





# Report to Planning & Zoning Commission

Clay County, Missouri

## General Information

**Site Location:** Just north of Brookview Estates 2<sup>nd</sup> Plat  
(NE corner of N. Agnes Street & NE 132<sup>nd</sup> Street)

Sections 7 | Township 52 | Range 33

**Site Size:** 30.20 acres +/-

**Existing LandUse & Zoning:** Residential Low Density District (R-1A)

### Zoning/Platting History:

Rezoning – 09/30/2002, Res. #2002-414 (AG to R-1A); Preliminary Plat – 12/23/2002, Res. #2002-570; 1<sup>st</sup> Phase Final Plat – 07/28/2003, Res. #2003-365, Recorded 03/09/2004; 2<sup>nd</sup> Phase Final Plat – 05/22/2006, Res. #2006-186, Recorded 09/19/2006; 3<sup>rd</sup> Phase Preliminary Plat – 07/22/2011, Res. #2011-235.

### Surrounding Landuse & Zoning:

- North* – Agriculturally zoned land (AG), Happy Valley (AG)
- East* – Agriculturally zoned land (AG), Hofbeck Ranch (AG), The Brooks (R-1)
- South* – Agriculturally zoned land (AG), Beaver Creek Estates (R-1), Holmar (R-1A), Rosenbaugh Pioneer Park (R-1A), City of Kansas City [approx. 1 ½ miles]
- West* – Agriculturally zoned land, Town & Country Estates (R-1), Emerald Acres (R-1), City of Smithville [approx. ½ mile]

### Current Conditions:



Provided by GIS/Mapping,  
Clay County Assessor

Proposed Brookview Estates 3<sup>rd</sup> Plat = **BLUE**



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## Assessment

Jason Roudebush, Lutjen, Inc., representing Shane Danner, RPLTD, LLC is requesting a Final Plat approval for Brookview Estates 3<sup>rd</sup> Plat, the final phase of the Brookview Estates subdivision. The subject property encompasses 30.20± acres located at approximately the NE corner of N. Agnes Street and NE 132<sup>nd</sup> Street just north of Brookview Estates 2<sup>nd</sup> Plat.

The Rezoning was approved by the County Commission on September 30, 2002, and the original Preliminary Plat was approved by the County Commission December 23, 2002. The 1<sup>st</sup> Plat was recorded March 9, 2004, and the 2<sup>nd</sup> Plat followed on September 19, 2006.

The Preliminary Plat for Brookview Estates 3<sup>rd</sup> Plat was approved by the County Commission on July 22, 2011.

### **Character of the General Neighborhood**

The property is located approximately ½ mile east of Smithville and approximately 1½ miles north of Kansas City. On the west is the Town & Country Estates (R-1) subdivision, and to the north is the Happy Valley (AG) subdivision. Wilkerson Creek traverses along the eastern portion of the subdivision flowing from the south to the northwest within Tract A.

### **Code Considerations**

The review procedures and submittal content for a Final Plat must be in substantial compliance with the approved preliminary plat in accordance with the requirements under **Section 151-3.6 (C)** of the Clay County 2003 Land Development Code ("LDC"). Based on all the materials and evidence presented, the subject request appears to substantially comply with the LDC and preliminary plat.

Standard side and rear setbacks and height restrictions apply to all other aspects of this application. The application was properly noticed, per regulations. Adjacent property owners within the mandated 1,000 foot distance were notified by means of a letter dated August 18, 2011.

### **Outside Agency review**

The Clay County Highway Department (CCHD) indicated that one correction was necessary to the street plan and profile. Lutjen complied with the CCHD correction and re-submitted revised construction specifications and drawings.

In an email dated July 27, 2011, Water District #9 stated the following: *"On Monday, July 25, 2011 the Board of Directors for PWS#9 approved the additional nine lots for Brookview Estates. I have also spoken to Smithville Fire Chief, John Callahan and informed him of the additional lots and the fire hydrants that will be included in this project. He was satisfied that the number and placement of hydrants will provide adequate fire flow for this addition".* The property lies within the Smithville Area Fire Protection District, and will be required to meet the districts fire hydrant and water supply requirements for residential subdivisions.

The Clay County Health Department has given final approval with the following comments: "The third phase of Brookview has also been reviewed, soil morphologies have been provided and I am satisfied that the lots can accept onsite waste water treatment systems although careful placement of the homes will need to be considered to avoid disturbing the best areas for treatment".



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## Findings

As Wilkerson Creek is an active stream channel, a 75-foot setback from each side of the active stream channel is required per Section 151-11.2 (C) of the LDC. The first 50 feet must be designated as "Zone 1" and the remaining 25 feet noted as "Zone 2" on the plat, and a note should be added stating: *"There shall be no clearing, grading, construction or disturbance of vegetation in the stream setback easement except as permitted by Clay County."* Any activity taking place within the Stream Setback zones should have approval of the Planning & Zoning Department.

The Engineering and Construction Plans (Street & Storm) were reviewed by the County's outside consulting engineering firm (Shafer, Kline & Warren, or SKW) for regulatory compliance. Questions and comments were as follows:

1. (Sheet 4 or 9)—Provide a radius of the curb return for N. Agnes Court.
2. (Sheet 6)—Provide further detail as to how the riprap will be keyed in to the existing channel at E.S. #8-1 and whether the riprap will (presumably) go up the sideslopes of the channel. The latter comment is made to verify the runoff will flow over and not around the riprap as it heads downstream.
3. (Sheet 6)—Reference a gradation for the 8" d<sub>50</sub> riprap.

The applicant's engineer, Lutjen, Inc., incorporated these comments and submitted revised versions of the engineering and construction plans. Staff then confirmed that the County's outside consulting engineering firm's comments were included in the revised plans.

## Recommendations

It is the recommendation of staff that the **Final Plat** for Brookview Estates 3<sup>rd</sup> Plat be **approved** with the following four (4) conditions as shown on Exhibit A:

### Exhibit A

1. The Clay County Health Department notes careful placement of the homes will need to be considered to avoid disturbing the best areas for treatment
2. All outside engineering review fees paid prior to the recording of the Final Plat.
3. Building plans shall be submitted and approved by the Smithville Fire Protection District before a building permit will be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the district.
4. The following changes to the recording copies of the Final Plat:
  - a. ADD: Stream Setback Zone 1 and Zone 2 graphics on plat map.
  - b. ADD NOTE: *"There shall be no clearing, grading, construction or disturbance of vegetation in the stream setback easement except as permitted by Clay County."*
  - c. CHANGE: *"Floodway"* to *"Floodplain"* inside callout box of floodplain area.
  - d. CHANGE: "290086 0055 B" to "290086 0080 B" under "FLOODPLAIN" text.
  - e. DELETE: Second signature area for the County Clerk and Recorder of Deeds.



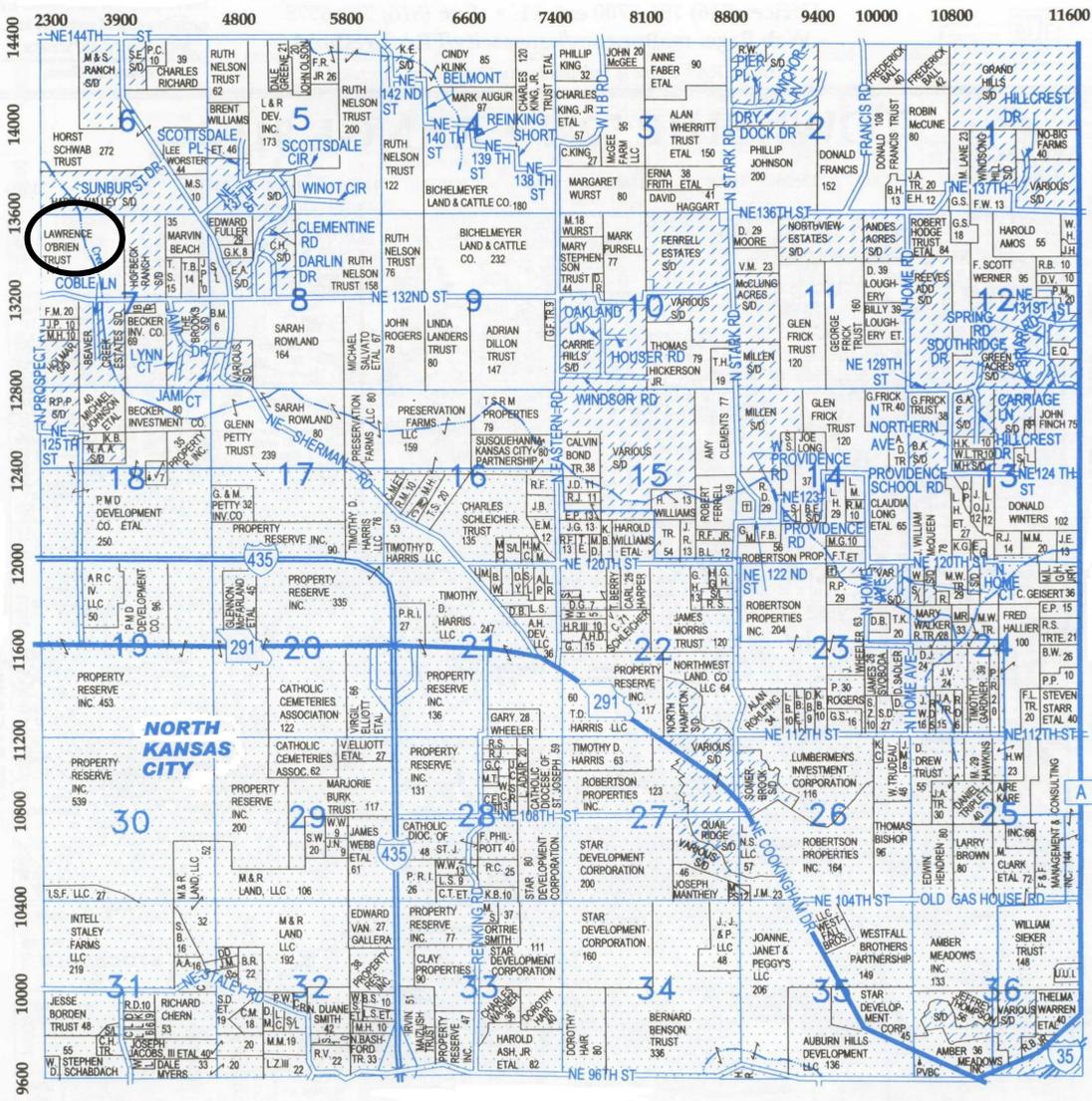
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## Attachments

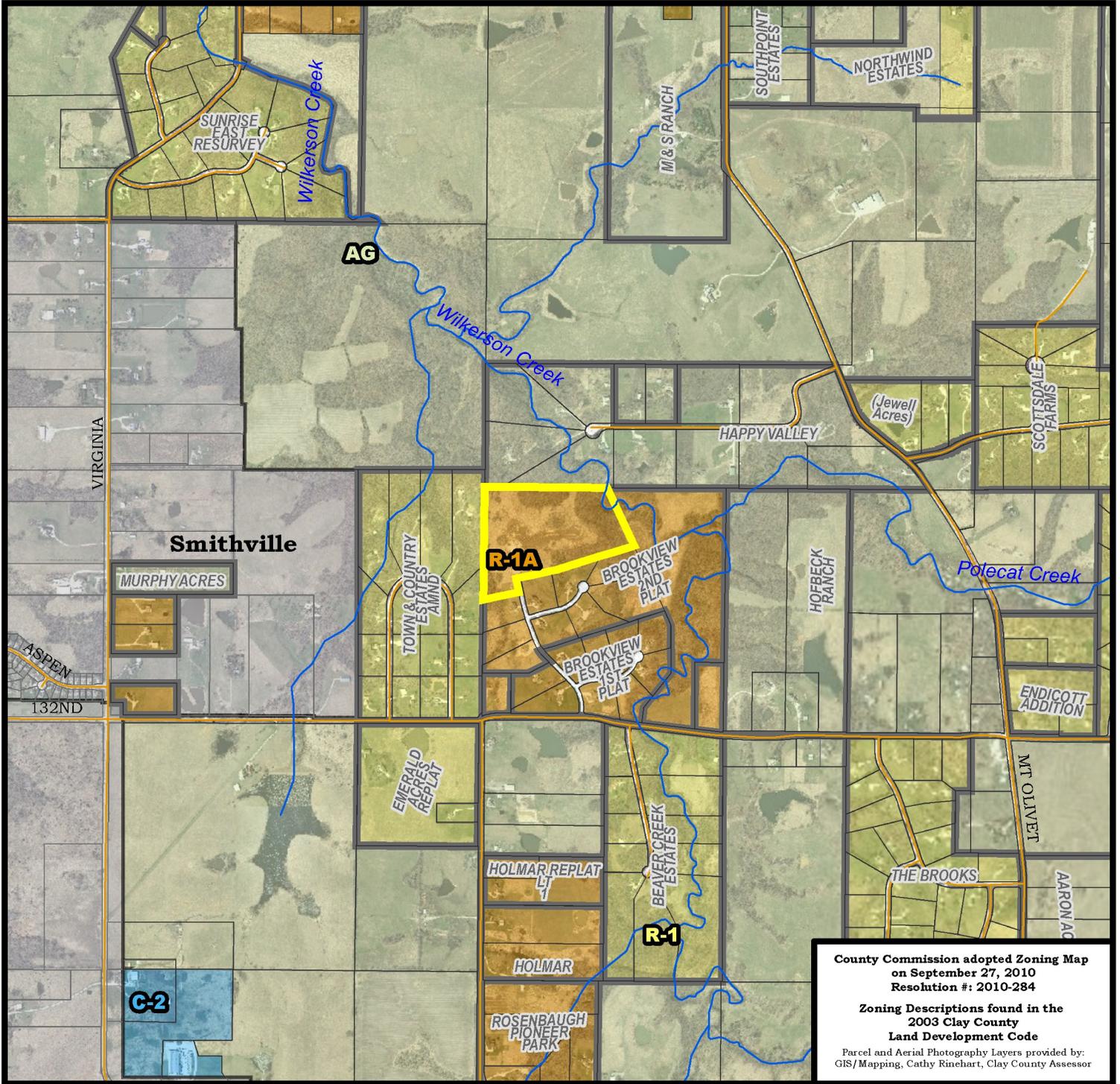
# Sept. 11-107 F – Brookview Estates 3<sup>rd</sup> Plat Attachment A – Vicinity Map

## TOWNSHIP 52N • RANGE 32W



# Sept 11-107F - Brookview Estates 3rd Plat

## Attachment B - Existing Conditions Map



County Commission adopted Zoning Map on September 27, 2010  
 Resolution #: 2010-284  
 Zoning Descriptions found in the 2003 Clay County Land Development Code  
 Parcel and Aerial Photography Layers provided by: GIS/Mapping, Cathy Rinehart, Clay County Assessor

Map Document: (G:\GIS\Project\_Files\Vacinity\_Map - 8 x 11 P.mxd) 08/23/2011 -- 4:25:28 PM

**Planning & Zoning Department**

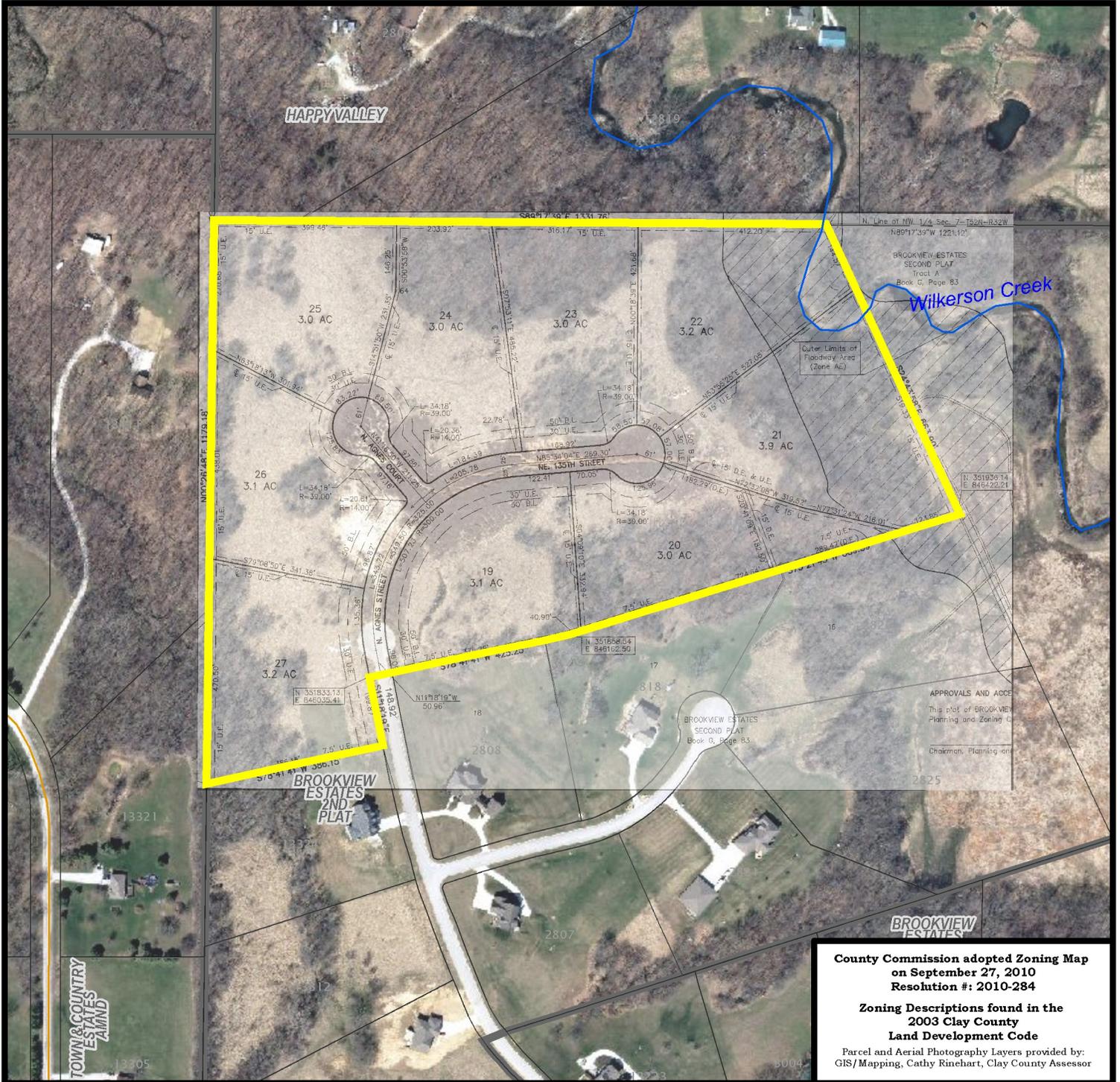
1 inch = 1,500 feet  
1 inch = 0.28 miles

**LEGEND**

<ul style="list-style-type: none"> <li><span style="border: 2px solid yellow; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Property</li> <li><span style="border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> parcel</li> <li><span style="border-bottom: 1px solid blue; width: 20px; margin-right: 5px;"></span> Streams (EPA)</li> <li><span style="border-bottom: 1px dashed black; width: 20px; margin-right: 5px;"></span> Railroads</li> </ul>	<p><b>Roads CLASS</b></p> <ul style="list-style-type: none"> <li><span style="border-bottom: 2px solid blue; width: 20px; margin-right: 5px;"></span> Interstates</li> <li><span style="border-bottom: 2px solid orange; width: 20px; margin-right: 5px;"></span> State Highways</li> <li><span style="border-bottom: 2px solid yellow; width: 20px; margin-right: 5px;"></span> Local Roads</li> <li><span style="border-bottom: 2px solid black; width: 20px; margin-right: 5px;"></span> Highway Ramps</li> </ul>	<ul style="list-style-type: none"> <li><span style="border: 1px solid gray; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Subdivisions</li> <li><span style="border: 1px solid gray; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> County Boundaries</li> <li><span style="border: 1px solid gray; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> 2011 City Limits</li> <li><span style="background-color: green; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Parks</li> </ul>
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<p><b>Zoning Districts</b></p> <ul style="list-style-type: none"> <li><span style="background-color: #d9ead3; width: 15px; height: 10px; margin-right: 5px;"></span> AG</li> <li><span style="background-color: #fff2cc; width: 15px; height: 10px; margin-right: 5px;"></span> R-1</li> <li><span style="background-color: #fce4d6; width: 15px; height: 10px; margin-right: 5px;"></span> R-1A</li> <li><span style="background-color: #f4cccc; width: 15px; height: 10px; margin-right: 5px;"></span> R-1B</li> <li><span style="background-color: #f08080; width: 15px; height: 10px; margin-right: 5px;"></span> R-3</li> </ul>	<ul style="list-style-type: none"> <li><span style="background-color: #d9ead3; width: 15px; height: 10px; margin-right: 5px;"></span> C-1</li> <li><span style="background-color: #fce4d6; width: 15px; height: 10px; margin-right: 5px;"></span> C-2</li> <li><span style="background-color: #fff2cc; width: 15px; height: 10px; margin-right: 5px;"></span> C-3</li> <li><span style="background-color: #f4cccc; width: 15px; height: 10px; margin-right: 5px;"></span> I-1</li> <li><span style="background-color: #f08080; width: 15px; height: 10px; margin-right: 5px;"></span> I-2</li> <li><span style="background-color: #99cc99; width: 15px; height: 10px; margin-right: 5px;"></span> OP</li> <li><span style="background-color: #66aa66; width: 15px; height: 10px; margin-right: 5px;"></span> R-1A/CD</li> </ul>	<ul style="list-style-type: none"> <li><span style="background-color: #d9ead3; width: 15px; height: 10px; margin-right: 5px;"></span> AG/PUD</li> <li><span style="background-color: #fff2cc; width: 15px; height: 10px; margin-right: 5px;"></span> R-1B/PUD</li> <li><span style="background-color: #fce4d6; width: 15px; height: 10px; margin-right: 5px;"></span> I-1/PUD</li> <li><span style="background-color: #f4cccc; width: 15px; height: 10px; margin-right: 5px;"></span> R-1A/I-1/PUD</li> <li><span style="background-color: #f08080; width: 15px; height: 10px; margin-right: 5px;"></span> R-1B/C-2/PUD</li> </ul>
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# Sept 11-107F - Brookview Estates 3rd Plat Attachment C - Site Plan Map



Map Document: (G:\GIS\Project\_Files\Vacinity\_Map - 8 x 11 P.mxd)  
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**Planning & Zoning Department**



1 inch = 300 feet  
1 inch = 0.06 miles

**LEGEND**

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