



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number	March 15-107V
Case Type	Vacation – Utility Easements (U.E.)
Project Name	Vacation, within Lot 2 Stone Ridge and Lot 3B, Replat of Lot 3, Stone Ridge

Applicant	Fred Dehn, representing Precision Repair Systems 16516 N. 69 Highway Excelsior Springs, MO 64024
Owners	Fred Dehn, representing Precision Repair Systems 16516 N. 69 Highway Excelsior Springs, MO 64024 Alfred G. Rager 28815 NE 166 th St. Excelsior Springs, MO 64024
Request	Vacation of Utility Easements (“U.E.”) within Lot 2 Stone Ridge and Lot 3B Replat of Lot 3 Stone Ridge. New U.E.s to be established with the proposed <u>Williams Creek</u>

Application Submittal	2015-02-03
Public Notice Published	2015-02-12
Utility Letters Sent	2015-02-09
Report Date	2015-02-25
Public Hearing Opened	2015-03-03

REPORT AUTHOR(S)	Debbie Viviano, Planner Matt Tapp, Director
Recommendation	APPROVE with condition



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General Information

- Site Location:** Approximately 16516 N. 69 Highway
Section 23 | Township 53 | Range 30
- Site Size:** See below legal description and attached Final Plat
- Existing Landuse & Zoning:** Lot 2 – Agricultural (AG); Lot 3B – Suburban Residential District (R-1A)
- Zoning/Platting History:** Rezoning to I-1, Zoning Order, Page 491, 11/22/1973; Stone Ridge, recorded 7/23/1993; Stone Ridge, Replat of Lot 3, recorded 2/1/2000.
- Surrounding Landuse & Zoning:**
- North – Community Commercial (C-2) District, Agricultural (AG) Zoned Land
 - East – Sachs Addition (R-1A), Beason Meadows (AG/R-1), Agricultural (AG) Zoned Land
 - South – Stone Ridge Replat of Lot 3 (R-1A), Agricultural (AG) Zoned Land, Williams Est. Replat of Lot 1 (R-1A), City of Excelsior Springs (*Approx. ½ mile*)
 - West – Community Commercial (C-2) District-(NW Electric Substation), Germann’s Minor (AG), Roger’s Ridge and Davenport Acres (R-1A)

Current Conditions:



Courtesy Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Fred Dehn, representing Precision Repair Systems and Alfred Rager seeks to vacate Utility Easements (henceforth known as "U.E."s) on Lot 2 Stone Ridge and Lot 3B, Replat of Lot 3 Stone Ridge, which is legally described as follows:

Utility Easements Vacation on Lot 2 and Lot 3B, Stone Ridge

DESCRIPTION:

Beginning at the NE corner of Lot 2, Stone Ridge; thence S00°57'15"W, a distance of 15.0 feet to the Point of Beginning; thence S00°57'15"W, a distance of 540.6 feet; thence N89°06'01"W, a distance of 15.0 feet; thence N00°57'15"E, a distance of 243.1 feet; thence N89°06'01"W, a distance of 70.0 feet; thence N00°57'15"E, a distance of 15.0 feet; thence S89°06'01"E, a distance of 70.0 feet; thence N00°57'15"E, a distance of 282.5 feet; thence S89°06'01"E, a distance of 15.0 feet to the Point of Beginning.

Mr. Dehn is seeking to vacate the existing U.E.'s as part of re-platting Stone Ridge aka Williams Creek, Case Numbers March 15-105RZ/P and March 15-106F.

Character of the General Neighborhood

Agriculturally (AG) zoned property is to each direction of the property. C-2 zoned land is to the north and west (NW Electric Substation). R-1 & R-1A zoned land are to the east and south. The City of Excelsior Springs is to the south and within the 1-mile coordination tier [See Attachment B].

LDC Considerations

Chapter 151-3.13 of the 2011 Clay County Land Development Code ("LDC") sets out the required review and approval procedures for vacations of any street, avenue, road, alley, public easement, ingress/egress, utility easement, public square or common area included as part of a recorded plat, in accordance with the Missouri Revised Statutes ("RSMo") Chapter 71.270.

The applicants for the vacation must meet the approval criteria as noted in Section 151-3.13 (F):

F. Approval Criteria

A Vacation application shall be approved by the County Commission if they determine that all of following approval criteria have been met:

1. Due and legal notice has been provided as required by this section;
2. No private rights will be injured or endangered by the Vacation;
3. The public will suffer no loss or inconvenience from the Vacation; and
4. In justice to the applicant, the Vacation should be approved.

The requested Vacation appears to substantially comply with the LDC. The vacation application was properly noticed in the Kearney Courier on February 12, 2015, and the utility providers were notified by a letter dated February 9, 2015.

Outside Agency Review

The vacation request was mailed to the utility providers and other agencies for their comments and possible objections to the vacation. Replies with no objection to the request have been received from water (Ray County PWSD#1), electrical (P.C.E.C.), NW Electric, and Ameren U.E. Century Link (Telephone) has no service in this area.

The property is served by propane gas service. The applicant has stated there is no telephone land line service.



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Findings

None.

Recommendations

Staff recommends **approval** of this vacation request based upon no stated objection by any utility company, the associated replat (*Case No: March 15-106F*), along with general compliance to the LDC, with the following condition:

1. The **Resolution for Vacation**, if approved by the County Commission, be recorded simultaneously with the Williams Creek (*Case No: March 15-106F*) with the above described utility easement shown as vacated on the Final Plat.



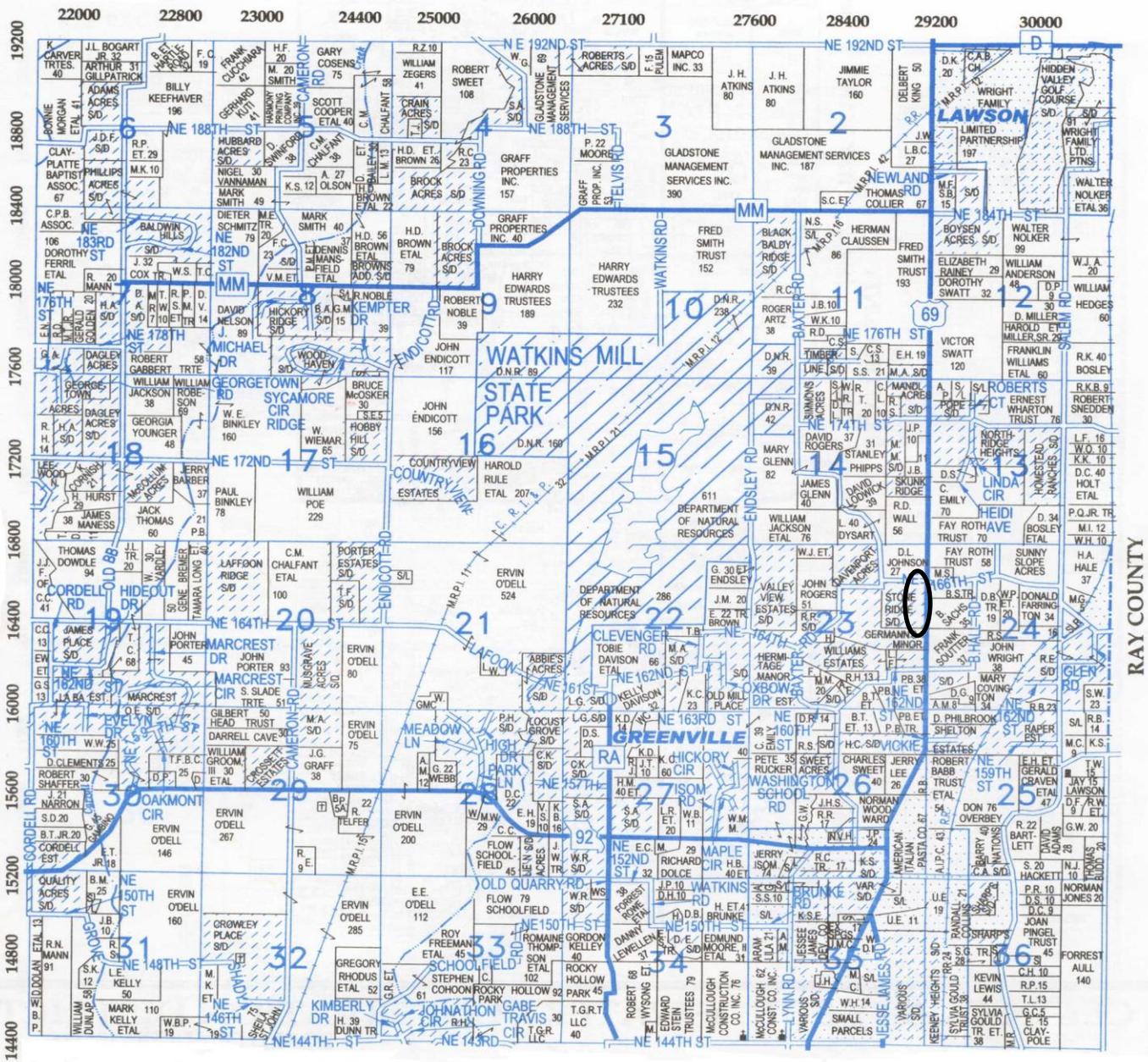
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Attachments

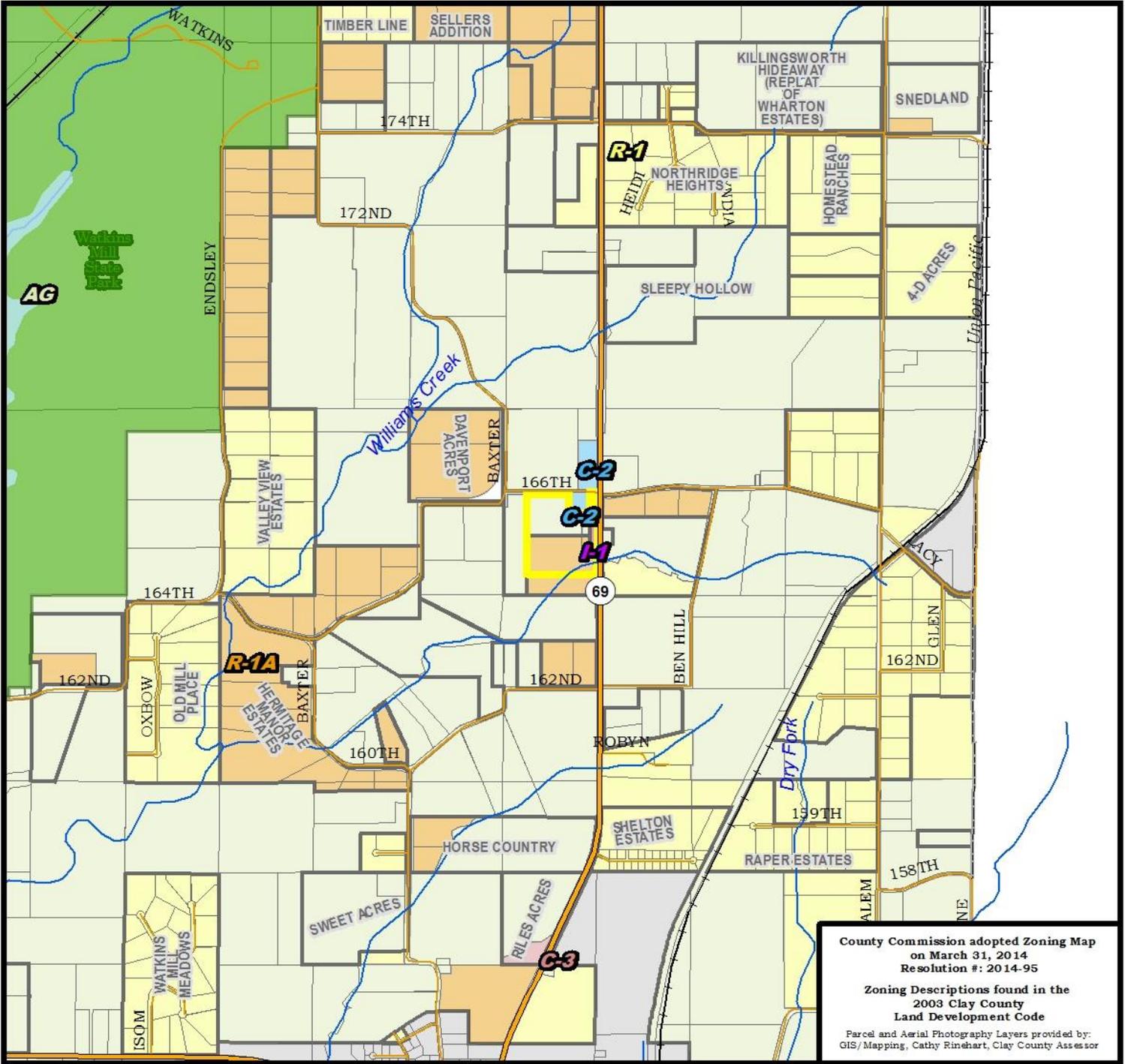
Mar 15-107V Williams Creek Attachment A - Vicinity Map

TOWNSHIP 53N • RANGE 30W



Mar 15-107V – Williams Creek

Attachment B - Existing Conditions Map



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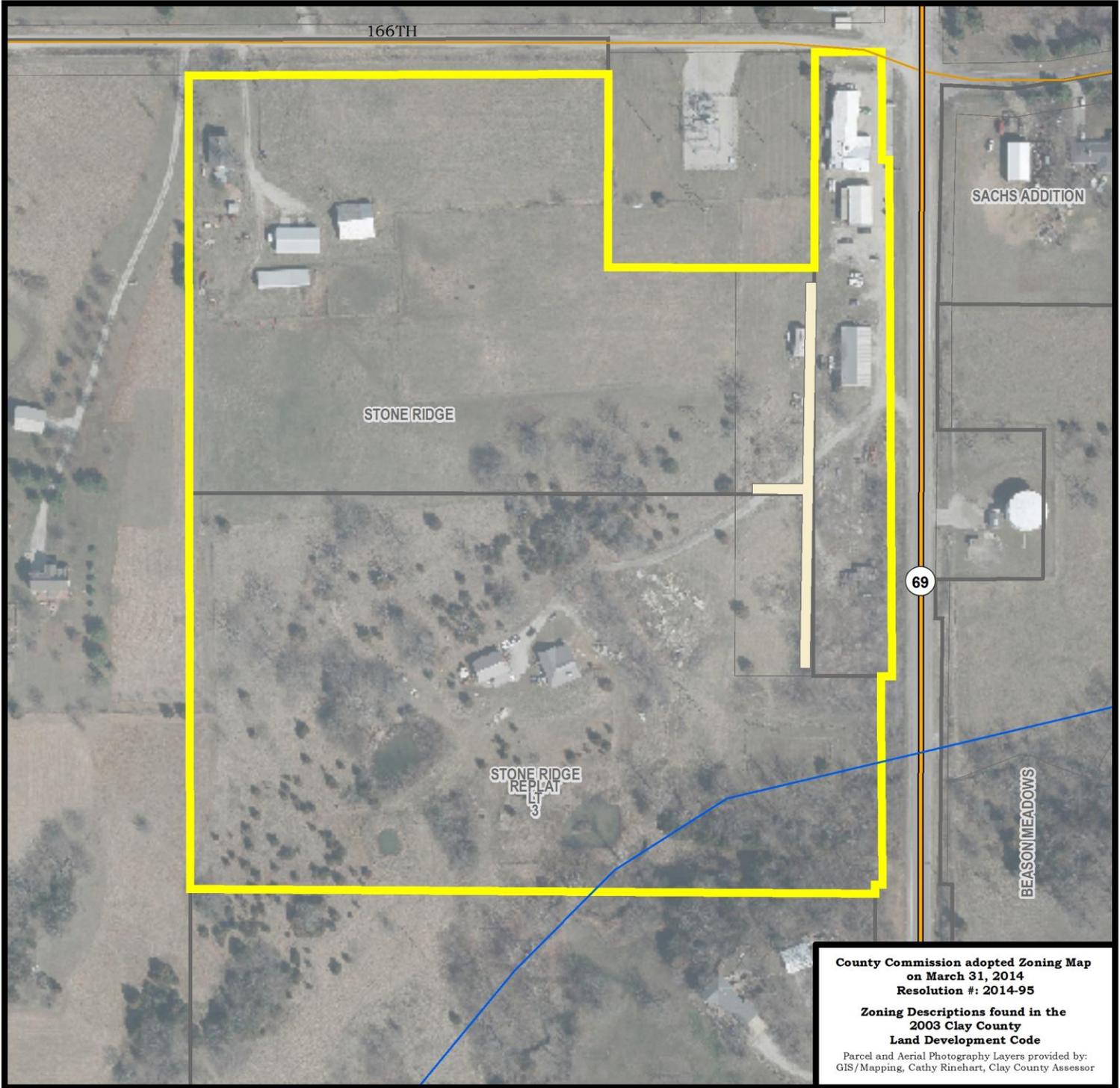
Planning & Zoning Department

LEGEND

<ul style="list-style-type: none"> Property Line Streams (EPA) Railroads 	<ul style="list-style-type: none"> Roads Interstates State Highways Local Roads Highway Ramps 	<ul style="list-style-type: none"> Subdivisions 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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Mar 15-107V – Williams Creek UE Vacation

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 Rinehart, Clay County Assessor

Map Document: (G:\GIS\Project_Files\Vacinity Map - 8 x 11 P.mxd) 02/25/2015 -- 10:18:19AM



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1 inch = 200 feet
1 inch = 0.04 miles

LEGEND

 Property Line	 Roads	 Subdivisions
 To Be Vacated	 Interstates	 City Limits
 Streams (EPA)	 State Highways	 Parks
 Railroads	 Local Roads	 County Boundaries
	 Highway Ramps	