



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number Oct. 11-112 RZ/P
Case Type Rezoning & Preliminary Plat
Project Name Muddy Fork Farms

Contact Nicholas Miller
Aylett Survey & Engineering Co.
201 NW 72nd Street
Gladstone, MO 64118

Applicant Chester & Cheryl Thompson
17407 NE 184th Street
Holt, MO 64048

Owner << SAME AS APPLICANT >>

Request **Rezoning** from Agricultural (AG) to:
Lot 1 and 2 – Residential Low-Density District (R-1A)
Lot 3 – Residential Rural density District (R-1)
and **Preliminary Plat** approval of Muddy Fork Farms

Application Submittal 2011-09-06

Public Notice Published 2011-09-15

Neighbor Letters Sent 2011-09-16

Report Date 2011-09-27

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

Recommendation APPROVAL with conditions



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

Site Location: Approximately 18215 Highway 33
Section 10 | Township 53 | Range 31

Site Size: 75.33± acres

Existing Landuse & Zoning: Agricultural (AG)

Zoning/Platting History: None

Surrounding Landuse & Zoning:

- North – R-1 zoned subdivisions, Agricultural (AG) Zoned Land
- East – R-1 and one R-1A zoned subdivisions, Agricultural (AG) Zoned Land
- South – R-1 and few R-1A zoned subdivisions, Agricultural (AG) Zoned Land
- West – R-1 and few R-1A zoned subdivisions, Agricultural (AG) Zoned Land

Current conditions:

Existing Property Lines = YELLOW

1 inch = 500 feet





Report to Planning & Zoning Commission

Clay County, Missouri

Assessment

Chester and Cheryl Thompson, are requesting **Rezoning** approval from Agricultural (AG) district to Residential Low Density District (R-1A) for LOTS 1 and 2 ONLY and Residential Rural Density District (R-1) for LOT 3 ONLY, and **Preliminary Plat** approval for Muddy Fork Farms 75.33± acres located at approximately 18215 Highway 33.

The property owners would like to divide the land to create three (3) 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 (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. ⁽¹⁾
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.

⁽¹⁾ 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.



Report to Planning & Zoning Commission

Clay County, Missouri

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.

Character of the General Neighborhood

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

LDC 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 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.



Report to Planning & Zoning Commission

Clay County, Missouri

Outside Agency Review

The Clay County Highway Department has given approval and noted the following: "N.E. 184th St. & MO 33 Hwy. – Lot 1 – has no restrictions for sight distance or drainage off of NE 184th St. Lot 3 – minimal sight distance at east edge of property. Lots #2 & 4 has no Clay County jurisdiction for driveway permits. NE 184th Street is noted as 50' right-of-way (ROW) dedication this will need to be reduced to 30' ROW dedication. NE 184th is Chip and seal surfacing and will remain such. – MoDOT jurisdiction". In an email dated 09/02/2011, Missouri Department of Transportation indicated that the driveway servicing the existing residence on proposed Lot 2 meets current standards and Lot 4 would have no issues obtaining a new driveway. During a separate conversation, MoDOT also indicated that proposed Lot 1 would not have direct driveway access off of 33 Highway.

The Clay County Health Department has given preliminary approval of the project and noted the following: "Morphologies must be performed on lots 1, 3, & 4 before recording plat & lot 2 is verified not to discharge off of lot". Public Water Supply District (PWSD) #3 presently provides water service for the existing single family residence on proposed Lot 2, 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 3 was inspected by the Clay County Soil and Water Conservation District with the following note: "The structure (pond) is low hazard class (a). The condition is good, and serves well for livestock and wildlife use".

Findings

The two (2) tributaries of Muddy Fork traversing the subject property are considered active stream channels, 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.

Utility Easements (U.E.) of 7.5 feet on both sides of internal lot lines are a requirement for all subdivisions and must be added to the recording copies of the Final Plat.

Road Impact Fees (RIF) are not required for proposed Lot 2 as it occupies the existing single family residence. In addition, the owners are requesting a waiver for one of the new lots for a family member in accordance with Section 151-9.13, Waiver of Required Impact Fees § (3) of the LDC. However, RIF will be required for other additional lots generated 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 Low Density District (R-1A) for LOTS 1 & 2 ONLY, 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 **Muddy Fork Farms** be **approved**, with the following conditions as shown on Exhibit A:



Report to Planning & Zoning Commission

Clay County, Missouri

Exhibit A

1. Road Impact Fee (*RIF*) agreement recorded and fees paid for 2 additional lots prior to the recording of the final plat.
2. Verification that the on-site sewage system serving the existing single family residence on Lot 2 does not discharge onto any other property.
3. Soil morphologies completed and approved by the Clay County Health Department for Lots 1, 3, and 4 before the recording of the final plat.
4. The following changes to the Final Plat:
 - a. ADD: 7.5 foot Utility Easements (U.E.) along both sides of the internal lot lines of all lots.
 - b. ADD: Stream Setback Zone 1 and Zone 2 graphics on plat map.
 - c. ADD NOTE: *"There shall be no clearing, grading, construction or disturbance of vegetation in the stream setback easement except as permitted by Clay County."*
 - d. CHANGE "2900860050 C" to "2900860040 C" in the floodplain callout text
 - e. CHANGE: NE 184th Street is noted as 50' ROW dedication - reduce to 30' ROW dedication.
 - f. CHANGE: Acreage amounts for lots 1 and 3.



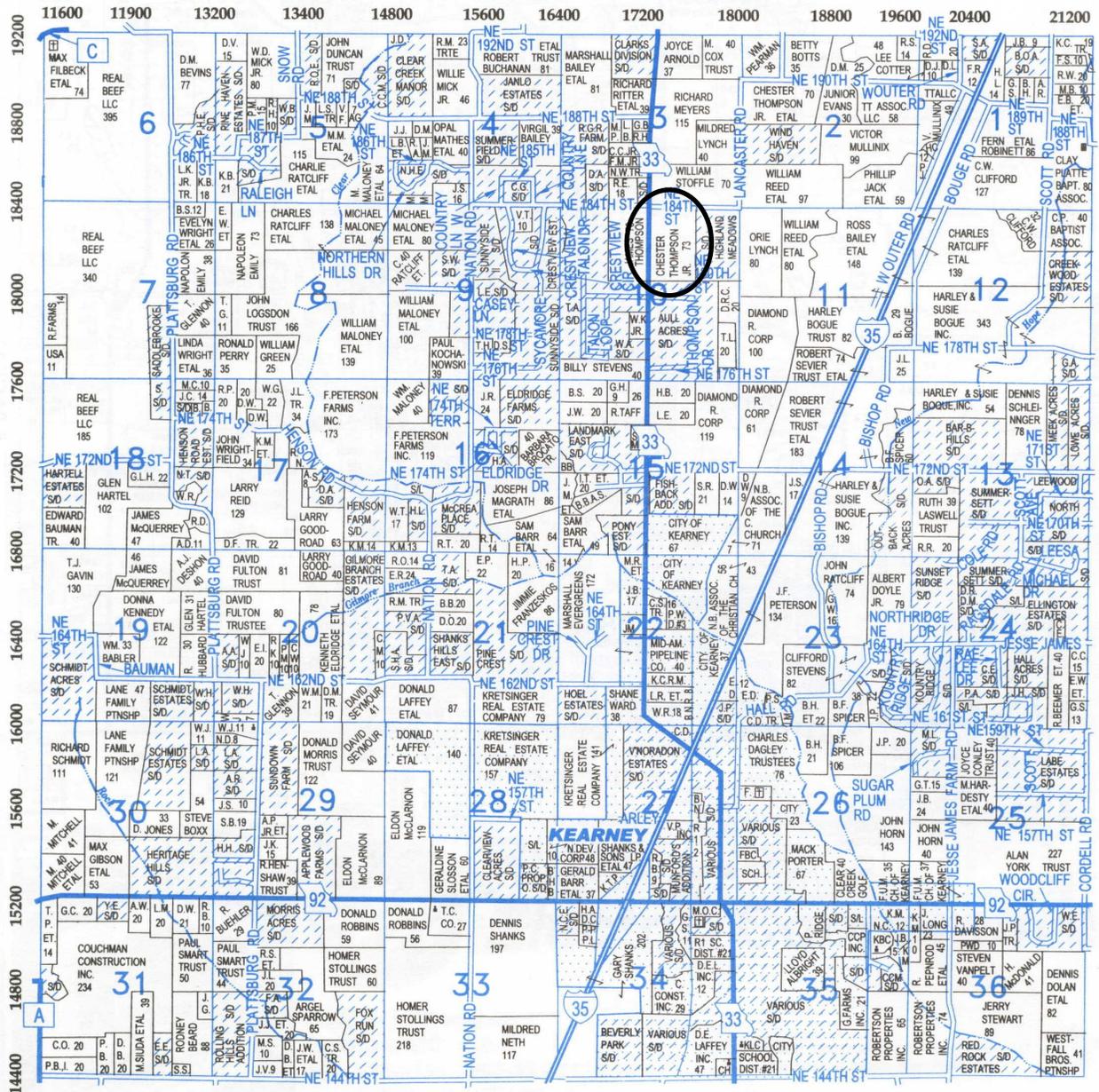
Report to Planning & Zoning Commission

Clay County, Missouri

Attachments

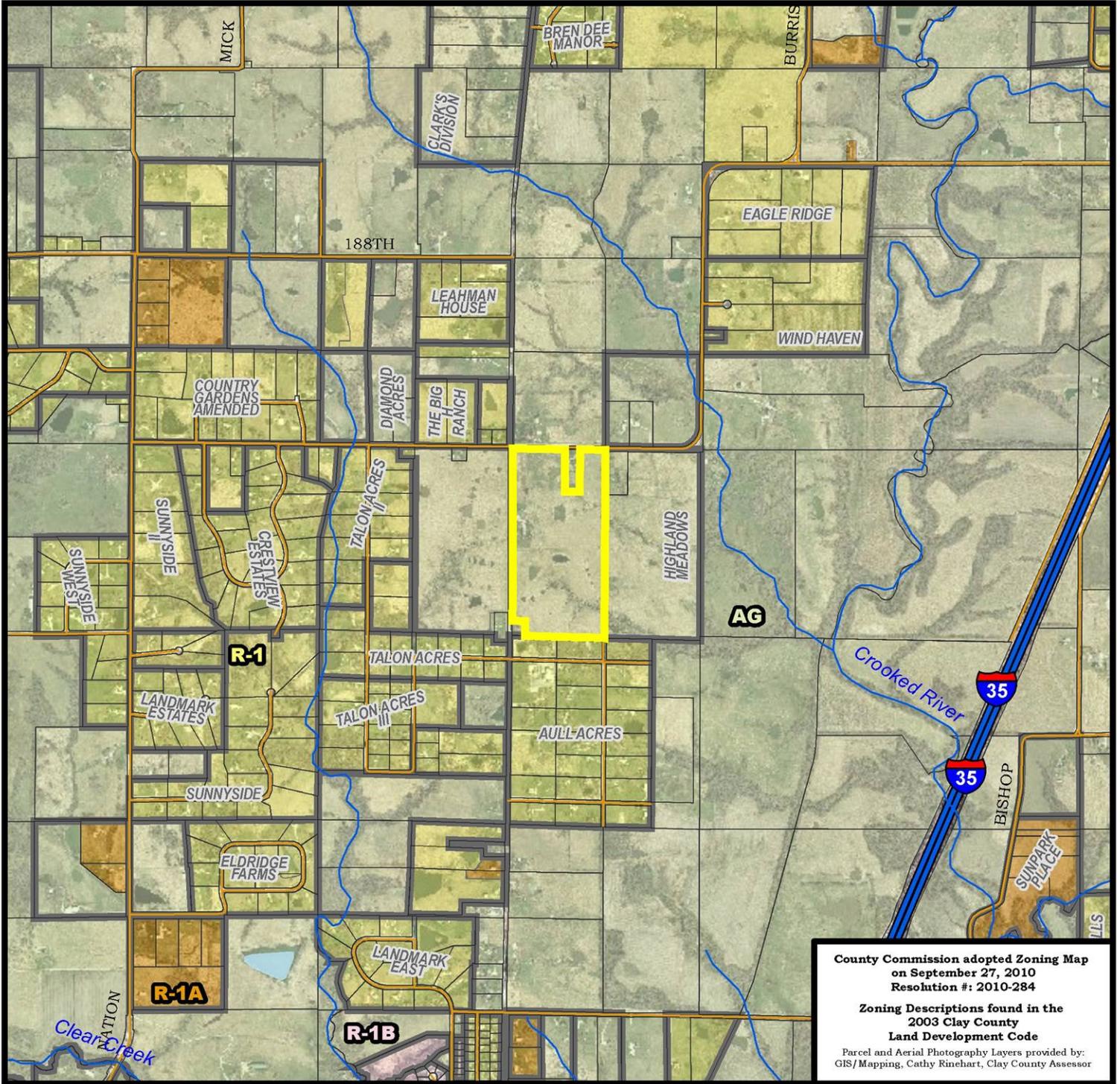
Oct. 11-112 RZ/P – Muddy Fork Farms Attachment A – Vicinity Map

TOWNSHIP 53N • RANGE 31W



Oct 11-112RZ/P- Muddy Fork Farms

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

Planning & Zoning Department

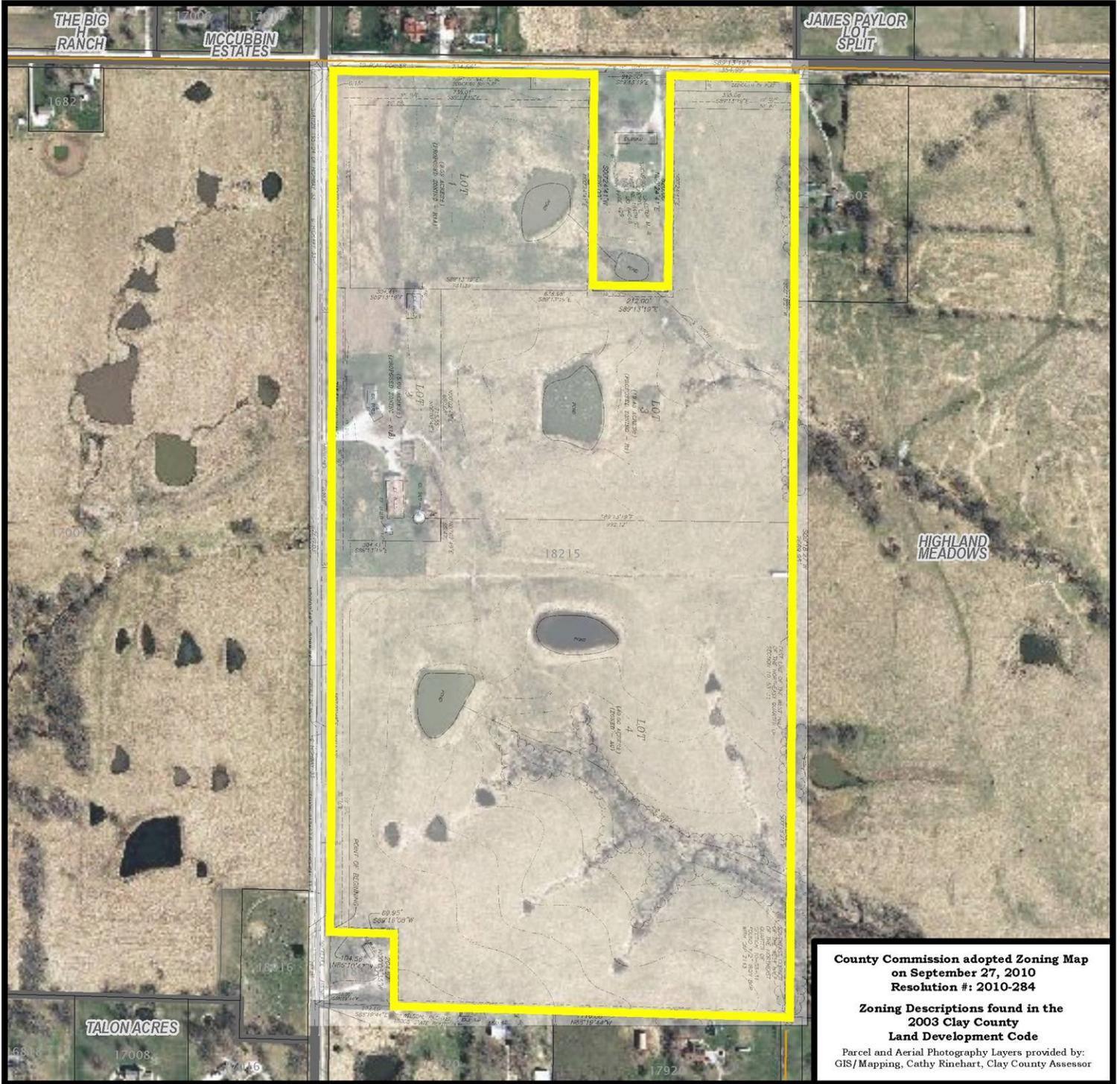
LEGEND

<ul style="list-style-type: none"> Property Outline parcel Streams (EPA) Railroads 	<p>Roads</p> <p>CLASS</p> <ul style="list-style-type: none"> Interstates State Highways Local Roads Highway Ramps 	<ul style="list-style-type: none"> Subdivisions County Boundaries 2011 City Limits Parks
--	---	--

<p>Zoning Districts</p> <ul style="list-style-type: none"> AG R-1 R-1A R-1B R-3 	<ul style="list-style-type: none"> C-1 C-2 C-3 I-1 I-2 OP R-1A/C/D 	<ul style="list-style-type: none"> AG/PUD R-1B/PUD I-1/PUD R-1A/I-1/PUD R-1B/C-2/PUD
--	--	--

Oct 11-112RZ/P - Muddy Fork Farms

Attachment C - Site Plan 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)
09/13/2011 -- 02:59:43 PM

Planning & Zoning Department

1 inch = 400 feet
1 inch = 0.08 miles

LEGEND

Muddy Fork Farms Property	Roads	Subdivisions
parcel	Interstates	County Boundaries
Streams (EPA)	State Highways	2011 City Limits
Railroads	Local Roads	Parks
	Highway Ramps	