City of Duquesne, Mo

Planning & Zoning Commission regular meeting FINAL

**7.6.2023**

In Attendance: Kerry Divine (April 2021-2024), Rick Gamboa-Sec (April 2021-2024), Ray Brown-Chair (Dec 2022-2026), Denny White (Sept 2021-2025), Gary Jackson (Dec-2022-2026), Sherry Lawrence-Vice Chair (Dec 2021-2025), Tom Johnston (Dec 2019-2023), Courtney Denney (Jan 2023-2027), MAYOR Bill Sherman, also in attendance City Attorney Mike Talley

**Call to Order:** 7pm Chairman Brown

**Approve Agenda:**  White/Denney 9-0

**Approve Minutes Dated:** 6.5.2023 Devine/Johnston 9-0

**Lot consolidation SE corner 20th & Duquesne:** City clerk provided a larger map of the request. She mentioned that 4 lots would be consolidated into one and then rezoned to C-2. Talley said the re zoning of each lot must occur prior to the consolidation. The consolidation must be made contingent on the re zoning of each lot. It was mentioned that the consolidation mentioned is provided to the P&Z for information. The city clerk will decide if the consolidation is allowed after the parcels are all properly rezoned. Divine asked if the easements are ok on the proposal. Sherman said yes and the sewer line may be shortened. Johnston asked if this panel was to privy to what specific business was going to be built. Sherman said the P&Z is only considering the change to C-2.

**Public Hearing Rezoning SE corner 20th & Duquesne:** 7:11 pm. Sherman said we had an issue arise regarding posting the signs 15 days in advance. The applicant did not get the signs posted until the 26th as he was not aware of the requirement. It was decided to open the public hearing and allow anyone to speak, but then adjourn the hearing until the 15 days is complete at which time a special meeting would be scheduled for July 10th at 6pm to allow anyone who wishes to be heard.

Speaking for:

Gil Stevens 23 Pheasant Run, Joplin. Representing both parties. Proposed is a Big Apple convivence store. It will sell gasoline, snacks, and liquor. He will check to see if they plan to sell Marijuana.

Nanda Nunnelly 12-1 S Duquesne Rd, Joplin. Thinks this is good for the community.

Gary Heilbrun: 4015 E 25th Joplin. Is for this proposal. His concern is that the sewer feeds the convivence store across the street. The builder will have to accommodate the Casey’s across the street from them.

Speaking not for or against:

Cindy Olds: 2040 Jonathan Hunter, Joplin. Was concerned about lighting spreading to her property and fencing to separate her from the store and the proximity of the store to her house. Gamboa said the city has considered in the past and will consider on this project, the proposed lighting and fencing requirements as required by the city code.

A motion to adjourn the public hearing until Monday 7.10.2023 at 6 pm. Denney/Divine 9-0. 7:34 pm

**Virya Consulting-Shannon Anastosopolos Comprehensive plan:** 1321 Amore LN, Centertown Arkansas. Explained a proposal to provide an updated comprehensive plan. Indicated that he does work with the city of Joplin and several other municipalities. His firm does grant writing and that he believes that he can work a grant process that will pay for this revision. He thinks that he can secure this funding from left over funds available at the city of Joplin. He says that they use some contract outside people to handle part of the research. Gamboa asked how much of their work is handled in house. He said about 70% of their product is handled in house and about 30% is handled by outside contractors. Gamboa asked if they have someone in house that handles comprehensive plans. Gamboa asked if he had reviewed the 2008 plan and the updated plan we were working on. Shannon said he is not an expert on comprehensive plans, but he does review all the work that his experts provide in areas that require expertise. Gamboa said those plans would be the outline for an updated plan as much of the demographics and statistics have changed since 2008. Duquesne has not changed much in population or area since then although our future plans need to be updated. Gamboa said some things like the tornado and its effects should be included. Gamboa asked if he had estimate as to what such an update would cost. Shannon said the plan can be as simple or complicated as we require and that determines the cost. Sherman asked if they could handle the zoning map or incorporate the interactive map we have in progress. He said it can be done. Talley asked if he had done any comprehensive plans for us to look at and see what you provide. Talley showed a copy of the 2008 comprehensive plan and said there are things that must be included in it which need to be updated. Shannon said they have done several comprehensive plans. Some of the plans he has developed he cannot claim as his work publicly, but he can show us a couple that he is allowed to. Gamboa asked if the plans were not public record. Shannon said they are, but he is not allowed to provide them as his work publicly. Sherman said that this proposal must be presented to the BofA at the next board meeting on Tuesday July 18th at 6 PM.

**New Business:**  None

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**Public Comments:**  None

**Other business:** Gamboa said in the 6.5.2023 minutes there were questions for Mr. Talley. In the second paragraph with reference to the new business on 7th and Duquesne “Gamboa asked if the question was that the property zoned for C-1 on our map but should be C-2 for proposed use? If we do not require rezoning for this new building, new ownership and new business license are we setting a precedent for future rulings. Sherman said that Talley said we cannot go back and rezone. Gamboa said that is not what is happening. He said if a new owner builds a new business that requires a C-2 zoning would we not require them to rezone.” Sherman said that’s a question for the city attorney.

Talley said if our code says it should be C-2 then it should be C-2. Sherman said it is the same use of the property as it was by the prior owner and building. Talley said if that is the case, it is a non-conforming use and that would be allowed to continue. Gamboa said even with a new owner, new business and new building on a site that has been idle for over a year. Talley said in order to be allowed to continue, the business can be idle no longer than 6 months. Gamboa asked if a possible out would be 404.040.H.2 which says “that removing land from this district and placing it in one of the other districts requires approval commission and the board” Talley said that does not preclude the commission and the board from following the procedure to rezone and so that will not work. Talley said he did not know of away around this problem and that the denial of a business license would be the solution. Denney said this should have been brought up much earlier. Divine said she has been bringing it up for months. Gamboa did not believe that the new owner was made aware. Sherman said they have not applied for a business license as far as he knows. Gary Jackson said you can’t punish them for the city making a mistake. Talley said someone from the city should contact them. Talley said we should advise them that they must apply to re zone but allow them to operate in the interim. All agreed that would be the recommendation to the BofA

**Schedule next meeting:** 8.7.2023 at 7PM

**Meeting Adjourned:** Gamboa/White 9-0