



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number November 15-137RZ/P
Case Type Rezoning / Preliminary Plat
Project Name Timber Land Meadows

Applicants/Owners: Shane Fleshman & Kristi Soligo Fleshman
12806 Timberland Drive
Kearney, MO 64060

Request **Rezoning** from Agricultural (AG) to Residential Ranchette (R-5) District for Lots 2 – 4 and Residential Urban Rural Single-Family (RU-80) District for ONLY Lot 1.

AND
Preliminary Plat approval of the Timber Land Meadows

Application Submittal	2015-10-05
Public Notice Published	2015-10-15
Neighbor Letters Sent	2015-10-16
Report Date	2015-10-16
Public Hearing Opened	2015-11-03

REPORT AUTHOR(S) Debbie Viviano, Planner
Kipp Jones, Planning and Zoning Manager

Recommendation APPROVED with conditions



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General Information

Site Location: approximately 12725 Hills Road
Section 17 | Township 52 | Range 31

Site Size: 20.698 ± acres

Existing Landuse & Zoning: Agricultural (AG)

Zoning/Platting History: None

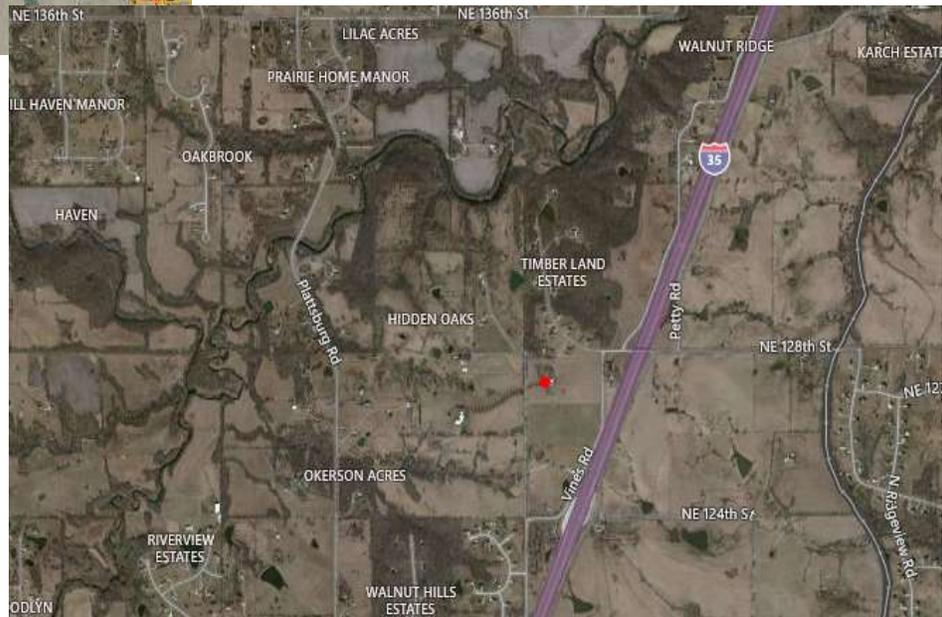
Surrounding Landuse & Zoning:

- North - Timber Land Estates (R-1), AG zoned land
- East - Sparks Addition (R-1B), I-35, City of Kearney
- South - AG and R-1 zoned land, Berkshire Glen 1st Plat (R-1B)
- West - AG and R-1 zoned land, A Hwy

Current Conditions:



Courtesy of Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Shane Fleshman and Kristi Soligo Fleshman are requesting **Rezoning** approval from Agricultural district (AG) to Residential Ranchette (R-5) District for Lots 2-4 ONLY and Residential Urban Rural Single-Family (RU-80) District for ONLY Lot 1 and **Preliminary Plat** approval for Timber Land Meadows located at approximately 12725 Hills Road.

The Fleshman's would like to split the property into four (4) lots in order sell three of the lots and keep one for themselves for future use.

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the URBAN SERVICES TIER, as well as the 1-Mile Urban Coordination Sub-Tier where advise-and-consent should be solicited from the designated city.

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.

Table 4.2 - Land Use Planning Tiers - Presented on the Planning Tier Map

	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. ⁽³⁾
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.

⁽³⁾ 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 City of Kearney responded with an email to Ms. Fleshman on July 27, 2015 stating "The City's Comprehensive Plan identifies the property for single-family residential development. The City is not opposed to the proposed subdivision". Therefore the subject request meets the spirit and jest of the 2008 Comprehensive Plan.

Character of the General Neighborhood

Sparks Addition (R-1B), the Interstate I-35 and the city limits of the City of Kearney are to the east; to the west is Residential Low Density (R-1A) District zoned and AG zoned land and A Highway; to the north is Timberland Estates (R-1), and AG zoned land; to the South is Residential Rural (R-1) District and AG zoned land and Berkshire Glen 1st Plat (R-1B).[See Attachment B].

Code Considerations

The rezoning application was properly noticed in the Kearney Courier on October 15, 2015. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter sent October 16, 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 has noted the following:

Based upon the Manual Uniform Traffic Control Devices (MUTCD) and Clay County Highway Department (CCHD) specifications Timber Land Meadows will pass for sight distance requirements for driveways. Vines Road is asphalt surfacing and Hills Road is chip and seal surfacing.

The Clay County Health Department has given preliminary and final approval for Timber Land Meadows. Public Water Supply District #6 currently supplies water to the existing residence on Lot 3 and water is available for the remaining three lots. The property lies within the Kearney Fire District.

Findings

Road Impact Fees (*RIF*) are required for the proposed three (3) additional lots. The estimated total amount of RIF is \$4,640.63 and is subject to change at the time of payment based on the market price of material.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural District (AG) to Residential Ranchette (R-5) District for Lots 2-4 ONLY and Residential Urban Rural Single-Family (RU-80) District for ONLY Lot 1 of Timber Land Meadows be **approved**, subject to the petitioner addressing all rezoning standards.

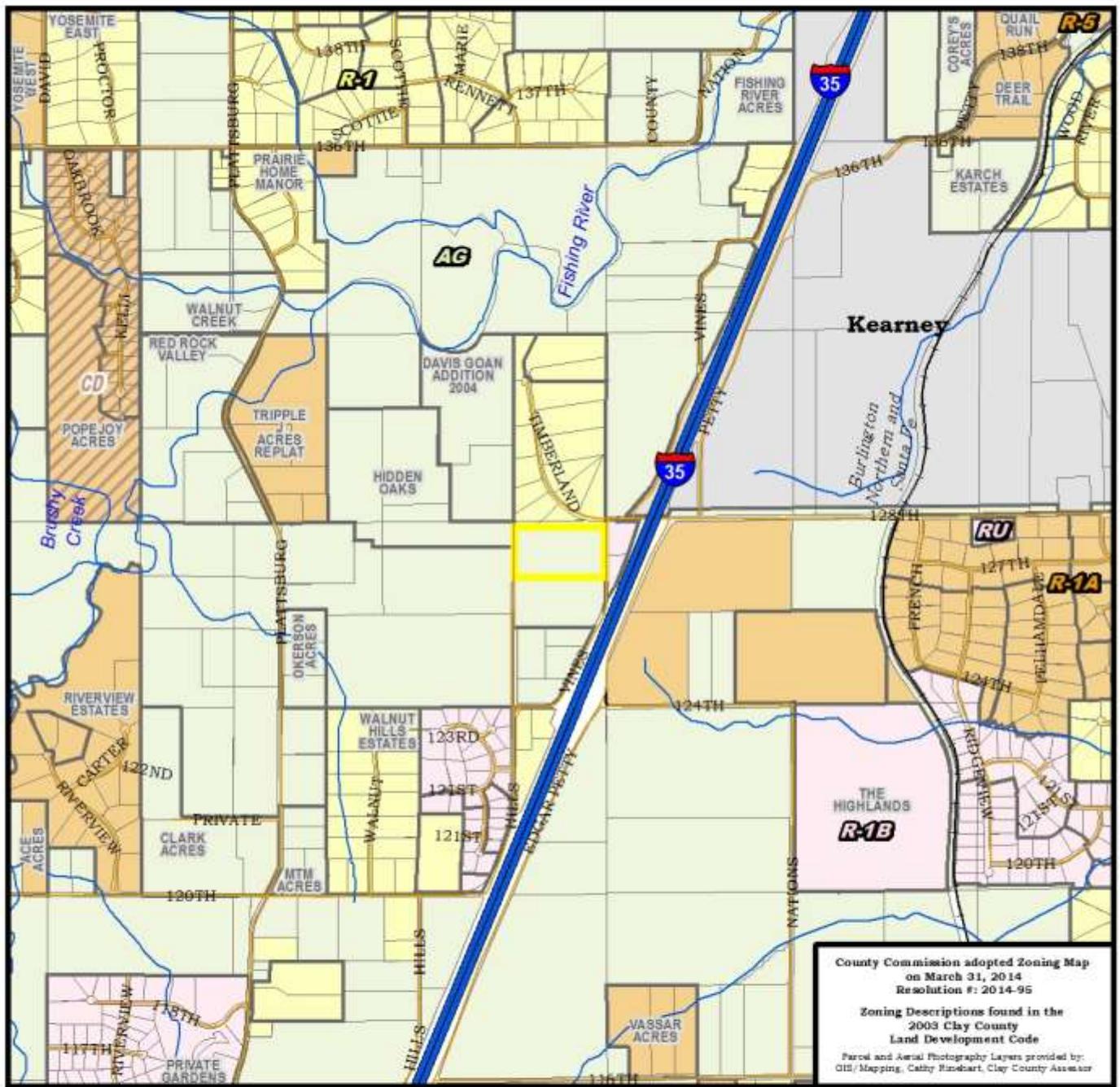
Staff recommends the **Preliminary Plat** of Timber Land Meadows be **Approved**, with the following conditions as shown in Exhibit A:

Exhibit A

1. Road Impact Fees (RIF) agreement recorded and fees paid according to agreement at same time as the recording of the Final Plat.
2. The following corrections to the recording copies of the final plat:
 - a. CHANGE: Lot 1; 50' Building Line (B/L) to 35' B/L

Nov 15-137RZ/P - Timber Land Meadows

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, Cathy Hundhart, Clay County Assessor

Map Document: (G:\GIS\Project_Files\vacantly Map - 8 x 11 P.mxd) 06/23/2015 - 12:08:18 PM

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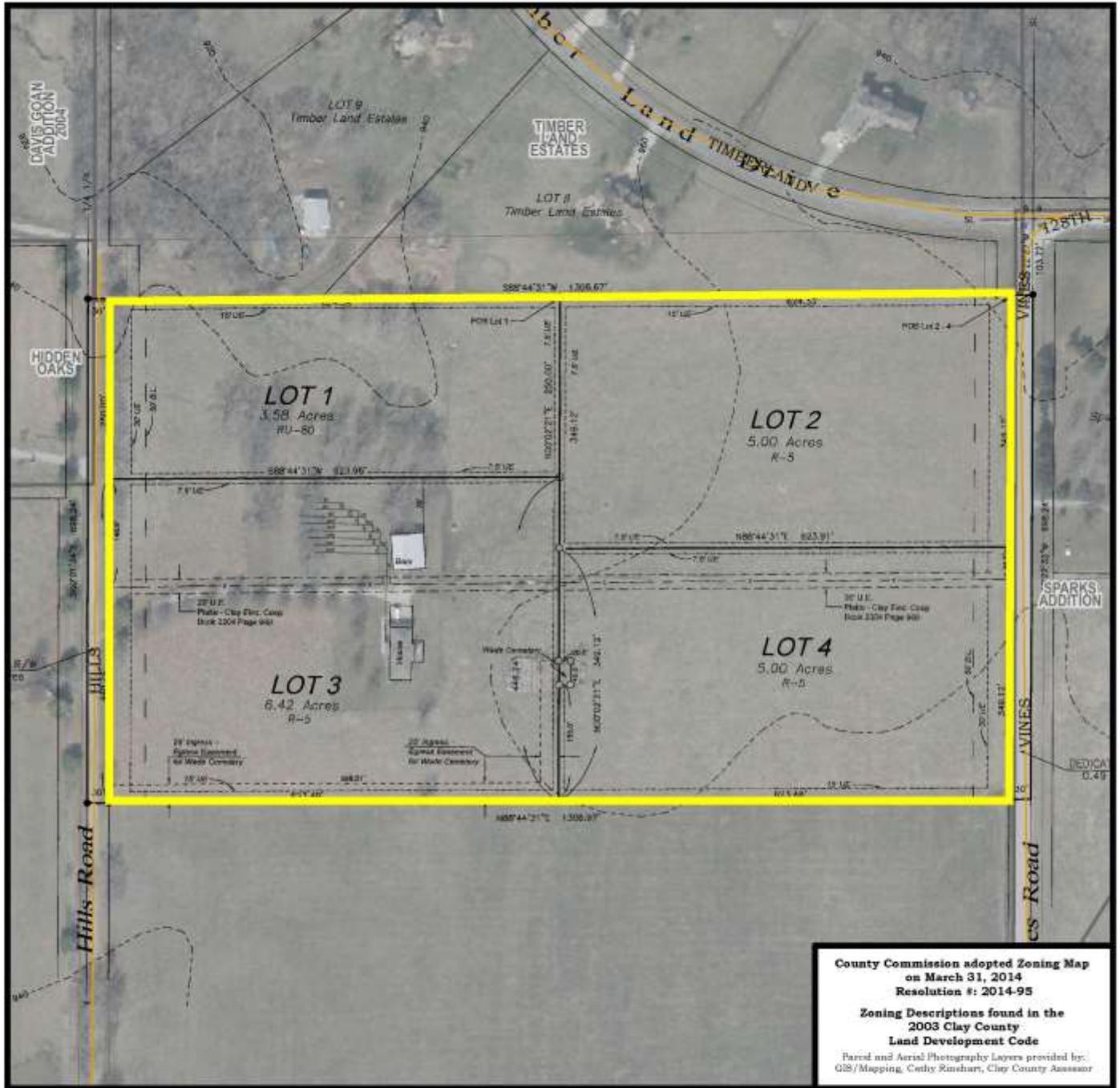
1 inch = 2,000 feet
 1 inch = 0.38 miles

LEGEND

Property Line	Roads	Subdivisions	Overlay Districts	Zoning Districts
Streams (EPA)	Interstates	City Limits	CD (Conservation District)	C-1
Railroads	State Highways	Parks	POO (Preservation Overlay District)	C-2
Highway Ramps	Local Roads	County Boundaries	PUD (Planned Unit Development)	R-14/R-5

Nov 15-137RZ/P – Timber Land Meadows

Attachment C - Site Plan Map



Map Document (G:\GIS\Project_Files\Activity Map - 8 x 11 Print.mxd) 06/23/2015 - 02:34:38 PM

Planning & Zoning Department




1 inch = 200 feet
1 inch = 0.04 miles

LEGEND

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