





# Report to Planning & Zoning Commission

Clay County, Missouri

## General Information

- Site Location:** approximately 24205 NE 136<sup>th</sup> Terrace  
Section 5 | Township 52 | Range 30
- Site Size:** See legal descriptions below
- Existing Landuse & Zoning:** Residential Low Density District (R-1A)
- Zoning/Platting History:** RZ – Rose Acres, Res. #2006-163, 5/22/06; Prelim. Plat – Res. #2006-164, 5/22/06; Final Plat – Res.# 2006-214, 6/26/06; Recorded, 7/17/06.
- Surrounding Landuse & Zoning:**
- North - Helt Acres (R-1A), Residential Rural (R-1) & Agricultural (AG) zoned land
  - East - Bear Oak Hills (R-1A), Romayne Gardens (R-1), Timber Loft (R-1B), City of Excelsior Springs
  - South - Agricultural (AG) zoned land, City of Excelsior Springs
  - West - Rose Acres-Lot 1 (R-1A), Rhodus Farms Replat Lot 1, Lot 1A (RU/AG), Agricultural (AG) zoned land, Midwest National Air Center, City of Kearney

## Current Conditions:



Courtesy Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



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## Assessment

Michael and Suzanne Phillips are seeking to vacate Utility Easements (henceforth known as "U.E.s") within portions of Lots 2 and 3 of Rose Acres, which is legally described as follows:

*"All that portion lying 7.5' feet on either side of the following described centerline being part of Lot 2 & 3, ROSE ACRES, a subdivision of land in Clay County, Missouri, Commencing at the Northwest corner of said Lot 3, thence South 00 degrees 00 minutes 05 seconds West along the West line of said Lot 3 a distance of 30.00 feet to the point of beginning of the centerline herein to be described; thence continuing along said West line South 00 degrees 00 minutes 05 seconds West along the West line of said Lot 3 a distance of 351.44 feet to the point of termination."*

The Phillips are seeking to vacate the existing U.E.s as noted above as part of the associated replat case Rose Acres Second Plat (July 15-129F).

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

Agricultural (AG) zoned property are to each direction of the property. R-1A zoned subdivisions are to the north and east. R-1 subdivisions are to the north and east. The City of Kearney and the Midwest National Air Center are to the west. The City of Excelsior Springs is to the south and east of the property.

### **LDC Considerations**

Chapter 151-3.13 of the 2011 Clay County Land Development Code ("LDC") sets out the required review and approval procedures for vacations of any street, avenue, road, alley, public easement, ingress/egress, utility easement, public square or common area included as part of a recorded plat, in accordance with the Missouri Revised Statutes ("RSMo") Chapter 71.270.

The applicants for the vacation must meet the approval criteria as noted in Section 151-3.13 (F):

#### **F. Approval Criteria**

A Vacation application shall be approved by the County Commission if they determine that all of following approval criteria have been met:

1. Due and legal notice has been provided as required by this section;
2. No private rights will be injured or endangered by the Vacation;
3. The public will suffer no loss or inconvenience from the Vacation; and
4. In justice to the applicant, the Vacation should be approved.

The requested Vacation appears to substantially comply with the LDC. The vacation application was properly noticed in the Kearney Courier on June 18, 2015, and the utility providers were notified by a letter dated June 10, 2015.

### **Outside Agency Review**

The vacation request was mailed to the utility providers and other agencies for their comments and possible objections to the vacation. Replies with no objection to the subject request have been received from water (Clay County PWSD #8), electrical (Platte-Clay Electrical Coop and KCP&L), and telephone (Century Link & AT&T) Gas Service (MGE), presently these utilities do not have any lines running through the subject U.E.s.

## Findings

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



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## Recommendations

Staff recommends **approval** of this vacation request based upon the lack of stated objection by any utility company, the associated replat (*Case Nos: July 15-128F*), along with general compliance to the LDC, with the following condition as shown on Exhibit A:

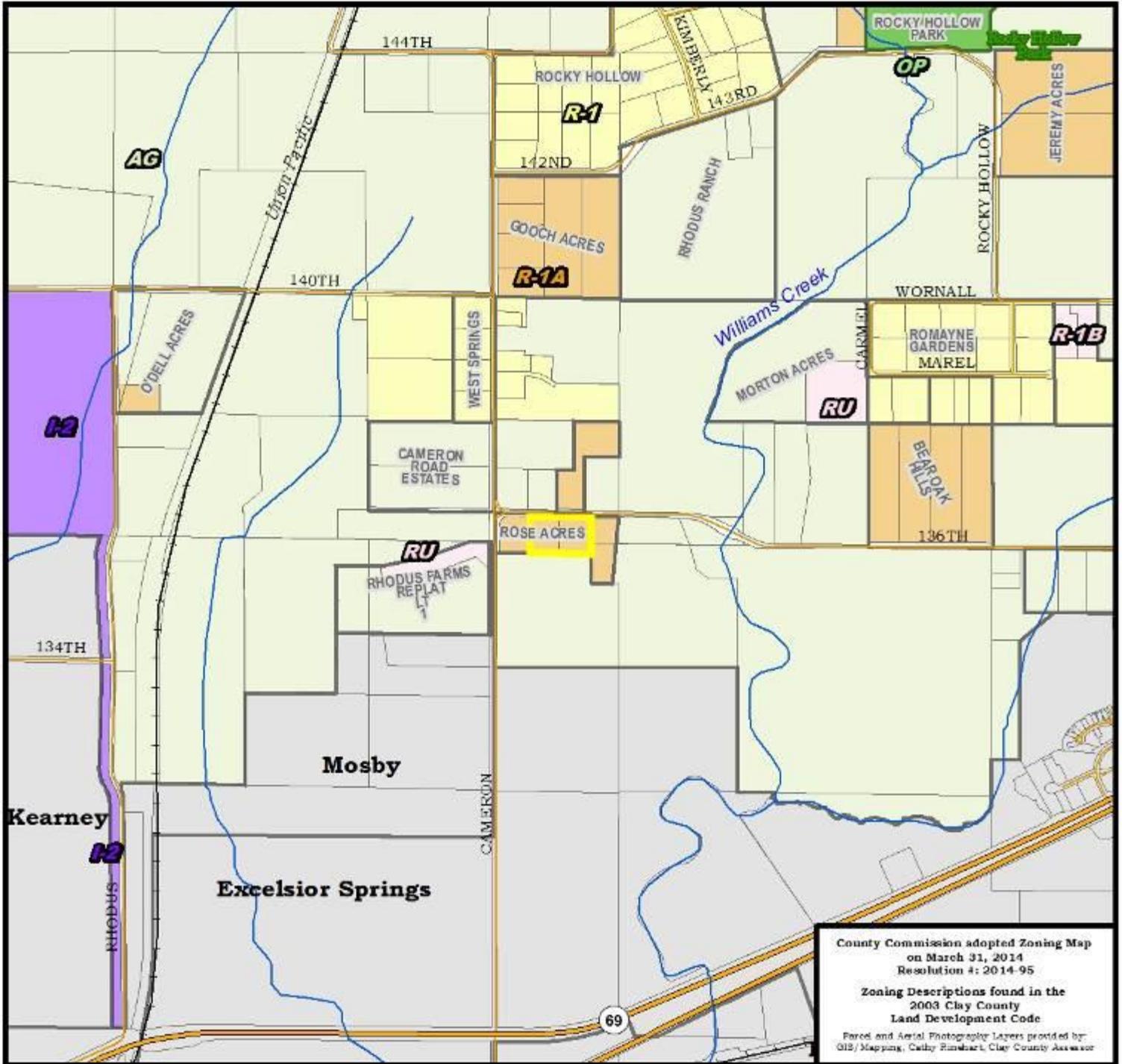
### Exhibit A

1. The **Resolution for Vacation**, if approved by the County Commission, be recorded simultaneously with Rose Acres Second Plat (*Case No: July 15-128F*) with the above described utility easement shown as vacated on the Final Plat.



# July 15-129V – Rose Acres Second Plat - UE Vacation

## Attachment B - Existing Conditions Map



County Commission adopted Zoning Map  
 on March 31, 2014  
 Resolution 4: 2014-95

Zoning Descriptions found in the  
 2003 Clay County  
 Land Development Code

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

**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><span style="color: blue; font-weight: bold;">~</span> Streams (EPA)</li> <li><span style="color: red; font-weight: bold;">~</span> Railroads</li> </ul>	<ul style="list-style-type: none"> <li><span style="border-bottom: 2px solid black; width: 20px; margin-right: 5px;"></span> Interstates</li> <li><span style="border-bottom: 2px solid orange; width: 20px; margin-right: 5px;"></span> State Highways</li> <li><span style="border-bottom: 2px solid yellow; width: 20px; margin-right: 5px;"></span> Local Roads</li> <li><span style="border-bottom: 2px solid black; width: 20px; margin-right: 5px; transform: rotate(45deg);"></span> Highway Ramps</li> </ul>	<ul style="list-style-type: none"> <li><span style="border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Subdivisions</li> <li><span style="border: 2px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> City Limits</li> <li><span style="background-color: green; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Parks</li> <li><span style="border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> County Boundaries</li> </ul>	<ul style="list-style-type: none"> <li><span style="border: 1px solid black; background-color: #f0f0f0; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> CD (Conservation District)</li> <li><span style="border: 1px solid black; background-color: #e0e0e0; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> POD (Preservation Overlay District)</li> <li><span style="border: 1px solid black; background-color: #d0d0d0; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> PUD (Planned Unit Development)</li> </ul>	<ul style="list-style-type: none"> <li><span style="background-color: #90ee90; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> AG</li> <li><span style="background-color: #ffff00; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> R-1</li> <li><span style="background-color: #ffa500; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> R-1A/R-3</li> <li><span style="background-color: #f080f0; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> R-1B/RU</li> <li><span style="background-color: #0000ff; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> R-3</li> <li><span style="background-color: #ff0000; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> C-1</li> <li><span style="background-color: #0000ff; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> C-2</li> <li><span style="background-color: #800000; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> C-3</li> <li><span style="background-color: #ff00ff; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> I-1</li> <li><span style="background-color: #0000ff; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> I-2</li> <li><span style="background-color: #90ee90; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> OP</li> </ul>
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# July 15-129V – Rose Acres Second Plat - UE Vacation

## Attachment C - Site Plan Map



Map Document: G:\GIS\Projects\Files\Vacancy\_Map - 8x11\_P.mxd  
 06/23/2015 - 04:30:13PM



**Planning & Zoning Department**



1 inch = 100 feet  
 1 inch = 0.02 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; height: 10px; background-color: yellow; margin-right: 5px;"></span> To Be Vacated</li> <li><span style="display: inline-block; width: 20px; border-bottom: 1px solid blue; margin-right: 5px;"></span> Streams (EPA)</li> <li><span style="display: inline-block; width: 20px; border-bottom: 1px solid 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; border-bottom: 2px solid blue; margin-right: 5px;"></span> Interstates</li> <li><span style="display: inline-block; width: 20px; border-bottom: 2px solid orange; margin-right: 5px;"></span> State Highways</li> <li><span style="display: inline-block; width: 20px; border-bottom: 2px solid yellow; margin-right: 5px;"></span> Local Roads</li> <li><span style="display: inline-block; width: 20px; border-bottom: 2px dashed 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; background-color: 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 black; margin-right: 5px;"></span> County Boundaries</li> </ul>
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