

PLANNING COMMISSION  
GLADSTONE, MISSOURI  
*Gladstone City Hall*  
Monday, November 7th, 2022  
7:00 pm

**Item 1 on the Agenda: Roll Call.**

**Present:** Gary Markenson  
Kate Middleton  
Bill Turnage  
Mike Ebenroth, Chair  
Jennifer McGee  
Kim Murch  
Chase Cookson, Vice Chair  
Brenda Lowe, Secretary  
Spencer Davis

**Absent:** James New  
Larry Whitton

**Council & Staff Present:**

Austin Greer, Community Development Director  
Angie Daugherty, Admin. Assistant  
Jean B. Moore, Mayor Pro Tem

**Item 2 on the Agenda: Pledge of Allegiance.**

Chair Ebenroth led the group in reciting the Pledge of Allegiance to the United States of America.

**Item 3 on the Agenda: Approval of the August 15th, 2022 Minutes.** Chair Ebenroth asked if there was a motion to approve the minutes from the August 15<sup>th</sup> meeting.

**Mr. Markenson moved to approve the minutes; Mr. Turnage seconded. The minutes were approved, 9-0.**

**Item 4 on the Agenda: Consideration:** Chicken (Hens) & Bee Ordinances. *The City Council Public Hearing is scheduled for Monday, November 28, 2022.*

Mr. Greer began his presentation using a PowerPoint.

As you can see on the screen there are two columns. I will start with the column addressing hens first then will follow-up with the second column in addressing bees. With hens up to three acres you can have six hens' maximum. If you have property three acres or more you can have ten hens' maximum. There would be a onetime permit fee similar to what we charge for a dog license and are proposing at \$20.00 fee. Coops and runs should be at least ten feet from any property line and at least 50 feet from any residential structure, deck, or porch that is not owned

by the applicant. Private restrictions such as an HOA supersede city regulation. Enforcement will come from a combination between the Community Development Department and Animal Control. On the right side of the PowerPoint you will see the category for bees. Up to three acres you would be able to have one bee hive maximum. If you have three acres or more you can have two bee hives maximum. There will be a onetime permit fee of \$20.00. All hives must be at least ten feet from any property line and at least 50 feet from any residential structure, deck or porch not owned by the applicant. Hives shall not be located within 50 feet of a preexisting swimming pool or preexisting kennel animal. A supply of fresh water shall be maintained in a location that is readily accessible to the hive on sight throughout the day to prevent these from congregating away from the hive. Private restriction such as an HOA would supersede any city regulation. Enforcement would be a combination of the Community Development Department and Animal Control. From our last conversation there seemed to be a lot of agreement to start but there were a few changes that were suggested. One of those changes were the amount of allowed hives for three acres or less. The proposed change was to allow for six hives and anything over 3 acres the city would allow ten hives. A onetime permit fee of \$20.00 was somewhere in the middle that everyone agreed upon, because it was similar to the dog permit. Also, the maximum height of the coop shall be eight feet because of cleaning the coop properly. The coop and run may not exceed 80 square feet. Those were the primary changes from our last conversation that I added into the ordinance that was in your packet.

Tonight, I am looking for a recommendation from the commissioners in order to bring this proposed ordinance to City Council at the end of the month. If you have any questions I will do my best to answer.

Mr. Markenson asked if under permit is it possible to put something in there to check with their HOA restrictions. On the last page before you get to the ordinance on letter E it says the inspections required as a result of a nuisance complaint the Animal Control and Code Enforcement Officer will inspect the property only. What does the word only mean?

Mr. Greer stated that when it comes to bees they don't want to send our Animal Control or Code Enforcement Officers on site without proper training. Animal Control and Code Enforcement will go onsite and inspect but not walk up on the bee hives. We will get someone who is trained to handle bees to take a closer look for us.

Mr. Markenson read "it will be unlawful for any bee keeper to keep a hive and have any unhealthy conditions that would purposely interfere with the normal flow of adjoining properties." How would you show "purposely" interfere?

Mr. Greer stated that as an example there is a situation going on now where a particular property owner has multiple bee hives, hasn't communicated well with their neighbors, doesn't have a fence and the hives are very close to the property line. The multiple neighbors claim that due to the numerous bees on this property that migrate to their properties haven't been able to use their deck all last summer. Given the situation, you can likely categorize that as purposefully interfering with you adjacent neighbor.

Mr. Markenson stated it is the word "purposely" that he has a hard time with.

Mr. Greer stated that we can take purposely out of the ordinance if the rest of the Planning Commission is okay with that edit.

Ms. Lowe asked if on the hen's ordinance where it says that they may not be slaughtered she doesn't know if we can stop someone from doing this.

Mr. Greer stated that the ordinance does state hens cannot be slaughtered and staff is just trying to make their best effort, so that doesn't consistently happen or we know that it is happening. This is just saying you can have hen's but not for the purpose of slaughter.

Ms. Lowe asked about the amendment section talking about horses and livestock where it says not more than one of each animals. Is there anywhere in the regulations that restrict exotic animals?

Mr. Greer stated that his whole intent was to pull the chicken (hen) out of the narrative because that is what started to complicate things. He hasn't tackled horses, livestock, or other exotic animals. Staff has not had much of an issue with those categories.

Ms. Lowe asked about the waste from the chickens. What about having this waste too close to water ways or streams or sewer. She thinks there needs to be something in the ordinance regarding waste. We have tags for our dogs that shows they have shots is there something in the ordinance regarding health for these animals?

Mr. Greer stated that in section D it talks about sanitation. It reads "all feed and other items associated with keeping the hens shall be kept clean and sanitary at all times and be protected to prevent infestation of rats, mice and other rodents. I have not seen in other cities where their ordinance addresses waste. If necessary in the future, we can always modify the ordinance to make it better if need be.

Ms. Lowe stated that bees can be scary due to allergies. She thinks there will be unintended consequences in this ordinance.

Mr. Greer stated that he has had this discussion with their legal counsel because they are dealing with hens and bees in other cities as well. If a person was stung by their neighbor's bees it would legally need to be addressed by those two private parties and the city should not be included.

Ms. Middleton asked about the fee for permit. Would it be \$20.00 per hive or per chicken?

Mr. Greer stated that no this will just be a onetime \$20.00 fee.

Ms. Middleton asked if this could be grandfathered in.

Mr. Greer stated that it is hard to grandfather something in that was not legally established to begin with. Our goal is to have everyone come into compliance with the proposed ordinance.

Ms. Middleton stated that bee keeping is harder than you think. Not everyone is going to want to get a bee hive. She believes this will not be a big concern.

Ms. McGee stated that six chickens to one dog will produce the same amount of waste. I know dogs come in different shapes and sizes and that is not an exact conversion factor but if you want to estimate if a house has one dog and they can handle the waste of that dog in their trash or disposal then they can also handle six chickens. You don't want to use dog poop in a garden but there are ways you can use them in compost piles and you can put it in your garden and you are not putting it in the trash.

Ms. Lowe stated that she believes some type of signage is necessary if a property is keeping bees. She thinks this is important for city staff, sales people, and neighbors.

Mr. Davis asked do they have any language regarding the hens must stay inside the coop at all times.

Mr. Greer stated that they have to stay in the coop at all times.

Mr. Davis asked if they have a minimum lot requirement. Do we alert HOA's that the city is going to make these proposed changes?

Mr. Greer stated that most lots in Gladstone are a quarter acre. Staff does not notify the HOA. If you live within and HOA and you want to have chicken and bees generally when you buy your house you usually know you are supposed to check with your HOA.

Mr. Murch does not understand the motivation of wanting to be a farmer in the middle of the city. Is there a reason that people would have bees or chickens to sell the eggs or the honey? If this will be allowed, then it will be a home business.

Mr. Greer stated that he does not believe we are allowing commercialization of bees or chickens on residential lots given the allowed amount of hens and bee hives being proposed.

Mr. Murch stated that bees make a lot of honey. More than a family could consume.

Mr. Greer stated that with his understanding from the people that are interested in having chickens and bees is for their own personal use. If someone wanted to take commercialize their property for chickens or bees, then the city would address it.

Mr. Murch asked about 10 hens on three acres. One lot can have six hens then if you live on 3 acres or more you can have 10 hens. There is a substantial land difference there. Greater than three acres can have cattle and pigs and whatever but you can only have 10 chickens.

Mr. Greer stated that from there discussion at the last meeting that seemed to be ok with everyone. His goal is to simplify this ordinance as much as possible and three acres appeared to be a solid breaking point.

Mr. Murch stated that is says Animal Control is in charge in some of the inspections. He also sees that the Police Chief has the ability to deem a situation unsafe just as the Community Development Director.

Mr. Greer stated the Police Chief and Community Development Director would have final say equally. The Police Chief is aware of this ordinance.

Mr. Murch asked if there is any county or state DNR regulations that would impact chickens in the city from the county standpoint or other livestock.

Mr. Greer stated he does not have the answer to this question. When he was researching chicken and hens and bees across the metro he used Liberty as a template. Liberty's was passed maybe two or three years ago. It was very similar to what we are proposing tonight but I am unsure about your questions in regard to DNR and the county.

Chair Ebenroth asked about 8x10 coop size. He finds it hard that they would have more than six hens in that particular coop and are they allowed more than one coop?

Mr. Greer stated no they cannot have more than one coop.

Mr. Davis stated that maybe we should change the ordinance to state if you have more than three acres then you can have two coops?

Ms. McGee stated that there are minimum sizes for 10 hens.

Mr. Greer asked if Ms. McGee could shed some light on Mr. Davis's question.

Ms. McGee stated she would have to do some research on it as well.

Mr. Greer stated that he would need to adjust the size of the coop and run for 10 hens and three acres.

An individual from the public stood up and spoke. This individual neglected to state their name and address for the record.

Resident - He has a four-year-old daughter that suffers from a condition where she has severe food allergies to most foods. Eggs is one of the few food items that she can eat and get a solid source of protein. Their family decided to have their own chickens in order to supply their daughter with plenty of eggs. They compost their chicken waste in their garden and plants. Chickens also eat bugs, oak mites, etc. He would like for them to take this into consideration when voting on this ordinance.

Mr. Greer stated that if he were to adjust the language to remove the word "purposely" as Mr. Markenson suggested, add a HOA restriction to the permit application and adjust the square footage for accommodating 10 hens would you all consider the draft ordinance tonight.

**MOTION: By Mr. Markenson, second by Ms. Middleton to approve the Consideration of Chicken (Hens) & Bee Ordinances.**

<b>Vote: Mr. Murch</b>	<b>No</b>
<b>Mr. Markenson</b>	<b>Yes</b>
<b>Mr. Turnage</b>	<b>Yes</b>

Ms. Middleton	Yes
Chair Ebenroth	Yes
Ms. McGee	Yes
Mr. Davis	Yes
Mr. Cookson	Yes
Ms. Lowe	No

**The motion carried. (7-2)**

**Item 5 on the Agenda: Communication from the Public**

No communication

**Item 6 on the Agenda: Communication from the City Council**

Council Member Moore stated that she wanted to update everyone from their last council meeting that they received a draft update of the Comprehensive Plan and it was received well by the City Council Members. They will have that final draft Comprehensive Plan coming to you on November 21<sup>st</sup>. Austin told her tonight that the City Council will have that as a resolution on the November 14<sup>th</sup> City Council meeting. She wanted to thank all of you that are sitting here tonight and those that served on the Advisory Committee. It was a long and very involved process. Also, the Mayor's Christmas Tree is November 22<sup>nd</sup> and the Mayor has chosen three charities this year to receive funds from that effort. The charities are Feed Northland Kids, The Gladstone Animal Shelter, and Neighbors Helping Neighbors. She hopes they all have the opportunity to make it to the actual event and she hopes that they see fit to contribute to the Mayor's Christmas Tree this year.

**Item 7 on the Agenda: Communications from the City Staff**

Mr. Greer stated that Alicia Hommon has resigned her post from the Planning Commission and has moved to Kansas to pursue other opportunities.

Ms. Middleton asked if she closed her bakery.

Council Member Moore stated the hope was that maybe her staff would be able to take it over but we still think it is up in the air.

**Item 8 on the Agenda: Communications from the Planning Commission Members**

Mr. Markenson stated that the memo that they sent out on house bill 1662 is really an outrageous infringement on local self-government zoning. He has never seen anything like it in his 50 years working in the industry. Also, we will be voting on a marijuana proposal tomorrow in the election and it will probably pass. If it does, we will need an ordinance proposing a 6% tax.

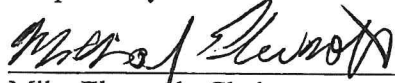
Ms. Middleton stated that everyone should go out and vote.

Mr. Turnage wanted to thank Public Works for last weekend's brush drop off event. Even at half price it was still a bargain.

**Item 9 on the Agenda: Adjournment**

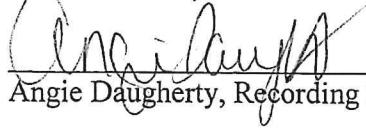
Chair Ebenroth adjourned the meeting at 7:40 pm.

Respectfully submitted:



Mike Ebenroth, Chair

Approved as submitted ☒



Angie Daugherty, Recording Secretary

Approved as corrected ☒