





# Report to Planning & Zoning Commission

Clay County, Missouri

## General Information

**Site Location:** 18316 Collins Rd  
Section 8 | Township 53 | Range 32

**Site Size:** See legal descriptions below

**Existing Landuse & Zoning:** Agricultural (AG) & Community Services (C-3)

**Zoning/Platting History:** RZ – Paradise South, Lots 1 & 2 (C-3), Res. #2003-518, 10/27/03; Prelim. Plat – Res. #2003-519, 10/27/03; Final Plat – Res. #2003-611, 12/22/03, recorded 01/16/04. CUP – Res. #2003-520, 12/22/03, Res. #2010-352, 11/29/10.

### Surrounding Landuse & Zoning:

- North - Burdette's Addition (R-1), Gosneyville (R-1) and C-1 Zoned Lots
- East - Agriculturally zoned land (AG), Holdsworth Commercial Addition 2 (C-2), Smithville Lake Reservoir
- South - Agriculturally zoned land (AG), Paradise South, Lot 1 (C-3 w/CUP), Smithville Lake Reservoir
- West - Paradise South, Lot 3 (R-1), Smithville Lake Reservoir

### Current Conditions:



Courtesy Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



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## Assessment

Tom & Cara Massie, owners of Paradise Storage, LLC are seeking to vacate Utility Easements (henceforth known as "U.E.s") within portions of Lot 1 and Lot 2 of Paradise South, which is legally described as follows:

### #1 – SOUTH PROPERTY LINE OF LOT 1

*All that part of Lot 1, PARADISE SOUTH, a subdivision of land in Clay County, Missouri, described as follows Commencing at the Southwesterly corner of said Lot 1, thence South 89 degrees 06 minutes 08 seconds East along the South line of Said Lot 1 a distance of 8.73 feet to the point of beginning of the tract herein to be described; thence continuing South 89 degrees 06 minutes 08 seconds East along said South line a distance of 687.40 feet; thence North 03 degrees 16 minutes 18 seconds East and parallel to the Easterly line of said Lot 1 a distance of 15.01 feet, thence North 89 degrees 06 minutes 08 second West and parallel to the South line of said Lot 1 a distance of 679.10 feet, thence South 31 degrees 38 minutes 45 seconds West and parallel to the Westerly line of said Lot 1 a distance of 17.45 feet to the point of beginning.*

### #2 – BETWEEN LOT 1 AND LOT 2

*A strip of land being 7.5' on either side of the centerline herein described, All that part of Lots 1 and 2, PARADISE SOUTH, a subdivision of land in Clay County, Missouri, described as follows Commencing at the Northeasterly corner of said Lot 1, thence North 89 degrees 55 minutes 47 seconds West along the line between Said Lot 1 & 2 a distance of 19.94 feet to the point of beginning of the centerline herein to be described; thence continuing North 89 degrees 55 minutes 47 seconds West along said line between said Lots 1 & 2 a distance of 264.19 feet; thence continuing North 00 degrees 04 minutes 13 seconds East along said line between said Lots 1 & 2 a distance of 92.21 feet, thence continuing North 87 degrees 39 minutes 31 second West along said line between said Lots 1 & 2 a distance of 300.78 feet to a point of Termination*

The Massies are seeking to vacate the existing U.E.s as noted above as part of the associated rezoning and replat case Paradise Storage (June 15-118RZ/P and June 15-119F).

### **Character of the General Neighborhood**

Burdette's Addition and Gosneyville (R-1) and C-1 zoned land are to the north. Holdsworth Commercial Addition 2 (C-2) is to the East. Paradise South, Lot 1 (CUP & C-3) is to the south and Paradise South, Lot 3 (R-1) is to the west. Smithville Lake Reservoir is to the east, west and south with. Agricultural (AG) zoned land to the east and south of the property.

### **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 May 14, 2015, and the utility providers were notified by a letter dated May 7, 2015.



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## **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 (Clinton County PWSD #4), electrical (Platte-Clay Electrical Coop and KCP&L), and telephone (Century Link and AT&T). PWSD #4 does not presently have any lines running through the subject U.E.s.

There currently is no gas service at the subject property (Missouri Gas Energy).

## **Findings**

None at the time of this writing.

## **Recommendations**

Staff recommends **approval** of this vacation request based upon the lack of stated objection by any utility company, the associated replat (*Case Nos: June 15-118RZ/P and June 15-119F*), 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 Paradise Storage (*Case No: June 15-119F*) with the above described utility easement shown as vacated on the Final Plat.



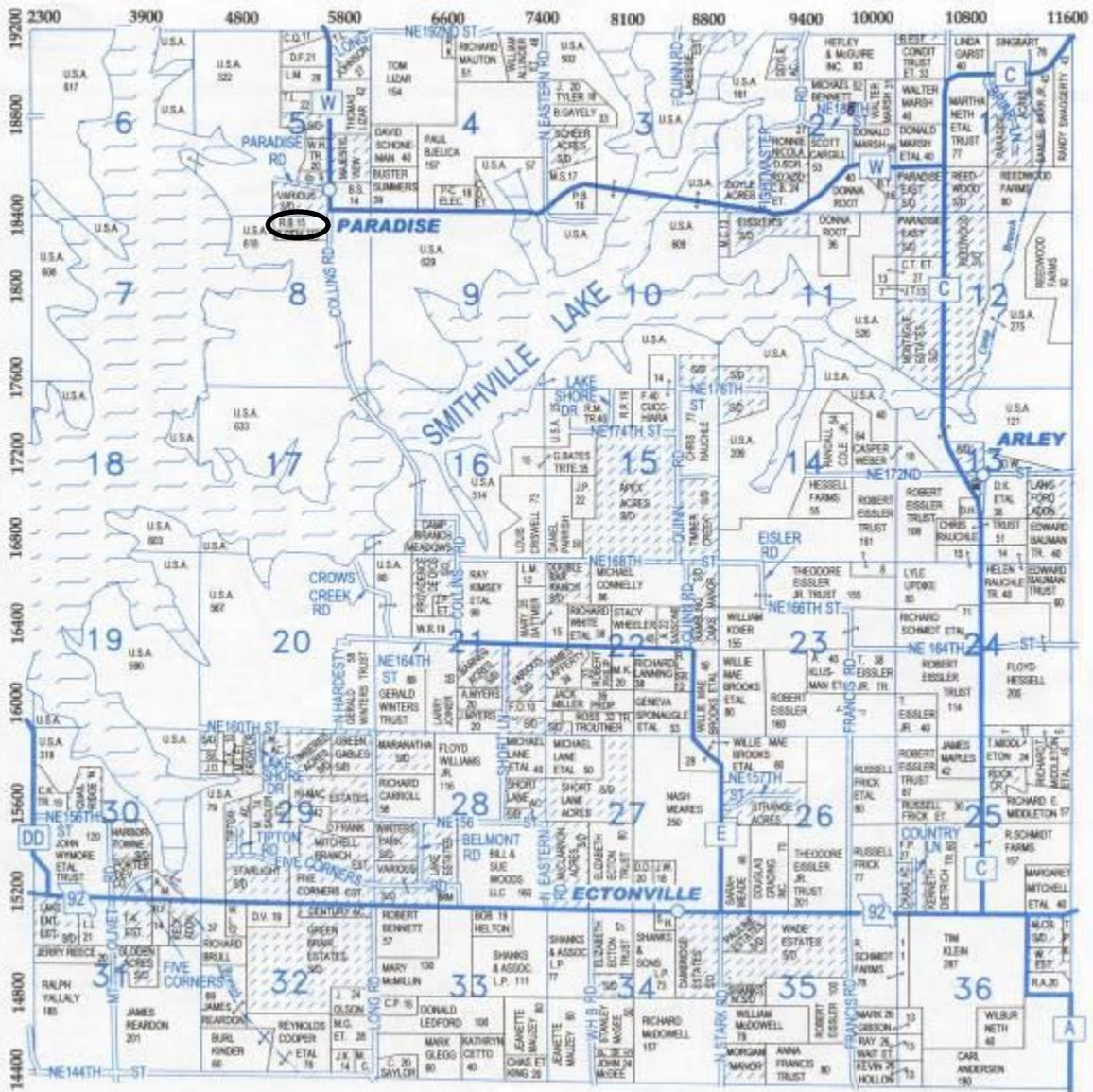
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## Attachments

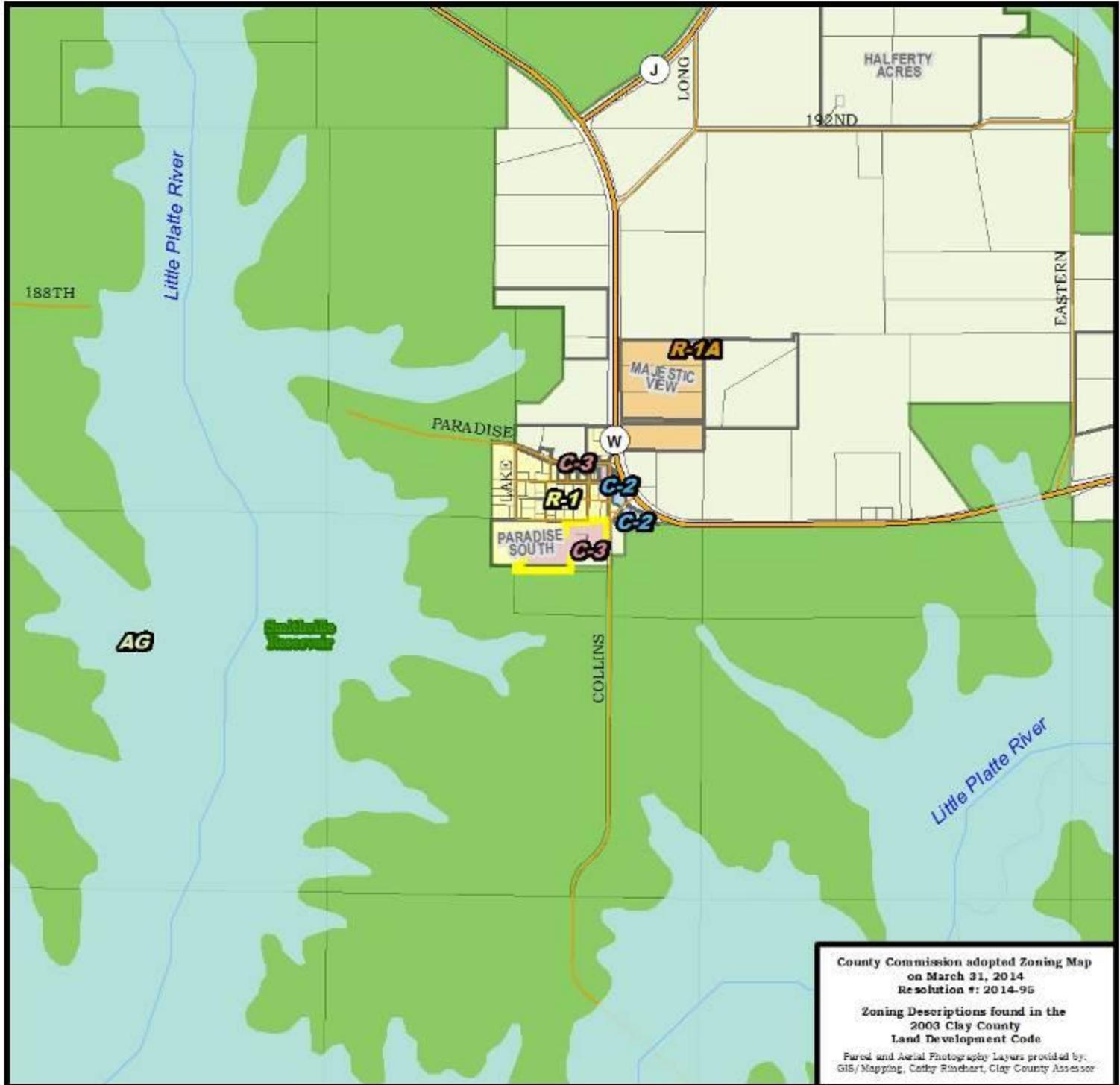
### June 15-120V - Paradise South Attachment A - Vicinity Map

#### TOWNSHIP 53N • RANGE 32W



# June 15-120V – Paradise South - UE Vacations

## 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

Furor and Aerial Photography Layers provided by: GIS/Mapping, Cathy Rinehart, Clay County Assessor

Map Document: G:\GIS\Project\_Files\vacatn\Map - 8 x 11 P.mxd  
 05/26/2015 -- 02:33:38AM

**Planning & Zoning Department**

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

**LEGEND**

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

**Overlay Districts**

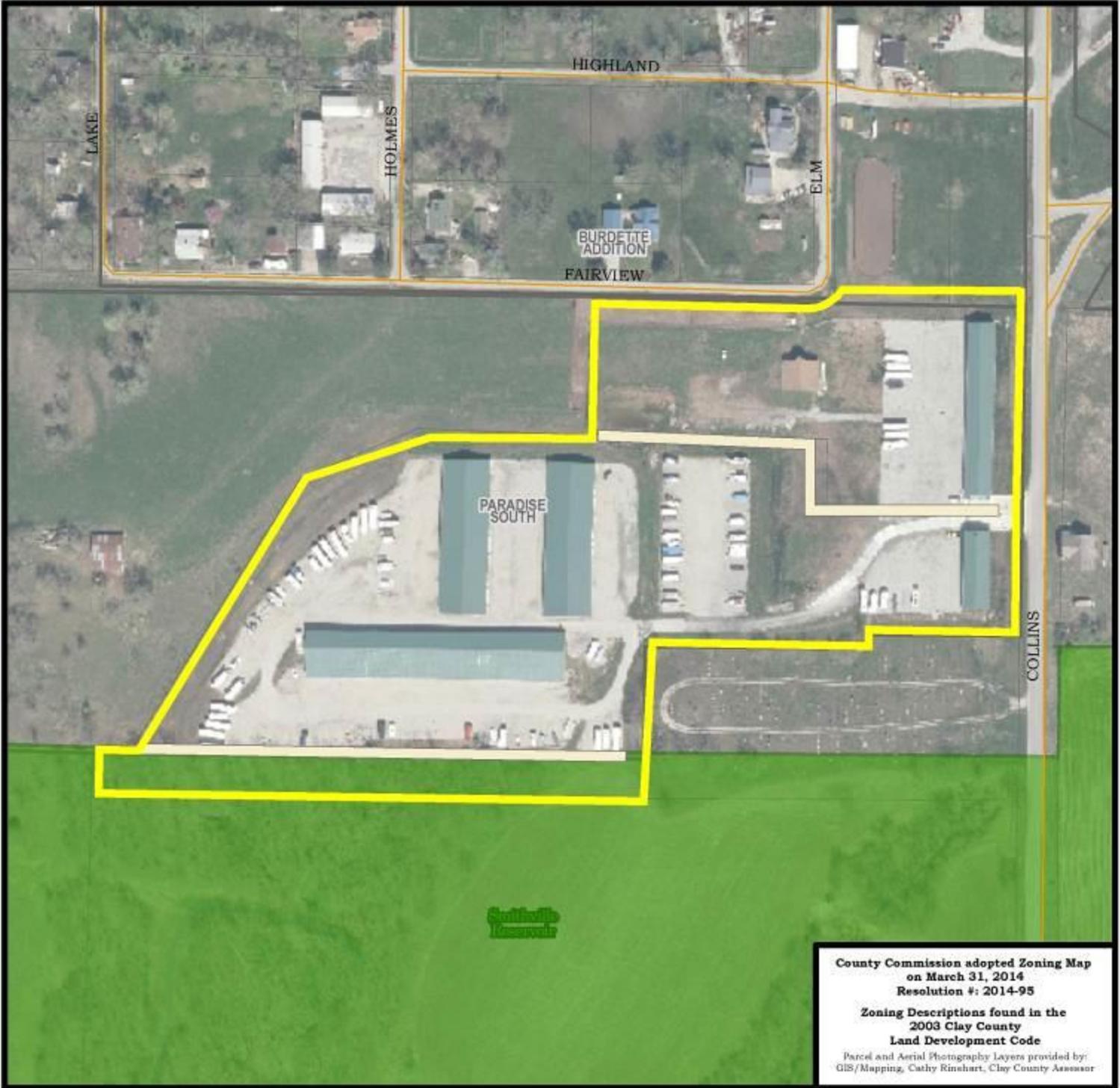
- CD (Conservation District)
- POD (Preservation Overlay District)
- PUD (Planned Unit Development)

**Zoning Districts**

- AG
- R-1
- R-1A/R-5
- R-1B/RLU
- R-3
- C-1
- C-2
- C-3
- A-1
- A-2
- OP

# June 15-120V – Paradise South - UE Vacations

## Attachment C - Site Plan Map



Map Document: (G:\GIS\Project\_Files\Vacancy Map - 8 x 11 P.mxd) 05/26/2015 -- 02:37:38AM



**Planning & Zoning Department**



1 inch = 200 feet  
1 inch = 0.04 miles

### LEGEND

<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 20px; height: 10px; border: 2px solid yellow; margin-right: 5px;"></span> Property Line</li> <li><span style="display: inline-block; width: 20px; height: 10px; border: 2px solid orange; margin-right: 5px;"></span> To Be Vacated</li> <li><span style="display: inline-block; width: 20px; border-bottom: 2px solid blue; margin-right: 5px;"></span> Streams (EPA)</li> <li><span style="display: inline-block; width: 20px; border-bottom: 2px dashed black; margin-right: 5px;"></span> Railroads</li> </ul>	<p><b>Roads</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 20px; border-bottom: 2px solid blue; margin-right: 5px;"></span> Interstates</li> <li><span style="display: inline-block; width: 20px; border-bottom: 2px solid orange; margin-right: 5px;"></span> State Highways</li> <li><span style="display: inline-block; width: 20px; border-bottom: 2px solid yellow; margin-right: 5px;"></span> Local Roads</li> <li><span style="display: inline-block; width: 20px; border-bottom: 2px dashed black; margin-right: 5px;"></span> Highway Ramps</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 20px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Subdivisions</li> <li><span style="display: inline-block; width: 20px; height: 10px; border: 1px solid gray; margin-right: 5px;"></span> City Limits</li> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: green; margin-right: 5px;"></span> Parks</li> <li><span style="display: inline-block; width: 20px; border: 1px solid gray; margin-right: 5px;"></span> County Boundaries</li> </ul>
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