

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Ord No.:~~ Ord No.: 4725

Sponsor(s): _____

Date: April 13, 2015

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Steven L Kessler Case No. RZ-2015-515</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="308 483 1185 798"> <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
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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, Planning Compliance Supervisor, 881-4577											
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on a 1.48 ± acre platted lot to District RS (Residential Suburban). The lot is legally described as Lot 1, R & B Estates, aka 29911 SE Moreland 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	<table border="1" data-bbox="292 1648 1526 1932"> <tr> <td>Department Director:</td> <td>Date:03/31/2015</td> </tr> <tr> <td>Earl Newill, Acting Director <i>Earl Newill</i></td> <td></td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: <i>Marylou Brown</i></td> <td>Date: <i>4/8/15</i></td> </tr> <tr> <td>County Counselor's Office:</td> <td>Date:</td> </tr> </table>		Department Director:	Date:03/31/2015	Earl Newill, Acting Director <i>Earl Newill</i>		Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: <i>Marylou Brown</i>	Date: <i>4/8/15</i>	County Counselor's Office:	Date:
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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-2015-515

ATTACHMENT TO RLA 1:

Description:

Lot 1, R & B Estates, a subdivision in Jackson County, Missouri

ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from January 15, 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

Copy of R & B Estates

Jackson County Plan Commission Summary of Public Hearing

Date: March 19, 2015

Place: Independence City Hall,
Conference Room D
111 E Maple, Independence, MO

Attendance: Chairman Antey

Mr. Gibler
Mr. Haley
Mr. Crawford
Mrs. Mershon
Mrs. Querry
Mr. Akins
Mr. Pointer

Staff: Randy Diehl
Chris Jenkins
Amy Keister
Kristen Geary

Mr. Tarpley was absent.

Call to Order/Roll Call

At 8:30 am Chairman Antey called to order the March 19, 2015 meeting of the Plan Commission and asked that the roll call be taken. Mr. Tarpley was absent.

Approval of Record

Chairman Antey asked for a motion to approve the record of January 15, 2015. Mr. Pointer made a motion to approve. Mr. Gibler seconded the motion. Voice vote.

Minutes of the January 15, 2015 Plan Commission meeting approved, 8-0.

Public Hearings

Chairman Antey swore in all persons present who would like to give testimony at the public hearings.

Randy Diehl gave the staff report

RE: RZ-2015-515

Applicant: Steven L. Kessler

Location: 29911 E Moreland School Road

Area: 1.48 ± 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 10 acres. To the West across Moreland School Road in Moreland Hills a seven lot development rezoned to District RE in 1998. There is also Dove's Nest rezoned and platted in 2014. To the East is Henson Acres, a two lot subdivision created and rezoned to District RE in 2004.

The Zoning Order (adopted in 1960) in place at the time did not require a change in zoning for platted lots. R & B Estates was platted in 1987, prior to the adoption of the Unified Development Code (UDC) in 1995. Therefore the zoning remains as Agricultural.

Side setbacks for District AG are 30 feet. District RS allows a side yard setback of 15 feet.

County Plan:

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

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-2015-515

Chairman Antey: Are there any questions for Randy or staff?

Chairman Antey: Is the applicant or his representative present?

Steven Kessler: 29911 E. Moreland School Road

Chairman Antey: Are there any questions for the applicant?
Do you have anything to add to Randy's report?

Steven Kessler: No.

Chairman Antey: Is there anyone else present who would like to speak in favor of this application? *(There was no one)*

Chairman Antey: Is there anyone present who would like to speak who is opposed to or has questions concerning this application? *(There was none)*

Mr. Pointer motioned to take this under advisement. Mr. Akins seconded.

Voice Vote: Motion Carried 8 – 0.

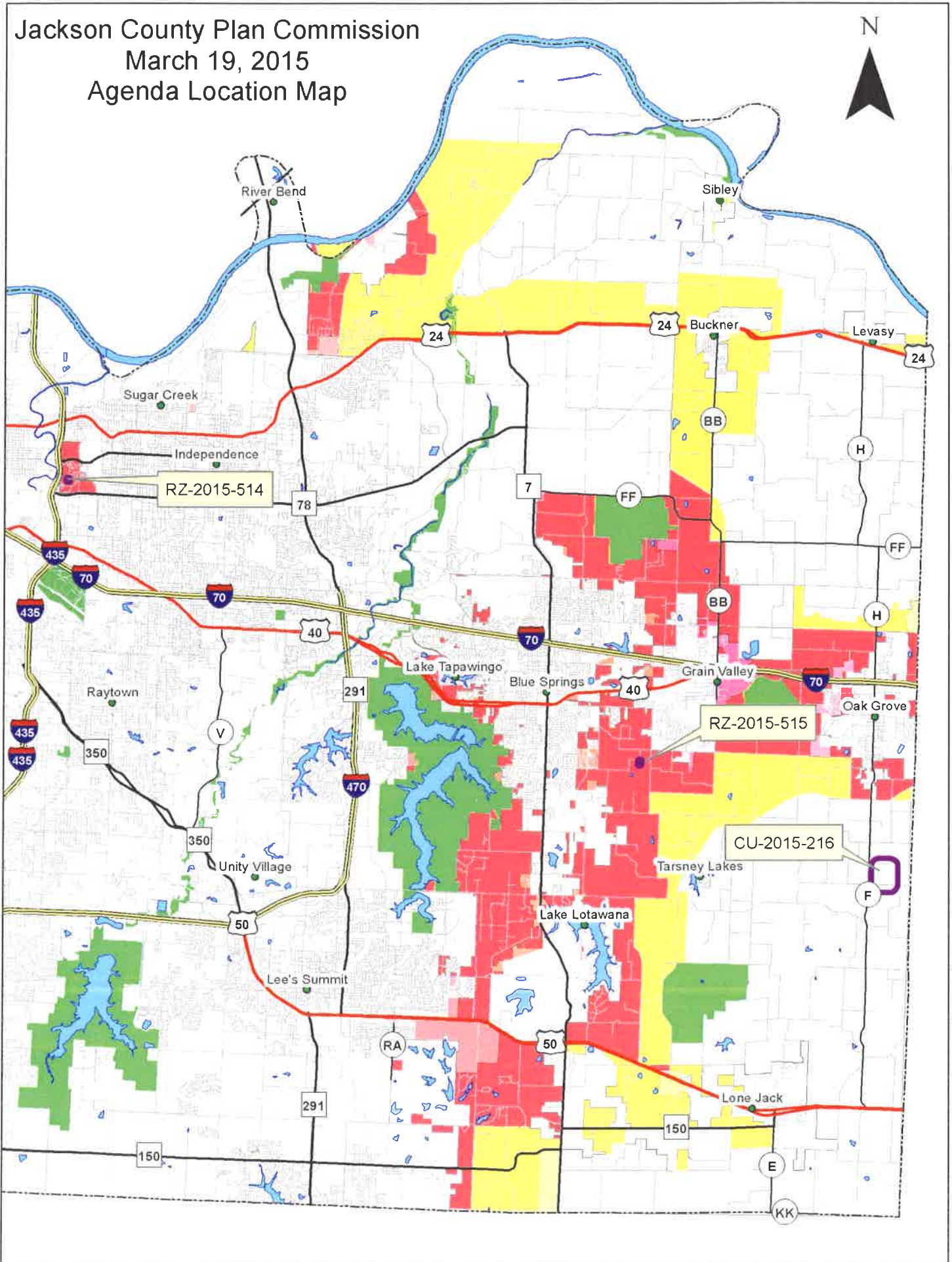
Chairman Antey: Are there any questions or comments? *(there were none)*

Mr. Akins motioned to approve RZ-2014-515. Mrs. Querry seconded.

Mr. Akins	Approve
Mrs. Querry	Approve
Mr. Gibler	Approve
Mr. Pointer	Approve
Mr. Haley	Approve
Mr. Crawford	Approve
Mrs. Mershon	Approve
Chairman Antey	Approve

Motion Carried 8 – 0.

Jackson County Plan Commission
March 19, 2015
Agenda Location Map



STAFF REPORT

PLAN COMMISSION

March 19, 2015

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Respectfully submitted,

Randy Diehl
Zoning Compliance Supervisor

Planning and Zoning Division

Plan Commission
March 19, 2015
RZ-2015-515

Applicants / Property Owners:

41-600-02-31
Steven L. Kessler
29911 E Moreland School Road
Blue Springs MO 64014

Certified Mail – Return Receipt
Property Owners within 185 feet

41-600-02-28-00-0-00-000
BOSSERT DONLAD & PATRICIA
29908 E MORLAND SCHOOL RD
BLUE SPRINGS MO 64014

41-600-02-49-00-0-00-000
BOSSERT DONLAD & PATRICIA

41-600-02-32-00-0-00-000
PRICE MICHAEL W & PAMELA C
2122 N SIX MILE CHURCH RD
BLUE SPRINGS MO 64014

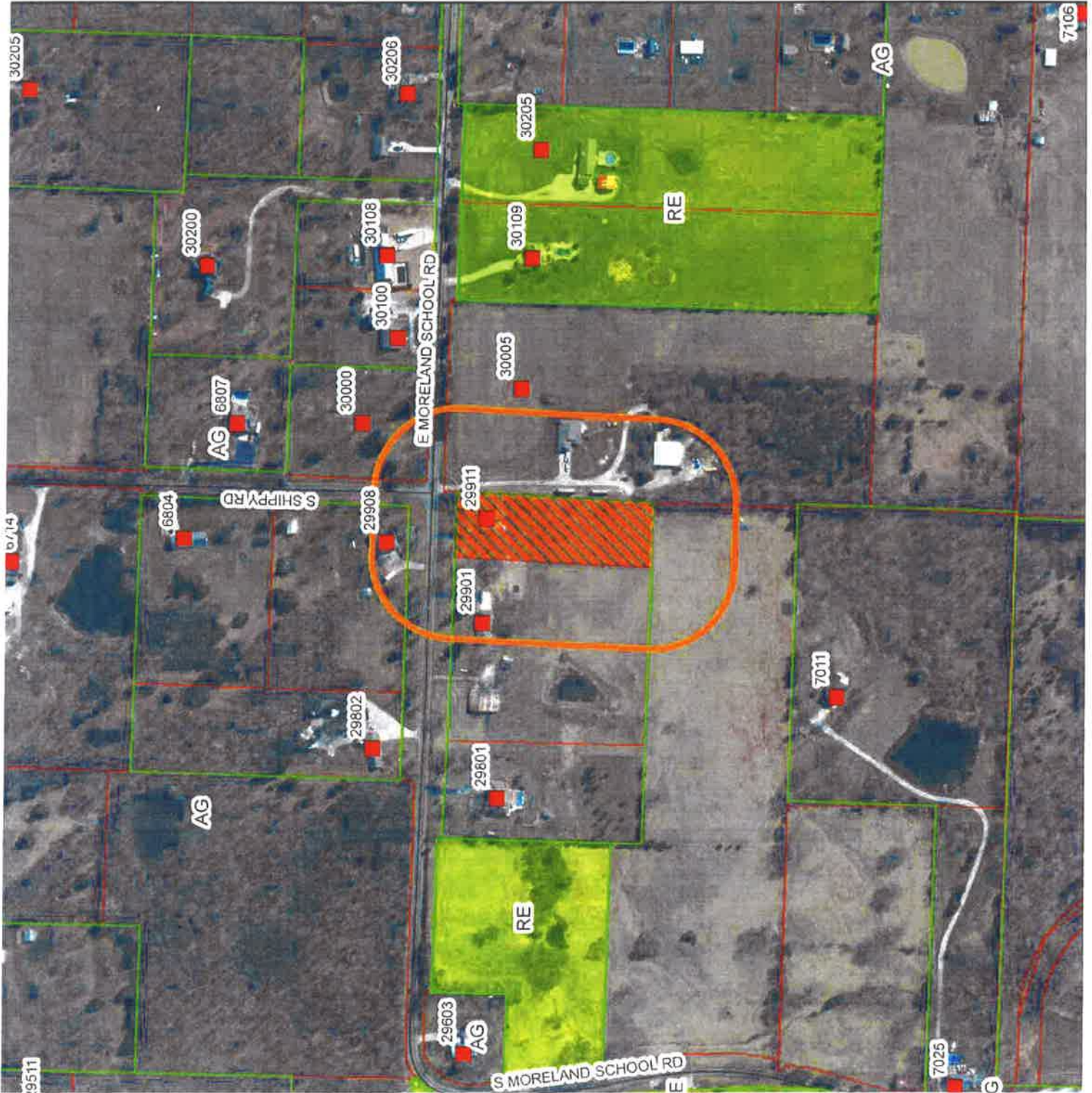
41-600-01-15-00-0-00-000
SHROUT LARRY R & CYNTHIA D
30005 E MORLAND SCHOOL RD
GRAIN VALLEY MO 64029

41-600-01-03-00-0-00-000
PERDEE/BOWLIN CEMETERY



Jackson County Zoning Map

- Legend**
- 185' Notification Area
 - Pending Rezoning**
 - Residential Suburban
 - Residential Estates
 - Streets
 - Tax Parcels
 - Rezoning**
 - Zoning**
 - 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. 4725

EX. 5

RZ-2015-515
Ord

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 - SIS

Date filed 2-9-15 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: STEVEN KESSLER

Address: 29911 S.E. MORELAND SCHOOL RD.
BLUE SPRINGS, MO. 64014

Phone: H: 816-847-2818 CELL: 816-808-1373

b. Owner(s) Name: STEVEN KESSLER

Address: SAME

Phone: SAME

c. Agent(s) Name: N/A

Address: N/A

Phone: N/A

d. Applicant's interest in Property: OWNER

2. General location (Road Name) SOUTH SIDE OF MORELAND

SCHOOL ROAD AT THE INTERSECTION OF SHIPPY RD.

3. Present Zoning AGRICULTURE Requested Zoning RESIDENTIAL SUBURBAN

4. AREA (sq. ft. / acres) 1.54 ACRES

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

R&B ESTATES LOT 1

6. Present Use of Property: RESIDENTIAL

7. Proposed Use of Property: RESIDENTIAL

8. Proposed Time Schedule for Development: MAY - SEPT. 2015

9. What effect will your proposed development have on the surrounding properties?

NONE. PROPOSE TO ADD A THREE CAR GARAGE.

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? YES. 1-2 FEET, PROPOSED SQUARE FOOTAGE ABOVE GARAGE.

11. Describe the source/method which provides the following services, and what effect the development will have on same:

a. Water PUBLIC WATER SUPPLY DISTRICT #17 OF JACKSON COUNTY

b. Sewage disposal ONSITE

c. Electricity KCP&L

d. Fire and Police protection CJFPD (FIRE), JACKSON COUNTY SHERIFF DEPT.

12. Describe existing road width and condition: APPROX. 24' WIDE, VERY GOOD ASPHALT.

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? YES. ONLY A JACKSON COUNTY BUILDING PERMIT.
If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): INTENT IS TO APPLY FOR A BUILDING PERMIT
APRIL 2015.

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

Property Owner(s)

Steven Kessler

Date

2/9/15

Applicant(s):

Steven Kessler

2/9/15

Contract Purchaser(s):

STATE OF Missouri

COUNTY OF Jackson



On this 9th day of February, in the year of 2015, before me the undersigned notary public, personally appeared Steven Kessler

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

B. Crisp

Commission Expires

10.7.2018

PLAT OF

R & B ESTATES

I789547 LOTS 1-3

SE 1/4, NW 1/4, Section 9-T-48-R-30

Jackson County, Missouri

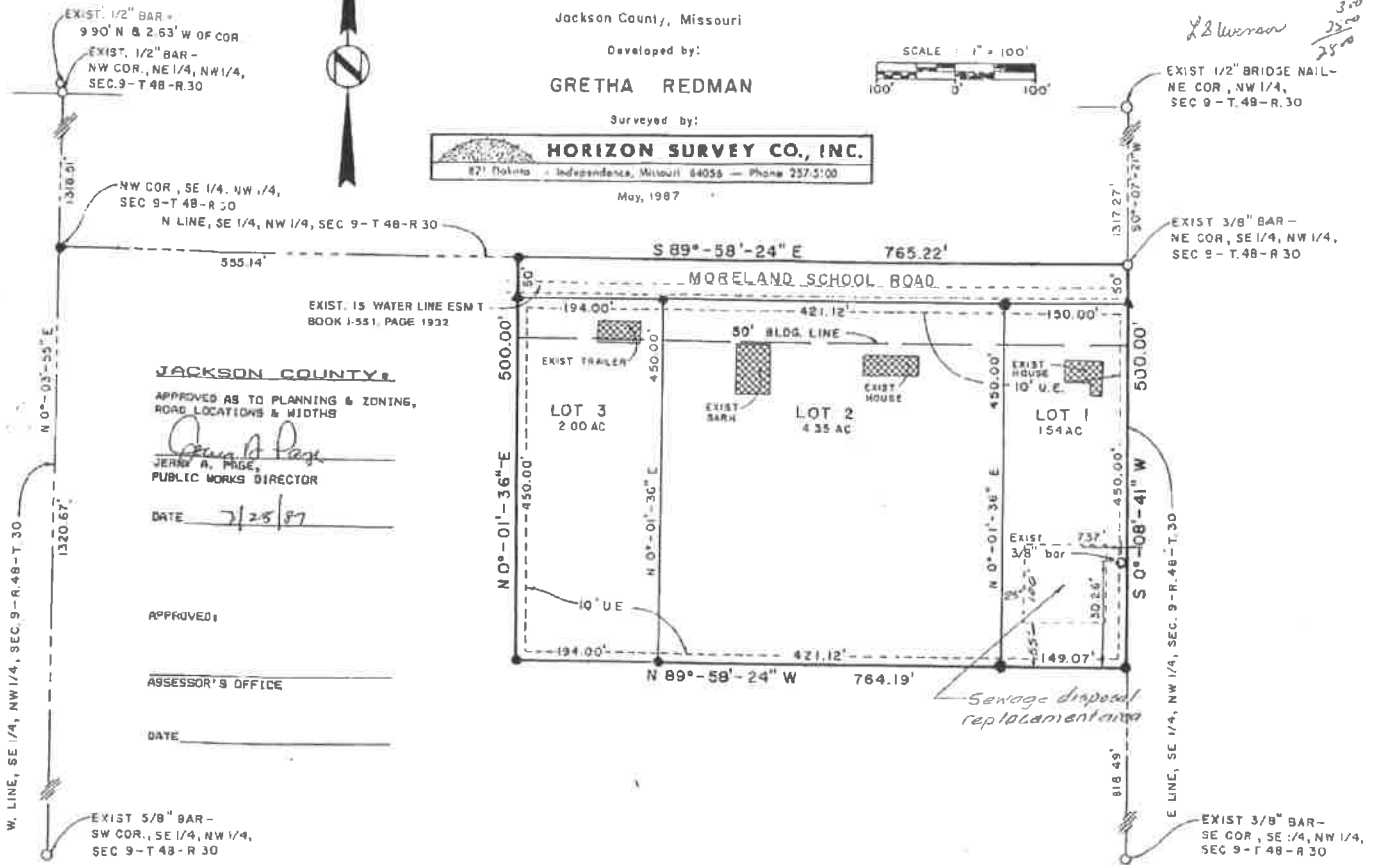
Developed by:

GRETHA REDMAN

Surveyed by:



May, 1987



JACKSON COUNTY
APPROVED AS TO PLANNING & ZONING,
ROAD LOCATIONS & WIDTHS
James A. Page
JAMES A. PAGE
PUBLIC WORKS DIRECTOR

DATE 7/25/87

APPROVED:

ASSESSOR'S OFFICE

DATE

LEGAL DESCRIPTION

CONTAINING 382,352.46 SQUARE FEET OR 8.7776 ACRES
BEGINNING AT THE NE CORNER OF THE SE 1/4, NW 1/4, SECTION 9-T-48-R-30, SAID CORNER BEING S 0°-07'-21" W, ALONG THE EAST LINE OF THE NE 1/4, NW 1/4 OF SAID SECTION, 1317.27 FEET FROM THE NE CORNER OF THE NW 1/4 OF SAID SECTION; THENCE S 0°-08'-41" W, ALONG THE EAST LINE OF SAID SE 1/4, NW 1/4, 300.00 FEET TO A POINT 818.49 FEET NORTH OF THE SE CORNER OF SAID 1/4, 1/4 SECTION; THENCE N 89°-58'-24" W, PARALLEL WITH THE NORTH LINE OF SAID 1/4, 1/4 SECTION, 764.19 FEET; THENCE N 0°-01'-36" E, 500.00 FEET TO A POINT ON THE NORTH LINE OF SAID 1/4, 1/4 SECTION, SAID POINT BEING 325.14 FEET EAST OF THE NW CORNER OF SAID 1/4, 1/4 SECTION; THENCE S 89°-58'-24" E, ALONG SAID NORTH LINE, 765.22 FEET TO THE POINT OF BEGINNING.

BOUNDARY SURVEY NOTES:

- 1. 2" IRON BAR WITH CAP STAMPED HORIZON RLS-1449 SET AT ALL REAR LOT CORNERS AND AT BOUNDARY CORNERS MARKED @.
- 2. @ = EXISTING MONUMENTATION. POSITION OF EXISTING MONUMENTATION IS BY DIFFERENCES IN COORDINATES OR AT RIGHT ANGLES TO THE PROPERTY LINES AT THE NOTED DISTANCES.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THE WITHIN PLAT OF R & B ESTATES SUBDIVISION IS BASED ON AN ACTUAL SURVEY MADE BY ME OR UNDER MY SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ESTABLISHED BY THE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF GEOLOGY AND LAND SURVEY OF THE STATE OF MISSOURI. I FURTHER CERTIFY THAT THE BEARINGS SHOWN ON THIS PLAT ARE BASED ON AN ASSUMED DATA SYSTEM RESULTING IN THE NORTH LINE OF THE SE 1/4, NW 1/4, SECTION 9-T-48-R-30 HAVING A BEARING OF S 89°-58'-24" E; THAT THE SECTION AND SECTIONAL SUBDIVISION CORNER MONUMENTS AND SURVEY BOUNDARY CORNER MONUMENTS WERE EITHER FOUND OR SET AS INDICATED ON THIS PLAT; THAT THE LOT CORNERS AND STREET CENTERLINES HAVE BEEN MARKED WITH PERMANENT MONUMENTATION AS INDICATED ON THIS PLAT; THAT I HAVE COMPLIED WITH ALL STATE AND JACKSON COUNTY STATUTES, ORDINANCES AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING AND THE PLATTING OF SUBDIVISIONS TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

15 JUL 1987
DATE

Erwin N. Gard
ERWIN N. GARD, RLS-1449

DEDICATION

THE UNDERSIGNED PROPRIETOR OF THE HEREIN DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION SHALL HEREAFTER BE KNOWN AS:

R & B ESTATES

STREETS: ALL THROUGHFARES SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

EASEMENTS: AN EASEMENT OR LICENSE IS HEREBY GRANTED TO JACKSON COUNTY, MISSOURI TO LOCATE, CONSTRUCT AND MAINTAIN OR TO AUTHORIZE THE LOCATION, CONSTRUCTION OR MAINTENANCE OF POLES, WIRES, CONDUITS AND/OR STRUCTURES FOR WATER, GAS, SANITARY SEWER, STORM SEWER, SURFACE DRAINAGE CHANNEL, ELECTRICITY, TELEPHONE, CABLE T.V. OR ANY OTHER NECESSARY PUBLIC UTILITY OR SERVICE, ANY OR ALL OF THEM, UPON, OVER OR UNDER THOSE AREAS OUTLINED AND DESIGNATED UPON THIS PLAT AS "UTILITY EASEMENT" (U.E.) OR WITHIN ANY STREET OR THROUGHFARE DEDICATED TO PUBLIC USE ON THIS PLAT.

BUILDING LINES: BUILDING LINES OR SET BACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND NO BUILDING OR PORTION THEREOF SHALL BE CONSTRUCTED BETWEEN THIS LINE AND THE STREET RIGHT-OF-WAY LINE.

DRIVEWAY RESTRICTION: NO DRIVEWAY MAY BE CONSTRUCTED IN THIS SUBDIVISION IN SUCH A MANNER SO AS TO REQUIRE VEHICLES, USING SAID DRIVEWAYS, TO BE BACKED ONTO MORELAND SCHOOL ROAD. JACKSON COUNTY PUBLIC WORKS DEPT. WILL REFUSE TO ISSUE A PERMIT FOR THE CONSTRUCTION OF ANY DRIVEWAY NOT CONFORMING TO THIS RESTRICTION.

IN TESTIMONY WHEREOF GRETHA REDMAN HAS CAUSED THESE PRESENTS TO BE SIGNED THIS 15th DAY OF July, 1987.

Gretha Redman
GRETHA REDMAN
Widow of George S. Redman

Edward Bert, Ethel Bert
Edward Bert, Ethel Bert
Assessment Dept 7-28-87

NOTARY CERTIFICATION:

STATE OF MISSOURI) 188
COUNTY OF JACKSON) 188
ON THIS 15th DAY OF July, 1987, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, APPEARED GRETHA REDMAN, TO ME KNOWN TO BE THE PERSON DESCRIBED HEREIN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND BEING DULY SWORN BY ME ACKNOWLEDGED THAT SHE EXECUTED THE SAME AS HER FREE ACT AND DEED.

IN TESTIMONY THEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.
July 30 1987
Diana J. Taylor
NOTARY PUBLIC
Diana J. Taylor

