

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 10 ± acres tract from District A (Agricultural) to District RR (Residential Ranchette).

ORDINANCE #4381, January 3, 2012

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 North approximate 20 acres of the West one-half of the Southwest Quarter of Section 30 Township 50, Range 29, situated in Jackson County, Missouri, more closely described as follows: Starting at a point 2640 feet North of the Southwest corner of Section 30, Township, 50, Range 29, Jackson County, (approximately the center of Neil Chiles Road); thence South 660'; thence East 1,320 feet (to approximate center of Borgman Road); thence North 660 feet; thence 1,320 feet west to point of beginning. Except part in Roads and Except that part described as follows: Beginning at the Northwest corner of the Southwest Quarter, Section 30 Township 50, Range 29, thence South 660 feet,; thence East 660 feet; thence North 660 feet thence West 660 feet to the point of beginning.

Section 2. The Legislature, pursuant to the application of Charles and Gretchen Ison (RZ-2011-480), requesting the amendment embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 9 to 0 to recommend APPROVAL of this application after a public hearing on November 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:


Chief Deputy County Counselor


County Counselor

I hereby certify that the attached Ordinance, Ordinance #4381 introduced on January 3, 2012, was duly passed on January 30, 2012 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

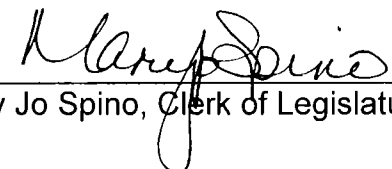
Nays 0

Abstaining 0

Absent 0


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

Date 1/30/12


Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4381.

Date 1/31/2012


Michael D. Sanders, County Executive


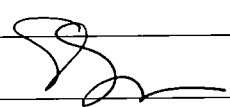
REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 4381

Sponsor(s): None

Date: January 3, 2012

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Rezoning (Scott Ison, Charles & Gretchen Ison Case No. RZ-2011-480)</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="321 499 1198 808"> <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> 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:	\$											
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): _____ Prior resolutions and (date): _____											
CONTACT INFORMATION	RLA drafted by Randy Diehl, Planning and Zoning Coordinator, 881-4577											
REQUEST SUMMARY	Requesting an ordinance amending the zoning districts established by the Unified Development Code by rezoning a certain 10 ± acres from District A (Agricultural) to District RR (Residential Ranchette). The proposed change is to subdivide the 10 acres into a two lot subdivision. Description: The 10 ± acres are located at the intersection of Neil Chiles Road and Borgman Road on the South side of Neil Chiles 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 9 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: Jerry A. Page, P.E.  Finance (Budget Approval): <i>If applicable</i> Division Manager:  County Counselor's Office:	Date: 12/01/2011 Date: Date: 12/29/11 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-2011-480

LEGAL DESCRIPTION:

The North approximate 20 acres of the West one-half of the Southwest Quarter of Section 30 Township 50, Range 29, situated in Jackson County, Missouri, more closely described as follows: Starting at a point 2640 feet North of the Southwest corner of Section 30, Township, 50, Range 29, Jackson County, (approximately the center of Neil Chiles Road); thence South 660'; thence East 1,320 feet (to approximate center of Borgman Road); thence North 660 feet; thence 1,320 feet west to point of beginning. Except part in Roads and Except that part described as follows: Beginning at the Northwest corner of the Southwest Quarter, Section 30 Township 50, Range 29, thence South 660 feet,; thence East 660 feet; thence North 660 feet thence West 660 feet to the point of beginning.

ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from November 17, 2011

Staff report

Names/Addresses of surrounding property owners

Map showing current zoning districts in area

Application

Warranty Deed dated April 8, 1988

Preliminary Plat of "RB Estates"

7. RZ-2011-480– Charles & Gretchen Ison

Requesting a change of zoning from District A (Agricultural) on 10 ± acres to District RR (Residential Ranchette). The 10 ± acres are located at the intersection of Neil Chiles Road and Borgman Road on the south side of Neil Chiles Road in Section 30, Township 50, Range 29, Jackson County, Missouri aka 910 N. Borgman Road.

Mr. George introduced RZ-2011-480 and entered 10 exhibits into the record. Mr. George gave the staff report with comments and recommendation as follows: the property is located on the west side of Borgman Road at the intersection Borgman and Neil Chiles Roads and is 10 ± acres in size. The request is for a change of zoning from District A (Agricultural) to District RR (Residential Ranchette) for the purpose of dividing the 10 ± acres into a two lot subdivision.

To the north, zoning is Agricultural, large acreage tracts containing single family homes, some with agricultural uses, and Residential Ranchette zoning with a two lot subdivision, Gary's Little Acre. To the south, zoning is Agricultural, large acreage tracts, and a two lot subdivision, Frosty Hollow. To the west, zoning is Agricultural, large tracts containing single family homes, and Residential Ranchette zoning with a two lot subdivision, Holly Junction. To the east, zoning is Agricultural, large acreage tracts containing single family homes, and some agricultural uses.

The applicant's property currently contains a single family dwelling as well as an accessory residence that was permitted in 2009. The applicants would like to divide the property into a two lot subdivision. This would allow both the existing primary home and the accessory residence to be separate primary residences on their own respective lots. The accessory residence would no longer be confined to the 1000 square feet minimum restriction.

The County Plan Development Diagram illustrates this area within the Rural Development Tier. The Residential Ranchette Zoning 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-2011-480.

Mr. Tarpley wanted to know the size of the houses.

Mr. George said the accessory residence was 1000 sq. ft. He said he didn't have the size of the other house but it was larger.

Mrs. Mershon wanted to know if each house had its own wastewater system.

Mr. George said there were two systems.

There were no further questions for the applicant.

Scott Ison, applicants' son and attorney, appeared to give testimony. Mr. Ison said the original house was over 20 years old and was approximately 2000 sq. ft. He said the accessory residence was 1000 sq. ft. He said each residence had its own wastewater system. Mr. Ison stated that the angled property line shown on the plat was within an unusable area of the property. He said the property was divided this way in order to have enough room for setbacks. Mr. Ison said rezoning was being done as his parents wished to divide the property into two five-

acre parcels. He said they had no plans to sell or to rent the property and use of the land would not change. He said there were other Residential Ranchette zonings in the area so it was an appropriate zoning.

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

Mrs. Mershon moved to take RZ-2011-480 under advisement. Mr. Aikens seconded the motion.

Mr. Tarpley said his only question was regarding the odd shape of the division and it had been explained to his satisfaction.

Mr. Tarpley moved to approve RZ-2011-480. Mr. Pointer seconded the motion.

VOTE:

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

RZ-2011-480 APPROVED (9 – 0)

STAFF REPORT

PLAN COMMISSION
November 17, 2011

RE: RZ-2011-480

Applicant: Scott Ison, Charles and Gretchen Ison

Location: 910 N. Borgman Road, west side side of Borgman Road at the intersection of Borgman Road with Neil Chiles and being part of Section 30, Township 50, Range 29, Jackson County, Missouri.

Area: 10 ± acres

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

Purpose: To divide the 10 ± acres into a two lot subdivision.

Current Land Use and Zoning in the Area:

To the north, zoning is Agricultural, large acreage tracts containing single family homes, some with agricultural uses, and Residential Ranchette zoning with a two lot subdivision, Gary's Little Acre.

To the south, zoning is Agricultural, large acreage tracts, and a two lot subdivision, Frosty Hollow.

To the west, zoning is Agricultural, large tracts containing single family homes, and Residential Ranchette zoning with a two lot subdivision, Holly Junction.

To the east, zoning is Agricultural, large acreage tracts containing single family homes, and some agricultural uses.

Comments: The applicant's property currently contains a single family dwelling as well as an accessory residence that was permitted in 2009. The applicants would like to divide the property into a two lot subdivision. This would allow both the existing primary home and the accessory residence to be separate primary residences on their own respective lots. The accessory residence is no longer confined to the 1000 square feet minimum restriction.

County Plan:

The County Plan Development Diagram illustrates this area within the Rural Development Tier (RDT). The Residential Ranchette Zoning 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-2011-480.

Respectfully submitted,
Planning and Environmental Health Division

A handwritten signature in black ink, appearing to read 'Randy Diehl', with a stylized flourish at the end.

Randy Diehl
Planning and Subdivision Coordinator

**Plan Commission
November 17, 2011
RZ-2011-480**

Applicants / Property Owners:

**Charles & Gretchen Ison
910 N. Borgman Rd.
Buckner, MO 64016**

Parcel No: 20-400-03-06

19-600-04-01.01.1
Ronald White
35501 E. Neil Chiles Rd.
Buckner, MO 64016

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

20-400-03-26
Leland Konopasek
708 N. Borgman Rd.
Buckner, MO 64016

20-400-03-27
John Morrison, III
702 N. Borgman Rd.
Buckner, MO 64016

20-400-03-03
Jeffery Crowley
36306 E. Bone Hill Rd.
Sibley, MO 64088

20-400-03-29.02
Frank Faulconer
715 N. Borgman Rd.
Buckner, MO 64016

20-400-03-08
Stephanie Schreier
800 N. Borgman Rd.
Buckner, MO 64016

20-400-03-34
Doris Ryan
810 N. Borgman Rd.
Buckner, MO 64016

20-400-03-35
Stephanie Schreier

19-600-04-01.01.2
Russell Beebe
34800 E. Little Rd.
Buckner, MO 64016

20-400-02-07
Jeffery Glassford
35700 E. Neil Chiles Rd.
Buckner, MO 64016

20-400-03-31
Charles Cobb
36206 E. Bone Hill Rd.
Sibley, MO 64088

20-400-03-28
Matthew Smith
915 N. Borgman Rd.
Buckner, MO 64016

20-400-03-04
Alva Golladay
923 N. Borgman Rd.
Buckner, MO 64016

20-400-02-04.01.2
Howard Cook – Trustee
36000 E. Neil Chiles Rd.
Buckner, MO 64016

20-400-02-06
Gary Tate
1019 N. Holly Rd.
Buckner, MO 64016

20-400-02-03
Aron Carrender
1115 N. Holly Rd.
Buckner, MO 64016

19-600-01-07
Catherine Anthony – Trustee
1407 Sheley Rd.
Independence, MO 64052

20-400-02-04.01.1
D & C Farms LLC
11282 S. Belmont
Olathe, KS 66061

20-400-03-30
Charles Cobb

20-400-03-37
Donald Borgman
11282 S. Bellmont
Olathe, KS 66061

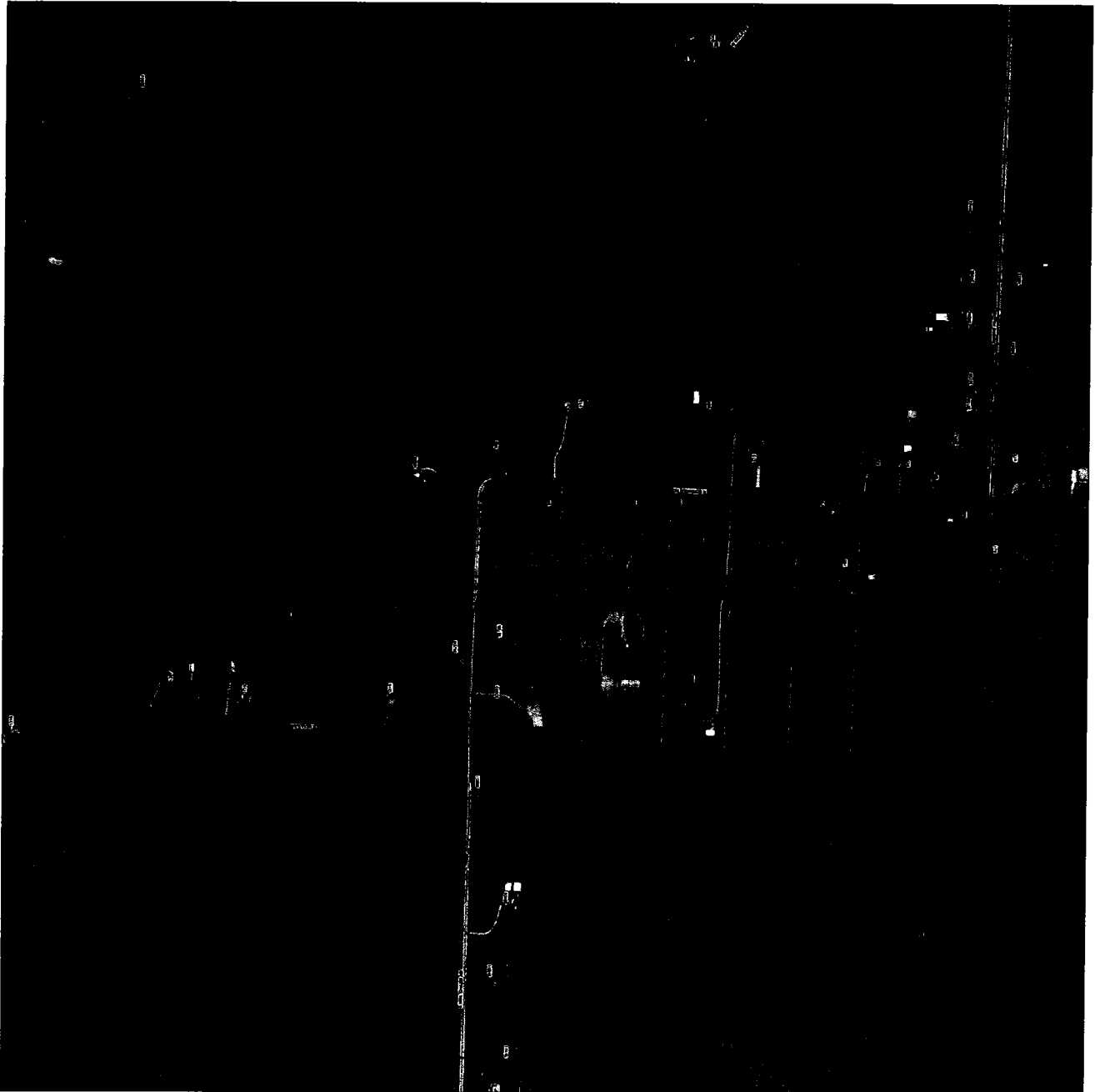
20-400-03-36
Donald Borgman

20-400-03-14
Ronald White



Legend
Jackson County
Classifying Map

- Class_**
- Local
 - Collector
 - Major Arterial
 - Minor Arterial
 - percents
 - <all other values>
 - Fields
 - Pending Reasoning
- Reasoning selection**
- Zoning**
- RR-Residential Ranchette
 - Residential Ranchette-Planned
 - RE-Residential Estates
 - RS-Residential Suburban
 - RU-Residential Urban
 - A(1)-Single-Family
 - B(1)-Two-Family
 - C(1)-Multi-Family
 - A1-Mobile Homes District
 - ROP-Residential Office-Planned
 - LB-Local Business
 - LB-Local Business-Planned
 - GB-General Business
 - GB-General Business-Planned
 - LI-Light Industrial
 - LI-Light Industrial-Planned
 - HI-Heavy Industrial
 - Insulation Area
- Mosaic**
- RGB**
- = Red: Band_1
 - = Green: Band_2
 - = Blue: Band_3



RZ-2011-480

1 inch equals 200 feet

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.
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

PIAT PL-2011-009

TO BE COMPLETED BY OFFICE PERSONNEL ONLY:

Rezoning Case Number 2011 RZ-2012-480

Date filed 10-18-11 Date of hearing 11-17-2011

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: Charles + Cretchen Ison
Address: 910 N Bergman
Buckner MO 64016
Phone: 816-559-7775
 - b. Owner(s) Name: Charles + Cretchen Ison
Address: 910 N Bergman Rd Buckner MO 64016
Phone: 816-559-7775
 - c. Agent(s) Name: Scott Ison, Ison Law Office, LLC
Address: 700 E 8th St Suite 700
Kansas City, MO 64106

- c. Agent(s) Name: _____
 Address: _____
 Phone: 816-559-7775
- d. Applicant's interest in Property: OWNER
2. General location (Road Name) E of Buckner at the corner of Neil Chiles + Burgin Rd
3. Present Zoning A Requested Zoning RR
4. AREA (sq. ft. / acres) 10 acres
5. Legal Description of Property: (Write Below or Attached)

6. Present Use of Property: Residential
7. Proposed Use of Property: Residential
8. Proposed Time Schedule for Development: As soon as approved
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 Water District 10 / no effect
- b. Sewage disposal Private waste water treatment / no effect
- c. Electricity West Central / no effect
- d. Fire and Police protection Fort Osage + Sheriff / no effect

12. Describe existing road width and condition: 2 lane Paved Road
Maintained by Jackson County
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): N/A

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)

Charles & Gretchen Deen

10/18/11
10/18/11

Applicant(s):

Contract Purchaser(s):

STATE OF Missouri

COUNTY OF Jackson

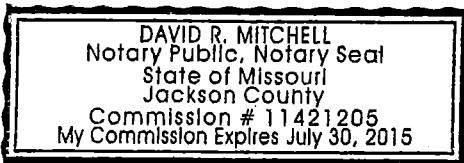
On this 18th day of October, in the year of 2011, before me the undersigned notary public, personally appeared Charles & Gretchen Deen

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 [Signature]

Commission Expires 7-30-2015



1837902

11790P1988

FORM NO. 2 CLASS E

DEMANEE, STATIONERY, CO., 708 Walnut, Kansas City, Mo.

Missouri Warranty Deed

This Indenture, Made on the 8th day of April A. D., One

Thousand Nine Hundred and eighty-eight by and between

ROY L. RIES AND LOIS E. RIES, husband and wife

of the County of Jasper, State of Missouri parties of the first part, and

CHARLES R. ISON, JR. AND GRETCHEN I. ISON, husband and wife

of the County of Jackson, State of Missouri parties of the second part.

(Mailing address of said first named grantee is R.R. 2 Box 395, Buckner, MO 64016)

WITNESSETH: THAT THE SAID PARTIES OF THE FIRST PART, in consideration of the

sum of ONE DOLLAR AND OTHER VALUABLE CONSIDERATIONS-----DOLLARS

to them paid by said parties of the second part (the receipt of which is hereby acknowledged), do

by these presents, Grant, Bargain and Sell, Convey and Confirm unto the said parties of the second

part their heirs and assigns, the following described lots, tracts or parcels of land

lying, being and situate in the County of Jackson and State of Missouri, to-wit:

The North approximate 20 acres of the West one-half of the Southwest Quarter of Section 30, Range 29, Township 50, situated in Jackson County, State of Missouri. More closely described as follows: Starting at a point 2,640 feet North of the Southwest corner of Section 30, Range 29, Township 50, Jackson County (Approximately the center of Neil Childs Road); thence South 660 feet; thence East 1,320 feet (to approximately center of Borgman Road); thence North 660 feet; thence 1,320 feet West to point of beginning. Footage is approximate. Except that part in Borgman Road and except that part described as follows: Beginning at the Northwest corner of the Southwest Quarter, Section 30, Township 50, Range 29, thence South 660 feet; thence East 660 feet; thence North 660 feet; thence West 660 feet to the point of beginning; in Jackson County, Missouri.

Subject to restrictions, reservations, easements & covenants of record, if any.

99-30-50-29-

TO HAVE AND TO HOLD The premises aforesaid with all and singular, the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining unto the said parties of the second part and unto their heirs and assigns forever; the said parties of the first part hereby covenanting that they are lawfully seized of an indefeasible estate in fee of the premises herein conveyed; that they have good right to convey the same; that the said premises are free and clear from any incumbrance done or suffered by them or those under whom they claim; and that they will warrant and defend the title to the said premises unto the said parties of the second part and unto their heirs and assigns forever, against the lawful claims and demands of all persons whomsoever, except as hereinbefore stated and the lien of all taxes both general and special not now due and payable.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seal the day and year above written.

Roy L. Ries (SEAL)
ROY L. RIES (SEAL)

Lois E. Ries (SEAL)
LOIS E. RIES (SEAL)

STATE OF MISSOURI
COUNTY OF JACKSON
CERTIFICATE OF INSTRUMENT RECEIVED
1988 APR 15 P 2:28.5
11790P1988
RECORDED
DIRECTOR OF RECORDS

300
802
11.00
J. Helman

6958-IT
TI 8599

1988 APR 15

EX. 9

