



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number September 14-125RZ/P

Case Type Rezoning & Preliminary Plat

Project Name Riles Acres

Applicant Martin Mueller, McLaughlin Mueller, Inc.
218 W. Mill St.
Liberty, MO 64068

Owners Mark E. And Brenda K. Riles
1904 Victory Lane
Kearney, MO 64060-8849

Request Rezoning & Preliminary Plat approval of Riles Acres

Application Submittal 2014-08-04

Public Notice Published 2014-08-21

Neighbor Letters Sent 2014-08-22

Report Date 2014-09-02

REPORT AUTHOR(S) Debbie Viviano, Planner
Matt Tapp, Director

Recommendation APPROVAL with conditions



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General Information

Site Location: 15710 N 69 Hwy
 Section 26 | Township 53 | Range 30

Site Size: 25.27± Acres

Existing Landuse & Zoning: Agricultural District (AG)

Zoning/Platting History: None

Surrounding Landuse & Zoning:

- North - Agricultural (AG), Residential Low-Density District (R-1A) Zoned Land, Residential Rural District (R-1) Zoned Land
- East - Residential Rural District (R-1) Zoned Land, City of Excelsior Springs, Shelton Estates (R-1), Residential Rural District (R-1) Zoned Land
- South - Residential Rural District and Residential Low Density District (R-1 & R-1A) Zoned Land, City of Excelsior Springs
- West - Agricultural (AG), Residential Rural District (R-1) Zoned Land, City of Excelsior Springs

Current Conditions:

Subject Property Lines = **BLUE**



Courtesy Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Martin Mueller, McLaughlin Mueller, Inc, representing Mark and Brenda Riles are requesting **Rezoning** approval from Agricultural (AG) to Commercial Services District (C-3) for Lot 2 ONLY (3.68± acres) and **Preliminary Plat** approval for Riles Acres a total area of approximately 25.27± acres at 15710 N. 69 Highway.

The Riles wish to split their land to build one (1) new single-family home on proposed Lot 1 (21.59± acres), as well as establish a new Commercial Self-Storage Facility with Recreational Equipment & Vehicle Storage on proposed Lot 2 (3.68± acres). See related Conditional Use Permit (CUP) request (*Case No: September 14-126CUP*) for more information.

2008 Comprehensive Plan Considerations

The Comprehensive Plan (“Plan”) indicates that the subject property is located in the URBAN SERVICES TIER, as well as the 1-Mile Urban Coordination Sub-Tier and the Highway Corridor Overlay District (92 Highway).

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the land use tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy as directed by the Plan.

	Natural Resources Tier* (Yellow)	Rural Low-Density Tier* (Green)	Urban Services Tier* (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density: low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽¹⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

⁽¹⁾ On-site septic allowed for agricultural uses only.

* The **Planning Tier Map** notes a special designation of areas within one mile of each city: “1-Mile Urban Coordination Sub-Tier” where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures

	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts		Phasing in of new regulations
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.
 ** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

The City of Excelsior Springs is within the 1-Mile Urban Coordination Sub-Tier. The City responded with an email on May 29, 2014 and their response was that *"his proposed use would be consistent with our zoning."*

The subject request meets the spirit and jest of the 2008 Comprehensive Plan in addition the use would be consistent with the City of Excelsior Springs zoning. It is located on trail #C-13; a third priority bike trail as identified by the Northland Trails Vision Plan ("NTVP"). The Clay County Parks Department responded they do not want 15' Recreational Easement ("R/E") within 30' Utility Easement (UE) along the frontage of N. 69 Highway.

Character of the General Neighborhood

Agriculturally (AG) zoned property is in each direction of the property. R-1 zoned land is to the north and west. R-1 & R-1A zoned land are to the north and south. The City of Excelsior Springs is to the east, west and south and within the 1-mile coordination tier [See Attachment B].

LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on August 21, 2014. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter dated mailed on August 22, 2014.

The petitioner should fully address the five (5) rezoning criteria in the Land Development Code (LDC) which requires the following standards be met with a rezoning application (*Section 151-3.3 F*):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. 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 of service to existing development; and



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5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.

The LDC also provides certain zoning district standards for a C-3 district within Section 151-4.13, which are referenced below and specific to this request. Noted in *italics* is the County staff response to the standard.

1. Lighting sources shall be designed and located so that the direct source of the light is shielded from view at all property lines abutting residential or agricultural zoning districts.

Owners plan to use downward-pointing lighting.

2. If a C-3 district abuts a residential or agricultural district, a solid screen fence of at least 6 feet in height, or equivalent landscaped buffer, may be required if deemed necessary by the County Commission upon recommendation of the Planning and Zoning Commission.

As indicated on p. 4 of the site plan drawings titled "Layout Plan" (see Attachment "E"), existing vegetation adequately shields the view of the proposed facility along the southern, western, and portions of the north property lines. For that portion that does not shield the view along the north property line, new landscaping is being proposed. In addition, clusters of new landscaping are also being proposed along the US 69 Highway frontage of the proposed facility.

Outside Agency Review

The Missouri Department of Transportation (MoDOT) replied an email with this response:

"We do not need any additional right of way for a commercial driveway. The two tracts have existing access – one is being upgraded to a commercial approach to accommodate the storage unit development. The other is an existing gated access that will serve that second tract for non-commercial purposes. No additional access can be obtained for tracts in question."

A standard Road Impact Fees (RIF) of \$1,100.00 has been assessed for the additional Lot 2 as it fronts onto a state highway.

The Clay County Health Department has given preliminary and final approval. The Public Water Supply District #1 of Ray County has water availability for water meters for both lots.

Findings

Staff has received multiple phone calls on the Self-Storage Facility with Commercial Recreational Equipment & Vehicle Storage rezoning and CUP requests. One (1) was in opposition stating they did not want to see another self-storage facility in the area. A few phone calls stated they had no opposition once they heard the details of the request. A separate email from a nearby property owner stated that they are in full support of this request.

The owners have also addressed the stormwater management and design criteria (*LDC Section 151-8.12 and 11.2*) for this new development in a Storm Drain Report that has been reviewed by the County's Consultant Engineer.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) to Commercial Services (C-3) District for Lot 2 ONLY be **approved**, subject to the petitioner addressing all rezoning standards.



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Staff recommends the **Preliminary Plat** of **Riles Acres** be **approved** with the following conditions as shown on Exhibit A:

Exhibit A

1. Road Impact Fees (RIF) of \$1,100.00 for Lot 2 will be due at the time of recording of the final plat.
2. Implement the County's Consultant Engineer recommendations from their report dated August 29, 2014.
3. The following changes to the recording copies of the final plat:
 - a. 15' utility easements (UE's) along the north and west property lines of Lot 1, and the west and south property lines of Lot 2.
 - b. 30' utility easements (UE's) along the front property line of N. 69 Highway.



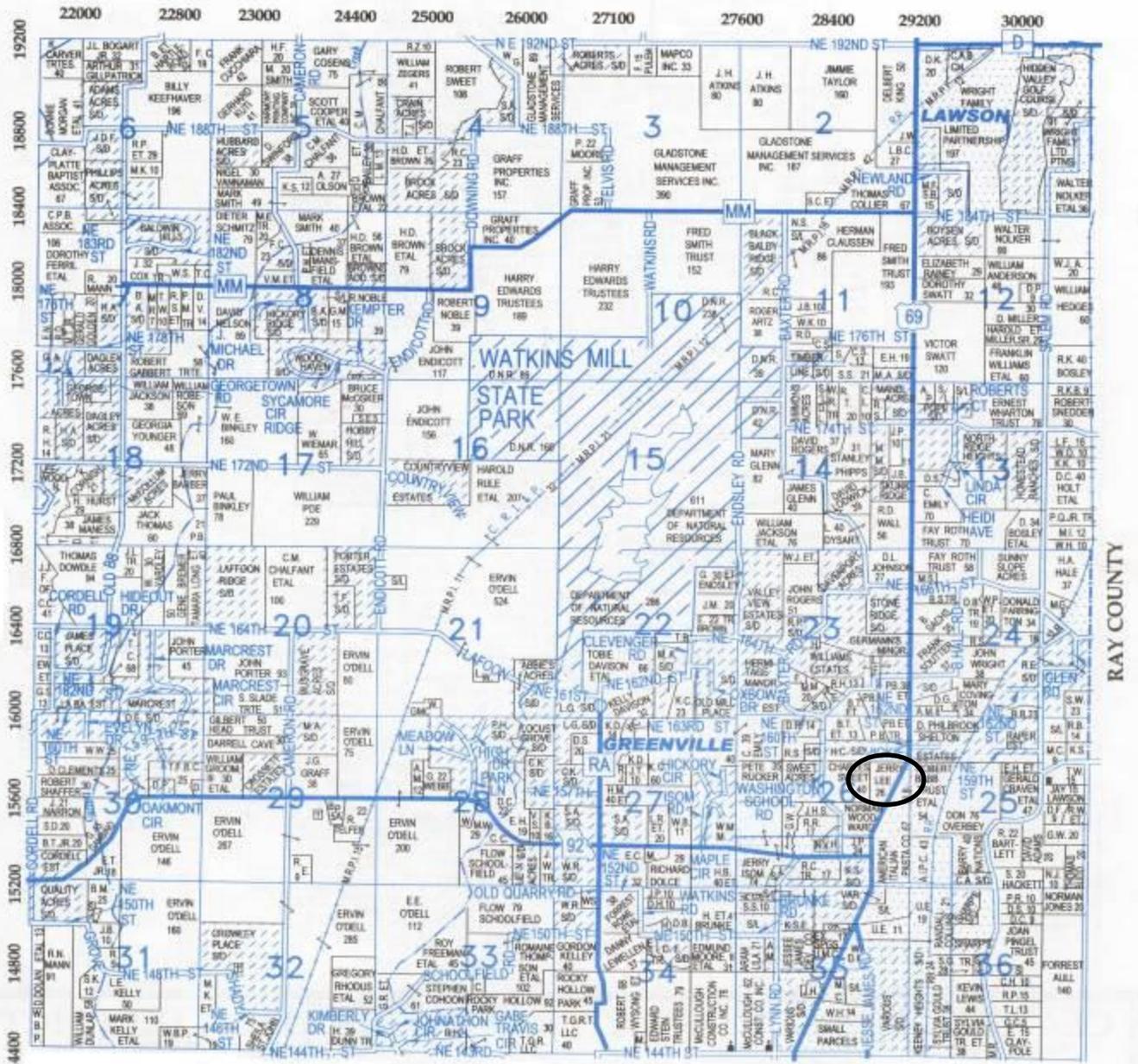
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Attachments

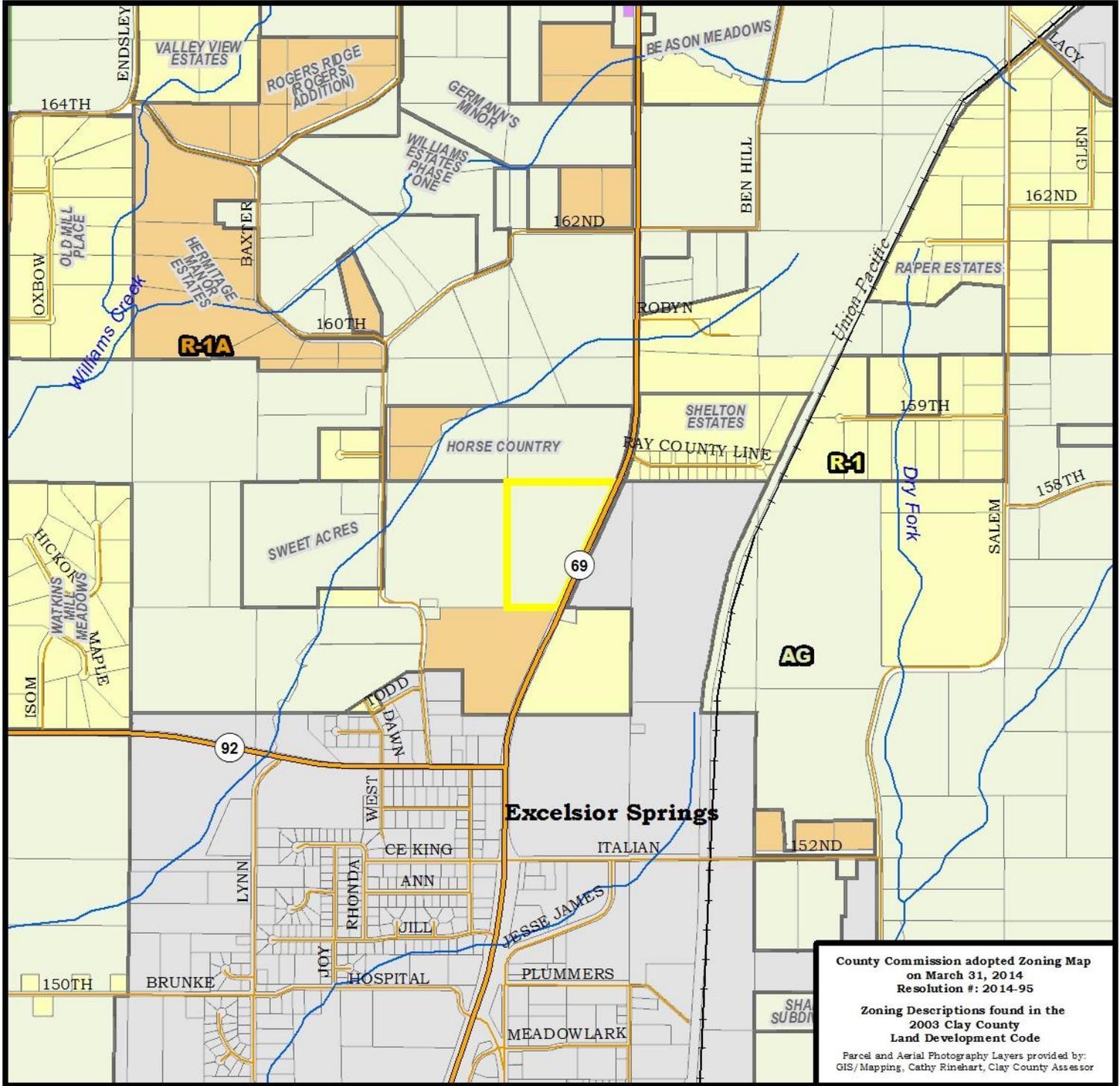
Sept 14-125RZ/P – Riles Acres Attachment A - Vicinity Map

TOWNSHIP 53N • RANGE 30W



Sept 14-125RZ/P – Riles Acres

Attachment B - Existing Conditions Map



County Commission adopted Zoning Map
on March 31, 2014
Resolution #: 2014-95

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

Planning & Zoning Department

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

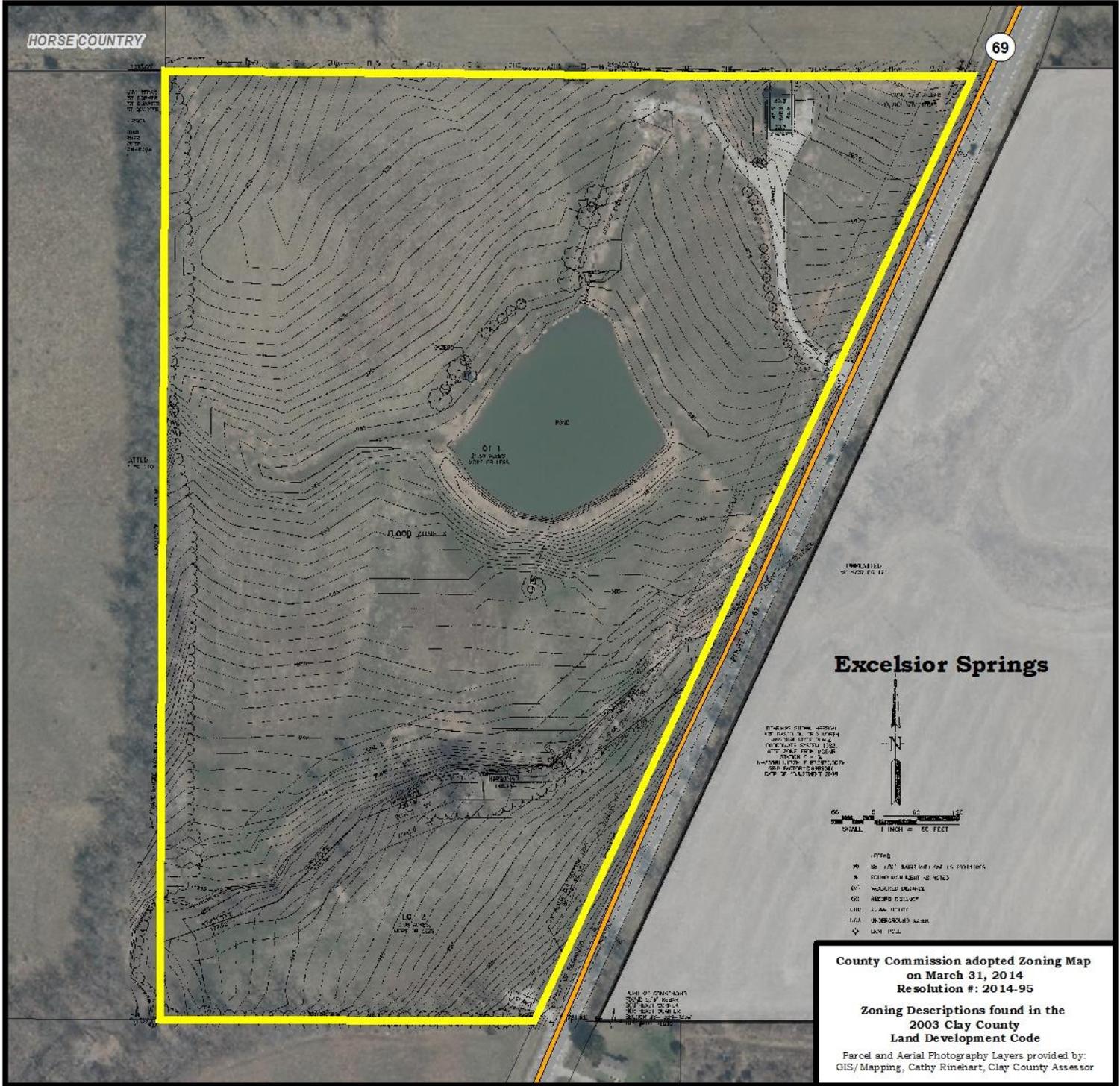
LEGEND

Property Line	Roads	Subdivisions	Overlay Districts	Zoning Districts
Streams (EPA)	Interstates	2014 City Limits		
Railroads	State Highways	Parks	CD (Conservation District)	C-1
Highway Ramps	Local Roads	County Boundaries	POD (Preservation Overlay District)	R-3
			PUD (Planned Unit Development)	OP

Map Document: (G:\GIS\Project_Files\Vacinity_Map - 8 x 11_P.mxd)
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Attachment C - Site Plan Map



Map Document: (G:\GIS\Project_Files\Vacinity_Map - 8 x 11_P.mxd) 08/25/2014 -- 11:57:28 AM



Planning & Zoning Department



1 inch = 200 feet
1 inch = 0.04 miles

LEGEND

Property Line	Roads	Subdivisions	Overlay Districts
Streams (EPA)	Interstates	2014 City Limits	
Railroads	State Highways	Parks	
	Local Roads	County Boundaries	CD (Conservation District)
	Highway Ramps		POD (Preservation Overlay District)
			PUD (Planned Unit Development)



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Sept. 14-125RZ/P – Riles Acres Attachment D – Owner Business Plan

Executive Business Summary

Mark and Brenda Riles

The proposal being submitted to Clay County Planning and Zoning Commission administration is for the building of Phase I, (self storage units) and Phase II, (open storage units) located at 15710 N 69 Highway.

PHASE I

SELF STORAGE UNITS

There will be four, 40 x 100 buildings totaling 86 units. Three buildings, (totaling 66 units) consisting of four, 10 x 10 units and 18, 10 x 20 units. The fourth building will have a total of 20 units, 10 x 20 in size. They will consist of metal siding, steel framing and rolling metal doors with the floors being concrete.

ENTRY

There will be one shared entry and exit from the property for Phase I and Phase II. This drive will consist of concrete that changes to dust free chip and seal past the right of way.

SECURITY/ASTHETICS

The property is not accessible from the south side of the entry due to a hill, heavy tree line and a fence separating property lines the length of the property. The area running north along 69 Highway has a ditch. The north side of the property running west to the back of the area has a creek running the length of the property. In front of the units will be trees and/or shrubbery with concrete posts or blocks placed behind the shrubbery spaced five feet apart so there can be no vehicle access, used as the buffer zone.

Access to the area will be permitted only to current renters



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and the owner of said property.

DETENTION POND

A Detention Pond will serve Phase I.

PHASE II

Conditional Use Permit referred to hereafter as CUP.

The CUP is for an area reserved for future expansion for the purpose of storing recreational vehicles, trailers and boats.

OPEN STORAGE UNITS

The CUP will have two, three sided units with the open entry being on the west side of one unit and the east side of the other unit sharing a common center space. Each unit will be 100 foot in length and 30 foot in depth with an open door height of 14 to 17 foot. Each unit will have ten, 10 x 30 foot stalls totaling 20 stalls in all. The interior parking of these stalls will be rock covered in chip and seal. The remaining lot space will be used for additional external parking. No parking or storage will be permitted in the driving area of the lot. The lot is to be used for storage of vehicles only. The lot can not be used to drain water, sewage or waste from boats, RV's or any other vehicle that carries or stores any type of wastes. Permission will not be granted to repair, maintain or modify any vehicle while it is stored or parked at the facility. Any repair needed to any vehicle stored will require the repair to be done off site.

ENTRY

The CUP entry will be through the Phase I drive that starts at 69 Highway and continues west until it meets at the 100 x 100 foot area located directly west of the Phase I units.

ASTHETICS



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The CUP area will have a buffer between the commercial and adjoining agricultural property owned by Mr. & Mrs. Riles consisting of newly planted trees placed 8 - 10 feet apart. Mr. & Mrs. Riles will be building a family home on the adjoining property once the Phase I and Phase II process is completed.

DETENTION POND

A Detention Pond will serve Phase II.

Thank You,
Mark & Brenda Riles



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Sept 14-125RZ/P – Riles Acres Attachment E – Site Plan Drawing

