

**CITY OF JOPLIN  
COUNCIL AGENDA ITEM**

**ITEM:**

Resolution No. 2021-024 – Special Use Permit (1<sup>st</sup> Request)

**MEETING DATE:**

December 6, 2021

**ORIGINATING DEPARTMENT:**

Planning, Development and Neighborhood Services

**REVIEWED BY:**

Director of Planning, Development & Neighborhood Services -Troy Bolander, Director of Finance - Leslie Haase, City Attorney - Peter Edwards, City Manager - Nicholas Edwards.

**SUMMARY REQUEST:**

Case 058-21: 905, 909, and 913 W. 7<sup>th</sup> St. - A request for a Special Use Permit (1<sup>st</sup> Request) for the operation of an outdoor recreation and entertainment use – Serita Eldridge

**BACKGROUND:**

The applicant is requesting a Special Use Permit for the first time with this application for the operation of an outdoor recreation and entertainment use, more specifically, a food truck park. The facility provides up to 8 off-street parking spaces on-site and employs 0 assistants or employees other than the property owner.

Food truck parks are often found along existing commercial corridors for high visibility for food trucks.

**PLANNING & ZONING COMMISSION TESTIMONY:**

Serita Eldridge, 715 Ella Street, Webb City, MO. We have opened a food park called Food Park 66, it is a unique outdoor experiential shopping area. We will have different food vendors out there, food trucks, will hold special events, birthday rental, food, shopping, and entertainment vendors basically. There is no zoning changes requested; the property is zoned for what we are doing already. No changes to the building. I do have a disagreement with the conditions that have been put in the special use by the City. First off, the Health Department wants to limit the number of times that a temporary vendor can come to our special events. Also, I have a disagreement with the hours that the Police Department is trying to impose. They are wanting us to close our business at 9:30pm. I do realize there is a possibility concerning the noise ordinance since we are an outdoor park. There are some neighbors and we have been out there after those times and had no complaints. I also notice that there is a 2-year time frame put on this. In my business plan I won't have a profit until the 3<sup>rd</sup> year.

Ms. Bruckner-Sears stated that for all our Special Use Permits the time frame is 2 years for reevaluation. We did make note of your concerns.

Ms. Eldridge stated that she doesn't even know why she needs a Special Use Permit because she isn't doing anything special. This is the same kind of thing that goes on everywhere. I have concerns of the conditions that they are trying to impose.

Mr. Stanton stated he would like to address the concerns of the noise. The conditions don't state 9:30pm, it states half hour before the noise ordinance takes effect.

Ms. Eldridge stated that is 10:00pm so it would be 9:30pm.

Mr. Stanton stated that the regular operation you have there would not be included under that. It is when you have live music or abnormally large gatherings.

Ms. Eldridge stated that is not what it states either. It stated live music, large gatherings, festivals, and then when it comes down to the food trucks it says they must close at the same time outlined.

Ms. Steele asked Ms. Eldridge again you wish to go ahead with this even though you have concerns?

Ms. Eldridge asked what her options were?

Mr. Stanton stated that you would have to go through and receive a Special Use Permit from the City Council to continue operating. You can ask this commission and City Council to amend these conditions. Once it leaves here there is no guarantee that it will pass with the amended conditions.

Mr. Stanton stated that there are some Health Department members here for any questions you might have.

Ryan Talken, Director of the Joplin Health Department and Devin Blankenship, Asst. Director of the Joplin Health Department. Mr. Talken stated that he thought it was important to differentiate between the categories in the food code. Non-brick and mortar vendors, there are two basic categories. There is a temporary event vendor, those are what you would associate with fairs and festivals. Vendors that can operate with the bare minimum. The other category is a mobile food vendor. Mobile food vendors were put in place and voted into its existence by the City Council in 2014. That is more of your food trucks, licensed vendors. You can operate anytime, anywhere, 365 days of the year. The mobile food vendors do have a food permit, they are licensed the same as a restaurant. They pay a health permit fee.

Ms. Steele asked why the restriction on closing time and how many times they can go?

Mr. Talken stated that the time restriction is the Police Department, not the Health Department's restriction. The way the food code is written it doesn't truly define temporary food vendors. What we have done in the past is go off intent. The intent of a temporary event is an event. Start/stop. Mobile food can operate 365 days. The biggest difference is food safety.

Ms. Eldridge stated that she was not the food vendor. We don't do food; we make our money from the vendors paying rent space on the land.

Ms. Phillips asked if she is the applicant or the not-for-profit organization?

Ms. Eldridge stated that she is part of the not-for-profit organization.

Ms. Eldridge stated she was applying for this as Food Park 66 that is the park itself. The business makes money off the vendors.

**PUBLIC COMMENT:**

Kim Owen, 635 N Moffet, Joplin, MO. She wants to wish Ms. Eldridge the best of luck and she thinks it is a grand idea.

**FUNDING SOURCE:**

These payments are included in the FY 2020-21 budget of the Community Planning Fund.

**RECOMMENDATIONS:**

Planning & Zoning Commission recommends Approval (5 Favor, 1 Nay, 1 Absent)

**ATTACHMENTS**

RS 2021-024, Staff Planning Report, P&Z Commission Minutes.