





# Report to Planning & Zoning Commission

Clay County, Missouri

## General Information

**Site Location:** 18422 Collins Rd  
 Section 5 | Township 53 | Range 32

**Site Size:** 0.917± Acres

**Existing Landuse & Zoning:** Neighborhood Commercial (C-1) and Residential Rural District (R-1)

**Zoning/Platting History:** Town of Gosneyville, recorded January 17, 1948; RZ-2006-RES-213, 6/26/2006-from R-1 to C-1 zoning.

## Surrounding Landuse & Zoning:

- North - Agricultural (AG) and Residential Rural District (R-1) zoned land, Majestic View (R-1A), Smithville Lake Reservoir
- East - Holdsworth Commercial Addition (C-2), W Hwy, Agricultural (AG) zoned land
- South - Residential Rural District (R-1) zoned land, Paradise South (C-3), Smithville Lake Reservoir, Holdsworth Commercial Addition (C-2)
- West - Residential Rural District (R-1) Zoned Land, Smithville Lake Reservoir, City of Smithville (~ 2 miles)

## Current Conditions:

Subject Property Lines = **BLUE**



Clay County Assessor GIS Mapping



Courtesy Microsoft® Bing™



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## Assessment

Charles and Jody Light are requesting **Rezoning** approval from Neighborhood Commercial (C-1) and Residential Rural District (R-1) to Community Services District (C-3), and **Final Plat** approval for Red Brick Trio Addition a total area of approximately 0.917± acres at 18422 Collins Road.

The Lights are proposing to rezone and combine their properties to be able to use the refurbished 1889 historic red brick structures as event space weddings, luncheons, family reunions, and other similar functions.

### 2008 Comprehensive Plan Considerations

The Comprehensive Plan (“Plan”) indicates that the subject property is located in the **NATURAL RESOURCES TIER** and the Special District of Paradise.

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 application will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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

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

\* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.  
 \*\* A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

## Character of the General Neighborhood

Agriculturally (AG) zoned property is to the north and east. C-2 zoned land is to the south and east, and C-3 zoned land is to the south. R-1 zoned land is to the north, south and west of the property. The City of Smithville is approximately 2 miles to the west. The Smithville Lake Reservoir is to the north, south and west [See Attachment B].

## LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on September 18, 2014. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter mailed on September 19, 2014.

The Board of Zoning Adjustment (BZA) approved the following two non-use variances on September 23, 2014:

- 23.79 foot side setback variance from *Section 151-4.11(C)* to allow an 1889 structure to remain as established on the property.
- 33.47 foot front setback variance from *Section 151-4.11(C)* to allow an 1889 structure to remain as established on the property.

The petitioner should fully address the five (5) rezoning criteria in the Land Development Code (LDC) which requires the following standards be met with a rezoning application (*Section 151-3.3 F*):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and



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5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.

The LDC also provides certain zoning district standards for a C-3 district within Section 151-4.13, which are referenced below and specific to this request. Noted in *italics* is the County staff response to the standard.

1. No vehicle other than a passenger vehicle or truck under 1½ ton may be stored or parked in areas visible from off-site for more than 96 consecutive hours.

*The applicant does not plan to store any vehicles that size.*

2. Lighting sources shall be designed and located so that the direct source of the light is shielded from view at all property lines abutting residential or agricultural zoning districts.

*Currently there is one existing downward-pointing light on the northeast corner. The applicant/owners plan to install new downward-pointing lights near the back decks used for emergency fire exit.*

3. Storage of items shall not constitute warehousing or distribution in the normal sense but shall be limited to that quantity of stock necessary to the normal administrative, service and sales functions.

*No surplus levels of inventory are planned with regards to this request.*

4. Any loading dock or loading area shall be fully screened from any property zoned agricultural or residential within 300 feet.

*No loading docks are designated with regards to this request.*

5. Premises selling alcoholic or cereal malt beverages for on-premise consumption shall be located at least 200 feet from any property zoned residential or agricultural and from buildings occupied as a church or school of general instruction. However, if any residential, church or school of general instruction use is established after such premises have been licensed for selling alcoholic or cereal malt beverages for on-premise consumption, then such premises shall be deemed to comply with this subsection for relicensing certification. Measurements shall be made between the exterior wall of the principal building in which alcoholic or cereal malt beverages are offered for on-premise consumption and the nearest property line of the existing property occupied as a church or school of general instruction or zoned residential or agricultural.

*The applicant/owners have stated they will not be selling any alcoholic or cereal malt beverages, but event guests would be able to bring in their own alcohol. The Sheriff's Office has given the applicant/owners information on their off-duty officer program, and the applicant/owners have indicated an off-duty officer will be a requirement for any events with alcohol being consumed at Red Brick Trio.*

6. If a C-3 district abuts a residential or agricultural district, a solid screen fence of at least 6 feet in height, or equivalent landscaped buffer, may be required if deemed necessary by the County Commission upon recommendation of the Planning and Zoning Commission.



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*The applicant/owners have stated they have been in contact with the residential neighbor directly to the west of the subject property and have stated the neighbor is not requesting any screening at this time. In addition, no outdoor activities related to the event center will be taking place at that end of the buildings (west side). As such, staff does not recommend any screening along the west edge of the subject property at this time.*

**Section 151-10.1** of the LDC requires development standards for off-street parking as a new use is established. Staff classified this event center as "All other Retail Sales and Service uses not specifically listed" under the Off-Street Parking Schedule "A" in the LDC, which requires one (1) parking space per 250 square feet of building space.

In relation to the subject request, this would calculate out to be a minimum number of 14 off-street parking spaces since this request will be utilizing approximately 3,600 ft<sup>2</sup> of indoor building space. In addition, 151-10.1 (E) requires that at least 2 parking spaces must meet American Disabilities Association (ADA) universal accessible space standards. The attached site plan drawing (See Attachment "E") indicates they plan to install a new parking area with 3 on-street parking stalls plus 30 off-street parking stalls (including 2 ADA). Therefore, the subject request meets all off-street parking development standards.

Staff recommends that the applicant/owners must submit written approval by the appropriate owners or designees to use the Paradise Methodist Church parking lots at 18501 Church St and/or commercial parking lot at southeast corner of W Highway and Collins Road for spillover event parking for larger functions. As of this writing, no such written approval has been submitted.

Increases in required off-street parking initiated by future development and/or buildings would be addressed prior to the issuance of any building permits in accordance with Section 151-10 of the LDC. The required parking spaces and drives shall be ready for use and approved by the Planning and Zoning Director prior to issuance of a certificate of occupancy.

## **Outside Agency Review**

The Clay County Highway Department noted the following:

"Per the Manual Uniform Traffic Control Devices (MUTCD) and Clay Highway Department (CCHD) the hammerhead driveway entrance off of Collins Road meets the sight distance criteria. Existing stop signs at both ends of Collins Road will also aid in slowing traffic through this area. Additional traffic demand is sparse based on functions at the facility not being daily".

The Clay County Health Department has given preliminary and final approval. The Public Water Supply District #4 of Clinton County has noted the zoning change will not adversely affect the neighboring water users.

The Smithville Area Fire Protection District reviewed the plans for the refurbishing of the existing buildings, and established an occupancy load of 224 persons and has approved the plans as submitted.

## **Findings**

At the time of this writing, staff has received 1 phone call stating they had concerns about what type of uses might be able to go into the existing buildings if the event center were to close; in particular, a bar. Per commercial zoning district standards within the LDC, no alcohol may be served and consumed on the subject property as it is located less than the required minimum 200 feet from any residentially zoned property.



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The applicant is also proposing to vacate a portion of the existing alleyway easement between Lot 4 and Lot 7, Block One of the Town of Gosneyville in order to provide more area for the improved and expanded onsite sewer system. The proposed vacated area is approximately 16' wide X 60' length and further described in case October 14-130V.

## Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Neighborhood Commercial (C-1) and Residential Rural District (R-1) to Commercial Services (C-3) District be **TABLED until written approval to use spillover parking is submitted.**

Staff recommends the **Final Plat of Red Brick Trio Addition** be **TABLED until as such time that written approval to use spillover parking is submitted** with the following conditions as shown on Exhibit A:

### Exhibit A

1. Implement the County's Consultant Engineer recommendations from their report dated September 22, 2014.
2. The **Resolution for Vacation**, if approved by the County Commission, be recorded simultaneously with the Red Brick Trio Addition (Case No: October 14-129RZ/F) with the above described alleyway shown as vacated on the Final Plat drawing along with the recorded book and page.
3. No loading docks are being proposed at this time. However, if any are to be proposed in the future then they must be fully screened from any property zoned agricultural or residential district within 300 feet.
4. Any event that is to have alcoholic beverages consumed on-site must have a Clay County Sheriff's off-duty officer or equivalent law enforcement on hand for health and safety.
5. No screening from neighboring residential or agricultural district is required at this time. However, if complaints arise from neighboring residential or agricultural properties, then the County Commission may require additional screening that could consist of but not be limited to landscaping and/or fencing that adequately shields the commercial use from the neighboring residential or agricultural districts.
6. The following changes to the recording copies of the final plat:
  - a. ADD: ADDITION to RED BRICK TRIO throughout final plat.
  - b. DELETE: Building references.
  - c. CHANGE: LOT A to LOT 1



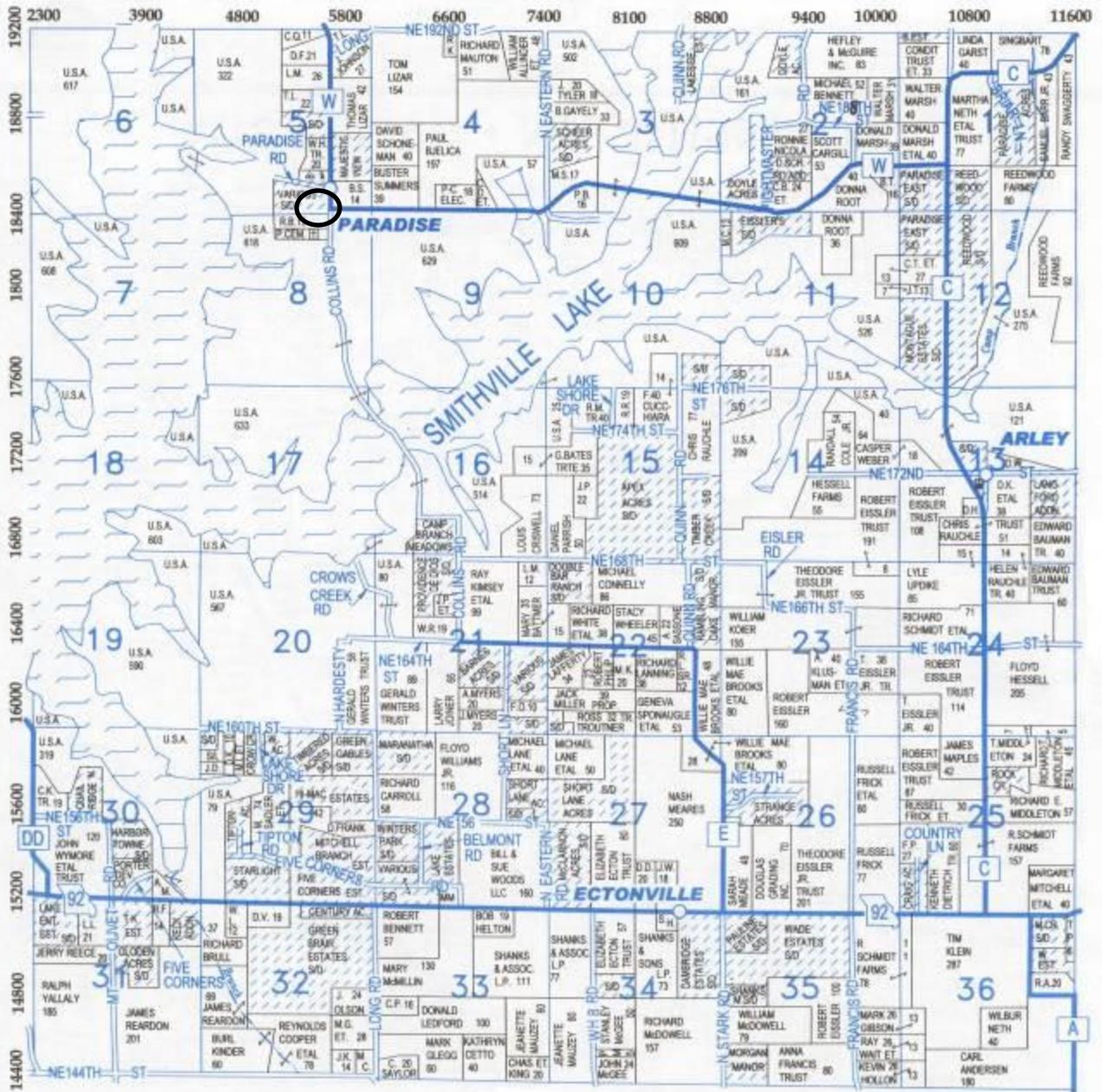
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## Attachments

# October 14-129RZ/F – Red Brick Trio Addition Attachment A - Vicinity Map

## TOWNSHIP 53N • RANGE 32W



# Oct 14-129RZ/F – Red Brick Trio Addition

## Attachment B - Existing Conditions 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 Rinshart, Clay County Assessor

**Planning & Zoning Department**



1 inch = 1,000 feet  
 1 inch = 0.19 miles

### LEGEND

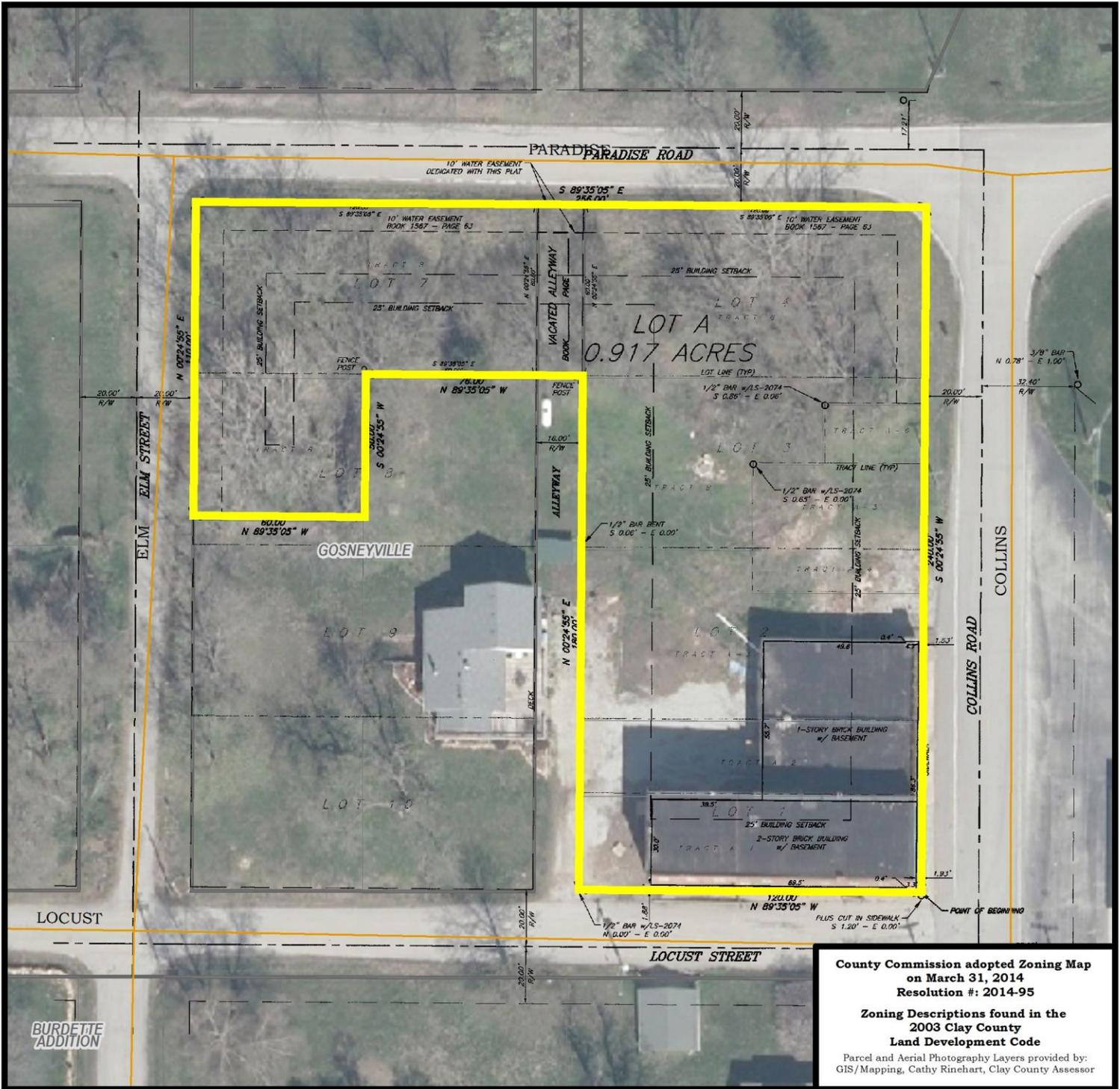
- Property Line
- Streams (EPA)
- Railroads
- Roads
  - Interstates
  - State Highways
  - Local Roads
  - Highway Ramps
- Subdivisions
- 2014 City Limits
- Parks
- County Boundaries

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

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

# Oct 14-129RZ/F – Red Brick Trio Addition

## 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



**Planning & Zoning Department**



1 inch = 50 feet  
1 inch = 0.01 miles

### LEGEND

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

Map Document: (G:\GIS\Project\_Files\Vacinity Map - 8 x 11 P.mxd) 09/15/2014 -- 11:15:18 AM



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### **October 14-129RZ/F – Red Brick Trio Addition** Attachment D – Clay County Assessor Picture (2011)





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## October 14-129RZ/F – Red Brick Trio Addition Attachment E – Site Plan Drawing

