





# Report to Planning & Zoning Commission

Clay County, Missouri

## General Information

- Site Location:** 12412 NE 112<sup>th</sup> Street  
Section 19 | Township 52 | Range 31
- Site Size:** 12.67± Acres
- Existing Landuse & Zoning:** Agricultural (AG)
- Zoning/Platting History:** None
- Surrounding Landuse & Zoning:**
- North - Agricultural (AG), Residential Urban District (R-1B), Residential Low Density District (R-1A) and Residential Rural District (R-1) Zoned Land
  - East - Agricultural (AG), Residential Rural District (R-1) Zoned Land
  - South - Agricultural (AG) Zoned Land, City of Liberty
  - West - Agricultural (AG), Residential Rural District (R-1), Residential Urban District (R-1B), Zoned Land, City of Liberty and City of Kansas City

## Current Conditions:



Courtesy Cathy Rinehart, Clay County Assessor



Courtesy Microsoft® Bing™



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## Assessment

Gary Bringus is requesting **Rezoning** approval from Agricultural (AG) to Residential Urban Rural Single-Family District (RU-80) for Lot 2 ONLY and to Residential Ranchette (R-5) for Lot 1 ONLY, in addition to **Preliminary Plat** approval for Bringus Estates a total area of approximately 12.67± acres.

Mr. Bringus wishes to split the parcel so that his son may build a single family residence.

### 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.

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

	<b>Natural Resources Tier † (Yellow)</b>	<b>Rural Low-Density Tier † (Green)</b>	<b>Urban Services Tier † (Salmon)</b>
<b>Intent</b>	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.
<b>Primary Uses</b>	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
<b>Residential Uses</b>	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.
<b>Non-Residential Uses</b>	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
<b>Minimum Sanitary Sewer Provisions</b>	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. <sup>(3)</sup>
<b>Zoning Districts</b>	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.

<sup>(3)</sup> 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)
<b>Intent</b>	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 Liberty and the City of Kansas City are within the 1-Mile Urban Coordination Sub-Tier. The City of Liberty responded with a phone call on February 26, 2014 stating they have no comments or objections to the proposed subdivision of the property.

As of the writing of this report the City of Kansas City has not responded to written or verbal communication. The subject request meets the spirit and jest of the 2008 Comprehensive Plan due to the response from the City of Liberty.

## **Character of the General Neighborhood**

Agriculturally (AG) zoned property is in each direction of the property. Residential Urban District (R-1B) zoned land is to the north and west. Residential Low Density District (R-1A) zoned land is to the north. Residential Rural District (R-1) zoned Land is to the north, east and west. The City of Liberty is to the south and east, and the City of Kansas City is to the west within the 1-mile coordination tier [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 dated mailed on February 14, 2014.

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 notes that the current driveway meets the technical specifications access requirements. A shared driveway agreement will need to be recorded with the final plat. Road Impact Fees (*RIF*) are not required for Lot 2 as it is occupied by an existing single family residence, and a RIF Waiver has been approved by the Highway Department for Lot 1. However, the waiver is not lastly approved until the Planning & Zoning Commission and County Commission approve.

The Clay County Health Department has given preliminary approval; final approval is subject to installation of the septic on proposed Lot 1. The Public Water Supply District #6 of Clay County already has an existing water meter for Lot 2 and can provide an additional meter for proposed Lot 1. Kearney Fire District serves the property.

Clay County Soil and Water Conservation District inspected the existing pond structure. Structure A (Lot 2) is in very good condition and is classified as a low hazard class (a).

## **Recommendations**

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

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

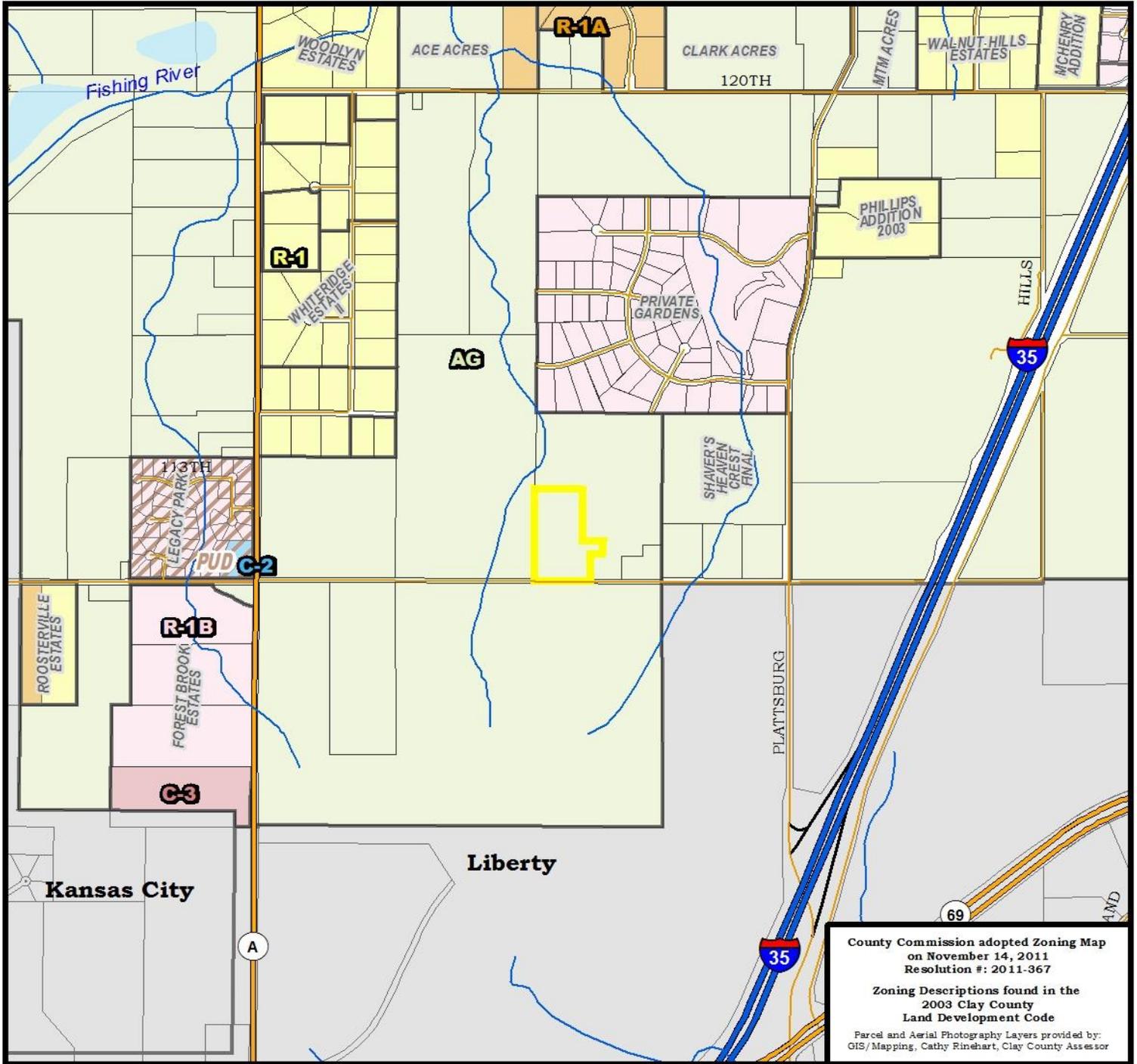
### **Exhibit A**

1. Final Health Department approval prior to the recording of the Final Plat.
2. Lot 1 is subject to Road Impact Fees (RIF) unless the waiver is approved by Planning & Zoning Commission and County Commission.
3. A shared driveway agreement must be in place at the time of Final Plat recording.
4. Emergency addressing (911 signage) must be in place prior to the occupancy of any single family residence on Lot 1. Owners of the Lots must maintain both driveway and 911 signs.
5. The following corrections to the recording copies of the Final Plat:
  - a. CHANGE: U.E.'s to 15 feet on north, east and west property lines.
  - b. CHANGE: B/L to 50 feet for Lot 1.



# March 14-106RZP – Bringus Estates

## 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

**Planning & Zoning Department**



1 inch = 1,500 feet  
 1 inch = 0.28 miles

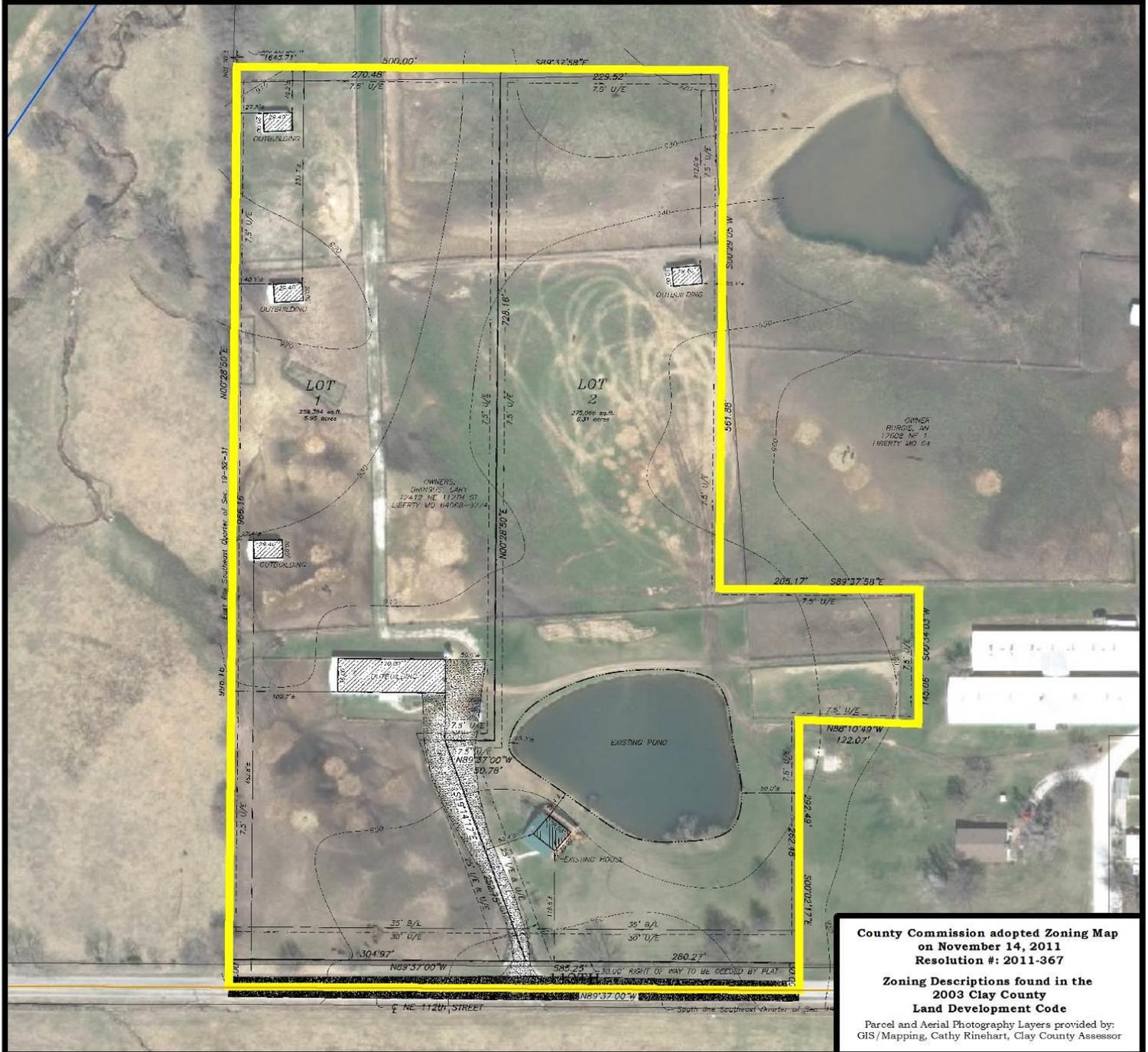
### LEGEND

- 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
  - F-1
  - F-2
  - OP

Map Document: G:\GIS\Project\_Files\Vacinity Map - 8 x 11 P.mxd  
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# March 14-106RZP – Bringus Estates

## Attachment C - Site Plan Map



Map Document: (G:\GIS\Project\_Files\Vacinity Map - 8 x 11 P.mxd) 02/24/2014 - 10:20:15 PM



**Planning & Zoning Department**



1 inch = 150 feet  
1 inch = 0.03 miles

### LEGEND

<ul style="list-style-type: none"> <li><span style="border: 2px solid yellow; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Property Line</li> <li><span style="color: blue; font-weight: bold;">~</span> Streams (EPA)</li> <li><span style="color: red; font-weight: bold;">~</span> Railroads</li> </ul>	<ul style="list-style-type: none"> <li><span style="color: blue; font-weight: bold;">~</span> Interstates</li> <li><span style="color: orange; font-weight: bold;">~</span> State Highways</li> <li><span style="color: yellow; font-weight: bold;">~</span> Local Roads</li> <li><span style="color: black; font-weight: bold;">~</span> Highway Ramps</li> </ul>	<ul style="list-style-type: none"> <li><span style="border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Subdivisions</li> <li><span style="background-color: gray; border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> 2013 City Limits</li> <li><span style="background-color: green; border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Parks</li> <li><span style="border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> County Boundaries</li> </ul>	<ul style="list-style-type: none"> <li><span style="background-color: #f0f0f0; border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Overlay Districts</li> <li><span style="background-color: #f0f0f0; border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px; border-style: dashed;"></span> CD (Conservation District)</li> <li><span style="background-color: #f0f0f0; border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px; border-style: dashed;"></span> PUD (Planned Unit Development)</li> </ul>
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