



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number Dec. 11-120 RZ/P
Case Type Rezoning & Preliminary Plat
Project Name Western Way and Co.

Contact Nicholas Miller, Aylett Survey
201 NW 72nd Street
Gladstone, MO 64118

Applicants/Owners William and Connie Green
13606 Henson Road
Holt, MO 64048

Request **Rezoning** from Agricultural (AG) to Residential Rural
Density District (R-1) for ONLY proposed Lot 1;
AND
Preliminary Plat approval of Western Way and Co.

Application Submittal 2011-10-31
Public Notice Published 2011-11-17
Neighbor Letters Sent 2011-11-18
Report Date 2011-11-28

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

Recommendation APPROVAL with conditions



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General Information

Site Location: 13606 Henson Road
Section 8 & 17 | Township 53 | Range 31

Site Size: 49.53± Acres

Existing Landuse & Zoning: Agricultural (AG)

Zoning/Platting History: Bed & Breakfast Conditional Use Permit (CUP) approved 1/25/99, Res. #99-27; Renewed 12/18/2006, Res. #2006-428.

Surrounding Landuse & Zoning:

- North – Agricultural (AG) Zoned Land
- East – Agricultural (AG) Zoned Land, Residential Rural District (R-1) Zoned Land
- South – Agricultural (AG) Zoned Land
- West – Agricultural (AG) Zoned Land, Residential Rural District (R-1) Zoned Land

Current conditions:

Existing Property Lines = **YELLOW**



Courtesy Clay County Assessor GIS/Mapping



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Assessment

William and Connie Green are requesting **Rezoning** approval from Agricultural (AG) district to Residential Rural District (R-1) for ONLY proposed Lot 1, and **Preliminary Plat** approval for Western Way and Co. approximately 49.53 acres located at 13606 Henson Road.

The property owner would like to divide the land to create one (1) single-family dwelling lot.

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.



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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 property is also located along 2 proposed future Northland Trails Vision Plan ("NTVP") trail routes:

- #C-7, along Henson Road – 2nd phase, combined use trail
- #C-6, along eastern property line – 2nd phase, equestrian use trail

Character of the General Neighborhood

Agricultural (AG) zoned property is in each direction of the property with R-1 zoned property to the east and west [See Attachment B].

LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on November 17, 2011. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter dated mailed on November 18, 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.



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Outside Agency Review

The Clay County Highway Department has noted they have “no fees or requirements pertaining to the shared drive ingress/egress agreement. Henson Rd. is a chip/seal surface and will remain the same”.

The Clay County Health Department has given preliminary and final approval of the project. The Public Water Supply District No. 6 presently provides water service for the property and would be able to provide one additional meter. The Kearney and/or Holt Fire District serve this property.

The Corps of Engineers reviewed the plat and in a letter dated November 10th, 2011 indicated that the project site may contain jurisdictional waters of the U.S. The verification of a Department of the Army (DA) permit may be required if any proposed improvements or impacts to wetlands or streams on the property are required or anticipated subject to this change in zoning. However, if no such fill within streams or wetlands is proposed, no permit is required at this time.

The four (4) existing pond structures were inspected by the Clay County Soil and Water Conservation District with the following note: “All four structures (ponds) are low hazard class (a). They are in very good condition and well maintained”.

Findings

The existing Conditional Use Permit (CUP) for a Bed and Breakfast located on proposed Lot 2 will expire once the property is transferred to different ownership. An existing 900 ft² accessory structure that accommodated the Bed and Breakfast dwelling units will then become a legal nonconforming structure since the building would then fall under the accessory dwelling unit regulations with a maximum floor area of 850 ft².

The existing barn located on the southern west side of Lot 2 did not meet the 25-foot accessory setback requirement for an Agricultural (AG) district. In order to meet this setback requirement, the property owners removed 10 feet from the west side of the building.

The subject property is located along 2 proposed future Northland Trails Vision Plan (“NTVP”) trail routes. Henson Road is designated on the NTVP as route #C-7, which is a proposed 2nd phase priority, combined use trail. A recreational easement will need to be drawn and dedicated within the first 15 feet of the usual 30-foot utility easement along Henson Road. A note will also need to be added, stating “A recreational easement consistent with the Northland Trails design guidelines has been granted to Clay County for the purpose of developing part of trail “C-7 Second Priority” of the Northland Trails Plan along the North side of Henson Road.” The other NTVP route, #C-6, is depicted on the map as following the east property line of the subject property. However, staff recommends not dedicating any easements for route #C-6 on the subject property as the intended course was to be closer along Clear Creek that traverses the eastern boundary of the adjacent property further to the east.

A shared driveway agreement will need to be in place at the time of Final Plat recording. Emergency addressing (911 signage) should be in place when a new residence is built on Lot 1. Owners of the lots shall maintain both driveway and 911 signs.

Road Impact Fees (RIF) are not required for proposed Lot 2 as it occupies the existing single family residence. However, RIF will be required for the additional lot generated and must be paid prior to the recording of the final plat. The estimated amount of RIF is \$2,062.50 and is subject to change at the time of payment based on the market price of material.



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Recommendations

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

Staff recommends the **Preliminary Plat** of **Western Way and Co.** be **approved**, with the following conditions as shown on Exhibit A:

Exhibit A

1. Road Impact Fee (*RIF*) agreement recorded and fees paid for additional lot prior to the recording of the final plat.
2. A shared driveway agreement will need to be in place at the time of Final Plat recording.
3. Building permits on Lot 1 or 2 will require a Certificate of Elevation completed by a registered land surveyor in the State of Missouri.
4. Emergency addressing (911 signage) should be in place when a new residence is built on Lot 1. Owners of the lots shall maintain both driveway and 911 signs.
5. The following changes to the recording copies of the Final Plat:
 - a. CHANGE: Title of plat to Western Way and Company
 - b. ADD NOTE: *"A recreational easement consistent with the Northland Trails design guidelines has been granted to Clay County for the purpose of developing part of trail "C-7 Second Priority" of the Northland Trails Plan along the North side of Henson Road."*
 - c. ADD: recreational easement graphic in the drawing and text in dedication section of the final plat
 - d. CHANGE: address from "13614 Henson Road" to "13606 Henson Road"

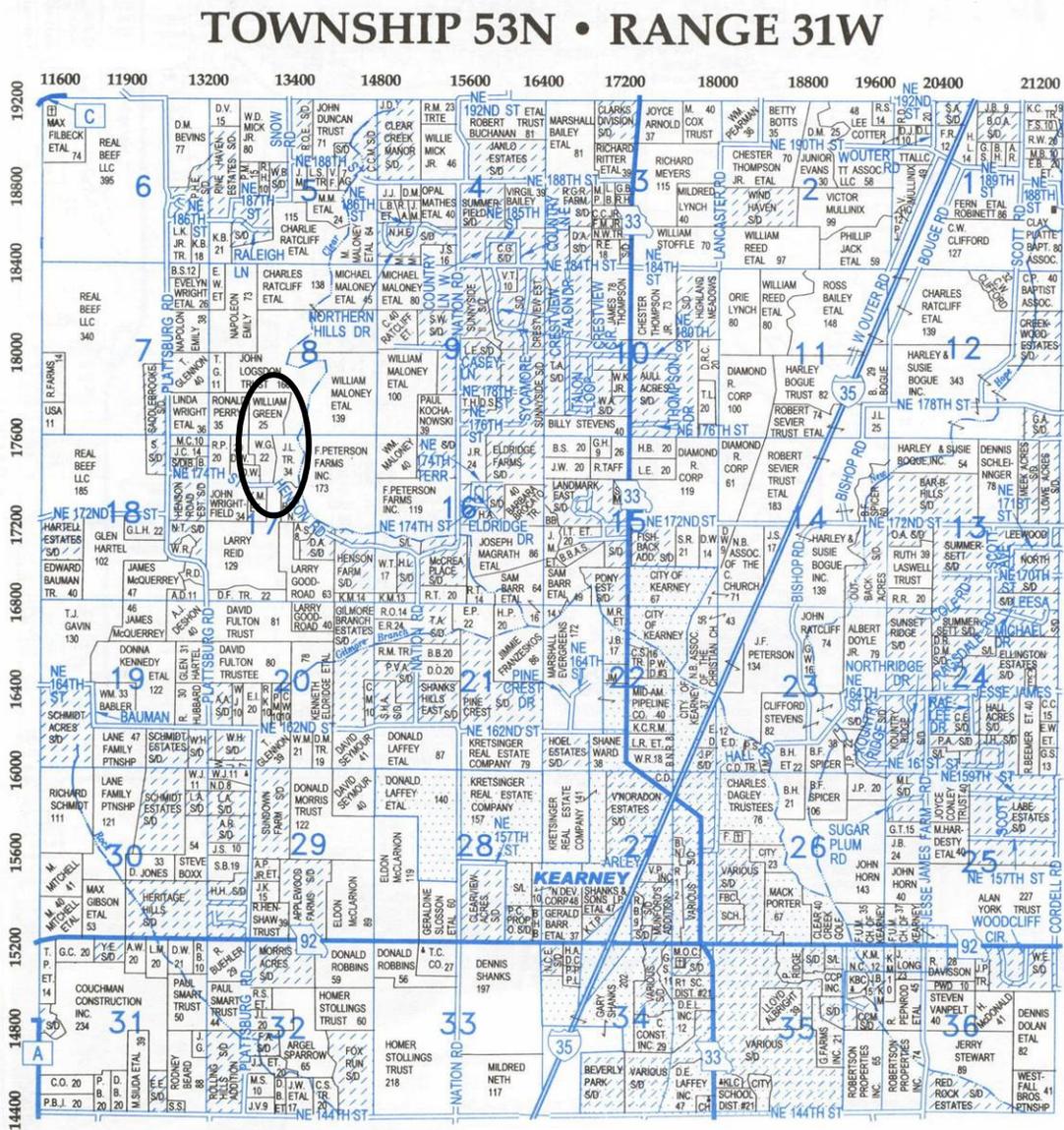


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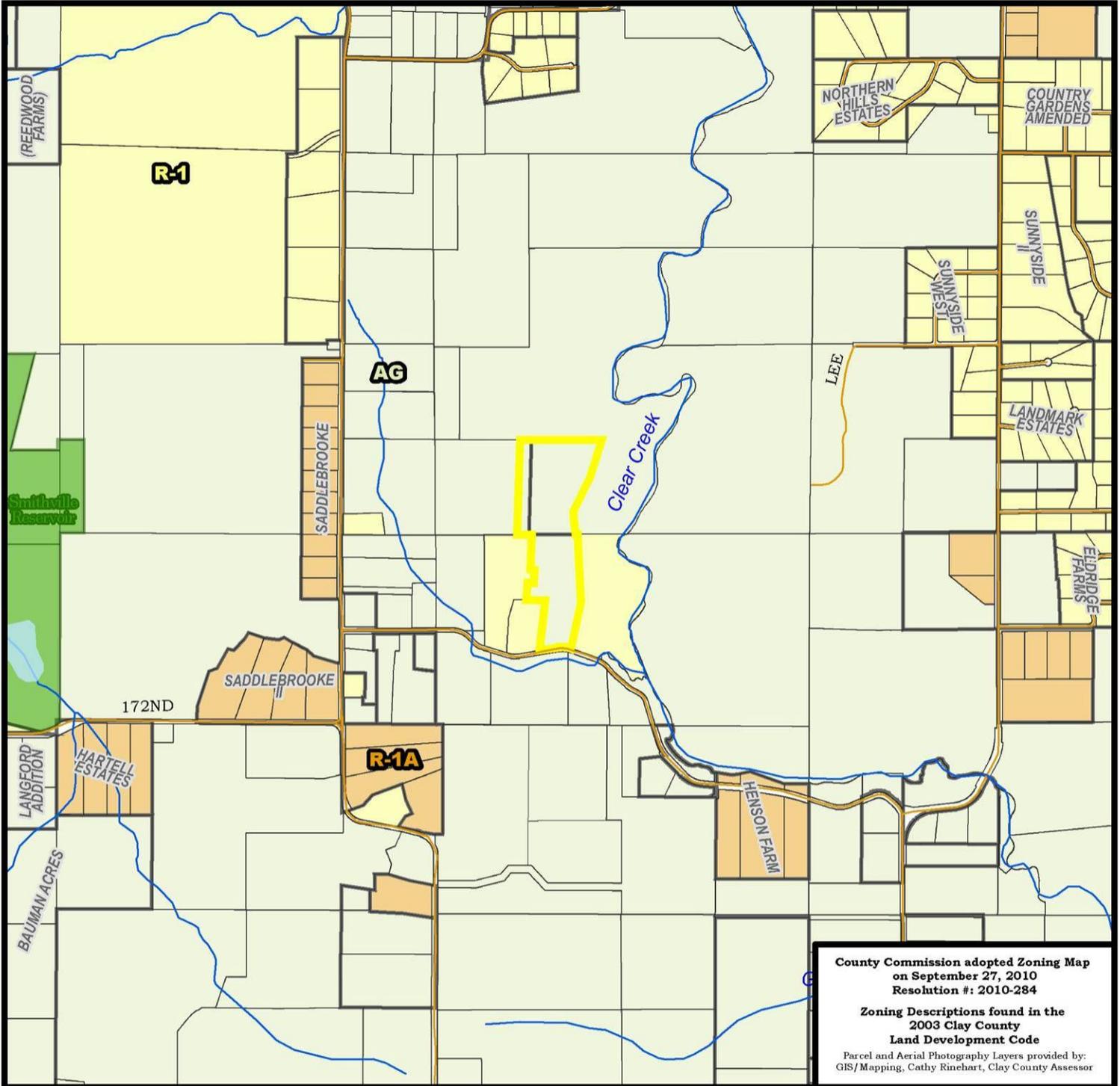
Attachments

Dec. 11-120 RZ/P - Western Way and Co. Attachment A - Vicinity Map



Dec 11-120RZ/P - Western Way & Co.

Attachment B - Existing Condition 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



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

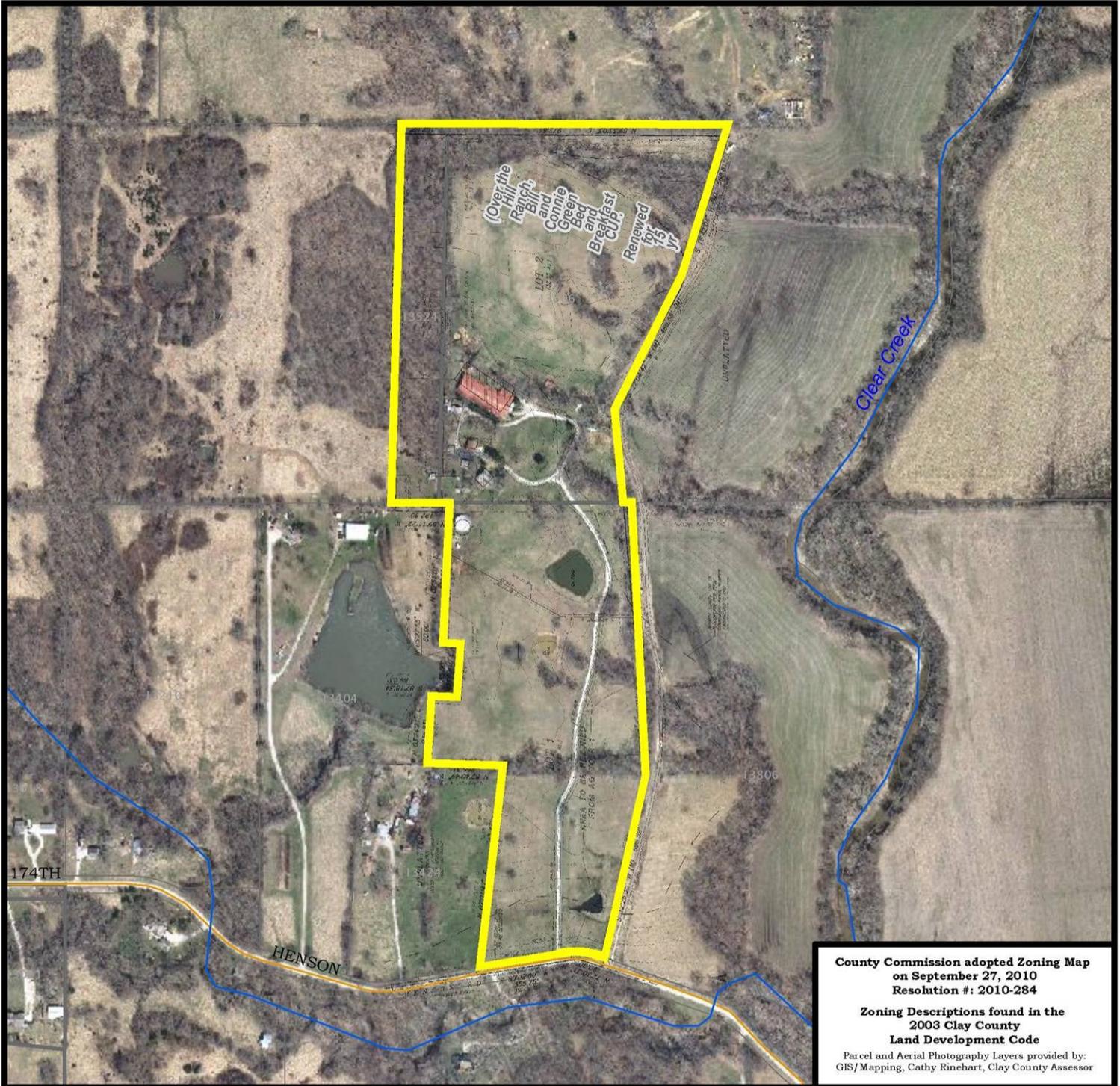
LEGEND

- | | | | | |
|--|---|--|--|---|
| <ul style="list-style-type: none"> Property Line (Western Way & Co) parcel Streams (EPA) Railroads | <p>Roads CLASS</p> <ul style="list-style-type: none"> Interstates State Highways Local Roads Highway Ramps | <p>Overlay Districts</p> <ul style="list-style-type: none"> CD (Conservation District) PUD (Planned Unit Development) | <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 C-1 C-2 C-3 I-1 I-2 OP |
|--|---|--|--|---|

Map Document: (G:\GIS\Project_Files\Vacinity Map - 8 x 11 R.mxd) 11/16/2011 -- 12:13:18 PM

Dec 11-120RZ/P - Western Way & Co.

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



Planning & Zoning Department



1 inch = 500 feet
 1 inch = 0.09 miles

LEGEND

- Property Line (Western Way & Co)
- parcel
- Streams (EPA)
- Railroads

- Roads CLASS**
- Interstates
 - State Highways
 - Local Roads
 - Highway Ramps

- Overlay Districts**
- CD (Conservation District)
 - PUD (Planned Unit Development)

- Subdivisions
- County Boundaries
- 2011 City Limits
- Parks

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