



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

- Site Location:** approximately 18710 Nation Road
Section 4 | Township 53 | Range 31
- Site Size:** 17.99± Acres
- Existing Landuse & Zoning:** Residential Rural (R-1), Lot 2, with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD)
- Zoning/Platting History:** Eckerberg Estates, recorded 8/12/2015
- Surrounding Landuse & Zoning:**
- North – Agricultural (AG) & Residential Rural (R-1) zoned land, Eckerberg Estates, Lot 1 (AG)
 - East – Agricultural (AG) & Residential Rural (R-1) zoned land, Summerfield (R-1A), Country Gardens Amended (R-1)
 - South – Northern Hills Estates (R-1), Agricultural (AG) & Residential Rural (R-1) zoned land
 - West – Northern Hills Estates II (R-1), Agricultural (AG) & Residential Rural (R-1) zoned land

Current Conditions:



Courtesy Clay County Assessor, GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Jon and Lisa Lee are requesting **Rezoning** approval to Residential Rural (R-1) District for Lot 2A and Residential Ranchette (R-5) for Lot 2B with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) for both lots of Eckerberg Estates, Re-plat of Lot 2 (17.99+ acres) located at approximately 18710 Nation Road and **Final Plat** approval.

The Lee's wish to split this parcel into two lots: Lot 2A (10.99 Acres) fronting off of NE 186th Street; Lot 2B (7.00 Acres) fronting off of Nation Road and their desire is to sell Lot 2B and build their home on Lot 2A.

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 (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. ⁽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.



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

Character of the General Neighborhood

Agricultural (AG) and Residential Rural (R-1) zoned property is each direction of the property. The Summerfield (R-1A) subdivision is to the east across Nation Road [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

Public Water Supply District No. 3 (PWSD #3) has indicated water is available for both lots of Eckerberg Estates.

The Clay County Highway Department has noted driveways may come off of Nation Road to access Lot 2B and NE 186th to access Lot 2A. NE 186th Street is a chip and seal surfacing and Nation Road is asphalt.

The Clay County Public Health Center has given final approval. The Kearney/Holt Fire Department serves this property.

Findings

Road Impact Fees (*RIF*) are required for the proposed additional lot. The estimated total amount of RIF is \$1,546.88 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** to Residential Rural (R-1) for Lot 2A and Residential Ranchette (R-5) for Lot 2B with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) for both Lots be **approved**, subject to the petitioner addressing all rezoning standards.

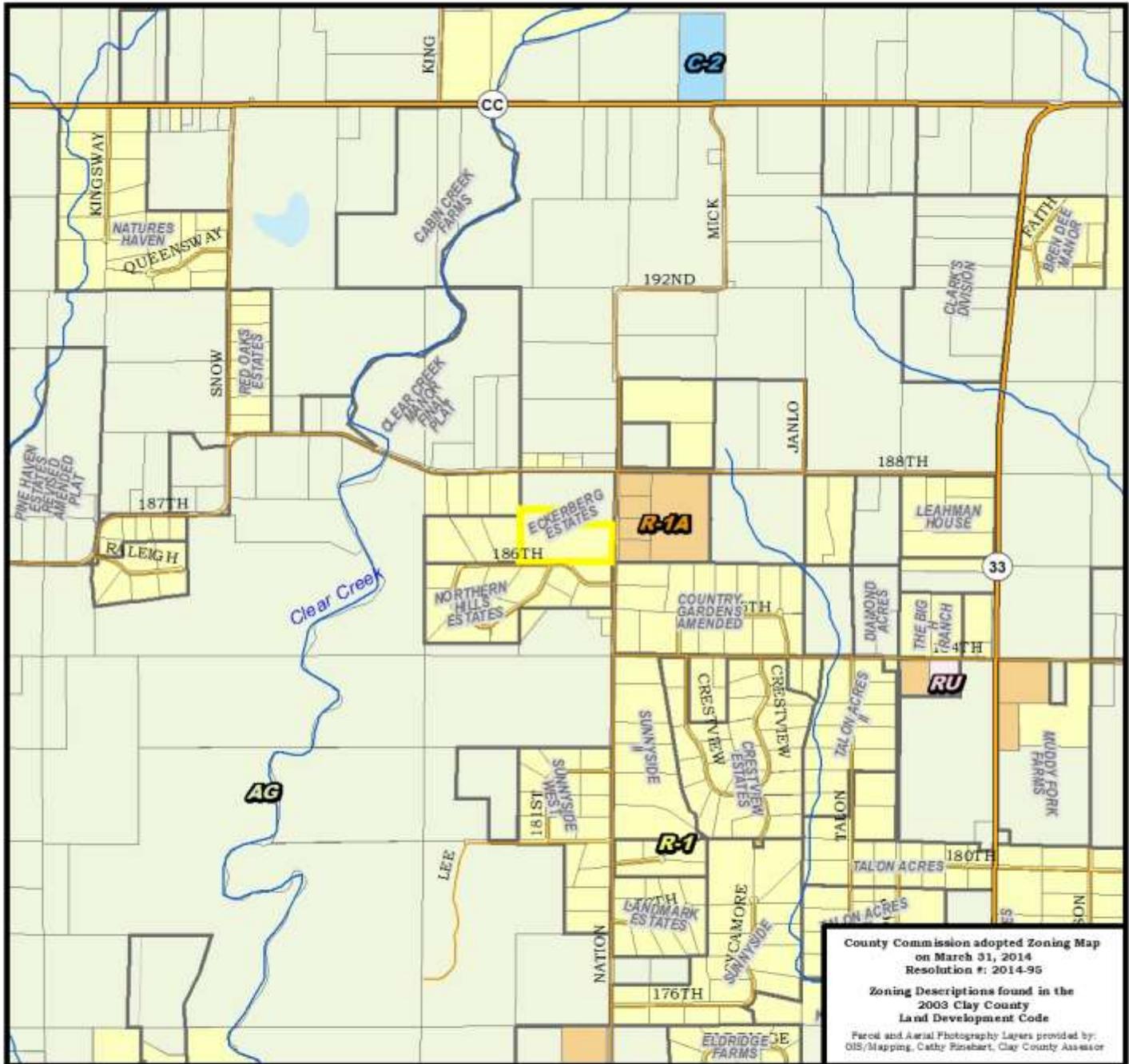
Staff recommends the **Final Plat** of Eckerberg Estates, Re-plat of Lot 2 be **approved**, with the following condition as shown on Exhibit A:

Exhibit A

1. Road Impact Fees (RIF) agreement recorded and fees paid at same time as the recording of the Final Plat.
2. The following corrections to the recording copies of the Final Plat:
 - a. The Flood Plain Community-Panel Number and Date need to be updated to the current August 3, 2015 maps.

July 16-119RZ/F – Eckerberg Estates Replat Lot2

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 Rinehart, Clay County Assessor

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

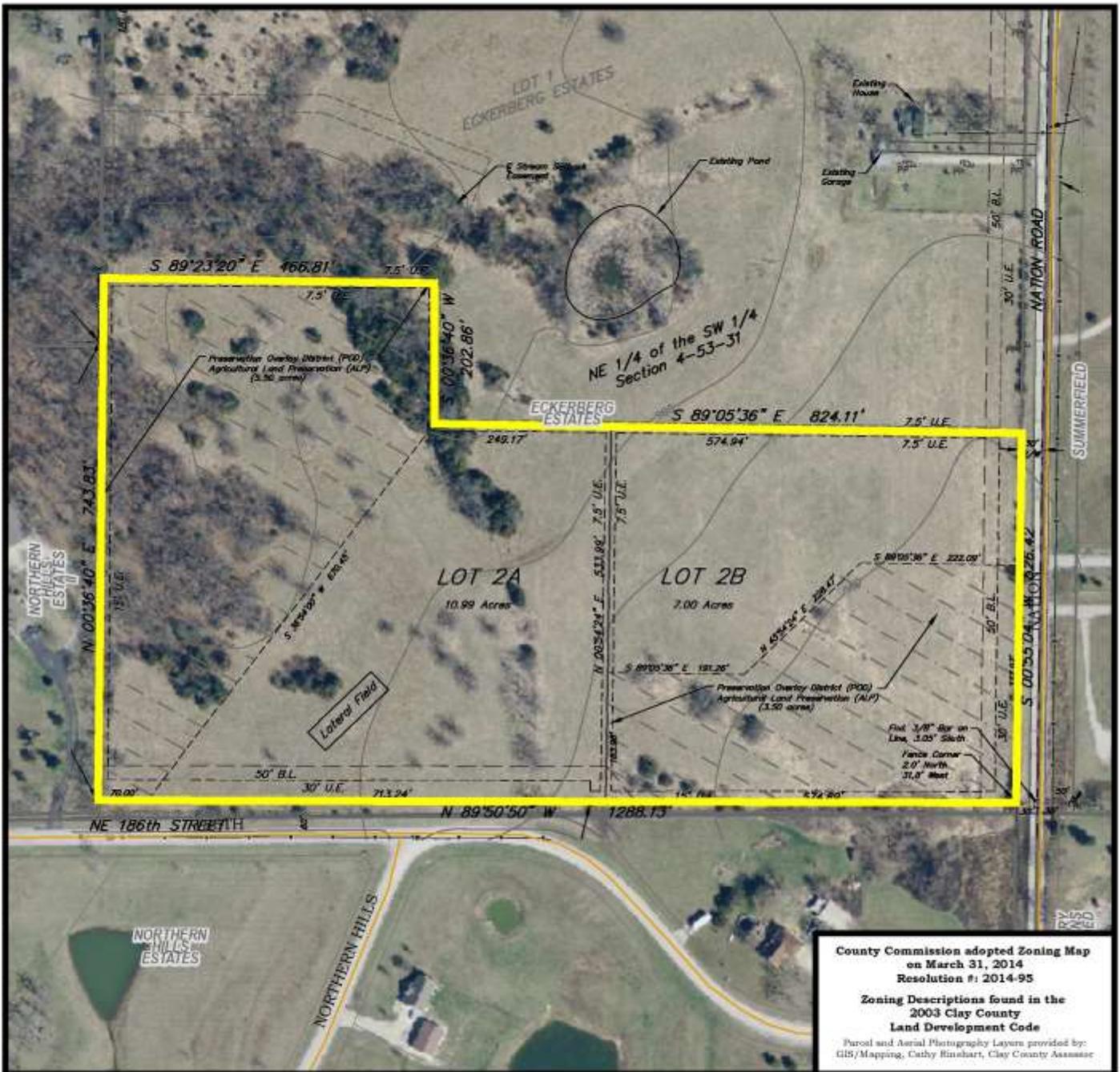
1 inch = 2,000 feet
 1 inch = 0.38 miles

LEGEND

<ul style="list-style-type: none"> Property Line ~ Streams (EPA) = Railroads 	<ul style="list-style-type: none"> Interstates State Highways Local Roads Highway Ramps 	<ul style="list-style-type: none"> Subdivisions 2016 City Limits Parks County Boundaries 	<table border="0"> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> AG R-1 R-1A/R-5 R-1B/RU R-3 </td> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> C-1 C-2 C-3 I-1 I-2 OP </td> </tr> </table>	<ul style="list-style-type: none"> AG R-1 R-1A/R-5 R-1B/RU R-3 	<ul style="list-style-type: none"> C-1 C-2 C-3 I-1 I-2 OP
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July 16-119RZ/F – Eckerberg Estates Replat Lot2

Attachment C - Site Plan Map



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

Map Document: (G:\GIS\Project_Files\Vicinity Map - 8 x 11 Print) 06/29/2016 -- 12:46:18 AM

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LEGEND

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