




REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 5199

Sponsor(s):

Date: February 19, 2019

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Frank Slaughter, Jr - RZ-2009-566</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="350 516 1190 814"> <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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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 13.45 ± acres to District RE (Residential Estates). The purpose is to create three single family residential lots. The location is 29604 E. Easley Road., and specifically described on Attachment to RLA-1. The Jackson County Plan Commission on January 17, 2019 held a public hearing and accepted testimony pertaining to the request. This request for a 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	<table border="1" data-bbox="342 1673 1515 1900"> <tr> <td>Department Director: Brian D. Gaddie, P.E. Director of Public Works </td> <td>Date: 1.17.19</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager:</td> <td>Date:</td> </tr> <tr> <td>County Counselor's Office:</td> <td>Date:</td> </tr> </table>		Department Director: Brian D. Gaddie, P.E. Director of Public Works 	Date: 1.17.19	Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager:	Date:	County Counselor's Office:	Date:		
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Finance (Budget Approval): <i>If applicable</i>	Date:											
Division Manager:	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.

Randy Diehl gave the staff report:

RE: RZ-2019-565

Applicant: Frank Slaughter, Jr

Location: 29604 E. Easley Road

Area: 13.45 acres

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

Purpose: Applicant is requesting the change in zoning for three single family residential lots.

Current Land Use and Zoning in the Area:

The zoning in the immediate area is Agricultural and RE (Residential Estates). The majority of the land use is single family residences. There are seven residential zonings with subdivision plats, created after the implementation of the Unified Development Code.

The applicant owns approximately 13.45± acres and is wanting to plat them into a three lot subdivision for single family homes.

Plan:

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

Residential Estates is appropriate for the UDT.

Recommendation:

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

Staff recommends APPROVAL of RZ-2019-565.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: Are there any questions for Randy?

Mr. Tarpley: Does the middle lot include the west part with the trees?

Mr. Diehl: The western portion of the property is included in Lot 16. That area is going to be a No Build Zone because of the creek that runs through there. The area includes a field entrance that will remain a field entrance only, due to sight distance limitations. The main portion of the lots all have areas that will allow driveway access.

Mr. Antey: Is the applicant here?

Roger Backues, Boundary & Construction Surveying, 821 NE Columbus, Lee's Summit
I'm representing Mr. Slaughter.

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

Mr. Slaughter is in poor health and his is wanting to get everything in order for his wife. This way she can sell off two lots and remain on Lot 17, which is where their home is. He developed the first two phases of Windmill Ridge. Part of the Windmill development contains equestrian trails. These new lots will also have those rights.

Mr. Tarpley: What is the size of the smallest lot?

Mr. Backues: Three acres.

Mr. Crawford had a question related to the ownership to the common area or the excess land of Windmill Ridge.

Mr. Antey: Is there anyone else who is in favor of this application?

Mr. Antey: Is there anyone who is opposed or has questions regarding this application?

Motion to take under advisement.

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

Discussion under advisement

Mr. Haley: Pretty straightforward

Mr. Tarpley: They've answered all my questions.

Mr. Tarpley moved to approve. Ms. Mershon seconded.

Ms. Mershon	Approve
Mr. Crawford	Approve
Mr. Haley	Approve
Mr. Tarpley	Approve
Mr. Gibler	Approve
Ms. Querry	Approve
Chairman Antey	Approve

Motion Carried 7 – 0

STAFF REPORT

PLAN COMMISSION

January 17, 2019

RE: RZ-2019-566

Applicant: Frank Slaughter, Jr

Location: 29604 E. Easley Road

Area: 13.45 ± acres in Section 09, Township 47, Range 30

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

Purpose: Applicant is requesting the change in zoning for three single family residential lots.

Current Land Use and Zoning in the Area:

The zoning in the immediate area is Agricultural and RE (Residential Estates). The majority of the land use is single family residences. There are seven residential zonings with subdivision plats, created after the implementation of the Unified Development Code.

The applicant owns approximately 13.45 ± acres and is wanting to plat them into a three lot subdivision for single family homes. A preliminary plat has been submitted for review, which is in compliance with the UDC.

Plan:

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

Residential Estates is appropriate for the UDT.

Recommendation:

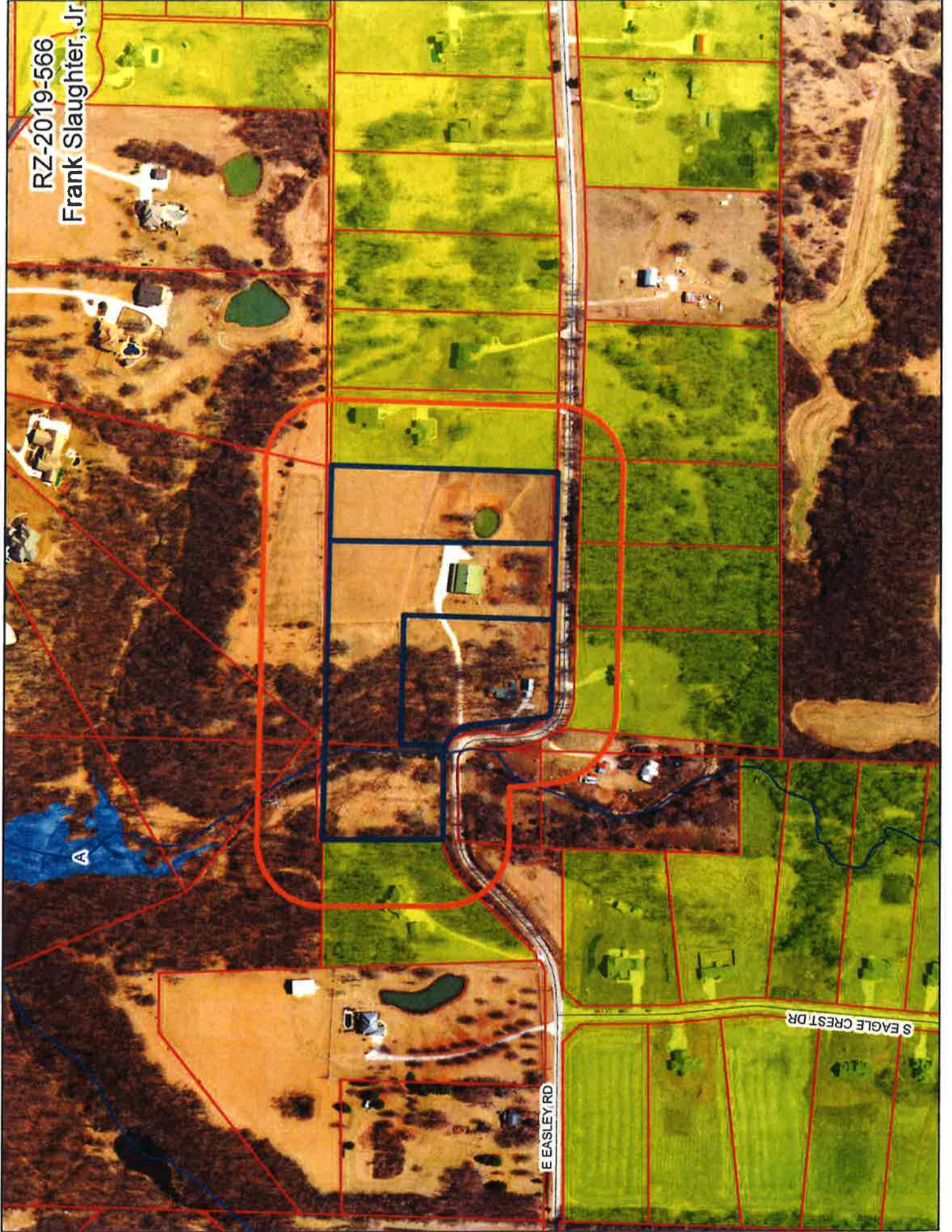
This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2019-566.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

RZ-2019-566
Frank Slaughter, Jr



E EASLEY RD

S EAGLE CREST DR

A



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 2, 2019

RE: Public Hearing: RZ-2019-566
Frank Slaughter, Jr

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 Frank Slaughter, Jr for a change of zoning from District AG (Agricultural) on 13.45 ± acres to District RE (Residential Estates). The purpose is for three single family residential lots. The 13.45 ± acres are located in Section 09, Township 47, Range 30, Jackson County, Missouri, at the 29604 E. Easley 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 185' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, January 17, 2019 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,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Frank White, Jr., County Executive

Plan Commission January 17, 2019
 RZ-2019-566

Property Owners Within 185 feet

Parcel	Owner	Address	State	City	Zip
59-600-03-05-00-0-00-000	BOND JOSHUA AARON	29509 E EASLEY RD	MO	LEES SUMMIT	64086
59-600-02-04-00-0-00-000	BOND JOSHUA AARON	29509 E EASLEY RD	MO	LEES SUMMIT	64086
59-600-02-09-00-0-00-000	BOND JOSHUA AARON	29509 E EASLEY RD	MO	LEES SUMMIT	64086
59-600-03-12-02-0-00-000	BOND JOSHUA AARON	29509 E EASLEY RD	MO	LEES SUMMIT	64086
59-600-02-26-00-0-00-000	DUGAN ALAN L & LINDA L	27800 E WYATT RD	MO	BLUE SPRINGS	64014
59-600-02-24-00-0-00-000	GUNTER CRAIG T & KIMBERLY J	29909 WINDMILL RIDGE LANE	MO	LEES SUMMIT	64086
59-600-02-27-00-0-00-000	HATCHETTE CLIFFORD RAY & DONNA LY	29402 E EASLEY RD	MO	LEES SUMMIT	64086
59-600-03-36-00-0-00-000	HATFIELD MEGAN & JEFFREY	29601 E EASLEY RD	MO	LEES SUMMIT	64086-9113
59-600-02-23-00-0-00-000	KRAUS ANTHONY M & GWEN A	29905 E WINDMILL RIDGE LN	MO	LEES SUMMIT	64086
59-600-02-18-00-0-00-000	OSBORNE MATTHEW & SARAH	29901 E WINDMILL RIDGE LN	MO	LEES SUMMIT	64086
59-600-02-22-00-0-00-000	OSBORNE MATTHEW & SARAH	29901 E WINDMILL RIDGE LN	MO	LEES SUMMIT	64086
59-600-03-08-00-0-00-000	PORTER LESLIE A	1606 W SHORT AVE	MO	INDEPENDENCE	64050
59-600-03-07-00-0-00-000	PORTER LESLIE A	1606 W SHORT AVE	MO	INDEPENDENCE	64050
59-600-03-06-00-0-00-000	PORTER LESLIE A	1606 W SHORT AVE	MO	INDEPENDENCE	64050
59-600-02-10-00-0-00-000	SLAUGHTER FRANK JR & BRENDA J	29604 E EASLEY RD	MO	LEES SUMMIT	64086
59-600-02-08-01-4-00-000	SLAUGHTER FRANK JR & BRENDA JOYCE	29604 E EASLEY RD	MO	LEES SUMMIT	64086
59-600-01-13-00-0-00-000	THE WINDMILL GROUP INC	29604 E EASLEY RD	MO	LEES SUMMIT	64086
59-600-02-08-01-3-00-000	THE WINDMILL GROUP INC	29604 E EASLEY RD	MO	LEES SUMMIT	64086

**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- 2019-506
Date filed 1-14-18 Date of hearing 1-17-2019
Date advertised 1-2-19 Date property owners notified 1-2-19
Date signs posted 1-2-19
Hearings: Heard by PC Date 1-17-19 Decision _____
Heard by _____ Date _____ Decision _____
Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

1. **Data on Applicant(s) and Owner(s):**
 - a. Applicant(s) Name: Frank Slaughter, Jr.
Address: 29604 E. Easley Road
Lee's Summit, Mo. 64086
Phone: 816-377-0017
 - b. Owner(s) Name: Same as above
Address: _____
Phone: _____
 - c. Agent(s) Name: Roger A. Backues

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)

Frank Slaughter, Jr.

Date

10-31-18

Applicant(s):

Contract Purchaser(s):

STATE OF Missouri
COUNTY OF Jackson

On this 14th day of November, in the year of 2018, before me the undersigned notary public, personally appeared Frank Slaughter, Jr.

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

Amy Keister

Commission Expires

4-15-19



AMY KEISTER
My Commission Expires
April 15, 2019
Jackson County
Commission #15634850

Address: 821 NE Columbus St., Suite 100 Lee's Summit, Mo. 64063

Phone: 816-554-9798

d. Applicant's interest in Property: Owner

2. General location (Road Name) 29604 E. Easley Road

3. Present Zoning AG Requested Zoning RE

4. AREA (sq. ft. / acres) 13.45 Acres

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

Attached

6. Present Use of Property: Residential

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: Now

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

None compatible to the adjacent properties

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 Water Dist. # 15

b. Sewage disposal On-Site Septic System

c. Electricity KCP & L

d. Fire and Police protection Jackson County

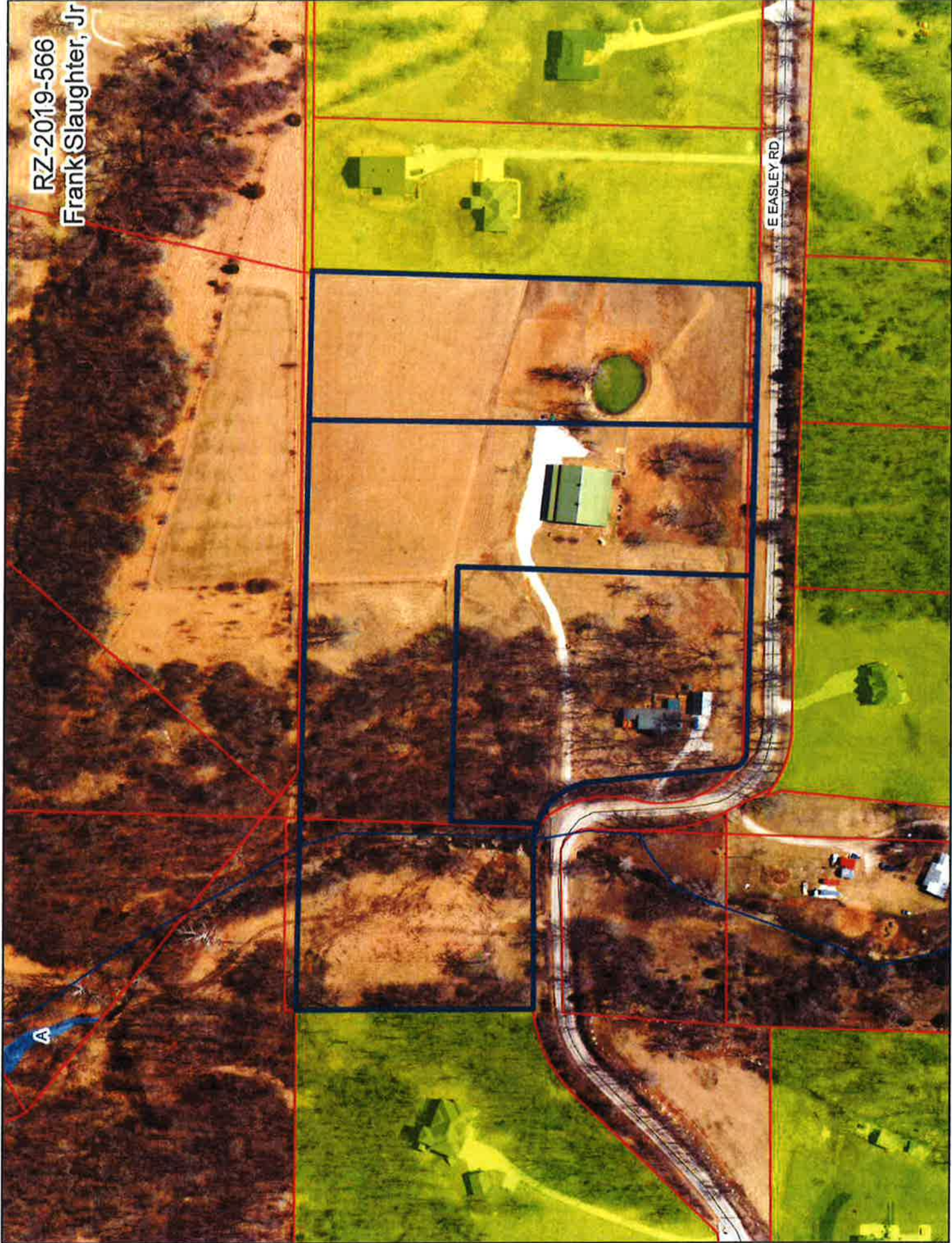
12. Describe existing road width and condition: 40' wide right of way / standard asphalt surface road

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

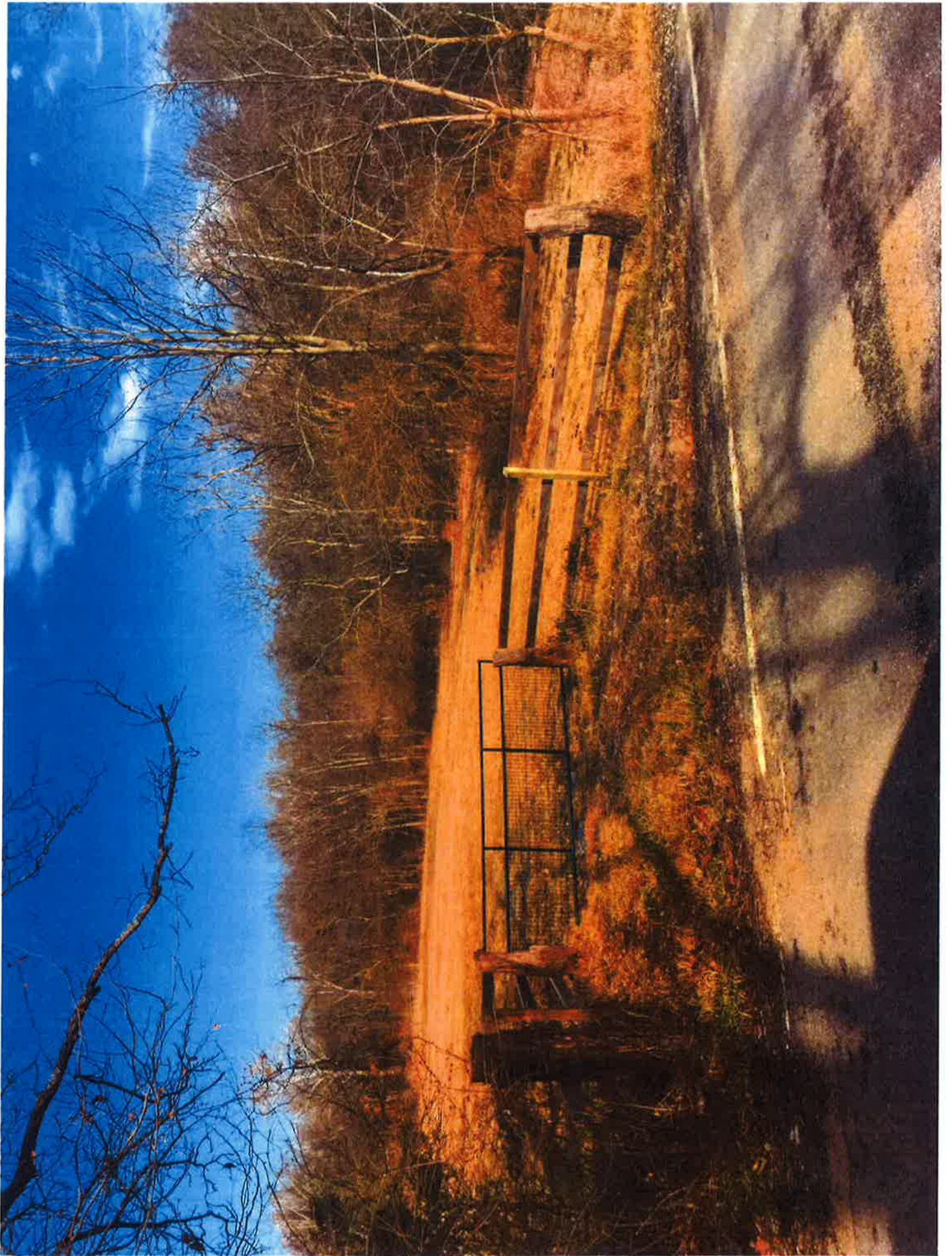
If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): _____

RZ-2019-566
Frank Slaughter, Jr

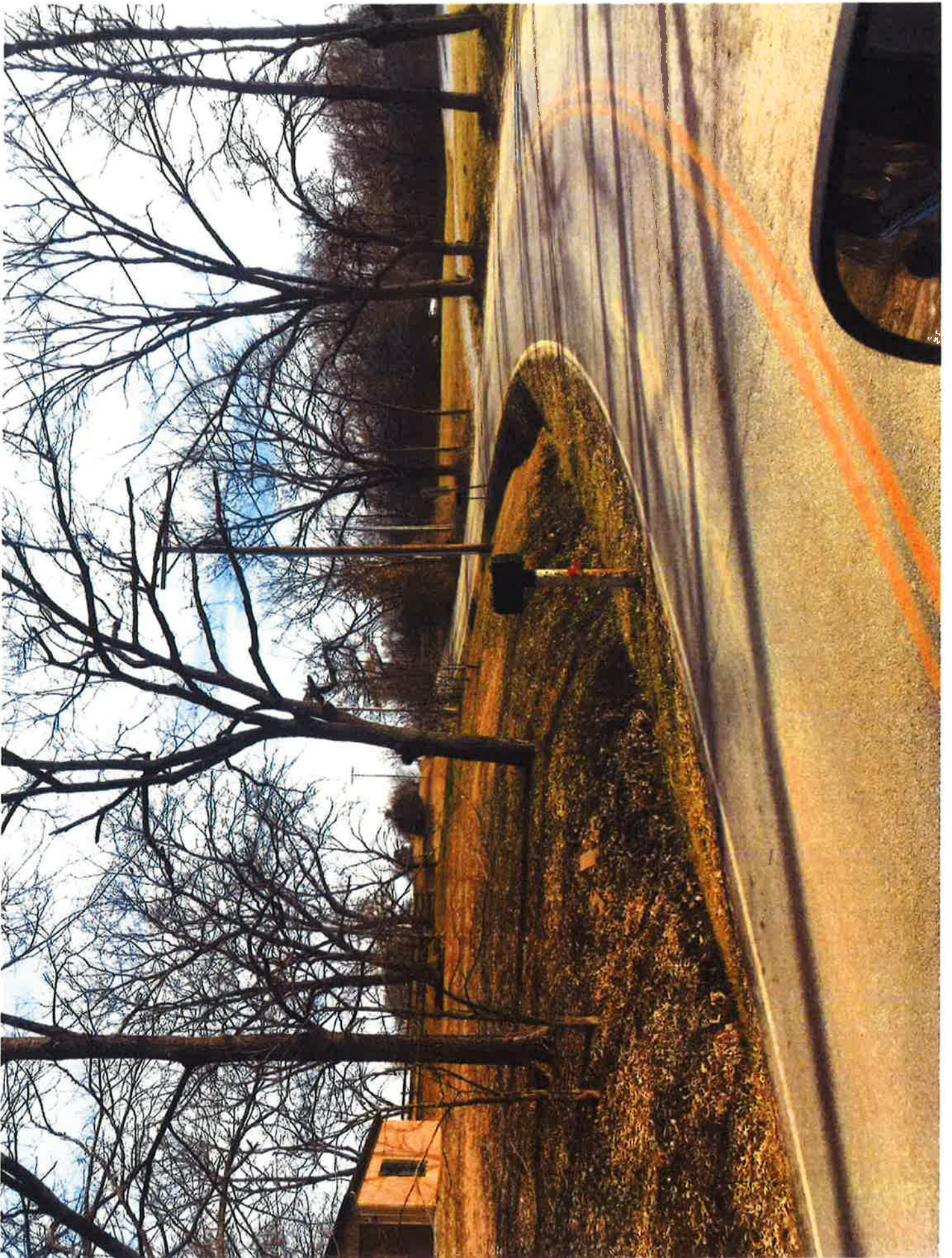


E EASLEY RD

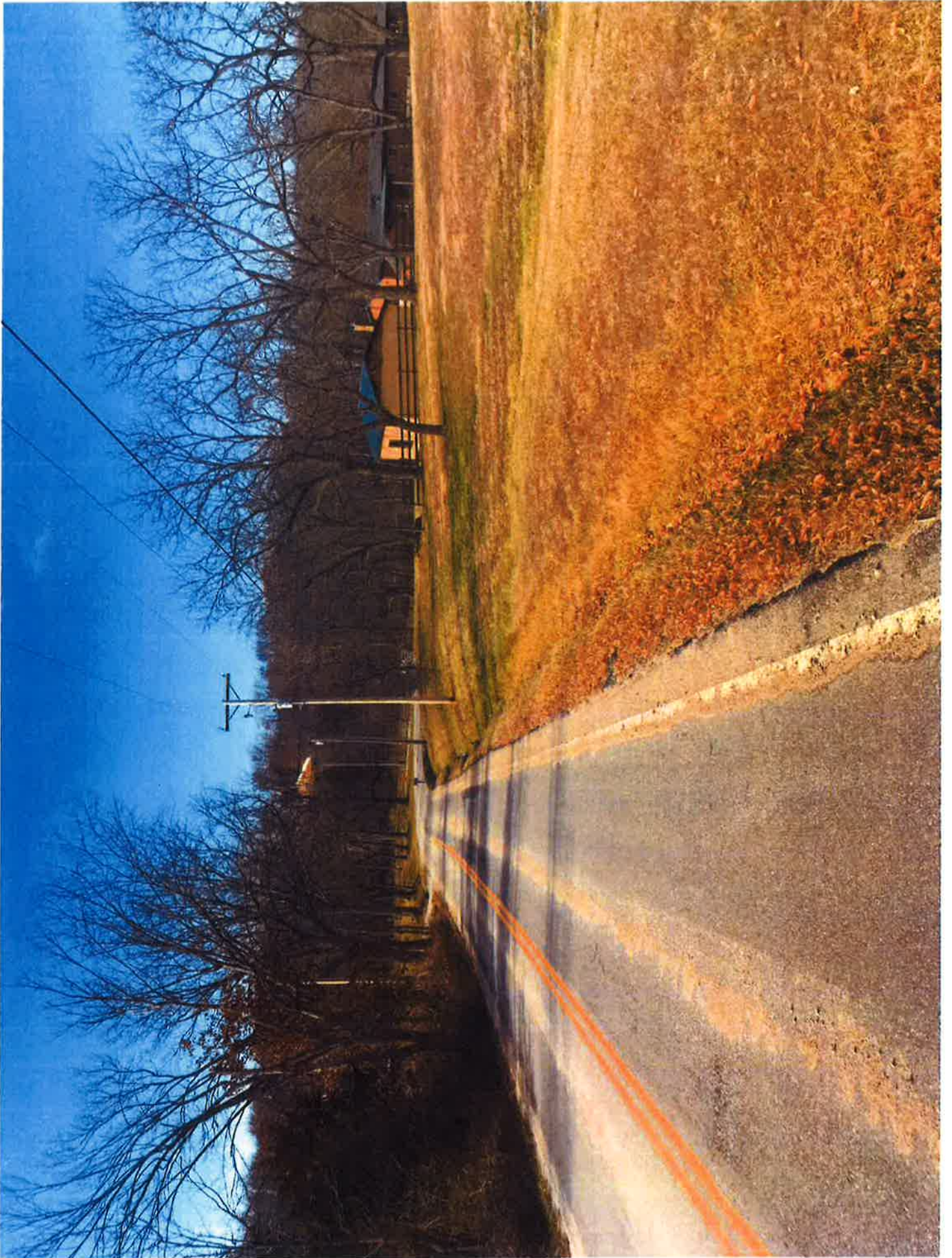
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RZ-2019-566

ATTACHMENT TO RLA 1:

Description: A PART OF THE NORTHWEST QUARTER AND A PART OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 47, RANGE 30, JACKSON COUNTY, MISSOURI DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 9; THENCE NORTH 89 DEGREES 32 MINUTES 38 SECONDS EAST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER, 1317.28 FEET; THENCE NORTH 01 DEGREES 22 MINUTES 11 SECONDS EAST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 9, 262.49 FEET TO A POINT ON A CURVE AND THE NORTH RIGHT OF WAY LINE OF EASLEY ROAD ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID NORTH RIGHT OF WAY LINE AND A CURVE TO THE LEFT WITH AN INITIAL TANGENT BEARING OF NORTH 65 DEGREES 28 MINUTES 38 SECONDS WEST (RECORD=NORTH 63 DEGREES 19 MINUTES 14 SECONDS WEST), A RADIUS OF 71.19 FEET AND A DISTANCE OF 31.34 FEET (RECORD=26.76 FEET); THENCE CONTINUE ALONG SAID NORTH RIGHT OF WAY LINE SOUTH 89 DEGREES 18 MINUTES 08 SECONDS WEST, 205.63 FEET (RECORD=210.44 FEET) TO A POINT OF CURVATURE; THENCE ALONG SAID NORTH RIGHT OF WAY LINE AND A CURVE TO THE LEFT WITH A RADIUS OF 185.00 FEET AND A DISTANCE OF 28.55 FEET TO THE SOUTHEAST CORNER OF LOT 14, WINDMILL RIDGE ESTATES II, LOT 14, A SUBDIVISION IN JACKSON COUNTY, MISSOURI; THENCE NORTH 00 DEGREES 12 MINUTES 14 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 14, 358.90 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 46 SECONDS EAST, 1047.33 FEET TO A POINT ON THE WEST LINE OF LOT 13, WINDMILL RIDGE ESTATES, LOTS 13 THRU 13 & TRACTS A & B, A SUBDIVISION IN JACKSON COUNTY, MISSOURI; THENCE SOUTH 01 DEGREES 35 MINUTES 02 SECONDS WEST ALONG SAID LINE, 657.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF EASLEY ROAD (30.00 FEET NORTH OF CENTERLINE OF ROAD); THENCE NORTH 89 DEGREES 22 MINUTES 41 SECONDS WEST ALONG SAID NORTH RIGHT OF WAY LINE, 664.61 FEET TO A POINT OF CURVATURE; THENCE ALONG SAID RIGHT OF WAY LINE AND A CURVE TO THE RIGHT WITH A RADIUS OF 19.00 FEET AND A DISTANCE OF 27.58 FEET; THENCE NORTH 06 DEGREES 12 MINUTES 02 SECONDS WEST ALONG EASTERLY RIGHT OF WAY LINE OF EASLEY ROAD (30.00 FEET EAST OF CENTERLINE OF ROAD), 202.22 FEET TO A POINT OF CURVATURE; THENCE ALONG SAID RIGHT OF WAY LINE AND A CURVE TO THE LEFT WITH A RADIUS OF 71.19 FEET AND A DISTANCE OF 73.65 FEET TO THE POINT OF BEGINNING. CONTAINING 13.45 ACRES, MORE OR LESS.

ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from January 17, 2019

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

Elevations

Site Plan