

# CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

March 3, 2015

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

Call to Order at 6:30 pm.

Roll Call

Members Present: Mark Beggs, Jim Carlson, Duane Jackson, Tom Decker, and David Rhodus

Members Absent: Gene Knisley

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

**Mr. Beggs:** Good evening ladies and gentlemen, I would like to welcome you to March 3, 2015 meeting of the Clay County Planning and Zoning Commission. We will be recording the meeting tonight so when you come up to speak if you would state your name and your address each time you come up that will help us to keep track of who is speaking when we get ready to transcribe everything and it will reflect correctly. We have a pretty full agenda tonight so let's just jump right in, roll call please.

**Mr. Tapp:** Duane Jackson?

**Mr. Jackson:** Present.

**Mr. Tapp:** David Rhodus?

**Mr. Rhodus:** Present.

**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:** *Absent.*

**Mr. Beggs:** The next item on our agenda is the approval of the December 2, 2014 Planning and Zoning Commission minutes.

**Mr. Carlson:** I'll make a motion that we approve the December 2, 2014 minutes

**Mr. Beggs:** Do I have a second?

**Mr. Jackson:** Second.

**Mr. Beggs:** Vote please.

**Mr. Tapp:** Duane Jackson?

**Mr. Jackson:** Yes.

**Mr. Tapp:** David Rhodus?

**Mr. Rhodus:** Abstain.

**Mr. Tapp:** Jim Carlson?

**Mr. Carlson:** Yes.

**Mr. Tapp:** Tom Decker?

**Mr. Decker:** Approve.

**Mr. Tapp:** Mark Beggs?

**Mr. Beggs:** Approve.

**Final Vote: 4/0/1 Approve December 2, 2014 Minutes**

**Mr. Beggs:** I do want to recognize Mr. Rhodus who's joining us on the Commission, welcome, appreciate you coming in and spending time with us. Our regular agenda, looks like we have got eight cases this evening, the first is case number Sept 14-128CUP this is a request this is actually a continuation from September it's a request for a Conditional Use Permit to erect a commercial wireless communication tower on Agriculturally (AG) zoned property located at approximately 16423 Endicott Road. The applicant is Justin Anderson with Selective Site Consultants, representing Verizon Wireless. As I said this case was postponed from the February 3, 2015 meeting due to a lack of quorum. So tonight we will be hearing some additional information that's been submitted we will only be hearing testimony on the additional information we have all the testimony from the December meeting so we will try and not rehash that, again I will ask when you come forward to speak state your name and your address. I would like to kind of limit the comments to two minutes and kind of limit the comments to the new information that has been presented. With that I will turn that over to Staff for your report.

**Mr. Tapp:** Yes, Mr. Vice-Chairman first a little housekeeping, I would like to remind the people here that the cases heard this evening will be forwarded to the County Commission on March 16, 2015 at 10 o'clock in the morning in this same room as a continuous of the progress of the process so to just let them know.

**Mr. Beggs:** Okay thank you.

**Mr. Tapp:** And as you had mentioned Mr. Vic-Chair since the December meeting we allowed time for additional information to be received from all parties interested this application and have received some information. We received two actually, two packets of information, one of which was from a Ms. Lisa Malay and then also another packet of information from the applicants Selective Sites Consultants within the deadline. And the staff supplied attachment H which is American Cancer Society Cellular Phone Towers report summary and that's all staff has as an update.

**Mr. Beggs:** Okay.

**Mr. Tapp:** And the information that I just explained is available for the public viewing here are two copies if anyone would like to see a copy.

**Mr. Beggs:** Anybody from the public would you like to view any of the additional exhibits that have been submitted?

**Ms. Malay:** I would like to.

**Mr. Beggs:** Okay. Out of curiosity has anybody from the public come in and viewed the information, the new information that we've received?

**Mr. Tapp:** No I don't believe so.

**Mr. Beggs:** I will go ahead and open up the floor for public comment.

**Mr. Simmons:** John Simmons, 16700 Endicott Road, Kearney. The information that was submitted in addition since the last meeting I went door to door contacting the people that live in that area I believe you have document there that has I believe 36 or 37 signatures of people who live there in the area that are opposed to that tower being erected. Also I believe we further submitted to you that there is a Verizon Tower located within four miles of the tower that they are wanting to erect now, that tower is 230 feet tall so I don't understand the necessary of having an additional tower within four miles of an existing tower. I think it's relatively clear that the people that live there in that community do not want this tower. All the residents I contacted one was in favor of the tower all the rest of them that I contacted were not.

**Mr. Beggs:** Thank you. Any other comments on the new information?

**Ms. Malay:** Good evening, my name is Lisa Malay and I live at 16521 Endicott Road and I did not know that we could come in and view what the corporate folks were submitting so but I think that quickly if you were to read all of it, it comes down to who's experts to quote. Typically as far land prices and medical impact of the electromagnetic waves that sort of thing that in the United States the surveys say that there is an impact and in other countries says that are. So it could go back and forth either way I think that John Simmons who just spoke made an important point in that the residence in the area do not want the cell tower and I think it is documented in the book that I submitted that is written by Sandy Bond, who is considered an expert in this field not only with cell towers but also with electric towers and electric substations that there is an impact to property values and this tower will sit directly behind my home which has a beautiful view right now and I will have a beautiful view of a 160

foot cell tower as soon as it's finished it will be visible. My home sits on a hill, it will be visible above my home as you look up to it. So in essence the new landowner that lives in Ray County and is not even live anywhere near or have to look at the cell tower will be making money off it and he will be taking money out of my pocket, the impact on the salability of my property. Whether or not there are health hazards related to these towers it's almost insignificant because there is a perception that there is health impacts because of these towers and because of that perception that is what impacts my property values and in Sandy Bonds published book as much as 20 percent and the last time that I spoke here and I submitted the information about the appraiser, the Appraisal Institute and Mr. Flook suggested that he had never heard of them. Well their the known appraiser group in the country with over 99 chapters and so I would suggest that it's a relative significant authority in the matter and they did say that there is a negative impact and they do quote the book that I submitted by Sandy Bond. So we don't have as residents we don't have the access to the corporate attorneys and the studies and the financial resources that a corporation that wants to put this tower in and make money, we have you folks that take the time to do this and to listen to our side of the story. So I can't fight them in a legal battle and it would be with stacks and stacks of, I am sure you know like that, I can't afford that so I am appealing to you to weigh the residents desires associated with the cell tower as heavily as you do a corporation that you see frequently here asking for these special permits to put these towers in and I also submitted a map and it was huge so, but it indicated to you where the existing cell towers are. There are no cell towers of 160 feet anywhere in this area, cell towers of that height are all located along the traffic corridors, like Highway 69, Highway I-35 even along 92 Highway which is just south of us there isn't anything of that stature and we are even more removed from that area. So by agreeing to give these folks special permit to erect this tower you are also legally opening the door for other structures of this size in Clay County in these types of areas and it's visible from Watkins Mill, which is a great Clay County resource and I also submitted a map with elevations of that that you can view this, you will be able to see this cell tower 75 to 100 feet above the tree line from Watkins Mill by the dam when you look to the west and look at the sunset. Now if you have never done that that may seem kind of insignificant but if you have you know that is a treasured resource and the people that flock to Watkins Mill in Clay County and spend their money here and it's one of the busiest parks in our state, treasure those views and there are no electric lines or cell towers to be seen around that lake but this tower will be visible. I just ask you to keep all of that in mind and trust that you will make a decision that is best for everyone involved, thank you for your time.

**Mr. Beggs:** Thank you.

**Mr. Barco:** My name is Steve Barco, I live at 24820 Country View Drive. Which is just beyond the south of the straight north line, I live just beyond the end of that line. My argument is nothing more than aesthetics, since attending the meeting earlier in December I've paid more attention to the aesthetics of where I live and just look around and the only thing I can see that's a manmade structure other than housing is I can see the water tower there on 69 Highway where the pasta plant is but other than that 360 degrees I cannot see any other structure and the other thing I paid attention to is just the height of cell towers where I do see them which is basically along the I-35 corridor and I'm not sure because I don't know but the cell tower that are there, there's one obviously at BB Highway and there's one on Scott Road don't seem to be nearly as tall at 160 feet that maybe incorrect but obviously that height of a tower will be seen for a long distance in this part of the country. So I would not want anything like that visible and I've tried to think even an 80 foot tower would be probably aesthetically not predictable pleasing let alone a 160 foot tower. That's all I have.

**Mr. Beggs:** Thank you. I am going to reiterate before we make any more public comments we are starting to rehash some testimony we had at the last month, the information that we would like to talk about tonight and I know the public has not seen it is; we have a report from American Cancer Society, we have Ms. Malay's report that she resubmitted with some additional information, and then we have a report from Intergra Realty Resources which is a property study of resale values related to cell towers. So those are kind of the issues that we want to discuss tonight so if we could kind of limit comments to that so that we don't rehash a lot of testimony. So does anybody have any other comments about these new documents that we have?

**Mr. Holland:** Thank you I am Curtis Holland, I am an attorney with the Olson, Elliot Law Firm in Kansas City, for the record my address is 6201 College Boulevard, Suite 500, Overland Park, KS

66211. I am here on behalf of Verizon Wireless as the applicant in this case of the corporate entity, you know I understand some concern, the concerns raised by the residents in this area. I will tell you I've been doing this for 20 years and it's rare that I've come to a meeting and not have people at a meeting with respect to a cell tower application. So I am familiar with the concerns that have been expressed not just here but all over the place in different venues, City of Liberty as a matter of fact respect to the cell tower that is now really a pencil up the hill which you see, so I understand the concerns I do think however that a lot of the concern is overblown or over stated and specifically with regard to whether or not we can use another cell tower that's four miles away you just can't do that from an engineering technology standpoint we can't do that. I am trying to answer a couple of questions here if you just give me some latitude. I do want to talk or get back to the issue that you mentioned that we are here for tonight and that's with regard to the impacts that or claims that these facilities may cause on property values and I think that was a specific request by the Planning Commission to have that information or at least give the opportunity to Verizon or to those who live in the area to present whatever evidence they may have and in that regard Verizon, and fortunately we do have some resources and so what we did do is we had this issue specifically studied by Intergra Realty and I have here in attendance tonight the author of the report that you are looking at, that is Ken Jagggers, who is a Certified MAI Appraiser and he's able to answer any question you might have about this report that their firm prepared in this regard. He's an expert on whether or not these types of facilities impact property values and I'll let him speak to that. There was a report that we submitted and I don't know if that's the report we submitted it on January 26, that's might just be the first few pages of it but I am not sure.

**Mr. Beggs:** This is dated January 26.

**Mr. Tapp:** They received the full report.

**Mr. Holland:** But in any respect I'm here to at least let you know that we do understand what's being said we appreciate that frankly if we were not able to allow to build a wireless communication facility every opportunity that the neighbors or folks who live near it didn't want it or didn't like it we wouldn't have wireless facilities in the United States period and the problems is we have come to rely on so much not just for talking but for data transmission, our 911 communications well over 75% of communications to 911 service providers are made on cellular phones. It does play an important public safety roll in our lives and that's not often understood very much but I just want to tell you we are here, we're here to answer any questions you might have and if you have any we understand what's being said here we understand you've already made a recommendation for approval of it once subject to hearing to this additional information with that I will close and ask Mr. Jagggers to come up and introduce himself. Unless you have any questions for me at this time? Thank you.

**Mr. Beggs:** Thank you.

**Mr. Jagggers:** Good evening, my name's Ken Jagggers, I'm Senior Manager Director with Intergra Realty Resources in Kansas City, I'm a MAI, I'm a Certified General Real Estate Appraiser in the State of Missouri and surrounding states and I've been at this part of the business for going on 20 years as well and written I would say probably 30 to 40 proximity studies or paired sales analyses over the past 15 or so years on various types of proximity issues and the one we've prepared here today for this cell tower location is comprised of three case studies taking actual sales data of properties that are similar in most every respect if not identical to one another with the exception of one property is abutting a cell tower and another property or properties is not. In the past two months we've done four of these and not all in the Kansas City area but what we end up doing is we look for large subdivisions that are new subdivisions that have a lot of land sales or home sales in a very short period of time in order to make those comparisons. We looked in Clay County for that particular type of example and we didn't see it so what we did is we combed County records and MLS and we identified three areas that had transactions that we could compare. So the first of our paired sales is case study number one it was three properties at Riss Lake we compared two properties to the same that were not abutting to the same property that was abutting. In those two incidences one comparison indicated a minus 4.79% adjustment in value comparing the abutting to the non-abutting. The other incidence was a positive 4.19% difference in value and how we approach this is I have a person that does single family residential appraisal, we do this exactly as if were advising a bank on lending or if we were appraising a single family residence for an estate or somebody just out wanted to know what their home is worth. So in Riss Lake there's a very little variation in quality of these homes and we made very little

adjustment and we were able to identify that no meaningful difference in value occurred. Our second case study was of two properties in Peculiar both abutting, one abutting a cell tower, my report tells on there the height of those cell towers I think this one was 256 meters and the abutting property sold for .063% less than the non-abutting property and then we look to a couple of kind of rural sales and it's very difficult to get a true paired sales on rural sales but we attempted it here anyhow and these are two properties, one was on 112<sup>th</sup> Street and one was on View Crest Drive. Again it's difficult to make a comparison because there are so few transactions but they are both very similar homes three bedrooms, two bath similar age the only difference being that one of them was built over a crawl space and the other was built on a slab. And those two sales compared resulting in only a minus 1.09% difference in the sale price. So the conclusion that we've come to in this and countless other studies is that there's no meaningful or measurable difference in value based solely on proximity to a cell tower or to a rails and trails or any of the other things that we've looked at in this fashion and frankly that small difference in sale price could be something as little as missing the left hand turn at the light before you got to the closing or the things that could affect the sale price by .69 or 1.09% are numerous and to varied to account for in the analyses. Ultimately our three case studies indicated a difference in overall sale price from 2.55% to negative 2.25% before adjustments and from 4.19% to minus 4.79% after adjustments and we believe this is a complete and thorough study of the examples we were able to identify where the transactions themselves were supportive of making the comparison. So if anybody has any questions. I would like to make a couple of comments as well about the Appraisal Institute Study that was provided to you, I guess last week the impact of cell phone towers on house prices in residential neighborhoods, I am a member of the Appraisal Institute and I was the past President of the Kansas City Chapter and I've read numerous Journal articles regarding this and many many other subjects and I find that while they're a great exercise in academics they sometimes fall short in truly reflecting what we're talking about here today, which the value of a home in Clay County, Missouri and for several reasons this study I think is a little bit flawed. First of all, the questionnaire method that they used is really a poor substitute for actual closed transactions because the survey questions have evolved dramatically over the last twelve years. The time in which since this report has been completed and the data in this report goes back to 1979 or 80 I believe, so the art of surveying has become, it's still an art it's not a science and the way the questions are posed has a lot to do with things and the fact of the matter is when you are looking at two transactions willing buyer and willing seller doesn't matter how the question's posed somebody is writing a check and somebody is cashing a check and that's where we find that there is or isn't any difference in value do to the abutting of a cell phone tower. Just a couple of other points...

**Ms. Malay:** I thought we were limited to two minutes?

**Mr. Beggs:** Well because he's describing new evidence I'm interested in hearing the science behind his report, but we will give you a chance to ask any questions.

**Mr. Jagers:** There's also some other citations in there, the results of the sales analysis indicate that having a pylon close to a particular property is statically significant and has a negative impact that 20% when within 10 to 15 meters and after it gets to be 100 meters away the impact is negligible and I don't quite even know how to understand the results of the survey but it did perplex me when, let's see if I can find the right page, it showed the respondents and the control and even when asked in only a survey format over 50% do not worry about cell phone towers for and this is at the bottom of page 265, the possibility of harmful health effects and up to 63% don't find concern with cell phone towers for aesthetics and then the way that the controlled group is treated as part of that it just makes me more and more convinced that the questionnaire is a poor substitute for raw and refined data of transactions, if anybody has any questions I will try and answer those.

**Mr. Carlson:** I might have one for you; these are your case studies?

**Mr. Jagers:** Yes.

**Mr. Carlson:** I am a little concerned that say for instance on case study number one that you picked a heavy residential area 119<sup>th</sup> Street is an extremely concentrated residential area doesn't compare as well for what we are talking about here. Case study two is comparing a condominium which is not what we are considering here considering residential in a rural setting and I think three might say that's adjacent to a fire station which I don't think any of these?

**Mr. Beggs:** These are cell tower cases.

**Mr. Carlson:** I am looking at your case studies that shows the...

**Mr. Tapp:** Board Member Carlson is talking about the previous report.

**Mr. Jagers:** That was something..

**Mr. Tapp:** That was submitted last time by Justin Anderson.

**Mr. Carlson:** This isn't your report?

**Mr. Jagers:** I am talking about the report that I issued on January 26<sup>th</sup> that is a report I issued previously on a cell tower location in South Johnson County.

**Mr. Tapp:** There are two reports from Integra, Board Member Jim Carlson. One is during the December meeting and then the one they are speaking of is preceding this meeting.

**Mr. Carlson:** I thought you had prepared this one' sorry.

**Ms. Malay:** I have a question.

**Mr. Beggs:** Any other questions? Go ahead and approach so we can hear the question and state your name.

**Ms. Malay:** Lisa Malay, I live at 16521 Endicott, and if I understood you correctly then the information that you gathered in what limited time I had to look at it does reflect residences that are not represented of the area that we live in? Our lots are minimum five acres, ten we are not that close together and there is a presumption when you live in an outlying area that we do that will be views there is money that we pay for the views and the inconvenience of living that far out.

**Mr. Beggs:** I can kind of clear that up. His case study two, one was in Peculiar and one was Raymore single family 4.28 acres, 3.02 acres, case one...

**Mr. Tapp:** Case one was ...

**Mr. Beggs:** That was the Riss Lake properties.

**Ms. Malay:** Well the summation that he made himself was that he really could not find data that reflected the area that we live in, that you could not consistently find data because the sales don't support that so you related back to the earlier examples that you had in your report and I think that if you go by the standard that Clay County has set for the use of a special use permit which I did in my report it does not fit in with in use or stature with anything in this surrounding area. I think that item F and point by point the use of this is not necessary, you mentioned 911 we have cell phone service there is cell service available there and there is also other corridors available that might be more compatible with something of this stature but as a residents around here outside of the area that you told where the condensed in that area and then extending beyond it do not what their views and the blight of this tower in their neighborhood. And if you look at Clay County's statutes or their protocol for approving these special use permits that is included in the approval or denial of a special use permit is the impact that it has on the residents in that area, so thank you for letting me speak.

**Mr. Beggs:** Thank you.

**Mr. Simmons:** If I may, John Simmons, 16700 Endicott Road, no disrespect to either one of these gentlemen but if we had the financial capability that Verizon has where we could retain an attorney and retain experts to come before this committee I am sure we could supply just as much data on this side as on that side. I mean when you go to the expert testimony if you would it depends on which side that expert is testifying for, if we had the financial capability to go out and hire someone I am sure we could come up with someone that would give just as much on this side as that side. The long and the short of it is you know the sign there at the property says public notice as far as input from the people that live there in that community the last meeting this room was full of people who live out there and one person in the room then spoke in favor of this that was it. When I did my survey went door to door one person was in favor of this that was it. The long and the short of it is, we live where we live because that's where we want to be we don't want the towers and the other conveniences or we would not have not chosen to live where we live. I still don't understand why a 230 foot tower within four miles isn't adequate service. You the last time we were here the gentleman from Verizon, who represented Verizon it wasn't conducive to their plans when I brought up the other two towers that are there with no antennas on them. You have one with no antennas on it and one with one antenna on it and those towers are not conducive to their plan, I don't understand it, I don't. Thank you.

**Mr. Beggs:** Thanks, any other comments? I am going to close the public comment period; can open up the discussion once the Commission, does the Commission have any questions, any discussion?

**Mr. Jackson:** I have one question is there any alternatives with the existing towers that sit out there of raising the height of those to condone or accomplish for the cell phone use?

**Mr. Holland:** Curtis Holland here, that question I heard a number of times and really in contrast of what people think taller isn't always better there is a lot of design engineering that goes into the building out of a network and these facilities have to be located in very specific areas and in relation to their other existing facilities to make it all work together and it's really quite like a jigsaw puzzle and the piece you are looking at putting here tonight that we're looking to put here on the map is part of a puzzle that has to fit in this specific area and puzzles are only so big the area where we can put the facility to make the network work when you consider where our other facilities are and we provided those as part of the application information from array of frequencies in here from Verizon that explains why we are doing it here and shows where the other existing Verizon structures are and so moving a structure often times moving a structure as little as half a mile makes a huge difference much less four miles. Four miles away moves it out of the area of where we need the service and starts to encroach into an area where we already have service and so you can't go to the other side four miles away and increase the height of it and still serve the area back into this area where you are trying to serve, you really have to put the facility in the area where you need the service.

**Mr. Jackson:** Okay thank you.

**Mr. Rhodus:** Do you have any plans for any barrier, any sort of like trees or anything to soften...

**Mr. Holland:** There is landscaping I think being presented to the bottom of the facility but I would honestly and candidly tell you it's not going to help their views. I would also tell you that this is a substantial buffer where this facility is located in terms of its relation to adjoining residential properties. Even to the closest residence here it's maybe a 1,000 feet from your property, it's over nearly 2,000 feet from the next nearest property, and it's near a railroad track. In all my years doing this, this is not located too close to residential properties there is a substantial buffer here. In our industry I appreciate that they don't agree and that means nothing to them. We have inconveniences that we have to look at if we are in a modern society, we have telephone poles, power poles, transmission poles frankly they can go where ever the heck they want to without our permission because they have the right of eminent domain and can condemn property. You have water tanks you can look out here and see one of the largest water tanks in the Kansas City metropolitan area. I appreciate that they would love an uncluttered view of forever but in this society we can't have those kinds of views if we want to have service and maybe they do have cell phone service in the area.

**Ms. Malay:** I am a Verizon customer.

**Mr. Holland:** That is fine and I hope you stay with Verizon; we are trying to improve the service in the area. It's unreliable service in this area and so we are trying to improve it not just so the customers or the residents that live right there in that immediate vicinity or here represented themselves but for an area that is probably two or three miles in radius, that's a lot more people than who are here and so again I understand their opposition to it, I truly do and I know it's heartfelt but I don't think that there's going to be any impact on property values. This isn't a matter of battling experts we have raw data that we can compare and that's what he did he took raw data and summarized it. We didn't say that there aren't any properties that are comparable out here we just said there's fewer in the rural areas because there are fewer rural properties that are sold. But I've looked at a lot of different studies and they nearly all say, they all do say the same thing. I have yet to see a study that anyone's presented that's not from New Zealand that's twenty years ago or some other place off the internet that provides real hard fact data that provable and supportable that shows that these kind of facilities have an impact on property values frankly transmission poles with those big wires have no impact on property values, water tanks have no impact on property values there's a lot of stuff out there that people think are really damaging to their property values. If you look at the raw data it doesn't and so that's what we're saying here.

**Mr. Beggs:** I don't believe there is any landscaping around.

**Mr. Tapp:** There is a landscaping requirement around the base.

**Mr. Beggs:** Was there okay, there was some there, to answer your question to soften the base of it.

**Mr. Tapp:** There is no landscaping in this world that would go 160 feet.

**Mr. Beggs:** Right.

**Mr. Holland:** One more point just in case because this gets asked a lot it's not even lit. Towers that are over 200 feet are required by the FAA. This is, I heard what they said it's a short tower, I don't know what towers they were looking at but if you go out on the highway and the byways of rural America they're 250 – 300 foot guide towers lit and all kinds of stuff. This one's not it's like a really really tall light pole without a light.

**Ms. Malay:** If I may, it doesn't need to be lit it is sitting right outside my back window, I remodeled it.....

**Mr. Beggs:** Excuse me ma'am, you will have to direct your comments to the Commission or I will have to ask you to leave.

**Ms. Malay:** I am sorry.

**Mr. Beggs:** Do I have any more comments from the Commission, discussion?

**Mr. Carlson:** I would like Matt could you review the points that your recommendation.

**Mr. Tapp:** On the conditions?

**Mr. Carlson:** On the conditions, yes.

**Mr. Tapp:** On what portion are you asking about?

**Mr. Carlson:** Actually your whole recommendation and the conditions it's not in our information here tonight you normally as a staff give a report.

**Mr. Tapp:** Yes if you recall the packet from September when this case was originally presented there was a full staff report with recommendations. And the recommendations were approved the eight conditions which I could supply you if you would like. It's just from the original September meeting.

**Mr. Beggs:** I am just going to make some comments; the Commission has got to make a decision based on the evidence provided we can't go by conjecture or anything like that. I know there's been comments that you don't feel this tower fits within the conditions of the Land Development Code, staff has a different opinion of that they've studied it and I assume that is still their opinion that this tower has met all the conditions of the current Land Development Code, is that correct?

**Mr. Tapp:** Correct.

**Mr. Beggs:** We've seen evidence we have reports from both sides, report that was submitted by Ms. Malay if you look on page 271 and their summary of conditions, summary of conclusions I'm kind of hearing the same thing on both sides, this report says that it's basically can be a wash. They can say minus 20% but then they, look here so I can find the exact verbiage here, the opinion survey result, this is from the report, let me find the author here, from Sandy Bond and their summary and conclusion say "the opinion survey reserves for generally confirmed by market sales analysis using a hedonic house price approach. The results of the sales analysis show prices of properties were reduced by around 21% after a CPBS was built in the neighborhood", but if you go on it says "however, this result varies between neighborhoods, with a positive impact on price being recorded in the neighborhood and possibly due to the CPBS being built in a suburb before any adverse media publicity about CPBSs appeared in the local Christchurch press." And then it goes on down it says "There is a need to increase the public's understanding of how radio frequency transmitting facilities operate and the strict exposure limit standards imposed on the telecommunication industry." The other reports that we have from the American Cancer Society kind of says the same thing; their conclusion is that these things operate with such a low power and the wavelengths are different that the American Cancer Society says there's no health effects. I assume, I mean we could listen to evidence on both sides I assume American Cancer Society does not have a dog in the fight and their job is to stop cancer so personally I give quite a bit of weight to that report. So with that said, I understand where you are coming from I live in the country just like you do for the very reasons you do and it's funny that you mentioned a lighted tower because there is one outside my back, the next pasture over, and I didn't even notice it until my mother-in-law came and stayed and she said "what is that blinking light" at night when she was sleeping and I've gotten to where we don't even know it's there. So I understand coming in it you may not like it but it is a mono pole and I think eventually you will get to be like me and you don't notice that it's there. So with that said, that is my input the other Commissioners would like to voice some opinion I would love to hear it.

**Mr. Carlson:** I would like to say the same thing, it's very difficult for us to make decision here because I live in the country and I respect everybody who does we've moved here for a reason. But as a Board Member I have an obligation to follow the facts that were presented and I really burns my heart

to have to try to come to terms with this tower but as a member of the Board we have to look at the facts and he just mentioned the facts and we've studied those and we've had three discussions now and we have to make a decision and if there's no other comment I think it's time to, I will make a motion that we request a Conditional Use Permit to erect a commercial wireless communication tower on Agriculturally (AG) zoned property located at 16423 Endicott Road.

**Mr. Tapp:** What is your motion?

**Mr. Carlson:** What?

**Mr. Tapp:** What is your motion? Or are you just asking for a motion?

**Mr. Carlson:** No I was making a motion.

**Mr. Beggs:** He was making a motion.

**Mr. Tapp:** To approve?

**Mr. Carlson:** To approve, yes I said to approve.

**Mr. Tapp:** Okay thank you.

**Mr. Beggs:** We want to add the eight conditions?

**Mr. Tapp:** With the eight conditions.

**Mr. Carlson:** Yes with the eight conditions that were on the original application.

**Mr. Beggs:** Do I have a second?

**Mr. Jackson:** Second.

**Mr. Beggs:** Vote please.

**Mr. Tapp:** Duane Jackson?

**Mr. Jackson:** Approve with conditions.

**Mr. Tapp:** David Rhodus?

**Mr. Rhodus:** Approve with conditions.

**Mr. Tapp:** Jim Carlson?

**Mr. Carlson:** Approve with conditions.

**Mr. Tapp:** Tom Decker?

**Mr. Decker:** Approve with conditions.

**Mr. Tapp:** Vice-Chairman Mark Beggs?

**Mr. Beggs:** Approve with conditions.

**Final Vote: 5/0/0 Approved, Sept 14-128CUP; Verizon Wireless – CUP  
With Eight (8) Conditions**

**Mr. Beggs:** Again the County Commission will be considering this, our opinion is a recommendation to the County Commission and everyone is welcome to go to that County Commission meeting and voice your opinion.

**Mr. Tapp:** Yes, it's March 16<sup>th</sup>; it is slated to be March 16<sup>th</sup> at 10 o'clock am.

**Mr. Simmons:** Again, John Simmons, 167100 Endicott Road. I appreciate the predicament that you gentlemen are in but I think personally when you say public notice to get the public input and the input you got from the public that lives there is not what you approve, thank you gentlemen.

**Mr. Beggs:** Thank you. Next case on the agenda is case number February 15-101RZ/P which is a request for rezoning from Agricultural (AG) to Residential Rural (R-1) District with an Agricultural Land Preservation (ALP) overlay district and preliminary plat approval for the proposed subdivision of Gospel Hill located at 22403 NE 188<sup>th</sup> Street. The applicants are Steven E. and CarLeen Smith. This case was postponed from the February 3, 2015 Planning and Zoning Commission due to a lack of quorum. Are the applicants present? Does the staff have a report?

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

**Mr. Beggs:** So be it.

**Mr. Tapp:** Summarized the staff report Feb 15-101RZ/P dated January 28, 2015.

**Mr. Beggs:** Thank you, can I have the applicants please come forward and state your name and address.

**Mr. Smith:** Both of us?

**Mr. Beggs:** Just one of you who ever is representing you is fine.

**Mr. Smith:** Steve Smith, new address 22403 NE 188<sup>th</sup> Street, Holt, MO.

**Mr. Beggs:** And you heard the staff's report are you in agreement with all the conditions and facts of the report?

**Mr. Smith:** On this first one of number two?

**Mr. Tapp:** Yes.

**Mr. Smith:** Yes.

**Mr. Beggs:** Okay, thank you. Do you have any questions for the Commission?

**Mr. Smith:** No.

**Mr. Beggs:** Any other public comment? Discussion from the Commission? Questions?

**Mr. Decker:** I have a question, is this being replatted because of the survey or legal description is botched when the property was transferred years ago?

**Mr. Tapp:** No it was one large piece under the same family ownership the Smiths are pursuing just to acquire ten acres with the house so in order to do so from the rest of the acreage you've got to rezone that piece and split it off by plat, so to answer your question no.

**Mr. Beggs:** Any other questions, discussion?

**Mr. Tapp:** There are some issues with the current deed not historic, no.

**Mr. Beggs:** Do I have a motion?

**Mr. Decker:** I will make a motion to approve the preliminary plat of Gospel Hill, located at 22403 NE 188<sup>th</sup> Street.

**Mr. Tapp:** We can do the rezoning then the final plat.

**Mr. Beggs:** Okay. Do I have a second?

**Mr. Carlson:** Second.

**Mr. Beggs:** Vote please.

**Mr. Tapp:** Duane Jackson?

**Mr. Jackson:** Approve.

**Mr. Tapp:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Tapp:** Jim Carlson?

**Mr. Carlson:** Approve.

**Mr. Tapp:** Tom Decker?

**Mr. Decker:** Approve.

**Mr. Tapp:** Vice-Chairman Mark Beggs?

**Mr. Beggs:** Approve.

**Final Vote: 5/0/0 Approved, Feb 15-101RZ/P; Gospel Hill – Preliminary Plat  
With zero (0) Conditions**

**Mr. Tapp:** And then if we could get a motion for rezoning, Mr. Vice-Chair.

**Mr. Beggs:** Okay. Do I have a motion for rezoning for Gospel Hill?

**Mr. Decker:** I'll make a motion that we approve the rezoning of Gospel Hill at 22403 NE 188<sup>th</sup> Street.

**Mr. Beggs:** Do I have a second?

**Mr. Jackson:** Second.

**Mr. Beggs:** Vote please.

**Mr. Tapp:** Duane Jackson?

**Mr. Jackson:** Approve.

**Mr. Tapp:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Tapp:** Jim Carlson?

**Mr. Carlson:** Approve.

**Mr. Tapp:** Tom Decker?

**Mr. Decker:** Approve.

**Mr. Tapp:** Mark Beggs?

**Mr. Beggs:** Approve.

**Final Vote: 5/0/0 Approved, Feb 15-101RZ/P; Gospel Hill – Rezoning  
With zero (0) Conditions**

**Mr. Beggs:** Thank you, the next case on our agenda is case number February 15-102F which is a request for final plat approval of Gospel Hill a proposed subdivision located at 22403 NE 188<sup>th</sup> Street the applicants are Steven E. and CarLeen Smith. This case was postponed from the February 3, 2015 Planning and Zoning Commission meet due to lack of quorum. Does the staff have a report? The same?

**Mr. Tapp:** The same.

**Mr. Beggs:** I assume you understand everything that is required on the final plat?

**Mr. Smith:** Yes is this still dealing with the second one?

**Mr. Tapp:** The final plat yes.

**Mr. Smith:** The final one.

**Mr. Beggs:** The final plat of Gospel Hill.

**Mr. Tapp:** There are conditions but just the cleanup of the drawings.

**Mr. Beggs:** Okay. So do I have a motion for the final plat of Gospel Hill?

**Mr. Jackson:** I make a motion to approve the final plat of Gospel Hill with conditions listed on Exhibit A.

**Mr. Beggs:** Thank you, do I have a second?

**Mr. Carlson:** I'll second.

**Mr. Beggs:** Vote please.

**Mr. Tapp:** Duane Jackson?

**Mr. Jackson:** Approve.

**Mr. Tapp:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Tapp:** Jim Carlson?

**Mr. Carlson:** Approve.

**Mr. Tapp:** Tom Decker?

**Mr. Decker:** Approve.

**Mr. Tapp:** Vice-Chairman Mark Beggs?

**Mr. Beggs:** Approve.

**Final Vote: 5/0/0 Approved, Feb 15-102F; Gospel Hill – Final  
With One (1) Condition**

**Mr. Beggs:** Thank you, again this will come before the County Commission on the 16<sup>th</sup>.

**Mr. Tapp:** There is one more actually a well water request as a principal drinking water.

**Mr. Beggs:** Okay, the fourth case is case number February 15-103GR it's a request for the use of a water well as the supply source on Agriculturally (AG) zoned property located at 22403 NE 188<sup>th</sup> Street the applicants are Steven E. and CarLeen Smith this case was also postponed from the February 3, 2015 Planning and Zoning Commission meeting. Do we have a report?

**Mr. Tapp:** Yes Mr. Vice-Chairman again I would like to attach the staff report as part of the record.

**Mr. Beggs:** So be it.

**Mr. Tapp:** Summarized the staff report Feb 15-103GR dated January 29, 2015.

**Mr. Beggs:** Do you have any questions? How far away is the water line?

**Mr. Tapp:** Mr. Smith could answer that question better than I could.

**Mr. Smith:** I could ask Dave he is a little more familiar, he is our Realtor; he could tell you a little more about that how far it was. He checked into the cost of it.

**Mr. Haag:** 1,600 feet.

**Mr. Beggs:** 1,600 feet, thank you.

**Mr. Tapp:** That's a fair distance.

**Mr. Carlson:** Matt is there a requirement if the water is extended to the property that they must connect?

**Mr. Tapp:** That's what the notarized statement is for if gets within 200 feet per our codes and then they will extend and connect.

**Mr. Beggs:** Any other comments or questions?

**Ms. Smith:** I do have one; do I have to go up there?

**Mr. Beggs:** Yes please if you would so we could get you as part of the minutes of the meeting.

**Ms. Smith:** I was just wondering if its 200 feet from the residence which is in the middle of land on the road or the corner.

**Mr. Tapp:** Its 200 feet within the property the whole property boundary.

**Mr. Smith:** See that would determine which way the water comes in, I know they said that it would come in from the east is that correct?

**Audience (Haag?):** West.

**Mr. Tapp:** I think that is from Old BB right?

**Audience(Haag?):** Yes west.

**Mr. Tapp:** From Old BB on the west side.

**Audience(Haag?):** There is also water to the east but we don't know which one will (*inaudible*)

**Mr. Smith:** From the west there's just like a property there to the west it's over 600 feet from the property line to our house so that is a considerable amount of money.

**Ms. Smith:** We were just wondering if you could amend that a little bit to say in front of the residence?

**Mr. Tapp:** Well our code is kind of an interpretation it's not clear black and white but in a similar section in the code it talks about reference of 200 feet and it says property line so I don't need to go into much specifics about planning policy if I don't need to but generally most jurisdictions developers extend and build cities and city structure and then cities take it over so hypothetically developer A develops a site and extends the utilities the full length then the next person down the line will extend from that point and it just keeps going. A lot of growth management states like Florida, California have that requirement in every development so that is what I was getting at it hits your door step it hits your property then you should extend so the next guy down the line doesn't have to extend all the way across your property to get their property because it just compounds. That's why we have to look at from a long range prospective.

**Mr. Smith:** The reason I said that we've run into this before we had a farm in DeKalb County and we said whenever a water line comes by we certainly want to hook onto it.

**Ms. Smith:** And they brought it right in front of our house we just thought you guys would too.

**Mr. Tapp:** The 200 feet is an interpretation so you start with the Planning and Zoning Commission per view and the County Commission ultimately is how they would want to interpret that code. If they view it differently 200 feet of the residence so be it that's their direction that is kind of my interpretation of the code.

**Ms. Smith:** That's it, that's all I wanted to know.

**Mr. Beggs:** Thank you.

**Mr. Tapp:** There's a lot more of these properties then you realize too.

**Mr. Beggs:** Any other comments or questions from the Commission? Do we have a motion?

**Mr. Decker:** I will make a motion to approve the request for use of the water well as the sole supply for the property located at 22403 NE 188<sup>th</sup> Street.

**Mr. Jackson:** Second.

**Mr. Beggs:** Vote please.

**Mr. Tapp:** Duane Jackson?

**Mr. Jackson:** Approve with conditions.

**Mr. Tapp:** David Rhodus?

**Mr. Rhodus:** Approve with conditions.

**Mr. Tapp:** Jim Carlson?

**Mr. Carlson:** Approve with conditions.

**Mr. Tapp:** Tom Decker?

**Mr. Decker:** Approve with conditions.

**Mr. Tapp:** Vice-Chairman Mark Beggs?

**Mr. Beggs:** Approve with conditions.

**Final Vote: 5/0/0 Approved, Feb 15-103GR; Steve E and CarLeen Smith–Well Water  
With One (1) Condition**

**Mr. Beggs:** Very good, thank you.

**Mr. Smith:** Thank you very much.

**Mr. Beggs:** Our fifth case is case number February 15-104A it's a request for the approval of the 2014 Zoning Map which includes approved rezoning applications from January 1, 2014 through December 31, 2014. The applicant is Clay County and this case was also postponed from the February 3, 2015 Planning and Zoning Commission meeting, staff report.

**Mr. Tapp:** Yes Mr. Vice-Chairman again I would like attach the staff report as part of the record.

**Mr. Beggs:** So be it.

**Mr. Tapp:** Summarized the staff report Feb 15-104A dated January 28, 2015.

**Ms. Viviano:** And we do have the map back rolled up there if anybody wants us to pull it out we can.

**Mr. Beggs:** Any questions or comments from the Commission? Any comments from the public? Do I have a motion?

**Mr. Decker:** I'll make a motion to approve the 2014 Zoning Map dated January 1, 2014 to December 31, 2014.

**Mr. Beggs:** Do I have a second?

**Mr. Jackson:** Second.

**Mr. Beggs:** Vote please.

**Mr. Tapp:** Duane Jackson?

**Mr. Jackson:** Approve.

**Mr. Tapp:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Tapp:** Jim Carlson?

**Mr. Carlson:** Approve.

**Mr. Tapp:** Tom Decker?

**Mr. Decker:** Approve.

**Mr. Tapp:** Vice-Chairman Mark Beggs?

**Mr. Beggs:** Approve.

**Final Vote: 5/0/0 Approved, Feb 15-104A; 2014 Zoning Map  
With Zero (0) Conditions**

**Mr. Beggs:** Next case is case number March 15-105RZ/P this is a request for rezoning from Agricultural (AG) to Residential Ranchette (R-5) District for only lot 3, and rezoning from Suburban Residential District (R-1A) to Residential Rural District (R-1) for only lot ,1 and rezoning from Agricultural (AG) and Suburban Residential District (R-1A) to Limited Industrial (I-1) District for only Lot 2 of the proposed subdivision Williams Creek (A Replat of Lot 2, Stone Ridge and A Replat of Lot 3B, Replat of Lot 3 Stone Ridge) located at approximately 16516 N 69 Highway, the applicant is Fred Dehn, representing Precision Repair Systems and Alfred Rager. Staff have a report?

**Mr. Tapp:** Yes Mr. Vice-Chairman I would like to attach the report as part of the record.

**Mr. Beggs:** So be it.

**Mr. Tapp:** Summarized the staff report Feb 15-105RZ/P dated February 25, 2015.

**Mr. Beggs:** Thank you, can I have the applicant/representative come forward and state your name and address.

**Mr. Dehn:** Fred Dehn, 16516 N 69 Highway, Excelsior Springs.

**Mr. Beggs:** Did you have any questions for the staff or anything about the report?

**Mr. Beggs:** Not really.

**Mr. Beggs:** You understood everything in the conditions.

**Mr. Dehn:** Very well.

**Mr. Beggs:** Okay, any questions from the Commission, discussion? So the motion for this when it comes forward are we doing this in pieces?

**Mr. Tapp:** Yes we need the separate motions, request action. So the first of which will be the rezoning, then the preliminary plat, then the final plat and then the vacation UE and I would like to make sure that we are all on agreement, Mr. Dehn on the Exhibit A on the Rezoning/Preliminary Plat we have landscaping that needs to be extended the full distance of the west property line of lot two which is an industrial lot prior to the issuance of any building permits for new construction. So I just wanted to make sure that we are all on the same page.

**Mr. Dehn:** Yes

**Mr. Tapp:** Because you are looking at adding another building a new building for self-storage if that occurs we need to have landscaping going down the full west property line per Land Development Code.

**Mr. Dehn:** Yes we are doing the landscaping even if the building doesn't go in.

**Mr. Tapp:** Okay so the full distance of the west property line.

**Mr. Dehn:** You bet.

**Mr. Tapp:** Because on the last preliminary plat drawing you had it going to a certain length and it stops it wasn't going the full distance.

**Mr. Dehn:** Right.

**Mr. Tapp:** I just wanted to make sure we were very clear. To explain that to the Planning and Zoning Commission, Industrial Zoned Property when it fronts residential or Agricultural zoned property any outdoor storage areas must be screened from view, makes since now they don't necessarily have outdoor storage there on the west side behind the buildings but in theory they could so might as well go ahead and take care of the right now and I would ask that the Dehn's may push the landscaping a little bit to leave a little clearance room between the landscaping and especially the overhead power easement, we don't want to get anywhere near that where the trees or grass could grow over it and then they would chop them all off and so I would encourage them to move maybe five feet to the east based on what the preliminary plat says.

**Mr. Dehn:** We're going around 12 to 15 feet.

**Mr. Tapp:** Even though what's on there now you probably go a little farther east just to make sure. Because there's the overhead power easement and there's an additional utility easement per our platting standards, so I don't know the distance exactly right now but I am assuming that's going to be roughly twenty feet from the west property line, approximately.

**Ms. Viviano:** And you'll actually want to go by the stakes when they put them out there and go by the final plat not by this preliminary.

**Mr. Dehn:** Right.

**Ms. Viviano:** Don't go by the preliminary.

**Mr. Beggs:** So you want them to step back some because you just said 12 and he said 20.

**Mr. Tapp:** Well from the property line without seeing the final platting the exact distance because the overhead power kind of bleeds a little bit over into the new lot 2, so it's kind of hard to tell how much of that bleed over there is and then into the UE, the surveyor will be able to tell right away. I'll venture to say to go four or five feet east of that just to make sure on center with the trees and landscaping that they don't happen to grow, you don't want them growing in the easements you just don't want to.

**Mr. Dehn:** And 20 feet's okay with me.

**Mr. Tapp:** I would say that is approximately maybe we could figure out the distance and the surveyor for you guys Fred is M&M or ...

**Mr. Dehn:** M&M.

**Mr. Tapp:** We'll coordinate with M&M and we will make sure we are all on the same page.

**Mr. Dehn:** Okay good.

**Mr. Tapp:** And they are removing, there was a driveway in the north that cut for the Dehn's property that kind of cut through the industrial they are proposing to remove it so that will be a condition of recording.

**Ms. Viviano:** Which is on the plats.

**Mr. Tapp:** Correct it's indicated on the plat. They have a separate driveway south of there that they received from MoDOT.

**Mr. Dehn:** It's our permitted drive to the house.

**Mr. Tapp:** Right.

**Mr. Beggs:** So this first motion is rezoning and preliminary plat.

**Mr. Tapp:** Rezoning only.

**Mr. Beggs:** Rezoning only.

**Mr. Tapp:** Yes each one separately.

**Mr. Beggs:** Okay, very good. Do I have a motion?

**Mr. Carlson:** I'll make a motion, the motion would just be to rezone, or do I need to read the whole thing? Okay, I will like to make a motion for rezoning from Agricultural (AG) to Residential Ranchette (R-5) District for only Lot three that is 9.17 acres, to Suburban Residential District (R-1A) to Residential Rural District (R-1) for only lot one 11.2 acres, and Agricultural (AG) and Suburban Residential District (R-1A) to Limited Industrial (I-1) District for only Lot two 3.5 acres for proposed subdivision Williams Creek. The approval is subject to the petitioner addressing all rezoning standards.

**Mr. Beggs:** Do I have a second?

**Mr. Decker:** I'll second.

**Mr. Beggs:** Vote please.

**Mr. Tapp:** Duane Jackson?

**Mr. Jackson:** Are there conditions on this?

**Mr. Tapp:** Not on rezoning, no.

**Mr. Jackson:** Okay, approve.

**Mr. Tapp:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Tapp:** Jim Carlson?

**Mr. Carlson:** Approve.

**Mr. Tapp:** Tom Decker?

**Mr. Decker:** Approve.

**Mr. Tapp:** Vice-Chairman Mark Beggs?

**Mr. Beggs:** Approve.

**Final Vote: 5/0/0 Approved, Mar 15-105RZ/P; Williams Creek – Rezoning  
With zero (0) Conditions**

**Mr. Tapp:** Now I ask for the motion for the preliminary plat Mr. Vice-Chairman.

**Mr. Beggs:** Do I have a motion for preliminary plat?

**Mr. Carlson:** I'll make a motion that we approve the preliminary plat of proposed Williams Creek with the conditions attached in Exhibit A.

**Mr. Beggs:** Do I have a second?

**Mr. Jackson:** Second.

**Mr. Beggs:** Vote please.

**Mr. Tapp:** Duane Jackson?

**Mr. Jackson:** Approve with conditions.

**Mr. Tapp:** David Rhodus?

**Mr. Rhodus:** Approve with conditions.

**Mr. Tapp:** Jim Carlson?

**Mr. Carlson:** Approve with conditions.

**Mr. Tapp:** Tom Decker?

**Mr. Decker:** Approve with conditions.

**Mr. Tapp:** Vice-Chairman Mark Beggs?

**Mr. Beggs:** Approve with conditions.

**Final Vote: 5/0/0 Approved, Mar 15-105RZ/P; Williams Creek – Preliminary Plat  
With Two (2) Conditions**

**Mr. Beggs:** Thank you, next case is number seven it's case number March 15-106F it's a request for final plat approval of Williams Creek (A Replat of Lot 2, Stone Ridge and A Replat of Lot 3B, Replat of Lot 3 Stone Ridge) a proposed subdivision located at approximately 16516 N 69 Highway, the applicant is Fred Dehn representing Precision Repair Systems and Alfred Rager, staff report?

**Mr. Tapp:** Just two things real quick, the staff report as part of the record?

**Mr. Beggs:** So be it.

**Mr. Tapp:** And then the final plat is in substantial compliance with the preliminary plat so staff recommends approval with the conditions one through three as outlined in Exhibit A.

**Mr. Beggs:** Thank you and state your name again for the record please.

**Mr. Dehn:** Fred Dehn, 16516 N 69 Highway.

**Mr. Beggs:** And you heard staff's report and you're familiar with all the conditions shown in Exhibit A for the final plat.

**Mr. Dehn:** Yes absolutely.

**Mr. Beggs:** And you agree with everything there?

**Mr. Dehn:** Yes.

**Mr. Beggs:** Thank you any questions or comments from the Commission? That said do I have a motion for the final plat?

**Mr. Decker:** I'll make a motion to approve the final plat of Williams Creek based on the conditions set forth in Exhibit A.

**Mr. Carlson:** I'll second.

**Mr. Beggs:** Vote please.

**Mr. Tapp:** Duane Jackson?

**Mr. Jackson:** Approve with conditions.

**Mr. Tapp:** David Rhodus?

**Mr. Rhodus:** Approve with conditions.

**Mr. Tapp:** Jim Carlson?

**Mr. Carlson:** Approve with conditions.

**Mr. Tapp:** Tom Decker?

**Mr. Decker:** Approve with conditions.

**Mr. Tapp:** Vice-Chairman Mark Beggs?

**Mr. Beggs:** Approve with conditions.

**Final Vote: 5/0/0 Approved, Mar 15-106F; Williams Creek – Final Plat  
With Three (3) Conditions**

**Mr. Beggs:** The last case tonight is case number March 15-107V it's a request to vacate utility easements within Lot 2 Stone Ridge and Lot 3B, Replat of Lot 3, Stone Ridge located at approximately 16516 N 69 Highway, the applicant is Fred Dehn, representing Precision Repair Systems and Alfred Rager, staff report please.

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

**Mr. Beggs:** So be it.

**Mr. Tapp:** Summarized the staff report Feb 15-107V dated February 25, 2015.

**Ms. Viviano:** I would also to make a comment here to go on the record that we did receive communication from AT&T that they were fine with this, they do not have any service in the area and if we could add that to the staff report.

**Mr. Beggs:** Under outside agency review?

**Ms. Viviano:** Yes.

**Mr. Beggs:** So AT&T has no objections.

**Ms. Viviano:** Yes has no objections.

**Mr. Beggs:** Thank you, and the applicant understands the resolution for vacation on the staff report you are in agreement with the staff's report.

**Mr. Dehn:** Yes.

**Mr. Beggs:** Okay very good. Any questions or comments?

**Mr. Decker:** I need a little help with the driveway that comes in off of 69 Highway that goes down south and east of your house on the replat lot three on Stone Ridge is that?

**Mr. Dehn:** Yes that is a temporary driveway that was used while the permitted driveway was put in to that home.

**Mr. Decker:** The permanent driveway is further south?

**Mr. Dehn:** Yes.

**Mr. Tapp:** Yes it stays on the property, Commissioner Decker we talked about that one on the north that cuts through the industrial property is going to be removed.

**Mr. Decker:** Okay.

**Mr. Tapp:** And they have a permitted one to the south that stays on the lot, which is lot one, I believe of Williams Creek and that's where the Dehn's live.

**Mr. Decker:** Okay I'm good.

**Mr. Beggs:** Thank you, any questions or comments? Do I have a motion?

**Mr. Decker:** I'll make a motion that we approve the vacated utility easement based on no objections it has been that AT&T reported, Northwest Power is overhead.

**Mr. Beggs:** Do I have a second?

**Mr. Jackson:** Second.

**Mr. Beggs:** Vote please.

**Mr. Tapp:** Duane Jackson?

**Mr. Jackson:** Approve with conditions.

**Mr. Tapp:** David Rhodus?

**Mr. Rhodus:** Approve with conditions.

**Mr. Tapp:** Jim Carlson?

**Mr. Carlson:** Approve with conditions.

**Mr. Tapp:** Tom Decker?

**Mr. Decker:** Approve with conditions.

**Mr. Tapp:** Vice-Chairman Mark Beggs?

**Mr. Beggs:** Approve with conditions.

**Final Vote: 5/0/0 Approved, Mar 15-107V; Williams Creek – Vacate  
With One (1) Condition**

**Mr. Beggs:** Thank you.

**Mr. Dehn:** Thank you.

**Mr. Beggs:** I noticed I skipped over the report the activity report for the Clay County Planning and Zoning Department if the Commissioners would a look at that and if you have any questions or comments we will give you time to bring that up. You had a good year last year.

**Mr. Tapp:** We did, we were really close to operating in the black, which is rare in P&Z.

**Mr. Beggs:** Does the Director have any additional comments?

**Mr. Tapp:** No Mr. Vic-Chairman.

**Mr. Beggs:** Any advice from Legal Counsel?

**Mr. Flook:** We are good.

**Mr. Beggs:** Do I have a motion to adjourn? Oh do we need to talk about this?

**Mr. Tapp:** Yes we have an updated roster now that David Rhodus has joined the Planning and Zoning Commission you should have gotten a copy of that if not let us know we can print one out. Okay motion to adjourn?

**Mr. Carlson:** I make a motion we adjourn.

**Mr. Beggs:** Second?

**Mr. Jackson:** Second.

**Mr. Beggs:** Vote all in favor say aye.

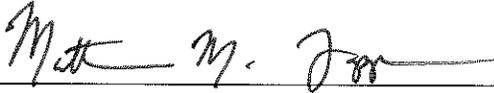
**All:** Aye

**Meeting Adjourned**



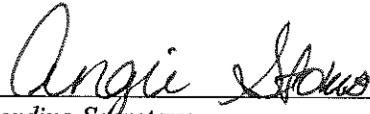
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*Chairman, Planning & Zoning Commission*



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*Secretary, Planning & Zoning Commission*



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*Recording Secretary*