City of Duquesne, Mo

Planning & Zoning Commission Regular Meeting Minutes FINAL

**4.3.2023**

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 Absent Excused (Dec 2022-2026), Sherry Lawrence-Vice Chair (Dec 2021-2025), Tom Johnston (Dec 2019-2023), Courtney Denney (Jan 2023-2027).

**Call to Order:** 7PM

**Approve Amended Agenda:** Johnston/Denney 7-0

**Approve March 6 Minutes**: Denney/Divine 7-0

**New Business:** Divine moved to add the structure at 7th and Duquesne to the agenda

Divine said about 404.114.D.7 and 404.115.D.2.E.F which states that a building permit in C-1, C-2, R3,R-4 cannot be issued without a site plan review. She asked the committee if anyone had received a site plan review for the property. Answer was “NO”.

Brown asked what the legal name was for the property under discussion. Sherman replied “Discount Liquor and Smokes. Divine asked if anyone on the P&Z saw any additions or changes for the property. Answer was “NO”. Divine said all that information should have been submitted to the P&Z and the BofA prior to the issuance of any building permit. She asked who authorized the building permits for everything that has gone on at 7th and Duquesne. She said missing items include building plans, proof that contractors are licensed, DNR permits for a gas station, engineers storm water report and finally what happened even on the zoning as it is not licensed for sales.

Sherman said Divine received those plans after she requested them. Divine said she was asking why the P&Z did not receive those plans. Sherman said it has been a gas station and C-2 commercial for as far back as he could remember.

Divine said even if everything was complied with and done according to code, the procedures in our code specify that the P&Z is supposed to have this type of information in order to make recommendations to the BofA. Divine said the P&Z has not been able to go through the process of overseeing anything regarding this project and the only reason that she has any information is that she requested it and none of the other members of the P&Z have any of it. She said this is not the first time this has happened at quoted Denny White that we are not going to come to the P&Z meeting and be presented with a project already in process with 15 minutes notice. She said the P&Z never got to discuss anything about this project and chairman Brown even had to ask what the name of the business was going to be.

Divine asked what the members thought should be done. Lawrence asked if anyone knew about the status of the construction. Sherman said the construction is held up because of DNR who does not report to the city. He stated that they were only advised that the storage tanks needed repair and then advised when they were repaired. Divine said we should have been made aware of that. Sherman said originally, they were only going to expand and remodel the building and that P&Z isn’t involved in a remodel.

Johnston asked if they must come to P&Z for a building permit. Sherman said they would have to come before P&Z for review for a teardown and rebuild. Talley said this would be subject to a Preliminary Site Plan Review which is NOT final, and which may have many requirements as stated in the code and that must be brought to the P&Z for their recommendation to the BofA. He reminded us that a Preliminary site plan review is a give and take and opportunity to give the developer feedback.

Divine agreed but stated that it did not happen. Divine said that most of the steps she mentions are on the building permit which is part of the site plan review and that’s why she wanted it in the minutes that the P&Z did not receive any of these items. Divine said according to code, none of those steps can be eliminated. Gamboa asked if we are supposed to see the preliminary and final site plans to be able to make recommendation to the board. Talley said “YES”. Lawrence asked if we didn’t see it because it started out as a remodel and ended up as a teardown. Sherman said that happened because they had one corner that did not comply with code, so they decided to tear it down and start over.

Gamboa said it appears we have two building permits. One on the internet and one that is being issued. Gamboa asked if the items listed on the building permit are the items Devine was referring to. Sherman said they are two different things. Gamboa asked if the items listed are the items that Kerry is asking about that were not completed properly. Sherman said “yes, that’s the way it probably should have been.” Lawrence asked if they just kind of came in and did whatever they wanted? Sherman said no, they had to jump through a lot of hoops from the building inspector, the city clerk and himself.

Gamboa said we don’t have any power to go back and change anything. We can only recommend to the BofA things which are presented to us. He said we need to recommend that the City Clerk must check off as complete, every single item that is listed on the building permit and then it needs to be sent to the P&Z in the preliminary site plan review.

Johnston said a person should be able to come into the office and get a building permit without bringing it to the P&Z yes, or no? Denney said we are talking about commercial which is different than residential. Commercial construction requires a preliminary site plan review while residential R-1 or R-2 does not.

Divine asked the mayor is all the items in the code have been followed. Brown said the building inspector decides if everything complies prior to issuing a certificate of occupancy. Brown asked if we could see the completed occupancy certificate. Gamboa asked to what end. He said he would like to see it. Brown said we might want to add something that was not mentioned. Sherman said the form has none of the items that Brown is referring to listed.

Divine said we would be better off in going back and reviewing 404.114 and 404.115 We would then know what we should have seen that we did not.

Lawrence asked if we sent this site plan review to the BofA. Divine said no as we never saw it.

Brown said he would still like to see the completed building permit. Talley said you are getting P&Z into an area that it clearly does not belong. Talley said once a permit is issued several things happen but one thing that does not happen is any review or oversight by the P&Z.

Divine said what about things were not signed or completed. Gamboa said that is not our job or within our power. Gamboa said what we should do is get a copy of the SOP and the Building permit and if we are uncomfortable about any item that is missing, we make a recommendation to the BofA that they be added, and that the city clerk sign off on every item on the check list before it is granted or presented to the P&Z on any preliminary site plan review. We should do that in the next work session meeting. All agreed.

Divine asked if there is anything up and coming. The mayor said there are some potential things that we will be included in.

**Public Comments:** None

**Other Business deemed necessary:** At the last meeting we talked about revising the comprehensive plan and that it is up to the P&Z to administer it. We decided that we do not have the expertise to do it. Gamboa asked Sherman if any of the organizations we belong to at the state level may have a source. Talley said that might be a mistake as a company for example in St. Louis knows nothing about our local issues. Gamboa asked if he had a contact at Carl Junction. Talley said he would check. Lawrence mentioned that someone in the chamber of Commerce my give us a lead and she will check.

Gamboa said he knows the city web site is an issue as our minutes, agendas etc. are not getting posted and the sign on either doesn’t work or is difficult. Sherman said he was aware of the issue.

Gamboa asked if we need to discuss the proposed ordinance amending title IV land use. Sherman said it is already in process for the next P&Z meeting to have a public hearing. Talley said if anyone has input on the way the ordinance is written, we could discuss it now. The mayor made copies for each member to review. Talley said he only added the items to C-2 and did not remove them from M-1. After discussion the committee agreed to the proposed ordinance.

Gamboa asked if the mayor had heard back from the engineer as to how much he would charge us to review the possible 90 ordinances that would correct the zoning map. The mayor said he had not yet.

Talley mentioned that he thought we may need to change our code in title four regarding low impact home businesses as we are not currently in compliance. Carl Junction did not amend title four. They used the business regulations in chapter 610 and put out a whole subsection that dealt specifically with low impact home businesses. If a business meets these qualifications, a business license is not required. If these qualifications are not meet, you can still refer to title four. This will not require a public hearing as this does not deal with title four. P&Z will not need to be involved if this is handled in this fashion. Talley feels this may be a better solution.

**Schedule next meeting:** 5.1.2023 7PM

**Meeting Adjourned:** Devine/Denney 7-0

Submitted by: Rick Gamboa