

# CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

**June 7, 2016**

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

Call to Order at 6:30 pm.

Roll Call

Members Present: Jim Carlson, Duane Jackson, Tom Decker, and David Rhodus

Members Absent: Mark Beggs

Staff Present: Kipp Jones, Planning and Zoning Manager  
Debbie Viviano, Planner  
Angie Stokes, Secretary  
Andy Roffman, Assistant County Counselor

**Mr. Carlson:** I would like to call to order the June 7, 2016 regular meeting of the Clay County Planning and Zoning Commission. I little housekeeping before we begin the meeting is being recorded so when you come to speak we want you to come forward and we will give you permission to speak, we don't speak in the seats we don't talk in the seats, the decisions that are made by this Commission right here will be heard before the Commission on June 20, 2016 at 10 o'clock so if you are interested in a case and want to see it you can come to that meeting.

**Mr. Jones:** Chairman that's the County Commission I just want to make sure that clear, that is the County Commission.

**Mr. Carlson:** Yes I am sorry, it's the County Commission, we make a recommendation to the Commission and then the County Commission will be here on the 20<sup>th</sup>. Like I said when we call each case, we have five cases before us tonight, we will ask the person representing that case to come forward and we will ask the staff to give a staff report and then we will have questions for the Commission Board members and then we'll open it up for questions to the applicant and we'll have time for you to speak, so we called the meeting to order I would like a roll call.

**Mr. Jones:** Duane Jackson?

**Mr. Jackson:** Present.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Present.

**Mr. Jones:** Jim Carlson

**Mr. Carlson:** Present.

**Mr. Jones:** Tom Decker?

**Mr. Decker:** Present.

**Mr. Jones:** Mark Beggs?

**Mr. Beggs:** Absent.

**Mr. Carlson:** I would like to ask for a motion to approve the May 3, 2016 P&Z minutes.

**Mr. Decker:** I will make a motion to approve the May 3, 2016 minutes as presented.

**Mr. Carlson:** Do we have a second on that motion?

**Mr. Rhodus:** Second.

**Mr. Carlson:** Motion has been brought forward and seconded to approve the minutes of the last meeting, roll call please.

**Mr. Jones:** Duane Jackson?

**Mr. Jackson:** Approve.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Jones:** Jim Carlson?

**Mr. Carlson:** Approve.

**Mr. Jones:** Tom Decker?

**Mr. Decker:** Approve.

**Mr. Jones:** Motion carries.

**Final Vote: 4/0/0 Approve May 3, 2016 Minutes**

**Mr. Carlson:** Okay we will move on to the first case; June 16-114V a request to vacate utility easements within Lot 1 of Three J's Acres located at approximately 15822 C Highway, the applicants are Rebecca McMahill and Brent Vanderford, also representing Steven D McMahill and I would like to ask for a staff report. Should we have them come forward?

**Mr. Jones:** However you want to do it.

**Mr. Carlson:** I think I would like to, is there somebody representing this case? Okay would you like to come forward, do you mind or can wait until we are done?

**Ms. McMahill:** Do you want me to?

**Mr. Carlson:** I would like you to, we would like to be speaking to you and so what we will do is we will ask for the staff report first then we will ask the Commission if they have questions, then we will ask you if you have questions for the staff or us.

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

**Mr. Carlson:** So approved.

**Mr. Jones:** Summarized the staff report June 16-114V dated May 27, 2016. Added second condition "Written approval from Public Water Supply District #6 prior to final approval from the County Commission". So we will need to receive approval from Water District #6 before the County Commission make their final approval. The water district's meeting is June 22<sup>nd</sup> so that would fall in line before the County Commission gives their approval.

**Mr. Carlson:** Do you have any questions?

**Ms. McMahill:** They have the meeting on the 22<sup>nd</sup> when do they determine, do they, how long does it usually take to determine that after that, is there a waiting period?

**Mr. Jones:** According, we talked to the representative of District #6 and they should vote that night now I guess there is a chance they could table it or put it off but they expected it to be voted on that night.

**Ms. McMahill:** Okay and did he give you indication about how he thought that vote would go?

**Mr. Jones:** He thought it would not be a problem and that's why we thought it would be appropriate to add that condition if he didn't think it would go through we would have requested to table rather than approval.

**Ms. McMahill:** Okay with that condition on there does that delay us another month from doing this or is that something that can be done and approved from you guys without waiting until next month meeting?

**Mr. Jones:** That's ...

**Ms. McMahill:** I don't know how this works.

**Mr. Jones:** The Commission tonight will vote and they recommend to the County Commission, so I can't speak for the County Commission, the County Commission does not like that or the Planning and Zoning Commission does not like that condition then they can vote yay or nay.

**Ms. McMahill:** Okay.

**Mr. Jones:** But it does not hold you up, we did not request a tabling because of that condition we thought it was best to just add a condition and present it that way, we do not have final say as staff.

**Ms. McMahill:** Okay so once that is approved through them then it is approved through you based on that condition you are voting on tonight?

**Mr. Jones:** The way the schedule lays out is that no matter what happens here tonight you go to County Commission on June 20<sup>th</sup> then the public water district has a vote on the 22<sup>nd</sup> so the County Commission is a two-step process so they will not actually approve you until the 27<sup>th</sup> if they decide to approve you so that should fall in line with the June 22<sup>nd</sup> date.

**Ms. McMahill:** June 27<sup>th</sup> you said.

**Mr. Jones:** 27<sup>th</sup> is the Clay County Commission.

**Mr. Carlson:** So if you are approved there is the other condition and then we added the additional condition and we will discuss that now, again anymore questions?

**Ms. McMahill:** I cannot think of any.

**Mr. Carlson:** I had one for the both of you, why does it say we are replating Three J's Acres Lot 1 and Maple Addition 2005? Why does it we refer to Lot 1 there?

**Mr. Jones:** Where are you referring to on the staff report?

**Mr. Carlson:** It's on the ...

**Mr. Vanderford:** It's wrong; yeah that Lot 1 for the Three J's it should have been Lot 2 on that.

**Mr. Carlson:** Okay.

**Mr. Jones:** You will see in the case that we have made a correction to the final plat it was a typo that we had caught and it will be changed on the final plat.

**Mr. Carlson:** Lot 2 is back by the (*inaudible*) it was Three J's Lot 2, okay. We need to concern ourselves with that or just let that be?

**Mr. Jones:** We will make the change on the final plat, so you will see that on the next case.

**Mr. Carlson:** When we get to the final plat.

**Mr. Jones:** Yes.

**Mr. Carlson:** Okay do the Commissioners or members have any questions to the plan? I don't have any questions it seems like you want to sell the acreage to another person who wants to buy it and combining the two together?

**Ms. McMahill:** Correct.

**Mr. Carlson:** You do realize that (*inaudible*) I had clarification from Kipp today that the condition for the where is it?

**Mr. Jones:** You are speaking of the PUD which is part of the second case.

**Mr. Carlson:** PUD which is only part of your parcel, so it doesn't carry back to the other one? That's why you are dropping the original PUD.

**Mr. Vanderford:** Well it did carry back right?

**Ms. McMahill:** It was on the full tract but the splitting of it.

**Mr. Carlson:** But it will be dropped on both?

**Ms. McMahill:** Yes on both plats, yes.

**Mr. Jones:** I just want to be clear this is for the vacation only so this vote will..

**Mr. Carlson:** Doesn't deal with that.

**Mr. Jones:** Yes.

**Mr. Carlson:** This is just to remove the utilities, okay. If you don't have any more questions I will entertain a motion.

**Mr. Jones:** And I should say maybe to make sense if you want to see it on a site plan which is attachment B, you see the utility easement just runs between the proposed Lot B of Hillford Manor and the existing Lot 2 of Maples Addition just to make sure that is clear. It's the utility easement that goes in between those two properties which the reason to vacate that is, there's not a property line there anymore if the final plat goes through so that gives Mr. Vanderford the ability to put his house there if he would want to.

**Mr. Carlson:** Any questions? If not I need a motion.

**Mr. Decker:** I make a motion to approve the vacation of utility easement on Lot 1 of Three J's Acres, with the two exhibits addressed in Exhibit A.

**Mr. Carlson:** Okay thank you do we have a second?

**Mr. Rhodus:** Second.

**Mr. Carlson:** Okay, call for a vote.

**Mr. Jones:** Duane Jackson?

**Mr. Jackson:** 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.

**Final Vote: 4/0/0 Approve; June 16-114V; Three J's Acres– Vacate  
With two (2) Conditions**

**Mr. Carlson:** Okay, you may want to stay where you are for the next case. The next is June 16-115RZ/F a request for rezoning from Agricultural (AG) district with a Planned Unit Development (PUD) overlay to an Agricultural (AG) District and Final Plat approval for Hillford Estates (A replat of Lot 1 of Three J's Acres and Lot 2 of Maples Addition 2005) located at approximately 15822 C Highway, the applicants are Rebecca McManhill and Brent Vanderford, also representing Steven D McMahill, staff report.

**Mr. Jones:** We do and I would like to add the staff report as part of the official record.

**Mr. Carlson:** Approved.

**Mr. Jones:** Summarized the staff report June 16-115RZ/F dated May 26, 2016. Couple additions to the conditions in Exhibit A, we have three additional changes to the final plat, one of them being the one we discussed earlier, where the mistake we are going to change from Lot 1 to Lot 2 so that will correct that mistake and then we just have a couple more changes where we are deleting a couple items off the final plat, I will be happy to answer any questions you may have regarding this application.

**Mr. Carlson:** Rebecca can I ask you for your name and address please.

**Ms. McMahill:** Rebecca McMahill, 15822 County Road C, Kearney, Missouri 64060.

**Mr. Carlson:** Can you give your name and address too.

**Mr. Vanderford:** My name is Brent Vanderford, actually for the land is 15821 County Road C.

**Mr. Carlson:** Thanks, (inaudible) okay do you have any questions for the staff? So right now we are dealing with just the rezoning, right?

**Mr. Jones:** Yes you will have two votes one for the rezoning and one for the final plat.

**Mr. Carlson:** Okay so the first one will be for the rezoning, do the members have any questions about that?

**Mr. Jones:** And to be clear the rezoning is we are just removing that PUD overlay, just because that was put in there for a business so that does not need to stay because that PUD is specific for that business so it's not useful at this point for anything else or to anyone else.

**Mr. Carlson:** Anymore questions? Is anybody in the audience have any questions? Seeing no questions I will entertain a motion on this case.

**Mr. Decker:** I make a motion to approve the rezoning of Hillford Estates replat of Lot 1 of Three J's Acres and Lot 2 of Maples Addition 2005.

**Mr. Carlson:** Thank you do I have a second?

**Mr. Rhodus:** Second.

**Mr. Carlson:** There has been a second to approve the rezoning can we have a vote?

**Mr. Jones:** Duane Jackson?

**Mr. Jackson:** Approve.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve.

**Mr. Jones:** Jim Carlson?

**Mr. Carlson:** Approve.

**Mr. Jones:** Tom Decker?

**Mr. Decker:** Approve.

**Final Vote: 4/0/0 Approve; June 16-115RZ/F; Hillford Estates– Rezoning  
With zero (0) Conditions**

**Mr. Carlson:** Now we will take up the second part of this request and that is to approve a final plat, is there anything from the staff?

**Mr. Jones:** I do not have anything additional on that.

**Mr. Carlson:** When we do this we want to recognize Exhibit A is that correct?

**Mr. Jones:** Yes you want to approve or disapprove with conditions.

**Mr. Carlson:** Do you have any questions on that?

**Ms. McMahill:** You said there were some additional things added to there for things that needed to be taken off?

**Mr. Jones:** Yes, so we're going to change under owners from Lot 1 Maples Addition 2005 we are going to change that to Lot 2 Maples Addition 2005 and we are going to delete where it says book 4966 page 114 on diagram under existing 60 foot ingress/egress easement and then we are going to add cabinet F at sleeve 179 under existing 60 foot ingress/egress easement basically just some verbiage to the final plat, just some things that we did not want on the final plat that technically we do not have.

**Ms. McMahill:** But it doesn't have any effect or change on the easement?

**Mr. Jones:** No substantial change on anything, it's just we don't want that on the plat because we don't do it on our plats, just something, Debbie tell me if I am wrong, it's just something a surveyor added to the plat that we don't typically don't have.

**Ms. McMahill:** Oh just the easement in itself.

**Mr. Jones:** It has nothing to do with it; it's not going to change the easement.

**Ms. McMahill:** Okay.

**Mr. Carlson:** This is just for the plat; do we have any more questions?

**Mr. Decker:** I might have a question; if the easement is not abandoned either through the County Commission or Water District #6 does the vacation of the easement be a condition of the final plat?

**Mr. Jones:** Those can still go through, that might be a better question for Mr. Vanderford if can still do what he wants to do without vacating the easement, I believe he can.

**Mr. Vanderford:** It doesn't matter to me it was just I was going to make it one piece of property I might as well get rid of the easement and it also goes through where the easement comes back for the road to my property, that easement actually or that goes right through the middle so if they ever run utilities they would tear my road in half for my easement and then have it replaced. So it was kind of you know should have been off to one side really to start off with because when the easement comes back as you can see it's on half and half so when they go they would just tear it up, so I figured if there's everything on both sides of the property there is no since in having an easement through it.

**Mr. Decker:** It looks like you have a shared driveway now.

**Mr. Vanderford:** Yes.

**Mr. Decker:** With utilities running down each side of the driveway?

**Mr. Vanderford:** It goes down the property line actually, that's the one we are talking about.

**Ms. McMahill:** And his driveway cut across the property line.

**Mr. Vanderford:** So it's on like one piece of the property and over some of the easement right through the center of the property.

**Mr. Carlson:** And that's not what we are considering, we are just considering vacating the one through the middle of the property.

**Ms. McMahill:** Are you asking if they do not vacate it will it stop us.

**Mr. Decker:** I don't know I guess be aware of that and also to Kipp if...

**Mr. Vanderford:** It's not going to stop us cause it was up in the air whether (inaudible)..

**Mr. Decker:** So treat it as two completely separate issues.

**Mr. Jones:** Yes because there was discussion as to whether they really wanted to vacate that or not, I don't think it's essential to Mr. Vanderford..

**Mr. Vanderford:** No it doesn't matter.

**Mr. Jones:** to vacate it but to us it makes more sense not to have utility easements running down the center of his lot where it gives him less options to build structures in the future.

**Ms. McMahill:** So it wasn't a determining factor for us whether or (inaudible).

**Mr. Carlson:** Okay, anymore questions, any questions from anybody about the final plat? No questions then we will ask for a motion on the final plat.

**Mr. Decker:** I will make a motion that we approve the final plat of Hillford Estates Replat of Lot 1 of Three J's Acres and Lot 2 of Maples Addition 2005 including the conditions set forth in Exhibit A including three conditions that are not listed on the Exhibit A that Kipp brought up.

**Mr. Jones:** Is that okay?

**Mr. Roffman:** Yes.

**Mr. Carlson:** Okay do I have second on that?

**Mr. Rhodus:** Second.

**Mr. Carlson:** Okay there is a second to approve the final plat, can we have a vote?

**Mr. Jones:** Duane Jackson?

**Mr. Jackson:** 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:** The motion carries:

**Final Vote: 4/0/0 Approve; June 16-115RZ/F; Hillford Estates– Final Plat  
With four (4) Conditions**

**Mr. Carlson:** Okay we will see you on the 20<sup>th</sup>, thank you. Going on to case number June 16-116V a request to vacate utility easements and an ingress/egress easement with in Lot 2A of the Replat of Lot 2Sunset Ridge located at approximately 19804 NE 164<sup>th</sup> Street, the applicants are Roger and Brenda Smith, are the owners of that property here? Will you give your name and address please.

**Mr. Smith:** Roger Smith, 7941 N Flintlock Rd, Kansas City, Missouri 64158 previously of Kearney.

**Mr. Carlson:** Do you want to give your name and address too?

**Ms. Smith:** Brenda Smith, 7941 N Flintlock Rd, Kansas City, Missouri 64158.

**Mr. Carlson:** Thank you, would like to ask for a staff report.

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

**Mr. Carlson:** So approved.

**Mr. Jones:** Summarized the staff report June 16-116V dated May 31, 2016. I know this one is a little bit difficult, there are a lot of easements and ingress/egress going on there so if you refer to the first part of your staff report it should be page four it shows what is happening out there now that is the easements now and then if you compare that to page eight Attachment B that will show kind of what they are proposing and the reason for this is they're moving some of those to be able to, they are going to build a house and they are needing to move the easements to be able to fit the house on the property. I will be happy to answer any questions that you may have.

**Mr. Carlson:** Are most of these easements for their house or whatever they are going to have?

**Mr. Jones:** Well they run from property to property so they are not ...

**Mr. Carlson:** They are going to other properties?

**Mr. Jones:** They do, but they have just relocated them so they are not, you can see on page eight Attachment B how they have kind of curved the electric easement to the west there and then the telephone line is going to be and the applicant can speak to this, it's either going to be ingress/egress or next to the property I believe.

**Mr. Smith:** That is correct, Century Link would prefer to start it at 164<sup>th</sup> Street and run it up the west side of the driveway where the new 60 foot easement is being moved over to it will be within that same easement.

**Mr. Carlson:** None of these easements or any of these easements occupied right now? Nothing will have to move.

**Mr. Smith:** The electric has been moved, the Century Link phone line is still sitting there waiting for us to sign up and pay for it and get it pushed over into the easement for the driveway and combine.

**Mr. Carlson:** Do you have any questions for the staff on the report?

**Mr. Smith:** The only thing I didn't understand in the recommendation what is the reference to BK, I didn't understand what that was.

**Ms. Viviano:** Oh book and page.

**Mr. Smith:** Pardon me?

**Ms. Viviano:** BK stands for book and PG stands for page.

**Mr. Carlson:** Any questions for the staff? Any questions from the audience? Seeing no questions do I have a recommendation?

**Mr. Decker:** I would like to make a recommendation that we approve the vacation of the utility easement and the ingress/egress easement in Lot 2A Replat of Lot 2 Sunset Ridge based on the compliance with criteria of section F.

**Mr. Carlson:** Okay do I have a second on that approval?

**Mr. Rhodus:** Second.

**Mr. Carlson:** There is a second that we approve the vacation of the easement, can we have a vote?

**Mr. Jones:** Duane Jackson?

**Mr. Jackson:** Approve with approval criteria.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve with criteria.

**Mr. Jones:** Jim Carlson?

**Mr. Carlson:** Approve with criteria.

**Mr. Jones:** Tom Decker?

**Mr. Decker:** Approve with criteria.

**Mr. Jones:** Motion carries.

**Final Vote: 4/0/0 Approve; Jun 16-116V; Replat of Lot 2 Sunset Ridge– Vacate  
With one (1) Condition**

**Mr. Carlson:** Now we will take up the next case number four on our agenda June 16-117F a request for Final Plat approval of Lot 2A-1 Sunset Ridge (*A Replat of Lot 2A being a replat of Lot 2 in Sunset Ridge*) located at approximately 19804 NE 164<sup>th</sup> Street, the applicants are Roger and Brenda Smith, can we have a staff report on that.

**Mr. Jones:** Yes, I would like to add the staff report as part of the official record.

**Mr. Carlson:** Approved.

**Mr. Jones:** Summarized the staff report June 16-117F dated June 1, 2016.

**Mr. Carlson:** Thank you, do you have any questions? Do you understand the requirements of Exhibit A?

**Mr. Smith:** I believe so.

**Mr. Carlson:** Any questions for the staff members?

**Mr. Decker:** The approval of the final plat is conditional upon the final approval of the vacation of the easements, Kipp?

**Mr. Carlson:** It's simultaneous.

**Mr. Decker:** Is that what your ...

**Mr. Carlson:** Doesn't it say simultaneous?

**Mr. Jones:** Yes they will have to, this one is different from the first one it will have to be recorded simultaneous so yes.

**Mr. Carlson:** Any questions from the audience? Do you have any more questions members? If not I would like to entertain a motion to..

**Mr. Decker:** I am still a little bit confused, I am sorry. So if the vacation of the easements in the case we heard prior to this one is not approved does it matter because this will still be approved?

**Mr. Jones:** From the way I would answer that without the vacation of the easements here then I would think you need the easements to move to do what you need to do so we would probably drop, they would probably pull the second case and not have it voted on would be my thought.

**Mr. Roffman:** You have got one of the conditions being the simultaneous recording and if it can't be recorded because it has not been approved then this condition will be met so this case will go away.

**Mr. Decker:** Okay.

**Mr. Roffman:** That's the condition two in Exhibit A, if that doesn't get approved then it makes condition two unmeet able on this.

**Mr. Decker:** Okay, I understand.

**Mr. Carlson:** Do you have any questions on that?

**Mr. Smith:** I think I understand what you guys are saying, I understand you can't foresee the future and it's the Commission that has to vote, any reason to believe those criteria not be approved? Just out of curiosity.

**Mr. Carlson:** On Exhibit A? You have the life time agreement with the shared driveway, waiver of the impact fees are all things that would be on you to be taken care of.

**Mr. Smith:** Okay.

**Mr. Carlson:** The staff will be glad to help you with but it will be on you to take care of. Anymore questions? Do we have a motion for the final plat?

**Mr. Decker:** I will make a motion to approve the final plat of Lot 2A-1 Sunset Ridge (*A Replat of Lot 2A being a Replat of Lot 2 in Sunset Ridge*) with the conditions set forth in Exhibit A.

**Mr. Carlson:** Do I have a second on that motion?

**Mr. Rhodus:** Second.

**Mr. Carlson:** It has been seconded and let's take a vote.

**Mr. Jones:** Duane Jackson?

**Mr. Jackson:** 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:** Motion carries.

**Final Vote: 4/0/0 Approve; Jun 16-117V; Replat of Lot 2 Sunset Ridge– Final Plat  
With four (4) Condition**

**Mr. Carlson:** Thank you; your case will be heard on June 20<sup>th</sup>.

**Mr. Smith:** Very good thank you.

**Mr. Carlson:** Okay we have one additional case this evening it's June 16-118GR a request for the use of a water well as the water supply source on Agriculturally (AG) zoned property located at approximately 16370 Bishop Road, the applicants are Michael and Melissa M Seward, do we have a staff report or I am sorry can you give us your name.

**Mr. Seward:** Michael Seward and I represent my wife Melissa Seward.

**Mr. Carlson:** Can we have an address please.

**Mr. Seward:** Our current address is a Post Office Box mailing we just sold our home but the home address of this will 16370 Bishop Road city of Kearney state of Missouri 64060.

**Mr. Carlson:** Okay thank you that just for our records, okay I would like to hear the staff report for this case.

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

**Mr. Carlson:** Approve.

**Mr. Jones:** Summarized the staff report June 16-118GR dated June 7, 2016.

**Mr. Carlson:** Mr. Seward do you have anything to add or say or have any questions about the staff report?

**Mr. Seward:** I first would like to say thank you for hearing our case this evening and taking your time in this consideration to this matter, we would love to have enclosed water system as a supplier of water but the basic information it's just not reasonably feasible at this point. We looked at all surrounding water districts as I noted in the report that I sent to Planning and Zoning Manager Kipp Jones indicating the cost only Northland Water District #3 is 6,000 feet that is at 172<sup>nd</sup> Street and then going east I talked to Rex today and yesterday at length and I believe closes is 1,600 feet and also Muddy Fork Creek which is a tremendous cost. There is a property just across from ours going east and the end of the waterline and they have a well, the reason they got a well because of the same situation because they didn't want to cross the creek and that type of thing as well so that is where we are at.

**Mr. Carlson:** Any questions for the Commission? I have a couple questions for you, I noticed you already have a well drilled.

**Mr. Seward:** Yes sir.

**Mr. Carlson:** You got it tested.

**Mr. Seward:** We have not we do not have electricity on the property so haven't had it tested, but we do have plans to go through Hampton Plumbing for our plumbing and a reverse osmosis water treatment system.

**Mr. Carlson:** So you have a water treatment system?

**Mr. Seward:** That is in the plan for our budget.

**Mr. Carlson:** When I moved to Kearney 40 years ago we didn't have water service in our house and our neighbors, one of them had a hand dug well and the other one had a drilled well that went deep and the hand drilled dug well was great water to drink it, the people who drilled the well go what they called skunk water and it turns all the fixtures red in the bathrooms so it stuck before you even get in it and I just wanted to make sure you're aware of that possibility without doing test beforehand you might not even have usable water and then the treatment plant that you are getting the reverse osmosis will take care of that anyway but there is always a concern about the fluoride have you considered that?

**Mr. Seward:** We have actually spoke to our dentist about that if that is what you are referring to?

**Mr. Carlson:** Something that he'll take care of that then.

**Mr. Seward:** Yes sir.

**Mr. Carlson:** I have no problem with that.

**Mr. Jones:** And we do have it on the map if you need to see the aerial, that's the subject property there and all of Mr. Seward if he wants to point out where the existing water lines are.

**Mr. Carlson:** Six thousand feet I think is probably prohibited.

**Mr. Seward:** That's our property I believe there is Hall Road and this is Bishop and so if you go over to this direction there is a house that Rex said is over here is the first driveway is where the end of the water runs east where the flowers are around the mailbox, we have the flowers around the mailbox actually further this way regardless the closest will be sixteen hundred feet and it's across the creek and then going up here where the road curves at 162<sup>nd</sup> where Mark who works for a construction contractor with Public Water District #3 says their water is so it's quite a length for both I would like to say that when we bought our property I wanted to make sure a central services were available before putting any improvements on our property and we found out the water was not at that time nearly two years ago and so we had communication with the Zoning Manager at the time and it was told to us you were going to have to get a well and so we did I was not aware of the process or we would have done the process prior to getting a well and so prior to the building permit being issued we found out about this process needing to be done so that is what we are trying to do, but we are excited to be members of the community and looking forward to establishing our roots here. I would just ask that if this is approved I would ask consideration again to Exhibit A number one which states notarized statement signed by the land owners that the subject property will connect to a water supply district or other approved enclosed water source if it is ever further subdivided, I would ask if we could add the same verbiage that is in the statue section only under unusual circumstances determined by Planning and Zoning Commission, the only consideration we have is our 18 year old son is going to go to pre-med school to be a doctor and is a sharp young man and if he wanted to live on the south side of our property on the other side of the pipeline area going further west you can't because there is a creek considered a floodplain and all that, if water is still not feasible to be accessed at that time maybe in 15 years or so it would be nice to have the same opportunity here to bring this to your Board for consideration so I would just ask for the same verbiage that is in the statute to be added to that and if not then that is fine as well but just consideration if that is at all possible.

**Mr. Carlson:** Do you understand what he is asking.

**Mr. Jones:** I understand what he is requesting I have tried to stay consistent with what we have done in the past and this is the condition that was used in the past so I don't know if the council wants to weigh in this has passed with this condition if he decides to subdivide adding a lot if it's within the Land Development Code does that keep him from using a well on the second lot passing with this condition?

**Mr. Seward:** And if I may add I don't think it is possible to utilize our well going south because of the natural gas pipeline so because of that easement restriction nothing can cross that so if that ever happens a lot of things will have a line and things like that but if that ever happened he would still have to petition the County for a well himself type of situation so our well should not be going it has no planning of going anywhere else other than our home. So if something did happen south on our property it would not be utilizing the same well so if that satisfies for your Exhibit condition than that is fine as well.

**Mr. Roffman:** I think that the wording of the exhibit currently prohibits subdividing without having to connecting to the water supply district.

**Mr. Jones:** I am open to the Commission's wishes so if you want to amend.

**Mr. Carlson:** I wouldn't open end it, is that what you are asking?

**Mr. Jones:** Well this is the staff's recommendation that condition is the staff's recommendation staff would like stick with that recommendation if it's the will of the Commission to change the condition that is up to Commission.

**Mr. Carlson:** I think we can leave the condition as it is. Are there any other questions, any thoughts on that condition? Anybody in the audience have any questions? Okay if not I would like to ask for a motion on this recommendation.

**Mr. Decker:** I need to recuse myself I work for one of the water districts.

**Mr. Rhodus:** I will make a motion to approve the use of well water on 16370 Bishop Road.

**Mr. Carlson:** Okay do we have a second?

**Mr. Jackson:** Second.

**Mr. Carlson:** It has been seconded to approve the request for well water as the sole source on Seward's property can we have a vote on that?

**Mr. Jones:** Duane Jackson?

**Mr. Jackson:** Approve with condition.

**Mr. Jones:** David Rhodus?

**Mr. Rhodus:** Approve with condition.

**Mr. Jones:** Jim Carlson?

**Mr. Carlson:** Approve condition.

**Mr. Jones:** Tom Decker?

**Mr. Decker:** Abstain.

**Mr. Jones:** Motion carries.

**Final Vote: 3/0/1 Approve; June 16-118GR; Michael & Melissa Seward– Well Water  
With one (1) Condition**

**Mr. Seward:** Thank you guys, thank you for your time.

**Mr. Carlson:** Is there any new business?

**Mr. Jones:** Just going to update you on all the cases from last month that went to County Commission they were approved and I think that is all the staff has, we've been taxed and we are short-handed so do not have all the monthly reports for you so at some point and give you the updates on building permits and things like that.

**Mr. Carlson:** (*inaudible*)

**Mr. Rhodus:** I have a question, has anybody checked up on Mr. Perry?

**Mr. Jones:** Yes that is the short answer.

**Mr. Rhodus:** I have heard (*inaudible*)

**Mr. Jones:** As I say to any code enforcement issue please contact Planning and Zoning.

**Mr. Carlson:** No other business? Can I have a motion to adjourn?

**Mr. Jackson:** I make a motion to adjourn.

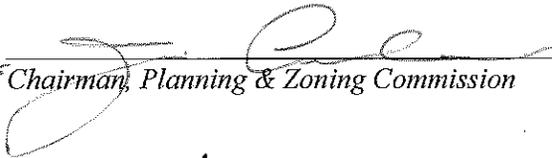
**Mr. Decker:** Second

**Mr. Carlson:** All in favor?

**All:** Aye.

**Mr. Carlson:** Meeting is adjourned.

**Meeting Adjourned**

  
VICE Chairman, Planning & Zoning Commission

  
Secretary, Planning & Zoning Commission

  
Recording Secretary