



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number April 15-109V
Case Type Vacation – Utility Easements (U.E.)
Project Name Vacation, within Lot 1 Arrowhead Creek and Lot 2A, Replat of Arrowhead Creek, Lots 2, 3 and 4

Applicants Alan R., Diana L., and Tim Scott

Owners Alan R. and Diana L. Scott (1/3 interest)
14025 NE 123rd Street
Kearney, MO 64060

Tim Scott (2/3 interest)
13817 NE 144th Street
Kearney, MO 64060

Request **Vacation** of Utility Easements (“U.E.”) within Lot 1 Arrowhead Creek and Lot 2A Replat of Arrowhead Creek, Lots 2, 3 and 4 and New U.E.s to be established with the proposed Arrowhead Creek 2nd Replat

Application Submittal 2015-03-01

Public Notice Published 2015-03-19

Utility Letters Sent 2015-03-06

Report Date 2015-03-26

Public Hearing Opened 2015-04-07

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

Recommendation APPROVE with condition



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General Information

Site Location: Approximately 13817 NE 144th Street
 Section 5 | Township 52 | Range 31

Site Size: See below legal description and attached Final Plat

Existing Landuse & Zoning: Lot 1 – Suburban Residential District (R-1A)
 Lot 2A – Agricultural (AG)

Zoning/Platting History:

Arrowhead Creek, recorded 10/25/2006; Arrowhead Creek, Replat of Lots 2, 3 and 4, recorded 10/20/2009; Rezoning, Res. #2000-374, Final Plat, Res. #2000-375; UE Vacation, Res. #2009-376, recorded 10/20/2009.

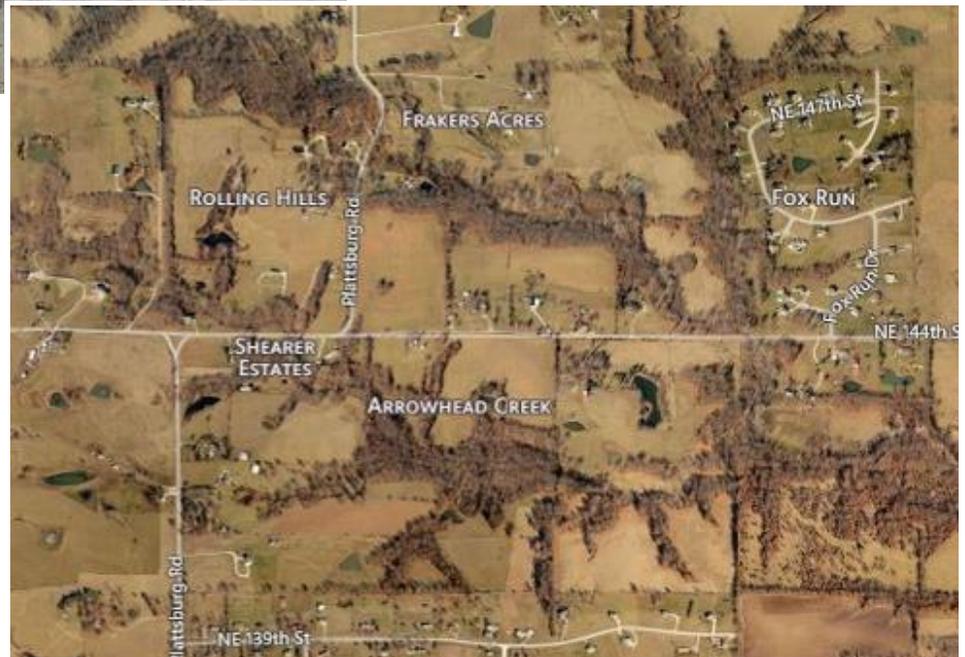
Surrounding Landuse & Zoning:

- North – Agricultural (AG) Zoned Land, Rolling Hills (AG)
- East – Agricultural (AG) Zoned Land, Fox Run (R-1B), City of Kearney
- South – Agricultural (AG) Zoned Land, Prairie Home Manor(R-1)
- West – Shearer Estates (R-1A), Agricultural (AG) and Residential Rural (R-1) Zoned Land, Megan’s Meadow (R-1A)

Current Conditions:



Courtesy Clay County Assessor, GIS Mapping



Courtesy Microsoft® Bing™



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Assessment

Alan, Diana, and Tim Scott are seeking to vacate Utility Easements (henceforth known as "U.E.s") within Lot 1 Arrowhead Creek and Lot 2A, Replat of Lots 2, 3 & 4 Arrowhead Creek, which is legally described as follows:

DESCRIPTION OF THE 15' UTILITY EASEMENT TO BE VACATED:

All of the Easterly 7.5 feet of Lot 1, ARROWHEAD CREEK, a subdivision of land in Clay County, Missouri, and all of the Westerly 7.5 feet of Lot 2A, REPLATS OF LOTS 2, 3 AND 4, ARROWHEAD CREEK, a subdivision of land in Clay County, Missouri.

The Scotts are seeking to vacate the existing U.E.s as part of the associated rezoning and replat case Arrowhead Creek 2nd Replat (April 15-108RZ/F).

Character of the General Neighborhood

The City of Kearney and Fox Run (R-1B) are approximately 1½ miles east of the property. Shearer Estates (R-1A) is adjacent to the west and Megan's Meadows (R-1A) is to the southwest. Prairie Home Manor (R-1) subdivision is to the south. Agriculturally zoned land surrounds the property in each direction [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 March 19, 2015, and the utility providers were notified by a letter dated March 6, 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 subject request have been received from water (Clay County PWSD #6) and electrical (Platte-Clay Electrical Coop). Telephone (Century Link) has stated they have no service in the area.

The property is served by a private on-site propane gas service and not public lines (Missouri Gas Energy).

Findings

None at the time of this writing.



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Recommendations

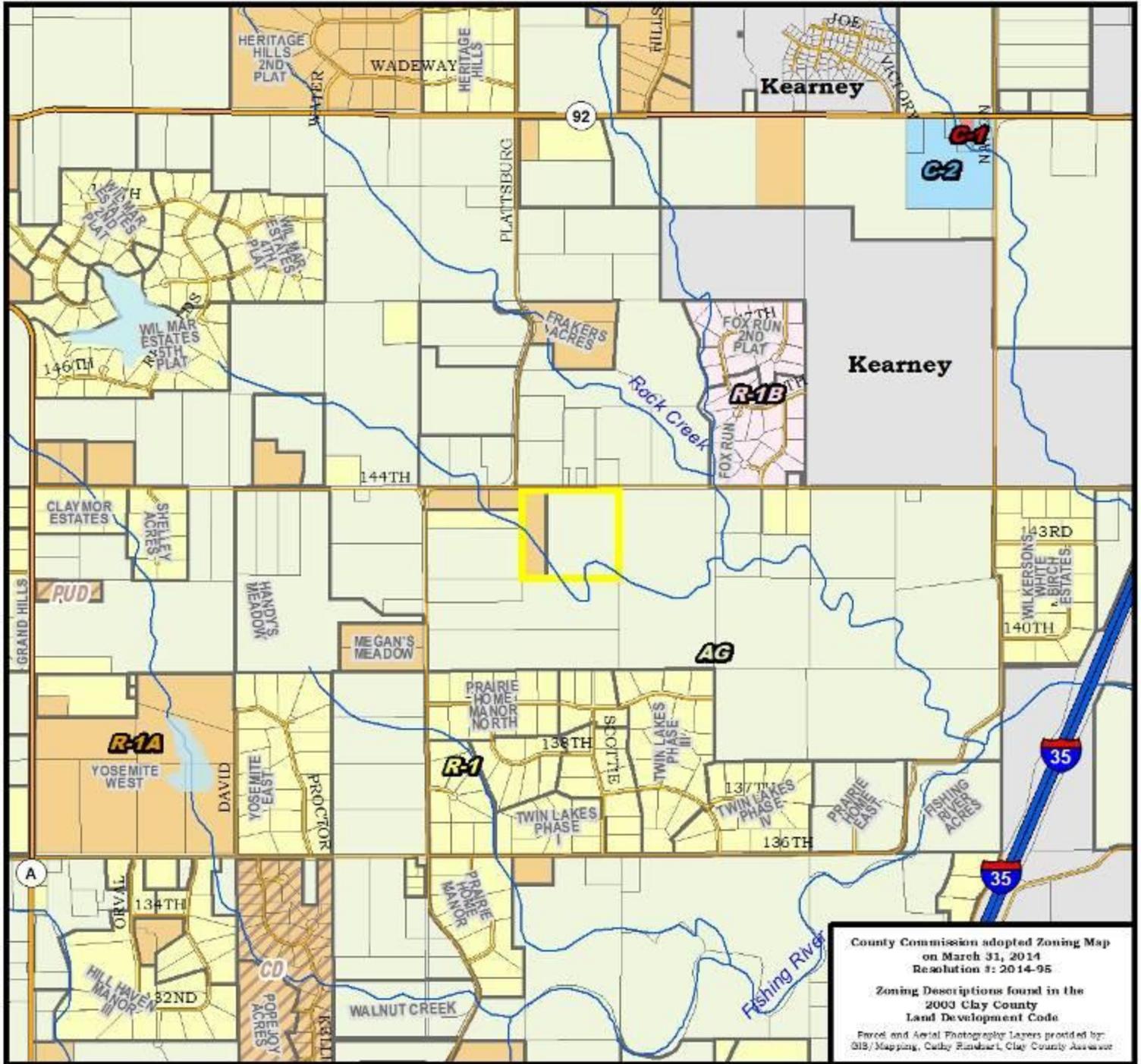
Staff recommends **approval** of this vacation request based upon the lack of stated objection by any utility company, the associated replat (*Case No: April 15-108RZ/F*), along with general compliance to the LDC, with the following condition as shown on Exhibit A:

Exhibit A

1. The **Resolution for Vacation**, if approved by the County Commission, be recorded simultaneously with the Arrowhead Creek 2nd Replat (*Case No: April 15-108RZ/P*) with the above described utility easement shown as vacated on the Final Plat.

Apr 15-109V – Arrowhead Creek UE Vacation

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, Cady Rumbert, Clay County Assessor

Planning & Zoning Department

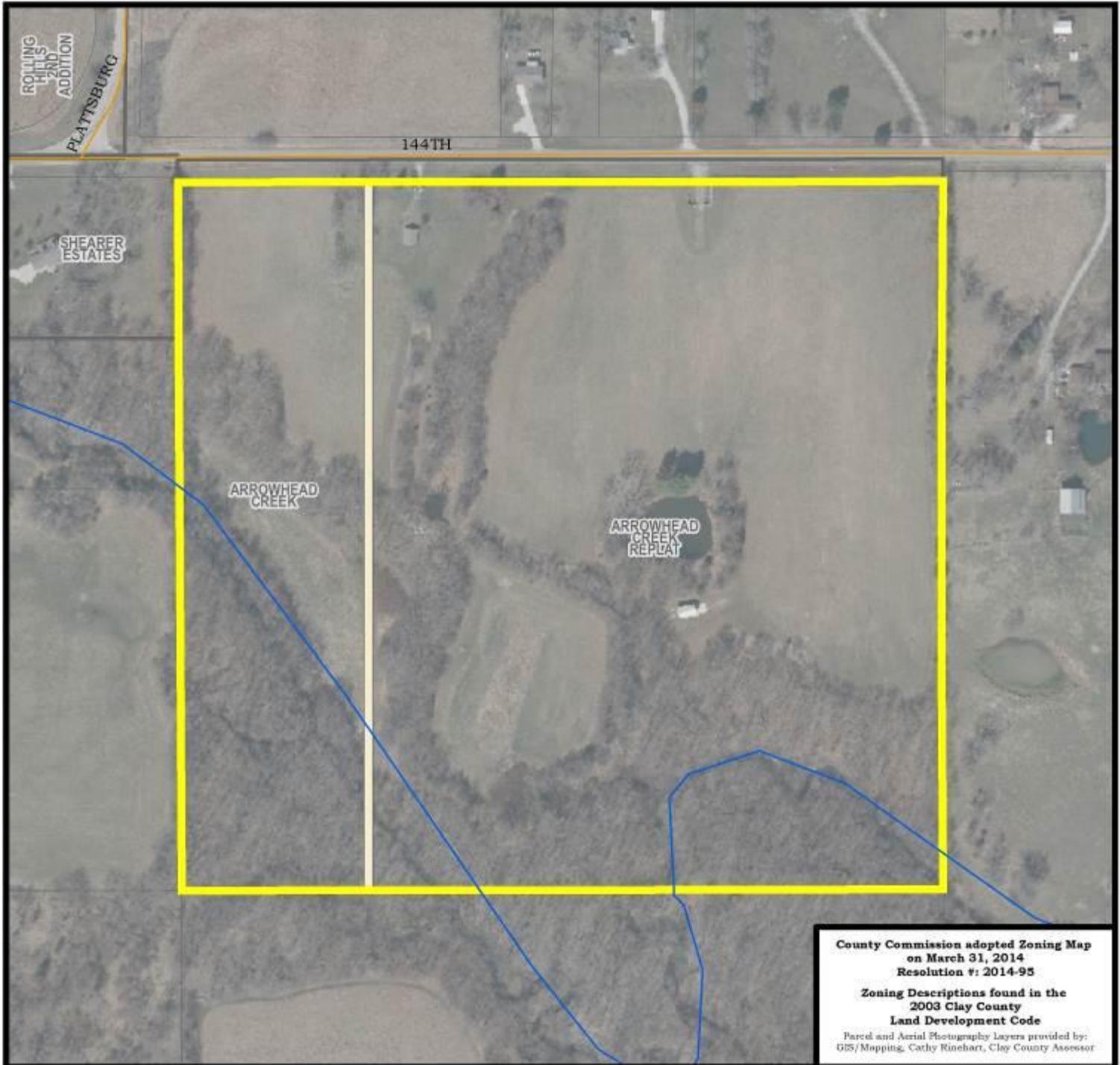
LEGEND

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

Map Document: C:\GIS\Projects\Files\County_Map - 8 x 11 (Print).docx
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Apr 15-109V – Arrowhead 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.rmod)
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Planning & Zoning Department



1 inch = 250 feet
1 inch = 0.05 miles

LEGEND

<ul style="list-style-type: none"> Property Line To Be Vacated 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 City Limits Parks County Boundaries
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