



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

Site Location: Approximately 18316 Collins Rd
Section 8 | Township 53 | Range 32

Site Size: See legal descriptions below

Existing Landuse & Zoning: Residential Rural District (R-1) & Community Services (C-3)

Zoning/Platting History: RZ – Paradise South, Lots 1 & 2 (C-3), Res. #2003-518, 10/27/03, Res. # 2015-202, 06/22/2015; Prelim. Plat – Res. #2003-519, 10/27/03, Res. #2015-202, 06/22/15; Final Plat – Res. #2003-611, 12/22/03, recorded 01/16/04, Res. #2015-203, 06/22/15, recorded 06/24/15; CUP – Res. #2003-520, 12/22/03, Res. #2010-352, 11/29/10, Res. #2015-204, 06/22/2015.

Surrounding Landuse & Zoning:

- North - Burdette's Addition (R-1), Gosneyville (R-1) and C-3 Zoned Lots
- East - Agriculturally zoned land (AG), Holdsworth Commercial Addition 2 (C-2), SAFPD Station NO 3 Lot 1, & Smithville Lake Reservoir
- South - Agriculturally zoned land (AG) and Smithville Lake Reservoir
- West - Smithville Lake Reservoir

Current Conditions:



Courtesy Clay County Assessor GIS/Mapping



18316 Collins Rd,
Smithville, MO 64089

Courtesy Microsoft® Bing™



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Assessment

Cara Massie, owner of Paradise Storage, LLC, representing Rodger and Susan Burton, is seeking to vacate Utility Easements (henceforth known as "U.E.s") within portions of Lot 1 of Paradise Storage and Lot 3 of Paradise South, which is legally described as follows:

15' Utility Easement

All that part of the North One-half of Section 8, Township 53, Range 32, all that part of Paradise South, a subdivision of land in Clay County, Missouri, and all that part of Paradise Storage, a subdivision of land in Clay County, Missouri, all being in Clay County, Missouri, lying 7.5 feet each side of the following described centerline; Commencing at the Northeast Corner of the Northeast Quarter of said Section 8; thence North 89 degrees 06 minutes 08 seconds West, along the North line of the Northeast Quarter of said Section 8, a distance of 1319.70 feet to the Northeast corner of said Paradise South; thence North 89 degrees 06 minutes 08 seconds West, continuing along said North line, and also the North line of Paradise South, a distance of 248.05 feet; thence Southwesterly along the Southerly right-of-way line of Fairview Avenue along a curve to the right, having an initial tangent bearing of South 33 degrees 14 minutes 04 seconds West, a radius of 56.91 feet, an arc distance of 57.62 feet; thence continuing along said right-of-way line, North 88 degrees 45 minutes 07 seconds West, a distance of 297.46 feet; thence South 01 degrees 14 minutes 53 seconds West a distance of 20.00 feet to the Point of Beginning of the centerline of the 15' utility easement to be vacated; thence South 01 degrees 14 minutes 53 seconds West a distance of 163.13 feet; thence North 87 degrees 39 minutes 31 seconds West a distance of 239.06 feet; thence South 66 degrees 24 minutes 57 seconds West a distance of 176.13 feet; thence South 31 degrees 38 minutes 45 seconds West a distance of 448.37 feet; thence North 89 degrees 06 minutes 08 seconds West a distance of 40.33 feet to the Point of Termination.

7.5' Utility Easement

All that part of the North One-half of Section 8, Township 53, Range 32, all that part of Paradise South, a subdivision of land in Clay County, Missouri, and all that part of Paradise Storage, a subdivision of land in Clay County, Missouri, all being in Clay County, Missouri, lying 3.75 feet each side of the following described centerline; Commencing at the Northeast Corner of the Northeast Quarter of said Section 8; thence North 89 degrees 06 minutes 08 seconds West, along the North line of the Northeast Quarter of said Section 8, a distance of 1319.70 feet to the Northeast corner of said Paradise South; thence North 89 degrees 06 minutes 08 seconds West, continuing along said North line, and also the North line of Paradise South, a distance of 248.05 feet; thence Southwesterly along the Southerly right-of-way line of Fairview Avenue along a curve to the right, having an initial tangent bearing of South 33 degrees 14 minutes 04 seconds West, a radius of 56.91 feet, an arc distance of 57.62 feet; thence continuing along said right-of-way line, North 88 degrees 45 minutes 07 seconds West, a distance of 297.46 feet; thence South 01 degrees 14 minutes 53 seconds West a distance of 188.94 feet to the Point of Beginning of the centerline of the 7.5' utility easement to be vacated; thence North 89 degrees 40 minutes 38 seconds West a distance of 227.13 feet; thence South 72 degrees 00 minutes 48 seconds West a distance of 181.91 feet to the Point of Termination.

Ms. Massie is seeking to vacate the existing U.E.s as noted above as part of the associated rezoning and replat case of Paradise Storage Lot 1 and Paradise South Lot 3 (October 16-135 RZ/F).

Character of the General Neighborhood

Burdette's Addition and Gosneyville (R-1) and C-3 zoned land are to the north. Holdsworth Commercial Addition 2 (C-2) and SAFPD Station NO 3 are to the East. Smithville Lake Reservoir is to the east, west and south. Agricultural (AG) zoned land to the east and south of the property.

LDC Considerations

Chapter 151-3.13 of the 2011 Clay County Land Development Code ("LDC") sets out the required review and approval procedures for vacations of any street, avenue, road, alley, public easement, ingress/egress, utility easement, public square or common area included as part of a recorded plat, in accordance with the Missouri Revised Statutes ("RSMo") Chapter 71.270.



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The applicants for the vacation must meet the approval criteria as noted in Section 151-3.13 (F):

F. Approval Criteria

A Vacation application shall be approved by the County Commission if they determine that all of following approval criteria have been met:

1. Due and legal notice has been provided as required by this section;
2. No private rights will be injured or endangered by the Vacation;
3. The public will suffer no loss or inconvenience from the Vacation; and
4. In justice to the applicant, the Vacation should be approved.

The requested Vacation appears to substantially comply with the LDC. The vacation application was properly noticed in the Kearney Courier on September 15, 2016, and the utility providers were notified by a letter dated September 9, 2016.

Outside Agency Review

The vacation request was mailed to the utility providers and other agencies for their comments and possible objections to the vacation. Replies with no objection to the subject request have been received from water (Clinton County PWSD #4), electrical (KCP&L & Platte-Clay Electric), and telephone (Century Link). All utilities that responded stated that they do not presently have any lines running through the subject U.E.s.

There currently is no gas service at the subject property (Missouri Gas Energy).

Findings

None at the time of this writing.

Recommendations

Staff recommends **approval** of this vacation request based upon the lack of stated objection by any utility company, the associated replat (*Case No: October 16-135RZ/F*), along with general compliance to the LDC, with the following condition as shown on Exhibit A:

Exhibit A

1. The **Resolution for Vacation**, if approved by the County Commission, be recorded simultaneously with Paradise Storage Second Plat (*Case No: October 16-135RZ/F*) with the above described utility easement shown as vacated on the Final Plat.



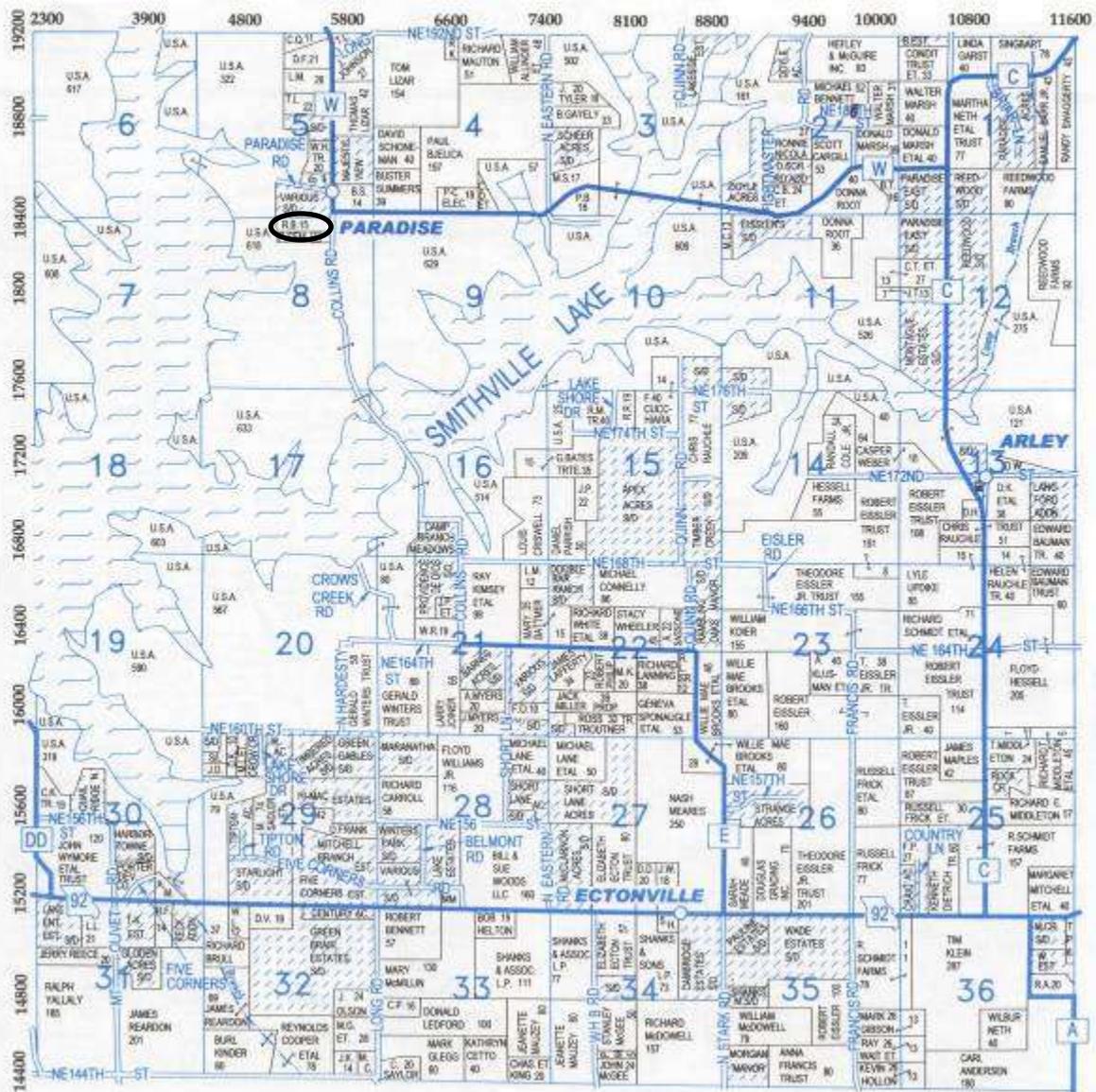
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Attachments

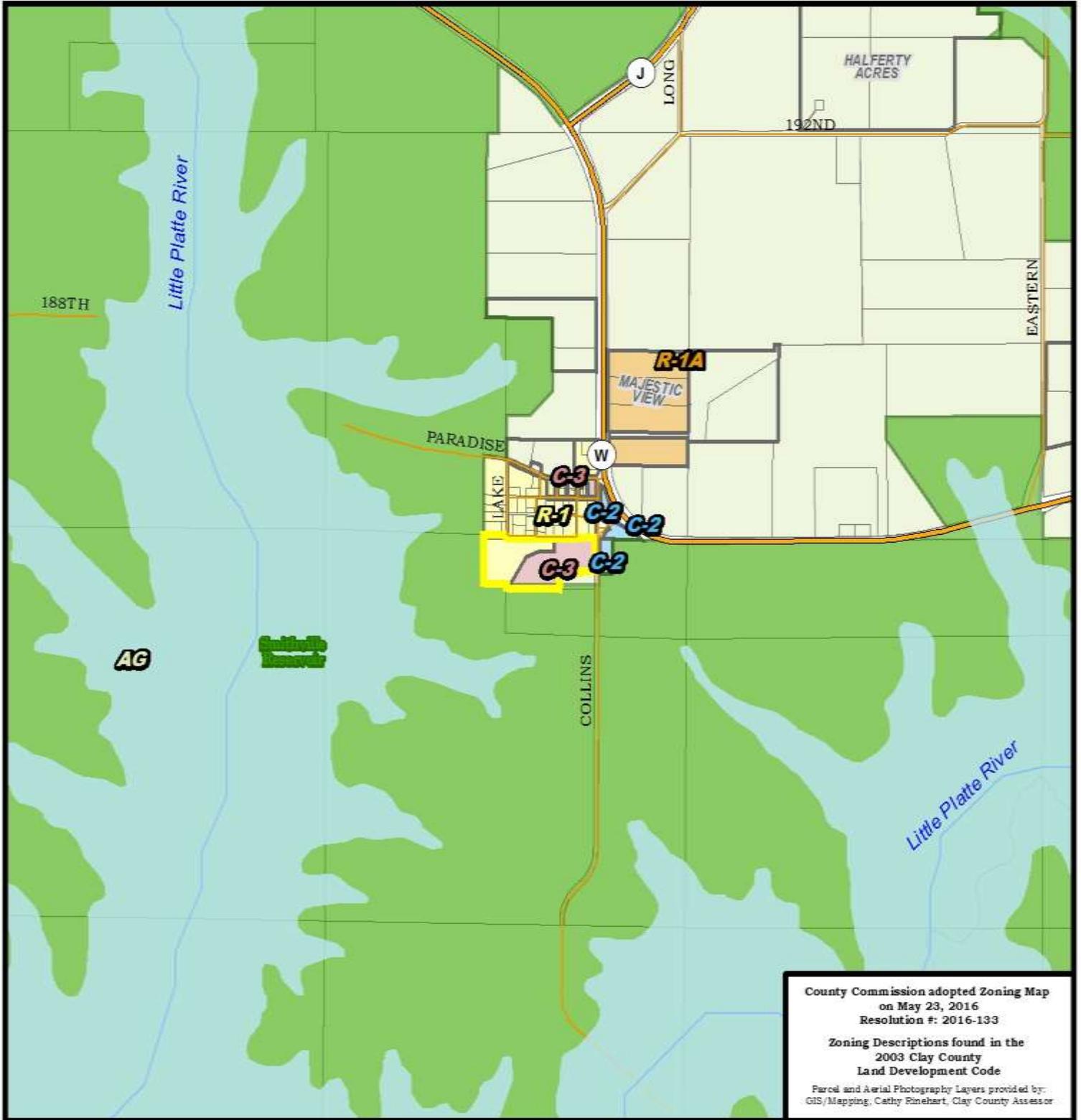
Oct 16-136V - UE Vacation-Paradise South Attachment A - Vicinity Map

TOWNSHIP 53N • RANGE 32W



Oct 16-136V – UE Vacation - Paradise South

Attachment B - Existing Conditions Map



County Commission adopted Zoning Map
 on May 23, 2016
 Resolution #: 2016-133

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

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

LEGEND

Property Line	Roads	Subdivisions	CD (Conservation District)	Zoning Districts	C-1
Streams (EPA)	Interstates	2016 City Limits	POD (Preservation Overlay District)	R-1	C-2
Railroads	State Highways	Parks	PUD (Planned Unit Development)	R-1A/R-5	I-1
	Local Roads	County Boundaries		R-1B/RU	I-2
	Highway Ramps			R-3	OP

Oct 16-136V – UE Vacation - Paradise South

Attachment C - Site Plan Map



County Commission adopted Zoning Map
on May 23, 2016
Resolution #: 2016-133

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

GIS/Mapping, Clay County Assessor
Clay County, MO

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



1 inch = 250 feet
1 inch = 0.05 miles

LEGEND

<ul style="list-style-type: none"> Property Line To Be Vacated Streams (EPA) Railroads 	<p>Roads</p> <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
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