

REQUEST FOR LEGISLATIVE ACTION


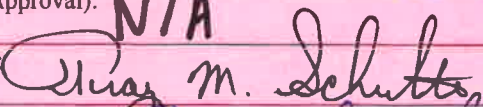


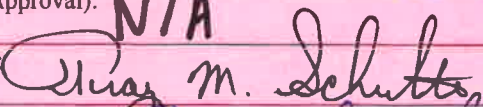


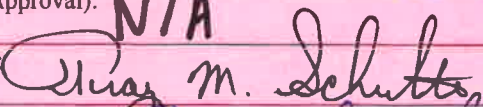

Version 6/10/19

Completed by County Counselor's Office:

Res/Ord No.: 5345

Sponsor(s): N/A

Date: June 1, 2020

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Teddy and Vicki Rhuems - RZ-2020-581</u>										
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" style="width: 100%;"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td style="text-align: right;">\$</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 style="text-align: right;">\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number:</td> <td style="text-align: right;">\$</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: Randy Diehl, Administrator, Development Division, 881-4577										
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on a 16.16 ± acre tract to District RE (Residential Estates). The purpose is create three single family residential lots at 2016 S. Owens School Road, Jackson County, Missouri, 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 held a public hearing on May 21, 2020 and accepted testimony pertaining to the rezoning request. The 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)										
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" style="width: 100%;"> <tr> <td>Department Director: Brian D. Gaddie, P.E. Director of Public Works </td> <td>Date: 5-22-20</td> </tr> <tr> <td>Finance (Budget Approval): <i>N/A</i> <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: </td> <td>Date: 5-26-2020</td> </tr> <tr> <td>County Counselor's Office: </td> <td>Date: 5/27/20</td> </tr> </table>	Department Director: Brian D. Gaddie, P.E. Director of Public Works 	Date: 5-22-20	Finance (Budget Approval): <i>N/A</i> <i>If applicable</i>	Date:	Division Manager: 	Date: 5-26-2020	County Counselor's Office: 	Date: 5/27/20		
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County Counselor's Office: 	Date: 5/27/20										

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

Attachments

Plan Commission Public Hearing Summary from May 21, 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

Preliminary Plat

STAFF REPORT

PLAN COMMISSION
May 21, 2020

RE: RZ-2020-581

Applicant: Teddy & Vicki Rhuems

Location: 2016 S Owens School Road

Area: 16.16 ± acres

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

Purpose: Applicant is requesting the change in zoning to create three single family residential lots.

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. There are residential zonings and subdivisions created after the implementation of the Unified Development Code, as well as a few created prior to the UDC requirements. These properties are within District AG. To the west on the south side of Flynn Road, is a Light Industrial Zoning. This was rezoned by the County Court in 1965. This is a wrecking and salvage business.

There are a few platted developments within the proximity of the subject property.

In 2017 the applicant rezoned and platted 3.00 acres of their property into a one lot subdivision. They are wishing to subdivide the remaining 16.16 ± acres, which contain a main residence and an accessory residence, into three lots.

The main residence will be on Lot 3. The accessory dwelling will then be placed on its own lot (Lot 4), removing its status an accessory dwelling.

Lot 2 is for future construction on a residence.

County Plan:

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

The Residential Suburban District (RE) is appropriate for the Urban Development Tier.

Recommendation:

Staff recommends APPROVAL of RZ-2020-581

Mr. Antey: Are there any questions for Randy?

Mr. Antey: which lots are which?

Mr. Diehl: Lot 2 is at the south side of the plat. Lot 3 is in the middle. It contains the main residence. Lot 4 is on the north side and it contains the accessory residence.

Mr. Antey: Lot 4 is very unique in shape.

Mr. Diehl: Yes, that is in order to achieve to 3 acre minimum.

Mr. Tarpley: What about site distance?

Mr. Diehl: Site distance is good. The area is relatively flat.

Mr. Antey: What about the numbering?

Mr. Diehl: This is the 2nd Plat. Lot 1 was the rezoning and platting in 2017.

Mr. Hilliard: What about the floodplain?

Mr. Diehl: The rear (west) portion of the lots are in the floodplain.

Mr. Antey: Is the applicant here?

Vicki Rhuems: 2016 S Owens School Road.

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

Ms. Rhuems: I do not.

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. Hilliard seconded.

Discussion under advisement

RZ-2019-581 Mr. Tarpley moved to approve. Mr. Hilliard seconded.

Mr. Tarpley-Approve Ms. Querry-Approve
Mr. Haley-Approve Mr. Hilliard-Approve
Ms. Mershon-Approve Chairman Antey-Approve

Motion Carried 6 – 0

STAFF REPORT

PLAN COMMISSION

May 21, 2020

RE: RZ-2020-581

Applicant: Teddy & Vicki Rhuems

Location: 2016 S Owens School Road

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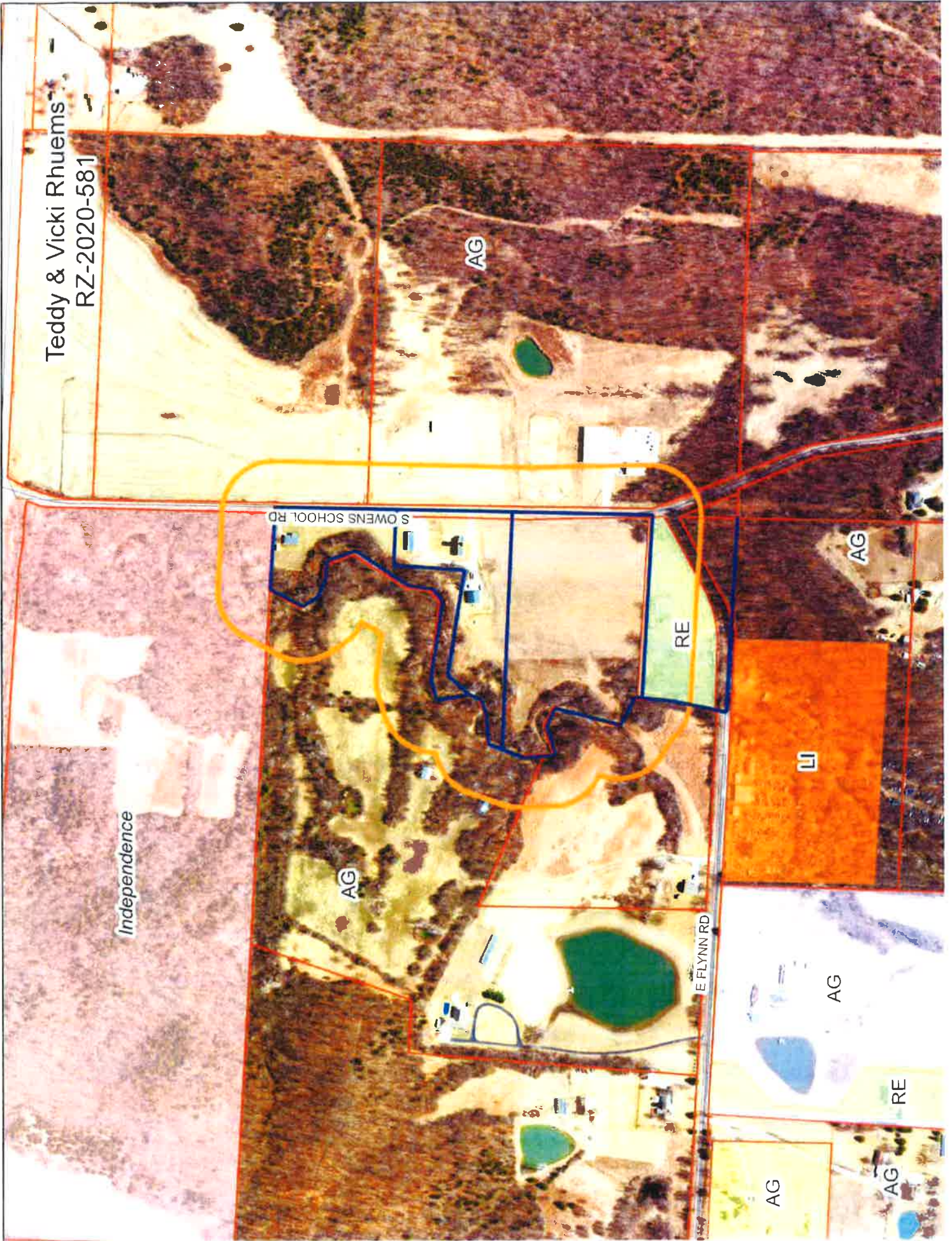
Recommendation:

Staff recommends APPROVAL of RZ-2020-581

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Teddy & Vicki Rhuems
RZ-2020-581



Independence

S OWENS SCHOOL RD

E FLYNN RD

AG

AG

RE

LI

AG

AG

RE

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AG

Plan Commission May 21, 2020
RZ-2020-581

Property Owners Within 185 feet

Name	Name	Address	City	State	Zip
23-400-01-01-00-0-00-000	WHITE DAVID L	4940 S BRITTANY DR	BLUE SPRINGS	MO	64015
23-500-02-02-0-00-000	HODGES PROPERTIES LP	30605 EASY ST	GRAIN VALLEY	MO	64029
23-500-02-03-00-0-00-000	OWENS SCHOOL ROAD LLC	3215 FALLBROOK CT	BLUE SPRINGS	MO	64015
23-500-02-05-00-0-00-000	OWENS SCHOOL ROAD LLC	3215 FALLBROOK CT	BLUE SPRINGS	MO	64015
23-400-01-03-01-0-00-000	SCHWEER JOHN J & SHERRY F	26908 E FLYNN RD	INDEPENDENCE	MO	64057
23-400-01-03-02-0-00-000	SCHWEER SHERRY F COTTEW-TR	26908 E FLYNN RD	INDEPENDENCE	MO	64057
23-400-01-06-00-0-00-000	LADD DALE JR & BREMER KRISTINA	2004 S OWENS SCHOOL RD	INDEPENDENCE	MO	64057
23-400-01-05-00-0-00-000	RHUEMS TEDDY L & VICKI R	2016 S OWENS SCHOOL RD	INDEPENDENCE	MO	64057
23-400-01-04-01-0-00-000	RHUEMS TEDDY L & VICKI R	2016 S OWENS SCHOOL RD	INDEPENDENCE	MO	64057



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

May 6, 2020

RE: Public Hearing: RZ-2020-581
Teddy & Vicki Rhuems

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 Teddy & Vicki Rhuems for a change of zoning from District AG (Agricultural) on a 16.16 ± acre tract to District RE (Residential Estates). The purpose is to create three single family residential lots in Section 07, Township 49, Range 30, at 2016 S Owens School Road, Jackson County, Missouri.

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, May 21, 2020 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

**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- 2020-581
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: Teddy Rhuems
Address: 2016 S. Owens School Road
Independence, Mo. 64057
Phone: 816-550-9755
 - b. Owner(s) Name: Same as above
Address: _____
Phone: _____
 - c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: Property owner

2. General location (Road Name) 2016 S. Owens School Road

3. Present Zoning _____ Requested Zoning _____

4. AREA (sq. ft. / acres) 16.16 acres +/-

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

See attached deed

6. Present Use of Property: Residential

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: now

9. What effect will your proposed development have on the surrounding properties?

None is the same as surrounding properties

10. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? Yes

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 Water District No. 16

b. Sewage disposal Septic system

c. Electricity KCP&L

d. Fire and Police protection Central

12. Describe existing road width and condition: Standard asphalt surface road

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? 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)

Teddy Rhuems
Oliver Rhuems

1-3-2020

1.3.20

Applicant(s):

Contract Purchaser(s):

STATE OF MISSOURI

COUNTY OF JACKSON

On this 12th day of December, in the year of 2019, before me the undersigned notary public, personally appeared Teddy Rhuems

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.

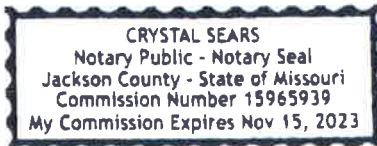
In witness whereof, I hereunto set my hand and official seal.

Notary Public

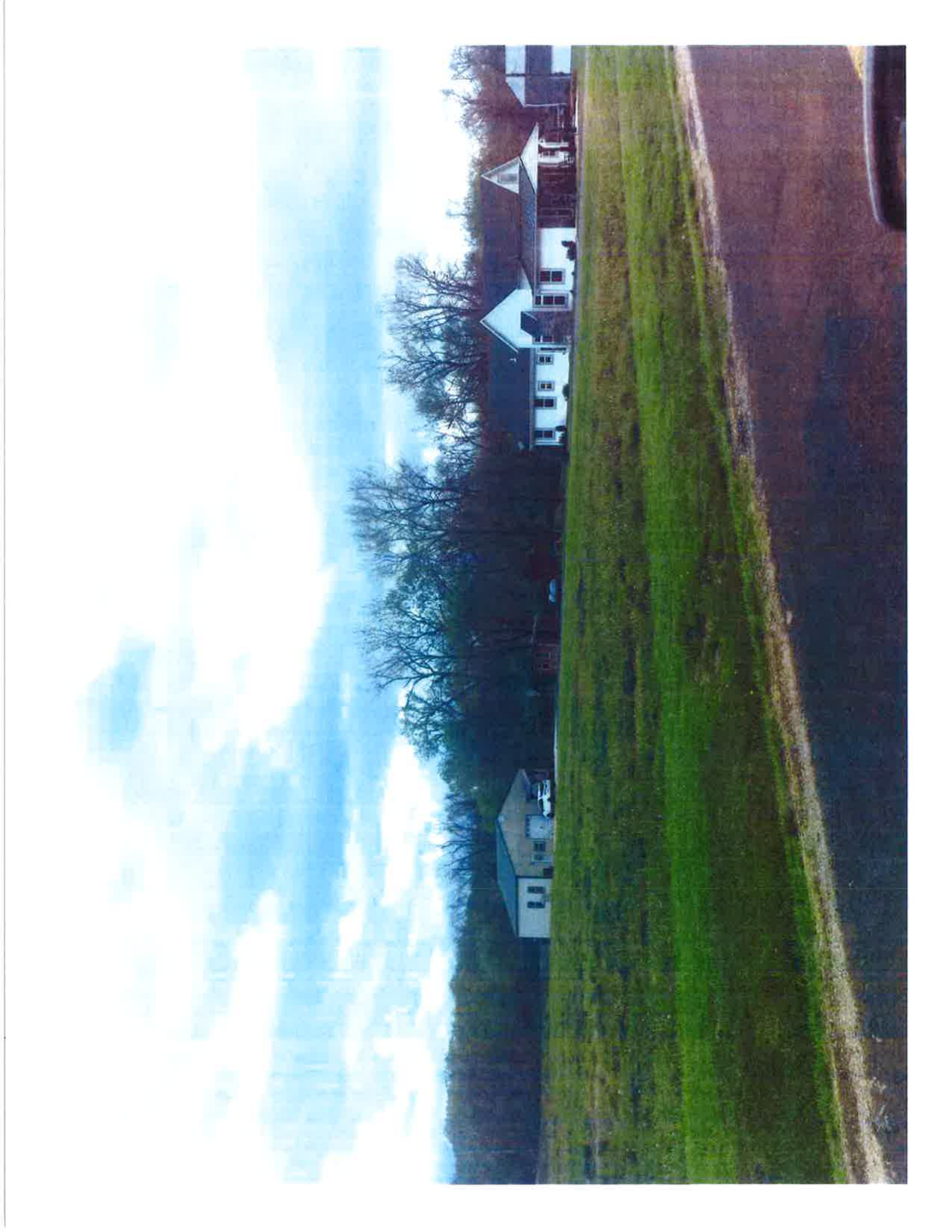
Crystal Sears

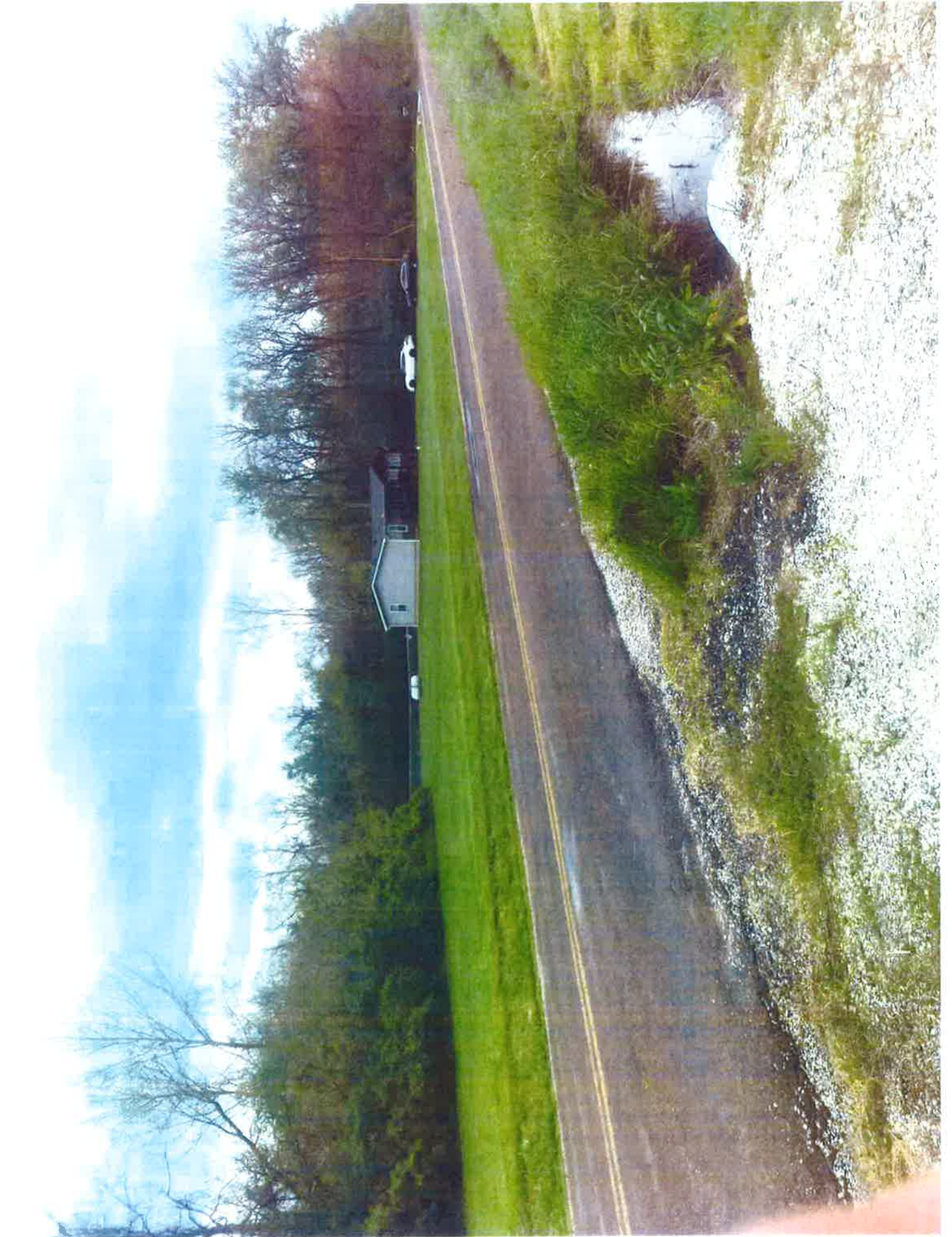
Commission Expires

Nov 15, 2023

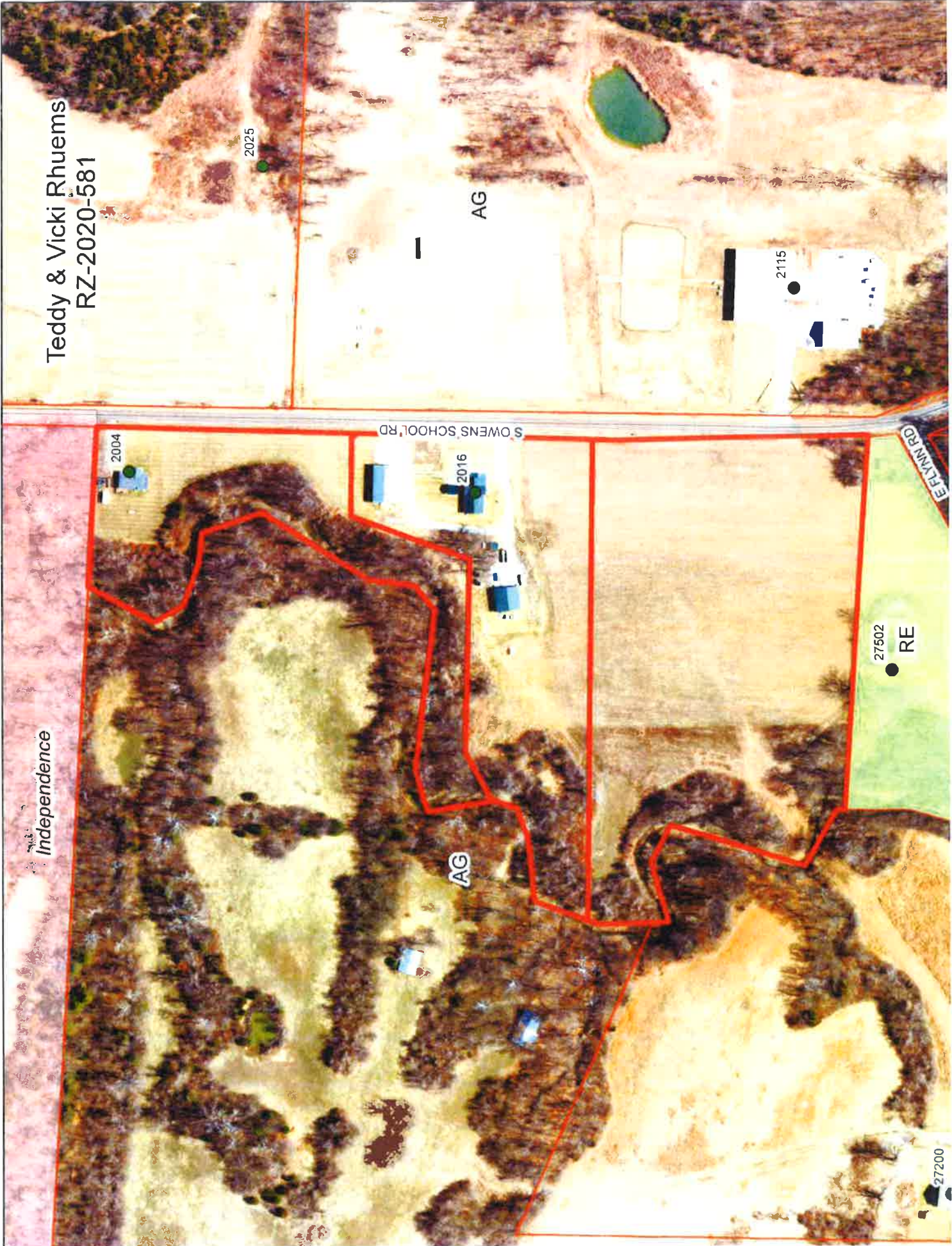








Teddy & Vicki Rhuems
RZ-2020-581



Independence

S OWENS SCHOOL RD

ELM RD

2004

AG

2016

2025

AG

2115

27502

RE

27200

