

City of Duquesne, MO
Planning & Zoning Commission
Meeting Minutes (APPROVED)
June 5th, 2017; 7:00 P.M.

Meeting called to order at 07:02 P.M. by President Ray Brown

In Attendance:

Ray Brown, President (2018)
Val Carter, Vice President (2017) – Unexcused
Chris Ellsworth, Board of Aldermen Representative (2018)
Mickey Sherman (2019)
Gary Jackson (2017)
Tom Johnston (2019)
Steven Williams, Secretary (2018)

Absent:

None

Approve Agenda:

Steven Williams stated that he did not have anything to add to the agenda however he would like spend some time on the meeting dates when it came time on the agenda.

Val Carter made a motion to approve the agenda and was seconded by Tom Johnston.

Ayes: Carter, Ellsworth, Sherman, Jackson, Johnston, Williams **Nays:** None

The Motion Passed.

Public Hearings:

Public Hearing was called to order at 7:03 P.M.

(Public Hearing) President Ray Brown explained the proposed ordinance amending Title IV: Land Use, Chapter 404: Zoning Regulations, Section 404.040: Use Regulations, to allow the uses permitted in “C-2” districts in “M-1” districts.

Public Comments:

None

Vice President Val Carter made a motion to allow the proposed ordinance to go to the City Counsel for a vote, and seconded by Gary Jackson.

Ayes: Carter, Ellsworth, Sherman, Jackson, Johnston, Williams **Nays:** None

The Motion Passed.

(Public Hearing) President Ray Brown explained the proposed ordinance amending Title IV: Land Use, Chapter 404: Zoning Regulations, Sections 404.060: Height and Area Regulations in the "R-1" and "R-2" Residential Districts to provide that the combined lot area used by all accessory buildings, whether attached or not attached, may not exceed the lot area of the living area of the dwelling unit, and amending chapter 420: Subdivision Regulations, Section 420.060: Minimum Standards of Design, to provide the same requirements.

Vice President Val Carter stated that he understands the reasoning for it and he agrees with the intent, however after reading the proposed ordinance the way its worded extends too much to properties that have a larger lot than other lots in the city.

Public Comments:

Rick Gamboa (4005 E. 20th St): Stated that he was one of the people that thought this ordinance should be rewritten and fixed to keep people from putting several outbuildings on one property. What the new ordinance does not address is the lots that are larger than others. Rick recommended that the ordinance be sent back to council and ask that it be modified to make it fair.

Paul Daugherty (4230 E. 24th St): Stated that he is opposed to any ordinance that unnecessarily restricts the reasonable use of property. Paul stated that if he wishes to add any type of outbuilding onto his property as long as he meets any current building codes and regulations that apply to the location and placement of the structure. Paul also stated that the city has a ordinance in place that he feels is sufficient to restrict the maximum size that restricts the size and total square foot of outbuildings, and that the new ordinance is a repulsive violation to property rights as well as a detriment to the City of Duquesne.

Mayor Gary Heilbrun stated that this ordinance had already been in effect for a year or more. What this ordinance is doing is pointing out what everybody thought the ordinance was for. This ordinance did not match any of the intent of anybody that was aware of it in the council seat, in the audience, or on the planning and zoning commission. What we are doing with this ordinance is putting it back to where it has the intent that everyone thought that it had at the time it was approved.

Paul Daugherty (4230 E. 24th St): Reintegrated that he appreciated the intent, but it still has the effects on small property owners.

Roger Bone (2501 Freeport): Stated that he has a three car attached garage and was on the council at the time that this ordinance went into effect. At the time the council was addressing a single person that had a large garage and small house. Roger stated that he was under the impression that the total square foot of nonliving space would not include an attached garage.

Lisa Daugherty (4230 E. 24th St): Stated that she was the original person that proposed the ordinance in question and the intent was originally that an attached garage was counted towards your living space and that it was not to take up more than fifty percent of your lot.

Rick Gamboa (4005 E. 20th St): Stated that the only way that this can be made fair is to do what other reasonable cities have done and that is to base restrictions on the size of the property. It does not matter what the intent was or is because the ordinance is no good due to the fact that you can't regulate a property owner with forty acres to the same restrictions as a property owner with a quarter acre.

No other public comments

Mickey Sherman stated that she does not understand why we would even need such ordinances, and that she feels that when a property owner buys his or her home they should be able to do with that property as they see fit as long as they are not letting becoming a nuisance.

Tom Johnston stated that he would recommend the proposed ordinance be sent back to the council, and that we recommend that they go off of an acreage based formula like our speakers have mentioned.

Option #1: Forward approval of a recommendation to the council for the proposed ordinance as stated.

No motion made.

Option #2: Advise council to modify the proposed ordinance to weigh in the consideration of acreage, and disapprove the recommendation to the council for the proposed ordinance as stated.

Tom Johnston Made a motion to Advise council to modify the proposed ordinance to weigh in the consideration of acreage, and disapprove the recommendation to the council for the proposed ordinance as stated, and was seconded by Vice President Val Carter.

Ayes: Carter, Ellsworth, Sherman, Jackson, Johnston, Williams **Nays:** None

The Motion Passed.

(Public Hearing) Rezoning Application – 735 Van Winkle

President Ray Brown explained that the property owner has submitted an application to the City Clerk to change zoning from "C-1" commercial to "M-1" industrial.

William "Bill" Utley Jr (Applicant) stated that the business was previously Joplin Diesel service and now it will be transferred to LTR Motor Sports where he will work on motorcycles, four-wheelers, side by sides, and possibly buying and sailing vehicles.

No Public Comments.

Tom Johnston made a motion that the rezoning application be approved, and was seconded by Vice President Val Carter.

Ayes: Carter, Ellsworth, Sherman, Jackson, Johnston, Williams **Nays:** None

The Motion Passed.

Public Hearing closed at 7:40 P.M.

Approve May meeting minutes:

Tom Johnston made a motion to approve the May meeting minutes as written, and was seconded by Gary Jackson.

Ayes: Carter, Ellsworth, Sherman, Jackson, Johnston, Williams **Nays:** None

The Motion Passed.

Lot Split Application (4411 E. 24th St.):

Brandi Miller City Clerk explained that the application is only for tract 2 and track 3 for the property. Brandi also stated that she had forwarded the application and property drawing to the city engineer and they responded, and advised that all of the lots have street access, all exceed the nine thousand square feet minimum requirement, and all exceed the ninety eight foot minimum lot width minimum requirement. The city engineer recommends that the lot split be approved.

Tom Johnston inquired if this property is part of the Schuber Mitchell development, Brandi stated that Schuber Mitchell did deed some of the property in order to make the lots big enough to split.

Mickey Sherman made a motion to Lot Split Application, and was seconded by Val Carter.

Ayes: Carter, Ellsworth, Sherman, Jackson, Johnston, Williams **Nays:** None

The Motion Passed.

Public Comments:

Lisa Daugherty (4230 E. 24th St): stated that the public would have a little bit of understanding if copies of the bills of the proposed ordinance and shows the current ordinance. Lisa also stated that in the past these have been provided to the public, but after the public is only provided the meeting agenda with a small description the public might not have a very good understanding of what the change would be, and the public should not have to buy them. President Ray Brown stated he would talk that over with Mayor Heilbrun to see if we could get this changed.

No other public comments

Schedule next meeting date:

Secretary Steven Williams advised the commission that his work schedule has changed which will cause a conflict with the August, September, and October meeting dates. Steven also stated that if the

commission wanted to delegate the meeting minutes to another member for those months and just send them out that would be an option. The Commission decided that they would try to resolve this during the July meeting.

Mickey Sherman inquired if the commission wanted to meet on July 3rd due to the day before being a holiday.

Vice President Val Carter stated that he will be absent for the July meeting due to being out of town.

July 3rd, 2017 at 7:00 P.M.

Adjourn:

Vice President Val Carter made a motion to adjourn, seconded by Mickey Sherman.

The motion passed.

Meeting was adjourned at 7:49 P.M.