



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

Site Location: approx. 21209 NE 188th St. & 18110 Old BB Hwy.
 Sections 6, 7, 1 & 12 | Township 53 | Range 30 & 31

Site Size: 157.95± Acres

Existing Landuse & Zoning: Agricultural (AG) with a Planned Unit Development (PUD) overlay

Zoning/Platting History:

RZ/P. Plan/Plat-approved by PZC, 07/11/01; P. Plan timeline extended on 02/4/03, CC approved, 08/9/04, Res#2004-410; P. Plat-approved by PZC, 8/1/06, CC approved 8/28/06 Res# 2006-286; Final Plat & PUD approved by PZC, 08/1/06 approved by CC 08/28/06, Res# 2006-287 & 288; Final Plat recorded on June 5, 2007. Case# Dec 08-120RZ/PUD & 08-121F- approved by PZC w/conditions- delayed by applicant due to technical reasons. RZ/PUD-Plan revisions and Final Plat, Case# Feb 09-101RZ/PUD & 102F-approved by PZC 02/03/09 approved by CC 02/23/09, Res#2009-73 & 74.

Surrounding Landuse & Zoning:

- North – Agricultural (AG) Zoned Land, Adam's Acres (R-1), City of Holt (2+ miles)
- East – Agricultural (AG) Zoned Land, Jimmy Dugan's Farm (R-1A)
- South – Agricultural (AG) Zoned Land, Loew Addition 2003 (R-1)
- West – Agricultural (AG) Zoned Land, I-35

Current Conditions:

Existing Property Lines = **YELLOW**



Courtesy Clay County Assessor
GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Jeff Hume, representing the Clay Platte Baptist Association seeks **Rezoning** approval from Agricultural (AG) district with a Planned Unit Development (PUD) overlay to Agricultural (AG) for Lot 2A ONLY, and amendments to a Planned Unit Development (PUD) overlay Concept Plan for Lot 1A ONLY, and **Preliminary Plat** approval for the proposed Replat Lot 1, Replat of New Hope Retreat Center, 157.95± acres located at approximately 21209 NE 188th Street and 18110 Old BB Highway.

Lot 2A is proposed to be sold as a single family building lot on Agriculturally (AG) zoned land. The access to Lot 2A is proposed from a 60' ingress/egress easement on the parcel at 18810 Old BB Highway and extending east to Old "BB" Highway or just to the south of Lot 1, Loew Addition 2003.

The proposed Preliminary and Final Plan are essentially the same as the Planned Unit Development (PUD) Final Plan approved by the Planning & Zoning Commission (PZC) on February 2, 2009 and then the County Commission (CC) on February 23, 2009, with the following exceptions, which were updated to reflect the current proposal [See *PUD Plan in packet and Attachment D*]:

- Lot 2 and unbuildable Tract A (*not large enough for a street and did not meet site distance standards*) of the Replat of New Hope Retreat Center were sold.
- Change in building coverage due to the proposed Replat Lot 1, Replat of New Hope Retreat Center
- Common open space for the PUD went from the original 157.95 acres to 130.48 acres due to the proposed Lot 2A (27.47± Acres) of the Replat Lot 1, Replat of New Hope Retreat Center, which still exceeds the 30% requirement. (*See attached PUD Plan, approved 02/23/2009*)

The Planned Unit Development (PUD) Final Plan and Final Plat are reviewed on a separate staff report (Case # June 14-120F).

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the **RURAL LOW-DENSITY TIER**, as well as the Airport Land Use Area in an area designated for low density residential.

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



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

	Natural Resources Tier [†] (Yellow)	Rural Low-Density Tier [†] (Green)	Urban Services Tier [†] (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density; low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4-units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4-units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽³⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

⁽³⁾ On-site septic allowed for agricultural uses only.

[†] The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non-binding city recommendation for Clay County to consider in their deliberations.

Table 4.3 - Option B for Land Use Tier Implementation: Transition Policy Procedures

	Natural Resources Tier [†] (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts		phasing in of new regulations
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

[†] The Natural Resources Tier includes an **"Urban Services Transition Sub-Tier"** area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

^{**} A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

The property lies in the Rural Low-Density Tier and is within the Airport Land Use Area in an area designated for low density residential. The subject request meets the spirit and jest of the 2008 Comprehensive Plan.



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Character of the General Neighborhood

Agriculturally zoned property is located in each direction of the property. To the north are Adam's Acres (R-1) and the City of Holt, which is approximately two (2) miles away. The subdivision of Jimmy Dugan's Farm (R-1A) is to the east, and the subdivision of Loew Addition 2003 (R-1) is to the south [*See Attachment B*].

LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on May 15, 2014. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter dated mailed on May 16, 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.

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 has noted the following:

"The ingress/egress off of Old BB Highway conforms to the Clay County Highway Department technical specifications (CCHD) and the Manual on Uniform Traffic Control Devices (MUTCD) guidelines for sight distance. NE 188th Street is a chip and seal surfacing and Old BB Highway is an asphalt surfacing."

The Clay County Health Department has given preliminary and final approval. The Public Water Supply District No. 3 of Clay County presently provides water service for the property and is able to supply an additional meter for proposed Lot 2A. The Holt Fire District serves the property.



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The Army Corp of Engineers ("COE") commented in a letter dated May 8, 2014 that U.S. jurisdictional waters are present, including wetlands. Should proposed improvements require the discharge of dredged or fill material in any waters of the U.S., including wetlands, a Department of Army (DA) permit may be required prior to any construction within the Corp's regulatory jurisdiction.

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 2A. Owners of the lots shall maintain both driveway and 911 signs.

Road Impact Fees (*RIF*) are required for proposed Lot 2A, 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. A Development Agreement for the New Hope Conference and Retreat Center/Planned Unit Development (*Book 6557, Page 136*) was recorded on January 6, 2011 that addresses any future road impacts of the New Hope Retreat Center.

The Clay County Soil and Water Conservation District inspected the existing pond structure on Lot 1A in October, 2006. The following was concluded:

"The pond structure on Lot 1 was found also to be in good condition, but since the emergency spillway showed signs of erosion an inspection should be done annually and after each large storm event."

As a result, staff recommends that a current pond evaluation and any repairs need to be done prior to the recording of the Final Plat.

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 uses as requested for proposed Lot 1A. The new PUD Plan is included in the packet, as is the last approved PUD Plan from Resolution 2009-74. A letter from Clay-Platte Baptist Association is attached for your review. [*See Attachment D*].

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) with a Planned Unit Development (PUD) overlay to Agricultural (AG) for Lot 2A ONLY be **approved**, subject to the petitioner addressing all rezoning standards.

It is the recommendation of staff that the request for **amendments to the PUD Concept Plan** for Lot 1A ONLY of Replat Lot 1, Replat of New Hope Retreat Center be **approved with conditions** as shown on Exhibit A:

Exhibit A

1. The Clay County Highway Department requirements for road impact fees (RIF) as agreed upon in the Development Agreement for the New Hope Conference and Retreat Center/Planned Unit Development (*Book 6557, Page 136*) recorded January 6, 2011 be addressed when future phases are initiated.
2. Approval of the Missouri Department of Natural Resources ("MDNR") for a private sanitary treatment facility, and designation of acting authority for the plant, prior to construction of the conference/recreation center in Phase 2. Existing septic fields at the camp shall be phased out and connected to the plant after its completion.



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3. A stormwater management plan shall be submitted for each phase of construction.
4. A screening and landscape plan for the east property line, north of the creek, shall be submitted to the Planning and Zoning Department for approval prior to any Phase 2 construction.
5. All driveways and parking areas shall be constructed of a dust free surface.
6. The proposed Recreational Vehicle parking area shall be for temporary parking of RV's for campers and volunteers. There shall be no long term use of RV's as a residence or caretakers quarters.
7. Construction plans must be approved and permits obtained for all proposed uses, including fences, swimming pools and all outdoor activities.
8. Sanitary facilities for the tent camping in Phase 2 shall be approved by the Missouri Department of Natural Resources (MDNR) or the Clay County Health Department.
9. Minor changes in the approved PUD that do not alter the concept or intent of the proposed development shall be approved by the Planning and Zoning Department by using the guidelines of LDC Section 151-3.8(5e), final PUD review criteria.

Staff recommends the **Preliminary Plat** of **Replat Lot 1, Replat of New Hope Retreat Center** be **approved, with conditions** as shown on Exhibit B:

Exhibit B

1. Road Impact Fee (*RIF*) agreement recorded and fees paid for Lot 2A prior to the recording of the final plat.
2. A shared driveway agreement for Lot 2A will need to be in place with the Book and Page added to the Final Plat 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 Lot 2A. Owners of the properties must maintain both driveway and 911 signs.
4. A current pond evaluation and any repairs to the pond structure on Lot 1A will need to be done prior to the recording of the Final Plat.
5. The following changes to the recording copies of the final plat:
 - a. CHANGE: Zone 1 from 75' to 50'.
 - b. ADD: Additional stream setbacks on Lot 1A as noted on recorded Replat of Lot 1 New Hope Retreat Center (*Book G Page 184*), to include building lines.
 - c. ADD NOTES:

"Within Zones 1 & 2 there shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Clay County."

"Maximum height for all structures in this subdivision shall be in accordance with County regulations regarding zoning and Airport Area Overlay District."

"All new structures will require a Certification of Elevation, which includes the septic tank, before a building permit will be issued."



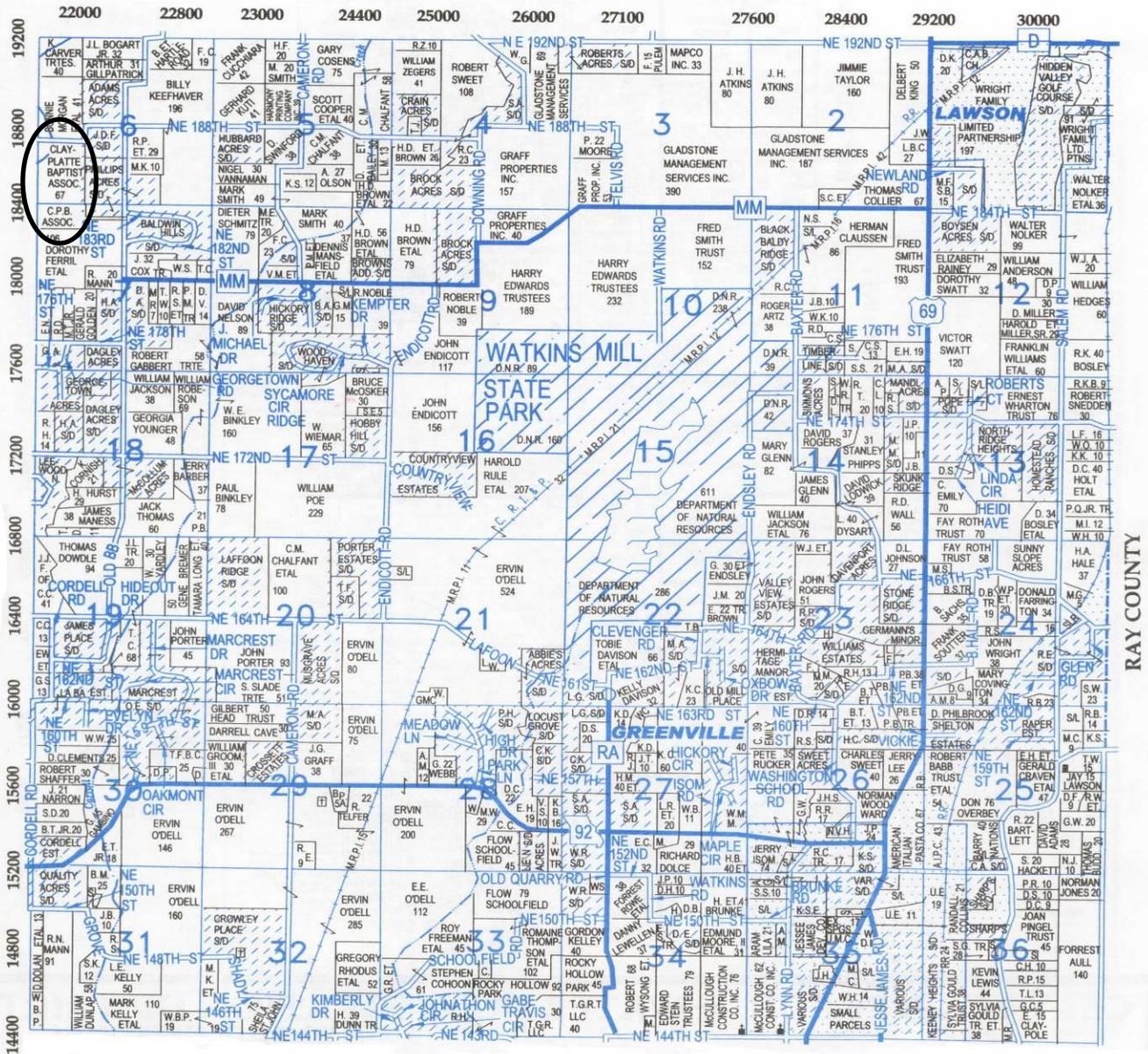
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Attachments

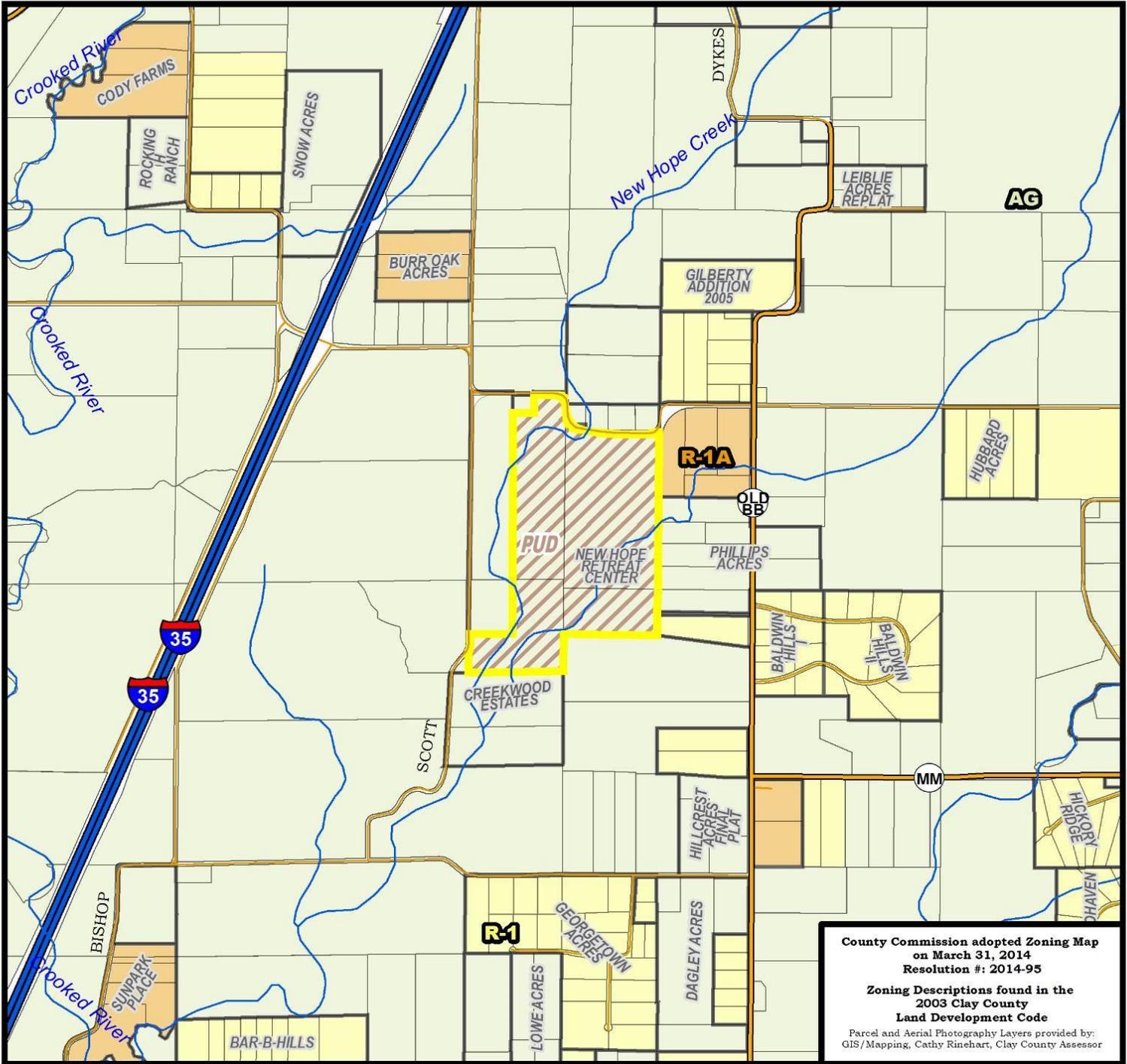
June 14-119RZ/P – Replat Lot 1, Replat of New Hope Retreat Center Attachment A – Vicinity Map

TOWNSHIP 53N • RANGE 30W



June 14-119RZ/P – New Hope Replat LT1

Attachment B - Existing Conditions Map



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)
- x-x- Railroads
- = Interstates
- = State Highways
- = Local Roads
- = Highway Ramps
- Subdivisions
- 2014 City Limits
- Parks
- County Boundaries

Overlay Districts

- CD (Conservation District)
- POD (Preservation Overlay District)
- PUD (Planned Unit Development)

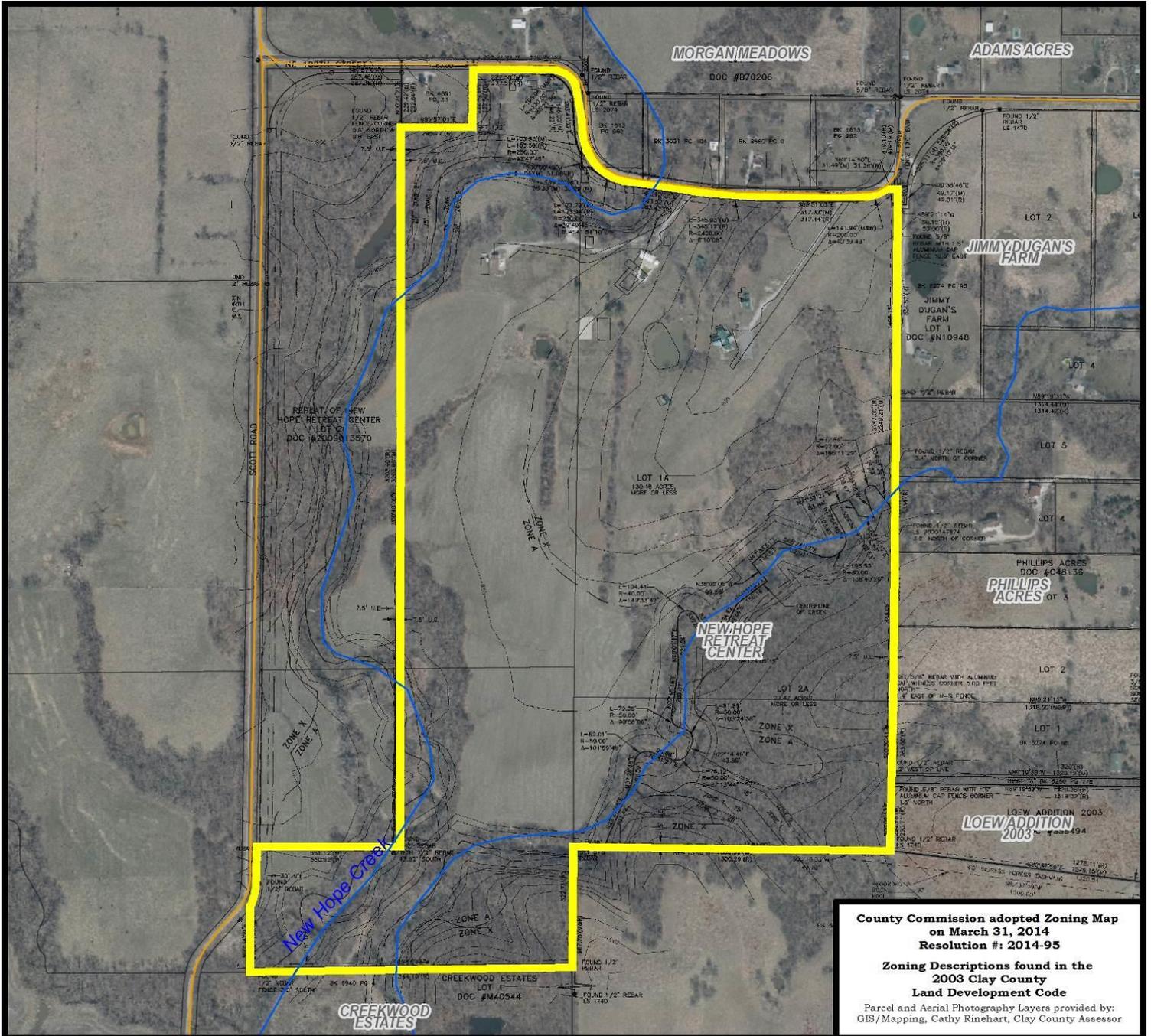
Zoning Districts

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

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

June 14-119RZ/P – New Hope Replat LT1

Attachment C - Site Plan Map



County Commission adopted Zoning Map on March 31, 2014
Resolution #: 2014-95

Zoning Descriptions found in the 2003 Clay County Land Development Code

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

Map Document: (G:\GIS\Project_Files\Vacinity Map - 8 x 11 P.mxd) 05/12/2014 -- 03:28:27 PM



Planning & Zoning Department



1 inch = 600 feet
1 inch = 0.11 miles

LEGEND

 Property Line	 Roads	 Subdivisions
 Streams (EPA)	 Interstates	 2014 City Limits
 Railroads	 State Highways	 Parks
	 Local Roads	 County Boundaries
	 Highway Ramps	



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June 14-119RZ/P – Replat Lot 1, Replat of New Hope Retreat Center

Attachment D – Letter – Clay-Platte Baptist Assoc.



May 27, 2014

Debbie Viviano
Clay County Planning and Zoning
234 W. Shrader, Suite C
Liberty, Missouri 64068

Dear Debbie,

This letter is to inform Clay County that the New Hope Advisory Board of the Clay Platte Baptist Association has no changes planned for the existing P.U.D. on the New Hope Camp.

Sincerely,

A handwritten signature in blue ink that reads "Jeff Hume".

Jeff Hume
Chairman
New Hope Advisory Board

Clay Platte Baptist Association
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