

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

November 1, 2011

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: Gene Knisley, Jim Edwards, Barbara Ball, Mark Beggs
Jeff Richerson, and Karl Walters

Members Absent:

Staff Present: Matt Tapp, Director
Debbie Viviano, Planner
Greg Canuteson, Assistant County Counselor
Judi Ewing, Secretary

Mr. Knisley: Good evening ladies and gentlemen. Welcome to our meeting of Tuesday, November 1, 2011, regular meeting of Clay County Planning and Zoning Commission will now come to order.

Mr. Knisley: May we have the roll call, please?

Mr. Tapp: Mr. Walters?

Mr. Walters: Present.

Mr. Tapp: Mr. Edwards?

Mr. Edwards: Present.

Mr. Tapp: Mr. Richerson?

Mr. Richerson: Present.

Mr. Tapp: Mrs. Ball?

Mrs. Ball: Present.

Mr. Tapp: Mr. Beggs?

Mr. Beggs: Present.

Mr. Tapp: Mr. Knisley?

Mr. Knisley: Present.

Mr. Knisley: Thank you. We need to approve the October 4, 2011, Planning and Zoning Commission Minutes. Do I have a motion?

Mrs. Ball: Mr. Chairman, I make a motion that we approve the October 4, 2011, minutes.

Mr. Edwards: Seconded.

Mr. Knisley: There has been a motion and a second. Vote please.

Mr. Tapp: Mr. Walters?

Mr. Walters: Abstain.

Mr. Tapp: Mr. Edwards?

Mr. Edwards: Approve.

Mr. Tapp: Mr. Richerson?

Mr. Richerson: Abstain.

Mr. Tapp: Mrs. Ball?

Mrs. Ball: Approve.

Mr. Tapp: Mr. Beggs?

Mr. Beggs: Approve.

Mr. Tapp: Mr. Knisley?

Mr. Knisley: Approve.

Final Vote: 4/0/2 Approve October 4, 2011 Planning & Zoning Minutes

Mr. Knisley: Thank you. Before you is the report for the October activity. Please look it over, and if you have any questions or comments please do so at this time. Being none, I will proceed. This is a meeting of our regular agenda with full discussion; therefore, the reports will be included as part of the minutes of this meeting. We will be recording the meeting, so if you are called to the podium please state and spell your name and speak loud and clear. With that being said, we have three cases for this evening. The cases approved or disapproved will be forwarded to the County Commission on November 21st at 1:30 pm in this room. The first case is **Case No.: Nov. 11-117V-** A request to vacate two (2) ingress/egress easements on Lot 1A of Porter Farms, Replat of Lot 1 located at approximately 1014 W 92 Highway. The applicant is Andy Worley, representing Worleybird Aviation, Inc. Staff report please.

Mrs. Viviano: Summarized the staff report. Staff report Nov. 11-117V dated Oct. 26, 2011, and part of the case file is hereby made as an attachment to the minutes.

Mr. Knisley: Thank you. Are there any comments or questions from the Commission at this time? Is the applicant or representative here? Would you like to come up to the podium and state your name?

Andy Worley: James Worley, President and owner of Worleybird Aviation. I am just vacating the existing easement to align to the standards and go along with what we need to do in order to put in a road, basically is all it is.

Mr. Knisley: Very good. Are you in agreement with the staff's report?

Andy Worley: Yes, I am.

Mr. Knisley: All right. Are there any questions to the applicant from the Commission? Are there any comments from the public concerning this application? Yes, if you will step up to the podium and state your name please.

Dennis Cummings: Dennis Cummings. I have the land to the west of Andy. I want to know if all maintenance.....if I have to do any maintenance on this new road. I am just AG is all I am. I don't think I need to do any snow removal or anything on this do I.....or maintenance?

Matt Tapp: Commissioners and Mr. Chairman, the maintenance portion of the new ingress/egress easement will be handled through the shared driveway agreement. That needs to be agreed upon by all parties involved including Mr. Cummings to the west and Andy with the subject property. That will all be taken care of with the shared driveway agreement. According to our condition, it must be recorded along with the resolution to vacate. It will be taken care of through the shared driveway agreement.

Mr. Knisley: It will be part of this approval that it is stated in there under number three of the conditions. Are there any other questions? Being none, do I have a motion?

Mrs. Ball: Mr. Chairman, I make a motion that we approve the vacation of the ingress/egress easement with the three (3) conditions.

Mr. Edwards: Seconded.

Mr. Knisley: Thank you. There has been a motion and a second to approve with the three (3) conditions. Vote please.

Mr. Tapp: Mr. Walters?

Mr. Walters: Approve.

Mr. Tapp: Mr. Edwards?

Mr. Edwards: Approve.

Mr. Tapp: Mr. Richerson?

Mr. Richerson: Approve.

Mr. Tapp: Mrs. Ball?

Mrs. Ball: Approve.

Mr. Tapp: Mr. Beggs?

Mr. Beggs: Approve.

Mr. Tapp: Mr. Knisley?

Mr. Knisley: Approve with 3 conditions.

Final Vote: **6/0/0 Approve** **Nov. 11-117V Vacation of ingress/egress easement, Porter Farms Replat, Lot 1**

With three (3) conditions

Mr. Knisley: Thank you. Case number two is, **Case No.: Nov. 11-118F** - A request for Final Plat approval of Wheeler Estates a proposed subdivision located at approximately 11600 N. Home Avenue. The applicant is Martin Mueller, McLaughlin Mueller, Inc, representing Jerome L. Wheeler. Staff report please.

Mrs. Viviano: Summarized the staff report. Staff report Nov. 11-118F dated Oct. 25, 2011, and part of the case file is hereby made as an attachment to the minutes.

We were emailed by one of the planners from Kansas City regarding what they had on their preliminary plat conditions .Staff feels that none of them really apply to the County approval. The hard copy of the email has been put in the case file. All of their conditions apply to if the land is every developed that the roadways will be completed and approved and put into Kansas City. If this land is every developed, it will probably be annexed into Kansas City. Anything smaller will be annexed. If not, then the infrastructure will have to come from Kansas City, probably.

Mr. Knisley: Thank you. Are there any questions to the staff from the Commission? Is the representative present?

Martin Mueller: Martin Mueller, owner of McLaughlin Mueller.

Mr. Knisley: Thank you, Mr. Mueller. Are you in agreement with the staff's report?

Martin Mueller: Yes.

Mr. Knsieley: Do you have any other questions?

Martin Mueller: No, sir.

Mr. Knisley: Are there any questions from the Commission? Are there any comments from the public? Being none, do I have a motion to approve the Final Plat of Wheeler Estates?

Mrs. Ball: Mr. Chairman, I make a motion that we approve Final Plat approval of Wheeler Estates with the one (1) condition.

Mr. Edwards: Seconded.

Mr. Knisley: Thank you. There has been a motion and a second to approve. Vote, please.

Mr. Tapp: Mr. Walters?

Mr. Walters: Approve with 1 condition.

Mr. Tapp: Mr. Edwards?

Mr. Edwards: Approve with 1 condition.

Mr. Tapp: Mr. Richerson?

Mr. Richerson: Approve with 1 condition.

Mr. Tapp: Mrs. Ball?

Mrs. Ball: Approve with 1 condition.

Mr. Tapp: Mr. Beggs?

Mr. Beggs: Approve with 1 condition.

Mr. Tapp: Mr. Knisley?

Mr. Knisley: Approve with 1 condition.

**Final Vote: 6/0/0 Approve Nov. 11-118F Wheeler Estates
Final Plat, With one (1) condition**

Mr. Knisley: Thank you. Our last case is **Case No.: Oct. 11-115A**–Public Hearing for approval of revisions to the 2003 Clay County Land Development Code (LDC) as revised, an ordinance encompassing the zoning and subdivision of land in unincorporated Clay County. The applicant is Clay County. *This case was tabled from the October 4th, 2011 Planning and Zoning Commission meeting.* Before we proceed any further, I would like to make a couple of comments concerning the revisions of our LDC, which is the Land Development Code. We here at the Planning and Zoning Commission has not made any changes or amendments to this code for eight years. I spent some time reviewing the amendments with our Director, Matt, Debbie and Judi and the entire staff. I want to thank them for it. There has been a lot of effort put into this. I think as you get into this.....if you have not, I am sure you

probably reviewed these. Our Director will go through them tonight more thoroughly. I want to thank them and on behalf of the Commission your hard work that you devoted into this. It took a lot of time and effort and on behalf of the citizens we thank you. With that being said would the staff like to take over and start the review.

Mr. Tapp: Yes, Mr. Chairman as you mentioned you had the opportunity to come into our office and go into details about all of these amendments. I think for the purpose of tonight's meeting I would like to highlight and stress the important parts that the Commissioners need to really review to make sure that our various revisions make sense in your perspective. Tonight I will go through the more important pieces. I will give an overview as opposed to the nuts and bolts going by line item, which would be too long. If you want to open up the floor for questions to the public, by all means I would like to do that now before I go into an hour long discussion.

Mr. Knisley: That is fine.

Mr. Tapp: If Martin or Craig Porter has any questions related to the amendments of the Land Development Code, by all means just come up and ask.

Martin Mueller: I guess I have a question about the shadow platting. Is that going to be part of it?

Mr. Tapp: Yes, it is part of it. It is a major component to this and a copy of the amendments are available on our web site by going through our agenda. I would be happy to guide you over the phone on how to get those or get you a digital copy.

Martin Mueller: Okay, I would like to do that. Just because we do a lot of platting.....

Mr. Tapp: To help the commissioners out, the final plat that you just approved was a good situation as to where the shadow platting could transpire. We tapped into Martin's firm to see how long it would take them to put together a shadow plat, so we can get a feel for the fiscal impact that would be witnessed by our citizens for the shadow platting. Unfortunately, he did not have enough time to do that. I will definitely get you a copy of the codes so you can really see what we are asking for inside the shadow plat site plan.

Mrs. Viviano: If you would like, I believe we have chapter three and five that we can give you.

Mr. Knisley: We appreciate your interest. I wish there were more people here.

Mr. Tapp: We try to get the word out as much as we can but I realize that amendments to the Land Development Code are not exactly a scintillating topic for the citizens. We try to get it out. So without further ado if I can carry on.....Commissioners just real quick a big picture overview look at this.....when we accepted or approved the Comprehensive Plan in 2008, there are a number of guiding principals, big picture items that needed to be addressed in the implementation piece of a Comp. Plan or a big picture plan, which is the Land Development Code. So in turn, there are two major focuses on these amendments; one is that we are making the code fit the Comp. Plan better. A lot of this code was built upon the old Comp. Plan, which had different guidance on minimum lot sizes and other things. Where as the 2008 Comp. Plan shifted gears a little bit. We are trying to, on one hand, make the code fit the Comp. Plan, and on the other hand and second major component to this are the housekeeping measures. That includes cross references to other chapters, proposed changes in zoning districts, so everything in the LDC needs to change and reflect those changes in the zoning districts which there are a number of changes. So it is either Comp. Plan guidance or a housekeeping measure. Debbie has been tracking and keeping notes of all the people that she dealt with and there has been various issues brought up within the Land Development Code. That is one of the aspects which we are trying to fix is the little typos, interpretation, and just conflicts with other sections of the code. As I go through it next month in more detail; when I say that this is a housekeeping measure, I am not going to say that we changed the word "to" to "the" or "chapter 5.5" to "chapter 5.4". No, I am not going to do that. I am not going to bore you with those kind of details. With that in mind, I thought that I would go through the major components which most of the major ones are the Comp. Plan guidance ones as well as all new sections in the code that have never been there before that address new age and new land uses that previously had not been included in our LDC. I will not go through it word for word because you all can read but do realize that the table is a summary table of all the amendments. It is not meant to be an inclusive list at all. Also, the fact that any time there is any color whether it is red, blue, or green and if it is underlined that means there were changes to it. MS Word is a very finicky application so if you change just a little bit it would make everything a color and look like we changed the entire table. I

will point those out. Just note if it is in color and underlined it has been changed. It has a strike through that means it has been deleted. You will see that there are little call out balloons to the side that say deleted and it will give you the text of what was deleted. That is how MS Word handles the revisions. Because these are so wide spread comprehensive changes, we are proposing to rename the 2003 Land Development Code to either 2011 or 2012 Land Development Code depending on when it is approved by the County Commission. That is how wide spread these changes are. We have a 2008 Comprehensive Plan so therefore our land development code should have later year as an implementation piece to our Comp Plan.

Mr. Tapp: Summarized the staff report. Staff report Oct. 11-115A dated Oct. 4, 2011, and part of the case file is hereby made as an attachment to the minutes. I know Mr. Chairman that while you were in our office, you discussed exploring the scheduling of an additional work session between now and the next regularly scheduled Planning and Zoning meeting in December. If we could, I would love to do that because there is a lot to cover in here. However, if our calendars do not line up right.....I would prefer it during the day if we can. I do realize that can be difficult for some folks.

Mr. Knisley: I was thinking that there is so much here and it is valuable information. I know just from the little reading I did this afternoon after our meeting.....there is a lot here. I did not take into consideration that Thanksgiving is end of this month. I just entertain it to the members about going over all this with Matt. What is your feeling about having a work session to bring in your questions, and we can review them some afternoon or morning?

Mr. Tapp: Another option.....this is extremely complicated. There are 300 and some odd pages so there is a lot of content in there. I am completely open to the idea of having a December meeting, and then if we feel like our issues have not been resolved or if we are not ready to go to County Commission, we can table it to the January meeting. There is no huge time pressure to this. We want to make sure we get this right. If a work session does not work out, we can just keep on going with the regular schedule, and if we eventually get to the point where we feel comfortable with our recommendation to the County Commission at that time. If it is December, great and if it January that is fine. If it is February, then I will start having issues. If we want to stick to the regular schedule, I think we can. We don't have to add another work session unless that is the desire of the Commissioners. If that is the case, then we will be happy to entertain that.

Mr. Knisley: We are all here tonight so this would be a good time to discuss it. Another option would be to take part of it and save the other part for the December meeting.

Mr. Tapp:The only problem with that it is really one big piece.

Mr. Beggs: I think it might be helpful to have a work session where we can simply concentrate on this and not have to worry about three other cases and then dive into this.

Mr. Tapp: I am glad you mentioned that Mark. We have six or seven cases for December. It is a rather large agenda.

Mrs. Ball: So when are we going to have it; day or night? Do most people work?

Mr. Tapp: I believe the only one that works except for Karl, is Jeff. There is a lot of times when you guys are out on vacation or going some place.

Mr. Knisley: It is okay during the day anytime this month.

Mr. Tapp: If there is a certain day during the week that works best for each of you or two days out of the week. I can keep Martin in the loop. Thankful there was only one person here tonight. The only issue we may have is if there were more people here they would not know when the meeting will take place. I think we are okay with that. If you want the staff to correspond with you all and arrive at a date prior to the December meeting or sometime in December.....maybe, we should try to fit something in before Thanksgiving. We have to have enough notice for posting.

Mrs. Ball: I can't have it on a Wednesday.

Mr. Beggs: I am out from the 10th-15th of this month.

Mr. Knisley: How about the 17th?

Mr. Richerson: I can't on the 17th. I am out of town.

Mr. Knisley: When is a good time for you Jeff?

Mr. Tapp: How about Tuesday, the 22nd?

Mr. Richerson: The afternoon would be better.

Mr. Tapp: Debbie has a prescheduled thing that day. So she would not be there. How about the Tuesday, November 29th. That will give you enough time to look it over before our December meeting.

Mrs. Ball: What time? 11 am?

Mr. Knisley: What time is best for you, Jeff?

Mr. Richerson: The afternoon will be better for me.

Mr. Tapp: How about 2:00 pm or sooner? We can do 1:00 pm on the 29th? Does that sound okay?

All: (okay with all of them)

Mr. Tapp: Okay, we are looking at 1 pm on the 29th of November. It looks as though staff is okay. Are there any other issues that you can think of regarding the 29th at 1 pm. It will be in our office in the Shrader Building. It will be in the training room where we had one of our P&Z meetings.

Mr. Knisley: All right.

Mr. Tapp: Mr. Chairman, under Director's comments you will see that you have in your hands the 2012 calendar. I would like for you to review that and let us know of any conflicts or issues. One that staff pointed out was that in July our meeting is on Tuesday the 3rd right before the July 4th holiday. If you know that you typically go out of town that will probably be when you will be going out of town. If we have a quorum issue, I would like to identify early so we can push it to the 10th or something. That way we will know the schedule.

Mr. Knisley: We probably ought to just deal with it now.

Mr. Beggs: I say just push it to the 10th to avoid any conflicts.

Mr. Knisley: I think so. Let's do that.

Mr. Tapp: Labor day is the 4th of September. Our meeting is the day after.

Mr. Knisley: Do we want to change that to? Let's change it to the 11th.

Mr. Beggs: So are you moving the September meeting from the 4th to the 11th?

Mr. Tapp: That is up to you all. If you all are planning to be out of town.....

Mr. Knisley: The biggest problem is that if there a few out and then we have a problem with the quorum. I say let's change it to the 11th. Then we don't have to worry about it. Is that agreeable?

Mrs. Ball: Whatever you decide is fine.

Mr. Knisley: Is there any other business? Being none, do I have a motion to adjourn?

Mrs. Ball: So moved.

Mr. Edwards: Seconded.

Mr. Knisley: There has been a motion and a second. All if favor say "aye".

All: aye.

Meeting adjourned.

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Recording Secretary