City of Duquesne, Mo

Planning & Zoning Commission Regular Meeting Minutes FINAL

**2.6.2023**

In Attendance: Kerry Divine (4.12.2024), Rick Gamboa (4.14.2024), Ray Brown (12.10.2022), Denny White-Absent Excused (9.13.20.25), Gary Jackson (12.31.2022), Chris Ellsworth (1.31.2023), Sherry Lawrence (12.13.2025), (Tom Johnston (12.31.2023), Courtney Denney (Jan 23-Jan 27).

**Call to Order:** 6:05 PM by Chairman Brown

**Motion to Amend Agenda by Divine**: To state that after the public hearing, no decision may be reached in this meeting due to not having received information necessary in time to review it. Mayor Sherman said that over the years the P&Z was presented the information at the meeting.

Lawrence said she was not comfortable deciding on important issues without having the information to review prior to the meeting. Mrs. Sherman said that the information was available to anyone who would go to the city hall and request it. Lawrence said Denney did that but could not get the information. Denney asked if the information that is still missing from tonight’s packet is available. Mr. Hunter spoke up and said he provided everything to the city clerk.

Brown asked if his request from last month’s meeting as to if there were other M-1 properties on 7th St. Mayor Sherman said there are no other M-1 properties in that area.

Motion Seconded Lawrence ayes: Gamboa, Lawrence, Divine, Denney, No: Jackson, Brown, Ellsworth, White. Abstain: Johnston who said he was not clear on the motion. Ellsworth said an abstention equaled a no vote. Divine said it is not according to Roberts rules of Order. Gamboa Asked if Divine could explain the motion to him. Ellsworth asked if we should not hold the vote in the public hearing instead of now. Divine re explained the motion to Johnston who changed his vote to yes. Vote was 5-4.

**Approve Amended Agenda:** Denny/Divine Ayes: Divine, Gamboa, Brown, Jackson, Lawrence, Johnston, Denney. Nos White, Ellsworth. Vote 7-2.

**Approve Minutes Dated:** Johnston/Lawrence Ayes Divine, Gamboa, Brown, Jackson, Ellsworth, Lawrence, Johnston, Denney Nos White. Vote 8-1.

**Public Hearing**: Special use Permit 3811 & 3901 E. 7th St. (James Hunter) 1514 S River St Carthage. Decided not to try to rezone as M-1 because of possible future uses may not be suitable for the area and because the new special use request is essentially the same business that has been going on in this location for the last 40 years. Mr. Hunter said he provided everything required on the check list to the city clerk.

Gamboa said that the issue is that in other cases brought before this committee, we have asked to have all the information emailed to the members for them to be able to research the issue and make an intelligent decision and we got nothing. Mr. Hunter said that was not his fault as he provided everything asked of him. Gamboa agreed. The mayor said he would find all the copies in the office and distribute them tonight.

A special meeting was recommended prior to the next B of A meeting. The date was to be set at the next to the last agenda item at the end of the meeting.

Chevelle Lawver 616 Locust Drive, Carl Junction. She thought that this should be zoned in M2(m-1). Johnston asked if she could speak into the mike. She said after 6 months of non-use the grandfather use expires. She said that the office was not following proper procedure as per code the P&Z should have already been sent out. White asked if she was giving her opinion or was, she a resident of Duquesne. Lawver said anyone can speak in a public hearing. Unintelligible discussion between several persons broke out.

Ellsworth asked chairman Brown that there were multiple issues going on. The speaker was not addressing the chair but was talking to the audience and had exceeded the five-minute limit. She said there is no limit on the speaker of public hearing.

Denney said the property is not being sold and does not have to be re zoned. The request is just for a special use permit under the current zoning. Denney said we should not entertain re zoning to M-1 as this opens a whole bunch of future uses that we do not want in this location.

Gamboa said he would rather see a special use permit rather than be changed to M-1 and then run the risk of them leaving and another company use anything allowed in M-1 in that location.

Gary Heilbrun 4015 E. 20th, Joplin. Believes that the committee can review the information just provided, have a special meeting and make a recommendation. He pointed out that there is M-1 in the area in question. He thinks after the missing information is reviewed; the permit should be approved.

Bill Sherman said that the P&Z was reluctant to change this property to M-1 in a prior meeting and that’s why the special use permit is requested by Hunter.

Public Hearing closed at 6:59pm

**Drainage Easement** (Michael R Forrest & Nelva Forrest) White/Denny Approved 9-0.

**New Business:** Brown asked if we could fix the traffic light at 13th and Duquesne. Consensus was that it was working fine as it is.

Tom Johnston asked if we could fix the microphones as no one can hear them. It was pointed out that the Speakers platform was not plugged in and that some of us do not have them turned on and some of us do not speak into them.

**Public Comments:** None

**Other Business deemed necessary:** Gamboa asked the mayor if we have any update on the engineers updating the P&Z map. Answer was we have a proposal in hand.

Gamboa asked if a decision had been made on allowing underground structures across property set back. Answer was it is not allowed.

**Schedule next meeting:** Special Meeting is 6pm on Wednesday (2-8-2023) and the next work session is March 6th at 6pm and the next regular meeting to follow at 7pm.

**Meeting Adjourned:** 7:11pm

Submitted by: Rick Gamboa