

Case 048-22: Rezoning

1911 and 2001 N. Range Line Rd.-A request to remove from District R-1 (Single family Residential) and include in District C-3 (Commercial) for future commercial development.

Mr. Eastman excused himself from the hearing and turned the meeting over to Mr. Kimble.

Gil Stevens, 23 Pheasant Run Dr. Joplin, Missouri stated he represented the owners of the property, Range Line Golf Center Inc. and Allen K. Schmidt who owns a single-family residence on the subject's property. The request is to zone to the C-3 so the owner who is proposing to sell the property and so the purchaser can open a restaurant and serve alcoholic beverages on the subject's property. That is the reason for the request.

Mr. Kimble asked if there were any questions from the Board on Case 048-22.

Mr. McCullough asked how patrons will gain access to the property.

Mr. Stevens stated the same way they have access now. They presently access the property from two entrances off Range Line. One entrance is from the south of the Parole office and there is another entrance to the north of the Parole office.

Mr. Kimble asked if there were any other questions for Mr. Stevens.

There were none.

Mr. Kimble asked if anyone wanted to speak in favor of Case 048-22.

There were none.

Shannon Bickford, 1402 Whispering Oaks Dr, Joplin, Missouri stated she lives directly to the east of the golf course. I have no objection to having a restaurant that serves alcohol there because Café Del Rio is just to the south of the golf course. I do not see why that would be an issue. However, I do have a problem with changing the zoning to something completely different to a commercial for future commercial development. I have an issue with that because of the wording for this regulation, retail, wholesale trade, high vehicular movement, tend to generate noise or commotion, late night hours, tendency toward unsightliness and unrelated and mixed land uses, manufacturing or assembly of products. I understand they want to build a restaurant with alcohol or

whatever but that does not stop it from happening later down the road. This is a very peaceful community. Once you start messing with the habitat that is there. We have a huge line of trees that breaks the noise from Range Line traffic. In the wintertime you can hear Range Line traffic quite a bit. If you take that whole row of trees out eventually through time you will destroy the habitat in the area. There are deer, bird, all kinds of things and light and sound protection from the trees. Ms. Bickford stated she objected to having those pulled down any place or any time. It could be sold for any type of manufacturing. That is noisy and this is a very quiet and very peaceful residential area. She stated she came from the west side of town which was not the greatest neighborhood and found peace here. And I would like my peace not to be interrupted. She stated she felt like there are other places that we could put restaurants. On West 7th St. there is an entire blighted area where we could put restaurants. She stated we do not need any more on Range Line road. That is my objection. She stated she highly objects.

Mr. Kimble asked if anyone on the Board had questions.

Ms. Phillips stated she had a question for Mr. Stanton. She could not really tell from the map where the easement is, she thinks it follows the red line for the railroad. So, are our rules different building up next to the railroad versus a street or a house or a business. Do we require a setback from the easement?

Mr. Stanton replied yes, the railroad has right-of-way, so it functions very much like our city streets. It is not an easement. It is owned totally by the railroad. This one I believe is 100 feet wide between the property lines of the golf course and the property lines of the homes in the neighborhood to the east. But all setbacks are measured from property lines so it would be measured from the edge of railroad right-of-way not from the edge of the homes to the east.

Ms. Phillips stated so, that is good. It will be further west.

Mr. Stanton stated any potential development would be set back off that property line.

Ms. Phillips asked so, what is that? How many feet? Residential is 6 feet.

Mr. Stanton asked in C-3? Rear setback for C-3 district is 15 feet.

Ms. Steele stated the railroad easement is 100 feet from the tracks. East to west or north to south?

Mr. Stanton replied yes, the right-of-way is 100 feet wide, and it is east to west.

Ms. Steele stated that anything that is built back there in addition to let say 50 feet is another 50 ft. Is that what you are saying?

Mr. Stanton replied that is correct.

Ms. Steele stated that if we send this on there is not going to be any kind of residential back in there at this point.

Mr. Stanton stated to his knowledge there is not a residential component to this request.

Mr. McCullough asked Mr. Stanton if there is any type of security fence that separates the railroad and the property for safety. Is there a code or anything like that since we have two cases near a railroad?

Mr. Stanton stated there is no requirement for any type of fence near a railroad. It is at the discretion of the developer if he would like to add that.

Mr. Kimble asked if there were additional questions from the Commissioners.

Mr. Kimble asked if there was anyone else who wished to speak in opposition of Case 048-22.

Marianne Fish, 1402 Whispering Oak, Joplin, Missouri stated 100 feet is nothing. Our backyard is just east of that railroad tracks. Okay, we have a fence then there is further 8-10 feet back where our property line is. It slopes downward and then there are the railroad tracks. Okay, it is the same on the other side. When railroad goes through cutting trees it does not reach that far. Those are old oak trees. Joplin has done enough damage with wild area. The area over by Sam's is a prime example. Menards and apparently condominiums or apartments are going in there and I am just here to tell you that you are going to be sorry. You are going to be sorry! I do not want trash all over the place. I do not want that tree line torn down. Okay, that is habitat. There are quite a few wild animals back there. I do not want the noise and I do not want the light and neither do the other people in our neighborhood. Okay, most of them are not here but they will be at the September meeting if I take them myself. Okay, we do not need to keep tearing down area. There is plenty of space on W. 7th Street. There is plenty of space over there. It is a disaster area. We need to leave as much area as we can. You all do not know the animals that live there. We see deer. We

have other animals that live there. We do not want it destroyed. It is not fair to them, and it is not fair to us. My daughter is correct it will be a restaurant, maybe for now and then what will it be in the future. If they want to put a restaurant there let them go down by the commercial area.

Mr. Kimble asked if there was anyone else who wished to speak in opposition to Case 048-22.

Dennis Herr, 1610 Whispering Oak Dr, Joplin, Missouri stated that in 1994 it was given a waiver for a golf course, but it remained R-1 on there. There are two addresses on this thing, 2001 N. Range Line and 1911 N. Range Line now how large is this restaurant. Do we need to do both? This is my observation and question. This is a quiet neighborhood. I was worried about the golf course, but it has been very nice and quiet. I concur with some of the other statements. My question is does the whole thing need to be C-3 because once it is C-3 it does not have to come before Planning and Zoning anymore if I understand the rule. They just build. Your C-3 allows buildings up to 45 feet unless they get a waiver. I mean it could be more that is the thing.

Mr. Kimble asked Mr. Stevens to answer the question as to the size of the restaurant. Mr. Kimble stated it was a general question, but it may shed some light.

Mr. Stevens stated he did not know the size of the restaurant. I can not imagine that it would be larger than 4000 square feet. He stated he did not know. He had not seen the plans. He stated he could not answer that question. Mr. Stevens asked if the restaurant must be zoned C-3 to sell alcohol.

Mr. Kimble asked if there was anyone else wanting to speak in opposition of Case 048-22.

Mary Katherine Lankford, 1510 Whispering Oaks Dr, Joplin, Missouri stated she had a picture to show what our neighbors are concerned about. Ms. Lankford presented the picture to the Recording Clerk to pass around to the Board. My neighbor came up with the drawing thing. I do not mind the restaurant and things, but that part of the neighborhood is beautiful. Is Alan just going to close the golf course? I am shocked that all of this is going on. Is that what is happening, is Alan selling the golf course? But anyway, I am just as a retired person I love my neighborhood. My husband passed and I felt safe. I will not feel safe if you just let it go. I do love my neighbors and I do love our area. After the tornado we came to this area. We have such beautiful trees. We have deer that come into our neighborhood, but we live with it.

Mr. Kimble asked if there was anyone else wanting to speak in opposition of Case

048-22.

Ms. Phillips asked if the City had received any letters of protest.

Mr. Stanton stated we received two letters of protest.

Mr. Kimble asked about the contents of the letter of protest.

Mr. Stanton read the letters into the record. Both letters were from 1610 Whispering Oaks Dr. protesting the re-zoning of the property.

Ms. Phillips stated she assumed it was R-1 because when the property was annexed the zoning never changed.

Mr. Bolander stated in the previous code golf courses were allowed in R-1 districts with special use permits. The country club is very similar. Even Schifferdecker Park golf course is R-1. Which brings up, the Planning and Zoning department did not realize there was this much protest. He stated that maybe the left side of the property close to Range Line could be re-zoned to C-3 where the restaurant is going to be. Then the remainder remain R-1. I do not know how much room is needed for the restaurant on the west side of the property. Maybe, we could limit the re-zoning to the Range Line side.

Mr. Stevens questioned if he could get that within one week what will that do to the re-zoning. Will it be delayed.

Mr. Bolander stated yes, it will be delayed because the next scheduled meeting is not until September 12th.

Mr. Stevens asked if that was the next Planning and Zoning meeting and that would put us a month behind.

Mr. Bolander stated yes it would put everything one month behind. Mr. Bolander stated they could amend it tonight if we had the distance. I do not think anyone here knows the amount they need on that side.

Mr. Kimble thanked both parties for that information.

Ms. Phillips stated she counted 18 houses and we were still not to the point of protest letters rising to the level of the percent.

Mr. Bolander stated it would probably not rise to that level because everyone on the Range Line side would have to protest which I doubt if they do. He stated he did not believe it would get to the 30%.

Mr. Kimble asked for clarification. He stated we could make an amendment this evening where we only change the smaller part. He realized that is very general. We re-zone that area instead of the entire space.

Mr. Bolander stated you could go to a lesser request without having to advertise. Just as an example, I do not know the amount of the property needed but you could say we amend it to the west 100 feet of the property.

Mr. Kimble stated that would push Mr. Steven's client back one month still to come back.

Mr. Bolander stated yes.

Ms. Phillips stated 100 feet is not much.

Mr. Stevens asked if they were talking about the railroad tracks and going back west.

Mr. Bolander stated no he was making an assumption that most of the commercial development would be closer to Range Line.

Mr. Stevens stated that is correct. He is sure of that.

Mr. Bolander stated it does not seem like they need to rezone the entire area to C-3 especially the area east closer to the residential neighborhood. We need to find out what portion of that tract needs to be zoned C-3. We can amend that to reflect the change.

Mr. Stevens asked if that would be delayed until September.

Mr. Bolander stated yes.

Ms. Steele asked if we do not amend but table it and let you and Planning and Zoning will it be faster for everyone.

Mr. Bolander stated it would be the fastest way to do this without denying and re-advertising.

Ms. Steele stated if we table this, and you all get together.

Mr. Bolander stated we would re-notify the property owners of the meeting in September.

Ms. Steele stated so we will take this up next month.

Mr. Bolander stated yes.

Mr. Stanton reminded the Board to conclude the Public Hearing portion before entertaining a Motion.

Mr. Kimble concluded the Public Hearing.

MS. STEELE MOVED TO TABLE CASE 048-22 TO SEPTEMBER 12, 2022 PLANNING AND ZONING MEETING. MR. MCCULLOUGH SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 1 ABSENT, 1 RECUSED)