

# CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

July 2, 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, Marvin Davis, Chris Higgins, David Rhodus, Brad Scarlett and Terri Griffen

Members Absent:

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

**Mr. Decker:** Calls the July 2, 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. Calls for a motion for the approval of June 4, 2019 Planning and Zoning Commission minutes.

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

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

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

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Approve.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Abstain.

**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: 5/0/1 Approve June 4, 2019 Minutes**

**Mr. Decker:** Asks for staff report on case April 19-111P, a request for preliminary plat approval for The Underground Section I, Phase II a 29.492± acre section of a 146+ acre parcel at approximately 18400 Old 210 Highway, the applicant is Neil Buehler, Rush Creek Properties, LLC.

**Mr. Jones:** Attaches the staff report as part of the official record, summarizes April 19-111P dated June 17, 2019.

**Mr. Decker:** Inquired about condition number one, how often the traffic study would be required.

**Mr. Jones:** Stated it would be an approval from MoDot for each building permit requested no matter how big or small the project would be.

**Mr. Decker:** Asks if that would apply to the private wastewater treatment plant also? For each building permit request an inspection is done on the wastewater treatment plant.

**Mr. Jones:** Stated that condition could be added, but MDNR requires tests on the outfall location and if it meets the requirements they approve it and then only do inspections every five years.

**Mr. Decker:** Being no other questions from the Commission, calls forward the applicant.

**Mr. Cowgar:** Ron Cowgar, representing Neil Buehler, stated the process for the testing on the private wastewater testing. Inquired about the wording in condition number one

**Mr. Jones:** Stated the wording should be fine and doesn't need changed.

**Mr. Buehler:** Stated name and address.

**Mr. Decker:** Asked if Mr. Buehler understood and agreed with the conditions in Exhibit A.

**Mr. Buehler:** Stated he did.

**Mr. Decker:** Opened public comments, being none entertained a motion for the preliminary plat of The Underground Section I, Phase II.

**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:** Approve with conditions.

**Mr. Jones:** Brad Scarlett?

**Mr. Scarlett:** Approve 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; April 19-111P; The Underground Section I, Phase II–  
Preliminary Plat**

**With six (6) Conditions**

**Mr. Decker:** Asks for a staff report on case April 19-112F, a request for final plat approval for The Underground Section I, Phase II a 29.492± acre section of a 146+ acre parcel at approximately 18400 Old 210 Highway, the applicant is Neil Buehler, Rush Creek Properties, LLC.

**Mr. Jones:** Attaches the staff report as part of the official record, summarizes April 19-112F dated June 20, 2019.

**Mr. Decker:** Inquired if the Commission had any questions for the staff, being none called the applicant forward.

**Mr. Buehler:** Stated name and address.

**Mr. Decker:** Inquired if he agreed with conditions attached to the final plat approval.

**Mr. Buehler:** Stated he was unclear on condition one, the requirement from MoDOT that a traffic study be done before a building permit could be issued.

**Mr. Higgins:** Stated it would be hard to know since the applicant does not know exactly what type of tenant will be going into the caves.

**Mr. Jones:** Stated that normally when doing an industrial zoning the Planning and Zoning office would know what type of business is going in and the use of the property. The reason for the condition was to allow the applicant to get approved for the second plat but still give MoDOT the opportunity to review if a business that has a lot of traffic or uses heavy trucks rents a spot in the caves and see if some bigger improvements need to be made to the state highway.

**Mr. Decker:** Inquired if the applicant understood the other conditions attached.

**Mr. Buehler:** Stated he did.

**Mr. Higgins:** Inquired if the applicant had any issues with adding “before recording the final plat” on condition 2a.

**Mr. Buehler:** Stated was in agreement with that and has already talked to Clay County Highway about that.

**Mr. Decker:** Opens public comments, being none, entertains a motion for the final plat.

**Mr. Higgins:** Motions to add the additional wordage to Exhibit A, condition 2A and the approval of the final 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:** Approve with conditions.

**Mr. Jones:** Brad Scarlett?

**Mr. Scarlett:** Approve 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; April 19-112F; The Underground Section I, Phase II– Final Plat**

**With six (6) Conditions**

**Mr. Decker:** Asks for a staff report on case July 19-121CUP, a request for a Conditional Use Permit (CUP) to erect a commercial communication tower, specifically being a high speed wireless service antenna, on Residential Rural (R-1) District zoned property located at 9412 NE 157<sup>th</sup> Street, the applicants are Jacob and Jackie L. Remboldt.

**Ms. Brady:** Attaches the staff report as part of the official record, summarizes July 19-121CUP dated June 20, 2019.

**Mr. Decker:** Inquired if the Commission had any questions for the staff.

**Mr. Scarlett:** Inquired what the requirements were for the six foot perimeter fence and there is not a landscaping plan.

**Ms. Brady:** Stated that the applicant could answer that question.

**Mr. Jones:** Stated the applicant has requested the landscaping requirement be waived since the tower will be going in a heavily wooded area.

**Mr. Decker:** Being no other questions from the Commission calls the applicant forward.

**Mr. Stowe:** From KC Coyote representing Jacob Remboldt. Stated they got approval from the FAA on July 2<sup>nd</sup> for the tower, attached that to the staff report as Exhibit B. Addressed the question about the perimeter fence that it would be a chain link fence and a lock on the gate with no trespassing signs posted.

**Mr. Remboldt:** States name and address.

**Mr. Decker:** Asks if the applicant understands the conditions in Exhibit A and if he was in agreement with them.

**Mr. Remboldt:** Stated he understood and was in agreement with them.

**Mr. Decker:** Inquired if the Commission had any questions for the applicant.

**Mr. Higgins:** Inquired if the applicant had talked to his neighbors about the tower.

**Mr. Remboldt:** Stated they had received certified letter and to the north and east of him were farm land.

**Mr. Davis:** Inquired how the lease agreement worked between the landowner and the high speed internet supplier worked.

**Mr. Stowe:** Stated the property owner pays for the tower and the construction of the tower and KC Coyote will lease the tower from him.

**Mr. Decker:** Inquired about the code violations that need to be addressed.

**Mr. Jones:** Replied for every case Planning and Zoning office checks for code violations, there was some junk and debris, a couple derelict vehicles and bee hives. The current codes do not allow bee hives on any property that is not zoned agricultural.

**Mr. Davis:** Referenced the condition of the towers being inspected every 24 months and wanted to know where those inspections were kept.

**Mr. Jones:** Stated those report go to the Planning and Zoning Department in the conditional use permit file.

**Mr. Decker:** Opens public comments.

**Mr. Strange:** States name and address. Stated his concerns of what would happen to property value when the tower goes up and who would be responsible for taking the tower down if the conditional use permit was revoked.

**Mr. Decker:** States it will be the owner's responsibility to dismantle the tower within 120 days if the conditional use permit is not renewed or does not pass inspection. No other comments from the public.

**Mr. Higgins:** Inquired about the size of the lot.

**Mr. Jones:** Replied 9.57 acres.

**Mr. Decker:** Entertained a motion for the conditional use permit.

**Mr. Higgins:** Motions to approve the conditional use permit with conditions attached in Exhibit A.

**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:** Approve with conditions.

**Mr. Jones:** Brad Scarlett?

**Mr. Scarlett:** Approve 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 19-121CUP; Cell Tower– Conditional Use Permit  
With ten (10) Conditions**

**Mr. Decker:** Stated the next three cases, the applicants have requested to be continued to August 6<sup>th</sup> meeting, requested a motion to continue the cases.

**Mr. Davis:** Motions to continue cases July 19-122RZ/P, July 19-123F and July 19-124V to August 6<sup>th</sup> meeting.

**Ms. Griffen:** 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 Tabling July 19-122RZ/P, July 19-123F & July 19-124V**

**Mr. Decker:** Asks for a staff report on case May 19-118A a public hearing for approval of revision to the 2011 Clay County Land Development Code (LDC), and 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 May 19-118A dated May 28, 2019.

**Mr. Decker:** Asked if there were questions from the Commission.

**Mr. Higgins:** Discussed how adding a fee to the building permits for the County Highway Department could keep taxes down in the County.

**Mr. Decker:** Stated he believes everyone building in the County should be treated equally that the Road Impact Fee for the roads should be paid by everyone building in the county.

**Mr. Jones:** Inquired if the Commission would want the current code of how the County collects Road Impact Fees rewritten, have it be set per lot when building permits are issued not per subdividing or how many new lots are created.

**Mr. Davis:** Stated the fee should go with the building permit unless the Road Impact Fee had already been paid by the Developer.

**Commission:** Discussed how much should be charged per building permit to help pay for road improvements if the current Road Impact Fees collected were done away with.

**Mr. Jones:** Stated if the Planning and Zoning Commission could come up with some recommendations and suggest a range for fees we could take to the County Commissioners and they could decide if that is what would be good for the County.

**Mr. Decker:** Stated he would like to see the Road Impact Fee procedure revamped before implementing the Park Impact Fees collected.

**Ms. Jones:** Summarizes how the Planning and Zoning Commission would like the staff report to read before going to the County Commission. Do away with how Road Impact Fees are calculated and collected now, go with one fee at the time of the building permit from the time the County Commission adopts the fees, and the Park Impact Fees are a separate fee also added at the time of the building permit being issued.

**Ms. Griffen:** Stated the fees should be separate so the County Commission could adjust the amount being collected per Road Impact or Park Fee but the fees be collected at the same time of the building permit being issued or the driveway permit being issued.

**Mr. Davis:** Stated the amount charged for Land Disturbance Permits should be considered also being raised.

**Mr. Jones:** Stated for the record there were no audience members to participate in the discussion.

**Mr. Decker:** Entertains a motion to table case May 19-118A to next month's meeting.

**Mr. Higgins:** Motioned to table the case to the August meeting.

**Mr. Scarlett:** Seconds the motion.

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

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** 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 Table; May 19-118A; Revisions to 2011 Land Development Code  
With zero (0) Conditions**

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

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

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

**Mr. Higgins:** Motions to adjourn.

**Mr. Decker:** 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*