

## **8.5.2024**

**Call to Order:** 7:02 pm

**Roll call:** In Attendance: Denny White Absent Excused (Sept 2021-2025), Courtney Denney (Jan 2023-2027) Donnie Greenlee-Vice Chair (April 2024-2028), Ray Brown-Chair (Dec 2022-2026), Rick Gamboa-Sec (April 2024-2028), Sherry Lawrence (Dec 2021-2025), Gary Jackson- (Dec-2022-2026), Mayor Bill Sherman

**Approve Agenda:** Denney/Greenlee 7-0

**Approve Previous Reg Meeting Minutes:** Jackson/Denney 7-0

**Public Hearing:** 7:06 PM Alex Lane-1001 S Duquesne: Rezone R-3 to R-4

Alex Lane 19275 Millwood Rd Carthage. Request rezoning from R-3 to R-4 and shows a new drawing showing a 75-foot set back from the center line of Duquesne Road. There will be four structures, all brick, one bed one bath. Jackson said there will be more traffic. Lane said there will be two driveways. Lane will regrade the property and eliminate the blind corner on SE corner of his property.

Jerry Sparks 1201 S Duquesne asked how these four units would be accessed. Access would be off 10<sup>th</sup> St. Sparks asked if the entrances fell under the approved road requirements. Gamboa said they were not a road but a driveway onto a parking lot of 38 parking spaces. Sparks is concerned because this issue has come up before and he has plans for his property on wood street where he can only have one structure because of a driveway entrance. Denney said a driveway has different requirements than an entrance to a parking lot.

Kerry Divine 314 Morgan Ct asked if the property use can be restricted for a period time for the stated use and no other types. Gamboa asked what uses in R-4 concerned her. Divine read the possible uses. Greenlee said short term rentals are already allowed in R-3 and the rest are not very different from R-3.

Gary Heilbrun 4015 E 25<sup>th</sup> St. Said we are all wondering why it needs to be R-4. Sherman said it was done to be able to build the 4<sup>th</sup> house on the property. He said the city spent \$3500 to the city to research the street. He asked who was to reimburse the city. Gamboa said that was handled by the Board of Alderman. Gamboa said they Board of Alderman approved the expenditure and not the P&Z. Questions regarding responsibility should be directed to them. Heilbrun said this won't be platted? Sherman said it would need to be platted.

Gamboa asked each of the speakers if they were pro or con or neutral on the re zoning request. All said they were just asking questions and were neutral.

Divine asked if the legal description changed when the street was re-charted. Sherman said there are still some questions about the street touching property of a homeowner. Sherman said the legal description for the rezoning request will not change.

Public hearing closed at 7:21 pm

Lawrence asked Alex how long construction would last. Answer was spring to summer. Sherman wanted to remind Alex that he must get a construction general permit and replat. Motion to recommend: Greenlee/Denney 6-0 Mayor Sherman abstains.

Sam Hickey-4015 E 13<sup>th</sup> St. Rezone from R-1 to M-1. This is not a public hearing. Motion to deny was sent to Board of Alderman at the 7.1.2024 meeting. BofA sent it back to P&Z to review.

The request is to build a shop to house and store equipment.

Jacksons concern of future uses of M-1 could be allowed.

Greenlee said M-1 allows contractors equipment to be allowed.

Sherman said he originally thought he should ask for a commercial zoning but that upon further reflection, M-1 would be a better fit.

Gamboa asked if we were being asked to recommend something. Shermans said no.

Jackson, he thinks M-1 is too broad.

Gamboa said he does not see a way that he would want an M-1 or a commercial classification in a residential neighborhood. He certainly would not want either next to his home. In addition, according to our comprehensive plan, this property is not approved for anything but residential.

Hickey said if he is not allowed to rezone, he may try to follow Mr. Lanes proposal and build residential structures. Jane Baine asked if the public could comment at this time. Brown said no since this is not a public hearing.

Greenlee asked Gamboa if 13<sup>th</sup> street was not designated as commercial East and West of Duquesne Road. Gamboa referred to the future use map in the comprehensive plan which shows land east of Duquesne Road allows commercial use for 300 feet only, the same as 20<sup>th</sup> St.

Ben Leavens 210 S Duquesne Rd. Passed out drawings and asked for comments on a proposed project on Cresswell St going north for a gated community to care for special needs patients.

Greenlee asked if the empty spaces were meant for additional units. Leavens said not at present as they must allow for a possible detention pond plus allow access to the city's pump station and other engineering requirements. Greenlee asked about the nonprofit status.

Lawrence asked about the number of patients. Leavens said each unit will have 4 people in two bedrooms and two baths.

Gamboa said he felt it would be a good addition, but he may face questions when the public hearings occur. Leavens said he has spoken to all but one neighbor and were all supportive. Greenlee asked if he had made a zoning application. Leavens said he would after the meeting. Gamboa said he would strongly recommend Mr. Leavens visit with the city clerk to understand the required details of each application that must be made so that when you come before us, you have everything complete. Too many times we postpone decisions because we have not received required information in the required time frame. Brown asked about a fire hydrant.

Jim Hunter 1514 S River St, Carthage spoke about the former Royer property for use in C-2. They have a sale to close August 15. He knows we can take no action, and this is just an information request. He knows he must follow the process to apply for C-2 zoning. Steve Kenney 1675 Anthony Lane Joplin. Already has a business that sells parts and needs a place to store parts enclosed.

No objections were noted.

**New Business:** None

**Old Business:** None

**Public Comments:** Jane Baine 4250 E 13<sup>th</sup> St. Concerned about Mr. Hickeys proposal. We have two churches and a school in this residential neighborhood. He has already sold one of his adjacent properties on Duquesne Road. She is opposed to M-1 or Commercial in this residential neighborhood.

Murray Kassner 4200 E. 13<sup>th</sup> St. Irritated that it says on the agenda that this is a public hearing (it does not) and we are not allowed to say anything. He opposes the M-1 rezoning. Also, there is too wide and area if M-1 is allowed and then sold.

Shane Gerber 4126 E 13<sup>th</sup>. He has read our code which says failure to appear at the hearing requires an automatic denial. He does not understand why he must keep coming to meetings at the P&Z and BofA. This should already be decided according to our code. He notes that this is a three-acre plot with a very small house. Is that one parcel? Hickey replied yes. He feels that commercial or and M designation is not the best correct of this property.

Gamboa said we are not allowed to make a recommendation as this was sent back to us by the BofA to review our decision and he plans to report to the BofA the concerns expressed here. Gerber asked if the code he cited was correct. Gamboa said that is the primary reason it was rejected the last time.

Brittany Banta 4126 R 13<sup>th</sup> St. She has two daughters who are bus riders that must cross this property twice daily. The only people on her road live on that road. We also have the school next door and a church. She doesn't feel this is a good idea.

Gamboa asked Sherman if there would be a public hearing at the next BofA. Answer was no. Gamboa said the only chance to voice concerns will be in public comments.

**Other business Deemed necessary:** None

**Schedule next meeting:** Sept 5<sup>TH</sup>, 7PM

**Meeting Adjourned:** 8:20 PM Lawrence/Jackson 7-0

Submitted by Rick Gamboa