

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

September 9, 2014

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

Call to Order at 6:30 pm.

Roll Call

Members Present: Gene Knisley, Jim Carlson, Duane Jackson, and Tom Decker

Members Absent: Mark Beggs and Cecil Troutwine

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

Mr. Knisley: Good evening ladies and gentlemen, I would like to welcome everyone to the September 9th Planning and Zoning meeting, can we have roll call please.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Here.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: *Absent.*

Mr. Tapp: Jim Carlson

Mr. Carlson: Present.

Mr. Tapp: Tom Decker?

Mr. Decker: Present.

Mr. Tapp: Mark Beggs?

Mr. Beggs: *Absent.*

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Present, thank you. Can we have a motion to approve the July 1, 2014 minutes?

Mr. Carlson: I'll make a motion to approve the minutes.

Mr. Knisley: Thank you there has been a motion to approve do we have a second?

Mr. Jackson: Second.

Mr. Knisley: Vote please.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Yes.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Yes.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve, thank you.

Final Vote: 4/0/0 Approve July 1, 2014 Minutes

Mr. Knisley: Gentlemen if you will look at the monthly reports for July and August, if you have any questions or comments please bring them up at this time. Being no comments or questions we will proceed. The cases tonight will be heard either approved or disapproved will be forwarded to the Clay County Commission that dates on September 22 at 1:30 in this room. That being said we have a regular agenda this evening the staff reports will be included with the minutes, we are recording the minutes for the meeting so if we call you up to the podium if you will state your name and address and possible spelling of it. That being said we will proceed with the first case this evening is Case Number July 14-

123RZ/F a request for rezoning from Agricultural (AG) to Residential Urban Rural Single-Family District (RU-80) for proposed Lot 2 only and Suburban Residential District (R-1A) to Agricultural (AG) for proposed Lot 1 for the subdivision replat of Elizabeth Acres (A Replat of Lot 5A and 5B Bonnie Acres) located at approximately 1008 NE 124th Street. The applicant is Dennis L. Schmidt, representing Elizabeth S. Roberts and this case was rescheduled from the cancelled meeting in August. Do we have an update on the case for the record?

Mr. Tapp: Yes, Mr. Vice-Chairman. Dennis Schmidt of Countywide Survey representing Elizabeth Roberts is requesting the rezoning and the final plat approval of Elizabeth Acres which is a replat of Lot 5A and 5B of Bonnie Acres. Ms. Roberts would like to refigure the two existing lots into two new reshaped lots with a total of 24.68 acres on Lot 1 will be 21plus or minus and Lot 2 3.68 acres. No opposition was received by staff, it's a recommendation that the Planning and Zoning Commission approve the rezoning and the final plat with the conditions as outlined on page 5 of the staff report. And there is also a vacation request because the reconfiguration or replat had some old utility easements with the old lot lines they need to vacate those and establish the new ones.

Mr. Knisley: I see where it states it here, utility vacations is that what you are talking about?

Mr. Tapp: Yes, that is to vacate the old utility easements from the old lot lines.

Mr. Knisley: Okay.

Mr. Tapp: Basically they are mirroring what the only lot lines were; flip flopping it on its axis.

Mr. Knisley: Do we have a representative?

Mr. Schmidt: Yes.

Mr. Knisley: Come up and state your name for the record.

Mr. Schmidt: I am Dennis Schmidt, Countryside Surveying, reside at 21520 South Countryside Dr, Peculiar, MO, I am representing Elizabeth Roberts on this.

Mr. Knisley: Do you have any comments or questions about the staff report?

Mr. Schmidt: We agree with what Matt has said.

Mr. Knisley: Is there any comments from the Commission? Questions for the representative?

Mr. Carlson: Were there new easements established?

Mr. Tapp: Yes there are, there are new UEs in accordance with our Land Development Code on the new lot lines.

Mr. Knisley: Any more questions from the Commissioners or questions or comments from the public concerning this case? Being none, no further questions and comments so we will ask for a motion to approve the rezoning on the Agricultural to Residential Urban Single Family District on Lot 2 only and proposed Lot 1 of Elizabeth Acres replat of Lot 5A and B of Bonnie Acres do I have a motion?

Mr. Decker: I will make a motion to approve the rezoning as stated.

Mr. Knisley: Thank you I have a motion to approve vote please.

Mr. Carlson: I will second that.

Mr. Knisley: Thank you second, vote please.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Yes with conditions.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Yes with conditions.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve the rezoning.

Final Vote: 4/0/0 Approved, July 14-123RZ/F; Elizabeth Acres (A Replat of Lot 5A and 5B Bonnie Acres) – Rezoning

Mr. Knisley: We will proceed to the final plat of Elizabeth Acres, any comments from the Commission, questions concerning the final plat? Any comments from the public? Being none do I have a motion to approve the final plat on Elizabeth Acres?

Mr. Jackson: Motion to approve the final plat for Elizabeth Acres.

Mr. Knisley: Thank you; there is a motion to approve the final plat do I have a second?

Mr. Carlson: I'll second.

Mr. Knisley: Thank you, I have a second to approve with the two conditions, can we have a vote please?

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approve with conditions.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve with conditions.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve with conditions.

Final Vote: 4/0/ 0 Approved, July 14-123RZ/F; Elizabeth Acres, A Replat of Lot 5A and 5B Bonnie Acres With Two (2) Conditions

Mr. Knisley: The second case is Case Number 124V it is dated August 2014, it's a request to vacate utility easements within Lots 5A and 5B of the Replat of Lot 5 Bonnie Acres, located at approximately 10200 NE 124th Street, the applicant is Dennis L. Schmidt, representing Elizabeth Roberts, again this case is also rescheduled from the August 5th meeting. Can we have an updated report Director?

Mr. Tapp: Yes Mr. Vice-Chairman. As I had mentioned related to the rezoning and final plat is a request to vacate the old utility easements that lie on either side of the internal lot lines that got re-figured, so we must pursue a vacation of these utilities. No opposition was received.

Mr. Knisley: No opposition any comments from the Commission? Questions or comments from the public? Being none do I have a motion to approve the request to vacate the utility easement on Replat of Lot 5 of Bonnie Acres?

Mr. Carlson: I will make a motion to approve vacating the utilities for Lot 5A and B of Bonnie Acres.

Mr. Knisley: Thank you, there has been a motion to approve do I have a second please?

Mr. Jackson: Second.

Mr. Knisley: Vote please Director.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approve with condition.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve with conditions.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve with conditions.

Final Vote: 4/0/0 Approve; Aug 14-124V; Elizabeth Acres, (A Replat of Lot 5A and 5B Bonnie Acres)– Vacate with One (1) Condition

Mr. Knisley: We will proceed to case number three it's Case Number 125RZ/P dated September 2014 this is a request for rezoning from Agricultural (AG) to Commercial Services District (C-3) for proposed Lot 2 only and that is for rezoning do we have a staff report.

Mr. Tapp: Yes Mr. Chairman, summarized the staff report Sept 14-125RZ/P dated September 2, 2014.

Mr. Knisley: Thank you Director. Do we have any comments from the Commission in regards to this case? Comments or questions? Any comments or questions from the public on this case? Being none do we have a motion to approve the rezoning of Riles Acres from Agricultural (AG) to Commercial Services District (C-3) Lot 2 only?

Mr. Decker: I will make a motion to approve as stated.

Mr. Knisley: Thank you, I have a motion to approve can I have a second?

Mr. Jackson: Second.

Mr. Knisley: Thank you we have a motion to second to approve the rezoning, vote please.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approve with conditions.
Mr. Tapp: Jim Carlson?
Mr. Carlson: Approve with conditions.
Mr. Tapp: Tom Decker?
Mr. Decker: Approve with conditions.
Mr. Tapp: Chairman Gene Knisley?
Mr. Knisley: Approve rezoning.

Final Vote: 4/0/ 0 Approved, Sept 14-125RZ/P; Riles Acres – Rezoning

Mr. Knisley: We will proceed to the preliminary plat approval of Riles Acres. Again do I have any comments or questions from the Commission? Any comments from the public? Being none do I have a motion to approve the preliminary plat of Riles Acres with the following conditions in Exhibit A which is three?

Mr. Decker: I will make a motion to approve the preliminary plat of Riles Acres.
Mr. Knisley: Thank you, we have a motion with three conditions do we have a second please?
Mr. Carlson: I will second.
Mr. Knisley: Thank you we have a motion and a second vote please.
Mr. Tapp: Duane Jackson?
Mr. Jackson: Approve with conditions.
Mr. Tapp: Jim Carlson?
Mr. Carlson: Approve with conditions.
Mr. Tapp: Tom Decker?
Mr. Decker: Approve with conditions.
Mr. Tapp: Chairman Gene Knisley?
Mr. Knisley: Approve with conditions.

Final Vote: 4/0/ 0 Approved, Sept 14-125RZ/P; Riles Acres – Preliminary Plat With Three (3) Conditions

Mr. Knisley: Case number four is Case Number 126CUP is dated September 2014. This is a request for a Conditional Use Permit to operate a Commercial Recreational Equipment and Vehicle Storage facility on Commercial Services District (C-3) zoned property proposed for Lot 2, Riles Acres at approximately 15710 N 69 Highway. The applicant is Martin Mueller, McLaughlin Mueller, Inc., representing Mark and Brenda Riles, can we have a case report please.

Mr. Tapp: Yes Mr. Chairman, summarized the staff report Sept 14-126CUP dated September 2, 2014. For this one Mr. Chairman I would ask if you could have the applicants come to the mic and make sure they understand and intend to fully comply with the conditions.

Mr. Knisley: Yes will the applicants please come to the podium.

Mr. Tapp: Applicant and/or owner, sorry I should clarify.

Mr. Mueller: Martin Mueller of McLaughlin Mueller, 16215 Baxter Rd, Excelsior Springs, MO.

Mr. Knisley: Thank you Martin.

Mr. Riles: Me too?

Mr. Knisley: Yes.

Mr. Riles: Mark Riles, 15710 N 69 Highway, Excelsior Springs.

Mr. Knisley: We will ask both of you that you are in agreement with these three pages of conditions and you went over them with the staff and you are in complete agreement with them?

Mr. Riles: Yes.

Mr. Martin: Yes.

Mr. Knisley: Any comments or questions from the Commission to the applicant and representative?

Mr. Carlson: I have one question for Matt. Matt, who monitors the conditions?

Mr. Tapp: We do as staff.

Mr. Carlson: As staff.

Mr. Tapp: Yes and if we come to find a violation we try and work it out with the applicant or owner and then start sending letters if we have to. But that is rare, because again most people are very aware of the conditions through the process.

Mr. Knisley: Any other comments? Any comments from the public or questions? Thank you gentlemen. Being no further questions or comments on this case I will ask for a motion for the conditional use permit for a Commercial Recreational Equipment and Vehicle Storage on proposed Lot 2 of Riles Acres to be approved with nine conditions in Exhibit A, do I have a motion for that?

Mr. Decker: I will make a motion to approve the CUP as stated.

Mr. Knisley: Thank you. There has been a motion to approve do I have a second please?

Mr. Jackson: Second.

Mr. Knisley: Thank you I have a motion and a second to approve, vote please Director.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approve with conditions.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve with conditions.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve with nine conditions. Thank you.

**Final Vote: 4/0/0 Approved, Sept 14-126CUP; Riles Acres – Conditional Use Permit
With Nine (9) Conditions**

Mr. Knisley: Case number five is Case Number 127F dated September 2014 this is a request for final plat approval of Riles Acres a proposed subdivision located at approximately 15710 N 69 Highway. The applicant is Martin Mueller, McLaughlin Mueller, Inc., representing Mark and Brenda Riles. Can we have report on this case of the final plat?

Mr. Tapp: Ditto from previous this is just the final plat.

Mr. Knisley: Any comments from the Commission, questions? Comments from the public? Being none do I have a motion to approve the final plat of Rile Acres?

Mr. Jackson: I make a motion to approve the final plat of Riles Acres.

Mr. Knisley: Thank you; there has been a motion to approve second please.

Mr. Carlson: Second.

Mr. Knisley: Thank you, I have a second, vote please Director.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approve with conditions.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve with conditions.

**Final Vote: 4/0/0 Approved, Sept 14-127F; Riles Acres – Final Plat
With Three (3) Conditions**

Mr. Knisley: The last case number six, this is Case Number 128CUP, conditional use permit dated September 2014. This is a request for a Conditional Use Permit to erect a commercial wireless communication tower on Agriculturally (AG) zoned property located at approximately 16423 Endicott

Road the applicant is Justin Anderson, Selective Site Consultants, representing Verizon Wireless, staff report Director.

Mr. Tapp: Yes Mr. Chairman, summarized the staff report Sept 14-128CUP dated September 2, 2014.

Mr. Knisley: Thank you Director. Will the representative like to step up to the podium.

Mr. Anderson: Good evening thanks for your time, my name is Justin Anderson, I am with Selective Site Consultants, my address is 9900 W 109th St, Ste 300, Overland Park, Kansas 66210. So first I would like to say we agree with all of the staff's comments, thanks Matt. Also it's important to understand kind of the relationship of wireless sites as they kind of become more of a modern cultural then a necessity rather than a simple luxury if you will. So all of the new sites that you'll probably be hearing more about these are in a honeycomb pattern as they've always been, except those patterns are getting a bit smaller and that's to off load traffic from existing sites given all the data that people are pushing through their phones now. This particular site talks to sites in Kearney and Excelsior Springs and continues on network up through Ray County and also up to the northwest as well. I will be happy to answer any specific site questions or concerns you may have, but we agree with all the conditions.

Mr. Knisley: That is the main thing, Justin, is that you agree.

Mr. Anderson: Sure do.

Mr. Knisley: Any questions or comment to the applicant's representative?

Mr. Carlson: How far to the west of Kearney will this effect?

Mr. Anderson: To the west of Kearney, let me look at my.. so right now we have a site that's just west of Kearney so this site will communicate with a site that, we're actually working on a new downtown site in Excelsior Springs on a roof top, as well as there's a site up by Muddy Fort Bend and a site just west of Kearney. Our goal is.. did everybody get a copy of propagation?

Mr. Tapp: No they did not Justin.

Mr. Anderson: So we have these propagation maps that you are more than welcome to look at them. There's a key so the second page is our proposed coverage and the key basically goes green is best and then it goes down the road from there, white is no coverage. And what we consider to be sufficient coverage is standard coverage in your house. You should not have to worry about going out on your front porch or not standing to close to your mailbox or what have you. That's our goal as a company to provide a service that people are paying for.

Mr. Tapp: Commissioner Carlson I want to add in and zoom out to get a better regional feel of the proposed site, we are actually really close to Watkin's Mill State Park between that and Jessie James Farm, so we are more northeast Kearney. I just don't know we have to look more line of site if you were wondering what western Kearney, I've also turned on all existing tall structures in Clay County a couple of buffers to give you kind of an idea of western Kearney I wouldn't think, Justin, would hit much over there.

Mr. Anderson: No it's networking with another site. It basically hands off to another site.

Mr. Tapp: But as I told the Commission before we actually had two requests not too long ago, one off 33 one off 172nd Street the new roll out, this newer network is shorter towers but more of them. So like Justin said the honeycomb cells are getting smaller and smaller, which is good because it lessens the height of the tower. So now you are getting down to 170/160/150 foot tall towers and who knows what the next wave might be it might be light poles on some other existing facilities where we won't stop to notice, we won't see a whole lot of just cell sites. But at this point it's the 4G LTE data roll out we are going to see more and more of these especially through Verizon and Sprint and AT&T which I think this one is Verizon, is that right Justin.

Mr. Anderson: It is.

Mr. Tapp: It is primary top.

Mr. Anderson: Right and that is a good point, so the tower itself actually uses part of the tower is 150 feet lighting rod is 10 feet so 160 and then every ten feet below 160 is co-locatable for Sprint, T-Mobile, AT&T, Cricket as long as the tower is structurally capable.

Mr. Tapp: Which this on does according to your *(inaudible)*

Mr. Anderson: Right no less than three total users.

Mr. Tapp: Three total users and our code require that, so there is a certain separation requirement for an existing tower sites or actually tall structure sites. So we try and promote co-location as much as possible I am sure Justin will too, because it helps out his job. Makes it much easier, but as you can see

on the map the dark circles are mainly where are codes covers and there's still a vast area that a cell tower could locate, now there is also other factors as well in that selection just to get you an idea more general bigger picture. And some of those are the Jesse James Farm site which is like 50 feet tall and no way could you co-locate anything, so in reality it's not a feasible co-location.

Mr. Knisley: Things have changed since the first one we approved.

Mr. Anderson: In a good way.

Mr. Tapp: Yes and people will prefer their voice and data coverage and have better coverage and this is the requirement. Got to have more facilities out there if we're on the forefront if we have more sites then it's more enticing for folks to move to Clay County. It's actually becoming what's called the fifth utility or the sixth utility now, it's almost like, it's like power its gas, it's like a standard utility that people are asking for and demanding along with high speed internet.

Mr. Carlson: I have one bedroom in my house that I can talk on my cell phone so this is good.

Mr. Tapp: And what provider do you have?

Mr. Carlson: Verizon.

Mr. Tapp: That is rare, I have got to be honest with you, their promotions don't lie it is one of the larger networks.

Mr. Carlson: I am five miles west of Kearney.

Mr. Tapp: Well tell Mr. Anderson that he needs to look out there.

Mr. Anderson: The number one way that these sites are built are actually from customer complaints. They don't really believe in the whole if you build it they will come mentality it a little too expensive for that.

Mr. Knisley: Any other comments?

Mr. Decker: I would like to see the propaganda map.

Mr. Anderson: So again the front page is existing and second page is proposed.

Mr. Knisley: While he is looking at that I have a comment on the Conditional Use Permit we have eight conditions that we can vote on, you have the same sheets as we have on page five.

Mr. Anderson: On the staff report?

Mr. Tapp: It should be page seven.

Mr. Anderson: Exhibit A?

Mr. Tapp: Are you going back to page five?

Mr. Knisley: I am going back to page five under the Land Development Code, where it specifies eleven issues and that's, there's quite a few of them. Those are very important and I am sure, I hope that you reviewed those and agree with those because that is something that ..

Mr. Anderson: I have and I do.

Mr. Knisley: Okay. Any questions or comments? Being none do I have a motion to approve the Conditional Use Permit to erect a 170 foot tall mono pole commercial communication facility and has an Exhibit with eight conditions included do I have a motion for that?

Mr. Decker: There's eight conditions or eleven conditions?

Mr. Tapp: That's eight conditions, the Chairman was referencing eleven code requirements, and there are eight conditions.

Mr. Knisley: That was on page five and the next page and the last one is on page seven.

Mr. Decker: I will make a motion to approve the Conditional Use Permit as stated.

Mr. Knisley: Thank you Tom, there is a motion to approve second please.

Mr. Jackson: Second.

Mr. Knisley: We have a second vote please Director.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approve with conditions.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve with conditions.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve with conditions.

Final Vote: 4/0/0 Approved, Sept 14-128CUP; Selective Site Consultants, Verizon Wireless – Conditional Use Permit With Eight (8) Conditions

Mr. Anderson: Thanks for your time gentlemen.

Mr. Knisley: Good luck.

Mr. Carlson: Give me a call.

Mr. Anderson: I will.

Mr. Knisley: Alright is there any other business? Any Director comments?

Mr. Tapp: None Chairman.

Mr. Knisley: Any comments from the Commission or Council? A motion to adjourn?

Mr. Carlson: I make a motion to adjourn.

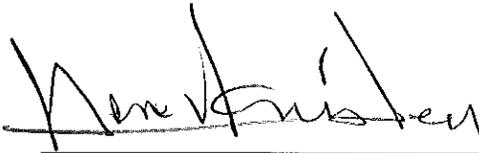
Mr. Knisley: A second?

Mr. Jackson: Second.

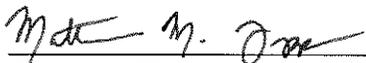
Mr. Knisley: All in favor?

All: Aye

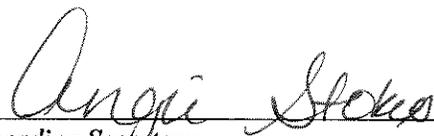
Meeting Adjourned



Chairman, Planning & Zoning Commission



Secretary, Planning & Zoning Commission



Recording Secretary