

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 4602

Sponsor(s): xxxxxx

Date: February 3, 2014

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Bruce Schumacher and Aaron and Stephanie Kirk Case No. RZ-2014-502</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="332 499 1205 814"> <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
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PRIOR LEGISLATION	Prior ordinances and (date): _____ Prior resolutions and (date): _____											
CONTACT INFORMATION	RLA drafted by Randy Diehl, Planning and Zoning Coordinator, 881-4577											
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on a 9.38 ± acre tract to District RE (Residential Estates). The 9.38 ± acres will be platted into a two lot subdivision. The lot sizes will be 4.38 and 5.00 acres in size. The 9.38 acres ± are located in Section 16, Township 50, Range 31, Jackson County, Missouri aka 2424 N. Old Atherton Road, 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	<table border="1" data-bbox="316 1669 1529 1953"> <tr> <td>Department Director:</td> <td>Date: 01/29/2014</td> </tr> <tr> <td>Earl Newill, Acting Director <i>Earl Newill</i></td> <td></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>2/29/14</i></td> </tr> <tr> <td>County Counselor's Office:</td> <td>Date:</td> </tr> </table>		Department Director:	Date: 01/29/2014	Earl Newill, Acting Director <i>Earl Newill</i>		Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: <i>[Signature]</i>	Date: <i>2/29/14</i>	County Counselor's Office:	Date:
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Division Manager: <i>[Signature]</i>	Date: <i>2/29/14</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.

ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from January 16, 2014

Location Map

Staff report

Names/Addresses of surrounding property owners

Map showing current zoning districts in area

Application

Plat of Triple Oak Farms

RZ-2014-502

ATTACHMENT TO RLA 1:

Description: All that part of the Southeast Quarter of Section 16, Township 50, range 31, in Jackson County, Missouri, more particularly described as; Commencing at the Northwest corner of the said quarter section, thence South 87 degrees, 48 minutes, 11 seconds East, along the North line of said quarter section, a distance of 771.83 feet, to the Point of Beginning; thence South 87 degrees, 48 minutes, 11 seconds East, along the North line of said quarter section, a distance of 527.51 feet; thence South 02 degrees, 35 minutes, 56 seconds West, a distance of 264.00 feet; thence South 87 degrees, 48 minutes, 11 seconds East, a distance of 20.00 feet; thence South 02 degrees, 35 minutes, 56 seconds West, a distance of 72.72 feet, to a point in the centerline of Old Atherton Road as now established; thence South 25 degrees, 55 minutes, 53 seconds West, along the centerline of Old Atherton Road, a distance of 654.37 feet; thence North 87 degrees, 48 minutes, 11 seconds West, a distance of 288.33 feet, to a point on the East line of Lot 5, Dog Gone Farm, a subdivision of record in Jackson County, Missouri; thence North 02 degrees, 35 minutes, 56 seconds East, along the East line of Lots 4 and 5, Dog Gone Farm, a distance of 935.76 feet, to the Northeast corner of said Lot 4, said point being the Point of Beginning. Except that part in roads.

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

RE: RZ-2014-502

Applicant: Bruce Schumacher and Aaron & Stephanie Kirk

Location: 2424 N. Old Atherton Road lying in Section 16, Township 50, Range 31, Jackson County, Missouri

Area: 9.38 ± acres

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

Purpose: The 9.38 ± acres to be platted into proposed subdivision plat, Triple Oak Farms

Current Land Use and Zoning in the Area:

Zoning in the area is primarily agricultural. Property sizes range from 2 acres and to larger tracts, containing single family residences.

To the West of the proposed request is Dog Gone Farms platted in 1989. To the Southeast is a 1 lot subdivision, Lawson Moore Estates, rezoned to District RE and platted in 2007. To the East is Sunny Oaks, platted in 1978 and 1980. Both of these subdivisions were created prior to the Unified Development Code (UDC) and are therefore considered as legal non-conforming, being within District AG (Agricultural) Further East is a 5.25 acre area rezoned in 1997 to District RE. This property has yet to be platted. To the South are 5 to 10 tracts with District AG. To the North is Timber Ridge Meadows, platted in 2008. This subdivision contains 8 lots ranging from 3 to 6 acres in size. These lots were rezoned to District RE. Within the interior of the subdivision there are 7 tracts, all 10 or more acres in size, all within District AG.

Comments:

As stated, the applicant wishes to plat the 9.38 acres into two lots. Lot 1 will consist of 4.38 acres and will contain the existing residence at 2424 N. Old Atherton Road. The remaining 5 acres will become Lot 2 as shown on the proposed plat.

The proposed subdivision and lot size are compatible with adjacent uses.

County Plan:

Jackson County Plan Commission Summary of Public Hearing

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-2014-502

General Discussion:

No questions for staff.

Applicants did not have any additional information.

Mr. Akins asked the applicants what the resulting sizes of the two lots will be. Mr. Schumacher responded that they would be 4.38 & 5 acres.

Mr. Tarpley made a motion to take RZ-2014-502 under advisement. Mrs. Mershon seconded. Voice Vote. Approved 9-0.

RZ-2014-502 was taken under advisement.

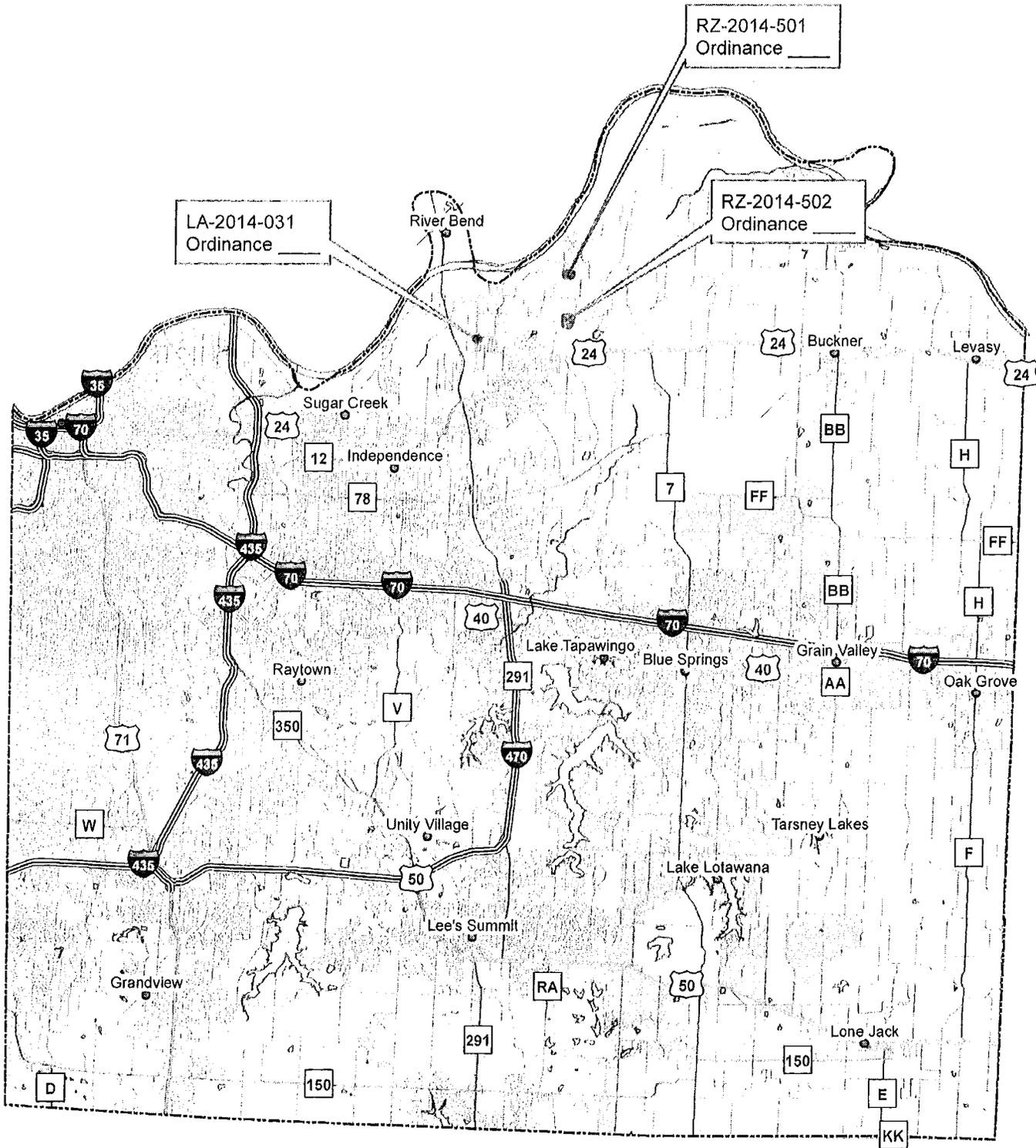
Mr. Gibler made motion to approve RZ-2014-502, seconded by Mrs. Mershon.

Roll Call vote taken.

Mr. Akins	Approve	Mr. Haley	Approve
Mrs. Query	Approve	Mr. Crawford	Approve
Mr. Gibler	Approve	Mrs. Mershon	Approve
Mr. Pointer	Approve	Chairman. Antey	Approve
Mr. Tarpley	Approve		

RZ-2014-502 APPROVED

Jackson County Plan Commission
January 16, 2014
Agenda Location Map



STAFF REPORT

PLAN COMMISSION
January 16, 2014

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Recommendation:

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

Staff recommends APPROVAL of RZ-2014-502

Respectfully submitted,
Planning and Environmental Health Division

Randy Diehl
Planning and Zoning Coordinator

Plan Commission
January 16, 2014
RZ-2014-502

Applicants / Property Owners:

10-700-04-05
Bruce & Lisa Schumacher
2424 N Old Atherton Road
Independence, MO 64058

Aaron & Stephanie Kirk
2419 N Old Atherton Road
Independence, MO 64058

Certified Mail – Return Receipt
Property Owners within 300 feet

10-700-04-48
ACC&A Investments LLC
923 NE Woods Chapel Rd ste 460
Lees Summit, MO 64064

10-700-04-44
Patricia Ann Hawkins
20602 E Blue Mills Road
Independence, MO 64058

10-700-04-41
D Bruce & Teresa L Kidd
20600 E Blue Mills Road
Independence, MO 64058

10-700-01-21
McBee Custom Homes LC
3120 Juanita Dr
Buckner, MO 64016

10-700-01-20
McBee Custom Homes LC

10-700-04-20
Rick D & Julie A Pearson
2509 N Old Atherton Road
Independence, MO 64058

10-700-04-39
Troy A & Kendra L Pearson
728 Mohican Drive
Independence, MO 64056

10-700-04-21
Troy A & Kendra L Pearson

10-700-04-40
Robert P & Karen Schumacher
2419 N Old Atherton Road
Independence, MO 64058

10-700-04-43
Yvonne L Smith
20410 E Blue Mills Road
Independence, MO 64058

10-700-04-42
Yvonne L Smith

10-700-01-22
Jason & Jodie Snodgrass
2616 N Old Atherton Road
Independence, MO 64058

10-700-04-22-01
Betty & Fred Stewart-Trustees
2517 N Old Atherton Road
Independence, MO 64058

10-700-01-10
Mary Wood & Lana Joan Egleston
1120 S Logan St
Independence, MO 64050

10-700-04-08
Bruce & Lisa Schumacher



Jackson County Zoning Map

Legend

185' Notification Area

Pending Rezoning

<all other values>

Zoning

Residential Estates

Rezoning

Zoning

- RR-Residential Ranchette
- Residential Ranchette-Planned
- RE-Residential Estates
- RS-Residential Suburban
- RU-Residential Urban
- A(r)-Single-Family
- B(r)-Two-Family
- C(r)-Multi-Family
- A1-Mobile Homes District
- ROp-Residential Office-Planned
- LB-Local Business
- LBp-Local Business-Planned
- GB-General Business
- GBp-General Business-Planned
- LI-Light Industrial
- LIp-Light Industrial-Planned
- HI-Heavy Industrial



EX. 5

RZ-25014-502
Ord

1 inch = 300 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-2014-502

Date filed _____ Date of hearing _____

Date advertised _____ Date property owners notified _____

Date signs posted _____

Hearings: Heard by _____ Date _____ Decision _____

 Heard by _____ Date _____ Decision _____

 Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):
 - a. Applicant(s) Name: AARON & STEPHANIE KIRK
 Address: 2419 N. OLD ATHERTON RD.
INDEPENDENCE, MO. 64058
 Phone: 816-679-6702
 - b. Owner(s) Name: BROUCE SCHUMACHER
 Address: 1904 N. BLUE MILLS RD. INDEPENDENCE, MO 64088
 Phone: 816-509-8211
 - c. Agent(s) Name: BRANT LADWIG, LADWIG & ASSOCIATES, LLC.

Address: 33604 E. 235th St. PLEASANT HILL, MO. 64080

Phone: 816-309-6621

- d. Applicant's interest in Property: FUTURE OWNER PROPOSED LOT 2
TRIPLE OAK FARMS
2. General location (Road Name) BLUE MILLS ROAD +
OLD ATHERTON ROAD
3. Present Zoning AG Requested Zoning RE
4. AREA (sq. ft. / acres) 429,937.2 SF / 9.87 AC.
5. Legal Description of Property: (Write Below or Attached 9)
SEE ATTACHED
6. Present Use of Property: RESIDENTIAL
7. Proposed Use of Property: RESIDENTIAL
8. Proposed Time Schedule for Development: WITHIN 2 YEAR
9. What effect will your proposed development have on the surrounding properties?
IT SHALL HAVE NO ADVERSE AFFECT ON THE SURROUNDING
PROPERTIES
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 CITY OF INDEPENDENCE
- b. Sewage disposal ON-SITE SEPTIC SYSTEM
- c. Electricity KANSAS CITY POWER & LIGHT
- d. Fire and Police protection FORT OSAGE
12. Describe existing road width and condition: EXISTING ROAD IS ASPHALT
AND IS 22' WIDE

13. What effect will proposed development have on existing road and traffic conditions? THERE WILL BE NO ADVERSE AFFECT ON THE EXISTING ROAD.

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)

[Signature]

12/16/2013

Applicant(s):

[Signature]
[Signature]

12/16/2013
12/16/2013

Contract Purchaser(s):

STATE OF Missouri
COUNTY OF Jackson

On this 16th day of DECEMBER, in the year of 2013, before me the undersigned notary public, personally appeared BRUCE SCHUMACHER, ARRON KIRK of STEPHANIE KIRK 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

07-07-2017



