

City of Duquesne, MO  
Planning & Zoning Commission amended regular meeting - Final

**2.5.2024**

In Attendance: Kerry Divine (April 2021-2024), Rick Gamboa-Sec (April 2021-2024), Ray Brown-Chair (Dec 2022-2026), Denny White Absent Excused (Sept 2021-2025), Gary Jackson Absent excused (Dec-2022-2026), Sherry Lawrence-Vice Chair (Dec 2021-2025), Tom Johnston Absent (Reappointed by BofA), Courtney Denney Absent Excused (Jan 2023-2027) Mayor Bill Sherman

**Call to Order:** 7:03 by Brown

**Approve Amended Agenda:** Brown said that the words “Public Hearing” should be added to the line showing Application for Lee Nguyen. Devine said the Public Hearing cannot be added to the agenda as it was not posted. Sherman said it was posted on the property and in the paper. Gamboa cannot find in the code where it must be posted on the window within the notice. Brown said the word “public hearing” was left off the notice of Rezoning Application for Lee Nguyen. Gamboa said the question is if we can amend the agenda to include the words “public hearing” to the agenda if it has been posted on the property and in the paper if it has not been posted on the city sign, city window and in the posted document. Sherman said he believes we can. Sherman said we have followed our code. Divine asked if we were following state statutes. She believes that state code requires it to be posted on the property. Gamboa asked if Sherman was referring to 404.135. Sherman said he was referring to 404.155.C. Gamboa said the code Sherman refers to only says the notice must be in the paper, notify property owners, post on the property. The code does not state a requirement for posting on or in City Hall. The city clerk said it was posted on the agenda on the window. Gamboa asked where it was on the agenda. The clerk could not find it in the agenda. Brown said we need to add “public hearing” to the agenda. Motion to add public hearing to the rezoning application Sherman/Lawrence 4-1 Divine is Nay.  
Motion to approve amended agenda Sherman/Lawrence 4-1 Divine is Nay.

**Approve Amended Minutes Dated:** Divine/Lawrence 5-0

**Public hearing:** Rezoning application Lee Nguyen 3924 E 7<sup>th</sup> form C-1 to C-2  
Lee Nguyen 3411 E 11<sup>th</sup> St. would like to rezone to open a drive through coffee shop. He showed drawings of the proposal. Divine said the property is listed as commercial but should be listed as R3 on the application. Divine said the apartment complex should also be R3. The vacant lot referred to should be C-1 and the store C-2. Divine said there was a problem in the past on this property. She said she was told it was a sewer issue. Gary Heilbrun 4025 E 20<sup>th</sup> said that an investment company backed out of the purchase years ago because of a sewer easement issue. Gamboa said sewer easement issues would be handled in the building permit process and we are only acting on the rezoning issue.  
Motion to recommend to the B of A from C-1 to C-2 Sherman/Lawrence 5-0.

Lot line adjustment Schuber Mitchell. Did not appear. The city clerk explained the request. Divine says the paperwork shows R-1 but it should be R-4. There is an issue with the current zoning of the property. It was rezoned to R-1 to R-4. Teri will have to talk to Schuber Mitchell and explain they will have to rezone to R-1, to change the lot line split. Both public hearings were closed at 7:54pm

**New Business:** Lawrence made a motion that any items to be added to the agenda to be considered for discussion or recommendation must be emailed to the P&Z members 5 business days prior by 5pm. Second Divine. 5-0  
Sherman passed out new passing and zoning procedures by the Missouri Municipal League.

**Old Business:** Gamboa asked if Denney found anything about 10<sup>th</sup> St. Sherman says he has found new information. He said he will try to find some legal assistance to verify that the railroad never owned the property but rather leased the land. Gamboa asked if the concrete business sold on Duquesne Road was operating a business under new ownership. Sherman said no. Divine asked about parking lot paving. She said the sign company is now using a new property for parking on gravel. It was not determined if a permit was issued for this parking lot. Gamboa and Sherman agreed that items like the Parking lot requirements should be made part of the SOP to be followed by the clerk for all building permits. Sherman said Gamboa should bring this up at council. Lawrence said we should put out in our newsletter that there are solar panel people from out of town that are selling and installing solar panels improperly without business license or permits. Brown asked about shredding this spring, but the budget will not allow for this. Divine asked that the office hand out to businesses in her area the rules for the permit they are running when they apply. Sherman said he would investigate it.

**Public Comments:** None

**Other business:** None

**Meeting Adjourned:** 8:39 Devine/Lawrence 5-0

**Schedule next meeting:** March 4<sup>th</sup> at 6pm

Submitted by Rick Gamboa