


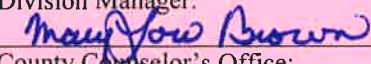
REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 4796

Sponsor(s): xxxxxx

Date: November 16, 2015

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Michael G. O'Neal Case No. RZ-2015-522</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="305 489 1187 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 2.083 ± acres to District RS (Residential Suburban). The 2.083 ± acres are described as Lot 1, Kennedy Addition, in Jackson County, Missouri, aka 809 N. Burnley 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 	Date: 11/4/2015 Date: Date: 11/10/15 Date:										
	Finance (Budget Approval): <i>If applicable</i> Division Manager: 	Date: Date: 11/10/15 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.

RZ-2015-522

ATTACHMENT TO RLA 1:

Description:

Lot 1, Kennedy Addition, a subdivision in Jackson County, Missouri.

ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from July 16, 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

Pictures of Property

RE: RZ-2015-522

Randy Diehl gave the staff report

Applicant: Michael G O'Neal

Location: 809 N. Burnley Road, Lot 1 Kennedy Addition

Area: 2.083 ± acres

Request: Change of zoning from District AG (Agricultural) to District RS (Residential Suburban)

Purpose: Applicant is requesting the change in zoning in order to reduce the setbacks for the future construction of a garage.

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. Property sizes within the area range from 2 acres to larger acreage tracts. To the West across Burnley Road is the City of Independence.

La-Quinta Real Addition, to the north, containing two lots is in District RR (Residential Ranchette). Rezoned and platted in 2002.

Hacienda Heights was platted in 1990. Kennedy Addition was platted in 1989. The Zoning Order (adopted in 1960) in place at the time did not require a change in zoning for platted lots. Therefore the zoning remains as Agricultural.

The applicant is wishing to construct a 28 x 36 pole barn, 20 feet from the south property line.

The rezoning to RS would allow the side setbacks to be reduced from 30 feet, as required in AG, to 15 feet.

County Plan:

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT).

The Residential Suburban District (RS) 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-2015-522

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: *Basically it's bringing it into compliance, because it's a legal-nonconforming lot.*

Mr. Diehl: *We have three or four of these within the last year with the same time of request.*

Are there any questions for Randy?

Is the applicant present?

Michael O'Neal, 809 N. Burnley Road, Buckner, MO

Do you have anything to add to the staff report? No

Are there any questions for the applicant? (There were none)

Mr. Tarpley: *What is the building going to be used for?*

Mr. O'Neal: Personal storage

Is there anyone who is in favor of this application? (There were none)

Is there anyone who is opposed or has questions regarding this application? (There were none)

Motion to take under advisement.

Mrs. Mershon moved to take under advisement. Mr. Gibler seconded.

Motion to approve.

Mr. Akins motioned to approve RZ-2015-522. Mr. Haley seconded.

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

Motion Carried 7 – 0.

**Plan Commission
October 15, 2015
RZ-2015-522**

Applicants / Property Owners:

**19-400-03-14
Michael G O'Neal
809 N Burley Road
Buckner MO 64016**

**Certified Mail – Return Receipt
Property Owners within 300 feet**

19-400-03-06-00-0-00-000
BUCKALLEW JULIE & RONALD J
725 N BURNLEY ROAD
BUCKNER MO 64016

19-400-03-19-00-0-00-000
EARP RICHARD F
817 N BURLEY ROA
BUCKNER MO 64016

19-400-03-17-02-0-00-000
EARP RICHARD F

19-400-03-18-01-0-00-000
JONES WILLIMA & JANIE
P O BOX 448
BUCKNER MO 64016

19-400-03-17-01-0-00-000
MYERS JEFFERY D
P O BOX 431
BUCKNER MO 64016

19-400-03-16-00-0-00-000
PATRICK SPENCER & SARAH
803 N BURNLEY ROAD
BUCKNER MO 64016

19-400-03-15-00-0-00-000
PATRICK SPENCER & SARAH

19-400-03-13-00-0-00-000
PATRICK SPENCER & SARAH

18-600-04-19-00-0-00-000
SISK CLEO C
28611 E US 24 HWY
BUCKNER MO 64016

18-600-04-18-01-0-00-000
THOMPSON DAVID & REBECCA
900 N BURNLEY ROAD
BUCKNER MO 64016

18-600-04-41-00-0-00-000
TUELL FLOYD
918 N BURNLEY ROAD
BUCKNER MO 64016

18-600-04-08-02-00-0-00-000
UNGER LINDA
SULLIVAN FRANKLIN
810 N BURNLEY ROAD
BUCKNER MO 64016



Jackson County Zoning Map

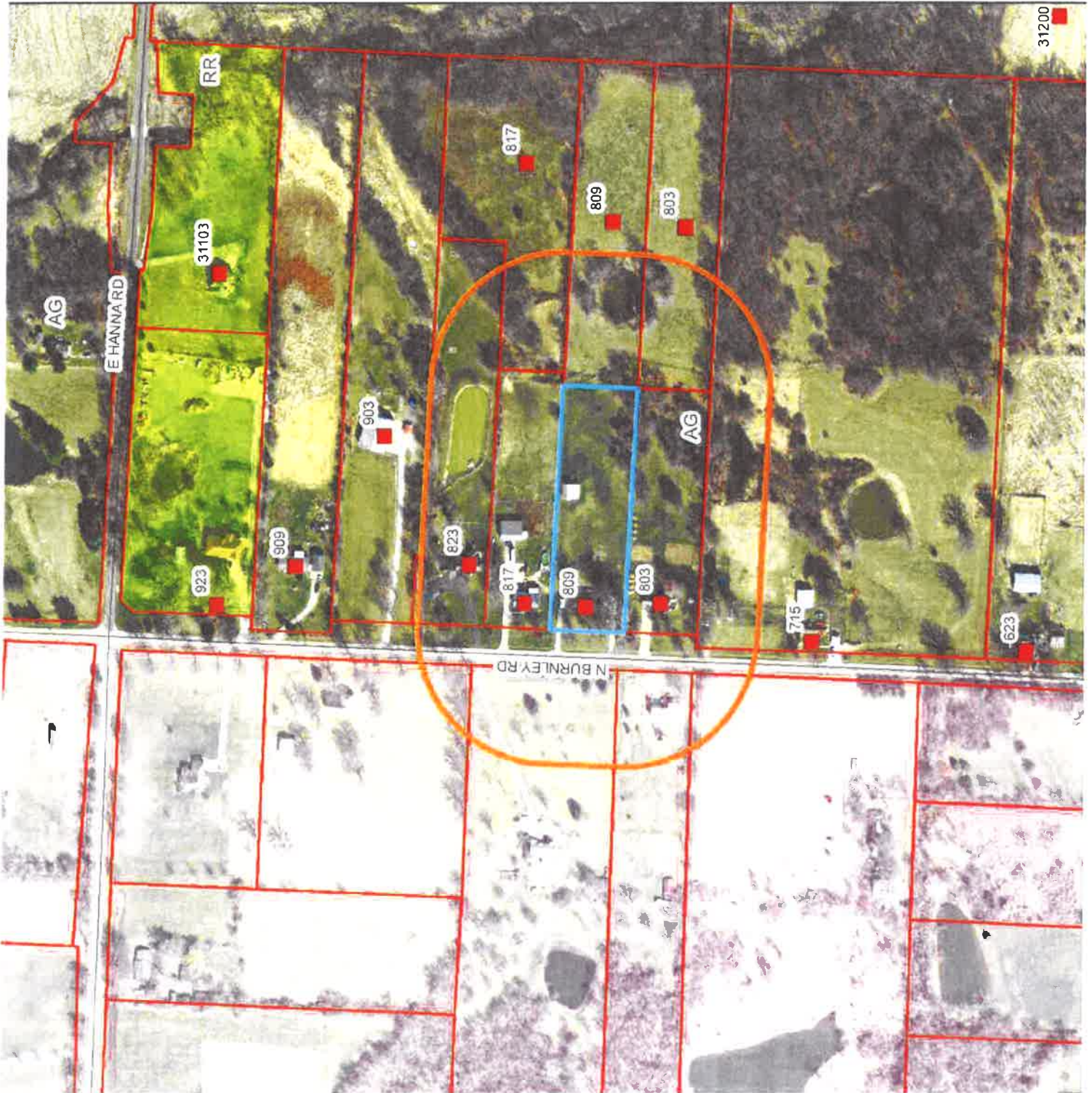
- Legend**
- 1000' Notification Area
 - Streets
 - Tax Parcels
- Rezoning**
- RR-Residential Ranchette
 - RRp-Residential Ranchette-Planned
 - RE-Residential Estates
 - RS-Residential Suburban
 - RU-Residential Urban
 - A(r)-Single-Family
 - B(r)-Two-Family
 - C(r)-Multi-Family
 - A1-Mobile Homes District
 - ROp-Residential Office-Planned
 - LB-Local Business
 - LBp-Local Business-Planned
 - GB-General Business
 - GBp-General Business-Planned
 - LI-Light Industrial
 - LIp-Light Industrial-Planned
 - HI-Heavy Industrial

Ord. 4796

EX. 5

RZ-2015-522

1 inch = 300 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- 2015-522

Date filed 8-26-15 Date of hearing 10-15-15

Date advertised ~~10-15-15~~ 9-30-15 Date property owners notified ~~10-15-15~~ 9-30-15

Date signs posted ~~10-15-15~~ 9-30-15

Hearings: Heard by DC Date 10-15-15 Decision _____

Heard by LU Date _____ Decision _____

Heard by LEG Date _____ Decision _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):
 - a. Applicant(s) Name: Michael G. O'Neal
Address: 809 N Burnley Rd
Buckner MO 64016
Phone: 816-223-8059
 - b. Owner(s) Name: SAME
Address: _____
Phone: _____
 - c. Agent(s) Name: _____

Address: _____

Phone: _____

- d. Applicant's interest in Property: Owner
2. General location (Road Name) 809 N Burnley Rd
3. Present Zoning Ag Requested Zoning Residential RS
4. AREA (sq. ft. / acres) 2.06 acres
5. LEGAL Description of Property: (Write Below or Attached 9)
Kennedy Addition Lot 1
6. Present Use of Property: Single Family Res
7. Proposed Use of Property: Single Family Res.
8. Proposed Time Schedule for Development: ASAP
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 Dist 16, none
 - b. Sewage disposal Septic, none
 - c. Electricity KCP&L, none
 - d. Fire and Police protection Fort Osage, none
12. Describe existing road width and condition: Asphalt 2 Lane

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 8-20-15
Property Owner(s) [Signature]

Applicant(s): _____

Contract Purchaser(s): _____

STATE OF Missouri
COUNTY OF Jackson

On this 25 day of August, in the year of 2015, before me
the undersigned notary public, personally appeared Michael O'Neal

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 [Signature]

Commission Expires 9/27/2015





Jackson County Zoning Map

Legend

300' Notification Area

Lateral_Fields

Streets

Rezoning

Zoning

- RR-Residential Ranchette
- RRp-Residential Ranchette-Plann
- 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
- LI-Light Industrial
- LIp-Light Industrial-Planned
- HI-Heavy Industrial

Ord. 4796

EX. 5

RZ-2015-522

1 inch = 69 feet



