





# Report to Planning & Zoning Commission

Clay County, Missouri

## General Information

**Site Location:** 13207 N. Home Road  
Section 12 | Township 52 | Range 32

**Site Size:** 10.14 Acres

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

**Zoning/Platting History:** Reeves Addition, recorded 11/12/96

### Surrounding Landuse & Zoning:

- North – Reeves Addition (R-1A), AG and R-1 Zoned Land
- East – Green Acres Estates and East (R-1), Agricultural (AG) Zoned Land, Oakbrook 1<sup>st</sup> Plat (R-1A/CD)
- South – Reeves Addition (R-1A), Agricultural (AG) Zoned Land, Elizabeth Acres (RU-80)
- West – Agricultural (AG) Zoned Land, Millen Subdivision Replat (R-1A), Ballybrook Estates (R-1A), City of Kansas City (*Approx. 1½ miles*)

### Current Conditions:



Courtesy Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



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## Assessment

Gary Willis is requesting **Rezoning** approval from Residential Low Density District (R-1A) to Residential Low Density (R-1A) with a Planned Unit Development (PUD) overlay district for proposed Lot 4 of Reeves Addition, 10.14 acres located at 13207 N Home Road.

Mr. Willis would like to provide a place for youth members of the Patriot Club to work together as a team, and learn cooperation through team sports such as basketball, baseball, softball and basic speed, strength and agility training located inside a 60 X 100 building to the rear of his residence (see *Attachment D and E*).

### 2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the **URBAN SERVICES TIER**.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1<sup>st</sup>) table shows the land use tiers and corresponding guidelines, and the second (2<sup>nd</sup>) 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)
<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>(1)</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>(1)</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.

## Character of the General Neighborhood

Agricultural (AG) zoned property is in each direction of the property. Reeves Addition (R-1A) subdivision is to the north, and to the south Elizabeth Acres (RU-80). Green Acres Estates (R-1) and Oakbrook 1<sup>st</sup> Plat (R-1A/CD) are to the east. Millen Subdivision Replat (R-1A) and Ballybrook Estates (R-1A), with the City of Kansas City within about 1½ miles to the west. [See Attachment B].

## 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 (*LDC 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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In addition to the above approval rezoning criteria, the petitioner should fully address the three (3) criteria required for a **Planned Unit Development (PUD)** overlay plan approval criteria be (*LDC Section 151-3.8 (G)*):

1. The PUD Concept Plan is consistent with sound planning practice and the development will promote the general welfare of the county; and
2. A PUD is necessary to address a unique situation or represents a substantial benefit to the county, compared to what could have been accomplished through strict application of otherwise applicable base zoning district standards;
3. and the same development could not be accomplished through the use of other techniques, such as rezoning to a non-PUD district or Variances.

## **Outside Agency Review**

The Clay County Highway Department has noted that “the existing driveway ... meets all Clay County Technical Standards and Design Criteria.”

In an email dated 05/26/2015, the Clay County Health Department has given preliminary and final approval. The Public Water Supply District No. 6 of Clay County presently provides water service for the property. The Kearney Fire District serves the property. Platte-Clay Electric presently serves the property and has the necessary facilities to serve the request.

## **Findings**

A Planned Unit Development (“PUD”) overlay zoning district is a type of development plan and zoning tool used to address mixed use development of residential and non-residential (e.g. commercial or semi-commercial) uses. The complete proposed request is presented under *Attachment D and E* below with a business plan and site plan drawing for Lot 4 of Reeves Addition.

Staff advises that the proposed Patriot Club best fits within a PUD classification due to the mixed use element of a semi-commercial athletic training complex being located on a residential property. The Patriot Club is to be located towards the back portion of the subject property within a new proposed 60’ x 100’ accessory building. Under the current zoning classification (R-1A), each accessory structure must not cover more of the lot than the principal dwelling unit nor exceed the height of the principal dwelling unit.

**Section 151-10** of the LDC requires development standards for off-street parking as a new use is established. Staff would classify the Patriot Club as an “Outdoor sales or display area (over 3,000 square feet)” under the Off-Street Parking Schedule “B” in the LDC. Schedule “B” requires one (1) parking space per 1,000 square feet of building space.

In relation to the subject request, this would calculate out to be a minimum number of six (6) off-street parking spaces since the Patriot Club would be utilizing the new proposed 6,000 ft<sup>2</sup> accessory building. In addition, one parking space must meet American Disabilities Association (ADA) universal accessible space standards. The submitted business plan calls out for a 100’ x 40’ space (4000 ft<sup>2</sup>) for parking area. The applicant also proposes that the parking lot surfacing would include large-sized concrete rocks (also known as “clean rock”).

Increases in required off-street parking initiated by future development and/or buildings would be addressed prior to the issuance of any building permits in accordance with Section 151-10 of the LDC. The required parking spaces and drives shall be ready for use and approved by the Planning and Zoning Director prior to issuance of a certificate of occupancy.



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Section 151-10.1 (F) (4) of the LDC addresses the required roadway and parking area surfacing type for all non-residential development/uses, and states:

"All off-street parking areas, drive aisles, internal roadways, and loading areas for all uses except agriculture or single-family uses in the AG, R-1 or R-5 districts shall be paved and kept in a dust-free condition at all times. Paving shall consist of asphaltic concrete with a minimum thickness of 4 inches, Portland cement concrete with an equivalent thickness, or bricks or paving blocks intended for outdoor use by motor vehicles".

An approved PUD would allow for greater flexibility from these code requirements. As such, staff recommends that the proposed accessory structure and parking area as designated on the site plan be allowed if approved by the Commission and properly screened from view by adjacent property and public roadway by fencing, vegetative plantings, berms, or a combination thereof that effectively block the view.

Restroom facilities for users of the accessory building will be handled with a restroom inside the building.

## Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Residential Low Density District (R-1A) to Residential Low Density District (R-1A) with a Planned Unit Development (PUD) overlay district for Lot 4 Reeves Addition be **approved**, subject to the petitioner addressing all rezoning standards and the following conditions as shown in Exhibit A:

### Exhibit A

1. Any future new or additions to structures will need to have building plans submitted and approved by the fire 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. Any buildings tied to the Patriot Club must be adequately shielded from view by adjacent property and public roadway by fencing, vegetative plantings, berms, or any combination thereof that effectively block the view
3. Off-street parking areas, drive aisles, and driveways may consist of a minimum of large 2-inch clean rock surfacing. However, if reasonable and prudent nuisance complaints are received by County staff for dust generation caused by this approved surfacing, then it must be improved to a paved condition which may only include 4-inch concrete, or asphalt or chip-and-seal of equal thickness.
4. Increases in required off-street parking initiated by future development and/or buildings would be addressed prior to the issuance of any building permits in accordance with Section 151-10 of the LDC. The required parking spaces and drives shall be ready for use and approved by the Planning and Zoning Director prior to issuance of a certificate of occupancy.
5. Lighting shall be directed downward and shielded from direct glare on nearby properties and roadways.
6. No signage is allowed beyond what is permitted by LDC Section 12.



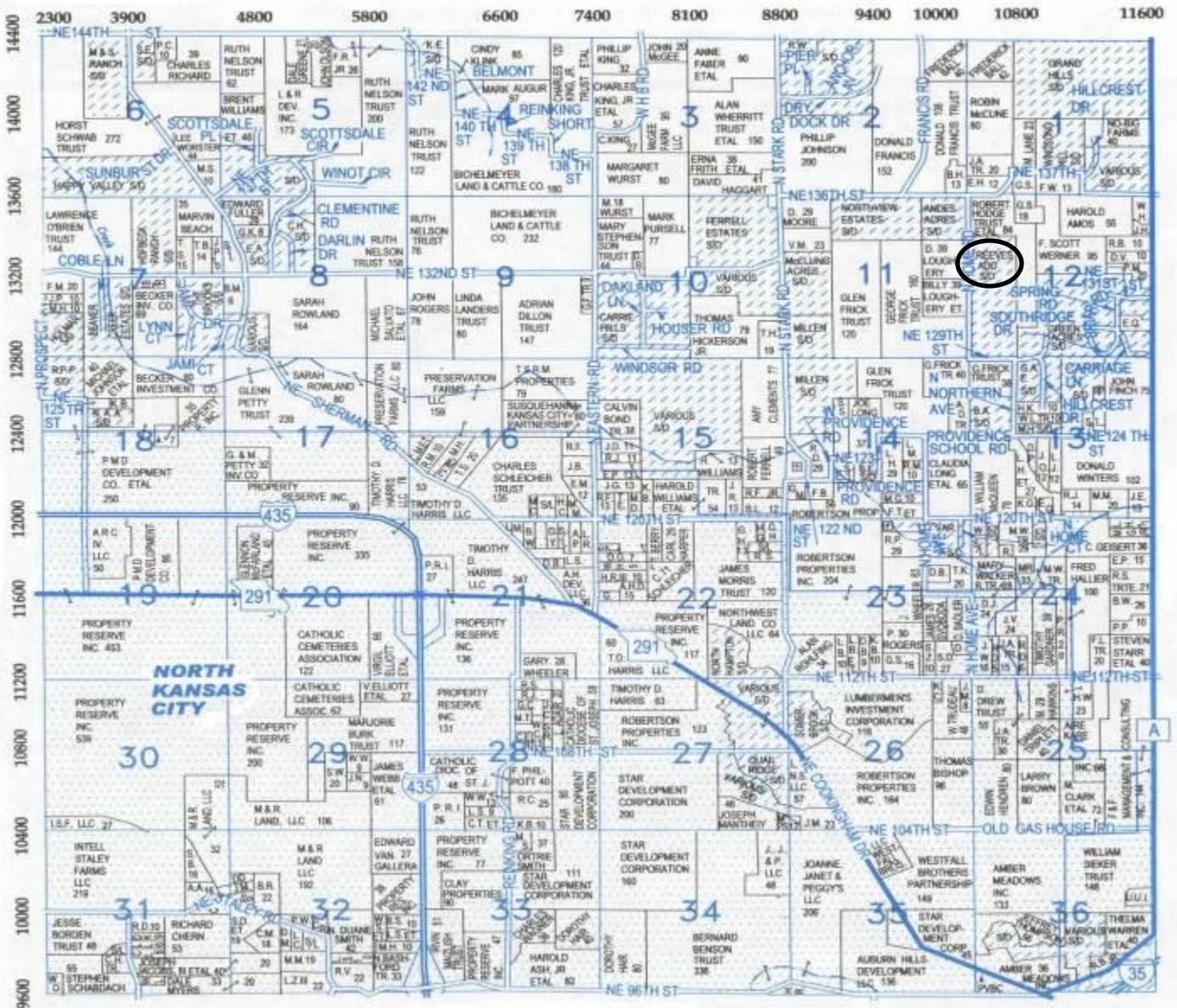
# Report to Planning & Zoning Commission

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## Attachments

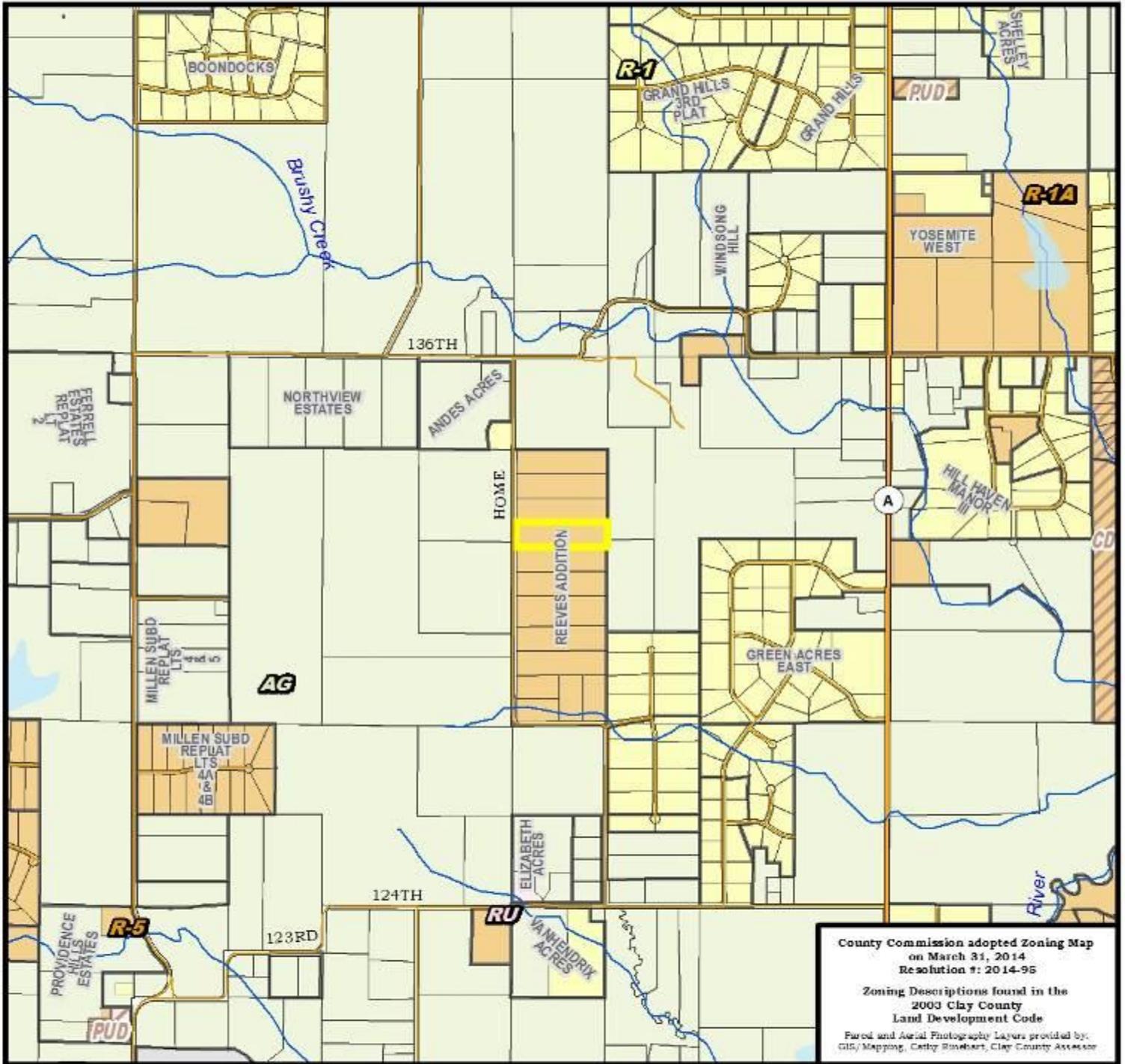
### June 15-112RZ – Patriot Club/PUD Attachment A – Vicinity Map

#### TOWNSHIP 52N • RANGE 32W



# June 15-112RZ – Patriot Club PUD

## 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  
 Faced and Aerial Photography Layers provided by: GIS Mapping, Cathy Bonehart, Clay County Assessor

Map Document: G:\GIS\Projects\Projects\acmity Map - 8 x 11 P.mxd  
 05/14/2016 11:32:16AM

**Planning & Zoning Department**

### LEGEND

<ul style="list-style-type: none"> <li><span style="border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Property Line</li> <li> Streams (EPA)</li> <li> Railroads</li> </ul>	<p><b>Roads</b></p> <ul style="list-style-type: none"> <li> Interstates</li> <li> State Highways</li> <li> Local Roads</li> <li> Highway Ramps</li> </ul>	<ul style="list-style-type: none"> <li> Subdivisions</li> <li> City Limits</li> <li> Parks</li> <li> County Boundaries</li> </ul>	<p><b>Overlay Districts</b></p> <ul style="list-style-type: none"> <li> CD (Conservation District)</li> <li> POD (Preservation Overlay District)</li> <li> PUD (Planned Unit Development)</li> </ul>
			<p><b>Zoning Districts</b></p> <ul style="list-style-type: none"> <li> AG</li> <li> R-1</li> <li> R-1A/R-5</li> <li> R-1B/RU</li> <li> R-3</li> <li> C-1</li> <li> C-2</li> <li> C-3</li> <li> I-1</li> <li> I-2</li> <li> OP</li> </ul>

# June 15-112RZ – Patriot Club PUD

## 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 Rinehart, Clay County Assessor

Map Document: (G:\GIS\Project\_Files\Vacancy\_Map - 8 x 11 P.mxd)  
 06/14/2015 -- 11:37:18AM

**Planning & Zoning Department**




1 inch = 200 feet  
1 inch = 0.04 miles

**LEGEND**

<ul style="list-style-type: none"> <li> Property Line</li> <li> Streams (EPA)</li> <li> Railroads</li> </ul>	<p><b>Roads</b></p> <ul style="list-style-type: none"> <li> Interstates</li> <li> State Highways</li> <li> Local Roads</li> <li> Highway Ramps</li> </ul>	<ul style="list-style-type: none"> <li> Subdivisions</li> <li> City Limits</li> <li> Parks</li> <li> County Boundaries</li> </ul>
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## June 15-112RZ – Patriot Club/PUD

### Attachment D – Applicant Business Plan

(3 pages)

#### Patriot Club Planning

##### Patriot Club Description

The Patriot Club is a non-profit small scale sports training club that coordinates workouts within a modest facility for the individual youth player and a few select competitive / recreational teams. The club will focus on basketball, baseball, softball and basic speed, strength and agility training. The club will provide a place for youth members to collaborate, workout and share their experiences with other club members at a lower cost in comparison to other facilities. The club will stress collaboration to drive success in academics, community, and athletics with each club member. The club will also offer subsidized or no cost availability to youth with the desire to train but lacking the financial means to do so. Club membership will be at no cost and at the owner's discretion. Use of the facility will be based upon commercial agreements, donation, or a free basis at the owner's discretion.

##### Why the Name 'Patriot Club'?

The club will stress to its members the importance of hard work and sacrifice for the long term good of our community and country. As our country's early founding patriots stressed the importance of God, family, freedom, hard work, and community. This club will also emphasize these values. This country's exceptionalism was built upon the individuals' desire to maximize their talent given by God. This club's foundation will honor that accomplishment and graciously work to continue that pride of achievement.

##### Mission Statement

The Patriot Club is a non-profit youth organization whose mission is to foster physical, mental, and emotional development of local community youth through multi-sport training and camaraderie at all levels of age and competition.

##### Goals:

- Inspire the importance of faith, family and citizenship to the individual and the community.
- Demonstrate success through preparation and collaboration.
- Provide inexpensive alternative instruction to young athletes.
- Provide a low cost facility for youth to work to meet their personal goals.
- Allow & encourage mentoring of senior/more skilled youth of younger and/or less skilled youth.

##### Facility Description

The facility the Patriot Club routinely uses is a modest, well-kept, 60x100 steel building with concrete floors. The facility will have capabilities to support a regulation basketball court (regulation -50x84) and a batting cage. The minimum size to adequately support the batting cage and the court with safe space surrounding the playing area has been determined to be 60x100. (Appendix 1) The building will be built with the capability of heating the floor to provide heat during winter time. The building will be heavily insulated for weather and sound with very limited outdoor lighting on the west of the building. There will be one small restroom. The secondary use of the building will also be used to store a vehicle, boat and outdoor equipment including a lawn mower and a small tractor when not in use for training.



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**Location** – The dual purpose building will be built in a residential area zoned R1A with a requested PUD at 13207 North Home Road, Liberty, MO. The building will be located approximately centered on a 10 acre rectangular lot. There will be 100+ feet of land on the entire perimeter of the building and the property line. (Appendix 2)

**Landscaping and Visibility** –Neighbors to the immediate north and south of the building will be able to see the building. The building will have a hill or grade on the east side. The floor of the building will be leveled and built into the grade of the hill with approximately the lower 8 feet blocked from visibility from the east by a rolling hay field. There will be trees and shrubs planted to the north and south of the building blending the building into the scenery. The building will not be visible from the road or the east due to the grade of the land, the owner's house and the existing 55x60 pole barn between the house and the planned facility. (Appendix 2) The walls of the building will be 18ft with the peak approximately 25.5 ft. on a 3:12 pitch. The pitch of the existing pole barn is 4:12 with 16 ft. walls.

**Driveway** – The existing driveway will be leveraged and extended approximately 100 yards to the new facility. A large, screened, low dust rock will be used as a surface to the driveway. The driveway will be secluded by the natural land layout, existing trees, and added trees will create limited visibility of the driveway by adjoining neighbors. Line of sight for entering and exiting the driveway in both directions is adequate for safety. There will be no signage or advertisement at the road.

**Parking** – Parking will be available to the east of the existing pole barn and to the west of the new facility (60x100 steel building). There will be a 100x40 space of large, screened, low dust rock for parking immediately to the west of the club facility. Visibility of the parking will be blocked by the east and west building structures and trees will be planted to the north and south to block visibility. The parking will support a maximum of 12 cars with 8x15 parking spaces parking perpendicular to the 100ft edge of the facility.

## Commercial Activity

*Commercial activity will be limited to:*

- A small office area for planning and administration
- Lessons/training provided to individuals or small groups of 1-15 youth members (estimating 80%+ of the time group will be 1-3 individuals)
- Team rental for practice limited to 1-15; plus parent drop off  
*(Expectation are on average there will be less than 10 people in the building with 5 or less cars during identified hours)*

## Financial Goals / Scale of Activity

The goal of the organization will be limited to covering a portion of the cost of the investment in the structure and time spent.

## Visible activity

All activity will occur inside the building. The noise will be negligible due to insulation within the building. Lighting will be pointed directly downward only to the west on the parking lot only between dusk and 10pm as needed.



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## **Hours of Operation**

The facility will be available for use between 5-930pm Monday through Friday. Saturday from 8am – 930pm. Sunday from 12pm to 8pm. These will be the potential availability times. Expectations are for less than 50% of these timeslots to be used on a consistent basis for commercial use. The facility only plans to be open 9 months out of the year.

## **Access**

The building will be locked at all times when not in use. Access to the building will most generally be allowed by the owning family. In rare circumstances a lock box will be setup for entry by code given to the individual with permission.

## **Non-Commercial Activity**

The building will also be used to store the owner's items for maintenance and leisure including, but not limited to a tractor, lawn mower, boat and vehicle. The building will also be used for groups needing space on a donation or unpaid basis at the owner's discretion. The building will be made available to a Young-Life or church small group activity. It could also be used to tutor, study or council its club members. It will also be available to family and friends for leisure activities at the owner's discretion.

## **Neighborhood Awareness**

The owner will notify neighbors and discuss operations within the facility. Neighbors will be welcome to use the building under agreed upon conditions. The activity on the 10 acre property will be shielded from view or hindrance of all neighbors.

## **About the founding family**

The owning family at planned project inception is a family of 5 including father Gary Willis, mother Rushelle (Shell) Willis, 17 year old daughter Faith, 15 year old son Brock, 3 year old son Brady. The Willis family is currently going through the training process to become a foster care family through Clay County Corner Stones of Care. Gary is an IT manager at Sprint, played college baseball, and high school basketball and football. Rushelle is a Restaurant Consultant and enjoyed playing youth sports and was a high school / college cheerleader. Faith is an honor roll junior at Kearney HS and competes in HS Basketball, Soccer and Softball. She plays softball competitively and has aspirations to play in college. Brock is also on the honor roll as a freshman at Kearney HS. He plays basketball, baseball and football for Kearney. Brock plays basketball and baseball competitively. Brady is his older brother and sister's biggest fan!!

## **Potential Future Use**

The future uses of the building (15+ years) could range from a storage barn / shop to continuation of the plan described above. There is a potential to put a different surface over the concrete (exp. wood floor, multipurpose floor) if or when funding/use becomes reasonable economically. At that point Air conditioning within the building may be considered.



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## June 15-112RZ – Patriot Club/PUD Attachment E – Applicant Site Plan Drawing

