





# Report to Planning & Zoning Commission

Clay County, Missouri

## General Information

**Site Location:** 8825 NE 198<sup>th</sup> Street  
Section 35 | Township 54 | Range 32

**Site Size:** 38.95± Acres

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

**Zoning/Platting History:** None.

### Surrounding Landuse & Zoning:

- North – Clinton County line
- East – Agricultural (AG) Zoned Land, Southview (AG)
- South – Agricultural (AG) Zoned Land, Doyle Acres & Estates (R-1),  
Smithville Lake Reservoir
- West – Agricultural (AG) Zoned Land, Smithville Lake Reservoir

### Current Conditions:

Existing Property Lines = **YELLOW** | Subject Property = **Square Red Hatch**



Courtesy Clay County Assessor GIS/Mapping

Courtesy Microsoft® Bing™





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## Assessment

Ken and Karen Minnick are requesting **Rezoning** approval from Agricultural (AG) district to Residential Rural District (R-1) for ONLY proposed Lot 1, and **Preliminary Plat** approval for Minnick Farms approximately 38.95± acres located at 8825 NE 198<sup>th</sup> Street.

The property owner would like to divide the land to create one (1) new single-family dwelling lot (Lot 2).

## 2008 Comprehensive Plan Considerations

The Comprehensive Plan (“Plan”) indicates that the subject property is located in the **NATURAL RESOURCES TIER** and within the Little Platte Watershed of the Smithville Lake Reservoir.

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.

**Table 4.2 - Land Use Planning Tiers – Presented on the Planning Tier Map**

	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>(3)</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>(3)</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 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 meets the spirit and jest of the Comprehensive Plan by adhering to the original Farmstead dwelling exception inside the Natural Resources Tier.

## **Character of the General Neighborhood**

Agricultural (AG) zoned property is in each direction of the property with a few R-1 zoned subdivisions [See Attachment B].

## **LDC Considerations**

The rezoning application was properly noticed in the Kearney Courier on April 12, 2012. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter dated mailed on April 10, 2012. 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 issues with the rezoning of Lot 1. NE 198<sup>th</sup> Street is chip/seal and will remain same. Lot 2 driveway issued 4/9/12”.

The Clay County Health Department has given conditional preliminary approval “pending installation of an approved septic system on existing home” (Lot 1). The Public Water Supply District No. 4 of Clinton County presently provides water service for the property and would be able to provide one additional meter upon a routine meter pit and meter installation. The Smithville Fire District serves the property. Future construction will need to comply with their fire protection codes. Any building plans shall be submitted and approved by the fire district before a building permit will be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district. Platte-Clay Electric presently serves the property and has the necessary facilities to serve the request.

The Corps of Engineers as of the writing of this report has not reviewed the plat.

The five (5) existing pond structures were inspected by the Clay County Soil and Water Conservation District and found to be well maintained with three (3) being in good condition and one (2) being very good.

## **Findings**

The two (2) existing barns located along the frontage of Lot 1 did not meet the minimum front setback nor the location forward of a principle structure (i.e. house) for a Residential Rural (R-1) district. The Board of Zoning Adjustment (“BZA”) granted the necessary two (2) variances for the existing accessory barns at their meeting on March 27, 2012:

1. 40 feet from the front property line setback
2. Location forward of the principle structure

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 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.

## **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 **Minnick Farms** 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. Building plans shall be submitted and approved by the fire district before a building permit will be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district.
3. Final approval from the Clay County Health Department for an approved septic system of the existing home on Lot 1 before recording of the Final Plat.



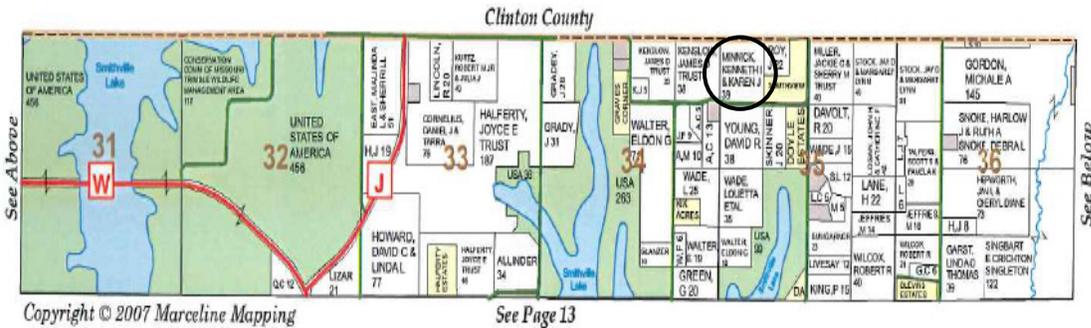
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## Attachments

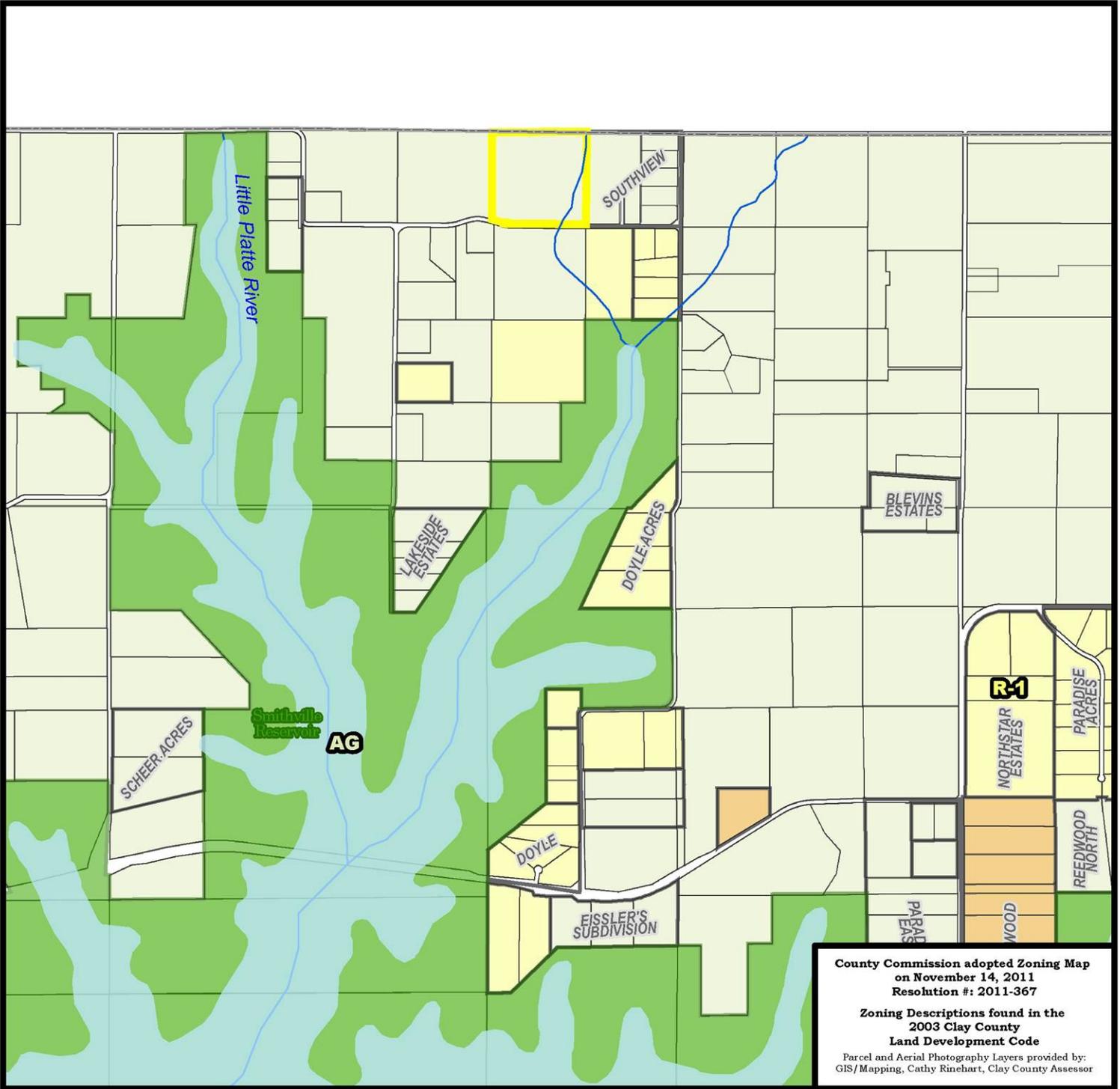
### May 12-104 RZ/P – Minnick Farms Attachment A – Vicinity Map

## TOWNSHIP 54N • RANGE 32W



# May 12-104RZ/P - Minnick Farms

## Attachment B - Existing Conditions Map



**County Commission adopted Zoning Map  
on November 14, 2011  
Resolution #: 2011-367**

**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) 04/25/2012 -- 08:38:18 PM

**Planning & Zoning Department**

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

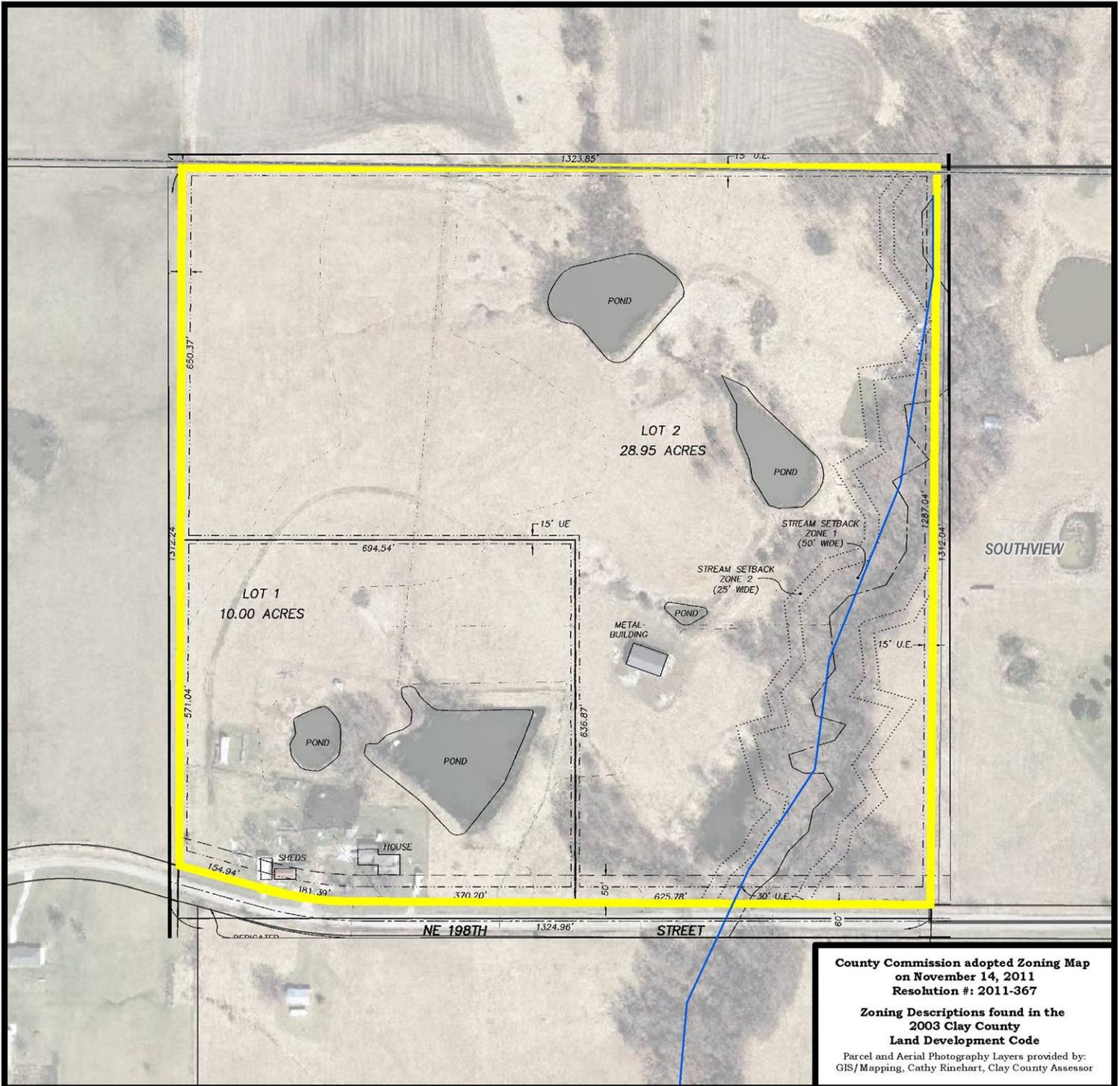
### LEGEND

Property Line	<b>Roads CLASS</b>	Overlay Districts	Subdivisions	Zoning Districts
parcel	Interstates	CD (Conservation District)	County Boundaries	AG
Streams (EPA)	State Highways	PUD (Planned Unit Development)	2011 City Limits	R-1
Railroads	Local Roads		Parks	R-1A
	Highway Ramps			R-1B

	AG
	R-1
	R-1A
	R-1B
	R-3
	C-1
	C-2
	C-3
	I-1
	I-2
	OP

# May 12-104RZ/P - Minnick Farms

## Attachment C - Site Plan Map



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**Planning & Zoning Department**

1 inch = 250 feet  
 1 inch = 0.05 miles

**LEGEND**

Property Line	Roads CLASS	Overlay Districts OVERLAY	Subdivisions
parcel	Interstates	CD (Conservation District)	County Boundaries
Streams (EPA)	State Highways	PUD (Planned Unit Development)	2011 City Limits
Railroads	Local Roads		Parks
	Highway Ramps		