



REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~REV~~ Ord No.: 4940

Sponsor(s): None

Date: November 28, 2016

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Harvey Sommers Case No. RZ-2016-542</u>													
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="305 495 1187 806"> <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 style="text-align: right;">\$</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; FROM / TO</td> <td>FROM ACCT</td> </tr> <tr> <td></td> <td>TO ACCT</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													
	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 4.2 ± acres to District RE (Residential Estates). The purpose is for a one lot subdivision. The 4.2 ± acres are located in Section 21, Township 48, Range 30, Jackson County, Missouri, aka 29501 E. Litchford 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 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  Finance (Budget Approval): <i>If applicable</i> Division Manager: 	Date: Date: Date: 11/22/16												

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 November 17, 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

Preliminary plat

RZ-2016-542

ATTACHMENT TO RLA 1:

Description: All that part of the Southwest Quarter of Section 21, Township 48 North, Range 30 West, of the Fifth Principal Meridian, all being situated in Jackson County, Missouri and being more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of Section 21, Township 48 North, Range 30 West, being a found #5-pin & cap (PLS-196F), per Certified Land Corner Document number 600-50533; thence North $02^{\circ} 01' 03''$ East along the West line of said Quarter, a distance of 1731.27 feet to a found #4-pin & cap (PLS-1287); thence South $88^{\circ} 42' 20''$ East, a distance of 477.03 feet; thence South $88^{\circ} 03' 40''$ East, a distance of 32.00 feet to the Point of Beginning; thence North $01^{\circ} 56' 20''$ East, a distance of 915.07 feet to a point on the North line of the Southwest Quarter; thence South $88^{\circ} 44' 25''$ East along said North line, a distance of 200.01 feet; thence South $01^{\circ} 56' 20''$ West, a distance of 917.44 feet; thence North $88^{\circ} 03' 40''$ West, a distance of 200.00 to the Point of Beginning.

RE: RZ-2016-542

Randy Diehl gave the staff report:

RE: RZ-2016-542

Applicant: Harvey Sommers

Location: 29501 E. Litchford Road

Area: 4.2 ± acres

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

Purpose: Applicant is requesting the change in zoning for a one 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 West is a Light Industrial zoning granted by the County Legislature in 1993 for a trucking operation.

Along Litchford Road there are 5 subdivisions with lot sizes ranging from 2 to 8 acres in size.

The applicant owns over 100 acres and is wanting to plat 4.2 of those for a one lot subdivision for a future residence.

County Plan:

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

District RE (Residential Estates) is appropriate for the Urban Development Tier.

Recommendation:

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

Staff recommends APPROVAL of RZ-2016-542

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

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

Mr. Tarpley asked for clarification on the map there the subject property was.

Is the applicant here?

Harvey Sommers: 29711 E Harris Potts Rd, Grain Valley, MO

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

Mr. Sommers: No

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

Mr. Tarpley: Is this house for you?

Mr. Sommers: It is not for me.

Mr. Crawford: There are two buildings shown (referring to picture).

Mr. Diehl: That is the building on the adjacent property. (indicating on picture).

Mr. Tarpley: The overhead (aerial) was taken before the building was constructed?

Mr. Diehl: Yes, these aerials were taken in 2014.

Mr. Crawford: Does the building meet the setbacks?

Mr. Diehl: Yes it will. The sideyard setback for RE is 15 feet.

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. Tarpley: Looks like staff has done all the work. I have no problem with it.

Motion to approve.

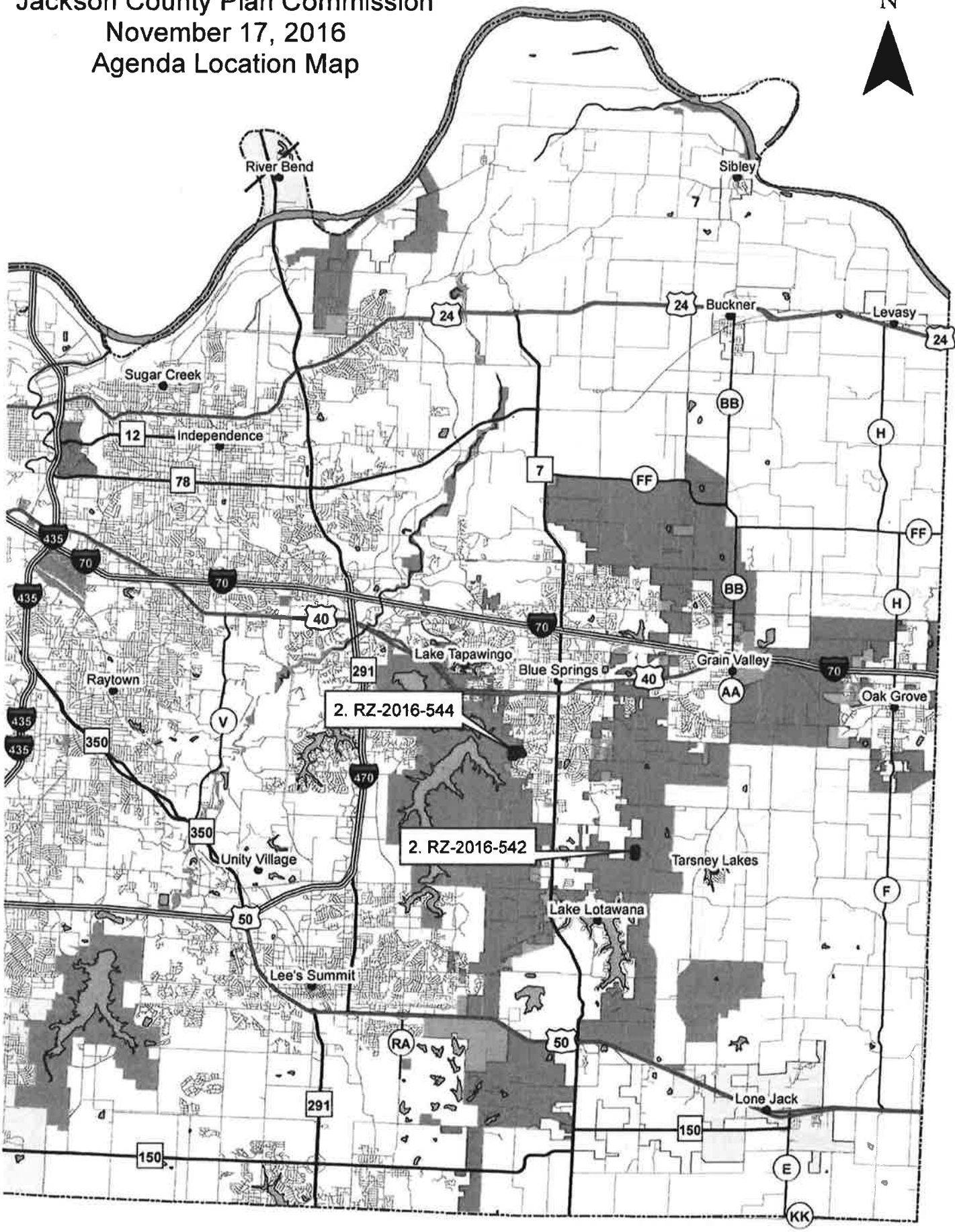
Mrs. Mershon moved to approve RZ-2016-542. Mr. Gibler seconded

Motion to approve.

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

Motion Carried 7 – 0.

Jackson County Plan Commission
November 17, 2016
Agenda Location Map



STAFF REPORT

PLAN COMMISSION

November 17, 2016 Continued from September 15, 2016

RE: RZ-2016-542

Applicant: Harvey Sommers

Location: 29501 E. Litchford Road

Area: 4.2 ± acres

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Purpose: Applicant is requesting the change in zoning for a one 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 West is a Light Industrial zoning granted by the County Legislature in 1993 for a trucking operation.

Along Litchford Road there are 5 subdivisions with lot sizes ranging from 2 to 8 acres in size.

The applicant owns over 100 acres and is wanting to plat 4.2 of those for a one lot subdivision for a future residence.

County Plan:

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

The Residential Estates District (RE) is appropriate for the Urban Development Tier.

Recommendation:

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

Staff recommends APPROVAL of RZ-2016-542

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

**Plan Commission
September 15, 2016
RZ-2016-542**

Applicants / Property Owners:

**54-100-03-05-02-4
Harvey Sommers
Litchford Road Farms LLC
P O Box 888
Oak Grove MO 64075**

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

54-100-02-09-00-0-00-000
BENNETT MELVIN M & MARY-TR
29308 E LITCHFORD RD
GRAIN VALLEY MO 64029

54-100-02-17-00-0-00-000
BENNETT DOUGLAS MAX TRUSTEE
29308 E LITCHFORD RD
GRAIN VALLEY MO 64029

54-100-03-04-00-0-00-000
PEACE THOMAS C & VICKI
29203 E LITCHFORD RD
GRAIN VALLEY MO 64029



**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-

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):**
 - a. Applicant(s) Name: Litchford RD Farm LLC
Address: P.O. Box 888
OAK GROVE MO 64075
Phone: 816-690-4800
 - b. Owner(s) Name: SAME AS ABOVE
Address: _____
Phone: _____
 - c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: _____

2. General location (Road Name) SW 1/4 SEC 21-48-30
ON LITCHFORD RD.

3. Present Zoning AG Requested Zoning RE

4. AREA (sq. ft. / acres) 4.2

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

SEE ATTACHED

6. Present Use of Property: AG

7. Proposed Use of Property: RESIDENTIAL

8. Proposed Time Schedule for Development: _____

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 PWSD 13

b. Sewage disposal ONSITE SEPTIC

c. Electricity KCP&L

d. Fire and Police protection LAKECOTAWANA

12. Describe existing road width and condition: ± 20' ASPHALT SURFACE

13. What effect will proposed development have on existing road and traffic conditions? _____

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) Harve Sommers 7/28/16
Litchford RD LLC
Applicant(s): Harve Sommers 7/28/16
Litchford RD LLC
Contract Purchaser(s): N/A

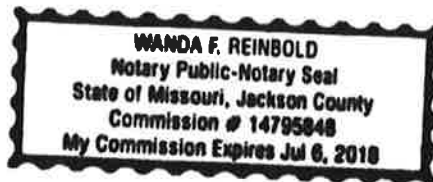
STATE OF Missouri
COUNTY OF Jackson

On this 28th day of July, in the year of 2016, before me
the undersigned notary public, personally appeared Harve Sommers

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 Wanda F. Reinbold Commission Expires July 6, 2018





29404

29308

E LITCHFORD RD

29501

29203

SLITCHFORD RD

29201

