

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

November 5, 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, Brad Scarlett and Terri Griffen

Members Absent: Chris Higgins and David Rhodus

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

Mr. Decker: Calls the November 5, 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: Absent.

Mr. Jones: Chairman Tom Decker?

Mr. Decker: Present. Calls for a motion for the approval of the October 1, 2019 Planning and Zoning Commission minutes.

Mr. Davis: Moves 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: Chairman Tom Decker?

Mr. Decker: Approve.

Final Vote: 4/0/0 Approve October 1, 2019 Minutes

Mr. Decker: Asks for a staff report on the first case November 19-145V, a request to vacate a road easement within Lots 2 and 3 of Phillips Acres. This easement is located at approximately 18418 Old BB Highway. The applicants are Jody and Lauren Elliott and Curtis and Deborah Novak.

Mr. Jones: Attaches the staff report as part of the official record, summarizes November 19-145V dated October 21, 2019.

Mr. Decker: Inquires if there are any questions from the Commission, being none calls the applicant forward. Asks the applicant if he understood the staff report and the one condition attached in Exhibit A and if he had any questions.

Mr. Novak: Stated he understood and did not have any questions.

Mr. Decker: Opens public comments, being none inquires if there is any discussion from the Board members.

Mr. Davis: Inquired if the property to the west of the applicant's was landlocked.

Mr. Jones: Replied it is but it has a 60' easement to the south and road frontage on the north at NE 188th Street.

Mr. Davis: Moves to approve the vacation of the road easement.

Mr. Scarlett: 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: Chairman Tom Decker?

Mr. Decker: Approve with condition.

**Final Vote: 4/0/0 Approve; November 19-145V; Phillip Acres Lots 2 & 3– Road Vacation
With one (1) Condition**

Mr. Decker: Asks for a staff report on case November 19-146RZ/F, a request for rezoning from Residential Low Density (R-1A) District with a Planned Unit Development Overlay (PUD) to Residential Rural (R-1) District with a Planned Unit Development Overlay (PUD) and final plat approval of the Replat of Lot 1 Grider Planned Unit Development, a Replat of Grider Planned Unit Development located at 14125 A Highway. The applicant is Pete Grider, representing Timothy L. Grider.

Ms. Brady: Attaches the staff report as part of the official record, summarizes November 19-146RZ/F dated October 24, 2019.

Mr. Decker: Inquired if the Commission had any questions.

Mr. Davis: Inquired since the property to the north is owned by the applicant also, why wasn't more land platted to the north so the addition to the building was not too close to the property line and within the guidelines of the setbacks.

Mr. Jones: The property owner does own the land to the north and to the northeast that could have been an option to plat that with this application. The PUD will allow the staff to change the distance of the setback to the property line.

Mr. Decker: With no further questions from the Board, calls applicant forward.

Mr. Grider: Acknowledged that a permit should have been obtained for the addition to the building to the north and the new building. Stated they have been working all summer to correct the issues on the property to bring up to current standards and the requirements requested by the Clay County Building Inspector and Kearney Fire Marshal. Discussed the issues and what they are trying to do with the abandon vehicles on the property, the landscaping buffer plans for the property to the west along the road and to the south and the parking spaces for the business.

Mr. Decker: Inquired if Mr. Grider understood the conditions listed in Exhibit A in the staff report.

Mr. Grider: Stated he understood.

Mr. Decker: Inquired if the applicant understood they needed to stay in compliance with the Planned Unit Development and that building without a permit or adding buildings not included in this business plan will not be allowed.

Mr. Grider: Stated he would make sure that will not happen again.

Mr. Decker: Inquired if there was a way the Planning and Zoning office can make sure the applicant stays within the business plan submitted.

Mr. Jones: Stated that the new plat brings the property size to the current regulations of ten acres in this tier of Clay County. Also stated PUD's do not allow the County to hold the applicant to a Business Plan like a Conditional Use Permit does but if the Commission would like to add a condition stating the applicants need to comply with the business plan submitted then they could.

Mr. Roffmann: Stated to stay with what the code allows and let the code enforcement run its course if there are violations.

Mr. Davis: Inquired what the code was on number of vehicles.

Mr. Grider: Stated they were working on getting people to come pay or pick up their vehicles left there or bring them titles so the inoperable vehicles could be hauled to the scrapyard.

Mr. Jones: Read the code for derelict vehicles that is in the 2011 Land Development Code 151-11.4B(2) Junk, Trash and Derelict Vehicles.

Mr. Grider: Stated Fire Marshal and the EPA are there checking that the business is in compliance with their regulations.

Mr. Decker: Inquired if there was time frame of when the landscaping and fencing need to be done.

Mr. Jones: Stated the conditions needed to be completed before the final plat could be recorded and they have a year after approved by the County Commission before the final plat has to be recorded.

Mr. Grider: Stated the only thing that would slow them down from getting the conditions done was the weather.

Mr. Decker: Closed the Commission questions and opened public comments, being none entertained a motion for the rezoning of the Replat of Lot 1 Grider Planned Unit Development.

Mr. Davis: Moves 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: Chairman Tom Decker?

Mr. Decker: Abstain.

**Final Vote: 3/0/1 Approve; November 19-146RZ/F; Replat of Lot 1 Grider Planned Unit Development –Rezoning
With zero (0) Conditions**

Mr. Decker: Entertains a motion for the final plat of Replat of Lot 1 Grider Planned Unit Development.

Mr. Davis: Move to approve the final plat with conditions.

Ms. Griffen: Seconds the motion.

Mr. Decker: Calls for a vote.

Mr. Jones: Terri Griffen?

Ms. Griffen: 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: Abstain.

**Final Vote: 3/0/1 Approve; November 19-146RZ/F; Replat of Lot 1 Grider Planned Unit Development– Final Plat
With fourteen (14) Conditions**

Mr. Decker: Asks for a staff report on case November 19-147V, a request to vacate a utility easement (UE) within Lot 1 of Grider Planned Unit Development. This easement is located at 14125 A Highway. The applicant is Pete Grider, representing Timothy L. Grider.

Mr. Jones: Attaches the staff report as part of the official record, summarizes November 19-147V dated October 30 2019.

Mr. Decker: Asked if the Board had any questions, being none calls the applicant forward, asks if he understood the staff report and the condition attached.

Mr. Grider: Stated he understood and had no questions.

Mr. Decker: Opens public comment, being none entertains a motion for the vacation of the utility easement with the condition attached in Exhibit A.

Ms. Griffen: Motions to approve with condition.

Mr. Davis: 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: Chairman Tom Decker?

Mr. Decker: Abstain.

**Final Vote: 3/0/1 Approve; November 19-147V; Grider Planned Unit Development –
Vacate Utility Easement
With one (1) Condition**

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

Mr. Jones: Stated there will be a December meeting.

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

Mr. Davis: Moves to adjourn.

Ms. Griffen: Seconds.

Mr. Decker: Adjourns the meeting.

Meeting Adjourned

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Recording Secretary