

Fair Grove Planning and Zoning Open Meeting  
81 S Orchard  
Fair Grove, MO  
August 5, 2024

Roll call taken by Chairman John Hayes.

Dennis Roe present, Travis Lee present, Darrin Moyers absent, Tommy Voorhis absent, Don Brite present, Shawn McCormick present, Paul Foreman absent.

Meeting called to order at 6:37 pm

PUBLIC PORTION -Public may speak on any item on this agenda.

1. Approve Planning and Zoning minutes from July 1, 2024: Add word “been” to page one Roe’s statement about farm animals being Grand-fathered in.

Motion by McCormick to approve July 1, 2024 minutes. Second Lee  
Discussion: None

Dennis Roe aye, Travis Lee aye, Don Brite aye, Shawn McCormick aye

Old Business:

1. Discuss and/or approve shipping container verbiage to be recommended to Board of Aldermen.

Hayes: This is a consolidation of 4 different cities put together. Storage, not occupancy of any sort. The discussion that I would like to have, is everyone’s input on where does it lack, where does it read, what do we need to add/delete. Have some discussion regarding storage containers as buildings or occupied residences. The red marks you see on here, I sent it over to Dennis last week. Dennis added some stuff and also noted some changes that would be more in compliance with existing ordinances. Dennis and I also discussed our personal feeling on container homes and residences, which we all discussed at the last couple of meetings. I wanted to go on record with everyone’s thoughts and feelings and what the input was from you guys so we can make a recommendation to the Board of Aldermen.

Roe: My comments in red are my recommendations. When we get to those areas, I can explain my line of thinking. Certainly open to other people’s opinions. I’ll simply start by saying that when we started this, I was against having these storage containers, period. Listening to everybody talk about how we’ve got some large lots in town, it kind of makes sense that we need to put rules on it. That’s where I’m at.

Brite: One thing that I’ve thought about reading through all of this was that people use pods to move, it’s covered in here. That’s one thing that I had thought about.

Hayes: So moving, temporary storage it’s a different classification, whether it’s going to be temporary. So in my opinion it should be distinguished as temporary or permanent. If it’s permanent, we need to have some type of ordinances in place so we’re not diluting property values or anything like that. If it’s temporary, obviously we want to be as flexible as possible, because either someone is moving or they have had a house fire, remodeling or whatever. And then all of those would fall under, not necessarily a pod, but if someone is reconstructing a home and it takes them, most homes are over a year in construction here, especially if you had a fire or something like that.

Brite: The only thing that I saw and that I questioned was on the 3<sup>rd</sup> page under B – residential districts. Under number 2, section A where it says at the end of paragraph. It says it has to be removed within 3 days after the

issuance of the occupancy permit. So an occupancy permit, they can't have anything moved in at that time. When they get the permit, they only have 3 days to get it emptied out and moved. That to me seems to be a little quick.

Roe: This is particular for construction tools. I don't think it pertains to a pod for temporary storage.

Hayes: What he's saying is if they have a separate Conex. If they had a fire and moved all of their stuff into the container and then they still have one, with all of the tools and lumber and everything else. It's still going to be more than 3 days to unload that. Your point, if you've got personal belongings in there, being stored, they will need more than 3 days to unload them.

Brite: If you have a house full of furniture in there, you can't move any of that in until you get your occupancy permit. 3 days is a little tight.

Roe: I agree with Don. I see where you're going.

Hayes: So same as above, just change it to 21 days? I would recommend 21 days. That would give them 3 weeks.

Roe: The others I changed to 21 from 14. If you hit a holiday you will lose some of those days. So that's why I changed the others.

McCormick: It's written where if they want to submit for another permit, if it's going longer than 21 days. They can submit for another permit. We just need enough leeway in there for each case by case scenario.

Hayes: Yes, the city that I copied this from, the construction permit basically gives them temporary for 6 months and then they can file for a second 6 months.

Roe: I do have a question for the group. If you go to page 2, where it says residential property placement. I added D - Shipping containers can only be placed on R-1 and R-2. The more I thought about that, we've got R-3, R-4, Commercial and Industrial. Can any of those lots be smaller than a 1/2 acre? I made the assumption those are going to be conditionally large lots.

Hayes: We can look into that, but some of the industrial/commercial lots are smaller. I would think.

Roe: The commercial lot that sold over a year ago next to Premiere automotive is a 130' X 130'. We may need to address those as commercial as well

Hayes: The other thing that I would want everybody's opinion on, is 1/2 acre big enough? A 1/2 acre is not that big of a property

Roe: Richard asked last week, where we were on this. I told him that we've got a preliminary one that we are studying. He asked about lot size and I said I put in their 1/2 acre and he agrees that it needs to be bigger.

Brite: What is the average lot size in Fair Grove? What are Seneca or Shannondoah lot sizes?

McCormick: Those are probably 1/4 acre lots.

Roe: Approximately 14,000.

Brite: Basically what we are saying is that they can't put shipping containers on their lots.

Roe: Yes, right and that's what I was focusing on, Don. Major subdivisions we have here in town.

Hayes: The other thing is part of this addresses the easements. They can't be on an easement or utility line. A lot of those smaller lots here in Fair Grove would have to be in the backyard. How would you get it back there? You would literally have to crane it over the house.

Brite: That's just it, do we want to limit the lot size or do we just set our easements to where they wouldn't fit by easements, setbacks I mean.

Hayes: I think most of the lots would, but I think it would be overwhelming the lot if it was on a 1/2 acre. I would be opposed to having two different size requirements, based on if it's a single conex or double conex. If someone brings in a 40 or 60 footer, that's big.

Roe: If we said all zoning lots to be a minimum of whatever that is .75 or 1 acre.

McCormick: I don't know how many. Even .75 is pretty small.

Hayes: We had 2/3rds of an acre. Even if I tried to put it in the back, it would have been into the easement for the utility line. I am open to anything.

Roe: Don's comment about the easement and setbacks, somewhere in here it says it has to follow the accessory building code. That's where the setbacks are determined. Like a portable shed.

Brite: Even the portable sheds, you can get those about any size. Do we just go by the easements and setbacks or do we limit the lot size?

Roe: That's taking the easy route, by limiting the lot size.

Brite: If we follow the accessory storage building setbacks. I don't see much difference other than visual, in how they look. I don't see any difference in an 8 x 20 portable building, stick building moved onto the property or a conex 8 x 20. They are still going to take up the same amount of space on that lot.

Hayes: Most of these shipping containers are 14' wide?

Brite: No, they're 8 feet wide. 8.5' is the widest DOT will allow on the road, without permits.

Hayes: And then they're 20, 30, 40? It would be pretty tight, getting it onto a lot between properties.

Brite: Most of them that I've seen are 20's and 40's. And then with height restriction they're only going to be 7' tall.

Hayes: That would be pretty tight, getting it on a small lot in between your neighbor's fence.

Brite: It wouldn't be any different than moving a portable building in there.

Roe: Can we come to an agreement on the minimum lot size? .75?

Brite: I'm not sure what size the one is on Rock Ridge.

Roe: It would not pass this. It would be grandfathered in. Just to give you an idea, I talked to Sherry Veach and her lot size is 1 acre.

Hayes: Yes, it's a larger lot.

Roe: I like the idea of specifying a minimum lot size, that's super easy to enforce.

Brite: Are we going to enforce that same lot size on any other storage building?

Roe: No, just for the Conex. This is specific for shipping containers used as storage buildings. I see the wheels are turning and I'm not rushing you, Don.

Brite: I just have a problem with saying, because you have a smaller lot, you can put a portable building that's 8 x20 on there, but you can't put a Conex on there that's 8 x 20.

Hayes: The only other thing we need to address is that it needs to be one color. What if they set it right outside the easement, next to the neighbors.

Brite: As long as it meets setbacks requirements and easements requirements, I don't see the difference between a Conex and a portable building other than one is steel and the other wood. I agree, that the wood one looks nicer. But if you can't afford the wood building, can you afford the Conex? Should we say "no you can't have that conex, even though it will fit the setbacks and everything for the accessory storage buildings. Then it will be up to them to get it in there. That's going to be an issue with most of the places anyway.

Hayes: I would hope that most people would do the due diligence and actually price it out.

Brite: Which is why they do the wood buildings. Because they can be built on site and put back in there. Which I don't know if on the accessory buildings, can we do some verbiage in that area of our codes to add Conexes'.

Roe: Basically you are talking about a very small shipping container?

Brite: The 8 x 20's that's the smaller ones.

Brite: It's a shipping container. 8' x 20' the smaller ones. Even an 8' x 40' if it fits on your property and meets the setback requirements all the way around. It's my back yard and it can't be seen easily from the road and it's all one color and its not more than, what was it, 25% of my house square footage. I think accessory buildings have that requirement as well, they can't be more than a certain percentage of the primary structures square footage. If it meets all of those requirements, I don't see the difference between the shipping container and a portable building.

Hayes: What about your neighbor backs up behind you.

Roe: That's exactly what I was thinking.

Hayes: In Copper Canyon, where I came from, they had to fence it off so it wasn't visible to you. It basically just made where by the time you do all of that, then everybody went to a wood building. It's just easier and cheaper all the way around. Some of these companies, if you pay for transport, they'll give it to you for free on these shipping containers. That's the dilemma that we're in. What visibility do we want?

Brite: But are we an HOA? Or are we a city?

Hayes: Basically the same thing. It's like we are trying to make the city better.

Roe: We are protecting property values

Hayes: It's like putting a water tower in your back yard. It's necessity, but do you really want one in your own back yard.

Brite: I get where you are coming from. I'm just one voice.

Hayes: Most of the small houses over there, if we do the rough math, the 25% rule. It's 1200 square feet. 8x 20 is barely going to cover it. The 8x40 is not. Personally, my opinion. I think if we allow them, it needs to be on a bigger lot.

Roe: I feel very strong about that. That's where I'm at.

McCormick: I worry about it, even if they had the setbacks and everything was good there. If the lot is too small, it will dwarf the property in my opinion and I get it, a portable, stick built building, it's got a roof on it. Most of them have shingles and esthetically they look better.

Brite: I agree.



Hayes: Don to your point, I'm the last one to want to sit here and argue. Travis, anything else.

Lee: I can see Don's point on this, if it's the same size storage and there's no difference. I see where Don is coming from and I see where you guys are coming from as well.

Hayes: Can we agree that it needs to be  $\frac{3}{4}$  of an acre, just for overall lot aesthetics and proportions or is that too high?

Brite: If were going with lot size, I'm thinking a  $\frac{1}{2}$  acre.

Hayes: Then basically the override would be the size of the house? 1,000 square foot house and a one car garage would kick it out.

Brite: Yes, I think they need to be in the same category as the portable buildings, portable storage shed, the accessory storage buildings. They need to be in the same grouping.

Hayes: Most other cities have it. They have this verbiage then just under that same section.

Brite: Just follow those same setbacks all the same guidelines for an accessory building. These conex's are an eyesore, but if you have them painted all one color. They are a flat roof. They will probably be shorter than a stick built building with shingles, because of the peaked roof. They're all going to be probably 7' tall inside.

Hayes: I'm good with that, as long as the other stuff is followed. Like it has to be up on blocks to allow air circulation. It has to be skirted so critters don't get under it. I personally won't budge on that. It can't have any utilities hooked to it. No water, no power, no sewer.

Roe: I'm still struggling, Don's saying included as part of the accessory building.

Hayes: It would still have the same requirements that accessory buildings have.

McCormick: It wouldn't be  $\frac{1}{2}$  acre,  $\frac{3}{4}$  acre, it goes by square footage of your primary? Right?

Brite: You can't put 3 or 4 accessory buildings out there and go over 25% of your primary structure.

Roe: I'm going to say no. I do not agree with that?

Hayes: If it's a 1,200 square foot house, the 40' would not be eligible to go on anything under a 1,200 square foot house. It would have to be one of the small units.

McCormick: I'm not well versed on the storage unit. What are the setbacks on the storage units, stick built?

Hayes: With easements and utilities. They have to be 25' off the property line.

McCormick: What's the minimum lot size you have to have?

Brite: They've got to be 25' off the property line.

Roe: What you're thinking of is if you're next to the street. There are setbacks from the center of the street. Depending on if it's an arterial street. There's like 4 street designations? There is a setback on the property line. Depends on if there's a street or no street. I know the street has a further setback. That's from the center of the street.

McCormick: I thought the other was 8 feet.

Hayes: Side yard is 8 feet, on a side yard setback shall be increased. So from the sides to the street is 20 feet but otherwise, it's 8 feet. Maximum structure height is 25 feet, which you would be fine with that.

Roe: Accessory Building and structures.

Hayes: Do you remember what section it is Dennis?

Roe: Yes I do. It is 405.370, Accessory uses and structures.

Hayes: It says there's no minimum requirement. Just says, structures permitted, accessory structures for storage of incidental to permitted uses provided no such storage is that accessory to a residential structure, exceeding 25% of the residential buildings ground floor level gross area. So it's not even the whole house, the way it's written, it's just the first floor.

Roe: That's good to know. It makes sense.

Brite: If you've got a small ground floor and two stories you could have a pretty small lot and have that on a small lot.

Roe: The smaller storage containers you are talking about. I have never seen those.

Brite: 8' x 20'? The School had 2 or 3 for a time.

Hayes: As far as placements, the only thing it says is bulk and setback regulations all accessory structures and uses shall comply with the bulk and setback regulations applicable in the zoning district in which they are located.

Brite: So on setbacks, they would have to comply with R-1 setbacks?

Roe: 8 feet on the side

Hayes: Unless you've got a side road next to it and it would be 20 feet. So what do you guys want to put forth? Seems like were back and forth.

McCormick: If it follows all of the other regulations, maybe the lot size would take care of itself.

Hayes: You could do it real simple and have one sentence and do what a couple of cities have done and outlaw all shipping containers for storage or for residence. I mean one line and we're done.

Roe: I don't want to do shipping containers on small lots, but I'm hearing 3 against one. So I think the majority wins, if you all move forward with that.

Hayes: I'm thinking of smaller lots on the north end. I wouldn't want to see it there.

Roe: I don't think houses in Meadow Woods, of course Meadow Woods has an HOA would allow something like that.

Brite: If you think of all the houses down Main street, all of the houses down Maple, some of those houses can be pretty small.

McCormick: I can't think of a lot I would want to see a shipping container on?

Brite: I wouldn't want to live by them. If we're going to allow an outside portable building for storage, I don't see where we could just blanket and say no to shipping containers.

Hayes: Unless it falls under structural integrity or something like that. They are not technically engineered for storage.

Brite: They are a heck of a lot stronger than a portable building.

Hayes: Guaranteed, yes.

McCormick: I don't know if there's a right or good answer. I think we have to go off lot size. I was leaning toward .75 but would go with 1/2 acre.

Hayes: Is there something that shows what the percentage of the city lots are?

Roe: I don't think we have any data like that.

Hayes: And the only existing ordinances are that it's 12,000 square feet or larger

Roe: For new construction.

Hayes: and then it's based on neighborhood and then HOA's override that?

Roe: HOA's can override anything, except the lot size. To the best of my knowledge we only have one HOA and that's Meadow Woods.

Brite: Yes, Meadow Woods is an HOA.

Roe: Shannondoah across from the HS was supposed to have an HOA, but it did not get established.

Brite: I just think about my neighborhood. My neighborhood is acre lots on the inside and 2 acres lots on the outside. We've got huge lots. Even the inside lots are big. I've owned both, an inside and outside lot. We've got tons of room. If we go to .75 acre lots, that's going to eliminate probably 80% of fair grove residential.

McCormick: I would be ok with 1/2 acre.

Brite: So what was Richard saying?

Roe: He thought it should be bigger. As you know, Aldermen have the final say. I try to balance that with this group. I've been there long enough that I kind of know how they're thinking.

Brite: I get it, it's just my opinion.

Roe: What I put under my comments, is my opinion. I know how Richard feels and I don't always agree with Richard. Like I said I came from no shipping containers period, to this so that was a big step for me.

Hayes: So do we have a consensus to move forward with a 1/2 acre and all the other building requirements?

McCormick: On page 4, in the red, shipping containers shall not have any utility connected. Change "use to used" as a residence.

Roe: Good catch. The next page John, you mentioned E at the top. International property maintenance code is adopted by the city. I don't know....

Hayes: That was actually out of California, MO code. We can strike the whole section E.

Roe: I didn't know if you knew of something Fair Grove had that I wasn't aware of.

Hayes: No, it was a cut and paste. That was my oversight. Also E in section 5 at the bottom the \$15 for the application fee for the permit. That was a cut and paste too. I wasn't trying to set a value.

Roe: I think \$15 is our minimum fee. I'm ok with leaving that in there, until somebody finds a reason to delete it.

Hayes: Any other discussion on this?

Brite: I will go with the 1/2 acre.

Hayes: Travis are you good with that? Aldermen could change or nix the whole thing.

Any other verbiage that you guys saw. Dennis you guys are going to tweek this, the Aldermen?

Roe: I'm sure there will be comments.

Hayes: Not just comments. There may be a lot of extra stuff in here that we don't need.

Roe: I'm ok with presenting this with the modifications.

Hayes: Don, is that how you guys have done it in the past with new ordinances?

Brite: Yes, we take verbiage from the ordinance that we have and add to it. I don't know if we go to the lawyer first?

Roe: At some point it would have to go to the attorney.

Brite: It seems like we would take it to the lawyer, they would review it, send back their notes and we would adjust accordingly.

Hayes: P & Z or Aldermen?

Brite: P & Z and then send it to the Aldermen.

McCormick: So send it to the lawyer, take their feedback, adjust ours?

Brite: Adjust to the lawyers feedback and then present to the Aldermen

Roe: So basically Chandra would send this to the attorney?

Brite: Yes

Hayes: I'm good with that. There's really nothing to motion on if we are sending it to the attorney first. Are we good with that?

Brite: I'm good with everything that's in there and will go with the 1/2 acre.

Hayes: I've made some notes on here. Page 3, change the 3 days to 21 days, on page 4, section 4 in red, from "use to used". On page 5, strike all of section E and then everything else, leave as it is and we will send it over to the Attorney for feedback. Normally will it take less than a month?

Brite: Seems like we would get feedback, back pretty...

Hayes: Whatever it takes, after we get it back, the next meeting afterwards, we'll add it to the agenda and go from there.

Roe: I would suggest having a discussion with Sara to see if she thinks Aldermen Board needs to review. I hate to pay the attorney and then the Aldermen say that "we want this changed, we want that changed". Then it goes back to the attorney a second time. It may make sense that the aldermen board see it and then if they're ok it goes to the attorney.

Hayes: So could tomorrow nights' meeting in the open section?

Roe: No meeting tomorrow night, it's a week from tomorrow.

Hayes: But it could be brought up under that?

Roe: Yes it could be brought up a week from tomorrow.

Hayes: Would that give everybody enough time? A week and a day to review it.

Roe: Packets always go out Friday at the latest.

Hayes: This Friday?

Roe: This Friday, they would have Saturday, Sunday and Monday to review it before Tuesday.

Hayes: Show of hands, is it ok that we make the changes and give to Chandra to put into the aldermen packets for their next meeting for final review before sending it to the attorney.

Brite: Make sure they know it's a rough draft.

Hayes: Stamp if draft or whatever we need to do. I'm not trying to push this through, but at the same time, we've been working on this for a year.

Brite: Yes.

Hayes: Any other discussion on this? We'll go with that. Any other new business, old business. Looking for motion to adjourn.

Motion to adjourn meeting by Roe. Second Brite. All ayes. Adjourned at 7:27 pm

A handwritten signature in cursive script that reads "Chandra Scott". The signature is written in black ink and is positioned above a horizontal line.

Chandra Scott, Secretary