

REQUEST FOR LEGISLATIVE ACTION

Version 6/10/19

Completed by County Counselor's Office:

Res/Ord No.: 5272

Sponsor(s): N/A

Date: September 30, 2019

EXECUTIVE OFFICE

SEP 23 2019

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Rex D & Mary Ann Luchtel - RZ-2019-574</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="365 472 1445 661"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number:</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:	\$
Amount authorized by this legislation this fiscal year:	\$											
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Total amount authorized after this legislative action:	\$											
Amount budgeted for this item * (including transfers):	\$											
Source of funding (name of fund) and account code number:	\$											
PRIOR LEGISLATION	Prior ordinances and (date): _____ Prior resolutions and (date): _____											
CONTACT INFORMATION	RLA drafted by: RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577											
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on 11.94 ± acres to District RE (Residential Estates). The 11.94 ± acres are located in Section 33, Township 48, Range 30, Jackson County, Missouri, 10321 S. Perdue 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 held a public hearing on September 19, 2019 and accepted testimony pertaining to the rezoning request. The 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)											
COMPLIANCE	<input type="checkbox"/> MBE Goals <input type="checkbox"/> WBE Goals <input type="checkbox"/> VBE Goals											
ATTACHMENTS	See Attachment to RLA-2											
REVIEW	<table border="1" data-bbox="349 1631 1531 1869"> <tr> <td>Department Director: Brian D. Gaddie, P.E. Director of Public Works</td> <td>Date: 9.20.19</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager:</td> <td>Date:</td> </tr> <tr> <td>County Counselor's Office:</td> <td>Date: 9/26/19</td> </tr> </table>		Department Director: Brian D. Gaddie, P.E. Director of Public Works	Date: 9.20.19	Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager:	Date:	County Counselor's Office:	Date: 9/26/19		
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Division Manager:	Date:											
County Counselor's Office:	Date: 9/26/19											

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-2019-574

ATTACHMENT TO RLA 1:

Description:

Lot 1A, Replat of Lot 1, High Meadows

ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from September 19, 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

Randy Diehl gave the staff report:

RE: RZ-2019-574

Applicant: Rex D & Mary Ann Luchtel

Location: Section 33 Township 48, Range 30, 10321 S. Perdue Road

Area: 11.94 ± acres

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

Purpose: Applicant is requesting the change in zoning in order to create two residential lots for single family homes. (Ex 1)

Current Land Use and Zoning in the Area:

The zoning in the area is Agricultural. Land use is single family residences.

The desire is divide the property for an addition residence which will occupy the northern portion of the lot. Lot 1-A was created in March 1995 prior to the adaptation of the Unified Development Code in June of 1995. Prior to the UDC land could be subdivided without a change in zoning.

Residential Estates is the zoning being requested. The minimum acreage for District RE is three acres. Using RE instead of District RR (Residential Ranchette) is due to the fact that the applicant is wishing keep the detached buildings on the proposed north lot and be able to meet the setbacks. District RR requires a 40 foot front yard and a 20 foot side yard setback. District RE requires a 30 foot front and a 15 foot side setbacks.

County Plan:

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

Recommendation:

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

Staff recommends APPROVAL of RZ-2019-574

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: Are there any questions for Randy?

There were none

Mr. Antey: Is the applicant here?

Mary Ann Luchtel, 10321 S. Perdue Road

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

Mrs. Luchtel: No

Mr. Antey: Will this have another driveway off of Perdue?

Mrs. Luchtel: Yes

Mr. Diehl: There is plenty of site distance for a driveway.

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. Crawford moved to take under advisement. Mr. Haley seconded.

Discussion under advisement

Mr. Tarpley moved to approve. Mr. Crawford seconded.

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

Motion Carried 6 – 0

STAFF REPORT

PLAN COMMISSION
September 19, 2019

RE: RZ-2019-574

Applicant: Rex D & Mary Ann Luchtel

Location: Section 33 Township 48, Range 30, 10321 S. Perdue Road

Area: 11.94 ± acres

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Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Plan Commission September 19, 2019
 RZ-2019-574

Property Owners Within 185 feet

parcel	owner	address	city	state	zip
54-700-03-41-00-0-00-000	BOISVERT DAVID R	10305 S PERDUE RD	GRAIN VALLEY	MO	64029
54-700-04-08-00-0-00-000	BROWN EDWARD J	10301 S PERDUE RD	GRAIN VALLEY	MO	64029
54-700-03-47-00-0-00-000	GERDTS KENNETH L & SCARLET KAY	10423 S PERDUE RD	GRAIN VALLEY	MO	64029-9165
54-700-04-07-00-0-00-000	HILL DANIEL O	923 NE WOODS CHAPEL RD STE 460	LEES SUMMIT	MO	64064
54-700-03-35-02-2-00-000	LUCHTEL SHAWN M & ASHLEY E-TR	10422 S PERDUE RD	GRAIN VALLEY	MO	64029
54-700-03-35-02-1-00-000	LUCHTEL REX D & MARY ANN-TR	10320 S PERDUE RD	GRAIN VALLEY	MO	64029
54-700-03-46-00-0-00-000	LUCHTEL REX D & MARY ANN-TR	10320 S PERDUE RD	GRAIN VALLEY	MO	64029
54-700-03-35-01-2-00-000	LUCHTEL REX D & MARY ANN-TR	10320 S PERDUE RD	GRAIN VALLEY	MO	64029
54-700-03-35-01-1-00-000	LUCHTEL REX D & MARY ANN-TR	10320 S PERDUE RD	GRAIN VALLEY	MO	64029



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

September 4, 2019

RE: Public Hearing: RZ-2019-574
Rex & MaryAnn Luchtel

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 Rex & MaryAnn Luchtel for a change of zoning from District AG (Agricultural) on a 11.94 ± Acres to District RE (Residential Estates). The 11.94 ± acres are located in Section 33, Township 48, Range 30, Jackson County, Missouri, 10321 S. Perdue 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, September 19, 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,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Frank White, Jr., County Executive



RZ-2019-574
Rex and Mary/Ann Luchte

Exhibit 1

S PERDUE RD

E PERDUE RD

S PERDUE RD

Lake Lotawana

X ST

AE

**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- 574
Date filed 8-21-19 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: Rex + Mary Ann LUCHTEL
Address: 10320 S. Perdus Rd
Grain Valley, MO 64029
Phone: 816 447-8346
 - b. Owner(s) Name: Same
Address: _____
Phone: _____
 - c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: _____

2. General location (Road Name) 10321 S. Perdue Rd, Grain Valley, MO 64029

3. Present Zoning AG Requested Zoning RR

4. AREA (sq. ft. / acres) 11.94 Ac.

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

Don't have one SEE ATTACHED DEED

6. Present Use of Property: Resident

7. Proposed Use of Property: Resident

8. Proposed Time Schedule for Development: Immediately

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

Will add (1) house

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? _____

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

a. Water Will add (1) Water Meter

b. Sewage disposal Septic

c. Electricity Service for (1) House will be added **KEPL**

d. Fire and Police protection ~~RR~~ **JCSO**

12. Describe existing road width and condition: 20 ft Asphalt

13. What effect will proposed development have on existing road and traffic conditions? None that I am aware of.

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? None that I am aware of

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)

Rex Lucht
Mary A Lucht

8-21-19
8-21-19

Applicant(s):

Rex Lucht
Mary A Lucht

8-21-19
8-21-19

Contract Purchaser(s): _____

STATE OF Missouri
COUNTY OF Jackson

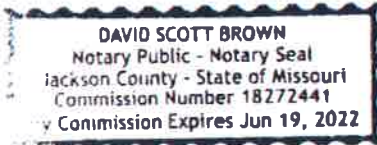
On this 21st day of August, in the year of 2019, before me the undersigned notary public, personally appeared Rex Lucht

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 [Signature]

Commission Expires June 19, 2022



RZ-2019-574

Rex and MaryAnn Luchtel

Exhibit 2

E PERDUE RD

S PERDUE RD





