

June 6th, 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) Resigned, Tom Johnston (12.31.2023) Absent., City Attorney Talley

**Call to order:** 7:02 PM by President Ray Brown

**Approve Amended Agenda:** White/Lawrence 7/0.

**Public Hearing:** 7:03 Rezoning application SE corner of 7<sup>th</sup> & Katherine from R-1 to C-2.

Amanda Dalton Cousins would like to sell storage buildings on the property. Lawrence asked if the business was already in operation. Amanda said it was an empty lot. Divine asked if the buildings were already there. Amanda said no. It was determined that they were already delivered, and she does not live here, so she was unaware that they were delivered. She stated that they are not doing business until they receive the rezoning and city license. Brown asked the size. Applicant says 1 ½ acres.

Divine asked if this lot had already been split? Talley explained that this lot was sold at a time prior to the zoning procedures now in effect and probably prior to the incorporation of the City from a Village and that this was the way people sold property at the time. He stated that they are not splitting the property but rather leaving as they had purchased it. Brown asked what kind of structures exists. Response was none. Talley asked what the comprehensive plan say about the future use of this property. Response was commercial. Divine asked about the zoning listed on the application of the surrounding properties as being listed as incorrect. Gamboa asked who filled in this information on the SOP form. The city clerk responded that she had. Gamboa asked if she had researched and found these to be accurate. The response was Yes. The city clerk said that Hawthorne is the company that has the buildings has applied for a business license which will voted on in the next BofA meeting and they are aware that they cannot conduct business until it is granted.

Bill Sherman spoke in favor of the rezoning application.

Public hearing closed at 7:14 pm.

Divine asked if this lot had not already been split. Ellsworth said that it was sold prior to zoning code and therefore was never split. It was only sold by legal description, which was the method used at the time.

Motion to send to BofA a recommendation to approve the zoning request. Ellsworth/White 7/0.

**Approve April 21st Special Meeting Minutes:** Talley asked for a motion to table so that he might review his comments. Motion made to table till the next meeting. Ellsworth/Divine 7/0.

**Approve May 2<sup>nd</sup> Minutes:** Motion to approve, Jackson/Divine 7/0.

**Approve May 9<sup>th</sup> Special meeting minutes:** Motion to approve, Jackson/White 7/0.

**Lot Split: 1404 S. Duquesne Road:** Matthew Dudley presented a full-size map which showed the lot split requested. The map only showed 88 feet of frontage on Duquesne Road which is not allowed by code. Dudley said this was an old map (2017) presented in error and the city clerk had the current one map (2019). The city clerk went into the office and found the updated map which shows 90 feet of frontage and correct legal description. Talley said we are only being asked to consider tracks 3 and 4 which have never

been split. Answer was yes. Talley reminded all that we are only recommending these findings to the city clerk who must follow the code and make the final decision.

Divine asked if this had not already come before the P&Z and been rejected. Dudley said it had been and was rejected because he was not in attendance.

Gamboa requested a copy of the correct map (2019) be sent to the P&Z. Dudley said it would be.

Divine asked if the garage was 300 feet from Duquesne Road per code. Ellsworth found the code (404.080) which states that an outbuilding built within 300 feet of a road shall have a square footage larger than the dwelling. Since this does not have a dwelling, it does not apply.

Gamboa asked if we should make a recommendation to the clerk. Talley said he did not think we need to make recommendations to the city clerk as it is her job to approve or not. Gamboa asked if we should if she were not in attendance. Talley said then it would be appropriate.

Bill Sherman said he would go over each point on the SOP if needed. Talley said he could just make a general statement that all the points on the SOP have been verified.

**New Business:** None

**Public Comments:** Gary Heilbrun mentioned that the handout was not correct. He stated that it was turned down by the P&Z a couple of years ago as it did not meet code. He said the attached map (2017) does not meet code. Gamboa said that Dudley and the city clerk presented the correct map (2019) and that it shows correct dimensions and that Dudley, and the city clerk will forward the correct map to the P&Z for their files. Gary said that the distance between house is too small. Gamboa asked if there wasn't 40 or more feet from the houses to the property line. Talley said they are not applying for a building permit in any event.

Gamboa asked for an update on the P&Z zoning map. Mayor Sherman said he has an engineering student working on it.

Gamboa also wanted to thank the city for attaching the SOP sheets to all things that we must review and to thank them for sending out all the information to the P&Z as quickly as possible. He realizes that some applications come to the city very close to the P&Z meeting date and so there is not enough time to send them out far in advance.

**Other business Deemed Necessary:** Brown asked about the stop light. Mayor is working on it.

**Speakers:** Gary Heilbrun, 4025 E 20<sup>th</sup>, Bill Sherman, 825 South Duquesne Rd, Amanda Dalton Cousins, 56905 East Walnut Dr. Afton Oklahoma. Matthew Dudley 25319 Demont Dr. Joplin

**Schedule next meeting:** Thursday, July 7<sup>th</sup>, at 7PM with a work session at 6PM

**Meeting Adjourned:** 8:05 Jackson/Divine 7-0.

Submitted by: Rick Gamboa