



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

Site Location: 18316 Collins Road
Section 8 | Township 53 | Range 32

Site Size: Rezoning – 1.1± acres
Preliminary Plat – 12.9± acres

Existing Landuse & Zoning: Community Services District (C-3)

Zoning/Platting History: RZ – Paradise South, Lots 1 & 2 (C-3), Res. #2003-518, 10/27/03; Prelim. Plat – Res. #2003-519, 10/27/03; Final Plat – Res. #2003-611, 12/22/03, recorded 01/16/04. CUP – Res. #2003-520, 12/22/03, Res. #2010-352, 11/29/10.

Surrounding Landuse & Zoning:

- North - Burdette's Addition (R-1), Gosneyville (R-1) and C-1 Zoned Lots
- East - Agriculturally zoned land (AG), Holdsworth Commercial Addition 2 (C-2), Smithville Lake Reservoir
- South - Agriculturally zoned land (AG), Paradise South, Lot 1 (C-3 w/CUP), Smithville Lake Reservoir
- West - Paradise South, Lot 3 (R-1), Smithville Lake Reservoir

Current Conditions:



Courtesy Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Tom & Cara Massie, owners of Paradise Storage, LLC are requesting **Rezoning** approval from Agricultural (AG) to Community Services (C-3) for 1.1± acres and **Preliminary Plat** approval for Paradise Storage a total area of approximately 12.9± acres at 18316 Collins Road.

The Massies are pursuing these requests to combine all of the Paradise Storage property under the same zoning district classification (C-3) and one platted lot.

2008 Comprehensive Plan Considerations

The Comprehensive Plan (“Plan”) indicates that the subject property is located in the NATURAL RESOURCES TIER.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the landuse tiers and corresponding guidelines, and the second (2nd) 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 † (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 request meets the spirit and jest of the 2008 Comprehensive Plan.

Character of the General Neighborhood

Burdette's Addition and Gosneyville (R-1) and C-1 zoned land are to the north. Holdsworth Commercial Addition 2 (C-2) is to the East. Paradise South, Lot 1 (CUP & C-3) is to the south and Paradise South, Lot 3 (R-1) is to the west. Smithville Lake Reservoir is to the east, west and south with. Agricultural (AG) zoned land to the east and south of the property.

LDC 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 dated mailed on May 15, 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.



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The LDC also provides certain zoning district standards for a C-3 district within Section 151-4.13 (D), which are referenced below and specific to this request. Noted in *italics* is the County staff response to the standard.

1. No vehicle other than a passenger vehicle or truck under 1½ ton may be stored or parked in areas visible from off-site for more than 96 consecutive hours.
2. Lighting sources shall be designed and located so that the direct source of the light is shielded from view at all property lines abutting residential or agricultural zoning districts.
3. Storage of items shall not constitute warehousing or distribution in the normal sense but shall be limited to that quantity of stock necessary to the normal administrative, service and sales functions
4. Any loading dock or loading area shall be fully screened from any property zoned agricultural or residential within 300 feet.
5. Premises selling alcoholic or cereal malt beverages for on-premise consumption shall be located at least 200 feet from any property zoned residential or agricultural and from buildings occupied as a church or school of general instruction. However, if any residential, church or school of general instruction use is established after such premises have been licensed for selling alcoholic or cereal malt beverages for on-premise consumption, then such premises shall be deemed to comply with this subsection for relicensing certification.
Measurements shall be made between the exterior wall of the principal building in which alcoholic or cereal malt beverages are offered for on-premise consumption and the nearest property line of the existing property occupied as a church or school of general instruction or zoned residential or agricultural.
6. If a C-3 district abuts a residential or agricultural district, a solid screen fence of at least 6 feet in height, or equivalent landscaped buffer, may be required if deemed necessary by the County Commission upon recommendation of the Planning and Zoning Commission.

Outside Agency Review

In an email correspondence dated May 6, 2015, the Clay County Highway Department gave preliminary and final approval, and has no “conditions or fees”.

The Clay County Health Department has given preliminary and final approval. The Public Water Supply District #4 of Clinton County currently has water service to the subject property and can provide any necessary additional service if needed.

Findings

Since this is a combining of existing parcels with only boundary changes and no creation of new lots, no Road Impact Fees (RIF) will be assessed per LDC Section 151-9.13.

A request to vacate two Utility Easements (“U.E.s”) within Lot 1 and Lot 2 of Paradise South was filed (Case No. June 15-120V) in conjunction with this request.



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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".

No opposition has been received at the time of this writing.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) to Community Services (C-3) District for ONLY 1.1± acres of proposed **Paradise Storage** be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of **Paradise Storage** be **approved** with the following conditions as shown on Exhibit A:

Exhibit A

1. The Resolution of Vacation for the existing two 15' wide utility easements within Lot 1 and Lot 2 of Paradise South recorded before recording of the Final Plat (Case No. June 15-120V).
2. Implement the County's Consultant Engineer recommendations.
3. The following changes to the recording copies of the final plat:
 - a. ADD: "Vacated per BK ____ PG ____" and necessary graphics illustrating that the U.E.s have been vacated.



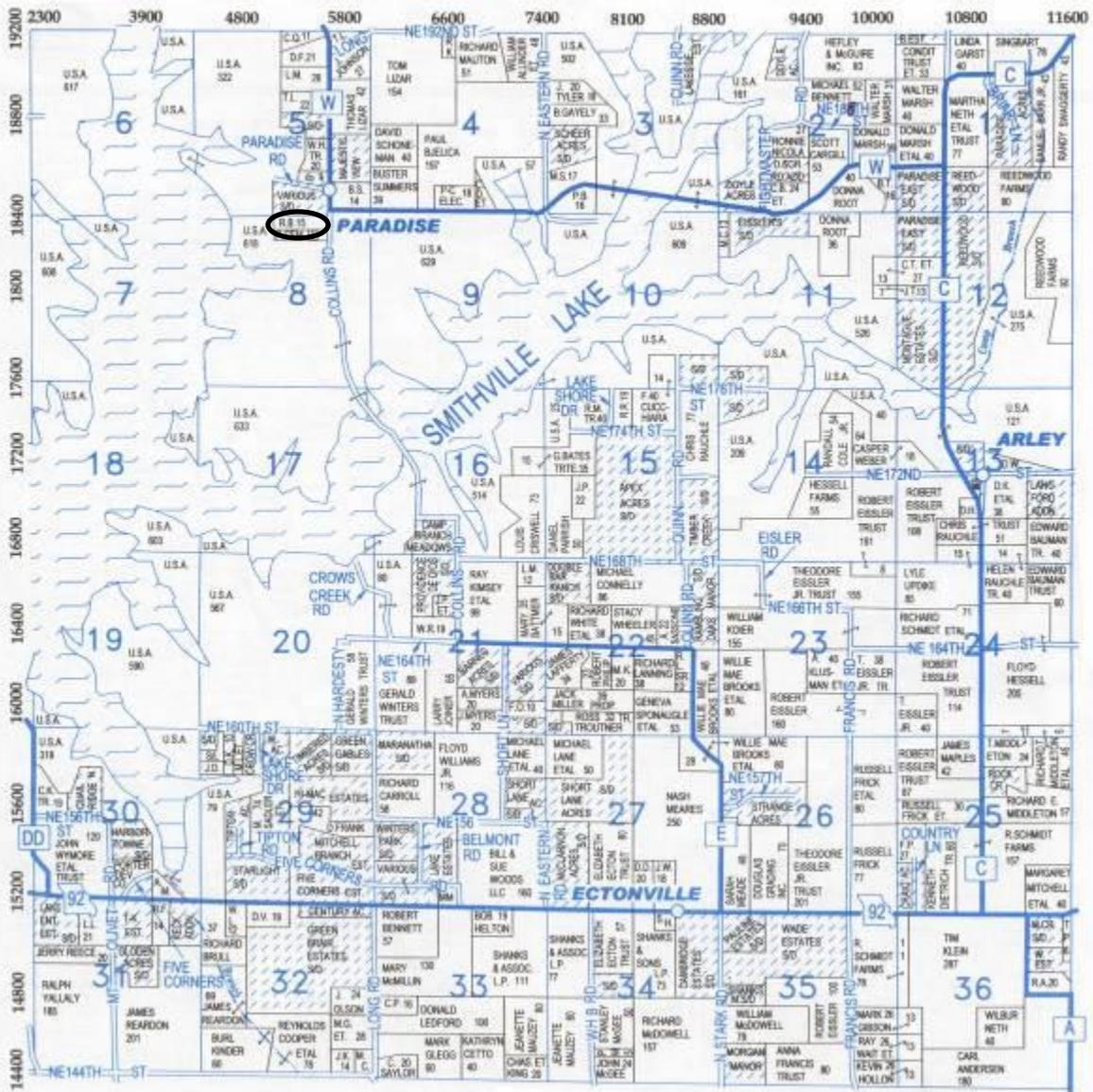
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Attachments

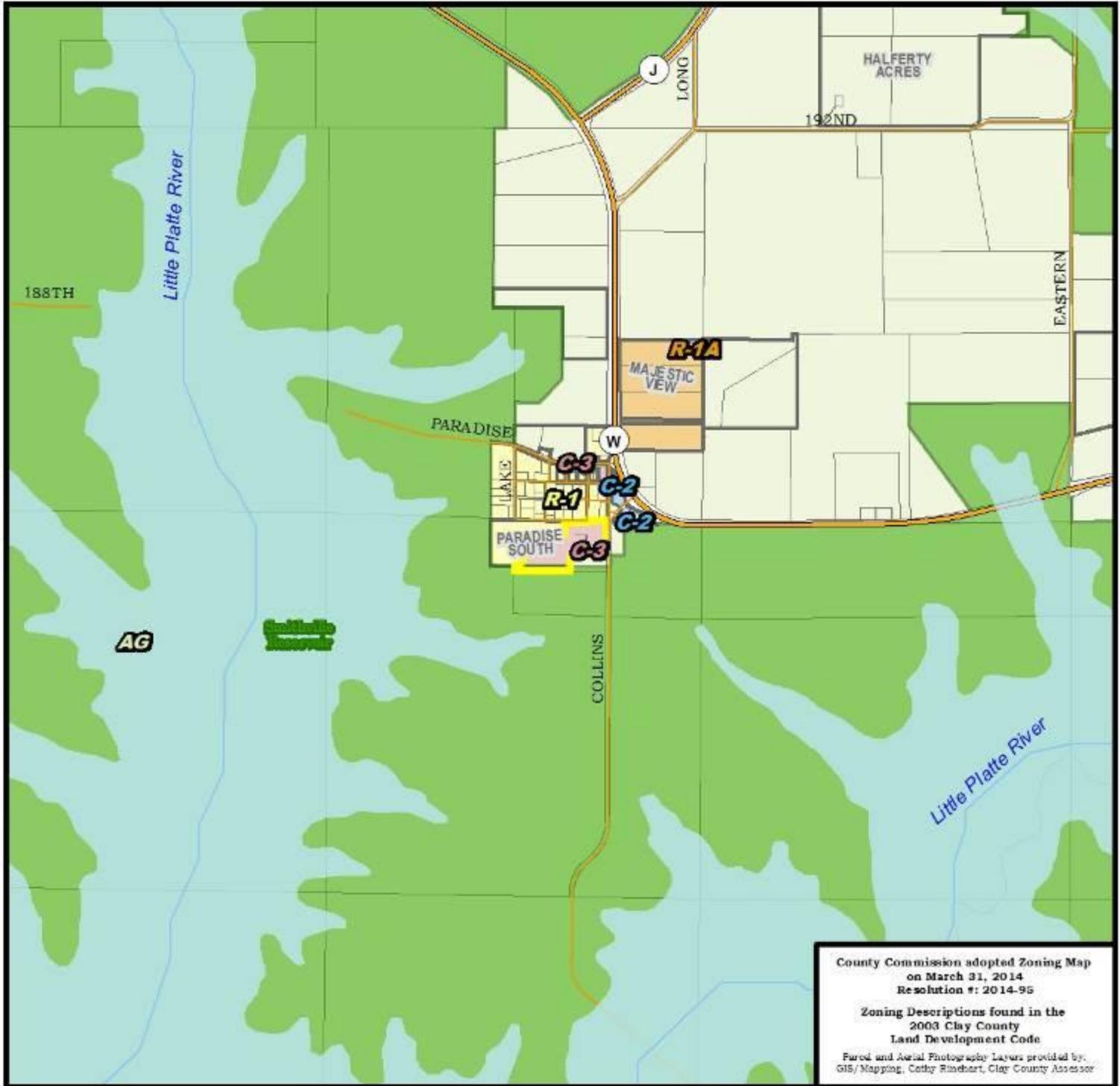
June 15-118RZ/P – Paradise Storage Attachment A - Vicinity Map

TOWNSHIP 53N • RANGE 32W



June 15-118RZ/P – Paradise Storage

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

Filed and Aerial Photography Layers provided by:
 GIS/Mapping, Cathy Rindhart, Clay County Assessor

Map Document: G:\GIS\Project_Files\vacinity Map - 8 x 11 P.mxd
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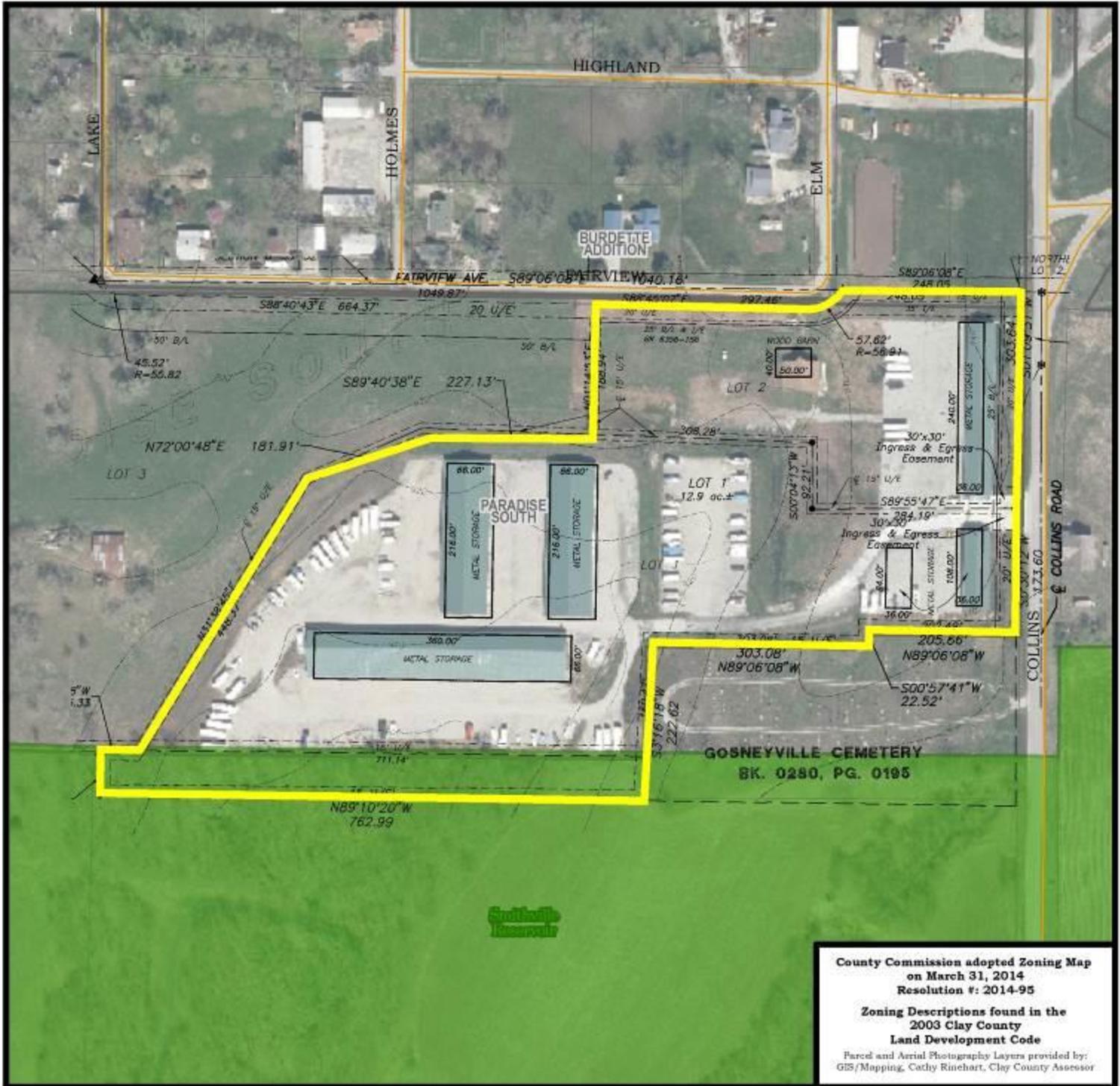
Planning & Zoning Department

LEGEND

<ul style="list-style-type: none"> Property Line Streams (EPA) Railroads 	<p>Roads</p> <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) POD (Preservation Overlay District) PLD (Planned Unit Development) 												
<p>Zoning Districts</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;"> AG</td> <td style="width: 25%;"> R-1</td> <td style="width: 25%;"> R-1A/R-5</td> <td style="width: 25%;"> C-1</td> </tr> <tr> <td> C-2</td> <td> R-1B/RLU</td> <td> I-1</td> <td> I-2</td> </tr> <tr> <td> R-3</td> <td> OP</td> <td> C-3</td> <td> C-4</td> </tr> </table>				 AG	 R-1	 R-1A/R-5	 C-1	 C-2	 R-1B/RLU	 I-1	 I-2	 R-3	 OP	 C-3	 C-4
 AG	 R-1	 R-1A/R-5	 C-1												
 C-2	 R-1B/RLU	 I-1	 I-2												
 R-3	 OP	 C-3	 C-4												

June 15-118RZ/P – Paradise Storage

Attachment C - Site Plan Map



Map Document: (G:\GIS\Project_Files\Vacinity Map - 8 x 11 P.mxd) 05/27/2015 - 08:52:58AM



Planning & Zoning Department



1 inch = 200 feet
1 inch = 0.04 miles

LEGEND

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