

City of Duquesne, Mo
Planning & Zoning Commission (Final)

January 3, 2022

In Attendance: Tom Johnston (12.31.2023), Kerry Divine (4.12.2024), Rick Gamboa (4.14.2024), Ray Brown (12.10.2022), Donny Allen (10.14.2023), Denny White (9.13.20.25), Gary Jackson (12.31.2022), Chris Ellsworth (1.31.2023), Sherry Lawrence (12.13.2025)

Call to order: 6:02 PM

Approve Agenda: White/Divine 9-0

Public Hearing: Rezoning 4404 E. 20th, R1 to R4. Opened at 6:02 PM

Speaking in favor: Terry Mitchell 303 Sunnybrook Dr. Carl Junction, Dennis Norris 2151 Mia Faith, Sara Ellsworth 1004 South Duquesne Rd, Gary Heilbrun 4015 East 20th

Pros stated:

1. More homes will help lower association fees.
2. This is only an application to re-zone.
3. Glad extra information was provided in the legal description portion of the application
4. Felt extra information in legal description should not have been listed as it has no bearing on the zoning request and the city had three months to remove it. Believes this was not the fault of the applicant but the fault of the City for allowing it. Still believes that the request should be granted.

Speaking against: Ernie Trembly 2011 Addis Peace Lane, Lisa Daugherty 2151 Clark Ct., Robert L Higgins 2140 Clark St.

Negatives stated:

1. When property was purchased, the owner assumed that the empty land behind his house would remain empty.
2. Increased flooding.
3. Increased burden on the school.
4. Decreased Police patrol ability.
5. The city did not have notify all residents in the boundary limit of 185 feet.
6. The city did not post the notice in the Joplin Globe but used a smaller circulation paper.
7. The city acted in a “deceptive, underhanded, under the table with shenanigans, and everything.” Felt she was yelled at which discourages people from attending meetings.
8. P & Z doesn't live up to its name because the city doesn't enforce the codes on the books. Cited flooding, hot water coming out of hose, lot flooding, sidewalks crooked, grass growing in the street. City has an “unhealthy and illegal relationship” with the home builder. Suggest sending a survey to all residents to identify to identify problems with the builder.

Public Meeting closed at 6:25 pm.

Discussion by Member of the committee: Kerry Divine expected a fresh application, and that the application should have had the extra-legal information removed. Wondered if we could vote for the rezoning with the removal of the extra information.

Terry Mitchell said that they would bring a plot plan for approval and that would be what is voted on and allowed or not allowed. Not asking for any setbacks in this application.

Ray Brown agrees with Gary that it should not have been put on the application but not sure if we can change it at this point.

Gary Heilbrun asked if the mayor had already signed it, answer NO. Terry offered to strike of that portion of the application and sign it. Gamboa said he would have no objection to striking that information on all copies and signing them all and did anyone have objection to doing that. No one objected. Brown declared a 10-minute recess at 6:30pm for Mitchell to strike the information on all copies, sign, and date each one.

Recess: ended at 6:37pm. Terry Mitchell said in response to concerns about fixing problems that they offer a 2-year warranty and 10-year structural warranties, and they are addressing all problems as quickly as possible and will continue to do so. Will contact Mr. Higgins and Ashley and get to the bottom of their issues.

Motion to send to council: 9-0

Approve December Minutes: Johnston/Allen 8-0, Ellsworth abstains.

Public Comments: Gary Hielbrun said the builder did nothing wrong. It was a city problem. The lot split tabled in the last meeting was the fault of the city and the revising an agenda last month and posting it a day before the first one was posted was the fault of the city. Welcomed Sherry Lawrence and told her that the code was online for her to review.

Lisa Daugherty was not happy with the way the pros and cons were listed in the minutes. She said the minutes stated that only one person did not get notified of the meeting. Gamboa asked where in the minutes that it stated only one person was not notified. Lisa responded that she had not seen last months minutes. Gamboa read the minutes where it stated the city did not notify ALL the people in the boundary. Lisa apologized and said she miss stated that issue. Lisa said it was mentioned at the council meeting. Ray Brown said he did not have any information from the council meeting. Lisa said she thought he should know since he did not attend.

Kyler Bard 2205 W 1st Street introduced himself and stated that they would be making an application in the next meeting to build 9 houses on 10th street and Walnut ridge.

Sherry Lawrence said she is new to the area, loves her home and had not problems so far with the builder. She encourages the builder to fix all problems that may develop. She feels that if we had a clerical error in the mailing of notice, that we must correct that and do everything correctly.

Dennis Norris wanted to re state that he did receive notice in the mail.

Gary Heilbrun: He asks that the city send the P&Z send all applications to all members as soon as they are filed so the members have extra time to review them before the meeting.

Schedule next meeting: 2.7.2022 at 6PM

Meeting Adjourned: 6:54 PM White/Johnston 9-0

Submitted by: Rick Gamboa