



# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 4821

Sponsor(s): None

Date: February 8, 2016

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>James E &amp; Mary M McCoy Case No. RZ-2016-527</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="315 495 1195 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  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> <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> <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	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 5.04 ± acres to District RR (Residential Ranchette). The 5.04 ± acres are located in Section 13, Township 47, range 31, in Jackson County, Missouri, aka 12704 S Harris 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 6 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: 1/26/2016										
	Finance (Budget Approval): <i>If applicable</i>	Date:										
	Division Manager: 	Date: 2/1/16										

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-2:**

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

Preliminary plat of Gemini View

**RZ-2016-527**

**ATTACHMENT TO RLA 1:**

**Description:**

Part Section 13, Township 47, Range 31, in Jackson County, Missouri described as follows:

Beginning at the Northeast corner of the Southeast Quarter of said Section 13; thence South  $01^{\circ}58'18''$  West along the east line thereof a distance of 330.02 feet; thence North  $87^{\circ}20'40''$  West a distance of 705.00 feet; thence North  $01^{\circ}58'18''$  East a distance of 330.02 feet to the North line of said Southeast Quarter; thence South  $87^{\circ}20'40''$  East along said North line a distance of 705.00 feet to the Point of Beginning. Except part in Harris Road.

**Randy Diehl gave the staff report:**

**Applicant:** James E & Mary M McCoy

**Location:** 12704 S Harris Road

**Area:** 5.04 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RR (Residential Ranchette)

**Purpose:** Applicant is requesting the change in zoning in order to plat 5.04 acres into a one lot subdivision.

**Current Land Use and Zoning in the Area:**

The zoning in the immediate area is Agricultural with the majority of the land use being single family residences. Property sizes within the area range from 1.5 acres to larger acreage tracts. A few of the larger tracts appear to be used for agricultural purposes. There are 7 subdivisions, containing lots 1.5 to 3 acres in size, along Harris Road that were created prior to the Unified Development Code (UDC) in 1995. They remain within District AG (Agricultural).

Blue Bell Acres a one lot subdivision was rezoned to District RE and platted in 2002. Aimee Lane Estates contains 5 lots was rezoned and platted in 2001 to District RE.

Trophy Estates is a 54 lot development. It was developed prior to the UDC. There have been 6 lots rezoned to District RS.

The applicant is requesting to rezone and plat the front 5 acres into a one lot subdivision to be known as Gemini View. The remaining acreage in the back, 4.73 acres, will be bought and absorbed by the adjacent property owner.

**County Plan:**

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

The Residential Ranchette (RR) 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-2016-527

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

Mr. Antey:

*Are there any questions for Randy?*

Mr. Antey: The original is how big?

Mr. Diehl: 10 acres. 5 acres will be platted and the rear 4.73 acres are to be sold to the adjacent neighbor.

Mr. Antey: My only question is that we are creating a tract smaller than 10 acres.

Mr. Diehl: Yes, you can create an agricultural tract less than five acres. Unless it is joined with another AG zoned property, there are limitations to what you can do with it. We had a similar case a few months ago that the remaining ground, less than 10 acres was resurveyed into a tract larger than 10 acres. The Unified Development Code allows for the creation of such tracts. However, it can be only for agricultural purposes. Until it comes into compliance, there can be no improvements permitted on it.

Mr. Tarpley: Is land locked then right?

Mr. Diehl: If it's not absorbed it could be land locked.

Mr. Crawford: If we approve this and the deal falls through, it's a land locked piece of ground.

Mr. Diehl: If the applicant retains ownership of the non-conforming five acre piece, it is technically a "rear land" piece of property. It benefits by having access from an adjacent tract by the same owner. Once it is sold to someone who is not an adjacent owner, then it becomes a "land locked" piece of ground.

Mr. Haley: The access doesn't change?

Mr. Diehl: No, the driveway runs with the future lot.

Mr. Crawford: Is there an easement for the 10 acre tracts to the South?

Mr. Diehl: There is an ingress/egress for the 10 acre tracts. It's a shared driveway that has an ingress/egress overlay for all the tracts.

Mr. Crawford: It's not public?

Mr. Diehl: No.

*Is there anyone who is in favor of this application?*

Jim and Margie McCoy, (Applicants) 12704 S. Harris Road. We presently we own the 10 acres. Last summer we attempted to sell to house and acreage, but we are having some difficulty selling 10 acres. Dr. White, who bought the 80 acres to the South and West of us, is building the house and desired to buy five acres from us. He wants a buffer. He doesn't anyone else building there. We decided it would be easier to sell our property with 5 acres instead of the 10.

*Is there anyone else who is in favor of this application?*

*Is there anyone who is opposed or has questions regarding this application?*

Motion to take under advisement.

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

Motion to approve.

Mr. Antey: I think all questions have been answered.

Mrs. Mershon motioned to approve RZ-2016-527. Mr. Crawford seconded.

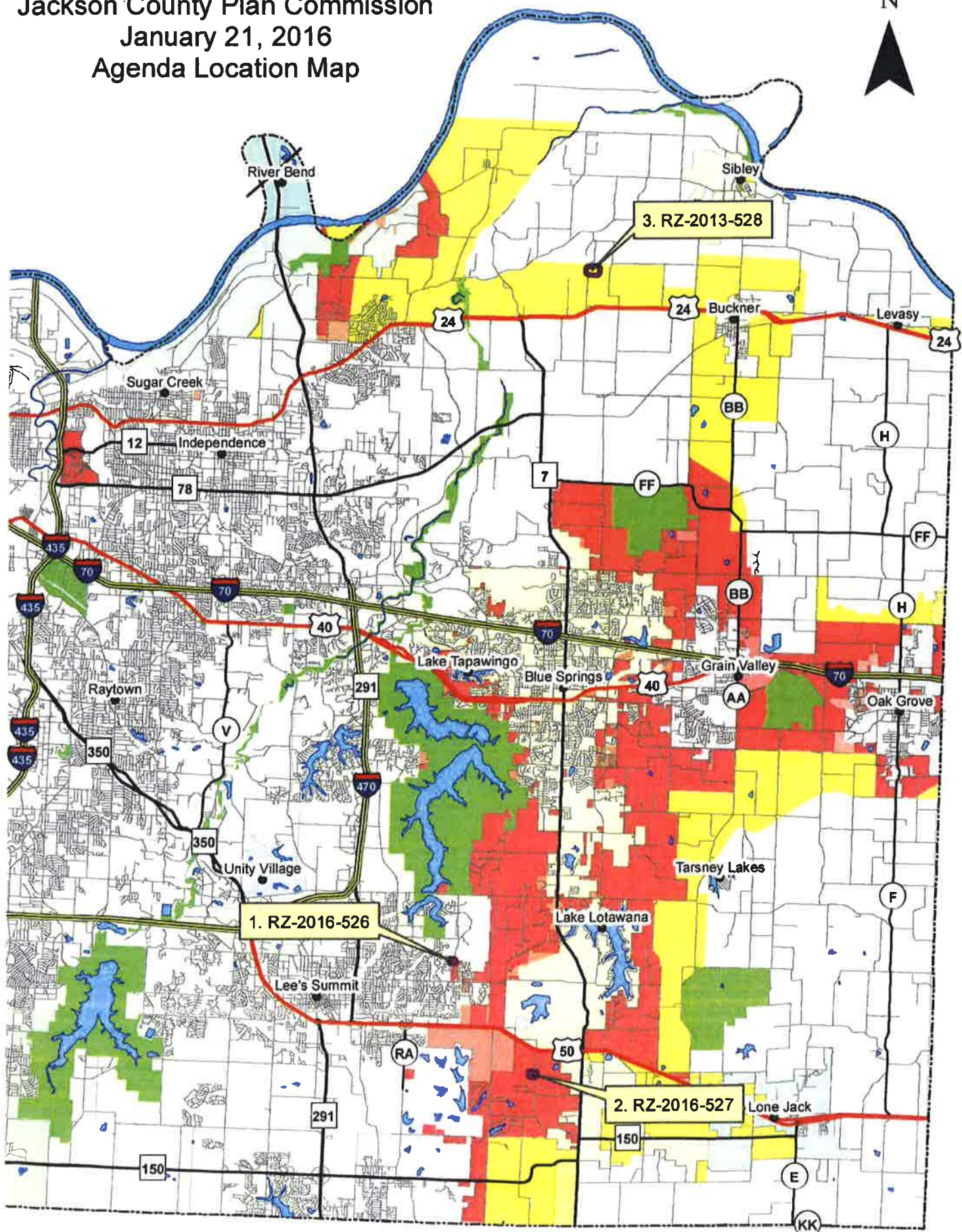
Mr. Tarpley	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mr. Crawford	Approve
Mrs. Mershon	Approve
Chairman Antey	Approve

Motion Carried 6 – 0.



Jackson County Plan Commission  
January 21, 2016  
Agenda Location Map

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**STAFF REPORT**

**PLAN COMMISSION**

**January 21, 2016**

**RE: RZ-2016-527**

**Applicant:** James E & Mary M McCoy

**Location:** 12704 S Harris Road

**Area:** 5.04 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RR (Residential Ranchette)

**Purpose:** Applicant is requesting the change in zoning in order to plat 5.04 acres into a one lot subdivision.

**Current Land Use and Zoning in the Area:**

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**County Plan:**

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

The Residential Suburban District (RR) 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-2016-527

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

Plan Commission  
January 21, 2016  
RZ-2016-527

**Applicants / Property Owners:**

**60-700-04-07**  
**James E & Mary M McCoy**  
**12704 S. Harris Rd**  
**Lee's Summit MO 64086**

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

60-700-01-04-03-1-00-000  
GILLIG LARRY T & KATHY A  
12600 HARRIS RD  
LEES SUMMIT, MO 64086

59-900-02-06-00-0-00-000KNISLEY  
TULEY WILLIAM N & MYRNA J  
12613 S HARRIS RD  
LEES SUMMIT, MO 64086

59-900-03-02-00-0-00-000COX  
VIETS OTTO & DAWN  
12707 S HARRIS RD  
GREENWOOD, MO 64034

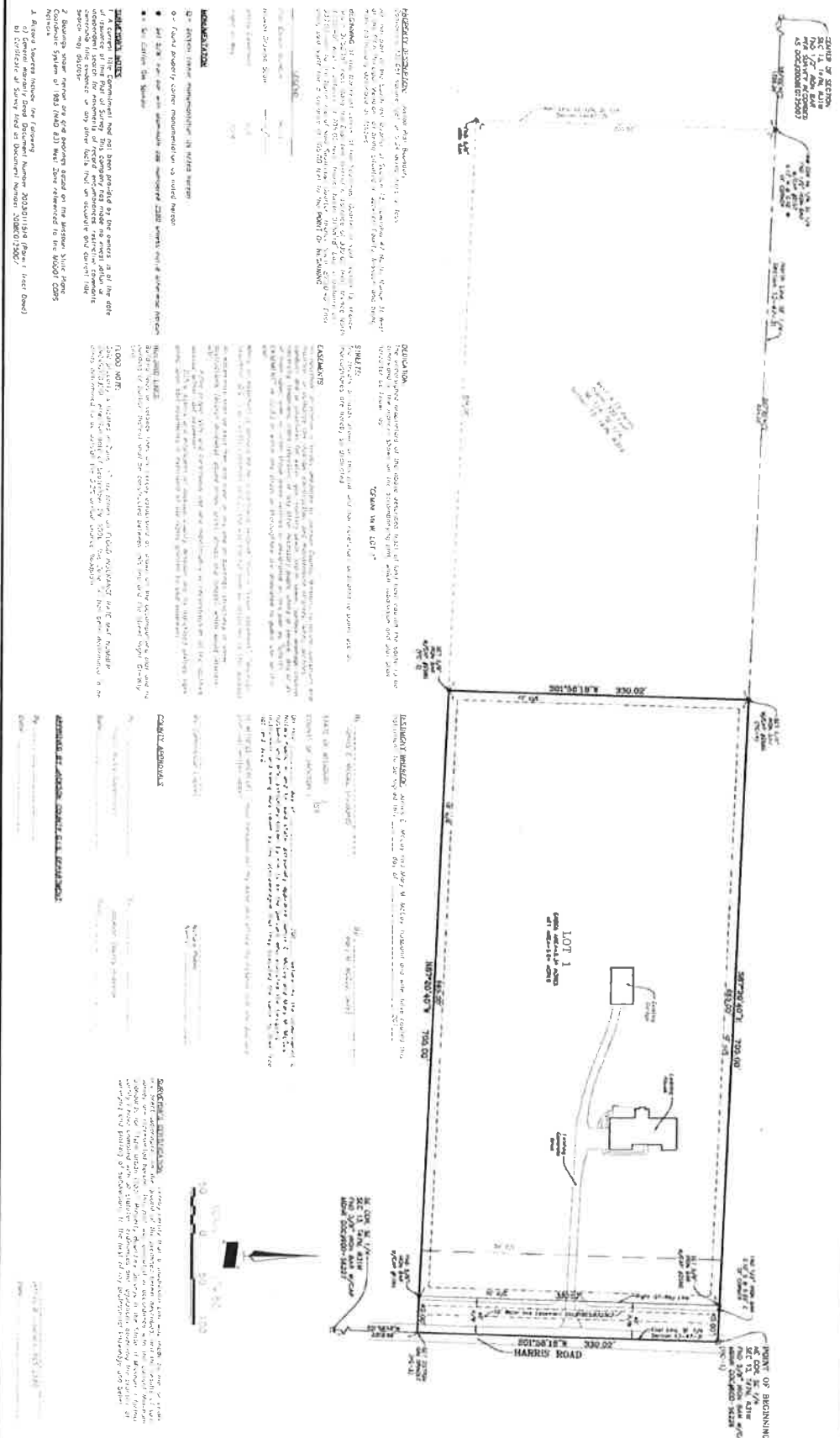
59-900-03-06-00-0-00-000  
JAEGER KEVIN & KRISTIANNE  
12713 S HARRIS RD  
GREENWOOD, MO 64034

60-700-04-76-00-0-00-000  
WHITE WILLIAM L & LISA A  
312 NW ROCKWOOD CRT  
LEES SUMMIT, MO 64081

60-700-04-71-00-0-00-000  
WHITE WILLIAM L & LISA A

MINOR PLAT  
GEMINI VIEW, LOT 1  
SE 1/4, SECTION 13-T47N-R31W  
JACKSON COUNTY, MISSOURI

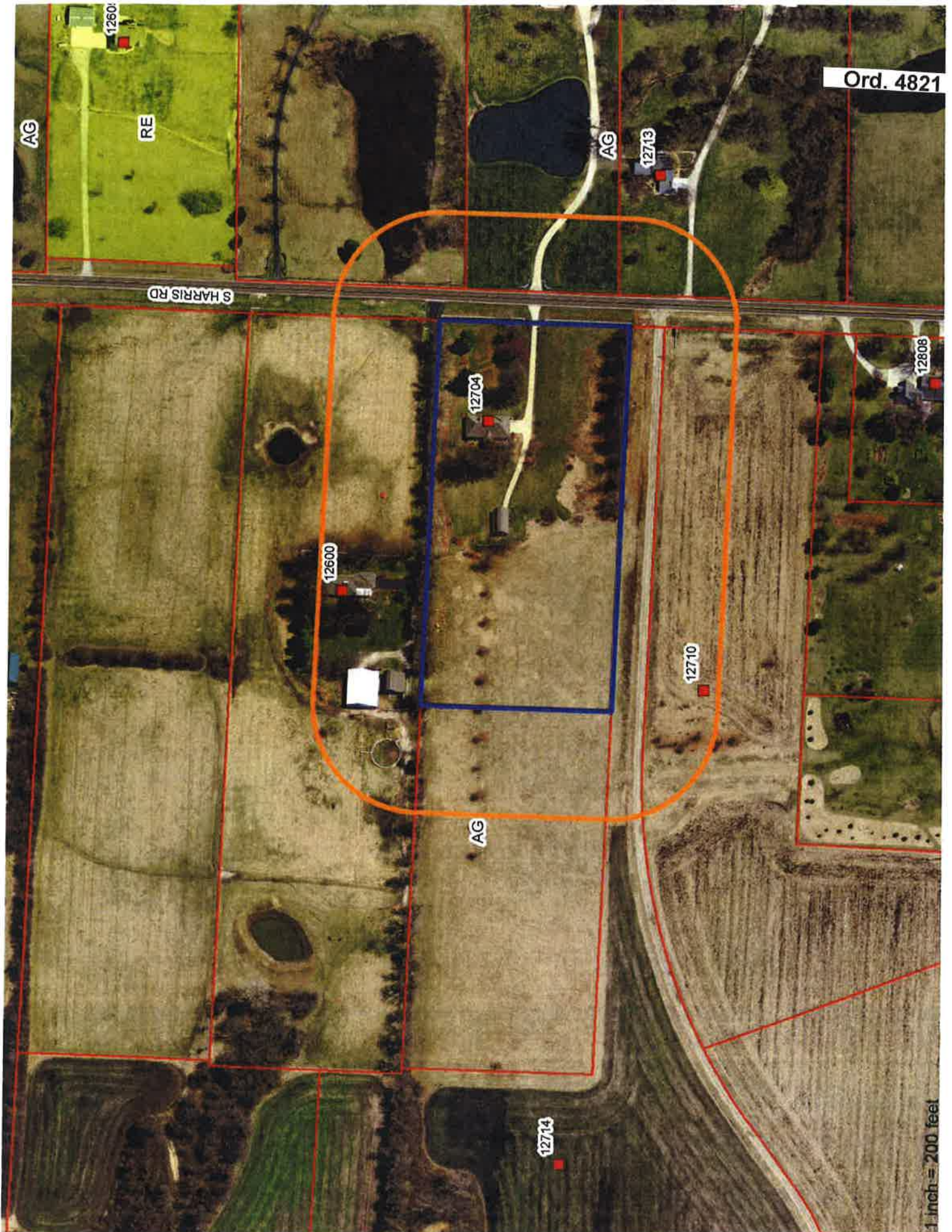
PT. NO.	NORTH (Y)	EAST (X)
1	4000000.00	4000000.00
2	4000000.00	4000000.00
3	4000000.00	4000000.00
4	4000000.00	4000000.00



MINOR PLAT GEMINI VIEW, LOT 1 JACKSON COUNTY, MISSOURI		DATE: 10/1/2010 NUMBER: 1000		REVISION:		BY: APPROVED:	
LOVELACE & ASSOCIATES Land Surveying & Consulting 1000 S. 1st Street, Suite 100, Jackson, Missouri 64501 Phone: (816) 341-0000 Fax: (816) 341-0001		JAMES L. MINOR, MISSOURI JACKSON COUNTY, MISSOURI					

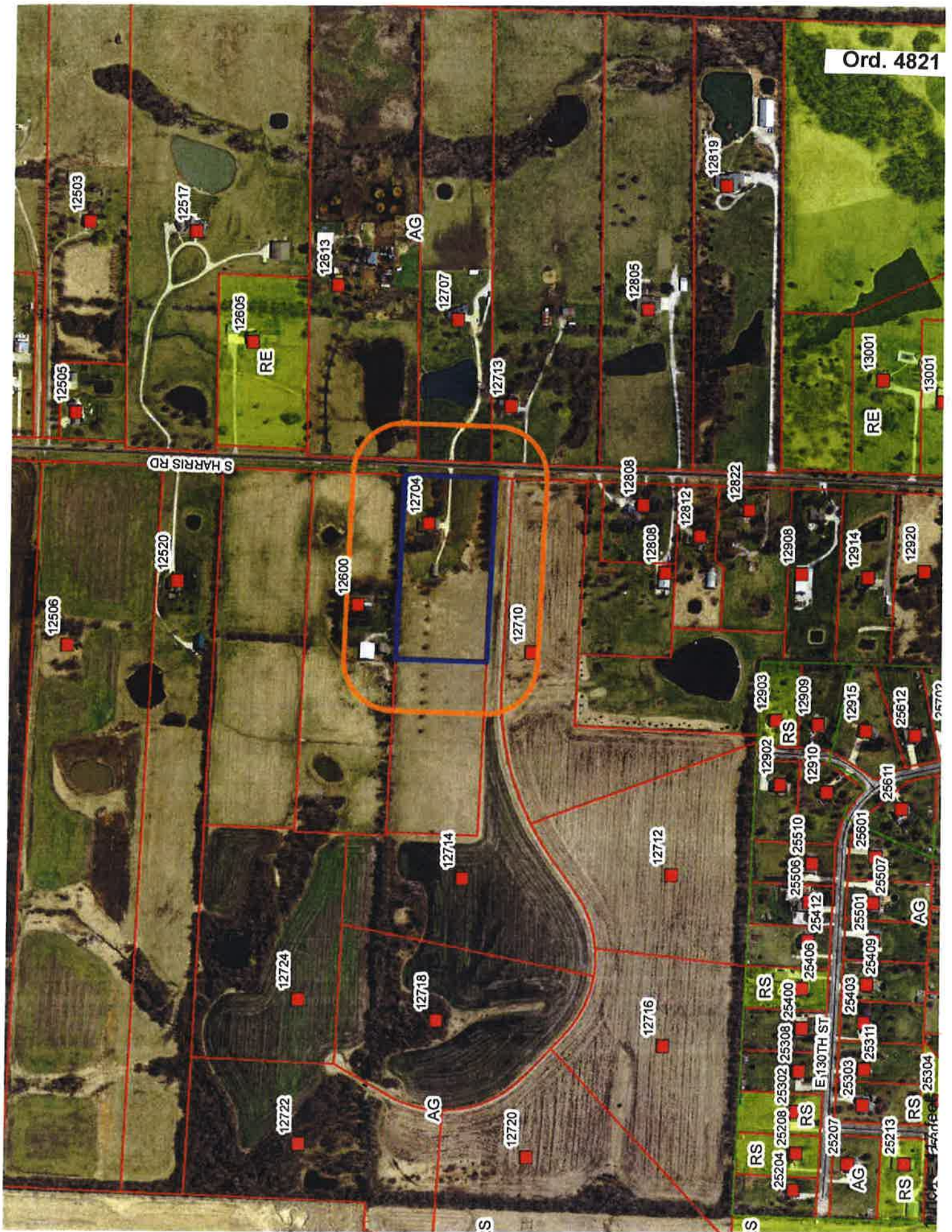


Ord. 4821



1 inch = 200 feet







**JACKSON COUNTY, MISSOURI  
APPLICATION FOR CHANGE OF ZONING**

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**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- 2016-527

Date filed 12-16-15 Date of hearing 1-21-16

Date advertised 1-6-15 Date property owners notified 1-6-15

Date signs posted 1-6-15

Hearings: Heard by PC Date 1-21-16 Decision \_\_\_\_\_

Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

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**BEGIN APPLICATION HERE:****1. Data on Applicant(s) and Owner(s):**

- a. Applicant(s) Name: JAMES E. & MARY M. MCCOY
- Address: 12704 HARRIS RD, LEE'S SUMMIT, MO 64086
- Phone: \_\_\_\_\_
- b. Owner(s) Name: SAME AS ABOVE
- Address: \_\_\_\_\_
- Phone: \_\_\_\_\_
- c. Agent(s) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

- d. Applicant's interest in Property: OWNER
2. General location (Road Name) HARRIS ROAD ± 2,800 FEET SOUTH OF 50 HIGHWAY
3. Present Zoning AG Requested Zoning RR
4. AREA (sq. ft. / acres) 10.07 ACRES
5. Legal Description of Property: (Write Below or Attached 9 )  
ATTACHED
6. Present Use of Property: HOME SITE
7. Proposed Use of Property: HOME SITE
8. Proposed Time Schedule for Development: NO DEVELOPMENT TO TAKE PLACE
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 LEE'S SUMMIT
- b. Sewage disposal SEPTIC
- c. Electricity KCP&L
- d. Fire and Police protection PRAIRIE
12. Describe existing road width and condition: PAVED ROAD IN GOOD CONDITION

13. What effect will proposed development have on existing road and traffic conditions? NONE, NO NEW HOME SITES BEING ADDED

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)

James F. McCoy  
Mary M. McCoy

12/16/15

12/16/15

Applicant(s):

James F. McCoy  
Mary M. McCoy

12/16/15

12/16/15

Contract Purchaser(s):

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

STATE OF Missouri

COUNTY OF Jackson

On this 15<sup>th</sup> day of Dec, in the year of 2015, before me  
the undersigned notary public, personally appeared Mary and James McCoy

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

Pamela Vanmeter

Commission Expires 2/5/18

