

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 4615

Sponsor(s): None

Date: April 7, 2014

SUBJECT	<p>Action Requested</p> <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance																			
<p>BUDGET INFORMATION</p> <p><i>To be completed By Requesting Department and Finance</i></p>	<p>Project/Title: <u>James R Haynes Case No. RZ-2014-504</u></p> <table border="1" data-bbox="326 489 1203 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> <p>OTHER FINANCIAL INFORMATION:</p> <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: \$ _____ <p>Prior Year Budget (if applicable): _____ Prior Year Actual Amount Spent (if applicable): _____</p>		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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PRIOR LEGISLATION	<p>Prior ordinances and (date): _____ Prior resolutions and (date): _____</p>																			
CONTACT INFORMATION	<p>RLA drafted by Randy Diehl, Planning and Zoning Coordinator, 881-4577</p>																			
REQUEST SUMMARY	<p>Requesting a change of zoning from District AG (Agricultural) on a 3.33 ± acre tract to District RE (Residential Estates). The 3.33 ± acres are legally described as Lot 3, Tri Acres, a subdivision in Jackson County, Missouri aka 8205 S. Stillhouse Road, and specifically described on Attachment to RLA-1. Applicant is requesting the rezoning to allow an outbuilding to be constructed within 15 feet of the side property line as opposed to 30 feet within District AG.</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.</p> <p>The Jackson County Plan Commission voted 7 to 0 to recommend <u>APPROVAL</u> to the County Legislature.</p>																			
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	<p>See Attachment to RLA-2</p>																			
REVIEW	<p>Department Director:</p> <p>Earl Newill, Acting Director <i>Earl Newill</i></p> <p>Finance (Budget Approval): <i>If applicable</i></p> <p>Division Manager: <i>[Signature]</i></p>	<p>Date: 03/31/2014</p> <p>Date:</p> <p>Date: <i>4/2/14</i></p>																		

County Counselor's Office:	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 March 20, 2014

Location Map

Staff report

Names/Addresses of surrounding property owners

Map showing current zoning districts in area

Application

Plat of Tri Acres

Plot plan showing location of proposed pole barn

Aerial view of lot

Photo of area looking East

Date: March 20, 2014

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

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

Staff: Randy Diehl
Jay Haden
Joan Dickey
Kristen Geary
Chris Jenkins

Call to Order/Roll Call

At 8:30 am Chairman Antey called to order the March 20, 2014 meeting of the Plan Commission and asked that the roll call be taken. Mr. Tarpley & Mr. Akins were absent.

Approval of Record

Chairman Antey asked for a motion to approve the record of January 16, 2014. Mr. Pointer made a motion to approve. Mr. Haley seconded the motion. Voice vote.

Minutes of the January 16, 2014 Plan Commission meeting approved, 7-0.

Public Hearings

Chairman Antey swore in all persons present who would like to give testimony at the public hearings.

RE: RZ-2014-504

Requesting a change of zoning from District AG (Agricultural) on a 3.33 ± to District RE (Residential Estates). The 3.33 ± acres are legally described as Lot 3, Tri Acres, a subdivision in Jackson County, Missouri aka 8205 S. Stillhouse Road.

Applicant: James R. Haynes

Location: 8205 S. Stillhouse Road, legally described as Lot 3, Tri Acres, a subdivision in Jackson County, Missouri.

Area: 3.33 ± acres

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

Purpose: Rezone property to reduce sideyard setback to allow proposed pole barn within 15 feet of property line. Currently sideyard setback for District AG is 30 feet.

Current Land Use and Zoning in the Area:

Zoning in the area is primarily agricultural. Property sizes range from 3 acres to 10 acres and larger tracts, containing single family residences.

There are agricultural uses in the area as well. There are a few platted subdivisions within the general area. To the South is Still Acres, 2 lots platted in 1991, 2.03 and 8.01 acres in size. To the East is Hicks Acres, 4 lots platted in 1990, 4.5 acres in size. Wittig Acres, 1 lot platted in 1984, 2.8 acres. Redneck Hollow, platted in 1982, lot sizes 4 acres and a 9 acres in size. Lot 2 was rezoned to District RE in 1998. Robinette's Place, 3 acres platted in 1979. Circle H Estates, rezoned to District RR (Residential Ranchette) and platted as a 1 lot subdivision, 5 acres in size.

County Plan:

The County Plan Development Diagram illustrates this area within the Rural Development Tier (RDT). Tri Acres was platted in November, 1988 and contains 3 lots. Prior to the Unified Development Code (UDC) being adopted in 1995, a residential subdivision was permitted without a change in zoning. This subdivision and particularly this lot, is now considered a legal non-conforming lot in UDC sections 24003.26.

Comments:

The applicant wishes to construct a 20 x 30 pole barn. Currently because the lot is within District AG (Agricultural), the sideyard setbacks are regulated at 30 feet. Rezoning to District RE would allow the structure to be placed within 15 feet of the sideyard.

Recommendation:

This request for rezoning is consistent with the intent and purpose of the County Plan. Staff recommends APPROVAL of RZ-2014-504

Chairman Antey: Are there any questions for staff? (there were none) Is the applicant or their representative available? Please stand and state your name and address.

James R. Haynes: 205 Stillhouse Rd, Oak Grove, MO 64075

Chairman Antey: Do you have anything to add to the staff report?

James R. Haynes: No, I just wanted to do building permits. I want to make sure I'm doing everything legal and when I went to talk to Randy, it's a 30' set back and I couldn't go on the other side of the driveway because I didn't want to put it over the water line. I talked to the neighbors around and I'm not wanting to put a 4 story penthouse, I just want to build a pole barn and make sure I'm staying within the property lines and I thought it was residential at the time but I just want to make sure I get all my facts straight before I go and build a pole barn and, uh oh...

Chairman Antey: Are there any questions for the applicant? Is there anyone else who is present today that would like to speak in favor of this application? Is there anyone present who is opposed to or has questions concerning this application?

Mr. Crawford motioned to take this under advisement. Mrs. Mershon seconded.
Motion Carried 7 – 0.

Chairman Antey: Any comments?

Mrs. Mershon moved to approve RZ-2014-504, Mr. Haley seconded.

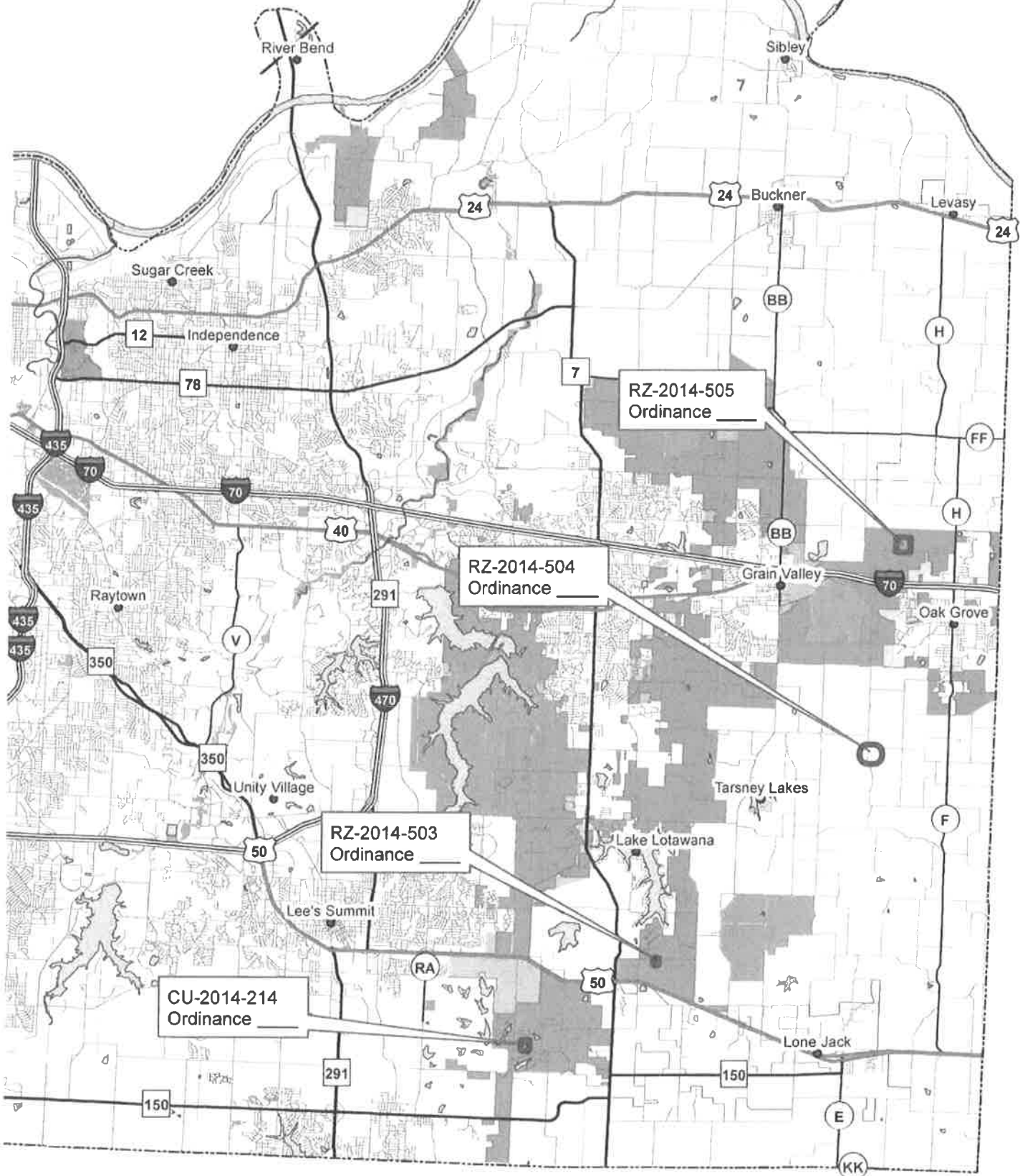
Roll call vote taken.

Mrs. Query	Approve	Mr. Crawford	Approve
Mr. Gibler	Approve	Mrs. Mershon	Approve
Mr. Pointer	Approve	Chairman. Antey	Approve
Mr. Haley	Approve		

RZ-2014-504 APPROVED

Jackson County Plan Commission
March 20, 2014
Agenda Location Map

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STAFF REPORT**PLAN COMMISSION**
March 20, 2014**RE: RZ-2014-504****Applicant:** RZ-2014-504 James R. Haynes**Location:** 8205 S. Stillhouse Road, legally described as Lot 3, Tri Acres, a subdivision in Jackson County, Missouri.**Area:** 3.33 ± acres**Request:** Change of zoning from District AG (Agricultural) to District RE (Residential Estates)**Purpose:** Rezone property to reduce sideyard setback to allow proposed pole barn within 15 feet of property line. Currently sideyard setback for District AG is 30 feet.**Current Land Use and Zoning in the Area:**

Zoning in the area is primarily agricultural. Property sizes range from 3 acres to 10 acres and larger tracts, containing single family residences. There are agricultural uses in the area as well. There are a few platted subdivisions within the general area. To the South is Still Acres, 2 lots platted in 1991, 2.03 and 8.01 acres in size. To the East is Hicks Acres, 4 lots platted in 1990, 4.5 acres in size. Wittig Acres, 1 lot platted in 1984, 2.8 acres. Redneck Hollow, platted in 1982, lot sizes 4 acres and a 9 acres in size. Lot 2 was rezoned to District RE in 1998. Robinette's Place, 3 acres platted in 1979. Circle H Estates, rezoned to District RR (Residential Ranchette) and platted as a 1 lot subdivision, 5 acres in size.

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Comments:

The applicant wishes to construct a 20 x 30 pole barn. Currently because the lot is within District AG (Agricultural), the sideyards setbacks are regulated at 30 feet. Rezoning to District RE would allow the structure to be placed within 15 feet of the sideyard.

Recommendation:

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

Staff recommends APPROVAL of RZ-2014-504

Respectfully submitted,

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

**Plan Commission
March 20, 2014
RZ-2014-504**

Applicants / Property Owners:

**39-900-03-13
James R & Christine C Haynes
8205 S Stillhouse Road
Oak Grove, MO 64075**

**Certified Mail – Return Receipt
Property Owners within 1000 feet**

56-300-02-02-01
Clay I & Pam J Evinger
8324 S Stillhouse Road
Oak Grove, MO 64075

39-900-03-08-02
Clay I & Pam J Evinger

56-300-02-02-01-2
Clay I & Pam J Evinger

39-900-03-08-01
Gerald L & Gleta G Fischer
1200 S Outer Road
Blue Springs, MO 64015

39-900-03-12
Ruth A Harp
8213 S Stillhouse Road
Oak Grove, MO 64075

39-900-04-16
Tony R & Yvonne M Hayes
36509 E Cummins Road
Oak Grove, MO 64075

39-900-03-02
Mary E Herman
8119 S Stillhouse Road
Oak Grove, MO 64075

56-300-02-01-01
Mary E Herman

39-900-03-07-01
Mary E Herman

39-900-04-24-02
Mary E Herman

39-900-03-07-02
Mark D & Janice N Kittle
36207 E Cummins Road
Oak Grove, MO 64075

39-900-04-17
Richard K & Patrica J Schwope
1608 SW Rock Creek Dr
Blue Springs, MO 64015

39-900-03-11
Eula Jenelle Stamper
8221 S Stillhouse Road
Oak Grove, MO 64075

56-300-01-09
Stillhouse Farms LLC
8611 S Stillhouse Road
Oak Grove, MO 64075

39-900-03-09
Stillhouse Farms LLC



Jackson County Zoning Map

Legend

1000' Notification Area

Streets

Rezoning

Zoning

Pending

RR-Residential Ranchette

RRp-Residential Ranchette-Planned

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

EX. 5

RZ-2014-504

Ord

Ord. 4615

1 inch = 1,000 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-2014-504
 Date filed 2-14-14 Date of hearing 3-20-14
 Date advertised 3-5-14 Date property owners notified 3-5-14
 Date signs posted 3-5-14
 Hearings: Heard by PC Date 3-20-14 Decision 7-0
 Heard by _____ Date _____ Decision _____
 Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

1. **Data on Applicant(s) and Owner(s):**
 - a. Applicant(s) Name: James Roger Haynes _____
 Address: 8205 South Stillhouse Road Oak Grove Missouri 64075 _____
 Phone: 816 690-6906 or 816 564-1220 _____
 - b. Owner(s) Name: James Roger Haynes _____
 Address: 8205 South Stillhouse Road Oak Grove Missouri 64075 _____
 Phone: 816 690-6904 or 816 564-1220 _____
 - c. Agent(s) Name N/A _____

Address: _____

Phone: _____

d. Applicant's interest in Property: _____

2. General location (Road Name) _____

3. Present Zoning Agricultural Requested Zoning Residential

RE

4. AREA (sq. ft. / acres) 3.33 Acres _____

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

6. Present Use of Property: Household dwelling

7. Proposed Use of Property: Household Dwelling

8. Proposed Time Schedule for Development:

9. What effect will your proposed development have on the surrounding properties? Would like to rezone so I can meet the 15 foot setback on property line to build a pole barn. I am currently zoned for Agricultural which gives me a 30 setback.

10. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? _____

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 N/A _____

b. Sewage disposal N/A _____

c. Electricity N/a _____

d. Fire and Police protection N/A _____

12. Describe existing road width and 2 condition: _____

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?** _____
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)

James R. Higgins

2-9-2014

Applicant(s):

Contract Purchaser(s):

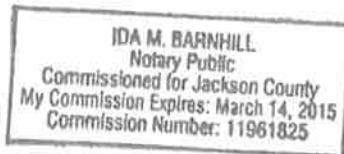
STATE OF _
COUNTY OF

On this 9th day of Feb., in the year of 2014, before me the undersigned notary public, personally appeared in person.

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 Ida M. Barnhill Commission Expires 3/14/2015



I 880843

TRI ACRES



SCALE 1" = 100'

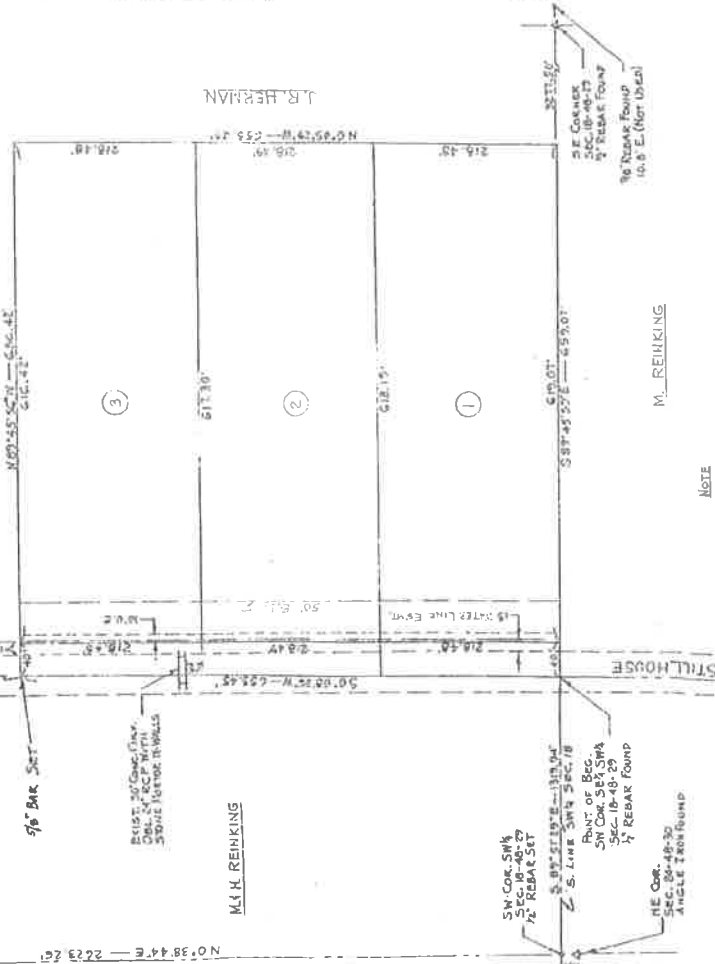
W. 1/4 COR.
SEC. 18-48-29
FOUND 7/6 KENNA

1/2" REAR FOUND

1/2" REAR FOUND

1/2" REAR FOUND

J.R. HERMAN



J.R. HERMAN

M.H. REINKING

M. REINKING

NOTE
1. 7/6\"/>

LEGAL DESCRIPTION
The West half of the South half of the Southeast quarter of Section 18, Township 48, Range 19, Jackson County, Missouri, and described more particularly as follows: Commencing at the Southeast corner of the corner of Section 18, thence South 57° 57' 25\"/>

The undersigned proprietor of the above described tract has caused the same to be subdivided as shown on the accompanying plat, which subdivision and plat will hereinafter be known as "THE ACRES".

In witness whereof I have hereunto set my hand and official seal at my office in Jackson County, Missouri, this 30th day of September, 1988.

STATE OF MISSOURI
COUNTY OF JACKSON

IN WITNESS WHEREOF:
I have hereunto set my hand and affixed my official seal at my office in Jackson County, Missouri, this 30th day of September, 1988.

Approved as to planning and zoning and street locations and widths:
Joseph A. Agee, Director of Public Works

STATIONER'S CERTIFICATE
I HEREBY CERTIFY: That the within plat of "THE ACRES" is based on an actual survey made by me or under my direct supervision and that said survey meets or exceeds the current Minimum Standards for Professional Surveyors established by the Department of Natural Resources, Division of Geology and Land Survey of the State of Missouri. I

DATE: 9/30/88
SIGNED: J.R. HERMAN

DATE: 10/21/88
SIGNED: Joseph A. Agee

DATE: 9/30/88
SIGNED: J.L. Thompson

PLATED BY THOMPSON ENCL. CO.	RECORDED BY
SCALE AS NOTED	DATE
DATE: 11-17-05	DATE: 11-17-05
APPROVED BY	APPROVED BY
DATE: 11-17-05	DATE: 11-17-05



TRI ACKES.

Oak Grove, Jackson Co., Mo.
mapping

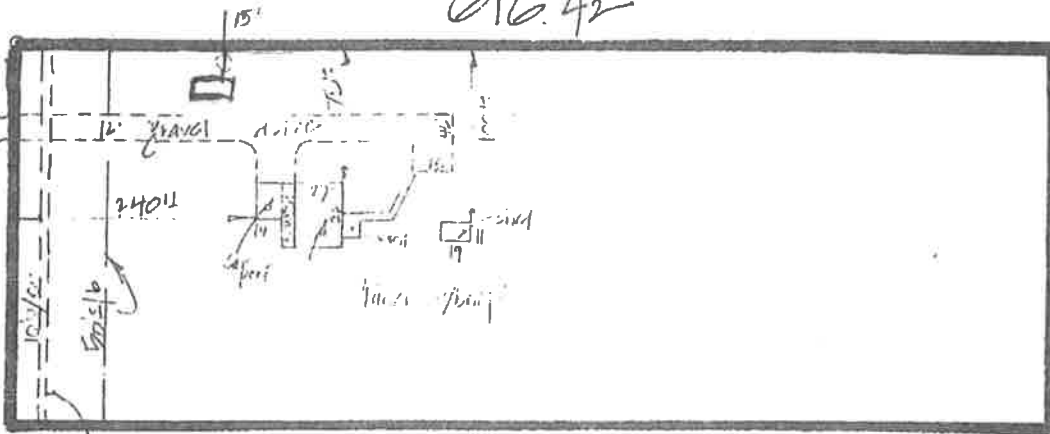
* Proposed

20'x30' POLE BARN
15' OFF PROPERTY LINE

881-3218

B205 S Stillhouse Rd.

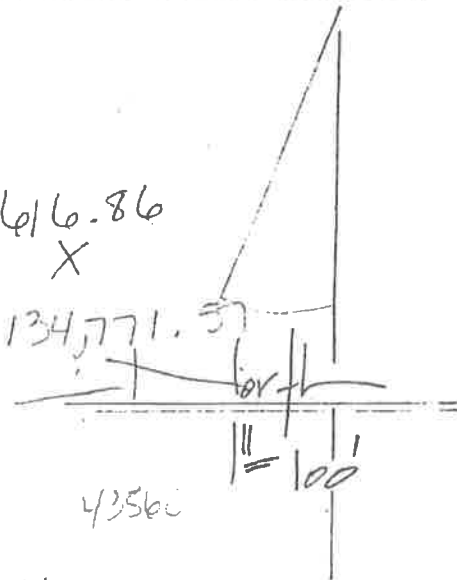
Edge of Street 218.48'



617.30'

616.86
X

134,771.57



NOTE:
THE IMPROVEMENTS ON THIS PROPERTY
WRE NOT LOCATED IN THE 100 YEAR
FLOOD ZONE

revised July 13, 1994 -

O = Accepted or adopted monumentation control point.

NOTE: Positional tolerance of major improvements location shown is ± 0.5' unless otherwise noted.

FOR: Corinthian Mortgage
BORROWER: James Haynes

JOB #	7.333
DATE	7.12.94
T/C	Old Republic Title
NO.	94070225-3

RENNER AND ASSOCIATES
LAND SURVEYING, INC.

P.O. Box 323 • Blue Springs, MO 64013
816-228-9022



Jackson County Zoning Map



Legend

1000' Notification Area

Streets

EX. 5

RZ-2014-504

Ord

1 inch = 100 feet

