City of Duquesne, Mo

Planning & Zoning Commission special meeting DRAFT

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

**7.10.2023**

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 Absent (Dec 2021-2025), Tom Johnston (Dec 2019-2023), Courtney Denney (Jan 2023-2027), MAYOR Bill Sherman Absent, also in attendance City Clerk Terry Ingram

**Approve Agenda:**  Johnston/White 7-0

**Public Hearing Rezoning SE corner 20th & Duquesne:** Reconvened at 6:01pm

Speaking for or against:

Cindy Olds: 2040 Jonathan Hunter, Joplin. Had questions 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 regarding lighting, we recently had an instance on Duquesne Road where Jasper products wanted to enlarge a parking lot and light it. They were required to show us how far the light would shine; how bright the light would be and what property it would affect. He did not see any reason why we would not do this for any new project. Asked if this would be a truck stop. Gil Stevens said it would not. Asked if it would have a restaurant. Gil Stevens said it would not. 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. Olds asked if this would be a 24-hour store. Gil Stevens said he did not know but would find out. Olds asked about traffic using her yard as a short cut to get to the store. Olds says she does not have a fence. Gamboa said the code indicates that the applicant must either build a fence or a barrier of trees and shrubbery between the store and any residential zone. Gamboa asked Gil Stevens if he had an answer as to if the applicant planned to have marijuana sales on site. He said they were not.

Public hearing closed at 6:10pm

Divine said she still has a procedural concern as the corner is 4 separate lots and they should have been separately re zoned. Gil Stevens specifically asked the mayor and was told he would that this was the proper way to apply for rezoning and consolidation. Denney asked Divine where in the code it says it must be four separate applications so that we are all on the same page. Gamboa said that the mayor said it has to be re zoned first and that if you look at the application, it shows “attached” for the legal descriptions which are not attached to the zoning application of individual lots provided. Gamboa asked if Divine saw anything wrong with the application. Divine replied that she thought each request should have been made on a separate application. Gamboa said it was his understanding that Schuber Mitchell was undeveloped land, or residential and 100 plus lots were all handled at one time. Denney agreed that it was all rezoned at one time. Gamboa made a motion that we recommend to the BofA that the re zoning be approved with the caveat that the legal descriptions of the parcels and of the consolidation provided and the listing of all parcels on one application with one fee is legal and acceptable. He said that says that we agree that this should be re zoned and leaves it up to the BofA with the city attorney to rule as to whether the paperwork submitted is acceptable. Gamboa/White 7-0.

**Public Comments:**  None

**Other business:** Divine made a motion to ask that we receive information on any item to be voted on 5 days prior to the meeting as stated in the code if the city receives the information in time. Divine said that we had information for this split 15 days ahead of the meeting. Terry Ingram asked what specific information was being requested. Divine said any information that the city has regarding anything we must consider. Second Gamboa, 6-1, Brown was no vote.

**Meeting Adjourned:** 6:22 pm Denney/White 7-0

Submitted by Rick Gamboa