


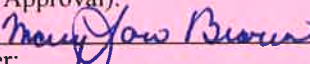
REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~ Ord No.: 4902

Sponsor(s): None

Date: October 3, 2016

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Dewey & Cynthia Diggs - Case No. RZ-2016-541</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="300 489 1182 800"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT 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
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 6.60 ± acres to District RE (Residential Estates). The purpose is to subdivide the lot into 2 lots. The 6.60 ± acres are legally described as Lot 2, Fish-McAven Estates, a subdivision in Jackson County, Missouri, aka 7720 S. Arnett 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 6 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): If applicable  Division Manager:	Date: Date: 9/28/16 Date:										

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 September 15, 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

ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from September 15, 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

RE: RZ-2016-541

Randy Diehl gave the staff report:

Applicant: Dewey & Cynthia Diggs

Location: 7720 S. Arnett Road

Area: 6.6 ± acres

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

Purpose: Applicant is requesting the change in zoning to divide a platted lot into two separate lots.

Current Land Use and Zoning in the Area:

The zoning in the immediate area is Agricultural with some RE zoning to the West. The majority of the land use being single family residences.

There are multiple subdivisions in the area, lot sizes range from 2.0 acres in size to 9.5 acres.

The applicant is wishing to divide the lot into two separate lots which will allow a new single family residence to be built on the new lot.

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-2016-541

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

Mr. Tarpley: Is there a house on there?

Mr. Diehl: Yes, Lot 1 contains the existing house.

Mrs. Mershon: What is that structure next to the south line of the top lot?

Mr. Diehl: Not sure, the applicant may be able to answer that question?

Mr. Tarpley: What the reason for the odd shaped lot?

Mr. Diehl: To maintain the frontage and to have it at 3 acres. It also keep the pond on Lot 1.

Is the applicant here?

Cynthia Diggs, 7720 S. Arnett Road

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

Mrs. Diggs, No. The structure is an old corral that is to be removed.

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

Mr. Tarpley: What will be the use of the property?

Mrs. Diggs: We are giving it to our son to build on.

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 about this application?*

There were none.

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

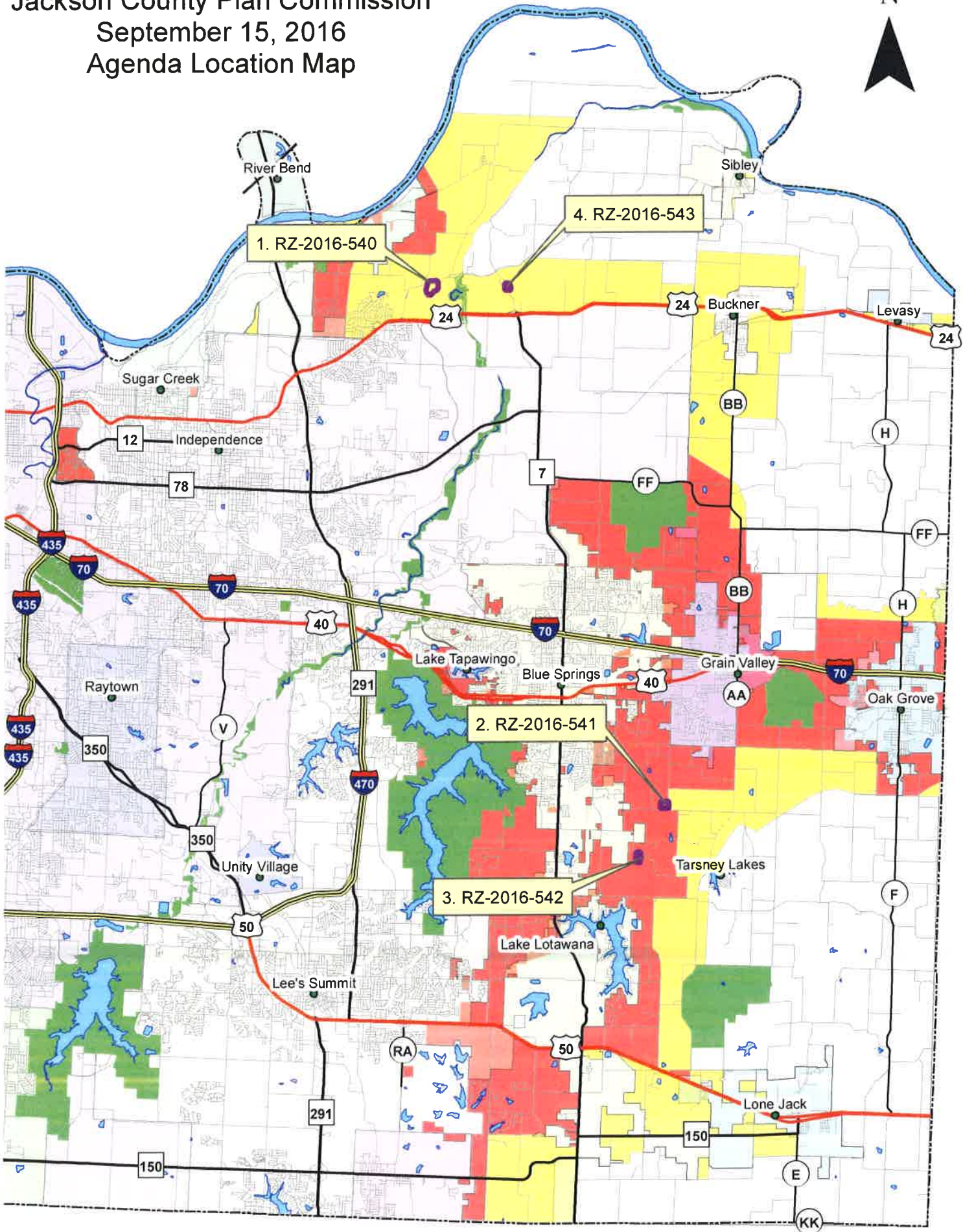
Mr. Tarpley: Looks like a nice piece of property.

Mr. Akins moved to approve RZ-2016-541. Mrs. Mershon seconded.

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

Motion Carried 6 – 0.

Jackson County Plan Commission September 15, 2016 Agenda Location Map



1. RZ-2016-540

4. RZ-2016-543

2. RZ-2016-541

3. RZ-2016-542

STAFF REPORT

PLAN COMMISSION
September 15, 2016

RE: RZ-2016-541

Applicant: Dewey & Cynthia Diggs

Location: 7720 S. Arnett Road

Area: 6.6 ± acres

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

Purpose: Applicant is requesting the change in zoning to divide a platted lot into two separate lots.

Current Land Use and Zoning in the Area:

The zoning in the immediate area is Agricultural with some RE zoning to the West. The majority of the land use being single family residences.

There are multiple subdivisions in the area, lot sizes range from 2.0 acres in size to 9.5 acres.

The applicant is wishing to divide the lot into two separate lots which will allow a new single family residence to be built on the new lot.

County Plan:

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

The Residential Suburban 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-2016-541

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

**Plan Commission
September 15, 2016
RZ-2016-541**

Applicants / Property Owners:

**41-700-01-30
Diggs, Dewey D & Cynthia L
7720 S. Arnett Road
Grain Valley MO 64029**

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

41-700-01-22-00-0-00-000
BARSZCZEK JOHN C & SARAH E
7721 S ARNETT RD
GRAIN VALLEY MO 64029

41-700-01-23-00-0-00-000
BUUS RICHARD J & JANET S
7801 S ARNETT RD
GRAIN VALLEY MO 64029

41-700-01-16-00-0-00-000
LUEHRS LARRY & SHEILA
30106 E MAJOR RD
GRAIN VALLEY MO 64029

41-700-01-25-00-0-00-000
LUKENBILL LELAND W & BETTY
7821 S ARNETT RD
GRAIN VALLEY MO 64029

41-700-01-24-00-0-00-000
MUDD WILLIAM F
7809 S ARNETT RD
GRAIN VALLEY MO 64029

41-700-01-21-00-0-00-000
PENFIELD DANNY M & AGNES M
PO BOX 421
GRAIN VALLEY MO 64029

41-700-01-29-00-0-00-000
SMITH KONRAD A & BRENDA J
7708 S ARNETT RD
GRAIN VALLEY MO 64029

41-700-01-08-00-0-00-000
TRAMMELL DONALD E & DIANA L
7814 S ARNETT RD
GRAIN VALLEY MO 64029



Address: _____

Phone: _____

- d. Applicant's interest in Property: OWNER
2. General location (Road Name) 7720 S. ARNETTE RD
3. Present Zoning AG Requested Zoning RE
4. AREA (sq. ft. / acres) 6.40 AC
5. Legal Description of Property: (Write Below or Attached 9)
SEE ATTACHED DEED
LOT 2, FISH-McAVAN ESTATES
6. Present Use of Property: RESIDENTIAL
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 # 13
 - b. Sewage disposal Individual
 - c. Electricity KCPL
 - d. Fire and Police protection CJC FPD Jackson County
12. Describe existing road width and condition: 40' ON WEST SIDE, ASPHALT

13. What effect will proposed development have on existing road and traffic conditions? ADDITION OF 1 SINGLE FAMILY RESIDENCE

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? POSSIBLY SEPTIC

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) <u>Dewey D Diggs</u> <u>Cynthia L Diggs</u>	<u>8-4-16</u> <u>8-4-16</u>
Applicant(s): <u>Dewey D Diggs</u> <u>Cynthia L Diggs</u>	<u>8-4-16</u> <u>8-4-16</u>
Contract Purchaser(s): _____	_____

STATE OF Missouri
COUNTY OF JACKSON

On this 4th day of August, in the year of 2016, before me the undersigned notary public, personally appeared Dewey D Diggs and Cynthia L Diggs

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 Michelle R Johnson Commission Expires 6-16-17



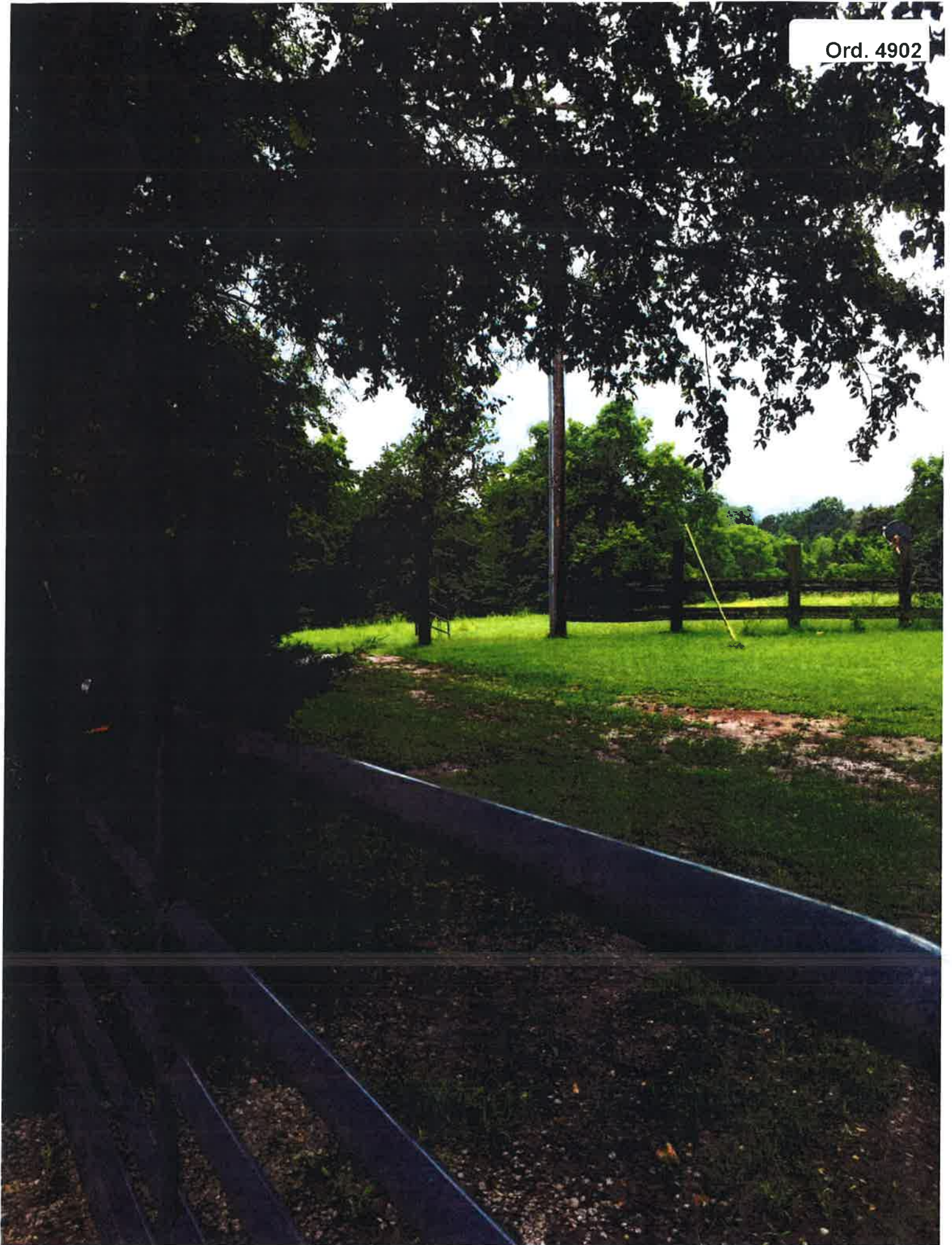
MICHELLE R. JOHNSON
My Commission Expires
June 16, 2017
Jackson County
Commission #13493942



Ord. 4902

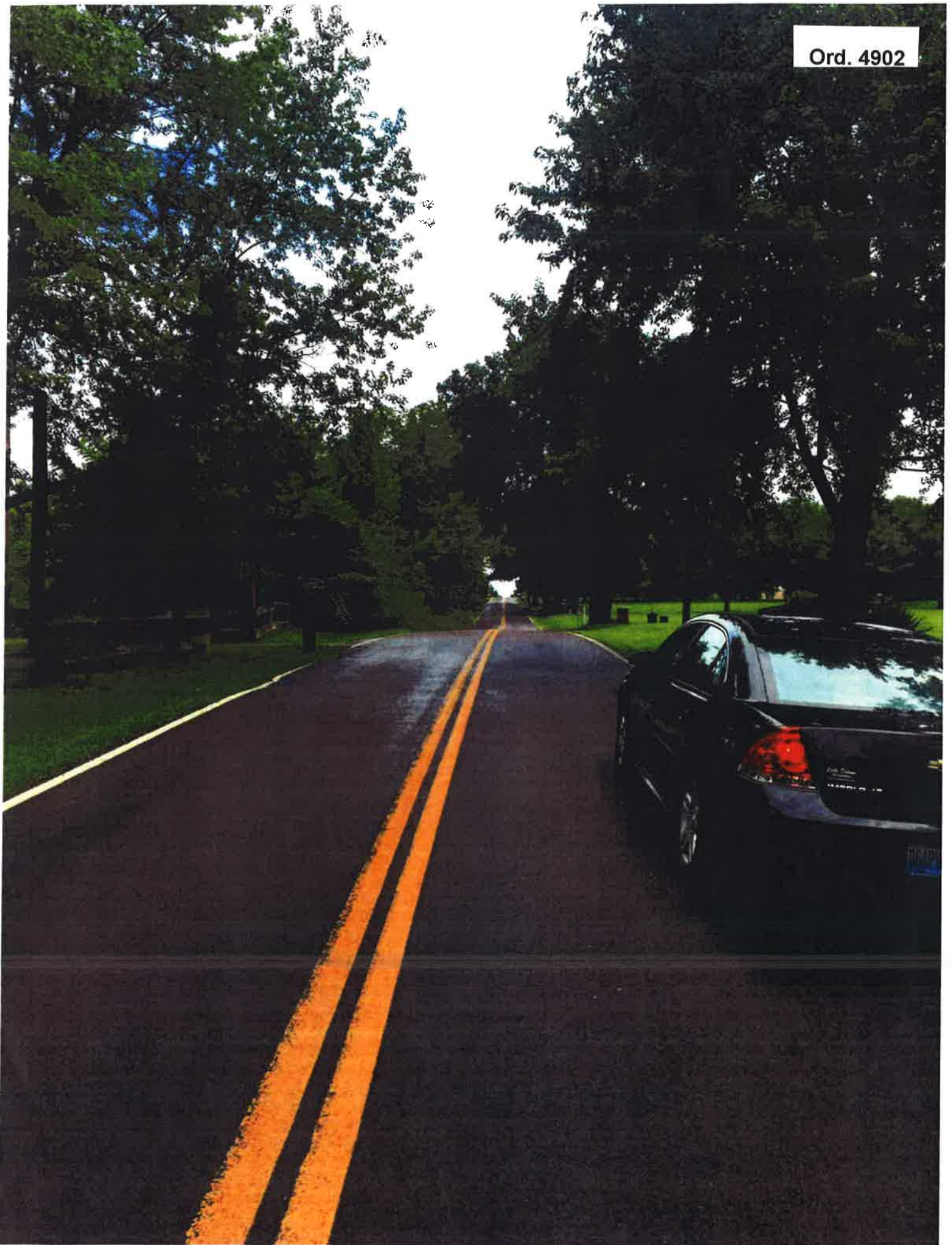


Ord. 4902



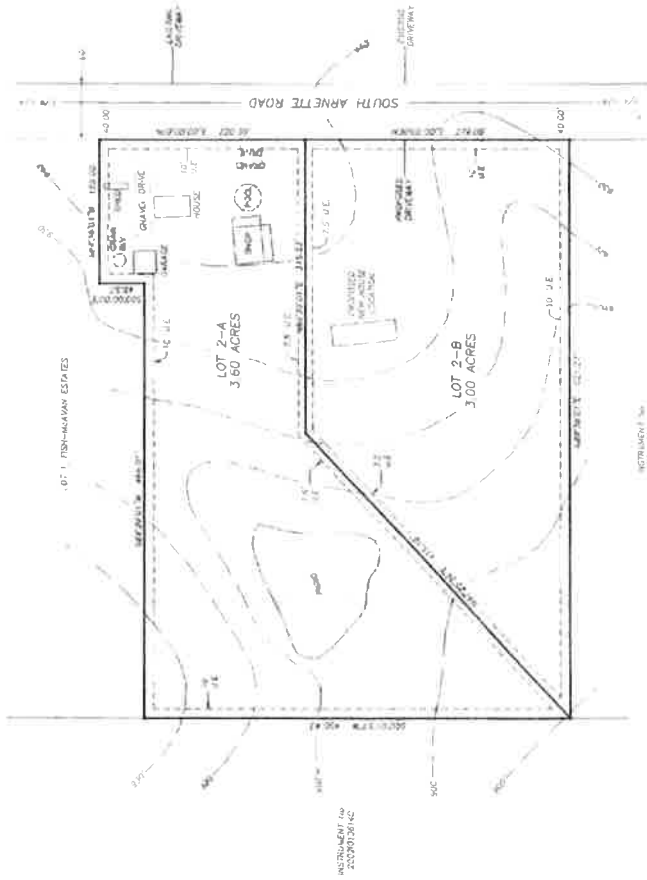
Ord. 4902





**RE-PLAT OF LOT 2, FISH-McAVAN ESTATES
PRELIMINARY PLAT**

LOCATED IN THE SW 1/4 NE 1/4 SECTION 16,
TOWNSHIP 48 NORTH, RANGE 30 WEST,
JACKSON COUNTY, MISSOURI



- NOTES:
1. Owner: Barry L. & Cynthia L. Oggs
 2. 7720 - 2016 Plat, Jackson County, MO 64629
 3. The subject plat is a preliminary plat.
 4. The subject plat is a preliminary plat.
 5. The subject plat is a preliminary plat.
 6. The subject plat is a preliminary plat.
 7. The subject plat is a preliminary plat.
 8. The subject plat is a preliminary plat.
 9. The subject plat is a preliminary plat.
 10. The subject plat is a preliminary plat.

DESCRIPTION OF ORIGINAL TRACT
The original tract is a portion of the SW 1/4 of the NE 1/4 of Section 16, Township 48 North, Range 30 West, Jackson County, Missouri, containing 10.60 acres of land.

REASONS
As shown on the plat, the original tract is divided into two lots, Lot 2-A and Lot 2-B, for the purpose of better land management and to provide for the development of the property.

FORM OF THE TRACT
The tract is shown as a single lot, but is divided into two lots for the purpose of better land management and to provide for the development of the property.

REMARKS
The undersigned plat has been prepared in accordance with the laws of the State of Missouri and the rules and regulations of the Board of Surveyors of Jackson County, Missouri.

PREPARED BY
Barry L. Oggs
Cynthia L. Oggs

DATE
2016

CITY OF JACKSON
Jackson, Missouri

COMMISSIONER OF SURVEYS
Barry L. Oggs

PLAT NUMBER
2016-001

DATE OF PLAT
2016

PLAT FILED
2016

PLAT NUMBER
2016-001

DATE OF PLAT
2016

PLAT FILED
2016

SISCO LAND SURVEYING, LLC
1001 S. ARNETTE RD.
JACKSON, MISSOURI 64629
PHONE: 816.452.1234
FAX: 816.452.1235
WWW.SISCOLANDSURVEYING.COM