

REQUEST FOR LEGISLATIVE ACTION

Version 6/10/19

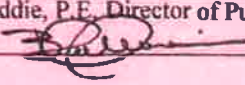
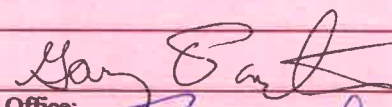
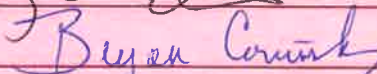
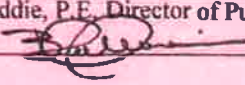
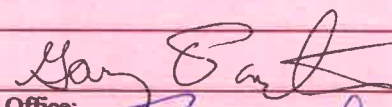
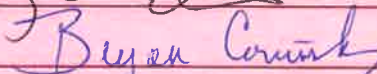
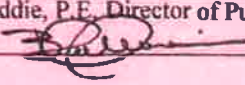
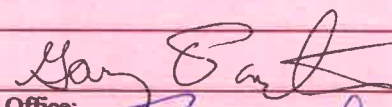
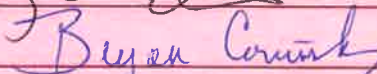
Completed by County Counselor's Office:

Res/Ord No.: 5245

Sponsor(s): xxxxxxxxxxxx

Date: July 29, 2019

LEGISLATIVE OFFICE

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance JUL 22 2019 Project/Title: Triplett Shane & Triplett Charles - RZ-2019-572										
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number:</td> <td>\$</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> OTHER FINANCIAL INFORMATION: <input checked="" type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: Estimated Use: Prior Year Budget (if applicable): Prior Year Actual Amount Spent (if applicable):	Amount authorized by this legislation this fiscal year:	\$	Amount previously authorized this fiscal year:		Total amount authorized after this legislative action:	\$	Amount budgeted for this item * (including transfers):	\$	Source of funding (name of fund) and account code number:	\$
Amount authorized by this legislation this fiscal year:	\$										
Amount previously authorized this fiscal year:											
Total amount authorized after this legislative action:	\$										
Amount budgeted for this item * (including transfers):	\$										
Source of funding (name of fund) and account code number:	\$										
PRIOR LEGISLATION	Prior ordinances and (date): Prior resolutions and (date):										
CONTACT INFORMATION	RLA drafted by: RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577										
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on a 9.49 ± acres to district RR (Residential Ranchette). The 9.49 acres ± are in Section 10, Township 49, Range 29, aka 36807 & 36811 E. Steinhauer Road, and specifically described on Attachment to RLA-1. Staff recommends approval because the change in zoning is consistent with the intent and purpose of the County Plan and complies with the Unified Development Code requirements. The Jackson County Plan Commission voted 6 to 0 to recommend <u>APPROVAL</u> to the County Legislature.										
CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)										
COMPLIANCE	<input type="checkbox"/> MBE Goals <input type="checkbox"/> WBE Goals <input type="checkbox"/> VBE Goals										
ATTACHMENTS	See Attachment to RLA-2										
REVIEW	<table border="1"> <tr> <td>Department Director: Brian D. Gaddie, P.E. Director of Public Works </td> <td>Date: 7.22.19</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: </td> <td>Date: 7.23.19</td> </tr> <tr> <td>County Counselor's Office: </td> <td>Date: 7/23/19</td> </tr> </table>	Department Director: Brian D. Gaddie, P.E. Director of Public Works 	Date: 7.22.19	Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: 	Date: 7.23.19	County Counselor's Office: 	Date: 7/23/19		
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Division Manager: 	Date: 7.23.19										
County Counselor's Office: 	Date: 7/23/19										

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the _____ Fund in ____.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # _____
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

ATTACHMENT TO RLA 1:

Description:

A tract of land being located in the Northeast Quarter of Section 6, Township 49 North, Range 29 West of the 5th P.M., Jackson County, Missouri, being described as follows: Commencing at the Northeast corner of said Northeast $\frac{1}{4}$; thence North 90 degrees, 00 minutes, 00 seconds West along the North Line of said Northeast Quarter, a distance of 649.22 feet to the Northeast Corner of the West 16.5 feet of the North 28 acres of the East Half of the East Half of said Northeast Quarter; thence South 00 degrees, 40 minutes, 30 seconds East along the East line of said West 16.5 feet of the North 28 acres of the East Half of the East Half of said Northeast Quarter, a distance of 469.69 feet to the True point of Beginning; thence continuing South 00 degrees, 40 minutes, 30 seconds East along said East line, a distance of 769.06 feet; thence North 90 degrees, 00 minutes 00 seconds West, 728.91 feet; thence North 00 degrees, 40 minutes, 00 seconds West, 521.30 feet; thence North 84 degrees, 14 minutes, 12 seconds East, 222.22 feet to the Centerline of Steinhauser Road; thence along the said centerline, along a non-tangent curve to the left, said non-tangent curve having a Radius of 693.42 feet, a Central Angle of 17 degrees, 12 minutes, 32 Seconds, an Arc Distance of 208.27 feet, a Chord Bearing North 75 degrees, 37 minutes, 55 Seconds East, 207.49; thence North 67 degrees, 01 minutes, 39 seconds East continuing along said non-tangent curve, having a radius of 450.97 feet, a Central Angle of 26 degrees, 03 minutes, 43 Seconds, an Arc distance of 205.13 feet, a Chord Bearing North 55 degrees, 14 minutes, 28 seconds East, 203.37 feet to True Point of Beginning. Subject to road right of ways and easements.

ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from July 18, 2019

Location Map

Staff Report

Affidavit of Publication in Independence Examiner

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Map showing current zoning district in area

County Code Chapter 240 – Unified Development Code

County Master Plan – “Strategy for the Future”

Application

Pictures of Property

Randy Diehl gave the staff report:

RE: RZ-2019-572

Applicant: Shane Triplett

Location: Section 10, Township 49, Range 29, 36807 & 36811 E. Steinhauser Road

Area: 9.49 ± acres

Request: Change of zoning from District AG (Agricultural) to District RR (Residential Ranchette)

Purpose: Applicant is requesting the change in zoning in order to create a single family residential lot. (Ex 1)

Current Land Use and Zoning in the Area:

The zoning in the area is Agricultural and Residential Ranchette. Triplett Acres, a ten acre lot subdivision was platted and rezoned in 2003.

The 9.49 acres currently has a single-family residence and an accessory dwelling, which was permitted in 2013. Accessory dwellings are permitted in some instances; however they are limited to 1,000 square feet of living area.

The desire is to replace the accessory residence with a larger home. The plan is to take a portion of the 9.49 acres and add it to a portion of Lot 10, Triplett Acres and create a new lot. The remaining portion of the 9.49 acres will be replatted into the remaining portion of Lot 10. (Ex 2)

County Plan:

The County Plan Development Diagram illustrates this area within the Rural Development Tier (RDT).

Recommendation:

This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2019-572

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Tarpley: Are there any questions for Randy?

Mr. Tarpley: how will they access the new lot?

Mr. Diehl: There is an existing driveway the accessory dwelling. The new home will be located further back on the new lot, access will be the same from Steinhauser Road.

Mr. Tarpley: Is the applicant here?

Shane Triplett, 36811 E. Steinhauser Road

Mr. Tarpley: Do you have anything to add to the report?

Mr. Triplett: No.

Mr. Tarpley: Is there anyone else who is in favor of this application?

There were none

Mr. Tarpley: Is there anyone who is opposed or has questions regarding this application?

Tacy Hill, 1200 S. Outer Belt Road: I wondering about the 40 acres. It is already plotted out?

Mr. Diehl: That was rezoned with the original platting of the lots along Borgman and Steinhauser Roads in 2003.

Ms. Hill: So that means 5 acre lots can be put in?

Mr. Diehl: Not necessarily. For 5-acre sized lots, the infrastructure would need to be build. Those lots require 250 feet of road frontage. I don't believe that is the desire of the applicant. I'm not sure why that large of a tract was included in the original rezoning. It's basically the excess property that is behind the platted lots created in 2003.

Ms. Hill: How many houses?

Mr. Diehl: They are replacing the existing accessory dwelling with a larger home. So no more additional homes.

Charles Triplett: 36807 E. Steinhauser Road. I'm giving 10 acres to my son. I have no intention of subdividing anything else. I bought this at auction. This has been in my family since the 1920's. Our intention is to keep it in the family.

Motion to take under advisement.

Mr. Haley moved to take under advisement. Mr. Crawford seconded.

Discussion under advisement

Mr. Crawford moved to approve. Ms. Mershon seconded

Ms. Mershon	Approve
Mr. Crawford	Approve
Ms. Query	Approve
Mr. Haley	Approve
Mr. Gibler	Approve
Chairman Tarpley	Approve

Motion Carried 6 – 0

STAFF REPORT

PLAN COMMISSION July 18, 2017

RE: RZ-2019-572

Applicant: Shane Triplett

Location: Section 10, Township 49, Range 29, 36807 & 36811 E. Steinhauser Road

Area: 9.49 ± acres

Request: Change of zoning from District AG (Agricultural) to District RR (Residential Ranchette)

Purpose: Applicant is requesting the change in zoning in order to create a single family residential lot. (Ex 1)

Current Land Use and Zoning in the Area:

The zoning in the area is Agricultural and Residential Ranchette. Triplett Acres, a ten lot subdivision was platted and rezoned in 2003.

The 9.49 acres currently has a single family residence and an accessory dwelling, which was permitted in 2013. Accessory dwellings are permitted in some instances, however they are limited to 1,000 square feet of living area.

The desire is to replace the accessory residence with a larger home. The plan is to take a portion of the 9.49 acres and add it to a portion of Lot 10, Triplett Acres and create a new lot. The remaining portion of the 9.49 acres will be replatted into the remaining portion of Lot 10. (Ex 2)

County Plan:

The County Plan Development Diagram illustrates this area within the Rural Development Tier (RDT).

Recommendation:

This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2019-572

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



JACKSON COUNTY Public Works Department

Jackson County Technology Center
303 West Walnut Street
Independence, Missouri 64050
jacksongov.org

(816) 881-4530
Fax: (816) 881-4448

July 3, 2019

RE: Public Hearing: RZ-2019-572
Charles F Triplett & Shane Triplett

Dear Property Owner:

You are hereby invited to participate in a public hearing to be held by the Jackson County Plan Commission on a request by Charles F Triplett & Shane Triplett for a change of zoning from District AG (Agricultural) on a 9.49 ± acres to district RR (Residential Ranchette). The 9.49 acres ± are in Section 10, Township 49, Range 29, aka 36807 & 36811 E. Steinhauser Road..

Please note that this request for a change of zoning affects only the property mentioned above. Adjacent properties will not be affected by the change of zoning. Taxes are based on the land use of a property not the zoning.

You are being notified pursuant to 24003.5 Chapter 240 (Unified Development Code) of the Jackson County Code, as being an adjacent property within 1000' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, July 18, 2019 at 8:30 a.m. in the Large Conference Room, 2nd Floor, Historic Truman Courthouse, 112 W. Lexington, Independence, MO.

If you know of any interested party who may not have received a copy of this letter, it would be appreciated if you would inform them of the time and place of the hearing.

If you have any questions concerning this matter, please contact the Development Division at 881-4649.

Sincerely,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Frank White, Jr., County Executive

Plan Commission July 18, 2019
 RZ-2019-572

Property Owners Within 1000 feet

parcel	owner	address	city	state	zip
20-900-04-05-00-00-0000	BILLINGS BILL & DONNA KAY	407 S BORGMAN RD	BUCKNER	MO	64016
21-300-01-14-00-00-0000	COSTIGAN ROGER L & ELIZABETH L	37007 E STEINHAUSER RD	OAK GROVE	MO	64075
21-200-02-12-00-00-0000	EARLEY JACK & DIANA L	1116 S OUTER BELT RD	OAK GROVE	MO	64075
21-300-01-18-00-00-0000	EVANS ADAM J	805 S BORGMAN RD	BUCKNER	MO	64016
21-300-01-17-00-00-0000	EVANS ADAM J	805 S BORGMAN RD	BUCKNER	MO	64016
21-300-01-19-00-00-0000	GEARHART HAROLD EDWARD-TRUSTEE	907 S BORGMAN RD	BUCKNER	MO	64016
21-300-01-26-00-00-0000	HACKLEY JAMES WALTER & ERIN ELIZABETH	605 SE STEINHAUSER RD	SIBLEY	MO	64088
21-300-01-27-00-00-0000	HACKLEY JAMES WALTER & ERIN ELIZABETH	605 SE STEINHAUSER RD	SIBLEY	MO	64088
21-300-01-21-00-00-0000	HARRIS JESSE WILLIAM & LACI LYNN	1103 S BORGMAN RD	BUCKNER	MO	64016
21-300-01-06-00-00-0000	HILL RANDY L	1200 S OUTER BELT RD	OAK GROVE	MO	64075
20-900-04-07-00-00-0000	LEWIS ROY G & BRENDA M	36510 E STEINHAUSER RD	SIBLEY	MO	64088
20-900-04-10-00-00-0000	PICKENS SCOTT A & HEATHER E	36610 E STEINHAUSER RD	SIBLEY	MO	64088
21-300-01-03-01-2-00-0000	STANLEY DENNIS L & REVA E TRUSTEE	36403 E STEINHAUSER RD	SIBLEY	MO	64088
21-300-01-07-02-00-0000	STEINHAUSER DAVID W & BETTY	37107 E STEINHAUSER RD	OAK GROVE	MO	64075
21-300-01-07-01-00-0000	STEINHAUSER DAVID W & BETTY L	37107 E STEINHAUSER RD	OAK GROVE	MO	64075
21-200-02-01-02-00-0000	TELGEMEIER LEON	37204 E STEINHAUSER RD	SIBLEY	MO	64088
21-300-01-09-00-00-0000	TELGEMEIER LEON	37204 E STEINHAUSER RD	SIBLEY	MO	64088
20-900-04-01-00-00-0000	TELGEMEIER LEON A	37204 E STEINHAUSER RD	SIBLEY	MO	64088-9677
20-800-03-02-00-00-0000	TELGEMEIER LEON A	37204 E STEINHAUSER RD	SIBLEY	MO	64088-9677
21-200-02-02-01-00-0000	TELGEMEIER LEON A	37204 E STEINHAUSER RD	SIBLEY	MO	64088-9677
21-300-01-03-02-00-0000	TRIPLETT CHARLES F	36807 E STEINHAUSER RD	SIBLEY	MO	64088
21-300-01-16-00-00-0000	TRIPLETT CHARLES FRANKLIN	36807 E STEINHAUSER RD	SIBLEY	MO	64088
21-300-01-25-00-00-0000	TRIPLETT CHARLES FRANKLIN	36807 E STEINHAUSER RD	SIBLEY	MO	64088
21-300-01-15-00-00-0000	TRIPLETT CHARLES FRANKLIN	36807 E STEINHAUSER RD	SIBLEY	MO	64088
21-300-01-20-00-00-0000	TRIPLETT DORIS D-TRUSTEE	36807 E STEINHAUSER RD	SIBLEY	MO	64088-9597
21-300-01-22-00-00-0000	WILTON RICHARD F II & DENISE J	PO BOX 263	BUCKNER	MO	64016-0263
21-300-01-13-00-00-0000	ZUMWALT KAREN M	37007 E STEINHAUSER RD	OAK GROVE	MO	64075-7117



Exhibit 1

RZ-2019-572
Charles Triplett
Shane Triplett

JACKSON COUNTY, MISSOURI
APPLICATION FOR CHANGE OF ZONING

APPLICANT INFORMATION:

1. Application must be filed with the Jackson County Planning and Development Division, 303 W. Walnut, Independence, Missouri 64050 by the date on the Plan Commission Calendar.
2. Application must be typed or printed in a legible manner.
3. All applicable sections must be completed. If you need more space to provide information, please use separate 8 1/2"x11" paper, reference the application number and attach it to the application.
Incomplete applications will not be accepted and will be returned to the applicant.
4. Attach application for subdivision approval, consistent with the requirements of UDC Section 24003.10, as may be required.
5. The filing fee (non-refundable) must accompany application.
(Check payable to: Manager of Finance)
\$350.00 – Change of Zoning to Residential
\$500.00 – Change of Zoning to Commercial or Industrial

TO BE COMPLETED BY OFFICE PERSONNEL ONLY:

Rezoning Case Number RZ- 2019-872
Date filed _____ Date of hearing 7-18-19
Date advertised _____ Date property owners notified _____
Date signs posted _____

Hearings: Heard by _____ Date _____ Decision _____
 Heard by _____ Date _____ Decision _____
 Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

1. **Data on Applicant(s) and Owner(s):**
 - a. Applicant(s) Name: Shane Triplett
Address: 36807 E. Steinhauser Road, Sibley, Missouri 64088

Phone: 816-591-7279
 - b. Owner(s) Name: Charles F Triplett
Address: 36807 E. Steinhauser Road, Sibley, Missouri 64088
Phone: _____
 - c. Agent(s) Name: Powell CWM Inc. atten: Jed Baughman

Address: 3200 S. State Route 291, Bldg. 1, Independence, MO 64057

Phone: 816-373-4800

- d. Applicant's interest in Property: Purchasing one of the lots.
2. General location (Road Name) E. Steinhauser Road and S. Borgman Road
In Unincorporated Jackson County.
3. Present Zoning AG Requested Zoning RR
4. AREA (sq. ft. / acres) 413,443 sqft./ 9.49 acres
5. Legal Description of Property: (Write Below or Attached 9)
See attached legal description and exhibit.
6. Present Use of Property: Pasture land.
7. Proposed Use of Property: Single family residential ranchette.
8. Proposed Time Schedule for Development: n/a
9. What effect will your proposed development have on the surrounding properties?
To replat property with current RR lot.
10. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? No
If so, will any improvements be made to the property which will increase or decrease the elevation? _____
11. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water none
- b. Sewage disposal none
- c. Electricity none
- d. Fire and Police protection none
12. Describe existing road width and condition: E. Steinhauser Road has a 60' R/W and is Asphalt.

13. What effect will proposed development have on existing road and traffic conditions? none

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? none

If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): _____

Verification: I (We) hereby certify that all of the foregoing statements contained in any papers and/or plans submitted herewith are true to the best of my (our) knowledge and belief.

Signature

Date

Property Owner(s)

[Signature]

06/10/2019

Applicant(s):

[Signature]

6/10/2019

Contract Purchaser(s):

STATE OF MISSOURI

COUNTY OF JACKSON

On this 10TH day of JUNE, in the year of 2019, before me the undersigned notary public, personally appeared CHARLES F. TRIPLETT AND SHANE TRIPLETT

known to me to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

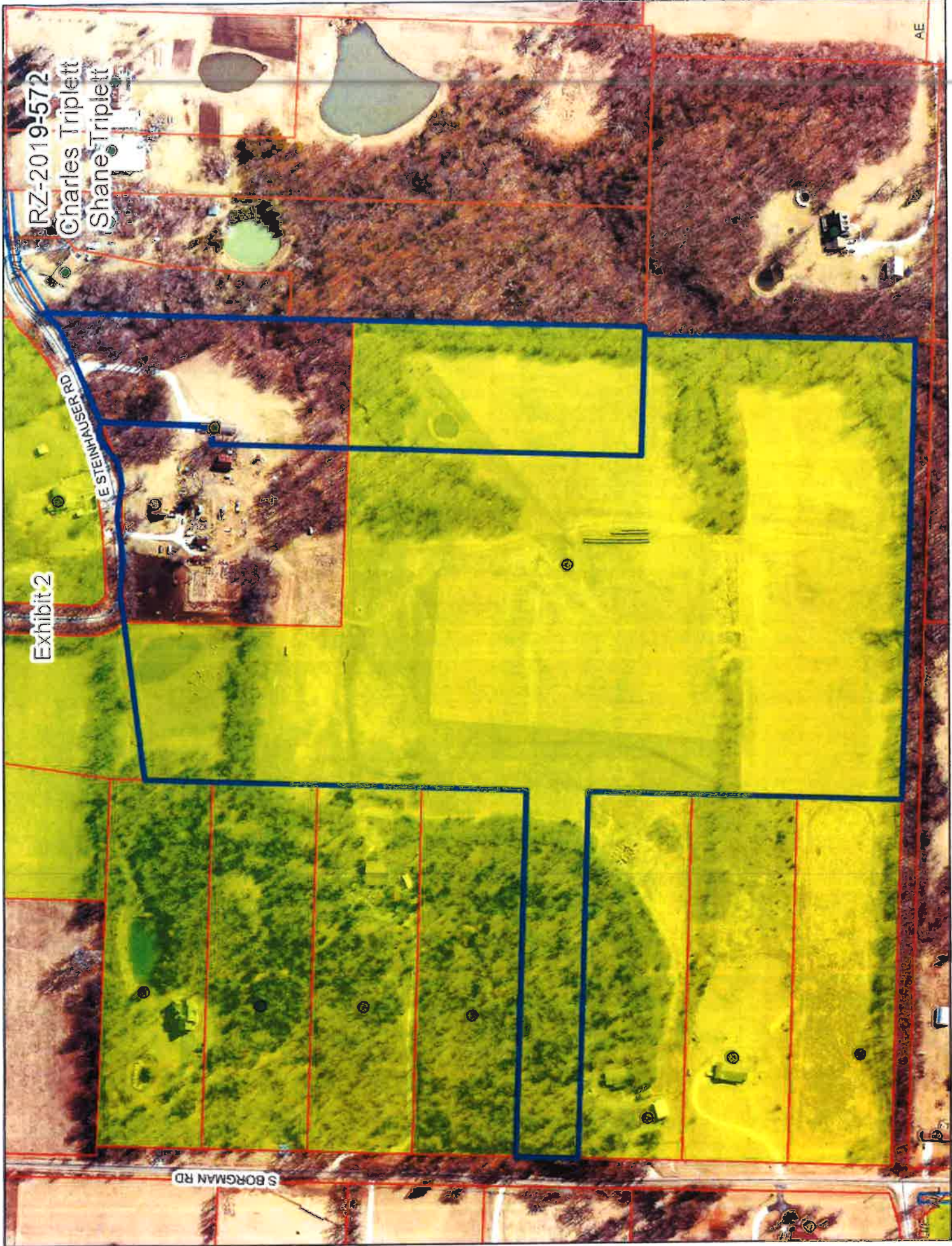
Notary Public

[Signature]

Commission Expires

1/30/23





RZ-2019-572

Charles Triplett

Shane Triplett

Exhibit 2

STEINKUSER RD

S BORGMAN RD

AE

