

9.4.2025

Call to Order: 6:02 PM by Chair Ray Brown

Roll call: In Attendance: Caleb Lewis (July-2025-2029), Courtney Denney (Jan 2023-2027), Donnie Greenlee-Vice Chair (April 2024-2028), Ray Brown-Chair (Dec 2022-2026), Rick Gamboa-Sec (April 2024-2028), Sherry Lawrence (Dec 2021-2025), Gary Jackson (Dec-2022-2026), Mayor Bill Sherman

Also in attendance: City Attorney Mike Talley

Approve Agenda: Greenlee/Denney 8-0

Approve Previous Reg Meeting Minutes: As amended. Greenlee/Denney 8-0

Public Hearing: 6:05 PM. Rezone application-3850 E 20th St (Undeveloped to M-1)

Speaking for the project applicant: Zack Imbus explained the purpose of the business is to build a Class A distribution center and warehouse of 90,000 sq ft, 30-ft tall. Benefits to the City would be new construction, Permanent jobs. There is no manufacturing planned. Environmental studies, noise studies, lighting studies are planned as well as traffic studies to be completed prior to the next meeting.

Lawrence asked if traffic generated would be 24/7, 365 days. Jason Vanglas spoke saying 54-foot trucks would arrive overnight (1-2am). Vans leave the facility prior to 9am. There would be about 10 doors for loading/unloading. Greenlee asked what happens if the traffic study shows that the streets are not compatible with the proposed generated traffic. Vanglas said their team would work with the city to find a solution. Greenlee asked if there would be specific enter/exit routes designated for the facility. Jason said their trucks use GPS software to designated routes. Greenlee asked if there would be a controlled entrance. Answer was no, although the facility would be fenced. Brown asked if any material would be considered hazardous. Answer was Yes on a limited extent as most items are household items. All required signing will be to code for such materials. There will be no refrigeration. The total number of semis in a 24-hour period is not determined yet. Jackson mentioned that we have a no truck policy on 20th St. and for Duquesne Road. Talley that being a small city, our code is simple, and he is concerned that many things could go wrong. He said this is a simple M-1 request and that if the project goes forward, we will have opened the property to everything that M-1 allows. He recommends that rezoning should be made contingent on final approval of a site plan. Answer was that they were flexible if progress was made on the site plan. For the project to be viable, the zoning needs to occur. Sherman said a similar issue occurred with Schuber Mitchell and their final site plan did not occur, so the rezoning request did not occur. They would prefer conditional approval based on items that must occur.

Speaking for: None

Speaking against:

Gary Heilbrun: Feels M-1 is disastrous. Truck traffic will have to move on streets not designated (or designed) for semi traffic by ordinance and which is not enforced at present. 1000 residences will be adversely affected by this rezoning. The road costs 8 years ago to redo the roads was 25 million dollars. The future use map and the comprehensive plan show this property as commercial and not M-1. Adjoining M-1 properties to Duquesne causes odor, noise and traffic problems already and this would make it worse.

Ashley Harrell: Lives across the street and is concerned about the noise, the smell and the construction not to mention property value declines. The road would have to be widened. If this occurs, she will sell her house.

Bobbie Pottorff: Main concern is traffic. Trucks violate the no truck ordinance on Kenser Road constantly and must be pulled out after being stuck. Widening of 20th St and Duquesne Road would have to be a condition of the rezoning. The Van traffic alone would add to an already bad traffic situation.

Kerry Divine: Main concern is the city is not prepared to handle this type of development. Applications, permits, code violations and oversight are not being handled at present as there is no help in the office to do these things. The project must not move forward prior to widening the streets. She refers all to the code and what it allows if the project does not go forward and is sold to another party. Duquesne Rd is already maxed out and the police already do not enforce speed limits or stop truck illegally on the road.

Cynthia Baine: Agrees with all the prior speakers. Regulations are enforced for some and not for others.

Kathleen Papas: Lives across the street from the project. The road is already too busy. She is against the rezoning.

Becky Brinson: Lives next to CFI who brings in trucks every night. They idle all night. M-1 should not be on 20th St.

Zack Imbus was allowed to rebut. No rebuttal made. All comments were heard, and they would handle all concerns. He reminds all this is a class A warehouse.

Mayor Sherman: Reminds the panel that Kerry is correct about not having enough office staff but reminds all that we contract with outside engineers to keep us to code on all projects. He also reminds the panel that anything allowed in C-2 is allowed in M-1.
Public Hearing closed at 7:02 pm.

Recommendation to BofA: 3850 E 20th St (Undeveloped to M-1)

Denney: Does not think that placing M-1 in the center of our community is a good idea. The property abuts 20th St and Duquesne Road which are designated as no truck traffic roads.

Lawrence: Agreed and said that we sit on the panel to represent the citizens and obviously they do not want this to be M-1.

Greenlee: Main concern is traffic congestion. This will not help our tax base. Our roads cannot support current truck traffic and cannot stand more.

Lewis: Concerned about adding more heavy traffic to our roads.

Jackson: Concerned about traffic. Notes that a new sports center and development southwest of the City are going to add to traffic issues.

Talley: If you think it's appropriate, we could do conditional approval based on items completed in the site plan review.

Gamboa: Concerns are this property planned as future use commercial and not M-1. Feels there is no tax benefit to the city for this project. The only thing that would occur is an increase on the burden of the residence to maintain the new wear and tear on the roads. Our responsibility is to act on the community's desires, and they have spoken against this project unanimously.

Brown: Attended a meeting hosted by MoDOT that had nothing to do with Duquesne. He expressed our concerns. They wished us luck and said maybe we should apply for a grant in the future.

Talley: Mentions that P&Z only makes a recommendation to the BofA. There will be a public hearing at that time. The BofA will make the final decision. Someone needs to make our recommendation known in the strongest terms at that time. The public needs to know that they should attend this meeting.

Motion to recommend approval: None

Motion to recommend conditional approved based on a final site plan: None

Motion to recommend denial: Greenlee/Denney 7-1 (Sherman dissents).

Site Plan review: 1808 S Duquesne Rd-SD Homes

Sherman provided a new checklist that the city clerk uses when handling site plans. The panel is to review this and make comments prior to the next meeting.

Recess for 5 minutes at 7:18 pm.

Session resumed at 7:23 pm.

Sam Hickey: Spoke asking to build a shop. Property is zoned commercial. This is for review. Shop will house pickup trucks, trailers, tractors, tools, refrigerators. Driveway will be widened. Gamboa was concerned that the property using wheeled traffic on commercial property should be paved. It was unclear and must be researched to determine if this is required. Hickey mentioned that a privacy fence will be put up on the residential property to the north. Gamboa mentioned that the west end must also have a privacy fence. Sherman said commercial developments must have a storm water study. Hickey said he would follow the code regarding

paving. Gamboa said he came before this panel two times trying to do the same thing on 13th St and was denied and yet he continued to violate code and put dumpsters, trailers, backhoes, shipping containers and store appliances on the porch of the home in a residential area in violation of city code. At each meeting, the residents complained about this, but you continued to do as you please. Why should we think you will operate within code in this new location? He answered that he has sold the dumpster. Gamboa said formal complaints on the property have been logged with the BofA and Police and you have taken no action. Hickey said he was never made aware of formal complaints. He said this has only been going on for the last 12 months. Hickey said he was trying to get the property rezoned so he could store all these items inside, but the process took a year and was denied each time. Gamboa asked if that is the reason that he violated the code and put all this stuff in a residential area? Answer was yes and he was never told to remove those things. Gamboa wanted the panel and the mayor to be aware that he has personally complained in writing citing the code violations of the property two times and that the property looks like a dump in a residential area. He notes that the new proposal will be almost across the street from his house and that if any code violations are noted he will recommend that the code be enforced with penalties. He said these things take time. Gamboa said it does not take this amount of time.

Greenlee pointed out that the parking area may only be concerned with public parking. This will have to be researched.

Hickey said he will keep a clean place and hope to change Gamboa's opinion of him. Gamboa said if he was a good neighbor, he will change his mind.

Lawrence said Hickey attended several meetings where his neighbors complained about the condition of the property and where he was asked to remove the code violations and where he was denied zoning that would have allowed him to store such items on the property. He did not act on those requests.

Site Plan review: 3639 E 7th St-Domino's Pizza.

Johnny Bates: Asked if the panel had a copy of the site plan review that he dropped off two weeks ago. The answer was no. Sherman said the city clerk sent it over a week ago. No one on the panel received it. Since it was not received timely by the panel, the review will have to be received by the panel and the hearing rescheduled for the October meeting. Bates was concerned that this will set his project back 30 days and force him closer to bad weather. He followed the city instructions and provided the information two weeks ago. There is a side street for access proposed by MoDOT to prevent traffic issues exiting directly from the parking lot to 7th St.

Sherman said the final site plan review will have to be scheduled for October as the engineers and the P&Z both must review it. Denney asked if we should penalize the applicant by rescheduling since the city caused the error.

Gamboa asked if we can conditionally approve it pending the engineer's approval. Talley said if we have done it before, we can do it again. Gamboa made a motion that we make a conditional approval based on our engineer's final approval. Greenlee second. 8-0.

Old Business: None

New Business: Talley requested that the P&Z considering a new sign ordinance and a new zoning district. He sent the information to Gamboa and the Mayor.

He does not recommend either example. He believes that part of the sign ordinance could be used but it is way too complicated.

He believes that it would be better to rezone the city hall (currently R-1) to a different zone that could be tweaked to allow what the city needs to do.

Gamboa recommended that the panel be allowed to study the issues and put both on the agenda. Gamboa will forward it to the panel.

Public comments: Jaylen Ward. His sister lives at 4020 15th Pl. Her husband passed and she has an existing garage that needs a carport built in front of it. The issue is the garage is 8 ft off the property line as best he can tell. He would like to build the carport at 10 ft. to line both structures. There has been no recent survey. The panel said that if he requests a variance, a survey will be required. Talley said there is a variance procedure and the P&Z does not make that decision. This will be up to the Board of Adjustment. He went through the same issue with a storm shelter and brought the request to the P&Z.

Gary Heilbrun said he went out to talk to the reporter. He was followed out by the court clerk who was taking notes. He asked if she was on the clock since her door was open. Clerk said No, she was here of her own free will. He said he was just curious.

Other business Deemed necessary: Brown said his neighbor 1410 Ryan is not mowing the ditches. Mayor said the homeowner is responsible.

Schedule next meeting: Oct 6th, 2025, 6PM

Adjourn: 8:13 pm Jackson/Greenlee 8-0

Speakers: Gary Heilbrun 4015 E 25th St, Ashley Harrell 4220 E 23rd St, Bonnie Pottorff 2802 S Kenser Rd, Kerry Divine 314 Morgan Ct, Cynthia Baine 4110 E 23rd St, Kathleen Papas 4004 E 23rd St, Becky Brinson 4430 E 24th St, Zach Imbus 1026 E Lawn Terrace Cincinnati Ohio, Jason Vanglas 1245 CW Ave Madison Wisconsin, Sam Hickey 19730 Hwy 43 Seneca. Johnny Bates 10415 Elm Rd Carthage, Jaylen Ward 4211 E. 25th St.

Submitted by Rick Gamboa