

# Rezoning

---

## City of Independence, Missouri

Property Location/Address: \_\_\_\_\_

From District \_\_\_\_\_ To District \_\_\_\_\_ Site Acreage \_\_\_\_\_

Legal Description (Provide electronic copy if description is metes and bounds): \_\_\_\_\_

---

---

---

---

### ***APPLICANT (DEVELOPER):***

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Cell \_\_\_\_\_

E-Mail \_\_\_\_\_ Fax \_\_\_\_\_

### ***PROPERTY OWNER:***

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Cell \_\_\_\_\_

E-Mail \_\_\_\_\_ Fax \_\_\_\_\_

### ***SURVEYOR/ENGINEER:***

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Cell \_\_\_\_\_

E-Mail \_\_\_\_\_ Fax \_\_\_\_\_

### **AUTHORIZED OWNERS REPRESENTATIVE:**

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Cell \_\_\_\_\_

E-Mail \_\_\_\_\_ Fax \_\_\_\_\_

---

---

---

---

Applicant's Signature

Owner

## SUBMITTAL REQUIREMENTS

In order for an application to be considered complete, the following materials must be submitted at the time of application:

1. A complete application form.
2. Application fee:

Less than 5.00 acres	\$250.00
5.00-10.00 acres	\$500.00
10.01-15.00 acres	\$750.00
15.01-20.00 acres	\$1,000.00
More than 20.01 acres	\$1,500.00
3. A cover letter outlining the details of the proposed project. This letter should clearly explain all aspects of the use.
4. Eight (8) 24" x 36" copies and one (1) 8-1/2" x 11" of the Rezoning plat with legal description.
5. An electronic digital copy in a .pdf or image format (not in an CAD file format).
6. Technical Studies, if required by the Community Development Department.
7. Eight (8) 24" x 36" copies and one (1) 8-1/2" x 11" of the Preliminary Development Plan, **if required** (required only for Planned Unit Development (PUD) only; see Article 7 of the UDO for requirements)

## REZONING CRITERIA

In considering a rezoning application, the Planning Commission and City Council will give consideration to the criteria stated below to the extent they are pertinent to the particular application. The application will be evaluated on each of the following requirements.

1. Conformance of the requested zoning with the Comprehensive Plan;
2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts;
3. The compatibility of the proposed zoning with the zoning and use of nearby property, including any overlay zoning;
4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood;
5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;
6. The length of time the subject property has remained vacant as zoned;
7. The extent to which approving the rezoning will detrimentally affect nearby properties;
8. The gain, if any, to the public health, safety and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application; and
9. The recommendation of the city's professional staff.

## **PRE-APPLICATION CONFERENCE**

A pre-application meeting is required prior to submitting a rezoning application. Contact the Community Development Department at 816-325-7425 to schedule a pre-application meeting. The purpose of the conference is to

- Acquaint the applicant with the procedural requirements of the Unified Development Ordinance (UDO);
- Provide for an exchange of information regarding applicant's proposed development and the regulations, restrictions and requirements of the UDO, the Comprehensive Plan and other development requirements;
- Advise the applicant of any public sources of information that may aid the application; identify policies and regulations that create opportunities or pose significant restraints for the proposed development;
- Review proposed concept plans and provide the applicant with opportunities to enrich the development plan in order to mitigate any undesirable project consequences;
- Review the compatibility with adjacent land uses, either proposed or existing;
- Provide general assistance by City staff on the overall design of the proposed development.

It is not necessary to have detailed plans drawn prior to the pre-application meeting. However, the more information brought to the meeting (even in sketch form), the more thorough and specific the staff can be in its response.

## **FILING THE APPLICATION**

An application must be completed and submitted to the Community Development Department, with the proper filing fee; see this application for the fee amount. An application may be withdrawn at any time upon written request; however, no refund will be made after the initial publication.

A complete application consists of all items identified in the Application Checklist. Rezoning applications will be placed on the Planning Commission agenda based upon the completeness of the submittal. All additional information, which is to support the application, must be submitted by the deadline. Information missing or not submitted by the deadline date, will result in a delayed application.

## **DEVELOPMENT REVIEW COMMITTEE (DRC)**

Every application goes through a detailed staff review. Although a member of Community Development staff is assigned to coordinate the review of each application, the focal point of the process is the meeting of the Development Review Committee. This is a staff-only committee consisting of various representatives of city departments that reviews each item on the agenda, and identifies relevant issues. Out of this meeting, the development departments will prepare

written comments on the proposed application. Generally, the staff comments will be sent to all parties listed on the application form (via fax or email) prior to the Applicant's Meeting.

### **APPLICANT'S MEETING**

The applicant's meeting is to:

- Allow City staff to present a preliminary, technical review of submitted plans;
- Request from the applicant any necessary plan revisions;
- Give the applicant an opportunity to ask questions; and
- Work out a schedule for submitting revised plans.

The applicant will meet with staff (e.g., Community Development, Public Works Engineering, Water Pollution Control, Water, Power and Light, Fire, and Parks) in a conference room in City Hall. This meeting is not the appropriate forum to discuss policy issues or negotiate any agreements. If an application involves policy issues or items that may be resolved through a development, the Community Development Department will schedule a separate meeting with the appropriate staff.

However, alternative solutions to technical problems that are within the authority of the staff to consider may be discussed. If an applicant has questions, it would be helpful to call ahead of time so the staff can be prepared with answers at the meeting.

If extensive changes are being made or more information is needed to adequately review the application (e.g. additional traffic or engineering studies), then the application may be "continued" (i.e., rescheduled to a later Planning Commission meeting date to allow time for the necessary work to be completed). If deficiencies are minor, the item will be scheduled for a Planning Commission meeting, subject to revised plans being submitted by the Revised Plans Due date.

### **NOTICES AND POSTING OF THE PROPERTY**

*Published notice* - State statutes require legal notice of the time and place to be published at least 15 days prior to the hearing in an official City paper. City staff will prepare and publish the notice.

*Mailed notice, Planning Commission* - The **applicant** is required to mail all notices at least 15 days prior to the public hearing before the Planning Commission, notifying the property owner of the opportunity to be heard. Mailed notices shall be sent to the last known record owner of all property within 185 feet as shown by the Jackson County tax records. An example of such a letter is attached to this form. Prior to the public hearing, an affidavit shall be filed with staff certifying that notice has been sent.

*Mailed notice, City Council* - The **applicant** is required to mail notices at least 15 days prior to the 'new evidence only' public hearing before the City Council. Mailed notices shall be sent to the last known record owner of all property within 185 feet as shown by the Jackson County tax

records. The City Council will only hear evidence that was not presented at the Planning Commission's public hearing if such evidence was not reasonably available at the time of the hearing before the Planning Commission. New evidence proposed to be presented to the City Council at its hearing must be submitted in writing to the Community Development Department and Law Department at least seven days before such hearing by the City Council for a determination of whether such proposed evidence is both new evidence and was not reasonably available at the time of the hearing before the Planning Commission. Prior to the public hearing, an affidavit shall be filed with staff certifying that notice has been sent.

*Sign on property* - All applications requiring public hearings shall have a sign posted on their premises, by the applicant, at least 15 days prior to the date of the hearing informing the general public of the time and place of the public hearing. The City will furnish the sign to the applicant for posting. The applicant shall make a good faith effort to maintain the sign for at least 15 days immediately preceding the date of the hearing through the hearing, and through any continuances of the hearing. The sign shall be placed within 5 feet of the street right-of-way line in a central position on the property. If the property contains more than 1 street frontage, 1 sign shall be placed on each street frontage so as to face each of the streets. The sign may be returned to the City at the conclusion of the public hearing and must be returned at the end of all proceedings on the application or upon withdrawal of the application. Prior to the public hearing, an affidavit shall be filed with staff certifying that the sign has been properly posted.

### **PLANNING COMMISSION PUBLIC HEARING**

Every application is reviewed by the Planning Commission at a public hearing. The Commission consists of seven appointed citizens who meet on the second and fourth Tuesday of each month in the Council Chambers in City Hall. For each public hearing item on the agenda, the applicant will be given an opportunity to make their own presentation, which should be a brief description of the proposed project and include responses to any concerns raised in the City staff report. Samples of building materials (samples are required to be brought to the meeting or submitted in advance, and shall be retained by the City); and any additional information which the applicant wishes to bring to the meeting (for example, color renderings, maps, photographs, or petitions).

Next, the Chairperson will invite anyone in the audience to speak who has an interest in the application. If issues or concerns are raised by the public, the applicant is typically given an opportunity to address the concerns. The Commission members may ask questions of either staff or the applicant. Finally, the public hearing portion of the meeting is closed, and the Planning Commission discusses the action that should be taken and the reasons for that action.

The Planning Commission's action is a recommendation to the City Council to either approve or deny a rezoning application. The Planning Commission may also vote to continue an application to a later meeting to allow further study or the submission of either more information or revised information by the applicant or the staff. A majority vote of the Commission members present is needed to pass any motion.

## **CITY COUNCIL HEARING**

Once the Planning Commission has made a recommendation, a 'new evidence only' hearing (typically three weeks later) will be scheduled before the City Council. The City Council meets on the first and third Monday of each month in the Council Chambers of City Hall. The City Council may either deny or approve the application.

**PROPERTY OWNER NOTIFICATION LETTER**  
**City of Independence, Missouri**

Date: \_\_\_\_\_

Case No. \_\_\_\_\_

Dear Property Owner:

This is to notify you that an application has been submitted for consideration of a rezoning. A full public hearing will be held by the Planning Commission and the City Council will consider new information on the dates and time identified below.

**Proposed project description:** \_\_\_\_\_

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

**Applicant:** \_\_\_\_\_

**Location of Property:** \_\_\_\_\_

Location Map must also be attached

**Meeting of:**  Planning Commission

Date and Time of Hearing: \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ p.m.

City Council

Date and Time of Hearing: \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ p.m.

**Location of public hearing:**

City Council Chambers, City Hall, 111 E Maple, Independence, Missouri

All interested persons are invited to attend and will have an opportunity to be heard at the public hearing.

You may file a protest petition with the Community Development Department. If valid protest petitions are received from property owners of thirty percent (30%) of the land within the notification area, exclusive of the public right-of-way, a super majority vote of the City Council is required to approve this Rezoning request. Copies of the protest petitions are available from the Community Development Department in City Hall.

\_\_\_\_\_  
Applicant (or Owner or Agent)

For more information, contact the Community Development Department at 816-325-7425.

**PROPERTY OWNER NOTIFICATION AFFIDAVIT**  
**City of Independence, Missouri**

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. \_\_\_\_\_

I, \_\_\_\_\_ of lawful age being first duly sworn upon  
oath, state:

That I am the (agent, owner, attorney) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Planning Commission and City Council, mail notices to all persons owning property within 185 feet of the subject property. The list of property owners to whom notice has been mailed is attached.

These notices were mailed on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires: