



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

Site Location: approximately 14720 WHB Road
Section 34 | Township 53 | Range 32

Site Size: 5.00+ Acres

Existing Landuse & Zoning: Agricultural (AG)

Zoning/Platting History: None

Surrounding Landuse & Zoning:

- North – Agricultural (AG) zoned land, 92 Highway, Smithville Lake Reservoir
- East – Agricultural (AG) zoned land, Lakeridge Meadows (AG), Cambridge Estates (R-1A), Sterling Meadows (R-1A)
- South – Agricultural (AG) zoned land, Green Pasture (R-1A)
- West – Agricultural (AG) zoned land, Smithville Lake Reservoir

Current Conditions:



Courtesy Clay County Assessor, GIS/Mapping



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Courtesy Microsoft® Bing™



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Assessment

Jim and Cathy Graham, Trustees of the Cathy J. Graham Trust are requesting **Rezoning** approval from Agricultural (AG) district to Residential Ranchette (R-5) District with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) and **Preliminary Plat** approval for Maharg Ridge 5.00+ acres located at approximately 14720 WHB Road.

The Grahams wish to split off the subject 5.00+ acres with the existing outbuilding from the remaining 93.02± acres of the farm so that their son may build 1 single-family residence.

2008 Comprehensive Plan Considerations

The Comprehensive Plan (“Plan”) indicates that the subject property is located in the **URBAN SERVICES TIER** and within the Smithville Lake Watershed.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the land use tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy as 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. ⁽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.

Although an ALP is shown only in Natural Resources and Rural Low-Density Tier, staff advises that it can also be applicable in the Urban Services Tier as well. The original intent of Table 4.3 was to allow ALP in Natural Resources and Rural Low-Density tiers, and Shadow Plat (SP) in Urban Services tier. In collaborating with surveyors, property owners, and other interested individuals on proposed development, the ALP frequently is the preferred choice over SP. Staff believes both ALP and SP share the similar goal of preserving land from built structures, and agricultural land preservation efforts can be applicable on any 5+ acre of land in Clay County.

If the PZC is in agreement, then the subject request meets the spirit and jest of the Comprehensive Plan.

Character of the General Neighborhood

Agricultural (AG) zoned property is each direction of the property with R-1 and R-1A zoned subdivisions to the east, south and west. The Smithville Lake Reservoir is to the North and west of the property [See Attachment B].

LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on February 13, 2014. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter mailed on February 14, 2013. The petitioner should fully address the five (5) rezoning criteria in the 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



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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.

Outside Agency Review

The Clay County Highway Department has noted the existing driveway was never permitted but that any new driveway will need to meet specifications for the Manual on Uniform Traffic Control Devices (MUTCD) requirements and Clay County Highway Department standards. The road surface of WHB Road is asphalt surfacing.

The Clay County Health Department has given preliminary approval. The Public Water Supply District No. 9 indicated they can provide water service to the subject request. The Smithville Fire Department serves this property. Future construction will need to comply with their fire protection codes. Any building plans shall be submitted and approved by the fire district before a building permit will be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district.

Findings

Road Impact Fees (*RIF*) are not required for Lot 1 as a waiver request for a family member was approved by the Clay County Highway Department. However, the waiver is not lastly approved until the Planning & Zoning Commission and County Commission approve.

Recommendations

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

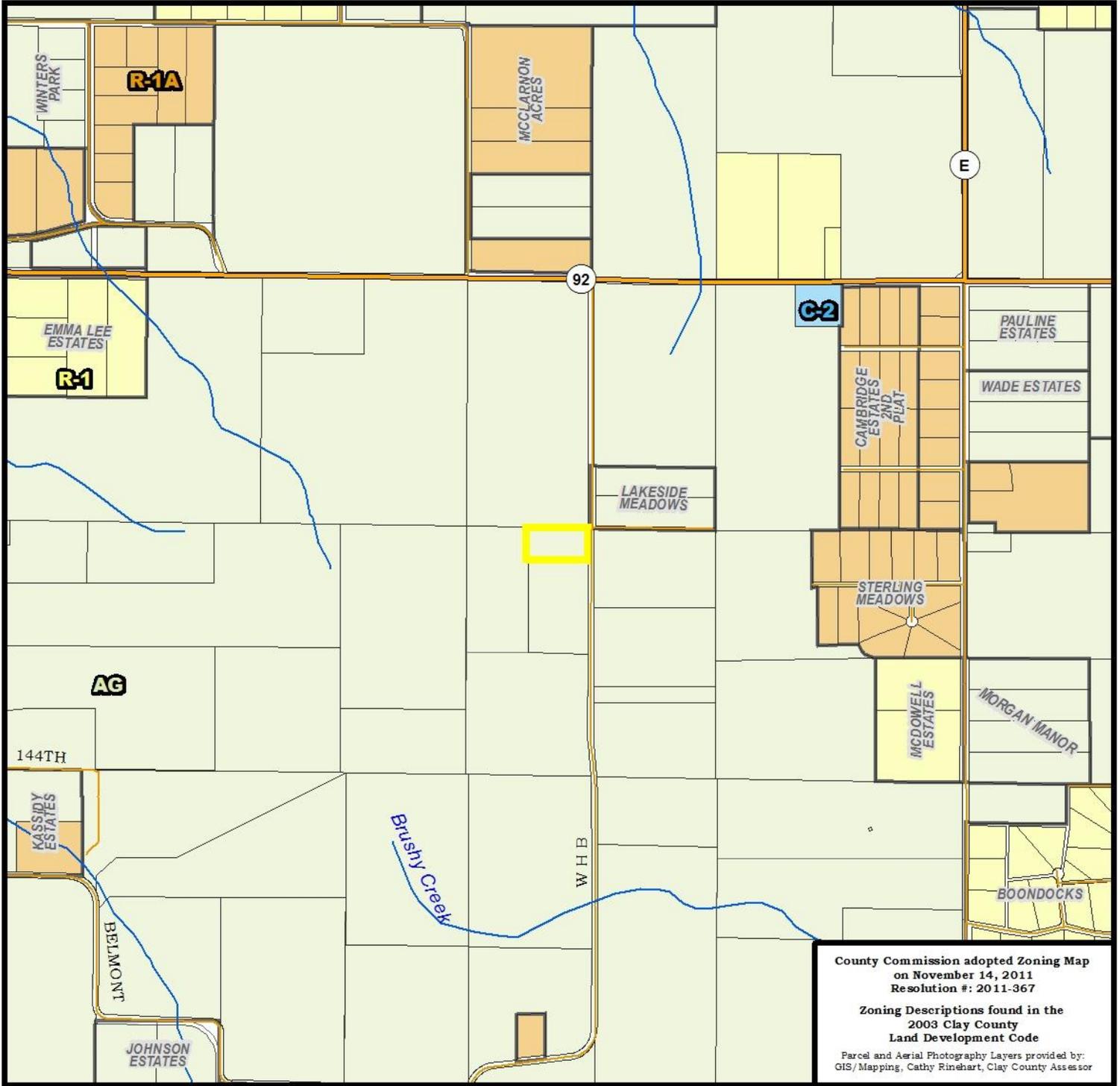
Staff recommends the **Preliminary Plat** of **Maharg Ridge** be **approved**, with the following conditions as shown on Exhibit A:

Exhibit A

1. Lot 1 is subject to Road Impact Fees (RIF) unless the waiver is approved by Planning & Zoning Commission and County Commission.
2. Any future structures will need to have building plans submitted and approved by the fire district before a building permit will be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district.
3. The existing pond structures inspected by the Natural Resources Conservation Service, "NRCS" (formerly the U.S. Soil Conservation Service/Clay County Soil and Water Conservation District), and if not found to be in good condition repairs must be done prior to the recording of the Final Plat.

March 14-104RZP - Maharg Ridge

Attachment B - Existing Conditions Map



County Commission adopted Zoning Map
 on November 14, 2011
 Resolution #: 2011-367

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) 02/20/2014 -- 02:32:33 PM

Planning & Zoning Department

LEGEND

- Property Line
- ~ Streams (EPA)
- Railroads
- Roads
 - Interstates
 - State Highways
 - Local Roads
 - Highway Ramps
- Subdivisions
- 2013 City Limits
- Parks
- County Boundaries

Overlay Districts

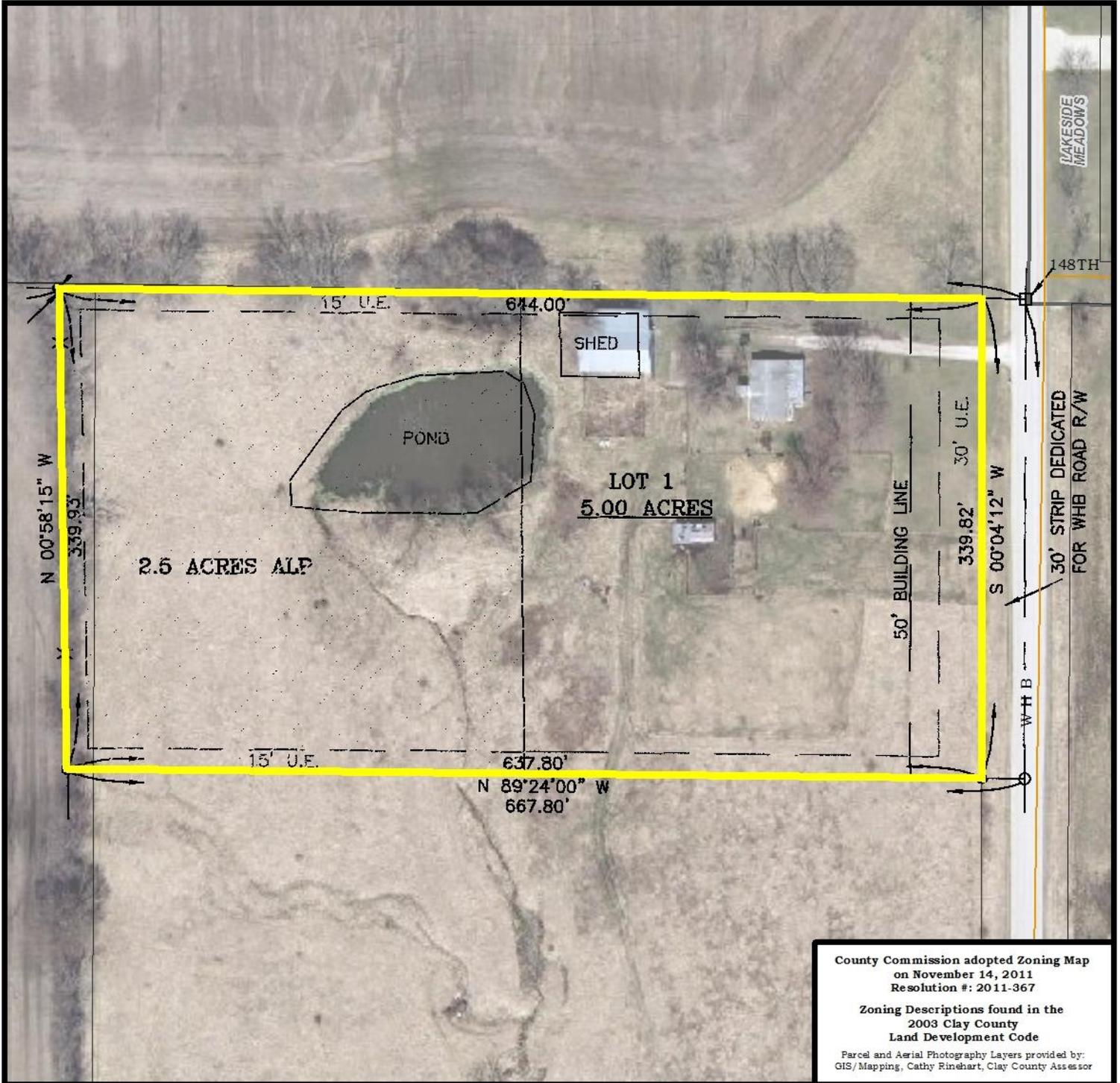
- CD (Conservation District)
- PUD (Planned Unit Development)

Zoning Districts

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

March 14-104RZP – Maharg Ridge

Attachment C - Site Plan Map



County Commission adopted Zoning Map on November 14, 2011
 Resolution #: 2011-367

Zoning Descriptions found in the 2003 Clay County Land Development Code

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Planning & Zoning Department

1 inch = 100 feet
1 inch = 0.02 miles

LEGEND

Property Line	Streams (EPA)	Interstates	Subdivisions	CD (Conservation District)
Railroads	State Highways	Local Roads	2013 City Limits	PUD (Planned Unit Development)
Highway Ramps	Parks	County Boundaries		