

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

July 12, 2016

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: Mark Beggs, Jim Carlson, Duane Jackson, Tom Decker, and David Rhodus

Members Absent:

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

Mr. Beggs: Good evening ladies and gentlemen I would like to call to order the July 12th meeting of the Planning and Zoning Commission of Clay County, roll call.

Mr. Jones: Duane Jackson?

Mr. Jackson: Here.

Mr. Jones: David Rhodus?

Mr. Rhodus: Present.

Mr. Jones: Jim Carlson

Mr. Carlson: Present.

Mr. Jones: Tom Decker?

Mr. Decker: Present.

Mr. Jones: Mark Beggs?

Mr. Beggs: Present.

Mr. Beggs: We are recording the meeting tonight so we will ask if anyone wants to speak to come to the microphone and if you would state your name and address, we will be transcribing those recordings later on so that's why we ask for you to do that, so each time you come up we ask you to restate that even though most of us in this room can tell it's the same person but it makes it easier for the person transcribing to know exactly who is saying what, so we ask you to do that. That said we'll ask the Board Members to look at the minutes of the June 7th PZC meeting. I will entertain a motion to approve those, if anyone has any questions or additions or deletions.

Mr. Decker: I will make a motion to approve the minutes from the June 7th meeting as presented.

Mr. Beggs: Do I have a second?

Mr. Rhodus: Second.

Mr. Beggs: Vote please.

Mr. Jones: Duane Jackson?

Mr. Jackson: Approve.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve.

Mr. Jones: Jim Carlson?

Mr. Carlson: Approve.

Mr. Jones: Tom Decker?

Mr. Decker: Approve.

Mr. Jones: Chairman Mark Beggs?

Mr. Beggs: Abstain.

Final Vote: 4/0/1 Approve June 7, 2016 Minutes

Mr. Beggs: I will draw the Commission’s attention to the Clay County Planning and Zoning Department’s staff report for May of 2016 and April. Do you have any questions for staff; this would be the time to ask that? No questions, okay with that we will move onto our regular agenda. Our first case tonight is case number July 16-119RZ/F this is a request for rezoning to Residential Rural (R-1) District for proposed Lot 2A and Residential Ranchette (R-5) District for proposed 2B with an Agricultural Land Preservation (ALP) overlay district for both Lots, and final plat approval for the proposed subdivision of the Re-plat of Lot 2, Eckerberg Estates located at approximately 18710 Nation Road, the applicants are Jon M. and Lisa Lee. Are the applicants or representative here? Very good, staff report?

Mr. Jones: I would like to add the staff report as part of the official record.

Mr. Beggs: So be it.

Mr. Jones: Summarized the staff report June 16-119RZ/F dated July 5, 2016.

Mr. Beggs: Any questions for staff from the Commission? Can I have the representative or the applicant step forward, state your name and address for the record.

Mr. Lee: My name is Jon Lee, 15123 Kelli Drive, Smithville, Missouri. We are dividing this so that possibly some day we will sell it. We have no intentions of selling that lot.

Mr. Beggs: Okay.

Mr. Lee: If something would happen to me I would want to be able to sell it and so Lisa wouldn’t have to possibly move or something like that, that is the only reason we are dividing. We had come here to do the POD to have it moved anyway so we are doing it all at one time.

Mr. Beggs: Okay, so are you familiar with the staff’s report?

Mr. Lee: I am.

Mr. Beggs: Are you in agreement with the staff’s report?

Mr. Lee: The Road Impact Fee, there is no impact on that road until that lot is sold, or until really somebody builds on it, so why is that fee to be paid at this time?

Mr. Beggs: So it needs to be paid, this recommendation is before you record the final plat.

Mr. Carlson: I think that is one of the problems. Why are you rezoning it all now if you are not planning on doing anything?

Mr. Lee: Because I had to come here to move the POD anyway, I am just trying to get all done at one time.

Mr. Beggs: But as long as he doesn’t record the final plat he doesn’t have to pay the Road Impact Fee, he can hold that?

Mr. Jones: Right but he has a year to record the final plat.

Mr. Beggs: Okay.

Mr. Lee: So Jim if I come to you or you came to me and said I want to frame a house and I said well if you paid me \$2,000 and what if you never build that house you would want your money back.

Mr. Carlson: That is one of the problems I see of rezoning they’re requesting to be paid at the time of the recording not the time of construction.

Mr. Lee: *(inaudible)*

Mr. Beggs: That is pretty much policy anytime anybody does a subdivision you’ve got to pay the Road Impact Fees because typically people when they come and subdivide it they are not planning on not selling or not building on it, it’s usually going to happen fairly quickly.

Mr. Jones: It is creating that additional lot so it’s a buildable lot at this point.

Mr. Lee: Right.

Mr. Beggs: And if something happened to you, I mean if you record that final plat it is buildable and anybody can build on it at that point, well trying to collect that fee from Eckerberg plat it would be a problem.

Mr. Lee: Why couldn’t that fee be attached to the building permit?

Mr. Beggs: We don’t do it that way, that is something the County does, it’s not a builder’s cost it’s really a developers cost which then gets passed on to the person who buys the lot.

Mr. Lee: Right so in any case it’s gets passed on to whoever buys the lot.

Mr. Beggs: Well unless you don’t want to, but yes any reasonable person would pass along that cost.

Mr. Jones: They could have done the rezoning of the ALP area without creating that additional lot.

Mr. Beggs: That's what I was wondering if you want to withdraw that portion of your application?

Mr. Lee: No.

Mr. Beggs: Okay.

Mr. Lee: I already went through all of that, I paid the surveyor to do it all. I just wanted to know why I had to pay it at this time.

Mr. Beggs: So did we answer that?

Mr. Lee: Yes, if that is your policy.

Mr. Beggs: Right and it's just basically the way it's all done for everybody across the County that comes through.

Mr. Carlson: It's not this Commissions policy; it's the County's.

Mr. Lee: Okay and then on the POD you guys, when Eckerberg's divided this lot you made them designate the area in the POD?

Mr. Jones: Yes.

Mr. Lee: Okay which means Don the surveyor did not know, he doesn't know who's going to buy that and where they are going to want to build a house or anything else, if somebody buys it and want to build a walk out or somebody buys it and wants to build a earth contact you are going to build two totally different areas so why do you make it where I have to come and pay to have it moved?

Mr. Jones: Because we have to designate it at that point.

Mr. Lee: Why do you have to designate it?

Mr. Jones: Because I don't have another tool. I guess by toolbox to do that at a later point it needs to go on the plats so we have an official record where that area is, now there are ways to move it like you are doing tonight but you have back and

Mr. Lee: But that costs me money to go to a surveyor and have him redraw it all and resubmit it, it's a lot of time and a lot of money.

Mr. Jones: Right and if you were in contact with the Eckerberg's when they platted it then obviously you could had some input to it and if there wasn't any communication..

Mr. Lee: I did not have any contact with them, I talked to the realtor and the realtor explained to me that all that means is that 50% of the property cannot be built on.

Mr. Jones: I am sorry if it wasn't explained very well we at Planning and Zoning try to answer questions but if people don't know to come to us then we can't answer those questions. But it has to be on the plat so that I guess that is the short answer.

Mr. Lee: But if you put on there that you cannot develop more than 50% of that property it doesn't matter what 50% there is always going to be 50% that is not developed so why does it have to be established?

Mr. Jones: Because we need to know, The Comp Plan says that 50% of that lot has to stay in that ALP area and we have to have a way of tracking so you have to understand we have many properties throughout the County and the easiest way for us to track it is to have it on that plat which in turn allows us to put it on our zoning map so when we pull up the zoning map we see the POD area and know where you can and where you can't build. We would have to go to each individual property and say just 50% of it and try and do that map it's just not feasible.

Mr. Beggs: Basically it would require the County to go out and survey it and say okay this part is not been built on.

Mr. Lee: So you are putting it on the public for something you guys want.

Mr. Beggs: Right, let's back up, because these POD's is letting a lot of flexibility without them a lot of these things we would not be able to do according to the Comp Plan, so the PODs and ALPs all of that is, we brought that in in '08 to give us more flexibility and to allow people to do things that typically the Comp Plan would not let us do. So basically if the County had to do it basically everyone in this room gets to pay for the survey, as opposed to those people who own the property which is where the cost should lie with the people who are developing the property, the people who own the property as opposed to the taxpayers of the County. So, in short that's the way it is they have to designate where that line lies because it's just the way it's got to be otherwise we are out doing surveys trying to figure out if 50% has or has not be built on so we just draw a line on the map everybody know it gets recorded that way you can't build there, so if somebody wants to buy your lot and they want to do a walkout and

it's inside the POD they are not going to be able to build on your property and you may want to, well it's kind of late at this point, but you delineated that POD maybe you should have thought about that and split it up however and leave the buildable portion of your lots open so that would be easier for you to do.

Mr. Jones: *(inaudible)*

Mr. Lee: I did move it where I want to move it but in 10 years from now what if I want to do something totally different? Then I have to come back here and have it moved again.

Mr. Beggs: That is the tradeoff of using these overlays is at the point when you decide to do an overlay you got to decide where it's going to be because otherwise without the POD we wouldn't be able to do what we are doing in some cases.

Mr. Lee: What are we doing?

Mr. Beggs: Why did you put these on?

Mr. Jones: The Comp Plan went out for public comments and the public said they wanted nothing but 20 acre lots so you would not be able to, if it were up to the public you wouldn't be able to do what you are doing tonight and so the staff at that point, staff said well that just doesn't make sense we need to have some smaller lots in the County and we came up with the ALP as a way to allow you to do what you are doing here tonight but to keep the 50% of the lot as natural that's the goal of the ALP is to keep it county. We know when people move to the county they don't want what was in the city so that was a decision by staff to say, hey we just can't have 20 acre lots. We wouldn't do a lot of these lot splits that we do a year without the staff's input you wouldn't be able to do what you are doing.

Mr. Lee: Okay is there any reason that I can't get my building permit if you guys agree to this?

Mr. Jones: This is an advisory board that goes to the County Commission so the County Commission makes the final decision so after they have approved it and the conditions are met and then you can do your building permit at that point.

Mr. Lee: The only thing that is holding me back from that building permit is the POD and it's my understanding that I can have it moved where ever I want.

Mr. Jones: It has to be approved by County Commission so until the County Commission says it's gone through that POD or ALP is not going to move.

Mr. Lee: Okay.

Mr. Beggs: Yes maybe I didn't do a good job, we are just an advisory board so we make recommendations to the County Commission and the County Commission makes the finally decision based on what we say in this meeting and recommendations so County Commission has final say, they are the governor of the final vote.

Mr. Lee: Nobody here is on the County Commission?

Mr. Beggs: No.

Mr. Lee: Okay

Mr. Beggs: Any other questions?

Mr. Lee: No.

Mr. Beggs: Okay are you in agreement with the staff's report and what we talked about this evening?

Mr. Lee: Yes.

Mr. Beggs: Very good thank you. Any public comment on this application? I am going to close it for public comment, any comment from the Commission?

Mr. Carlson: We do this in three?

Mr. Beggs: Two.

Mr. Jones: Rezoning and final.

Mr. Beggs: So I will entertain a motion for the rezoning.

Mr. Carlson: Just the rezoning? I make a motion to approve the rezoning of Jon and Lisa Lee, Eckerberg Estates and include the replat of lot 2. Is that correct? Of Lot 2 and Lot 2A and 2B, see that is why I was wondering if we have three, we have a replat and then we have the rezoning.

Mr. Jones: Yes the rezoning includes the two lots, so you have the rezoning of 2A and 2B and then second vote for the final plat.

Mr. Carlson: I will state it as the rezoning of the Lot 2B and 2A.

Mr. Beggs: I think we should add with an Agricultural Land Preservation overlay district for both lots as well. Do I have a second?

Mr. Decker: I'll second.

Mr. Beggs: Any discussion from the Commission about the motion that is on the table? Vote please.

Mr. Jones: Duane Jackson?

Mr. Jackson: Approve.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve.

Mr. Jones: Jim Carlson?

Mr. Carlson: Approve.

Mr. Jones: Tom Decker?

Mr. Decker: Approve.

Mr. Jones: Chairman Mark Beggs?

Mr. Beggs: Approve.

**Final Vote: 5/0/0 Approve; July 16-119RZ/F; Re-plat of Lot 2, Eckerberg Estates-
Rezoning
With zero (0) Conditions**

Mr. Beggs: That has passed; I will entertain a motion for the final plat.

Mr. Decker: I will make a motion to approve the final plat for Eckerberg Estates Lots 2A and 2B including an Agricultural Land Preservation (ALP) overlay district for both lots located at 18710 Nation Road.

Mr. Beggs: Would you like to add with the conditions shown in Exhibit A?

Mr. Decker: With the conditions set forth in Exhibit A.

Mr. Beggs: Thank you do I have a second?

Mr. Carlson: I will second it.

Mr. Beggs: Any discussion from the Commission? Vote please.

Mr. Jones: Duane Jackson?

Mr. Jackson: Approve with conditions.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve with conditions.

Mr. Jones: Jim Carlson?

Mr. Carlson: Approve with conditions.

Mr. Jones: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Jones: Chairman Mark Beggs?

Mr. Beggs: Approve with conditions.

**Final Vote: 5/0/0 Approve; July 16-119RZ/F; Re-plat Lot 2, Eckerberg Estates– Final
Plat
With two (2) Conditions**

Mr. Beggs: Motion carries. So this will be considered by, I should have mentioned this earlier this evening, at the County Commission meeting which is August 1st in this room at 10 o'clock in the morning, so that will be considered. Second case tonight is case number July 16-120RZ/P this is a request for rezoning from Agricultural (AG) District to Residential Rural (R-1) District for proposed Lot 2 and Residential Ranchette (R-5) District for proposed Lots 3 and 4 and Preliminary Plat approval for Hatcher Farms located at approximately the southwest corner of NE 144th Street and Nation Road, the applicant is Danny Hatcher.

Mr. Jones: I would like to add the staff report as part of the official record.

Mr. Beggs: So be it.

Mr. Jones: Summarized the staff report June 16-120RZ/P dated July 6, 2016.

Mr. Beggs: Okay so 144th Street is designated as a feeder road and Nation is an arterial?

Mr. Jones: For the City of Kearney, now the Comp Plan for Clay County it's considered I think an option B County Road which only requires 30 foot of right-of-way, so per the County code 30 foot is all that is required for Kearney it's 50 feet.

Mr. Beggs: How does Kearney's Comprehensive Plan dovetail into the County's Comprehensive Plan? How come those are not coordinated how come we have this problem?

Mr. Jones: That is a good question and I don't know that I'll have a good answer for you on that I am assuming that they were done at different times and if we coordinate with Kearney then we have to coordinate with Excelsior, Liberty, Kansas City and it probably not feasible we do reach out to Kearney with every property that's within a mile for advise and consent, staff's recommendation on that would be 30 foot to follow Clay County's code but we as planners see where they're coming from for 50 foot because that area's most likely going to grow, but the County code says 30 foot so that's what staff would recommend.

Mr. Carlson: What does the staff recommend?

Mr. Jones: 30 foot.

Mr. Beggs: So what happens when development does happen there and they need 50?

Mr. Jones: Then I may rely on Debbie a little bit, can we ask for that later on? Or if ...

Ms. Viviano: We would not ask for it...

Mr. Jones: It would probably be annexed in at that point?

Ms. Viviano: And the City of Kearney would go in and either ask for it or they would get it somehow.

Mr. Jones: You can see on the map there how close it is to Kearney, the glare is not the greatest but that is the property right there and Kearney right there right across the street.

Mr. Carlson: I wonder why our setbacks need to dovetail with the city setbacks because that's what going to determine...

Mr. Jones: Are you talking about for buildings?

Mr. Carlson: Yes.

Mr. Jones: I don't know Kearney's off hand but I am sure they are more restrictive where ours are for agricultural..

Mr. Carlson: So that would probably accommodate anyway.

Mr. Jones: Yes they meet our setbacks they are going to meet the City of Kearney's for sure.

Mr. Carlson: *(inaudible)*

Mr. Jones: No.

Mr. Beggs: So basically Kearney before they issue building permits could ask for right-of-away. Any other questions for staff? Is the applicant present or representative? State your name and address for us.

Mr. Hatcher: My name is Dan Hatcher; my address is 1129 Chestnut Lane, Liberty.

Mr. Beggs: So you heard the staff's report do you agree with what they talked about and understand the ramifications of this right-of-way issue?

Mr. Hatcher: Yes.

Mr. Beggs: Any questions for the applicant from the Commission? Do you have any questions for us?

Mr. Hatcher: No.

Mr. Beggs: Okay thank you. Any questions from the public? Okay we will close that, any comments or discussion amongst the Commission?

Mr. Carlson: So what we are going to approve is two?

Mr. Jones: We will have a rezoning and ...

Mr. Carlson: Rezoning two lots?

Mr. Jones: And part of the preliminary plat should be your decision on the 30 foot or 50 foot right-a-way or your recommendation.

Mr. Beggs: Okay when we get to that motion we'll attack that, so I will entertain a motion for the rezoning.

Mr. Decker: I make a motion that we approve the rezoning from residential (R-1)..

Mr. Jones: Oh I am sorry, there is not a rezoning that was withdrawn, that was my bad for telling you that.

Mr. Beggs: So we are staying AG.

Mr. Jones: Its preliminary plat, yes I am sorry.

Mr. Decker: Okay do I make a motion to approve?

Mr. Beggs: Sure and if you would include in your motion the recommendation for the right-of-way width.

Mr. Decker: I will make a motion to approve the preliminary plat of Hatcher Farms that includes the conditions set forth in Exhibit A and more specifically the width of the road right-of-way be 30 feet from the center line.

Mr. Beggs: Very good do I have second on that?

Mr. Rhodus: Second.

Mr. Carlson: These conditions are for the preliminary plat?

Mr. Beggs: These conditions in Exhibit A. Do we have any discussion amongst the Commission specifically about the right-of-way setback, everybody in agreement the 30 foot right-of-way, any discussion on that?

Mr. Decker: That is what staff recommends and the City of Kearney response they (*inaudible*)

Mr. Beggs: I see no problem with it as long as the applicant is okay with it and knows that's going to come probably.

Mr. Beggs: Any other discussion? Okay vote please.

Mr. Jones: Duane Jackson?

Mr. Jackson: Approve with conditions.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve with conditions.

Mr. Jones: Jim Carlson?

Mr. Carlson: Approve with conditions.

Mr. Jones: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Jones: Chairman Mark Beggs?

Mr. Beggs: Approve with conditions.

**Final Vote: 5/0/0 Approve; July 16-120RZ/P; Hatcher Farms– Preliminary Plat
With two (2) Conditions**

Mr. Beggs: The motion carries. Again that will be August 1st in this room. Our next case is case number July 16-121RZ/P this is a request for rezoning from Agricultural (AG) District to Residential Rural (R-1) District with an Agricultural Land Preservation (ALP) overlay district for ONLY Lot 2, and preliminary plat approval for the proposed subdivision of Bledsoe Downs located at approximately the southwest corner of NE 164th Street and C Highway the applicants are Christopher and Patricia Higgins are they present? Staff report please.

Mr. Jones: I would like to add the staff report as part of the official record.

Mr. Beggs: So be it.

Ms. Jones: Summarized the staff report June 16-121RZ/P dated June 28, 2016.

Mr. Beggs: So the ALP added to this because they couldn't get the 20 they are really close.

Mr. Jones: Yes and Attachment C shows the ALP better than the screen.

Ms. Viviano: (*inaudible*)

Mr. Beggs: Any questions for the staff from the Commission? Applicant step forward and state your name and address please.

Mr. Higgins: Chris Higgins, 16311 N Hardesty, Smithville, Missouri.

Mr. Beggs: So you are familiar with the staff's report?

Mr. Higgins: Yes.

Mr. Beggs: And you are in agreement with the conditions that are set forth?

Mr. Higgins: Yes.

Mr. Beggs: Any questions for staff or Commission?

Mr. Higgins: No.

Mr. Beggs: Okay very good. Any public comment on the application? Okay I will close it for public comment, I will entertain a motion for the rezoning.

Mr. Carlson: I will make a motion that we approve the rezoning from Agricultural District to Residential Rural (R-1) District with an Agricultural Land Preservation (ALP) overlay district for only Lot 2 and preliminary plat approval of Bledsoe Downs.

Mr. Beggs: So let's only consider the rezoning at this point so we have a motion for rezoning do I have a second.

Mr. Rhodus: Second.

Mr. Beggs: Any discussion on the motion that is on the table? Vote please.

Mr. Jones: Duane Jackson?

Mr. Jackson: Approve.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve.

Mr. Jones: Jim Carlson?

Mr. Carlson: Approve.

Mr. Jones: Tom Decker?

Mr. Decker: Approve.

Mr. Jones: Chairman Mark Beggs.

Mr. Beggs: Approve.

**Final Vote: 5/0/0 Approve; July 16-121RZ/P; Bledsoe Downs– Rezoning
With zero (0) Conditions**

Mr. Beggs: Motion passes. Now I will entertain a motion for the preliminary plat of Bledsoe Downs.

Mr. Carlson: I will make a motion that we approve the preliminary plat of Bledsoe Downs with the conditions in Exhibit A.

Mr. Beggs: Very good, do I have a second?

Mr. Rhodus: Second.

Mr. Beggs: Any discussion from Commission, vote please.

Mr. Jones: Duane Jackson?

Mr. Jackson: Approve with conditions.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve with conditions.

Mr. Jones: Jim Carlson?

Mr. Carlson: Approve with conditions.

Mr. Jones: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Jones: Chairman Mark Beggs?

Mr. Beggs: Approve with conditions.

**Final Vote: 5/0/0 Approve; July 16-121RZ/P; Bledsoe Downs–Preliminary Plat
With two (2) Conditions**

Mr. Beggs: Motion passes, so this will be taken up by the Clay County Commission on August 1st at 10 am in this room. Next case is case number July 16-123F which is a request for final plat approval of the proposed subdivision of Bledsoe Downs located at approximately the southwest corner of NE 164th Street and C Highway, the applicants are Christopher and Patricia Higgins, staff report.

Mr. Jones: I would like to add the staff report as part of the official record.

Mr. Beggs: So be it.

Mr. Jones: Summarized the staff report June 16-121RZ/P dated June 29, 2016.

Mr. Beggs: Okay any questions for staff from the Commission? Would the applicant step forward again and state your name and address.

Mr. Higgins: Chris Higgins, 16311 N Hardesty, Smithville, Missouri.

Mr. Beggs: Thank you, so you are familiar with the staff's report for the final plat approval?

Mr. Higgins: Yes I am.

Mr. Beggs: You are in agreement with it?

Mr. Higgins: Yes I am.

Mr. Beggs: Okay any questions for staff or Commission?

Mr. Higgins: No questions.

Mr. Beggs: Okay very good, thank you. Any public comments? Okay I am going to close it for public comment and I will entertain a motion for the final plat approval.

Mr. Decker: I will make a motion to approve the final plat of Bledsoe Downs with the conditions set forth in Exhibit A.

Mr. Beggs: Thank you do I have a second?

Mr. Rhodus: Second

Mr. Beggs: Any discussion on the motion that is on the table? Okay vote please.

Mr. Jones: Duane Jackson?

Mr. Jackson: Approve with conditions.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve with conditions.

Mr. Jones: Jim Carlson?

Mr. Carlson: Approve with conditions.

Mr. Jones: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Jones: Chairman Mark Beggs.

Mr. Beggs: Approve with conditions.

**Final Vote: 5/0/0 Approve; July 16-122F; Bledsoe Downs–Final Plat
With two (2) Conditions**

Mr. Beggs: Motion passes again August 1st thank you good luck. Our next case is case number July 16-123RZ/P this is a request for rezoning from Agricultural (AG) District to Residential Rural (R-1) District for proposed Lots 2 and 3 and Residential Ranchette (R-5) District for proposed Lot 1 with an Agricultural Land Preservation (ALP) overlay district and preliminary plat approval for the proposed subdivision of Mac Valley Estates located at approximately 7610 NE 174th Street, the applicant is Christopher Higgins, representing Wade T. McPheeters, Jody Ann Carlyle and Jerry A. Krulic, staff report please.

Mr. Jones: I would like to add the staff report as part of the official record.

Mr. Beggs: So be it.

Mr. Jones: Summarized the staff report June 16-123RZ/P dated June 30, 2016.

Mr. Beggs: So I have got a question on the water, what is going on with lots two and three?

Mr. Jones: Per the water district they will either need to bore under the road or obtain more easements and I believe and the applicant may be able to talk about this better than I can, but I believe and Chris may have some better information, but I believe they want to maybe bring the water down here, this isn't platted property, so they may be talking about easements there not totally sure but after talking with the water district they stress to us they need to send us an approval letter before we record the final plat.

Mr. Beggs: So the water is coming from the east, is that correct?

Mr. Higgins: The water is coming from the east on the south side of the road, yes.

Mr. Beggs: So it's on the south side of the road.

Mr. Jones: But to the east as well.

Mr. Beggs: But it is coming in from the east, so how can they get it to one but they can't get to the others?

Mr. Higgins: The current line ends right there just not too far passed, let me show you. The current waterline ends about right in here, so our proposed, we have obtained the easement down here it's just not been recorded with the Water District #9 yet in Smithville.

Mr. Beggs: Okay, so the road bore was to get it back on the north side of the road to get it on your property.

Mr. Higgins: If we couldn't get the easement we could bore underneath.

Mr. Beggs: But they don't have problems, they don't have a capacity issue they just have a line.

Mr. Jones: They just want to make sure they can get there.

Ms. Viviano: They just need the paperwork to do it and such that's all.

Mr. Higgins: And the current owners of the property, they have already had an agreement with the property owner to the south we just have got to get that to the water district so we can get this through.

Mr. Beggs: Seems like everybody would want to bring water.

Mr. Higgins: Right, it's only going to increase the value of their property down the road.

Mr. Beggs: Okay very well, any other questions for staff from the Commission? The representative is here I will have you state your name and address.

Mr. Higgins: Chris Higgins again 16311 N Hardesty, Smithville.

Mr. Beggs: Okay thank you and you are familiar with the staff's report?

Mr. Higgins: I am.

Mr. Beggs: And the conditions they have set forth?

Mr. Higgins: Yes.

Mr. Beggs: You are in agreement with those?

Mr. Higgins: Yes.

Mr. Beggs: Very good thank you, any comment from the public on this application? Please come forward.

Mr. Bates: My name is Lawrence L Bates, 6005 NW 78th Ct in Kansas City, Missouri 64151, I am representing my family who owns property to the south we have no concerns or issues with extending the water line subject to negotiation with the appropriate paperwork.

Mr. Beggs: Very good thank you, any other comments? I am going to close it to public comments and I will entertain a motion for the rezoning.

Mr. Decker: I will make a motion to approve the rezoning from Agricultural District to Residential (R-1) District on proposed Lots 2 and 3 and Residential Ranchette (R-5) District for proposed Lot 1 with an Agricultural Land Preservation overlay district for each of the lots to be approved.

Mr. Beggs: Very good, do I have a second?

Mr. Rhodus: Second.

Mr. Beggs: Any comments or questions, discussion on the motion that is on the table? Vote please.

Mr. Jones: Duane Jackson?

Mr. Jackson: Approve.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve.

Mr. Jones: Jim Carlson?

Mr. Carlson: Approve.

Mr. Jones: Tom Decker?

Mr. Decker: Approve.

Mr. Jones: Chairman Mark Beggs.

Mr. Beggs: Approve.

**Final Vote: 5/0/0 Approve; July 16-123RZ/P; Mac Valley Estates– Rezoning
With zero (0) Conditions**

Mr. Beggs: Motion passes; I will now entertain a motion for the preliminary plat approval for Mac Valley Estates.

Mr. Decker: I will make a motion to approve the preliminary plat of Mac Valley Estates with the condition attached in Exhibit A.

Mr. Beggs: Do I have a second?

Mr. Rhodus: Second.

Mr. Beggs: Any questions or comments on the motion that is on the table? Vote please?

Mr. Jones: Duane Jackson?
Mr. Jackson: Approve with conditions.
Mr. Jones: David Rhodus?
Mr. Rhodus: Approve with conditions.
Mr. Jones: Jim Carlson?
Mr. Carlson: Approve with conditions.
Mr. Jones: Tom Decker?
Mr. Decker: Approve with conditions.
Mr. Jones: Chairman Mark Beggs.
Mr. Beggs: Approve with conditions.

**Final Vote: 5/0/0 Approve; July 16-123RZ/P; Mac Valley Estates– Preliminary Plat
With four (4) Conditions**

Mr. Beggs: Motion passes. Our next case is case number July 16-124F this is a request for final plat approval for the proposed subdivision of Mac Valley Estates located at approximately 7610 NE 174th Street, the applicant is Christopher Higgins, representing Wade T. McPheeters, Jody Ann Carlyle and Jerry A. Krulic, staff report please.

Mr. Jones: I would like to add the staff report as part of the official record.

Mr. Beggs: So be it.

Mr. Jones: Summarized the staff report June 16-124F dated June 30, 2016.

Mr. Beggs: Does the Commission have any questions for staff? Will the applicant step forward one more time.

Mr. Higgins: Chris Higgins, 16311 N Hardesty, Smithville, Missouri.

Mr. Beggs: You are familiar with the staff's report for the final plat approval.

Mr. Higgins: I am.

Mr. Beggs: And you are in agreement with those?

Mr. Higgins: I am.

Mr. Beggs: Very good, do you have any questions for us, Chris?

Mr. Higgins: No I have no questions.

Mr. Beggs: Any comments from the public? I will close it for public comment and I will entertain a motion for a final plat approval.

Mr. Decker: I will make a motion to approve the final plat of Mac Valley Estates with the condition attached in Exhibit A.

Mr. Beggs: Thank you, do I have a second.

Mr. Rhodus: Second.

Mr. Beggs: Any questions or comments on the motion that is on the table? Vote please.

Mr. Jones: Duane Jackson?

Mr. Jackson: Approve with conditions.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve with conditions.

Mr. Jones: Jim Carlson?

Mr. Carlson: Approve with conditions.

Mr. Jones: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Jones: Chairman Mark Beggs.

Mr. Beggs: Approve with conditions.

**Final Vote: 5/0/0 Approve; July 16-124F; Mac Valley Estates– Final Plat
With four (4) Conditions**

Mr. Beggs: Okay the same thing applies August 1st at 10. Next case number July 16-125V which is a request to vacate utility easements within Houston Hills, Lot 1 and Lot 17, Brookview Estates Second

Plat located at approximately NE 133rd Street and N Agnes Street, the applicant is Lance Houston, also representing Linda R. Sousley, can we have a staff report?

Mr. Jones: I would like to add the staff report as part of the official record.

Mr. Beggs: So be it.

Mr. Jones: Summarized the staff report June 16-125V dated July 7, 2016.

Ms. Viviano: And the surveyor, Don Hathaway is here also so Lance is not here but surveyor is here so if you have any questions I am sure he can answer any questions about the surveying and he also did the pond engineering I believe he can answer any question for you.

Mr. Beggs: Who is the owner of this tract to the north? Is it one of the applicants?

Mr. Jones: That one there?

Mr. Beggs: Yes.

Mr. Jones: That one is Lance Houston's there.

Mr. Decker: Wasn't he before the Board less than a year ago? Was that to vacate this cul-de-sac?

Mr. Jones: What did Lance go through the first time Debbie?

Mr. Carlson: I think it was rezoning.

Ms. Viviano: He went through a rezoning and he platted, I think it was the rezoning of the two lots and he split that one lot into two lots. Is that correct Don? Yes, he split that into two lots and rezoned them.

Mr. Decker: On this plat it just shows one lot for Mr. Houston.

Mr. Beggs: Was this the tract, this large tract is that actually two lots?

Ms. Viviano: No it's just one.

Mr. Jones: There is a lot to this way, is that correct Debbie?

Ms. Viviano: It's to the west, there is one to the west, he owns one to the west and it's to the west of the cul-de-sac.

Mr. Jones: So it would be this way, I am sorry.

Ms. Viviano: Yes and then..

Mr. Decker: So part of it is over this way.

Mr. Jones: Yes it might be on your plat.

Ms. Viviano: And then if you look to the south, Linda Sousley owns the one to the south of his lot and that is Brookview Estates Lot 17 and the pond is going to cross that easement, that utility easement there and if you also look to the east there's a lot of floodplain there from Fishing River I believe it is, I am pretty sure it's Fishing River.

Mr. Hathaway: Wilkerson Creek.

Ms. Viviano: I am sorry, oh okay Wilkerson Creek, sorry. I should have looked on the map, Wilkerson Creek but there is a lot of floodplain there, huge amount and this pond will actually help some of that in that area with and Don can probably speak to more of that too. There's a lot of issues in that whole area regarding the flooding and a lot of storm issues for, there's just in that whole area there is and back up in the floodplain, I could put the floodplain on, I don't know if you all can see it, I wish we could turn these lights off. And you can see some of that floodplain. Because there is a lot of floodplain in here and this pond would be and you can see all the floodplain to the east, you see all this floodplain over here? In this area can you see that all the blue, this right in here?

Mr. Jackson: Yes.

Ms. Viviano: I don't know Kipp.

Mr. Jones: Yes we can see it Debbie, thank you.

Mr. Beggs: Any questions for staff?

Mr. Carlson: I have a question, why is the easement being vacated is it for planning a sewer?

Mr. Jones: The pond is considered a structure even though it's just a pond.

Mr. Carlson: Right.

Mr. Jones: So you cannot build any structures over an easement.

Mr. Carlson: Well I understand but to vacate an easement is giving up a right of the public and it seems to me that a sewer line ending there is anyone down the line from that?

Mr. Jones: We haven't received any objections from any utility companies so per the Land Development Code. I listed off the four conditions that we look at which are legal notice has been provided, no private rights will be injured or endangered and the public will suffer no loss or inconvenience and some of those are open ended. So, I guess you could argue that maybe something

down the line could come through there but since we haven't had any objections that's why we recommended approval.

Ms. Viviano: I have been out there and walked that area and that is a steep steep grade in through there, we actually had some trails that went down through there that were proposed and you couldn't hardly even walk.

Mr. Carlson: So it makes the sewer really not appropriate.

Ms. Viviano: There is no sewer down in there it's all septic's and that septic's were even hard to be able to get in there because of the grades of it, so yeah this the utilities, this utility line probably would be of no avail for the utilities in there in that back utility line. That's why I don't believe that the utilities are going to have any issues getting rid of that utility and as far as the sewer there would be no sewer.

Mr. Carlson: Does it show where the pond dam is?

Mr. Beggs: Look on this one here Jim.

Ms. Viviano: Is the pond dam on the east side?

Mr. Carlson: I was just curious...

Mr. Jones: And the pond will be, the pond is an engineered pond so part of their plan is they have had it engineered and they turned those plans into us so the actual dam structure is an engineered structure.

Ms. Viviano: Yes.

Mr. Carlson: What did you say?

Mr. Jones: The dam is an engineered structure so it gets engineered.

Mr. Beggs: So how much water is backed up, I see a couple of lines on the pond drawing I don't know if that is high water low water that comes back over the easement, that little triangle area, how much area are we talking about there.

Mr. Jones: I would probably ask Don, do you know that answer?

Mr. Beggs: Why don't you go ahead and step up sounds like we have some questions for you.

Mr. Hathaway: Mr. Houston sends his regrets he was unable to attend tonight's meeting so he asked me at the last minute. If I could come up and answer any questions you have. My name is Don Hathaway; I am Vice-President of Weiskirch and Parks Engineers, 111 North Main Street, Independence, Missouri. The watershed to the pond is relatively small and I apologize I didn't bring a drainage map with me but 9,220 square feet encompasses the area of the impoundment of the water and that's at elevation 904, the depth of the pond at the deepest part is at about 12 feet deep. It's a relatively small pond but it's a small watershed as well. That dam was engineered with an emergency spill way to carry the 100 year flood out of that pond and there is some relief as Debbie has indicated to the downstream area and these ponds would regulate the flow to some extent and minimize the channel degradation downstream with the respect to the easements the property to the south Brookview Estates Second Plat is fully developed in that area and as staff has indicated to the east is mostly floodplain undevelopable property and you will see the property to the south and 133rd Street is a cul-de-sac will not be extended; the utility companies did not use the rear lots for utility extensions there's a storm sewer and a separate storm sewer easement that extends down almost to half way to the lake so that was retained in that area for that easement for that facility but from there on down there's no plans for extension of utilities down in the floodplain nothing (*inaudible*)

Mr. Beggs: So, on the other side of the floodplain that has already been developed?

Mr. Hathaway: I am not sure which further to the east but there are homes and developments out that way I am not sure if that's a large tract of properties but the floodplain area is pretty vast, that is Wilkerson Creek comes up pretty, it's got a bend and a switchback and it heads back to the east so that's floodplain for quite a ways back to the east of Houston Hills subdivision there's really no access requiring utilities that are going to be extended.

Mr. Beggs: In any case the sewage flow from the east is going to flow, it's not going to come across the floodplain and go back up hill so there's really no reason.

Mr. Hathaway: Even if sewers were developed in this area which someday may happen these are all on septic systems in this area but it would come up Wilkerson Creek and typically when they do that they secure easements for their locations if any new (*inaudible*)

Mr. Jones: Debbie has extended that a little bit so you can see the other side of the floodplain and the larger properties to the east but like you said it's probably not likely they are going to cross that floodplain.

Mr. Beggs: Yes that is true.

Mr. Hathaway: Also like Debbie said I haven't been authorized to represent Mr. Houston or Sausley do to the late hour of my involvement at this meeting but any technical questions I am certainly happy to answer.

Mr. Beggs: We appreciate your input, thank you. Any other questions?

Mr. Decker: I have a question for the staff, if the pond is classified as a structure where encroaches on the utilities that is why we are vacating the easements before recording since it's a structure would it not require 50 foot setback?

Mr. Jones: Not for ponds we don't have that setback for ponds, kind of wish we did but we don't.

Mr. Hathaway: I might add there that the location for the pond did come up in discussions with the regard for that the setback from property line as general practice but the adjacent property owner to the south has entered into an agreement with Mr. Houston whereby they're going to share access and use of the pond.

Mr. Decker: Would there be a dedicated (*inaudible*)

Mr. Hathaway: Twenty foot impoundment easement so the water can come onto her property and he had a legal agreement put together which is a separate document independent of this body but prevalent in this case the two parties had agreed to impoundment on where by allowing it to cross onto that property line.

Mr. Beggs: You said it was 94 hundred square feet, it's not very big.

Mr. Hathaway: No it's pretty small.

Mr. Beggs: It seems like a lot of trouble for a little pond.

Mr. Hathaway: It's relatively small but Mr. Houston wants to be able to take his grandchildren and fish as do the Sausley's. Mr. Sausley unfortunately passed away right as we were finalizing the documents and the plans on this but his wife Linda wishes to have this done and build it and enjoy it.

Mr. Beggs: Great thank you.

Mr. Carlson: The pond is really irrelative to us vacating the easements is, isn't it.

Mr. Jones: Yes I guess it really doesn't matter.

Mr. Carlson: We're really just vacating the easement not to approve a pond.

Mr. Jones: Yes it doesn't really matter what's going on there.

Mr. Carlson: I make a motion that we approve the vacation of the utility easement within Houston Hills Lot 1 and Brookview Estates Second Plat Lot 17.

Mr. Decker: I'll second.

Mr. Beggs: Any discussion on the motion that is on the table? Vote please.

Mr. Jones: Duane Jackson?

Mr. Jackson: Is this to have one condition too is that correct?

Mr. Beggs: I was just looking for that.

Mr. Jones: It does.

Mr. Jackson: Approve with condition.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve with condition.

Mr. Jones: Jim Carlson?

Mr. Carlson: Approve with condition.

Mr. Jones: Tom Decker?

Mr. Decker: Approve with condition.

Mr. Jones: Chairman Mark Beggs.

Mr. Beggs: Approve with condition.

**Final Vote: 5/0/0 Approve; July 16-125V; Houston Hills– Vacation
With one (1) Condition**

Mr. Beggs: Motion passes, so August 1st at 10 in this room. Thank you.

Ms. Viviano: Thank you Don.

Mr. Beggs: Any comment from staff?

Mr. Jones: Yes first I would like to thank Debbie and Angie, I have been away doing other jobs for the County so they have both been integral for preparing the last two staff reports, so thank you and no August meeting we had no applications so we will not see you in August, I am sure we will have a lot in September and then I want everybody to know and I want to thank Duane Jackson for his service on this Board, this is his last meeting he is retiring from the County. So I wanted to say congratulations and thank you for your service.

Mr. Jackson: Thank you, appreciate it.

Mr. Jones: And that is all I have.

Mr. Beggs: Any Executive session comments.

Mr. Jones: Sorry I have one more thing, September meeting if we do have one it is around Labor Day so if you want to move that, it might be a good time to do that. It will be the day after Labor Day.

Mr. Roffman: It's already on the calendar for the 13th.

Mr. Jones: Okay so you have already moved it so just know that it will be a week late.

Mr. Beggs: Okay very good.

Mr. Carlson: I make a motion we adjourn.

Mr. Beggs: All in favor?

All: Aye.

Mr. Beggs: Meeting is adjourned.

Meeting Adjourned



Chairman, Planning & Zoning Commission



Secretary, Planning & Zoning Commission



Recording Secretary