

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

June 3, 2014

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, Mark Beggs, Jim Carlson, Duane Jackson, and Tom Decker

Members Absent: Cecil Troutwine

Staff Present: Matt Tapp, Director
Debbie Viviano, Planner
Tim Flook, Assistant County Counselor
Angie Stokes, Secretary

Mr. Knisley: Good evening ladies and gentlemen I would like to call the meeting to order of the Clay County Planning and Zoning Commission June 3, 2014, roll call please.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Present.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: *Absent.*

Mr. Tapp: Jim Carlson

Mr. Carlson: Present.

Mr. Tapp: Tom Decker?

Mr. Decker: Present.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Present.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Present. Thank you. May I have a motion to approve the May 6, 2014 minutes?

Mr. Beggs: Mr. Chairman I make a motion that we approve the May 6, 2014 minutes as printed.

Mr. Knisley: Thank you; do I have a second please?

Mr. Jackson: Second.

Mr. Knisley: Vote please.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Yes.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Yes.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve.

Mr. Tapp: Chairman Gene Knisley

Mr. Knisley: Approve.

Final Vote: 5/0/0 Approve May 6, 2014 Minutes

Mr. Knisley: If the Board will review the Monthly Report for May 2014. Do you have any questions or comments please bring them up at this time? Being none I will proceed with the meeting. We have two cases before us this evening; this meeting will be recorded and will be part of the minutes. The first case is number June 14-119RZ/P it's a request for rezoning from Agricultural (AG) with a Planned Unit Development (PUD) overlay to Agricultural (AG) for Lot 2A only, and amendments to a

Planned Unit Development (PUD) overlay Concept Plan for Lot 1A only, and preliminary plat approval for the proposed replat of the Replat Lot 1, Replat of New Hope Retreat Center located at approximately 21209 NE 188th Street and 18110 Old BB Highway, the applicant is Jeff Hume, representing Clay-Platte Baptist Association. Can we have a staff report, please Director.

Mr. Tapp: Yes, Mr. Chairman I would first like to attach the staff report as part of the record please.

Mr. Knisley: So be it.

Mr. Tapp: And I would also like to adjoin the discussion or at least the staff report portion of the final which is the following case number with the rezoning and preliminary as well.

Mr. Knisley: That is fine.

Mr. Tapp: Summarized the staff report June 14-119RZ/P dated May 28, 2014.

Mr. Knisley: Thank you Director, are there any questions or comments from the Commission at this time? Being none would the applicant or the representative please come forward? Please state your name sir.

Mr. Hume: My name is Jeff Hume I am representing Clay-Platte Baptist Association.

Mr. Knisley: You heard the staff report and have been working with that do you have any further questions or comments?

Mr. Hume: No sir.

Mr. Knisley: Alright, are there any comments or questions to the applicant from the Commissioners?

Mr. Carlson: I have one question, is this lot a non-buildable lot?

Mr. Tapp: No, it's got a shared ingress/egress easement so it's buildable.

Mr. Carlson: So it's a buildable lot.

Mr. Tapp: For future reference the only time we would ever allow undevelopable piece of ground to be included in a subdivision request like this we would call it a tract; tract A, B, C or something like that which will typically be a shared area for a subdivision or a playground, pool, etc. etc. or a (*inaudible*) as well. That's the only instance that we would likely ever allow an unbuildable quote unquote piece of ground be included in the plat.

Mr. Knisley: Being no further questions or comments do I have a motion to approve the request for rezoning of agricultural?

Mr. Beggs: Mr. Chairman I make a motion that we approve the request for rezoning from Agricultural (AG) with a Planned Unit Development overlay to Agricultural (AG) for Lot 2A only subject to the rezoning standards shown in Exhibit A.

Mr. Knisley: Thank you we have a motion to approve do I have a second?

Mr. Decker: I'll second

Mr. Knisley: We have a second, roll please.

Mr. Tapp: Mr. Chairman first was the floor opened up for any public comments?

Mr. Knisley: I did at first.

Mr. Tapp: You did, I just wanted to make sure.

Mr. Knisley: We are going on to the preliminary next aren't we?

Mr. Tapp: Yes, okay. So we have the motion on the table to approve the rezoning and it's been seconded so I will do roll call. Duane Jackson?

Mr. Jackson: Approve with conditions.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approved.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve with conditions.

Mr. Tapp: Chairman Gene Knisley

Mr. Knisley: Approve with conditions.

Final Vote: 5/0/ 0 Approved, Jun 14-119RZ/P; Replat Lot 1, Replat of New Hope Retreat Center – Rezoning PUD Concept Plan With Nine (9) Conditions

Mr. Knisley: We will proceed with the preliminary plat approval, Replat Lot 1, Replat of New Hope Retreat Center, do I have a motion to approve.

Mr. Beggs: Mr. Chairman I make a motion that the Commission approve the preliminary plat of Replat Lot 1, Replat of New Hope Retreat Center be approved with the conditions shown in Exhibit B.

Mr. Knisley: Thank you, do I have a second?

Mr. Decker: I'll second.

Mr. Knisley: Thank you vote please?

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approved with conditions.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approved with conditions.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve with conditions.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve with conditions.

Final Vote: 5/0/ 0 Approved, Jun 14-119RZ/P; Replat Lot 1, Replat of New Hope Retreat Center – Preliminary Plat With Five (5) Conditions

Mr. Knisley: Thank you. We will proceed with the next case number June 14-120F this is a request for a Final Plan/Plat approval of Replat Lot1, Replat of New Hope Retreat Center a proposed replat located at approximately 21209 NE 188th Street and 18110 Old BB Hwy, the applicant is Jeff Hume, representing Clay-Platte Baptist Association. Do we have any comments from the Commission? Or questions? Do I have any comments from the public? Any comments from the Director?

Mr. Tapp: No Mr. Chairman.

Mr. Knisley: Therefore do I have a motion to approve the request for Final Plat?

Mr. Beggs: Mr. Chairman I'll make a motion that the Commission approves the request for amendments to PUD Final Plan for Lot 1A only of Replat Lot 1, Replat of New Hope Retreat Center be approved with conditions shown in Exhibit A.

Mr. Knisley: Thank you, we have a motion of approval, second on that please.

Mr. Decker: I'll second.

Mr. Knisley: Thank you, vote please.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approved with conditions.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approved with conditions.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve with conditions.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve with conditions.

Final Vote: 5/0/ 0 Approved, Jun 14-120F; Replat Lot 1, Replat of New Hope Retreat Center – Final PUD With Nine (9) Conditions

Mr. Knisley: Thank you, thank you sir. We will proceed with other business this evening.

Mr. Beggs: (*inaudible*)

Mr. Tapp: Built within that approval, I think what the Chairman and member of the Commission is asking is about the Final plat there was a motion on the Final Plat so we could also ask for a motion for

the approval of the amendments to the Final PUD Plan just kind of a general overview for the Commission especially for the new members, we have what is called based zoning districts which are AG, R-1, RU-80, etc., etc. on top of that can rest overlay districts which have special additional either arrangements with developer such as a conservation district or a PUD. A PUD is a good tool for mixed use, whether that's vertical mixed use or horizontal mixed use on a piece of ground, because it allows the flexibility of the location of mixed uses. You have the base zoning which can be amended or rezoning's and then you also have for a PUD is conceptual or a concept PUD Plan and then Final PUD Plan and because we are taking a chunk of it that my interpretation that drastically or substantially changes what was previously approved by this Commission and the County Commission, so they have to divide that piece off and then amend their concept PUD Plan and the Final Plan and also the Preliminary Plat and Final Plat. Two different procedures or two tracts but parallel tracts, I guess if you want to be technical we could ask for a vote to amend the Final PUD Plan which is in substantial compliance with the concept plan.

Mr. Beggs: That was the motion I just made, was the amendment to the PUD.

Mr. Tapp: Plan and not the Final Plat.

Mr. Beggs: And not the Final Plat.

Mr. Tapp: Okay well we need a motion for the Final Plat.

Mr. Knisley: We voted on that so we need a motion for the final.

Mr. Beggs: Mr. Chairman I make a motion that the Commission approves the Final Plat of Replat Lot 1, Replat of New Hope Retreat Center with conditions shown in Exhibit B.

Mr. Knisley: There is a motion do I have a second?

Mr. Decker: I'll second.

Mr. Knisley: Vote please.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approved with conditions.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approved with conditions.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve with conditions.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve with conditions.

Final Vote: 5/0/ 0 Approved, Jun 14-120F; Replat Lot 1, Replat of New Hope Retreat Center – Final Plat With Five (5) Conditions

Mr. Knisley: Alright, we will proceed with the Other Business now, on the agenda it says here National Pollutant Discharge and Elimination System Phase II Year End Annual Report, can you give us an update Director?

Mr. Tapp: Yes, for the new members and a refresher for the other members Clay County has what is called a General MS4 Stormwater permit, so back in 2003 and prior to that, just take a bigger picture approach, everyone knows that Clean Water Act from 1972 implication piece of that is the NPDES, the National Pollutant Discharge Elimination System which basically means let's clean up our waterways throughout the United States. There was Phase I of the MS4 General agreement basically means you are going community wide or municipalities wide not just site specific here's an outfall pipe it's spitting out whatever, this is actually a bigger picture wider approach of tackling clean water. And so Phase I, the City of Kansas City and City of St. Louis were the two large communities that were brought into it, Phase II has been Clay County and other smaller communities of ten thousand or more or near the urban area of a metropolitan area to be included and so part of that is Clay County. This has what's called a Five Year Plan which was approved not too long ago and then every year after that we have to give an Annual Report which this is an Annual Report. First year of our current Five Year, which is our third Five Year, I believe. Super short Cliff Notes is we basically, we did what we said we were going

to do for the vast majority of it. And I'll just let the Commission focus on the last page which is a great summary table of what we intended to do in year one through year five. So year one was June 2013 to June 2014 so on so forth until you get all the way to June 2018. We definitely ramp up our proposed or anticipated activities. So for this year I'll just tell you the reports and everything else are broken down into six Minimum Control Measures or six chapters or six pieces. The first of which is Public Education and I'll group number two Public Involvement together because it's kind of tied together, we have no new goals we follow MARC which is Mid America Regional Council part which is region wide on that. So we have pamphlets if you've ever gone to Smithville Lake you'll see Clean Up After Your Pet and I think we have doggie doo containers, where you grab a sack and that is actually one big component to pollutant to clean water. But the third is on Illicit Discharge which ties back mainly for the County to onsite sewage system which are often called septic systems and we need to work with the Health Department on that, you see it definitely ramps up towards the later years. And then Construction Runoff Control as the Chairman and the other members that have been on here for a while recall we first adopted Erosion Sediment Control Ordinance both for one or more acres disturbances and less than acre, which Jim Carlson, would be familiar with on construction sites. We passed that in 2008 and made some amendments in 2010 no real big goals in the first year. Post construction that's one of the both Feds and the State are really keying in on at this point is okay. Great you can control erosion sediment during construction, the thought process of post construction are you following through and inspecting and looking into stormwater infrastructure. Particularly, if it's something unique or new to screen infrastructure, Low Impact Development, making sure what the developer, whom ever said was going to happen is in fact happening. So that's big in their eyes and we have in there to collaborate with the City of Kearney and City of Kansas City because our general permit is in two areas, one are is a portion of Clear Creek just south of Merimack Golf Course off 92 Highway and Clear Creek. The City of Kearney is all around here so we really need to work with Kearney who is not part of the NPDES program yet to perhaps look at some things just general education kind of a sharing knowledge and Education to the City of Kearney. And then of course City of Kansas City is a Phase I community so they know very well the requirements of our general permitting MS4. So, kind of collaborating with them on Clear Creek and Fishing River. We are kind of working on that we are trying to get that going. And then the last one which is big for Clay County is Good Housekeeping which means basically keep track of your own yard, so to speak. So in our facility we make sure that we don't have nasty chemicals just sitting out and we have secondary containment in gas things like that. Nothing new there on the first year so you will see as each year comes May/June you'll see the Annual Report so hopefully we stick to our plan and help improve year by year clean water for all of Clay County. And other piece of that too is there has been talk of a Phase III for urbanizing counties such as Clay to where it would be the whole entire county which would be significant impact of Clay County because you are supposed to do water quality sampling and other measures along the stretches of the creek that you control for part of your permit. So if we've got to do it for every portion of every creek or major blue line in Clay County our cost goes up substantially. But that hasn't happened yet and EPA got a lot of response to that not so favorable from not just us but a whole bunch urbanizing counties that say wait this is another unfunded mandate so let's be careful here. That's a good brief Cliff Notes, so it's not really a formal action, we wanted to pass it off to you all because you are actually our Stormwater Panel so if we ever pursue funding or grants you all review it and then it would go to the County Commission for ultimate approval just like most everything else. And this will also go to the County Commission they have to approve it, just wanted to make it to your attention and if you have any questions in there by all means contact me or Debbie and we will be glad to help you, to guide you.

Mr. Knisley: Thank you, any other comments from the Commission?

Mr. Carlson: There is no grade card issued with this is there? I mean do we get a score or a rating?

Mr. Tapp: We are still actually waiting for approval for the Five Year Plan from about a year ago, Debbie is that correct?

Ms. Viviano: Yes.

Mr. Tapp: So we are assuming it's going to happen. This is based off of that which hasn't even been approved yet. I know the State is really back logged.

Mr. Carlson: I think they are all underfunded too, I think.

Mr. Tapp: Extremely underfunded, yes.

Mr. Decker: I think about it as most of this already in place with Department of Natural Resources requiring waste water plants that discharge to submit weekly/monthly samples and conservation part of it is monitoring fertilizer and chemicals run off into Smithville water shed and this is taking it more to a local level I guess.

Mr. Tapp: Yes and we only have those two areas to keep in mind, both of which don't really directly feed into Smithville Lake but yes there are other areas of the State and Feds, what you are talking about Tom. Is actually point source permeating which is like I said a little different, it's a different program which is very important obviously but this is more it's called a watershed approach, with watershed and water approach looking at what or how we can help our citizens in their daily activities help improve water quality which means don't wash your car on your driveway because the suds and stuff goes directly into the storm drain and you'd be amazed to how many people don't know that the storm drain or stuff that goes into the storm drains is not treated it goes directly to our creeks right to our water ways. So what you dump down there goes to your drinking water ultimately, so oils go, wash your car on concrete, and go pick up after your pets those things like that. That's what it's geared towards. But the point sources are still going on too of course. So all of our sewage treatment plants and packaging plants are being tested on routine bases.

Ms. Viviano: And just a note to that, something that I think the Commission if you ever see anybody do it please tell them don't do that. They pick up after their pet they'll have a bag or something then they will throw it into the storm drain.

Mr. Tapp: Which goes directly into Shoal Creek or whatever creek.

Ms. Viviano: They pick it up out of the yard put it in a bag then throw it down the storm drain, no.

Mr. Beggs: Yard waste included in that? I see that a lot people will cut next to the road and throw that thick grass out there.

Mr. Tapp: Depends on if they just put fertilizer down then yes that is a big issue but if it's more organic material then no definitely not. It might help matters a little bit now you don't want to dump your whole entire leaves from the fall down the drain, but there's a lot worse evils out there that people are dumping inside sewage drains. That why you see a lot of stenciling.

Mr. Beggs: I worry about them clogging up the drain.

Mr. Tapp: That's why you see a lot of stenciling on the storm drains. Don't dump because it goes directly to the creek and things like that.

Ms. Viviano: Which is one of the things that eventually in our Five Year Plan we will be talking to Highway Department about stenciling on a few storm drains that we do have.

Mr. Tapp: It's a very few, a hand full, five or six for the whole entire County. It's still very important.

Mr. Knisley: Any other comments from the Director?

Mr. Tapp: No.

Mr. Knisley: Any comments from our audience? Mr. Bogue?

Mr. Bogue: Just dealing with property adjacent to me that's why I came.

Mr. Knisley: Ok, any other comments from the Commission?

Mr. Bogue: I did not know the property was for sale.

Mr. Knisley: Alright, any other comments? Being none do I have a motion to adjourn?

Mr. Beggs: Motion to adjourn.

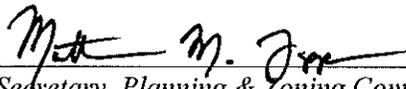
Mr. Carlson: Second.

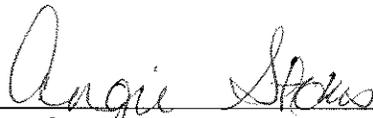
Mr. Knisley: Second all in favor.

All: Aye.

Meeting Adjourned


Vice-Chairman, Planning & Zoning Commission


Secretary, Planning & Zoning Commission


Recording Secretary