

City of Duquesne, Mo  
Planning & Zoning Commission Meeting  
July 1, 2019, 7 PM

Meeting called to order by President Ray Brown at 7:01 PM.

In attendance: Ray Brown (12.10.22), Tom Johnston (12.31.19), Gary Jackson (12.31.22), George Reeve (6.11.21), Chris Ellsworth (12.31.19), Rick Gamboa (12.31.22).

Absent: Steven Williams (12.12.22) unexcused

Motion to approve amended agenda (lot consolidation Terrace Green added) Reeve/Gamboa. Vote 6-0.

Approval of May minutes (June meeting cancelled). Reeve/Johnston. Vote 6/0.

Richard Walters spoke on Lot line adjustment-Terrace Green. Ellsworth asked Chevelle if clearance for existing building was compliant. Answer: Yes. Motion to approve the request and send to City Clerk. Johnston/Reeve. Vote 6-0.

Richard Walters spoke on consolidation Terrace Green. Motion to approve the consolidation and send to the City Clerk. Ellsworth/Johnston. Vote 6-0.

Ellsworth asked if there was a plan to improve the entrance as it deteriorates regularly due to heavy traffic. Answer was that it would be addressed.

Richard Walters spoke on Preliminary site plan review Terrace Green. Future plans are the possibility of adding an entrance on 7<sup>th</sup> street if MODOT would approve. Motion to approve Preliminary site plan and send to BOA for approval Reeve/Ellsworth. Vote 6/0.

David McCune spoke on Preliminary/Final site Plan for Piper Glen. Chevelle presented two pages of issues of for 1 and 2 that have not been fixed. McCune indicated that all issues would be corrected. Gamboa asked if Schuber Mitchell was going to take care of everything on the two sheets. Answer Yes. Motion to approve and send to BOA with the stipulation that it be accompanied by a letter indicating that all items in both check lists would be corrected by Schuber Mitchell in a specified time frame. Gamboa/Reeve. Vote 6-0.

Chevelle discussed issues with our code with respect to the term "family" and our ability to enforce the ordinance as a result of the definition. Each member is to review the proposals and different other cities definitions and make recommendations. Johnston asked if there were "complaining people". Mayor said there were several complaints, some at the last council meeting. Johnston was not comfortable in defining a "family" as a mother, father etc. Chevelle explained that

the main purpose was to define how many unrelated people might live together in a structure. David Weaver spoke about a letter he received indicating that he had too many people living in a rental house he owned and that he had 10 days to correct the situation. Weaver stated that he has had this rental house since 1996. He has had one of the renters identified as a "trouble maker" removed for cause. He feels that the limit of 3 unrelated persons is too small compared to other communities of similar size and the number should be at least 4 and maybe 5. If reduced to 3 as proposed, it would eliminate his ability to make a profit on the house. He also stated that 10 days is not fair notice to remove a renter as most landlords have leases with tenants and no legal way to remove them except for cause. Weaver stated that his main objection to the proposed re wording of the statute is setting the unrelated minimum at three and he would be agreeable to at least four. Gamboa asked if the complaining parties had given the number of people living together in one home as the reason for the complaint. Chevelle said that in the complaints received, there was not a number stated. Gamboa said if no complaining person, gave a specific number as "too many" that he had no objection to the number four instead of three. Ellsworth stated that there should be rules and regulations for R-1, but the word "family" should not have anything to do with it. He is OK with setting a cap for "unrelated people" but he has no interest in defining the word "family" as the cities role. He felt that one fair way to establish the number would be one person for each bedroom of the house. Weaver stated that there are ordinances in place that the police can use to prevent disorderly conduct, parking violations and other issues that protect the residential status of the neighborhood. It was decided that each member should submit any opinion on this issue as there will be a public hearing and the ordinance will be brought before the next BOA meeting.

Public Comments: Mayor Heilbrun brought a request for a special meeting for a zoning issue. The requesting party was not there. The party did not request this change at the first part of the year when they requested an adjacent change. Ellsworth said that they are operating a business with no license and they choose not to handle this issue when we offered them the opportunity at the beginning of the year. The request was denied.

The next meeting is scheduled for 8.1.2019 at 7pm.

Motion to adjourn. 8:53 pm. Reeve/Johnston. Vote 6-0

Speakers: Richard Walters (The Development Co.) 2144 E. Republic RD, Suite B 300, Springfield, Mo.65804, David McCune (Schuber Mitchell), 1733 Keegan, Webb City, Mo. 64870, David Weaver 1435 Van Winkle, Joplin, Mo.64804, Gary Heilbrun, 4015 E. 25<sup>th</sup>, Joplin, Mo. 64804, Chevelle Kidd Lawvere, 616 Locust, Carl Junction, Mo. 64834

Draft minutes by Rick Gamboa