

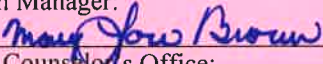
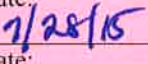
REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: ~~XXXXXX~~ 4763

Sponsor(s): xxxxxxxxxxxxxxxx

Date: August 3, 2015

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Kurt & Jennifer Pearson and Fred & Betty Stewart Case No. RZ-2015-519</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="305 485 1187 800"> <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
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											
PRIOR LEGISLATION	Prior ordinances and (date): _____ Prior resolutions and (date): _____											
CONTACT INFORMATION	RLA drafted by Randy Diehl, Zoning Compliance Supervisor, 881-4577											
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on 3.00 ± acres to District RE (Residential Estates). The 3.00 ± acres are located in Section 16, Township 50, Range 31, in Jackson County, Missouri, aka 20904 E. Blue Mills Road. The 3.00 ± acres will be platted as a one lot subdivision, Pearson Landing, 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 7 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	Department Director: Brian D. Gaddie, P.E. Director of Public Works Finance (Budget Approval): <i>If applicable</i> Division Manager:  County Counselor's Office:	Date: Date: Date:  Date:										

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-2:

Attachments

Plan Commission Public Hearing Summary from July 16, 2015

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

Photos of Property

Preliminary Plat of Pearson Landing

Ordinance 2723

RZ-2015-519

ATTACHMENT TO RLA 1:

Description:

All that part of Tract B, as shown on Certificate of Survey recorded as Document Number 2015E0014490, being in the Southeast quarter of Section 16, Township 50, Range 31, in Jackson County Missouri, more particularly described as; Commencing at the Northeast corner of said quarter section; thence North 87 degrees 48 minutes 11 seconds West, along the North line of said quarter section, a distance of 542.62 feet, thence South 02 degrees 11 minutes 49 seconds West, a distance of 345.54 feet, to the Point of Beginning; thence South 88 degrees 14 minutes 10 seconds West, a distance of 231.50 feet; thence South 01 degrees 45 minutes 50 seconds East, a distance of 91.90 feet; thence South 58 degrees 09 minutes 29 seconds West, a distance of 154.91 feet; thence South 31 degrees 50 minutes 31 seconds East, a distance of 41.39 feet; thence South 58 degrees 09 minutes 29 seconds West, a distance of 93.30 feet; thence South 30 degrees 40 minutes 55 seconds West, a distance of 55.20 feet, to a point on the Southwesterly line of Tract B, also being the Northwesterly line of Tract A, as shown on the Certificate of Survey recorded as Document Number 2015E0014490; thence South 59 degrees 19 minutes 05 seconds East, along the Southwesterly line of said Tract B, a distance of 194.30 feet, to a point on the North right-of-way line of E. Blue Mills Road, as now established; thence along a curve to the right, (said curve having an Initial Tangent Bearing of North 77 degrees 43 minutes 07 seconds East, a radius of 994.84 feet), along the North right-of-way line of said Blue Mills Road, an arc distance of 245.83 feet; thence South 88 degrees 07 minutes 25 seconds East, along the North right-of-way line of said Blue Mills Road, a distance of 46.52 feet; thence North 01 degrees 45 minutes 50 seconds West, a distance of 391.19 feet, to the Point of Beginning.

Jackson County Plan Commission

Summary of Public Hearing

Date: July 16, 2015

Place: Independence City Hall,
Conference Room D
111 E Maple, Independence, MO

Attendance: Chairman Antey

Mr. Gibler
Mr. Haley
Mr. Crawford

Mrs. Querry
Mr. Akins
Mr. Pointer

Staff: Randy Diehl
Amy Keister
Jay Hayden

Mr. Pointer and Mr. Tarpley were absent.

Call to Order/Roll Call

At 8:30 am Chairman Antey called to order the July 16, 2015 meeting of the Plan Commission and asked that the roll call be taken.

Approval of Record

Chairman Antey asked for a motion to approve the record of May 21, 2015. Mr. Akins made a motion to approve. Mr. Gibler seconded the motion. Voice vote.

Minutes of the May 21, 2015 Plan Commission meeting approved, 7-0.

Public Hearings

Chairman Antey swore in all persons present who would like to give testimony at the public hearings.

RZ-2015-519

Randy Diehl gave the staff report:

Applicant: Kurt & Jennifer Pearson
Fred & Betty Stewart Trust

Location: Section 16, Township 50, Range 31,
20904 E. Blue Mills Road

Area: 3.00 ± acres

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

Purpose: Applicant is requesting the change in zoning in order to subdivide
property into a one lot subdivision to be known as Pearson Landing

Current Land Use and Zoning in the Area:

The zoning in the area is predominantly Agricultural with the majority of the land use being single family residences. In the immediate area there are four subdivisions within District RE created after the adaptation of the Unified Development Code (UDC). Sunny Oaks, is a development consisting of four lots, each approximately .50 acre in size. These were platted in 1978 and 1980. These lots were created prior to the Unified Development Code's adoption in 1995, and therefore are in District AG. There are two developments, one northwest of the property and south across Blue Mills Road, that are tracts 10 acres and larger.

A portion of the proposed lot is already within District RE. In 1997 the Legislature granted a change in zoning for a 5.00 ± tract. (Ordinance 2723, 9-8-97). The property was never subdivided. The area remaining is approximately 3.90 ± acres in size. This is sufficient area for another lot to be platted in the future.

County Plan:

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT).

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

Recommendation:

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

Staff recommends APPROVAL of RZ-2015-519

Respectfully submitted,

Randy Diehl
Zoning Compliance Supervisor

Planning and Zoning Division

Mr. Antey:

What is the size of the purple colored area on the map?

Mr. Diehl: About two acres (1.2 acres). This is added to the black outlined which was part of the previously rezoned area (1.8 acres) which is the entire area to be platted. The remaining part will be in compliance to be platted in the future.

Are there any questions for Randy?

Mr. Akins: *Is there any current access to the property?*

Mr. Diehl: There is a field entrance currently here (pointing to map). I conducted the site distance test and the whole width of the lot has sufficient site distance. In fact it exceeds the requirements.

Is the applicant present?

Kurt Pearson
605 N Rockwell Court
Independence, Mo

Do you have anything to add to the staff report? No

Are there any questions for the applicant? (There were none)

Is there anyone who is in favor of this application? (There were none)

Is there anyone who is opposed or has questions regarding this application? (There were none)

Motion to take under advisement.

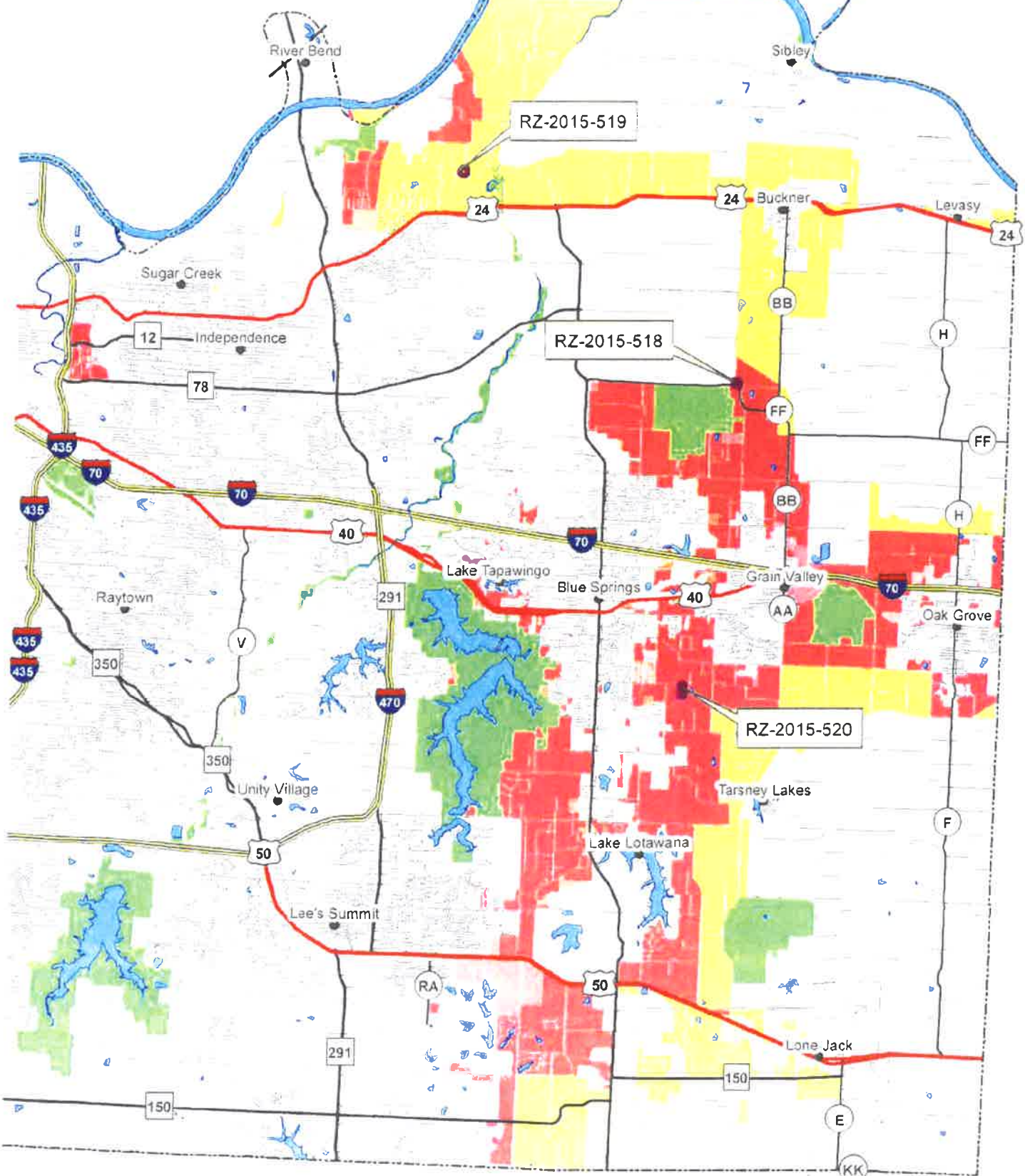
Mrs. Query moved to take under advisement? Mr. Akins seconded.

Mrs. Mershon motioned to approve RZ-2014-519. Mr. Crawford seconded.

Mr. Akins	Approve
Mrs. Query	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mr. Crawford	Approve
Mrs. Mershon	Approve
Chairman Antey	Approve

Motion Carried 7 – 0.

Jackson County Plan Commission
July 16, 2015
Agenda Location Map



STAFF REPORT

**PLAN COMMISSION
July 16, 2015**

RE: RZ-2015-519

Applicant: Kurt & Jennifer Pearson
Fred & Betty Stewart Trust

Location: Section 16, Township 50, Range 31,
20904 E. Blue Mills Road

Area: 3.00 ± acres

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

Purpose: Applicant is requesting the change in zoning in order to subdivide
property into a one lot subdivision to be known as Pearson Landing.

Current Land Use and Zoning in the Area:

The zoning in the area is predominantly Agricultural with the majority of the land use being single family residences. In the immediate area there are four subdivisions within District RE created after the adaptation of the Unified Development Code (UDC). Sunny Oaks, is a development consisting of four lots, each approximately .50 acre in size. These were platted in 1978 and 1980. These lots were created prior to the Unified Development Code's adoption in 1995, and therefore are in District AG. There are two developments, one northwest of the property and south across Blue Mills Road, that are tracts 10 acres and larger.

A portion of the proposed lot is already within District RE. In 1997 the Legislature granted a change in zoning for a 5.00 ± tract. (Ordinance 2723, 9-8-97). The property was never subdivided. The area remaining is approximately 3.90 ± acres in size. This is sufficient area for another lot to be platted in the future.

County Plan:

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT).

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

Recommendation:

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

Staff recommends APPROVAL of RZ-2015-519

Respectfully submitted,

Randy Diehl
Zoning Compliance Supervisor

Planning and Zoning Division

Plan Commission
July 16, 2015
RZ-2015-519

Applicants / Property Owners:

10-700-04-22-01-1
Stewart Betty & Fred - Tr
2517 N Old Atherton Road
Independence MO 64058

Pearson Kurt & Jennifer
605 N Rockwall Ct
Independence MO ~~64058~~
64056

10-700-04-22-01-1

Certified Mail – Return Receipt
Property Owners within 300 feet

10-700-04-20-00-0-00-000
PEARSON RICK D & JULIE A
2509 N OLD ATHERTON ROAD
INDEPENDENCE MO 64058

10-700-04-21-00-0-00-000
PEARSON TROY A & KENDRA L
2509 728 MOCHICAN DR
INDEPENDENCE MO 64056

10-700-04-39-00-0-00-000
PEARSON TROY A & KENDRA L

10-700-04-22-01-2-00-000
SCHUMACHER ROBERT & KAREN
2419 N OLD ATHERTON ROAD
INDEPENDENCE MO 64058

10-700-04-51-00-0-00-000
CRAZY HORSE DEVE CO
923 NE WOOD CHAPEL RD STE 460
LEES SUMMIT MO 64064

10-700-04-56-00-0-00-000
CRAZY HORSE DEVE CO

10-700-04-57-00-0-00-000
CRAZY HORSE DEVE CO



Jackson County Zoning Map

Legend

300' Notification Area

Pending Rezoning

- Residential Ranchette
- Residential Suburban
- Residential Estates

Streets

Tax Parcels

Rezoning

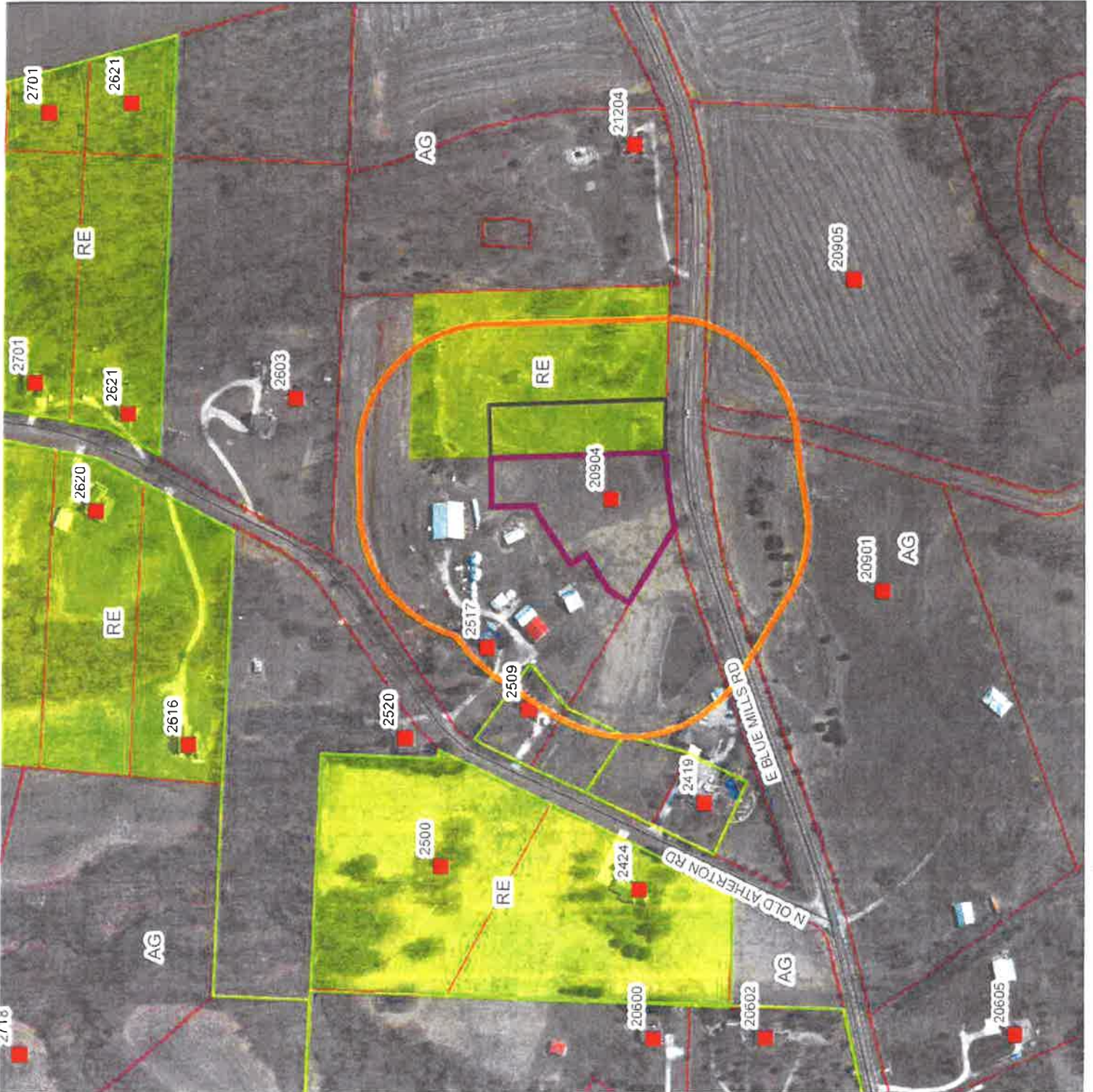
Zoning

- RR-Residential Ranchette
- RRp-Residential Ranchette-Planned
- RE-Residential Estates
- RS-Residential Suburban
- RU-Residential Urban
- A(r)-Single-Family
- B(r)-Two-Family
- C(r)-Multi-Family
- A1-Mobile Homes District
- ROP-Residential Office-Planned
- LB-Local Business
- LBp-Local Business-Planned
- GB-General Business
- GBp-General Business-Planned
- LI-Light Industrial
- LIp-Light Industrial-Planned
- HI-Heavy Industrial

EX. 5

RZ-2015-519

1 inch = 300 feet



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- 2015 519
 Date filed 6-11-15 Date of hearing 7-16-15
 Date advertised 7-1-15 Date property owners notified 7-1-15
 Date signs posted 7-1-15

Hearings: Heard by _____ Date _____ Decision _____
 Heard by _____ Date _____ Decision _____
 Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

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

- a. Applicant(s) Name: Kurt + Jennifer Pearson
 Address: 605 N Parkwell Ct
Indep. MO 64056
 Phone: (816) 721-8269 cell (816) 650-3300 work
- b. Owner(s) Name: Fred + Betty Stewart
 Address: 2517 N Old Atherton Rd. Indep. Mo 64058
 Phone: (816) 456 8722 cell (816) 796-8036 home
- c. Agent(s) Name: _____

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)

Fred R Stewart
Betty A Stewart

10 June 2015
10 June 2015

Applicant(s):

Kurt Pearson
Jennifer Pearson

6/10/15
6/10/15

Contract Purchaser(s)

STATE OF Missouri
COUNTY OF Jackson

On this 10th day of June, in the year of 2015, before me the undersigned notary public, personally appeared Fred R Stewart, Betty A Stewart, Kurt Pearson, Jennifer Pearson 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 Betty Yates

Commission Expires 02-19-2017



BETTY J. YATES
My Commission Expires
February 19, 2017
Jackson County
Commission #13469259



