

# FILE COPY

MINUTES  
Regular Meeting  
Cameron Missouri Planning & Zoning Commission  
April 11, 2016

**Item 1: Call to Order**

Chairman O'Donnell called the meeting to order at 6:00pm.

**Commissioners Present:**

Chairman Mike O'Donnell  
Mark Garges  
Tom Hamlet  
Stan Hendrix – left 6:43pm  
Delvin Jackson  
George Pratt

**Commissioners Absent:**

**Others Present:**

Tim Hamilton

Wally Gallium – Cameron Newspaper

**Item 2: Approval of Minutes**

**February 8, 2016 Minutes**

*Mr. Garges made a motion to approve the minutes of the March 14, 2016 meeting; seconded by Mr. Hamlet. On voice vote the motion carries as follows: ayes – 4, nays – 0, abstentions – 2 (O'Donnell, Hendrix), absent – 0.*

**Item 3: Public Participation**

**None**

*Chairman O'Donnell entertained a motion to rearrange the agenda to move item A under New business, Conditional Use Permit – Dog Pound Facility, under Old Business. Motion made by Mr. Hamlet and seconded by Mr. Pratt. On voice vote the motion carries as follows: ayes – 6, nays – 0, abstentions – 0, absent – 0.*

**Item 4: New Business**

**A: Public Hearing – Vicious and Dangerous Dog Ordinance**

*Chairman O'Donnell entertained a motion to enter public hearing. Motion made by Mr. Hendrix; seconded by Mr. Garges. On voice vote the motion carries as follows: ayes – 6, nays – 0, abstentions – 0, absent – 0.*

**~ Public Hearing ~**

In December, the Board reviewed a bill to amend Section 5-101 of the Cameron City Code to include provisions for determining vicious or dangerous dogs. After further review, the City Attorney felt the provision should be included in the definition section 5-91 because it is felt this section would be more

appropriate since there is already a definition of “vicious” dog present in the code. At this time, “dangerous” dog is not defined by State Statute.

Mr. Hamilton state that next month, a final draft should be available. Additional language will also be included by the police department.

Kathy Turner, Animal Control, stated that the ordinance is no longer breed specific. At this time, there is no way to define or “discipline” vicious dogs.

Mr. Hamilton stated that a checklist will be developed to identify and help classify the animal and deal with it appropriately.

Chairman O’Donnell suggested that City Staff (Mr. Hamilton, Kathy Turner, City Manager and the City Attorney) all get together and determine what the Board should look at. The City’s insurance should also be checked to make sure everything is covered.

After everything is reviewed and approved, it should then come back to the Board for review.

Chairman O’Donnell requested the City Attorney to be present at the next meeting to answer questions.

Mr. Hendrix requested that the violations and penalties also be reviewed to ensure everything is in order.

*Mr. Hendrix made a motion to continue the Public Hearing in May; seconded by Mr. Pratt. On voice vote the motion carries as follows: ayes – 6, nays – 0, abstentions – 0, absent – 0.*

#### **Item 5: Old Business**

##### **A: Public Hearing Continued – Conditional Use Permit City of Cameron**

*Chairman O’Donnell made a motion to continue the Public Hearing. Motion made by Mr. Hamlet; seconded by Mr. Garges. On voice vote the motion carries as follows: ayes – 5, nays – 0, abstentions – 0, absent – 1.*

At the March meeting, staff was directed to provide additional information regarding the proposed pound facility. A general floor plan was provided to the Board along with two aerial photos depicting the proposed site and current site with a 1,000 foot buffer showing the number of residential units potentially impacted by both locations. An estimate is pending on improvements to the existing facility as a possible alternative to building a new pound on the proposed site.

In addition to the recommendation submitted by the Board, City Council will render a decision based on a number of factors for the project which this Board is not authorized to consider, including fiscal impacts. The main concern of the Board at this time is land use.

Mr. Hamilton stated that if the estimated repairs to the current facility come in significantly less than \$100,000, City Council may consider renovating the current facility.

Mr. Garges stated that at the last meeting, there was mention of a third site by the Prison and Wal-Mart that could possibly be considered.

Mr. Hamilton stated that staff would like to hold out on the area as it is zoned commercial and they would like to keep the area open for commercial expansion.

Mr. Hamilton stated that traffic was monitored/counted and there were approximately 2-3 vehicles per week at the facility due to adoption and pick-ups. He also stated that staff makes approximately 18 trips to the facility per week.

Mr. Jackson asked about remodeling the current facility and what needs to be done.

Mr. Hamilton stated that a remodel would need to meet the state standers. Staff is still waiting on an estimate and hope to come in less than \$100,000.

Mr. Garges asked about the maintenance of the road near the proposed site and if the complaints have been passed on to the street department.

Mr. Hamilton stated that he is trying to find out the details of the agreement between the City and homeowners. At this time, the road is considered a private drive. Discussions need to be had with the City Manager and Drew Bontrager.

Chairman O'Donnell stated that the Board will make a decision on the proposed site and City Council has the final say. The Board is just a recommending Board to the Council.

Chairman O'Donnell stated that the ordinance reads that if the CUP is granted, work must begin within 6 months and be final or active within 12 months of the ordinance being granted. If the conditions are not met, the CUP is null and void.

Chairman O'Donnell requested aerials of the existing pound and the proposed facility in a 1,000 foot radius. The audience was asked by a show of hands who was to the North (1), West (0), East (0) and South (8) of the proposed site.

Paul Turner, located at 2317 E Grand Ave, provided pictures of the private road to the Board and a sign that acknowledged that the road is private by the City. He believes that the road is owned by the property owners.

Mr. Turner stated that he is not against the shelter but has some major concerns.

Mr. Turner stated that the City and the community should work together as a team to have a nice facility. The prison can supply free labor to help fix the current facility if needed.

Another concern is the hours of operation, noise levels and risk that will take place with after-hours drop-offs that are unauthorized. He wondered what would happen to the animals and if they would be wondering around the surrounding neighbors.

There is also a question on the hours outside for the animals as the area is mainly noise-free. Would there be restrictions on nights and weekends. The community surrounding the proposed area would not like the wildlife to be disturbed.

Mr. Turner also questioned who would be responsible for the liability issues and what responsibility the City would take on.

There is also a question of property values.

Mr. Turner concluded by stated that he would like to see the City work together with the homeowners so everything can be worked out civilly as citizens.

Dr. Mark Carr, located at 1021 S. Chestnut, emphasized the importance a good pound facility in Cameron as pets are important to families.

Dr. Carr stated that the City has a tendency to do things without the quality that is deserved and the project in questions should not be completed on a shoestring budget.

Dr. Carr does not want to limp along with a patch. A piece of property should be found and a first rate facility built where people can visit. Office hours should be established and a time for pick-up of lost pets. The facility should also encourage pet education.

A facility should have climate control to keep the animals warm or cool, plenty of space for exercise and a separate area for cats and dogs.

Dr. Carr stated that he would volunteer his time to help put together something that is good for both the animals and citizens of Cameron.

Mary Boswell, located at 10999 NE Old Hwy 36, stated that sound travels in the country and that she is worried about the excess noise that would come with the new facility. She also stated that she does not understand why the City does not have to ask permission to build a new facility in the area.

Ms. Boswell stated that there is plenty of current land to build a new pound around the current facility.

Chairman O'Donnell stated that government municipalities (school, City, etc.) do not have to go through the CUP process; however, the City of Cameron follows the rules set forth by the ordinance.

Chairman O'Donnell also stated that years ago when the current facility was built, there were citizens upset about the expansion at that time.

Vern Boswell, located at 10999 NE Old Hwy 36, stated that he was one of the first homeowners in the proposed area. He stated that the sewage treatment plant was a burden in the area and he does not want to have another burden placed in his backyard.

William Peterson, located at 2313 E Grand Ave, stated that he is opposed to the relocation of the pound facility. He stated that he does most of the maintenance on the private road and that the City does not help maintain.

Mr. Peterson is concerned about property values, the wildlife being disturbed and animal dumping.

Mr. Peterson stated that he would like the Board help keep the neighborhood quiet and peaceful.

Chairman O'Donnell asked if the City had an easement on the road in question.

Mr. Turner and Mr. Peterson stated they do not believe the easement is recorder; it was verbal.

Mr. Pratt stated that the road is a major concern and asked if there have been conversations with the City.

Mr. Peterson stated that the only conversations have been with the Planning & Zoning Board during public hearings.

Rachel Fore, located at 2318 E Grand Ave, stated that she is afraid if the facility is built in the proposed location she will begin to have problems with her dog barking. She also stated that she takes care of her property and the area and does not want more noise or traffic.

Chris Turner, located at 2317 E Grand Ave, stated that the project seems rushed and would like the City to step back and look at the big picture for a better option of location and a nicer facility. Ms. Turner stated that the proposed area does not seem like an area the community would visit.

Chairman O'Donnell summed up the issues to the Board and audience:

1. Imposing on the neighborhood
2. Road issue
3. Traffic
4. Safety – dumping of animals
5. Hours of operation 24/7 – 365 days per year

Chairman O'Donnell stated that Kathy Turner and her staff take good care of the animals. He also stated that the new facility would be more soundproof but not 100% soundproof – outside runs not included.

Chairman O'Donnell stated that he would like to know the probability of locating a new facility at the current location due to DNR issues.

Mr. Pratt stated that he is sympathetic to the concerns that have been voiced and that he sees more housing coming to the area in the future.

Mr. Pratt also stated that the logic of the road needs to be figured out between the homeowners and the City.

Mr. Pratt also fears that there would be more illegal dumping of dogs in a remote location.

Mr. Pratt also stated that he is not convinced that the City has the proposal worked out and would like to see the City work with the community as the community feels they are being railroaded.

Mr. Hamilton stated that the speed of the project is due to the condition of the building. The state inspects the pound facility every year and last year, they were told that something needed to be put into place or major violations would be cited.

Kathy Turner stated that the State was under the impression that a new facility was in the works which is why they passed inspection last year.

Mr. Garges stated that he would like to make sure the City has looked at all of the available options for the location of a pound facility.

Chairman O'Donnell asked what could be done to make the proposed location work for everyone. The noise issue would be handled with construction and run-off is not an issue as run-off will tie into the sewer. Questions arise with security 24/7, 365 days per year with after-hours drop-offs and other issues that come up in a remote location. There is also the question of the road and what can be done to help with maintenance and accountability.

Mr. Hamilton stated that the new facility would not be an expansion as staff cannot handle more animals than they already can.

Members of the public asked if a new facility was built how it would be maintained.

Mr. Hamilton stated that a new facility was budgeted for this year. The goal is to have an annual maintenance schedule and fix what needs to be fixed at that time.

Mr. Jackson stated that he would like to see other options for a pound facility.

Mr. Turner asked why a new facility was not discussed sooner and is being rushed.

Chairman O'Donnell asked what City Council's plans were for the pound; renovate the current facility or build a new facility. Chairman O'Donnell does not feel it is fair to decide on a CUP if the Council does not know what they are going to do.

Mr. Pratt agreed and stated that it is too early in the process for the CUP. He does not feel the City has done enough homework on the issue.

Chairman O'Donnell and Mr. Pratt both expressed that the proposed area is a prime area for City expansion in the future.

Chairman O'Donnell stated that if the City builds a new pound in a different location than the proposed area, they would need another CUP.

Chairman O'Donnell stated that he cannot see disrupting lives for this issue and the area is prime for future development.

The proposal fulfills the obligation according to the code; however, there is a major public influence.

*Mr. Hamlet made a motion to leave Public Hearing; seconded by Mr. Jackson. On voice vote the motion carries as follows: ayes – 5, nays – 0, abstentions – 0, absent – 1.*

**~ Leave Public Hearing ~**

*Mr. Jackson made a motion to deny the Conditional Use Permit for a new pound facility located near the wastewater treatment plant and leave the dog pound at the current location; seconded by Mr. Hamlet. On voice vote the motion carries as follows: ayes – 5, nays – 0, abstentions – 0, absent – 1.*

Chairman O’Donnell reiterated that City Council has the final decision.

**B: Site Plan Review – Casey’s South – MO Dot Approved Entrance**

Casey’s South submitted a site plan to add an entrance near the intersection of Evergreen and Walnut. The entrance will be 35’ wide and will be set back approximately 40 feet from the intersection. The proposal has been approved by MODot.

Once the new entrance is built, one of the entrances on Evergreen will be demolished and filled in according to City of Cameron specifications.

A complete drainage study is required or a signed and sealed engineer’s letter stating a drainage study will not be required. Mr. Hamilton stated that the drainage study has been received and is currently being reviewed by Drew Bontrager. The report states that there is no additional run-off; however, Mr. Bontrager is looking into the report further.

Mr. Hamilton stated that the City review of the request is more of a formality since MO Dot has already approved the request. Any recommendations made by the Board would have to be approved by MO Dot.

Chairman O’Donnell asked if MO Dot controlled the right-of-way.

Mr. Hamilton stated that MO Dot controls any improvements or additions.

Chairman O’Donnell stated that adding another entrance on Walnut seems like the wrong thing to do at that area.

Mr. Pratt stated that he feels this is a large safety concern.

The Board as a whole expressed concerns about safety and traffic accidents.

After discussion, the Board decided to table the issue until May so the storm water study can be reviewed.

Chairman O’Donnell asked Mr. Hamilton and the City to have discussions with MO Dot about not adding another entrance due to increased traffic incidents and safety concerns.

**Item 6: Miscellaneous/Updates**

**A: Zoning Code Update**

Discussions will be held in May on updating the zoning code.

**B: Comprehensive Plan Update**

The revised Comprehensive Plan has been approved by City Council.

**C: Un-Zoned Property**

Discussions will be held on this topic in the near future.

**D: CUP – Licensed Daycare Centers**

A few issues have been identified with CUP on licensed daycare centers and will be discussed in the future. Mr. Hamilton also brought up an issue on medical clinics permitted in other commercial districts and if it was a possible oversight.

The Board believes this was an oversight and will discuss this issue.

**Item 8: Adjourn**

*Chairman O'Donnell entertained a motion to adjourn. Motion made by Mr. Hamlet to adjourn; seconded by Mr. Pratt. On voice vote the motion carries as follows: ayes – 5, nays – 0, abstentions – 0, absent – 1.*

Meeting adjourned at 8:23 pm.

Next scheduled meeting of the Cameron Planning and Zoning is May 9, 2016.

Minutes submitted by:

*Chris Martin*

*Secretary Recorder*

*Cameron, MO 64429*

Minutes of the April 11, 2016 Cameron Planning and Zoning Commission approved on May 9, 2016



Chairman Mike O'Donnell