

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

November 24, 2015

Special meeting of the Clay County Planning and Zoning Commission, P&Z Office/Conference Area, 234 W Shrader St., Suite C, Liberty, MO.

Call to Order at 4:00 pm.

Roll Call

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

Members Absent: Jim Carlson

Staff Present: Kipp Jones, Planning and Zoning Manager
Debbie Viviano, Planner
Tim Flook, Assistant County Counselor

Mr. Beggs: I would like to call to order for a special meeting of the Clay County Planning and Zoning Commission, November 24th, roll call.

Mr. Jones: Darin Sanders?

Mr. Sanders: Present.

Mr. Jones: David Rhodus?

Mr. Rhodus: Present.

Mr. Jones: Jim Carlson

Mr. Carlson: Absent.

Mr. Jones: Tom Decker?

Mr. Decker: Present.

Mr. Jones: Mark Beggs?

Mr. Beggs: Present. First item on the agenda is to consider the application, I guess from Church of Liberty?

Mr. Flook: The sole issue before you is a request from Counsel for the opposition to the pending application of Church of Liberty, that's the way to characterize what this is.

Mr. Beggs: Okay.

Mr. Flook: So your Church of Liberty application number, do we have that on here.

Mr. Beggs: It's September 15-136RZ.

Mr. Flook: There you go.

Mr. Beggs: Do we have a staff report?

Mr. Jones: We would just like to attach the memo and the attachments as part of the official record and in particular to bring you attention to attachment H which is the letter for the request to table.

Mr. Flook: A note to the Chair it's the November 3rd letter of John W. Roe and he has listed off the names of certain individuals or Clay County residents that he represents and they are among the opposition and they would like to have this thing tabled due to his absence and they would like to have presence of Counsel.

Mr. Beggs: Have we heard from the applicant? Have we received all the information from the applicant?

Mr. Jones: We have not, the application is not complete, as part of your attachments you will see some further information but we have not received a final plan for the sewer or the septic system.

Mr. Beggs: So in essence if we went on December they will probably not have all the information we need to make a decision anyway.

Mr. Flook: They may not.

Mr. Jones: We do not have...

Mr. Beggs: May not.

Mr. Flook: So the real way to look at it is ..

Mr. Beggs: When was the deadline for everything?

Mr. Flook: The deadline I thought...

Mr. Jones: Staff reports go out today so we don't have the information for the staff reports.

Mr. Decker: Is there a formal deadline to be on the agenda in a regular meeting?

Mr. Jones: He could, and maybe I will deflect to Tim, but he could bring in the approval the day of the agenda but I don't know that obviously you guys would not have time to...

Mr. Flook: It's not preferred practice because it doesn't allow you the opportunity to review or the Commission to review it. So I think it's matter of course the correct question would be one parties or effect party is asking to continue the matter the applicant has material that has not yet arrived which we know the applicant would like to provide and intends to provide. So in terms of looking at it, the question for you all would be; would there be due process served to both parties by continuing it, and can the continuance be done without a prejudicial effect on the applicant who has already had a hearing set? I think that is how you'd look at it.

Mr. Beggs: So any discussion about that? I will entertain a motion and then we can discuss it after the motion.

Mr. Decker: It's one attorney representing three property owners, adjacent property owners or four. I could go with Tim's comment I don't think the applicant is going to be ready to present a full deck of cards on December 1st.

Mr. Beggs: I don't think there is any prejudice by continuing it, I don't think it hurts him I think it actually helps the applicant, helps him gives him another month to get all his information in. Any discussion? Do we have a motion?

Mr. Decker: I will make a motion to table the applicant from the Church of Liberty for his presentation at the December meeting and move it to the regular January meeting.

Mr. Beggs: January 5th.

Mr. Rhodus: I'll second.

Mr. Beggs: Any discussion about that motion? Vote.

Mr. Jones: Darin Sanders?

Mr. Sanders: Approve.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve.

Mr. Jones: Tom Decker?

Mr. Decker: Approve.

Mr. Jones: Mark Beggs.

Mr. Beggs: Approve.

Mr. Jones: Motion carries.

**Final Vote: 4/0/0 Approved, Sept 15-136RZ; Church of Liberty– Rezoning
Table to January 5, 2016 meeting**

Mr. Beggs: And notes of the meeting, Tim any specific requirements?

Mr. Flook: Yes, recommendation from Counsel to staff is to send a written notice. A letter giving notice that the matter has been tabled to this date, send it to the applicant and then a notice to John Roe for his clients and if there is any other person who submitted a name and address that is a resident of Clay County that we know of. It would be good practice to send them notice just to make sure. Just caution you can never get in trouble for too much due process, you are going to err on the side of too much notice and then we will post it on however you normally post it on the website just to make sure.

Mr. Jones: Okay.

Mr. Beggs: Any other business?

Mr. Jones: Not from staff.

Mr. Flook: Not from me, not today.

Mr. Beggs: I will entertain a motion to adjourn.

Mr. Decker: I'll make a motion to adjourn the meeting.

Mr. Rhodus: Second.

Mr. Beggs: All in favor?

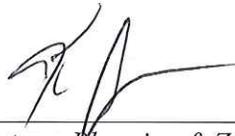
All: Aye.

Mr. Beggs: Meeting is adjourned.

Meeting Adjourned



Chairman, Planning & Zoning Commission



Secretary, Planning & Zoning Commission



Recording Secretary