

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 ± acres tract from District A (Agricultural) to District RE (Residential Estates) and creating a one-lot subdivision to be know as "Freer's Place."

ORDINANCE #4330, August 1, 2011

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

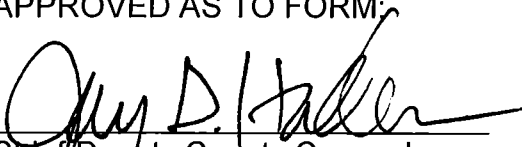
Section 1. The Zoning Order of Jackson County, Missouri, and the official maps which are a part thereof, are amended by changing the boundaries of the "A" (Agricultural) District and the "RE" (Residential Estates) District, so that there will be transferred from District A to District RE, a tract of land described as follows:

Description: The 3 ± acres are located approximately 500 feet west of Jellison Road on the north side of Pink Hill Road and specifically described as all of Lot 1 "Freer's Place" a proposed subdivision of land located in Section 17, Township 49 North, Range 30 West, Jackson County, Missouri. Being more particularly described as follows: Beginning at the south quarter corner to said Section 17, thence south 87°28'03" east, east along the south line of the southeast quarter of said section 17, 706.31 feet; thence leaving said south line north 01°35'21" east, 49.97 feet to the proposed northerly right-of-way line of Pink Hill Road said point also being the true point of beginning; thence continuing north 01°35'21" east, 466.52 feet; thence north 90°00'00" east, 276.74 feet; thence south 01°33'46" west, 476.64 feet to a point on the said proposed northerly right-of-way line of Pink Hill Road; thence westerly along the said northerly line along a curve to the right having a radius of 666.20 feet, an arc length of 52.49 feet and a chord bearing of north 89°44'04" west; thence continuing along said northerly right-of-way line north 87°28'39" west, 224.43 feet to the true point of beginning containing 3.0 acres more or less and being subject to all public roads, easements, reservations, covenants and conditions, if any, now of record, aka 28610 E. Pink Hill Road.


Section 2. The Legislature, pursuant to the application of Carol Freer and Peggy White (RZ-2011-475), requesting the amendment embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 8 to 0 to recommend APPROVAL of this application after a public hearing on July 21, 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 #4330 introduced on August 1, 2011, was duly passed on August 29, 2011 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

Nays 0

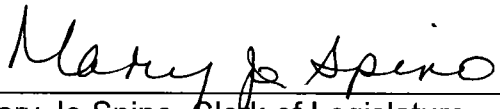
Abstaining 0

Absent 0

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

8/29/11

Date



Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4330.

8/30/2011

Date



Michael D. Sanders, County Executive


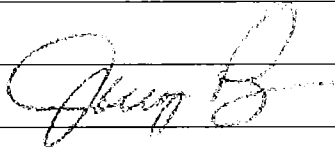
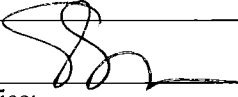
REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 4330

Sponsor(s): xxxxx

Date: August 1, 2011

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Rezoning (Carol Freer and Peggy White, Case No. RZ-2011-475)</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="326 491 1200 785"> <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): 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 3 ± acres from District A (Agricultural) to District RE (Residential Estates) and creating a one lot subdivision to be known as "Freer's Place". Description: The 3 ± acres are located approximately 500 feet west of Jellison Road on the north side of Pink Hill Road and specifically described on Attachment to RLA-1. The Jackson County Plan Commission on July 21, 2011 held a public hearing and accepted testimony pertaining to the change of zoning requested by Carol Freer and Peggy White. 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 8 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. 	Date: 7/25/2011										
	Finance (Budget Approval): If applicable	Date:										
	Division Manager: 	Date: 7/26/11										
	County Counselor's Office:	Date:										

ATTACHMENT TO RLA-1:

RZ-2011-475 (Carol Freer and Peggy White)

Description: The 3 ± acres are located approximately 500 feet west of Jellison Road on the north side of Pink Hill Road and specifically described as all of Lot 1 "Freer's Place" a proposed subdivision of land located in Section 17, Township 49 North, Range 30 West, Jackson County, Missouri. Being more particularly described as follows: Beginning at the south quarter corner to said Section 17, thence south 87°28'03" east, east along the south line of the southeast quarter of said section 17, 706.31 feet; thence leaving said south line north 01°35'21" east, 49.97 feet to the proposed northerly right-of-way line of Pink Hill Road said point also being the true point of beginning; thence continuing north 01°35'21" east, 466.52 feet; thence north 90°00'00" east, 276.74 feet; thence south 01°33'46" west, 476.64 feet to a point on the said proposed northerly right-of-way line of Pink Hill Road; thence westerly along the said northerly line along a curve to the right having a radius of 666.20 feet, an arc length of 52.49 feet and a chord bearing of north 89°44'04" west; thence continuing along said northerly right-of-way line north 87°28'39" west, 224.43 feet to the true point of beginning containing 3.0 acres more or less and being subject to all public roads, easements, reservations, covenants and conditions, if any, now of record, aka 28610 E. Pink Hill Road.

ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from July 21, 2011

Staff report

Names/Addresses of Surrounding Property Owners

Map showing current zoning districts in area

Application

Preliminary Plat – "Freer's Place"

2. RZ-2011-475 – Carol Freer and Peggy White

Requesting a change of zoning from District A (Agricultural) to District RE (Residential Estates) on 3 ± acres. There is an existing residence on the proposed three-acre lot, "Freer's Place". The 3 ± acres are located approximately 500 feet west of Jellison Road on the north side of Pink Hill Road lying in Section 17, Township 49, Range 30 in Jackson County, Missouri aka 28610 E. Pink Hill Road.

Mr. Trosen introduced RZ-2011-475 and entered 9 exhibits into the record. Mr. Trosen gave the staff report with comments and recommendation as follows: the property is approximately 500 feet west of Jellison Road on the north side of Pink Hill Road and is 3 ± acres in size. The request is for a change of zoning from District A (Agricultural) to RE (Residential Estates) District for the purpose of a one (1) lot residential subdivision, "Freer's Place"; there is an existing residence on the proposed three-acre lot.

The surrounding land use in the area is predominantly large residential tracts. The zoning is Agricultural. The overall tract area is approximately 15 acres. The applicants/property owners want to subdivide the tract into a 3-acre lot and a 12-acre tract. The remaining 12-acre tract will remain zoned District A (Agricultural) and un-platted since it is larger than 10 acres in size. The proposed 3-acre lot will contain the existing residence. The 3-acre lot will be recorded as a subdivision plat, "Freer's Place". The width of the lot is 276 feet which exceeds the minimum width required of 180 feet in District RE (Residential Estates).

The County Plan Development Diagram illustrates this area within the Suburban Development Tier. The RE (Residential Estates) District is appropriate in the Suburban Development Tier. This request for rezoning is consistent with the intent and purpose of the County Plan. Staff recommends APPROVAL of RZ-2011-475.

Chairman Antey asked about access to remaining 12 acres, especially what kind of road frontage there would be.

Mr. Trosen said there would be 50 feet of road frontage.

There were no further questions for Mr. Trosen.

The applicant, Peggy White, appeared to give testimony. Ms. White said she had nothing to add to the staff report.

Mr. Pointer wanted to know who owned the remaining 12 acres.

Ms. White said they owned the property.

Mr. Pointer asked if there were plans to do anything with this property in the future.

Ms. White said there were no plans at this time.

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

Mr. Pointer moved to take RZ-2011-475 under advisement. Mr. Scarborough seconded the motion.

It was agreed that the application was straight forward with no problems.

Mr. Haley moved to approve RZ-2011-475. Mr. Scarborough seconded the motion.

VOTE:

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

RZ-2011-475 APPROVED (8-0)

STAFF REPORT

PLAN COMMISSION

July 21, 2011

RE: RZ-2011-475

Applicant / Property Owners: Carol Freer and Peggy White

Location: Approximately 500 feet west of Jellison Road on the north side of Pink Hill Road aka 28610 E. Pink Hill Road

Area: 3 ± acres

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

Purpose: One (1) lot residential subdivision, "Freer's Place". There is an existing residence on the proposed three-acre lot.

Current Land Use and Zoning in the Area:

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

Comments: The overall tract area is approximately 15 acres. The applicants/property owners want to subdivide the tract into a 3-acre lot and a 12-acre tract. The remaining 12-acre tract will remain zoned District A (Agricultural) and un-platted since it is larger than 10 acres in size.

The proposed 3-acre lot will contain the existing residence. The 3-acre lot will be recorded as a subdivision plat, "Freer's Place". The width of the lot is 276 feet which exceeds the minimum width required of 180 feet in District RE (Residential Estates).

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-2011-475.

Respectfully submitted,
Planning and Environmental Health Division


Mark Trosen
Administrator

EX. 1

Plan Commission
July 21, 2011
RZ-2011-475

Applicant / Property Owners:	Peggy White 28704 E. Pink Hill Road Independence, MO 64057	Carol Freer 2643 Klondike Road Green Bay, WI 54311
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Parcel No: 23-800-14-04

Certified Mail – Return Receipt
Property Owners within 300 feet

23-800-14-03
Terry Porter
28308 E. Pink Hill Rd.
Independence, MO 64057

36-210-03-02
R.D. Rupert
920 E. Pink Hill Rd.
Independence, MO 64057

23-800-14-37
Peggy White

23-800-14-36
Peggy White

23-800-04-09
Peggy White

36-310-03-01
Gary Baker
105 NW Pecan St.
Blue Springs, MO 64014



Jackson County Zoning Map

Legend

307 Notification Ring

Classification

Class

- Local
- Collector
- Major Arterial
- Minor Arterial
- Parcels
- <all other values>
- Plats

Pending Rezoning

Rezoning selection

Zoning

- RR-Residential Ranchette
- RR-Residential Ranchette-Planned
- RE-Residential Estates
- RS-Residential Suburban
- RU-Residential Urban
- AI-1 Single-Family
- BI-1 Two-Family
- CI-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
- Inundation Area

RZ-2011-475

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-2011-475
 Date filed 6/23/2011 Date of hearing 7/21/2011
 Date advertised 7/6/2011 Date property owners notified 7/6/2011
 Date signs posted 7/6/2011
 Hearings: Heard by Plan Comm Date 7/21/2011 Decision _____
 Heard by _____ Date _____ Decision _____
 Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):

a. Applicant(s) Name: Carol Freer
 Address: 2643 Klondike Rd
Green Bay WI 54311
 Phone: 920-619-1502

b. Owner(s) Name: Peggy White
 Address: 28704 E. Pink Hill Rd Independence MO 64057
 Phone: 816 229 2756

c. Agent(s) Name: Jeffrey P. Means - Surveyor
 Address: 1600 W. 40 Hwy Suite 207 Blue Springs MO 64015

Phone: 816 868 6138

d. Applicant's interest in Property: OWNERS

2. General location (Road Name) 28610 E. Pink Hill Rd

3. Present Zoning A Requested Zoning RE

4. AREA (sq. ft. / acres) 130758.27 sq ft / 3.00 AC

5. Legal Description of Property: (Write Below or Attached 9)

6. Present Use of Property: Single family

7. Proposed Use of Property: Single family

8. Proposed Time Schedule for Development: _____

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 Independence Water

b. Sewage disposal Private

c. Electricity KCP&L

d. Fire and Police protection Jackson County

12. Describe existing road width and condition: 22' wide Asphalt

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) <u>Peggy White</u>	<u>6-23-11</u>
Applicant(s): <u>Peggy White</u>	<u>6-23-11</u>
Contract Purchaser(s): _____	_____

STATE OF Missouri
COUNTY OF Lafayette

On this 23 day of June, in the year of 2011, before me the undersigned notary public, personally appeared Peggy White, only

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 Lisa Anderson Commission Expires 5-2-2014



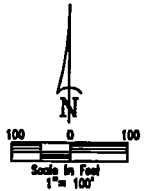
LISA ANDERSON
My Commission Expires
May 2, 2014
Lafayette County
Commission #10879406

PRELIMINARY PLAT

"FREER'S PLACE"
 A SUBDIVISION OF LAND LOCATED IN SECTION 17,
 T-49, NORTH, R-30, WEST
 JACKSON COUNTY, MISSOURI

DESCRIPTION

The West 1/2 of the East 1/2 of the South 1/2 of the West 1/2 of the Section 17, Township 49 North, Range 30 West, Jackson County, Missouri, as more fully described in the plat.



NORTH BASED ON THE MISSOURI STATE PLANE GRID SYSTEM FROM POINT BOUNDARY ADJUST TO BEAR N 89°07'17" W GRID AZIMUTH

- = FOUND MONUMENT AS NOTED
- = SET 1/2" DIA. IRON & L.S. / 300102785 D I.D. CAP
- = UTILITY POLE
- ✕ = TOWN LIGHT
- = WATER METER
- = CENTERLINE
- - - = ELECTRIC LINE OVERHEAD
- = WATER LINE

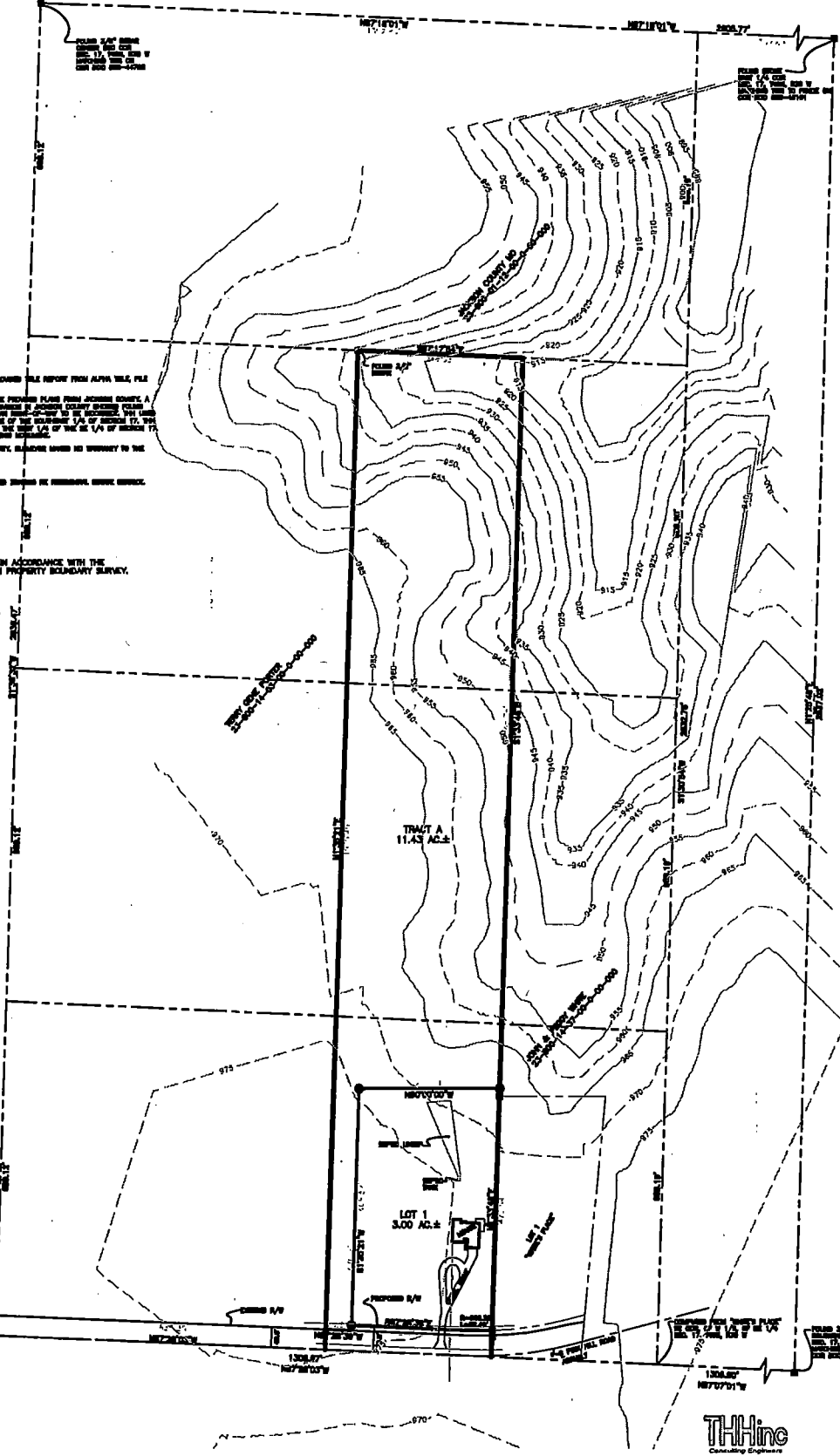
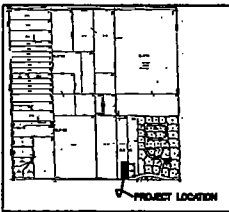
THIS SURVEY AND THE BOUNDARIES THEREON ARE BASED UPON THE PREVIOUS TITLE REPORT FROM ALPHA TITLE, FILE NO. 20756, SYSTEMIC SURVEY NO. 8911 & 8912 AND AS:

- THE BOUNDARY LINES CALLED FOR HEREIN ARE FROM THE PREVIOUS PLAT FROM JACKSON COUNTY, A PREVIOUS SURVEY PERFORMED FOR "FREER'S PLACE" A SURVEY SUBMITTED BY JACKSON COUNTY RECORDS OFFICE AND THE CONTAINERS OF THE RECORDS OF THE PLAT RECORDS ARE IN ACCORDANCE WITH THE RECORDS PLAT OF "FREER'S PLACE" TO DETERMINE THE BOUNDARY LINES OF THE SECTION 17, T-49, NORTH, R-30, WEST, JACKSON COUNTY, MISSOURI, AND TO DETERMINE THE BOUNDARY LINES OF THE SECTION 17, T-49, NORTH, R-30, WEST, JACKSON COUNTY, MISSOURI, TO DETERMINE THE BOUNDARY LINES OF THE SECTION 17, T-49, NORTH, R-30, WEST, JACKSON COUNTY, MISSOURI.
- ALL LINES SHOWN ARE BASED UPON THE CENTER OF THE PROPERTY, UNLESS SHOWN TO THE CONTRARY BY THE PLAT RECORDS OF THE LINES.
- ALL LINES SHOWN ARE FROM MEASUREMENT ONLY.
- PROPERTY IS CURRENTLY ZONED A, RESIDENTIAL, SINGLE-FAMILY, PROPOSED BOUNDARY LINES, RESIDENTIAL, SINGLE-FAMILY.

CERTIFICATION

THIS IS TO CERTIFY THAT THIS SURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MISSOURI SURVEY STANDARDS FOR AN URBAN PROPERTY BOUNDARY SURVEY.

Trabus, Hansen & Hineshaw, Inc. L.L.C. 0001020438-D
 Survey # 1000014788, P.L.S. 0000014788
 Date of Survey: 05/21/2011



THHinc
 Consulting Engineers
 TRABUS, HANSEN &
 HINESHAW, INC.

1400 West 49 Highway, Suite 200
 P.O. Box 1000, Union, MO 64481
 Phone: 816-238-8772
 Fax: 816-238-2288
 1400 West 49 Highway, Suite 200
 P.O. Box 1000, Union, MO 64481
 Phone: 816-238-8772
 Fax: 816-238-2288

DATE: June 21, 2011
 PROJECT NUMBER: 0000014788
 SURVEY NUMBER: 011_011
 CHECKED BY: JPH

EX-9

REZONING DESCRIPTION:

ALL OF LOT 1 "FREER'S PLACE" A PROPOSED SUBDIVISION OF LAND LOCATED IN SECTION 17, TOWNSHIP 49 NORTH, RANGE 30 WEST, JACKSON COUNTY, MISSOURI. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH QUARTER CORNER TO SAID SECTION 17, THENCE SOUTH 87°28'03" EAST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17, 706.31 FEET; THENCE LEAVING SAID SOUTH LINE NORTH 01°35'21" EAST, 49.97 FEET TO THE PROPOSED NORTHERLY RIGHT-OF-WAY LINE OF PINK HILL ROAD SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 01°35'21" EAST, 466.52 FEET; THENCE NORTH 90°00'00" EAST, 276.74 FEET; THENCE SOUTH 01°33'46" WEST, 476.64 FEET TO A POINT ON THE SAID PROPOSED NORTHERLY RIGHT-OF-WAY LINE OF PINK HILL ROAD; THENCE WESTERLY ALONG THE SAID NORTHERLY LINE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 666.20 FEET, AN ARC LENGTH OF 52.49 FEET AND A CHORD BEARING OF NORTH 89°44'04" WEST; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE NORTH 87°28'39" WEST, 224.43 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 3.0 ACRES MORE OR LESS AND BEING SUBJECT TO ALL PUBLIC ROADS, EASEMENTS, RESERVATIONS, COVENANTS AND CONDITIONS, IF ANY, NOW OF RECORD.