





# Report to Planning & Zoning Commission

Clay County, Missouri

## General Information

**Site Location:** approximately 25401 NE 148<sup>th</sup> Street  
Section 33 | Township 53 | Range 30

**Site Size:** 10.00± Acres

**Existing Landuse & Zoning:** Agricultural (AG)

**Zoning/Platting History:** None

### Surrounding Landuse & Zoning:

- North - Agricultural (AG) Land, Wilson Estates (R-1), Watkins Ridge (R-1A) Subdivisions
- East - Agricultural (AG) Land, Rocky Hollow Park, C-3 Land (*formerly underground gun range/paintball range*)
- South - Agricultural (AG) Land, Rocky Hollow Park, City of Excelsior Springs (*½ mile*)
- West - Agricultural (AG) Land, Rocky Hollow subdivision (R-1)

### Current Conditions:



Courtesy Cathy Rinehart, Clay County Assessor



Courtesy Microsoft® Bing™



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## Assessment

Kenneth and Melanie Shockley are requesting **Rezoning** approval from Agricultural (AG) to Residential Urban Rural Single-Family District (RU-80) and **Preliminary Plat** approval for **Metro Stars** a total area of approximately 10.00± acres located at approximately 25401 NE 148<sup>th</sup> Street.

The purpose for these requests is for them to be able to build a new single-family home.

### 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 Airport Area Overlay.

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

	<b>Natural Resources Tier † (Yellow)</b>	<b>Rural Low-Density Tier † (Green)</b>	<b>Urban Services Tier † (Salmon)</b>
<b>Intent</b>	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.
<b>Primary Uses</b>	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
<b>Residential Uses</b>	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.
<b>Non-Residential Uses</b>	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
<b>Minimum Sanitary Sewer Provisions</b>	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. <sup>(3)</sup>
<b>Zoning Districts</b>	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.

<sup>(3)</sup> 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.



# Report to Planning & Zoning Commission

Clay County, Missouri

**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)
<b>Intent</b>	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 of Excelsior Springs responded with an e-mail dated May 29, 2014 stating:

*"Our adjacent zoning inside the city limits is R-1, single-family residential. We would have no issues with this proposal."*

The subject request meets the spirit and jest of the 2008 Comprehensive Plan due to the response from the City of Excelsior Springs.

## **Character of the General Neighborhood**

Agriculturally (AG) zoned property is in each direction of the property. Residential Low Density District (R-1A) zoned land is to the north. Residential Rural District (R-1) Zoned Land is to the north and west. Rocky Hollow Park adjacent on the south property line and to the east of the property. The City of Excelsior Springs is to the south within the 1-mile coordination tier [See Attachment B].

## **LDC Considerations**

The rezoning application was properly noticed in the Kearney Courier on January 16, 2014. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter dated mailed on January 17, 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.



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# Report to Planning & Zoning Commission

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Clay County, Missouri

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## **Outside Agency Review**

The Clay County Highway Department has approved the property for a driveway. Road Impact Fees (*RIF*) are required and will be based on a chip and seal formula.

The Clay County Health Department has given preliminary and final approval. The Public Water Supply District #8 of Clay County has stated in a letter dated June 5, 2014 they will have adequate pressure and flow to supply a meter for the property. The Eastern Clay County Ambulance District serves this property.

## **Findings**

Road Impact Fees (*RIF*) are required and must be paid prior to the recording of the final plat, along with the RIF agreement recorded.

## **Recommendations**

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) to Residential Urban Rural Single-Family District (RU-80) for **Metro Stars** be **APPROVED** subject to the petitioner addressing all rezoning standards.

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Staff recommends the **Preliminary Plat Metro Stars** be **approved** with the following conditions as shown on Exhibit A:

### **Exhibit A**

1. Road Impact Fees (RIF) agreement recorded and fees paid at the recording of the final plat.
2. Changes to the recording copies of the final plat are as follows:
  - a. 7.5' U.E.'s to be replaced by 15' U.E.'s along the east, west and south lot lines.
  - b. In legal description 58 North changed to 53 North



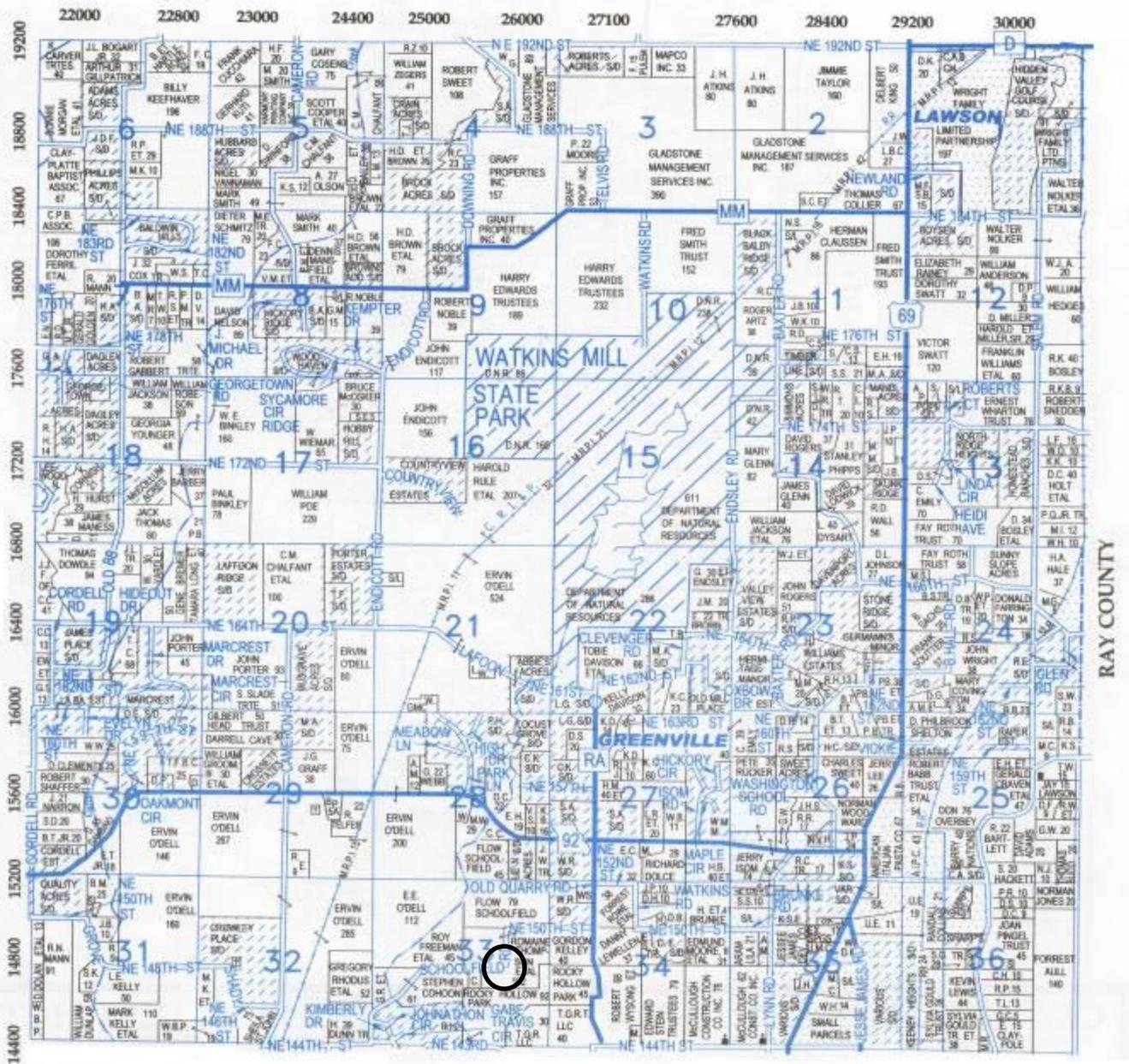
# Report to Planning & Zoning Commission

Clay County, Missouri

## Attachments

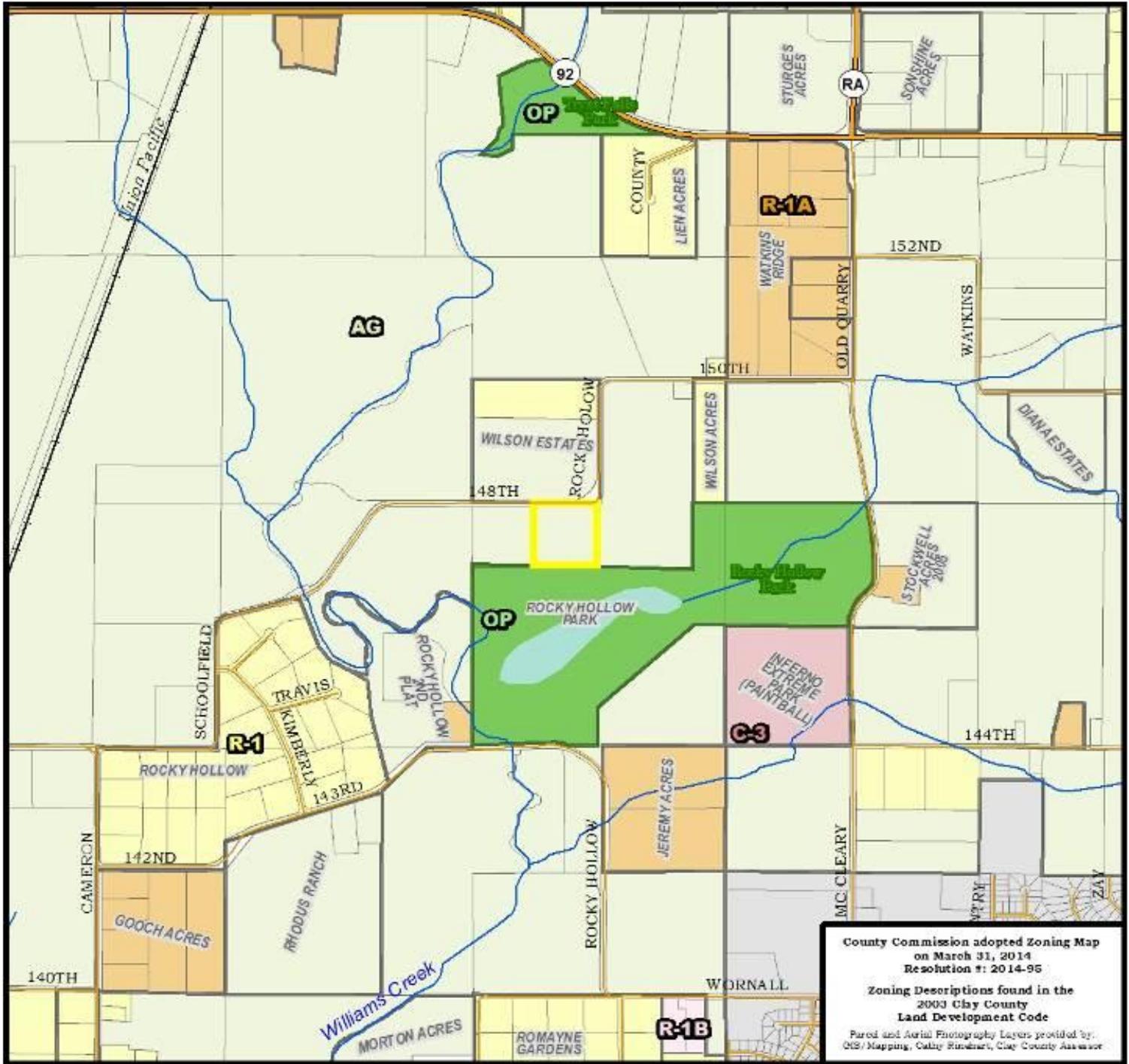
# November 14-132RZP Metro Stars Attachment A - Vicinity Map

## TOWNSHIP 53N • RANGE 30W



# Nov 14-132RZ/P – Metro Stars

## 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 Reinhardt, 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 | C-1 |
| Streams (EPA) | Interstates    | 2014 City Limits  | CD (Conservation District)          | AG               | C-2 |
| Railroads     | State Highways | Parks             | POD (Preservation Overlay District) | R-1              | C-3 |
| Highway Ramps | Local Roads    | County Boundaries | PUD (Planned Unit Development)      | R-1A/R-5         | P-1 |
|               |                |                   |                                     | R-1B/PLU         | I-2 |
|               |                |                   |                                     | R-3              | OP  |

Map Document: G:\GIS\Project\_Files\Acenly Map - 8 x 11 - Print.dwg  
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