MINUTES
Regular Meeting
Cameron Missouri Planning & Zoning Commission
September 9, 2013

Item 1: Call to Order

Chairman O'Donnell called the meeting to order at 6:04pm.

Commissioners Present:
Chairman Michael O'Donnell
Mark Garges
Tom Hamlet
George Pratt
Stan Hendrix
Delvin Jackson

Commissioners Absent:
Edward Schmidt

Others Present:
Clyde Han
Mark Gaugh
Rick Spencer
Bruce Witt
Drew Bontrager
Chris Johnson – Cameron Newspaper

Item 2: Approval of Minutes

Corrected Minutes July 8, 2013
Chairman O'Donnell entertained a motion to approve the corrected minutes of the July 8, 2013 meeting. Motion made by Mr. Garges to approve the minutes of the July 8, 2013 meeting; seconded by Mr. Hamlet. On voice vote the motion carries as follows: ayes – 6, nays – 0, abstentions – 0, absent – 1.

August 12, 2013 Minutes

Chairman O'Donnell entertained a motion to approve the minutes of the August 12, 2013 meeting. Motion made by Mr. Hendrix to approve the minutes of the August 12, 2013 meeting; seconded by Mr. Pratt. On voice vote the motion carries as follows: ayes – 6, nays – 0, abstentions – 0, absent – 1.

Item 3: Public Participation

Citizen Input

Mr. Han reported that no letters or emails were received during the month of June.

Sue Manion

Sue Manion was present to discuss concerns she has with the development Rick Spencer has proposed.

Ms. Manion provided a handout to the board which was a plat of Weston Estates.

Ms. Manion stated that when Weston Estates was developed by Manion Properties, they were required to put in sidewalks as required by the city ordinance.

Since Ms. Manion and Manion Properties were required to abide by the sidewalk ordinance, she believes this should also be a requirement for Mr. Spencer's proposed development. This way, all development projects are consistent and fair to every developer.

Ms. Manion expressed the need for curbs, gutters and sidewalks and that they should be required in a new subdivision for the betterment of the community.

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Clayton Laybourne

Clayton Laybourne was present to express his concerns with the street width and the excess traffic and parking on the road if the development is allowed to be built.

Mr. Laybourne also stated that by setting a president to not require sidewalks, even if it leads to nowhere, could cause other developers to petition to have the sidewalk requirement waived.

Mr. Laybourne was also concerned about the lack of curb and guttering because it is needed to help with water flow and flooding issues.

Item 4: Unfinished Business

Items A and B under unfinished business were switches to better accommodate attendees of the meeting.

A: Rick Spencer – Final Plat: *Casas De Emily*

Rich Spencer submitted his final plat of *Casas De Emily* for review. Changes were made to the plat from request of the Board during the August meeting. Changes include:

- Two names changed on neighboring properties.
- Dedicated utility easements on south lot lines of one, two and three.
- R-2 zoning designation in title block.

Another issue corrected on the final plat was the building setback line on the south lot line of lot one.

Other items provided to the Board include:

- A written statement from the water and sewer department stating that the water and sewer mains serving the area are ample including the 4 inch force main.
- A written statement from the electric department stating that they have no issue with the electrical easements.
- A copy of the statement from TranSystems that the storm water meets the City ordinance.

Mr. Hendrix was curious about the street dimensions and asked if the City currently has plans for street improvements on 4th Street.

Mr. Han stated that at this time, the City does not have plans for street improvements. Mr. Han also pointed out that the plat states the roads have varying widths.

Mr. Hendrix asked why the lots on 4th Street are 50 ft. wide lots.

Mr. Han stated that the old lots in town were originally 25 ft. lots and the original plats were also 25 ft. The lots have been merged to put them up to City code.

Mr. Garges asked that if the road is changed in any way would the City be required to put in curb, gutter, storm water and sewer.

Mr. Bontrager stated that there are no requirements as to what the City has to install if a road way is redone. However, if there was existing curb and guttering, it would be a requirement to fix or replace.

Mr. Han wanted to remind the Board/audience, that curb and gutter does not define storm water. Storm water is what is on the property to make sure the runoff is not any more after construction than what it already is.

Mr. Hendrix asked that if curb and guttering was required, did the expense fall on the City.

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Mr. Han stated that it is possible for the City to do a 50/50 split for the project and the City would cover the labor. However, the developer would have to work the details out with the City.

Mr. Hendrix asked Sue Manion what was required on the Weston Estate subdivision.

Ms. Manion stated that curb, guttering and the roadway was required and they were required as developers to pay for the items.

Mr. Hendrix stated that road condition is a question in the proposed subdivision's area. Mr. Hendrix also stated that consistency is very important. It has also been stressed to the community that sidewalks are important.

Mr. Hendrix asked that if curb and guttering is placed on the road would it decrease the maintenance.

Mr. Bontrager stated that it does help with maintenance.

Mr. Garges stated that the comprehensive plan strives to place sidewalks in all new developments.

Mr. Hamlet stated that the requirement for curb and guttering were waived because there would be an excessive amount of work to get the current roadway up to City standards.

Chairman O'Donnell read an excerpt out of the April 8, 2013 Planning and Zoning approved minutes where the Board decided to waive the curb, gutter and sidewalk requirement.

Chairman O'Donnell stated that when 4th Street was annexed into the City, it was not laid to City standards. New curb and guttering would make the street to narrow for traffic. It is not the developer's responsibility to widen out the existing street to code or place curb and guttering on the opposite side of the street.

Chairman O'Donnell also stated that to his knowledge, there have been no discussions with the developer about a share program with the City to install curb and guttering or to place money aside for improvements in the future.

As a rule, the City tries to lay curb and guttering in block lengths and it would not be Mr. Spencer's responsibility to complete the whole street.

Chairman O'Donnell stated that the Board can only make a decision based on the information presented to them and cannot drive by a property and determine the lay of the land or what would best fit in the area.

Chairman O'Donnell also stated that a developer has the right to ask the Board for a code/zoning ordinance and the Board has the ability to grant a variance if they see fit.

Zoning in the area was changed from R-1 to R-2 zoning because at one time, all residential areas were zoned as R-1. As more zoning districts were added, the original R-1 zoning definition was changed to R-2. Prior to the R-1 classification, R-1 was classified as Zone A. The meaning of the zoning districts have been changed over the years.

Mr. Garges stated that it is the Board's responsibility to make a level playing field for everyone.

Chairman O'Donnell stated that it is the Board's responsibility; however, the Board does have the ability to grant a variance if certain things do not fit correctly in the proposed area or there is an issue. If a variance is granted, it is also the Board's responsibility to have a valid reason for the variance to help explain the reasons why one was granted to the next developer.

Chairman O'Donnell stated that there is a concern that curb, guttering and sidewalks do not fit in the area and the Board cannot make a personal call to decide if it fits or not.

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Chairman O'Donnell expressed that the developer completed everything asked of him and the final plat fits the code and the variance granted at a prior meeting.

Mr. Hendrix asked if the Board could make changes to the prior variance granted since the preliminary plat has been approved with the variance.

Chairman O'Donnell stated that the Board has the opportunity to pass or turn down the request. After the Board makes their recommendation, it will be passed on to City Council for the final decision.

Mr. Han stated that Planning and Zoning is a recommending board to City Council and the ordinance will go to council regardless of the outcome of the Board's decision.

Mr. Garges asked why the Planning and Zoning Board goes through the process of approving/turning down a request if it goes to Council regardless of the final vote.

Mr. Han stated that City Council does not put the time and work into the request like the Planning and Zoning Board does. They review the minutes to help make their decision.

Chairman O'Donnell stated that the September minutes would not be provided to Council because they will not be approved as of the time of the meeting.

Chairman O'Donnell asked why the electric line shown on the plat through the middle of the proposed subdivision does not show an electric easement.

Mr. Han stated that if the electric lines were to go underground, the line may or may not be moved.

Chairman O'Donnell stated that the City will not run utility lines through personal property without an easement.

Mr. Han stated that most power lines were not installed with easements in the past.

Chairman O'Donnell stated that it would make sense to put in a 16 ft. utility easement on the property so the utilities can go underground in the future.

Mr. Han stated that Mark Gaugh and Jay Erdman contact the property owners to make arrangements with them so utilities can go where they are needed. In most cases, after the underground utilities are installed, the City does not need to get on personal property.

Chairman O'Donnell asked Mr. Spencer about the utility easement on lots 1, 2 and 3.

Mr. Spencer stated that there is a 16 ft. easement. 8 ft. long on each property.

Chairman O'Donnell asked if Mr. Spencer would be opposed to widen the easement on each property to 16 ft. for future improvements.

Mr. Spencer stated that he would not be opposed to the idea and is willing to increase the easement. It would not present a problem for the development project.

Mr. Han asked if the easement is put on the back side of lots 1, 2 and 3 would the Hulett property also have an easement.

Chairman O'Donnell stated that the Hulett property would also have the utility easement so the City could get to the utilities if needed.

Chairman O'Donnell asked Mr. Spencer if he had considered discussing with the City about not installing curb, guttering and sidewalks at this time and possibly placing the money in escrow so the improvements can be completed after the road is fixed to City standards.

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Mr. Spencer stated that he has had a brief conversation with the City and they have no immediate plans for road improvements.

At the present time, there is an issue with water on 3rd Street and on 4th Street, the road sets 30 in. higher than the surface on the property. The street would also need to be widened for curb and guttering to fit.

Mr. Spencer stated that he can place sidewalks on 3rd Street; however, the way 4th Street lies, it is not possible to put in a sidewalk.

Chairman O'Donnell asked Mr. Spencer if he would be opposed to take the issue to the City and work through the problem to see if there is a way to set aside monies in escrow for the future installation of curb, gutter and sidewalks after road improvements are made.

Mr. Spencer stated that he would be willing to have another discussion with the City about setting aside monies in escrow for curb, gutter and sidewalk installation after street improvements are made.

Chairman O'Donnell also asked Mr. Spencer to work with Jay Erdman about setting up an utility easement that works for everyone and will be beneficial for future improvements.

Mr. Han stated that curb, gutter and sidewalks will not be shown on the final plat. The requirement /variance would be included in the cover letter to City Council and would also be included in the staff comments. The utility easement would be included on the final plat.

Chairman O'Donnell stated that if all requested items could be completed before the next regularly scheduled meeting; he would not be opposed to holding a special meeting at the end of September.

Mr. Hendrix stated that he would also not have an issue with a special meeting.

Mr. Spencer is to discuss with Jay Erdman about a utility easement on the back of lots 1, 2 and 3 and an agreement between the City about placing money aside in escrow for the future installation of curb, guttering and sidewalks after the roadway is upgraded.

Chairman O'Donnell requested that the Board have four to five days' notice of a special meeting so the whole Board can be in attendance to discuss the final proposed plat.

Mr. Spencer will work with Mr. Erdman and the City to reach an agreement.

If an agreement is reached between Mr. Spencer and the City, Mr. Han will request a letter from Mr. Bontrager or the City Manager stating that an agreement has been reached.

B: Comprehensive Plan

Mr. Han has put together a map of Cameron with a radius two miles outside city limits so the Board can begin defining zoning districts and determining if any need added or changed.

Mr. Han also added emergency housing to the list of additional districts with a short term of two years.

Chairman O'Donnell stated that Michael Rinehart with MODot provided a copy of the proposed road improvements at Hwy 36 and I-35 and the West intersection at Griffin Road.

Chairman O'Donnell will send the proposed road improvements to Mr. Han so he can send it to everyone on the Board.

Chairman O'Donnell also has an emergency housing plan that he will send to Mr. Han so he can provide it to the Board.

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Chairman O'Donnell asked the Board to take the zoning districts and look at the maps and chose where to place the areas.

Chairman O'Donnell also asked the Board to review the highway improvement proposals and think about what will work best for Cameron.

Mr. Hendrix stated that it is in the best interest of Cameron to maintain the integrity of the intersection at Griffin Road. It is important to keep the businesses in town and the people safe.

Item 5: New Business

None

Item 6: Future

None

Item 7: Miscellaneous/Updates

A: Parking Area for Trails

Mr. Han has been contacted regarding constructing a temporary gravel parking area off McElwain Drive as part of an Eagle Scout project to aid in the usage of the new trails being constructed on the east side of Reservoir #2 north of McEwain Drive.. There are a few issues in regards to the proposal:

- City Zoning Article 24 Off-Street Parking and Loading Requirements; Section 1 (D) Paved Commercial Parking Required: In addition to the provisions of Sec. 7- 347.1, Access Management, which requires that any portion of a driveway constructed within the street right-of-way shall be paved with concrete, that part of any driveway, parking, loading and vehicle circulation area located upon private property shall be paved with Portland cement concrete or asphaltic concrete in all commercial districts, all industrial districts and the "R- 3", Multi-Family Residential zoning district. This subsection shall not apply to those lawful parking areas established prior to April 18, 2006.
- Although the area is in the "City Limits" there is no Zoning designation.
- Article 24 Off-Street Parking and Loading Requirements; has no calculations nor acknowledges "Trails, Parks, Playgrounds or Reservoirs."

Mr. Han asked the Board if a variance would be required and what kind of parking structure, size and number of spots should be required

Mr. Hendrix asked where the parking would be located.

Mr. Han stated that it would be right off the curb of McEwain drive and that the parking area would be similar to the temporary hospital parking area earlier this year.

Chairman O'Donnell asked what "temporary" meant. The area is not zoned so there is not much the Board can do; however, with the consistency discussion earlier, there should be a timeframe put in place to make sure storm water and permanent parking is finished in a timely manner.

Mr. Han stated that he will talk to Mr. Bontrager and find out what the definition of "temporary" is.

The consensus of the Board was they do not have a problem with the project; however, they want all of the rules followed.

For the October meeting, Mr. Han will find out the definition of temporary and research what the correct number of parking spots should be.

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Item 8: Adjourn

Mr. Hamlet made a motion to adjourn; seconded by Mr. Hendrix. On voice vote the motion carries as follows: ayes – 6, nays – 0, abstentions – 0, absent –1.

Meeting adjourned at 8:22 pm.

Next scheduled meeting of the Cameron Planning and Zoning is October 14, 2013.

Minutes submitted by:

Chris O'Donnell
Secretary Recorder
Cameron, MO 64429

Minutes of the September 9, 2013 Cameron Planning and Zoning Commission approved on _____, 2013

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Chairman Michael O'Donnell

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