




# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Ord~~ Ord No.: 4685

Sponsor(s): xxxx

Date: November 3, 2014

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Donald &amp; Patricia L Bossert Case No. RZ-2014-511</u>																			
BUDGET INFORMATION <i>To be completed                  By Requesting                  Department and                  Finance</i>	<table border="1" data-bbox="332 462 1209 777"> <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:		\$																		
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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 AG (Agricultural) on a 5.00 ± acre tract to District RE (Residential Estates). The 4.00 ± acres are described are 3 located in Section 09, Township 48, Range 30 on Moreland School Road. The 4.00 ± acres will be platted as Lot 1 Dove's Nest; 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:  Earl Newill, Acting Director	Date: 10/22/2014																		
	Finance (Budget Approval): <i>If applicable</i>	Date:																		
	Division Manager: 	Date: 10/27/14																		
	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:**

**Ord. 4685**

Attachments

Plan Commission Public Hearing Summary from July 17, 2014

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

Copy of Dove’s Nest – Preliminary

Photos of Property

# Jackson County Plan Commission Summary of Public Hearing

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**Date:** October 16, 2014

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

**Attendance:** Chairman Antey  
Mr. Gibler  
Mr. Pointer  
Mr. Crawford  
Mrs. Mershon  
Mrs. Querry  
Mr. Akins

**Staff:** Randy Diehl  
Chris Jenkins  
Kristen Geary

Mr. Haley & Mr. Tarpley were absent.

### Call to Order/Roll Call

At 8:30 am Chairman Antey called to order the October 16<sup>th</sup>, 2014 meeting of the Plan Commission and asked that the roll call be taken. Mr. Haley and Mr. Tarpley were absent.

### Approval of Record

Chairman Antey asked for a motion to approve the record of October 16, 2014. Mr. Pointer made a motion to approve. Mr. Crawford seconded the motion. Voice vote.

Minutes of the July 17, 2014 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.

#### **1. RZ-2014-511**

Randy Diehl gave the staff report.

**Applicant:** Donald L & Patricia L Bossert

**Location:** Section 09, Township 48, Range 30, Moreland School Road

**Area:** 4.00 ± 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 plat a one lot subdivision to be known as Dove's Nest.

**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. Property sizes within the immediate area range from 2 acres to 10 acres. To the West across Moreland School Road in Moreland Hills a seven lot development rezoned to District RE in 1998. Past Moreland Hills is Cairns Country Estates, three lots created and rezoned to District RE in 1997. To the East is Henson Acres, a two lot subdivision created and rezoned to District RE in 2004. To the Northeast is Kenyon Land Estates rezoned to District RE in 2002.

The applicant owns a total of 15.22 acres. The remaining 10 acres will remain within District AG (Agricultural) and will be shown as Tract A of the proposed plat.

**County Plan:**

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

The Residential Suburban District (RE) is appropriate for 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-2014-511

Chairman Antey:	Is the applicant present?
Robert Walquist:	821 Columbus Rd, Lee's Summit, MO
Chairman Antey:	Do you have anything to add to Randy's report?
Robert Walquist:	No, I just wanted to answer any questions anyone has.
Chairman Antey:	Does anyone have any questions for the applicant?
	(There were no questions)
	Is there anyone else present who would like to speak in favor of this application? (There was none)
	Is there anyone present who would like to speak who is opposed to or has questions concerning this application?
	(There was none)

Mrs. Mershon motioned to take this under advisement. Mr. Akins seconded.  
Voice Vote: Motion Carried 7 – 0.

Mr. Pointer: It's pretty straight forward. There isn't much to talk about.

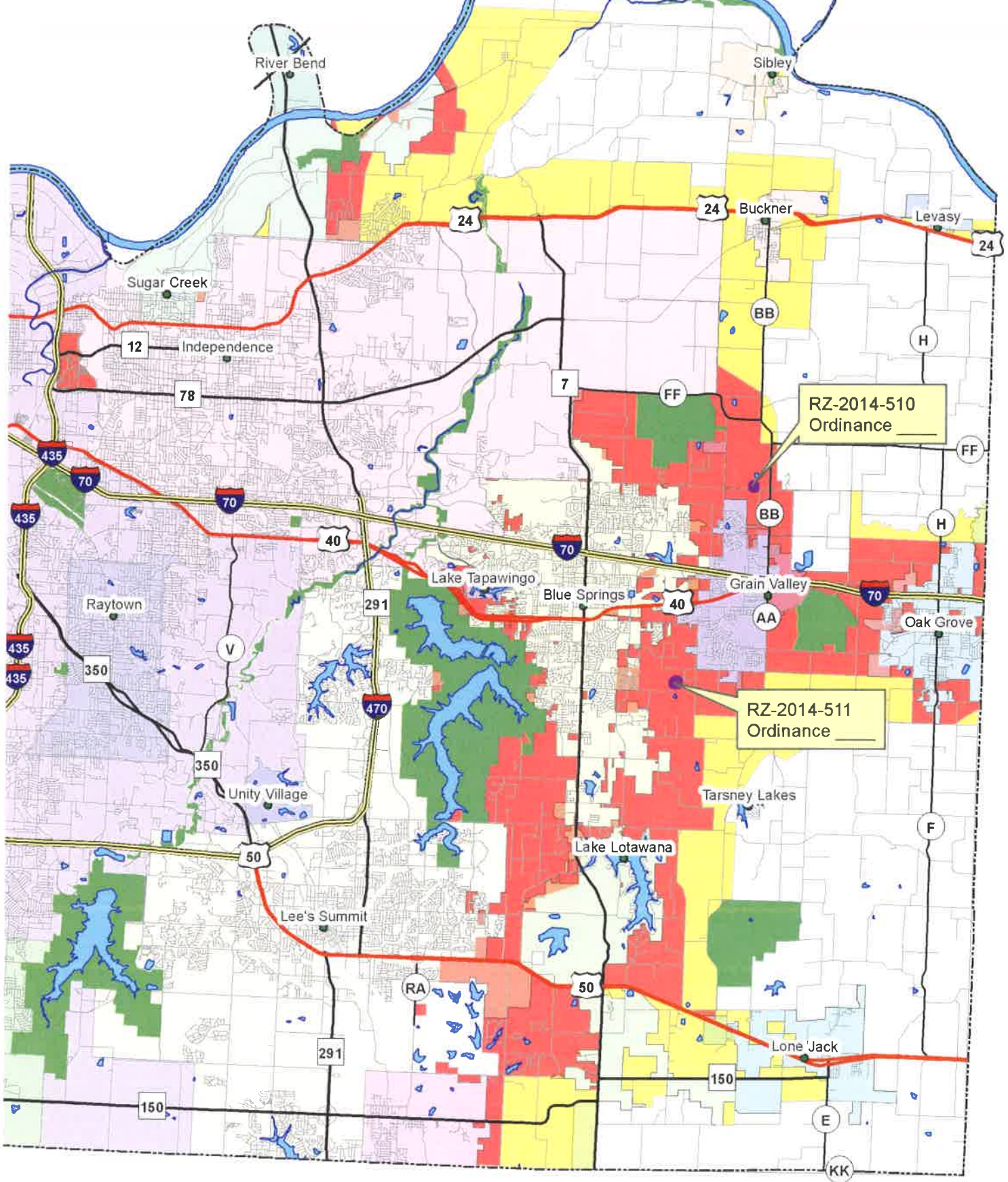
Mrs. Mershon motioned to approve RZ-2014-511. Mr. Crawford seconded.  
Motion Carried 8 – 0.

Mr. Akins	Approve	Mr. Crawford	Approve
Mrs. Querry	Approve	Mrs. Mershon	Approve
Mr. Gibler	Approve	Chairman Antey	Approve
Mr. Pointer	Approve		



Jackson County Plan Commission  
October 16, 2014  
Agenda Location Map

Ord. 4685



**STAFF REPORT**

**PLAN COMMISSION**  
**October 16, 2014**

**RE: RZ-2014-511**

**Applicant:** Donald L & Patricia L Bossert

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

The Residential Suburban District (RE) is appropriate for 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-2014-511

Respectfully submitted,  
Planning and Environmental Health Division

Randy Diehl  
Zoning Compliance Supervisor



AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI) }  
County of Jackson) } SS.

I, **KATHERINE M. JONES.**, being duly sworn according to law, state that I am the LEGAL CLERK and agent of THE EXAMINER, a daily newspaper of general circulation in the County of Jackson, State of Missouri, where located; which newspaper has been admitted to the Post Office as a periodical class matter in the City of Independence, Missouri, the city of publication; which newspaper has been published regularly and consecutively for a period of three years and has a list of bona fide subscribers, voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription for a definite period of time, and that such newspaper has complied with the provisions of Section 493.050, Revised Statutes of Missouri 2000, and Section 59.310, Revised Statutes of Missouri 2000. The affixed notice appeared in said newspaper in the following issues: October 1, 2014  
Commencing on \_\_\_\_\_

and ending on October 1, 2014 \_\_\_\_\_, being the issues of:  
October 1, 2014

being Volume 110 Numbers: 95

Signed Kath M. Jones  
Legal Clerk, Katherine M. Jones

Subscribed and sworn to before me on this 1st day of  
October, 2014

Ramona Williams  
Notary Public, Ramona Williams

RAMONA WILLIAMS  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Jackson County  
My Commission Expires: March 13, 2018  
Commission Number: 14592804

My commission expires March 13, 2018

Publishing Fee: \_\_\_\_\_

Received payment \_\_\_\_\_ per \_\_\_\_\_

## Ord. 4685

### PUBLIC HEARING

The Jackson County Plan Commission will hold public hearings at 8:30 a.m. on Thursday, October 16, 2014 in Conference Room D, Ground Floor, City Hall, 111 East Maple, Independence, MO on the following requests:

**1. RZ-2014-510 - Jeff A & Corrie L Wolff**

Requesting a change of zoning from District AG (Agricultural) on a 1.85 ± acre tract to District RS (Residential Suburban). The 1.85 ± acres is legally described as Lot 3, Stone Meadows, aka 32202 E. Pink Hill Road.

**2. RZ-2014-511 - Donald L & Patricia L Bossert**

Requesting a change of zoning from District AG (Agricultural) on a 4.00 ± acre tract to District RE (Residential Estates). The 4.00 ± acres are located in Section 09, Township 48, Range 30 on Moreland School Road.

For further details, exact locations and specific boundaries of these requests, contact Public Works Planning and Development Division at 881-4649, 303 W. Walnut, Independence, MO where the applications are accessible for inspection.

Persons with disabilities wishing to participate in the meeting and requiring a reasonable accommodation may call the Jackson County Public Works Planning and Development Division at 881-4649 or 1-800-735-2466 (Missouri Relay); 48 hour notice is required.

Jackson County Public Works  
Planning and Environmental Health  
Randy Diehl, Zoning Compliance Supervisor

October 1, 2014

**Recommendation:**

**Ord. 4685**

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

Staff recommends APPROVAL of RZ-2014-511

Respectfully submitted,  
Planning and Environmental Health Division

Randy Diehl  
Zoning Compliance Supervisor

**Plan Commission October 16, 2014**

**Applicant/ Property Owner**

41-600-02-17-01-0-00-000 Bossert, Donald L & Patricia L

29908 E. Moreland School Road

Blue Springs

MO

64015

Certified Mail  
Return Receipt

Property Owners within 185 feet

Parcel Number	Owner	Address	City	State	Zip
41-600-02-18-00-0-00-000	PIERSON JAMES JUDSON & CAROLINE SUE	323 ALBERTA ST	ENTERPRISE	AL	36330-1805
41-600-02-15-00-0-00-000	STANLEY JOHN S & VICKIE E	29603 E MORELAND SCHOOL RD	BLUE SPRINGS	MO	64015
41-600-02-42-00-0-00-000	KENNEDY JAMES R & REBECCA A	900 S M 7 HWY	BLUE SPRINGS	MO	64015
41-600-02-43-00-0-00-000	POOL SHEILA D-TRUSTEE	6924 MORELAND SCHOOL RD	BLUE SPRINGS	MO	64015
41-600-02-44-00-0-00-000	HOOD WENDELL E & LOIS M	6910 SE MORELAND SCHOOL RD	BLUE SPRINGS	MO	64015
41-600-02-33-00-0-00-000	FRANKLIN CHARLES D & MARGARET W TR	29801 SE MORELAND SCHOOL RD	BLUE SPRINGS	MO	64015
41-600-02-45-00-0-00-000	HOOD WENDELL & LOIS	6910 SE MORELAND SCHOOL RD	BLUE SPRINGS	MO	64015
41-600-02-30-00-0-00-000	MOTLEY ROY LEE & KAREN SUE	29802 E MORELAND SCHOOL RD	BLUE SPRINGS	MO	64015

**Ord. 4685**



## JACKSON COUNTY

### Public Works and Facilities Management Departments

303 West Walnut Street  
Independence, Missouri 64050  
www.jacksongov.org

Ord. 4685

October 1, 2014

*Administration Offices*  
303 W. Walnut  
Independence, MO  
64050  
(816) 881-4530  
Fax: (816) 881-4448

*Planning and  
Environmental Health*  
303 W. Walnut  
Independence, MO  
64050  
(816) 881-4634  
Fax: (816) 881-1650

*Road Maintenance*  
34900 E. Old U.S. 40 Hwy.  
P.O. Box 160  
Grain Valley, MO  
64029  
(816) 847-7050  
Fax: (816) 847-7051

RE: Public Hearing: RZ-2014-511  
Donald L & Patricia L Bossert

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 Donald L & Patricia L Bossert for a change of zoning from District AG (Agricultural) on a 4.00 ± acre tract to District RE (Residential Estates). The 4.00 ± acres are located in Section 09, Township 48, Range 30 on Moreland 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 the rezoning will be held by the Plan Commission on Thursday, October 16, 2014 at 8:30 a.m. in Conference Room D, Ground Floor, Independence City Hall, 111 East Maple, 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 Planning and Environmental Health Division at 881-4649.

Sincerely,

Planning and Environmental Health Division

Randy Diehl  
Zoning Compliance Supervisor

Michael D. Sanders, County Executive





# Jackson County Zoning Map

- Legend**
- 185' Notification Area
  - Pending Rezoning**
  - Residential Suburban
  - 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
  - U-Light Industrial
  - UPp-Light Industrial-Planned
  - HI-Heavy Industrial



**EX. 5**  
**Ord. 4685**  
**RZ-2014-511**  
**Ord**

1 inch = 400 feet

**JACKSON COUNTY, MISSOURI  
APPLICATION FOR CHANGE OF ZONING**

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**APPLICANT INFORMATION:**

**Ord. 4685**

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

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**TO BE COMPLETED BY OFFICE PERSONNEL ONLY:**

Rezoning Case Number RZ- 2014- 511  
Date filed \_\_\_\_\_ Date of hearing \_\_\_\_\_  
Date advertised \_\_\_\_\_ Date property owners notified \_\_\_\_\_  
Date signs posted \_\_\_\_\_  
Hearings:    Heard by \_\_\_\_\_ 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: BOSSERT DONALD & PATRICIA L  
Address: 29908 MORLAND SCHOOL RD  
BLUE SPRINGS, MO 64014  
Phone: 816-769-4562
  - b. Owner(s) Name: SAME AS APPLICANT  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_
  - c. Agent(s) Name: BOUNDARY AND CONSTRUCTION SURVEY

Address: 821 NE COLUMBUS ST, LEE'E SUMMIT MO 64063

Phone: 816-554-9798

- d. Applicant's interest in Property: 100%
2. General location (Road Name) MORLAND SCHOOL ROAD
3. Present Zoning AG Requested Zoning RE
4. AREA (sq. ft. / acres) 234,066 SF / 5.37ac
5. Legal Description of Property: (Write Below or Attached 9 )  
LOT 1 OF "DOVES NEST , LOT 1 AND TRACT A
6. Present Use of Property: AGRICULTURAL
7. Proposed Use of Property: RESIDENTIAL
8. Proposed Time Schedule for Development: DECEMBER 2014
9. What effect will your proposed development have on the surrounding properties?  
MINIMAL TRAFFIC
10. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? NONE MAP # 29095C0326F  
If so, will any improvements be made to the property which will increase or decrease the elevation? \_\_\_\_\_
11. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water JACKSON COUNTY WATER DISTRICT #1
  - b. Sewage disposal ON SITE LATERALS OR LOGOON
  - c. Electricity KCPL
  - d. Fire and Police protection JACKSON COUNTY
12. Describe existing road width and condition: 20 FOOT PAVED COLLECTOR

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13. What effect will proposed development have on existing road and traffic conditions? MINIMAL TRAFFIC

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14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? NO

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If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): \_\_\_\_\_

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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 \_\_\_\_\_  
Property Owner(s) Patricia L. Bossert 9-15-14

Applicant(s): SAME AS OWNER

Contract Purchaser(s): N/A

STATE OF Missouri  
COUNTY OF Jackson

On this 15 day of Sept, in the year of 2014, before me the undersigned notary public, personally appeared Patricia Bossert

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 Julie A. Hughes Commission Expires 2-26-16





Ord. 4685

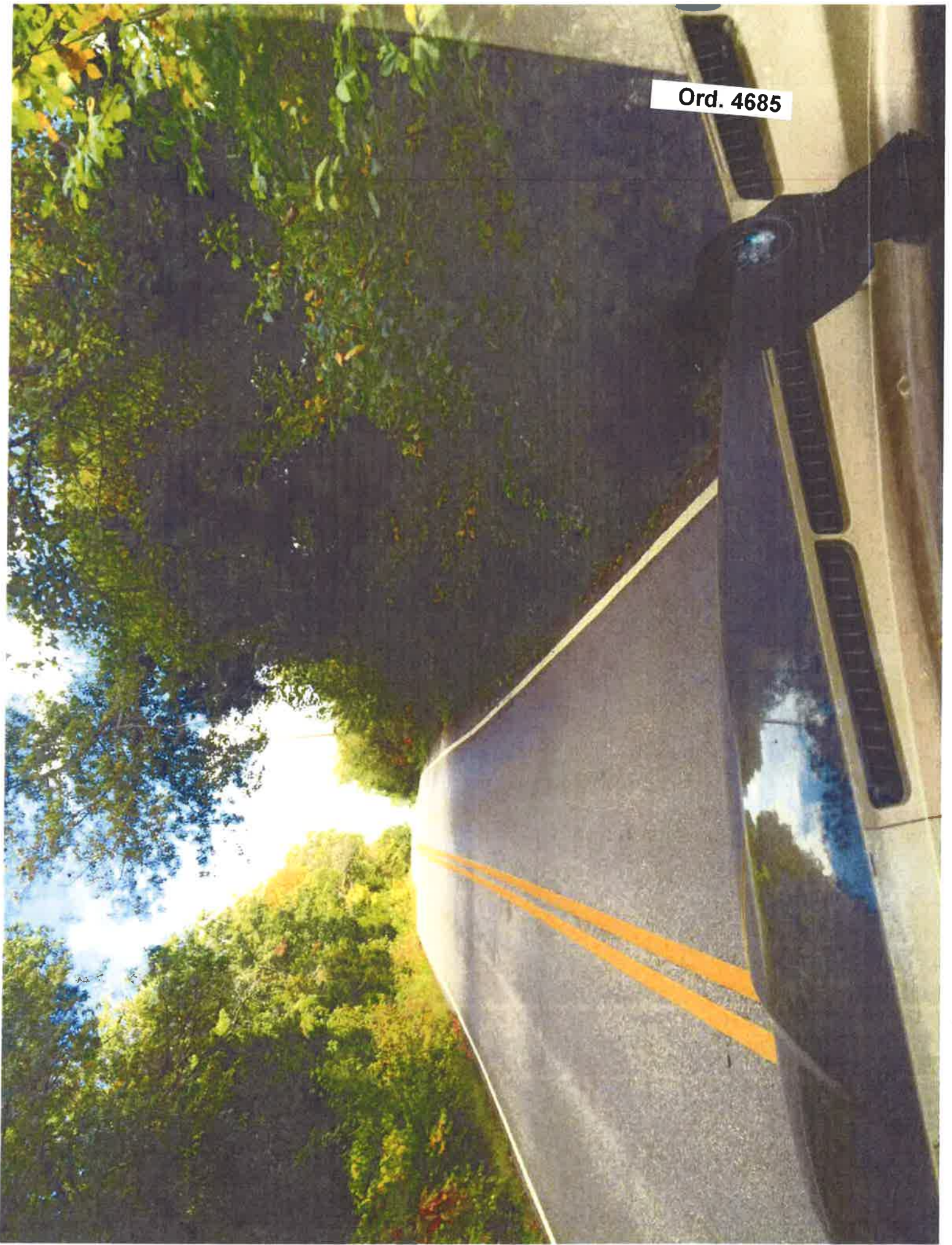


Ord. 4685





Ord. 4685











## Mary Jo Spino

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**From:** Karen Conrad <kacee1949@aol.com>  
**Sent:** Monday, November 03, 2014 9:58 AM  
**To:** Randy D. Diehl  
**Cc:** Jay D. Haden; Mary Jo Spino; spencebob38@gmail.com; arbanas84@aol.com  
**Subject:** Correction to Ordinance 4685 (Typo)

AN ORDINANCE amending the zoning districts established pursuant to the Unified Development Code by changing a certain 5 ± (**correction 4 acre**) acre tract from District AG (Agricultural) to District RE (Residential Estates).

I'll copy in Jay and Mary Jo for correction - see below.

-----Original Message-----

From: Randy D. Diehl <[RDiehl@jacksongov.org](mailto:RDiehl@jacksongov.org)>  
To: 'Karen Conrad' <[kacee1949@aol.com](mailto:kacee1949@aol.com)>  
Sent: Mon, Nov 3, 2014 9:36 am  
Subject: RE: Land Use Public Hearing Activity Calendar

Karen, I'm looking at the Agenda for Ordinance 4685 and it mentions it being a 5 acre tract. It is for a 4 acre tract.

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