



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

Site Location: approx. SW corner of NE 164th St. and C Hwy
Section 24 | Township 53 | Range 32

Site Size: 39.10± Acres

Existing Landuse & Zoning: Agricultural (AG)

Zoning/Platting History: None

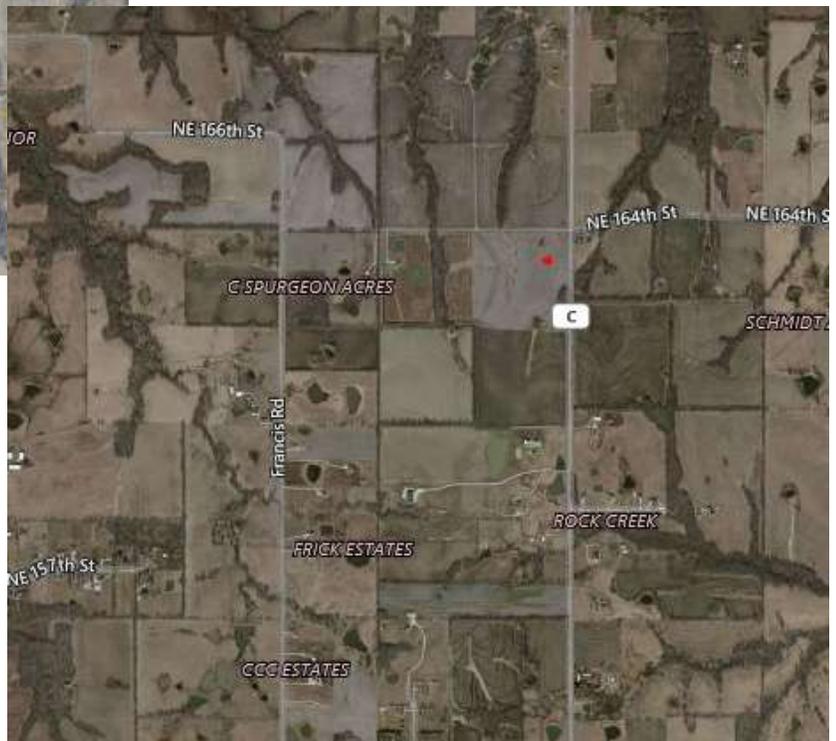
Surrounding Landuse & Zoning:

- North – Agricultural (AG) zoned land
- East – Agricultural (AG) zoned land
- South – Agricultural (AG) & Residential Rural (R-1) zoned land
- West – Agricultural (AG) zoned land & Residential Rural (R-1) zoned land

Current Conditions:



Courtesy Clay County Assessor, GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Christopher and Patricia Higgins are requesting **Rezoning** approval from Agricultural (AG) District to Residential Rural (R-1) District with an Agricultural Land Preservation (ALP) Overlay District (9.55 acres) for ONLY Lot 2 of Bledsoe Downs, 19.10+ acres and **Preliminary Plat** approval; the proposed subdivision is located at approximately the southwest corner of NE 164th Street and C Highway and is 39.10+ acres.

The Higgins wish to split this parcel into two lots with the desire to sell the lots.

2008 Comprehensive Plan Considerations

The Comprehensive Plan (“Plan”) indicates that the subject property is located in the **NATURAL RESOURCES DENSITY TIER**, and is along the Northland Trails Vision Plan (“NTVP”) route #C-2, a 1st phase priority combined use trail. This is noted as a Recreational Easement (“R/E”) on the plat, also this property is located within the Smithville Lake Watershed.

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.

	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 90% 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 complies with Option B of the 2008 Comprehensive Plan, as the applicants/owners are proposing an Agricultural Land Preservation (ALP) Overlay District on at least 5+ acres for proposed Lot 2.

Character of the General Neighborhood

Agricultural (AG) zoned property is each direction of the property. Residential Rural (R-1) zoned Districts are to the south and west of the property. [See Attachment B].

LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on June 23, 2016. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter mailed on June 24, 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 (*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.



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Outside Agency Review

The Public Water Supply District No. 6 (PWSD #6) has indicated they currently have a water main along C Highway and NE 164th Street capable of serving both residential lots.

The Clay County Highway Department has noted NE 188th Street is a chip and seal surface road. Both lots can obtain driveway access from NE 164th Street.

MoDOT has no issues with all access entrances to come from NE 164th Street. New pavement and shoulders are in the planning process for this area of C Highway.

The Clay County Public Health Center has given preliminary and final approval.

The Smithville Area 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 the additional lot. The estimated total amount of RIF is \$2,062.50 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 with an Agricultural Land Preservation (ALP) Overlay District for ONLY Lot 2 be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of **Bledsoe Downs** be **approved**, with the following condition 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. The following additions or corrections to the recording copies of the final plat:
 - a. **ADD:** To Lot 1-50' Building Line along C Highway
 - b. **ADD:** Flood Hazard Area & Reference FEMA Flood Insurance Rate Map No. Date: August 3, 2015



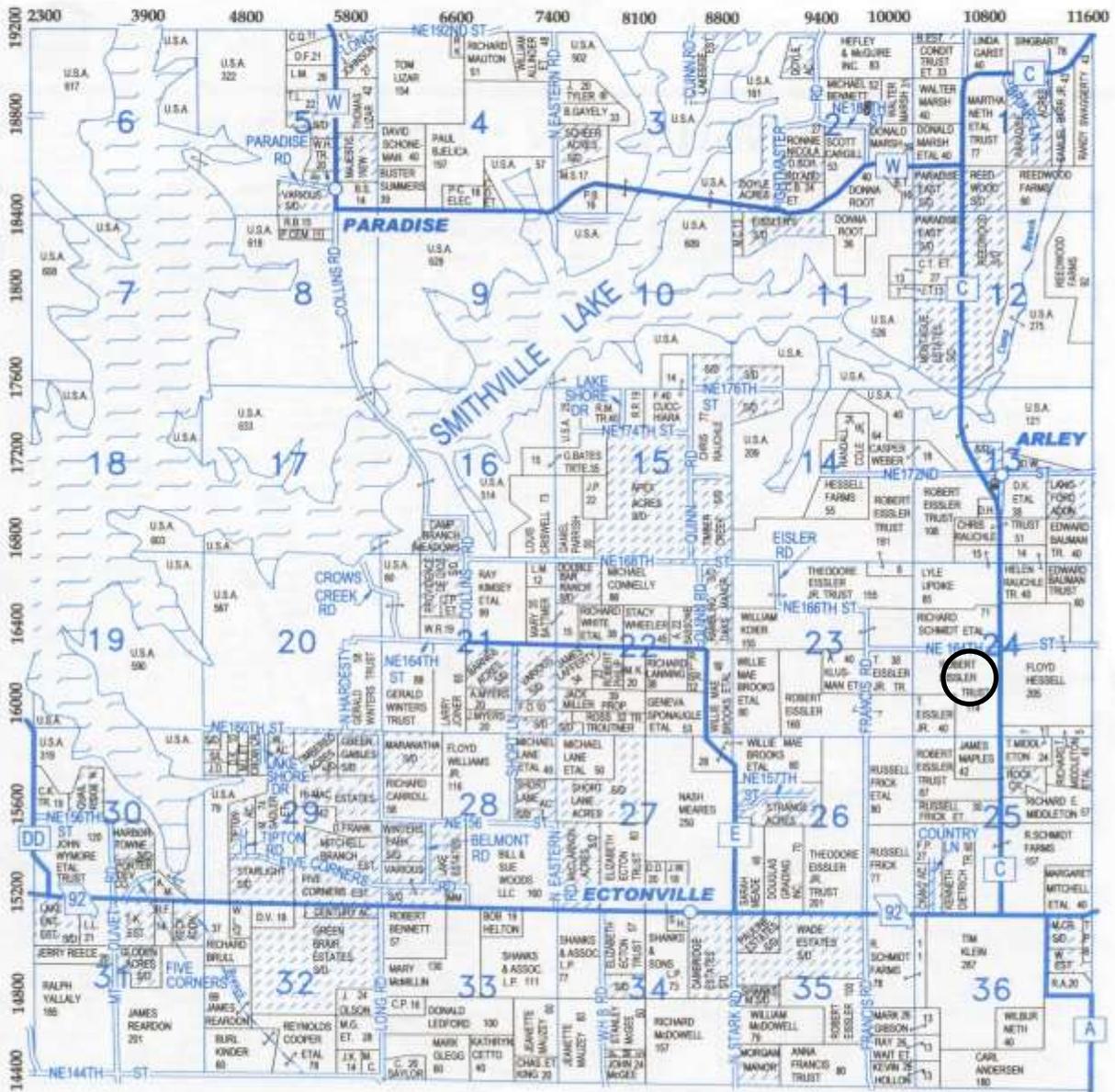
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Attachments

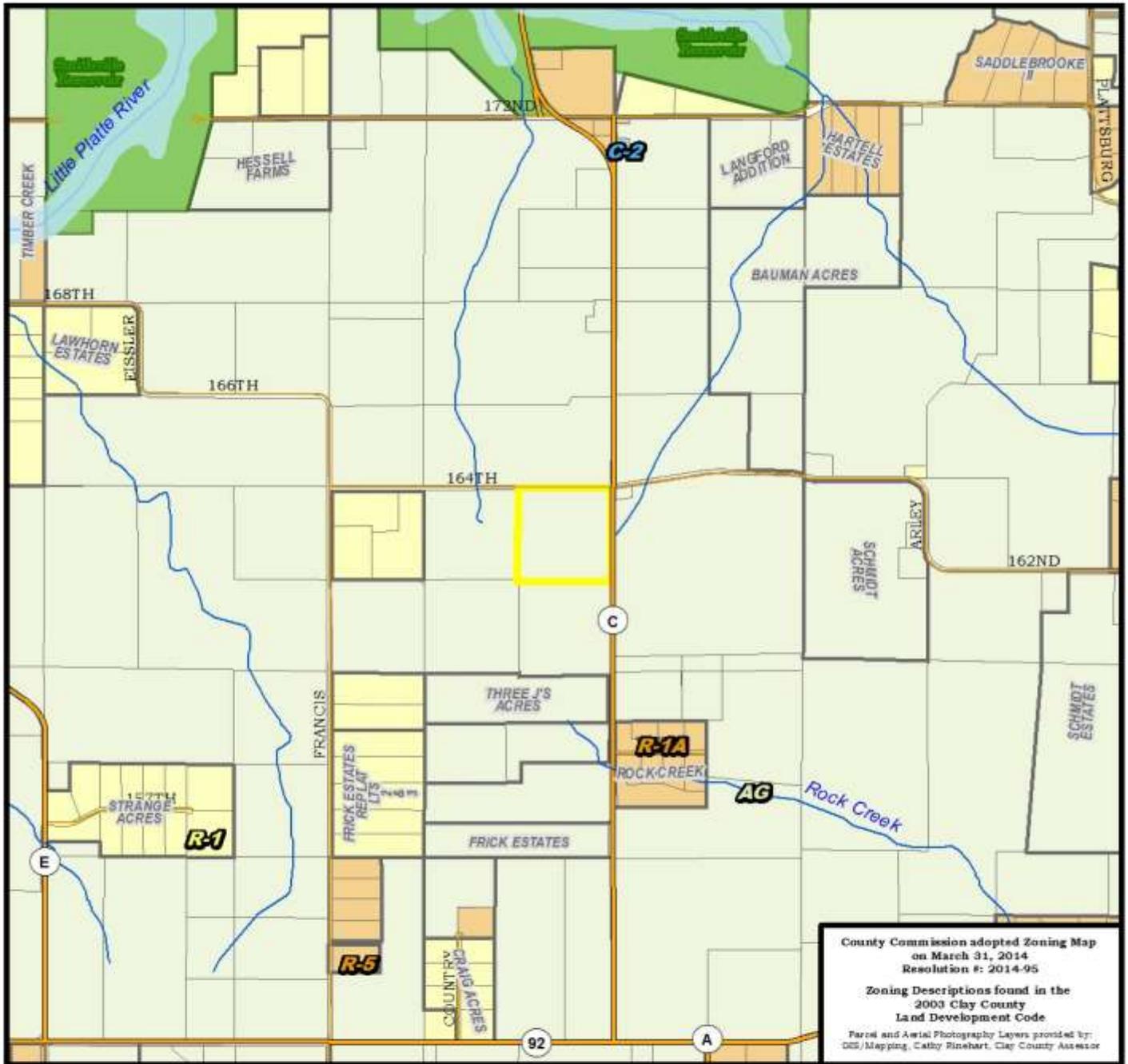
July 16-121RZ/P – Bledsoe Downs Attachment A – Vicinity Map

TOWNSHIP 53N • RANGE 32W



July 16-121RZ/P – Bledsoe Downs

Attachment B - Existing Conditions Map



Map Document: G:\GIS\Project_Files\Vacancy_Map - 8 x 11 P.mxd
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Planning & Zoning Department



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

LEGEND

Property Line	Roads	Subdivisions	C-1
Streams (EPA)	Interstates	2016 City Limits	C-2
Railroads	State Highways	Parks	C-3
Highway Ramps	Local Roads	County Boundaries	I-1
			I-2
			OP

