

REQUEST FOR LEGISLATIVE ACTION


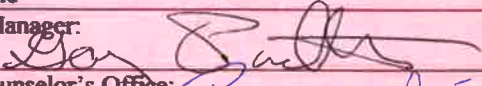


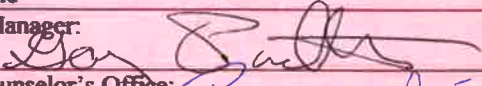


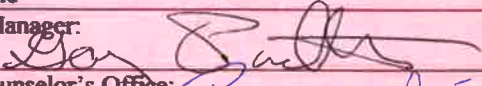

Version 6/10/19

Completed by County Counselor's Office:

~~Res~~/Ord No.: 5246

Sponsor(s): xxxxxxxxxxxxxxxxxxxx

Date: July 29, 2019

SUBJECT	EXECUTIVE OFFICE Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance JUL 22 2019 Project/Title: <u>Graham, Stephen J & Beth A - RZ-2019-571</u>																
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="354 506 1435 688"> <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:</td> <td></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:		\$
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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 1.5 ± acres to District RS (Residential Suburban). The 1.5 ± acres are described as Lot 7, Trophy Estates, in Jackson County, Missouri, aka 25705 E. 130 th Terrace, 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 6 to 0 to recommend APPROVAL 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="342 1598 1516 1837"> <tr> <td>Department Director: Brian D. Gaddie, P.E. Director of Public Works </td> <td>Date: 7-22-19</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: </td> <td>Date: 7-23-19</td> </tr> <tr> <td>County Counselor's Office: </td> <td>Date: 7/25/19</td> </tr> </table>		Department Director: Brian D. Gaddie, P.E. Director of Public Works 	Date: 7-22-19	Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: 	Date: 7-23-19	County Counselor's Office: 	Date: 7/25/19							
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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-2019-571

ATTACHMENT TO RLA 1:

Description:

Lot 7, Trophy Estates, a subdivision in Jackson County, Missouri

ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from July 18, 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-2019-571

Applicant: Stephen J & Beth A Graham

Location: Lot 7, Trophy Estates, Jackson County, Missouri, 25705 E. 130th Terrace

Area: 1.5 ± 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. (Ex 1)

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.

Lots 21, 30, 36, 39, 40, 43, 48 & 49 of Trophy Estates, have been rezoned to Residential Suburban District for the same purpose as this application. (Ex. 2)

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).

The Residential Suburban District (RS) is intended for detached single family residential use and where public services exist or could reasonably be extended to development. Trophy Estates subdivision is served by a community (package treatment) sewer system and water is provided by Lee's Summit.

Recommendation:

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

Staff recommends APPROVAL of RZ-2019-571

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Tarpley: Are there any questions for Randy?

Mr. Tarpley: So, this subdivision has its own separate sewer system?

Mr. Diehl: Yes, the individual onsite waste-water systems failed in the 1980's, and a sewer district was formed. The waste-water is treated in a plant on the southeast corner of the subdivision.

Mr. Tarpley: Is the applicant here?

Stephen Graham, 25705 E. 130th Terrace

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

Mr. Graham: I'm just trying to build a 12 by 18 garden shed. Talking to Randy we found that you couldn't build anything closer to 30 feet from the property line.

Mr. Tarpley: Is there anyone else who is in favor of this application?

There were none

Mr. Tarpley: Is there anyone who is opposed or has questions regarding this application?

There were none

Motion to take under advisement.

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

Discussion under advisement

Ms. Mershon moved to approve. Mr. Haley seconded.

Ms. Mershon	Approve
Mr. Crawford	Approve
Ms. Query	Approve
Mr. Haley	Approve
Mr. Gibler	Approve
Chairman Tarpley	Approve

Motion Carried 6 – 0

STAFF REPORT

PLAN COMMISSION

July 18, 2017

RE: RZ-2019-571

Applicant: Stephen J & Beth A Graham

Location: Lot 7, Trophy Estates, Jackson County, Missouri, 25705 E. 130th Terrace

Area: 1.5 ± 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. (Ex 1)

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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-2019-571

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Plan Commission May 16, 2019
 RZ-2019-569

Property Owners Within 185 feet

Parcel	owner	address	state	city	zip
60-700-04-15-00-0-00-000	DRESCHER RODNEY W & MARY ANN	25603 E 130TH TER	MO	GREENWOOD	64034
60-700-04-18-00-0-00-000	GARLICH JAMES T & DELINDA J	25711 E 130TH ST	MO	GREENWOOD	64034
60-700-04-52-00-0-00-000	GOOD ROBIN M	25513 E 130TH TER	MO	GREENWOOD	64034
60-700-04-12-00-0-00-000	HARRISON TED M & PHYLLIS J-TRUSTEES	25703 E 130TH ST	MO	GREENWOOD	64034
60-700-04-17-00-0-00-000	HUMSTON MICHAEL R & HEATHER A	25707 E 130TH ST	MO	GREENWOOD	64034
60-700-04-51-00-0-00-000	LEVOTA ROSEMARY-TRUSTEE	25600 E 130TH TER	MO	GREENWOOD	64034
60-700-04-13-00-0-00-000	ROLL RICK R & RHONDA	25702 E 130TH ST	MO	GREENWOOD	64034
60-700-04-14-00-0-00-000	TURNER KENNETH J III & JANETTE L	25706 E 130TH ST	MO	GREENWOOD	64034
71-100-01-01-01-5-00-000	WILLIAMS RHONDA	13108 S HARRIS RD	MO	GREENWOOD	64034
60-700-04-16-00-0-00-000	GRAHAM STEPHEN J & BETH A TRUSTEE	25705 E 130TH TERR	MO	GREENWOOD	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

July 3, 2019

RE: Public Hearing: RZ-2019-571
Stephen J & Beth A Graham

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 Stephen J & Beth A Graham for a change of zoning from District AG (Agricultural) on 1.5 ± acres to District RS (Residential Suburban). The 1.5 ± acres are legally described as Lot 7, Trophy Estates, Jackson County, Missouri, aka 25705 E. 130th Terrace.

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 18, 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,

A handwritten signature in blue ink, appearing to read "Randy Diehl".

Jackson County Public Works
Development Division
Randy Diehl, Administrator

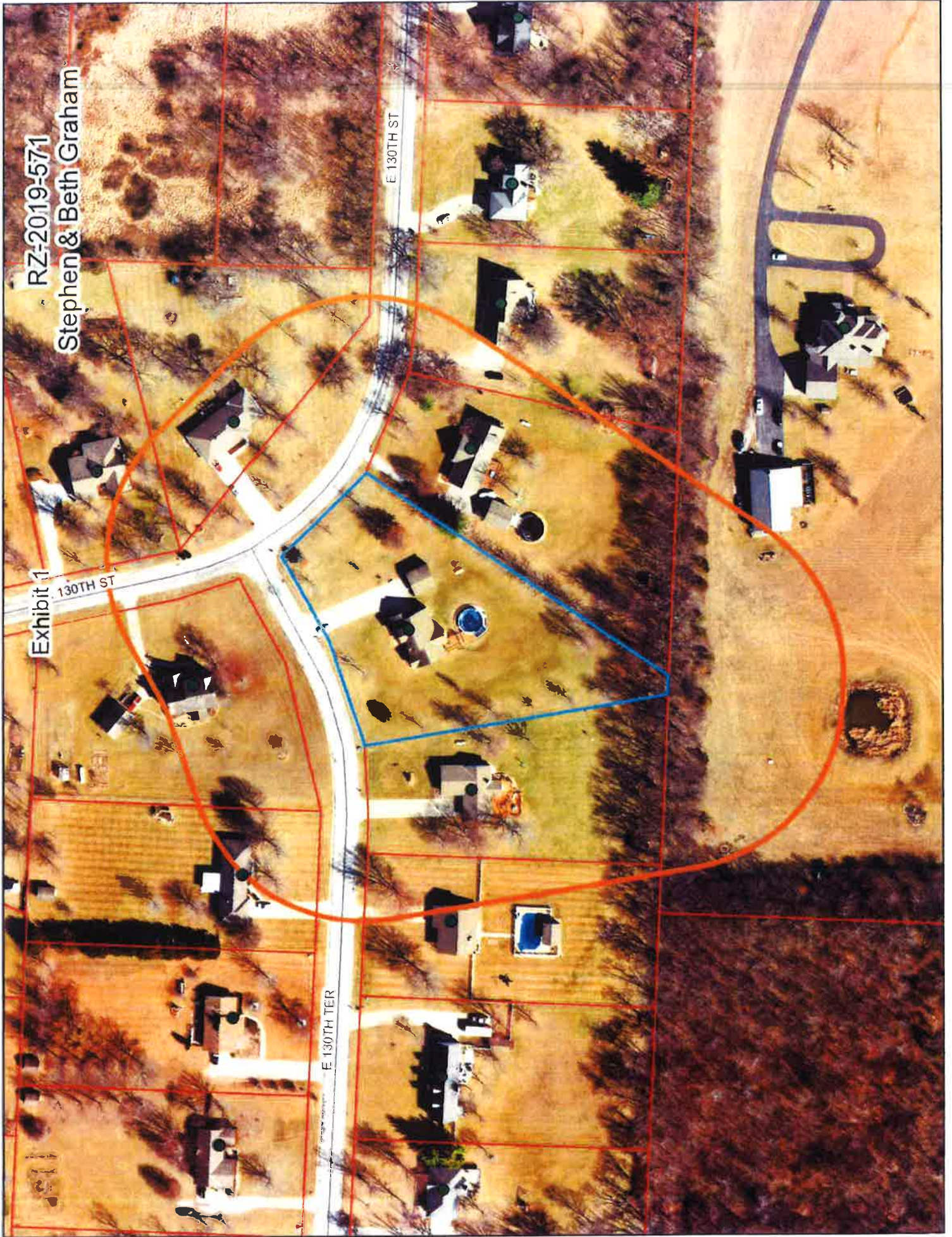
Frank White, Jr., County Executive

RZ-2019-571
Stephen & Beth Graham

Exhibit 1
130TH ST

E 130TH ST

E 130TH TER



RZ-2019-571

Stephen & Beth Graham

Exhibit 2



**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- 571
Date filed 5-3-19 Date of hearing 7-18-19
Date advertised 7-3-19 Date property owners notified 7-3-19
Date signs posted 7-3-19
Hearings: Heard by PC Date 7-18-19 Decision _____
Heard by LV Date _____ Decision _____
Heard by LG Date _____ Decision _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):

- a. Applicant(s) Name: STEPHEN GRAHAM + BETH GRAHAM
Address: 25705 E 130 TERRACE (LOT 7)
GREENWOOD, MO 64034
Phone: 913 707 8535
- b. Owner(s) Name: STEPHEN GRAHAM + BETH GRAHAM (LOT 7)
Address: 25705 E 130 TERRACE GREENWOOD, MO 64034
Phone: 913 707 8535
- c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: _____

2. General location (Road Name) _____

HARRIS RD

3. Present Zoning AGRICULTURE Requested Zoning RESIDENTIAL

4. AREA (sq. ft. / acres) 1.5 ACRES

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

6. Present Use of Property: SINGLE FAMILY HOME (RESIDENTIAL)

7. Proposed Use of Property: SINGLE FAMILY HOME (RESIDENTIAL)
BUILD A GARDEN SHED 12' x 18'

8. Proposed Time Schedule for Development: _____

AUGUST 2019

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? N/A

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

a. Water _____

b. Sewage disposal _____

c. Electricity _____

d. Fire and Police protection _____

12. Describe existing road width and condition: _____

13. What effect will proposed development have on existing road and traffic conditions? WE ARE BUILDING A 12' X 18' SHED

TO STORE LAWN EQUIPMENT. NO TRAFFIC CHANGES

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? YES, THE SHED WILL REQUIRE A BUILDING PERMIT

If so, describe giving dates of application and status (include permit numbers and copies of same,

if issued): WE HAVE NOT APPLIED FOR A PERMIT

UNTIL WE FIND THE STATUS OF THE ZONE

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

Property Owner(s)

Beth Graham

Date

5/31/19
5/31/19

Applicant(s):

Beth Graham

5/31/19
5/31/19

Contract Purchaser(s):

STATE OF Missouri

COUNTY OF Jackson

On this 31st day of May, in the year of 2019, before me the undersigned notary public, personally appeared Steven J Graham and Beth A Graham

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 *M Scott Millard*

Commission Expires June 24, 2022

