

**City of Duquesne**

**Planning and Zoning Commission**

**Special Meeting Minutes**

**6:00 P.M., City Hall**

**Thursday, April 21, 2022**

**Call to Order:** 6:01 p.m. Meeting called to order by President Ray Brown.

**Roll Call:** 6:02 p.m. **In Attendance:** Kerry Divine (4.12.2024), Ray Brown (12.10.2022), Denny White (9.13.2025), Chris Ellsworth (1.31.2023), Sherry Lawrence (12.13.2025), Tom Johnson (12.31.2023), Donny Allen (10.14.2023) City Attorney was also present

**Absent:** Rick Gamboa (4.14.2024), Gary Jackson (12.31.2022)

6:03 p.m. Kerry Divine asked to amend the agenda as Planning and Zoning Commission had not had a meeting to discuss the information being presented and to render the "findings" from the P&Z Commission.

6:05 p.m. City Attorney stated that Kerry Divine's proposal was proper as he (the City Attorney) re-read the Code last night. The City Attorney stated that P&Z could hold the "special meeting" but the Board of Aldermen would need to meet in order to rule on "the findings".

6:09 p.m. Kerry Divine withdrew the motion to amend the agenda.

**Approve Agenda:** 6:09 p.m.

**Public Hearing:** 6:10 p.m. Cheryl Efird and David Efird 3609 Willow Ln., Joplin MO, 64801 introduced themselves and began to speak about the construction project they have underway located at 3635 E. 20<sup>th</sup> Street.

6:11p.m. Mayor Bill Sherman 825 S. Duquesne Rd., Joplin MO, 64801 rose to speak on behalf of Efirds'. Mayor Bill Sherman stated that the building under construction is being built on the same slab but is a slightly smaller building. The Efirds' will be operating the same type of business as before from that location which was auto repair. Mayor Bill Sherman stated that he felt that issuing the Efirds' a "Special Use Permit" is the solution to a mistake which was made by the City in issuing the Efirds' a building permit as the property no longer meets the proper zoning for the location among other details which came to light after the permit was issued. Mayor Bill Sherman stated that it "would keep the City from litigation." Sherry Lawrence stated that a precedence was set in the past for a similar property located in the same general area which had to be rezoned. Sherry Lawrence asked about a form P&Z received in the email with the information pertaining to the meeting. The form appeared to be furnished by the City and it consisted of questions which required "yes" or "no" answers. The form states that if "yes" is checked, that a separate sheet should be attached to the form which explains the "yes" answer.

Denny White asked if we could "approve this, this one time" but not let any others go forward?

Sherry Lawrence said "we don't want this to happen to anyone in the future."

Denny White said "we should vote to approve this one...this time." The City Attorney stated that this should be debated later and in the P&Z meeting.

Chevelle Lawver stated that she informed someone at the City when the temporary power pole and stick framing was going up. Chevelle stated that she sent an email to the City on March 22<sup>nd</sup>, 2022. The "Building Permit" was issued February, 1st\ 2022.

Ashley Harrell 4320 E. 23<sup>rd</sup> Street, Joplin MO 64801 asked "why is the public hearing not posted?" "The sign says "Special Meeting" not "Public Hearing."

Sarah Ellsworth 1004 S. Duquesne Road, Joplin MO 64801 stated that she would like to know about the zoning and the frontage in question. She asked what the "set back" is for M-1? She was informed that it is 25' per the Code. Sarah asked "what the Efirds' have?" (What is the set back with the current structure on the old foundation?) Ray Brown stated that one side was only 20'. Sarah spoke in favor of the Efirds' and suggested P&Z approve the "Special Use Permit".

Sherry Lawrence stated that she respects the Efirds' as well. But we are suppose to enforce the Code.

Lisa Daugherty 4230 E. 24<sup>th</sup> Street, Joplin MO 64801 stated she has nothing against the Efirds' but there should be a \$2,000.00 fee, a "Storm Water Plan" and other items. Lisa asked if this meeting was planned to allow "this mistake to go under the table?" (slide by?). Lisa stated that the ordinances are clear. She asked "when do we stop with the "Grandfathered-In" clause? She stated that the 2011 tornado was a "life changing" event, but we should still follow the Code. "How can you allow for one and not others?" Lisa stated that "maybe the City needs to take a hit so they can keep this from happening again." Lisa stated that the Efirds' were "put on notice" about 2 years ago. Lisa asked "how did the "Site Plan" not get over to Algier Martin?

Chevelle Lawver stated that Gary Heilbrun touched on the fact that some other owners are trying to build on properties with improper zoning.

Mayor Bill Sherman complimented Chevelle on her work with SOP but stated that changes are being made.

Cheryl Efird and David Efird got up to speak. Cheryl stated that David has never been in the City Hall before tonight. Cheryl said that she thought she was "going by the book." She stated that the building was started March 22<sup>nd</sup>, 2022 and it was "up" in 6 days. She said she asked everything needed to do it