

MINUTES
Regular Meeting
Cameron Planning & Zoning Commission
February 9th, 2009
City Council Chambers, Cameron, Missouri

Item 1. Call to Order

Chairman Michael O'Donnell called the meeting to order at 6:06p.m.

Commissioners Present:
Chairman Michael O'Donnell
Stan Hendrix
Mark Garges
Jeanette Copeman
George Pratt

Commissioners Absent:
Delvin Jackson
Jo Ann Hiner

Others Present:
Troy Culver ~ Snyder & Associates
Jerry Hoppenthaler
Clyde Han
David Watson ~ City Manager

Item 2. Public Participation

There was none.

Item 3. Minutes from Previous Meetings

Jan. 12th, 2009

Chairman O'Donnell entertained motion to approve the minutes of January 12th, Motion made by Mr.Garges; seconded by Mr. Hendrix. On voice vote the motion carries as follows; ayes-5, nays-0, abstentions-0, absent-2.

Chairman O'Donnell stated that he would like to make an agenda change, discussing New Business first, and then move on to Unfinished Business.

The Board agreed with the agenda change.

Item 4. New Business

A. Consideration of Site Plan Approval in CM-P, Commercial Enterprise LLC

Dr. Nancy Gasparovic has entered into a contract to purchase a 25,000 sq. ft. tract just east of KMRN/KKWK from the City and plans to construct a 3,709 sq. ft. medical office building occupying one suite and leasing the other. Dr. Nancy's patients are mainly elderly, diabetic, and suffer foot disorders making foot travel difficult. Thus she plans a covered entrance, additional parking and dual ingress since the hospital van or "OATS" often delivers and waits for patients. Recognizing the desirability of a regional stormwater system for the undeveloped lots in the Crossroad Corporate Center, City Staff supports a plan to deliver stormwater via pipe to a temporary detention structure while the City assists developers in planning and implementing an area system. City Staff conducted a group review on this project with the applicant, her builder, Jerry Hoppenthaler, and engineer, Troy Culver of Snyder & Associates, in attendance.

Shellby Hendee addressed the P&Z informing them that the applicant had submitted a site plan, aerial photo, photos of similar structure, and composite check list. The check list shows the plans are in compliance, as well as the storm water methods, and the 3 foot setback that was needed, has been changed to meet compliance.

Troy Culver~ Civil Engineer, Snyder & Associates, addressed the P&Z and gave each member the updated site plan. This plan is similar to the original given to the P&Z, yet has the updated information that the City had requested. (Increasing the stormwater pipe to 12 inches and the appropriate set back set forth by the City).

Mr. Culver also stated that the parking spaces would be 18 ft. with a 2 ft. overhang, and the concrete in the drive/lot would be increased.

Mr. Culver spoke to the P&Z about the detention storage. He stated that from the building forward, the stormwater would be directed into the detention area.

Chairman O'Donnell asked if there were any questions from the P&Z.

There were none.

Chairman O'Donnell questioned Mr. Culver about the backside of the property, asking where the storm water would be going if not to the detention area.

Mr. Culver stated that the stormwater from the backside would be a minimal amount and that there will be breaks placed in the curbing to allow the water to pass through and flow to the street.

Mr. Hendee stated that stormwater in that location was going to be an issue and that was why the detention area was being placed there. He stated there should be a regional stormwater basin in place there; however, since there is not, this seemed like the best temporary solution to allow this applicant to build on this location.

Mr. Garges commented that stormwater issues have been brought forth to the P&Z previously and the Commission just wanted to be certain there would not be another issue with Commercial stormwater in the area.

Mr. Culver stated that the detention area will resolve the stormwater issue at this location, however, the Lot directly North of the lot they were discussing, drains West and the water then makes it way to Pence Rd. He commented that if this area were to be subdivided further, something else would have to be done.

Chairman O'Donnell asked if the back lot, that was not directing water to the detention center, would be used for customer parking.

Mr. Culver stated that the back lot would be for employee parking only.

Chairman O'Donnell then asked if there were easements in place.

Mr. Culver stated there was a 20ft. utility easement north of the driveway.

Chairman O'Donnell questioned if there was an easement on the back side of the property.

Mr. Culver stated that there was a service line.

Chairman O'Donnell informed Mr. Culver that if there was not an easement on the back side of the property, anyone coming across (i.e. City workers) would be on someone else's property. He stated he did not see an easement on the North/South property line on the plat.

Mr. Culver said that was correct; there was not an easement on the N/S property line.

Jerry Hoppenthaler informed the Commission that the utilities would actually be coming in on the North East side of the property, and not the North South location they were speaking about.

Chairman O'Donnell wanted to clarify that the stormwater detention area would be located within the 20ft utility easement.

Mr. Hoppenthaler confirmed that it would.

Chairman O'Donnell asked if there were any further questions from the P&Z.

There were none.

Chairman O'Donnell questioned the maintenance of the water detention area, stating he knew the contractor would be building it, yet wanted to know who would maintain that area.

David Watson~ City Manager~ Informed Chairman O'Donnell that provisions have already been made for the City to maintain that area after it was built.

Chairman O'Donnell asked Mr. Culver about the designated dumpster area. He wanted to know if it would be screened or fenced.

Mr. Culver informed Chairman O'Donnell that the dumpster area would be fenced with a picket fence that met the City's requirements.

Chairman O'Donnell then informed the other member of the P&Z that there were 2 different approaches that could be taken in approval of the CUP for Commercial Enterprise LLC. The Commission could either:

A: if the P&Z felt changes needed to be made, accept this as preliminary, note what the changes were that needed to be done and then have those changes made and brought forth to the next P&Z meeting for approval.

OR

B: Accept all the information as a "final" request for a CUP, and approve at this meeting, as long as no one on the P&Z felt additional changes needed to be made.

Mr. Culver stated the he was hoping the Commission would approve this evening so the project could begin as quickly as possible.

Clyde Han addressed the P&Z commenting that Mr. Culver had already revised the plat and everything that the City had requested to be changed, had been. With those changes reflected on the plat that Mr. Culver had given to the Commission earlier in the meeting.

Mr. Hendee stated that he agreed with Mr. Han.

Chairman O'Donnell asked about the electrical work for the building.

Mr. Han stated that the electric for this location was 200 amps. (relatively small) and that the transformer could handle much more than that amount. He did not feel this was an issue and stated that he did not see any other issues that needed to be addressed.

Chairman O'Donnell asked if there would be a basement in the building.

Mr. Hoppenthaler stated that a partial basement would be located under the building, with the East section being crawl space and the West section being the actual basement area.

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

There were none.

Mr. Garges made a motion to accept the site plan presented as the “final” plan and to approve the CUP for Commercial Enterprise LLC (Dr. Nancy Gasparovic); Mr. Hendrix seconded. On voice vote motion carries as follows: 5-ayes, 0-nays, 0-abstentions, 2-absent.

Motion approved for Commercial Enterprise LLC.

B. Review of Snow Removal Survey

Last month a citizen asked about the City’s sidewalk snow removal policy and remarked about the difficulty created when snow removal contractors pile snow upon sidewalks. The P&Z Chair directed the Zoning Officer to survey Missouri Communities to determine the sidewalk snow removal policies. Most, we found, have such a policy ranging from simply making adjoining landowners responsible for snow removal to mandating removal within as little as 10 hours.

Mr. Hendee addressed the P&Z and gave a brief break down of what he found when surveying other communities in the area about snow removal.

Of the 49 Communities surveyed the tally is as follows:

Responsibility of abutting property owner to remove snow:	26
Remove in 24 hours:	7
Snow removal firms may not deposit on sidewalk or street: (Currently inplace by Cameron~ Sec7-396)	5
Snow removed within a reasonable time:	3
Snow removed immediately:	2
Snow removed as soon as possible:	2
Snow removed within 12 hours:	2
Snow removed within 10 hours:	1
Snow removed within 48 hours:	1

Chairman O’Donnell asked if there were any questions.

Mr. Garges stated that he felt the logic behind the ordinance is great, but would it really be logical to change the ordinance to accommodate a few individuals, while causing more of an issue by trying to keep the ordinance enforced.

Chairman O’Donnell questioned whether the sidewalks were kept clean around the Pool Park, and Schools (The Circuit).

He was told they were not.

Chairman O'Donnell stated that he was aware we didn't get a lot of snow, however the issue seems to be more about the driveways that were being serviced for snow removal, and that snow being pushed onto the sidewalks. Again stating that Sec 7-396 was put in place for the reason, yet it was rather difficult to enforce.

Mr. Hendee questioned whether a survey should be printed in the local paper to get citizens opinions on this subject.

Chairman O'Donnell stated that this issue had been brought to the P&Z approximately 3 or 4 years ago, but it just did not seem to be an issue that would be enforceable.

Mr. Pratt commented that Cameron is more of a vehicle Community than a pedestrian Community, and would seem to cause a bigger issue trying to enforce the snow removal, than the actual snow would itself.

Chairman O'Donnell stated that it was up to the Board whether they wanted to pursue this issue any further. He also stated that citizens seemed to respond better to reminders than to ordinances. Chairman O'Donnell felt that by having something printed up in the local paper or listed on the City invoices in the Fall (i.e.; Reminder: Please be courteous and clean your walks) may help alleviate some of the sidewalk issues.

The P&Z discussed this issue and decided it should be left "as is" at this time.

Chairman O'Donnell asked if there was any other New Business to be discussed.

There was none.

Item 5. Unfinished Business

A. Review of Ordinance Establishing Commencement Period for Conditional Use Permits.

Earlier discussion recognized that several conditional use permits have been issued but have not been initiated, with the permitted use not occurring. Without a commencement or expiration period, the use remains "in effect" and, if begun years later, might surprise an unknowing purchaser of neighboring property. P&Z recommends that such uses begin construction (if necessary) within six months and become fully operational within 12 months. In concert with the City's non-conforming use regulation, if the use ceases for 12 months, it shall expire. Upon recommendation by P&Z, the ordinance will be considered by the City Council.

Mr. Hendee presented the Commission with the "ordinance version" that had been discussed at the past several P&Z Meetings.

Chairman O'Donnell stated that if the CUP were to cease after a time period of 1 year, it would then revert back to its original use.

Mr. Hendee stated to Chairman O'Donnell that it had been discussed as such at the last P&Z meeting, so he had included it on the ordinance but could remove it if the Commission did not want it worded as such.

Chairman O'Donnell confirmed that he felt the "ceasing and reverting back" verbiage needed to be placed in the ordinance.

Mr. Hendrix questioned if paperwork would then need to be sent out to the current individuals with CUPs.

Chairman O'Donnell stated that the change would just be from this point forward and that when any new applicants request a CUP, they will then also be given a copy of the ordinance.

David Watson, City Manager, informed the Commission that an "Ordinance" is permanent, and if it were to be stated that it can "cease", it cannot be an "ordinance". He also stated he would like to speak with Mitch Elliott (the City attorney) about this issue before the P&Z made a final decision, asking the Commission to not "act" on this issue this evening.

Chairman O'Donnell told City Manager Watson that the issue could be table until the next meeting.

City Manager Watson stated that he understood the reasoning for the "cease" to CUPs, and the approach was sound, however, he wanted to verify that it could be handled in the form of an "ordinance".

Mr. Hendee informed City Manager Watson that he had received information back from Mr. Elliott about this issue.

Chairman O'Donnell again stated that this issue can be tabled until the next meeting.

Clyde Han questioned the start and stop dates for the CUP, wondering how they would be able to enforce this if they did not know an "actual" date when the CUP ceased and when it restarted. Mr. Han wondered if this could be tracked by the expiration of the "Occupant License."

City Manager Watson asked approximately how many CUPs were currently in use.

Chairman O'Donnell stated there were not a lot, approximately 15. He also stated he could think of at least 2 CUPs that had been approved but nothing ever started with them, and he feels there needs to be a way to pull those CUPs back, so they cannot be used at a later time.

City Manager Watson stated that he would like to have more time to review the information sent from Attorney Elliott and also be able to speak with him on this issue. Chairman O'Donnell then asked Mr. Han to please look at this issue and list what he feels would work best for enforcement purposes and get the information to Mr. Hendee for review at the next P&Z meeting.

Review of Ordinance Establishing Commencement Period for Conditional Use Permits tabled and will be placed on the March agenda.

Item 6. Miscellaneous

1. We have received confirmation that the State has issued a daycare license to Lesa Anderson and given her until February 15th to install a fence. Lesa states she has hired a contractor to install it immediately. The City Council granted her CUP based thereon.
2. The Council approved the garage sale ordinance as recommended by the P&Z.
3. The Council approved the 90-day vehicle repair ordinance.
4. The Council will consider the foundation reuse ordinance March 2nd.
5. Joint Council/P&Z meeting to approve Comp. Plan will be on Feb. 23rd, at 5pm.

Item 7. Adjourn

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

The meeting adjourned at 7:02p.m.

Minutes submitted by:

Ellie M. Milbourn

Secretary Recorder
Cameron, MO 64429