

REQUEST FOR LEGISLATIVE ACTION


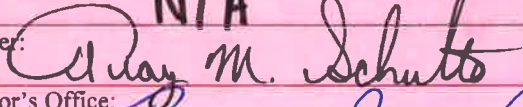
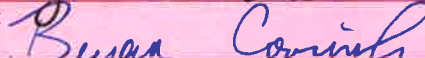

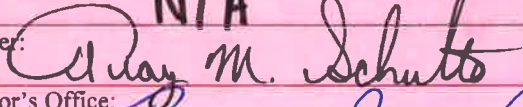
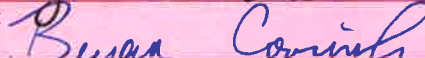

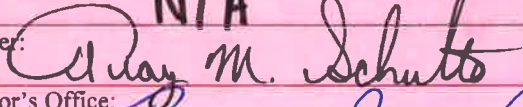
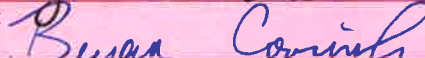
Version 6/10/19

Completed by County Counselor's Office:

Res/Ord No.: 5346

Sponsor(s): N/A

Date: June 1, 2020

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: Jason & Tanya Hailey - RZ-2020-580										
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:	\$
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:	\$										
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 9.668 ± acre tract to District RR (Residential Ranchette). The purpose is to decrease the building setback requirements for future construction at 5907 S. Stillhouse 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>If applicable</i> N/A</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>If applicable</i> N/A	Date:	Division Manager: 	Date: 5-26-2020	County Counselor's Office: 	Date: 5/27/20		
Department Director: Brian D. Gaddie, P.E. Director of Public Works 	Date: 5-22-20										
Finance (Budget Approval): <i>If applicable</i> N/A	Date:										
Division Manager: 	Date: 5-26-2020										
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, 2020

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

STAFF REPORT

PLAN COMMISSION
May 21, 2020

RE: RZ-2020-580

Applicant: Jason & Tanya Hailey

Location: 5907 S Stillhouse Road

Area: 9.66 acres

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

Purpose: Applicant is requesting the change in zoning to reduce building line setbacks for future construction.

Current Land Use and Zoning in the Area:

The zoning in the immediate area is Agricultural.

Land use is single family residences.

The applicant is wishing to build a 30 x 65 garage 20 feet from the north property on the side of the residence. The residence is 50 feet from the property line. The side setbacks for district AG is 30 feet.

Placement on the South side of the home would require additional excavation into hillside.

Staff looked at the possibility of a variance to accommodate the setback issue. Variance requested arises from a condition which is unique and particular to the property in question, and not created by an action of the owner or applicant.

Staff felt that a hardship was not warranted since the location of the home was the decision of the owner, and the size of the tract does render it a con-conforming status.

Therefore, a request for rezoning the property would be the only solution to reduce the minimum building line setbacks for the tract.

This would bring the side RR setbacks are: 40' front, 40' rear yard, 20' side.

In 2005 a similar scenario was presented for consideration where an unplatted tract was rezoned to District RR to accommodate a mortgage lender who required that the property be zoned residential.

A favorable recommendation was approved by the Commission and the County Legislature granted the request December of 2005. (Ordinance 3705).

County Plan:

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

The Residential Ranchette District (RR) is appropriate for the Urban Development Tier.

Recommendation:

Staff recommends APPROVAL of RZ-2020-580

Mr. Antey: Are there any questions for Randy?

There were no questions from the Commission members

Mr. Antey: Is the applicant here?

Jason Hailey, 5907 S Stillhouse Road.

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

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. Hilliard seconded.

Discussion under advisement

RZ-2019-580 Mr. Tarpley moved to approve. Mr. Hilliard seconded.

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

Motion Carried 6 – 0

STAFF REPORT

PLAN COMMISSION

March 19, 2020

RE: RZ-2020-580

Applicant: Jason & Tanya Hailey

Location: 5907 S Stillhouse Road

Area: 9.66 acres

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

Purpose: Applicant is requesting the change in zoning to reduce building line setbacks for future construction.

Current Land Use and Zoning in the Area:

The zoning in the immediate area is Agricultural.

Land use is single family residences.

The applicant is wishing to build a 30 x 65 garage 20 feet from the north property on the side of the residence. The residence is 50 feet from the property line. The side setbacks for district AG is 30 feet.

Placement on the South side of the home would require additional excavation into hillside.

Staff looked at the possibility of a variance to accommodate the setback issue. Variance requested arises from a condition which is unique and particular to the property in question, and not created by an action of the owner or applicant.

Staff felt that a hardship was not warranted since the location of the home was the decision of the owner, and the size of the tract does render it a con-conforming status.

Therefore, a request for rezoning the property would be the only solution to reduce the minimum building line setbacks for the tract.

This would bring the side RR setbacks are: 40' front, 40' rear yard, 20' side.

In 2005 a similar scenario was presented for consideration where an unplatted tract was rezoned to District RR to accommodate a mortgage lender who required that the property be zoned residential.

A favorable recommendation was approved by the Commission and the County Legislature granted the request December of 2005. (Ordinance 3705).

County Plan:

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

The Residential Ranchette District (RR) is appropriate for the Urban Development Tier.

Recommendation:

Staff recommends APPROVAL of RZ-2020-580

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



RZ-2020-580

Jason & Tanya Hailey

Oak Grove

S STILLHOUSE RD

E RD MIZE RD

SW 5 TER

SW WHITE TAIL DR

SW 8 ST

SW EAGLE DR

SW 10 TER

SW 13 ST

SW HAWES LN

SW LONGHORN RD

SW 7 ST

SW 8 TER

SW 9 ST

SW ROBINSON RD

SW DEER RUN RD

DEER RUN

SW 12 ST

SW RED FOX CIR

SW TIMBERLINE RD

SW 15 ST

SW BODCAT S

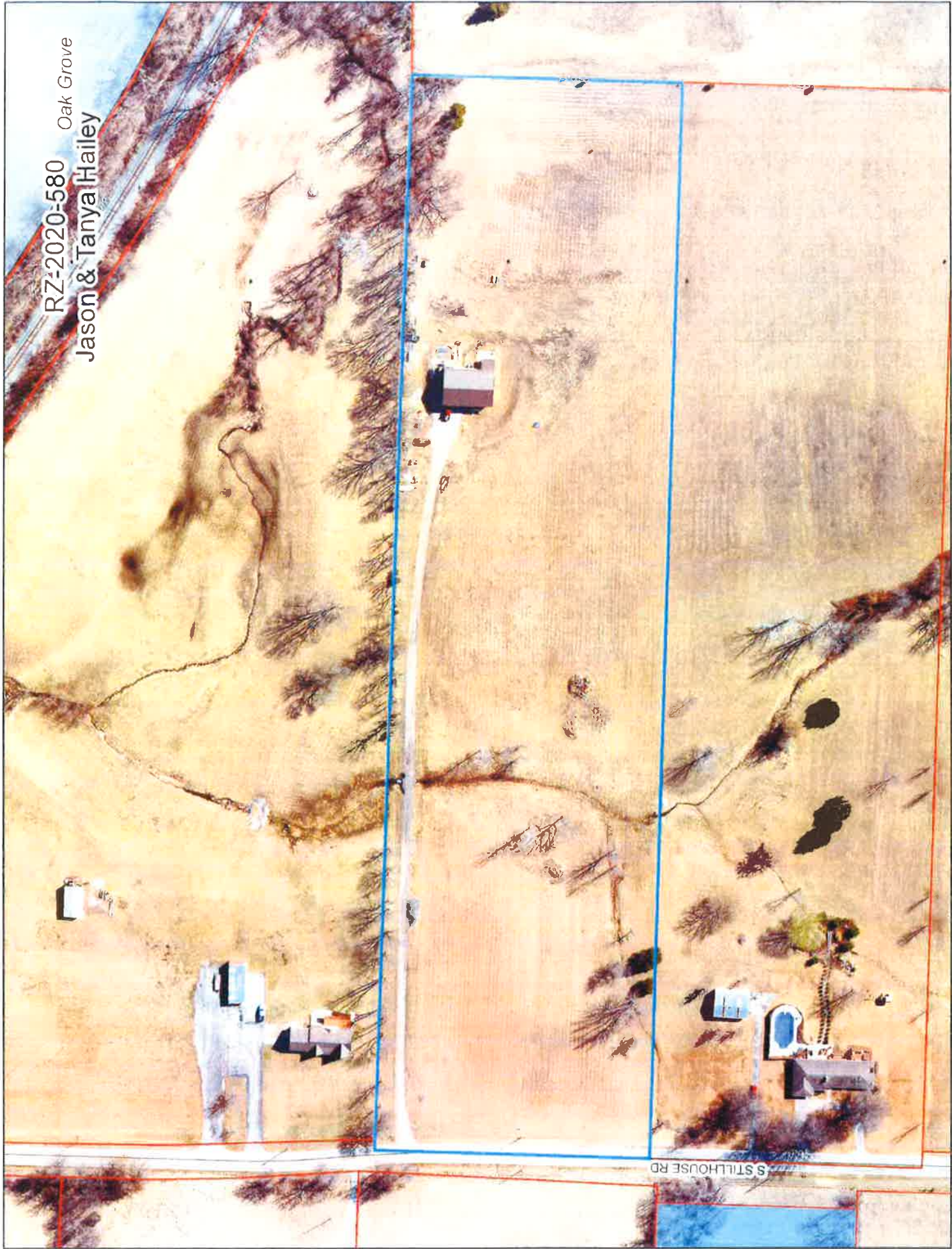
SW 8 TER

SW 5 TER

SW 5 ST

SW 6 ST

RZ-2020-580 Oak Grove
Jason & Tanya Hailey





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 4, 2020

RE: Public Hearing: RZ-2020-580
Jason & Tanya Hailey

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 Jason & Tanya Hailey for a change of zoning from District AG (Agricultural) on a 9.668 ± acre tract to District RR (Residential Ranchette). The purpose is to decrease the building setback requirements for future construction at 5907 S. Stillhouse 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, March 19, 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

Plan Commission March 19, 2020
 RZ-2020-580

Property Owners Within 185 feet

Name	Name	Address	City	State	Zip
38-900-03-09-00-0-00-000	BURNS DAINAN K & KELLY A	5854 S STILLHOUSE RD	OAK GROVE	MO	64075
38-900-03-11-00-0-00-000	ROBBINS RAYMOND B & CATHY J	5825 S STILLHOUSE RD	OAK GROVE	MO	64075
39-300-01-03-01-0-00-000	GURNEY LAND DEVELOPMENT LLC	36606 E R D MIZE RD	OAK GROVE	MO	64075
39-300-02-02-01-0-00-000	DOLAN MARY K	PO BOX 377	OAK GROVE	MO	64075
39-300-02-08-00-0-00-000	MARBLE DONALD STEVEN & BOBBIE JO-TR	6006 S STILLHOUSE RD	OAK GROVE	MO	64075
39-300-02-19-00-0-00-000	DIAZ JOHN C & KIRBY DIAZ CINDY L	5919 S STILLHOUSE RD	OAK GROVE	MO	64075
39-300-02-18-00-0-00-000	HAILEY JASON & TANYA	5907 S STILLHOUSE RD	OAK GROVE	MO	64075

**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-2020-580

Date filed 2-21-20 Date of hearing 3-19-20

Date advertised 3-4-20 Date property owners notified 3-4-20

Date signs posted 3-4-20

Hearings: Heard by PC Date 3-19-20 Decision _____

Heard by LU Date _____ Decision _____

Heard by LG Date _____ Decision _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):

- a. Applicant(s) Name: Jason Hailey
- Address: 5907 S Stillhouse Rd Oak Grove, Mo. 64075
- Phone: 816-522-3425
- b. Owner(s) Name: Jason Hailey
- Address: 5907 S Stillhouse Rd. Oak Grove, Mo. 64075
- Phone: 816-522-3425
- c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: Owner

2. General location (Road Name) Stillhouse Rd

3. Present Zoning Agricultural Requested Zoning Residential Ranchette

4. AREA (sq. ft. / acres) 9.68 acres

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

6. Present Use of Property: _____

7. Proposed Use of Property: _____

8. Proposed Time Schedule for Development: NA

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

No impact to surrounding properties.

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 Water District 17 no effect

b. Sewage disposal Low pressure septic system no effect

c. Electricity West Central Electric no effect

d. Fire and Police protection Sni Valley Fire Jackson County Sheriff no effect

12. Describe existing road width and condition: 30 ft. Black top good condition

13. What effect will proposed development have on existing road and traffic conditions? NA

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)

Jason & Julie

2-21-20

Applicant(s):

Contract Purchaser(s):

STATE OF _____

COUNTY OF _____

On this 21st day of February, in the year of 2020, before me the undersigned notary public, personally appeared Jason Hailey

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.

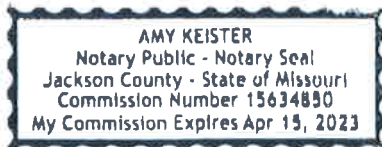
In witness whereof, I hereunto set my hand and official seal.

Notary Public

Amy Keister

Commission Expires

4-15-2023



RZ-2020-580

Jason & Tanya Hailey



