

CITY OF DUQUESNE PLANNING AND ZONING COMMISSION
MEETING MINUTES (and Public Hearing)
(AMENDED COPY)

Date: 8 July 2013

The meeting was called to order at 6:02 P.M. by Chairman Ray Brown.

Roll Call: **Present:** President Ray Brown, Vice-President/Secretary Ken Ayton, Roland Harmon, Cathy Hudson, Gary Jackson, Gerald Keller, George Reeve, and Dale Daniels (substituting for Denny White) **Absent:** Russell Fleetwood, Bryan Low, Denny White.

A motion was made by George Reeve and seconded by Gerald Keller to accept the agenda as written. Ayes: Brown, Ayton, Harmon, Hudson, Jackson, Keller, Reeve, Daniels. Nays: None. The motion was passed.

Chairmen Brown opened the Public Hearing section of the meeting at 6:02 P.M. and read the proposed "Amending Ordinance 195 for Commercial Lot Split". That amending ordinance reads as follows:

"An ordinance amending Ordinance No. 195, passed by the Board of Aldermen on June 18, 2012, which suspended lot splits and minor subdivisions in the expedited debris removal (EDR) area pursuant to Title IV: land use, Chapter 420: Subdivision Regulations, Section 420.070: Supplementary Regulations, Subparagraphs B., C., and D., to allow lot splits and minor subdivisions for commercially zoned property."

Mike Talley, city attorney, reviewed the purpose and intent of the original ordinance and the purpose and meaning of the proposed amendment to the current ordinance. Mr. Talley made the following points:

- Ordinance No. 195 has already been amended once to allow lot splits for commercially zoned property; However, the current freeze includes commercially zoned property in the EDR area. This makes it possible to split lots in part of the city, but not in the EDR areas.
- Ordinance No. 195 was never intended to be permanent.
- Mr. Talley recommends a "quick fix" to clarify the ordinance, by lifting the lot split freeze on commercially zoned property on the EDR area. All EDR residential property would still remain unsplittable.
- Mr. Talley noted that lot splits in general will have to be addressed in a timely manner in order for the city to avoid possible lawsuits.

Chairman Brown asked for public comment regarding "Amending Ordinance 195 For Commercial Lot Split" as stated in the agenda. He asked that each person addressing the commission state their name and address for the secretary. Chairman Brown also asked that all persons addressing the commission be brief and limit remarks and questions to the point in question.

Several members of the public addressed the commission:

- Roger Sapp, 4410 East 25th Street spoke in opposition to the proposed amendment. He also stated that the Mayor should have told the buyer of his property on Duquesne Road that the property could not be split.
- Paul Daugherty, 4230 East 24th Street asked when this proposal goes before the Board of Aldermen. He was told that it would be at the meeting tonight.
- Carla Arnold, 4025 East 24th Street stated opposition to split lots.
- Cinda Sweet, 3711 East 13th Street wanted to know the definition of the roadway (referencing the mayor's property on Duquesne Road). Is it a dedicated road or a driveway? She was told that it is a dedicated easement, with the right of passage.
- Nancy O'Banion 4532 East 26th Street wanted to know if there was any other commercially zoned property affected by this ordinance proposal. She was told yes-all existing commercially zoned property in the EDR area. It was noted that did not mean that we are designating properties as commercial-just applies to existing commercially zoned property in the EDR area. It was further noted that zoning changes from residential to commercial requires a public hearing. The speaker was concerned that residential properties would be protected from being split.
- Will Shumate, 4421 East 25th Street, asked for information about how zoning requests happen. The process was explained.
- David Kifer, 4216 East 20th Street wanted to make sure that his property was residential.
- Ray Tupper, 4470 East 26th Street wanted to know the size requirements for commercial lots; wanted to know if commercial zoned lots can become lots for apartments or a duplex? He was told "no",,, that the property had to be zoned for those designations. He expressed concern about property values of residential property if surrounded by commercially zoned properties.
- Gary Heilbrun, 4015 East 25th Street stated that the property that the Mayor sold on Duquesne Road does not show a road going through on a map that he googled. He suggested that the city attorney needed to research this. Mr. Talley stated that is a dedicated private road easement with the right of passage.
- Rick Gamboa, 4005 East 20th Street asked what was officially the designated EDR area and why are the people in the EDR area different than the rest of Duquesne. He suggested that the ordinance should be the same for all persons residing in the city.
- John Allen, speaking for Jim Houk properties in the City of Duquesne, said it was time for the city to address the issue of commercial splits.
- Cindy Sunday, 4431 East 24th Street stated that the EDR area is different from the rest of the city because of the tornado damage of May 2011.
- Lisa Daugherty, 4230 East 24th Street stated that property designated commercial can be used for lesser designations such as apartments, duplexes, etc.
- Mike Talley, city attorney, re-clarified that the question is whether to allow commercial designated property in the EDR area to be split like the rest of the City of Duquesne can – should the people who own commercial designated property in the EDR area be allowed to split their lot like the rest of the town can for commercially designated property.

Chairman Ray Brown announced the end of the Public Hearing section of the meeting and return to the Planning & Zoning Commission meeting at 7:02 P.M.

A motion was made by Cathy Hudson and seconded by Gary Jackson to table making a recommendation to the City Council regarding the amendment to Ordinance No. 195. Ayes: Brown, Ayton, Harmon, Hudson, Jackson, Keller, Reeve, Daniels. Nays: None. The motion was passed.

A motion was made by Ken Ayton and seconded by Cathy Hudson to adjourn. Ayes: Brown, Ayton, Harmon, Hudson, Jackson, Keller, Reeve, Daniels. Nays: None. The motion was passed.

The next regularly scheduled meeting is Monday, August 5, 2013 at 7:00 P.M. subject to change.

Respectfully submitted
Ken Ayton, Secretary