

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**AN ORDINANCE** amending the zoning districts established pursuant to the Unified Development Code by changing a certain 10 ± acres tract from District A (Agricultural) to District RR (Residential Ranchette).

**ORDINANCE #4444**, September 10, 2012

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section 1. The Zoning Order of Jackson County, Missouri, and the official maps which are a part thereof, are amended by changing the boundaries of the "A" (Agricultural) District, and the "RR" (Residential Ranchette) District, so that there will be transferred from District A to District RR, a tract of land described as follows:

**Description:** A tract of land in the Northeast Quarter of the Southeast Quarter in Section 36, Township 47, Range 30 in Jackson County, Missouri, more particularly described as follows: Commencing at the Northeast corner of said Southeast Quarter; thence South 63 degrees 16' 16" West a distance of 45.78 feet to the True point of beginning; thence South 89 degrees 10' 37" West along the South right of way of East Stewart Road 427.06 feet; thence South 02 degrees 20' 05" West a distance of 1022.46 feet; thence North 89 degrees 10' 14" East a distance of 426.42 feet to a point on the West right of way line of Missouri Highway E; thence North 02 degrees 22' 13" East along the West right of way a distance of 1022.45 feet to the True point of beginning.

Section 2. The Legislature, pursuant to the application of JSW Homes (RZ-2012-485), requesting the amendment embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 7 to 0 to recommend APPROVAL of this application after a public hearing on August 16, 2012, does adopt this Ordinance pursuant to the

Jackson County Charter authorizing the Legislature to exercise legislative power pertaining to planning and zoning.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

*Greg D. Holden*  
Chief/Deputy County Counselor

*W. Stephen Rifan*  
County Counselor

I hereby certify that the attached Ordinance, Ordinance #4444 introduced on September 10, 2012, was duly passed on October 8, 2012 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

Nays 0

Abstaining 0

Absent 0

This Ordinance is hereby transmitted to the County Executive for his signature.

10-8-12  
Date

*Mary Jo Spino*  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4444.

10-9-2012  
Date

*Michael D. Sanders*  
Michael D. Sanders, County Executive

# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 4444

Sponsor(s): ~~xxxxxxxxxxxxxxxx~~

Date: Sept. 10, 2012

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>JSW Homes Case No. RZ-2012-485</u>																			
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="324 499 1198 814"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td></td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT</td> <td></td> </tr> <tr> <td></td> <td>TO ACCT</td> <td></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, Planning and Zoning Coordinator, 881-4577																			
REQUEST SUMMARY	Requesting a change of zoning from District A (Agricultural) on a 10 ± acre tract to District RR (Residential Ranchette). The 10 ± acres are at the southwest corner of Bynum Road (State Route E) and Stewart Road, lying in Section 36, Township 47, Range 30, 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 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	R Scott George Administrator	Date: 08/22/2012																		
	Finance (Budget Approval): <i>If applicable</i>	Date:																		
	Division Manager:	Date:																		
	County Counselor's Office:	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 August 16, 2012

Staff report

Names/Addresses of surrounding property owners

Map showing current zoning districts in area

Application

Plat – Talley Acres

**ATTACHMENT TO RLA 1:**

**Description:** A tract of land in the Northeast Quarter of the Southeast Quarter in Section 36, Township 47, Range 30 in Jackson County, Missouri, more particularly described as follows: Commencing at the Northeast corner of said Southeast Quarter; thence South 63 degrees 16' 16" West a distance of 45.78 feet to the True point of beginning; thence South 89 degrees 10' 37" West along the South right of way of East Stewart Road 427.06 feet; thence South 02 degrees 20' 05" West a distance of 1022.46 feet; thence North 89 degrees 10' 14" East a distance of 426.42 feet to a point on the West right of way line of Missouri Highway E; thence North 02 degrees 22' 13" East along the West right of way a distance of 1022.45 feet to the True point of beginning.

**2. RZ-2012-485 – JSW Homes**

Requesting a change of zoning from District A (Agricultural) on a 10 ± acre tract to District RR (Residential Ranchette). The 10 ± acres are at the southwest corner of Bynum Road (State Route E) and Stewart Road, lying in Section 35, Township 47, Range 30, Jackson County, Missouri.

Mr. George introduced RZ-2012-485 and entered 9 exhibits into the record.

**Location:** Southwest corner of Bynum Road (State Route E) and Stewart Road, lying in Section 36, Township 47, Range 30, Jackson County, Missouri

**Area:** 10 ± acres

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

**Purpose:** Applicant wishes to subdivide the property into two lots.

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

Zoning in the area is agricultural. Property sizes range from 3 acres to 10 acres and larger tracts, containing single family residences.

To the north is a four lot subdivision, Anna N Shore Addition, platted in 1989. Lot sizes are 4.5 acres. To the east across Bynum Road is a two lot subdivision, California Acres, platted in 1990. Lots sizes are 3 and 7 acres. To the west is a 20 acre tract and beyond it are two subdivisions, Hensley Acres, containing two lots, 4 and 9 acres, platted in 1991, and Apple Tree Ridge, containing 6 lots, approximately 2 acres in size, platted in 1985.

**Comments:** The proposed lots will be approximately 5 ± acres in size. Each lot also exceeds the 250 foot minimum frontage requirement for the RR District. The proposed two lot subdivision and lot sizes will be compatible with adjacent uses.

**County Plan:**

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

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2012-485

There were no questions from Commission for Mr. George.

Carolyn Wilkinson introduced herself as the representative for the applicant.

There were no questions from the Commission for Carolyn Wilkinson.

Shannon McCormack introduced herself to the Commission and asked if the entrances were going to be off Bynum. Her concern is that there is a low in the road and water



gathers there and it is a traffic issue. She said school buses would not pick up the kids in the morning because of the traffic.

Randy Diehl, Jackson County Public Works introduced himself and said it was a MODOT issue but the entrances would pull off Stewart.

Chris Jenkins Jackson County Public Works introduced himself and told Ms. Wilkinson that he would like to meet after the meeting and discuss the issue with her because it would need to be addressed because of the storm water run off.

Motion made to take RZ-2012-485 under advisement by Commissioner Haley, seconded by Commissioner Akins.

No discussion on this Item.

Motion was made to approve RZ-2012-485 by Commissioner Mershon, Commissioner Haley seconded, vote was taken.

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

**RZ-2012-485 APPROVED (7-0)**

**STAFF REPORT**

**PLAN COMMISSION  
August 16, 2012**

**RE: RZ-2012-485**

**Applicant:** JSW Homes

**Location:** Southwest corner of Bynum Road (State Route E) and Stewart Road, lying in Section 36, Township 47, Range 30, Jackson County, Missouri

**Area:** 10 ± acres

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

**Purpose:** Applicant wishes to subdivide the property into two lots.

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

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**Comments:** The proposed lots will be approximately 5 ± acres in size. Each lot also exceeds the 250 foot minimum frontage requirement for the RR District.

The proposed two lot subdivision and lot sizes will be compatible with adjacent uses.

**County Plan:**

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

**Plan Commission  
August 16, 2012  
RZ-2012-485**

**Applicants / Property Owners:**

**JSW Homes  
906 NW 1901 Road  
Lone Jack, MO 64070**

**Carolyn Wilkinson  
37605 E US 50 Hwy  
Lone Jack, MO 64070**

**Parcel No:**

73-700-04-20-00-0-00-000  
73-700-04-22-00-0-00-000

**Certified Mail – Return Receipt  
Property Owners within 1000 feet**

73-700-01-04-01-0-00-000  
BARKER DANNY & STEPHANIE &  
32110 E STRINGTOWN RD  
GREENWOOD, MO 64034

73-700-01-05-00-0-00-000  
BARKER DANNY & STEPHANIE

73-700-01-06-00-0-00-000  
BARKER DANNY & STEPHANIE

73-700-01-07-00-0-00-000  
BARKER DANNY & STEPHANIE

73-700-01-08-00-0-00-000  
BARKER DANNY & STEPHANIE

74-900-02-07-00-0-00-000  
BARKER DANNY & STEPHANIE

74-900-03-14-00-0-00-000  
BARKER DAVID & MURKIN DEBRA  
15101 S BYNUM RD  
GREENWOOD, MO 64034

74-900-03-16-00-0-00-000  
BRANHAM WALLACE R JR & RUTH  
15111 S BYNUM RD  
LONE JACK, MO 64070

74-900-03-17-00-0-00-000  
BRANHAM WALLACE R JR & RUTH

74-900-03-06-01-0-00-000  
BRESSMAN HENRY S & RUTH ALENE  
35700 E 191ST ST  
PLEASANT HILL, MO 64080

74-900-03-19-00-0-00-000  
BRESSMAN HENRY S & RUTH ALENE

74-900-03-18-00-0-00-000  
BRESSMAN TERESA JEAN  
15301 S BYNUM RD  
LONE JACK, MO 64070

74-900-03-05-00-0-00-000  
CAMACK RODNEY & SHANNON  
15201 S BYNUM RD  
LONE JACK, MO 64070

73-700-04-02-02-3-00-000  
HOAG KENNETH R & NANCY E-TR  
PO BOX 163  
LONE JACK, MO 64070

74-900-03-07-00-0-00-000  
HOBBS JAMES WILLIS & LAURA G  
376 E DRY CREEK LN  
ALPINE, UT 84004

74-900-03-08-00-0-00-000  
KOETTING LINDA KAY  
15216 S BYNUM RD  
LONE JACK, MO 64070

73-700-04-19-00-0-00-000  
N W ELECTRIC POWER COOP INC  
1001 W GRAND AVE  
CAMERON, MO 64429

73-700-04-21-00-0-00-000  
STEWART BUILDERS LLC  
4308 SW CANTER DR  
LEE SUMMIT, MO 64082



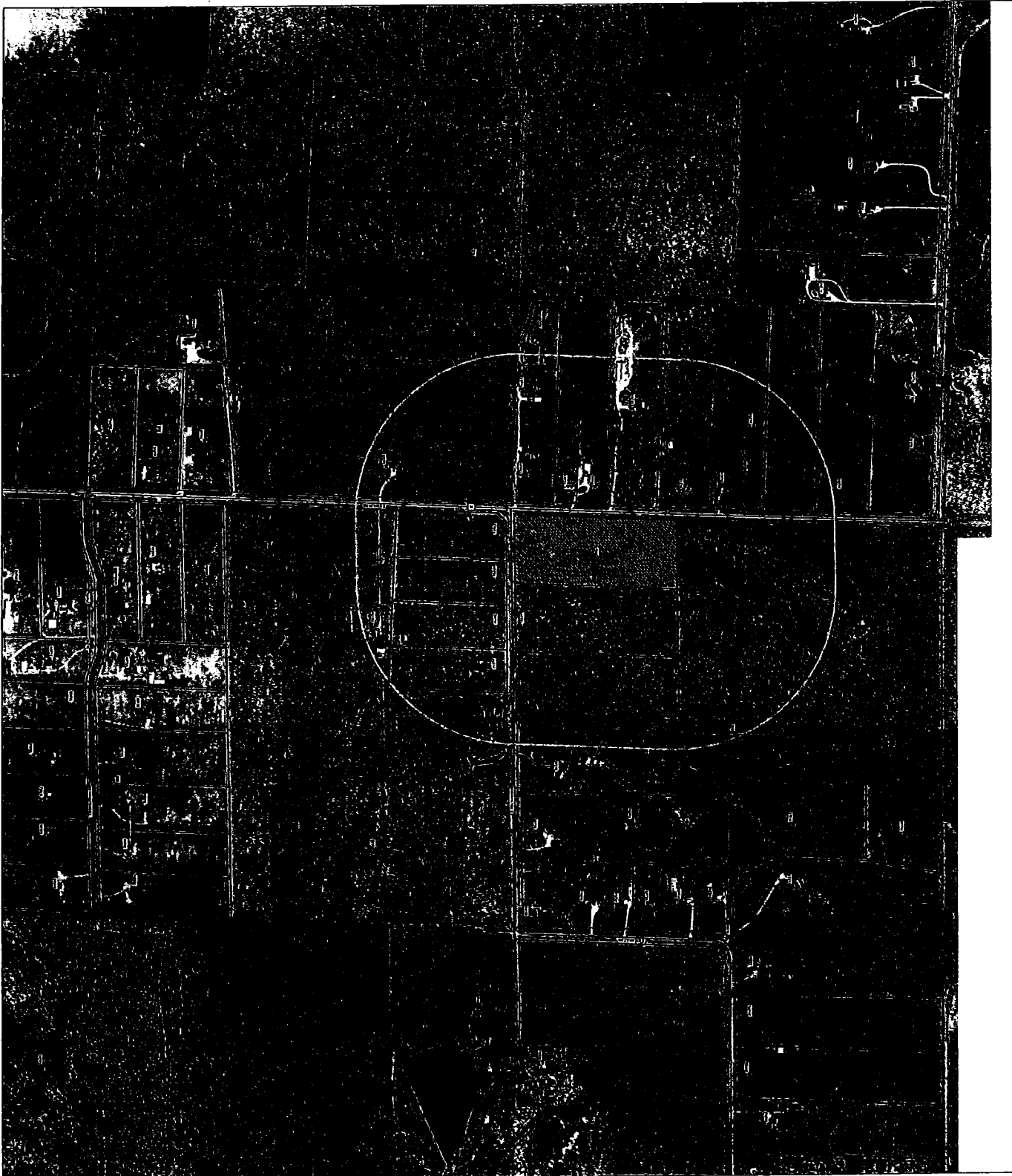
Jackson County  
Zoning Map

	100' Notification Ring
<b>Addresses</b>	• call other values>
<b>PRIMARY ADD</b>	• Future No.
	• Park
	• Multiple
	• Primary
	• Secondary Res
	• Utility
	Legislative Action
	Streets
	call other values>
	Pending
<b>Rezoning</b>	
	RR-Residential Ranchette
	Residential Ranchette-Planned
	RE-Residential Estates
	RS-Residential Suburban
	RU-Residential Urban
	A1-Single-Family
	B1-Two-Family
	C1-Multi-Family
	M1-Mobile Home District
	RO-Residential Office-Planned
	LB-Local Business
	LBJ-Local Business-Planned
	GB-General Business
	GBP-General Business-Planned
	LI-Light Industrial
	LIP-Light Industrial-Planned
	IH-Heavy Industrial

EX-5

RZ-2012-485

1 inch equals 200 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 West 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-2012- 485  
Date filed 7-17-12 Date of hearing 8-16-12  
Date advertised 8-1-12 Date property owners notified 8-8-12  
Date signs posted 8-1-12  
Hearings: Heard by PC Date 8-16-12 Decision \_\_\_\_\_  
Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_  
Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

**BEGIN APPLICATION HERE:**

1. Data on Applicant(s) and Owner(s):
  - a. Applicant(s) Name: JSW Homes  
Address: 906 NW 1901 Rd  
Lone Jack, Mo 64070  
Phone: 816-456-5435
  - b. Owner(s) Name: JSW Homes  
Address: 906 NW 1901 Rd, Lone Jack  
64070  
Phone: 816-456-5435
  - c. Agent(s) Name: Carolyn Wilkinson  
Address: 37605 E. US Hwy 50  
Lone Jack, Mo. 64070

13. What effect will proposed development have on existing road and traffic conditions? one driveway on Bynum one on Stewart Rd - (Hwy E)

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? Yes

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

