

REQUEST FOR LEGISLATIVE ACTION

Version 6/10/19

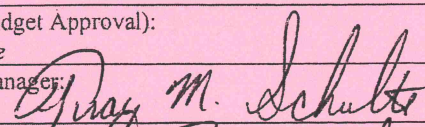
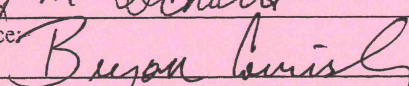
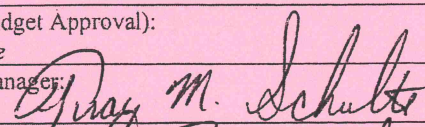
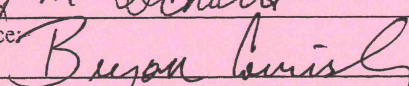
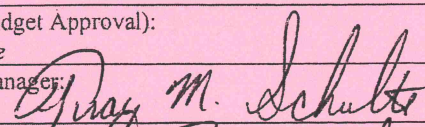
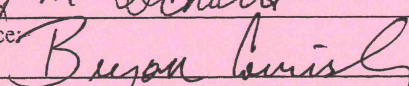
Completed by County Counselor's Office:

~~Res~~/Ord No.: 5485

Sponsor(s): N/A

Date: February 8, 2021

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Michael E & Aletta A Cox - RZ-2021-596</u>										
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1"> <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></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:</td> <td style="text-align: right;">\$</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:	\$
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Amount budgeted for this item * (including transfers):	\$										
Source of funding (name of fund) and account code number:	\$										
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 5.10 ± acres to District RR (Residential Ranchette). The purpose is to decrease the building setbacks requirements for future construction on an existing platted lot at 7702 S. Hillside School Road. 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 held a public hearing on January 21, 2021 and accepted testimony pertaining to the rezoning request. The Plan Commission voted 5 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)								
COMPLIANCE	<input type="checkbox"/> MBE Goals <input type="checkbox"/> WBE Goals <input type="checkbox"/> VBE Goals								
ATTACHMENTS	Attachment 1: Property Description. Attachment 2: Zoning Support Documents								
REVIEW	<table border="1"> <tr> <td>Department Director: Brian D. Gaddie, P.E. Director of Public Works</td> <td>Date:</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: </td> <td>Date: 2-1-2021</td> </tr> <tr> <td>County Counselor's Office: </td> <td>Date: 2/2/2021</td> </tr> </table>	Department Director: Brian D. Gaddie, P.E. Director of Public Works	Date:	Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: 	Date: 2-1-2021	County Counselor's Office: 	Date: 2/2/2021
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County Counselor's Office: 	Date: 2/2/2021								

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-2021-596

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

Lot 1, Garver Acres, 1st Plat, a subdivision in Jackson County, Missouri

RZ-2021-596

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Public Hearing Summary from January 21, 2021 Plan Commission
Staff Report
Location Map
Map showing current zoning district in area
Names/Addresses of Surrounding Property Owners
Copy of letter to said property owners
Application
Pictures
Copy of Garver Acres, 1st Plat

Randy Diehl gave the staff report:

RE: RZ-2021-596

Applicant: Michael & Aletra Cox

Location: 7702 S Hillside School Road (Lot 1 Garver Acres)

Area: 5.10 ± acres

Request: Change of zoning from District AG (Agricultural) to District RR (Residential Ranchette)

Purpose: Decrease the building setback requirements for future construction.

Current Land Use and Zoning in the Area:

Garver Acres was platted in 1993. Subdivisions platted prior to the adaption of the Unified Development Code in 1995 were not required to be rezoned, therefore this is within District AG, Agricultural.

The setbacks for AG are: 50' front and rear, and 30' side yards.

RR setbacks are: 50' front (platted), 40' rear yard, and 20' side.

County Plan:

The County Plan Development Diagram illustrates this area within the Rural Development Tier (RDT).

The Residential Ranchette is appropriate for the Rural Development Tier.

Recommendation:

Staff recommends APPROVAL of RZ-2021-596

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: So this is Legal Non-Conforming and rezoning will bring it into compliance with the UDC. Correct?

Mr. Diehl: Yes.

Mr. Antey: Are there any questions for Randy?

There were none

Mr. Antey: Is the applicant here?

Michael Cox: 7702 S Hillside School Road.

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

Mr. Wilde: No I don't.

Mr. Tarpley: How big of a structure will this be?

Mr. Cox: It will be for a three car garage.

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 moved to take under advisement. Mr. Crawford seconded.

Discussion under advisement

Mr. Tarpley moved to approve. Mr. Crawford seconded.

Mr. Tarpley	Approve
Mr. Crawford	Approve
Mr. Hilliard	Approve
Ms. Mershon	Approve
Chairman Antey	Approve

Motion Carried 5 – 0

STAFF REPORT

PLAN COMMISSION

January 21, 2021

RE: RZ-2021-596

Applicant: Michael & Aletra Cox

Location: 7702 S Hillside School Road (Lot 1 Garver Acres)

Area: 5.10 ± acres

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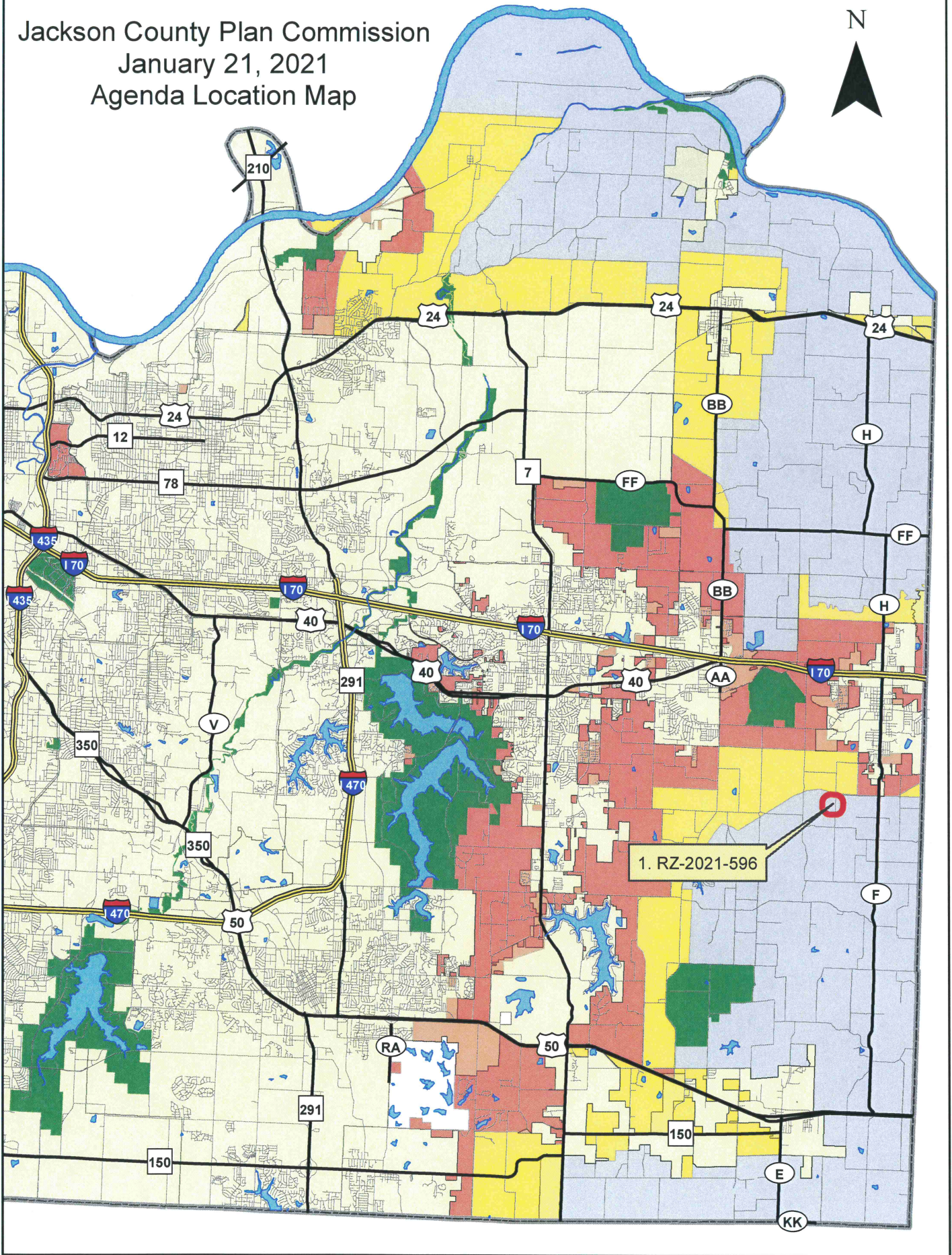
Recommendation:

Staff recommends APPROVAL of RZ-2021-596

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
January 21, 2021
Agenda Location Map



RZ-2021-596
Michael & Aletta Cox

E HUDSON RD

S HILLSIDE SCHOOL RD

RE

RE

RR

RE

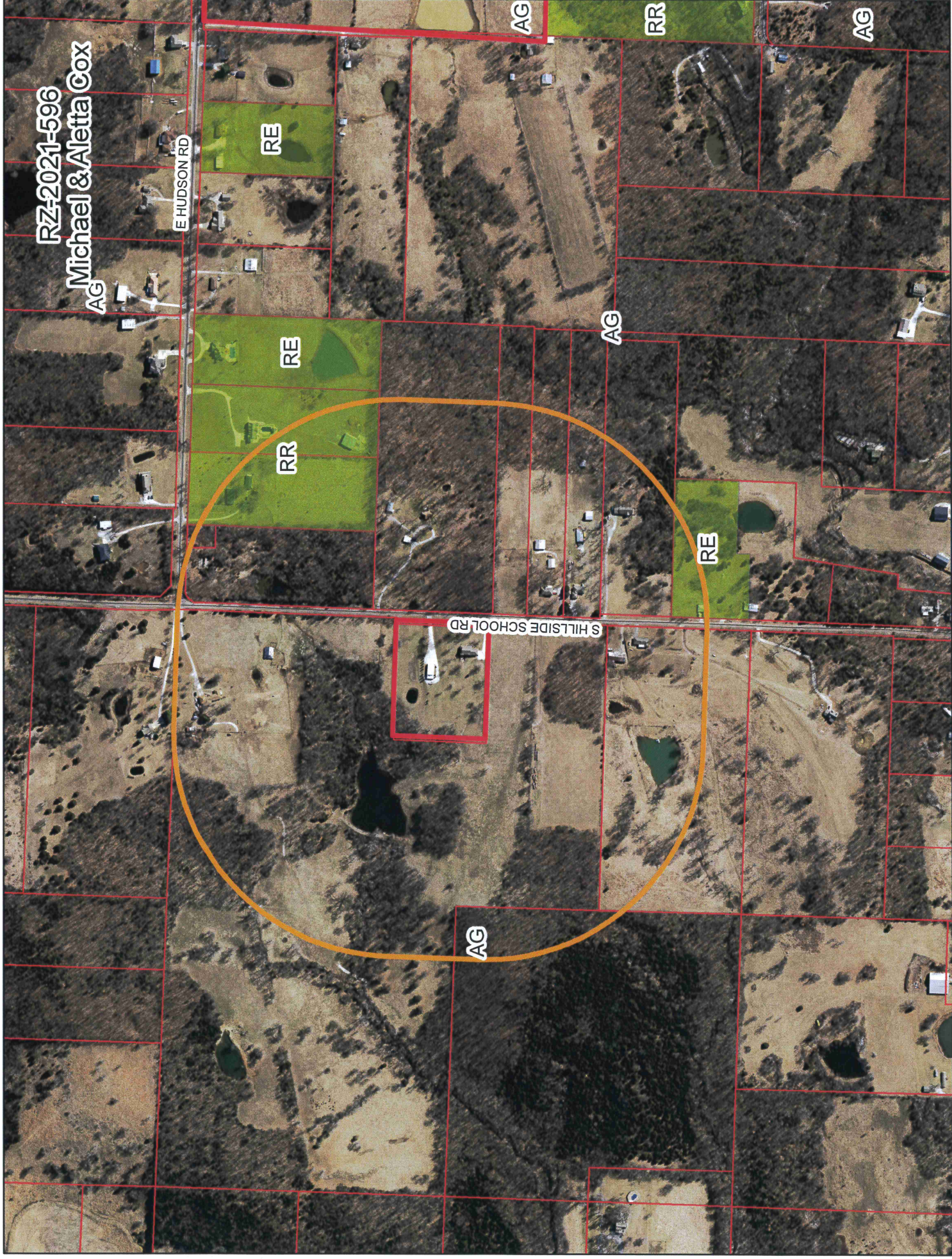
AG

RR

AG

AG

AG



Plan Commission January 21, 2021

RZ-2021-596

Property Owners Within 1000 feet

Name	Name	Address	City	State	Zip
39-800-02-19-00-0-00-000	PUBLIC WATER SUPPLY DIST 17	PO BOX 256	GRAIN VALLEY	MO	64029
39-800-02-08-00-0-00-000	FORE TIMOTHY J & SHARLA D	7617 S HILLSIDE SCHOOL RD	OAK GROVE	MO	64075
39-800-02-22-00-0-00-000	ROSE PATRICIA J	7715 S HILLSIDE SCHOOL RD	OAK GROVE	MO	64075
39-900-01-07-01-0-00-000	GARVER KATHY L	7504 S HILLSIDE SCHOOL RD	OAK GROVE	MO	64075
39-800-02-20-00-0-00-000	KING THOMAS EUGENE	3801 SW WASHINGTON DR	BLUE SPRINGS	MO	64014
39-800-02-30-00-0-00-000	OSBORN MATTHEW W & MEGAN-TR	37405 E HUDSON RD	OAK GROVE	MO	64075
39-900-01-08-01-0-00-000	SIMMONS TERESA A & MARK R	7806 S HILLSIDE SCHOOL RD	OAK GROVE	MO	64075
39-800-02-29-00-0-00-000	RIGGS BOBBY J & WAIT HEATHER	37309 E HUDSON RD	OAK GROVE	MO	64075
39-800-02-28-00-0-00-000	DODSON DELBERT W	1325 SW 23RD S	BLUE SPRINGS	MO	64015
39-800-02-26-00-0-00-000	BARNOSKIE ASA P & STACEY L	7807 S HILLSIDE SCHOOL RD	OAK GROVE	MO	64075
39-800-02-23-00-0-00-000	WHITEHEAD DONA L	7721 S HILLSIDE SCHOOL RD	OAK GROVE	MO	64075
39-800-02-21-00-0-00-000	ROSE PATRICIA J	7667 HILLSIDE SCHOOL RD	OAK GROVE	MO	64075
39-900-01-10-00-0-00-000	COX MICHAEL E & ALETTA A	7702 S HILLSIDE SCHOOL RD	OAK GROVE	MO	64075



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

January 6, 2021

RE: Public Hearing: RZ-2021-596
Michael & Aletta Cox

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 Michael & Aletta Cox for a change of zoning from District AG (Agricultural) on 5.10 ± acres to District RR (Residential Ranchette). The purpose is to decrease the building setbacks requirements for future construction on an existing platted lot at 7702 S. Hillside School 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 1000' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, January 21, 2021 at 8:30 a.m. in the Large Conference Room, 2nd 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

**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- 2021- 596
Date filed 12-15-20 Date of hearing ~~3-18-21~~ 1-21-21
Date advertised ~~3-3-21~~ 1-6-21 Date property owners notified ~~3-3-21~~ 1-6-21
Date signs posted 1-6-21
Hearings: Heard by PC Date 1-21-21 Decision _____
Heard by LU Date _____ Decision _____
Heard by LG Date _____ Decision _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):

- a. Applicant(s) Name: _____
Address: _____
Phone: _____
- b. Owner(s) Name: Michael Cox Aletta A. Cox
Address: 7702 S Hillside School Rd Oak Grove
Phone: 816 694 9110
- c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: _____

2. General location (Road Name) 7702 S Hillside School Rd
Oak Grove

3. Present Zoning AG Requested Zoning RR or RE

4. AREA (sq. ft. / acres) 5.1 acres

5. Legal Description of Property: (Write Below or Attached 9)
Garver Acres - 1st Plat Lot 1

6. Present Use of Property: primary residence

7. Proposed Use of Property: same - expanding dwelling/garage

8. Proposed Time Schedule for Development: March 2021

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: -no change

a. Water PWSD #17

b. Sewage disposal septic

c. Electricity West Central Electric

d. Fire and Police protection SNi valley

12. Describe existing road width and condition: paved, approx. 60ft

13. What effect will proposed development have on existing road and traffic conditions? no change

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):

Need to rezone to decrease side set back for south property line.
We would like to build a detached garage adjacent to the south end of our existing home, but cannot due to the current 30' setback regulation on agricultural zoned property.

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)

Michael E. Cox
Aletta C. Cox

12-10-2020

12-10-2020

Applicant(s):

Contract Purchaser(s):

STATE OF _____

COUNTY OF _____

On this 10th day of December, in the year of 2020, before me the undersigned notary public, personally appeared Michael Cox and Aletta Cox

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.

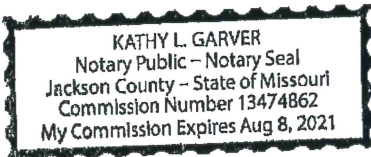
In witness whereof, I hereunto set my hand and official seal.

Notary Public

Kathy L. Garver

Commission Expires

8/8/2021



RZ-2021-596
Michael & Aletta Cox

S HILLSIDE SCHOOL RD

AG

AG



