



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

Site Location: approximately 7022 Nebo Hills Road
Sections 22 & 23 | Township 51 | Range 31

Site Size: 39.07 ± acres

Existing Landuse & Zoning: Agricultural (AG)

Zoning/Platting History: None

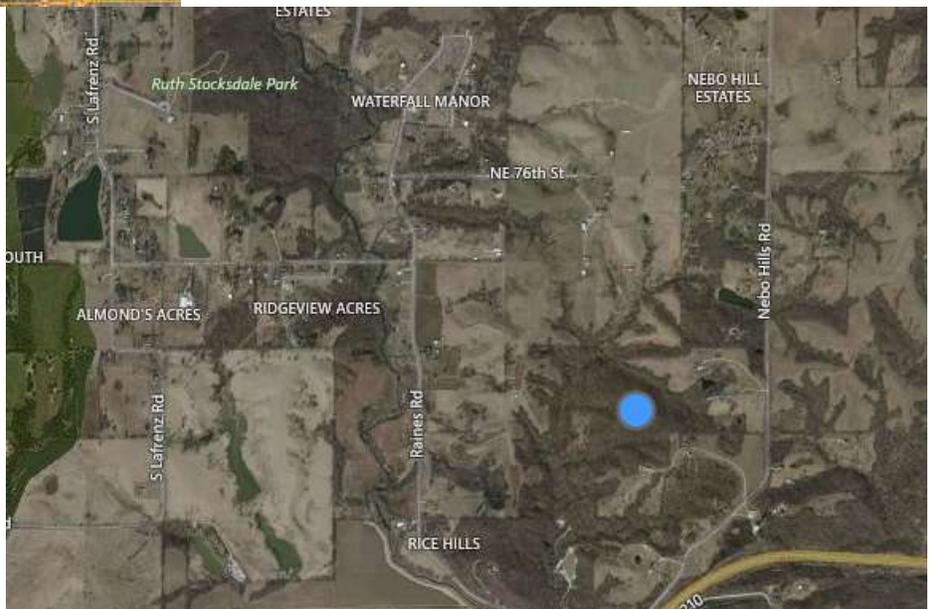
Surrounding Landuse & Zoning:

- North - AG zoned land, Nebo Hill Estates 1st Plat (R-1)
- East - AG zoned land, Lazy J Replat (Ag & R-1)
- South - AG zoned land, 210 Hwy, The Underground (I-1& 1-2-PUD Overlay)
- West - AG zoned land, City of Liberty

Current Conditions:



Courtesy of Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Kristie Stuewe, President-KC is representing First Missouri Bank and requesting **Preliminary Plat** approval for a one lot Agricultural (AG) zoned subdivision of Nebo Hill Estates – Sixth Plat located at approximately 7022 Nebo Hills Road.

First Missouri Bank brought Nebo Hill Estates – Sixth Plat to the Planning and Zoning Commission and County Commission in November of 2015, but did not record the Final Plat.

Now, First Missouri Bank is bringing another version of Nebo Hill Estates – Sixth Plat and would like to split approximately 39.07± acres and the existing barn from the acreage of 80± acres, so as to sell some of the acreage separate from the residence on the property.

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 landuse tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy 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.

Character of the General Neighborhood

Agriculturally (AG) zoned property is in each direction of the property. Nebo Hill Estates 1st Plat (R-1) is to the North. Lazy J, Replat. (AG & R-1) is to the east. 210 Highway and The Underground (I-1 & I-2, with a PUD Overlay) are to the South. The City of Liberty is approximately 1 1/4 miles to the west. [See Attachment B].

LDC Considerations

The review procedures and submittal content for Nebo Hill Estates – Sixth Plat must follow the Minor Subdivision requirements in Section 151-3.5 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. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a letter sent August 26, 2016.

Outside Agency Review

The Clay County Highway Department has noted the following:

The driveway will have a **shared access (ingress/egress) from Nebo Hills Road**. Nebo Hills Road is a chip and seal surfacing. For sight distance the brush will need to be cut back both to the north and south to improve the sight distance.

The Clay County Public Health Center has given preliminary and final approval for Nebo Hill Estates-Sixth Plat.

Public Water Supply District #5 stated in a letter dated March 13, 2015 they will be able to service Lot 1 with a residential water meter.

The Fishing River Fire District serves this property.

The existing pond structure has been inspected by the Clay County Soil and Water Conservation District, and stated the pond needed clearing around it. The clearing was completed in October-November, 2015.



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Findings

The two smaller metal barn structures shown on the Preliminary Plat have been removed by the developer. The larger metal barn is 30.5± feet from the existing north property line and is being classified as a farm structure according to the 2011 Land Development Code (LDC) and meets the 25' required setback. But if the farm structure were to be used to house livestock then the setback would be increased by 25' to a side setback of 50', {Section 151-6.3B (1a)}. A farm structure is defined as a building used for the storage of agricultural or farm products, livestock, or grain. **So, this farm structure will not be allowed to house livestock.**

The 60' x 100' Ingress/egress (I/E) as noted on the plat will serve as the shared access point and also the interior ingress and egress as needed for Lot 1. A shared driveway agreement will need to be in place at the time of Final Plat recording.

Road Impact Fees (RIF) are required for the one (1) 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

Staff recommends the **Preliminary Plat** of Nebo Hill Estates- Sixth Plat be **Approved**, with the following conditions as shown in 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. A shared driveway agreement must be in place at the time of Final Plat recording.
3. Clay County Highway Department confirmation of approved sight distance/after the removal of brush, before the Final Plat can be recorded.
4. The following changes to the recording copies of the Final Plat:
 - a. CHANGE- spelling of LEDGEN to **LEGEND**.

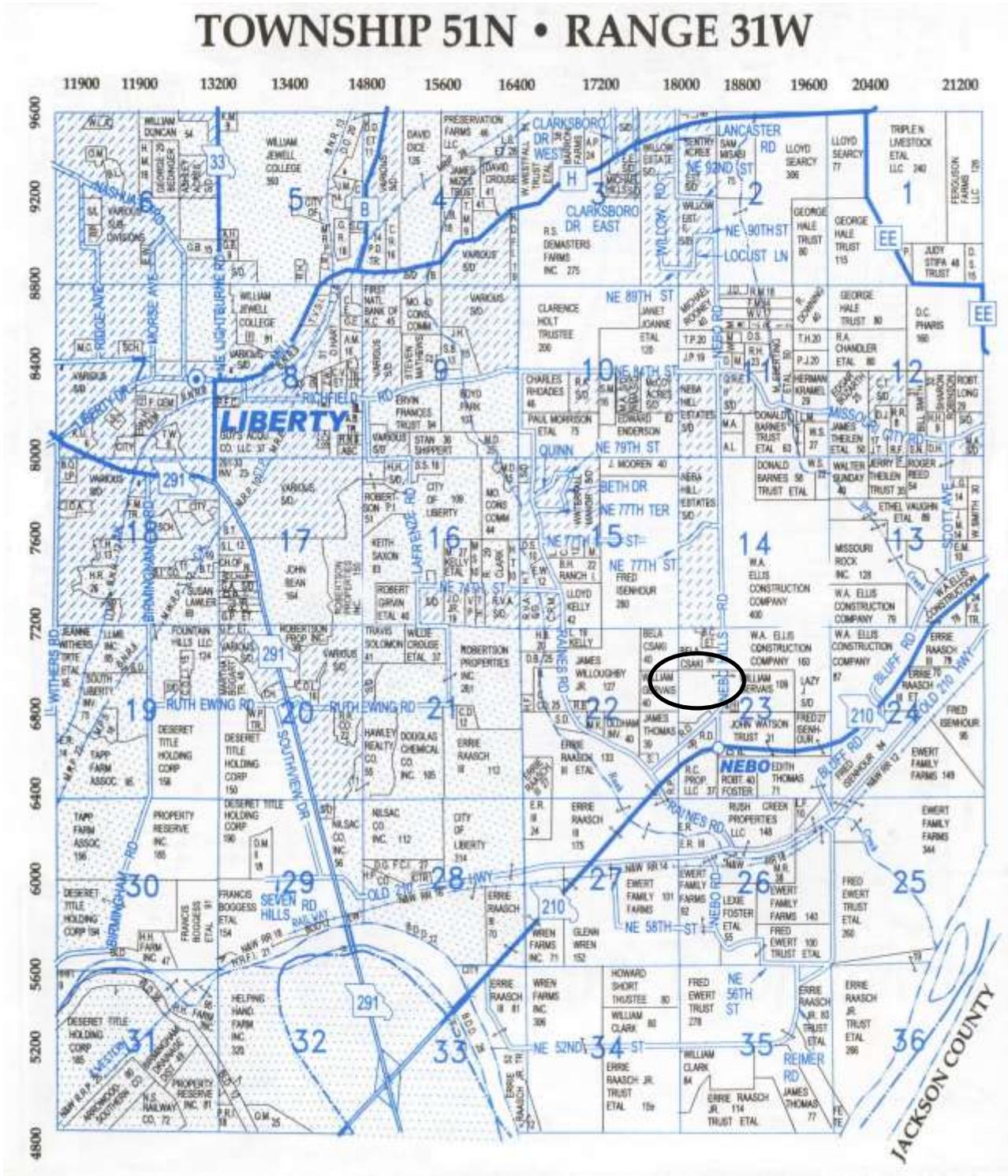


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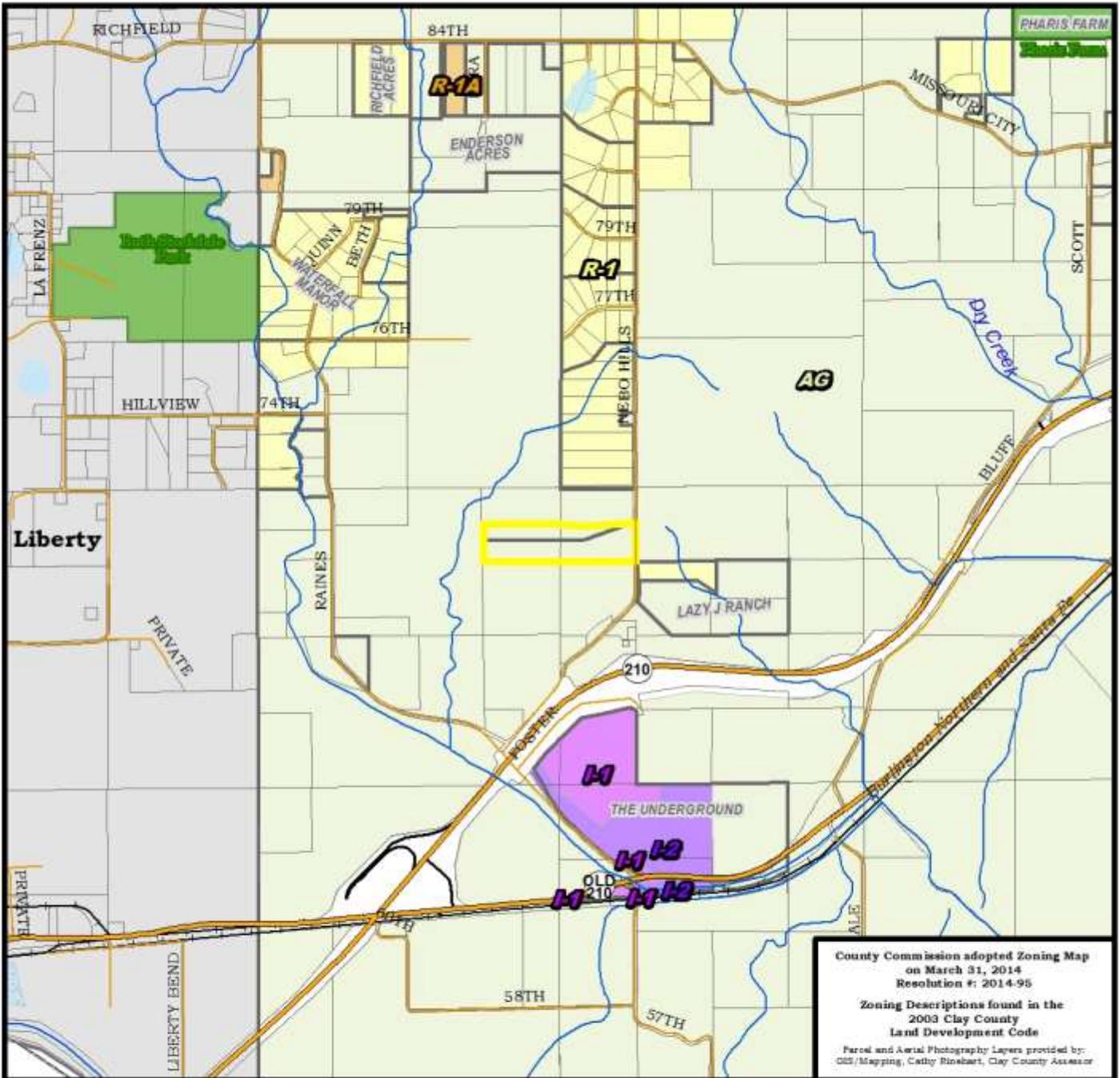
Attachments

September 16-127P – Nebo Hill Estates – Sixth Plat Attachment A – Vicinity Map



Sept 16-127P – Nebo Hills Estates 6th Plat

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

Planning & Zoning Department

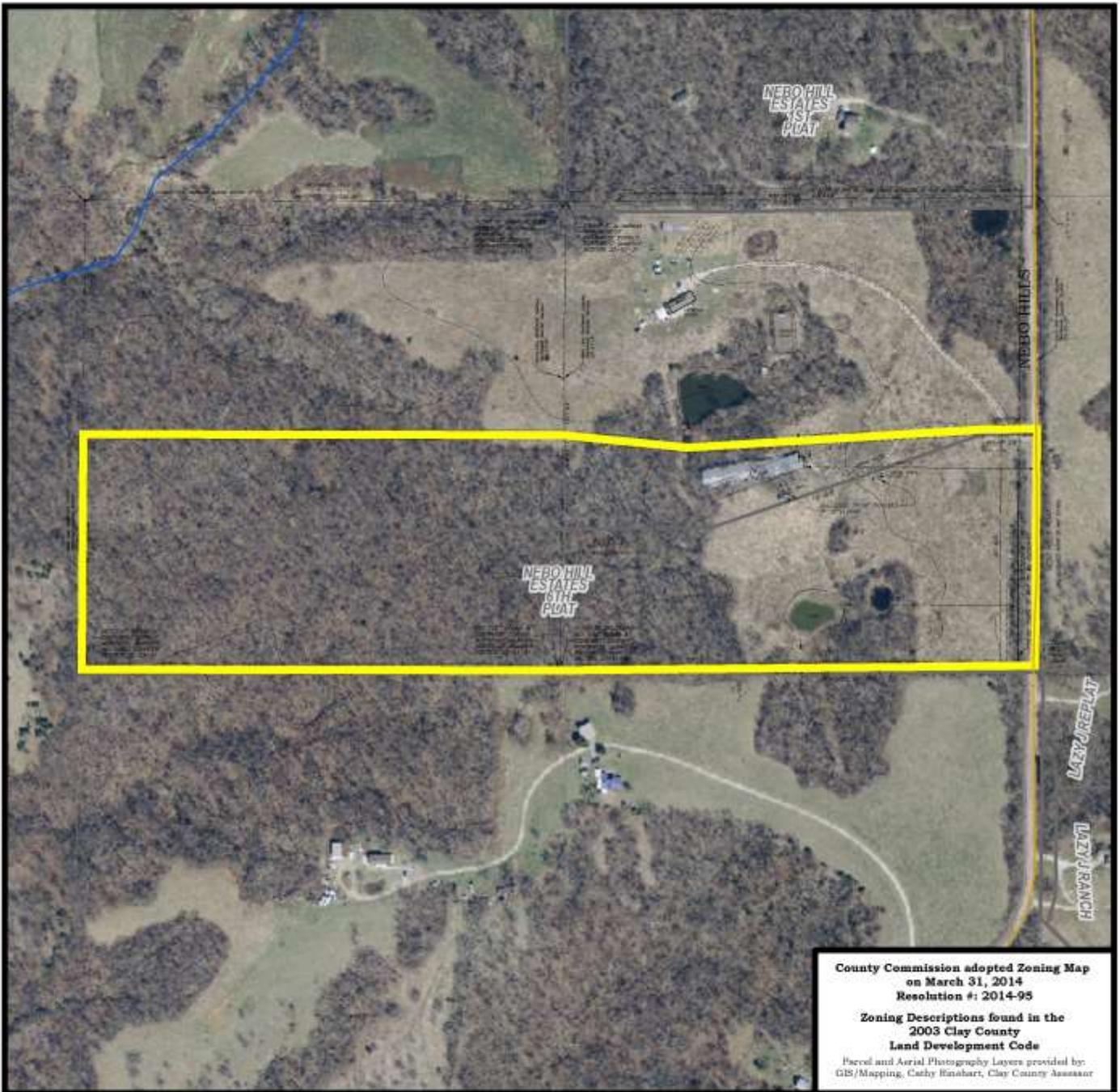
LEGEND

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

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Sept 16-127P – Nebo Hills Estates 6th Plat

Attachment C - Site Plan Map



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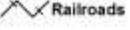


Planning & Zoning Department



1 inch = 400 feet
 1 inch = 0.08 miles

LEGEND

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