

**CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES**

**February 4, 2020**

Regular meeting of the Clay County Planning and Zoning Commission, Commission Hearing Room, 3<sup>rd</sup> Floor, County Administration Building, One Courthouse Square, Liberty, MO.

Call to Order at 6:30 pm.

Roll Call

Members Present: Tom Decker, Chris Higgins, David Rhodus, Brad Scarlett and Terri Griffen

Members Absent: Marvin Davis

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

**Mr. Decker:** Calls the February 4, 2020 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:** Absent.

**Mr. Jones:** Brad Scarlett?

**Mr. Scarlett:** Present.

**Mr. Jones:** Chris Higgins?

**Mr. Higgins:** Present.

**Mr. Jones:** Chairman Tom Decker?

**Mr. Decker:** Present. Calls for nominations for Chairman of the Planning and Zoning Commission for 2020.

**Mr. Higgins:** Nominates Tom Decker.

**Mr. Decker:** Accepts nomination.

**Mr. Rhodus:** Seconds the nomination.

**Mr. Decker:** Calls for a vote.

**Mr. Jones:** Chris Higgins?

**Mr. Higgins:** Approve.

**Mr. Jones:** Brad Scarlett

**Mr. Scarlett:** Approve

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Approve.

**Mr. Jones:** Tom Decker?

**Mr. Decker:** Approve.

**Final Vote: 5/0/0 Approve Tom Decker as Chairman**

**Mr. Decker:** Calls for nominations for Vice-Chairman for 2020 Planning and Zoning Commission.

**Mr. Rhodus:** Nominates Chris Higgins for Vice-Chairman.

**Ms. Griffen:** Seconds.

**Mr. Decker:** Calls for a roll call vote.

**Mr. Jones:** David Rhodus?  
**Mr. Rhodus:** Approve.  
**Mr. Jones:** Brad Scarlett?  
**Mr. Scarlett:** Approve.  
**Mr. Jones:** Terri Griffen?  
**Ms. Griffen:** Approve.  
**Mr. Jones:** Tom Decker?  
**Mr. Decker:** Approve.  
**Mr. Jones:** Chris Higgins?  
**Mr. Higgins:** Approve.

**Final Vote: 5/0/0 Approve Chris Higgins as Vice-Chairman**

**Mr. Decker:** Calls for a motion for the approval of the January 7, 2020 Planning and Zoning Commission minutes.  
**Mr. Higgins:** Moves to approve the minutes.  
**Mr. Rhodus:** Seconds the motion.  
**Mr. Decker:** Calls for a roll call vote.  
**Mr. Jones:** Terri Griffen?  
**Ms. Griffen:** Approve.  
**Mr. Jones:** Brad Scarlett?  
**Mr. Scarlett:** Approve.  
**Mr. Jones:** David Rhodus?  
**Mr. Rhodus:** Approve.  
**Mr. Jones:** Chris Higgins?  
**Mr. Higgins:** Approve.  
**Mr. Jones:** Chairman Tom Decker?  
**Mr. Decker:** Abstain.

**Final Vote: 5/0/0 Approve January 7, 2020 Minutes**

**Mr. Decker:** Asks for a staff report on the first case February 20-105RZ/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 final plat approval of Cooper Meadows, located at approximately 18300 Scott Avenue, the applicants are Cody and Paige Cooper.  
**Mr. Jones:** Attaches the staff report as part of the official record, summarizes February 20-105RZ/F dated January 21, 2020.  
**Mr. Decker:** Inquires if there are any questions from the Commission, being none stated the applicant was not able to make the meeting opened public comment, being none entertains a motion for the rezoning.  
**Mr. Higgins:** Motions to approve the rezoning of Cooper Meadows.  
**Mr. Rhodus:** Seconds the motion.  
**Mr. Decker:** Calls for a roll call vote.  
**Mr. Jones:** Terri Griffen?  
**Ms. Griffen:** Approve.  
**Mr. Jones:** David Rhodus?  
**Mr. Rhodus:** Approve.  
**Mr. Jones:** Brad Scarlett?  
**Mr. Scarlett:** Approve.  
**Mr. Jones:** Chris Higgins?  
**Mr. Higgins:** Approve.  
**Mr. Jones:** Chairman Tom Decker?  
**Mr. Decker:** Approve.

**Final Vote: 5/0/0 Approve; February 20-105RZ/P; Cooper Meadows – Rezoning**

**With zero (0) Conditions**

**Mr. Decker:** Entertains a motion for the preliminary plat.  
**Mr. Higgins:** Moves to approve the preliminary plat.  
**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:** Brad Scarlett?  
**Mr. Scarlett:** Approve.  
**Mr. Jones:** Chris Higgins?  
**Mr. Higgins:** Approve.  
**Mr. Jones:** Chairman Tom Decker?  
**Mr. Decker:** Approve.

**Final Vote: 5/0/0 Approve; February 20-105RZ/P; Cooper Meadows– Preliminary Plat  
With zero (0) Conditions**

**Mr. Decker:** Asks for a staff report on case February 20-106F, a request for final plat approval for the proposed subdivision of Cooper Meadows, located at approximately 18300 Scott Avenue. The applicants are Cody and Paige Cooper.  
**Mr. Jones:** Attaches the staff report as part of the official record, summarizes February 20-106F dated January 22, 2020.  
**Mr. Decker:** Inquires if the Commission had any questions, being none opens public comments, being none entertains a motion for the final plat of Cooper Meadows.  
**Mr. Scarlett:** Motions to approve the final plat.  
**Mr. Rhodus:** Seconds the motion.  
**Mr. Decker:** Calls for a roll call vote.  
**Mr. Jones:** Terri Griffen?  
**Ms. Griffen:** Approve.  
**Mr. Jones:** David Rhodus?  
**Mr. Rhodus:** Approve.  
**Mr. Jones:** Brad Scarlett  
**Mr. Scarlett:** Approve.  
**Mr. Jones:** Chris Higgins?  
**Mr. Higgins:** Approve.  
**Mr. Jones:** Chairman Tom Decker?  
**Mr. Decker:** Approve.

**Final Vote: 5/0/0 Approve; February 20-106F; Cooper Meadows– Final Plat  
With zero (0) Conditions**

**Mr. Decker:** Asks for a staff report on case February 20-107V, a request to vacate an ingress/egress easement within Lot 2 of Johnson Estates, this easement is located at approximately 6413 NE 140<sup>th</sup> Street. The applicants are Gary L. and Debra A. Doss.  
**Ms. Brady:** Attaches the staff report as part of the official record, summarizes February 20-107V dated January 23, 2020.  
**Mr. Decker:** Inquires if there are any questions from the Commission.  
**Mr. Higgins:** Inquires if there was any opposition from the property owner on Lot 1 of Johnson Estates.  
**Ms. Brady:** Stated the applicant owned both lots.  
**Mr. Jones:** Pointed out the driveways for each lot.

**Mr. Decker:** Calls the applicant forward, asked if he understood the staff report and the condition attached.

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

**Mr. Decker:** Opens public comments.

**Mr. Auger:** Mark Auger stated there was a discrepancy on the survey done a while back and that he believes it is his property that the driveway will be going across for Lot 1.

**Mr. Roffmann:** Stated that was a civil matter not to be decided by the Planning and Zoning Commission.

**Mr. Decker:** Asked if there was any other public comment, being none closes the public comments and entertains a motion of the vacation of the ingress/egress.

**Mr. Higgins:** Moves 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:** Brad Scarlett?

**Mr. Scarlett:** Approve.

**Mr. Jones:** Chris Higgins?

**Mr. Higgins:** Approve.

**Mr. Jones:** Chairman Tom Decker?

**Mr. Decker:** Approve.

**Final Vote: 5/0/0 Approve; February 20-107V; Ingress/Egress within Lot 2 Johnson Estates – Vacation  
With one (1) Condition**

**Mr. Decker:** Asks for a staff report on case February 20-108CUP, a request for a Conditional Use Permit for a Cemetery on Agricultural (AG) District zoned property located at approximately 7920 Scott Avenue. The applicant is Vernon Reed.

**Mr. Jones:** Attaches the staff report as part of the official record, summarizes February 20-108CUP dated January 22, 2020.

**Mr. Decker:** Inquired if the Commission had any questions, being none calls the applicant forward.

**Mr. Vernon Reed:** Stated he recognized the neighbors' concerns about the placement of the cemetery in his first proposal so they moved it further south on their property away from the neighbors.

**Mr. Decker:** Inquired about the landscaping mentioned in the business plan.

**Mr. David Reed:** Stated the landscape would be done with no maintenance plants and no flowers and detailed the fence he would be putting around the cemetery site.

**Mr. Decker:** Inquired about the Trust they were going to set up for the cemetery and how it was going to be managed.

**Mr. David Reed:** Stated it would be through UMB Bank.

**Mr. Higgins:** Inquired about the number of grave sites that would be located there.

**Mr. David Reed:** Stated it would be just family members and it would just have one large rock as a head stone to mark all of them. He also addressed some pasted code violations and how he is working to fix them.

**Mr. Decker:** Inquired about the PUD conditions for the winery across the road from the proposed cemetery.

**Mr. Jones:** Stated that the chip seal has not been done to Scott Ave yet.

**Mr. Higgins:** Stated his concern about the maintenance of the cemetery in the future.

**Mr. Decker:** Opens public comments.

**Mr. Renno:** Stated he was fine with the new location of the site but his concerns are of the cleanup of the past code violations and the maintenance of the cemetery. His experience working for the City of Liberty and having to take care of private cemeteries for the city they are not always maintained the way they should be. He was not for the Conditional Use Permit.

**Ms. Nierman:** Stated she was okay with the new location but was concerned about the maintenance and if the Conditional Use Permit is not transferable if the Reeds ever had to sell that property who then would be responsible for the upkeep, she was in opposition of the Conditional Use Permit.

**Ms. Boettcher:** Stated she was okay with the new location also but concerned about the maintenance of the cemetery and was in opposition of the Conditional Use Permit.

**Mr. David Reed:** Addressed the concerns of the neighbors.

**Mr. Decker:** Closed public comment and entertains a motion for the Conditional Use Permit.

**Mr. Higgins:** Motions to deny the Conditional Use Permit.

**Ms. Griffen:** 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:** Brad Scarlett?

**Mr. Scarlett:** Approve.

**Mr. Jones:** Chris Higgins?

**Mr. Higgins:** Approve.

**Mr. Jones:** Chairman Tom Decker?

**Mr. Decker:** Approve.

**Final Vote: 5/0/0 Deny; February 20-108CUP; Reed Cemetery – Conditional Use Permit  
With eight (8) Conditions**

**Mr. Decker:** Asks for a staff report on case February 20-109A, a request for approval of the 2019 Zoning Map, which includes approved rezoning applications from January 1, 2019 through December 31, 2019. The applicant is Clay County.

**Ms. Brady:** Attaches the staff report as part of the official record, summarizes February 20-109A dated January 13, 2020.

**Mr. Decker:** Inquired if the Commission had any questions, being none opened public comment, being none entertained a motion for the 2019 Zoning Map.

**Mr. Higgins:** Motioned to approve.

**Mr. Rhodus:** Second the motion.

**Mr. Decker:** Calls for a vote.

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Approve.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Jones:** Brad Scarlett

**Mr. Scarlett:** Approve.

**Mr. Jones:** Chris Higgins?

**Mr. Higgins:** Approve.

**Mr. Jones:** Chairman Tom Decker?

**Mr. Decker:** Approve.

**Final Vote: 5/0/0 Approve; February 20-109A; 2019 Zoning Map  
With zero (0) Conditions**

**Mr. Decker:** Asks for a staff report on case January 20-102A, 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. Continuation from the January 7, 2020 Planning and Zoning Commission Meeting for further discussion and consideration.

**Mr. Jones:** Attaches the staff report as part of the official record, summarizes January 20-102A dated December 26, 2019. Stated that after talking to legal counsel he would like to propose deletion of item number five under Section H of Intermodal Shipping Containers.

**Mr. Higgins:** Inquired about permits for shipping containers.

**Mr. Jones:** Stated they are required.

**Mr. Rhodus:** Stated he believed shipping containers should be allowed on property less than 20 acres, if they are well maintained they can blend in with the other accessory buildings, but permits should be required to make sure they are within the setbacks on property less than 20 acres and no permits should be required on property over 20 acres.

**Mr. Higgins:** Stated shipping containers should not be allowed on property less than 10 acres.

**Mr. Decker:** Opened public comments.

**Mr. David Reed:** Inquired if a shipping container was cut in half and used as a swimming pool if that would count as an accessory building.

**Mr. Jones:** Stated that would fall under the codes for a swimming pool.

**Mr. Decker:** Suggested the Commission amend the chart on page 16 to no containers for property 0 up to 10 acres, one container on property 10 acres up to 40 acres requiring a permit and property 40 acres and over no permit required but a farm building checklist to make sure the setbacks are met and a max number of containers at six.

**Mr. David Reed:** Wanted to know if the land size was based on all the parcels a person owned or just the acreage on that parcel the container was being set on.

**Mr. Jones:** Replied it is based on the parcel the container was going on.

**Mr. Decker:** Inquired if the amendments could be included in the motion for the Amendments to the 2011 Land Development Code.

**Mr. Jones:** Stated they could be.

**Mr. Decker:** Stated the changes to be made to the staff report as Removal of item 5 under Section h of Intermodal Shipping Containers and change the acreage in the chart of the Number of allowed Intermodal Shipping Containers.

**Ms. Griffen:** Motioned to approve the Amendments to the 2011 Land Development Code with the new amendments.

**Mr. Scarlett:** Second the motion.

**Mr. Decker:** Calls for a vote.

**Mr. Jones:** Terri Griffen?

**Ms. Griffen:** Approve.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Jones:** Brad Scarlett

**Mr. Scarlett:** Approve.

**Mr. Jones:** Chris Higgins?

**Mr. Higgins:** Approve.

**Mr. Jones:** Chairman Tom Decker?

**Mr. Decker:** Approve.

**Final Vote: 5/0/0 Approve; January 20-102A; Amendments to 2011 Land Development Code**

**With two (2) Amendments**

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

**Mr. Jones:** Stated there will be a March meeting.

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

**Mr. Higgins:** Moves to adjourn.

**Mr. Rhodus:** Seconds.

**Mr. Decker:** Adjourns the meeting.

**Meeting Adjourned**

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*Chairman, Planning & Zoning Commission*

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*Secretary, Planning & Zoning Commission*

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*Recording Secretary*