



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

Site Location: Approximately 10816 A Highway
Section 25 | Township 52 | Range 32

Site Size: 22.08 ± acres

Existing Landuse & Zoning: Agricultural (AG) and Residential Urban District (R-1B)

Zoning/Platting History:

Rezoning from Agricultural (AG) to Residential Urban District (R-1B), Res. # 2006-393;
Preliminary Plat, Forest Brook Estates, Res. # 2006-394

Surrounding Landuse & Zoning:

North – Agriculturally zoned land (AG), Residential Urban District (R-1B) Zoned land, Legacy Park (R-1B/PUD)

East – Agriculturally zoned land (AG), City of Liberty

South – City of Kansas City, City of Liberty

West – Agriculturally zoned land (AG), Roosterville Airport, Roosterville Estates

Current Conditions:

Existing Property Lines = **YELLOW** | City Limits = **GREEN**



Courtesy Clay County Assessor GIS/Mapping



Report to Planning & Zoning Commission

Clay County, Missouri

Assessment

John Erpelding, Lutjen, Inc. representing Robert Fleshman, F&F Management (Fleshman Construction), is requesting **Rezoning** approval from Agricultural (AG) for 5.37± acres de-annexed by the City of Kansas City on Sept. 29, 2011 (Ordinance No. 110637), as well as 16.71± acres zoned Residential Urban District (R-1B) to Commercial Services District (C-3).

F & F Management would like to rezone this property in order to bring their current landuse into full conformance with the Clay County Land Development Code (“LDC”).

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. In an e-mail dated November 22, 2011, the City of Liberty holds no major opposition for the request for rezoning, but had a few comments related to buffer requirements for commercial uses abutting residential zoning, and the desire to prevent encroachment of commercial use onto residentially zoned properties within their city limits.

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.



Report to Planning & Zoning Commission

Clay County, Missouri

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.

Character of the General Neighborhood

The City of Kansas City is adjacent to the south, and the City of Liberty is also on the south and east of the subject property. Roosterville Estates (R-1 & R-1A) and Roosterville Airport are to the west. Easter Estates (R-1A) is adjacent on the west. R-1B (Forest Brook Estates) zoned land and Legacy Park (R-1B/PUD) are to the north. Agricultural (AG) zoned land is to the north, east and west of the property.

Code Considerations

The rezoning application was properly noticed in the Kearney Courier on November 17, 2011. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter sent November 18, 2011.

The petitioner should fully address the rezoning criteria under Section 151-3.3 (F) of the Clay County 2003 Land Development Code ("LDC") last amended March 8, 2010, which requires the following standards be met with a rezoning application:

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.



Report to Planning & Zoning Commission

Clay County, Missouri

Outside Agency Review

The Missouri Department of Transportation (MoDOT) responded through email with these comments regarding the rezoning: "As long as the current land use remains unchanged we will not require an upgrade to a commercial hard surface driveway at this time. However, should the land use change from its current operation (e.g. new buildings, etc...) then we would revisit this site and examine its access type at that time. This could include relocation of existing driveways and upgrading them to our commercial standard to match expected land use".

The Clay County Health Department noted the following: "Currently no on-site sewage, if future development occurs, plans will need to be reviewed at that time". Public Water Supply District #6 currently supplies water to the property. The Kearney Fire District serves this property.

Findings

No opposition has been received as of the date of this staff report.

Reccomendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) and Residential Urban District (R-1B) to Commercial Services District (C-3) District be **approved**, subject to the petitioner addressing all rezoning standards.



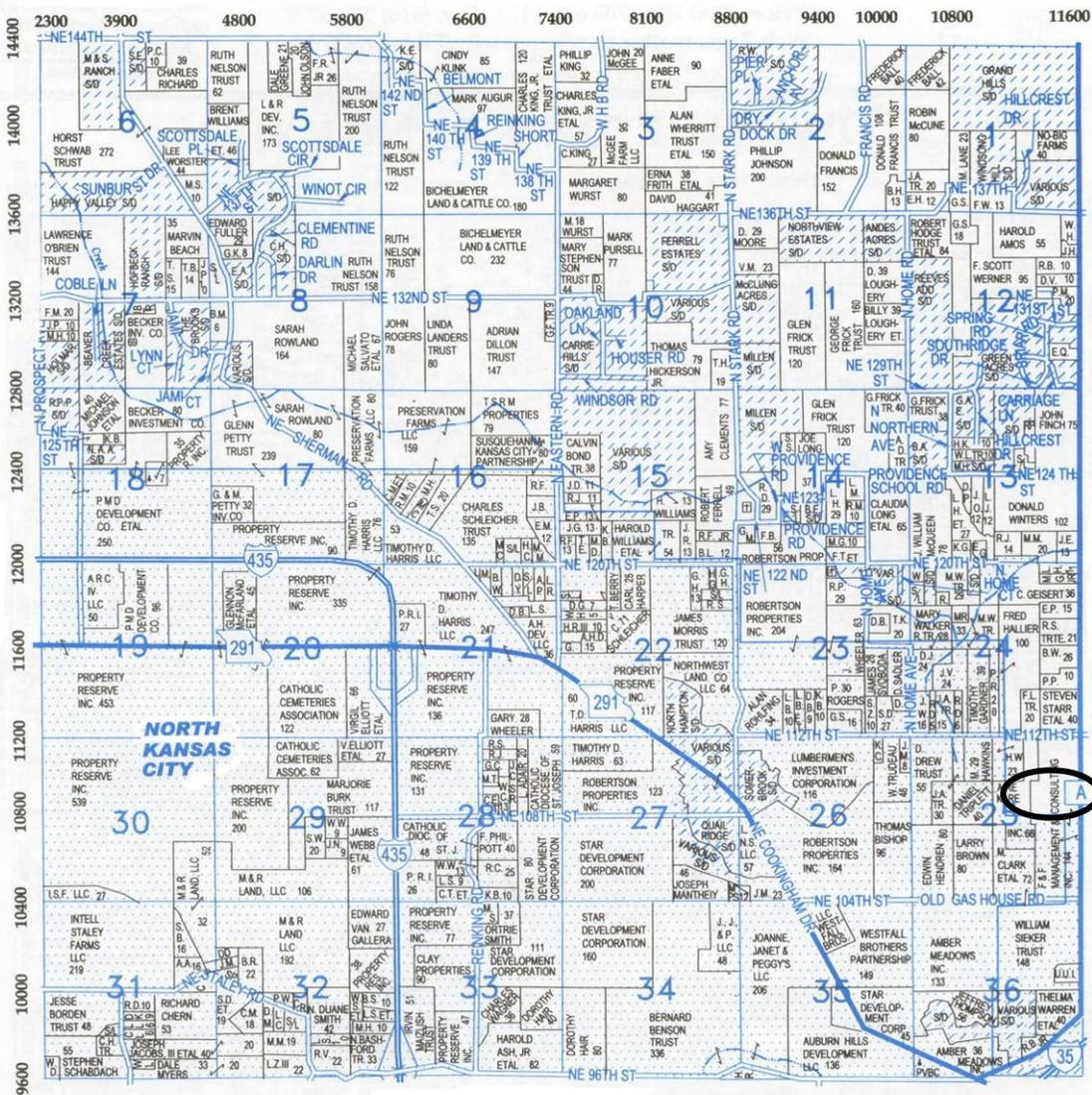
Report to Planning & Zoning Commission

Clay County, Missouri

Attachments

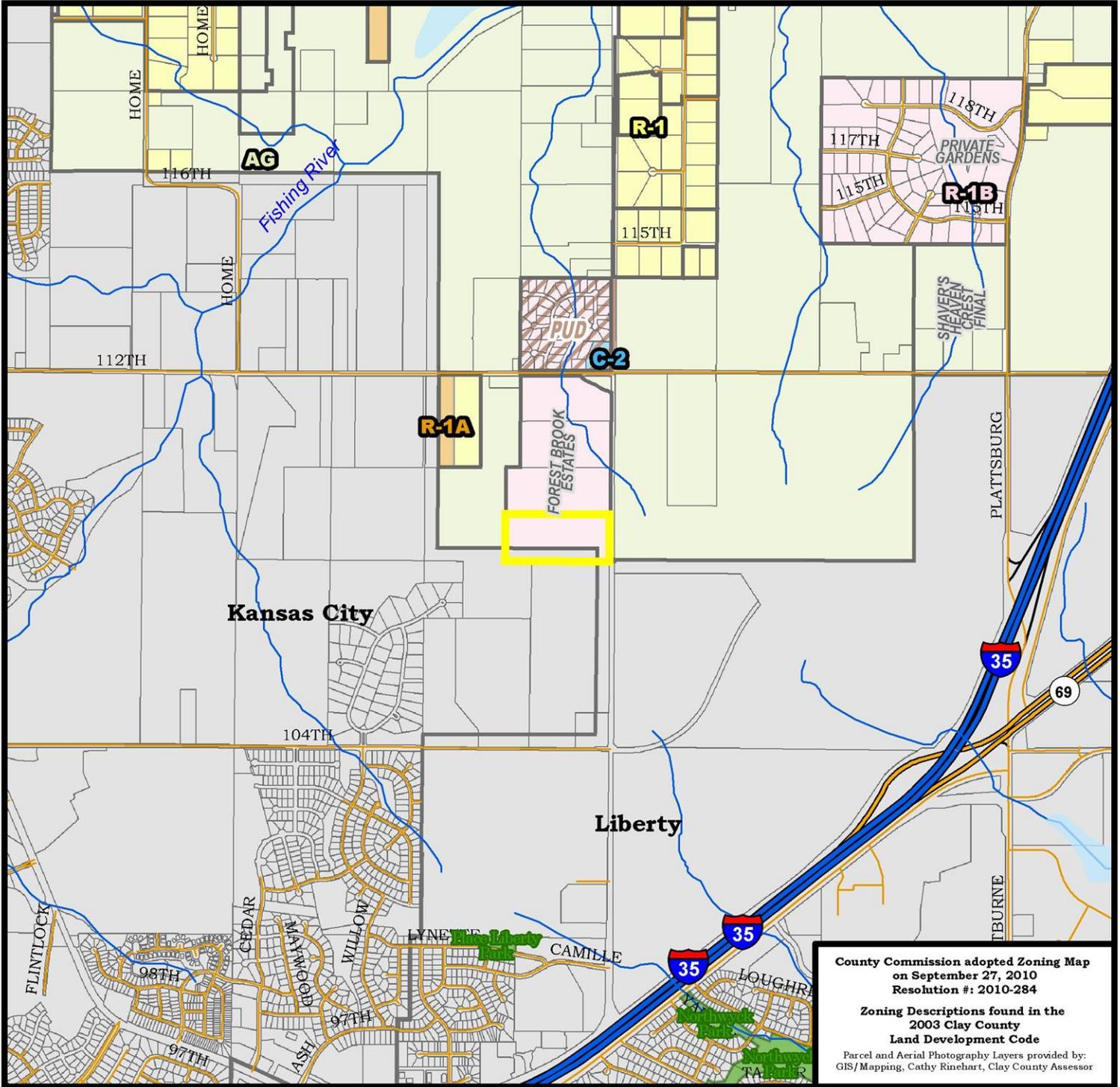
Dec. 11-124 RZ – Fleshman Rezoning Attachment A – Vicinity Map

TOWNSHIP 52N • RANGE 32W



Dec 11-124RZ - Fleshman - A Hwy

Attachment B - Existing Condition Map



County Commission adopted Zoning Map on September 27, 2010
 Resolution #: 2010-284
 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 = 2,000 feet
 1 inch = 0.38 miles

LEGEND

Property Line (Fleshman-A Hwy)	Interstates	CD (Conservation District)	Subdivisions
parcel	State Highways	PUD (Planned Unit Development)	County Boundaries
Streams (EPA)	Local Roads		2011 City Limits
Railroads	Highway Ramps		Parks

Overlay Districts

CD (Conservation District)

PUD (Planned Unit Development)

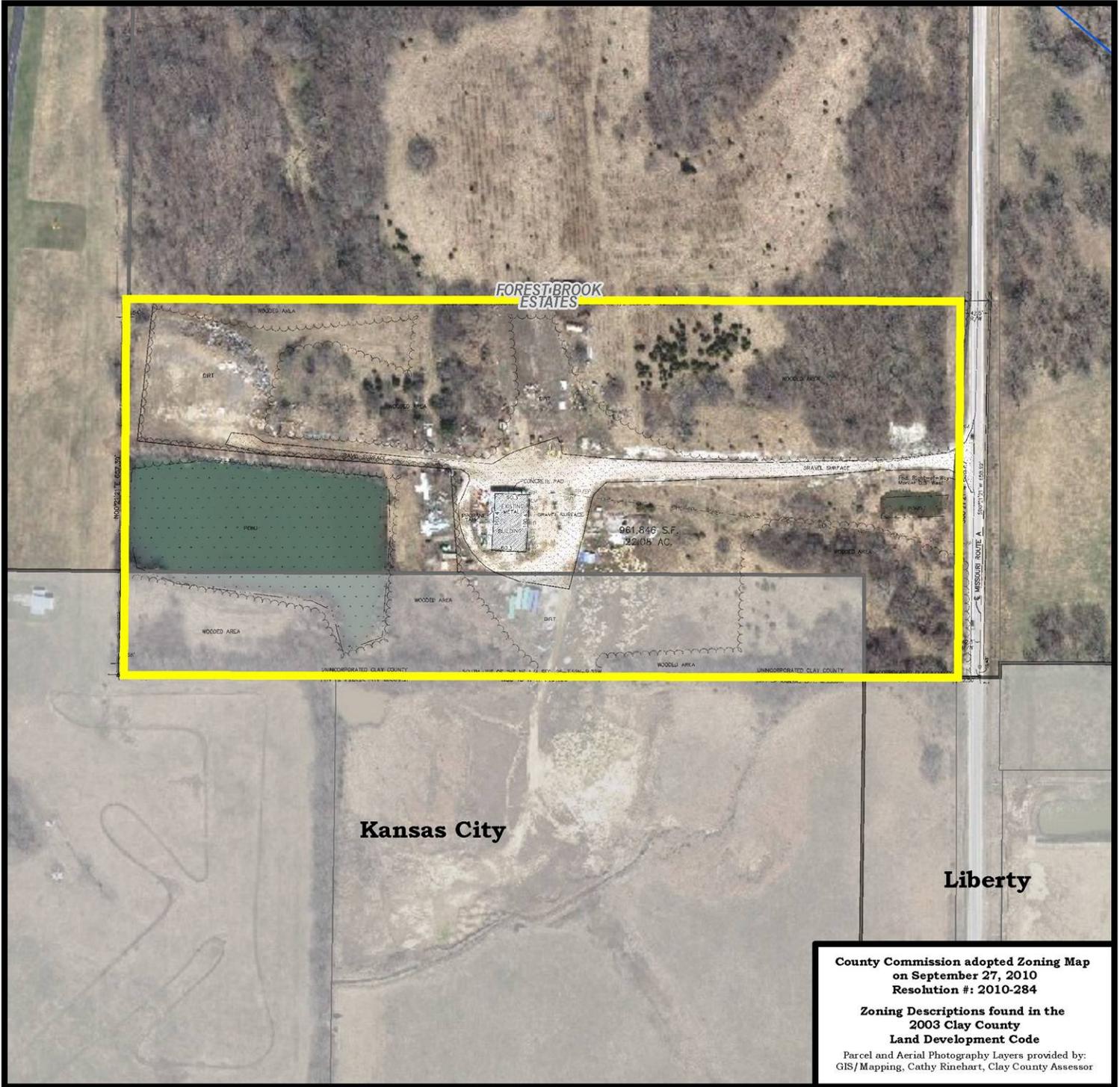
Zoning Districts

- AG
- R-1
- R-1A
- R-1B
- R-3
- C-1
- C-2
- C-3
- I-1
- I-2
- OP

Map Document: (G:\GIS\Project_Files\Vacinity Map - 8 x 11 P.mxd) 11/18/2011 -- 10:12:18 PM

Dec 11-124RZ - Fleshman - A Hwy

Attachment C - Site Plan Map



County Commission adopted Zoning Map
on September 27, 2010
Resolution #: 2010-284
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)
 11/18/2011 -- 10:18:28 PM

Planning & Zoning Department

1 inch = 250 feet
1 inch = 0.05 miles

LEGEND

<ul style="list-style-type: none"> Property Line (Fleshman-A Hwy) parcel Streams (EPA) Railroads 	<p>Roads CLASS</p> <ul style="list-style-type: none"> Interstates State Highways Local Roads Highway Ramps 	<p>Overlay Districts</p> <ul style="list-style-type: none"> CD (Conservation District) PUD (Planned Unit Development) 	<ul style="list-style-type: none"> Subdivisions County Boundaries 2011 City Limits Parks
---	---	---	---