



REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 5100

Sponsor(s): None

Date: June 4, 2018

SUBJECT	<p>Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: <u>Shawn & Trisha Maxwell - RZ-2018-560</u></p>																			
<p>BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i></p>	<table border="1" data-bbox="318 527 1198 842"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td></td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT</td> <td></td> </tr> <tr> <td></td> <td>TO ACCT</td> <td></td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><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: \$ _____</p> <p>Prior Year Budget (if applicable): _____ Prior Year Actual Amount Spent (if applicable): _____</p>		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	<p>Prior ordinances and (date): _____ Prior resolutions and (date): _____</p>																			
CONTACT INFORMATION	<p>RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577</p>																			
REQUEST SUMMARY	<p>Requesting a change of zoning from District AG (Agricultural) on 2.08 ± acres to District RE (Residential Estates). The purpose is to reduce the side and rear building setback lines from agricultural zoning setbacks to residential zoning setbacks. The 2.08 ± acres are known as Lot 35, Easley Estates, a subdivision in Jackson County, Missouri, at 28909 E. 116th Street, and specifically described on Attachment to RLA-1.</p> <p>The Jackson County Plan Commission on May 17, 2018 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.</p> <p>The Jackson County Plan Commission voted 7 to 0 to recommend <u>APPROVAL</u> to the County Legislature.</p>																			
CLEARANCE	<p><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)</p>																			
ATTACHMENTS	<p>See Attachment to RLA-2</p>																			
REVIEW	<p>Department Director: Brian D. Gaddie, P.E. Director of Public Works </p> <p>Finance (Budget Approval): <i>If applicable</i></p> <p>Division Manager: </p>	<p>Date: 5/17/18</p> <p>Date:</p> <p>Date: 5/8/18</p>																		

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 May 17, 2018

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

RZ-2018-560

ATTACHMENT TO RLA 1:

Description: Lot 35, Easley Estates, a subdivision in Jackson County, Missouri

STAFF REPORT

PLAN COMMISSION

May 17, 2018

RE: RZ-2018-560

- Applicant:** Shawn S & Trisha L Maxwell
- Location:** 28909 E. 116th Street
- Area:** 2.08 acre platted lot
- Request:** Change of zoning from District AG (Agricultural) to District RE (Residential Estates)
- Purpose:** Applicant is requesting the change in zoning in order to decrease the setbacks requirements for future construction.

Current Land Use and Zoning in the Area:

The land use within Easley Estates is single family residential. The first phase of the development was started in 1977. The last phase was completed in 1996. The Zoning Order (adopted in 1960) in place at the time did not require a change in zoning for platted lots. Therefore the zoning for Easley Estates is Agricultural.

In 2000, the Jackson County Legislature approved Ordinance #3002, for a change of zoning for Lot 60 within Easley Estates.

The side yard setbacks will be reduced from 30 feet to 15 feet.
The rear yard setback will be reduced from 50 to 30 feet.
The front yard setback will remain 50 feet since this setback was established on the recorded plat.

The applicant plans on building a 30 x 60 garage.

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-2018-560.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: Are there any questions for Randy?

Mr. Crawford: What's the difference between Residential Ranchette and Residential Estates?

Mr. Diehl: Acreage. Residential Ranchette is 5 to 10 acres sized lots. Residential Estates is 3 to 5 acres. However there is a provision that allows a rezoning on established lots on at least 2 acres.

Mr. Antey: Is the applicant here?

Trisha Maxwell, 28908 E. 116th Street,

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

Ms. Maxwell: No. He covered everything.

Mr. Tarpley: That's a good sized building. What will it be used for.

Ms. Maxwell: For my husband. A shop for his vehicles and woodworking.

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. Gibler Approved. Mr. Haley seconded.

Discussion under advisement

Mr. Tarpley moved to Approve. Mr. Crawford seconded.

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

Motion Carried 7 – 0.

STAFF REPORT

PLAN COMMISSION

May 17, 2018

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Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

RZ-2018-560
Shawn & Trisha Maxwell





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

May 2, 2018

RE: Public Hearing: RZ-2018-560
Shawn S & Trisha L Maxwell

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 Shawn & Trisha Maxwell for a change of zoning from District AG (Agricultural) on 2.08 ± acres to District RE (Residential Estates). The purpose is to reduce the side and rear building setback lines from agricultural zoning setbacks to residential zoning setbacks. The 2.08 ± acres are known as Lot 35, Easley Estates, a subdivision in Jackson County, Missouri, at 28909 E. 116th Street.

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, May 17, 2018 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

Plan Commission May 17, 2018
 RZ-2017-560

Property Owners Within 185 feet

parcel_number	owner *	owneraddress	ownercity	ownerstate	zip
59-510-05-03-00-0-00-000	FRYATT NOLAND D & LINDA L-TRUSTEES	28804 E 116TH ST	LEES SUMMIT	MO	64086
59-510-02-08-00-0-00-000	GOODMAN ROGER M & LYN A	29004 E 117TH ST	LEES SUMMIT	MO	64086-9357
59-510-02-09-00-0-00-000	HOOD GARIET M & DAWN L	29010 E 117TH ST	LEES SUMMIT	MO	64086
59-510-02-13-00-0-00-000	KULCSAR STEVE & DEBORAH C	28901 E 116TH ST	LEES SUMMIT	MO	64086
59-510-02-15-00-0-00-000	NASER RIYAD & DIANA	29003 E 116TH ST	LEES SUMMIT	MO	64086
59-510-05-06-00-0-00-000	PRATER MICHAEL E & TAMMY L	28910 E 116TH ST	LEES SUMMIT	MO	64086
59-510-05-05-00-0-00-000	SIEGMEIER ERIC J & DIAN M	28900 E 116TH ST	LEES SUMMIT	MO	64086
59-510-02-07-00-0-00-000	SMEAD ROBERT G & COTA-SMEAD LORI A	28910 E 117TH ST	LEES SUMMIT	MO	64086

Applicant

59-510-02-14-00-0-00-000	MAXWELL SHAWN S & TRISHA L	28909 E 116TH ST	LEES SUMMIT	MO	64086
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**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- 2018-560
Date filed 4-12-18 Date of hearing 5-17-18
Date advertised 5-2-18 Date property owners notified 5-2-18
Date signs posted 5-2-18
Hearings: Heard by PC Date _____ Decision _____
Heard by W Date _____ Decision _____
Heard by LG Date _____ Decision _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):
 - a. Applicant(s) Name: SHAWN AND TRISHA MAXWELL
Current Mailing Address: 28909 E. 116TH ST. LEAS SUMMIT, MO 64080
Phone: 785-477-9586 email: TRISHAS.DANDELION@GMAIL.COM
 - b. Legal Owner of Property: SHAWN AND TRISHA MAXWELL
Current Mailing Address: SAME
Phone: _____ email: _____
 - c. Agent(s) Name: _____
Address: _____

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):

The LEGAL OWNER(s) of the property must be signatory to this application. If the owner is also the applicant then only the Property Owner portion needs to be filled out. Applications will not be accepted to move forward without the proper signatories.
Verification of ownership will be made using the Tax Rolls and the Recorder of Deeds database.

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)

[Signature]
[Signature]

23 MAR 2018
25 MAR 2018

STATE OF MISSOURI
COUNTY OF JACKSON

On this 23 day of march, in the year of 2018, before me the undersigned notary public, personally appeared Shawn Maxwell

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 Kristin L. Barton

Commission Expires 06/26/2020

KRISTIN L. BARTON
Notary Public, State of Missouri
Jackson County
Commission # 12587926
My Commission Expires 06-26-2020



28909

E 16TH ST

28901



