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 $3.07 \pm acreta$ from District A (Agricultural) to District RE (Residential Estates).

ORDINANCE NO. 4477, November 13, 2012

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 "RE" (Residential Estates) District, so that there will be transferred from District A to District RE, a tract of land described as follows:

Description: That part of the North Half of the Southwest Quarter of Section 14, Township 48, Range 30, described as follows; Commencing at the Northeast corner of the Southwest Quarter; Thence North 88 ° 29' 50" West, along the North line of said Quarter Section, a distance of 1,152.35 feet; Thence departing said North line, South 01° 30' 10" West, a distance of 20,00 feet to a point on the South line of Nebgen Road as now established, said point being the Northwest boundary corner of Cross Brothers Farm, a subdivision in unincorporated Jackson County, Missouri, said point being the Point of Beginning; thence South 02° 26' 22" West, a distance of 627.68 feet to the Southwest boundary corner of said Cross Brothers Farm; thence North 54° 15' 44" West, a distance of 428.07 feet to a point on the East line of Buckner Tarsney Road, said line being 40 feet Easterly from, as measured normal to, the surveyed centerline of Buckner Tarsney Road, as described in Right of Way Document 303857 in Book 571 at Page 294 (recorded January 4, 1932); Thence Northerly along said East line, along a curve to the left, to which the preceding course is radial, having a radius of 1504.00 feet, an arc distance of 431.83 feet to a point on the South Line of Nebgen Road, Thence South 88° 29' 50" East, along South line, a distance of 175.44 feet to the Point of Beginning.

<u>Section 2</u>. The Legislature, pursuant to the application of Sharon Cross (RZ-2012-487), requesting the amendment embodied in this Ordinance and with notice that the Jackson

requesting the amendment embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 7 to 0 to recommend <u>APPROVAL</u> of this application after a public hearing on October 18, 2012, 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:	10 10 1
Chief Deputy County Counselor	County Counselor
I hereby certify that the attached Ord November 13, 2012, was duly passed or Jackson County Legislature. The votes there	inance, Ordinance No. 4477 introduced or Dember 3 , 2012 by the eon were as follows:
Yeas Nay	s
Abstaining O Abs	ent <u>O</u>
This Ordinance is hereby transmitted to the C	County Executive for his signature.
12.3.12	Mary Borio
Date	Mary Jo Spino, Clerk of Legislature
I hereby approve the attached Ordinance No.	4477.
17 /04 / 1017 Date	Michael D. Sanders, County Executive

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office: xxxx/Ord No.: 4477

xxxx/Ord No.: Sponsor(s):

Sponsor(Date: xxxx Nov. 13, 2012

SUBJECT		-			
J SOBJECT	Action Requested				
	Resolution Ordinance				
	Ordinance				
	Project/Title: Sharon Cross Case No. RZ-2012-487				
BUDGET					
INFORMATION	Amount authorized by this legislation this fiscal year:	\$			
To be completed	Amount previously authorized this fiscal year:	\$			
By Requesting	Total amount authorized after this legislative action:	\$			
Department and Finance	Amount budgeted for this item * (including	\$			
1 mance	transfers): Source of funding (name of fund) and account code	FROM ACCT			
	number; FROM / TO	TROW MEET			
		TO ACCT			
		at in the assessment in the			
	* If account includes additional funds for other expenses, total budget	ed in the account is: \$			
	OTHER FINANCIAL INFORMATION:				
	No budget impact (no fiscal note required)				
	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	Prior Year Actual Amount Spent (if applicable):				
LEGISLATION	Prior ordinances and (date):				
	Prior resolutions and (date):				
CONTACT					
INFORMATION	RLA drafted by Randy Diehl, Planning and Zoning Coo	rdinator, 881-4577	D1 1 D7 (D 11 11)		
REQUEST	Requesting a change of zoning from District A (Agricult	tural) on a 3.07 \pm acre tract to I	District RE (Residential		
SUMMARY	Estates). The 3.07 ± acres are at the southeast corner of Buckner Tarsney and Nebgen Roads, lying in Section 14, Township 48, Range 30, Jackson County, Missouri aka 32805 E. Nebgen 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 7 to 0 to re		County Legislature.		
CLEARANCE					
	Tax Clearance Completed (Purchasing & Department				
	Business License Verified (Purchasing & Department Chapter 6 Compliance - Affirmative Action/Prevails		ffice)		
ATTACHMENTS	See Attachment to RLA-2	ing wage (County Additor's O	Inice)		
ATTACHWENTS	See Attachment to RLA-2				
REVIEW	R Scott George,	· · · · · · · · · · · · · · · · · ·	Date:11/6/12		
	1 Att March				
	Administrator				
	Finance (Budget Approval):		Date:		
	If applicable				
	Division Manager:	· <u></u>	Date: 10/10/10		
	$\frac{1}{2}$		1 714/12		

		County Counselor's Off	ice:		Date:
Fiscal	Informatio	on (to be verified by B	Budget Office in Finance D	epartment)	
	This expen	diture was included in the	annual budget.		
	Funds for t	his were encumbered from	1 the	Fund in	
	is chargeab	le and there is a cash bala		opriation to which the expenditu the treasury to the credit of the erein authorized.	
	Funds suffi	cient for this expenditure	will be/were appropriated by O	rdinance #	
	Funds suffi	cient for this appropriation	n are available from the source	indicated below.	
	Account N	Number:	Account Title:	Amount Not to Exceed:	
			nd does not obligate Jackson Conecessity, be determined as each	ounty to pay any specific amoun using agency places its order.	t. The availability of
\boxtimes	This legisla	tive action does not impag	et the County financially and do	es not require Finance/Budget a	pproval.

ATTACHMENT TO RLA-2:

<u>Attachments</u>

Plan Commission Public Hearing Summary from October 18, 2012 Staff report Names/Addresses of surrounding property owners Map showing current zoning districts in area Application Plat – Cross Homestead

ATTACHMENT TO RLA 1:

Description: That part of the North Half of the Southwest Quarter of Section 14, Township 48, Range 30, described as follows; Commencing at the Northeast corner of the Southwest Quarter; Thence North 88 ° 29' 50" West, along the North line of said Quarter Section, a distance of 1,152.35 feet; Thence departing said North line, South 01° 30' 10" West, a distance of 20.00 feet to a point on the South line of Nebgen Road as now established, said point being the Northwest boundary corner of Cross Brothers Farm, a subdivision in unincorporated Jackson County, Missouri, said point being the Point of Beginning; thence South 02° 26' 22" West, a distance of 627.68 feet to the Southwest boundary corner of said Cross Brothers Farm; thence North 54° 15' 44" West, a distance of 428.07 feet to a point on the East line of Buckner Tarsney Road, said line being 40 feet Easterly from, as measured normal to, the surveyed centerline of Buckner Tarsney Road, as described in Right of Way Document 303857 in Book 571 at Page 294 (recorded January 4, 1932); Thence Northerly along said East line, along a curve to the left, to which the preceding course is radial, having a radius of 1504.00 feet, an arc distance of 431.83 feet to a point on the South Line of Nebgen Road, Thence South 88° 29' 50" East, along South line, a distance of 175.44 feet to the Point of Beginning.

Jackson County Plan Commission Summary of Public Hearing

Date: October 18, 2012

Place: Independence City Hall

111 E. Maple, Independence, MO

Attendance: Larry Antey

Jack Crawford Tom Haley Janet Mershon W.L. Pointer Sandra Querry Bill Tarpley

Staff: Scot

Scott George Randy Diehl Chris Jenkins Bill Snyder Joan Dickey June Van Loo

Call to Order/Roll Call

Chairman Antey called to order the October 18, 2012 meeting of the Plan Commission and asked that the roll call be taken

Approval of Record

Chairman Antey asked for a motion to approve the record of August 16, 2012. Ms. Mershon made a motion to approve. Mr. Crawford seconded the motion. Voice vote.

Minutes of August 16th, 2012 Approved.

Public Hearings

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

1. RZ-2012-487 - Sharon Cross

Requesting a change of zoning from District A (Agricultural) on a 3.07 ± acre tract to District RE (Residential Estates). The 3.07 ± acres are at the southeast corner of Buckner Tarsney and Nebgen Roads, lying in Section 14, Township 48, Range 30, Jackson County, Missouri aka 32805 E. Nebgen Road.

Mr. George introduced RZ-2012-487 and entered 9 exhibits into record.

Location:

Southeast corner of Buckner Tarsney and Nebgen Roads, lying in Section

14, Township 48, Range 30, Jackson County, Missouri aka 32805 E.

Nebgen Road.

Area:

 $3.07 \pm acres$

Request:

Change of zoning from District A (Agricultural) to District RE (Residential

Estates)

Purpose:

Applicant wishes to separate the existing residence at 32805 E. Nebgen

Road from the large acreage tract (29 ± acres) into its own separate lot.

Current Land Use and Zoning in the Area:

Zoning in the area is primarily agricultural. Property sizes range from 4 acres to 10 acres and larger tracts, containing single family residences.

Directly to the east is a two lot subdivision, Cross Brothers Farm, rezoned to RE (Residential Estates) and platted in 2002. To the south is a two lot subdivision, Tesch Manor, platted in 1986. To the north are large agricultural tracts. On the Northwest corner of Buckner-Tarsney and Major Roads are large acreage tracts containing single family homes. To the Southeast is the applicants land.

Comments:

As stated the proposed lot will be approximately 3.07 ± acres in size. The southwest portion of the proposed lot is within the 150' stream setback as established by Chapter 241 of the Jackson County Code. The Sni-a-Bar Inundation Overlay District (24004.16 UDC) covers a portion of the lot along the west and southerly boundaries. The location of both the stream setback and the overlay district does not impede this lot from being created. The existing improvements and the onsite waste water systems are not within the confines of their limits.

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

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 <u>APPROVAL</u> of RZ-2012-487

Motion made to take RZ-2012-487 under advisement was made by Commissioner Tarpley, seconded by Commissioner Mershon.

There were no questions for staff or applicant.

Motion was made to approve RZ-2012-487 by Commissioner Tarpley, seconded by Commissioner Pointer, vote was taken.

VOTE:

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

RZ-2012-487 APPROVED (7-0)

STAFF REPORT

PLAN COMMISSION October 18, 2012

RE: RZ-2012-487

Applicant:

Sharon Cross

Location:

Southeast corner of Buckner Tarsney and Nebgen Roads, lying in Section

14, Township 48, Range 30, Jackson County, Missouri aka 32805 E.

Nebgen Road.

Area:

3.07 ± acres

Request:

Change of zoning from District A (Agricultural) to District RE (Residential

Estates)

Purpose:

Applicant wishes to separate the existing residence at 32805 E. Nebgen

Road from the large acreage tract (29 ± acres) into its own separate lot.

Current Land Use and Zoning in the Area:

Zoning in the area is primarily agricultural. Property sizes range from 4 acres to 10 acres and larger tracts, containing single family residences.

Directly to the east is a two lot subdivision, Cross Brothers Farm, rezoned to RE (Residential Estates) and platted in 2002. To the south is a two lot subdivision, Tesch Manor, platted in 1986. To the north are large agricultural tracts. On the Northwest corner of Buckner-Tarsney and Major Roads are large acreage tracts containing single family homes. To the Southeast is the applicants land.

Comments:

As stated the proposed lot will be approximately 3.07 ± acres in size. The southwest portion of the proposed lot is within the 150' stream setback as established by Chapter 241 of the Jackson County Code. The Sni-a-Bar Inundation Overlay District (24004.16 UDC) covers a portion of the lot along the west and southerly boundaries. The location of both the stream setback and the overlay district does not impede this lot from being created. The existing improvements and the onsite waste water systems are not within the confines of their limits.

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

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-2012-487

Respectfully submitted, Planning and Environmental Health Division

Randy Diehl Planning and Zoning Coordinator Plan Commission October 18, 2012 RZ-2012-487

Applicants / Property Owners:

Sharon Cross

32909 E. Nebgen Road Rd. Oak Grove, MO 64075

40-800-03-27-00-0-000

40-800-03-26-00-0-00-000

40-800-03-20-01-0-00-000

40-800-03-15-02-0-00-000 40-800-03-17-01-0-00-000

Certified Mail – Return Receipt Property Owners within 300 feet

Parcel No: 40-800-03-16-01-2

40-800-03-25-00-0-00-000 CROSS JOHN E & DEANNA L 7914 CORN RD OAK GROVE MO 64075

40-800-03-14-00-0-00-000 MEYERS DENNIS V & BONNIE J 8101 BUCKNER TARSNEY OAK GROVE MO 64075

40-800-03-24-00-0-00-000 SHIFLETT BART & LEIGH ANN 40-800-03-22-00-0-00-000 EDMONSOND JOSEPH & SKIVERS ROSEMARIE 12007 LONE JACK - LS RD LEES SUMMIT MO 64086

40-800-02-18-00-0-00-000 RICHARD ROBERT D & JUDITH K-TR 7808 OAK HILL SCHOOL RD OAK GROVE MO 64075

40-800-03-21-00-0-00-000 WOOLDRIDGE FRED & VIRGINIA PO BOX 36 GRAIN VALLEY 40-800-02-25-00-0-00-000 GILCHRIST THOMAS J 32608 E MAJOR RD GRAIN VALLEY MO 64075

40-800-03-23-00-0-00-000 SHIFLETT BART & LEIGH ANN 8010 S BUCKNER TARSNEY RD OAK GROVE MO 64075



Jackson County Zoning Map Legend
Addresses
Addresses
- sal other values>
PRUMARY ADD
- Futer No.
Park
- Multipute
- Privar
- Multipute
- Privar
- Multipute
- Privar

EX. 5 RZ-2012-487

Ord

1 inch equals 200 feet

	19,		
E SE SENS DI ENERGY			
	II.		0

JACKSON COUNTY, MISSOURI APPLICATION FOR CHANGE OF ZONING

APPLICANT INFORMATION:

- 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 COM	PLETED BY OFFICE	SUBULBAN TIEL		
Rezoning Ca	se Number <u>RZ-2</u>	1012- 1882 487	·	3001
	9-18-12		10-18-12	
Date advertis	ed 10-3-12	Date property owner	rs notified 10-3	12
	sted 10-3-12			
Hearings:	Heard by PC	Date 10-18-12	Decision	
	Heard by	Date	Decision	
	Heard by	Date	Decision	
BEGIN AP	PLICATION HERE:			
1. Dat	a on Applicant(s) and	Owner(s):		
a	Applicant(s) Name: _	SHARON CR	<u>255</u>	
	Address: 32909	E. NEBGEN	ROAD	<u> </u>
		GROVE MO		
		229-5263		
b.	Owner(s) Name:	ME.		
	Address:			
	Phone:			
c.	Agent(s) Name:	FISKIRCH & PAR	KS ENGINE	ERS , INC. ERIC A. RAMER, PLS
	Address:	N. MAIN, SUI	TE 10, 1402	PEND ENCE, MO 64050

	Phone: 316,254,5000
	d. Applicant's interest in Property:
2.	General location (Road Name) NEBGEN ROAD & BULNER-TARSNEY
	0 10
3.	Present Zoning AG Requested Zoning Requested Zoning AREA (sq. ft. / acres) 3.07 ALLES
4.	AREA (sq. ft. / acres) 3.07 ALLES
5.	Legal Description of Property: (Write Below or Attached 9)
	SEE ATTATCHED
6.	Present Use of Property: RESIDENT, AL
7.	Proposed Use of Property: Resident Cartial
8.	Proposed Time Schedule for Development: IMMEDIATE
9.	What effect will your proposed development have on the surrounding properties?
	hohe
10.	Is any portion of the property within the established flood plain as shown on the FEMA Flood
	Boundary Map?
	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 PUBLIC WATER, DISTRICT 13 - EXISTING
	b. Sewage disposal SEPTIC SEKISTING
	c. Electricity EXISTING OVERHEAD ROWER
	d. Fire and Police protection_ CENTRAL FFD
12.	Describe existing road width and condition: 20'-27' WOE ALPHALT ROAD,
	UHIMPROJED. 12 FAIR TO GOOD CONDITION

13.	what effec	t will	proposed	development	have	on	existing	road	and	traffic
	conditions?_	No	CHANG	\$						
14.	Are any state	_	•	ublic agencies a	pprovals	s or p	ermits requ	uired fo	r the p	roposeo
	If so, describe			ication and statu	ıs (inclu	de per	mit numbe	rs and o	opies o	of same
	if issued):								<u>.</u>	· · ·

Verification: I (We) hereby certify that 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 Property Owner(s)	Glarow Crass	Date	9/18/12
Applicant(s):			
Contract Purchaser(s)	·		
STATE OF MISS	Hiri		
On this	day of Sentence public, personally appeared Sh		<u>7017</u> , before me
acknowledged that he/sl	he person(s) whose names(s) is ne/they executed the same for the person to set my hand and official set	ourposes therein	
State of A	IGELA JOAN SAPP y Public-Notary Seal lissouri, Jackson County lission # 12489021 sion Expires Feb 26, 2016	Commission Exp	ires <u>Z-26-2016</u>

PARENT PARCEL DESCRIPTION (From Quit Claim Deed Doc. 2009E0051086): The North one-half of the Southwest quarter of Section 14, Township 48, Range 30, except that part lying westerly of state highway, in Jackson County, Missouri, except part of the Northeast quarter of the Southwest quarter, Section 14, Township 48, Range 30, of the fifth principal meridian described as commencing at the Northeast corner of said quarter quarter section, thence West 617 feet to the true point of beginning and then South 210 feet, West 210 feet, North 210 feet, East 210 feet to the true point beginning, except that part in roads in Jackson County, Missouri. Also, the North 10 acres of the East one-half of the Southeast quarter of the Southwest quarter of Section 14, Township 48, Range 30, in Jackson County, Missouri, except that part in roads, that part contained in Lots 1 and 2, Tesch Manor, a subdivision in Jackson County, Missouri, according to the recorded plat thereof, that part conveyed to Lois and Spencer Coffey and that part conveyed to John E. Cross and Sharon Cross.

SURVEYED PROPERTY BOUNDARY DESCRIPTION:

That part of the North Half of the Southwest Quarter of Section 14, Township 48, Range 30 in unincorporated Jackson County, Missouri, described as follows: Commencing at the Northeast corner of said Southwest Quarter; Thence North 88° 29′ 50″ West, along the North line of said Quarter Section, a distance of 1,152,35 feet;

Thence departing said North line, South 01° 30′ 10″ West, a distance of 20.00 feet to a point on the South line of Nebgen Road as now established, said point being the Northwest boundary corner of CROSS BROTHERS FARM, a subdivision in unincorporated Jackson County, Missouri, said point also being the Point of Beginning;

Thence South 02° 26' 22" West, a distance of 627.68 feet to the Southwest boundary corner of said CROSS BROTHERS FARM;

Thence North 54' 15' 44" West, a distance of 428.07 feet to a point on the East line of Buckner—Tarsney Road, said line being 40 feet Easterly from, as measured normal to, the surveyed centerline of Buckner—Tarsney Road, as described in that Certificate of Record filed as Document No. 303857 in Book 571 at Page 294;

Thence Northerly along said East line, along a curve to the left, to which the preceding course is radial, having a radius of 1504.00 feet, an arc distance of 431.83 feet to a point on said South line of Nebgen Road;

Thence South 88' 29' 50" East, along said South line, a distance of 175.44 feet to the Point of Beginning.

Containing 3.25 Acres, more or less,

IN UNINCORPORATED JACKSON COUNTY, MISSOURI PRELIMINARY PLAT AND REZONING MAP CROSS HOMESTEAD IN THE SW 1/4 OF SECTION 14, TWP. 48, RNG. 30

MEISKIRCH & PARKS EMGNEERS.

HO LICENSE 001060

HO MORTHUR CHISTORY SITE FOR SITE FO



