




REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 4879

Sponsor(s): None

Date: August 22, 2016

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Michael Thompson Case No. RZ-2016-539</u>																			
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="310 493 1190 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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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 10.24 ± acres to District RE (Residential Estates). The proposed land use is a three lot subdivision. The 10.24 ± acres are located in Section 7, Township 48, Range 29, Jackson County, Missouri, at intersection of Church Road and Hillside School 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:																		
	Finance (Budget Approval): <i>If applicable</i>	Date:																		
	Division Manager: 	Date: 																		

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

Certificate of Survey

RZ-2016-539

ATTACHMENT TO RLA 1:

Description: All that part of the Southeast Quart of Section 7, Township 48 North, Range 29 West, and being part of a tract as described in Document #1290335, in Book I-766, Page 381 and recorded in Jackson County Recorder of Deeds Office, Jackson County, Missouri, and more fully described as follows:

Beginning at the Northeast corner of the Southeast Quarter of Section 7, Township 48 North, Range 29 West; thence South along the East line of the Southeast Quarter of said Section 7, a distance of 177.07 feet; thence West 208.71 feet; thence South 208.71 feet; thence East 208.71 feet to a point on the East line of the Southeast Quarter of said Section 7; thence South along the said East line 307.17 feet; thence West 746.71 feet; thence North 01 degrees 20 minutes 34 seconds East 697.42 feet to a point on the South line of the Southeast Quarter of said Section 7; thence South 89 degrees 39 minutes 59 seconds East along said North line 730.39 feet to the point of beginning, less and except that part in roads, said tract containing 10.237 acres more or less.

RE: RZ-2016-539

Randy Diehl gave the staff report:

Applicant: Michael L Thompson

Location: Southwest corner of Church and Hillside School Road

Area: 10.23 ± acres

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

Purpose: Applicant is requesting the change in zoning for a three 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.

To the East and Northeast are Hillside Estates II, containing two lots, rezoned and created in 2004, and Hillside Corner, containing three lots, rezoned and created in 2007. Both subdivision are in District RE.

Fox Farm is a one lot subdivision created in 1951. It is within District AG.

The 10.23 acre tract was created by a Certificate of Survey filed in the Records Office in 1992. As stated in the previous case (RZ-2016-538) 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. This survey is the same one used to divide the 3.1 acres to the west.

The applicant is wishing to divide the land into a three lot subdivision.

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-2016-539

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

Mr. Tarpley: That notch is the side of the property?

Mr. Diehl: That is a 1 acre piece that is a separate, that was cut out of the property years ago. It is not part of this application.

Mr. Tarpley: That's a very hilly road.

Mr. Diehl: That is correct, the sight distance will be a challenge, but we feel there is adequate enough for a driveway for the lot fronting on Hillside School Road.

Is the applicant here?

Michael Thompson: 8521 E 47th Street

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

Not really. We've spoken with David's (Smith) regarding the drainage. That's a 9 percent grade going to the South. Every goes to the pond. I was concerned about cutting the water off to their pond. I spoke to Mrs. Smith about that rerouting it to the pond.

Mr. Tarpley: What's the current use of the land?

Mr. Thompson: They baled it last year. We been trying find someone to cut and baled it this year. The property hasn't had a lot of TLC in a long time.

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

There were none.

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. The run off along Church Road is a concern.

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

There were none.

Motion to take under advisement.

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

Discussion under advisement

Mr. Tarpley: As long as staff can find safe locations for the driveways, I have no concerns.

Motion to approve.

Mrs. Mershon moved to approve RZ-2016-539. Mrs. Query seconded.

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

Motion Carried 8 – 0.

STAFF REPORT

PLAN COMMISSION

July 21, 2016

RE: RZ-2016-539

Applicant: Michael L Thompson

Location: Southwest corner of Church and Hillside School Road

Area: 10.23 ± acres

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

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

Current Land Use and Zoning in the Area:

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The applicant is wishing to divide the land into a three lot subdivision.

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-2016-539

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

**Plan Commission
July 21, 2016
RZ-2016-539**

Applicants / Property Owners:

**39-400-04-21
Thompson Michael L
8521 E 47th St
Kansas City MO 64129**

**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

39-400-01-11-00-0-00-000
BROWN EVELYN N
37002 E CHURCH RD
OAK GROVE MO 64075

39-400-01-14-00-0-00-000
GEORGE CEMETERY

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

39-400-04-05-00-0-00-000
KEISER JAMES D & W LUANN
7110 S HILLSIDE SCHOOL RD
OAK GROVE MO 64075

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

39-500-03-11-01-0-00-000
MORRILL TIMOTHY J
7205 S HILLSIDE SCHOOL RD
OAK GROVE MO 64075

39-500-03-16-00-0-00-000
PARKS JERRY L & COURTNEY I
7119 S HILLSIDE SCHOOL RD
OAK GROVE MO 64075

39-400-01-07-00-0-00-000
PAUL BUDDY G & CECIL L
P O BOX 455
OAK GROVE MO 64075

39-500-02-08-00-0-00-000
ROBINSON DALE R
1021 SW HILLCREST DR
BLUE SPRINGS MO 64015

39-500-03-15-00-0-00-000
TRIPP CHAD J & TARA L
7103 S HILLSIDE SCHOOL RD
OAK GROVE MO 64129

Ord. 4879



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

Ord. 4879

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- 2016-539

Date filed 6-13-16 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: Michael L. Thompson
Address: 8521 E. 47th ST.
Kansas City, MO 64129
Phone: 816-921-6138
 - b. Owner(s) Name: SAME
Address: _____
Phone: _____
 - c. Agent(s) Name: N/A

Address: _____

Phone: _____

d. Applicant's interest in Property: OWNER

2. General location (Road Name) Southwest corner of E. Church Rd
and S. Hillside School Rd.

3. Present Zoning AG Requested Zoning RE

4. AREA (sq. ft. / acres) 10.24

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

SEE ATTACHED DEED

6. Present Use of Property: Agricultural

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: 1 year

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 PWSD #17

b. Sewage disposal Individual

c. Electricity West Central Electric Coop.

d. Fire and Police protection CJCFPD, Jackson County

12. Describe existing road width and condition: 40' and 60' rights of way, asphalt

13. What effect will proposed development have on existing road and traffic conditions? Addition of 3 single-family residences to be added.

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? Possibly septic and driveway
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** 6/10/16
Property Owner(s) Michael L. Thompson

Applicant(s): _____

Contract Purchaser(s): _____

STATE OF MISSOURI
COUNTY OF JACKSON

On this 10 day of June, in the year of 2016, before me the undersigned notary public, personally appeared Michael L. Thompson

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 Paula Fats Cannon Commission Expires 05/27/17

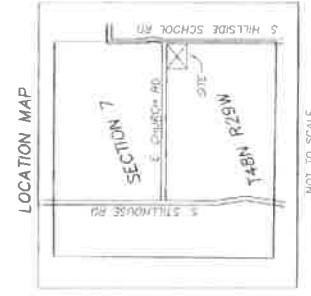
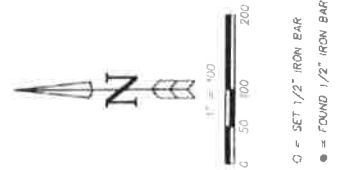
PAULA FATS CANNON
NOTARY PUBLIC-NOTARY SEAL
STATE OF MISSOURI
COMMISSIONED FOR JACKSON COUNTY
MY COMMISSION EXPIRES MAY 27 2017
COMMISSION # 13498865

**THOMPSON ACRES MINOR SUBDIVISION
PRELIMINARY PLAT**

LOCATED IN THE NE 1/4 SE 1/4 SECTION 7,
TOWNSHIP 48 NORTH, RANGE 29 WEST,
JACKSON COUNTY, MISSOURI



DESCRIPTION OF PARENT TRACT
All that part of the Southeast Quarter of Section 7, Township 48 North, Range 29 West, and being part of that tract as described in Document Number 200335, in Book 1-186, at Page 30 and recorded in the Jackson County Register of Deeds Office, Jackson County, Missouri, and more fully described as follows:
Beginning at the Northwest Corner of the Southeast Quarter of Section 7, Township 48 North, Range 29 West, thence South along the East line of the Southeast Quarter of said Section 7, a distance of 177.05 feet; thence West 208.71 feet; thence South 208.71 feet; thence East 208.71 feet to a point on the east line of the Southeast Quarter of said Section 7; thence North 107.77 feet; thence West 746.71 feet; thence North 107.77 feet; thence East 107.77 feet to the Southeast Quarter of said Section 7; thence S89°39'59"E along said North line 730.38 feet to the point of beginning, less and except that part in road, said tract containing 10.37 acres more or less.



SISCO LAND SURVEYING, LLC	
PO Box 84 Lewington, MO 64667 Phone (816) 868-6950 siscolandsurveying@gmail.com	
Prepared For:	MICHAEL L. THOMPSON 8521 E. 47th STREET KANSAS CITY, MO 64129
Date:	JUNE 10, 2016
Project #:	5LS-16-53

Ord. 4879

RE

AG

AG

S HILLSIDE SCHOOL RD

AG

AG

E CHURCH RD

AG

