



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

Site Location: Approximately 14200 Mount Olivet Road
Section 6 | Township 52 | Range 32

Site Size: 78.1 Acres

Existing Landuse & Zoning: M & S Ranch, Lot 2 (73.924± Acres) - Agricultural (AG)

Zoning/Platting History: M & S Ranch, recorded 2/26/1997

Surrounding Landuse & Zoning:

- North – Agricultural (AG) Zoned Land, MVP Estates (R-1), City of Smithville
- West – Agricultural (AG) Zoned Land, Polocrosse Field (R-1A), Sunrise East Resurvey (R-1), City of Smithville
- South – Agricultural (AG) Zoned Land, Happy Valley (AG), Brookview Estates (R-1A & R-1)
- East – Agricultural (AG) Zoned Land, Northwind Estates(AG & R-1), Agricultural (AG)

Current Conditions:



Courtesy Clay County Assessor, GIS Mapping



Courtesy Microsoft® Bing™



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Assessment

Michael Nelson, Nelson Land Surveying, representing Manfred Hetzel and Horst Schwab, is requesting **Rezoning** approval from Agricultural (AG) to Residential Rural District (R-1) for ONLY proposed LOT 2-B and **Final Plat** approval for A Replat of Lot 2, M & S Ranch. The property is located at approximately 14200 Mount Olivet Road.

Mr. Hetzel and Mr. Schwab have a business arrangement and this is the purpose of the reconfiguration.

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 as well as the 1-Mile Urban Coordination Sub-Tier of the City of Smithville. It is located on the trail #C-16; a third priority shared-use trail as identified by the Northland Trails Vision Plan (“NTVP”). A 15’ Recreational Easement (“R/E”) will be located within 30’ Utility Easement (UE) along the frontage of Mount Olivet Rd.

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

	Natural Resources Tier † (Yellow)	Rural Low-Density Tier † (Green)	Urban Services Tier † (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density; low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽¹⁾
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.

⁽¹⁾ On-site septic allowed for agricultural uses only.

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



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

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

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

The City of Smithville is within the 1-Mile Urban Coordination Sub-Tier and responded with a phone call on April 7, 2016 having no objection to the proposed project. As such, the subject request complies with *Option B-Exceptions for the 20 acre minimum lot size* of the 2008 Comprehensive Plan.

Character of the General Neighborhood

The City of Smithville and MVP Estates (R-1) are to the north of the property. Polocrosse Field (R-1A), Sunrise East Resurvey (R-1), and the City of Smithville are to the west. Happy Valley (AG) and Brookview Estates (R-1A & R-1) subdivisions are to the south. Agriculturally zoned land surrounds the property in each direction [See Attachment B].

LDC Considerations

The review procedures and submittal content for A Replat of Lot 2, M & S Ranch must follow the requirements in Section 151-3 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. The rezoning application was properly noticed in the Kearney Courier on April 14, 2016. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter sent April 15, 2016.

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 (151-3.3 F):

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



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

Outside Agency Review

The Clay County Highway Department has noted a new driveway entrance appears to be able to meet sight distance for Lot 2-B. The road surface of Mount Olivet is an asphalt surfacing. Public Water Supply District #9 of Clay County presently supplies water for Lot 2-A and will have ample supply to provide an additional meter for Lot 2-B. The Clay County Public Health Center has given final approval.

The Smithville Fire District 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 the existing Lot 2-A, but since a new lot is being created (Lot 2-B) Road Impact Fees (*RIF*) are required for the additional lot or new lot. The estimated total amount of RIF is \$1,031.25 and is subject to change at the time of payment based on the market price of material.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) District to Residential Rural (R-1) District for ONLY LOT 2-B of **A Replat of Lot 2, M & S Ranch** be **approved** subject to the petitioner addressing all rezoning standards.

Staff recommends the **Final Plat** of **A Replat of Lot 2, M & S Ranch** be **approved, with the conditions** as shown on Exhibit A:

Exhibit A

1. Road Impact Fees (RIF) agreement recorded and fees paid according to agreement at same time as the recording of the Final Plat.
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 following additions or corrections to the recording copies of the final plat:
 - a. ADD: Recreational Easement--with arrow in front of Lot 2-B.
 - b. ADD UNDER EASEMENTS: "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-16 Third Priority" of the Northland Trails Plan along the West side of Mt. Olivet Road."
 - c. ADD TO DIAGRAM: Stream Setback- Zone 2 - (25.00') Stream Setback – Zone 1 (50.00').



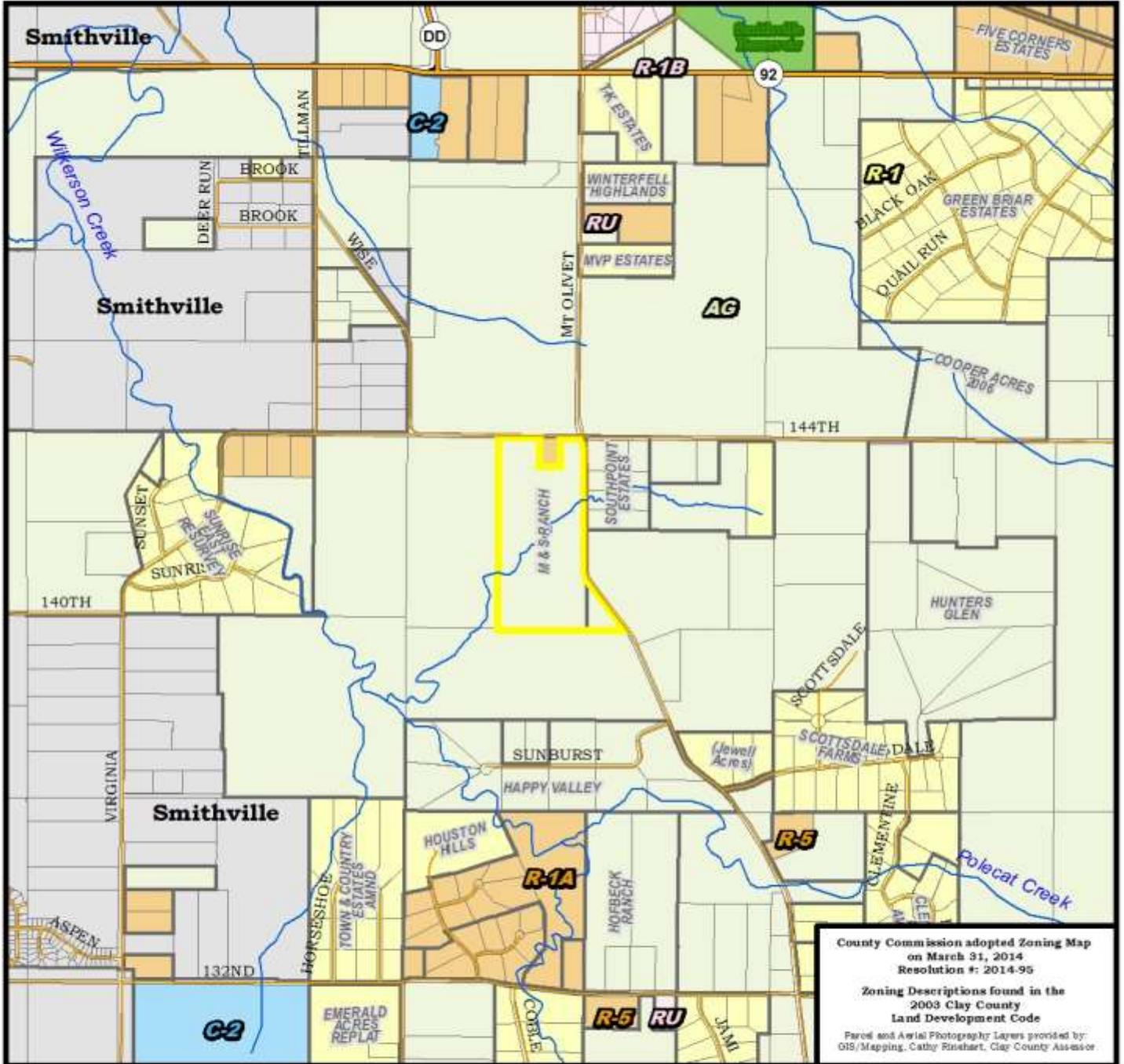
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- d. ADD TO BEGINNING OF STREAM SETBACK LANGUAGE: Within Stream Setback Zones 1 and 2
- e. ADD TO EASEMENTS: All of the above easements shall be kept free from any and all obstructions which would interfere with the construction or reconstruction and 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.
- f. ADD ABOVE CHAIRMAN SIGNATURE—BETWEEN PLANNING--- COMMISSION: and zoning
- g. CHANGE U.E ON SOUTHERN BOUNDARY OF LOT 2-A TO: 10' width
- h. ADD: Community #290086 before Firm Map Number

May 16-106RZ/F – M & S Ranch, Replat of Lot 2

Attachment B - Existing Conditions Map



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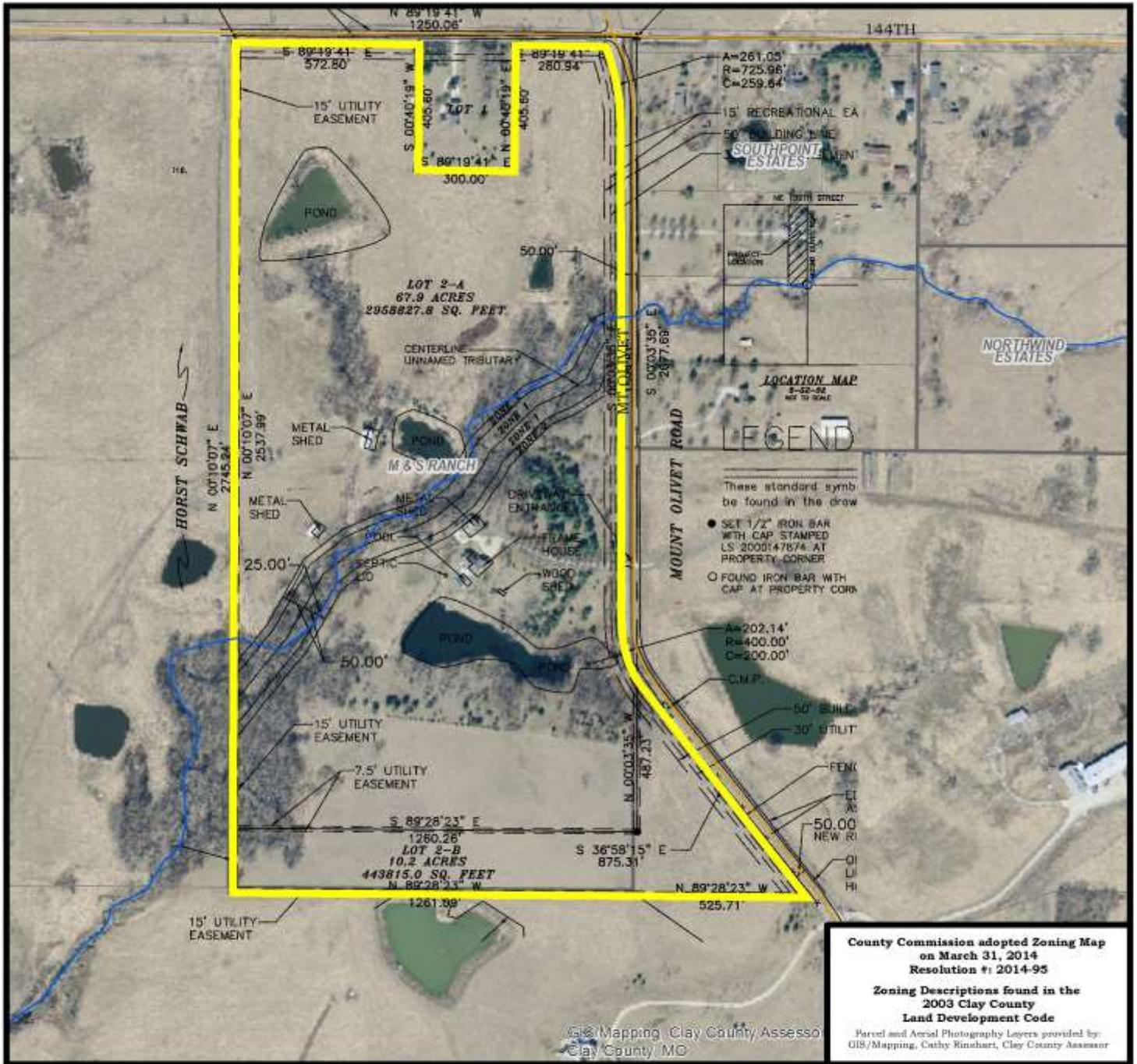
Planning & Zoning Department

LEGEND

Property Line	Roads	Subdivisions	Zoning Districts AG	C-1
Streams (EPA)	Interstates	2016 City Limits	R-1	C-2
Railroads	State Highways	Parks	R-1A/R-3	C-3
Highway Ramps	Local Roads	County Boundaries	R-1B/RU	I-1
			R-3	OP

May 16-106RZ/F – M & S Ranch, Replat of Lot 2

Attachment C - Site Plan Map



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LEGEND

Property Line	Streams (EPA)	Interstates	Subdivisions
Railroads	State Highways	Local Roads	2016 City Limits
Roads	Highway Ramps	Parks	County Boundaries