

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 1.05 ± acres tract from District A (Agricultural) to District RS (Residential Suburban).

ORDINANCE #4446, September 10, 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 "RS" (Residential Suburban) District, so that there will be transferred from District A to District RS, a tract of land described as follows:

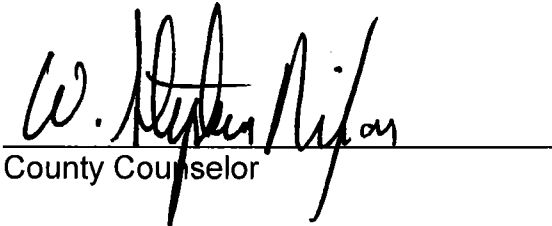
Description: Lot 30, Trophy Estates, a subdivision in Jackson County, Missouri.

Section 2. The Legislature, pursuant to the application of Tim D. and Sara J. Mathes (RZ-2012-484), requesting the amendment embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 7 to 0 to recommend APPROVAL of this application after a public hearing on August 16, 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:


Chief Deputy County Counselor


County Counselor

I hereby certify that the attached Ordinance, Ordinance #4446 introduced on September 10, 2012, was duly passed on October 8, 2012 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

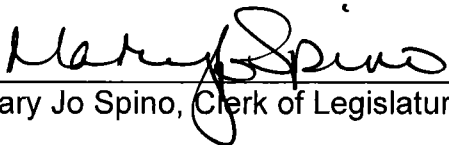
Nays 0

Abstaining 0

Absent 0

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

10-8-12
Date


Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4446.

10-9-2012
Date


Michael D. Sanders, County Executive

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:
~~Res~~/Ord No.: 4446
 Sponsor(s): xxxxxxx
 Date: Sept. 10, 2012

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Tim D. and Sara J. Mathes Case No. RZ-2012-484</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="326 499 1203 810"> <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> <p>OTHER FINANCIAL INFORMATION:</p> <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 a change of zoning from District A (Agricultural) on a 1.05 ± acre lot to District RS (Residential Suburban). The 1.05 ± acres are on the east side of Howard Road legally described as Lot 30, Trophy Estates, lying in Section 13, Township 47, Range 31, Jackson County, Missouri aka 12903 SE Howard 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 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="315 1671 1539 1913"> <tr> <td>R Scott George Administrator</td> <td>Date:08/22/2012</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager:</td> <td>Date:</td> </tr> <tr> <td>County Counselor's Office:</td> <td>Date:</td> </tr> </table>		R Scott George Administrator	Date:08/22/2012	Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager:	Date:	County Counselor's Office:	Date:		
R Scott George Administrator	Date:08/22/2012											
Finance (Budget Approval): <i>If applicable</i>	Date:											
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 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.

1. RZ-2012-484 – Tim D. and Sara J. Mathes

Requesting a change of zoning from District A (Agricultural) on a 1.05 ± acre lot to District RS (Residential Suburban). The 1.05 ± acres are on the east side of Howard Road legally described as Lot 30, Trophy Estates, lying in Section 13, Township 47, Range 31, Jackson County, Missouri aka 12903 SE Howard Road.

Mr. George introduced RZ-2012-484 and entered 8 exhibits into the record.

Location: East side of Howard Road legally described as Lot 30, Trophy Estates, lying in Section 13, Township 47, Range 31, Jackson County, Missouri aka 12903 SE Howard Road.

Area: 1.05 ± acres

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

Purpose: Applicant wishes to construct a detached out building and has applied for this zoning change to decrease the building setback requirements.

Current Land Use and Zoning in the Area:

The zoning in the area is predominantly Agricultural. The land use within the platted subdivision is single family residences. Trophy Estates was platted in 1977 and 1979. The Zoning Order (adopted in 1960) in place at the time did not require a change in zoning for platted lots. Therefore the zoning for Trophy Estates is Agricultural.

Lot 21 (25304 E. 130th Terrace), Lot 36 (25406 E. 130th Street), Lot 39 (25302 E 130th Street) and Lot 43 (25213 S. 130th Terrace) all within Trophy Estates, were rezoned to Residential Suburban District for the same purpose as this application

County Plan:

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT).

The Residential Suburban District (RS) is intended for detached single family residential use and where public services exist or could reasonably be extended to development. Trophy Estates subdivision is served by a community (package treatment) sewer system and water is provided by Lee's Summit.

Recommendation:

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

Staff recommends APPROVAL of RZ-2012-484

There were no questions from the Commission for Mr. George.

Land owner Tim Mathes introduced himself and stated his address.

There were no questions for Mr. Mathes.

Motion made to take RZ-2012-484 under advisement was made by Commissioner Akins, seconded by Commissioner Mershon.

No discussion on this item.

Motion was made to approve RZ-2012-484 by Commissioner Mershon, seconded by Commissioner Crawford, vote was taken.

VOTE:

Mr. Aikns	Approve
Mr. Antey	Approve
Mr. Crawford	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mrs. Mershon	Approve
Mrs. Query	Approve

RZ-2012-484 APPROVED (7-0)

STAFF REPORT

PLAN COMMISSION
August 16, 2012

RE: RZ-2012-484

Applicant: Tim D. and Sara J. Mathes

Location: East side of Howard Road legally described as Lot 30, Trophy Estates, lying in Section 13, Township 47, Range 31, Jackson County, Missouri aka 12903 SE Howard Road.

Area: 1.05 ± acres

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

Purpose: Applicant wishes to construct a detached out building and has applied for this zoning change to decrease the building setback requirements.

Current Land Use and Zoning in the Area:

The zoning in the area is predominantly Agricultural. The land use within the platted subdivision is single family residences. Trophy Estates was platted in 1977 and 1979. The Zoning Order (adopted in 1960) in place at the time did not require a change in zoning for platted lots. Therefore the zoning for Trophy Estates is Agricultural.

Lot 21 (25304 E. 130th Terrace), Lot 36 (25406 E. 130th Street), Lot 39 (25302 E 130th Street) and Lot 43 (25213 S. 130th Terrace) all within Trophy Estates, were rezoned to Residential Suburban District for the same purpose as this application

County Plan:

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT).

The Residential Suburban District (RS) is intended for detached single family residential use and where public services exist or could reasonably be extended to development. Trophy Estates subdivision is served by a community (package treatment) sewer system and water is provided by Lee's Summit.

**Plan Commission
August 16, 2012
RZ-2012-484**

Applicants / Property Owners: **Tim D. and Sara J. Mathes
12903 S. Howard Road
Greenwood, MO 64034**

Parcel No:

60-700-04-33-00-0-00-000

**Certified Mail – Return Receipt
Property Owners within 185 feet**

60-700-04-62-00-0-00-000
RIEGEL THEODORE T & KIMBERLY K
12910 S HOWARD RD
GREENWOOD, MO 64034

60-700-04-63-00-0-00-000
SCHNAKENBERG GUY S & SHERRI L
12908 S HARRIS RD
GREENWOOD, MO 64034

60-700-04-66-00-0-00-000
KETTNER MARK A
12822 S HARRIS RD
GREENWOOD, MO 64034

60-700-04-09-00-0-00-000
PAP BARBARA J-TRUSTEE
12915 S HOWARD RD
GREENWOOD, MO 64034

60-700-04-64-00-0-00-000
EDWARDS CINDY J & RANDAL A
12914 S HARRIS RD
GREENWOOD, MO 64034

60-700-04-32-00-0-00-000
EVANS PHILLIP S & TAMMERA S
12902 S HOWARD RD
GREENWOOD, MO 64034

60-700-04-34-00-0-00-000
CLASPILL DAVID & MARY JO
12909 S HOWARD RD
GREENWOOD, MO 64034

60-700-04-75-00-0-00-000
EQUITY TRUST COMPANY CUSTODIAN
FOB
225 BURNS RD
ELYRIA, OH 44035

60-700-04-76-00-0-00-000
EQUITY TRUST COMPANY CUSTODIAN
FOB
225 BURNS RD
ELYRIA, OH 44035

60-700-04-70-00-0-00-000
JACKSON MARK S & JOANN M
12808 S HARRIS RD
GREENWOOD, MO 64034

**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:

Receiving Case Number RZ-2012- 184
 Date filed 7-2-12 Date of hearing 8-16-12
 Date advertised 8-1-12 Date property owners notified 8-1-12
 Date signs posted 8-1-12
 Hearings: Heard by PC Date 8-16-12 Decision _____
 Heard by _____ Date _____ Decision _____
 Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

1. District Applicant(s) and Owner(s):
 - a. Applicant(s) Name: Tim & Sara Mathes
 Address: 12903 Howard Rd
Greenwood, MO 64034
 Phone: 816-835-9680
 - b. Owner(s) Name: same
 Address: _____
 Phone: _____
 - c. Agent(s) Name: _____
 Address: _____

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):

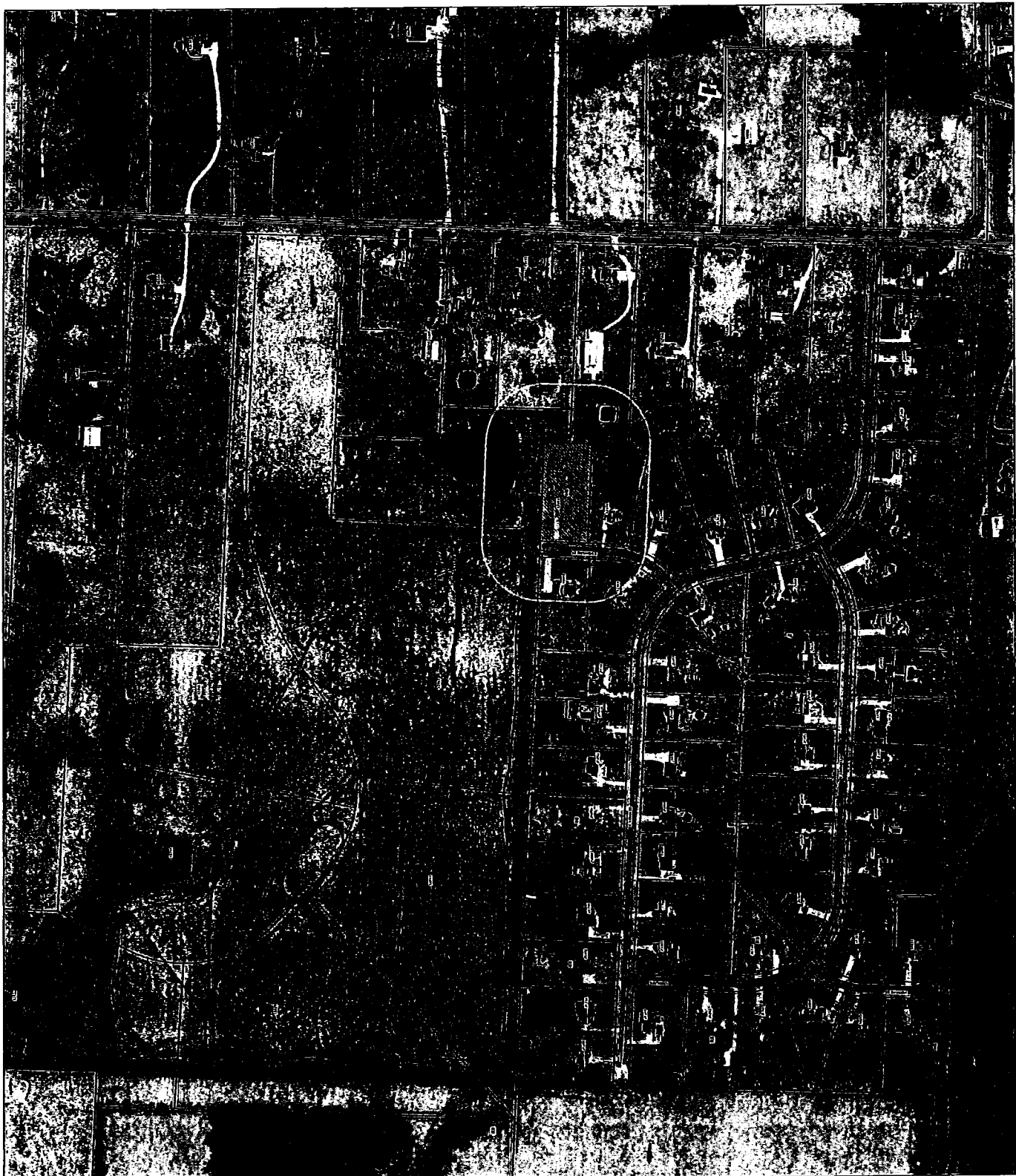
N/A

Verification: I (We) hereby certify that all of the foregoing statements contained in any papers



Jackson County Zoning Map

Legend	162 Notification Ring
Addresses	• call other values-
PRIMARY ADD	• Fence No.
	• Park
	• Multiple
	• Primary
	• Secondary Res
	• Utility
	Legislative_Action
	Streets
	• call other values-
	Pending
Rezoning	
Zoning	RR-Rural Residential Ranchette
	Residential Ranchette-Planned
	RE-Residential Estates
	RS-Residential Suburban
	RL-Residential Urban
	AQ-Single-Family
	BT-Two-Family
	CP-Multi-Family
	A1-Mobile Homes District
	RO-Residential Office-Planned
	LB-Local Business
	LBj-Local Business-Planned
	GS-General Business
	GBj-General Business-Planned
	LI-Light Industrial
	LIj-Light Industrial-Planned
	IH-Heavy Industrial



EX-5
RZ-2012-484

1 inch equals 100 feet