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# Report to Planning & Zoning Commission

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Clay County, Missouri

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**Case Number**                      **Dec. 11-121 F**

**Case Type**                        **Final Plat**

**Project Name**                    **Western Way and Co.**

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**Contact**                            Nicholas Miller, Aylett Survey  
201 NW 72<sup>nd</sup> Street  
Gladstone, MO 64118

**Applicants/Owners**            William and Connie Green  
13606 Henson Road  
Holt, MO 64048

**Request**                            **Final Plat** approval of Western Way and Co.

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**Application Submittal**            2011-10-31

**Public Notice Published**        N/A

**Neighbor Letters Sent**           2011-11-18

**Report Date**                        2011-11-28

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

**Recommendation**                APPROVAL with conditions



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## General Information

**Site Location:** 13606 Henson Road  
Section 8 & 17 | Township 53 | Range 31

**Site Size:** 49.53± Acres

**Existing Landuse & Zoning:** Agricultural (AG)

**Zoning/Platting History:** Bed & Breakfast Conditional Use Permit (CUP) approved 1/25/99, Res. #99-27; Renewed 12/18/2006, Res. #2006-428.

### Surrounding Landuse & Zoning:

- North – Agricultural (AG) Zoned Land
- East – Agricultural (AG) Zoned Land, Residential Rural District (R-1) Zoned Land
- South – Agricultural (AG) Zoned Land
- West – Agricultural (AG) Zoned Land, Residential Rural District (R-1) Zoned Land

### Current conditions:

Existing Property Lines = **YELLOW**



Courtesy Clay County Assessor GIS/Mapping



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## Assessment

William and Connie Green are requesting **Final Plat** approval for Western Way and Co. approximately 49.53 acres located at 13606 Henson Road.

The property owner would like to divide the land to create one (1) single-family dwelling lot.

The prerequisite Rezoning and Preliminary Plat are being proposed in conjunction with this Final Plat request (see case number Dec. 11-120RZ/P).

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

Agricultural (AG) zoned property is in each direction of the property with R-1 zoned property to the east and west [See Attachment B].

### **Code Considerations**

The review procedures and submittal content for a Final Plat must be in substantial compliance with the approved preliminary plat in accordance with the requirements under **Section 151-3.6 (C)** of the Clay County 2003 Land Development Code ("LDC"). Based on all the materials and evidence presented, the subject request *appears to substantially comply with the LDC and preliminary plat.*

Standard side and rear setbacks and height restrictions apply to all other aspects of this application. The application was properly noticed, per regulations. Adjacent property owners within the mandated 1,000 foot distance were notified by means of a letter dated November 18, 2011.

### **Outside Agency Review**

The Clay County Highway Department has noted they have *"no fees or requirements pertaining to the shared drive ingress/egress agreement. Henson Rd. is a chip/seal surface and will remain the same"*.

The Clay County Health Department has given preliminary and final approval of the project. The Public Water Supply District No. 6 presently provides water service for the property and would be able to provide one additional meter. The Kearney and/or Holt Fire District serve this property.

The Corps of Engineers reviewed the plat and in a letter dated November 10th, 2011 indicated that the project site may contain jurisdictional waters of the U.S. The verification of a Department of the Army (DA) permit may be required if any proposed improvements or impacts to wetlands or streams on the property are required or anticipated subject to this change in zoning. However, if no such fill within streams or wetlands is proposed, no permit is required at this time.

The four (4) existing pond structures were inspected by the Clay County Soil and Water Conservation District with the following note: "All four structures (ponds) are low hazard class (a). They are in very good condition and well maintained".



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## Findings

The existing Conditional Use Permit (CUP) for a Bed and Breakfast located on proposed Lot 2 will expire once the property is transferred to different ownership. An existing 900 ft<sup>2</sup> accessory structure that accommodated the Bed and Breakfast dwelling units will then become a legal nonconforming structure since the building would then fall under the accessory dwelling unit regulations with a maximum floor area of 850 ft<sup>2</sup>.

The existing barn located on the southern west side of Lot 2 did not meet the 25-foot accessory setback requirement for an Agricultural (AG) district. In order to meet this setback requirement, the property owners removed 10 feet from the west side of the building.

The subject property is located along 2 proposed future Northland Trails Vision Plan ("NTVP") trail routes. Henson Road is designated on the NTVP as route #C-7, which is a proposed 2<sup>nd</sup> phase priority, combined use trail. A recreational easement will need to be drawn and dedicated within the first 15 feet of the usual 30-foot utility easement along Henson Road. A note will also need to be added, stating "*A recreational easement consistent with the Northland Trails design guidelines has been granted to Clay County for the purpose of developing part of trail "C-7 Second Priority" of the Northland Trails Plan along the North side of Henson Road.*" The other NTVP route, #C-6, is depicted on the map as following the east property line of the subject property. However, staff recommends not dedicating any easements for route #C-6 on the subject property as the intended course was to be closer along Clear Creek that traverses the eastern boundary of the adjacent property further to the east.

A shared driveway agreement will need to be in place at the time of Final Plat recording. Emergency addressing (911 signage) should be in place when a new residence is built on Lot 1. Owners of the lots shall maintain both driveway and 911 signs.

Road Impact Fees (RIF) are not required for proposed Lot 2 as it occupies the existing single family residence. However, RIF will be required for the additional lot generated and must be paid prior to the recording of the final plat. The estimated 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 **Final Plat** for **Western Way and Co.** be approved, with the following conditions as shown on Exhibit A:

### Exhibit A

1. Road Impact Fee (RIF) agreement recorded and fees paid for additional lot prior to the recording of the final plat.
2. A shared driveway agreement will need to be in place at the time of Final Plat recording.
3. Building permits on Lot 1 or 2 will require a Certificate of Elevation completed by a registered land surveyor in the State of Missouri.
4. Emergency addressing (911 signage) should be in place when a new residence is built on Lot 1. Owners of the lots shall maintain both driveway and 911 signs.



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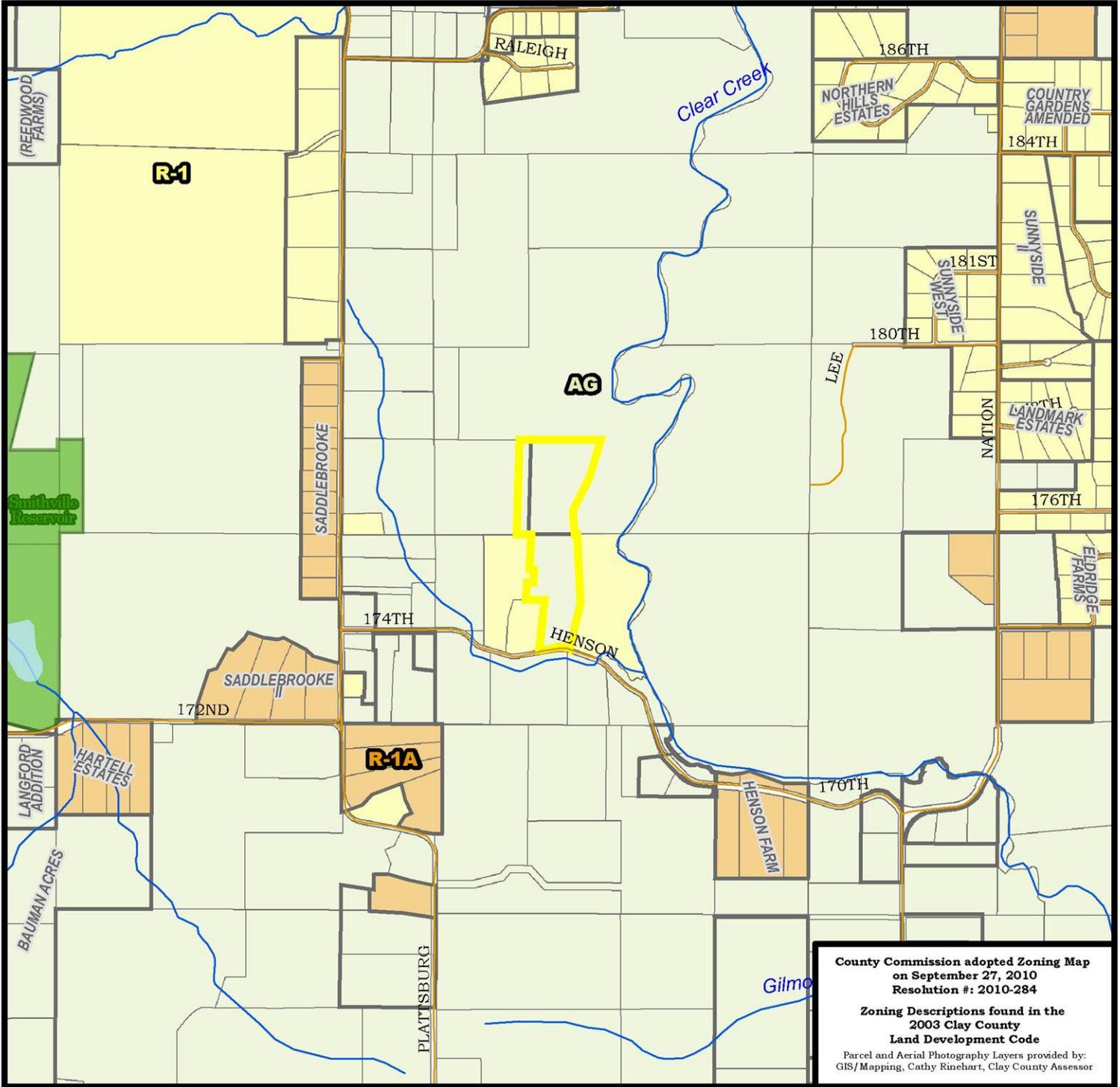
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5. The following changes to the recording copies of the Final Plat:
  - a. CHANGE: Title of plat to Western Way and Company
  - b. ADD NOTE: *“A recreational easement consistent with the Northland Trails design guidelines has been granted to Clay County for the purpose of developing part of trail “C-7 Second Priority” of the Northland Trails Plan along the North side of Henson Road.”*
  - c. ADD: recreational easement graphic in the drawing and text in dedication section of the final plat
  - d. CHANGE: “Dedicated” to “Dedicated”, “approximate” to “approximate”, and address from “13614 Henson Road” to “13606 Henson Road”



# Dec 11-121F - Western Way & Co.

## Attachment B - Existing Condition Map



**County Commission adopted Zoning Map on September 27, 2010 Resolution #: 2010-284**

**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\Vacinity Map - 8 x 11 P.mxd 11/16/2011 -- 01:41:48 PM

**Planning & Zoning Department**

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

**LEGEND**

Property Line (Western Way & Co)	Streams (EPA)	CD (Conservation District)	Parks
parcel	Interstates	PUD (Planned Unit Development)	AG
Railroads	State Highways	Subdivisions	R-1
	Local Roads	County Boundaries	R-1A
	Highway Ramps	2011 City Limits	R-1B

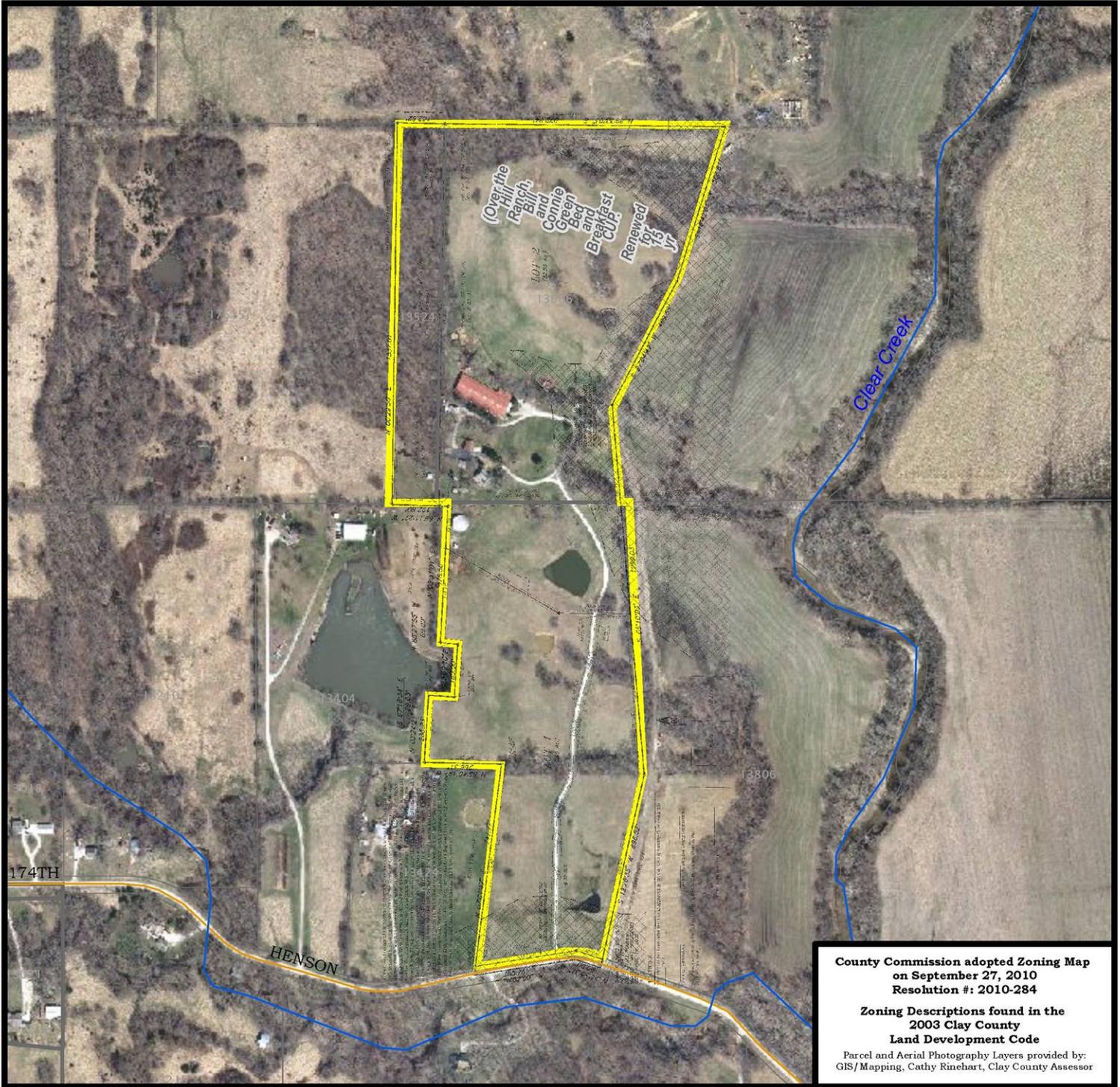
**Overlay Districts**

**Zoning Districts**

AG
R-1
R-1A
R-1B
R-3
C-1
C-2
C-3
I-1
I-2
OP

# Dec 11-121F - Western Way & Co.

## Attachment C - Site Plan Map



**County Commission adopted Zoning Map on September 27, 2010**  
**Resolution #: 2010-284**

**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\Vacinity Map - 8 x 11 P.mxd) 11/16/2011 -- 01:21:36 PM

**Planning & Zoning Department**

1 inch = 500 feet  
1 inch = 0.09 miles

**LEGEND**

Property Line (Western Way & Co)	Roads CLASS	Overlay Districts
parcel	Interstates	CD (Conservation District)
Streams (EPA)	State Highways	PUD (Planned Unit Development)
Railroads	Local Roads	Subdivisions
	Highway Ramps	County Boundaries
		2011 City Limits
		Parks