

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 4712

Sponsor(s): None

Date: January 26, 2015

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Gerald W. & Janet E. Syler Case No. RZ-2015-512</u>																			
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="324 457 1205 772"> <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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	TO ACCT																			
PRIOR LEGISLATION	Prior ordinances and (date): _____ Prior resolutions and (date): _____																			
CONTACT INFORMATION	RLA drafted by Randy Diehl, Planning and Zoning Coordinator, 881-4577																			
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on a 10.33 ± acre tract to District RE (Residential Estates). The 10.33 ± acres are described are located in Sections 18 & 19, Township 50, Range 30 at 2125 N. Six Mile Church Road. The 10.33 ± acres will be platted as a two lot subdivision, Twelve Oaks, 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	<table border="1" data-bbox="310 1669 1541 1925"> <tr> <td>Department Director:</td> <td></td> <td>Date: 01/20/2015</td> </tr> <tr> <td>Earl Newill, Acting Director</td> <td><i>Earl Newill</i></td> <td></td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td></td> <td>Date:</td> </tr> <tr> <td>Division Manager:</td> <td><i>[Signature]</i></td> <td>Date: 1-22-15</td> </tr> <tr> <td>County Counselor's Office:</td> <td></td> <td>Date:</td> </tr> </table>		Department Director:		Date: 01/20/2015	Earl Newill, Acting Director	<i>Earl Newill</i>		Finance (Budget Approval): <i>If applicable</i>		Date:	Division Manager:	<i>[Signature]</i>	Date: 1-22-15	County Counselor's Office:		Date:			
Department Director:		Date: 01/20/2015																		
Earl Newill, Acting Director	<i>Earl Newill</i>																			
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Division Manager:	<i>[Signature]</i>	Date: 1-22-15																		
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.

ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from January 15, 2015

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

Copy of Twelve Oaks– Preliminary Plat

Photos of Property

RZ-2015-512

ATTACHMENT TO RLA 1:

Description:

All that part of the Southwest Fractional Quarter of the Southwest Quarter of Section 18, Township 50 North, Range 30 West and all that part of the Northwest Quarter of the Northwest Quarter of Section 18, Township 50 North, Range 30, in Jackson County, Missouri, described as follows:

Commencing at the Northwest corner of the Southwest Fractional Quarter of the Southwest Quarter of said Section 19; thence South 2 degrees 25 minutes 10 seconds West along the West line thereof, 1269.40 feet to the true Point of Beginning; thence South 87 degrees 46 minutes 26 seconds East 958.73 feet to the East line of said Quarter Quarter Section; thence South 3 degrees 49 minutes 04 seconds West along said East line, 53.68 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter of said Section 19; thence South 2 degrees 58 minutes 46 seconds West along the East line of last described Quarter Quarter Section 417.13 feet; thence North 87 degrees 46 minutes 26 seconds West 951.96 feet to the West line of the Northwest Quarter of said Section 19; thence North 2 degrees 13 minutes 59 seconds East along the West line, 418.84 feet to the Northwest corner of the last described Quarter Quarter Section; thence North 2 degrees 25 minutes 10 seconds East along the West line of the Southwest Fractional Quarter of the Southwest Quarter of Section 18, 51.91 feet to the true Point of Beginning, except that part in Six Mile Church Road, being Tract 3 as shown on the Survey recorded April 8, 1991, as Document no. I-1033654 in Survey Book T-4 at page 77.

Jackson County Plan Commission

Summary of Public Hearing

Date: January 15, 2015

Place: Independence City Hall,
Conference Room D
111 E Maple, Independence, MO

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

Staff: Randy Diehl
Chris Jenkins
Kristen Geary

RE: RZ-2015-512

Applicant: Gerald W. & Janet E. Syler

Location: Sections 18 & 19, Township 50, Range 30,
2125 N. Six Mile Church Road

Area: 10.33 ± acres

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

Purpose: Applicant is requesting the change in zoning in order to subdivide property into a two lot subdivision to be known as Twelve Oaks.

Current Land Use and Zoning in the Area:

The zoning in the area is predominantly Agricultural with the majority of the land use being single family residences. In the immediate area there are four subdivisions, with lot sizes ranging from less than an acre to 5 acres. These subdivisions were created prior to the adoption of the Unified Development Code (UDC) and therefore remain within District AG (Agricultural).

The unplatted properties in the area range from 2 acres and larger tracts up to 40 acres in size. To the South is Philips Estates, rezoned in 1995 and platted into two lots.

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-2015-512

Chairman Antey: Are there any questions for Randy or staff? *(there were none)*
Mr. Tarpley: Are they going to share the same driveway?
Randy Diehl: No, there is a driveway on the North lot, just before the house.
Chairman Antey: Is the applicant or his representative here?
Gerald Syler: 2125 N Six Mile Church Rd, Independence, MO 64058
Chairman Antey: Do you have anything to add to Randy's report?
Gerald Syler: No.
Chairman Antey: Does anyone have any questions for the applicant?
(There were no questions)
Is there anyone else present who would like to speak in favor of this application? *(There was none)*
Is there anyone present who would like to speak who is opposed to or has questions concerning this application?
(There was none)

Mr. Tarpley motioned to take this under advisement. Mr. Haley seconded.
Voice Vote: Motion Carried 8 – 0.

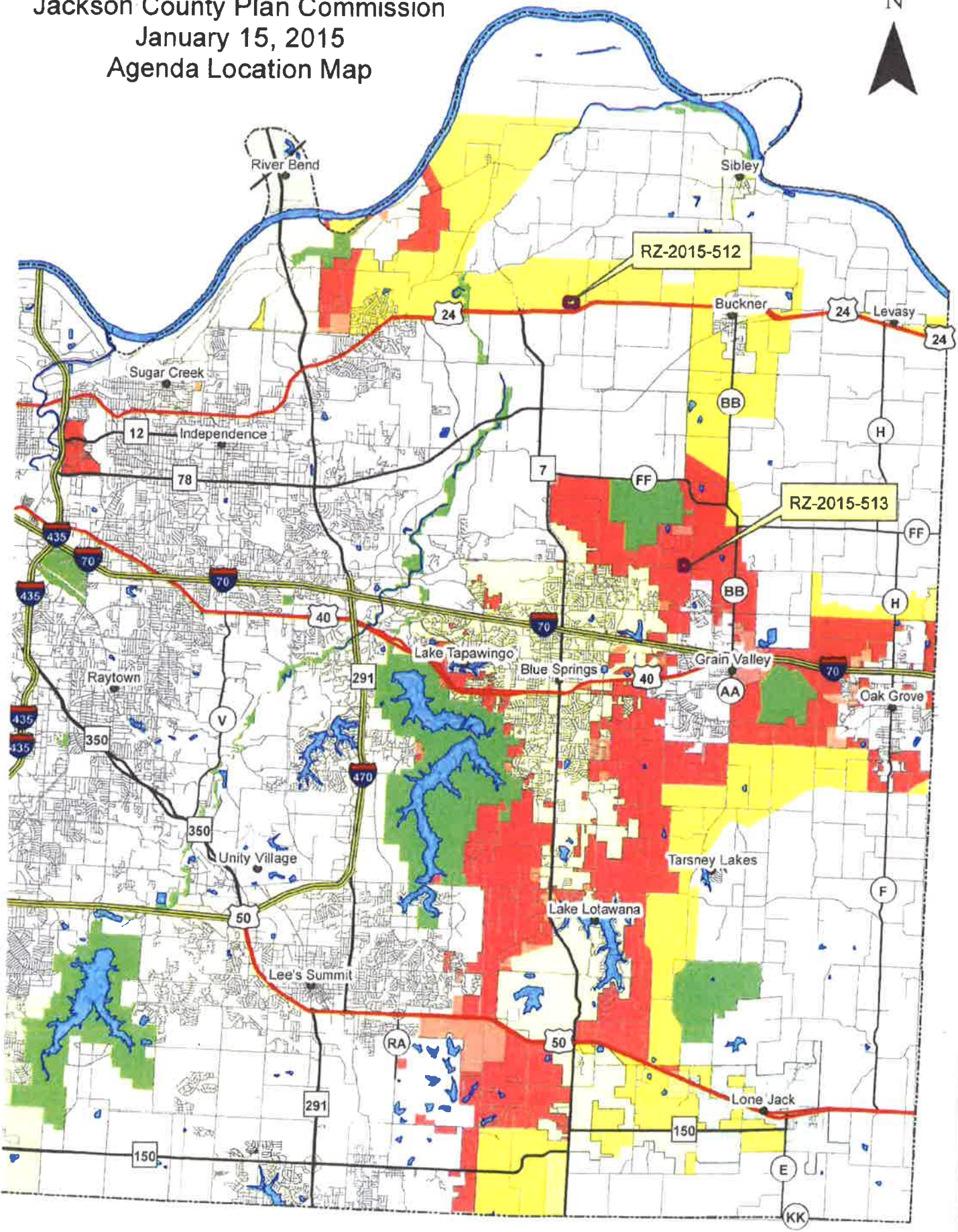
Mr. Akins Looks easy.

Mrs. Query motioned to approve RZ-2014-512. Mr. Akins seconded.

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

Motion Carried 8 – 0.

Jackson County Plan Commission
January 15, 2015
Agenda Location Map



STAFF REPORT

**PLAN COMMISSION
January 15, 2015**

RE: RZ-2015-512

Applicant: Gerald W. & Janet E. Syler

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2125 N. Six Mile Church Road

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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-2015-512

Respectfully submitted,

**Randy Diehl
Zoning Compliance Supervisor**

Planning and Zoning Division

AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI
County of Jackson)

} SS.

I, KATHERINE M. JONES., being duly sworn according to law, state that I am the LEGAL CLERK and agent of THE EXAMINER, a daily newspaper of general circulation in the County of Jackson, State of Missouri, where located; which newspaper has been admitted to the Post Office as a periodical class matter in the City of Independence, Missouri, the city of publication; which newspaper has been published regularly and consecutively for a period of three years and has a list of bona fide subscribers, voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription for a definite period of time, and that such newspaper has complied with the provisions of Section 493.050, Revised Statutes of Missouri 2000, and Section 59.310, Revised Statutes of Missouri 2000. The affixed notice appeared in said newspaper in the following issues: December 31, 2014
Commencing on _____

and ending on December 31, 2014 _____, being the issues of:
December 31, 2014

being Volume 110 Numbers: 160

Signed

Kath M. Jones
Legal Clerk, Katherine M. Jones

Subscribed and sworn to before me on this 31st day of
December 2014

Ramona Williams
Notary Public, Ramona Williams

My commission expires March 13, 2018

RAMONA WILLIAMS
Notary Public - Notary Seal
State of Missouri
Commissioned for Jackson County
My Commission Expires: March 13, 2018
Commission Number: 14592804

PUBLIC HEARING

The Jackson County Plan Commission will hold public hearings at 8:30 a.m. on Thursday, January 15, 2015 in Conference Room D, Ground Floor, City Hall, 111 East Maple, Independence, MO on the following requests:

1. RZ-2015-512 - Gerald W. & Janet E. Syler
Requesting a change of zoning from District AG (Agricultural) on a 10.33 ± acre tract to District RE (Residential Estates). The 10.33 ± acres are located in Sections 18 & 19, Township 50, Range 30, Jackson County, Missouri aka 2125 N. Six Mile Church Road.

2. RZ-2015-513 - Roseanne E. Knudsen, Trust
Requesting a change of zoning from District AG (Agricultural) on a 10.13 ± acre tract to District RE (Residential Estates). The 10.13 ± acres are located in Section 15, Township 49, Range 30, Jackson County, Missouri aka 30802 E. Pink Hill Road.

For further details, exact locations and specific boundaries of these requests, contact Public Works Planning and Development Division at 881-4649, 303 W. Walnut, Independence, MO where the applications are accessible for inspection.

Persons with disabilities wishing to participate in the meeting and requesting a reasonable accommodation may call the Jackson County Public Works Planning and Development Division at 881-4649 or 1-800-735-2466 (Missouri Relay); 48 hour notice is required.

Jackson County Public Works
Planning & Zoning Division
Randy Diehl, Zoning Compliance Supervisor
December 31, 2014

Publishing Fee: _____

Received payment _____ per _____

**Plan Commission January 15, 2015
Applicant/ Property Owner**

18-300-02-10-00-0-00-000 **Syler, Gerald W & Janet E** **2125 N. Six Mile Church Road** **Independence** **MO** **64058**

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

Parcel Number	Owner	Address	City	State	Zip
08-900-03-14-00-0-00-000	BOYCE JAMES J & LINDA M	2209 E SIX MILE CHURCH RD	INDEPENDENCE	MO	64058
17-100-01-20-00-0-00-000	CROWDER CURTIS GLENN &	2122 N SIX MILE CHURCH RD	INDEPENDENCE	MO	64058
17-100-01-06-00-0-00-000	DEASON DONALD R & REBECCA M	2100 SIX MILE CHURCH RD	INDEPENDENCE	MO	64058
08-900-03-13-00-0-00-000	EDWARDS WESLEY W & JENNIE I	2217 N SIX MILE CHURCH RD	INDEPENDENCE	MO	64058
17-100-01-04-00-0-00-000	GANN LARRY N & PEGGY J	2116 N SIX MILE CHURCH RD	INDEPENDENCE	MO	64058
17-100-01-18-00-0-00-000	GANN LARRY N & PEGGY J	2116 N SIX MILE CHURCH RD	INDEPENDENCE	MO	64058
09-700-04-09-02-1-00-000	MILLER JEFFREY T & WAGES JO A	2204 N SIX MILE CHURCH RD	INDEPENDENCE	MO	64058
17-100-01-05-00-0-00-000	NORRIS MARK W & MARY ANN	2106 N SIX MILE CHURCH RD	INDEPENDENCE	MO	64058
18-300-02-11-00-0-00-000	OLIPHANT TERRY N & PAMELA C	2105 N SIX MILE CHURCH RD	INDEPENDENCE	MO	64058
18-300-02-13-00-0-00-000	OLIPHANT TERRY N & PAMELA C	2105 N SIX MILE CHURCH RD	INDEPENDENCE	MO	64058
08-900-03-07-00-0-00-000	THE JOHN E DENTON REVOCABLE TR	8965 W ASBURY DR	LAKEWOOD	CO	80227
18-300-02-01-00-0-00-000	THE JOHN E DENTON REVOCABLE TR	8965 W ASBURY DR	LAKEWOOD	CO	80227
17-100-01-19-00-0-00-000	THOMAS STEVEN R & ELIZABETH G	2124 N SIX MILE CHURCH RD	INDEPENDENCE	MO	64058



Jackson County Zoning Map

Legend

300' Notification Area

Pending Rezoning

Residential Suburban

Residential Estates

Streets

Tax Parcels

Rezoning

Zoning

- RR-Residential Ranchette
- RRp-Residential Ranchette-Planned
- RE-Residential Estates
- RS-Residential Suburban
- RU-Residential Urban
- A(r)-Single-Family
- B(r)-Two-Family
- C(r)-Multi-Family
- A1-Mobile Homes District
- ROP-Residential Office-Planned
- LB-Local Business
- LBp-Local Business-Planned
- GB-General Business
- GBp-General Business-Planned
- U-Light Industrial
- Up-Light Industrial-Planned
- HI-Heavy Industrial

EX. 5

RZ-2015-512

Ord

1 inch = 400 feet



**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- 2015- 512
Date filed 12-8-14 Date of hearing 1-16-15
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: Jerry Syke
Address: 2125 N Six Mile Church Rd
Independence Mo 64055
Phone: 816-564-3621
 - b. Owner(s) Name: Jerry Syke
Address: 2125 N. Six Mile Church Rd
Phone: 564-3621
 - c. Agent(s) Name: Lee Bodabrianer

Address: 16810 E 40 Hwy

Phone: 816 478 2323

d. Applicant's interest in Property: owner

2. General location (Road Name) Six mile Church Rd

3. Present Zoning AG Requested Zoning RE

4. AREA (sq. ft. / acres) 10 acres

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

6. Present Use of Property: House

7. Proposed Use of Property: 2 lots

8. Proposed Time Schedule for Development: JAN. 2015

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?

11. Describe the source/method which provides the following services, and what effect the development will have on same:

a. Water Indep.

b. Sewage disposal septic

c. Electricity KCP&I

d. Fire and Police protection County

12. Describe existing road width and condition: 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 12/8/17
Property Owner(s) Gerald Syler

Applicant(s): GERALD Syler
2225 N. 5 MILE COUNTRY A-D
INDIA MO. 64060

Contract Purchaser(s): _____

STATE OF Missouri
COUNTY OF Clay

On this 8th day of December, in the year of 2017, before me the undersigned notary public, personally appeared _____
Gerald W. Syler

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 Stephanie A. Wetzel Commission Expires 12/4/17

Stephanie A. Wetzel
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires: December 4, 2017
Commission #13554406



