

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 9.45 ± acre tract from District AG (Agricultural) to District RE (Residential Estates).

ORDINANCE NO. 4517, April 15, 2013

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

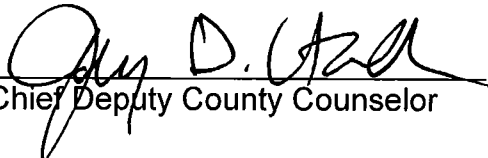
Section 1. The Zoning Order of Jackson County, Missouri, and the official maps which are a part thereof, are amended by changing the boundaries of the "AG" (Agricultural) District and the "RE" (Residential Estates) District, so that there will be transferred from District AG to District RE, a tract of land known as 25201 E. Atherton Sibley Road and specifically described as follows:

Description: All that part lying northerly of the railroad right of way of the following: All that part of the North Half of the Northeast Quarter, lying North of the Little Blue River, except the railroad right of way and except part in road, all in Section 36, Township 51, Range 31, Jackson County, Missouri.


Section 2. The Legislature, pursuant to the application of Jim and Becky McMillin (RZ-2013-494), 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 March 21, 2013, 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:



Chief Deputy County Counselor



County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4517 introduced on April 15, 2013, was duly passed on May 6, 2013 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

Nays 0

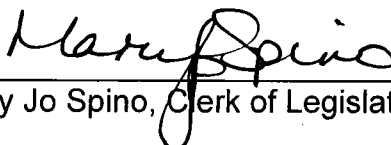
Abstaining 0

Absent 0

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

5-6-13

Date




Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4517.

5-6-13

Date



Michael D. Sanders, County Executive

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 4517

Sponsor(s): -----

Date: April 15, 2013

SUBJECT	<p>Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: <u>Jim C and Becky McMillin Case No. RZ-2013-494</u></p>										
<p>BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i></p>	<table border="1"> <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> <p>OTHER FINANCIAL INFORMATION:</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
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	<p>Prior ordinances and (date): _____ Prior resolutions and (date): _____</p>										
CONTACT INFORMATION	<p>RLA drafted by Randy Diehl, Planning and Zoning Coordinator, 881-4577</p>										
REQUEST SUMMARY	<p>Requesting a change of zoning from District AG (Agricultural) on a 9.45 ± acre tract to District RE (Residential Estates). The 9.45 ± acres are located in Section 36, Township 51, Range 31, Jackson County, Missouri aka 25201 E. Atherton Sibley Road and specifically described on Attachment to RLA-1.</p> <p>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.</p> <p>The Jackson County Plan Commission voted 7 to 0 to recommend <u>APPROVAL</u> to the County Legislature.</p>										
CLEARANCE	<p><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)</p>										
ATTACHMENTS	<p>See Attachment to RLA-2</p>										
REVIEW	<table border="1"> <tr> <td>Department Director: Larry J. Schall, P.E. <i>Larry J. Schall</i></td> <td>Date: <i>April 2, 2013</i></td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date: _____</td> </tr> <tr> <td>Division Manager: <i>[Signature]</i></td> <td>Date: <i>4/14/13</i></td> </tr> <tr> <td>County Counselor's Office:</td> <td>Date: _____</td> </tr> </table>	Department Director: Larry J. Schall, P.E. <i>Larry J. Schall</i>	Date: <i>April 2, 2013</i>	Finance (Budget Approval): <i>If applicable</i>	Date: _____	Division Manager: <i>[Signature]</i>	Date: <i>4/14/13</i>	County Counselor's Office:	Date: _____		
Department Director: Larry J. Schall, P.E. <i>Larry J. Schall</i>	Date: <i>April 2, 2013</i>										
Finance (Budget Approval): <i>If applicable</i>	Date: _____										
Division Manager: <i>[Signature]</i>	Date: <i>4/14/13</i>										
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.

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

Date: March 21, 2013
Place: Independence City Hall
111 E. Maple, Independence, MO

Attendance: Larry Antey
Sandra Querry
Jack Crawford
Denny Gibler
Tom Haley
Janet Mershon
W.L. Pointer
Bill Tarpley

Staff: Larry Schall
Randy Diehl
Scott George
Jay Haden
Chris Jenkins
June Van Loo
Joan Dickey

Call to Order/Roll Call

Chairman Antey called to order the March 31, 2013 meeting of the Plan Commission and asked that the roll call be taken. Commissioner Akins was absent.

Approval of Record

Chairman Antey asked for a motion to approve the record of January 17, 2013. Ms. Mershon made a motion to approve. Mr. Haley seconded the motion. Voice vote.

Minutes of January 17, 2013, Approved.

Public Hearings

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

1. RZ-2013-494 - Jim C. and Becky McMillin

Requesting a change of zoning from District AG (Agricultural) on a 9.45 ± acre tract to District RE (Residential Estates). The 9.45 ± acres are located in Section 36, Township 51, Range 31, Jackson County, Missouri aka 25201 E. Atherton Sibley Road.

Mr. George introduced RZ-2013-494 and entered 9 exhibits into record.

Location: 25201 E. Atherton Sibley Road lying in Section 36, Township 51, Range 31, Jackson County, Missouri.

Area: 9.45 ± acres

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

Purpose: The 9.45 ± acres will be platted into a two lot subdivision plat, Mack Tracts.

Current Land Use and Zoning in the Area:

Zoning in the area is primarily agricultural. Property sizes range from 10 acres and larger tracts. There are a few single family residences scattered along Atherton Sibley Road. To the West is Fisher Addition platted in 1970. Land use is agricultural.

To the East is Bowling Estates, recently rezoned to Residential Ranchette and platted. Rayron Addition platted in 1983 and Rayron 2nd Plat platted in 1988. Both of these were created prior to the UDC and are considered Legal Non-Conforming. Land use is generally single family residences.

Comments:

As stated, the applicant wishes to sell of the residence at 25201 E. Atherton Sibley Road with 3.79 ± acres and retain Lot 2 of the proposed subdivision plat. They own additional property adjacent to the proposed request. Approximately 34 acres across the road and a 17 acre tract to the south of the railroad right a way.

County Plan:

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT). The RE (Residential Estates) District is appropriate in 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-2013-494

Mr. Antey asked if there were any questions for staff?

Mr. Pointer asked if splitting the property would cause any drainage issues.

Mr. George stated no.

Applicant was introduced: Becky McMillan, 4924 N. Koger Road, Sibley, Missouri.

No questions for applicant.

Mr. Antey asked to take this under advisement. Ms Mershon made a motion to take RZ-2013-494 under advisement. Mr. Haley seconded the motion.

Ms. Mershon moved we approve RZ-2013-494, Mr. Pointer seconded.

Mr. Crawford	APPROVE
Ms. Mershon	APPROVE
Mr. Haley	OBSTAINS
Mr. Tarpley	APPROVE
Mr. Pointer	APPROVE
Ms. Query	APPROVE
Mr. Gibler	APPROVE
Mr. Antey	APPROVE

RZ-2013-494 – APPROVED (7-0)

STAFF REPORT

PLAN COMMISSION

March 21, 2013

RE: RZ-2013-494

Applicant: Jim C and Becky McMillin

Location: 25201 E. Atherton Sibley Road lying in Section 36, Township 51, Range 31, Jackson County, Missouri.

Area: 9.45 ± acres

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

Purpose: The 9.45 ± acres will be platted into a two lot subdivision plat, Mack Tracts.

Current Land Use and Zoning in the Area:

Zoning in the area is primarily agricultural. Property sizes range from 10 acres and larger tracts. There are a few single family residences scattered along Atherton Sibley Road. To the West is Fisher Addition platted in 1970. Land use is agricultural. To the East is Bowling Estates, recently rezoned to Residential Ranchette and platted. Rayron Addition platted in 1983 and Rayron 2nd Plat platted in 1988. Both of these were created prior to the UDC and are considered Legal Non-Conforming. Land use is to generally single family residences.

Comments:

As stated, the applicant wishes to sell of the residence at 25201 E. Atherton Sibley Road with 3.79 ± acres and retain Lot 2 of the proposed subdivision plat. They own additional property adjacent to the proposed request. Approximately 34 acres across the road and a 17 acre tract to the south of the railroad right a way.

County Plan:

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT). The RE (Residential Estates) District is appropriate in 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-2013-494

Respectfully submitted,
Planning and Environmental Health Division

Randy Diehl
Planning and Zoning Coordinator

**Plan Commission
March 21, 2013
RZ-2013-494**

Applicants / Property Owners: **Jim C and Becky McMillin
4924 N. Koger Road
Sibley, MO 64088**

Parcel No:
03-700-01-04-00-0-00-000
03-600-04-01-01-2-00-000
03-700-01-15-00-0-00-000

**Certified Mail – Return Receipt
Property Owners within 300 feet**

**03-700-02-05-00-0-00-000
Farmland Reserve Inc.
P.O. Box 51196
Salt Lake City, Utah 84151-1196**

**03-700-02-03-00-0-00-000
Farmland Reserve Inc.
P.O. Box 51196
Salt Lake City, Utah 84151-1196**

**03-600-04-01-01-2-00-000
Jim & Becky McMillin
4924 N. Kroger Road
Sibley, MO 64088**

**03-700-01-04-00-0-00-000
Jim & Becky McMillin
4924 N. Kroger Road
Sibley, MO 64088**

**03-700-01-15-00-0-00-000
Jim & Becky McMillin
4924 N. Kroger Road
Sibley, MO 64088**

**03-600-04-06-00-0-00-000
Paul & Nellie Nead
1827 S. Osage
Independence, MO 64055**



Jackson County
Zoning Map

Legend

30' Notation

Addresses

• all other values

PRIMARY ADD

• Future No.

• Park

• Multiple

• Primary

• Secondary Res

• Utility

Legislative Action

Streets

all other values

parcels

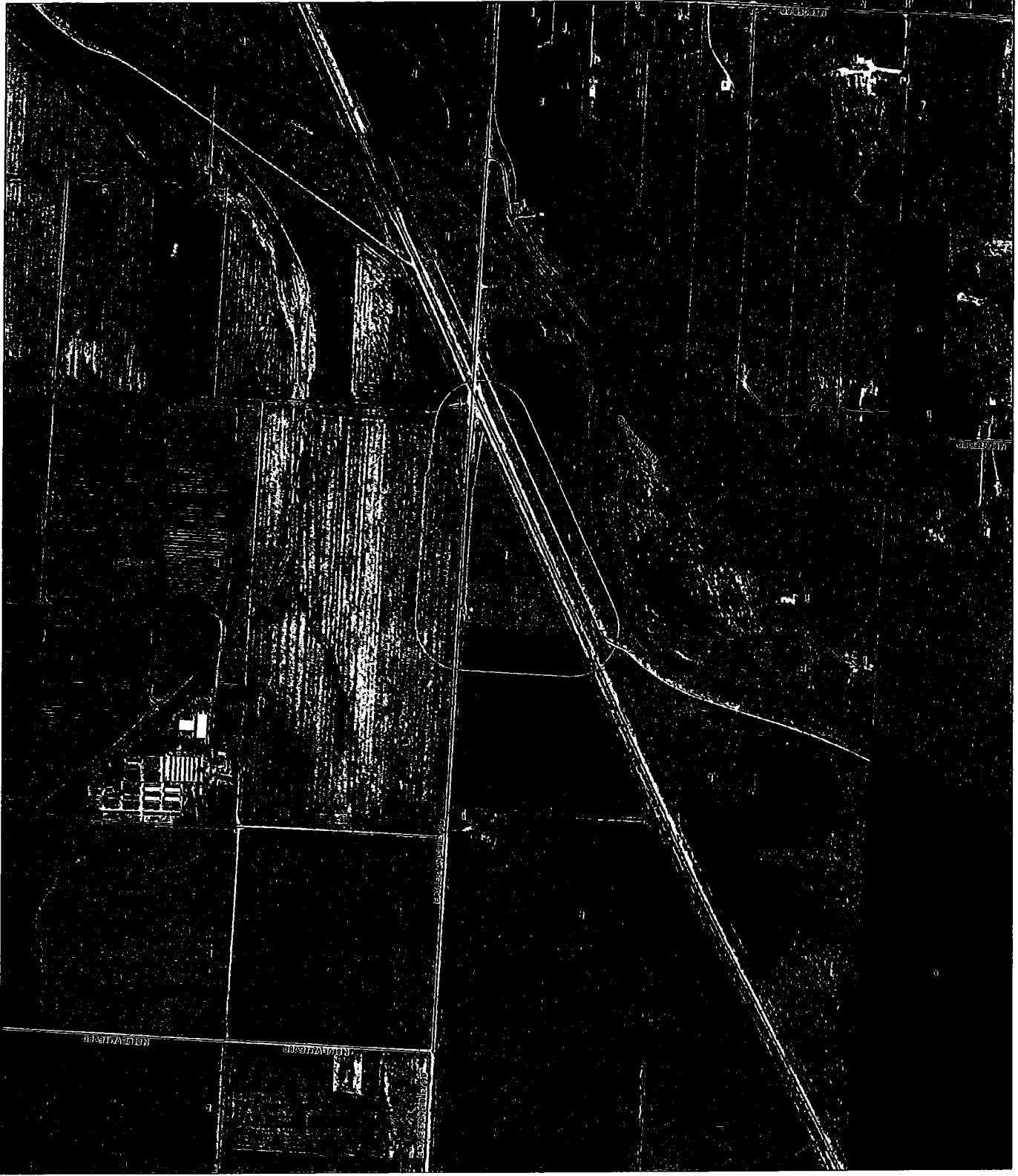
all other values

Pending

Rezoning

Zoning

- RR-Residential Ranchette
- RP-Residential Ranchette-Planned
- RE-Residential Estates
- RS-Residential Suburban
- RU-Residential Urban
- A1-Single-Family
- R1-Two-Family
- C1-High-Family
- A1-Mobile Homes District
- ROP-Residential Office-Planned
- LB-Local Business
- LBPL-Local Business-Planned
- GB-General Business
- GBPL-General Business-Planned
- LI-Light Industrial
- LIPL-Light Industrial-Planned
- HI-Heavy Industrial



EX. 5

RZ-2013-494

Ord

1 inch = 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 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-2013-494
Date filed 2-14-13 Date of hearing 3-21-13
Date advertised _____ Date property owners notified _____
Date signs posted _____
Hearings: Heard by _____ Date _____ Decision _____
Heard by _____ Date _____ Decision _____
Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):
 - a. Applicant(s) Name: Jim & Becky McMillin
Address: 4924 N. Roger Rd.
Sibley, MO 64088
Phone: 816-419-5244 or 816-716-3215
 - b. Owner(s) Name: same as above
Address: "
Phone: "
 - c. Agent(s) Name: Jim Jones Echo Realty

Address: 304 E. Monroe Buckner, MO 64016

Phone: 816-650-6103

d. Applicant's interest in Property: owner

2. General location (Road Name) 25201 E. Atherton Sibley Rd.

3. Present Zoning Agriculture Requested Zoning Residential RE

4. AREA (sq. ft. / acres) 3.79 acres 9.45 Ac

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

SEC: 36 Twp: 51 Rng: 31 NE NE 1/4 Lyg
Nwly AT+SF RR

6. Present Use of Property: Res. + Ag.

7. Proposed Use of Property: same

8. Proposed Time Schedule for Development: Immediate

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? Zone X

If so, will any improvements be made to the property which will increase or decrease the elevation? No

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

a. Water PWS#16

b. Sewage disposal Septic

c. Electricity KCP&L

d. Fire and Police protection Ft. Osage & Independence

12. Describe existing road width and condition: 2 lanes - Good Condition

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

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): _____

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)

Jim C. McMillin
Becky McMillin

2-14-13
2-14-13

Applicant(s):

Same as above

Contract Purchaser(s):

STATE OF Missouri
COUNTY OF Lafayette

On this 14th day of February, in the year of 2013, before me the undersigned notary public, personally appeared Jim C. McMillin and
Becky McMillin

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 Rayna Wulfekotter

Commission Expires 2-2-14



RAYNA WULFEKOTTER
My Commission Expires
February 2, 2014
Lafayette County
Commission #10479944

**PRELIMINARY PLAT
MACK TRACTS**

LOTS 1 & 2
A SUBDIVISION IN
JACKSON COUNTY, MISSOURI
A PART OF SEC. 1/4 SEC. 36, TWP. 51, R. 31
CLASS OF PROPERTY - RURAL

THE UNDERSIGNED REPRESENTS THAT HE HAS CONVEYED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THE ACCOMPANYING PLAT, THAT
SUBDIVISION AND PLAT SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

1. ALL LOTS AND ALIENS ARE TO BE CONVEYED BY DEED TO THE BUYER, WHO SHALL BE RESPONSIBLE FOR THE PAYMENT OF ALL TAXES, FEES AND CHARGES THAT MAY BE INCURRED IN CONNECTION WITH THE ACQUISITION AND CONVEYANCE OF THE SAME.
2. THE BUYER SHALL BE RESPONSIBLE FOR THE PAYMENT OF ALL TAXES, FEES AND CHARGES THAT MAY BE INCURRED IN CONNECTION WITH THE ACQUISITION AND CONVEYANCE OF THE SAME.
3. THE BUYER SHALL BE RESPONSIBLE FOR THE PAYMENT OF ALL TAXES, FEES AND CHARGES THAT MAY BE INCURRED IN CONNECTION WITH THE ACQUISITION AND CONVEYANCE OF THE SAME.

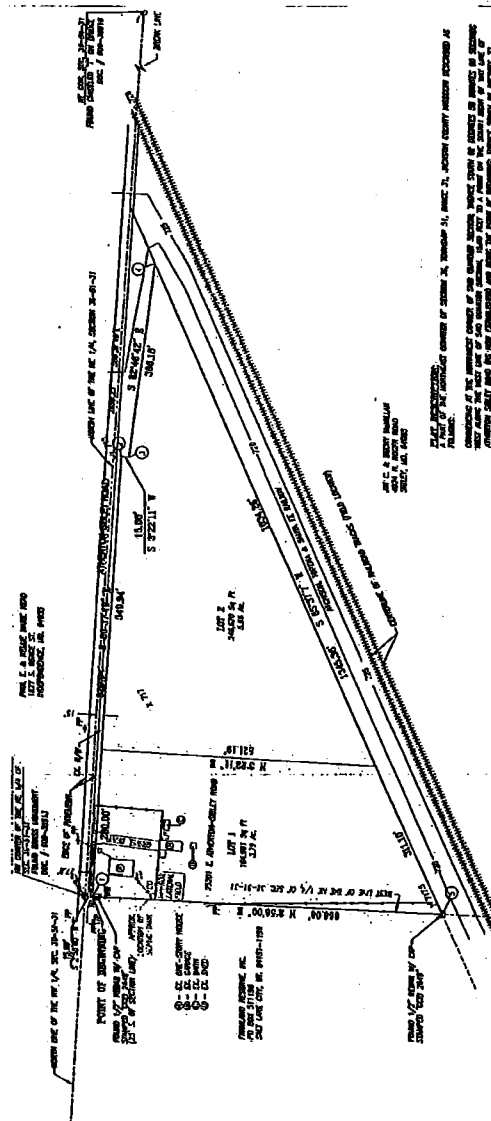
BY CONTRACTOR: _____
BY COUNTY CLERK: _____
BY RECORDER: _____

STATE OF MISSOURI
COUNTY OF JACKSON

BEFORE ME, the undersigned authority, on this _____ day of _____, 2013, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing plat and plat, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

MY COMMISSION EXPIRES _____

WITNESSED BY ME this _____ day of _____, 2013, at _____, Missouri.
Notary Public in and for the State of Missouri



ALL LOTS AND ALIENS ARE TO BE CONVEYED BY DEED TO THE BUYER, WHO SHALL BE RESPONSIBLE FOR THE PAYMENT OF ALL TAXES, FEES AND CHARGES THAT MAY BE INCURRED IN CONNECTION WITH THE ACQUISITION AND CONVEYANCE OF THE SAME.

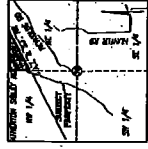
THE BUYER SHALL BE RESPONSIBLE FOR THE PAYMENT OF ALL TAXES, FEES AND CHARGES THAT MAY BE INCURRED IN CONNECTION WITH THE ACQUISITION AND CONVEYANCE OF THE SAME.

THE BUYER SHALL BE RESPONSIBLE FOR THE PAYMENT OF ALL TAXES, FEES AND CHARGES THAT MAY BE INCURRED IN CONNECTION WITH THE ACQUISITION AND CONVEYANCE OF THE SAME.

BY CONTRACTOR: _____
BY COUNTY CLERK: _____
BY RECORDER: _____

NO.	DESCRIPTION	DATE	BY
1
2
3
4
5
6
7
8
9
10

- LEGEND**
- - Survey Station
 - ⊙ - Survey Station (with center dot)
 - - Boundary Line
 - - - - - Easement Boundary Line
 - ⊕ - Right of Way
 - ⊖ - Right of Way
 - ⊗ - Survey Corner
 - ⊘ - Survey Corner
 - ⊙ - Survey Station



SECTION 36, TOWNSHIP 51, RANGE 31

PRELIMINARY PLAT OF MACK TRACTS
A PART OF THE 1/4 SECTION 36-T51M-R31
BOUNDARY & CONSTRUCTION
SURVEYING, INC.
100 N. JACKSON ROAD
SHELBY, MO 64688
PROJECT NO. 13-221
SHEET 1 OF 1

EX. 9