



REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 4988

Sponsor(s): None

Date: June 12, 2017

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Mark C & Cynthia G Cline - RZ-2017-551</u>													
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="310 495 1192 810"> <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</td> </tr> <tr> <td></td> <td>TO ACCT</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: \$ _____ 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
Amount authorized by this legislation this fiscal year:	\$													
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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 1.1 ± acres to District RS (Residential Suburban). The 1.1 ± acres are described as Lot 25, Colborn & Cyclone Road Estates 2 nd Plat, in Jackson County, Missouri, aka 9311 S Cyclone Lane, 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 5 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  Finance (Budget Approval): <i>If applicable</i> Division Manager: 	Date: Date: Date: <u>6/15/17</u>												

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 May 18, 2017

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-2017-551

ATTACHMENT TO RLA 1:

Description: Lot 25, Colborn & Cyclone Road Estates 2ns Plat, a subdivision in Jackson County, Missouri

RE: RZ-2017-551

Randy Diehl gave the staff report:

Applicant: Mark C & Cynthia G Cline

Location: Lot 25, Colborn & Cyclone Road Estates, Jackson County, Missouri
aka 9311 S Cyclone Lane

Area: 1.01 ± 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 subdivisions are single family residences. The applicant's lot is within Colborn & Cyclone Road Estates 2nd Plat, platted in 1972. 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 2nd Plat is Agricultural.

The area between Colborn & Cyclone Road Estates 1st and 2nd Plats is within District AG. The tracts east of Colborn & Cyclone Road Estates 2nd Plat are within District AG. These tracts contain single family residences and range from 2 to over 10 acres in size. Tracts created prior to the adoption of the subdivision requirements in 1978 by a metes and bounds document, are considered legal non-conforming.

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

Recommendation:

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

Staff recommends APPROVAL of RZ-2017-550

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

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

Is the applicant here?

Mark Cline, 9311 S Cyclone Lane

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

Mr. Cline: It's basically going to be a two car garage, 30 by 26, make out of the same materials of the house. A stick built, same siding, same paint to match the home. I have a classic muscle car which I'm restoring. It's being stored in the garage, which my wife wants her garage back.

Mr. Tarpley: What kind of car is it?

Mr. Cline: a 1970 GTO Judge Convertible

Mr. Antey: *Are there any other questions for the applicant?*

There were none

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. Mr. Crawford seconded.

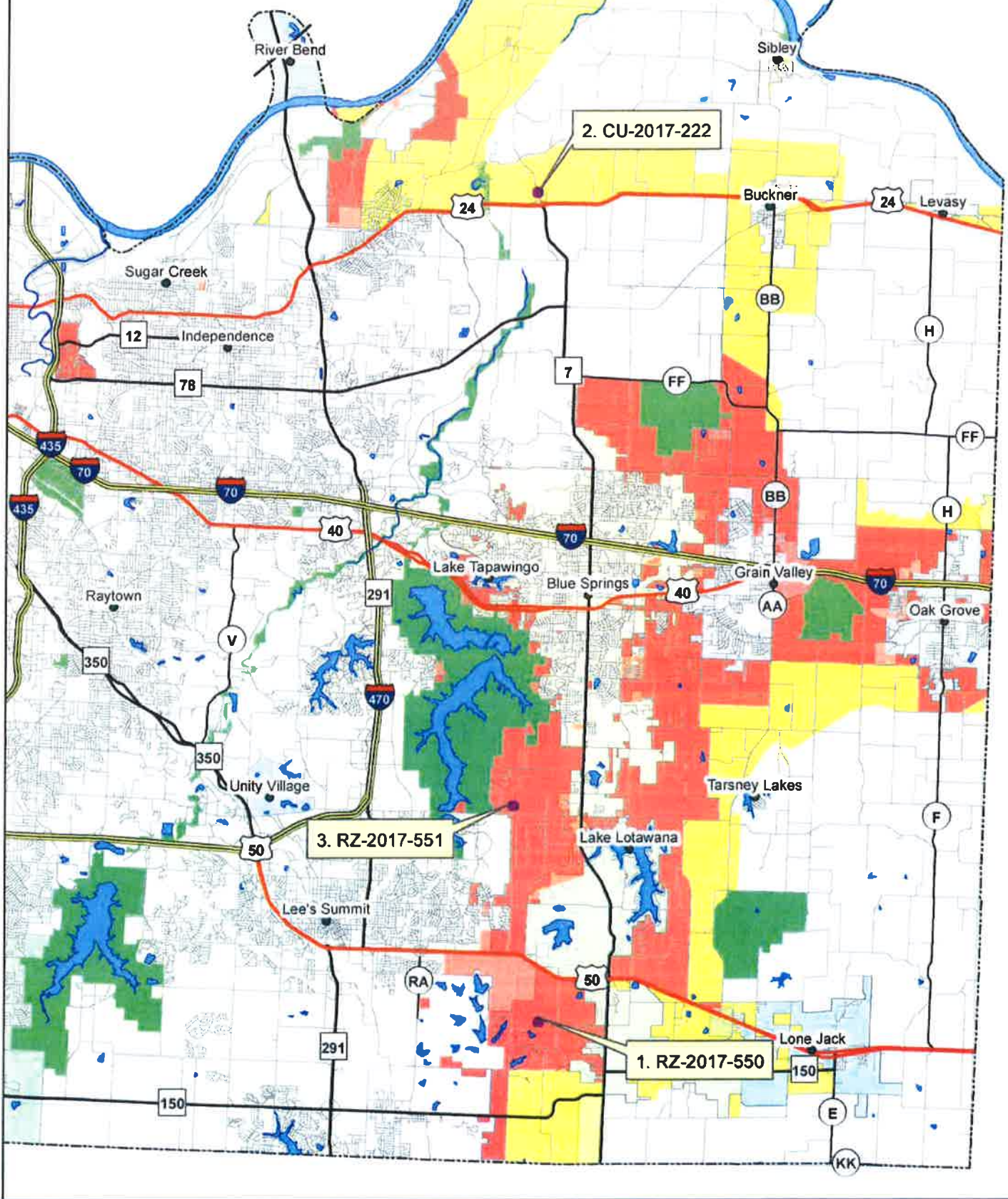
Discussion under advisement

Mr. Haley moved to approve. Mr. Crawford seconded.

Mr. Tarpley	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mr. Crawford	Approve
Chairman Antey	Approve

Motion Carried 5 – 0.

Jackson County Plan Commission May 18, 2017 Agenda Location Map



2. CU-2017-222

3. RZ-2017-551

1. RZ-2017-550

STAFF REPORT**PLAN COMMISSION**

May 18, 2017

RE: RZ-2017-551**Applicant:** Mark C & Cynthia G Cline**Location:** Lot 25, Colborn & Cyclone Road Estates, Jackson County, Missouri
aka 9311 S Cyclone Lane**Area:** 1.01 ± 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 subdivisions are single family residences. The applicant's lot is within Colborn & Cyclone Road Estates 2nd Plat, platted in 1972. The Zoning Order (adopted in 1960) in place at the time did not requirement a change in zoning for platted lots. Therefore the zoning for Colborn & Cyclone Road Estates 2nd Plat Agricultural.

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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-2017-550

Respectfully submitted,

**Jackson County Public Works
Development Division
Randy Diehl, Administrator**

**Plan Commission
May 18, 2017
RZ-2017-550**

CLINE MARK C & CYNTHIA G- TR
9311 S CYCLONE LN
LEES SUMMIT MO 64064

53-500-01-45-00-0-00-000

Certified Mail – Return Receipt
Property Owners within 185 feet

53-500-01-49-02-0-00-000
FIZELL ROBERT D & PAULA A
9306 S CYCLONE LN
LEES SUMMIT MO 64064

53-500-01-34-00-0-00-000
FRAZIER CRISTOPHER L & LINDSEY
9324 S CYCLONE LN
LEES SUMMIT MO 64064

53-500-01-43-00-0-00-000
HALLIDAY PAUL J & CATHLEEN M
9319 CYCLONE LN
LEES SUMMIT MO 64064

53-500-01-33-00-0-00-000
MASCHLER CARL A & ALONA F
9318 S CYCLONE LN
LEES SUMMIT MO 64064

53-500-01-05-00-0-00-000
MILLER ROGER K & SHIRLEY K
24106 NE COLBERN RD
LEES SUMMIT MO 64086

53-500-01-21-00-0-00-000
MILLER ROGER K & SHIRLEY K
24106 NE COLBERN RD
LEES SUMMIT MO 64086

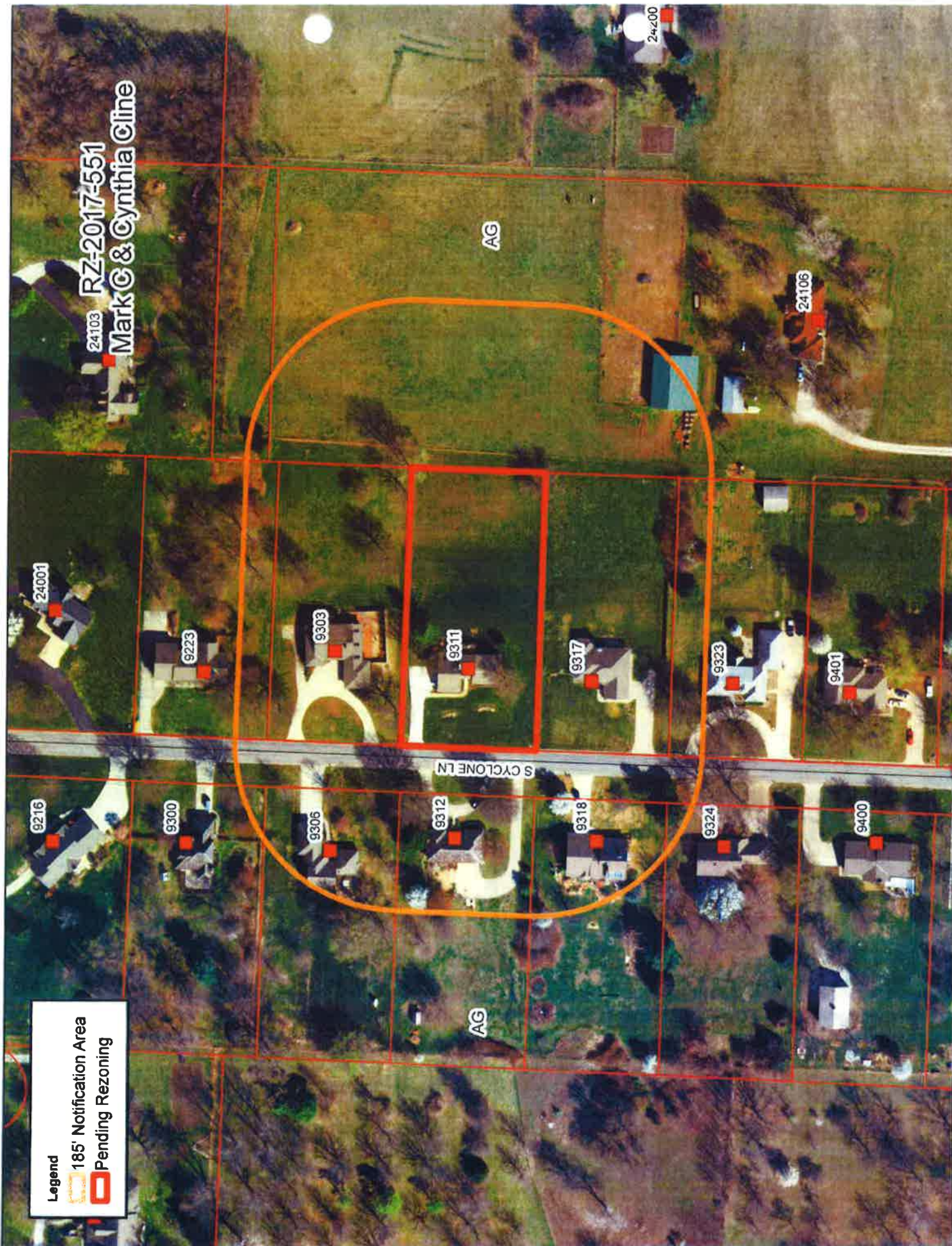
53-500-01-46-00-0-00-000
NEIDIG ROBERT E II & PHYLLIS
9303 CYCLONE LN
LEES SUMMIT MO 64064-2704

53-500-01-44-00-0-00-000
ORRISON JACOB
9317 CYCLONE LN
LEES SUMMIT MO 64086

53-500-01-32-00-0-00-000
SCHOTT ROBERT W & CHRISTINA I
9312 CYCLONE LN
LEES SUMMIT MO 64064

53-500-01-49-01-0-00-000
SCOFIELD BENJAMIN I & JULIE M
9300 CYCLONE LN
LEES SUMMIT MO 64064

53-500-01-47-00-0-00-000
STUBBS JAMES M JR & JEAN A
9223 CYCLONE LN
LEES SUMMIT MO 64064-2702



Legend

- 185' Notification Area
- Pending Rezoning

RZ-2017-551
Mark C & Cynthia Cline

AG

AG

S CYCLONE LN

24001

9223

9303

9311

9317

9323

9401

9216

9300

9306

9312

9318

9324

9400

24200

24106

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- 2017- 551

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: MARK C CLINE

Address: 9311 CYCLONE LANE
Lee's Summit, MO, 64064

Phone: 913- 515- 7853

b. Owner(s) Name: Mark C CLINE

Address: _____

Phone: _____

c. Agent(s) Name: _____

Address: _____

Phone: _____

- d. Applicant's interest in Property: OWNER
2. General location (Road Name) CYCLONE LANE
3. Present Zoning AGRICULTURAL Requested Zoning R-S
4. AREA (sq. ft. / acres) 46,904.91 sq ft 1.07 Acres
5. Legal Description of Property: (Write Below or Attached 9)
Colborn + Cyclone RD Estates
2nd Lot 25
6. Present Use of Property: HOME
7. Proposed Use of Property: HOME
8. Proposed Time Schedule for Development: 8 weeks
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? NO
11. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water Public Water Supply District No. 13
- b. Sewage disposal SEPTIC TANK
- c. Electricity KCP & L
- d. Fire and Police protection PRAIRIE TOWNSHIP FIRE JACKSON COUNTY SHERIFF
12. Describe existing road width and condition: 23 Feet wide 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? LOCAL BUILDING PERMIT

If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): HAVE NOT PULLED PERMIT YET

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)

Mark Cline

Date

2-17-17

Applicant(s):

Contract Purchaser(s):

STATE OF _____

COUNTY OF _____

On this 17th day of April, in the year of 2017, before me the undersigned notary public, personally appeared Mark C Cline

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

Diana L Fairless
Diana L. Fairless

Commission Expires

6/21/2020





RZ-2017-551
Mark C & Cynthia Cline

AG

SCYCLONE LN

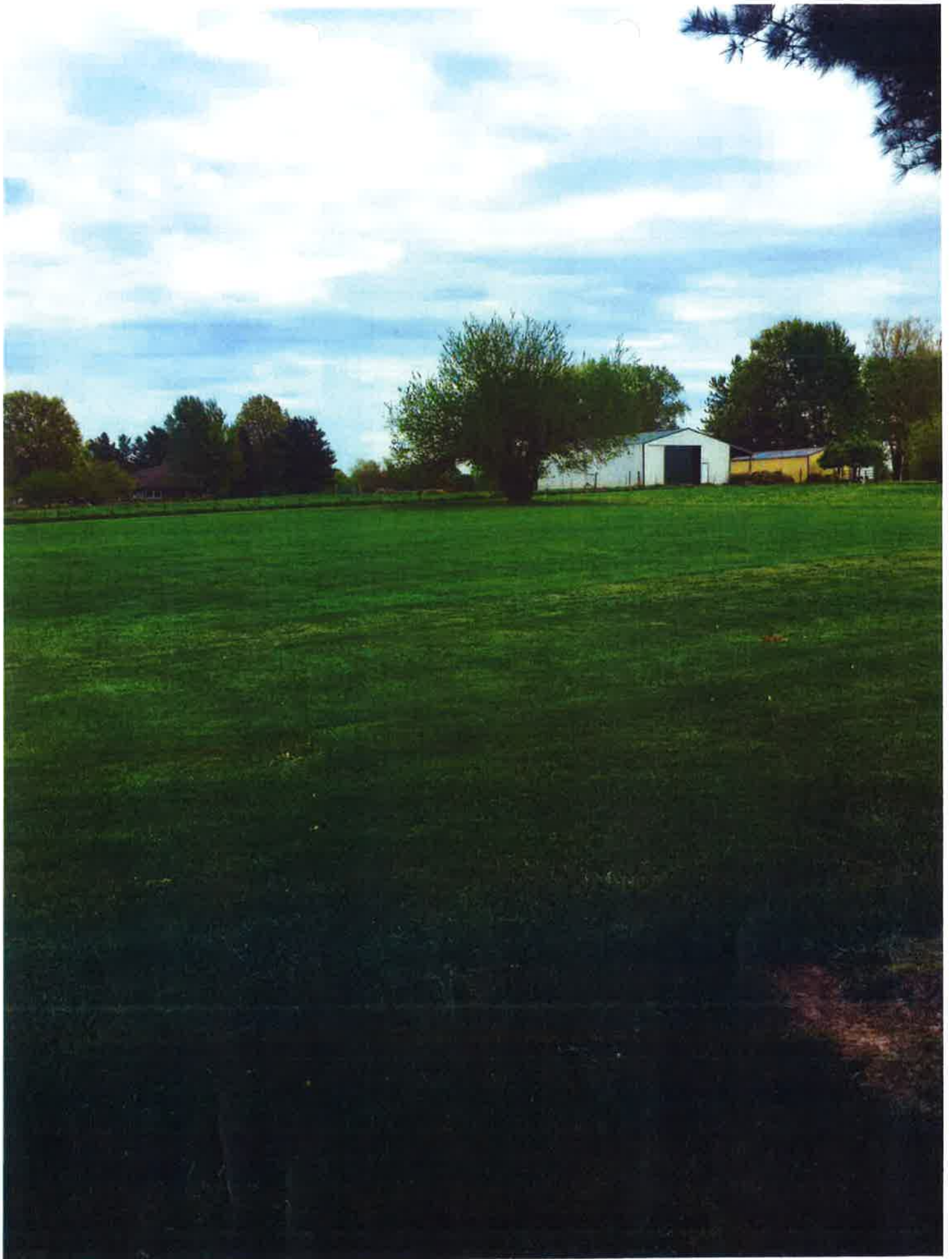


RZ-2017-551
Mark C & Cynthia Cline

AG

1138

S CYCLOPE LN





T143244

Assessor's Copy

COLBORN & CYCLONE ROAD ESTATES - 2nd PLAT

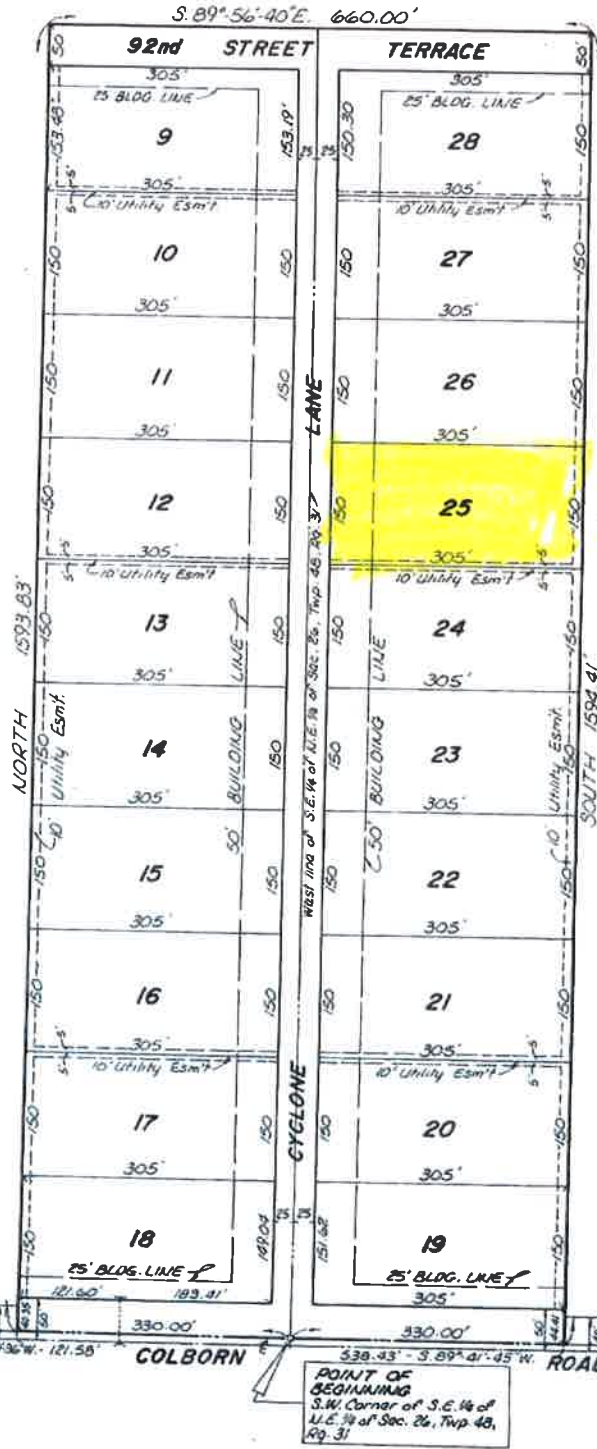
JACKSON COUNTY, MISSOURI

I 02-1065

DESCRIPTION: This is a subdivision of all that part of the Northeast 1/4 of Section 26, Township 48, Range 31, in Jackson County, Missouri, described as follows:
 Beginning at the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of said Section 26; thence North 89°-53'-40" West, along the South line of said 1/4 Section, a distance of 330.00 feet; thence Due North and parallel with the West line of said 1/4 Section, a distance of 1593.83 feet; thence South 89°-56'-40" East, a distance of 660.00 feet; thence Due South and parallel with the West line of said 1/4 Section, a distance of 1594.41 feet, to a point on the South line of said 1/4 Section; thence North 89°-53'-40" West, a distance of 330.00 feet to the point of beginning.

DEDICATION

The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the manner shown on this plat and the subdivision shall be hereinafter known as:
COLBORN & CYCLONE ROAD ESTATES - 2nd PLAT



EASEMENTS - An easement or license is hereby granted to Jackson County, Missouri, to locate, construct and maintain, or authorize the location, construction and maintenance of conduits, water, gas, sewer pipes, poles wires and anchors or all or any of them, over and under and along the strips of land marked "Utility Easements".

STREETS - The streets and roadways shown on this plat and not heretofore dedicated to public use as through-farres are hereby so dedicated.

BUILDING LINES - Building lines or setback lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be built between this line and the street line.

IN TESTIMONY WHEREOF: COLBORN and CYCLONE DEVELOPMENT CO. has caused this plat to be signed by its General Partners and the seal to be hereunto affixed this ___ day of ___ 1972.

COLBORN & CYCLONE DEVELOPMENT CO.
 Signed by: JACK H. CORDEEN, KENNETH F. BROWN, RICHARD J. STEPHENS, JAMES H. HOLBROOK

STATE OF MISSOURI }
 COUNTY OF JACKSON } S.S.
 On this ___ day of December, 1972, before me personally appeared Jack H. Cordeen, Richard J. Stephens, Kenneth F. Brown, and James H. Holbrook, to me known, who being by me duly sworn did say that they are the General Partners of COLBORN & CYCLONE DEVELOPMENT CO., a Partnership, and that this instrument was signed in behalf of said Partnership by authority of all the General Partners and that they acknowledged said instrument to be the free act and deed of said Partnership.

IN WITNESS THEREOF: I have hereunto set my hand and affixed my notarial seal at my office the day and year last written above.
 My Commission Expires ___ My Commission Expires Jan. 11, 1973
 Notary Public in and for Jackson County, Missouri.

APPROVED
 as to streets and roads
 JACKSON COUNTY PUBLIC WORKS
 By: [Signature]

APPROVED
 As to planning and zoning
 JACKSON COUNTY PLANNING COMM.
 By: [Signature]

SCALE 1"=100'

I hereby certify the details of this plat to be correct this ___ day of December, 1972.
AUDERSON SURVEY COMPANY
 By: [Signature]
 County Assessor - Sean A. Hutchison
 12th 9-75
 4700-6000 West Delta Ave
 Mo. 64616
 from 89-7280-200-0100-00

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