

MINUTES
Regular Meeting
Cameron Missouri Planning & Zoning Commission
November 8, 2010
City Council Chambers, Cameron, Missouri

Item 1: Call to Order

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

Commissioners Present:

Chairman Michael O'Donnell
Mark Garges
George Pratt
Tom Hamlet
Stan Hendrix
Keith Swindler
Delvin Jackson

Commissioners Absent:

None

Others Present:

David Watson – City Manager

Item 2: Minutes from Previous Meeting

September 13, 2010

Chairman O'Donnell entertained motion to approve the minutes of the October 11, 2010 meeting. Motion made by Mr. Garges to approve minutes of October 11, 2010; Seconded by Mr. Hamlet. On voice vote the motion carries as follows: ayes – 7, nays – 0, abstentions – 0, absent – 0.

Item 3: Public Participation

There was none.

Chairman O'Donnell entertained the motion to amend the agenda; placing New Business first followed by Unfinished Business. Motion made by Mr. Swindler; seconded by Mr. Hendrix. On voice vote the motion carries as follows: ayes – 7, nays – 0, abstentions – 0, absent – 0.

Item 4: New Business

A: Public Hearing, Request for Zoning Map Amendment, R-2 to C-2, 1019 N. Pine St., Julie Evans

Chairman O'Donnell entertained motion to enter into a Public Hearing, motion made by Mr. Hendrix, seconded by Mr. Pratt. On voice vote the motion carries as follows: ayes – 7, nays – 0, abstentions – 0, absent – 0.

Julie Evans petitioned to change the zoning classification on a vacant, residential property located at 1019 N. Pine Street from R-2 to C-2. Ms. Evans is proposing that a vehicle storage facility be constructed on the property.

Chairman O'Donnell reminded the Commission that a ruling would only be considered on the change of zoning classification not what is proposed for the future of the lot.

Ms. Evans was asked to present her request to the commission.

Julie Evans, 9488 Heritage Hills Drive, Cameron, MO, stated that there had previously been a rental duplex on the property that had been torn down because tenants had destroyed the property from the inside out and the cost of repairs would have been to expensive.

Ms. Evans has spoken with realtors about the value of the property and possible uses for the empty lot. After looking into various solutions, she is now proposing a zoning change from R-2 to C-2 in order to construct a vehicle storage facility. Ms. Evans stated that she understands the change in zoning will allow other commercial uses for the area.

Mr. Hendrix asked the approximate size of the vacant lot.

Ms. Evans stated that the lot size was 100 ft by 150 ft.

Chairman O'Donnell asked if there were any questions or comments from the public.

Bart Spear, 905 N. Pine, Cameron, MO expressed his concern that the change in zoning could allow a convenience store or tavern to be placed in the area. He stated that there are residential properties located all around Ms. Evan's property and is worried about what may happen in the future to the property if it was to be sold.

Donald Eberhart, 1021 N. Pine, Cameron, MO stated that he would like to keep the area a residential area.

David Watson, City Manager, addressed the Commission and suggested that they look at the different permitted uses within the C-2 district. Mr. Watson also raised the question of a spot zoning issue and to look at the history of zoning in residential areas.

Mr. Watson also stated that the Commission should look at the comprehensive plan when deciding on a change in zoning and the impact it would have on a residential area if it were to make a transition into commercial.

Mr. Hendrix asked for a list of uses in a C-2 district.

Chairman O'Donnell read off the permitted uses in a C-2 district and stated that these were also allowed in a C-1 district. The permitted uses included the following: signs, bowling alley, dancing or music academy, lumberyard, radio station, hotel/motel, veterinary clinic, new or used automobile sales, restaurants, etc.

Mr. Spear addressed the Commission and stated that he was more concerned about the uses permitted in a C-1 district which would also be allowed in a C-2 district.

Chairman O'Donnell stated that the Commission will rely on the comprehensive plan when discussing zoning changes.

Chairman O'Donnell stated that there is a spot zoning issue because of the area in which the property is located. Requests have not been granted in the past because of this issue. He also stated that most of the commercial areas in the City of Cameron are positioned along highways and major streets.

Mr. Hamlet stated that he was concerned that a change in zoning district could cause others to open commercial businesses in the area.

Mr. Garges asked if the change in zoning was to create a use for the property or if the future use of the land had been considered.

Mr. Hendrix stated that re-zoning the area opened the door to a large list of acceptable uses. Ms. Evans may have the best intentions to use the property now; however, someone could take advantage of the use in the future.

Chairman O'Donnell reminded the Commission that negative comments were expressed by the public and that a decision must be made based on the facts of the change in zoning.

Chairman O'Donnell asked if there were any further comments from the public.

There were none.

Chairman O'Donnell entertained motion to leave Public Hearing, motion made by Mr. Hendrix, seconded by Mr. Garges. On voice vote the motion carries as follows: ayes – 7, nays – 0, abstentions – 0, absent – 0.

Mr. Hendrix made a motion to recommend to City Council that a change in zoning from R-2 to C-2 not be granted for the property at 1019 N. Pine Street, Cameron, MO, seconded by Mr. Garges. On voice vote the motion carries as follows: ayes – 7, nays – 0, abstentions – 0, absent – 0.

B: Public Hearing, Zoning Map Amendment, Ross Worth

Chairman O'Donnell entertained motion to enter into a Public Hearing, motion made by Mr. Garges, seconded by Mr. Hamlet. On voice vote the motion carries as follows: ayes – 7, nays – 0, abstentions – 0, absent – 0.

Mr. Hendee addressed the Commission and stated that the property located at 718 E. Grand Ave is currently zoned R-4 (Mobile Home Residential) and was originally part of the mobile home park. The building on the property is a commercial building and has been used as such for several decades. Flight Line Graphics would like to buy the building for their expanding business.

Ross Worth, 7005 Ketchem Rd, Cameron, MO, Flight Line Graphics, addressed the Commission and stated that because of expanding business, a bigger building is needed. The commercial building on Grand Avenue is located next to the trailer park. Mr. Worth stated that he has talked to the individuals living in the trailer park and they understand what the change in zoning district would mean for them.

Chairman O'Donnell stated that East Grand is mostly a commercial street and that the building has been used for commercial use for several years.

Mr. Watson addressed the Commission and stated that this change in zoning is different because there is already a fixed improvement on the property. He also stated that properties located in a C-2 area requires a 25 foot setback and that the building was built on the property line.

Mr. Watson also stated that tenants of the commercial building will have to meet parking requirements.

Mr. Garges asked how previous businesses were granted a business license to operate.

Mr. Watson stated that previous owners either did not obtain a business license or the inspector did not check the zoning before a business license was granted.

Mr. Hendrix asked if the south east side of the property was a C-2 district.

Chairman O'Donnell stated that the south east side fits as a C-2 district.

Chairman O'Donnell asked Mr. Worth if he would still like to pursue the change in zoning tonight since there were other issues that would have to be resolved.

Mr. Worth stated that he was willing to jump through any hoop necessary to make the building work for his business.

Mr. Garges stated that there would be a parking issue that would need to be addressed.

Mr. Hendrix asked Mr. Worth what the approximate size of the lot was.

Mr. Worth stated that the building was 4,700 sq feet, however he is not sure what the size of the lot is.

Chairman O'Donnell asked if there were any more questions from the public or the Commission.

There was none.

Chairman O'Donnell entertained motion to leave Public Hearing, motion made by Mr. Hamlet, seconded by Mr. Pratt. On voice vote the motion carries as follows: ayes – 7, nays – 0, abstentions – 0, absent – 0.

Mr. Hendrix made a motion to recommend to City Council that a change in zoning from R-4 to C-2 be granted for the property located at 718 E. Grand, Cameron, MO, seconded by Mr. Pratt. On voice vote the motion carries as follows: ayes – 7, nays – 0, abstentions – 0, absent – 0.

Mr. Watson stated that because of other issues involving the property, Mr. Worth would be contacted within the week to discuss some of the issues including set-backs and parking.

C: Public Hearing, Definition, “field crops”

Chairman O'Donnell entertained motion to enter into a Public Hearing, motion made by Mr. Pratt, seconded by Mr. Hamlet. On voice vote the motion carries as follows: ayes – 7, nays – 0, abstentions – 0, absent – 0.

Mr. Hendee addressed the Commission and stated that it had been brought to attention that no definition of field crops existed in the City Code. After research, a definition of field crops has been put together and is as follows:

Field Crops: Those cultivated agricultural commodities commonly associated with farming operations such as corn, soybeans, wheat, oats, hay, sorghum, cotton, barley, rye, rice, forages, and similar plants.

Chairman O'Donnell asked if there was any input from the public.

Jim Cline, 10460 NE State Route BB, Cameron, MO, addressed the Commission and stated that field crops should not be permitted in a **C-2** district because the field crops cause run-off, silt and residue on his property.

Chairman O'Donnell stated that the definition presented fits the meaning of field crops very well.

Chairman O'Donnell asked if there were any further comments from the public.

There were none.

Chairman O'Donnell entertained motion to leave Public Hearing, motion made by Mr. Swindler, seconded by Mr. Hamlet. On voice vote the motion carries as follows: ayes – 6, nays – 0, abstentions – 0, absent – 1.

Mr. Garges made a motion to present to City Council the definition of field crops to be added to the list of definitions in the City Code, seconded by Mr. Hamlet. On voice vote the motion carries as follows: ayes – 6, nays – 0, abstentions – 0, absent – 1.

Mr. Hendrix asked about the farming of sunflowers or other crops not specifically named in the definition which would fall under similar plants.

Chairman O'Donnell stated that the City could go to the Department of Agriculture to further narrow down the definition.

Mr. Hendee will bring back the finalized definition of field crops to the December meeting.

D: Public Hearing, Storage use in C-2

Chairman O'Donnell entertained motion to enter into a Public Hearing, motion made by Mr. Garges, seconded by Mr. Pratt. On voice vote the motion carries as follows: ayes – 6, nays – 0, abstentions – 0, absent – 1.

Mr. Hendee addressed the Commission and stated that it has been discovered that even though numerous self-storage facilities exist in C-2 districts, no such use is specifically listed. City staff has recommended adding "storage" to the list of permitted uses.

Mr. Garges asked if the definition of storage is similar to the definitions used by other communities.

Mr. Hendee stated that he has not compared the definition to other communities.

Chairman O'Donnell stated that there is no definition of *storage* in the list of definitions in the City Code. However, self-service storage facility is defined.

Mr. Hendee suggested to the Commission that the term self-service storage facility be used.

Mr. Swindler asked if this definition would include facilities that allow for the storage of vehicles.

Chairman O'Donnell stated that the definition does not state what can or cannot be stored inside the storage facility.

Mr. Watson stated that what is stored within the storage facility is determined by the building code or up to the owner's discretion.

Chairman O'Donnell asked if there were any questions from the public or the commission.

There were none.

Chairman O'Donnell entertained motion to leave Public Hearing, motion made by Mr. Hendrix, seconded by Mr. Hamlet. On voice vote the motion carries as follows: ayes – 6, nays – 0, abstentions – 0, absent – 1.

Chairman O'Donnell entertained a motion to recommend self-service storage facility to the list of permitted uses in a C-2 district. Mr. Hendrix made a motion to present to City Council the addition of self-service storage facility to the list of permitted uses in a C-2 district, seconded by Mr. Pratt. On voice vote the motion carries as follows: ayes – 6, nays – 0, abstentions – 0, absent – 1.

Mr. Hendee will bring a completed ordinance to the December meeting.

Item 5: Unfinished Business

A: Review Continued, Sign Regulations

Recent ACLU interest requires that the City continue to review sign regulations to insure that the current ordinance conforms to recent court rulings in the areas of content-neutral language and the number of signs permitted.

Mr. Hendee addressed the Commission and stated that the content of the sign could not be regulated, however the number of signs permitted in one area can be regulated. The ordinance should be content neutral.

Mr. Hendee stated that it is important to allow freedom of speech while keeping under control the issue of clutter and visibility to drivers. The City of Cameron will come up with a solution that is reasonable to the community.

The enforcement of the allowed number of signs has been suspended for the time being in light of the ACLU incident.

Mr. Watson recommended to the Commission to close the Public Hearing and re-open the discussion after proper research and further discussion is put into the issue.

Mr. Watson also suggested that sign regulations be added to the agenda for future meetings as a working item.

Mr. Garges asked how the number of signs on each property will be monitored.

Mr. Watson stated that the City will continue to enforce the sign codes. Enforcement has been relaxed on properties which have political signs in their yard in light of ACLU interest.

Mr. Hendee stated that in the course of his research, only half of the communities researched specifically stated the type of signs that were or were not allowed.

Mr. Pratt asked if other communities regulated the type of advertising allowed on electronic media signs.

Mr. Hendee stated that some communities did regulate the types of advertisement and some went so far as to regulate the length of time an advertisement could be shown.

Chairman O'Donnell stated that the Board should look at the current regulation and add necessary items or clean up old items at the same time.

Mr. Hendrix asked if anyone from the public had any questions or comments.

There were none.

Mr. Hendrix recommended that the Public Hearing be closed until future work can be completed on the issue, seconded by Mr. Pratt. On voice vote the motion carries as follows: ayes – 6, nays – 0, abstentions – 0, absent – 1.

B: Conditional Uses (Public Hearing Continued)

Mr. Hendee addressed the Commission and stated that a matrix has been provided to the Board which shows the current uses in each district along with uses from other cities in the state of Missouri. It has been suggested that the Board decide if there are any uses that need to be added or removed from a district.

Chairman O'Donnell suggested adding multiple dogs instead of kennels to better describe the use. He also stated that the second matrix provided had his ideas as to what should be added or deleted from the list of conditional uses.

Chairman O'Donnell recommended that members of the Board look at the list of conditional uses as a whole and entertain thoughts that can be compiled for future discussion.

Mr. Watson asked Mr. Hendee to provide the Board with a list of conditional uses which have been granted in each district to help determine if uses should be added or deleted from a district.

Mr. Watson also cautioned the Commission on the regulation of adult entertainment venues and towers. They cannot be completely ruled out because this could impede the rights of others.

Chairman O'Donnell entertained the idea of adding field crops as a conditional use in a C-2 district. This would allow the Board to look at the growth of field crops on a case to case basis and help regulate the issue of storm water run-off.

Chairman O'Donnell stated that because the problem of storm water run-off is a huge issue with every conditional use request, this would be an easier way to manage the issue by making field crops a conditional use.

Chairman O'Donnell suggested waiting on sending the definition of field crops to the City Council.

Mr. Watson stated that by adding field crops as a conditional use would allow for research on a case by case basis. It does not however address properties that already grow field crops on their property.

Mr. Pratt stated that they should give City Management time to think about the proposal.

Chairman O'Donnell asked the Board and City Staff to think about the proposal.

Mr. Swindler asked about adding multiple dogs instead of kennels.

Mr. Hendee stated that multiple dogs will clarify the manner of how the 'multiple dog' question is defined. He also stated that in the regulation, it should be put into words what kennels and multiple dogs means.

Chairman O'Donnell asked the Board to compile their ideas for the conditional use matrix and pass them along to Mr. Hendee as soon as possible so he can compile the results and redistribute the matrix to the Board.

Mr. Watson suggested that active and inactive uses be identified in each district.

Chairman O'Donnell stated that the discussion and public hearing would be continued during the December meeting.

Item 6: Miscellaneous

A: Sidewalks

Mr. Hendee stated brought to attention the 2 year sidewalk construction rule after purchase and that the subject would be revisited during the December meeting.

B: Earley Commercial Building

Mr. Hamlet asked about the construction of the Earley building and the difference in the presentation to the Commission and the actual product.

Mr. Hendrix stated that the Commission was told there would be not door on the back side of the building.

Mr. Pratt stated that he thought Mr. Han was to come back and explain any changes in the plans.

Chairman O'Donnell stated that the site plan presented did not include a driveway or a back door.

Mr. Hendrix stated that the issue was that the Commission was told one thing and then something else completely different was done.

Chairman O'Donnell stated that in the future, full site plans and a formal presentation would be required.

C: Storm Water Plan

Chairman O'Donnell asked where the City was on a new storm water plan.

Mr. Hendee stated that a lot of the plan relied on last week's election; however, the plan is now in the hands of the City Manager.

Item 8: Adjourn

Chairman O'Donnell entertained motion to adjourn. Motion made by Mr. Hamlet; seconded by Mr. Swindler. On voice vote, the motion carried as follows: ayes – 6, nays – 0, and absent –1.

Meeting adjourned at 8:20 pm.

Minutes submitted by:

*Chris O'Donnell
Secretary Recorder
Cameron, MO 64429*