# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office: Rex/Ord No.: 4900

Sponsor(s): None

Date:

October 3, 2016

SUBJECT			
SUBJECT	Action Requested		
	Resolution		
	○ Ordinance     ○ Ord		
	Project/Title: Glen Hostetter Case No. RZ-2016-535		
BUDGET			
INFORMATION	Amount authorized by this legislation this fiscal year:	\$	
To be completed	Amount previously authorized this fiscal year:	\$	
By Requesting	Total amount authorized after this legislative action:	\$	
Department and	Amount budgeted for this item * (including	\$	
Finance	transfers): Source of funding (name of fund) and account code	FROM ACCT	
	number; FROM / TO	TROM TIEST	
		TO ACCT	
	* If account includes additional funds for other expenses, total budgete	ed in the account is: 3	
	OTHER FINANCIAL INFORMATION:		
	No budget impact (no fiscal note required)		
	Term and Supply Contract (funds approved in the ar	nnual budget); estimated value a	and use of contract:
	Department: Estimated Use: \$		
	Prior Year Budget (if applicable):		
	Prior Year Actual Amount Spent (if applicable):		
PRIOR	Prior ordinances and (date):		
LEGISLATION	Prior resolutions and (date):		
CONTACT	Description of the property of	Isament Division 881 4577	
INFORMATION	RLA drafted by Randy Diehl, Administrator, Deve	in the second se	s to District RR
REQUEST	Requesting a change of zoning from District AG (Agricultural) on 39.87 ± acres to District RR		
SUMMARY	(Residential Ranchette). The proposed land use is a seven lot subdivision. The 39.87 ± acres are located		
	in Sections 7 & 8, Township 50, Range 30, Jackson County, Missouri, along the West side of Douglas Road North of Allen Road, and specifically described on Attachment to RLA-1, and requesting		
	Road North of Allen Road, and specifically described approval of the preliminary plat of "Hostetter Estate	tos" creating a seven (7) lot r	esidential subdivision
	approval of the preliminary plat of "Hostetter Estat	les creating a seven (7) for i	esidential subdivision
	Staff recommends approval because the change in	zoning is consistent with th	e intent and purpose of
	the County Plan and complies with the Unified De	velonment Code requiremen	ts.
	The Jackson County Plan Commission voted 8 to 6	) to recommend APPROVAL	for: The rezoning
	(July 21, 2016), and 6 – 0 for the Preliminary Plat	(9-15-2016) to the County L	egislature.
CLEARANCE	(July 21, 2010), and o o for the first		
CLEARANCE	Tax Clearance Completed (Purchasing & Departme	ent)	
	Dusings License Verified (Purchasing & Departme	ent)	ec )
	Chapter 6 Compliance - Affirmative Action/Prevail	ling Wage (County Auditor's O	mice)
ATTACHMENTS	See Attachment to RLA-2		
REVIEW	Department Director:		Date:
	Brian D. Gaddie, P.E. Director of Public Works		
4	Plai		
	Finance (Budget Approval):		Date:
	If applicable		

Division Manager:  Mour four Brown  County Counselor's office:	Date: 9/28//6 Date:

Fiscal Information (t	to be verified by	Budget Office in	Finance De	partment)
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	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 a funds for specific purchases will, of r	nd does not obligate Jackson County of the determined as each using	to pay any specific amount. The availability of agency places its order.
$\boxtimes$	This legislative action does not impact	et the County financially and does not	require Finance/Budget approval.

## **ATTACHMENT TO RLA-2:**

## <u>Attachments</u>

Plan Commission Public Hearing Summary from July 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
Copy of Preliminary Plat

RE: RZ-2016-535

## Randy Diehl gave the staff report:

Applicant:

Glen Hostetter

Location:

West side of Douglas Road North of Allen Road, Sections 7 & 8, Township

50, Range 30

Area:

39.87 ± acres

Request:

Change of zoning from District AG (Agricultural) to District RR

(Residential Ranchette)

Purpose:

Applicant is requesting the change in zoning for a seven lot subdivision.

## Current Land Use and Zoning in the Area:

The zoning in the immediate area is mix of Agricultural and Residential.

Land uses are single family residences and agricultural uses. Property sizes within the area range from around 2 acres to large acreage tracts.

Prior to 2013, this area was completely within the Rural Development Tier (RDT). At that time the minimum lot size was 5 acres.

With the adaption of amended Development Plan, Building A Vision Together in 2012 and implemented in 2013, the development tiers map was adjusted, and one of the policies was that there would be no new lots less than 10 acres in size in the Rural Development Tier.

Since 2013, staff has had at inquiry's relating to the division within the RDT. All of the requests were well within the confines of the Rural Tier. This request is based on the proximity of the Suburban Development Tier (SDT). The subject property is on the line between the Rural and Suburban Tiers.

The applicant owns approximately 40 acres and is wishing to divide off seven lots approximately 5.6 apiece.

Staff looked at the development around the proposed lot.

There are 7 subdivisions containing 7 lots or more in the vicinity.

Prairie Creek Estates, a 9 lot subdivision created in 1993, District AG. 2 to 7 acres

Juanita Estates, 7 lot subdivision, created in 1995, District AG. 5 to 7 acres

Rogers Ridge, 7 lot subdivision, created in 2003, District RR. 5 acres

Woods Country Acres, 7 lot subdivision, created 1991, District AG. 4 to 11 acres

J E Jones Estates, 8 lot subdivision, created 1975, District AG. 3 to 10 acres

Hoover Estates 1<sup>st</sup> & 2<sup>nd</sup>, 9 lots, created 2006 & 2007, District RR. 5 to 8 acres

There are a few minor subdivisions containing lots 4 to 5 acres in size, in either District AG. RR or RE

Since this is a major subdivision, the Preliminary Plat requires approval as well. However we are still waiting on revisions from the surveyor in order for us to complete our review. One of our concerns is the two natural drainage areas. These fall under Chapter 241 of the County Code, Erosion and Sediment Control Order. These will be No Build Zones. This is a buffer zone, 150 feet on each side of the middle of the drainage channel. This will remain as undisturbed land. No structures will be allowed in these areas. This mirrors the adjacent plats which also contain these zones.

Mr. Tarpley: What water district?

Mr. Diehl: These will be served by Water District No. 16. The water line runs south from Rogers Road on the East side of Douglas Road and runs and runs down Allen Road. The City of Independence serves the area South of Allen Road. We spoke with the City, they will not be the providers from this development.

Mr. Tarpley: Where is the water tower?

Mr. Diehl: There is a tower a couple of miles to the west of this location. Our review of the environmental concerns (on-site waste water) is pending the revisions from the surveyor. I contacted Fort Osage Fire District, they did not have any concerns. These lots meet the minimum lot width of 250 feet and all are approximately 5.5 acres in size.

Mr. Crawford: Do they all have sufficient site distance?

Mr. Diehl: Lot 7 has some limitations for a driveway location. All the other lots appear to have full access along the road.

Mr. Antey: Does the 150 foot setback apply to driveways?

Mr. Diehl: No, driveways are allowed within the No Build Zone.

Mr. Crawford: What's the width of Douglas Road?

Mr. Diehl: It is 40 feet wide. We will dedicate extra right of way of the West side with the recoding of the plat.

#### Recommendation:

Staff feels the request is within the character and spirit of the surrounding area. This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2016-535.

Staff is looking favorably at the plat, but require that we pick this back up at the next meeting so we can time to review the pending changes from our comments.

Mr. Antey: Are there any questions for Randy?

Is the applicant here?

Glen Hostetter, 27702 E. Blue Mills Road, Sibley

Mr. Antey: Do you have anything to add to Randy's report?

Mr. Hostetter: I have the concerns regarding the drainage as well. It all the South end as stated, and should be doable.

Mr. Antey: Is it your desire to go ahead with the rezoning and come back to the plat later?

Mr. Hostetter: That will be fine.

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

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

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

Dan Hanna, 3007 N. Elsea Smith Road, Buckner. My property backs up to where the pond is. My question is what types of homes will be built there? Will there be restrictions if there can be a mobile home, or square footage requirements?

Mr. Antey: That isn't something that we can control. That would be something you need to speak with the applicant about.

Mr. Hostetter: There will be restrictions, I don't want to bring the area down. It's a nice area and I know what this man is talking about.

Dan Scanlon, 27503 E. Rogers Road, Buckner. My property is L shaped on the North side of this, about 7 acres. On May 26<sup>th</sup>, I had drainage come across my property with

some ponding. This year we had mud sliding and problems. This is North of the drainage area shown here (pointing on map). That is a major ditch.

Mr. Antey: These are taken off the FEMA maps?

Mr. Diehl: These are from the State, they are the regulated streams. This is why we want that additional information. This could be an impacted area as well.

Mr. Scanlon: It's about a 40 foot drop after it reaches my property.

Mr. Tarpley: Where does the water go?

Mr. Scanion: It crosses my property.

Mr. Antey: With development you'll get turf grass which will help slow that down and improves versus row crops. The platting review will help determine those areas of protection.

Mr. Antey: Is there anyone else that wishes to speak?

Motion to take under advisement.

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

Discussion under advisement

Mrs. Mershon: Can they plan this and not have seven lots?

Mr. Diehl: There can be some reconfiguration with the layout. As for the number of lots, they are not locked into that number. They are locked into the 5 acres minimum.

Mr. Crawford: They are locked into to because of Development Tier.

Mr. Diehl: Yes, because this is right adjacent to the Suburban Tier, in the Rural Tier, the 5 acre minimum has to be met.

Mr. Tarpley: So we are just approving the rezoning.

Mr. Diehl: Yes, we will be bringing the plat back later for approval.

Motion to approve.

Mr. Tarpley moved to approve RZ-2016-535. Mr. Haley seconded.

Mr. Tarpley Approve
Mr. Gibler Approve
Mr. Haley Approve
Mr. Crawford Approve

Mrs. Mershon Approve
Mrs. Querry Approve
Mr. Akins Approve
Chairman Antey Approve

Motion Carried 8 - 0.

Continuation for Preliminary Plat on September 15, 2016 follows:

Hostetter Estates, a seven lot subdivision on Doulas Road. The rezoning was approved to Residential Ranchette.

We did receive the information we were needing to complete our review. After reviewing we still have concerns with the buildable areas on the South portion of the development. After meeting with the applicant yesterday, we are confident that we can work with him and his surveyor in order to finalize a layout that will accommodate supporting homes and waste water systems. It's doable, he needs work with his surveyor and come up with some layouts for us to evaluate. This we can bring back as an final plat for approval.

This pertain to the Erosion and Soil ordinance setbacks that are required. These are not floodplains, these are No Build Zones. There are protection of the drainage areas that feed into the flood hazard areas.

Being in the Rural Development Tier, flags lots will be allowed.

Mr. Antey: So with the approval of the preliminary this includes any future additions, deletions, or correction through the staff review.

Mr. Diehl: Exactly

Mr. Tarpley moved to approve RZ-2016-535. Mrs. Mershon seconded.

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

Motion Carried 6 – 0.

#### STAFF REPORT

PLAN COMMISSION July 21, 2016

RE: RZ-2016-535

Applicant:

Glen Hostetter

Location:

West side of Douglas Road North of Allen Road, Sections 7 & 8, Township

50, Range 30

Area:

39.87 ± acres

Request:

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(Residential Ranchette)

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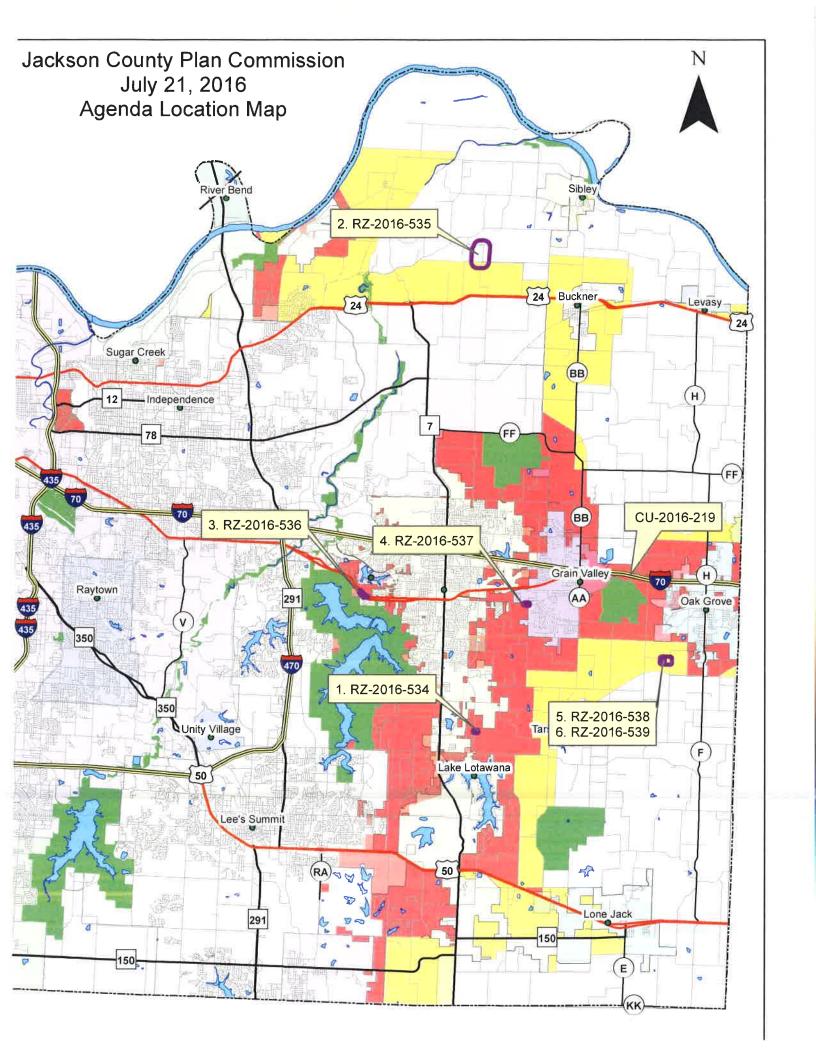
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#### Recommendation:

Staff feels the request is within the character and spirit of the surrounding area. This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2016-535.

Respectfully submitted,

Randy Diehl Administrator

Planning and Development Division

Plan Commission July 21, 2016 RZ-2016-535

**Applicants / Property Owners:** 

08-440-01-15, 08-500-03-04 Hostetter Greg 27702 E Blue Mills Road Sibley MO 64088

## Certified Mail – Return Receipt Property Owners within 1000 feet

08-500-02-08-00-0-00-000
ARCHER SCOTT M & LORI J
27706 E ROGERS RD
BUCKNER MO 64016

08-800-02-03-00-0-00-000 BRISON DAVID L & SHERRY

08-440-01-02-00-0-0-00-000 EASTER MARK A & ALLEN DARCI 27307 E ROGERS RD BUCKNER MO 64016

08-500-02-09-00-0-00-000 ESSIG CLARENCE J & WANDA 27900 E ROGERS RD BUCKNER MO 64016

08-440-01-05-00-0-000 HIPPENSTEEL ROBERT H & MARY I 27201 E ROGERS RD BUCKNER MO 64016

08-410-03-06-00-0-00-000 JONES GARY 27210 E ROGERS RD BUCKNER MO 64016 08-900-01-42-00-0-000 BEDSWORTH SHERRY D-TR 2909 N ELSEA SMITH RD BUCKNER MO 64016

08-900-01-21-00-0-000 BROWN JOSEPH M & LINDA L P O BOX 560 BUCKNER MO 64016

08-440-01-04-00-0-00-000 EASTER MARK A & KAREN D 27225 E ROGERS RD BUCKNER MO 64016

08-440-01-14-00-0-00-000 HANNA DANIEL R & SANDRA K 3007 N ELSEA SMITH RD BUCKNER MO 64016

08-500-02-07-00-0-00-000 HOPKINS AUBREY S III & VICKI L 27606 ROGERS RD BUCKNER MO 64016

08-900-01-36-00-0-00-000 MCCORMICK BRENT L 26301 BUNDSCHU RD INDEPENDENCE MO 64056 08-800-02-02-00-0-000 BRISON DAVID L & SHERRY BROWN RONALD 27811 E ALLEN RD BUCKNER MO 64016

08-410-03-05-00-0-0-000 DAVIS CHARLES R III & SONDRA J 18013 REDWOOD DR INDEPENDENCE MO 64056

08-500-03-08-00-0-000-000 ENLOE LARRY 3318 N DOUGLAS RD BUCKNER MO 64016

08-800-02-02-00-0-0-000 HANSON CLINT & MARI 2903 N HOOVER RD BUCKNER MO 64016

08-800-02-07-00-0-000 HORTON JANET L 2821 N HOOVER RD BUCKNER MO 64016

08-440-01-09-00-0-00-000 ONEAL RONNIE G & SANDRA J 3211 N ELSEA SMITH RD BUCKNER MO 64016 08-440-01-10-00-0-00-000 ONEAL RONNIE G & SANDRA J 08-410-03-03-01-1-00-000 OWINGS ALLEN G & SUSAN 29308 E HUNTER RD SIBLEY MO 64088

08-800-02-16-00-0-000 OWNBEY CHRISTOPHER D & JERALDI 2920 HOOVER RD BUCKNER MO 64016

08-440-01-12-00-0-000
PETERSON JOHN E & ALLEN MELANIE L
3019 ELSEA SMITH RD
BUCKNER MO 64016

08-900-01-20-00-0-000
RAINES DAVID L & DEBRA L
2918 N HOOVER RD
BUCKNER MO 64016

08-440-01-06-00-0-00-000 ROBERTS SCOTT A & PEGGY R 27101 E ROGERS RD BUCKNER MO 64016

08-440-01-01-00-0-000 SCANLON DANIEL JOHN & DEBRA S 27503 E ROGERS RD BUCKNER MO 64016

BUCKNER MO 64016

08-800-02-04-00-0-00-000 SCHULMEISTER ROY E LOUISE ANN 2921 N HOOVER RD BUCKNER MO 64016 08-900-01-33-00-0-00-000 SMITH CHARLES D & TONI J 2824 N HOOVER RD BUCKNER MO 64016 08-900-01-39-00-0-00-000 STATHAM CHARLES FREDERICK II 27800 E US 24 HWY BUCKNER MO 64016

08-440-01-11-00-0-00-000 STEPHENS MARK A & VICKIE L 3105 N ELSEA SMITH RD BUCKNER MO 64016

08-410-03-07-00-0-000 VILLEGAS JOSE A & GONZALEZ MARCELA 27150 E ROGERS RD BUCKNER MO 64016

08-440-01-08-00-0-00-000
WESSEL JACK L & LINDA TRUSTEES
3307 N ELSEA SMITH RD
BUCKNER MO 64016

08-900-01-41-00-0-00-000 WHARTON ZACHARY SAMUEL 2913 N ELSEA SMITH RD BUCKNER MO 64016

08-500-04-03-00-0-00-000 WINFREY EDWIN E & CYNTHIA L 4105 N JOHNSON RD SIBLEY MO 64088



## 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 DE CO	NAME OF THE PARTY	
	OMPLETED BY OFFICE PERSONNEL ONLY:	
	Case Number RZ- 2016-535	
Date filed_	Date of hearing 7-21-16	
Date advert	tised 7-6-16 Date property owners notified 7-6-16	
Date signs p	posted 7-6-16	
Hearings:	Heard by PC Date 7-21-16 Decision	
	Heard byDateDecision	
	Heard by Date Decision	
	Address: 203 NW EXECUTIVE WAY	
	LEE'S SUMMIT, MISSOURI 64063	
	Phone: (816) 246-5050	
b.	Owner(s) Name: GLEN HOSTETTER	
	Address: 27702 EAST BLUE MILLS RAD, SIBLEY, MO 64080	
	Phone: (816) 506 - 0888	
c.	Agent(s) Name:	

	Address:		
	Phone:		
	d. Applicant's interest in Property: NONE		
2.	General location (Road Name) North Douglas Road AND ALLEN ROAD		
3.	Present Zoning AG Requested Zoning RR		
4.	AREA (sq. ft. / acres) 1,736,661 SQUARE PEET / 39.87 ACRES		
5. Legal Description of Property: (Write Below or Attached 9)			
	SEE ATTACHED		
6.	Present Use of Property: PASTURE		
7.	Proposed Use of Property: RESEDENTEAL		
8.	Proposed Time Schedule for Development:		
9,	What effect will your proposed development have on the surrounding properties?  WELL ADD 7 RESIDENTIAL BULLDINGS		
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		
	b. Sewage disposal		
	c. Electricity		
	d. Fire and Police protection		
12.	Describe existing road width and condition: Douglas Road - 30'		

ALLEN	ROAD	_	45

13.	What effect will proposed development have on existing road and traff
	conditions?
l <b>4.</b>	Are any state, federal, or other public agencies approvals or permits required for the propose
	development?
	If so, describe giving dates of application and status (include permit numbers and copies of same
	if issued):

R: " NI :

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)	Glen Hotelter Date	5-4-16
Applicant(s):	ROBERT J. ANDERSON	5/4/16
Contract Purchaser(s	):	
STATE OF MTSS COUNTY OF JACK		
On this 4/4 n the undersigned notary	day of May, in the year of public, personally appeared Glea 1-10.	of <u>2014</u> , before me ste He
	the person(s) whose names(s) is/are subscribed the/they executed the same for the purposes therein	
In witness whereof, I h	ereunto set my hand and official seal.	
Notary Public	setted Ocean Commission Ex	pires 7/15/18

JEANETTE K.DENNIS
Notary Public - Notary Seel
STATE OF MISSOURI
Jackson County
My Commission Expires: 7/15/2018
Commission # 14431971

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)	
Applicant(s):  Thustee of the middle A. the Contract Purchaser(s)	Les Hoteller (Trustee) 7-1-16  Le Elmen T. Abotetter of Irust.
STATE OF Miss	
On this the undersigned notary	day of July, in the year of 2016, before me
acknowledged that he/sl	he person(s) whose names(s) is/are subscribed to the within instrument and he/they executed the same for the purposes therein contained.
Notary Public	Commission Expires

