INFORMAL AGENDA

June 17, 2013

5:15 p.m.

1. Segal to give semi-annual update on insurance
2. Discussion of Route 66 Mural Park issues and proposal.
3. Motor vehicle sales tax discussion
4. Any other business

COUNCIL AGENDA

COUNCIL A G E N D A

June 17, 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
1. Update on Public Safety Training – Fire Chief Randles and Police Chief Roberts
2. Proposed Expenditure Plan for CDBG Round 2

4. Finalization of Consent Agenda

5. Reports and Communications
1. Capital Improvement Public Safety Sales Tax Oversight Committee Semi-Annual Report – Doug Doll

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

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

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

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

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

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

7. Public Hearings

8. Consent Agenda

1. Minutes of the June 3, 2013 meeting

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

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

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

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

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

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

9. Resolutions

10. Ordinances – Emergency

1. COUNCIL BILL NO. 2013-204 - AN ORDINANCE authorizing the acceptance of grant M2014-008 from Region M Solid Waste Management District relating to the funding for the purchase of a 40 cubic yard roll-off container, and amending the Annual Budget of the City of

Joplin for the Fiscal Year 2012-2013 as adopted by Ordinance 2012-186 on October 15, 2012, to adjust appropriations and containing an emergency clause.

2. COUNCIL BILL NO. 2013-205 - AN ORDINANCE authorizing the City to enter into an Agreement with the Great River Associates for the MSSU Trail Project in an amount not to exceed $34,417.76 containing an emergency clause; authorizing the Director of Public Works to execute said Agreement for and on behalf of the City; and containing an emergency clause.

11. Ordinances – First Reading

12. Ordinances – Second Reading and Third Reading

13. Unfinished Business

14. New Business

Notice posted at 4:30p.m. on this the 13 day of June, 2013. (RSMo 610.020)

PRESENTATIONS

REPORTS
&
COMMUNICATIONS

CITIZENS REQUESTS

REQUEST TO ADDRESS COUNCIL

TO: Mayor and Members of the Council Date: 6/12/2013

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

DEFFENBAUGH INDUSTRIES CURBSIDE RECYCLING AND RESIDENTIAL COLLECTION PROGRAMS. ALTERNATIVES TO CURRENT PROGRAMS OFFERED BY ALLIED WASTE.

Thank you.

Name: BOB MATHIS

Address: 848 HWY 264 EAST BETHEL HEIGHTS, AR

Daytime Phone: 479-872-8472

Phone No.: 913-208-0066

Bob Mathis

Bob Mathis
General Manager

848 Highway 264 East
Bethel Heights, AR 72764

Office: 479-872-9098
Fax: 479-872-0548
Cell: 913-208-0066
rmathis@deffenbaughinc.com
www.deffenbaughinc.com

Deffenbaugh INDUSTRIES

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RECEIVED
JUN 12 2013
OFFICE OF CITY CLERK
CITY OF JOPLIN MISSOURI

REQUEST TO ADDRESS COUNCIL

TO: Mayor and Members of the Council Date: 6-12-2013

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

Covanta Energy- Speak about The advantages of Waste To Energy and our Process.

Thank you.
Name: Matthew Newman
Address: 2122 S. Yukon Avenue
Daytime Phone: 918-295-4736
Phone No.: _____

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Co./Dept.	Co.	
Phone #	Phone #	
Fax # 625-4910	Fax #	

417

RECEIVED
JUN 12 2013
OFFICE OF CITY CLERK
CITY OF JOPLIN MISSOURI

REQUEST TO ADDRESS COUNCIL

Date: 6/12/13

TO: Mayor and Members of the Council

I would like to address the City Council at the 6/17/13 meeting on the following subject:

curbside recycling

Thank you.

Name: Catherine Hart

Address: 3115 S. Main #5023

Daytime Phone: 620-549-3752

Phone No.: _____

Catherine Hart

RECEIVED
JUN 12 2013
OFFICE OF CITY CLERK
CITY OF JOPLIN MISSOURI

REQUEST TO ADDRESS COUNCIL

TO: Mayor and Members of the Council

Date: 6/12/2013

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

I ASK AND ENCOURAGE THE CITY COUNCIL TO RE-ADDRESS PROVIDING RECYCLING SERVICES TO RESIDENTIAL CUSTOMERS AND ACTING UNDER A COUNCIL MANDATE NOT PUTTING THE DECISION TO A PUBLIC VOTE

Thank you.

Name: Ryan D. Shanley

Address: 107 W Sherman Dr. 64801

Daytime Phone: (417) 627-7479

Phone No.: Same

Post-it® Fax Note 7671	Date	# of pages ▶ 1
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Co./Dept.	Co.	
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Fax # 625-4710	Fax #	

RECEIVED
JUN 12 2013
OFFICE OF CITY CLERK
CITY OF JOPLIN MISSOURI

REQUEST TO ADDRESS COUNCIL

DATE: 6/12/13

TO MAYOR AND MEMBERS OF THE COUNCIL:

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

IN FAVOR OF CURBSIDE RECYCLING

Susan Adams

Name: SUSAN ADAMS

Address: 1130 ROOSEVELT AVE, JOPLIN

Daytime Phone No. 417-850-3964

Return to City Clerk's office:

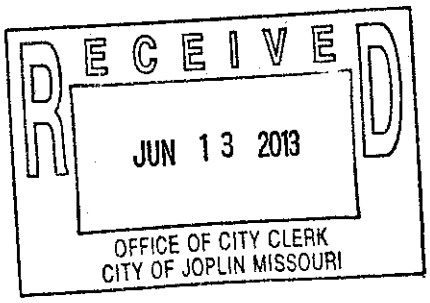
Barbara Hogelin, City Clerk
602 S. Main St.
Joplin, MO 64801
Fax: 417-625-4710

REQUEST TO ADDRESS COUNCIL

TO: Mayor and Members of the Council Date: 6-13-2013

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

Recycling



Thank you.
Name: Steve Gaarder
Address: 214 E 4th # 302
Daytime Phone: (417) 624-8116 Home
Phone No.: (417) 483-1543 Cell

CONSENT AGENDA

CITY OF JOPLIN

CITY COUNCIL MEETING

MINUTES June 3, 2013

CALL TO ORDER

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

ROLL CALL – Motion by Dr. Rosenberg, Second by Mr. Golden to excuse Mr. Scearce and Ms. Raney. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0.

INVOCATION - read by City Attorney Brian Head

FLAG SALUTE – led by Mr. Shaw

PRESENTATIONS - Presentation by Fire Chief Mitch Randles. Fire Chief Mitch Randles and Assistant Police Chief Jason Burns honored Shelby Howard and Charles Copple for performing CPR while off duty during a life changing event.

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

REPORTS AND COMMUNICATIONS

CITIZEN REQUESTS AND PETITIONS

PUBLIC HEARINGS Public Hearing Procedures read by City Clerk Barbara Hogelin

The City Council of the City of Joplin through this introduction, accepts into evidence the 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 Todd Barwick, 7087 Nighthawk Rd, Neosho, MO, to operate a taxicab business in the City of Joplin.

Mayor Colbert-Kean opened the Public Hearing

Todd Barwick, 7087 Nighthawk Rd, Neosho, MO asked to operate a taxicab service in the city of Joplin.

No one appeared in opposition to this request.

The Public Hearing was closed.

Motion by Mr. Seibert, Second by Mr. Golden to approve the license. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

PUBLIC HEARING for COUNCIL BILL NO. 2013-266

Mr. Thomas Nguyen, appeared on behalf of this request.

No one appeared in opposition to this request.

The Public Hearing was closed.

Dr. Rosenberg introduced Council Bill No. 2013-266. Motion by Dr. Rosenberg, Second by Mr. Golden to place Council Bill No. 2013- 266 on First Reading, advance to Second and Third Reading. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

The Bill was read as being Council Bill No. 2013-266

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

PUBLIC HEARING for COUNCIL BILL NO. 2013-267

Mr. Charlie Kuehn, 620 McConnell, appeared on behalf of this request.

No one appeared in opposition to this request.

The Public Hearing was closed.

Mr. Woolston introduced Council Bill No. 2013-267. Motion by Mr. Woolston, Second by Mr. Seibert to Place Council Bill No. 2013-267 on First Reading and Advance to Second and Third Reading. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

The Bill was read as being Council Bill No. 2013-267

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

PUBLIC HEARING for COUNCIL BILL NO. 2013-268

Mr. Charlie Kuehn, 620 McConnell, appeared on behalf of this request.

No one appeared in opposition to this request.

The Public Hearing was closed.

Mr. Golden introduced Council Bill No. 2013-268. Motion by Mr. Golden, Second by Mr. Seibert to Place Council Bill No. 2013-268 on First Reading and Advance to Second and Third Reading. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

The Bill was read as being Council Bill No. 2013-268

AN ORDINANCE providing for the vacation of a portion of a 20-foot wide public alley located west of 3014 and 3030 South Main Street in the City of Joplin, Jasper County, Missouri

PUBLIC HEARING for COUNCIL BILL NO. 2013-269

Mr. Rick Rolflilng, 103 Elm St. Washington, MO, appeared on behalf of this request.

No one appeared in opposition to this request.

The Public Hearing was closed.

Mr. Shaw introduced Council Bill No. 2013-269. Motion by Mr. Shaw, Second by Mr. Glaze to Place Council Bill No. 2013-269 on First Reading and Advance to Second and Third Reading. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

The Bill was read as being Council Bill No. 2013-269

AN ORDINANCE providing for the vacation of a portion of a 20-foot wide public alley and utility easement located west of 720 South St. Louis Avenue in the City of Joplin, Jasper County, Missouri.

PUBLIC HEARING for COUNCIL BILL NO. 2013-270

Mr. Rick Rolflilng, 103 Elm St. Washington, MO, appeared on behalf of this request.

No one appeared in opposition to this request.

The Public Hearing was closed.

Mr. Woolston introduced Council Bill No. 2013-270. Motion by Mr. Woolston, Second by Mr. Golden to Place Council Bill No. 2013-270 on First Reading and Advance to Second and Third Reading. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

The Bill was read as being Council Bill No. 2013-270

AN ORDINANCE providing for the vacation of a 60-foot wide utility easement located at 1600 East Seventh Street in the City of Joplin, Jasper County, Missouri.

PUBLIC HEARING for COUNCIL BILL NO. 2013-271

Mr. Rick Rolflilng, 103 Elm St. Washington, MO, appeared on behalf of this request.

No one appeared in opposition to this request.

The Public Hearing was closed.

Mr. Woolston introduced Council Bill No. 2013-271. Motion by Mr. Woolston, Second by Mr. Seibert to Place Council Bill No. 2013-271 on First Reading and Advance to Second and Third Reading. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

The Bill was read as being Council Bill No. 2013-271

AN ORDINANCE providing for the vacation of a 20-foot wide utility easement located at 1600 East Seventh Street in the City of Joplin, Jasper County, Missouri

CONSENT AGENDA APPROVED - Motion by Mr. Shaw, Second by Mr. Golden to approve the consent Agenda. . Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

Minutes of the May 6, 2013 city council meeting

Minutes of the May 13, 2013 special city council meeting

Minutes of the May 29, 2013 special city council meeting

COUNCIL BILL NO. 2013-262 -AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District R-2 property as described below and located at 1802 New Hampshire Avenue in the City of Joplin, Jasper County, Missouri. Ordinance No. 2013-122

COUNCIL BILL NO. 2013-263 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-0-PD and District R-1 and including in District C-1-PD property as described below and located at 1731 East 20th Street, 1830 and 1902 South St. Louis Avenue in the City of Joplin, Jasper County, Missouri. Ordinance No. 2013-123

COUNCIL BILL NO. 2013-264 - AN ORDINANCE approving the voluntary annexation by the City of Joplin of Central City Road between 26th Street and 32nd Street, including 26th Street between Central City Road and East approximately 795 feet, and 32nd Street between Central City Road and East approximately 795 feet, in Jasper County, Missouri. Ordinance No. 2013-124

COUNCIL BILL NO.2013-265 - AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located at the northeast corner of 32nd Street and Central City Road, in Jasper County, Missouri. Ordinance No. 2013-125

COUNCIL BILL NO.2013-506 - AN ORDINANCE amending Section 118-203, Basis for computation, and Section 118-206, Billing and Collection Procedures, of Article II, Sewers and Sewage Disposal, of Division 6, Rates and Charges, of Chapter 118, Utilities, of the Code of Ordinances of the City of Joplin to implement certain language changes; and setting a date when this Ordinance shall become effective. Ordinance No. 2013-126

RESOLUTIONS

ORDINANCES-EMERGENCIES

Mr. Shaw introduced Council Bill No. 2013-186. Motion by Mr. Shaw Second by Mr. Golden to Adopt Council Bill No. 2013-186. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-127

AN ORDINANCE authorizing an Application to the Missouri Department of Transportation for state funds to be used for operating assistance for the Metro Area PublicTransit System, and containing an emergency clause.

Mr. Golden introduced Council Bill No. 2013-189 - Motion by Mr. Golden Second by Mr. Shaw to Adopt Council Bill No. 2013-189. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-128

AN ORDINANCE approving the City of Joplin to enter into an Agreement with Emery Sapp & Sons Inc, for the 4th & Tyler Stormwater Project in the amount of One Hundred Sixty One

Thousand Nine Hundred Fifteen and 27/100 Dollars ($161,915.27) and authorizing the Public Works Director to execute said Agreement; and containing an emergency clause.

Mr. Seibert introduced Council Bill No. 2013-192 - Motion by Mr. Seibert Second by Mr. Golden to Adopt Council Bill No. 2013-192. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-129

AN ORDINANCE declaring a public necessity for the acquisition by condemnation proceedings of a permanent slope easement from property described as Lot Numbered Nine (9) in GLENWOOD ADDITION, to the City of Joplin, Jasper County, Missouri, to be utilized for Street Improvements on Schifferdecker Avenue, directing the City Attorney to commence an action to obtain said property; and containing an emergency clause.

Mr. Shaw introduced Council Bill No. 2013-193 - Motion by Mr. Shaw Second by Mr. Golden to Adopt Council Bill No.2013-193. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-130

AN ORDINANCE declaring a public necessity for the acquisition by condemnation proceedings of right of way and a permanent drainage easement from property described as Lot Ten (10) in Chamber of Commerce Addition, to the City of Joplin, Jasper County, Missouri, to be utilized for Street Improvements on Maiden Lane, directing the City Attorney to commence an action to obtain said property; and containing an emergency clause.

Mr. Woolston introduced Council Bill No. 2013-195 - Motion by Mr. Woolston Second by Mr. Seibert to Adopt Council Bill No. 2013-195. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-131

AN ORDINANCE declaring a public necessity for the acquisition by condemnation proceedings of right of way and a temporary construction easement from property described as Lot Nine (9) and Ten (10) in Clark's Addition, to the City of Joplin, Jasper County, Missouri, to be utilized for Street Improvements on Maiden Lane, directing the City Attorney to commence an action to obtain said property; and containing an emergency clause.

Mr. Seibert introduced Council Bill No. 2013-196 - Motion by Mr. Seibert Second by Mr. Glaze to Adopt Council Bill No. 2013-196. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-132

AN ORDINANCE declaring a public necessity for the acquisition by condemnation proceedings of right of way and a temporary construction easement from property described of Lot 21 in Ludwig's First Addition, to the City of Joplin, Jasper County, Missouri, to be utilized for Street Improvements on Maiden Lane, directing the City Attorney to commence an action to obtain said property; and containing an emergency clause.

Mr. Seibert introduced Council Bill No. 2013-197 - Motion by Mr. Seibert Second by Mr. Golden to Adopt Council Bill No. 2013-197. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-133

AN ORDINANCE approving the City of Joplin to enter into an Agreement with Missouri Northern Arkansas Railroad for Easements for the Maiden Lane Widening Project in the City of Joplin and authorizing the Director of Public Works of the City of Joplin to execute said Agreement; and containing an emergency clause.

Mr. Seibert introduced Council Bill No. 2013-198 - Motion by Mr. Seibert Second by Mr. Glaze to Adopt Council Bill No. 2013-198. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-134

AN ORDINANCE approving the City of Joplin to enter into an Agreement with Missouri Northern Arkansas Railroad for a Deed Easement for the Maiden Lane Widening Project in the City of Joplin and authorizing the Director of Public Works of the City of Joplin to execute said Agreement; and containing an emergency clause.

Mr. Golden introduced Council Bill No. 2013-199 - Motion by Mr. Golden Second by Mr. Shaw to Adopt Council Bill No. 2013-199. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-135

AN ORDINANCE approving an Addendum with the U.S. Department of Transportation Federal Highway Administration for the TIGER Grant No. 8 Agreement and authorizing the City Manager to execute said Addendum and containing an emergency clause.

Mr. Seibert introduced Council Bill No. 2013-200 - Motion by Mr. Seibert Second by Mr. Woolston to Adopt Council Bill No.2013-200. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-136

AN ORDINANCE approving the City of Joplin to enter into an agreement with Camcor Environmental to provide professional services for the Remediation of Metals Contaminated Soil and authorizing the Public Works Director to execute said Agreement; and containing an emergency clause.

Mr. Shaw introduced Council Bill No. 2013-201 - Motion by Mr. Shaw Second by Mr. Glaze to Adopt Council Bill No. 2013-201. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-137

COUNCIL BILL NO.2013-201-AN ORDINANCE authorizing a First Supplemental Funding Agreement with the Missouri Department of Transportation for the Zora and Main Interchange Project and containing an emergency clause.

Mr. Shaw introduced Council Bill No. 2013-202 - Motion by Mr. Shaw Second by Mr. Golden to Adopt Council Bill No. 2013-202.Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-138

AN ORDINANCE approving the purchase of right of way from property at 22nd and Maiden Lane, consisting of part of Lot Numbered One Hundred Ten (110) in Southwest Village Subdivision in the City of Joplin, Jasper County, Missouri; and authorizing the payment of Seventeen Thousand Five Hundred and 00/100 dollars ($17,500.00) and containing an emergency clause.

Mr. Shaw introduced Council Bill No. 2013-203 - Motion by Mr. Shaw Second by Mr. Golden to Adopt Council Bill No. 2013-203.Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-107

AN ORDINANCE approving the City of Joplin to enter into a Change Order Agreement with Ewing Signal, for the Tornado Damaged Signal & Lighting in the amount of Two Hundred Thirteen Thousand Nine Hundred Sixty Seven and 55/100 Dollars ($213,967.55) and authorizing the Public Works Director to execute said Agreement; and containing an emergency clause.

ORDINANCES – FIRST READING

ORDINANCES – SECOND READING AND THIRD READING

Mr. Shaw introduced Amended Council Bill No. 2013-001. Motion by Mr. Shaw Second by Dr. Rosenberg to Place Amended Council Bill NO. 2013-001 0n Second Reading, Advance to Third Reading and Pass. Voting in favor were Council Members: Colbert-Kean, Rosenberg, Shaw and Woolston, 4. Nays: 3, Golden, Glaze and Seibert. Absent: 2, Raney, Scearce.

NEW BUSINESS

Case 027-13: 2921 East 22nd Street – A request for a Site Plan Review for the expansion of a parking lot in a District C-1-PD (Neighborhood Commercial – Planned Development) zoning district – Smitco Eateries, Inc. / Dirk Thibodaux. Motion by Mr. Woolston, Second byMr. Golden to Approve the Site Plan Review. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7.
Nays: 0. Absent: 2, Raney, Scearce.

Appointments/Reappointments to Boards and Commissions:

Reappointments ADA – Gina Miller; Library- Jill LaGasse; Planning & Zoning – Keenan Cortez and Kent Eastman; Solid Waste – Steve Fuller.

Appointments ADA – Joe Howsmon; Bd of Adjustments – Chad Carroz; Parks and Rec – Dustin Parker

Motion by Dr. Rosenberg, Second by Mr. Glaze to approve the appointments/reappointments to Boards and Commissions. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 2, Raney, Scearce.

There being no further business the meeting adjourned at 7:06 p.m.

Respectfully submitted,

Barbara L Hogelin

Barbara Hogelin, City Clerk, MMC/MPCC

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: June 3, 2013

Item: COUNCIL BILL NO. 2013-266
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: David Hertzberg DH Date: 5/24/2013
City Attorney: Brian Head BH Date: 5-28-13
City Manager: R. Mark Rohr RMR Date: 5-28-13
Board or Commission: Planning and Zoning Commission MDW Date: 5/13/2013

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

SUMMARY/REQUEST:
Case 021-13: 2610 East 32nd Street – A request to rezone from District C-O (Non-Retail Commercial) to District C-1 (Neighborhood Commercial) for future retail use – Thomas Nguyen.

STAFF SUMMARY:
The proposed rezoning would allow the applicant (the current property owner) to operate a retail use. The applicant would like to open a nail salon in the existing building, which is not permitted in a C-O zoning district.

Staff recommends approval of Case 021-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Thomas Nguyen appeared to request the rezoning of his property from District C-0 to District C-1.

PUBLIC COMMENT:
Mrs. Sharon Vernon, 2115 East 35th Street, Joplin, owns the property at 3232 Garrison. She is not opposed to the request but asked about the parking lot in the back due to the slope in this area. She asked if Mr. Nguyen will build that area up and expressed concern about drainage to the south.

Mr. Wright has discussed the drainage issue with the applicant. He must obtain a stormwater report and develop a stormwater management plan before he can expand that parking lot.

Z&P Meeting: May 13, 2013
City Council Meeting: June 3, 2013

STAFF PLANNING REPORT
Rezoning

CASE 021-13:

A request to rezone from District C-O (Non-Retail Commercial) to District C-1 (Neighborhood Commercial) for property located at 2610 East 32nd Street to allow for future retail use.

APPLICANT: Thomas Nguyen

LOCATION: 2610 East 32nd Street

REQUESTED ZONING: C-1 (Neighborhood Commercial)

CORRIDOR: N/A

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
C-O (Non-Retail Commercial)	Office	110' x 134' / 14,740 ft² / .34 acres

SITE CONTEXT:

	North	East	South	West
Existing Zoning	C-1 PD	C-3 PD	R-1	R-1
Land Use	Commercial	Commercial	Single-Family	Single-Family

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
32nd Street	Major Arterial	85'
Garrison Avenue	Local	40'

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.

DISCUSSION

The proposed rezoning would allow the applicant (the current property owner) to operate a retail use. The applicant would like to open a nail salon in the existing building, which is not permitted in a C-O zoning district.

Staff recommends approval of Case 021-13.

ENCLOSURES:

None

CITY OF JOPLIN, MISSOURI
REZONING APPLICATION FORM

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

RECEIVED
3-26-13

For Office Use Only
Case No.: 021-13
Filing Fee: $350.00
Date Advertised: 4-28-13
Date Notices Sent 4-29-13
Public Hearing Date: 5-13-13

APPLICANT: THOMAS NGUYEN PHONE: 417-529-6256
ADDRESS: 3312 S. Delaware Ave, Joplin, MO 64804 ZIP:
OWNER: THOMAS NGUYEN PHONE: 417-529-6256
ADDRESS: 3312 S. Delaware, Joplin, MO ZIP: 64804
LOCATION OF PROPERTY: 2610 E. 32nd Street, Joplin, MO 64804
LEGAL DESCRIPTION: LOT 1 GUERRON Subdivision

Present Zoning C-O Requested Zoning: C-1-PD Acreage:
Present Use of Property: DERMATECH - Skin care - Salon and Spa

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	CONCORD PLAZA	C-1-PD
South	Rental	R-1
East	LANDMARK SHOPPING CENTER	C-3-PD
West	Residental	R-1

CHARACTER OF THE NEIGHBORHOOD:

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?

2. Are there substantial reasons why the property cannot be used in accord with existing zoning? If yes, explain: To open Nails salon

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? yes.

2. Consistent with Future Land Use Map? NAILS SALON

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may effect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: 32nd Street and Garrison
2. Classification of Street(s):
   Arterial _____ Collector _____ Local _____
3. Right-of-Way Width: 32nd Street
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   NO

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? 134.32' on E.32nd Street, 106' on Garrison Ave,
2. Properly Sized Street Right-of-Way? E.32nd Street and Garrison Ave.
3. Drainage Easements? _____
4. Utility Easements:
   Electricity? Empire
   Gas? MGE
   Sewers? City
   Water? Missouri American water
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: [signature] DATE: 03-18-13
BY: THOMAS NGUYEN
TITLE: Owner

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



0 70 140 280 420 560 Feet

Case 021-13: A request to rezone from District C-O (Non-Retail) to District C-1 (Neighborhood Commercial) for property at 2610 East 32nd Street to allow for future retail use. - Thomas Nguyen

N

Case 021-13: 2610 East 32nd Street – A request to rezone from District C-O (Non-Retail Commercial) to District C-1 (Neighborhood Commercial) for future retail use – Thomas Nguyen.

Mr. Harrington opened the public hearing for Case 021-13.

Mr. Thomas Nguyen, 2610 East 32nd Street, Joplin, appeared to request the rezoning of his property from District C-0 to District C-1.

Mr. Harrington asked for comments from the audience.

Mrs. Sharon Vernon, 2115 East 35th Street, Joplin, stated that she owns the property at 3232 Garrison. She is not opposed to the request but asked about the parking lot in the back due to the slope in this area. She asked if Mr. Nguyen will build that area up and expressed concern about drainage to the south.

Mr. Wright has discussed the drainage issue with the applicant. He must obtain a stormwater report and develop a stormwater management plan before he can expand that parking lot.

Mr. Harrington asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 021-13.

MR. DUNCAN MOVED, SECONDED BY MR. CORTEZ, THAT CASE 021-13 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, MR. LANDRITH, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 021-13
Thomas Nguyen
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-266 **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-0 and including in District C-1 property as described below and located at 2610 East 32nd Street in the City of Joplin, Newton County, Missouri.

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-0 and including same in District C-1:

All of Lot 1 in Garrison Subdivision to the City of Joplin, Newton County, Missouri.

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

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 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: June 3, 2013

Item: COUNCIL BILL NO. 2013-267
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: David Hertzberg DZH Date: 5/24/2013
City Attorney: Brian Head Date: 5-28-13
City Manager: R. Mark Rohr RMR Date: 5-28-13
Board or Commission: Planning and Zoning Commission MDW Date: 5/13/2013

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

SUMMARY/REQUEST:
Case 022-13: 3014, 3030 South Main, and 3015, 3019, 3023, and 3027 South Joplin – A request to rezone from District C-1 (Neighborhood Commercial) and District R-1 (Single-Family Residential) to District C-3 PD (Commercial – Planned Development) for future planned commercial development – Charlie Kuehn.

STAFF SUMMARY:
The proposed rezoning is for the development of a 7,918 square foot commercial building (under construction) and 78 parking spaces.

Access Management: The site will have four points of access, including entrances from South Main Street, South Joplin Avenue, from 30th Street via alley, and from the parking lot of the shopping center to the south.

Parking: A total of 78 parking spaces have been provided, including 2 ADA spaces.

Building Design & Materials: The site will contain a 7,918 square foot building. The exterior of the building will primarily be brick, with minor amounts of EIFS around the parapet. Metal awnings will be attached to the building above each entrance on the north and east façade.

Landscaping and Open Space: The site has provided required landscaping, including street and parking lot trees. The west side of the parking lot will be screened from residential across Joplin Avenue with a mix of street trees and shrubs. Interior islands are included with parking lot trees.

Buffering: A landscaped buffer with 6' fence will be provided on the north property line adjacent to a residential-zoned property.

Staff recommends approval of Case 022-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Charles Kuehn appeared representing Dr. Michael Joseph to rezone the property in this request. Since Mr. Kuehn and Dr. Joseph acquired the old Southtown Sporting Goods property and started that building, they have acquired the three houses to the north along Joplin Avenue. They are requesting the rezoning of this property to District C-3-PD, which is uniform to the other properties around that site.

Mr. Kuehn is planning parking on the Joplin Avenue side to alleviate some of the parking problems can result with the development on the Southtown Sporting Goods property.

Mr. Eastman asked Mr. Kuehn if he plans to vacate that alley, and he replied that vacation of the alley is being requested in Case 023-13. He will vacate the alley, but the utility easements would remain. He would like to pave and clean up this area. He stated that the proposed development complies with the new City of Joplin Comprehensive Plan and stormwater management policies.

PUBLIC COMMENT:
Mr. Jerry Carpenter, 2614 East 15th Street, Joplin, appeared in opposition and stated that he owns rental property located at 3014 Joplin Avenue and at 3009 Joplin Avenue. He expressed concern regarding decreased residential property values and placing commercial property adjacent to a house. He asked about buffering between his properties and the commercial development.

Mr. Bolander stated that the City recently updated its Comprehensive Plan. The staff conducted a public participation process, with the plan being amended to allow commercial zoning to the east side of Joplin Avenue, with Joplin basically being the boundary between commercial and residential zoning. Commercial development has already occurred along the east side of Joplin in a few other areas. Buffering and landscaping will be required between the commercial and residential uses.

Mr. Carpenter asked if this will consist of a wall or just landscaping, and Mr. Bolander replied that it can be either a wall or landscaping or a combination of both.

Mr. Carpenter asked if there will be an easement between his house at 3014 Joplin Avenue and the commercial property, and Mr. Kuehn replied that a privacy fence will be erected.

Mr. Carpenter asked about a 10-foot easement with a landscaped buffer with a fence. Mr. Bolander replied that Joplin Avenue also exists between the residential and commercial properties.

Mr. Bolander stated that Mr. Kuehn plans a privacy fence and a 10-foot landscape buffer adjacent to Mr. Carpenter's house at 3009 Joplin Avenue.

Mr. Carpenter asked if a privacy fence is planned between both of his properties and the proposed commercial development, and Mr. Bolander replied yes.

Mr. Carpenter asked how tall the privacy fence would be, and Mr. Bolander replied a six-foot privacy fence.

Mr. Carpenter asked if there will be a 20-foot section, plus the fence, between the house at 3009 Joplin Avenue and the commercial development. Mr. Eastman replied that is correct.

Mr. Carpenter asked about if there will be a 20-foot east-west boundary between the commercial development and his property at 3014 Joplin Avenue. Mr. Harrington replied that there will be a fence between the commercial development and 3009 Joplin, but no fence between the commercial development and 3014 Joplin.

Mr. Harrington stated that the commercial development is part of the City's new Comprehensive Plan. Mr. Carpenter asked if commercial development is planned all the way down Main Street like that, and Mr. Harrington replied that the opportunity is there.

Mr. Carpenter stated that brand new homes have been built along the east side of Joplin Avenue, and he asked if commercial zoning might extend all the way north to 26th Street. Mr. Harrington replied that the Comprehensive Plan takes the business district all the way to Joplin Avenue.

Mr. Carpenter asked if this applies to the property from 20th Street down, and Mr. Harrington did not believe a stopping point has been identified. Mr. Bolander replied that the planned business district goes all the way down the east side of Joplin Avenue.

Mr. Cortez asked Mr. Carpenter about his tenants' concerns, and he replied headlights and parking. He thought a wall would help address these concerns since trees take a long time to grow.

Z&P Meeting: May 13, 2013
City Council Meeting: June 3, 2013

STAFF PLANNING REPORT
Rezoning

CASE 022-13:

A request to rezone from District C-1 (Neighborhood Commercial) and District R-1 (Single-Family Residential) to District C-3 PD (Commercial – Planned Development) for properties located 3014 and 3030 S. Main Street and 3015, 3019, 3023, and 3027 S. Joplin Avenue for future retail-commercial development.

APPLICANT: Charlie Kuehn

LOCATION: 3014 and 3030 S. Main Street, 3015, 3019, 3023, and 3027 S. Joplin Avenue

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

CORRIDOR: South Main Street – Site Plan Required

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
C-1 (Neighborhood Commercial) and R-1 (Single-Family)	Retail/Commercial (Under construction), Single-Family	Approx. 250' x 250' / 54,000 ft² / 1.24 acres

SITE CONTEXT:

	North	East	South	West
Existing Zoning	C-1, R-1	C-3 PD	C-3	R-1
Land Use	Commercial, Single-Family	Retail/Commercial (Planned)	Retail/Commercial	Single-Family

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
S. Main Street	Major Arterial	80'
S. Joplin Avenue	Minor Arterial	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 7,918 square foot commercial building (under construction) and 78 parking spaces.

Access Management: The site will have four points of access, including entrances from S. Main Street, S. Joplin Avenue, from 30th Street via alley, and from the parking lot of the shopping center to the south.

Parking: A total of 78 parking spaces have been provided, including 2 ADA spaces.

Building Design & Materials: The site will contain a 7,918 square foot building. The exterior of the building will primarily be brick, with minor amounts of EIFS around the parapet. Metal awnings will be attached to the building above each entrance on the north and east façade.

Landscaping and Open Space: The site has provided required landscaping, including street and parking lot trees. The west side of the parking lot will be screened from residential across Joplin Avenue with a mix of street trees and shrubs. Interior islands are included with parking lot trees.

Buffering: A landscaped buffer with 6' fence will be provided on the north property line adjacent to a residential-zoned property.

Staff recommends approval of Case 022-13.

ENCLOSURES:

Site plan/Landscape plan

Building elevations

CITY OF JOPLIN, MISSOURI
REZONING APPLICATION FORM

For Office Use Only
Case No.: 022-13
Filing Fee: $ 350.00
Date Advertised: 4-28-13
Date Notices Sent 4-29-13
Public Hearing Date: 5-13-13

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

RECEIVED
4-5-13

APPLICANT: Charlie Kuehn PHONE: 417-625-1609
ADDRESS: 620 McConnell ZIP: 64801
OWNER: Multiple (see seperate page) PHONE: "
ADDRESS: " ZIP: "
LOCATION OF PROPERTY: 3015, 3019, 3023 & 3027 S. Joplin; 3014 & 3030 S. main
LEGAL DESCRIPTION: Lukes Southern Lots 130-133;
Lukes Southern Lots 55-59

Present Zoning R-1 & C-1 Requested Zoning: C-3 PD Acreage: 1.24 acres
Present Use of Property: Commercial (under construction) & Residential

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Commercial & Single-family	C-1 & R-1
South	Commercial	C-3 & R-1
East	Commercial	C-3 PD
West	Single-family	R-1

CHARACTER OF THE NEIGHBORHOOD: Redeveloping Commercial Area

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   NO
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? If yes, explain:

CONFORMANCE WITH COMPREHENSIVE PLAN:

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

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may effect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Main Street & Joplin Avenue
2. Classification of Street(s):
   Arterial X Collector _____ Local _____
3. Right-of-Way Width: 60' & 60'
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   no

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? N/A
2. Properly Sized Street Right-of-Way? _____
3. Drainage Easements? _____
4. Utility Easements:
   - Electricity? _____
   - Gas? _____
   - Sewers? _____
   - Water? _____
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: _____ DATE: _____

BY: _____

TITLE: _____

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

EROSION CONTROL

1. RETAIN TOPSOIL WHILE BLOWN MATERIALS ON SITE BY STORING ALL TOPSOIL AND SPREADING IT OVER FINISHED GRADED AREAS. 2. PROTECT ADJACENT STREETS AND FACILITIES. CHECK ADJACENT AREAS DAILY AND PICK UP CONSTRUCTION WASTE MATERIALS. 3. PERMANENTLY STABILIZE ALL SURFACE AREA WITHIN AND ADJACENT TO THIS SITE THAT IS DISTURBED BY VEHICLES, GRADING AND OTHER CONSTRUCTION FOR THE PURPOSES OF THIS PROJECT. ALL DISTURBED AREAS SHALL BE PERMANENTLY COVERED WITH STRUCTURES, PAVING OR BY PERENNIAL VEGETATION HAVING A MINIMUM COVERAGE DENSITY OF AT LEAST 70%. STABILIZATION OF ALL DISTURBED AREAS SHALL COMMENCE IMMEDIATELY UPON DISCONTINUANCE OF ANY EROSION CONTROL MEASURES. 4. ALL DISTURBED AREAS SHALL BE REVEGETATED IMMEDIATELY UPON REMOVAL OF EROSION CONTROL MEASURES. 5. SEEDING SHALL BE DONE WITHIN 24 HOURS AFTER A STORM EVENT OF 1/2 INCH OR GREATER. DAMAGED MEASURES THAT PROVE TO BE INEFFECTIVE SHALL BE REPLACED WITHIN SEVEN DAYS. REPEATED FAILURE OF A CONTROL MEASURE REQUIRES INSTALLATION OF A MORE SUITABLE DEVICE TO PREVENT DISCHARGE OF POLLUTANTS FROM THE SITE. 6. INSTALLATION OF ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED BY GOVERNING AUTHORITY. CONTRACTOR TO VERIFY REQUIREMENTS PRIOR TO BIDDING. 7. CARE SHALL BE TAKEN TO MINIMIZE THE ENCROACHMENT OF SEDIMENT INTO ALL WATERWAYS, WETLANDS, PUBLIC STREETS, AND ONTO PRIVATE PROPERTY WITHIN THE CONSTRUCTION LIMITS. 8. ALL DISTURBED AREAS SHALL BE STABILIZED WITH PERMANENT SEEDING, SOD, MULCH, OR OTHER APPROVED METHODS WITHIN 7 DAYS AFTER FINAL GRADE IS REACHED ON ANY PORTION OF THE SITE. 9. ALL PROPOSED LANDSCAPE HAS BEEN SET ASIDE FOR FUTURE DEVELOPMENT. 10. INSTALLATION OF TEMPORARY TURF REINFORCEMENT MATS SHALL BE AS SHOWN ON THE PLANS AND IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS. CONTRACTOR TO VERIFY REQUIREMENTS PRIOR TO BIDDING. 11. INSTALLATION OF TEMPORARY TURF REINFORCEMENT MATS SHALL BE TO MANUFACTURERS SPECIFICATIONS AND IN ACCORDANCE WITH THE PLANS. 12. INSTALLATION OF TEMPORARY TURF REINFORCEMENT MATS TO PREVENT SLOPE FAILURES AND EROSION

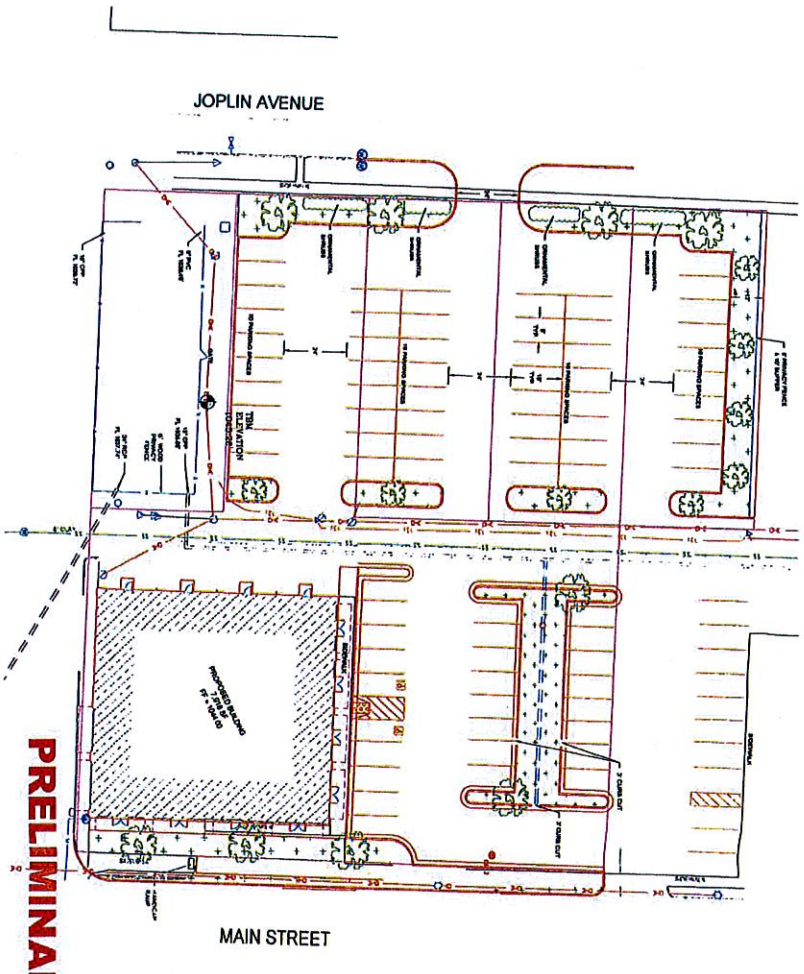
GENERAL NOTES:

1. ALL WORK, MATERIALS, AND EQUIPMENT SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE CITY OF JOPLIN STANDARD SPECIFICATIONS, DATED DECEMBER 26 2006. CONSTRUCTION SHALL OBTAIN A COPY OF THESE STANDARDS TO UNDERSTAND THE REQUIREMENTS. 2. EXISTING UTILITIES AND UNDERGROUND INSTALLATIONS HAVE BEEN LOCATED TO THE BEST OF OUR KNOWLEDGE FROM AVAILABLE RECORDS AND SURFACE OBSERVATIONS. THE CONTRACTOR SHALL FIELD VERIFY ALL HORIZONTAL AND VERTICAL LINES AND GRADES OF EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. IF ANY DISCREPANCIES ARE FOUND, CONTACT THE ENGINEER IMMEDIATELY UPON DISCOVERING A DISCREPANCY BETWEEN THE CONTRACT DRAWING AND ACTUAL FIELD CONDITIONS. CONTACT ONE CALL LOCATING SERVICE AT 1-800-344-7483 FOR UTILITY LOCATIONS. 3. THE CONTRACTOR MUST COORDINATE CONSTRUCTION WITH THE NECESSARY UTILITY COMPANIES. 4. NO WORK SHALL COMMENCE UNTIL ALL NECESSARY PERMITS ARE OBTAINED BY THE OWNER. 5. ALL DISTURBED AREAS DISTURBED BY CONSTRUCTION ARE FIRST TO BE FINE GRADED AND THEN FOLLOWED BY SEED AND STRAW MULCH UNLESS OTHERWISE NOTED. OVER-SEEDING SHALL BE DONE WITH A MIXTURE OF 50% RYE AND 50% FESCUE AT A RATE OF MIN. 4 TONS/A. STOCKPILED IRISH SITE OR HAULED IN AS REQUIRED. 6. ALL CONCRETE PAVEMENT, SIDEWALKS, AND CURB AND GUTTER SHALL BE POURED ON PARKING LOTS OR SIDEWALKS ALL IMPROVED RUNOFF TO DRAIN TO DRAINAGE INLETS. 7. ALL CONTOURS AND SPOT ELEVATIONS SHOWN ARE FINISH GRADE. 8. ALL DISTURBED AREAS WITHIN THE RIGHT-OF-WAY SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 9. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 10. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 11. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 12. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 13. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 14. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 15. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 16. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 17. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 18. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 19. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 20. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED.

STAGES OF CONSTRUCTION:

CONTRACTOR TO PERFORM SITE & SITE INSPECTION TO LOCATE ALL EXISTING UTILITIES AND ANY OTHER CONDITIONS THAT MAY AFFECT CONSTRUCTION PRIOR TO BEGINNING ANY CONSTRUCTION. CONTACT ENGINEER WITH ANY DISCREPANCIES.

1. INSTALLATION OF EROSION CONTROL MEASURES.
2. INSTALLATION OF ALL STORM WATER DRAINAGE IMPROVEMENTS.
3. PLACEMENT OF FINAL LANDSCAPING ITEMS AND SOD.
4. REMOVAL OF EROSION CONTROL MEASURES.



LEGEND

GRAPHIC SCALE

LEGEND FOR PAVEMENT TYPES

BENCHMARKS

CAUTION: CONTRACTOR SHALL FIELD VERIFY PROPOSED GRADES MATCH EXISTING ELEVATIONS @ INDICATED LOCATIONS. CONTRACTOR SHALL NOTIFY ENGINEER IF DISCREPANCY OCCURS.

ALL PROPERTY BOUNDARIES AS SHOWN ARE SCHEMATIC AND HAVE NOT BEEN FIELD VERIFIED.

LOCATION SKETCH

SITE

DIG RITE - MISSOURI ONE CALL SYSTEM, INC. - 1-800-344-7483 - IT'S NOT JUST THE LAW, IT'S A GOOD IDEA!

DRAWING NO.	JOP-100-3183
SHEET NUMBER	1
OF	1

PRELIMINARY

FOUR STATE HOMES
SOUTHTOWN DEVELOPMENT
3030 S. MAIN STREET

SITE GEOMETRY

JOPLIN, JASPER COUNTY, MISSOURI

REVISIONS			
NO	DESCRIPTION	BY	DATE

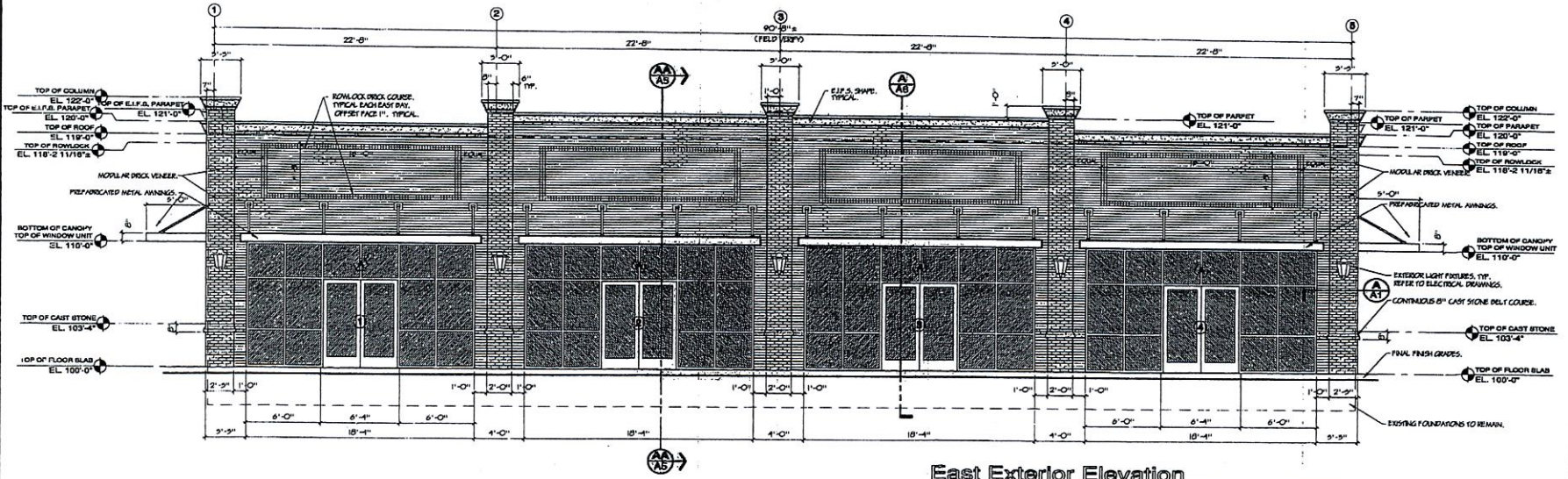
DRAWING INFO	
DRAWN BY	
CHECK BY	W.CODY SEXTON, PE
LICENSE NO	PE-
DATE	APRIL 2013
FIELD BOOK	
JOB NUMBER	7003.7-13

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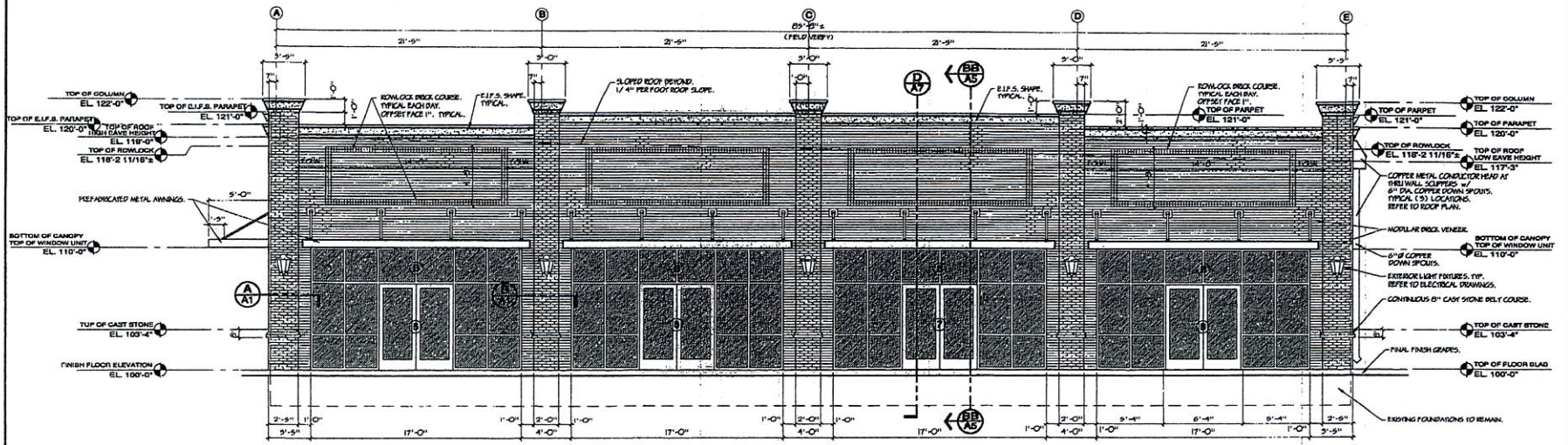


Case 022-13: A request to rezone from District C-1 (Neighborhood Commercial) and District R-1 (Single-Family) to District C-3 PD (Commercial - Planned Development) for properties located at 3014 and 3030 S. Main and 3015, 3019, 3023, and 3027 S. Joplin for future planned commercial development. - Charlie Kuehn



East Exterior Elevation

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



North Exterior Elevation

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

Revisions	By
Last Modification	
DATE	INITIALS

Commerce Executive Center
211 S. Main, Suite 220
Joplin, Missouri 64801
T: 417-624-9572
F: 417-781-0564
hunterandmillard.com

Hunter & Millard
ARCHITECTS, INC.
Missouri Certificate of Authority: A-2008008317

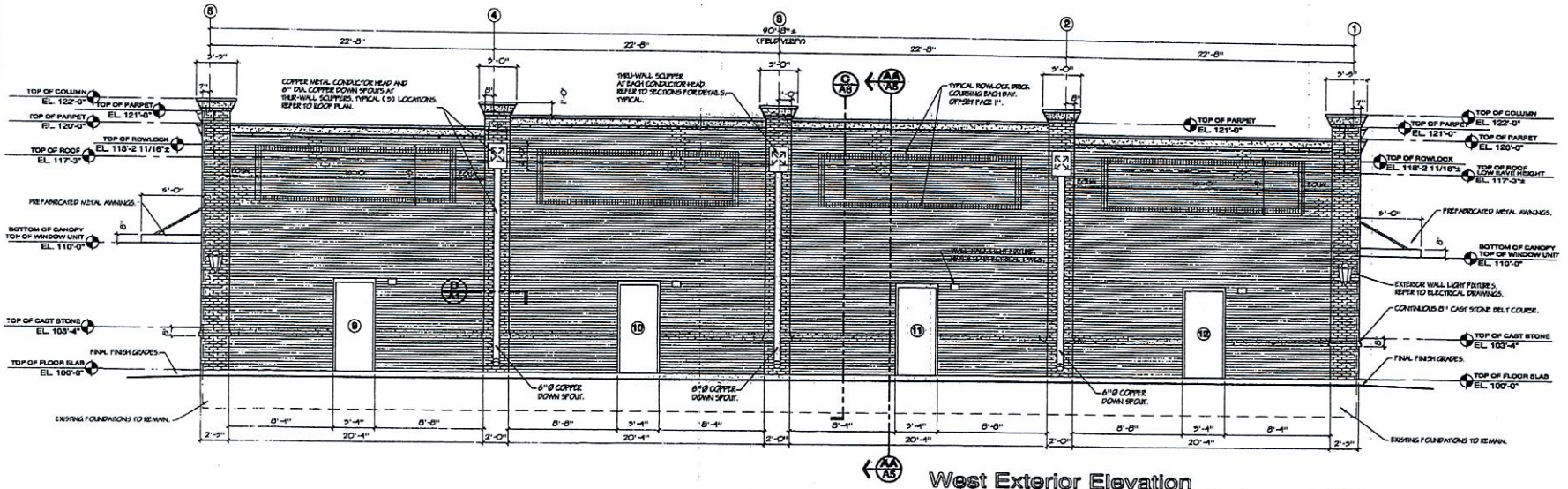
Elliott D. Hunter Architect
Missouri A-4617

Former Southtown Belt Property
3022 S. MAIN
JOPLIN, MO

General Contractor:
Four State Homes Joplin, MO (417) 625-1609

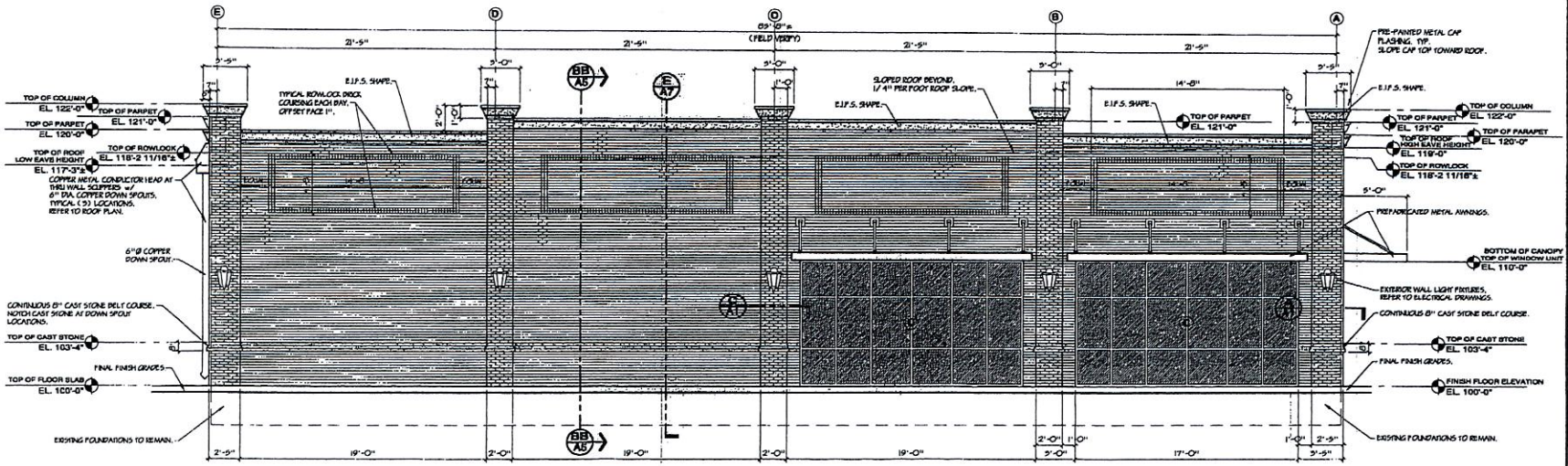
Drawn By: zDav
Checked By:
Date: October 31, 2012
Scale: 1/4" = 1'-0"
Job Number: 1238
Exterior Elevations

A3



West Exterior Elevation

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



South Exterior Elevation

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

Revisions	By
Last Modification	
DATE	INITIALS

Commerce Executive Center
215 S. Main, Suite 220
Joplin, Missouri 64801
T: 417-624-6672
F: 417-781-0864
hunterandmillard.com

Hunter & Millard
ARCHITECTS, INC.
Missouri Certificate of Authority: A-2008008317

Elbert D. Hunter, Architect
Missouri A-4277

Former Southtown Belt Property
3022 S. MAIN
JOPLIN, MO

General Contractor:
Four State Homes Joplin, MO (417) 625-1609

Drawn By	JHW
Checked By	
Date	October 31, 2012
Scale	1/4" = 1'-0"
Job Number	1238
Floor Plan	A4

Case 022-13: 3014, 3030 South Main, and 3015, 3019, 3023, and 3027 South Joplin – A request to rezone from District C-1 (Neighborhood Commercial) and District R-1 (Single-Family Residential) to District C-3 PD (Commercial – Planned Development) for future planned commercial development – Charlie Kuehn.

Mr. Harrington opened the public hearing for Case 022-13.

Mr. Charles Kuehn, 620 McConnell Avenue, Joplin, appeared representing Dr. Michael Joseph to rezone the property in this request. Since Mr. Kuehn and Dr. Joseph acquired the old Southtown Sporting Goods property and started that building, they have acquired the three houses to the north along Joplin Avenue. They are requesting the rezoning of this property to District C-3-PD, which is uniform to the other properties around that site.

Mr. Kuehn is planning parking on the Joplin Avenue side to alleviate some of the parking problems can result with the development on the Southtown Sporting Goods property.

Mr. Eastman asked Mr. Kuehn if he plans to vacate that alley, and he replied that vacation of the alley is being requested in Case 023-13. He will vacate the alley, but the utility easements would remain. He would like to pave and clean up this area. He stated that the proposed development complies with the new City of Joplin Comprehensive Plan and stormwater management policies.

Mr. Harrington asked for comments from the audience.

Mr. Jerry Carpenter, 2614 East 15th Street, Joplin, appeared in opposition to the request and stated that he owns the property at 3014 South Joplin Avenue. He has owned that property for over 20 years, and he expressed concern about placing commercial property adjacent to a house. He expressed concerns regarding decreased residential property values. He asked how far the commercial zoning would extend down Joplin Avenue. He also owns property along the east side of Joplin Avenue that will be looking into a parking lot.

Mr. Bolander stated that the City recently updated its Comprehensive Plan. The staff conducted a public participation process, with the plan being amended to allow commercial zoning to the east side of Joplin Avenue, with Joplin basically being the boundary between commercial and residential zoning. Commercial development has already occurred along the east side of Joplin in a few other areas. Buffering and landscaping will be required between the commercial and residential uses.

Mr. Carpenter asked if this will consist of a wall or just landscaping, and Mr. Bolander replied that it can be either a wall or landscaping or a combination of both.

Mr. Carpenter asked if there will be an easement between his house at 3014 Joplin Avenue and the commercial property, and Mr. Kuehn replied that a privacy fence will be erected.

Mr. Carpenter asked about a 10-foot easement with a landscaped buffer with a fence. Mr. Bolander replied that Joplin Avenue also exists between the residential and commercial properties.

Mr. Carpenter asked about buffering along the north end of the proposed commercial development. Mr. Bolander asked Mr. Carpenter if he owns a house on the east side of Joplin Avenue as well, and he replied that he also owns a house at 3009 South Joplin. He stated that this rezoning request is for the four houses just south of his property.

Mr. Eastman asked Mr. Carpenter if he has seen the parking lot development taking place in the 2700 block of Joplin Avenue, and he replied that he has. Mr. Eastman stated that the proposed development will be similar to what has taken place there.

Mr. Bolander stated that Mr. Kuehn plans a privacy fence and a 10-foot landscape buffer adjacent to Mr. Carpenter's house at 3009 Joplin Avenue.

Mr. Carpenter asked if a privacy fence is planned between both of his properties and the proposed commercial development, and Mr. Bolander replied yes.

Mr. Carpenter asked how tall the privacy fence would be, and Mr. Bolander replied a six-foot privacy fence.

Mr. Carpenter asked if there will be a 20-foot section, plus the fence, between the house at 3009 Joplin Avenue and the commercial development. Mr. Eastman replied that is correct.

Mr. Carpenter asked about if there will be a 20-foot east-west boundary between the commercial development and his property at 3014 Joplin Avenue. Mr. Harrington replied that there will be a fence between the commercial development and 3009 Joplin, but no fence between the commercial development and 3014 Joplin.

Mr. Harrington stated that the commercial development is part of the City's new Comprehensive Plan. Mr. Carpenter asked if commercial development is planned all the way down Main Street like that, and Mr. Harrington replied that the opportunity is there.

Mr. Carpenter stated that brand new homes have been built along the east side of Joplin Avenue, and he asked if commercial zoning might extend all the way north to 26th Street. Mr. Harrington replied that the Comprehensive Plan takes the business district all the way to Joplin Avenue.

Mr. Carpenter asked if this applies to the property from 20th Street down, and Mr. Harrington did not believe a stopping point has been identified. Mr. Bolander replied that the planned business district goes all the way down the east side of Joplin Avenue.

Mr. Carpenter asked if this could happen to anybody's property along the east side of Joplin Avenue. Mr. Harrington replied that a developer would have to purchase the property to develop it.

Mr. Carpenter stated that his tenants have expressed concerns regarding the proposed commercial development, and Mr. Eastman commented that some of the houses to be demolished are not in good shape.

Mr. Cortez asked Mr. Carpenter about his tenants' concerns, and he replied headlights and parking. He thought a wall would help address these concerns since trees take a long time to grow.

Mr. Harrington asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 022-13.

MR. LANDRITH MOVED, SECONDED BY MR. SMITH, THAT CASE 022-13 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, MR. LANDRITH, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 022-13
Charlie Kuehn
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-267 **ORDINANCE NO.**

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

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-1 and District R-1 and including same in District C-3-PD:

All of Lots Numbered 55, 56, 57, 58, and 59 in Luke's Southern Addition to the City of Joplin, Jasper County, Missouri, AND All of Lots Numbered 130, 131, 132, and 133 in Luke's Southern Addition to the City of Joplin, Jasper County, Missouri.

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

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 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: June 3, 2013

Item: COUNCIL BILL NO. 2013-268
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: David Hertzberg DH Date: 5/24/2013
City Attorney: Brian Head BH Date: 5-28-13
City Manager: R. Mark Rohr RMR Date: 5-24-13
Board or Commission: Planning and Zoning Commission MOW Date: 5/13/2013

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

SUMMARY/REQUEST:
Case 023-13: West of 3014 and 3030 South Main – A request for the vacation of a portion of a 20 foot wide public alley between South Main and South Joplin beginning at the north right-of-way line of vacated 31st Street north approximately 250 feet – Charlie Kuehn.

STAFF SUMMARY:
The existing alley will become a drive aisle for a parking lot that is part of the 3030 South Main commercial development. Access will still be allowed through the alley that connects to 30th Street. Access will also still be allowed to the shopping center to the south of the existing alley.

Staff recommends approval of Case 023-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Charles Kuehn appeared representing Dr. Michael Joseph to vacate the alley while still maintaining the utility easements to provide for a very smooth, nice transition between the parking lots.

Mr. Eastman asked Mr. Kuehn if the power lines will stay, and he replied that they will stay. He has designed his landscaping around the existing power poles.

Mr. Duncan asked noted one residence still existing near 31st Street and asked if their access through the alley would be blocked off. Mr. Bolander replied that this property is actually part of the commercial development to the south. The street was vacated, and no house is currently there. That area is a stormwater detention area to accommodate the commercial development to the south.

PUBLIC COMMENT:
Mr. Jerry Carpenter, 2614 East 15th Street, Joplin, appeared in opposition and asked about a retaining wall to reduce the noise and traffic.

Z&P Meeting: May 13, 2013
City Council Meeting: June 3, 2013

STAFF PLANNING REPORT
Vacation

CASE 023-13:

A request for the vacation of a public alley.

APPLICANT: Charlie Kuehn

LOCATION: Between S. Main and S. Joplin, beginning at the north right-of-way line of vacated 31st Street, north 250 feet.

EXISTING CONDITIONS:

Easement Type(s)	Easement Size
Alley	20' x 250'

REASON FOR VACATION:

Lots on both sides of the alley will be under a single ownership. The new owner would like to maintain the existing alley as a drive aisle for a new parking lot to the west.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT?: Yes

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

DISCUSSION:

The existing alley will become a drive aisle for a parking lot that is part of the 3030 S. Main commercial development. Access will still be allowed through the alley that connects to 30th Street. Access will also still be allowed to the shopping center to the south of the existing alley.

Staff recommends approval of Case 023-13.

ENCLOSURES: Site Plan

RECEIVED
4-8-13

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.: 023-13
Filing Fee: $ 350.00
Date Advertised: 4-28-13
Date Notices Sent 4-29-13
Public Hearing Date: 5-13-13

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: From the Northend of Southtown Plaza Extending 248 Ft North (See attached Beacon View)

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

EROSION CONTROL

1. RETAIN TOPSOIL WHILE BLOWN MATERIALS ON SITE BY STORING ALL TOPSOIL AND SPREADING IT OVER FINISHED GRADED AREAS. 2. PROTECT ADJACENT STREETS AND FACILITIES. CHECK ADJACENT AREAS DAILY AND PICK UP CONSTRUCTION WASTE MATERIALS. 3. PERMANENTLY STABILIZE ALL SURFACE AREA WITHIN AND ADJACENT TO THIS SITE THAT IS DISTURBED BY VEHICLES, GRADING AND OTHER CONSTRUCTION FOR THE PURPOSES OF THIS PROJECT. ALL DISTURBED AREAS SHALL BE PERMANENTLY COVERED WITH STRUCTURES, PAVING OR BY PERENNIAL VEGETATION HAVING A MINIMUM COVERAGE DENSITY OF AT LEAST 70%. STABILIZATION OF ALL DISTURBED AREAS SHALL COMMENCE IMMEDIATELY UPON DISCONTINUANCE OF ANY EROSION CONTROL MEASURES. 4. ALL DISTURBED AREAS SHALL BE REVEGETATED IMMEDIATELY UPON REMOVAL OF EROSION CONTROL MEASURES. 5. SEEDING SHALL BE DONE WITHIN 24 HOURS AFTER A STORM EVENT OF 1/2 INCH OR GREATER. DAMAGED MEASURES THAT PROVE TO BE INEFFECTIVE SHALL BE REPLACED WITHIN SEVEN DAYS. REPEATED FAILURE OF A CONTROL MEASURE REQUIRES INSTALLATION OF A MORE SUITABLE DEVICE TO PREVENT DISCHARGE OF POLLUTANTS FROM THE SITE. 6. INSTALLATION OF ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED BY GOVERNING AUTHORITY. CONTRACTOR TO VERIFY REQUIREMENTS PRIOR TO BIDDING. 7. CARE SHALL BE TAKEN TO MINIMIZE THE ENCROACHMENT OF SEDIMENT INTO ALL WATERWAYS, WETLANDS, PUBLIC STREETS, AND ONTO PRIVATE PROPERTY WITHIN THE CONSTRUCTION LIMITS. 8. ALL DISTURBED AREAS SHALL BE STABILIZED WITH PERMANENT SEEDING, SOD, MULCH, OR OTHER APPROVED METHODS WITHIN 7 DAYS AFTER FINAL GRADE IS REACHED ON ANY PORTION OF THE SITE. 9. ALL PROPOSED LANDSCAPE HAS BEEN SET ASIDE FOR FUTURE DEVELOPMENT. 10. INSTALLATION OF TEMPORARY TURF REINFORCEMENT MATS SHALL BE AS SHOWN ON THE PLANS AND IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS. CONTRACTOR TO VERIFY REQUIREMENTS PRIOR TO BIDDING. 11. INSTALLATION OF TEMPORARY TURF REINFORCEMENT MATS SHALL BE TO MANUFACTURERS SPECIFICATIONS AND IN ACCORDANCE WITH THE PLANS. 12. INSTALLATION OF TEMPORARY TURF REINFORCEMENT MATS TO PREVENT SLOPE FAILURES AND EROSION

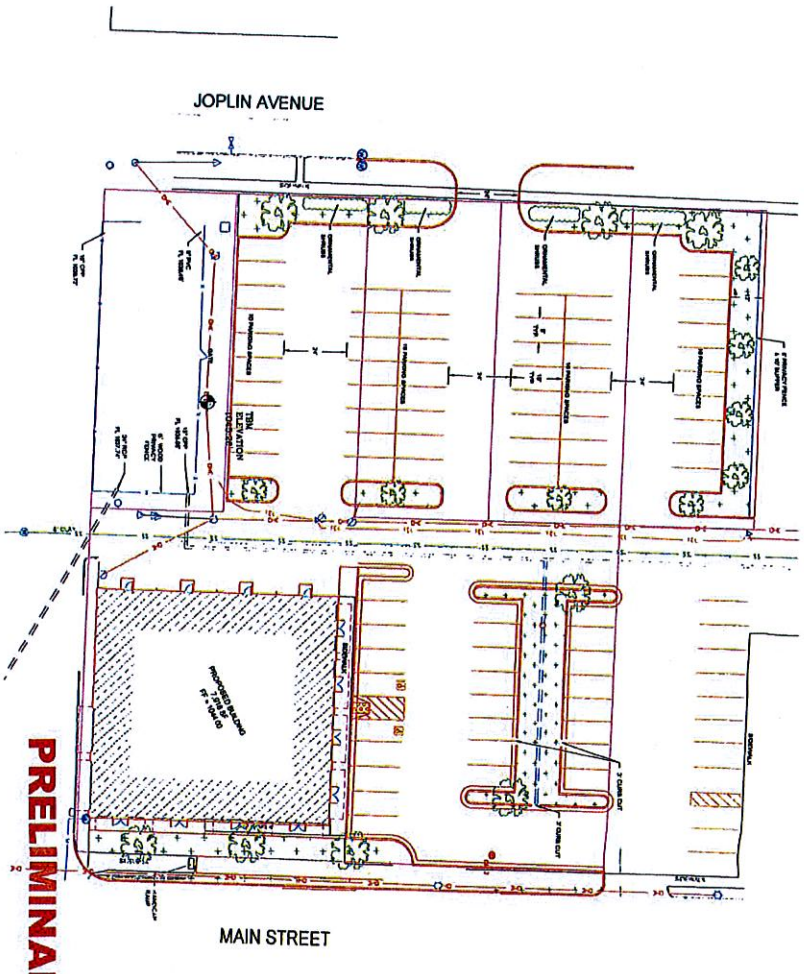
GENERAL NOTES:

1. ALL WORK, MATERIALS, AND EQUIPMENT SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE CITY OF JOPLIN STANDARD SPECIFICATIONS, DATED DECEMBER 26 2006. CONSTRUCTION SHALL OBTAIN A COPY OF THESE STANDARDS TO UNDERSTAND THE REQUIREMENTS. 2. EXISTING UTILITIES AND UNDERGROUND INSTALLATIONS HAVE BEEN LOCATED TO THE BEST OF OUR KNOWLEDGE FROM AVAILABLE RECORDS AND SURFACE OBSERVATIONS. THE CONTRACTOR SHALL FIELD VERIFY ALL HORIZONTAL AND VERTICAL LINES AND GRADES OF EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. IF ANY DISCREPANCIES ARE FOUND, CONTACT THE ENGINEER IMMEDIATELY UPON DISCOVERING A DISCREPANCY BETWEEN THE CONTRACT DRAWING AND ACTUAL FIELD CONDITIONS. CONTACT ONE CALL LOCATING SERVICE AT 1-800-344-7483 FOR UTILITY LOCATIONS. 3. THE CONTRACTOR MUST COORDINATE CONSTRUCTION WITH THE NECESSARY UTILITY COMPANIES. 4. NO WORK SHALL COMMENCE UNTIL ALL NECESSARY PERMITS ARE OBTAINED BY THE OWNER. 5. ALL DISTURBED AREAS DISTURBED BY CONSTRUCTION ARE FIRST TO BE FINE GRADED AND THEN FOLLOWED BY SEED AND STRAW MULCH UNLESS OTHERWISE NOTED. OVER-SEEDING SHALL BE DONE WITH A MIXTURE OF 50% RYE AND 50% FESCUE AT A RATE OF MIN. 4 TONS/A. STOCKPILED IRISH SITE OR HAULED IN AS REQUIRED. 6. ALL CONCRETE PAVEMENT, SIDEWALKS, AND CURB AND GUTTER SHALL BE POURED ON PARKING LOTS OR SIDEWALKS ALL IMPROVED RUNOFF TO DRAIN TO DRAINAGE INLETS. 7. ALL CONTOURS AND SPOT ELEVATIONS SHOWN ARE FINISH GRADE. 8. ALL DISTURBED AREAS WITHIN THE RIGHT-OF-WAY SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 9. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 10. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 11. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 12. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 13. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 14. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 15. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 16. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 17. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 18. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 19. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED. 20. ALL DISTURBED AREAS SHALL BE RESTORED TO A DEPTH OF 4" MINIMUM OF TOPSOIL AT GRADE TO MATCH EXISTING GRADES AND SHALL BE SEEDED AND MULCHED.

STAGES OF CONSTRUCTION:

CONTRACTOR TO PERFORM SITE & SITE INSPECTION TO LOCATE ALL EXISTING UTILITIES AND ANY OTHER CONDITIONS THAT MAY AFFECT CONSTRUCTION PRIOR TO BEGINNING ANY CONSTRUCTION. CONTACT ENGINEER WITH ANY DISCREPANCIES.

1. INSTALLATION OF EROSION CONTROL MEASURES.
2. INSTALLATION OF ALL STORM WATER DRAINAGE IMPROVEMENTS.
3. PLACEMENT OF FINAL LANDSCAPING ITEMS AND SOD.
4. REMOVAL OF EROSION CONTROL MEASURES.



LEGEND

GRAPHIC SCALE

LEGEND FOR PAVEMENT TYPES

BENCHMARKS

CAUTION: CONTRACTOR SHALL FIELD VERIFY PROPOSED GRADES MATCH EXISTING ELEVATIONS @ INDICATED LOCATIONS. CONTRACTOR SHALL NOTIFY ENGINEER IF DISCREPANCY OCCURS.

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SITE

DIG RITE - MISSOURI ONE CALL SYSTEM, INC. - 1-800-344-7483 - IT'S NOT JUST THE LAW, IT'S A GOOD IDEA!

DRAWING NO.	JOP-100-3183
SHEET NUMBER	1
OF	1

PRELIMINARY

FOUR STATE HOMES
SOUTHTOWN DEVELOPMENT
3030 S. MAIN STREET

SITE GEOMETRY

JOPLIN, JASPER COUNTY, MISSOURI

REVISIONS			
NO	DESCRIPTION	BY	DATE

DRAWING INFO	
DRAWN BY	
CHECK BY	W.CODY SEXTON, PE
LICENSE NO	PE-
DATE	APRIL 2013
FIELD BOOK	
JOB NUMBER	7003.7-13

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811 E. 3RD STREET • JOPLIN, MISSOURI 64801 • PHONE (417) 782-7580
A LICENSED MISSOURI ENGINEERING CORPORATION - LC 62



0 75 150 300 450 600 Feet

Case 023-13: A request to vacate a 20 foot wide alley between S. Main Street and S. Joplin Avenue beginning at the north right-of-way line of vacated 31st Street north 250 feet. Located west of 3014 and 3030 S. Main Street - Charlie Kuehn

N

Case 023-13: West of 3014 and 3030 South Main – A request for the vacation of a portion of a 20 foot wide public alley between South Main and South Joplin beginning at the north right-of-way line of vacated 31st Street north approximately 250 feet – Charlie Kuehn.

Mr. Harrington opened the public hearing for Case 023-13.

Mr. Charles Kuehn, 620 McConnell Avenue, Joplin, appeared representing Dr. Michael Joseph to vacate the alley while still maintaining the utility easements to provide for a very smooth, nice transition between the parking lots.

Mr. Eastman asked Mr. Kuehn if the power lines will stay, and he replied that they will stay. He has designed his landscaping around the existing power poles.

Mr. Harrington asked for comments from the audience.

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Mr. Duncan asked noted one residence still existing near 31st Street and asked if their access through the alley would be blocked off. Mr. Bolander replied that this property is actually part of the commercial development to the south. The street was vacated, and no house is currently there. That area is a stormwater detention area to accommodate the commercial development to the south.

Mr. Harrington asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 023-13.

MR. CORTEZ MOVED, SECONDED BY MR. LANDRITH, THAT CASE 023-13 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, MR. LANDRITH, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 023-13
Charlie Kuehn
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-268 **ORDINANCE NO.**

AN ORDINANCE providing for the vacation of a portion of a 20-foot wide public alley located west of 3014 and 3030 South Main Street in the City of Joplin, Jasper County, Missouri.

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 west of 3014 and 3030 South Main Street 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 portion of a 20 foot wide public alley between South Main Street and South Joplin Avenue beginning at the north right-of-way line of vacated 31st Street north approximately 250 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: June 3, 2013

Item: COUNCIL BILL NO. 2013-269
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: David Hertzberg DWH Date: 5/24/2013
City Attorney: Brian Head ~~BH~~ Date: 5-28-13
City Manager: R. Mark Rohr RMR Date: 5-28-13
Board or Commission: Planning and Zoning Commission MDw Date: 5/13/2013

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

SUMMARY/REQUEST:
Case 024-13: West of 720 South St. Louis – A request for the vacation of a portion of a 20 foot wide public alley and utility easement between South St. Louis and vacated Massachusetts beginning at the north right-of-way line of 8th Street north 300 feet – Stephen Ramsour and Dennis Ruark.

STAFF SUMMARY:
The vacation will allow the proposed retail development to begin construction. Representatives of the new retail business have made plans with utilities to relocate existing lines.

Staff recommends approval of Case 024-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Rick Rohlfing, an engineer with BFA Consultants from Washington, Missouri, appeared representing the two property owners on this agenda item. The request for the vacation of the easement and the alleyway is over a portion that is not used today. It is just a grassy area containing some berming. A developer would like to redevelop the Crossroads Chevrolet property and the Nixon's Garage property. It would become one parcel owned by the same entity.

Mr. Rohlfing stated that the northern portion of that easement that is utilized today by the car wash would be untouched. He has met with Mr. Alburty, the owner of the car wash, who has no concerns with what is being proposed.

PUBLIC COMMENT: None.

Z&P Meeting: May 13, 2013
City Council Meeting: June 3, 2013

STAFF PLANNING REPORT
Vacation

CASE 024-13:

A request for the vacation of a public alley and utility easement.

APPLICANT: Stephen Ramsour and Dennis Ruark

REPRESENTATIVE: BFA, Inc.

LOCATION: Between S. St. Louis Avenue and vacated Massachusetts Avenue, beginning at the north right-of-way line of 8th Street, north 300 feet.

EXISTING CONDITIONS:

Easement Type(s)	Easement Size
Alley, Utility	20' x 300'

REASON FOR VACATION:

A retail development is proposed on the properties currently addressed as 1600 E. 7th Street and 720 S. St. Louis Avenue. The proposed site plan includes a portion of a permanent structure to be constructed over the existing alley 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 the proposed retail development to begin construction. Representatives of the new retail business have made plans with utilities to relocate existing lines.

Staff recommends approval of Case 024-13.

ENCLOSURES: Preliminary Site Plan

CITY OF JOPLIN

RECEIVED 4-5-13

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.: 024-13
Filing Fee: $ 350.00
Date Advertised: 4-28-13
Date Notices Sent 4-29-13
Public Hearing Date: 5-13-13

I. Applicant Name: Ramsour see attached Phone: _____

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

Address: 1600 East Seventh Street, 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: The Alley East of Lots 29-34 and West of Lots 5-10 of Murphy and Leffen Addition PB 3, PG. 248, lying north of Eighth Street and South of Seventh Street, between vacated Massachusetts Avenue and St. Louis Avenue

---

CITY OF JOPLIN

RECEIVED 4-5-13

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.: 024-13
Filing Fee: $ 350.00
Date Advertised: 4-28-13
Date Notices Sent 4-29-13
Public Hearing Date: 5-13-13

I. Applicant Name: Dennis and Mary Ruark Phone:

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

Address: 720 S St. Louis Avenue, 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: The Alley East of Lots 29-34 and West of Lots 5-10 of Murphy and Leffen Addition PB 3, PG. 248, lying north of Eighth Street and South of Seventh Street, between vacated Massachusetts Avenue and St. Louis Avenue

---

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

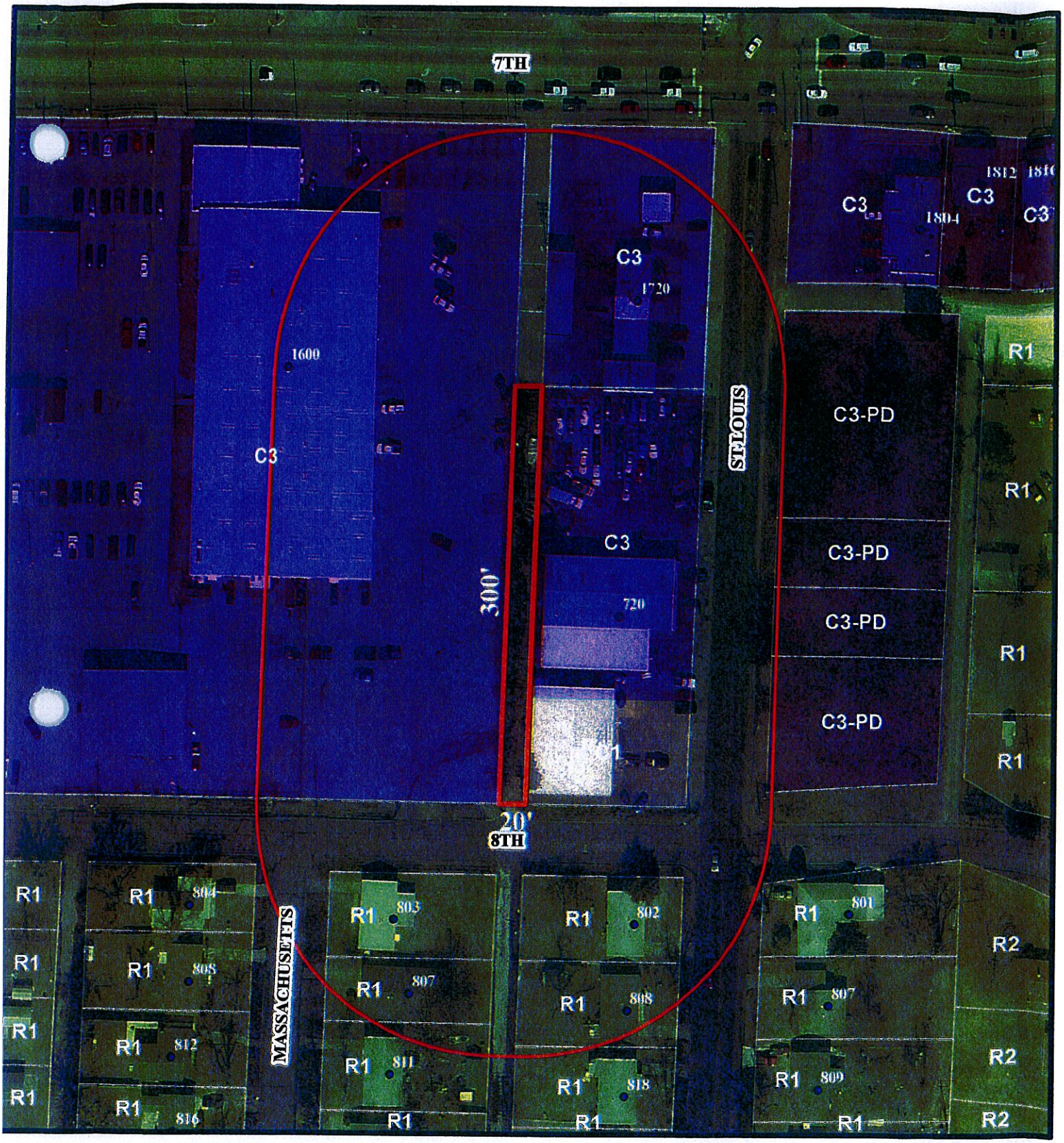
V. Required Attachments:

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.

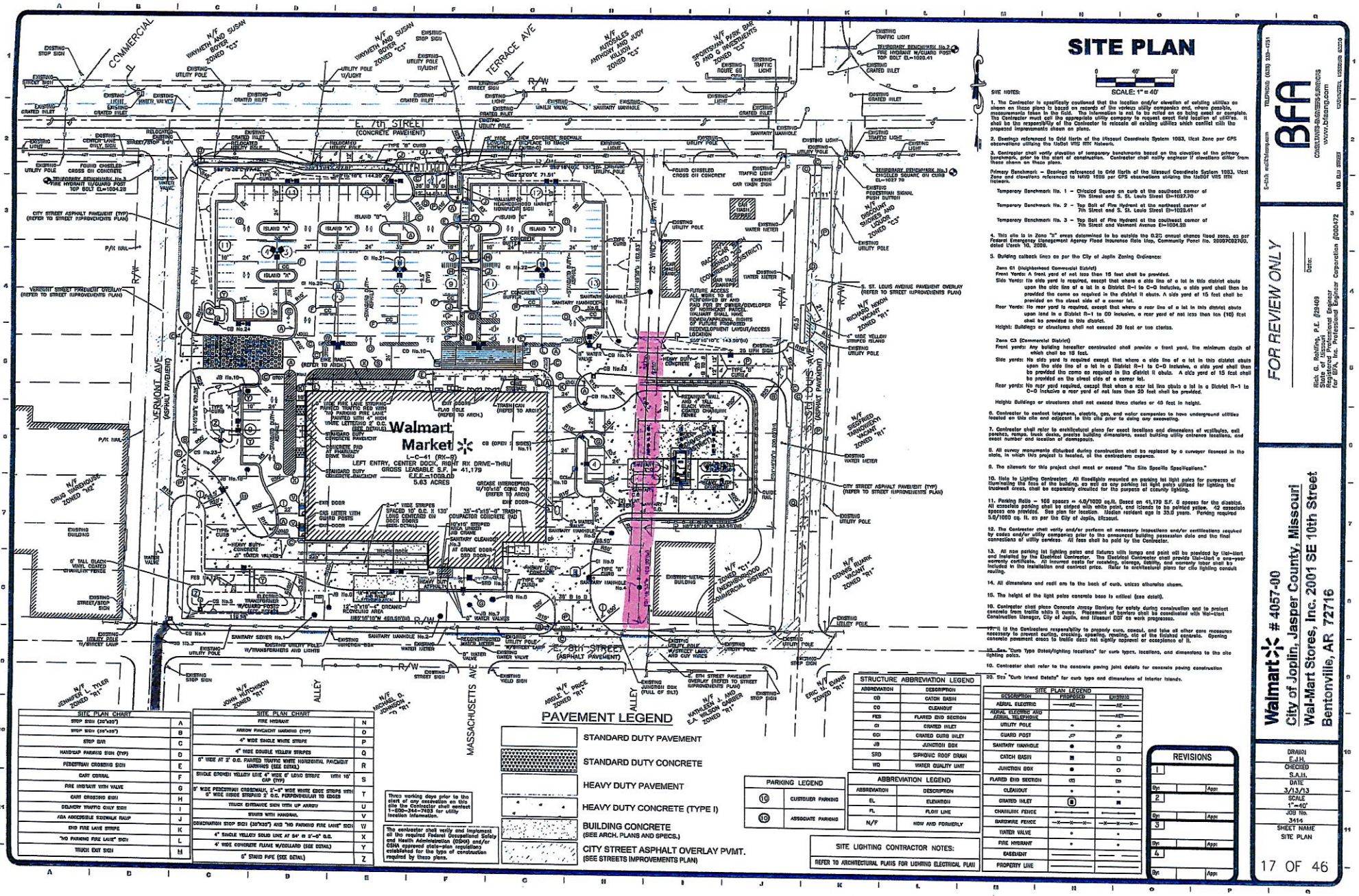
a.) MGE Missouri Gas Energy	(800) 582-1234
b.) Empire District Electric Company	(417) 624-0300
c.) Cable One	(417) 624-6340
d.) MO American Water Company	(800) 256-6426
e.) AT&T	(800) 464-7928



0 87.5 175 350 525 700 Feet

Case 024-13: A request to vacate a portion of a 20 foot wide alley between S. St. Louis Avenue and the vacated Massachusetts Avenue beginning at the north right-of-way line of 8th Street north 300 feet. - Stephen Ramsour and Dennis Ruark

N


SITE PLAN
SCALE: 1" = 40'
SITE NOTES:
1. The Contractor is specifically cautioned that the location and/or elevation of existing utilities as shown on these plans is based on records of the various utility companies and, where possible, measurements taken in the field. The information is not to be relied on as being exact or complete. The Contractor must call the appropriate utility company to request exact field location of utilities. It shall be the responsibility of the Contractor to relocate all existing utilities which conflict with the proposed improvements shown on plans.
2. Bearings referenced to Grid North of the Missouri Coordinate System 1983, West Zone per GPS observations utilizing the NAD83 VRS RTK Network.
3. Contractor shall verify elevation of temporary benchmarks based on the elevation of the primary benchmark, prior to the start of construction. Contractor shall notify engineer if elevations differ from those shown on these plans.
Primary Benchmark – Bearings referenced to Grid North of the Missouri Coordinate System 1983, West Zone and elevations referenced to NAVD 1988 per GPS observations utilizing the NAD83 VRS RTK Network.
Temporary Benchmark No. 1 – Chiseled Square on curb at the southeast corner of 7th Street and S. St. Louis Street El=1037.70
Temporary Benchmark No. 2 – Top Bolt of Fire Hydrant at the northeast corner of 7th Street and S. St. Louis Street El=1020.41
Temporary Benchmark No. 3 – Top Bolt of Fire Hydrant at the southwest corner of 7th Street and Vermont Avenue El=1004.28
4. This site is in Zone "X" areas determined to be outside the 0.2% annual chance flood zone, as per Federal Emergency Management Agency Flood Insurance Rate Map, Community Panel No. 29097C0270D, dated March 16, 2009.
5. Building setback lines as per the City of Joplin Zoning Ordinance:
Zone C1 (Neighborhood Commercial District)
Front Yards: A front yard of not less than 15 feet shall be provided.
Side Yards: No side yard is required, except that where a side line of a lot in this district abuts upon the side line of a lot in a District R-1 to C-O inclusive, a side yard shall then be provided the same as required in the district it abuts. A side yard of 15 feet shall be provided on the street side of a corner lot.
Rear Yards: No rear yard is required, except that where a rear line of a lot in this district abuts upon land in a District R-1 to CO inclusive, a rear yard of not less than ten (10) feet shall be provided in this district.
Height: Buildings or structures shall not exceed 30 feet or two stories.
Zone C3 (Commercial District)
Front yards: Any building hereafter constructed shall provide a front yard, the minimum depth of which shall be 10 feet.
Side yards: No side yard is required, except that where a side line of a lot in this district abuts upon the side line of a lot in a District R-1 to C-O inclusive, a side yard shall then be provided the same as required in the district it abuts. A side yard of 15 feet shall be provided on the street side of a corner lot.
Rear yards: No rear yard required, except that when a rear lot line abuts a lot in a District R-1 to C-O inclusive a rear yard of not less than 20 feet shall be provided.
Height: Buildings or structures shall not exceed three stories or 45 feet in height.
6. Contractor to contact telephone, electric, gas, and water companies to have underground utilities located on this site and adjacent to this site prior to doing any excavating.
7. Contractor shall refer to architectural plans for exact locations and dimensions of vestibules, exit pavers, ramps, trash decks, precise building dimensions, exact building utility entrance locations, and exact number and location of downspouts.
8. All survey monuments disturbed during construction shall be replaced by a surveyor licensed in the state, in which this project is located, at the contractors expense.
9. The sitework for this project shall meet or exceed "The Site Specific Specifications."
10. Note to Lighting Contractor: All floodlights mounted on parking lot light poles for purposes of illuminating the face of the building, as well as any parking lot light poles utilized for lighting the truckwell areas, shall be separately circuited for the purpose of security lighting.
11. Parking Ratio – 100 spaces = 4.0/1000 sq.ft. Based on 41,179 S.F. 0 spaces for the disabled. All associate parking shall be striped with white paint, and islands to be painted yellow. 42 associate spaces are provided. See plan for location. Median resident age is 33.8 years. Parking required 5.0/1000 sq. ft. as per the City of Joplin, Missouri.
12. The Contractor shall verify and/or perform all necessary inspections and/or certifications required by codes and/or utility companies prior to the announced building possession date and the final connection of utility services. All fees shall be paid by the Contractor.
13. All new parking lot lighting poles and fixtures with lamps and paint will be provided by Wal-Mart and installed by the Electrical Contractor. The Electrical Contractor shall provide Wal-Mart a one-year warranty certificate. All incurred costs for repairing, storage, delivery and warranty repair shall be included in the installation and contract price. Refer to architectural plans for site lighting conduit routing.
14. All dimensions and radii are to the back of curb, unless otherwise shown.
15. The height of the light poles concrete base is critical (see detail).
16. Contractor shall place Concrete Jersey Barriers for safety during construction and to protect concrete from traffic while it cures. Placement of barriers shall be coordinated with Wal-Mart Construction Manager, City of Joplin, and Missouri DOT as work progresses.
17. It is the Contractors responsibility to properly cure, consol, and take all other care measures necessary to prevent curling, cracking, spawling, raveling, etc of the finished concrete. Opening concrete pavement areas to traffic does not signify approval or acceptance of it.
18. See "Curb Type Detail/lighting locations" for curb types, locations, and dimensions of the site lighting poles.
19. Contractor shall refer to the concrete paving joint details for concrete paving construction
20. See "Curb Island Details" for curb type and dimensions of interior islands.
Walmart # 4057-00
City of Joplin, Jasper County, Missouri
Wal-Mart Stores, Inc. 2001 SE 10th Street
Bentonville, AR 72716
BFA
CONSULTING ENGINEERS • SURVEYORS
www.bfaeng.com
FOR REVIEW ONLY
Rick G. Rollins, P.E. #29469
State of Missouri
Registered Professional Engineer
for BFA, Inc. Professional Engineer Corporation #000472
Date:
DRAWN E.J.H.
CHECKED S.A.H.
DATE 3/13/13
SCALE 1"=40'
JOB No. 3414
SHEET NAME SITE PLAN
17 OF 46
REVISIONS
1 By: Appr:
2 By: Appr:
3 By: Appr:
4 By: Appr:
SITE PLAN CHART
A STOP SIGN (30"x30")
B STOP SIGN (36"x36")
C STOP BAR
D HANDICAP PARKING SIGN (TYP)
E PEDESTRIAN CROSSING SIGN
F CART CORRAL
G FIRE HYDRANT WITH VALVE
H CART CROSSING SIGN
I DELIVERY TRAFFIC ONLY SIGN
J ADA ACCESSIBLE SIDEWALK RAMP
K END FIRE LANE STRIPE
L "NO PARKING FIRE LANE" SIGN
M TRUCK EXIT SIGN
SITE PLAN CHART
N FIRE HYDRANT
O ARROW PAVEMENT MARKING (TYP)
P 4" WIDE SINGLE WHITE STRIPE
Q 4" WIDE DOUBLE YELLOW STRIPES
R 6" WIDE AT 2' O.C. PAINTED TRAFFIC WHITE HORIZONTAL PAVEMENT MARKINGS (SEE DETAIL)
S SINGLE BROKEN YELLOW LINE 4" WIDE 6' LONG STRIPE WITH 10' GAP (TYP)
T 5' WIDE PEDESTRIAN CROSSWALK, 2'-0" WIDE WHITE EDGE STRIPS WITH 6" WIDE INSIDE STRIPES 2' O.C. PERPENDICULAR TO EDGES
U TRUCK ENTRANCE SIGN WITH UP ARROW
V SIGNS WITH HANDRAIL
W CONSTRUCTION STOP SIGN (30"x30") AND "NO PARKING FIRE LANE" SIGN
X 4" SINGLE YELLOW SOLID LINE AT 24" @ 2'-0" O.C.
Y 4" WIDE CONCRETE PLANE W/BOLLARD (SEE DETAIL)
Z 6" STAND PIPE (SEE DETAIL)
Three working days prior to the start of any excavation on this site the Contractor shall contact 1-800-344-7483 for utility location information.
The contractor shall verify and implement all the required Federal Occupational Safety and Health Administration (OSHA) and/or OSHA approved state-plan regulations established for the type of construction required by these plans.
PAVEMENT LEGEND
STANDARD DUTY PAVEMENT
STANDARD DUTY CONCRETE
HEAVY DUTY PAVEMENT
HEAVY DUTY CONCRETE (TYPE I)
BUILDING CONCRETE (SEE ARCH. PLANS AND SPECS.)
CITY STREET ASPHALT OVERLAY PVMT. (SEE STREETS IMPROVEMENTS PLAN)
PARKING LEGEND
CUSTOMER PARKING
ASSOCIATE PARKING
STRUCTURE ABBREVIATION LEGEND
CB CATCH BASIN
CO CLEANOUT
FES FLARED END SECTION
GI GRATED INLET
GCI GRATED CURB INLET
JB JUNCTION BOX
SRD SIPHONIC ROOF DRAIN
WQ WATER QUALITY UNIT
ABBREVIATION LEGEND
EL ELEVATION
FL FLOW LINE
N/F NOW AND FORMERLY
SITE PLAN LEGEND
AERIAL ELECTRIC
AERIAL ELECTRIC AND AERIAL TELEPHONE
UTILITY POLE
GUARD POST
SANITARY MANHOLE
CATCH BASIN
JUNCTION BOX
FLARED END SECTION
CLEANOUT
GRATED INLET
CHAINLINK FENCE
BARBWIRE FENCE
WATER VALVE
FIRE HYDRANT
EASEMENT
PROPERTY LINE
SITE LIGHTING CONTRACTOR NOTES:
REFER TO ARCHITECTURAL PLANS FOR LIGHTING ELECTRICAL PLAN

Case 024-13: West of 720 South St. Louis – A request for the vacation of a portion of a 20 foot wide public alley and utility easement between South St. Louis and vacated Massachusetts beginning at the north right-of-way line of 8th Street north 300 feet – Stephen Ramsour and Dennis Ruark.

Mr. Harrington opened the public hearing for Case 024-13.

Mr. Rick Rohlfing, an engineer with BFA Consultants from Washington, Missouri, appeared representing the two property owners on this agenda item. The request for the vacation of the easement and the alleyway is over a portion that is not used today. It is just a grassy area containing some berming. A developer would like to redevelop the Crossroads Chevrolet property and the Nixon's Garage property. It would become one parcel owned by the same entity.

Mr. Rohlfing stated that the northern portion of that easement that is utilized today by the car wash would be untouched. He has met with Mr. Alburty, the owner of the car wash, who has no concerns with what is being proposed.

Mr. Harrington asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 024-13.

MR. SMITH MOVED, SECONDED BY MR. BROWN, THAT CASE 024-13 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, MR. LANDRITH, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 024-13
Stephen Ramsour and Dennis Ruark
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-269 **ORDINANCE NO.**

AN ORDINANCE providing for the vacation of a portion of a 20-foot wide public alley and utility easement located west of 720 South St. Louis Avenue in the City of Joplin, Jasper County, Missouri.

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 and utility easement located west of 720 South St. Louis Avenue 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 portion of a 20 foot wide public alley and utility easement between South St. Louis Avenue and vacated Massachusetts Avenue beginning at the north right-of-way line of Eighth Street north 300 feet.

Section 2. That this vacation of the portion of the alley and utility easement 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 or easement 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: June 3, 2013

Item: COUNCIL BILL NO. 2013-270
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: David Hertzberg DKH Date: 5/24/2013
City Attorney: Brian Head Date: 5-28-13
City Manager: R. Mark Rohr Date: 5-29-13
Board or Commission: Planning and Zoning Commission MBW Date: 5/13/2013

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

SUMMARY/REQUEST:
Case 025-13: 1600 East 7th – A request for the vacation of a 60 foot wide utility easement in the vacated Massachusetts Avenue right-of-way between 7th and 8th Streets – Stephen Ramsour.

STAFF SUMMARY:
There are no utilities currently located in the utility easement to be vacated. Massachusetts Avenue was vacated in 1964, but there is no record that the utility easement was vacated.

Staff recommends approval of Case 025-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Rick Rohlfing, with BFA Consultants from Washington, Missouri, appeared representing Mr. Ramsour on this agenda item. This easement is only an easement at this point, with the street right-of-way being vacated some years ago; however, the easement still exists and goes through the existing building. It would also go through the redevelopment of the site.

PUBLIC COMMENT:
None.

Z&P Meeting: May 13, 2013
City Council Meeting: June 3, 2013

STAFF PLANNING REPORT
Vacation

CASE 025-13:

A request for the vacation of a public utility easement.

APPLICANT: Stephen Ramsour

REPRESENTATIVE: BFA, Inc.

LOCATION: Vacated Massachusetts Avenue between 7th and 8th Streets

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EXISTING CONDITIONS:

Easement Type(s)	Easement Size
Utility	60' x 490'

REASON FOR VACATION:

A retail development is proposed on the property addressed as 1600 E. 7th Street. The proposed site plan includes a permanent structure to be constructed over the existing utility easement.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT?: No

UTILITIES PLANNED TO LOCATE IN THE EASEMENT?: No

DISCUSSION:

There are no utilities currently located in the utility easement to be vacated. Massachusetts Avenue was vacated in 1964, but there is no record that the utility easement was vacated.

Staff recommends approval of Case 025-13.

ENCLOSURES: Preliminary Site Plan

CITY OF JOPLIN

RECEIVED 4-5-13

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.: 025-13
Filing Fee: $ 350.00
Date Advertised: 4-28-13
Date Notices Sent 4-29-13
Public Hearing Date: 5-13-13

I. Applicant Name: Ramsour see attached Phone: _____

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

Address: 1600 East Seventh Street, 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: Massachusetts Street as per Murphy and Leffen Addition PB 3, PG. 248, lying north of Eighth Street and South of Seventh Street

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

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

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

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

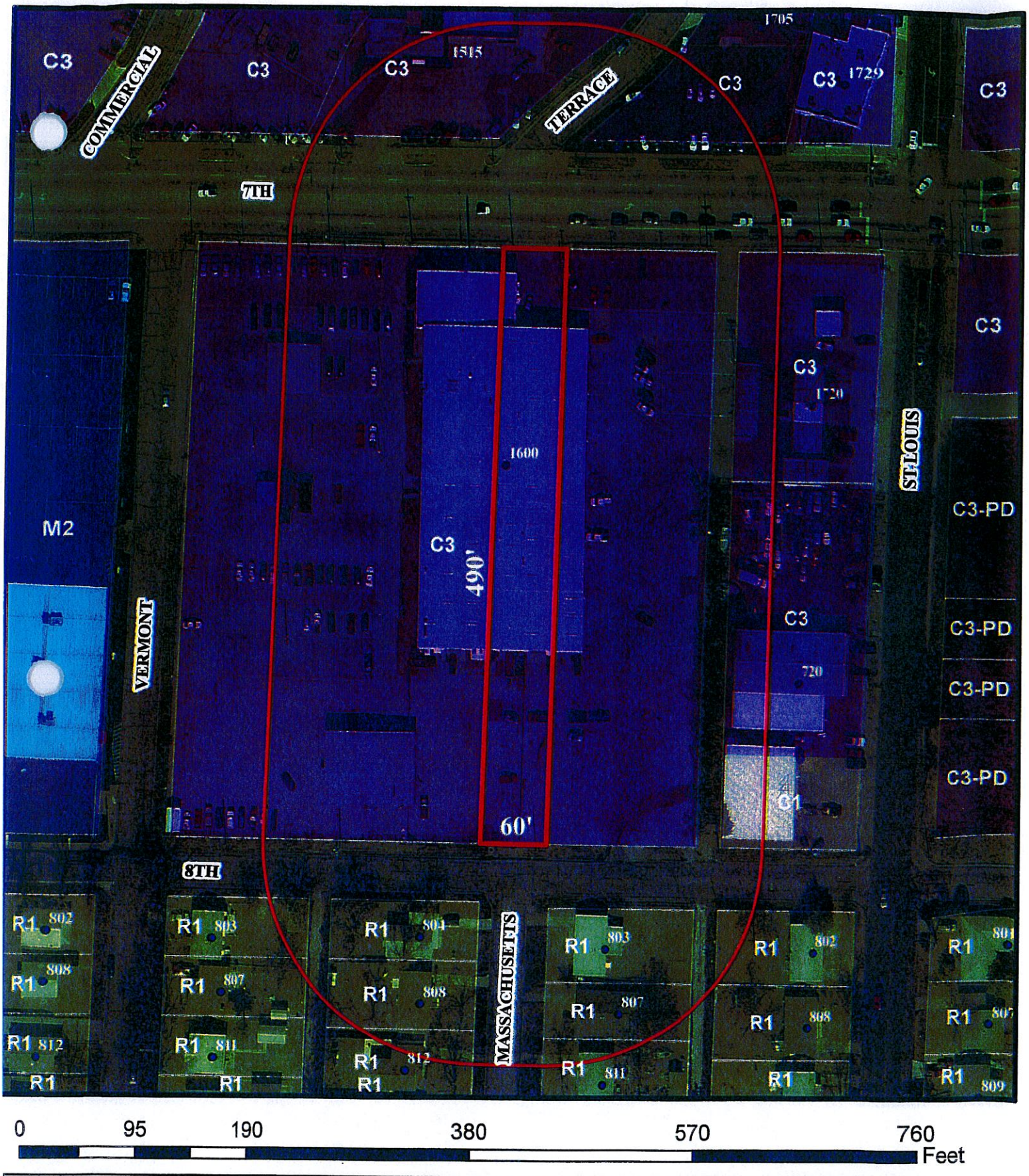
V. Required Attachments:

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

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

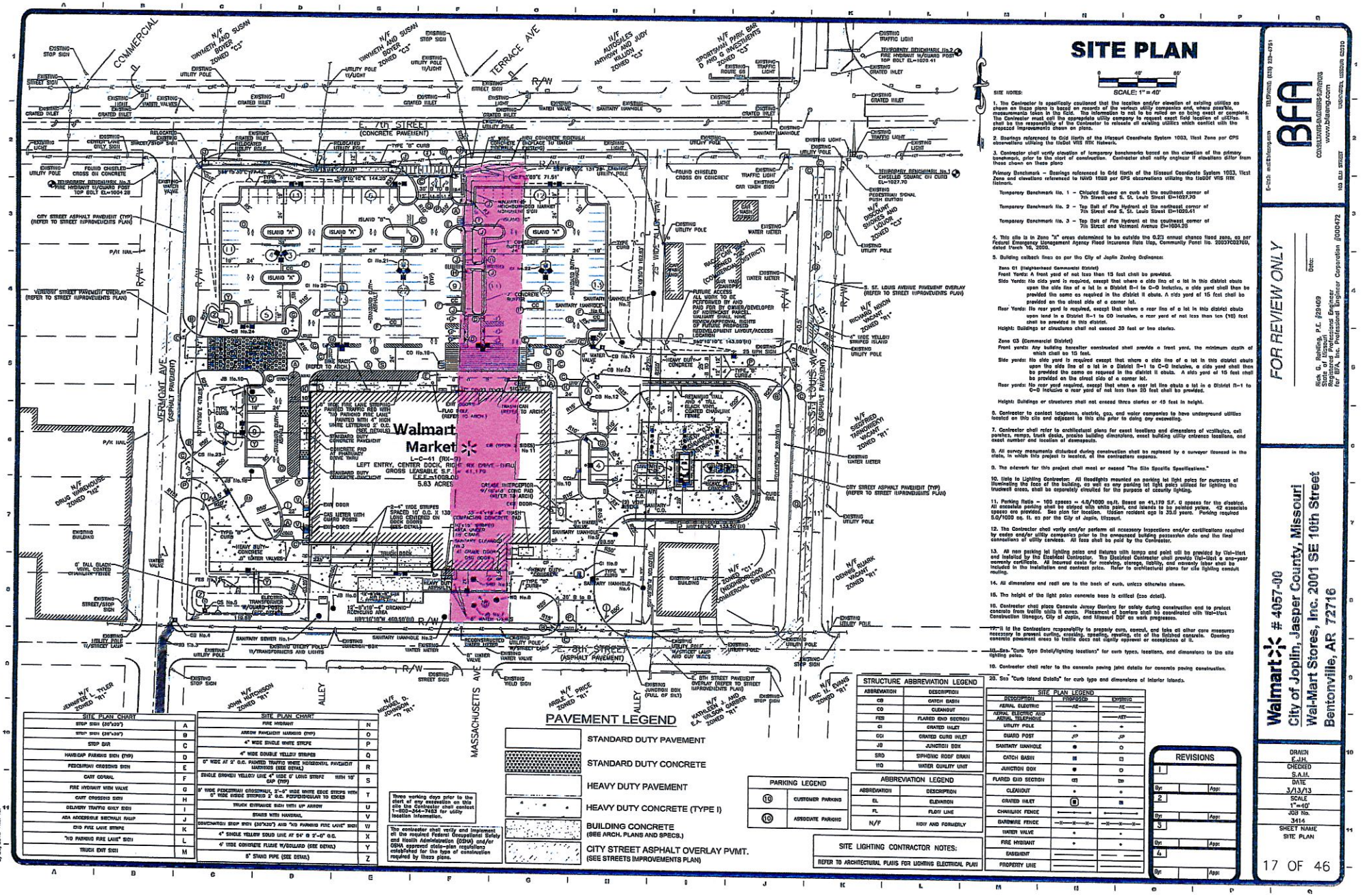
3. Affidavit(s) from the following private utility companies indicating their consent to vacate the easement. The following private companies must be contacted and consent to the vacation for the Public Hearing can take place.

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



Case 025-13: A request to vacate a 60 foot wide utility easement in the vacated Massachusetts Avenue right-of-way between 7th and 8th Streets, located at 1600 E. 7th Street. - Stephen Ramsour

N



SITE PLAN

SCALE: 1" = 40'

SITE NOTES:

1. The Contractor is specifically cautioned that the location and/or elevation of existing utilities as shown on these plans is based on records of the various utility companies and, where possible, measurements taken in the field. The information is not to be relied on as being exact or complete. The Contractor must call the appropriate utility company to request exact field location of utilities. It shall be the responsibility of the Contractor to relocate all existing utilities which conflict with the proposed improvements shown on plans.

2. Bearings referenced to Grid North of the Missouri Coordinate System 1983, West Zone per GPS observations utilizing the MoDot VRS RTK Network.

3. Contractor shall verify elevation of temporary benchmarks based on the elevation of the primary benchmark, prior to the start of construction. Contractor shall notify engineer if elevations differ from those shown on these plans

Primary Benchmark – Bearings referenced to Grid North of the Missouri Coordinate System 1983, West Zone and elevations referenced to NAVD 1988 per GPS observations utilizing the MoDOT VRS RTK Network.

Temporary Benchmark No. 1 – Chiseled Square on curb at the southeast corner of 7th Street and S. St. Louis Street El=1027.70

Temporary Benchmark No. 2 – Top Bolt of Fire Hydrant at the northeast corner of 7th Street and S. St. Louis Street El=1025.41

Temporary Benchmark No. 3 – Top Bolt of Fire Hydrant at the southeast corner of 7th Street and Vermont Avenue El=1004.28

4. This site is in Zone "X" areas determined to be outside the 0.2% annual chance flood zone, as per Federal Emergency Management Agency Flood Insurance Rate Map, Community Panel No. 29097C0270D, dated March 16, 2009.

5. Building setback lines as per the City of Joplin Zoning Ordinance:

Zone C1 (Neighborhood Commercial District)
Front Yards: A front yard of not less than 15 feet shall be provided.
Side Yards: No side yard is required, except that where a side line of a lot in this district abuts upon the side line of a lot in a District R-1 to C-O inclusive, a side yard shall then be provided the same as required in the district it abuts. A side yard of 15 feet shall be provided on the street side of a corner lot.
Rear Yards: No rear yard is required, except that where a rear line of a lot in this district abuts upon land in a District R-1 to CO inclusive, a rear yard of not less than ten (10) feet shall be provided in this district.
Height: Buildings or structures shall not exceed 30 feet or two stories.

Zone C3 (Commercial District)
Front yards: Any building hereafter constructed shall provide a front yard, the minimum depth of which shall be 10 feet.
Side yards: No side yard is required except that where a side line of a lot in this district abuts upon the side line of a lot in a District R-1 to C-O inclusive, a side yard shall then be provided the same as required in the district it abuts. A side yard of 15 feet shall be provided on the street side of a corner lot.
Rear yards: No rear yard required, except that when a rear lot line abuts a lot in a District R-1 to C-O inclusive a rear yard of not less than 20 feet shall be provided.

Height: Buildings or structures shall not exceed three stories or 45 feet in height.

6. Contractor to contact telephone, electric, gas, and water companies to have underground utilities located on this site and adjacent to this site prior to doing any excavating.

7. Contractor shall refer to architectural plans for exact locations and dimensions of vestibules, exit porches, ramps, trash docks, precise building dimensions, exact building utility entrance locations, and exact number and location of downspouts.

8. All survey monuments disturbed during construction shall be replaced by a surveyor licensed in the state, in which this project is located, at the contractors expense.

9. The sidewalk for this project shall meet or exceed "The Site Specific Specifications."

10. Note to Lighting Contractor: All floodlights mounted on parking lot light poles for purposes of illuminating the face of the building, as well as any parking lot light poles utilized for lighting the truckwell areas, shall be separately circuited for the purpose of security lighting.

11. Parking Ratio – 100 spaces = 4.8/1000 sq.ft. Based on 41,170 S.F. of spaces for the disabled. All accessible parking shall be striped with white paint, and islands to be painted yellow. 42 associate spaces are provided. See plan for location. Median variance ago is 35.0 years. Parking required 5.0/1000 sq. ft. as per the City of Joplin, Missouri.

12. The Contractor shall verify and/or perform all necessary inspections and/or certifications required by codes and/or utility companies prior to the announced building possession date and the final connections of utility services. All fees shall be paid by the Contractor.

13. All new parking lot lighting poles and fixtures with lamps and paint will be provided by Wal-Mart and installed by the Electrical Contractor. The Electrical Contractor shall provide Wal-Mart a one-year warranty certificate. All incurred costs for receiving, storage, liability, and warranty labor shall be included in the installation and contract price. Refer to architectural plans for site lighting conduit routing.

14. All dimensions and radii are to the back of curb, unless otherwise shown.

15. The height of the light poles concrete base is critical (see detail).

16. Contractor shall place Concrete Jersey Barriers for safety during construction and to protect concrete from traffic until it cures. Placement of barriers shall be coordinated with Wal-Mart Construction Manager, City of Joplin, and Missouri DOT as work progresses.

17. It is the Contractors responsibility to properly cure, consult, and take all other care measures necessary to prevent curling, cracking, spalling, raveling, etc of the finished concrete. Opening concrete pavement areas to traffic does not signify approval or acceptance of it.

18. See "Curb Type Detail/Lighting Locations" for curb types, locations, and dimensions to the site lighting poles.

19. Contractor shall refer to the concrete paving joint details for concrete paving construction.

20. See "Curb Island Details" for curb type and dimensions of interior islands.

SITE PLAN CHART	
STOP SIGN (30"x30")	A
STOP SIGN (36"x36")	B
STOP BAR	C
HANDICAP PARKING SIGN (TYP)	D
PEDESTRIAN CROSSING SIGN	E
CART CORRAL	F
FIRE HYDRANT WITH VALVE	G
CART CROSSING SIGN	H
DELIVERY TRAFFIC ONLY SIGN	I
ADA ACCESSIBLE SIDEWALK RAMP	J
END FIRE LANE STRIPE	K
"NO PARKING FIRE LANE" SIGN	L
TRUCK EXIT SIGN	M

SITE PLAN CHART	
FIRE HYDRANT	N
ARROW PAVEMENT MARKING (TYP)	O
4" WIDE SINGLE WHITE STRIPE	P
4" WIDE DOUBLE YELLOW STRIPES	Q
6" WIDE AT 2' O.C. PAINTED TRAFFIC WHITE HORIZONTAL PAVEMENT MARKINGS (SEE DETAIL)	R
SINGLE BROKEN YELLOW LINE 4" WIDE 6' LONG STRIPE WITH 10' GAP (TYP)	S
9' WIDE PEDESTRIAN CROSSWALK, 2'-6" WIDE WHITE EDGE STRIPS WITH 6" WIDE RIDGE STRIPES 2' O.C. PERPENDICULAR TO EDGES	T
TRUCK ENTRANCE SIGN WITH UP ARROW	U
STAIRS WITH HANDRAIL	V
CONSTRUCTION STOP SIGN (30"x30") AND "NO PARKING FIRE LANE" SIGN	W
4" SINGLE YELLOW SOLID LINE AT 24" @ 2'-0" O.C.	X
4" WIDE CONCRETE FLUSH W/BOLLARD (SEE DETAIL)	Y
6" STAND PIPE (SEE DETAIL)	Z

PARKING LEGEND	
10	CUSTOMER PARKING
10	ASSOCIATE PARKING

STRUCTURE ABBREVIATION LEGEND	
ABBREVIATION	DESCRIPTION
CB	CATCH BASIN
CO	CLEANOUT
FES	FLARED END SECTION
CI	GRATED INLET
CCI	GRATED CURB INLET
JB	JUNCTION BOX
SRD	SIPHONIC ROOF DRAIN
WQ	WATER QUALITY UNIT

ABBREVIATION LEGEND	
ABBREVIATION	DESCRIPTION
EL	ELEVATION
FL	FLOW LINE
N/F	NOW AND FORMERLY

SITE PLAN LEGEND		
DESCRIPTION	PROPOSED	EXISTING
AERIAL ELECTRIC	—AE—	—AE—
AERIAL ELECTRIC AND AERIAL TELEPHONE	—AET—	—AET—
UTILITY POLE	●	●
GUARD POST	●	●
SANITARY MANHOLE	●	○
CATCH BASIN	■	□
JUNCTION BOX	●	○
FLARED END SECTION	◀	▷
CLEANOUT	●	○
GRATED INLET	■	■
CHAINLINK FENCE	—x—x—x—	—x—x—x—
BARBWIRE FENCE	—x—x—x—	—x—x—x—
WATER VALVE	●	●
FIRE HYDRANT	●	●
EASEMENT	— — —	— — —
PROPERTY LINE	———	———

SITE LIGHTING CONTRACTOR NOTES:
REFER TO ARCHITECTURAL PLANS FOR LIGHTING ELECTRICAL PLAN

Three working days prior to the start of any excavation on this site the Contractor shall contact 1-800-344-7483 for utility location information.

The contractor shall verify and implement all the required Federal Occupational Safety and Health Administration (OSHA) and/or OSHA approved state-plan regulations established for the type of construction required by these plans.

REVISIONS		
1		
By:		Appr:
2		
By:		Appr:
3		
By:		Appr:
4		
By:		Appr:

BFA
CONSULTING ENGINEERS & SURVEYORS
www.bfaeng.com
(417) 623-4761
153 SW 3rd STREET LEES SUMMIT, MISSOURI 64063

FOR REVIEW ONLY

Date:

Rick G. Rahling, P.E. #29409
State of Missouri
Registered Professional Engineer
For BFA, the Professional Engineer Corporation #000472

Walmart #4057-00
City of Joplin, Jasper County, Missouri
Wal-Mart Stores, Inc. 2001 SE 10th Street
Bentonville, AR 72716

DRAWN: E.J.H.
CHECKED: S.A.M.
DATE: 3/13/13
SCALE: 1"=40'
JOB No.: 3414
SHEET NAME: SITE PLAN

P:\Walt\3414 Joplin, 2x 1028 7th Street\3414 Plan Sheets\3414 Site Rotating 3/20/2013 11:07 AM

Case 025-13: 1600 East 7th – A request for the vacation of a 60 foot wide utility easement in the vacated Massachusetts Avenue right-of-way between 7th and 8th Streets – Stephen Ramsour.

Mr. Harrington opened the public hearing for Case 025-13.

Mr. Rick Rohlfing, with BFA Consultants from Washington, Missouri, appeared representing Mr. Ramsour on this agenda item. This easement is only an easement at this point, with the street right-of-way being vacated some years ago; however, the easement still exists and goes through the existing building. It would also go through the redevelopment of the site.

Mr. Harrington asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 025-13.

MR. BROWN MOVED, SECONDED BY MR. EASTMAN, THAT CASE 025-13 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, MR. LANDRITH, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 025-13
Stephen Ramsour
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-270 **ORDINANCE NO.**

AN ORDINANCE providing for the vacation of a 60-foot wide utility easement located at 1600 East Seventh Street in the City of Joplin, Jasper County, Missouri.

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

Section 1. That all that part of a 60-foot utility easement located at 1600 East Seventh Street in the City of Joplin, Jasper County, Missouri, described as follows are hereby vacated, conveyed, relinquished, and reverted to the owners of the abutting lots and land:

A 60-foot wide public utility easement in the vacated Massachusetts Avenue right-of-way between Seventh and Eighth Streets.

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: June 3, 2013

Item: COUNCIL BILL NO. 2013-271
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: David Hertzberg — Date: 5/24/2013
City Attorney: Brian Head — Date: 5-28-13
City Manager: R. Mark Rohr — Date: 5-28-13
Board or Commission: Planning and Zoning Commission — Date: 5/13/2013

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

SUMMARY/REQUEST:
Case 026-13: 1600 East 7th – A request for the vacation of a 20 foot wide utility easement in the vacated alley between vacated Massachusetts Avenue and Vermont Avenue between 7th and 8th Streets – Stephen Ramsour.

STAFF SUMMARY:
City sewer is currently located in the utility easement and will be relocated. The alley was vacated in 1964, but there is no record that the utility easement was vacated.

Staff recommends approval of Case 026-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Rick Rohlfing, with BFA Consultants from Washington, Missouri, appeared representing Mr. Ramsour on this agenda item. This request is just to vacate an existing easement where the right-of-way has already been vacated some years ago. The easement is no longer necessary.

PUBLIC COMMENT:
None.

Z&P Meeting: May 13, 2013
City Council Meeting: June 3, 2013

STAFF PLANNING REPORT
Vacation

CASE 026-13:

A request for the vacation of a public utility easement.

APPLICANT: Stephen Ramsour

REPRESENTATIVE: BFA, Inc.

LOCATION: Between Vermont Avenue and vacated Massachusetts Avenue, between 7th and 8th Streets

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EXISTING CONDITIONS:

Easement Type(s)	Easement Size
Utility	20' x 490'

REASON FOR VACATION:

A retail development is proposed on the property addressed as 1600 E. 7th Street. The proposed site plan includes a permanent structure to be constructed over the existing utility easement.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT?: Yes

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

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DISCUSSION:

City sewer is currently located in the utility easement and will be relocated. The alley was vacated in 1964, but there is no record that the utility easement was vacated.

Staff recommends approval of Case 026-13.

ENCLOSURES: Preliminary Site Plan

RECEIVED
4-5-13

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.: 026-13
Filing Fee: $ 350.00
Date Advertised: 4-25-13
Date Notices Sent 4-24-13
Public Hearing Date: 5-13-13

I. Applicant Name: Ramsour see attached Phone: _____

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

Address: 1600 East Seventh Street, 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: The Alley East of Lots 67 thru 76 and West of Lots 39 thru 48 of Murphy and Leffen Addition PB 3, PG. 248, lying north of Eighth Street and South of Seventh Street, between vacated Massachusetts Avenue and Vermont Avenue

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

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

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

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

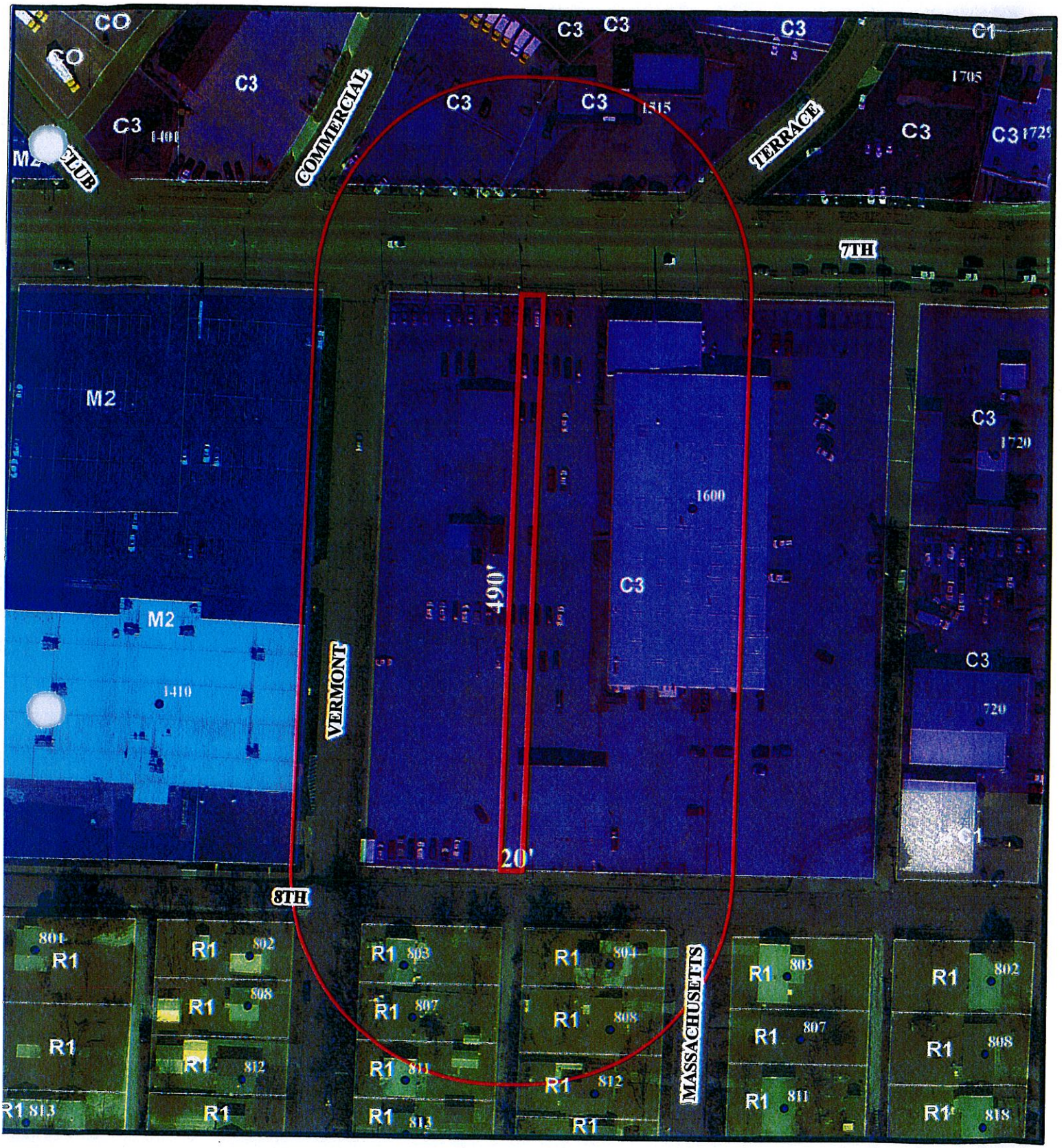
V. Required Attachments:

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

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

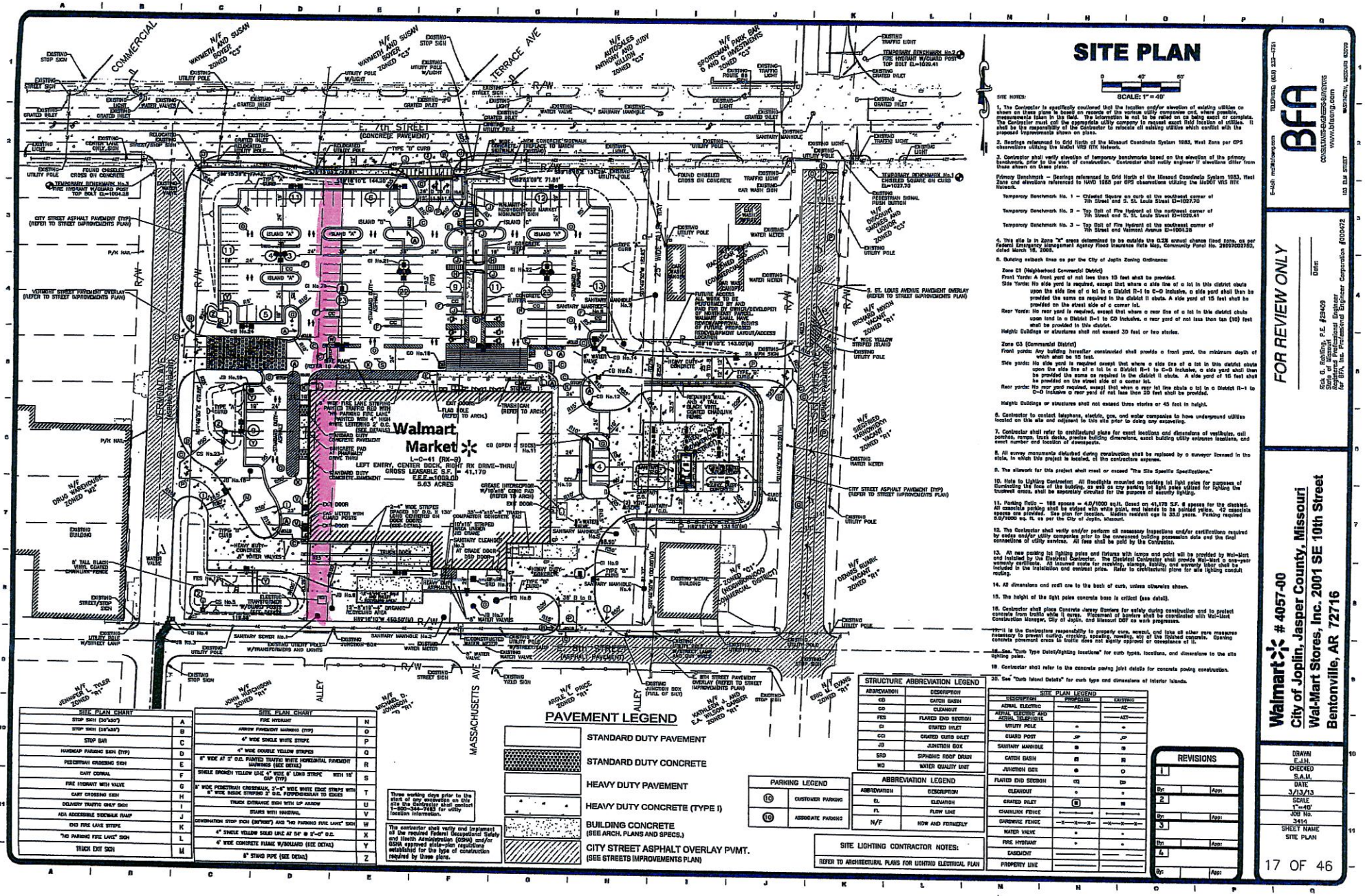
3. Affidavit(s) from the following private utility companies indicating their consent to vacate the easement. The following private companies must be contacted and consent to the vacation for the Public Hearing can take place.

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



Case 026-13: A request to vacate a 20 foot wide utility easement in the vacated alley between vacated Massachusetts Avenue and Vermont Avenue between 7th and 8th Streets, located at 1600 E. 7th Street. - Stephen Ramsour

N


COMMERCIAL
TERRACE AVE
E. 7th STREET
(CONCRETE PAVEMENT)
VERMONT AVE
MASSACHUSETTS AVE
ALLEY
Walmart Market
L-C-41 (RX-9)
LEFT ENTRY, CENTER DOCK, RIGHT RX DRIVE-THRU
GROSS LEASABLE S.F. = 41,179
F.F.E.=1009.00
5.63 ACRES
CITY STREET ASPHALT PAVEMENT (TYP) (REFER TO STREET IMPROVEMENTS PLAN)
VERMONT STREET PAVEMENT OVERLAY (REFER TO STREET IMPROVEMENTS PLAN)
S. ST. LOUIS AVENUE PAVEMENT OVERLAY (REFER TO STREET IMPROVEMENTS PLAN)
8TH STREET PAVEMENT OVERLAY (REFER TO STREET IMPROVEMENTS PLAN)
8' TALL BLACK VINYL COATED CHAINLINK FENCE
EXISTING BUILDING
EXISTING UTILITY POLE W/STREET LAMP
EXISTING STREET/STOP SIGN
EXISTING UTILITY POLE W/TRANSFORMERS AND LIGHTS
EXISTING TELEPHONE BOX
EXISTING WATER METER
EXISTING YIELD SIGN
EXISTING JUNCTION BOX (FULL OF SIGN)
EXISTING TRAFFIC POLE
EXISTING TRAFFIC LIGHT
EXISTING GRATED INLET
EXISTING CURB INLET
EXISTING CATCH BASIN
EXISTING CLEANOUT
EXISTING SANITARY MANHOLE
EXISTING WATER VALVE
EXISTING FIRE HYDRANT
EXISTING CAR WASH SIGN
EXISTING CAR WASH BUILDING
EXISTING METAL BUILDING
EXISTING ROUSE 66 SIGN
EXISTING TRAFFIC LIGHT
EXISTING GRATED INLET
EXISTING CURB INLET
EXISTING CATCH BASIN
EXISTING CLEANOUT
EXISTING SANITARY MANHOLE
EXISTING WATER VALVE
EXISTING FIRE HYDRANT
EXISTING UTILITY POLE
EXISTING TRAFFIC LIGHT
EXISTING WATER METER
EXISTING CONCRETE SIDEWALK
EXISTING CONCRETE PAVEMENT
EXISTING CURB INLET
EXISTING GRATED

Case 026-13: 1600 East 7th – A request for the vacation of a 20 foot wide utility easement in the vacated alley between vacated Massachusetts Avenue and Vermont Avenue between 7th and 8th Streets – Stephen Ramsour.

Mr. Harrington opened the public hearing for Case 026-13.

Mr. Rick Rohlfing, with BFA Consultants from Washington, Missouri, appeared representing Mr. Ramsour on this agenda item. This request is just to vacate an existing easement where the right-of-way has already been vacated some years ago. The easement is no longer necessary.

Mr. Harrington asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 026-13.

MR. SMITH MOVED, SECONDED BY MR. DUNCAN, THAT CASE 026-13 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, MR. LANDRITH, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 026-13
Stephen Ramsour
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-271 **ORDINANCE NO.**

AN ORDINANCE providing for the vacation of a 20-foot wide utility easement located at 1600 East Seventh Street in the City of Joplin, Jasper County, Missouri.

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

Section 1. That all that part of a 20-foot utility easement located at 1600 East Seventh Street in the City of Joplin, Jasper County, Missouri, described as follows are hereby vacated, conveyed, relinquished, and reverted to the owners of the abutting lots and land:

A 20-foot wide public utility easement in the vacated alley between vacated Massachusetts Avenue and Vermont Avenue between Seventh and Eighth Streets.

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

EMERGENCY ORDINANCES

City of Joplin

City Council Agenda Item

REQUESTED COUNCIL MEETING DATE: JUNE 17, 2013

ITEM: COUNCIL BILL 2013-204
ORIGINATING DEPARTMENT: PUBLIC WORKS DEPARTMENT

Recycling Coordinator: Mary Anne Phillips MAP	**Date:** MAP 6-6-13
Finance Director: Leslie Haase LH	**Date:** 6-11-13
Public Works Director: David Hertzberg DKH	**Date:** 6/10/13
City Attorney: Brian Head BDH	**Date:** 6-11-13
City Manager: Mark Rohr RHR	**Date:** 6-11-13

INTRODUCTION:
This Council Bill authorizes the acceptance of grant M2014-008 from Region M Solid Waste Management District relating to the purchase of a 40 cubic yard roll-off container to be used at the Joplin Recycling Center, and authorizing the amendment to the Solid Waste Fund Budget to accommodate this grant.

BACKGROUND:
Region M receives a portion of the solid waste management fund fees collected at the Prairie View Landfill in Lamar and the Waste Corporation transfer station just west of the city limits by the Missouri Department of Natural Resources. The majority of trash generated in Joplin is hauled to the Lamar landfill. In turn, Region M makes these fees available to recipients engaged in recycling activities. The Recycling Department submits an application 90% of the time when Region M announces a grant call, thus bringing back to Joplin funds that can be used for recycling activities. The Recycling Department also benefits from "pass-through" grants from Region M.

DISCUSSION:
This grant award will enable the City to purchase a 40 cubic yard roll-off container to accompany the existing (grant-funded) compactor at the Joplin Recycling Center. This grant requires only administration and does not require the City to supply matching funds.

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

COUNCIL BILL NO. 2013-204 **ORDINANCE NO.**

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

WHEREAS, the Council of the City of Joplin has had a goal since January 2000 to promote the operation of the City of Joplin Recycling Center that is open to all residents and businesses; and,

WHEREAS, the City of Joplin Missouri, does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in "Financial Assistance Agreement" and the Executive Summary Grant Application which is incorporated by reference in the said Grant Offer; and,

WHEREAS, this grant requires only administration and does not require the City to supply matching funds.

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

Section 1. That the Financial Assistance Agreement for grant M2014-008 by and between the City of Joplin, Missouri, a Municipal Corporation, and Region M Solid Waste Management District is hereby accepted.

Section 2. That the City Manager is hereby authorized and directed to execute said Financial Assistance Agreement by and on behalf of the City of Joplin, Missouri.

Section 3. That fiscal year 2012-2013 budgeted appropriations as adopted by Ordinance 2012-186 be amended by increasing revenues by the total amount of Twelve Thousand Dollars and No Cents ($12,000.00) and by increasing appropriations by the total amount of Twelve Thousand Dollars and No Cents ($12,000.00) for the purpose of accepting a Region M Grant.

Section 4. That the Director of Finance is hereby directed to make all necessary entries on the City records to show the increase in revenues and appropriations.

Section 5. This Ordinance is declared by the City Council to be an emergency within this meaning of Section 2.12 (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, by a _____vote.

_____
Melodee Colbert-Kean, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: June 17, 2013

Item: COUNCIL BILL NO. 2013-205
Originating Department: PUBLIC WORKS - ENGINEERING

Attachments: 1) Location Map
2) Agreement
3) Council Bill

Engineering: Jack Schaller	Date:
Department Head: David Hertzberg	Date:
Finance Department: Leslie Haase	Date:
City Attorney: Brian Head	Date:
City Manager: Mark Rohr	Date:

Recommended Action: Authorization to enter into an Agreement with Great River Associates for design services for the MSSU Trail Project on an emergency basis.

Background: Currently two routes are being used for non-motorized pedestrian traffic to and from Missouri Southern State University and the North Park Mall. This trail would eliminate pedestrians using the shoulder of MO Highway 71 as a sidewalk/trail. The shoulder and the roadway is only divided by roadway striping and poses a possible safety issue with pedestrians and bicyclists getting hit by oncoming vehicular traffic. The other pathway being used passes across an unimproved field and through a creek. The bridge is planned to be placed where there is now a slippery stream bed to walk across. The new trail will be built to ADA standard and take a completely different route than the motoring public. Additionally, it is anticipated that the trail will take less travel time to commute to and from MSSU and the North Park Mall than by traveling by car. This will encourage a reduction in traffic on Range Line Road that is already beyond capacity. Though it would not directly tie to another existing trail system, when this section is completed, there would only be one remaining section of trail needed to complete a system that would connect the North Park Mall and MSSU to Joplin's downtown district.

Discussion: The consultant shall be responsible for working with the City to determine the appropriate design parameters and construction specifications based on specific site conditions. The consultant fees are not to exceed $34,417.76, which is within engineering estimate. The project consists of a pedestrian bridge to span the stream that is estimated to be 200 feet in length. The total length of the trail is approximately 1,800 feet plus the 200 feet for the bridge. The total project cost is approximately $345,664.00 and the federal share of Transportation Enhancement funding is for federal funding of approximately $272,732.00 leaving approximately $72,932.00 as non-federal matching funds. Council passed the Transportation Enhancement Fund Agreement with MoDOT for this project on March 4, 2013.

Recommendation: Staff recommends approval of this agreement.

COUNCIL BILL NO. 2013-205 ORDINANCE NO.

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

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

Section 1. That the City enter into an Agreement with the Great River Associates for the MSSU Trail Project in an amount not to exceed $34,417.76 and containing an emergency clause.

Section 2. That the Director of Public Works of the City of Joplin is authorized to execute the Agreement described in Section 1 of this Ordinance for and on behalf of the City of Joplin.

Section 4. That the Council hereby declares that this Ordinance is an emergency within the meaning of Section 2.12 of the Home Rule Charter of the City and that the additional warning devices are necessary for the public safety and as such it shall become effective immediately upon its passage.

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

_____, 2013, by a _____ vote.

_____

Melodee Colbert- Kean, Mayor

ATTEST:

_____

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____

Brian W. Head, City Attorney