

## CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

November 3, 2015

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

Call to Order at 6:30 pm.

Roll Call

Members Present: Jim Carlson, Darin Sanders, Tom Decker, and David Rhodus

Members Absent: Mark Beggs

Staff Present: Kipp Jones, Planning and Zoning Manager  
Debbie Viviano, Planner  
Angie Stokes, Secretary

**Mr. Carlson:** I would like to call to order the Tuesday, November 3<sup>rd</sup> regular Clay County Planning and Zoning Commission meeting. We have an agenda that is up on the board, we have seven cases today, I would like to go over a few of the housekeeping items before we start, the member of the Commission will introduce themselves when we give the roll call, but we have seated to our right over here is the Kipp Jones the Manager of Planning and Zoning and we have Debbie his assistant. What we will do is we will bring up the case and we ask the person representing parties of the case to come up and present their name and address this is being recorded so we will have the name and address of anybody who wants to speak we will ask the Manager to give the staff report of what the case is concerning we will then ask the presenter if they have any questions regarding their findings and then we will ask the board questions if they have questions and then after that time we will open it up to the public to come up and if they would like to speak give your name and address before you speak. We will get on with our agenda that is all the rules of order that I have. We will start with the agenda so we will call the roll.

**Mr. Jones:** Darin Sanders?

**Mr. Sanders:** Here.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Present.

**Mr. Jones:** Jim Carlson

**Mr. Carlson:** Present.

**Mr. Jones:** Tom Decker?

**Mr. Decker:** Present.

**Mr. Jones:** Mark Beggs?

**Mr. Beggs:** Absent

**Mr. Carlson:** For the record we do have enough members for a quorum. The next item on the agenda I would like to call for a motion to approve the minutes of the September 1<sup>st</sup> Planning and Zoning Meeting.

**Mr. Decker:** I will make a motion to approve the minutes of the September 1<sup>st</sup> meeting as presented.

**Mr. Carlson:** We have a motion now do we have a second on that motion?

**Mr. Rhodus:** Second.

**Mr. Carlson:** Now I would call for a vote.

**Mr. Jones:** Darin Sanders?

**Mr. Sanders:** Abstain.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Jones:** Jim Carlson?

**Mr. Carlson:** Approve.

**Mr. Jones:** Tom Decker?

**Mr. Decker:** Approve.  
**Mr. Jones:** Mark Beggs.  
**Mr. Beggs:** Absent.

**Final Vote: 3/0/1 Approve September 1, 2015 Minutes**

**Mr. Carlson:** Okay we will move on to case number one, November 15-137RZ/P it's a request for rezoning from Agricultural (AG) to Residential Ranchette (R-5) District for ONLY Lots 2 – 4 and Residential Urban Rural Single Family (RU-80) District for ONLY Lot 1 and Preliminary Plat approval for the proposed subdivision of Timber Land Meadows located at approximately 12725 Hills Road, the applicants are Shane Fleshman and Kristi Soligo Fleshman. Would you please come up to the microphone and state your name and address.

**Ms. Soligo Fleshman:** Kristi Soligo Fleshman, our address is 12806 Timberland Drive, Kearney, MO.

**Mr. Carlson:** Thank you, now we would like to have the staff report.

**Mr. Jones:** First I would like to attach the staff report as part of the record.

**Mr. Carlson:** Okay.

**Mr. Jones:** Summarized the staff report November 15-137RZ/P dated October 16, 2015.

**Mr. Carlson:** Kristie do you have any questions regarding your plans?

**Ms. Soligo Fleshman:** I don't have any questions, no.

**Mr. Carlson:** Okay, what we want to do then we'll want to approve the preliminary plat and then also mention the exhibit A as a condition, is there any questions? Are there any questions from the audience? Seeing no questions I will call for...

**Mr. Jones:** Vice-Chairman did you ask for public comment?

**Mr. Carlson:** Yes I just did and I didn't see anybody jump up.

**Mr. Jones:** Okay.

**Mr. Carlson:** What I would like to do now is call for a motion to approve the zoning request.

**Mr. Decker:** I will make a motion to approve the preliminary plat for Timber Land Meadows; do we include the attachments now?

**Mr. Jones:** That is with the preliminary plat if you are talking about the preliminary plat then yes.

**Mr. Decker:** Including the attachments in Exhibit A.

**Mr. Carlson:** Do I have a second for that?

**Mr. Rhodus:** Second.

**Mr. Carlson:** We have a motion and a second to approve Timber Land Meadows, call for a vote.

**Mr. Jones:** Darin Sanders?

**Mr. Sanders:** Approve with conditions.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Jones:** Jim Carlson?

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

**Mr. Jones:** Tom Decker?

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

**Mr. Jones:** Mark Beggs.

**Mr. Beggs:** Absent.

**Final Vote: 4/0/0 Approved, November 15-137RZ/P; Timber Land Meadows–  
Preliminary Plat With two (2) Conditions**

**Ms. Viviano:** Vice-Chairman?

**Mr. Jones:** Vice-Chairman we did not vote on the zoning.

**Mr. Carlson:** We did the preliminary now we are doing the final plat.

**Mr. Jones:** You need to do the rezoning.

**Mr. Carlson:** Is that the second part of this?

**Mr. Jones:** Yes.

**Ms. Viviano:** Actually you should do the rezoning first.

**Mr. Carlson:** Okay, I will back up then we have already approved the preliminary plat but do you have any questions Kristie about the rezoning about Residential Ranchette?

**Ms. Soligo Fleshman:** I do not.

**Mr. Carlson:** Anybody in the audience have comments anybody on the Commission? I would to call for a motion for rezoning request.

**Mr. Decker:** I will make a motion for the rezoning to be approved for Timber Land Meadows from Agricultural (AG) to Residential Ranchette (R-5) District for lots 2 -4 and Residential Urban Rural Single-Family (RU-80) District for only lot 1.

**Mr. Rhodus:** Second.

**Mr. Carlson:** I will call for a vote.

**Mr. Jones:** Darin Sanders?

**Mr. Sanders:** Approve.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Jones:** Jim Carlson?

**Mr. Carlson:** Approved.

**Mr. Jones:** Tom Decker?

**Mr. Decker:** Approve.

**Final Vote: 4/0/0 Approved, November 15-137RZ/P; Timber Land Meadows– Rezoning With zero (0) Conditions**

**Mr. Carlson:** Sorry Kristie got that out of order; you might as well stay where you are at because now we are going to talk about the final plat. Any comments on the final plat.

**Mr. Jones:** I would like to attach the staff report as part of the record.

**Mr. Carlson:** So be it.

**Mr. Jones:** Summarized the staff report November 15-138F dated October 19, 2015.

**Mr. Carlson:** Okay, Kristie do you understand all the conditions?

**Ms. Soligo Fleshman:** Yes I understand.

**Mr. Carlson:** And agree with everything, with the Road Impact Fees and changing the build line.

**Ms. Soligo Fleshman:** Yes.

**Mr. Carlson:** Okay does the Commission have any questions about any of that? Okay then I would entertain a motion to approve the final plat.

**Mr. Decker:** Will make a motion to approve the final plat of Timber Land Meadows with the conditions set forth in Exhibit A.

**Mr. Rhodus:** Second.

**Mr. Carlson:** Okay it's been moved and seconded now for a vote.

**Mr. Jones:** Darin Sanders?

**Mr. Sanders:** Approve with conditions.

**Mr. Jones:** David Rhodus?

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

**Mr. Jones:** Jim Carlson?

**Mr. Carlson:** Approved with conditions

**Mr. Jones:** Tom Decker?

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

**Final Vote: 4/0/0 Approved, November 15-138F; Timber Land Meadows– Final Plat With two (2) Conditions**

**Mr. Carlson:** Thank you.

**Ms. Soligo Fleshman:** Thank you gentlemen.

**Mr. Carlson:** Moving on to our next case number three on the agenda it is a request for rezoning from Agricultural (AG) to Residential Ranchette (R-5) District for only Lot 1 and Preliminary Plat approval for the proposed subdivision of Sweet Pastures located at approximately 15625 Washington School Road the applicant is Robert Sweet, is Robert Sweet present?

**Mr. Sweet:** I am.

**Mr. Carlson:** Will you give us your name and address please.

**Mr. Sweet:** Robert Sweet, 3908 Weatherwood Tr., Verona, WI.

**Mr. Carlson:** Okay thank you, now if we could have the staff report.

**Mr. Jones:** I would like add the staff report as part of the official record.

**Mr. Carlson:** So be it.

**Mr. Jones:** Summarized the staff report November 15-139RZ/P dated October 20, 2015.

**Mr. Carlson:** Robert do you have any questions?

**Mr. Sweet:** No.

**Mr. Carlson:** Does any member of the Board have questions? I just have one question, we are naming two creeks that don't have names is there consideration for that when getting a building permit.

**Mr. Jones:** There is everything as far as the building permit there's basically 75 foot setbacks from those creeks now this property is a little bit different because the house has the major creek, the property with the house has the major creek on it those there is already a house on that property but we will not allow them to build anything in that creek area.

**Mr. Carlson:** There is no issue with FEMA?

**Mr. Jones:** On this one I don't think this one had floodplain and I may defer to Debbie on that one.

**Ms. Viviano:** I can look up the floodplain on the map.

**Mr. Carlson:** The reason it's important is when you go to get your building permit that they require you to have a FEMA report if you property is in the floodplain.

**Ms. Viviano:** Commissioner there is no floodplain on this property.

**Mr. Carlson:** Okay then that is good.

**Ms. Viviano:** The floodplain is to the south.

**Mr. Carlson:** I don't have any other questions about this; I will entertain a motion to accept the rezoning.

**Mr. Decker:** I will make a motion for the rezoning for the preliminary plat of Sweet Pastures rezoning from Agricultural (AG) to Residential Ranchette (R-5) District for Lot one.

**Mr. Carlson:** Do we have a second for that motion?

**Mr. Rhodus:** Second.

**Mr. Carlson:** We have a motion and a second vote please.

**Mr. Jones:** Darin Sanders?

**Mr. Sanders:** Approve.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Jones:** Jim Carlson?

**Mr. Carlson:** Approved.

**Mr. Jones:** Tom Decker?

**Mr. Decker:** Approve.

**Final Vote: 4/0/0 Approved, November 15-139RZ/P; Sweet Pastures– Rezoning  
With zero (0) Conditions**

**Mr. Carlson:** So the first part of this is the rezoning now we will discuss the preliminary plat, do we have any further report on that?

**Mr. Jones:** That was included with the rezoning.

**Mr. Carlson:** So now what we will do is vote on the approval of the preliminary plat any questions on that?

**Mr. Sweet:** No.

**Mr. Carlson:** Okay do I have a motion to approve the preliminary plat for Sweet Pastures?

**Mr. Decker:** I will make a motion to approve the preliminary plat for Sweet Pastures with the attached Exhibit A to the approval.

**Mr. Rhodus:** Second.

**Mr. Carlson:** Any questions from anybody? Vote please.

**Mr. Jones:** Darin Sanders?

**Mr. Sanders:** Approve with conditions.

**Mr. Jones:** David Rhodus?

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

**Mr. Jones:** Jim Carlson?

**Mr. Carlson:** Approved with conditions

**Mr. Jones:** Tom Decker?

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

**Final Vote: 4/0/0 Approved, November 15-139RZ/P; Sweet Pastures– Preliminary Plat With three (3) Conditions**

**Mr. Carlson:** You have a copy of staff report?

**Mr. Sweet:** Yes I did.

**Mr. Carlson:** This was the rezoning and preliminary plat now we have to approve the final plat, staff report please.

**Mr. Jones:** I would like to attach the staff report as part of the record.

**Mr. Carlson:** Okay.

**Mr. Jones:** Summarized the staff report November 15-140F dated October 20, 2015.

**Mr. Carlson:** The preliminary plat has the same Exhibit attached to it and you are familiar with the Exhibit?

**Mr. Sweet:** I am yes.

**Mr. Carlson:** Are there any questions from the Board? Okay than I would entertain a motion to approve the final plat.

**Mr. Decker:** I will make a motion to approve the final plat of Sweet Pastures with the attachments in Exhibit A.

**Mr. Rhodus:** Second

**Mr. Carlson:** I will call for a vote.

**Mr. Jones:** Darin Sanders?

**Mr. Sanders:** Approve with conditions.

**Mr. Jones:** David Rhodus?

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

**Mr. Jones:** Jim Carlson?

**Mr. Carlson:** Approved with conditions

**Mr. Jones:** Tom Decker?

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

**Final Vote: 4/0/0 Approved, November 15-140F; Sweet Pastures– Preliminary Plat With three (3) Conditions**

**Mr. Carlson:** Okay, thank you.

**Mr. Sweet:** Thank you gentlemen.

**Mr. Carlson:** The next case is November 15-141P this is a request for preliminary plat approval of Nebo Hill Estates – Sixth Plat located at approximately 7022 Nebo Hill Road the applicant is Kristie Stuewe, President of First Missouri Bank, is she present? Kristie, I would like you to listen to the staff report and if we could have your name and address please?

**Ms. Stuewe:** Kristie Steuwe, First Missouri Bank, 1925 Burlington Street, North Kansas City.

**Mr. Carlson:** Thank you, I would like to have a staff report.

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

**Mr. Carlson:** Okay.

**Mr. Jones:** Summarized the staff report November 15-141P dated October 26, 2015.

**Mr. Carlson:** Are you familiar with Exhibit A?

**Ms. Stuewe:** Yes.

**Mr. Carlson:** Do you have any questions?

**Ms. Stuewe:** I do not.

**Mr. Vaughan:** I have one, are you the Clay County or who would be in charge I have a question for you on this property. The bank just found out that there is an easement that runs to the back of this back 20 acres here. What I would like to do is find out if I can possibly get an approval for an inlet on that property so if the bank needs to they can liquidate this 20 acres to try to recoup some of their money they have a lot of money invested in this.

**Mr. Sanders:** You are talking about a driveway?

**Mr. Vaughan:** Yes sir, another drive separate from this one, it's down here 20 acres down.

**Mr. Sanders:** We would have to look at it for an additional driveway permit and check for sight distances.

**Mr. Vaughan:** So what I would have to do is come in and buy another permit from you to have you come out and look?

**Mr. Sanders:** We would have to go through that process yes.

**Mr. Vaughan:** Okay that is what I was wondering.

**Mr. Decker:** Could you point out on the map where it is?

**Mr. Vaughan:** Yes sir, it's right here at the very top right there, that is where there are easements have already been granted all we have to do is add ten feet to that to make a perfect easement that would join to this back 20 acres.

**Ms. Viviano:** Its part of Nebo Hills Estates – First Plat, if you pull the, Darin if you want to give me a call on it.

**Mr. Sanders:** Yes I will.

**Ms. Viviano:** I can help you out with it and give you more information.

**Mr. Sanders:** Yes I will.

**Mr. Vaughan:** If I need to come by to give you a check or whatever I would be more than happy to have you investigate.

**Ms. Viviano:** The bank would have to go through re-platting my suggestion would be at this point that you just put a hold on this, just leave this as it is until you get a buyer.

**Mr. Vaughan:** Well we are not going to do anything unless this gentleman grants approval.

**Ms. Stuewe:** Okay.

**Mr. Vaughan:** The only reason we're thinking about that is if he gives us approval and we can't sell the property because of the value we can bust it up and try and liquidate.

**Ms. Viviano:** In the future, right?

**Mr. Carlson:** Can you come to the microphone and speak and give your name and address please.

**Mr. Vaughan:** My name is Alan Vaughan I own Dirtworks Construction, I work for the bank my address is 33726 North Reynold Road, Rayville, MO.

**Mr. Carlson:** Okay I think we are getting into a subject that is off topic.

**Mr. Vaughan:** Right it is.

**Mr. Carlson:** So I think we'll ask for...

**Mr. Vaughan:** I'll just drop it.

**Mr. Carlson:** We will carry on with the recommendation of asking, since the applicant doesn't have any questions on the preliminary plat, does the Commission have any questions?

**Mr. Decker:** I guess the question that I have is your request for the additional property easement to be...

**Mr. Vaughan:** No we are not requesting this we were just wondering if it is feasible.

**Mr. Decker:** The residences of the north edge of this property if we ruled on the property they will know tonight is that correct?

**Mr. Vaughan:** Yes sir.

**Mr. Decker:** Okay so your request is unrelated to the preliminary (*inaudible*)

**Mr. Vaughan:** Right.

**Mr. Decker:** Well I will make a motion or did you call for a motion, I am sorry.

**Mr. Carlson:** Yes I would like to call for a motion.

**Mr. Decker:** I will make a motion to approve the preliminary plat for Nebo Hills Estates – Sixth Plat with the attached conditions in Exhibit A.

**Mr. Rhodus:** Second.

**Mr. Carlson:** A motion has been given and seconded to approve the preliminary plat of Nebo Hills Estates I will call for a vote.

**Mr. Jones:** Darin Sanders?

**Mr. Sanders:** Approve with conditions.

**Mr. Jones:** David Rhodus?

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

**Mr. Jones:** Jim Carlson?

**Mr. Carlson:** Approved with conditions

**Mr. Jones:** Tom Decker?

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

**Final Vote: 4/0/0 Approved, November 15-141P; Nebo Hills Estates- Sixth Plat –  
Preliminary Plat  
With three (3) Conditions**

**Mr. Carlson:** Now I would like to move on to case number November 15-142F ...

**Ms. Viviano:** Commissioner, Vice-Chairman did you ask for any public comments?

**Mr. Carlson:** No, we made vote I might back up and ask is there any public comment on this issue? I see nobody making any comments so we will approve the preliminary plat as voted on now we will move on to the final plat and Kristie you are the representative again so we will ask if the staff has anything to add.

**Mr. Jones:** We would like to attach the staff report as part of the record and based on all the materials and evidence presented the subject request appears to substantially comply with the LDC and preliminary plat.

**Mr. Carlson:** Are you familiar with the application of the preliminary and the Exhibit again is the same one that we were talking about Exhibit A.

**Ms. Stuewe:** Yes.

**Mr. Carlson:** Okay do you have any questions? Any questions from the Commission? Any questions from the audience? Okay no questions so I would like to call for a motion to approve the final plat.

**Mr. Decker:** I will make a motion to approve the final plat of Nebo Hill Estates – Sixth Plat with the conditions as shown in Exhibit A.

**Mr. Rhodus:** Second.

**Mr. Carlson:** It has been moved and seconded to approve the final plat of Nebo Hill Estates, vote please.

**Mr. Jones:** Darin Sanders?

**Mr. Sanders:** Approve with conditions.

**Mr. Jones:** David Rhodus?

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

**Mr. Jones:** Jim Carlson?

**Mr. Carlson:** Approved with conditions

**Mr. Jones:** Tom Decker?

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

**Final Vote: 4/0/0 Approved, November 15-142F; Nebo Hills Estates- Sixth Plat–Final Plat  
With three (3) Conditions**

**Mr. Carlson:** Okay the last case we have is case number seven do we have anybody in the audience representing Doug Perry or the Church? We don't, it was their request to table this we felt it is important since it is on the agenda that we as a Commission make a recommendation and vote on tabling the case September 15-136RZ do I have motion or any questions?

**Mr. Decker:** I don't have any questions.

**Mr. Carlson:** Do I have a motion to table until the next session?

**Mr. Decker:** I will make a motion to table case number September 15-136RZ until our next meeting December 1, 2015

**Mr. Rhodus:** Second.

**Mr. Carlson:** It has been moved and seconded that we table the motion, call for a vote.

**Mr. Jones:** Darin Sanders?

**Mr. Sanders:** Approve.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Jones:** Jim Carlson?

**Mr. Carlson:** Approve.

**Mr. Jones:** Tom Decker?

**Mr. Decker:** Approve.

**Final Vote: 4/0/0 Table, September 15-136RZ; The Church of Liberty– Rezoning until December 1, 2015 meeting**

**Mr. Carlson:** Any other business? Any questions, one thing I did forget to tell all the applicants is they are invited to come to the November 23<sup>rd</sup> County Commission meeting where their cases will be heard at 10 o'clock.

**Mr. Jones:** Staff will take care of that.

**Mr. Carlson:** Staff will take care of that for us, thank you. Is there any other business?

**Mr. Jones:** Not at this time.

**Mr. Carlson:** Do we have a motion to adjourn?

**Mr. Decker:** I make a motion that we adjourn.

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

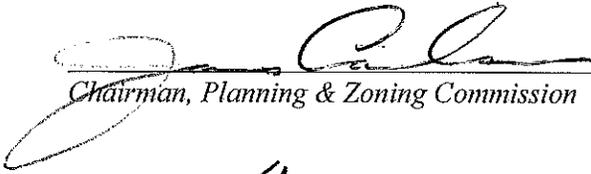
**Mr. Rhodus:** Second.

**Mr. Carlson:** Let's adjourn.

**All:** Aye.

**Mr. Carlson:** Meeting is adjourned.

**Meeting Adjourned**



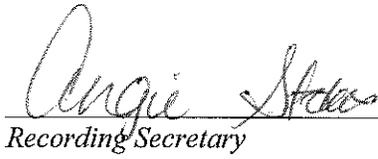
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*Chairman, Planning & Zoning Commission*



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*Secretary, Planning & Zoning Commission*



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*Recording Secretary*