

Poplar Bluff Planning and Zoning Commission Meeting
Monday, April 12, 2021 – 7:00 p.m.
City Council Chambers – 301 South 5th Street
Poplar Bluff, Missouri 63901

MINUTES

The Poplar Bluff Planning and Zoning Commission held a regular meeting on Monday, April 12, 2021, in the City Council Chambers, 301 South 5th Street, Poplar Bluff, Missouri. Chairman Todd Sittig called the meeting to order promptly at 7:00 p.m. Roll call was as follows:

ROLL CALL

<u>Members Present</u>	<u>Members Absent</u>	<u>Others Present</u>
Rodney Reagan	Mike Walker	James Sisk
Julie Littles	Mayor Robert Smith	Irene Morse
Todd Sittig	Jerry Lawson	Greg West
Rita Schalk	Len Morse	Auston Pickard
Councilman Ed DeGaris	Craig Barwick	Ray Gilton
Brad Chronister		David Letassy
Lucy Wheeler		

Approval of the March 22, 2021 Minutes

Mr. Rodney Reagan made a motion to approve the March 22, 2021 minutes as printed. Councilman Ed DeGaris seconded the motion. With all attending Commission members in favor, the motion carried unanimously.

Advertisement

This meeting was advertised in the Daily American Republic on Saturday, April 10, 2021.

Disclosure of Interest

None Reported.

Workshop Session

- A. Applicant requests approval to vacate a developed, platted (14' x 150') portion of an alleyway lying North of 313/315 North D Street. Running north to south between Gum Street and 313/315 North D Street to help maintain security for the landowners to reduce trespassing, vandalism, and littering. Applicant is Greg West 1184 Co Rd 476, Poplar Bluff Missouri.

Chairman Todd Sittig asked if there were any updates for the board. The City Planner, James Sisk approached the Board. He advised he has spoken with Mr. Greg West, the street department, utilities, and the fire department. The City is not looking for a vacation of the alley. There may be another solution to Mr. West's problem. However, the City vacating the alley with the number of utilities in it, is not the route the city wants to take. Mr. Greg West of 1184 Co Rd 476 approached the board. He advised he would like to withdraw his request to vacate the alley.

- B. Applicants request a conditional use permit to operate an outdoor sports paintball business at 2318 North Main Street, Poplar Bluff Missouri. Applicant is Ray Gilton Jr 11136 Highway PP, Poplar Bluff Missouri.

City Planner, James Sisk approached the board. He advised the Brick Mill Battlefield has changed ownership. He advised Mr. Ray Gilton has purchased the business from Jeff Hovis and there will be no change on the conditional use permit that was originally granted to Mr. Hovis. He advised the original conditional use permit follows the owner and since Mr. Gilton has purchased the business, he had to apply for a new conditional use permit.

Mr. Ray Gilton Jr approached the board. He advised he resides at 11136 Highway PP, Poplar Bluff Missouri. Chairman Todd Sittig asked if he planned on continuing with the same operation. Mr. Gilton advised yes, he will be making improvements, cleaning up the area and picking up a lot of bricks. Chairman Sittig advised there were some restrictions and buffer zones on the original conditional use permit. Mr. Gilton advised he is not asking for any changes to the restrictions or buffer zones. He advised he will clean the property and remove any hazards.

Mr. Austin Pickard of 833 Oakhill Blvd Poplar Bluff Missouri approached the board. He advised his property borders the paint ball property and his concern is the noise. He played a video of the noise for the board. He advised this noise is all day and it is right outside his back door. He is not opposed to people having fun, but the noise is encroaching on his residents. Chairman Sittig asked how long ago was that video. Mr. Pickard advised it was approximately three weeks ago. Chairman Sittig asked if that was on a Saturday. Mr. Pickard advised the recording was from a Saturday, however, they play on Sundays also. He advised some days it is not as loud, but it sounds like someone putting shingles on a roof. He advised he has two dogs and two girls that both take naps during the day.

Mr. David Letassy of 829 Oakhill Poplar Bluff Missouri approached the board. He advised he does not mind people having fun, but the board approved the paint ball facility before, and noise is definitely an issue. He advised it used to be open on Friday and Saturday, now it is open on Sundays as well. You cannot enjoy being at home with your family without enduring the noise level. He asked if Mr. Jeff Hovis sold the property. Mr. Gilton advised the property did not change hands it is strictly the business, and he signed a two-year contract. He advised if they could keep the noise level down, he will. He can ask them to stop yelling, but the paint ball guns will still make a popping noise. He will try to minimize the noise and can wait until noon to open and quit as soon as possible. Chairman Sittig asked how long a session usually last. Mr. Gilton advised the longest party they had lasted until 8:00 o'clock. He advised they are usually finished by 5:00 or 6:00 o'clock. He advised they are usually five- or six-hour sessions.

He advised he will be open on Saturday and Sunday and hold special parties during the week and they will be limited to ten or less patriots. They are usually little kid parties. Mr. Brad Chronister asked if the parties are the same times during the week. Mr. Gilton advised they will be whatever time his customers want; however, they are usually around 2:00 o'clock and they last around two/three hours. He advised the kids are wore out when they are finished.

Mr. Chronister asked what is the established noise ordinance as far as adjacent properties. Are there any restrictions on what they can or can not do? Mr. Rodney Reagan advised when he worked construction, they could not start inside the city limits before 8:00 a.m. Ms. Lucy Wheeler asked what was the purpose of a buffer if it was not to minimize the noise level. Chairman Sittig advised the buffer was part of the noise and part of it was safety. Because of the paintballs they wanted to have additional space between the activity and other property owners. Chairman Sittig advised the buffer is 100 foot. Ms. Rita Schalk advised she has that much noise outside her house because of the children in the neighborhood. Chairman Sittig asked if the buffer was grown up or cleared off. Mr. Gilton advised it is grown up. Chairman Sittig advised once the leaves are out it will buffer some of the sound later in the summer. Mr. James Sisk advised the ordinance reads the quiet time frame is from 11 p.m. until 6 a.m. Mr. Chronister advised the previous conditional use permit specifies 9 am to 8 p.m. He also advised there are no limitations on the days of the week either. It also states no loudspeakers, bullhorns, air horns, or pyrotechnics. Chairman Sittig advised if they built a wall, it would still be noisy. Walls tend to bounce sound around more than absorb it. Mr. Chronister advised he would like to know what the noise level is and what is city code limitations. He asked how seasonal is the business operations. Mr. Gilton advised the nicer the weather the more people. He advised they are open twelve months a year, but if it is raining or bitter cold, they will not have any participants. Chairman Sittig asked Mr. Pickard if the recording was one of the louder sessions or if it was that loud all the time. Mr. Pickard advised it was one of the louder ones. He would like the noise to be litigated better. Chairman Sittig asked if there was a fence. Mr. Gilton advised there is a netting fence will small holes so the paint balls cannot cross over into other properties. He advised it is 12 or 16 feet high. Chairman Sittig advised he would rather the property owners work on the noise problem rather than cutting off a business that is operating. Mr. Chronister advised it should be determined if it meets the noise ordinance. Chairman Sittig asked if the business could remain open until the board tabled this matter until the noise level can be measured. Ms. Irene Morse advised they should be able to remain open while the board is working on this matter. If a conditional use permit is approved, then Mr. Gilton will have to have an occupancy permit and obtain his business license.

With no other discussion reported, Rodney Reagan made a motion to table the request for a conditional use permit until there are further information on sound limitations. Mr. Brad Chronister seconded the motion. With all attending Commission members in favor, the motion carried unanimously.

- C. Applicant requesting annexation requires a zoning classification from the Poplar Bluff Planning and Zoning Commission. The property annexation is located at 700 Shelby Road, approximately 3.08 acres m/l lying West of the new Shelby Road. Property Owner – Mason and Kathryn Bell (Bell Real Estate LLC). Applicant – Poplar Bluff Planning Department, 501 Vine Street, Poplar Bluff Missouri

Mr. James Sisk advised this is the new animal hospital going up on Shelby Road. Utilities are being put in place now it is nearing completion. The agreement was they would annex into the city once it was nearing completion. Mr. Sisk advised the Planning and Zoning board needs to assign the property a zoning designation. The staff is recommending a C-2 General Commercial. Chairman Todd Sittig asked if there was anything zoned on the east side of Shelby Road. Mr. Sisk advised there was not. He advised Shelby Road right-a-way is zoned C-2 General Commercial. That is the only thing in the city that is adjacent to the property. Mr. Brad Chronister advised he shared some of the concerns about Chief Stucker's comments about the building was built outside of city limits jurisdiction, they do not know the status of any construction or inspections. Chairman Sittig advised that is a whole other question. He advised this has come up with Mr. Matt Winters and the previous planners of people who build in the county without permits, without inspections and without an overview from the city and then request to be annexed once they are done. Mr. Sisk advised he is not fond of the process himself. However, in this case, he does feel this building is being built up to code. He advised he would like to change this process in the future. Chairman Sittig advised the board's only purpose is to pick the zoning. Councilman Ed DeGaris advised this needs to be brought before city council to amend the ordinance. He advised the Bell's have paid a lot of money already to hook up to city's utilities. Chairman Sittig advised the board is here to decide if C-2 General Commission is appropriate.

With no other discussion reported, Mr. Brad Chronister made a motion to pass this request onto voting session and Mr. Rodney Reagan seconded the motion. With all attending Commission members in favor, the motion carried unanimously.

Voting Session

None Reported.

Discussion

None reported.

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Adjournment

With no discussion reported, Council Ed DeGaris made a motion for adjournment. Ms. Rita Schalk seconded the motion. With all attending Commission members in favor, the Poplar Bluff Planning and Zoning Commission meeting for this evening came to a close at 7:30 p.m.

Respectfully Submitted,



Ms. Irene Morse, Recording Secretary



Ms. Rita K. Schalk, Secretary