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# Report to Planning & Zoning Commission

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Clay County, Missouri

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**Case Number** February 16-101 RZ/P  
**Case Type** Rezoning & Preliminary Plat  
**Project Name** MVP Estates

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**Applicants** Valerie Partch  
14955 NW Skyview Ave  
Smithville, MO 64089

**Owner** Joanne Reardon Trust  
14601 Mount Olivet Road  
Smithville, MO 64089

**Request** **Rezoning** from Agricultural (AG) to Residential Rural (R-1) District  
*AND*  
**Preliminary Plat** approval of MVP Estates

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**Application Submittal** 2015-12-21  
**Public Notice Published** 2016-01-14  
**Neighbor Letters Sent** 2016-01-15  
**Report Date** 2016-01-22

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**REPORT AUTHOR(S)** Debbie Viviano, Planner  
Kipp Jones, Manager

**Recommendation** APPROVAL with conditions



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Clay County, Missouri

## General Information

**Site Location:** approximately 14601 Mt Olivet Road  
Section 31 | Township 53 | Range 32

**Site Size:** 13.51± Acres

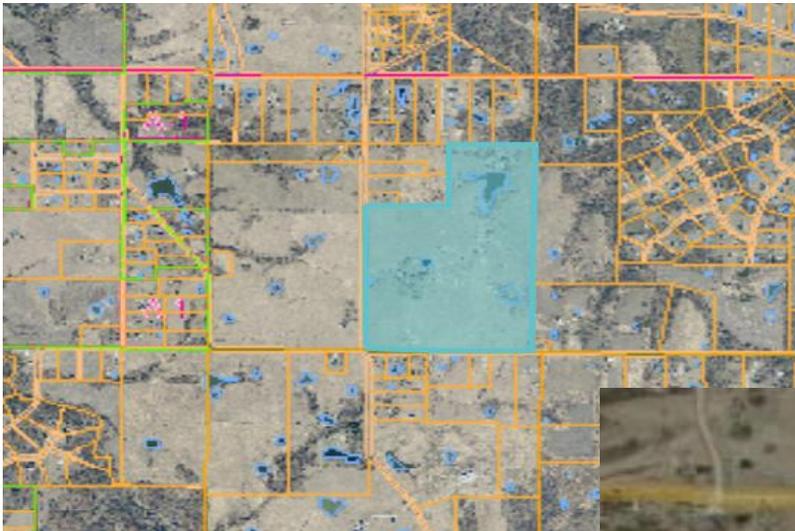
**Existing Landuse & Zoning:** Agricultural (AG)

**Zoning/Platting History:** None

### Surrounding Landuse & Zoning:

- North – Agricultural (AG), Residential Rural, Low-Density & Residential Urban (R-1, R-1A, R-U) zoned land
- East – Agricultural (AG) & Residential Rural & Low-Density (R-1) zoned land
- South – Agricultural (AG) zoned land
- West – Agricultural (AG), zoned land, City of Smithville (1/2 mile)

### Current Conditions:



Courtesy Clay County Assessor, GIS/Mapping



Courtesy Microsoft® Bing™



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Clay County, Missouri

## Assessment

Valerie Partch representing the Joanne Reardon Trust is requesting **Rezoning** approval from Agricultural (AG) district to Residential Rural (R-1) District and **Preliminary Plat** approval for **MVP Estates** approximately 13.51± acres located just to the south of 14601 Mt. Olivet Road.

Ms. Partch wishes to split the parcel from the existing 198± acre Reardon parcel in order to build (1) single-family residence on the lot.

## 2008 Comprehensive Plan Considerations

The Comprehensive Plan (“Plan”) indicates that the subject property is located in the **URBAN SERVICES TIER** and within the Smithville Lake Watershed. It is located on trail #C-16; a third priority shared-use trail as identified by the Northland Trails Vision Plan (“NTVP”). A 15’ Recreational Easement (“R/E”) will be located within 30’ Utility Easement (UE) along the frontage of Mt. Olivet Rd.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1<sup>st</sup>) table shows the land use tiers and corresponding guidelines, and the second (2<sup>nd</sup>) 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)
<b>Intent</b>	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.
<b>Primary Uses</b>	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
<b>Residential Uses</b>	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.
<b>Non-Residential Uses</b>	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
<b>Minimum Sanitary Sewer Provisions</b>	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. <sup>(1)</sup>
<b>Zoning Districts</b>	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.

<sup>(1)</sup> 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)
<b>Intent</b>	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 City of Smithville stated in a phone call the request meets their requirements. Therefore the subject request meets the spirit and jest of the 2008 Comprehensive Plan.

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

Agricultural (AG) zoned land is each direction of the property. Residential Rural District (R-1) (Green Briar Estates) is located to the east. Residential Low Density District (R-1A) (Golden Acres) and Residential Rural District (R-1) and Residential Urban Rural (R-U) (Winterfell Highlands) is located to the north. The City of Smithville is about ½ mile to the west of the property.

### **LDC Considerations**

The rezoning application was properly noticed in the Kearney Courier on Thursday January 14, 2016. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter mailed on January 15, 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**

The Public Water Supply District No. 9 (PWSD #9) has indicated water is available for MVP Estates upon request.

The Smithville Fire District serves this property. Future construction will need to comply with their fire protection codes. Any building plans shall be submitted and approved by the fire district before a building permit will be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district.

The Clay County Highway Department has noted MVP Estates meets the specifications for the Manual on Uniform Traffic Control Devices (MUTCD) requirements and Clay County Highway Department standards for driveway requirements. The road surface of Mount Olivet is an asphalt surfacing.

The Clay County Health Department has given preliminary and final approval for the platting of the property. Before building begins construction plans for the approved septic system (based on soil morphology) must be submitted.

## **Findings**

Road Impact Fees (*RIF*) are required for the additional lot. The estimated total amount of RIF is \$1,031.25 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 (AG) district to Residential Rural District (R-1) for MVP Estates be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of MVP Estates 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. Any future structures will need to have building plans submitted and approved by the fire district before a building permit will be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district.
3. The following additions or corrections to the recording copies of the final plat:
  - a. ADD: 15-foot Recreational Easement ("R.E.") within the first 30' U.E. and in the text of dedication section.
  - 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-16 Third Priority" of the Northland Trails Plan along the East side of Mt. Olivet Road."



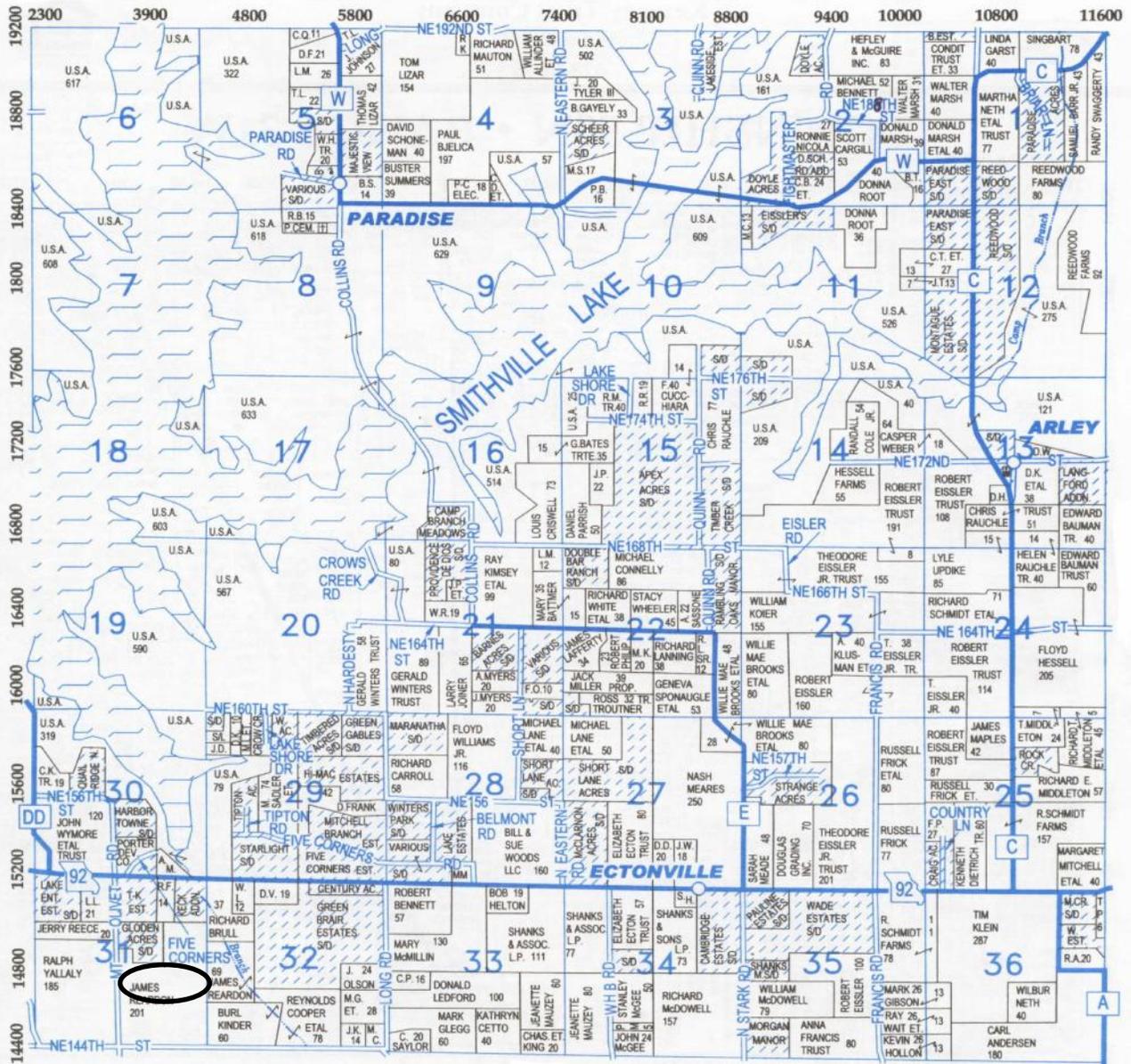
# Report to Planning & Zoning Commission

Clay County, Missouri

## Attachments

### February 16-101RZ/P - MVP Estates Attachment A - Vicinity Map

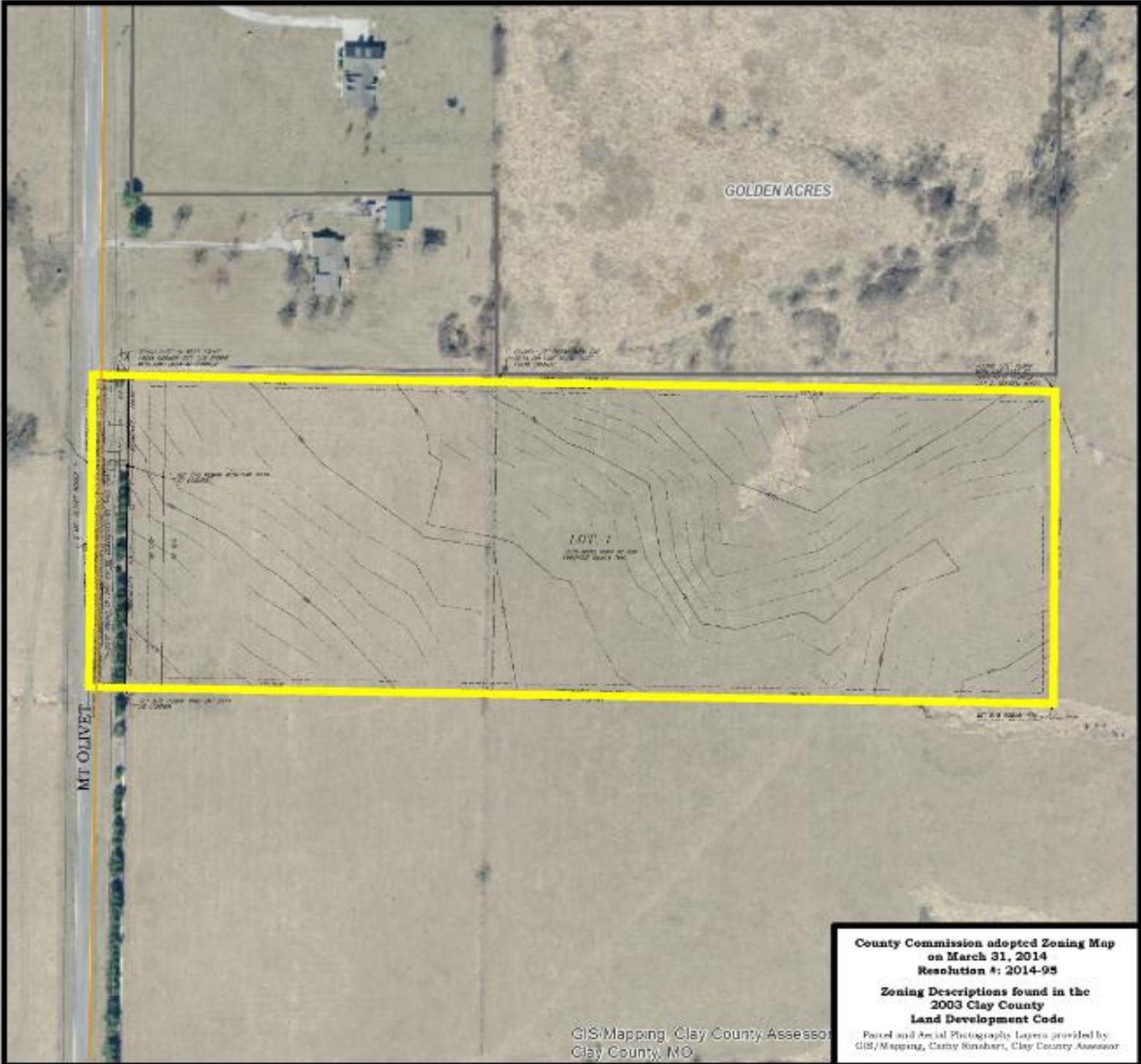
### TOWNSHIP 53N • RANGE 32W





# Feb 16-101RZ/P – MVP Estates

## Attachment C - Site Plan Map





**Planning & Zoning Department**



1 inch = 200 feet  
1 inch = 0.04 miles

**LEGEND**

 Property Line	 Roads	 Subdivisions
 Streams (EPA)	 Interstates	 2014 City Limits
 Railroads	 State Highways	 Parks
	 Local Roads	 County Boundaries
	 Highway Ramps	