

JUL 23 2018







**REQUEST FOR LEGISLATIVE ACTION**

Completed by County Counselor's Office:

~~Res~~/Ord No.: 5119

Sponsor(s): None

Date: July 30, 2018

<p><b>SUBJECT</b></p>	<p>Action Requested  <input type="checkbox"/> Resolution  <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: <u>Joseph A &amp; Sarah A Kinder - RZ-2018-561</u></p>																			
<p><b>BUDGET INFORMATION</b>  <i>To be completed By Requesting Department and Finance</i></p>	<table border="1" data-bbox="313 531 1195 842"> <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> <p><b>OTHER FINANCIAL INFORMATION:</b></p> <p><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: \$ _____</p> <p>Prior Year Budget (if applicable): _____          Prior Year Actual Amount Spent (if applicable): _____</p>		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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<p><b>PRIOR LEGISLATION</b></p>	<p>Prior ordinances and (date): _____          Prior resolutions and (date): _____</p>																			
<p><b>CONTACT INFORMATION</b></p>	<p>RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577</p>																			
<p><b>REQUEST SUMMARY</b></p>	<p>Requesting a change of zoning from District AG (Agricultural) on 2.69 ± acres to District RE (Residential Estates). The purpose is rezone and consolidate, by replatting a 0.70 acre tract and a platted lot into one contiguous lot. The location is 3104 S. Owens School Road, Jackson County, Missouri, and specifically described on Attachment to RLA-1.</p> <p>The Jackson County Plan Commission on July 19, 2018 held a public hearing and accepted testimony pertaining to the request. This request for a change in zoning is consistent with the intent and purpose of the County Plan and complies with the Unified Development Code requirements.</p> <p>The Jackson County Plan Commission voted 7 to 0 to recommend <u>APPROVAL</u> to the County Legislature.</p>																			
<p><b>CLEARANCE</b></p>	<p><input type="checkbox"/> Tax Clearance Completed (Purchasing &amp; Department)  <input type="checkbox"/> Business License Verified (Purchasing &amp; Department)  <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)</p>																			
<p><b>ATTACHMENTS</b></p>	<p>See Attachment to RLA-2</p>																			
<p><b>REVIEW</b></p>	<table border="1" data-bbox="297 1774 1534 1955"> <tr> <td>Department Director: Brian D. Gaddie, P.E. Director of Public Works</td> <td></td> <td>Date: 7.20.18</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td></td> <td>Date:</td> </tr> <tr> <td>Division Manager:</td> <td></td> <td>Date: 7.23.18</td> </tr> </table>		Department Director: Brian D. Gaddie, P.E. Director of Public Works		Date: 7.20.18	Finance (Budget Approval): <i>If applicable</i>		Date:	Division Manager:		Date: 7.23.18									
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Division Manager:		Date: 7.23.18																		

County Counselor's Office:	Date:
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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.

## PLAN COMMISSION - July 19, 2018

Randy Diehl gave the Staff Report

RE: RZ-2018-561

**Applicant:** Joseph A & Sarah A Kinder

**Location:** 3104 S. Owens School Road

**Area:** 2.69 acres

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

**Purpose:** Applicant is requesting the change in zoning to consolidate their existing platted lot with a 0.70 acre tract.

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

The land use along Owens School Road is single family residential.

To the North is Wind Acres, a 4.39 platted lot, created in 2007. This lot is within District RE. To the South are four single family subdivisions. These plats are also within District RE. All other tracts and lots in the area are within District AG.

With the rezoning of the applicants 0.70 acre tract and their existing lot, they are replatting their lot along with a portion of Lot 1, Wind Acres. This is to realign the lot lines around the pond, and add additional area to the applicant's lot to bring it into compliance with the minimum lot size of 3 acres for District RE.

#### **Plan:**

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

Residential Estates is appropriate for the UDT.

### Recommendation:

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

Staff recommends APPROVAL of RZ-2018-561.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

**Mr. Antey: Are there any questions for Randy?**

There were none

**Mr. Antey: Is the applicant here?**

Joseph Kinder, 3104 S Owens School Road.

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

Other than that Randy is very helpful and does a fantastic job. He has helped us through this process.

**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. Ms. Mershon seconded.

*Discussion under advisement*

Mr. Tarpley moved to approve. Mr. Haley seconded.

Ms. Mershon	Approve
Mr. Haley	Approve
Mr. Tarpley	Approve
Mr. Gibler	Approve
Mr. Crawford	Approve
Ms. Querry	Approve
Chairman Antey	Approve

Motion Carried 7 – 0.

## STAFF REPORT

### PLAN COMMISSION

July 19, 2018

RE: RZ-2018-561

**Applicant:** Joseph A & Sarah A Kinder  
**Location:** 3104 S. Owens School Road  
**Area:** 2.69 acres  
**Request:** Change of zoning from District AG (Agricultural) to District RE (Residential Estates)  
**Purpose:** Applicant is requesting the change in zoning to consolidate their existing platted lot with a 0.70 acre tract.

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

The land use along Owens School Road is single family residential.

To the North is Wind Acres, a 4.39 platted lot, created in 2007. This lot is within District RE. To the South are four single family subdivisions. These plats are also within District RE. All other tracts and lots in the area are within District AG.

With the rezoning of the applicants 0.70 acre tract and their existing lot, they are replatting their lot along with a portion of Lot 1, Wind Acres. This is to realign the lot lines around the pond, and add additional area to the applicant's lot to bring it into compliance with the minimum lot size of 3 acres for District RE.

#### Plan:

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#### Recommendation:

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

Staff recommends APPROVAL of RZ-2018-561.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator



RZ-2018-561  
Joseph A & Sarah A Kinder

S OWENS SCHOOL RD

Blue Springs







## 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

July 3, 2018

RE: Public Hearing: RZ-2018-561  
Joseph A & Sarah A Kinder

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 Joseph A & Sarah A Kinder for a change of zoning from District AG (Agricultural) on 2.69 ± acres to District RE (Residential Estates). The purpose is rezone and consolidate by replatting, a 0.70 acre tract and a platted lot into one contiguous lot. The location is 3104 S. Owens School Road.

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, July 19, 2018 at 8:30 a.m. in the Large Conference Room, 2<sup>nd</sup> 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

Plan Commission July 19, 2018  
 RZ-2017-561

Property Owners Within 185 feet

Parcel Number *	owner *	owneraddress	ownercity	ownerstate	ownerzipcode
23-800-03-03-02-0-00-000	JOHNSON JAMES R & ANESSA K	3115 S OWENS SCHOOL RD	INDEPENDENCE	MO	64057
23-800-03-03-01-0-00-000	JOHNSON JANICE A	3107 S OWENS SCHOOL RD	INDEPENDENCE	MO	64057
23-800-03-02-00-0-00-000	JOHNSON JAMES D & JANICE A	3107 S OWENS SCHOOL RD	INDEPENDENCE	MO	64057
23-940-01-10-01-0-00-000	BARNHART JASON S & BECKY J	3112 S OWENS SCHOOL RD	INDEPENDENCE	MO	64057
23-800-02-17-00-0-00-000	MADDEN LELAND E & ZUBAIDA	3023 S OWENS SCHOOL RD	INDEPENDENCE	MO	64057-3213
23-910-01-21-00-0-00-000	KINDER PAUL A	3022 S OWENS SCHOOL RD	INDEPENDENCE	MO	64057
23-800-02-16-00-0-00-000	SIMMONS L GARY & KATHY	3017 S OWENS SCHOOL RD	INDEPENDENCE	MO	64050
<b>Applicant</b>					
23-940-01-11-00-0-00-000	ARNOLD SARAH A	3104 S OWENS SCHOOL RD	INDEPENDENCE	MO	64057
23-940-01-01-00-0-00-000	ARNOLD SARAH A	3104 S OWENS SCHOOL RD	INDEPENDENCE	MO	64057



**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- 2018-561  
Date filed 5-31-18 Date of hearing 7-19-18  
Date advertised 7-18-18 Date property owners notified 7-18-18  
Date signs posted 7-18-18  
Hearings: Heard by PC Date 7-19-18 Decision \_\_\_\_\_  
Heard by LU Date \_\_\_\_\_ Decision \_\_\_\_\_  
Heard by LQ Date \_\_\_\_\_ Decision \_\_\_\_\_

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**BEGIN APPLICATION HERE:**

1. **Data on Applicant(s) and Owner(s):**
  - a. Applicant(s) Name: SARAH ANN KINDER & JOSEPH ALLEN KINDER  
Address: 3104 S OWENS SCHOOL ROAD  
INDEPENDENCE, MO 64057  
Phone: 816-721-7218
  - b. Owner(s) Name: SARAH ANN KINDER (NÉE ~~ARNOLD~~)  
Address: SAME AS ABOVE  
Phone: SAME
  - c. Agent(s) Name: N/A

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

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

- d. Applicant's interest in Property: OWNER/RESIDENT
2. General location (Road Name) OWENS SCHOOL RD JUST 1/4 MILE NORTH OF PINK HILL ROAD
3. Present Zoning AG Requested Zoning RE
4. AREA (sq. ft. / acres) N 3.05 2.69 RD
5. Legal Description of Property: (Write Below or Attached 9 )  
ATTACHED
6. Present Use of Property: PRIMARY RESIDENCE
7. Proposed Use of Property: PRIMARY RESIDENCE
8. Proposed Time Schedule for Development: \_\_\_\_\_
9. What effect will your proposed development have on the surrounding properties?  
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 BLUE SPRINGS CITY - NONE
- b. Sewage disposal SEPTIC - NONE
- c. Electricity KCP&L - NONE
- d. Fire and Police protection EJC/SHERIFF - NONE
12. Describe existing road width and condition: TWO LANE - GOOD/ASPHALT

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13. What effect will proposed development have on existing road and traffic conditions? NONE

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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): N/A

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**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 5/30/18  
Property Owner(s) Sarah Kinder \_\_\_\_\_

Applicant(s): Sarah Kinder \_\_\_\_\_ 5/30/18 \_\_\_\_\_  
Joe K \_\_\_\_\_ 5/30/18 \_\_\_\_\_

Contract Purchaser(s): N/A \_\_\_\_\_

STATE OF Missouri  
COUNTY OF Jackson

On this 30<sup>th</sup> day of May, in the year of 2018, before me the undersigned notary public, personally appeared Sarah Ann Kinder and Joseph Allen Kinder

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 Cynthia L. Cline Commission Expires March 16, 2022





RZ-2018-561  
Joseph A & Sarah A Kinder



3022

3104

3112

3023

3107

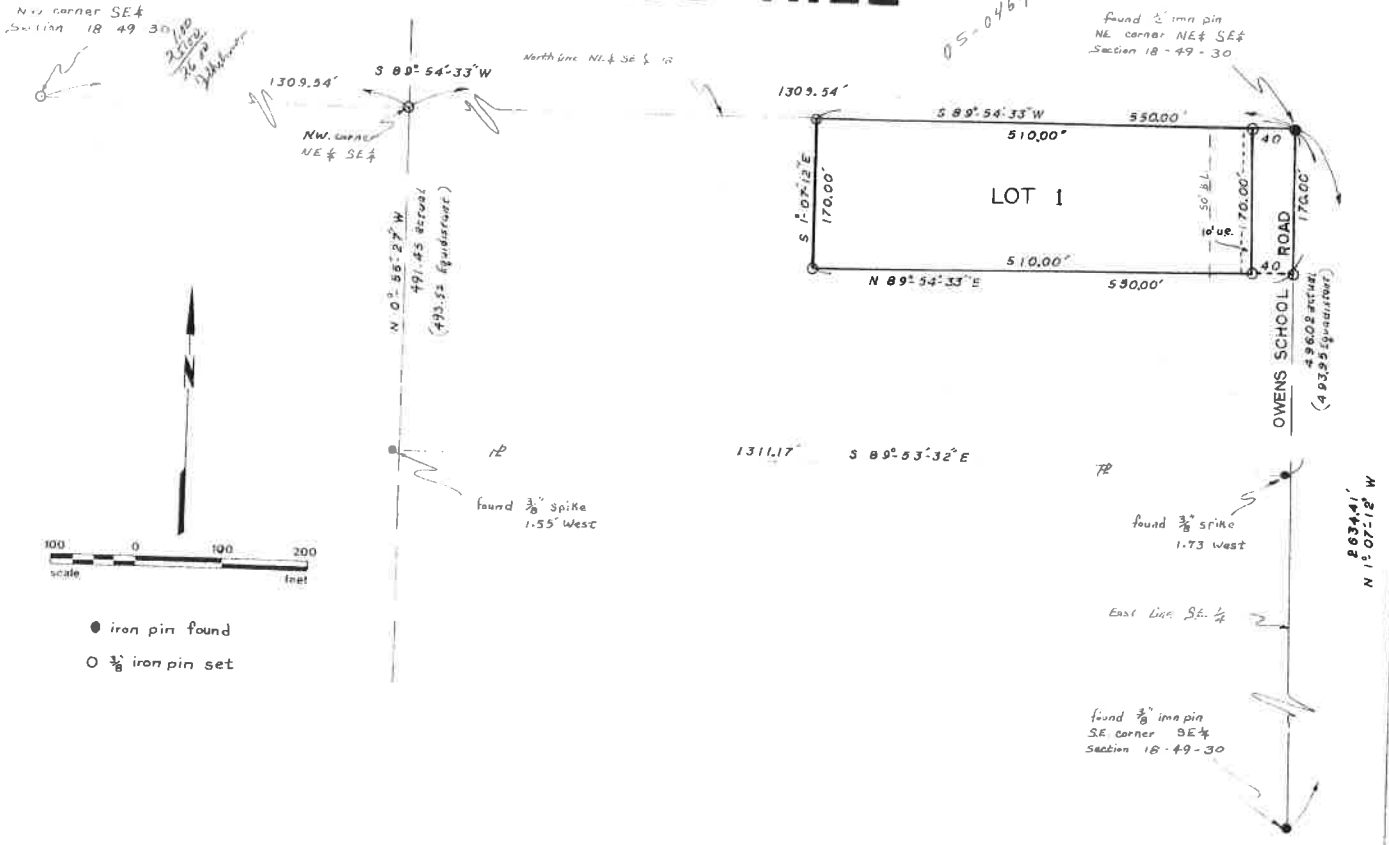
3115

S OWENS SCHOOL RD

130525

RECORDED  
NOV 21 11:27 5  
RECORDED IN  
COURT  
DIRECTOR OF RECORDS

# HYER'S HILL



- iron pin found
- 3/8" iron pin set

### Legal Description:

A part of the NE 1/4 of the SE 1/4 of Section 18, Township 19, Range 10, Jackson County, Missouri, described as follows: Beginning at the SE corner of said 1/4 1/4, thence N 89° 54' 33" W along the North Line of said 1/4 1/4 a distance of 550 feet, thence N 1° 07' 32" E a distance of 170 feet, thence S 89° 54' 33" E on the East Line of said 1/4 1/4 a distance of 550 feet, thence S 1° 07' 32" W a distance of 170 feet to the point of beginning.

**DEDICATION:** The undersigned proprietors of the above described land have caused the same to be subdivided in the manner shown on the accompanying map, which subdivision shall hereafter be known as "HYER'S HILL, LOT 1."

**EASEMENTS:** An easement of Easement to hereby grant to Jackson County, Missouri to locate, construct and maintain, to surface location, construction and maintenance of roads, streets, sidewalks, utility lines, water and sewer lines, streets and sewers and all or any of the over, under or along the street designated as "Highway" or the subdivision hereon.

**STREETS:** Street right or easement shown on this plan are heretofore dedicated to public use as thoroughfares in hereby indicated.

**DRIVEWAY RESTRICTIONS:** No driveway may be constructed in this subdivision to such a degree as to require vehicles using said driveway to be driven south Owens School Road. The Jackson County Public Works Department will retain jurisdiction in the construction of any driveway not complying with these restrictions.

### Approved as to Planning and Zoning

By *Russell Taylor* 11-16-84  
Director of Planning and Zoning  
Jackson County, Missouri

### Approved as to Street Locations and Widths

By *David Johnson* 11-15-84  
Director of Public Works  
Jackson County, Missouri

Approved *Elva Betty Hoff* 11-20-84  
Missouri County, Arkansas  
ELVA BETTY HOFF

I, Surveyor *Walter Roy Spangler*, do hereby certify that the above described subdivision was prepared by *John W. Hyer, Jr.* on this 14th day of *Nov*, 1984. I am personally known and who admitted the accuracy of the map and who acknowledged that he executed the same as his true and lawful act.

State of Missouri)  
County of Jackson) SS

On this 14th day of *Nov*, 1984, I being duly sworn, depose and say that I am personally known and who admitted the accuracy of the map and who acknowledged that he executed the same as his true and lawful act.

*Walter Roy Spangler*  
Surveyor, Public in and for Jackson County, Missouri

My Commission Expires: \_\_\_\_\_  
ISSUED BY: \_\_\_\_\_  
ISSUED THIS 21st DAY OF NOV 1984.

**SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY that the within stated map was prepared based on an actual survey made by me or upon an actual survey made by other persons and who admitted the accuracy of the map and who acknowledged that he executed the same as his true and lawful act. I am personally known and who admitted the accuracy of the map and who acknowledged that he executed the same as his true and lawful act.

November 10, 1984 *Walter Roy Spangler*  
Date Surveyor, Public in and for Jackson County, Missouri



2003 F0018367

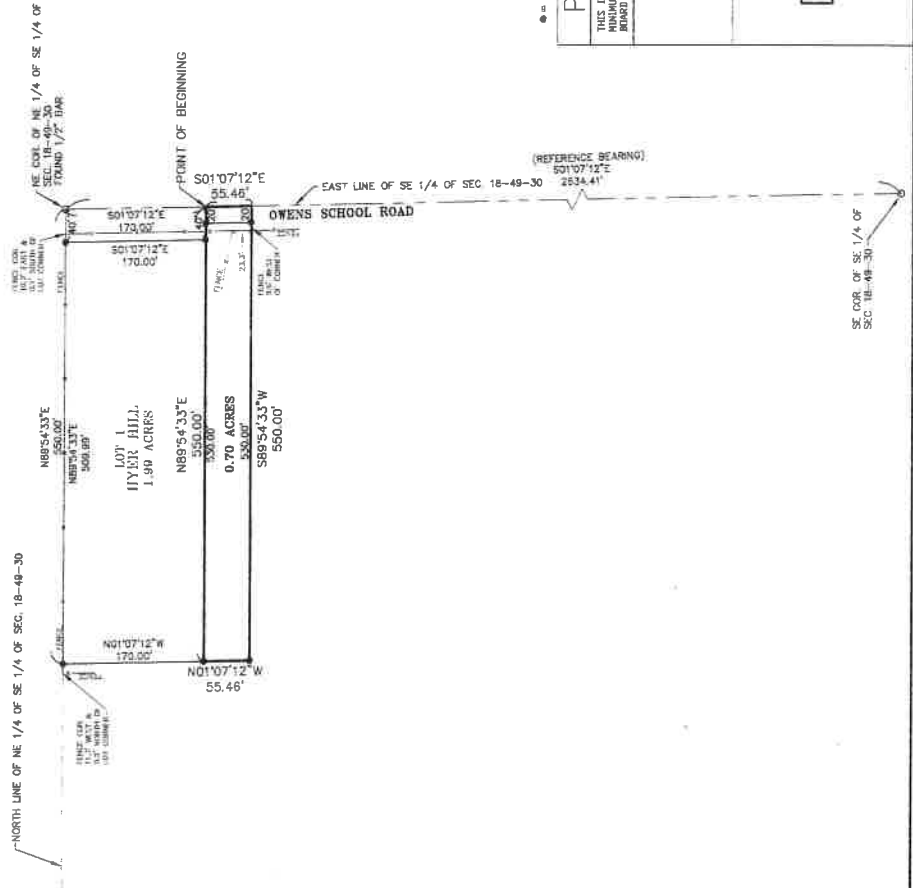
DESCRIPTION:

All that part of the Northeast quarter of the Southwest quarter of Section 18, Township 49, Range 30 in Jackson County, Missouri, more particularly described as follows: Commencing at the Northeast corner of the Northeast quarter of the Southeast quarter of said Section 18; thence South 01 degrees 07 minutes 12 seconds East along the East line of the Northeast quarter of the Southeast quarter of Section 18 a distance of 170.00 feet to the Southeast corner of the Northeast quarter of the Southeast quarter of Section 18; thence South 01 degrees 07 minutes 12 seconds East along the East line of the Northeast quarter of the Southeast quarter of Section 18 a distance of 55.46 feet; thence South 89 degrees 54 minutes 33 seconds West a distance of 550.00 feet; thence North 01 degrees 07 minutes 12 seconds West a distance of 55.46 feet to the Southwest corner of Lot 1, HYER HILL, a subdivision in Jackson County, Missouri; thence North 89 degrees 54 minutes 33 seconds East along the East line of said Lot 1 a distance of 550.00 feet to the Point of Beginning. Containing 0.70 acres.

Filed for record this 14  
 day of FEBRUARY, 2003  
 at 9 O'clock of the Morning  
 Recorded in Book 116 of Page 57  
 Director of Records

Deputy

Recorder's Fee \$ 40 --



• = SET 1/2" BAR W/ CAP

PLAT OF SURVEY

THIS IS TO CERTIFY THAT THIS SURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MISSOURI STATUTES FOR PROPERTY BOUNDARY SURVEYS AS ESTABLISHED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS

DATE: FEBRUARY 13, 2003  
 FOR: JERRI HYER

E. Larry Shirley  
 LAND SURVEYING  
 P.O. BOX 27  
 BLUE SPRINGS, MISSOURI 64003  
 (417) 532-2007

