

MINUTES
Regular Meeting
Cameron Planning & Zoning Commission
May 11th, 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
Jeanette Copeman
George Pratt
Delvin Jackson
Jo Ann Hiner
Stan Hendrix

Commissioners Absent:

Others Present:

Mary White
Pam Swindler
Mrs. Kalenowsky
Judy Cunningham
Earl Dickerson

Item 2. Minutes from Previous Meetings

Mar. 9th, 2009

Chairman O'Donnell entertained motion to approve the minutes of March 9th; Motion made by Mr.Garges; seconded by Mrs. Hiner. On voice vote the motion carries as follows; ayes-7, nays-0, abstentions-0, absent-0.

Item 3. Public Participation

There was none.

Item 4. Unfinished Business

There was none.

Item 5. New Business

A. Public Hearing, Conditional Use Permit, Child Care, 417 N. Nettleton

Mary White has submitted a Petition for Conditional Use Permit to operate a State-licensed child care center for up to 40 children including pre-school at 417 N. Nettleton St. to be known as “Step by Step Early Care and Education, LLC. Proposed hours are 6:00 a.m. to 6:00 p.m. Monday through Friday. Mrs. White includes a Child Care Safety Survey conducted by the Missouri Department of Health and Senior Services Bureau of Child Care, noting several deficiencies. She also submits a Sanitation Inspection Report from MoDHSS Bureau of Environmental Regulation and Licensure listing several additional requirements. She adds an Observations/Discussions Sheet from MoDHSS Section for Child Care Regulations listing a number of actions to be completed prior to licensure. Mrs. White has summarized these issues and plans to address each. She submits support from six neighbors. Also included is an aerial site plan showing the existing fenced play area and parking.

Entertain motion to enter public hearing; motion made by Mr. Hendrix; seconded by Mrs. Copeman; On voice motion carries as follows; 7- ayes, 0- nays, 0- abstentions, and 0-absent.

Enter Public Hearing.

At this time Mr. Garges asked to be excused from the Public Hearing due to a conflict of interest.

As there were 3 CUP’s being applied for and all of them for “Day Cares”; Chairman O’Donnell asked the applicants if they had all read/received copies of the City rules and regulations pertaining to the operation of Day Cares. *(Article 31:4 sub item L)*

The applicants stated that they had.

Chairman O’Donnell reminded all those present that during the Public Hearing, anyone was allowed to speak, as long as it dealt with the subject being discussed at that time.

Mary White addressed the P&Z, stating she was actually applying for 2 CUPs at 2 different locations.

Chairman O’Donnell informed Mrs. White that the locations would be handled separately and at the current time, just the Nettleton location would be discussed.

Chairman O’Donnell then informed Mrs. White and the other applicant that if the CUP’s were to be approved, they would be contingent upon State Licensure. He Stated the P&Z was aware that the process for the State Licensing had begun, but that if for some reason it was not obtained, the CUP’s would be void as well.

Chairman O'Donnell then asked Mrs. White about signage, and explained to her that if she were going to place signs for the Day Care, she would need to apply for a permit with the City, and also follow the City rules and regulations pertaining to signage. (*Article 23*)

Chairman O'Donnell then stated that all land used for the play area must be fenced and behind the front yard set back. He questioned Mrs. White about the parking, and asked how many employees she would have.

Mrs. White stated that the play area was already fenced and met the City requirements and that she would have 4 employees at the Day Care.

Chairman O'Donnell asked if the area shown in the aerial map submitted by Mrs. White was the only parking available at that location.

Mrs. White stated that there was a closed off alley at that location and she was told that it could be used for parking.

Chairman O'Donnell asked Mr. Hendee if the alley had been abandoned by the City and if it had been reverted back to the property owners.

Mr. Hendee stated that it had not been abandoned, that the alley had just never been finished and does not go all the way through to the street.

Chairman O'Donnell stated to Mrs. White that with 4 employees, she could possibly have those 4 cars there all at one time, plus cars from the people picking up/dropping off their children and that the City requires the parking to be behind the front set back. He did not see where there would be ample room for parking and if the alley was not abandoned by the City, parking would not be allowed in the alley.

Chairman O'Donnell informed Mrs. White that outdoor play hours for a Day Care in Cameron are required to be no earlier than 8am and no later than 8pm, wanting to know if that would cause an issue since she is planning on opening the day Care at 6am.

Mrs. White stated that the children would not be outside before breakfast was served, so they would not be outside prior to 8am.

Chairman O'Donnell stated that he did not know the square footage of the building in question but was aware that there needed to be at least 35sq. ft. per child, and wanted to know if the State had done the measurement required to calculate the amount of children that could be at the Day Care.

Mrs. White informed Chairman O'Donnell and the P&Z that the State had done the measurements and calculations and stated that she could have 35-40 children at this location.

Chairman O'Donnell reiterated to Mrs. White that there were some changes that would need to be made prior to the CUP approval (parking issue), and that if she did not receive licensure from the State, the CUP would be void.

Pam Swindler addressed the P&Z informing them that the Nettleton location is where she had previously also run a Day Care and there was enough parking for 2 cars in the back of the property and 3 cars in front of the garage to park.

Mr. Pratt asked Mrs. Swindler if the area that she was referring to in the back of the property was graveled.

Mrs. Swindler stated that it still was to her knowledge, as it had been when her Day Care was located there.

Chairman O'Donnell asked if any one else had any further questions for Mrs. White.

Mr. Hendrix asked Mrs. White if she would consider placing gravel on the side of the property for additional parking.

Mrs. White stated that there was already some gravel in that location, but she would add more if needed.

Mrs. Hiner asked if any of the neighbors used the alley that Mrs. White stated was a "closed alley".

Mrs. White stated that she had spoken with the neighbors about the alley; one neighbor stated that they did use it but only on occasion, the other neighbors stated that they did not use it, but wanted to be certain that if an emergency were to occur that emergency equipment would be able to use the alley. She stated that if cars would park to the side of the alley when picking up/dropping off children, there would still be ample room for emergency vehicles to pass if needed.

Chairman O'Donnell addressed the audience and the P&Z, stating that he understood the neighbors were all positive about the placement of the Day Care, and realizes the location has already previously been a Day Care. He also realized that the State Licensure was in process and did not have a problem approving the CUP contingent upon State approval; however, he was still concerned about the parking, stating that City Code requires off street parking, and this would disallow parking in the alley as well.

Mr. Jackson asked Mrs. Swindler how many employees she had during the time she ran the Day Care in that location.

Mrs. Swindler stated that there were 4 employees, the same that Mrs. White would have.

Chairman O'Donnell stated that there were 2 other Day Care CUP's that would be reviewed during this meeting, although he understood the need for Day Care, he was still apprehensive about the parking.

Mr. Pratt questioned the time frame between "Over the Rainbow" closing and "Step by Step" opening, wondering if there would be an overlap.

Mrs. White stated that they hoped to have "Step by Step" opened within a few days after the closing of "Over the Rainbow".

Mr. Pratt asked if there would be parents waiting on this transition to take place.

Mrs. White stated that there would be.

Mrs. Swindler addressed the P&Z commenting that something needed to be passed through quickly and that if the CUP did not get approval there would be a huge issue with Day Care in the Community.

Mr. Pratt asked if "Over the Rainbow" was the only full-time, all day, State Licensed Day Care in Cameron.

Mrs. White stated that it was.

Chairman O'Donnell commented that he understood that Cameron is in need of the Day Care facility, he does not doubt that. However, when placing a large business in a residential area, the P&Z must decide that it will be a good fit for that neighborhood. He also stated that he felt strongly about the need to do something different with the parking to accommodate more vehicles. He reminded the P&Z that according to City requirements, parking places must be 9ft wide. The front of the garage where Mrs. Swindler stated would be ample for 3 cars is only 24ft wide, therefore, would only allow 2 vehicles not 3. He commented that gravel may need to be added to that area, but it could be worked with. Mr. O'Donnell then stated that if there were 4 employees plus parents picking up/dropping off children, he felt there needed to be at least 6 to 7 parking places available.

Mrs. Hiner asked if it would be possible for all employees to park on the side of the property allowing the parents the use of the driveway for drop off and pick up.

Chairman O'Donnell commented that his personal opinion was that the parents would still use the street rather than the drive to avoid having to pull in and back out. He then explained to Mrs. White that she needed to have at least 6 parking places available before he was comfortable with approving the CUP, whether that meant lengthening the gravel on the South side of the building, or whatever needed to be done, but she "must" have 6 places available. He stated that if 6 parking places were available and she were to receive her State Licensure that he would be okay with all the other conditions that she has submitted.

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

There were none.

Entertain Motion to Leave Public Hearing; motion made by Mr. Hendrix; seconded by Mrs. Hiner; On voice vote motion carries as follows; 6- ayes, 0- nays, 1- abstentions, and 0-absent.

Leave Public Hearing.

*Entertain Motion for City Council to approve Conditional Use Permit for 417 N. Nettleton, for Mary White, **contingent upon State Licensure and parking available for 6 vehicles** ; Motion made by Mr. Hendrix; seconded by Mrs. Hiner; On voice vote motion carries as follows; 6- ayes, 0- nays, 1- abstentions, and 0-absent.*

Information to be sent to the City Council for approval at the May 18th, Meeting.

Mr. Garges rejoined the P&Z for the remainder of the meeting.

B. Public Hearing, Conditional Use Permit, Child Care, 206 Lovers Lane

Mary White also submits a separate Petition for Conditional Use Permit to operate after-school/Summer State-licensed child care at the Church of the Nazarene, 206 Lovers Lane. Proposed hours would be 2:30 p.m. until 6:00 p.m. during school and 6:00 a.m. until 6:00 p.m. when school is not in session. Parking will be in the Church parking lot. The petition is also signed by Pastor Bill Kirkemo of the Church of the Nazarene. Mrs. White indicates that State inspections of the Church are scheduled for this week. At this writing we do not have any State reports for this location. She has submitted aerial photos.

Entertain motion to enter public hearing; motion made by Mrs. Hiner; seconded by Mr. Pratt; On voice motion carries as follows; 7- ayes, 0- nays, 0- abstentions, and 0-absent.

Mr. Hendee addressed the P&Z stating that Mrs. White was also the applicant for this location as well as the Nettleton location. He then stated that he had not received any negative feedback from either the letters that were sent to the neighbors or from the announcement that was placed in the April 23rd Newspaper. He did want the P&Z to be aware that Mrs. White had not submitted any State reports, as the inspection was not going to take place until later this week.

Mrs. White informed the P&Z that she had the Nettleton location first while still trying to acquire a second location for the older children. She stated that she had begun the State

Licensure procedure but all the paperwork had been sent in a few weeks after the paperwork for the Nettleton location.

Mrs. Kalenowsky~ 205 Lovers Lane; addressed the P&Z, stating that she and her husband lived directly across the street from the Church of the Nazarene and she was against the placement of a Day Care at the Church. She went on to explain that the residents in that area did not want excess traffic on that street as it has always been a quite and low traveled area. She also stated that there are several people in that area that walk in the mornings and the evening, and because there are no sidewalks located there, they must walk on the street. She felt the excessive traffic would be a hazard as well as an annoyance to those people that walk their neighborhood.

Mr. Pratt asked Mrs. White how many children there would be at this location.

Mrs. White stated there would be approximately 40 children. However, it was an after school program that would be open from 2:30pm until 6:00pm Monday thru Friday. She stated that only during the summer, on holidays, and on days that the school was closed would the children be there longer than the 2:30 until 6pm hours.

Chairman O'Donnell addressed Mrs. White questioning the hours, stating that approximately 10 ½ months of the year the hours would be from 2:30 until 6:00pm with the rest of the time (approx. 6 weeks) being the longer hours of 6:00am until 6:00pm.

Mrs. White said that was correct.

Chairman O'Donnell asked Mrs. White if the State required the play area to be fenced.

Mrs. White stated that because of the ages of the children (5yrs – 12 yrs.) she was told a fence was not required, and that she could place orange cones around to define the perimeter of the play area for the children and anyone coming into that location.

Chairman O'Donnell asked Mrs. White if the Church Board had given her approval to have the Day Care located there, and if she had a contract to present to the P&Z.

Mrs. White stated that she had no written contract at this time, just a preliminary one that had been emailed to her.

Mr. Pratt stated that he felt applying for the CUP at this time seemed a bit premature.

Chairman O'Donnell informed Mrs. White that the City of Cameron does require a fence around the play area of a Day Care, but that the P&Z can make allowances for that if the State does not require one. However, since Mrs. White did not have any paperwork from the State, he was not comfortable with the play area not being fenced.

Mr. Hendrix asked how this Day Care was connected to "Over the Rainbow" along with the Nettleton location.

Mrs. White explained that she was unable to find 1 location large enough to accommodate all the children (approx. 69 families) or that would allow full-time, all day, Day Care. Therefore, she had to split it up into 2 different locations.

Mr. Pratt stated that he knew the State would be just as restrictive if not more restrictive than the City, and would like to see the feedback from the State before making a decision. He also felt that since there was at least 1 neighbor against the location that Mrs. White contact additional neighbors and get their feedback about the proposed location.

Chairman O'Donnell stated that he agreed with Mr. Pratt and if the other members of the P&Z did as well, this item will be tabled until the June 8th Meeting allowing Mrs. White time to obtain more information.

Entertain Motion to Continue Public Hearing, June 8th; motion made by Mr. Garges; seconded by Mr. Hendrix; On voice vote motion carries as follows; 7- ayes, 0- nays, 0- abstentions, and 0-absent.

Tabled until the June 8th, 2009 Planning and Zoning Meeting.

C. Public Hearing, Conditional Use Permit, Child Care, 813 E. Second St.

Judy Cunningham has submitted a Petition for Conditional Use Permit to operate a daycare facility at 816 E. 2nd St., to be known as "Miss Piggy's Kiddie Ranch". Proposed hours would be 5:00 a.m. until 6:00 p.m. Monday through Friday. Parking is in the driveway and on-street. There is parking available in the rear off the alley for staff. The facility would accommodate up to ten full-time children and 3-5 children part-time. Ms. Cunningham includes a petition signed by seven neighbors who support the activity. The required fence is shown by the dotted line on her site plan. Her State license application is included and she has received a sanitation report. An additional State inspection was scheduled for Thursday, May 7th.

Entertain motion to enter public hearing; motion made by Mr. Hendrix; seconded by Mrs. Hiner; On voice motion carries as follows; 7- ayes, 0- nays, 0- abstentions, and 0-absent.

Mr. Hendee addressed the P&Z stating that there has been no negative feedback received from the neighbors surrounding the Second Street address, nor from the announcement in the April 23rd newspaper. He also wanted the P&Z to be aware that seven of the surrounding neighbors had signed a letter in support of the Day Care, which had been submitted for review.

Judy Cunningham addressed the P&Z stating that besides herself, she would have 1 other full-time employee and 2 part-time employees at the Day Care. She also wanted to make the P&Z aware that there was off street parking in the back of the location as well as the drive in the front.

Earl Dickerson~ 804 East 2nd Street; wanted the P&Z to know that he was not comfortable with a business being located in a residential area and therefore did not want the Day Care at that location. He also stated that there is very little off-street parking available on 2nd Street and the alley behind is used on a daily basis by the neighbors. (5 garages)

Mr. Hendrix asked if there was any off-street parking available at all on 2nd Street.

Mrs. Cunningham stated that there was not. But she felt the gravel in the back of the property (off the alley) and the drive would be ample parking for her facility because there would only be 10 children.

Chairman O'Donnell asked Mrs. Cunningham if the area in the back already had gravel in place.

Mrs. Cunningham stated that it did not, but she was going to have gravel placed in that location to keep the employees vehicles off of the alley. She then stated that after the business was up and running, in approximately 1 year she planned on extending gravel from the front all the way to the alley so that parents would be able to drive through when dropping off/picking up children.

Mr. Hendrix asked what the immediate plan was for the dropping off/picking up of children.

Mrs. Cunningham stated that all of the employees would be parking in the back on the gravel, leaving the driveway for the parents to use for drop off and pick up.

Mr. Pratt asked what the ages of the children would be at the Day Care.

Mrs. Cunningham stated that per the State licensure, she could have 4 children under the age of 2 yrs, 6 children between the ages of 2-5yrs, and 3 part-time school age children.

Chairman O'Donnell asked Mrs. Cunningham if this would be her primary residence.

Mrs. Cunningham stated that it would not; it would only be used as a Day Care facility.

Mrs. Hiner asked if a State inspection had been done yet.

Mrs. Cunningham stated that it had been done and all the information had been given to Mr. Hendee.

Mrs. Hiner then asked if there was a fence located on the property for the children's play area.

Mrs. Cunningham said there was not at this time, but she had submitted a proposed fence plan that will be done after the CUP has been approved and prior to operating the Day Care.

Chairman O'Donnell asked about the square footage of the location and if the State had done the calculations as to how many children could be there.

Mrs. Cunningham stated that there is 980 sq. ft. inside and approximately 700 sq. ft. or play area outside, which allowed the State to permit her to have the number of children that she had requested on the CUP application submitted.

Chairman O'Donnell wanted the P&Z to be aware that even though it is a "residential" neighborhood that is being discussed, 2nd Street is actually a "commercial" street. He then stated that the only issue he sees is with the property, and if Mrs. Cunningham gravels the parking area that she mentioned, had a fence installed that meets the City requirements and obtains State Licensure, he is fine with all the other conditions listed by Mrs. Cunningham.

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

There were none.

Entertain Motion to Leave Public Hearing; motion made by Mrs. Hiner; seconded by Mrs. Copeman; On voice vote motion carries as follows; 7- ayes, 0- naves, 0- abstentions, and 0-absent.

*Entertain Motion for City Council to approve Conditional Use Permit for 813 E. Second Street, for Judy Cunningham, **contingent upon State Licensure, placement of fencing, and parking available in the back for 2 vehicles** ; Motion made by Mr. Hendrix; seconded by Mrs. Hiner; On voice vote motion carries as follows; 7- ayes, 0- naves, 0- abstentions, and 0-absent.*

Information to be sent to City Council for the May 18th, Meeting.

D. Conflicting Zoning Regulations

The Home Occupations section allows "home cooking for sale off-site" while prohibiting "catering".

Mr. Hendee addressed the P&Z stating that the wording in the "Home Occupations" section had conflicting information. He stated that there needed to be a definition that explained the difference between "home cooking for sale off-site" and "catering", since one was allowed and the other prohibited.

Chairman O'Donnell asked Mr. Hendee if he could take a look at how this was handled by other local Communities and submit that information to the P&Z to use as a possible guide-line.

Mr. Hendee stated that he would research and have the information ready for the next meeting.

This item to be reviewed and discussed at the June 8th Planning and Zoning Meeting.

Item 6. Miscellaneous

There was none to be discussed.

Item 7. Adjourn

Mr. Hendrix made a motion to adjourn; Mrs. Copeman seconded. On voice vote, the motion carried as follows: Ayes-7, nays-0, abstentions-0, and absent-0

The meeting adjourned at 7:52 p.m.

Minutes submitted by:

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