

JUL 23 2018



REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 5118

Sponsor(s): None

Date: July 30, 2018

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Alan D Myers (Hennrich Family Trust) - RZ-2018-563</u>																			
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="321 527 1203 842"> <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	
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																			
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 8.28 ± acres to District RE (Residential Estates). The purpose is to bring the 8.28 acres in compliance with the zoning code and allow future construction of a single family residence, the location is 37006 E. Church Road, and specifically described on Attachment to RLA-1 The Jackson County Plan Commission on <del>May 17, 2018</del> <sup>July 19, 2018</sup> held a public hearing and accepted testimony pertaining to the request. This request for a 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 7 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: 7-20-18																		
	Finance (Budget Approval): <i>If applicable</i>	Date:																		
	Division Manager: 	Date: 7-23-18																		

County Counselor's Office:

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.

**RZ-2018-563**

**ATTACHMENT TO RLA 1:**

**Description:** All that part of the Southeast Quarter of the Northeast Quarter of Section 7, Township 48, Range 29, Jackson County, Missouri, described as follows: Beginning at a point in the South line of the Southeast Quarter of the Northeast Quarter, Section 7, Township 48, Range 29, said point being 470.00 feet East of the Southwest corner of the Southeast Quarter of the Northeast Quarter of said Section 7, thence North parallel to the West line of said Quarter Quarter section, a distance of 834.55 feet to a point, thence East parallel to the South line of said Quarter Quarter section, 520.7 feet to a point in the West line of the East 10 acres of said Southeast Quarter of the Northeast Quarter section, thence South along said West line of 10 acre tract, 834.55 feet to a point in the South line said Southeast Quarter of the Northeast Quarter section and to a point 993.25 feet East of the Southwest corner of said Quarter Quarter, thence West 523.25 feet to the point of beginning. Except part platted as Church Road Estates, Lot 1, a subdivision in Jackson County, Missouri, and except part in road.

Randy Diehl gave the Staff Report

**STAFF REPORT**

**PLAN COMMISSION**

July 19, 2018

**RE: RZ-2018-563**

**Applicant:** Alan D Myers – Hennrich Family Trust

**Location:** 37006 E. Church Road

**Area:** 8.28 acres

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

**Purpose:** Applicant is requesting the change in zoning in order bring it into compliance with the Unified Development Code to allow it to be developed into a single family residential lot.

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

The land use along Church Road is single family residential.

In the immediate area of the applicant's property there are five subdivisions within District RE.

The tract was originally part of a 33.5 acre tract. In 1984, Church Road Estates (1.5 acres) was platted. The West 10 acres and the North 10.5 acres were sold in 1988, leaving the 8.28 acres. Since the tract did not exist as a separate tract until November of 1988, and was not platted, it does not have a legal non-conforming status. Therefore in order to develop he tract as a single family residence, it must be rezoned and platted.

In order to qualify as a Grandfathered or Legal non-conforming tract, a property would need to have a deed describing the property as it exists, filed prior to April of 1988. If the property had been platted between April 1988 and June of 1995, it would be legal to develop.

**Plan:**

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

Residential Estates is appropriate for the SDT.

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2018-563.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

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

Mr. Antey, This is not a legal non-conforming tract?

Mr. Diehl: Correct. It would have to have been platted before 1995, or created before 1978.

Mr. Tarpley: Is the minimum lot size 5 acres?

Mr. Diehl: For RE, the minimum is 3 acres, RR has the 5 acre minimum. RE doesn't have to be between limited to 3 to acres. 3 is just the minimum.

Mr. Tarpley: Could this lot be divided?

Mr. Diehl: It might, however it may not be feasible because of the way the land is. The pond and the natural drainage may not make it possible. There is a field entrance on the west and possibly one on the east side. This could have been RR zoning, the RE is pretty consistent for this area.

Mr. Antey: So really you'd only be able to get one other lot.

**Mr. Antey: Is the applicant here?**

Alan Myers, 208 S Grassy Ridge Road, Oak Grove

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

Mr. Myers: No. There isn't an entrance on the east side.

Me. Diehl: If one was put in, there would not be any problem with site distance.

**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.

Ms. Mershon moved to take under advisement. Mr. Tarpley seconded.

*Discussion under advisement*

Mr. Gibler moved to approve. Mr. Haley seconded:

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

Motion Carried 7 – 0.

**STAFF REPORT**

**PLAN COMMISSION**

July 19, 2018

**RE: RZ-2018-563**

**Applicant:** Alan D Myers – Hennrich Family Trust

**Location:** 37006 E. Church Road

**Area:** 8.28 acres

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

**Purpose:** Applicant is requesting the change in zoning in order bring it into compliance with the Unified Development Code to allow it to be developed into a single family residential lot.

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

The land use along Church Road is single family residential. In the immediate area of the applicant's property there are five subdivisions within District RE.

The tract was originally part of a 33.5 acre tract. In 1984, Church Road Estates (1.5 acres) was platted. The West 10 acres and the North 10.5 acres were sold in 1988, leaving the 8.28 acres. Since the tract did not exist as a separate tract until November of 1988, and was not platted, it does not have a legal non-conforming status. Therefore in order to develop he tract as a single family residence, it must be rezoned and platted.

In order to qualify as a Grandfathered or Legal non-conforming tract, a property would need to have a deed describing the property as it exists, filed prior to April of 1988. If the property had been platted between April 1988 and June of 1995, it would be legal to develop.

**Plan:**

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

Residential Estates is appropriate for the SDT.

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2018-563.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

RZ-2018-563  
Alan Myers  
Hennrich Family Trust







## 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, 2018

RE: Public Hearing: RZ-2018-563  
Alan D Myers for the Hennrich Family Trust

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 Alan D Myers for the Hennrich Family Trust for a change of zoning from District AG (Agricultural) on 8.28 ± acres to District RE (Residential Ranchette). The purpose is to bring the 8.28 ± acres in compliance with the zoning code and allow the future construction of a single family residence. The location is 37006 E. Church 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 300' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, July 19, 2018 at 8:30 a.m. in the Large Conference Room, 2<sup>nd</sup> 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*

Plan Commission July 19, 2018  
 RZ-2017-563

Property Owners Within 300 feet

Parcel Number *	owner *	owneraddress	city	state	zip
39-400-04-05-00-0-00-000	KEISER JAMES D & W LUANN	7110 S HILLSIDE SCHOOL RD	OAK GROVE	MO	64075
39-400-04-20-00-0-00-000	SMITH DAVID P & BETH A	36903 E CHURCH RD	OAK GROVE	MO	64075
39-400-01-14-00-0-00-000	GEORGE CEMETERY	HILLSIDE SCHOOL RD	OAK GROVE	MO	64075
39-400-01-05-01-3-00-000	HUDDLESTON GENE L & DIANA	1105 SW SKYLINE DR	BLUE SPRINGS	MO	64015
39-400-01-13-00-0-00-000	HADLEY DELMAR B & NORMA J	36804 E CHURCH RD	OAK GROVE	MO	64075
39-400-01-07-00-0-00-000	PAUL BUDDY G & CECIL L	PO BOX 455	OAK GROVE	MO	64075
39-400-04-23-00-0-00-000	THOMPSON MICHAEL L	37005 E CHURCH RD	OAK GROVE	MO	64075
39-400-04-22-00-0-00-000	THOMPSON JUSTIN & AMANDA	37001 E CHURCH RD	OAK GROVE	MO	64075
39-400-04-25-00-0-00-000	HODGES BRIAN & ANGIE	36805 E CHURCH RD	OAK GROVE	MO	64075

Applicant

39-400-01-05-01-4-00-000	HENNRICH LARRY G & ORPHA L-TRUSTEES	37604 E HUDSON RD	OAK GROVE	MO	64075
	ALAN MYERS				

**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- 2018-563  
Date filed \_\_\_\_\_ Date of hearing \_\_\_\_\_  
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): Henrich Family Trust by executor of Trust
  - a. Applicant(s) Name: Alan D Myers  
→ Address: 208 S Grassy Ridge  
Dak Grove Mo. 64075  
Phone: 816-223-5999
  - b. Owner(s) Name: Alan D Myers  
Address: 208 S Grassy Ridge Dak Grove Mo 64075  
Phone: 816-223-5999
  - c. Agent(s) Name: Scott Cox

Address: 1209 NW North Ridge Ste. A  
Blue Springs Mo. 64015

Phone: 816-589-6048

d. Applicant's interest in Property: Sell

2. General location (Road Name) Church Road

3. Present Zoning Agricultural Requested Zoning Residential

4. AREA (sq. ft. / acres) 8 1/2 acres

5. Legal Description of Property: (Write Below or Attached 9 )  
Legal Description Attached

6. Present Use of Property: none

7. Proposed Use of Property: Build

8. Proposed Time Schedule for Development: Unknown

9. What effect will your proposed development have on the surrounding properties?  
None other than house being built

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 At the street

b. Sewage disposal need septic system

c. Electricity At the street

d. Fire and Police protection County

12. Describe existing road width and condition: 20ft? good

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

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): na

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	<u>Hennrich Family Trust</u>	Date	<u>6-11-18</u>
Property Owner(s)	<u>By executor of Trust</u>		<u>6-11-18</u>
	<u>Alan Myers Trustee</u>		<u>6-11-18</u>
Applicant(s):	<u>Alan Myers</u>		<u>6-11-18</u>
	_____		_____
Contract Purchaser(s):	_____		_____
	_____		_____

STATE OF Missouri  
COUNTY OF Jackson

On this 11th day of June, in the year of 2018, before me the undersigned notary public, personally appeared Alan Myers - Trustee  
Hennrich Family Trust

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 Stacy McLaughlin Commission Expires 03/12/2019



STACY MCLAUGHLIN  
My Commission Expires:  
March 12, 2019  
Jackson County  
Commission #15633903

RZ-2018-563

Alan Myers<sup>37205</sup>

Hennrich Family Trust



6904

S HILLSIDE SCHOOL RD

E CHURCH RD

7001

7015

7103

7110

37106

37005

37002

37001

36900

36903

36804

36803

# CERTIFICATE OF SURVEY

BOUNDARY RETRACEMENT IN THE  
SE1/4 NE1/4 SECTION 7, T48N, R29W,  
JACKSON COUNTY, MISSOURI

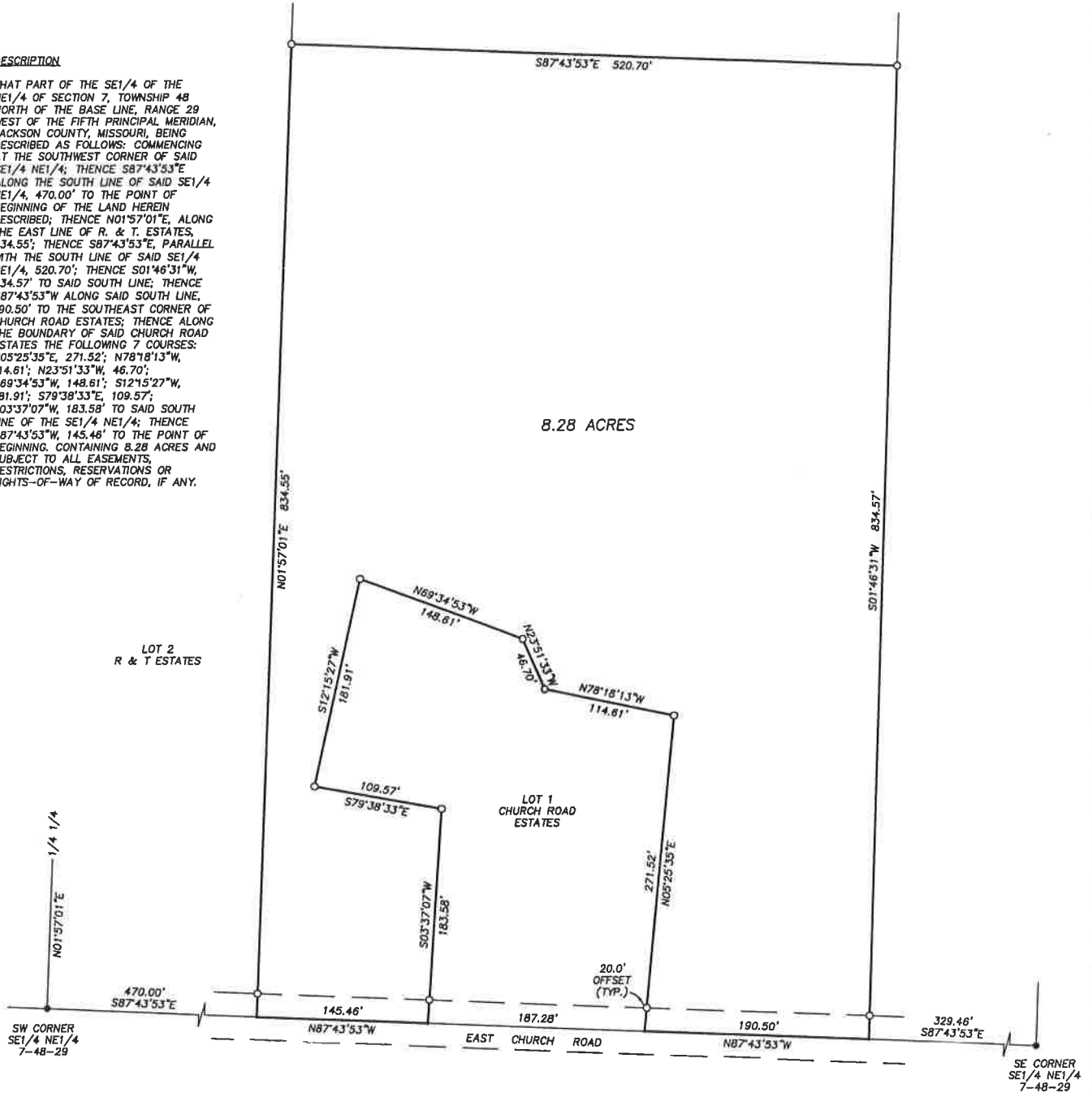
**DESCRIPTION**

THAT PART OF THE SE1/4 OF THE NE1/4 OF SECTION 7, TOWNSHIP 48 NORTH OF THE BASE LINE, RANGE 29 WEST OF THE FIFTH PRINCIPAL MERIDIAN, JACKSON COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SE1/4 NE1/4; THENCE S87°43'53"E ALONG THE SOUTH LINE OF SAID SE1/4 NE1/4, 470.00' TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE N01°57'01"E ALONG THE EAST LINE OF R. & T. ESTATES, 834.55'; THENCE S87°43'53"E, PARALLEL WITH THE SOUTH LINE OF SAID SE1/4 NE1/4, 520.70'; THENCE S01°46'31"W, 834.57' TO SAID SOUTH LINE; THENCE N87°43'53"W ALONG SAID SOUTH LINE, 190.50' TO THE SOUTHEAST CORNER OF CHURCH ROAD ESTATES; THENCE ALONG THE BOUNDARY OF SAID CHURCH ROAD ESTATES THE FOLLOWING 7 COURSES: N05°25'35"E, 271.52'; N78°18'13"W, 114.61'; N23°51'33"W, 46.70'; N69°34'53"W, 148.61'; S12°15'27"W, 181.91'; S79°38'33"E, 109.57'; S03°37'07"W, 183.58' TO SAID SOUTH LINE OF THE SE1/4 NE1/4; THENCE N87°43'53"W, 145.46' TO THE POINT OF BEGINNING, CONTAINING 8.28 ACRES AND SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS OR RIGHTS-OF-WAY OF RECORD, IF ANY.

8.28 ACRES

LOT 2  
R & T ESTATES

LOT 1  
CHURCH ROAD  
ESTATES



**SURVEYOR'S CERTIFICATION**

I hereby certify that this survey was prepared by me or under my direct personal supervision, and that I am a duly registered Professional Land Surveyor under the laws of the State of Missouri, and that this survey was performed in accordance with the requirements of the current Missouri Minimum Standards for Property Boundary Surveys adopted by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, effective June 30, 2017. If this document does not have an embossed seal and a stamp in red ink, it should be assumed to contain unauthorized alterations.

**SISCO LAND SURVEYING, LLC**

PO Box 84  
Lexington, MO 64067  
Phone (616) 868-8950  
siscolandsurveying@gmail.com

Thomas G. Sisco  
MO P.L.S. 2003013180

Survey For: SCOTT COX  
CENTURY 21

Date: JUNE 7, 2018

Project #: SLS-18-73

**NOTES**

1. BEARING SYSTEM IS MISSOURI STATE PLANE, WEST ZONE.
2. RECORDED DEED INFORMATION FOR THE SURVEYED TRACT CAN BE FOUND IN DOCUMENT 2008E0032443.
3. NO INVESTIGATION OR INDEPENDENT SEARCH HAS BEEN MADE BY THIS SURVEYOR FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. THIS SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS OF A RURAL CLASS SURVEY AS DEFINED BY THE MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.



1" = 60'

0 30 60 120

- = SET 1/2" IRON BAR
- = FOUND 3/8" IRON BAR