

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

February 2, 2016

Regular meeting of the Clay County Planning and Zoning Commission, Liberty Community Center, 1600 S Withers Road, Liberty, MO.

Call to Order at 6:30 pm.

Roll Call

Members Present: Mark Beggs, Jim Carlson, Darin Sanders, Tom Decker, and David Rhodus

Members Absent:

Staff Present: Kipp Jones, Planning and Zoning Manager
Debbie Viviano, Planner
Kevin Graham, County Counselor
Angie Stokes, Secretary

Mr. Beggs: Good evening ladies and gentlemen, I would like to welcome everyone to the February 2016 meeting of the Clay County Planning and Zoning Commission, roll call please.

Mr. Jones: Darin Sanders?

Mr. Sanders: Present.

Mr. Jones: David Rhodus?

Mr. Rhodus: Present.

Mr. Jones: Jim Carlson

Mr. Carlson: Present.

Mr. Jones: Tom Decker?

Mr. Decker: Present.

Mr. Jones: Chairman Mark Beggs?

Mr. Beggs: Present. A few housekeeping items I want to mention to you this evening we are recording the meeting tonight, anyone who speaks we ask that you step over to the microphone, state your name and address, make your comments and that way we can keep track of who is saying what. We ask that all comments be made at the microphone and to the Commission as oppose to between applicants and people of the gallery, we just want to keep it cordial and ask you to silence your cell phones. We have this room until 9:30 this evening we have to be cleared out of the building by 9:30 so 9:15ish or so if we haven't come to a decision on that we'll probably stop the comments and make a decision on the board whether we are going to continue it or table it how we are going to handle that so I just want everybody to be aware of that. We want everyone to get up and be able to say their piece but because of the time constraints and the number of people that are here we are going to try and limit that to two minutes per person, if you are here representing a group please state that and we can give you a little more time. We ask that you not get up and restate something that's already been stated, just for the sake of time and getting us out of here in a timely fashion. We do have minutes and do have submissions from some folks those will be entered into the record so you don't have to get up and restate that if you have already submitted something to us. With that said I am going to go ahead and start through our agenda, first order of business is the approval of the November 24th and December 1st 2015 PZC minutes, do I have a motion?

Mr. Decker: I'll make a motion that we approve the November 24th and December 1st 2015 Planning and Zoning Commission minutes of the meeting.

Mr. Beggs: Do I have a second?

Mr. Rhodus: Second.

Mr. Beggs: Vote.

Mr. Jones: Darin Sanders?

Mr. Sanders: Approve.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve.
Mr. Jones: Jim Carlson?
Mr. Carlson: Abstain.
Mr. Jones: Tom Decker?
Mr. Decker: Approve.
Mr. Jones: Chairman Mark Beggs.
Mr. Beggs: Approve.

Final Vote: 4/0/1 Approve November 24th and December 1st, 2015 Minutes

Mr. Beggs: I want to direct the Commissioners to the data that the Clay County Planning and Zoning Department has given us for December and January if you would look over that and if you have any questions for staff please to that. Any questions? Okay let's go on to our agenda. We have three cases tonight we are going to alter these a little bit we have one case that I think we are going to get some input on and the other two are fairly simple so we are going to move the simpler one's first so the first case that we are going to listen to is case number February 16-101RZ/P which is a request for a rezoning from Agricultural (AG) to Residential Rural (R-1) District and preliminary plat approval for the proposed subdivision of MVP Estates located at approximately 14601 Mt. Olivet Road, the applicant is Valerie Partch, representing Joanne Reardon. Is the representative/applicant present? Okay very good. We are going to have a staff report and then we are going to have you come forward.

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

Mr. Beggs: So be it.

Mr. Jones: Summarized the staff report February 16-101RZ/P dated January 22, 2016.

Mr. Beggs: Thank you. Commissioners do you have any questions on the staff report? Can I have the applicant come forward please or representative. State your name and address please.

Ms. Partch: Valerie Partch, 14955 NW Skyview Ave, Smithville, MO 64089.

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

Ms. Partch: Yes.

Mr. Jones: Do you agree with the conditions and everything they stated?

Ms. Partch: Yes.

Mr. Beggs: I will just have you stay for just a minute until we do the next one too. Any questions from the Commissioners to the applicants, any questions from public to the applicant? That said, I will entertain a motion for the rezoning.

Mr. Carlson: I'll make a motion that we approve the request for the rezoning from Agricultural District to Residential (R-1) District and approval for the MVP Estates approximately 13.5 acres located just south of 14601 Mt. Olivet Road.

Mr. Beggs: Do I have a second?

Mr. Sanders: Second.

Mr. Beggs: Vote please.

Mr. Jones: Darin Sanders?

Mr. Sanders: 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; February 16-101RZ/P; MVP Estates– Rezoning
With zero (0) Conditions**

Mr. Beggs: That said can I have a motion for preliminary plat approval.

Mr. Decker: I will make a motion that we approve the preliminary plat for MVP Estates located at 14601 Mt. Olivet Road, Smithville, MO.

Mr. Beggs: I might add with conditions listed under Exhibit A.

Mr. Decker: With conditions under Exhibit A, yes.

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

Mr. Rhodus: Second.

Mr. Beggs: Vote please.

Mr. Jones: Darin Sanders?

Mr. Sanders: 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.

Mr. Jones: The motion carries.

Final Vote: 5/0/0 Approve; February 16-101RZ/P; MVP Estates– Preliminary Plat With three (3) Conditions

Mr. Beggs: The motion passes, can you stay right there for just a minute. So the next case is case number February 16-102F which is a request for a final plat approval of MVP Estates located at approximately 14601 Mt. Olivet Road the applicant is Valerie Partch, representing Joanne Reardon, 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 February 16-102F dated January 25, 2016.

Mr. Beggs: Commissioners do you have any questions for the staff on the staff report? Okay, applicant you are familiar with the staff's report and you are in agreement with all the conditions that they've stated?

Ms. Partch: Yes.

Mr. Beggs: Okay very well, any comments from the public, questions from the public on this application? I will entertain a motion for the final plat approval.

Mr. Carlson: I will make a motion that we approve the final plat for MVP Estates and the conditions.

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

Mr. Rhodus: Second.

Mr. Beggs: Vote please.

Mr. Jones: Darin Sanders?

Mr. Sanders: 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.

Mr. Jones: The motion carries.

**Final Vote: 5/0/0 Approve; February 16-102F; MVP Estates– Final Plat
With three (3) Conditions**

Mr. Beggs: Thank you, something I forgot to mention that all the cases that we are considering tonight will go to the County Commission and will be on the February 22nd agenda at 10 am, the Commission meets at the Clay County Courthouse in the Commission meeting room upstairs, so that will be when the Commission will consider these. Third case on the agenda is case number September 15-136RZ this is a request for a rezoning from Community Services District (C-3) to Residential Services District Multi-Family (R-SDM) with a Plan Unit Development (PUD) zoning overlay district located at approximately 14518 Old Quarry Road, the applicant is Doug Perry, with The Church of Liberty, representing Millin Co., LLC. Is there a representative of the applicant present? Okay just stay there for just a minute. Staff do you have a report to present?

Mr. Jones: Yes and we would like to attach the Memo and the attachments as part of the record.

Mr. Beggs: So be it.

Mr. Jones: Summarized the staff report September 15-101RZ/P dated August 26, 2015 and Memo dated January 25, 2016.

Mr. Beggs: Thank you, I think for the benefit for everyone here I think we should go through those conditions that staff has seen fit, I don't know how much detail but I think we should run through the list but at least let everyone know kind of what those conditions are.

Mr. Jones: Okay, Condition 1; Final approval from the Missouri Department of Natural Resources for the private wastewater treatment facility, and designation of the acting authority for the facility. Number 2; A stormwater management plan shall be submitted for each Final PUD phase. Condition 3; The final PUD site plan and phasing plan shall show the placement of dry hydrant and the water body or water tank. Condition 4; Detailed Water Extension Plan, to include depth, size and placement of water lines, etc. which shall be done by a professional registered/licensed engineer in the State of Missouri for reach phase of the Final PUD. Condition 5; For each phase of the Final PUD dry hydrant or water tank specifications shall be done by provisions of NFPA/IFC 2012; and shall be done by a registered/licensed fire protection engineer in the State of Missouri. Condition 6; Detailed Final Wastewater Treatment Facility Report shall be submitted with each Final PUD Plan, and an Operations and Maintenance Manual for the Wastewater Treatment Facility shall be submitted. Condition 7; The north property line "emergency access road" shall have brush and trees removed and noted as a minimum of 20 foot in width, surfaced with larger sized rock (also known as "clean-rock"), to include a sign that designated it as an emergency entrance and includes the address of the property. This shall be noted with the Final PUD submittal. Condition 8; Any future new or additions to structures will need to meet all applicable fire and building codes. Condition 9; The private roads and parking areas shall be constructed of a dust free surface. Conditions 10; Any buildings tied to the subject PUD must be adequately shielded from view by adjacent property and public roadway by fencing, vegetative plantings, berms, or any combination thereof. Condition 11; The parking requirements of Section 151-10.1 of the LDC shall be met and noted with the Final PUD submittal. The required parking spaces and drives shall be ready for use and approved by the Planning and Zoning Manager prior to issuance of a certificated of occupancy. Condition 12; Increases in required off-street parking initiated by future development and/or buildings would be addressed prior to the issuance of any building permits in accordance with Section 151-10 of the LDC. The required parking spaces and drives shall be ready for use and approved by the Planning and Zoning Manager prior to issuance of a certificate of occupancy. Condition 13; Outdoor lighting shall be directed downward and shielded from direct glare on nearby properties and roadways. Conditions 14; Following adjustments to the Final PUD site plan drawing: a) ADD; Detailed graphics within the "Community Parking (Overflow)" illustrating the required minimum number if 54 off-street parking stalls that includes a minimum of 3 accessible spaces of which at least 1 must be van-accessible that meet American Disabilities Association (ADA) universal accessible space standards. b) REMOVE note: "Sanitary will be on site compost" c) Change note: "Property not in flood plain" to "Designated Special Flood Hazard Areas (SFHA) per FEMA FIRM

Map #29047C0160E, Panel No 160 of 350, Dated August 3, 2015.” d) ADD: Graphics depicting SFHA per FEMA FIRM Map #29047C0160E, e) North property line-emergency road should be noted as 20’ wide all the way to Old Quarry Rd.

Mr. Beggs: Thank you; does Commission have any questions for the staff? I’ve got a few, the 2,000 the water supply they are allowed to take 2,000 gallons per day, I count on their site plan not counting the cabins at least 29 bedrooms and even at one person per bedroom that seems to me that’s not enough water at 2,000 gallons a day per person if they just have one person in each bedroom they’re right at the limit of water. So what is the plan I mean if they, cause I know more than likely there is going to be more than one person per bedroom at least in one of them, I assume there will be a husband and wife and maybe some children. What is the plan for water supply?

Mr. Jones: Well keep in mind, I think Mr. Perry will speak to that a little bit, and keep in mind it’s part of the final plan that they are going to have to one of our conditions is the detailed water study, they are going to have to submit a final engineering plan that’s going to show how they are running the water lines, where the tank is, how they are pumping it, how they are going to meet the minimum 40 psi and how all that’s going to work. So as part of the final plan he’s going to have to submit that to us and we will review it at that point and so that is why that is one of the conditions, but I think Mr. Perry will speak to that a little bit tonight.

Mr. Beggs: I think it’s a bigger problem than just lines, I mean I see a problem with having enough there to pump.

Ms. Viviano: Also if I could speak to that at this stage we have a preliminary, okay, this is what we call our concept plan and when you do a PUD you do a preliminary concept plan, when you get to the final and in between he is going to submit to us plans and when he submits us those plans we send them out to our consultant engineers which is SKW and he has to pay the extra fees as part of that to send to our consultant engineers. They’re going to look at those detail plans and they are going to review them and they have to be reviewed by those extra consultant engineers all of the water plans, the sewer all of those, we send them out and they are reviewed by the consultant engineers. So we don’t review them as staff, they are reviewed by the consultant engineers, so just FYI for you on that.

Mr. Beggs: I just want to make sure before...

Ms. Viviano: And that is part of our code.

Mr. Beggs: Just before the applicant gets too far down the road, I mean if they have a major obstacle like not enough water they may want to try to solve that before they spend a whole bunch of money developing plans that in the end they are going to have to solve the problem anyway.

Ms. Viviano: Sure.

Mr. Beggs: So I just brought that up, I am just trying to think ahead.

Ms. Viviano: Good thought.

Mr. Sanders: Mr. Commissioner, can I piggy back off your question real quick, if during the review by SKW, if they determine that there is not enough water in that does that thing go back to the water district for them to do an additional analysis on or was this volume of water controlled by the water district that said due to the capacity of our lines this is all that we can provide?

Mr. Jones: We have not been, you have the or maybe you don’t, we have not been issued a letter from the water district that says that’s all they can supply. I believe that’s maybe what and the applicant can speak to this better than I can because we were not part of those conversations but I believe that’s maybe what he asked for so there might be a possibility that he could get more from the water district.

Mr. Beggs: Okay that would make a big difference.

Mr. Carlson: Does the PUD require that the plans for each dwelling that is shown on the plat some of the details of like plumbing or are we just going to give them free rein to put a ...

Mr. Jones: No all of their structures are going to have to meet the building and fire codes.

Mr. Carlson: You can have a three story building in Clay County with maybe seven bedrooms and bathrooms we are talking about a limited amount of water and so we have a way to regulate how much water they will be using unless they are restricted in the number of toilet units there or bathroom units they are able to put in each dwelling.

Mr. Jones: Yes and I believe it’s part of the final plan we will get more detailed on the buildings right now you just have in your memo the phasing of the construction process and you see on there where it

gives you some rough parameters of square footage and like that but we can definitely make that more detail for the final plan.

Mr. Beggs: And I assume that final plan will be making provisions for fire suppression water as well?

Mr. Jones: Yes that is one of our conditions is the dry hydrant with a water body that's sufficient to support that hydrant that is going to be compatible with something the Excelsior Springs Fire Department has to hook up to.

Mr. Beggs: Okay.

Ms. Viviano: And that would be condition five.

Mr. Beggs: Okay, I just want to make sure because the limited amount of water here that we are planning for that usage as well.

Mr. Jones: It won't be the same the water as...

Mr. Beggs: But they are going to have to pull it, I guess they could pull it from a pond somewhere I guess.

Ms. Viviano: And that will be part of SKW's review.

Mr. Beggs: Okay, another question I have is the size of the units that are being proposed are well below the minimum for Clay County. Why are we making exception when we have a thousand square foot minimum and if a thousand square feet isn't applicable why aren't we changing that?

Mr. Jones: So staff had quite a bit of discussion about that so there's quite a few pieces that kind of played in to that, the first one is obviously the PUD gives us that flexibility and it's part of the PUD it talks about land planning and site design and it also talks about eco-friendly or keeping natural features of the land and being eco-friendly so that's part of the PUD part of it was if you notice on his phasing on the construction phasing he has a wide variety of buildings on that phasing. Some of them are as big as twenty five hundred square feet if I remember right and some of them are as small as two hundred square feet. So I did some rough math on those if he decided to go with all the smaller buildings for the whole twenty seven buildings, if he went with the smaller square footage it comes out to about seven hundred square feet if he goes with the larger size it comes up to about eleven hundred and thirty seven square feet so that was also a consideration a couple other considerations where the trend seems to be green building, eco-friendly, we have the Clay County Green Build incentive program and that actually encourages going smaller having a smaller foot print, so that was a consideration and then right now the property is zoned commercial and as staff we had discussions in our opinion the residential zoned area even with the smaller foot print of the houses is going to have less of an impact on the surrounding areas more than if it had stayed commercial, the commercially zoned area may have a bigger impact on that area with some of the things that the church is talking about doing being eco-friendly, being green build we felt that fit in with the PUD application.

Mr. Beggs: Have you seen details on the green building? Because to me I know one of the buildings that they are proposing is a yurt. I know what a yurt is because I have seen yurts, it's basically a tent on a wood frame, to me and if you go look at the green building incentives, the Hale Building Association, most of it is related to air quality, HVAC efficiency, insulation to me that really isn't going to meet.

Mr. Jones: I can tell you, obviously the building department is part of Planning and Zoning, we are not going to approve a tent, so it's going to have to meet the building codes and it's going to have to you know that's just if it's a tent, we have wind and snow loads that you have to meet and that's not going to be...

Mr. Beggs: Exactly, so that was some of my questions, if we are touting this as eco-friendly green then we probably ought to be living by those green standards that everybody is trying to build to.

Mr. Jones: I think Mr. Perry can speak to that a little bit, but I know they were talking about things such as catching rainwater having that be part of and he can go into much more detail than I can but yes I would agree they are going to have stick to the square footage that is on that construction phasing but as far as whether he can actually build a yurt that can meet building codes I have not seen any plans that says he can do that yet.

Mr. Carlson: Are you saying these are considered commercial structures as oppose to residential?

Mr. Jones: No they will be residential; they will have to meet the IRC 2012.

Mr. Carlson: 2012, the pictures of the six dwellings that I see here I don't see one that meets the requirement of 2012 building code.

Mr. Jones: No Mr. Perry has turned in some photos of some alternative building styles obviously if something like that was to be built it would have to be engineered.

Mr. Beggs: But it's still going to have to meet county, even if it's engineered.

Mr. Jones: Yes I mean we cannot just have somebody put a stamp on it.

Mr. Beggs: I was looking for, can you direct me to the phasing because I was looking at it earlier.

Mr. Jones: Yes, page six.

Mr. Carlson: With this type of a plan unit are they going to be required to have sprinklers?

Mr. Jones: No as part of the building codes for single family residence that has been taken out.

Mr. Carlson: That is for (inaudible)

Mr. Jones: Yes.

Mr. Carlson: Concentrated dwellings.

Mr. Jones: They will have to have at least a five foot separation between the buildings and I think, I don't have the details of that now but I think the separation will be greater than five feet but they will not be required to have indoor sprinklers.

Mr. Beggs: On the phasing, I found that page, the questions I had. I don't know who submitted this phasing but it seems like to me we ought to have these landscaping buffers and emergency road ahead of structure building on number four, so number eight and number nine which is landscape buffering along the east and north and emergency road on the north property line should come in before we start putting in structures, bunk houses from number four.

Mr. Jones: I don't think that is a timeline.

Mr. Beggs: Okay.

Mr. Jones: Everything in that phase one will go in with phase one, so it's not because its number one does not mean it's ahead of number nine.

Mr. Beggs: Okay.

Mr. Jones: We wouldn't issue an occupancy permit unless the other stuff is taken care of.

Mr. Beggs: Okay very good.

Mr. Sanders: I have a question for you, within the memo it states: I believe somewhere it states its gravel roadways.

Mr. Jones: Yes.

Mr. Sanders: But yet in the conditions you state in there that it will be a dust free surface.

Mr. Jones: The County in the past has used a larger what is considered a clean rock as a dust free surface on our other property.

Mr. Sanders: Okay my question then goes into within our subdivision guidelines.

Mr. Jones: This isn't a subdivision.

Mr. Sanders: Okay my understanding it is a PUD with multiple structures on the property I would think that even though it is owned by a single individual now that there could be consideration later on for different ownership of some way shape or form and my concern is that with us allowing this type of building with gravel roads that that would open up additional features later on down the road.

Mr. Jones: I see where you are coming from but I don't have anything in the code where I can require an all-weather concrete surface.

Mr. Beggs: Isn't that road just for emergency vehicle access?

Mr. Jones: Well all of the roads within the PUD area are that larger rock, dust free but yes the entrance that's on the north side is at this point an emergency entrance that will have to meet the fire code which is twenty foot wide and have to have at least thirteen feet of overhead room.

Mr. Beggs: So these roads are going to remain private? County would never be required to maintain any of these roads?

Mr. Jones: That is correct.

Ms. Viviano: If I could add something here a plan unit development is just what is says it's a plan unit development meaning when he comes back with that plan development as a final it will remain as it is until it's changed.

Mr. Beggs: And a change requires it to come back to this board?

Ms. Viviano: That is correct.

Mr. Beggs: And it has to go through the County Commission as well.

Ms. Viviano: That is correct.

Mr. Beggs: So the parking spaces, that was another condition that's really not shown on the development, on this drawing that they've shown on page five.

Ms. Viviano: That would be something that will be on the final also.

Mr. Beggs: And they do own the entire sixty acres so they could expand beyond this triangular area shown on our drawings.

Mr. Jones: Not for the buildings but for the parking.

Mr. Beggs: But for the parking they could expand so they do have plenty of room if they needed to provide that.

Mr. Jones: Yes, we have not seen the plans for that yet but I am told they have plenty of room for that.

Mr. Beggs: Okay very good. Any other questions from the Commission? Okay Mr. Perry I will ask you to come to the mic and identify yourself.

Mr. Perry: I am Doug Perry, currently at 106 Crawford in Liberty, Missouri.

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

Mr. Perry: Intensely.

Mr. Beggs: Okay and we've already kind of heard from you at the last meeting so I won't have you regurgitate that again we kind of heard that part of it. Does the Commission have any questions for the applicant? Okay is there anything you want to add.

Mr. Perry: Yes can I say that two thousand gallons was the number we requested that because we knew they would instantly approve that that would be no problem. That it wouldn't require a different meter or a different line and it's based on the calculations over the last twenty four months of water bills for our current facility and our average usage of the number of people we have. The American average is 200 gallons per person we average 34 gallons per person where we have been so I have water use documents where we've been that, that amount of water is sufficient for up to 75 or 80 people at the village which will be three or four per building which is years away. If I went to the water department and asked for three thousand gallons every night, we asked to be a restricted user because what that means is in the middle of the night we fill a tank and it doesn't affect any downstream users. Lots of farms do that so that they can fill a big tank to feed the pigs or to water the cows or whatever in the middle of the night and so it doesn't affect some of these flushes downstream that is on the water users. So we are trying to be as little impact to others on the water line as possible and because every building is going to have rainwater attachment to the toilets and the laundry machines are all going to be using rainwater that's going to eliminate a lot of the water needs for potable water coming from the water district. So we did ask for that number they expressed that if we needed to raise that number there was availability there but we felt like that would be sufficient at least for several years and this is not something where 27 buildings are going to go up this year at all it's something we are hoping to grow into and Kipp and Matt said to ask for what you think you are going to need so you don't need to keep coming back and going through this over and over.

Mr. Beggs: So you said thirty four gallons per day per person is what your water usage has been.

Mr. Perry: Yes.

Mr. Beggs: So you are roughly looking at about a thousand gallons per person a month?

Mr. Perry: Yes.

Mr. Beggs: That's okay I just want a rough math here so you've got and I don't know what your phasing is here but you've got the twenty nine bedrooms and just these major buildings not counting the cabins so how many people, when do you, I just don't want you to get caught out there where you don't have enough water.

Mr. Perry: Basically we have three phases and we're sort of roughly looking at two years per phase I don't know exactly it will go a lot depends on money and stuff like that but we have about 18 people that would like to move out there right now. Two thousand gallons is way way more than enough we won't have to use two thousand gallons a day that's just the availability that they've committed to us if we need it. But you know it will be a long time before we get anywhere close to needing two thousand gallons from the water department per day.

Mr. Beggs: Roughly you will be bumping your head at about fifty to fifty five people at the two thousand gallons a day, sixty thousand gallons a month, a thousand gallons per day per person.

Mr. Perry: Yes I think the math is closer to seventy but yes.

Mr. Beggs: Okay.

Mr. Perry: And that is assuming the water usage that we currently have and all that water that's thirty-four gallons a day from the water department and where we are now we don't have any rain water catchment and we don't have any opportunity to recycle through the toilets use grey water or anything like that so that's what we need to get out there we've tried to plan the sewage system everything in phases so that we can as there is a need we can go in and enlarge it as the village gets bigger if there is a need if we find that, the whole point is to conserve as much as possible and use the resources we have already.

Mr. Beggs: And I know you are proposing a no discharge wastewater facility, I'd asked for details and I assumed that is not available to see until the final plan?

Mr. Jones: Chairman we have preliminary plans today if you want to look at those.

Mr. Beggs: Oh today? Okay.

Mr. Perry: The engineer submitted all of that to the Department of Natural Resources and I am told it is real similar to subdivisions and other places that have similar no discharge systems and the state prefers that because it's stuff that they have had to deal with.

Mr. Beggs: Okay.

Mr. Perry: And it's real expensive.

Mr. Beggs: Something else I was going to ask you but it has slipped my mind.

Mr. Perry: As far as private ownership of the individual places that would require us to divide the property to split the lots and be a whole bunch of hearings with a whole bunch of you guys to do anything like that the PUD wouldn't allow it or anything like that.

Mr. Beggs: Well I can't remember what I was going to ask, any other questions from the Commission?

Mr. Carlson: I think what you are saying is this will stay and the PUD will stay under the same LDC unless you come back to us to rezone.

Mr. Perry: Correct.

Mr. Beggs: Anything else? Okay I will have you sit down and I am going to open up the floor to public comments, I ask everyone to please come up and again state your name and address for the record.

Mr. Roe: Yes Mr. Chairman, members of the Planning Commission, my name is John Roe, I am an attorney with the Law Firm of Roe and Epstein and our address is 920 Main Street, Suite 270, Kansas City, MO I represent four families who are in opposition of this rezoning request and PUD overlay, David and Shannon Calvin, Richard and Shanna Johnson, Jim and Gail Calvin, and Elaina Neimeier. On behalf of our clients we submit to you that the rezoning should be recommended for denial the proposition that I would put before you is that the underline C-3 zoning is reasonable until such time as the applicant can show that it is unreasonable and warrants a change and he hasn't done that. Just because he wants to do something different than what's allow by the zoning doesn't make the underlining zoning unreasonable, that's why you have a criteria in your zoning code, Land Development Code, that must be addressed, we haven't addressed them here tonight that's what I am going to do and there are about five of them there is also three other criteria that need to be addressed for the PUD overlay which haven't been discussed but I am going to here tonight so that is what my presentation is going to be it's going to be tied to your code and I'll give you the citations because it's a thick book and sometimes no matter how many times you look at it it's kind of hard to remember all of the things in there. But there are a number of applicable ordinance requirements that I want to call your attention to and just some miscellaneous ones that I think are important that lead up to this criteria analysis, your section 151-1.7 talks about the purpose and intent of having this Land Development Code it says that's adopted to promote the public health, safety and general welfare of the residence and visitors to Clay County and among other things the regulations are intended to preserve and protect property values, protect the public from fire, promote land use patterns that ensure efficiency and service provision as well as the wise use of physical resources and government expenditures. So a lot of these questions you are asking go directly to these things that the code is supposed to address and this applicant is not meeting his burden of showing you that he meets those things. Under your section 151-3.1 letter m it's called Burden of Proof Persuasion, so every time I am pointing back here and saying the applicant has to prove this stuff to you that is just not John Roe talking that's your code, your code says quote "The burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant. The burden is not on the county or other parties, like my clients, to

show that the criteria have or have not been met.” That’s his burden that’s his burden and he has failed in that burden and that’s why this application needs to be denied. Under Section F this is 151-3.1F it says that the decision making bodies, shall consider the following, and there are about five points there and I would like to touch on each one of those, the first one says whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area; that criteria is not met there’s no error that needs to be corrected there’s no inconsistency that needs to be corrected and there is certainly no evidence that has been presented to you of a changing condition in that area that warrants a change in the underlining zoning, it doesn’t meet the first criteria. Second one, whether or not the proposed amendment is consistent with your the Comprehensive Plan this is kind of a big one, this criteria is not met, it’s not consistent with your Comprehensive Plan, this rezoning is to a zoning district that would be in what’s called you Urban Services Tier and I think you heard your staff planner mention this is in the Urban Services Tier, well with regards to the Urban Services Tier if you look under residential uses it says urban density development on municipal level services greater than four units per acre, well your staff reports shows that this development is in excess of four units per acre it’s four point five units per acre so what’s that mean? It means your Comprehensive Plan says you’re supposed to have municipal level services and you don’t have municipal level services so it doesn’t meet the Comprehensive Plan. We’ve talked about this they can only draw water from 10 pm to 6 am and no more than two thousand gallons and no more than ten gallons per minute, that’s not a municipal level service which is exactly what your Comprehensive Plan says is required for a Urban Services Tier development, doesn’t meet it. With regard to minimum sanitary sewer provision in your Urban Services Tier it says municipal waste water treatment plant connection for suburban density were greater, well suburban density is four units an acre or less so if this is suburban density or greater and at four and half units per acre that’s greater than suburban density your Comprehensive Plan says this project has to be connected to a municipal waste water treatment plant and he’s not connecting to a waste water, municipal waste water treatment plant, doesn’t meet your criteria. The intent of the Urban Services Tier is to promote urban development compatible with the long range growth plans of adjoining cities, that’s a quote. I heard your staff and in the staff report tell you that Excelsior Springs wrote a letter that’s attached to your report that says they are completely opposed to this application and this rezoning. Let’s go back and read that, the intent is to promote urban development compatible with long range growth plans of adjoining cities. Excelsior Springs is telling you this isn’t compatible with them and they are the closest municipality, doesn’t meet your plan. Here’s the next criteria, whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property, this criteria is not met, let’s look at it the proposed development is for smaller clustered homes you don’t have smaller clustered homes in the nearby property, you have a home on large acreages. The minimum house size in the requested zoning district is a thousand square feet for a one story house fourteen hundred square feet for a two story house, that’s what your Land Development Code says the proposal is for fifteen cabins that will be three hundred and twenty square feet or less in size and the applicants own letter submitted with his application says they’re probably going to be a hundred twenty to one hundred ninety square feet in size each one of those cabins, that’s not compatible with existing uses of nearby property. Density; your own staff report shows that within a big area around this application the density is about three point six units per acre, this application is four point five units per acre so it’s nearly a unit per acre more, it’s not compatible from a density stand point. These bunk houses I know a lot of talk about well we’ll find out later, find out later all this information we would like to know now so you can make a zoning decision, we will find out later, you know what the problem with that is the zoning is already going to happen the camel gets his nose in tent already, when you find out about all these other things but on these bunk houses the applicant says there are going to be engineer trusses on two 40 foot containers, shipping containers that you see on railroad cars all the time. Metal roof with clear panels, interior dirt floors with pavers and greenhouse and common living space, private bedrooms with one hundred sixty square feet each accommodating four to eight persons that’s not in keeping with the character of the neighborhood and that’s what you are supposed to be evaluating this application is totally out of character with the surrounding neighborhood, you don’t have houses in the surrounding neighborhood made out of storage containers, you don’t have houses in the surrounding neighborhood with dirt floors and pavers, this application talks about having none traditional structures, Chairman

mentioned the yurt, doesn't matter if it's not going to be a tent or supposedly not going to be a tent the picture shows it's going to be a tent, that's what the application came forward with, the point to be made is that the surrounding neighborhood has traditional housing so why are we putting nontraditional housing in an area that the character is traditional housing, that's what your Comprehensive Plan is telling you not to do, so this criteria is not met. Here's the next one whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels to existing development this criteria is not met and we won't belabor the point in the interest of time, you've got restricted water usage, no fire district officially serves this property, no ambulance district officially serves this property, water usage isn't adequate and you know I can just see the Pandora's box being open here, you let this developer get by with saying I only need to provide as much water services as I am going to have when I start doing my project every developer that brings an application to you is going to say the same thing, how come I have to bring an eight inch water line to serve this bigger project when I only have five houses in the first phase? Why do I have to bring a twelve inch line that's what going to happen and you can't evaluate this project on what he says is going to happen you have to look at what the full build out is going to be, that's how you have to make your decision. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity, yes the whole point of this exercise is to protect the public health, safety and welfare and when you go contrary to the public health, safety and welfare which is exactly what this development does what does that do, it hurts property values that's what's going to happen. And so those are your zoning criteria, I mention there were three or four PUD criteria, because there is an overlay on top of this rezoning that they want to do and I think that it's important because you've got several sections and several pages in your Land Development Code that need to be evaluated in terms of that. Here's a big one there're listed number eleven talks about I will just quote it by the way for citation purposes, this is your section 151-3.8, number eleven says you are entitled Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development. Now Thursday last week I went down to Kipp's office to look at the whole file, I don't see anything in the file that tells you whether this applicant has sufficient control over the tract to effectuate the proposed plan. I don't know if this applicant is a buyer under contract I don't know if the applicant, and I rather doubt it because usually sellers don't let buyers go on the property and start doing things on the property but you know who gets to go on property tenants, do we have a tenant under a lease that's coming to you and saying I am not going to tell you whether I'm a month to month tenant or year to year tenant or what the terms of my lease are or whether I am going to get terminated under the terms of my lease, but I want you to let me the tenant make a permanent change on the property and get started with a permanent development on the property but I may not have sufficient control over the tract to see it through, why aren't we asking this question I submit you should. And I will tell you why there was a statement made earlier here or a question was made does the applicant own the property, no you know how I know because the applicant had to turn in an owner's authorization form that says that the owner is allowing this person to file this application and just as an odd little side when I went there on Thursday last week the 28th I saw that the owner's authorization had expired September of last year. He's been doing all of this without owner's authorization, but oddly enough after I asked for that copy to be made I got an e-mail from your Planning Department sending to me a copy of up to date owner's authorization guess what the date it was notarized, September 28th the date I was there and made the copy of the one that showed was out of date. Number thirteen of this PUD list of stuff requires a written statement by the applicant setting forth the reasons why, in his or her opinion, the PUD would be in the public interest and would be consistent with the intent of the Land Development Code, he hasn't done that sure he submitted a letter but the letter doesn't tell you why this would be in the public interest, here's sub-section G talks about criteria for reviewing the PUD plan, first one, complies with the PUD standards, no it doesn't you know why because your ordinance 151-5.3 says, PUD's are intended for large scaled design-oriented developments, commercial, industrial and mixed-use developments. There's nothing large scale about a six acre project, it's certainly not commercial, it's certainly not industrial and it's certainly not mixed-use it's all residential we already heard that tonight. So where in the heck does anybody say that it complies with PUD standards, it doesn't even meet the first one out of the box it's not large scale, not commercial, not industrial, not

mixed-use, you know what the PUD is, the PUD is letting him do something that everybody else in this room would have to do, if they came in with a project. Second one under the PUD, the county and other agencies will be able to provide necessary public services, again we won't belabor that point, they don't, no fire, no ambulance, inadequate water serve. The development is consistent with and implements the planning goals of the Comprehensive Plan, it does not we've already covered that. The PUD Concept Plan is consistent with sound planning practice and the development will promote the general welfare of the community, no all this does is put a whole bunch in small cabins and bunk houses with no fire protection, no ambulance protection and inadequate water serve. Here's the one that I wanted to talk about, criteria says, a PUD is necessary, is necessary to address a unique situation or represents a substantial benefit to the county, compared to what could have been accomplished through strict application of otherwise applicable base zoning district standards. That criteria isn't met, where is the unique situation? Most of the time where I see this, this unique situation there's been a taking for a road, MODOT takes a piece of property and you are left with an irregular shape small piece of property, that's the unique situation, that's the hard ship. We don't have that here we just have somebody who wants to cut off a triangle, call it six acres and say I want to do something that's not allowed by the underlining zoning and I want you to let me do it. Not good enough under your criteria. Development could not be accomplished through the use of other techniques, such as rezoning to a non-PUD, the point is he could do this development through other non-PUD zoning we just saw two cases before this one was called where somebody wanted to do a residential development and came in with a preliminary plat what's wrong with that? This doesn't qualify for a PUD. You have a section 151-8.3 titled, Required Infrastructure and Improvements, this applicant wants you to rezone this property to R-SDM, your ordinance says that requires municipal or public water supply district water and there are only two exceptions 151-8.9 says unless otherwise expressly exempted, all proposed developments shall, not may or if you want or if the applicant wants, shall all proposed development shall be connected to an approved water system that meets the following minimum requirements, in the urban services area the minimum line size is eight inches in diameter. I didn't hear the staff tell you that in the letter from Water District Eight that is attached in your packet the size of the water line is three inches, it's in their letter, it's in your packet and your code requires an eight inch minimum line, why are we doing this? Minimum distance from fire hydrant to structure six hundred feet according to your code, I don't see any fire hydrants anywhere near any of these living units, why are we doing this? To be turned down. There are only two exemptions from those requirements, neither of which apply, only fair to look at them you get an exemption from those requirements if you are a single family house on 10 acres in a rural low density planning tier or your accessory farm building it's not this application and here's the other one if the public water supply district says it has budgeted improvements to provide the standard within two years, anybody who has dealt with Public Water Supply District 8 knows that their budget is stretched thin, they have no plan to put an eight inch line in this area. A couple of comments and I will conclude about this sewage treatment plant, you know according to the plan and I guess I am not clear on this this applicant is asking you to rezone a six acre area and approve this concept plan but the sewage treatment facility is outside of that six acre area, you see kind of how all these things tie together we don't know what this applicant has any control over on this sixty-seven acre piece of property. You know on the original owner's authorization, the authorization from the owner of the property was only to let this applicant do what was called tract one, the six acre area, so how is this applicant putting the sewage treatment plant in an area that is outside the area of the plan you are supposed to approve, you are going to have a plan to approve a plan that the treatment plant's over here someplace where we can't see it? The auxiliary parking area is over here someplace where we can't see it, it's a plan. Aren't we entitled to see what's on the plan so you have a chance to say yes or no to it and just not "I'm going to have it over here someplace" and "I'm going to park over here someplace" it's not the way development works, so the treatment plant is not in the six acre area as I look at the plan, number two it's not connected to a municipal treatment like your Comprehensive Plan says, but here's something interesting your staff mentioned that there is a engineers report well I looked at it when I came down here to look at stuff last week, page five of that engineers report says that at build out, this development will be using eight thousand three hundred sixteen gallons per day. You've got a plan in front of you where they can only get two thousand per day. It ought to be turned down right there, one of the things in reading that this particular treatment plant that they've, the package plant

they want to put on this property doesn't comply with your codes but even if they did you know what the big problem with it is there might be a power outage now what? You know they are going to take their waste put it in tanks, tanks discharge into a pond that has two cells and then they are going to take that and spray that on the grass and on crops that are not meant for human consumption I am not sure what crops are not meant for human consumption but they get to spray that out there, well who's going to be monitoring this thing that they keep all these bacterial levels down where they're supposed to be if they fail in their duties, they're out there spraying liquid filled with bacteria and that's not good for the public health and that's what they want to do but this is precisely why your Comprehensive Plan says developments like this need to connect to the municipal treatment system so you don't have somebody out there just spraying the crops and the grass with whatever human waste that goes into these lagoons. So in closing I'd say this application should be turned down because it doesn't meet your rezoning criteria, it doesn't meet your PUD criteria, this applicant has somehow filed an application in July or August of last year and is tried to wear down the opposition here by dripping stuff in and asking for repeated continuances, you know your ordinances says at the time of application they were supposed to have this water information in, they didn't get it until November. They were supposed to have their sewage treatment information at the time of application, January 14th is the time stamp on the DNR letter, why was this applicant allow to file and process this application without an owner's authorization and without all the require criteria? Beyond me, on behalf of my clients I respectfully ask that you turn this down there's no gains to the public in granting this application and frankly I submit to you there is no hardship opposed on the applicant because I am guessing he is just a tenant and if he doesn't get what he wants here he will go someplace else. I respectfully ask you to turn it down, thank you.

Mr. Beggs: Please state your name and address.

Ms. Powell: My name is Sharon Powell, 1403 Jill Ln, Excelsior Springs, MO, I am on the City Council and I am speaking on behalf of the City of Excelsior Springs. Last August we raised a number of concerns with you regarding this plan the latest staff report fails to address most of our concerns, recent events have only heightened those concerns. The staff recommendation relies on a DNR letter that finds the proposed sewage lagoon will not discharge wastewater to waters of the state. Neither the DNR nor staff report address order or insect concerns from what amounts to an open cesspool upwind from residential subdivisions of Excelsior Springs. The staff report also fails to address how the proposed sewage treatment meets Clay County Health Department policies since it would not be allowed for private residences. Excelsior Springs operated a treatment system with land application of discharge for several years. Even with licensed professionals in charge we received odor complaints from nearby landowners and finally abandoned this as a workable sewage disposal system. It is important to remember that Excelsior Springs has never denied The Church of Liberty the ability to connect to the Excelsior Springs system. We simply stated that they must comply with the same requirements as any other subdivision developer. As we previously told you this area lacks fire protection. The staff report passes over this threat to public safety and anyone who might occupy these residences by stating that through research and inquiry the Excelsior Springs Fire Department will respond to an emergency call for the Old Quarry Road unincorporated portion of the County. We should be clear that the Excelsior Springs Fire Department has no obligation to do this. Responding to emergencies in a development would expose our people and equipment to significant unnecessary risk. While the International Fire Code has specific standards for the paving the roads and access areas to insure the safety of firefighters and equipment particularly during rain, snow and ice conditions, the staff recommendation requires only gravel access road and dust free interior roads. We also believe that is unreasonable and unfair for the County to approve a residential subdivision with no ability to provide fire protection, expecting the tax payers of Excelsior Springs to pick up the cost. Let me provide a recent example, on the night of September 1, 2015 Excelsior Springs dispatch received a call reporting an explosion and a large amount of black smoke in the area of the caves. The Excelsior Springs Fire Department responded with two pumper trucks and a car, the Clay County Sheriff's Department also responded because of the reported explosions. There was a visible fire at the caves but the gates were locked when the fire equipment arrived. The explosion and smoke were because the people at the property were burning cans of paint and old upholstered furniture. They were advised it was illegal to burn these materials without a DNR permit, and the Excelsior Springs Fire Department extinguished the fire. The Excelsior Springs Fire Department incurred a cost of \$1,735.00 for personnel

time and equipment. Doug Perry and The Church of Liberty were billed for this charge on September 3, 2015. I have copies of the fire report and invoice here for you. The City received no response until today February 2nd when Doug Perry came in with a check for \$135 and a proposal to pay \$100 a month. The site lacks adequate water supply for either human consumption or fire protection. The proposal is for one 5/8 inch meter providing two thousand gallons per day to go into a tank at night only. The average single family residence in Excelsior Springs uses four thousand gallons per month. This plan calls for twenty-seven residential structures, some of which house more than the normal size family. This means the maximum available water for human consumption under the proposed plan is only fifty-five percent of normal water usage. There is still no drainage study, although the runoff will be east into the City of Excelsior Springs or west into the Rocky Hollow Park and there is no plan for runoff control. The staff report and the geotechnical report ignore the fact that the applicant is using the underground mined space for a recycling operation, and that the occupants in the proposed subdivision will work in that space. Finally, the staff report recommends approval now, with a number of conditions to met later. Without intending any disrespect we question the degree to which these conditions will actually be enforced given the lack of current enforcement of County regulations applicable to the activities and the property conditions of the caves. The City of Excelsior Springs request that you withhold approval of the rezoning request until all of these issues are addressed and all of the plans, and final DNR and fire safety approvals are actually in place before proceeding.

Mr. Beggs: Kipp do you want to enter that as an Exhibit, I don't know which one it will be. Okay sorry, please go ahead.

Mr. Eales: Brad Eales, 2104 Bradford Place, Excelsior Springs, MO. Item number one Clay County requires and the attorney brought this subject up, and I am currently working on trying to work out a structure to put in a fire hydrant in Clay County for a single family residence that can't get a building permit unless he put in a fire hydrant or sprinkler system, so each one of these units under code would require a sprinkler system under your all's codes for a fire hydrant.

Mr. Beggs: What is the address are you working at that would require the fire hydrant?

Mr. Eales: I did not bring the copy of the address for the extension.

Mr. Beggs: You might want to submit that to us.

Mr. Eales: I can submit that yes, I will e-mail it tomorrow.

Mr. Beggs: That would be great thank you.

Mr. Eales: Secondly, does the applicant, my question is, have room on the six acre plat to put the proposed DNR approved septic system in? As a State of Missouri license septic installer you have to meet all the setback requirements with all these structures on a six acre tract it would be impossible to meet a hundred feet setback for all occupied dwellings, seventy-five off of any property line, fifty feet from any tree canopy for shade or air flow.

Mr. Beggs: He is putting in a package plant not a septic system, correct?

Mr. Eales: Still a package plant it's got to meet the same setback requirements.

Mr. Jones: A package plant, yes.

Mr. Beggs: Okay.

Mr. Eales: The sewage lagoon still has to meet all the setback requirements and fit on the property. Currently the use the of an onsite sewage system at the property in question which you have an invoice for that I installed and I gave this to you at the last meeting you have it in your packet is currently in use. I would formally request in an open meeting that you ask Clay County to do an investigation of the proper use of the system that in on site currently. Thank you.

Mr. Beggs: Okay thank you, anyone else? Just a second I will give you a chance, just a minute Mr. Perry. Any other comments from the public?

Audience: I think I would like to say something.

Mr. Beggs: Okay just a second we've got, why don't you just mosey over there and get in line there, please.

Mr. DeWitt: Tom DeWitt, 15204 Old Quarry Road.

Mr. Beggs: I am sorry I did not catch that.

Mr. DeWitt: Tom DeWitt, 15204 Old Quarry Road, are you aware there is occupancy happening now on that tract of land?

Mr. Beggs: I don't think that is against county standards but I don't know.

Mr. Jones: We have had some phone calls as to somebody staying on site and I have been there two or three times unannounced I have not found anybody, I don't have any evidence of anybody staying on site, there is a security guard that is allowed on commercial property if anybody has any evidence that shows somebody's living there I would love to see it.

Mr. DeWitt: Second question for you is, are you aware of any criminal activity through the CAD system of the Clay County Sheriff's Department?

Mr. Jones: That would go through the Sheriff's Department and not Planning and Zoning.

Mr. DeWitt: I would ask that the Commission review that and ensure that you have that information, so you have the right information so you can make a good decision.

Mr. Jones: Criminal activity going on out there now or reference to what?

Mr. DeWitt: Reference to the Sheriff's Department you can have their records pulled through their CAD system and you can identify what calls have been made and what arrests have been made.

Mr. Beggs: To that property?

Mr. DeWitt: To that property, yes sir, I would ask that you pull that.

Mr. Beggs: Are you law enforcement?

Mr. DeWitt: No sir.

Mr. Beggs: Are you privy to that information now?

Mr. DeWitt: I have that information now yes.

Mr. Beggs: Did you pull the record?

Mr. DeWitt: What was that?

Mr. Beggs: Did you pull the record?

Mr. DeWitt: I did not pull the record but I have information with that, so I ask...

Mr. Beggs: Do you have firsthand information I guess is what I am trying to get to.

Mr. DeWitt: No I.

Mr. Beggs: You just heard?

Mr. DeWitt: I have information that states what dates and what times that arrests were made at that location, that particular address so I ask that the Board pull that information and review those as well. So I am not going to hash over everything that everybody said tonight but I think that the attorney is represented of what the opinion is and what I am going to say is that I ask that you the Commission and I am a little bit disappointed in some of the things that were said that you have gone ahead and okayed, meaning like the requirements for housing sizes and things like that. I live in Clay County, I've lived in Clay County my entire life I respect Clay County. I respect you all but I also ask that you do the right thing because I am going to say it's not going to happen in my county on my watch, not going to happen on my street on my watch, it's not going to happen in my neighborhood on my watch and I am asking that it doesn't happen on your watch.

Mr. Beggs: We haven't approved anything.

Mr. DeWitt: I understand.

Mr. Beggs: But I want everybody to realize that we wouldn't be having this conversation if they came and just started building houses on your block.

Mr. DeWitt: Absolutely I get that.

Mr. Beggs: And this not atypical when we have opposition to cell towers and anything else, but I hear what you are saying.

Mr. DeWitt: And I am asking the Commission to review everything that has been laid out and what the attorney has laid out and what the city has laid out and you make a good decision.

Mr. Beggs: Appreciate it thank you.

Mr. Walen: My name is Dave Walen, 110 Crawford, I resided with The Liberty Disaster group since October 2014, it is unmentioned by the attorney, by the opposition is that this entire effort from day one of Doug being there long before I was is to benefit your homeless community, that's what is organized around. The other thing that comes to mind is when Jesus was speaking he said "We'll be on to you (*inaudible*)" we if we make a decision ...

Mr. Beggs: Let him say his piece.

Mr. Walen: If we make a decision based on the strict requirements of the law without taking in to account the greater good that is attempted by his efforts I think we are doing ourselves a disservice to ignore the safety considerations and some of the points that have been made by him and others I am for

that that complete investigation who owns the property and what happens and all these kinds of things that's very good but I am a beneficiary of The Liberty Disaster Relief effort we've out grown the ability probably to stay in Liberty as a group and the opportunity is in the cave that is largely unrevealed here, the other thing is that they should think about the property. Commissioners if you have not walked the property with someone there with you to show you everything the topography of the property relates a lot to the location of residences and their plan and that's a huge thing as you make requirements here based on certain interpretation there's no decide that these things are not off, the parking or the water is not within the plan district that can be enlarged probably by a simple change. One other thing is that it maybe that the Commissioners are used to listening to someone who makes a presentation based on large experience degrees in civil engineering and experts and attorneys and money that's not the situation with Doug Perry he has a master's degree in Psychology, not being an expert at this and I would like to commend the County manager or whatever your title is sir, ..

Mr. Beggs: Director.

Mr. Walen: Director, for being patient and allowing what has happened so far to go through whether it's approved or not. Be patient some of the things you ask for can be provided and in the long run it's your decision but we want to be safe and beneficial to the community if we live out there, every one of us and if you are worried about police reports and so forth if they are true we are against the same things that you are we do not want to be involved in criminal activity, however as a community that all live together none of your churches, if you are church attenders, none of you live together twenty-four/seven. That's a different situation and that property is unique in terms of meeting our needs after a search the fact that it's available. I've talked to Mr. Miller and I don't think there is any deceit there. That property was as an investor not an asset to him, he couldn't do anything with it. There's no demand except for misuse of the property before we were there, the fact is that they need someone on the property to keep the vandalism that is happening to the assets of the ministry from being destroyed. Vehicles have been destroyed there not by us, but by others, when you look at the police report don't look at how many there were look at what the actually things were, that's why there's one person that is stationed there that's not me. That may help you to walk patiently through this and consider the needs not just of those in the room who are in opposition but to those who will benefit by it that need a place like that to do aquaculture, worm castings and other things that are not metals related. There are no market in metals anymore, that's not going on there, so thank you for hearing me.

Mr. Beggs: Thank you appreciate it.

Mr. Simmons: My name is Jeremy Simmons, I live at 14225 Rocky Hollow Road. I would like to bring up the fact that there is three of us and when I say three of us, there are three houses down there in that bottom area that either haul water or work off of a water cistern or have a well. Okay, I don't know if anybody's aware of that, but for the sewer system that's going to happen that's going to require me to change my ways of getting water and that's a big setback for my family.

Mr. Beggs: So are you currently on a well?

Mr. Simmons: I am on a well and a water cistern is what you all approved when I built the house.

Mr. Beggs: How deep is your well?

Mr. Simmons: Fifty foot and I am down in the bottom right below the caves. I am just south of the property, so I would like you to keep that in mind and also the gentleman that was just up here and spoke about people living twenty-four/seven up there, what kind of people are we talking about because when Mr. Perry came and talked to me he referred to some tweakers and I am trying to figure out where he was going with that. That wouldn't be a place for tweakers now to me that set off an alarm as a homeowner and having a family trying to raise a family we like to go out in the woods and enjoy our walks on trails that we have, we enjoy it like they say it's peaceful out there who am I going to be running into when I'm out there now? There is a fence right here and I've heard him say on one of his little follower videos that he's a mile away from the closest neighbor, no he's not there's a barbwire fence right there, me and them. So I'm concerned about the type of people that's going to be out there twenty-four/seven. How are we to know who's out there twenty-four/seven, I mean when you buy a house and you move in you find out, okay this neighbor's got a problem, okay you know how to deal with that you know what you are dealing with, when you don't even know what you are dealing with how can you feel safe being out and about not knowing. What's a tweaker? I would like to know because is there going to be tweakers out there? I mean that is a question Mr. Perry I am sure can

answer. So to me I would like for you all to consider that in your decision making too because that is going to affect me big time on my water supply because just like everyone else here said you are required me to run an eight inch main from Romaine Gardens or the other neighborhood just west of my place from there all the way down and sixteen years ago you told me forty thousand dollars will get it started if we didn't hit rock, well it's rocky hollow you are going to hit rock so that is why I choose to go with a water cistern, well I obviously haul water every week, I drilled a well so I got a well for back up but that's not going to be accessible if I've got sewage running across my property, I mean period at all so that is coming out of my wallet, I would like to keep that in consideration, thank you.

Mr. Beggs: Please go ahead and say your name.

Mr. Eales: Brad Eales, 2104 Bradford Place, Excelsior Spring, MO I just got an e-mail back to give you the address for the single family home that is being require a fire hydrant installed, its 2045 Hwy B, Liberty, MO.

Mr. Beggs: That is inside the city limits of Liberty, isn't it?

Mr. Eales: My drawings don't state whether it is inside or out.

Mr. Jones: That doesn't sound like a county address

Ms. Viviano: I don't think so.

Mr. Beggs: Okay thank you.

Mr. Binkley: My name is Paul Binkley, 23006 NE 172nd Street, beside what these guys want to do I mean that is kind of their business I guess but is this something that Clay County is promoting now? Planning these PUD Communities because I have some acreage and it sounds like a pretty good deal to me.

Mr. Beggs: It's a tool that we adopted I am going to say five years ago.

Mr. Jones: I don't know when it was instituted but it..

Mr. Beggs: Within the last five years.

Mr. Jones: Not every property is going to be...

Mr. Binkley: So what makes their property so good for it where I've got plenty of property I could sell some of it.

Mr. Jones: And if you would like to come into the office and discuss that I would be happy to do that.

Mr. Binkley: Well I might do that.

Mr. Beggs: It gives us an extra tool....

Mr. Brinkley: Talking to this guy because he is showing us everything how to get it done.

Mr. Jones: We are at 234 W Shrader and my name is Kipp Jones you can come talk to us about it.

Mr. Beggs: Basically it gives us more control over the property and the development, there are several overlay districts that were adopted but Kipp would be the guy to talk to if you are interested in seeing if...

Mr. Binkley: Well if this works out I am definitely interested if this is what Clay County is going to (*inaudible*).

Mr. Beggs: Well I encourage you to come down and talk, thank you. The overlay districts are available to any developer that wants to utilize them but it does come with costs and restrictions on your property so it's not a free give me. Anyone else? Okay Mr. Perry would you like to come up and ..

Mr. Perry: Yes please.

Audience: He needs to state his name doesn't he?

Mr. Perry: Doug Perry, 106 Crawford, Liberty, MO. First of all I am sorry that if there's been so much misinformation, the very first hearing we worked with staff put in an application paid the fees and then a week or so before we found out we needed this and we need traffic study and we needed this and whatever and whatever, it's going to take thirty to sixty days to do that that's what drug this all out. Not being a professional contractor that does this all the time or works with Clay County all the time and knows all the answers all the time I know it requires some extra patience from staff and I appreciate that from them, however all along every proposal that we've made everything we have asked for we've gone to the right people to ask for permission on whether it was human waste composting or whatever else there was never an intention to do anything without permission from the right body, but we are going to see what bodies are forward thinking enough to allow somethings that are different than everything else that has always been done and that is part of what the Green Building Code is about but that is part of what Clay County is striving to (*inaudible*) but along the way every step of the way we

run into people that want everything the way it's always been done. Let me go over some points that the attorney made first of all we are on municipal services by getting water from the municipal district it doesn't matter whether we get it all day long or some at night we are on the municipal services, we are getting water from the municipal district. There's no requirement in that code that we be, that municipal services means that we need to be on the municipal sewer there are lots of subdivisions all over the northland and individual people that are not on and PUD's that are not on the municipal sewer. We are being served by municipal water that's

Mr. Beggs: I have a quick question someone mentioned, the counselor from Excelsior Springs, said they had not denied you connection to their sewer? That was a surprise to me because I have heard that they had is there a reason to not connect to their sewer?

Mr. Perry: No that is correct, mainly the cost, mainly for the same exact reason that the gentlemen over here decided not to put an eight inch line in because there are alternatives that are within acceptable practices, he has a cistern and trucks in the water that's approved, that's one of the options, if you don't want to do an eight inch line for miles to your place do that, you guys approved it, it's one of options people have.

Mr. Beggs: So I am going to back up a little bit, I mean this situation is a little bit different because he's serving a single family home where you've got a much higher density. I am going to jump back to the sewer issue tell me what were the hoops that they wanted you to do to that you would have to carry a line a half a mile or just exactly what was cost prohibitive about it?

Mr. Perry: The start was the fifty-four hundred dollar application fee, just to be considered and then there was a list of requirements including questions about what we are doing in the cave and other stuff that had nothing what so ever to with the village or with the PUD or anything else. We just determined that the whole point is to build an eco-village to build a farm where we learn how to do things and when we go to help someone in Kenya or Thailand to build a farm we just say hook up to the city sewers that's what we do, the whole point was to learn some other ways that we can do it, that we can teach, we can show other places how to do this stuff. So even though in the end it may be more expensive for us to do a no discharge system of our own the decision was made in consultation with the engineers that we could hook to the city sewer, we could potentially hook to the city sewer but as, the point is to ask the question can we do this, can we build less than a thousand square feet and then somebody says no, okay then we build twenty-seven thousand square foot homes there that's the same density as the neighborhood just south of us. That's the trailer park, the mobile home park is a half a mile or a mile away and those are I guess less than a thousand square feet.

Mr. Beggs: The zoning is different, obviously.

Mr. Perry: Sure, but those are living quarters that are a less than a thousand square feet in the mobile home park. So I don't think we are asking for anything out of reason as far as trying to test the limits of what can be approved and allow us to try something different than what's been done all along.

Mr. Rhodus: I've got a question.

Mr. Beggs: Go ahead.

Mr. Rhodus: You are pushing the eco-village and light foot print and they come out, the fire department and you are burning couches and paint cans?

Mr. Perry: That was not..

Mr. Beggs: Please.

Mr. Perry: I hope in all of this I haven't been snarky. I've tried not to be, I don't mean to be, we had a lady that donated some stuff, we cleaned out, she was going in a retirement home, we cleaned out her storage unit there was some old books and some other stuff that was moth eaten and dry rotted and whatever I thought it was okay to burn trash out on the property. They threw some boxes of books on the thing one of the boxes had some paint cans in it, they were not intentionally throwing paint cans in the fire. The fire department comes and says no you can't do that, okay so we don't do that I didn't know. My grandparents always had a fifty-five gallon barrel out in the back of the farm where they burned off their trash, because there wasn't a trash pickup where they lived. The guy who did it is from Texas and he's like we always burned off trash at the back of farm in Texas so okay they come they charge us seventeen hundred dollars we make an agreement to pay that we delayed on that because we have been looking at is that appealable is that the right charges, we were charged for eleven staff people and I needed to find out there were four guys that showed up. Why am I being charged for eleven

people, well the fact is with those four or five leave Excelsior to come help us they've got to call guys from home to come staff the fire department and I've got to pay for those too. So we are paying double and yeah we're not expecting Excelsior taxpayers to pay for fire suppression if somebody come out or an ambulance comes out. We're clear we are getting billed and we're getting billed doubled okay.

Mr. Rhodes: I wasn't questioning the price.

Mr. Perry: No, but I am saying I don't want people to think that we are using Excelsior's services and they're paying for them as taxpayers or not, okay I went into the office and said is this an agreeable payment plan? Absolutely, no problem sign here no question about it. Okay so if they want it faster we will pay it faster we will pay it faster, if they want interest we will pay interest the lady at the desk said sure this is fine just pay it as you can. So you know we did, so that's the plan. Let me address some of this stuff.

Mr. Beggs: Before we go too far, we're talking on the green and the eco and all of that stuff, the County ordinance that was passed and I did look at that, I am sorry I didn't bring it with me to give you the exact language, but the language in that says this is all good and the county wants to promote it but it's not a carte blanche to do anything you want. There's still got to be science behind it still got to be health and safety of everybody around you, it's got to be done correctly.

Mr. Perry: Sure.

Mr. Beggs: I think from my view point that is the biggest concern I have is the general health and welfare of the public and the neighbors. So I just want you to be aware of whatever that green says the very first part of that whole ordinance says that it's got to be safe and it's not a tool to be used to single yourself out.

Mr. Perry: Sure.

Mr. Beggs: And we're not trying to be hard on you.

Mr. Perry: They did not intentionally throw paint cans in the fire; we wouldn't have ever done that. Okay the whole point is there is layer upon layer of bureaucracy to get anything done so there's nothing, I don't know if we can build a yurt, I don't know if it will pass building code you know we put it there to see is there a way Clay County will approve this somehow is there a way, you know Mongolians, give me a break, three thousand years in Mongolia they have been using yurts without worry about the snow load, anyway I don't know if it can be built. I don't know if the shipping containers can be built. Okay this is some of the things we are asking for and then we have to negotiate with engineers that look at the structure and sign off on it and then submit it to them and the building code and they go through their building codes and they come out and inspect it to make sure the wiring, make sure the insulation, make sure whatever nothing is going to get built without Kipp and whoever is signing off on it that it meets all the science. Nobody's trying to get around anything. The sewage discharge, I don't know if intentionally disingenuous or just insulting but this idea that we are just going to be spraying raw sewage on the ground is insulting. Okay, Kipp said it has to be monitored by some outside agency, somebody that we have to pay is going to come and check and make sure that that water is safe to be discharged on plants or decorative elements or whatever, there are crops there are things that aren't edible in the tree line or whatever, one of the requirements was that it be monitored by somebody and that has to happen that has to be established. Contracts have to be signed money has to be spent before occupancy of anything. Okay, the plan for the lagoon they raised, the engineers submitted with seven foot walls on the berms on the side walls of the thing. DNR raised it two more feet, okay because they look at the hundred year flood level and say okay we think you are going to discharge this much even if there is a hundred year rain this high of wall it cannot possibly exceed based off this dimension of the lagoon. Okay and it's not, we have all kinds of buffers in between it's all engineered it's not like somebody's going to poop and it's going to go in a lagoon. Okay it goes through layers and layers of stuff before it gets to the lagoon and it should and as we are moving the water out of the lagoon it's not going to accumulate mosquitos and smell and all that other stuff. There are all kinds of processes along the way to break it down to where the water is useful again not effected with E.coli and other stuff and it has to be monitored by some outside, whatever and one of our people has to get a class C sewer or septic license to be onsite but then some other agency has to monitor that as well. Nobody is trying to get around the rules we are trying to build something and unique situation that requires the PUD that he says we don't have is because we are a church, because we're a residential church and there is no allowance in the zoning for a monastery, for a convent the zoning doesn't even

imagine in its head somehow were church isn't just Sunday's and Wednesday's nights and there are intentional communities all over the country that want to live together, worship together, work together and this is growing all over the place and this is something Clay County is going to have to be educated about and be ready to deal with as other people want to do it. I think we've been pretty low impact as far as what we've been asking for and our willingness to conform, somebody said you can't do that, okay can we do this, yes well this is what we have asked for and has been approved by staff after their review of it all because we did show that we are a benefit to the community. We did show that a PUD applies to us and that we are in the unique situation, just saying it's not so doesn't make it not so and just saying I wrote a letter doesn't mean what I wrote in the letter isn't valuable. We have been here in Kansas City in the Northland caring for your cousins and neighbors for ten years, giving away four and half million pounds of food, helping people in disaster situations giving whole houses of furniture to people in Orrick when they got hit by a tornado. There's no recycling operations happening in the cave and even if there were a sorting of metals there's no ground water risk, there's no risk to Excelsior Springs because we get leftovers from the thrift store and we cut the cooper cords off the toasters and put them in a bin and put the steel in another bin. I am not sure what kind of recycling operation is envisioned that it's somehow it's going to hurt the ground water.

Mr. Beggs: Now that you are talking about the cave, because I know in the packet you submitted to us this one is back in September, you did mention the caves and you are talking about meeting in the caves and even actually almost sounded like some commercial operations in the caves. You understand that the zoning probably would not allow that and I am going to refer Kipp on that, because it's not commercial anymore.

Mr. Jones: Well the cave portion will still be commercial, now we have not, the cave at this point is approved for storage and that's it, in the past

Mr. Perry: Offices and other things can be in there.

Mr. Jones: It has been in the past a haunted house, a gun range so it is commercially zoned. This six acre rezoning is just for that triangle...

Mr. Beggs: Just for that triangle portion, okay and so the cave is outside that area?

Mr. Jones: It is and there is a I think its Alpha Omega did an engineering report on the cave itself and they have a report giving to us or a statement given to us that the rezoning area is not above the cave.

Mr. Beggs: Okay seems to be a lot of the issues that we are hearing is density you know that, I am not going to tell you how to do your development but if you lower the density it might help you.

Mr. Perry: Or if I rezone a bigger piece of the property?

Mr. Beggs: Same thing.

Mr. Perry: But my argument is ...

Mr. Beggs: Let's go back you are talking about the property do you own the property now?

Mr. Perry: We are buying the property from Millin and Company, they are the bank that is the lender for the mortgage that we have paid a deposit down payment on and we are making payments to them for the property.

Mr. Beggs: So you are under contract?

Mr. Perry: We are.

Mr. Beggs: Contingent on assume getting the zoning through?

Mr. Perry: No, we are staying. You are not running us off no matter what.

Mr. Beggs: So you own the property then.

Mr. Perry: Yes.

Mr. Beggs: Okay so you do okay so can you get the deed for that?

Mr. Perry: We own as much as anybody owns what the bank owns.

Mr. Beggs: I mean the deed though is, the property is titled in your name or the church or somebody?

Mr. Perry: You don't get the deed until you pay off the bank, yes.

Mr. Beggs: Well where's the warrantee deed or something that is filed with the County saying you or there is a lean on your property.

Mr. Perry: They are financing, we have a five year balloon payment we are a leased contract, rent to own with them so they're financing it for five years themselves until we pay off the property.

Mr. Beggs: Millen, LLC is the ...

Mr. Perry: Millen Company, LLC.

Mr. Beggs: Okay, we are probably going to need to get a copy of that rent to own agreement, just to see what happens.

Mr. Perry: Well you've got a signature from him authorizing us to do all of this.

Mr. Beggs: Well my concern is if you stop payment on or if they foreclose on it what happens then, that's my concern.

Mr. Perry: Right.

Mr. Beggs: Who's going to be stuck holding the bag at that point.

Mr. Perry: Well they will have a property that has improvements on it.

Mr. Beggs: If it's half way done and we don't want to get into a problem there.

Mr. Perry: As far as a permission when we applied in July and talked to Matt who was previous to Kipp we looked at the timeline and thought well maybe this will take two or three months to go through. So we had them sign permission until September, okay in October or in July or whatever it was clear DNR wasn't moving very fast and there's nothing I could do to make it go any faster. Now nothing happened the argument that we operated without authorization that we were doing stuff without permission I haven't seen you, we haven't done anything nothing has been accomplished. Kipp realized that the date on that permission slip had expired so we went and got a new one for another year because I don't know how long this might will take, so nothing as far as authorization to speak on behalf of them we haven't spoke on behalf of them except action for continuance which at least once because the attorney ask for a continuance.

Mr. Beggs: I don't think that's really a big deal, I think it can all be cleared up if you've got the permission to go forward, I am just concerned about in the future how that ownership is going to transfer or I just want to know what that agreement is.

Mr. Perry: We're here to stay, I believe we are or this is something we feel strongly that needs to happen.

Mr. Beggs: Okay.

Mr. Perry: Now as far as density, I think the math is wrong, if you look at Neimeier's place or any of the other folk's place they have twenty acres with a house on it. Okay so that is the density of one on twenty acres. Okay, we have sixty-seven point seven two acres with twenty-seven tiny homes on it all own by the church and they are all clustered in one corner because we talked about not having it or not on top of the cave we wanted to do that corner that were services that's close to the road, now we could rezone more of the property or put whatever but if look at the number of houses on our entire property we are point four as a density instead of four point five and at four point five is not, it's above the average within a mile of us but it is lower than the neighborhoods directly to the south of us. It's only higher than the big estates, big acreages up north.

Mr. Beggs: Yes I understand what you are saying but if that bigger portion is still zoned commercial and you are only zoning that small piece, six acres under residential that density is going to be calculated on that residential zoned piece. So the only way to make your density go down is to put less houses on it or make the six acres bigger, so.

Mr. Perry: My argument is, it's not outside of the reasonability of the density of that area, it's higher than the density north of us and it's lower than the density south of us, and when people are looking at the average I think that is disingenuous because it's not out of character with that area. There are places and one reason we talked about it with Kipp, one reason they approved it is because there are plenty of places near there that have higher densities than that.

Mr. Beggs: Okay is that true?

Mr. Jones: And check your one mile radius some of the, there are two different neighborhoods and I don't know the names of the neighborhoods but to the south there they do have a similar or higher density in those specific..

Mr. Beggs: Higher than four point five?

Mr. Jones: Yes.

Mr. Perry: I have a graphic where thirty-one single-family homes with driveways and garages in the neighborhood below it fit in the six acres that we've asked for.

Mr. Jones: It will be in the memo Mark.

Mr. Rhodus: But they are hooked up to city services too.

Mr. Jones: The last page or the second to the last page.

Mr. Perry: Density was the question.

Ms. Viviano: It will be attachment D.

Mr. Carlson: It was brought up today that the septic system is actually off site are you aware of that?

Mr. Perry: Sure.

Mr. Carlson: Would that like me putting my septic tank on my neighbor's property.

Mr. Perry: Not if you owned your neighbor's property.

Mr. Carlson: Well they're two separate properties.

Mr. Perry: No it's one property, there's no separate deed there is no separate lease, there's no separate anything.

Mr. Carlson: I was under the impression when you did that six acres there was a commercial zoned section of the grand total and the rest of agricultural.

Mr. Perry: No sir, the map shows there's a forty acre square against Old Quarry Road that's C-3 commercial everything on top and the cave underneath and then there is a triangle in the back that's twenty-seven point seven two acres that up against the lake that was zoned agricultural but that entire forty acre square up front is C-3 commercial. We took one little six acre corner of it and are asking to rezone that multi-family multi-use.

Mr. Beggs: I kind of agree with where Jim is heading with that, that seems like that treatment plant should be on that tract as well as your parking because what happens if down the road you need to sell it or something happens and we don't know what's going to happen thirty years all of a sudden you've got a tract A. That has all of these houses on it but it doesn't own tract B where all your waste water is being handled or your fire protection.

Mr. Perry: Well we will rezone twelve or fifteen acres lower the density.

Mr. Beggs: I think you actually, I think it should be part of this application because I think it all needs to be one unit so that everything to sustain it is one tract or you could make it a tract B and deed it over or something but Counsel I will defer to you, I would think that would be the cleanest way to do it.

Mr. Perry: It's not like the little triangle can be transferred separately from the rest of the property.

Mr. Beggs: Well you would have to go through and survey it and figure it out just like everyone else.

Mr. Perry: No that is not what I meant.

Mr. Jones: Chairman Beggs...

Mr. Perry: No it couldn't be sold apart from the rest of the property; whoever acquired it would have to buy the whole property.

Mr. Jones: I just want to make sure we are on the same page, they will be zoned differently but they will not be subdividing it

Mr. Beggs: Subdividing it back out.

Mr. Jones: Right so it's all part of the bigger property, now I think there are two different and I haven't looked into your agricultural but I think that is a separate deed, is that correct?

Mr. Perry: No.

Mr. Jones: No, but the six acre rezoning that could possibly be rezoned residential will still be part of that commercial property so he couldn't sell off the six acres.

Mr. Beggs: Okay so it's all..

Mr. Graham: That's my understanding also.

Mr. Jones: Yes.

Mr. Beggs: Okay, I am sorry I apologize.

Mr. Perry: So we didn't think it was a problem because there is going to be parks and trails and lots of other stuff but one of the requirements was thirty percent recreational area inside the six acres which we did, which we drawn up and made allowances for. But in talking with staff there wasn't any requirement because it's all one property that the parking lots or the volleyball court or whatever else we are going to do had to be inside that little triangle. The other thing there's whole bunch conversation about fire hydrants and one of the requirements we talked about was about having a hydrant, a dry hydrant means it's going to when you turn it on it's going to pump from some water source to the truck to put out the fires so one of the requirements is that we have a hydrant right in the middle of the village it's within six hundred feet of all of or more than one if six hundred feet doesn't reach to the outskirts of the village. So that's a completely moot point that we're not going to have fire suppression, we are if the requirement is suppression in each home we will do that. If the requirement

is a hydrant pulling from a pond or from a tank we'll do that. You know we are trying to be agreeable on every account. I don't think that the neighbor has any reason or concern about sewage running down stream into his thing, this is a DNR approved plan, their engineers made adjustments to on top of our engineers to make sure that there is no run off.

Mr. Beggs: And to set everybody's, as far as I'm concerned we'll make sure an engineer will sign off in making sure any sewage is handled properly just like we would any other developer that comes in here we wouldn't allow anybody to dump raw sewage somewhere where it would run downstream or downhill and impact somebody else.

Mr. Perry: Sure, one of the requirements for the PUD that was brought up was that this needs to be a mixed use development, the sentence says large developments or mixed use developments not large mix use developments. But this is a mix use development because this is a church, this is a residential church with a teaching farm, this is a combination of elements that we're trying to combine together and zoning doesn't have any box to put this in and that's why the PUD is there to allow, in your wisdom, to allow for something that doesn't fit any of the pigeon holes you already have in the code. As far as a criminal stuff, I can tell you exactly, the Clay County Sheriff showed up one night because somebody called them and said something was going on over there because we had more than like two people working at the front of the cave and it's dark and they asked for everybody's ID's and Rusty had a traffic ticket that he had never taken care of in Independence so they took him down to Clay County, Clay County sent him to Kansas City, we bail him out we paid his traffic ticket and all is good. Now the other reasons they have been there is because of the repeated incidences of vandalism on the property multi thousand dollar, somebody got on the first, back in June we had only been in charge of the property for a few weeks and we had several trucks on the property and Bobby who had been the caretaker of the property had a couple trucks out there and somebody got into one of the trucks fired it up and played bumper cars with the other trucks, slammed one of them way up into the trees, thousands of dollars in damage to vehicles. We had a wood chipper stolen off the back of the property which you would have to hook to a truck and drive out of there so somebody came down that access road we've been trying to keep a gate on it, what like I'm making it up?

Mr. Beggs: That's okay please continue.

Mr. Perry: It was just a few weeks ago that we had five or six teenagers twelve to fourteen years old around the front of the cave entrance milling around and it was kind of the middle of the afternoon on a Saturday and Matthew who's the night watchman was there and said "hey". And they ran off out through the top of the land and Matthew's ...

Mr. Beggs: Was law enforcement called for that?

Mr. Perry: We didn't call on that one, we didn't have any, they didn't do anything that we could tell and it's just kids goofing around and whatever and we wouldn't have you know held them down and called the cops on them or whatever. We were just like "hey". What are you doing?

You want to see the cave we will show you the cave but don't sneak around and whatever. So we have been trying to keep the gate locked, we've been trying to secure the property better because we do have trackers and bobcat and just borrowed and other equipment out there and you know it's difficult to secure the cave at the moment when we have spent thousands of dollars on repairing the electrical that was damaged from vandals over the years. You can go in there and see spray paint graffiti and curse words and stuff in all kinds of places inside the cave that still have to be repaired, a lot of damage to the haunted house, the drywall in the rooms in there, some of which we would like to be able to use. So we've had to repair water lines where the coppers been cut out and stuff like that, so one of the benefits of having us on the property is that this property isn't going to continue to deteriorate and be a haven for people to go drinking in the cave at night or whatever misbehavior that was going on there before.

Mr. Beggs: Do you have anybody occupying property?

Mr. Perry: We have a night watchman on the property?

Mr. Beggs: Is there all day and all night?

Mr. Perry: No sir.

Mr. Beggs: Just comes out at night?

Mr. Perry: Yes sir.

Mr. Beggs: You have people working on site during the day?

Mr. Perry: Yes sir.

Mr. Beggs: Typically what do you have out there or what are they doing?

Mr. Perry: We are working on the electric inside the cave; we are working on getting batteries in the emergency lighting, checking the fire alarm system that's in the cave already. There's not much we can do outside right now because it's been snowing and everything else but sometimes working on the vehicles because the tractor breaks down and stuff happens. We've been working on getting some pallets, when we moved out of our warehouse down at the Rush Creek Caves we had thirty days. We wanted to get everything moved real quick and get out of that lease and so we just have pallets of stuff kind of in the back of the cave in the dry area but we've got pallet racking so one of the things we are trying to do is the pallets racking up get stuff organized know where everything is in there sort out what need to stay and what doesn't and so on. We would like to use the cave for aquaponics for hydroponics for growing things in the cave there are some things like mushrooms that don't photosynthesis they don't need light they like wet humid fairly cold conditions well that's ideal to grow inside the cave. Other things like vermiculture which is worm farming and raising a worm casting which is great fertilizer and you know other things that are ideal for inside the cave so we're trying to get set up to do some of that stuff. We have a farm expert that's owned a farm out on the Pacific coast for ten years that's going to be moving here in April with his entire farm with goats and chickens and everything to get some movement forward on what we are trying to get accomplish and ready to go, so we are looking at rebuilding the chicken coop that is on the north side of the property that's got a fence around it that could be a corral and other things that need doing there's as most farmers there's ton and tons of stuff that you can do at any given day. I wanted to fall back to some of the questions that were brought up especially by the neighbor's attorney, we've have gone through time after time after time with staff on various questions, we reduced the density from fifty-four to twenty-seven, I never wanted fifty-four, the original architect said ask for more and then you can whittle it down later and it was way too much, that's way too many people there and so we whittled it down to twenty-seven. Matt and Kipp felt that that density was reasonable given the local the neighborhood and so on, if we need to do twenty-three and that gets the density down fine, if we need to zone a little bit larger area you know fine but we think that the application that we put in covered all the questions that they asked all the engineering that was asked for was provided the DNR is not going to let us build some that is discharging out all over the neighborhood, you know and it's supposed to be one of the requirements is it to be checked, we do have sufficient authorization we have had all along nothing has happened except talking so far anyway. I do believe we are in an unique situation, I do believe we are connected to the county water system there's no requirement to connect to the city sewer system as other people will have other options on their property. The septic system only serves the cave and the septic system is capable of up to forty-eight people who want to do the church in the cave, the engineer has already signed off that there are places in the cave that would be fine to do an assembly hall but we are going to have to look at the capacity of that room and how many people we are going to have in there whether we have ADA bathroom, whether we have a water fountain, whether we have a fire alarms and then whether the septic that is there can handle the capacity of that room or not. Those are all things that are going to have to happen we fully expect to digging up the septic system when the ground gets softer because Clay County requires an inspection of it because nobody has been using it for three years. Not that there is any problem, not that the toilets aren't flushing and stuff isn't going where it's supposed to be, there is no softness in the ground where it is and we could extend the laterals and triple or quadruple the size of that septic system but that's for the cave not for the village.

Mr. Beggs: I think I want to probably, it's my fault I drew focus on the cave but means it's outside the zoned area I don't think we should waste a lot of time with the cave issues at this point, I am sorry I kind of got you running down that path.

Mr. Perry: Yes that's all right I just wanted to try and address the different comments that had come up. We believe that Excelsior has typically shown up on a phone call maybe they don't, maybe we need to have fire suppression in each building or we need to have our own plan for how to put out a little cabin that's on fire and have a bucket brigade ready that is fine, whatever. The engineers, who are professionals who are certified say it need to happen we'll do. We've never been trying to get around the rules we've just been trying to ask people what's possible and where is there an opportunity here to do something different than what's always been done, not just for the sake of being different but because it's a firmly held belief and faith to live simply and to live inexpensively and we could go build

three thousand square foot houses in a neighborhood like anybody else that's not the plan that's not the goal that's not what our heart is and I don't think you can find anybody that says that they've been hurt by this ministry, I think we have been blessing to Liberty, I think we have been a blessing to the neighborhood around us and continue to be.

Mr. Beggs: Okay, appreciate it, any questions for the Commission?

Mr. Sander: I have one, back to the water issue; you have listed here that where your tank is going to be located at per this information here my question is and I know it's early in the situation but do we know what kind of tank it's going to be?

Mr. Perry: It will be a combination of tanks that will go through multiple baffles of tanks with bacteria that will eat the stuff into a lagoon.

Mr. Beggs: Are you talking about water supply?

Mr. Sanders: I'm talking about water supply.

Mr. Perry: Oh water supply, no there are two options. One would to be put it right here at the entrance where the water line comes in and then have electric pumps pump it to the village or to put it in the northeast corner where we have sufficient pressure coming down hill that may be able to meet the pressure requirements without an initial pump because it's up hill.

Mr. Sanders: Do we know what kind of tank that could possibly be at this present time?

Mr. Perry: Well it would be an approved opaque...

Mr. Beggs: Below ground or above ground?

Mr. Perry: Three or four thousand gallons.

Mr. Sanders: If it's above ground (*inaudible*)

Mr. Perry: It will be below ground; presumable unless we did some kind of water tower but that again would have to be approved by everybody concerned. It would be big it wouldn't be above the tree line or anything like that but it just depends on how much pressure drop, how much elevation drop we would need if that would get to houses without any electrical additional pumps to get to the pressure that's required. The same with the sewage we designed it so that pretty much everything is running downhill so if there is a power outage first of all I don't think they are going to allow us to have a sewer system that doesn't have battery backups or generator backup or some other method in the case of a power outage but we also have tried to design it so that it's all going downhill and won't require a lot of pumps.

Mr. Beggs: Okay very good, anything else?

Mr. Perry: I think I am okay.

Mr. Beggs: Okay, appreciate it thank you. I kind of already asked for comments I will give you something really quick if you want to add to it.

Ms. Neimeier: Okay this is just really quick and it's more of a question for you.

Mr. Beggs: Okay.

Ms. Neimeier: I just want to confirm, my name is Elaina Neimeier, 14621 Old Quarry Road, I am the only house directly across from the The Liberty Farm and in our last meeting that we attended you specifically said that no one should be occupying the land he suggested that he needed someone there for safety and to police the area, your specific remark was that there are security people out there, there's cameras different natures other than having somebody out there. I understand now in this evenings conversion you all had a change of heart, I just want to know exactly if it is okay for someone to be occupying it, is it just for the safety and security reasons and how many people so I can expect to know how many people is going to be coming and going throughout the night over there.

Mr. Beggs: It's no different than Mr. Rhodus' farm it's his ground he can go out there and he can work it.

Ms. Neimeier: So there is an occupancy license?

Mr. Beggs: Well he can't be sleeping, I mean actually residing there but if they are out working the ground, working the farm or repairing fences have someone there at night protecting their property that's their right they own the property.

Ms. Neimeier: So I just wanted to confirm so this evening it is okay for them and it's there right this evening to protect the property.

Mr. Beggs: Absolutely, just as it is yours, yes.

Ms. Niemeier: And I just would like to add one thing, I think he has a lot of good ideas, I think he has good efforts the thing is what worries me if he's got a seventeen hundred dollar balance due somewhere all of these things are going to cost money and if he is having to make payment arrangements a hundred dollars a month it worries me as to what's going to be left across the road when other payments aren't made. Thank you.

Mr. Beggs: And that was kind of my comment all of this infrastructure needed to be done up front before we go forward, unless you have something really quick Mr. Perry.

Mr. Perry: Yes there was one other thing..

Mr. Beggs: Please step up to the mic.

Mr. Perry: Sure, Doug Perry, 106 Crawford, nobody's going to occupy the property until all of the infrastructure is built. So the money's going to need to come and we fund raised to buy the property and within forty-eight hours had the money to purchase the property or do the down payment on the property and negotiate the deal and get approved. We haven't begun to fund raise for the village because we haven't got approval and we don't what's it going to cost or what we are going to need, but I am confident that the money is going to be there do what we need to do and you can be confident that we are not going to be occupying that village until all the infrastructure is paid for or mortgaged or however it's funded. It's all going to have to be in place per all those requirements before that village is occupied, so if we don't have the money we don't have the money and it doesn't get done and it doesn't bother anybody. But we are still a church we are still going to be there. We are still going to have meetings in the cave we are still going to have a farm, we are still going to do the things that are approved on the land already, I that was it.

Mr. Beggs: Okay appreciate it, thank you. I am going to close it to public comment, Commission discussion. From my point of view I am still a little uncomfortable with the lack of detail I sure would like to see a wastewater plant they've got planned and I would like to see more on the water usage and somethings like that and the ownership and how all that's structured but that's my point of view and that's kind of the way I'm leaning at this point, whether we, it's up to the Commission but if we want to table it if we can get more details, you said you've got the wastewater.

Mr. Jones: We have a preliminary plan of the wastewater treatment facility that DNR has approved, his next step in that would be if this would go through to get an actual permit and start construction and so that's probably enough detail of what you're looking for, now I don't have any further details on the water, now Mr. Perry might be able to provide that and we can work with him and ask him if he can provide that are there other items that you would like as well.

Mr. Beggs: Well I just would like to know what kind of plant it is, the manufacture, the capacity, all the engineering side of that, I am sure DNR has looked at it but I sure would like to know what it is we are dealing with.

Mr. Carlson: We are not asking anything more than a developer would have to give for a subdivision.

Mr. Rhodus: Have they looked at it for that piece of ground because you are dealing with a rock quarry.

Mr. Jones: I agree, and I believe that has been discussed but we kind of rely on DNR and then our engineers because obviously we are not experts on that.

Mr. Beggs: But before we move forward with rezoning it's kind of a leap of faith you know in our part.

Mr. Jones: I'd be happy to get what I can for you.

Mr. Perry: That was provided.

Mr. Jones: The wastewater was provided we have that report tonight.

Mr. Beggs: But you just got it today.

Mr. Jones: No we've had that, it's kind of a grey area to how much we provide for you so we don't overwhelm you.

Mr. Beggs: Oh, I just thought you got it today because I hadn't seen it.

Mr. Carlson: That is probably one of the most important things, I think as a developer that's really important that we know the system there are so many different systems out there and I really think that if there is sewage available or a sewer available and a water line available they should tie into it, we as a group up here have done that in many instances we have allowed the homeowners who did not have any

access to water to put a pump in but we were under the impression, or I am under the impression if water is available you have to use it and I think a two inch water line is a joke.

Mr. Rhodus: Personally I had to run an eight inch line for a mile when I built my house.

Mr. Carlson: And typically you have to run the line in front of your property because you are gaining the value of it.

Mr. Jones: So you want like a preliminary report on the water and plus the wastewater and are there any other items?

Mr. Carlson: I need to see preliminary before I guess so.

Mr. Beggs: I am kind of in agreement with Jim if there is sewer available, there's water available they should take it to the property it just eliminates a lot of the what ifs, who's going to maintain it, who's going to monitor it, who's going to enforce them just like everybody else to bring utilities to the property then a lot of that goes away and it's the health, welfare and safety of the public is better served. We don't have to rely on someone else to make sure it's working right, for what it's worth that is kind of my opinion as well.

Mr. Sanders: The engineering design standards in the past has called for when you design a septic system or sewer system that connected to a public you design it for a rate of a hundred gallons per person per day and looking right here at the first phase there's a B4 and if I understand this correctly Kipp that's a four bedroom?

Mr. Jones: Yes, I would have to look at that page, I believe so.

Mr. Sanders: So you've got fourteen bedrooms, we'll say roughly two people per that's twenty-eight persons without counting unit one and the cabins, because you've got four, eight, twelve, fourteen in the bunk houses too that's twenty-eight and even if you had one in each one of these little cabins right there so you are twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five a hundred gallons per person per day is thirty-five hundred gallons, at a rate of two thousand gallons I have some concerns with the amount of water that they are requesting in addition to that we require, I have appeared before this Board many times and there's always been the requirement of an eight inch minimum water line pulled to the property because that is the minimum size for fire suppression and it's a concern, I have a concern with the public safety not the surrounding neighborhood but part of my job is to also be concerned for the people on this property who will be living there, so I have a concern for that fire suppression.

Mr. Jones: I can provide the engineering we have and I will lean on legal counsel for everything else is we are going by what the PUD process is which is a concept plan so if they are wanting stuff, items that are require in the final plan I don't know how that should be handled.

Mr. Graham: Because typically, I think what we are talking about what we are asking for is more final plan material and so to that extent much what you are asking for is somewhat premature at this stage that is probably the most I will say about it.

Mr. Beggs: That said can we break out the PUD from this rezoning? Can we grant the preliminary PUD without doing the rezoning?

Ms. Viviano: No.

Mr. Beggs: Okay, so options staff if we table it are we going to get any more information?

Mr. Jones: I can provide what we already have and I can meet with the applicant and see what he's either has that he hasn't provided to us or what he's willing to do, I would be happy to that.

Ms. Viviano: But as I have said before he is going to have to provide us with information and it's going to have to be reviewed by SKW....

Mr. Jones: And he's aware...

Ms. Viviano: And he is going to have to pay for those reviews.

Mr. Jones: And he's aware that this is a two-step process that you may or may not pass him the first time, you pass him the first time County Commission may not pass him and he has to come back a second time even if he gets passed the first time he may not get passed the second time, that's just the way the PUD is.

Mr. Beggs: Can we tie the zoning to the PUD approval? The final PUD approval so that it remains so if we approve the rezoning that he is requesting and the preliminary PUD and if doesn't ...

Ms. Viviano: That would be a Kevin question.

Mr. Perry: I would agree to that.

Mr. Beggs: Just a second we've got to make sure counsel's agreed to it.

Mr. Graham: Ask the question again.

Mr. Beggs: Can we separate or can we tie the zoning to the final approval of the PUD, so if we approve the preliminary PUD and the zoning but when the final PUD comes through and we don't like the water or the sewer and we deny that that RSDM zoning does not take place it just stays as commercial can we do that as a condition?

Ms. Viviano: The owner can at any time put an application in or rezone it back to the original zoning.

Mr. Beggs: Well I am just trying to address his concerns that once we approve that zoning it's there.

Ms. Viviano: I don't know what Kevin's answer would be though.

Mr. Graham: I have got to think about that a little bit more since we are in PUD usage situation.

Mr. Carlson: What if we were to deny the application could he reapply for the application when he has all this information?

Ms. Viviano: I think there is a time limit on it.

Mr. Beggs: There's probably dollars for the reapplication.

Mr. Jones: And he still got to go through the two steps again.

Ms. Viviano: He will still go to County Commission.

Mr. Carlson: This is our third meeting.

Mr. Jones: If you need to see the sewer that is something we have now so if you need time to review that.

Mr. Beggs: I think the bigger concern is not just the sewer it's the water.

Mr. Carlson: Yes.

Mr. Beggs: If there's water available how far away is it he should pull it if he can, does he have the right away to run it down to his property if its six miles away it's probably cost prohibited.

Mr. Jones: There is water on, there's a water meter on the property.

Mr. Beggs: Yes but it is only served by a three inch line.

Mr. Jones: Right.

Mr. Beggs: And we are talking about him bring an eight inch line to the property.

Mr. Jones: And I don't have that information.

Mr. Beggs: That's kind of, I think...

Mr. Perry: Water district number eight says it's prohibitive, definitely would be a long long way to get an eight inch line over there. I would agree if we can't pass the second level of PUD inspection on the technical stuff then don't rezone it.

Mr. Beggs: We are waiting on counsel to tell us or advise us here.

Mr. Graham: I would probably would like to comment that the trigger mechanism is to absolutely going to revert back whether he can delay that I would have to look at that in a little bit more detail before I am comfortable saying that we can absolutely put that in there. Even if he is willing to make that restriction, Kipp can he amend the application to allow for that to revert back at some point as?

Mr. Jones: Can we amend that to revert the zoning back?

Ms. Viviano: I think they can.

Mr. Graham: I think that's the easier answer if he could amend that and you are comfortable with that then it would just revert back to at some point if the decision becomes contentious.

Ms. Viviano: I mean I believe you can, yes.

Mr. Beggs: So with that said Mr. Perry I would like for you to come back forward I am going to have counsel kind of repeat what he was just discussing with us.

Mr. Graham: My understanding is Mr. Perry if you are willing to essentially what would be to amend your application that if the full project isn't completed or approved that the rezoning would revert back to the original zoning, is that clear.

Mr. Perry: Right, yes we couldn't build on it any way we couldn't really do anything with it anyway. This is the preliminary if we can't pass the second one then...

Ms. Viviano: I think we were talking about the rezoning only here.

Mr. Graham: Correct.

Ms. Viviano: We were talking about the rezoning not going up to the final at that point, I believe we were talking about the rezoning and the concept plan and when we were saying with rezoning that if you approved the rezoning and the concept plan, okay could we go, could you revert it if the final plan

was not, if he submitted and the final plan it did not go through could you revert back with the rezoning and it would go back to the commercial without the overlay that was my understanding on that question.

Mr. Beggs: That was the question but it was how we get there.

Ms. Viviano: And my question, Kevin, did you state then that at that point then that yes you felt like we could make it as in the condition that yes it would at that point go back it could revert back if it was not approved.

Mr. Graham: That would be the intent to ...

Ms. Viviano: That would be the intent.

Mr. Graham: If the applicant stipulates that.

Mr. Beggs: Amend his application to that fact.

Mr. Graham: So I think what he is saying (*inaudible*)

Ms. Viviano: Because if the applicant agrees to that and he is on, the owner has already authorized him to give you that so as it is a condition that that would go back and the applicant has authorized him to do that so it would be yes, it could be a condition, I would say it would be yes.

Mr. Graham: I agree.

Mr. Carlson: One other question I would like to ask the attorney can a tenant actually rezone the property.

Mr. Graham: On my (*inaudible*) he acting with authorization, is that right Kipp?

Mr. Jones: Yes he has owner's authorization which is our standard policy.

Mr. Decker: Can I say something?

Mr. Beggs: Please.

Mr. Decker: I think Mr. Perry is on a wonderful mission, I respect what you are doing and more power to you. I think we as a board or P&Z should proceed with caution Mr. Roe brought up a lot of good points, Darin Sanders brought up some good points that if we set a precedence that we can a subdivisions classified as PUDs without eight inch water mains and eight inch sanitary sewer mains and true fire hydrants we are going to set a precedence and Mr. Binkley and all of his followers are going to line up and start putting in subdivisions with holding tanks and onsite disposal I guess I feel I kind of question that if we are not complying with own rules and regulations and I am a little embarrassed Mr. Roe you read the bible to me tonight or read the LDC book to me tonight and you know more about that book than I do and I am embarrassed about that, I feel like we should proceed with caution and not set a precedence and maybe we need to have Planning and Zoning's legal counsel take a hard look at what we are doing here. That's my thoughts.

Mr. Beggs: Okay.

Mr. Carlson: I agree 100%.

Mr. Beggs: I think that's where we were all trying to get to, not slow down the process to make sure we are moving forward.

Mr. Carlson: I have a feeling thought that we are trying to bend the process way too much.

Mr. Perry: Gentlemen you should have never passed the PUD in the first place if it wasn't a way to bend the process this is we are simply using your processes, Mr. Roe...

Mr. Roe: I thought public hearing was closed Mr. Chairman it's closed this is discussion for you guys.

Mr. Beggs: Yes let's continue here, on Exhibit A I think we should add another condition under Exhibit A which includes ownership agreement to the property and on number four we already have a detailed water extension plan include depth size, placement of water lines which shall be done by a professional registered licensed engineer in the State of Missouri for each phase of the final, I was going to add (*inaudible*) but if we have a PE sign off on it I think we should still maintain the right on Exhibit A the recommendations on number four I think we will still reserve the right to reject that plan even though it's been signed and sealed by a PE. So I think we can answer some of those questions and we move forward.

Mr. Carlson: I would like to bring up a motion before this group before we go too much further. I would like to make a motion that we deny the rezoning of the property from district C-3 to the multi-family R-SDM with a Planned Unit Development based on the fact of lack of information.

Mr. Beggs: Do I have a second?

Mr. Rhodus: Second.

Mr. Beggs: Okay I am going to ask for a discussion we can amend that motion if the Commission so desires.

Mr. Decker: And the motion is to..

Mr. Beggs: The motion is to deny the application.

Mr. Decker: Deny the application for residential.

Mr. Beggs: It's to deny the PUD and the rezoning.

Mr. Decker: Deny both.

Mr. Beggs: He has to come back and resubmit if he wants to continue. Any discussion for that? Do you want to amend it? Okay vote.

Mr. Jones: Darin Sanders?

Mr. Sanders: Deny.

Mr. Beggs: Are you voting to deny it or are you voting to approve the denial.

Mr. Sanders: To approve the denial.

Mr. Beggs: To approve the denial.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve to deny.

Mr. Jones: Jim Carlson?

Mr. Carlson: Approve to deny.

Mr. Jones: Tom Decker?

Mr. Decker: Approve denial.

Mr. Jones: Chairman Mark Beggs?

Mr. Beggs: Disapprove.

Mr. Jones: The motion carries.

Final Vote: 4/1/0 Deny, September 15-136RZ; The Church of Liberty– Rezoning

Mr. Beggs: Okay this will be taken this matter will be taken up with County Commission again on February 22nd at 10 am. They will have the final say and approval this Board just gives recommendations to the County Commission it is their final decision on whether to go forward.

Audience Member: On the agenda it says February 16th is that a change?

Mr. Beggs: Yes that was a typo it is February 22nd at 10 am.

Audience Member: Thank you very much.

Mr. Graham: If you come to County Commission on February 22nd at 10 and most likely again on the 29th but the business decision or the hearing will be on the 22nd. Are we still in session?

Mr. Beggs: Yes we still have some business to take care of sorry.

Mr. Graham: Folks this Commission is still in session if you want to stay you are welcome to if not please leave but don't linger and talk please, thank you.

Mr. Beggs: Any other comments?

Mr. Jones: Not from staff.

Mr. Beggs: Okay staff any Executive session items we need. I will entertain a motion for adjournment. I am sorry do you still have something Debbie? Okay I am accepting a motion for adjournment anybody a motion.

Mr. Sanders: I motion.

Mr. Decker: Second.

Mr. Beggs: All in favor?

All: Aye.

Mr. Beggs: Meeting is adjourned.

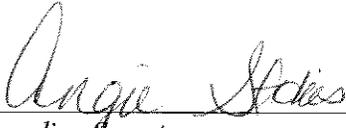
Meeting Adjourned



Chairman, Planning & Zoning Commission



Secretary, Planning & Zoning Commission



Recording Secretary