



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

- Site Location:** Approximately 20207 NE 172nd Street
Section 13 | Township 53 | Range 31
- Site Size:** 13.8 Acres
- Existing Landuse & Zoning:** Summersett, Lots 11 & 12 (13.8 Acres) – Residential Rural (R-1)
- Zoning/Platting History:** Summersett, recorded 5/21/1973
- Surrounding Landuse & Zoning:**
 - North – Agricultural (AG) Zoned Land, Bar-B-Hills (R-1), Sunpark Place (R-1A)
 - West – Summersett (R-1), Leewood North (R-1)
 - South – Summersett (R-1), Richland Heights (R-1)
 - East – Agricultural (AG) Zoned Land, I-35 Interstate

Current Conditions:



Courtesy Clay County Assessor, GIS Mapping



Courtesy Microsoft® Bing™



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Assessment

Bret and Heather Williams, representing Sandra Wiemar, are requesting **Rezoning** approval from Residential Rural (R-1) to Residential Ranchette District (R-5) with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) and **Final Plat** approval for A Replat of Lots 11 and 12 Summersett. The property is located at approximately 20207 NE 172nd Street.

Bret and Heather Williams desire to build a single-family residence on Lot 11-B to be closer to the family member living on Lot 12B. Due to the miss-placement of the single family residence (*crossing the property line of Lot 11*), a replat of Lots 11 and 12 of Summersett, was the best solution to remedy this issue.

2008 Comprehensive Plan Considerations

The Comprehensive Plan (“Plan”) indicates that the subject property is located in the RURAL LOW-DENSITY TIER.

The following tables illustrate 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.



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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 complies with *Option B-Exceptions for the 20 acre minimum lot size* of the 2008 Comprehensive Plan.

Character of the General Neighborhood

Agriculturally zoned land Bar-B-Hills (R-1) and Sunpark Place (R-1A) are subdivisions are to the north of the property. Agriculturally zoned land and I-35 Interstate are to the west. Summersett (R-1) and Leewood North (R-1) subdivisions are to the east. Summersett (R-1) and Richland Heights (R-1) subdivisions are to the south. [See Attachment B].

LDC Considerations

The review procedures and submittal content for A Replat of Lots 11 and 12 Summersett must follow the 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. The rezoning application was properly noticed in the Kearney Courier on April 14, 2016. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter sent April 15, 2016.

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 (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 a new driveway entrance will be able to meet sight distance for the proposed Lot 11-B. No records have been found for the issuance of a driveway permit for the existing driveway on proposed Lot 12B or existing Lot 12. The road surface of NE 172nd Street is a chip and seal surfacing.

Public Water Supply District #3 of Clay County presently supplies water for proposed Lot 12-B and will have ample supply to provide an additional meter for Lot 11-B. The Clay County Public Health Center has given final approval. The Kearney Fire Department serves this property.

Findings

Road Impact Fees (RIF) are not required, if the County Commission approves the following waiver of the Road Impact Fees (RIF) as stated in the Land Development Code (LDC) Section 151-9.13 (1):

The replatting of an existing subdivision for a boundary change or other change in which no new lots are platted;

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Residential Rural (R-1) District to Residential Ranchette (R-5) District with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) of **A Replat of Lots 11 and 12 of Summersett** be **approved** subject to the petitioner addressing all rezoning standards.

Staff recommends the **Final Plat** of the **A Replat of Lots 11 and 12 of Summersett** be **approved, with the conditions** as shown on Exhibit A:

Exhibit A

1. Road Impact Fees (RIF) waiver approved by County Commission for the replatting/boundary change with no new lots created as stated in Section 151-9.13 (1) of the 2011 Land Development Code.
2. The following additions or corrections to the recording copies of the final plat:
 - a. REMOVE: 15' Recreational Easement--with arrow.
 - b. ADD TO DIAGRAM--- STREAM—AND: Stream Setback- Zone 2 - (25.00') Stream Setback – Zone 1 (50.00').
 - c. ADD TO BEGINNING OF STREAM SETBACK LANGUAGE: Within Stream Setback Zones 1 and 2
 - d. ADD ABOVE CHAIRMAN SIGNATURE—BETWEEN PLANNING--- COMMISSION: and zoning
 - e. CHANGE: Firm Map Number 29047C0065E
 - f. ADD: Community Panel #290086

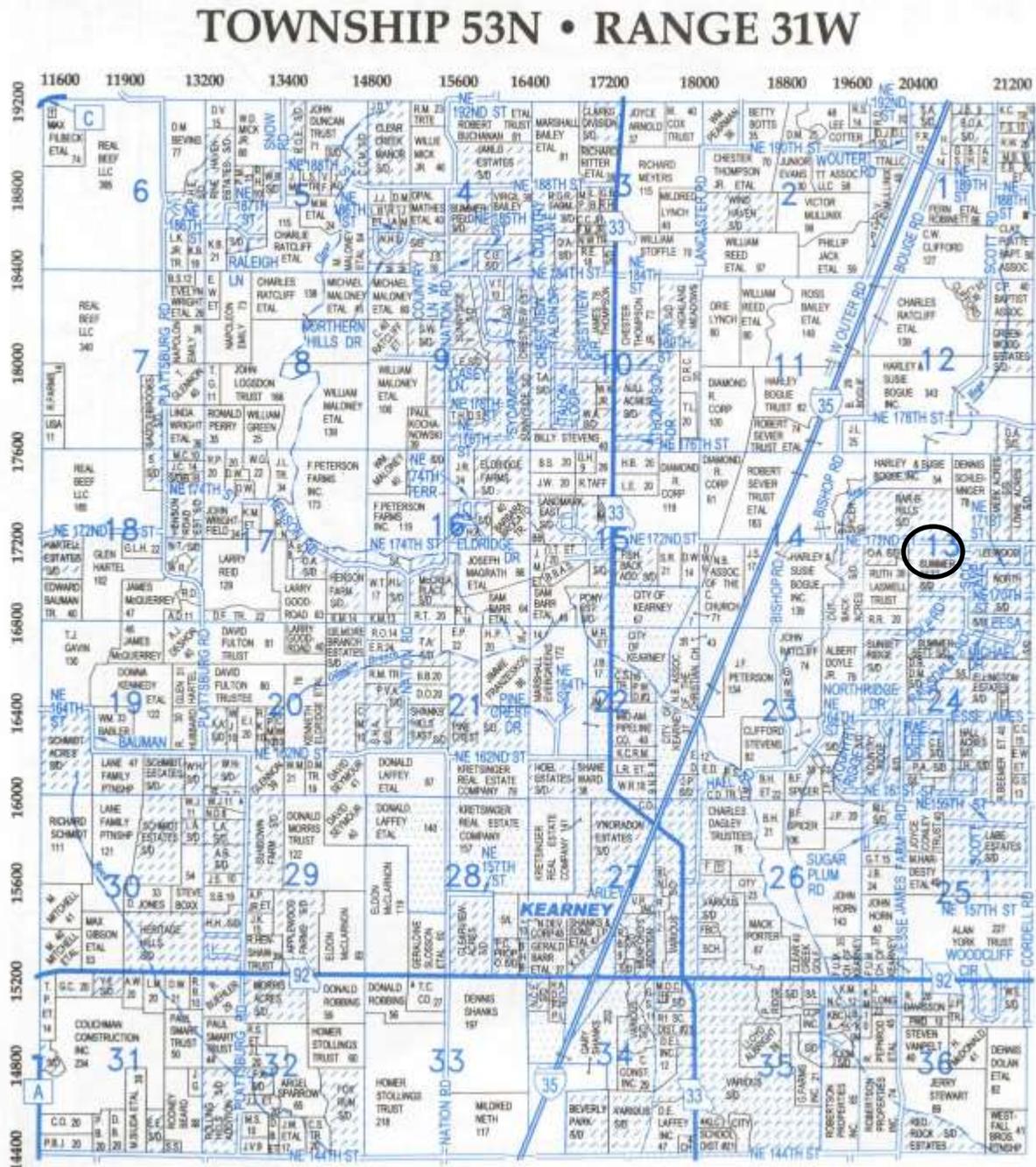


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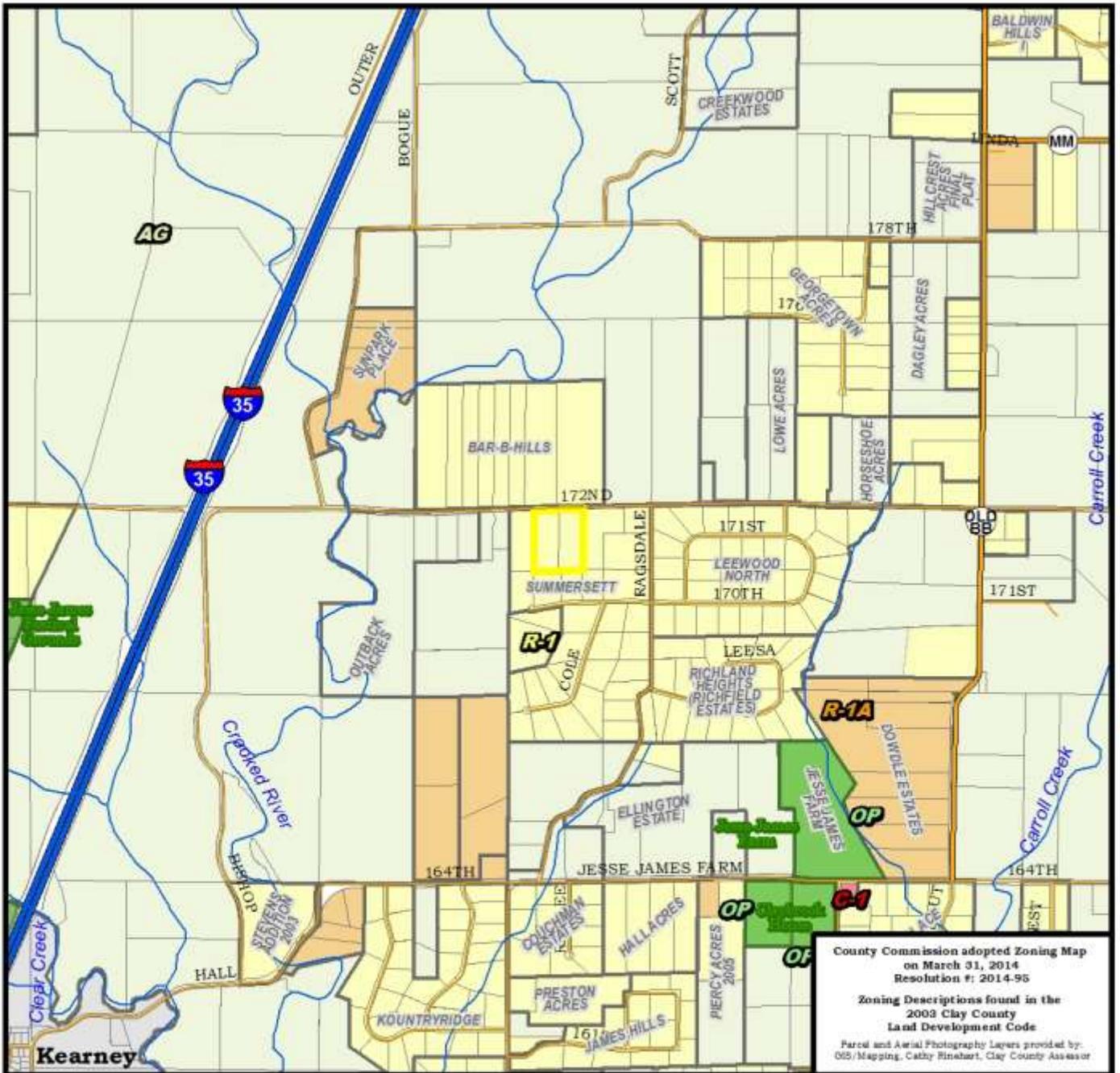
Attachments

May 16-109RZ/F A Replat of Lots 11 & 12 Summersett Attachment A - Vicinity Map



May 16-109RZ/F – Summersett, Replat Lots 11 and 12

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: 065/Mapping, Cathy Rinehart, Clay County Assessor

Map Document: (G:\GIS\Projects_Files\vacinity Map - 8 x 11 P.mxd) 04/20/2016 -- 02:41:18 PM

Planning & Zoning Department

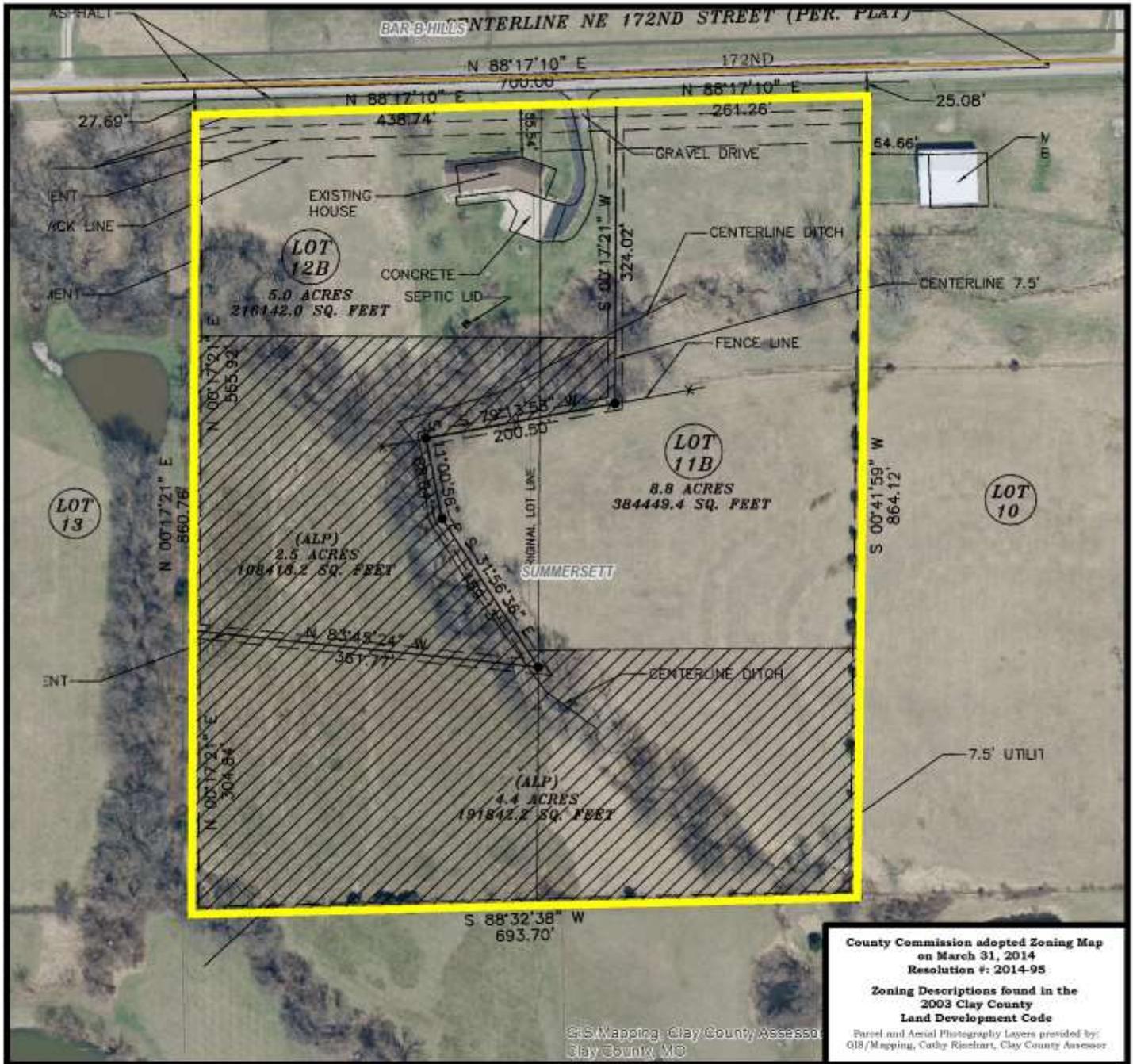
1 inch = 2,000 feet
1 inch = 0.38 miles

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 2016 City Limits Parks County Boundaries 	<p>Zoning Districts</p> <ul style="list-style-type: none"> AG R-1 R-1A/R-3 R-1B/RU R-2 C-1 C-2 C-3 I-1 I-2 OP
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May 16-109RZ/F – Summersett, Replat Lots 11 and 12

Attachment C - Site Plan Map



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Planning & Zoning Department

LEGEND

Property Line	Streams (EPA)	Interstates	Subdivisions
Railroads	State Highways	Local Roads	2016 City Limits
Highway Ramps	Parks	County Boundaries	