INFORMAL AGENDA

July 15, 2013

THERE IS NO INFORMAL MEETING

COUNCIL A G E N D A

July 15, 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
Proclamation presentation to JOMONOLA.

4. Finalization of Consent Agenda

5. Reports and Communications

6. Citizen Requests and Petitions

7. Public Hearings

8. Consent Agenda
1. Minutes of the July 1, 2013 meeting

2. AMENDED 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 R-3-PD 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.

3. COUNCIL BILL NO. 2013-273 - 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.

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.

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.

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.

6. 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.

7.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.

9. Resolutions

10. Ordinances – Emergency

1. COUNCIL BILL NO. 2013-207 - AN ORDINANCE approving a contract with Blevins Asphalt Construction Company Inc. in the amount of Two Million Six Hundred Twenty Thousand One Hundred Forty Five and 04 /100 Dollars ($2,620,145.04) for Resurfacing in Various Locations 2013 project in the City of Joplin, Missouri; providing how the cost shall be made and levied, and containing an emergency clause.

2. COUNCIL BILL NO. 2013-208 - AN ORDINANCE approving the Purchase Order with the Diamond International of Joplin, in the amount of One Hundred Thirty Thousand Nine Hundred Fifty Six and no/100 Dollars ($130,956.00), in the City of Joplin, Missouri; and containing and emergency clause.

3. COUNCIL BILL NO. 2013- 209 - AN ORDINANCE approving the Purchase Order with the John Fabick Tractor Company, in the amount of One Hundred Sixty Nine Thousand Five Hundred and no/100 Dollars ($169,500.00), in the City of Joplin, Missouri; and containing an emergency clause.

4. COUNCIL BILL NO. 2013- 210 - AN ORDINANCE approving the Purchase Order with Mohrlang Fabrication, in the amount of One Hundred Sixty Five Thousand One Hundred and no/100 Dollars ($165,100.00), in the City of Joplin, Missouri; and containing an emergency clause.

5. COUNCIL BILL NO. 2013- 211 - AN ORDINANCE approving the City of Joplin to enter into an Agreement with Olsson & Associates for review and evaluation services for the Bridge over 20th Street in an amount not to exceed Thirty Six Thousand Three Hundred No/100 Dollars ($36,300.00) and authorizing the Public Works to execute said Agreement; and containing an emergency clause.

6. COUNCIL BILL NO. 2013-619 - AN ORDINANCE amending the Classification and Pay Plan adopted by Ordinance No. 2012-173 and authorizing a new classification title for the Planning and Community Development Department and containing an emergency clause.

11. Ordinances – First Reading

1.COUNCIL BILL NO.2013-618-AN ORDINANCE approving the application of Emancipation Committee's Emancipation Celebration Park Day 2013; Spiva Center for the Art's, Tools in Motion Exhibition; Bright Futures USA, Bright Futures Community Engagement Conference; Joplin Disc Golf, Four States Open and Rufus Racing's, Joplin Triathlon Weekend; for utilization of FY2013 Festivals and Celebrations support pursuant to Ordinance No. 2000-148, as authorized by the voters on November 7, 2000; authorizing the City Manager to execute appropriate agreements with each such organization for the utilization of such funds.

12. Ordinances – Second Reading and Third Reading

13. Unfinished Business

14. New Business

Notice posted at 4:30p.m. on this the 11th day of July, 2013. (RSMo 610.020)

CONSENT AGENDA

CITY OF JOPLIN

CITY COUNCIL MEETING

MINUTES July 1, 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 – Motion by Mr. Shaw, Second by Ms. Raney to excuse Dr. Rosenberg. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Seibert, Shaw, and Woolston 7. Nays: 1, Scearce.

INVOCATION - given by City Attorney Brian Head

FLAG SALUTE – led by Mr. Seibert

PRESENTATIONS

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 -A request from Terry Montague, 1936 E. Calvert Hill Rd, Columbia, MO, to address Council regarding boarding houses and zoning enforcement was withdrawn by Mr. Montague.

PUBLIC HEARINGS

Public Hearing Procedures read by Assistant City Clerk Barbara Gollhofer

The City Council of the City of Joplin through this introduction, accepts into evidence the 2012 Comprehensive Plan, the Zoning Code of the City of Joplin, the Subdivision Regulations of the City of Joplin, the Telecommunications Ordinance, and the Stormwater Management Regulations of the City of Joplin being Appendices 29-A, 29-B, 29-D, 29-E and 29-F of the Joplin Municipal Code. Report of the Planning and Zoning Commission, recommendations of the City's staff, and other written documentation presented as that information applies to each public hearing.

ACTION

PUBLIC HEARING for COUNCIL BILL NO. 2013-272.

Mayor Colbert-Kean opened the Public Hearing

Appearing in favor of this item was Ben Estep, 1805 State Street, Joplin.

Appearing in opposition of this item were:

Joe Singer, 330 N. Grace, Joplin, stating his concerns regarding noise.

Amal Roychaudhuri, 321 N. Grace, Joplin, stating his concerns about the tree loss.

Jean Miller, 320 N. Grace, Joplin, concerned for the loss of tranquility and tree loss.

Jan Schneider, 331 N. Grace, Joplin, concerned about the rezoning and development.

This public hearing was closed.

Mr. Scearce introduced Council Bill No. 2013-272. Motion by Mr. Scearce, Second by Ms. Raney to Amend Council Bill No. 2013-272 by removing from District M-2 and including in District R-3-PD and including a 40 foot buffer. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Scearce, Seibert and Shaw, 7. Nays: 0. Absent: 1, Rosenberg, Abstention: 1, Woolston. Motion by Mr. Scearce, Second by Mr. Glaze to pass Amended Council Bill No. 2013-272 on First Reading and Advance to Second and Third Reading. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Scearce, Seibert and Shaw, 7. Nays: 0. Absent: 1, Rosenberg, Abstention: 1, Woolston.

The Council Bill was read as being Amended Council Bill No. 2013-272

PUBLIC HEARING for RESOLUTION NO. 2013-018

Mayor Colbert-Kean opened the Public Hearing

Tom Smith, 106 Woodcliff, Springdale AR, appeared in favor of this item.

No one appeared in opposition of this item.

The public hearing was closed.

Mr. Scearce introduced Resolution No. 2013-018. Motion by Mr. Scearce, Second by Ms. Raney, to Amend Resolution No. 2013-018 to renew the permit for a period of six months. Voting in favor of the amendment were Council Members: Colbert-Kean, Glaze, Golden, Raney, Scearce, Seibert, Shaw, and Woolston, 8. Absent: 1, Rosenberg. Motion by Mr. Scearce, Second by Ms. Raney to Approve Amended Resolution No. 2013-018.Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Scearce, Seibert, Shaw and Woolston, 8. Nays: 0. Absent: 1, Rosenberg.

The Resolution was Approved as Amended Resolution No. 2013-018

A RESOLUTION granting a Special Use Permit 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.

PUBLIC HEARING FOR COUNCIL BILL NO. 2013-273

Mayor Colbert-Kean opened the Public Hearing.

Cody Sexton, Redwood Development, 3609 E. 20th St. appeared in favor of this item.

No one appeared in opposition to this item.

The public hearing was closed.

Mr. Golden introduced Council Bill No. 2013-273. Motion by Mr. Golden, Second by Mr. Glaze to place Council Bill No. 2013- 273 on First Reading and Advance to Second and Third Reading. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Rosenberg

The Council Bill was read as Council Bill No. 2013-273

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.

PUBLIC HEARING FOR COUNCIL BILL NO. 2013-274

Mayor Colbert-Kean opened the Public Hearing

Appearing in favor of this item Charlie Kuehn, 620 McConnell, Joplin.

No one appeared in opposition to this item.

The public hearing was closed.

Mr. Golden introduced Council Bill No. 2013-274. Motion by Mr. Golden, Second by Mr. Scearce to place Council Bill No. 2013-274 on First Reading and Advance to Second and Third Reading. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Rosenberg.

The Council Bill was read as 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.

PUBLIC HEARING FOR COUNCIL BILL NO. 2013-275

Mayor Colbert-Kean opened the public hearing

Matt Pitts, 2179 Poplar Ave, Memphis City, appeared in favor of this item.

No one appeared in opposition to this item.

The public hearing was closed.

Mr. Scearce introduced Council Bill No. 2013-275. Motion by Mr. Scearce, Second by Mr. Golden to place Council Bill No. 2013-275 on First Reading and Advance to Second and Third Reading. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Rosenberg.

The Council Bill was read as 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.

PUBLIC HEARING FOR RESOLUTION NO. 2013-019

Mayor Colbert-Kean opened the public hearing

Victor McAllister, 704 SW 150, Moore, OK appeared in favor of this item.

No one appeared in opposition to this item.

The public hearing was closed.

Mr. Glaze introduced Resolution No. 2013-019. Motion by Mr. Glaze, Second by Mr. Seibert to Approve Resolution No. 2013-019.Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Scearce, Seibert, Shaw and Woolston, 7. Nays: 1. Raney. Absent: 1, Rosenberg.

The Resolution was Approved as Resolution No. 2013-019

A RESOLUTION granting a Special Use Permit 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.

PUBLIC HEARING FOR COUNCIL BILL NO. 2013-276

Mayor Colbert-Kean opened the public hearing.

Matt Pitts, 2179 Poplar, Memphis City appeared in favor of this item.

No one appeared in opposition to this item.

The public hearing was closed.

Mr. Scearce introduced Council Bill No. 2013-276. Motion by Mr. Scearce, Second by Mr. Shaw to place Council Bill No. 2013- 276 on First Reading and Advance to Second and Third Reading. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Rosenberg.

The Council Bill was read as 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.

PUBLIC HEARING FOR COUNCIL BILL NO.2013-277

Mayor Colbert-Kean opened the public hearing.

Philip Richardson, 1 South Main St. Webb City, appeared in favor of this item

Daniel Williamson, 17509 Gladesworth Lane, Canyon Country, CA appeared in favor of this item.

No one appeared in opposition to this item.

The public hearing was closed.

Mr. Scearce introduced Council Bill No. 2013-277. Motion by Mr. Scearce, Second by Mr. Glaze to place Council Bill No. 2013-277 on First Reading and Advance to Second and Third Reading. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Rosenberg.

The Council Bill was read as 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.

PUBLIC HEARING FOR RESOLUTION NO. 2012-020

Mayor Colbert-Kean opened the public hearing.

Patrick Martucci, 3824 Red Fox, Joplin, appeared in favor of this item.

Dana Burkett, 1819 Grand, Joplin, appeared in favor of this item.

Cookie Estrada, 215 Grace Ave, Joplin, appeared in opposition to this item.

The public hearing was closed.

Mr. Scearce introduced Resolution No. 2013-020. Motion by Mr. Scearce, Second by Mr. Shaw to Approve Resolution No. 2013-020.Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Rosenberg.

The Resolution was Approved as Resolution No. 2013-020

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.

CONSENT AGENDA APPROVED -- Motion by Mr. Scearce, Second by Mr. Glaze, to Approve the Consent Agenda. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Rosenberg.

Minutes of the June 17, 2013 meeting

RESOLUTIONS

ORDINANCES-EMERGENCIES
Mr. Shaw introduced Council Bill No. 2013-206. Motion by Mr. Shaw Second by Mr. Glaze to Adopt Council Bill No. 2013-206. Voting in favor were Council Members: Colbert-Kean, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston 8. Nays: 0. Absent: 1, Golden.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-148

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.

Mr. Golden introduced Council Bill No. 2013-508. Motion by Mr. Golden, Second by Mr. Shaw to Adopt Council Bill No. 2013-508. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Rosenberg.

The council bill was declared Adopted and entitled Ordinance No. 2013-149

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.

ORDINANCES – SECOND READING AND THIRD READING

NEW BUSINESS

Mr. Glaze asked for a worksession to discuss the Charter review of 2007. Mayor Colbert-Kean stated she would get one scheduled.

Mr. Seibert wanted to publicly acknowledge and thank Parks & Recreation Director Chris Cotten and his department for the work that was done at Joe Becker Stadium. He stated the Parks & Rec staff did an outstanding job with the field and facilities, and also with the fundraising efforts at a recent Joplin Outlaws baseball game fundraiser. He received many compliments from citizens regarding the field and wanted to pass them on to Chris.

Mr. Seibert also complimented Assistant Public Works Director Jack Schaller for his help in addressing citizen's concerns. Mr. Seibert stated that the timely responses and professionalism of Mr. Schaller created a positive image of city staff as well as the city council.

Mr. Shaw mentioned he recently had the privilege of spending time with five 5 former mayors. There are 12 former mayors still living, but only five could attend the gathering. Mr. Shaw stated it was a pleasure reminiscing with the mayors and he expressed his thanks and appreciation for all they had done.

There being no further business the meeting adjourned at 8:00 p.m.

Respectfully submitted,

Barbara Gollhofer, Assistant City Clerk

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 BH 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

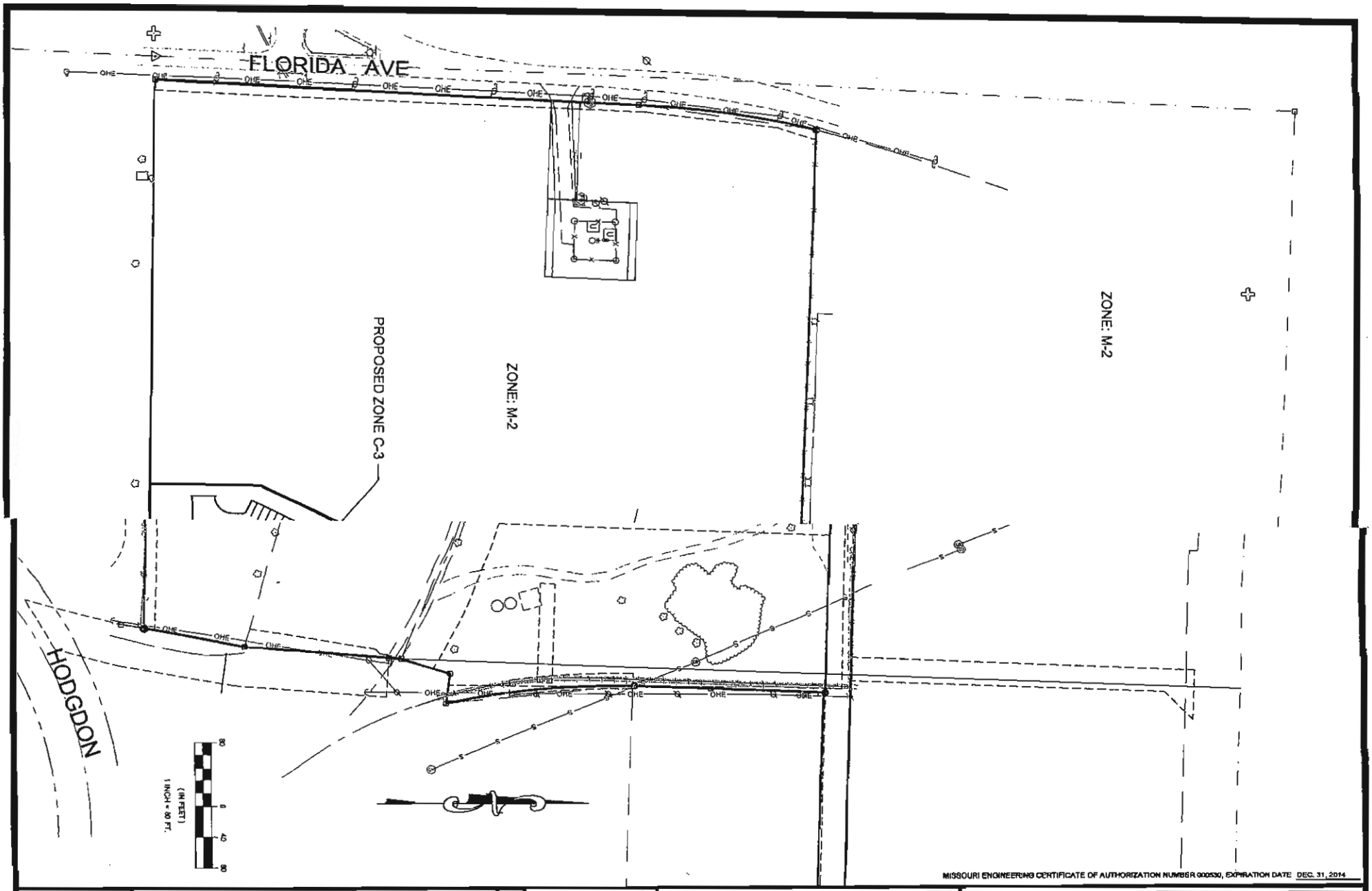
BY: STEVE OWENS

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.	12162A
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 1687 - Joplin, Missouri 64802
Phone (417) 781-0643 - FAX (417) 781-4714
TOLL FREE 1-866-781-0643
www.tristate-engineering.com
TRI-STATE ENGINEERING

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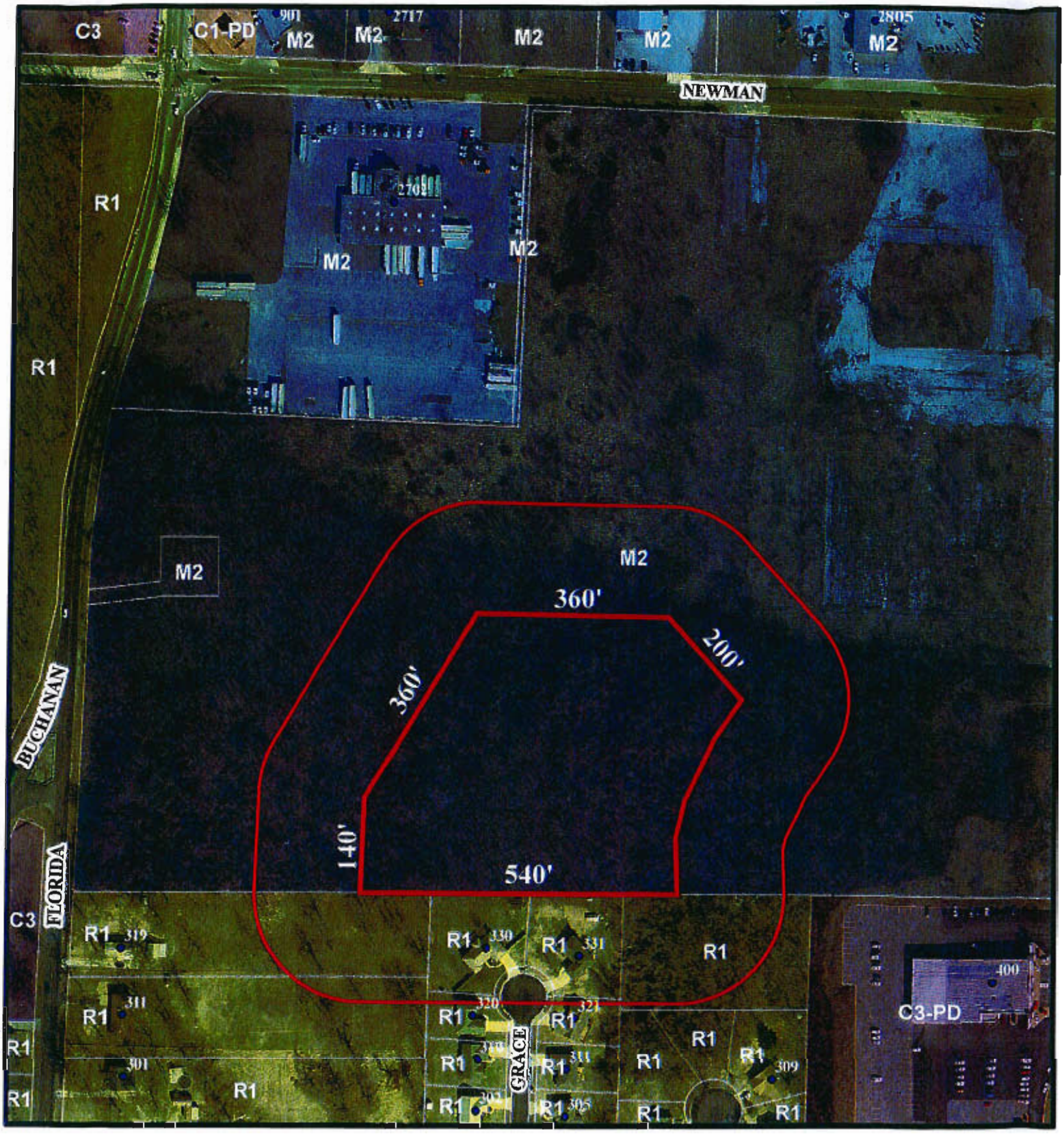
CLAYTON CRISBY
CIVIL ENG. E-28504

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



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.

Council Bill No. 2013-272

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: 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 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 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 Counell 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

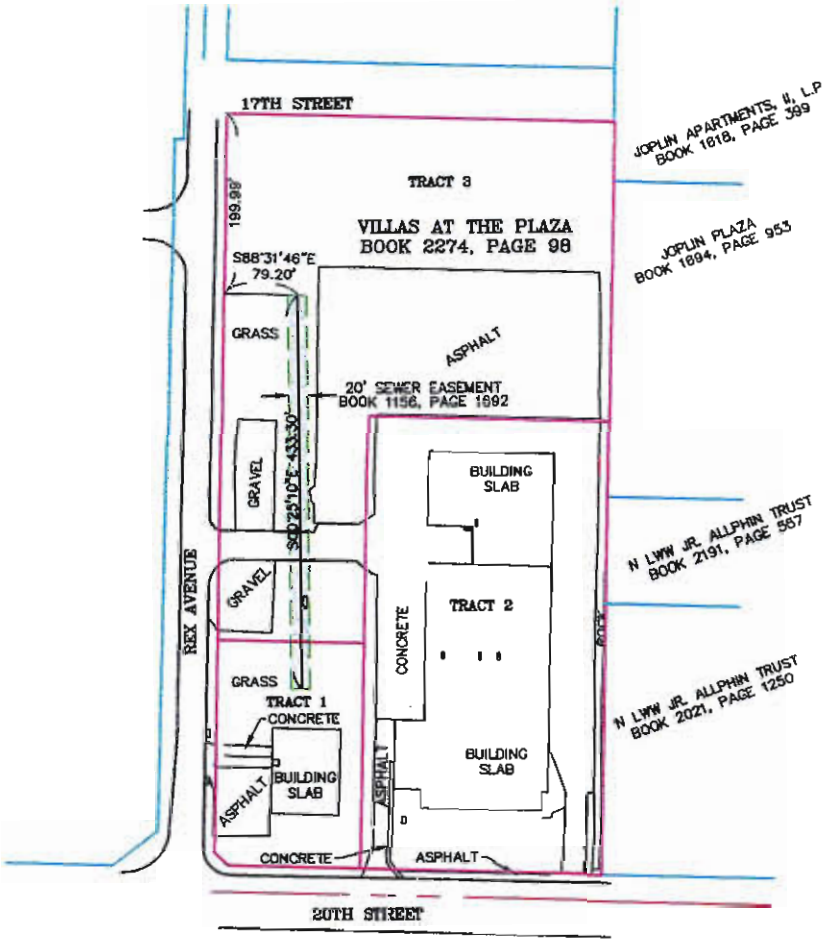
V. Required Attachments:

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) 782-7396

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 ~~BAH~~ Date: 6-25-13
City Manager: R. Mark Rohr RMR Date: 6-25-13
Board or Commission: Planning and Zoning Commission MAW 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



0 60 120 240 360 480 Feet

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

N

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.

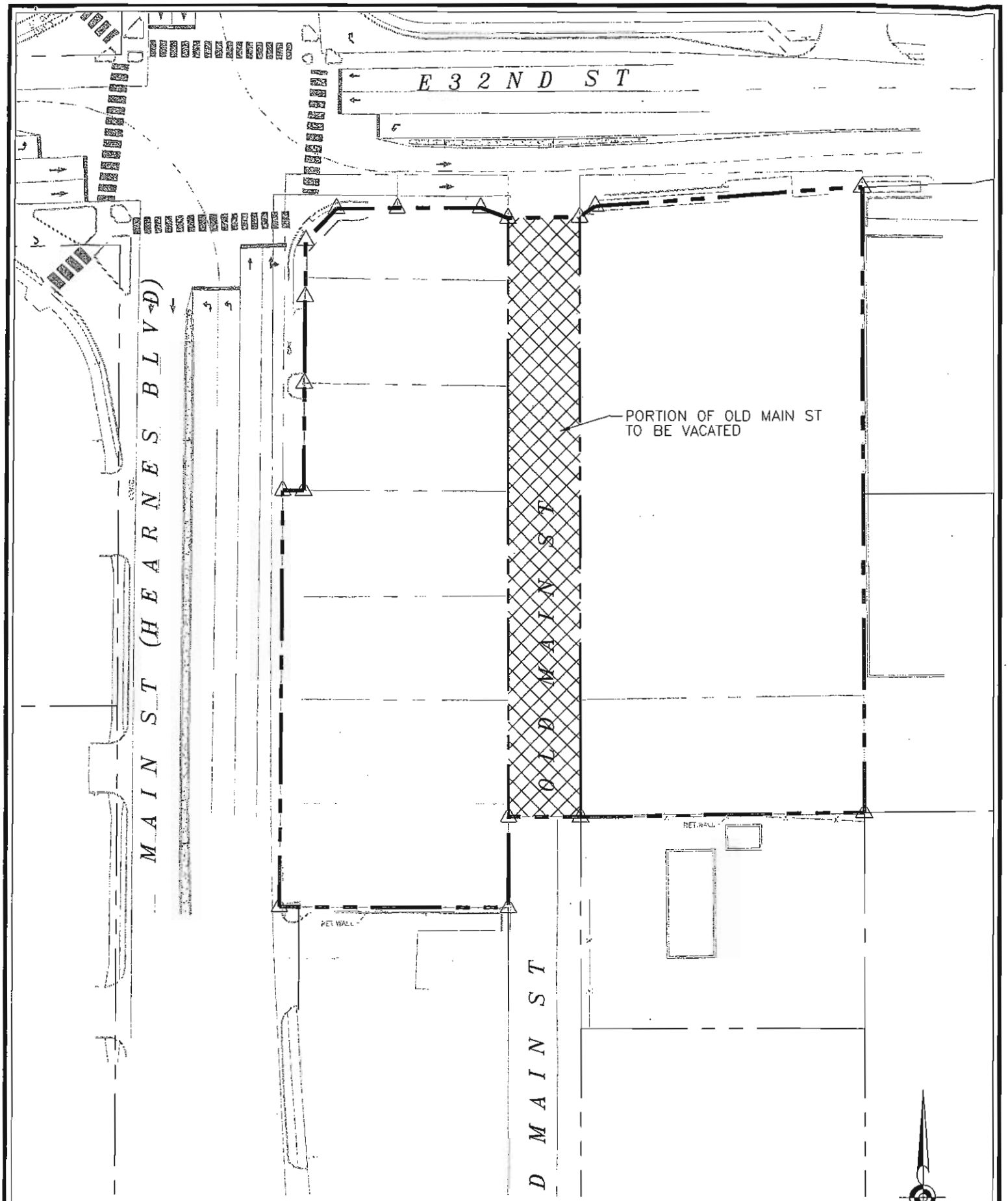
3. Affidavit(s) from the following private utility companies indicating their consent to vacate the easement. The following private companies must be contacted and consent to the vacation for the Public Hearing can take place.

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.



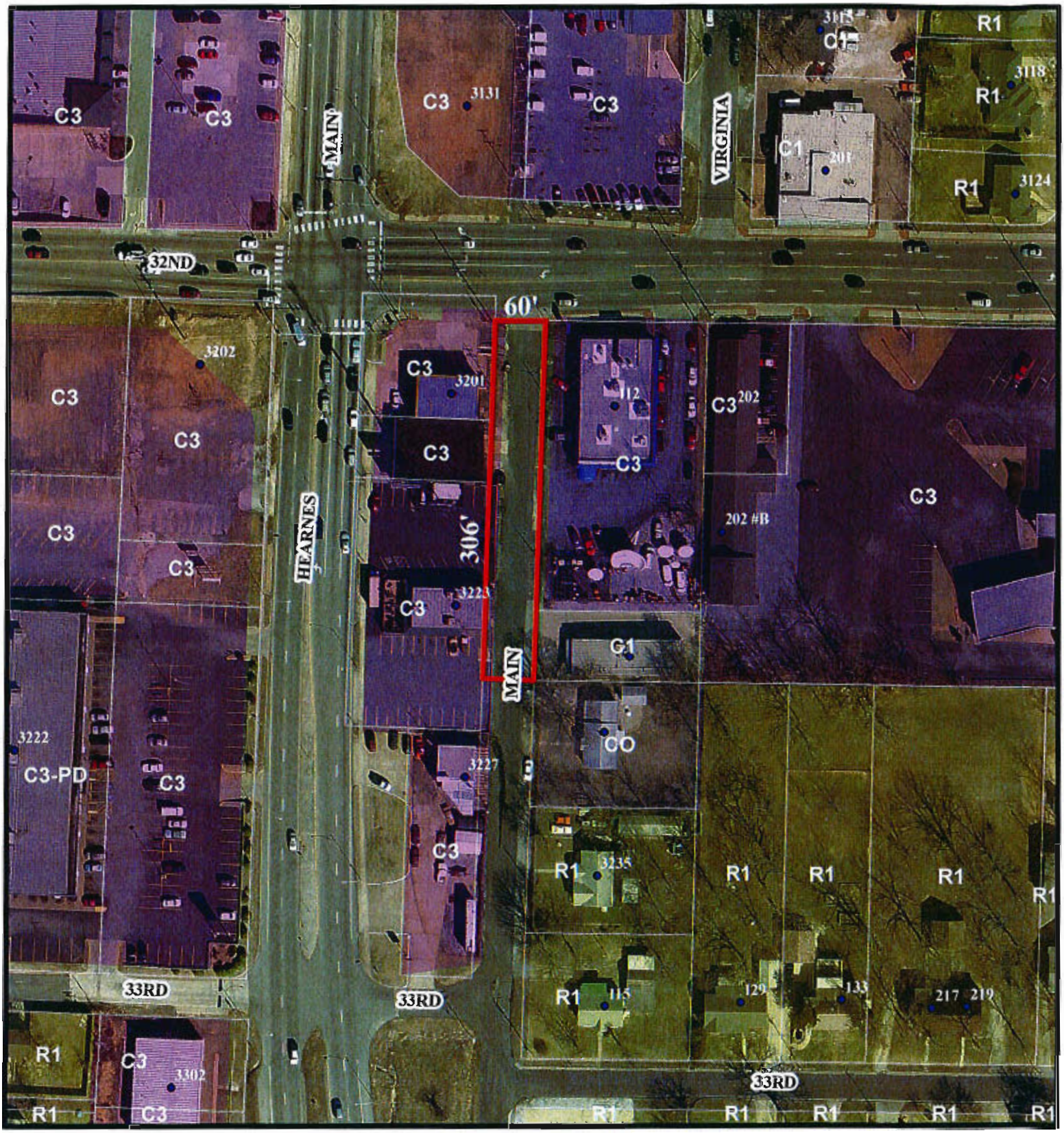
STREET & UTILITY EASEMENT VACATION EXHIBIT

SEC - 32ND ST AND MAIN ST

JOPLIN, MISSOURI

APRIL 22, 2013

SCALE: 1"=60'



0 95 190 380 570 760 Feet

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.

N

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: 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 5-9-13

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,

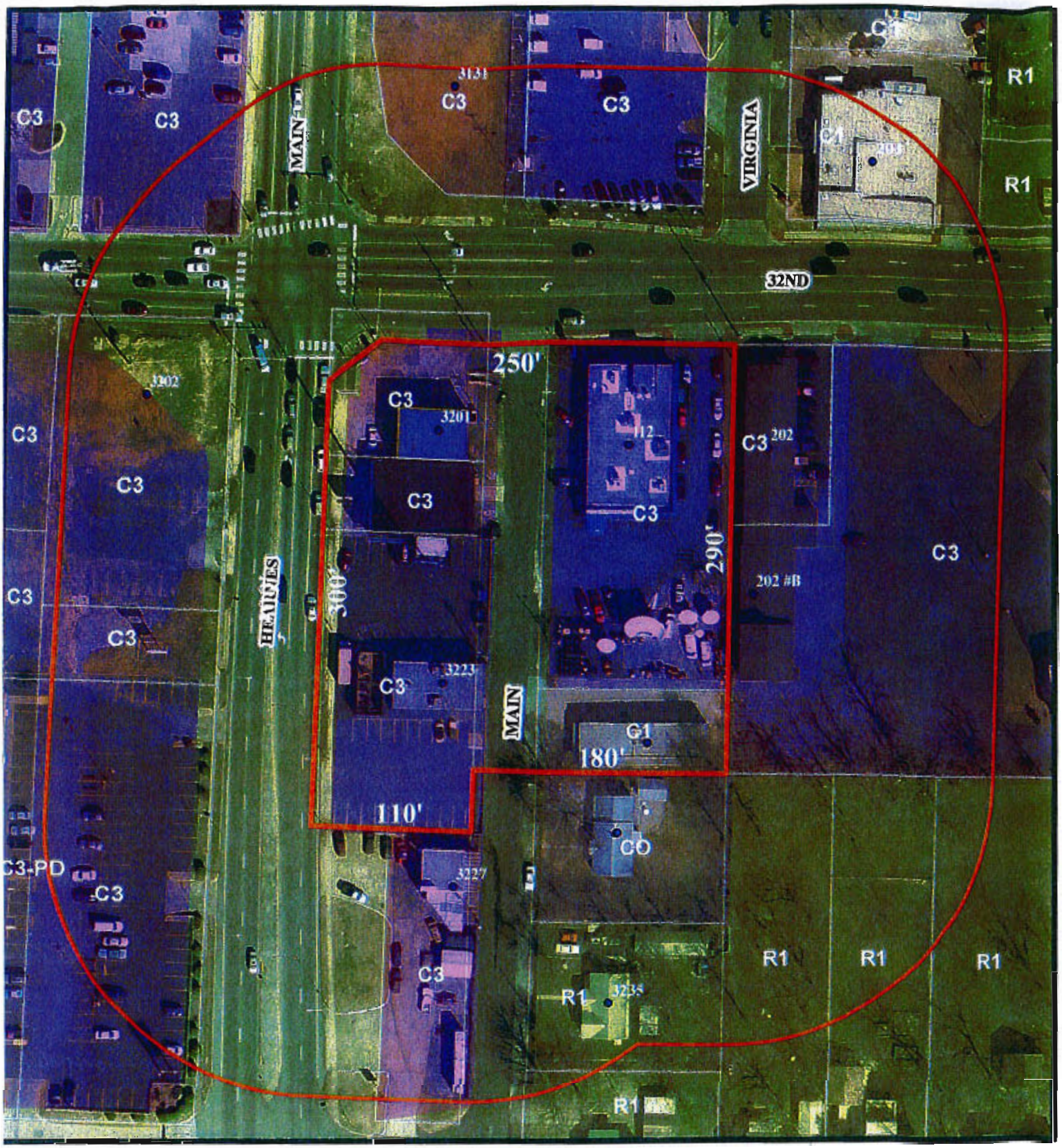
On behalf of the applicant, Orange Development Inc., Carlson Consulting Engineers requests that the properties located at the SEC of 32nd St. & Main St. be rezoned to C-3 PD to facilitate the construction of a new CVS Pharmacy. Currently the site is being occupied by a bar/restaurant, offices, and commercial 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

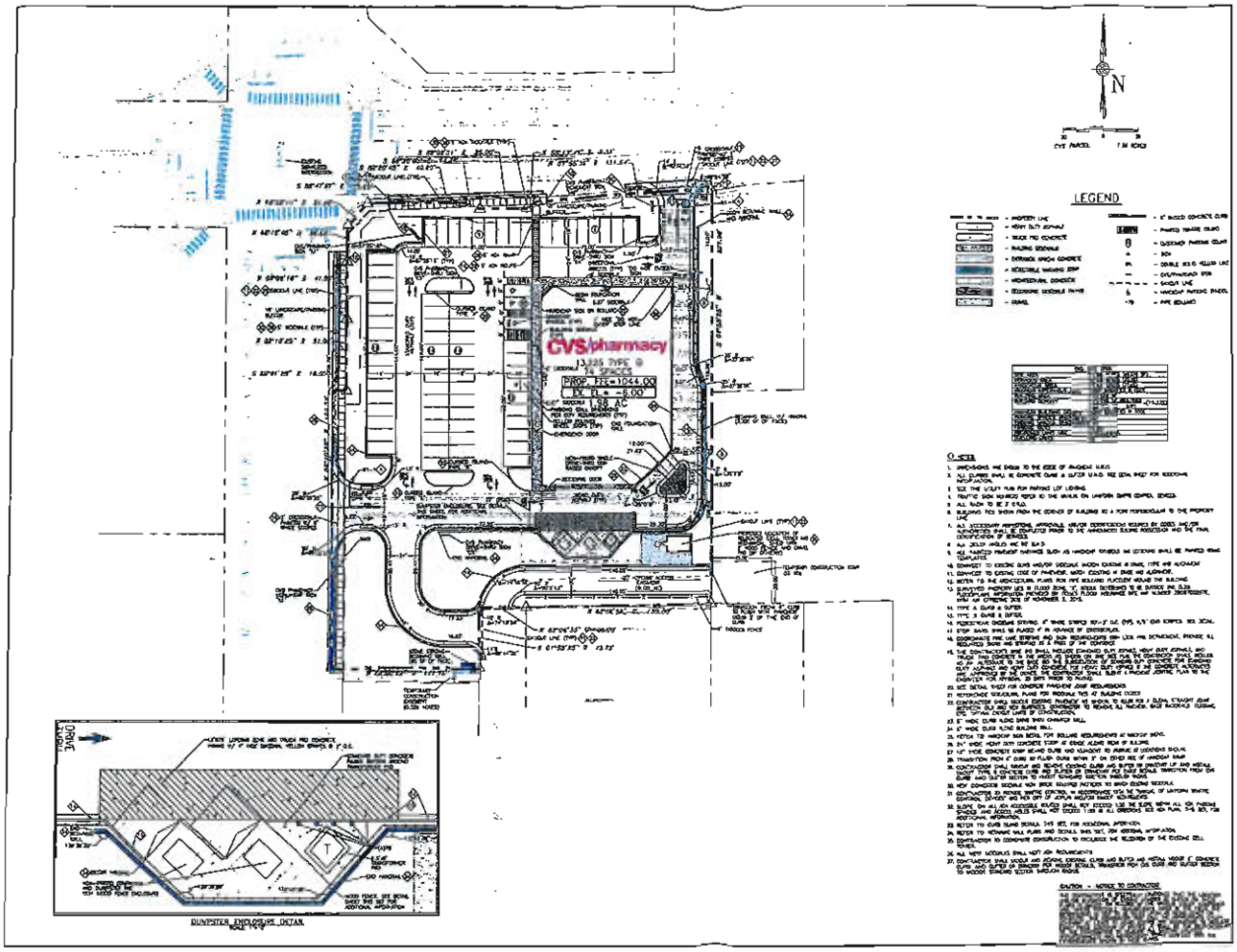
7068 Ledgestone Commons • Bartlett, Tennessee 38133 • (901) 384-0404 • (901) 384-0710



0 80 160 320 480 640 Feet

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-13225-RIGHT CHAMFER DRIVE-THRU

STORE NUMBER 10160

CS PROJECT NUMBER 62273

ARCHITECT OF RECORD

NORR

CONSULTANT:

DEVELOPER:

ORANGE DEVELOPMENT

SEAL:

REVISIONS:

CVS PROJECT MANAGER: R. SMART

DRAWING BY: M. PITTS

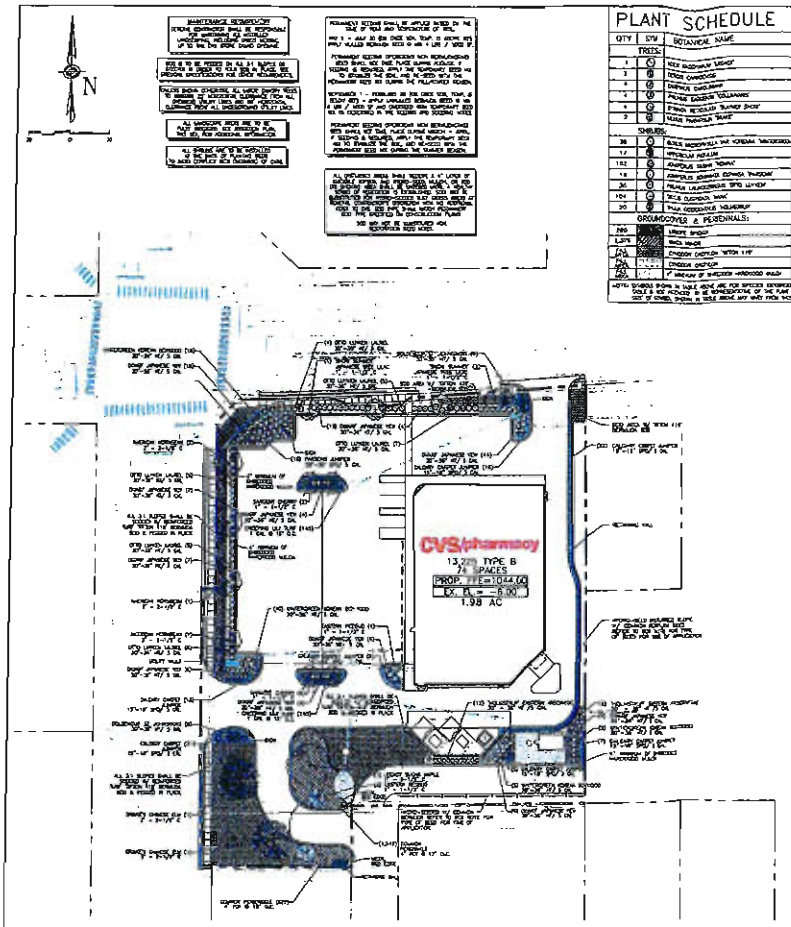
DATE: 01 MAY 2013

JOB NUMBER:

TITLE: SITE PLAN

SHEET NUMBER: 13 OF 27

COMMENTS: NOT RELEASED FOR CONSTRUCTION



PLANT SCHEDULE

QTY	SYM	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	CONDITION	REMARKS	MATURE SIZE
TREES:								
4		ACER RUBRUM 'ARMSTRONG'	ARMSTRONG RED MAPLE	2" - 2-1/2" CAL. / 12' - 14' HT.	AS SHOWN	B&B/CONT.	FULL HEAD W/ UNIFORM GROWTH	35' HT. x 25' W.
3		ACER CAMPESTRE	HEDGE MAPLE	2" - 2-1/2" CAL. / 7' - 8' HT.	AS SHOWN	B&B/CONT.	FULL HEAD W/ UNIFORM GROWTH	30' HT. x 30' W.
5		CARPINUS CAROLINIANA	AMERICAN HORNBEAM	2" - 2-1/2" CAL. / 12' - 14' HT.	AS SHOWN	B&B/CONT.	FULL HEAD W/ UNIFORM GROWTH	35' HT. x 30' W.
4		PRUNUS SARGENTII 'COLUMNARIS'	SARGENT CHERRY	2" - 2-1/2" CAL. / 7' - 8' HT.	AS SHOWN	B&B/CONT.	FULL HEAD W/ UNIFORM GROWTH	50' HT. x 15' W.
4		PYRUS CALLERYANA 'CHANTICLEER'	CHANTICLEER PEAR	2" - 2-1/2" CAL. / 7' - 8' HT.	AS SHOWN	B&B/CONT.	FULL HEAD W/ UNIFORM GROWTH	30' HT. x 15' W.
3		QUERCUS BICOLOR 'SWAMP SPRITE'	SWAMP SPRITE OAK	2" - 2-1/2" CAL. / 7' - 8' HT.	AS SHOWN	B&B/CONT.	FULL HEAD W/ UNIFORM GROWTH	60' HT. x 30' W.
3		QUERCUS PHELLOS	WILLOW OAK	2" - 2-1/2" CAL. / 12' - 14' HT.	AS SHOWN	B&B/CONT.	FULL HEAD W/ UNIFORM GROWTH	60' 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		HYDRANGEA ARBORESCENS	SMOOTH HYDRANGEA	30"-36" HT. / 5 GAL.	AS SHOWN	CONT.	ROUND, FULL HEAD + UNIFORM SHAPE	3' HT. x 3' W.
152		JUNIPERUS SABINA 'TAMARIX'	TAMARIX SAVIN JUNIPER	18"-24" SPR. / 3 GAL.	AS SHOWN	CONT.	ROUND, FULL HEAD	5' HT. x 6' W.
18		JUNIPERUS VIRGINIANA 'SCHOTTII'	PRAIRIE SENTRY	48"-54" HT. / 5 GAL.	AS SHOWN	CONT.	ROUND, FULL HEAD + UNIFORM SHAPE	5' 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 'MADS'	BROAD JAPANESE YEW	30"-36" HT. / 5 GAL.	AS SHOWN	CONT.	ROUND, FULL HEAD + UNIFORM SHAPE	5' HT. x 5' W.
20		TAXUS CUSPIDATA 'HILLSMEIER'	HILLSMEIER JAPANESE YEW	30"-36" HT. / 5 GAL.	AS SHOWN	CONT.	ROUND, FULL HEAD + UNIFORM SHAPE	10' HT. x 5' W.
GROUNDCOVER & PERENNIALS:								
PHX		PHLOX SUBULATA	CREEPING PHLOX	6" OC / 1 GAL.	18" OC	CONT.	3 YRS FULL, NO FILLER	
LIRIOPE		LIRIOPE SPICATA	CREEPING LILY TURF	6" OC / 1 GAL.	12" OC	CONT.	3 YRS FULL, NO FILLER	
EUO		EUONYMUS ALATUS 'COMPACTUS'	COMPACT BURNING BUSH	5 GAL / FULL	SOLID	SEMI/WELL	KEEP FREE & NEATLY GROOMED	
RUDBECKIA		RUDBECKIA FULGIDA 'GOLDSTURM'	GOLDSTURM BLACK-EYED SUSAN	1 GAL / 1 YEAR OF	30" OC	1 GAL	MIN. PLANT + SIZE SUBJ. TO CHANGE	
SOD		1" MINIMUM OF IN-GROUND HYBRID SOD						

NOTE: ALL QUANTITIES OF PLANT MATERIALS ARE ALLOWED WHOLE TAC MINOR VARIATION OF THE LANDSCAPE ARCHITECT.

HYDRO-SEED NOTES

ARTICLE XVIII. – SUPPLEMENTARY REGULATIONS

SEC. 29-1606. – LANDSCAPING

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

1. NO LANDSCAPING IS REQUIRED IN THE DESIGNATION FOR STREETS OF LAND WHICH THERE TEN (10) OR MORE RESIDENTIAL LOTS WITH AN AVERAGE LOT WIDTH OF LESS THAN ONE HUNDRED FIFTY (150) FEET.
2. A LANDSCAPE PLAN SHALL BE SUBMITTED TO THE PLANNING COMMISSION FOR APPROVAL AS PROVIDED IN SECTION 29-1605.
3. ALL LANDSCAPING SHALL BE PROTECTED FROM VEHICULAR ENCROACHMENT BY MEANS OF CURBING OR OTHER SUITABLE BARRIERS.
4. ALL PLANTING MATERIALS SHALL BE HARDY TO THE CLIMATE AND SOIL CONDITIONS OF THE AREA.
5. ALL PLANTING MATERIALS SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION AND SHALL BE REPLACED WITH PLANTING MATERIALS OF SIMILAR VARIETY AND SIZE WHENEVER NECESSARY.
6. ALL LANDSCAPING SHALL BE PROTECTED BY RAISED CURBING, PARKING BLOCKS, OR OTHER PERMANENT MEANS.
7. ALL LANDSCAPING SHALL BE IRRIGATED BY AN AUTOMATIC UNDERGROUND SPRINKLER SYSTEM.
8. ALL LANDSCAPING SHALL BE MAINTAINED IN A NEAT AND ORDERLY MANNER AT ALL TIMES.

(C) BUFFERING AND SCREENING. ALL DEVELOPMENTS SHALL BE PROVIDED WITH SCREENING AND BUFFERING AS REQUIRED BY THE PLANNING COMMISSION IN ORDER TO ACCOMPLISH THE FOLLOWING:

1. REDUCING GLARE AND NOISE.
2. ESTABLISHING A BUFFER ZONE.
3. SCREENING OUTDOOR STORAGE.
4. SCREENING UNSIGHTLY VIEWS.

(D) PARKING LOT LANDSCAPING STANDARDS. LANDSCAPING SHALL BE PROVIDED WITHIN ANY PARKING LOT CONSTRUCTED IN ACCORDANCE WITH THE FOLLOWING:

1. A LANDSCAPE PLAN FOR A PARKING LOT SHALL MEET ONE OF THE FOLLOWING DESIGN STANDARDS:
   a. LANDSCAPE ISLANDS SHALL BE PROVIDED WITHIN THE PARKING LOT AT A RATIO OF 1 ISLAND FOR EVERY TEN (10) PARKING SPACES, OR FRACTION THEREOF. EACH ISLAND SHALL BE A MINIMUM OF 9 FEET WIDE AND 18 FEET LONG.
   b. LANDSCAPE STRIPS SHALL BE PROVIDED AT THE PERIMETER OF THE PARKING LOT AT A MINIMUM WIDTH OF 5 FEET.
2. LANDSCAPE ISLANDS AND STRIPS SHALL BE WELL DRAINED AND PLANTED WITH GRASS, SHRUBS, AND ORNAMENTAL TREES.
3. LANDSCAPE ISLANDS AND STRIPS SHALL BE KEPT FREE OF REFUSE AND DEBRIS.

(E) LANDSCAPE PLANTING.

1. SHADE TREES. SHADE TREES SHALL BE AT LEAST FIFTEEN (15) FEET TALL AT PLANTING AND HAVE A MINIMUM CALIPER OF TWO AND ONE-HALF (2½) INCHES AT A POINT SIX (6) INCHES ABOVE THE GROUND LEVEL FOR TREES UP TO AND INCLUDING FOUR (4) INCHES CALIPER. FOR TREES OVER FOUR (4) INCHES CALIPER, MEASURED AT A POINT SIX (6) INCHES ABOVE THE GROUND LEVEL, THE MINIMUM HEIGHT SHALL BE INCREASED BY ONE (1) FOOT FOR EACH ADDITIONAL INCH OF CALIPER.
2. SHRUBS. SHRUBS SHALL BE A MINIMUM OF TWENTY-FOUR (24) INCHES TALL AT PLANTING AND SHALL BE PLANTED IN A MANNER WHICH WILL ACHIEVE A CONTINUOUS SCREEN WITHIN THREE (3) YEARS OF PLANTING.
3. GROUND COVER. GROUND COVER SHALL BE PLANTED IN SUCH A MANNER AS TO PROVIDE COMPLETE COVERAGE WITHIN TWO (2) GROWING SEASONS.
4. GRASS OR SOD. GRASS OR SOD SHALL BE PLANTED IN SUCH A MANNER AS TO PROVIDE COMPLETE COVERAGE WITHIN ONE (1) GROWING SEASON.
5. EXISTING TREES. EXISTING TREES MAY BE USED TO MEET THE REQUIREMENTS OF THIS SECTION IF THEY ARE IN GOOD CONDITION AND ARE OF A SPECIES WHICH WILL GROW TO A SIZE SUFFICIENT TO MEET THE REQUIREMENTS OF THIS SECTION.

(F) MAINTENANCE. ALL LANDSCAPING SHALL BE MAINTAINED IN A NEAT AND ORDERLY MANNER AT ALL TIMES. PLANTINGS SHALL BE KEPT FREE OF REFUSE AND DEBRIS. ALL PLANTED AREAS SHALL BE MAINTAINED IN A VIGOROUS GROWING CONDITION THROUGHOUT THE SEASON. DEAD PLANTS SHALL BE REMOVED AND REPLACED WITHIN ONE (1) PLANTING SEASON OF REMOVAL.

(G) WAIVER.

(H) VARIANCES.

(I) APPEALS.

(J) ENFORCEMENT.

(K) CONFLICTING REGULATIONS.

(L) SEVERABILITY.

(M) EFFECTIVE DATE.

CVS pharmacy

NORTHERN-13225-RIGHT CHAMFER DRIVE-THRU

STORE NUMBER 10160

600 - 30460 ST & MAJOR ROADS BLVD

JOPLIN, MISSOURI

PROJECT TYPE: NEW STORE

DEAL TYPE: FEE FOR SERVICE

CSI PROJECT NUMBER 02279

ARCHITECT OF RECORD

NORR

CONSULTANT:

DEVELOPER:

ORANGE DEVELOPMENT

SEAL:

REVISIONS:

CVS PROJECT MANAGER: R. SWART

DRAWING BY: M. PITTS

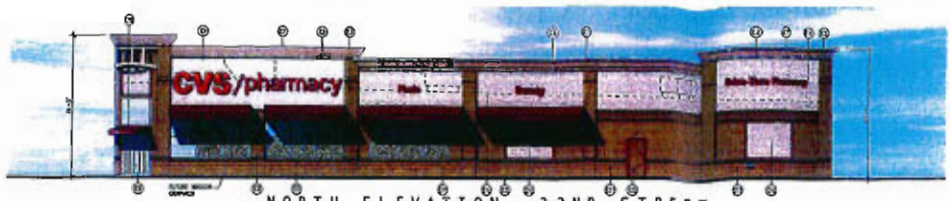
DATE: 01 MAY 2013

JOB NUMBER: XXXXXXX

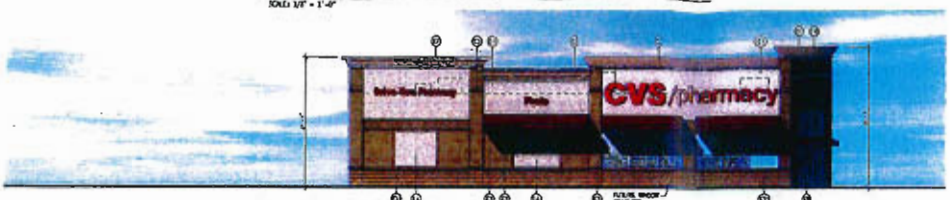
TITLE: LANDSCAPE PLAN

SHEET NUMBER:

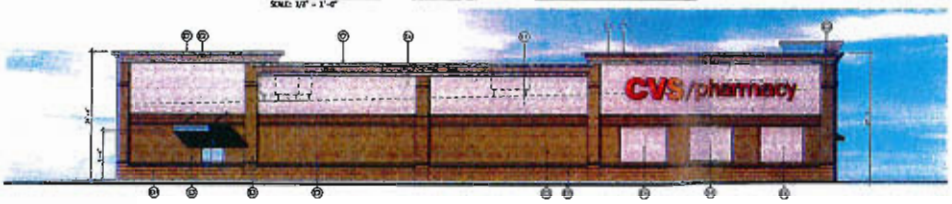
COMMENTS: NOT RELEASED FOR CONSTRUCTION



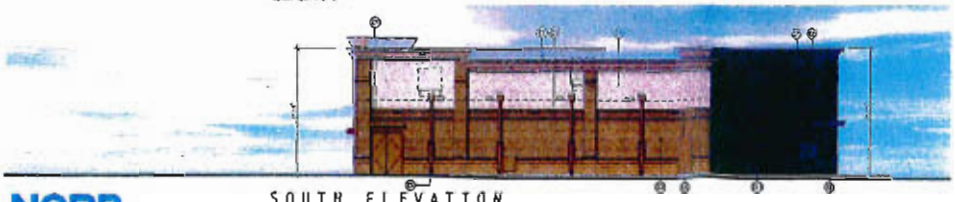
NORTH ELEVATION - 32ND STREET



WEST ELEVATION - MAIN STREET



EAST ELEVATION



SOUTH ELEVATION

EXTERIOR FINISH SCHEDULE

NO.	TYPICAL / DESCRIPTION	MFG / STYLE / CAT. NO.	COLOR	NOTES
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				

LEGEND

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

CVS/pharmacy

NORR

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 — Date: 6/21/2013
City Attorney: Brian Head — Date: 6-25-13
City Manager: R. Mark Rohr — Date: 6-25-13
Board or Commission: Planning and Zoning Commission — 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 ☒x

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.

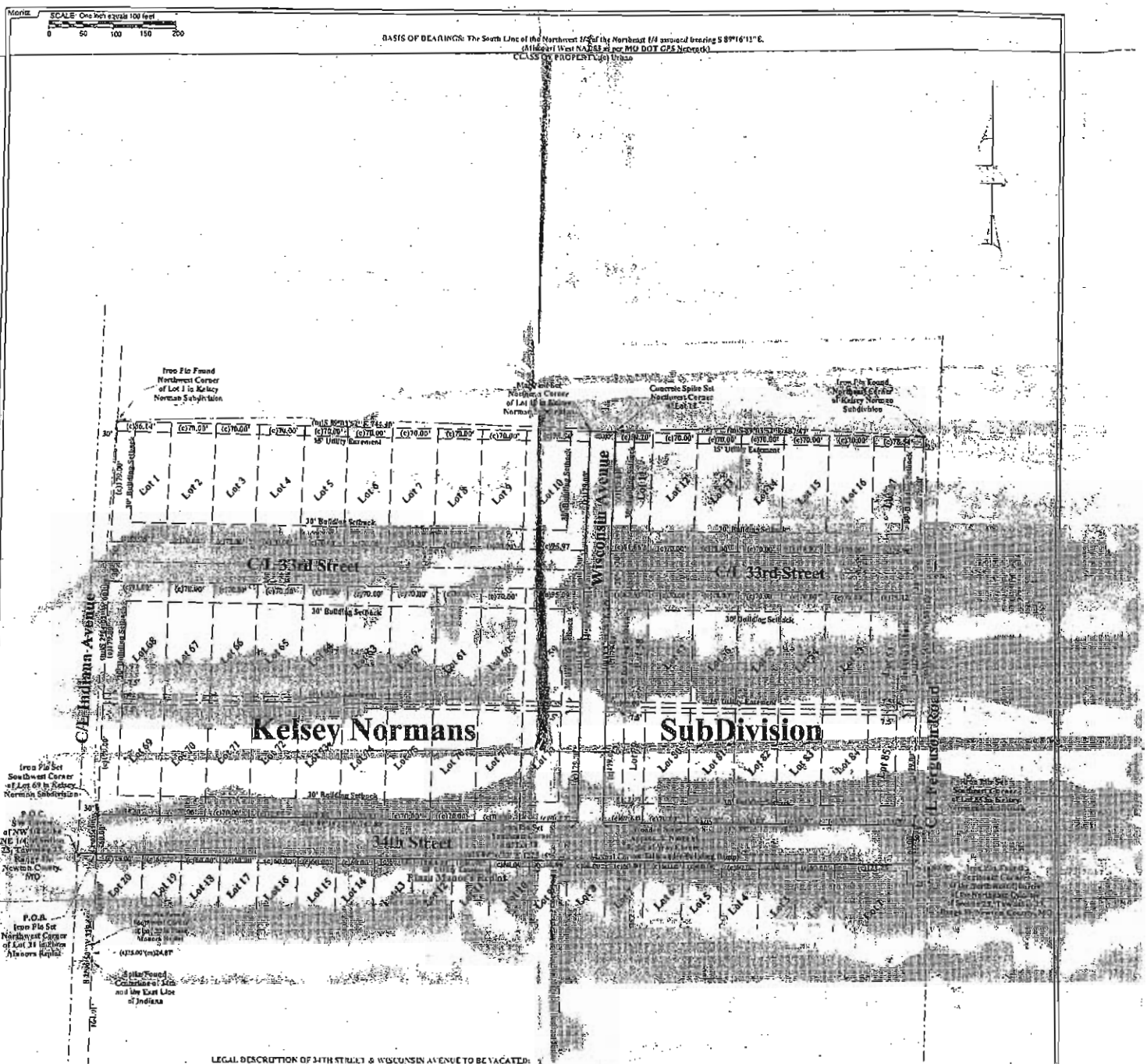
V. Required Attachments:

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



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 13, 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 13; THENCE EAST ALONG THE SOUTH LINE OF SAID 1/4-1/4 A DISTANCE OF 330 FEET TO THE EAST RIGHT-OF-WAY OF INDIANA AVENUE AND THE POINT OF BEGINNING; THENCE NORTH ALONG SAID EAST RIGHT-OF-WAY 991 FEET TO THE SOUTHWEST CORNER OF LOT 69 IN KELSEY NORMAN'S SUBDIVISION; THENCE EAST ALONG THE NORTH RIGHT-OF-WAY OF 34TH STREET 1413 FEET TO THE SOUTHEAST CORNER OF LOT 78 IN SAID SUBDIVISION; THENCE NORTH ALONG THE WEST RIGHT-OF-WAY OF WISCONSIN AVENUE 991 FEET TO THE NORTHEAST CORNER OF LOT 13 IN SAID SUBDIVISION; THENCE EAST ALONG THE NORTH LINE OF KELSEY NORMAN'S SUBDIVISION 60 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 75 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 WEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 13; THENCE WEST ALONG THE SOUTH LINE OF SAID 1/4-1/4 (ALONG 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.

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 mechanism to obtain title insurance for any subsequent or future grantees. Furthermore, this survey is not valid without the original signature and embossed seal.

8-18-2012

H. Andrew South, Mo. L.S. #2006000180

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: 417-624-6311 Fax: 417-624-0068
Serving Southwest Missouri since the year 1922.
Land Surveys, Lot Splits, Subdivisions, Mine Data, Elevation



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.

Mr. Richardson stated that 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.

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.

Mr. Richardson stated that 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.

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, Califomia 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 also 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. He stated that two different streets were recorded that didn't really belong there, and he just wants to own and operate the community as it is.

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

EMERGENCY ORDINANCES

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: July 15, 2013

Council Bill No. 2013- 207

Item: Resurfacing of Streets in Various Locations 2013

Originating Department: PUBLIC WORKS – ENGINEERING

Attachments: 1) Location Map and Table
2) Bid Tabulation
3) Council Bill No. 2013- 207

Engineering Department: Jack Schaller	Date: 7-8-13
Department Head: David Hertzberg	Date: 7/8/13
Finance Department: Leslie Haase	Date: 7-9-13
City Attorney: Brian Head	Date: 7/9/13
City Manager: Mark Rohr	Date: 7/9/13

Recommended Action: Approval of an Award of Contract to Blevins Asphalt Construction Company Inc. in the amount of $2,620,145.04 and for the Resurfacing of Various Locations 2013 project.

Background: City staff annually evaluates the pavement conditions of the City street system and recommends streets that need improvements. City staff determines which streets are to be resurfaced through a selection process based on traffic counts, street classifications, structural integrity and rideability of road. The Annual Resurfacing Project Budget provides for these street needs. Street resurfacing consists of a 2 inch asphalt overlay.

Discussion: City staff prepared bid documents for the project. A notice to Contractors that solicited bids for the project was published in the Joplin Globe for 1 day. Three firms picked up plans and 3 firms submitted bids (see attached Bid Tabulation) that were opened on June 26, 2013.

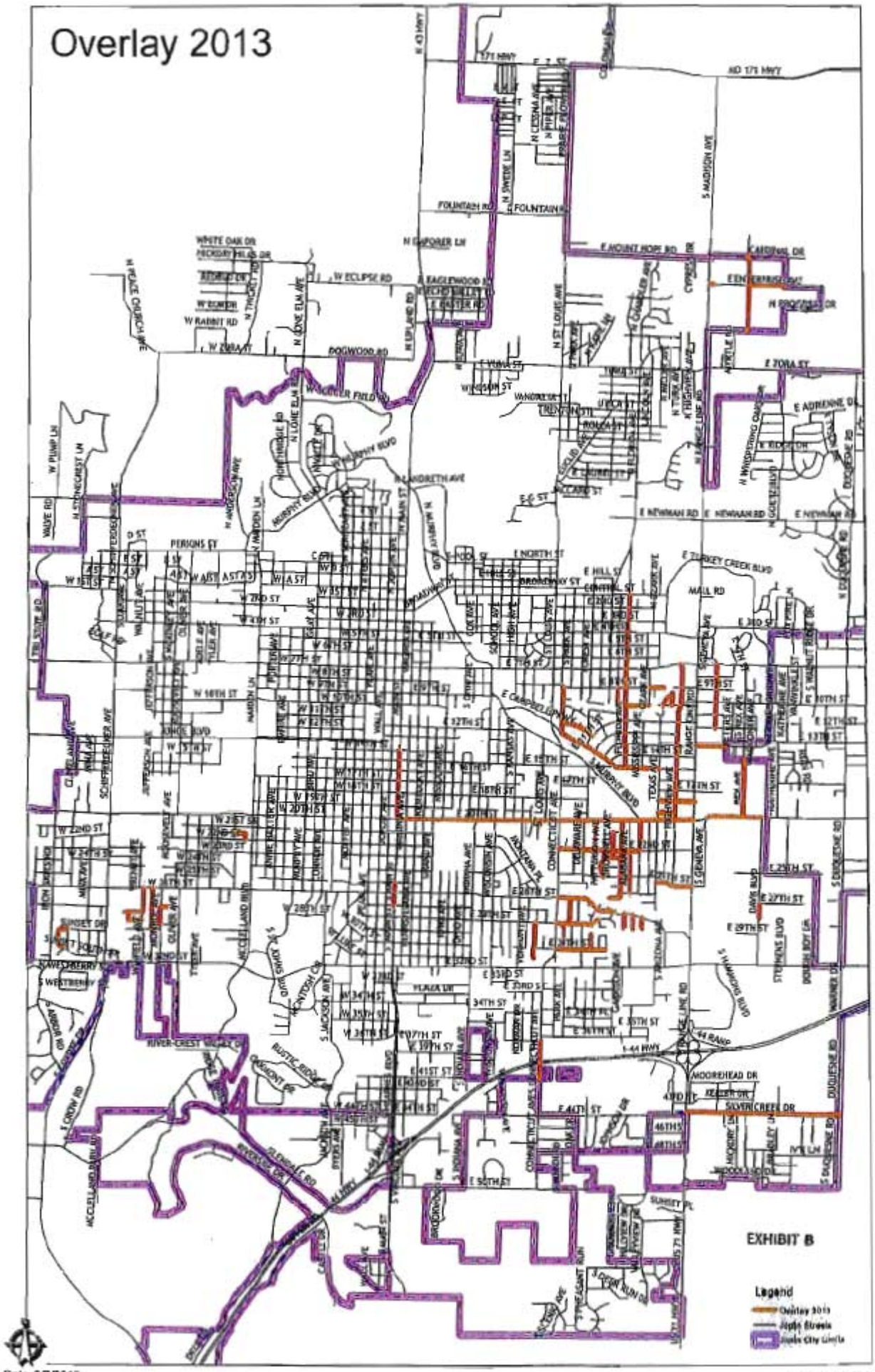
The low bid for asphalt submitted for the resurfacing project is $51.95 per ton. The 2011Resurfacing low bid $47.43 per ton, the 2010 Resurfacing low bid was $50.97 per ton and the 2009 asphalt overlay was $39.95 per ton. No construction was done in 2012 due to the rebuild effort. Blevins Asphalt Construction Company Inc. was the low bidder.

Recommendation: City staff recommends Award of Contract to Blevins Asphalt Company Inc. in the amount of $2,620,145.04 for the Resurfacing of Various Locations 2013 project.

Blevins Construction has done work for the City of Joplin in the past. This bid is within the engineer's estimate and the allocated budget.

Location	From	To	Edge Mill	Full Mill	Wedge	Mat	Overlay
Jackson	28th	31st	x		x	900'	x
Pearl	16th	20th	x		x	1600'	x
19th	Annie Baxter	Picher	x				x
23rd	Maiden Lane	Connor	x				x
Sergeant	26th	Mohaska	x				x
24th	Pearl	Main	x		x	x	x
Main	25th	27th	x				x
Main	14th	20th		x	1000'	1000'	x
20th (Westbound)	Rangeline	Main	x		x	x	x
20th (Eastbound)	Main	Rangeline	x		x	x	x
20th	Geneva	Davis	x		x	x	x
Connecticut	38th	City Limits (South)			1400'	1400'	x
Sunset South	kelly	Sunset East	x		x	x	x
Sunset	Jessica	Skelly	x		x	x	x
Walnut	24th	26th	x				x
Winfield	26th	North Kingsdale	x				x
North Kingsdale	Winfield	Dead End	x				x
South Kingsdale	West Kingsdale	Winfield	x				x
West Kingsdale	North Kingsdale	South Kingsdale	x				x
Jefferson	26th	29th	x		x	x	x
Monroe	27th	29th	x		x	x	x
27th	Monroe	350' East of Monroe	x		x	x	x
McCoy	23rd	26th	x				x
West 21st Terrace	21st	22nd	x				x
15th	Rangeline	Connecticut	x				x
26th	Florida	Connecticut	x				x
22nd	Texas	Connecticut	x				x
24th	Rangeline	Texas	x				x
18th	Texas	Highview	x				x
17th	Highview	Rangeline	x				x
Arizona	20th	Dead End	x				x
Alabama	24th	25th	x				x
						EXHIBIT	**A**

25th Court			x				x
Florida	20th	Dead End	x				x
Brownell	21st	Fairelane	x				x
Fairelane	Patterson	Florida	x				x
Patterson	22nd	Fairelane	x				x
Mississippi	20th	22nd	x				x
29th	Arizona	Rangeline	x				x
28th	Connecticut	Jamestown	x				x
Florida	7th	15th		x			x
Florida	4th	7th	x				x
Florida	Central	4th		x			x
Rex	20th	City Limits (North)	x				x
Silver Creek Dr	Rangeline	Duquesne			1000'	1000'	x
28th	Mercy Village	Picher	x				x
17th	Missouri	Dead End	x				x
Kansas	19th	20th	x				x
Vermont	19th	20th	x				x
19th	Vermont	Michigan	x				x
St. Louis	20th	Massachusetts	x				x
Wimer	Roland	Wimer Ct	x				x
Wimer Ct			x				x
Highland	26th	28th	x				x
Park Place	22nd	Dead End	x				x
New Jersy	22nd	Dead End	x				x
McConnell	30th	Dead End	x				x
Duquesne	Zora	City Limits (South)	x				x
Enterprise	Industrial	City Limits (East)		x		x	x
Industrial	Cardinal	Kennedy	x				x
St. Louis	7th	Minnesota	x			x	x
Laura Lane	11th	Connecticut	x				x
Park	28th	29th	x				x
Enterprise Ent.			x				x
Intersections				x			x


Overlay 2013
EXHIBIT B
Legend
Overlay 2013
Joplin Streets
Joplin City Limits
Date: 6/7/2013
1 inch = 3,000 feet

BID TABULATION

PROJECT: Resurfacing 2013
DATE OF BID OPENING: June 26, 2013 10:00 a.m.

CONTRACTOR	BID
Blevins Asphalt	2,620,145.04
APAC – Missouri	2,730,479.32
Swift Construction	3,274,160.90

COUNCIL BILL NO. 2013-207 ORDINANCE NO.

AN ORDINANCE approving a contract with Blevins Asphalt Construction Company Inc. in the amount of Two Million Six Hundred Twenty Thousand One Hundred Forty Five and 04 /100 Dollars ($2,620,145.04) for Resurfacing in Various Locations 2013 project in the City of Joplin, Missouri; providing how the cost shall be made and levied, and containing an emergency clause;

BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. That the contract be awarded to Blevins Asphalt Construction Company Inc. in the amount of Two Million Six Hundred Twenty Thousand One Hundred Forty Five and 04 /100 Dollars ($2,620,145.04) for Resurfacing in Various Locations 2013 project in the City of Joplin, Missouri.

Section 2. Upon the final approval and acceptance of the contractor's work under said contract in writing by the Director of Public Works, and his certification to that effect to the Director of Finance, the contractor shall be paid from the Capital Improvement Fund, Account Number 145-4565-520-8650 Project IS1302 in the amount of $1,075,000.00and Transportation Sales Tax Fund Account Number 140-4520-530-8650 in the amount of $1,545,145.04.

Section 3. That the Director of Public Works is hereby authorized to enter into a contract on behalf of the City of Joplin with said contractor.

Section 4. This ordinance is an emergency within the meaning of Section 2.12 (6) in that said ordinance provides for public improvements and is considered an emergency by the Council and as such shall become effective immediately upon this passage as provided by the Home Rule Charter for the City of Joplin.

Passed by the Council of the City of Joplin, Missouri, this _____ day of _____, 2013, by a _____ vote.

ATTEST: Melodee Colbert-Kean, Mayor

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W. Head, City Attorney

Council Bill 2013- 207

I hereby certify that a sufficient amount is available in the said Capital Improvement Fund, Account Number 145-4565-520-8650 Project IS1302 to pay the amount of $1,075,000.00 and Transportation Sales Tax Fund, Account Number 140-4520-530-8650 in the amount of $1,545,145.04 called for in said contract on the basis of estimates made by the City Engineer.

_____

Leslie Haase, Finance Department

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: July 15, 2013
Council Bill No. 2013-208

Item: Motor Vehicle Expenditures
Originating Department: Public Works – Wastewater Treatment Division

Attachments: 1) Bid Tabulations
2) Council Bill No. 2013-208

Operations Planning: Jack Schaller JS	Date: 7-8-13
Department Head: David Hertzberg DH KH	Date: 7/8/13
Finance Department: Leslie Haase KH	Date: 7-9-13
City Attorney: Brian Head BH	Date: 7/9/13
City Manager: Mark Rohr	Date: 7/9/13

Recommended Action: Approval of the purchase of a Tandeum Axle Dump Truck for the Wastewater Treatment Division.

Background: Following the approval of the FY 2012-2013 Operating Budget by the Council, requests for bids were publically announced for a tandeum axle dump truck to be utilized in the Wastewater Treatment Division. This is part of the approved Wastewater Treatment Plant Upgrade.

Discussion: Four bids were received for the tandeum axle dump truck, with the lowest bid presented by Diamond International of Joplin, in the amount of $130,956. The equipment as bid meets the specifications requested by the Public Works Department, the lowest bid was rejected due to not meeting the required specifications. Diamond International of Joplin is the best bid of all that were received. There is no trade in for this piece of equipment.

Recommendation: It is recommended that the City accept the bid as described for the purchase of a tandeum axle dump truck.

BID TABULATION

PROJECT: Tandeum Axle Dump Truck
DATE OF BID OPENING: June 6, 2013

CONTRACTOR	BID
Diamond International	130,956.00
Joplin Freightliner	135,237.00
Joplin Freightliner	139,439.00
Joplin Freightliner	102,451.00

COUNCIL BILL NO. 2013-208 ORDINANCE NO.

AN ORDINANCE approving the Purchase Order with the Diamond International of Joplin, in the amount of One Hundred Thirty Thousand Nine Hundred Fifty Six and no/100 Dollars ($130,956.00), in the City of Joplin, Missouri; and containing and emergency clause.

BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. Approve the Purchase Order with Diamond International of Joplin, in the amount of One Hundred Thirty Thousand Nine Hundred Fifty Six and no/100 Dollars ($130,956.00) in the City of Joplin, Missouri.

Section 2. That the City Manager of the City of Joplin, Missouri, is hereby authorized to execute the Purchase Order described in Section 1 of this Ordinance for and on behalf of the City of Joplin.

Section 3. This ordinance is an emergency within the meaning of Section 2.12 (6) in that said ordinance provides for public improvements and is considered an emergency by the Council and as such shall become effective immediately upon this passage as provided by the Home Rule Charter for the City of Joplin.

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

_____, 2013, by a _____ vote.

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 15, 2013
Council Bill No. 2013-209

Item: Motor Vehicle Expenditures
Originating Department: Public Works – Wastewater Treatment Division

Attachments: 1) Bid Tabulations
2) Council Bill No. 2013-209

Operations Planning: Jack Schaller JS	Date: 7-8-13
Department Head: David Hertzberg DH	Date: 7/8/13
Finance Department: Leslie Haase LH	Date: 7-9-13
City Attorney: Brian Head BH	Date: 7/9/13
City Manager: Mark Rohr MR	Date: 7/9/13

Recommended Action: Approval of the purchase of an Articulated Wheel Loader for the Wastewater Treatment Division.

Background: Following the approval of the FY 2012-2013 Operating Budget by the Council, requests for bids were publically announced for an articulated wheel loader to be utilized in the Wastewater Treatment Division. This is part of the approved Wastewater Treatment Plant Upgrade.

Discussion: Five bids were received for the articulated wheel loader, with the lowest bid presented by John Fabick Tractor Company, in the amount of $169,500. The equipment as bid meets the specifications requested by the Public Works Department, the lowest bid was rejected due to not meeting the required specifications. John Fabick Tractor Company is the best bid of all that were received. There is no trade in for this piece of equipment.

Recommendation: It is recommended that the City accept the bid as described for the purchase of a articulated wheel loader.

BID TABULATION

PROJECT: Articulated Wheel Loader
DATE OF BID OPENING: June 6, 2013

CONTRACTOR	BID
Berry Tractor	178,034.00
Fabick Cat	169,500.00
Victor L Phillips	173,490.00
Murphy Tractor	143,807.00
Murphy Tractor	157,572.00

COUNCIL BILL NO. 2013- 209 ORDINANCE NO.

AN ORDINANCE approving the Purchase Order with the John Fabick Tractor Company, in the amount of One Hundred Sixty Nine Thousand Five Hundred and no/100 Dollars ($169,500.00), in the City of Joplin, Missouri; and containing an emergency clause.

BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. Approve the Purchase Order with the John Fabick Tractor Company, in the amount of One Hundred Sixty Nine Thousand Five Hundred and no/100 Dollars ($169,500.00) in the City of Joplin, Missouri.

Section 2. That the City Manager of the City of Joplin, Missouri, is hereby authorized to execute the Purchase Order described in Section 1 of this Ordinance for and on behalf of the City of Joplin.

Section 3. This ordinance is an emergency within the meaning of Section 2.12 (6) in that said ordinance provides for public improvements and is considered an emergency by the Council and as such shall become effective immediately upon this passage as provided by the Home Rule Charter for the City of Joplin.

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

_____, 2013, by a _____ vote.

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 15, 2013
Council Bill No. 2013- 210

Item: Motor Vehicle Expenditures
Originating Department: Public Works – Wastewater Treatment Division

Attachments: 1) Bid Tabulations
2) Council Bill No. 2013-210

Operations Planning: Jack Schaller JS	Date: 7-8-13
Department Head: David Hertzberg DH	Date: 7/8/13
Finance Department: Leslie Haase LH	Date: 7-9-13
City Attorney: Brian Head	Date: 7/9/13
City Manager: Mark Rohr	Date: 7/9/13

Recommended Action: Approval of the purchase of a Truck Mounted Material Spreader for the Wastewater Treatment Division.

Background: Following the approval of the FY 2012-2013 Operating Budget by the Council, requests for bids were publically announced for a truck mounted material spreader to be utilized in the Wastewater Treatment Division. This is part of the approved Wastewater Treatment Plant Upgrade.

Discussion: Five bids were received for the truck mounted material spreader, with the lowest bid presented by Mohrlang Fabrication, in the amount of $165,100. The equipment as bid meets the specifications requested by the Public Works Department, the lowest bid was rejected due to not meeting the required specifications. Mohrlang Fabrication is the best bid of all that were received. There is no trade in for this piece of equipment.

Recommendation: It is recommended that the City accept the bid as described for the purchase of a truck mounted material spreader.

BID TABULATION

PROJECT: Truck Mounted Material Spreader
DATE OF BID OPENING: June 6, 2013

CONTRACTOR	BID
Mohrlang Fabrication	165,100.00
Mohrlang Fabrication	165,200.00
Mohrlang Fabrication	174,233.62
S & H Farm	164,720.00
S & H Farm	170,570.00

COUNCIL BILL NO. 2013- 210 ORDINANCE NO.

AN ORDINANCE approving the Purchase Order with Mohrlang Fabrication, in the amount of One Hundred Sixty Five Thousand One Hundred and no/100 Dollars ($165,100.00), in the City of Joplin, Missouri; and containing an emergency clause.

BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. Approve the Purchase Order with Mohrlang Fabrication in the City of Joplin, Missouri.

Section 2. That the City Manager of the City of Joplin, Missouri, is hereby authorized to execute the Purchase Order described in Section 1 of this Ordinance for and on behalf of the City of Joplin.

Section 3. This ordinance is an emergency within the meaning of Section 2.12 (6) in that said ordinance provides for public improvements and is considered an emergency by the Council and as such shall become effective immediately upon this passage as provided by the Home Rule Charter for the City of Joplin.

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

_____, 2013, by a _____ vote.

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 15, 2013
Council Bill No. 2013 - 211

Item: Consultant Agreement, Bridge over 20th Street over KCS tracks Project
Originating Department: Public Works – Engineering

Attachments: 1) Agreement with Estimate of Engineering Costs
2) Council Bill No. 2013-211

Engineering Department: Jack Schaller JS	Date: 7-8-13
Department Head: David Hertzberg DKH	Date: 7/8/13
City Attorney: Brian Head	Date: 7/9/13
City Manager: Mark Rohr	Date: 7/9/13
Finance Department: Leslie Haase LH	Date: 7-9-13

Recommended Action: Approval of Consultant Agreement with Olsson & Associates not to exceed the amount of $36,300 for evaluation of preliminary and final plans services for the Bridge over 20th Street Project.

Background: In October of 2012 the City entered into an agreement with Transystems Corporation for professional design, survey, and geo tech services for the bridge over 20th Street.

The design is to reduce delay and enhance safety for train operators and highway users, separating the crossing grade is necessary. The design will take into consideration pedestrian and bicycle amenities.

The surrounding land uses at this crossing are primarily commercial, so reducing delay and enhancing the safety of highway users is necessary. The most effective solution would be constructing a grade separation.

Kansas City Southern Railway Company has requested to have a second company review the plans in regards to the area concerning the railroad property and took bids and qualifications for a company to conduct the review.

Discussion: Kansas City Southern Railway Company has requested Olsson Associates to review and evaluate the preliminary and final plans submitted by the city consultant, Transystems. Attached is the consultant agreement with the schedule and scope of work. This includes a not to exceed amount of $ 36,300 which falls within industry standards for consulting costs. The city has agreed to pay a portion of the review costs.

Recommendation: Consultant Agreement with Olsson & Associates not to exceed the amount of $36,300 for review and evaluation of preliminary and final plans for the Bridge over 20th Street Project.

OLSSON ASSOCIATES

LETTER AGREEMENT FOR
PROFESSIONAL SERVICES

June 5, 2013
Mr. Srikanth Honnur
Director Track and Bridge Construction
Kansas City Southern Railway Company
427 West 12th Street
Kansas City, Kansas 64105

Re: **AGREEMENT FOR PROFESSIONAL SERVICES**
Review and evaluation of preliminary and final plans for proposed overhead bridge - MoDOT proposed bridge 20th Street over KCS tracks, Joplin, Jasper County, Missouri

Dear Sri:

It is our understanding that The Kansas City Southern Railway Company ("Client") requests Olsson Associates ("Olsson") to perform the following services pursuant to the terms of this Letter Agreement, Olsson's General Provisions and any exhibits attached thereto (hereinafter "the Agreement") for the Project.

1. Olsson has acquainted itself with the information provided by Client relative to the Project and based upon such information offers to provide the services described below for the Project. Client warrants that it is either the legal owner of the property to be improved by this Project or that Client is acting as the duly authorized agent of the legal owner of such property. Client acknowledges that it has reviewed the General Provisions (and any exhibits attached thereto), which are expressly made a part of and incorporated into this Agreement by this reference. In the event of any conflict or inconsistency between this Agreement and the General Provisions regarding the services to be performed by Olsson, the requirements of this Agreement shall take precedence.

2. Olsson shall provide Client all Basic Services for the Project – provide review comments of the preliminary and final plans for the proposed 20th Street overhead bridge and up to twenty site visits to attend preconstruction meeting, investigate existing site conditions and proposed bridge layout and to check on progress of construction and conformance of contractor to Kansas City Southern's safety guidelines, policies and practices and conformance to the States plans. We will also be available for up to two local meetings with Client and/or MoDOT as required.. Should Client request work not described and included in the above Description of Basic Services, such as Additional Services, Olsson shall invoice Client for such services on the basis of Salary Costs times a factor of 2.5 for services rendered by our principals and employees engaged directly on the Project plus Reimbursable Expenses, unless otherwise agreed to by both parties. Olsson shall not commence work on Additional Services without Client's prior approval in writing.

7301 West 133rd Street, Suite 200
Overland Park, Kansas 66213
TEL 913.381.1170
FAX 913.381.1174
www.oaconsulting.com

Olsson agrees to provide all of its services in a timely, competent and professional manner, in accordance with applicable standards of care, for projects of similar geographic location, quality and scope.

SCHEDULE FOR OLSSON'S SERVICES

3. Unless otherwise agreed, Olsson would expect to begin performing its services under this Agreement promptly upon your signing and giving us notice to proceed.

Anticipated Start Date: After Notice to Proceed is issued
Anticipated Completion Date: upon completion of bridge and final inspection

COMPENSATION

4. Compensation for Olsson's services are based on time and material with a not to exceed fee of Thirty-six Thousand Three Hundred Dollars ($36,300). Breakdown of this fee is delineated in the following Scope of Work section.

SCOPE OF WORK & PROJECT DELIVERABLES

5. Review of proposed plans – this will include evaluation of how plans conform to Kansas City Southern's guideline for grade separation structures, review of proposed plans, any intermediate submittals and also final plans to build 20th Street over the Kansas City Southern's tracks in Joplin, Missouri. There is also allowance to attend up to two local meetings or participate in conference calls with Client and/or MoDOT representatives. Olsson will also conduct up to twenty site visits at the following stages:

    - Pre-construction meeting to ensure contractor is aware of their responsibilities with regards to safely working on, around or above Railroad right-of-way and that they are made aware of all pertinent contact information. We will acquire a schedule of construction from the contractor either prior to this meeting or at this meeting. We will also confirm with the contractor when he expects to be working within 25' of the centerline of tracks or over the tracks that he needs to arrange for a flagperson at least two weeks in advance.
    - Three to five weeks after construction begins
    - Approximately every two weeks thereafter for a period of thirty-four weeks (or on a more frequent as-needed basis as determined by K.C. Southern personnel). Duration of the entire project is assumed to last eighteen months, however we estimate that work involving the K.C.S. R.O.W. should be substantially complete within the thirty-four week time frame.
    - At completion of the structure to verify conformance to the plans and document "As-Built" conditions of vertical and horizontal clearances and provide acceptance and/or punch list of recommended repairs needing to be addressed before final acceptance is given.

N.T.E. fee for plan review: $3,500 (includes MoDOT standard O.H. rate multiplier of 3.069) – this fee includes 18 hours of review time by Senior Engineer at hourly rate of $63.75.

N.T.E. fee for on-site inspection and Project Management: $32,800 (includes MoDOT standard O.H. rate multiplier of 3.069) – this fee includes 30 hours of Project

Management by Senior Engineer at hourly rate of $63.75 and 300 hours (average of 15 hours per week for 20 weeks) of on-site review time and project administration by Resident Engineer at hourly rate of $29.25.

TERMS AND CONDITIONS OF SERVICE

6. The Agreement represents the entire understanding between Client and Olsson with respect to the Project and may only be modified in writing signed by both parties.

7. If this proposal satisfactorily sets forth your understanding of our agreement, please sign the Letter Agreement in the space provided (indicating Client's designated Project representative if different from the party signing the Agreement). Retain a copy for your files and return an executed original to Olsson. This proposal will be open for acceptance for a period of thirty days from the date set forth above, unless changed by us in writing.

8. By signing below, you acknowledge that you have full authority to bind Client to this agreement.

Respectfully submitted,
OLSSON ASSOCIATES

By Ken Jennison

Ken Jennison, P.E.
Senior Engineer & P.M.

Shane Hennessey, P.E.
Team Leader

If you are in agreement with the preceding proposal, please sign:

The Kansas City Southern Railway Company "Client"

By _____

Title _____ Dated: _____

If different from above,

_____
Client's Designated Project Representative

COUNCIL BILL NO. 2013- 211 ORDINANCE NO.

AN ORDINANCE approving the City of Joplin to enter into an Agreement with Olsson & Associates for review and evaluation services for the Bridge over 20th Street in an amount not to exceed Thirty Six Thousand Three Hundred No/100 Dollars ($36,300.00) and authorizing the Public Works to execute said Agreement; and containing an emergency clause.

BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. That the City enter into an Agreement with Olsson & Associates to provide review and evaluation services for the Bridge over 20th Street in an amount not to exceed Thirty Six Thousand Three Hundred No/100 Dollars ($36,300.00).

Section 2. That the Public Works Director of the City of Joplin, Missouri, is hereby authorized to execute said Agreement for and on behalf of the City of Joplin.

Section 3. This ordinance is an emergency within the meaning of Section 2.12 (6) in that said ordinance provides for public improvements and is considered an emergency by the Council and as such shall become effective immediately upon this passage as provided by the Home Rule Charter for the City of Joplin.

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

_____, 2013, by a _____ vote.

ATTEST: Melodee Colbert Kean, Mayor

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

COUNCIL BILL NO. 2013-619 ORDINANCE NO.

AN ORDINANCE amending the Classification and Pay Plan adopted by Ordinance No. 2012-173 and authorizing a new classification title for the Planning and Community Development Department and containing an emergency clause.

WHEREAS, the City Council of the City of Joplin, Missouri, upon the recommendation of the Carl S. Becker Company, Inc., approved and implemented a Classification and Pay Plan on October 16, 2000, revised November 1, 2006, and occasionally added to since that time;

WHEREAS, that the Classification and Pay Plan included provisions whereby the Plan was reviewed beginning in June 2007 with the Envisioning Process to determine second tier management staffing levels in specific departments and to be in line with the Blueprint for the Future I and II; and,

WHEREAS, the City Council of the City of Joplin, Missouri, upon recommendation of the City Staff, approved and implemented a new Classification and Salary Administration Plan on August 20, 2012 to be affected November 1, 2012;

WHEREAS, the City Manager has reviewed the new title for the Planning and Community Development Department requesting the creation of CDBG Project Manager to oversee the implementation of projects approved as part of the CDBG-DR program. The Personnel Board has reviewed and approved the new classification title and duties.

WHEREAS, the City Manager has reviewed the Classification and Pay Plan revisions and is recommending these to the Council as stated above;

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

Section 1. That the Classification and Pay Plan adopted by the Council of the City of Joplin, Missouri, on August 20, 2012, by Ordinance No. 2012-173, and having been amended to include functional and organizational changes.

Section 2. That the classification as attached hereto as “Exhibit A” is hereby established.

Section 3. That this being an Ordinance affecting current expenditures of the City government and having to do with the expenditure of public funds, shall be considered an Emergency Ordinance within the meaning of Section 2.12(3) (4) of the Home Rule Charter of the City of Joplin, Missouri, and as such shall become effective immediately upon its passage.

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

_____
Melodee Colbert-Kean, Mayor

ATTEST:

_____
Barbara Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

CITY OF JOPLIN
Council Meeting
July 15, 2013

Council Bill 2013-619
Classifications Changes

EXHIBIT A

Classification Title	Pay Range	Minimum Pay	Maximum Pay
CDBG Project Manager	340	$46,303/yr	$69,793/yr

FIRST READING

COUNCIL BILL NO. 2013-618 ORDINANCE NO.

AN ORDINANCE approving the application of Emancipation Committee's Emancipation Celebration Park Day 2013; Spiva Center for the Art's, Tools in Motion Exhibition; Bright Futures USA, Bright Futures Community Engagement Conference; Joplin Disc Golf, Four States Open and Rufus Racing's, Joplin Triathlon Weekend; for utilization of FY2013 Festivals and Celebrations support pursuant to Ordinance No. 2000-148, as authorized by the voters on November 7, 2000; authorizing the City Manager to execute appropriate agreements with each such organization for the utilization of such funds.

WHEREAS, the voters of the City of Joplin approved an increase in the Occupational License Tax for transient sleeping accommodations at an election held on November 7, 2000; and,

WHEREAS, pursuant to the provisions of Ordinance No. 2000-148, a portion of said funds are to be utilized for festivals or celebrations intended to attract visitors from the region to the City and other related activities in the City; and,

WHEREAS, the Convention & Visitors Advisory Board established an application procedure and reviewed the applications of numerous organizations, and, have recommended to the Council that certain festivals or celebrations and other events be funded utilizing a portion of said proceeds; and,

WHEREAS, after having a Public Hearing thereon, as required by said ordinance, the Council of the City of Joplin desires to utilize a portion of the proceeds from said tax in accordance with the recommendations of the Convention & Visitors Advisory Board.

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

Section 1. That the Application of Emancipation Celebration Park Day (August 2-4, 2013) in the amount of Four Thousand Two Hundred Dollars ($4,200); Spiva Center for the Art's; Tools In Motion (September 21 – November 8, 2013) in the amount of Three Thousand Two Hundred and Seventy Dollars ($3,270); Bright Futures USA, Bright Futures Community Engagement Conference (October 13-16, 2013) in the amount of Three Thousand Five Hundred, Twenty Five Dollars ($3,525); Joplin Disc Golf Club 4 State Open (September 25-27, 2013) in the amount of Two Thousand Five Hundred Dollars ($2,500) and Rufus Racing's Joplin Triathlon Weekend (June 28 & 30, 2013) in the amount of Six Hundred Twenty Five Dollars ($625); for utilization of FY2013 Festivals and Celebrations support pursuant to Ordinance No. 2000-148, as authorized by the voters on November 7, 2000, be and the same are hereby approved.

Section 2. That the City Manager is hereby authorized and directed to execute appropriate Agreements, by and on behalf of the City of Joplin, with each said organization for the expenditure of said funds in accordance with the recommendation of the Joplin Convention & Visitors Bureau, and, in accordance with Ordinance No. 2000-148.

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

I hereby certify that a sufficient amount is available in the CVB Fund, Account No. 105-4080-560-7505, to pay the grant amounts awarded.

Leslie Haase, Director of Finance