

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

May 6, 2014

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, Mark Beggs, Jim Carlson, Duane Jackson, and Tom Decker

Members Absent: Cecil Troutwine

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 the May 6th Clay County Planning and Zoning Commission meeting I would like to call the meeting to order, roll call please.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Present.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: *Absent.*

Mr. Tapp: Jim Carlson

Mr. Carlson: Present.

Mr. Tapp: Tom Decker?

Mr. Decker: Present.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Present.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Present. Thank you. The approval of April 1, 2014 minutes do I have a motion to approve please?

Mr. Beggs: I will make a motion to approve the Clay County Planning and Zoning Commission minutes of April 1, 2014 as written.

Mr. Knisley: Thank you, I do have a motion do I have a second please?

Mr. Jackson: Second.

Mr. Knisley: Thank you; there has been a second vote please.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Yes.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Yes.

Mr. Tapp: Tom Decker?

Mr. Decker: Yes.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve.

Mr. Tapp: Chairman Gene Knisley

Mr. Knisley: Approve.

Final Vote: 5/0/0 Approve April 1, 2014 Minutes

Mr. Knisley: Thank you, before we go into our heavy case load this evening we can take just a moment gentlemen to review the Monthly Report for April. Do you have any questions or comments please speak up at this time? Being none I will proceed with the meeting. We have one case this

evening it's case number 118 Conditional Use Permit dated May of 2014, this is a request for a Conditional Use Permit to erect a communications tower on Agriculturally zoned property located at 16616 NE 116th Street, the applicant is Clay County, Missouri, Director Tapp may we have a staff report please?

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

Mr. Knisley: So be it.

Mr. Tapp: Summarized the staff report May 14-118CUP dated April 30, 2014.

Mr. Knisley: Thank you Director Tapp.

Mr. Tapp: If I may make a statement to the broader picture here Clay County is under the process of distributing a microwave broadband internet out to our outlying facilities from downtown Liberty here as we sit so in order to do that since there's not fiber in the ground to the Highway Department the subject request property, nor Smithville Lake we have to do it over the air. And by doing it over the air we need a new tower that's taller that can take in the signal from downtown Liberty so there is an existing communications tower there it's about 60 feet tall. Duane is that right? 70 – 75?

Mr. Jackson: The original is 125.

Mr. Tapp: Oh is it 125. It's not tall enough to receive the signal from even the heights of downtown Liberty so we had to request a new tower. We've gotten a preliminary approvals FAA and FCC the tribes, archeology review, and all the preliminary reviews have been obtained. And now we are going through the conditional use permit procedure. So the project as a whole is to get the signal to the Highway Department and then send this signal out to Smithville Lake for our Parks Department so they have broadband internet access because as it stands right now both locations only have T1 connections and it hinders daily business at each location so we really need to have this broadband microwave signal go out to Highway and out to Parks so they can do their daily business in essence.

Mr. Knisley: That is the main reason?

Mr. Tapp: That's the main purpose is communication for the County personal.

Mr. Knisley: I was wondering if this is taking place of that 620 foot tower that's going to be demolished so that has nothing to do.

Mr. Tapp: Which tower was that?

Mr. Knisley: I believe it is under page five in here, under 10 it says Staff Response, I am sorry it's not..

Mr. Tapp: I'd say it's not 600 feet tall but okay I don't know a tower that high in Clay County, even the WHB towers are 400 feet.

Mr. Knisley: I don't think we did, but it has nothing to do with this tower being demolished.

Mr. Tapp: In the plan again, I am glad you brought that up. The plan is to eventually disassemble the existing communications tower, it's a guyed wire tower and I guess an inspection has revealed that the guyed wires the way they are connected can cause some issues later on down the line, so it's also a safety concern as well a safety issue.

Mr. Knisley: I see. Now is the County, I noticed when I was there that the County will be using this tower only now that they will also be available for other sources it say's three possible four, now is that like our other towers for Sheriff's Department and the Emergency Preparedness.

Mr. Tapp: That is another good point I didn't mention that the future plans are also underway to have the Sheriff's Office co-locate their, it's called MARRS system, it's the narrow banding effort across the metropolitan area, so this will be a major or secondary hub for the Sheriff's communications in the future. That's a future purchase and a future insulation but we have a plan for that and we have specific locations on the tower and our consultant has made sure they've worked with us step by step to make sure we have the capacity for that and also for three co-locates, if AT&T, Verizon or whomever would like to co-locate on the tower.

Mr. Knisley: I see.

Mr. Tapp: We're designed right now to make sure to handle that.

Mr. Knisley: Good, my last question is for my own use, who's going to be running this in the County, whose department will this be under?

Mr. Tapp: Probably Administration as a central hub will manage the microwave broadband but IT of course will do the technical aspect of it to make sure that the switches are all turned on the dials are turned just right and Administration will the handle the operational and I assume the Highway

Department will, I mean it's not all been ironed out but I assume the Highway Department will make sure the tower is not falling down or anything like that since it is on their site. It's kind of a team effort so Administration seeing over everybody, probably Duane and some other Highway Department staff will keep an eye on it and make sure it's operating properly. No one's broken into the accessory shed or anything like that.

Mr. Knisley: It's always interesting to see who gets stuck with projects in the County. Well not stuck but ...

Mr. Carlson: Is this a Highway Department project?

Mr. Tapp: It's a Clay County project as whole because we are also working with a large electric co-op in the Smithville/Excelsior/Kearney area on co-locating one of their towers and also working with the City of Liberty hopefully on co-locating here it's a multi front effort.

Mr. Carlson: I have a question I noticed on here it says future carriers is that the people we will allow to use, to take that big of space possible?

Mr. Tapp: The Sheriff's office has dedicated spots on the tower and also you can kind of see on here I can point out on the schematic that I pulled up.

Mr. Carlson: This is actually on the plot plan, large areas.

Mr. Tapp: Jim do you have a page number it was on.

Mr. Carlson: Yes it was on A-2, it's almost at the end, right in front of the tower. It's a plot plan it shows the proposed location for the propane tank, for future carriers.

Mr. Tapp: That would be if they could not co-exist or co-habitat take over a portion of the, because we are planning on building an accessory shed or accessory storage equipment building and we have enough room in there to probably be able to handle it but the MARRS system it's public safety so it's a County secure signal so all the equipment is tied to that. You actually have to have a contract with MARRS with the Mid-America Regional Response or something like that so with that you have to secure where the equipment is at. So Verizon, AT&T and all of them may or may not be able to co-locate inside the building so that's why there is space for additional accessory buildings if they had to go out on their own and they would be fully responsible for the slab and the building and to make sure it meets the specs, the required specs.

Mr. Carlson: The gentleman by the name of Douchant I think that his name.

Mr. Tapp: Mike Douchant.

Mr. Carlson: The gentleman that was here to speak to us on behalf of the towers, have you contacted them?

Mr. Tapp: They are one of them.

Mr. Carlson: Well they participate in the cost?

Mr. Tapp: Not initially, but it could be some type of lease agreement so there would be some type of payment from Verizon, T-Mobile whomever to Clay County to co-locate.

Mr. Carlson: Would it be better, signal-wise, to go out and get a list of these people before you start putting up the tower.

Mr. Tapp: That was pursued but most of them do not do it initially up front. You have to design your own tower and then they will come, that kind of thing.

Mr. Carlson: There is money in the budget for this then?

Mr. Tapp: Yes.

Mr. Carlson: Ok.

Mr. Knisley: What kind of money?

Mr. Tapp: Enough to handle the project anyway, I'm not privy to that information, but I do know that we have enough for the whole project.

Mr. Knisley: Ok, any other questions from the Commission? We have a gentleman from the public here this evening would you like to come up and address the Commission? Do you have any questions or comments sir? Please state your name and spell your name for the record we are recording this.

Mr. Freese: My name is Larry Freese. F-R-E-E-S-E. I live next door to the property and really I didn't have much to say. I just received the letter and I was curious to find out more about it and see what was happening. I knew there was already a tower there so I didn't have that much of an issue with it. It's just I was curious to hear more about it, what was going on.

Mr. Tapp: We would be happy to provide you with any information you may want. The elevation drawing, a site drawing to see exactly where it is. But I kind of showed the map which kind of gives you ideas of the proposed location which is hard to tell by general photography.

Mr. Freese: Well the map was in the mailing too that shows it next to the pond down here.

Mr. Tapp: Yes exactly. We put it far enough away from the property lines and the road if it were to fall and it went full height of the tower it wouldn't come close to anything of value.

Mr. Freese: I really didn't have an issue; it is as much curiosity as anything.

Mr. Tapp: Mr. Freese where do you live in relationship to the Highway Department?

Mr. Freese: Just on the east side my property, is adjacent almost to their gate, where their gate goes into their property there. I'm just right next to it, it's the end of the cul-de-sac on 117th. So I am real close there I'm familiar with the area. That's about all I had to say about it. I just came to see what I could learn about what was going on.

Mr. Tapp: Again if you want any more information give us a call and we would be happy to provide it to you or any of your neighbors.

Mr. Freese: Ok thank you.

Mr. Tapp: Thank you.

Mr. Knisley: Thank you for coming Mr. Freese. Any other questions from the Commissioners or comments? Being none do I have a motion to approve the Conditional Use Permit?

Mr. Beggs: Mr. Chairman I make a motion that we approve the Conditional Use Permit to erect a 240 foot tall lattice commercial telecommunication facility with the six conditions.

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

Mr. Carson: I'll second it.

Mr. Knisley: We have a second. Roll call please Director.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approved with conditions.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approved.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve with conditions.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve with conditions.

Final Vote: 5/0/ 0 Approved, May 14-118CUP; Clay County Communications Tower – Conditional Use Permit With Six (6) Conditions

Mr. Knisley: Thank you; we precede to the other business any Director comments?

Mr. Tapp: There are none Mr. Chairman.

Mr. Knisley: Alright any other comments from the Commission?

Mr. Carlson: I have one, I am wondering Matt if you could, we have all these cases that go before the Commission and we never really find out the results. Do you think in some way publish the results?

Mr. Tapp: Yes definitely I would be happy to in whatever media you would like it, whether it be in e-mail or phone call.

Mr. Carlson: I've just been curious to know.

Mr. Tapp: Sure just kind of a follow through that kind of thing.

Mr. Carlson: Know if the dog kennel passed, I heard it might not.

Mr. Tapp: An update to those cases just this past Monday. Yesterday Clay County Commission they kept it on what's called regular agenda for their business session, so not like you all it's actually a two-step process, County Commission has a work session and business session and so we got put on regular agenda which means it's still a discussion item. More discussion needs to be had and so I believe based on the County Commission saying that their final determination of the animal services CUP and the two cell towers will be next Monday at 1:30 p.m. So I will be happy to have staff or myself keep you all

updated on what the ultimate outcomes are of their decisions, whether it's by e-mail or phone call let us know and we will get it to you.

Ms. Viviano: The County Commission actually heard the kennel on the 21st also didn't they?

Mr. Tapp: Yes they've heard all the cases back on the 21st they got tabled to this Monday May 5th with the anticipation of a final determination on Monday. Lot of information was garnished after the Planning and Zoning Commission. I guess we will see.

Mr. Carlson: E-mail will be fine with me.

Mr. Tapp: Ok.

Mr. Beggs: E-mail for me.

Mr. Knisley: Any more questions? Being none do I have a motion to adjourn?

Mr. Beggs: Motion to adjourn.

Mr. Carlson: Second.

Mr. Knisley: So moved, vote.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Yes.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Yes.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Yes.

Meeting Adjourned



Chairman, Planning & Zoning Commission



Secretary, Planning & Zoning Commission



Recording Secretary