

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

April 2, 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 and Terri Griffen

Members Absent: David Rhodus

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

Mr. Decker: Calls the April 2, 2019 Planning and Zoning Commission meeting to order, request roll call.

Mr. Jones: Chris Higgins?

Mr. Higgins: Present.

Mr. Jones: David Rhodus?

Mr. Rhodus: Absent.

Mr. Jones: Marvin Davis?

Mr. Davis: Present.

Mr. Jones: Terri Griffen?

Ms. Griffen: Present.

Mr. Jones: Chairman Tom Decker?

Mr. Decker: Present. Calls for nominations for Vice- Chairman of the Planning and Zoning Commission for 2019, nominates Chris Higgins.

Ms. Griffen: Seconds the motion.

Mr. Decker: Calls for a vote.

Mr. Jones: Marvin Davis?

Mr. Davis: Approve.

Mr. Jones: Terri Griffen?

Ms. Griffen: Approve.

Mr. Jones: Tom Decker?

Mr. Decker: Approve.

Mr. Jones: Chris Higgins?

Mr. Higgins: Abstain.

Final Vote: 3/0/1 Approve Chris Higgins as Vice-Chairman

Mr. Decker: Calls for a motion for the approval of January 8, 2019 Planning and Zoning Commission minutes.

Mr. Higgins: Motions to approve the minutes.

Mr. Davis: Seconds the motion.

Mr. Decker: Calls for a roll call vote.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve.

Mr. Jones: Marvin Davis?

Mr. Davis: Approve.

Mr. Jones: Terri Griffen?

Ms. Griffen: Approve.

Mr. Jones: Chairman Tom Decker?

Mr. Decker: Approve.

Final Vote: 4/0/0 Approve January 8, 2019 Minutes

Mr. Decker: Asks for staff report on first case, April 19-110F, a request for final plat approval for the proposed subdivision of Oakridge 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 April 19-110F dated March 12, 2019.

Mr. Decker: Asks if there are questions from the Commission.

Mr. Higgins: Inquired if the engineers seen or approved the water detention exceptions the applicants asked for.

Mr. Jones: Replied the County on-call engineer cannot approve it with the exception that is a decision for the Planning and Zoning Commission and the County Commission. Their job is to bring them to our attention, we discussed the exceptions but it should be the Planning and Zoning Commission and the County Commission that should approve those exceptions. During the first discussion the applicant believed they met the code by having one detention basin but the discussion during the first case was that was not helping the property owners on the south end or the Oakbrook property owners because there were no detention ponds in those areas, stated staff believes this is a good compromise allowing those exceptions, with the developer leaving the wet pond and having three detention basins rather than just the one. Stated the Commission could approve the way the staff report reads now with the exceptions or require that they meet the stormwater requirements and rework those so they do meet them.

Mr. Decker: Inquired if all three basins have a control discharge, in dry weather will they be dry?

Mr. Jones: Stated he understood that one would be wet all the time and the other two will be dry detention basins.

Mr. Higgins: Inquired about the driveway entrance off the other subdivision, it states in the staff report that it is an easement to the detention pond area, was that going to be split between the two lot owners or left as a driveway.

Mr. Jones: Stated that condition number eight in the staff report says “The small piece of land that was to serve as driveway access for lot 16 of Oakbrook 1st Plat must be added to either lot 15 or 17 of Oakbrook 1st Plat at the same time of the recording of the final plat of Oakridge” So it can either stay the way it is or it can change.

Mr. Higgins: Inquired if that was Mr. Jones’ recommendation was to split between those two lots.

Ms. Jones: Replied yes.

Mr. Davis: Inquired if that detention easement is part of the lot.

Mr. Jones: Replied that each area has a detention area it is considered part of that lot, refers to condition number five stating the “homeowner association covenants...addresses issues such as the maintenance of tracts or “drainage of landscape/topographic preservation easements”, stated the HOA will be reasonable for maintaining those areas. The developer has placed a Topographical Conservation Landscape Easement in an area so the trees will be kept as part of the new plan.

Mr. Higgins: Inquired since those are part of lots, who would be responsible to make sure that is kept on those lots during construction.

Mr. Jones: Stated it would be the Planning and Zoning Department’s job, discussed the difference between the Topographical Landscape Easement and a landscape easement and how the Topographical Landscape Easement includes changes in the grade of the land.

Mr. Decker: Inquired if the maintenance of the detention basins fell under condition number five also.

Mr. Jones: Replied yes.

Mr. Decker: Calls the applicant forward.

Mr. de la Fuente: With Star Development, states name and address, refers questions to Art Akin the Engineer for the Oakridge subdivision.

- Mr. Akin:** States name and address, summarizes how the detention ponds will help control water run-off and the free board setting standards for a 100 year flood.
- Mr. Decker:** Inquired if the basin on lot seven was a wet pond.
- Mr. Akin:** Stated it was the south pond that would be a wet pond.
- Mr. Higgins:** Asked why the applicant needs the exceptions.
- Mr. Akins:** Explained the increase benefit they are creating with the three detention ponds for the neighboring properties.
- Mr. Decker:** Stated that after the building it would be the Homeowner Association's responsibility to keep the drainage free of leaves or debris that would block the inlets of the discharge pipes. Asked the applicant if he understood the 10 conditions in Exhibit A and if he agreed to them.
- Mr. de la Fuente:** Questioned item eight in Exhibit A, the condition of removal of the driveway access for lot 16 and add to either lot 15 or 17 of Oakbrook, Star Development didn't know a reason why it couldn't be left there as a back entrance to the lot that will become lot 15 of Oakridge.
- Mr. Higgins:** Stated he thought it would be a good idea to abate that driveway easement, on the plat there is a conservation easement.
- Mr. Jones:** Stated the access to the detention easement is at the front of the lot and the same for the detention basin on lot seven and there is access to pond A which is off of NE 136th Street.
- Mr. de la Fuente:** Stated Star would give that piece of land to the owner of lot 15 in Oakbrook if they will pay for the survey and a deed prepared.
- Ms. Griffen:** Stated if the easement was left it may become a maintenance issue.
- Mr. Jones:** Stated his preference of what could be done with that easement.
- Mr. Decker:** Called Mr. Nave, the owner of lot 15 in Oakbrook up to the podium.
- Mr. Nave:** Stated name and address stated he would be willing to pay for the transfer of the property to his up to a certain dollar amount.
- Mr. Jones:** Stated when the transfer of property had to happen before the recording of the final plat of Oakridge.
- Mr. Decker:** Inquired if the Commission needed to amend the condition.
- Mr. Jones:** Replied the condition will stay the same.
- Ms. Hezel:** Stated name and address; (*handed out an exhibit to the Commissioners*).
- Mr. Jones:** Stated the handout will be included in the public record as Exhibit B.
- Ms. Hezel:** Discussed the changes on the plats to correct the water run-off and erosion control from Oakridge to surrounding properties, the conservation easement added to the lots and the native trees and plants in those areas. Requested the Commission to have Star Development engage an Erosion Remediation Professional or a qualified Landscape Professional to design and supervise the implementation of an erosion mitigating plan in the topographical landscape easement to help stop the continued erosion and greater erosion with increase precipitation that are forecasted. And to add to Exhibit A condition one, that the landscape easement to not be less than 10 feet and use native trees, shrubs, grasses and wild flowers to help with displacement of the wild life.
- Mr. Decker:** Stated he thought Star Development has added quite a bit to the plat to help with the storm run-off issues.
- Mr. Higgins:** Discussed water run-off and erosion and the control from the three detention ponds.
- Mr. Jones:** Discussed how condition one in Exhibit A will be enforced by the Planning and Zoning Office.
- Mr. Nave:** Stated some concerns about the detention basin, how it will be set up and how it will drain and about the tree line to the east of his property and if it will be taken down and making more run-off causing more erosion on his property.
- Mr. Akin:** Addresses how the water run-off will be controlled by the detention pond and how it will help property owners downstream.
- Mr. Jones:** Explains how a dry pond will work with run-off control and the run-off will not increase.
- Mr. Jewel:** Stated name and address, property owner to the east of Oakridge. Concerned about the run-off from additional house south of the detention pond A before getting to the detention ponds on the south end of Oakridge property going onto his property and washing out his driveway during construction and was concerned about the privacy of his property when the additional houses are built.

Mr. Decker: Asked if there were any more questions from the public, being none asked for questions from the Commission.

Mr. Davis: Inquired about the detention easement on lot seven taking up about half the lot and if there was still room to build and can anything be built in that easement.

Mr. Jones: Stated that nothing could be built in the easement but a house will fit on that lot.

Mr. Decker: Being no other comments entertains a motion for the final plat of Oakridge with conditions.

Mr. Davis: Motions to approve the final plat of Oakridge.

Mr. Higgins: Seconds the motion.

Mr. Decker: Calls for a vote.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve with conditions.

Mr. Jones: Marvin Davis?

Mr. Davis: Approve with conditions.

Mr. Jones: Terri Griffen?

Ms. Griffen: Approve with conditions.

Mr. Jones: Chairman Tom Decker?

Mr. Decker: Approve with conditions.

**Final Vote: 4/0/0 Approve; April 19-110F; Oakridge– Final Plat
With ten (10) Conditions**

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

Mr. Jones: Stated both cases for The Underground, preliminary plat and final plat staff are asking for them to be tabled and the applicant is in agreeance, waiting on approvals from different agencies, the request is to table it until the May7th meeting.

Mr. Decker: Calls for a motion to table the applications April 19-111P and April 19-112F for The Underground Section I, Phase II.

Mr. Higgins: Motions to table the applications.

Mr. Davis: Seconds the motion.

Mr. Decker: Calls for a vote.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve.

Mr. Jones: Marvin Davis?

Mr. Davis: Approve.

Mr. Jones: Terri Griffen?

Ms. Griffen: Approve.

Mr. Jones: Chairman Tom Decker?

Mr. Decker: Approve.

Final Vote: 4/0/0 Approve; April 19-111P & April 19-112F; The Underground Section I, Phase II– Tabled

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

Mr. Jones: Stated there will be a meeting in May and thank Jim Carlson for his time serving on the Planning and Zoning Commission.

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

Mr. Higgins: Motions to adjourn.

Ms. Griffen: Seconds the motion.

Mr. Decker: Adjourns the meeting.

Meeting Adjourned

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Recording Secretary