



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

Site Location: approx. 7610 NE 174th Street
 Section 15 | Township 53 | Range 32

Site Size: 38.69± Acres

Existing Landuse & Zoning: Agricultural (AG)

Zoning/Platting History: None

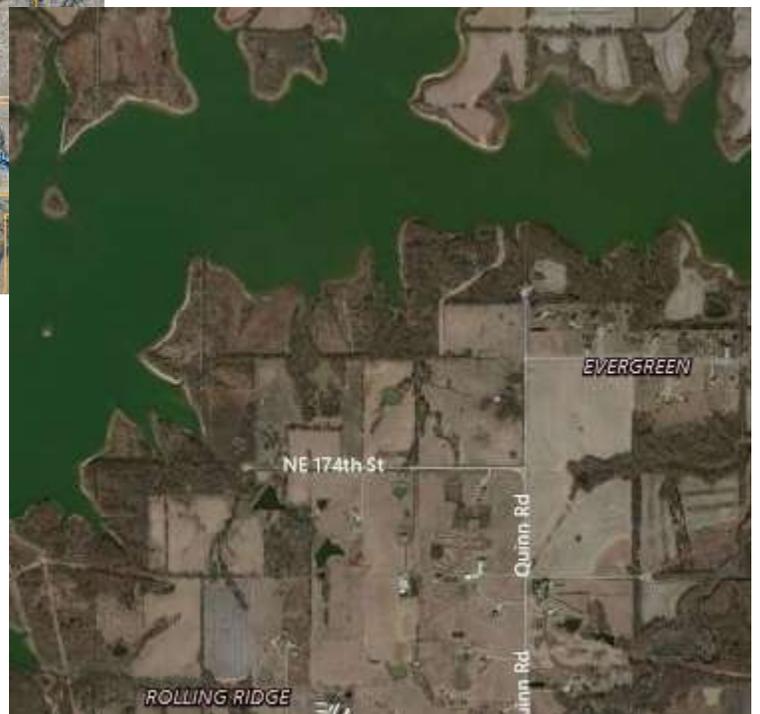
Surrounding Landuse & Zoning:

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

Current Conditions:



Courtesy Clay County Assessor, GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Christopher Higgins, Remax Innovations, representing Wade T. Pheeters, Jody Ann Carlyle and Jerry A. Krulic is requesting **Rezoning** approval from Agricultural (AG) District to Residential Rural (R-1) District for proposed Lots 2 and 3 and Residential Ranchette (R-5) District for Lot 1 with an Agricultural Land Preservation (ALP) Preservation Overlay District for one-half of each of the lots of Mac Valley Estates and **Preliminary Plat** approval; the proposed subdivision is located at approximately 7610 NE 174th Street and is 38.69± acres.

The owners wish to split this parcel into a total of three 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**. This property is also 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. ⁽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 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 applicant/owners are proposing an Agricultural Land Preservation (ALP) Preservation Overlay District on at least 5+ acres for each of the proposed lots.

Character of the General Neighborhood

The Smithville Lake Reservoir is adjacent on the north and the west of the property. Agricultural (AG) zoned property and Residential Rural (R-1) zoned Districts are to the south and east 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. 9 (PWSD #9) has indicated they are currently able to supply water only to proposed lot 1. Regarding Lots 2 and 3, they will be serviced by either a water line easement on the south side of NE 174th Street or a road bore to the north side of NE 174th Street. A letter of approval will need to be received from PWSD #9 before recording of the final plat approval.

The Clay County Highway Department has noted NE 174th Street is a gravel surface road. NE 174th Street dead ends with a cul-de-sac turn around, which is just to the west of the property where the US Army Corp Engineers (US ACE) has Access 24 to the Smithville Lake Reservoir.

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 two (2) additional lots. The estimated total amount of RIF is \$6,975.00 and is subject to change at the time of payment based on the market price of material.

A Magellan (Williams) Pipeline is located along the east property line of proposed Lot 1 and within this area is also a proposed 15' utility easement (UE'), before this 15' UE may be recorded (*dedicated*) with the recording of the final plat it must be confirmed with Magellan Pipeline this action is allowed within their easement and there may be no other changes to the final plat.

During the research of the property it was discovered that the fence for the property to the east is approximately .48 feet west of the property line. Both property owners have been notified of the location of the fence.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) District to Residential Rural (R-1) District for proposed Lots 2 & 3 and Residential Ranchette (R-5) District for Lot 1 with an Agricultural Land Preservation (ALP) Preservation Overlay District for each of the lots be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of **Mac Valley Estates** 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 the agreement at same time as the recording of the Final Plat.
2. Approval letter from PWSD#9 for establishment of easement or boring to north side of NE 174th Street for Lots 2 and 3 before recording of Final Plat.



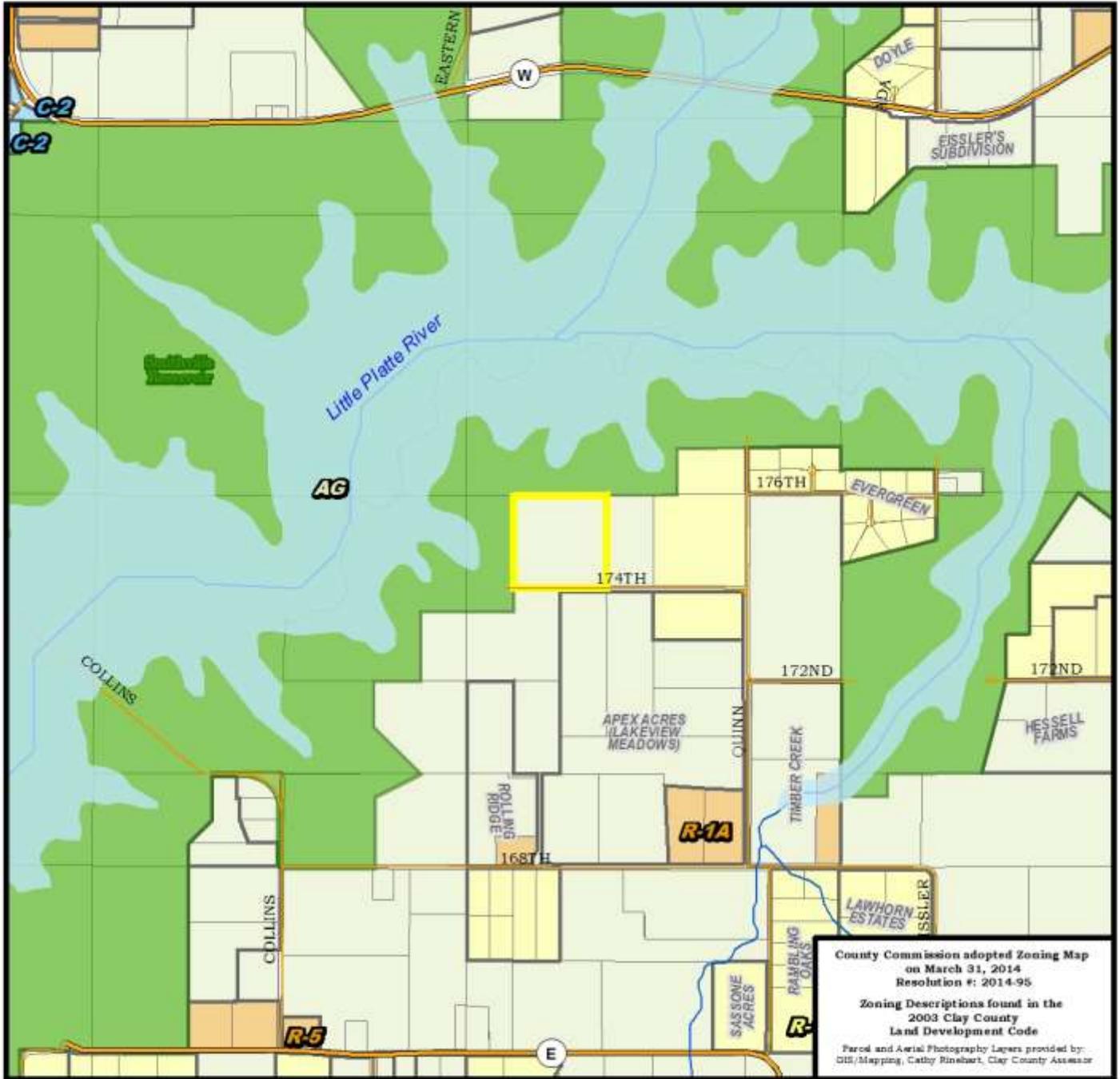
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3. Written confirmation regarding action or any other changes to the final plat from Magellan Pipeline.
4. The following additions or corrections to the recording copies of the final plat:
 - a. **ADD:** Flood Hazard Area & Reference FEMA Flood Insurance Rate Map No. Date: August 3, 2015

July 16-123RZ/P – Mac Valley Estates

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

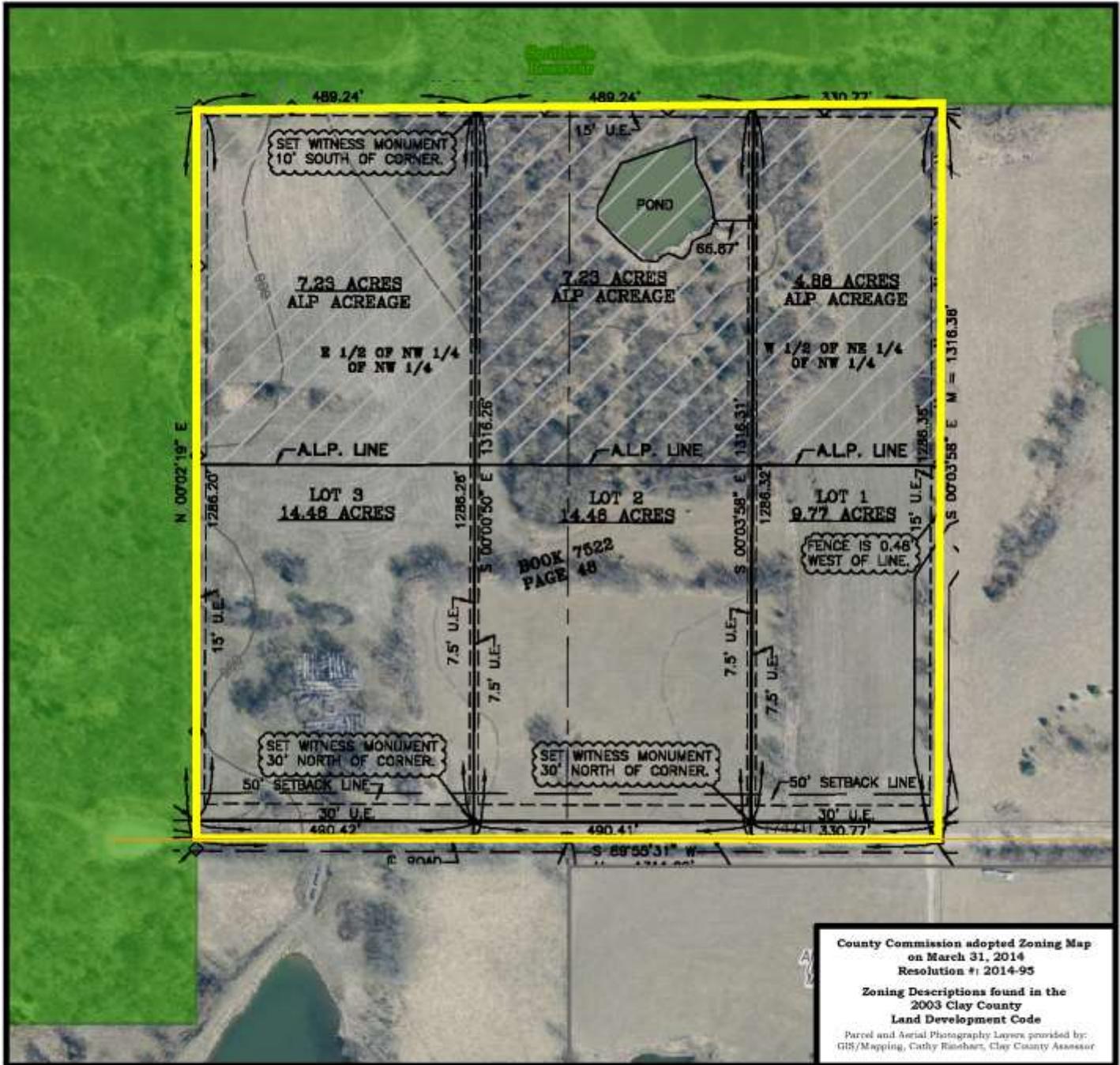
1 inch = 2,000 feet
1 inch = 0.38 miles

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="vertical-align: top;"> <ul style="list-style-type: none"> AG R-1 R-1A/R-5 R-1B/RU R-3 </td> <td style="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 16-123RZ/P – Mac Valley Estates

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 Reinherz, Clay County Assessor

Map Document: G:\GIS\Project_Files\Vacancy Map - 8 x 11 P.mxd 08/30/2016 -- 12:00:16 PM

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1 inch = 250 feet
1 inch = 0.05 miles

LEGEND

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