

April 4th, 2022

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

Call to order: 7:12 PM by President Ray Brown

Approve Amended Agenda: Added 6 PM work session. Allen/White 10-0

Approve March Minutes: Ellsworth/Lawrence 10-0

Public Hearing: Katherine 1120/1206, 7:20 PM.

Ellsworth stated that the rezoning application does not meet code requirements and cannot be approved but the public hearing noticed was published and so comments can be made. An appeal can be heard by the Board of Adjustment if an application is made. City attorney asked if the applicant was present, they were not. Chevelle Lawver asked why the application came to P&Z if it was not the required size. Gamboa said that we do not take applications or handle the application process and the issue would need to be taken up with the City. Gary Heilbrun stated that the property was not posted the week before. Kyle Henson said signs were posted in his yard in error. City Attorney stated that a public hearing is not required for a lot consolidation so none was scheduled. Mayor Bill Sherman said that when he found out that there was not sign on the property, He looked at the agenda and went to the wrong address and put up the sign. Then came back here and realized what he had done, went back and got the sign, went to Katherine, and saw no sign and put the sign up. He then researched the procedure and found that it is not the City's responsibility to post signs. It is the applicants. They must also buy the signs.

Public Hearing closed at 7:36 PM

Divine asked what DW meant on the application. Answer was it means "between". Asked if we can take an application without an address. City Attorney said "Yes" if we have the legal description. Asked if a survey was required for a rezoning. Answer "No". Expressed concerns that we are still getting information too late for the board to research it in time for the meeting. She felt we should at least have all the paperwork at the time signs are posted, and notice is in the paper and the public is notified. Melody said that she must wait till she has all the paperwork before she can send it out. Lawrence stated that if Melody is not given all the information timely to send out, then we should not rule on the matter. City Attorney stated that if you have a public hearing on the agenda, you must have it. If after that, you can rule that you have not had the information timely, you can then table the item. He stated that we can research the information on our own, but it is improper to use "personal information" that would influence our vote that is not shared with the rest of the Board. Allen said that when an application is brought to us, we are assuming that all posting, and requirement have been made. Divine asked if the letter have been sent out, the signs have been posted and the notice has been published, why can't we have the information at that time. The City attorney said "Yes" and if there are issues, we should speak to our Alderman. Gamboa asked why the application could not state the date of publication, date of sign posting, date letters were mailed. City attorney said it would have to be a supplemental form provided by the city. Divine said we should get the information if it goes out to the public. The city attorney said we should direct that request to the Alderman, but this is a reasonable request. If the city clerk cannot provide the information, it is up to the

B/A to provide the clerk with some assistance. The request could also be sent to the mayor. Brown was asked if he created the agenda. He responded that he had not in several years.

The motion was made to deny the request as the applicant was not present. White/Ellsworth 10-0.

Lot consolidation 920 & 930 Walnut Ridge. Application withdrawn.

Allen asked for the applicant to explain. Tyler Bard spoke. He is trying to get rid of all mobile homes on the property and combine the lot, rezone to R 4, and build 9 single family homes. If they must wait to remove the trailers, they lose the income while waiting for a possible next meeting to rezone to R-4. The city attorney asked why he was told the lot consolidation was not possible. He was told the trailers must be removed before lot consolidation. The city attorney explained that lot consolidation is not a decision that the P&Z makes. It is a required for the P&Z be able to review the application and to make recommendations to the City Clerk in conjunction with the City engineer who make the decision. Bard said he was being forced to conform to R-1. Ellsworth said he was not being forced to conform to R-1 but rather you cannot make a bigger lot because you cannot have three houses on a single lot. Gamboa asked what zoning he would apply for. Bard said R-4 to build 9 houses. Allen asked if they would be able to meet all code requirements for R-4 with 9 houses. Bard said "yes". Bard asked what his next step should be.

Ellsworth said it goes to the city clerk and she cannot approve it as is as it does not meet code requirements. Divine asked if these lots have ever been split. Bard said not to his knowledge. City attorney recommended that he hold his request until he can comply and then ask for a ruling from the City Clerk. Jason Bard spoke and said he had to jump through too many hoops and if he gets the trailers off, he loses the income and there is not guarantee that he will get R-4 approval.

Brown said he saw no reason why R-4 would not be approved. City attorney stated that the lot consolidation is an administrative function of the City Clerk, but the R-4 is a different process, and we should not guarantee that it will sail through the process. Bard was having a discussion with audience members. White told the chair that audience members should not be participating in giving information to the speaker as they are not members of the Board or City administration. Bard said we held Schuber Mitchell up for months to get their process done and he fears the same thing will happen with his R-4 zoning request. Lawrence said that Bard can read the code and must follow the code. She stated that since Schuber Mitchell did not have their ducks in a row, they were out the door, and it was their responsibility to comply with the code and the reason for any delay. Mayor Sherman said one lot is non-conforming and if they were combined, they would create a non-conforming lot which is not allowed by code. Bard complained about the time it will take to come to another meeting. The city attorney said they do not have to wait because neither lot splits or consolidations are granted by the P&Z or B of A. It must be brought to the P&Z for review which it has but the City Clerk and engineer have the final say.

Preliminary site plan review-Piper Glen Plat 4. Application withdrawn.

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Public Comments: 8:33 pm

Gary Heilbrun asked if we had received any rezoning requests for 20th and Katherine which is the Efir Auto building. Brown said it looked like it was being built on the old foundation. Heilbrun said it is not zoned for what is being built. He said there was an ordinance after the tornado that changed the setbacks, and this building is in violation. He said it is not 25 feet from the property west of him. Brown said we have received no information about this. Gamboa said he did not think this was our responsibility to review at this time since we have no information on the project and do not issue building permits. The City Attorney said he is aware of the issue but cannot discuss the details. Gamboa asked if it would require a ruling from the P&Z. The city attorney said eventually but it is not before the board at present. Mayor Sherman said that in reviewing the building permit, he found that he was building the structure on the same footprint, doing the

same business and matches the other buildings on the street, so he felt that it should not be a problem. He realizes that he was incorrect. He feels that a "special use permit" may be the answer if Efird is willing to apply for one. He believes Efird has picked up an application for one. Jane Baine said that Katherine Estates was in violation, Barbra Welch (board member at that time) recommended that since the violation was minor and the building was already up, and we needed to work with that company. Baine feels we need to work with Efird also. He brings business into the community. City Attorney said the time to do that is forthcoming, but it is not tonight. Allen said he wanted to do the same thing years ago, but he was told that he could not because his lots were 3 feet short of the 90 feet required and so he sold the lot. He asks if we must follow the code or not. The city attorney believes that in the comprehensive plan which should be approved that this business will meet future setbacks as all other businesses on this street already do.

Gamboa said that the re-zoning application form presented tonight is dated 8/7/2018 and he has asked at least three times of different clerks and mayors and boards to alter the application to indicate that the application state that the applicant must attend the hearing, or the application will not be heard. It is the reason that we denied an application tonight. Melody said it was on her laundry list of things to do. Gamboa stated further that the applications are not showing property diagrams with adjoining property and streets showing setback dimensions. Lawrence said maybe the city should hire some extra help to get information like this. Gamboa said it should be the applicant's responsibility to provide the information.
Ended 8:40 pm

Discussion on work session. It was decided that a work session with the city attorney present to discuss the code page by page if necessary and sections of the code for possible agenda items.

Mayor Sherman asked if we were willing to have a special meeting to review the special use permit. We must wait 15 days for the publication. City should have agenda for any such work session. Brown will be responsible for scheduling the special meeting after the 15 day requirement is met.

Speakers: Gary Heilbrun, 4025 E 20th, Bill Sherman, 825 South Duquesne Rd, Tyler Bard 2205 W 1st St. Joplin, Jane Baine 4250 East 13th St. Joplin, Jason Bard 5658 Gum Road Joplin, Kyle Henson 920 Walnut Ridge Joplin, Chevelle Lawver 616 Locust Carl Junction

Schedule next meeting: May 2nd, 6 PM work session, 7 PM regular meeting

Meeting Adjourned: 8:54 PM White/ Ellsworth 10-0.

Submitted by: Rick Gamboa