

**CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES**

**September 3, 2019**

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: Tom Decker, Chris Higgins, David Rhodus, Marvin Davis, Brad Scarlett and Terri Griffen

Members Absent:

Staff Present: Kipp Jones, Planning and Zoning Manager  
Angie Stokes, Administrative Assistant  
Andy Roffman, County Counselor

**Mr. Decker:** Calls the September 3, 2019 Planning and Zoning Commission meeting to order, request roll call.

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Present.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Present.

**Mr. Jones:** Marvin Davis?

**Mr. Davis:** Present.

**Mr. Jones:** Brad Scarlett?

**Mr. Scarlett:** Present.

**Mr. Jones:** Chris Higgins?

**Mr. Higgins:** Present.

**Mr. Jones:** Chairman Tom Decker?

**Mr. Decker:** Present.

**Mr. Decker:** Calls for a motion for the approval of the August 6, 2019 Planning and Zoning Commission minutes.

**Mr. Davis:** Motions to approve the minutes.

**Mr. Rhodus:** Seconds the motion.

**Mr. Decker:** Calls for a roll call vote.

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Approve.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Jones:** Marvin Davis?

**Mr. Davis:** Approve.

**Mr. Jones:** Brad Scarlett?

**Mr. Scarlett:** Approve.

**Mr. Jones:** Chris Higgins?

**Mr. Higgins:** Approve.

**Mr. Jones:** Chairman Tom Decker?

**Mr. Decker:** Abstain.

**Final Vote: 5/0/1 Approve August 6, 2019 Minutes**

**Mr. Decker:** Asks for a staff report on the first case July 19-122RZ/P, a request for rezoning from Residential Ranchette (R-5) District with an Agricultural Land Preservation (ALP) Preservation

Overlay District (POD) to Agricultural (AG) District for only a portion of proposed Lot 2A and preliminary plat approval of Lincoln's Farm – Third Plat, the properties are located a 10601 and 10509 Lancaster Road and 18211 NE 108<sup>th</sup> Street. The applicants are Michael and Kimberly Daniels, Karlen R. Pangborn and Bruce and Donna Blanch, this case was tabled from the August meeting.

**Mr. Jones:** Attaches the staff report as part of the official record, summarizes July 19-122RZ/P dated June 21, 2019.

**Mr. Decker:** Inquires if there are any questions from the Commission, being none calls the applicant forward. Asks the applicant if he understood the conditions attached in Exhibit A and if he had any questions.

**Mr. Daniels:** Stated he understood and had one question about the stream setback on the plat.

**Mr. Jones:** Explains the blue line stream and the no build zone within 75 feet of the stream on either side.

**Mr. Decker:** Opens the public comment, being none calls for a motion for the rezoning of Lincoln's Farm – Third Plat.

**Mr. Davis:** Motions to approve.

**Mr. Higgins:** Seconds the motion.

**Mr. Decker:** Calls for a vote.

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Approve.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve

**Mr. Jones:** Marvin Davis?

**Mr. Davis:** Approve.

**Mr. Jones:** Brad Scarlett?

**Mr. Scarlett:** Approve.

**Mr. Jones:** Chris Higgins?

**Mr. Higgins:** Approve.

**Mr. Jones:** Chairman Tom Decker?

**Mr. Decker:** Approve.

**Final Vote: 6/0/0 Approve; July 19-122RZ//P; Lincoln's Farm-Third Plat– Rezoning With zero (0) Conditions**

**Mr. Decker:** Entertains a motion for the preliminary plat of Lincoln's Farm – Third Plat with conditions attached in Exhibit A.

**Mr. Davis:** Motions to approve the preliminary plat.

**Mr. Rhodus:** Seconds the motion.

**Mr. Decker:** Calls for a vote.

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Approve with conditions.

**Mr. Jones:** David Rhodus?

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

**Mr. Jones:** Marvin Davis?

**Mr. Davis:** Approved with conditions.

**Mr. Jones:** Brad Scarlett?

**Mr. Scarlett:** Approved with conditions.

**Mr. Jones:** Chris Higgins?

**Mr. Higgins:** Approve with conditions.

**Mr. Jones:** Chairman Tom Decker?

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

**Final Vote: 6/0/0 Approve; July 19-122RZ/P; Lincoln's Farm-Third Plat –Preliminary Plat With two (2) Conditions**

**Mr. Decker:** Asks for a staff report on case July 19-123F, a request for final plat for the proposed subdivision of Lincoln’s Farm-Third Plat, located a 10601 and 10509 Lancaster Road and 18211 NE 108<sup>th</sup> Street. The applicants are Michael and Kimberly Daniels, Karlen R. Pangborn and Bruce and Donna Blanch. This case was tabled from the August meeting.

**Mr. Jones:** Attaches the staff report as part of the official record, summarizes July 19-123F dated June 21, 2019.

**Mr. Decker:** Inquired if the Commission had any questions, being none calls the applicant forward. Inquired if the applicant had any questions or concerns.

**Mr. Daniels:** Stated he did not.

**Mr. Decker:** Opens public comments, being none asks for a motion for the final plat of Lincoln’s Farm-Third Plat with conditions attached in Exhibit A.

**Mr. Davis:** Motions to approve the final plat with conditions.

**Mr. Rhodus:** Seconds the motion.

**Mr. Decker:** Calls for a vote.

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Approve with conditions.

**Mr. Jones:** David Rhodus?

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

**Mr. Jones:** Marvin Davis?

**Mr. Davis:** Approved with conditions.

**Mr. Jones:** Brad Scarlett?

**Mr. Scarlett:** Approved with conditions.

**Mr. Jones:** Chris Higgins?

**Mr. Higgins:** Approve with conditions.

**Mr. Jones:** Chairman Tom Decker?

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

**Final Vote: 6/0/0 Approve; July 19-123F; Lincoln’s Farm-Third Plat –Final Plat  
With two (2) Conditions**

**Mr. Decker:** Asks for a staff report on case July 19-124V, a request to vacate a utility easement within Lot 1 of Lincoln’s Farm-Second Plat, these easements are located at approximately 10601 and 10509 Lancaster Road. The applicants are Michael and Kimberly Daniels and Karlen R. Pangborn, the case was tabled from the August meeting.

**Mr. Jones:** Attaches the staff report as part of the official record, summarizes July 19-124V dated June 19, 2019.

**Mr. Decker:** Asks if the Commission had any questions.

**Mr. Higgins:** Inquired if the new property line had a utility easement in it?

**Mr. Jones:** Stated it did.

**Mr. Decker:** Calls the applicant forward and asked if understood the staff report and the conditions in Exhibit A.

**Mr. Daniels:** Stated he understood.

**Mr. Decker:** Opens public comments, being none calls for a motion for the vacation of the utility easement of Lincoln’s Farm – Second Plat.

**Mr. Davis:** Moves to approve.

**Mr. Rhodus:** Seconds the motion.

**Mr. Decker:** Calls for a vote.

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Approve with conditions.

**Mr. Jones:** David Rhodus?

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

**Mr. Jones:** Marvin Davis?

**Mr. Davis:** Approved with conditions.

**Mr. Jones:** Brad Scarlett?

**Mr. Scarlett:** Approved with conditions.  
**Mr. Jones:** Chris Higgins?  
**Mr. Higgins:** Approve with conditions.  
**Mr. Jones:** Chairman Tom Decker?  
**Mr. Decker:** Approve with conditions.

**Final Vote: 6/0/0 Approve; July 19-124V; Lincoln’s Farm-Second Plat –Vacate Easement  
With one (1) Condition**

**Mr. Decker:** Asks for a staff report on case September 19-130RZ/F, a request for rezoning from Agricultural (AG) District to Residential Rural (R-1) District with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) for the proposed subdivision of the Replat of Lot 2 Timber Creek and final plat approval, located at approximately 16925 Quinn Road. The applicant is Eric Craig, representing Tim and Pennie Hattey.

**Mr. Jones:** Attaches the staff report as part of the official record, summarizes September 19-130RZ/F dated August 16, 2019.

**Mr. Decker:** Inquired about the shed that needed to be moved because of the change of zoning and the 100 year floodplain on lots two and three covering most of the lots.

**Mr. Jones:** Stated the shed did have to move since the property will now be zoned residential and accessory buildings cannot be in front of the house on residentially zoned property. He also showed the floodplain areas on the map and pointed out spots where a house and accessory building can be built on the two lots.

**Ms. Griffen:** Stated that lot three can only have a driveway off of 168<sup>th</sup> Street and lot two only off of Quinn Road because of the floodplain on the properties.

**Mr. Decker:** Asked if the Commission had any questions being none calls the applicant forward, asked if he understood the staff report and the conditions in Exhibit A.

**Mr. Craig:** Stated he understood.

**Mr. Decker:** Opens public comment, being none calls for a motion on the rezoning of the Replat of Lot 2 Timber Creek.

**Mr. Davis:** Motions to approve the rezoning.

**Mr. Rhodus:** Seconds the motion.

**Mr. Decker:** Calls for a vote.

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Approve.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve

**Mr. Jones:** Marvin Davis?

**Mr. Davis:** Approve.

**Mr. Jones:** Brad Scarlett?

**Mr. Scarlett:** Approve.

**Mr. Jones:** Chris Higgins?

**Mr. Higgins:** Approve.

**Mr. Jones:** Chairman Tom Decker?

**Mr. Decker:** Approve.

**Final Vote: 6/0/0 Approve; September 19-130RZ/F; Replat of Lot 2 Timber Creek–  
Rezoning  
With zero (0) Conditions**

**Mr. Decker:** Asks for a motion on the final plat of Replat of Lot 2 Timber Creek with conditions.

**Ms. Griffen:** Motions to approve the final plat with conditions.

**Mr. Davis:** Seconds the motion.

**Mr. Decker:** Calls for a vote.

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Approve with conditions.

**Mr. Jones:** David Rhodus?  
**Mr. Rhodus:** Approve with conditions.  
**Mr. Jones:** Marvin Davis?  
**Mr. Davis:** Approved with conditions.  
**Mr. Jones:** Brad Scarlett?  
**Mr. Scarlett:** Approved with conditions.  
**Mr. Jones:** Chris Higgins?  
**Mr. Higgins:** Approve with conditions.  
**Mr. Jones:** Chairman Tom Decker?  
**Mr. Decker:** Approve with conditions.

**Final Vote: 6/0/0 Approve; September 19-130RZ/F; Replat of Lot 2 Timber Creek– Final Plat**

**With three (3) Conditions**

**Mr. Decker:** Asks for a staff report on case September 19-131RZ/F, a request for rezoning from Residential Rural (R-1) District to Residential Rural (R-1) District with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) for the proposed subdivision of Utt Farm, a Replat of Lots 1, 2 & 4 Sunny Slope Acres and final plat approval, located at approximately 30020 NE 166<sup>th</sup> Street, the applicants are Trent and Jessica Utt.

**Mr. Jones:** Attaches the staff report as part of the official record, summarizes September 19-131RZ/F dated August 16, 2019.

**Mr. Decker:** Asked if the Commission had any questions, being none calls the applicant forward, asked the applicant if she understood the staff report and agreed to the conditions in Exhibit A.

**Mr. Utt:** Stated he understood and agreed to the conditions.

**Mr. Decker:** Being no questions for the applicant, opens public comment, being none entertains a motion for the rezoning of Utt Farm.

**Mr. Scarlett:** Motions to approve the rezoning.

**Mr. Rhodus:** Seconds the motion.

**Mr. Decker:** Calls for a vote.

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Approve.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve

**Mr. Jones:** Marvin Davis?

**Mr. Davis:** Approve.

**Mr. Jones:** Brad Scarlett?

**Mr. Scarlett:** Approve.

**Mr. Jones:** Chris Higgins?

**Mr. Higgins:** Approve.

**Mr. Jones:** Chairman Tom Decker?

**Mr. Decker:** Approve.

**Final Vote: 6/0/0 Approve; September 19-131RZ/F; Utt Farm a Replat of Lots 1, 2 & 4 Sunny Slope Acres – Rezoning**

**With zero (0) Conditions**

**Mr. Decker:** Entertains a motion for the final plat of Utt Farm, a Replat of Lots 1, 2 & 4 Sunny Slope Acres with conditions attached in Exhibit A.

**Mr. Davis:** Motions to approve with conditions.

**Mr. Rhodus:** Seconds the motion.

**Mr. Decker:** Calls for a vote.

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Approve with conditions.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve with conditions.  
**Mr. Jones:** Marvin Davis?  
**Mr. Davis:** Approved with conditions.  
**Mr. Jones:** Brad Scarlett?  
**Mr. Scarlett:** Approved with conditions.  
**Mr. Jones:** Chris Higgins?  
**Mr. Higgins:** Approve with conditions.  
**Mr. Jones:** Chairman Tom Decker?  
**Mr. Decker:** Approve with conditions.

**Final Vote: 6/0/0 Approve; September 19-131RZ/F; Utt Farm a Replat of Lots 1, 2 & 4 Sunny Slope Acres – Final Plat  
With three (3) Conditions**

**Mr. Decker:** Asks for a staff report on case September 19- 132V, a request to vacate a utility easement within Lot 2 and 4 of Sunny Slope Acres, these easements are located at approximately 30020 NE 166<sup>th</sup> Street. The applicants are Trent and Jessica Utt.

**Mr. Jones:** Attaches the staff report as part of the official record, summarizes September 19-133V dated August 18, 2019.

**Ms. Decker:** Asks if the Commission had any questions, being none calls the applicant forward. Inquired if the applicant had any questions and if he understood the condition in Exhibit A.

**Mr. Utt:** Stated he did not have any questions and understood the condition.

**Mr. Decker:** Opens public comment, being none entertains a motion for the vacation of the utility easement.

**Mr. Davis:** Motions to approve with condition.

**Mr. Rhodus:** Seconds the motion.

**Mr. Decker:** Calls for a vote.

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Approve with condition.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve with condition.

**Mr. Jones:** Marvin Davis?

**Mr. Davis:** Approved with condition.

**Mr. Jones:** Brad Scarlett?

**Mr. Scarlett:** Approved with condition.

**Mr. Jones:** Chris Higgins?

**Mr. Higgins:** Approve with condition.

**Mr. Jones:** Chairman Tom Decker?

**Mr. Decker:** Approve with condition.

**Final Vote: 6/0/0 Approve; September 19-132V; Sunny Slope Acres – Vacation of Easement  
With one (1) Condition**

**Mr. Decker:** Asks for a staff report on case September 19-133CUP, a request for a Conditional Use Permit for an Indoor and Outdoor Recreation and Entertainment facility on Agriculturally (AG) District zoned property at 11202 Highway 33. The applicant is Jeff Schroeder, Scharhag Co, Architects, representing Rocky Top Holdings, LLC.

**Mr. Jones:** Attaches the staff report as part of the official record, summarizes September 19-133CUP dated August 21, 2019.

**Mr. Decker:** Inquired if the present zoning is Agricultural.

**Mr. Jones:** Stated yes.

**Mr. Higgins:** Inquired if the building was a church.

**Mr. Jones:** Stated yes.

**Mr. Decker:** Pointed out condition three, that” the CUP may be revoked at any time based on validated public complaints for violations to the LDC substantiated by County staff”. Asks if the Commission had any questions for the staff, being none calls the applicant forward, asked if he understood the staff report and the conditions in Exhibit A.

**Mr. de la Fuente:** Stated he had a question on condition two, the eight year time frame, inquired if that could be extended.

**Mr. Jones:** Stated that date matches other wedding event venues conditional use permits that had been done in the past, the Commission can choose to change that time frame.

**Mr. Decker:** Stated that should stay the same as the other conditional use permits for wedding event venues.

**Mr. Davis:** Inquired who had the right to revoke the conditional use permit.

**Mr. Jones:** Explained the complaint process in the Planning and Zoning office, it will be investigated by the staff, the property owner has a chance to correct the problem and if it is not corrected it will be taken to the County Commission and they can revoke the conditional use permit.

**Mr. Higgins:** Pointed out there was a conditional use permit that was just renewed with a longer time frame because they had good rapport with the neighbors.

**Mr. Jones:** Stated that was with a public riding stable that could be a possibility.

**Mr. Higgins:** Stated that setting precedence with the eight years to start.

**Mr. de la Fuente:** Stated that was their only question they agreed with the other conditions.

**Mr. Decker:** Opens public comment.

**Mr. White:** Neighbor north of the property, stated his concerns about the access to the event center, the increase traffic and the time of operation, the events being outside, going late with bright lights and loud music.

**Mr. Decker:** Stated there was a condition controlling the lighting for this venue, condition six states “Lighting shall be direct downward and shielded from direct glare on nearby properties and roadways” and in the Business Plan the times of operation was Sunday thru Thursday’s 9 am to 10 pm and Friday and Saturday 9 am to 11 pm.

**Ms. Griffen:** Stated the Business Plan also specifies “that all music will be indoors except for music specific to the wedding event”, there should not be major outdoor music at any point in time.

**Mr. Jones:** Stated that for conditional use permits the applicant has to submit a business plan and they cannot change what they have in that business plan after the CUP is approved. They cannot have an event at this location that is not included in the business plan. What will be allowed is the music during the wedding ceremony but a DJ will not be allowed outside.

**Mr. Searcy:** Confirmed that this conditional use permit was just a wedding event facility.

**Mr. Jones:** Stated that the code calls it an Indoor and Outdoor Recreation and Entertainment facility, but the staff will hold them to what is in their business plan, listed in there is weddings, corporate outings, reunions, graduation parties, fundraisers, etc. the code allows the Manager of Planning and Zoning department to interpret the code and if they are holding an event that is similar to that list I will allow it.

**Mr. Sission:** Neighbor to the west, concerned about people parking and coming onto his property during the events on the event center’s property, would like a fence to separate the property and keep people from parking or running onto his property. Also stated his concerns of the leaking septic pond.

**Mr. Jones:** Stated that the septic problems will be sent to the Clay County Health Department for them to go out and inspect and to make sure the issues are fixed.

**Mr. de la Fuente:** Stated that Rocky Top Holdings, LLC, a Real Estate Investment Company, that owns the property stated they could ask the event coordinators that will be located on the property to have someone to direct traffic during large events.

**Ms. Hagel:** The Event Coordinator confirmed they will have to have an off duty police officer at all events and they have to stay late to make sure everyone leaves.

**Mr. Decker:** Restated an off duty policeman will be present at all events.

**Ms. Hagel:** Stated yes during the events there would be an off duty police officer and she will have her office there during the day times and there will not be any day events.

**Mr. Decker:** Stated that should address more than one issue brought up at the meeting of noise, exiting the property after dark.

**Mr. de la Fuente:** Stated the dance music is confined to the lower level of the church, nothing outside except for the wedding ceremony music. Stated there will not be any athletic events, just weddings, anniversaries events along those lines and maybe a temporary wedding tent outside. Stated he did not know about the septic issues and will be doing what they can to fix it. Will be screening the property with landscaping and will discuss putting up a fence to divide the property to the west and the event center.

**Mr. Decker:** Inquired if the Commission would like to add fencing as part of the conditions.

**Mr. Jones:** Stated the parking on the neighbor's lot needing to be addressed also, possibly adding a "no parking" sign.

**Mr. Decker:** Stated the previous church occupancy was 230 and the business plan states the events will be for 150 people, there will be less volume.

**Mr. Jones:** Stated when a building permit is issued the Fire Marshal and the Building Inspector will determine the occupancy load for the new use.

**Mr. Decker:** Inquired if the Commission had any questions for Robert, being none asks for additional comments from the public.

**Mr. Pinney:** Stated he mowed the land next to the septic pond and there is a large hole and broken pipes between the septic tank, church and lagoon.

**Mr. Higgins:** Stated now that the applicant and the Planning and Zoning office are aware of this issue a report will be filed with the Clay County Health Department to have that fixed.

**Mr. Decker:** Asked for any more public comments, being none closes the public comment, entertains a motion for the Indoor and Outdoor Recreation and Entertainment facility with conditions attached in Exhibit A.

**Mr. Rhodus:** Motions to approve the conditional use permit.

**Mr. Higgins:** Seconds the motion.

**Mr. Decker:** Calls for a vote.

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Approve with conditions.

**Mr. Jones:** David Rhodus?

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

**Mr. Jones:** Marvin Davis?

**Mr. Davis:** Approved with conditions.

**Mr. Jones:** Brad Scarlett?

**Mr. Scarlett:** Approved with conditions.

**Mr. Jones:** Chris Higgins?

**Mr. Higgins:** Approve with conditions.

**Mr. Jones:** Chairman Tom Decker?

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

**Final Vote: 6/0/0 Approve; September 19-133CUP; Indoor and Outdoor Recreation and Entertainment facility – Conditional Use Permit**  
**With nine (9) Conditions**

**Mr. Decker:** Asks for a staff report on case September 19-134CUP, a request for the approval of a Conditional Use Permit (renewal) for a commercial wireless communication tower/antenna on Residential Ranchette (R-5) District zoned property at approximately the NE corner of Plattsburg Road and NE 112<sup>th</sup> Street. The applicant is Steve Warger, P.E. Renaissance Infrastructure Consulting, representing Central Meridian Land Reserve, LLC.

**Mr. Jones:** Attaches the staff report as part of the official record, summarizes September 19-134CUP dated August 21, 2019.

**Mr. Decker:** Asked if the land belongs to Central Meridian Land Reserve, the owner of the cell tower does not own the land.

**Mr. Jones:** Replied that was correct and this land is separate from the Prairie Field subdivision.

**Mr. Decker:** Asked if the Commission had any questions, being none calls the applicant forward and asked if he understood the staff report and the conditions attached in Exhibit A.

**Mr. Warger:** Stated they understood and were in agreement with the conditions. Also stated the ownership of the property is Meridian Properties own the total property they decided when they did the subdivision they would go to Central Meridian Land Reserve but they kept the property for the cell tower as Meridian Properties, the cell tower is owned by a separate entity, not sure of the name of the company.

**Mr. Decker:** Opens public comments being none entertains a motion for the Cell Tower conditional use permit with conditions attached in Exhibit A.

**Mr. Davis:** Motions to approve.

**Mr. Rhodus:** Seconds the motion.

**Mr. Decker:** Calls for a vote.

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Approve with conditions.

**Mr. Jones:** David Rhodus?

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

**Mr. Jones:** Marvin Davis?

**Mr. Davis:** Approved with conditions.

**Mr. Jones:** Brad Scarlett?

**Mr. Scarlett:** Approved with conditions.

**Mr. Jones:** Chris Higgins?

**Mr. Higgins:** Approve with conditions.

**Mr. Jones:** Chairman Tom Decker?

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

**Final Vote: 6/0/0 Approve; September 19-134CUP; Commercial Wireless  
Communication Tower/Antenna – Conditional Use Permit  
With nine (9) Conditions**

**Mr. Decker:** Asks for a staff report on case September 19-135CUP, a request for the approval of a Conditional Use Permit for a Water Tower (PWSD#6) on Residential Services District Multi-Family (R-SDM) with a Planned Unit Development (PUD) overlay zoned property at approximately NE corner of Plattsburg Road and NE 112<sup>th</sup> Street. The applicant is Steve Warger, P.E. Renaissance Infrastructure Consulting, representing Central Meridian Land Reserve, LLC.

**Mr. Jones:** Attaches the staff report as part of the official record, summarizes September 19-135CUP dated August 22, 2019.

**Mr. Scarlett:** Requested a clarification on the time frame of the CUP.

**Mr. Jones:** Clarified that the time frame should read 25 years.

**Mr. Scarlett:** Inquired about the staff report stating the HOA will eventually own the property that the water tower sits on.

**Mr. Jones:** Stated that right now Central Meridian Land Reserve owns the property but once a certain percentage of the lots are sold then it will go to the HOA. Stated the land the water tower sits on would need to be on a separate plat for it not to be included the land going to the HOA, right now the access that goes to the water tower will also be used for access to the private sewer package plant that is why it was left for the open space for the subdivision with the easement and the ability for the water tower to be maintained by the water district.

**Mr. Decker:** Calls the applicant forward.

**Mr. Warger:** Clarified the ownership, the water tower, the access, the main that goes to the northwest is all in an easement granted to the water district, Meridian Properties owns the property with an easement for the water department with conditions on that, the water department owns the tower. Eventually the HOA will be responsible for maintaining that tract and they will own that tract.

**Mr. Higgins:** Stated his concerns about a HOA owning the property that a water tower sits on.

**Mr. Davis:** Agreed, stated he had not seen a water tower on an easement without some type of agreement or lease.

**Mr. Higgins:** Suggested that the land the water tower is on be donated to the water district and give them a road frontage easement.

**Mr. Jones:** Stated there is an exception for platting if it is going to a public utility, from the LDC “the conveyance of land for street or railroad right-a-way, utility or drainage easement or other public utility purposes subject to local, state or federal regulations”, they can deed that land and not have to plat it and it will meet our code.

**Mr. Warger:** It will be a while before it gets to that point but will be open to looking into that possibility when it gets to where the HOA takes over the open spaces in Prairie Field subdivision.

**Mr. Decker:** Inquired why if Meridian Properties does not own the tower why are they responsible to have engineer inspections every 24 months.

**Mr. Warger:** Stated they were asked to get that, but they are not in control of that, the water district was supposed to have an inspection a year or two ago that never happened, they have a firm under contract now to do that in the next three or four months before they get the results. In condition six Meridian Properties are required to have that report before they can record Prairie Field 1<sup>st</sup> Plat, the infrastructure will be ready in the next two or three weeks and Meridian will be ready to record that plat and start selling lots, but the inspection report will hold them up. Asked if that condition could be revised to “prior to the first occupancy permit be issued”

**Mr. Scarlett:** Stated when the ownership transfers from Meridian Land Reserve, LLC to the HOA they will have to come back to the Planning and Zoning Commission to be issued a new Conditional Use Permit because of the change in ownership.

**Mr. Jones:** Stated if the Commission and the applicant agree they would like to deed the land to the water district, when it comes time to record the plat with the water tower on it a condition can be added to that plat and then that plat cannot be recorded until the land was deeded. The Commission will have to decide if they will amend condition number six for the applicant as requested.

**Mr. Higgins:** Inquired if the applicant was asking for a five to six month extension on the condition.

**Mr. Warger:** Stated the water district has not done the inspection yet, they said it would be three to four months for the inspection to be done and to receive the report.

**Mr. Decker:** Thought may be the County imposing more rules and regulations than needed; water towers in the State of Missouri are regulated by the Department of Natural Resources and are supposed to be inspected every 24 months and washed out every five years.

**Mr. Jones:** Stated the condition can be removed if the Commission wished.

**Mr. Warger:** Stated again that it was the water district’s responsibility to have the tower inspected that is why the inspection had not been done before the meeting for this conditional use permit.

**Mr. Rhodus:** Agreed with Mr. Decker, if there is a state agency that over sees water towers why is the County setting conditions on the inspections of water towers.

**Mr. Jones:** Replied the Commission can delete the condition or amend the condition how they see fit.

**Mr. Higgins:** Motions to delete conditions three and six from Exhibit A.

**Mr. Rhodus:** Seconds the motion.

**Mr. Decker:** Calls for a vote.

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Approve.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve

**Mr. Jones:** Marvin Davis?

**Mr. Davis:** Approve.

**Mr. Jones:** Brad Scarlett?

**Mr. Scarlett:** Approve.

**Mr. Jones:** Chris Higgins?

**Mr. Higgins:** Approve.

**Mr. Jones:** Chairman Tom Decker?

**Mr. Decker:** Approve.

**Final Vote: 6/0/0 Approve; Delete Conditions three and six**

**Mr. Decker:** Entertains a motion for the conditional use permit for the water tower with conditions as amended.

**Mr. Davis:** Motion to approve with conditions as amended.

**Mr. Rhodus:** Seconds the motion.

**Mr. Decker:** Calls for a vote.

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Approve with conditions.

**Mr. Jones:** David Rhodus?

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

**Mr. Jones:** Marvin Davis?

**Mr. Davis:** Approved with conditions.

**Mr. Jones:** Brad Scarlett?

**Mr. Scarlett:** Approved with conditions.

**Mr. Jones:** Chris Higgins?

**Mr. Higgins:** Approve with conditions.

**Mr. Jones:** Chairman Tom Decker?

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

**Final Vote: 6/0/0 Approve; September 19-135CUP; Water Tower (PWSD#6) –  
Conditional Use Permit  
With Five (5) Conditions**

**Mr. Decker:** Asks for a staff report on case September 19-136A, 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. Jones:** Attaches the staff report as part of the official record, summarizes September 19-136A dated August 20, 2019.

**Ms. Griffen:** Inquired how many Industrial zoning there were in the County.

**Mr. Jones:** Replied that he had counted five or six.

**Ms. Griffen:** Stated then land would have to be rezoned to accommodate the Medical Marijuana operations.

**Mr. Jones:** There may be some rezoning; the best spot in the County already zoned Industrial would be the underground cave at Rush Creek.

**Mr. Higgins:** Inquired if there were in options for conditional use permit.

**Mr. Jones:** Replied it could be done but the state has guidelines for the local jurisdictions should not make the process for Medical Marijuana facilities be unduly burdensome. Stated he had looked into what other local jurisdictions are doing and they have decided not to include a conditional use permit because it may cross that line.

**Ms. Griffen:** Stated the time limit on conditional use permit may not be ideal for growers.

**Mr. Jones:** Stated that the State issues a three year permit and they would reapply with the State after that. The rules and regulations of the State have been included with the staff review and those are subject to be updated or approved by the State by February 2020.

**Ms. Griffen:** Inquired if anyone has come to Planning and Zoning that were interested in putting any of the Medical Marijuana facilities in unincorporated Clay County.

**Mr. Jones:** Stated the office has had calls and a few meetings about this but no applications for rezoning under the current code to accommodate the type of business this would fall under.

**Mr. Decker:** Asked about the State Rules and when they come into effect.

**Mr. Jones:** Replied the State will start issuing permits by the end of this year.

**Mr. Rhodus:** Stated what was in the staff report is in line with what the State has in their guidelines. This may not come up in Clay County for a while but it needs to be in the Land Development Codes for when it does or if the State issues more permits then what it is allowing right now.

**Mr. Jones:** Stated it is up to the local jurisdictions on what type of zoning the operations are going to be allowed in and the building codes are being updated to include codes for marijuana facilities.

**Mr. Davis:** Inquired if the hours of operation proposed in the LDC amendment is in line with other jurisdictions.

**Mr. Jones:** Stated he made the hours shorter for the County than what was proposed inside city limits.

**Mr. Decker:** Inquired if a Conditional Use Permit could be issued for this type of business.

**Mr. Jones:** Stated if the Commission would like to look into adding this as a Conditional Use Permit, to allow Medical Marijuana facilities in more zoning districts or in Commercial Zoning not just Industrial Zoning, they can add that to this LDC amendment.

**Mr. Decker:** Entertains a motion to table the LDC Amendment to October’s meeting for more discussion.

**Mr. Davis:** Motions to table.

**Mr. Rhodus:** Seconds the motion.

**Mr. Decker:** Calls for a vote.

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Approve.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Jones:** Marvin Davis?

**Mr. Davis:** Approve.

**Mr. Jones:** Brad Scarlett?

**Mr. Scarlett:** Approve.

**Mr. Jones:** Chris Higgins?

**Mr. Higgins:** Approve.

**Mr. Jones:** Chairman Tom Decker?

**Mr. Decker:** approve

**Final Vote: 6/0/0; September 19-136A; Revisions to 2011 Land Development Code - Table to October Meeting**

**Mr. Decker:** Inquired if there was any additional business.

**Mr. Jones:** Stated there will be a meeting in October.

**Mr. Decker:** Entertains a motion to adjourn the meeting.

**Ms. Griffen:** Motions to adjourn.

**Mr. Rhodus:** Seconds.

**Mr. Decker:** Calls for a vote.

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Approve.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Jones:** Marvin Davis?

**Mr. Davis:** Approve.

**Mr. Jones:** Brad Scarlett?

**Mr. Scarlett:** Approve.

**Mr. Jones:** Chris Higgins?

**Mr. Higgins:** Approve.

**Mr. Jones:** Chairman Tom Decker?

**Mr. Decker:** Approve, Adjourns the meeting.

**Meeting Adjourned**

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*Chairman, Planning & Zoning Commission*

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*Secretary, Planning & Zoning Commission*

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*Recording Secretary*