

# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 4547

Sponsor(s): N/A

Date: August 5, 2013

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>James &amp; Erin Hackley Case No. RZ-2013-499</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="326 489 1203 802"> <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> 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; FROM / TO	FROM ACCT  TO ACCT
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Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT  TO ACCT											
PRIOR LEGISLATION	Prior ordinances and (date): _____ Prior resolutions and (date): _____											
CONTACT INFORMATION	RLA drafted by Randy Diehl, Planning and Zoning Coordinator, 881-4577											
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on a 10.58 ± acre tract to District RR (Residential Ranchette). The 10.58 ± acres are located in Section 6, Township 49, Range 29, Jackson County, Missouri aka 36810 E. Steinhauser 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 8 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	<table border="1" data-bbox="315 1633 1539 1917"> <tr> <td>Department Director: <i>Earl Newill</i></td> <td>Date: 07/30/2013</td> </tr> <tr> <td>Earl Newill, Deputy Director</td> <td></td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager:</td> <td>Date:</td> </tr> <tr> <td>County Counselor's Office:</td> <td>Date:</td> </tr> </table>		Department Director: <i>Earl Newill</i>	Date: 07/30/2013	Earl Newill, Deputy Director		Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager:	Date:	County Counselor's Office:	Date:
Department Director: <i>Earl Newill</i>	Date: 07/30/2013											
Earl Newill, Deputy Director												
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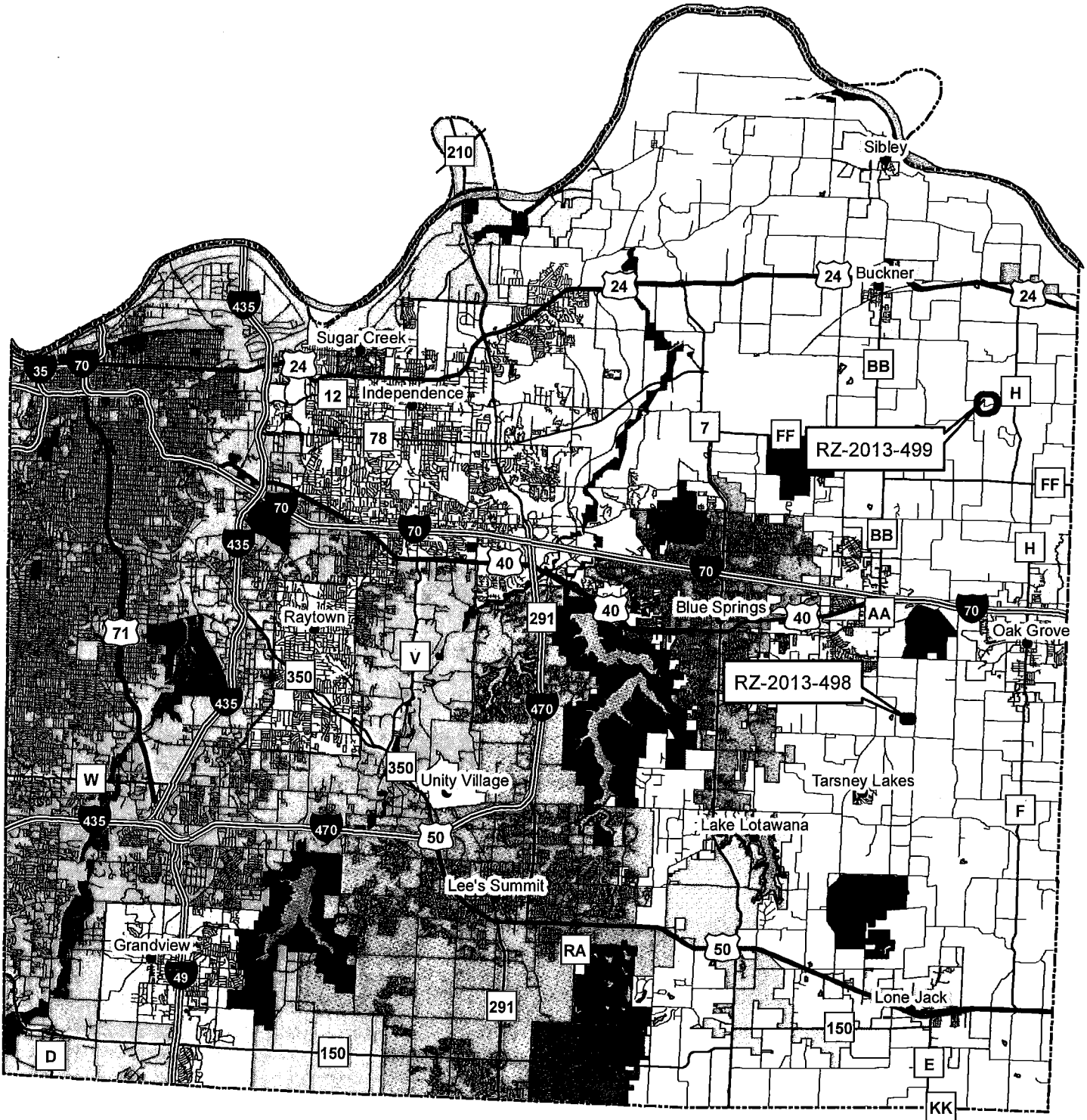
Fiscal Information (to be verified by Budget Office in Finance Department)

- 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.

Jackson County Plan Commission  
July 18, 2013  
Agenda Location Map



**ATTACHMENT TO RLA-2:**

Attachments

Plan Commission Public Hearing Summary from May 16, 2013

Staff report

Names/Addresses of surrounding property owners

Map showing current zoning districts in area

Application

Proposed Subdivision Plat "Hackley's Corner"

Pictures of area to rezoned

**RZ-2013-499**

**ATTACHMENT TO RLA 1:**

**Description:** A tract of land being located in the Northeast Quarter of Section 6 Township 49, Range 29, Jackson County, Missouri described as follows: Commencing at at the Northeast corner of said Northeast Quarter; thence North  $87^{\circ} 36' 58''$  West along the North Line of said Northeast Quarter, a distance 649.24 feet to the Northeast Corner of the West 16.5 feet of the North 28 acres of the East Half of the East Half of said Northeast Quarter, said point being the Point of Beginning; Thence South  $01^{\circ} 42' 34''$  West along the East line of said 16.5 feet, a distance of 469.68 feet; thence along a curve to the right, having a radius of 450.97 feet, a Central Angle of  $26^{\circ} 03' 24''$ , an Arc Distance of 205.09 feet and a Chord Bearing South  $57^{\circ} 37' 29''$  West, 203.33 feet; Thence South  $69^{\circ} 24' 30''$  West, a distance of 148.60 feet to a point of curvature to the right; Thence along a non-tangent curve to the right, having a Radius of 693.42 feet, an Arc Distance of 208.27 feet and a Chord Bearing South  $78^{\circ} 00' 46''$  West, 207.49 feet; Thence South  $86^{\circ} 37' 03''$  West, a distance of 222.00 feet tot the Southeast Corner of Lot 1, Triplett Acres, a subdivision I said County and State; Thence North  $03^{\circ} 06' 38''$  East, a distance of 717.46 feet along the East Line of said Lot 1, to the Northeast corner thereof; Thence South  $87^{\circ} 36' 58''$  East along the North Line of said Northeast Quarter of Section 6, Township 49, Range 29, a distance of 711.32 feet to the Point of Beginning.

## Jackson County Plan Commission Summary of Public Hearing

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**Date:** July 18, 2013

**Place:** Independence City Hall  
111 E. Maple, Independence, MO

**Attendance:** Larry Antey  
Terry Akins  
Jack Crawford  
Denny Gibler  
Tom Haley  
Janet Mershon  
W.L. Pointer  
Sandra Querry

**Staff:** Scott George  
Randy Diehl  
Jay Haden  
Kristen Geary

### 2. RE: RZ-2013-499

**Applicant:** James & Erin Hackley

Scott George: 36810 E. Steinhauser Road, lying in Section 6, Township 49, Range 29, Jackson County, Missouri. 10.58 ± acres. Change of zoning from District AG (Agricultural) to District RR (Residential Ranchette) The 10.58 acres to be platted into proposed subdivision plat, Hackley's Corner. The property is located in the NE section of the county.

Zoning in the area is primarily agricultural. Property sizes range from 2 acres to 80 acre tracts, containing single family residences. There is also agricultural land use in the vicinity. Across Steinhauser Road to the West is Triplett Acres, a 10 lot subdivision, platted in 2003. This subdivision is within District RR (Residential Ranchette). To the Southeast is Betty's Dream, platted in 1994, and to the Northwest is Zeyens Promise, platted 1988. Both of these plats are within the District AG.

The applicant constructed their residence on proposed lot 2 in 2011. At that time they expressed to staff they desired to divide the acreage into two separate lots. The proposed subdivision and lot size are compatible with adjacent uses.

## **Jackson County Plan Commission Summary of Public Hearing**

The County Plan Development Diagram illustrates this area within the Rural Development Tier (RDT). The RR (Residential Ranchette) District is appropriate in the Rural Development Tier. On a side note, the County Development Plan, as last updated, did set the recommendation of the minimum 10 acre minimum lot size. This is in the rural development tier. The staff has created this as something that has started before that went into place and that is why we are recommending approval of RZ 2013-499. Staff recommends APPROVAL of RZ-2013-499

Chairman Antey: Are there any questions for staff. (there were no questions)

Chairman Antey asked the applicant to state name & address

Erin Hackley  
36810 E Steinhouser Road  
Sibley, MO 64088

Chairman Antey asked if she had anything to add to the staff report. Ms. Hackley had no comments.

Chairman Antey asked if there were any questions for the applicant.

Mr. Pointer: What's the reason you want this change?

Ms. Hackley: We are going to hopefully build a house within the next couple of months.

Chairman Antey: Is there anyone present who would like to speak in favor of this application. (there were none)

Chairman Antey: Is there anyone present who is opposed to or has questions concerning this application. (there were no questions)

Mr. Akin made the motion to take RZ-2013-499 under advisement. Seconded by Ms. Mershon. Approved 8-0

RZ-2013-498 was taken under advisement.

**Jackson County Plan Commission  
Summary of Public Hearing**

Motion was made to approve RZ-2013-499 by Ms. Mershon and seconded by Mr. Pointer.  
Roll Call vote was taken.

Mr. Akins	Approve	Mr. Crawford	Approve
Mrs. Querry	Approve	Mr. Pointer	Approve
Mr. Gibler	Approve	Ms. Mershon	Approve
Mr. Pointer	Approve	Mr. Antey	Approve
Mr. Haley	Approve		

**RZ-2013-499 – APPROVED (8-0)**

Motion was made to adjourn the meeting by Mr. Haley, seconded by Mr. Pointer

Meeting adjourned 8:49 am.



**STAFF REPORT**

**PLAN COMMISSION**

July 18, 2013

RE: RZ-2013-499

**Applicant:** James & Erin Hackley

**Location:** 36810 E. Steinhauser Road, lying in Section 6, Township 49, Range 29, Jackson County, Missouri.

**Area:** 10.58 ± acres

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

**Purpose:** The 10.58 ± acres to be platted into proposed subdivision plat, Hackley's Corner

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

Zoning in the area is primarily agricultural. Property sizes range from 2 acres to 80 acre tracts, containing single family residences. There is also agricultural land use in the vicinity. Across Steinhauser Road to the West is Triplett Acres, a 10 lot subdivision, platted in 2003. This subdivision is within District RR (Residential Ranchette). To the Southeast is Betty's Dream, platted in 1994, and to the Northwest is Zeyens Promise, platted 1988. Both of these plats are within the District AG.

**Comments:**

The applicant constructed their residence on proposed lot 2 in 2011. At that time they expressed to staff they desired to divide the acreage into two separate lots.

The proposed subdivision and lot size are compatible with adjacent uses.

**County Plan:**

The County Plan Development Diagram illustrates this area within the Rural Development Tier (RDT). The RR (Residential Ranchette) District is appropriate in the Rural Development Tier.

EX-1

**Recommendation:**

This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2013-499

Respectfully submitted,  
Planning and Environmental Health Division

Randy Diehl  
Planning and Zoning Coordinator

Plan Commission  
July 18, 2013  
RZ-2013-499

Applicants / Property Owners: James & Erin Hackley  
36810 E Steinhauser Rd  
Oak Grove MO 64075

Parcel No: 21-300-01-11

Certified Mail – Return Receipt  
Property Owners within 1000 feet

20-900-04-05-00-0-00-000  
BILLINGS BILL & DONNA KAY  
407 S BORGMAN RD  
BUCKNER MO 64016

21-300-01-14-00-0-00-000  
COSTIGAN ROGER L & ELIZABETH L  
37007 E STEINHAUSER RD  
OAK GROVE MO 64075

21-300-01-17-00-0-00-000  
EVANS ADAM J  
805 S BORGMAN RD  
BUCKNER MO 64016

21-300-01-19-00-0-00-000  
GEARHART HAROLD & BARBARA  
431 S HUDSON ST  
BUCKNER MO 64016

20-900-04-13-00-0-00-000  
HORN WILLIAM F JR & RACHEL M  
36500 STEINHAUSER RD  
SIBLEY MO 64088

20-900-04-10-00-0-00-000  
KLEIN GREGORY E & DEBORAH S  
36610 STEINHAUSER RD  
SIBLEY MO 64088

20-900-04-04-00-0-00-000  
KLEIN GREGORY E & DEBORAH S

20-900-04-07-00-0-00-000  
LEWIS ROY G & BRENDA M  
36510 E STEINHAUSER RD  
SIBLEY MO 64088

21-300-01-18-00-0-00-000  
SCHMIDT ERIC J & DOROTHY A  
805 S BORGMAN RD  
BUCKNER MO 64016

21-300-01-03-01-2-00-000  
STANLEY DENNIS L & REVA E-TR  
36403 E STEINHAUSER RD  
SIBLEY MO 64088

21-300-01-07-02-0-00-000  
STEINHAUSER DAVID W & BETTY  
37107 E STEINHAUSER RD  
OAK GROVE MO 64075

21-300-01-07-01-0-00-000  
STEINHAUSER DAVID W & BETTY

21-300-01-09-00-0-00-000  
TELGEMEIER JULIUS H & BERNICE  
37204 STEINHAUSER RD  
SIBLEY MO 64088

21-200-02-01-02-0-00-000  
TELGEMEIER JULIUS H & BERNICE

21-200-02-02-01-0-00-000  
TELGEMEIER LEON A  
37204 E STEINHAUSER RD  
SIBLEY MO 64088

20-800-03-02-00-0-00-000  
TELGEMEIER LEON A

20-900-04-01-00-0-00-000  
TELGEMEIER LEON A

21-300-01-03-02-0-00-000  
TRIPLETT CHARLES FRANKLIN  
36807 E STEINHAUSER RD  
SIBLEY MO 64088

EX. 3

21-300-01-16-00-0-00-000  
TRIPLETT CHARLES FRANKLIN

21-300-01-25-00-0-00-000  
TRIPLETT CHARLES FRANKLIN

21-300-01-15-00-0-00-000  
TRIPLETT CHARLES FRANKLIN

21-300-01-20-00-0-00-000  
TRIPLETT DORIS D-TRUSTEE  
36807 E STEINHAUSER RD  
SIBLEY MO 64088

21-300-01-13-00-0-00-000  
ZUMWALT KAREN M  
40203 E NEVINS RD  
OAK GROVE MO 64075

**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-2013-499  
Date filed 6-14-2013 Date of hearing 7-18-13  
Date advertised \_\_\_\_\_ Date property owners notified \_\_\_\_\_  
Date signs posted \_\_\_\_\_  
Hearings: Heard by PC Date \_\_\_\_\_ 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 and Erin Hackley  
Address: 36810 E. Steinhauser Road  
Sibley, MO 64088  
Phone: 816-728-8349
  - b. Owner(s) Name: Same  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_
-

c. Agent(s) Name: Same

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

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

d. Applicant's interest in Property: \_\_\_\_\_

2. General location (Road Name) 36810 E. Steinhauser Road

\_\_\_\_\_

3. Present Zoning AG \_\_\_\_\_ Requested Zoning RR \_\_\_\_\_

4. AREA (sq. ft. / acres) 10.58 Acres \_\_\_\_\_

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

See Attached \_\_\_\_\_

6. Present Use of Property: Ag. / Residential \_\_\_\_\_

7. Proposed Use of Property: \_\_\_\_\_

8. Proposed Time Schedule for Development: Residential \_\_\_\_\_

\_\_\_\_\_

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

Little or 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? N/A \_\_\_\_\_

11. Describe the source/method which provides the following services, and what effect the development will have on same:

a. Water: PSWD #16 \_\_\_\_\_

b. Sewage disposal: On-site Septic \_\_\_\_\_

c. Electricity: Existing KCP&L OHP \_\_\_\_\_

d. Fire and Police protection *5m: Callery* \_\_\_\_\_

12. Describe existing road width and condition: Existing 22' +/- wide un-improved asphalt road. \_\_\_\_\_

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 Hackley  
Erin Hackley

6-13-13  
6-13-13

Applicant(s):

James Hackley  
Erin Hackley

6-13-13  
6-13-13

Contract Purchaser(s): \_\_\_\_\_  
\_\_\_\_\_

STATE OF Missouri  
COUNTY OF Jackson

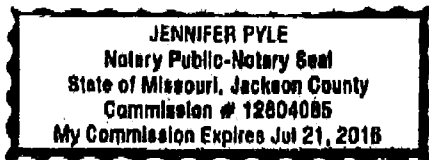
On this 13 day of June, in the year of 2013, before me the undersigned notary public, personally appeared James & Erin Hackley

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 Jennifer Pyle

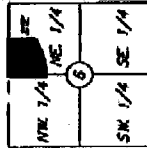
Commission Expires July 21, 2016



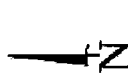
# PRELIMINARY PLAT HACKLEY'S CORNER

in the Northeast 1/4 of Sec. 6, Twp. 49, Rng. 29  
in Unincorporated, Jackson County, Missouri

POINT OF COMMENCEMENT  
The Point of Commencement is located at the intersection of the East and West lines of the Northeast 1/4 of Section 6, Township 49 North, Range 29 East, Jackson County, Missouri.



SECTION LOCATION  
See Sec. 6, Map on Page 29  
Filed for Study

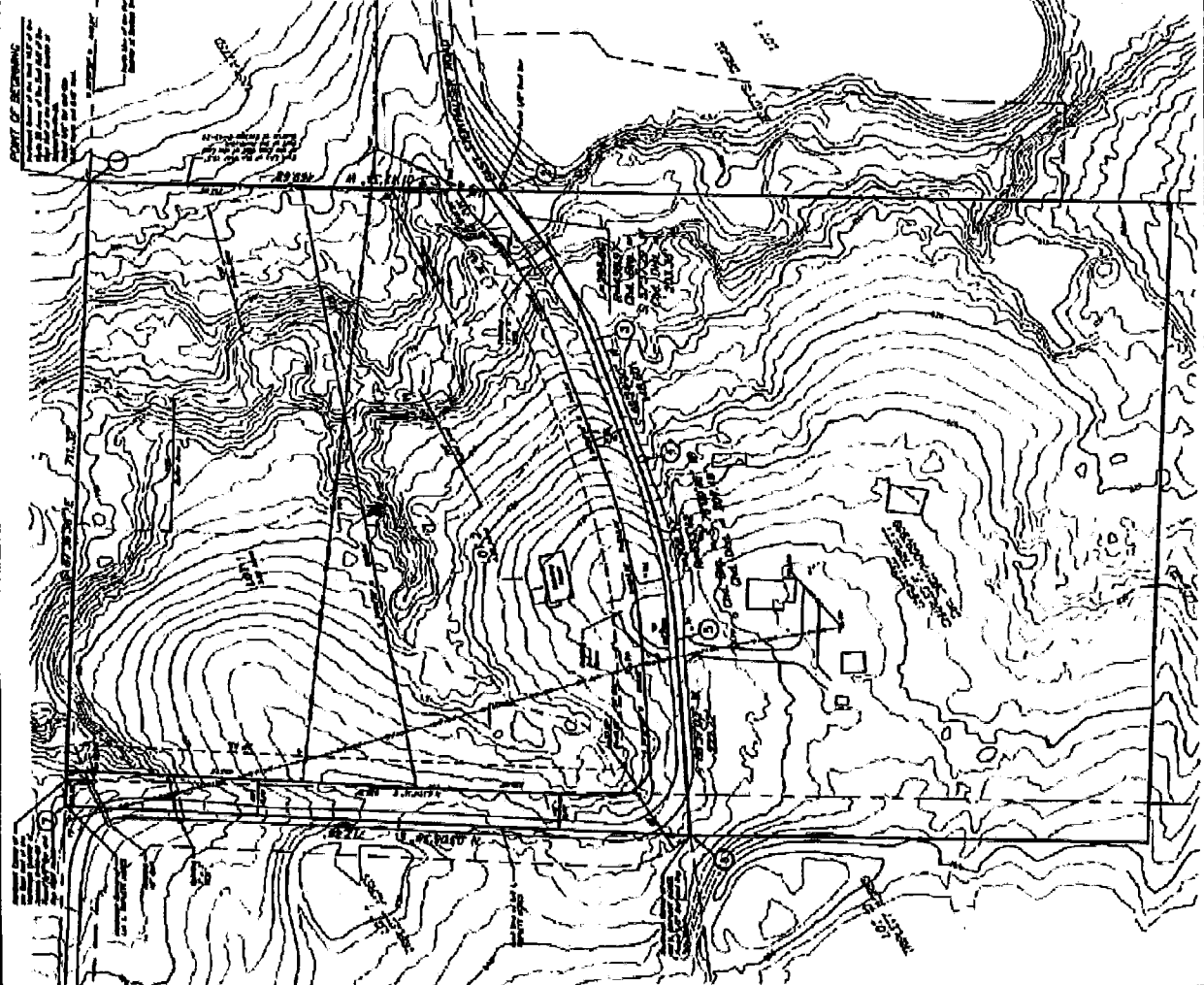


PREPARED BY  
James H. E. Doherty  
Surveyor & Engineer  
St. Louis, Mo. 63108  
PL 2000 120-0000

COUNTY AND DISTRICT RECORDS  
JACKSON COUNTY, MISSOURI  
RECORDS & CLERK'S OFFICE  
JACKSON, MISSOURI  
PL 2000 120-0000

THIS PRELIMINARY PLAT IS BASED ON THE SURVEY MADE BY JAMES H. E. DOHERTY, SURVEYOR & ENGINEER, ST. LOUIS, MISSOURI, ON APRIL 15, 1999, AND IS SUBJECT TO THE FINAL SURVEY AND PLAT TO BE FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK, JACKSON COUNTY, MISSOURI.

- LEGEND
- 1. = 1/4 Section
  - 2. = 1/2 Section
  - 3. = 3/4 Section
  - 4. = Section
  - 5. = Township
  - 6. = Range
  - 7. = Section Line
  - 8. = Township Line
  - 9. = Range Line
  - 10. = Section Corner
  - 11. = Section Center
  - 12. = Section Corner
  - 13. = Section Corner
  - 14. = Section Corner
  - 15. = Section Corner
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  - 18. = Section Corner
  - 19. = Section Corner
  - 20. = Section Corner



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THE NE 1/4 OF SECTION 6, TOWNSHIP 49 NORTH, RANGE 29 EAST, JACKSON COUNTY, MISSOURI, IS HEREBY PLATTED AS HACKLEY'S CORNER. THE PLAT IS BASED ON THE SURVEY MADE BY JAMES H. E. DOHERTY, SURVEYOR & ENGINEER, ST. LOUIS, MISSOURI, ON APRIL 15, 1999, AND IS SUBJECT TO THE FINAL SURVEY AND PLAT TO BE FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK, JACKSON COUNTY, MISSOURI.

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The Point of Beginning is located at the intersection of the East and West lines of the Northeast 1/4 of Section 6, Township 49 North, Range 29 East, Jackson County, Missouri.

POINT OF COMMENCEMENT  
The Point of Commencement is located at the intersection of the East and West lines of the Northeast 1/4 of Section 6, Township 49 North, Range 29 East, Jackson County, Missouri.

WESTON & PARTS EXCHANGERS, INC.  
111 NORTH MAIN EAST 210  
PO BOX 1000  
MOUNTAIN VIEW, MISSOURI 64578-0100  
(417) 463-5500 FAX (417) 463-5512  
www.weston.com



PRELIMINARY PLAT  
HACKLEY'S CORNER  
IN THE NE 1/4 OF SECTION 6, TWP. 49, RNG. 29  
JACKSON COUNTY, MISSOURI

DATE	12/15/99
BY	JAMES H. E. DOHERTY
FOR	WESTON & PARTS EXCHANGERS, INC.
PROJECT	HACKLEY'S CORNER
SECTION	NE 1/4
TOWNSHIP	49 N
RANGE	29 E
COUNTY	JACKSON
STATE	MISSOURI

EX. 9





FY 10



Ex 10