

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

November 5, 2013

Regular meeting of the Clay County Planning and Zoning Commission, Commission Hearing Room, 3rd Floor, County Administration Building, One Courthouse Square, Liberty, MO.

Call to Order at 6:30 pm.

Roll Call

Members Present: Gene Knisley, Jim Carlson, Mark Beggs, Karl Walters and Cecil Troutwine

Members Absent: Barbara Ball

Staff Present: Matt Tapp, Director
Debbie Viviano, Planner
Tim Flook, Assistant County Counselor
Angie Stokes, Secretary

Mr. Knisley: Good evening ladies and gentlemen welcome to our November Planning and Zoning meeting I would like to call the meeting to order, roll call please.

Mr. Tapp: Karl Walters?

Mr. Walters: Present.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: Present.

Mr. Tapp: Jim Carlson

Mr. Carlson: Present.

Mr. Tapp: Barbara Ball?

Ms. Ball: Absent.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Present.

Mr. Tapp: Gene Knisley?

Mr. Knisley: Present. Thank you, I would like to have the approval of the October 1, 2013 Planning and Zoning minutes, do I have a motion to approve?

Mr. Beggs: Mr. Chairman I make a motion that we approve the October 1, 2013 Clay County Planning and Zoning Commission minutes as written.

Mr. Knisley: Thank you.

Mr. Carlson: I'll second that.

Mr. Knisley: Thank you for the second, vote please Director Tapp.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: Approve.

Mr. Tapp: Jim Carlson?

Ms. Ball: Approve.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Abstain I was absent.

Final Vote: 4/0/1 Approve October 1, 2013 Minutes

Mr. Knisley: Members of the Commission would like you to look at the October Planning and Zoning monthly report, I will give you a couple of minutes to look at it, if you have any questions or comments please do so.

Mr. Carlson: No comment.

Mr. Knisley: Being no comments I will proceed with our regular agenda meeting tonight it will be recorded as the staff reports will be recorded and part of our minutes we'll go to case number one this evening. It's a request for a rezoning from Agricultural (AG) to Residential Urban Rural Single-Family District (RU-80) for proposed lot 1A only and final plat approval for the proposed subdivision of Rhodus Farms, Replat of Lot 1 located at approximately 13526 Cameron Road. The applicant is Renee Rhodus and this case was tabled from last October 1st meeting. Director Tapp will you update us with your staff report.

Mr. Tapp: Yes Mr. Chairman but first I would like attach the staff report dated October 25, 2013 as part of the record.

Mr. Knisley: So be it.

Mr. Tapp: Summarized the staff report October 13-118RZ/F dated October 25, 2013.

Mr. Knisley: That will be two changes on the Exhibit A, is that what you are saying?

Mr. Tapp: Yes in essence taking two out completely and then three is bumped up to two.

Mr. Knisley: Okay, thank you. Are there any comments from the Commission before I call on the applicant? Being none do I have the applicant here this evening? Yes ma'am will you come to the podium and state your name for the record.

Ms. Rhodus: My name is Tamera Renee Rhodus and I live on 13526 Cameron Road in Excelsior Springs.

Mr. Knisley: Thank you; are you familiar with the update on your report?

Ms. Rhodus: Yes Debbie called and we got with Robert or whoever and he got the pond looked at or whatever need to be done and everything and I think I guess he got you the information that you needed and everything so as far as I know everything's good as far as...

Mr. Knisley: Good to go, so you are happy?

Ms. Rhodus: Yeah, just hopefully I can get it refinanced now.

Mr. Knisley: Well I hope you can. Any comments from the Commission to the applicant? Any comments from the public regarding this case? Being none do I have a motion to approve the replat?

Mr. Beggs: Yes Mr. Chairman I make a motion that we approve the rezoning from Agricultural (AG) to Residential Urban Rural Single Family (RU-80) for proposed lot 1A.

Mr. Knisley: Thank you there has been a motion to approve the rezoning do I have a second on that?

Mr. Carlson: Second.

Mr. Knisley: Thank you, vote please.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: Abstain.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve.

Final Vote: 4/0/ 1 Approve Oct 13-118RZ/F; Rhodus Farms, Replat of Lot 1 – Rezoning

Mr. Knisley: We will proceed to the final plat approval.

Mr. Beggs: Mr. Chairman I make a motion that we approve the final plat of Rhodus Farms, Replat of Lot 1 with the conditions listed under Exhibit A with, do we need to state that two is to stricken? With condition two to be struck and three to be renumbered as two.

Mr. Knisley: With two conditions.

Mr. Beggs: With two conditions.

Mr. Knisley: Thank you. There has been a motion to approve do I have a second?

Mr. Carlson: Second.

Mr. Knisley: A second, vote please.
Mr. Tapp: Karl Walters?
Mr. Walters: Approved with conditions.
Mr. Tapp: Cecil Troutwine?
Mr. Troutwine: Abstain.
Mr. Tapp: Jim Carlson?
Mr. Carlson: Approved.
Mr. Tapp: Mark Beggs?
Mr. Beggs: Approved with two conditions.
Mr. Tapp: Chairman Gene Knisley?
Mr. Knisley: Approved with two conditions.

Final Vote: 4/0/ 1 Approve Oct 13-118RZ/F; Rhodus Farms, Replat of Lot 1 – Final With Conditions

Mr. Knisley: Thank you.
Mr. Tapp: Mr. Chairman did you mention that cases tonight will go before, I believe, the November 18th County Commission?
Mr. Knisley: Yes I will mention that, cases this evening whether they are approved or disapproved will be forwarded to the scheduled County Commission hearing meeting here in this room November 18th at 1:30. So you are welcome to come and voice your opinion for or against or any comments on any case we have this evening, that being said we will proceed with case number two. Which is a request for a rezoning from Agricultural (AG) to Residential Ranchette (R-5) for proposed lot 1A only and Residential Rural District (R-1) for proposed Lot 2A and 3A only with an Agricultural Land Preservation (ALP) overlay district for all proposed lots and the final plat approval for the proposed subdivision of Replat of Spring Hill Addition 2003 this is located at approximately 16714 Plattsburg Road. Applicants are Stephen and Jan Hayward. Do we have a staff report?
Mr. Tapp: Yes Mr. Chairman if I can attach the staff report as part of the record?
Mr. Knisley: Yes so be it.
Mr. Tapp: Summarized the staff report November 13-120RZ/F dated October 30, 2013.
Mr. Knisley: Thank you. Do I have any comments from the Commission in reference to this case? I have a representative here, come up and state your name for the record.
Mr. Hayward: Stephen Hayward at 16714 Plattsburg Road, Kearney, MO.
Mr. Knisley: Thank you do you have any comments or questions about this staff report?
Mr. Hayward: I do not.
Mr. Knisley: Very well understand what ...
Mr. Hayward: I believe so yes.
Mr. Knisley: Alright, are there any comments or questions to the applicant from the Commission? Any comments or questions from the public to the applicant? Being none do I have a motion to approve the request for rezoning from agricultural to residential for lot 1A.
Mr. Beggs: Mr. Chairman I make a motion that we approve the request for rezoning from Agricultural to Residential Urban Rural Single-Family (RU-80) (*note: property was rezoned to Residential Ranchette (R-5)*) for proposed Lot 1A only and Residential Rural (R-1) District for proposed Lots 2A and 3A only.
Mr. Knisley: Thank you, do I have a second?
Mr. Carlson: I'll second it.
Mr. Knisley: Thank you; there has been a second, vote please.
Mr. Tapp: Karl Walters?
Mr. Walters: Approved.
Mr. Tapp: Cecil Troutwine?
Mr. Troutwine: Approved.
Mr. Tapp: Jim Carlson?
Mr. Carlson: Approved.
Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve.

Final Vote: 5/0/ 0 Approve Nov 13-120RZ/F; Replat of Spring Hill Addition 2003 – Rezoning

Mr. Knisley: Thank you. Now we will proceed to the final plat approval Replat of Spring Hill Addition do I have a motion?

Mr. Beggs: Mr. Chairman I make a motion that we approve the final plat of the Replat of Spring Hill Addition 2003 with the following conditions as listed in Exhibit A.

Mr. Knisley: Thank you there has been a motion to approve do I have a second?

Mr. Carlson: Second.

Mr. Knisley: Thank you, vote please.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve with conditions.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: Approve.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve with conditions.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve with conditions.

Final Vote: 5/0/0 Approve Nov 13-120RZ/F; Replat of Spring Hill Addition 2003 – Final With Conditions

Mr. Knisley: Thank you. We'll go to the request for case number 121V, it's a request to vacate portions of utility easements on Lot 1 and 2 of the subdivision Spring Hill Addition 2003 and it's located at approximately 16714 Plattsburg Road. The applicants are Stephen and Jan Hayward. Do you have any further comments on this case Director?

Mr. Tapp: Yes Mr. Chairman real quick a picture always tells a thousand words, so flip to page seven of seven on the staff report that's a good illustration of the areas that are being proposed to be vacated. Basically what's occurred is the original Spring Hill Addition 2003 plat had the old lot line in the middle of course we want to vacate that. As the new property line has shifted to the south and east. Therefore there is no longer a necessary utility easement to follow the old lot lines. So that's the one running through the middle. The bottom one to the south is due to the variance that was approved for an existing accessory structure that's basically inside that easement, so from that point going back is needed to have that building be there. And all the utility companies were notified with no negative feedback returned other than the Mid-America had mentioned that they don't want the new 15 foot U/E on the north side of the pipeline that doesn't have any say in this request. With that I'll close the staff report.

Mr. Knisley: Thank you. Any comments on this case from the Commission? Do you have any comments Mr. Hayward? Mr. Hayward stated that he has no further comments and no comments from the public I assume. Being none do I have a motion to approve the request to vacate portions of the easement on Lot 1 and 2?

Mr. Beggs: Mr. Chairman I make a motion that we approve the vacation request based upon no stated objections from the utility company with the associate replat Case number Nov 13-121RZ/F along with general compliance to the LDC with the following condition just listed as one in the report.

Mr. Knisley: Thank you.

Mr. Carlson: I will second.

Mr. Knisley: There has been a second vote please.

Mr. Tapp: Karl Walters?
Mr. Walters: Approve.
Mr. Tapp: Cecil Troutwine?
Mr. Troutwine: Approve.
Mr. Tapp: Jim Carlson?
Mr. Carlson: Approve.
Mr. Tapp: Mark Beggs?
Mr. Beggs: Approve.
Mr. Tapp: Chairman Gene Knisley?
Mr. Knisley: Approve.

**Final Vote: 5/0/ 0 Approve Nov 13-121V; Spring Hill Addition 2003 – Vacate
With one condition**

Mr. Knisley: We will go to our last case this evening this is case number 4 122GR a request for the use of water well as the sole water supply source on Agriculturally (AG) zoned property located at approximately 16101 Mt. Olivet Road. The applicant is Janet Ballard. Staff report please Director.

Mr. Tapp: Yes Mr. Chairman first I would like to attach the staff report as part of the record.

Mr. Knisley: So be it.

Mr. Tapp: Summarized the staff report November 13-122GR dated October 30, 2013.

Mr. Knisley: Thank you Director. Any comments from the Commission reference to this case?

Mr. Beggs: So Matt are you going to make them sign some kind of agreement is that going to be a condition of this approval?

Mr. Tapp: Let me see what the Commission says, it's in our code, it says they have to sign a notarized statement so we'll probably just pull from the last one if we have one if not then it'll just be a notarized statement saying that they will hook up to enclosed water if and when it becomes within 200 feet of the subject property line, just exactly subject to the Land Development Code. And the current condition ...

Mr. Beggs: So are we saying that should be an exception or should be..

Mr. Tapp: It's in the code

Mr. Beggs: It's in the LDC.

Mr. Tapp: It's in the code; it's kind of a part of it. The one condition we did add was that it meets all regulations and requirements of the Missouri Department Natural Resources (DNR) and applicable water and fire districts. We put that in there because we haven't received a comment back from DNR as to if they still have a certified well program like the code talks about or the last time we had this was Pingle off of Salem Road if you remember north of Excelsior Springs and DNR came back at that time and said the only form they had was to make sure that the person is doing the actual well work. If there is new well work to be done is it certified or have they gone through proper training and can they supply that information to DNR. It's not a permit it's more to just make sure the work is being done by a professional, that's why that was put in there and I'll reach back out to DNR and hopefully get an answer.

Mr. Knisley: Thank you. Is the applicant here?

Mr. Tapp: There's a representative of the applicant yes.

Mr. Knisley: Oh I am sorry the representative, would you like to come up to the podium and state your name sir.

Mr. Starling: My name is Jerry Starling, I'm a contractor for Ms. Ballard on her property we've only got one copy of this, that's from JSI Well Drillers they came out and looked at the well and he says there's no problem and he's going to come out and bring the well up to County and State specs and drinkable water and he states there is plenty of water and we don't really have a water problem. As far as the rural water we would really like to hook onto the rural water if it was within 200 feet it would be no trouble no problem we would immediately hook onto it, but it's not and they state it's between 20 to 35 thousand dollar range. I've done some measurements and the 35 thousand is more accurate and that just gets it to the property and then we've got another 5,000 just to get it to the house. So we are actually looking at about \$40,000 and that's pretty steep I don't think there's probably anybody in here that can sit down and write a \$40,000 check and hand it to the water company and say here you go. So

without that and this approval Ms. Ballard probably won't even be able to build a house and probably have to sell her property because of that, she is not a rich person, funds are limited. That's about all I've got to say.

Mr. Knisley: Alright I assume Ms. Ballard understands the staff report and what we've provided for you? Okay Ms. Ballard has stated the fact that she does understand. Alright thank you sir. Being no further questions any comments from the public, none. Do I have a motion to approve the request for the use of a water well as water supply source for the property located at 16101 Mt. Olivet Road. Do I have a motion?

Mr. Beggs: Mr. Chairman I'll make a motion that we approve the use or allow the use of a water well as a sole water supply source at 16101 Mt. Olivet Road.

Mr. Knisley: Thank you. There has been a motion to approve. Do I have a second?

Mr. Carlson: Second.

Mr. Knisley: Thank you and a second, vote please Director.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: Approve.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve.

**Final Vote: 5/0/ 0 Approve Nov 13-122GR; Janet Ballard – Water Well
With Conditions**

Mr. Knisley: Thank you ladies and gentlemen that concludes our cases for this evening on to other business.

Mr. Tapp: Yes Mr. Chairman actually there is we would like to take a look at some dates for 2014.

Mr. Starling: I'm sorry.

Mr. Tapp: Sorry go ahead.

Mr. Starling: Can I ask one more question?

Mr. Knisley: Yes come up to the podium so can we can have it on the record sir.

Mr. Starling: Will we be notified of anything or do we automatically show up on the November the 18th?

Mr. Tapp: November the 18th at 1:30 pm in this very room.

Mr. Starling: Okay.

Mr. Tapp: And that will be the work session and then the next following week will be the final business session so that's the final decision.

Mr. Starling: Okay thank you, are you finished with us?

Mr. Tapp: Yes everyone is free to go if they so choose. Thank you. As I mentioned Mr. Chairman that we want to look at some dates for 2014 you should have it in front of you, dates to look at to change is only I believe September 2nd which is right around Labor Day. Labor Day would be the 1st the Monday then you have scheduled, regularly scheduled the 2nd so I don't know if you want to go ahead and push that to the 9th. It's totally up to the Commission's discretion. That would be my advice that's what you guys normally do.

Mr. Knisley: I would be in favor of change it to the 9th.

Mr. Beggs: To the 9th yes.

Mr. Tapp: I would like to hear from Jim and Cecil.

Mr. Carlson: Anything's fine with me.

Mr. Troutwine: That's fine.

Mr. Tapp: I don't believe Angie you looked at were there any other possible conflicts anywhere?

Ms. Stokes: Maybe the Tuesday before 4th of July.

Mr. Tapp: The July meeting is July 1st Tuesday then 4th of July is the following Friday, so even if you pushed it to a week that would probably still conflict with 4th of July plans, it's kind of a six one half dozen of the other so it's up to the Commission on that.

Mr. Beggs: I like it where it is.

Mr. Knisley: I think I like it where it is people go for the weekend.

Mr. Tapp: And if you see any other dates with this then let me know and we will get you a new copy with the 9th showing on September the next meeting.

Mr. Knisley: Okay that's fine any other comments?

Mr. Tapp: No that is it Mr. Chairman.

Mr. Knisley: Any comments from our County Counselor?

Mr. Flook: None.

Mr. Knisley: Being none, do I have a motion to adjourn?

Mr. Carlson: So moved.

Mr. Beggs: Second.

Mr. Knisley: All in favor?

All: Aye.

Meeting Adjourned

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Recording Secretary