



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

Site Location: approximately 16606 Eissler Road
Section 23 | Township 53 | Range 32

Site Size: 38.02± Acres

Existing Landuse & Zoning: Agricultural (AG)

Zoning/Platting History: None

Surrounding Landuse & Zoning:

- North – Agricultural (AG) zoned land, Smithville Lake Reservoir, Timber Creek (AG & R-1)
- East – Agricultural (AG) zoned land, C. Spurgeon Acres (R-1)
- South – Agricultural (AG) zoned land
- West – Agricultural (AG) zoned land, Rambling Oaks Manor and Sassone Acres (R-1)

Current Conditions:



Courtesy Clay County Assessor, GIS/Mapping



Courtesy Microsoft® Bing™



Report to Planning & Zoning Commission

Clay County, Missouri

Assessment

Chris Higgins with Show-Me Real Estate, representing property owner Sharon K. Lawhorn, is requesting **Rezoning** approval from Agricultural (AG) district to Residential Rural (R-1) District with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) for Lawhorn Estates, 38.02± acres located at the southwest corner of NE 168th Street and Eissler Road and **Preliminary Plat** approval.

Ms. Lawhorn wishes to split this parcel into three lots to sell Lots 1 and 2, and retain Lot 3 for a family member.

2008 Comprehensive Plan Considerations

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

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.

The subject property is also located along the Northland Trails Vision Plan ("NTVP") route #C-2, a 1st phase priority combined use trail. The Parks Department responded they would like a Recreational Easement ("R/E"); therefore the R/E is needed. The subject request meets the spirit and jest of the 2008 Comprehensive Plan.

Character of the General Neighborhood

Agricultural (AG) zoned property is each direction of the property. Smithville Lake Reservoir is to the north. R-1 zoned subdivisions are to the east and west [See Attachment B].

LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on March 19, 2015. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter mailed on March 20, 2015. 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 Public Water Supply District No. 9 (PWSD #9) has indicated the following:

"[PWSD #9 is] currently able to supply water to the proposed Lot 1 and it will not require a water main extension. Any other lots will require a minimum of a 6" water main extension at the expense of the developer."

The applicant is currently in the process of extending the 6" water main to proposed Lot 2. For proposed Lot 3, PWSD#9 has agreed to a condition of approval that reads as follows: "Extension of a 6" water line must be completed prior to the issuance of any building permit requiring water service for Lot 3."

The Clay County Highway Department has noted Lawhorn Estates meets the specifications for the Manual on Uniform Traffic Control Devices (MUTCD) requirements and Clay County Highway Department standards for driveway requirements. The road surface of NE 168th Street and Eissler Road is chip and seal.

The Clay County Health Department has given preliminary and final approval. The Smithville Fire Department serves this property. Future construction will need to comply with their fire protection codes. Any building plans must be submitted and approved by the fire district before a building permit may be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district.

Findings

Road Impact Fees (*RIF*) are required for the proposed two (2) additional lots. The estimated total amount of RIF is \$2,062.50 and is subject to change at the time of payment based on the market price of material.

The pond structure between Lot 1 and 2 is presently in the process of being removed. The existing pond structure on proposed Lot 3 will need to be inspected by the Natural Resources Conservation Service (NRCS, formerly the U.S. Soil Conservation Service/Clay County Soil and Water Conservation District). If not found to be in good condition, repairs will need to be done 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 (R-1) with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of Lawhorn Estates be **approved**, with the following conditions as shown on Exhibit A:

Exhibit A

1. Any future structures will need to have building plans submitted and approved by the fire district prior to a building permit being issued, and then a letter of compliance from the fire district prior to a Certificate of Occupancy being issued.
2. Extension of a 6" water line must be completed and approved prior to the issuance of any building permit requiring water service for Lot 3.



Report to Planning & Zoning Commission

Clay County, Missouri

3. The existing pond structure on Lot 3 must be inspected by the Natural Resources Conservation Service (NRCS, formerly the U.S. Soil Conservation Service/Clay County Soil and Water Conservation District), and if not found to be in good condition proper repairs as determined by NRCS must be done prior to the recording of the Final Plat.
4. Road Impact Fees (RIF) agreement recorded and fees paid at same time as the recording of the Final Plat.
5. The following corrections to the recording copies of the Final Plat:
 - a. ADD: To layout mark the centerline (C/L) of NE 168th St and Eissler Rd



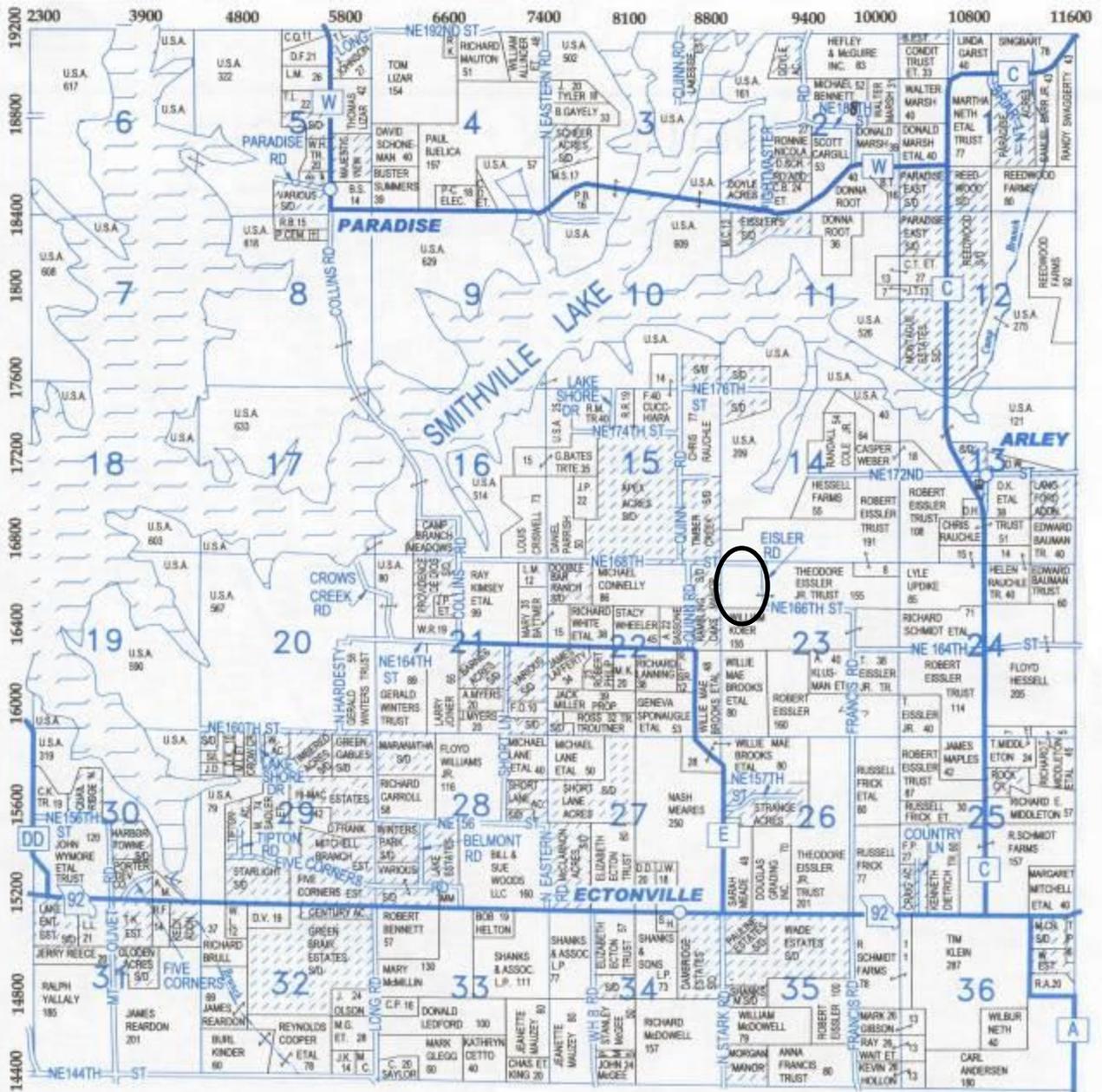
Report to Planning & Zoning Commission

Clay County, Missouri

Attachments

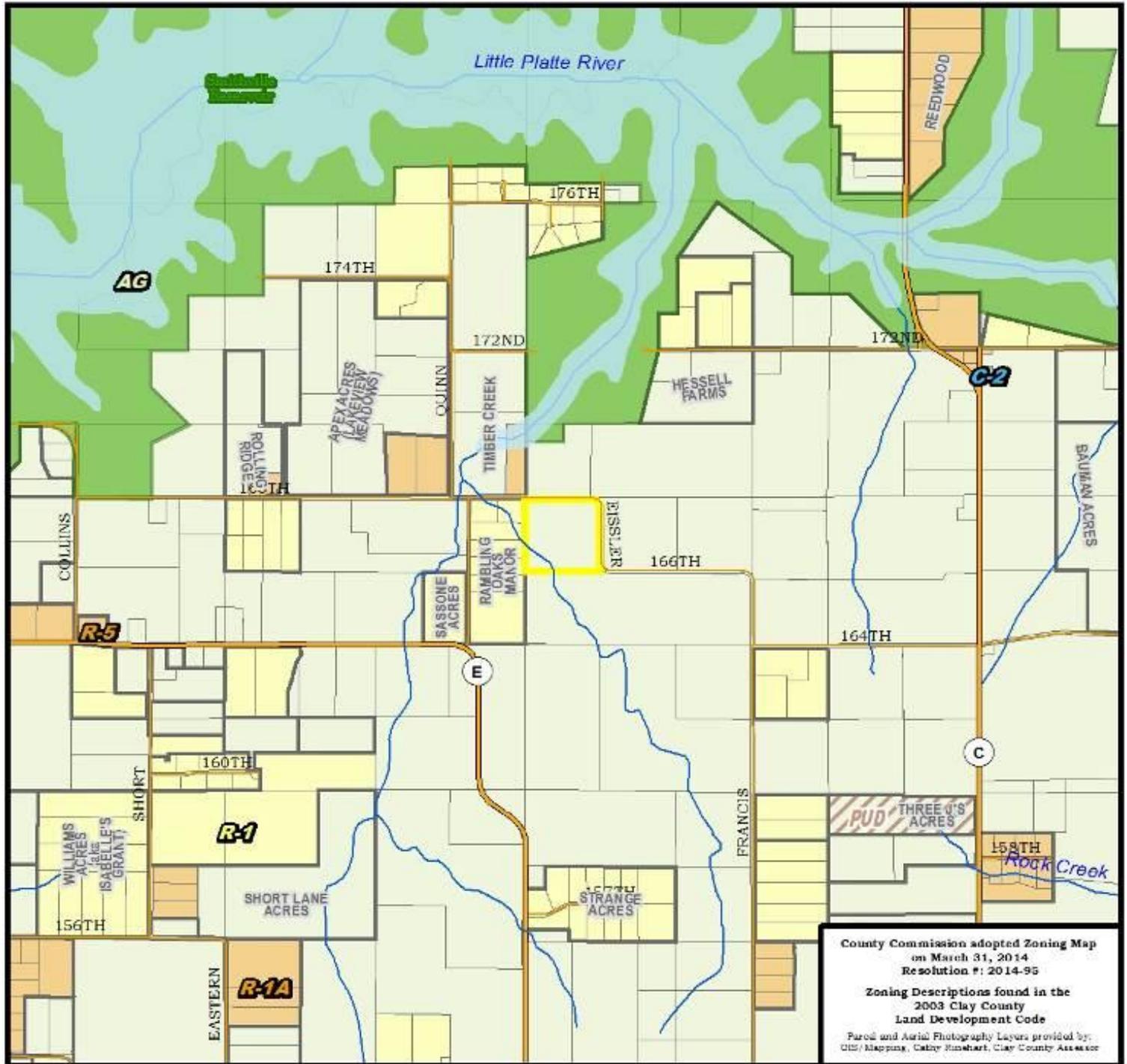
April 15-110RZ/P – Lawhorn Estates Attachment A – Vicinity Map

TOWNSHIP 53N • RANGE 32W



Apr 15-110RZ/P – Lawhorn Estates

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, Calby Runhart, Clay County Assessor

Also Document: I:\GIS\Projects_Files\Activity_Maps - 8 x 11 Print.dwg
 CD:\92015 - 04:17:10P.M

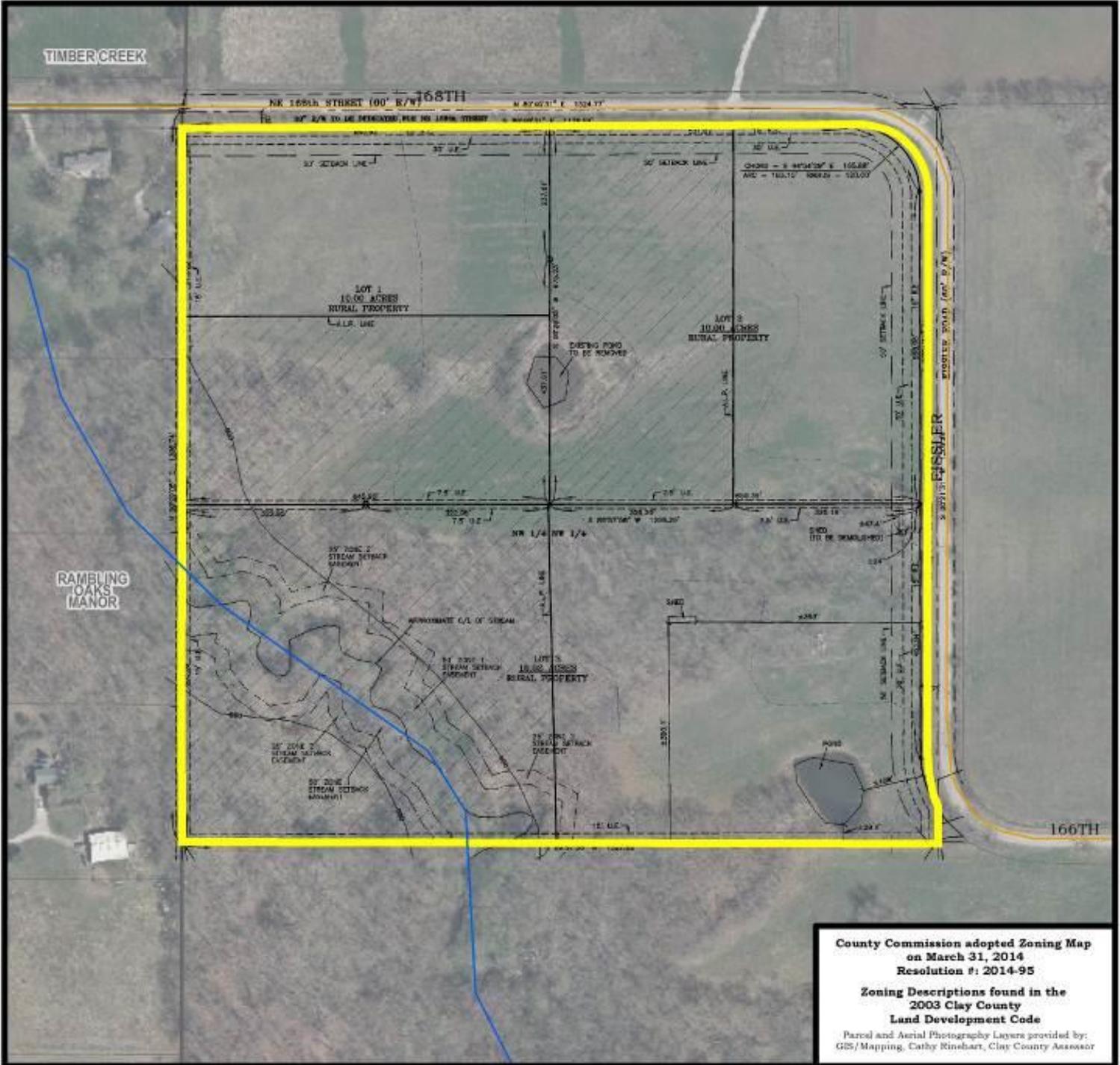
Planning & Zoning Department

LEGEND

<ul style="list-style-type: none"> Property Line Streams (EPA) Railroads 	<ul style="list-style-type: none"> Interstates State Highways Local Roads Highway Ramps 	<ul style="list-style-type: none"> Subdivisions City Limits Parks County Boundaries 	<p>Overlay Districts</p> <ul style="list-style-type: none"> CD (Conservation District) PCD (Preservation Overlay District) PUD (Planned Unit Development) 	<p>Zoning Districts</p> <ul style="list-style-type: none"> C-1 C-2 C-3 A-1 J-2 OP AG R-1 R-1A/R-5 R-1B/RU R-3
---	---	---	--	--

Apr 15-110RZ/P – Lawhorn Estates

Attachment C - Site Plan Map



Map Document: G:\GIS\Project_Files\Vacancy Map - 8 x 11 P.mxd
03/18/2015 -- 04:34:38PM



Planning & Zoning Department



1 inch = 250 feet
1 inch = 0.05 miles

LEGEND

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