



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

Site Location: 29204 Ridge Road
Sections 1 & 2 | Township 51 | Range 30

Site Size: 5.05± acres

Existing Landuse & Zoning: Agricultural District (AG)

Zoning/Platting History:

Variance – Case #15-104BZA, approved variance from front side setback and an accessory structure being located forward of principle dwelling unit, 05/19/15.

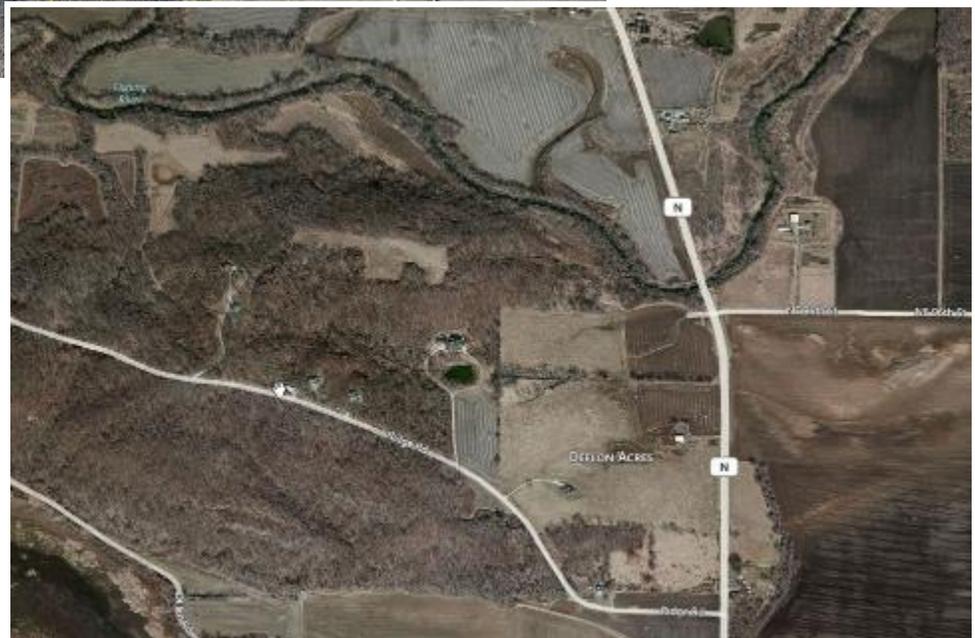
Surrounding Landuse & Zoning:

- North - AG zoned land
- East - Paw Paw's Patch (R-1A), Deflon Acres (AG & R-1A), AG zoned land
- South - AG zoned land, Cooley Lake
- West - AG zoned land, Cooley Lake

Current Conditions:



Courtesy of Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Danny O'Neill is requesting **Rezoning** approval from Agricultural District (AG) to Residential Rural (R-1) District with an Agricultural Land Preservation (ALP) Overlay District and **Preliminary Plat** approval for Java Hill 5.05+ acres located at 29204 Ridge Road.

Mr. O'Neill would like to split off the existing house in order to build one (1) new single-family residence on the remaining acreage (approximately 40+ acres).

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the **RURAL LOW-DENSITY TIER**.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the landuse tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy 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 property is located along the Northland Trails Vision Plan ("NTVP") route #C-22, a 3rd phase priority shared use trail. The Parks Department responded they would like a Recreational Easement ("R/E") dedicated along that stretch of NTVP.

The subject request meets the spirit and jest of the 2008 Comprehensive Plan, as the applicant/owner is proposing an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) on at least 5+ acres.

Character of the General Neighborhood

Agriculturally (AG) zoned land surrounds the property in each direction. To the west and south is the Cooley Lake Wildlife Management Area, and to the east are the subdivisions of Paw Paw's Patch (R-1A) and Deflon Acres (AG & R-1A) [see Attachment B].

Code Considerations

The rezoning application was properly noticed in the Kearney Courier on June 18, 2015. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter sent June 18, 2015.

The petitioner should fully address the five (5) rezoning criteria in the 2011 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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Outside Agency Review

The Clay County Highway Department noted Ridge Road is a chip and seal surface. The driveway will pass sight distance requirements per the Manual Uniform Traffic Control Devices (MUTCD) and the Clay County Highway Department (CCHD) Standards. The Clay County Health Department has given preliminary and final approval for the suitability of septic system. Public Water Supply District #7 supplies water to the existing residence. The Eastern Clay County Ambulance District Services this property.

Findings

No Road Impact Fees (RIF) are required as no new lots are being created tied to the subject request.

No opposition has been received as of this writing.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) to Residential Ranchette (R-5) District with an Agricultural Land Preservation (ALP) Overlay District be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of Java Hill be **approved**, with the following conditions as shown on Exhibit A:

Exhibit A

1. The following corrections to the recording copies of the final plat:
 - a. ADD: 15-foot Recreational Easement ("R.E.") within the first 20' 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-22 Third Priority" of the Northland Trails Plan along the north side of Ridge Road."*
 - c. CHANGE: In legal description-----Township 52 to **51**



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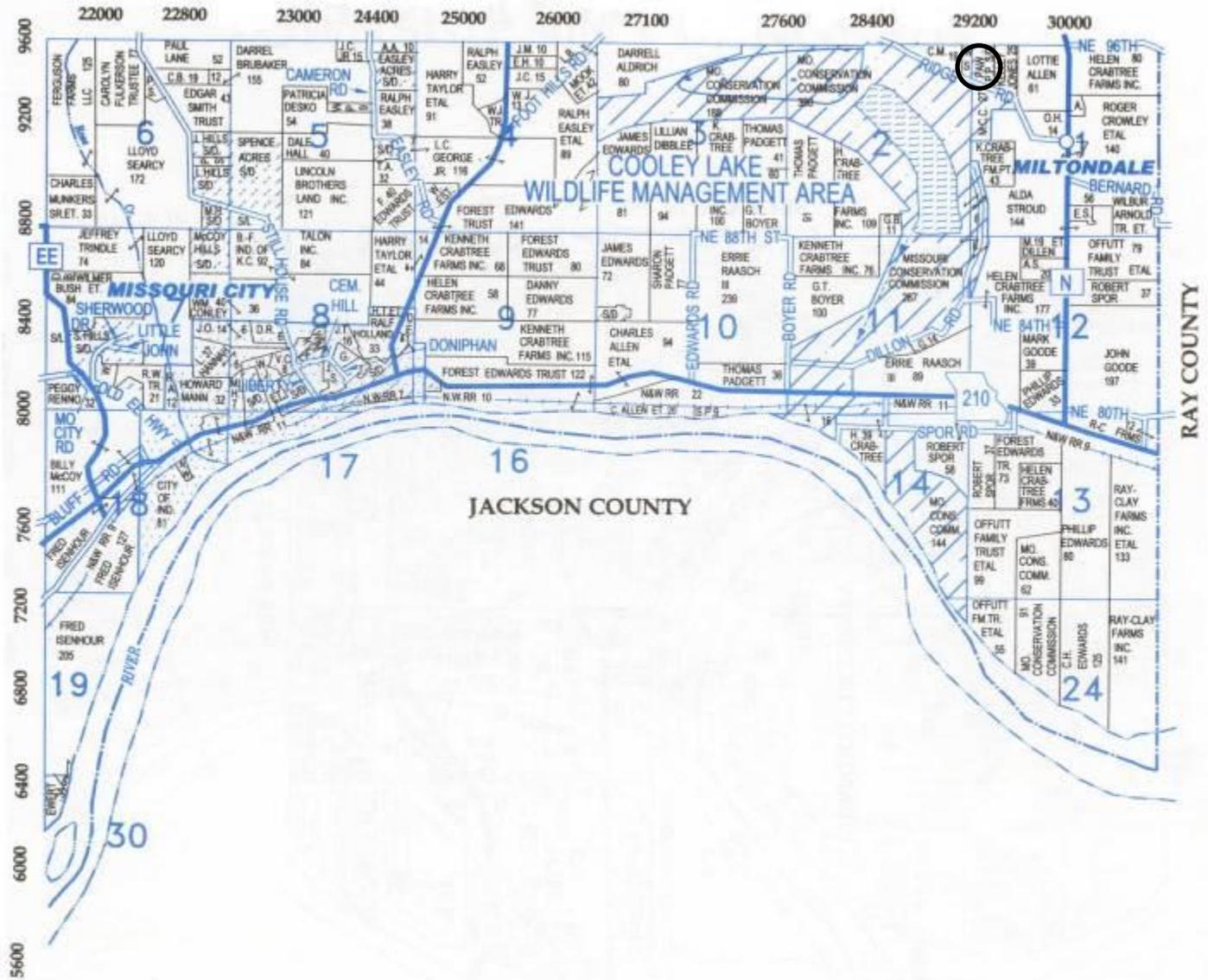
Clay County, Missouri

Attachments

July 15-123 RZ/P – Java Hill

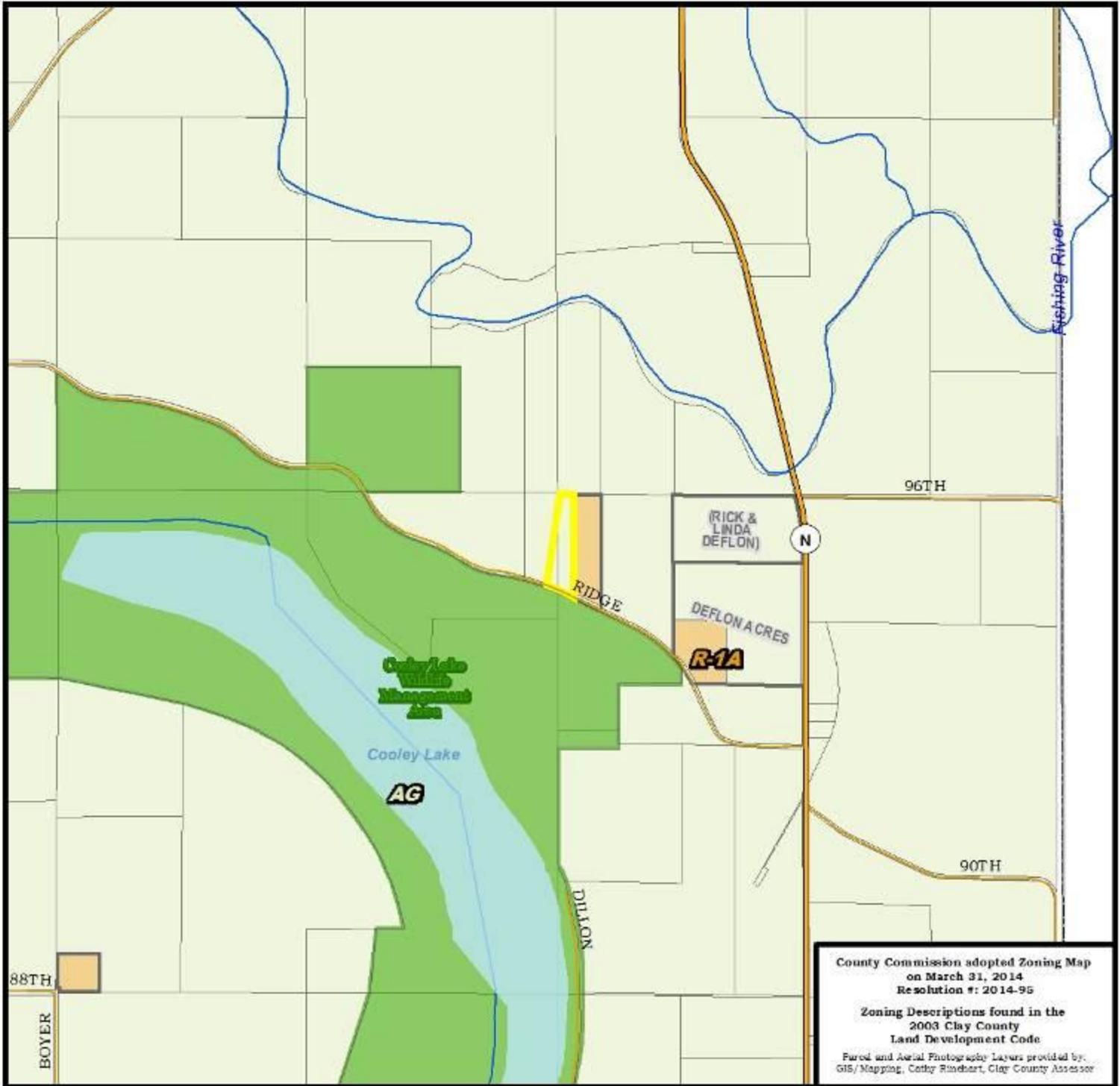
Attachment A – Vicinity Map

TOWNSHIP 51N • RANGE 30W



July 15-123RZ/P – Java Hill

Attachment B - Existing Conditions Map



Map Document: G:\GIS\Project_Files\vacinity_Map - 8 x 11_P.mxd 09/22/2015 -- 12:34:38PM

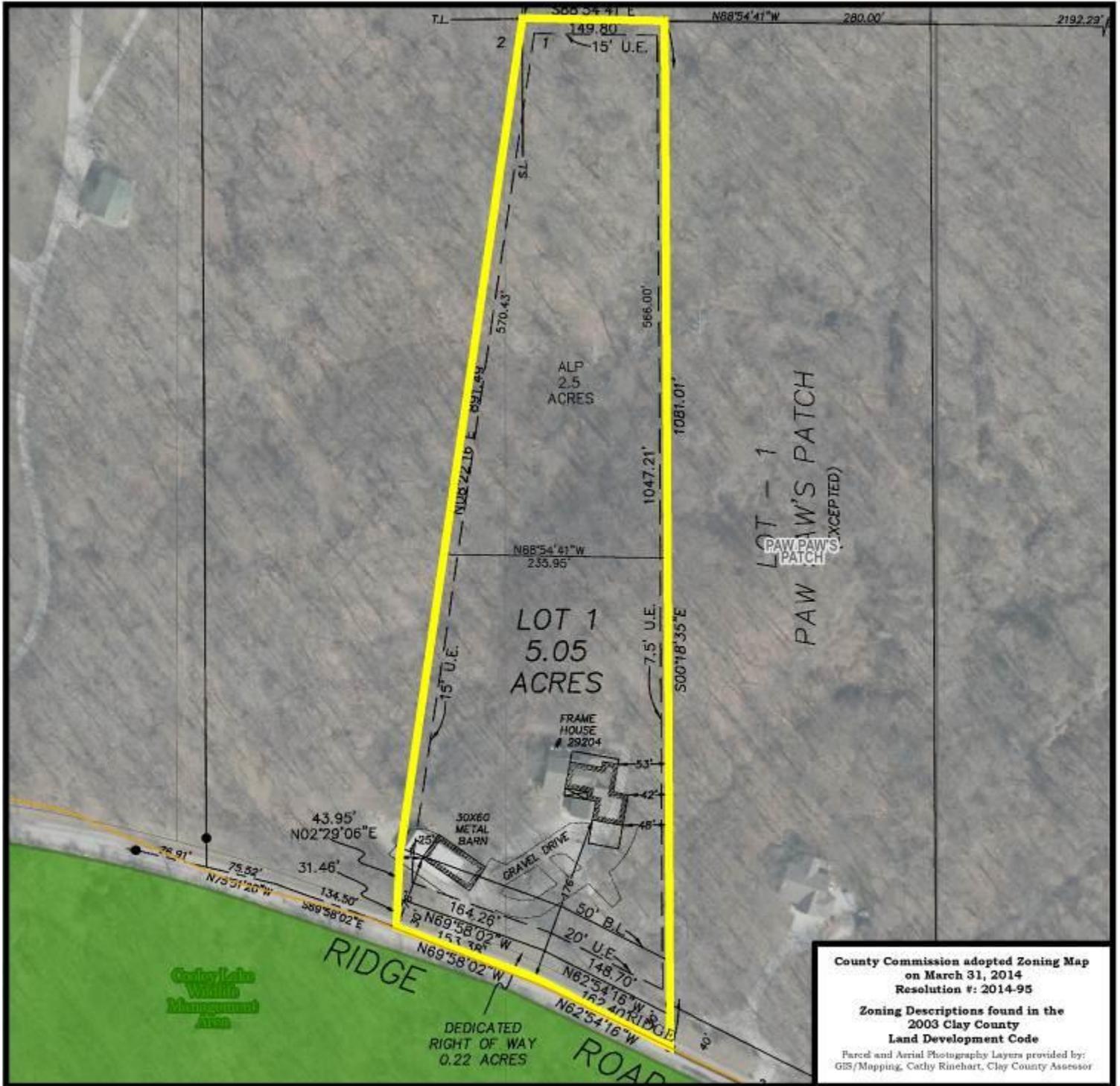
Planning & Zoning Department

LEGEND

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

July 15-123RZ/P – Java Hill

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



Planning & Zoning Department

1 inch = 150 feet
 1 inch = 0.03 miles

LEGEND

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