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 27 <u>+</u> acre tract from District A (Agricultural) to District RR (Residential Ranchette) for a three-lot residential subdivision, "Spencer Acres."

ORDINANCE #4231, August 30, 2010

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

<u>Section 1</u>. 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 27 ± acre tract is located approximately one-quarter of a mile east of Fields Road on the south side of Truman Road and specifically described as a tract of land located in the northeast quarter of the northwest quarter of Section 18, Township 49 north, Range 29 west of the fifth principal meridian, in Jackson County, Missouri, also being Tracts 1 and 2 as described by the Missouri warranty deed recorded as instrument number 2010E0018810 of the Jackson County records, and being more particularly described as follows: Commencing at the north quarter corner of said Section 18; thence along the north line of said Section 18, said line also being the centerline of Truman Road as now established, north 88°39'44" west, 64.99 feet; thence leaving said north line and said centerline, south 01°03'04" west, 40.00 feet, to a point on the south right-or-way line of Truman Road as now established, the point of beginning;

Thence from the point of beginning, south 01°03'04" west, 623.94 feet; thence south 88°51'12" east, 64.48 feet to a point on the east line of the northwest quarter of said Section 18; thence along said east line, south 01°05'43" west, 650.20 feet to the southeast corner of the northwest quarter of said Section 18; thence along the south line of the northwest quarter of said Section 18, north 88°27'21" west, 901.20 feet; thence leaving said south line, north 01°02'08" east, 1270.69 feet to a point on said south right-of-way line; thence along said south right-of-way line, south 88°39'44" east, 837.54 feet to the point of beginning.

Section 2. The Legislature, pursuant to the application of Jason Spencer (RZ-2010-472), requesting the amendment embodied in this Ordinance and with notice that the Jackson County Plan Commission unanimously recommended approval of this application in a public hearing on August 19, 2010, 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:

Chilef Deputy County Counselor

I hereby certify that the attached Ordinance, Ordinance #4231 introduced on August 30, 2010, was duly passed on September 20, 2010 by the Jackson County Legislature. The votes thereon were as follows:

Yeas ______ Nays _____

Abstaining _____ Absent _____

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

9.21.10

Date Mary Jo Spino, Clerk of Legislature

Michael D. Sanders, County Executive

I hereby approve the attached Ordinance #4231.

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Sponsor(s):

None

Date:

Aug. 30, 2010

			
SUBJECT	Action Requested Resolution Ordinance		
	Project/Title: Rezoning (Jason Spencer, Case No. RZ-2	2010-472)	
BUDGET INFORMATION To be completed By Requesting Department and Finance	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	
	* If account includes additional funds for other expenses, total budget OTHER FINANCIAL INFORMATION: No budget impact (no fiscal note required) Term and Supply Contract (funds approved in the at Department: Estimated Use: \$ Prior Year Budget (if applicable): Prior Year Actual Amount Spent (if applicable):		and use of contract:
PRIOR LEGISLATION	Prior ordinances and (date): N.A. Prior resolutions and (date): N.A.		
CONTACT			
INFORMATION	RLA drafted by (name, title, & phone): Mark Trosen, P	lanning and Development Adn	ninistrator, 881-4645
REQUEST SUMMARY	Requesting an Ordinance amending the zoning district rezoning a certain 27 ± acres from District A (Agricultur residential subdivision, "Spencer Acres". Description: The 27 ± acre tract is located approximation south side of Truman Road and specifically described on The Jackson County Plan Commission on August 19 pertaining to the change of zoning requested by Jason Spentagorium spentagorium pertaining to the change of zoning requested by Jason Spentagorium pertaining to the change of zoning requested by Jason Spentagorium pertaining to the change of zoning requested to the change in zoning requested pertaining to the commend approval because the change in zoning requested to recommend APPROVAL to the County Legislature Tax Clearance Completed (Purchasing & Department	cts established by the Unified I ral) to District RR (Residential ately one-quarter of a mile east a Attachment to RLA-1. 2010 held a public hearing an pencer. There was no one presuning is consistent with the intent Code requirements. The Plant.	Development Code by Ranchette) for a three-lot of Fields Road on the daccepted testimony ent in opposition to the and purpose of the
	Business License Verified (Purchasing & Department Chapter 6 Compliance - Affirmative Action/Prevails	nt)	ffice)
ATTACHMENTS	See Attachment to RLA-2	······································	
REVIEW	Department Director: Jerry A. Page, P.E. Finance (Budget Approval):	/	Date: 8/24/10
	If applicable 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 encumber	ered 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 expe	nditure will be/were appropriated b	y Ordinance #	
	Funds sufficient for this appr	opriation are available from the sou	rce indicated below.	
	Account Number:	Account Title:	Amount Not to Exceed:	
•				
	This award is made on a need funds for specific purchases v	basis and does not obligate Jackso vill, of necessity, be determined as	n County to pay any specific amount. The availabeach using agency places its order.	ility of
	This legislative action does no	ot impact the County financially and	d does not require Finance/Budget approval.	

ATTACHMENT TO RLA-1:

RZ-2010-472 (Jason Spencer)

Description: The 27 ± acre tract is located approximately one-quarter of a mile east of Fields Road on the south side of Truman Road and specifically described as a tract of land located in the northeast quarter of the northwest quarter of Section 18, Township 49 north, Range 29 west of the fifth principal meridian, in Jackson County, Missouri, also being Tracts 1 and 2 as described by the Missouri warranty deed recorded as instrument number 2010E0018810 of the Jackson County records, and being more particularly described as follows: Commencing at the north quarter corner of said Section 18; thence along the north line of said Section 18, said line also being the centerline of Truman Road as now established, north 88°39'44" west, 64.99 feet; thence leaving said north line and said centerline, south 01°03'04" west, 40.00 feet, to a point on the south right-or-way line of Truman Road as now established, the point of beginning;

Thence from the point of beginning, south 01°03'04" west, 623.94 feet; thence south 88°51'12" east, 64.48 feet to a point on the east line of the northwest quarter of said Section 18; thence along said east line, south 01°05'43" west, 650.20 feet to the southeast corner of the northwest quarter of said Section 18; thence along the south line of the northwest quarter of said Section 18, north 88°27'21" west, 901.20 feet; thence leaving said south line, north 01°02'08" east, 1270.69 feet to a point on said south right-of-way line; thence along said south right-of-way line, south 88°39'44" east, 837.54 feet to the point of beginning.

ATTACHMENT TO RLA-2:

<u>Attachments</u>

Plan Commission Public Hearing Summary from August 19, 2010 Staff Report Names/Addresses of Surrounding Property Owners Map showing current zoning districts Application Site Plan – "Spencer Acres"

1. RZ-2010-472 - Jason Spencer

Requesting a change of zoning from District A (Agricultural) to District RR (Residential Ranchette) on 27 ± acres. The proposed land use is a three (3) lot residential subdivision. The 27 ± acres are located approximately one-quarter of a mile east of Fields Road on the south side of Truman Road lying in the northeast quarter of the northwest quarter of Section 18, Township 49, Range 29 in Jackson County, Missouri.

Mr. Trosen introduced RZ-2010-472 and entered 9 exhibits into the record. Mr. Trosen gave the staff report with comments and recommendation as follows: the property is approximately one-quarter of a mile east of Fields Road on the south side of Truman Road and is 27 ± acres in size. The request is for a change of zoning from District A (Agricultural) to RR (Residential Ranchette) District for the purpose of a three (3) lot residential subdivision; lot sizes will range from 7.5 to 10 acres.

The surrounding land use in the area is predominantly large residential tracts and the zoning is Agricultural with the exception of subdivisions, Dusty Acres and Meadow Lark, that are zoned District RR. The 27 ± acre tract has approximately 850 lineal feet adjacent to Truman Road. The minimum lot width in District RR is 250 feet. Therefore, the tract has sufficient road frontage to subdivide the property into three lots.

The proposed three-lot subdivision and lot sizes will be compatible with adjacent uses. The lot sizes in the general vicinity range from 2.5 acres in size to a 13-acre tract. It should be noted that those tracts less than 5 acres in size were established prior to the adoption of the Unified Development Code in 1995.

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-2010-472.

- Mr. Tarpley wanted to know the sizes of adjacent tracts.
- Mr. Trosen said lots ranged from 2.5 acres to 5 acres.
- Mr. Pointer asked if there would be 3 entrances onto the highway.
- Mr. Trosen said there would be 2 entrances and asked Mr. Diehl to explain further.

Mr. Diehl said he had been in contact with MoDOT regarding this application. He said there was an old field road on lot 3 and any upgrades would require permits from MoDOT. Mr. Diehl said there would be one access from the highway for lots 1 and 2 between the lots at a point across from another driveway for a total of 2 driveways. He pointed out the existing field road on lot 3.

There were no further questions for staff.

The applicant, Jason Spencer, appeared to give testimony. Mr. Spencer said he had nothing to add to the staff report as it covered everything.

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

Mr. Scarborough moved to take RZ-2010-472 under advisement. Mrs. Mershon seconded the motion.

It was agreed that the application was straight forward. Mr. Tarpley said his concerns about the number of driveways had been alleviated as there would be only one new driveway.

Mr. Tarpley moved to approve RZ-2010-472. Mr. Pointer seconded the motion.

VOTE:

Mr. Gibler	Approve
Mr. Haley	Approve
Mrs. Mershon	Approve
Mr. Pointer	Approve
Mr. Scarborough	Approve
Mr. Tarpley	Approve
Chairman Antey	Approve

RZ-2010-472 APPROVED (7 - 0)

STAFF REPORT

PLAN COMMISSION August 19, 2010

RE: RZ-2010-472

Applicant / Property Owners: Jason and Mendi Spencer

Location: Approximately one-quarter of a mile east of Fields Road on the south side

of Truman Road

Area: 27 ± acres

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

Ranchette) District

Purpose: Three (3) lot residential subdivision. Lot sizes will range from 7.5 to 10

acres.

Current Land Use and Zoning in the Area:

The surrounding land use in the area is predominantly large residential tracts. The zoning is Agricultural with the exception of subdivisions,

Dusty Acres and Meadow Lark, that are zoned District RR.

Comments: The 27 ± acre tract has approximately 850 lineal feet adjacent to Truman

Road. The minimum lot width in District RR is 250 feet. Therefore, the tract has sufficient road frontage to subdivide the property into three lots.

The proposed three-lot subdivision and lot sizes will be compatible with adjacent uses. The lot sizes in the general vicinity range from 2.5 acres in size to a 13-acre tract. It should be noted that those tracts less than 5

acres in size were established prior to the adoption of the Unified

Development Code in 1995.

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 <u>APPROVAL</u> of RZ-2010-472.

Respectfully submitted,

Planning and Development Division

Mark Trosen Administrator

Plan Commission August 19, 2010 RZ-2010-472

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Applicant / Property Owners:

Jason and Mendi Spencer 1103 NW Meadow Court Grain Valley, MO 64029

Parcel No: 21-900-02-01.01

Certified Mail – Return Receipt Property Owners within 1000 feet

21-900-01-04
Harrison Hall
36705 E. Truman Rd.
Oak Grove, MO 64075

21-900-01-18 Richard Majors 36403 E. Truman Rd. Oak Grove, MO 64075 21-400-03-13 David Pointon 36300 E. Truman Rd. Oak Grove, MO 64075

21-400-04-13.02 Von Dean Brotherton 36500 E. Truman Rd. Oak Grove, MO 64075 21-400-04-09 Daniel Brotherton 36604 E. Truman Rd. Oak Grove, MO 64075 21-900-02-17 Rodney Boland 2801 S. Fields Rd. Oak Grove, MO 64075

21-900-02-18 Mark Stovall 2809 S. Fields Rd. Oak Grove, MO 64075 21-900-02-13.02.4 Garry Cunningham 12100 E. US 40 Hwy Independence, MO 64055 21-900-02-09 John Veldheer 35803 E. Truman Rd. Oak Grove, MO .64075

21-400-03-15 Larry Selvey 35710 E. Truman Rd. Oak Grove, MO 64075 21-400-03-23 Brian Swaim P.O. Box 516 Oak Grove, MO 64075 21-400-03-14 Robert Knuth 35804 E. Truman Rd. Oak Grove, MO 64075

21-400-03-06.01.2 Trenton Axtell P.O. Box 428 Saint Ignatius, MT 59865 21-400-04-12 Trenton Axtell

21-400-03-06.01.1 Trenton Axtell

21-400-03-04.01 Trenton Axtell 21-400-03-24 John Aeberhard 35910 E. Truman Rd. Oak Grove, MO 64075 21-900-01-11-01.1 Randy Willis 2914 S. Gardner Rd. Oak Grove, MO 64075 21-900-01-11.01.2 Dudley Bromley 2906 Gardner Rd. Oak Grove, MO 64075

21-900-01-05 Charles Thompson 36511 E. Truman Rd. Oak Grove, MO 64075

21-400-03-12 Donald Swanson 204 NW Palmer Dr. Blue Springs, MO 64014

21-400-03-05.01 Matthew Lindsey 36006 E. Truman Rd. Oak Grove, MO 64075

21-900-01-11.02 Billy Wilcox 3004 S. Gardner Oak Grove, MO- 64075 21-900-02-13.02.3 James Shotton 2710 Roosevelt Ave. Richmond, CA 94804

21-900-02-02.01 Gary Freeman 36009 E. Truman Rd. Oak Grove, MO 64075

21-400-04-14 Herbert Dillon 1400 S. Pleasant Independence, MO 64055

21-400-04-13.01 Daniel Brotherton

21-900-01-27 David Barth 22804 E. 29th Ln Crt Independence, MO 64015 21-900-01-06 Shawn Anderson 5053 Argentine Blvd. Kansas City, KS 66106

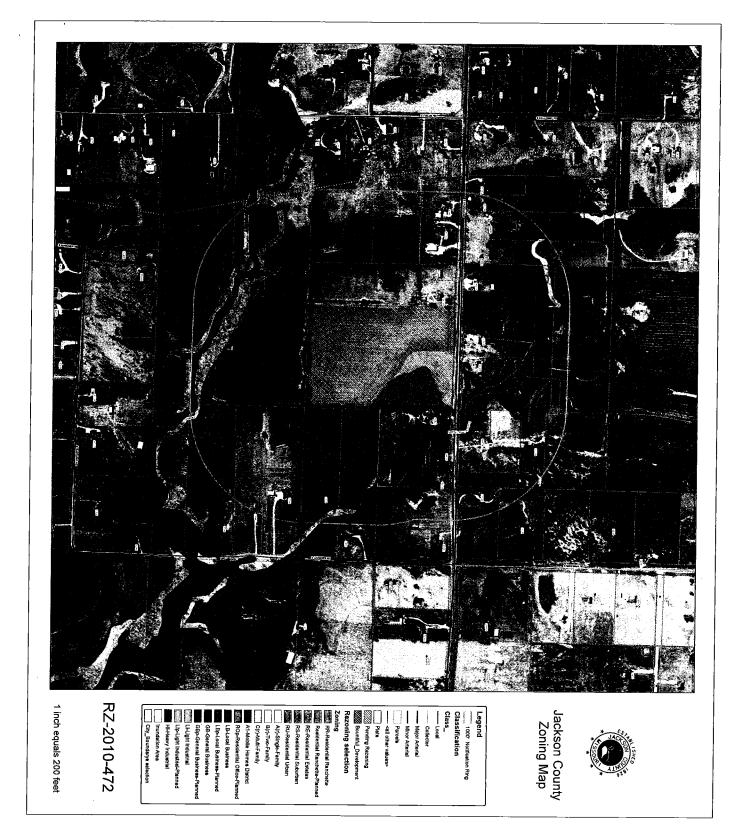
21-900-02-10 James Helsper P.O. Box 539 Oak Grove, MO 64075

21-400-04-10 Daniel Brotherton

21-400-03-04.02 Trenton Axtell

21-900-01-26 Don Sapp 4014 Buckner Tarsney Rd.

4014 Buckner Tarsney Rd. Grain Valley, MO 64029



EX.5

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.
- 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-2010- 472
Date filed 7-20-10 Date of hearing 8-19-2010
Date advertised 4-4-2010 Date property owners notified 8-4-2010
Date signs posted 2-4-2010
Hearings: Heard by Place Date 8-19-2010 Decision
Heard byDateDecision
Heard byDateDecision
BEGIN APPLICATION HERE:
1. Data on Applicant(s) and Owner(s):
a. Applicant(s) Name: Jason and Mendi Spencer
·
Address: 1103 NW Meadow Court
Grain Valley, MO 64029
Phone: 816.674.3215
b. Owner(s) Name: Same as Applicant
Address:
Phone:
c. Agent(s) Name: Powell and Associates, LLC
Address: 901 NW Vesper Street, Blue Springs, MO 64015

	Phone: 816.228.7070
d	Applicant's interest in Property: Owner
G	eneral location (Road Name)Truman Road
	resent Zoning Agricultural District (A) Requested Zoning Residential Ranchette District (RR) REA (sq. ft. / acres) 27 acres +/-
Le	egal Description of Property: (Write Below or Attached 9) See Attachment
 Pr	esent Use of Property: Vacant
Pr	oposed Use of Property: Single Family
Pre	oposed Time Schedule for Development: Unknown
	nat effect will your proposed development have on the surrounding properties?
	any portion of the property within the established flood plain as shown on the FEMA Flood undary Map? No
	so, will any improvements be made to the property which will increase or decrease the vation?
Des	scribe the source/method which provides the following services, and what effect the
dev	elopment will have on same:
a.	Water District No. 16
b.	Sewage disposal On-Site
c.	Electricity KCP&L
d.	Fire and Police protection Sni-Valley and Jackson County

	What effect will proposed development have on existing road and traffic conditions? Will increase traffic flow by three households.					
_	conditions? Will increase traffic flow by three households.					
	Are any state, federal, or other public agencies approvals or permits required for the proposed development? None					
	If so, describe giving dates of application and status (include permit numbers and copies of same if issued):					

Verification: I (We) he reby certify th at all of the foregoing statements contained in any paper s

and/or plans submitted herewith are true to the best of my (our) knowledge and belief.

Signature		Date		
Property Owner(s)	Glandon-	· · · · · · · · · · · · · · · · · · ·	7-19-2010	
·			· · · · · · · · · · · · · · · · · · ·	
				•
Applicant(s):	JASON SPENLER	· · · · · · · · · · · · · · · · · · ·		
		<u>. </u>		
	,			
Contract Purchaser(s):	 -		
	·			
STATE OF Misso	uri			
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On this19	th day of July	, in the year of	2010 , before n	1e
	public, personally appeared_			_
				_
known to me to be	the person(s) whose names(s	s) is/are subscribed	to the within instrument ar	ıd
	he/they executed the same for			
_	ereunto set my hand and offici			
,	•			
Notary Public Mary	Holsbaur	Commission Exp	ires May 15, 2014	
•				
	MARY HOLZBAL Notary Public - Notary STATE OF MISSOL Jackson County	Seal URI		

My Commission Expires: MAY 15, 2014 Commission # 10456656

