

REQUEST FOR LEGISLATIVE ACTION

Version 6/10/19

Completed by County Counselor's Office:

Res/Ord No.: 5464

Sponsor(s): N/A

Date: November 30, 2020

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Theresa Kramer - RZ-2020-593</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="332 483 1453 682"> <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></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:</td> <td style="text-align: right;">\$</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:	\$
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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 Randy Diehl, Administrator, Development Division, 881-4577											
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on 6.00 ± acres to District RE (Residential Estates). The purpose is to create two single family residential lots. The location is 32700 E. Pink Hill Road. 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 held a public hearing on November 19, 2020 and accepted testimony pertaining to the rezoning request. The Plan Commission voted 5 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	Attachment 1: Property Description. Attachment 2: Zoning Support Documents											
REVIEW	<table border="1" data-bbox="324 1669 1250 1911"> <tr> <td>Department Director: Brian D. Gaddie, P.E. Director of Public Works <i>Brian Gaddie</i></td> <td>Date: 11-25-20</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: <i>Greg M. Schulte</i></td> <td>Date: 11-25-2020</td> </tr> <tr> <td>County Counselor's Office: <i>Byron O. Conaway</i></td> <td>Date: 11-25-20</td> </tr> </table>		Department Director: Brian D. Gaddie, P.E. Director of Public Works <i>Brian Gaddie</i>	Date: 11-25-20	Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: <i>Greg M. Schulte</i>	Date: 11-25-2020	County Counselor's Office: <i>Byron O. Conaway</i>	Date: 11-25-20		
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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.

RZ-2020-593

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

A part of the Southwest Quarter of the Southwest Quarter Section 14, Township 49, Range 30, in Jackson County, Missouri, more particularly described as follows: Beginning at the southeast corner of the Southwest Quarter of the Southwest Quarter of said Section 14; thence along the south line of said Section 14, North 88 degrees, 38 minutes, 15 seconds West, 589.60 feet; thence departing said south line of said Section 14, North 01 degrees, 39 minutes, 09 seconds East, 516.88 feet; thence South degrees, 38 minutes, 15 seconds East, 587.84 feet to a point of the East line of the Southwest Quarter of the Southwest Quarter of said Section 14; thence along said East line, South 01 degrees, 27 minutes, 23 seconds West, 516.88 feet to the Point of Beginning.

RZ-2020-593

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Public Hearing Summary from September 24, 2020 Plan Commission
Staff Report
Location Map
Map showing current zoning district in area
Names/Addresses of Surrounding Property Owners
Copy of letter to said property owners
Application
Pictures
Preliminary Plat of Theresa's Corner

Randy Diehl gave the staff report:

RE: RZ-2020-593

Applicant: Theresa Kramer

Location: 3318 S. Buckner Tarsney Road

Area: 6.00 ± acres

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

Purpose: To create two single family residential lots

Current Land Use and Zoning in the Area:

The zoning in the immediate area is Agricultural and Residential Estates, with the majority of the land use being single family residences and some agricultural uses.

The subject property is surrounded by subdivisions of various lot sizes, with the majority being established prior to the implementation of the Unified Development Code in 1995. Lots range from 1.5 acres to 7.0 to 8.0 acres in size.

The applicant owns approximately 21.00 acres and is wanting to sell off the 6.00 acres south of the creek in order to divide it into two lots.

County Plan:

The County Plan Development Diagram illustrates this area within the Urban Development Tier (UDT).

The Residential Estates is appropriate for the Urban Development Tier.

Recommendation:

Staff recommends APPROVAL of RZ-2020-593

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: Are there any questions for Randy?

Mr. Crawford: Could you clarify on the map where the two lots will be.

Mr. Diehl: The area in red on the exhibit. The lots will be configured North to South.

Mr. Tarpley: The driveways will be where?

Mr. Diehl: Driveway locations will be determined as part of the plat review. More than likely will recommend the driveway to access onto Pink Hill Road. If driveways were to access Buckner Tarsney Road, then those locations would be determined by the Missouri Department of Transportation, since that road is a state highway.

Mr. Akins: Do any of those ponds serve as effluent ponds?

Mr. Antey: Is the applicant here?

Vince Donze: 3318 S. Buckner Tarsney Road. I am the applicant's fiancé.

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

Mr. Donze: No. He explained it pretty accurately.

Mr. Tarpley: Is there anything planned for the remaining property?

Mr. Donze: No.

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

There were none

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

There were none

Motion to take under advisement.

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

Discussion under advisement

Mr. Crawford moved to approve. Mr. Haley seconded.

Mr. Tarpley	Approve
Mr. Crawford	Approve
Mr. Haley	Approve
Mr. Hilliard	Approve
Chairman Antey	Approve

Motion Carried 5 – 0

STAFF REPORT

PLAN COMMISSION

September 17, 2020

RE: RZ-2020-593

Applicant: Theresa Kramer

Location: 3318 S. Buckner Tarsney Road

Area: 6.00 ± acres

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

Purpose: To create two single family residential lots

Current Land Use and Zoning in the Area:

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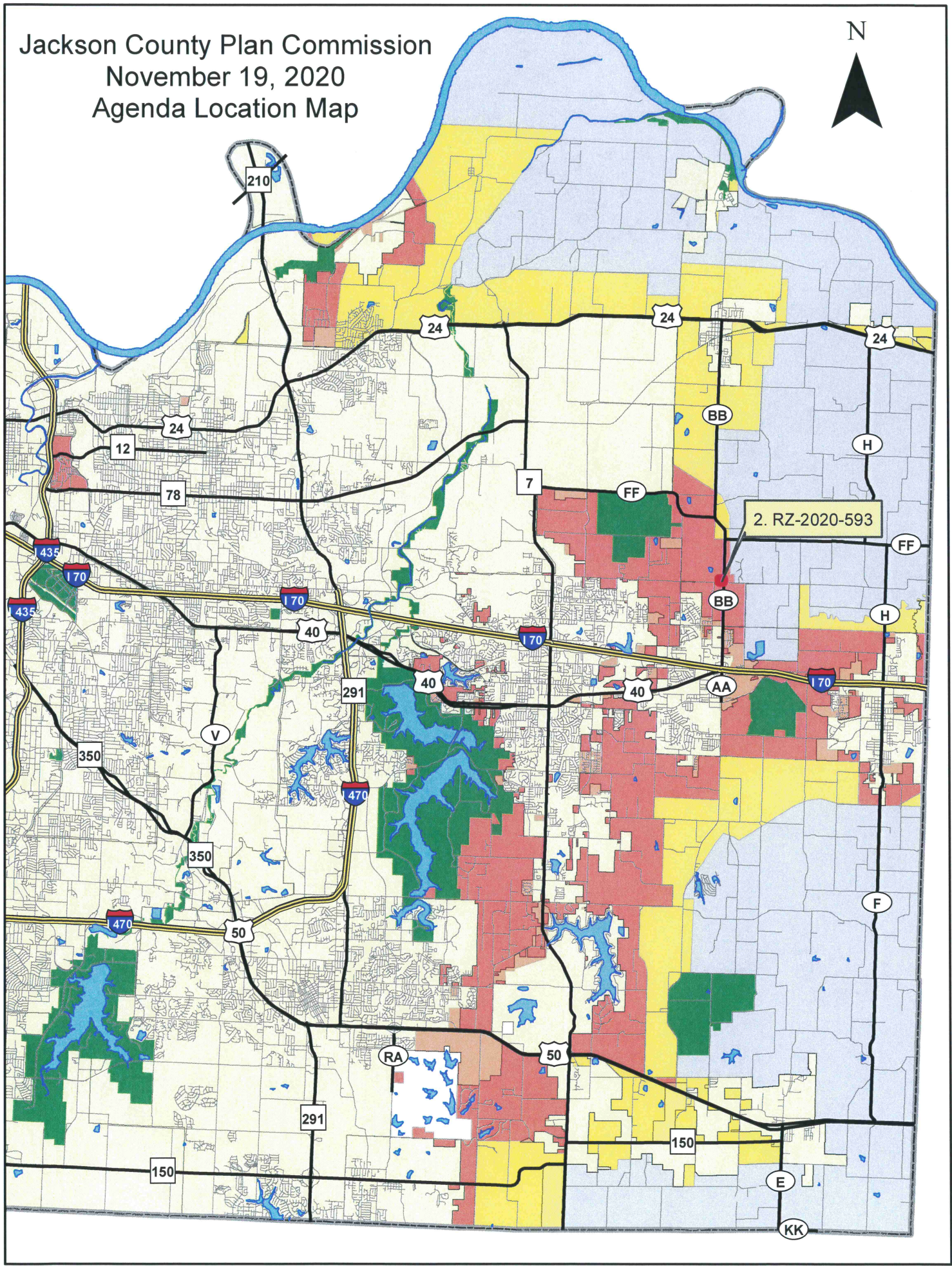
Recommendation:

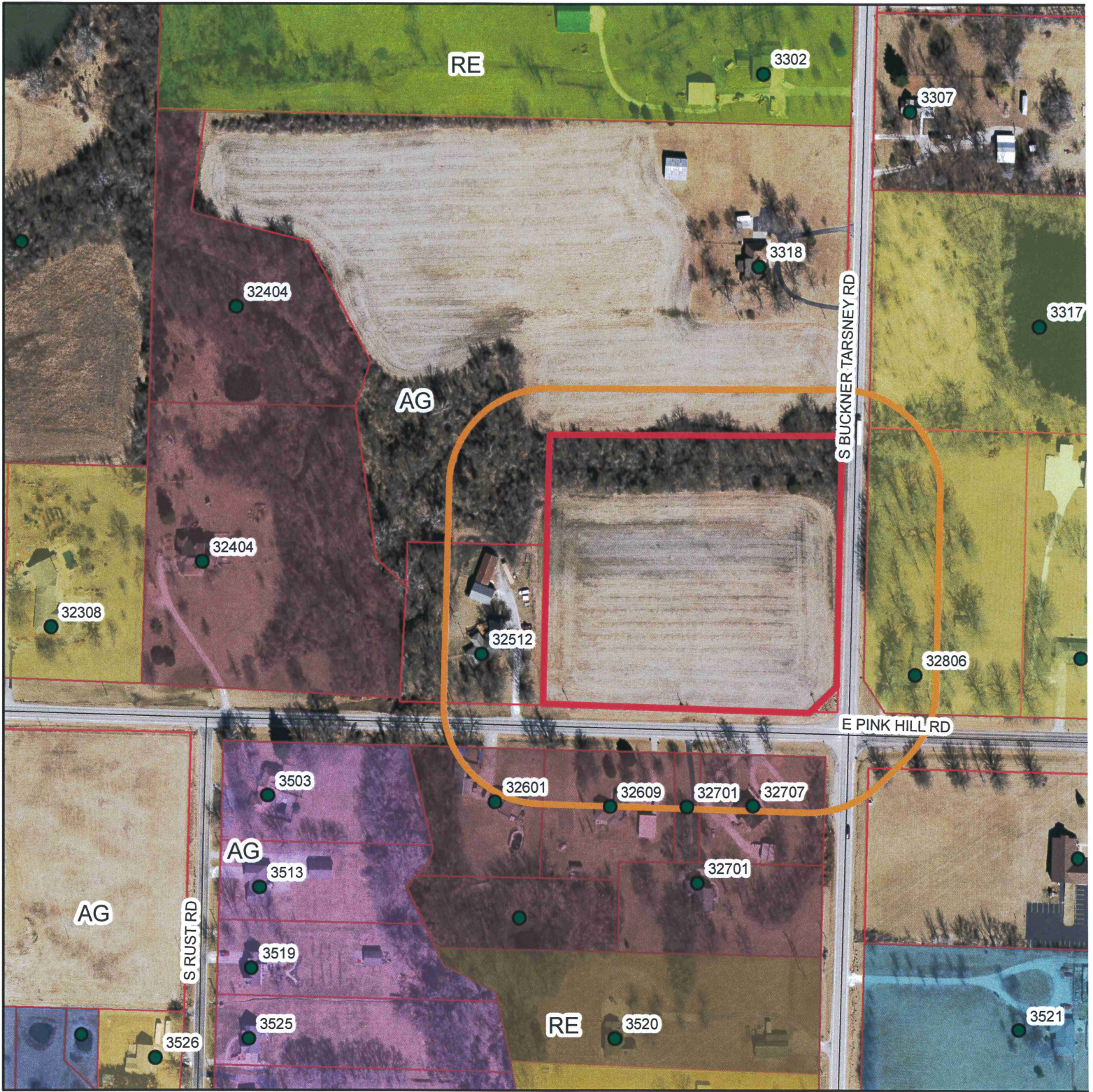
Staff recommends APPROVAL of RZ-2020-593

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
November 19, 2020
Agenda Location Map





Plan Commission September 17, 2020

RZ-2020-593

Property Owners Within 185 feet

Parcel	Name	Address	City
37-200-02-36-02-0-00-000	SMITH LYLE LEON & SHERRIE D	32701 E PINK HILL, GRAIN VALLEY	GRAIN
37-200-02-03-00-0-00-000	RLDS/CHURCH OF JESUS CHRIST	1001 W WALNUT ST	INDEF
37-200-02-38-00-0-00-000	GORDON JOHN W & MARGARET	32601 E PINK HILL RD	GRAIN
37-200-02-36-01-0-00-000	ENGEL KATHRYN E & DALLAS L	32707 E PINK HILL RD	GRAIN
22-800-03-20-00-0-00-000	SURFACE JOHN M	32806 E PINK HILL RD	GRAIN
37-200-02-37-00-0-00-000	ACKERMAN ANGELA M	32609 E PINK HILL RD	GRAIN
22-800-03-19-00-0-00-000	SURFACE JOHN E & TERRI M TRUSTEE	32910 E PINK HILL RD	GRAIN
22-800-03-06-00-0-00-000	ERWIN EDDIE L & MONICA J	32512 E PINK HILL RD	GRAIN
22-800-03-07-01-0-00-000	KRAMER THERESA A	3318 S BUCKNER TARSNEY RD,	GRAIN



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

November 4, 2020

RE: Public Hearing: RZ-2020-593
Theresa Kramer

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 Theresa Kramer for a change of zoning from District AG (Agricultural) on a 6.00 ± acre tract to District RE (Residential Estates). The purpose is to create two single family residential lots at 32700 E. Pink Hill Road, Jackson County, Missouri.

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 185' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, November 19, 2020 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,

A handwritten signature in blue ink, appearing to read "Randy Diehl".

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Frank White, Jr., County Executive

**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- 2020 - 593
Date filed 10-12-20 Date of hearing 11-19-20
Date advertised 11-4-20 Date property owners notified 11-4-20
Date signs posted 11-4-20
Hearings: Heard by PC Date 11-19-20 Decision _____
Heard by _____ Date _____ Decision _____
Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):

a. Applicant(s) Name: _____

Address: _____

Phone: _____

b. Owner(s) Name: THERESA KRAMER

Address: 3318 S. BUCKNER TARSNEY

Phone: 816-805-9012

c. Agent(s) Name: _____

Address: _____

Phone: _____

- d. Applicant's interest in Property: OWNER
2. General location (Road Name) NW CORNER OF BUCKNER TARSNEY ROAD AND PINK HILL ROAD
3. Present Zoning AG Requested Zoning ER RE
4. AREA (sq. ft. / acres) 5.91 ACRES
5. Legal Description of Property: (Write Below or Attached 9)
See attached
6. Present Use of Property: Farm Land
7. Proposed Use of Property: Residential
8. Proposed Time Schedule for Development: ASAP
9. What effect will your proposed development have on the surrounding properties?
NONE, SAME AS SURROUNDING AREA
10. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? YES, AS SHOWN ON PLAT
If so, will any improvements be made to the property which will increase or decrease the elevation? NO
11. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water INDEPENDENCE WATER SERVICE
 - b. Sewage disposal On-Site Septic System
 - c. Electricity EVERGY
 - d. Fire and Police protection GRAIN VALLEY
12. Describe existing road width and condition: 2-LANES 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? NO

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) Theresa Kramer 9-24-20

Applicant(s): _____

Contract Purchaser(s): _____

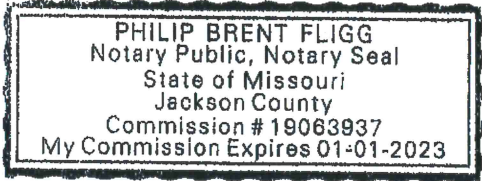
STATE OF Missouri
COUNTY OF Jackson

On this 24th day of Sept., in the year of 2020, before me
the undersigned notary public, personally appeared Theresa Kramer

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.

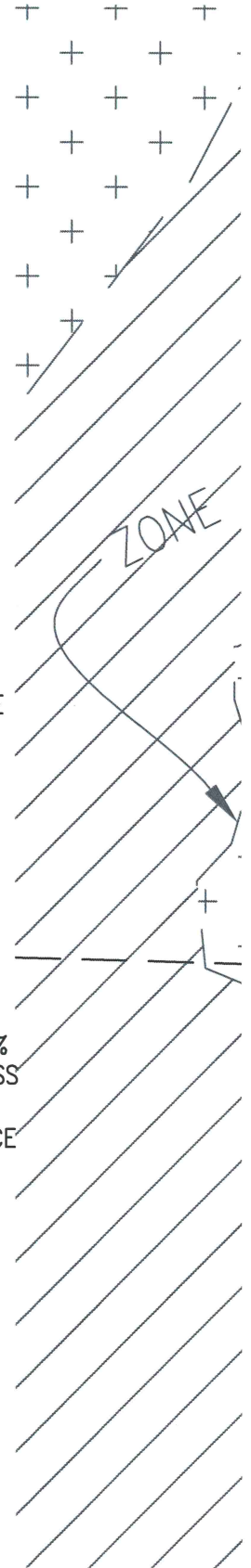
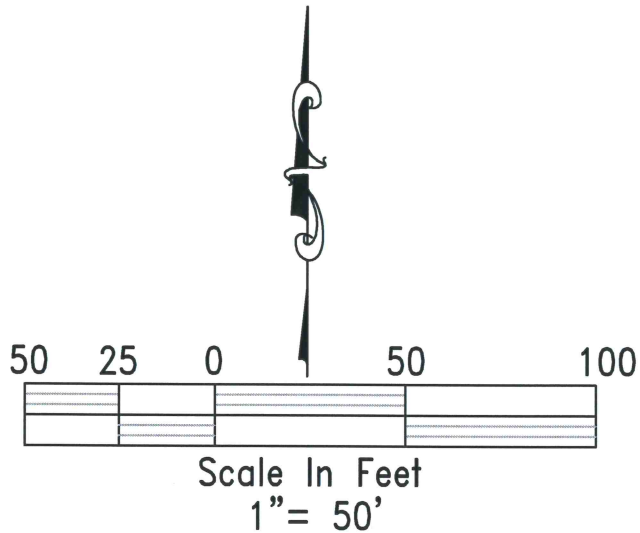
Notary Public Philip Brent Fligg Commission Expires 01-01-2023











NOTES:

1. TRACT 1 CONTAINS 162,486 SQUARE FEET OR 3.73 ACRES MORE OR LESS.
TRACT 2 CONTAINS 141,811 SQUARE FEET OR 3.26 ACRES MORE OR LESS.
2. ACCESS TO TRACT 1 VIA PUBLIC RIGHT OF WAY: E. PINK HILL ROAD AND S. BUCKNER TARSNEY ROAD.
ACCESS TO TRACT 2 VIA PUBLIC RIGHT OF WAY: E. PINK HILL ROAD.
3. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A PROPER TITLE REPORT. EASEMENTS AND OTHER CONDITIONS MAY EXIST AND COULD BE DISCLOSED BY A PROPER TITLE REPORT, WHICH WAS NOT SUPPLIED BY THE CLIENT
4. SURVEYOR DID NOT LOCATE IMPROVEMENTS ON SUBJECT PROPERTY.
5. FLOOD ZONES ARE APPROXIMATE SHOWN FROM SCALED MAPS.
6. PARENT TRACT AS RECORDED IN DOCUMENT NO. 2019E0078331.

BASIS OF BEARINGS:

BEARINGS SHOWN ARE GRID BEARINGS BASED ON MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE.

FLOOD STATEMENT:

THE SUBJECT PROPERTY LIES IN AN AREA LABELED ZONE "X" (AREAS DETERMINED TO BE 0,2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD) AS DETERMINED BY THE FEMA FLOOD INSURANCE RATE MAP NUMBER 29095C0337G, WITH AN EFFECTIVE DATE OF JANUARY 20, 2017.