City of Duquesne, Mo

Planning & Zoning Commission Special Meeting Minutes FINAL

**2.8.2023**

**Call to Order:** 6:00 pm by Chairman Brown

**Roll Call:** In Attendance: Kerry Divine (4.12.2024), Rick Gamboa (4.14.2024), Ray Brown (12.10.2026), Denny White (9.13.20.25), Tom Johnston (12.31.2023), Courtney Denney (Jan 23-Jan 27) Those absent: Chris Ellsworth (1.31.2023), Gary Jackson (12.31.2026), Sherry Lawrence (12.13.2025)

**Approve Agenda:** White/Denny 6/0

**Special Use Permit:** 3811 & 3901 E 7th St (James Hunter)

Divine stated it is eligible for rezoning and must be rezoned in order to be used according to code. She did not feel it is eligible for a special use permit because the building cannot be used for any other use other than what it is deigned to be. Royer has not used the business for over 6 months , so the grandfather clause has expired. She felt re zoning to M-1 is the best option.

Gamboa said he was against zoning this to M-1 on a permanent basis. If the tenant leaves in 6 months, then the next tenant can do anything listed in M-1. There are many uses in M-1 that we would never want on this property. Some examples are: Concrete batch or mix plant, Freighting or trucking yard or terminal, public utility service yard or electrical receiving or transforming station, Blacksmith or machine shop, Foundry casting. Some of these uses could be 24 hours in nature.

Gamboa said that if it is already zoned for C-1, a special use permit says quoting from 404.135 A 1 “Special uses are those types of uses which, due to their nature, are dissimilar to the normal uses permitted within a zoning district. Within the various zoning districts, specific uses may be permitted only after additional requirements are complied with as established in this section.” It would allow them to conduct their business by using 404.040 G 3 F, which says: “Automotive assembling, Painting, upholstering, reconditioning, body and fender works, Truck repairing and overhauling, tire retreading or recapping and battery manufacturing.” He also noted that the request for the special use permit must be renewed in one year.

There was some discussion as the if the property was C-1 or C-2. The mayor said he cannot find any documentation as to how the property was originally zoned. The current map shows C-1.

Ray Brown felt that we should approve the special use permit with an expiration date of 6 months in which time the applicant pursues rezoning it to C-2. Divine said that would only allow the collection of sales tax but does not allow automotive repair which is only in M-1.

Denney was in favor of a special use permit to allow them to fully operate and not ask for a rezoning to M-1 as the next tenant would be able to do anything that is allowed in M-1 and she does not feel that is in the best interests of the city.

Johnston felt we should allow the special use permit.

James Christman felt that our original regulation was probably patterned after another city. He felt that Automotive repair should have been put into C-2 originally. The M-1 designation is for manufacturing, assembling and fabrication.

The consensus was that we should recommend to the B 0f A that the automotive section be removed from M-1 and put into C-2. The applicant agreed that they would then apply for rezoning to C-2.

White asked what the difference in C-1 and C-2. Divine said several including collecting sales tax. Divine said if we have a goal to have the use in the proper zoning by moving auto repair to C-2 and then having the applicant apply to re zone to C-2 withing the 12-month period, that we would be moving in the right direction.

Gamboa made a motion that we recommend approval of the special use permit. Second White 6-0.

Gamboa made a motion that we recommend to the B of A that 404.040 G 3 F Automotive Assembling etc. be removed in its entirety from M-1 and moved to C-2. Second White 6-0.

**Other Business Deemed necessary:** Mayor Sherman asked if we wanted the city attorney at the next work session. Answer was Yes

**Meeting Adjourned:** 6:26pm White/Denny 6-0

Submitted by: Rick Gamboa