



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

Site Location: approximately 23820 MM Highway
Section 8 | Township 53 | Range 30

Site Size: 37.53± Acres

Existing Landuse & Zoning: Agricultural (AG)

Zoning/Platting History: None

Surrounding Landuse & Zoning:

- North – Residential Rural (R-1) & Agricultural (AG) zoned land, Hubbard Acres (R-1)
- East – Agricultural (AG) zoned land, Baldwin Hills (R-1)
- South – Residential Rural (R-1) & Agricultural (AG) zoned land, Hickory Ridge (R-1), Woodhaven (R-1)
- West – Agricultural (AG) zoned land

Current Conditions:



Courtesy Clay County Assessor, GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Cynthia, Brian and Melissa Phillips are requesting **Rezoning** approval from Agricultural (AG) district to Residential Ranchette (R-5) District for Lot 1 (5+ acres) and Residential Rural (R-1) District with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) Lot 2 (10+ acres), with Lot 3 remaining Agricultural (AG) (21± acres), as well as **Preliminary Plat** approval for Juniper Hill located at approximately 23820 MM Highway.

The Phillips wish to split this parcel into three lots to allow all their family members to live close to one another.

2008 Comprehensive Plan Considerations

The Comprehensive Plan (“Plan”) indicates that the subject property is located in the **RURAL LOW DENSITY TIER**

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. ⁽³⁾
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.

⁽³⁾ 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 subject request meets the spirit and jest of the 2008 Comprehensive Plan.

Character of the General Neighborhood

Agricultural (AG) zoned property is each direction of the property. There is a strip of R-1 zoned property adjacent to on the north of the property. R-1 zoned subdivisions are to the east, north and south [See Attachment B].

LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on September 18, 2014. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter mailed on September 19, 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
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.

Outside Agency Review

The Missouri Department of Transportation (MoDOT) has noted in e-mail's dated May 28th and September 10th, 2014 regarding the existing driveway being the only permitted access from MM Highway. A shared access/ingress/egress easement will need to be recorded with the final plat

The Clay County Health Department has given preliminary and final approval. The Public Water Supply District No. 8 has indicated they can provide water service for two (2) additional lots for the subject request. The Holt Fire District serves this property.



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Findings

Road Impact Fees (*RIF*) are not required for proposed Lot 1 as it occupies the existing single family farmstead. The standard fee of \$1,100.00 RIF will be required for Lot 3 for the additional traffic which will be generated on nearby County roads and bridges.

The applicant/owners wish to pursue a RIF waiver for a family member on proposed Lot 2. The waiver will need to be approved by the Clay County Highway Department Director and then the Planning & Zoning Commission and County Commission in order for it to apply to Lot 2.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) district to Residential Ranchette (R-5) District for Lot 1 and Residential Rural (R-1) with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) for Lot 2 be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of Juniper Hill be **approved**, with the following conditions as shown on Exhibit A:

Exhibit A

1. Road Impact Fees (RIF) is required on Lot 2 unless the waiver is approved by Planning & Zoning Commission and County Commission.
2. Emergency addressing (911 signage) must be in place prior to the occupancy of any single family residence on Lots 2 and 3 Owners of the Lots must maintain both driveway and 911 signs.
3. A shared driveway agreement must be in place at the time of Final Plat recording.
4. The following correction to the Final Plat:
 - a. Continue west 7.5' utility easement inside of I/E easement to the north.



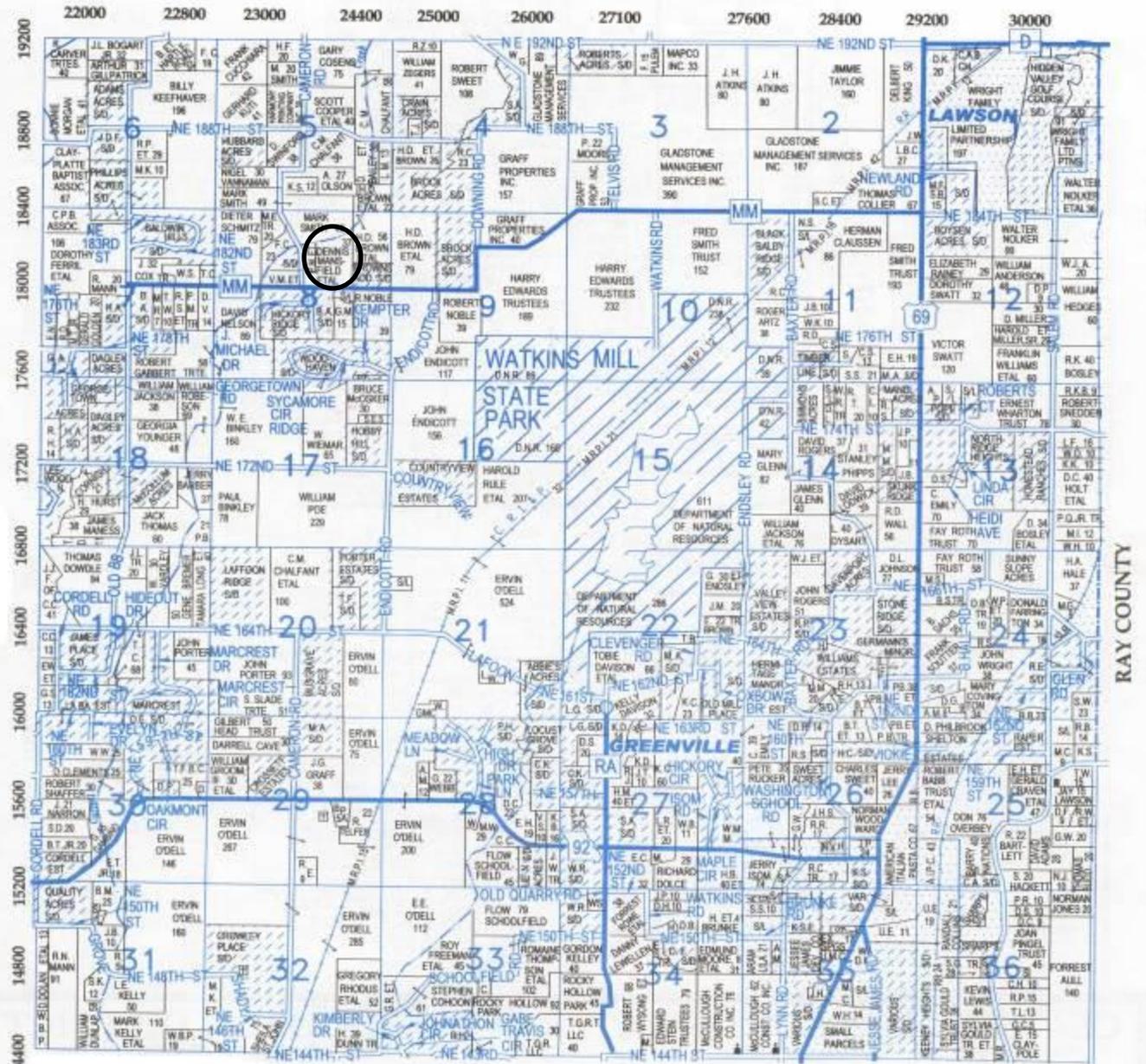
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Attachments

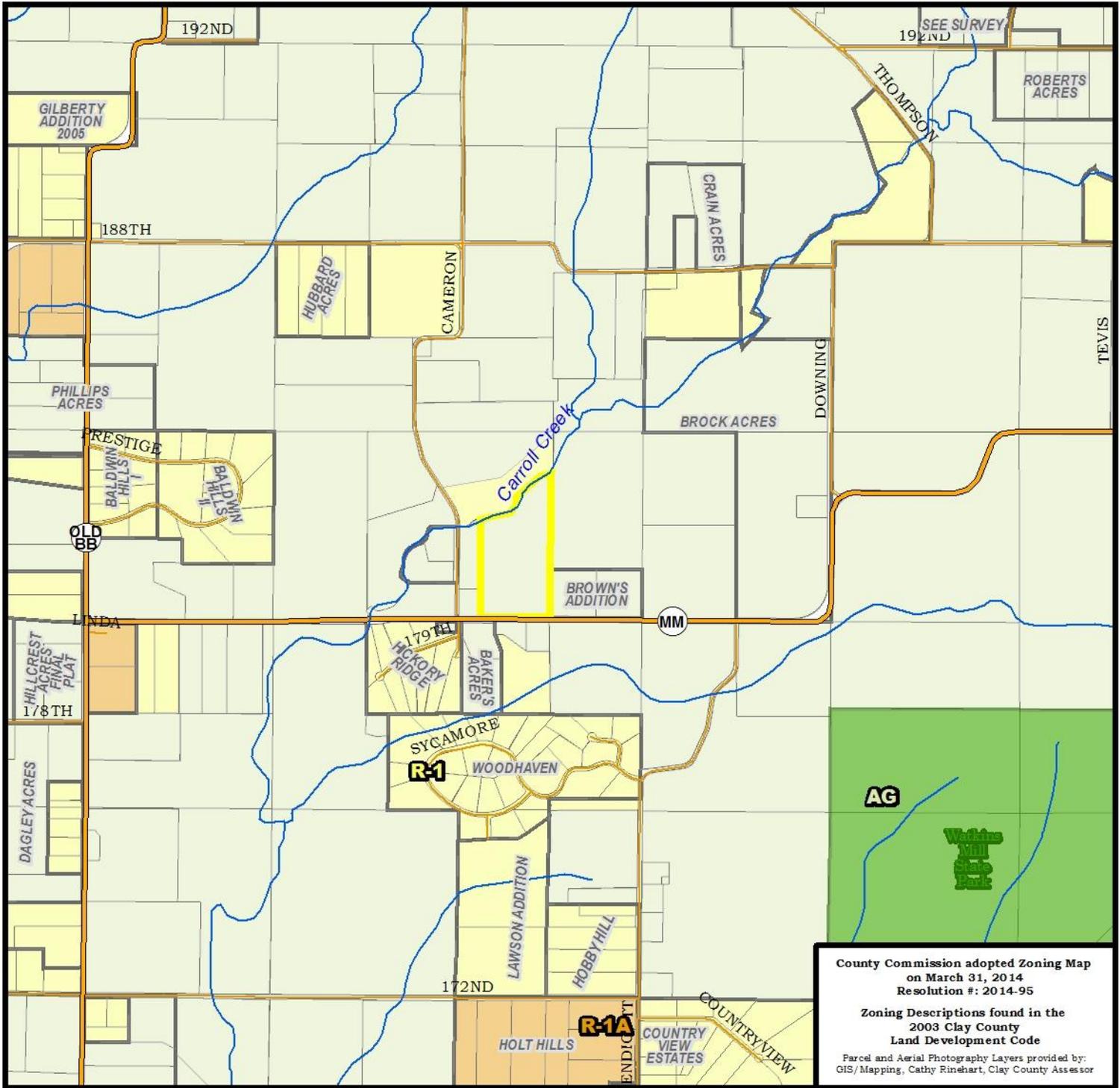
October 14-131RZ/P – Juniper Hill Attachment A – Vicinity Map

TOWNSHIP 53N • RANGE 30W



Oct 14-131RZ/P – Juniper Hill

Attachment B - Existing Conditions Map



Map Document: (G:\GIS\Project_Files\Vacinity Map - 8 x 11 P.mxd) 09/15/2014 -- 04:33:53 PM

Planning & Zoning Department

1 inch = 2,000 feet
1 inch = 0.38 miles

LEGEND

<ul style="list-style-type: none"> Property Line ~ Streams (EPA) ~ Railroads 	<p>Roads</p> <ul style="list-style-type: none"> ~ Interstates ~ State Highways ~ Local Roads ~ Highway Ramps 	<ul style="list-style-type: none"> Subdivisions 2014 City Limits Parks County Boundaries 	<p>Overlay Districts</p> <ul style="list-style-type: none"> CD (Conservation District) POD (Preservation Overlay District) PUD (Planned Unit Development) 	<p>Zoning Districts</p> <ul style="list-style-type: none"> AG R-1 R-1A/R-5 R-1B/RU R-3 C-1 C-2 C-3 I-1 I-2 OP
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