

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

April 7, 2015

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

Members Absent:

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

Mr. Beggs: Good evening ladies and gentlemen, I would like to call to order the April 7, 2015 meeting of the Clay County Planning and Zoning Commission, 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. Before we get started I just would like to mention kind of pay our respects to Gene Knisley the past Chairman of the Board, I assume everyone on the Board knew that Gene passed away on the 26th of March.

Mr. Carlson: No.

Mr. Tapp: I was waiting until this meeting to bring it up to the group.

Mr. Beggs: Well I thought it should be part of the record that Gene's has been a Chairman of the Commission for ...

Mr. Tapp: 28 years on the Board, Chairman since 1995.

Mr. Beggs: A very long time, so he has giving a lot of time with the County and the residence and was always very professional and very fair I thought, the way he conducted meetings and I just thought we should publicly thank him for his time and effort that he gave to us.

Mr. Tapp: Defiantly and related two items Mr. Vice-Chairman well really three, but one of which we are passing around a card for the family, number two is the County Commission is going to have a recognition resolution next Monday the 13th 10 o'clock a.m. the members are more than welcome to attend to pay their respects, the family will be there to accept the resolution.

Mr. Beggs: That's at Commission?

Mr. Tapp: At the County Commission meeting.

Mr. Carlson: When was this?

Mr. Beggs: The 13th at 10 a.m.

Mr. Carlson: No, when was the death?

Mr. Beggs: The 26th, yeah I just found out about it yesterday, services were a few days ago I think.

Mr. Tapp: The 30th, last week.

Mr. Beggs: Do we have a report from the staff from the previous month's activities?

Mr. Tapp: Yes we do but I don't have it with me so we will just lump it together with next month and then also back related to Chairman Gene Knisley as such it is up to this Board to select a new Chairman

if the members so desire. Right now we have you as Vice-Chairman but the body makes up the voting of the Chairman.

Mr. Carlson: I would like to make a motion that Mark Beggs be the Chairman of the Zoning Commission.

Mr. Jackson: Second.

Mr. Tapp: Okay, let me document that real quick, and I will do a roll call. So the motion on the floor is Mark Beggs as Chairman of the Planning and Zoning Commission.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Yes.

Mr. Tapp: David Rhodus?

Mr. Rhodus: Approve.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve.

Mr. Tapp: As such the motion passes.

Final Vote: 4/0/0 Approve Mark Beggs as Chairman

Mr. Carlson: Have you accepted?

Mr. Tapp: Do you accept the nomination?

Mr. Beggs: Yes, so I assume we should also vote a new Vice-Chair?

Mr. Tapp: I would recommend that just in the event that you are not able to attend yes.

Mr. Beggs: Do you want to do that this meeting or do you want to talk to people and see who are wanting to serve?

Mr. Tapp: It's up to the Board, it does not matter.

Mr. Beggs: Do I have volunteers? Jim would you like to be Vice-Chair?

Mr. Carlson: I am not a real good volunteer.

Mr. Beggs: So we need to draft you is that what you are saying?

Mr. Carlson: I will do my best I probably, I guess I have more hours than anyone else, but I think it is a big roll and I think so far you've done an excellent job.

Mr. Beggs: Thank you.

Mr. Carlson: I hope if I do take over that if I have to I could do it and do as good as job as Gene and Mark, I am learning.

Mr. Tapp: We do have to fill the vacated membership so we will do that here shortly with administration.

Mr. Carlson: And good help from you Matt.

Mr. Tapp: Thank you.

Mr. Beggs: So do we have a motion on the floor to elect Jim?

Mr. Decker: I'll make a motion to elect Jim Carlson as Vice-Chair of the Planning and Zoning Board.

Mr. Beggs: Second?

Mr. Rhodus: Second.

Mr. Beggs: Vote please.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approve.

Mr. Tapp: David Rhodus?

Mr. Rhodus: Approve.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve.

Mr. Tapp: Chairman Mark Beggs?

Mr. Beggs: Approve.

Final Vote: 4/0/0 Approve Jim Carlson Vice-Chairman

Mr. Beggs: Congratulations.

Mr. Carlson: Thank you, congratulations to you.

Mr. Beggs: Next item on our agenda is the approval of the March 3, 2015 PZC minutes, do I have a motion?

Mr. Carlson: I make a motion that we approve the March 3, 2015 Clay County Planning and Zoning Commission meeting minutes.

Mr. Beggs: Do I have a second?

Mr. Decker: 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: Chairman Mark Beggs?

Mr. Beggs: Approve.

Final Vote: 5/0/0 Approve March 3, 2015 Minutes

Mr. Beggs: Our regular agenda has four cases on it this evening and these cases, when do they go before the Commission? The cases tonight when do they go before the Commission is that on the 13th?

Mr. Tapp: The 20th.

Mr. Beggs: The 20th so anything that is approved or recommended for approval will go before the County Commission on the 20th will meet here in this room at 1 o'clock?

Mr. Tapp: 10 o'clock.

Mr. Beggs: 10 o'clock so you are welcome to come and be present for that, with that said our first case this evening is case number April 15-108RZ/F it is a request for rezoning from Residential Low Density District (R-1A) to Agricultural (AG) for only Lot 1 and Agricultural (AG) to Residential Rural District (R-1) for only Lot 2 and then Final Plat approval for Arrowhead Creek 2nd Replat located at approximately 13817 NE 144th Street and the applicants are Alan R., Diana L. and Tim Scott. Is there a representative applicant here? Okay I will ask you to come forward and if anybody who comes forward we ask that you state your name and your address for the record we are recording all the conversations tonight for our minutes so that helps us keep track of who is saying what. Does the staff have a report for the first case?

Mr. Tapp: Yes Mr. Chairman as always I would like to ask that the staff report be attached as part of the record.

Mr. Beggs: So be it.

Mr. Tapp: Summarized the staff report April 15-108RZ/F dated March 26, 2015.

Mr. Beggs: Can I have the representative/applicant come forward and state your name and address for the record.

Ms. Scott: Diana L. Scott, 14025 NE 123rd Street, Kearney.

Mr. Beggs: And you are familiar with the staff's report and you are in agreement with all of the conditions that they have mentioned?

Ms. Scott: Yes.

Mr. Beggs: Do you have any questions for the staff or Commission?

Ms. Scott: No.

Mr. Beggs: Okay, is there any questions from the Commission for the applicant? Okay, any public comment? Any comment from the Commission?

Mr. Carlson: No questions.

Mr. Beggs: Do I have a motion?

Mr. Tapp: How about Mr. Chairman if we ask for a motion for the rezoning first then the final plat.

Mr. Carlson: I'll make a motion that we rezone from Residential Low Density District (R-1A) to Agricultural (AG) for proposed Lot 1 and Agricultural (AG) to Residential Rural District (R-1) for proposed Lot 2 for Alan, Diana and Tim Scott.

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: Chairman Mark Beggs?

Mr. Beggs: Approve.

Final Vote: 5/0/0 Approved, April 15-108RZ/F; Arrowhead Creek 2nd Replat– Rezoning With zero (0) Conditions

Mr. Beggs: That has passed do I have a motion for the approval for the Final Plat?

Mr. Decker: I'll make a motion to approve the Final Plat for Arrowhead Creek 2nd Replat.

Mr. Beggs: I might add that we have two conditions underneath it in Exhibit A, might add that to the motion as well. Do I have a second?

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: Chairman Mark Beggs?

Mr. Beggs: Approve with conditions.

Final Vote: 5/0/0 Approved, April 15-108RZ/F; Arrowhead Creek 2nd Replat– Final Plat With Two (2) Conditions

Mr. Beggs: The second case is case number April 15-109V which is a request to vacate utility easements within Lot 1 of Arrowhead Creek and Lot 2A Replat of Lots 2, 3, and 4 Arrowhead Creek located at approximately 13817 NE 144th Street, the applicants are Alan R., Diana L. and Tim Scott. Do we have a staff report?

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

Mr. Beggs: So be it.

Mr. Tapp: Summarized the staff report April 15-109V dated March 26, 2015. You can on attachment C as in cat on 7 of 7 on the staff report we've kind of highlighted were that UE ran or does run.

Mr. Beggs: That's the tan line?

Mr. Tapp: Correct.

Mr. Beggs: What was that UE for, what was in, I assume there's nothing in that?

Mr. Tapp: Right, if the Commission might recall in most plats we have an outside utility easement of 30 feet for any plat and all internal lot lines have a 15 foot UE that huge both sides of the internal lot lines so seven and half on both sides. This is the internal one that is no longer needed and there are no utility lines present or running through it, so staff has no issues recommending approval.

Mr. Beggs: Okay very good. Can I have a representative of the applicants come forward please? If you would state your name and address again for us.

Ms. Scott: Diana L Scott, 14025 NE 123rd Street, Kearney.

Mr. Beggs: And you are familiar with the staff's report and the conditions, are in agreement with all those?

Ms. Scott: Yes.

Mr. Beggs: Do you have any questions for the staff?

Ms. Scott: No.

Mr. Beggs: Any questions for us?

Ms. Scott: No.

Mr. Beggs: Okay thank you, any question from the public any comments from the public? Any discussion amongst the Commission?

Mr. Carlson: I have one question Matt when we do vacating utility easements are the utility company contacted on that to see if they need...

Mr. Tapp: Yes that is a great question per statues they are notified by the applicant.

Mr. Carlson: Okay.

Mr. Tapp: So we have a standardized form and we get them in return. Some utility companies are better than other in returning the form even if they have no issues but yes they are notified.

Mr. Carlson: So once it's vacated it's done.

Mr. Tapp: Right it doesn't come back.

Mr. Beggs: Any other discussion, questions? Do I have a motion?

Mr. Carlson: I'll make a motion to vacate the utility easement within Lot 1 of Arrowhead Creek and Lot 2A, Replat of Lots 2, 3 and 4 Arrowhead Creek for Alan R., Diana L. and Tim Scott.

Mr. Beggs: Do I have a second?

Mr. Decker: 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.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve.

Mr. Tapp: Chairman Mark Beggs?

Mr. Beggs: Approve.

Final Vote: 5/0/0 Approved, April 15-109V; Arrowhead Creek 2nd Replat – Vacate With One (1) Condition

Mr. Beggs: Thank you, appreciate it. Our next case is case number April 15-110RZ/P it 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 Lawhorn Estates located at approximately 16606 Eissler Road, the applicant is Chris Higgins, Show Me Real Estate, representing Sharon K. Lawhorn. Do we have a representative? We'll go ahead and have the staff give their report.

Mr. Tapp: Mr. 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 April 15-110RZ/P dated March 26, 2015.

Mr. Beggs: Thank you, will you go ahead and state your name and address for the record.

Mr. Higgins: Yes I am Chris Higgins with Show Me Real Estate, I represent Ms. Sharon Lawhorn, and my address is 1101 South 169 Highway.

Mr. Beggs: And you are familiar with the staff's report?

Mr. Higgins: I am.

Mr. Beggs: Okay and any objections with any of the conditions you agree with everything that's there?

Mr. Higgins: Yes.

Mr. Beggs: Do you have any questions for the staff or Commission?

Mr. Higgins: No.

Mr. Beggs: Does the Commission have any questions for the applicant? Any public comments? Step forward and state you name and address please.

Ms. Mohr: I am Virginia Mohr, I live at 16701 Quinn Road and so my land abuts what's happening. This is a very tiny map, piece of topography information that I got in the mail I can hardly read so.

Mr. Beggs: Would you like to take a look at the full one.

Ms. Mohr: Yes I would.

Mr. Beggs: While she is reviewing that I did have a question access to lot three is that through the east does that put you on that utility easement? East/West is that going to be the access to lot 3 or is it?

Mr. Tapp: No lot 3 has direct access on Eissler Road. What's showing on the map is there's three lots half of each is in that Agricultural Land Preservation.

Mr. Beggs: That's the hatched area?

Mr. Tapp: That's the cross hatched area. That's where no manmade structures, that is not a lot line that is an internal, Agricultural Land Preservation, that 50% that is in the cross hatched is no manmade structure can be built in that area.

Ms. Mohr: And that's what we are talking about here?

Mr. Beggs: Anywhere in that cross hatched area, no structures.

Ms. Mohr: No structures, okay.

Mr. Tapp: So for Lot 1 the south half, Lot 2 is the west half and Lot 3 is the west half so this is cross hatched, crossed hatched, crossed hatched.

Ms. Mohr: So if my land abuts this I can expect that there will be no building on this?

Mr. Tapp: They cannot by our Land Development Code.

Ms. Mohr: Okay, cool glad to hear it. I am satisfied.

Mr. Beggs: Do you feel better?

Mr. Tapp: And Jim you had a question about why the Agricultural Land Preservation that ties back to our 2008 Comprehensive Plan and the direction it gave in most of our density tiers or the different tiers of development for Clay County there is a 20 acre minimum lot size for a new subdivisions with exceptions obviously within this natural resources tier it's the water shed area that feeds into Smithville Lake we really want to be cognizant of if we are going to do Urban level density that we are smart about sewers if they are enclosed sewers there's no threat of elicited discharge or sewer going in the lake or things like that nature and also erosion sediment control. So to vary from the 20 acres means that you go down to five plus acres lots providing at least 50 percent of that subdivided lots in the Agricultural Land Preservation and this is an overlay zoning district if we decide to go that route as oppose to a hard title easement on the plat, so what's going to happen is that we'll have the Building Official or whomever is in charge of building construction will have access to this drawing and if someone comes in for a building permit and they happen to be in that area that will raise the red flag and say you can't build in that area. You can still pursue, let's say they wanted to build on the west half of the Lot 2 they could come in and request through the Planning and Zoning Commission and County Commission to rezoning to change that 50 percent of that lot so this is not hard set in stone but it's when we are pursue a rezoning action on Lot 2 that would move the ALP area around to where they could build where they wanted to. Working with Chris and the property owner they choice these areas of lots where the ALP but it can change with a rezoning app, in the future.

Ms. Mohr: I have one more question.

Mr. Tapp: Step right up please.

Ms. Mohr: There's been some discussion among us neighbors as to what's happening is it true that there is going to be a limit of one house per lot?

Mr. Tapp: Per lot, yes. That is standard across the board for all of Clay County, unincorporated Clay County anyway, inside the cities that's a different, unless you are zoned multi-family you cannot have more than one lot on each lot or each tract of ground, okay. If it is further subdivided the people with in a thousand feet will be notified again so that's per state law so the neighbors are aware of any proposed subdivision or rezoning.

Ms. Mohr: Okay.

Mr. Beggs: Any additional discussion? Do I have a motion for rezoning?

Mr. Jackson: I make a motion for the rezoning from Agricultural to Residential Rural District with Agricultural Land Preservation (ALP) preservation overlay district POD for Lawhorn Estates.

Mr. Beggs: Do I have a second?

Mr. Carlson: I second.

Mr. Beggs: Vote please.

Mr. Tapp: Who seconded motion?

Mr. Beggs: Was it Jim?

Others: Jim.

Mr. Tapp: Thank you, 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.

Mr. Tapp: Chairman Mark Beggs?

Mr. Beggs: Approve.

**Final Vote: 5/0/0 Approved, April 15-110RZ/P; Lawhorn Estates – Rezoning
With zero (0) Conditions**

Mr. Beggs: Next case is case number April 15-111F.

Mr. Tapp: Mr. Chairman before we go any further we need a motion for the preliminary plat, this is for the final plat.

Mr. Beggs: I'm sorry, do I have a motion for the preliminary plat.

Mr. Jackson: I make a motion for the preliminary plat approval of Lawhorn Estates.

Mr. Beggs: I might add with the conditions shown in Exhibit A, do I have a second?

Mr. Rhodus: 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: Chairman Mark Beggs?

Mr. Beggs: Approve with conditions.

Final Vote: 5/0/0 Approved, April 15-110RZ/P; Lawhorn Estates – Preliminary Plat

With Five (5) Conditions

Mr. Beggs: Now we can move to case April 15-111F which is a request for final plat approval of Lawhorn Estates a proposed subdivision located at approximately 16606 Eissler Road, the applicant Chris Higgins with Show Me Real Estate is representing Sharon K. Lawhorn, staff report.

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

Mr. Beggs: So be it.

Mr. Tapp: Summarized the staff report April 15-111F dated March 26, 2015. And to let the Commission know the final plat is in substantial conformance with the preliminary plat that was just approved.

Mr. Beggs: Do I have a motion to approve the final plat?

Mr. Decker: I'll make a motion to approve the final plat of Lawhorn Estates based on the five conditions on Exhibit A.

Mr. Beggs: Second?

Mr. Jackson: Second.

Mr. Beggs: Vote please.

Mr. Tapp: Mr. Chairman did we have Mr. Chris Higgins to step up and a make sure he understands the conditions and agrees with the conditions.

Mr. Higgins: Chris Higgins, Show Me Real Estate, 1101 South 169 Highway.

Mr. Beggs: So you heard the staff's report?

Mr. Higgins: I have.

Mr. Beggs: And are you in agreement with all the conditions?

Mr. Higgins: I am.

Mr. Beggs: Do you have questions for the staff or the Board?

Mr. Higgins: I am good.

Mr. Beggs: Okay, any public comment?

Mr. Tapp: So the motion on the floor is to approve the final plat?

Mr. Beggs: Right, roll call.

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: Chairman Mark Beggs?

Mr. Beggs: Approve with conditions.

**Final Vote: 5/0/0 Approved, April 15-111F; Lawhorn Estates – Final
With Five (5) Condition**

Mr. Beggs: Thank you, again now I see a note at the bottom of the page April 20th at 10 a.m. County Commission will consider all these recommendations from the Planning and Zoning Commission you are welcome to attend. Any Director's comments?

Mr. Tapp: None at this time, although I will mention to the Commission that the new floodplain maps that I may or may not have discussed with this group it's been ongoing since 2008 with FEMA they look to be set in stone come August so we need to amend our Land Development Code to reflect these changes so that at least that language if not more adjustment to our Land Development Code before you all (inaudible) we want to adopt that code by August otherwise FEMA and SEMA at the state level will be breathing down our necks.

Mr. Beggs: So any substantial changes in the FEMA maps?

Mr. Tapp: Yeah, as I have talked about before most of the changes are 95% or quite a dominate amount is shrinkage of the floodplain or at least a more focused effort, the old maps were not scientific per say in certain areas so it was more of a best guess and ... (inaudible)... for no reason but in these new maps they went across Clay County and we have a high precision digital elevation model so we have three feet by three feet little squares that make up Clay County and each has a vertical elevation value tied to it which is beneficial in many different ways. But that is one of the sources of information they plug into their modeling software as well as other engineering and service directives that they came up with the new floodplain so the vast majority except for Fishing River, Clear Creek everyone knows where those kind of had issues very wide profile of creeks so northern Kearney got hit a little bit and kind of out by Mosby a little more extend by our airport actually. But more focused too so I always told folks floodplain is not a death sentence in development it just means you got to do a few other steps to make it happen, I can turn it on in this particular instance because Arrowhead Creek had some floodplain tied to it but I won't it's much more precise, so over all it's a benefit it might have some issues with some folks here and there but overall it's good.

Mr. Beggs: Okay.

Mr. Tapp: I just wanted to bring it to your attention so when it comes you'll know and of course we'll have a staff report.

Mr. Beggs: Okay very good.

Mr. Tapp: And to get the word out about the new floodplain map that will be coming in August.

Mr. Beggs: Do I have a motion to adjourn?

Mr. Jackson: Motion to adjourn.

Mr. Beggs: Second?

Mr. Carlson: I'll second.

Mr. Beggs: Vote?

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: Chairman Mark Beggs?

Mr. Beggs: Approve.

Meeting Adjourned



Chairman, Planning & Zoning Commission



Secretary, Planning & Zoning Commission



Recording Secretary