Request for Legislative Action

Ord. #5733

Date: April 17, 2023

Completed by County Counselor's Office			
Action Requested:	Ordinance	Res.Ord No.:	5733
Sponsor(s):		Legislature Meeting Date:	4/17/2023

Introduction
Action Items: ['Authorize']
Project/Title:
RZ-2023-644 – Michael & Kim Hawley

Request Summary

Requesting a change of zoning from District AG (Agricultural) on 3.01 ± acres to District RE (Residential Estates). The purpose is to create a single-family residential lot at 17208 E. Courtney Atherton 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 16, 2023, and accepted testimony pertaining to the rezoning request. There was no opposition to the request.

The Plan Commission voted 5 to 0 to recommend <u>APPROVAL</u> to the County Legislature.

Contact Information			
Department: Public Works Su		Submitted Date:	3/20/2023
Name:	Randy D. Diehl	Email:	RDiehl@jacksongov.org
Title:	Development Administrator	Phone:	816-881-4577

Budget Information				
Amount authorized by th	is legislation this fiscal ye	ar:	\$ 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 En		!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	No
supplies, materials, equipment or services?	
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 Ve	teran Owned Business Program
Goals Not Applicable for fo	ollowing reason: not spending money
MBE:	.00%
WBE:	.00%
VBE:	.00%
Prevailing Wage	
Not Applicable	

Fiscal Information

• This legislative action does not impact the County financially and does not require Finance/Budget approval.

Request for Legislative Action

History

Submitted by Public Works requestor: Randy D. Diehl on 3/20/2023. Comments:

Approved by Department Approver Kristina J. Miller on 3/22/2023 9:02:59 AM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 3/22/2023 9:49:46 AM. Comments:

Approved by Compliance Office Approver Ikeela Alford on 3/22/2023 9:54:41 AM. Comments:

Not applicable by Budget Office Approver Mark Lang on 3/23/2023 12:57:45 PM. Comments:

Approved by Executive Office Approver Sylvya Stevenson on 3/24/2023 10:20:36 AM. Comments:

Approved by Counselor's Office Approver Jamesia Manning on 4/13/2023 11:22:01 AM. Comments:

RZ-2023-644

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

That part of the Northeast Quarter of Section 18, Township 50, Range 31, in Jackson County, Missouri, described as follows: Commencing at the Southwest Corner of said Northeast Quarter; thence South 87 degrees 28 minutes 30 seconds East along the South line thereof, a distance of 16.50 feet to the point of beginning; thence North 02 degrees 40 minutes 44 seconds East, a distance of 399.21 feet; thence South 87 degrees 20 minutes 26 seconds East, a distance of 128.50 feet; thence South 02 degrees 40 minutes 44 seconds West 64.50 feet; thence South 87 degrees 28 minutes 30 seconds East, a distance of 248.70 feet; thence South 02 degrees 40 minutes 44 seconds West, a distance of 334.41 feet to a point of the South line of said Northeast Quarter; thence North 87 degrees 28 minutes 30 seconds, along said line, a distance of 377.20 feet to the point of beginning. Except part in road.

RZ-2023-644

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

<u>Attachments</u>

Plan Commission Public Hearing Summary from March 16, 2023 Staff Report Zoning map of surrounding area Names and addresses of surrounding property owners Letter to surrounding property owners Application Aerial of location Preliminary Plat – Hawley Homestead

Randy Diehl gave the staff report:

RE: RZ-2023-644

Applicant: Michael & Kim Hawley

Location: 17208 E. Courtney Atherton Road

Area: 3.01acres

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

(Residential Estates)

Purpose: The purpose is to plat the existing single-family residential lot.

Current Land Use and Zoning in the Area:

The zoning in the immediate area is District AG (Agricultural) and District RE (Residential Estates).

Land use is single family residences. Directly to the West is the City of Sugar Creek and County park land - River Bluff Reserve.

The applicants neighbor to the north wishes to purchase a 0.80 tract (270' x 128') and add it into their property. The applicant has a legal non-conforming (grandfathered) tract of ground. By selling off the 0.80 acres this nullifies the grandfather status of the remaining property, which contains the applicant's residence. To bring the property into compliance with the Unified Development Code, the property needs to be rezoned and platted into a one lot subdivision.

The 0.80-acre tract will remain within District AG and unplatted.

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-2023-644.

Respectfully submitted,

Jackson County Public Works Development Division Randy Diehl, Administrator Mr. Antey: Are there any questions for Randy?

There were none.

Mr. Antey: Is the applicant here?

Michael Hawley, 17208 E. Courtney Atherton Road.

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

Mr. Hawley: 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?

There were none.

Motion to take under advisement.

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

Discussion under advisement

Mr. Antey: I like to see legal non-conforming property brought into compliance.

Mr. Lake moved to approve. Mr. Tarpley seconded.

Mr. Tarpley Approve
Mr. Crawford Approve
Mr. Farrar Approve
Mr. Lake Approve
Chairman Antey Approve

STAFF REPORT

PLAN COMMISSION March 16, 2023

RE: RZ-2023-644

Applicant: Michael & Kim Hawley

Location: 17208 E. Courtney Atherton Road

Area: 3.01acres

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County Plan:

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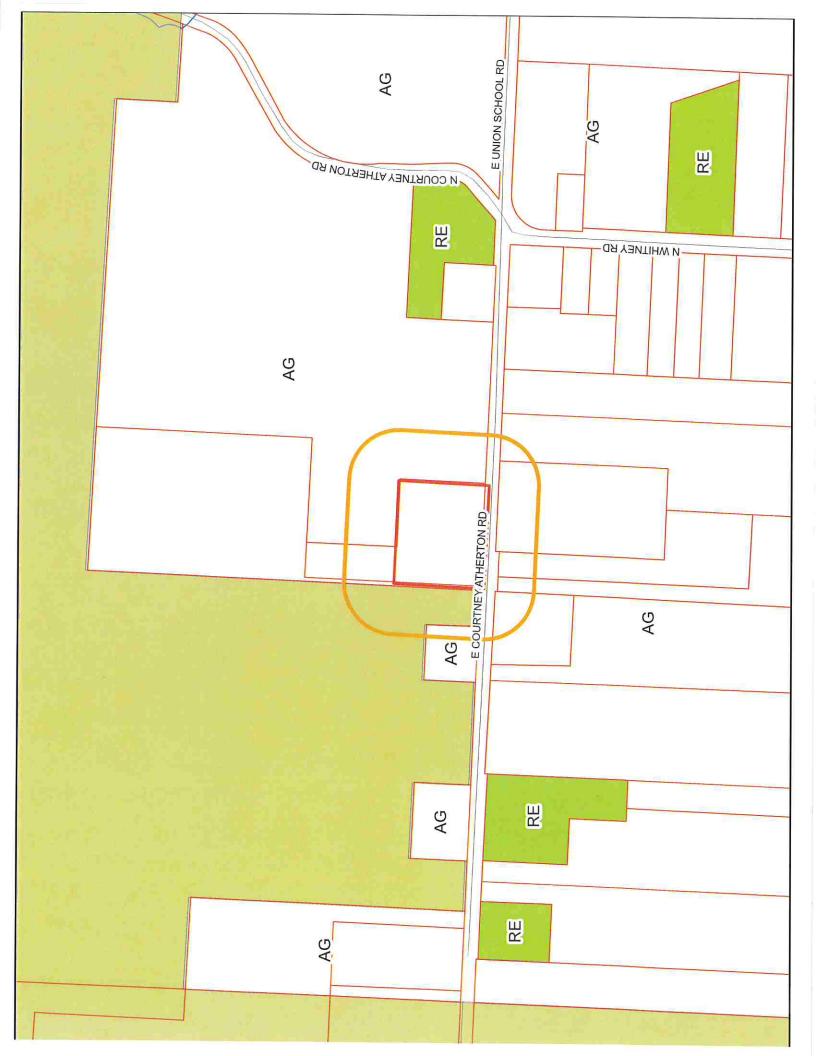
Recommendation:

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

Staff recommends APPROVAL of RZ-2023-644.

Respectfully submitted,

Jackson County Public Works Development Division Randy Diehl, Administrator



Plan Commission March 16, 2023 RZ-2023-644 Property Owners Within 185 feet

Parcel	owner	address	Ą	ctate	, cir
10-900-05-21-00-0-000	BARRETT BILLY O & REGINA K	2103 N YORK ST	INDEPENDENCE	MO	SANE 8
10-900-02-22-00-0-000	CAZARES JAMIE ALBERTO JR	17202 E COURTNEY ATHERTON RD	INDEPENDENCE	2 2	64058
10-900-02-26-01-0-00-000	VILLA DEL SENOR FOUNDATION	1101 NORTON AVE	KANSAS CITY	0 2	64127
10-900-08-24-00-0-00-000	GOANS NANCY BETH	17307 COURTNEY RD	INDEPENDENCE	O E	64058
10-900-08-07-00-0-000	AUDLEY THOMAS J & EMILY L	17301 E COURTNEY ATHERTON RD	INDEPENDENCE	2	64058
10-900-08-25-00-0-000	DENHAM FLOYD E III	17205 E COURTNEY ATHERTON RD	INDEPENDENCE	2 2	64058
10-900-08-26-00-0-000	JACKSON LORETTA L	17201 E COURTNEY ATHERTON RD	INDEPENDENCE		64058
10-900-07-22-01-0-00-000	GUINN STEVE M & PEGGY L	17107 E COURTNEY ATHERTON RD	INDEPENDENCE		64058
10-900-02-25-00-0-00-000	JACKSON COUNTY MISSOURI	415 E 12TH ST	KANSAS CITY	MO	64106
10-900-02-23-02-0-00-000	HAWLEY MICHAEL H & KIM W	17208 E COURTNEY ATHERTON RD	INDEPENDENCE	MO	64058



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 1,2023

RE:

Public Hearing: RZ-2023-644

Michael & Kim Hawley

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 Michael & Kim Hawley for a change of zoning from District AG (Agricultural) on 3.01 ± acres to District RE (Residential Estates). The purpose is to plat the single-family residential lot at 17208 E. Courtney Atherton Road.

Please note that this request for a change of zoning <u>affects only the property mentioned above.</u> 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 <u>Thursday, March 16, 2023, at 8:30 a.m. in the Large Conference Room, 2nd Floor, Historic Truman Courthouse, 112 W. Lexington, <u>Independence, MO.</u></u>

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 881-4577.

Sincerely,

Jackson County Public Works Development Division

Randy Diehl, Administrator

JACKSON COUNTY, MISSOURI APPLICATION FOR CHANGE OF ZONING

APPLICANT INFORMATION:

- 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.
- Attach application for subdivision approval, consistent with the requirements of UDC Section 24003.10, as may be required.
- 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

kezoning Ca	se Number	RZ-2023-6	44
Date filed		Date of hear	ring
Date advertise	:d	_ Date proper	ty owners notified
Date signs por	sted		
Hearings:	Heard by	Date	Decision
	Heard by	Date	Decision
	Heard by	Date	Decision
	Current Mailing Ac		E. Courtney Atherton Rol Indep., Molde email: amakim4514@comeast. net
	none. The Me		
b.	Legal Owner of Pro	pperty: Michael	H + Kim W. Hawley
b.	Legal Owner of Pro	operty: Michael ddress: 17208 E.	1
b. 1	Legal Owner of P <u>ro</u> <u>Current Mailing Address Phone: Slla-25</u> Legal Owner of Pro	operty: Michael ddress: 17308 E. 7-0610 perty:	Courtney Atherton Rd, Indep. Mo. 44058
b. 1	Legal Owner of P <u>ro</u> <u>Current Mailing Address</u> Phone: <u>Slle-25</u>	operty: Michael ddress: 17308 E. 7-0610 perty:	Courtney Atherton Rd, Indep, Mo. 44058

Pres	ent Zoning AG Requested Zoning RE
	EA (sq. ft. / acres) = 0.80 acres 3.01 Ac
Lega	l Description of Property: (Write Below or provide copy of deed and survey)
3	ee attached copy
Pres	ent Use of Property: AG RESIDENCE
Prop	osed Use of Property: AGRE RESIDENCE
Prop	osed Time Schedule for Development: NA
Wha	t effect will your proposed development have on the surrounding properties?
/	I/A
Is an	y portion of the property within the established flood plain as shown on the FEMA Flood
	y portion of the property within the established flood plain as shown on the FEMA Flood
Bour	y portion of the property within the established flood plain as shown on the FEMA Flood
Bour	y portion of the property within the established flood plain as shown on the FEMA Flood adary Map? No. 1 will any improvements be made to the property which will increase or decrease the
Bour If so eleva	y portion of the property within the established flood plain as shown on the FEMA Flood adary Map? No. 1 will any improvements be made to the property which will increase or decrease the stion?
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Bour If so eleva Desc deve	y portion of the property within the established flood plain as shown on the FEMA Flood adary Map? No. 1 will any improvements be made to the property which will increase or decrease the attion? In the source/method which provides the following services, and what effect the dopment will have on same:
Bour If so eleva Desc	y portion of the property within the established flood plain as shown on the FEMA Flood adary Map? No. will any improvements be made to the property which will increase or decrease the stion? ribe the source/method which provides the following services, and what effect the lopment will have on same: Water Provider NA CITY OF INDEDEDDEDGE
Bour If so eleva Desc deve a. b.	y portion of the property within the established flood plain as shown on the FEMA Flood adary Map?
Bour If so eleva Desc deve a. b. c.	y portion of the property within the established flood plain as shown on the FEMA Flood adary Map? No. will any improvements be made to the property which will increase or decrease the ation? ribe the source/method which provides the following services, and what effect the lopment will have on same: Water Provider NA CITY OF INDEDEDEDED Sewage disposal: Onsite Waste Water Public Sewer Electricity NA
Bour If so eleva Desc deve a. b. c.	y portion of the property within the established flood plain as shown on the FEMA Flood adary Map?

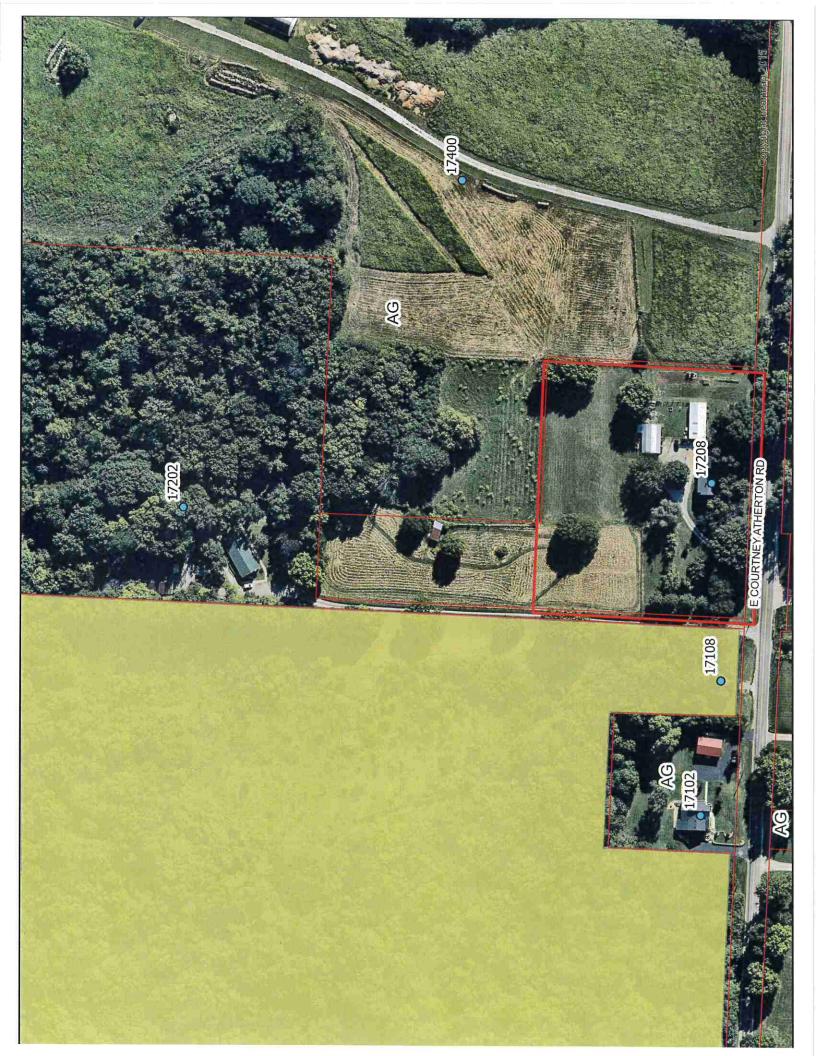
14.	Are any state, federal, or other public agencies approvals or permits required for the proposed development?
	development? /V//+
	If so, describe giving dates of application and status (include permit numbers and copies of same
	if issued):

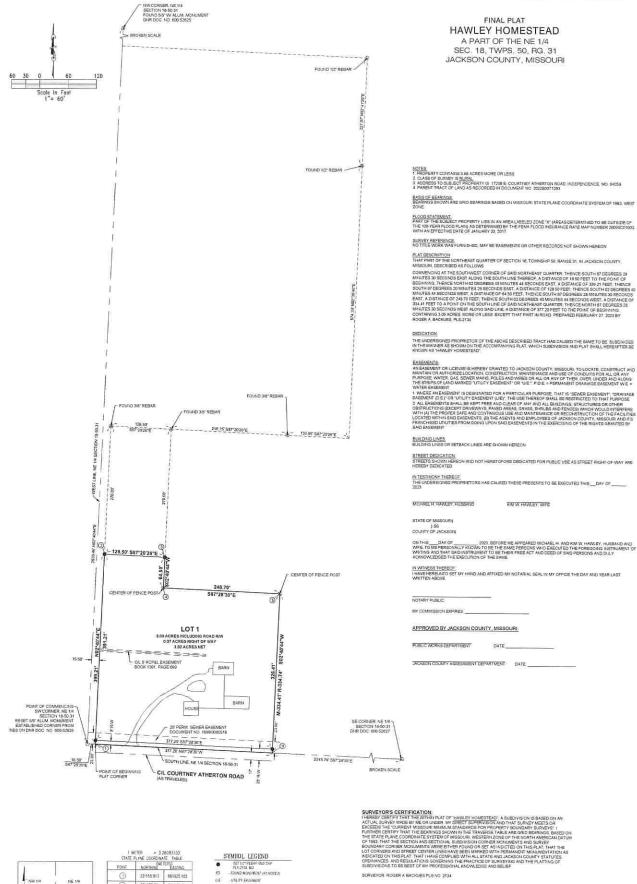
The LEGAL OWNER(s) of the property must be signatory to this application. If the owner is also the applicant then only the Property Owner portion needs to be filled out. Applications will not be accepted to move forward without the proper signatories.

Verification of ownership will be made using the Tax Rolls and the Recorder of Deeds database.

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) Welland 2-1-2023 Fin. St. Manuelly 3/1/2023
STATE OF MISSOUN
COUNTY OF JACKGOW
On this day of Flb, in the year of 2023, before me the undersigned notary public, personally appeared MICNALL HAWNELL AND
Kim W Hawley
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 Ralque Turker Commission Expires 3-30-2021
RAEGAN TUNISON Notary Public-Notary Seal STATE OF MISSOURI Jackson County My Commission Expires: Mar. 30, 2026 Commission # 22442955







LOCATION MAP SCALE=1"=2000" SECTION 18 TOWNSHIP 50 RANGE 31

331277.361 861030,791 331275.543 861069.915 3 331275-343 861065-915 331255-939 861648-993 331252-257 861147-715 331150-748 861139-951

ALL CORDONATES AND ML BEARINGS AS SHOWN IN THE TRAVERSE TABLE MRC BASED OIL "MISSOURI COORDINATE SYSTEM OF 1083, WEST ZOVE" "JA-27 CPS STATION" CENS A COMENTO GRID FACICITY OF 0.9999120

(1) -STATE PLANE COORDINATE NUMBER

FOR REVIEW		FINAL PLAT BOUNDARY & CONSTRUCTION SURVEYING, INC. 11 NC COUNSERREET BIT SOLD (1875) 144 BIT SOLD (1875)	
	DATE FEBRUARY 27, 2023 CLIENT: MICHAEL & KIM HAWLEY 17208 E. COURTNEY ATHERTON RO. HIDEPENDENCE, MO. \$4058		
		PROJECT NO 22-390	SHEET LOF I