City of Duquesne, Mo

Planning & Zoning Commission Regular Meeting Minutes FINAL

Meeting held at SMB bank community center while repairs are ongoing at city hall.

**1.2.2023**

In Attendance: Kerry Divine (4.12.2024), Rick Gamboa (4.14.2024), Ray Brown (12.10.2026), Denny White-Absent Excused (9.13.20.25), Gary Jackson (12.31.2026), Chris Ellsworth (1.31.2023), Sherry Lawrence (12.13.2025), (Tom Johnston (12.31.2023) arrived at 7:10

**Call to Order:** 7:00 pm by Chairman Brown

**Approve Amended Agenda:** added election of officers under Other Business Deemed Necessary. Ellsworth/Lawrence 6/0

**Approve Minutes Dated:** 12.5.2022 Divine/Lawrence 6/0

**Public Hearing**: 7:05pm 1808 S Duquesne

**Speaker:** Kent Eastman 2627 Callaway Ridge, Joplin. Spoke as the representative for the property. He noted that the comprehensive plan shows future use as commercial for Duquesne Road at this site. Approximate lot size 240x400.

Public hearing closed at 7:12 pm

Motion to recommend approval to the BofA. Ellsworth/Divine 7/0

**New Business:** Divine mentioned that house bill HR1662 just enacted severely limits the city’s ability to regulate home based business. This will conflict with our code. Gamboa asked that the city attorney review the new bill and recommend corrections to our code. Mayor Sherman said the City Attorney is already looking at this bill. Divine if the owners had a time limit for staying in the properties. Sherman said the owner cannot reside in the Air B and B. Divine asked the mayor if there were any restrictions or limits in the house bill that we can follow. Mayor did not know at present. Ellsworth said that the list of things that can be restricted is very small. Divine said in regard to short term rentals, we never discussed that they cannot be private peoples homes.

**Public Comments:** Jim Hunter 1514 S River, Carthage. Works for Pro 100 and has a client interested in the Royer tire property to put in a diesel/car repair business. It currently zoned for C-2 but it appears the new business would have to be M-1. He would like the P&Z input as to possible re zoning to M-1.

Gamboa mentioned that if it is rezoned to M-1, then at some point, the property would have the right to do anything listed in M-1 if they chose to not renew their lease.

Divine said that the comprehensive plan is to keep this street commercial, and we should stick to that plan.

Brown said we should research to find out how many M-1 properties we already have on 7th street.

Lisa Daugherty 4230 E 24th, Did not have a problem with the change to M-1. She stated that when we have roll call, we have a lot of absences and excused absences. She wanted to know what the excuses are for the absences. Gamboa said that is personal information. He mentioned that three absences in a row (not excused) could make the person liable to be removed from the committee. Daugherty said she thought it was three in a calendar year. Gamboa said that may be true. (research shows 3 in one calendar year 115.370) She said going on vacation is not an acceptable reason for being excused. Gamboa asked if she had a list or knows of a list of items that are excusable. Gamboa said there is no such list. Daugherty said that is something they should have defined when they wrote the original ordinances. Brown said “no one has really taken advantage of that”

Divine said that we really need a current zoning map if we are to conduct business. Mayor said that is a problem and appears that we may have to get engineering involved. He has been looking for a program. Divine asked how other communities get their maps. Mayor said he is pretty sure that Joplin has their own department for maps. Divine asked what we are to do when our map may conflict with some other map presented. Lawrence asked if we could refer to Beacon. Gamboa asked former mayor Heilbrun if he found discrepancies in Beacon. He said “Yes”, you are seeing what the county thinks. Beacon is not specific in for example C-1 or C-2 etc. Gamboa asked if they map on the wall was 2008. Gary said he thought it was 2017 as Schuber Mitchell is shown.

**Other Business Deemed Necessary:**

Election of Officers:

President: Brown unopposed, Ayes; Johnston, Jackson, Lawrence, Gamboa, Ellsworth, Abstain: Devine.

Vice Chair: Lawrence nominated Gamboa/Johnston, Ayes: Johnston, Jackson, Divine, Gamboa, Ellsworth, Brown.

Secretary: Gamboa unopposed, Ayes: Johnston, Jackson, Divine, Ellsworth, Brown.

Lawrence introduced Courtney Denney who has made application to the P&Z,

**Schedule next meeting:** February 6, 6 pm tentatively at SMB Bank Community Room

**Meeting Adjourned:** Ellsworth/Lawrence 7-0 7:49 pm

Submitted by: Rick Gamboa