

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

July 10, 2018

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: David Rhodus, Jim Carlson, Chris Higgins and Terri Griffen

Members Absent: Tom Decker and Zachary Kramer

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

Mr. Carlson: Calls the meeting to order.

Mr. Jones: Chris Higgins?

Mr. Higgins: Present.

Mr. Jones: David Rhodus?

Mr. Rhodus: Present.

Mr. Jones: Zachary Kramer?

Mr. Kramer: Absent.

Mr. Jones: Terri Griffen?

Ms. Griffen: Present.

Mr. Jones: Tom Decker?

Mr. Decker: Absent.

Mr. Jones: Chairman Jim Carlson?

Mr. Carlson: Present. Entertains a motion to approve the June 5, 2018 Planning and Zoning Commission minutes.

Mr. Rhodus: Motions to approve the minutes.

Mr. Griffen: Seconds.

Mr. Carlson: Calls for a vote.

Mr. Jones: Chris Higgins?

Mr. Higgins: Abstain.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve.

Mr. Jones: Terri Griffen?

Ms. Griffen: Approve.

Mr. Jones: Chairman Jim Carlson?

Mr. Carlson: Approve.

Final Vote: 3/0/1 Approve June 5, 2018 Minutes

Mr. Carlson: Asks for staff report on first case, July 18-119RZ/F a request for rezoning from Agricultural (AG) District to Community Services (C-3) District for proposed Lot 2 ONLY and final plat approval of the Replat of Riles Acres, located at approximately 15710 N 69 Highway, the applicants are Mark E. and Brenda K. Riles.

Mr. Jones: Attaches the staff report as part of the official record, summarizes July 18-119RZ/F dated June 27, 2018. Attached Exhibit A, pictures of the lighting at the property.

Mr. Carlson: Asks for any questions from the Commission.

Mr. Higgins: Inquired what the Comprehensive Plan show of future development on 69 Highway.

Mr. Jones: Explained there is not a Highway Corridor Overlay like in other parts of Clay County, this property is located in the Urban Services Tier which calls for limited commercial with consent from adjoining cities.

Mr. Higgins: Inquired about existing business.

Mr. Jones: Pointed out there are other storage lots inside the city limits of Excelsior Springs and this property is across the street from the city limits.

Mr. Carlson: Asked if the existing entrance will be used for the new building.

Mr. Jones: Replied yes.

Mr. Carlson: Inquired if the need of a turn lane had been addressed for this business.

Mr. Jones: Replied MoDot has not required a turning lane or any improvements at that location.

Mr. Carlson: Asked for any more questions from the Commission, being none asked the applicant to come forward. Asked the applicant if he had any questions and if the conditions were acceptable to him.

Mr. Riles: Mark Riles replied he did not have any questions and he agreed with the conditions.

Mr. Carlson: Inquired if the Commission had any questions for the applicant, being none opened it up to public comment.

Mr. Blackburn: John Blackburn, neighbor to the south west of the subject property, expressed concerns that the applicant will continue expanding the commercial business and the safety of his property without a fence between the properties. If this is the last of the expansion of the storage units and the applicant would put up a 6 foot privacy fence between their properties he is fine with the approval of the rezoning.

Mr. Higgins: Inquires which property is Mr. Blackburn's.

Mr. Jones: Points out the property.

Mr. Carlson: Asked how long he has owned the property.

Mr. Blackburn: Replied he bought the property in 2006 before Mr. Riles received the Conditional Use Permit for the storage business in 2014.

Mr. Jones: Added there was nothing stopping the Riles from coming back to rezoning more land but they would lose the Agricultural zoning on their other lot and they would not be in compliance then with the accessory building on that lot.

Mr. Higgins: Pointed out the trees on the property line should block the view of the buildings from Mr. Blackburn property.

Mr. Blackburn: Replied he just would like the fence for security not necessarily for blocking the view.

Mr. Cowger: Ron Cowger from AGC Engineering talking on behalf of the applicant, measured the distance from the exiting storage buildings to Mr. Blackburn's house is 675 feet and the distances from the proposed buildings and Mr. Blackburn's house is approximately the 673 feet with 300 feet of a tree buffering included in that distance. Referenced the distance of less than 300 feet from Mr. Blackburn's house is a church north west of his property.

Mr. Blackburn: Restated that if there are no more plans of expanding the storage business and if Mr. Riles would put a fence between their properties he does not have any issues with approval of the rezoning and final plat.

Mr. Higgins: Questioned Mr. Riles if he has had any problems with trespassers on this property.

Mr. Riles: Stated on April 2017 had a couple locks that were cut off, October 2016 had some trespassers, stated he believes the area that the storage facility is in is safe; there is one entrance, mature trees, hard for people to get in and out on foot. A key code is required to get through the front gate, have maybe an average of 30 cars that come in and out in a week and since they live so close they keep a watch on the property and there are cameras around the property. When there was a break in not much was taken because a car cannot get in or out of there without going through the front gate, the trespassers park in the neighbors field and climb in through the trees and bushes.

Mr. Carlson: Inquired that the buildings had lights and had security cameras on them.

Mr. Riles: Replies yes.

Mr. Higgins: Asked how far the Riles' home was from the storage facility.

Mr. Riles: Replied 706 feet and 30 feet higher than the units.

Mr. Higgins: Inquired if there were plans to put fencing up around the units or just the buffer zone.

Mr. Riles: Believes the tree buffer and the brush is enough, and we have no other plans to expand the commercial property.

Mr. Carlson: Asked for any more questions from the Commission, questions from the public being none closes public comments and entertains a motion to approve or disapprove the rezoning.

Mr. Rhodus: Motions to approve the rezoning from Agricultural (AG) District to Community Services (C-3) District for proposed Lot 2 only.

Mr. Higgins: Seconds the motion.

Mr. Carlson: Calls for a vote.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve.

Mr. Jones: Terri Griffen?

Ms. Griffen: Approve.

Mr. Jones: Chairman Jim Carlson?

Mr. Carlson: Approve.

**Final Vote: 4/0/0 Approve; July 18-119RZ/F; Replat of Riles Acres– Rezoning
With zero (0) Conditions**

Mr. Carlson: Entertains a motion for approval or disapproval of the final plat.

Mr. Rhodus: Motions to approve the final plat of the Replat of Riles Acres with the conditions set forth in Exhibit A.

Mr. Higgins: Seconds the motion.

Mr. Carlson: Calls for a vote.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve with conditions.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve with conditions.

Mr. Jones: Terri Griffen?

Ms. Griffen: Approve with conditions.

Mr. Jones: Chairman Jim Carlson?

Mr. Carlson: Approve with conditions.

**Final Vote: 4/0/0 Approve; July 18-119RZ/F; Replat of Riles Acres– Final Plat
With six (6) Conditions**

Mr. Carlson: Stated the County Commission will hear this case on July 30, 2018 at 10 a.m., inquired if there was any other business for tonight's meeting.

Mr. Jones: Updated the Commission on last month's cases and stated there will be a Planning and Zoning Commission in August.

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

Mr. Rhodus: Makes a motion to adjourn.

Mr. Carlson: Adjourns the meeting.

Meeting Adjourned

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Recording Secretary