



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

Site Location: approximately 16200 Clevenger Road
Section 22 | Township 53 | Range 30

Site Size: 20.0± Acres

Existing Landuse & Zoning: Agricultural (AG)

Zoning/Platting History: McCubbin Acres, recorded 8/08/1994; Replat of Lot 1 McCubbin Acres, recorded 10/11/2002

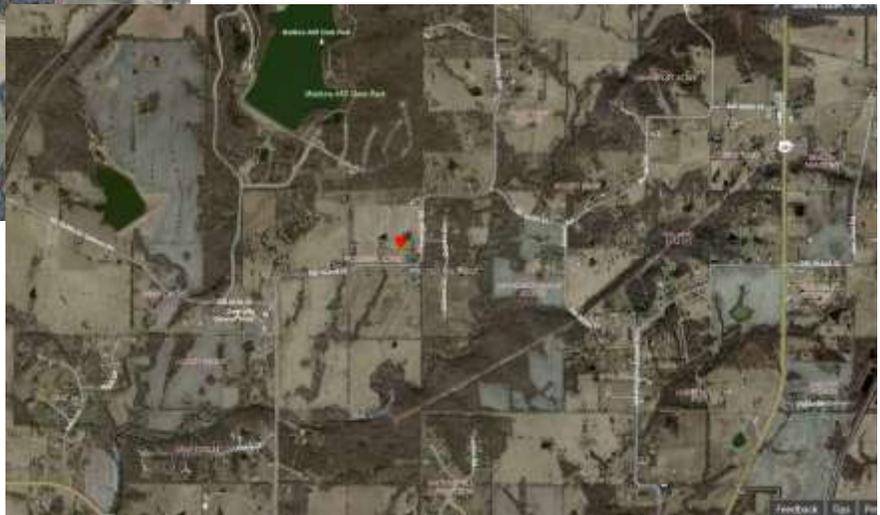
Surrounding Landuse & Zoning:

- North – Agricultural (AG) zoned land, Watkins Mill State Park
- East – Old Mill Place (R-1), Hermitage Manor Estates (R-1A), Agricultural (AG) zoned land
- South – Agricultural (AG) zoned land, Old Mill Place (R-1)
- West – Watkins Mill State Park, McCubbin Acres, Replat of Lot 1 (Lot 1B) (R-1A) Agricultural (AG) zoned land

Current Conditions:



Courtesy Clay County Assessor, GIS/Mapping



Courtesy Microsoft Bing



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Assessment

Jessica Thompson, Morton Jones & Associates, representing David McCubbin is requesting **Rezoning** approval from Agricultural (AG) to Residential Rural (R-1) District for proposed Lot 1 and Residential Ranchette (R-5) for proposed Lot 2 with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) for lot 1 ONLY of McCubbin Fields (Replat of Lot 1A, Replat of Lot 1 (20.0+ acres) located at approximately 16200 Clevenger Road and Final Plat approval.

Mr. McCubbin would like to split this parcel into two lots: Lot 2 (5 Acres) which has the existing farmstead dwelling, which is on the curve of Clevenger and NE 162nd Street. This dwelling was given the following setback variances on June 4, 2002; a 32' front variance; 28' center and a 25' east side setback. Lot 2 (15.00 Acres) is fronting off of Clevenger Road and his desire is to sell this lot for a single-family residential home.

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.

Table 4.2 - Land Use Planning Tiers – Presented on the Planning Tier Map

	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.



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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 of the 2008 Comprehensive Plan, as the applicants/owners are proposing an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) on at least 5+ acres for proposed Lot 1, and Lot 2 meets the criteria as an original "Farmstead Dwelling".

Character of the General Neighborhood

Agricultural (AG) zoned property is in each direction of the property. Watkins Mill State Park is to the north and west. The Old Mill Place (R-1) subdivision is to the east and south across Clevenger Road and NE 162nd Street. [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.



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Outside Agency Review

Public Water Supply District No. 8 (PWSD #8) has indicated they can provide standard 5/8 meter potable water service for a single family home.

The Clay County Highway Department has noted Lot 2 has an existing driveway off Clevenger Road. Lot 1 will be able to get a driveway from Clevenger Road. Both Clevenger Road and NE 162nd Street are chip and seal surfacing.

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

The Lawson Fire Department serves this property.

Findings

The pond located within the stream setback easement was evaluated by the Natural Resources Conservation Service (NRCS) in January of 2002. The pond is an old government grade stabilization dam. *“Other than slight front toe erosion via wave action, it is in good condition. The principal spillway pipe and emergency spillway are handling design storm events.”* August 5th, 2016 review presented for both ponds that they are low hazard there are no concerns.

Road Impact Fees (RIF) are required for the proposed additional lot. The estimated total amount of RIF is \$2,062.50 and is subject to change at the time of payment based on the market price of material.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural to Residential Rural (R-1) for proposed Lot 1 and Residential Ranchette (R-5) for proposed Lot 2 with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) for Lot 1 ONLY be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Final Plat** of **McCubbin Fields** (**Replat of Lot 1A, Replat of Lot 1 McCubbin Acres**) be **approved, with the following condition** as shown in Exhibit A:

Exhibit A

1. Road Impact Fees (RIF) agreement recorded and fees paid at same time as the recording of the Final Plat.



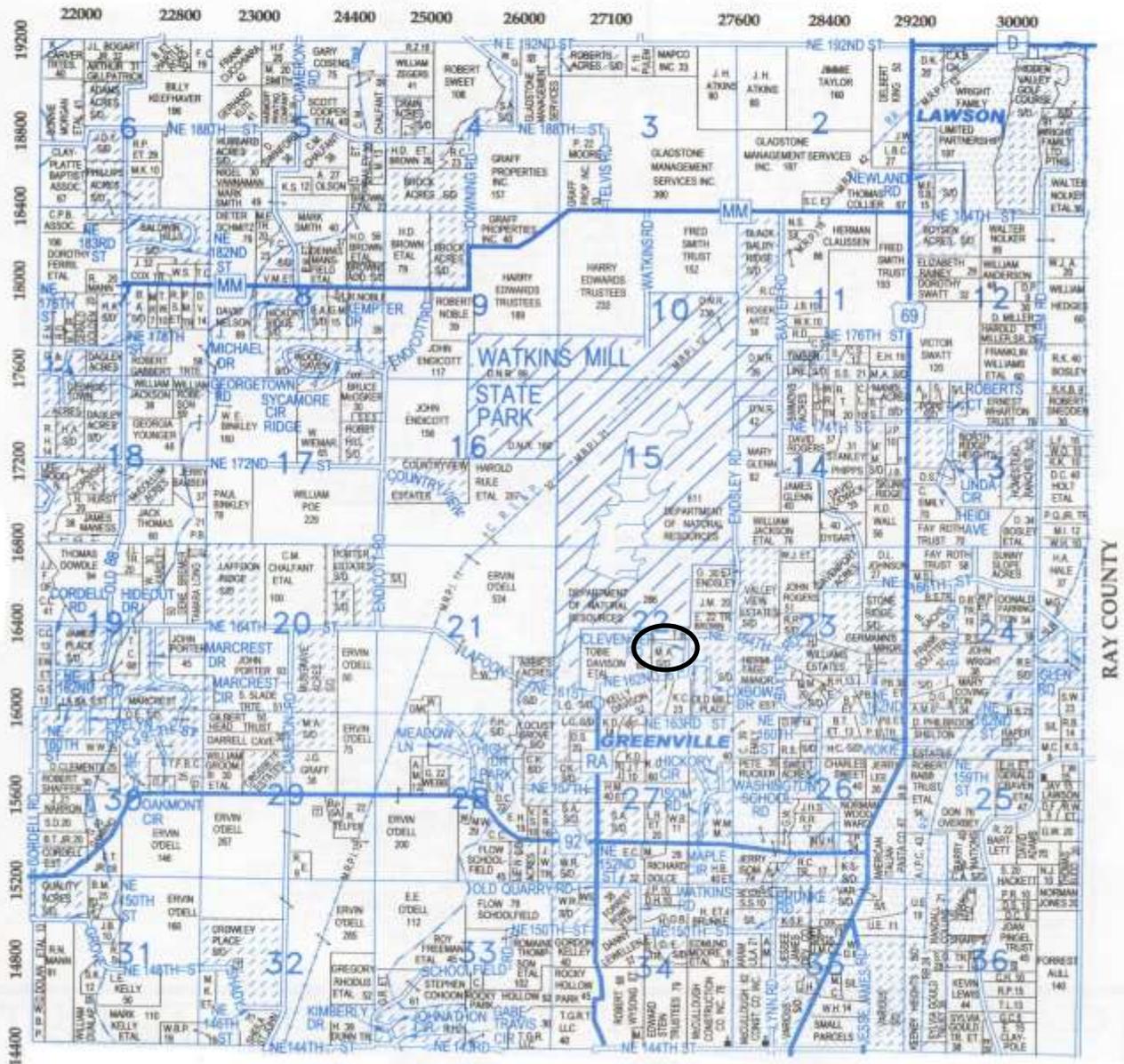
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Attachments

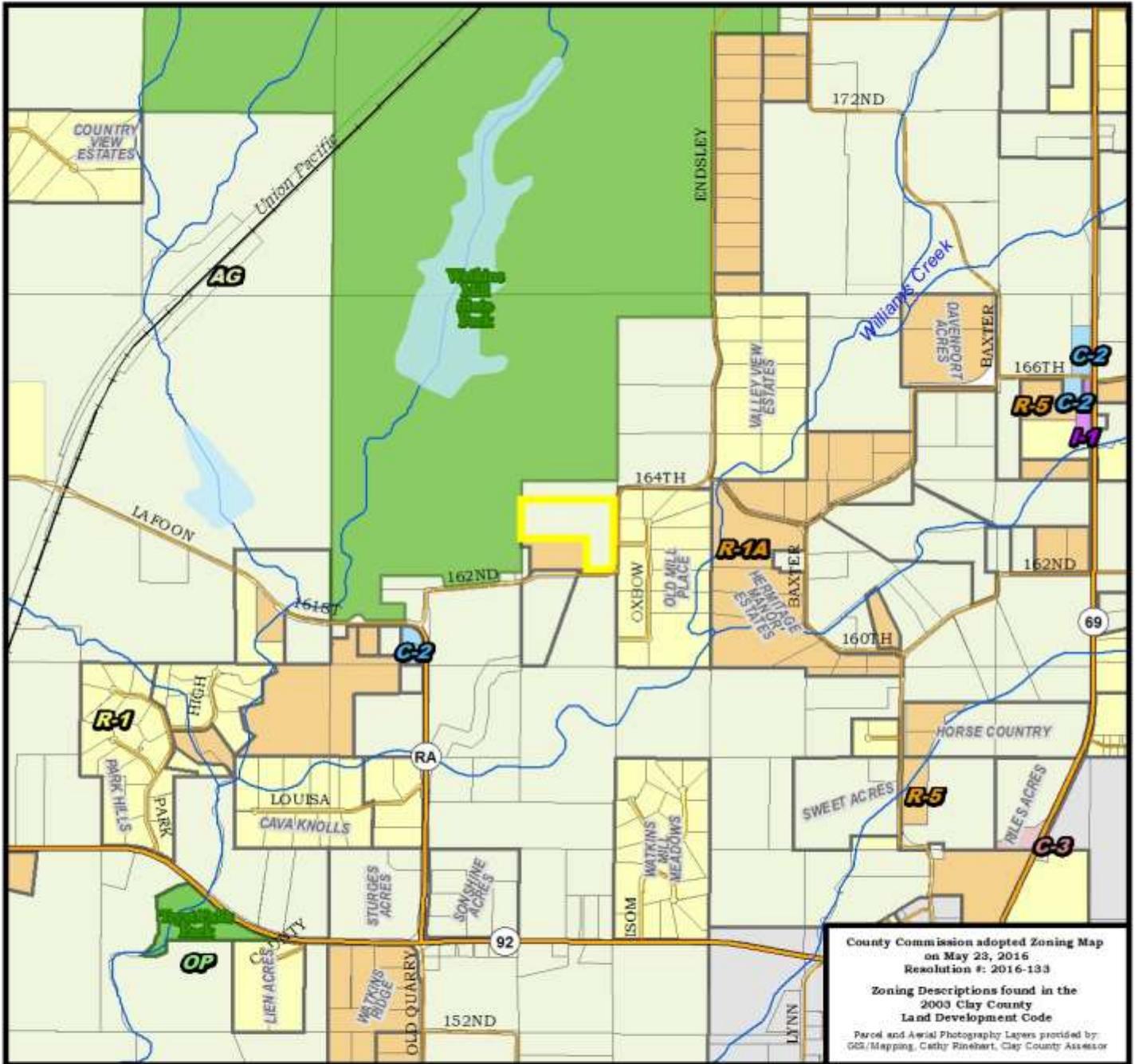
October 16-130RZ/F - McCubbin Fields Attachment A - Vicinity Map

TOWNSHIP 53N • RANGE 30W



Oct 16-130RZ/F – McCubbin Fields

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 Reinhart, Clay County Assessor

Map Document (G:\GIS\Project_Files\county Map - 8 x 11 P.mxd) 08/21/2016 -- 01:37:10 PM

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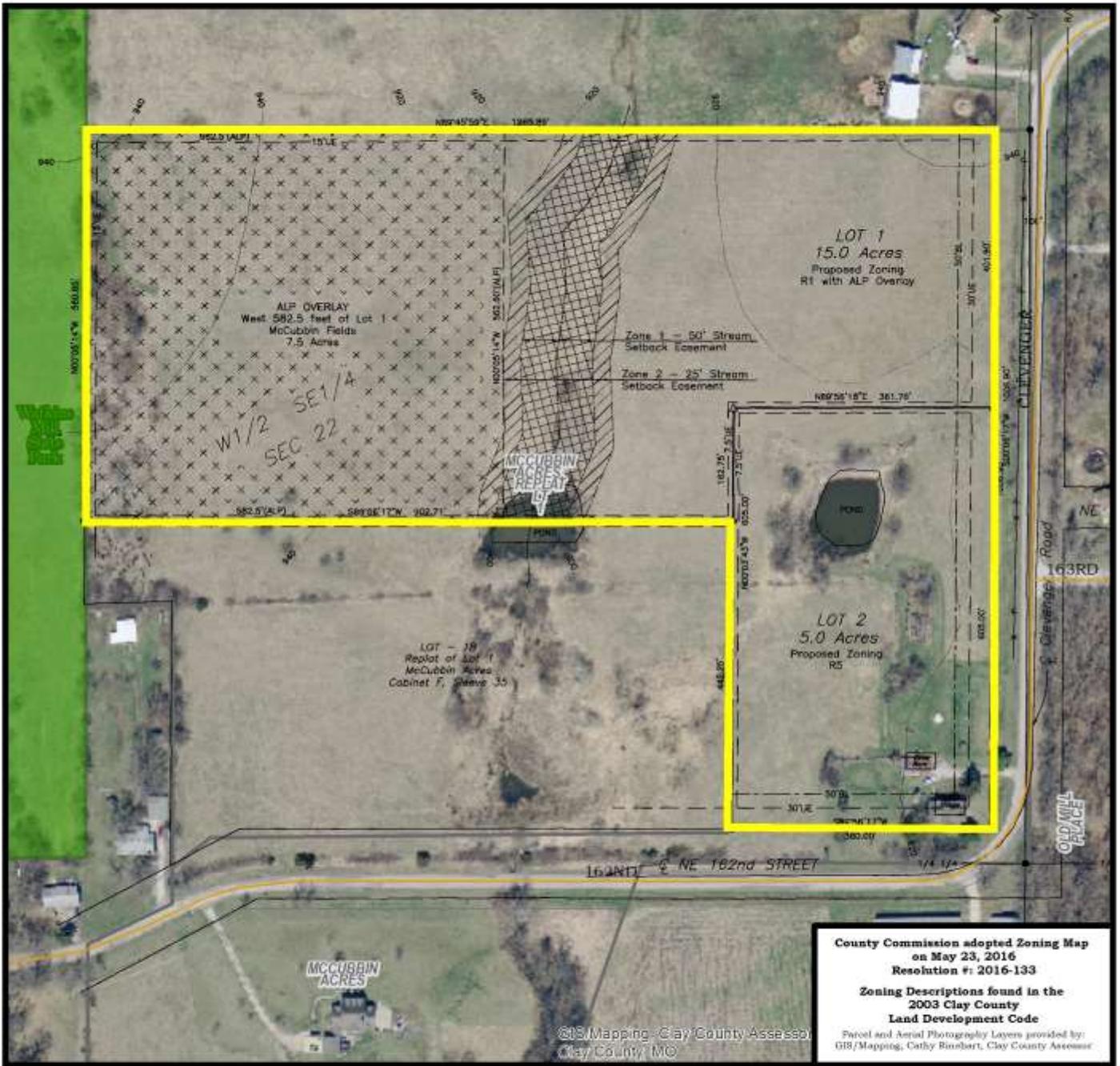
LEGEND

Property Line	Roads	Subdivisions	Overlay Districts	Zoning Districts C-1
Streams (EPA)	Interstates	2016 City Limits	CD (Conservation District)	AG
Railroads	State Highways	Parks	POD (Preservation Overlay District)	R-1
	Local Roads	County Boundaries	PLD (Planned Unit Development)	R-1A/R-5
	Highway Ramps			R-3

C-2	F-2
C-3	OP

Oct 16-130RZ/F – McCubbin Fields

Attachment C - Site Plan Map



Map Document: G:\GIS\Project_Files\Vicinity Map - 8 x 11 P.mxd
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1 inch = 200 feet
1 inch = 0.04 miles

LEGEND

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