


REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Rxx~~ Ord No.: 4878

Sponsor(s): None

Date: August 22, 2016

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Brian & Angie Hodges Case No. RZ-2016-538</u>													
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="305 495 1187 808"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT</td> </tr> <tr> <td></td> <td>TO ACCT</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; FROM / TO	FROM ACCT		TO ACCT
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PRIOR LEGISLATION	Prior ordinances and (date): _____ Prior resolutions and (date): _____													
CONTACT INFORMATION	RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577													
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on 3.1 ± acres to District RE (Residential Estates). The proposed land use is a one lot subdivision. The 3.1 ± acres are located in Section 7, Township 48, Range 29, Jackson County, Missouri, aka 36805 E. Church 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 8 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)													
ATTACHMENTS	See Attachment to RLA-2													
REVIEW	Department Director: Brian D. Gaddie, P.E. Director of Public Works 	Date: Date: Date: <u>8/18/16</u>												

County Counselor's Office:	Date:
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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-2:

Attachments

Plan Commission Public Hearing Summary from July 21, 2016

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

RZ-2016-538

ATTACHMENT TO RLA 1:

Description:

All that part of the Southeast Quarter of Section 7, Township 48 North, Range 29 West, and being part of the tract described in Document #1290335, in Book I-766, at Page 381 and recorded in the Jackson County Recorded of Deeds Office, Jackson County, and more fully described as follows: Commencing at the Northeast corner of the Southeast Quarter of Section 7, Township 48 North, Range 29 West; thence North 89 degrees 39 minutes 59 seconds West along the North line of the Southeast Quarter of Section 7, a distance of 1,104.62 feet to the True Point of Beginning; thence South 01 degrees 20 minutes 36 seconds West, 699.57 feet; thence West 200.00 feet; thence North 01 degrees 20 minutes 30 seconds East 700.73 feet to a point on the North line of the Southeast Quarter of said Section 7; thence South 89 degrees 39 minutes 59 seconds East along said North line 200.00 to the True Point of Beginning, less and except that part in road, said tract containing 3.122 acres on land more or less. Now known as Tract 1 on Certificate of Survey recorded February 11, 1992 in Book T5 at Page 62.

Randy Diehl gave the staff report:

Applicant: Brian & Angie Hodges

Location: 36805 E. Church Road

Area: 3.1 ± acres

Request: Change of zoning from District AG (Agricultural) to District RE (Residential Estates)

Purpose: Applicant is requesting the change in zoning for a one lot subdivision.

Current Land Use and Zoning in the Area:

The zoning in the immediate area is Agricultural with the majority of the land use being single family residences.

Prior to the adoption of the Unified Development Code (UDC) in 1995, land could be divided under 10 acres for development by subdividing it into platted lots. The lots would remain in District AG (Agricultural) The 1960 Zoning Order did not have a provision for residential zoning except for single family lots between 7,500 and 15,000 square feet in size.

Across the street is R & T Estates which contains two lots both slightly under 2 acres. This plat was recorded in 1988.

East of R & T is Church Road Estates, 1.5 acres in size and created in 1984.

The 3.1 acre tract was created by a Certificate of Survey filed in the Records Office in 1992. Typically Certificates of Survey are used to divide land over 10 acres in size because they do not need approval like a subdivision plat would require. It's not a violation to create a tract smaller than 10 acres if it is being used for agricultural purposes as it does not involve the construction of any type of building.

The applicant has applied for a building permit for a residence. Upon review it was discovered that the tract would need to come into compliance with the UDC to be a legal conforming lot. Rezoning and platting the property is required. Had the tract been platted prior to 1995, this would have been considered a Legal Non-Conforming lot and the building permit would have been honored.

County Plan:

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT).
The Residential Suburban District (RE) is appropriate for the Suburban Development Tier.

Recommendation:

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

Staff recommends APPROVAL of RZ-2016-538

Mr. Antey: *Are there any questions for Randy?*

Mr. Tarpley: Is there a house on the lot?

Mr. Diehl: No.

Is the applicant here?

Angie Hodges, 36805 E, Church Road

Mr. Antey: *Do you have anything to add to Randy's report?*

Mr. Tarpley: You do live in the neighborhood?

Ms. Hodges: No. We did. We are living with my in-laws.

Mr. Antey: *Are there any other questions for the applicant?*

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

David Smith: 36903 E. Church Road. I just have concerns about drainage. Most of the drainage from the pond goes along here (north side).

Discussion with Mr. Smith regarding the former use of the property, fencing, his lateral field and the spring on the adjacent property.

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

There were none.

Motion to take under advisement.

Mrs. Mershon moved to take under advisement. Mr. Haley seconded.

Discussion under advisement

Motion to approve.

Mr. Crawford moved to approve RZ-2016-538. Mr. Tarpley seconded.

Mr. Tarpley	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mr. Crawford	Approve
Mrs. Mershon	Approve
Mrs. Querry	Approve
Mr. Akins	Approve
Chairman Antey	Approve

Motion Carried 8 – 0.

STAFF REPORT

Ord. 4878

**PLAN COMMISSION
May 19, 2016**

RE: RZ-2016-538

Applicant: Brian & Angie Hodges

Location: 36805 E. Church Road

Area: 3.1 ± acres

Request: Change of zoning from District AG (Agricultural) to District RE (Residential Estates)

Purpose: Applicant is requesting the change in zoning for a one lot subdivision.

Current Land Use and Zoning in the Area:

The zoning in the immediate area is Agricultural with the majority of the land use being single family residences.

Prior to the adoption of the Unified Development Code (UDC) in 1995, land could be divided under 10 acres for development by subdividing it into platted lots. The lots would remain in District AG (Agricultural) The 1960 Zoning Order did not have a provision for residential zoning except for single family lots between 7,500 and 15,000 square feet in size.

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The applicant has applied for a building permit for a residence. Upon review it was discovered that the tract would need to come into compliance with the UDC to be a legal conforming lot. Rezoning and platting the property is required. Had the tract been platted prior to 1995, this would have been considered a Legal Non-Conforming lot and the building permit would have been honored.

County Plan:

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT).

The Residential Suburban District (RE) is appropriate for the Suburban Development Tier.

Recommendation:

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

Staff recommends APPROVAL of RZ-2016-538

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

**Plan Commission
July 21, 2016
RZ-2016-538**

Applicants / Property Owners:

**39-400-04-19
Hodges Brian & Angie
1701 NE Helen Ct
Grain Valley Mo 64029**

**Certified Mail – Return Receipt
Property Owners within 185 feet**

39-400-01-12-00-0-00-000
FORSYTH TERRY W & PATTI J
36900 E CHURCH RD
OAK GROVE MO 64075

39-400-04-17-00-0-00-000
FREEMAN CHRISTOPHER
7204 S HILLSIDE RD
OAK GROVE MO 64075

39-400-04-18-01-0-00-000
GARTON BRIAN T
P O BOX 425
GRAIN VALLEY MO 64029

39-400-01-13-00-0-00-000
HADLEY DELMAR B & NORMA J
36804 E CHURCH RD
OAK GROVE MO 64075

39-400-01-05-01-4-0-00-000
HENNRICH LARRY G & ORPHA-TR
37604 E CHURCH RD
OAK GROVE MO 64075

39-400-01-02-00-0-00-000
LAKE DONALD L & PATRICA J
36510 E CHURCH RD
OAK GROVE MO 64075

39-400-04-19-00-0-00-000
SMITH DAVID P & BETH A
36903 E CHURCH
OAK GROVE MO 64075



Ord. 4878

S HILLSIDE SCHOOL RD

E CHURCH RD

36500

RE

70

AG

710

RE

7115

AG

37106

7110

AG

7124

37005

37002

37001

36903

7204

AG

36804

AG

36803

36709

36603

36510

36505

1500

**JACKSON COUNTY, MISSOURI
APPLICATION FOR CHANGE OF ZONING**

Ord. 4878

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- 2016-538

Date filed 6-7-16 Date of hearing 7-21-16

Date advertised 7-6-16 Date property owners notified 7-6-16

Date signs posted 7-6-16

Hearings: Heard by PC Date 7-21-16 Decision _____

 Heard by _____ Date _____ Decision _____

 Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

1. **Data on Applicant(s) and Owner(s):**
 - a. Applicant(s) Name: Brian & Angie Hodges
Address: 36805 E. Church Road
Oak Grove, Mo 64075
Phone: (816) 522-0844 (816) 686-9014
 - b. Owner(s) Name: Brian & Angie Hodges
Address: 36805 E. Church Road, Oak Grove, Mo 64075
Phone: (816) 522-0844 (816) 686-9014
 - c. Agent(s) Name: NA

Address: _____

Phone: _____

- d. Applicant's interest in Property: Build a single family home
2. General location (Road Name) Church Road
3. Present Zoning Agricultural Requested Zoning Residential
4. AREA (sq. ft. / acres) 3.1 acres
5. Legal Description of Property: (Write Below or Attached 9)
Tract No 1
6. Present Use of Property: Agricultural-Farming / Vacant land
7. Proposed Use of Property: To build a 1525 sq ft home
8. Proposed Time Schedule for Development: To begin June 2014 or as soon as possible and to be completed within 9-12 months
9. What effect will your proposed development have on the surrounding properties?
Building 1 single residence / no negative effect
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? NA
11. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water Jackson County Water Dist. 17 single tap / no effect
- b. Sewage disposal private septic system / no effect
- c. Electricity West Central Electric Coop / no effect
- d. Fire and Police protection Central Jackson County Fire Protection / no effect
12. Describe existing road width and condition: approx 20 ft wide in good condition

13. What effect will proposed development have on existing road and traffic conditions? No negative effect

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? Jackson County Building Permit

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

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)

Brian Hodges
Angie Hodges

6-6-16
6-6-16

Applicant(s):

Brian Hodges
Angie Hodges

6-6-16
6-6-16

Contract Purchaser(s):

STATE OF Missouri
COUNTY OF Jackson

On this 6th day of June, in the year of 2016, before me the undersigned notary public, personally appeared Brian & Angie Hodges

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

Jessica Bray

Commission Expires

Oct. 22, 2016



JESSICA BRAY
My Commission Expires
October 22, 2016
Jackson County
Commission #12409145

Ord. 4878

AG

E CHURCH RD

AG



Ord. 4878

