



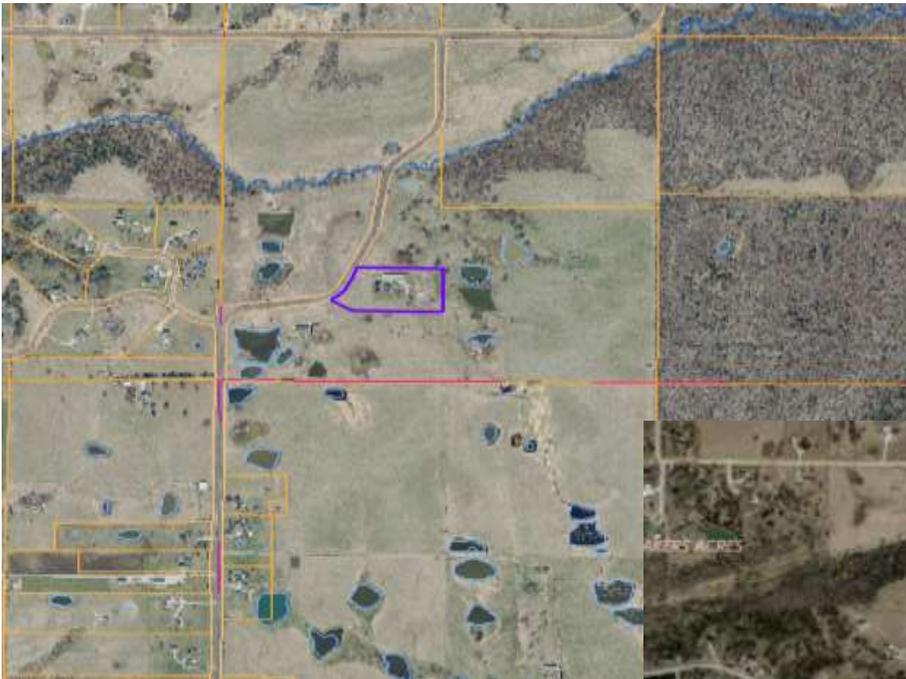
Report to Planning & Zoning Commission

Clay County, Missouri

General Information

- Site Location:** approximately southwest corner of MM Highway & Endicott Road and 17319 Endicott Road
Sections 9 & 16 | Township 53 | Range 30
- Site Size:** 61.41± Acres
- Existing Landuse & Zoning:** Agricultural (AG)
- Zoning/Platting History:** None
- Surrounding Landuse & Zoning:**
- North – Agricultural (AG) zoned land
 - East – Agricultural (AG) zoned land & Watkins Mill State Park
 - South – Agricultural (AG) & Residential Rural (R-1) zoned land (Country View Estates)
 - West – Agricultural (AG) zoned land & Residential Rural (R-1) zoned land

Current Conditions:



Courtesy Clay County Assessor, GIS/Mapping



Courtesy Microsoft® Bing™



Report to Planning & Zoning Commission

Clay County, Missouri

Assessment

Marshall Neth, representing Johonny & Donna Endicott and Chris Ross of Ivy Bend Properties, is requesting **Rezoning** approval from Agricultural (AG) District to Residential Rural (R-1) District for Lots 1 thru 4 and Residential Ranchette (R-5) District for Lots 5 & 6 with an Agricultural Land Preservation (ALP) Overlay District for ONLY Lots 1 thru 4 and Lot 6 of Ivy Bend Farms, 61.41+ acres and **Preliminary Plat** approval, the proposed subdivision is located at approximately the southwest corner of MM Highway and Endicott Road and 17319 Endicott Road.

The applicant wishes to split the northwest parcel into four lots (proposed lots 1 thru 4) and add acreage from a larger parcel to proposed lots 5 & 6. Proposed Lots 1 thru 4 do not have any existing structures. Proposed Lot 5 has a single family home and three accessory structures. Proposed Lot 6 has a single family home and an accessory structure.

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 two (2) of 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. ⁽³⁾
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.

⁽³⁾ 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.



Report to Planning & Zoning Commission

Clay County, Missouri

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 90% 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 the 2008 Comprehensive Plan, as the applicant is proposing an Agricultural Land Preservation (ALP) Overlay District on at least 5+ acres for proposed Lots 1 thru 4 and Lot 6. Lot 5 meets the exception for a Farmstead dwelling on at least 5 acres.

Character of the General Neighborhood

Agricultural (AG) zoned property is each direction of the property. Woodhaven, Hobby Hill, and Hickory Ridge (R-1) subdivisions, are located to the west. Country View Estates (R-1) subdivision is to the south and Watkins Mill State Park is to the east of the property [see Attachment B].

LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on September 15, 2016. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter mailed on September 16, 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 (*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.



Report to Planning & Zoning Commission

Clay County, Missouri

Outside Agency Review

Public Water Supply District No. 8 (PWSD #8) has indicated that they are able to provide residential water service to all of the proposed lots.

The Clay County Highway Department has noted that although tight the necessary drives will be able to be placed for the proposed lots. They also noted that the bridge on Endicott Road that spans the creek is a single span bridge with a 15 ton load limit. The Highway Department requested and the owner has agreed to extend the right-of-way from 30' to 60' on Lot 3 and which will also extend to the northern portion of Lot 4. This right-of-way will extend 200' each way of the centerline of the creek. This will give the County the appropriate amount of right-of-way to allow for the bridge replacement at the time it is needed.

The Clay County Public Health Center has given preliminary and final approval.

The Kearney Fire District serves this property.

Findings

Road Impact Fees (*RIF*) are required for the additional lots. The estimated total amount of RIF is \$3,093.75 and is subject to change at the time of payment based on the market price of material.

Chapter 151-6.3B5(b) of the 2011 Land Development Code states in a residential district, no accessory building or structure shall be erected forward of the principle dwelling unit. Since Lot 5 is being rezoned from Agricultural (AG) to Residential Ranchette (R-5), it will have to meet this standard. After the surveying was complete it was determined that an accessory structure did sit in front of the principle dwelling unit. To remedy this problem a portion of the structure was removed and Staff inspected the structure to make sure it was behind the front build line of the principle dwelling and it does meet the Code.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) District to Residential Rural (R-1) District for ONLY proposed Lots 1 - 4, and Residential Ranchette (R-5) District for proposed Lots 5 and 6, with an Agricultural Land Preservation (ALP) Overlay District for Lots 1-4 and Lot 6 be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of **Ivy Bend Farms** be **approved**, with the following conditions as shown on 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. The existing pond structures on Lots 4 and 6 must be inspected by the Natural Resources Conservation Service (NRCS, formerly the U.S. Soil Conservation Service/Clay County Soil and Water Conservation District), and if not found to be in good condition proper repairs as determined by NRCS must be done prior to the recording of the Final Plat.



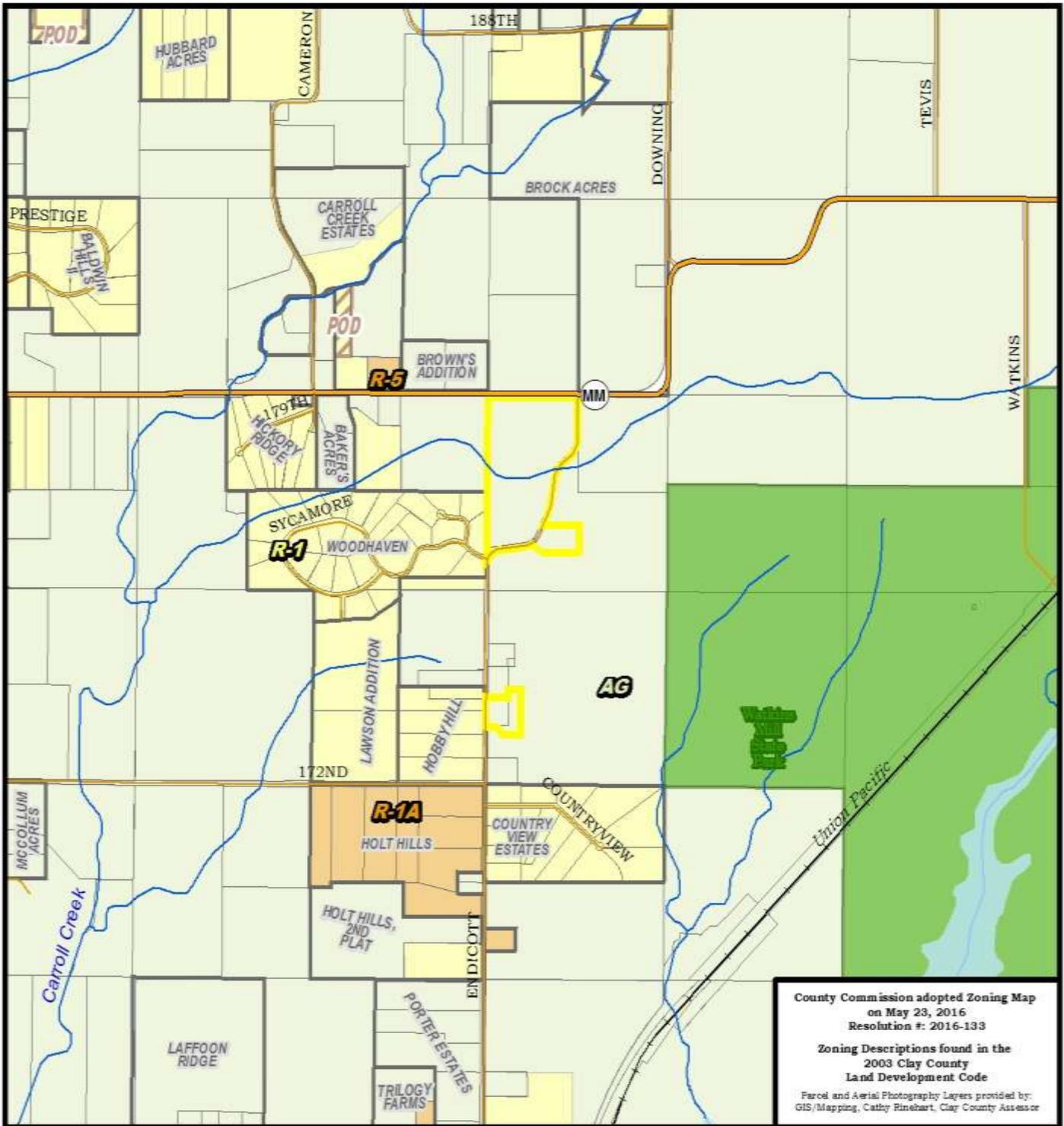
Report to Planning & Zoning Commission

Clay County, Missouri

3. The following corrections to the recording copies of the Final Plat:
 - a. DELETE: JOHNNY M & DONNA J ENDICOTT, BOOK 7643 PAGE 153 from parcel directly north of Lot 6.
 - b. ADD: DARLE W & KARLA J NOBLE, BOOK 7205 PAGE 155 to parcel directly north of Lot 6
 - c. ADD: A signature line for Johonny M & Donna J Endicott next to signature line for Christopher Ross
 - d. CHANGE: 30' right-of-way to 60' right-of-way 200' each way of centerline of creek on Lot 3 which also extends into the northern portion of Lot 4.

Oct 16-133RZ/P - Ivy Bend Farms

Attachment B - Existing Conditions Map



County Commission adopted Zoning Map
 on May 23, 2016
 Resolution #: 2016-133
 Zoning Descriptions found in the
 2003 Clay County
 Land Development Code
 Parcel and Aerial Photography Layers provided by:
 GIS/Mapping, Cathy Binehart, Clay County Assessor

Map Document: G:\GIS\Project_Files\vacinity Map - 8 x 11 P.mxd
 09/21/2016 -- 09:05:18 AM

Planning & Zoning Department

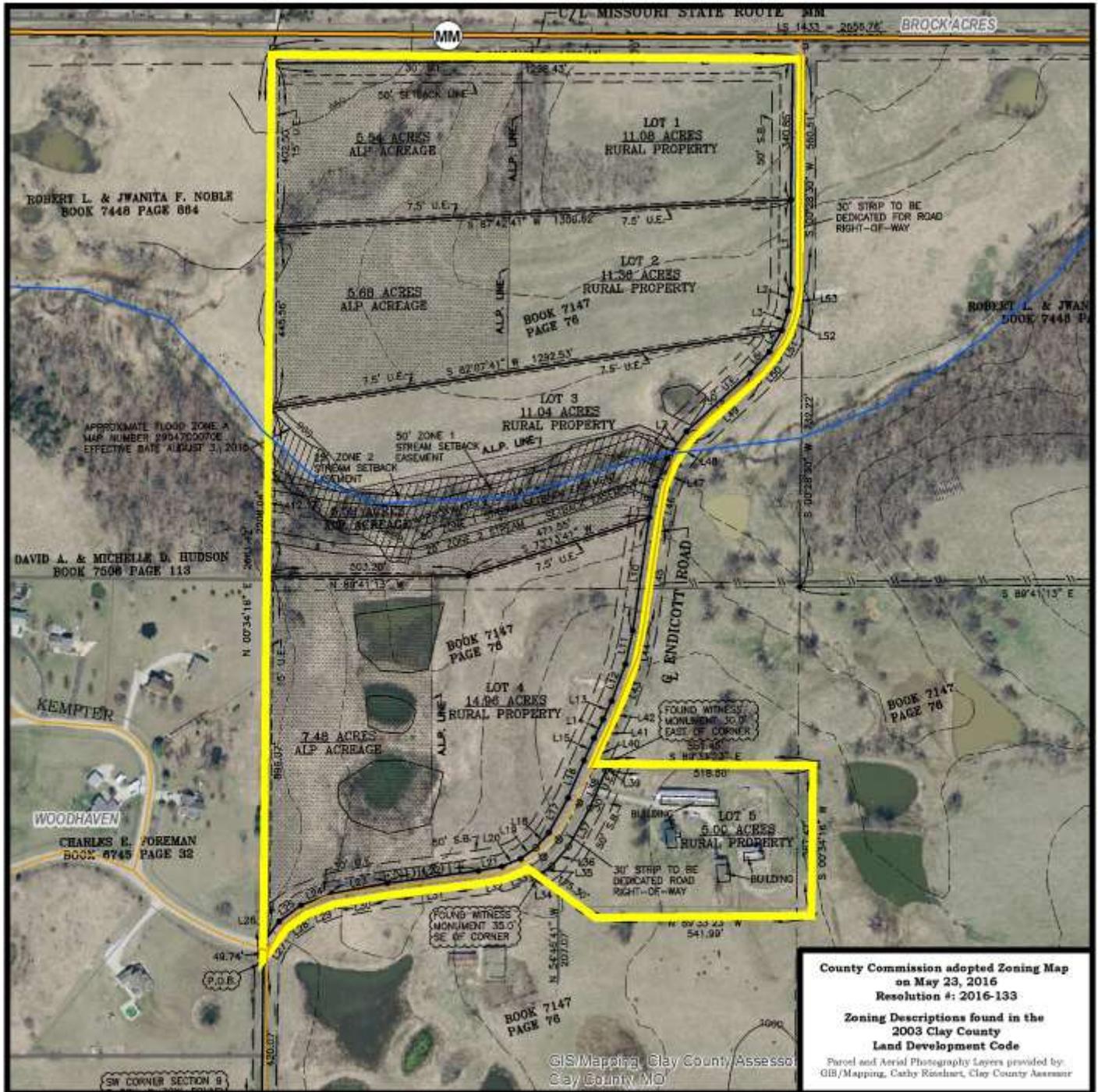
1 inch = 2,000 feet
 1 inch = 0.38 miles

LEGEND

<ul style="list-style-type: none"> Property Line ~ Roads ~ Interstates ~ Streams (EPA) ~ State Highways ~ Local Roads ~ Railroads ~ Highway Ramps 	<ul style="list-style-type: none"> Subdivisions 2016 City Limits Parks County Boundaries 	<p>Overlay Districts</p> <ul style="list-style-type: none"> CD (Conservation District) POD (Preservation Overlay District) PUD (Planned Unit Development) 	<p>Zoning Districts</p> <ul style="list-style-type: none"> AG R-1 R-1A/R-5 R-3 R-5 R-1B/RU C-1 C-2 C-3 I-1 I-2 OP
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Oct 16-133RZ/P - Ivy Bend Farms (Lots 1-5)

Attachment C - Site Plan Map



Map Document: (G:\GIS\Project_Files\Vacinity Map - 8 x 11 P.mxd)
09/21/2016 - 10:15:19 AM



Planning & Zoning Department



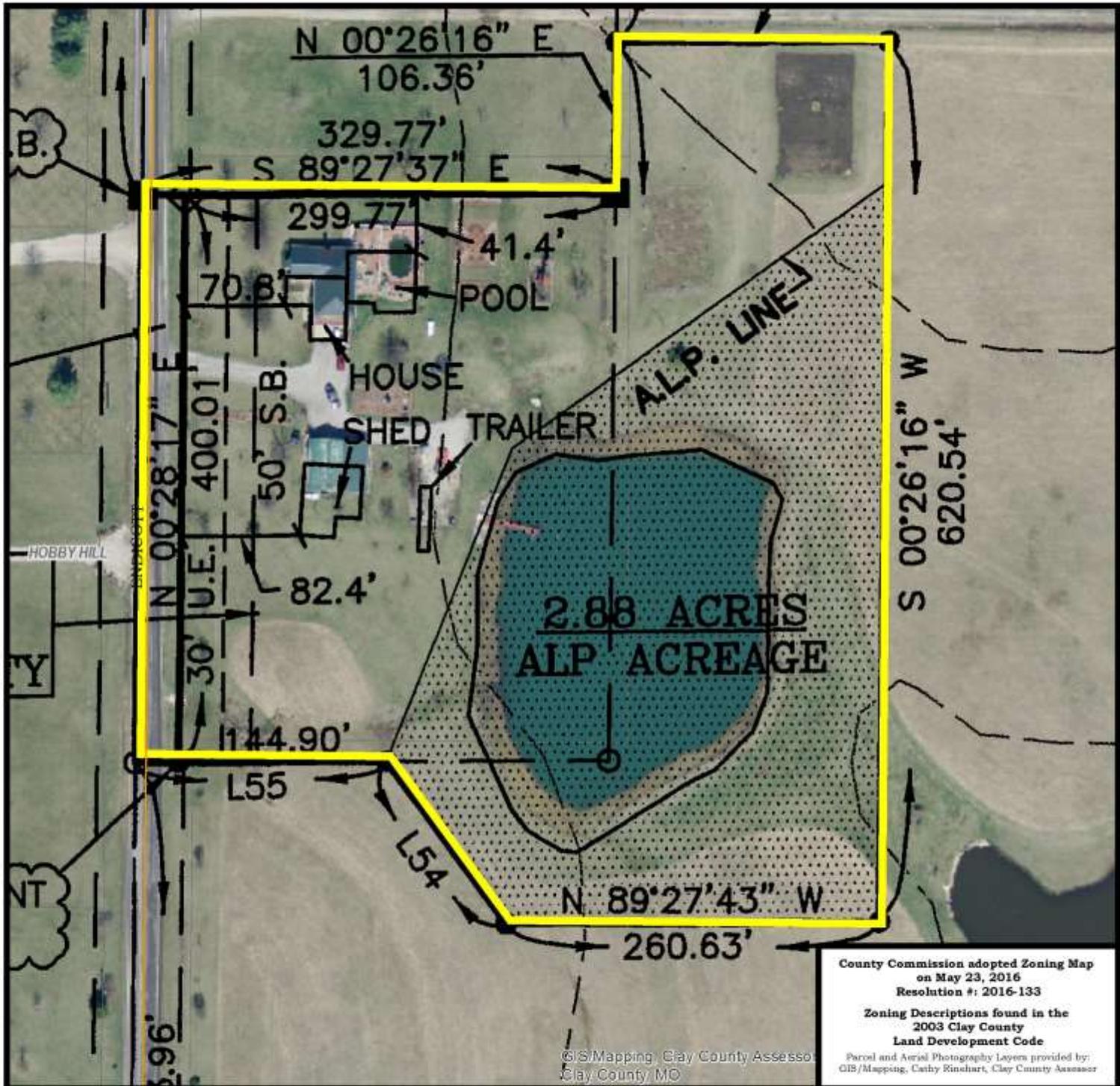
1 inch = 350 feet
1 inch = 0.07 miles

LEGEND

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

Oct 16-133RZ/P – Ivy Bend Farms (Lot 6)

Attachment D - Site Plan Map



County Commission adopted Zoning Map on May 23, 2016
Resolution #: 2016-133

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

GIS/Mapping, Clay County Assessor
Clay County, MO



Planning & Zoning Department



1 inch = 100 feet
1 inch = 0.02 miles

LEGEND

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