

MINUTES
BOARD OF ADJUSTMENT
REGULAR MEETING
FEBRUARY 19, 2016
11:00 A.M.

John Briggs called the February 19th Board of Adjustment meeting with the following Board members present: Thomas Beisner, John Briggs, James Pinjuv (Alternate), and De'Shannon Shabazz (Alternate). Board members David Layne, Fred Roesel, and Matthew Smith were absent. Troy Bolander, Taylor Cunningham, and Susan Champlin represented the Planning, Development, and Neighborhood Services department.

OLD BUSINESS

A. Approval of January 15, 2016 meeting minutes.

Mr. Briggs The first order of business today is the approval of the January 15, 2016 meeting minutes, if everybody has had a chance to review those.

Mr. Beisner I move we approve the minutes from January.

Mr. Shabazz Second.

Mr. Briggs I have a motion by Mr. Beisner and a second by Mr. Shabazz. All in favor? (Mr. Beisner, Mr. Briggs, Mr. Pinjuv, and Mr. Shabazz voted "aye") Motion passes, 4-0.

PUBLIC HEARINGS

Mr. Briggs We'll open the public hearing portion of this meeting, and I'll go ahead and read the rules. It is requested that persons testify before the Board of Adjustment follow these rules:

- 1) State your name and address clearly for the record.
- 2) Please give your testimony as briefly and as completely as possible.
- 3) Please, do not repeat testimony that has been given previously. We want you to state your facts, but limit your information to only new information.
- 4) Everyone is invited to speak; however, if you have a spokesman, please allow him or her to speak.
- 5) When the Public Hearing is closed by the Chairman, no additional testimony is allowed except when invited by the Board.
- 6) Remember that this is a Public Hearing, and all sides have a right to give testimony or state one side of any issue.
- 7) The Board of Adjustment of the City of Joplin through this introduction, accepts into evidence the 2012 Comprehensive Plan, the Zoning Code of the City of Joplin and the Subdivision Regulations of the City of Joplin

being Appendices 29-A and 29-B of the Joplin Municipal Code, the written recommendations of the City staff, and all other written evidence presented at today's hearing.

Thank you for your consideration and understanding.

Item 02-16-01: 915 East 3rd Street – A request by ACJ International for a variance from Sec. 29A-1603 (Height and Area Regulations, M-2), of the Joplin City Code of Ordinances, more particularly described as a waiver of 80 feet from the maximum allowed height of 55 feet – ACJ International.

Mr. Briggs Is there anyone that would like to speak in favor of this?

Michael Peterson Thank you very much for the time. My name is Michael Peterson, owner of ACJ International. The address is 310 Nautica Lane, Lake St. Louis, Missouri. I really just wanted to go over it—we are looking—we are in the pet industry. We are a service provider to the pet industry. We are looking to place a facility that is very similar to a country grain elevator, in that we will look to bring rail products into this facility. We are looking to build a structure to handle those grains and store those grains as we then load trucks and do further processing. And I think the other thing most people want to ask—or the question they want to ask when you start talking about pet food, especially in this area with a lot of you familiar to pet food is—is there going to be any smell or anything generated from that? The difference in what we do versus a true manufacturing facility is we do not, as an organization, at this size, do we plan to do any addition of moisture, cooking, or heating of that product? And most of that time, when you smell something coming off of an actual manufacturing process since at Heartland Pet or another facility, that is generated from taking our raw materials, which are all dry like corn or soybeans, adding moisture or animal fats or a temperature in cooking them—we do not do any of those type of things. The only thing we will look to do would be to take variations of raw materials, blend them into blends and grind that to a finer particle size to ship out to our customers. So we are the dry side of a finished pet food formula and do not do any addition of other products that will create any odors. But the facility we're building would be some exterior grain bins that you would have for bulk storage, and then we're looking at a structure that would be an enclosed structure that would be bins above a blending unit that would give us the capability of blending and further processing, all within that structure. And I think the other thing that's critical for us is everything we do, be it unloading rail cars, or taking a product off of a rail car and putting it onto a truck, will be done in an enclosed area. The restrictions on the pet industry today will not allow us to unload stuff out in the open air, so everything we would be doing would be within a building under a roof, and in an enclosed structure so that we don't have the potential of birds flying over and getting bird droppings or anything of that nature into our finished product that we are providing to our

customers. So that's kind of the extent of the facility. We would have a small warehouse because some of the products that we would do could go out in super-sack bags, and so we would have a small warehouse there, but the structure would be mainly for handling bulk grain items.

Mr. Briggs Any questions?

Mr. Shabazz What will the noise factor look like? I mean, will it be noisy?

Mr. Peterson Well, a lot of what we bring in will be brought in obviously on rail cars. The noise itself from our unloading of rail cars onto trucks is going to be minimal. You're going to have a lead that's going to take the product up. It's going to drop into a truck. We will have grinders and blenders. Those grinders will be inside the facility. It will all be in an enclosed area so we don't—we don't feel like there is going to be a huge amount of noise because everything is in an enclosed structure and building that will help contain that noise.

Mr. Shabazz Will there be a lot of operation at night time, like will it disturb the neighbors?

Mr. Peterson You know, that's hard to say totally. Our plan is to mostly load our product out during the day if the facility—it's hard for me to promise you that if we're successful enough to need to run longer hours, obviously we would like that opportunity, but during the day, we feel most of our operation will be done, but we could have some trucks that might be loading out at night as well. And at times you may—I'm not sure what the plan is for the railroad as far as switching, but the railroad might place cars at night depending on, I think, when they're going to the Tamko plant down the track from us.

Mr. Shabazz Are you going to have a loading and off-loading area for trucks like staging for them if they can't get in the plant?

Mr. Peterson Yeah, we'll have—we'll have an area—actually, the way we're laying the plant out, the trucks will pull in, and they'll pull back into the back of our lot, turn, and they'll actually unload on the way out. So we will have an area where we'll be able to drop trailers as part of the property if we need a drop lot for trucks and trailers, or a place for trucks to sit and wait. Our plan is not to have a parking lot for trucks. Our plan is for trucks to come in and out and move out of there.

Mr. Shabazz Because I was going to ask—that's idling the trucks, and they're constantly running close to a residential neighborhood if I'm not mistaken.

Mr. Briggs Okay.

Mr. Shabazz Thank you.

Mr. Beisner How many trucks a day do you anticipate coming?

Mr. Peterson We could be loading—at the peak we could load 15 to 20 trucks a day in and out of the facility.

Mr. Beisner And these are semi—with large vans--

Mr. Peterson Most of them will be hopper bottom semis hauling bulk grains. Now, we will do some drive-in product as well in van trailers.

Mr. Beisner Okay, as far as the ingress and egress from the facility, will that run up Broadway or up Fourth Street. I'm thinking how you get the trucks back out.

Mr. Peterson Fourth Street would probably be the main corridor we would come in on, and then I don't know—what's the small street?

Man in Audience Division.

Mr. Peterson Is it Division?

Man in Audience Division, up to Third.

Mr. Peterson Yeah, but Fourth Street would be the main egress going in and out of the facility, yes.

Mr. Beisner And, then, where will they go from there? Fourth Street just runs to Range Line, basically.

Mr. Peterson Well, most of our product would be going—ending up—a lot of it would be ending up at Heartland Pet, so they could go straight on across and come across the new—

Mr. Beisner 249—

Mr. Peterson 249 straight north of there. We also would take—a lot of products would be going out to the northwest to Frontenac, or the Pittsburg, Kansas area, as well as we would have stuff going further south down into Siloam Springs, or into Arkansas.

Mr. Beisner The truck traffic on Fourth Street—I'm asking the City people here—is that going to create a problem as far as getting in and out of the area?

Mr. Bolander We don't think so. We're taking some other action that you probably don't know about—it will go to Zoning and Planning, but a street vacation, to make sure the rail has the appropriate radius. Then they're doing some improvements to make sure they can accommodate the trucks. But Fourth Street is a truck corridor, so it shouldn't be an issue. Also, I just want to

make sure—these are all good questions we’re asking, but we really have to base the decision on just the height. That is what is being requested as a variance. As far as the zoning, it allows this type of operation. So if all their structures were 55 feet or under, they could do it. They wouldn’t have to meet before this Board. So the zoning is in place. It currently allows what they want to do. What they’re asking you today—

Mr. Beisner That’s all we’re interested in, is the height of the structures?

Mr. Bolander The height, yes.

Mr. Beisner Thanks for clarifying that.

Mr. Briggs Any questions? Is there anybody that would like to speak in opposition to this—or in favor, by all means?

Morris Glaze My name is Morris Glaze. I’m an employee for Standard Transportation. We currently own the property, which is the former Missouri Steel foundry. And I’ve been in the freight business 39 years in Joplin, and I used to haul a lot of steel castings out of Missouri Steel. And the truck route is either—you can go west on Fourth Street, or you can go east on Fourth Street to Florida, turn south to Seventh Street, and then head out to the interstate. And the amount of freight that moves across that intersection on a daily basis during the summer—because Tamko will generate, on a good day, 150 to 180 loads a day of truck traffic across that route. That’s 180 trucks in and 180 trucks out. What ACJ is proposing is a small percentage of that additional truck traffic. But the City has already got those truck lanes identified. What I’m going to speak in favor of is the reason why Standard Transportation first bought the property in 2006. As you know, we’re a warehouseman here in Joplin. We have eight facilities in Joplin and Webb City, and it was our intent to build a public warehouse there, which we would have truck traffic in and out. And we’d haul and handle general commodities in our business plan. But some things changed, and the Fleming building came up on the market, so we opted out and took a five-year lease on the Fleming building. When the lease matured, we were prepared to build a building either in the Crossroads Industrial Park or in the Missouri Steel site. But another thing happened in the timeline was Owens-Corning decided to close down their plant on Enterprise Road in the Joplin-Webb City Industrial Park, and we bought the building the day it went on the market, and we turned it into a public warehouse. So our need to build another warehouse at Third and Division is not in our future, and that’s why we sold the property. And the big asset that this property has is being on MNA Railroad. The railroad goes by this particular piece of property twice a day when they switch cars at Tamko, which is your big rail car user in Joplin. So we’re taking advantage of the fact that it’s located on MNA Railroad. The other pricing effect that this brings to the table, too, is the open switch pricing that the MNA has with three Class One rail carriers, which is a BNSF, the UP, and the KCS. So ACJ

will benefit by this location from any other location in Joplin for that fact because they're on MNA owned trackage, not UPA—UP leased trackage, which their main line is from Joplin to Carthage. So it has a big price advantage—this location—the former Missouri Steel site. So that's why we're very interested. It is also job creation. I think Mr. Peterson was talking about 30 jobs total in combination with this site and the site that he just purchased in Webb City for his general warehouse. So it is economic development.

Mr. Briggs Thank you.

Mr. Glaze Yes, thank you.

Mr. Briggs Is there anyone else that would like to speak in favor? Is there anyone that would like to speak opposed to this? The Board will entertain a motion.

Mr. Shabazz Mr. Chairman, I move that we accept this.

Mr. Beisner Second.

Mr. Briggs I have a motion by Mr. Shabazz—we got the—who got in first—a second by Mr. Beisner. All in favor? (Mr. Beisner, Mr. Briggs, Mr. Pinjuv, and Mr. Shabazz voted “aye”) All opposed? (None) Motion carries, 4-0. With that, we'll move to the next item.

Item 02-16-02: 915 East 3rd Street – A request by ACJ International for a variance from Sec. 29A-1603 (Height and Area Regulations, M-2), of the Joplin City Code of Ordinances, more particularly described as a waiver of 65 feet from the maximum allowed height of 55 feet – ACJ International.

Mr. Briggs Does anybody have anything else they would like to add?

Mr. Beisner I move that we accept Item Number 2-16-02.

Mr. Briggs I have a motion by Mr. Beisner—

Mr. Shabazz I second.

Mr. Briggs And a second by Mr. Shabazz. All in favor? (Mr. Beisner, Mr. Briggs, Mr. Pinjuv, and Mr. Shabazz voted “aye”) Motion carries, 4-0. The next item--

Ms. Cunningham Mr. Briggs—sorry. Since we do have these as five separate items, you'll need to open it up for a public hearing each time.

Mr. Briggs Open it up for a public hearing every time, okay.

Ms. Cunningham Sorry.

Mr. Briggs Alright.

Mr. Shabazz So do you need us to rescind that?

Mr. Briggs Do we need to do that one again, or do you just keep moving on to the next one?

Ms. Cunningham Open it up for a public hearing.

Mr. Briggs Alright, we'll open the public hearing again, if there is anybody that would like to speak in favor or opposed? It doesn't look like any, so we'll go ahead and close the public hearing for this item.

Item 02-16-03: **915 East 3rd Street – A request by ACJ International for a variance from Sec. 29A-1603 (Height and Area Regulations, M-2), of the Joplin City Code of Ordinances, more particularly described as a waiver of 65 feet from the maximum allowed height of 55 feet – ACJ International.**

Mr. Briggs We'll open the public hearing on that item if there is anybody that would like to speak in favor or opposed to. It doesn't look like it, so we'll close the public hearing, and the floor will entertain a motion.

Mr. Beisner I make a motion we accept Item Number 02-16-03.

Mr. Briggs There is a motion by Mr. Beisner—

Mr. Shabazz Second.

Mr. Briggs **And a second by Mr. Shabazz. All in favor? (Mr. Beisner, Mr. Briggs, Mr. Pinjuv, and Mr. Shabazz voted "aye") Motion carries, 4-0.**

Item 02-16-04: **915 East 3rd Street – A request by ACJ International for a variance from Sec. 29A-1603 (Height and Area Regulations, M-2), of the Joplin City Code of Ordinances, more particularly described as a waiver of 35 feet from the maximum allowed height of 55 feet – ACJ International.**

Mr. Briggs We'll open the public hearing for that item if anybody would like to add to the discussion. It doesn't look like anybody will, so we'll close the public hearing portion, and the floor will entertain a motion.

Mr. Shabazz Mr. Chairman, I move that we accept this as well.

Mr. Briggs I have a motion by Mr. Shabazz—

Mr. Pinjuv **Second.**

Mr. Briggs **And a second by Mr. Pinjuv. All in favor? (Mr. Beisner, Mr. Briggs, Mr. Pinjuv, and Mr. Shabazz voted "aye") Motion carries, 4-0.**

Item 02-16-05: **915 East 3rd Street – A request by ACJ International for a variance from Sec. 29A-1603 (Height and Area Regulations, M-2), of the Joplin City Code of Ordinances, more particularly described as a waiver of 30 feet from the maximum allowed height of 55 feet – ACJ International.**

Mr. Briggs **We'll go ahead and open the public hearing on this item if anybody would like to add to. It doesn't look like it, so we'll close the public hearing portion, and the floor will entertain a motion.**

Mr. Shabazz **Mr. Chairman, I move that we accept this as well.**

Mr. Briggs **I have a motion by Mr. Shabazz—**

Mr. Beisner **Second.**

Mr. Briggs **And a second by Mr. Beisner. All in favor? (Mr. Beisner, Mr. Briggs, Mr. Pinjuv, and Mr. Shabazz voted "aye") Motion carries, 4-0. And with that, I don't believe we have any other business on the agenda today, so I'll entertain a motion to adjourn.**

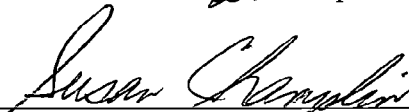
Mr. Beisner **So moved.**

Mr. Pinjuv **Second.**

Mr. Briggs **I have a motion by Mr. Beisner and a second by Mr. Pinjuv. All in favor? (Mr. Beisner, Mr. Briggs, Mr. Pinjuv, and Mr. Shabazz voted "aye") Motion carries, 4-0.**

The meeting was adjourned at 11:20 a.m.

Approved  _____
John Briggs, Chairperson

Approved  _____
Susan Champlin, Senior Clerk