

THE **PLANNING AND ZONING COMMISSION** OF THE CITY OF RAYMORE, MISSOURI, MET IN REGULAR SESSION **TUESDAY, NOVEMBER 6, 2018**, IN THE COUNCIL CHAMBERS OF CITY HALL, 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING COMMISSION MEMBERS PRESENT: CHAIRMAN WILLIAM FAULKNER, KELLY FIZER, ERIC BOWIE (arrived at 7:05 p.m.), MARIO URQUILLA, MATTHEW WIGGINS, JIM PETERMANN, MELODIE ARMSTRONG (arrived at 7:05 p.m.) AND MAYOR KRIS TURNBOW. ABSENT WAS CHARLES CRAIN. ALSO PRESENT WERE ASSOCIATE PLANNER DAVID GRESS, ASSISTANT PUBLIC WORKS DIRECTOR GREG ROKOS, 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 minutes of October 16, 2018 meeting**

**Motion by Commissioner Wiggins, Seconded by Commissioner Urquilla to approve the October 16, 2018 meeting minutes.**

**Vote on Motion:**

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

**Motion passed 6-0-0.**

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

**A. Election of Officers**

Chairman Faulkner reviewed the three offices of the Commission to be elected.

Commissioners Bowie and Armstrong arrived.

**Motion by Commissioner Wiggins to nominate Commissioner Faulkner as Chairman.**

**Vote on Motion:**

Chairman Faulkner	Aye
Commissioner Wiggins	Aye
Commissioner Armstrong	Aye

Commissioner Bowie	Aye
Commissioner Crain	Absent
Commissioner Fizer	Aye
Commissioner Petermann	Aye
Commissioner Urquilla	Aye
Mayor Turnbow	Aye

**Motion passed 8-0-0.**

**Motion by Chairman Faulkner to nominate Commissioner Fizer as Vice-Chairman.**

**Vote on Motion:**

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

**Motion passed 8-0-0.**

**Motion by Commissioner Urquilla to nominate Commissioner Crain as Secretary.**

**Vote on Motion:**

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

**Motion passed 8-0-0.**

## **B. 2019 Meeting Calendar**

Associate Planner David Gress presented the proposed meeting calendar for the Commission for 2019.

**Motion by Commissioner Urquilla, Seconded by Commissioner Wiggins, to approve the 2019 meeting calendar for the Planning and Zoning Commission as presented.**

**Vote on Motion:**

Chairman Faulkner	Aye
Commissioner Wiggins	Aye
Commissioner Armstrong	Aye
Commissioner Bowie	Aye

Commissioner Crain	Absent
Commissioner Fizer	Aye
Commissioner Petermann	Aye
Commissioner Urquilla	Aye
Mayor Turnbow	Aye

**Motion passed 8-0-0**

**C. Case #18023 - AutoTopia Conditional Use Permit for a sign at 1000 E. Hubach Hill Road (public hearing)**

Kevin Shaw, owner of AutoTopia Detailing, located at 1000 E. Hubach Hill Road, presented his request. Mr. Shaw stated the sign has been effective for his business, which is located in a rural area of the City. He indicated he does have a web site but the demographics of his customer don't utilize social media so the sign has been most effective.

Mr. Shaw indicated he has a auto detailing business that he does on a part-time basis. He believes the City would benefit, and the customers would benefit, by the presence of the business in the City. He indicated the sign would be located beside the driveway on Hubach Hill Road.

Commissioner Urquilla asked Mr. Shaw if he considered renting a space in a commercial area where a sign would be allowed.

Mr. Shaw responded that he has, but he targets the rural area customer and this is a part-time side business.

Commissioner Bowie asked Mr. Shaw if he had an occupational license for the business.

Mr. Bowie indicated no. He stated that until he is told whether he can have a sign it would be a waste of time to obtain the license. If the sign request is denied it is not worth having the business.

Mr. Bowie asked if one sign is enough for the business.

Mr. Shaw stated it is as there is adequate traffic in the area.

Commissioner Urquilla asked how Mr. Shaw had determined who his target audience is.

Mr. Shaw commented that he has tried many methods of reaching customers.

Commissioner Bowie asked Mr. Shaw what the business does.

Mr. Shaw stated it is an auto detailing business, including waxing cars, detailing cars, and specialized interior work on cars.

Mr. Gress presented the staff report. He indicated Mr. Shaw is requesting a conditional use permit to allow a sign for a home-based business. Signage is not allowed for any home-based business.

Mr. Gress stated this application originated from a code enforcement action when two signs were identified on the residential property. The applicant has been advised that a home occupation license is required to have the business and that no sign is allowed.

Mr. Gress stated that the applicant initially removed both signs, although the one sign near the driveway has reappeared on occasion.

Mr. Gress indicated that staff has also observed the parking of a vehicle that has a sign on it parked at the end of the driveway along Hubach Hill Road. This is a violation of the UDC.

Mr. Gress indicated that staff has submitted findings of fact for the Commission to consider and recommends denial of the conditional use permit request. Mr. Gress commented that if the Commission decides to recommend approval of the request that staff does recommend the inclusion of three conditions outlined in the staff report be part of the recommendation of approval.

Commissioner Urquilla asked if approving this request would set a precedent for future home occupation businesses that may also want to install a sign.

City Attorney Jonathan Zerr stated he believed so, although each case does require separate review from the Commission.

Mr. Gress did add the following items into the record: the Growth Management Plan; Unified Development Code; Notice of Publication in The Journal; and the staff report.

Commissioner Bowie asked about the sign on the vehicle and what constitutes it being a sign.

Mr. Gress stated that signage on the vehicle is not a violation, but when the vehicle is parked in such a manner wherein the vehicle is principally being utilized as a sign, it is a violation. In this instance, the vehicle was being parked at the end of the driveway, far away from the house, and was being used for the principle purpose of advertising the location of the business.

Commissioner Wiggins asked if there is a time restriction attached to vehicle signs, such as how long the vehicle is parked before it becomes a sign.

Mr. Gress indicated for the purpose of defining the vehicle as a vehicle sign, staff will where the vehicle is parked on property and what the principal purpose was for where the vehicle was parked.

Commissioner Wiggins asked if any neighbors approached staff either in support or opposition.

Mr. Gress stated staff has not been contacted by any of the neighbors.

Commissioner Bowie asked how long the signs have been installed.

Mr. Gress stated staff first observed the signs in October of 2018.

*Chairman Faulkner opened the public hearing at 7:40 p.m.*

Clay Hubach, 1002 E. Hubach Hill Road. Mr. Hubach stated that since the sign was installed against the fence it is not an eyesore. The home is on 5-acres and stated his property is over 5-acres. He believed signage in this rural area is different that signage in a dense residential subdivision. Mr. Hubach commented that he believed the sign Mr. Shaw had was appropriate for the area.

Mr. Shaw stated if the sign is approved he can remove the car and park it where it belongs. The car is parked there for only a couple hours in the evening and maybe 6 hours on the weekend.

Jonathan Zerr indicated that the vehicle sign is not the requested application this evening.

Mr. Shaw stated the sign being requested is the sign that was previously displayed on the property.

Mayor Turnbow asked how long the business has been in operation.

Mr. Shaw commented approximately two months.

Mr. Hubach thought it was around August when the sign first went up.

*Chairman Faulkner closed the public hearing at 7:50 p.m.*

Commissioner Bowie asked how many complaints had been filed.

Mr. Gress stated one.

Commissioner Petermann asked the applicant if he heard correctly that he does not currently have an occupational license and does not intend to get one if his sign request is not approved.

Mr. Shaw stated that if he does not receive approval for the sign then there is no point to secure the license.

Commissioner Petermann asked for clarification if the business would then cease.

Mr. Shaw stated that without the sign there is no business. Social media does not work to advertise the business.

**Motion by Commissioner Urquilla, Seconded by Commissioner Fizer, to accept the staff proposed findings of fact and forward Case #18023, AutoTopia Conditional Use Permit for a sign at 1000 E. Hubach Hill Road, to the City Council with a recommendation of denial.**

Commissioner Wiggins stated that the ultimate decision is for City Council to make.

Commissioner Bowie asked staff if the sign was compatible with other existing signs in the area.

Mr. Gress stated no, since if the properties in the County that had signs were in the City they would not be allowed to have the signs.

Commissioner Wiggins commented that the property across the road is in Cass County and the Commission has no control on signage being placed in the County area.

Chairman Faulkner commented that he remembers when pole signs were allowed and many changes have been made to the UDC with a general tightening of the rules on signs. He commented that he does have concern with setting a precedent and allowing home based businesses to have signage.

Chairman Faulkner stated that a conditional use permit depends upon the specific request and the surrounding area, including use of land.

Mr. Zerr commented that the Commission needs to make its decision based upon the findings of fact identified in the UDC.

Commissioner Armstrong commented that she thought part of the responsibility of the Commission is to promote business and the sign code appears to be against that and is counterproductive.

Commissioner Bowie commented that he was wondering if this request would have a significant impact, or cause harm, to the surrounding property.

Commissioner Urquilla stated the UDC was adopted in 2009 and the plan is for the City to grow in a strategic manner. He stated concern of approving a sign request tonight and setting a precedent

**Vote on Motion:**

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

**Motion passed 6-2-0.**

Commissioner Bowie stated his concern on the motion was that each request must be based on its own merits and would not consider this request precedent setting. If the request was for a small lot rather than a large acreage lot he may have a different opinion.

Commissioner Armstrong agreed with the comments from Commissioner Bowie.

**D. Case #18025 - 29th Amendment to the Unified Development Code (public hearing)**

Mr. Gress provided the staff report on the request. An amendment to the UDC does require a public hearing and the following items were entered into the record: Growth Management Plan; Unified Development Code; Notice of Publication in The Journal; and the Staff Report.

Mr. Gress commented that this topic was discussed in August of 2018 as part of the annual review of the UDC and the 28th amendment. Staff did complete additional research on what other community regulations were and shared that with the Commission in October. The Commission then directed staff to proceed with incorporating the proposed changes into the 29th amendment to the UDC.

Mr. Gress stated there are two proposed changes to the UDC. First, the minimum width of sidewalk would be increased from 4 to 5 feet. Second, the sidewalk shall be constructed on the property line instead of 1 foot from the property line. These changes would take effect for any new subdivision plat recorded after January 1, 2019.

*Chairman Faulkner opened the public hearing at 8:11 p.m.*

There were no public comments.

*Chairman Faulkner closed the public hearing at 8:12 p.m.*

Mayor Turnbow stated he previously expressed trepidation on the proposal but has had opportunity to talk with staff and with several other Mayors and will now be supporting the request.

Commissioner Wiggins commented he also had some resistance on the request but did have experience recently on pulling a wagon on a 4-foot sidewalk and had some issues, and is now supportive of the request.

Chairman Faulkner stated that with staff research there are 7 other communities in the area that do require 5-foot sidewalk, but three communities still only require 4-foot sidewalk. He commented that he is not opposed to the change but is not in a hurry to make the change.

Commissioner Bowie thought the proposal adds to the walkability of the City and appreciates the proposal.

**Motion by Commissioner Wiggins, Seconded by Commissioner Urquilla, to accept the staff proposed findings of fact and forward Case #18025, 29th amendment to the Unified Development Code, to the City Council with a recommendation of approval.**

**Vote on Motion:**

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

**Motion passed 8-0-0.**

**8. City Council Report**

Mr. Zerr provided an overview of the October 22, 2018 meeting of the City Council.

**9. Staff Report**

Mr. Gress provided an overview of the upcoming cases to be considered by the Commission.  
Mr. Rokos provided an overview of the status of current City infrastructure projects.

**10. Public Comment**

None.

**11. Commission Member Comment**

Commissioner Bowie stated he enjoyed his one day at the Missouri APA Conference in Kansas City. He stated he attended several interesting sessions.

Commissioner Petermann stating he is looking forward to being a member of the Commission.

Commissioner Wiggins stated he appreciated the joint work session with the City Council and the presentation from staff on universal design.

Commissioner Fizer appreciated the presentation on universal design and looks forward to future discussion on the topic.

Mayor Turnbow thanked Commissioner Petermann for agreeing to participate on the Commission.

**12. Adjournment**

**Motion by Commissioner Urquilla, Seconded by Commissioner Bowie, to adjourn the November 6, 2018 Planning and Zoning Commission meeting.**

**Vote on Motion:**

Chairman Faulkner	Aye
Commissioner Wiggins	Aye

Commissioner Armstrong	Aye
Commissioner Bowie	Aye
Commissioner Crain	Absent
Commissioner Fizer	Aye
Commissioner Petermann	Aye
Commissioner Urquilla	Aye
Mayor Turnbow	Aye

**Motion passed 8-0-0.**

The November 6, 2018 meeting adjourned at 8:29 p.m.

Respectfully submitted,

Jim Cadoret