

## AGENDA

**Tuesday, March 4, 2014, 6:30 PM** - Regular meeting of the Clay County Planning and Zoning Commission (PZC), Commission Hearing Room, 3<sup>rd</sup> Floor, County Administration Building, One Courthouse Square, Liberty, Missouri.

- 1) Call to Order/Roll Call
- 2) Approval of the December 3, 2013 PZC minutes
- 3) **Regular Agenda**  
*(Full discussion. Staff reports will be included as part of the minutes of the meeting.)*
  1. **Case No.: February 14-101RZ/P**– A request for rezoning from Agricultural (AG) to Residential Urban Rural Single-Family District (RU-80) for Lot 1 ONLY and to Residential Ranchette (R-5) for Lot 2 ONLY and preliminary plat approval for the proposed subdivision of Becker Estates located at 3421 and 3611 NE 132<sup>nd</sup> Street. The applicant is William Becker. *This case was postponed from the February 4, 2014 meeting.*
  2. **Case No.: February 14-102F**– A request for final plat approval of Becker Estates a proposed subdivision located at 3421 and 3611 NE 132<sup>nd</sup> Street. The applicant is William Becker. *This case was postponed from the February 4, 2014 meeting.*
  3. **Case No.: February 14-103A**– A request for approval of the 2013 Zoning Map, which includes approved rezoning applications from January 1, 2013 through December 31, 2013. The applicant is Clay County. *This case was postponed from the February 4, 2014 meeting.*
  4. **Case No.: March 14-104RZ/P**– A request for rezoning from Agricultural (AG) to Residential Ranchette (R-5) with an Agricultural Land Preservation (ALP) overlay district and preliminary plat approval for the proposed subdivision of Maharg Ridge located at approximately 14720 WHB Rd. The applicants are James R. and Cathy J. Graham.
  5. **Case No.: March 14-105F**– A request for final plat approval of Maharg Ridge a proposed subdivision located at approximately 14720 WHB Rd. The applicants are James R. and Cathy J. Graham.
  6. **Case No.: March 14-106RZ/P**– A 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 and preliminary plat approval for the proposed subdivision of Bringus Estates located at approximately 12412 NE 112<sup>th</sup> Street. The applicant is Gary Bringus.
  7. **Case No.: March 14-107F**– A request for final plat approval of Bringus Estates a proposed subdivision located at approximately 12412 NE 112<sup>th</sup> Street. The applicant is Gary Bringus.

8. **Case No.: March 14-108RZ/P**– A request for rezoning from Agricultural (AG) to Residential Rural (R-1) with an Agricultural Land Preservation (ALP) overlay district for proposed Lot 6 ONLY and preliminary plat approval for the proposed subdivision of Halferty Acres located within Section 33-Township 54N-Range 32W. The applicant is Show-Me Real Estate, representing B & R Farms, LLC.
9. **Case No.: March 14-109F**– A request for final plat approval of Halferty Acres a proposed subdivision located within Section 33-Township 54N-Range 32W. The applicant is Show-Me Real Estate, representing B & R Farms, LLC.
10. **Case No.: March 14-110GR**– A request for the use of well water as the source of water supply on Agriculturally (AG) zoned property located approximately along the 19800 block of N. Eastern Rd. for proposed as Lots 1 and 2 of Halferty Acres. The applicant is Show-Me Real Estate, representing B & R Farms, LLC.
11. **Case No.: March 14-111RZ/P**– A request for rezoning from Agricultural (AG) and Residential Ranchette (R-5) to Residential Urban Rural Single-Family District (RU-80) and Community Commercial (C-2) with a Planned Unit Development (PUD) overlay district for proposed Lot 4 ONLY, and preliminary plat approval for the proposed subdivision of Providence Hills Estates located at approximately 12104 N. Stark Ave. The applicant is Adam Ferrell.
12. **Case No.: March 14-112F**– A request for final plat approval of Providence Hills Estates a proposed subdivision located at approximately 12104 N. Stark Ave. The applicant is Adam Ferrell.
13. **Case No.: March 14-113CUP**- A request for a Conditional Use Permit (CUP) to operate an Animal Services business on Agriculturally (AG) zoned property at 23026 NE 140<sup>th</sup> Street. The applicants are Anita Osthoff and Kris Karnes.
14. **Case No.: March 14-114CUP**– A request for a Conditional Use Permit (CUP) to erect a commercial wireless communication tower on Agriculturally (AG) zoned property located at approximately 20824 NE 172<sup>nd</sup> Street. The applicant is Mike Douchant, Dolan Realty Advisors, LLC, representing AT&T Wireless.

**IMPORTANT NOTE:** Cases on this Agenda which are approved or disapproved by the PZC are scheduled to be forwarded to the County Commission Hearing on **March 24, 2014 at 1:30 p.m.**, to be held at the Commission Hearing Room, 3<sup>rd</sup> Floor, County Administration Building, One Courthouse Square, Liberty, Missouri, unless otherwise indicated during the meeting.

#### 4) Other Business

- **Director's Comments**
- **Executive Session:** Advice from legal counsel per RSMo 610.021(1)
- **Adjournment**



# Report to Planning & Zoning Commission

Clay County, Missouri

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**Case Number** February 14-101 RZ/P  
**Case Type** Rezoning & Preliminary Plat  
**Project Name** Becker Estates

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**Applicant** William Becker  
600 Indian Trail Ct.  
Smithville, Mo 64089-9405

**Owners** William R. & Valerie L. Becker Trust (**Proposed Lot 1**)  
Becker Investment Co.  
3611 NE 132<sup>nd</sup> Street  
Smithville, Mo 64089-8991

Daniel W. & Amy V. Becker (**Proposed Lot 2**)  
3421 NE 132<sup>nd</sup> Street  
Smithville, Mo 64089

**Request** Rezoning & Preliminary Plat

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Application Submittal 2013-12-30

Public Notice Published 2014-01-16

Neighbor Letters Sent 2014-01-17

Report Date 2014-01-27

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**REPORT AUTHOR(S)** Debbie Viviano, Planner  
Matt Tapp, Director

**Recommendation** APPROVAL



# Report to Planning & Zoning Commission

Clay County, Missouri

## General Information

- Site Location:** 3611 & 3421 NE 132<sup>nd</sup> Street  
Section 7 | Township 52 | Range 32
- Site Size:** 11.60± Acres
- Existing Landuse & Zoning:** Agricultural (AG)
- Zoning/Platting History:** None
- Surrounding Landuse & Zoning:**
- North - Agricultural (AG), Residential Low-Density District (R-1A) and Residential Rural District (R-1) Zoned Land, City of Smithville
  - East - Agricultural (AG), Residential Rural District (R-1) Zoned Land
  - South - Agricultural (AG), Residential Low-Density District (R-1A) Zoned Land, City of Kansas City
  - West - Agricultural (AG), Residential Low-Density District (R-1A) and Residential Rural District (R-1) Zoned Land, City of Smithville and City of Kansas City

## Current Conditions:



Courtesy Cathy Rinehart, Clay County Assessor



Courtesy Microsoft® Bing™



# Report to Planning & Zoning Commission

Clay County, Missouri

## Assessment

William Becker is requesting **Rezoning** approval from Agricultural (AG) to Residential Urban Rural Single-Family District (RU-80) for Lot 1 ONLY and to Residential Ranchette (R-5) for Lot 2 ONLY, in addition to **Preliminary Plat** approval for Becker Estates a total area of approximately 11.60± acres.

The purpose for these requests is to increase the land area for 2 main reasons: 1) the malfunctioning septic system of Lot 1, and 2) for the placement of a new accessory structure on Lot 2. The parcel to the south, east of Lot 2 and west of Lot 1 is 65.59± acres with the existing farmhouse structure and is to be deeded at the time of the recording of the final plat for Becker Estates.

### 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.

	Natural Resources Tier † (Yellow)	Rural Low-Density Tier † (Green)	Urban Services Tier † (Salmon)
<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.



# 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)
<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 Smithville and the City of Kansas City is within the 1-Mile Urban Coordination Sub-Tier. The City of Smithville responded with an e-mail dated January 22, 2014 stating:

*"This parcel lies outside the boundaries of the 2005 Comprehensive Plan future development areas for the City of Smithville. As such, we have no comments for or against this proposal."*

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 Smithville.

## **Character of the General Neighborhood**

Agriculturally (AG) zoned property is in each direction of the property. Residential Low Density District (R-1A) zoned land is to the north, south and west. Residential Rural District (R-1) Zoned Land is to the north, east and west. The City of Smithville is to the north and west, and the City of Kansas City is to the south and west within the 1-mile coordination tier [See Attachment B].

## **LDC Considerations**

The rezoning application was properly noticed in the Kearney Courier on January 16, 2014. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter dated mailed on January 17, 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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## Report to Planning & Zoning Commission

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Clay County, Missouri

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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 approved the existing driveways. Road Impact Fees (*RIF*) are not required for either lot as they are occupied by existing single family residences.

The Clay County Health Department has given preliminary and final approval. The Public Water Supply District #9 of Clay County already has existing water meters on the property. The Smithville Area Fire District serves the property.

### **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 1 ONLY and to Residential Ranchette (R-5) for Lot 2 ONLY be **APPROVED** subject to the petitioner addressing all rezoning standards.

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Staff recommends the **Preliminary Plat** of **Becker Estates** be **APPROVED**



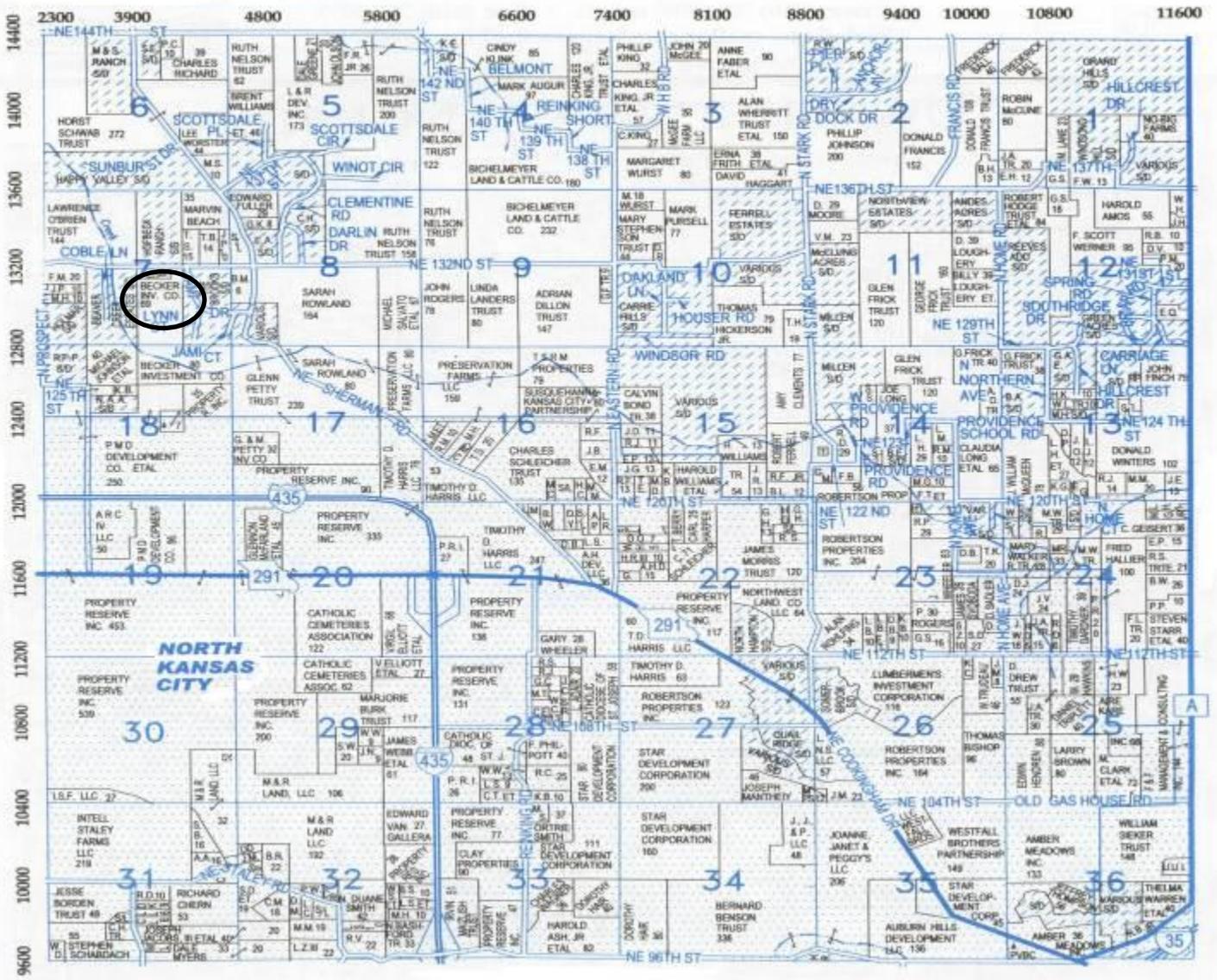
# Report to Planning & Zoning Commission

Clay County, Missouri

## Attachments

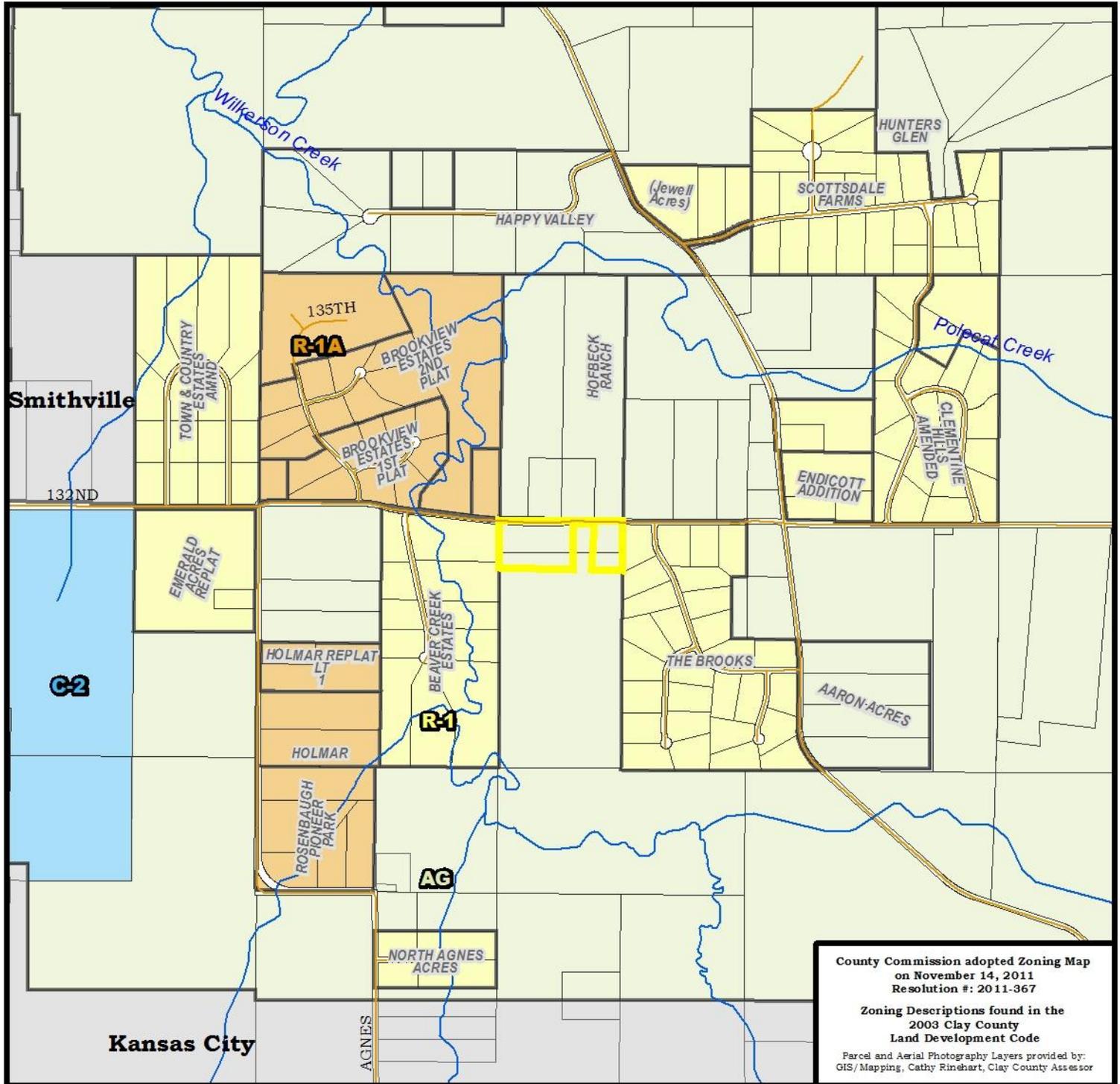
# February 14-101RZP Becker Estates Attachment A - Vicinity Map

## TOWNSHIP 52N • RANGE 32W



# Feb 14-101RZP - Becker 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

Map Document: (G:\GIS\Project\_Files\Vacinity\_Map - 8 x 11 P.mxd) 01/21/2014 -- 03:54:58 PM

**Planning & Zoning Department**

### LEGEND

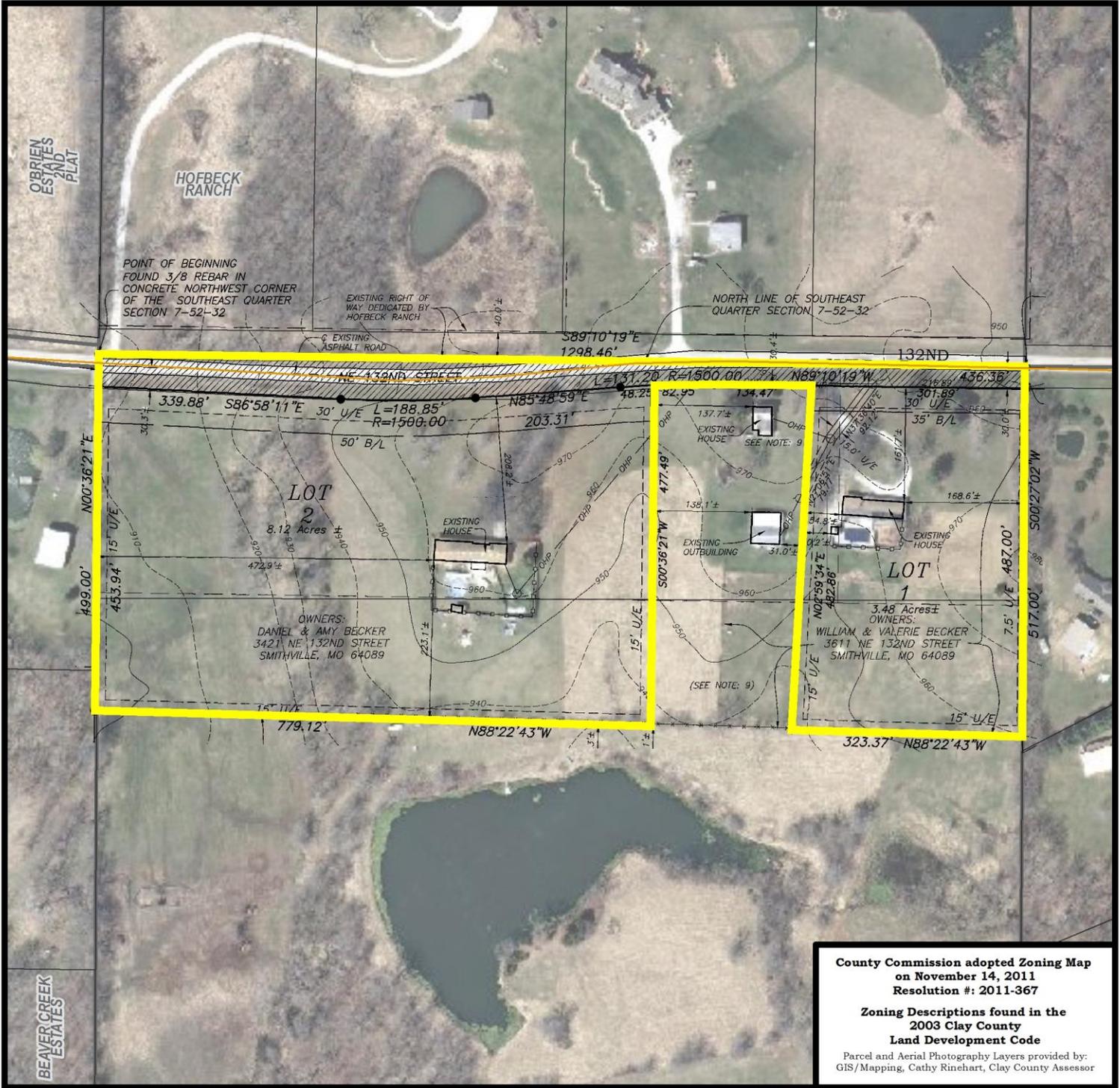
Property Line	Roads	Subdivisions	Overlay Districts
Streams (EPA)	Interstates	2013 City Limits	CD (Conservation District)
Railroads	State Highways	Parks	PUD (Planned Unit Development)
Local Roads	Highway Ramps	County Boundaries	

### Zoning Districts

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

# Feb 14-101RZP – Becker Estates

## Attachment C - Site Plan Map



Map Document: (G:\GIS\Project\_Files\Vacinity Map - 8 x 11 P.mxd) 01/21/2014 -- 04:04:28 PM

**Planning & Zoning Department**

1 inch = 200 feet  
1 inch = 0.04 miles

**LEGEND**

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

# BECKER ESTATES

## PRELIMINARY PLAT A Minor Subdivision in Clay County, Missouri

### LOT 1 LEGAL DESCRIPTION

All that part of Section 7, Township 52, Range 32, Clay County, Missouri, described as follows; Commencing at the Northeast corner of the Southeast quarter of said Section 7; thence North 89° 10'19" West along the North line of the Southeast quarter of said Section 7 a distance of 1307.88 feet; thence South 00°27'02" West a distance of 30.00 feet to the Point of beginning of the tract herein to be described; thence South 00°27'02" West along the Westerly boundary of THE BROOKS a subdivision of land in Clay County, Missouri a distance of 487.00 feet; thence North 88° 22'43" West a distance of 323.37 feet; thence North 02°59'34" East a distance of 482.86 feet; thence South 89°10'19" East along a line parallel to the North line of the Southeast Quarter a distance of 301.89 feet to the Point of Beginning of the tract herein described. Said tract contains 151,555 square feet or 3.48 acres more or less.

### LOT 2 LEGAL DESCRIPTION

All that part of Section 7, Township 52, Range 32, Clay County, Missouri, described as follows; Commencing at the Northwest corner of the Southeast quarter of said Section 7; thence South 0°36'20" West along the West line of the Southeast quarter of said Section 7 a distance of 45.06 feet to the Point of Beginning of the tract herein to be described; thence South 86°58'11" East a distance of 339.88 feet; thence Easterly along a curve to the Left being tangent to the last described course having a radius of 1500.00 feet an arc length of 188.85 feet; thence North 85°48'56" East a distance of 203.31 feet; thence Easterly along a curve to the Right being tangent to the last described course having a radius of 1500.00 feet an arc length of 48.25 feet; thence South 00°36'21" West a distance of 477.49 feet; thence North 88° 22'43" West a distance of 779.12 feet to the Easterly boundary of BEAVER CREEK ESTATES, a subdivision of land in Clay County, Missouri also being the Westerly line of the Southeast quarter of said Section 7; thence North 00°36'21" East along said line a distance of 499.00 feet to the point of beginning of the tract herein described. Said tract contains 353,828 square feet or 8.12 acres more or less.

### OVERALL LEGAL DESCRIPTION

All that part of Section 7, Township 52, Range 32, Clay County, Missouri, described as follows; Beginning at the Northwest corner of the Southeast quarter of said Section 7; thence South 89°10'19" East along the North line of the Southeast quarter of said Section 7 a distance of 1298.46 feet; thence South 00°27'02" West along the Westerly boundary of THE BROOKS a subdivision of land in Clay County, Missouri, a distance of 517.00 feet; thence North 88° 22'43" West a distance of 323.37 feet; thence North 02°59'34" East a distance of 482.86 feet; thence North 89°10'19" West along a line parallel to the North line of the Southeast Quarter a distance of 134.47 feet; thence Westerly along an curve to the left being tangent to the last described course, having a radius of 1,500.00 feet an arc distance of 82.95 feet; thence South 00°36'21" West a distance of 477.49 feet; thence North 88° 22'43" West a distance of 779.12 feet to the Easterly boundary of BEAVER CREEK ESTATES, a subdivision of land in Clay County, Missouri also being the Westerly line of the Southeast quarter of said Section 7; thence North 00°36'21" East a distance of 499.00 feet to the point of beginning of the tract herein described. Said tract contains 560,118 square feet or 12.86 acres more or less.

### GENERAL NOTES:

- Applicant: Becker Investments Company INC  
3611 NE 132nd Street  
Smithville, Mo 64089
- Property Owner: Daniel & Amy Becker  
& William & Valerie Becker Trust
- Surveyor: Aylett Survey & Engineering Company  
201 NW 72nd Street  
Gladstone, Missouri, 64118
- Soil Type: Sneed-Rock, Ladoga Loam, Wiota Loam, Armster Loam, Nodaway Loam
- Topography is taken from the Nashua Quadrangle U.S.G.S. Map with an Interval of 10'.
- This Tract is Currently Zoned "AG" Proposed Zoning R-5 & RU-80
- Water District # 9
- The Sewer is Septic.
- This Tract does not lie within the Regulatory Flood Plain per FIRM Community-Pannel #290086 0055 B.
- This property lying between lots 1 & 2 will be combined and deeded with the remaining property to the South by BOOK, \_\_\_\_\_ and PAGE, \_\_\_\_\_.

OWNERS:  
JOHN & LYLA THOMPSON  
12309 N. AGNES AVE  
KANSAS CITY, MO 64116  
O'BRIEN ESTATES  
SECOND PLAT, LOT 2

OWNERS:  
HUGH & CHARLOTTE BECK  
3412 NE 132ND STREET  
SMITHVILLE, MO 64089  
HOFBECK RANCH, LOT 1

OWNERS:  
STEVEN & REBECCA HOFMEISTER  
3600 NE 132ND STREET  
SMITHVILLE, MO 64089  
HOFBECK RANCH, LOT 2

OWNERS:  
TOM & JUDY SCHULZE  
3810 NE 132ND STREET  
SMITHVILLE, MO 64089

OWNERS:  
KEN & KARREN HSTING  
13109 COBLE LN  
SMITHVILLE, MO 64089  
BEAVER CREEK ESTATES, LOT 11

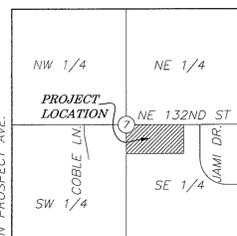
OWNERS:  
MARK & SANDRA CANTRELL  
13103 COBLE LN  
SMITHVILLE, MO 64089  
BEAVER CREEK ESTATES, LOT 10

OWNERS:  
DANIEL & AMY BECKER  
3421 NE 132ND STREET  
SMITHVILLE, MO 64089

OWNERS:  
JOHN PYLE  
13120 JAMI DRIVE  
KANSAS CITY, MO 64166  
THE BROOKS, LOT 1

OWNERS:  
GAYLEN & DEANNA FRIDELL  
13106 JAMI DR  
KANSAS CITY, MO 64166  
THE BROOKS, LOT 2

OWNERS:  
BECKER INVESTMENTS INC  
3611 NE 132ND STREET  
SMITHVILLE, MO 64089



Location Map  
Section 7-52-32  
(Not To Scale)



BEFORE YOU  
DIG - DRILL - BLAST



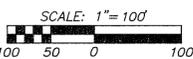
Call  
1-800-344-7483 (MISSOURI)

### LEGEND

- Set Monument-1/2" Iron Bar w/ Cap 2074 (Unless otherwise noted)
- Found Monument
- R/W Right of Way
- ⊕ Center Line
- U/E Utility Easement
- B/L Building Line
- BK Book
- PG. Page

FOUND 3/8 REBAR IN CONCRETE  
SOUTHWEST CORNER OF THE  
SOUTHEAST QUARTER SECTION  
7-52-32

SET 5/8 REBAR WITH  
CAP LS 2074 AT  
SOUTHWEST CORNER OF  
THE WEST HALF OF  
SOUTHEAST QUARTER  
SECTION 7-52-32



RECEIVED  
JAN 06 2014

PRELIMINARY PLAT  
**BECKER ESTATES**  
CLAY COUNTY, MISSOURI

Applicant:  
Becker Investment Co  
3611 NE 132nd St.  
Smithville, MO, 64089

**AYLETT SURVEY & ENGINEERING COMPANY**  
LAND SURVEYING ~ CIVIL ENGINEERING ~ LAND PLANNING  
201 NW 72ND ST. ~ GLADSTONE, MO 64118  
PH. (816) 436-0785 ~ FAX (816) 436-0787

SHEET 1 OF 1

Drawn By: ZAB File Name: 49164PPB SEC: 7-52-32 Date: 12/27/2013 JOB NO.:



# Report to Planning & Zoning Commission

Clay County, Missouri

**Case Number** February 14-102F

**Case Type** Final Plat

**Project Name** Becker Estates

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**Applicant** William Becker  
600 Indian Trail Ct.  
Smithville, MO 64089-9405

**Owners** William R. & Valerie L. Becker Trust (**Proposed Lot 1**)  
Becker Investment Co.  
3611 NE 132<sup>nd</sup> Street  
Smithville, Mo 64089-8991

Daniel W. & Amy V. Becker (**Proposed Lot 2**)  
3421 NE 132<sup>nd</sup> Street  
Smithville, Mo 64089

**Request** **Final Plat** approval of Becker Estates

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Application Submittal 2013-12-30

Public Notice Published N/A

Neighbor Letters Sent 2014-01-17

Report Date 2014-01-28

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**REPORT AUTHOR(S)** Debbie Viviano, Planner  
Matt Tapp, Director

**Recommendation** APPROVAL with condition



# Report to Planning & Zoning Commission

Clay County, Missouri

## General Information

- Site Location:** 3611 & 3421 NE 132<sup>nd</sup> Street  
Section 7 | Township 52 | Range 32
- Site Size:** 11.60± Acres
- Existing Landuse & Zoning:** Agricultural (AG)
- Zoning/Platting History:** None
- Surrounding Landuse & Zoning:**
- North - Agricultural (AG), Residential Low-Density District (R-1A) and Residential Rural District (R-1) Zoned Land, City of Smithville
  - East - Agricultural (AG), Residential Rural District (R-1) Zoned Land
  - South - Agricultural (AG), Residential Low-Density District (R-1A) Zoned Land, City of Kansas City
  - West - Agricultural (AG), Residential Low-Density District (R-1A) and Residential Rural District (R-1) Zoned Land, City of Smithville and City of Kansas City

## Current Conditions:

Subject Property Lines = **YELLOW**



Courtesy Cathy Rinehart, Clay County Assessor



Courtesy Microsoft® Bing™



# Report to Planning & Zoning Commission

Clay County, Missouri

## Assessment

William Becker is requesting **Final Plat** approval for Becker Estates, approximately 11.60± acres located at 3611 and 3421 NE 132<sup>nd</sup> Street.

The purpose for these requests is to increase the land area for 2 main reasons: 1) the malfunctioning septic system of Lot 1, and 2) for the placement of a new accessory structure on Lot 2. The parcel to the south, east of Lot 2 and west of Lot 1 is 65.59± acres with the existing farmhouse structure and is to be deeded at the time of the recording of the final plat for Becker Estates.

### **Character of the General Neighborhood**

Agriculturally (AG) zoned property is in each direction of the property. Residential Low Density District (R-1A) zoned land is to the north, south and west. Residential Rural District (R-1) Zoned Land is to the north, east and west. The City of Smithville is to the north and west, and the City of Kansas City is to the south and west within the 1-mile coordination tier [See Attachment B].

### **Code Considerations**

The review procedures and submittal content for a Final Plat must be in substantial compliance with the approved preliminary plat in accordance with the requirements under **Section 151-3.6 (D)** of the Clay County 2011 Land Development Code ("LDC"). Based on all the materials and evidence presented, the subject request *appears to substantially comply with the LDC and preliminary plat*.

Standard side and rear setbacks and height restrictions apply to all other aspects of this application. The application was properly noticed, per regulations. Adjacent property owners within the mandated 1,000 foot distance were notified by means of a letter dated January 17, 2014.

### **Outside Agency Review**

The Clay County Highway Department has approved the existing driveways. Road Impact Fees (*RIF*) are not required for either lot as they are occupied by existing single family residences.

The Clay County Health Department has given preliminary and final approval. The Public Water Supply District #9 of Clay County already has existing water meters on the property. The Smithville Area Fire District serves the property.

## Findings

The parcel to the south, east of Lot 2 and west of Lot 1 is 65.59± acres with the existing farmhouse structure will need to be deeded at the time of the recording of the final plat for Becker Estates.

## Recommendations

Staff recommends the **Final Plat** of Becker Estates be **approved**, with the following condition as shown on Exhibit A:

### Exhibit A

1. Parcel south, east of Lot 2 and west of Lot 1 noted as 65.59± acres will require a new warranty deed recorded at the time of the recording of the final plat for Becker Estates.



# Report to Planning & Zoning Commission

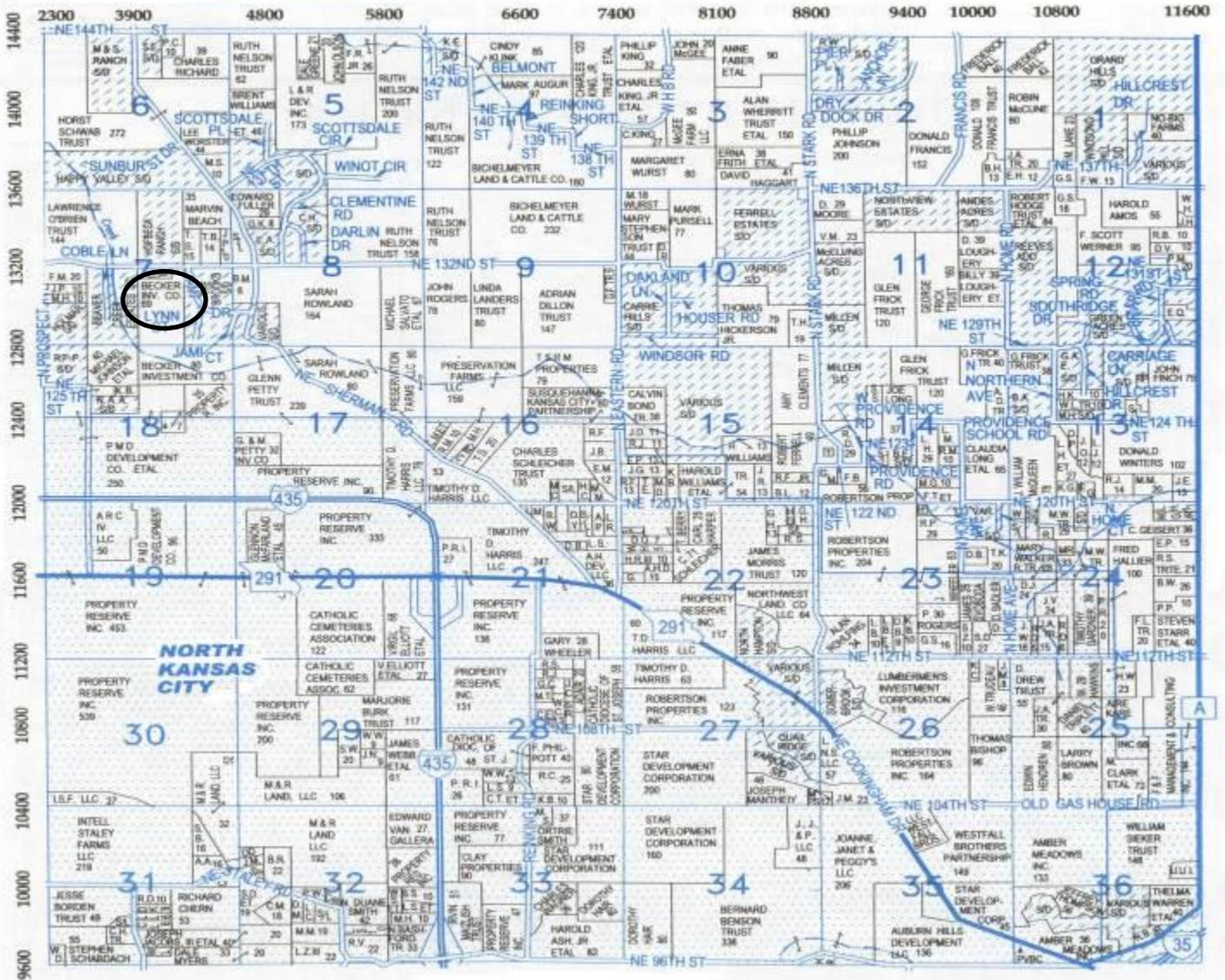
Clay County, Missouri

## Attachments

### February 14-102F – Becker Estates

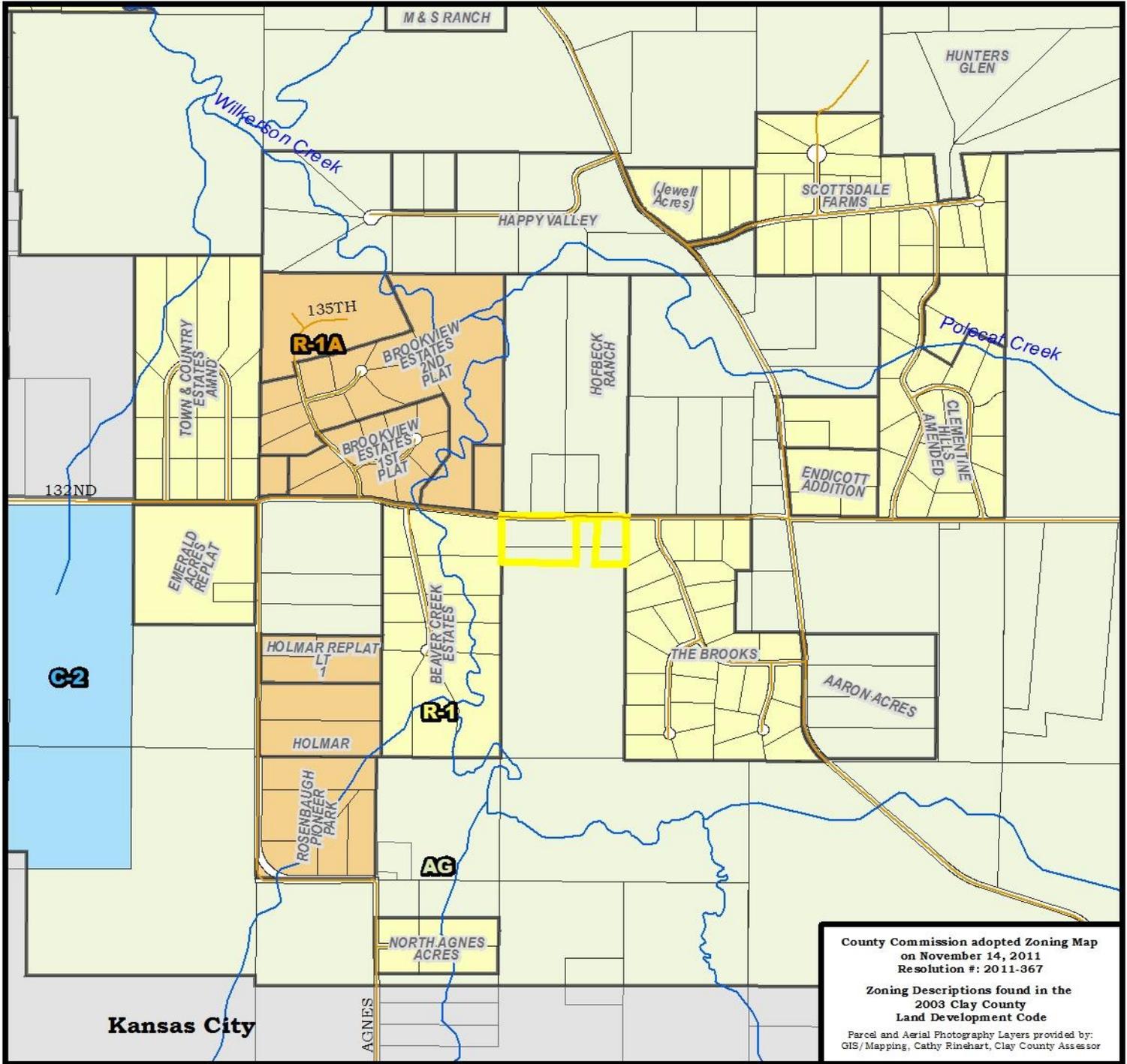
#### Attachment A – Vicinity Map

## TOWNSHIP 52N • RANGE 32W



# Feb 14-102F – Becker 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 Rindhart, Clay County Assessor

Map Document: (G:\GIS\Project\_Files\Vacinity Map - 8 x 11 P.mxd) 01/21/2014 - 05:09:28 PM

**Planning & Zoning Department**

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

**LEGEND**

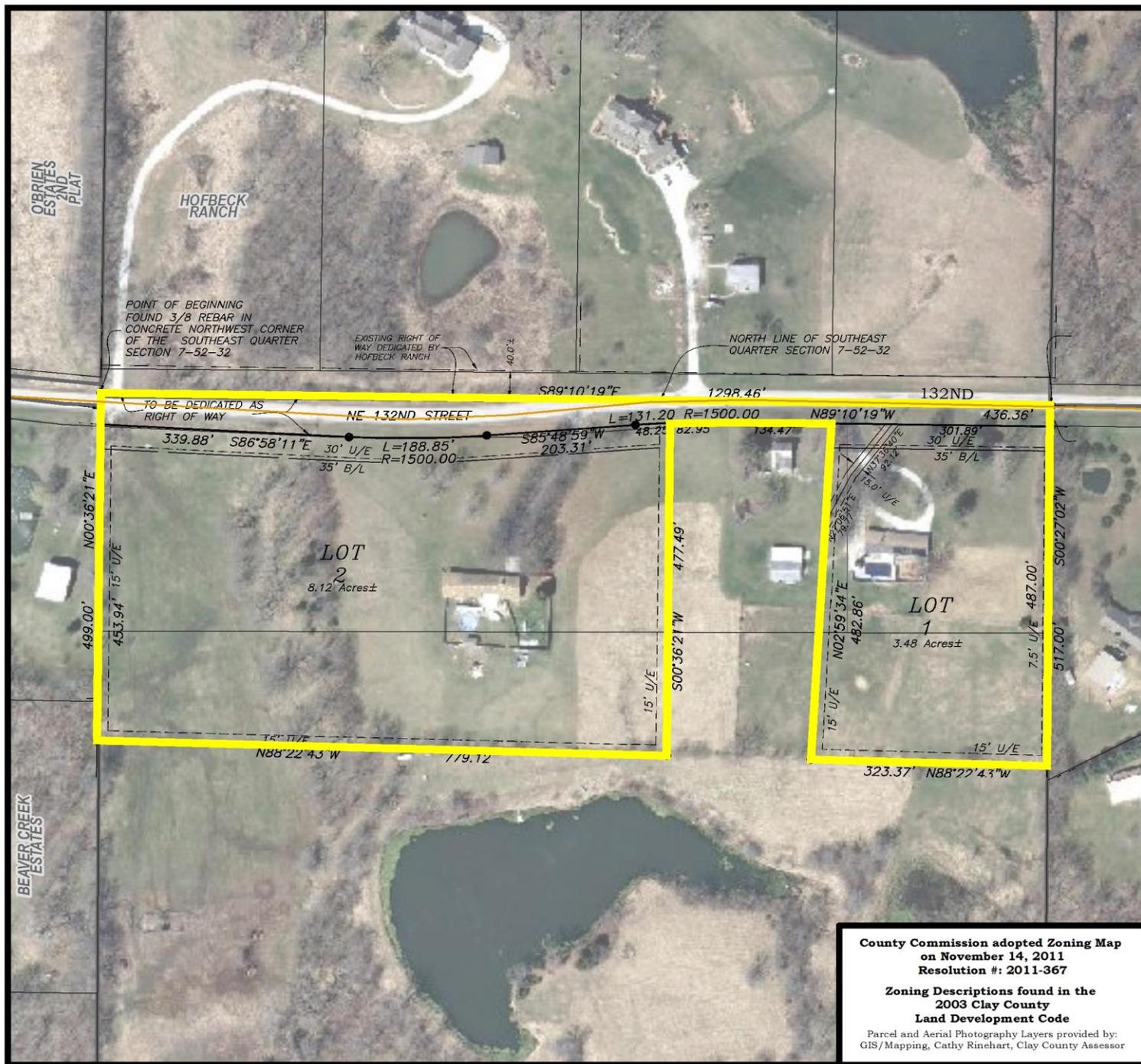
<ul style="list-style-type: none"> <li><span style="border: 2px solid yellow; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Property Line</li> <li> Streams (EPA)</li> <li> Railroads</li> </ul>	<p><b>Roads</b></p> <ul style="list-style-type: none"> <li> Interstates</li> <li> State Highways</li> <li> Local Roads</li> <li> 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="border: 2px solid gray; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> 2013 City Limits</li> <li><span style="background-color: green; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Parks</li> <li><span style="border: 1px solid gray; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> County Boundaries</li> </ul>	<p><b>Overlay Districts</b></p> <ul style="list-style-type: none"> <li><span style="background-color: #d3d3d3; border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></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;"></span> PUD (Planned Unit Development)</li> </ul>
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**Zoning Districts**

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

# Feb 14-102F – Becker Estates

## Attachment C - Site Plan Map



Map Document: G:\GIS\Project\_Files\Vacinity Map - 8 x 11 P.mxd  
01/21/2014 - 05:00:27 PM

**Planning & Zoning Department**

1 inch = 200 feet  
1 inch = 0.04 miles

### LEGEND

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# Report to Planning & Zoning Commission

Clay County, Missouri

## General Information

**Site Location:** Not applicable (N/A)

**Site Size:** Not applicable (N/A)

**Existing Landuse & Zoning:** Not applicable (N/A)

### Zoning/Platting History:

2003 Zoning Map, Res#2003-302, 06/09/03; 2006 Zoning Map, Res#2007-50, 01/29/07; 2007 Zoning Map, Res#2008-117, 03/24/08; 2008 Zoning Map, Res#2009-324, 08/31/09; 2009 Zoning Map, Res#2010-284; 2010 Zoning Map, Res#2011-367; 2011 Zoning Map, Res#2012-233; 2012 Zoning Map, Res#2013-199.

**Surrounding Landuse & Zoning:** Not applicable (N/A)

**Current conditions:** Not applicable (N/A)

## Assessment

The last official Clay County zoning map was the 2012 version approved June 24, 2013 (Res. #2013-199). It is necessary to have a current, accurate, and updated zoning map that includes all rezonings, new subdivisions, and municipal annexations that have occurred in the past year. The official zoning map is always approved "in-arrears", or from the past year.

### 2008 Comprehensive Plan Considerations

Not applicable (N/A)

### Character of the General Neighborhood

Not applicable (N/A)

### Code Considerations

The zoning map is technically part of the 2011 Clay County Land Development Code ("LDC"), which requires that all "changes in boundaries of any zoning district shall be reflected on the map...upon approval by the County Commission".

*The Official Zoning Map - 2013 appears to substantially comply with the Land Development Code (LDC).* The application was properly noticed in the Kearney Courier on January 16, 2014, but adjacent property owner notification does not apply to this request.

### Outside Agency review

Not applicable (N/A)

## Findings

It is important to have a current, accurate, and updated zoning map available to all interested parties. A current map aids in providing correct information to the public, and is essential to staff for frequent review and analysis of proposed development projects.

The requested Official Zoning Map - 2013 will be made available as a large-sized hard copy map at the time of the Planning & Zoning Commission (PZC) public hearing.

## Recommendations

Staff recommends the **Official Zoning Map - 2013** be approved.

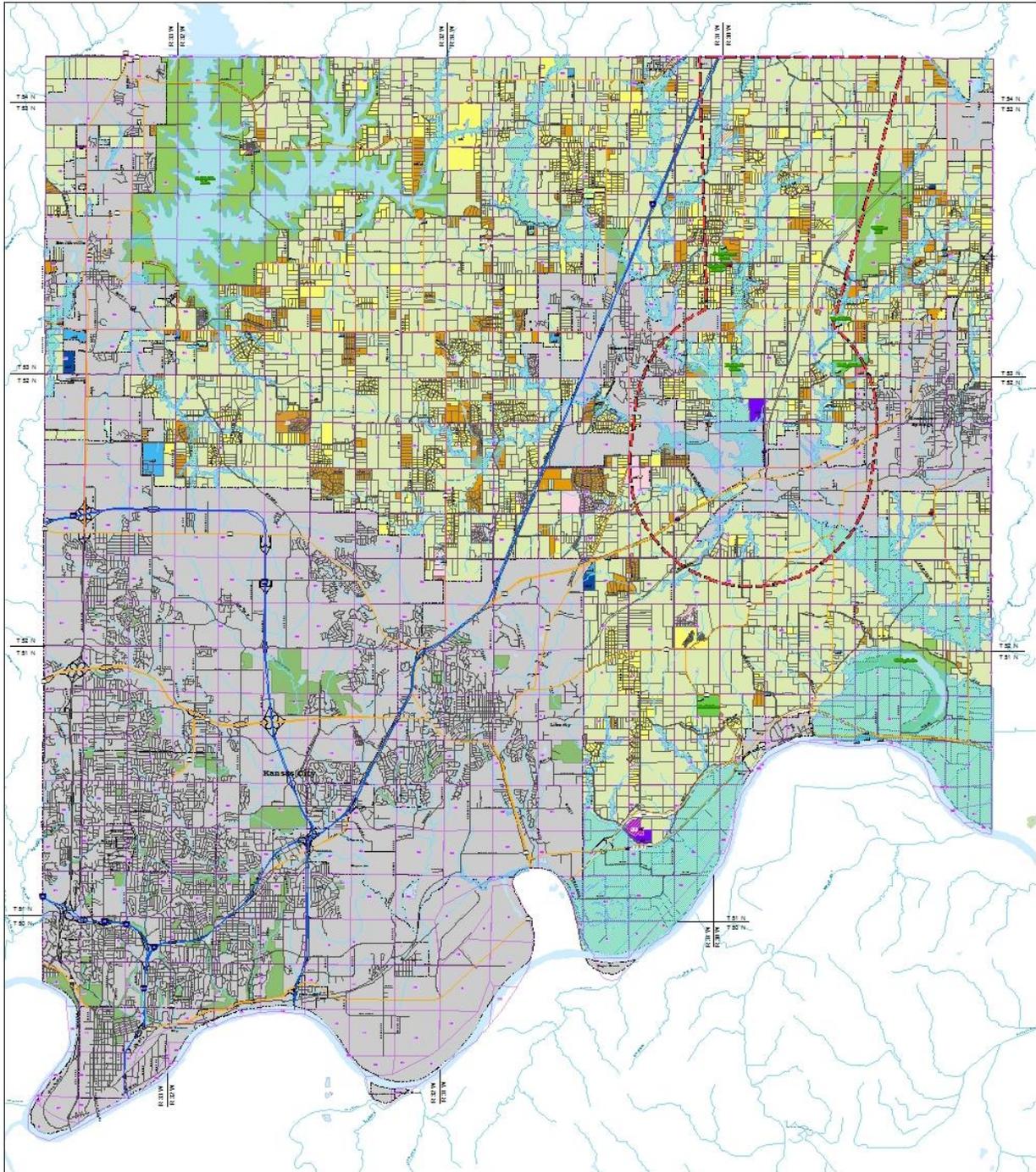


# Report to Planning & Zoning Commission

Clay County, Missouri

## Clay County Official Zoning Map - 2013

Planning & Zoning Department



	<b>Map Legend</b>		<p>Clay County Planning &amp; Zoning Department  <small>(Using Data as of December 31, 2012)</small></p> <p>Zoning Descriptions Used in the          2013 Clay County          Land Development Code</p> <p><small>Parcel lay or provided by:          GIS/Mapping, Cathy Brubaker, Clay County Assessor          (Updated December 31, 2012)</small></p>
	<p><b>Roads</b></p> <ul style="list-style-type: none"> <li> Interstates</li> <li> Highways</li> <li> Local Roads</li> <li> Highway Ramps</li> </ul> <p> Parks</p> <p> 2013 City Limits</p> <p> Parcels w/Info (2006)</p> <p> Rivers (Local)</p> <p> Floodplain</p>	<p><b>Rezoning Cases (2013)</b></p> <ul style="list-style-type: none"> <li> R-1</li> <li> R-5</li> <li> RU</li> </ul> <p><b>Overlay Districts</b></p> <ul style="list-style-type: none"> <li> CD/POD/PUD</li> <li> Airport Area Overlay</li> </ul>	





# 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



© 2013 Nokia © 2014 Microsoft Corporation. Pictometry, Bird's Eye © 2012 Pictometry

Courtesy Microsoft® Bing™



# Report to Planning & Zoning Commission

Clay County, Missouri

## 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 (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.

	Natural Resources Tier* (Yellow)	Rural Low-Density Tier* (Green)	Urban Services Tier* (Salmon)
<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.



# 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)
<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.

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



# Report to Planning & Zoning Commission

Clay County, Missouri

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.



# Report to Planning & Zoning Commission

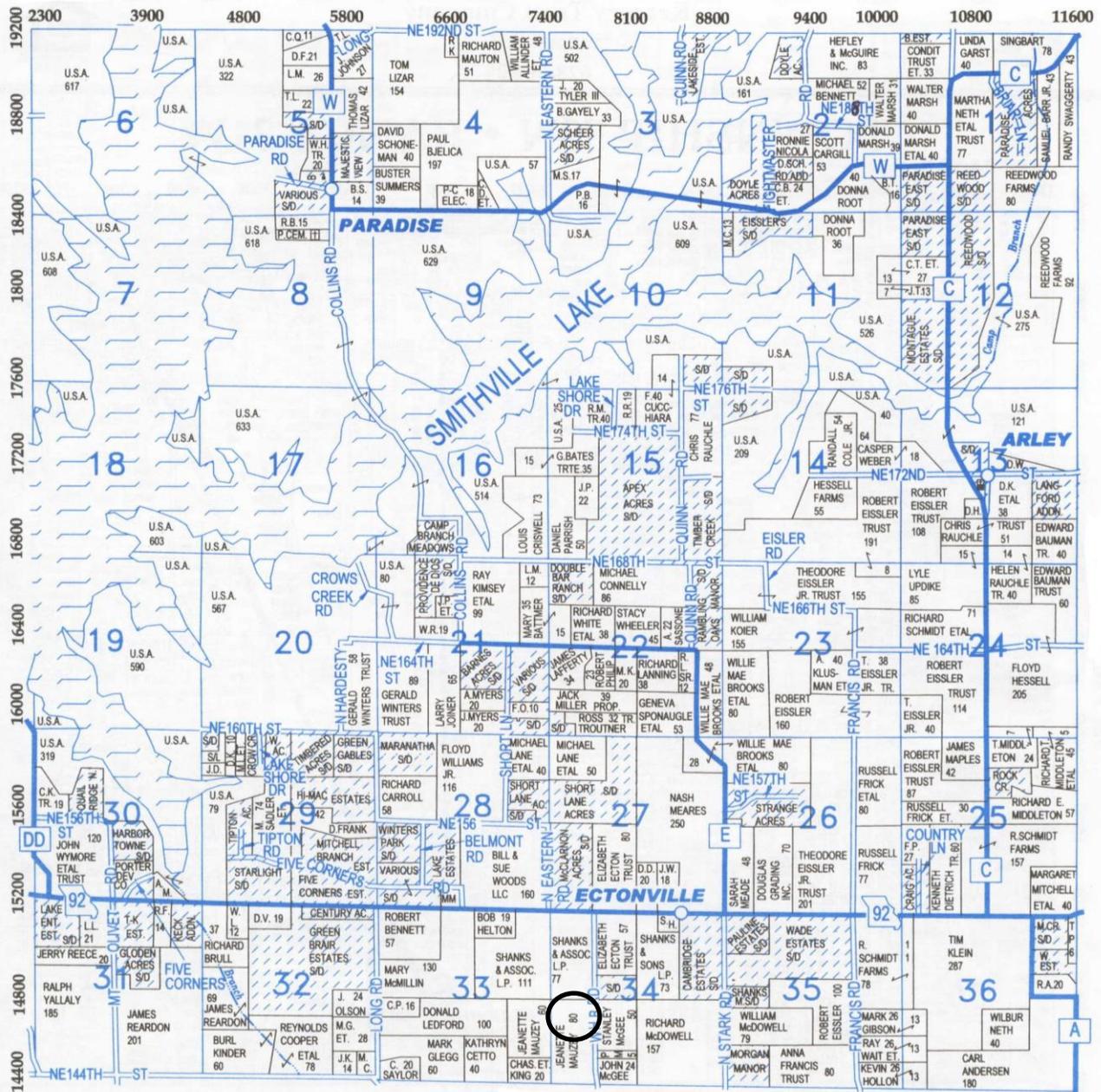
Clay County, Missouri

## Attachments

### March 14-104RZ/P – Maharg Ridge

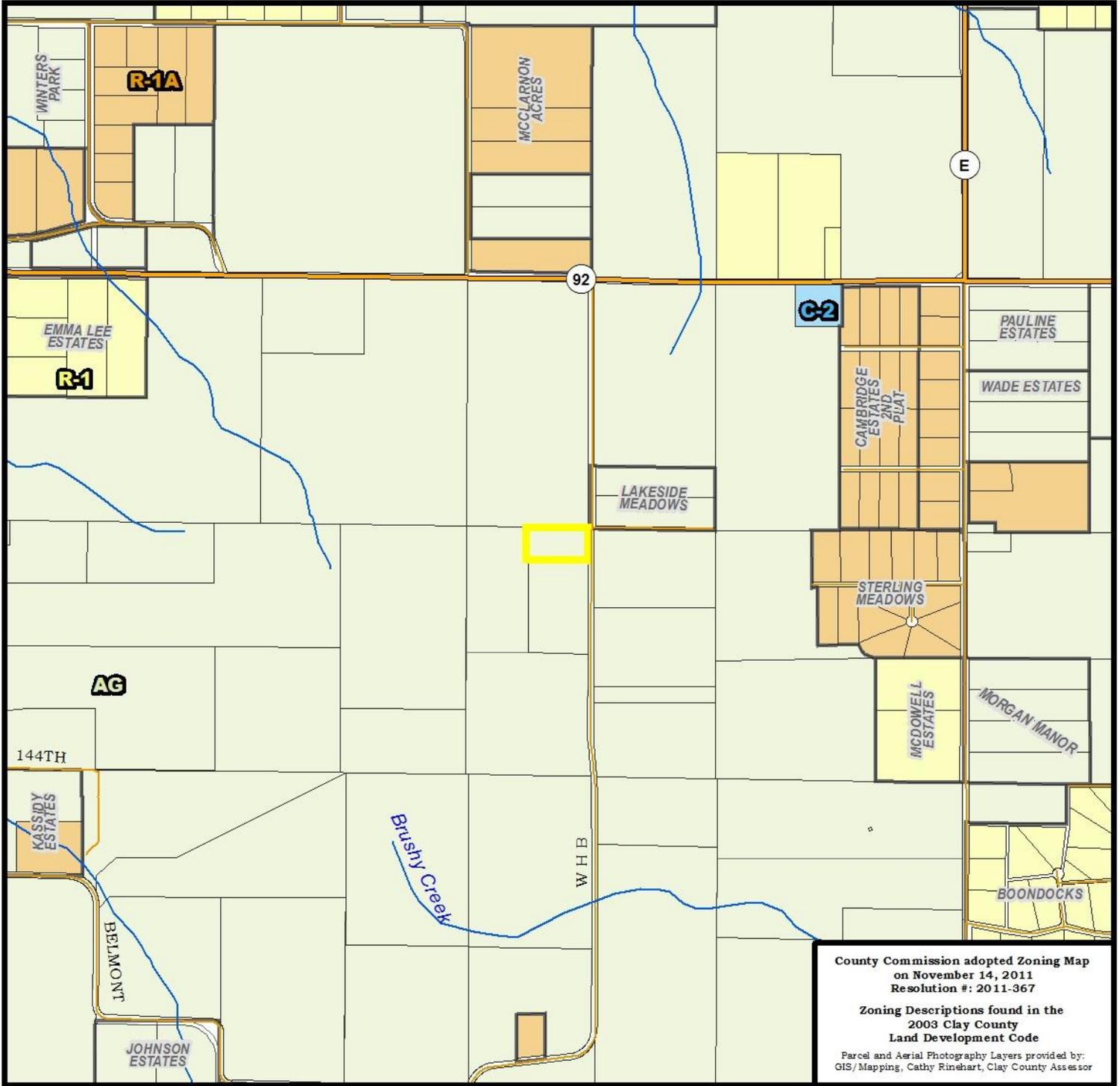
### Attachment A – Vicinity Map

## TOWNSHIP 53N • RANGE 32W



# 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

Planning & Zoning Department



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

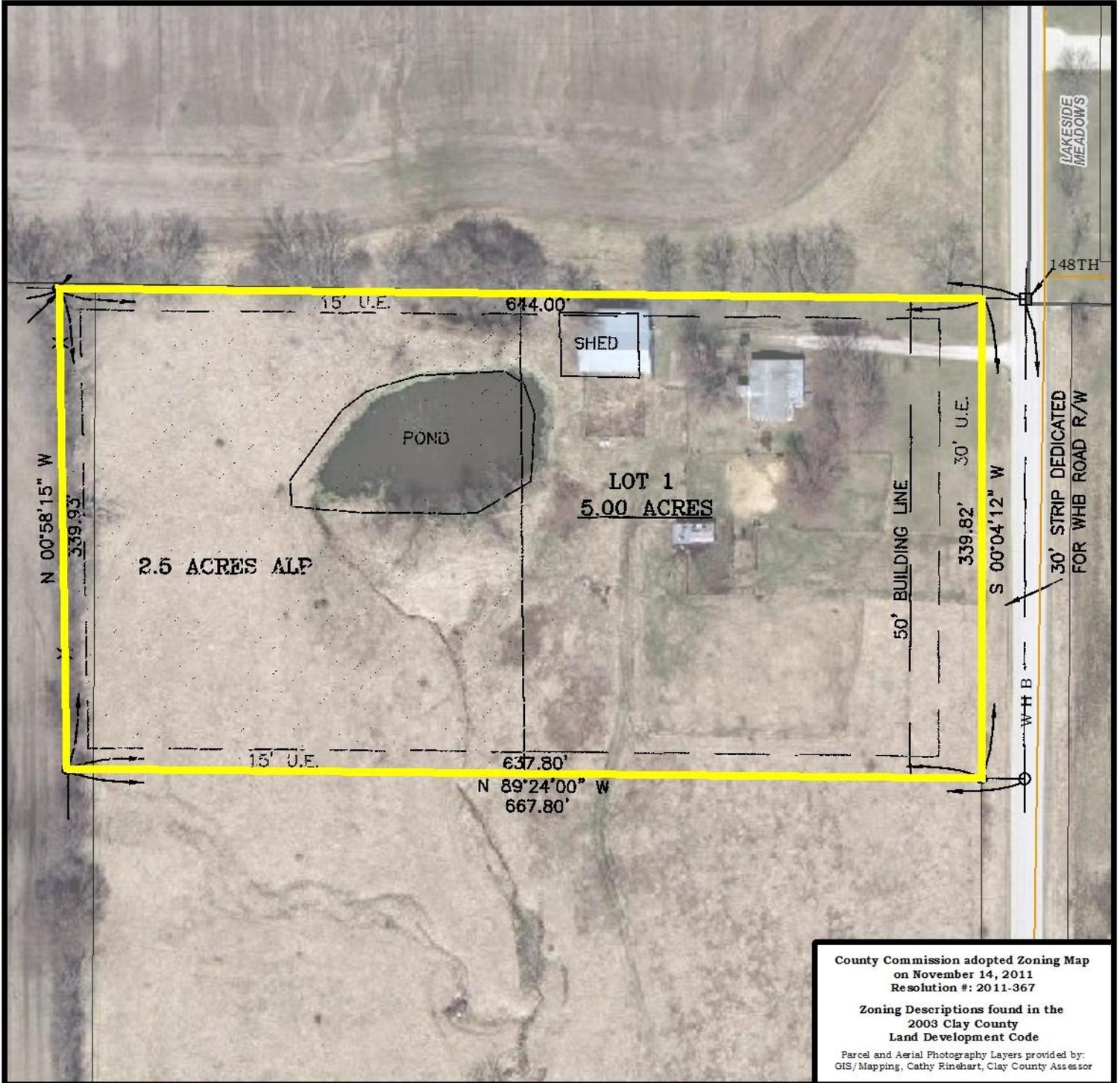
### LEGEND

- 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
  - I-1
  - I-2
  - OP

Map Document: (G:\GIS\Project\_Files\Vacinity\_Map - 8 x 11 P.mxd) 02/20/2014 -- 02:32:33 PM

# 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

Parcel and Aerial Photography Layers provided by: GIS/Mapping, Cathy Rinchart, 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**




1 inch = 100 feet  
1 inch = 0.02 miles

**LEGEND**

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







# 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



Courtesy Microsoft® Bing™



# Report to Planning & Zoning Commission

Clay County, Missouri

## Assessment

Jim and Cathy Graham, Trustees of the Cathy J. Graham Trust are requesting **Final 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.

### **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].

### **Code Considerations**

The review procedures and submittal content for a Final Plat must be in substantial compliance with the approved preliminary plat in accordance with the requirements under **Section 151-3.6 (D)** of the Clay County 2011 Land Development Code ("LDC"). Based on all the materials and evidence presented, the subject request *appears to substantially comply with the LDC and preliminary plat.*

Standard side and rear setbacks and height restrictions apply to all other aspects of this application. The application was properly noticed, per regulations. Adjacent property owners within the mandated 1,000 foot distance were notified by means of a letter dated February 14, 2013.

### **Outside Agency Review**

The Clay County Highway Department has noted the existing driveway of Collins Road meets 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 final 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

Staff recommends the **Final 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.



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## Report to Planning & Zoning Commission

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Clay County, Missouri

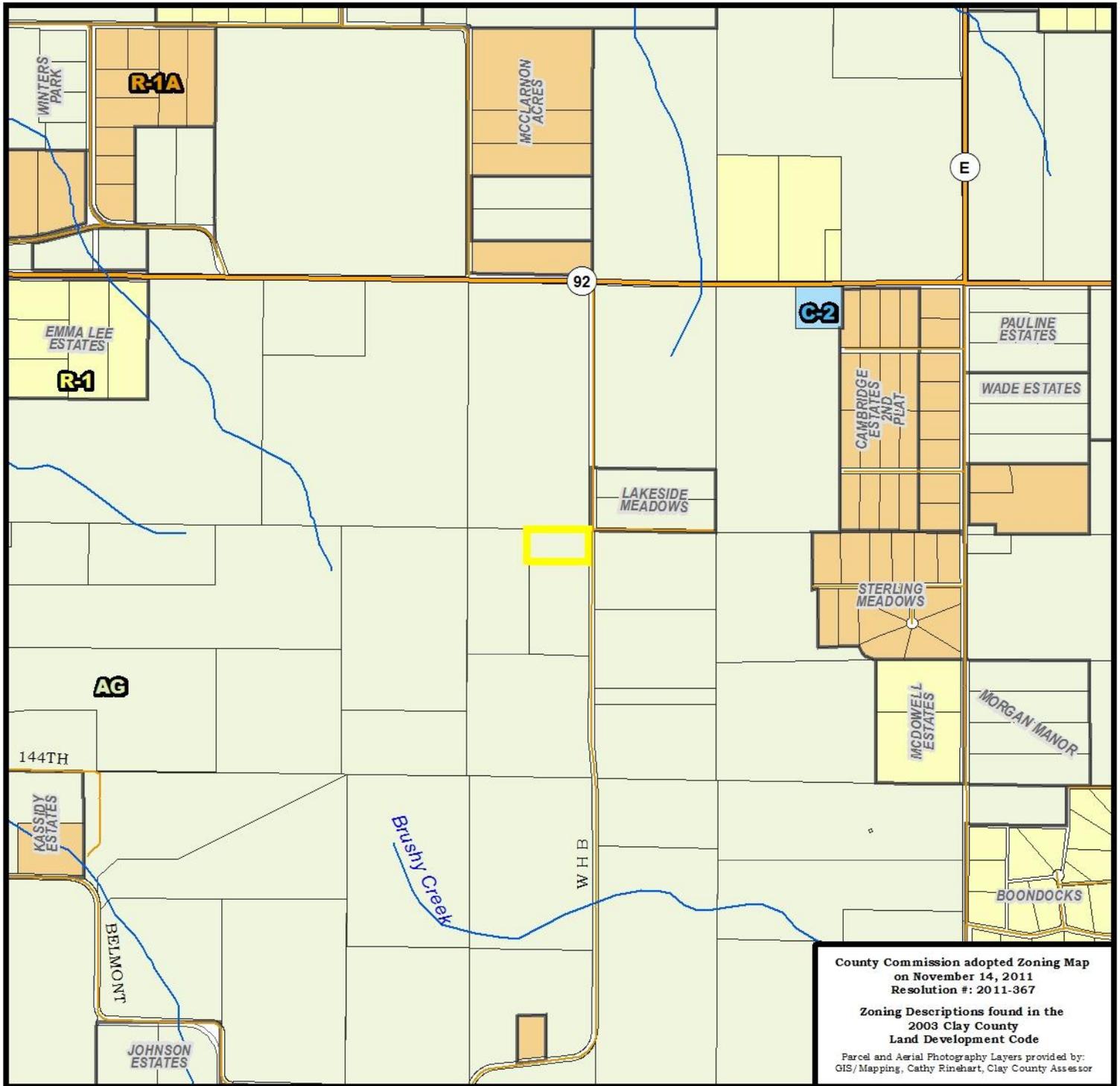
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2. Any future structures will need to have building plans submitted and approved by the fire district before a building permit will be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire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



# March 14-105F – 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)  
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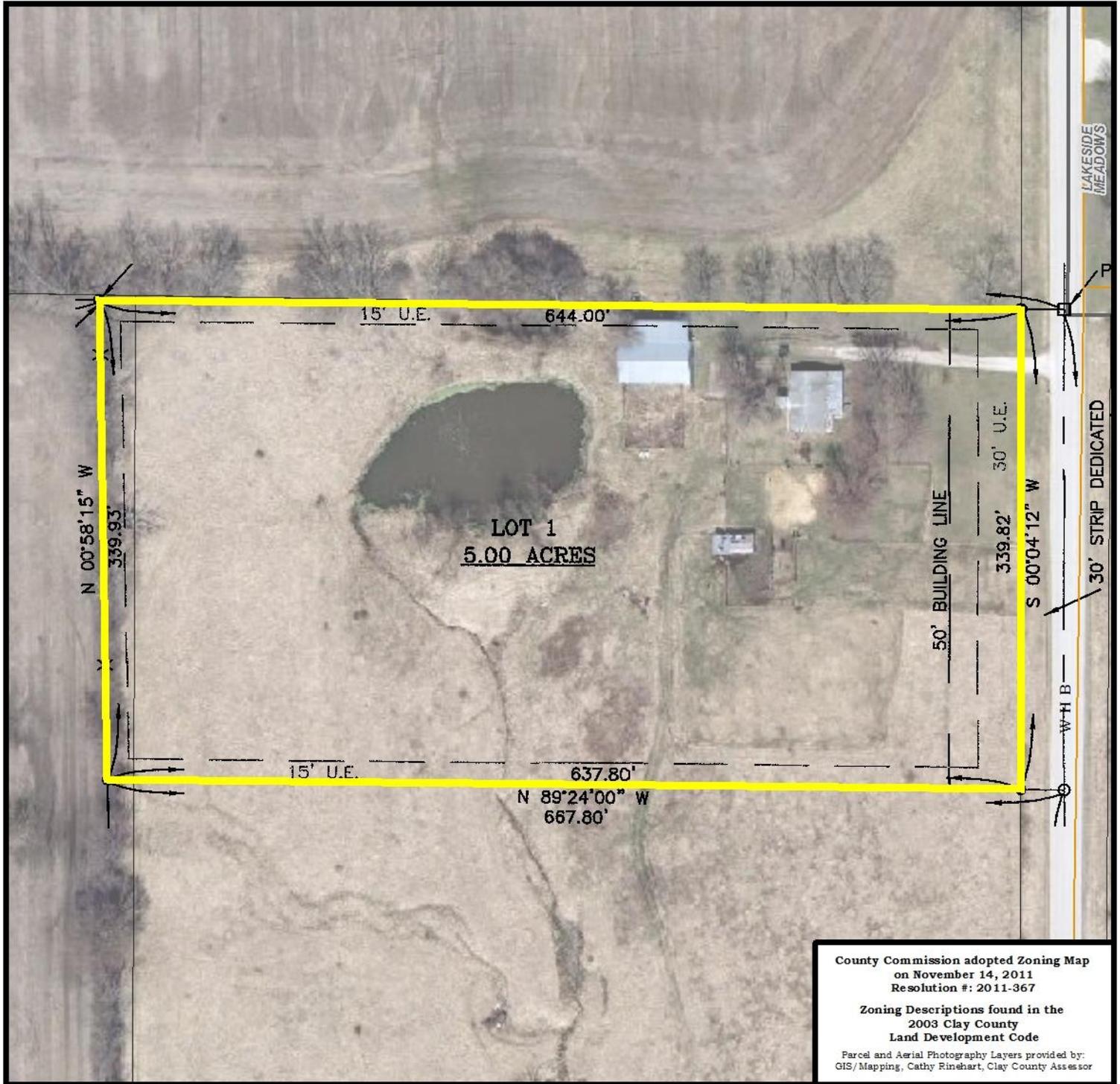
**Planning & Zoning Department**

**LEGEND**

Property Line	Streams (EPA)	Railroads	Interstates	Subdivisions	CD (Conservation District)	AG	C-1
Streams (EPA)	State Highways	Railroads	Local Roads	2013 City Limits	PUD (Planned Unit Development)	R-1	C-2
Railroads	Local Roads	Parks	Highway Ramps	County Boundaries		R-1A/R-5	C-3
						R-1B/RU	I-1
						R-3	I-2
							OP

# March 14-105F – Maharg Ridge

## Attachment C - Site Plan Map



Map Document: (G:\GIS\Project\_Files\Vacinity\_Map - 8 x 11 P.mxd) 02/20/2014 -- 03:33:28 PM

**Planning & Zoning Department**

**LEGEND**

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

# MAHARG RIDGE FINAL PLAT

## A SUBDIVISION IN SECTION 34, T-53N; R-32W CLAY COUNTY, MISSOURI

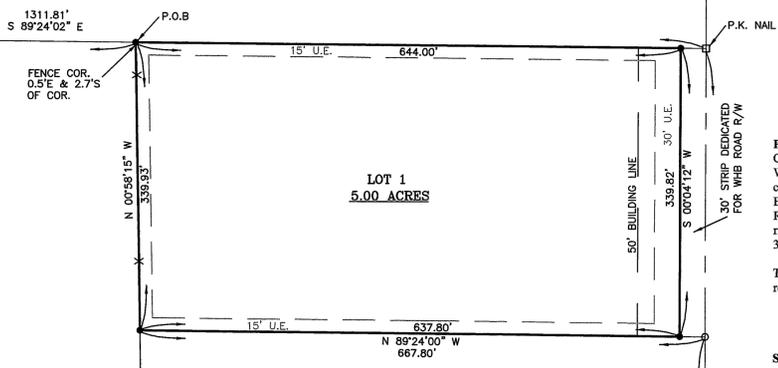
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T-53N R-32W. FOUND  
BRASS MONUMENT DNR  
DOC#600-17115

(UNPLATTED)

UNPLATTED  
93.02 ACRES

BOOK 8804  
PAGE 158

N 00°11'15" E  
2606.25' PLAS 1433



**PROPERTY DESCRIPTION:**  
Commencing at the Southwest Corner of Section 34, Township 53 North, Range 32 West, Clay County, Missouri; thence along the West line of the Southwest Quarter of said section North 00 degrees 11 minutes 15 seconds East, 2606.05 feet to the Northwest corner of the Southwest Quarter of Section 34; thence South 89 degrees 24 minutes 02 seconds East, 637.81 to the Point of Beginning; thence South 89 degrees 24 minutes 02 seconds East, 644.00 feet to a point on the West right-of-way line of WHB Road; thence along said right-of-way South 00 degrees 04 minutes 12 seconds West, 339.82 feet; thence departing from said right-of-way North 89 degrees 24 minutes 00 seconds West, 637.80 feet; thence North 00 degrees 58 minutes 15 seconds West, 339.83 feet to the Point of Beginning.

The above described tract of land contains 5.00 acres, more or less, and is subject to all recorded and unrecorded easements, restrictions and right-of-ways.

**SURVEYOR'S CERTIFICATION:**

I HEREBY CERTIFY that we have performed a survey and prepared the accompanying plat of the premises described hereon which meets or exceeds the current Missouri Minimum Standards for Property Boundary Surveys as jointly adopted by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects and the Missouri Department of Natural Resources, Division of Geological Survey and Resources Assessment and that the results of said survey are represented on this plat to the best of my professional knowledge and belief.

WITNESS hand and seal this Thirtieth (30th) day of January, 2014.

Richard L. Mattson, P.L.S.  
Missouri P.L.S. 2674

**SURVEYOR'S NOTES:**

- Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements, other than possible easements that were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations; and any other facts that an accurate and current title search may disclose.
- Declaration is made to original purchaser of the survey. It is not transferable to additional institutions or subsequent owners.
- Survey is valid only if print has original seal and signature of surveyor.
- Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied the surveyor. No abstract of title, nor title commitment, nor results of title searches were furnished the surveyor. There may exist other documents of record that would affect this parcel.
- Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- The word "certify" or "certificate" as shown and used hereon means an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee, expressed or implied.
- The North line of the Southeast Quarter of Section 33, Township 53 North, Range 32 West, Clay County, Missouri was assumed to bear South 89 degrees 14 minutes 36 seconds East for the attached survey.
- This tract lies within Flood Zone "X", areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood, as shown on Flood Insurance Rate Map Community Panel No. 2900860025 B with an effective date of April 16, 2003, for Clay County, Missouri.

**PLAT DEDICATION:**

The undersigned owners of the property described herein have caused the same to be subdivided as shown on this plat and said property shall hereafter be known as Maharg Ridge.

**EASEMENT DEDICATION:**

An easement or license is also hereby granted to the County of Clay, Missouri for the purpose of locating, constructing, operating and maintaining facilities for water, gas, electricity, sewage, telephone, cable TV, and surface drainage, including, but not limited to, underground pipes and conduits, pad mounted transformers, service pedestals, any or all of them upon, over, under, and along the strips of land designated utility easement (U.E.).

All of the above easements shall be kept free from any and all obstructions which would interfere with the construction or reconstruction and proper, safe, and continuous maintenance of the aforesaid uses and specifically there shall not be built thereon or there over any structure (except driveways, paved areas, grass, shrubs and fences) nor shall there be any obstruction to interfere with the agents and employees of Clay County, Missouri, and its franchised utilities from going upon said easement and as much of the adjoining lands as may be reasonably necessary in exercising the rights granted by the easement.

**BUILDING LINES:**

Building lines or setback lines are hereby established as shown on the accompanying plat and no buildings or portion thereof shall be built between this line and the street line.

**STREETS:**

Streets shown on this plat and not heretofore dedicated to public use as thoroughfares are hereby so dedicated.

**IN TESTIMONY WHEREOF**

The undersigned owner has hereunto set their hand this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**Cathy J. Graham Revocable Trust**

By: \_\_\_\_\_  
Cathy Jo Graham, Trustee

By: \_\_\_\_\_  
James R. Graham, Trustee

STATE OF MISSOURI )  
COUNTY OF \_\_\_\_\_ )SS;

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me, personally appeared Cathy Jo Graham and James R. Graham, Trustees who are personally known to me to be the same persons described in and who executed the foregoing instrument as representatives of the Cathy J. Graham Revocable Trust, and acknowledged the same to be their free act and deed as such personal representatives.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Notary Public My Commission Expires: \_\_\_\_\_

**Planning Commission:**

The plat of \_\_\_\_\_ has been submitted to and considered by the Clay County Planning Commission on this on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Chairman, Planning Commission \_\_\_\_\_ Director, Planning Commission \_\_\_\_\_

**County Commission:**

The easements and right-of-ways were accepted by the County Commission of Clay County, Missouri on this on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Presiding Commissioner \_\_\_\_\_ County Counselor \_\_\_\_\_

Western Commissioner \_\_\_\_\_ Eastern Commissioner \_\_\_\_\_

ATTEST: \_\_\_\_\_ County Clerk \_\_\_\_\_

State of Missouri  
County of Clay

RECEIVED  
FEB 03 2014  
BY: \_\_\_\_\_

PREPARED FOR;  
CATHY GRAHAM REVOCABLE TRUST  
SECTION 35, T-53N R-32W  
CLAY COUNTY, MO.



**LAND SURVEYORS - PLANNERS**  
4784 Frederick, St. Joseph, MO 64506  
ph. (816) 233-7900 fax (816) 233-4852  
501 North Market, Maryville, MO 64468  
ph. (660) 582-8633 fax (660) 582-7173

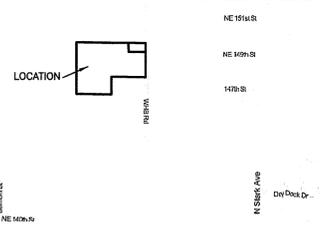
**OWNER:**  
Cathy J. Graham Revocable Trust  
James R. and Cathy Jo Graham  
9116 North Glenwood Ave.  
Kansas City, MO 64157

**PREPARED BY:**  
Richard L. Mattson, PLS 2674  
Midland Surveying, Inc.  
4784 Frederick Boulevard  
St. Joseph, MO 64506



NORTH  
1" = 100'

- = SET MONUMENT LC000120
- = FOUND MONUMENT
- = COMPUTED CORNER
- = FOUND LC000120 MONUMENT
- R = RECORD DISTANCE
- M = MEASURED DISTANCE
- GLO = ORIGINAL GOVERNMENT SURVEY
- △ = HWY. R/W MARKER
- X-X- = FENCE



SW COR. SEC 34  
T-53N; R-32W.  
FOUND BRASS  
MONUMENT DNR  
DOC#600-17136

FILE: GRAHAM_JIM	DATE: 1/27/14	SCALE: 1" = 100'	REVISED:
			SHEET NO. OF





# 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™



# Report to Planning & Zoning Commission

Clay County, Missouri

## 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.



# 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)
<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



# Report to Planning & Zoning Commission

Clay County, Missouri

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:

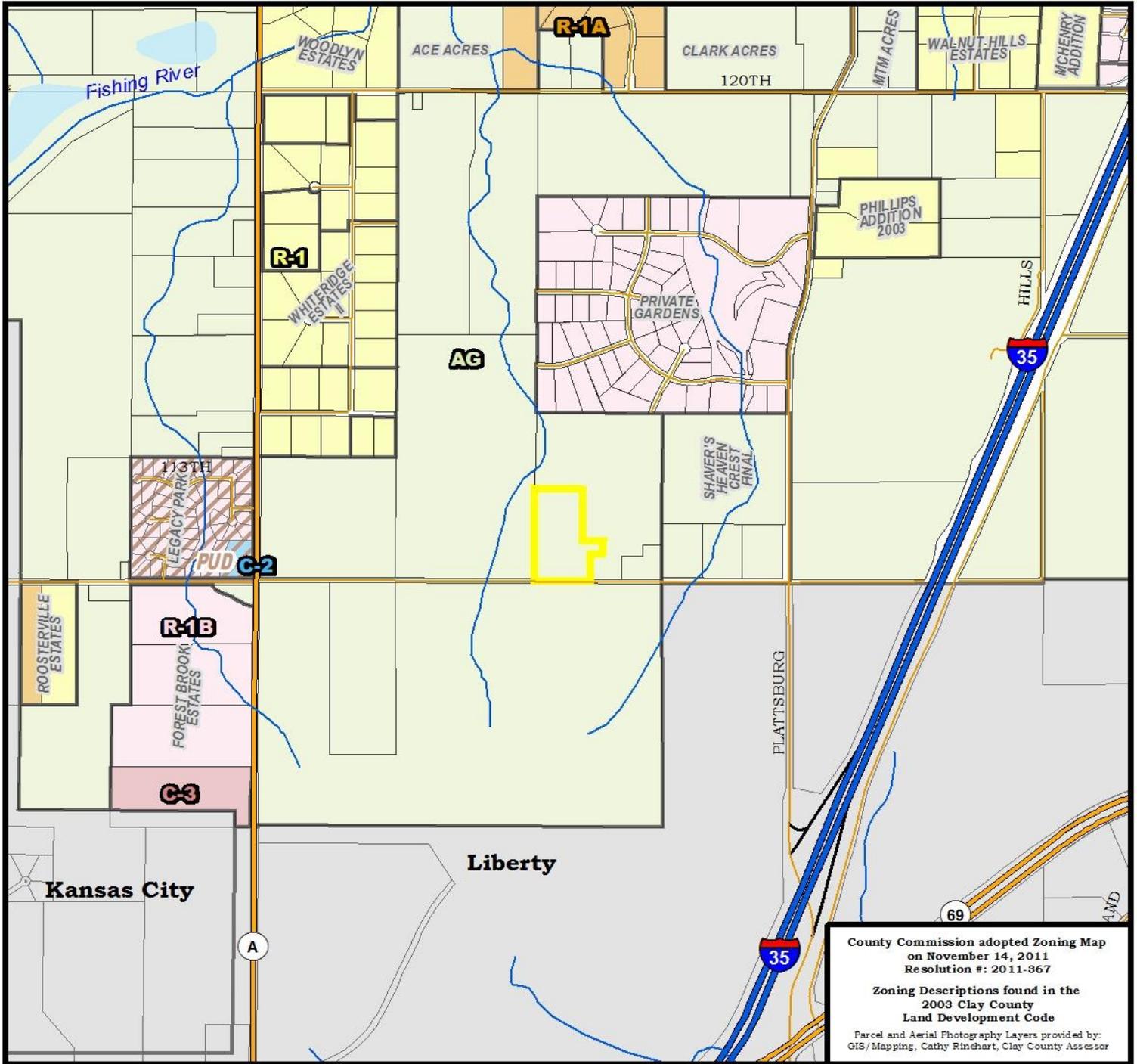
### **Exhibit A**

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

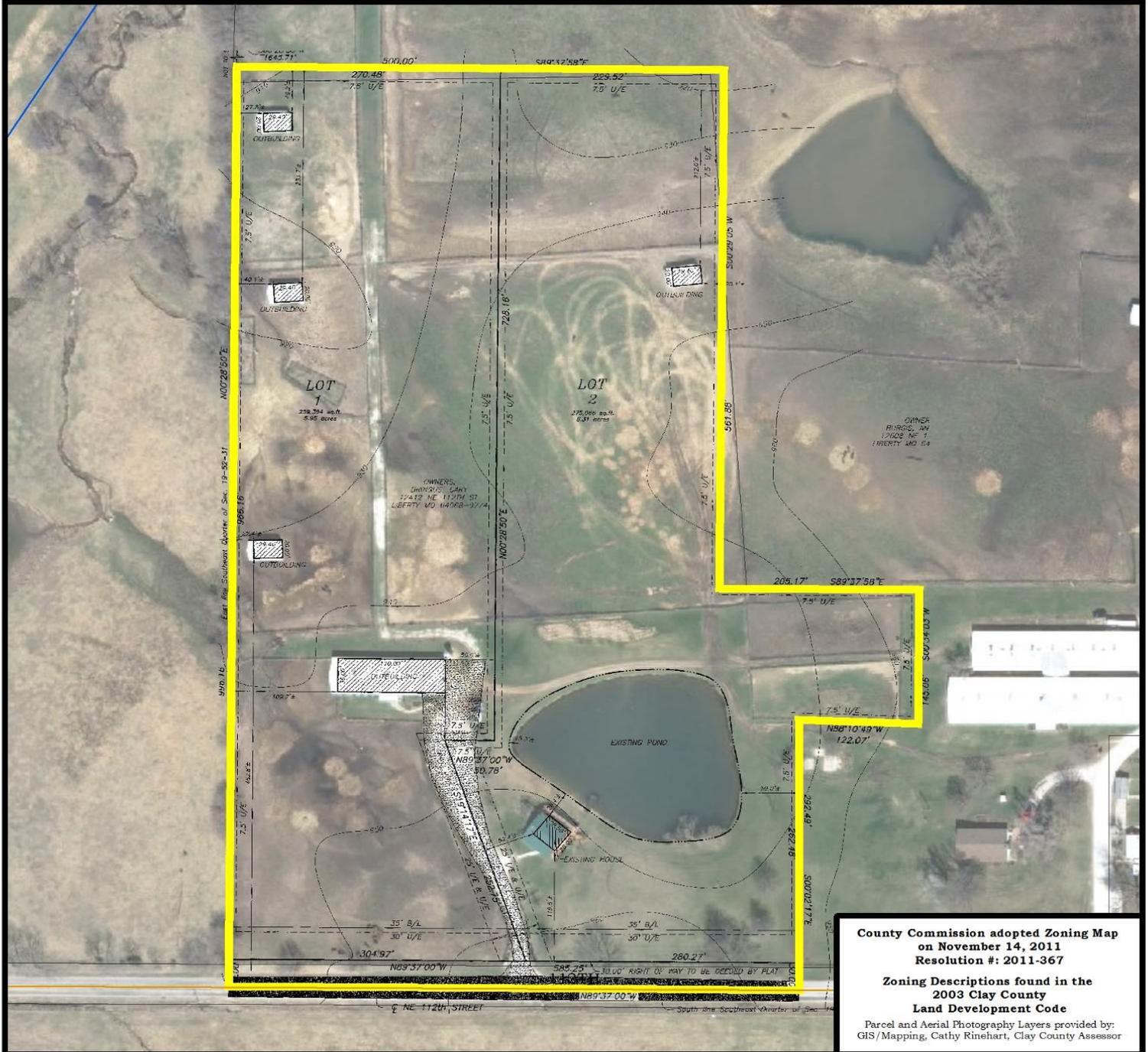
### LEGEND

- 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  
 02/24/2014 -- 08:48:21 PM

# 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>	<p><b>Roads</b></p> <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 gray; 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>
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**Overlay Districts**

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

# BRINGUS ESTATES

## PRELIMINARY PLAT A Minor Subdivision in Clay County, Missouri

### OVERALL LEGAL DESCRIPTION

All that part in the Southeast Quarter of Section 19, Township 52, Range 31, Clay County, Missouri, described as follows: Beginning at the Southwest corner of said Southeast Quarter Section 19; thence North 00 degrees 28 minutes 50 seconds East along the Easterly line of said Southeast Quarter Section 19 a distance of 996.16 feet; thence South 89 degrees 37 minutes 58 seconds East a distance of 500.00 feet; thence South 00 degrees 29 minutes 05 seconds West a distance of 561.88 feet; thence South 89 degrees 37 minutes 58 seconds East a distance of 205.17 feet; thence South 00 degrees 29 minutes 05 seconds West a distance of 145.06 feet; thence North 88 degrees 10 minutes 49 seconds West a distance of 122.07 feet; thence South 00 degrees 02 minutes 17 seconds East a distance of 292.49 feet to a point on the South line of the said Southeast Quarter of said Section 19; thence North 89 degrees 37 minutes 00 seconds West along said South line of the Southeast Quarter Section 19 a distance of 585.52 feet to the Point of Beginning of the tract herein described. Tract contains 552,022 square feet or 12.67 acres more or less.

### GENERAL NOTES:

1. Applicant: Cory Bringus  
12412 NE 112th Street  
Liberty, Mo 64068
2. Property Owner: Gary Bringus
3. Soil Type: Ladoga, Sharpsburg, Greenton
4. Topography is taken from the Kearney Southwest Quadrangle U.S.G.S. Map with an Interval of 10'.
5. This Tract is Currently Zoned "AG" Proposed Zoning RU-80
6. Water District # 6
7. The Sewer is Septic.
8. This Tract does not lie within the Regulatory Flood Plain per FIRM Community-Funnel #290096 0004 B.

### LEGEND

- Set Monument-1/2" Iron Bar w/ Cap 2074 (Unless otherwise noted)
- Found Monument
- R/W Right of Way
- ⊕ Center Line
- U/E Utility Easement
- I/E Ingress Egress Easement
- B/L Building Line
- BK Book
- PG Page
- EA Electric Access Box



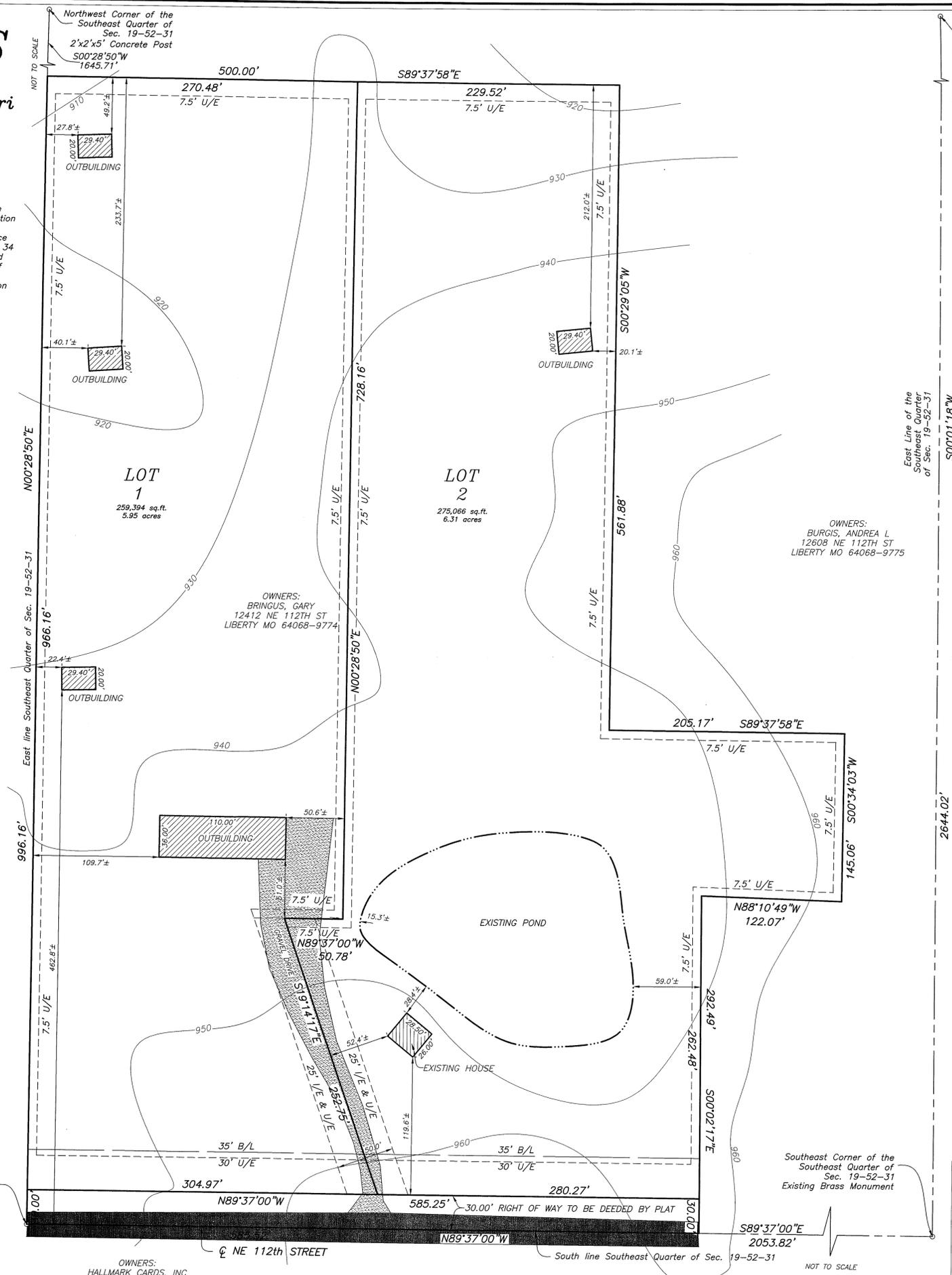
SCALE: 1" = 50'

BEFORE YOU DIG - DRILL - BLAST

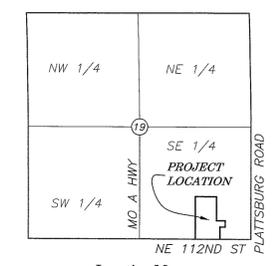


Call 1-800-344-7483 (MISSOURI)

POINT OF BEGINNING  
Southwest Corner of the  
Southeast Quarter of  
Sec. 19-52-31  
Found Monument



NOT TO SCALE



### LEGAL DESCRIPTION LOT 1

All that part in the Southeast Quarter of Section 19, Township 52, Range 31, Clay County, Missouri, described as follows: Commencing at the Southwest corner of said Southeast Quarter Section 19; thence North 00 degrees 28 minutes 50 seconds East along the Easterly line of said Southeast Quarter Section 19 a distance of 30.00 feet to the Point of Beginning of the tract herein to be described as follows; thence continuing North 00 degrees 28 minutes 50 seconds East along the Easterly line of said Southeast Quarter Section 19 a distance of 966.16 feet; thence South 89 degrees 37 minutes 58 seconds East a distance of 270.48 feet; thence South 00 degrees 28 minutes 50 seconds West and parallel to the East line of said Southeast quarter section 19 a distance of 728.16 feet; thence South 89 degrees 37 minutes 00 seconds West and parallel with the South line of the Southwest quarter of said section 19 a distance of 50.78 feet; thence South 19 degrees 14 minutes 17 seconds East a distance of 252.75 feet; thence North 89 degrees 37 minutes 00 seconds West and parallel with the South line of the Southeast Quarter of said Section 19 a distance of 304.97 feet to the Point of Beginning of the tract herein described. Tract contains 259,394 square feet or 5.95 acres more or less.

### LEGAL DESCRIPTION LOT 2

All that part in the Southeast Quarter of Section 19, Township 52, Range 31, Clay County, Missouri, described as follows: Commencing at the Southwest corner of said Southeast Quarter Section 19; thence North 00 degrees 28 minutes 50 seconds East along the Easterly line of said Southeast Quarter Section 19 a distance of 30.00 feet; thence South 89 degrees 37 minutes 00 seconds East and parallel with the South line of the Southwest quarter of said Section 19 a distance of 304.97 feet to the Point of Beginning of the tract herein to be described as follows; thence North 19 degrees 14 minutes 17 seconds East a distance of 252.75 feet; thence South 89 degrees 37 minutes 00 seconds West a distance of 262.48 feet; thence North 89 degrees 37 minutes 00 seconds East a distance of 122.07 feet; thence South 00 degrees 02 minutes 17 seconds West and parallel with the South line of the Southeast Quarter of said Section 19 a distance of 280.27 feet to the Point of Beginning of the tract herein described. Tract contains 275,066 square feet or 6.31 acres more or less.

OWNERS:  
BURGIS, ANDREA L.  
12608 NE 112TH ST  
LIBERTY MO 64068-9775

OWNERS:  
BRINGUS, GARY  
12412 NE 112TH ST  
LIBERTY MO 64068-9774

OWNERS:  
HALLMARK CARDS, INC  
TAX #407 PO BOX 419479  
KANSAS CITY MO 64141-

Southeast Corner of the  
Southeast Quarter of  
Sec. 19-52-31  
Existing Brass Monument

RECEIVED  
FEB 03 2014

PRELIMINARY PLAT  
**BRINGUS ESTATES**  
CLAY COUNTY, MISSOURI

Applicant:  
**Cory Bringus**  
12412 NE 112nd St.  
Liberty, MO, 64068

**AYLETT SURVEY & ENGINEERING COMPANY**  
LAND SURVEYING - CIVIL ENGINEERING - LAND PLANNING  
201 NW 72ND ST. - GLADSTONE, MO 64118  
PH. (816) 436-0732 ~ FAX (816) 436-0767

**SHEET 1 OF 1**

Drawn By: ZAB File Name: 49206PPA SEC: 19-52-31 Date: 1/28/2014





# 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™



# Report to Planning & Zoning Commission

Clay County, Missouri

## Assessment

Gary Bringus is requesting **Final Plat** approval for Bringus Estates for approximately 12.67± acres located at approximately 12412 NE 112<sup>th</sup> Street. Mr. Bringus wishes to split the parcel so that his son may build a single family residence.

### **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. [See Attachment B].

### **Code Considerations**

The review procedures and submittal content for a Final Plat must be in substantial compliance with the approved preliminary plat in accordance with the requirements under **Section 151-3.6 (D)** of the Clay County 2011 Land Development Code ("LDC"). Based on all the materials and evidence presented, the subject request *appears to substantially comply with the LDC and preliminary plat*.

Standard side and rear setbacks and height restrictions apply to all other aspects of this application. The application was properly noticed, per regulations. Adjacent property owners within the mandated 1,000 foot distance were notified by means of a letter dated February 14, 2014.

### **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

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

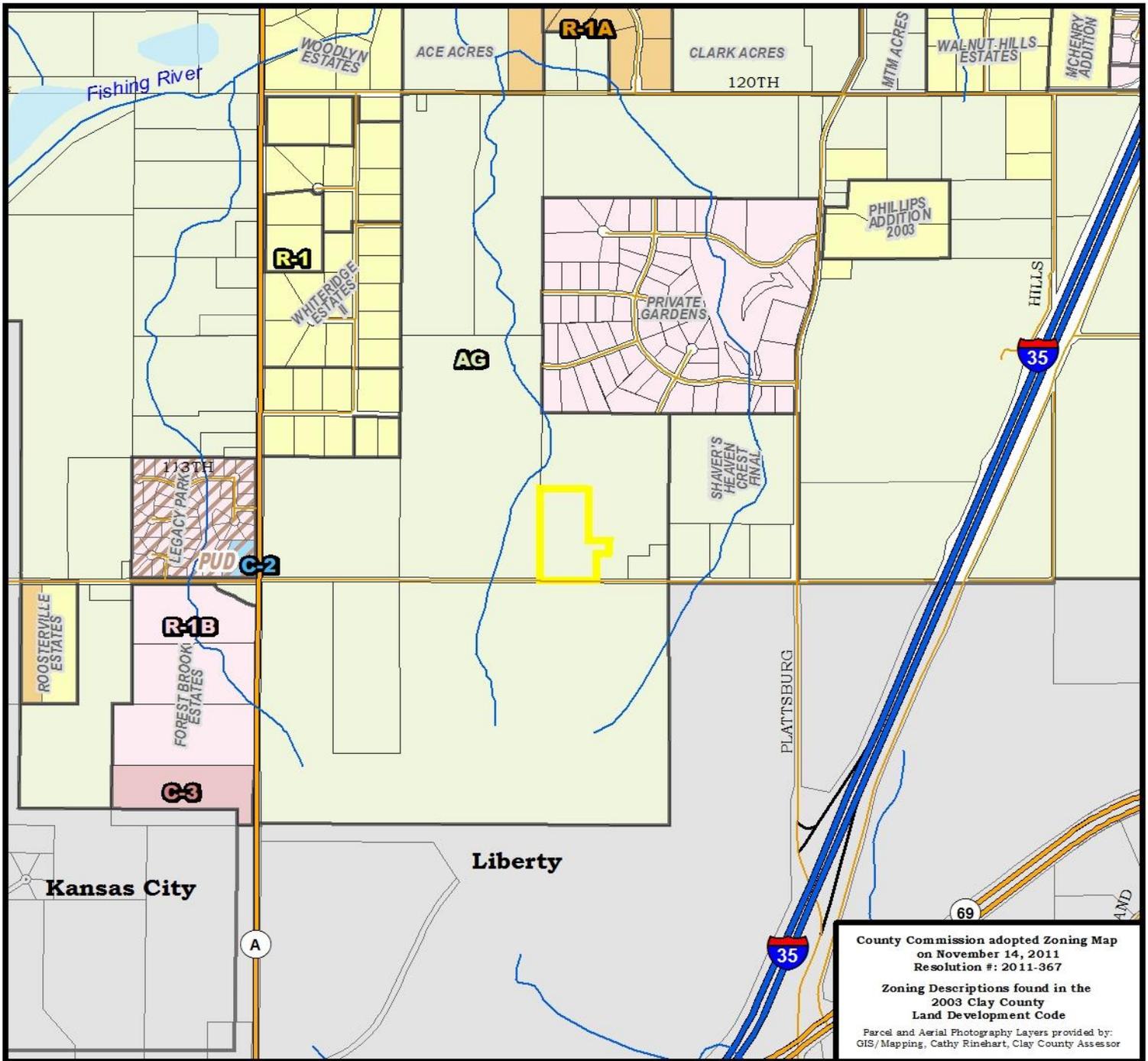
### **Exhibit A**

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 14-107F – Bringus Estates

## Attachment B - Existing Conditions Map



Planning & Zoning Department



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

### LEGEND

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

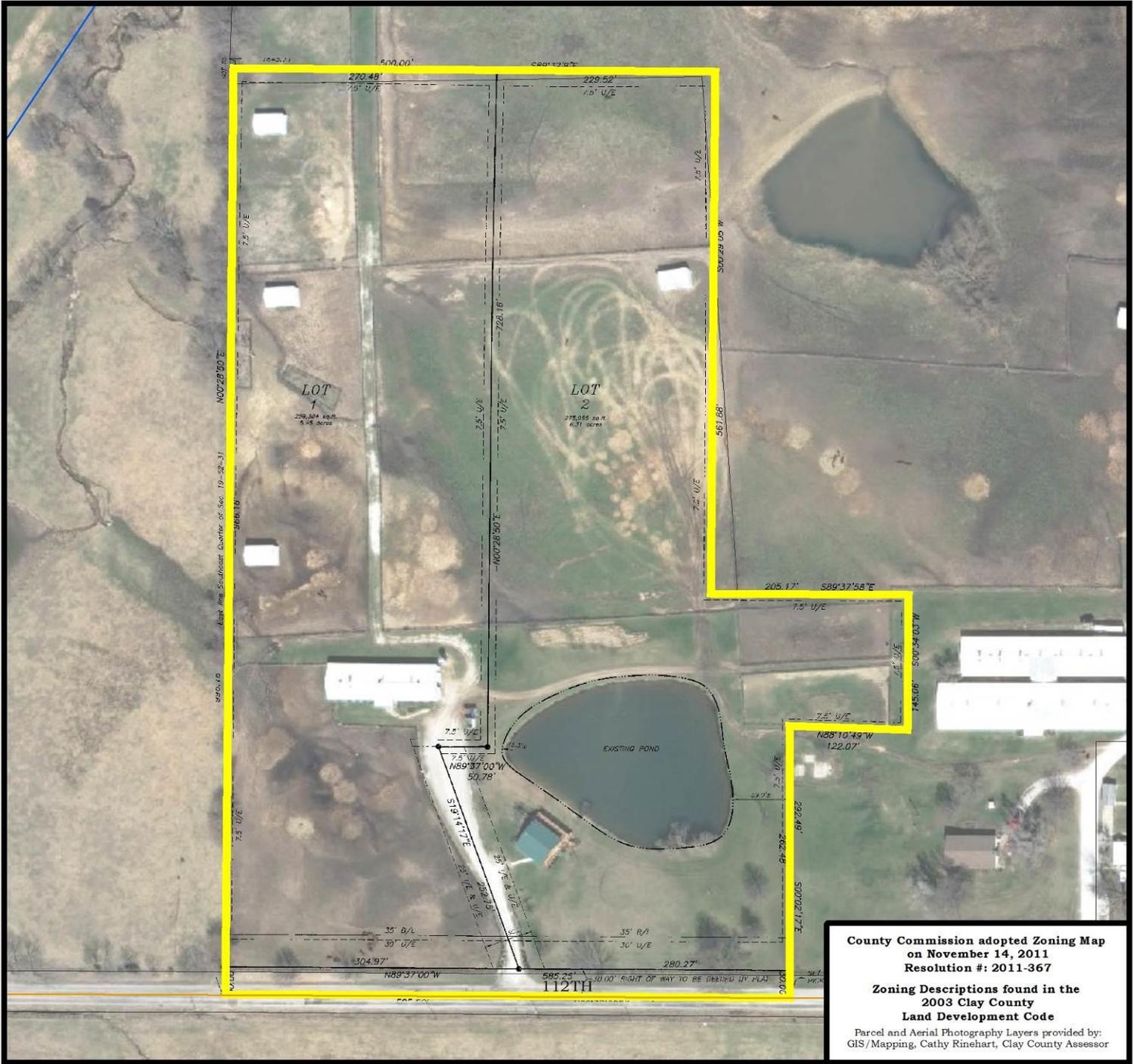
### Overlay Districts

- 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 14-107F – Bringus Estates

## Attachment C - Site Plan Map



Map Document: (G:\GIS\Project\_Files\Vacinity Map - 8 x 11 P.mxd) 02/24/2014 -- 09:36:57 PM

**Planning & Zoning Department**




1 inch = 150 feet  
1 inch = 0.03 miles

**LEGEND**

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

# BRINGUS ESTATES

## FINAL PLAT A Minor Subdivision in Clay County, Missouri

### OVERALL LEGAL DESCRIPTION

All that part in the Southeast Quarter of Section 19, Township 52, Range 31, Clay County, Missouri, described as follows: Beginning at the Southwest corner of said Southeast Quarter Section 19; thence North 00 degrees 28 minutes 50 seconds East along the Easterly line of said Southeast Quarter Section 19 a distance of 996.16 feet; thence South 89 degrees 37 minutes 58 seconds East a distance of 500.00 feet; thence South 00 degrees 29 minutes 05 seconds West a distance of 561.88 feet; thence South 89 degrees 37 minutes 58 seconds East a distance of 205.17 feet; thence South 00 degrees 34 minutes 03 seconds West a distance of 145.06 feet; thence North 88 degrees 10 minutes 49 seconds West a distance of 122.07 feet; thence South 00 degrees 02 minutes 17 seconds East a distance of 292.49 feet to a point on the South line of the said Southeast Quarter of said Section 19; thence North 89 degrees 37 minutes 00 seconds West along said South line of the Southeast Quarter Section 19 a distance of 585.52 feet to the Point of Beginning of the tract herein described. Tract contains 552,022 square feet or 12.67 acres more or less.

**DEDICATION:** The undersigned proprietors of the tract of land described hereon have caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision shall hereafter be known as "BRINGUS ESTATES".

**EASEMENTS:** An easement or license is hereby granted to Clay County, Missouri, for the purpose of locating, constructing, operating and maintaining facilities for water, gas, electricity, sewage, telephone, cable TV and surface drainage, including, but not limited to, underground pipes and conduits, pad mounted transformers, service pedestals, any or all of them upon, over, under and along the strips of land designated utility easement (U/E). All of the above easements shall be kept free from any and all obstructions which would interfere with the construction or reconstruction and proper safe and continuous maintenance of the aforesaid uses and specifically there shall not be built thereon or thereover any structures (except driveways, paved areas, grass, shrubs and fences) nor shall there be any obstruction to interfere with the agents and employees of Clay County, Missouri, and its franchised utilities from going upon said easement and as much of the adjoining lands as may be reasonable necessary in exercising the rights granted by the easement.

**STREETS:** Streets shown on this plat and not heretofore dedicated to public use as thoroughfares are hereby so dedicated.

**BUILDING LINES:** Building lines or setback lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be built between this line and the street line.

**IN TESTIMONY WHEREOF:** Gary Bringus, a single person has set his hand and caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Gary Bringus

STATE OF MISSOURI  
COUNTY OF \_\_\_\_\_ } S.S.

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me the undersigned Notary Public in and for the County and State above mentioned, came Gary Bringus, who is personally known to me and duly sworn did say that he executed this instrument as his free act and deed.

This plat of BRINGUS ESTATES has been submitted to and approved by the Clay County Planning and Zoning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Chairman, Planning and Zoning Commission \_\_\_\_\_ Director, Planning and Zoning Commission \_\_\_\_\_

These easements and right of ways accepted by the County Governing Body of Clay County, Missouri, this day of \_\_\_\_\_, 20\_\_\_\_, Resolution # \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Presiding Commissioner

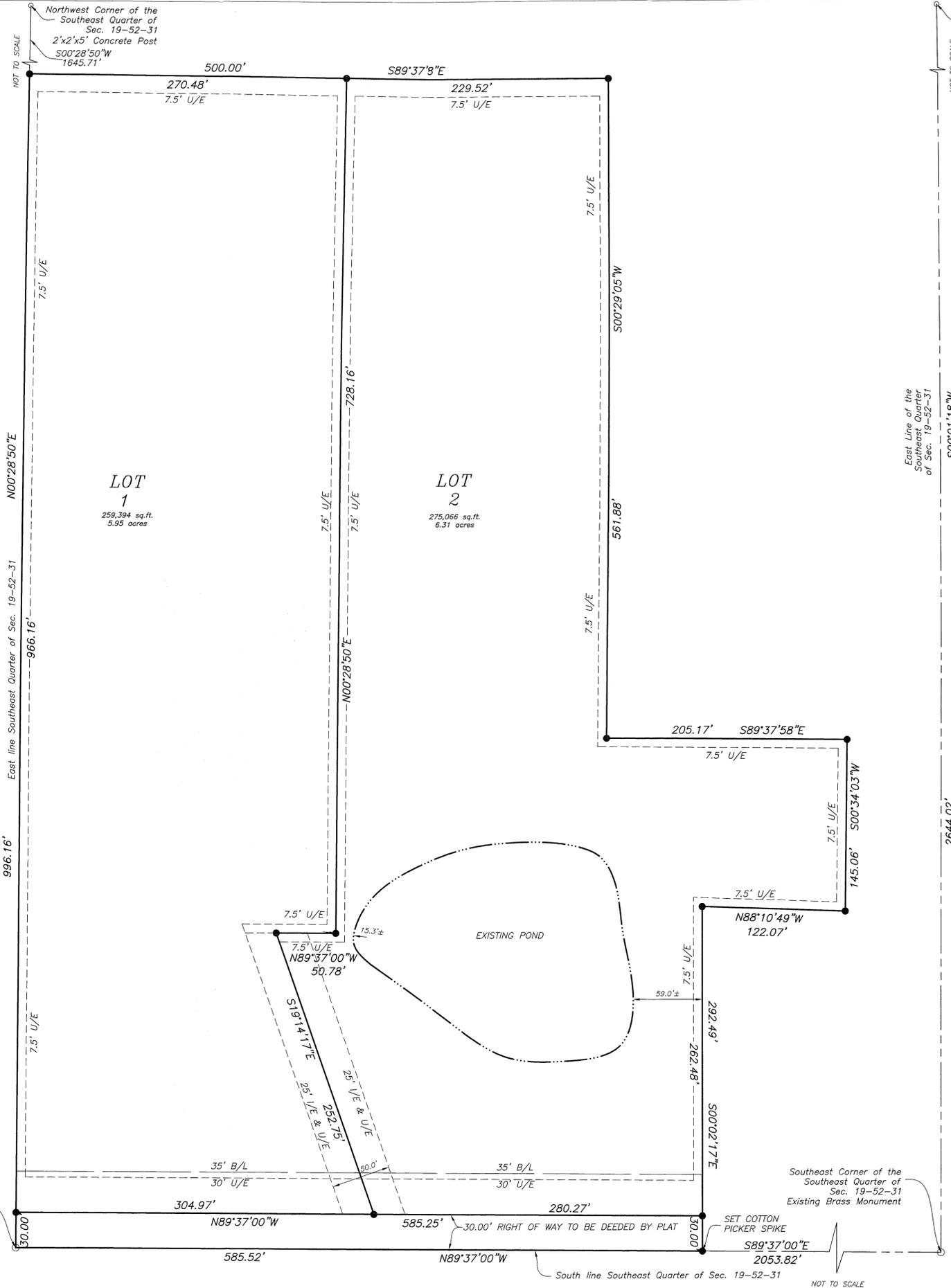
County Counselor \_\_\_\_\_ Western District Commissioner \_\_\_\_\_

County Clerk \_\_\_\_\_ Eastern District Commissioner \_\_\_\_\_

NOTE: This survey meets the accuracy requirements for an Urban Class of Property.

I hereby state that this Boundary Survey is based on an actual survey made by me or under my direct supervision and that said survey meets or exceeds the current Missouri Minimum Standards for Property Boundary Surveys as established by the Missouri Department of Natural Resources, Division of Geological Survey and Resources Assessment, and Missouri Standards for Property Boundary Surveys, established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects. I further state that I have complied with all statutes, ordinances and regulations governing the practice of surveying and the platting of subdivisions to the best of my professional knowledge and belief.

DATE: \_\_\_\_\_  
SAM A. AYLETT, LS-2074

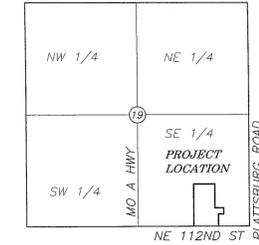


Northwest Corner of the Southeast Quarter of Sec. 19-52-31  
2'x2'x5' Concrete Post  
S00°28'50\"/>

NOT TO SCALE

East Line of the Southeast Quarter of Sec. 19-52-31

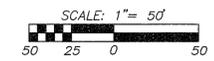
NOT TO SCALE



Location Map  
Section 19-52-31  
(Not To Scale)

### LEGEND

- Set Monument-1/2" Iron Bar w/ Cap 2074 (Unless otherwise noted)
- Found Monument
- R/W Right of Way
- ⊕ Center Line
- U/E Utility Easement
- I/E Ingress and Egress Easement
- B/L Building Line
- BK Book
- PG Page



**BEFORE YOU DIG - DRILL - BLAST**  
  
Call 1-800-344-7483 (MISSOURI)

RECEIVED  
FEB 03 2014  
BY: \_\_\_\_\_

FINAL PLAT <b>BRINGUS ESTATES</b> CLAY COUNTY, MISSOURI	
	Applicant: <b>Cory Bringus</b> 12412 NE 112nd St. Liberty, MO, 64068
<b>SHEET 1 OF 1</b>	
LAND SURVEYING ~ CIVIL ENGINEERING ~ LAND PLANNING 201 NW 72ND ST. ~ GLADSTONE, MO 64118 PH: (816) 436-0732 ~ FAX: (816) 436-0767	Drawn By: ZAB File Name: 49206FPA SEC: 19-52-31 Date: 1/28/2014





# Report to Planning & Zoning Commission

Clay County, Missouri

## General Information

**Site Location:** approximately 6604 NE 192<sup>nd</sup> Street  
Section 33 | Township 54 | Range 32

**Site Size:** 214.93± Acres

**Existing Landuse & Zoning:** Agricultural (AG)

**Zoning/Platting History:** Halferty Estates, recorded 06/18/1992

### Surrounding Landuse & Zoning:

- North – Agricultural (AG) zoned land, Clinton County line
- East – Agricultural (AG) zoned land, Smithville Lake Reservoir, Graves Corner (AG)
- South – Agricultural (AG) zoned land, Smithville Lake Reservoir, Majestic View (R-1A), Schonecrest (AG)
- West – Agricultural (AG) zoned land, Smithville Lake Reservoir

### Current Conditions:



Courtesy Clay County Assessor, GIS/Mapping



Courtesy Microsoft® Bing™



# Report to Planning & Zoning Commission

Clay County, Missouri

## Assessment

Show-Me Real Estate, on behalf of owners B & R Farms, LLC (Robert and Ronda Schmidt, organizers) are requesting **Rezoning** from Agricultural (AG) to Residential Rural (R-1) District with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) for Lot 6 ONLY, and **Preliminary Plat** approval for Halferty Acres 214.93± acres located at approximately 6604 NE 192<sup>nd</sup> Street.

Show-Me Real Estate and B & R Farms, LLC wish to subdivide the Halferty acreage into 6 lots to sell.

### 2008 Comprehensive Plan Considerations

The Comprehensive Plan (“Plan”) indicates that the subject property is located in the **NATURAL 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 (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.

	Natural Resources Tier † (Yellow)	Rural Low-Density Tier † (Green)	Urban Services Tier † (Salmon)
<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.



# 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)
<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 subject request meets the spirit and jest of the Comprehensive Plan based upon proposed ALP POD.

## **Character of the General Neighborhood**

Agricultural (AG) zoned property is each direction of the property with AG zoned subdivisions to the east and south, and R-1A to the south. The Smithville Lake Reservoir is to east, south, and west of the property, and the Clinton County line is just to the North [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, 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
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 proposed Lots 1 - 4 meet the specifications for the Manual on Uniform Traffic Control Devices (MUTCD) requirements and Clay County Highway Department standards. The road surface of NE 192<sup>nd</sup> Street is asphalt, and N. Eastern along Lot 1 & 2 is gravel. Missouri Department of Transportation (MoDOT) has noted they have no issues with the existing driveways for Lot 6 & 7 along J Highway.



# Report to Planning & Zoning Commission

Clay County, Missouri

The Clay County Health Department has given preliminary and final approval. Clinton County Public Water Supply District No. 4 indicated they can provide water service to the subject request except for proposed Lot 1 & 2. An associated request for well water as a sole drinking water source for those lots has been submitted for Lot 1 & 2 (case # March 14-110GR). 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 required for all six (6) additional and due prior to the recording of the final plat. Lots 5 & 6 have access onto J Highway, a MoDOT controlled road, so the estimated total combined is \$2,200.00 (\$1,100.00 /each). The estimated total for Lots 1 and 2 is \$6,975.00, as they front N. Eastern Road an existing gravel surface County road. Lot 3 and 4 will have an estimated total of \$2,062.50 as it fronts NE 192<sup>nd</sup> Street an existing asphalt County road. All RIF fees are subject to change at the time of payment based upon the market price of material. The total RIF amount is presently \$11,237.50. Section 151-9.11 (B) (c) states the following:

"If the total amount of escrow due is over \$10,000 then a development agreement or a condition of development shall be executed specifying the method and timing of payments. Such agreement or condition of development shall be approved by the County Commission."

As such, a RIF "Development Agreement" or "condition of development" must be approved by the County Commission.

The existing pond structures will need to be inspected by the Natural Resources Conservation Service, "NRCS" (formerly the U.S. Soil Conservation Service/Clay County Soil and Water Conservation District), if not found to be in good condition repairs will need to be done before the recording of the Final Plat.

Water wells presently exist on proposed Lot 3 that are in the process of being properly capped and documentation given to Missouri Department of Natural Resources (MDNR) that must be completed prior to the recording of the final plat.

The LDC requires that all final plat drawings must show the existing FEMA SFHA (Special Flood Hazard Areas), commonly referred to as the "100-Year Floodplain" ((Figure 151-3.6-2 (9)). The recording copies of the final plat drawings will need to be submitted that include the current, effective FEMA SFHA on proposed Lot 2 and possibly Lot 1.

The Corp of Engineers noted in a letter dated February 24, 2014 that perpetual flowage easements exist upon portions of the property, which are noted on the preliminary and final plat.

## Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) to Residential Rural (R-1) District with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) for Lot 6 ONLY be **approved**, subject to the petitioner addressing all rezoning standards.

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



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# Report to Planning & Zoning Commission

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Clay County, Missouri

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## Exhibit A

1. Road Impact Fee (RIF) "Development Agreement" or "condition of development" must be approved and recorded with the final plat.
2. 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.
3. Existing wells must be capped and proper documentation given to Missouri Department of Natural Resources (MDNR) prior to the recording of the final plat.
4. Lot 1 & 2 approved by the County Commission for well water prior to recording of final plat.
5. 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.
6. Changes to the recording copies of the final plat are as follows:
  - a. ADD: FEMA SFHA (100-Year Floodplain) areas



# Report to Planning & Zoning Commission

Clay County, Missouri

## Attachments

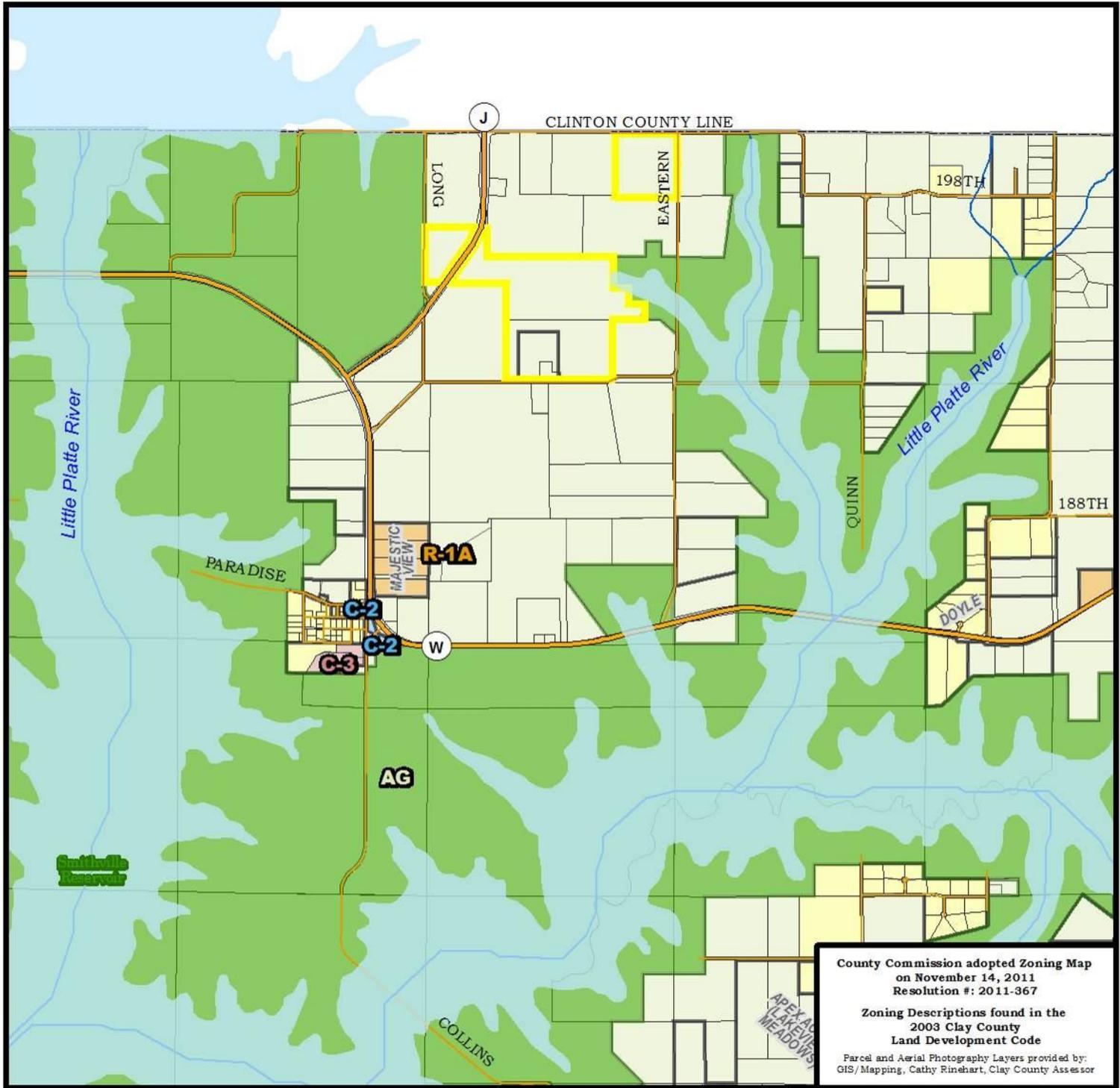
### March 14-108 RZ/P – Halferty Acres Attachment A – Vicinity Map

## TOWNSHIP 54N • RANGE 32W



# March 14-108RZ/P – Halferty Acres

## Attachment B - Existing Conditions Map



Map Document: (G:\GIS\Project\_Files\Vacinity\_Map - 8 x 11 P.mxd) 02/24/2014 - 02:57:37 PM

**Planning & Zoning Department**

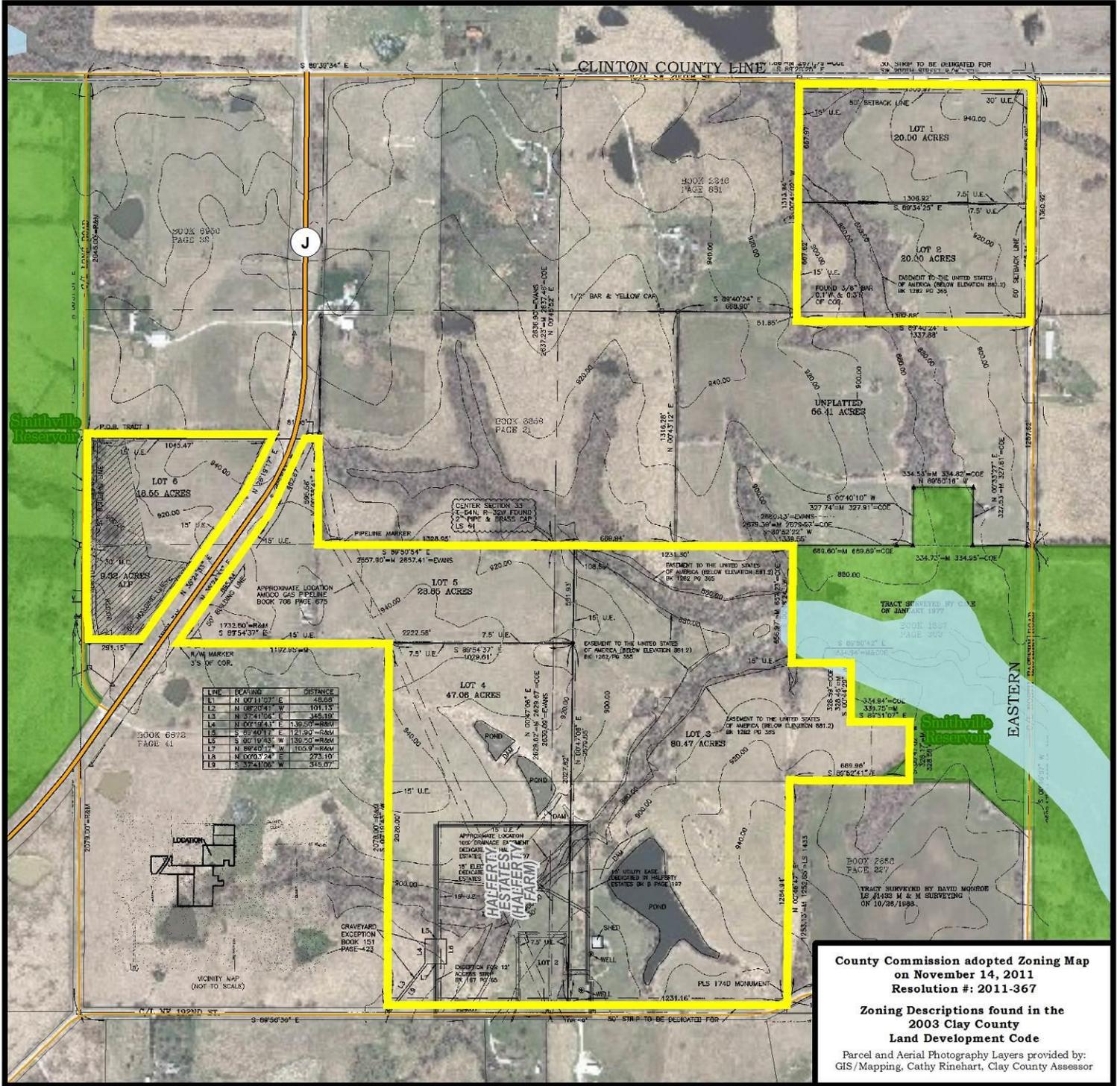
1 inch = 3,000 feet  
1 inch = 0.57 miles

**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)
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- Zoning Districts**
  - AG
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  - R-1A/R-5
  - R-1B/RU
  - R-3
  - C-1
  - C-2
  - C-3
  - I-1
  - I-2
  - OP

# March 14-108RZ/P – Halferty Acres

## 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  
 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) 02/24/2014 -04:13:53 PM

1 inch = 800 feet  
1 inch = 0.15 miles

### LEGEND

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

# HALFERTY ACRES PRELIMINARY PLAT

## PART OF REPLAT OF HALFERTY ESTATES LOTS 1 & 2, A SUBDIVISION IN SECTION 33, T-54N; R-32W CLAY COUNTY, MISSOURI

### RECORD PROPERTY DESCRIPTIONS:

#### Tract 1:

All part of Section Thirty-three (33) Township Fifty-four (54) Range Thirty-two (32) described as follows: Beginning at a point in the West line of Section Thirty-three (33) a distance of 124 poles South of the Northwest corner of Section Thirty-three (33); thence South in the West line of Section Thirty-three (33) a distance of 70 poles more or less to the Northwest corner of a tract of ground conveyed to Carl A. Howard and Louis Riley Howard, said deed filed as Document No. 66420 and recorded in Book 324 at Page 263; thence East in North line of the above Howard Tract to a fence referred to in Clay County Circuit Court Case No. 6414 (Said Case was appealed to Missouri Supreme Court as Case No. 16659 and reported in 167 S.W. 995 (1914); thence South along said fence to the South line of Section Thirty-three (33); thence East along the South line of Section Thirty-three (33) to the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of Section Thirty-three (33), thence North to the Northeast corner of the Southwest 1/4 of the Southeast 1/4 of Section Thirty-three (33), thence East in the South line of the Northeast 1/4 of the Southeast 1/4 of Section Thirty-three (33) to the Northeast corner of Section Thirty-three (33); thence North along the East line of Section Thirty-three (33) to the Northeast corner of the East half Northeast 1/4 of Section Thirty-three (33); thence West in the North line of Section Thirty-three (33) to the Northwest corner of the East half Northeast 1/4 of Section Thirty-three (33); thence South along the West line of the East half Northeast 1/4 of Section Thirty-three (33); thence West along the North line of East half Southwest 1/4 Northeast 1/4 of Section Thirty-three (33); thence West along the North line of East half Southwest 1/4 Northeast 1/4 of Section Thirty-three (33); thence South along the West line of the East half Southwest 1/4 Northeast 1/4 of Section Thirty-three (33) to the Southwest corner of East half Southwest 1/4 Northeast quarter of Section Thirty-three (33); thence West along the South line of the Northeast 1/4 and Northwest 1/4 of Section Thirty-three (33) to the Southeast corner of West Half of Northwest 1/4 of Section Thirty-three (33); thence North along the East line of the West half Northwest 1/4 of Section Thirty-three (33) to a point 62 rods South of the North line of Section Thirty-three (33); thence West 12 feet; thence South parallel to the East line of West half Northwest 1/4 of Section Thirty-three (33) a distance of 62 rods; thence West to point of beginning, Clay County, Missouri, excepted from above is a graveyard as established by Instrument filed April 4, 1910 and recorded in Book 151 at Page 423; also excepted from the above is a 12 foot strip running from the South line of the above graveyard to the South line of Section Thirty-three (33) as referred to in Instrument filed of record November 12, 1910 and recorded in Book 167 at Page 65 and except that part conveyed to the United States of America in Document No. D-57723, in Book 1282, at Page 365, and except that part platted as Halferty Estates. Subject to that part, if any, in any streets, roadways, highways or other right-of-ways.

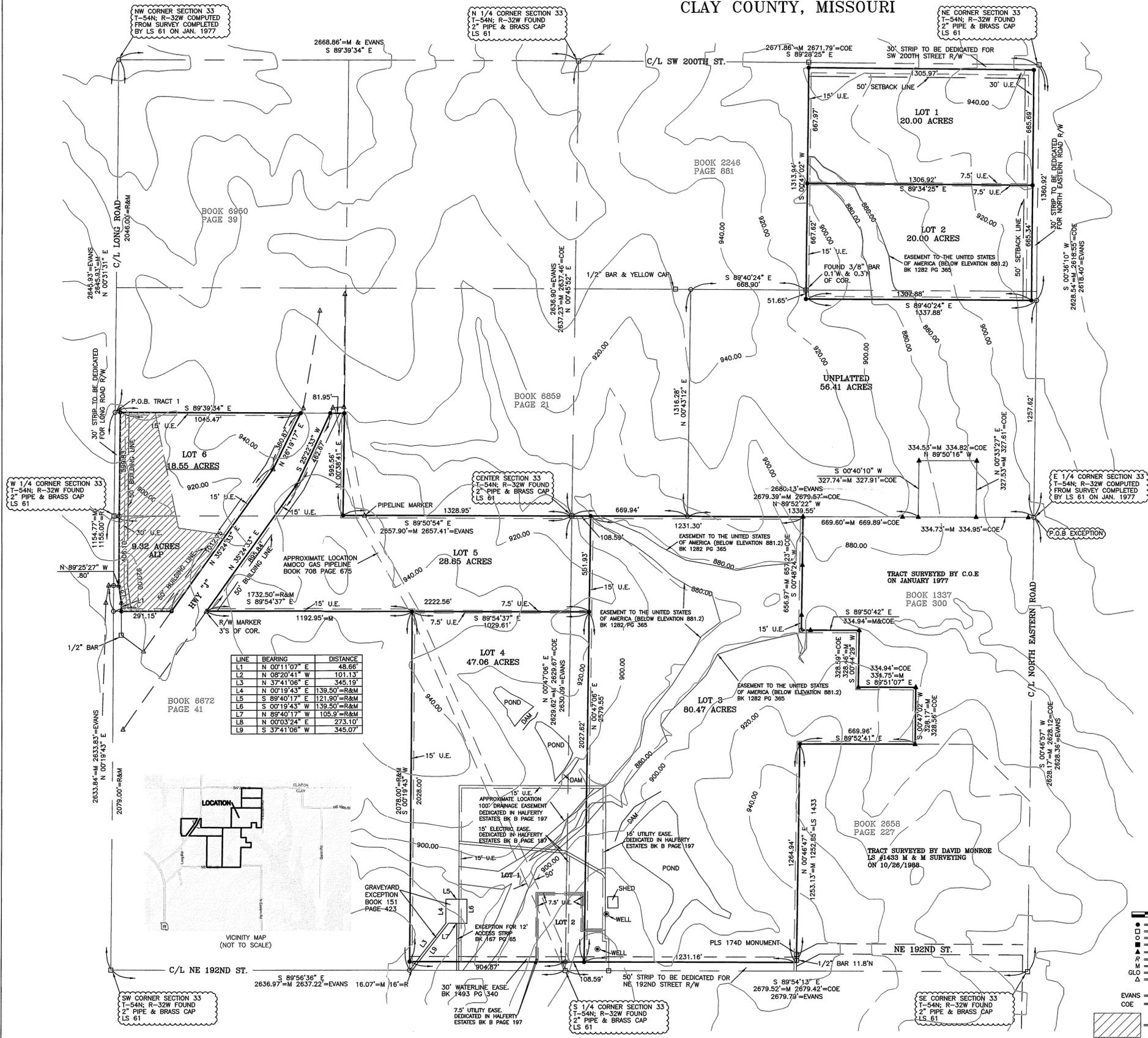
#### Tract 2:

Lots One (1) and Two (2) Halferty Estates, a subdivision in Clay County, Missouri.

**EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND:** Beginning at the East Quarter Corner of Section 33, Township 54 North, Range 32 West, Clay County, Missouri; thence along the South line of the Northeast Quarter of said Section North 89 degrees 52 minutes 22 seconds East, 334.73 feet; thence departing from said line North 00 degrees 33 minutes 27 seconds East, 327.53 feet; thence North 89 degrees 50 minutes 16 seconds West, 334.53 feet; thence South 00 degrees 40 minutes 10 seconds West, 327.74 feet to the South line of the Northeast Quarter of said section; thence along said line North 89 degrees 52 minutes 22 seconds West, 1339.55 feet; thence departing from said line North 00 degrees 43 minutes 13 seconds East, 1316.28 feet; thence South 89 degrees 40 minutes 24 seconds East, 668.90 feet; thence South 00 degrees 41 minutes 02 seconds West, 51.65 feet; thence South 89 degrees 40 minutes 24 seconds East, 1337.88 feet to the East line of the Northeast Quarter of said section; thence along said line South 00 degrees 36 minutes 10 seconds West, 1257.62 feet to the Point of Beginning. Containing 56.41 acres, more or less.

### SURVEYOR'S NOTES:

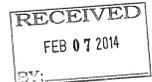
- Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements, other than possible easements that were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations; and any other facts that an accurate and current title search may disclose.
- Declaration is made to original purchaser of the survey. It is not transferable to additional institutions or subsequent owners.
- Survey is valid only if print has original seal and signature of surveyor.
- Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied the surveyor. No abstract of title, nor title commitment, nor results of title searches were furnished the surveyor. There may exist other documents of record that would affect this parcel.
- Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- The word "certify" or "certificate" as shown and used hereon means an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee, expressed or implied.
- The South line of the Southeast Quarter of Section 33, Township 54 North, Range 32 West, Clay County, Missouri bears South 89 degrees 54 minutes 13 seconds East for this survey.



NORTH  
1" = 300'

- = SET MONUMENT LC000120
  - = FOUND MONUMENT
  - = COMPUTED CORNER
  - = FOUND P.L.S. 2321 MONUMENT
  - ▲ = FOUND LS 61 MONUMENT
  - R = RECORD DISTANCE
  - M = MEASURED DISTANCE
  - GLO = ORIGINAL GOVERNMENT SURVEY
  - Δ = HWY. R/W MARKER
- EVANS = SURVEY BY LS 61  
COE = CORP. OF ENGINEERS
- ▨ = PROPOSED LAND TO BE DESIGNATED FOR AGRICULTURAL LAND PRESERVATION (ALP POD)

**OWNER/DEVELOPER:**  
B & R Farms, LLC  
15901 Harold Drive  
Belton, MO 64012-5459



PREPARED FOR:  
SHOW-ME-REALTY  
SECTION 33, T-54N; R-32W  
CLAY COUNTY, MISSOURI

**MIDLAND SURVEYING**  
Midland Surveying, Inc.  
Missouri State Certificate of Authority #000120

**LAND SURVEYORS - PLANNERS**  
501 North Market, Maryville, MO 64468  
ph. (660) 582-8633 fax (660) 582-7173  
4784 Frederick Blvd., St. Joseph, MO 64506  
ph. (816) 233-7900 fax (816) 233-4852

FILE: HALFERTY ACRES	DATE: 1/23/14	SCALE: 1"=300'	REVISED:	SHEET NO. 1 OF 1
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# Report to Planning & Zoning Commission

Clay County, Missouri

## General Information

**Site Location:** approximately 6604 NE 192<sup>nd</sup> Street  
Section 33 | Township 54 | Range 32

**Site Size:** 214.93± Acres

**Existing Landuse & Zoning:** Agricultural (AG)

**Zoning/Platting History:** Halferty Estates, recorded 06/18/1992

## Surrounding Landuse & Zoning:

North – Agricultural (AG) zoned land, Clinton County line  
East – Agricultural (AG) zoned land, Smithville Lake Reservoir, Graves Corner (AG)  
South – Agricultural (AG) zoned land, Smithville Lake Reservoir, Majestic View (R-1A),  
Schonecrest (AG)  
West – Agricultural (AG) zoned land, Smithville Lake Reservoir

## Current Conditions:



Courtesy Clay County Assessor,  
GIS/Mapping



Courtesy Microsoft® Bing™



# Report to Planning & Zoning Commission

Clay County, Missouri

## Assessment

Show-Me Real Estate, on behalf of owners B & R Farms, LLC (Robert and Ronda Schmidt, organizers) are requesting **Final Plat** approval for Halferty Acres 214.93± acres located at approximately 6604 NE 192<sup>nd</sup> Street.

Show-Me Real Estate and B & R Farms, LLC wish to subdivide the Halferty acreage into 6 lots to sell.

### **Character of the General Neighborhood**

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

### **Code Considerations**

The review procedures and submittal content for a Final Plat must be in substantial compliance with the approved preliminary plat in accordance with the requirements under **Section 151-3.6 (D)** of the Clay County 2011 Land Development Code ("LDC"). Based on all the materials and evidence presented, the subject request *appears to substantially comply with the LDC and preliminary plat.*

Standard side and rear setbacks and height restrictions apply to all other aspects of this application. The application was properly noticed, per regulations. Adjacent property owners within the mandated 1,000 foot distance were notified by means of a letter dated February 14, 2014.

### **Outside Agency Review**

The Clay County Highway Department has noted proposed Lots 1 - 4 meet the specifications for the Manual on Uniform Traffic Control Devices (MUTCD) requirements and Clay County Highway Department standards. The road surface of NE 192<sup>nd</sup> Street is asphalt, and N Eastern along Lot 1 & 2 is gravel. Missouri Department of Transportation (MoDOT) has noted they have no issues with the existing driveways for Lot 6 & 7 along J Highway.

The Clay County Health Department has given preliminary and final approval. Clinton County Public Water Supply District No. 4 indicated they can provide water service to the subject request except for proposed Lot 1 & 2. An associated request for well water as a sole drinking water source for those lots has been submitted for Lot 1 & 2 (case # March 14-110GR). 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 required for all six (6) additional and due prior to the recording of the final plat. Lots 5 & 6 have access onto J Highway, a MoDOT controlled road, so the estimated total combined is \$2,200.00 (\$1,100.00 /each). The estimated total for Lots 1 and 2 is \$6,975.00, as they front N. Eastern Road an existing gravel surface County road. Lot 3 and 4 will have an estimated total of \$2,062.50 as it fronts NE 192<sup>nd</sup> Street an existing asphalt County road. All RIF fees are subject to change at the time of payment based upon the market price of material. The total RIF amount is presently \$11,237.50. Section 151-9.11 (B) (c) states the following:

"If the total amount of escrow due is over \$10,000 then a development agreement or a condition of development shall be executed specifying the method and timing of payments. Such



# Report to Planning & Zoning Commission

Clay County, Missouri

agreement or condition of development shall be approved by the County Commission.”

As such, a RIF “Development Agreement” or “condition of development” must be approved by the County Commission.

The existing pond structures will need to be inspected by the Natural Resources Conservation Service, “NRCS” (formerly the U.S. Soil Conservation Service/Clay County Soil and Water Conservation District), if not found to be in good condition repairs will need to be done before the recording of the Final Plat.

Water wells presently exist on proposed Lot 3 that are in the process of being properly capped and documentation given to Missouri Department of Natural Resources (MDNR) that must be completed prior to the recording of the final plat.

The LDC requires that all final plat drawings must show the existing FEMA SFHA (Special Flood Hazard Areas), commonly referred to as the “100-Year Floodplain” (Figure 151-3.6-2 (9)). The recording copies of the final plat drawings will need to be submitted that include the current, effective FEMA SFHA on proposed Lot 2 and possibly Lot 1.

## Recommendations

Staff recommends the **Final Plat** of **Halferty Acres** be **approved**, with the following conditions as shown on Exhibit A.

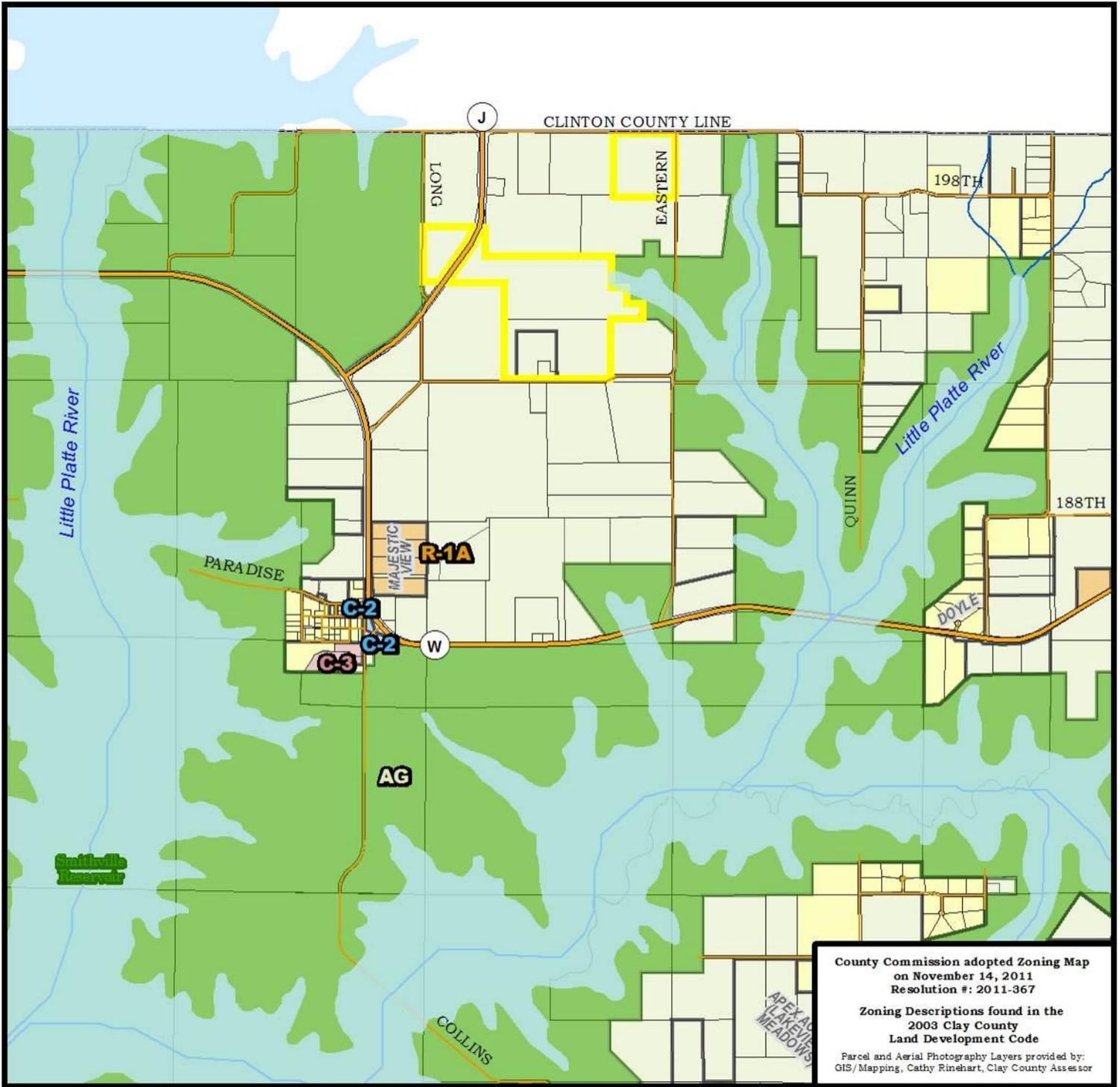
### Exhibit A

1. Road Impact Fee (RIF) “Development Agreement” or “condition of development” must be approved and recorded with the final plat.
2. 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.
3. Existing wells must be capped and proper documentation given to Missouri Department of Natural Resources (MDNR) prior to the recording of the final plat.
4. Lot 1 & 2 approved by the County Commission for well water prior to recording of final plat.
5. 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.
6. Changes to the recording copies of the final plat as follows:
  - a. ADD: FEMA SFHA (100-Year Floodplain) areas



# March 14-109F – Halferty Acres

## 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)  
02/24/2014 - 03:03:33 PM

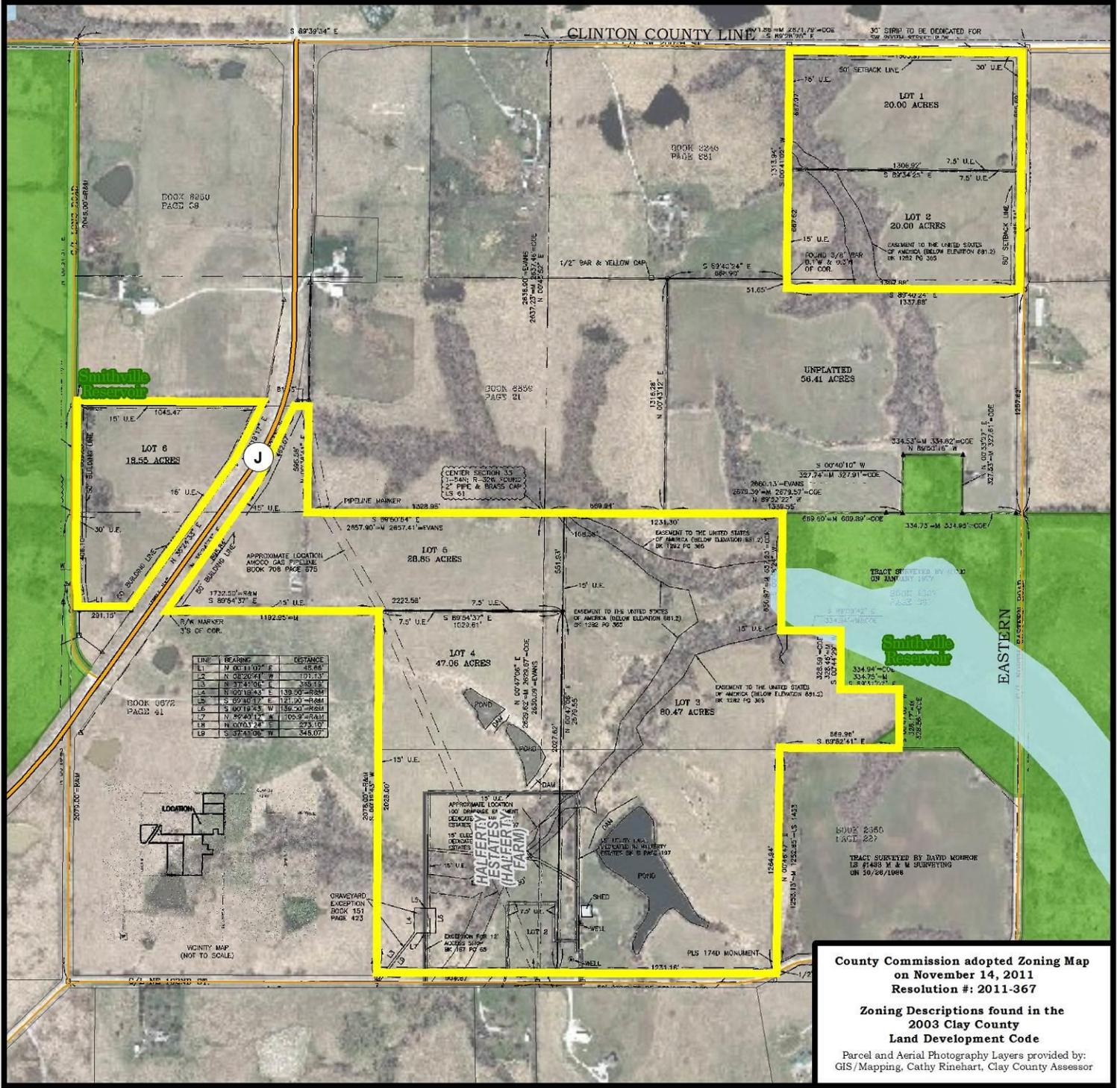
**Planning & Zoning Department**

**LEGEND**

Property Line	Roads	Subdivisions	Overlay Districts	Zoning Districts
Streams (EPA)	Interstates	2013 City Limits	CD (Conservation District)	C-1
Railroads	State Highways	Parks	PUD (Planned Unit Development)	C-2
Highway Ramps	Local Roads	County Boundaries		C-3
				I-1
				I-2
				OP

# March 14-109F - Halferty Acres

## Attachment C - Site Plan Map



Map Document: (G:\GIS\Project\_Files\Vacinity\_Map - 8 x 11 P.mxd) 02/24/2014 - 03:15:58 PM

**Planning & Zoning Department**

1 inch = 800 feet  
1 inch = 0.15 miles

**LEGEND**

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







# Report to Planning & Zoning Commission

Clay County, Missouri

## General Information

**Site Location:** approximately 19800-19900 Block of N Eastern Road

Section 33 | Township 54 | Range 32

**Site Size:** 40+ acres

**Existing Landuse & Zoning:** Agricultural (AG)

**Zoning/Platting History:** < None >

### Surrounding Landuse & Zoning:

North – Agricultural (AG) zoned land, Clinton County line

East – Agricultural (AG) zoned land, Smithville Lake Reservoir, Graves Corner (AG)

South – Agricultural (AG) zoned land, Smithville Lake Reservoir, Majestic View (R-1A), Schonecrest (AG)

West – Agricultural (AG) zoned land, Smithville Lake Reservoir

### Current Conditions:



Courtesy Clay County Assessor, GIS/Mapping



Courtesy Microsoft® Bing™



# Report to Planning & Zoning Commission

Clay County, Missouri

## Assessment

Show-Me Real Estate, on behalf of owners B & R Farms, LLC (Robert and Ronda Schmidt, organizers) are requesting the use of well water as the sole water supply source. The subject property is proposed Lots 1 & 2 of Halferty Acres along 19800 - 19900 blocks of N Eastern Road lying to the north of the Smithville Lake Reservoir.

Show-Me Real Estate is submitting this request to allow for the future construction of a single-family residence on Lots 1 & 2.

### 2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the **NATURAL RESOURCES 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.

	Natural Resources Tier † (Yellow)	Rural Low-Density Tier † (Green)	Urban Services Tier † (Salmon)
<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>(1)</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). A/G, Agricultural zoning is appropriate until full range of urban services available.

<sup>(1)</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.



# Report to Planning & Zoning Commission

Clay County, Missouri

	<b>Natural Resources Tier* (Yellow)</b>	<b>Rural Low-Density Tier (Green)</b>	<b>Urban Services Tier (Salmon)</b>
<b>Intent</b>	<b>Exceptions from 20-acre minimum lot size in Ag-districts</b>		<b>Phasing in of new regulations</b>
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 request meets the spirit and jest of the 2008 Comprehensive Plan.

## **Character of the General Neighborhood**

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

## **LDC Considerations**

Section 151-8.9, Water Supply and Fire Protection, of the Land Development Code (LDC) requires that all proposed development (including new construction) be connected to an enclosed water supply system, with an exception under subsection (D) for well water "only under unusual circumstances, as determined by the Planning and Zoning Commission, Clay County Commission and approved by the MO Department of Natural Resources".

## **Outside Agency Review**

Clinton County Consolidated Public Water District No. 4 ("Clinton County No. 4") indicated over the phone that the closest existing water line was approximately 500-600 feet to the west. Missouri Department of Natural Resources ("MDNR") "Domestic/Multi-Family Well Record and Pump Information Data" form is completed following the completion of the well. As such, staff recommends this stipulation be included as a condition to the approval.

## **Findings**

Section 151-8.9, Water Supply and Fire Protection, provides some guidance in reviewing well water as a water supply request. Subsection (B), Exemptions, further defines qualifications for exemptions from hooking up to enclosed water supply system:

*"Exemptions ... maybe approved only in the following 2 instances. As a condition of any approved exemption, the property owner shall sign a notarized statement that they will connect within 90 days to a public water supply district or other approved water source when service becomes available within 200 feet of the property."*

In addition, subsection (H) further defines the exception for well water but "only under unusual circumstances". The Department Director's interpretation of these 2 sections of code revolves around the applicant proving they have exhausted all options for hooking up to an enclosed water supply system, and that well water is the last resort.



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## Report to Planning & Zoning Commission

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Clay County, Missouri

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Based on fact that the subject property is more than 200 feet from the nearest existing enclosed water supply line, staff believes the subject request meets the requirements established by Section 151-8.9 of the LDC. While staff prefers to avoid the use of any water supply source other than enclosed systems where reasonable due to fire protection and proper growth management principles, Smithville Lake and COE land creates a natural barrier to the south that dramatically limits future development growth within the surrounding area. Therefore, the subject request presents a unique circumstance that merits the approval of well water as a sole water supply source.

### **Recommendations**

Staff recommends the **General Recommendation** to allow for the use of well water as a sole water supply source for the property at Lot 1 & 2, Halferty Acres be **approved**, with the following condition as shown under **Exhibit A**:

#### **Exhibit A**

1. Meet all regulations and requirements of the Missouri Department of Natural Resources ("MoDNR" or "DNR"), and applicable water and fire districts.



# Report to Planning & Zoning Commission

Clay County, Missouri

## Attachments

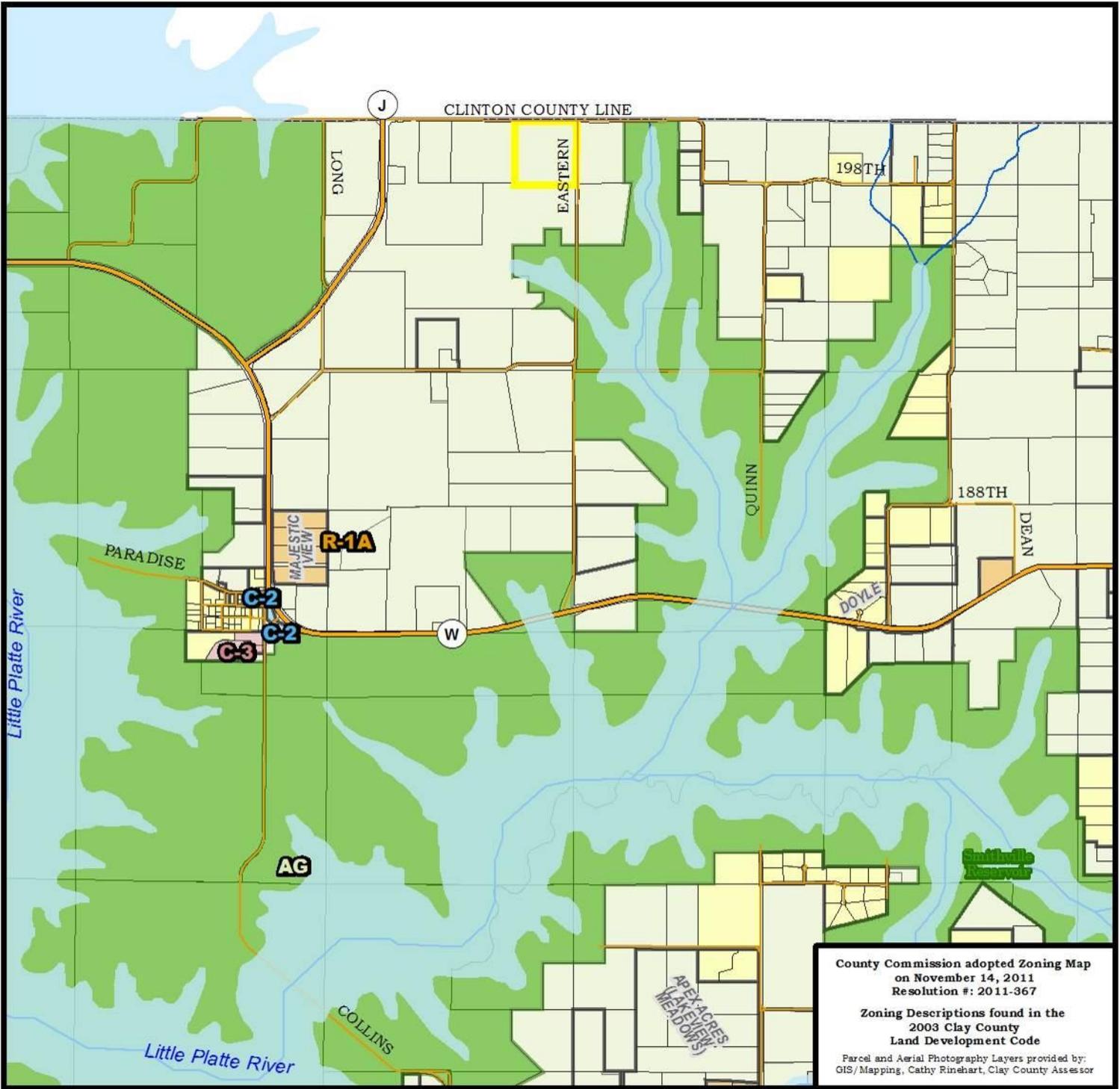
# March 14-110GR – Well Water – Halferty Acres Attachment A – Vicinity Map

## TOWNSHIP 54N • RANGE 32W



# March 14-110GR – Halferty Acres-Well Water

## 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 = 3,000 feet  
1 inch = 0.57 miles

**LEGEND**

Property Line	Roads	Subdivisions	Overlay Districts	Zoning Districts
Streams (EPA)	Interstates	2013 City Limits	CD (Conservation District)	AG
Railroads	State Highways	Parks	PUD (Planned Unit Development)	R-1
Highway Ramps	Local Roads	County Boundaries		R-1A/R-5
				R-1B/RU
				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) 02/24/2014 04:51:18 PM





# Report to Planning & Zoning Commission

Clay County, Missouri

## General Information

**Site Location:** approx. 12104 & 12318 N Stark Ave  
 Section 14 & 15 | Township 52 | Range 32

**Site Size:** 59.26± Acres

**Existing Landuse & Zoning:** Agricultural (AG) and Residential Ranchette (R-5)

### Zoning/Platting History:

Rezoning/Preliminary Plat - Res#2012-196; Final Plat – Res# 2012-294-(*Not Recorded*); Final Plat – Res#2013-87 – (*Not Recorded*)

### Surrounding Landuse & Zoning:

- North – Agricultural (AG) Zoned Land, Replat Millen Subdiv (R-1A), Millen Subv (AG), Providence Baptist Church (R-1 & AG)
- East – Agricultural (AG) Zoned Land
- South – Agricultural (AG) Zoned Land, City of Kansas City [1/4 mile]
- West – Ballybrook Estates (R-1A), Cornerstone Valley (R-1A)

### Current Conditions:

Existing Property Lines = **YELLOW** | Subject Property = **Square Red Hatch**



Courtesy Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



# Report to Planning & Zoning Commission

Clay County, Missouri

## Assessment

Adam Ferrell is requesting **Rezoning** approval from Agricultural (AG) district and Residential Ranchette District (R-5) to Residential Urban Rural Single-Family (RU-80) and Community Commercial (C-2) with a Planned Unit Development (PUD) overlay district for proposed Lot 4 ONLY, and **Preliminary Plat** approval for Providence Hills Estates 59.26± acres located at approximately 12104 and 12318 N Stark Avenue.

The property owners would like to divide the land to create two (2) new single-family dwelling lots (Lots 2 and 3), and Mark Mead would like to re-locate his concrete construction business ([www.markmeadconcrete.com](http://www.markmeadconcrete.com)) to the proposed C-2 portion of Lot 4 and also have his son (Jeremiah) live in the existing house on the RU-80 portion.

### 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. It is located on trail #C-17; a third priority shared-use trail as identified by the Northland Trails Vision Plan (“NTVP”). The Clay County Parks Department responded they would like a 15’ Recreational Easement (“R/E”) within 30’ Utility Easement (UE) along the frontage of N. Stark Ave.

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.

	Natural Resources Tier+ (Yellow)	Rural Low-Density Tier+ (Green)	Urban Services Tier+ (Salmon)
<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>(1)</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>(1)</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.



# 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)
<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 Kansas City is within the 1-Mile Urban Coordination Sub-Tier. They responded with an e-mail on February 26, 2014 the following was noted: *“Upon reviewing this application, it does not contradict any of our existing approved plans and therefore we have no formal concerns”*.

Therefore, the subject request meets the spirit and jest of the 2008 Comprehensive Plan.

## **Character of the General Neighborhood**

Agricultural (AG) zoned property is in each direction of the property with the exception to the West, where the subdivision Ballybrook Estates (R-1A) rests. Providence Baptist Church, a major place of worship, lies directly to the north of the subject request [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
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

In addition to the above approval rezoning criteria, the petitioner should fully address the three (3) criteria in the Land Development Code (LDC) which requires the Planned Unit Development (PUD) overlay plan approval criteria be met with the application (*Section 151-3.8 (G)*):

1. The PUD Concept Plan is consistent with sound planning practice and the development will promote the general welfare of the county; and
2. A PUD is necessary to address a unique situation or represents a substantial benefit to the county, compared to what could have been accomplished through strict application of otherwise applicable base zoning district standards;
3. and the same development could not be accomplished through the use of other techniques, such as rezoning to a non-PUD district or Variances.

## **Outside Agency Review**

The Clay County Highway Department noted:

“Driveway entrance to Lot 4 will need to be moved to crest of hill (north of existing mailbox) to accommodate large truck/trailer traffic. Other lots will be assessed for driveway access as need per Clay County Technical Spec’s and MUTCD guidelines. Lot 4 is currently a residential driveway, due to the change in zoning and the new driveway serving a commercial business, a commercial driveway permit will be required.”

The Clay County Health Department has given preliminary and final approval. The Public Water Supply District No. 6 of Clay County presently provides water service for the property and is able to supply the additional meters. The Smithville Fire District serves the 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. Platte-Clay Electric presently serves the property and has the necessary facilities to serve the request.

The Ferrells spoke with the Army Corp of Engineers (“COE”) regarding the drive crossing the creek. COE verbally responded that when a driveway is constructed for Lot 2 a permit from the them would be needed only if the bed of the creek is proposed to be touched. Presently, the Ferrell’s are planning on spanning the creek with a bridge for the drive.

The Clay County Soil and Water Conservation District was inspected and the existing pond structure, which is a government pond with the structure, built in the year 2005 or 2006 is in very good condition.

## **Findings**

A shared driveway agreement will need to be in place at the time of Final Plat recording. Emergency addressing (911 signage) should be in place when a new residence is built on Lot 2 or 3. Owners of the lots shall maintain both driveway and 911 signs.

Road Impact Fees (*RIF*) are not required for proposed Lot 1 and 4 as they occupy existing residences. A RIF waiver for Lot 2 has been approved by the Highway Department. However, RIF will be required for the additional Lot 3 and must be paid prior to the recording of the final plat. The estimated amount of RIF is \$1,031.25 and is subject to change at the time of payment based on the market price of material.



# Report to Planning & Zoning Commission

Clay County, Missouri

The Clay County Parks Department is requesting a 15' Recreational Easement to be located within the first 15' of the 30' Utility Easement (UE) along the frontage of N. Stark Ave the Recreational Easement ("R.E.") will need to be added to the recording copies of the final plat along with the standard note.

A Planned Unit Development ("PUD") overlay zoning district is a type of development plan and zoning tool used to address mixed use development between residential and non-residential (e.g. commercial or industrial) uses as requested for proposed Lot 4. *Attachment D* is the proposed business plan and site plan drawing for Lot 4.

The type of business ("*Construction Office/Service*") is not specifically classified in the Use Table of the LDC (Section 151-6.1), but staff recommends the proposed business as submitted best fits the "Community Commercial" (C-2) commercial zoning classification. The business is to be located on the west portion of the proposed Lot 4, which will need to be adequately screened and buffered. While the C-2 district prohibits outdoor storage areas, a PUD allows for greater flexibility in zoning requirements. As such, staff recommends that those areas designated on the site plan [see *Attachment D*] as storage be allowed if approved by the PZC and County Commission and properly screened from public view by adjacent property and public roadway either by fencing or vegetative plantings that effectively block the view.

Section 151-10.1 (F) (4) of the LDC addresses the required roadway and parking area surfacing type for all non-residential development/uses, and states:

"All off-street parking areas, drive aisles, internal roadways, and loading areas for all uses except agriculture or single-family uses in the AG, R-1 or R-5 districts shall be paved and kept in a dust-free condition at all times. Paving shall consist of asphaltic concrete with a minimum thickness of 4 inches, Portland cement concrete with an equivalent thickness, or bricks or paving blocks intended for outdoor use by motor vehicles".

The Meads have agreed that the driveway, parking areas, and drive aisles for the business will all be paved and dust-free.

The existing house is set back approximately 100' from the new right-of-way/property line. This may remain; however, any accessory buildings must be placed to the side or rear of the existing house and not within the C-2 district.

## Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) and Residential Ranchette District (R-5) to Residential Urban Rural Single-Family (RU-80) and Community Commercial (C-2) with a Planned Unit Development (PUD) overlay district for proposed Lot 4 ONLY be **approved**, subject to the petitioner addressing all rezoning standards.

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

### Exhibit A

1. Road Impact Fee (*RIF*) agreement recorded and fees paid for Lot 3 prior to the recording of the final plat. RIF waiver approved or fees paid for Lot 2 prior to the recording of the final plat.
2. A shared driveway agreement will need to be in place at the time of Final Plat recording.



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## Report to Planning & Zoning Commission

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Clay County, Missouri

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3. Emergency addressing (911 signage) must be in place prior to the occupancy of any single family residence on Lots 2 or 3. Owners of the Lots must maintain both driveway and 911 signs.
4. Any future new or additions to 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.
5. Designated outdoor storage must be screened from public view by adjacent property and public roadway either by fencing or vegetative plantings that effectively block the view.
6. All off-street parking areas, drive aisles, internal roadways, and loading areas used for the C-2 zoning district must be paved and kept in a dust-free condition at all times. Paving consists of asphaltic concrete with a minimum thickness of 4 inches, Portland cement concrete with an equivalent thickness, or bricks or paving blocks intended for outdoor use by motor vehicles.
7. The following changes to the recording copies of the final plat:
  - a. ADD: 15-foot Recreational Easement ("R.E.") graphic in the drawing and text in 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-17 Third Priority" of the Northland Trails Plan along the West side of N. Stark Ave."*



# Report to Planning & Zoning Commission

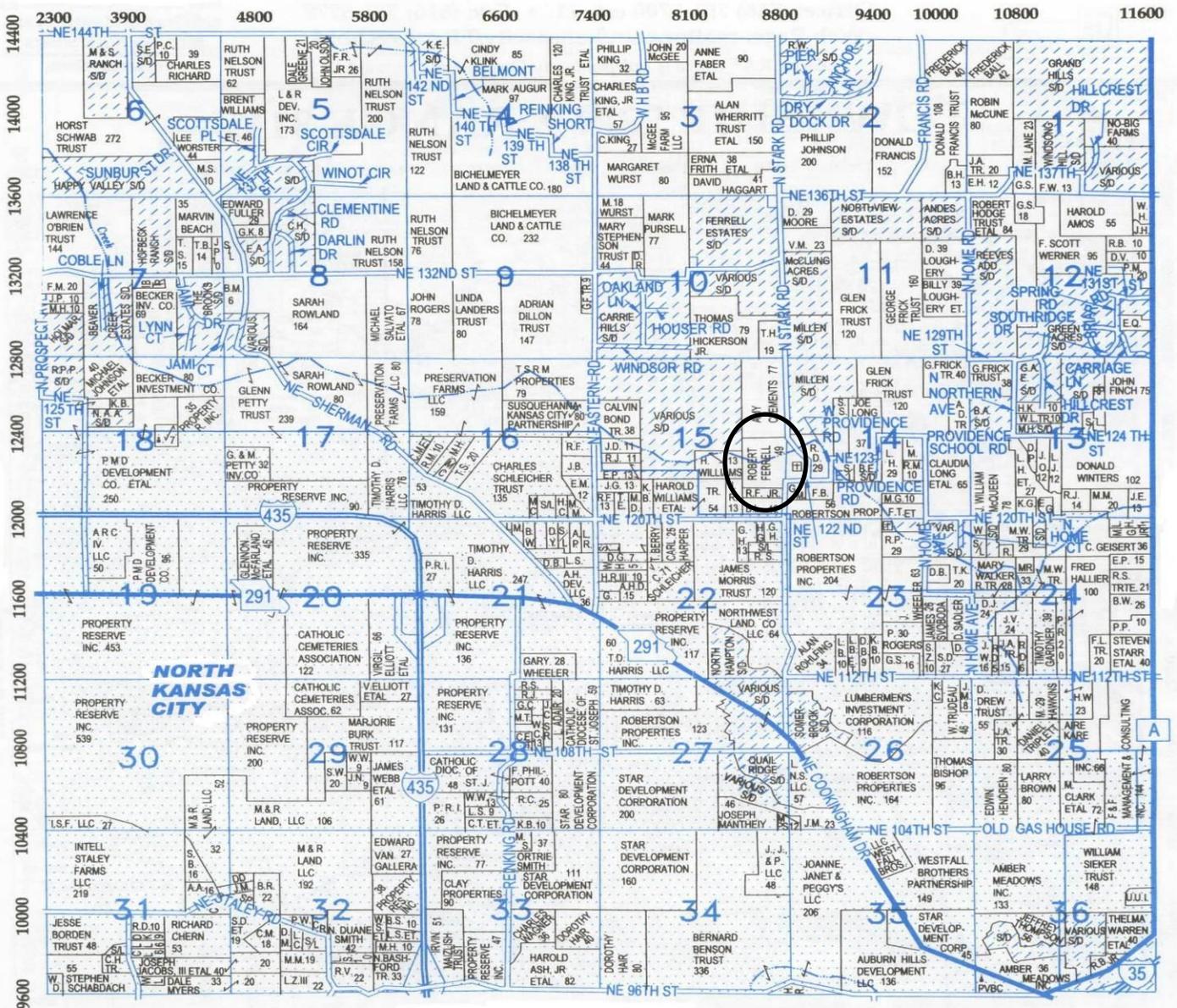
Clay County, Missouri

## Attachments

# March 14-111RZ/P – Providence Hills Estates

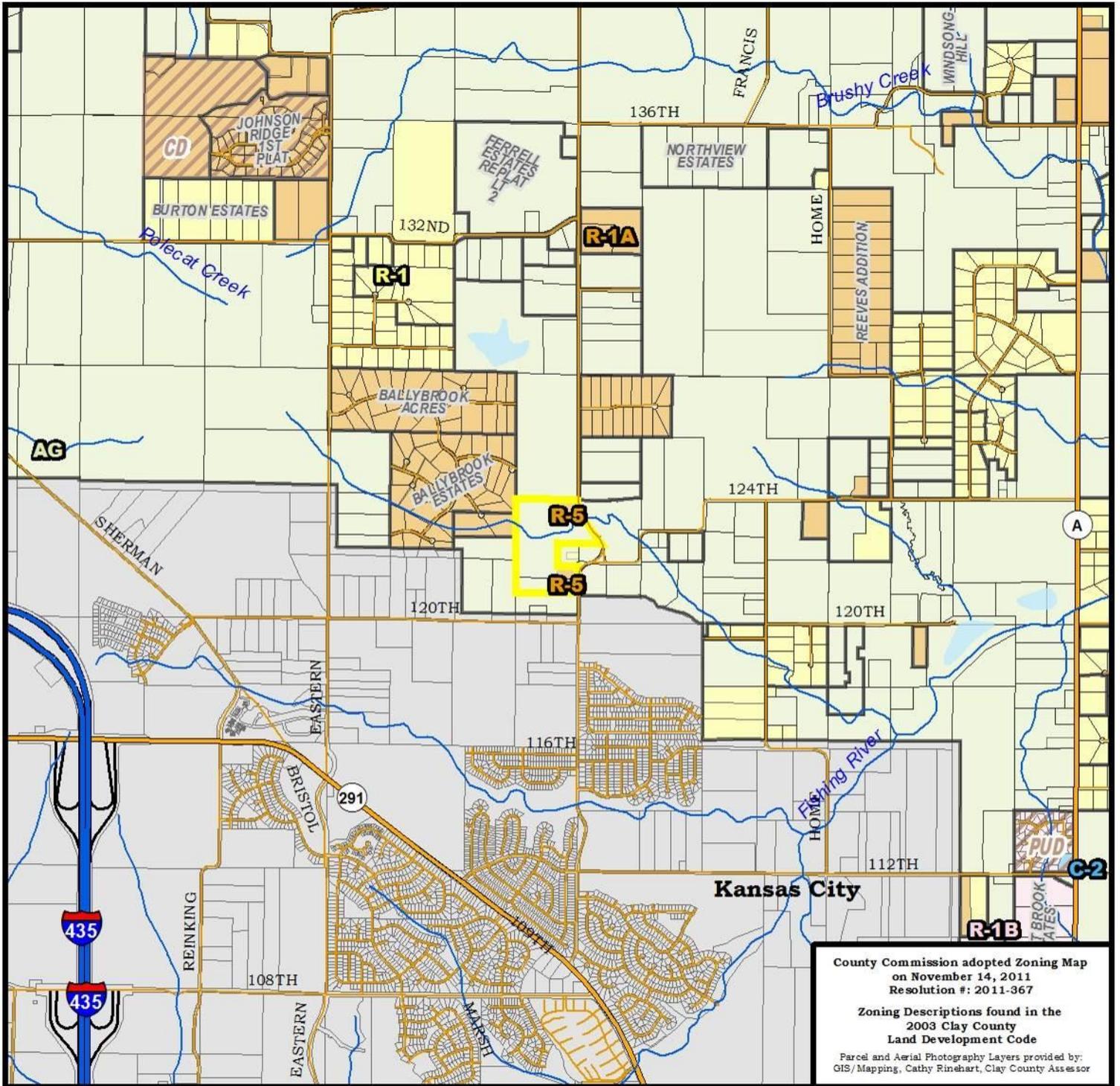
## Attachment A – Vicinity Map

### TOWNSHIP 52N • RANGE 32W



# March 14-111RZ/P - Providence Hills 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 Rinshart, Clay County Assessor

**Planning & Zoning Department**

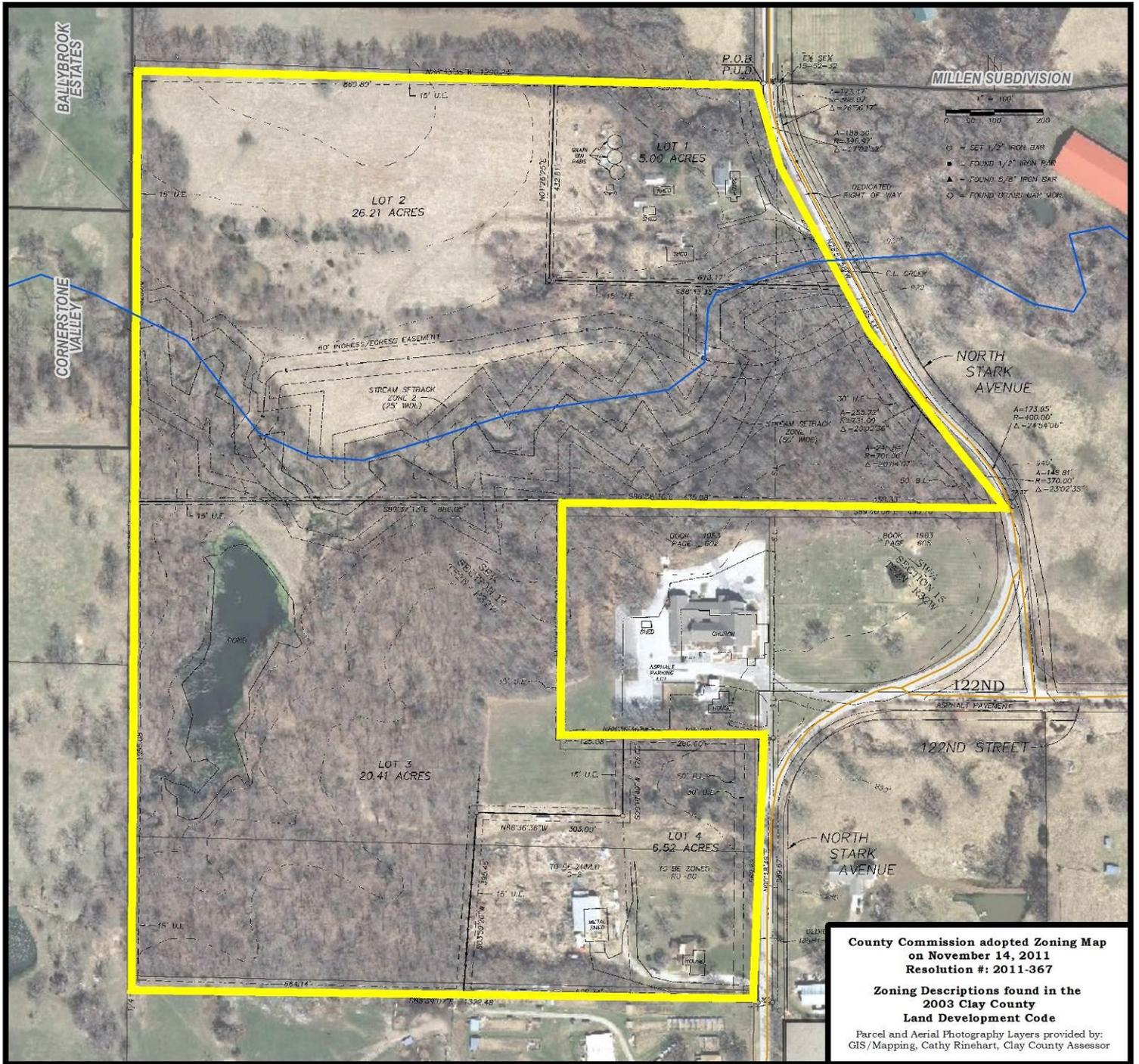
1 inch = 3,000 feet  
1 inch = 0.57 miles

**LEGEND**

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

# March 14-111RZ/P – Providence Hills Estates

## Attachment C - Site Plan Map



Map Document: (G:\GIS\Project\_Files\Vacinity Map - 8 x 11 P.mxd) 02/25/2014 - 11:46:23 PM

**Planning & Zoning Department**

**LEGEND**

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



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## Report to Planning & Zoning Commission

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Clay County, Missouri

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### **March 14-111RZ/P – Providence Hills Estates**

Attachment D – Business Plan / Site Plan Drawing

(5 pages)



**Mead Construction Inc.**

**Zoning PUD Plan**

**Proposed for**

12104 N Stark Ave.  
Kansas City, MO 64167

**Prepared By**

**Jeremiah Mead**

**January 21st 2014**

**Phone: (816) 805-1915**

**Email: [jeremiahmead@gmail.com](mailto:jeremiahmead@gmail.com)**



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# Report to Planning & Zoning Commission

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Clay County, Missouri

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Mead Construction Inc, informally known as Mark Mead Concrete Construction to differentiate from a recent competitor, intends to move from its current location in Smithville, MO to a more permanent business location near a major highway, and it is our goal that the proposed PUD plot located at 12104 N Stark Rd, Kansas City, MO 64167 will become this new home to not only the business, but one of its officers as well. If accepted, we will not only be bringing additional tax revenue to the area, but employee resources, employment opportunities, and a quality service at a cheaper rate, due to lower travel time and cost. Though the 2008 Comprehensive Plan Zoning Map has the current location, and the majority of its surrounding area, zoned as AG, we believe that our plan is still consistent with the intent of Land Development Code. In fact, our equipment and daily operations will be relatively consistent with those being practiced by many of the farming families that adhere to the current AG related regulations, but by proceeding with the PUD, it will be known that the rezoning will result in a much more orderly and organized maintenance and storage facility, so as to comply with the rezoned regulations. Below, in bold, is a section cut directly from page 39 of the Comprehensive Plan.

## **GOAL: LAND USE AND DEVELOPMENT**

**Provide the opportunity for urban, low density rural, and agricultural land uses.**

### **OBJECTIVE 1 (Land Use and Development)**

**Encourage compatibility between agricultural uses and urbanizing areas.**

### **POLICIES (Land Use and Development)**

**A. Prohibit commercial or industrial land uses in rural areas if they are likely to interfere with or become a nuisance to normal farming operations.**

**B. Prohibit the bulk storage of agricultural chemicals or petroleum products which are flammable or toxic adjacent to residential areas, and do not allow residential development adjacent to existing storage facilities.**

**C. Locate uses such as commercial feedlots which create sustained periods of noise, dust and odor in areas away from the urban service tier or existing rural subdivisions.**

We are in compliance with all land use and development policies and an example of each follows:

A. The proposed plot west of the residence is not a significant enough tract of land to farm when looking at the access restrictions to the property and the wooded areas located within.

B. The future installation of a fuel tank should pose no problem since there are no residential developments or rural subdivisions adjacent to the facility.

C. Directly to the south there is a large commercial avian farm the produces much more sustained periods of noise, dust and odor than we will ever produce. However, the neighboring farm does serve as reasonable grounds in which to locate our new business in the area as to avoid the urban service tier or existing rural subdivisions.



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# Report to Planning & Zoning Commission

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Clay County, Missouri

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## General Conditions and Summary

### History of the property

At this time, and for generations before, the property has been used by the Ferrell family as a home, the steel erected barn behind the home has been used to service the family's personal and farm related equipment, and the surrounding area has been used as storage for numerous miscellaneous items.

### Existing home on the property

The home on the eastern portion, nearest the road, has been a family home to Robert, then Adam, and it will continue to be a family home for Jeremiah Mead if/when the property is rezoned and sold. Just as the previous owners used its driveway as an entrance to access the barn, Mead Construction Inc will follow suit.

### Existing barn on the property

The barn on the western portion of the property has been used as storage for maintenance equipment. Mead Construction Inc. would use the barn for the same purposes initially but would eventually like the opportunity to expand and would require that right before purchasing the property. A detailed description of the expansion is described under its own section of this proposal and on the site plan drawing.

### Initial and future proposed land uses within the PUD by Mead Construction Inc.

The eastern section of the property, to be zoned residential, shall serve as a single family as it presently exists. The western section of the property, which consists of the existing barn and surrounding area, would be rezoned to commercial. It would be accessed through the same driveway, and for the most part be used by Mead Construction Inc. initially for large and small equipment and tool storage and maintenance, material storage, and vehicle parking.

In the coming years when funds become available, Mead Construction Inc. will seek to expand upon the existing site by adding additional building space and functionality. A detailed description of the expansion is described under its own section of this proposal and shown on the preliminary site plan drawing.

## Mead Construction Inc. Overview

### Scope of Business

We are a concrete flat work company that primarily works in the residential, new home construction market north of the river, as well as the commercial market across the greater Kansas City area. We provide builders, developers, and homeowners with new floors, driveways, sidewalks, steps, etc. commercial, industrial, and shipping receiving facilities with new construction, small and large quantity floor, curb and gutter, or paving removal and replacement services. All of these project sites take place at addresses other than the subject PUD.

### Business Hours

Working in the construction industry, especially in Kansas City's climate, makes it difficult to have definitive business hours. Our trade's governing standards dictate many regulations in which it isn't feasible to work during the rain, cold, etc. In order to attempt to provide full time careers to our employees, within obvious seasonal restrictions, our hours of operation generally tend to be from dawn to dusk during weather permitting days, averaging approximately 175 "on the job" working days which take place Monday through Saturday.

### Business Employees

The number of employees at any single time varies greatly due to a number of factors but averages approximately 10 at any given date. The majority of the employees do not appear at our shop location, but at their designated job site. We average between 2-4 drivers that show up to the shop during "on the job"



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# Report to Planning & Zoning Commission

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Clay County, Missouri

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working days to drive equipment to and from job sites. These same 2-4 employees will also be allowed to have "shop time" during non-"on the job" working days, in which they do essential maintenance to equipment or organize the shop and company materials.

## **Incoming Customers**

Being that our business provides a service to customers at off site locations it would be reasonable to assume that the daily incoming customer rate would be zero, but in order to remain flexible, we would request a rate of 2 incoming customers weekly.

## **Incoming Vendors**

Material vendors will occasionally deliver products such as, but not limited to, loads of 1/2" clean rock, bundles of rebar, banded form lumber drops, and other materials essential to our service annually averaging at approximately 4 times per month.

## **Material and Equipment Storage**

All company storage would take place on the western portion of the property in and behind the existing barn. It is our belief that if something is out of sight then it is out of mind. Initially this section would serve as material, equipment storage, and parking for company owned trucks and trailers that the current building cannot house, as well as employee parking while employees that drive company vehicles to the job site. Materials stored outdoors would include the 1/2" clean rock, rebar, and lumber, etc and equipment which currently includes machinery such as compact multi terrain loaders, skid steer loader, mini excavator, tractor, attachments, and the trucks and trailers deemed suitable to transport such tools and equipment.

## **Expansion**

Our first order of business shall be to screen the property. There is currently a fence line running the southern and western property line with enough tree and brush foliage to act as sufficient screening on those boundaries, but we will erect a six foot privacy fence along the northern boundary of the commercially zoned portion between the existing wooded areas and use the existing barn as screening if viewed from the east. We will also begin to rock a sufficient area from the western side of the barn, farther west, to act as a material and equipment storage area.

As funds become available we intend to increase the functionality of the area within the proposed PUD. Within 1-5 years we intend to start by adding fuel tanks in conformance with Federal, State, and local requirements, a concrete walled bin to store the rock, expanding the size of the current barn, with similar construction methods, adding an additional 50 ft. by 80 ft. to the north in order to house more equipment indoors, with all doors facing the west. The addition would also serve as screening if viewed from the east.

As more funds became available we would like to continue expansion on the new section of the barn, this time growing from the northernmost point westward, with a 30 ft. by 80 ft addition. The 80 ft. dimension would run east and west, with doors facing to the south. This addition would be used to store more equipment, trucks, and trailers indoors that will also add to the screening from any adjacent property and public roadways.

As the building expands, we intend to expand our number of employees and incoming vendors respectively, adding positions for a permanent, shop related, maintenance position, as well as a position for a part time administrative assistant. We see no benefit of acquiring more, full time, labor positions, in excess of 16 total, anytime in the near future, and our current truck, trailer, and equipment stock is sufficient for the quantity of work completed to date and the prospective future, but we may acquire an additional truck and/or trailers in the coming years for conditions unseen.



# Report to Planning & Zoning Commission

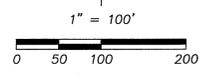
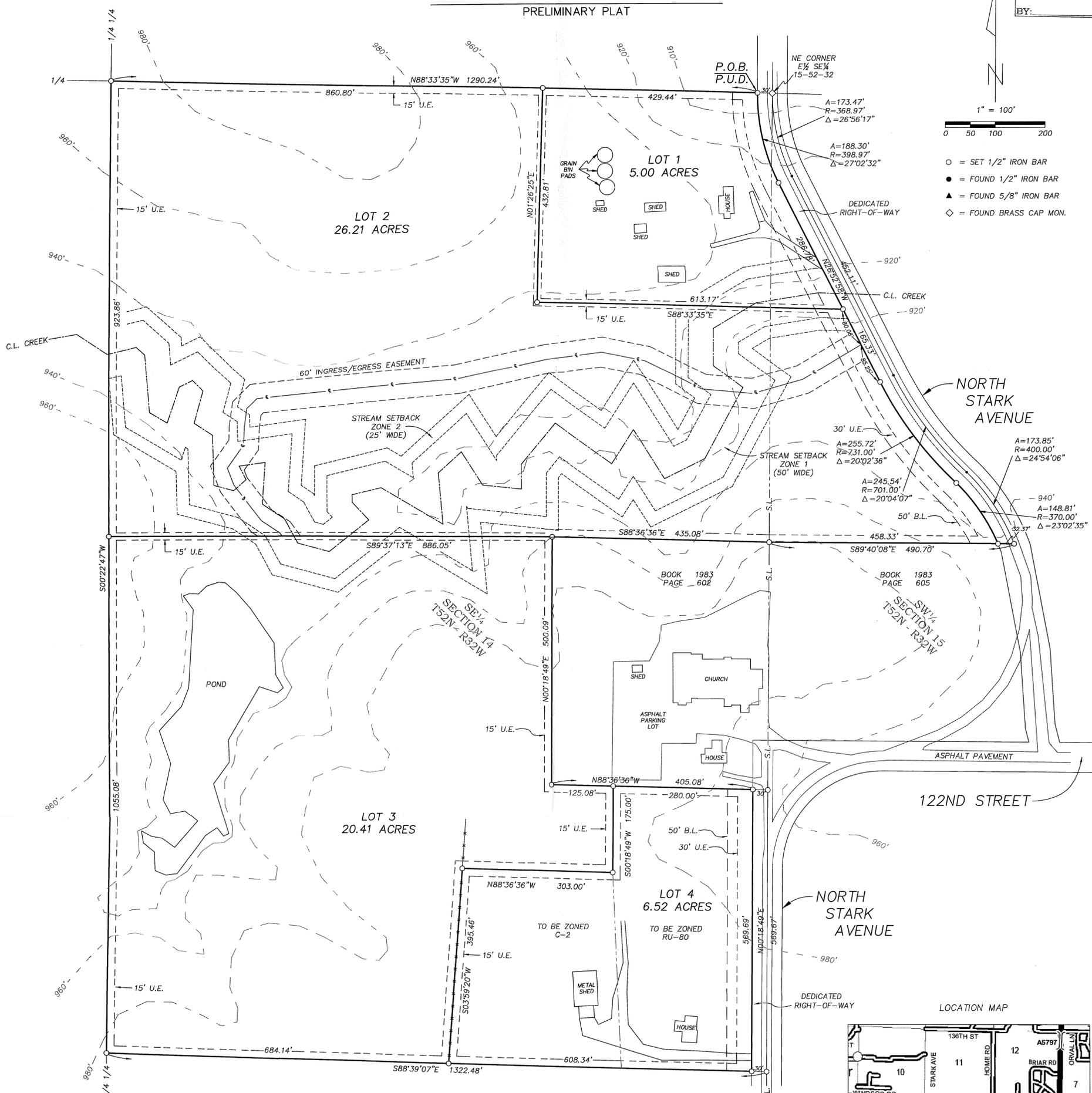
Clay County, Missouri

## SITE PLAN PROPOSED LOT 4, PROVIDENCE HILLS ESTATES



PROVIDENCE HILLS ESTATES  
PRELIMINARY PLAT

RECEIVED  
FEB 03 2014  
BY:



- = SET 1/2" IRON BAR
- = FOUND 1/2" IRON BAR
- ▲ = FOUND 5/8" IRON BAR
- ◇ = FOUND BRASS CAP MON.

- NOTES**
1. Owners are Adam Ferrell, 12104 N. Stark Ave, Kansas City, MO 64167, and Robert Ferrell, 12318 N. Stark Ave, Liberty, MO 64068.
  2. Record deed references are Book 5669 Page 16, and Book 6682 Page 124.
  3. Survey Accuracy Standard is type Rural (1" : 5,000').
  4. Bearings are based on the Missouri Coordinate System of 1983.
  5. Current Zoning Classification for Subdivision is AG according to the Clay County Official Zoning Map - 2011, dated June 25th, 2012.
  6. Lot 4 to be rezoned C-2 and RU-80 as shown on this plat.
  7. Subdivision is in the Urban Service Tier and the 1-Mile Urban Coordination Sub-Tier according to the Planning Tier Map of the Clay County Comprehensive Plan 2008, adopted on June 3rd, 2008, Resolution #: PZC08-01.
  8. Predominant soil type is Armster-Lagonda-Sharpburg Association and Sharpburg-Macksburg Association.
  9. Topography is taken from the USGS Quadrangle.
  10. Subdivision is in Flood Zone "X" (NOT in a flood plane) per FIRM Community Panel Number 2900860060 B, Map Revised 4/16/2003.
  11. Within Stream Setback Zones 1 & 2, there shall be no clearing, grubbing, grading, construction or disturbance of vegetation in the stream setback easement, except as permitted by Clay County.

**DESCRIPTION OF PUD:**

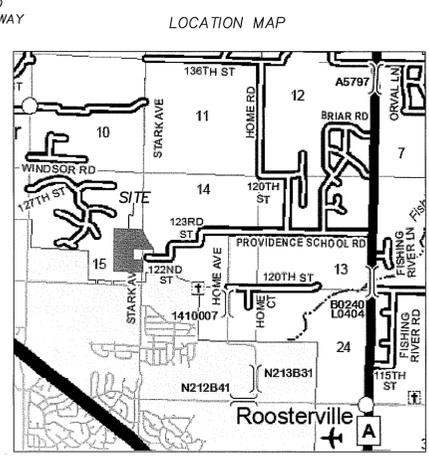
That portion of the SE 1/4 of Section 15, Township 52 North of the Base Line, Range 32 West of the Fifth Principal Meridian, Clay County, Missouri, being described as follows: Commencing at the NE Corner of the E 1/2 of said Section 15; thence S00°18'49"W, along the east line of said SE 1/4, a distance of 1407.18 feet; thence N88°36'36"W, a distance of 30.00 feet, to the Point of Beginning of said portion herein described; thence N88°36'36"W, a distance of 280.00 feet; thence S00°18'49"W, a distance of 175.00 feet; thence N88°36'36"W, a distance of 303.00 feet; thence S03°59'20"W, a distance of 395.46 feet; thence S88°39'07"E, a distance of 608.34 feet; thence N00°18'49"E, a distance of 569.69 feet; to the Point of Beginning. Said portion contains 6.52 acres.

**DESCRIPTION OF RU-80 ZONING:**

That portion of the SE 1/4 of Section 15, Township 52 North of the Base Line, Range 32 West of the Fifth Principal Meridian, Clay County, Missouri, being described as follows: Commencing at E 1/4 corner of said Section 15; thence S00°18'49"W, along the east line of said SE 1/4, a distance of 1407.18 feet; thence N88°36'36"W, a distance of 30.00 feet, to the Point of Beginning; thence N88°36'36"W, a distance of 280.00 feet; thence S00°18'49"W, a distance of 175.00 feet; thence N88°36'36"W, a distance of 303.00 feet; thence S03°59'20"W, a distance of 395.46 feet; thence S88°39'07"E, a distance of 608.34 feet; thence N00°18'49"E, a distance of 569.69 feet to the point of beginning. Said portion contains 3.57 acres.

**DESCRIPTION OF C-2 ZONING:**

That portion of the SE 1/4 of Section 15, Township 52 North of the Base Line, Range 32 West of the Fifth Principal Meridian, Clay County, Missouri, being described as follows: Commencing at E 1/4 corner of said Section 15; thence S00°18'49"W, along the east line of said SE 1/4, a distance of 1407.18 feet; thence N88°36'36"W, a distance of 30.00 feet; thence S00°18'49"W, a distance of 175.00 feet, to the Point of Beginning; thence N88°36'36"W, a distance of 303.00 feet; thence S03°59'20"W, a distance of 395.46 feet; thence S88°39'07"E, a distance of 347.99 feet; thence N02°31'48"W, a distance of 395.74 feet to the Point of Beginning. Said portion contains 2.95 acres.



**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT THIS PRELIMINARY PLAT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MISSOURI.

Date: \_\_\_\_\_ Signed: Terry M. McCaless MO REG #2143

If this document does not have an embossed seal, it should be assumed to contain unauthorized alterations. The certification contained on this document shall not apply to any copies.

<p><b>M &amp; M</b> Land Surveying Service, Inc.</p>	
806 East Main Street, PO Box 83 Richmond, MO 64085 Phone (816) 776-6343 Fax (816) 470-6343	
Survey For:	Adam Ferrell
Date:	January 18th, 2014
Field Book:	12-307
Project #:	14-10





# Report to Planning & Zoning Commission

Clay County, Missouri

## General Information

**Site Location:** approx. 12104 & 12318 N Stark Ave  
 Section 14 & 15 | Township 52 | Range 32

**Site Size:** 59.26± Acres

**Existing Landuse & Zoning:** Agricultural (AG) and Residential Ranchette (R-5)

### Zoning/Platting History:

Rezoning/Preliminary Plat - Res#2012-196; Final Plat – Res# 2012-294-(*Not Recorded*); Final Plat – Res#2013-87 – (*Not Recorded*)

### Surrounding Landuse & Zoning:

- North – Agricultural (AG) Zoned Land, Replat Millen Subdiv (R-1A), Millen Subv (AG), Providence Baptist Church (R-1 & AG)
- East – Agricultural (AG) Zoned Land
- South – Agricultural (AG) Zoned Land, City of Kansas City [1/4 mile]
- West – Ballybrook Estates (R-1A), Cornerstone Valley (R-1A)

### Current Conditions:

Existing Property Lines = **YELLOW** | Subject Property = **Square Red Hatch**



Courtesy Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



# Report to Planning & Zoning Commission

Clay County, Missouri

## Assessment

Adam Ferrell is requesting **Final Plat** approval for Providence Hills Estates, 59.26± acres located at approximately 12104 and 12318 N Stark Avenue.

The property owners would like to divide the land to create two (2) new single-family dwelling lots (Lots 2 and 3), and Mark Mead would like to re-locate his concrete construction business ([www.markmeadconcrete.com](http://www.markmeadconcrete.com)) to the proposed C-2 portion of Lot 4 and also have his son (Jeremiah) live in the existing house on the RU-80 portion.

### **Character of the General Neighborhood**

Agricultural (AG) zoned property is in each direction of the property with the exception to the West, where the subdivision Ballybrook Estates (R-1A) rests. Providence Baptist Church, a major place of worship, lies directly to the north of the subject request [See Attachment B].

### **Code Considerations**

The review procedures and submittal content for a Final Plat must be in substantial compliance with the approved preliminary plat in accordance with the requirements under Section 151-3.6 (D) of the Clay County 2011 Land Development Code ("LDC"). Based on all the materials and evidence presented, the subject request *appears to substantially comply with the LDC and preliminary plat.*

Standard side and rear setbacks and height restrictions apply to all other aspects of this application. The application was properly noticed, per regulations. Adjacent property owners within the mandated 1,000 foot distance were notified by means of a letter dated February 14, 2014.

### **Outside Agency Review**

The Clay County Highway Department noted:

"Driveway entrance to Lot 4 will need to be moved to crest of hill (north of existing mailbox) to accommodate large truck/trailer traffic. Other lots will be assessed for driveway access as need per Clay County Technical Spec's and MUTCD guidelines. Lot 4 is currently a residential driveway, due to the change in zoning and the new driveway serving a commercial business, a commercial driveway permit will be required."

The Clay County Health Department has given preliminary and final approval. The Public Water Supply District No. 6 of Clay County presently provides water service for the property and is able to supply the additional meters. The Smithville Fire District serves the 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. Platte-Clay Electric presently serves the property and has the necessary facilities to serve the request.

The Ferrells spoke with the Army Corp of Engineers ("COE") regarding the drive crossing the creek. COE verbally responded that when a driveway is constructed for Lot 2 a permit from the them would be needed only if the bed of the creek is proposed to be touched. Presently, the Ferrell's are planning on spanning the creek with a bridge for the drive.

The Clay County Soil and Water Conservation District was inspected and the existing pond structure, which is a government pond with the structure, built in the year 2005 or 2006 is in very good condition.



# Report to Planning & Zoning Commission

Clay County, Missouri

## Findings

A shared driveway agreement will need to be in place at the time of Final Plat recording. Emergency addressing (911 signage) should be in place when a new residence is built on Lot 2 or 3. Owners of the lots shall maintain both driveway and 911 signs.

Road Impact Fees (*RIF*) are not required for proposed Lot 1 and 4 as they occupy existing residences. A RIF waiver for Lot 2 has been approved by the Highway Department. However, RIF will be required for the additional Lot 3 and must be paid prior to the recording of the final plat. The estimated amount of RIF is \$1,031.25 and is subject to change at the time of payment based on the market price of material.

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A Planned Unit Development ("PUD") overlay zoning district is a type of development plan and zoning tool used to address mixed use development between residential and non-residential (e.g. commercial or industrial) uses as requested for proposed Lot 4. *Attachment D* is the proposed business plan and site plan drawing for Lot 4.

The type of business ("*Construction Office/Service*") is not specifically classified in the Use Table of the LDC (Section 151-6.1), but staff recommends the proposed business as submitted best fits the "Community Commercial" (C-2) commercial zoning classification. The business is to be located on the west portion of the proposed Lot 4, which will need to be adequately screened and buffered. While the C-2 district prohibits outdoor storage areas, a PUD allows for greater flexibility in zoning requirements. As such, staff recommends that those areas designated on the site plan [see *Attachment D*] as storage be allowed if approved by the PZC and County Commission and properly screened from public view by adjacent property and public roadway either by fencing or vegetative plantings that effectively block the view.

Section 151-10.1 (F) (4) of the LDC addresses the required roadway and parking area surfacing type for all non-residential development/uses, and states:

"All off-street parking areas, drive aisles, internal roadways, and loading areas for all uses except agriculture or single-family uses in the AG, R-1 or R-5 districts shall be paved and kept in a dust-free condition at all times. Paving shall consist of asphaltic concrete with a minimum thickness of 4 inches, Portland cement concrete with an equivalent thickness, or bricks or paving blocks intended for outdoor use by motor vehicles".

The Meads have agreed that the driveway, parking areas, and drive aisles for the business will all be paved and dust-free.

The existing house is set back approximately 100' from the new right-of-way/property line. This may remain; however, any accessory buildings must be placed to the side or rear of the existing house and not within the C-2 district.



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# Report to Planning & Zoning Commission

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Clay County, Missouri

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## Recommendations

Staff recommends the **Final Plat** of **Providence Hills Estates** be **approved**, with the following conditions as shown on Exhibit A:

### Exhibit A

1. Road Impact Fee (*RIF*) agreement recorded and fees paid for Lot 3 prior to the recording of the final plat. RIF waiver approved or fees paid for Lot 2 prior to the recording of the final plat.
2. A shared driveway agreement will need to be in place at the time of Final Plat recording.
3. Emergency addressing (911 signage) must be in place prior to the occupancy of any single family residence on Lots 2 or 3. Owners of the Lots must maintain both driveway and 911 signs.
4. Any future new or additions to 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.
5. Designated outdoor storage must be screened from public view by adjacent property and public roadway either by fencing or vegetative plantings that effectively block the view.
6. All off-street parking areas, drive aisles, internal roadways, and loading areas used for the C-2 zoning district must be paved and kept in a dust-free condition at all times. Paving consists of asphaltic concrete with a minimum thickness of 4 inches, Portland cement concrete with an equivalent thickness, or bricks or paving blocks intended for outdoor use by motor vehicles.
7. The following changes to the recording copies of the final plat:
  - a. ADD: 15-foot Recreational Easement ("R.E.") graphic in the drawing and text in 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-17 Third Priority" of the Northland Trails Plan along the West side of N. Stark Ave."*



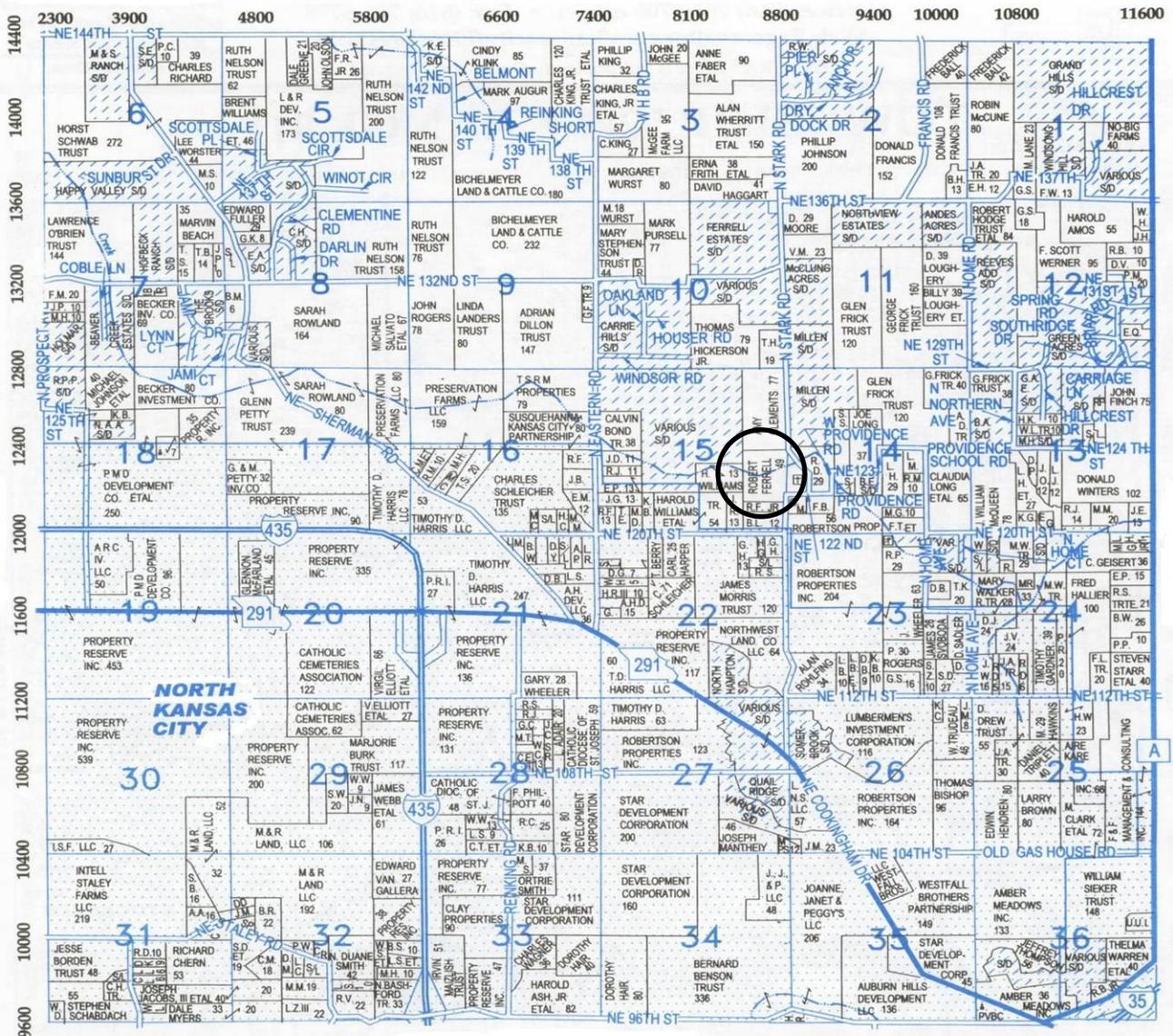
# Report to Planning & Zoning Commission

Clay County, Missouri

## Attachments

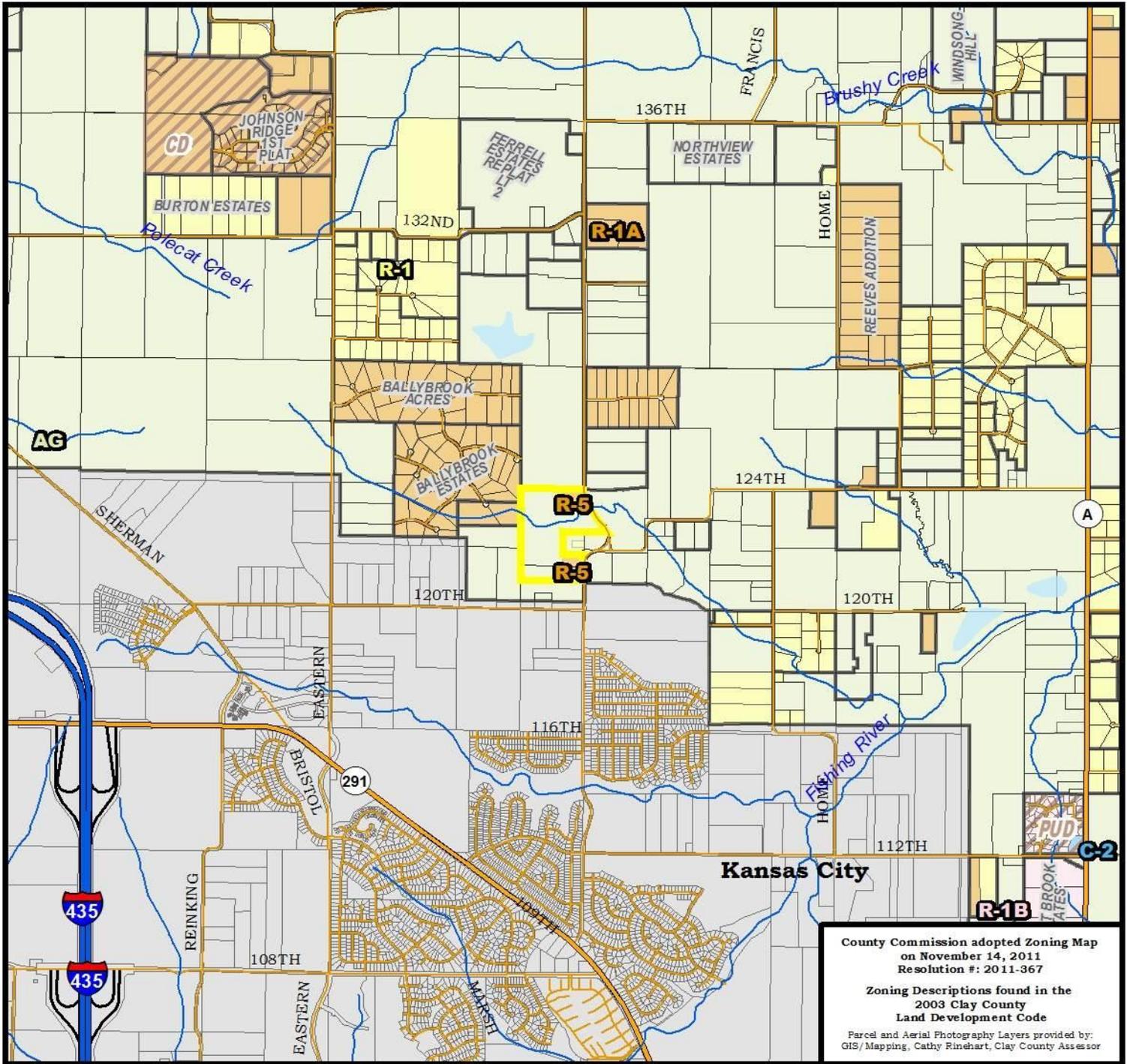
# March 14-112F - Providence Hills Estates Attachment A - Vicinity Map

## TOWNSHIP 52N • RANGE 32W



# March 14-112F - Providence Hills 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

Map Document: (G:\GIS\Project\_Files\Vacinity\_Map - 8 x 11 P.mxd) 02/25/2014 - 10:16:18 PM

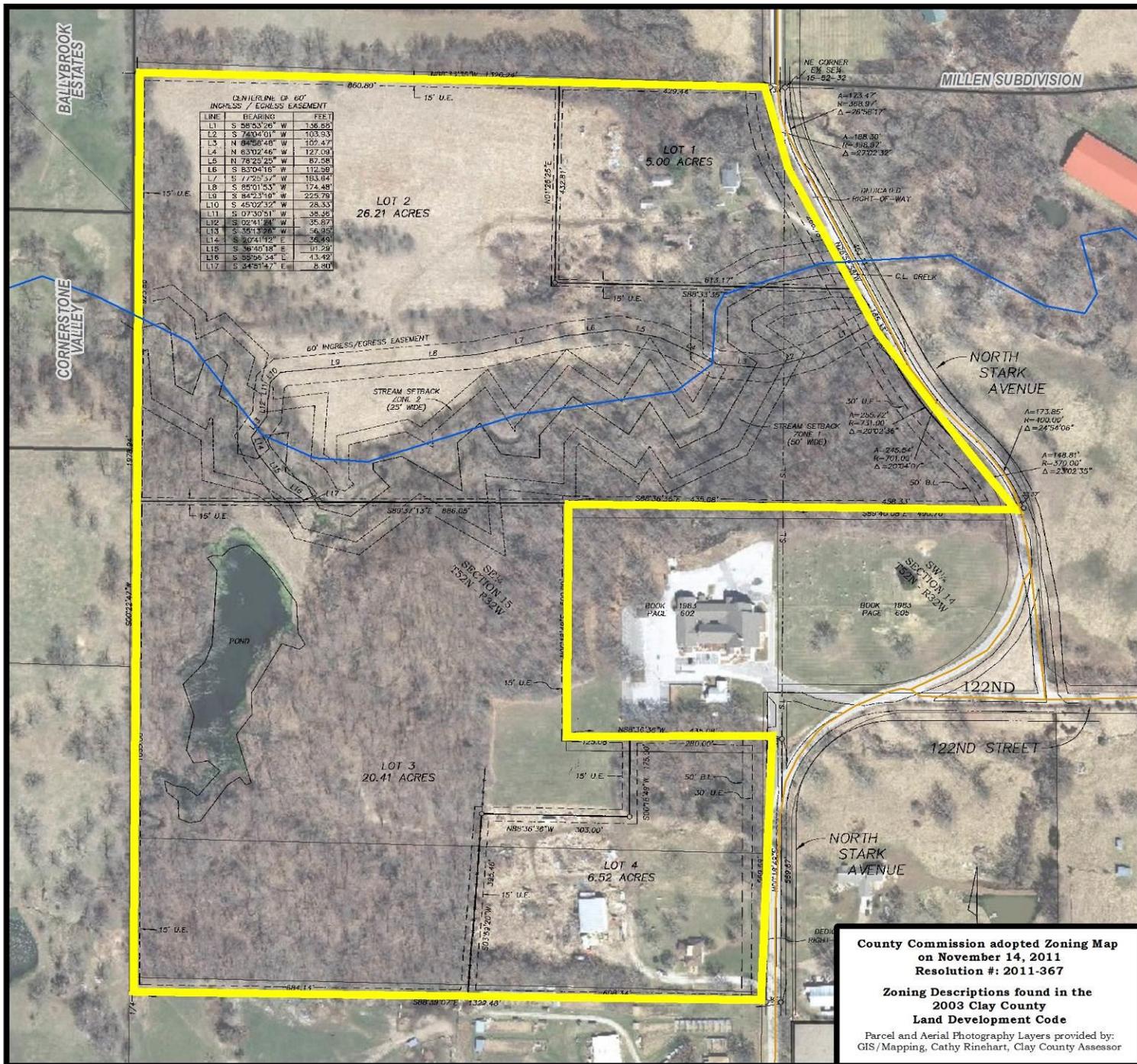
**Planning & Zoning Department**

**LEGEND**

Property Line	Roads	Subdivisions	Overlay Districts	Zoning Districts C-1
Streams (EPA)	Interstates	2013 City Limits	CD (Conservation District)	Zoning Districts C-2
Railroads	State Highways	Parks	PUD (Planned Unit Development)	Zoning Districts C-3
Highway Ramps	Local Roads	County Boundaries		Zoning Districts R-1A/R-5
				Zoning Districts R-1B/RU
				Zoning Districts R-3
				Zoning Districts I-1
				Zoning Districts I-2
				Zoning Districts OP

# March 14-112F – Providence Hills Estates

## 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  
 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) 02/25/2014 - 10:36:38 PM

**Planning & Zoning Department**

1 inch = 300 feet  
1 inch = 0.06 miles

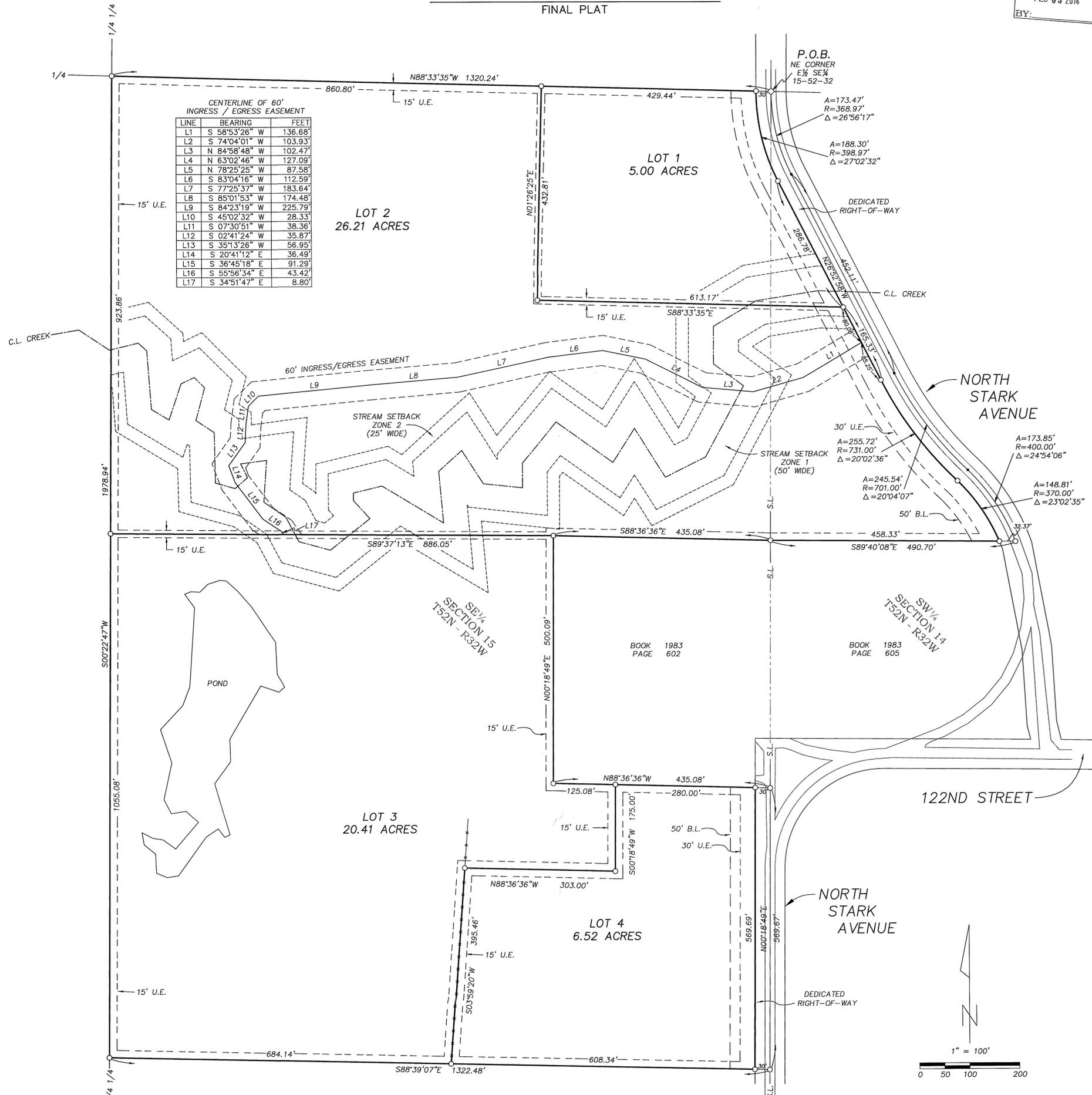
### LEGEND

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

# PROVIDENCE HILLS ESTATES

FINAL PLAT

RECEIVED  
FEB 03 2014  
BY:



CENTERLINE OF 60' INGRESS / EGRESS EASEMENT

LINE	BEARING	FEET
L1	S 58°53'26" W	136.68'
L2	S 74°04'01" W	103.93'
L3	N 84°58'48" W	102.47'
L4	N 63°02'46" W	127.09'
L5	N 78°25'25" W	87.58'
L6	S 83°04'16" W	112.59'
L7	S 77°25'37" W	183.64'
L8	S 85°01'53" W	174.48'
L9	S 84°23'19" W	225.79'
L10	S 45°02'32" W	28.33'
L11	S 07°30'51" W	38.36'
L12	S 02°41'24" W	35.87'
L13	S 35°13'26" W	56.95'
L14	S 20°41'12" E	36.49'
L15	S 36°45'18" E	91.29'
L16	S 55°56'34" E	43.42'
L17	S 34°51'47" E	8.80'

**DEDICATION**

**EASEMENTS:** An easement or license is hereby granted to Clay County, Missouri, for the purpose of locating, constructing, operating and maintaining facilities for water, gas, electricity, sewage, telephone, cable TV, and surface drainage, including, but not limited to, underground pipes and conduits, pad mounted transformers, service pedestals, any or all of them upon, over, under and along the strips of land designated utility easement (U.E.). All of the above easements shall be kept free from any and all obstructions which would interfere with the construction or reconstruction and proper, safe and continuous maintenance of the aforesaid uses and specifically there shall not be built thereon or there over any structure (except driveways, paved areas, grass, shrubs and fences) nor shall there be any obstruction to interfere with the agents and employees of Clay County, Missouri, and its franchised utilities from going upon said easement and as much of the adjoining lands as may be reasonably necessary in exercising the rights granted by the easement.

**STREETS:** The streets shown on this plat and heretofore not dedicated to public use as thoroughfares are hereby so dedicated.

**BUILDING LINES:** Building lines or setback lines are hereby established as shown on the accompanying plat and no buildings or portion thereof shall be built between this line and the street line.

The undersigned proprietors of the described tract have caused the same to be subdivided as shown on this plat, which subdivision shall be known as PROVIDENCE HILLS ESTATES, and shall consist of a total of four (4) lots.

In testimony whereof, Robert Lee Ferrell, Jr., Sandra Jean Ferrell, and Adam L. Ferrell, have subscribed their names on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Robert Lee Ferrell, Jr. Sandra Jean Ferrell Adam L. Ferrell

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me, a Notary Public in and for said State, personally appeared the above persons, whom executed the foregoing instrument of writing and duly acknowledged the execution of the same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

My Commission Expires: \_\_\_\_\_ Notary Public

**APPROVALS AND ACCEPTANCES**

This plat of PROVIDENCE HILLS ESTATES has been submitted to and considered by the Clay County Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Chairman, Planning Commission Director, Planning Commission

These easements and rights-of-way were accepted by the County Commission of Clay County, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2014. Resolution Number 20\_\_\_\_\_

**DESCRIPTION**

Those portions of the W1/2 of the SW1/4 of Section 14 and the E1/2 of the SE1/4 of Section 15, all in Township 52, North of the Baseline, Range 32 West of the Fifth Principle Meridian, Clay County, Missouri, described as a whole as follows: Beginning at the NE corner of the E1/2 of the SE1/4 of said Section 15; thence N88°33'35"W, along the north line of said E1/2 of the SE1/4, a distance of 1320.24 feet to the NW corner of said E1/2 of the SE1/4; thence S00°22'47"W, along the west line of said E1/2 of the SE1/4, a distance of 1978.94 feet; thence S88°39'07"E, a distance of 1322.48 feet to the east line of said E1/2 of the SE1/4; thence N00°18'49"E, along said east line, a distance of 569.67 feet; thence N88°36'36"W, a distance of 435.08 feet; thence N00°18'49"E, a distance of 500.09 feet to the east line of said E1/2 of the SE1/4, also being the west line of the W1/2 of the SW1/4 of said Section 14; thence S89°40'08"E, a distance of 490.70 feet to the centerline of North Stark Road, as the same now exists; thence northerly, along said centerline, and along a curve to the left, having a radius of 400.00 feet, thru a central angle of 24°54'06", an arc distance of 173.85 feet to a point of reverse curve; thence northerly, along said centerline, and a curve to the right, having a radius of 701.00 feet, thru a central angle of 20°04'07", an arc distance of 245.54 feet; thence N26°52'58"W, along said centerline, a distance of 452.11 feet; thence northerly, along said centerline, and a curve to the right, having a radius of 368.97 feet, thru a central angle of 26°56'17", an arc distance of 173.47 feet to the Point of Beginning. Said portions contain 59.26 acres and are subject to all easements of record.

**NOTES**

1. Owners are Adam Ferrell, 12104 N. Stark Ave, Kansas City, MO 64167, and Robert Ferrell, 12318 N. Stark Ave, Liberty, MO 64068.
2. Record deed references are Book 5669 Page 16, and Book 6682 Page 124.
3. Bearings are based on the Missouri Coordinate System of 1983.
4. Subdivision is in Flood Zone "X" (NOT in a flood plane) per FIRM Community Panel Number 2900860060 B, Map Revised 4/16/2003.
5. Within Stream Setback Zones 1 & 2, there shall be no clearing, grubbing, grading, construction or disturbance of vegetation in the stream setback easement, except as permitted by Clay County.

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY: that the within plat of PROVIDENCE HILLS ESTATES subdivision is based on an actual survey made by me or under my direct supervision and that said survey meets or exceeds the current Minimum Standards for Property Boundary Surveys as established by the Department of Natural Resources, Division of Geology and Land Survey of the State of Missouri. I further certify that the bearings shown on this plat are based on the Missouri State Plane, Grid - West Zone, that the section and sectional subdivision corner monuments and survey boundary corner monuments were either found or set as indicated on this plat; that the lot corners and streets centerlines have been marked with permanent monumentation as indicated on this plat; that I have complied with all State and Clay County statutes, ordinances and regulations governing the practice of surveying and the platting of subdivision to the best of my professional knowledge and belief.

Date: \_\_\_\_\_ Signed: Terry M. McCleskey MO REG #2143

If this document does not have an embossed seal, it should be assumed to contain unauthorized alterations. The certification contained on this document shall not apply to any copies.

Land Surveying Service, Inc.  
806 East Main Street, PO Box 83  
Richmond, MO 64085  
Phone (816) 776-6343  
Fax (816) 470-6343

Survey For: Adam Ferrell  
Date: January 18th, 2014 Field Book: 12-307 Project #: 14-10





# Report to Planning & Zoning Commission

Clay County, Missouri

## General Information

**Site Location:** 23026 NE 140<sup>th</sup> Street  
 Section 5 | Township 52 | Range 30

**Site Size:** 19.67± acres

**Existing Landuse & Zoning:** Agricultural (AG)

**Zoning/Platting History:** None

**Surrounding Landuse & Zoning:**

- North* – Agriculturally zoned land (AG)
- East* – Agriculturally zoned land (AG), (R-1 & R-1A) zoned land
- South* – Agriculturally zoned land (AG), Midwest National Air Center (I-2),  
 Cities of Kearney, Mosby and Excelsior Springs
- West* – Agriculturally zoned land (AG)

## Current Conditions:

Existing Property Lines = **YELLOW** | Subject Property Lines = **BLUE**



Courtesy Clay County Assessor GIS/Mapping



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 Courtesy Microsoft® Bing™



# Report to Planning & Zoning Commission

Clay County, Missouri

## Assessment

Anita Osthoff and Kris Karnes, representing property owner Westfall Brothers, LLC are requesting approval of a **Conditional Use Permit (CUP)** to operate an Animal Services (commonly referred to as an “Animal Shelter”) business at 23026 NE 140<sup>th</sup> Street. The property is 19.67± acres in size and zoned Agricultural (AG).

According to the applicants, this proposal is to locate a facility that will provide “a no-cage, no-kill forever home for senior animals”. See Attachment C for the Business Plan and site plan drawings, and Attachment D for applicant photos.

### 2008 Comprehensive Plan Considerations

The Comprehensive Plan (“Plan”) indicates that the subject property is located in the **URBAN SERVICES TIER**, and the 1-Mile Urban Coordination Tier of the Cities of Kearney, Mosby and Excelsior Springs.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1<sup>st</sup>) table shows the landuse tiers and corresponding guidelines, and the second (2<sup>nd</sup>) 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)
<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.



# 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)
<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.

## **Character of the General Neighborhood**

Agricultural (AG) zoned land is in each direction of the property. R-1 and R-1A zoned land are to the East; the Cities of Kearney, Mosby and Excelsior Springs and the Midwest National Air Center (I-2) are to the South.

## **Code Considerations**

The Conditional Use Permit (CUP) 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 sent February 14, 2014.

The subject request to operate an Animal Services business would be addressed in the 2011 Clay County Land Development Code ("LDC") under the use table inside Section 151-6.1 designation requiring approval of a Conditional Use Permit ("CUP") in the Agricultural ("AG"), Community Commercial (C-2, Commercial Services (C-3), Limited Industrial (I-1), General Industrial (I-2) and Open Space/Trails/Parks/Public Use (OP) zoning districts. As such, the subject request must meet all of the approval criteria for a CUP in Section 151-3.10 (A) (13) detailed below:

- A) The proposed use complies with the intent of the Comprehensive Plan and general provisions of the Land Development Code, modified for the specific use request.
- B) The proposed use in its proposed location will not have a substantial adverse impact on the public health, safety or general welfare.
- C) The proposed use will not cause substantial injury to the value of other property in the vicinity.
- D) Adequate access routes will be provided and designed to prevent traffic hazards and to minimize traffic congestion in public streets.
- E) Adequate public safety, transportation and utility facilities/services will be available to service the subject property while maintaining adequate levels of service for existing development, and
- F) The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (i.e., hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).



# Report to Planning & Zoning Commission

Clay County, Missouri

## **Outside Agency Review**

The Clay County Health Department noted the following:

“Septics (2) on property meet code at this time. The septic system for the accessory building will be adequate for staff use.”

The Clay County Highway Department has noted the following:

“Per telephone conversations with the applicants, Clay County Highway Department has determined that the traffic increase is minimal, therefore no impact fees will be assessed.”

The Public Water Supply District #8 supplies water to the property and has ample capacity to serve any additional demand. The Fishing River Fire District serves this property.

## **Findings**

For details to the proposed business, see Attachment C for the applicant business plan and site plan drawings, as well as Attachment D for applicant photos. The facility must also meet all State and Federal requirements, and documented proof must be supplied to the Planning & Zoning Department.

Questions have been raised and phone calls have been received from adjacent property owners, but no outright opposition has been received as of the date of this writing.

## **Recommendations**

Staff recommends the request for the **Conditional Use Permit** to operate an Animal Services business be **approved**, with the following conditions as shown on Exhibit A:

### **Exhibit A**

1. This Conditional Use Permit (CUP) is based on a time frame of ten (10) years.
2. A permit must be issued prior to the placement of any signs.
3. Building permits must be acquired for remodeling of the accessory structure, and fencing which over 6 feet and under 8 feet in height.
4. All State and Federal requirements must be met and documented proof must be supplied to the Planning & Zoning Department.
5. A maximum of 250 pets is allowed.
6. Once approved, this CUP is non-transferable; therefore, if ownership changes a new CUP must be filed with the Clay County Planning and Zoning office.
7. This CUP may be revoked at any time if the conditions of this CUP have not been met.



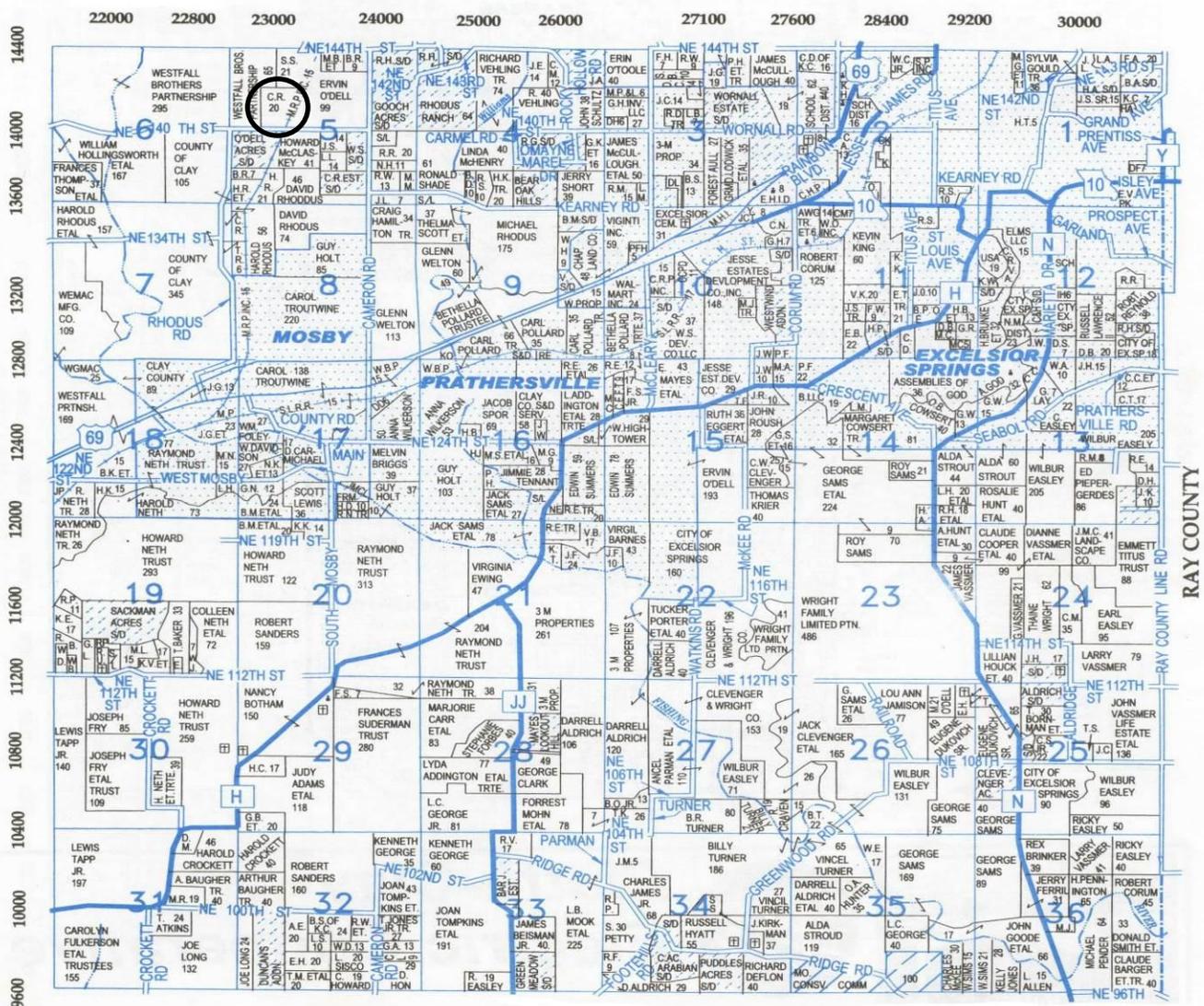
# Report to Planning & Zoning Commission

Clay County, Missouri

## Attachments

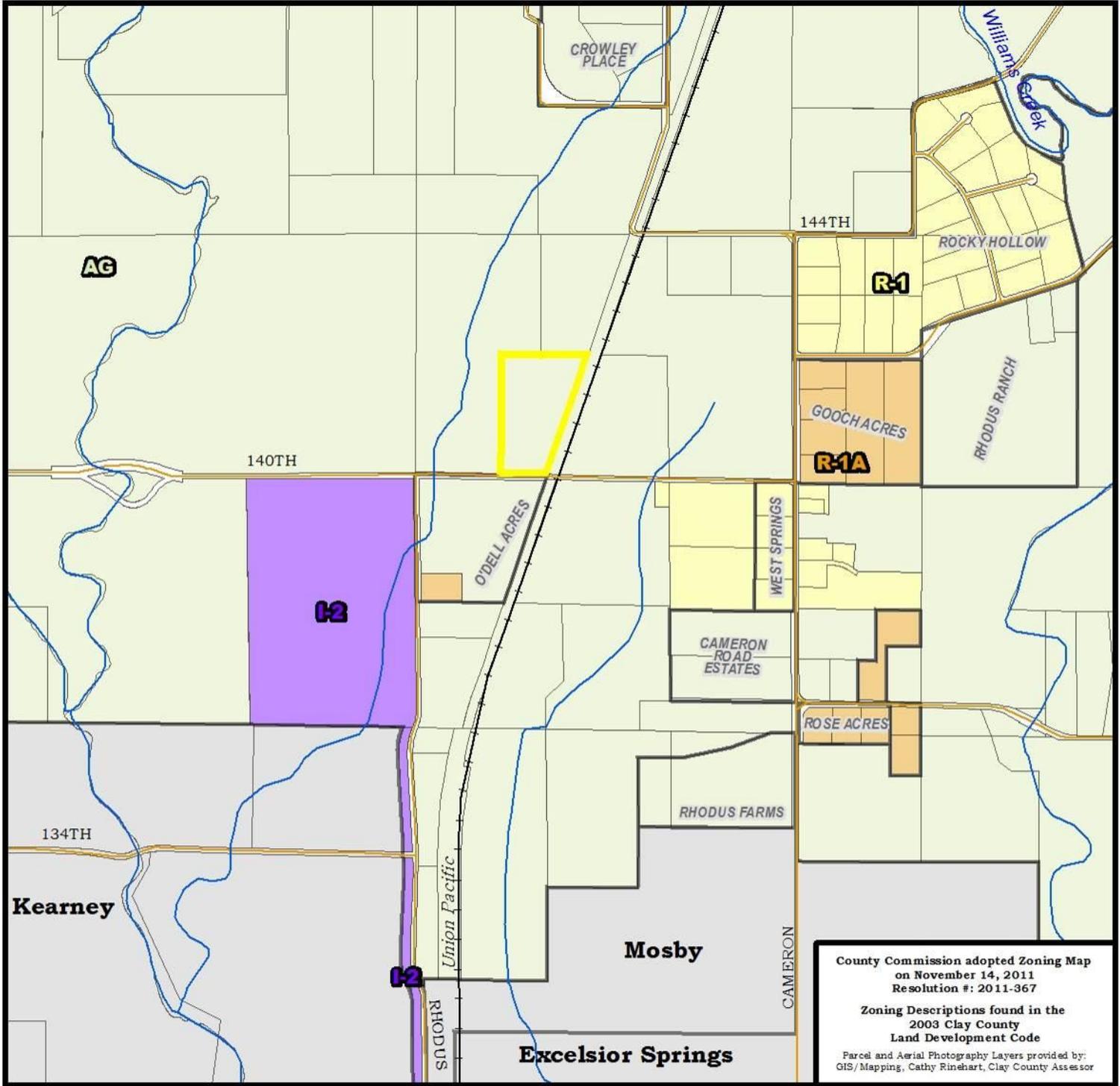
# March 14-113 CUP – Osthoff/Karnes – Animal Services Attachment A – Vicinity Map

## TOWNSHIP 52N • RANGE 30W



# March 14-113CUP – Animal Services Business

## 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
  - I-1
  - I-2
  - OP



## Report to Planning & Zoning Commission

Clay County, Missouri

### March 14-113 CUP – Osthoff/Karnes – Animal Services

#### Attachment C – Applicant Letter & Site Plan Drawings

(5 pages)

### BUSINESS PLAN

Phase 1  
1-5 years

#### Swanson Acres

23026 NE 140<sup>th</sup> Street Excelsior Springs MO 64024

February 14, 2014

#### ***Mission Statement***

Swanson Acres will be a non-profit 501(c)3 organization committed to providing a no-cage, no-kill forever home for senior animals surrendered by pet-parents who can no longer care for their pet. Although the focus will be on older pets we will also provide a safe, loving home for special need, abused and neglected animals of all ages. We will live on property and provide a healthy home environment to as many animals as resources allow.

#### ***The Company***

Mrs. Swanson's vision for the facility comes from her love of animals and her desire to give as many animals as possible a healthy and loving home. In the next five years, our mission is to provide a safe, and happy home to 150 animals.

Swanson Acres is part of the Edith Swanson Trust and will be guided by a six member Board of Directors. The company will be managed by Mrs. Swanson's niece, Anita Osthoff, and her nephew, Kris Karnes.

#### ***The Product***

To provide permanent care for animals whose pet-parent can no longer care for their pet but do not want the animal adopted.

To provide a permanent home for animals who, due to advanced age, would be considered unadoptable or unlikely be placed into a loving home through an animal shelter.

To provide abused or neglected animals a safe and loving forever home.

To re-home adoptable pets.

#### ***Organizational Timeline***

Initial funding is in place with additional fund raising to begin in March. Renovations to the property and the out-building will be completed by May 15<sup>th</sup>. Swanson Acres anticipates an August 1<sup>st</sup> opening.



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# Report to Planning & Zoning Commission

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Clay County, Missouri

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## **Phase I** *continued*

### **Operations**

#### ***Daily Operations***

Surrendering an animal is handled by appointment only between the hours of 9am and 6pm, Monday thru Friday, and 9am to 4pm, on Saturday and Sunday. Once all required information pertaining to the animal has been obtained, the animal will be presented to the on-site Veterinarian or Vet tech for screening. All adoptable animals will be spayed or neutered, vaccinated and micro-chipped. All cats and kittens are also tested for FeLV/FIV. After all necessary testing and shots have been administered, the animal is sent to the groomer and then evaluated by the on-site trainer.

Animal waste products will be placed in containers provided by a solid waste management company and picked up bi-weekly. The containers will be housed in a 10x10 structure located on the east side of the property near the entrance – approximately 800-ft from any housing. The structure will be completely enclosed to keep the containers protected from the weather and animals.

Signage for the facility will be located at the entrance on the west side of the property.

Metal bait stations will be placed around the out-building to capture small unwanted varmints from hanging around or entering the facility.

Disposition of a deceased pet will be handled according to the wishes of the pet-parent who surrendered the animal, as specified in the paperwork completed at the time of surrender. If the pet was surrendered with no preset arrangements the animal will be cremated off site.

A Veterinarian will euthanize a pet only if he/she determines it necessary to relieve suffering.

#### ***Operational Facilities***

Renovations to the 8,600 square-ft out-building will include a 25x20 admitting office, a 20x20 Vet clinic, a 25x20 grooming room, 30x20 break room and 20x20 FIV positive cat ward. The 30x20 training area for dogs with behavioral issues will have outdoor covered runs with 6-ft fencing placed in concert slabs.

A 100x70 parking area is to be installed adjacent to the out-building to accommodate two handicap and ten regular spaces. An additional space will be allocated for the Veterinarian.

Emergency lighting will be installed inside and outside the buildings, as well as battery operated smoke/carbon monoxide detectors, as needed.

We are awaiting quotes on insurance coverage for the property, including workman's comp and one million in liability.

See attached site plan for the facility and parking.  
(Proposed fencing appears in blue.)



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# Report to Planning & Zoning Commission

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Clay County, Missouri

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## **Phase I** *continued*

### ***Location***

The location for our facility was chosen because of its wonderful feeling of tranquility. During Phase I, ten acres of the lush grass and stately trees will be fenced for the animals to explore at will. Fencing will be 6-ft, chain link with a 10-in overhang, recessed 5-ins in the ground. The new fencing will be placed four feet from the existing fencing on the exterior of the property. The grounds will also be equipped with a additional security system and continual surveillance via closed circuit monitors for 24-hour observation.

There is a natural sound barrier of land mass, trees and foliage running parallel to the railroad tracks, behind the out-building on east side of property. If necessary, evergreens and foliage can be added to bolster the existing sound barrier, and placed along the fence lines on the north and south sides of the property.

### ***Staffing***

The Administrator, Assistant Administrator and Office Manager will live on property.

On-site: Vet-tech, Groundskeeper/maintenance, Groomer, Trainer, and Volunteers will be allocated on an as needed basis.

On call: We will partner with four Veterinarians to administer rabies shots, take x-rays, prescribe needed medications and perform necessary surgeries.

## **Phase II** **5-10 years**

### **Company Goals and Objectives**

Our vision is to have a maximum of 250 pets enjoying life at Swanson Acres.

We expect to have a permanent staff of 12: Administrator, Assistant Administrator, Office Manager & two office assistants, Facility Coordinator, Groundskeeper/Maintenance Supervisor, Veterinarian, Grooming staff of two, Trainer and Accountant.

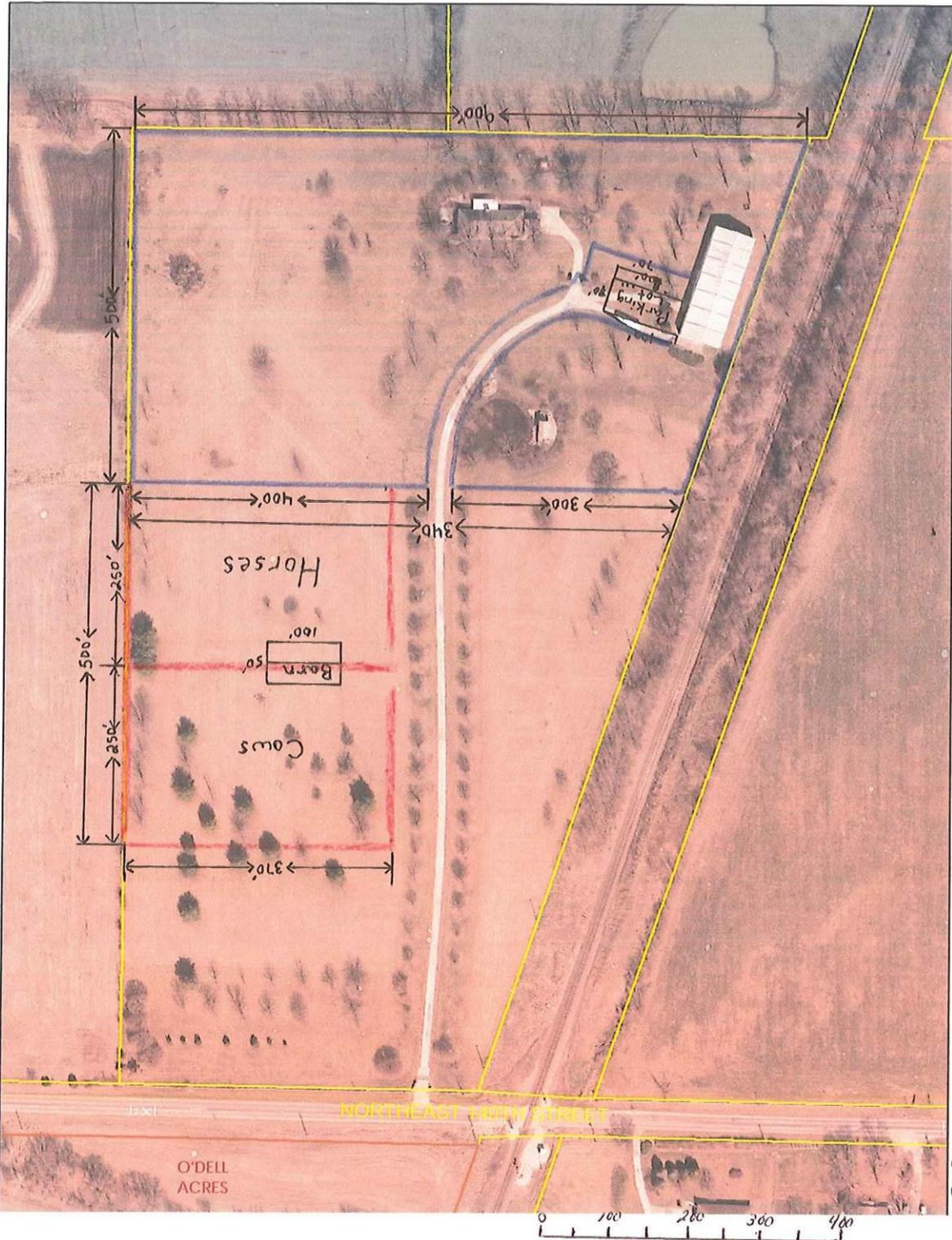
If, during the first five years we are asked to shelter horses or cattle, we have land available for fencing to accommodate those requests and will research the necessary requirements.

We will also explore the feasibility of a Pet Cemetery on three acres of the property



# Report to Planning & Zoning Commission

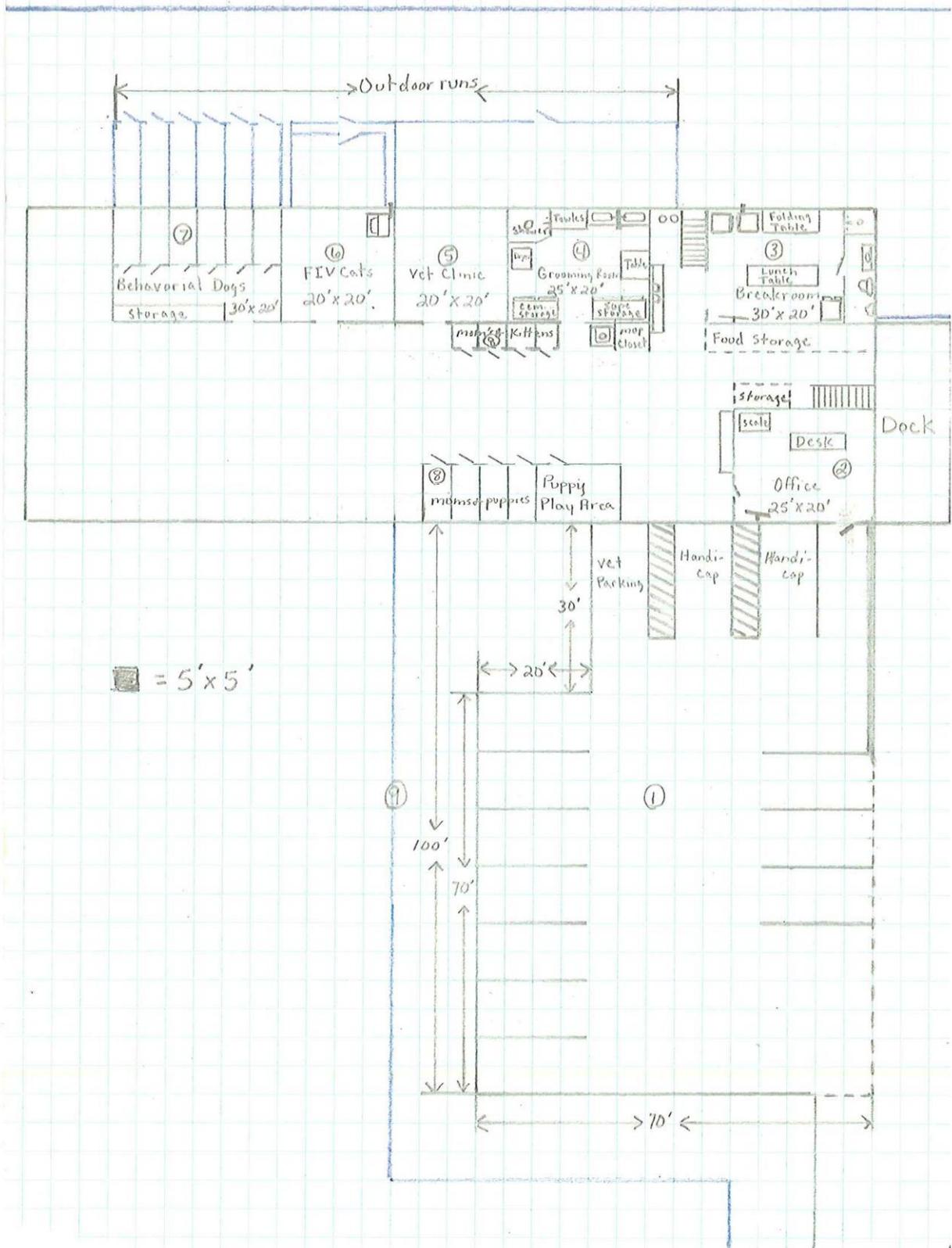
Clay County, Missouri





# Report to Planning & Zoning Commission

Clay County, Missouri





## Report to Planning & Zoning Commission

Clay County, Missouri

### March 14-113 CUP – Osthoff/Karnes – Animal Services

#### Attachment D – Applicant Photos

(3 pages)

East side of property





# Report to Planning & Zoning Commission

Clay County, Missouri

Northeast corner





# Report to Planning & Zoning Commission

Clay County, Missouri

East of the building







# Report to Planning & Zoning Commission

Clay County, Missouri

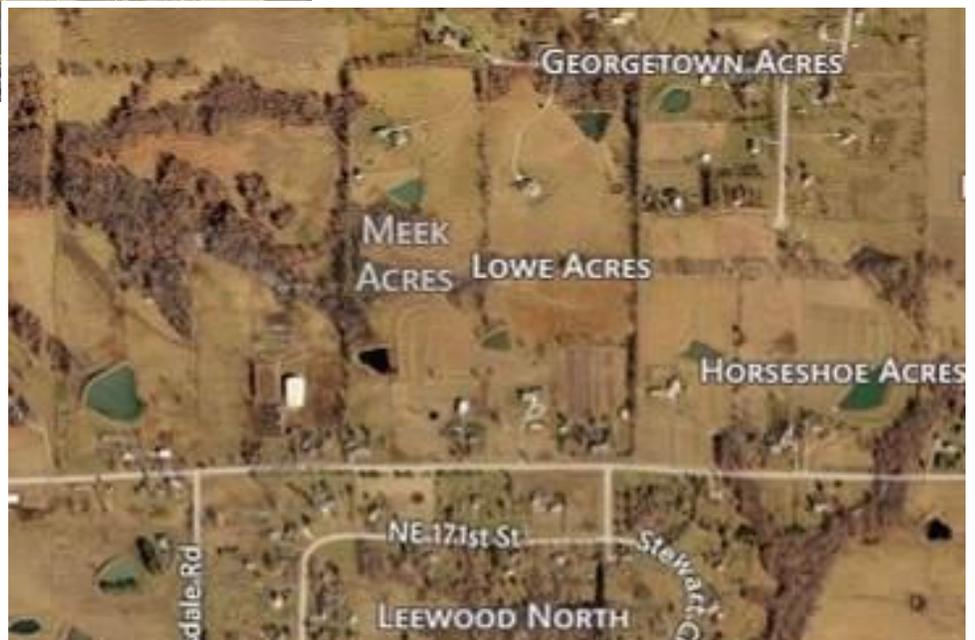
## General Information

- Site Location:** approximately 20284 NE 172<sup>nd</sup> Street  
Section 13 | Township 53 | Range 31
- Site Size:** 15.62± acres
- Existing Landuse & Zoning:** Agricultural District (AG)
- Zoning/Platting History:** Replat of Lots 1 & 2B of Meek Acres, recorded 09/26/1994.
- Surrounding Landuse & Zoning:**
- North – Agricultural (AG) zoned land, Georgetown Acres (R-1)
  - East – Agricultural (AG) zoned land, Horseshoe Acres (AG), Dagley Acres (R-1)
  - South – Leewood North (R-1), Richland Heights (R-1)
  - West – Agricultural (AG) zoned land, Bar-B-Hills (R-1)

## Current Conditions:



Courtesy Clay County Assessor, GIS/Mapping



Courtesy Microsoft® Bing™



# Report to Planning & Zoning Commission

Clay County, Missouri

## Assessment

Mike Douchant with Dolan Realty Advisors LLC, an agent for AT&T Wireless on behalf of the property owners David E. & Betty A. Kitchen is requesting approval of a **Conditional Use Permit (CUP)** to erect a Commercial Telecommunications Facility specifically for wireless mobile and data services at approximately 20284 NE 172<sup>nd</sup> Street. The property is Lot 1A of Replat of Lots 1 & 2B of Meek Acres subdivision approximately 15.62<sup>±</sup>acres in size and zoned Agricultural District (AG).

This request is to locate a 155-foot tall monopole style commercial communications tower (“cell tower”) in order to provide mobile phone and data service to the surrounding area.

### 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 (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 directed by the Plan.

	Natural Resources Tier <sup>†</sup> (Yellow)	Rural Low-Density Tier <sup>†</sup> (Green)	Urban Services Tier <sup>†</sup> (Salmon)
<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.

<sup>†</sup> 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)
<b>Intent</b>	Exceptions from 20-acre minimum lotsize 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

Georgetown Acres (R-1) is to the north. Horseshoe Acres (AG) and Dagley Acres (R-1) are to the East. Leewood North and Richland Heights (R-1) are to the south, and Bar-B-Hills is to the west. Agricultural (AG) zoned land to the east and south of the property. [See Attachment B]

## Federal Aviation Administration (FAA) Considerations

Block Air Private Air Strip located in Clinton County is approximately 5.87 miles to the northwest of the proposed tower location, and the runway for Midwest National Air Center (MNAC) is approximately 4.74 miles to the southeast. The applicant does not need to pursue FAA notification of construction or alternation (Form 7460), as the subject request falls outside of the required notification area from any FAA airport/heliport.

Figure 1 to the right illustrates the following:

- Subject tower location – red star
- FAA 7460 Notification Areas – orange-colored rings
  - Smaller to upper northwest – Block Air in Clinton County
  - Larger to east – Midwest National Air Center (MNAC)

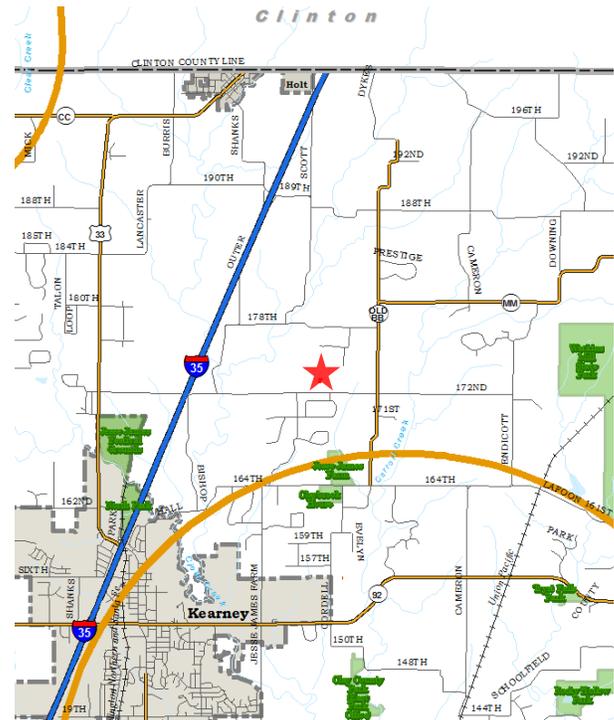


Figure 1: FAA Notification Areas

## Code Considerations

The Conditional Use Permit (CUP) 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 sent February 14, 2014.



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# Report to Planning & Zoning Commission

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Clay County, Missouri

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The subject request for a Commercial Telecommunications Facility is handled under multiple portions of the 2011 Clay County Land Development Code (“LDC”). The use table inside Section 151-6.1 includes a “Telecommunications Facility (Commercial)” designation requiring approval of a Conditional Use Permit (“CUP”) in the Agricultural (“AG”), Residential Rural (R-1), Residential Ranchette (R-5), Residential Urban (R-U), Commercial Services (C-3), Limited Industrial (I-1) and General Industrial (I-2) zoning districts. As such, the subject request must meet all of the approval criteria for a CUP in Section 151-3.10 (A) (13) detailed below:

- A) The proposed use complies with the intent of the Comprehensive Plan and general provisions of the Land Development Code, modified for the specific use request.
- B) The proposed use in its proposed location will not have a substantial adverse impact on the public health, safety or general welfare.
- C) The proposed use will not cause substantial injury to the value of other property in the vicinity.
- D) Adequate access routes will be provided and designed to prevent traffic hazards and to minimize traffic congestion in public streets.
- E) Adequate public safety, transportation and utility facilities/services will be available to service the subject property while maintaining adequate levels of service for existing development, and
- F) The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (i.e., hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).

Under Section 151-6.2 (G), the LDC provides specific use standards for commercial antennas/towers which apply to this request are summarized below:

1) Federal Requirements

STAFF RESPONSE: The applicant does not need to pursue FAA notification of construction or alternation (Form 7460), as the subject request falls outside of the required notification area from any FAA airport/heliport.

2) Abandoned Towers – The LDC requires abandoned towers be removed at the owner’s expense, and a bond or letter of credit be maintained for this purpose in the County Clerk’s Office. The amount shall be equal to a demolition bid of the tower structure, updated every 5 years.

3) Inspection – The tower shall be inspected every 24 months by a registered structural engineer. A copy of the inspection report shall be provided to the County.

4) Accessory Equipment Storage – mobile equipment or equipment not used in direct support of a tower facility shall not be stored or parked on the site.

STAFF RESPONSE: *No accessory equipment/storage is requested in relation to this application.*

5) Fences – Towers shall be enclosed by security fencing not less than 6 feet in height with anti-climbing device, and have a locked gate. Security signs shall be posted on the fence.

STAFF RESPONSE: *supplied drawings show 6-foot tall chain-link fence around full perimeter of facility site. Monopole design is inherently anti-climbing.*



## Report to Planning & Zoning Commission

Clay County, Missouri

- 6) Design and Construction – The LDC requires a building permit be issued for construction of a tower, and plans and specifications be submitted from a registered professional engineer.
- 7) Lighting – If lighting is required, the County Commission may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

STAFF RESPONSE: *No additional lighting is required in relationship to this request.*

- 8) Landscaping – The tower compound shall be landscaped with a buffer of plant materials that effectively screens the compound from adjacent property.

STAFF RESPONSE: *Landscaping is to be installed completely around the tower compound. See attached site plan.*

- 9) Co-locations – The LDC requires tower installations above 120 feet in height provide a minimum capacity for three (3) total users that includes AT&T.

STAFF RESPONSE: *The proposed tower/antenna has the ability to provide space for 3 total users, if desired.*

- 10) Separation from Existing Towers – A monopole tower such as this subject request must be at least 1,500 feet from any existing tower.

STAFF RESPONSE: *A proposed new monopole facility such as the subject request must be at least 1,500 feet from any existing tall structures. The proposed facility is approximately 5,350 feet (~ 1.01 miles) northwest of the existing Parks James Farm Tower.*

- 11) Height and setback – No tower shall exceed 300 total feet above ground level, and must be setback a minimum distance equal to 100% of the height of the tower from all adjoining property lines.

STAFF RESPONSE: *This tower is 155 feet in height and is proposed to be approximately 155 feet from the east, and over that amount in all other directions, thereby meeting the requirement.*

Section 151-5.5 of the LDC sets additional height hazard limitations for tall structures within the Airport Overlay Zoning District (“A-O”). The subject request falls approximately within the 1,300 feet above mean sea level (AMSL) max height level. The submittal as submitted reaches close to 1,070 (155’ structure height + 915’ ground elevation), thereby meeting or exceeding the additional standards inside A-O.

### **Outside Agency Review**

The Clay County Highway Department noted: “The road will not sustain any increase in traffic”.

The Clay County Health Department has given preliminary and final approval. Clay County Public Water Supply District #3 has not responded as of this writing. The Smithville Fire Protection District serves this property.

### **Findings**

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



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# Report to Planning & Zoning Commission

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Clay County, Missouri

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## Recommendations

Staff recommends the request for the **Conditional Use Permit** to erect a 155-foot tall monopole Commercial Telecommunications Facility be **approved with following conditions** as shown on Exhibit A:

### Exhibit A

1. The CUP shall be based on a time frame of fifteen (15) years.
2. Tower design shall be reviewed at the time a building permit is issued, and at minimum shall include the following elements:
  - a. Maximum height for this communications tower shall be 155 feet.
  - b. The monopole tower shall be set back a minimum distance of 155 feet from all adjoining property lines.
  - c. Construction plans and specification drawings be submitted from a registered professional engineer in the State of Missouri.
3. One (1) co-location shall be granted at no charge to the Clay County Sheriff Department and/or any other authorized public safety responder servicing the tower's coverage area.
4. Every twenty-four (24) months the tower must be inspected by a structural engineer registered in the State of Missouri who is regularly involved in maintenance, inspection and erection of communications towers.
5. If the tower is damaged or destroyed, the property owners will have 120 days to repair or dismantle the facility.
6. No hazardous materials may be stored on the property.
7. In case of amateur radio use (often referred to as "HAM radio"), applicant/owners must submit evidence of Federal Communications Commission (FCC) licenses and permits.
8. Once approved, this CUP is non-transferable; therefore, if ownership changes a new CUP must be filed with the Clay County Planning and Zoning Department office.



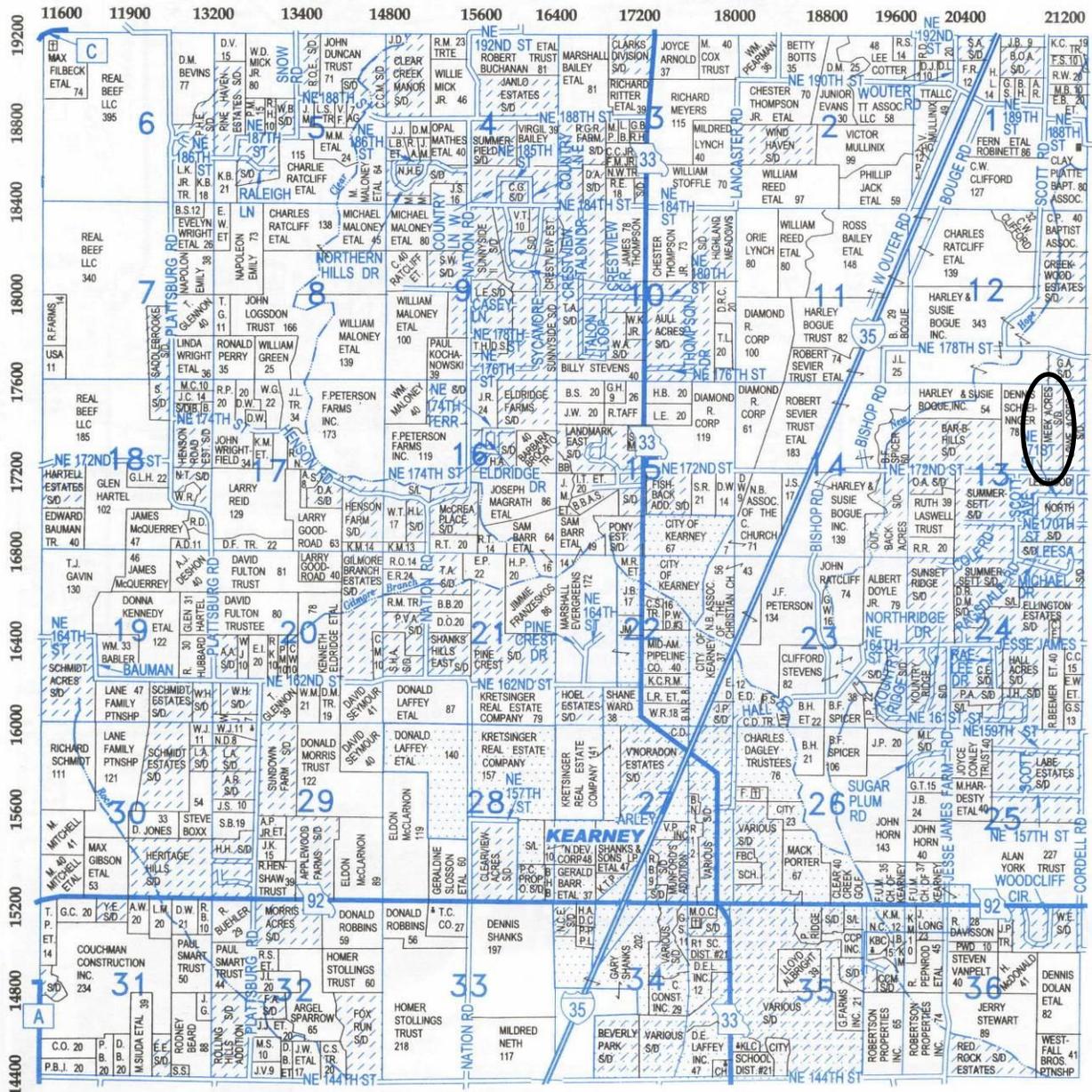
# Report to Planning & Zoning Commission

Clay County, Missouri

## Attachments

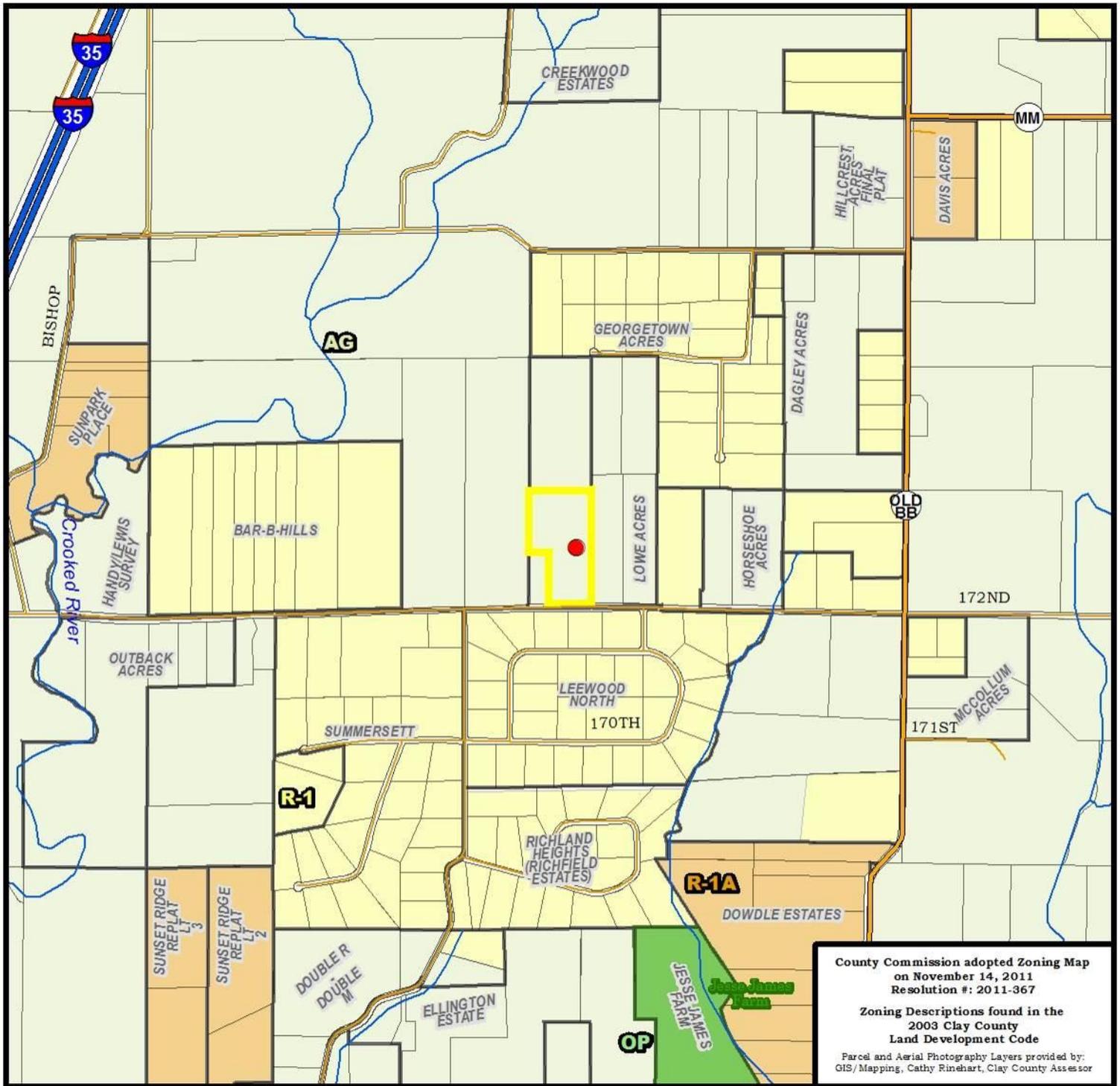
# March 14-114 CUP – Kitchen / AT&T – Commercial Telecommunications Facility

## TOWNSHIP 53N • RANGE 31W



# March 14-114CUP - Kitchen / AT&T

## 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) 02/25/2014 - 05:41:18 PM

**Planning & Zoning Department**

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

### LEGEND

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

### Overlay Districts

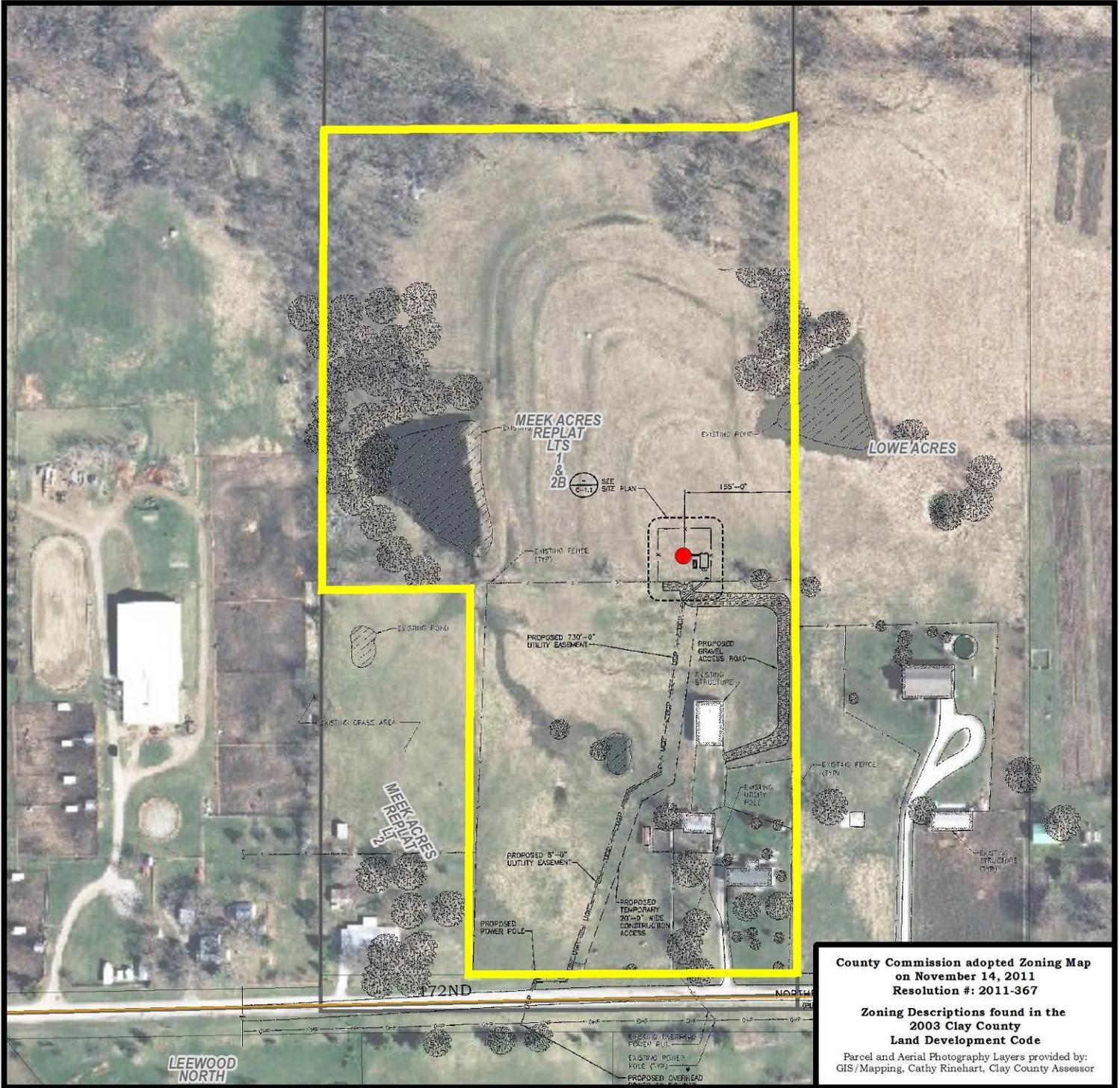
- CD (Conservation District)
- PUD (Planned Unit Development)

### Zoning Districts

<span style="background-color: #ffffcc; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> AG	<span style="background-color: #ffcc99; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-1	<span style="background-color: #ffcc99; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-1A/R-5	<span style="background-color: #ffcc99; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-1B/RU	<span style="background-color: #ffcc99; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-3
<span style="background-color: #ffcc99; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> C-1	<span style="background-color: #ffcc99; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> C-2	<span style="background-color: #ffcc99; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> C-3	<span style="background-color: #ffcc99; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> I-1	<span style="background-color: #ffcc99; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> I-2
<span style="background-color: #ffcc99; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> OP				

# March 14-114CUP – Kitchen / AT&T

## 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

Parcel and Aerial Photography Layers provided by: GIS/Mapping, Cathy Rinehart, Clay County Assessor



Planning & Zoning Department



1 inch = 200 feet  
 1 inch = 0.04 miles

### LEGEND

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

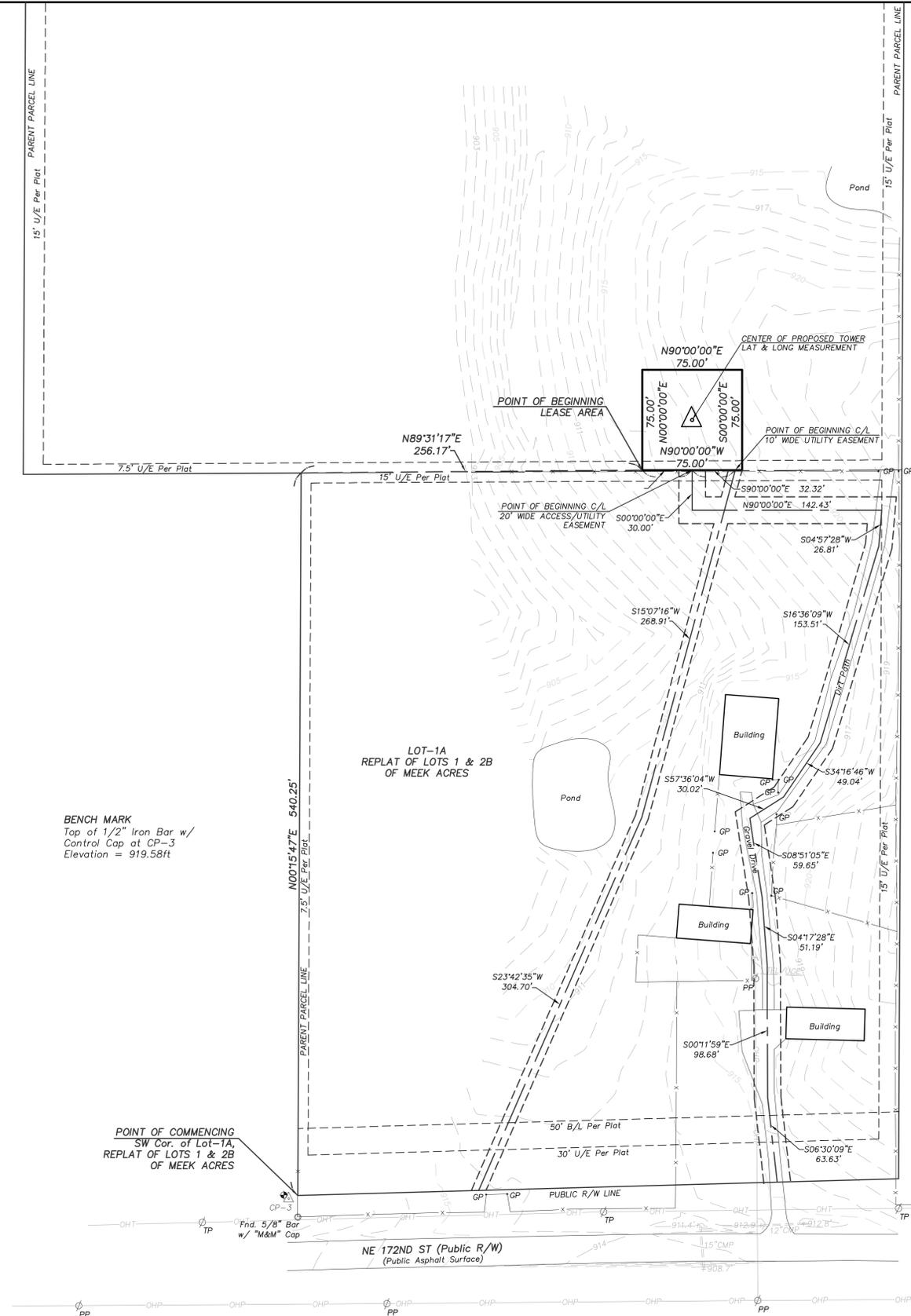
Map Document: (G:\GIS\Project\_Files\Vacinity Map - 8 x 11 P.mxd) 02/25/2014 05:50:56 PM



LEGEND	
TELEPHONE POLE	TP
POWER POLE	PP
TELEPHONE PEDESTAL	Tel. Ped.
ANCHOR	⊂
BENCHMARK	⊕
CONTROL POINT	△
GATE POST	GP
PROPERTY CORNER	○
TOWER POINT	△
FENCE	x
OVERHEAD POWER LINE	OHP
OVERHEAD TELEPHONE LINE	OHT
UNDERGROUND ELECTRIC LINE	UGE
UNDERGROUND TELEPHONE LINE	TEL

# KS4434 NE 176TH ST

## PART OF SEC. 13, T. 53N, R. 31W, IN CASS COUNTY, MISSOURI



**PROPOSED CELL TOWER DATA**  
Center of Tower  
Lot 39°24'22.56" North  
Long 94°19'32.72" West  
Ground Elevation = 916ft

**BENCH MARK**  
Top of 1/2" Iron Bar w/  
Control Cap at CP-3  
Elevation = 919.58ft

**PROPERTY DESCRIPTION: Parent Parcel as Provided**

ALL THAT PARCEL OF LAND IN CLAY COUNTY, STATE OF MISSOURI, AS MORE FULLY DESCRIBED IN DEED BOOK 2408, PAGE 423, ID# 07-602-00-01-014.00, BEING KNOWN AND DESIGNATED AS:

LOT 1A, REPLAT OF LOTS 1 & 2B OF MEEK ACRES, A SUBDIVISION OF LAND IN CLAY COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

BY FEE SIMPLE DEED FROM RANDY K. MEEK, A SINGLE PERSON AS SET FORTH IN BOOK 2408 PAGE 423 DATED 11/19/1994 AND RECORDED 12/02/1994, CLAY COUNTY RECORDS, STATE OF MISSOURI.

NOTE: The parent parcel graphically shown hereon, in full or in part, is the same as that described above.

Property information shown hereon was provided by AMC Settlement Services Company, Order No. 8665471, effective 10-15-2013.

Schedule B information affecting Lease Area is noted unless shown hereon.

Schedule B information not shown hereon:

Plat Recorded 11-02-1993 and Replat Recorded 02-18-1994. (Not shown, outdated)

Protective Covenants in Doc. No. L.96229. (Not the type to be depicted hereon)

Notes:

Bearings shown hereon are based on Missouri State Plane Coordinate System of 1983 (NAD 83).

Coordinates were derived using GPS Static Survey methods and post processed data with Magellan/Ashtech receivers and "Locus System" processor software.

Set 1/2" iron bar at Lease corners unless otherwise noted.

The purpose of this survey is to establish and describe a Lease Parcel and associated easements. This is not a boundary survey of the Parent Parcel.

The utilities as shown on this drawing were developed from the information available (existing utility maps, aboveground observations and or surface markings placed on the ground by the utility company or a representative thereof). This company has made no attempt to excavate or go below surface to locate utilities and does not extend or imply a guaranty or warranty as to the exact location of or complete inventory of utilities in this area. It shall be the contractors responsibility to verify the location and depth of all utilities (whether shown or not) prior to excavation or construction and to protect said utilities from damage.

**PROPERTY DESCRIPTION: LEASE AREA, ACCESS/UTILITY EASEMENT, AND UTILITY EASEMENT**

A 75 foot by 75 foot Lease Area, a 20 foot wide Access/Utility Easement, and a 10 foot wide Utility Easement situated in Lot 1A, REPLAT OF LOTS 1 & 2B OF MEEK ACRES, a subdivision of land in Clay County, Missouri, more particularly described as follows:

COMMENCING at the Southwest Corner of said Lot 1A; thence along the West line of said Lot, North 00°15'47" East, a distance of 540.25 feet to an interior corner of said Lot; thence leaving said West line, North 89°31'17" East, a distance of 256.17 feet to the POINT OF BEGINNING of said Lease Area; thence North 00°00'00" East, a distance of 75.00 feet; thence North 90°00'00" East, a distance of 75.00 feet; thence South 00°00'00" East, a distance of 75.00 feet; thence North 90°00'00" West, a distance of 75.00 feet to the POINT OF BEGINNING. Containing 5,625 square feet.

A 20 foot wide Access/Utility Easement, lying 10.00 feet on each side of the following described centerline:

COMMENCING at the Southwest Corner of said Lot 1A; thence along the West line of said Lot, North 00°15'47" East, a distance of 540.25 feet to an interior corner of said Lot; thence leaving said West line, North 89°31'17" East, a distance of 256.17 feet; thence South 90°00'00" East, a distance of 37.50 feet to the POINT OF BEGINNING of said centerline; thence South 00°00'00" East, a distance of 30.00 feet; thence North 90°00'00" East, a distance of 142.43 feet; thence South 04°57'28" West, a distance of 26.81 feet; thence South 16°36'09" West, a distance of 153.51 feet; thence South 34°16'46" West, a distance of 49.04 feet; thence South 57°36'04" West, a distance of 30.02 feet; thence South 08°51'05" East, a distance of 59.65 feet; thence South 04°17'28" East, a distance of 51.19 feet; thence South 00°11'59" East, a distance of 98.68 feet; thence South 06°30'09" East, a distance of 63.63 feet to the North Right of Way line of NE 172ND ST (Public R/W) as it presently exists and the POINT OF TERMINATION.

AND a 10 foot wide Utility Easement, lying 5.00 feet on each side of the following described centerline:

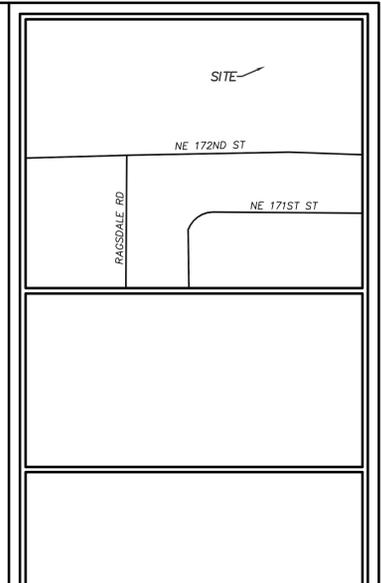
COMMENCING at the Southwest Corner of said Lot 1A; thence along the West line of said Lot, North 00°15'47" East, a distance of 540.25 feet to an interior corner of said Lot; thence leaving said West line, North 89°31'17" East, a distance of 256.17 feet; thence South 90°00'00" East, a distance of 37.50 feet; thence continuing South 90°00'00" East, a distance of 32.32 feet to the POINT OF BEGINNING of said centerline; thence South 15°07'16" West, a distance of 268.91 feet; thence South 23°42'35" West, a distance of 304.70 feet to the North Right of Way line of NE 172ND ST (Public R/W) as it presently exists and the POINT OF TERMINATION.

**CERTIFICATION:**

I HEREBY CERTIFY THAT A SURVEY WAS MADE BY ME, OR UNDER MY DIRECT SUPERVISION, ON THE GROUND OF THE LEASE AREA, LEASE ACCESS EASEMENT, AND LEASE UTILITY EASEMENT PREMISES HEREIN DESCRIBED, AND THE RESULTS OF SAID SURVEY ARE REPRESENTED HEREON. THIS SURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS OVER SAID LEASE PREMISES TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

JEFFREY B. LOVELACE MO-LS2580

DATE: \_\_\_\_\_ 12-05-13; ADDED A/E

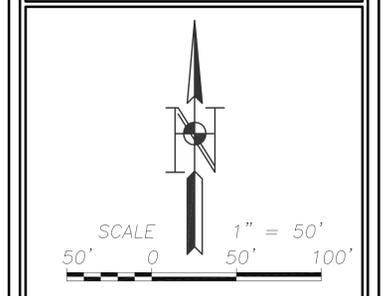


**LOVELACE & ASSOCIATES**  
Land Surveying - Land Planning  
Telecommunications Surveys  
929 SE 3rd Street Lee's Summit, Missouri 64063  
Phone: (816) 347-9997 Fax: (816) 347-9979

**SURVEY COORDINATED BY:**  
LOVELACE AND ASSOCIATES, LLC  
P.O. BOX 68,  
LEE'S SUMMIT, MO 64063  
TELEPHONE: 816-347-9997  
FAX: 816-347-9979

**SURVEY PROVIDED BY:**  
LOVELACE AND ASSOCIATES, LLC  
P.O. BOX 68,  
LEE'S SUMMIT, MO 64063  
TELEPHONE: 816-347-9997  
FAX: 816-347-9979

**SURVEY PROVIDED FOR:**  
BLACK & VEATCH CORPORATION  
10950 GRANDVIEW DRIVE,  
OVERLAND PARK, KS 66210  
TELEPHONE: 913-458-3263



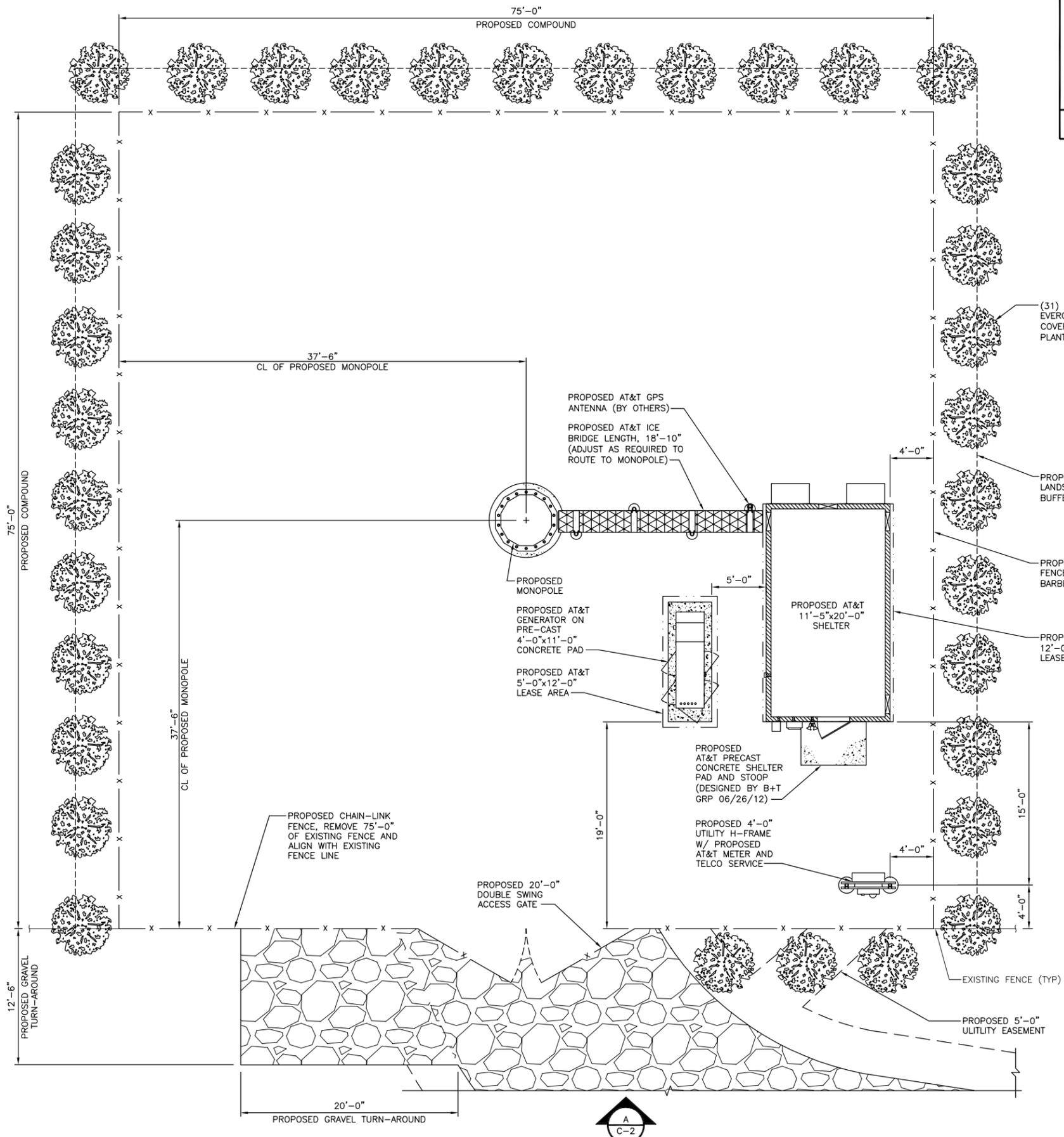
**FLOOD NOTE:**  
According to my interpretations of Community Panel No. 2900860500C of the Flood Insurance Rate Map for Cass County, Missouri, dated 04-16-2003, the subject property is in Flood Zone "X", ie. "areas determined to be Outside 500 year flood plain".

CALL BEFORE YOU DIG - DRILL - BLAST  
1-800-344-7483  
(TOLL FREE)  
MISSOURI ONE CALL SYSTEM, INC.

**SITE I.D.:** KS4434  
**SITE NAME:** NE 176TH ST  
**SITE LOCATION:** CITY OF PLEASANT HILL, CASS COUNTY, MISSOURI  
**LA PROJECT NO.:** 13482  
**DRAWN BY:** A.C.T.  
**CHECKED BY:** J.B.L.  
**DATE:** 11-26-13  
**FIELDWORK DATE:** 11-21-13

**SHEET NUMBER**  
1 OF 1





1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS ANTENNA AND TRANSMITTING ANTENNAS.
3. PROPERTY LINES ARE APPROXIMATIONS ONLY.
4. ANTENNAS & MOUNTS OMITTED FOR CLARITY.

**NOTES**



7801 FARLEY  
OVERLAND PARK, KS 66204



**BLACK & VEATCH**

10950 GRANDVIEW DRIVE  
OVERLAND PARK, KANSAS 66210  
(913) 458-2000

PROJECT NO: 122041

DRAWN BY: RAF

CHECKED BY: GJS

REV	DATE	DESCRIPTION
B	12/17/13	ISSUED FOR REVIEW
A	11/08/13	ISSUED FOR REVIEW

PRELIMINARY

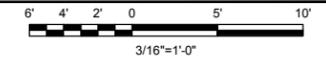
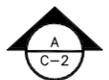
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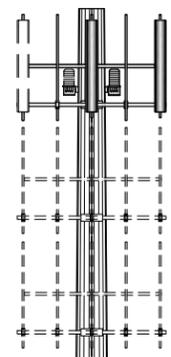
SHEET TITLE  
**SITE PLAN**

SHEET NUMBER  
**C-1.1**

**SITE PLAN**



- PROPOSED MONOPOLE  
TOWER HEIGHT EL. 155' AGL
- (1) PROPOSED AT&T PLATFORM MOUNT
- (3) PROPOSED AT&T UMTS ANTENNAS
- (3) PROPOSED AT&T LTE ANTENNAS
- (3) FUTURE AT&T LTE ANTENNAS
- (3) PROPOSED AT&T TMAs
- (3) PROPOSED AT&T RRHs
- (3) PROPOSED AT&T AWS RRHs
- (3) FUTURE AT&T WCS RRHs
- (1) PROPOSED RAYCAP SURGE PROTECTION UNIT
- (1) FUTURE RAYCAP SURGE PROTECTION UNIT  
CL. EL. 150' AGL
- FUTURE CARRIER  
CL. EL. 140' AGL
- FUTURE CARRIER  
CL. EL. 130' AGL



**NOTES:**

- FENCE NOT ENTIRELY SHOWN FOR CLARITY.
- CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS ANTENNA AND TRANSMITTING ANTENNAS.
- THE PROPOSED TOWER IS CURRENTLY BEING DESIGNED BY OTHERS TO CARRY THE PROPOSED NEW COAX AND ANTENNAS. THESE DRAWINGS HAVE BEEN CREATED BASED ON THE ASSUMPTION THAT THE STRUCTURAL DESIGN WILL SHOW THAT THE TOWER HAS SUFFICIENT CAPACITY TO SUPPORT THE PROPOSED NEW LOADS. INSTALLATION OF THE COAX AND ANTENNAS SHALL NOT COMMENCE UNTIL AN APPROVED STRUCTURAL ANALYSIS HAS BEEN RECEIVED BY THE OWNER OR AT&T AND HAS BEEN REVIEWED BY BLACK & VEATCH. CONTRACTOR SHALL REFERENCE THE TOWER STRUCTURAL ANALYSIS/DESIGN DRAWINGS FOR DIRECTIONS ON CABLE DISTRIBUTION/ROUTING.



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SHEET TITLE  
ELEVATION

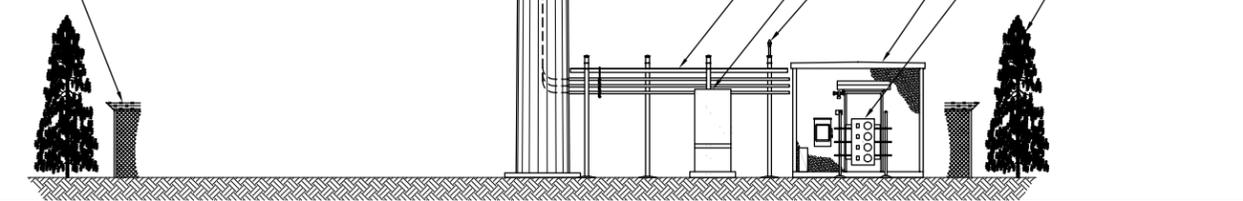
SHEET NUMBER  
**C-2**

- (6) PROPOSED AT&T 1 5/8" COAX,
- (1) PROPOSED 3/8" RET CABLE,
- (1) PROPOSED 3/8" ROSENBERGER FBL98B-034 FIBER TRUNK CABLE,
- (2) PROPOSED 3/4" ROSENBERGER WR-VG86T DC POWER TRUNK CABLES AND (2) FUTURE 3/4" ROSENBERGER WR-VG86T DC POWER TRUNK CABLES ROUTED INSIDE PROPOSED MONOPOLE

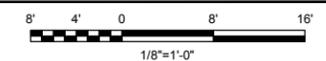
PROPOSED MONOPOLE

PROPOSED CHAIN-LINK FENCE WITH ANTI-CLIMBING BARBED WIRE AT THE TOP (TYP)

- PROPOSED AT&T ICE BRIDGE LENGTH, 18'-10"
- PROPOSED AT&T GENERATOR ON CONCRETE PAD
- PROPOSED AT&T GPS ANTENNA BY OTHERS (TO BE PLACED 10' MINIMUM FROM ANY EXISTING ANTENNA)
- PROPOSED AT&T EQUIPMENT SHELTER
- PROPOSED 4'-0" UTILITY H-FRAME W/ PROPOSED AT&T METER AND TELCO SERVICE
- PROPOSED EVERGREEN JUNIPER TREE (TYP)



**PROPOSED ELEVATION**  
SEE DRAWING C-1.2



A



**PLANTING NOTES**

- ALL PLANTS MUST BE HEALTHY, VIGOROUS MATERIAL, FREE OF PEST AND DISEASE.
- ALL PLANTS MUST BE CONTAINER-GROWN OR BALLED AND BURLAPPED AS SPECIFIED.
- ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE OWNER'S REPRESENTATIVE BEFORE, DURING AND AFTER INSTALLATION.
- ALL PLANTS AND PLANTING AREAS MUST BE COMPLETELY MULCHED AS SPECIFIED.
- PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING COURSE OF WORK. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ALL DAMAGE TO UTILITIES.
- THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTING AREAS (INCLUDING, BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZATION, ETC) UNTIL THE WORK IS FULLY ACCEPTED.
- THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF (1) ONE YEAR BEGINNING AT THE DATE OF TOTAL ACCEPTANCE. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE OR AT THE END OF THE GUARANTEE PERIOD.
- THE OWNER'S REPRESENTATIVE WILL APPROVE THE STAKED LOCATION OF ALL PLANT MATERIAL PRIOR TO INSTALLATION.
- AFTER BEING DUG AT THE NURSERY SOURCE, ALL TREES IN LEAF SHALL BE ACCUMULATED FOR TWO (2) WEEKS UNDER A MIST SYSTEM PRIOR TO INSTALLATION.
- ANY PLANT MATERIAL THAT DIES, TURNS BROWN OR DEFOLIATES (PRIOR TO TOTAL ACCEPTANCE OF THE WORK SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, SIZE AND MEETING ALL SPECIFICATIONS.
- STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK". LATEST EDITION REPRESENTS GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.

- ALL REQUIRED TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO GRADING OR EXCAVATING.
- UNDISTURBED BUFFERS SHALL BE REPLANTED TO BUFFER STANDARDS WHERE SPARSELY VEGETATED OR WHERE DISTURBED AT APPROVED UTILITY CROSSINGS. REPLANTING IS SUBJECT COUNTY ARBORIST APPROVAL.
- LANDLORD TO APPROVE TYPE OF SHRUBBERY PRIOR TO INSTALLATION.

	BOTANICAL NAME	COMMON NAME	QTY	SIZE	SPACING	SPECIFICATIONS
EVERGREEN TREES	JUNIPERUS CHINENSIS 'KETELEERI'	KETELERI JUNIPER	34	3-5 GAL	AS SHOWN ON PLAN	CONTAINERIZED, MIN 72" IN HEIGHT



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**PLANT SCHEDULE**

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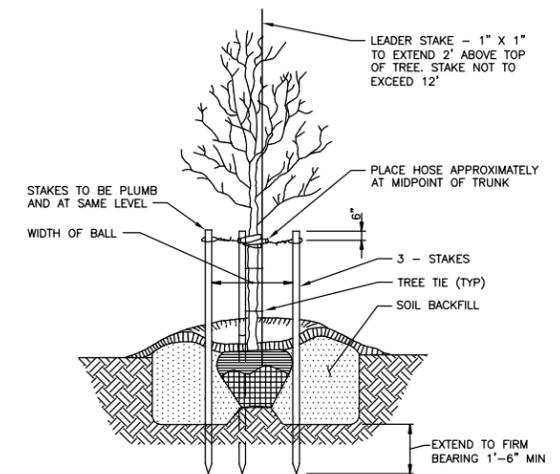
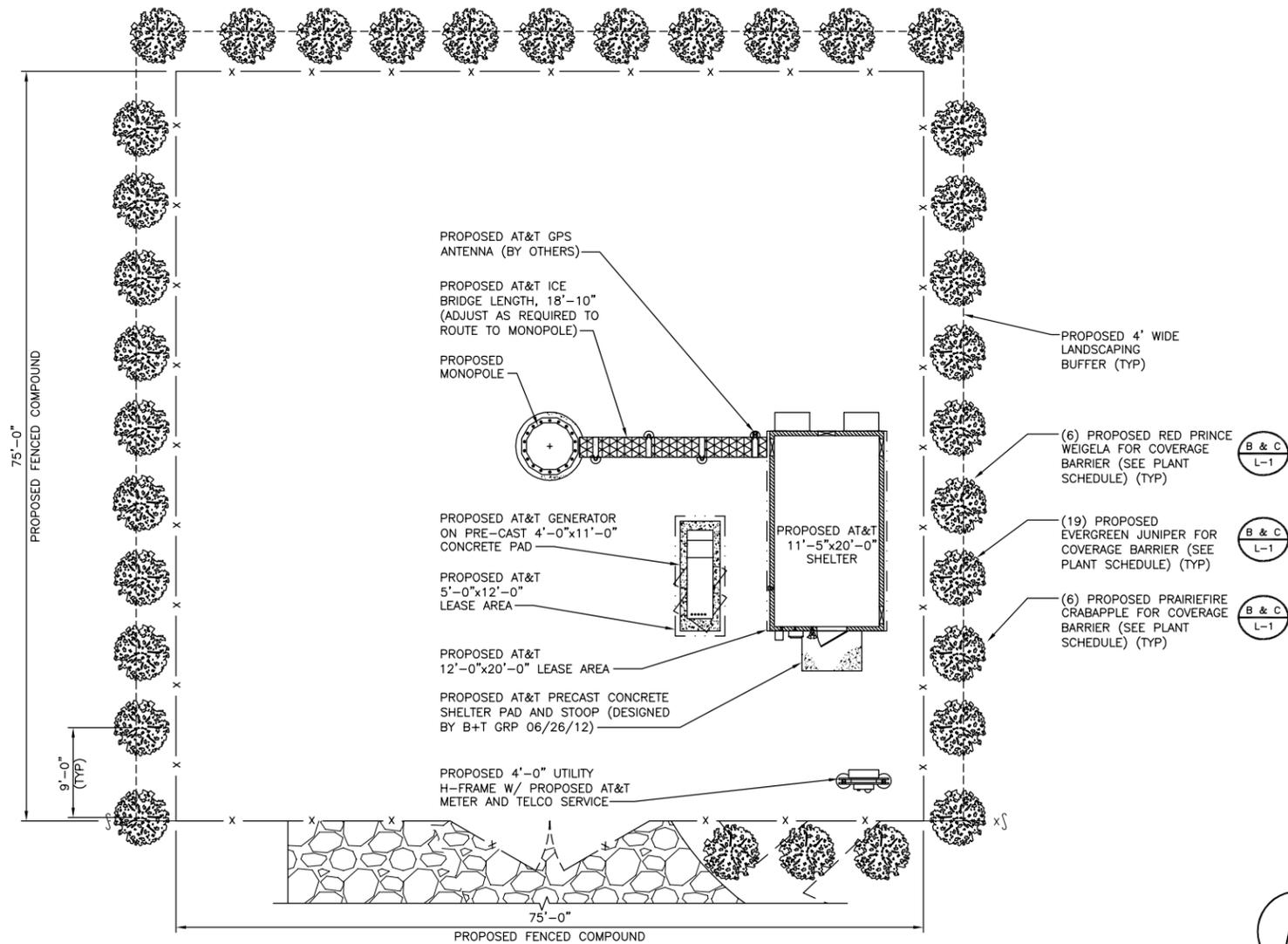
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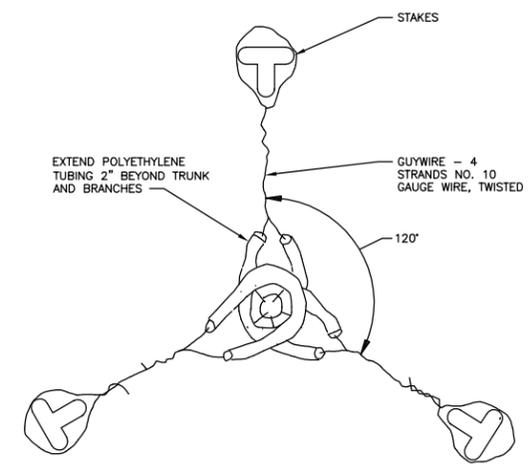
NE 176 ST  
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SHEET TITLE  
LANDSCAPING PLAN

SHEET NUMBER  
**L-1**

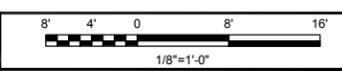


**PLANTING DETAIL** NO SCALE B



**STAKING PLAN** NO SCALE C

**LANDSCAPING PLAN**



A