INFORMAL AGENDA

INFORMAL AGENDA

July 1, 2013

5:15 p.m.

1. Use tax discussion
2. Finance committee discussion
3. Any other business

COUNCIL AGENDA

COUNCIL A G E N D A

July 1, 2013

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 (Mayor ProTem)		Dr. Benjamin D. Rosenberg
Jack Golden		Michael Seibert
Trisha A. Raney		

1. Call to Order
Invocation
Pledge of Allegiance

2. Roll Call

3. Presentations

4. Finalization of Consent Agenda

5. Reports and Communications

6. Citizen Requests and Petitions
1. Request from Terry Montague, 1936 E. Calvert Hill Rd, Columbia, MO, to address Council regarding boarding houses and zoning enforcement.

7. Public Hearings
Public Hearing Procedures
1. COUNCIL BILL NO. 2013-272 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District M-2 and including in District C-3 property as described below and located approximately 500 feet east of North Florida Avenue and 860 feet south of Newman Road in the City of Joplin, Jasper County, Missouri. (Requested by Historic Stockyards Properties LLC. Planning and Zoning recommended approval).

2. RESOLUTION NO. 2013-018 - A RESOLUTION granting a Special Use Permit (First Renewal) to USA Metal Recycling for the continued operation of a solid waste collection and processing facility for recycled materials located at 2000 West Seventh Street, in the

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.

City of Joplin, Jasper County, Missouri. (Requested by USA Metal Recycling. Planning and Zoning recommended approval).

3. COUNCIL BILL NO. 2013-273AN ORDINANCE providing for the vacation of a 20-foot wide sewer easement located approximately 80 feet east of Rex Avenue between 17th and 20th Streets in the City of Joplin, Jasper County, Missouri. (Requested by Red-Wood Development. Planning and Zoning recommend approval).

4. COUNCIL BILL NO. 2013-274 - AN ORDINANCE providing for the vacation of a 20-foot wide public alley located between South Main Street and South Virginia Avenue beginning at the north right-of-way line of 12th Street north approximately 197 feet in the City of Joplin, Jasper County, Missouri. (Requested by Charlie Kuehn. Planning and Zoning recommended approval).

5. COUNCIL BILL NO. 2013-275 - AN ORDINANCE providing for the vacation of a public street and utility easement for Old Main Street beginning at the south right-of-way line of 32nd Street south approximately 306 feet, in the City of Joplin, Newton County, Missouri. (Requested by Orange Development Inc. Planning and Zoning recommended approval).

6. RESOLUTION NO. 2013-019-A RESOLUTION granting a Special Use Permit (First Request) to US Cellular for the relocation and installation of a wireless telecommunications tower located the southeast corner of 32nd Street and Hearnes Boulevard, in the City of Joplin, Newton County, Missouri. (Requested by US Cellular c/o BT Group Planning and Zoning recommended approval).

7. COUNCIL BILL NO. 2013-276 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-3 and District C-1 and including in District C-3-PD property as described below and located at the southeast corner of 32nd Street and Hearnes Boulevard in the City of Joplin, Newton County, Missouri. (Requested by Orange Development Inc. Planning and Zoning recommended approval).

8. COUNCIL BILL NO. 2013-277- AN ORDINANCE providing for the vacation of (undeveloped) public streets in the original Kelsey Norman subdivision plat (existing Park Plaza Mobile Home Park) including (Old) 34th Street and Wisconsin Avenue, in the City of Joplin, Newton County, Missouri. (Requested by Colonial Heights MHP, LLC. Planning and Zoning recommended approval).

9. RESOLUTION NO. 2012-020 - A RESOLUTION authorizing the approval of the Joplin Community Phase II Recovery Plan that describes the proposed use of the $113,276,000 in Community Development Block Grant Disaster Recovery Funds (CDBG-DR) received from the Department of Housing and Urban Development (HUD) to help aid in the recovery from an EF-5 tornado that struck the City of Joplin on May 22, 2011.

8. Consent Agenda

1. Minutes of the June 17, 2013 meeting

9. Resolutions

10. Ordinances – Emergency

1. COUNCIL BILL NO. 2013-206 - AN ORDINANCE approving the conveyance of an easement to Missouri Gas Energy for the relocation and construction of a natural gas pipe line, and to perform maintenance and repairs as needed to said pipe line. The 20' easement is located within the Schifferdecker Park property in Section 5, Township 27, Range 33 in the City of Joplin, Jasper County, Missouri; and authorizing the City Manager to sign said easement and containing an emergency clause.

2. COUNCIL BILL NO. 2013-508 - AN ORDINANCE approving the issuance of Tax Increment Revenue Bonds (Joplin Recovery TIF Redevelopment Project) Series 2013 by the Industrial Development Authority of the City of Joplin, Missouri, and authorizing certain other actions in connection with the execution and delivery of the Series 2013 Bonds; and containing an emergency clause.

11. Ordinances – First Reading

12. Ordinances – Second Reading and Third Reading

13. Unfinished Business

14. New Business

Notice posted at 4:30p.m. on this the 27 day of June, 2013. (RSMo 610.020)

INFORMAL NOTES

INFORMAL NOTES

June 17, 2013

Segal to give semi-annual update on insurance	Leslie Jones and Mitch with Segal presented information to Council about the wellness program and the work of the Wellness committee. Leslie indicated there was a need to place dollars in the upcoming budget to help with the wellness program because a significant improvement was shown in the wellness program over this past year. She indicated they are in the early stages in working on discussing possibly placing exercise equipment at some facility(ies).
Discussion of Route 66 Mural Park issues and proposal.	Patrick Tuttle and Paul Whitehill discussed the mural Proposal and Park issues. The renaming to Rt 66 Mural Park has been endorsed by the Parks and Rec Board and The CVB recognizes it. Chad Greer described the floating bench, illuminating tiles and the neon sign. The murals will be in place by August 23, 2013. City Manager said Chad will have the drawings and bring back for review. Paul Whitehill asked for a formal request of $10,000. Patrick Tuttle said the CVB had $160,000 allocated. Motion by Mr. Shaw Second by Mr. Golden to allow $160,000 for project and $10,000 for tile request. Council approved 9-0.
Motor vehicle sales tax discussion	Leslie Jones, Finance Director presented the following information on the special use tax issue. Due to time discussion will be extended.

- Prior to January 2012 court ruling, sales taxes collected by local governments for purchases of such items as motor vehicles, boats, trailers (titled property) based on physical address of person purchasing item, even if purchase made out-of-state
- So, residents paid local sales tax on *all* vehicles and titled property bought when the vehicle was licensed, no matter where it was purchased
- January 2012, Missouri Supreme Court ruling, *Craig A. Street vs. Director of Revenue*

Ruling

- Missouri Supreme Court ruling (January 2012)

Craig A. Street vs. Director of Revenue

- Sales taxes can't be collected by local governments on out-of-state purchases of such items as motor vehicles, boats, trailers, etc., unless a local use tax has been imposed

- Court ruling eliminated local sales taxes on vehicles purchased out-of-state or from an individual
- Local cities and counties are losing tax revenues that were being collected

What is the impact of this ruling?

- Due to the region's proximity to three neighboring states, ruling could have devastating impact on local and county governments, as well as local businesses
- Local businesses could lose business as area Missouri residents cross state lines to make these large-ticket purchases to save sales tax dollars
- Local/County governments could lose sales tax revenue and impact services provided to citizens, such as police & fire protection, street maintenance, parks services
- State sales tax not impacted because of Missouri's existing use tax

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How does it work after recent court ruling?

- Resident purchases motor vehicle at Missouri dealership, resident pays sales tax based on where they reside
- Resident purchases motor vehicle at an out-of-state dealership, resident only pays local taxes if taxing jurisdiction has use tax in place; if no use tax in effect by local taxing entity, resident pays state use tax only
- Resident purchases motor vehicle from an individual either inside or outside the state, resident pays local taxes based on where they reside, if local jurisdiction has use tax; otherwise, resident pays state use tax only
- So, resident still paying local sales taxes if vehicle purchased from Missouri car dealer, but no local sales taxes paid if vehicle purchased out-of-state

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Projected Impact of Ruling

Missouri Department of Revenue Estimated Lost Sales Tax for municipalities from Vehicle & Marine Sales in 2011:

- Carl Junction $47,241
- Carthage $62,945
- Joplin $431,601
- Neosho $69,507
- Webb City $74,535
- Jasper County

Newton County

Actual impact to Joplin sales tax collections

- 1st quarter 2013 compared to 1st quarter 2012-$90,627 (21.5% decrease)
- 2nd quarter 2013 compared to 2nd quarter 2012-$97,231 (21.5% decrease)
- Total first two quarters of 2013 compared to 2012-$187,858

What is a Sales Tax?

- Sales tax requires a sale at retail in Missouri
- Imposed on the retail sale of tangible personal property (TPP) and taxable services
- Imposed on the seller for engaging in the business of selling TPP or providing taxable services
- Sales tax is charged based on the ***location of the seller***

What is a Use Tax?

- Imposed on the storage, use or consumption of tangible personal property (TPP) in the state
- Use tax applies to purchases made out-of-state & brought back for use in Missouri (including internet sales)
- Doesn't apply if the purchase is subject to sales tax
- Therefore, there can never be a Sales tax and a Use tax assessed on the same purchase-not a "double tax"

How does a use tax apply to a seller?

- Use tax is charged based on the first use in the state, generally the location of the purchaser
- Sellers must have "nexus" with Missouri to be required to collect and report use tax
- Missouri can't require out-of-state companies that don't have a "nexus" or direct connection with the state to collect and remit use tax

What is "Nexus"?

- Office, distribution house, sales house, warehouse, service enterprise or other place of business within Missouri
- Maintain stock of goods in Missouri

- Regularly solicits orders (other than advertising or direct mail) in Missouri
- Regularly leases property located in Missouri

How does a use tax apply to a purchaser?

- If an out-of-state seller doesn't collect the use tax or the sale is made by a seller not engaged in business, the purchaser is responsible for remitting the use tax to Missouri
- Purchasers are excluded from reporting tax until cumulative purchases equal $2,000 in a calendar year
- Thus, residents won't pay this tax, unless they purchase items from out-of-state for which the use tax is not collected by the seller and totals over $2,000 in a calendar year
- State currently charges a use tax
- If a resident isn't aware of the state use tax in effect, a local use tax shouldn't impact the purchaser

Common Use Tax Transactions

- Businesses purchasing supplies and taxable equipment from out-of-state
- Construction contractors
- Internet and mail order purchases from non-Missouri sellers

Local Use Tax Option

- Authorized in Section 144.757 – 144.761 RSMo
- Use tax rate must equal local sales tax rate currently in effect and imposed by governmental entity
- Imposition or expiration of a local sales tax automatically increases or decreases the local use tax
- Distributed as one tax

Regional Comparison

- 56 Missouri counties have "use" tax in place
- Nearly half of all Missouri cities with populations of 2,000 or more already have a "use" tax in place
- 105 Missouri cities have "use" tax in place

Why is a Use Tax Important?

- Pro-Missouri tax that levels playing field between hometown merchants and out-of-state sellers
- Helps retain local businesses, in turn keeping local jobs in the area
- Helps to ensure local retailers and merchants are treated equally with all others
- Helps to ensure the support of local businesses for the entire community, instead of the dollars flowing out of the region
- Preserves local economy

Why is a Use Tax Important?

- Helps to ensure local area governments have the resources to continue to provide same level of services to citizens such as police & fire protection, streets, parks, etc.
- Not new "tax" in traditional terms, instead a more efficient method of collecting sales tax owed to state and local governments
- Removes pressure to raise local sales taxes to make up for tax revenue lost to other states
- Local use tax replaces the local sales tax that used to be charged in these cases
- Local use tax applies only on transactions where no sales tax is assessed

How can the impact of this court ruling be addressed?

- Governor vetoed SB 182 on April 19, 2013

- SB 23 and HB 184 still pending, but short-term fix
- Only permanent solution is the passage of a use tax
- Submit a use tax question to the voters of the *region*
- Regional discussions with Carl Junction, Carthage, Webb City, Neosho, Jasper County, Barton County, and local area chambers

How can the impact of this court ruling be addressed?

- Each local municipality and county government in the region is discussing the placement of a use tax by each entity on the ballot in November of 2013
- Each legislative body will decide how they want to proceed
- Staff seeking approval for Joplin to place this question before the voters
- If approved, July and August to prepare documents for regional approach
- September and October for education of citizens
- Chambers will play large role with education of business community

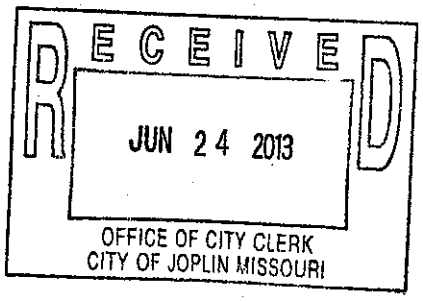
CITIZENS REQUESTS

REQUEST TO ADDRESS COUNCIL

TO: Mayor and Members of the Council Date: 6-24-13

I would like to speak to the City Council on the following subject:

I want To address Council Regarding Boarding Houses & Zoning Enforcement



Thank you.

Name: Terry Montague
Address: 1936 E Calvert Hill Rd Columbia, MO 65202
Daytime Phone:
Phone No.: 573-228-2223

PUBLIC HEARINGS

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: July 1, 2013

Item: COUNCIL BILL NO. 2013-272
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: David Hertzberg DKH Date: 6/21/2013
City Attorney: Brian Head BDH Date: 6-25-13
City Manager: R. Mark Rohr RMR Date: 6-25-13
Board or Commission: Planning and Zoning Commission MDW Date: 6/10/2013

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

SUMMARY/REQUEST:
Case 028-13: Approximately 500 feet east of North Florida Avenue and 860 feet south of Newman Road – A request to rezone from District M-2 (Heavy Industrial) to District C-3 (Commercial) for future commercial development – Historic Stockyards Properties LLC

STAFF SUMMARY:
The proposed rezoning will allow for the development of two apartment buildings that will be targeted towards students. Staff has received concerns from adjacent property owners along Florida Avenue and Grace Avenue, specifically about the removal of a large tract of heavily wooded area. Staff would request that the developer work with the adjacent property owners on buffering between the C-3 property and the R-1 properties.

This rezoning is part of a much larger redevelopment plan for the entire Stockyards property, which consists of approximately 50 acres. The redevelopment plan includes the development of retail, office, and multi-family housing. This first rezoning is for an 84 unit apartment complex, primarily targeted towards students at nearby Missouri Southern University.

Staff recommends approval of Case 028-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Ben Eastep appeared representing Historic Stockyards Properties LLC and stated that they began looking at this property about a year ago. They own industrial properties, as well as multi-family properties and commercial properties, across the Midwest. They decided that this property was a much better candidate to go from a heavy industrial site down to a commercial/residential site. They would like to down-zone the property in this request from heavy industrial down to multi-family zoning to construct 84 apartment units.

Mr. Eastep and his partners reviewed the City of Joplin's Comprehensive Plan, which recommends commercial real estate and not heavy industrial real estate. He knows that some buffer zones are needed around the property, with a 20-foot buffer zone currently existing. He has more than doubled that buffer zone along the back part of the property in order to keep a good amount of the trees. He also discussed some cut areas where they must take that piece of property down, with this cut area also containing vegetation.

Mr. Eastep stated that multiple trees and heavy landscaping is done because the amenities of these types of situations, in that he foresees a demand for real market rate apartments in Joplin. He discussed the amenity of being on a hill and having the trees since they do not have any age restrictions or income restrictions. The future plans for the remaining portion of the property is obviously not to have manufacturing, but to have retail and other commercial type settings in trying to following the City's Comprehensive Plan.

Mr. Cortez asked Mr. Eastep about his comment about more than doubling the buffer zone that would be between the homeowners at the end of Grace Avenue. Mr. Cortez asked Mr. Eastep how many feet would be in the buffer zone, and what that area will look like.

Mr. Eastep has conceptual plans on what that area will look like. He stated that the City's requirement is 20 feet, but that he is planning a 50-foot buffer. A good portion of that buffer area will be left untouched completely, but a small area may need to be cut.

Mr. Clayton Christy, Tri-State Engineering, stated that the 50 feet between the apartments and the homes on Grace Avenue will be virtually unchanged. From the property line of the residential subdivision to the edge of the street accessing the apartments is 50 feet. A site plan hasn't been approved yet.

Mr. Harrington asked about the 540 feet as indicated on the City's map, and if the developers are stating that none of the trees will be moved or touched for 50 feet north of that area. Mr. Christy did not believe it was feasible to leave a 50-foot buffer of trees. He did not believe the buffering requirement for the City requires that all the trees must be left.

Mr. Bolander explained that untouched areas have been used as a buffer. He stated that a combination of things that can be done, in that the nearby automobile dealership had left a buffer of undisturbed trees as well. The developers can use the wooded area as a buffer.

Mr. Christy stated there is a buffer, but in order to grade this site, this 50-foot area will not completely remain undisturbed. Leaving that area undisturbed would shift the development even further north.

Mr. Cortez asked if the intent would be to leave as much of the area untouched and as natural as possibly. Mr. Eastep replied that is correct, in that is why he actually doubled what the City requires. He could remove all the trees and erect a berm with a fence on top, but he decided to extend the buffer from 20 feet to over 50 feet. He will retain as many trees as possible as an amenity, but the ground to the east is a highly erodible area that cannot be developed in the future.

Mr. Eastep stated that if the zoning remains as heavy industrial, he could remove all the trees, but he is trying to leave as many trees as possible adjacent to the residential area.

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

Mr. Joe Singer, 330 North Grace Avenue, Joplin
Mrs. Jean Miller, 320 North Grace Avenue, Joplin
Mr. Earl Byrd, 319 North Florida Avenue, Joplin
Ms. Jan Schneider, 331 North Grace Avenue, Joplin

They expressed concerns about the removal of trees and not maintaining a sufficient buffer between their homes and the apartment development as stated in this request. They also expressed concerns regarding wildlife in this area, decreased residential property values, noise and construction activities taking place over a two-year period, and blasting taking place if the developers hit rock.

Those in opposition also stated that their residential area is well-maintained, with the area being a little gem that people are surprised by since this area is so close to Range Line Road.

Z&P Meeting: June 10, 2013
City Council Meeting: July 1, 2013

STAFF PLANNING REPORT
Rezoning

CASE 028-13:

A request to rezone from District M-2 (Heavy Industrial) to District C-3 (Commercial) for property located approximately 500 feet east of N. Florida Avenue and 860 feet south of Newman Road for future commercial development.

APPLICANT: Historic Stockyards Properties LLC

LOCATION: Near N. Florida Avenue and Newman Road

REQUESTED ZONING: C-3 (Commercial)

CORRIDOR: N/A

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
M-2 (Heavy Industrial)	Undeveloped	5.4 acres

SITE CONTEXT:

	North	East	South	West
Existing Zoning	M-2	M-2	R-1	M-2
Land Use	Undeveloped	Undeveloped	Single-Family	Undeveloped

FUTURE LAND USE:

This site is recommended for retail/commercial in the 2012 Future Land Use Map.

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
Newman Road	Collector	60'
Florida Avenue (Future phase)	Collector	60'

UTILITIES: The property has utility connections.

FLOOD PLAIN: Zone X – Area of minimal flooding.

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes.

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

This property is suitable for commercial development.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The planned rezoning should not detrimentally affect nearby properties. The applicant plans on leaving some buffer space

DISCUSSION

The proposed rezoning will allow for the development of two apartment buildings that will be targeted towards students. Staff has received concerns from adjacent property owners along Florida Avenue and Grace Avenue, specifically about the removal of a large tract of heavily wooded area. Staff would request that the developer work with the adjacent property owners on buffering between the C-3 property and the R-1 properties.

This rezoning is part of a much larger redevelopment plan for the entire Stockyards property, which consists of approximately 50 acres. The redevelopment plan includes the development of retail, office, and multi-family housing. This first rezoning is for an 84 unit apartment complex, primarily targeted towards students at nearby Missouri Southern University.

Staff recommends approval of Case 028-13.

ENCLOSURES: Preliminary Site Plan

RECEIVED
5-1-13

REZONING APPLICATION FORM

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

For Office Use Only

Case No.: 028-13
Filing Fee: $ 350.00
Date Advertised: 5-26-13
Date Notices Sent:
Public Hearing Date: 6-10-13

APPLICANT: Historic Stockyards Proporties LLC PHONE: (417) 548-2333
ADDRESS: PO Box 634, Carthage, MO ZIP: 64836
OWNER: Historic Stockyards Proporties LLC PHONE: (417) 548-2333
ADDRESS: PO Box 634, Carthage, MO ZIP: 64836
LOCATION OF PROPERTY: South on Newman Road between Range Line Rd and Florida Ave.
LEGAL DESCRIPTION: See Attached Description Exhibit A

Present Zoning M2 Requested Zoning: C3 Acreage: 5.4 acres
Present Use of Property: Not Used

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Commercial / Industrial	M2
South	Residental	R1
East	Commercial Retail	M2
West	Commercial/Industrial	M2

CHARACTER OF THE NEIGHBORHOOD: Mixed use of Commercial Retail and Industrial

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   No, there is C3 zoning just to the east across Range Line Road.
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? Yes
   If yes, explain: Restriction that no structure can be used for residential purpose

CONFORMANCE WITH COMPREHENSIVE PLAN:

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

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

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

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Newman Road and Florida Ave. (Private access to Range Line)
2. Classification of Street(s):
   Arterial _____ Collector Newman Rd & Florida Ave Local _____
3. Right-of-Way Width: Newman Varies from 70' to 100', Florida is 60'
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   No (Traffic Study shall be prepared prior to development)

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? No
2. Properly Sized Street Right-of-Way? No
3. Drainage Easements? No
4. Utility Easements:
   - Electricity? No
   - Gas? No
   - Sewers? No
   - Water? No
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: Steve Owens DATE: 4/30/13

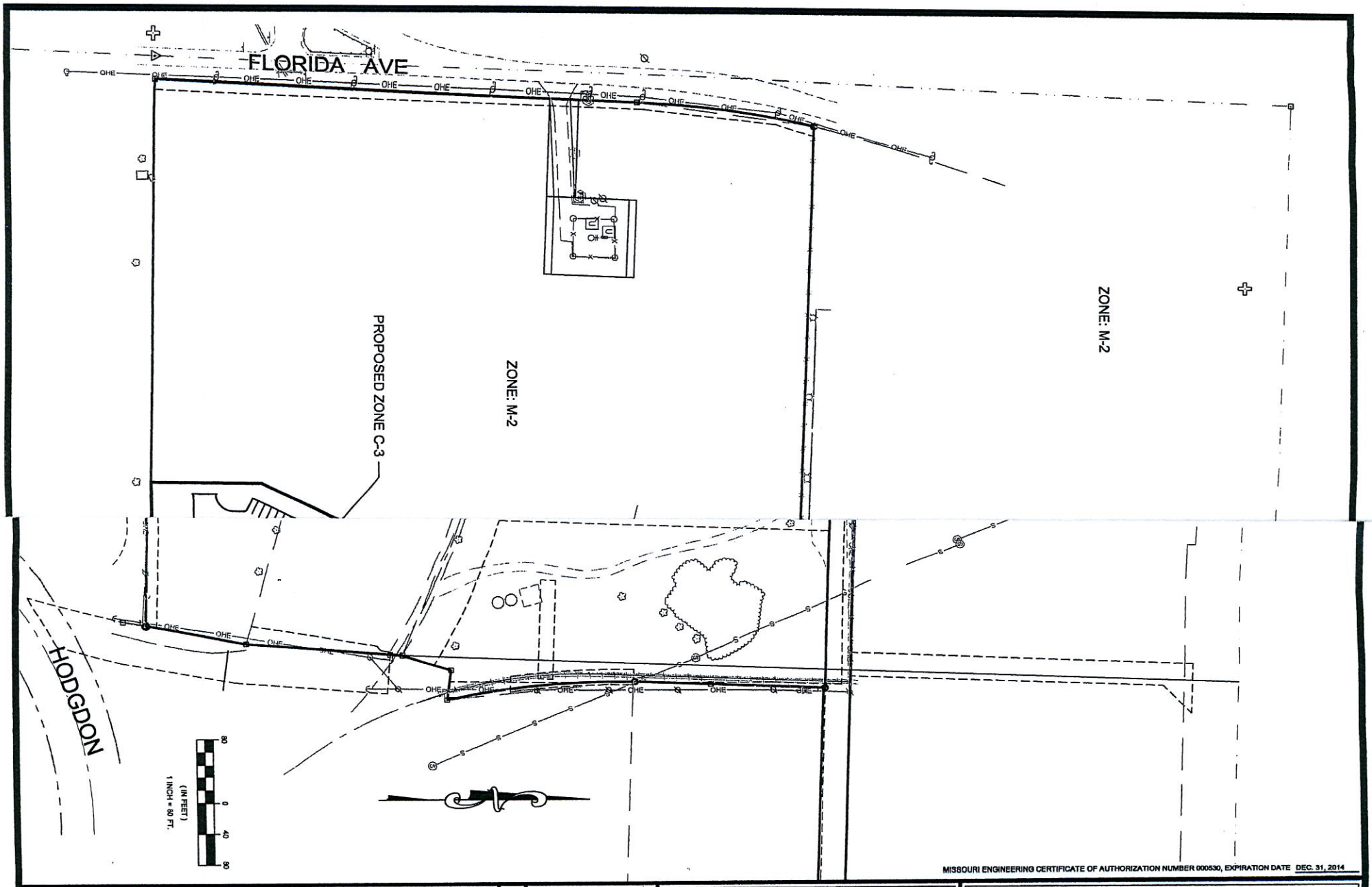
BY: STEVE OWENS

TITLE: Member

REZONING OF PARTIAL TRACT WITHIN THE PROPERTY OF JOPLIN HISTORIC STOCKYARDS

The reasoning for the rezoning of this property from M-2 to C-3 is for proposed multi-family dwelling units. Current zoning does not allow residential use except for a night watchman. A traffic comprehensive traffic study will be obtained prior to this development. The rezoned area is proposed to house two multi-family units, one three story with forty eight units and one three story with thirty six units for a total of eighty four units. The projected traffic generated from this rezoning will have a insignificant amount of increase.

This property has been standing idle for many years since the relocation of the stockyards that were once housed on this tract. The proposed improvements of streets, utilities, lighting and landscaping will help enhance the area infrastructure while providing residential structures for citizens of Joplin.



MISSOURI ENGINEERING CERTIFICATE OF AUTHORIZATION NUMBER 000530, EXPIRATION DATE DEC. 31, 2014

JOB NO.	12182A
DATE	4/30/2013
DRAWN BY	EWS
CHKD. BY	
SHEET NO.	1

Professional Engineers & Land Surveyors
702 South Main - Joplin, Missouri 64801
403 W. First St., Ste. 300 - Claremore, OK 74017
Mailing Address
P.O. Box 1867 - Joplin, Missouri 64802
Phone (417) 781-0643 - FAX (417) 781-4714
TOLL FREE 1-866-781-0643
www.tristate-engineering.com
TSE
TRI-STATE ENGINEERING

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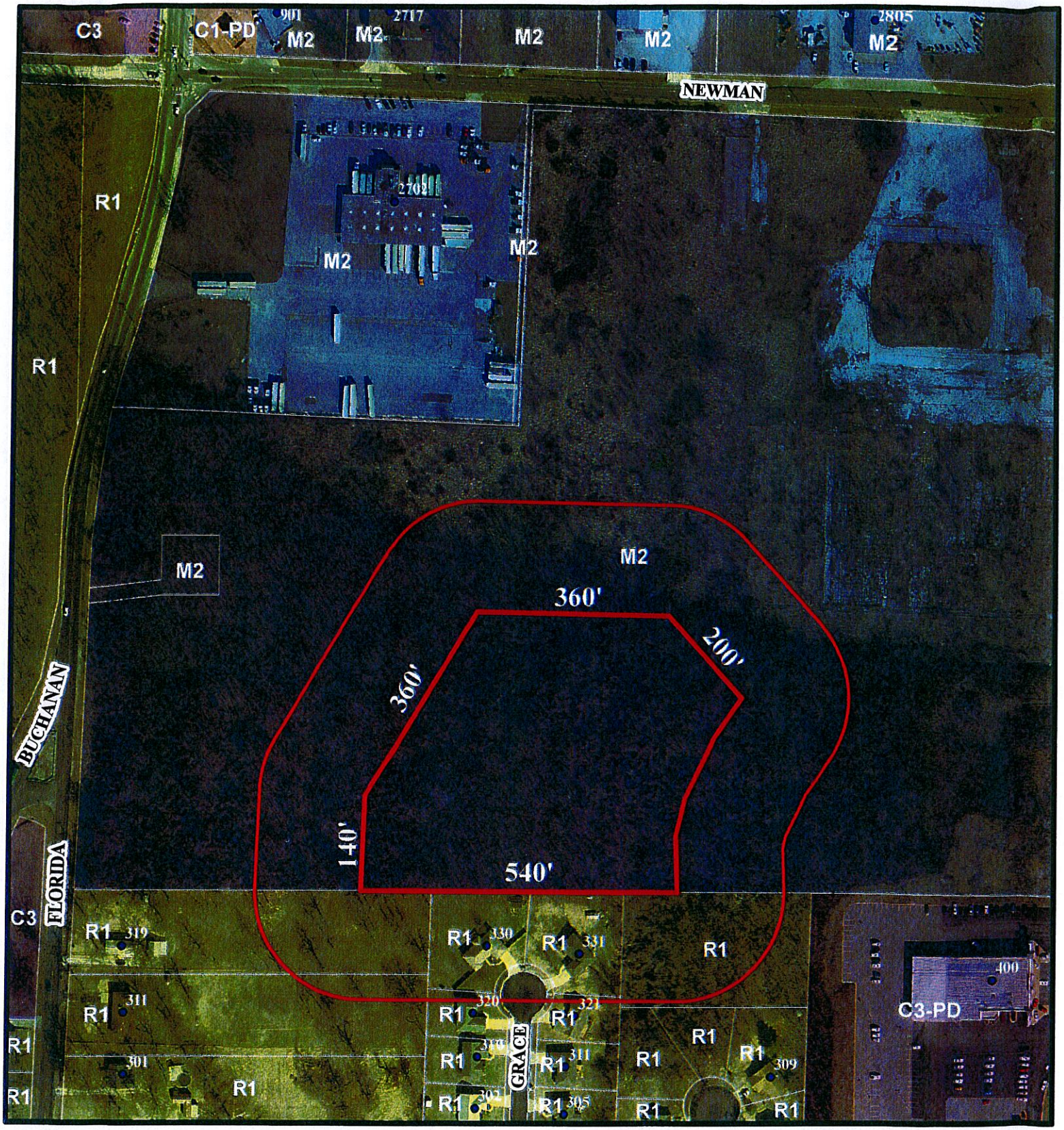
CLAYTON CRISTY GRIL ENG. E-29934

PRELIMINARY
NOT FOR CONSTRUCTION
4/15/2013
THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT.

NO.	DATE	INIT.	REVISIONS

PROJECT
SCHEMATIC SITE PLAN PROPOSAL LAYOUT
HISTORIC STOCKYARDS

CUSTOMER
HISTORIC JOPLIN STOCKYARDS
JOPLIN, JASPER CO., MISSOURI



0 200 400 800 1,200 1,600 Feet

Case 028-13: A request to rezone from District M-2 (Heavy Industrial) to District C-3 (Commercial) for a 5.4 acre property located approximately 860 feet south of Newman Road and 500 feet east of Florida Avenue for future commercial development. - Historic Stockyards Properties LLC

N

Case 028-13: Approximately 500 feet east of North Florida Avenue and 860 feet south of Newman Road – A request to rezone from District M-2 (Heavy Industrial) to District C-3 (Commercial) for future commercial development – Historic Stockyards Properties LLC

Mr. Harrington opened the public hearing for Case 028-13.

Mr. Ben Eastep appeared representing Historic Stockyards Properties LLC and stated that they began looking at this property about a year ago. They own industrial properties, as well as multi-family properties and commercial properties, across the Midwest. They decided that this property was a much better candidate to go from a heavy industrial site down to a commercial/residential site. They would like to down-zone the property in this request from heavy industrial down to multi-family zoning to construct 84 apartment units.

Mr. Eastep and his partners reviewed the City of Joplin's Comprehensive Plan, which recommends commercial real estate and not heavy industrial real estate. He knows that some buffer zones are needed around the property, with a 20-foot buffer zone currently existing. He has more than doubled that buffer zone along the back part of the property in order to keep a good amount of the trees. He also discussed some cut areas where they must take that piece of property down, with this cut area also containing vegetation.

Mr. Eastep stated that multiple trees and heavy landscaping is done because the amenities of these types of situations, in that he foresees a demand for real market rate apartments in Joplin. He discussed the amenity of being on a hill and having the trees since they do not have any age restrictions or income restrictions. The future plans for the remaining portion of the property is obviously not to have manufacturing, but to have retail and other commercial type settings in trying to following the City's Comprehensive Plan.

Mr. Harrington asked for questions from the commissioners.

Mr. Cortez asked Mr. Eastep about his comment about more than doubling the buffer zone that would be between the homeowners at the end of Grace Avenue. Mr. Cortez asked Mr. Eastep how many feet would be in the buffer zone, and what that area will look like.

Mr. Eastep has conceptual plans on what that area will look like. He stated that the City's requirement is 20 feet, but that he is planning a 50-foot buffer. A good portion of that buffer area will be left untouched completely, but a small area may need to be cut.

Mr. Clayton Christy, Tri-State Engineering, 702 South Main, Joplin, stated that the 50 feet between the apartments and the homes on Grace Avenue will be virtually unchanged. From the property line of the residential subdivision to the edge of the street accessing the apartments is 50 feet. A site plan hasn't been approved yet.

Mr. Harrington asked about the 540 feet as indicated on the City's map, and if the developers are stating that none of the trees will be moved or touched for 50 feet north of that area. Mr. Christy did not believe it was feasible to leave a 50-foot buffer of trees. He did not believe the buffering requirement for the City requires that all the trees must be left.

Mr. Bolander explained that untouched areas have been used as a buffer. He stated that a combination of things that can be done, in that the nearby automobile dealership had left a buffer of undisturbed trees as well. The developers can use the wooded area as a buffer.

Mr. Christy stated that there is a buffer, but in order to grade this site, this 50-foot area will not completely remain undisturbed. Leaving that area undisturbed would shift the development even further north.

Mr. Cortez asked if the intent would be to leave as much of the area untouched and as natural as possibly. Mr. Eastep replied that is correct, in that is why he actually doubled what the City requires. He could remove all the trees and erect a berm with a fence on top, but he decided to extend the buffer from 20 feet to over 50 feet. He will retain as many trees as possible as an amenity, but the ground to the east is a highly erodible area that cannot be developed in the future.

Mr. Eastep stated that if the zoning remains as heavy industrial, he could remove all the trees, but he is trying to leave as many trees as possible adjacent to the residential area.

Mr. Harrington asked for comments from the audience.

Mr. Joe Singer, 330 North Grace Avenue, Joplin, appeared in opposition to the request and stated that he has resided at this address for eight years. He has never seen as much wildlife as he has seen in this area because of the oak trees and the natural habitat pathway for the deer, fox, turkey, coyote, and every other animal that lives in this part of Missouri. He thought a 50-foot easement would be really nice.

Mr. Singer stated that if the developers can guarantee the area residents that they will try to stay with a 50-foot buffer, in that some of the trees are over 70 years old, and he would like to see the developers leave as many trees as possible. He asked if any of that hill will be cut down behind his property, and if so, what the developers plan to do with the dirt. He asked if they will place the dirt in that flat area, and if there are future plans to build the area back up so it is no longer in a flood plain. He asked about any kind of environmental study that is required by the State of Missouri before the developers begin removing 10 acres of trees.

Mr. Bolander explained that this review will take place in the land disturbance permit, but there is no requirement for a full-fledged environmental review.

Mr. Singer asked if the developers are going to blast if they hit rock and expressed concerns about dynamite blasts cracking his foundation. He asked when the construction will start and about planting new trees where they had to remove some of the big trees to construct the access road.

Mrs. Jean Miller, 320 North Grace Avenue, Joplin, appeared in opposition and stated that her property is adjacent to Mr. Singer. She purchased her property 17 to 18 years ago and appreciated the builders doing what they can to maintain a buffer. She stated that the area residents have a little jewel in the midst of Joplin because the houses are well-maintained. The neighbors maintain their yards, with the area being a little gem that people are surprised by since they reside so close to Range Line Road and such a busy area.

Mrs. Miller doesn't begrudge the development of the property whatsoever, but she presented some pictures to express the serenity of the neighborhood and how nice it really is. The proposed development would severely deter from the ability of the residents to sell should a sufficient buffer not be maintained. She expressed concern about looking at the third floor of an apartment complex instead of trees. She presented her pictures to the commissioners for their review.

Mrs. Miller understood the fact that the zoning is being down-graded from heavy industrial to commercial, but the neighbors wanted their concerns to be noted and to be taken into account, and possibly to increase the buffer and maintain that 50 feet of trees before cutting on the hill would begin. She noted that thousands of dollars have been spent in Joplin trying to replace trees that were destroyed during the tornado. She requested a wider buffer before the actual cut on the side of the hill would begin.

Mr. Earl Byrd, 319 North Florida Avenue, Joplin, appeared in opposition and stated that he owns approximately two acres that adjoin Mr. Singer's back and runs one-quarter mile along the woods. He stated that the neighbors enjoy seeing the wildlife, and if this property is developed, he would like as much buffering as possible and to leave his property as undisturbed as possible.

Ms. Jan Schneider, 331 North Grace Avenue, Joplin, appeared in opposition and stated that the proposed development will directly impact her north property line. She has the same concerns as the other neighbors but also expressed concern about her property value. She stated that even with the buffer zone, the neighbors will still be living with probably two years of construction. She did not believe most people really like waking up to the noise of heavy equipment or hammers.

Ms. Schneider stated that the buffer zone sounds nice, but the developers still can't guarantee how much buffering there is going to be, because it depends on the grade of the land. She expressed concern about ending up with only 10 to 20 feet that is undisturbed rather than 50 feet.
Ms. Schneider explained that when Roper Kia was constructed, they had originally said they were going to leave a buffer zone and leave some of the native large trees and plants. They actually dozed out more of the native vegetation than what they said they would.

Ms. Schneider discussed the light pollution from Roper Kia's area. The neighbors can still hear their loud speakers, especially in the wintertime when the leaves aren't on the trees. She expressed concern about looking out her windows and seeing an apartment building that's lit up like the Fourth of July, that's not too terribly appealing since the trees will not be able to hide that.

Ms. Schneider has the same concern about the blasting. She had her house custom built and has resided there since 2000, with one corner of her house hitting solid rock. She asked how much of the property can be easily excavated versus having to use more force. She did not want cracks in her garage and basement walls.

Ms. Schneider asked why the developers are requesting the rezoning of just that area, and why they are not rezoning the entire property commercial at this time. She asked about the long-term plans for the rest of that property, in that she will have an apartment building at her back door on one side, but that they can construct one or two more buildings further east.

Mr. Harrington asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 028-13.

MR. CORTEZ MOVED, SECONDED BY MR. EASTMAN, THAT CASE 028-13 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. BROWN, MR. CORTEZ, MR. DUNCAN, MR. EASTMAN, MR. HARRINGTON, AND MR. LANDRITH VOTING "AYE"; AND WITH MR. SMITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 028-13
Historic Stockyards Properties LLC
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-272 **ORDINANCE NO.**

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District M-2 and including in District C-3 property as described below and located approximately 500 feet east of North Florida Avenue and 860 feet south of Newman Road in the City of Joplin, Jasper County, Missouri.

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

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by removing the following described property from District M-2 and including same in District C-3:

All that part of Lot 2 of the Northeast fractional 1/4 of Section 1, Township 27, Range 33 West, in the City of Joplin, Jasper County, Missouri, recorded in Book 1618 Page 1566 as described as follows: commencing at the Southwest corner of Lot 2, in the Northeast fractional 1/4 of Section 1, Township 27, Range 33 West, in the City of Joplin, Jasper County, Missouri. Thence North 89 degrees 34 minutes 54 seconds East along the South line of said Lot 2, 30.00 feet to the East line of Florida Avenue; Thence North 89 degrees 34 minutes 54 seconds East along said South line of Lot 2, 497.01 feet to the point of beginning, Thence North 00 degrees 25 minutes 06 seconds West 135.00 feet; Thence North 25 degrees 06 minutes 09 seconds East 360.00 feet; Thence North 89 degrees 34 minutes 54 seconds East 360.00 feet; Thence South 45 degrees 27 minutes 09 seconds East 193.39 feet; Thence South 44 degrees 32 minutes 51 seconds West 64.19 feet; Thence on a curve to the left, radius of 225.00 feet, chord bearing South 22 degrees 03 minutes 52 seconds West 172.08 feet, delta of 44 degrees 57 minutes 58 seconds; Thence South 00 degrees 25 minutes 06 seconds East 118.78 feet; Thence South 89 degrees 34 minutes 54 seconds West 540.76 feet along the South line of said Lot 2 to the point of beginning. Containing 5.4 acres, more or less, being subject to all easements, right-of-ways, and reservations of record.

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

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2013.

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: July 1, 2013

Item: RESOLUTION NO. 2013-018
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: David Hertzberg DNH Date: 6/21/2013
City Attorney: Brian Head BJH Date: 6-25-13
City Manager: R. Mark Rohr RMR Date: 6-25-13
Board or Commission: Planning and Zoning Commission MDW Date: 6/10/2013

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "5 in favor, 1 opposed, and 1 absent"

SUMMARY/REQUEST:
Case 029-13: 2000 West Seventh Street – A request for a Special Use Permit (First Renewal) for the continued operation of a solid waste collection and processing facility for recycled materials – USA Metal Recycling.

STAFF SUMMARY:
The applicant is requesting to renew a Special Use Permit for a solid waste collection and processing facility for recycled materials. The first Special Use Permit was issued in July, 2012.

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

1. This Special Use Permit is issued to USA Metal Recycling for the use of a solid waste collection and processing facility only.
2. The permit shall be for two (2) years renewable in July 2015.
3. Storage bins or trailers will be allowed to be stored on-site as an ancillary use, provided they are durable, covered, and meet the building setbacks for the zoning district.
4. Bins shall be screened.
5. An 8 foot tall privacy fence shall be erected along the property line adjacent to residentially zoned district.
6. Business hours to accept materials shall be Monday through Saturday, 8:00 a.m. until 5:00 p.m.
7. The operator shall provide contact information to adjacent property owners in order for residents to notify the operators of concerns.
8. Off-street parking shall be required.

9. All roads, driveways, parking lots, and loading/unloading areas shall be paved with an approved concrete, asphalt, or double seal coat surface.
10. 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 at 2000 West Seventh Street in Joplin. They are requesting the first renewal of their conditional use permit that was granted last year. Over the past year, he has sent several letters to the adjoining land owners giving them his contact information in the event that they had a complaint. He has only received one complaint in regards to dust.

Mr. Smith has plans for improvements to the property but has placed these plans on hold to ensure that this was a good site for USA Metal Recycling. It has proven to be a good site for them.

Mr. Duncan asked about the hours of operation. Mr. Smith replied that they are open to the public Monday through Saturday from 8:00 a.m. to 5:00 p.m. On Saturday, they shut the heavy equipment down around 12:00 noon so to not disturb the adjoining neighbors. They may have staff on site prior to 8:00 a.m. and maybe after 5:00 p.m. if they need to take care of the customers who are in line. If the staff is present after hours, it is typically for maintenance or cleaning up the facility. They don't process materials after 5:00 p.m.

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

Mr. Norman Wininger, 717 Roosevelt Avenue, Joplin
Mrs. Betty Bartlett, 2029 West 10th Street, Joplin
Ms. Mary Henson, 2025 West 10th Street, Joplin

They expressed concerns regarding noise and dust. They asked for a clearer definition of solid waste and expressed concern about something being odorous. They also asked about a noise ordinance regulating the operation.

Mr. Bolander explained that solid waste does not refer to a landfill in this case, in that this is directly a recycling operation and not a permit for a landfill. The only permit being issued is for the recycling, not for dumping of waste or any type of landfill activity.

Mr. Bolander also stated that the City's noise ordinance regulates disturbing the peace after 9:00 or 10:00 p.m., but one of the conditions in the permit limits that operation and to try to minimize the noise between 8:00 a.m. and 5:00 p.m.

Z&P Meeting: June 10, 2013
City Council Meeting: July 1, 2013

STAFF PLANNING REPORT
Special Use Permit

CASE 029-13:

A request for a Special Use Permit (1st Renewal) for the continued operation of a solid waste collection and processing facility for recycled materials at 2000 W. 7th Street.

APPLICANT: USA Metal Recycling

LOCATION: 2000 W. 7th Street

REQUESTED USE: Solid waste collection and processing facility

CORRIDOR: N/A

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
M-2 (Heavy Industrial)	Industrial	9.2 acres

SITE CONTEXT:

	North	East	South	West
Existing Zoning	M-2	M-2	R-1	R-2
Land Use	Industrial	Industrial	Single-Family	Single-Family

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
W. 7th Street	Major Arterial	60'
Willard Avenue	Local	60'

IS OFF STREET PARKING PROVIDED?

The applicant plans on paving the existing gravel parking area and will have 25 parking spaces.

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

No.

DISCUSSION:

The applicant is requesting to renew a Special Use Permit for a solid waste collection and processing facility for recycled materials. The first Special Use Permit was issued in July 2012.

CONDITIONS FOR CONSIDERATION:

1. This Special Use Permit is issued to USA Metal Recycling for the use of a solid waste collection and processing facility only.
2. The permit shall be for two (2) years renewable in July 2015.
3. Storage bins or trailers will be allowed to be stored on-site as an ancillary use, provided they are durable, covered, and meet the building setbacks for the zoning district.
4. Bins shall be screened.
5. An 8 foot tall privacy fence shall be erected along the property line adjacent to residentially zoned district.
6. Business hours to accept materials shall be Monday through Saturday, 8:00 a.m. until 5:00 p.m.
7. The operator shall provide contact information to adjacent property owners in order for residents to notify the operators of concerns.
8. Off-street parking shall be required.
9. All roads, driveways, parking lots, and loading/unloading areas shall be paved with an approved concrete, asphalt, or double seal coat surface.
10. Any other conditions set by the City Council of the City of Joplin.

ENCLOSURES:

None

RECEIVED
5-3-13

CITY OF JOPLIN, MISSOURI

SPECIAL USE PERMIT APPLICATION

For Office Use Only
Case No.: 029-13
Filing Fee: $350.00
Date Advertised: 5-26-13
Date Notices Sent: _____
Public Hearing Date: 6-10-13

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: Parks LLC PHONE: 479-751-3000
ADDRESS: PO box 2175 Lowell AR ZIP: 72745
LOCATION OF PROPERTY: 2000 W 7th Street Joplin MO
LEGAL DESCRIPTION: Attached

PRESENT ZONING CLASSIFICATION: M2 ACREAGE: Approx 9.2
PRESENT USE OF PROPERTY: Metal Recycling - Computer, MRF, Transfer Station
PROPOSED LAND USE ACTIVITY: Same as above

ADJACENT ZONING AND LAND USE:

	Land Use	Zoning
North	Heavy Industrial	M2
South	Heavy Industrial	M2 - R1
East	Heavy Industrial	M2
West	House	R2

Does the proposed special use meet the following standards? If yes, attach a separate sheet explaining why. (Yes) No

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

	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: [signature] DATE: 4-30-13

BY: USA Metal Recycling TITLE: COO

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.]

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.

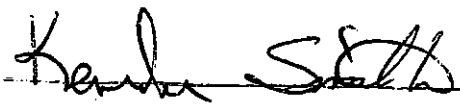
Question 2: Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected?
Answer: Yes, It is part of our service and commitment to the environment to make sure that public health, safety and the welfare are protected.

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

Respectfully Submitted,





0 175 350 700 1,050 1,400 Feet

Case 029-13: A request for a Special Use Permit (1st Renewal) for the continued operation of a solid waste collection and processing facility for recycled materials at 2000 W. 7th Street. - USA Metal Recycling

N

Case 029-13: 2000 West Seventh Street – A request for a Special Use Permit (First Renewal) for the continued operation of a solid waste collection and processing facility for recycled materials – USA Metal Recycling.

Mr. Harrington opened the public hearing for Case 029-13.

Mr. Tom Smith, 106 Woodcliff Court, Springdale, Arkansas, appeared representing USA Metal Recycling at 2000 West Seventh Street in Joplin. They are requesting the first renewal of their conditional use permit that was granted last year. Over the past year, he has sent several letters to the adjoining land owners giving them his contact information in the event that they had a complaint. He stated that he has only received one complaint in regards to dust.

Mr. Smith has plans for improvements to the property but has placed these plans on hold to ensure that this was a good site for USA Metal Recycling. It has proven to be a good site for them.

Mr. Harrington asked for questions from the commissioners.

Mr. Duncan asked about the hours of operation. Mr. Smith replied that they are open to the public Monday through Saturday from 8:00 a.m. to 5:00 p.m. On Saturday, they shut the heavy equipment down around 12:00 noon so to not disturb the adjoining neighbors. They may have staff on site prior to 8:00 a.m. and maybe after 5:00 p.m. if they need to take care of the customers who are in line. If the staff is present after hours, it is typically for maintenance or cleaning up the facility. They don't process materials after 5:00 p.m.

Mr. Harrington asked for comments from the audience.

Mr. Norman Wininger, 717 Roosevelt Avenue, Joplin, appeared in opposition and expressed concern about dust being in his house all the time. He also stated that the operation is always noisy on Saturday like they are from Monday through Friday.

Mrs. Betty Bartlett, 2029 West 10th Street, Joplin, appeared in opposition and expressed concern about to the noise level. She stated that it is noisier now than it was in the past. She also asked for a clearer definition of solid waste and expressed concern about something being odorous.

Mr. Bolander explained that solid waste does not refer to a landfill in this case, in that this is directly a recycling operation. The permit is not a permit for a landfill.

Ms. Mary Henson, 2025 West 10th Street, Joplin, appeared in opposition and asked what solid waste consists of. She understood there was going to be dumping of septic tanks in this area.

Mr. Bolander replied that the only permit being issued is for the recycling, not for dumping of waste or any type of landfill activity.

Ms. Henson asked about a noise ordinance regulating the operation, in that the noise sometimes resembles blasting. Mr. Bolander replied that the City's noise ordinance regulates disturbing the peace after 9:00 or 10:00 p.m., but one of the conditions in the permit limits that operation and to try to minimize the noise between 8:00 a.m. and 5:00 p.m.

Mr. Harrington asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 029-13.

MR. BROWN MOVED, SECONDED BY MR. EASTMAN, THAT CASE 029-13 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL FOR A TWO-YEAR SPECIAL USE PERMIT TO BE ISSUED TO USA METAL RECYCLING, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MR. CORTEZ, MR. DUNCAN, MR. EASTMAN, AND MR. HARRINGTON VOTING "AYE"; WITH MR. LANDRITH VOTING "NAY"; AND WITH MR. SMITH BEING ABSENT (5 IN FAVOR, 1 OPPOSED, AND 1 ABSENT).

P & Z Case 029-13
USA Metal Recycling
(P & Z Recommended Approval)

RESOLUTION NO. 2013-018

A RESOLUTION granting a Special Use Permit (First Renewal) to USA Metal Recycling for the continued operation of a solid waste collection and processing facility for recycled materials located 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 June 10, 2013, recommended that a Special Use Permit be granted to USA Metal Recycling for the continued operation of a solid waste collection and processing facility for recycled materials located at 2000 West Seventh Street, in the City of Joplin, Jasper County, Missouri.

WHEREAS, a public hearing was held before the City Council on July 1, 2013, 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 the continued operation of a solid waste collection and processing facility for recycled materials in the City of Joplin, Missouri, on the following described real estate, to-wit:

All of Lots Numbered Five (5) and Six (6) and Twenty-three (23) in West Seventh Street Sub-division to the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof. AND All of Lot Numbered Twenty-four (24) in Highway Sub-division to the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof. AND All of Lots Numbered Twenty-four (24) and Twenty-five (25) in West Seventh Street Sub-division to the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof. AND All of Lots Numbered Twenty-six (26) and Twenty-seven (27) in West Seventh Street Sub-division to the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof. AND 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 point of beginning, being 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 Lot Numbered Twenty-two (22) in the West Seventh Street Subdivision in the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof, also 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 Subdivision 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 75 feet to 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 is issued to USA Metal Recycling for the use of a solid waste collection and processing facility only.
2. The permit shall be for two (2) years renewable in July 2015.
3. Storage bins or trailers will be allowed to be stored on-site as an ancillary use, provided they are durable, covered, and meet the building setbacks for the zoning district.
4. Bins shall be screened.
5. An 8 foot tall privacy fence shall be erected along the property line adjacent to residentially zoned district.
6. Business hours to accept materials shall be Monday through Saturday, 8:00 a.m. until 5:00 p.m.
7. The operator shall provide contact information to adjacent property owners in order for residents to notify the operators of concerns.
8. Off-street parking shall be required.
9. All roads, driveways, parking lots, and loading/unloading areas shall be paved with an approved concrete, asphalt, or double seal coat surface.
10. 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 _____, 2013.

_____
Melodee Colbert-Kean, Mayor

ATTEST:_____
Barbara L. Hogelin, City Clerk

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: July 1, 2013

Item: COUNCIL BILL NO. 2013-273
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: David Hertzberg DH Date: 6/21/2013
City Attorney: Brian Head BH Date: 6-25-13
City Manager: R. Mark Rohr RMR Date: 6-25-13
Board or Commission: Planning and Zoning Commission MEW Date: 6/10/2013

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

SUMMARY/REQUEST:
Case 030-13: Approximately 80 feet east of Rex Avenue between 17th and 20th Streets – A request for the vacation of a 20 foot wide sewer easement – Red-Wood Development.

STAFF SUMMARY:
A new multi-family development is proposed on the current site. The proposed site plan includes some permanent structures over the existing sewer easement.

The vacation will allow the proposed multi-family development to begin construction.

Staff recommends approval of Case 030-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Jared Hogan appeared representing Red-Wood Development. He stated that a drainage easement was dedicated a number of years ago. This property was destroyed in the tornado and is being redeveloped, so the developers are requesting the vacation of the existing easement and relocating those lines.

PUBLIC COMMENT:
None.

Z&P Meeting: June 10, 2013
City Council Meeting: July 1, 2013

STAFF PLANNING REPORT
Vacation

CASE 030-13:

A request for the vacation of a 20 foot wide sewer easement.

APPLICANT: Red-Wood Development

REPRESENTATIVE: Anderson Engineering, Inc.

LOCATION: 3609 East 20th Street

EXISTING CONDITIONS:

Easement Type(s)	Easement Size
Utility	20' x 433'

REASON FOR VACATION:

A new multi-family development is proposed on the current site. The proposed site plan includes some permanent structures over the existing sewer easement.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT?: No

UTILITIES PLANNED TO LOCATE IN THE EASEMENT?: No

DISCUSSION:

The vacation will allow the proposed multi-family development to begin construction.

Staff recommends approval of Case 030-13.

ENCLOSURES: Site Plan

RECEIVED
5-3-13

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.: 030-13
Filing Fee: $ 350.00
Date Advertised: 5-26-13
Date Notices Sent
Public Hearing Date: 6-10-13

I. Applicant Name: REDWOOD DEVELOPMENT Phone: 417-624-4144

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

Address: 3609 EAST 20TH ST. JOPLIN, MO 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: SEE ATTACHED

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. YES

2. The vacation will not cause the public to suffer a loss or inconvenience. YES

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

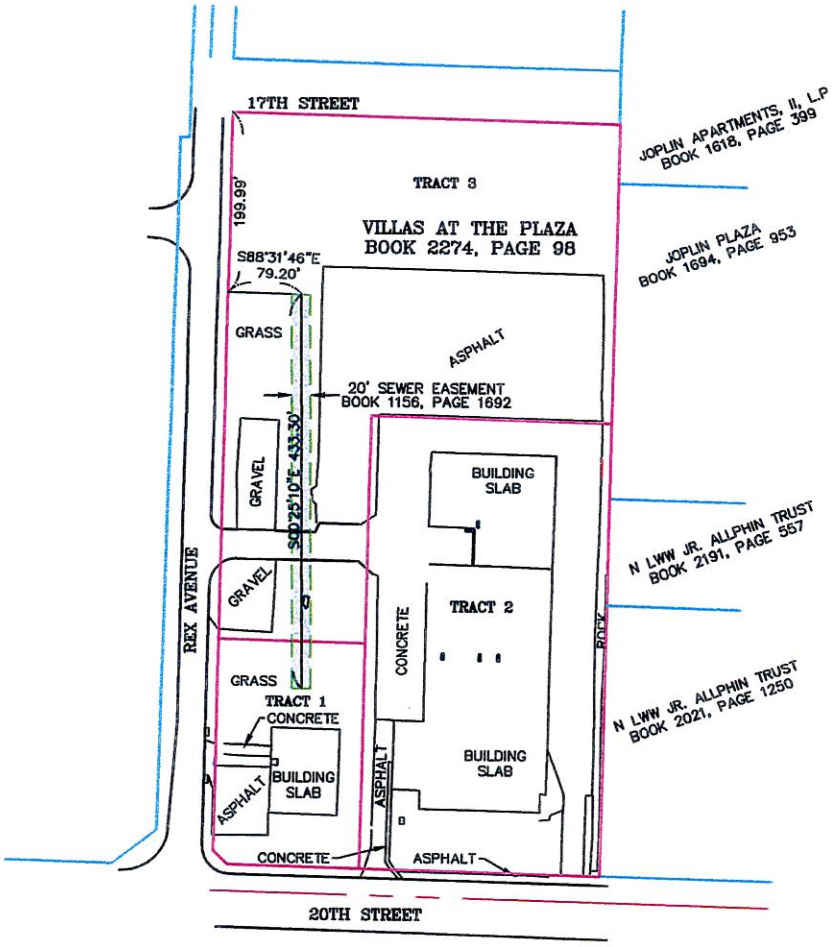
V. Required Attachments:

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



LEGEND

EASEMENT LINE

PROPERTY LINE

GRID

GRAPHIC SCALE

200 0 100 200 400 800

(IN FEET)

1 inch = 200 ft.

DRAWING NUMBER: JOP-100-3198

ANDERSON ENGINEERING, INC

ENGINEERS • SURVEYORS • LABORATORIES • DRILLING

811 E. 3RD STREET• JOPLIN, MISSOURI 64801• PHONE (417) 782-7399

REDWOOD DEVLOPMENT

VACATE SEWER EASEMENT SKETCH

REX AVENUE

JOPLIN, JASPER COUNTY, MISSOURI

DRAWN BY: SLM	FIELD BY:
DATE: 5-2-13	FIELD BK:
CLIENT NO: 80007-13	SHEET NUMBER: 1



0 105 210 420 630 840 Feet

Case 030-13: A request for the vacation of a 20 foot wide sewer easement at 3609 E. 20th Street. - Red-Wood Development

N

Case 030-13: Approximately 80 feet east of Rex Avenue between 17th and 20th Streets – A request for the vacation of a 20 foot wide sewer easement – Red-Wood Development.

Mr. Harrington opened the public hearing for Case 030-13.

Mr. Jared Hogan, 811 East Third Street, Joplin, appeared representing Red-Wood Development. He stated that a drainage easement was dedicated a number of years ago. This property was destroyed in the tornado and is being redeveloped, so the developers are requesting the vacation of the existing easement and relocating those lines.

Mr. Harrington asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 030-13.

MR. DUNCAN MOVED, SECONDED BY MR. CORTEZ, THAT CASE 030-13 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. BROWN, MR. CORTEZ, MR. DUNCAN, MR. EASTMAN, MR. HARRINGTON, AND MR. LANDRITH VOTING "AYE"; AND WITH MR. SMITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 030-13
Red-Wood Development
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-273 **ORDINANCE NO.**

AN ORDINANCE providing for the vacation of a 20-foot wide sewer easement located approximately 80 feet east of Rex Avenue between 17th and 20th Streets 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 20-foot wide sewer easement located approximately 80 feet east of Rex Avenue between 17th and 20th Streets 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:

That certain parcel or tract of land owned by the grantor as described in the Jasper County, Missouri Recorder's Office in Book 1594 at Page 310, the easement herein granted is to be a 20 foot wide permanent storm sewer drainage easement and more particularly described as follows, commencing at the Southeast corner of Section 7, Township 27 North, Range 32 West in the City of Joplin, Jasper County, Missouri; thence South 89 degrees 56 minutes 57 seconds West 2641.20 feet thence North 00 degrees 00 minutes 29 seconds West, 660.61 feet; thence South 89 degrees 52 minutes 36 seconds West, 760.53 feet, to the point of beginning; thence South 02 degrees 00 minutes 40 seconds East, 432.97 feet; thence South 87 degrees 59 minutes 20 seconds West, 20.00; thence North 02 degrees 00 minutes 40 seconds West, 433.53 feet; thence North 89 degrees 52 minutes 36 seconds East, 20.01 feet to the point of beginning. All lying in the Southwest Quarter of Section 7, Township 27 North, Range 32 West, City of Joplin, Jasper County, Missouri; containing 8,665.92 square feet more or less; 0.199 acres more or less.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2013.

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: July 1, 2013

Item: COUNCIL BILL NO. 2013-274
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: David Hertzberg DH	Date: 6/21/2013
City Attorney: Brian Head ~~BCH~~	Date: 6-25-13
City Manager: R. Mark Rohr RMR	Date: 6-25-13
Board or Commission: Planning and Zoning Commission MDW	Date: 6/10/2013

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

SUMMARY/REQUEST:
Case 031-13: East side of the 1100 Block of South Main Street – A request for the vacation of a 20 foot wide public alley between South Main and South Virginia beginning at the north right-of-way line of 12th Street north approximately 197 feet – Charlie Kuehn.

STAFF SUMMARY:
A new parking lot is being proposed to serve the Gryphon Building at 1027 South Main. The vacation will allow the proposed parking lot to be developed.

Staff recommends approval of Case 031-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Charles Kuehn was able to acquire the properties south of the Gryphon Building to 12th Street. Within the last two weeks he has removed the old pawn shop and is in the process of removing the car lot. He plans to construct additional parking for the Gryphon Building with more landscaping. He will not vacate the utilities but plans to vacate the easement for installation of curb and gutter. He will create a thoroughfare and clean up the area for a smooth transition between the parking lot and the alley.

Mr. Duncan asked if this will be two separate parking lots or one large parking lot. Mr. Kuehn replied that it will be two separate parking lots, with new curb and gutter being placed between the two lots. He will maintain that green area between the two parking lots and will have a green area with trees along Main Street. He stated that 43 parking spaces will be added.

Mr. Cortez asked if access would be provided from Main Street, or if the access will just be from

12th Street and Virginia Avenue. Mr. Kuehn replied just off 12th and Virginia, with no access off Main Street.

PUBLIC COMMENT:
None.

Z&P Meeting: June 10, 2013
City Council Meeting: July 1, 2013

STAFF PLANNING REPORT
Vacation

CASE 031-13:

A request for the vacation of a 20 foot wide public alley

APPLICANT: Charlie Kuehn

REPRESENTATIVE: N/A

LOCATION: Between S. Main and S. Virginia, beginning at the north right-of-way line of 12th Street north 197 feet

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EXISTING CONDITIONS:

Easement Type(s)	Easement Size
Alley	20' x 197'

REASON FOR VACATION:

A new parking lot is being proposed to serve the Gryphon Building at 1027 S. Main. The vacation is for the alley only. Utilities will remain.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT?: Yes

UTILITIES PLANNED TO LOCATE IN THE EASEMENT?: Yes

DISCUSSION:

The vacation will allow the proposed parking lot to be developed.

Staff recommends approval of Case 031-13.

ENCLOSURES: None

RECEIVED
5-6-13

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.: 031-13
Filing Fee: $ 350.00
Date Advertised: 5-26-13
Date Notices Sent
Public Hearing Date: 6-10-13

I. Applicant Name: Charlie Kuehn Phone: 417-625-1609

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

Address: 620 McConnell Zip: 64801

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: 197 Ft Going north From 12th St, Alley Between S Virginia, Ave. & Main St. (See Beacon view attachment)

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

1. Private rights will not be injured or endangered by the vacation. no

2. The vacation will not cause the public to suffer a loss or inconvenience. no

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

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 031-13: A request for the vacation of a 20 foot wide public alley located between S. Main and S. Virginia north of 12th Street. - Charlie Kuehn

Case 031-13: East side of the 1100 Block of South Main Street – A request for the vacation of a 20 foot wide public alley between South Main and South Virginia beginning at the north right-of-way line of 12th Street north approximately 197 feet – Charlie Kuehn.

Mr. Harrington opened the public hearing for Case 031-13.

Mr. Charles Kuehn, 620 McConnell Avenue, Joplin, stated that he was able to acquire the properties south of the Gryphon Building to 12th Street. Within the last two weeks he has removed the old pawn shop and is in the process of removing the car lot. He plans to construct additional parking for the Gryphon Building with more landscaping. He will not vacate the utilities but plans to vacate the easement for installation of curb and gutter. He will create a thoroughfare and clean up the area for a smooth transition between the parking lot and the alley.

Mr. Harrington asked for questions from the commissioners.

Mr. Duncan asked if this will be two separate parking lots or one large parking lot. Mr. Kuehn replied that it will be two separate parking lots, with new curb and gutter being placed between the two lots. He will maintain that green area between the two parking lots and will have a green area with trees along Main Street. He stated that 43 parking spaces will be added.

Mr. Cortez asked if access would be provided from Main Street, or if the access will just be from 12th Street and Virginia Avenue. Mr. Kuehn replied just off 12th and Virginia, with no access off Main Street.

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

MR. CORTEZ MOVED, SECONDED BY MR. LANDRITH, THAT CASE 031-13 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. BROWN, MR. CORTEZ, MR. DUNCAN, MR. EASTMAN, MR. HARRINGTON, AND MR. LANDRITH VOTING "AYE"; AND WITH MR. SMITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 031-13
Charlie Kuehn
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-274 **ORDINANCE NO.**

AN ORDINANCE providing for the vacation of a 20-foot wide public alley located between South Main Street and South Virginia Avenue beginning at the north right-of-way line of 12th Street north approximately 197 feet 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 20-foot wide public alley located between South Main Street and South Virginia Avenue beginning at the north right-of-way line of 12th Street north approximately 197 feet in the City of Joplin, Jasper County, Missouri, described as follows is hereby vacated, conveyed, relinquished, and reverted to the owners of the abutting lots and land:

A 20 foot wide public alley between South Main Street and South Virginia Avenue beginning at the north right-of-way line of 12th Street north approximately 197 feet.

Section 2. That this vacation of the portion of the alley hereby vacated shall not affect or derogate from the existing rights of way or other easements of public utility companies now having installations in that portion of the alley hereby vacated. Such utility companies shall have the right to maintain, repair and replace any such installations now on the vacated portion of said alley 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 _____, 2013.

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: July 1, 2013

Item: COUNCIL BILL NO. 2013-275
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: David Hertzberg DWH	Date: 6/21/2013
City Attorney: Brian Head	Date: 6-25-13
City Manager: R. Mark Rohr RMR	Date: 6-25-13
Board or Commission: Planning and Zoning Commission MDJ	Date: 6/10/2013

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

SUMMARY/REQUEST:
Case 032-13: Southeast corner of 32nd Street and Hearnes Boulevard/Old Main Street – A request for the vacation of a public street and utility easement for Old Main Street beginning at the south right-of-way line of 32nd Street south approximately 306 feet – Orange Development Inc.

STAFF SUMMARY:
The vacation will allow for the development of a CVS Pharmacy store at the southeast corner of 32nd Street and Hearnes Boulevard. Properties to the south will have public access to Hearnes Boulevard through 33rd Street.

Staff recommends approval of Case 032-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. David Barnett stated he is with Carlson Consulting Engineers on behalf of Orange Development and CVS. The request is to vacate the northern approximately 300 feet of Old Main Street located at the southeast corner of 32nd and Main Streets. This request is to accommodate a proposed CVS Pharmacy at this location.

Mr. Barnett stated that some existing utilities located in Old Main Street will be relocated as part of the redevelopment around the perimeter of the project and provide easements for those utilities.

PUBLIC COMMENT:
Comments in opposition to this request were received from Mr. Michael Cole, owner of property at 3225 South Old Main Street. He stated that his property is an investment property, and he expressed concern about a significant adverse effect on his income from the property and the

future marketability of the property. He expressed concerns regarding traffic, noise, and parking lot lighting. He would like more effective means for visual privacy, light control, noise elimination from heat and air-conditioning, run-off containment, and waste management.

Mr. Eastman asked Mr. Cole if his property lies directly south of the property zoned C-0, or if his property is the next one that is zoned R-1. He replied that at the present time, a dance studio operates adjacent to his property, and immediately north of that is an alleyway running east and west that traverses Old Main Street headed east into the bank parking lot.

Mr. Eastman asked Mr. Cole if his property is zoned C-0, and he replied that is correct.

Mr. Eastman asked Mr. Cole if the developers approached him to buy his property, and he replied no. Mr. Eastman asked Mr. Cole if he plans to keep his property as a rental property in the near future, and he replied yes. He owns a variety of rental properties and stated that this particular home has been rented to the same tenant for six years.

Mr. Eastman asked Mr. Cole if the proposed development could enhance his property value, and he didn't believe so. His property is located on the back side of the building with no visibility off of 32nd Street or Hearnes Boulevard. He foresees limited potential for the development of his property as a successful commercial site.

Z&P Meeting: June 10, 2013
City Council Meeting: July 1, 2013

STAFF PLANNING REPORT
Vacation

CASE 032-13:

A request for the vacation of a 60 foot wide public street and utility easement for Old Main Street south of 32nd Street.

APPLICANT: Orange Development Inc.

REPRESENTATIVE: N/A

LOCATION: Old Main Street beginning at the south right-of-way line of 32nd Street south approximately 306.3 feet.

EXISTING CONDITIONS:

Easement Type(s)	Easement Size
Street, Utility	60' x 306'

REASON FOR VACATION:

Future planned commercial development over the existing street and utility easement.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT?: Yes

UTILITIES PLANNED TO LOCATE IN THE EASEMENT?: Will be relocated

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DISCUSSION:

The vacation will allow for the development of a CVS Pharmacy store at the southeast corner of 32nd Street and Hearnes Boulevard. Properties to the south will have public access to Hearnes Boulevard through 33rd Street.

Staff recommends approval of Case 032-13.

ENCLOSURES: Site Plan

RECEIVED
5-7-13

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.: 032-13
Filing Fee: $ 350.00
Date Advertised: 5-26-13
Date Notices Sent
Public Hearing Date: 6-10-13

I. Applicant Name: Orange Development Inc., Donn Fizer Phone: 205-408-3443

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

Address: 1200 Corporate Drive Suite G-50, Birmingham, AL Zip: 35242

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.

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. CVS will own the land to either side of the street vacation. All parties living to the south of the vacated street will have access via 33rd St. to Hearnes Blvd.

2. The vacation will not cause the public to suffer a loss or inconvenience. CVS will own the land to either side of the street vacation. All parties living to the south of the vacated street will have street access via 33rd St to Hearnes Blvd. The developer will relocate the necessary utilities to continue service to the landowners to the south, as part of the redevelopment.

3. In justice to the applicant(s) the vacation should be granted. The vacation is necessary to accomodate the development of a proposed CVS/pharmacy at the southeast corner of Main & 32nd. Currently Old Main St. bisects the proposed property, making the proposed CVS development impractical.

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.

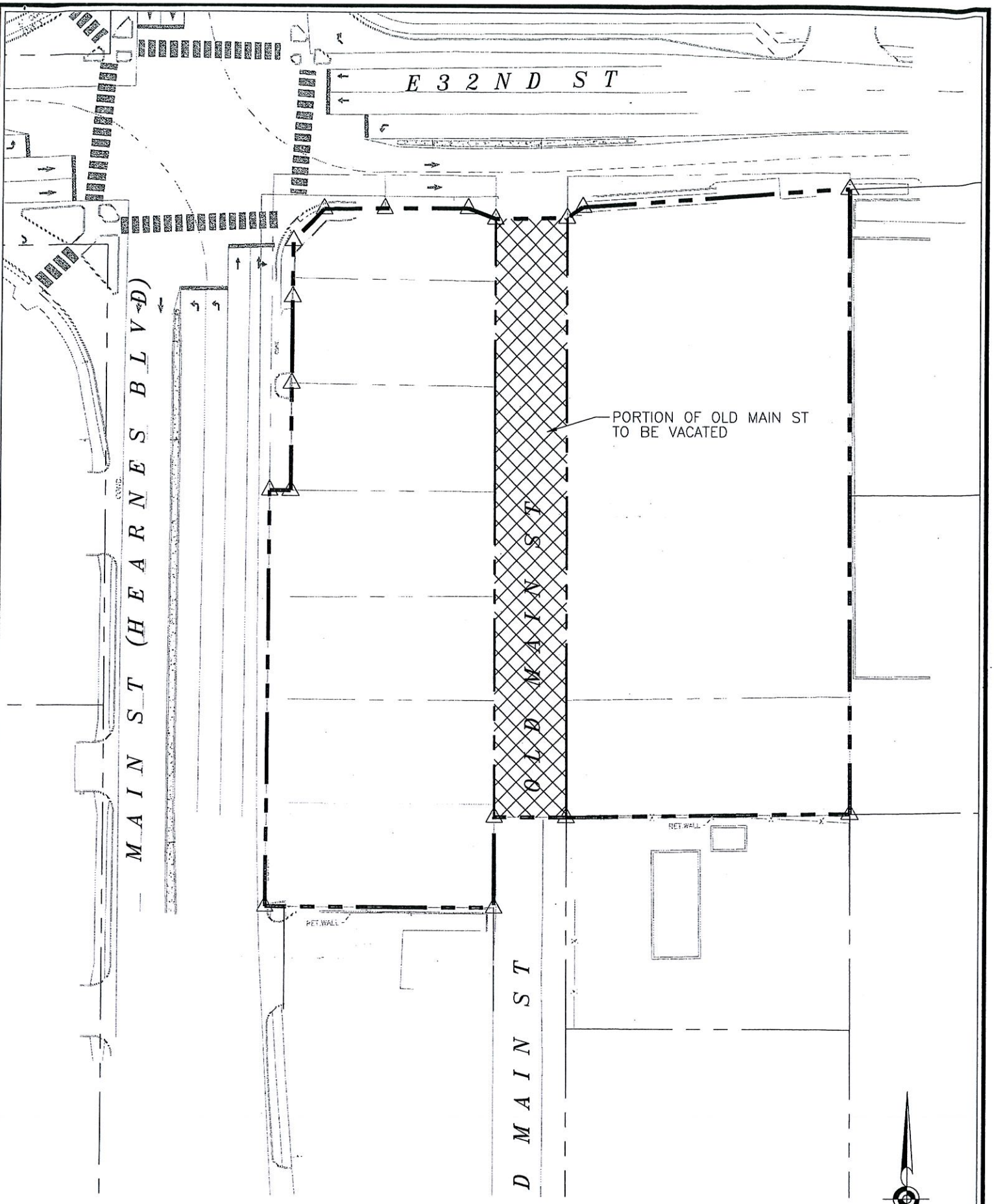
3. Affidavit(s) from the following private utility companies indicating their consent to vacate the easement. The following private companies must be contacted and consent to the vacation for the Public Hearing can take place.

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

SIGNATURE: _____ DATE: April 24, 2013

BY: Donn Fizer

TITLE: Vice President, Orange Development Inc.

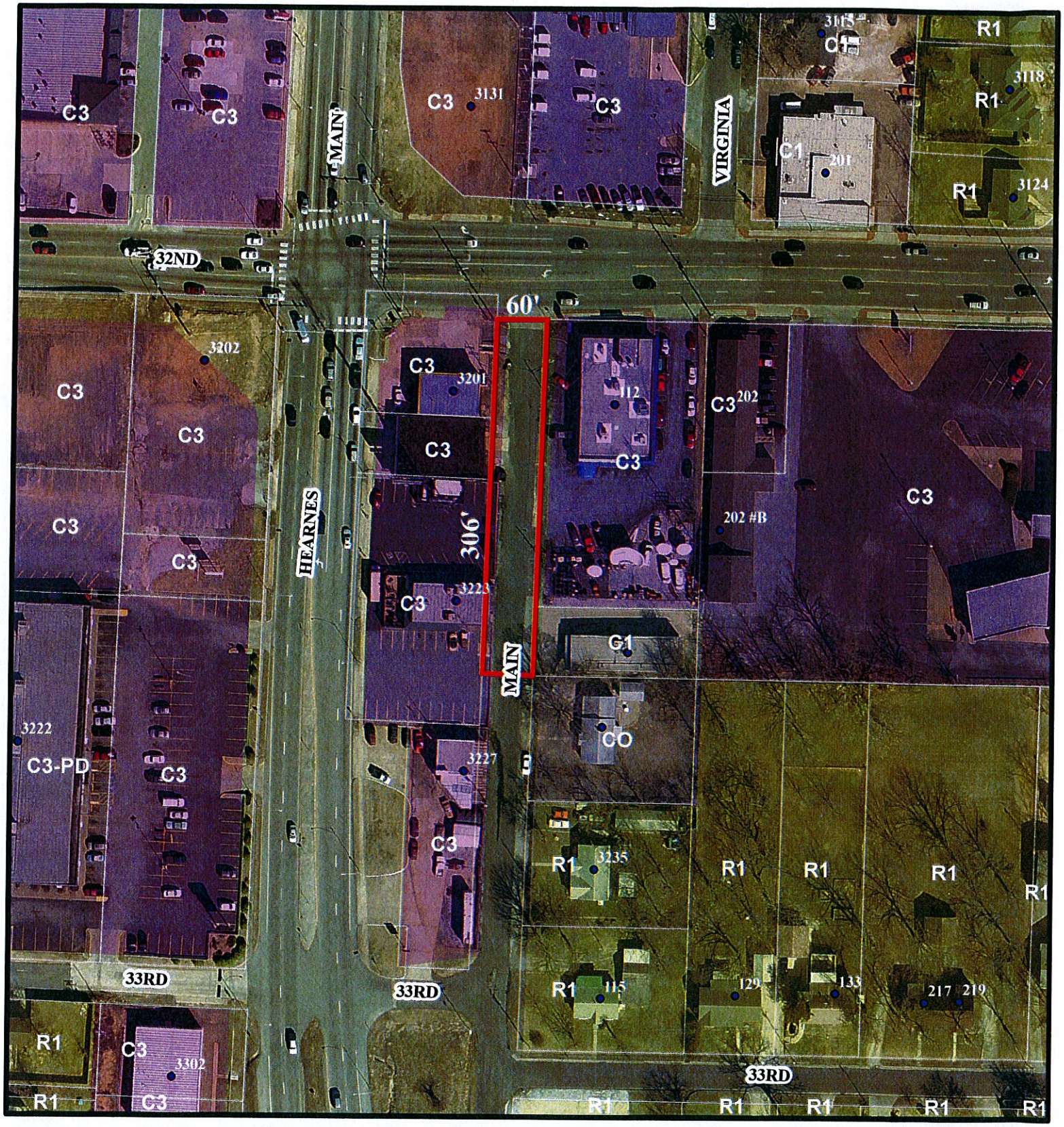


STREET & UTILITY EASEMENT VACATION EXHIBIT

SEC - 32ND ST AND MAIN ST
JOPLIN, MISSOURI

APRIL 22, 2013

SCALE: 1"=60'



Case 032-13: A request for the vacation of a 60 foot wide public street and utility easement for Old Main Street south of 32nd Street. - Orange Development Inc.

Case 032-13: Southeast corner of 32nd Street and Hearnes Boulevard/Old Main Street – A request for the vacation of a public street and utility easement for Old Main Street beginning at the south right-of-way line of 32nd Street south approximately 306 feet – Orange Development Inc.

Mr. Harrington opened the public hearing for Case 032-13.

Mr. David Barnett, 1109 Summons Ridge, Carterville, Tennessee, appeared and stated he is with Carlson Consulting Engineers on behalf of Orange Development and CVS. The request is to vacate the northern approximately 300 feet of Old Main Street located at the southeast corner of 32nd and Main Streets. This request is to accommodate a proposed CVS Pharmacy at this location.

Mr. Barnett stated that some existing utilities located in Old Main Street will be relocated as part of the redevelopment around the perimeter of the project and provide easements for those utilities.

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

Mr. Michael Cole, owner of property at 3225 South Old Main Street, appeared in opposition to the request and has had no opportunity to obtain specific detail from the developer. He reviewed the site plans and documents that were available in the City offices.

Mr. Cole explained that his property is an investment property that he and his wife have owned for 25 years. He stated that the proposed changes would have a significant adverse effect on his income from the property and the future marketability of the property. He stated that the proposed change replaces three businesses and closes a street and surrounds his existing property with a commercial retail outlet that has high volume. The proposed development would encompass the north and west sides of his rental property.

Mr. Cole stated that the location for the drive-in window for the pharmacy is behind an elevated retaining wall so that those traversing that south end of the pharmacy property going west would look down into what has historically been a large private fenced back yard. He also stated that the south edge of the property would be the location for their trash.

Mr. Cole asked how the pharmacy can be accessed, and how it can be left. He stated that 32nd Street has a traffic barrier, and Main Street has a traffic barrier extending south from 32nd Street. In order for individuals to leave the pharmacy and head in a southerly direction, they can't traverse the barrier, so they would have to take the south exit from the parking lot which immediately turns them due east, which places them square in front of his home. In the evenings, the headlights would penetrate the living room. The residential properties would no longer have any privacy, with the lights being intrusive.

Mr. Cole stated that the parking lot lights and access for the drive-in would represent intrusions for a tenant and affect the marketability of his house. He is not opposed to a pharmacy but simply wants the developer to minimize the adverse consequences for an existing owner. He and his wife feel that they have had enough adverse consequences of a storm. This home required a new roof, new siding, and the removal of a massive tree which would have blocked the vision and the lighting coming out of the south end of the parking lot heading east.

Mr. Cole would like more effective means for visual privacy, light control, noise elimination from heat and air-conditioning, run-off containment, and waste management. He is appreciative of what the City Council and this commission and the City employees have done with the redevelopment of Joplin and certainly sees this business as yet another example of that. He would like to not oppose the business if the developers can further minimize the adverse effects to him and his wife financially.

Mr. Eastman asked Mr. Cole if his property lies directly south of the property zoned C-0, or if his property is the next one that is zoned R-1. He replied that at the present time, a dance studio operates adjacent to his property, and immediately north of that is an alleyway running east and west that traverses Old Main Street headed east into the bank parking lot.

Mr. Eastman asked Mr. Cole if his property is zoned C-0, and he replied that is correct.

Mr. Eastman asked Mr. Cole if the developers approached him to buy his property, and he replied no. Mr. Eastman asked Mr. Cole if he plans to keep his property as a rental property in the near future, and he replied yes. He owns a variety of rental properties and stated that this particular home has been rented to the same tenant for six years.

Mr. Eastman asked Mr. Cole if the proposed development could enhance his property value, and he didn't believe so. His property is located on the back side of the building with no visibility off of 32nd Street or Hearnes Boulevard. He foresees limited potential for the development of his property as a successful commercial site.

Mr. Harrington asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 032-13.

MR. CORTEZ MOVED, SECONDED BY MR. BROWN, THAT CASE 032-13 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. BROWN, MR. CORTEZ, MR. DUNCAN, MR. EASTMAN, MR. HARRINGTON, AND MR. LANDRITH VOTING "AYE"; AND WITH MR. SMITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 032-13
Orange Development Inc.
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-275 **ORDINANCE NO.**

AN ORDINANCE providing for the vacation of a public street and utility easement for Old Main Street beginning at the south right-of-way line of 32nd Street south approximately 306 feet, 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 a public street and utility easement for Old Main Street beginning at the south right-of-way line of 32nd Street south approximately 306 feet, 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:

Situated in the NE 1/4 of the NE 1/4 of Section 22 and the NW 1/4 of the NW 1/4 of Section 23 in Township 27 N, Range 33 W in the City of Joplin, County of Newton and State of Missouri and is known as a 25 foot wide right-of-way for South Main Street in Collins-Subdivision as shown by plat recorded in Plat Book 1, Page 93 in the Newton County Recorder's Office, and a portion of a 10 foot wide right-of-way for South Main Street in Freeman's Grove, Sixth Addition as shown by plat recorded in Plat Book 2, Page 19 in the Newton County Recorder's Office, and is further bounded and described as follows: Beginning at an iron rebar found at a Northwesterly corner of land conveyed to Darius L. and Dorothy H. Bell by deed recorded in Deed Book 323, Page 2041 in the Newton County Recorder's Office, said rebar lying at the intersection of the southerly right-of-way of East 32nd Street (width varies) and with the westerly right-of-way of Old Main Street (35 feet wide), said rebar lying 9.07 feet West and 50.00 feet South of the corner common to Sections 14, 15, 22 and 23 in said Township and Range; thence along said southerly right-of-way also being the northerly terminus of Old Main Street South 89 degrees 03 minutes 31 seconds East a distance of 35.00 feet to a chisel mark set; thence continuing South along the eastern right-of-way of said Old Main Street South 1 degree 53 minutes 47 seconds West a distance of 229.55 feet to an iron rod, being the Northwest corner of the southern 56.3 feet of Lot 9 in Collins Subdivision, also being a point on the eastern line of the right-of-way of Old Main St.; thence South 1 degree 51 minutes 58 seconds West a distance of 56.3 feet to a 5/8" iron rebar, being the Southwest corner of the southern 56.3 feet of Lot 9 in Collins Subdivision and the southeastern corner of the portion of Old Main St. being vacated; thence turning North 88 degrees 06 minutes 35 seconds West a distance of 35 feet to a point on the western line of lot in Freeman's Grove 6th Addition and the Southwest corner of the portion of Old Main St. being vacated; thence turning North 1 degree 53 minutes 25 seconds East a distance of 285.37 feet to the point of beginning, containing 9991.14 square feet or 0.23 acres of land.

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 _____, 2013.

_____
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: July 1, 2013

Item: RESOLUTION NO. 2013-019
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: David Hertzberg DZH	Date: 6/21/2013
City Attorney: Brian Head ~~BDH~~	Date: 6-25-13
City Manager: R. Mark Rohr RM	Date: 6-25-13
Board or Commission: Planning and Zoning Commission MDW	Date: 6/10/2013

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

SUMMARY/REQUEST:
Case 033-13: Southeast corner of 32nd Street and Hearnes Boulevard – A request for a permanent Special Use Permit (First Request) for the relocation and installation of a wireless telecommunications tower – US Cellular c/o BT Group.

STAFF SUMMARY:
The applicant is requesting a Special Use Permit to relocate an existing wireless telecommunications tower owned by US Cellular. The existing tower will be relocated approximately 200 feet to the southeast of the current site. The proposed tower will be installed behind a proposed CVS Pharmacy store. A variance was approved by the Board of Adjustment on May 31, 2013 that allowed for a waiver of the minimum distance between the base of the tower and residentially zoned property. The distance was reduced from 200 feet to 55 feet.

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

1. This Special Use Permit is issued to US Cellular for the installation and operation of a wireless communications tower at the approved location as indicated in the site plan for a planned development.
2. The term of this permit shall be permanent.
3. Where the Wireless Telecommunications Facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and that vehicular access is provided to the facility.
4. The applicant shall present a signed statement indicating that the applicant agrees to allow for the potential co-location of additional Wireless Telecommunications Facilities by other providers on the applicant's structure.

5. The applicant shall present a signed statement indicating that the applicant agrees to remove the facility within one-hundred eighty (180) days after the tower's use is discontinued.
6. Any other conditions set by the City Council of the City of Joplin.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Victor McAlister, BT Group, appeared representing US Cellular. They have been working with the CVS developers, who have asked US Cellular to relocate the existing tower to the back side of the property for the overall development.

Mr. Eastman asked Mr. McAlister if the new tower would be the same height as the existing tower, and he replied that it will be approximately the same height. There is a topography change where the tower is being proposed, but the overall height will be below the 200 feet that is required.

Mr. Duncan asked Mr. McAlister where the tower will be placed. He replied at the far southeast corner of the Cable One property right above the existing alleyway, in the general area where the satellite dishes currently exist.

PUBLIC COMMENT:
Comments in opposition were received from Mr. Michael Cole, owner of property at 3225 South Old Main Street. He expressed concern about the telecommunications tower being even close to the house and stated that many individuals object to such towers and potential risks to their health. This tower will affect the marketability of his property for leasing and for the resale of the property.

Z&P Meeting: June 10, 2013
City Council Meeting: July 1, 2013

STAFF PLANNING REPORT
Special Use Permit

CASE 033-13:

A request for a permanent Special Use Permit (1st Request) for the relocation and installation of a wireless telecommunications tower located near the southeast corner of 32nd Street and Hearnes Boulevard.

APPLICANT: US Cellular c/o BT Group

LOCATION: Southeast corner of 32nd Street and Hearnes Boulevard

REQUESTED USE: wireless telecommunications tower

CORRIDOR: South Main Street

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
Proposed C-3 PD (Commercial – Planned Development)	Commercial	1.98 acres

SITE CONTEXT:

	North	East	South	West
Existing Zoning	C-3	C-3	C-O	C-3
Land Use	Post Office	Commercial	Office	Commercial

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
32nd Street	Major Arterial	100'
Hearnes Boulevard	Major Arterial	90'
Old Main Street	Local	60'

IS OFF STREET PARKING PROVIDED?

Not required for the special use requested.

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

No.

DISCUSSION:

The applicant is requesting a Special Use Permit to relocate an existing wireless telecommunications tower owned by US Cellular. The existing tower will be relocated approximately 200 feet to the southeast of the current site. The proposed tower will be installed behind a proposed CVS Pharmacy store. A variance was approved by the Board of Adjustment on May 31, 2013 that allowed for a waiver of the minimum distance between the base of the tower and residentially zoned property. The distance was reduced from 200 feet to 55 feet.

CONDITIONS FOR CONSIDERATION:

1. This Special Use Permit is issued to US Cellular for the installation and operation of a wireless communications tower at the approved location as indicated in the site plan for a planned development.
2. The term of this permit shall be permanent.
3. Where the Wireless Telecommunications Facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and that vehicular access is provided to the facility.
4. The applicant shall present a signed statement indicating that the applicant agrees to allow for the potential co-location of additional Wireless Telecommunications Facilities by other providers on the applicant's structure.
5. The applicant shall present a signed statement indicating that the applicant agrees to remove the facility within one-hundred eighty (180) days after the tower's use is discontinued.
6. Any other conditions set by the City Council of the City of Joplin.

Staff recommends approval of Case 033-13.

ENCLOSURES:

Site Plan

Photo-simulations

Letter of support from CVS

RECEIVED 5-3-13

SPECIAL USE PERMIT APPLICATION

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

For Office Use Only

Case No.: 033-13
Filing Fee: $ 350.00
Date Advertised: 5-26-13
Date Notices Sent
Public Hearing Date: 6-10-13

APPLICANT: US Cellular c/o BT Group - Victor McAlister PHONE: 918-645-9364

ADDRESS: 10601 S. Western Ave, Suite 108, Oklahoma City ZIP: 73170

OWNER: Orange Development Inc for CVS Pharmacy PHONE: 205-408-3443

ADDRESS: 1200 Corporate Drive, Suite G-50, Birmingham, AL ZIP: 35242

LOCATION OF PROPERTY: Southeast corner of East 32nd & Main Street (Hearnes Blvd)

LEGAL DESCRIPTION: See attached. A tract within the NE/4 NE/4 of Section 22, and the NW/4 of Section 23 in Township 27 N, Range 33 W in the City of Joplin.

PRESENT ZONING CLASSIFICATION: C-3 & C-1 ACREAGE: 1.98 ac +/-

PRESENT USE OF PROPERTY: Restaurant/Bar, Office, and Commercial

PROPOSED LAND USE ACTIVITY:

Redevelopment from current use for a CVS Pharmacy with Wireless Communications facility

ADJACENT ZONING AND LAND USE:

	Land Use	Zoning
North	Commercial	C-3
South	Commercial & Residnetial	C-3 & C-O
East	Commercial	C-3
West	Commercial & Vacant	C-3

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

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

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

If Yes, what length of time? _____

SIGNATURE: _____ DATE: May 1, 2013

BY: Victor McAlister BT Group for US Cellular TITLE: Project Manager

Attachments Required:

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

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

1. Hours of Operation. N/A
2. Days of Operation. N/A
3. Number of Off-street Parking Spaces. N/A
4. Signs (Generally signs are limited to one sign not larger that one (1) foot by two (2) feet set no more than six (6) feet off the ground and at least ten (10) feet inside the property line.)
5. Number of Assistants or employees. N/A
6. Nature of the Business. Unmanned Wireless Communication Facility
7. Location of the Business. Behind the proposed redevelopment of the use to a CVS Pharmacy

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

CVS CAREMARK | CVS Realty Co.

May 6, 2013

US Cellular / CVS redevelopment project - East 32nd & Main Street

Re: Acknowledgement of Cell Tower on CVS property

Matt Wright
Planning & Community Development
City of Joplin, MO

I am writing to you to state that CVS/Pharmacy is aware and approves of the cell tower being on CVS/Pharmacy property as shown on attached site plan.

Consider this letter to be my formal approval.

Please contact me if you require any further information.

Sincerely,

Richard E. Smart
Construction Project Manager
CVS Caremark

312.953.6322

Cc:

1163 North Clark Street, Suite 305 | Chicago, IL 60610
T: 312.953.6322 | F: 401.216.0158 | E: resmart@cvs.com

U.S. Cellular

June 7, 2013

Mr. Matt Wright

Planning and Community Development

City of Joplin

602 S. Main Street

Joplin, MO 64801

RE: US Cellular Tower site redevelopment with CVS Pharmacy – 32nd & Main St, Site # 300315

Dear Mr. Wright,

It is my pleasure to inform you of the following items.

- US Cellular's new tower will be developed to allow for the potential collocation from other wireless communication carriers.
- US Cellular will decommission and remove the old/existing tower with 180 days of the new tower developed and deemed "on-air" and functioning properly.

Please contact either myself at 405-556-0808 or Mr. Tracy Swinburne at 918-833-2890 if you have any further questions.

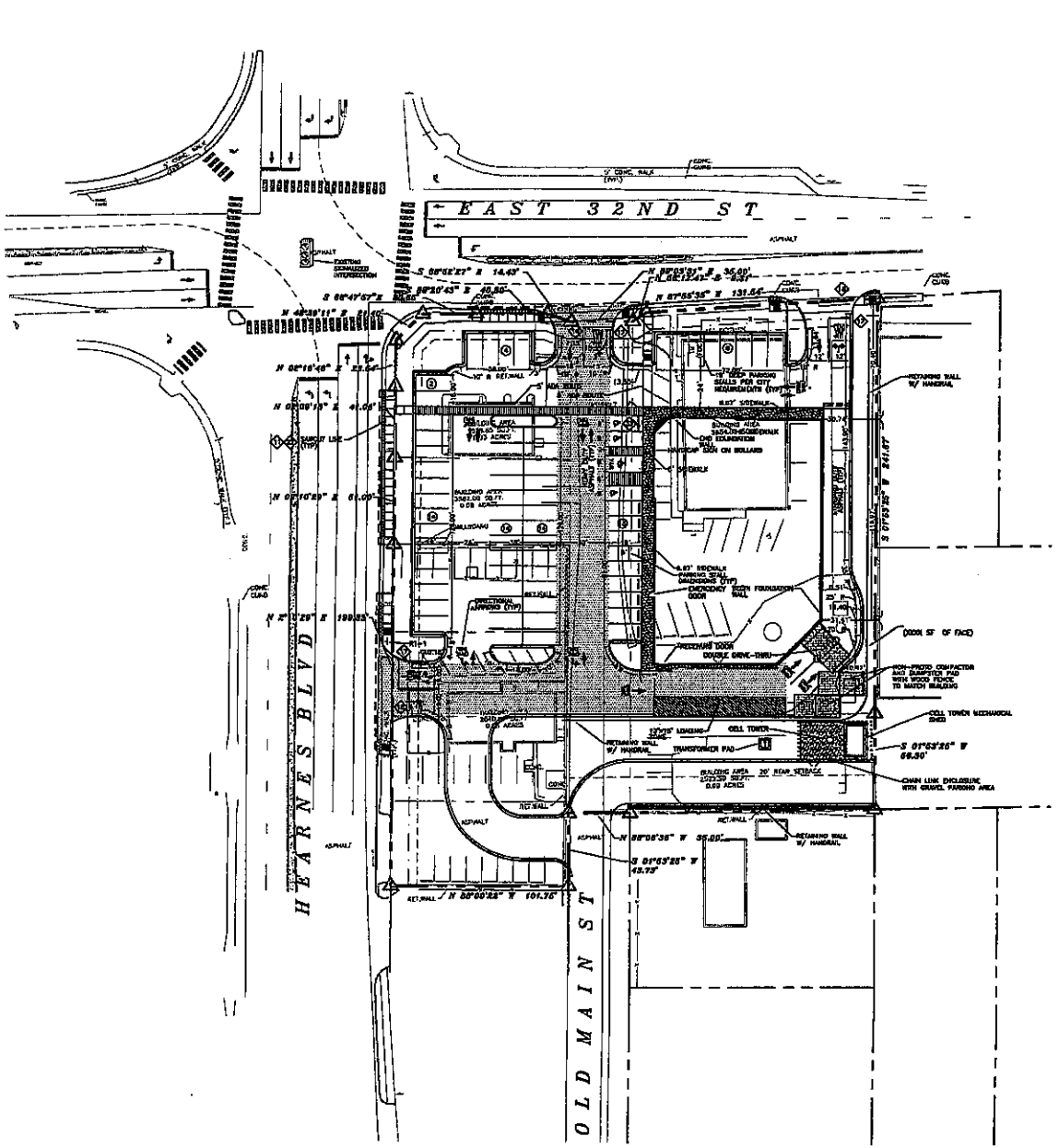
Respectfully,

Perry Kuykendall

Senior Project Manager West Region

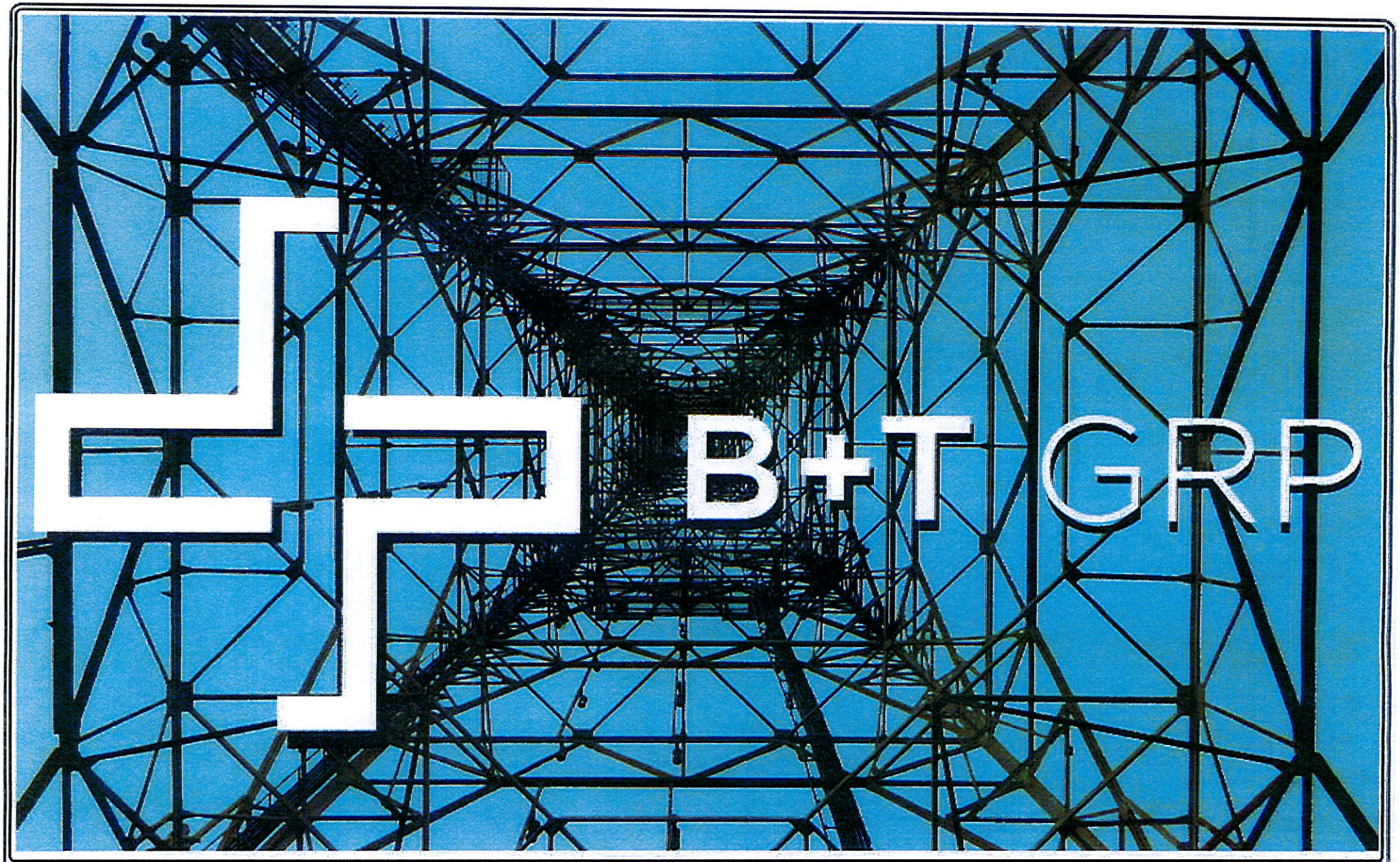
cc. Tracy Swinburne, PM US Cellular

Victor McAlister, PM BT Group



SITE PLAN

00 OF 00



B+T GRP

U.S. Cellular

SHEET TITLE: 32nd & Main - 3000315

REVISION: A

SHEET NUMBER: 1

LEGAL NOTE: IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

ISSUED FOR:

REV	DATE	DESCRIPTION
A	05/10/13	TITLE SHEET

PROJECT NO: 83597.016
DRAWN BY: PBJ
DATE DRAWN: 05/10/13
CHECKED BY: SLM



B+T GRP

U.S. Cellular

SHEET TITLE: 32ND & MAIN - 300315

REVISION: A

SHEET NUMBER: 2

LEGAL NOTE:

ISSUED FOR:
A 05/10/13 VIEW FROM 32ND STREET-BEFORE

PROJECT NO: 83597.016
DRAWN BY: PBJ
DATE DRAWN: 05/10//13
CHECKED BY: SLM



B+T GRP

1717 S Boulder Suite 300 Tulsa, OK 74119
(918) 587-4630 Fax (918) 295-8265

U.S. Cellular

SHEET TITLE: 32ND & MAIN - 300315

REVISION: A

SHEET NUMBER: 3

LEGAL NOTE: IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER ANY DOCUMENT

ISSUED FOR:

REV	DATE	DESCRIPTION
A	05/10/13	VIEW FROM 32ND STREET - AFTER

PROJECT NO: 83597.016
DRAWN BY: PBJ
DATE DRAWN: 05/10//13
CHECKED BY: SLM



B+T GRP

U.S. Cellular

SHEET TITLE: 32ND & MAIN - 300315

REVISION: A

SHEET NUMBER: 4

LEGAL NOTE:

ISSUED FOR:
A 05/10/13 FROM ALLEYWAY - BEFORE

PROJECT NO: 83597.016
DRAWN BY: PBJ
DATE DRAWN: 05/10//13
CHECKED BY: SLM



B+T GRP

U.S. Cellular

SHEET TITLE: 32ND & MAIN - 300315

REVISION: A

SHEET NUMBER: 5

LEGAL NOTE: IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER TO ALTER THIS DOCUMENT.

ISSUED FOR:

No.	Date	Description
A	05/10/13	FROM ALLEYWAY - AFTER

PROJECT NO: 83597.016
DRAWN BY: PBJ
DATE DRAWN: 05/10//13
CHECKED BY: SLM



Case 033-13: A request for a permanent Special Use Permit (1st request) for the relocation and installation of a wireless telecommunications tower located near the southeast corner of 32nd Street and Main Street/Hearnes Boulevard. - US Cellular c/o BT Group

N

Case 033-13: Southeast corner of 32nd Street and Hearnes Boulevard – A request for a permanent Special Use Permit (First Request) for the relocation and installation of a wireless telecommunications tower – US Cellular c/o BT Group.

Mr. Harrington opened the public hearing for Case 033-13.

Mr. Victor McAlister, BT Group, 704 Southwest 150th Street, Moore, Oklahoma 73170, appeared representing US Cellular. They have been working with the CVS developers, who have asked US Cellular to relocate the existing tower to the back side of the property for the overall development.

Mr. Harrington asked for questions from the commissioners.

Mr. Eastman asked Mr. McAlister if the new tower would be the same height as the existing tower, and he replied that it will be approximately the same height. There is a topography change where the tower is being proposed, but the overall height will be below the 200 feet that is required.

Mr. Duncan asked Mr. McAlister where the tower will be placed. He replied at the far southeast corner of the Cable One property right above the existing alleyway, in the general area where the satellite dishes currently exist.

Mr. Harrington then asked for comments from the audience.

Mr. Michael Cole, owner of property at 3225 South Old Main Street, appeared in opposition to the request and expressed concern about the location of a tall telecommunications tower. He believes it is a cell phone tower that would be even closer to the house and stated that many individuals object to such towers and potential risks to their health. He stated that this tower will affect the marketability of his property for leasing and for the resale of the property.

Mr. Harrington asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 033-13.

MR. CORTEZ MOVED, SECONDED BY MR. DUNCAN, THAT CASE 033-13 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. BROWN, MR. CORTEZ, MR. DUNCAN, MR. EASTMAN, MR. HARRINGTON, AND MR. LANDRITH VOTING "AYE"; AND WITH MR. SMITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 033-13
US Cellular c/o BT Group
(P & Z Recommended Approval)

RESOLUTION NO. 2013-019

A RESOLUTION granting a Special Use Permit (First Request) to US Cellular for the relocation and installation of a wireless telecommunications tower located the southeast corner of 32nd Street and Hearnes Boulevard, in the City of Joplin, Newton County, Missouri.

WHEREAS, the Planning and Zoning Commission at a Public Hearing held on June 10, 2013, recommended that a Special Use Permit be granted to US Cellular for the relocation and installation of a wireless telecommunications tower located the southeast corner of 32nd Street and Hearnes Boulevard, in the City of Joplin, Newton County, Missouri.

WHEREAS, a public hearing was held before the City Council on July 1, 2013, 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 US Cellular for the relocation and installation of a wireless telecommunications tower in the City of Joplin, Missouri, on the following described real estate, to-wit:

> All that part of Lot Numbered Nine (9) in Collins Subdivision described as beginning at the Northwest corner of Lot 9, thence South along the West lot line 250 feet; thence East 139 feet; thence North 250 feet; thence West to the point of beginning. All in the City of Joplin, Newton County, Missouri, except any part taken or deeded for road purposes. AND All of the South 56.3 feet of Lot Numbered Nine (9) in Collins Subdivision, in the City of Joplin, Newton County, Missouri, according to the recorded plat thereof, described as beginning at a point 250 feet South of the Northwest corner of said lot, thence South 56.3 feet to the Southwest corner of said lot, thence East 139 feet to the Southeast corner of said lot, thence North 56.3 feet to a point 250 feet South of the Northeast corner of said lot, thence West 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 is issued to US Cellular for the installation and operation of a wireless communications tower at the approved location as indicated in the site plan for a planned development.
2. The term of this permit shall be permanent.

3. Where the Wireless Telecommunications Facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and that vehicular access is provided to the facility.
4. The applicant shall present a signed statement indicating that the applicant agrees to allow for the potential co-location of additional Wireless Telecommunications Facilities by other providers on the applicant's structure.
5. The applicant shall present a signed statement indicating that the applicant agrees to remove the facility within one-hundred eighty (180) days after the tower's use is discontinued.
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 US Cellular, 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 _____, 2013.

_____
Melodee Colbert-Kean, Mayor

ATTEST:_____
Barbara L. Hogelin, City Clerk

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: July 1, 2013

Item: COUNCIL BILL NO. 2013-276
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: David Hertzberg DWH	Date: 6/21/2013
City Attorney: Brian Head	Date: 6-25-13
City Manager: R. Mark Rohr RMR	Date: 6-25-13
Board or Commission: Planning and Zoning Commission MDW	Date: 6/10/2013

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

SUMMARY/REQUEST:
Case 034-13: Southeast corner of 32nd Street and Hearnes Boulevard – A request to rezone from District C-3 (Commercial) and District C-1 (Neighborhood Commercial) to District C-3 PD (Commercial – Planned Development) for future planned commercial development – Orange Development Inc.

STAFF SUMMARY:
The proposed rezoning is for the development of a 13,225 square foot CVS Pharmacy store.

Access Management: The site will have four points of access, including entrances from Hearnes Boulevard, 32nd Street, and Old Main Street. There will be cross-access to the existing development to the east. The applicant has worked with MoDOT on the possibility of having a future right-turn only lane from northbound Hearnes Boulevard to eastbound 32nd Street.

Parking: A total of 74 parking spaces have been provided, including 3 ADA spaces.

Building Design & Materials: The site will contain a 13,225 square foot building. The exterior of the building will primarily be brick, with split face block around the base and EIFS in select bays above the storefront. The main entrance along will all other bays with windows will have awnings above them. A drive-thru pharmacy will be located at the southeast corner of the building.

Landscaping and Open Space: The site has provided required landscaping, including street and parking lot trees. Interior parking islands include parking lot trees and shrubs.

Buffering: A 6' fence will be constructed along the south property line east of Old Main Street.

Staff recommends approval of Case 034-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. David Barnett, Carlson Consulting Engineers, appeared representing Orange Development and stated that this request is a rezoning request for the CVS Pharmacy at the southeast corner of 32nd Street and Hearnes Boulevard. The reason for the request is to provide a consistent overall zoning classification for the redevelopment area that is currently zoned C-3 and C-1. The requested zoning would be in conformance with the downtown overlay zoning corridor as well.

PUBLIC COMMENT:
Comments in opposition were received from Mr. Michael Cole, owner of property of 3225 South Old Main Street.

Mr. Cortez asked Mr. Cole about any particular instances during the last 10 years and why he does not believe that corner should be commercial, with a CVS Pharmacy being built there. Mr. Cortez asked Mr. Cole if he has any concerns regarding traffic, and he replied that the existing businesses generate extremely low traffic volumes and don't really have lighting. They don't divert traffic onto Old South Main Street and have not had issues.

Mr. Cole discussed a previous rezoning request for a tavern for which his property was the only one close enough to reciprocate a two-thirds majority of the City Council, so he expressed opposition to the tavern on behalf of the neighborhood. He stated that the area has been a fairly peaceful, quiet neighborhood even with the commercial neighbors.

Z&P Meeting: June 10, 2013
City Council Meeting: July 1, 2013

STAFF PLANNING REPORT
Rezoning

CASE 034-13:

A request to rezone from District C-3 (Commercial) and District C-1 (Neighborhood Commercial) to District C-3 PD (Commercial – Planned Development) for property located at the southeast corner of 32nd Street and Hearnes Bouelvard

APPLICANT: Orange Development Inc.

LOCATION: Southeast corner of 32nd Street and Hearnes Boulevard

REQUESTED ZONING: C-3 PD (Commercial – Planned Development)

CORRIDOR: South Main Street – Site Plan Required

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
C-3 (Commercial) and C-1 (Neighborhood Commercial)	Commercial	1.98 acres

SITE CONTEXT:

	North	East	South	West
Existing Zoning	C-3	C-3	C-3, C-O	C-3
Land Use	Post Office	Commercial	Commercial, Office	Commercial

FUTURE LAND USE:

This site is located along the South Main Street corridor and is eligible for rezoning subject to site plan review and approval.

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
32nd Street	Major Arterial	100'
Hearnes Boulevard	Major Arterial	90'
Old Main Street	Local	60'

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

No.

UTILITIES: The property has utility connections.

FLOOD PLAIN: Zone X – Area of minimal flooding.

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes.

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

This property is suitable for commercial development.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The planned rezoning and development plans should not detrimentally affect nearby properties.

DISCUSSION

The proposed rezoning is for the development of a 13,225 square foot CVS Pharmacy store.

Access Management: The site will have four points of access, including entrances from Hearnes Boulevard, 32nd Street, and Old Main Street. There will be cross-access to the existing development to the east. The applicant has worked with MoDOT on the possibility of having a future right-turn only lane from northbound Hearnes Boulevard to eastbound 32nd Street.

Parking: A total of 74 parking spaces have been provided, including 3 ADA spaces.

Building Design & Materials: The site will contain a 13,225 square foot building. The exterior of the building will primarily be brick, with split face block around the base and EIFS in select bays above the storefront. The main entrance along will all other bays with windows will have awnings above them. A drive-thru pharmacy will be located at the southeast corner of the building.

Landscaping and Open Space: The site has provided required landscaping, including street and parking lot trees. Interior parking islands include parking lot trees and shrubs.

Buffering: A 6' fence will be constructed along the south property line east of Old Main Street.

Staff recommends approval of Case 034-13.

ENCLOSURES:

Site plan

Landscape plan

Building elevations

REZONING APPLICATION FORM

RECEIVED 5-7-13

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.: 034-13
Filing Fee: $ 350.00
Date Advertised: 5-26-13
Date Notices Sent:
Public Hearing Date: 6-10-13

APPLICANT: Orange Development Inc., Donn Fizer PHONE: 205-408-3443
ADDRESS: 1200 Corporate Drive Suite G-50, Birmingham, AL ZIP: 35242
OWNER: See attached affidavits. PHONE: See attached.
ADDRESS: ZIP:
LOCATION OF PROPERTY: Southeast corner of 32nd St. & Main St. (Hearnes Blvd)
LEGAL DESCRIPTION: See attached.

Present Zoning C-3 & C-1 Requested Zoning: C-3 PD Acreage: 1.98
Present Use of Property: Restaurant/Bar, Office, and Commercial

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Commercial	C-3
South	Commercial & Residential	C-3 & C-0
East	Commercial	C-3
West	Commercial & Vacant	C-3

CHARACTER OF THE NEIGHBORHOOD: Dated commercial development along 32nd St. and Main St. with residential abutting the commercial district to the southeast.

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   No, proposed commercial zoning is consistent with surrounding districts.
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? Yes
   If yes, explain: Rezoning the entire site to C-3 PD to provide a consistent zoning classification for the entire development and to be placed in the South Main Street Corridor district.

CONFORMANCE WITH COMPREHENSIVE PLAN:

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

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

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

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: One full access driveway to Main St. and one right-in/out to 32nd
2. Classification of Street(s):
   Arterial Main & 32nd Collector N/A Local _____
3. Right-of-Way Width: Approximately 80' for both 32nd St. & Main St. (Hearnes)
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   Multiple existing driveways will be closed near the intersection and replaced with two proposed driveways thereby improving safety and access management.

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? No
2. Properly Sized Street Right-of-Way? No
3. Drainage Easements? No
4. Utility Easements:
   - Electricity? No
   - Gas? No
   - Sewers? No
   - Water? No
5. Additional Comments: Replatting is not required but the existing parcels will be combined into a single lot following the vacation of Old Main St.

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: _____ DATE: Apr 24, 2013

BY: Donn Fizer

TITLE: Vice President, Orange Development Inc.

CARLSON
CONSULTING
ENGINEERS, INC.

May 1, 2013

Matt Wright
Planning & Community Development
602 Main St.
Joplin, MO 64801
Office #: (417) 624-0820

RE: CVS/Pharmacy #10160- SEC 32nd & Main, Joplin, MO
Planning & Community Development Dept.
Request for Rezoning

Dear Mr. Wright,

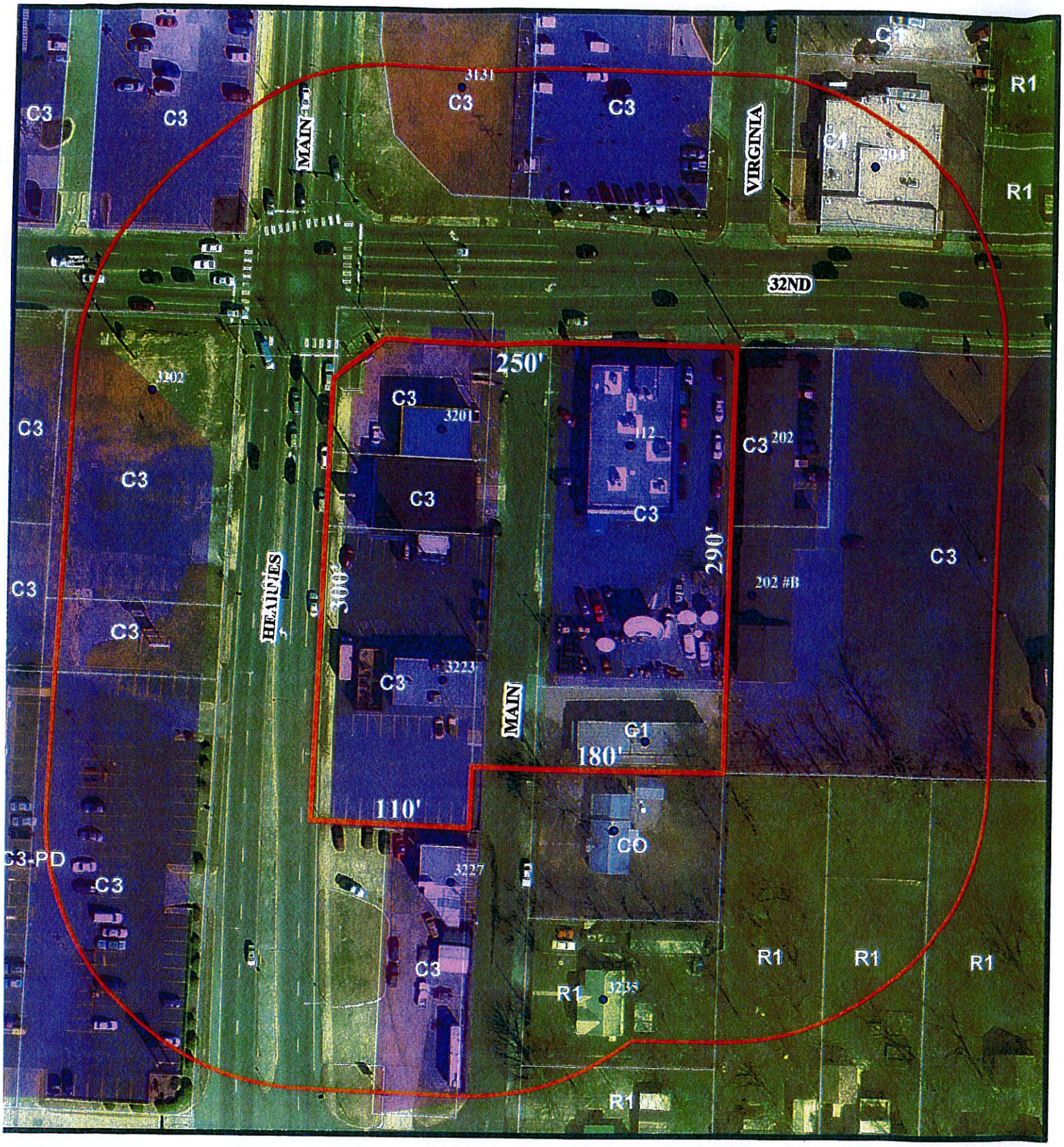
On behalf of the applicant, Orange Development Inc., Carlson Consulting Engineers requests that the properties located at the SEC of 32nd St. & Main St. be rezoned to C-3 PD to facilitate the construction of a new CVS Pharmacy. Currently the site is being occupied by a bar/restaurant, offices, and commercial buildings. The site currently lies within the "South Main-to-Downtown Overlay District". By rezoning the site, the corner can be brought into conformance with the city's development plan with a consistent use and zoning classification. Access to the site will be accomplished via one full access driveway to Main St. and one right-in/out driveway to 32nd St. This will decrease the number of access points near the intersection of Main and 32nd which will improve safety and access management. Rezoning this property will allow CVS to improve this commercial corner and incorporate the area into the city's long-term development plan. Thank you for your cooperation in this matter and if you have any questions or concerns, please contact me.

Sincerely,

Matt Pitts

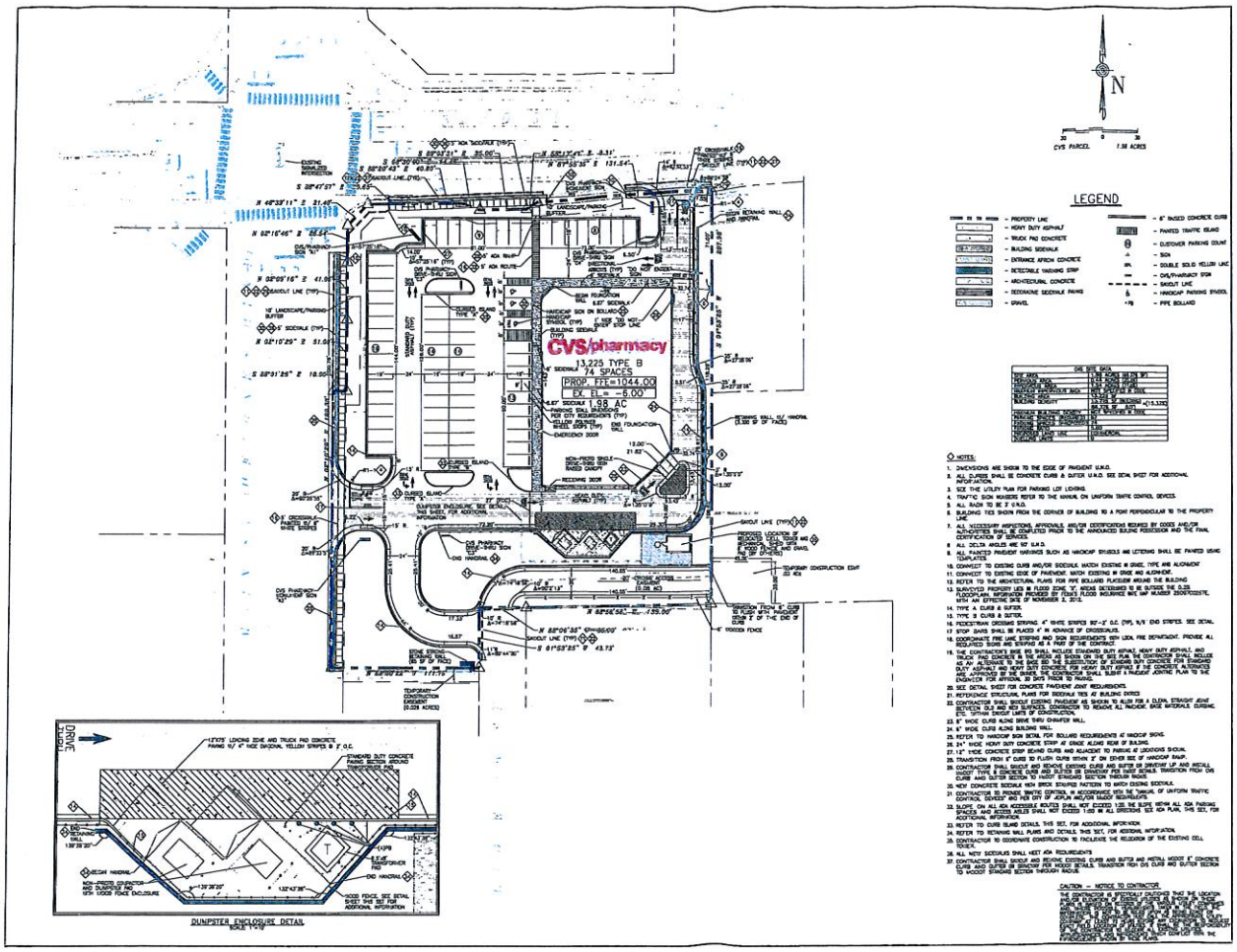
Matthew Pitts, EI

7068 Ledgestone Commons • Bartlett, Tennessee 38133 • (901) 384-0404 • (901) 384-0710



Case 034-13: A request to rezone from District C-3 (Commercial) and District C-1 (Neighborhood Commercial) to District C-3 PD (Commercial - Planned Development) for property located at the southeast corner of 32nd Street and Hearnes Boulevard for future planned commercial development. - Orange Development Inc.

N



CVS pharmacy

NORTHERN-10225-RIGHT CHAMFER DRIVE-THRU

STORE NUMBER 10160

SEC - SEND 8TH & MAHLER (HARRIS BLVD)

JOPLIN, MISSOURI

PROJECT TYPE:NEW STORE

IDEAL TYPE FEE FOR SERVICE

CS PROJECT NUMBER 62273

ARCHITECT OF RECORD

710 Griswold Street
Suite 2200
Detroit, MI 48226
www.norr.com

NORR

CONSULTANT:

CARLSON CONSULTING ENGINEERS, INC.
1008 Longwood's Commons
Bartlett, TN 38133
Phone (901) 384-0904
Fax (901) 384-0716

DEVELOPER:

ORANGE DEVELOPMENT
2320 CANYON BLVD
SUITE G-200
BIRMINGHAM, AL 35243
PH: (205) 408-3443

SEAL:

REVISIONS:

CVS PROJECT MANAGER: R. SMART

DRAWING BY: M. PITTS

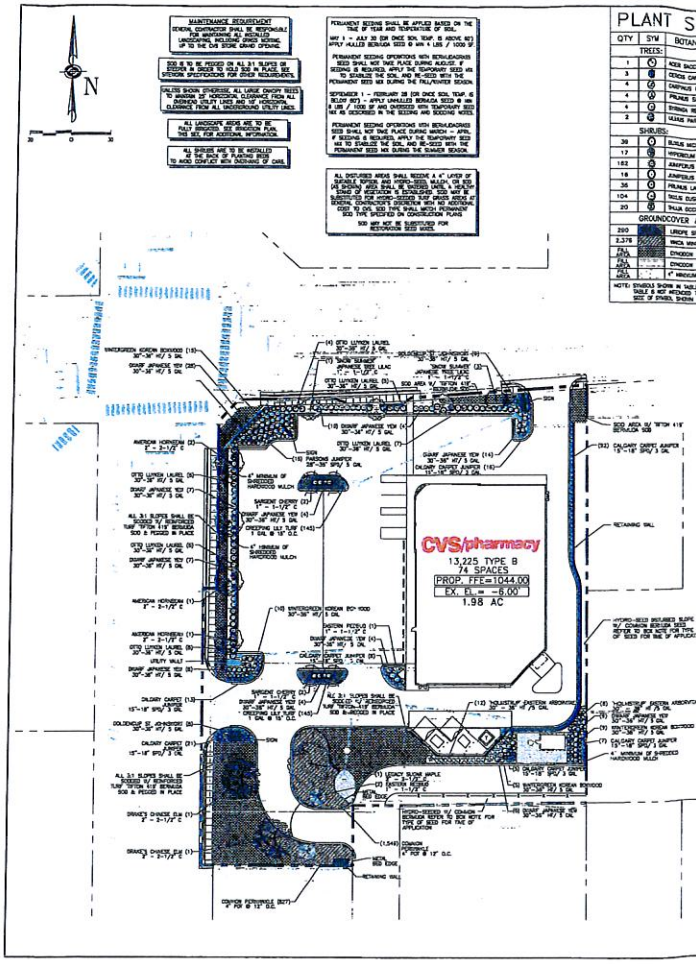
DATE: 01 MAY 2013

JOB NUMBER:

TITLE: SITE PLAN

SHEET NUMBER: 13 OF 27

COMMENTS: NOT RELEASED FOR CONSTRUCTION



PLANT SCHEDULE

NOTE: ALL SIZES AND CONDITION OF NURSERY STOCK SHALL MEET THE STANDARDS ESTABLISHED IN THE LATEST EDITION OF "AMERICAN STANDARD FOR NURSERY STOCK" PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.

QTY	SYM	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	CONDITION	REMARKS	MATURE SIZE
TREES:								
1		ACER BARCHAM 'LEGACY'	LEGACY SUGAR MAPLE	3" - 3-1/2" C / 12' -14' HT	AS SHOWN	B&B/CONT	FULL HEAD W/ UNIFORM CROWN	50' HT x 35' W
3		CERCIS CANADENSIS	EASTERN REDBUD	1" - 1-1/2" C / 7'-8' HT	AS SHOWN	B&B/CONT	FULL HEAD W/ UNIFORM CROWN, W/ 4 - 5 STEMS PER 8' - 10' CLUMPS	25' HT x 30' W
4		CARPINUS CAROLINIANA	AMERICAN HORNBEAM	3" - 3-1/2" C / 10' -12' HT	AS SHOWN	B&B/CONT	FULL HEAD W/ UNIFORM CROWN	25' HT x 30' W
4		PRUNUS SARGENTII 'COLUMNARIS'	SARGENT CHERRY	1" - 1-1/2" C / 7'-8' HT	AS SHOWN	B&B/CONT	FULL HEAD W/ UNIFORM CROWN	25' HT x 10' W
5		SYRINGA RETICULATA 'SUMMER SNOW'	SUMMER SNOW JAPANESE TREE LILAC	1" - 1-1/2" C / 7'-8' HT	AS SHOWN	B&B/CONT	FULL HEAD W/ UNIFORM CROWN	20' HT x 15' W
2		ULMUS PARVIFOLIA 'SMAKE'	SMAKE'S CHINESE ELM	3" - 3-1/2" C / 12' -14' HT	AS SHOWN	B&B/CONT	FULL HEAD W/ UNIFORM CROWN	40' HT x 40' W
SHRUBS:								
38		BUXUS MICROPHYLLA VAR KOREANA 'WINTERGREEN'	WINTERGREEN KOREAN BOXWOOD	30"-36" HT / 5 GAL	AS SHOWN	CONT	ROUND, FULL HEAD - UNIFORM SHAPE	3' HT x 3' W
17		HYPERICUM PATULUM	GOLDENCUP ST JOHNSWORT	30"-36" HT / 5 GAL	AS SHOWN	CONT	ROUND, FULL HEAD - UNIFORM SHAPE	3' HT x 4' W
102		JUNIPERUS SABINA 'MONNA'	CALGARY CARPET JUNIPER	15"-18" SPR / 3 GAL	AS SHOWN	CONT	ROUND, FULL HEAD	1' HT x 4' W
18		JUNIPERUS SQUAMATA DEPRESA 'PARSONII'	PARSONS JUNIPER	18"-24" HT / 5 GAL	AS SHOWN	CONT	ROUND, FULL HEAD - UNIFORM SHAPE	3' HT x 4' W
36		PRUNUS LAUROCERASUS 'OTTO LUYKEN'	OTTO LUYKEN LAUREL	30"-36" HT / 5 GAL	AS SHOWN	CONT	ROUND, FULL HEAD - UNIFORM SHAPE	3' HT x 5' W
104		TAXUS CUSPIDATA 'MAKI'	DWARF JAPANESE YEW	30"-36" HT / 5 GAL	AS SHOWN	CONT	ROUND, FULL HEAD - UNIFORM SHAPE	3' HT x 4' W
20		TAXUS BACCATA'DOVEHOUP'	HOUSETOP EASTERN ARBORVITAE	30"-36" HT / 5 GAL	AS SHOWN	CONT	ROUND, FULL HEAD - UNIFORM SHAPE	12' HT x 4' W
GROUNDCOVER & PERENNIALS:								
200		LIRIOPE SPICATA	CREEPING LILY TURF	6" HT / 1 GAL	15" O.C.	CONT	3 PER GAL FULL PLANT	
2,376		VINCA MINOR	COMMON PERIWINKLE	6" HT / 4" POT	12" O.C.	CONT	4 RUNNERS MIN	
SOD AREA		SYNGEON DACTYLON 'BITTON 419'	'BITON 419' BERMUDA SOD	SLAB / ROLL	SOLID	SLAB/ROLL	WEED FREE & ACTIVELY GROWING	
SEED AREA		SYNGEON DACTYLON	COMMON BERMUDA	4 LBS / 1000 SF	SOLID	SEED	SEE PLAN - SEE DETAIL	
MULCH AREA		4" MINIMUM OF SHREDDED HARDWOOD MULCH						

NOTE: SYMBOLS SHOWN IN TABLE ABOVE ARE FOR SPECIES DESIGNATION ONLY. PLANT SIZE SHOWN IN THE TABLE IS NOT INTENDED TO BE REPRESENTATIVE OF THE PLANT AT EITHER INSTALLATION OR MATURITY. SIZE OF SYMBOL SHOWN IN TABLE ABOVE MAY VARY FROM THOSE SHOWN ON PLANS.

NOTE: NO SUBSTITUTIONS OF PLANT MATERIALS ARE ALLOWED WITHOUT THE PRIOR APPROVAL OF THE LANDSCAPE ARCHITECT.

HYDRO-SEED NOTES

SEED PLANTING AREAS
HYDRO-SEED OVER AREAS W/ SPECIFIED SEED BLEND AT A RATE OF 1,000 LBS PER ACRE (0.023 LBS / SQ. FT.)

SLOPED AREAS
SLOPES TO BE HYDRO-SEEDED W/ SPECIFIED SEED BLEND AT A RATE OF 1,000 LBS PER ACRE (0.023 LBS / SQ. FT.) ON SLOPES GREATER THAN 3:1 (33%). PROVIDE EROSION BLANKET INSTALLED OVER HYDRO-SEEDED AREA

ALL AREAS TO BE HYDRO-SEEDED
1. SPREAD MANURE, OR INSTALL SOIL/GROWING MEDIUM AS SPECIFIED ON THE PLANS, AND FINE GRADE SURFACE.
2. HYDRO-SEED AREA WITH SPECIFIED SEED MIX AT THE RATED RATE, AND CORRECT AMOUNT OF SPECIFIED FIBER MATRIX

NOTE TO CONTRACTOR:
SEED AND STRAW ARE NOT AN ACCEPTABLE SUBSTITUTION FOR HYDRO-SEEDED AREAS.

ARTICLE XVIII — SUPPLEMENTARY REGULATIONS

SEC. 25-1808. – LANDSCAPING

(B) GENERAL REQUIREMENTS: LANDSCAPING, SCREENING, AND BUFFERING SHALL BE DESIGNED TO MEET THE FOLLOWING MINIMUM REQUIREMENTS.

1. NO LANDSCAPING IS REQUIRED IN THE DOWNTOWN CORE DISTRICTS OF LAND USES WHICH THOSE REGULATIONS IMPOSES NO YARD REQUIREMENTS (E.G. ELSEWHERE REQUIRED FOR C-3). LANDSCAPING REQUIREMENTS SHALL APPLY.
2. NONCONFORMING ACCESS BETWEEN DEVELOPMENTS AND IN PARKING LOTS IS ENCOURAGED TO PROMOTE SAFE AND UNINTERRUPTED PEDESTRIAN CIRCULATION TO ON-SITE PRINCIPAL USES AND ALONGSIDE USES, WHERE APPROPRIATE.
3. ALL PORTIONS OF THE SITE NOT COVERED WITH PARKING SURFACES, BUILDINGS OR OTHER IMPROVEMENTS SHALL BE LANDSCAPED.

4. ALL AREAS REQUIRED TO BE LANDSCAPED SHALL BE COVERED BY PLANT MATERIAL OR OTHER FORMS OF MATERIALS IN ACCORDANCE WITH THE SECTION OR AS APPROVED BY THE PLANNING AND COMMUNITY DEVELOPMENT MANAGER. PLANTING SHALL INCLUDE TREES, SHRUBS, GROUND COVER, PERENNIALS, ORNAMENTAL GRASSES, BOOK WILDFLOWERS, AND OTHER NATURAL MATERIALS EXCLUDING GRAVEL, ACCENTING OF PAVING.

5. LOADING AREAS SHALL BE SCREENED AWAY FROM VIEW OF THE PUBLIC RIGHT-OF-WAY OR ADJACENT RESIDENTIAL USES, WHICH THAT IS NOT FEASIBLE, SUCH AREAS SHALL BE SCREENED FROM THE PUBLIC RIGHT-OF-WAY BY EVERGREEN PLANTINGS, BERMS, DECORATIVE WALLS, FENCES OR A COMBINATION OF THESE IN A MANNER CONSISTENT WITH THE DEVELOPMENT. CHAIN LINK IS NOT AN ACCEPTABLE SCREENING MATERIAL.
6. SERVICE AREA SHALL BE SCREENED BY WALLS AND PLANTINGS.
7. REQUIRED LANDSCAPING AND BUFFER AREAS SHALL CONTAIN NO STRUCTURES, STRUCTURES, PARKING AREAS, PATIOS, STORM WATER DETENTION FACILITIES OR ANY OTHER STRUCTURES OR ACCESSORY USES EXCEPT FOR THE FOLLOWING:
   a. SCREENING WALLS OR EARTH-BERM SETTING CONSTRUCTED AS PART OF AN OVERALL LANDSCAPE DESIGN.
   b. PEDESTRIAN-ORIENTED FACILITIES SUCH AS SIDEWALKS, TRAILS, BUS STOPS, ETC.
   c. UNDERGROUND UTILITIES.
   d. ACCESS DRIVES, ACCESS/DRIVEWAYS THROUGH A REQUIRED BUFFER OR LANDSCAPE AREA MAY BE ALLOWED AS A CONDITION OF SITE PLAN APPROVAL.
   e. SIGNS, WHERE PERMITTED BY THESE REGULATIONS.
   f. BERM AREAS AND BERM / FENCES, WALLS, OR EARTHEN BERMS CONSTRUCTED TO PROVIDE THE VISUAL SCREENING REQUIRED TO MEET THE STANDARDS OF SUBSECTION F "BUFFER REQUIREMENTS" HEREIN.

7. ALL REQUIRED TREES SHALL MEET THE MINIMUM DIMENSIONS DICTATED IN TABLE 1 AND MAY BE CLUSTERED FOR DECORATIVE EFFECT FOLLOWING PROFESSIONAL LANDSCAPING STANDARDS FOR SPACING, LOCATION, AND DESIGN.
ALL TREES SHALL MEET OR EXCEED REQUIREMENTS FOUND IN TABLE 1.
E) LANDSCAPE STANDARDS

3. PARKING LOT LANDSCAPING STANDARDS: LANDSCAPING SHALL BE PROVIDED WITHIN ANY PARKING LOT DESIGNED OR INTENDED TO ACCOMMODATE FIVE (5) CARS OR MORE, IN ACCORDANCE WITH THE FOLLOWING.

   a. A LANDSCAPE PLAN FOR A PARKING LOT SHALL MEET ONE OF THE FOLLOWING DESIGN STANDARDS.
      1. DECIDUOUS SHADE TREES SHALL BE PROVIDED WITHIN THE PARKING LOT AT A RATIO OF AT LEAST ONE (1) TREE FOR EVERY TWENTY (20) PARKING SPACES, OR PORTION THEREOF. 10 PARKING SPACES PROVIDED = 1 TREES PROVIDED
         1 TREE PER 10 SPACES
      TREES SHALL INCLUDE (1) SUGAR MAPLE, (2) SMAKE'S CHINESE ELMS, AND (3) EASTERN REDBUD
   b. LANDSCAPE ISLANDS AND STAFF PLANTING AREAS SHALL BE WELL DRAINED AND CONTAIN SUITABLE SOIL AND IRRIGATION CHARACTERISTICS FOR THE PLANTING MATERIALS BASED ON CONDITIONS. A SECURED IRRIGATION SYSTEMS MAY BE REQUIRED AS DETERMINED BY THE CONCERNING BODY. ALL LANDSCAPED AREAS SHALL BE FULLY IRRIGATED.

   I. LANDSCAPE ISLANDS:

      1. SINGLE ISLAND: EACH SHALL BE AN ISLAND WITH A MINIMUM LANDSCAPE WIDTH OF SEVEN (7) FEET AND A MINIMUM AREA OF ONE-HUNDRED (100) SQUARE FEET, PLACED AT THE END OF A SINGLE ROW OF PARKING, CONTAINS AT LEAST ONE DECIDUOUS TREE. THE ISLAND SHALL CONTAIN A MINIMUM OF ONE DECIDUOUS TREE AND ONE SHRUB AND INCLUDE GRASS OR GROUND COVER, EXCEPT FOR THOSE AREAS THAT ARE MULCHED.

      SINGLE ISLAND IS 229 SF AND CONTAINS ONE EASTERN REDBUD TREE AND FOUR BOXWOOD SHRUBS.

      2. DOUBLE ISLAND: THESE SHALL BE A DOUBLE ISLAND OF TWO-HUNDRED AND TEN (210) SQUARE FEET PLACED AT THE ENDS OF DOUBLE ROW OF PARKING. TWO (2) DECIDUOUS TREES AND 3 SHRUBS ARE REQUIRED PER DOUBLE LANDSCAPE ISLAND.

      EACH DOUBLE ISLAND IS 287 SF AND CONTAIN TWO SMAKE'S CHINESE ELM TREES, FOUR DWARF CHERRY TREES, FOUR DWARF YEW'S, AND GROUND COVER.

   II. ALL PARKING LOTS CONTAINING MORE THAN FIVE (5) PARKING SPACES SHALL BE SCREENED FROM PUBLIC STREETS AND SIDEWALKS, PUBLIC OPEN SPACES, AND ADJACENT PARKING LOTS BY THE USE OF ONE OR MORE OF THE FOLLOWING REVISED LANDSCAPING OPTIONS.

      1. THE OUTSIDE PERIMETER OF ALL PARKING AREAS AND DRIVE AISLES SHALL INCLUDE A LANDSCAPED AREA SEVEN (7) FEET IN WIDTH, WHEN A PARKING LOT ABUTS A PUBLIC RIGHT-OF-WAY ONE TREE, SELECTED FROM THE EDITH LIST OF ACCEPTABLE STREET TREES SHALL BE PLANTED EVERY 50' ON CENTER WITHIN THE LANDSCAPED PERIMETER ADJACENT TO THE RIGHT-OF-WAY.

      COST OF PARKING LOT ABUTS PUBLIC RIGHT-OF-WAY = # STREET TREES PROVIDED
      1 TREE FOR EVERY 50'

      STREET TREES SHALL INCLUDE (4) AMERICAN HORNBEAM, AND (4) 'SUGAR SHOOT' JAPANESE TREE LILAC

      A 7' PERIMETER PLANTING BED SHALL BE INSTALLED ALONG ALL PARKING THAT ABUTS PUBLIC RIGHT-OF-WAY.

   LJ REFUSE:

   EXCEPT DURING PERMITTED CONSTRUCTION ON ANY TRACT, ALL SOLID WASTE MATERIALS, DEBRIS, REFUSE OR GARBAGE SHALL BE KEPT IN AN ENCLOSED BUILDING OR PROPERLY CONTAINED IN A CLOSED CONTAINER DESIGNED FOR SUCH PURPOSES AND LOCATED ON A PAVED SURFACE DESIGNED FOR ADEQUATE VEHICLE AND REFUSAL EQUIPMENT ACCESS AND OPERATION. SCREENING SHALL BE REQUIRED FROM ANY PUBLIC RIGHT-OF-WAY AND ANY RESIDENTIAL USE OR ZONING DISTRICT. SCREENING SHALL BE REQUIRED FROM ANY PUBLIC RIGHT-OF-WAY AND ANY RESIDENTIAL USE OR ZONING DISTRICT. SCREENING SHALL BE PROVIDED BY A SOLID WALL OR FENCE, EVERGREEN HEDGE, OR COMBINATION THEREOF NOT LESS THAN SIX (6) FEET IN HEIGHT. THE COLOR AND DESIGN SHALL BE COMPATIBLE WITH THE PRINCIPAL STRUCTURE ON THE LOT. THE OWNER OF ANY LAND FACING SHALL BE RESPONSIBLE FOR ENSURING THAT LAND FREE OF REFUSE. ALL EXTERIOR STORAGE, NOT INCLUDED AS A PERMITTED ACCESSORY USE, A PERMITTED USE INCLUDED AS PART OF A SPECIAL USE PERMIT, OR OTHERWISE PERMITTED BY THESE REGULATIONS OR CITY CODE SHALL BE SCREENED REFUSE.

THE REFUSE AREA SHALL BE SCREENED WITH A MASONRY WALL TO MATCH BUILDING AND 12 EMERALD GREEN SHRUBS.

CVS pharmacy

NORTHERN-13225-RIGHT CHAMFER DRIVE-THRU

STORE NUMBER 10160
SEC - 32ND ST & MAIN ST (HEARNES BLVD)
JOPLIN, MISSOURI
PROJECT TYPE: NEW STORE
DEMOLITION FEE FOR SERVICE
CS PROJECT NUMBER 62273

ARCHITECT OF RECORD

719 Griswold Street
Suite 1020
Detroit, MI 48226
www.norr.com

NORR

CONSULTANT:

CARLSON CONSULTING ENGINEERS, INC.
2260 Langenberg Commons
Maryland, MO 63043
Phone: (636) 394-2544
Fax: (636) 394-2710

DEVELOPER:

ORANGE DEVELOPMENT
1200 CORPORATE DRIVE
SUITE 0-90
BIRMINGHAM, AL 35242
PH: (205) 408-3400

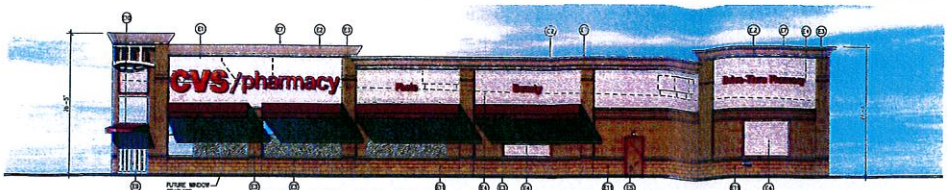
SEAL:

REVISIONS:

CVS PROJECT MANAGER: R. SMART
DRAWING BY: M. PITTS
DATE: 01 MAY 2013
JOB NUMBER: XXXX000
TITLE: LANDSCAPE PLAN
SHEET NUMBER:

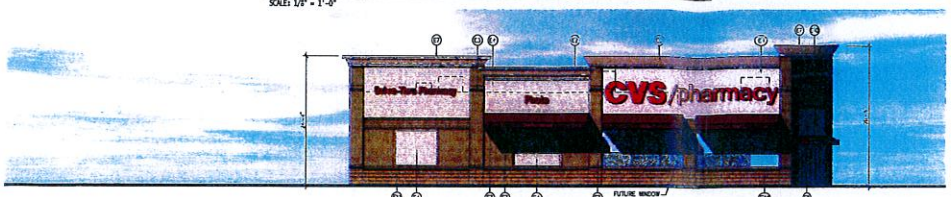
18 OF 29

COMMENTS:
NOT RELEASED FOR CONSTRUCTION



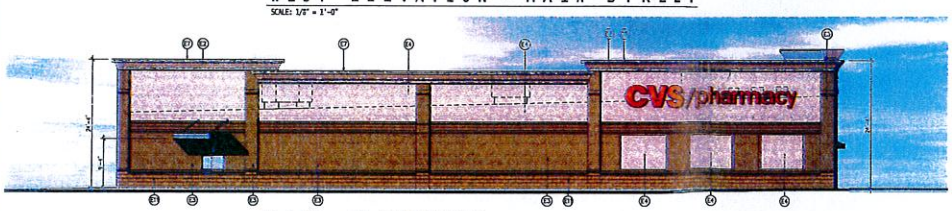
NORTH ELEVATION - 32ND STREET

SCALE: 1/8" = 1'-0"



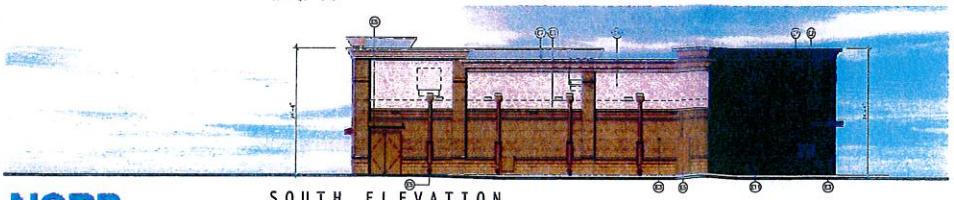
WEST ELEVATION - MAIN STREET

SCALE: 1/8" = 1'-0"



EAST ELEVATION

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

EXTERIOR FINISH SCHEDULE

TAG	MATERIAL / DESCRIPTION	MFR / STYLE / SAC NO.	COLOR	NOTES
(1)	EIFS/ EIFS	STO LOTUSAN SYSTEM 130 STUCO, LOTUSAN 1.5	RAGS-0205 MEADOW BEIGE	INSTALLED PER MANUF. SPECIFICATIONS
(2)	EIFS	STO LOTUSAN SYSTEM 130 STUCO, LOTUSAN 1.5	RAGS-0205 RAFFIA FINE	CORNICE
(3)	STRUCTURAL BRICK FINISH "LATE"	OLDCASTLE ARCHITECTURAL	A-705-B SMOKEY	HOLCIM ENVIROCORE MORTAR COLOR
(4)	STRUCTURAL BRICK FINISH "LATE"	OLDCASTLE ARCHITECTURAL	A-705-B SOFT EDITION	HOLCIM ENVIROCORE MORTAR MARIGOLD YELLOW
(5)	PAINT	BENJAMIN MOORE	2174-30 SONOMA CLAY	YELLOW EIFS, SCORE/REVEALS, PATTERNS/ACCENTS/ACCENTS
(6)	PAINT		COLOR TO MATCH 2154 YELLOW	TYP FOR ALL PIPE BOLLARDS
(7)	PREFINISHED METAL COPING		COLOR TO MATCH "LT" EIFS	
(8)	ALUM STOREFRONT		CLEAR ANODIZED	
(9)	ALUM AUTOMATIC DOOR	STANLEY DURAGLIDE 5300	CLEAR ANODIZED	
(10)	VINYL AWNING	BUILTRITE SIGNATURES, INC.	YELLOW STRIPE 2007-03	SUPPLIED & INSTALLED BY GC
(11)	SPLIT FACE CMU	OLDCASTLE ARCHITECTURAL	A-706-B GARNET	HOLCIM ENVIROCORE MORTAR COLOR

NOTE: SIGNAGE UNDER SEPARATE PERMIT. REFER TO APPROVED SIGNAGE PACKAGE FROM SIGNAGE VENDOR FOR SIZES AND LOCATIONS OF SIGNS. EXTERIOR SIGNAGE TO BE CHANNEL ARCHED.

FILLIN SIGNAGE EIFS COLOR TO MATCH THE BUILDING EIFS COLOR.

LEGEND

(#) - RE: EXTERIOR FINISH SCHEDULE

CVS 10160 SEC 21ND ST. & MAIN ST. JOPLIN, MISSOURI

CVS/pharmacy

NORR
ARCHITECTS ENGINEERS PLANNERS
719 Griswold Street
Suite 1000
Detroit, MI 48226
www.norr.com

ORANGE DEVELOPMENT

05.15.2013

Case 034-13: Southeast corner of 32nd Street and Hearnes Boulevard – A request to rezone from District C-3 (Commercial) and District C-1 (Neighborhood Commercial) to District C-3 PD (Commercial – Planned Development) for future planned commercial development – Orange Development Inc.

Mr. Harrington opened the public hearing for Case 034-13.

Mr. David Barnett, Carlson Consulting Engineers, appeared representing Orange Development and stated that this request is a rezoning request for the CVS Pharmacy at the southeast corner of 32nd Street and Hearnes Boulevard. The reason for the request is to provide a consistent overall zoning classification for the redevelopment area that is currently zoned C-3 and C-1. The requested zoning would be in conformance with the downtown overlay zoning corridor as well.

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

Mr. Michael Cole, owner of property at 3225 South Old Main Street, appeared in opposition for the reasons he previously stated during the public hearings for Cases 032-13 and 033-13.

Mr. Cortez asked Mr. Cole about any particular instances during the last 10 years and why he does not believe that corner should be commercial, with a CVS Pharmacy being built there. Mr. Cortez asked Mr. Cole if he has any concerns regarding traffic, and he replied that the existing businesses generate extremely low traffic volumes and don't really have lighting. They don't divert traffic onto Old South Main Street and have not had issues.

Mr. Cole discussed a previous rezoning request for a tavern on the Tropicana Lounge property for which most of the neighbors were opposed. His property was the only one close enough to reciprocate a two-thirds majority of the City Council, so he expressed opposition to the tavern on behalf of the neighborhood. He stated that the area has been a fairly peaceful, quiet neighborhood even with the commercial neighbors.

Mr. Harrington asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 034-13.

MR. CORTEZ MOVED, SECONDED BY MR. EASTMAN, THAT CASE 034-13 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. BROWN, MR. CORTEZ, MR. DUNCAN, MR. EASTMAN, MR. HARRINGTON, AND MR. LANDRITH VOTING "AYE"; AND WITH MR. SMITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 034-13
Orange Development Inc.
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-276 **ORDINANCE NO.**

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-3 and District C-1 and including in District C-3-PD property as described below and located at the southeast corner of 32nd Street and Hearnes Boulevard in the City of Joplin, Newton County, Missouri.

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

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

Situated in the NE 1/4 of the NE 1/4 of Section 22 and the NW 1/4 of the NW 1/4 of Section 23 in Township 27 N, Range 33 W in the City of Joplin, County of Newton and State of Missouri and is known as being a part of Lot 9 and a portion of a 25 foot wide right-of-way for South Main Street in Collins-Subdivision as shown by plat recorded in Plat Book 1, Page 93 in the Newton County Recorder's Office, further known as being a part of Lots 1 and 2 through 7 and a portion of a 10 foot wide right-of-way for South Main Street in Freeman's Grove, Sixth Addition as shown by plat recorded in Plat Book 2, Page 19 in the Newton County Recorder's Office, (Said plat also shows Miscellaneous Tract 1, which appears at Lot 1 but is not included as part of the description of Freeman's Grove, Sixth Addition) and is further bounded and described as follows: Beginning at an iron rebar found at the northwesterly corner of land conveyed to Darius L. and Dorothy H. Bell by deed recorded in Deed Book 323, Page 2041 in the Newton County Recorder's Office, said rebar lying at the intersection of the southerly right-of-way of East 32nd Street (width varies) and with the westerly right-of-way of Old Main Street (35 feet wide), said rebar lying 9.07 feet West and 50.00 feet South of the corner common to Sections 14, 15, 22, and 23 in said Township and Range; thence along said southerly right-of-way also being the northerly terminus of Old Main Street South 89 degrees 03 minutes 31 seconds East a distance of 35.00 feet to a chisel mark set; thence continuing along said southerly right-of-way North 58 degrees 17 minutes 47 seconds East a distance of 9.31 feet to a chisel mark set; thence continuing along said right-of-way North 87 degrees 55 minutes 35 seconds East a distance of 131.54 feet to a chisel mark set in the westerly line of Lot 8 in said Collins Subdivision; thence along said westerly line South 01 degree 53 minutes 25 seconds West a distance of 297.98 feet to a rail road spike set at the northeasterly

corner of Lot 10 in said Collins Subdivision; thence along the northerly line of said Lot 10 North 88 degrees 58 minutes 58 seconds West a distance of 139.00 feet to a capped 5/8" iron rebar set in the easterly right-of-way of said Old Main Street; thence North 88 degrees 06 minutes 35 seconds West a distance of 35.00 feet to a capped 5/8" iron rebar set in the easterly line of said Lot 7 in Freeman's Grove Sixth Addition; thence along said easterly line South 01 degree 53 minutes 25 seconds West a distance of 43.73 feet to the northeasterly corner of Lot 8 in said Freeman's Grove Sixth Addition; thence North 88 degrees 00 minutes 22 seconds West a distance of 111.75 feet to the old easterly right-of-way of Hearnes Boulevard (width varies); thence along said easterly right-of-way North 02 degrees 10 minutes 29 seconds East a distance of 199.33 feet to a capped 5/8" iron rebar set; thence South 88 degrees 01 minutes 26 seconds East a distance of 10.00 feet to the new easterly right-of-way of said Hearnes Boulevard; thence continuing along said right-of-way North 02 degrees 10 minutes 29 seconds East a distance of 51.00 feet to a chisel mark set; thence continuing along said right-of-way North 02 degrees 09 minutes 16 seconds East a distance of 41.06 feet to a chisel mark set; thence North 46 degrees 39 minutes 11 seconds East a distance of 21.40 feet to a chisel mark set in said southerly right-of-way of 32nd Street; thence along said southerly right-of-way South 88 degrees 47 minutes 57 seconds East a distance of 30.65 feet to a chisel mark set; thence continuing along said right-of-way South 88 degrees 20 minutes 43 seconds East a distance of 40.80 feet to a capped 5/8" iron rebar set; thence continuing along said right-of-way South 68 degrees 30 minutes 00 seconds East a distance of 14.46 feet to the place of beginning containing 86,376 square feet or 1.98 acres of land.

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

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2013.

_____
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: July 1, 2013

Item: COUNCIL BILL NO. 2013-277
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: David Hertzberg DWH	Date: 6/21/2013
City Attorney: Brian Head BJH	Date: 6-25-13
City Manager: R. Mark Rohr RMR	Date: 6-25-13
Board or Commission: Planning and Zoning Commission MDW	Date: 6/10/2013

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

SUMMARY/REQUEST:
Case 035-13: 3305 Indiana Avenue – A request for the vacation of (undeveloped) public streets in the original Kelsey Norman subdivision plat (existing Park Plaza Mobile Home Park), including (Old) 34th Street and Wisconsin Avenue – Colonial Heights MHP, LLC

STAFF SUMMARY:
The streets were platted in 1961 but were never developed. The property is under new ownership, and they would like to vacate the platted streets. The street vacations will have no impact on any existing circulation or utilities.

Staff recommends approval of Case 035-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Philip Richardson appeared representing Colonial Heights MHP, LLC, the current owner of the Park Plaza Mobile Estates Mobile Home Park at approximately 33rd Street and Indiana Avenue. The mobile home park extends from Indiana to the east.

The land was originally acquired in 1961 by Virgil and Norma McCormick for the purposes of developing the Park Plaza Mobile Estates Mobile Home Park. The mobile home park was owned by the McCormick family from 1961 to October, 2012. After Virgil McCormick acquired the property in 1961, he had 33rd Street in the middle of the park vacated. Mr. Richardson could find no records that 34th Street and Wisconsin Avenue were ever vacated.

The configuration of the park today is pretty much the way it began back in the 1960's. The McCormick family laid out the park so they could accommodate the maximum number of mobile

homes with comfortable areas for the residents. They laid out the access streets and lanes within the park and did not pay attention to the right-of-way for Wisconsin Avenue or for 34th Street.

The mobile home park was configured that way based on the assumption that all of the public streets had been vacated. The north-south Wisconsin Avenue does not serve anyone and dead-ends at the south boundary line of Park Plaza Mobile Estates, which is (Old) 34th Street. (Old) 34th Street dead-ends at Indiana Avenue at the Freeman East complex. On the east side, it dead-ends on what was Ferguson Road. A concrete drainage ditch has been constructed along Ferguson Road, with that roadway obviously not likely to be developed as a street.

Wisconsin Avenue and (Old) 34th Street have never been used as streets previously, even though they were originally platted in the Kelsey Norman Subdivision. In essence, since Mr. McCormick and his family have had the property, the easements have been utilized as a part of the park.

The property was sold in October, 2012, to Colonial Heights MHP, LLC, a company that operates mobile home parks. The area has been used as a mobile home park, and there is no practical feasibility for the streets to be developed in the future. The essence of this application is that Colonial Heights MHP, LLC would like to have the streets vacated to correct the legal situation.

Mr. Daniel Williamson, 17509 Gladesworth Lane, Canyon Country, California 91387, appeared representing Colonial Heights MHP, LLC. He is the managing member of this family investment group, with close family members being the other shareholders. They own and operate mobile home parks and RV parks, in particular, 55-plus communities. They own three 55-plus communities in Arizona, as well as one in Bridgeton, Missouri. They own two other all-age communities in Fenton, Missouri, as well.

Mr. Williamson stated that their tenants really enjoy the community, with this unique property serving a purpose for the Joplin area since it is an age-restricted community providing affordable housing for seniors. The community has been in existence for over 40 years, and he plans to just maintain things the way they are. Two different streets were recorded that didn't really belong there, and he just wants to own and operate the community as it is. The tenants really appreciate the community, with this park being a clean, quiet, safe environment for them.

Mr. Duncan asked Mr. Williamson if his firm has sold any of the properties that they have owned. He replied that they have sold properties, but they have never sold a property for redevelopment. The most recent property they sold was the original Colonial Heights, a family community in Ohio. It was sold to another mobile home park investor and is currently being owned and operated as a mobile home park.

Mr. Williamson stated that one of the reasons they sold that mobile home park is because their expertise is tailored to 55-plus communities. They own other all-age communities, but really their expertise lies with communities similar to Park Plaza.

PUBLIC COMMENT:
Comments in opposition to the request were received from Mr. Norman Houts, 6361 West Berry Hill Lane, Joplin. He also represented Darlene Letts, who owns property at 1311 East 34th Street.

He stated that all the property owners along 34th Street received a letter to sign to vacate the streets in this request, so he asked if there will be any changes to the street on which Ms. Letts owns property.

Mr. Harrington stated that nothing will change. He showed Mr. Houts the red outlined area on the City's map, with those areas being the only streets to be vacated. Those streets have never been used. This is the (Old) 34th Street and not the 34th Street that currently exists.

Mr. Houts explained that the owners of the mobile home park did not explain anything to the residents when they presented them the petitions to sign agreeing to vacation of the streets.

Mr. Harrington stated that if the City Council approves this request, nothing will change along the current 34th Street at all.

Z&P Meeting: June 10, 2013
City Council Meeting: July 1, 2013

STAFF PLANNING REPORT
Vacation

CASE 035-13:

A request for the vacation of platted public streets in the original Kelsey Norman Subdivision Plat, including (Old) 34th Street and Wisconsin Avenue.

APPLICANT: Colonial Heights MHP, LLC

REPRESENTATIVE: Philip W. Richardson

LOCATION: 3305 Indiana Avenue (Park Plaza Mobile Home Park)

EXISTING CONDITIONS:

Easement Type(s)	Easement Size
Street – 34th Street	60' x 1,275'
Street – Wisconsin Avenue	40' x 599'

REASON FOR VACATION:

The streets were platted in 1961 but were never developed. The property is under new ownership and they would like to vacate the platted streets.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT?: N/A

UTILITIES PLANNED TO LOCATE IN THE EASEMENT?: N/A

DISCUSSION:

The street vacations will have no impact on any existing circulation or utilities.

Staff recommends approval of Case 035-13.

ENCLOSURES:

Kelsey Norman Plat survey showing streets to be vacated

CITY OF JOPLIN

RECEIVED 5-20-13

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.: 035-13
Filing Fee: $ 350.00
Date Advertised: 5-26-13
Date Notices Sent
Public Hearing Date: 6-10-13

I. Applicant Name: Colonial Heights MHP, LLC Phone: 417-673-5030

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

Address: Philip W. Richardson, Attorney
P.O. Box 144, One South Main
Webb City, Missouri Zip: 64870-0144

II. Type of vacation requested (check one): Philip W. Richardson

Street Vacation ☒

Alley Vacation ☐

Utility vacation ☐

Other (Please specify)

III. Legal Description of area requested to be vacated:

See PLat and Legal Description

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. Platted 34th Street and Wisconsin Avenue located in Kelsey Norman Subdivision have not been opened for public use since the original plat of the Subdivision

2. The vacation will not cause the public to suffer a loss or inconvenience. See item #1 above. See also Historical Narrative and aerial photographs

3. In justice to the applicant(s) the vacation should be granted. To legally establish, conform and confirm circumstances that are consistent with those that are currently and actually in place in Park Plaza Mobile Estates, and which have existed for the approximately preceeding 50 years.

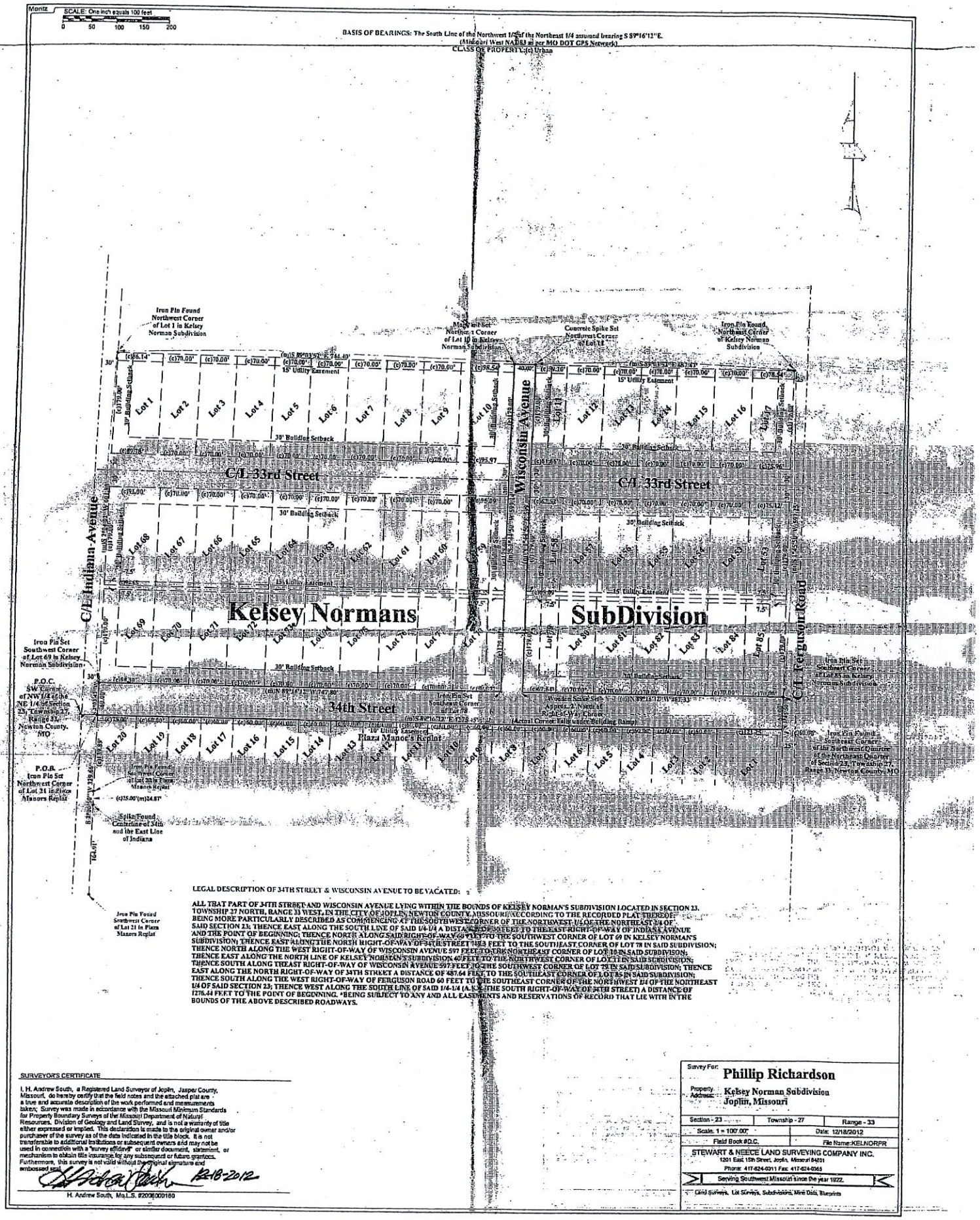
V. Required Attachments:

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


Moritz
SCALE: One inch equals 100 feet
0 50 100 150 200
BASIS OF BEARINGS: The South Line of the Northwest 1/4 of the Northeast 1/4 assumed bearing S 89°16'12"E.
(Missouri West NAD83 as per MO DOT GPS Network)
CLASS OF PROPERTY: (c) Urban
Iron Pin Found Northwest Corner of Lot 1 in Kelsey Norman Subdivision
Monument Set Northeast Corner of Lot 10 in Kelsey Norman Subdivision
Concrete Spike Set Northwest Corner of Lot 14
Iron Pin Found, Northeast Corner of Kelsey Norman Subdivision
15' Utility Easement
30' Building Setback
C/L 33rd Street
Wisconsin Avenue
C/L Indiana Avenue
C/L Ferguson Road
Kelsey Normans
SubDivision
Lot 1
Lot 2
Lot 3
Lot 4
Lot 5
Lot 6
Lot 7
Lot 8
Lot 9
Lot 10
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Lot 81
Lot 82
Lot 83
Lot 84
Lot 85
Lot 86
Iron Pin Set Southwest Corner of Lot 69 in Kelsey Norman Subdivision
P.O.C. SW Corner of NW 1/4 of the NE 1/4 of Section 23, Township 27, Range 33, Newton County, MO
P.O.B. Iron Pin Set Northwest Corner of Lot 21 in Plaza Manors Replat
Iron Pin Found Southwest Corner of Lot 20 in Plaza Manors Replat
Spike Found, Centerline of 34th and the East Line of Indiana
Iron Pin Found Southwest Corner of Lot 21 in Plaza Manors Replat
Iron Pin Set Southwest Corner of Lot 78
Iron Pin Found, Southeast Corner of the Northwest Quarter of Section 23, Township 27, Range 33 Newton County MO
Iron Pin Set Southwest Corner of Lot 85 in Kelsey Norman Subdivision
34th Street
Plaza Manor's Replat
10' Utility Easement
Wooded Spike Set
Asphalt Cap Found at Road Way Corner
(Actual Corner Falls under Building Ramp)
(c)S 89°16'12"E 1276.44'
(m)S 89°16'12"E 1276.44'
(m)N 89°16'12"W 747.80'
(m)N 89°16'12"W 267.33'
(c)125.00'(m)124.87'
(c)N 89°03'52"E 744.40'
(m)S 89°03'52"E 287.41'
LEGAL DESCRIPTION OF 34TH STREET & WISCONSIN AVENUE TO BE VACATED:
ALL THAT PART OF 34TH STREET AND WISCONSIN AVENUE LYING WITHIN THE BOUNDS OF KELSEY NORMAN'S SUBDIVISION LOCATED IN SECTION 23, TOWNSHIP 27 NORTH, RANGE 33 WEST, IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF; BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23; THENCE EAST ALONG THE SOUTH LINE OF SAID 1/4-1/4 A DISTANCE OF 30 FEET TO THE EAST RIGHT-OF-WAY OF INDIANA AVENUE AND THE POINT OF BEGINNING; THENCE NORTH ALONG SAID RIGHT-OF-WAY 660 FEET TO THE SOUTHWEST CORNER OF LOT 69 IN KELSEY NORMAN'S SUBDIVISION; THENCE EAST ALONG THE NORTH RIGHT-OF-WAY OF 34TH STREET 1183 FEET TO THE SOUTHEAST CORNER OF LOT 78 IN SAID SUBDIVISION; THENCE NORTH ALONG THE WEST RIGHT-OF-WAY OF WISCONSIN AVENUE 597 FEET TO THE NORTHEAST CORNER OF LOT 10 IN SAID SUBDIVISION; THENCE EAST ALONG THE NORTH LINE OF KELSEY NORMAN'S SUBDIVISION 40 FEET TO THE NORTHWEST CORNER OF LOT 11 IN SAID SUBDIVISION; THENCE SOUTH ALONG THEAST RIGHT-OF-WAY OF WISCONSIN AVENUE 597 FEET TO THE SOUTHWEST CORNER OF LOT 79 IN SAID SUBDIVISION; THENCE EAST ALONG THE NORTH RIGHT-OF-WAY OF 34TH STREET A DISTANCE OF 487.64 FEET TO THE SOUTHEAST CORNER OF LOT 85 IN SAID SUBDIVISION; THENCE SOUTH ALONG THE WEST RIGHT-OF-WAY OF FERGUSON ROAD 60 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23; THENCE WEST ALONG THE SOUTH LINE OF SAID 1/4-1/4 (A.K.A. THE SOUTH RIGHT-OF-WAY OF 34TH STREET) A DISTANCE OF 1276.44 FEET TO THE POINT OF BEGINNING. *BEING SUBJECT TO ANY AND ALL EASEMENTS AND RESERVATIONS OF RECORD THAT LIE WITH IN THE BOUNDS OF THE ABOVE DESCRIBED ROADWAYS.
SURVEYOR'S CERTIFICATE
I, H. Andrew South, a Registered Land Surveyor of Joplin, Jasper County, Missouri, do hereby certify that the field notes and the attached plat are a true and accurate description of the work performed and measurements taken; 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, and is not a warranty of title either expressed or implied. This declaration is made to the original owner and/or purchaser of the survey as of the date indicated in the title block. It is not transferable to additional institutions or subsequent owners and may not be used in connection with a "survey affidavit" or similar document, statement, or merchandise to obtain title insurance for any subsequent or future grantees. Furthermore, this survey is not valid without the original signature and embossed seal.
12-18-2012
H. Andrew South, Mo.L.S. #2003000160
Survey For: Phillip Richardson
Property Address: Kelsey Norman Subdivision Joplin, Missouri
Section - 23 | Township - 27 | Range - 33
Scale: 1 = 100.00' | Date: 12/18/2012
Field Book #D.C. | File Name:KELNORPR
STEWART & NEECE LAND SURVEYING COMPANY INC.
1201 East 15th Street, Joplin, Missouri 64801
Phone: 417-624-0311 Fax: 417-624-0565
Serving Southwest Missouri since the year 1922.
Land Surveys, Lot Surveys, Subdivisions, Mine Data, Blueprints



0 190 380 760 1,140 1,520 Feet

Case 035-13: A request for the vacation of platted public streets in the original Kelsey Norman Subdivision Plat, including (Old) 34th Street and Wisconsin Avenue. - Colonial Heights MHP, LLC

N

Case 035-13: 3305 Indiana Avenue – A request for the vacation of (undeveloped) public streets in the original Kelsey Norman subdivision plat (existing Park Plaza Mobile Home Park), including (Old) 34th Street and Wisconsin Avenue – Colonial Heights MHP, LLC

Mr. Harrington opened the public hearing for Case 035-13.

Mr. Philip Richardson, One South Main, Webb City, Missouri, appeared representing Colonial Heights MHP, LLC, who is the current owner of the Park Plaza Mobile Estates Mobile Home Park at approximately 33rd Street and Indiana Avenue. The mobile home park extends from Indiana to the east.

Mr. Richardson stated that the land was originally acquired back in 1961 by Virgil and Norma McCormick for the purposes of developing the Park Plaza Mobile Estates Mobile Home Park. The mobile home park was owned by the McCormick family from 1961 to October, 2012. After Virgil McCormick acquired the property in 1961, he had 33rd Street in the middle of the park vacated. Mr. Richardson could find no records that 34th Street and Wisconsin Avenue were ever vacated.

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Mr. Richardson stated that the mobile home park was configured that way based on the assumption that all of the public streets had been vacated. The north-south Wisconsin Avenue does not serve anyone and dead-ends at the south boundary line of Park Plaza Mobile Estates, which is (Old) 34th Street. (Old) 34th Street dead-ends at Indiana Avenue at the Freeman East complex. On the east side, it dead-ends on what was Ferguson Road. A concrete drainage ditch has been constructed along Ferguson Road, with that roadway obviously not likely to be developed as a street.

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Mr. Richardson stated that the property was sold in October, 2012, to Colonial Heights MHP, LLC, which is a company that operates mobile home parks. Mr. Dan Williamson, a member of that limited liability company, is present in the audience to address any questions the commissioners might have.

Mr. Richardson stated that the area has been used as a mobile home park, and there is no practical feasibility for the streets to be developed in the future. The essence of this application is that Colonial Heights MHP, LLC would like to have the streets vacated to correct the legal situation.

Mr. Daniel Williamson, 17509 Gladesworth Lane, Canyon Country, California 91387, appeared representing Colonial Heights MHP, LLC. He is the managing member of this family investment group, with close family members being the other shareholders. They own and operate mobile

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Mr. Williamson stated that the tenants really appreciate the community, with this park being a clean, quiet, safe environment for them.

Mr. Harrington asked for questions from the commissioners.

Mr. Duncan asked Mr. Williamson if his firm has sold any of the properties that they have owned. He replied that they have sold properties, but nothing really recent. They have never sold a property for redevelopment. The most recent property they sold was the original Colonial Heights, a family community in Ohio. It was sold to another mobile home park investor and is currently being owned and operated as a mobile home park.

Mr. Williamson stated that one of the reasons they sold that mobile home park is because their expertise is tailored to 55-plus communities. They own other all-age communities, but really their expertise lies with communities similar to Park Plaza.

Mr. Harrington asked for comments from the audience.

Mr. Norman Houts, 6361 West Berry Hill Lane, Joplin, appeared in opposition to the request and stated that Darlene Letts owns 1311 East 34th Street. Mr. Houts stated that all the property owners along 34th Street received a letter to sign to vacate the streets in this request, so he asked if there will be any changes to the street on which Ms. Letts owns property.

Mr. Harrington stated that nothing will change. He showed Mr. Houts the red outlined area on the City's map, with those areas being the only streets to be vacated. Those streets have never been used. This is the (Old) 34th Street and not the 34th Street that currently exists.

Mr. Houts explained that the owners of the mobile home park did not explain anything to the residents when they presented them the petitions to sign agreeing to vacation of the streets.

Mr. Harrington stated that if the City Council approves this request, nothing will change along the current 34th Street at all.

Mr. Harrington asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 035-13.

MR. DUNCAN MOVED, SECONDED BY MR. BROWN, THAT CASE 035-13 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. BROWN, MR. CORTEZ, MR. DUNCAN, MR. EASTMAN, MR. HARRINGTON, AND MR. LANDRITH VOTING "AYE"; AND WITH MR. SMITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 035-13
Colonial Heights MHP, LLC
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-277 **ORDINANCE NO.**

AN ORDINANCE providing for the vacation of (undeveloped) public streets in the original Kelsey Norman subdivision plat (existing Park Plaza Mobile Home Park) including (Old) 34th Street and Wisconsin 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 (undeveloped) public streets in the original Kelsey Norman subdivision plat (existing Park Plaza Mobile Home Park) including (Old) 34th Street and Wisconsin 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 34th Street and Wisconsin Avenue lying within the bounds of Kelsey Norman's Subdivision located in Section 23, Township 27 North, Range 33 West, in the City of Joplin, Newton County, Missouri, according to the recorded plat thereof; being more particularly described as commencing at the Southwest corner of the Northwest 1/4 of the Northeast 1/4 of said Section 23; thence East along the South line of said 1/4-1/4 a distance of 30 feet to the East right-of-way of Indiana Avenue and the point of beginning; thence North along said right-of-way 60 feet to the Southwest corner of Lot 69 in Kelsey Norman's Subdivision; thence East along the North right-of-way of 34th Street 748.3 feet to the Southeast corner of Lot 78 in said Subdivision; thence North along the West right-of-way of Wisconsin Avenue 597 feet to the Northeast corner of Lot 10 in said Subdivision; thence East along the North line of Kelsey Norman's Subdivision 40 feet to the Northwest corner of Lot 11 in said Subdivision; thence South along the East right-of-way of Wisconsin Avenue 597 feet to the Southwest corner of Lot 79 in said Subdivision; thence East along the North right-of-way of 34th Street in a distance of 487.64 feet to the Southeast corner of Lot 85 is said Subdivision; thence South along the West right-of-way of Ferguson Road 60 feet to the Southeast corner of the Northwest 1/4 of the Northeast 1/4 of said Section 23; thence West along the South line of said 1/4-1/4 (a.k.a. the South right-of-way of 34th Street) a distance of 1276.44 feet to the point of beginning. Being subject to any and all easements and reservations of record that lie within the bounds of the above described roadways.

Section 2. That this vacation of the portions of the streets 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 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.

Council Bill No. 2013-277

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2013.

_____
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: July 1, 2013

Item: CDBG-DR – Joplin Community Phase II Recovery Plan
Originating Department: Planning & Community Development

Attachments: 1) Joplin Community Phase II Recovery Plan
2) Resolution No. 2013-020

Department Head: David Hertzberg DH Date: 6/24/13
Planning & Community Development Manager: Troy Bolander: T.B. Date: 6/24/13
Finance Department: Leslie Jones LJ Date: 6-25-13
City Attorney: Brian Head BH Date: 6-25-13
City Manager: Mark Rohr MR Date: 6-25-13

Recommended Action: Approval of Resolution No. 2013-020

DISCUSSION:

The following is a resolution that formally approves the Joplin Community Phase II Recovery Plan that was presented to the Council at their last meeting on June 17th, 2013. The plan provides guidance for the expenditure of the $113,276,000 in Community Development Block Grant Disaster Recovery (CDBG-DR) assistance the City of Joplin received from the Department of Housing and Urban Development (HUD). The adoption of the resolution and plan gives staff direction as they begin the preparation of the partial Action Plan that will be presented to Council for their approval and submission to HUD.

A partial Action Plan containing the initial list of projects funded with CDBG-DR assistance must be submitted to HUD no later than September 3, 2013. Once projects are in the Action Plan, the city has two years to expend the disaster funds. As additional projects are ready to move forward, the partial Action Plan must be amended to include the projects. Under the federal regulations dictating the use of this round of CDBG disaster recovery funds, all of the projects must be listed in the Action Plan by September of 2017 and all the $113 million must be expended two years later in 2019.

RECOMMENDATION:

Staff recommends adoption of this Resolution, so they can begin preparation of the partial CDBG-DR Action Plan.

RESOLUTION NO. 2012-020

A RESOLUTION authorizing the approval of the Joplin Community Phase II Recovery Plan that describes the proposed use of the $113,276,000 in Community Development Block Grant Disaster Recovery Funds (CDBG-DR) received from the Department of Housing and Urban Development (HUD) to help aid in the recovery from a EF-5 tornado that struck the City of Joplin on May 22nd, 2011.

WHEREAS, on May 22nd, 2011, an EF-5 tornado caused catastrophic damage to a significant portion of the City of Joplin; and

WHEREAS, the U. S. Department of Housing and Urban Development (HUD) provides assistance to communities that experience extreme disaster recovery circumstances; and

WHEREAS, the City of Joplin was allocated $113,276,000 in CDBG-DR grant assistance in response to the negative housing, infrastructure, and economic impacts caused by the tornado on May 22nd, 2011; and

WHEREAS, city staff prepared and presented a plan to City Council named the Joplin Community Phase II Recovery Plan to provide guidance for city staff in the development of the required partial CDBG-DR action plan describing the use of the CDBG-DR assistance received by HUD; and

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

Section 1. That the City of Joplin adopts the Joplin Community Phase II Recovery Plan describing the proposed use of the $113,276,000 in CDBG-DR assistance received by HUD, a copy of said Agreement and made a part hereof by reference as Exhibit "A".

Section 2. That the City Manager of the City of Joplin is hereby authorized to direct city staff to complete preparation of the CDBG-DR partial Action Plan and submit it to the City Council and HUD for approval prior to September 3, 2013.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this ____Day of _____2013

_____

Melodee Colbert-Kean, Mayor

ATTEST:

_____

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____

Brian W. Head, City Attorney

EXHIBIT "A"

JOPLIN COMMUNITY PHASE II RECOVERY PLAN



Mark Rohr
City Manager
City of Joplin, Missouri
June 14, 2013

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* These numbers are preliminary based on cost estimates, not actual project costs, and may be modified upon Housing and Urban Development review.

EXECUTIVE SUMMARY

Background

Joplin was devastated by an EF5 tornado which touched down at 5:41pm on May 22, 2011. The massive tornado cut a path of destruction 3/4 to a mile wide and 6 miles long through the heart of the community. The overall storm path was estimated by the National Weather Service at nearly 14 miles in length. An estimated 8,000 structures were impacted. Thousands of homes, along with churches, schools, businesses, a hospital, and a variety of infrastructure components were completely destroyed in its wake. In the immediate response to the disaster, the city identified a primary goal of minimizing Joplin's population loss, which is currently approximately 5.8%.

Since the disaster, the City, along with numerous partners and stakeholders, have worked to expand on an aggressive pre-tornado planning document, *Blueprint for the Future,* which captured ideas and proposed developments that not only define the community's past, but also provide a clear direction for the future. With previously awarded CDBG funding, and now with this latest round of funding, we are moving past planning and toward implementation of projects that will greatly advance the recovery and resiliency of Joplin.

The following projects were compiled by staff leadership during a series of planning meetings and discussions over an eight week period. The resulting priorities have undergone an exhaustive research and review process in order to meet multiple objectives of the city and CDBG program itself. Due to the nature of the federal funding, the city will have a mere 24 months to complete the identified projects—time is of the essence.

Project Goals and Descriptions

Joplin's *Blueprint for the Future* and the Citizens Advisory Recovery Team *Implementation Next Steps* both identify opportunities to continue to develop, invigorate, and nurture the areas most devastated by the tornado, as well as create synergy among major anchor projects and other projects underway in the community. By design, many of the proposed projects and programs have ripple effects beyond the tornado damage zone and are intended to reach a broad base of citizenry and their expressed needs and issues. Since the early stages of recovery, the city's objective and actions have been to stabilize and minimize population loss. With a variety of existing resources, and now an additional $113 million in Community Development Block Grant funds, our focus has shifted beyond minimizing loss to encouraging population growth through common sense, yet dynamic, long view efforts. In addition to the reconstruction and development underway across the city and disaster area, the importance of this specific round of funding stems from the fact that it advances a suite of priority reconstruction and recovery efforts previously unfunded, including critical infrastructure improvements and anchor developments intended to transform the face of Joplin into an interconnected, vibrant and growing city moving forward.

This funding has a broad and powerful catalytic effect within and adjacent to the tornado recovery zone and provides incentives and implications for associated ancillary development, while specifically addressing a multitude of community challenges and needs in order to broaden the community impact of the funding. The whole of these projects will benefit the Joplin community well into the future and represent an unprecedented, once in a life time opportunity.

Objectives include:

- Creating synergy among the redevelopment area and other anchor efforts of the community
- Expanding economic opportunities for job growth, employment, education, and training
- Creating and enhancing economic and recreational center(s)
- Encouraging population growth through modernization and improved infrastructure

Priority Projects Focus Area

The greatest concentration of this funding will be across the tornado damaged area with ties to primary economic corridors, anchor developments, and adjacent residential and recreational areas. The following projects and background information detail the public benefits of each project in order to provide a comprehensive rationale and approach to both project development and implications for the recovery and growth of the community. Project costs include construction and design and several incorporate multiple funding sources.

Projects

Sidewalks & ADA Ramps	$21,000,000
Sanitary Sewer Relining & Manhole Repair	$12,000,000
Storm Sewer Replacement & Repair	$17,500,000
Curb & Gutter	$14,700,000
Streets/Asphalt Overlay	$3,700,000
Tree Planting	$1,600,000
Mental Health	$750,000
20th Street Streetscape	$10,350,000
Crossroads Street & Sewer Extension	$3,600,000
Job Training & Education	$500,000
Joplin Commons	$40,416,000
Green Neighborhood	$500,000
CDBG Administration	$3,500,000
TOTAL	**$130,116,000**

ACTIVITY:

Sidewalks & ADA Ramps

AMOUNT:

$21,000,000

CDBG ELIGIBILITY AND NATIONAL OBJECTIVE:

Eligibility – Public Facility, Sidewalks
National Objective – A portion of the Activity will be completed within a predefined LMI area. The remaining will utilize the Slum & Blight designation.

DESCRIPTION:

Staff analyzed city aerials and determined which areas of the tornado area had sidewalks on both sides, one side, or none. Pre-tornado, there were 658,096 feet in the tornado area that did not have sidewalks, 321,120 feet that had sidewalk on both sides, and 38,178 feet that only had sidewalk on one side.

Staff code enforcement officers surveyed the area that had sidewalk on one or both sides to determine condition. After the survey, it was determined that there are 116,193 feet in the tornado area that were severely damaged and needed immediate replacement. Added to the 658,096 feet without sidewalks and the 38,178 feet to add a sidewalk on both sides in areas with only one sidewalk, we have a need of 812,467 feet of sidewalk to be installed or replaced in the tornado area. At $20/Lineal Foot this highlights $16,249,340 needed for sidewalks.

In addition, almost every ADA ramp surveyed is not in compliance and most intersections do not have ramps at all. There are 416 intersections in LMI areas, each with 4 corners providing 1,664 ADA ramps needed. At $2000/ramp gives us $3,328,000 needed for ADA ramps inside the LMI area.
This will maximize our CDBG usage in the tornado area for ADA. The other ramps outside the LMI areas will be done with the curb and gutter money from the state. A significant number of street curb and gutters were heavily damaged during debris removal process and will be replaced through this process as well.

BENEFIT:

This project will dramatically improve the quality of life as sidewalks are the backbone of a multi-modal pedestrian access network to the new trails through neighborhoods to major retail and commercial destinations and services. Having newly installed sidewalks and modernized ADA compliant ramps at intersections conforms to the newly adopted *Comprehensive Plan 2012* and also meets the needs expressed by residents as identified in the Citizens Advisory Recovery Team's *Implementation Next Steps*.

ACTIVITY:

Sanitary Sewer Relining and Manhole Repair

AMOUNT:

$12,000,000 Million

CDBG ELIGIBILITY AND NATIONAL OBJECTIVE:

Eligibility – Public Facility, Water/Sewer Improvements
National Objective – A portion of the Activity will be completed within a predefined LMI area. The remaining will utilize the Slum & Blight designation. The breakdown of inside and outside the LMI is as follows inside LMI $6,404,960 and outside the LMI for $5,595,040.

DESCRIPTION:

As with storm sewers, the tornado and ensuing heavy equipment caused significant damage to the manhole and sanitary sewers across the tornado recovery area.

The city has an annual capital program that repairs and replaces sanitary sewers and the annual budget is $1.5 million, which is currently being used primarily to clean and TV the entire system as per DNR bypass elimination plan and for I&I reduction projects in portions of the Turkey Creek collection system that have the highest metals levels as a requirement of the operating permit for Turkey Creek WWTP. All EDR area sanitary sewers were videoed, measured, and rated from 1-5, 1 being best condition and 5 being the worst condition. We extrapolated those rankings and percentages across the entire tornado area. Using bids from Springfield we calculated approximately $12 million for repairing the category 3 and above lines. Estimates and ranking scale, as well as the sewers in the tornado area, are included as a part of this work. The work involves cleaning and TV inspection of the remaining lines in the tornado area to determine exact project scope, similarly to what was done for the EDR portion of the project. The project also involves repairing all manholes in the tornado area, of which there are approximately 1700. The repair of the sewer lines is anticipated to be slip-lining the pipe with occasional replacement in areas that cannot be navigated by the slip lining process. The intention is to complete as many storm sanitary projects as possible prior to paving activity to minimize damage to new pavement.

BENEFIT:

This project will dramatically improve sanitary sewer service as well as significant reductions in Infiltration and Inflow (I/I). Having an upgraded and modernized sewer system reduces I/I and also extends the life of our treatment plants, as well as reduces the number of sewer backups into citizens' households after large rain events. The city will have a well mapped system with a ranking to identify future preventative maintenance needs. In combination with annual capital funds in 2013, this funding will result in 30% I/I reduction of the city's sewers being newly repaired or replaced. In addition, the Department of Natural Resources has a storm water management program which requires modernization to reduce I/I. This upgrade to our system will position us in better compliance with state regulation and will ultimately reduce citizen user fees.

ACTIVITY:

Storm Sewer Replacement and Repair

AMOUNT:

$17,500,000 Million

CDBG ELIGIBILITY AND NATIONAL OBJECTIVE:

Eligibility – Public Facility, Water/Sewer Improvements
National Objective – A portion of the Activity will be completed within a predefined LMI area. The remaining will utilize the Slum & Blight designation. The breakdown of inside and outside the LMI is as follows 15 projects inside LMI $10,284,000 and 19 outside the LMI for $7,170,000.

DESCRIPTION:

The tornado and ensuing heavy equipment caused significant damage to the manhole and storm sewers across the tornado recovery area. In addition, storm debris resulted in blocked drains and significant water damage caused erosion and collapse of areas.

The city has an annual capital program that repairs and replaces system storm sewers with an annual budget of $96,185.00 annually. Staff surveyed our existing storm water system and estimated replacement costs on undersized, damaged, or otherwise inadequate lines and inlets. The total estimated cost for this project is $14.97 million. Thirty-four projects identified consist of existing priority drainage problems and are largely made up of needed residential neighborhood drainage improvements with a smaller number of improvements at street intersections and commercial areas. A map showing the proposed projects is attached. These improvements also allow comprehensive GIS mapping of existing and added improvements. Modernized GIS maps reduce future operational costs as well as master planning development. Stormwater projects will be completed prior to paving activity to minimize damage to new pavement.

BENEFIT:

This project will dramatically improve identified residential and commercial concerns by getting the stormwater off streets quicker and into upgraded conduits, and provides appropriate detention areas for stormwater. The areas identified have deteriorated or were damaged by the tornado and need repair/replacement in order to provide the appropriate amount of service to the areas. Handling the water prior to it backing up streams and onto properties also helps alleviate sanitary sewer issues as well as property flooding. Stormwater flooding can cause significant damage, erosion to property, as well as potential life threatening issues. This project will enhance the targeted neighborhoods by significantly mitigating flooding and reducing stormwater on roadways and properties as quickly and efficiently as possible.

ACTIVITY:

Curb & Gutter

AMOUNT:

$14,700,000

CDBG ELIGIBILITY AND NATIONAL OBJECTIVE:

Eligibility – Public Facility, Sidewalks
National Objective – A portion of the Activity will be completed within a predefined LMI area. The remaining will utilize the State Grant funding.

DESCRIPTION:

Staff code enforcement officers surveyed the area to determine extent of tornado damage and ensuing heavy equipment damage to curbs and gutter due to debris removal. Roughly 700,000 linear feet of curb and gutter is damaged. Staff has the least invasive approach is to partially remove the curb and replace with an S-Curb, or a stand-up curb in lieu of removing and replacing the entire curb and gutter. This will expedite the process and result in less disturbance on areas already paved. The estimated cost for saw cutting, removal and replacement of curb is $20/linear foot.

BENEFIT:

This project will dramatically improve aesthetics of streets and private property frontage while improving stormwater capture and management through neighborhoods and commercial areas. Improving the stormwater capture as well as directing it appropriately, helps us with our permitting, not only for stormwater, but efficient stormwater management reduces Infiltration and Inflow (I&I) in the sanitary sewer system as well, thus having a significant cumulative effect and cost benefit. These improvements conform to the adopted *Comprehensive Plan 2012*.

ACTIVITY:

Streets/Asphalt Overlay

AMOUNT:

$3.7 Million

CDBG ELIGIBILITY AND NATIONAL OBJECTIVE:

Eligibility – Public Improvement; Street Improvement
National Objective – A portion of the Activity will be completed within a predefined LMI area. The remaining will utilize the Slum & Blight designation.

DESCRIPTION:

Prior to the May 22nd tornado, the city's asphalt program primarily consisted of a two-pronged approach. Firstly, the city was divided into 7 zones which received a microsurfacing treatment on a rotational basis. Secondly, more severely distressed pavement received annual asphalt mill and overlay until the funds are expended for the year.

Many roadways were severely damaged from the tornado and the associated cleanup. These funds will help repair these roadways to previous- or better-than-previous condition. Due to the tornado, we did not do any paving in 2011, so we are currently using allocations from 2 years of the asphalt paving program, plus an additional $1 million dollars to install roughly $4.8 million dollars of paving in the tornado area, as well as other parts of the city.

Staff has evaluated the entire tornado damaged area and determined the appropriate measures for repairing our roadways. Many of these areas are in need of substantial infrastructure work and sustained greater damage during the cleanup due to catastrophic damage to area structures, resulting in intensive debris removal operations and associated heavy equipment. Next year we will use CDBG funds to focus on "improving" the pavement condition in the LMI area, making the most efficient usage of these monies by allowing some other infrastructure work such as stormwater to proceed in advance of paving the streets—this will eliminate having to excavate freshly paved areas. A coordinated approach is being taken with storm and sanitary sewers construction to minimize damage and ensure completion prior to paving activity.

With initial funding sources available in FY2013 and the associated reconstruction program, approximately 25% of City streets can be surface treated. Now, because the CDBG area is being removed for 2013 and moved to FY 2014 and combined with our annual maintenance money, this will add approximately an additional 10% of roadway to total 35%. These are all streets that will require more work than just an overlay.

BENEFIT:

By the conclusion of next year, this project will dramatically improve over 23 miles and up to 35% of roadways in the city with the majority of improvements within the tornado area. Having a quality roadway network is critical for the creation of an accessible and enjoyable community and helps attract citizens to the city. Smoother roads reduce tire wear, increase fuel efficiency, lower emissions, enhance safety to vehicles and pedestrians alike, and will also help with stormwater drainage.

ACTIVITY:

Tree Planting

AMOUNT:

$1.6 Million

CDBG ELIGIBILITY AND NATIONAL OBJECTIVE:

Eligibility- Public Facility; Tree Planting and/or Streetscape
National Objective- Low/Mod Income Benefit and Slum and Blight inside TIF area

DESCRIPTION:

As part of the reestablishment of the urban forest, this funding would help reach our goal to replace 25,000 trees across the tornado zone. By planting large 1½ inch caliper trees we can reintroduce 7,766 trees in public spaces of the affected area. These trees will be reintroduced according to the Tree Study currently being developed by a consultant.

BENEFIT:

These trees will significantly advance the redevelopment of the affected area and greatly enhance tornado-affected neighborhoods to encourage a more attractive place for residential redevelopment and population growth objectives. Trees will be a significant and tangible visual prompt of the positive recovery progress underway and helps with the beautification of the area while reducing carbon dioxide emissions and the Heat Island Effect, a result of large portions of developed and paved urban areas that are not shaded from UV radiation. Replacing destroyed trees at this magnitude will continue to secure our place as a Tree City USA member.

ACTIVITY:

Mental Health

AMOUNT:

$750,000

CDBG ELIGIBILITY AND NATIONAL OBJECTIVE:

Eligibility – Public Service; Mental Health Services (Part of 15% Public Service Cap).
National Objective- Low/Mod Income Clientele. Income information collected for participants.

DESCRIPTION:

The city relies on other organizations to provide public mental health programs. The mental health community has expressed a need for training and educational funding support to expand mental health programming to all age groups: children, teens, parents or caretakers, families, and adults. Programs can also help businesses and neighborhoods work together.

BENEFIT:

Recovery programs after a disaster span a wide range. The goals of education and training programs help survivors, responders and the community recover. Programs will help advance understanding in how disasters affect young and old alike and teaches coping and support methods.

Education and training programs will focus on:

- Joplin Schools Check & Connect Student Engagement Program supporting at risk youth engagement
- Organization reactions to disaster
- Building resilience and positive coping skills
- Providing support among age groups and organizations
- Connecting community and residents to additional programs, resources and health and mental health care providers.

ACTIVITY:

20th Street (Main Street to Range Line Road) – Streetscape

AMOUNT:

$10,350,000.00

CDBG ELIGIBILITY AND NATIONAL OBJECTIVE:

Eligibility- Public Improvement; Street Improvements
National Objective- Slum and Blight Area inside the TIF area.

DESCRIPTION:

The streetscape project would provide sidewalks with pedestrian-friendly amenities on both sides of 20th Street from Main to Range Line, approximately 2 miles.

BENEFIT:

Many of the vacant lots remaining exist in the areas contiguous to the 20th Street Corridor. Adding this amenity will add momentum to additional nearby commercial and residential development allowing us to enhance our goals of population growth. This provides an important opportunity to stimulate and enhance redevelopment along this heavily-damaged main thoroughfare with modern amenities like street lights, benches, and public gathering places to help generate a sense of place and connectivity—oft referred to as "the cool factor". Opportunities exist to integrate motifs and attractive design elements with the new High School and Library/Theater anchors, and the associated 100,000 sq ft of adjacent mixed-use, loft-over-retail, and boutique grocer. Importantly, this funding would allow for the implementation of the EPA Green Streets 20th Street Corridor design currently underway. Once complete, the 20th Street Corridor will be an attractive and powerful commercial sector with significant residential and recreational dimensions and is a core aspect of our population gain objectives.

ACTIVITY:

Crossroads Industrial & Business Park - Extension of Streets & Sanitary Sewers

AMOUNT:

$3.6 Million

CDBG ELIGIBILITY AND NATIONAL OBJECTIVE:

Eligibility – Public Improvement; Street Improvement & Sewer Improvement
National Objective – Low/Mod Job Creation (Minimum 95 jobs created)

DESCRIPTION:

Extension of Streets & Sanitary Sewer in the Joplin Industrial & Business Park:
24th Street east of County Road 190 - 1,232 Lin. Ft.
26th Street east of County Road 190 - 1,400 Lin. Ft.
County Road 185 south of 26th Street to 32nd Street - 2,500 Lin. Ft.
29th Street east of County Road 190 - 1,600 Lin. Ft.
Sanitary Sewer east of County Road 190

BENEFIT:

These cost-effective improvements to the industrial park will greatly enhance the city's position in leveraging additional business and commercial interests by providing economic growth and employment opportunities to a major addition of the park. 24th Street improvements provide access to six additional 5-acre lots and 26th Street provides access to approximately 40 acres along the south. County Road 185 provides access to 2.5 acres to the west and several hundred additional acres to the east, while 29th Street provides access to 25 acres. Extending the sanitary sewer system would serve an additional several hundred acres on the east side of the park. This would be a significant expansion of the park providing future industrial and commercial growth potential and provides significant employment opportunities to meet population growth objectives.

Please also see Attachment One - Chamber Memo

ACTIVITY:

Job Training and Education

AMOUNT:

$500,000

CDBG ELIGIBILITY AND NATIONAL OBJECTIVE:

Eligibility – Economic Development; Direct Financial Assistance to For-Profits (limited to Small Business)
National Objective – Low/Mod Job Creation (Minimum 15 jobs created)

DESCRIPTION:

Funding would create a training fund given state training resources are in high demand and short supply due to budget cuts. For smaller companies, it is nearly impossible to get resources, yet they are the ones with the least capacity to pay for quality training and growth. Also, the state retraining dollars (not new jobs) are very limited. It would be very beneficial to create a pool of training opportunities for upgrading employees' existing skills for better employment opportunities and pay as well as new job training.

BENEFIT:

These training funds would be directed to approximately 51% low-moderate job creation benefit and for training and hiring of area residents. This would allow companies to create more employment opportunities, while providing incentives for people to stay or relocate here, which is a high priority of the long term tornado recovery and enhances population growth objectives. Funding would provide training for approximately 250 people over two years allowing us to better serve existing companies, provide stronger incentives for new company attraction, and improve the skills of residents.

ACTIVITY:

Joplin Commons

AMOUNT:

$40.416 Million Total Project

CDBG ELIGIBILITY AND NATIONAL OBJECTIVE:

Eligibility- Public Facility; Parks/Recreational Facility
National Objective- Slum & Blight Area inside TIF area.

DESCRIPTION:

The City of Joplin does not have adequate indoor recreation facilities or diverse programs for the residents of Joplin. This severely limits the city's ability to offer year around recreation opportunities for our citizens. While many programs exist through other organizations, multiple recreational niches remain unaddressed that afford the city an opportunity to meet the expressed needs of constituent groups. This same lack of facilities also impacts the Joplin Sports Authority's ability to fulfill its mission to bring major sporting events to the City of Joplin. The Parks & Recreation/Quality of Life and Quality Jobs & Economic Development Issues, as outlined in the envisioning meeting results in regards to the adopted *Blueprint for the Future* plan, affords an opportunity to construct 180,000 sq ft field house that would include six basketball / volleyball courts, two indoor soccer fields, a competition natatorium, strength & cardiovascular training, both a walking track and sprint track, four modern field facilities, as well as constructing one new t-ball field and re-investing in an existing t-ball field, and a skate park. A complex of this type would also allow a variety of spaces for seniors use and large room rentals for community groups.

A competition natatorium would allow Joplin to implement a year around United States Swimming competitive swim program and allows the Stingrays and the Joplin High School swim team a place close to their new campus to train and host other swim programs. With the addition of a swim program that would enhance local youth opportunities to train for college scholarships, this would blend in with the new Joplin Demize soccer program and the Joplin Outlaws baseball program, which are also both designed to help Joplin area youth develop the skills needed to qualify for college athletic scholarships. The *Blueprint for the Future* plan also specifically mentions the need to address youth basketball deficiencies, as well as the need for more sports and recreation facilities.

The city of Joplin has always been a baseball-centric city and this culture is woven through the fabric of the community. Little League leadership has concurred with a $2.7 million need for four modern field facilities, as well as constructing one new t-ball field and re-investing in an existing t-ball field. Local fields are dated and conditions make it difficult for Little League to attract new players and members into their organizations—participating parents and volunteers manage and maintain the fields. Many of the children playing in Little League are from families that are unable to commit to travel leagues either for financial hardship or lack of free time to participate in a travel league and tend to play locally.

Joplin currently is lacking in skateboard, BMX and roller blading facilities. Community skate parks provide a physical activity for kids not interested in traditional team sports and provide a safe and challenging place for these children and young adults of all levels to develop as athletes. Most skateboard accidents happen on roads or involve automobiles in parking lots or at road crossings. Skateboarders can also be a hazard on sidewalks because a skateboard moves much quicker than a walking pedestrian and many of these young

athletes utilize roads and sidewalks because they don't have safe areas to ride and skate, away from pedestrians and automobiles.

The proposed $750,000 skate park would be approximately 20,000 sq ft and have changeable elements that are challenging for all levels of action sports participants. Built next to a proposed Joplin Fieldhouse, these two facilities would complement each other and the Fieldhouse could be used as a staging ground for a revived version of the JOMOPRO event. The stands will be designed to pivot to the different venue activities. The park would be open during the same operating hours as the Fieldhouse, thereby increasing supervision and safety by having staff on hand at all times the facility is open. Recent attendance of a large group of skate enthusiasts to a city council meeting highlighted the need for such an amenity. $240,000 in Parks and Stormwater Tax funding will be utilized for this portion of the facility.

BENEFIT:

According to the National Parks and Recreation Association, cities with population bases of 50,000 to 99,000 citizens average two recreation/community centers per 24,431 citizens. At this time we do not have any recreation/community centers. This facility would enable us to offer year around programming to a vastly underserved population. The city would be able to offer healthy lifestyle opportunities by offering reduced rates and scholarship rates for our citizens of low to moderate income and offer the community as whole more affordable options to stay physically fit. Currently Jasper County ranks 43rd of 114 counties in the state in regards to overall quality of health. A major benefit of this project would allow the city to reach out to a broad cross section of the community and encourage residents affordable means to stay fit while offering year round programs and physically active sports that would help reduce sedentary lifestyles. Additionally, this facility could be used to help the Joplin Sports Authority in its mission to bring regional sporting events to Joplin, filling hotel rooms in Joplin and increasing sales tax and revenues for local businesses. Economic Impact projections from the Joplin Sports Authority indicate the possibility of generating close to one million dollars per year from events hosted in this facility. This facility would have a significant cultural and economic footprint.

A new attractive Little League Complex would enable the Little League organization to attract new players to their organization and provides a significant opportunity to secure an important historical institution in Joplin. Constructing the fields in the tornado zone where multiple children were affected by the tornado would be a significant contribution to the redevelopment area allowing those families rebuilding their lives opportunities for their children to play in a great local facility. Also, a new complex would allow Joplin Little League to schedule games with teams from out of town, helping to fill hotel rooms and generating sales tax for the city and revenues for community businesses. Having these fields coupled with the Commons concept creates a powerful synergy among programs.

There are over 9.3 million skateboarders in America and only about 3,000 skate parks nationwide. Joplin boasts over 2,500 dedicated skateboarders. Building a new skate park in the tornado zone would enhance the recovery while providing a world class action sports hub for Joplin and the surrounding areas. A modern professionally designed skate park will attract out of town visitors to recreate and spend money within the community, increasing sales tax and business revenues for the city as well.

With the average age of the action sport participants being between 12-17 years of age, providing recreational opportunities for these children and young adults helps them develop healthy, active lifestyles. With approximately 19% of the Joplin population being less than 18 years of age a public skate park would provide an additional healthy activity and outlet for kids and help eliminate problems associated with youth idleness and inactivity. Skateboarding, BMX, and roller blading are physically active and requires great concentration and it encourages children to spend time outdoors. Youth in low to moderate income areas are prone to

health issues related to a lack of exercise due to the expense of equipment and travel. This skate park located in an LMI area would provide an opportunity for physical activity.

For many years there has been a void in the area for a facility of this scale. It would serve as a multi-purpose venue allowing auditorium seating for up to 3,000, thus fulfilling long expressed needs of the citizenry for large meeting and event spaces. It would also serve as another major trail hub with connectivity into the network and also be designed and constructed to dually serve as a large emergency shelter, meeting an additional voiced need. Having a large facility with such flexibility and opportunity for cross-programming would be a welcome amenity to a broad cross section of constituents.

Joplin Commons Constituent Groups and Activities

1) Arena Football
2) Indoor Basketball
3) Senior Recreational Center
4) Large, Multi-use Meeting Space (3000)
5) Indoor Competitive Swimming
6) Four new Little League Fields; One New T-ball Field; One Refurbished T-ball Field
7) Indoor Soccer
8) Skate Board Park
9) Large Storm Shelter
10) Small Child Play Watch Area
11) Cardio/Weight Training
12) Three Large Meeting Rooms
13) Walking Track
14) Senior Therapeutic Pool

Senior Center – On 5/14/13 representatives from the senior citizen group that meets at the current senior center sent a letter indicating a need for a new facility. A new recreation center with a senior center as part of that project would allow the seniors to continue meeting regularly for lunch and socialization while allowing new fitness opportunities. A portion of the facility will also include a senior therapeutic pool.

Athletics – Currently the City of Joplin does not have indoor programming space in a capacity sufficient enough for the Parks and Recreation to build indoor recreation programs or to help the Joplin Sports Authority fulfill its mission to bring sporting events to Joplin. Specifically the Joplin Commons will allow year around soccer, basketball, flag football, arena football and volleyball programs to be offered. Additionally, Joplin Parks and Recreation will have the ability to host a multitude of skill development camps with the new facility. The lack of indoor programming space also conversely and negatively affects the Joplin Sports Authorities mission to bring major sporting tournaments and events to town to help fill local hotel rooms. The JSA must rely on facilities outside of Joplin to fulfill its mission. A facility of this magnitude with year around sports options would only serve to strengthen the high school sports program.

Swim Team – Currently the City of Joplin does not have indoor competition swimming facilities that are conducive for building a swim program for the youth of Joplin. Joplin residents who want their children to be a part of a year around swim team currently have to utilize facilities in Neosho or Webb City. Missouri Southern is the current home of the Joplin High School Program. The pool is not big enough to host large swim meets and with only six lanes is very crowded during practice. Year around swim lessons will also be offered. According to the 2012 Sporting Goods Manufacturers Association report, swimming ranks as a popular "aspirational sport" for in actives ages six to twelve and ages forty five and up.

Little League – Currently the Little League fields in Joplin are in need of repair and overhaul. The facilities are maintained strictly through volunteers and there is often not always volunteer time available to maintain the fields to today's standards. A facility built in tandem with the Joplin Commons would allow Little League modern fields to play on Monday through Thursday and allow the Parks and Recreation Department access to more fields on the weekends to help the JSA bring bigger baseball tournaments to Joplin. This includes four modern field facilities, as well as constructing one new t-ball field and re-investing in an existing t-ball field.

Outdoor Skateboard / BMX Park – With the closure of the Bridge as a skate and BMX facility a true need for a skate park is needed in Joplin and on a bigger scale than the money set aside in the sales tax is set up for. As part of the Joplin Commons project, this facility can be not only a great action sports spot for the local youth of Joplin, but encourage out of town visits as well. Laid out properly, this facility could host a new and improved JOMO Pro event. Several weeks ago many members of the skateboard community attended a City Council meeting to voice their support and desire for a centralized skate park.

Fitness Center – Affordable fitness opportunities should be available to all. In conjunction with the athletic and aquatic concepts a modern fitness center will be available so that parents are able to work out and focus on their physical fitness while their children are involved in sports and athletics. Cardio vascular health and strength training will be available to the citizens of Joplin at affordable rates to all. Discount programs utilizing the same criteria as the current pool passes will be available to those that qualify. Currently the State of Missouri ranks 18.8% to 23.1% in regards to physical inactivity. With a modern field house equipped with fitness equipment the City of Joplin can encourage our sedentary citizens to become more physically fit while their children are participating in youth sports.

Walking track - An indoor walking track will enable adults of all ages the opportunity to run or walk regardless of the weather outside. This track will be suspended over the basketball/volleyball court area. Walking continues to be one of the most popular forms of exercise with over seventy seven million Americans using it as their primary source of exercise.

Large gathering space – Between the six basketball courts and two indoor soccer fields, there is enough open space to accommodate up to 3000 people for trade shows and special events. Additionally in the event of another catastrophe this space could be used as an emergency shelter. There have been a multitude of citizen concerns about the lack of meeting space large enough to hold large meetings and events. A facility of this size would be able to accommodate large gatherings.

Meeting rooms – Located in the middle of Joplin, the Commons will offer three meeting spaces with modern A/V and computer hook ups. One of the rooms will also have a catering kitchen available for use. Corporate team building exercises, birthday parties, staging areas for competitions, sports banquets & receptions.

The Blueprint for the Future as adopted in July of 2010 specifically addresses all of the needs laid out in this facility. Youth sports, sports and recreation facilities and quality of life infrastructure issues are all discussed in this adopted resolution. The 2009 Joplin Parks and Recreation Facilities and Activities Survey specifically address the needs for indoor recreation facilities, especially an indoor competitive pool able to hold regional competitions. Finally, the CART Plan identifies a need to "enhance the quality of life", the desire to "increase community gathering spaces" and to "provide space for more special events and activities for all age groups".

ACTIVITY:

Green Town Neighborhood

AMOUNT:

CDBG Funds - $500,000
Total Project - $3M-$6M

CDBG ELIGIBILITY AND NATIONAL OBJECTIVE:

Eligibility - New Housing Waiver/Reconstruction of Housing; even if only used for infrastructure, this would be to support the housing specifically.
National Objective - Low-Mod Housing Benefit; must qualify those individuals that will live in the neighborhood.

DESCRIPTION:

Green Town Joplin has expressed a need of support for Joplin's first sustainable and green neighborhood, consisting of construction of 4-10 modern innovative homes, funding dependent. Designated funding would be utilized toward an estimated $1.5 million in identified neighborhood infrastructure and site development to include enhanced stormwater management and berming, a community garden, storm shelter, earth work and remediation, and landscaping. Efficient "Mini-Homes" would range from 500-1,500 square feet and would meet an expressed need voiced by community young professionals and seniors.

The Green Town Neighborhood would adopt agreed-upon parameters in such areas as energy usage, water conservation features, durability of building envelope, etc. Funding would be awarded based on an agreed upon capital fundraising threshold being met by Green Town and would be leveraged with other stakeholders to raise additional resources for the development. Prospective homebuilders/residents would submit proposals and lots would be awarded to qualified entries that meet CDBG criteria. Homeowners could also participate and be qualified through the Principle Reduction Plan. Additional support can be provided under other proposed CDBG activities with sidewalk installation and land acquisition assistance.

Timeline:

1. City awards funding upon Green Town meeting fundraising threshold
2. City acquires properties with approved Round I CDBG
3. Greentown lets RFP and hires contractor/developer
4. Contractor/Greentown constructs and markets homes
5. City qualifies potential buyers

BENEFIT:

This activity would directly provide sustainable and affordable housing to Low/Moderate Income households. Well-constructed, efficient homes can be built utilizing 60% less energy equating to affordability for low to moderate income residents. The City's investment toward site development and infrastructure would help ensure affordability by reducing overall expenses of the project. This would fulfill a need to re-build affordable housing in the tornado area and would also add to the future resiliency of the area by using sustainable techniques and attractive and innovative design features. New homeowners would have a quality home with up to $30,000 in initial equity under the PRP. The demonstration project would serve as a practical eco-tourist attraction and high profile asset to the community and incorporates many of the principles expressed by citizens at the CART meetings.

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Central. Connected. Capable

Attachment One

To: Mark Rohr
From: Rob O'Brian
RE: CDBG Disaster Funds-Job Creation
Date: May 15, 2013

Along with infrastructure for Crossroads, detailed in a separate memo, CDBG funds have also been used by Joplin and other communities to support training of individuals to enhance their skills for new jobs or to advance as their current employer brings in new technology or adds new product lines.

Training Fund: State training dollars are in high demand and short supply. For smaller companies, it is nearly impossible to receive state funds, yet they are the ones with the least capacity to pay for quality training. Also, the state RE-training dollars (not new jobs) are very limited. If we could create a pool of training for:

1) Upgrading existing skills so people get better jobs/pay and
2) New, quality job training

We will then be able to better serve existing companies, provide stronger incentives for new company attraction and improve the skills of residents. In addition, I believe we have flexibility to put a "plus-up" on there for training / hiring Joplin / Duquesne residents. However, we also want companies to be able to use it to create more jobs period; part of getting people to stay and move here.

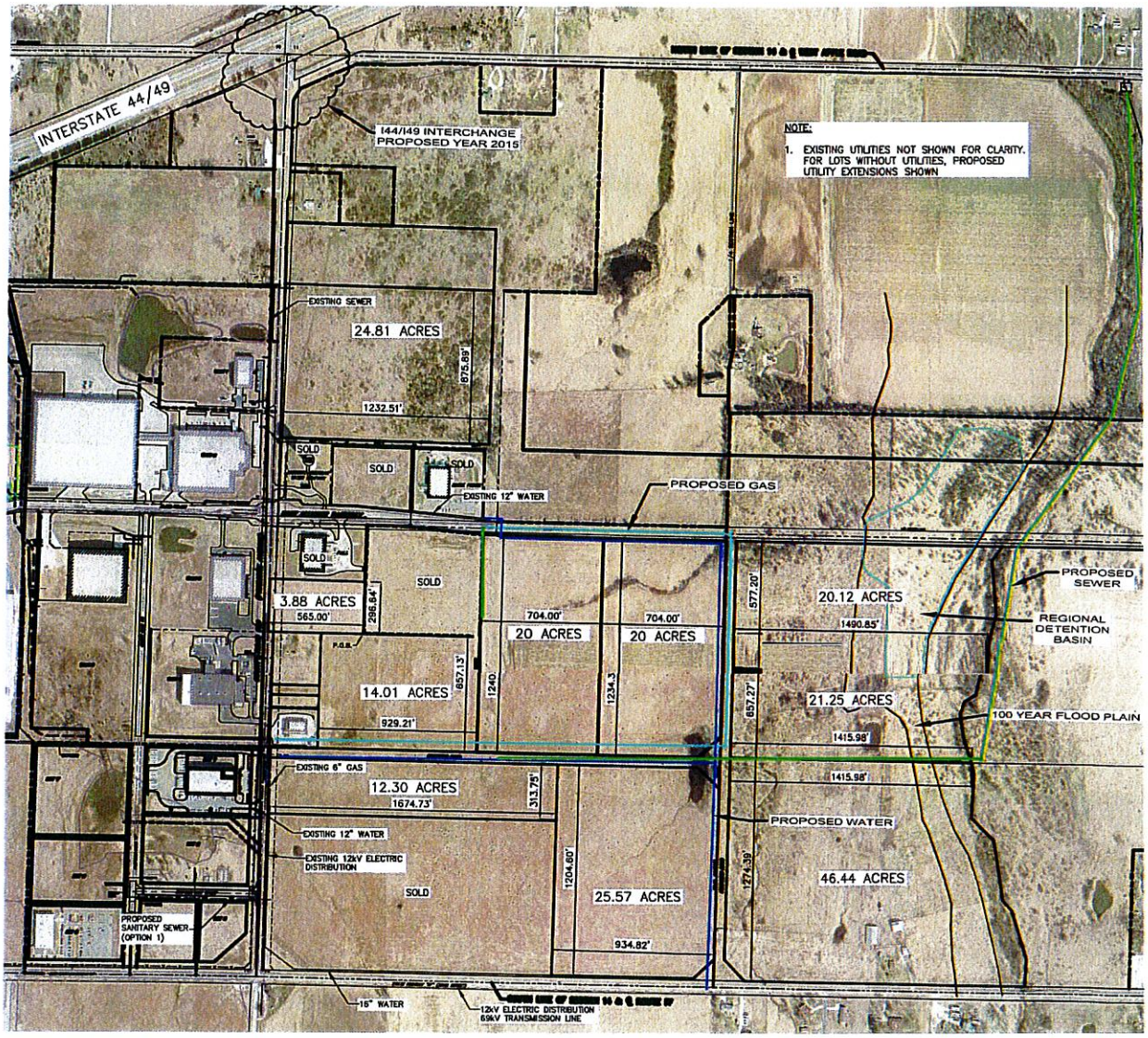
At an avg. training cost of $2,000 per head, we could get training to 250 people for $ 500,000.
Frankly, I believe we could easily train 1,000 people in two years, creating a higher skilled labor force overall if there is sufficient funding available. Also, EDA has some "job accelerator" grants which help with training but need local match. It is possible to layer local CDBG funds for part of the match.

Since the City has used a portion of its annual CDBG funding for training, there are some precedents in place to consider company requests for training dollars. These precedents should be further enhanced with more defined guidelines for allocating funds, since the pool is limited.

Total: $ 500,000

Jobs Clearing House. One goal we have is to create a "jobs" board to serve local/regional companies. This will be used as the focal point for an on-going campaign to those who graduated and left to find an job as encouragement to come back. I would see this having a HOUSING component attached so they can see jobs and housing in one location. This effort is not detailed out yet but as a place-holder: $100,000. This is sufficient to develop a robust web-site and market it internally to get jobs/housing posted and externally to drive people to it for the first two years. If there is any additional funding available, this should be considered as a priority project in economic development.

Crossroads Park
Potential Street & Sewer
Improvements



Joplin, Mo.
May 6, 2013

Joplin City Council
City Hall
Joplin, Missouri 64801

Dear Council Members:

It is our understanding that the state recently granted Joplin $113,000,000 for tornado relief. We would like for you to specify a portion of that gift to the Senior Citizens' Building. We really need a larger space. The exercise program has been a huge success, so much so, that we sometimes find ourselves bumping one another. At present, the building custodian moves 8 to 10 tables and their 60 chairs each Tuesday and Thursday to give us space. But with sometimes 40+ people exercising, we always extend back into the remaining dining tables. Our teacher has to yell to explain our moves which must be a problem to the staff doing their telephone work. Yet, with the noises of the kitchen preparing the next meal, we sometimes can't hear her instructions. It would be wonderful if we had a gym area of our own.

Although the roof was replaced after the May 22 tornado, it continues to leak leaving water puddles on our floor--a falling hazard! Our piano got damp and now needs tuning, especially in the bass area. It would be nice to hear it played again at lunch times.

The floor in the kitchen needs attention. In fact, it would be nice to have a kitchen make-over. We do appreciate our cooks and some people even depend upon the meals they cook. It would be nice to make their work easier.

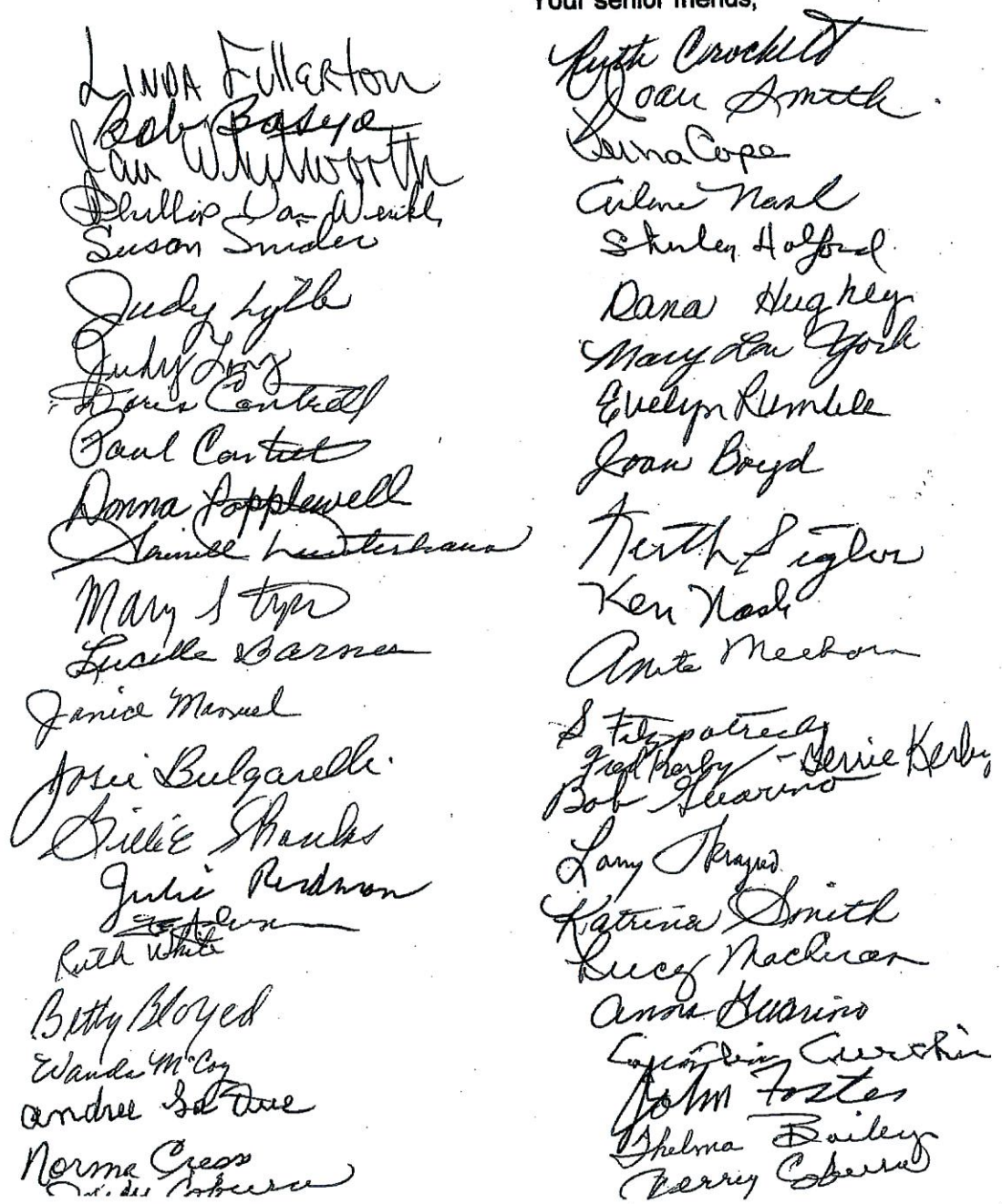
The men who play dominoes say their tables are wobbly, as are a few of our dining tables.

The windows along the roof line are pretty, but the ones on the east allow the sun to blind us as we walk up the center aisle. Maybe those could be eliminated in the new building. In case of another tornado they would shatter glass over the entire dining area. In fact, the building doesn't appear safe in case of such a storm. There is not enough safe room.

While you're shopping for the new facility, please purchase ~~taller,~~ ~~toilets~~. Low ones are difficult for arthritic people.

Thank you for your sincere consideration of our requests.

Your senior friends,



Richard Edwards
Leroy Pobbe
Frank Herron
Vivian Sandycraft
Louis Gene Weirick
Betty Louise Weirick
Nedra Barnes
Mary Tucker
Ken Tucker
John Parsons
Jim Stever
Dorothy Stever
Betty Beard
Deborah Long
Clarence Long
Van H Greenwood
Elfriede Greenwood
Lewis Dorsey
Evelyn Rumble
Dolores Shellenberger
Dick Baker
Carole Bailey
David B Bailey

P.S. One of our members crossed out the words "taller toilets" because her church donated money to get 2 taller toilets for us. However, there are 4 toilets, so we still need 2 more.

We also want to express our thanks to the city for giving us the present building and paying our utilities. You have been very gracious.

over

Attachment III

$113,276,000 CDBG-DR Project LMI/Slum and Blight Ratios

CATEGORY	Low-Moderate Income	Slum and Blight
Sidewalks & ADA Ramps	$11,4000,000	0
Sanitary Sewer	$6,400,000	$5,600,000
Storm Sewer	$10,300,000	$7,200,000
Curb & Gutter	$7,700,000	0
Streets/Asphalt Overlay	$3,700,000	0
Tree Planting	$960,000	640,000
Mental Health	$750,000	0
20th Street Streetscape	0	$10,350,000
Crossroads Extensions	$3,600,000	0
Job Training & Education	$500,000	0
Joplin Commons	$18,472,260	$21,703,740
Green Neighborhood	$500,000	0
	$64,282,260 (58.56%)	**$45,493,740 (41.44%)**

Projects Total	**$109,776,000**
CDBG Administration	**$3,500,000**
CDBG GRANT AWARD TOTAL	**$113,276,000**

* These numbers are preliminary based on cost estimates, not actual project costs, and may be modified upon Housing and Urban Development review.

CONSENT AGENDA

CITY OF JOPLIN

CITY COUNCIL MEETING

MINUTES June 17, 2013

CALL TO ORDER

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

ROLL CALL – all were present

Motion by Mr. Shaw Second by Mr. Glaze to move the Semi-Annual Report of the Capital Improvement Public Safety Sales Tax Oversight Committee up on the Agenda. The Semi-Annual Report of the Capital Improvement Public Safety Sales Tax Oversight Committee was given by Chairman Doug Doll.

INVOCATION - given by City Clerk, Barbara Hogelin

FLAG SALUTE – led by Ms. Raney

PRESENTATIONS - Update on Public Safety Training – Fire Chief Randles and Police Chief Roberts - Fire Chief Randles and Police Chief Roberts gave an update on the Public training facility. Motion by Dr. Rosenberg, Second by Mr. Scearce, gave preliminary approval for a proposal of 2.5 million dollars for public safety training facility which includes fencing, storage, furnishings, building and architect drawing. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 9. Nays: 0.

Proposed Expenditure Plan for CDBG Round 2. Motion by Mr. Scearce, Second by Mr. Seibert to have Staff bring back the Action Plan to Council for a vote. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 9. Nays: 0.

Motion by Mr. Scearce, Second by Mr. Glaze, to change the Order of Agenda. Finalization of Consent Agenda; Consent Agenda; Resolutions: Ordinances – Emergency. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 9. Nays: 0.

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

REPORTS AND COMMUNICATIONS

CITIZEN REQUESTS AND PETITIONS

1. Request from Bob Mathis, Deffenbaugh Industries, 848 Hwy 264 East, Bethel Heights, AR, requests to addressed council regarding curbside recycling and residential collection programs. Alternatives to current programs offered by Allied Waste.

2. Request from Matthew Newman, Covanta Energy, 2122 S. Yukon Avenue, to address Council about the advantages of waste to energy and our progress.

3. Catherine Hart, 3115 S. Main, #5023, requests to address Council concerning curbside recycling.

4. Ryan Stanley, 1070 Sheridan Dr., requests to address Council to ask and encourage the City Council to re-address providing recycling services to residential customers and acting under a council mandate not sending the decision to a public vote.

5. Susan Adams, 1130 Roosevelt Ave, requests to address Council regarding in favor of curbside recycling.

6. Steve Gaarder, 214 E. 4th St., #302, Joplin, requests to address Council regarding recycling.

Motion by Mr. Scearce, Second by Mr. Glaze to allow two additional persons to speak. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston 9. Nays: 0.

Barbara Huff, 1920 E. 34th Place, spoke in favor of council deciding to accept this project for the city.

Garen McMillian, 2727 E. Kennedy, spoke in favor of curbside recycling.

PUBLIC HEARINGS

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

Minutes of the June 3, 2013 meeting

COUNCIL BILL NO.2013-266-AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-0 and including in District C-1 property as described below and located at 2610 East 32nd Street in the City of Joplin, Newton County, Missouri. Ordinance No. 2013-139

COUNCIL BILL NO. 2013-267-AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-1 and District R-1 and including in District C-3-PD property as described below and located at 3014 and 3030 South Main Street and 3015, 3019, 3023, and 3027 South Joplin Avenue in the City of Joplin, Jasper County, Missouri. Ordinance No. 2013-140

COUNCIL BILL NO. 2013-268-AN ORDINANCE providing for the vacation of a portion of a 20-foot wide public alley located west of 3014 and 3030 South Main Street in the City of Joplin, Jasper County, Missouri. Ordinance No. 2013-141

COUNCIL BILL NO.2013-269-AN ORDINANCE providing for the vacation of a portion of a 20-foot wide public alley and utility easement located west of 720 South St. Louis Avenue in the City of Joplin, Jasper County, Missouri. Ordinance No. 2013-142

COUNCIL BILL NO.2013-270-AN ORDINANCE providing for the vacation of a 60-foot wide utility easement located at 1600 East Seventh Street in the City of Joplin, Jasper County, Missouri. Ordinance No. 2013-143

COUNCIL BILL NO. 2013-271 -AN ORDINANCE providing for the vacation of a 20-foot wide utility easement located at 1600 East Seventh Street in the City of Joplin, Jasper County, Missouri. Ordinance No. 2013-144

RESOLUTIONS

ORDINANCES-EMERGENCIES

Mr. Shaw introduced Council Bill No. 2013-204. Motion by Mr. Shaw, Second by Mr. Golden to Adopt Council Bill No. 2013-204. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston 9. Nays: 0.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-145

AN ORDINANCE authorizing the acceptance of grant M2014-008 from Region M Solid Waste Management District relating to the funding for the purchase of a 40 cubic yard roll-off container, and amending the Annual Budget of the City of Joplin for the Fiscal Year 2012-2013 as adopted by Ordinance 2012-186 on October 15, 2012, to adjust appropriations and containing an emergency clause.

Ms. Raney introduced Council Bill No. 2013-205. Motion by Ms. Raney, Second by Dr. Rosenberg to Adopt Council Bill No. 2013-205. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston 9. Nays: 0.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-146

AN ORDINANCE authorizing the City to enter into an Agreement with the Great River Associates for the MSSU Trail Project in an amount not to exceed $34,417.76 containing an emergency clause; authorizing the Director of Public Works to execute said Agreement for and on behalf of the City; and containing an emergency clause.

ORDINANCES – SECOND READING AND THIRD READING

Motion by Mr. Golden, Second by Mr. Scearce, to bring back Amended Council Bill No. 2013-001. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Rosenberg, Scearce, Seibert and Shaw and 8. Nays: 1, Woolston.

Motion by Mr. Seibert, Second by Mr. Glaze, to Amend Council Bill 2013-001 to remove the language from the Council Bill all the public vote referencing recycling. Voting in favor were Council Members: Glaze, Seibert and Woolston and Raney 4. Nays: 5, Colbert-Kean, Golden, Shaw, Rosenberg, Scearce. The Amended Council Bill 2013-001 failed.

Motion by Dr. Rosenberg, Second by Mr. Scearce to Pass Amended Council Bill No. 2013-001 on Second Reading, Advance to Third Reading and Pass.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-147

AN ORDINANCE amending the Joplin City Code of Ordinances by amending Sections 102-1, 102-2, 102-3, 102-4, 102-5, 102-6, 102-7, and 102-8, to allow for curbside recycling in and for the City of Joplin and submitting to the voters of the City of Joplin, Missouri, the proposition of whether or not to institute such curbside recycling in and for the residents of the City at a General Municipal Election on Tuesday April 8, 2014.

NEW BUSINESS

Mr. Glaze asked that the Finance Committee discussion be included for the next informal discussion.

Mr. Golden noted to Mayor that he would like to schedule a special meeting with the council and the city manager about the upcoming budget and discuss council's directions. Mayor Colbert-Kean told Mr. Golden the City Attorney would be getting a memo out to council.

Mr. Shaw complimented the outstanding pool renovations of Schifferdecker pool and the hundreds that are attending. Mr. Scearce echoed Mr. Shaw's remarks.

There being no further business the meeting adjourned at 8:35p.m.

Respectfully submitted,

Barbara L Hogelin

Barbara Hogelin, City Clerk

EMERGENCY ORDINANCES

City of **JOPLIN** **City Council Agenda Item**

Requested Council Meeting Date: July 1, 2013
Council Bill No. 2013-206

Item: UTILITY EASEMENT CONVEYANCE APPROVAL
Originating Department: PUBLIC WORKS – ENGINEERING

Attachments: 1) Location Map
2) Council Bill No. 2013-206

Engineering Division: Jack Schaller JS	Date: 6-24-13
Department Head: David Hertzberg DH	Date: 6/24/13
Finance Department: Leslie Haase LH	Date: 6-25-13
City Attorney: Brian Head ~~BH~~	Date: 6-25-13
City Manager: Mark Rohr MR	Date: 6-25-13

Recommended Action: Conveyance of a Gas Line Easement to the Missouri Gas Energy Company.

Background: Due to the new Schifferdecker Family Aquatic Center expansion project, it is essential for Missouri Gas Energy to relocate a gas pipe line that currently serves the Schifferdecker property.

Discussion: In order to properly serve the Schifferdecker facilities and to accommodate the new Family Aquatic Center construction project, it is necessary for the City of Joplin to grant an easement to Missouri Gas Energy for the placement of a gas pipe line.

Recommendation: Staff recommends the conveyance of this easement to the Missouri Gas Energy Company, and authorization for the City Manager to execute said easement on behalf of the City of Joplin.

COUNCIL BILL NO. 2013-206 ORDINANCE NO.

AN ORDINANCE approving the conveyance of an easement to Missouri Gas Energy for the relocation and construction of a natural gas pipe line, and to perform maintenance and repairs as needed to said pipe line. The 20' easement is located within the Schifferdecker Park property in Section 5, Township 27, Range 33 in the City of Joplin, Jasper County, Missouri; and authorizing the City Manager to sign said easement and containing an emergency clause.

WHEREAS, the City of Joplin, is the legal owner of said property, located in the Section 5, Township 27, Range 33 in the City of Joplin, Jasper County, Missouri

WHEREAS, the Missouri Gas Energy Company has requested an easement to relocate and construct a natural gas pipe line, and to perform all maintenance and repairs to said pipe line.

WHEREAS, the construction of the Schifferdecker Park Aquatic Center has made it necessary to relocate said pipe line within the new easement described herein.

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

Section 1. That the City convey to Missouri Gas Energy., a 20-foot easement in Schifferdecker Park to relocate and construct a natural gas pipe line, and to perform maintenance and repairs as needed. Said easement located in the Section 5,, Township 27, Range 33 in the City of Joplin, Jasper County, Missouri, described as follows:

Easement

A TWENTY (20) FOOT WIDE GAS LINE EASEMENT IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 5, TOWNSHIP 27 NORTH, RANGE 33 WEST IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, SAID EASEMENT LYING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, THENCE N01°59'03"E, 955.5 FEET; THENCE N88°00'57"W, 30.0 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SCHIFFERDECKER AVENUE, SAID POINT BEING THE POINT OF BEGINNING;
THENCE S 87°21'03"W, 29.0 FEET;
THENCE S 00°13'41"W, 76.0 FEET;
THENCE N 87°11'12"W, 72.0 FEET;
THENCE S 87°29'53"W, 210.0 FEET;
THENCE N 85°34'26"W, 85.5 FEET;
THENCEN 01°47'42"E, 79.5 FEET;
THENCE S 89°42'31"W, 32 FEET;
THENCE N 84°30'57"W, 121.0 FEET;
THENCE N 80°43'27"W, 41.0 FEET;
THENCE N 01°19'24"W, 24.0 FEET TO THE POINT OF BEGINNING.

Section 2. That the City Manager is hereby authorized and directed to execute the instrument of conveyance approved herein.

Section 3. 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. 2013- **ORDINANCE NO.**

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

_____, 2013, by a vote of _____.

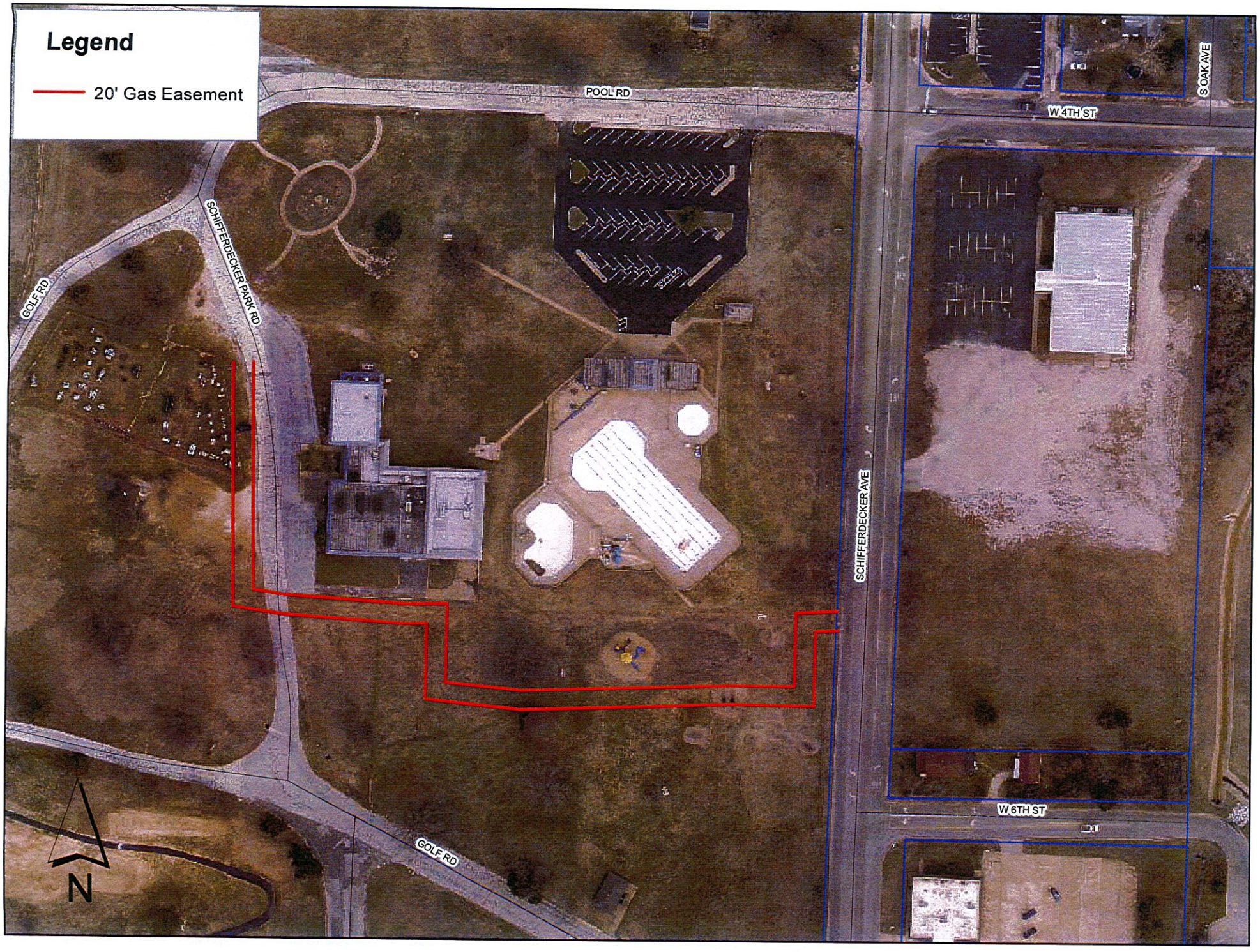
_____
Melodee Colbert-Kean, Mayor

ATTEST:

_____
Barbara Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian Head, City Attorney


Legend
20' Gas Easement
POOL RD
W 4TH ST
S OAK AVE
GOLF RD
SCHIFFERDECKER PARK RD
SCHIFFERDECKER AVE
W 6TH ST
GOLF RD
N

City of Joplin

City Council Agenda Item

REQUESTED COUNCIL MEETING DATE: JULY 1, 2013

ITEM: COUNCIL BILL NO. 2013-508

ORIGINATING DEPARTMENT: FINANCE DEPARTMENT

Finance Director: Leslie Haase LH — **Date:** 6-25-13
City Attorney: Brian Head — **Date:** 6-25-13
City Manager: Mark Rohr MR — **Date:** 6-25-13

INTRODUCTION:
This Council Bill authorizes the issuance of TIF bonds to net approximately $13 million in proceeds for the land bank project and the library portion of the library/theater project.

DISCUSSION:
Following the devastating EF-5 tornado that struck our community on May 22, 2011, the City hired Wallace-Bajjali as the Master Developer to assist in the rebuilding of our community. The Master Developer has outlined over $800 million in projects to accomplish this goal.

Subsequently, the City Council approved the Joplin Recovery Tax Increment Financing Redevelopment Plan on December 28, 2012. This established the TIF, which is projected to generate sufficient revenue to issue up to $42 million in TIF bonds.

One of the first projects outlined is a new combined Library/Theater Project in the tornado zone, estimated at a total cost of $38 million. EDA awarded a $20 million grant, which is an 80%/20% grant for the library portion of the project. The City has a match of $5 million for the EDA grant.

Additionally, the local bank consortium issued an $8 million short-term loan to the Joplin Redevelopment Corporation (JRC) for the Master Developer to purchase land for the projects. The Joplin Redevelopment Corporation is the developer of the Joplin Recovery TIF Redevelopment Project.

As previously discussed, the City began working on issuing TIF Bonds to net approximately $13 million. These proceeds will be used for the matching portion of the EDA grant to build the library portion of that project, as well as to pay off the bank consortium loan.

In order to comply with certain requirements, the debt will be issued through the Joplin Industrial Development Authority on behalf of the City. However, the debt is merely conduit debt for the JIDA and will only be payable from the TIF Revenues created by redevelopment. The TIF bonds

are secured by the TIF revenues only and will be repaid from the TIF Special Allocation Fund. With the issuance of the TIF bonds, the City is not pledging the full faith and credit of the city treasury.

The taxable status of the TIF bonds is dependent upon the end use of the funds. Therefore, the portion of funds for the library project to net approximately $4.5 million will be issued as tax exempt bonds, while the portion for the land bank to net approximately $8.5 million will be issued as taxable bonds. However, there is a callable provision included in the bonds in addition to standard redemption provisions. If the use would change in the future that would permit all or any portion of the taxable bonds to be refinanced as tax exempt bonds, the taxable bonds could be refinanced to a tax exempt status.

The actual pricing of the bonds will occur the week of July 15th and the bond closing will occur the week of July 22nd. Therefore, the ordinance contains financing parameters for the bond pricing.

The parameters are to issue up to a gross amount of $15.5 million at a rate not to exceed 7.75% for the taxable portion of the bonds as the Series 2013A Bonds. Additionally, the parameters include authorization to issue up to a gross amount of $6.5 million at a rate not to exceed 6.75% for the tax exempt portion of the bonds as the Series 2013B Bonds.

The market has been extremely volatile this week, so these parameters are a reflection of what has occurred in the market in recent weeks and based on consultations with the underwriter and our financial advisor. It is anticipated that the actual rates by the middle of July will be lower than these parameters.

RECOMMENDATION:

City Staff recommends this Council Bill be approved on an emergency basis.

COUNCIL BILL NO. 2013-508 ORDINANCE NO. _____

AN ORDINANCE approving the issuance of Tax Increment Revenue Bonds (Joplin Recovery TIF Redevelopment Project) Series 2013 by the Industrial Development Authority of the City of Joplin, Missouri, and authorizing certain other actions in connection with the execution and delivery of the Series 2013 Bonds; and containing an emergency clause.

WHEREAS, a plan for redevelopment known as the "Joplin Recovery Tax Increment Financing Redevelopment Plan" (the "Redevelopment Plan") for an area designated therein as the redevelopment area (the "Redevelopment Area"), as legally described in the Redevelopment Plan, has been prepared and reviewed by the Tax Increment Financing Commission of the City of Joplin, Missouri (the "Commission") and the City of Joplin, Missouri (the "City").

WHEREAS, on December 28, 2012, the City Council adopted Ordinance No. 2012-230, (i) approving the Redevelopment Plan and designating the Redevelopment Area as a "blighted area" within the meaning of the Real Property Tax increment Allocation Redevelopment Act, Section 99.800 through 99.865, inclusive, of the Revised Statutes of Missouri, as amended (the "TIF Act"), and (ii) designating Joplin Redevelopment Corporation, Inc., an urban redevelopment corporation organized under the Missouri Urban Redevelopment Corporations Law, as the developer (the "Developer") to implement the Redevelopment Plan (as therein defined).

WHEREAS, on December 28, 2012, the City Council adopted Ordinance No. 2012-231 which approved the project and adopted tax increment financing for the Redevelopment Project within the Redevelopment Area.

WHEREAS, on May 29, 2013, the City Council adopted Ordinance No. 2013-121 which approved the Redevelopment Agreement to implement the Redevelopment Plan.

WHEREAS. the City has determined that it is in the best interests of the City to approve the issuance by The Industrial Development Authority of the City of Joplin, Missouri (the "Authority") of its Tax Increment Revenue Bonds (Joplin Recovery TIF Redevelopment Project) Series 2013, in an aggregate principal amount not to exceed $22,000,000, consisting of two series of revenue bonds designated the Taxable Tax Increment Revenue Bonds (Joplin Recovery TIF Redevelopment Project) Series 2013A in the principal amount of not to exceed $15,500,000 (the "Series 2013A Bonds") and the Tax Exempt Tax Increment Revenue Bonds (Joplin Recovery TIF Redevelopment Project) Series 2013B in the principal amount of not to exceed $6,500,000 (the "Series 2013B Bonds," and together with the Series 2013A Bonds being the "Series 2013 Bonds"), for the purpose of (a) financing certain redevelopment project costs authorized by the Redevelopment Plan, (b) funding a debt service reserve for the Series 2013 Bonds, (c) funding capitalized interest on the Series 2013 Bonds, and (d) paying the costs of issuance of the Series 2013 Bonds.

WHEREAS, the City further finds and determines that it is necessary and desirable in connection with the issuance of the Series 2013 Bonds that the City enter into certain documents, and that the City take certain other actions and approve the execution of certain other documents as herein provided.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, AS FOLLOWS:

Section 1. Approval of Execution and Delivery of the Series 2013 Bonds. The City hereby approves the execution, delivery and sale by the Authority of the Series 2013 Bonds for the purpose of (a) financing certain redevelopment project costs authorized by the Redevelopment Plan, (b) funding a debt service reserve for the Series 2013 Bonds, (c) funding capitalized interest on the Series 2013 Bonds, and (d) paying the costs of issuance of the Series 2013 Bonds. The Series 2013 Bonds shall be secured and issued as provided in the Trust Indenture (the "Indenture") between the Authority and UMB Bank, N.A., as trustee, in substantially the form on file in the office of the City Clerk. The Series 2013A Bonds shall be issued and secured pursuant to the herein authorized Indenture and Purchase Contract in an aggregate principal amount not to exceed $15,500,000 and shall bear such dates, shall mature no later than 2036 and with an expected weighted average maturity of not less than 5 years and not more than 15 years, shall be in the amounts, shall be in such denominations, shall bear interest at various interest rates not to exceed a true interest cost of 7.75% per annum, shall be in such forms, shall be subject to redemption and with an optional redemption date not later than 2024, shall have such other terms and provisions, and shall be issued, executed and delivered in such manner subject to such provisions, covenants and agreements, as are set forth in the Indenture and the Purchase Contract. The Series 2013B Bonds shall be issued and secured pursuant to the herein authorized Indenture and Purchase Contract in an aggregate principal amount of not to exceed $6,500,000 and shall bear such dates, shall mature no later than 2036 and with an expected weighted average maturity of not less than 10 years and not more than 20 years, shall be in the amounts, shall be in such denominations, shall bear interest at various interest rates not to exceed a true interest cost of 6.75% per annum, shall be in such forms, shall be subject to redemption and with an optional redemption date not later than 2024, shall have such other terms and provisions, and shall be issued, executed and delivered in such manner subject to such provisions, covenants and agreements, as are set forth in the Indenture and the Purchase Contract. The Series 2013 Bonds shall be sold to Stifel Nicolaus & Company, Inc. (the "Underwriter") with an underwriter's discount of not more than 2.00% of the principal amount thereof plus accrued interest. The final terms of the Series 2013 Bonds shall be specified in the Indenture and the Purchase Contract described herein upon the execution thereof, and the signature of the Mayor when executing such Purchase Contract shall constitute conclusive evidence of the Mayor's approval and the City's approval thereof.

Section 2. Authorization of Documents. The City is hereby authorized to enter into the following documents (the "City Documents"), in substantially the forms on file in the office of the City Clerk, with such changes therein as shall be approved by the officers of the City executing such documents, such officers' signatures thereon being conclusive evidence of their approval thereof:

(a) Purchase Contract (the "Purchase Contract") by and among the City, the Authority and the Underwriter pursuant to which the Authority will sell the Series 2013 Bonds to the Purchaser upon the terms and conditions as set forth in the Purchase Contract and as provided herein;

(b) Financing Agreement (the "Financing Agreement") by and between the Authority and the City providing for the payment of funds for the debt service of the Series 2013 Bonds.

(c) Official Statement to be dated the date of execution and delivery of the Purchase Contract (the "Official Statement") setting forth information relating to the City and the Series 2013 Bonds (in the form of a Preliminary Official Statement which is herein approved);

(d) Tax Compliance Agreement among the City, the Authority and the Trustee entered into in order to set forth certain representations, facts, expectations, terms and conditions relating to the use and investment of the proceeds of the Series 2013B Bonds, to establish and maintain the exclusion of interest on the Series 2013B Bonds from gross income for federal income tax purposes, and to provide guidance for complying with the arbitrage rebate provisions of Code § 148(f) as set forth in the Tax Compliance Agreement.

(e) Continuing Disclosure Agreement among the City, Wallace Bajjali Development Partners L.P., and UMB Bank, N.A., as dissemination agent.

Section 3. Preliminary and Final Official Statement. The Preliminary Official Statement, in the form filed in the records of the City, is hereby ratified and approved, and the final Official Statement is hereby authorized and approved by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transactions related to the Series 2013 Bonds. The Mayor and the City Manager are hereby authorized to execute the final Official Statement as so supplemented, amended and completed, and the use and public distribution of the Official Statement by the Purchaser in connection with the offering of the Series 2013 Bonds is hereby authorized. The proper officials of the City are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the date of payment for and delivery of the Series 2013 Bonds.

Section 4. Execution of Documents. The City is hereby authorized to enter into and the Mayor, the City Manager, Finance Director, the City Clerk and other officials and officers of the City are hereby authorized and directed to execute and deliver, for and on behalf of and as the act and deed of the City, the City Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance. The City shall, and the officials, officers, agents and employees of the City are hereby authorized and directed to, take such further action, and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this

Ordinance and to carry out, comply with and perform the duties of the City with respect to the Series 2013 Bonds and the City Documents.

Section 5. Severability. The sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of the Ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 6. Emergency Measure; Effective Date**.** Due to time constraints involved in the pricing and delivery of the Series 2013 Bonds (which are being issued to finance the costs of certain improvements and property as described in the recitals to this Ordinance) this Ordinance is declared by the City Council to be an emergency measure within the meaning of Sections 2.12(1) and 2.12(6) of the Home Rule Charter of the City of Joplin, Missouri, in that said ordinance deals with the payment of current expenses of city government and public improvements, and as such, this Ordinance shall take effect and be in full force immediately on passage by the City Council.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2013, by a vote of _____.

_____
Melodee Colbert-Kean, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney