

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

September 4, 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 Tom Decker

Members Absent: Terri Griffen

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, roll call.

Mr. Jones: Chris Higgins?

Mr. Higgins: Present.

Mr. Jones: David Rhodus?

Mr. Rhodus: Present.

Mr. Jones: Terri Griffen?

Ms. Griffen: Absent.

Mr. Jones: Tom Decker?

Mr. Decker: Present.

Mr. Jones: Chairman Jim Carlson?

Mr. Carlson: Present. Entertains a motion to approve the August 7th, 2018 Planning and Zoning Commission minutes.

Mr. Decker: Motions to approve the minutes.

Mr. Rhodus: 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: Tom Decker?

Mr. Decker: Approve.

Mr. Jones: Chairman Jim Carlson?

Mr. Carlson: Approve.

Final Vote: 4/0/0 Approve August 7th, 2018 Minutes

Mr. Carlson: Asks for staff report on case, September 18-125RZ/P, a request for rezoning from Agricultural (AG) District to Residential Rural (R-1) District for Lots 1, 3, 4 and 5 and Residential Ranchette (R-5) District for Lot 2 with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) and preliminary plat approval for the proposed subdivision of Ecton Oaks Estates located at approximately 6020 NE 156th Street, the applicant is Dirk Talley, Show-Me Real Estates, representing David W. Miller.

Mr. Jones: Attaches the staff report as part of the official record, summarizes September 18-125RZ/P dated August 20, 2018.

Mr. Carlson: Inquired if that was a house or an outbuilding by the property line on Lot 3.

Mr. Jones: Stated it was a corral not a structure with plenty of distance to the property line.

Mr. Carlson: Inquired if there were questions from the Commission, being none called the applicant to come forward and if they had questions regarding the staff report.

Mr. Talley: Dirk Talley of Show-Me Real Estate, stated he did not have any questions and confirmed the buildings located in front of the house on Lot 3 have been removed. Also addressed the concern for the entrance on Lot 2. There will not be a driveway permit issued on the corner where the site distance will be a safety hazard.

Mr. Jones: Added one thing to the staff report, the Highway Department did note in their review “the site has access to two streets so an interior street will not be required “per the Land Development Code if there are five lots or more an interior street is required unless exempted by the Highway Department and this one was exempted.

Mr. Carlson: Opens public comments.

Mr. Hightower: Ron and Ann Hightower, neighbor across the street. States their concerns about the corner at Long and 156th Street, inquires if the trees and brush could be cut back in that area to make for better viewing when rounding the corner.

Ms. Hightower: Inquired if they could change the corner so it is not such a sharp turn.

Mr. Higgins: Stated that is something to discuss with the Highway Department about correcting the blind corner maybe more signs there.

Mr. Jones: Stated he would talk to the Highway Department about what was discussed at this meeting.

Mr. Carlson: Inquired if there were any more questions, being none closes public comment and entertains a motion for the rezoning of Ecton Oaks Estates.

Mr. Decker: Motions to approve the rezoning.

Mr. Rhodus: 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: Tom Decker:

Mr. Decker: Approve.

Mr. Jones: Chairman Jim Carlson?

Mr. Carlson: Approve.

**Final Vote: 4/0/0 Approve; September 18-125RZ/P; Ecton Oaks Estates– Rezoning
With zero (0) Conditions**

Mr. Carlson: Moves to the discussion of the preliminary plat, asked if the applicant had any more questions or comments.

Mr. Talley: Stated he will take Mr. and Mrs. Hightower’s concerns and will be in contact with the Highway Department to see what can be done to improve the corner.

Mr. Higgins: Stated that was his only concern on this case was the driveway placement on the corner lot.

Mr. Carlson: Opened to public comment, being none entertains a motion for the preliminary plat of Ecton Oaks Estates.

Mr. Decker: Motions to approve the preliminary plat with conditions set forth in Exhibit A.

Mr. Rhodus: 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: Tom Decker:

Mr. Decker: Approve with conditions.

Mr. Jones: Chairman Jim Carlson?

Mr. Carlson: Approve with conditions.

Final Vote: 4/0/0 Approve; September 18-125RZ/P; Ecton Oaks Estates– Preliminary Plat

With four (4) Conditions

Mr. Carlson: Asks for a staff report on case September 18-126F, a request for final plat approval for the proposed subdivision of Ecton Oaks Estates located at approximately 6020 NE 156th Street, the applicant is Dirk Talley, Show-Me Real Estate, representing David W. Miller.

Mr. Jones: Attaches the staff report as part of the official record, summarizes September 18-126F dated August 20, 2018.

Mr. Carlson: Asks if the Commission has any questions, being none asks if the applicant has any questions, being none opens to public comments, being none entertains a motion for the final plat of Ecton Oaks Estates.

Mr. Decker: Moves to approve the final plat with the conditions set forth in Exhibit A.

Mr. Rhodus: 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: Tom Decker:

Mr. Decker: Approve with conditions.

Mr. Jones: Chairman Jim Carlson?

Mr. Carlson: Approve with conditions.

**Final Vote: 4/0/0 Approve; September 18-126F; Ecton Oaks Estates– Final Plat
With four (4) Conditions**

Mr. Carlson: Asks for a staff report on case September 18-127RZ/P a request for rezoning from Agricultural (AG) District to Residential Ranchette (R-5) District for Lot 1 and Residential Rural (R-1) District for Lot 2 with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) and preliminary plat approval for the proposed subdivision of Houseworth Homestead located at approximately 26808 Highway 92, the applicant is James E. Houseworth, representing Donald D. and Diane L. Riley.

Mr. Jones: Attaches the staff report as part of the official record, summarizes September 18-127RZ/P dated August 22, 2018.

Mr. Higgins: Inquired what the minimum requirements were for a shared driveway easement.

Mr. Jones: Replied if the lot is land locked it is 20 acres but since this lot has the minimum road frontage there is not a minimum. Since it's a State highway and MoDot is good with it and the second lot has the road frontage of over 300 feet are we are okay with the shared driveway easement.

Mr. Higgins: Inquired what the other easement was on the property.

Mr. Jones: Replied it was an electric line easement.

Mr. Carlson: Asks the applicant to come forward, if he had any questions and if he was in agreement with the conditions.

Mr. Houseworth: James Houseworth, did not have questions and understood the conditions.

Mr. Carlson: Asked if he was in agreement with the shared driveway easement.

Mr. Houseworth: Stated there was not another safe place to put a driveway on that property and they were good with that easement.

Mr. Carlson: Opens the public comments, being none entertains a motion for the rezoning of Houseworth Homestead.

Mr. Decker: Motions to approve the rezoning.

Mr. Rhodus: 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: Tom Decker?
Mr. Decker: Approve.
Mr. Jones: Chairman Jim Carlson?
Mr. Carlson: Approve.

**Final Vote: 4/0/0 Approve; September 18-127RZ/P; Houseworth Homestead– Rezoning
With zero (0) Conditions**

Mr. Carlson: Moves to the preliminary plat of Houseworth Homestead, asks if there were any additions comments or questions, being none entertains a motion.
Mr. Decker: Motions to approve the preliminary plat with conditions set forth in Exhibit A.
Mr. Rhodus: 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: Tom Decker:
Mr. Decker: Approve with conditions.
Mr. Jones: Chairman Jim Carlson?
Mr. Carlson: Approve with conditions.

**Final Vote: 4/0/0 Approve; September 18-127RZ/P; Houseworth Homestead–
Preliminary Plat
With three (3) Conditions**

Mr. Carlson: Asks for a staff report on case September 18-128F, a request for final plat approval for the proposed subdivision of Houseworth Homestead located at 26808 Highway 92, the applicant is James E. Houseworth representing Donald D. and Diane L. Riley.
Mr. Jones: Attaches the staff report as part of the official record, summarizes September 18-128F dated August 23, 2018.
Mr. Carlson: Asks if the Commission had questions, being none asks if the applicant has any questions and understand the road impact fees.
Mr. Jones: Explains what Road Impact Fees are used for when the driveway comes off of a State Highway.
Mr. Houseworth: Stated he understood that.
Mr. Decker: Inquired when the waiver for family members applied.
Mr. Jones: In this case there is an existing house on this parcel of land but the applicant will be building the home on the second lot after the replatting and selling the lot with the exiting house to a family member.
Mr. Roffman: Clarified the paragraph of when a Road Impact Fee can be waived.
Mr. Jones: Asked if he was referring to 151-9.13.
Mr. Roffman: Written request filled at the time of the application.
Mr. Jones: Stated the code says the conveyance of one parcel to a family member for the purpose of constructing a single family house, technically that is not what is happening it is the other way around in this case, staff felt it should be required.
Mr. Carlson: Asked if Mr. Houseworth had any objection to the road impact fee.
Mr. Houseworth: Stated he did not have any objections and appreciated all the work that had gone into the staff report and splitting of the property.

Mr. Carlson: Closes the public comment and entertains a motion for the final plat of Houseworth Homestead.

Mr. Decker: Motions to approve the final plat with the conditions set forth in Exhibit A.

Mr. Rhodus: 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: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Jones: Chairman Jim Carlson?

Mr. Carlson: Approve with conditions.

Final Vote: 4/0/0 Approve; September 18-128F; Houseworth Homestead – Final Plat With three (3) Conditions

Mr. Carlson: Calls for a staff report on case September 18-129RZ/P, a request for rezoning from Agricultural (AG) District to Residential Ranchette (R-5) District for Lot 2 ONLY with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) and preliminary plat approval for the proposed subdivision of Serenity Creek located at approximately 8915 NE 198th Street, the applicants are Larry L. and J. Pauline Quigley.

Mr. Jones: Attaches the staff report as part of the official record, summarizes September 18-129RZ/P dated August 24, 2018.

Mr. Carlson: Asks for questions from the Commission, being none calls the applicant forward and if they had any questions.

Mr. Larry Quigley: Larry Quigley stated he did not have any questions.

Mr. Higgins: Inquired about how the applicant came up with the placement of the platted lot from the larger acreage.

Mr. Jason Quigley: Jason Quigley stated it was because of the lay of the land and he was going to farm the property closest to his property.

Mr. Higgins: Inquired if there were any future plans to split off more lots.

Mr. Jason Quigley: Stated there were no other plans for additional lots and asked for clarification on what an Agricultural Land Preservation Overlay entailed.

Mr. Jones: Explains what an ALP is and what can be placed inside the overlay district.

Mr. Carlson: Being no one in the audience closes the public comment and entertains a motion for the rezoning of Serenity Creek.

Mr. Decker: Motions to approve the rezoning.

Mr. Rhodus: 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: Tom Decker?

Mr. Decker: Approve.

Mr. Jones: Chairman Jim Carlson?

Mr. Carlson: Approve.

Final Vote: 4/0/0 Approve; September 18-129RZ/P; Serenity Creek– Rezoning With three (3) Conditions

Mr. Carlson: Moves to the preliminary plat of Serenity Creek, no questions from the Commission or applicant entertains a motion.

Mr. Decker: Motions to approve the preliminary plat with the conditions set forth in Exhibit A.

Mr. Rhodus: 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: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Jones: Chairman Jim Carlson?

Mr. Carlson: Approve with conditions.

**Final Vote: 4/0/0 Approve; September 18-129RZ/P; Serenity Creek– Preliminary Plat
With three (3) Conditions**

Mr. Carlson: Asks for a staff report on case September 18-130F, a request for final plat approval for the proposed subdivision of Serenity Creek located at approximately 8915 NE 198th Street, the applicants are Larry L. and J. Pauline Quigley.

Mr. Jones: Attaches the staff report as part of the official record, summarizes September 18-130F dated August 24, 2018.

Mr. Carlson: Inquires about the exiting building on the property not being platted.

Mr. Jones: Stated it was a farm building and the unplatted property was staying as Agricultural zoning the building could stay.

Mr. Carlson: Asks for any questions from Commission, being none inquired if the applicant had any further questions, being none and no one else in the audience closes public comment and entertains a motion for the final plat of Serenity Creek.

Mr. Decker: Motions to approve the final plat with the conditions set forth in Exhibit A.

Mr. Rhodus: 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: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Jones: Chairman Jim Carlson?

Mr. Carlson: Approve with conditions.

**Final Vote: 4/0/0 Approve; September 18-130F; Serenity Creek– Final Plat
With three (3) Conditions**

Mr. Carlson: Stated the County Commission will hear this case on September 24, 2018 at 10 a.m., and in other business we have the calendar for 2019 meetings.

Mr. Jones: Stated that January's Planning and Zoning Commission meeting will need to be changed since it falls on a holiday there are two other dates that could potentially be changed.

Commissioners: Agreed to move January 1st meeting to the following week of January 8th and the other dates will stay the same on the first Tuesday of the month.

Mr. Jones: Updated the Commission on last month's cases and stated there will not be a Planning and Zoning Commission in October.

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

Mr. Decker: Makes a motion to adjourn.

Mr. Rhodus: Seconds the motion.

Mr. Carlson: All those in favor say aye.

All: Aye.

Meeting Adjourned

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Recording Secretary