

MINUTES
Regular Meeting
Cameron Planning & Zoning Commission
July 13th, 2009
City Council Chambers, Cameron, Missouri

Item 1. Call to Order

Chairman Michael O'Donnell called the meeting to order at 6:08p.m.

Commissioners Present:

Chairman Michael O'Donnell
Mark Garges
George Pratt
Jo Ann Hiner
Tom Hamlet

Commissioners Absent:

Delvin Jackson
Stan Hendrix

Others Present:

Mary White
Beverly Smart
Mrs. Kalenowsky
Bryan Rusch ~Engineer for Greer Architecture

Chairman O'Donnell welcomed Tom Hamlet to the P&Z. Mr. Hamlet will be replacing Jeannette Copeman on the Planning and Zoning Commission.

Item 2. Minutes from Previous Meetings

May 11th, 2009

Correction to the minutes of May 11th: Page 6; 5th paragraph; 3rd line; currently reads "Motion made by Mr. Hendrix; seconded by Mr. Hendrix;....."

Should correctly read "Motion made by Mr. Hendrix; seconded by **Mrs. Hiner**....."

Chairman O'Donnell entertained motion to approve the minutes of May 11th; Motion made by Mrs. Hiner, to approve the minutes of May 11th with corrections; seconded by Mr. Garges. On voice vote the motion carries as follows; ayes-5, nays-0, abstentions-0, absent-2.

Item 3. Public Participation

There was none.

Chairman O'Donnell stated that he would like to amend the agenda to the following order
Unfinished Business Item A

New Business Item A

Then finish all items in New Business, and follow that with Unfinished Business Item B.

*Motion made by Mr. Garges to amend the agenda as suggested by Chairman O'Donnell;
Seconded by Mrs. Hiner; On voice vote the motion carries as follows; ayes-5, nays-0,
abstentions-0, absent-2.*

Item 4. Unfinished Business

A. Continuation of Public Hearing CUP, child care, 206 Lovers Lane

At the May meeting, P&Z approved a child care CUP for Mary White at 417 N. Nettleton. Her application for an after-school care at the Church of the Nazarene, 206 Lovers Lane, was continued pending inspection and review by the Missouri Division of Family Services. Ms. White indicates that the State review is now complete and she wishes to proceed.

Chairman O'Donnell reminded everyone in attendance that this was a continued Public Hearing and anyone interested, had the right to speak. He requested that all those wishing to speak come forward when acknowledged, state their name and address and to please stick to the subject being discussed. He also informed everyone present that the P&Z would be going over the guidelines of Article 31-L; which pertains specifically to Daycare Centers, and make certain that all information falls within that category as well as how the Daycare would fit into the proposed area.

Chairman O'Donnell asked if any members of the P&Z had any questions at this time.

There were none.

Chairman O'Donnell asked the applicant if she had anything she would like to say.

Mary White addressed the P&Z explaining to them that at the May meeting she had not yet received the Health and Safety Inspection and the Fire Inspection, and she has since had those done. She also wanted the members to know that she had brought a copy of the play area and its location at the proposed location, for their review.

Mrs. White also stated that during the May meeting the children's safety had been an issue with several people in attendance. She mentioned that the safety of the children was of the utmost importance and that the children would be kept as far away from the traffic and the street as possible when they were outside the facility.

Mrs. Hiner asked Mrs. White if there would be a fence around the designated play area.

Mrs. White stated that due to the ages of the children, the State does not require a fence around the play area, but she will have to designate the perimeters of the play area with cones. She also commented that she would eventually fence the outdoor play area, as she would be getting the fence from “Over the Rainbow”, but would not have it up immediately upon opening the newly established Daycare.

Chairman O’Donnell asked Mrs. White when “Over the Rainbow” would be closing their doors and what her designated start date was for the new Daycare if the CUP was granted.

Mrs. White stated that the current location of “Over the Rainbow” is the Harvesters Church, and although the Church originally wanted the daycare moved prior to now, they were working with her and allowing the Daycare to stay until she could finalize everything for the new Daycare.

Chairman O’Donnell asked Mrs. White if the CUP were to be granted would she then start the Daycare and be able to have time to obtain the fencing.

Mrs. White stated that was correct and she would like to be able to have 60 to 90 days to remove the fencing from “Over the Rainbow” and have it in place at the new location.

Chairman O’Donnell questioned the playground equipment that Mrs. White had purchased from “Over the Rainbow”.

Mrs. White explained that she had only purchased the portable playground equipment, such as balls, jump ropes, hula hoops, but was hoping at a later time to be able to purchase addition playground equipment such as climbers and swings.

Chairman O’Donnell stated that he was concerned for the safety of the children if a fence was not in place, as the children may run after balls that have gone into the street.

Mrs. White explained that no children would be permitted to go outside of the designated play area and only staff members would be allowed to retrieve play toys outside of that area.

Mr. Pratt asked Mrs. White what type of fencing she had purchased from “Over the Rainbow” and how tall the fencing was.

Mrs. White informed the P&Z that the fencing was 6ft tall chainlink fence. She also stated that the fencing at the Nettleton location (approved for CUP during the May P&Z meeting) was 4ft chainlink fence, and she would like to move the 4ft fence to the Lover’s Lane location and place the 6ft fence at the Nettleton location.

Chairman O’Donnell asked if the play area was grass.

Mrs. White stated that it was.

Mrs. Hiner asked Mrs. White if the “Church of the Nazarene” would allow a fence to be placed on that location.

Mrs. White stated that she had spoken with Pastor Kirkemo and several attendees of the church and all were in favor of the fence being placed in the designated play area.

Chairman O’Donnell informed Mrs. White that because it was a residential area, and the location of the play area, a 4ft fence could be placed there, not a 6ft fence.

Mrs. White again stated that she could move the fence from the Nettleton location to the Lovers Lane location and the 6ft fence would then be placed at the Nettleton location. However, she would need time after “Over the Rainbow” closed to relocate the fencing.

Mr. Pratt asked Mrs. White if she had met all the State requirements to obtain licensing.

Mrs. White stated that she knew what needed to be done to obtain her license. However, she did not want to put forth the cost of having the things done if she was not able to obtain the CUP from the P&Z.

Mrs. Hiner asked the square footage of the new facility being discussed.

Mrs. White stated it was approximately 986 sq. ft., which did not include the kitchen or hallway.

Chairman O’Donnell asked Mrs. White again how many children would be at the Daycare facility.

Mrs. White stated there would be approximately 40.

Chairman O’Donnell asked how the calculations were done to enable the care of 40 children at one time.

Mrs. White stated that the State allows a 2 hour window where children can overlap, this window allows 1/3 more children to be at the facility during 2 hours of the day. Mrs. White said this 2 hour time window would take place between 3-5pm. Therefore, if the State would allow Mrs. White 28 children based on the sq. ft. of the building, from 3 to 5pm she could have 37 children.

Chairman O’Donnell commented that the calculations are generally 35 sq. ft. per child, and that was his reasoning for wanting to know that calculations that were being used by Mrs. White.

Mrs. White stated that the calculations were only approximates and that she would uphold the limit that the State sets for her, whether it is 37 children or 40 children, she will stay within those guideline.

Chairman O'Donnell asked if any member of the P&Z had additional questions for Mrs. White.

There were none.

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

Beverly Smart~ 112 W. Prospect, addressed the P&Z members stating that she is a member of the Church of the Nazarene, and would hate to see cones take the place of a fence on the playground area. She commented about the traffic not only on Lovers Lane, but the location of the Church being so close to Hwy 36, and does not feel it would be safe for the children.

Dorothy Kalenowsky~ 205 Lovers Lane, also addressed the P&Z stating her objections to the Daycare location. She commented that a pre-school is already located on Lover's Lane and that she feels that 2 such facilities are too many.

Chairman O'Donnell asked if there was anyone else that would like to speak.

There were no other audience comments.

Chairman O'Donnell asked Mrs. White to remind him how the children would get to the daycare from school each day. (one bus, several buses, or other transportation.)

Mrs. White stated that the children would all ride together on one bus.

Mr. Pratt questioned the other Daycare on Lover Lane, asking Mrs. White if it had an after school program as well.

Mrs. White stated that it did have an after school daycare, but was very small.

Chairman O'Donnell reminded Mrs. White that the City regulation allows outdoor playtime at Daycare facilities from 8am – 8pm. Mrs. White said that would not be a problem since the Daycare closes at 6pm.

Mr. Garges asked Mrs. White if the CUP were to be approved when she thought she would be opening the daycare.

Mrs. White said that the target start date was going to be August 31st, the last Monday in August.

Mr. Hamlet asked if it would be possible to put a temporary fence in place, mainly along the side of the play area facing Lovers Lane, until the permanent fence was in place.

Mrs. White stated that she would be more than willing to do that as long as the State would permit it as well.

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

There were none.

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

Leave Public Hearing.

Entertain Motion for City Council to approve Conditional Use Permit for, child care, 206 Lovers Lane, for Mary White, Motion made by Mr. Pratt; seconded by Mr. Hamlet;

Mr. Garges stated that he still felt a fence needed to be in place at the facility and questioned adding an addendum to the motion already on the floor.

George Pratt made a motion to amend the motion to approve contingent upon the installation of temporary fencing at the time of opening and allowing a 30 day grace period from the day opened to install the permanent fencing; Mr. Hamlet seconded;

On voice vote all in favor of amending the original motion; ayes-5, nays-0, abstentions-0, absent-2.

On voice vote main motion carries as follows; ayes-5, nays-0, abstentions-0, absent-2.

Information to be sent to the City Council for approval at the July 20th, Meeting.

Item 5. New Business

A. Site Plan Review, Chung Car Wash and Fueling Station

Nam-Ho Development (Chung) plans to add a drive-through car wash and truck fueling station to the south of the C-store at US 36 & Griffin Road. The fueling islands and concrete pad would replace about 2/3 of the existing gravel truck parking area. The number of parking spaces already exceeds those required. Additionally, the project involves expanding the restrooms at the existing building. Stormwater management includes a detention basin to the south.

Mr. Hendee addressed the P&Z, presenting them with additional information from TranSystems. Mr. Hendee wanted to make the P&Z aware that several staff members from different departments of the City had met and had several conversations and reviews over the information being submitted by Mr. Chung, and these staff members recommended approval of the site plan.

Mr. Hendee also informed the P&Z that earlier in the evening the BOA had reviewed a variance to shift the existing gravel lot to the east, this variance was denied.

Chairman O'Donnell asked if there were any questions.

There were none.

Chairman O'Donnell questioned Mr. Chung and Bryan Rusch (Engineer for Greer Architecture) stating that the stormwater management calculations were based on a gravel lot, since the variance was denied for gravel; he wanted to know how they would proceed. He asked Mr. Chung if he would proceed with expanding the parking lot or just use the gravel area that would be left after the expansion for parking.

Mr. Chung stated that he would replace the area with "hard surface" since he did not receive the variance for the gravel.

Chairman O'Donnell asked if the entire area would then be "hard surface".

Mr. Chung stated that the gravel area that would not be used for the expansion of the facility would still be left as gravel.

Chairman O'Donnell asked if the calculations for the stormwater were based on gravel or a hard surface lot.

Mr. Rusch stated the calculations were for gravel.

Chairman O'Donnell stated that if the calculations were based on gravel, they would not be correct for "hard surface".

Chairman O'Donnell then asked if anyone had any questions other than the stormwater calculations.

Mr. Hendee stated there were no other pending issues with anything the City staff had reviewed, however they were unsure whether the BOA would grant the variance, and since they did not, he felt it was the only issue that would need to be addressed.

Chairman O'Donnell stated to Mr. Rusch that from the site plan it looked as though the drainage from the curb and drive would all be taken south into a detention area.

Mr. Rusch stated that was correct, and after the decision of what type of "hard surface" would be used for the project he would get the information from the engineer and have it sent to the P&Z.

Chairman O'Donnell asked if the detention pond on the south was located off the site plan.

Mr. Rusch stated that the property to the south of the site plan was also owned by Mr. Chung, although it was not shown on the site plan.

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

There were none.

Entertain motion to approve the Site Plan Review, Chung Car Wash and Fueling Station

Motion made by Mr. Hamlet to approve the site plan contingent upon the type of surface used on the parking area and the stormwater calculations to meet City regulations; seconded by Mr. Pratt; On voice vote motion carries as follows; ayes-5, nays-0, abstentions-0, absent-2.

Chairman O'Donnell asked Mr. Rusch and Mr. Chung to please give the surface information and stormwater calculations to Mr. Hendee once received.

B. Stormwater Management Plan Update

The City has budgeted a 2010 review of our stormwater regulations through TranSystems. Public Works Director; Drew Bontrager has requested a formal proposal from TranSystems.

Mr. Hendee addressed the P&Z stating that Mr. Bontrager was currently getting bids for a Stormwater Management Plan. This information will then be given to the Planning and Zoning Commission to be discussed and reviewed.

Mr. Pratt questioned when the City population would be over 10,000.

Mr. Hendee explained that the next census would be done in April 2010, and at that time the City population should be over the 10,000 mark.

Chairman O'Donnell commented that there are a lot of areas in the community with tremendous problems with stormwater, and that is what the 10,000 population would address. He stated it is very important to have and study a stormwater plan.

C. Review of City Council Priorities

At its Visioning Session earlier this year, the City Council established priority projects and initiatives for the future, many of which involve the Planning and Zoning Commission for study, recommendation, and action.

Mr. Hendee stated there is a whole range of things that the City Council would like P&Z to review. However, it would take more than one evening to review the whole list and thought it best to review the "high priority" items at this time.

Mr. Hendee commented that some of these issues are already moving forward. Such as the Recreational District, and street curb and guttering.

Mr. Hendee stated that US 36 and Griffin Road has been an issue for quite some time. Also mentioning that a traffic study had been done by Flying J, for that intersection and this study would be used as a basis for the improvements.

Walnut Street was the second issue discussed with the P&Z. Mr. Hendee stated that the City would like to have curb and guttering, Streetscape, Landscaping, sidewalks and buried electric lighting (boundary South Chestnut to Pence Rd). Also mentioning new sidewalks placed north of Sutherlands and a possible pedestrian overpass.

Mr. Hendee stated that the City and MoDot made an agreement in 1953 about Walnut Street. MoDot is responsible for the “travel surface” only; everything else is the responsibility of the City of Cameron. Although the City of Cameron is responsible for everything other than the “travel surface” State approval is still needed before any improvements can be done.

Code enforcement was the third issue discussed.

Chairman O’Donnell stated that rules and regulations are needed in the Community and he did not feel that the City of Cameron was too strict. He stated that Code Enforcement does a great job and would hate to see the Community move in a backwards direction by becoming lax on these rules and regulations.

Mr. Garges stated that the comments that had been brought forth by the City Council were not the rules and regulations themselves, but the fairness of the enforcement “across the board.” Mr. Garges also felt that the rules and regulations set by the City were neither too strict or too lenient.

Mr. Hendee wanted the Planning and Zoning Commission to know how very important it is to have their input on these projects.

Chairman O’Donnell stated that the P&Z would look at these issues very closely, as he felt they were of importance to not only the City, but the Community as a whole.

Chairman O’Donnell asked Mr. Hendee if there were copies of the “final” Comprehensive Plan.

Mr. Hendee stated that there was, and a copy was given to each member of the P&Z.

Chairman O’Donnell asked each P&Z member to review the “final” Comprehensive Plan and they would discuss any items that the members would like to review.

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

There was none.

B. Conflicting Zoning Regulations

One portion of the Home Occupation section prohibits “catering” while another portion allows “home cooking for sale off-site.” Clarification is needed on this issue. Also, the City regulations for daycare state that an applicant must already possess a State License, which conflicts with the State requirement that the applicant must have already received City approval.

Chairman O’Donnell commented that if an individual were to be using normal, everyday, kitchen appliances for cooking or baking, this would be considered “home cooking for sale off-site, which is allowed. However, if an individual has purchased “commercial” type appliances for the cooking/baking, it would be considered catering, a business, which would not be permitted.

On the Daycare issue, Chairman O’Donnell commented that the State regulations are much more strict than the City of Cameron’s. Also mentioning that the CUP for Daycares have been approved contingent upon receiving State Licensure. Chairman O’Donnell stated that the P&Z mainly looked at the area and location of the Daycare to make a determination of granting a CUP.

Mr. Hendee informed Chairman O’Donnell that he would type up the new verbiage for these regulations and bring back to the P&Z for review at the next meeting.

Item 6. Miscellaneous

A new “Vice Chair” needed to be appointed for the P&Z.
Mrs. Hiner nominated Mark Garges; it was approved unanimously.
Mark Garges will hold the position of Vice Chair for the P&Z.

Item 7. Adjourn

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

The meeting adjourned at 7:43 p.m.

Minutes submitted by:

*Ellie M. Milbourn
Secretary Recorder
Cameron, MO 64429*

