

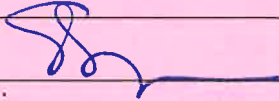
REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~ Ord No.: 4625

Sponsor(s): None

Date: June 9, 2014

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Robert E Hertzog Case No. RZ-2014-506</u>																			
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="332 489 1208 802"> <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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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, Planning and Zoning Coordinator, 881-4577																			
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on a 5.00 ± acre tract to District RR (Residential Ranchette). The 5.00 ± acres are to be platted into a one lot subdivision, J & M Place. The 5.00 ± acres are located in Section 18, Township 47, Range 30, Jackson County, Missouri aka 26408 E. Herring 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	Department Director: Earl Newill, Acting Director Finance (Budget Approval): <i>If applicable</i> Division Manager:  County Counselor's Office:	Date: Date: Date: 6/4/14 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.

Jackson County Plan Commission Summary of Public Hearing

Date: May 15, 2014

Place: Independence City Hall
111 E. Maple, Independence, MO

Attendance: Chairman Antey
Mr. Gibler
Mr. Pointer
Mr. Haley
Mr. Crawford
Mrs. Mershon
Mr. Tarpley
Mr. Akins

Staff: Randy Diehl
Travis Willingham
Joan Dickey
Kristen Geary

Call to Order/Roll Call

At 8:30 am Chairman Antey called to order the May 15, 2014 meeting of the Plan Commission and asked that the roll call be taken. Mrs. Query was absent.

Approval of Record

Chairman Antey asked for a motion to approve the record of March 20, 2014. Mr. Pointer made a motion to approve. Mr. Crawford seconded the motion. Voice vote.

Minutes of the March 20, 2014 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.

RE: RZ-2014-506

Applicant: Robert E. Hertzog/John Hertzog

Location: 26408 E. Herring Road, lying in Section 18, Township 47, Range 30, Jackson County, Missouri.

Area: 5.00 ± acres

Request: Change of zoning from District AG (Agricultural) to District RR (Residential Ranchette)

Purpose: The 5.00 acres to be platted as J & M Place

Current Land Use and Zoning in the Area:

Zoning in the area is primarily agricultural. Property sizes range from 2 acres to 10 acres and larger tracts, containing single family residences.

Directly to the West is Aimee Lane Estates, rezoned to RE (Residential Estates) and platted in 2001. Lot sizes are between three and four acres in size. Tract A is approximately 30 acres. To the North of Aimee Lane are tracts containing single family residences ranging from 10 to 15 acres in size. To the East are Emerald Acres, Halebrooke and Decker's Landing, platted in 1987, 1990 & 1995. All three subdivisions contain two lots ranging from 2 to 5 acres in size and are all within District AG (Agricultural). Residential subdivision plats created prior to the Unified Development Code's adaption in June of 1995, did not require a change of zoning and are therefore considered Legal Non-Conforming. To the South is single family residences contained on approximately 2 acre tracts. These are considered Legal Non-Conforming due to the fact that they are created in the early 1970's prior to the Subdivision Regulations being adopted in 1978. These properties are surrounded by a large tract of approximately 50 acres.

Comments: As stated the applicant is proposing a one lot subdivision consisting of 5 acres. Applicant's remaining land left will be approximately 195 acres.

The proposed subdivision and lot size are compatible with adjacent uses.

County Plan:

The County Plan Development Diagram illustrates this area within the Urban Development Tier (UDT). The RR (Residential Ranchette) District is appropriate in 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-2014-506

Chairman Antey: Any questions for staff?

Mr. Akins: Currently, no structures, at all?

Randy Diehl: No, it's all farmland.

Mr. Pointer: Is there water there?

Randy Diehl: Yes, I believe there is a plug just on the other side of the proposed lot.

Mr. Pointer: There is a new tower right across from there too.

Randy Diehl: That is on the other side of 7 Hwy, it's Water District 15. The west side of 7 Hwy is served by Lee's Summit.

Chairman Antey: Is the applicant or his representative here?

Bob Hedberg: My name is Bob Hedberg, 526 SW 3rd Street, Lee's Summit. The project is being done because this is a grandson of Dr. Hertzog. We've done several and you guys have approved others. He seems to be intent on taking care of all of his grandkids. There will be a new house there and maybe an outbuilding. We've already got a driveway started and that's about it.

Mr. Tarpley: How many houses are in that area? Are there very many houses in that area?

Bob Hedberg: Randy reported accurately, we've done several to the East of there. They are a little bit off of the picture. From there on East, there are only 3 other houses and couple of businesses. Years ago we put a landscaping and tree farm in there. Both sides of this is still pretty rural.

Chairman Antey: Are there any other questions for the applicants representative? (there were none) Is there anyone else who is present that would like to speak in favor of this application?

Louella Sue Jakes: I live right across the street from where they are going to build. 26309 E Herring Rd. I'm just asking, what is a Ranchette?

Chairman Antey: A Ranchette is the minimum size lot of 5 acres.

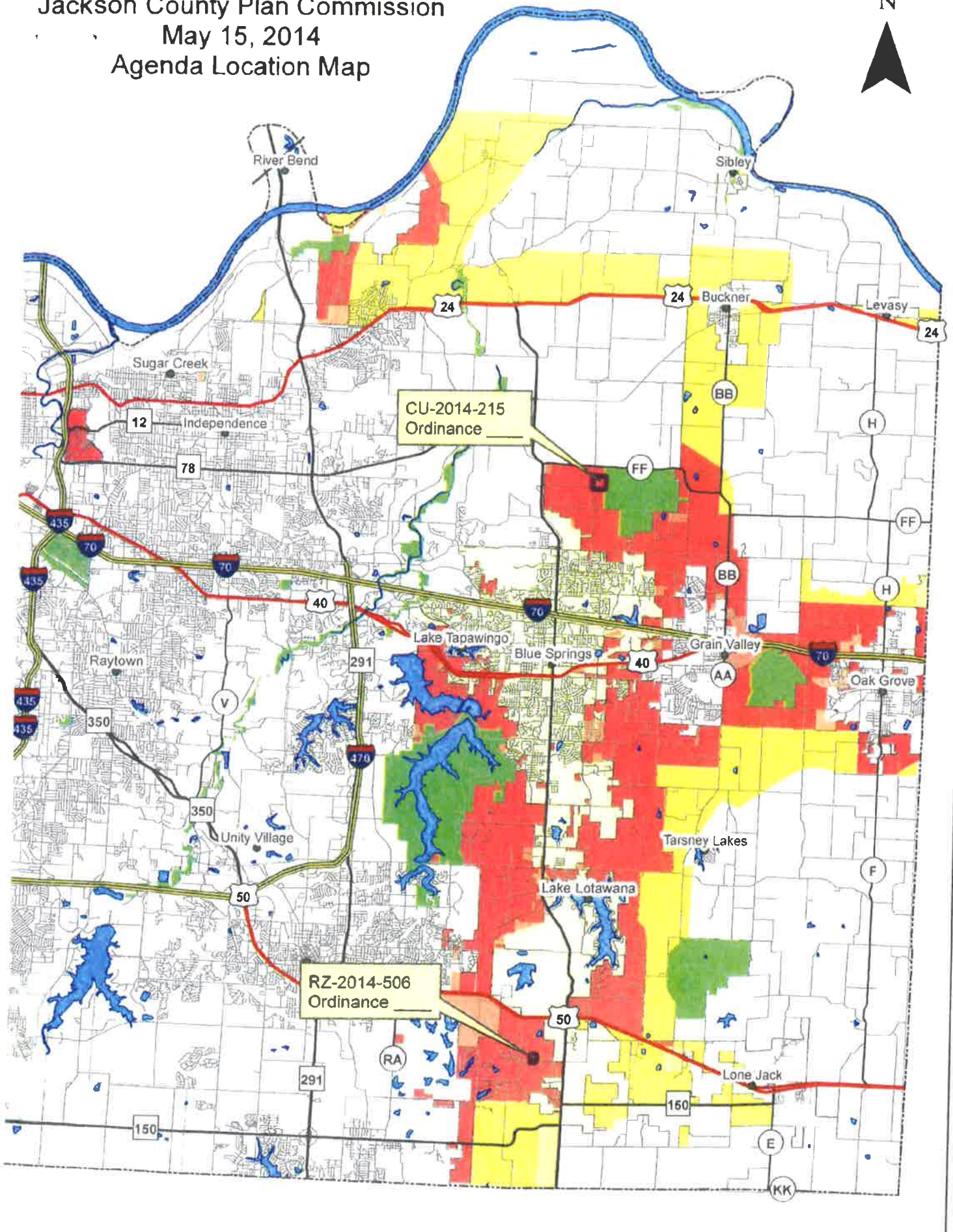
Randy Diehl: A Residential Ranchette zoning district is between 5 and 10 acres. They are choosing to do a 5 acre. With the Ranchette zoning you get 250' of frontage, where as the next step down is 180' of frontage.

Chairman Antey: That would be a 3-5 acre tract on the next step down. It's just a name we use to delineate the size range of the divided land. Is there anyone else who has questions concerning this application?

Mrs. Mershon motioned to take this under advisement. Mr. Gibler seconded.
Motion Carried 8 – 0.

Mrs. Mershon motioned to approve RZ-2014-506. Mr. Crawford seconded.
Motion Carried 8 – 0.

Jackson County Plan Commission
May 15, 2014
Agenda Location Map



STAFF REPORT

PLAN COMMISSION

May 15, 2014

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Recommendation:

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

Staff recommends APPROVAL of RZ-2014-506

Respectfully submitted,

Jackson County Public Works
Planning and Environmental Health
Scott George, Assistant Director
Randy Diehl, Subdivision and Zoning Coordinator

Plan Commission
May 15, 2014
RZ-2014-506

Applicants / Property Owners:

59-900-03-01
Robert E Hertzog
411 SW Market St
Lee's Summit, MO 64063

John & Megan Hertzog
26110 E M-150 Hwy
Greenwood, MO 64034

Robert Hedberg
526 SW 3rd St
Lee's Summit MO 64063

Certified Mail – Return Receipt
Property Owners within 185 feet

59-900-03-05-01-0-00-000
Alcorn Kimberly R-Trustee
13001 S Harris Road
Greenwood MO 64034

72-300-02-01-04-0-00-000
Jakes Jimmy & Lovella
26309 Herring Road
Greenwood MO 64034

72-300-02-01-01-1-00-000
Jakes Jimmy & Lovella

72-300-02-01-03-0-00-000
Willard Michael & Enyeart Julie
26509 E Herring Road
Greenwood MO 64034



185 Jackson County
Redline Zoning Map
Pending Rezoning

Zoning

- Residential Estates
- Streets

Rezoning

Zoning

- RR-Residential Ranchette
- RRp-Residential Ranchette-Plar
- 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

Jackson.sid

RGB

- Red: Band_1
- Green: Band_2
- Blue: Band_3

EX. 5

RZ-2014-506
 Ord

1 inch = 400 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-2014-506
 Date filed 4-10-14 Date of hearing 5-15-14
 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: John & Megan Hertzog
 Address: 26110 E. M-150
Greenwood, MO 64034
 Phone: 729-8381
 - b. Owner(s) Name: Robert E. Hertzog
 Address: 411 SW Market Lees Summit, MO
64063
 Phone: 726-8692
 - c. Agent(s) Name: Bob Hedberg/Summit Survey

Address: 526 SW 3rd. LS, MO 64063

Phone: 377-8843

d. Applicant's interest in Property: Constr. a house

2. General location (Road Name) Herring Rd. (north side)
1700'± East of Harris Rd.

3. Present Zoning Ag. Requested Zoning RR

4. AREA (sq. ft. / acres) 5 ac. net

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

See attached "Legal"

6. Present Use of Property: Agricultural

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: Upon approval of
plat & zoning

9. What effect will your proposed development have on the surrounding properties?
Little or none

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? N/A

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

a. Water Lee's Summit (old WD #14)

b. Sewage disposal On-site proposed

c. Electricity KCP&L

d. Fire and Police protection Prairie Twp. Fire; Jackson County Sheriff

12. Describe existing road width and condition: Chip/Seal
2 Bil. Coated 18'± Good Cond.

13. What effect will proposed development have on existing road and traffic conditions? Little or 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):

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)

Robert E. Hertzog

4-10-14

Applicant(s):

//

Contract Purchaser(s):

STATE OF MISSOURI

COUNTY OF JACKSON

On this 10th day of April, in the year of 2014, before me the undersigned notary public, personally appeared Dr. Robert E. Hertzog

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.

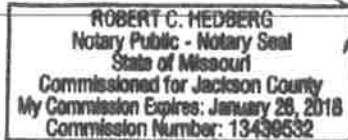
In witness whereof, I hereunto set my hand and official seal.

Notary Public

Robert C. Hedberg

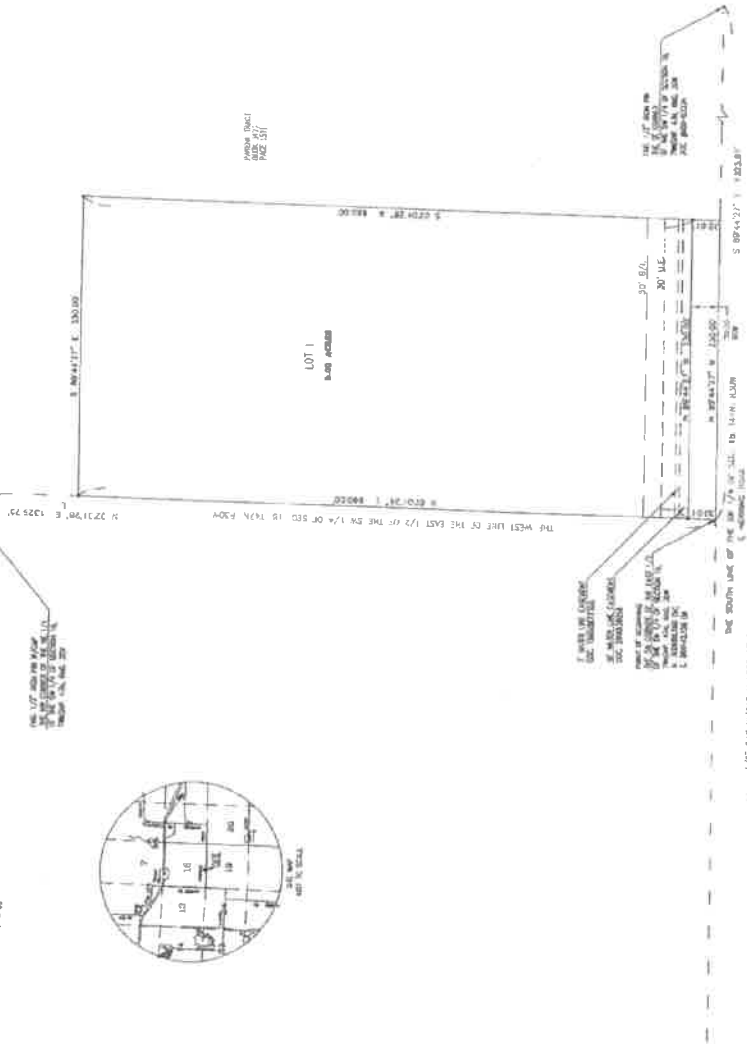
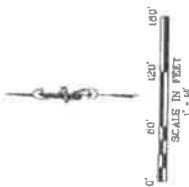
Commission Expires

1/26/18



J & M PLACE LOT 1

A subdivision in the East 1/2 of the SW 1/4 of Section 18, Township 47N, Range 30W, in Jackson County, Missouri.



LEGAL DESCRIPTION:
 The following is a legal description of the above premises which are to be subdivided as shown on the plat hereon attached, to wit: **Lot 1** of **Section 18, Township 47N, Range 30W, in Jackson County, Missouri.**

CEMETERY:
 The cemetery is known as **St. James Cemetery**, located in Jackson County, Missouri, and is owned and operated by **St. James Cemetery Association, Inc.** The cemetery is located in the **East 1/2 of the SW 1/4 of Section 18, Township 47N, Range 30W, in Jackson County, Missouri.**

The undersigned plat has been prepared and the same is hereby certified to be a true and correct copy of the original plat on file in the office of the County Clerk of Jackson County, Missouri, and the same is hereby certified to be a true and correct copy of the original plat on file in the office of the County Clerk of Jackson County, Missouri.

Witness my hand and seal of office this 15th day of August, 1991, at Jackson, Missouri.

Robert E. Hertzog, County Clerk

By: Robert E. Hertzog
 County Clerk

Prepared for: **Robert E. and Billy L. Hertzog**
HENLEY SURVEY CO.
 P.O. Box 257
 MANSFIELD, MISSOURI 64550
 816-718-3284

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ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from May 15, 2014

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

Plat of proposed plat J & M Acres

Photos of property

RZ-2014-506

ATTACHMENT TO RLA 1:

Description: A tract of land located in the East ½ of the SW ¼ of Section 18, Township 47N, Range 30W, Jackson County Missouri, more particularly described as follows: Beginning at the SW corner of said East ½; thence N 02° 01' 28" E along the West line of said East ½, a distance of 690.01 feet; thence S 89° 44' 27" E, a distance of 330.00 feet; thence S 02° 01' 28" W, a distance of 690.01 feet to a point on the South line of said East ½; thence N 89° 44' 27" W, a distance of 330.00 feet the Point of Beginning, containing 5.00 acres more or less, being subject to easements and restrictions, and except part in right of way.