





# Report to Planning & Zoning Commission

Clay County, Missouri

## General Information

**Site Location:** Approximately 13400 N Agnes Street  
Section 7 | Township 52 | Range 32

**Site Size:** 30.20 ± acres

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

### Zoning/Platting History:

RZ – Res. #2002-414 (AG to R-1A), 09/30/02; Prelim. Plat – Res. #2002-570, 12/23/02; 1<sup>st</sup> Phase Final Plat – Res. #2003-365, recorded 03/09/04; 2<sup>nd</sup> Phase Final Plat – Res. #2006-186, recorded 09/19/06; 3<sup>rd</sup> Phase Prelim. Plat – Res. #2011-235, 07/22/11; 3<sup>rd</sup> Phase Final Plat – Res. #2011-341, 09/26/11; 3<sup>rd</sup> Phase Final Plat 1-Year Extension-Res. #2012-405, 11/26/12.

### Surrounding Landuse & Zoning:

North - AG zoned land, Happy Valley (AG)

East - AG zoned land, Hofbeck Ranch (AG), The Brooks (R-1)

South - AG zoned land, Beaver Creek Estates (R-1), Holmar (R-1A), Rosenbaugh Pioneer Park (R-1A), City of Kansas City [approx. 1½ miles]

West - AG zoned land, Town & Country Estates (R-1), Emerald Acres (R-1), City of Smithville [approx. ½ mile]

### Current Conditions:



Courtesy of Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



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## Assessment

Lance and Janet Houston are requesting **Rezoning** approval from Residential Low Density district (R-1A) to Residential Rural (R-1) District and **Preliminary Plat** approval for Houston Hills (formerly Brookview Estates 3<sup>rd</sup> Plat) 30.20± acres located at approximately 13400 N Agnes Street, just north of Brookview Estates 2<sup>nd</sup> Plat.

The Houston's would like to rezone the property from Residential Low Density District (R-1A) to Residential Rural District (R-1) and split the property into two (2) lots, with both lots of 10 acres and more.

### 2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the URBAN SERVICES TIER, as well as the 1-Mile Urban Coordination Sub-Tier where advise-and-consent should be solicited from the designated city.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1<sup>st</sup>) table shows the landuse tiers and corresponding guidelines, and the second (2<sup>nd</sup>) explains the exceptions to the 20-acre minimum lot size policy directed by the Plan.

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

	Natural Resources Tier <sup>†</sup> (Yellow)	Rural Low-Density Tier <sup>†</sup> (Green)	Urban Services Tier <sup>†</sup> (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.

<sup>†</sup> 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 City of Smithville responded with an email on May 21, 2015 stating they have “no comment on this.” The City of Kansas City responded with an email on May 8, 2015 and their response was that “City of KCMO has no objection to this proposed development project.” Therefore the subject request meets the spirit and jest of the 2008 Comprehensive Plan.

### **Character of the General Neighborhood**

The property is located approximately ½ mile east of Smithville and approximately 1 ½ miles north of Kansas City. On the west is the Town & Country Estates (R-1) subdivision, and to the north is the Happy Valley (AG) subdivision. Wilkerson Creek traverses along the eastern portion of the subdivision flowing from the south to the northwest [See Attachment B].

### **Code Considerations**

The rezoning application was properly noticed in the Kearney Courier on May 14, 2015. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter sent May 15, 2015.

The petitioner should fully address the five (5) rezoning criteria in the 2011 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 following:

"NE 174<sup>th</sup> Street is chip and seal surface. Lot 1A driveway issued 5/13/2011 along with replat fee. Other drives will be issued per *Technical Specifications and Design Criteria Manual*. Lot 2A driveway will be issued at just north of south property line on Salem Road".

The Clay County Health Department has given preliminary and final approval for the suitability of septic systems. Public Water Supply District #9 is able to supply water to both of the proposed lots. The property lies within the Smithville Area Fire Protection District, and will be required to meet the districts fire hydrant and water supply requirements for residential subdivisions. Platte-Clay Electric ("PCEC") noted in an email dated May 21, 2015 that they have facilities to provide service for the property.

## **Findings**

As Wilkerson Creek is an active stream channel, a 75-foot stream setback from the centerline of the channel is required per LDC Section 151-11.2 (C). 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 should be added 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 prior approval from the Planning & Zoning Department.

Any building permits issued for proposed Lot 1 will require a Certificate of Elevation due to the existence of designated FEMA SFHA (Special Flood Hazard Area) on the property.

The property owner is extending N Agnes Street and upgrading the current temporary turnaround into a 60' radius cul-de-sac in conformance with County standards (LDC Sections 151-8 & 9), thereby allowing the 2 proposed lots.

The subject request is currently going through stormwater engineering review process by the County's consulting engineer, Shafer, Kline, & Warren ("SKW"). In a letter dated May 19, 2015, SKW stated after an initial review they have "no issue with proceeding toward final approval. This does not mean that the applicants can obtain a building permit, but it does mean that our subsequent comments can be addressed such that approval is possible from the standpoint of our engineering review".

## **Recommendations**

It is the recommendation of Staff that the request for **Rezoning** from Residential Low Density District (R-1A) to Residential Rural District (R-1) be **approved**, subject to the petitioner addressing all rezoning standards.

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

### **Exhibit A**

1. Building plans shall be submitted and approved by the Smithville Area Fire Protection 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.
2. Implement the County's Consultant Engineer recommendations.



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## Report to Planning & Zoning Commission

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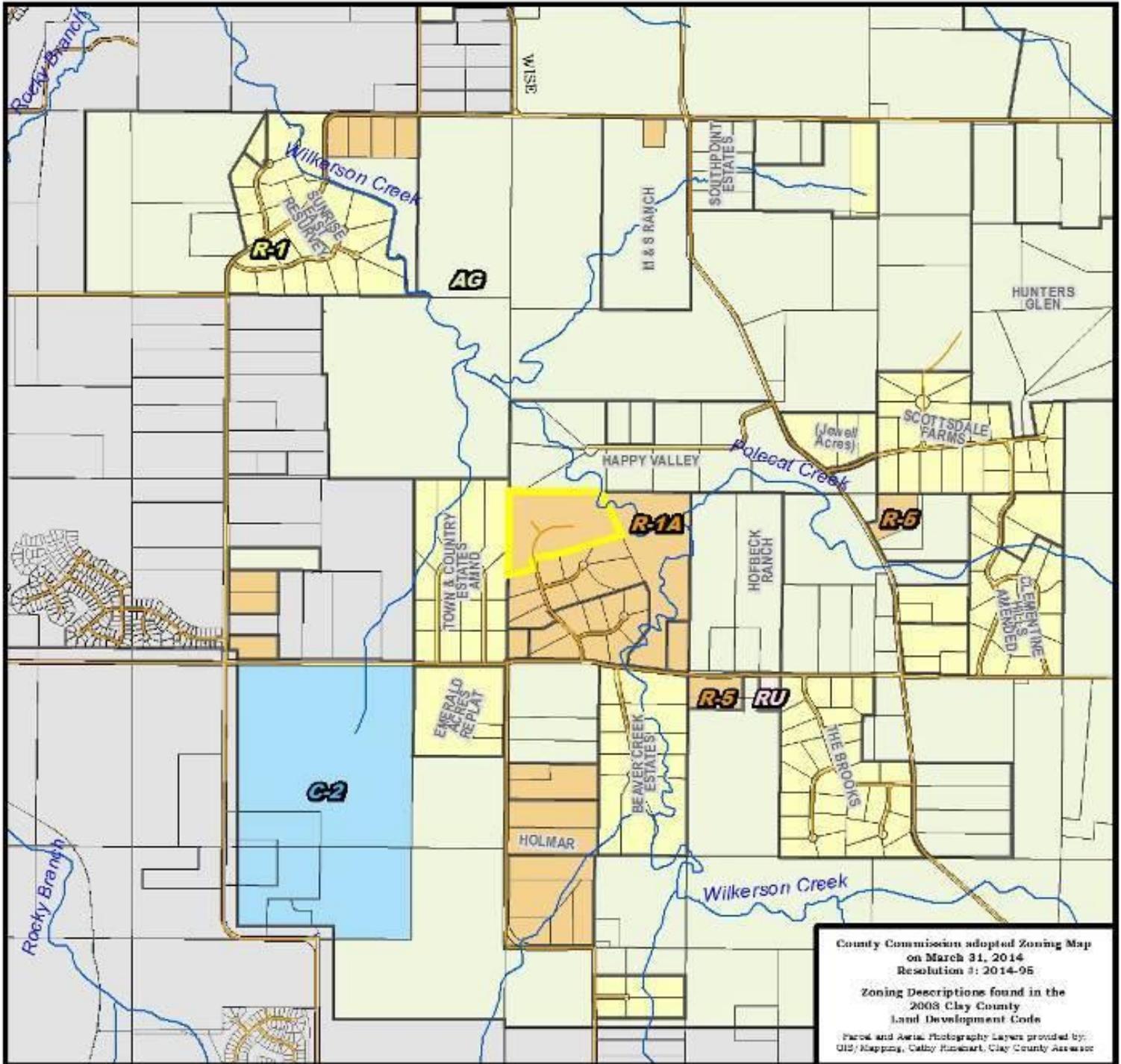
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3. The following corrections to the recording copies of the final plat:
  - a. *ADD: Stream setbacks to the plat and the following note: "There shall be no clearing, grading, construction or disturbance of vegetation in the stream setback easement except as permitted by Clay County".*
  - b. *ADD: 7.5' wording on each side of the utility easement (UE) between Lots 1 and*



# June 15-113RZ/P – Houston Hills

## Attachment B - Existing Conditions Map



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

Zoning Descriptions found in the 2008 Clay County Land Development Code

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

Map Document: C:\GIS\Projects\113RZ\P\113RZ\_P.mxd  
 Date: 3/20/15 10:02:17 AM

**Planning & Zoning Department**

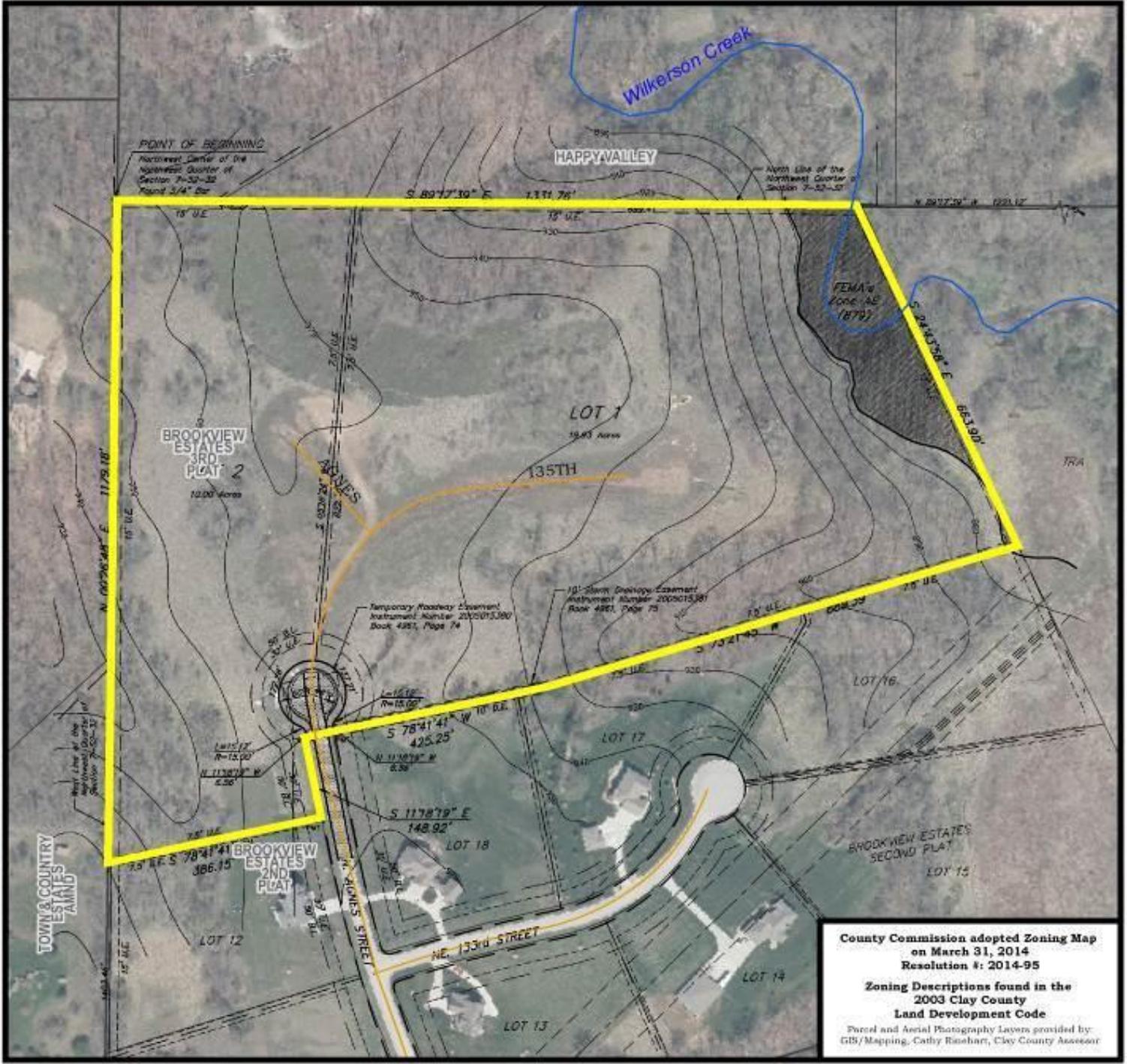
1 inch = 2,000 feet  
 1 inch = 0.38 miles

**LEGEND**

Property Line	Roads	Subdivisions	Overlay Districts	Zoning Districts
Streams (EPA)	Interstates	City Limits		
Railroads	State Highways	Parks	PDD (Preservation Overlay District)	AG
Local Roads	Highway Ramps	County Boundaries	PLD (Planned Unit Development)	R-1
				R-14/R-5
				R-5
				R-5/RU
				R-2
				C-1
				C-2
				C-3
				J-1
				J-2
				OP

# June 15-113RZ/P – Houston Hills

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

Map Document: I:\GIS\Projects\_Files\Vacinity\_Map - 8 x 11 P.mxd  
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**Planning & Zoning Department**

1 inch = 250 feet  
1 inch = 0.05 miles

**LEGEND**

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