



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number August 15-131CUP

Case Type Conditional Use Permit

Project Name Operate an Off-site parking area on Community Commercial (C-2) District zoned property

Applicant/Owners Charles K. and Jody L. Light
14414 NE 137th Street
Kearney, MO 64060

Request **Conditional Use Permit** to locate an Off-Site Parking Area

Application Submittal 2015-06-25

Public Notice Published 2015-07-16

Neighbor Letters Sent 2015-07-17

Report Date 2015-07-28

REPORT AUTHOR(S) Matt Tapp, Director
Debbie Viviano, Planner

Recommendation APPROVAL with conditions



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General Information

- Site Location:** Approx. SE corner of Collins Rd. and W Hwy.
Section 5 | Township 53 | Range 32
- Site Size:** 1.77± Acres
- Existing Landuse & Zoning:** Community Commercial (C-3) District
- Zoning/Platting History:** Holdsworth Commercial Addition 2, Lot 2, recorded 07/21/04.
- Surrounding Landuse & Zoning:**
- North - Burdette's Addition (R-1), Gosneyville (R-1) and C-2 & C-3 Zoned Lots
 - East - Agriculturally zoned land (AG)
 - South - Smithville Lake Reservoir, SAFPD STATION NO.3 (C-2)
 - West - Paradise Storage (C-3)w/CUP, 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

Charles and Jody Light, owners of the vacate lot zoned C-2 located just south of Kelli's Korner at approximately the SE corner of Collins Road and W Highway known as Lot 2 of Holdsworth Commercial Addition 2 (1.77+ acres) are requesting approval of a **Conditional Use Permit (CUP)** to operate an off-site parking area intended to be used for additional parking spaces by the Red Brick Trio event center located at 18422 Collins Rd.

The Lights wish to expand beyond the previously approved maximum of 85 persons at one time (PAOT) for Red Brick Trio event center (case # Oct. 14-129RZ/F) as established by condition #7 on Clay County Commission Resolution #2014-262. They are proposing to construct 50 new parking spaces at the subject property in order to increase the PAOT to 214.

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.

	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-2 & C-3 zoned lots are to the north. Agricultural (AG) zoned land is to the East. Paradise Storage (CUP & C-3), Paradise South, Lot 3 (R-1), Smithville Lake Reservoir are to the west. Smithville Lake Reservoir and SAFPD STATION NO. 3 (C-2) are to the south of the property.

Code Considerations

The Conditional Use Permit (CUP) application was properly noticed in the Kearney Courier on July 16, 2015. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter dated mailed on July 17, 2015.

The subject request for an Off-Site Parking area request is handled under Section 151-10 (D) (2) of the 2011 Clay County Land Development Code ("LDC") which requires the approval of a Conditional Use Permit (CUP), and as such the subject request must meet all of the approval criteria for a CUP in Section 151-3.10 (A) (13) detailed below:

- A) The proposed use complies with the intent of the Comprehensive Plan and general provisions of the Land Development Code, modified for the specific use request.
- B) The proposed use in its proposed location will not have a substantial adverse impact on the public health, safety or general welfare.
- C) The proposed use will not cause substantial injury to the value of other property in the vicinity.
- D) Adequate access routes will be provided and designed to prevent traffic hazards and to minimize traffic congestion in public streets.
- E) Adequate public safety, transportation and utility facilities/services will be available to service the subject property while maintaining adequate levels of service for existing development, and
- F) The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (i.e., hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).



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The LDC also provides certain use standards within Section 151-10 (D) (2) for Off-Site Parking areas, which are noted below and specific to this request:

1. Off-site parking may not be used to satisfy the off street parking standards for residential uses (except for guest parking), restaurants, convenience stores or other convenience oriented uses. Required parking spaces reserved for persons with disabilities shall not be located off site.

STAFF RESPONSE: The subject request meets this requirement for the Red Brick Trio site's Community Services District (C-3) zoning; they have 2 ADA parking spots located at 18422 Collins Road.

2. No off-site parking space may be located more than 1,000 feet from the primary entrance of the use served unless shuttle bus service is provided to the remote parking area. Off-site parking spaces may not be separated from the use that it serves by a street right of way with a width of more than 80 feet, unless a grade separated pedestrian walkway is provided, or other traffic control or shuttle bus service is provided to the remote parking area.

STAFF RESPONSE: The applicant/owner is requesting to utilize shuttle bus service in order to achieve compliance with the requirement.

3. Off-site parking areas serving uses located in nonresidential zoning districts must be located in nonresidential zoning districts. Off-site parking areas serving uses located in residential zoning districts may be located in residential or nonresidential zoning districts.

STAFF RESPONSE: The subject request meets this requirement for a Community Commercial (C-2) District zoning.

4. In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement will be required. An attested copy of the agreement between the owners of record must be submitted to the Planning and Zoning Director for recordation on forms made available in the Planning and Zoning Department. Recordation of the agreement with the Recorder of Deeds must take place before issuance of a building permit for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off street parking spaces will be provided in accordance with this section.

STAFF RESPONSE: The subject off-site parking area is under the same ownership as the principal use (see Attachment D).

Outside Agency Review

The Clay County Highway Department recognizes no adverse effects of the adjacent parking lot area. Discussion of sidewalk and shuttle bus for additional patrons was discussed. No Road Impact Fees (RIF) due to most of additional traffic will be on State maintained W Highway. In an email dated July 14, 2015, Missouri Department of Transportation (MoDOT) indicated they have no comments on the subject request as "they show no parking on MoDOT right of way and all access to the parking [will be provided] from Collins Road".

The Clay County Health Department has given preliminary and final approval. Clinton County PWSD#4 does not have any mains located on the property. The water district will not be affected by the application.



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Findings

Based on the persons at one time (PAOT) to parking stall ratio of 2.576 as established by Clay County Commission Resolution # 2014-262 that approved the zoning for Red Brick Trio site, 50 new parking stalls could increase total PAOT from 85 to 214 ($50 \times 2.576 = 129.9$). The Smithville Fire Marshall has established the maximum occupancy load for the Red Brick Trio buildings at 224.

Per LDC Section 151-10.1 (D) (1), the subject off-site parking area must provide screening from view of adjacent street rights-of-way of W Hwy and Collins Rd by principal buildings or landscape buffer strip.

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

Recommendations

Staff recommends the request for the **Conditional Use Permit** to establish an Off-Site Parking Area on Lot 2 of Holdsworth Commercial Addition 2 (1.77± acres) be **approved with following conditions** as shown on Exhibit A:

Exhibit A

1. The applicant shall comply with all the conditions and requirements of the Land Development Code (LDC) Section 151-3.10, Conditional Use Permits, and Section 151-10.1, Off-Street Parking and Loading.
2. The CUP shall be based on a time frame of fifteen (15) years.
3. This CUP may be revoked at any time based on valid public complaints or violations of the LDC substantiated by an investigation by County staff.
4. Total maximum persons at one time (PAOT) for Red Brick Trio increased from 85 to 214 with the approved construction of 50 new parking stalls at the subject site.
5. Screening must be required along W Hwy and Collins Rd that adequately screens the view of the off-site parking area from adjacent street rights-of-way in accordance with LDC Section 151-10.1 (D) (2).
6. Off-site parking area must consist of asphaltic concrete with a minimum thickness of 4 inches or Portland cement concrete with an equivalent thickness.
7. The applicant shall comply with and meet all codes and requirements stipulated by any local, state and federal governmental entities having jurisdiction over parking standards.
8. Lighting shall be directed downward and shielded from direct glare on nearby properties and roadways.
9. All signage shall conform to the standards within the LDC and may require a permit prior to construction.
10. Once approved, this CUP is non-transferable; therefore, if ownership changes a new CUP must be filed with the Clay County Planning and Zoning office.

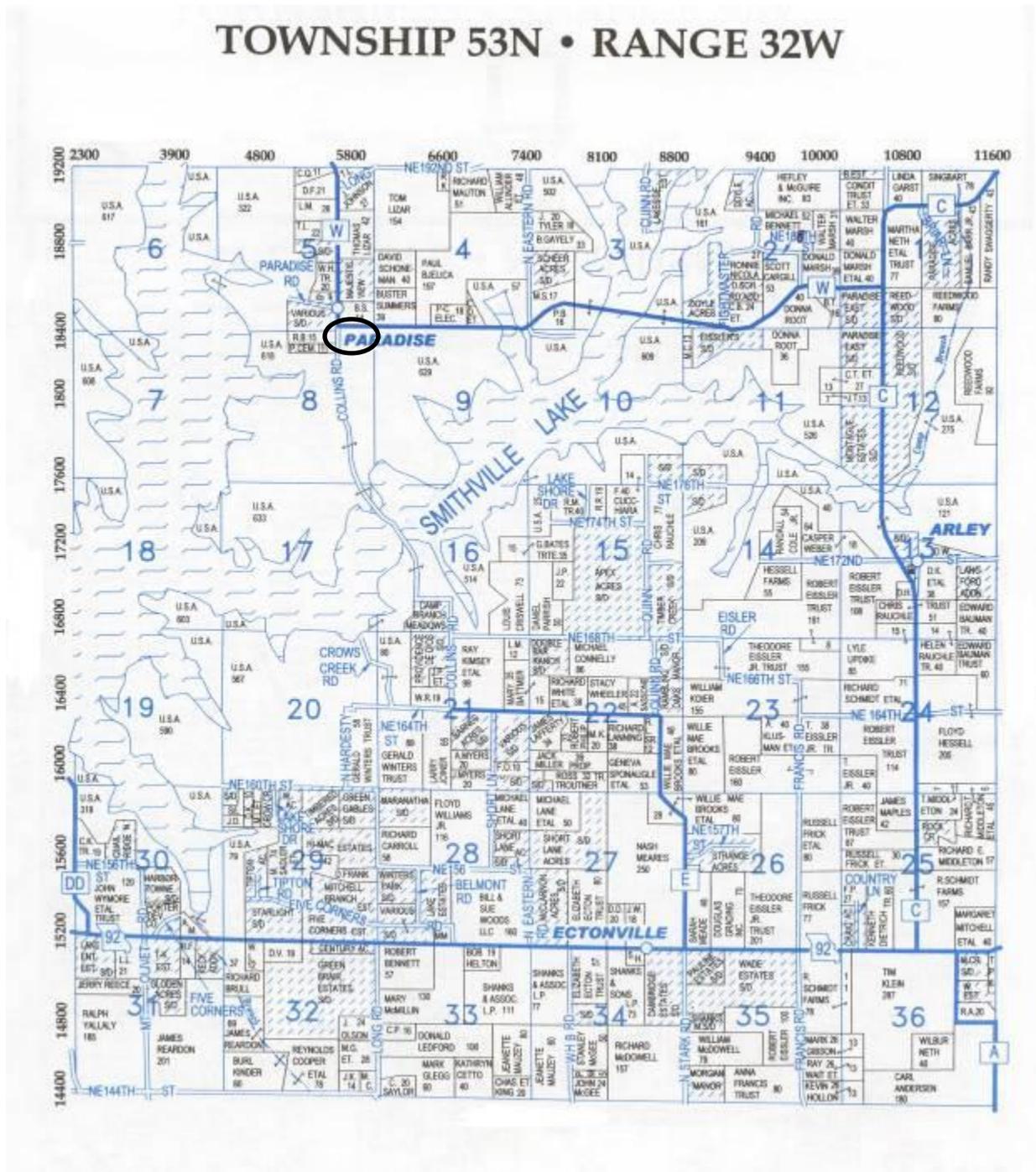


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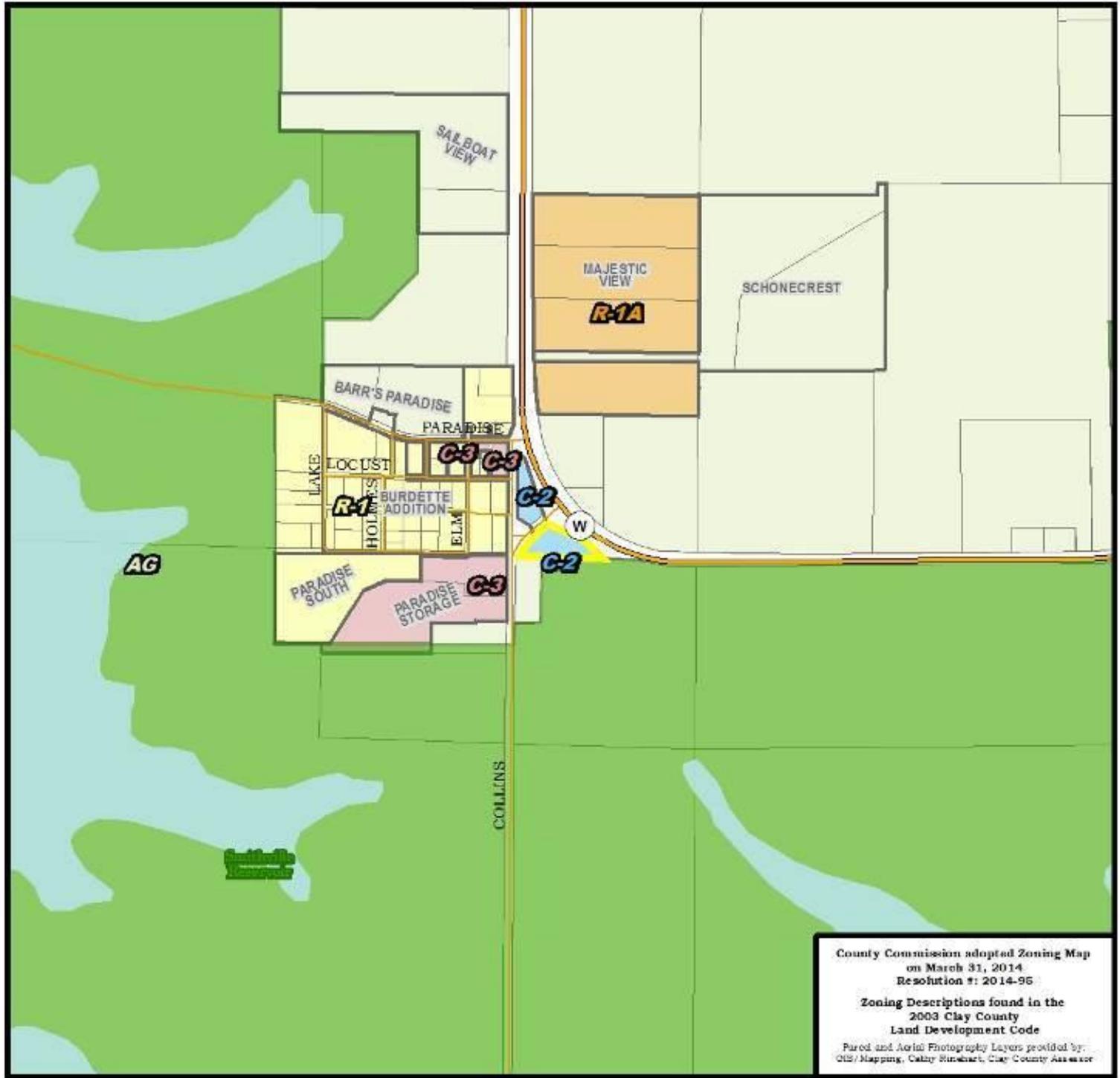
Attachments

August 15-131CUP – SE corner Collins Rd. & W Hwy. Attachment A – Vicinity Map



Aug 15-131CUP – Red Brick Trio - Offsite Parking

Attachment B - Existing Conditions Map



County Commission adopted Zoning Map
on March 31, 2014
Resolution #: 2014-96

Zoning Descriptions found in the
2003 Clay County
Land Development Code

Parcel and Aerial Photography Layers provided by:
GIS Mapping, Calby Woodard, Clay County Assessor

Map Document: G:\GIS\Project_Files\Various\Map - 8 x 11 - Print.dwg
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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="font-size: small;"> <tr><td style="width: 15px; height: 15px; background-color: #90EE90; border: 1px solid black;"></td><td>AG</td><td style="width: 15px; height: 15px; background-color: #ADD8E6; border: 1px solid black;"></td><td>C-1</td></tr> <tr><td style="width: 15px; height: 15px; background-color: #FFFF00; border: 1px solid black;"></td><td>R-1</td><td style="width: 15px; height: 15px; background-color: #FFA500; border: 1px solid black;"></td><td>C-2</td></tr> <tr><td style="width: 15px; height: 15px; background-color: #FFD700; border: 1px solid black;"></td><td>R-1A/R-5</td><td style="width: 15px; height: 15px; background-color: #FF00FF; border: 1px solid black;"></td><td>C-3</td></tr> <tr><td style="width: 15px; height: 15px; background-color: #FFB6C1; border: 1px solid black;"></td><td>R-1B/R-1</td><td style="width: 15px; height: 15px; background-color: #0000FF; border: 1px solid black;"></td><td>I-1</td></tr> <tr><td style="width: 15px; height: 15px; background-color: #000000; border: 1px solid black;"></td><td>R-2</td><td style="width: 15px; height: 15px; background-color: #90EE90; border: 1px solid black;"></td><td>I-2</td></tr> <tr><td style="width: 15px; height: 15px; background-color: #000000; border: 1px solid black;"></td><td>R-3</td><td style="width: 15px; height: 15px; background-color: #000000; border: 1px solid black;"></td><td>OP</td></tr> </table>		AG		C-1		R-1		C-2		R-1A/R-5		C-3		R-1B/R-1		I-1		R-2		I-2		R-3		OP
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August 15-131 CUP – Red Brick Trio – Off-Site Parking

Attachment C – Applicant Letter & Parking Plan

Red Brick Trio off-site parking plan

Off-site parking will be provided for all events when attendance is greater than 85. Shuttle service will be provided to and from the off-site parking lot to the event center.

The off-site parking lot entrance will be secured by chain and lock. The lot will be available for parking and shuttle service starting thirty minutes prior to start of event. Any arrivals prior to scheduled time allowance will be accommodated in the onsite parking lot.



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August 15-131CUP – Red Brick Trio – Off-Site Parking Attachment D – Applicant Site Plan Drawing

