



# Report to Planning & Zoning Commission

Clay County, Missouri

**Case Number** Oct. 11-110 RZ/P  
**Case Type** Rezoning & Preliminary Plat  
**Project Name** Carroll Creek Estates

**Contact** Jason Robbins  
Aylett Survey & Engineering Co.  
201 NW 72<sup>nd</sup> Street  
Gladstone, MO 64118

**Applicant** Thistle Hill Development, Inc. & W.B., L.L.C.  
5500 N Oak Trafficway  
Suite 200  
Kansas City, MO 64118-4681

**Owner** << SAME AS APPLICANT >>

**Request** **Rezoning** from Agricultural (AG) to Residential Rural Density District (R-1) for Lot 3 ONLY and **Preliminary Plat** approval of Carroll Creek Estates

Application Submittal 2011-08-30  
Public Notice Published 2011-09-15  
Neighbor Letters Sent 2011-09-16  
Report Date 2011-09-26

**REPORT AUTHOR(S)** Matt Tapp, Director  
Debbie Viviano, Planner

**Recommendation** APPROVAL with conditions



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## General Information

**Site Location:** Approximately 18411 Cameron Road

**NORTHERN PORTION:**  
Section 05 | Township 53 | Range 30

**SOUTHERN PORTION:**  
Section 08 | Township 53 | Range 30

**Site Size:** 58.88± acres

**Existing Landuse & Zoning:** Agricultural (AG)

**Zoning/Platting History:** None

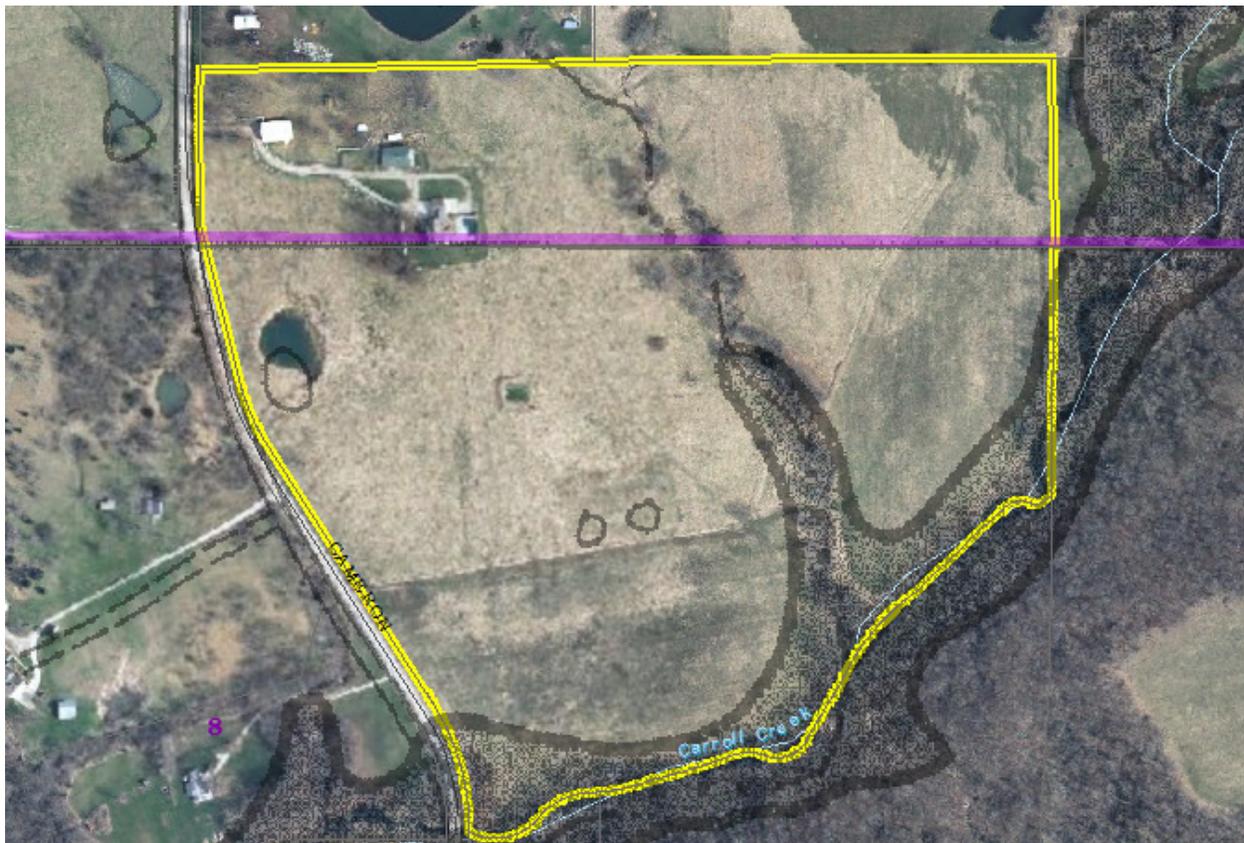
### Surrounding Landuse & Zoning:

- North – Hubbard Acres (R-1), Agricultural (AG) Zoned Land
- East – Brock Acres (AG), Crain Acers (AG), Agricultural (AG) Zoned Land
- South – Ke-Ho Hideaway (AG), Hickory Ridge (R-1), Woodhaven (R-1), Agricultural (AG) Zoned Land
- West – Baldwin Hills (R-1), Davis Acres (R-1A), Jimmy Dugan's Farm (R-1A), Agricultural (AG) Zoned Land

### Current conditions:

**Existing Property Lines = YELLOW | PLSS Section Lines = PURPLE**

1 inch = 400 feet





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## Assessment

William (Bill) Mann, representing Thistle Hill Development, Inc. and W.B., L.L.C., is requesting **Rezoning** approval from Agricultural (AG) district to Residential Rural Density District (R-1) for LOT 3 ONLY and **Preliminary Plat** approval for Carroll Creek Estates 58.88± acres located at approximately 18411 Cameron Road.

The property owner would like to divide the land to create two (2) new additional single-family dwelling lots.

### 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 (1<sup>st</sup>) table shows the land use tiers and corresponding guidelines, and the second (2<sup>nd</sup>) 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)
<b>Intent</b>	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.
<b>Primary Uses</b>	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
<b>Residential Uses</b>	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.
<b>Non-Residential Uses</b>	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
<b>Minimum Sanitary Sewer Provisions</b>	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. <sup>(1)</sup>
<b>Zoning Districts</b>	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.

<sup>(1)</sup> 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)
<b>Intent</b>	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.

## **Character of the General Neighborhood**

To the north, east, and south lies Agricultural (AG) zoned property with a few R-1 zoned subdivisions. A couple R-1A subdivisions exist to the west, along with some R-1 and AG zoned property [See Attachment B].

## **Code Considerations**

The rezoning application was properly noticed in the Kearney Courier on September 15, 2011. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter dated September 16, 2011. The petitioner should fully address the five (5) rezoning criteria in the Clay County 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.

The subject property also falls within the A-O, Airport Overlay District (Section 151-5.4), which places additional height restrictions on tall structures.



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## **Outside Agency Review**

The Clay County Highway Department has given approval and noted the following: "All three lots meet sight distance and drainage requirements. Driveway permits will be issued per CC TSDC [Technical Specifications and Design Criteria]." Cameron Road is a Chip and seal surfacing and will remain such.

The Clay County Health Department has given preliminary approval of the project and noted the following: "Evaporation Lagoon must be move[d] to lot #1 & morphologies performed on all lots before recording". Public Water Supply District (PWSD) #8 presently provides water service for the existing single family residence on proposed Lot 1, and is able to supply water for the additional two lots. The Holt Fire District serves this property.

The existing pond structure on proposed Lot 2 was inspected by the Clay County Soil and Water Conservation District with the following note: "If the structure is ever to be enlarged I suggest that a principal spillway pipe be installed. The structure is in good condition".

## **Findings**

Carroll Creek is considered an active stream channel, and as such must meet the required stream setbacks within Section 151-11.2 (C) of the LDC. The first 50 feet must be designated as "Zone 1" and the remaining 25 feet noted as "Zone 2" on the plat, and a note stating: "*There shall be no clearing, grading, construction or disturbance of vegetation in the stream setback easement except as permitted by Clay County*". Any activity taking place within the Stream Setback zones should have approval of the Planning & Zoning Department. Any building permits on proposed Lot #3 will require a Certificate of Elevation due to the existence of designated FEMA floodplain.

Road Impact Fees (*RIF*) are not required for proposed Lot 1 as it occupies the existing single family residence. However, RIF will be required for the 2 additional lots generated (Lots 2 and 3), and must be paid prior to the recording of the final plat.

## **Recommendations**

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) District to Residential Rural District (R-1) for LOT 3 ONLY be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of **Carroll Creek Estates** be **approved**, with the following four (4) conditions as shown on Exhibit A:

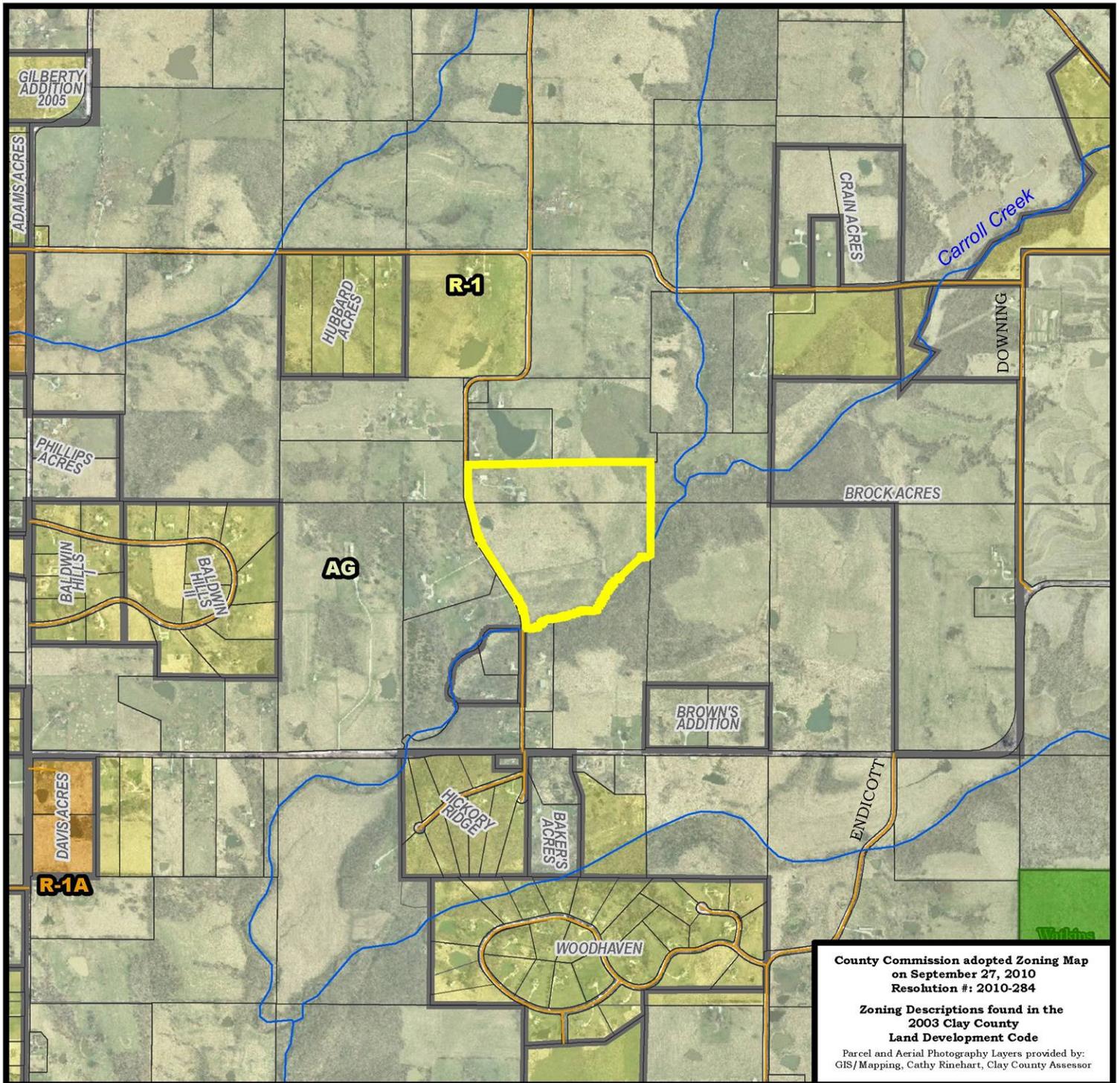
### **Exhibit A**

1. Road Impact Fee (*RIF*) agreement recorded and fees paid for Lots 2 and 3 prior to the recording of the final plat.
2. Any building permits on Lot 3 will require a Certificate of Elevation completed by a registered land surveyor in the State of Missouri.
3. On-site sewage system that serves the existing single family residence must be moved completely to Lot 1 before the recording of the final plat.
4. Soil morphologies for all the lots completed and approved by the Clay County Health Department before the recording of the final plat.



# Oct 11-110RZ/P - Carroll Creek Estates

## Attachment B - Existing Conditions Map



County Commission adopted Zoning Map on September 27, 2010  
 Resolution #: 2010-284  
 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\Vacinity Map - 8 x 11 P.mxd  
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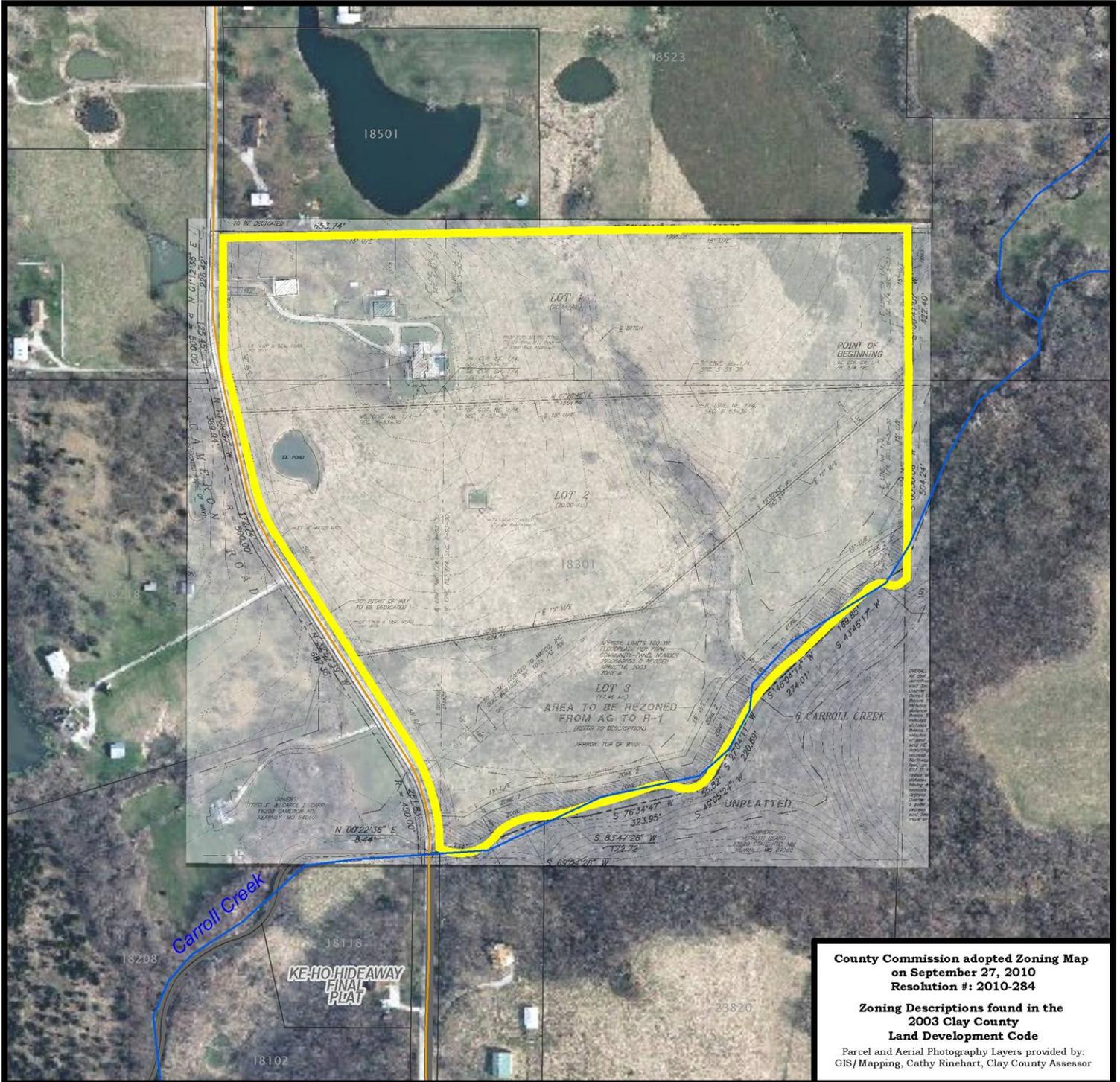
**Planning & Zoning Department**

**LEGEND**

<ul style="list-style-type: none"> <li><span style="border: 2px solid yellow; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Property Outline</li> <li><span style="border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> parcel</li> <li><span style="color: blue; font-weight: bold;">~</span> Streams (EPA)</li> <li><span style="color: black; font-weight: bold;">=</span> Railroads</li> </ul>	<p><b>Roads CLASS</b></p> <ul style="list-style-type: none"> <li><span style="color: blue; font-weight: bold;">=</span> Interstates</li> <li><span style="color: orange; font-weight: bold;">=</span> State Highways</li> <li><span style="color: yellow; font-weight: bold;">=</span> Local Roads</li> <li><span style="color: black; font-weight: bold;">=</span> Highway Ramps</li> </ul>	<ul style="list-style-type: none"> <li><span style="border: 1px solid gray; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Subdivisions</li> <li><span style="border: 1px solid gray; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> County Boundaries</li> <li><span style="border: 1px solid gray; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> 2011 City Limits</li> <li><span style="background-color: green; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Parks</li> </ul>	<p><b>Zoning Districts</b></p> <table border="0" style="font-size: small;"> <tr><td style="background-color: lightgreen; width: 15px; height: 10px; display: inline-block;"></td> AG</tr></table>				

# Oct 11-110RZ/P - Carroll Creek Estates

## Attachment C - Site Plan Map



Map Document: (G:\GIS\Project\_Files\Vacinity Map - 8 x 11 P.mxd) 09/13/2011 -- 04:53:58 PM



**Planning & Zoning Department**



1 inch = 400 feet  
1 inch = 0.08 miles

**LEGEND**

Carroll Creek Estates Property	Streams (EPA)	Interstates
parcel	Railroads	State Highways
Streams (EPA)		Local Roads
Subdivisions		Highway Ramps
County Boundaries		
2011 City Limits		
Parks		