



REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 4835

Sponsor(s): None

Date: April 4, 2016

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Megan & Jeffrey Hatfield Case No. RZ-2016-530</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="305 483 1185 793"> <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; FROM / TO</td> <td>FROM ACCT TO ACCT</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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Amount budgeted for this item * (including transfers):	\$											
Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT 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 3.9 ± acres to District RE (Residential Estates). The 3.9 ± acres are located in Section 09, Township 47, Range 30, Jackson County, Missouri, aka 29601 E. Easley 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 voted 9 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	Date: 03/23/2016										
	Finance (Budget Approval): <i>If applicable</i>	Date:										
	Division Manager: 	Date: 3/30/16										

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- I

Attachments

Plan Commission Public Hearing Summary from January 21, 2016

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-2016-530

ATTACHMENT TO RLA 1:

Description:

All of the West 352.32 feet of the North half of the Northeast Quarter of the Southwest Quarter of Section 09, Township 47, Range 30, Jackson County, Missouri, lying South and West of the center line of Easley Road, subject to Right-of-Way and easements, except: Beginning at the Northwest corner of the Northeast Quarter of the Southwest Quarter Section 09, Township 47, Range 30, Jackson County, Missouri; thence South along the West line said Quarter Quarter 662.0 feet; thence East 1.45 feet; thence North 3.0 feet; thence East 24.85 feet; thence Northeasterly along a barb line fence 593.1 feet to a point 64.3 feet East of the West line of said Quarter Quarter; thence Northwesterly 72.0 feet to the North line said Quarter Quarter; thence West 38.5 feet to the point of beginning.

RE: RZ-2016-530

Randy Diehl gave the staff report:

Applicant: Megan & Jeffrey Hatfield

Location: Section 09, Township, Range 30, in Jackson County, Missouri, to be known as 29601 E. Easley Road.

Area: 3.9 ± 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 a one lot subdivision.

Current Land Use and Zoning in the Area:

The zoning in the area is a mix of Agricultural and Residential. The majority of the land use is Single Family residences. In the immediate vicinity there are five subdivisions that were created since the adoption of the Unified Development Code (UDC) in 1995. Windmill Ridge Estates, Windmill Ridge Estates II, Ebenezer Acres, Easley Acres and Eagle Crest Estates. All these subdivisions are within District RE.

Easley Estates, created between 1977 and 1995, and Willow Oak Estates, created in 1994, were developed prior to the UDC and therefore were not required to be rezoned. They remain in District AG.

Background:

This tract was created in 1973 as a five acre piece of ground. Jackson County adopted regulations for subdividing land in April of 1978. At that point the tract would be considered as Legal Nonconforming. In 1987 the owner at the time sold off a portion (31,019.44 square feet or 0.712 acres) to the adjacent owner to the West. This action voided the legal nonconforming status. Since this division occurred prior to 1978 the property could have been platted into a one lot subdivision and been a buildable lot. To bring the property into compliance with the UDC, the land will need to be rezoned and platted.

A similar situation occurred on properties now platted as Ebenezer Acres. The 4 five acre tracts were also created in the early 1970's. Two of the tracts desired to alter the lot lines between them. To accomplish this, they had to rezone and plat the property in 2006 into a two lot subdivision. As with the application before you, altering the lot lines voided the legal non-conforming status those tracts.

County Plan:

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

The Residential Estates District (RE) is appropriate for the Urban Development Tier.

Mr. Antey: So this was sold off of the 5 acres to the people to the west?

Mr. Diehl: The 5 acres was created in 1973. And the portion was sold off in 1987.

Mr. Akins: They didn't have road access?

Mr. Diehl: They have access along the length of Easley Road. They have 10 acres in total.

Mr. Pointer: Why would they buy that little piece?

Mr. Diehl: There was a dispute on where the property line was. The Courts ruled in favor of the owner, who in turn voluntarily sold off the portion to the neighbor to the west. Had the Courts ruled the other way, there would be no need for us to be here today. There is an exception in the UDC that would allow for actions by the Court. Since this was voluntarily deeded, it needs to be in compliance.

Mr. Tarpley: What is the size of the property?

Mr. Diehl: 4.1 acres.

Mr. Crawford: It's because of the 31,000 square feet.

Mr. Diehl: Yes. Selling that off impacted the status. The previous owner owns 11 acres to the east. There are two separate deeds for the 5 acres and the 11 acres. They were both combined into one tax parcel for billing purposes.

Mr. Pointer: Is the building to the left a business.

Mr. Diehl: No. That is a barn whose roof collapsed a few years ago from snow. The owners are in the process of being dismantled.

Recommendation:

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

Staff recommends APPROVAL of RZ-2016-530.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

STAFF REPORT

PLAN COMMISSION

March 17, 2016

RE: RZ-2016-530

Applicant: Megan & Jeffrey Hatfield

Location: Section 09, Township, Range 30, in Jackson County, Missouri, to be known as 29601 E. Easley Road.

Area: 3.9 ± 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 a one lot subdivision.

Current Land Use and Zoning in the Area:

The zoning in the area is a mix of Agricultural and Residential. The majority of the land use is Single Family residences. In the immediate vicinity there are five subdivisions that were created since the adoption of the Unified Development Code (UDC) in 1995. Windmill Ridge Estates, Windmill Ridge Estates II, Ebenezer Acres, Easley Acres and Eagle Crest Estates. All these subdivisions are within District RE.

Easley Estates, created between 1997 and 1995, and Willow Oak Estates, created in 1994, were developed prior to the UDC and therefore were not required to be rezoned. They remain in District AG.

Background:

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As with the application before you, altering the lot lines voided the legal non-conforming status those tracts.

County Plan:

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

The Residential Estates District (RE) is appropriate for the Urban Development Tier.

Recommendation:

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

Staff recommends APPROVAL of RZ-2016-530.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

**Plan Commission
March 17, 2016
RZ-2016-530**

Applicants / Property Owners:

**59-600-03-13
Megan & Jeffrey Hatfield
517 SE Bayberry Lane
Lee's Summit MO 64063**

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

59-600-02-10-00-0-00-000
SLAUGHTER FRANK JR & BRENDA J
29604 E EASLEY RD
LEE'S SUMMIT MO 64086

59-600-03-13-00-0-00-000
PORTER LESLIE A
1606 W SHORT AVE
INDEPENDENCE MO 64050

59-600-04-11-00-0-00-000
CAMPBELL CHRLES E-TR
11400 S BUCKNER TARSEY RD
GRAIN VALLEY MO 64029

59-600-03-33-00-0-00-000
LASCUOLA SALVATORE A
PO BOX 2468
LEE'S SUMMIT MO 64063-2468

59-600-03-34-00-0-00-000
LASCUOLA SALVATORE A R

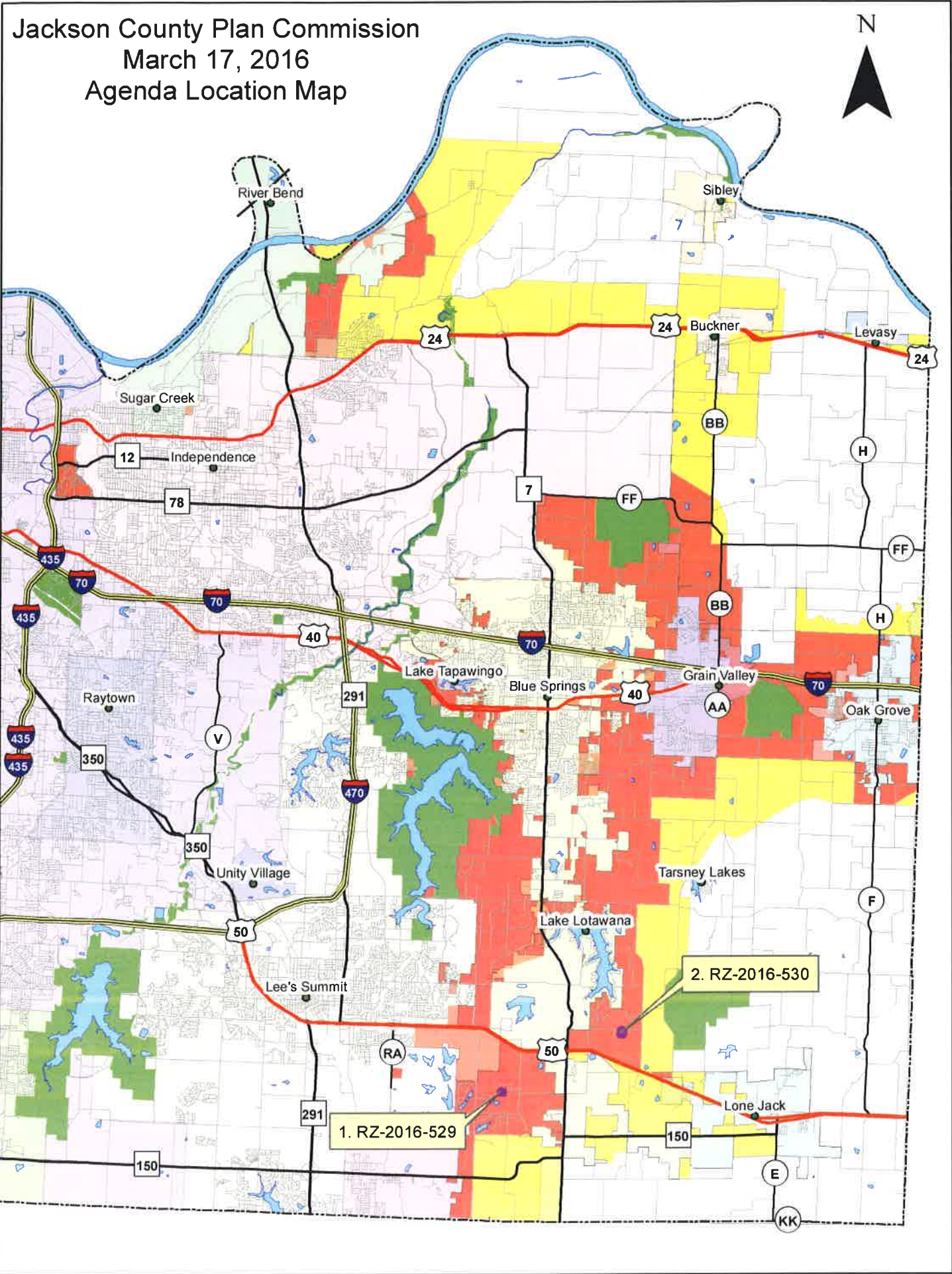
59-600-03-35-00-0-00-000
WILLIAMS CASEY C & KIM A
P O BOX 6588
LEE'S SUMMIT MO 64064

59-600-02-09-00-0-00-000
BOND JOSHUA AARON
29509 E EASLEY RD
LEE'S SUMMIT MO 64086

59-600-03-05-00-0-00-000
BOND JOSHUA AARON

59-600-02-04-00-0-00-000
BOND JOSHUA AARON

Jackson County Plan Commission
March 17, 2016
Agenda Location Map



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- 2016- 530

Date filed 2-18-16 Date of hearing 3-17-16

Date advertised 3-9-16 Date property owners notified 3-9-16

Date signs posted 3-9-16

Hearings: Heard by PC Date 3-17-16 Decision _____

Heard by _____ Date _____ Decision _____

Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):
 - a. Applicant(s) Name: Megan + Jeffrey Hatfield
 - Address: 517 SE Bayberry Lane
Lee's Summit, MO 64063
 - Phone: (816) 679-6347
 - b. Owner(s) Name: Same As Applicant
 - Address: _____
 - Phone: _____
 - c. Agent(s) Name: Engineering Solutions

Address: 50 SE 30th Street Lee's Summit, MO 64082

Phone: (816) 623-9888

d. Applicant's interest in Property: Owner

2. General location (Road Name) Easley Road

3. Present Zoning AG Requested Zoning RE

4. AREA (sq. ft. / acres) 4.25 Acres

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

Attached

6. Present Use of Property: Vacant Land

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: Start March 1, 2016

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? _____

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

a. Water PWSD 15

b. Sewage disposal septic

c. Electricity KCPL

d. Fire and Police protection Lone Jack Fire

12. Describe existing road width and condition: Width 21 feet Asphalt

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? No

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)

Megan Hatfield
Jeff Hatfield

2/16/16

2-16-16

Applicant(s):

Contract Purchaser(s):

STATE OF Kansas

COUNTY OF Johnson

On this 17 day of February, in the year of 2016, before me the undersigned notary public, personally appeared Megan Hatfield and Jeff Hatfield

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

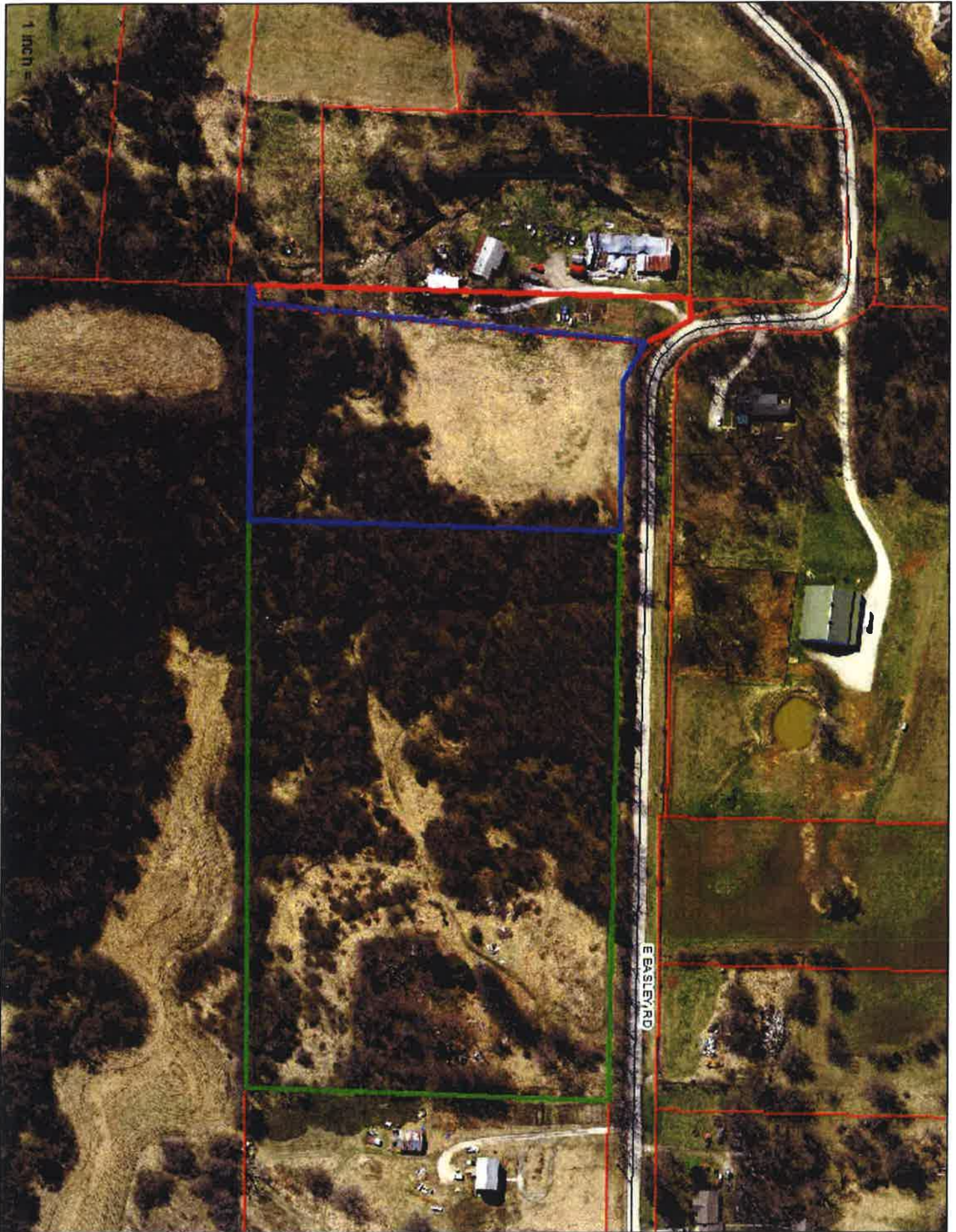
TERRI KOSIDOWSKI

Commission Expires

March 31, 2019

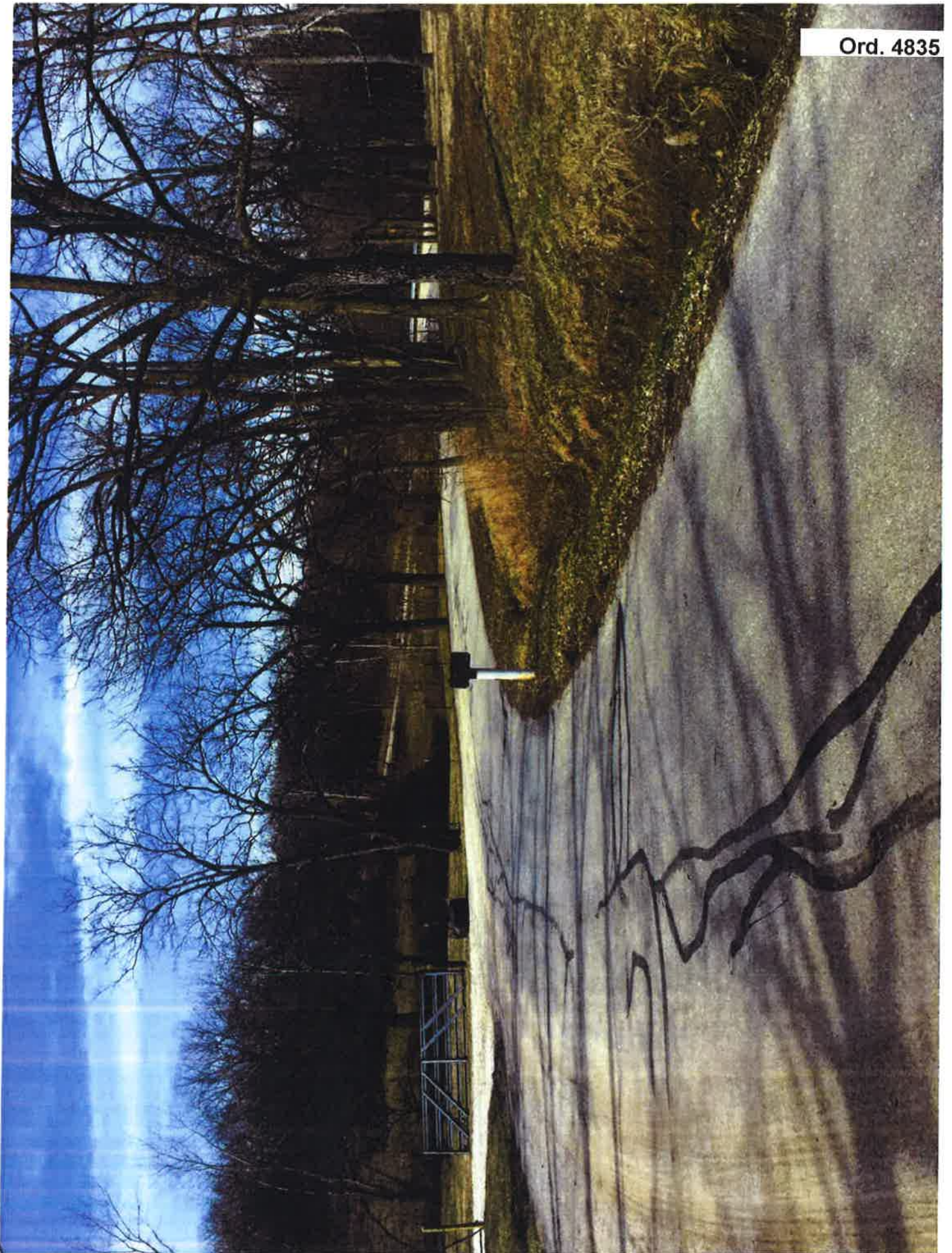


All of the West 352.32 feet of the North half of the Northeast Quarter of the Southwest Quarter of Section 9, Township 47, Range 30, Jackson County, Missouri, lying South and West of the center line of Easley Road, subject to Right-of-Way and easements, except: Beginning at the Northwest corner of the Northeast Quarter of the Southwest Quarter Section 9, Township 47, Range 30, Jackson County, Missouri; thence South along the West line said Quarter Quarter 662.0 feet; thence East 1.45 feet; thence North 3.0 feet; thence East 24.85 feet; thence Northeasterly along a barb wire fence 593.1 feet to a point 64.3 feet East of the West line said Quarter Quarter; thence Northwesterly 72.0 feet to the North line said Quarter Quarter; thence West 38.5 feet to the point of beginning.









Ord. 4835

