

MINUTES
Regular Meeting
Cameron Planning & Zoning Commission
December 14th, 2009
City Council Chambers, Cameron, Missouri

Item 1. Call to Order

Chairman Michael O'Donnell called the meeting to order at 6:00p.m.

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

Commissioners Absent:
Delvin Jackson
Jo Ann Hiner

Others Present:

Item 2. Minutes from Previous Meetings
Sept. 14th, 2009

Chairman O'Donnell entertained motion to approve the minutes of Sept. 14th; Motion made by Mr. Garges, to approve the minutes of Sept. 14th; seconded by Mr. Hendrix. On voice vote the motion carries as follows; ayes-5, nays-0, abstentions-0, absent-2.

Item 3. Public Participation

There was none.

Item 4. Unfinished Business

A. Public Hearing, catering and medical clinics

Entertain Motion to Enter Public Hearing; motion made by Mr. Hendrix; seconded by Mr. Garges; On voice vote motion carries as follows; ayes-5, nays-0, absent-2

Enter Public Hearing

Shellby Hendee addressed the P&Z, stating that the language clarifications for both catering and medical clinic have been combined into a single ordinance since the intent of the regulations remains unchanged. (Art 26)

- Catering remains among the prohibited residential uses, however Commission would need to amend the permitted “home cooking” use to require that all equipment be of the ordinary household type.
- Medical clinics are specifically permitted as an R-2 use; however they are prohibited under “Home Occupations”. (Art 26) The proposed language removes the “prohibited”.

Chairman O’Donnell asked if any member or those attending had any questions about these proposed changes.

There were none.

Chairman O’Donnell asked if these changes would fit the desires of the Board.

Members stated that it would.

Entertain Motion to Leave Public Hearing; motion made by Mr. Hendrix; seconded by Mr. Hamlet; On voice vote motion carries as follows; ayes-5, nays-0, absent-2

Leave Public Hearing

Motion to make a recommendation to City Council to accept Art. 26 as revised; made by Mr. Garges; seconded by Mr. Hamlet; On voice vote motion carries as follows; ayes-5, nays-0, absent-2

Information will be sent to City Council for the December 20th, Council Meeting.

B. Public Hearing, Day care licensing

Entertain Motion to Enter Public Hearing; motion made by Mr. Hendrix; seconded by Mr. Mr. Hamlet; On voice vote motion carries as follows; ayes-5, nays-0, absent-2

Enter Public Hearing

Mr. Hendee addressed the Board stating that both the State of MO and the City of Cameron require approval by the other before proceeding with licensing of a day care. The proposed resolution requires the applicant to obtain State licensure prior to commencement of operations as a condition for issuance of a conditional use permit. (Art 31)

Chairman O'Donnell asked the Board if there were any further questions on this issue and reminded them that this issue has come up numerous times in the past and that this change will alleviate further issue in the future.

There were no further questions from the Board.

Entertain Motion to Leave Public Hearing; motion made by Mr. Hendrix; seconded by Mr. Hamlet; On voice vote motion carries as follows; ayes-5, nays-0, absent-2

Leave Public Hearing

Motion to make a recommendation to City Council to accept Art. 31 with revision; made by Mr. Hamlet; seconded by Mr. Hendrix; On voice vote motion carries as follows; ayes-5, nays-0, absent-2

Information will be sent to City Council for the December 20th, Council Meeting.

Chairman O'Donnell asked if there was any other unfinished business to be discussed.

There was none.

Item 5. New Business

A. CUP's for public facilities

Mr. Hendee stated to the Board that the construction of the City's new south side water tower has brought up the question of whether the City needs a conditional use permit for construction of a public infrastructure. Mr. Hendee stated that in the past the City has done so for communications towers to allow public comment and a desire to meet a higher standard. Upon researching, however, Mr. Hendee noted that most Communities do not require this. City ordinance permits outright public parks, community buildings, museums, libraries and schools, but makes no mention of other public infrastructures such as streets and utilities. City staff has recommended that P&Z consider amending the regulations.

Chairman O'Donnell asked the Board if they would like to have Mr. Hendee draw up a "draft" ordinance and bring it back for review at the January meeting.

Mr. Garges stated that he felt this "clean up" measure would help the staff and it should be reviewed in January.

Mr. Pratt asked Mr. Hendee if this was a "real" problem, or if it was something that could wait until the January meeting.

Mr. Hendrix informed Mr. Pratt that it is not a "problem".....just a vague issue that needs clarification.

Chairman O'Donnell stated that this issue is addressed under Art. 21, and would like for the other members to review the article prior to the January meeting. He then asked Mr. Hendee what the next step would be to correct this issue.

Mr. Hendee state that a "Public Hearing" would need to be held, and he could have that information out to the public in time for the next scheduled meeting.

Issue to be placed on the January agenda.

B. Open Burning

Clyde Han addressed the Board stating that City Manager Watson would like the P&Z to review the City's "Open burning" ordinance before the season closes in April and "Burn permits" are once again requested.

Mr. stated that the problem is that the ordinance does not address "recreational fires" specifically fire pits and outdoor fireplaces. He commented that he gets calls almost weekly from the fire/police dispatch because fire/police personnel have responded to an "illegal" burning call to find a resident is burning stick, limbs, logs, in a "fire pit" without a permit. Mr. Han stated that he feels this is a common sense issue, but because of how the ordinance is written, personal can't or won't make a decision on their own. Mr. Han said that his opinion is that if someone has built or purchased an outdoor fire pit/fireplace and it is not overloaded, they do not need a permit.

Mr. Han told the Board that he felt there are several options to deal with this situation:

- Leave ordinance as is.
- Rewrite ordinance to allow fire pits/ outdoor fireplaces
- Add an "intend and Purpose" statement to the ordinance

Chairman O'Donnell asked Mr. Han what he felt would be the easiest fix to the issue.

Mr. Han said he felt the ordinance should be left "as is" and add exemptions in to the ordinance to include bbq grills, outdoor fireplaces, and fire pits. He also stated that he can get the appropriate language for the exemptions from the "international fire code".

Chairman O'Donnell agreed that there needed to be more clarity or definition in the ordinance as he himself has received calls and questions about this issue as well. He then asked Mr. Han if he could put something together for the P&Z to review, which would include not only the exemptions but a description of the term "commercial fire pit".

Mr. Han said that he would get the information together using information from the "international fire code" and have it at the January meeting for review by the P&Z.

Chairman O'Donnell then questioned Mr. Han about the "special permits" for burning, stating that the "special permits" state that if the wind if in excess of 15 mph, burning is

not permitted. However, during “open burning” there is nothing written into that ordinance that states burning is not allowed if the wind is in excess of 15 mph, therefore, a “burn ban” must be issued. When a “burn ban” is issued, the ban is noted on the City website and also on the radio. However, if someone does not look at the website or listen to the radio, they are unaware that a “ban” has been issued, which causes more calls to the fire/police dispatch.

Chairman O’Donnell asked Mr. Han if it would be possible to add in to “Open Burning” the stipulation of “forecasted winds in excess of 15 mph”.

Mr. Garges stated that he felt this adds some “common sense” into the ordinance and would be a help to City staff.

Mr. Han informed the Board that he would have something worked up in writing for Sec. 5-34 and present it for review at the January meeting.

C.-D. Right-of-Way use and structures therein

Mr. Hendee addressed the Board stating that a resident had recently asked about placing a private retaining wall within the street right-of-way to support a driveway. Zoning, 21.3.A.4 prohibits any “structure” from encroaching upon or obstructing the public right-of-way. He stated that City staff feels that such a use is currently prohibited by the regulation and that a conditional use is not appropriate because the situation is not “dissimilar”. The term “structure” is defined broadly including “anything” permanently constructed or erected. Mr. Hendee stated that it is also not clear whether something temporary, (such as a bench) would be in violation, and he feels that in order to be certain the “intent” of the City is clear, this issue needs to be reviewed.

Mr. Han stated that according to the “international code” a “structure” is anything that has been built or erected.

Chairman O’Donnell then questioned how specific the Board wanted the code to be, mention flower beds, brick enclosures, etc. that residents have built around their mailboxes, or street signs on their property.

Mr. Han stated that this is not an issue that comes up that often.

Chairman O’Donnell states that he still felt it was an issue that needed to be changed, or at least clarified.

Mr. Hendee informed the Board that any modifications would need to be discussed during a Public Hearing, and that he would get the information out in time fir the January meeting.

Chairman O'Donnell asked all members to think about how they feel this issue should be handled and they would have a Public Hearing during the January meeting at which time maybe some of the residents will attend and voice their opinions as well.

Mr. Hendee informed the Board that the issue of parking in the right-of-way had also been a topic that needed to be discussed. Mr. Hendee stated that City Manager; David Watson had suggested sending out applications to the residents that currently are parking in the right-of-way. Once the application is received back and the area has been reviewed, the City will grant that applicant the access to park in the right-of-way as long as it does not cause a safety issue.

Mr. Han stated to the Board that he had approximately 207 residents that were using the right-of-way to park. This was an approximate as he obtained these addresses just by driving through the neighborhoods and jotting down addresses. He also wanted to Board to be aware that these applications would NOT be fore those people who just decide they want to begin parking in the right-of-way, but for those who have been for numerous years because of lack of garage or drive space for the vehicles they currently have.

Chairman O'Donnell asked Mr. Han if approval of the applications would cause issues later when the City had all the streets curb and guttering finished.

Mr. Han stated that it would not as there would be stipulations to allowing the right-of-way parking, and when it would not longer be permitted:

- If current structure is demolished and rebuilt
- If other arrangements are made for parking
- If there is a safety issue
- If a new infrastructure (such as a drop box) is added

Chairman O'Donnell asked the Board if there were any further questions.

There were none.

Chairman O'Donnell stated that the P&Z will continue to follow this issue and address problems if they were to arise at a later date.

E. Definition, sight triangle

The Sign article (23) of the Zoning Ordinance prohibits signs within a 15 x 15-ft corner "sight-triangle", but does not define the term. Public Works proposes that the term be incorporated in the Access Management section of the City Code at 35 feet from street edge or cub back in both directions from the intersection. City Staff suggests that any changes be coordinated. Amendments to the Zoning Ordinance require a public hearing, while those of the Municipal Code do not.

Chairman O'Donnell stated that he knew Mr. Han and Mr. Bontrager have been looking at this issue and that he would like to have it brought up during the January meeting as well, for a Public Hearing.

Mr. Han stated that if the ordinance were changed to include the 35ft sight-triangle, that most if not all the businesses on 3rd street would be in violation.

Chairman O'Donnell questioned if 3rd St. could be "grand-fathered" in.

Mr. Han stated that it would be possible to "grand-father" in 3rd Street; however he felt that might cause more issue later on.

Chairman O'Donnell asked if there were any further questions from the Board.

There were none.

Mr. Hendee stated that he would have information out for the Public Hearing in time for discussion of this issue at the January meeting.

6: Miscellaneous

Mr. Hendee spoke briefly about the "airport height and hazard" ordinance and gave information to the members of the P&Z. He wanted the P&Z to be aware of the proposed ordinance and what it entailed.

Item7. Adjourn

Mr. Hendrix made a motion to adjourn; Mr. Hamlet seconded. On voice vote, the motion carried as follows: Ayes-5, nays-0, abstentions-0, and absent-2

The meeting adjourned at 7:10 p.m.

Minutes submitted by:

Ellie M. Milbourn
Secretary Recorder
Cameron, MO 64429