





# Report to Planning & Zoning Commission

Clay County, Missouri

## General Information

**Site Location:** 11410 NE 136<sup>th</sup> Street  
 Section 1 | Township 52 | Range 32

**Site Size:** 10.4± Acres

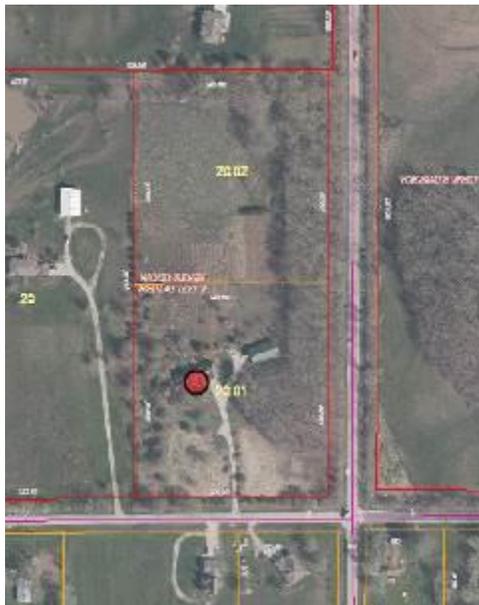
**Existing Landuse & Zoning:** Suburban Residential District (R-1A)

**Zoning/Platting History:** Wood Ridge, recorded 11/12/87; RZ-Replat of Lot 2 Wood Ridge, Res#2007-198, PP-Res#2007-199; Final-Res#2007-200, Recorded June 22, 2007  
 Final-Replat of Lot 2 Wood Ridge

## Surrounding Landuse & Zoning:

- North – Agricultural (AG) Zoned Land, Brock Mills Hills (R-1& R-1A)
- East – Yosemite West (R-1A), Yosemite East (R-1)
- South – Agricultural (AG) Zoned Land, R-1 Zoned land
- West – Wood Ridge (AG), Rolling Acres (AG & R-1)

## Current Conditions:



Courtesy Clay County Assessor, GIS Mapping



Courtesy Microsoft® Bing™



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## Assessment

Michael Viglino is requesting **Rezoning** approval from Suburban Residential District (R-1A) to Residential Rural District (R-1) for proposed Lot 2 of My Home A Replat of A Replat of Lot 2, Wood Ridge, in conjunction with the **Final Plat** approval for the replat located at 11410 NE 136<sup>th</sup> Street.

Mr. Viglino would like to merge the two existing lots into one (1) lot, which would be 10.4± acres.

### 2008 Comprehensive Plan Considerations

The Comprehensive Plan (“Plan”) indicates that the subject property is located within the URBAN SERVICES TIER.

The following tables illustrate 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>(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 request meets the spirit and jest of the 2008 Comprehensive Plan.

## Character of the General Neighborhood

Agriculturally (AG) zoned property is to the north and south of the property. Brock Mills Hills (R-1 & R-1A) subdivision is to the north. Yosemite West (R-1A) and Yosemite East (R-1) subdivisions are located to the east of the property. Wood Ridge (AG) and Rolling Acres (AG & R-1) are on the west side of the property and Agriculturally (AG) and Residential Rural (R-1) zoned land are to the south of the property [See Attachment B].

## LDC Considerations

The review procedures and submittal content for the My Home A Replat of A Replat of Lot 2, Wood Ridge must follow the Development Review Procedures requirements in Section 151-3 of the Clay County 2011 Land Development Code ("LDC"). Based on all the materials and evidence presented, the subject request appears to substantially comply with the LDC. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter sent June 13, 2014.

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 the current driveway off of NE 136<sup>th</sup> Street meets the requirements for sight distance. The Missouri Department of Transportation (MoDOT) has noted that they have no issues with this combination of the two lots into one lot, since there is no longer need for an access off of A Highway. Public Water Supply District #6 of Clay County presently supplies water for the existing house. The Clay County Health Department has given final approval for the combination of the two lots. The Kearney Fire District serves the property.

## **Findings**

Road Impact Fees (*RIF*) are not required for as it occupies the existing single family residence.

## **Recommendations**

It is the recommendation of Staff that the request for **Rezoning** from Suburban Residential District (R-1A) to Residential Rural District (R-1) for **My Home A Replat of A Replat of Lot 2 Wood Ridge** be **approved** subject to the petitioner addressing all rezoning standards.

Staff recommends the **Final Plat** of the **My Home A Replat of A Replat of Lot 2 Wood Ridge** be **approved with the conditions** as shown on Exhibit A:

### Exhibit A

1. The following changes to the recording copies of the final plat:
  - a. CHANGE: legal description to: ALL OF LOTS 2A AND 2B OF A REPLAT OF LOT 2, WOOD RIDGE A SUBDIVISION OF LAND LOCATED IN CLAY COUNTY, MISSOURI, SECTION 1, TOWNSHIP 52 NORTH, RANGE 32 WEST
  - b. CHANGE: In Notes: WARRENTY TO WARRANTY
  - c. CHANGE: Lot 2 to LOT 1
  - d. CHANGE: Signature line for Michael Viglino: The line should be above the name.

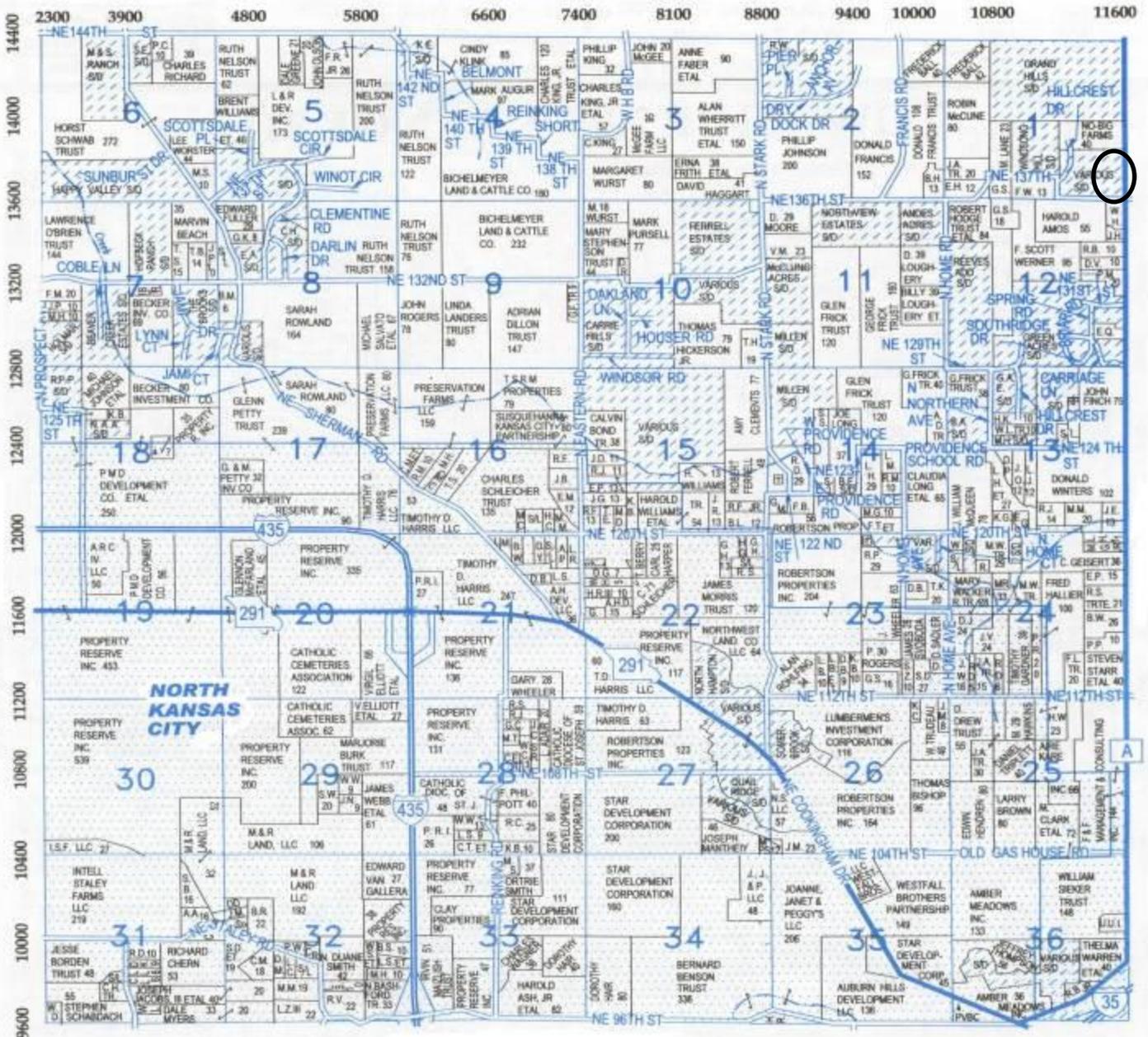


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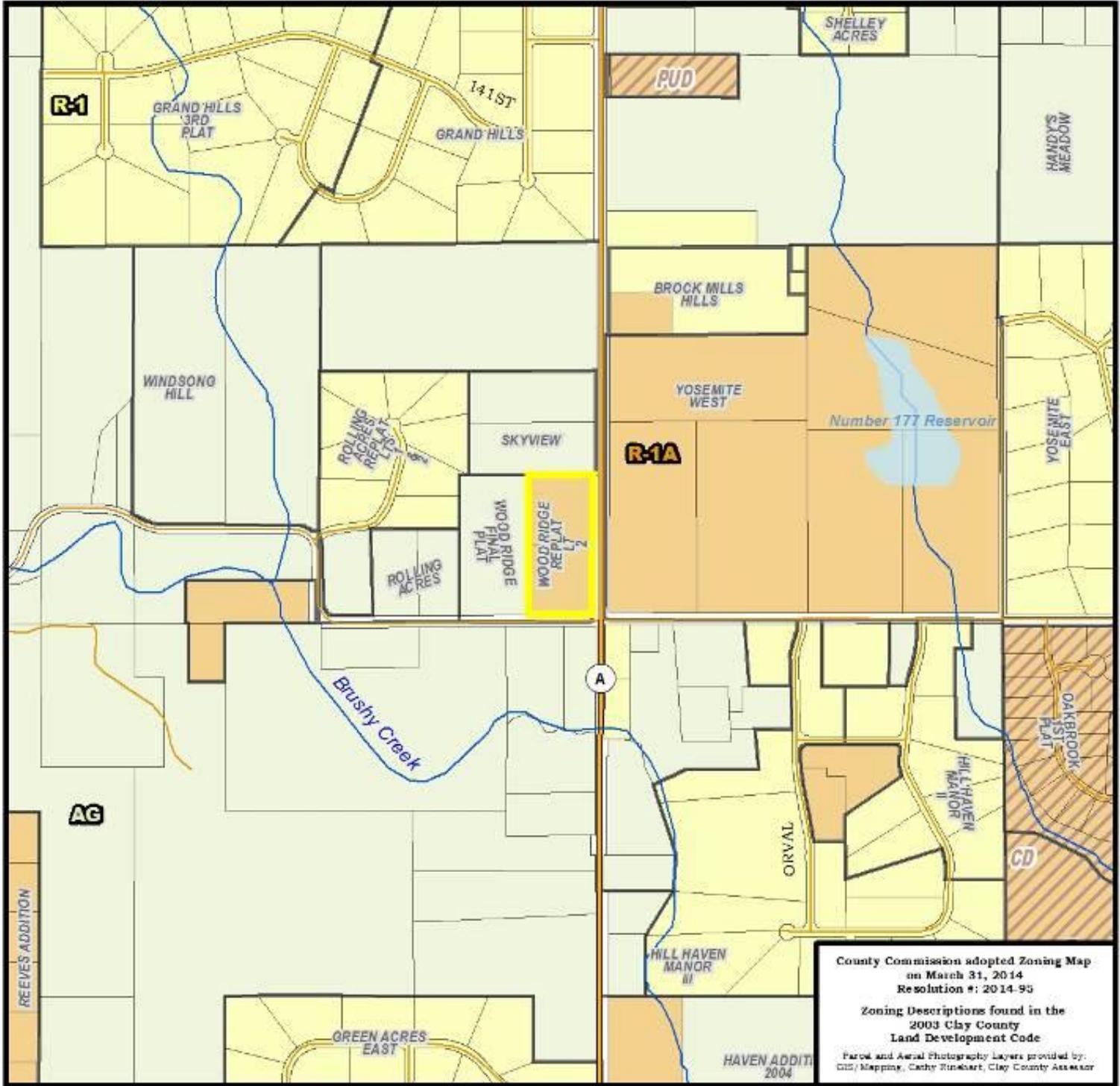
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## Attachments

### July 14-121RZ/F My Home Attachment A - Vicinity Map



# July 14-121RZ/F – My Home - A Replat of Wood Ridge Replat LT2 Attachment B - Existing Conditions Map



County Commission adopted Zoning Map on March 31, 2014  
Resolution #: 2014-95

Zoning Descriptions found in the 2003 Clay County Land Development Code

Parcel and Aerial Photography Layers provided by: GIS/Mapping, Cathy Simhart, Clay County Assessor

**Planning & Zoning Department**

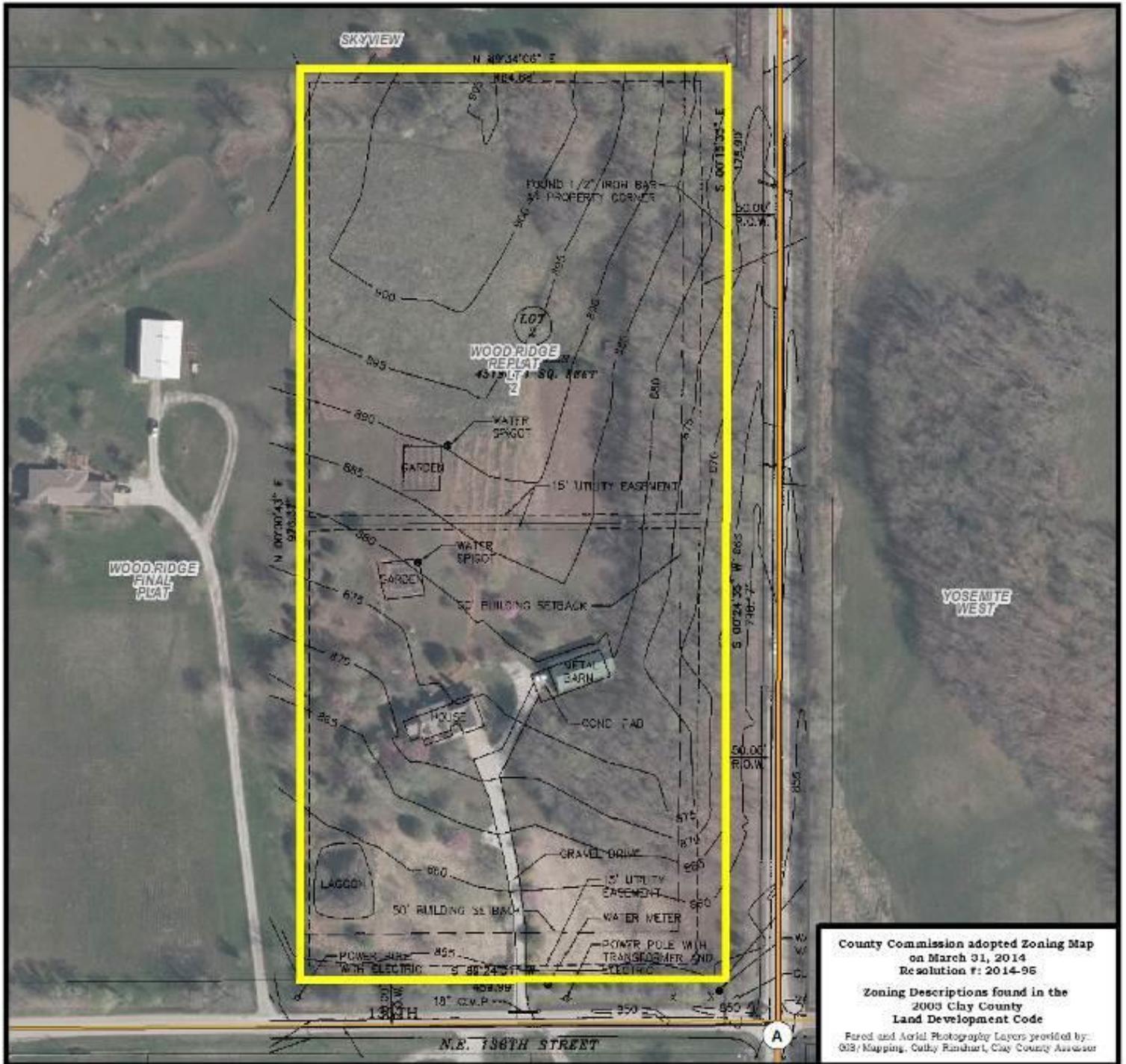
**LEGEND**

Property Line	Roads	Subdivisions	Overlay Districts
Streams (EPA)	Interstates	2014 City Limits	CD (Conservation District)
Railroads	State Highways	Parks	PUD (Preservation Overlay District)
	Local Roads	County Boundaries	PUD (Planned Unit Development)
	Highway Ramps		

**Zoning Districts**

AG	R-1	R-1A/R-5	C-1
R-1B/RU	R-3	C-2	C-3
		I-1	I-2
		OP	

# July 14-121RZ/F – My Home - A Replat of Wood Ridge Replat LT2 Attachment C - Site Plan Map



County Commission adopted Zoning Map  
on March 31, 2014  
Resolution #: 2014-95  
Zoning Descriptions found in the  
2003 Clay County  
Land Development Code  
Filed and Aerial Photography Layers provided by:  
GIS/Mapping, Cathy Rindhart, Clay County Assessor

Map Document: I:\GIS\Project\_Files\acrvty Map - 8 x 11 P.mxd  
08/04/2014 - 01:37:53 PM



**Planning & Zoning Department**



1 inch = 150 feet  
1 inch = 0.03 miles

### LEGEND

 Property Line	 Roads	 Subdivisions
 Streams (EPA)	 Interstates	 2014 City Limits
 Railroads	 State Highways	 Parks
	 Local Roads	 County Boundaries
	 Highway Ramps	