

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

June 4, 2019

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

Members Absent: David Rhodus

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

Mr. Decker: Calls the June 4, 2019 Planning and Zoning Commission meeting to order, request roll call.

Mr. Jones: Terri Griffen?

Ms. Griffen: Present.

Mr. Jones: David Rhodus?

Mr. Rhodus: Absent.

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 May 7, 2019 Planning and Zoning Commission minutes.

Mr. Davis: Motions to approve the minutes.

Ms. Griffen: Seconds the motion.

Mr. Decker: Calls for a roll call 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: Abstain.

Mr. Jones: Chairman Tom Decker?

Mr. Decker: Approve.

Final Vote: 4/0/1 Approve May 7, 2019 Minutes

Mr. Decker: Asks for staff report on case June 19-119V, a request to vacate a utility easement and a landscape easement within Lot 16 of Oakbrook First Plat, these easements are located at approximately 12801 NE 136th Street, the applicant is Timothy Harris, Star Development Corp.

Mr. Jones: Attaches the staff report as part of the official record, summarizes June 19-119V dated May 23, 2019.

Mr. Decker: Asks if there are comments or questions from the Commission, being none calls the applicant forward.

Mr. de la Fuente: Stated name and address.

Mr. Decker: Asks if the applicant understood and agreed with the condition in Exhibit A.

Mr. de la Fuente: States he did.

Mr. Decker: Opens public comments, being none entertains a motion for the vacation of utility and landscape easements on Lot 16.

Mr. Davis: Motions to approve.

Mr. Higgins: Seconds the motion.

Mr. Decker: Calls for a vote.

Mr. Jones: Terri Griffen?

Ms. Griffen: Approve with condition.

Mr. Jones: Marvin Davis?

Mr. Davis: Approve with condition.

Mr. Jones: Brad Scarlett?

Mr. Scarlett: Approve with condition.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve with condition.

Mr. Jones: Chairman Tom Decker?

Mr. Decker: Approve with condition.

**Final Vote: 5/0/0 Approve; June 19-119V; Lot 16 of Oakbrook First Plat– Vacation
With one (1) Condition**

Mr. Decker: Asks for a staff report on case June 19-120RZ a request for rezoning approval from Residential Rural (R-1) District to Agricultural (AG) District for the properties located at approximately 9815 and 9827 Cameron Road, the applicant is Kent M. Dryer, representing G. Roger and Catherine Arnold and the Thomas J. Jones, Jr. Living Trust.

Mr. Jones: Attaches the staff report as part of the official record, summarizes June 19-120RZ dated May 21, 2019.

Mr. Decker: Inquired about the size of each lot.

Mr. Jones: Stated that each lot would be 12 acres, the lots surrounding the subject lots are zoned agricultural and under 20 acres and there is not a real explanation as to why the front portion of the property was zoned R-1.

Mr. Decker: Inquired about the size of lots zoned agricultural surrounding the properties.

Mr. Jones: Replied most of the surrounding properties were less than 20 acres that are zoned agricultural.

Mr. Decker: Being no other comments or questions from the Commission called the applicant forward.

Mr. Dryer: Stated name and address, representing the property owners. Stated there were two separate parcels of land with two different owners, each lot being around 12 acres and unique parcels because the two different zonings on one parcel of land. He had done some research at the Recorder of Deed's office to find out why the properties zoning was changed, the zoning order from 1970 referenced a plat for a subdivision that was never recorded.

Mr. Higgins: Inquired why the property owners wanted to rezone the property now and what their plans were for the property.

Mr. Dryer: Explained because of the different codes in the Land Development Code from Agricultural Zoned property and Residential Rural zoning and to make it consistent with the surrounding properties. Stated there are no plans for development, properties will remain as they exist now. Mr. Arnold would like to replace a barn on his property that is falling down but because of the barn being located 10 feet in front of the front build line of the house and the R-1 zoning he cannot rebuild in the same spot.

Mr. Higgins: Inquired if the property had tried to get a variance to rebuild.

Mr. Dryer: Stated they had tried and that is why this issue had come about and the property owners would like to correct the zoning and change it back to the same zoning as surrounding properties.

Mr. Jones: Explains the differences from an agricultural zoned property and residential zoned property listed in the Land Development Code

Mr. Higgins: Stated he did not have an issue with the accessory building being rebuilt in front of the primary structure but if there was a way to restrict the number of buildings built in the front of the house.

Mr. Decker: Inquired if the Commission had any more questions for the applicant, being none opens public comments.

Mr. Sanders: States name and address, inquires if there is a way to restrict the number of out buildings that could be built in front of the primary structure on parcels zoned agricultural that are less than 20 acres.

Mr. Jones: Addresses the code that does not allow accessory buildings with a larger foot print of the primary structure to be built on properties in Clay County, unless it is an AG Building that is used solely for agricultural purposes.

Mr. Decker: Asks for other questions from the public, being none closes public comment and entertains a motion for the rezoning.

Mr. Davis: Motion to approve the rezoning.

Ms. Griffen: 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: 5/0/0 Approve; June 19-120RZ; Arnold/Jones– Zoning
With zero (0) Conditions**

Mr. Decker: Asks for a staff report on case May 19-118A, 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, this case was continued from the May 7, 2019 Planning and Zoning Commission Meeting for further discussion and consideration.

Mr. Jones: Attaches the staff report as part of the official record, summarizes May 19-118A dated May 28, 2019.

Mr. Decker: Inquired about the Road Impact Fees that are imposed on developers that subdivide property with no interior streets and developers that plat with interior streets are not subject to Road Impact Fees.

Mr. Jones: Replied that was correct, but there is a section in the Land Development Code that states the Highway Administrator can choose to impose those fees along with the infrastructure costs but that has never been done.

Mr. Higgins: Wanted clarification that the County was not asking the developer for the impact fees we are asking the builder of the house for those fees.

Mr. Jones: Stated that is the way the new code is written now.

Mr. Davis: Inquired the cost of a building permit in Clay County.

Mr. Jones: Replied it is based on finished square footage at about a little less than a dollar a foot. Stated he had done some research to compare the County's permitting fees to surrounding cities, some

cities permits were lower but they have other fees to build that we do not charge or our fees are much lower.

Mr. Decker: Inquired if fees for Jackson or Platte Counties were included in that researched.

Mr. Jones: Stated he did not get that far.

Mr. Higgins: Inquired if there was a fee schedule or an estimate of what the cost of the fees or if that was something the Commission needed to come up with.

Mr. Jones: Stated the Staff has not made a proposal of what those fees should be.

Mr. Higgins: Stated that he did not think the developer should have to pay Road Impact Fees or Park Fees if they are also putting in interior streets and trails but with an influx of houses being built in Clay County the road and park fees should be put in somewhere, as long as the fees are not so large that people cannot afford to build a house in the county.

Mr. Jones: Stated if the Planning and Zoning Commission would like to make a recommendation of adding a Road Impact Fee and what that amount should be, and if the Commission would like a Park Fee.

Mr. Decker: Inquired who would be charged, since large subdivision with interior streets will more likely have walking trails and open space and subdivisions with less than 5 lots will not.

Mr. Jones: Stated how the revision was written the Parks Fee would go to every subdivision of land.

Mr. Davis: Asked if there were grandfather properties that the fees will not apply towards.

Mr. Jones: Replied it would be all new subdivisions of land from when the revision is approved.

Mr. Higgins: Stated this fee would be applied to the building permit only.

Mr. Decker: Inquired if the exemptions for family members on Road Impact Fees still apply and would there be a waiver on Park Fee.

Mr. Jones: Replied they can still request a waiver for the Road Impact Fee and we can do one for the Park Fee as well.

Mr. Decker: Suggests that Park Fees should be a special use tax for everybody not just new builders. Opens public comments.

Mr. Sanders: States name and address, inquires if the Staff or Commission have a dollar amount on the fees yet.

Mr. Jones: Stated an amount had not been discussed at this point.

Mr. Sanders: Stated the Commission needs to consider when deciding on this revision, a building permit in the County is more than a permit inside the city limits even when the other fees are added on, running water lines to the houses in the County is more than paying for the meter and water tap inside city limits. In the city they have a sewage treatment plant to hook into but for developers in the County have to pay for the treatment plant. Other cost in the County when doing development is the outside engineer's review, the cities do not charge for their engineers to review plans. Stated if the County's fees get too high developers will look at annexations into the cities before doing the subdivisions and Clay County will lose the income from permits.

Mr. Higgins: Stated he would not like to see the fees too high, maybe a few hundred dollars.

Mr. Jones: Stated that the Land Development Code does not include the fees, the Planning and Zoning Commission can make a recommendation to the County Commission if you decide the fees should be added and County Commission has the final vote for those fees to go on the fee schedule.

Mr. Higgins: Stated he agreed with Mr. Sanders, the County needs to be careful not to set the fees too high but the population of Clay County is growing and what we have now needs to be maintained to accommodate the increased use. If it is taken out on a building permit, it is only a couple hundred dollars that is passed on to the buyer of the house.

Mr. Scarlett: Wanted to clarify this fee is not paid for by the developer but per lot when it is sold and by the builder.

Mr. Jones: Replied that was correct.

Mr. Davis: Stated most municipalities charge the builder when issuing the building permit, which makes more sense. Stated he would not like to go over \$250 or less than \$50 for the fees.

Mr. Jones: Clarified that is total for both Road Impact Fees and Park Fees and splitting that amount between the two.

Mr. Davis: Stated one fee but did not know what amount would go to roads and what amount would go to parks.

Mr. Sanders: Inquired how the developer would know where the money is spent after they paid the fees.

Mr. Jones: Stated that on big developments the County Commission can vote on a Resolution that would state the building permit money go to a specific use or road in the area of the development. But collecting money and putting it in an escrow account for Highway or Parks that gives the Manager of those departments the authority to pull money when they do maintenance in that area.

Mr. Sanders: Stated the developer would need to be specific and ask for the Resolution at the time of platting approval.

Mr. Jones: Stated that would be a discussion at County Commission to have them adopt that at the time of the development's approval.

Mr. Decker: Asked if there was any other public comments.

Mr. Higgins: Stated he would like to table the case until there is a clarification of what the fees will be.

Mr. Jones: Stated Staff would like to see it tabled until next month's meeting also, but would like some direction from the Planning and Zoning Commission to rewrite the proposed amendment, two items discussed tonight were exceptions for a family member on the Parks Fee and the Road Impact Fee.

Mr. Higgins: Stated he would be in favor of that.

Mr. Scarlett: Agreed with that exemption.

Ms. Griffen: Stated the Highway Department would not have an objection to continuing that exemption.

Mr. Jones: Stated the other discussion item was the time of building permit to charge this fee.

Mr. Higgins: Stated he agreed with that.

Mr. Decker: Agreed, the fees paid for by the builder at the time the permit is issued.

Mr. Higgins: Stated it would not fall on the developer, who is putting in interior roads.

Mr. Jones: Stated the third item discussed was the fees could be between \$50 and \$250 split between the Road Impact Fee and Parks Fee.

Mr. Davis: Replied correct with most of it going to Road Impact.

Mr. Higgins: Agreed that a majority of the fees go to the Road Impact Fees, maybe \$200 to Road Impact Fee and \$50 to Parks.

Mr. Scarlett: Stated the fees need to be separate in the revision so in the future they can be adjusted as needed.

Mr. Jones: Stated he would like to see if the Commission recommend that these fees be added that it will be stated how much will go to the road and how much will go to the parks and each can be changed on the fee schedule if needed.

Ms. Griffin: Agrees with that recommendation, the budgets for highway and parks are separate and it would be best to keep the fees separated also.

Mr. Jones: Stated the fees will be separate but the Planning and Zoning Commission can recommend to the County Commission that the two fees together should not exceed a certain amount.

Mr. Higgins: Inquired how many single family permits are written in a year, will this fee make much of an impact on the improvements in Clay County.

Mr. Jones: Stated that there are may be 50 to 60 single family permits per year. It will increase with the approvals of two new subdivisions in the County. Another possibility could be taking some of the building permit fee now and designating it to road improvements.

Mr. Decker: Inquired if there were more comments from the public or the board, being none closed the comments.

Mr. Higgins: Motioned to table the case to the July meeting.

Mr. Scarlett: Seconds the motion.

Mr. Decker: Calls for a vote.

Mr. Jones: Terri Griffen?

Ms. Griffen: Table.

Mr. Jones: Marvin Davis?

Mr. Davis: Table.

Mr. Jones: Brad Scarlett?

Mr. Scarlett: Table.
Mr. Jones: Chris Higgins?
Mr. Higgins: Table.
Mr. Jones: Chairman Tom Decker?
Mr. Decker: Table.

**Final Vote: 5/0/0 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 July.
Mr. Decker: Entertains a motion to adjourn the meeting.
Mr. Higgins: Motions to adjourn.
Mr. Davis: Seconds the motion.
Mr. Decker: Adjourns the meeting.

Meeting Adjourned

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Recording Secretary