

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE amending the zoning districts established pursuant to the Unified Development Code by rezoning a certain 5 ± acres from District A (Agricultural) to District RR (Residential Ranchette).

ORDINANCE #4303, April 4, 2011

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: The 5 ± acres are approximately one-quarter of a mile south of Hunter Road on the west side of Galvin Road and specifically described as a tract of land located in the East-Half of the Northwest Quarter of Section 4, Township 50, Range 30, in Jackson County, Missouri described as follows:

Commencing at the Northeast corner of the East-Half of the Northwest Quarter of said Section 4;
Thence S 03°26'18" W along East line of said East-Half, a distance of 990.03 feet to the Point of Beginning;
Thence N 88°32'32" W, a distance of 653.28 feet;
Thence S 03°40'08" W, a distance of 333.50 feet;
Thence S 88°32'16" E, a distance of 654.62 feet to a point on said East line;
Thence N 03°26'18" E along said East line, a distance of 333.50 feet to the Point of Beginning.
Containing 217,945.00 Square Feet or 5.00 Acres more or less.

Section 2. The Legislature, pursuant to the application of Richard Adams on behalf of The Church of Jesus Christ – Saints Haven Restoration Branch (RZ-2011-473), 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 17, 2011, 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:

Jim D. Hader
Chief Deputy County Counselor

W. Stephen Myer
County Counselor

I hereby certify that the attached Ordinance, Ordinance #4303 introduced on April 4, 2011, was duly passed on April 25, 2011 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 7

Nays 0

Abstaining 0

Absent 2

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

4-26-11
Date

Mary Jo Spino
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4303.

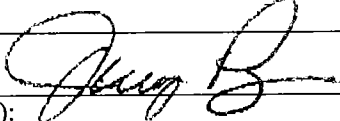
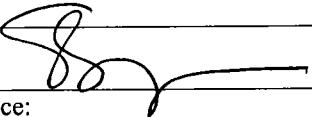
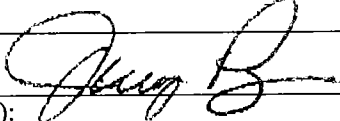
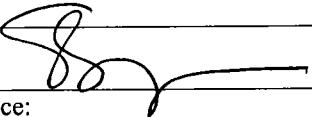
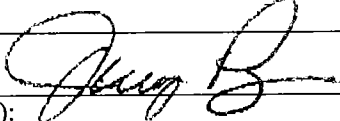
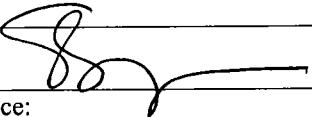
4/26/2011
Date

Michael D. Sanders
Michael D. Sanders, County Executive

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 4303
 Sponsor(s): None
 Date: April 4, 2011

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Rezoning (Richard Adams, The Church of Jesus Christ – Saints Haven Restoration Branch, Case No. RZ-2011-473)</u>												
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" style="width: 100%;"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td style="text-align: right;">\$</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		
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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): N.A. Prior resolutions and (date): N.A.												
CONTACT INFORMATION	RLA drafted by: Mark Trosen, Planning and Environmental Health Administrator, 881-4645												
REQUEST SUMMARY	Requesting an Ordinance amending the zoning districts established by the Unified Development Code by rezoning a certain 5 ± acres from District A (Agricultural) to District RR (Residential Ranchette). The proposed property use is a church. Description: The 5 ± acres are approximately one-quarter of a mile south of Hunter Road on the west side of Galvin Road and specifically described on Attachment to RLA-1. The Jackson County Plan Commission on March 17, 2011 held a public hearing and accepted testimony pertaining to the change of zoning requested by Richard Adams on behalf of The Church of Jesus Christ – Saints Haven Restoration Branch. There was no one present in opposition to the zoning request. 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 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	<table border="1" style="width: 100%;"> <tr> <td>Department Director: Jerry A. Page, P.E.</td> <td style="text-align: center;"></td> <td>Date: 3/21/2011</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td></td> <td>Date:</td> </tr> <tr> <td>Division Manager:</td> <td style="text-align: center;"></td> <td>Date: 3/24/11</td> </tr> <tr> <td>County Counselor's Office:</td> <td></td> <td>Date:</td> </tr> </table>	Department Director: Jerry A. Page, P.E.		Date: 3/21/2011	Finance (Budget Approval): <i>If applicable</i>		Date:	Division Manager:		Date: 3/24/11	County Counselor's Office:		Date:
Department Director: Jerry A. Page, P.E.		Date: 3/21/2011											
Finance (Budget Approval): <i>If applicable</i>		Date:											
Division Manager:		Date: 3/24/11											
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-1:

RZ-2011-473 (Richard Adams, The Church of Jesus Christ-Saints Haven Restoration Branch)

Description: The 5 ± acres are approximately one-quarter of a mile south of Hunter Road on the west side of Galvin Road and specifically described as a tract of land located in the East-Half of the Northwest Quarter of Section 4, Township 50, Range 30, in Jackson County, Missouri described as follows:

Commencing at the Northeast corner of the East-Half of the Northwest Quarter of said Section 4;

Thence S 03°26'18" W along East line of said East-Half, a distance of 990.03 feet to the Point of Beginning;

Thence N 88°32'32" W, a distance of 653.28 feet;

Thence S 03°40'08" W, a distance of 333.50 feet;

Thence S 88°32'16" E, a distance of 654.62 feet to a point on said East line;

Thence N 03°26'18" E along said East line, a distance of 333.50 feet to the Point of Beginning.

Containing 217,945.00 Square Feet or 5.00 Acres more or less.

ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from March 17, 2011

Staff Report

Names/Addresses of Surrounding Property Owners

Map showing current zoning districts

Application

Preliminary Plat – Saints Haven

Preliminary Site Plan for Church

1. RZ-2011-473 – Richard Adams on behalf of Saints Haven Church

Requesting a change of zoning from District A (Agricultural) to District RR (Residential Ranchette) on 5 ± acres. The proposed property use is a church. The 5 ± acres are approximately one-tenth of a mile south of Hunter Road on the west side of Galvin Road lying in the east half of the northwest quarter of Section 4, Township 50, Range 30 in Jackson County, Missouri.

Mr. Trosen introduced RZ-2011-473 and entered 10 exhibits into the record. Mr. Trosen gave the staff report with comments and recommendation as follows: the property is located approximately one-tenth of a mile south of Hunter Road on the west side of Galvin Road and is 5 ± acres in size. The request is for a change of zoning from District A (Agricultural) to RR (Residential Ranchette) District and the proposed property use is a church.

The surrounding land use in the area is predominantly agricultural and large residential tracts. The zoning is Agricultural. According to Section 24004.3 in the Unified Development Code, a church is a permitted use in District RR (Residential Ranchette). The minimum lot width in District RR is 250 feet. The preliminary plat for Saints Haven illustrates 333.5 feet of frontage adjacent to Galvin Road. In District RR, the minimum lot area is 5 acres. Although the preliminary plat shows that the proposed lot will be 4.7 acres, the property owner is dedicating on the plat 0.30 acres of property that will become part of the right-of-way for Galvin Road. Therefore, the gross area for the subdivided lot is 5 acres. The right-of-way dedication by the property owner ensures conformance to the right-of-way width for a Collector Road in the County Plan – "Strategy for the Future". The County Plan Development Diagram illustrates this area within the Rural Development Tier (RDT). The RR (Residential Ranchette) District is appropriate in the Rural Development Tier. This request for rezoning is consistent with the intent and purpose of the County Plan. Staff recommends APPROVAL of RZ-2011-473.

Mr. Pointer asked if area had rural water.

Mr. Trosen answered yes.

Mr. Tarpley asked what water district covered the area.

Mr. Trosen said District #16. Mr. Trosen also stated that if the rezoning were approved, drawings and construction plans completed and sealed by design engineer would need to be submitted in addition to wastewater plans completed by a registered engineer.

Mrs. Mershon asked if the county would have oversight on the construction.

Mr. Trosen said the design plans submitted needed to be signed and sealed by registered engineers; the plans would be reviewed for code compliance before permits were issued and inspections would be done as required during construction.

Mrs. Mershon asked if this would prohibit placement of a doublewide on the property for use as a church.

Mr. Trosen said that if code compliance were met, a doublewide could be placed on the property. He said that many schools were using doublewides for temporary classrooms.

Mr. Tarpley said it appeared that the location of the church would be 100 yards from the road.

Mr. Trosen said actual location of the church building would be dependent upon where the wastewater system could be placed as determined by percolation testing.

There were no further questions for Mr. Trosen.

Bob Stevens appeared as the applicant's representative. Mr. Stevens said that he agreed with everything in the staff report. He said that a doublewide would not be placed on the property, that a 60 ft. x 100 ft. building was planned for the site. Mr. Stevens said the site plan probably wouldn't be submitted until January, 2012 thus giving him plenty of time to have the preliminary and final plats approved.

Mr. Tarpley asked if the remainder of the property was used for row crops.

Mr. Stevens said yes.

Mr. Haley asked if 5 acres would be enough for the church as most churches wanted 8 – 10 acres.

Mr. Stevens said 5 acres was currently enough for the size of the church. He said there was potential for growth if the need arose.

There were no further questions for Mr. Stevens and no one else to appear in favor of or in opposition to the application.

Mr. Tarpley moved to take RZ-2011-473 under advisement. Mr. Pointer seconded the motion.

Mr. Pointer said the application appeared to be straight forward.

Mrs. Mershon wanted to know how traffic would be increased on Galvin and Hunter Roads.

Mr. Tarpley said there weren't too many houses in the area so there probably wasn't too much traffic.

Counselor Haden said that further information from staff would be allowable during advisement.

Chris Jenkins said that the applicant had stated that the building would have an occupancy limit of 250; he said that this could create the potential of 2000-2500 cars in the area. Mr. Jenkins said he had asked for a traffic impact study to be done and also a right-turn lane on Galvin southbound from Hunter.

Mr. Tarpley asked if most the traffic would be coming from the north.

Mr. Jenkins said that was the most likely scenario.

There was no further discussion.

Mrs. Mershon moved to approve RZ-2011-473. Mr. Haley seconded the motion.

VOTE:

Mr. Crawford	Approve
Mr. Haley	Approve
Mrs. Mershon	Approve
Mr. Pointer	Approve
Mrs. Querry	Approve
Mr. Tarpley	Approve
Chairman Antey	Approve

RZ-2011-473 APPROVED (7 - 0)

STAFF REPORT

PLAN COMMISSION

March 17, 2011

RE: RZ-2011-473

Applicant: Richard Adams
c/o The Church of Jesus Christ – Saints Haven Restoration Branch
26312 E. Blue Mills Road
Sibley, MO 64088

Property Owner: Allen Owings
29308 E. Hunter Road
Sibley, MO 64088

Location: Approximately one-tenth of a mile south of Hunter Road on the west side of Galvin Road

Area: 5 ± acres

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

Purpose: The proposed property use is a church.

Current Land Use and Zoning in the Area:

The surrounding land use in the area is predominantly agricultural and large residential tracts. The zoning is Agricultural.

Comments: According to Section 24004.3 in the Unified Development Code, a church is a permitted use in District RR (Residential Ranchette).

The minimum lot width in District RR is 250 feet. The preliminary plat for Saints Haven illustrates 333.5 feet of frontage adjacent to Galvin Road.

In District RR, the minimum lot area is 5 acres. Although the preliminary plat shows that the proposed lot will be 4.7 acres, the property owner is dedicating on the plat 0.30 acres of property that will become part of the right-of-way for Galvin Road. Therefore, the gross area for the subdivided lot is 5 acres. The right-of-way dedication by the property owner ensures conformance to the right-of-way width for a Collector Road in the County Plan – "Strategy for the Future".

County Plan:

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

Recommendation:

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

Staff recommends APPROVAL of RZ-2011-473.

Respectfully submitted,
Planning and Environmental Health Division



Mark Trosen
Administrator

**Plan Commission
March 17, 2011
RZ-2011-473**

Applicant:

**Richard Adams
c/o Saints Haven Restoration
Branch Church
26312 E. Blue Mills Road
Sibley, MO 64088**

Property Owner:

**Allen Owings
29308 E. Hunter Road
Sibley, MO 64088**

Parcel Numbers:

Part of 08-100-02-01 and

Part of 08-100-02-03-01

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

04-700-03-02.01.2
Allen Owings

08-100-01-10.01
Fred Lyons – Trustee
1466 Leisure World
Mesa, AZ 85206

08-100-02-07
Dawn Boswell
4216 Galvin Rd.
Sibley, MO 64088

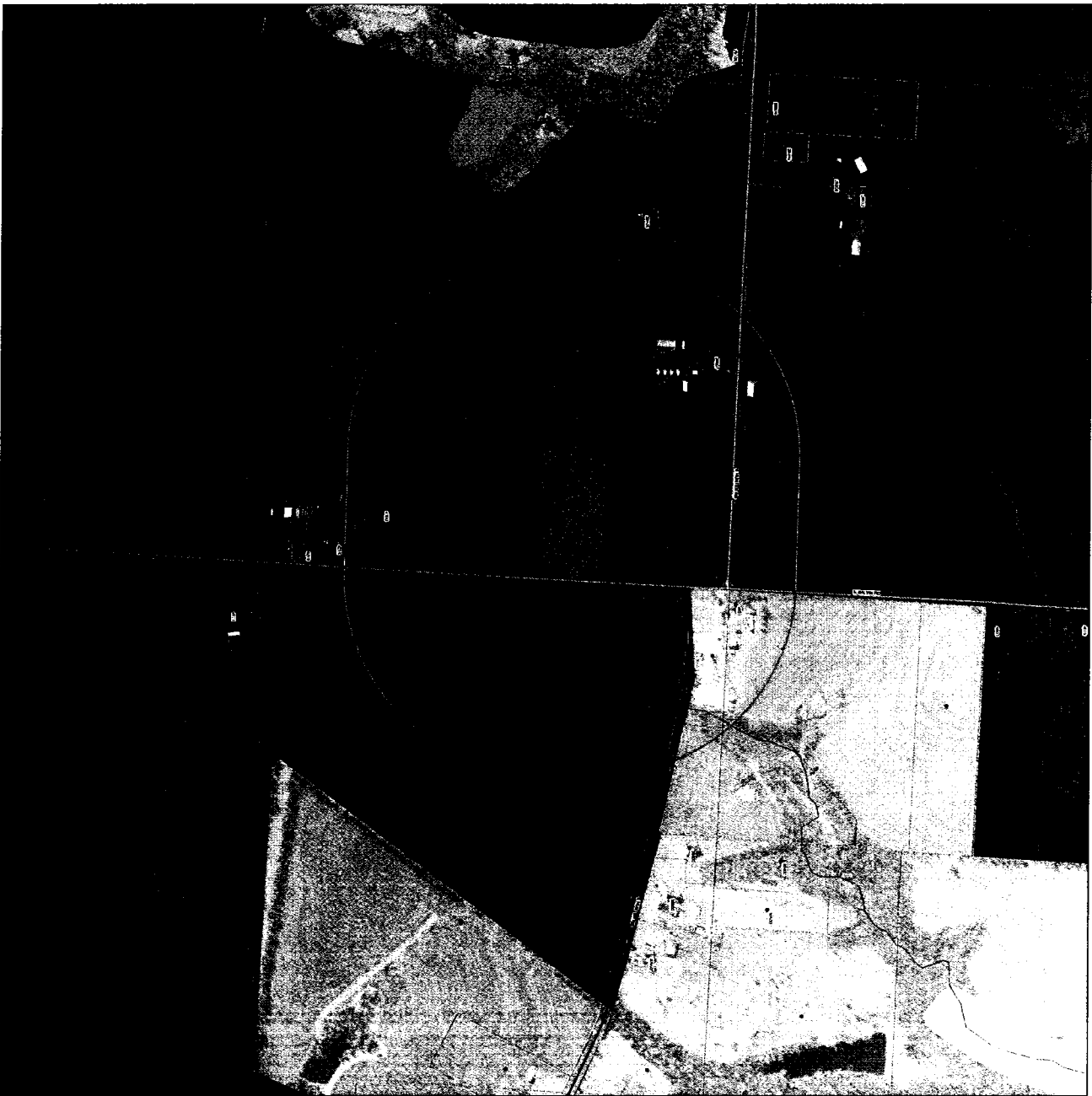
08-100-02-02.02
Edwin Winfrey
4105 Johnson Rd.
Sibley, MO 64088

08-100-02-02.01
Edwin Winfrey

04-700-04-08
Wendell Rinacke – Trustee
P.O. Box 175
Sibley, MO 64088

08-100-01-03
Wendell Rinacke

08-100-02-03.02
Brad Owings
4300 N. Galvin Rd.
Sibley, MO 64088



Jackson County
Zoning Map

	100' Notification Ring
Classification	
	Local
	Collector
	Major Arterial
	Minor Arterial
	Parcels
	call other values
	Pins
	Pending Rezoning
Rezoning selection	
Zoning	
	RR-Residential Ranchette
	Residential Ranchette-Planned
	RE-Residential Estates
	RS-Residential Suburban
	RU-Residential Urban
	AU-Singles-Family
	BU-Two-Family
	CU-Multi-Family
	A-Middle Homes District
	R1Q-Residential Office-Planned
	L1-Local Business
	L2-Local Business
	L3-Local Business-Planned
	GB-General Business
	GBP-General Business-Planned
	U1-Light Industrial
	U2-Light Industrial-Planned
	H1-Highway Industrial
	Industrial Area
	City Boarders selection

RZ-2011-473

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-2011- 473

Date filed 2/15/2011 Date of hearing 3/17/2011

Date advertised 3/2/2011 Date property owners notified 3/2/2011

Date signs posted _____

Hearings: Heard by P.C. Date 3/17/2011 Decision _____

Heard by _____ Date _____ Decision _____

Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):
 - a. Applicant(s) Name: Richard Adams - SAINTS HAVEN
Address: 26312 E. Blue Mills Road
Sibley, Missouri 64088
Phone: 816-405-1845
 - b. Owner(s) Name: Allen Owing Same as Above
Address: 29308 E Hunter Rd. Sibley, Mo. 64088
Phone: 816-650-5440
 - c. Agent(s) Name: Same as Above (Applicant)
Address: _____

- c. Agent(s) Name: _____
 Address: _____
 Phone: _____
- d. Applicant's interest in Property: Build church
2. General location (Road Name) Galvin Road
3. Present Zoning AG Requested Zoning RESIDENTIAL Ranchette District AR
4. AREA (sq. ft. / acres) 5 AC. / LOT 4, 7 AC., 30 R/W
5. Legal Description of Property: (Write Below or Attached)
SEE Attached.
6. Present Use of Property: Farm land - AG
7. Proposed Use of Property: Church
8. Proposed Time Schedule for Development: June / July 1st
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? _____
11. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water DISTRICT 16
- b. Sewage disposal SEPTIC
- c. Electricity RCP&L
- d. Fire and Police protection FT. ~~OSI~~ USAGE FIRE

12. Describe existing road width and condition: 28'± Fairly 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) Allen G. Owings Susan L. Owings 2/14/11
Allen G. Owings Susan L. Owings

Applicant(s): _____
SAINTS HAVEN

Contract Purchaser(s): Richard L Adams 2-14-11
Richard L Adams

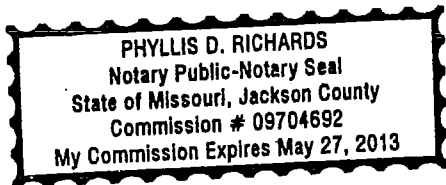
STATE OF Missouri
COUNTY OF Jackson

On this 14th day of February, in the year of 2011, before me the undersigned notary public, personally appeared Richard L. Adams

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 Phyllis D. Richards Commission Expires May 27, 2013

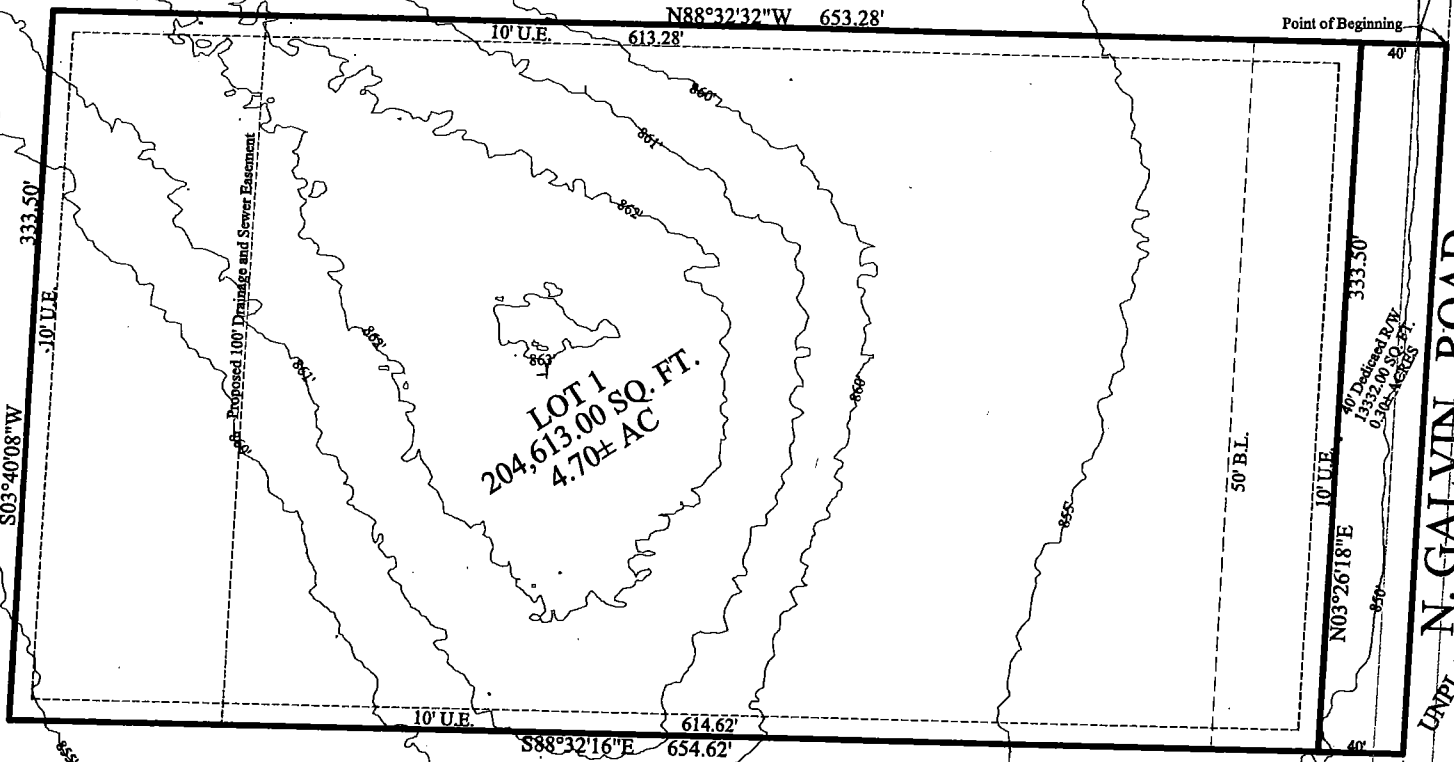


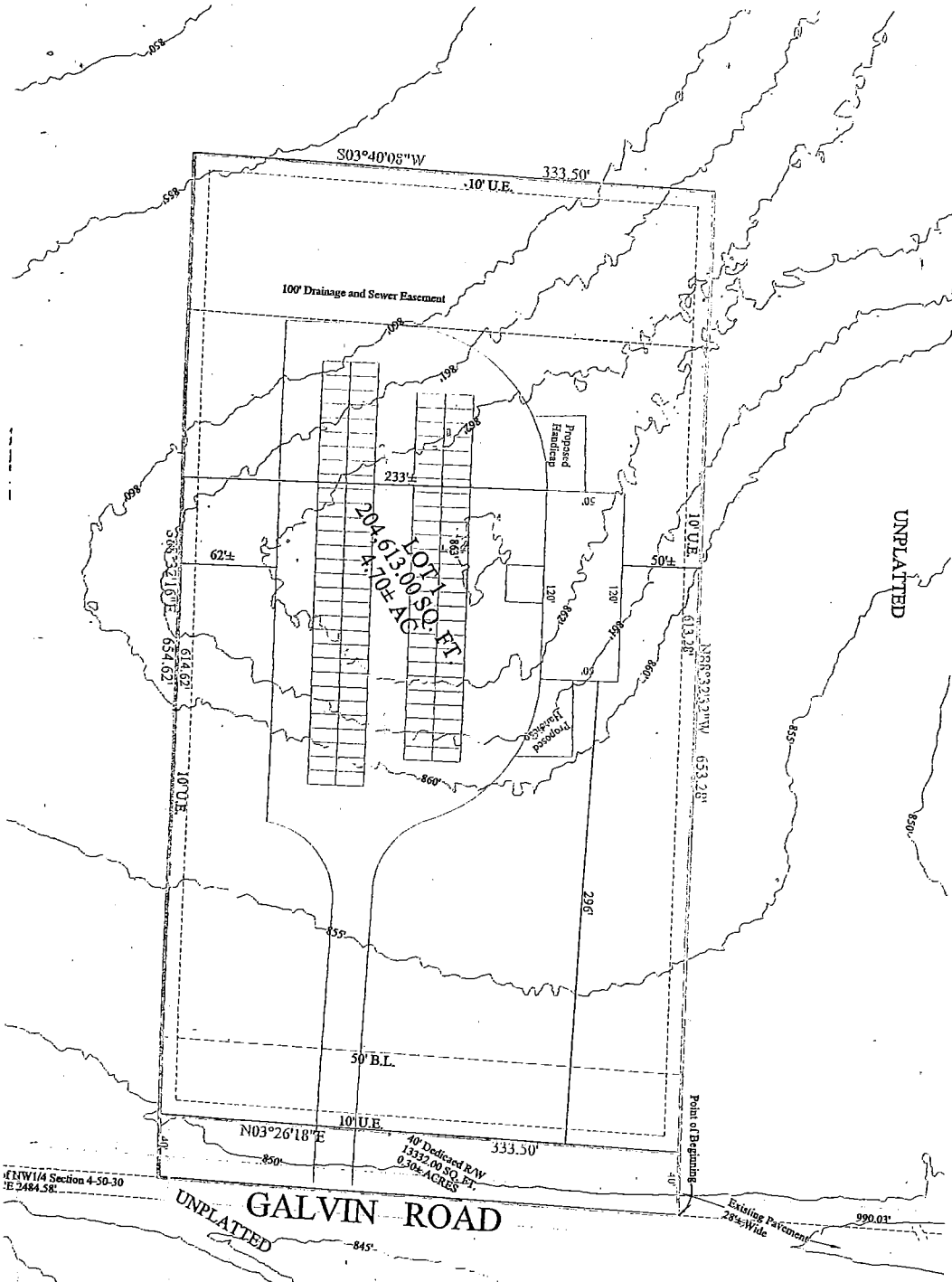
FND 2" ALUM CAP IN MONUMENT BOX
NE CORNER NW 1/4
SECTION 4-50-30
DOC. No. 600-57726

UNPLATTED

LOT 1
204,613.00 SQ. FT.
4.70± AC

N. GALVIN ROAD
UNPLATTED





Site Plan for Church

EX. 10