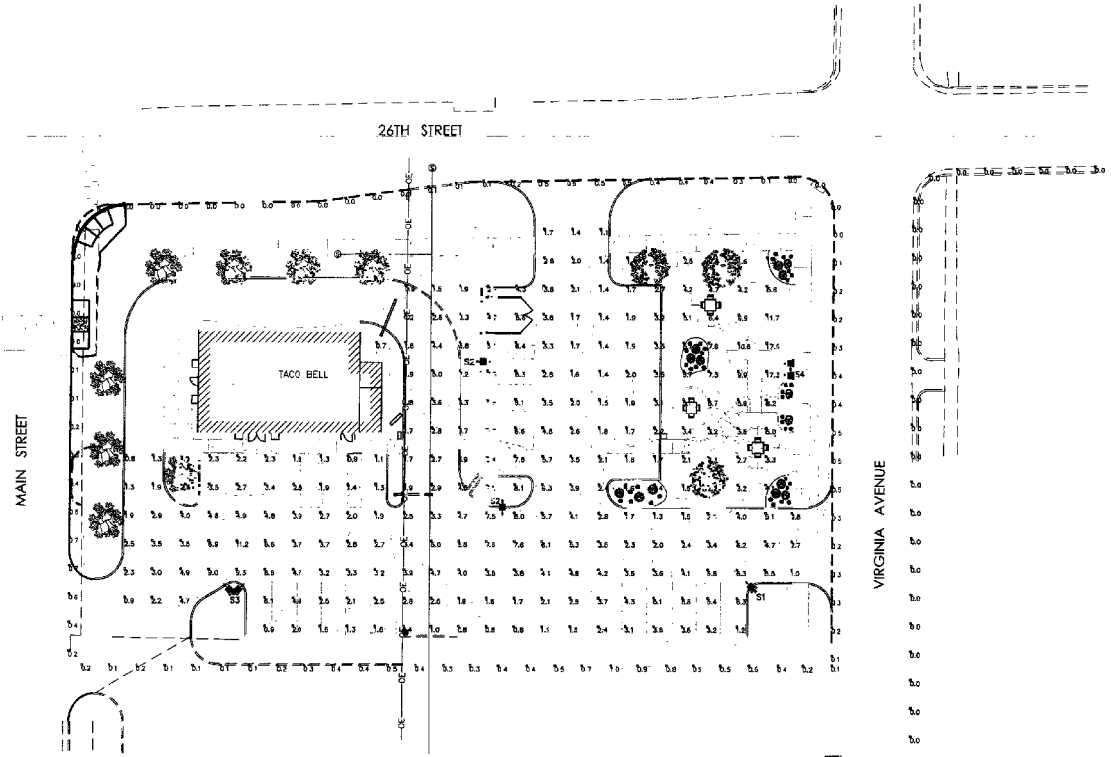
JOHN H. BOLTE
PROFESSIONAL ENGINEER
MO LIC E22511 OK LIC 18035
KS LIC 14094 AR LIC 14310

SURVEY BY: CHRIS STEWART
DRAWN: TEL CHKD: JHB
SCALE: 1"=30'
PROJECT #: 12004
DWG: TACOBELL SITE.DWG
DATE: 04/30/12

PROJECT: TACO BELL
SHEET DESC: LANDSCAPE PLAN

SHEET 6 OF 11

SITE LIGHTING PLAN
FOR
TACO BELL
JOPLIN, JASPER COUNTY, MISSOURI



SITE PLAN - LIGHTING PHOTOMETRICS
SCALE 1" = 20'0"

FIXTURE SCHEDULE

FIXT. CALLOUT	MFR	CATALOG NO.	FINISH	LAMP SIZE	MOUNTING	NOTES
S1	JUNO	AP2-400PS-QT-34-AS-HSS	BRONZE	MH 1-PSMH400	SINGLE 20' POLE W/ 3' ELEVATED BASE	W/ HOUSE SIDE SHIELD
S2	JUNO	AP2-400PS-QT-34	BRONZE	MH 1-PSMH400	SINGLE 20' POLE W/ 3' ELEVATED BASE	
S3	JUNO	(2)AP2-400PS-QT-FT-AS-HSS	BRONZE	MH 2-PSMH400	2 @ 90° 20' POLE W/ 3' ELEVATED BASE	W/ HOUSE SIDE SHIELDS
S4	JUNO	(2)AP2-400PS-QT-FT-AS-HSS	BRONZE	MH 2-PSMH400	2 @ 180° ROTATED OPTICS 20' POLE W/ 3' ELEVATED BASE	W/ HOUSE SIDE SHIELDS

STATISTICAL SUMMARY

STATISTICAL AREA	AVERAGE	MAXIMUM	MINIMUM
PARKING/PICNIC	3.86 FC	17.9 FC	0.7 FC
PROPERTY LINE	0.27 FC	1.8 FC	0.0 FC
RESIDENTIAL	0.0 FC	0.0 FC	0.0 FC

NOTES
FOOTCANDLE VALUES ARE BASED ON 40,000 LUMEN LAMPS WITH .72 LIGHT LOSS FACTOR (LLF)
ALL FOOTCANDLE MEASUREMENTS ARE TAKEN AT GRADE ON 10' X 10' CENTERS

Acculite
Project:
Fixture Type
Location
Contact/Phone

ALARI+™
PARKING, ROADWAY & AREA LIGHTING
HIGH PERFORMANCE ROTATABLE OPTICS . MAGNETIC BALLAST

Ordering Information See next page

PRODUCT DESCRIPTION

Beauty & Style The ultimate in stylish lighting design, the Alari™ luminaire provides a graceful transition from ground to sky. The sweeping curves and elegant lines creates a daytime appeal not normally found in a luminaire of this type. Available in designer colors.

Performance Highly engineered optics ensure high light levels with superior uniformity. The full complement of beam spreads makes Alari™ the ideal choice for elegant high performance lighting.

PRODUCT SPECIFICATIONS

Premium Optics Mirro 4®, 95% enhanced specular aluminum • Heat resistant tempered glass lens is standard

High Transmission Lens 98% efficient high transmission glass lens is optional

Rotatable Optics Alari+ optics can be rotated in increments of 90°

Low EPA The Alari™+ luminaire has only a 4sq/ft low-resistance profile

Vertical Lamp In addition to the standard horizontal lamp models, the Alari™+ luminaire is also offered with vertical lamps

"Dark Sky" Friendly Full cut-off • International Dark Sky Association Seal of Approval for dark sky friendly full cut-off luminaires

Tool-Less Relamping Snap action door latch

Construction Die-cast aluminum • Stainless steel external hardware • Removable hinged door • Power Tray Ballast Mounting System

Easy Mounting Two bolt keyhole mounting

Finish Baked polyester powder coat • Corporate colors are available

Lampholder Specification grade porcelain

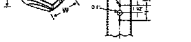
Ballasts HPF ballasts are suitable for low temperature starting • Probe start MH -30°C, Pulse Start MH -40°C, HPS -40°C

Certification UL/C-UL Listed, IP65, 10A Full Cut-Off

DIMENSIONS

	EPA	L	W	H	Weight
AP1 Series	0.8 ft²	22"	14"	5 7/8"	20 lbs
AP2 Series	1.0 ft²	30"	18 3/8"	7 9/16"	30 lbs





Acculite
Cat. No.
Accessories

ALARI+™
OPTIONS & ACCESSORIES
MAGNETIC BALLAST

PRODUCT CODES

Series	Lamp Wattage/Type	Ballast	Distribution	Options
AP1	250PS	QT	AV	A
Horizontal Lamp AP1 Medium base 70W - 150W PS 175W MH 70W - 150W HPS	Pulse Start Metal Halide Medium base - E17 70PS, 100PS, 150PS, 175PSL, 250PS Mogul base - E26 150PS, 200PS, 250PS, 320PS, 350PS, 400PS	Magnetic HID QT1 - Dual Tap 120/208V/240V/277V TT - Tri Tap 208V 277V 347V 480V 480V	Rotatable Optics Systems 90% reflectance AP1 & AP2 Series Horizontal Lamp AV 45 type II AV 60 type II AV 90 type III FT - Forward Throw AP2 Series Horizontal Lamp 4H - H.S. type IV AP2 Series Vertical Lamp Maximum 250W medium base AV - Asymmetrical SV - Square	See Below
Horizontal Lamp AP2 - Mogul base 150W - 400W	Probe Start Metal Halide Med. pk base - ED17 - 175MH Mogul base - ED28 - 175MH, 250MH, 400MH			
Vertical Lamp AP2 - Medium base 70W - 250W	High Pressure Sodium Medium base - E17 - 35HP, 100HP, 150HP Mogul base - E0215 - 150HP Mogul base - E0H - 250HP, 400HP			

OPTIONS
Add suffix to catalog #

Description	Suffix	Description	Suffix
Lamp		Quartz Auxiliary	Q
Coolwa HID lamp	CL	Double sectored beacon base	
Clear HID lamp	L	Quartz lamp not included	
Computer Rotatable Optics	By comm.	Terminal Block & Ground Lug to AWG to 6 AWG	TB
Left Facing	BL	Base Heater Supplied with fuse	
Right Facing	BR	On multi-tap ballasts indicate line voltage	
High Transmission Glass Lens Lens passes 98% light transmission		Photocontrol Available 120 thru 347V On multi-tap ballasts indicate line voltage	PC (with)
Internal House Side Shield For distribution suffix FT (Forward Throw)	SH		
For distribution suffixes 2H, 3H, 5H, 6V & SV see the external shields	See accessories		

	Suffix
Finish, standard	No Suffix
Black	BL
Silver	SL
White	WH
Designer Colors	Consult Factory
Additional Options Available	Consult Factory

ACCESSORIES
Order separately

	Description	Catalog #
	Wall Mount Bracket	A-WMB-color
	Round Pole Adapter Fits 3" to 4" pole Fits 5" to 6" pole	A-RPA34-color A-RPA56-color
	Post Top Adapter Fits 2" PS (2 3/8" o.d.) and 2-7/8" PS (2-7/8" o.d.) tenons	AP1T-color
	External House Side Shield Distribution suffix FT (Forward Throw) Use internal shield	See Options
	Polycarbonate Guard Fits AP1 & AP1 Series Fits AP2 & AP2 Series	AP1G AP2G

FC Factor .704 (400 K HPS) when required to build scale. Increase size for complexities or lamp outage percentage or an ambient ballast. Consult factory. Also available with horizontal lamp models.

Acculite
1300 S. Wolf Road • P.O. Box 500 • Des Plaines, IL 60017-0500 • Phone (847) 827-9880 • Fax (847) 827-7925
250 Chrysler Drive • Brampton, Ontario • Canada L6T 4B9 • Phone (905) 791-1570 • Fax (905) 791-2004
Printed in U.S.A. ©2006 Acculite Lighting, Inc.

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MISSOURI 2010013647
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OKLAHOMA No. 3932
ARKANSAS No. 2097

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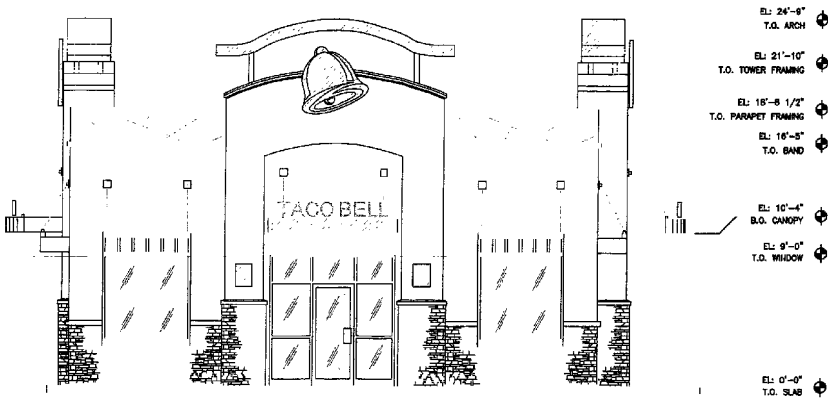
TACO BELL
CONFEDERATED BUILDERS, INC.
2601 S. MAIN STREET
JOPLIN, JASPER COUNTY, MO 64801
SITE LIGHTING PLAN

STATE OF MISSOURI
JOHN H. BOLTE
NUMBER E-22511
4/30/12

JOHN H. BOLTE
PROFESSIONAL ENGINEER
MO LIC E22511 OK LIC 18035
KS LIC 14074 AR LIC 14310

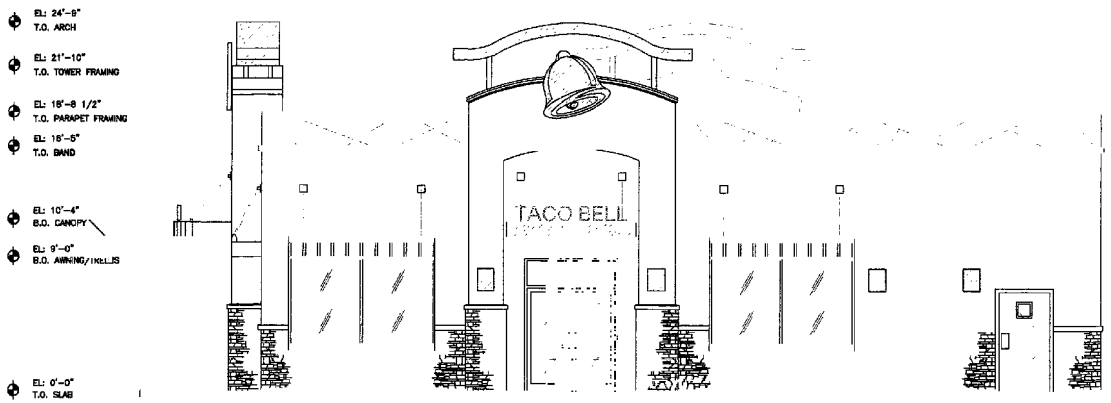
SURVEY BY: CHRIS LIEBHART
DRAWN: TRL CHKD: JHB
SCALE: 1"=20'
PROJECT #: 1209A
DWG: TACOBELL SPELDWG
DATE: 04/30/12

PROJECT: TACO BELL
SHEET DESC: SITE LIGHTING
SHEET 7 OF 11



FRONT ELEVATION

SCALE: 1/4"= 1'-0"



RIGHT SIDE ELEVATION

SCALE: 1/4"= 1'-0"

REVISIONS | BY

CONFEDERATED BUILDERS

FOR REFERENCE ONLY

ARCHITECT'S SEAL

TACO BELL

2601 S. MAIN ST.
JOPLIN, MO.

DRAWN : TN | CHECKED : JW

DATE : 04-17-12

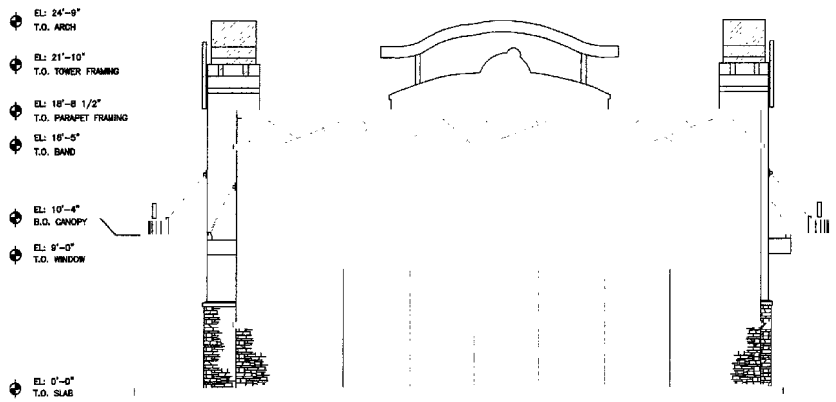
ELEVATIONS

SCALE: 1/4"= 1'-0"

SHEET 8

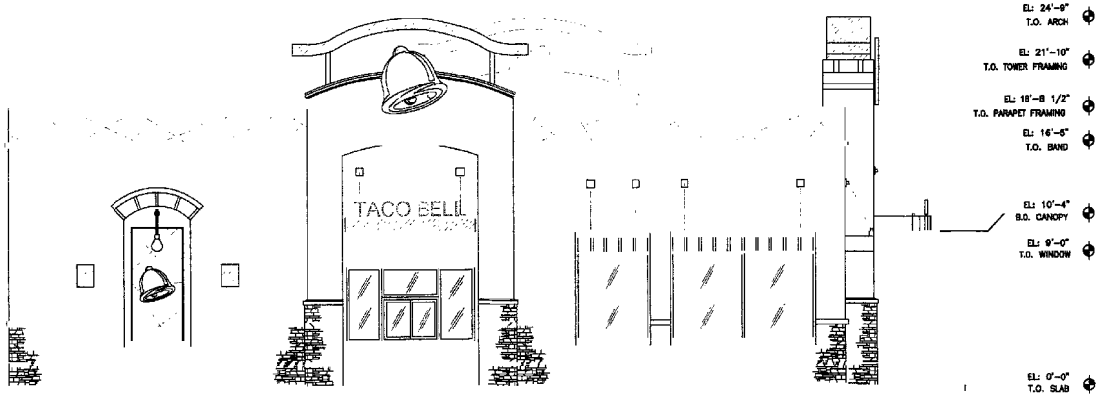
OF 11 SHEETS

FILE # ELEV.DWG



REAR ELEVATION

SCALE: 1/4"= 1'-0"



LEFT SIDE ELEVATION

SCALE: 1/4"= 1'-0"

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ARCHITECT'S SEAL

TACO BELL

2601 S. MAIN ST.
JOPLIN, MO.

DRAWN : TN | CHECKED : JW

DATE : 04-19-12

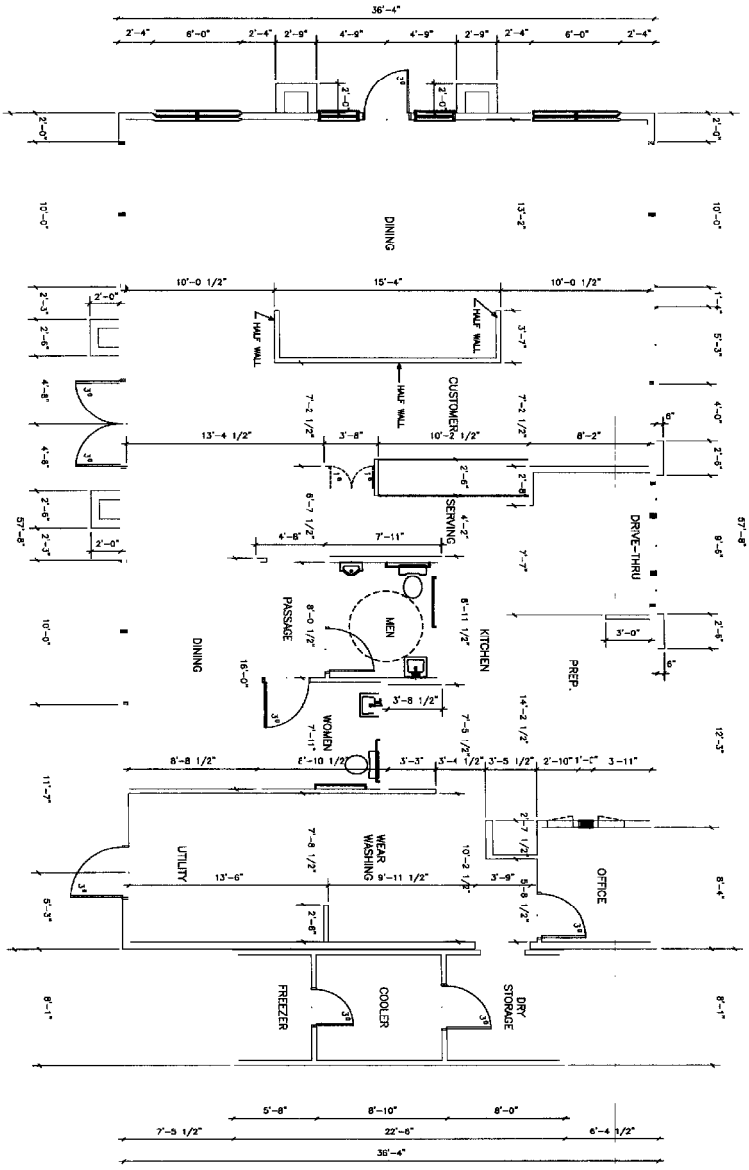
ELEVATIONS

SCALE: 1/4"= 1'-0"

SHEET 9

OF 11 SHEETS

FILE # ELEV2LOWG



FLOOR PLAN

SCALE: 1/4"=1'-0"

TACO BELL

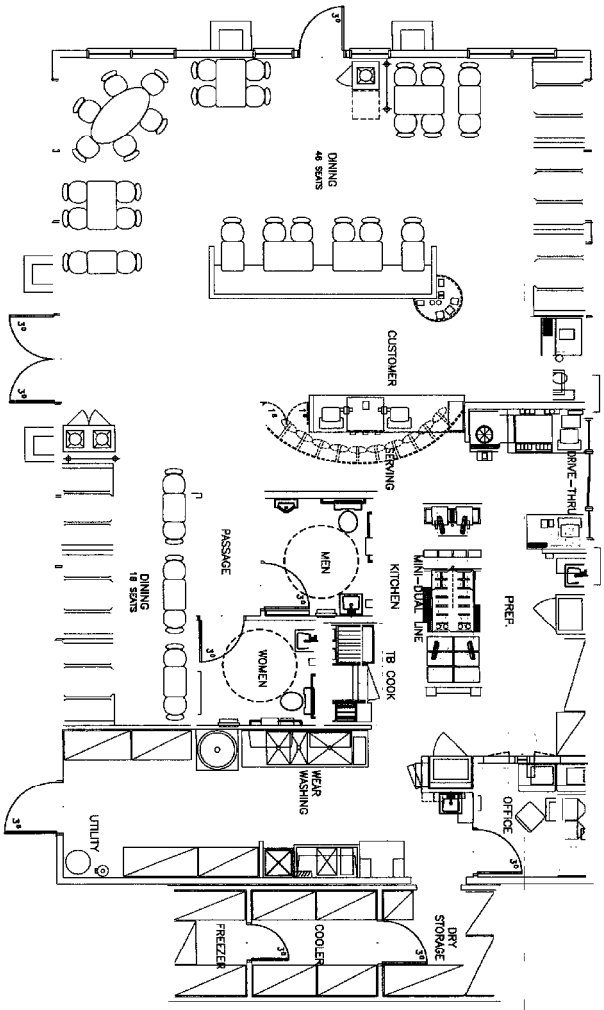
2601 S. MAIN ST.
JOPLIN, MO.

FOR REFERENCE ONLY
ARCHITECT'S SEAL

CONFEDERATED BUILDERS
(316)788-3701

REVISIONS
04-18-12 TN

DRAWN: TN CHECKED: MM
DATE: 04-12-12
FLOOR PLAN
SCALE: 1/4"= 1'-0"
SHEET 10 OF 11 SHEETS
FILE # FLOORPLAN10



EQUIPMENT PLAN

SCALE: 1/4"=1'-0"

TACO BELL

2601 S. MAIN ST.
JOPLIN, MO.

FOR REFERENCE ONLY

ARCHITECT'S SEAL

CONFEDERATED BUILDERS

303 N. Buckner (316)788-3701 Derby, KS 67037

REVISIONS
04-16-12 TN

DRAWN: TN | CHECKED: JW
DATE: 04-05-12
EQUIPMENT PLAN
SCALE: 1/4"= 1'-0"
SHEET 11 OF 11 SHEETS
FILE # EQUIPMENT.DWG

Case 055-12: 2601 South Main Street – A request for a Site Plan Review for the construction of Taco Bell on Commercial-Planned Development property – Larry Fugate.

Mr. Anderson opened the public comment period for Case 055-12.

Mr. John Bolte, Small Arrow Engineering, 216 South Main Street, Joplin, has been hired by Larry Fugate and by Confederated Builders to assist them with redevelopment plans for this site.

Mr. Bolte explained that Taco Bell existed at 2601 South Main for many years prior to the tornado and basically operated on the two corner lots of 26th and Main. They acquired a lot immediately behind them at 26th and Virginia prior to the tornado and acquired three additional lots after the tornado to create a six-lot development to give them more room for additional parking and better traffic circulation.

Mr. Bolte explained that the lots on Virginia Avenue were rezoned for commercial use with those lots now falling within the City's planned development requirements. He stated that the proposal facility is shifted to the south from the location of the prior store. This shift is also taking into effect the right-of-way acquisition on 26th Street to allow for the realignment of the intersection.

Mr. Bolte has developed a shared access off of Main Street with the property owner to the south. He explained that they are in agreement with the shared access, so both parties have moved forward with a design that will allow for that shared point. From an access management standpoint, there is better separation from the traffic signal.

Mr. Bolte discussed a new access point onto Virginia Avenue for circulation and has also shifted the access on 26th Street to the east of the alley. He explained that the alley will be used for drive-through purposes, with the alley to be vacated in the future when the development to the south takes place. The alley will be closed, with the only access on 26th Street being the new driveway.

Mr. Bolte explained that the development is being phased where the alley will remain open at this time for drive-through operations. He stated that Empire District Electric will be relocating one power pole to the south property line. When the property to the south redevelops later this year, the utility relocations will be completed.

Mr. Bolte explained that some landscaping and green space is being planned to the east of the parking lot towards Virginia Avenue, to provide for some outdoor dining for patrons of Taco Bell. This green space will create a buffer between the development and the residential property along the east side of Virginia.

Mr. Bolte discussed the lighting plans and explained that all the lighting is contained within the property, with no bleed-over into the residential neighborhood to the east.

Mr. Bolte explained that Taco Bell is in a position to move forward with the development pending City Council approval of the site plans in June and obtain a building point at that point. The contractor anticipates a three to four-month timeframe for completion of the building.

Mr. Eastman asked if the new traffic signal will have a left-turn lane going north on Main Street. Mr. Bolte understood that all the traffic signals destroyed by the tornado are being installed as a

group package due to federal funding being used for the installations. Mr. Bolander was not sure of the timeframe for the signal installations at this time.

Mr. Eastman thought shifting the entry to the south should help since it was very difficult accessing Taco Bell before. Mr. Bolte explained that access was pretty tight, so the new access is placed as far away as possible from the intersection. He discussed the improved accesses onto 26th Street and onto Virginia Avenue making it easier for patrons to enter and exit.

Mr. McClure asked if any additional landscaping is planned for the outdoor seating area behind the building. Mr. Bolte explained that his plans show landscaping in this area, with a planting schedule for trees and shrubbery. The area north of the drive lane will be irrigated and will contain trees and plantings. The island area to the south will only be mulched until the property to the south is developed. He anticipates a vegetative strip on that owner's side of the property line.

Mr. Gilstrap is happy to see Taco Bell returning and explained that when people were in the drive-through lane at night, the headlights were shining directly onto oncoming traffic. He asked about erecting a barrier to keep the headlights from shining into oncoming traffic at the intersection.

Mr. Bolte explained that the landscaping plans allow for space for a pole-mounted sign. He thought one of the trees could be shifted to the north to line up with the drive-through headlights. He stated that the drive-through lane is further south than before, so the lights will probably be shining into traffic in the northbound right-turning lane on Main Street.

Mr. Anderson liked the plans but asked about speed bumps or traffic control until the alley is vacated. He expressed concern about the safety issue with traffic going up and down the alley at the same time pedestrian traffic is walking from the restaurant east to the outdoor dining area. Mr. Bolte stated that some crosswalk bars can be placed in this area. He thought the alley traffic should be pretty minimal.

Mr. Bolander thought the alley would be vacated prior to Taco Bell's development being completed. The neighbor to the south will actually be requesting the vacation of the alley in the near future.

Mr. Bolander thanked Mr. Bolte and his firm for embracing the new design standards, and also working with the property owner to the south to make sure everything is compatible and works together and flows nicely. Mr. Bolte took into account the landscaping and access management, and Mr. Bolander is really impressed with the park-line facility being placed in the rear as a buffer. The development not only serves the automobile but that neighborhood to the east as well.

Mr. Anderson asked for comments from the commissioners and the audience, and none were received. He then closed the public comment period for Case 055-12.

MR. HARRINGTON MOVED, SECONDED BY MR. GILSTRAP, THAT THE SITE PLANS AS PRESENTED IN CASE 055-12 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. EASTMAN, MR. GILSTRAP, MR. HARRINGTON, MR. LANDRITH, MR. McCLURE, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).