

Request for Legislative Action

Ord. #5613
Date: April 11, 2022

Completed by County Counselor's Office			
Action Requested:	Ordinance	Res.Ord No.:	5613
Sponsor(s):		Legislature Meeting Date:	4/11/2022

Introduction
Action Items: ['Authorize']
Project/Title:
Roger Davenport - RZ-2022-621

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 9407 S. Cyclone School Road. 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 March 17, 2022, and accepted testimony pertaining to the rezoning request. The Plan Commission voted 7 to 0 to recommend APPROVAL to the County Legislature.</p>

Contact Information			
Department:	Public Works	Submitted Date:	3/25/2022
Name:	Randy D. Diehl	Email:	RDiehl@jacksongov.org
Title:	Development Division Administrator	Phone:	816-804-6410

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 3/25/2022 9:51:41 AM - [Submitted |]Department Director: Brian Gaddie at 3/25/2022 2:01:12 PM - [Approved |]Finance (Purchasing): Barbara J. Casamento at 3/25/2022 2:13:46 PM - [Not applicable |]Compliance: Katie M. Bartle at 3/25/2022 3:03:51 PM - [Approved |]Finance (Budget): Mark Lang at 3/28/2022 9:48:53 AM - [Not applicable |]Executive: Sylvya Stevenson at 3/28/2022 11:56:11 AM - [Approved |]
Legal: Elizabeth Freeland at 4/1/2022 10:52:44 AM - [Approved |]
Legal: Elizabeth Freeland at 4/1/2022 10:52:44 AM - [Approved |]

RZ-2021-621

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

Lot 6, Colborn & Cyclone Road Estates, a subdivision in Jackson County, Missouri

RZ-2021-621

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from March 17, 2022

Staff Report

Zoning map of surrounding area

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Application

Aerial of location

Randy Diehl gave the staff report:

RE: RZ-2022-621

Applicant: Roger Davenport

Location: Lot 6, Colborn & Cyclone Road Estates, 9407 S. Cyclone School Road

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 of an outbuilding.

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. Colborn & Cyclone Road Estates was platted in 1971. 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 Colborn & Cyclone Road Estates is the Agricultural Zoning District.

There has been one other lot (Lot 25 Colborn & Cyclone Road Estates, 2nd Plat) rezoned in the vicinity 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 100 feet since this setback 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-2022-621

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: So, this is legal non-conforming and rezoning it brings it into compliance with the Unified Development Code?

Mr. Diehl: That is correct.

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

There were none

Mr. Antey: *Is the applicant here?*

Roger Davenport: 9407 S Cyclone School Road.

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

Mr. Davenport: 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?*

Patricia Repper: I'm here for my father who owns the 25 acres across the road. I'm not opposed to this. My question is, what does this rezoning allow them to do? Can they put multi-family on this?

Mr. Antey: No. The rezoning will allow the setbacks to be adjusted for the planned out-building.

Motion to take under advisement.

Mr. Lake moved to take under advisement. Mr. Hilliard seconded.

Discussion under advisement

Mr. Crawford moved to approve. Mr. Hilliard seconded.

Mr. Akins	Approve
Mr. Crawford	Approve
Mr. Hilliard	Approve
Ms. Ryerkerk	Approve
Mr. Farrar	Approve
Mr. Lake	Approve
Chairman Antey	Approve

Motion Carried 7 – 0

STAFF REPORT

PLAN COMMISSION

March 17, 2022

RE: RZ-2022-621

Applicant: Roger Davenport

Location: Lot 6, Colborn & Cyclone Road Estates, 9407 S. Cyclone School Road

Area: 1.04 ± acres

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

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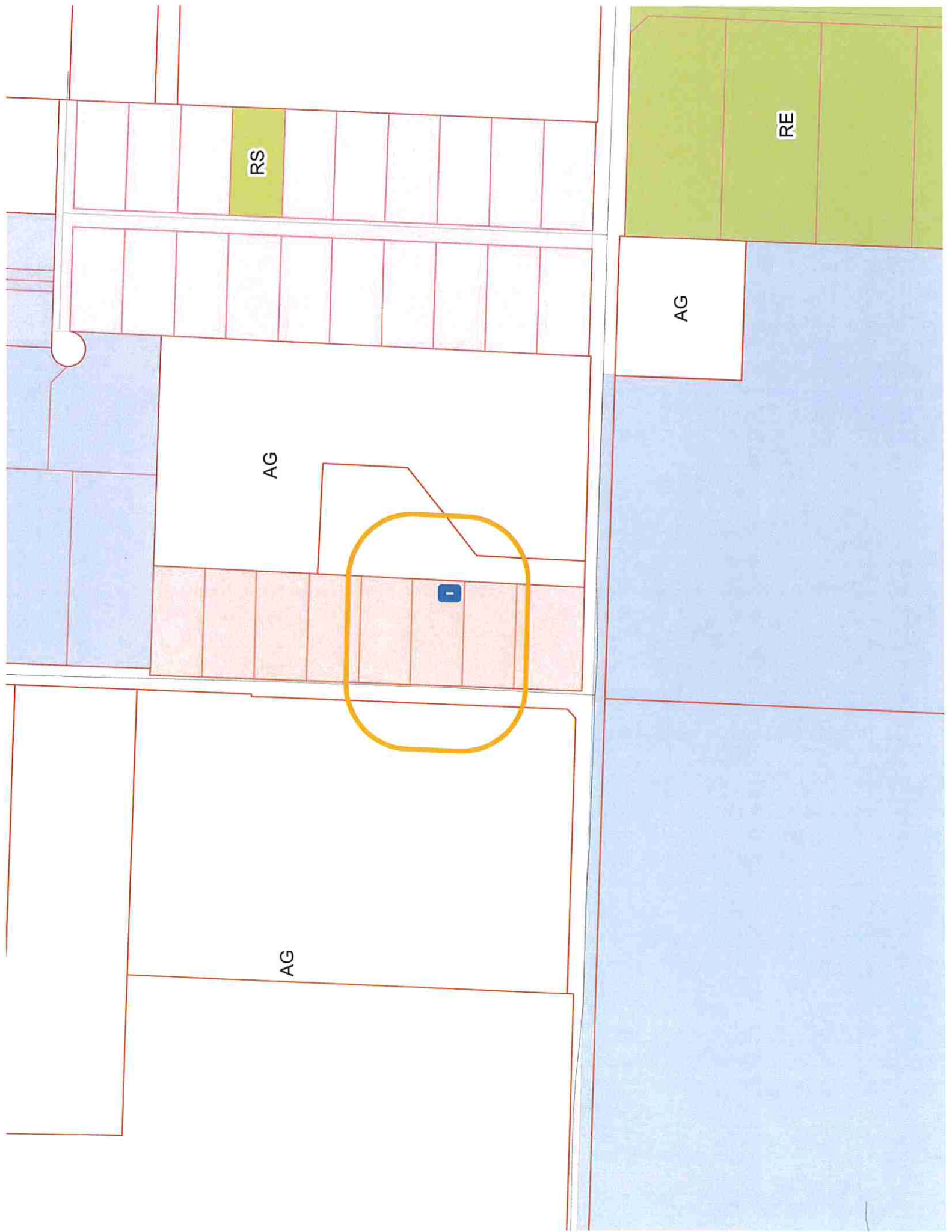
Recommendation:

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

Staff recommends APPROVAL of RZ-2022-621

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



RS

RE

AG

AG

1

AG

Plan Commission March 17, 2022
 RZ-2022-621

Property Owners Within 185 feet

parcel_number	owner	address	city	state	zipcode
53-500-02-09-00-0-00-000	REPPER ORVILLE C-TRUSTEE	11401 E 78TH TER	RAYTOWN	MO	64138
53-500-01-14-00-0-00-000	O BRIEN SCOTT J & TONYA K	9401 CYCLONE SCHOOL RD	LEES SUMMIT	MO	64064
53-500-01-17-00-0-00-000	CONRAD JOEL C & KERRY M	9419 CYCLONE SCHOOL RD	LEES SUMMIT	MO	64064
53-500-01-03-01-0-00-000	GINA LOLA INVESTMENTS LLC	23700 E COLBERN RD	LEES SUMMIT	MO	64064
53-500-01-03-02-0-00-000	STUELKE JAMES B JR & GINA L-TR	23700 NE COLBERN RD	LEES SUMMIT	MO	64064
53-500-01-16-00-0-00-000	WESTCOTT ROBERT L & MARY ANN	9413 S CYCLONE SCHOOL RD	LEES SUMMIT	MO	64064
53-500-01-13-00-0-00-000	CUSTER GARY E & SUSAN L	9319 S CYCLONE SCHOOL RD	LEES SUMMIT	MO	64064
53-500-01-15-00-0-00-000	DAVENPORT CARRIE & ROGER	9407 S CYCLONE SCHOOL RD	LEES SUMMIT	MO	64064



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

March 2, 2022

RE: Public Hearing: RZ-2022-621
Roger Davenport

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 Roger Davenport 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 6 Colborn & Cyclone Road Estates, Jackson County, Missouri, aka 9407 S Cyclone School 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, March 17, 2022 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

**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- 2022- 6526 21

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: Roger Davenport
Address: 9407 Cyclone School Rd
Lee's Summit MO 64064
Phone: 816-665-4672
 - b. Owner(s) Name: _____
Address: _____
Phone: _____
 - c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: Owner

2. General location (Road Name) Approx 200 yds North of the intersection of Colbern Rd and Cyclone School Rd

3. Present Zoning Ag Requested Zoning RS

4. AREA (sq. ft. / acres) 43,800 sqft +/-

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

Colbern & Cyclone Rd Estates Lot 6

6. Present Use of Property: Personal Residence

7. Proposed Use of Property: Personal Residence

8. Proposed Time Schedule for Development: 6 months

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

None Expected

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 Jackson County Public Water Dist 2

b. Sewage disposal Septic

c. Electricity Evergy

d. Fire and Police protection Jackson County Sheriff and Fire Protection District

12. Describe existing road width and condition: Asphalt

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

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

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) _____	_____
Applicant(s): <u>Roger Davenport</u>	<u>2/1/2022</u>
Contract Purchaser(s): _____	_____

STATE OF Missouri
COUNTY OF Jackson

On this 1st day of February, in the year of 2022, before me the undersigned notary public, personally appeared Roger Davenport

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 Kellie Carr Commission Expires 6-10-23

**KELLIE CARR
NOTARY PUBLIC-NOTARY SEAL
STATE OF MISSOURI
JACKSON COUNTY
MY COMMISSION EXPIRES 6-10-2023
COMMISSION # 15422168**



S CYCLONE SCHOOL RD