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# Report to Planning & Zoning Commission

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Clay County, Missouri

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**Case Number** November 15-139RZ/P  
**Case Type** Rezoning / Preliminary Plat  
**Project Name** Sweet Pastures

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**Applicant:** Robert Sweet  
3908 Weatherwood Tr.  
Verona, WI 53593-8410

**Owners:** Robert and Mary Bartlett Sweet  
3908 Weatherwood Tr.  
Verona, WI 53593-8410

**Request** **Rezoning** from Agricultural (AG) to Residential Ranchette (R-5) District for Lot 1 ONLY  
AND  
**Preliminary Plat** approval of Sweet Pastures

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Application Submittal 2015-10-01  
Public Notice Published 2015-10-15  
Neighbor Letters Sent 2015-10-16  
Report Date 2015-10-20  
Public Hearing Opened 2015-11-03

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**REPORT AUTHOR(S)** Debbie Viviano, Planner  
Kipp Jones, Planning and Zoning Manager

**Recommendation** APPROVED with conditions



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## General Information

**Site Location:** approximately 15625 Washington School Road  
Section 26 | Township 53 | Range 30

**Site Size:** 39.64 ± acres

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

**Zoning/Platting History:** None

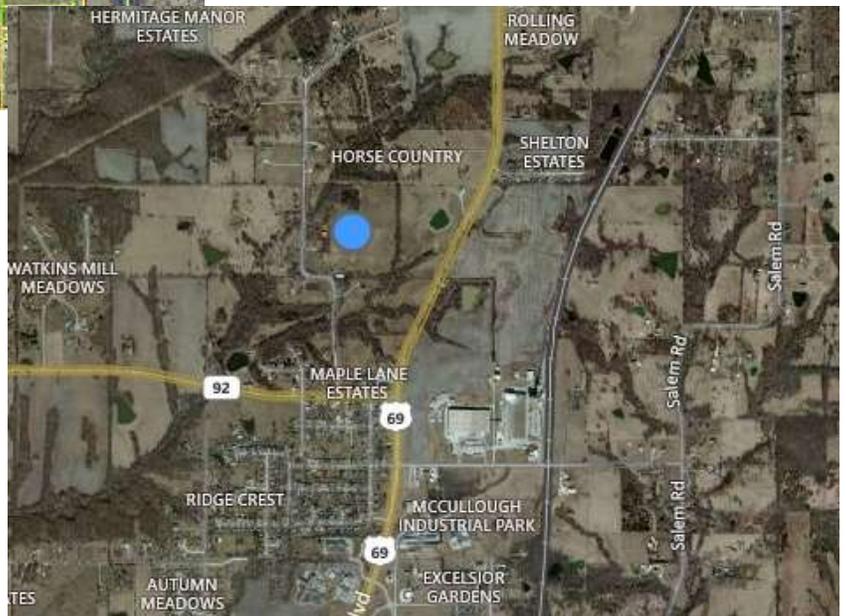
### Surrounding Landuse & Zoning:

- North - Horse Country (AG & R-1A), Hermitage Manor Estates (R-1A), AG zoned land
- East - AG zoned land, Riles Acres (Ag & C-3), 69 Highway
- South - AG and R-1A zoned land, City of Excelsior Springs
- West - Sweet Acres (AG), AG zoned land

### Current Conditions:



Courtesy of Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



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## Assessment

Robert and Mary Bartlett Sweet are requesting **Rezoning** approval from Agricultural District (AG) to Residential Ranchette (R-5) District for Lot 1 ONLY and **Preliminary Plat** approval for Sweet Pastures located at approximately 15625 Washington School Road.

The Sweet's would like to split the acreage into two (2) lots, in order to sell the acreage separate from the residence and barn on the property.

### 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 † (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 City of Excelsior Springs responded with a letter stating they have “no comments or recommendations to make to the Planning and Zoning Commission”. Therefore the subject request meets the spirit and jest of the 2008 Comprehensive Plan.

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

Horse Country (AG & R-1A), Hermitage Manor Estates (R-1A) are to the north. The city limits of the City of Excelsior Springs and AG and Residential Low Density (R-1A) District zoned land are to the south. To the east is AG zoned land, Riles Acres (AG & C-3) and 69 Highway. To the West is Sweet Acres (AG) and AG zoned land. [See Attachment B].

### **Code Considerations**

The rezoning application was properly noticed in the Kearney Courier on October 15, 2015. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter sent October 16, 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.

### **Outside Agency Review**



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The Clay County Highway Department has noted the following:

Based upon the Manual Uniform Traffic Control Devices (MUTCD) and Clay County Highway Department (CCHD) specifications Sweet Pastures will pass for sight distance requirements for driveways. Washington School Road is a chip and seal surfacing.

The Clay County Health Department has given preliminary and final approval for Sweet Pastures. Public Water Supply District #8 stated in a letter dated September 16, 2015 they will have adequate pressure and flow to accommodate an additional single residential service. The Eastern Clay County Ambulance District serves this property.

## Findings

Road Impact Fees (*RIF*) are required for the one (1) additional lot. 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.

There are two unnamed tributaries; Lot 1 is located on the north portion, and Lot 2 is located on the southeast corner both are considered active stream channels, and as such must meet the required stream setbacks within Section 151-11.2 (C) of the LDC. 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 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 approval of the Planning & Zoning Department.

The 20' foot Electric Easement on Lot 1 is owned by Platte-Clay Electric Coop (PCEC) and was recorded in the Clay County Recorder of Deeds as Book 1645 Page 624.

Also located on the northwest corner of Lot 1 is an undefined by width Missouri Power & Light (*Book 1225 Page 295*) Electric Line Easement, which was acquired by Ameren U.E. Staff is researching this easement further.

## Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural District (AG) to Residential Ranchette (R-5) District for Lot 1 ONLY of Sweet Pastures be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of Sweet Pastures be **Approved**, with the following conditions as shown in Exhibit A:

### Exhibit A

1. Road Impact Fees (RIF) agreement recorded and fees paid according to agreement at same time as the recording of the Final Plat.
2. Electric Line Easement language to be defined after research through Ameren U.E. before the recording of the Final Plat.
3. The following additions or corrections to the recording copies of the final plat:



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- a. ADD: *To the Graphics of the creek for Lot 1; first 50 feet must be designated as "Zone 1" and the remaining 25 feet noted as "Zone 2" on the plat.*
- b. NOTE: *"There shall be no clearing, grading, construction or disturbance of vegetation in the stream setback easement except as permitted by Clay County."*
- c. ADD: To the 20' ft. Electric Easement (EE) on Lot 1. 20' U.E. Platte-Clay Elec. Coop. Book 1645 Page 624.
- d. ADD: **Space** between (*with--an*), and an **o** between (n—t) in Note 6.
- e. ADD: 50' Building Lines (B/L) to Lots 1 and 2
- f. ADD: 30' Front Utility Easements (U/E) to Lots 1 and 2
- g. ADD: 7.5' Utility Easements (U/E) to north, east and south interior lines for Lot 1
- h. ADD: 7.5' Utility Easements (U/E) to north, east and west interior lines for Lot 2
- i. ADD: 15' Utility Easements (U/E) to south interior lines for Lot 2
- j. ADD: Within the 30' ROW to be dedicated and also the Corner section of Dedication.
- k. ADD: To the NW corner of Lot 1 the Ameren Electric Easement (EE) with a Book --- Page ----



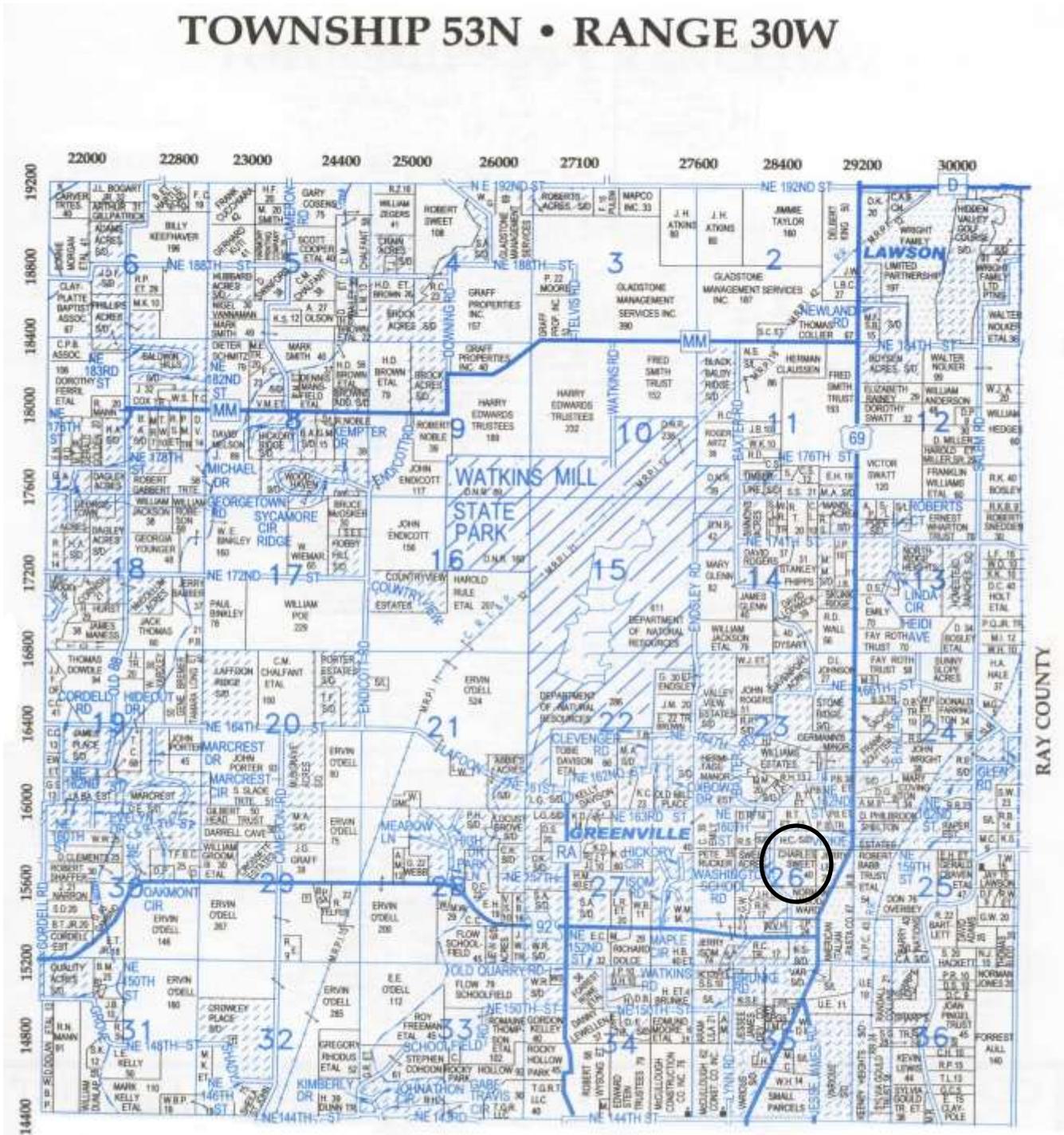
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## Attachments

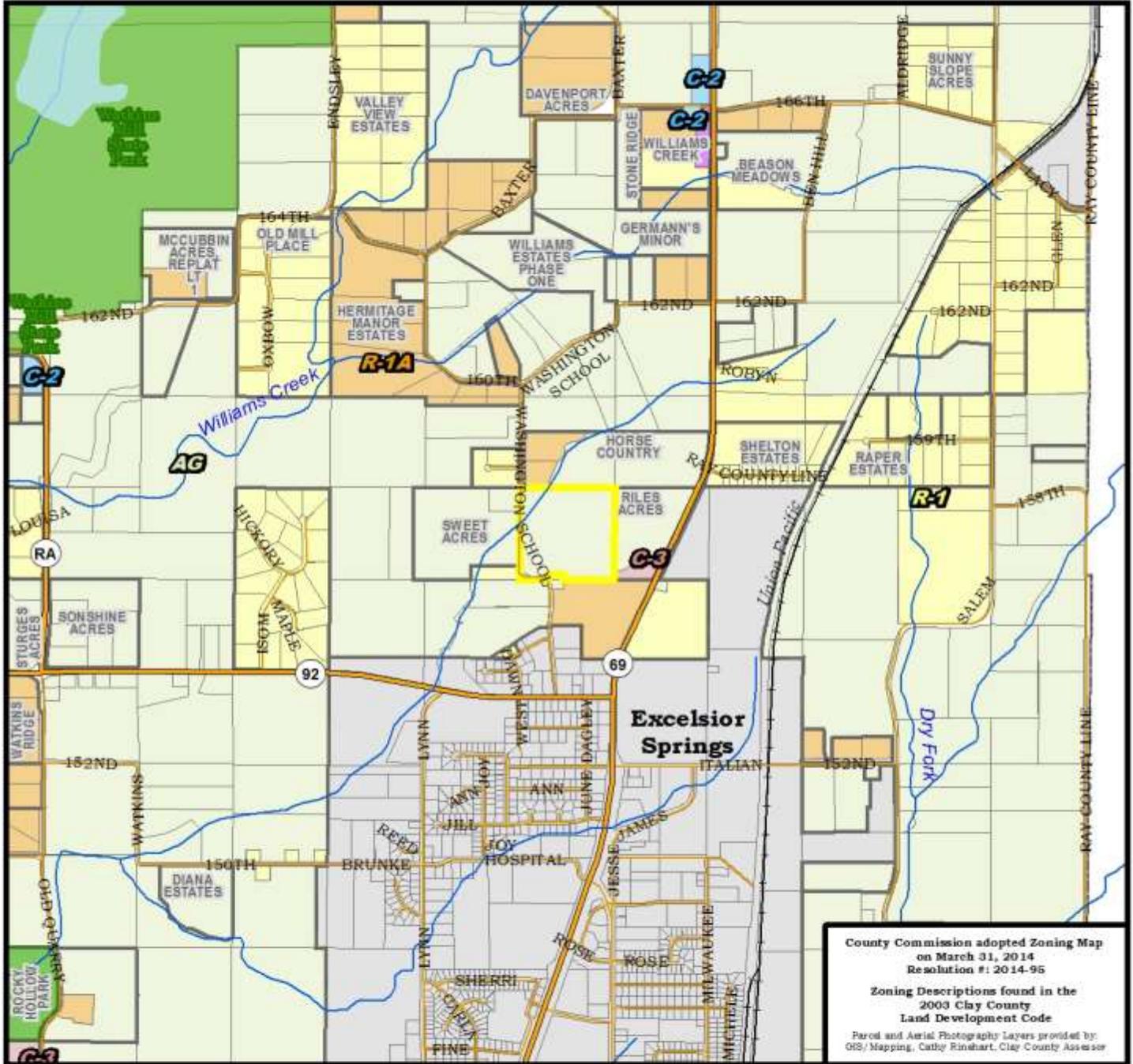
### November 15-139RZ/P – Sweet Pastures

### Attachment A – Vicinity Map



# Nov 15-139RZ/P – Sweet Pastures

## 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 Rinhart, Clay County Assessor

Map Document: G:\GIS\Project\_Files\Vacancy Map - 8 x 11 P.mxd  
 09/22/2015 -- 09:28:19 AM

**Planning & Zoning Department**

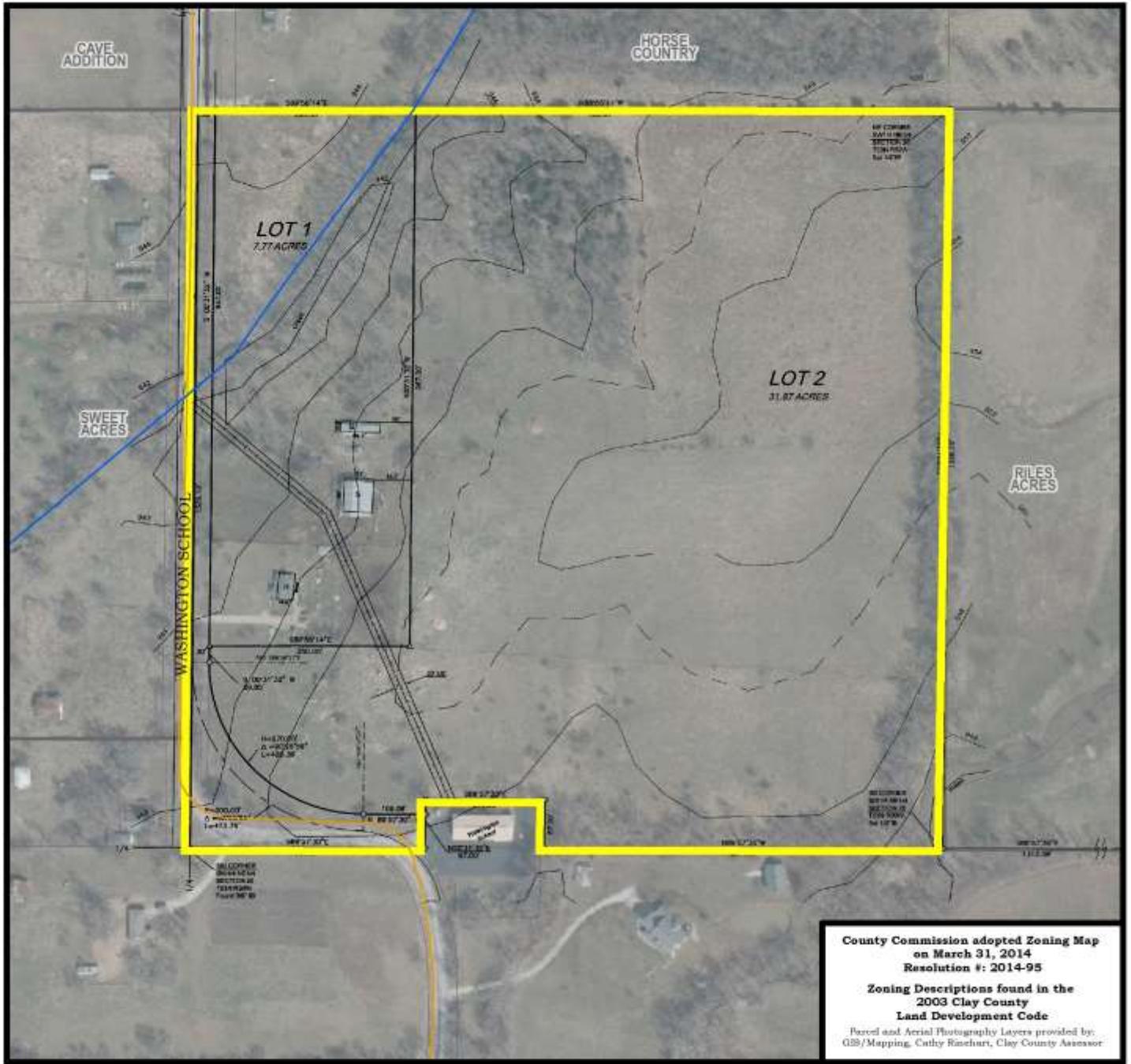
1 inch = 2,000 feet  
 1 inch = 0.38 miles

**LEGEND**

Property Line	Streams (EPA)	Railroads	Interstates	State Highways	Local Roads	Highway Ramps	Subdivisions	City Limits	Parks	County Boundaries
CD (Conservation District)	POO (Preservation Overlay District)	PUD (Planned Unit Development)	C-1	C-2	C-3	I-1	I-2	I-3	AG	R-1
			R-1A/R-B	R-2	R-3	CP				

# Nov 15-139RZ/P – Sweet Pastures

## Attachment C - Site Plan Map



Map Document: (G:\GIS\Project\_Files\Vacancy Map - 8 x 11 P.mxd)  
 09/22/2015 - 09:48:56 AM

**Planning & Zoning Department**




1 inch = 250 feet  
1 inch = 0.05 miles

**LEGEND**

<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 20px; height: 10px; border: 2px solid yellow; margin-right: 5px;"></span> Property Line</li> <li><span style="display: inline-block; width: 20px; border-bottom: 2px solid blue; margin-right: 5px;"></span> Streams (EPA)</li> <li><span style="display: inline-block; width: 20px; border-bottom: 2px dashed black; margin-right: 5px;"></span> Railroads</li> </ul>	<p><b>Roads</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 20px; height: 10px; border-bottom: 2px solid blue; margin-right: 5px;"></span> Interstates</li> <li><span style="display: inline-block; width: 20px; height: 10px; border-bottom: 2px solid orange; margin-right: 5px;"></span> State Highways</li> <li><span style="display: inline-block; width: 20px; height: 10px; border-bottom: 2px solid yellow; margin-right: 5px;"></span> Local Roads</li> <li><span style="display: inline-block; width: 20px; height: 10px; border-bottom: 2px solid black; margin-right: 5px;"></span> Highway Ramps</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 20px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Subdivisions</li> <li><span style="display: inline-block; width: 20px; height: 10px; border: 1px solid gray; margin-right: 5px;"></span> City Limits</li> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: green; margin-right: 5px;"></span> Parks</li> <li><span style="display: inline-block; width: 20px; height: 10px; border: 1px solid gray; margin-right: 5px;"></span> County Boundaries</li> </ul>
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