


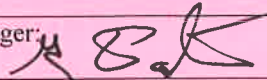
# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 4986

Sponsor(s): None

Date: June 12, 2017

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Ross &amp; Kendra Hutsell - RZ-2017-550</u>																			
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="310 491 1190 804"> <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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	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 1.2 ± acres to District RS (Residential Suburban). The 1.2 ± acres are described as Lot 49, Trophy Estates, in Jackson County, Missouri, aka 13013 SE Howard Street, 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 5 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    Finance (Budget Approval): <i>If applicable</i> Division Manager:  County Counselor's Office: _____	Date:   Date:  Date: 6/15/17 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 18, 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

**RZ-2017-550**

**ATTACHMENT TO RLA 1:**

**Description:** Lot 49, Trophy Estates, a subdivision in Jackson County, Missouri

**RE: RZ-2017-550**

**Randy Diehl gave the staff report:**

**Applicant:** Ross G & Kendra Ann Hutsell

**Location:** Lot 49, Trophy Estates, Jackson County, Missouri  
aka 13013 SE Howard Street

**Area:** 1.08 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RS (Residential Suburban)

**Purpose:** Applicant is requesting the change in zoning in order to decrease the building setback requirements for future construction.

**Current Land Use and Zoning in the Area:**

The zoning in the area is predominantly Agricultural. The land use within the platted subdivision is single family residences. Trophy Estates was platted in 1977 and 1979. 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 Trophy Estates is Agricultural.

Lots 21, 30, 36, 39, 40, 43 and 48 of Trophy Estates, have been rezoned to Residential Suburban District for the same purpose as this application.

The South side yard setback will be reduced from 30 feet to 15 feet.  
The rear yard setback will be reduced from 50 to 20 feet.  
The front yard setback will remain 75 feet and the street side yard setback will remain at 65 feet, since these setbacks were established on the recorded plat.

**County Plan:**

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

The Residential Suburban District (RS) is intended for detached single family residential use and where public services exist or could reasonably be extended to development. Trophy Estates subdivision is served by a community (package treatment) sewer system and water is provided by Lee's Summit.

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2017-550

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

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

*Is the applicant here?*

Ross Hutsell, 10313 SE Howard St

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

Mr. Hutsell: No

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

Mr. Tarpley: Are you planning on building an outbuilding?

Mr. Hutsell: Yes, a garage, 30 by 48.

Mr. Tarpley: Are there similar building in the area?

Mr. Hutsell: Yes

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. Mr. Crawford seconded.

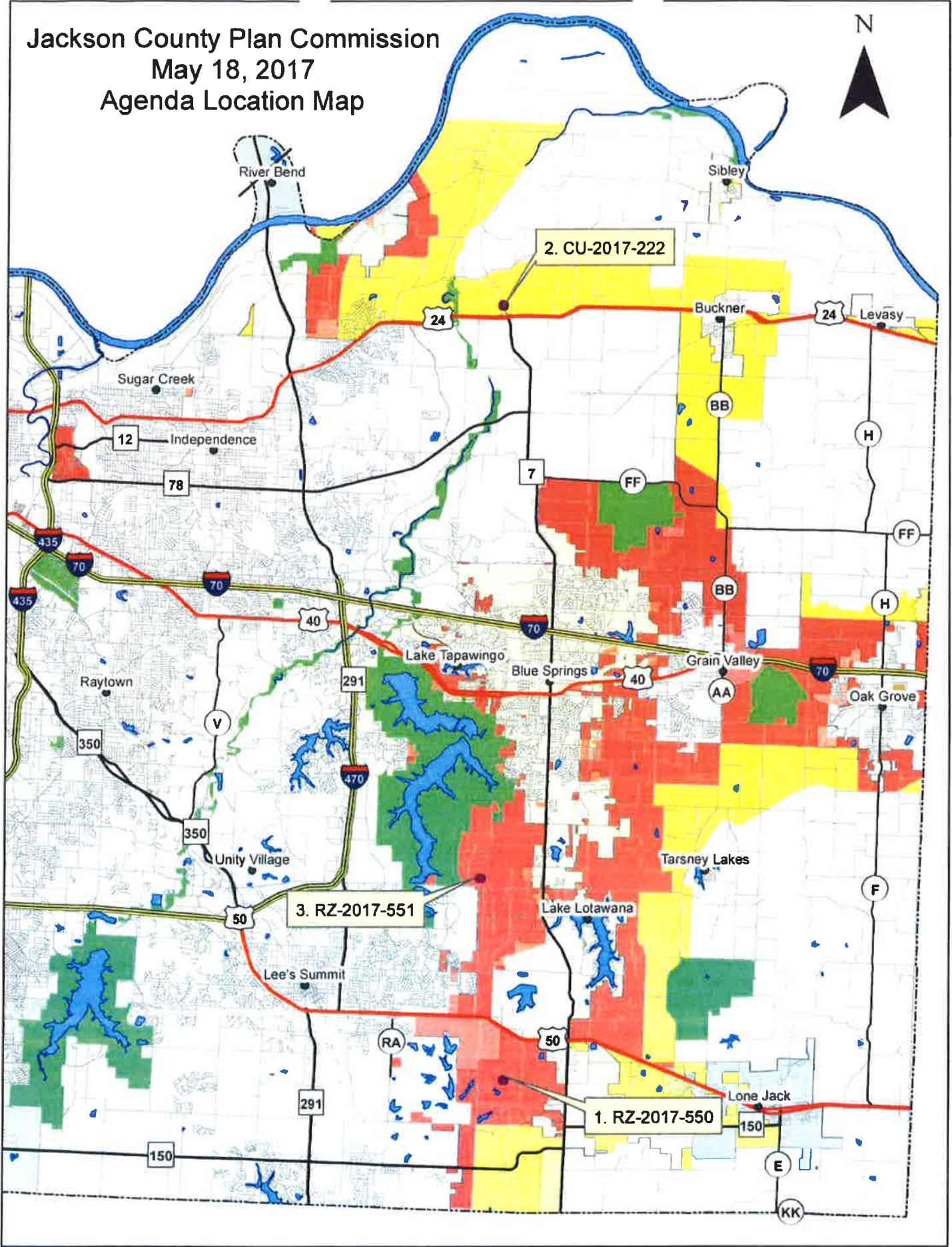
*Discussion under advisement*

Mr. Gilbert moved to approve. Mr. Haley seconded.

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

Motion Carried 5 – 0.

Jackson County Plan Commission  
May 18, 2017  
Agenda Location Map



2. CU-2017-222

3. RZ-2017-551

1. RZ-2017-550

**STAFF REPORT****PLAN COMMISSION****May 18, 2017****RE: RZ-2017-550****Applicant:** Ross G & Kendra Ann Hutsell**Location:** Lot 49, Trophy Estates, Jackson County, Missouri  
aka 13013 SE Howard Street**Area:** 1.08 ± acres**Request:** Change of zoning from District AG (Agricultural) to District RS  
(Residential Suburban)**Purpose:** Applicant is requesting the change in zoning in order to decrease the building setback requirements for future construction.**Current Land Use and Zoning in the Area:**

The zoning in the area is predominantly Agricultural. The land use within the platted subdivision is single family residences. Trophy Estates was platted in 1977 and 1979. 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 Trophy Estates is Agricultural.

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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-2017-550

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator



**Plan Commission  
May 18, 2017  
RZ-2017-550**

**HUTTSEL KENDRA ANN  
13013 SE HOWARD  
GREENWOOD MO 64034**

**60-700-04-57-00-0-00-000**

**Certified Mail – Return Receipt  
Property Owners within 185 feet**

**60-700-04-55-00-0-00-000  
BYE KEVIN D & EADIE L  
25409 E 130TH TER  
GREENWOOD MO 64034**

**60-700-04-45-00-0-00-000  
COOK JAMES N & TRACEY L  
25304 E 130TH TER  
GREENWOOD MO 64034**

**60-700-04-61-00-0-00-000  
GARVER RONALD L & JULIE M  
13023 SE HOWARD RD  
GREENWOOD MO 64034**

**60-700-04-60-00-0-00-000  
GRAY DEBORAH  
PO BOX 92  
GREENWOOD MO 64034**

**71-100-01-13-00-0-00-000  
HEI CONSULTING LLC  
4241 S STONE CANYON DR  
INDEPENDENCE MO 64015**

**60-700-04-47-00-0-00-000  
JACOBSON KEN  
25404 E 130TH TER  
GREENWOOD MO 64034**

**60-700-04-46-00-0-00-000  
LATTNER DAVID & DEBRA  
25308 E 130TH TER  
GREENWOOD MO 64034**

**60-700-04-59-00-0-00-000  
MCELWAIN DANNY T & REBECCA S  
13016 HOWARD ST  
GREENWOOD MO 64034**

**60-700-04-58-00-0-00-000  
RICHARDSON MARY T  
13010 SE HOWARD ST  
GREENWOOD MO 64034**

**60-700-04-56-00-0-00-000  
TIDD SCOTT P & ANGELINA R  
25403 E 130TH TER  
GREENWOOD MO 64034**

**60-700-04-44-00-0-00-000  
WILLIAMS JOHN S & ANNE MARIE  
25301 E 130TH TER  
GREENWOOD MO 64034**

**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- 2017- SSO

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: Ross Hutsell

Current Mailing Address: 13013 SE Howard Rd

Phone: 816 616 3107 email: rosshutsell@yahoo.com

b. Legal Owner of Property: Ross Hutsell & Kendra Hutsell

Current Mailing Address: 13013 SE Howard Rd

Phone: 8166163107 email: rosshutsell@yahoo.com

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

Address: N/A

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

- d. Applicant's interest in Property: owner
2. General location (Road Name) SE corner Howard Rd & 130 terrace
3. Present Zoning AB Requested Zoning RES SUBURBAN
4. AREA (sq. ft. / acres) ± 1 acre
5. Legal Description of Property: (Write Below or provide copy of deed and survey)  
Lot 49, Trophy Estates Jackson County MO
6. Present Use of Property: Residential
7. Proposed Use of Property: Residential with shop
8. Proposed Time Schedule for Development: AS soon as possible
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  
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 Provider N/A
- b. Sewage disposal: Onsite Waste Water \_\_\_ Public Sewer \_\_\_
- c. Electricity \_\_\_
- d. Fire and Police protection \_\_\_
12. Describe existing road width and condition: N/A
13. What effect will proposed development have on existing road and traffic

conditions? \_\_\_\_\_

N/A

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? \_\_\_\_\_

N/A

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

Property Owner(s)

*[Handwritten signatures]*

Date

2-23-2017  
2-23-2017

STATE OF Missouri

COUNTY OF Jackson

On this 23 day of February, in the year of 2017, before me the undersigned notary public, personally appeared \_\_\_\_\_

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

*[Handwritten signature]*

Commission Expires

4-15-2019



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

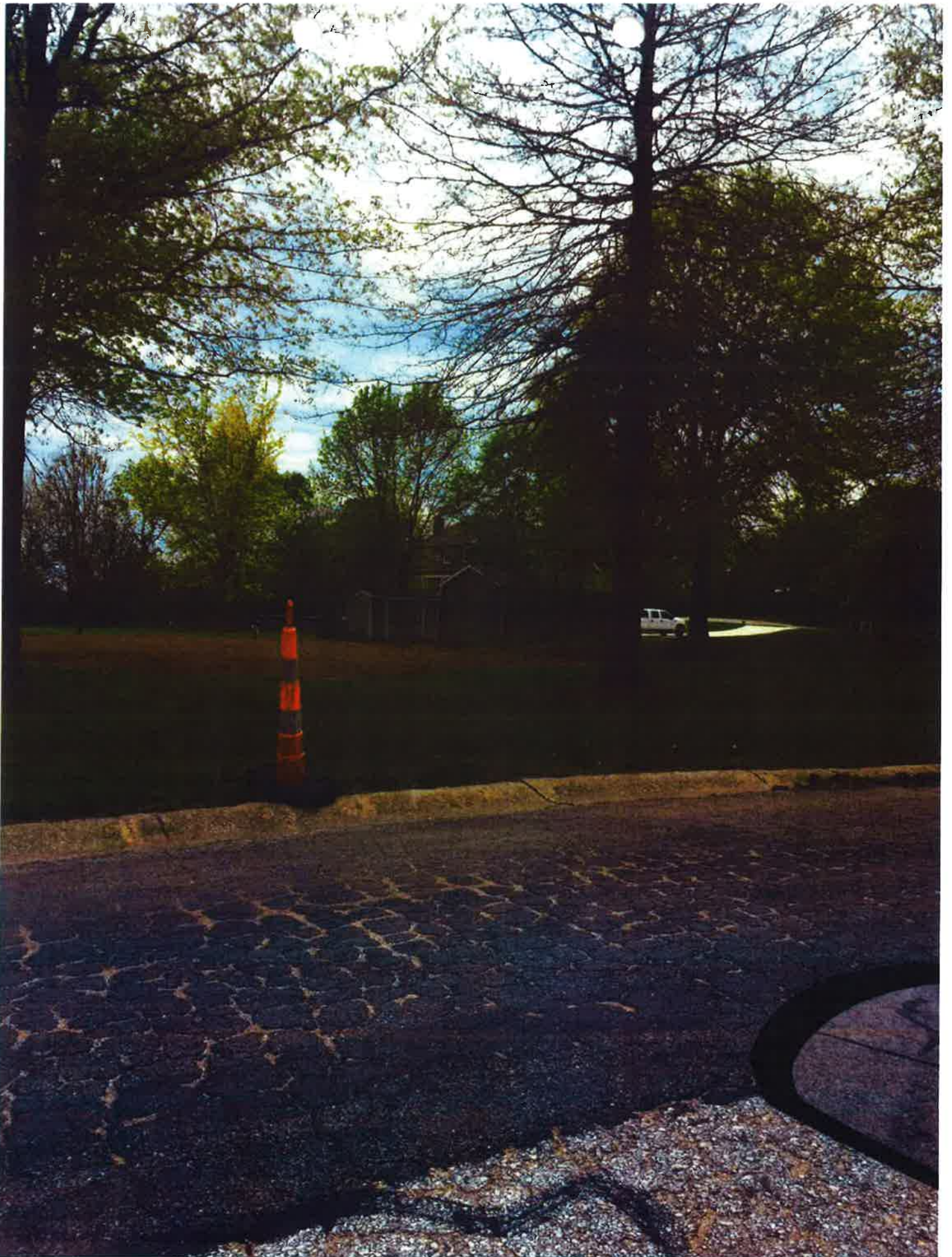






1 inch = 55 feet





**SECTION**  
 This is a survey and plat of a part of the southeast 1/4 of section 14, township 37, range 31, Jackson County, Missouri, more particularly as follows:

The survey was made by the undersigned on the 13th day of February, 1978, and the same is hereby certified to be true and correct by the undersigned on the 13th day of February, 1978.

**SECTION**  
 The undersigned certifies that the above described tract of land was surveyed and platted in accordance with the provisions of the laws of the State of Missouri, and that the same is hereby certified to be true and correct by the undersigned on the 13th day of February, 1978.

**SECTION**  
 In witness whereof, the undersigned has hereunto set his hand and seal at Jackson, Missouri, this 13th day of February, 1978.

**SECTION**  
 I, the undersigned, certify that the above described tract of land was surveyed and platted in accordance with the provisions of the laws of the State of Missouri, and that the same is hereby certified to be true and correct by the undersigned on the 13th day of February, 1978.

**SECTION**  
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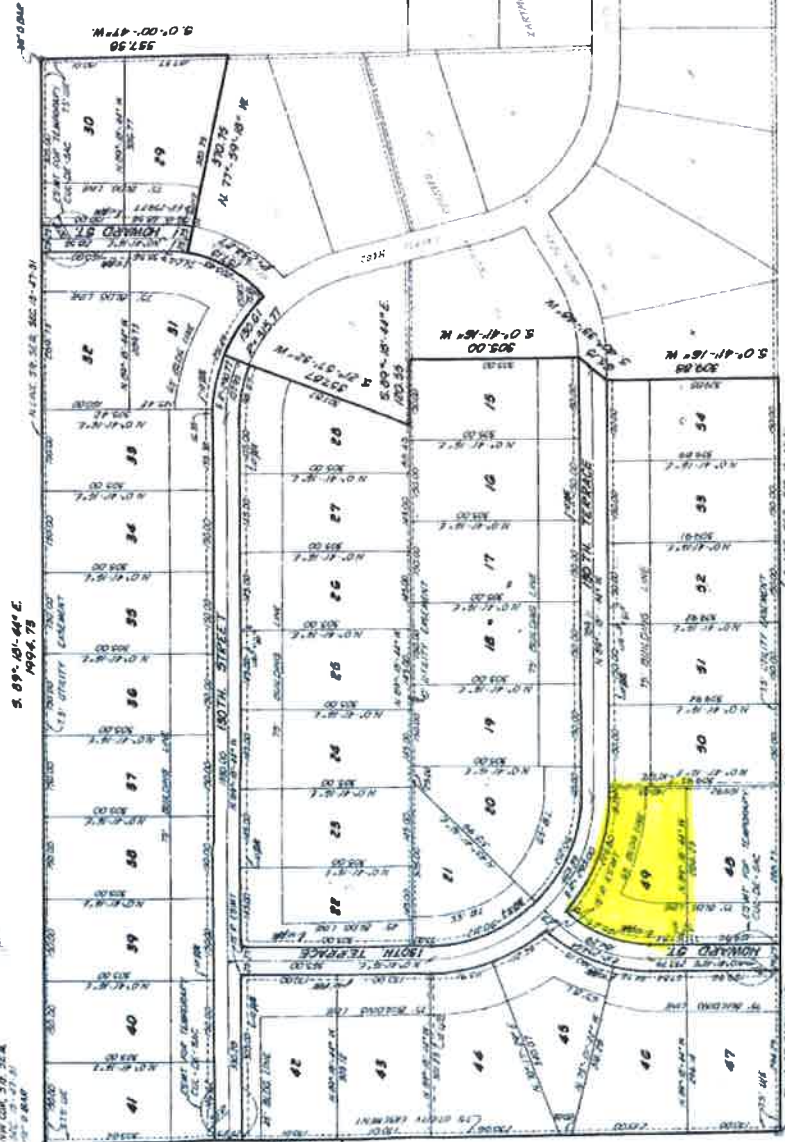
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13-47-31  
 13-47-31

# TROPHY ESTATES

PART OF THE S. 1/2 OF THE SE. 1/4 OF SECTION 13-47-31



3792  
 3792



PREPARED BY  
**GREEN ENGINEERING SERVICES**  
 OLATHE, KANSAS  
 FEBRUARY, 1978



I HEREBY CERTIFY THE DETAILS OF THIS PLAN TO BE TRUE AND CORRECT.  
 LARRY W. ANDERSON  
 LARRY W. ANDERSON, SURVEYOR