


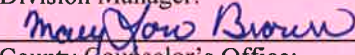
# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 4836

Sponsor(s): None

Date: April 4, 2016

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Ronald L. &amp; Julie M. Garver Case No. RZ-2016-529</u>																			
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="305 489 1187 804"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td></td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT</td> <td></td> </tr> <tr> <td></td> <td>TO ACCT</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; FROM / TO	FROM ACCT			TO ACCT	
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Source of funding (name of fund) and account code number; FROM / TO	FROM 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 1.2 ± acres to District RS (Residential Suburban). The 1.2 ± acres are described as Lot 48, Trophy Estates, in Jackson County, Missouri, aka 13023 SE Howard Street, 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 9 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 Finance (Budget Approval): <i>If applicable</i> Division Manager:  County Counselor's Office:	Date: 3/23/2016    Date:   Date: 3/30/16 Date:																		

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 January 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

Copy of Trophy Estates Plat

**RZ-2016-529**

**ATTACHMENT TO RLA 1:**

**Description:**

Lot 48, Trophy Estates, a subdivision in Jackson County, Missouri.

RE: RZ-2016-529

Randy Diehl gave the staff report:

**Applicant:** Ronald L. & Julie M. Garver

**Location:** Lot 48, Trophy Estates, Jackson County, Missouri  
aka 13023 SE Howard Street.

**Area:** 1.2 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RS  
(Residential Suburban)

**Purpose:** Applicant is requesting the change in zoning in order to decrease the  
building setback requirements for future construction.

**Current Land Use and Zoning in the Area:**

The zoning in the area is predominantly Agricultural. The land use within the platted subdivision is single family residences. Trophy Estates was platted in 1977 and 1979. The Zoning Order (adopted in 1960) in place at the time did not require a change in zoning for platted lots. Therefore the zoning for Trophy Estates is Agricultural.

Lots 21, 30, 36, 39, 40, and 43 of Trophy Estates, have been rezoned to Residential Suburban District for the same purpose as this application.

**County Plan:**

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

The Residential Suburban District (RS) is intended for detached single family residential use and where public services exist or could reasonably be extended to development. Trophy Estates subdivision is served by a community (package treatment) sewer system and water is provided by Lee's Summit.

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2016-529

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

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

Mr. Akins: Randy, it looks like the property next door has already been rezoned. There is an out building close to the property line.

Mr. Diehl: It appears that the building is less than 200 square feet. Anything less than 200 square feet is exempt from a building permit and therefore not required to meet the setbacks. So anything larger than a 10 by 20 foot building requires a building permit and would need to meet setbacks.

*Is the applicant here?*

Ron Garver, 13023 SE Howard Street, Greenwood, MO.

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

Mr. Garver: No.

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

Mr. Tarpley: What is the size of the building?

Mr. Garver: 24 by 40 or 24 by 36

Mr. Tarpley: Is it a Butler Building?

No. I will match the house with siding and a shingled roof.

Mr. Haley: The neighbors okay with it?

Mr. Garver: Yes. All three adjoining neighbors are okay with it.

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

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

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

There were none.

Motion to take under advisement.

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

*Discussion under advisement*

Mr. Pointer: Looks pretty straightforward.

Mr. Tarpley: It's going to be an improvement to the neighborhood.

Motion to approve.

Mr. Akins moved to approve RZ-2016-530. Ms. Mershon seconded.

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

Motion Carried 9 – 0.

**STAFF REPORT**

**PLAN COMMISSION**

**March 17, 2016**

**RE: RZ-2016-529**

**Applicant:** Ronald L. & Julie M. Garver

**Location:** Lot 48, Trophy Estates, Jackson County, Missouri  
aka 13023 SE Howard Street.

**Area:** 1.2 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RS  
(Residential Suburban)

**Purpose:** Applicant is requesting the change in zoning in order to decrease the building setback requirements for future construction.

**Current Land Use and Zoning in the Area:**

The zoning in the area is predominantly Agricultural. The land use within the platted subdivision is single family residences. Trophy Estates was platted in 1977 and 1979. The Zoning Order (adopted in 1960) in place at the time did not require a change in zoning for platted lots. Therefore the zoning for Trophy Estates is Agricultural.

Lots 21, 30, 36, 39, 40, and 43 of Trophy Estates, have been rezoned to Residential Suburban District for the same purpose as this application.

The side yard setbacks will be reduced from 30 feet to 15 feet.  
The rear yard setback will be reduced from 50 to 20 feet.  
The front yard setback will remain 75 feet since this setback was established on the recorded plat.

**County Plan:**

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

The Residential Suburban District (RS) is intended for detached single family residential use and where public services exist or could reasonably be extended to development. Trophy Estates subdivision is served by a community (package treatment) sewer system and water is provided by Lee's Summit.



**Recommendation:**

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

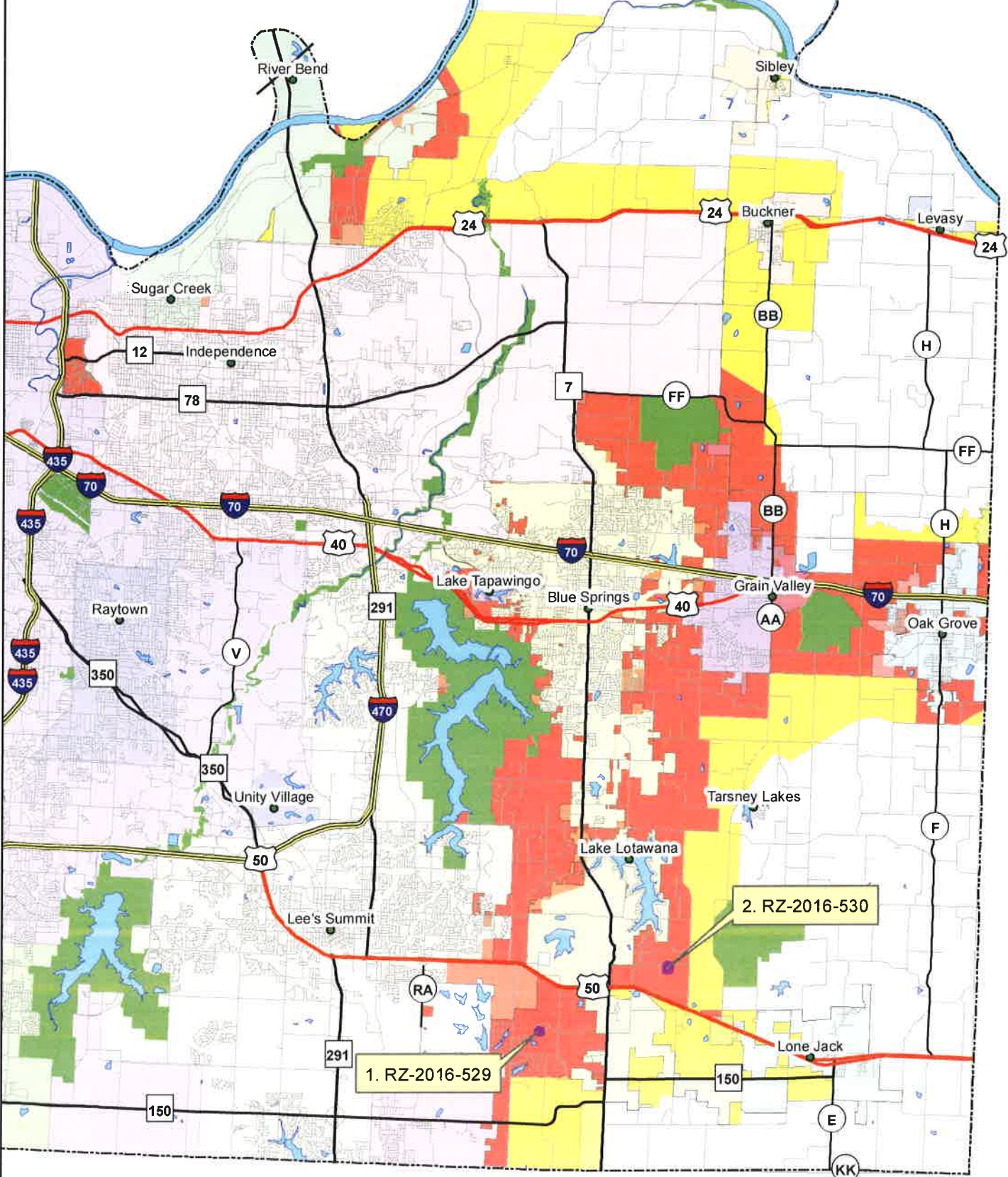
Staff recommends APPROVAL of RZ-2016-529

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

Jackson County Plan Commission  
March 17, 2016  
Agenda Location Map

N



1. RZ-2016-529

2. RZ-2016-530

Plan Commission  
March 17, 2016  
RZ-2016-529

**Applicants / Property Owners:**

**60-700-04-61**  
**Ronald L. & Julie M. Garver**  
**13023 SE Howard Street**  
**Greenwood MO 64034**

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

60-700-04-60-00-0-00-000  
GRAY DEBORAH  
P O BOX 92  
GREENWOOD, MO 64034

60-700-04-59-00-0-00-000  
MCELWAIN DANNY T & REBECCA S  
13016 HOWARD ST  
GREENWOOD, MO 64034

60-700-04-58-00-0-00-000  
RICHARDSON MARY T  
13010 SE HOWARD ST  
GREENWOOD, MO 64034

60-700-04-57-00-0-00-000  
BRADSHAW LAWRENCE A & JUDY J  
13013 S HOWARD ST  
GREENWOOD, MO 64034

60-700-04-56-00-0-00-000  
TIDD SCOTT P & ANGELINA R  
25403 E 130TH TER  
GREENWOOD, MO 64034

71-100-01-13-00-0-00-000  
WOODLAND LAKE ESTATES LLC  
9714 S BUCKNER TARSNEY RD  
GRAIN VALLEY, MO 64029





RE

RS

HOWARD ST

130TH TER

RS

AG

RS

RS

RS

E 130TH ST

RS

AG

E 130TH TER

AG

AG

S HOWARD ST

RS

S HARRIS RD

AG

E HERRING RD

RE

AG



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

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**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-2016-529  
 Date filed 1-15-16 Date of hearing 3-17-16  
 Date advertised 3-9-16 Date property owners notified 3-9-16  
 Date signs posted 3-19-16  
**Hearings:** Heard by DC Date 3-17-16 Decision \_\_\_\_\_  
 Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_  
 Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

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**BEGIN APPLICATION HERE:**

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

- a. Applicant(s) Name: Ronald L. Garver & Julie M. Garver  
 Address: 13023 SE Howard  
Greenwood, MO 64034  
 Phone: 816-729-5224 / 816-304-0045 / 816-524-0710
- b. Owner(s) Name: Ronald L. Garver & Julie M. Garver  
 Address: 13023 SE Howard, Greenwood, MO 64034  
 Phone: 816-729-5224 / 816-304-0045 / 816-524-0710
- c. Agent(s) Name: N/A

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

- d. Applicant's interest in Property: owner
2. General location (Road Name) Howard Street - Trophy Estates
3. Present Zoning Agricultural Requested Zoning Residential Suburban
4. AREA (sq. ft. / acres) 1.2 acres
5. Legal Description of Property: (Write Below or Attached 9 )  
Lot 4A, Trophy Estates
6. Present Use of Property: Residential
7. Proposed Use of Property: Residential
8. Proposed Time Schedule for Development: March 2016  
(build detached garage)
9. What effect will your proposed development have on the surrounding properties?  
none
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? no
11. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water L.S. Water - none
- b. Sewage disposal Jackson County - none
- c. Electricity KCP&L - none
- d. Fire and Police protection Greenwood, MA - none
12. Describe existing road width and condition: 50' wide w/cul-de-sac

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

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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): \_\_\_\_\_

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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)

Ronald L. Leaver  
Julie Leaver

1-12-16

1-12-16

Applicant(s):

Julie Leaver  
Ronald L. Leaver

1-12-16

1-12-16

RL

Contract Purchaser(s): \_\_\_\_\_

\_\_\_\_\_

STATE OF Kansas

COUNTY OF Johnson

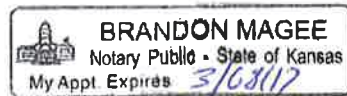
On this 11 day of January, in the year of 2016, before me the undersigned notary public, personally appeared Ronald Leaver and Julie Leaver

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 Brandon Magee

Commission Expires 3/08/17





Ord. 4836

HOWARD ST





HOWARD ST

Ord. 4836









1. A survey and plat of a part of the SE 1/4 of Section 13, Township 24S, Range 27W, Meridian 10W, Jackson County, Missouri, was particularly described as follows:

That the section of the SE 1/4 of Section 13, Township 24S, Range 27W, Meridian 10W, Jackson County, Missouri, was particularly described as follows: ...

1. A. To wit: ...

1. A. To wit: ...

1. A. To wit: ...

1. A. To wit: ...

1. A. To wit: ...

1. A. To wit: ...

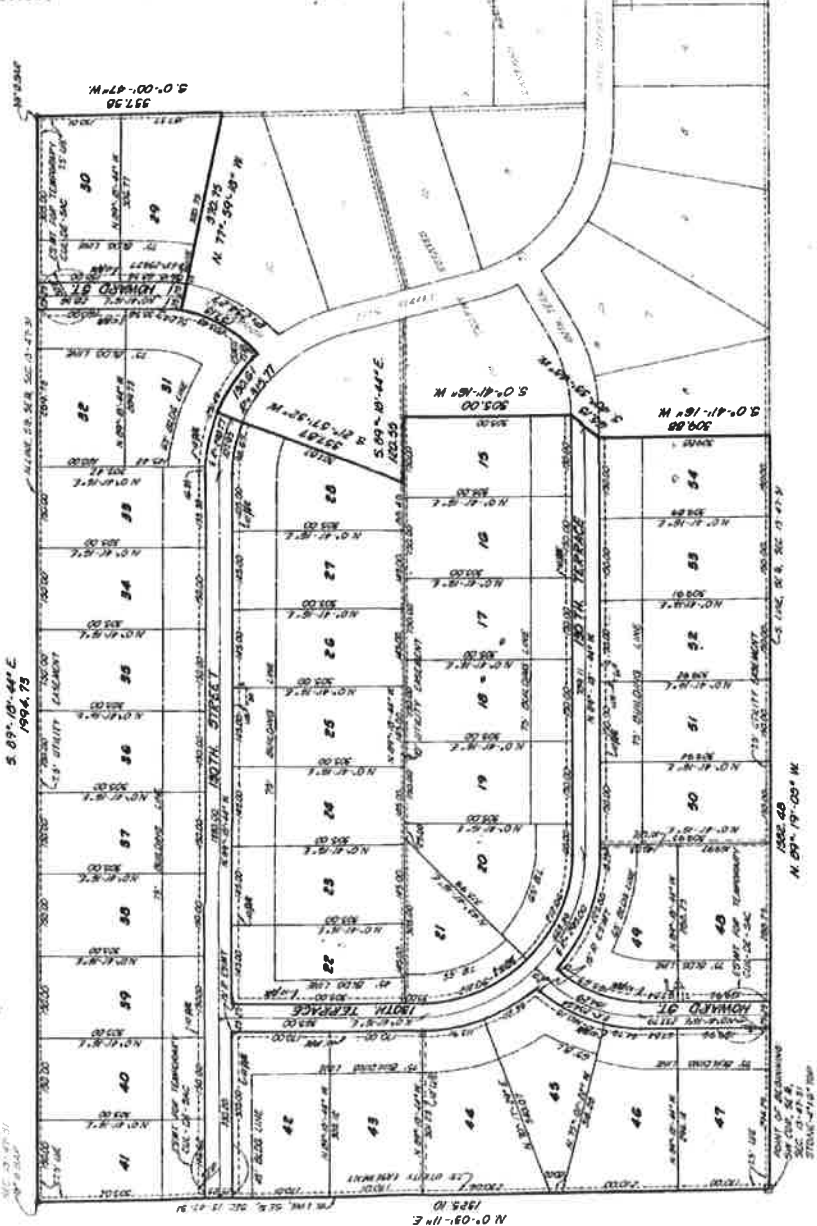
1. A. To wit: ...

1. A. To wit: ...

50-140

# TROPHY ESTATES

## PART OF THE S. 1/2 OF THE SE 1/4 OF SECTION 13-47-31



I HEREBY CERTIFY THE DETAILS OF THIS PLAN TO BE TRUE AND CORRECT



PREPARED BY  
**GREEN ENGINEERING SERVICES**  
OLATHE, KANSAS  
FEBRUARY, 1978

57 MAR 20 1978 11 0

37 2

50-140

1978 10

