

**REQUEST FOR LEGISLATIVE ACTION
EXECUTIVE OFFICE**







Completed by County Counselor's Office:

Res/Ord No.: 5233

Sponsor(s):

Date: June 3, 2019

MAY 16 2019

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Smith, Ronald & Cheryl - RZ-2019-569</u>																			
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="326 495 1206 814"> <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	
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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 7.30 ± acres to District RE (Residential Estates). The purpose is for a single family residential lot. The 7.30 ± acres are located in Section 04, Township 47, Range 30, Jackson County, Missouri, aka 11201 S. Alley Jackson Road, and specifically described on Attachment to RLA-1. The Jackson County Plan Commission on May 16, 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 6 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="321 1745 1549 1961"> <tr> <td>Department Director: Brian D. Gaddie, P.E. Director of Public Works </td> <td>Date: 5.6.19</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: </td> <td>Date: 5.17.19</td> </tr> <tr> <td>County Counselor's Office: <i>By - County</i></td> <td>Date: 5/21/2019</td> </tr> </table>		Department Director: Brian D. Gaddie, P.E. Director of Public Works 	Date: 5.6.19	Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: 	Date: 5.17.19	County Counselor's Office: <i>By - County</i>	Date: 5/21/2019										
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County Counselor's Office: <i>By - County</i>	Date: 5/21/2019																			

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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-2019-569

ATTACHMENT TO RLA 1:

Description:

A tract of land in the East 1/2 of the Southeast 1/4, Section 04, Township 47 North of the Base line, Range 30 West of the 5th Principal Meridian, Jackson County, Missouri being more particularly described as follows:

Commencing at the Northwest corner of the East 1/2 of the Southeast 1/4, Section 4, Township 47, Range 30; thence with the West line of said East 1/2 South 00 degrees 03 minutes 11 seconds East, 658.68 feet to the Point of Beginning; thence leaving the West line of the East 1/2 of the Southeast 1/4 North 87 degrees 57 minutes 58 second East, 1324.36 feet to a point on the East line of the Southeast 1/4, Section 4, Township 47, Range 30; thence with said East line South 00 degrees 12 minutes 45 seconds East, 334.15 feet'; thence leaving aforesaid East line, South 88 degrees 01 minutes 36 seconds West, 407.83 feet; thence North 54 degrees 42 minutes 19 seconds West, 253.22 feet; thence South 87 degrees 57 minutes 58 seconds West, 710.77 feet back to the West line of the East 1/2 of the Southeast 1/4, Section 4, Township 47, Range 30; thence with said West line North 00 degrees 03 minutes 11 seconds West, 180.00 feet to the Point of Beginning and containing 7.28 acres. Subject to Rights-of-Way and Easements as may now be established

ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from May 16, 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

Preliminary Plat

Randy Diehl gave the staff report:

RE: RZ-2019-569

Applicant: Ronald and Cheryl Smith

Location: 11121 S. Alley Jackson Road

Area: 7.30 ± acres in Section 04, 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 a single-family residential lot.

Current Land Use and Zoning in the Area:

The zoning in the immediate area is Agricultural. To the South is a four lot subdivision, zoned Residential Estates.

To the North are several subdivision plats within District AG (Agricultural). These lots were created prior to the adoption of the Unified Development Code (UDC) in 1995.

Land use in the surrounding area is single family residences.

The applicant currently resides on a 10 acre tract directly north of the subject property. In 2006, they purchased an additional 4.84 acres of ground. In March of this year, an additional 2.44 acres was added to give them the 180 foot minimum frontage required for District RE.

They are wishing to build a new home on the 7.30 acres. Since this tract is less than 10 acres in size, in order to bring the tract into compliance with the UDC, for development, it will need be rezoned to a residential zoning and platted into a one lot subdivision.

Recommendation:

Staff recommends APPROVAL of RZ-2019-569.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: Are there any questions for Randy?

Mr. Crawford: It looks as though there is a parking area across the property line.

Mr. Diehl: There could be some portion of pavement or gravel that is over the property line.

Mr. Crawford: The setbacks are okay?

Mr. Diehl: Yes

Mr. Tarpley: How much of the area is in trees?

Mr. Diehl: In the front area of the proposed lot, about 2.5 acres.

Mr. Antey: Is the applicant here?

Ronald and Cheryl Smith, 11117S. Alley Jackson Road

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

No.

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. Tarpley moved to take under advisement. Ms. Mershon seconded.

Discussion under advisement

Mr. Haley moved to approve. Mr. Tarpley seconded.

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

Motion Carried 6 – 0

STAFF REPORT

PLAN COMMISSION

March 21, 2019

RE: RZ-2019-569

Applicant: Ronald and Cheryl Smith
Location: 11121 S. Alley Jackson Road
Area: 7.30 ± acres in Section 04, 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 a single-family residential lot.

Current Land Use and Zoning in the Area:

The zoning in the immediate area is Agricultural. To the South is a four lot subdivision, zoned Residential Estates.

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Land use in the surrounding area is single family residences.

The applicant currently resides on a 10 acre tract directly north of the subject property. In 2006, they purchased an additional 4.84 acres of ground. In March of this year, an additional 2.44 acres was added to give them the 180 foot minimum frontage required for District RE.

They are wishing to build a new home on the 7.30 acres. Since this tract is less than 10 acres in size, in order to bring the tract into compliance with the UDC, for development, it will need be rezoned to a residential zoning and platted into a one lot subdivision.

Recommendation:

Staff recommends APPROVAL of RZ-2019-569.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Plan Commission May 16, 2019

RZ-2019-569

Property Owners Within 300 feet

Parcel Number	owner	address	city	state	code
58-300-03-03-01-0-00-000	CAMPBELL CHARLES E & NANCY E-TRUSTEE	11400 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
59-100-04-02-00-0-00-000	CLESSON SHIRLEY J-TRUSTEE	11220 S ALLEY JACKSON RD	GRAIN VALLEY	MO	64029
59-100-04-07-01-2-00-000	LOVELAND GENE M & MARSHA D-TRUSTEES	11303 S ALLEY JACKSON RD	GRAIN VALLEY	MO	64029
59-100-04-14-00-0-00-000	SMITH RONALD A & CHERYL A-TRUSTEE	11117 S ALLEY JACKSON RD	GRAIN VALLEY	MO	64029
59-100-04-06-00-0-00-000	SMITH RONALD A & CHERYL A-TRUSTEE				



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 1, 2019

RE: Public Hearing: RZ-2019-569
Ronald & Cheryl Smith

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 Ronald & Cheryl Smith for a change of zoning from District AG (Agricultural) on 7.30 ± acres to District RE (Residential Estates). The purpose is for a single family residential lot. The 7.30 ± acres are located in Section 04, Township 47, Range 30, Jackson County, Missouri, at 11201 S. Alley Jackson 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 300' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, May 16, 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,

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

RZ-2019-569
Ronald Smith



WEBSTER RD

S BUCKNER TARSNEY RD

11400

E ADAMS CEMETERY RD

11201

30704

30606

30508

11411

11303

SALLEY/JACKSON RD

E ALLEY RD

11016

11002

10922

10915

11001

11019

11020

10922

11000

11012

29900

11220

11400

**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- 2019-569
Date filed 4-1-19 Date of hearing 5-16-19
Date advertised 5-1-19 Date property owners notified 5-1-19
Date signs posted 5-1-19
Hearings: Heard by DC Date 5-16-19 Decision _____
Heard by LU Date _____ Decision _____
Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):
 - a. Applicant(s) Name: Ronald A. and Cheryl A. Smith
Address: 11117 S. ALLEY Jackson Rd
Grain Valley, MO. 64029
Phone: 816 697 3562
 - b. Owner(s) Name: Ronald A. and Cheryl A. Smith
Address: 11117 S. ALLEY Jackson Rd Grain Valley, MO. 64029
Phone: 816 697-3562
 - c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: _____

2. General location (Road Name) Alley Jackson Rd.

South of 11117 S. Alley Jackson

3. Present Zoning _____ Requested Zoning _____

4. AREA (sq. ft. / acres) 2.10 Acres

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

Attached

6. Present Use of Property: Agriculture / vacant

7. Proposed Use of Property: Building / residential

8. Proposed Time Schedule for Development: Immediate

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

No affect / presently the area are homes and small acreage

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? No

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

a. Water Water district 15 in front of property - no affect

b. Sewage disposal Septic or approved method on property.

c. Electricity KCPL - no affect.

d. Fire and Police protection Lone Jack / Jackson Co. Sheriff

12. Describe existing road width and condition: 20' wide - good condition

EXHIBIT A

A tract of land in the East ½ of the Southeast ¼, Section 4, Township 47 North of the Base line, Range 30 West of the 5th Principal Meridian, Jackson County, Missouri being more particularly described as follows:

Commencing at the Northwest corner of the East ½ of the Southeast ¼, Section 4-47-30; thence with the West line of said East ½ S 00 ° 03'11" E, 658.68' to the Point of Beginning; thence leaving the West line of the East ½ of the Southeast ¼ N 87 ° 57'58" E, 468.51'; thence S 54 ° 42'19" E, 296.84'; thence S 87 ° 57'58" W, 710.77' back to the West line of the East ½ of the Southeast ¼. Section 4-47-30; thence with said West line N00°03'11" W, 180.00' back to the Point of Beginning and containing 2.44 acres.

Subject to Rights-of-Way and Easements as may now be established.

13. What effect will proposed development have on existing road and traffic conditions? No affect on existing road conditions

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): N/A

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) <u>Ronald A Smith</u>	<u>4-1-19</u>
<u>Cheryl A Smith</u>	<u>4-1-19</u>
Applicant(s): <u>Ronald A Smith</u>	<u>4-1-19</u>
<u>Cheryl A Smith</u>	<u>4-1-19</u>
Contract Purchaser(s): <u>Ronald A Smith</u>	<u>4-1-19</u>
<u>Cheryl A Smith</u>	<u>4-1-19</u>

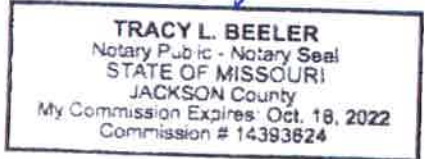
STATE OF Missouri
COUNTY OF Jackson

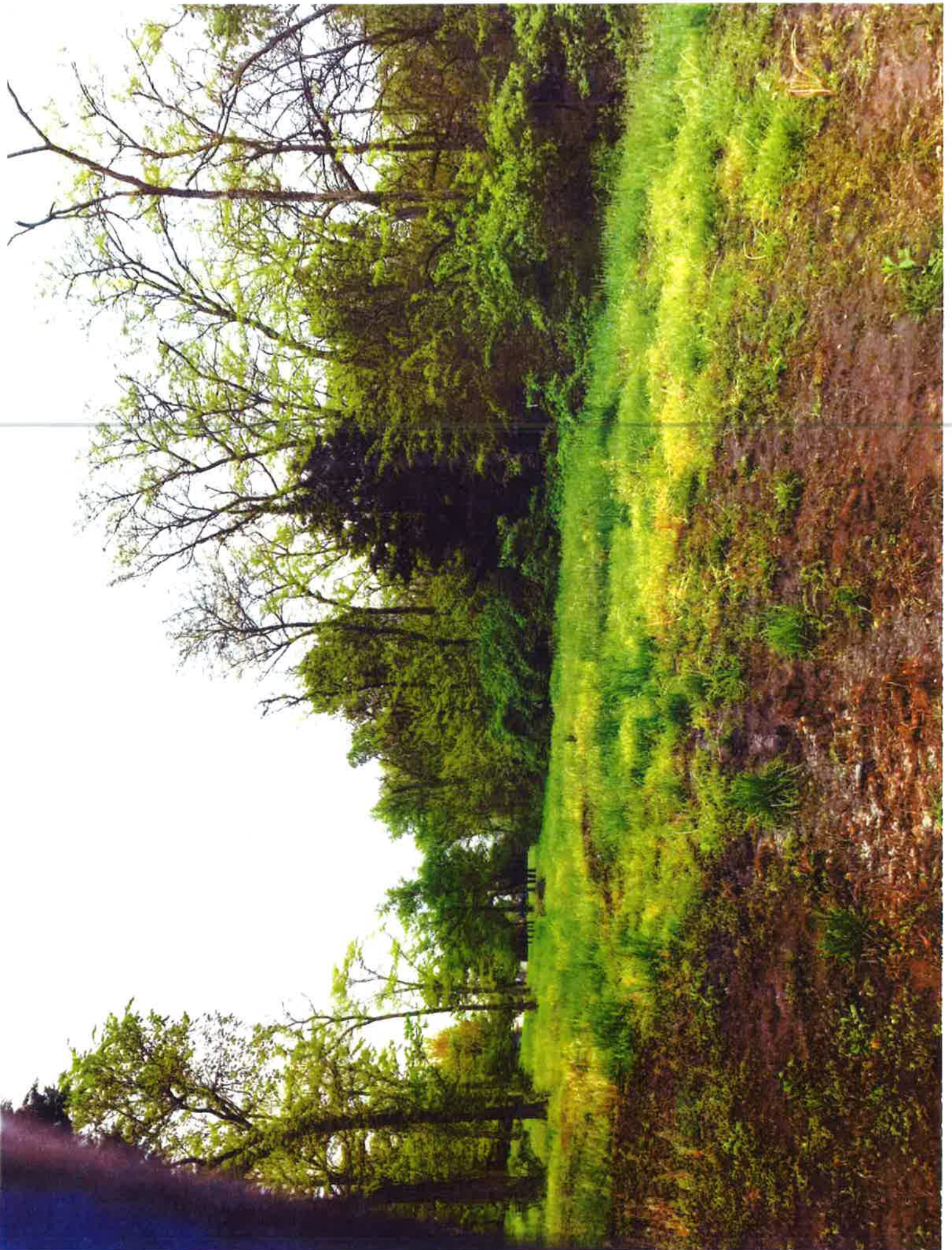
On this 1 day of April, in the year of 2019, before me the undersigned notary public, personally appeared Ronald A Smith and Cheryl A Smith

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.

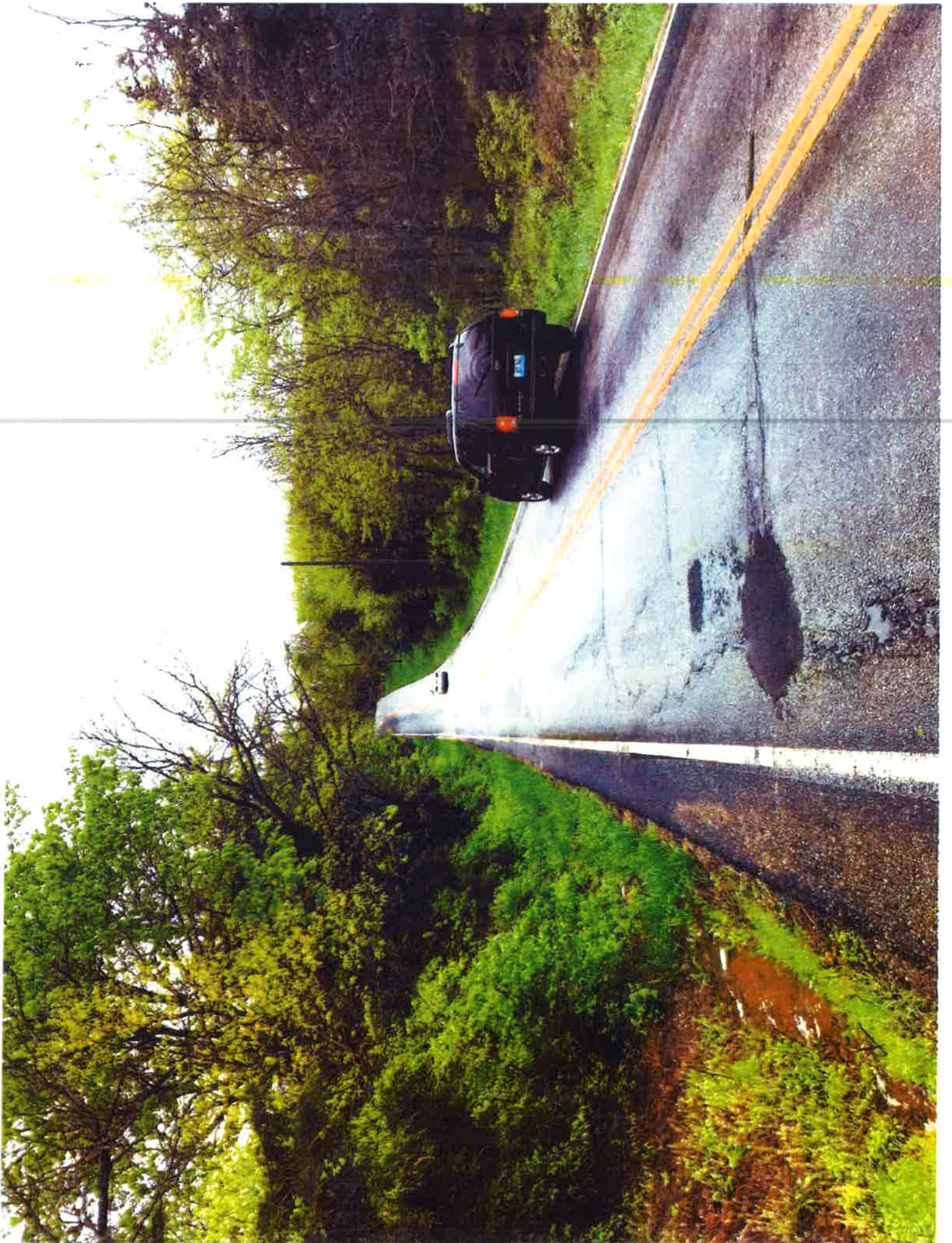
In witness whereof, I hereunto set my hand and official seal.

Notary Public Tracy A Beeler Commission Expires 10-18-2022









RZ-2019-569
Ronald Smith



EAGLE POINTE SURVEYING
1216 NE APPLEWOOD ST
LEES SUMMIT, MO 64086
(816) 456 0156

DATE OF SURVEY: Oct. 2006
DATE OF SURVEY MAP: Apr. 2019
CLASS OF PROPERTY: AGRI
SURVEY CLASS: AGRI
DRAWING NAME: 201903_273

PRELIMINARY PLAT
SMITH ACRES
Section 8 Township 47N Range 30W
Jackson County, Missouri

This Survey was prepared for:
11117 Hwy Jackson Road
Cran Valley, Missouri

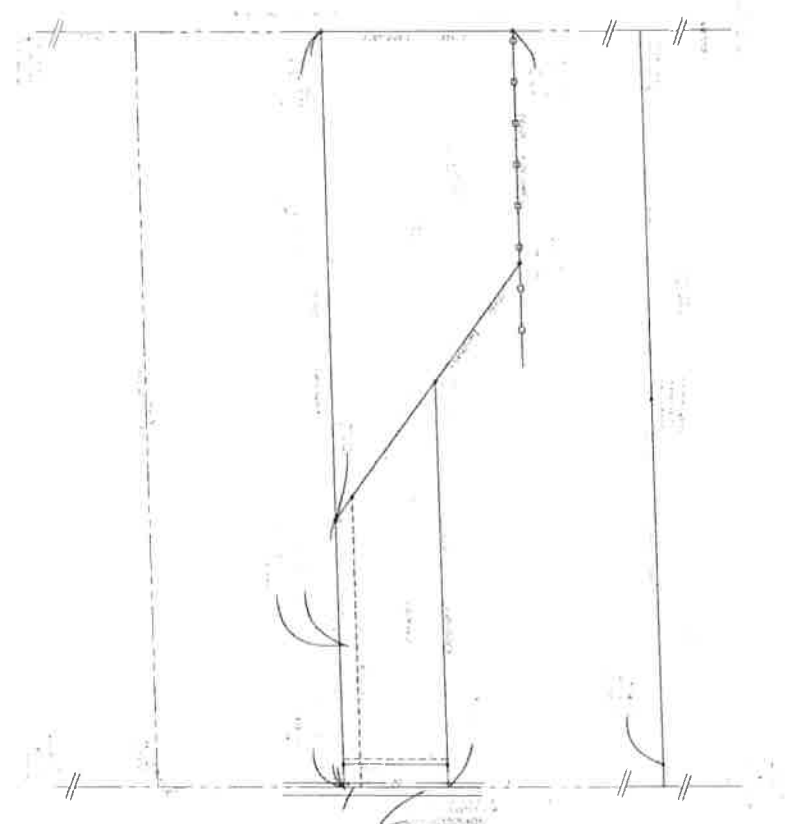
PRELIMINARY PLAT
SMITH ACRES, cont.
Part of the East 1/2 of 36th
S08T47E14N, Section 4-7-30,
Jackson County, Missouri
Case No. 2006-0156

As shown on the plat, the Survey was prepared by Eagle Pointe Surveying, Inc. (EPS) on October 2, 2006. The Survey was prepared for the purpose of subdividing the land shown on the plat into the lots shown on the plat. The Survey was prepared in accordance with the provisions of the Missouri Surveying Act, Chapter 460 RSMo. The Survey was prepared in accordance with the provisions of the Missouri Surveying Act, Chapter 460 RSMo. The Survey was prepared in accordance with the provisions of the Missouri Surveying Act, Chapter 460 RSMo.

RECORDING INFORMATION
This plat was recorded on October 2, 2006, at 10:00 AM, in the Office of the Recorder of Deeds, Jackson County, Missouri. The recording fee was \$15.00. The recording number is 2006-0156.

PRELIMINARY PLAT
SMITH ACRES, cont.
Part of the East 1/2 of 36th
S08T47E14N, Section 4-7-30,
Jackson County, Missouri
Case No. 2006-0156

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GENERAL NOTES
1. The Survey was prepared by Eagle Pointe Surveying, Inc. (EPS) on October 2, 2006. The Survey was prepared for the purpose of subdividing the land shown on the plat into the lots shown on the plat. The Survey was prepared in accordance with the provisions of the Missouri Surveying Act, Chapter 460 RSMo. The Survey was prepared in accordance with the provisions of the Missouri Surveying Act, Chapter 460 RSMo. The Survey was prepared in accordance with the provisions of the Missouri Surveying Act, Chapter 460 RSMo.

DATE OF SURVEY: Oct. 2006
DATE OF SURVEY MAP: Apr. 2019
CLASS OF PROPERTY: AGRI
SURVEY CLASS: AGRI
DRAWING NAME: 201903_273



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