

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

May 7, 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, David Rhodus, Brad Scarlett and Terri Griffen

Members Absent: Chris Higgins

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

Mr. Decker: Calls the May 7, 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: Absent.

Mr. Jones: Chairman Tom Decker?

Mr. Decker: Present. Calls for a motion for the approval of April 2, 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: David Rhodus?

Mr. Rhodus: Abstain.

Mr. Jones: Marvin Davis?

Mr. Davis: Approve.

Mr. Jones: Brad Scarlett?

Mr. Scarlett: Abstain.

Mr. Jones: Chairman Tom Decker?

Mr. Decker: Approve.

Final Vote: 3/0/2 Approve April 2, 2019 Minutes

Mr. Decker: Stated the first two cases for The Underground has been requested to be continued until the July 12, 2019 meeting. Asks for staff report on case, May 19-113RZ/P, a request for rezoning from Agricultural (AG) District to Residential Ranchette (R-5) District with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) and preliminary plat approval for the proposed

subdivision of Ecton Bell Estates located at approximately the NE corner of Highway 92 and Highway E, the applicant is Dirk Talley, representing David W. Miller.

Mr. Jones: Attaches the staff report as part of the official record, summarizes May 19-113RZ/P dated April 22, 2019. Three letters were submitted as Exhibits B, C and D.

Mr. Decker: Comments on the letters, asks if there are comments or questions from the Commission.

Ms. Griffen: Comments on the e-mail from MoDot.

Mr. Decker: Being no other discussion from the Board, calls the applicant forward.

Mr. Talley: States name and address. Comments about other options they had discussed for this parcel of land and decided that 9+ acre lots fit the area the best.

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

Mr. Talley: Stated they do.

Mr. Decker: Asked if there was thought of making Lot 5 Commercial.

Mr. Talley: Replied there was some discussion but the cost of doing that would have been too high and other factors it would not have worked.

Mr. Decker: Asked if the Commission had any questions for the applicant, being none opened it to public comment.

Ms. McAdams: Neighbor to the north, stated she had concerns of the stormwater runoff from Lot 1 and what will happen when trees are removed from around the blue line stream.

Mr. Decker: Stated on the blue line stream there will be an Agricultural Land Preservation overlay district on the east end of the lot and a 75 foot building setback from the stream on either side.

Mr. Jones: Stated there are certain things that could be done in that area, there could be some work done to the stream if it needed to be but any clearing or grading in that area would have to be approved by the County before it was done.

Ms. McAdams: Just wanted to make the point that the flow is pretty strong.

Mr. Decker: Being no other comments, closes the public comments, asks for more questions from the Commission, being none entertains a motion for the rezoning of Ecton Bell Estates.

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: Chairman Tom Decker?

Mr. Decker: Approve.

**Final Vote: 5/0/0 Approve; May 19-113RZ/P; Ecton Bell Estates– Rezoning
With zero (0) Conditions**

Mr. Decker: Entertains a motion for the preliminary plat of Ecton Bell Estates with the 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: Approve with conditions.

Mr. Jones: Brad Scarlett?
Mr. Scarlett: Approve with conditions.
Mr. Jones: Chairman Tom Decker?
Mr. Decker: Approve with conditions.

**Final Vote: 5/0/0 Approve; May 19-113RZ/P; Ecton Bell Estates– Preliminary Plat
With three (3) Conditions**

Mr. Decker: Asks for a staff report on case May 19-114F a request for final plat approval for the proposed subdivision of Ecton Bell Estates located at approximately the NE corner of Highway 92 and Highway E, the applicant is Dirk Talley, representing David W. Miller.
Mr. Jones: Attaches the staff report as part of the official record, summarizes May 19-114F dated April 23, 2019. Three letters were submitted as Exhibits B, C and D.
Mr. Decker: Inquires if the Commission has any questions, being none calls the applicant forward. Asks if the applicant understands the conditions in Exhibit A.
Mr. Talley: Stated they do.
Mr. Decker: Inquired if the Commission had questions for the applicant, being none opens public comments, being none closes public comments and entertains a motion for the final plat of Ecton Bell Estates.
Mr. Davis: Motions to approve 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: Chairman Tom Decker?
Mr. Decker: Approve with conditions.

**Final Vote: 5/0/0 Approve; May 19-114F; Ecton Bell Estates– Final Plat
With three (3) Conditions**

Mr. Decker: Asks for a staff report on case May 19-115RZ/P a request for rezoning from Agricultural (AG) District to Residential Ranchette (R-5) District with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) for only Lot 1 and preliminary plat approval for the proposed subdivision of Wild Rose Estates located at approximately 12525 Moffitt Road, the applicants are Wayne W. and Ann M. Rose.
Mr. Jones: Attaches the staff report as part of the official record, summarizes May 19-115RZ/P dated April 25, 2019.
Mr. Decker: Inquires about the setback on Lot 2 the applicants put on the plat, would that need to be made a condition?
Mr. Jones: Stated it is noted on the plat so the setback was not put on as a condition.
Ms. Griffen: Inquired why there was such a large setback?
Mr. Jones: Stated he assumed the applicants did not want someone building right next to their property.
Mr. Davis: Asked about the water line.
Mr. Decker: Stated the 692 foot setback is on the plat but needs to be fully disclosed to the potential buyers.

Mr. Jones: Stated he is concerned that the staff has to be aware of that setback when a building permit is requested for that property, stated the new owners should be informed of the setback when they purchase the property.

Mr. Decker: Calls the applicant forward.

Mr. Rose: States name and address.

Mr. Decker: Asked if the applicants understood and in agreement with the conditions in Exhibit A.

Mr. Rose: Replied yes.

Ms. Griffen: Inquired why the large setback for the build line.

Mr. Rose: Stated they did not want someone building in front of their house.

Mr. Decker: Stated he wanted it clearly disclosed to a potential buyer.

Mr. Rose: Stated the realtor will put it in the sales discloser.

Mr. Davis: Inquired if the Commission approved the preliminary plat with the setback can a new owner in the future come back through the platting process and change that front build line? It is not a deed restriction.

Mr. Jones: Stated that it is on the plat and would assume if someone came back and re-platted that could go away.

Mr. Davis: Stated he wanted the applicants to be aware of that.

Mr. Rhodus: Inquired if a deed restriction would be a better option for them.

Mr. Decker: Open for public comment, being none and being no other questions from the Commission entertains a motion for the rezoning.

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: Chairman Tom Decker?

Mr. Decker: Approve.

**Final Vote: 5/0/0 Approve; May 19-115RZ/P; Wild Rose Estates– Rezoning
With zero (0) Conditions**

Mr. Decker: Entertains a motion for the preliminary plat of Wild Rose Estates with the 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: Approve with conditions.

Mr. Jones: Brad Scarlett?

Mr. Scarlett: Approve with conditions.

Mr. Jones: Chairman Tom Decker?

Mr. Decker: Approve with conditions.

**Final Vote: 5/0/0 Approve; May 19-115RZ/P; Wild Rose Estates– Preliminary Plat
With four (4) Conditions**

Mr. Decker: Asked for a staff report on case May 19-116F a request for final plat approval for the proposed subdivision of Wild Rose Estates locate at approximately 12525 Moffitt Road, the applicants are Wayne W. and Ann M. Rose.

Mr. Jones: Attaches the staff report as part of the official record, summarizes May 19-116F dated April 26, 2019.

Mr. Decker: Asks if there are any questions from the Commission, being none calls the applicant forward, asks if they understand the conditions in Exhibit A.

Mr. Rose: Replied yes.

Mr. Decker: Stated there were no public comment entertains a motion for the final plat of Wild Rose Estates.

Mr. Davis: Motions to approve 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: Chairman Tom Decker?

Mr. Decker: Approve with conditions.

**Final Vote: 5/0/0 Approve; May 19-116F; Wild Rose Estates– Final Plat
With four (4) Conditions**

Mr. Decker: Asks for a staff report on case May 19-117A a request for approval of the 2018 Zoning Map, which includes approved rezoning applications from January 1, 2018 through December 31, 2018, the applicant is Clay County.

Mr. Jones: Attaches the staff report as part of the official record, summarizes May 19-117A dated April 23, 2019.

Mr. Decker: Inquires if the Commission had any questions or comments, being none entertains a motion to approve the 2018 Zoning Map.

Mr. Davis: Motions to approve.

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: Chairman Tom Decker?

Mr. Decker: Approve.

**Final Vote: 5/0/0 Approve; May 19-117A; 2018 Zoning Map
With zero (0) Conditions**

Mr. Decker: Asks for a staff report on case June 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.

Mr. Jones: Attaches the staff report as part of the official record, summarizes May 19-118A dated April 23, 2019.

Mr. Decker: Inquired how the trails are presently financed?

Mr. Jones: Stated he thought it was from admission fees into the parks and the County's general fund.

Mr. Decker: Stated if a homeowner had a walking trail near their home shouldn't that be assessed on the tax bill annually.

Mr. Jones: Stated that argument could be made.

Mr. Rhodus: Stated the tax increase the County is going to get for the building of all the houses in a new subdivision instead of having one big piece of farm land should cover the cost of parks. But if the County keeps adding fees on a lot, lots are expensive now.

Mr. Davis: Stated the difference between County and a City and stated there is some room to collect from the developments in the County. There does need to be improvements on roads around bigger developments.

Mr. Jones: Stated he did compare local jurisdictions with the County's fees, it was very difficult.

Mr. Griffen: Stated she would like to hear a discussion on the Road Impact Fees.

Mr. Davis: Inquired if the County required a letter of credit or bonding on the interior streets of a new subdivision.

Mr. Jones: Stated the County requires one for a two year period.

Mr. Decker: Discussed how the park fee would work if the fee is collected but the trail has not reached that property would there be a time frame when that would have to happen.

Mr. Jones: Stated it would be collected like the Road Impact Fees, the money will be used when they do maintenance in that area. Stated that the building permit fee could possibly be used for improvements around the development.

Mr. Rhodus: Agreed with that funding.

Mr. Decker: Entertain a motion to table LDC amendment case until the June 4th meeting.

Mr. Davis: Motions to table case.

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: Chairman Tom Decker?

Mr. Decker: Approve.

**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 June

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

Mr. Davis: Motions to adjourn.

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: Chairman Tom Decker?

Mr. Decker: Approve.

Meeting Adjourned

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Recording Secretary