



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

- Site Location:** Approximately 13513 Mt. Olivet Road
Sections 7 & 8 | Township 52 | Range 32
- Site Size:** 29.56± Acres
- Existing Landuse & Zoning:** Agricultural (AG)
- Zoning/Platting History:** None
- Surrounding Landuse & Zoning:**
- North – Scottsdale Farms (R-1), Agricultural (AG) zoned land
 - East – Clementine Hills (R-1), Agricultural (AG) zoned land
 - South – Endicott Addition (R-1), Agricultural (AG) zoned land
 - West – Agricultural (AG) zoned land, The Brooks (R-1), Becker Estates (R-5 & RU-80)

Current Conditions:



Courtesy Clay County Assessor, GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Owen and Colette Lasack are requesting **Rezoning** approval from Agricultural (AG) district to Residential Ranchette (R-5) District for Lot 1 (7.9 acres) ONLY, as well as **Preliminary Plat** approval for Lasack located at approximately 13513 Mt. Olivet Road.

The Lasacks wish to split this parcel into two lots to allow them to build another single family home on the larger Lot 2.

2008 Comprehensive Plan Considerations

The Comprehensive Plan (“Plan”) indicates that the subject property is located in the

URBAN SERVICES TIER It is located on trail #C-16; a third priority shared-use trail as identified by the Northland Trails Vision Plan (“NTVP”). A 15’ Recreational Easement (“R/E”) will be located within 30’ Utility Easement (UE) along the frontage of Mt. Olivet Rd.

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

Character of the General Neighborhood

Agricultural (AG) zoned and R-1 zoned subdivisions property are to each direction of the property. Becker Estates (R-5 & RU-80) is to the west [see Attachment B].

LDC Considerations

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

Outside Agency Review

The Clay County Health Department has given preliminary and final approval. The Clay County Highway Department has noted the driveway will pass for sight distance specifications for the Manual on Uniform Traffic Control Devices (MUTCD) requirements and Clay County Highway Department standards. The road surface of Mt. Olivet Road is asphalt surfacing.



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The Public Water Supply District No. 9 has indicated they can provide water service for the additional lot for the subject request. The Smithville Fire District serves this property. Future construction will need to comply with their fire protection codes. Any building plans shall be submitted and approved by the fire 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 fire district.

Findings

Road Impact Fees (RIF) are not required for proposed Lot 1 as it occupies an existing single family farmstead. A RIF will be required for Lot 2 for the additional traffic which will be generated on nearby County roads and bridges.

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 ONLY be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of Lasack Valley 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. Any future structures will need to have building plans submitted and approved by the fire 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 fire district.
3. The following to the Final Plat:
 - a. ADD: 15-foot Recreational Easement ("R.E.") within the first 30' U.E. and in the text of dedication section.
 - b. ADD NOTE: "A recreational easement consistent with the Northland Trails design guidelines has been granted to Clay County for the purpose of developing part of trail "C-16 Third Priority" of the Northland Trails Plan along the East side of Mt. Olivet Road."
 - c. DELETE: Note 9
 - d. Label the C/L of Mt. Olivet Road
 - e. Note 40' Existing Mt. Olivet Road ROW
 - f. ADD: "NOTE: New structures on Lot 2 will require a Certification of Elevation before a building permit can be issued."



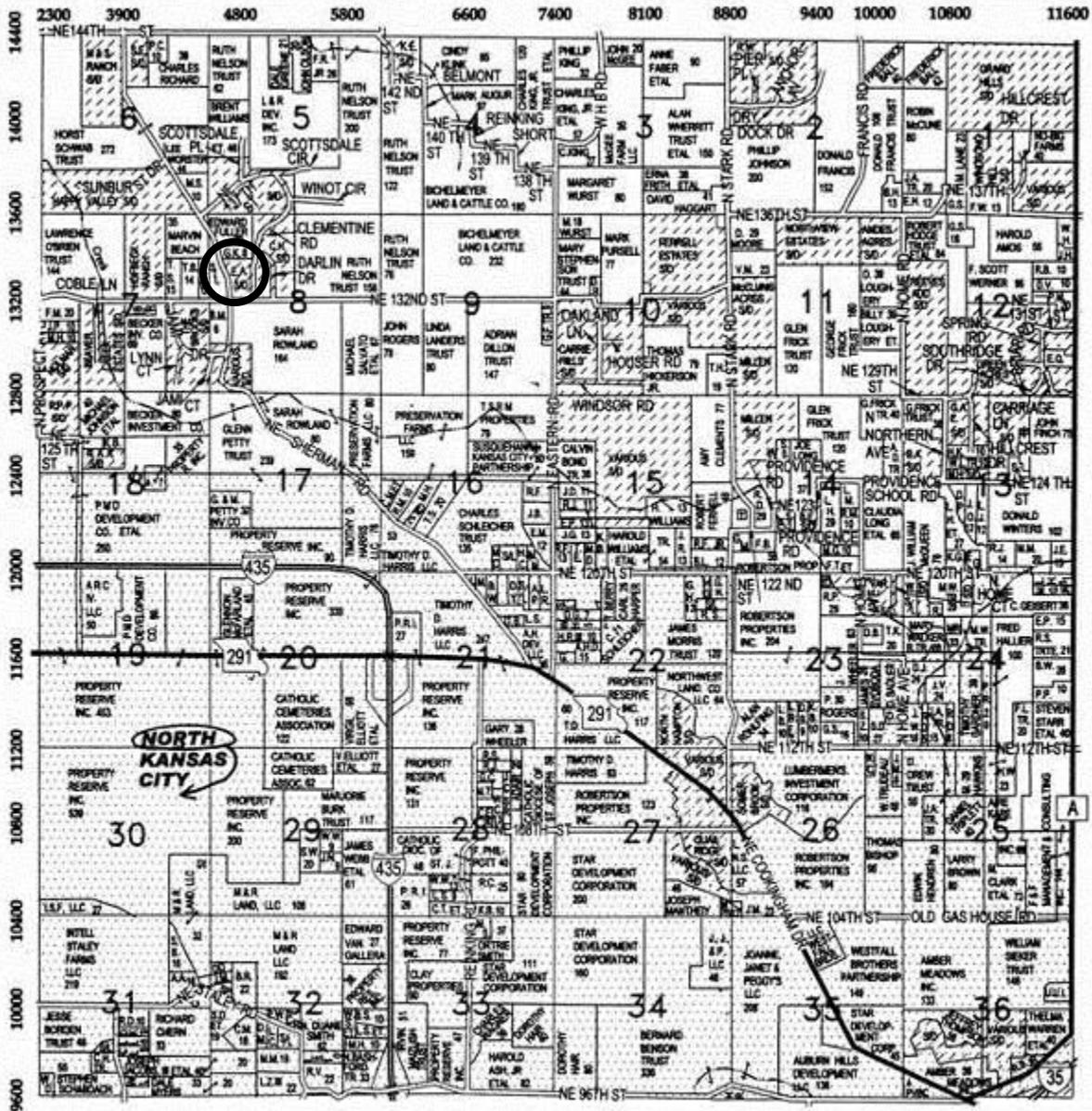
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Attachments

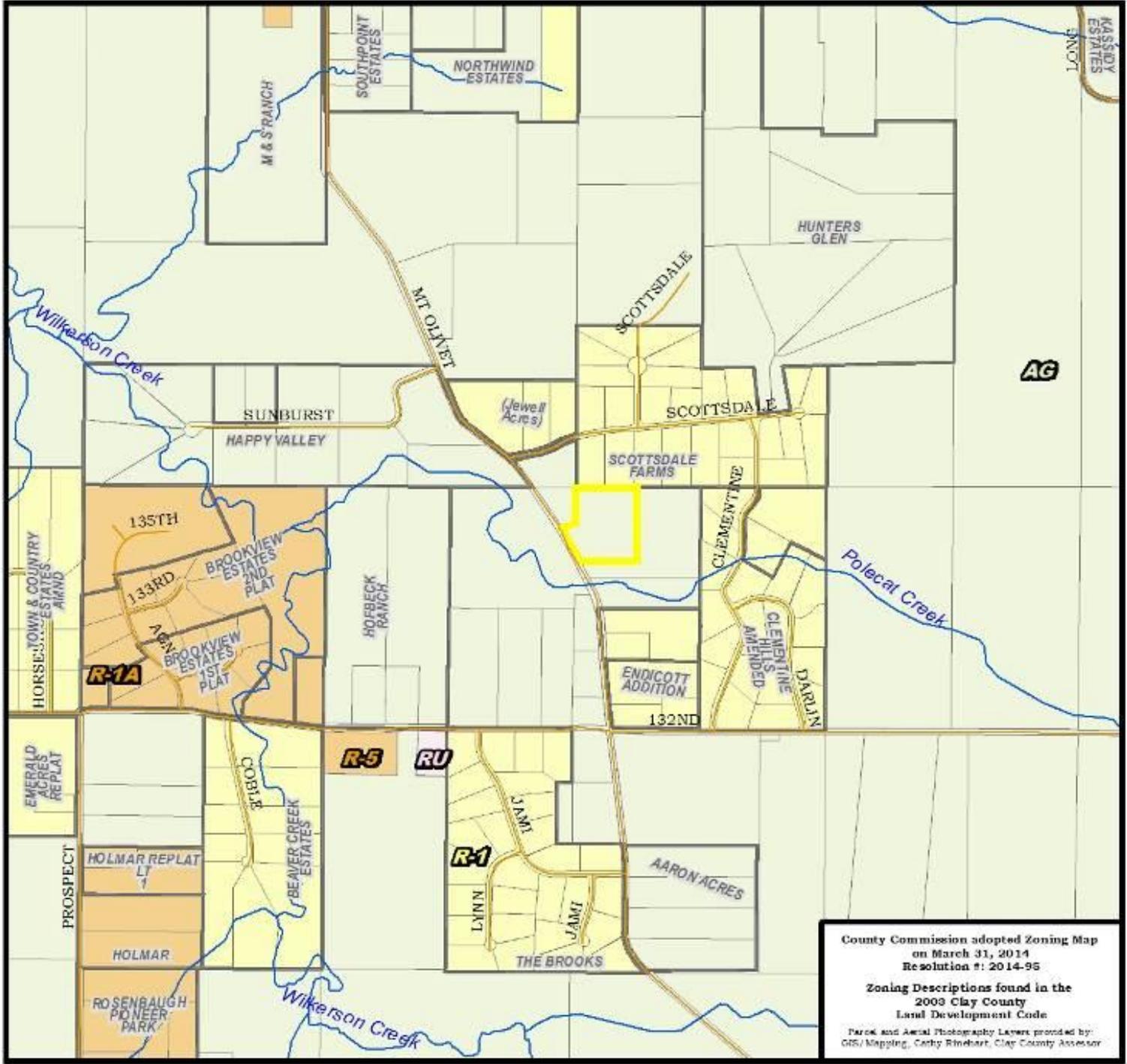
November 14-134RZ/P – Lasack Valley Attachment A – Vicinity Map

TOWNSHIP 52N • RANGE 32W



Nov 14-134RZP – Lasack Valley

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

Map 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

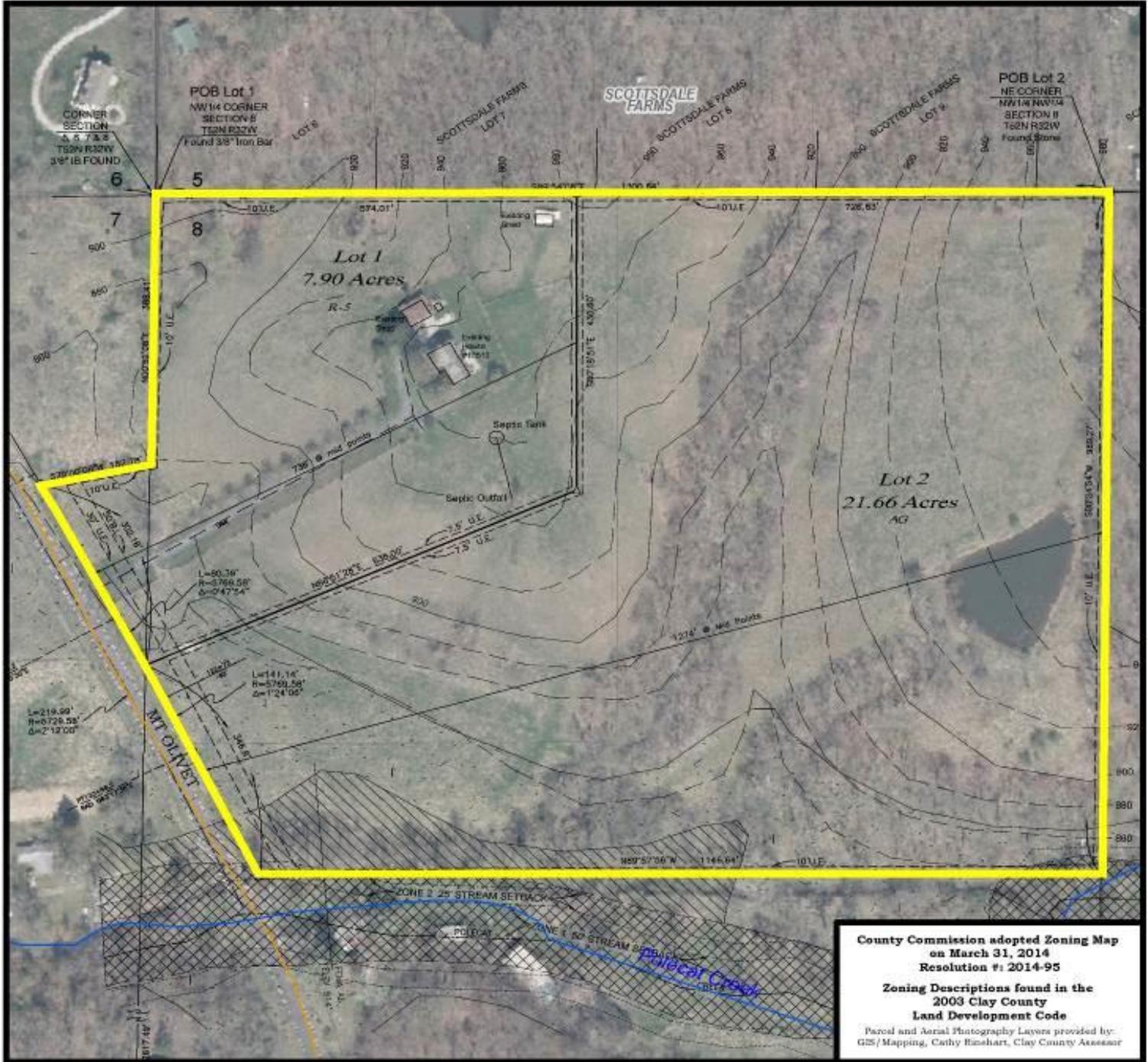
LEGEND

- | | | | | | |
|---------------|----------------|-------------------|-------------------------------------|------------------|-----|
| Property Line | Roads | Subdivisions | Overlay Districts | Zoning Districts | C-1 |
| Streams (EPA) | Interstates | 2014 City Limits | CD (Conservation District) | R-1 | C-2 |
| Railroads | State Highways | Parks | POD (Preservation Overlay District) | R-1A/R-5 | C-3 |
| Local Roads | Highway Ramps | County Boundaries | PLD (Planned Unit Development) | R-1B/RU | I-1 |
| | | | | R-2 | GP |
| | | | | R-3 | |

Map Document: G:\GIS\2014\134RZP\134RZP_03_02_14.mxd

Nov 14-134RZ/P – Lasack Valley

Attachment C - Site Plan 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 Enohart, Clay County Assessor

Planning & Zoning Department



1 inch = 200 feet
 1 inch = 0.04 miles

LEGEND

- Property Line
- ~ Streams (EPA)
- Railroads
- Interstates
- State Highways
- Local Roads
- Highway Ramps
- Subdivisions
- 2014 City Limits
- Parks
- County Boundaries

Map Document: (G:\GIS\Project_Files\Locality Map - 8 x 11 Print) 10/22/2014 - 06:38:38 PM