

Request for Legislative Action

Completed by County Counselor's Office			
Action Requested:	Ordinance	Res.Ord No.:	5535
Sponsor(s):	Tony Miller	Legislature Meeting Date:	8/9/2021

Introduction
Action Items: ['Authorize']
Project/Title:
David C and Rosanne L Curliss - RZ-2021-613

Request Summary
<p>Requesting a change of zoning from District AG (Agricultural) on 1.04 ± acres to District RS (Residential suburban). The purpose is to decrease the building setback lines for future construction at 25506 E. 130th Street.</p> <p>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 July 15, 2021 and accepted testimony pertaining to the rezoning request. The Plan Commission voted 5 to 0 to recommend <u>APPROVAL</u> to the County Legislature.</p>

Contact Information			
Department:	Public Works	Submitted Date:	7/22/2021
Name:	Randy D. Diehl	Email:	RDiehl@jacksongov.org
Title:	Administrator	Phone:	816-881-4577

Budget Information			
Amount authorized by this legislation this fiscal year:			\$ 0
Amount previously authorized this fiscal year:			\$ 0
Total amount authorized after this legislative action:			\$
Is it transferring fund?			No
Single Source Funding:			
Fund:	Department:	Line Item Account:	Amount:
			!Unexpected End of Formula

Request for Legislative Action

Prior Legislation	
Prior Ordinances	
Ordinance:	Ordinance date:
Prior Resolution	
Resolution:	Resolution date:

Purchasing	
Does this RLA include the purchase or lease of supplies, materials, equipment or services?	No
Chapter 10 Justification:	
Core 4 Tax Clearance Completed:	
Certificate of Foreign Corporation Received:	
Have all required attachments been included in this RLA?	

Compliance	
Certificate of Compliance	
Not Applicable	
Minority, Women and Veteran Owned Business Program	
Goals Not Applicable for following reason: Not spending money	
MBE:	.00%
WBE:	.00%
VBE:	.00%
Prevailing Wage	
Not Applicable	

Fiscal Information	
<ul style="list-style-type: none"> This legislative action does not impact the County financially and does not require Finance/Budget approval. 	

Request for Legislative Action

History

Randy D. Diehl at 7/22/2021 1:39:40 PM - [Submitted |]
Department Director: Brian Gaddie at 7/22/2021 2:17:19 PM - [Approved |]
Finance (Purchasing): Barbara J. Casamento at 7/22/2021 2:27:33 PM - [Not applicable |]
Compliance: Katie M. Bartle at 7/23/2021 9:36:39 AM - [Approved | eRLA 180]
Finance (Budget): Mary Rasmussen at 7/23/2021 9:59:53 AM - [Not applicable |]
Executive: Troy Schulte at 7/23/2021 10:32:21 AM - [Approved |]
Legal: Elizabeth Freeland at 7/30/2021 4:02:43 PM - [Approved |]

RZ-2021-613

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

Lot 34, Trophy Estates, a subdivision in Jackson County, Missouri

RZ-2021-613

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from July 15, 2021

Staff Report

Location Map

Zoning map of surrounding area

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Application

Aerial of location

Pictures of Property

Randy Diehl gave the staff report:

RE: RZ-2021-613

Applicant: David C Curliss

Location: Lot 34, Trophy Estates, Jackson County, Missouri, 25506 E. 130th Street

Area: 1.04 ± 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.

There have been 9 lots rezoned (and one pending) 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 at 75 feet since it was established on the recorded plat.

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-2021-613

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?

Rick Roll: 25702 E. 130th Street. David is out of town and he asked if I would represent him here today.

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

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

Ms. Mershon	Approve
Mr. Hilliard	Approve
Mr. Haley	Approve
Mr. Tarpley	Approve
Chairman Antey	Approve

Motion Carried 5– 0

STAFF REPORT

PLAN COMMISSION July 15, 2021

RE: RZ-2021-613

Applicant: David C Curliss

Location: Lot 34, Trophy Estates, Jackson County, Missouri, 25506 E. 130th Street

Area: 1.04 ± 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:

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There have been 9 lots rezoned (and one pending) 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).

Recommendation:

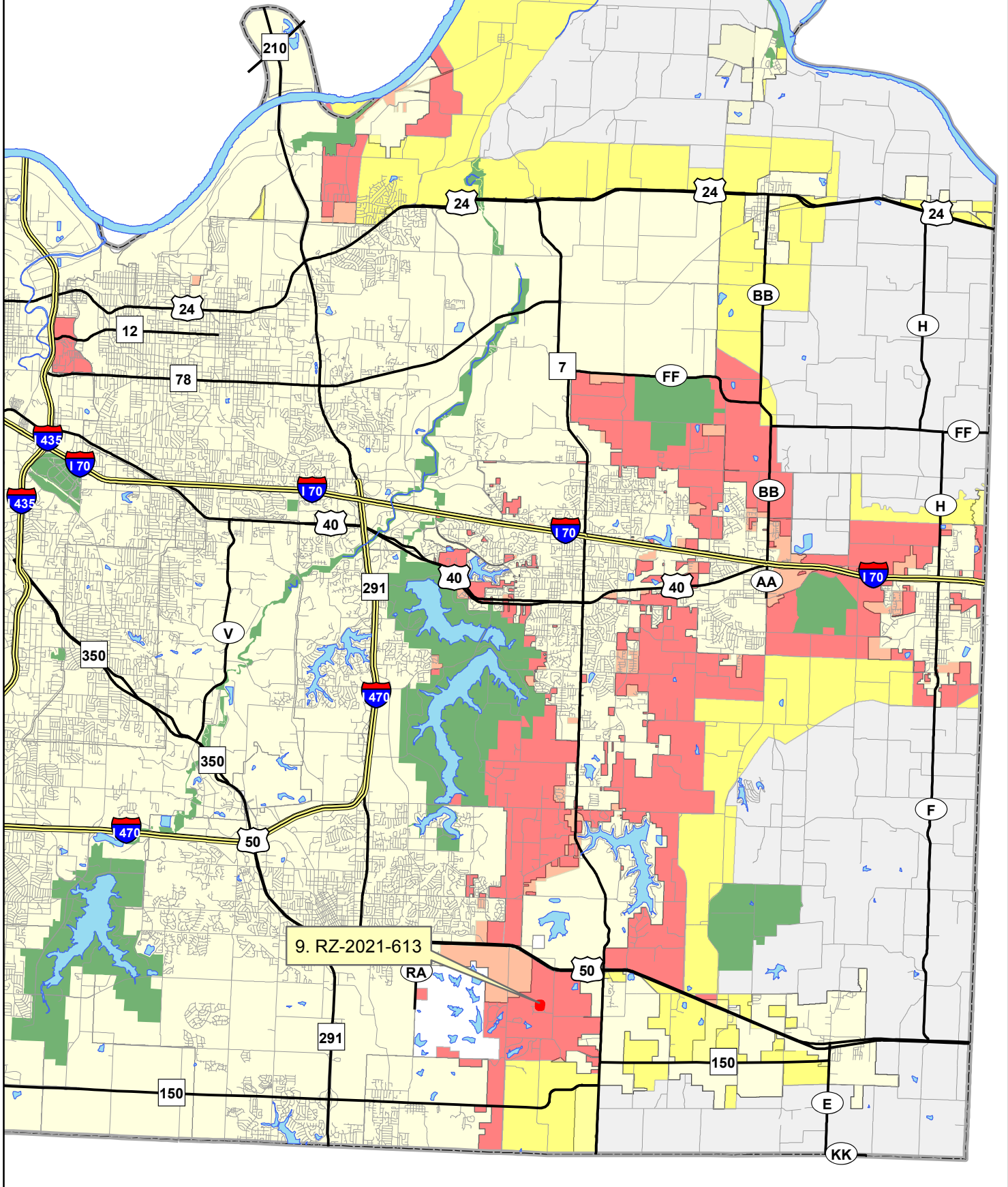
This request for rezoning is consistent with the intent and purpose of the County Plan.

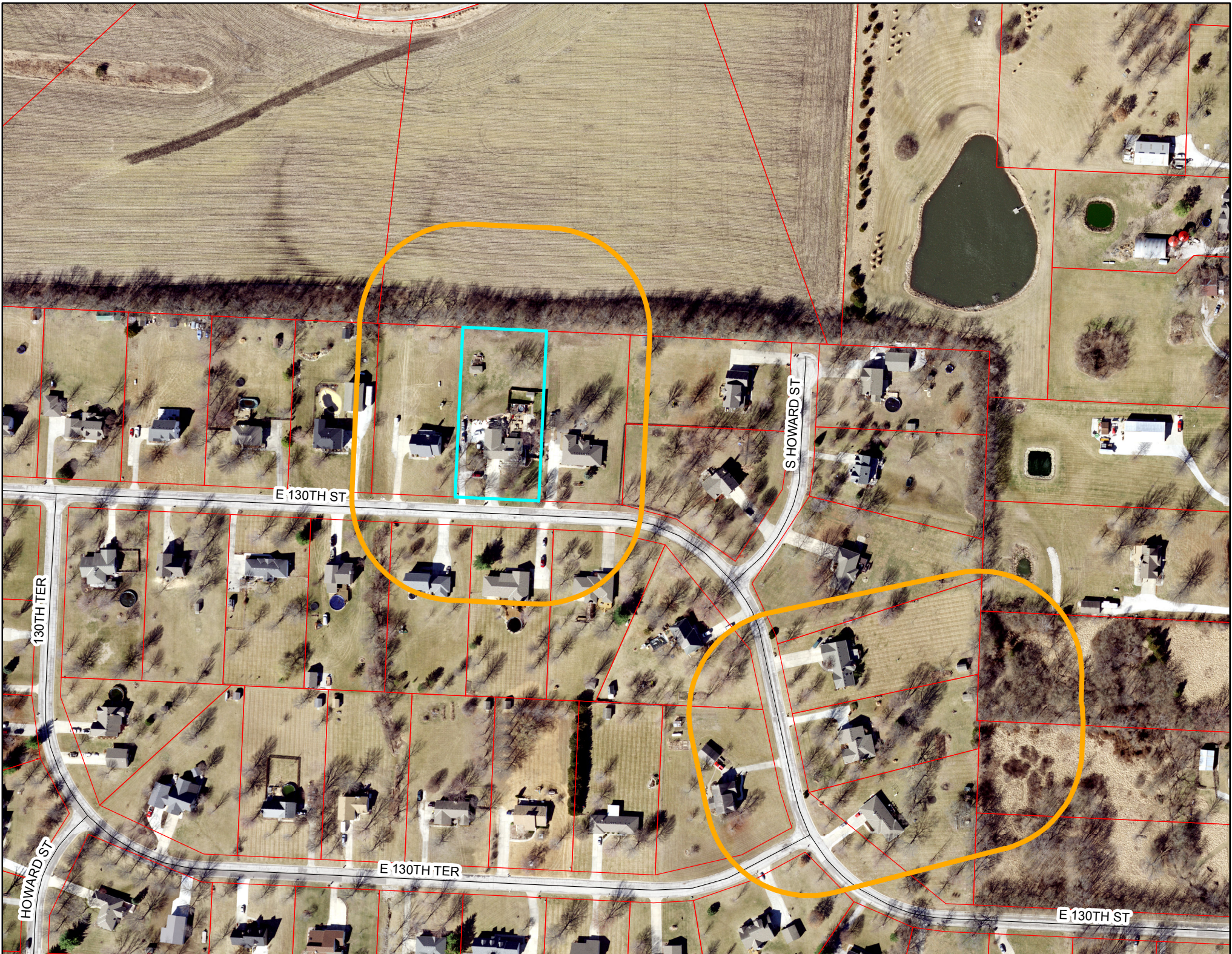
Staff recommends APPROVAL of RZ-2021-613

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
July 15, 2021
Agenda Location Map





E 130TH ST

130TH TER

S HOWARD ST

HOWARD ST

E 130TH TER

E 130TH ST

Plan Commission July 15, 2021

RZ-2021-613

Property Owners Within 185 feet

Parcel	owner	address	city	state	zip
60-700-04-37-00-0-00-000	HIGHFILL KYLE B & CRYSTAL	25501 E 130TH ST	GREENWOOD	MO	64034
60-700-04-62-00-0-00-000	RIEGEL THEODORE T & KIMBERLY K	12910 S HOWARD RD	GREENWOOD	MO	64034
60-700-04-74-00-0-00-000	WHITE WILLIAM L & LISA A	12714 S HARRIS RD	GREENWOOD	MO	64034
60-700-04-28-00-0-00-000	BOYLES JOSEPH R & DEBORAH K	25406 E 130TH ST	GREENWOOD	MO	64034
60-700-04-75-00-0-00-000	WHITE WILLIAM L & LISA A	12714 S HARRIS RD	GREENWOOD	MO	64034
60-700-04-36-00-0-00-000	TRIPP BRIAN A & CAROL P	25507 E 130TH ST	GREENWOOD	MO	64034
60-700-04-31-00-0-00-000	STEVENS CARL LEE JR & SUSAN E	25510 E 130TH ST	GREENWOOD	MO	64034
60-700-04-35-00-0-00-000	WHITNEY ROSS P-TRUSTEE &	25601 E 130TH ST	GREENWOOD	MO	64034
60-700-04-38-00-0-00-000	TURNEY MARSHA KAY	25409 E 130TH ST	GREENWOOD	MO	64034
60-700-04-29-00-0-00-000	MEDRANO JESUS S & EVONNE E	25412 E 130TH ST	GREENWOOD	MO	64034
60-700-04-32-00-0-00-000	EVANS PHILLIP S & TAMMERA S	12902 SE HOWARD	GREENWOOD	MO	64034
60-700-04-30-00-0-00-000	CURLISS DAVID C & ROSANNE L	25506 E 130TH ST	GREENWOOD	MO	64034



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

June 30, 2021

RE: Public Hearing: RZ-2021-613
David C Curliss

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 David C Curliss for a change of zoning from District AG (Agricultural) on 1.04 ± acres to District RS (Residential Suburban). The 1.04 ± acres are legally described as Lot 34, Trophy Estates, Jackson County, Missouri, aka 25506 E. 130th Street.

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, July 15, 2021 at 8:30 a.m. in the Brady Courtroom, 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 881-4577.

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

**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: David Curless
 - Address: 25506 E. 130 St.
Greenwood MO 64034
 - Phone: 816-830-4104
 - b. Owner(s) Name: David Curless
 - Address: 25506 E. 130 St. Greenwood Mo
 - Phone: 816-830-4104 64034
 - c. Agent(s) Name: _____

Address: _____

Phone: _____

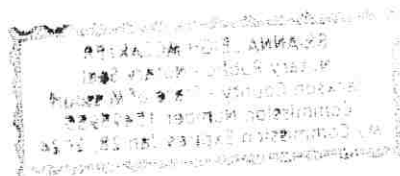
- d. Applicant's interest in Property: owner
2. General location (Road Name) 130 St. + Harris Road
3. Present Zoning Agricultural Requested Zoning residential
4. AREA (sq. ft. / acres) 1 acre
5. Legal Description of Property: (Write Below or Attached 9)
Trophy Eastates Lot 34
6. Present Use of Property: Single family home
7. Proposed Use of Property: single family home w/outbuilding
8. Proposed Time Schedule for Development: within year
9. What effect will your proposed development have on the surrounding properties?

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 SAME
- b. Sewage disposal "
- c. Electricity "
- d. Fire and Police protection "
12. Describe existing road width and condition: PAVED

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

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

If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): I have not applied for till get rezoned



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)

David C. Carliss
David C. Carliss

6-8-21

Applicant(s):

David C. Carliss

6-10-21

Contract Purchaser(s):

STATE OF

COUNTY OF

Missouri
Jackson

On this 10 day of June, in the year of 2021, before me the undersigned notary public, personally appeared David C. Carliss

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.

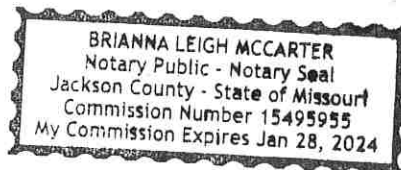
In witness whereof, I hereunto set my hand and official seal.

Notary Public

Brianna Leigh McCarter

Commission Expires

1-28-24





E 130TH ST



ROAD CLOSED
AHEAD
LOCAL TRAFFIC
ONLY