

City of Duquesne, MO

Planning & Zoning Commission Work Session DRAFT

8/7/2023

In attendance:

Kerry Divine (April 2021-2024); Gary Jackson (Dec 2022-2026); Sherry Lawrence Vice-Chair (Dec 2021-2025); Ray Brown – Chair (Dec 2022-2026); Denny White (Sept 2021-2025); Courtney Denney (Jan 2023-2027); MAYOR Bill Sherman, also in attendance City Attorney Mike Talley. Tom Johnson (Dec 2019-2023) Rick Gamboa – Secretary (April 2021-2024) Absent

Call to order: 6:04 pm by Chairman Brown

Approve Agenda: Denney/Divine 8-0

Approve Minutes Dated: 7/6/2023 Divine/White 8-0

New Business:

Divine said she assumed hopefully that all engineers are up on our code (Allgier Martin) if we are presented with requests. Ray said that they are acting as agents on behalf of the city they should know code otherwise they are liable. Talley said if they had an assignment, they would go to the code and see what it says. Talley said he doubted they knew the code but would most likely go to him for clarification if need be.

Talley mentioned that we didn't need a quorum to hold a work session. We were just going through code to be familiar and he was here for input and to clarify. Talley said he read an email 8/7 about these work sessions being "lessons" and if they were lessons he would triple his fee (humorously). These work sessions are for us to just become more familiar with the code and he is here to answer questions if it requires his input. Divine said it was just a word she put in quotes (""). Sherman reiterated the intent on having Talley come to these sessions for more input and clarification only.

420.060 #3 Lots Minimum Standards of Design

Talley commented that lot sizes for minimum width changed somewhere in 2017 or 2018 from the original code. Pre-existing lots that met pre-existing standards can still be built on in spite of the change and does not have to conform to the new code. We didn't want to be in the position of what's called a "taking" by reducing what could be done when standards changed. Compensation, condemnation, very involved and didn't want to be in that position. Had to be lawful to be built on and complied with pre-existing standards. Just some background on how this came to be. Divine asked if it was current in the code book now. Talley did not confirm. Clerk has previous frontage requirements on lots prior to 2017 and 2018, but this would require some research. Divine asked if square footage also fell into these guidelines. This pertains to streets also. Mayor could provide absolute clarity. Said one lot with a house on it was only 50 feet wide by the Bait Shop. All different widths. All are R1. Small homes by standards today are around 1200 sf per Mayor Sherman. If can't put something on the land that will fit code, what is benefit of the land? Talley mentioned pre-existing width regulations adopted when code first was adopted not too long ago. Would have to go to previously adopted code prior to 2017. Such regulations did not exist at some point, so have to refer to modified regulations. Don't know if we have any sub-

divisions with lots that small. This was all amended in 2017 per Mayor Sherman. Divine asked if a house was built on a smaller lot in 1940 when there weren't any restrictions, the pre-existing regulations is a done deal. So these regulations were adopted sometime in this century.

e) Discussion on lot area per family. Talley stated that there is an Editor's note said something strange was done. If someone wanted to raise a question, there would be a lot of research to be done. Ray said it was simply that we didn't have any R2 until 2017. Denney said properties that fell into R1 that had an accessory, but still doesn't make it an R2.

f) Dimensions -----Some in-depth, some not for new developments. Each lot should be free from flooding....what is that definition. Talley said these provisions were not created but copied from other codes. Discussion about who was mayor at the time these were adopted. Ray mentioned that the city could possibly be sued because we have not defined flooding. Talley said we have a chapter dealing with flood plains. These are for new subdivisions that are being created by developers so they don't build on a lot that is flooding. Denney mentioned that a lot of cities are requiring retention ponds in new subdivisions and we do have some in the City.

i) Water – fire hydrants. Two a year should be added. Divine asked if we were caught up on fire hydrant and Mayor said there were two added West of city hall last year. Divine asked if this was something the City paid for, however, it is an agreement with MO American water to do this.

420.070 Supplementary Regulations

Talley mentioned that he spends more time in this section than any other. Lot splits, lot consolidations, approval standards. This is not governed by the P & Z commission or Board of Alderman....it is an administrative duty. These are brought to P & Z to weigh in and get ideas, but the decision is City Clerk and engineer have to make the decision once they have all the facts. Ray asked Talley if there was anything we needed to change. Talley said he was not qualified to consider it tonight. City of Carl Junction did adopt some of our code with regard to this section. We need to be familiar with this as it is an important section. This is in constant use.

B. Sherman mentioned that two or more consolidation needed to be added to the SOP.

420.080 Improvement Requirements

Divine asked the definition of collector streets and thoroughfare. Discussion was that 13th Street, Katherine and Rex might be collector streets and Duquesne and 20th a thoroughfare. Ray asked the definition of a monument. Talley mentioned that a surveyor might be able to help with that.

Next starting point will be 420.090

Public Comments: None

Other Business Deemed Necessary:

Scheduled next meeting: 9/7/2023 at 6 pm due to Labor Day Holiday

Meeting Adjourned: 7:00 pm White/Divine 9-0

Submitted by: Sherry Lawrence