

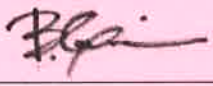
# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

\*Res/Ord No.: 5055

Sponsor(s): None

Date: November 28, 2017

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Teddy &amp; Vicki Rhuems - RZ-2017-557</u>																			
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="321 493 1201 808"> <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> 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:		\$																		
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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 3.00 ± acres to District RE (Residential Estates). The purpose is for one residential lot. The 3.00 ± acres are located In Section 03, Township 47, Range 30, Jackson County, Missouri, at the 27500 block of E. Flynn Road, and specifically described on Attachment to RLA-1. The Jackson County Plan Commission on November 16, 2017 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 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	Department Director: Brian D. Gaddie, P.E. Director of Public Works  	Date: _____   Date: _____																		
	Finance (Budget Approval): <i>If applicable</i>	Date: _____																		

Division Manager: <i>Mark J. [Signature]</i>	Date: <i>1/20/17</i>
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-2017-557**

**ATTACHMENT TO RLA 1:**

A Tract of land in the Northeast Quarter of Section 7, Township 49, Range 30, Jackson County, Missouri, being more particularly described as follows: Commencing at the East Quarter Corner of said Section 7; thence with the South line of the Northeast Quarter of said Section 7, North 86 degrees, 24 minutes, 48 seconds West, 695.00 feet to a point on the centerline of Fire Prairie Creek; thence leaving the South line of the Northeast Quarter said Section 7, with centerline of said creek, North 12 degrees, 13 minutes, 58 seconds East, 195.00 feet; thence North 01 degrees, 13 minutes, 58 seconds East, 109.30 feet; thence leaving said centerline of Fire Prairie Creek, South 86 degrees, 24 minutes, 48 seconds East, 660 feet to the East line of said Section 7; thence South 01 degrees, 30 minutes, 27 seconds West 305 feet to the point of beginning.

**ATTACHMENT TO RLA-2:**

Attachments

Plan Commission Public Hearing Summary from November 16, 2017

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

Preliminary Plat

**RE: RZ-2017-557**

**Randy Diehl gave the staff report:**

**Applicant:** Teddy & Vicki Rhuems

**Location:** 27500 block of Flynn Road

**Area:** 3.00 ± acres in Section 07, Township 49, Range 30

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

**Purpose:** Applicant is requesting the change in zoning for one residential lot.

**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. There are residential zonings and subdivisions created after the implementation of the Unified Development Code, as well as a few created prior to the UDC requirements. These properties are within District AG. To the west on the south side of Flynn Road, is a Light Industrial Zoning. This was rezoned by the County Court in 1965. This is a wrecking and salvage business.

There are a few platted developments within the proximity of the subject property.

The applicant owns approximately 20 ± acres and is wanting to plat the 3 acres along the south into a one lot subdivision. The remaining 15.50 acres will remain in District AG, and contains the main residence along with an accessory residence.

**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-2017-557.

**Mr. Antey: Are there any questions for Randy?**

Mr. Tarpley: Where is the location of the house going to be?

Mr. Diehl: The best location of a house is to the East of the wooded area, out of the floodplain.

**Mr. Antey: *Is the applicant here?***

Mr. Tarpley: What is the brown area on the map?

Mr. Diehl: That is the wooded area.

Mr. Tarpley: Will the driveway be off of Flynn Road?

Mr. Diehl: Yes, there is an existing driveway off of Flynn Road.

**Mr. Antey: *Are there any other questions for the applicant?***

Vicki Rhuems: 2016 S Owens School Road.

Mr. Tarpley: Are you going to build a home?

Ms. Rhuems: This will be for our son.

**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?***

Ms. Mershon moved to take under advisement. Mr. Akins seconded.

Motion to take under advisement.

*Discussion under advisement*

Mr. Antey: Pretty cut and dry.

Mr. Tarpley: I don't see anyone in opposition.

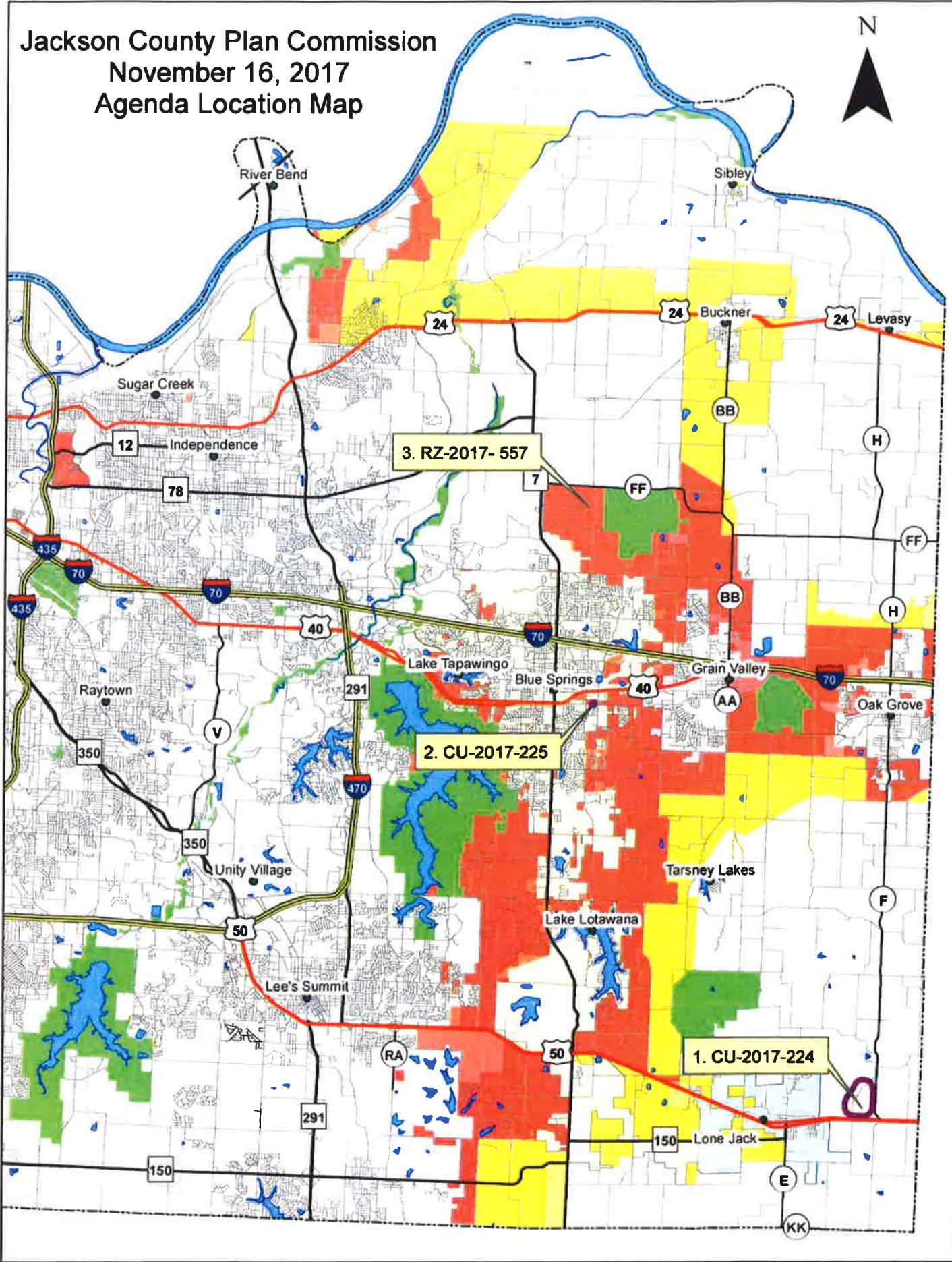
Mr. Akins moved to approve. Mr. Tarpley seconded.

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

Motion Carried 8 – 0.



# Jackson County Plan Commission November 16, 2017 Agenda Location Map



3. RZ-2017-557

2. CU-2017-225

1. CU-2017-224

**STAFF REPORT**

**PLAN COMMISSION**

**November 16, 2017**

**RE: RZ-2017-557**

**Applicant:** Teddy & Vicki Rhuems

**Location:** 27500 block of Flynn Road

**Area:** 3.00 ± acres in Section 07, Township 49, Range 30

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

**Purpose:** Applicant is requesting the change in zoning for one residential lot.

**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. There are residential zonings and subdivisions created after the implementation of the Unified Development Code, as well as a few created prior to the UDC requirements. These properties are within District AG. To the west on the south side of Flynn Road, is a Light Industrial Zoning. This was rezoned by the County Court in 1965. This is a wrecking and salvage business.

There are a few platted developments within the proximity of the subject property.

The applicant owns approximately 20 ± acres and is wanting to plat the 3 acres along the south into a one lot subdivision. The remaining 15.50 acres will remain in District AG, and contains the main residence along with an accessory residence.

**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-2017-557.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator



RZ-2017-557

Teddy & Vicki Rhuems

AG

S OWENS SCHOOL RD

RE

E TRUMAN RD

LI

AG

E FLYNN RD

AG

AG

AG

RE

AG

RE

AG 67

E ARGU RD

AG







RZ-2017-557

Teddy & Vicki Rhuems

S OWENS SCHOOL

AG

AG

AG

E FLYNN RD

U1

1 inch = 125 feet



**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

November 1, 2017

RE: Public Hearing: RZ-2017-557  
Teddy & Vicki Rhuems

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 Teddy & Vicki Rhuems for a change of zoning from District AG (Agricultural) on 3.00 ± acres to District RE (Residential Estates). The purpose is for one residential lot. The 3.00 ± acres are located in Section 07, Township 49, Range 30, Jackson County, Missouri, at the 27500 block of E. Flynn 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, November 16, 2017 at 8:30 a.m. in the Large Conference Room, 2<sup>nd</sup> 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 November 16, 2017  
 RZ-2017-557

Property Owners Within 185 feet

parcel_number	owner *	address	city	state	zipcode
23-400-04-11-00-0-00-000	DAVIS AUTO WRECKING & SALES LL(	2324 S OWENS SCHOOL RD	INDEPENDENCE	MO	64057
23-500-02-05-00-0-00-000	OWENS SCHOOL ROAD LLC	3215 FALLBROOK CT	BLUE SPRINGS	MO	64015
23-500-02-03-00-0-00-000	OWENS SCHOOL ROAD LLC	3215 FALLBROOK CT	BLUE SPRINGS	MO	64015
23-400-01-03-02-0-00-000	SCHWEER SHERRY F COTTEW-TR	26908 E FLYNN RD	INDEPENDENCE	MO	64057
23-400-01-04-00-0-00-000	RHUEMS TEDDY L & VICKI R	2016 S OWENS SCHOOL RD	INDEPENDENCE	MO	64057
23-400-01-05-00-0-00-000	RHUEMS TEDDY L & VICKI R	2016 S OWENS SCHOOL RD	INDEPENDENCE	MO	64057

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-

Date filed \_\_\_\_\_ 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: Teddy and Vicki Rhuems

Address: 2016 S Owens School Rd.  
Independence, MO 64057

Phone: \_\_\_\_\_

b. Owner(s) Name: Teddy and Vicki Rhuems

Address: 2016 S Owens School Rd. Independence MO 64057

Phone: 816-550-9755

c. Agent(s) Name: \_\_\_\_\_



Address: \_\_\_\_\_

Phone: \_\_\_\_\_

d. Applicant's interest in Property: \_\_\_\_\_

2. General location (Road Name) Flynn and Owens School

3. Present Zoning Agriculture Requested Zoning RE

4. AREA (sq. ft. / acres) 3.0

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

6. Present Use of Property: Agriculture

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: 9 - 12 months

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~~ YES

If so, will any improvements be made to the property which will increase or decrease the elevation? NO

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

a. Water City of Independence

b. Sewage disposal On Site Wastewater (septic)

c. Electricity KCP&L

d. Fire and Police protection Central Jackson County Fire Protection District

12. Describe existing road width and condition: \_\_\_\_\_

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13. What effect will proposed development have on existing road and traffic conditions? None

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14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? No

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

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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.

X

Signature

Date

Property Owner(s)

Teddy Rhuems  
Vicki Rhuems

11-2-17  
11.2.17

STATE OF Missouri

COUNTY OF Jackson

On this 2 day of Nov, in the year of 2017, before me the undersigned notary public, personally appeared Teddy Rhuems  
and Vicki Rhuems

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 Crystal Sears

Commission Expires 11-15-19













