

THE **PLANNING AND ZONING COMMISSION** OF THE CITY OF RAYMORE, MISSOURI, MET IN REGULAR SESSION **TUESDAY, MAY 21, 2019**, IN THE COUNCIL CHAMBERS OF CITY HALL, 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING COMMISSION MEMBERS PRESENT: CHAIRMAN WILLIAM FAULKNER, KELLY FIZER, JIM PETERMANN, CHARLES CRAIN, MARIO URQUILLA, ERIC BOWIE (arrived at 7:05 p.m.), AND MATTHEW WIGGINS. ABSENT WERE MELODIE ARMSTRONG AND MAYOR KRIS TURNBOW. ALSO PRESENT WAS DEVELOPMENT SERVICES DIRECTOR JIM CADORET, ASSOCIATE PLANNER DAVID GRESS, AND CITY ATTORNEY JONATHAN ZERR.

1. **Call to Order** – Chairman Faulkner called the meeting to order at 7:00 p.m.
2. **Pledge of Allegiance**
3. **Roll Call** – Roll was taken and Chairman Faulkner declared a quorum present to conduct business.
4. **Personal Appearances** – None
5. **Consent Agenda**

a. Approval of the minutes of the May 7, 2019 meeting

Motion by Commissioner Urquilla, Seconded by Commissioner Petermann, to approve the May 7, 2019 minutes.

Vote on Motion:

Chairman Faulkner	Aye
Commissioner Wiggins	Aye
Commissioner Armstrong	Absent
Commissioner Bowie	Absent
Commissioner Crain	Aye
Commissioner Fizer	Aye
Commissioner Petermann	Aye
Commissioner Urquilla	Aye
Mayor Turnbow	Absent

Motion passed 6-0-0.

6. **Unfinished Business - None**
7. **New Business -**

A. Case #19005 - 30th Amendment to the Unified Development Code (public hearing)

Development Services Director Jim Cadoret provided the staff report. Mr. Cadoret indicated an amendment to the Unified Development Code (UDC) requires a public hearing that was properly advertised. He entered into the record the following: Growth Management Plan; Unified Development Code; Notice of Publication of the Public Hearing in The Raymore Journal; Staff Report; Photographs submitted by resident Jeff Adams; Resident comments included in the 2019 Citizen Survey; Citizen Survey Results on the backyard chicken question; Photographs submitted by resident Susan Dooley; and comments submitted by Planning and Zoning Commission member Melody Armstrong.

Commissioner Bowie arrived at 7:05 p.m.

Mr. Cadoret provided an overview of the proposed amendment, which includes language that would allow the keeping of fowl on single-family residential zoned lots in the RR, R-1A and R-1 zoning district, subject to the requirements of Section 205.280 of City Code. Section 205.280 is a proposed new section of the Animal Control Code that would establish the specific requirements for the keeping of fowl, including requirements on shelter construction, setbacks, neighbor consent, and general maintenance of the property.

Mr. Cadoret provided a history of the code changes regarding the keeping of backyard animals and the numerous discussions held on the topic. Mr. Cadoret stated there have been incremental steps taken in allowing backyard animals on larger residential lots. The proposed amendment is the next incremental step that could be taken to expand those areas where backyard fowl are allowed.

Mr. Cadoret indicated that staff was requested to present an ordinance that, if the decision was made to allow the keeping of fowl on smaller residential lots, staff could support from an administration and enforcement standpoint.

Mr. Cadoret indicated that staff is neutral on the amendment provided the language in the amendment is approved as submitted. Should the language of the amendment be altered, staff reserves the right to offer a recommendation.

Commissioner Urquilla asked staff for clarification that the Commission is being asked for a recommendation only on the UDC amendment and that the companion ordinance is only to be voted on by the City Council.

Mr. Cadoret indicated that the Commission is being asked to vote on the UDC amendment and provide feedback and comments on the animal control ordinance amendment.

Mr. Urquilla asked if ultimately the ordinances fall under the final approval of the City Council.

City Attorney Jonathan Zerr reiterated that the Commission is only making a recommendation on the UDC amendment and that City Council has final authority on the UDC amendment and on the Animal Control Code amendment.

Chairman Faulkner opened the public hearing at 7:28 p.m.

Mike and Peggy Phillips, 608 Loren Lane, indicated they are adamantly opposed to the keeping of backyard fowl. Ms. Phillips stated she has seen many changes in Raymore and lives in a subdivision that does not have a homeowners association and thus don't have that protection. Ms. Phillips expressed concern on the city's ability to enforce the code.

Dawn Simmons and Mark Whipperman, 517 N. Jefferson Street, indicated the pictures of where the ducks are being kept is the property that is located behind her property. She expressed concerns on the smell, mud, and the noise of the ducks quacking in the morning.

Sarah Gaston, 530 Foxridge Drive, thanked City staff for working on the proposed ordinance. Ms. Gaston stated the proposed ordinance is needed to keep the poor conditions from occurring and understands the frustration. The proposed code helps to prevent the poor conditions. Ms. Gaston stated she supports the proposed ordinance.

Briley Gaston, 530 Foxridge Drive, stated chickens are healthy for the environment and eggs are good for you. She stated that having animals have made a big impact on her life.

Sarah Gaston read a statement prepared by Emily Thacker, a former neighbor, regarding the time Ms. Gaston had chickens and that there were no odor or noise issues created by the chickens.

Bruce Noah, 502 N. Jackson Court, stated that the ducks belong to his son and are on his property. Mr. Noah stated he is trying to find a way to get rid of the mud mess on the property. Mr. Noah stated the animal control officers have been to the property multiple times and have found no violations. Mr. Noah indicated he is in support of the ordinance and for allowing fowl.

Tiffany Johnson Yoder, 4-H poultry project leader for Cass County, spoke on the benefits of keeping poultry.

Susan Dooley, 606 Condor Street, indicated that there are not a lot of people in Raymore that will want to keep chickens. She is only wanting to keep a few chickens that are not noticed by her neighbors. She indicated she is happy to accommodate the restrictions which are strict, but not unreasonable.

Dorinda Leichter, 11501 E. 195th Street, stated she lives just outside of Raymore and does keep chickens on her property. She spoke of the benefits of keeping chickens.

Dustin Branick, 811 Old Paint Road, appeared with his daughter. Mr. Branick was in support of the proposed ordinance and would like to have 2-3 birds with the intent of using the birds to teach his children.

Melody Woo, 801 S. Franklin, stated she is for the proposed ordinance. She indicated she may not want chickens, but does want her neighbors to be allowed to have chickens.

Jeff Adams, 521 N. Jefferson Street, indicated he provided the pictures of the ducks on behalf of Mr. Whipperman, who had asked for assistance on what to do about the keeping of ducks. Mr. Adams indicated he did an over-the-counter water test from runoff on Mr. Whippermans' yard that indicated high levels of e-coli and bacteria.

Mr. Adams commented that an ordinance should not be passed for the benefit of 5% of the City. He stated that based on the citizen survey most of the City residents do not want fowl on small residential lots. The open-ended responses clearly show most residents don't want to allow chickens on smaller lots.

Sara Locke, 404 S. Sunset Lane, indicated she is for the keeping of chickens.

Sheryl Dunham, 404 N. Park Drive, appeared with her granddaughter, and stated that when she lived in the County her neighbor did have chickens and she did not have any concerns. The neighbors property was clean and there were no issues. Ms. Dunham stated she is in support of allowing chickens.

Lilly Gaston indicated she used to have chickens and she kept the area clean. She stated Raymore should allow chickens

Joyce Noah, 502 N. Jackson Court, stated her property is where the ducks live. She indicated she is in favor of allowing chickens.

Austin Noah, 502 N. Jackson Court, stated he is in 4-H and wants to be able to keep the ducks and be allowed to have chickens.

Melissa Hewitt, 306 Eagle Glen Court, stated she is in support of the keeping of chickens.

Mindy Limbaugh, 2185 Sierra Drive, indicated she is in favor of allowing chickens even though she lives in an HOA where she may not be able to have chickens. She believes every community will be allowing chickens at some point due to rising food costs.

Carl Kent, 503 N. Park Drive, stated this is about people that live in Raymore and 95% of the residents of Raymore don't think about chickens or want chickens.

Melody Woo, 801 S. Franklin, asked for clarification on whether the survey actually stated 95% of the people did not want chickens.

Mr. Cadoret stated that the 95% reference may have been taken from the slide that depicted only 5% of the residents that responded to the survey identified as one of their top 5 choices that the city should explore amending the code to allow backyard chickens.

Chairman Faulkner closed the public hearing at 8:20 p.m.

Motion by Commissioner Urquilla, Seconded by Commissioner Crain, to accept the staff proposed findings of fact and forward a recommendation of approval of case #19005, 30th amendment to the Unified Development Code, to the City Council subject to the condition that the two proposed ordinances move forward as written.

Commissioner Wiggins asked about those areas that have the "P" designation with the R-1 zoning classification, such as the Eagle Glen Subdivision that is zoned R-1P.

Mr. Cadoret indicated that the "P" Planned District designation is an overlay district to the R-1 single-family classification. All of the requirements of the R-1 district would apply to an R-1P zoned property. If fowl were allowed in the R-1 district, fowl would be allowed on a property zoned R-1P.

Commissioner Wiggins asked for clarification on a property zoned PUD, and are those properties considered as R-1 properties.

Mr. Cadoret indicated the PUD zoning classification is a separate and distinct zoning classification and the proposed ordinance would not allow fowl in a PUD district.

Mr. Zerr indicated the PUD designation is distinct and would not extend the R-1 allowed uses to the PUD district.

Commissioner Wiggins asked about what happens to those individuals that live in an HOA that restricts the keeping of chickens.

Mr. Zerr stated that a property owner that lives in a HOA that restricts the keeping of chickens would not be able to maintain chickens on the property.

Mr. Cadoret stated that the City may know a property is subject to HOA restrictions, but if that property owner obtains consent of the neighbors and follows all of the requirements of the City Code, the City would issue a permit for the keeping of chickens.

Commissioner Wiggins commented that the Commission is considering an ordinance that is more than just for allowing chickens, and that the definition of fowl covers a lot more than chickens.

Commissioner Wiggins commented on the requirement that shelters can be no higher than 8 feet, and that shelters cannot be visible from a city street, but City Code limits fence height to just 6 feet and he was not sure how someone on a corner lot would be able to have chickens and meet the requirements.

Commissioner Crain asked if staff had any discussions with staff from those communities that currently allow chickens.

Mr. Cadoret indicated there have been discussions and that the communities are not seeing an influx of applications and there have not been issues with enforcement to date.

Commissioner Crain asked how many surveys were sent out.

Mr. Cadoret stated 2000 were mailed out, and 574 surveys were returned.

Commissioner Crain commented that of those returned, only 9 made negative comments on chickens.

Commissioner Bowie asked if the City had the resources for enforcement of the proposed ordinance.

Mr. Cadoret stated the City has 3 enforcement officers, two being animal control officers. City staff believes current staffing is adequate to handle the expected number of applications.

Commissioner Petermann asked what is considered a neighbor regarding the need to secure consent of neighbors.

Mr. Cadoret stated a neighbor would be the owner of property that is immediately adjacent to and abuts the property seeking the approval.

Commissioner Petermann asked if there was anything in code about chicken fighting.

Mr. Cadoret stated there are other provisions in the animal control code that would address that concern.

Commissioner Urquilla commented that he made the motion with the interest of bringing under one code all provisions of the keeping of fowl.

Chairman Faulkner asked about the letter that was submitted to the Commissioners and labeled as Exhibit 9.

Mr. Cadoret stated the letter was submitted from Planning and Zoning Commissioner Melody Armstrong who was unable to attend the meeting. Ms. Armstrong wanted to provide her comments for the Commission to consider.

Chairman Faulkner asked that with a motion for approval, and with two Commissioners absent, if a motion to continue would be in order.

Mr. Zerr commented that there is a motion on the floor that must be voted on first.

Commissioner Fizer wanted to clarify that the proposed amendment would allow turkeys and fowl other than just chickens.

Mr. Cadoret stated that the definition of fowl includes hens, ducks, geese, turkeys, doves, and pigeons.

Vote on Motion:

Chairman Faulkner	Nay
Commissioner Wiggins	Aye
Commissioner Armstrong	Absent
Commissioner Bowie	Nay
Commissioner Crain	Aye
Commissioner Fizer	Aye

Commissioner Petermann	Nay
Commissioner Urquilla	Aye
Mayor Turnbow	Absent

Motion failed 4-3-0 as a majority vote of all Commissioners is required for a motion to pass.

Mr. Zerr stated that for a motion to pass there must be a majority vote of the full Commission. If the Commission takes no further action the case will proceed to the Council with no recommendation.

Motion by Commissioner Wiggins, seconded by Commissioner Crain, to provide no recommendation and send the case on to City Council.

Mr. Zerr stated no further vote at this point would be no recommendation sent to the Council.

Commissioner Wiggins withdrew the motion.

Mr. Cadoret stated the amendment will be considered by the City Council on June 24, 2019.

Commissioner Bowie asked if City Council would receive all of the information provided to the Commission, including the minutes.

Mr. Cadoret stated that Council will receive all exhibits presented, including the minutes from the Commission meeting.

8. City Council Report

Jonathan Zerr provided the report for the May 13, 2019 City Council meeting.

9. Staff Report

Mr. Gress provided an overview of the upcoming cases to be considered by the Commission.

10. Public Comment

No public comments.

11. Commission Member Comment

Commissioner Crain indicated he was disappointed the case was not approved. The requirements are self-regulating and he hopes City Council passes the ordinance.

Commissioner Wiggins thanked staff for its work on the amendment.

Commissioner Urquilla thanked staff for its continued research and work on the topic. He expressed disappointment that there was no recommendation to send to City Council and hopes that City Council will consider all of the information submitted and make the best choice for Raymore.

Commissioner Petermann thanked staff for its work on the amendment.

Commissioner Bowie thanked staff for all of its work. He thought the majority of the City does not share the sentiment that was expressed at the hearing. Mr. Bowie commented that there is a larger group of citizens that do not share the sentiment of the majority of individuals that spoke during the hearing. He commented that there are cities that do allow fowl but there are a lot of cities that do not.

Chairman Faulkner thanked staff for its work.

12. Adjournment

Motion by Commissioner Wiggins, Seconded by Commissioner Bowie, to adjourn the May 21, 2019 Planning and Zoning Commission meeting.

Vote on Motion:

Chairman Faulkner	Aye
Commissioner Wiggins	Aye
Commissioner Armstrong	Absent
Commissioner Bowie	Aye
Commissioner Crain	Aye
Commissioner Fizer	Aye
Commissioner Petermann	Aye
Commissioner Urquilla	Aye
Mayor Turnbow	Absent

Motion passed 7-0-0.

The May 21, 2019 meeting adjourned at 8:53 p.m.

Respectfully submitted,

Jim Cadoret