

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

June 2, 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
Debbie Viviano, Planner
Tim Flook, Assistant County Counselor
Angie Stokes, Secretary

Mr. Beggs: Good evening ladies and gentlemen, I would like to call to order the June 2, 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: Chairman Mark Beggs?

Mr. Beggs: Present. Just some housekeeping issues we are recording the meeting this evening so I will ask each person if you have a comment to approach the podium and say your name and your address that way when she transcribes all the minutes of the meeting it helps her tell who's saying what. Also the issues that we will be discussing tonight and recommendations we'll be taken to the Clay County Commission, will be talked about at the Commission meeting on June 15, 2015 at 10 a.m. in this same room. So if you want to follow up with Clay County Commission meeting and the approval these issues come and that will be the time to come. That said the first order of business is the approval of the April 7, 2015 PZC minutes.

Mr. Carlson: I move that we approve the April 7, 2015 minutes.

Mr. Beggs: Do we have a second?

Mr. Jackson: Second.

Mr. Beggs: Vote.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Yes.

Mr. Tapp: David Rhodus?

Mr. Rhodus: Yes.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Yes.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve.

Mr. Tapp: Chairman Mark Beggs.

Mr. Beggs: Approve.

Final Vote: 5/0/0 Approve April 7, 2015 Minutes

Mr. Tapp: Motion carries.

Mr. Beggs: Thank you, we will jump into our regular agenda and the first case to night is case number June 15-112RZ it is a request for rezoning from Residential Low Density District (R-1A) to Residential Low Density District (R-1A) with a Planned Unit Development (PUD) zoning overlay district of Lot 4 Reeve's Addition located at 13207 N Home Road, the applicant is Gary D. Willis. We will have a staff report first then we will ask for you to come up.

Mr. Tapp: Yes 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 June 15-112RZ dated May 27, 2015.

Mr. Beggs: Can we have the applicant come forward please? State your name and address.

Mr. Willis: Gary Willis, 13207 N Home Road, Liberty, MO.

Mr. Beggs: Hearing the staff report are you familiar with everything they talked about. Are you in agreement with the conditions they set for you?

Mr. Willis: Yes.

Mr. Tapp: Mr. Chairman I did find the Health Department, we had some exchanges back and forth and they had sent us a fax on the 22nd of May, it says a bathroom cannot be added to the new facility until the septic system is upgraded by no less than 247 feet, an engineer design will be required. I am sure Mr. Willis has seen that and agrees to it, I just wanted to make that as the fact that will be part of the building permit not necessarily the stage of planning.

Mr. Beggs: Okay, thank you. Do you have any comments?

Mr. Willis: Not if there is any questions.

Mr. Beggs: Any questions from the Commission?

Mr. Carlson: I have one is this your residential property?

Mr. Willis: Yes, sir.

Mr. Carlson: And your building is going to go towards the rear of the property?

Mr. Willis: Yes sir.

Mr. Carlson: How close will you be from the neighbors to the north?

Mr. Willis: That gentleman is here and the building is actually going to be approximately 75 to 80 feet from the property line.

Mr. Carlson: Are you going to be speaking?

(Audience): *(inaudible)*

Mr. Beggs: Thank you. Any comments from the public?

Mr. Privett: My name is Len Privett I live in the house just above, the square there, 13219 N Home Road. Initially I had some concerns but I discussed it with Gary and I am good with what he has there.

Mr. Beggs: Alright very good. Any questions for the public from the Commission?

Mr. Willis: One thing I may state real quick, I've tried I have a couple of neighbors here to the north of me now, I have tried to work with other neighbors in the area we are pretty good friends and their concerns or any concerns they may have has been real important to me. I've actually talked to all the folks within sight of my property and I have gotten letters from ones that are not present that they're satisfied with what I am doing and happy with what I am doing, I have shared them with Matt I will be glad to share them with anyone else, these are the two individuals that were willing to come with me and capable.

Mr. Beggs: Very good, thank you. Any discussion with the Commissioners?

Mr. Carlson: Is the issue of sound have anything to do with any of it?

Mr. Tapp: That's a great point, the business plan in there you will see all the activity will be inside the building and with the building it should not go outside the building and Gary, Mr. Willis agrees to that.

Mr. Willis: The building will be insulated and everything will accrue inside the building, I don't expect anybody will be able to hear anything off the property.

Audience: *(inaudible)*

Mr. Tapp: You have our number.

Audience: Okay.

Mr. Willis: He will probably yell at me first.

Mr. Beggs: In further discussion?

Mr. Talpers: Scott Talpers and we live three properties down I don't know our exact address we don't actually live out there we have a home there, is this going to be a business or is this just a?

Mr. Willis: It's a potentially non for profit my goal with the building obviously is to be able to keep, I've got a boat and an extra car in there as well and I'm also going to put a couple basketball goals in there and a batting cage and the idea to work with the kids that I'm involved with through youth sports and so forth.

Mr. Talpers: When your children get older and go to college is it still going to be accessible to other people for use?

Mr. Willis: I have a three year old right now so that's going to carry me out to probably the next 20 years but I don't have any plans beyond that period to rent it out or anything like that no.

Mr. Talpers: We are fine with it, we have a pond on our property. We have a lot of people that have shown up on the property uninvited and there is some liability in terms of injury and drowning and etc and we would just appreciate if the kids finish with your facility and see the neighbors pond and walk down to fish or swim or whatever if we could just avoid that.

Mr. Willis: Absolutely.

Mr. Talpers: Okay, well good luck.

Mr. Beggs: Any more comments from the Commission?

Mr. Carlson: I have one question, I understand this gentlemen's concern if I were in his position can this building be used for anything other than what he is asking for it to be used for at a later date without asking for permission?

Mr. Tapp: With a PUD or Planned Unit Development there is a specific plan in place tied to that PUD and that's what you see attached to the staff report, so Mr. Willis, we have discussed this and no it cannot be converted to anything other than what his business plan lays out, if anything changes then he needs to come back before this Board and County Commission requesting the change in plan or the PUD plan.

Mr. Carlson: I will make a motion to approve the rezoning of the Residential Low Density District (R-1A) to Residential Low Density District (R-1A) with a Planned Unit Development (PUD) overlay district are there attached conditions?

Mr. Tapp: Yes Commissioner there are six conditions.

Mr. Carlson: With the attached six conditions on 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: Approved 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, June 15-112RZ; Lot 4 Reeve's Addition– Rezoning
With six (6) Conditions**

Mr. Tapp: The motion carries.

Mr. Beggs: Thank you. Our second case tonight is case number June 15-113RZ/P a request for rezoning from Residential Low Density District (R-1A) to Residential Rural (R-1) District and preliminary plat approval for the proposed subdivision of Houston Hills located at approximately 13400 N Agnes Street, the applicants are Lance and Janet Houston. Are they present? Does staff have a report?

Mr. Tapp: Yes 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 June 15-113RZ/F dated May 27, 2015.

Mr. Beggs: Thank you, may I have the applicants one or both of you step forward please. State your name and address for the record.

Mr. Houston: I'm Lance Houston, 8516 N Marsh Ave, Kansas City, Missouri.

Mr. Beggs: You have heard the staff's report are you familiar with the conditions?

Mr. Houston: Yes.

Mr. Beggs: You are in agreement with those conditions?

Mr. Houston: Yes.

Mr. Beggs: Any questions from the Commission for the applicant? Thank you. Any public comment on the application? Please step forward and state your name and address.

Mr. Lethcoe: My name is Tim Lethcoe, I am at 3024 NE 132nd Terrace, So I am actually in Brookview. I was actually in the first phase so I got nominated to come out and ask a couple questions I really, and excuse the fact that I don't understand, what is the difference between Residential Low Density and Residential Rural District? Is there something that allows something different then what's going on in that neighborhood if the rezoning takes place?

Mr. Tapp: Excellent question, the going from R-1A to the R-1, the R-1 is a 10 acre minimum lot size versus R-1A being a 3 acre minimum lot size other than fencing which I believe in R-1 you are allowed to have barbwire versus R-1A I think that is the only difference because our animal standards doesn't matter about the zoning as long as you have 3 plus acres you can have small, medium or large domestic animals. Now your HOA covenant you will have to check and see, we don't get involved in that stage of development but your HOA covenants might restrict something further and I don't know if that applies to this phase or not.

Mr. Lethcoe: And so one of the questions that came up if Brookview Estates exists as is with the first two phases and now this is being renamed as a separate subdivision.

Mr. Tapp: Houston Hills.

Mr. Lethcoe: Houston Hills, how does that work now does the marquee then at the entrance, I don't understand?

Mr. Tapp: It's just paperwork; it's just a matter of a different name.

Mr. Lethcoe: So no big marquee, no okay.

Mr. Tapp: For two lots, no.

Mr. Lethcoe: I didn't know, I didn't think so.

Mr. Tapp: That would be cost prohibited.

Mr. Lethcoe: And I think the last question that came up was with this new zoning or if it was approved is there an opportunity to but something in besides low density like he couldn't break that up into other plots, so if I bought 10 acres am I going to, if he sells 10 acres to me can I go in and subdivide that five more times and through apartments up or what happen?

Mr. Tapp: Right, to further subdivide either of these lots than it goes through the same process you are going through now so all the neighbors are notified per state law. So if someone what's to further subdivide lot one or lot two you have to go through this same process.

Mr. Lethcoe: It's the same process.

Ms. Tapp: Yes so you won't be in the dark or anything you would be part of the process.

Ms. Viviano: And they would have to extend the streets.

Ms. Tapp: And they would have to extend the streets.

Ms. Viviano: And the infrastructure.

Ms. Lethcoe: Okay, thank you guys very much.

Mr. Tapp: Thank you.

Mr. Beggs: I might mention because this is a new subdivision the old CCRs from the previous subdivision would not apply, correct?

Mr. Tapp: We don't involve ourselves in Covenants Restrictions, that's a purely private civil matter we don't involve ourselves in that, so they will need to check their legal counsel or whomever and figure out if the covenants apply, but more than likely they do I would assume but that's my side.

Mr. Beggs: I would say go talk to legal counsel on that.

Mr. Tapp: Yes.

Mr. Beggs: Any other public comments?

Mr. Hoesly: My name is Dave Hoesly and I am at 13325 N Agnes Street, so just south of here. Is the intention to build two different residential properties there?

Mr. Houston: Yes

Mr. Hoesly: Okay I didn't understand why it was broken into 10 and then the other 20 acres.

Mr. Houston: We are going to build our own personal residence there and we don't know what's going to happen in 10 or 20 years, if one of our kids might want to build a house there, or we could sell it to anyone but right now we are going to build our personal residence there.

Mr. Hoesly: Okay, are you going to have any horses there?

Mr. Houston: Horses.

Mr. Hoesly: Will there be a lot of horses?

Mr. Houston: No, not unless you are going to come over and take care of them.

Ms. Houston: We are looking at maybe two maximum three.

Mr. Tapp: And our codes require for large animals like that horses and cows one per one acre that's the minimum or maximum I should say and that follows the State requirements.

Mr. Hoesly: So I could have 20 horses living next to me.

Mr. Tapp: You could and that's for anybody.

Ms. Houston: But not, that's not going to happen.

Mr. Tapp: That's for anybody over three acres or more, it's one per one, let's say Brookview Estates does not have restrictions on large animals each house in there that has three acres or more could have three horses on them. Now we do have de-vegetation standards, you just can't have horses out there just destroy the ground but yes our ratios are 1 to 1.

Mr. Hoesly: I guess that was my only concern.

Ms. Houston: No we're not going to have a lot of livestock, my daughter rides and I like to ride so when you have that many acres you want to be able to enjoy it so we are just going to have a few horses for us and the grandkids.

Mr. Hoesly: You have done a great job of smoothing out the (*inaudible*)

Ms. Houston: Yes it is looking a lot better with grass on the hill.

Mr. Beggs: Thank you.

Mr. Tapp: Mr. Chairman if I may I would just like to make sure we are very up front and honest that Mr. Houston could verify, we did get a phone call of concern that Mr. Houston was going to relocate his excavation business to this property, I would just appreciate it if you wouldn't mind just saying for the record that he has no intention of relocating his excavation business there.

Mr. Beggs: Come forward please. I am going to ask you to state your name and address one more time.

Mr. Houston: Lance Houston, 8516 N Marsh Ave, and my company won't be there.

Mr. Tapp: Okay, just want to make sure that we are very clear.

Mr. Beggs: Thank you. Any other public comments? Commission discussion, questions? Okay I would entertain a motion.

Mr. Tapp: For the rezoning please first.

Mr. Carlson: I will make a motion that we approve the rezoning from Residential Low Density District (R-1A) to Residential Rural District (R-1).

Mr. Beggs: Do I have a second?

Mr. Rhodus: 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 Approved, June 15-113RZ/P; Houston Hills– Rezoning
With zero (0) Conditions**

Mr. Tapp: The motion carries and then the preliminary plat Mr. Chairman.

Mr. Beggs: Can I have a motion for the approval for the Preliminary Plat with the three conditions?

Mr. Tapp: Three conditions right.

Mr. Decker: I'll make a motion to approve the Preliminary Plat for Houston Hills with the three conditions set forth in Exhibit A.

Mr. Houston: I have a question and I don't know if this is the place but when can I obtain a building permit?

Mr. Tapp: Once this goes on to County Commission they will decide and then you'll, we will have to get signatures and record the final plat, once we record you can pull a permit right then and there.

Mr. Houston: How long is that?

Mr. Tapp: Well it usually goes to County Commission, this is June 15th I believe then the 22nd is their final meeting and we've got to get signatures so somewhere in that week, so my guess is beginning of July.

Mr. Houston: Okay, thank you.

Mr. Beggs: Do we have a second?

Mr. Tapp: I think we have a first.

Mr. Beggs: We have a first. Do we 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, June 15-113RZ/P; Houston Hills–Preliminary Plat
With Three (3) Conditions**

Mr. Tapp: Motion carries and then the final plat is next.

Mr. Beggs: Do you have a separate report?

Mr. Tapp: Yes Mr. Chairman part of the record is the final plat is in substantial conformance with the preliminary therefore our staff recommends approval with the same conditions.

Mr. Beggs: And that particular case is June 15-114F. So do I have any new conditions?

Mr. Tapp: They are the same three.

Mr. Beggs: I will have you come forward then, state your name and address.

Mr. Houston: Lance Houston, 8516 N Marsh Ave.

Mr. Beggs: Are you familiar with the staff's report for the final plat?

Mr. Houston: Yes.

Mr. Beggs: Are you in agreement with the conditions they have set forth?

Mr. Houston: Yes.

Mr. Beggs: Any public comment? Any questions, comments from the Commission?

Mr. Carlson: I make a motion to approve the final plat of Houston Hills with the following conditions in Exhibit A.

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

Mr. Jackson: I will 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, June 15-114F; Houston Hills–Final Plat
With Three (3) Conditions**

Mr. Tapp: Motion carries.

Mr. Beggs: The next case is case number June 15-115RZ/P this is a request for rezoning from Agricultural (AG) to Community Commercial (C-2) District and preliminary plat approval for SAFPD Station No 3 located at approximately 18315 Collins Road the applicant is John Callahan, Fire Chief/Smithville Area Fire Protection District. Is Chief Callahan present? Staff report please.

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

Mr. Beggs: So be it.

Mr. Tapp: Summarized the staff report June 15-115RZ/P dated May 27, 2015.

Mr. Beggs: Chief Callahan come forward please, state your name and address please.

Mr. Callahan: John Callahan, 341 Park Drive, Smithville, MO.

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

Mr. Callahan: I am.

Mr. Beggs: Are you in agreement with the conditions set forth.

Mr. Callahan: They all seem reasonable.

Mr. Tapp: Mr. Chairman I forgot to mention to you that in between the time of the staff report and now it was found out that there is a blanket easement on this property that previously no one believed was on this property they thought it was on the Corp ground. As such we're currently working it out with Platte Clay Electric but we recommend that a condition be added, a fifth condition that states "a release of easement document recorded new book and page numbers with the recording copies of the final plat". So what needs to happen here and they are already working on it, but basically it's the release of the blanket easement which is not good for anybody and then in its place right now the Smithville Area Fire and their consultant are proposing a new easement which you can see more specifically on the final plat which I now am discussing in the preliminary but it also applies actually more to the final. Which I can tell you what happened to or you can look at the plat that we've given to you. It is on the very northern end on top of the existing overhead power line.

Ms. Viviano: I can show you the plat up here if you want to look at it.

Mr. Tapp: It is on the very north end of, actually the preliminary plat with show you the new location of the actual line and the proposed easement and Chief Callahan and his team is working with Platte Clay on removing the old blanket one from 1932 with the new easement that would better follow the existing overhead power, we just want to add a condition to make sure this happens prior to recording, and is on the recording copies and it gets recorded with the plat.

Mr. Beggs: So the blanket easement gives them permission to put power lines anywhere on the property?

Mr. Tapp: Yes it would.

Mr. Beggs: They just want to restrict that.

Mr. Tapp: Yes nobody wants that.

Mr. Beggs: The power company does.

Mr. Tapp: Actually Platte Clay doesn't want it either I am sure.

Mr. Callahan: And I have spoken this afternoon I spoke with Mike Richey from Platte Clay, he told me that they will do a deed of release for that a quick claim release for that and he said it would take a few days to do it so it's not going to be an issue. We will get it taken care of.

Mr. Tapp: Hopefully we will get it done between now and the County Commission and we can leave the condition on there or we could remove it at that time but either way we just make sure it gets taken care of.

Mr. Callahan: Again it is a reasonable condition that I'm working with (*inaudible*).

Mr. Beggs: Very good, anything else?

Mr. Tapp: None from staff.

Mr. Beggs: Okay any questions from the Commission for the Chief?

Mr. Decker: I would say it's a nice addition to the community, thank you.

Mr. Beggs: Okay thank you, any public comments? Any further discussion from the Commission? I would entertain motion for the preliminary plat approval.

Mr. Tapp: How about the rezoning?

Mr. Beggs: I am sorry the rezoning.

Mr. Decker: This is for the rezoning only?

Mr. Tapp: Yes.

Mr. Decker: I will make a motion that we approve the rezoning only from AG to C-2 for Smithville Area Fire Protection District.

Mr. Beggs: Thank you 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: Chairman Mark Beggs?

Mr. Beggs: Approve.

Final Vote: 5/0/0 Approved, April 15-115RZ/P; SAFPD Station No 3 – Rezoning With Zero (0) Condition

Mr. Beggs: Now can I have a motion to approve the preliminary plat?

Mr. Decker: I'll make a motion that we approve the preliminary plat of the Smithville Area Fire Protection District with conditions.

Mr. Tapp: With five conditions with the one added.

Mr. Decker: With five conditions, four that are listed then the easement release.

Mr. Beggs: Thank you, 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 15-115RZ/P; SAFPD Station No 3 – Preliminary Plat With Five (5) Condition

Mr. Tapp: The motion carries.
Mr. Beggs: Thank you, the next case is June 15-116F that was the final plat approval, the next case is June 15-117 RZ/P which is a request for a rezoning from Agricultural (AG)..
Mr. Tapp: Mr. Chairman I am sorry, we got to motions that passed the rezoning and preliminary now we need the final plat for Smithville Lake.
Mr. Beggs: So the next case is June 15-116F which is a request for final plat for the Fire Station located at 18315 Collins Road.
Mr. Tapp: Yes.
Mr. Beggs: Staff do you have a report?
Mr. Tapp: The final plat is in substantial compliance with the preliminary there for staff recommends approval with the five conditions as amended per the preliminary plat.
Mr. Beggs: Chief Callahan can you come forward again please?
Mr. Callahan: John Callahan, 341 Park Drive, Smithville, MO.
Mr. Beggs: So the final plat approval that we are talking about here are you familiar with the staff report and the conditions they set forth?
Mr. Callahan: Yes sir I am.
Mr. Beggs: Are you in agreement with those?
Mr. Callahan: Yes sir.
Mr. Beggs: Very good thank you. Any comment from the public? Any questions or discussion from the Commission?
Mr. Carlson: I will move that we approve the final plat of Smithville Station No. 3.
Mr. Beggs: Thank you do I have a second?
Mr. Rhodus: Second.
Mr. Carlson: With the five conditions.
Mr. Tapp: The motion was changed to five conditions Mr. Chairman; you need to second again Mr. Rhodus.
Mr. Rhodus: Second.
Mr. Beggs: Thank you, vote.
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 15-116F; SAFPD Station No 3 – Final Plat With Five (5) Conditions

Mr. Tapp: Motion carries.

Mr. Beggs: Thank you, the next case is June 15-117RZ/P which is a request for rezoning from Agricultural (AG) to Residential Ranchette (R-5) District with an Agricultural Land Preservation (ALP) overlay district, and preliminary plat approval for the proposed subdivision of Mandi Acres located at approximately 15215 Francis Road the applicant is Russell Frick, staff have a report?

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

Mr. Beggs: So be it.

Mr. Tapp: Okay. Summarized the staff report June 15-117RZ/P dated May 27, 2015. They are proposed to amend the conditions; Mr. Frick has an application for waiver for the Road Impact Fee as this would be family member which falls within one of the exceptions or exemptions from Road Impact Fees so if the Highway Department is in approval we'll adjust the language of the RIF in here to reflect their requesting a family member exemption with specific language but basically if the Highway Department and the County Commission agree then it will be waived.

Mr. Beggs: Okay thank you.

Mr. Tapp: So still three conditions, it's just number two needs to be adjusted a bite to reflect the Road Impact Fee waiver request versus just a RIF is due.

Mr. Beggs: So we are going to adjust Exhibit A number two?

Mr. Tapp: Yes I don't have the language; I could probably find back in a previous case which is fine if you all want a precise language otherwise it's just a matter of, if the Highway Department and County Commission agree with your recommendation then it will be waived.

Mr. Beggs: So basically..

Mr. Tapp: It is ultimately the County Commission's final call, as with anything but yes.

Mr. Beggs: So is the Highway Department going to recommend?

Mr. Tapp: The Highway Department has recommended approval.

Mr. Beggs: Of the waiver?

Mr. Tapp: Of the waiver and the County Commission will be during the approval process of this case, so we will adjust the conditions number two and again the Commission members would like a specific language before they make a motion and vote on the request I am happy to hunt down from a previous case that's the standard language.

Mr. Beggs: Okay, can I have the applicant come forward please? State your name and address.

Mr. Frick: Russell Frick, 15215 Francis Road, Kearney, MO.

Mr. Beggs: Thank you and you heard the staff's report and you are familiar with the report?

Mr. Frick: Yes.

Mr. Beggs: Are you in agreement with the conditions that they talked about?

Mr. Frick: Yes.

Mr. Beggs: Do you, so the waiver do you want that to be the actual language would you like that to be part of our approval or are you comfortable moving forward knowing that condition...

Mr. Frick: Yes.

Mr. Beggs: Okay, any questions from the Commission for the applicant? Okay thank you. Any comments from the public? Director Tapp do you want us to wait are you looking for the language?

Mr. Tapp: I'm looking but I'm probably not going to find it.

Mr. Beggs: Okay.

Mr. Tapp: But it is standard language in the sense of like I said the basic summary of it is that the applicant has requested Road Impact Fees be waived and that the waiver will be approved by the County Commission, we can find it if you like it might take a little bit of time to find it.

Mr. Beggs: Okay we will continue with our discussion and if you find it. Any comments from the Commission questions?

Mr. Tapp: I thought we might have one in 2015 here in my book but we don't but its standard language.

Mr. Beggs: We will just precede that condition two will add standard language for the request for the waiver of the RIF.

Mr. Carlson: I will make a motion that we approve the request for rezoning from Agricultural to Residential Ranchette (R-5) District with an Agricultural Land Preservation (ALP) overlay located at 15215 Francis Road.

Mr. Beggs: Thank you 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.
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 15-117RZ/P; Mandi Acres – Rezoning
With zero (0) Conditions**

Mr. Tapp: The motion carries.
Mr. Beggs: Thank you; I would entertain a motion for the preliminary plat of Mandi Acres.
Mr. Decker: I'll make a motion for the preliminary plat approval for Mandi Acres with the three conditions set forth in Exhibit A one condition pending the final decision verbiage for the Road Impact Fee.
Mr. Beggs: Thank you 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 15-117RZ/P; Mandi Acres – Preliminary Plat
With Three (3) Conditions**

Mr. Tapp: Motion carries.
Mr. Decker: I have a question will this come back for final plat?
Mr. Tapp: Yes it currently is so we will have the corrected language by then.
Ms. Viviano: It will be back in January
Mr. Tapp: July, next month.
Mr. Decker: Then the surveyor will delete the proposed Right of Way for the road?
Mr. Tapp: Yes.
Mr. Beggs: The next case is case June 15-118RZ/P which is a request for rezoning from Agricultural (AG) to Community Services (C-3) District and preliminary plat approval for the proposed subdivision of Paradise Storage, a replat of Lots 1 and 2 Paradise South located at 18316 Collins Road, the applicants are Tom and Cara Massie, representing Paradise Storage, LLC. Applicants are present, staff report please.

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

Mr. Beggs: So be it.

Mr. Tapp: Summarized the staff report June 15-118RZ/P dated May 27, 2015, June 15-119F dated May 27, 2015, June 15-120V dated May 27, 2015 and June 15-121CUP dated May 27, 2015. They are looking to building one new building initially here at first then one more new building beyond that or two more?

Ms. Massie: Maybe two, you know time will tell, I think engineering..

Mr. Tapp: Cara if you don't mind can you step up to the mic because we are trying to keep track of minutes.

Ms. Massie: Cara Massie with Paradise Storage and my address is 401 Lakeview Drive, Smithville, MO. The last engineering reports that we submitted Matt did include the addition of two more properties along with stormwater management studies along with that just depends on how (*inaudible*).

Mr. Tapp: We could zoom too I think, Cara you can respond this may not be the most current site plan, Tom too of course, let me zoom in.

Ms. Massie: So the view you are looking at right now would be prior to 2013, in 2013 on this south corner here there was an addition of an additional building that was erected.

Mr. Tapp: Cara would you like the laser pointer?

Ms. Massie: All the fancy tools too, maybe we will see.

Mr. Tapp: Your tax dollars at work.

Ms. Massie: Okay so right here we did erect a building in 2013, fall of 2013 that is not reflected on this map otherwise you are looking at essentially the property as is. The new building permit that we are hoping to obtain in the approval would land another building right in here and that building was noted in the conditional use permit that I believe that our former conditional use permit information from 2010 in which we said that our plans were to construct 72x240 building right now we are looking to just at a 72x120 so the second building would be an extension from the 120 to the 240 and then potentially a third building if there's some demand for it. But yes as Matt mentioned this really is just is sort of a housecleaning venture if you will so we are right now in ownership for four parcels of property which yields four separate property tax bills a lot of paperwork and things to keep tabs on so I would like to just have it as one clean commercial parcel without any internal utility lines or property lines that would inhibit us from future construction.

Mr. Tapp: I did want to point out to the Commissioners with a CUP or Conditional Use Permit there are specific codes with recreational equipment storage, commercial recreational equipment storage CUP there are specific criteria for that specific land use and that starts on page five of the staff report, one, two, three, four, five, six, seven, eight and nine so there are nine criteria requirements for a specifically for a commercial recreational equipment storage and a lot of this was taken from the 2010 CUP and somewhat updated in certain cases here but the key parts are if there is to be campers, motorhomes and boats etc. stored outdoors they will be enclosed with an eight foot fence and locking gate and you can kind of see staff's interpretation of that code and how Paradise Storage believes they are adhering to those requirements. That's an important distinctive characteristic of a CUP.

Mr. Massie: Excuse me.

Mr. Tapp: Go ahead.

Mr. Massie: My name is Tom Massie, I live a 401 Lakeview Drive, Smithville, MO and to just clarify Matt our fencing that we do have up right now is seven foot not eight foot. So it's six foot chain-link with another foot of barbwire on top, with two strands of straight barbwire.

Mr. Tapp: We will definitely note to make sure that we are up to date on that. So as staff indicated two factors or fascist to requiring the fencing one of which is security to keep people out and number two is esthetics so if this is located near residential or ag zoning then the property should be properly screened but as Paradise Storage discusses as the applicants have discussed they believe it is properly screened and enough distance from any adjacent properties, however as you will see in the conditions which was from 2010 we didn't change any of the language I don't believe but inside the condition I believe four screening must be required to provide uninterrupted obstruction of view along Fairview Avenue and lot three of Paradise South if reasonable and prudent complaints are received for adverse visual impact caused by storage of RV equipment, and I will speak to that since 2010 we've not had any complaints much less valid complaints regarding the screening, so I believe the Massie's are doing the

right thing there and not adversely affecting their neighbor's properties and then they talked about large clean rock again somewhat similar to Mr. Willis' PUD, but they are discussing the existing two inch clean rock surfacing to stay. Then if prudent complaints from dust generation be received by staff then we would have to investigate alternative means but I will speak to that too that we have not received much less valid complaints. And then this request is also being currently reviewed by our consultant Engineer Shafer, Klein and Warren.

Mr. Beggs: So regarding the fence. Do they have to get a variance or can we approve it as eight feet, eight foot fence? How do we handle that? (*Inaudible*)

Mr. Tapp: That is a great question for Legal Counsel. The Conditional Use Permit specific for a commercial recreational permit for storage does state that all recreational vehicles, campers, motorhomes, boats, watercrafts, etc. maybe stored outdoors however shall be enclosed within an eight foot fence with locking gate and the Chairman has asked since they had mentioned they had a seven foot fence are we approving the CUP with a variance?

Mr. Flook: Well I would think you would have to put that in the condition that they come into compliance. But I also would have to be careful too I have a prior client relationship with this couple not related to this issue, so I don't have a problem with that but I just want to make sure that is disclosed. I think you have to go with the code where they have to get a variance.

Mr. Beggs: So the variance comes before our approval, this come after do approve it as an eight foot and they get the variance for seven?

Mr. Flook: You could place a condition that they come in compliance with the code or standards that's how I would do it.

Mr. Jackson: I thought you said you had a seven foot chain link fence with a foot of barbwire is that correct?

Mr. Massie: I believe it is six foot with a foot of barbwire.

Mr. Jackson: Okay I miss understood you.

Mr. Flook: And they may want to measure that and just make sure.

Ms. Massie: I think that would be prudent to wait.

Mr. Massie: I don't believe it is eight foot to be truthful.

Mr. Tapp: The question would be could you add a foot?

Mr. Massie: It just says fencing does it not?

Mr. Tapp: Correct.

Mr. Massie: And barbwire is considered fencing.

Mr. Decker: Can I throw something out on the table? They are operating already on a Conditional Use Permit?

Mr. Tapp: The fence that Tom is discussing was erected around the time of 2010 CUP is that correct or are we talking about pre-existing fence from a long time ago?

Mr. Massie: There is some pre-existing fence yes and additional fencing was erected in 2010.

Mr. Decker: My point if you have already set a precedence for this Condition Use Permit on pre-existing seven foot fence maybe a variance wouldn't be in order.

Mr. Tapp: I would say obviously whenever you approve or recommending approving you're assuming they are going to comply with all codes so we just need to get back together and measure it and see what needs to be done, we are going to off the assumption that they are going to comply with the code.

Mr. Flook: And there is only if I heard you guys right you're not replacing you are only adding on to it right?

Mr. Massie: We are not adding any fence there's new fence that needs to be erected for what we are doing here tonight, nothing is changing.

Mr. Decker: You just want one tax bill not four.

Ms. Massie: I just would like on tax bill.

Mr. Massie: The property line within the facilities that are changing

Mr. Flook: Your fence doesn't change?

Mr. Massie: No.

Ms. Massie: It will not.

Mr. Flook: There could be a question whether they are grandfathered if they are already zoned to have the equipment out there if they are currently storing equipment and it's under this fence arguable they might be grandfathered. So I think that you guys can approve today with the condition that they are in compliance with the code under fencing and we can make a determination after this to determine their compliance and that could be to check fence measurement, check the history, because they are not building a new fence so that is not an issue.

Mr. Rhodus: So if it's already there?

Mr. Flook: I think we need to examine how they did it in the first place and measure it, it very well could be that they get to go with their existing fence and it's resolved. I don't see it being a big issue myself.

Mr. Rhodus: If it is not a problem why create one.

Mr. Tapp: Keep in mind too that in the same code it talks about the second point is all commercial and equipment storage shall be totally enclosed within a building or behind an eight foot fence in on I-1 District, they are not I-1 they are C-3 so staff response was it does not apply. The subject request falls within a C-3 District and not I-1 however the very next criteria for a commercial recreational equipment storage is all recreational vehicles shall be enclosed in an eight foot fence with locking gate. If you look at the code more carefully, I don't know why eight to be honest with you I am not a big component on eight foot fences, why eight versus seven versus six I get for preventing someone from climbing it but if you have barbwire at the top that tends to prevent climbing it but if someone is going to climb over an eight foot fence they are going to do it.

Ms. Massie: We haven't had any climbers yet I will say.

Mr. Massie: The existing fence we have added is the same measurements as the fence that was on the property when we purchased the property in 2004 so we hadn't changed the height we kept the same height that was already there.

Mr. Flook: And there are recreational vehicles stored out there now?

Ms. Massie: Correct we are primarily a boat and RV storage facility.

Mr. Flook: So we had the question of one passed practice of grandfathering in the code itself apparently had a little bit of an anomaly so my thought is you approve it with the only condition related to the fencing is that is in compliance with the code which would mean either it's grandfathered, it's the right height or if there's a variance, that would make them have time to sort that out.

Mr. Tapp: I don't think it's grounds or merits enough to prevent if the Commissioners agree that all other criteria is met but I don't believe that should be a hindrance at this point.

Mr. Beggs: Any other questions?

Mr. Carlson: I have a question, does the zoning of C-3 is that the least zoning that can be given to a rental? Because what happens is down here we open up in number five we open up a possibility of selling alcohol which has been another issue in Paradise.

Mr. Tapp: So for commercial recreational vehicle storage the lowest you can go is C-3. C-3, I-1 or I-2, I believe it is C-3 actually it is AG and C-3 with a CUP but you're not going to rezone this piece to AG it doesn't make any since but when a non AG zoning perceptive C-3 is the lowest you can go but as you have indicated we have in our code where if you are going to sell and consume alcohol on site on C-3 piece of ground you can't be so many feet within a residential zoning which is right across the street so the likely hood that would happen is not going to happen.

Mr. Massie: We are not looking to sell alcohol on our property.

Mr. Tapp: Probably a bad idea with boat and RVs.

Mr. Carlson: The only reason it's been brought up before.

Mr. Tapp: Yes, this brings a good point.

Mr. Carlson: One other question is the zoning taking into account water run off?

Mr. Tapp: As I indicated that this request is going through our Consulting Engineer right now SKW, they just could not supply us with a review in time for this. They did submit a letter that said that we could progress forward there is no major issues with this request.

Mr. Massie: We've already got the property engineered too, outside of your Engineer.

Mr. Beggs: Any other questions or comments for the applicants? Thank you. Any public comments?

Mr. Carlson: I would make a motion to approve rezoning from Agricultural (AG) to Community Services (C-3) for 1.1 acres for Paradise Storage are there any conditions?

Mr. Tapp: Not for rezoning, there probably shouldn't be.

Mr. Beggs: Okay do I have a second?

Mr. Decker: 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 Approved, June 15-118RZ/P; Paradise Storage – Rezoning
With Zero (0) Condition**

Mr. Tapp: Motion carries.

Mr. Beggs: Thank you.

Mr. Tapp: Preliminary plat.

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

Mr. Tapp: Those will have conditions.

Mr. Decker: I will make a motion to approve the preliminary plat of Paradise Storage with three conditions set forth in Exhibit A.

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

Mr. Rhodus: Second.

Mr. Beggs: Vote.

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, June 15-118RZ/P; Paradise Storage – Preliminary Plat
With Three (3) Conditions**

Mr. Tapp: The motion carries.

Mr. Beggs: Thank you, then we already had the staff report on the Conditional Use Permit do you want me to have the applicants come up to the podium and agree with each case?

Mr. Tapp: We could do the final plat so staff indicates that the final plat is in substantial conformance with the preliminary plat that was just approved with same conditions and then the vacation and the CUP.

Mr. Decker: Those are separate.

Mr. Tapp: Separate yes.

Mr. Decker: To make a motion.

Mr. Tapp: The Chairman is.

Mr. Beggs: Just a second let me get the paperwork straightened out here. I am ready now.

Mr. Decker: I will make a motion to approve the final plat of Paradise Storage with the three conditions set forth in Exhibit A.

Mr. Beggs: Thank you 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 with conditions.

**Final Vote: 5/0/0 Approved, June 15-119F; Paradise Storage – Final Plat
With Three (3) Conditions**

Mr. Tapp: The motion carries. The next case is to vacate the utility easements (UE).

Mr. Beggs: Case number June 15-120V as Director Tapp mentioned it is a utility easement vacation do I have a motion?

Mr. Decker: Is that the beige lines on the south edge of the lots.

Mr. Massie: Yes.

Mr. Tapp: Yes there's two UE's and there is one condition for approval which is merely to record the resolution of the vacation with the final plat of Paradise Storage.

Mr. Decker: I will make a motion to approve the request to vacate the utility easements in Lots 1 and 2 of Paradise South and also along the south edge of the property and there is a condition to record set forth in Exhibit A.

Mr. Beggs: Thank you 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, June 15-120V; Paradise Storage – Vacate
With One (1) Condition**

Mr. Tapp: The motion carries.

Mr. Beggs: The next case is June 15-121CUP which is a conditional use permit for various storage. Do I have a motion?

Mr. Decker: I have a question the CUP that will be approve tonight and approved at the Commission hearing on the 15th then the previous conditional use permit will cease and just expire?

Mr. Tapp: They can expire on their own we could add a condition on here that expletively states that this CUP over writes the two others if the Commission desires but that might be a wise course of action

actually not that you mention it that we add a condition that clearly states that if approved this CUP expires the ..

Mr. Beggs: The previous CUPs.

Mr. Tapp: Yes there's specific case.

Mr. Decker: Expire with issuance of a new CUP.

Mr. Tapp: That might be, again Commissioners are more than welcome to add any conditions necessary to approve or not approve something. But yes the previous CUPs are CUP Resolution 2003-520 approved December of 2003 and then Resolution 2010-352 was approved back in November 2010. We don't have to but if the Commission desires we certainly add a condition.

Mr. Beggs: I might clean up your records.

Mr. Tapp: Yes, so I would recommend that there be condition number 12 "once approved this CUP overrides/expires any previous CUPs"

Mr. Flook: All you could say is the final adoption of CUP will cancel and replace.

Mr. Tapp: Cancel and replace any previous CUPs on the subject property.

Mr. Beggs: Any additional discussion?

Ms. Massie: Can I ask a question?

Mr. Beggs: Sure.

Ms. Massie: Tom and I just had some or hoping for some clarification on number ten on Exhibit A. We are not wishing for the placement of a county road or asking for construction if a county road am I miss interpreting that?

Mr. Tapp: No it's pointing back to the 35 foot easement along the north property line that we both agreed on or both understand.

Ms. Massie: Yes right that there is an ingress/egress.

Mr. Tapp: So no buildings can be built over it which is still, it's just clarifying it and that was from 2010.

Ms. Massie: No permanent structures, right okay.

Mr. Tapp: And that just basically means the 35 foot easement could potential be for the future extension of Fairview Avenue to Collins Road.

Ms. Massie: So I guess my question would be then if the easement, the gentleman that holds that easement or that we claimed the easement to were to release the easement then do I have the possibility to build a construction there keeping in mind that of course there's that utility and a 25 foot setback on that north line.

Mr. Tapp: That would be a potential feature road for the Highway Department they would have the say in whether or not that easement should go away. I don't think there are any eminent plans in the immediate future connecting Fairview to Collins. There would have to be a real need for it.

Ms. Massie: We don't have any immediate plans to construct there either but I just wanted to make sure I was clear.

Mr. Tapp: You built the building on the very east end of your property and you are looking to extend or add another building north of the one you are proposing right now here. But it's not going to go in that easement anyways and once you built that then there is very little room between that and the easements to even if it went away I don't think you are going to build another smaller little building further north of that building.

Ms. Massie: Right.

Mr. Tapp: I don't think it's a critical item.

Ms. Massie: No it's not I just wanted to ...

Mr. Tapp: But you are correct in the since it is a private ingress/egress easement right now so you would have to work if we ever wanted to work on converting that to a right away dedication.

Ms. Massie: I raise that question to because Chief Callahan approached Tom and I this evening to ask about extending ...

Mr. Tapp: Extending the water line.

Ms. Massie: Extending the water line and we certainly would like to be community partners in the Fire Department's endeavors so I just wanted to get, I am not sure how that works with the Highway Department or future road plans as you know.

Mr. Tapp: There is a utility easement beyond the ingress/egress so they fall inside that utility easement so it won't impact that however it will impact the extension of the road because the water line will be right in the middle of that.

Ms. Massie: That was sort of what I was questioning.

Mr. Tapp: That would eliminate the potential for connecting Fairview to Collins.

Ms. Massie: So something for us to all consider before I grant the Fire Department water main access through that easement.

Mr. Tapp: Again Duane Jackson can chime in I don't believe the Highway Department has any interest to connect Fairview to Collins.

Mr. Jackson: No we do not.

Ms. Massie: That is kind of the conversation we had but I thought we'd get it all out.

Mr. Tapp: Once Paradise really explodes in population.

Mr. Flook: This is just land long term it's not necessarily, right now the County has no pure right to put a road in fact to set up a plan it has to get landowners to leave some setbacks in the event of anything happening. If the County were to build a road, which they don't, they'd have to use condemnation they would have to pay you, there's a whole long list of things that would have to happen before they could ever go in there and put in a road and we're nowhere close to that.

Mr. Tapp: No, the ingress/egress is an easement on top of your properties so Mr. Flook is correct if you were want to pursue a public road there it would convert to a full fledged right of way of the road and you would be compensated for the acreage required for that so that is not going to happen anytime soon.

Ms. Massie: The only other question I have Matt and I'm sorry I am back tacking a little bit but when we were looking at the rezoning and was an approval with conditions and I think it's mentioned under Exhibit A on page six that one of the conditions is to implement the County's consultant Engineer Rep recommendations do we have access to those recommendations.

Mr. Tapp: Yes, once SKW gives that review then we will forward you a copy to you and your Engineer to whoever you want too.

Ms. Massie: I just wanted to make sure I hadn't missed it.

Mr. Tapp: No you have to sign off on the review itself, which we have to discuss once that happens then a review happens and the comments.

Ms. Massie: Okay.

Mr. Tapp: Which again like I said they have already sent us a response not just for your request for the other saying there is no significant hurdles that prevent this board from approving from that perspective.

Ms. Massie: Okay.

Mr. Beggs: Any additional comments or questions from the Commission?

Mr. Decker: I have one item on the conditions for the Conditional Use Permit if we need to address the sign or I'm sorry the fence the height of the fence that should come under number 13 of the conditions if it's seven feet if Mr. Massie want's to confirming the height and report back to you if it's not an issue, is it going to be grandfathered or variance.

Mr. Beggs: I think my take on it is we should approve it as the code reads and then if they need to pursue the variance for grandfathered or however that would be part of that process. They just need to be in compliance with the code which currently reads eight unless they get a variance or grandfathered.

Mr. Tapp: This Board does not hear variances the Board of Zoning Adjustment hears variances.

Mr. Decker: Okay well good.

Mr. Beggs: Any additional comments or questions?

Mr. Carlson: I recommend that we approve the Conditional Use Permit to establish a commercial Recreational Equipment Storage facility under proposed Lot 1 in Paradise Storage with the following conditions in Exhibit A and Exhibit 12 was added it should read upon approval will replace any CUPs.

Mr. Tapp: Yes to clarify the 12th condition would read once approved this CUP will cancel and replace any previous CUPs on this specific property.

Mr. Beggs: Do I have a second?

Mr. Decker: 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 12 conditions.

Final Vote: 5/0/0 Approved, June 15-121CUP; Paradise Storage – Conditional Use Permit With Twelve (12) Conditions

Mr. Tapp: The motion carries.
Mr. Beggs: Thank you.
Mr. Flook: Do we have all the votes on that? We had several votes and they are all checked off.
Mr. Tapp: Yes.
Mr. Flook: I just want to make sure.
Mr. Tapp: Yes we got them all.
Mr. Flook: Yes because I may have blanked out when we did the Utility Easement.
Mr. Tapp: I believe the record will reflect that all votes have been taken for all requested actions for Paradise Storage.

Mr. Beggs: The final case tonight is case June 15-122A which is a Public Hearing for approval of revisions to the 2011 Clay County Land Development Code (LDC), an ordinance encompassing the zoning and subdivision of land in unincorporated Clay County the applicant is Clay County.

Mr. Tapp: Yes 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 June 15-122A dated May 27, 2015. I open up the discussion of do we look at going to two plus feet above freeboard maybe three like Kearney is? The down side is new development has to go higher or at least be higher than base flood elevation the plus side is that if you do, if you are two feet above or three feet above your insurance premiums go way down, significantly down. But that only applies to folks that wish to obtain flood insurance on buildings post FERM or built after the adoption of this code and new maps become effective so I don't believe there's going to be a whole lot of people that would do that. The only people who obtain flood insurance are the ones who have too that's been my experience. There is savings there so if we do go plus two versus plus one or plus three versus plus two versus plus one there is significant savings for the rates the monthly rates but it's about 45% if you go from two feet to one and even further if you go to three to one. But I don't envision someone doing that because if you are two or three feet above BFE at least you don't need flood insurance, my experience is that the FEMA floodplain is an estimate and that's what it is, it's not BFE it's how many people say the '93 flood did not get to that level or the 2015 floods did not get to that level which is true. This is a scientific endeavor so if you are two or three feet above on new development you are not likely to get flooded. So don't know if there is much saving to be had FEMA I am sure would counter otherwise but they always want us to higher then one just to make sure that there's a, because with insurance you've got to be at least at or above. With us we take a step further with one above which is lowest floor evaluation is one foot above not the first floor. So if you have a basement even if it's not a walk out that top of the lowest floor has to be one foot above BFE. Kearney's three feet which is great except when you have new maps and there is Pre-FIRM buildings and you are trying to retro-fit self-storage buildings and other things that are about impossible you are talking significant amount of money for fill to raise it and you have got to hire Engineer to get a notarized certificate. So there's pluses and minuses to going from plus one to plus two, plus three as Kearney I am sure can attest. With that staff is more than happy to answer any specific question but it's basically the same code a little bit stream line clarified on FEMA's part but all in all it's basically the

same code with new maps and I think I have discussed with this Board maybe a while ago but with the new maps the vast majority of unincorporated Clay the floodplain either shrinks down significantly or becomes more precise there are a few places in Clear Creek and Fishing River where it branches out to a certain degree but those folks know where that is. Talking with folks that come in, David Rhodus could probably attest and the Westfalls and the O'Dell's and all of those who have property out by Fishing River and Clear Creek, those are some major major waterways with very flat profiles and the fact that they come together even further exasperates the issue. But all in all the vest major come down the one issue I do have with FEMA is they stopped their Engineer stretches probably too far for my taste so Carol Creek what other creeks Debbie? Carol Creek, Wilkerson Creek they are all un-engineered stretches they are just A zones which means if someone wants to build on a lot in there they got to go clear back to where it's engineered and work their way back up that stretch. So I have a little issue with that but FEMA only has so much money for each county it has to do this so they have to stop an engineer structure at some point. With that being said we are well beyond that comic theory the appeal period so we are basically these are the maps that are going to become effective here's the new code, that's my summary. And I highly recommend approval because the new maps become effective August 3rd there is not a lot of wiggle room if you do have significant questions I am sure we could table it but we don't want to table it too far like I said we could be fined and then we could be on probation with FEMA for flood insurance and we could be kicked out. Kearney has already passed new code. I know that all my brothers and sisters and all the other cities of the municipalities in Clay are working diligently towards it as well we are not alone. I have actually worked with a few to help them out the smaller communities, think about the Glenaires, the Mosbys, Pratherilles and Oakwoods.

Mr. Carlson: I think it would have a significant value on property value if we changed that going up I hate to see that happen so I would... *(inaudible)*

Mr. Tapp: Commission Carlson I can point out to the Commission the points where we're talking about one foot there's actually three particular areas unfortunately we don't have page numbers but that's not how this document is set up but just know that there's three places one of which the most important one is the specific standards. That's on page six of the beginning of the red language but basically what that is talking about is for any new residential construction or substantial improvement of any new residential structures including manufactured homes shall have the lowest floor including basement elevated to one foot above base flood evaluation. So if the Commission proposing I know this is the parts that need to go from one to two or one to three depending on how the Commission would go but there are three parts and it just goes from one to two to three. I will say that recently we've had a few single family houses that one foot does make a difference in whether or not they build so we really have to be careful about this. There are some flat profiles out there if you talk about another foot you are asking them to go another foot above ground elevation so you begin to see structures that are ramped up out of the ground so we have to be careful. The premiums would go down significantly but again I don't know there probably cannot be that many people that build post FIRM or build after this passes that would get flood insurance that is after because that is the whole reason why they are being elevated above BFE is to get out of the flood insurance because those people who choice to buy any flood insurance their rates would be significantly dropped.

Mr. Carlson: But we pass what we pass you are not saying those people will have significant increase that has an existing house?

Mr. Tapp: No because it is Pre-FIRM which is a preconstruction prior to the passage of the FIRM. So they're just basically they can't do anything the structures are there.

Mr. Carlson: They are grandfathered.

Mr. Tapp: They are grandfathered but not forever.

Mr. Carlson: And it would affect the property value?

Mr. Tapp: Not if you do, for this is for any construction..

Mr. Carlson: You would have to disclose that your house is actually below the FEMA floodplain.

Mr. Tapp: I would like to think so yes.

Mr. Beggs: But if the FEMA map is shrinking it should help all those houses that preowned.

Mr. Tapp: It has helped yes.

Mr. Beggs: The ones that are already there, it's getting smaller if you house is already there.

Mr. Carlson: I don't think FEMA's going to shrink anything personally.

Mr. Tapp: I would be happy to show you the maps.

Mr. Rhodus: So approval of this is at one foot.

Mr. Tapp: It's at one right now.

Mr. Rhodus: I was going to say if you start going any more than that who's building in a floodplain anyway and when it really kills if you raise it to two or three if you were building any secondary structure that's where it really messes with you.

Mr. Tapp: Two points there Mr. Rhodus. Number one is it doesn't matter, FEMA doesn't care about the horizontal plain or fence you and I can see a map like this map and say the house is up here and the floodplain is way down here. You are not in the floodplain great> FEMA says "No I don't think so" you need an elevation certificate. They only care about the vertical element. You could be 500 feet horizontally from it but it doesn't matter if you go one or two you still have got to get an elevation certificate which can cost property owner's money. The only advantage of going higher than one is to help on the premiums of folks who build after you pass this code and after the maps become affective for the rare folks that build or have to build above the floodplain by our codes but still choose to have flood insurance those are the only folks that are benefiting.

Mr. Decker: If these folks have a certificate of elevation that's two feet above FEMA floodplain, would they not be eligible for the discounted premium?

Mr. Tapp: Yes, it does not matter it doesn't matter if it's plus one or plus two or plus three, the premium rate does go down.

Mr. Decker: So if they are still eligible for reduced premium based on the certified elevation of the first floor.

Mr. Tapp: Plus two, they still have to certify.

Mr. Decker: It's up to the discretion of the homeowner.

Mr. Tapp: The homeowner can still go above; our minimum is just one you are more than happy to go above that.

Mr. Decker: It's one because that's FEMA's minimum.

Mr. Tapp: FEMA is just at...

Mr. Decker: At okay.

Mr. Carlson: But we don't affect them?

Mr. Tapp: No, there's two different factors or two different sectors of FEMA, one is our regulator side that's us this is the floodplain manual, this is the regulator side of it and then there is a whole insurance side of things that we don't hardly ever see and really the both sides communicate. So think of your traveler's insurance agent and whoever has the insurance side we are the regulator side and we kind of cross communicate not very often and in this case we do cross communicate so your rates do go down as your elevation goes up and I will say be careful because there's along Fishing River and Clear Creek one foot does make a difference on whether or not properties is worth zero or worth a lot more. Because if you start talking about going higher than you've just got to add more fill and you have got to go one foot higher. That's just to say you are outside the floodplain if you build, I always tell folks that develop the floodplain is not a development kiss of death, you can build and develop inside the floodplain you got to do a lot more to make it happen. Of which is a notarized certificate which increases your costs. So there are pluses and minuses, so it depends on what you build if the pluses outweigh the minuses.

Mr. Flook: Matt, am I correct in clarifying, the difference is it's a policy question.

Mr. Tapp: Yes its policy question.

Mr. Flook: The policy question is, is it a better policy to order people to build higher or to allow people to make that choice? That's the policy question.

Mr. Tapp: Do you want to force them.

Mr. Flook: Yes, so for you all are you comfortable with the data do you want to pass on a rule to asset to everybody thou shall do this we think it's in your best interest so we are not going to give you the choice we're going to make you do it and the opposite view is we are going to do one foot it's sufficient if somebody wants to qualify for better insurance they are free to do so but we won't make them do it and it's a philosophical principle right there I think.

Mr. Tapp: Yes.

Mr. Flook: You guys have got to vote on what principle policy you think you would like.

Mr. Tapp: On our regulator side the minimum standard for NFI fee is plus one on the insurance side it's at or above so keep that in mind, again there is two different areas of the National Flood Insurance program. We are more on the regulator side and then there is the whole insurance doing of things for FEMA to identify fees. Plus one is the minimum this is the standard language you can go higher. But there is a couple properties that we just saw that one foot would make a difference it's so flat and there is so much floodplain on the property there is only this little area on the property that is outside of it and one foot would have made or break their single family building activities but we just need to be careful. It's a policy question.

Mr. Carlson: The 500 year floodplain too.

Mr. Tapp: It effect's the insurance side but not our side.

Mr. Carlson: I built a home that was flooded twice in the 500 year floodplain.

Mr. Tapp: You hear that a lot. FEMA likes to get away from 100 year floodplain and say there is a 1% chance in a given year that it could flood there's a difference there. You just happen be the 1% when it comes to more time than not. My belief is plus one is more than adequate again it's a policy question. That means any development has to be plus one or plus two or plus three depending on how..

Mr. Carlson: I would like to make a motion to approve the revision of 2011 Clay County Land Development Code an ordinance encompassing the zoning and subdivision of land in unincorporated Clay County.

Mr. Beggs: Okay 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: Chairman Mark Beggs?

Mr. Beggs: Approve.

Final Vote: 5/0/0 Approved, June 15-122A; 2011 Clay County Land Development Code – Revision With Zero (0) Condition

Mr. Tapp: The motion carries.

Mr. Beggs: Thank you. Under other business it looks like we have a National Pollutant Discharge and Elimination System Phase II Year End Annual Report this is included for additional review.

Mr. Tapp: Yes this is a courtesy review for the Planning and Zoning Commission as you all also operate as our designated stormwater panel, management panel, so just a really quick brief overview we are part of the EPA NPDES Phase II MS4 community which means we have to adhere general stormwater regulations much like Liberty, Kansas City, Smithville now, Excelsior Springs and Kearney here before long. We are required to adhere to these minimum control measures you can see inside here. So there is two different pieces to the MS4 general permit, one is the five year plan and which we are currently in which was passed before the previous year so this is I believe correct me if I'm wrong Debbie, this is the second annual report of the current five year, correct?

Ms. Viviano: That's correct.

Mr. Tapp: It would probably be the best summary here is the table at the end.

Ms. Viviano: Page 25.

Mr. Tapp: That gives you the best more like a Cliff's Notes if you will of what we plan to do and what we did do, the annual report is what we did do this past year from June to June is their permit cycle and then the five year plan is kind of laid out through here and we for the most part did what we said we

would do, we've attempted. There is some outside agencies we have to coordinate with to achieve the results we were looking for and it's just taking longer than what we anticipated to be honest and that deals with a very important minimum control measure number three which is illicit discharge, which for us tends to tie to individual on site sewer systems or septic systems as they are called, working with the Health Department on some things to help them out. With that we just wanted to show the annual report to you because it specifically goes to County Commission for approval but you all are the designated Stormwater Management Panel and this does have to go into DNR or Missouri Department of Natural Resources as a local regulator in July so we don't have a lot of wiggle room but there is no formal action we just wanted to bring it to your attention.

Mr. Beggs: Is there a lot of work there?

Mr. Tapp: There is a lot of work there. If you have any comments that's the whole reason, you don't have to give them right now but if you want to go home and take a look if you have any input as to other things that we might need to consider. Like I said that MS4 Smithville just got put in, it's usually based on the total population or population density and Kearney is not that far behind. So before long we are going to have more MS4 phase II communities if not a phase III depending on how EPA goes on down the line. But we really want to strive towards coordinating with all our MS4's that's the main goal here is to maybe in the future we all pull our resources together for compliance, it is a challenge to stay in compliance with or do the documentation and we would love to help out the cities as well to achieve their compliance.

Mr. Beggs: It should help you if everybody up stream is in compliance instead of dumping.

Mr. Tapp: Right now we have two areas one of which is by the Fishing River wastewater treatment plant down by the City of Kansas City and Kansas City's MS4 community the other's Clear Creek over by Kearney and up to this point Kearney has not been a MS4 community so they haven't had to actually follow or adhere to MS's so we are looking forward to kind of helping Kearney out and kind of guide them a little bit and see what we can do to help them. And actually a good note is if you read the Kearney Courier, there's a recent front page article about a group of students went out and did water quality sampling with what is called the Blue River Watershed Association unfortunately the folks that paid for it didn't get noticed in it which was us and it didn't mention anything about Clay County but that's okay we don't do it for the credit. That was a great project to get the high school students out there in the field.

Mr. Beggs: So what did the water quality samples show?

Mr. Tapp: We just got the results so stay tuned we will take a look and we also are with AECOM which is our consultant over stormwater and they're going to do a water quality sampling too, we look forward to seeing the results from that too.

Ms. Viviano: Most all of the samples have shown that fecal has been the most common highest pollutant.

Mr. Tapp: Now it's not beyond the standards but it is the highest pollutant in these waterways.

Mr. Beggs: So far you are doing a good job with the first half.

Mr. Tapp: That is one of the challenges is to work with the farming community and the *(inaudible)* ..

Ms. Viviano: So Mr. Rhodus if you have any comments.

Mr. Rhodus: *(inaudible)*

Mr. Tapp: Yes, so we will have a July P&Z Commission meeting will happen July 7th.

Ms. Viviano: And it looks like we have nine to ten applications on the agenda.

Mr. Tapp: With that staff doesn't have anything further.

Mr. Beggs: So it's July 7th.

Ms. Viviano: Yes.

Mr. Tapp: That's a good point the next meeting is July 7th Commissioners so we need to know if July 7th is going to be a problem with your calendars because we need to make sure we have quorum, unfortunately with the passing of Mr. Knisley we are short a member, we are working with Administration on filling that, County Commission is filling that seat so we are short one we need to make sure we have quorum which is four.

Mr. Beggs: I will be here.

Mr. Decker: I will be here.

Mr. Rhodus: When is it July 7th?

Mr. Tapp: July 7th so it's close to 4th of July so we want to make sure.

Mr. Beggs: It's a Tuesday.

Mr. Tapp: It was a regularly schedule so it's the first Tuesday.

Mr. Beggs: The 4th is on a Saturday?

Mr. Tapp: Yes it's on as Saturday. It is the Saturday prior to the meeting.

Mr. Rhodus: Count me in coach I'll be here.

Mr. Tapp: Alright we have four we are good.

Mr. Beggs: Any other comments?

Mr. Tapp: No we are good.

Mr. Carlson: I would like to make a motion we adjourn.

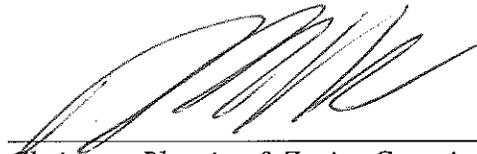
Mr. Jackson: Second.

Mr. Beggs: Vote all in favor say aye?

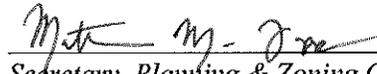
All: Aye

Mr. Beggs: Thank you all for coming.

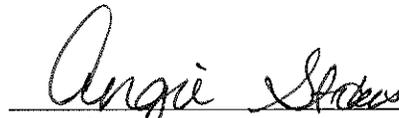
Meeting Adjourned



Chairman, Planning & Zoning Commission



Secretary, Planning & Zoning Commission



Recording Secretary