City of Duquesne, Mo

Planning & Zoning Commission regular meeting FINAL

**6.5.2023**

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

**Call to Order:** 6:01 PM

**Approve Agenda:**  Lawrence/Jackson 6-0

**Approve Minutes Dated:** (Amended) 5.1.2023 Divine/Lawrence 6-0

**New Business:**  Sherman said the attached correspondence was received from Viriya concerning the comprehensive plan proposal. Gamboa thought there was going to be a projected cost included. Sherman said it was not provided. Sherman said that he explained to them that before the P&Z could proceed with any recommendation to the BofA, we will need a cost projection and possible contract. Gamboa was concerned that items may be missing i.e., the Park information, City History, The tornado etc. Lawrence said she emailed Viriya the original plan and the one Ellsworth had been working on. Sherman said that Viriya will schedule public meetings where public input can be heard and those type of things can be added. Sherman said he would like to invite Viriya to come to a work session and give more details on how the plan would be developed. Sherman said he needs to make sure Talley is returned to work prior to scheduling the meeting.

Devine asked if we would be discussing the rezoning of 7th and Duquesne. Gamboa asked if they had made any application for us to discuss. Sherman said the Casey’s across the street is zoned C-1 and Talley said in this meeting that you can’t go back to every property and ask them to re zone for current use. Brown said that this is a new business. Sherman said that its not so much the business but rather the property that should be considered. Sherman said it’s going to take some time to get the P&Z map corrected as 60 parcels have already been reviewed. Gamboa asked if the question was that the property is 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 make people 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 re zone. Sherman said if other people in town are operating in a C-1 but doing C-2, he did not see how we could do it. Sherman said that is a question for our attorney. Divine said this should have been taken care of when we were aware of this a year ago. Jackson said can the city without application from the property owner change that parcel from C-1 to C-2? Sherman said that’s a question for our city attorney. Gamboa said maybe the course of action would be to ask the City Attorney if the city can hold a public hearing and then change a zoning designation by ordinance without application from the owner. Divine said it looks like the property is C-1 on the zoning map without any ordinance to support that designation.

Gamboa notice that an example of this would be in 404.040.H.2 that states “Removing land from this district and placing it in one of the other districts requires approval of the commission and the board.” Sherman and Jackson thought the city could not do that without application from the landowner. Gamboa said it looks like they can and in fact the city did do this when the original P&Z map was created. He said the city placed all properties in districts without applications from property-owners in most cases. Gamboa said we should have the City Attorney involved but if the City can change the 7th and Duquesne property form C-1 to C-2 with a public hearing and ordinance, that is the fastest way to solve this problem

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**Public Comments:**  None

**Other business:** Gamboa mentioned that he had received the P&Z by laws. Most of the P&Z does not have them and Sherman said he would have them for the next meeting and they should be in the front of the P&Z workbook. Gamboa notes that we are responsible for:

1.The comprehensive plan.

2.A Major Street plan.

3.Floodplane recommendations to the BofA

4.Chairman responsible to review the agenda with the city clerk, be governed by Roberts Rules of Order which state that an abstention from any vote does not count as a no vote

5.Make available all records available for the public. He noticed that the minutes are on the web site by agendas are missing. The mayor will check on the agendas and if he is missing any that should be posted, Gamboa and Lawrence may be able to help provide them.

**Schedule next meeting:** 7.6.2023 7 PM (work session at 6PM)

**Meeting Adjourned:** 7:04 Divine/Jackson 6-0