


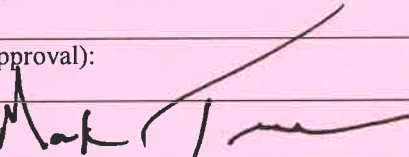
REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 5032

Sponsor(s):

Date: October 9, 2017

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Brookson Homes, Inc - RZ-2017-555</u>																			
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="310 495 1190 804"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td></td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT</td> <td></td> </tr> <tr> <td></td> <td>TO ACCT</td> <td></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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	TO ACCT																			
PRIOR LEGISLATION	Prior ordinances and (date): _____ Prior resolutions and (date): _____																			
CONTACT INFORMATION	RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577																			
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on 12.00 ± acres to District RE (Residential Estates). The proposed land use is a three lot subdivision. The 12.00 ± acres are located in Section 03, Township 47, Range 30, in Jackson County, Missouri, aka 18000 Block of Buckner Tarsney Road, and specifically described on Attachment to RLA-1. The Jackson County Plan Commission on September 21, 2017 held a public hearing and accepted testimony pertaining to the request. This request for a 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	Department Director: Brian D. Gaddie, P.E. Director of Public Works  Finance (Budget Approval): <i>If applicable</i> Division Manager: 	Date: Date: Date: 9/29/17																		

County Counselor's Office:	Date:
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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.

RZ-2017-555

ATTACHMENT TO RLA 1:

Description: A tract of land in the Northwest Quarter and the Northeast Quarter of Section 3, Township 47, Range 30, Jackson County, Missouri, describes as follows: Commencing at the Northwest corner of the Northeast Quarter of said Northwest Quarter, thence South 87 degrees 35 Minutes 29 seconds East along the North line of said Northwest Quarter a distance of 411.38 feet (409.00 feet deeded), said point being the Northeast corner of a tract of land conveyed on Book I-1518 at page 2024; thence South 02 degrees 50 minutes 00 seconds West along the East line of said tract, a distance of 542.57 feet to a point being the Southwest corner of Lot 1 Webster Acres – Revised, a subdivision of land in Jackson County, Missouri, recorded in the Register of Deeds in Jackson County, Missouri on December 22, 1988, as Document NO. 1888624, said point being the True point of Beginning of the tract to be herein described; thence continuing South 02 degrees 50 minutes 00 seconds West along the East line of said tract, a distance of 650.03 feet (620.03 feet deeded), to the Southeast corner of said conveyed tract; thence South 87 degrees 35 minutes 29 seconds East, a distance of 470.86 feet (473.70 feet deeded), to the Westerly Right of Way of Buckner Tarsney Road as now established; thence North 52 degrees 42 minutes 53 seconds East a distance of 97.51 feet along the Westerly Right of Way line of said Buckner Tarsney Road; thence continuing along the Westerly Right of Way on a curve to the left, with a radius of 1,378.45 feet, a chord bearing of North 33 degrees 36 minutes 03 seconds East, a chord distance of 923.86 feet, and an arc length of 942.08 feet, to the Southeast corner of a tract of land conveyed in Book I-968 at page 225; thence North 87 degrees 35 minutes 29 seconds West along the South line of said conveyed tract, to the Southeast corner of Lot 1, Webster Acres, a subdivision in Jackson County, Missouri; recorded in the Register of Deeds in Jackson County, Missouri on September 4, 1986, as Document NO. 1715957, thence South 02 degrees 24 minutes 31 seconds West along the East line of Lot 1 Webster Acres – Revised, a distance of 202.56 feet to the Southeast corner of said Lot 1; thence North 87 degrees 35 minutes 29 seconds West along the south line of said Webster Acres – Revised, a distance of 430.85 feet to the True Point of Beginning.

RE: RZ-2017-555

Randy Diehl gave the staff report:

Applicant: Brookson Homes, Inc
Jason Spencer

Location: Buckner Tarsney Road

Area: 12.00 ± acres in Section 03, Township 47, Range 30

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

Purpose: Applicant is requesting the change in zoning for a three lot subdivision.

Current Land Use and Zoning in the Area:

The zoning in the immediate area is Agricultural with the majority of the land use being single family residences.

There are a few platted developments within the proximity of the subject property. Mer-Lou Estates, to the West, is a development consisting of 22 lots. Lot sizes range from approximately 2 acres to 8 acres in size. These were developed prior to 1995, before the implementation of the Unified Development Code (UDC) and therefore are within District AG.

To the Northeast, across Buckner Tarsney Road, is Residential Ranchette zoning. This was rezoned in 2000, however only three lots were created from this. Directly across the Road is Blue and Gray Park Reverse, A County maintained park.

The applicant is wanting to plat the 12.00 acres into a three lot subdivision. Two lots will be 3 acres, the remaining will be 7 acres in size.

Plan:

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

(Residential Estates) is appropriate for the Suburban Development Tier (SDT).

Recommendation:

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

Staff recommends APPROVAL of RZ-2017-555.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: Are there any questions for Randy?

Mr. Tarpley: What is the zoning on the rectangular lots to the west?

Mr. Diehl: Those are the one within Mer-Lou Estates, the zoning is AG.

Mr. Tarpley: Who supplies the water?

Mr. Diehl: Water District 15. The water lines are on the east side of Buckner Tarsney Road.

Mr. Crawford: Is the enough room for septic systems?

Mr. Diehl: Yes, there is adequate room for all lots to have on-site waste water systems. Part of the review process for subdivisions is to ensure there is sufficient enough space for a system and a replacement area as well.

Mr. Antey: Is the applicant here?

Jason Spencer, 3007 S Colonial Dr., Grain Valley

Mr. Antey: Do you have anything to add to the report?

Mr. Spencer: No

Mr. Antey: Is there anyone else who is in favor of this application?

There were none

Mr. Antey: Is there anyone who is opposed or has questions regarding this application?

There were none

Motion to take under advisement.

Ms. Mershon moved to take under advisement. Mr. Haley seconded.

Discussion under advisement

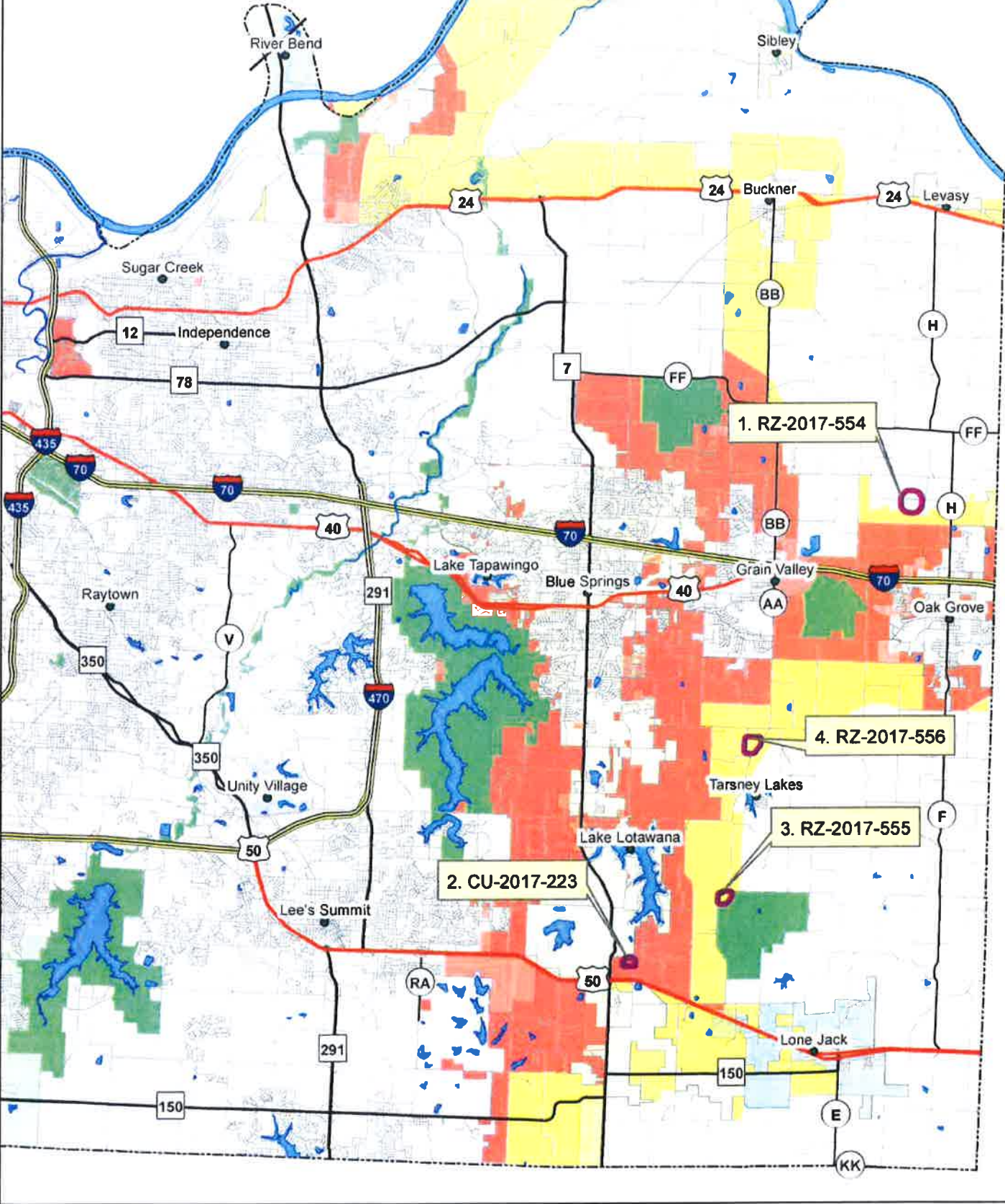
Mr. Tarpley: I see no one here to oppose it. I'm fine with it.

Mr. Tarpley moved to approve. Mr. Haley seconded.

Mr. Tarpley	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mr. Crawford	Approve
Ms. Mershon	Approve
Ms. Query	Approve
Chairman Antey	Approve

Motion Carried 7 – 0.

Jackson County Plan Commission September 21, 2017 Agenda Location Map



PLAN COMMISSION
September 21, 2017

RE: RZ-2017-555

Applicant: Brookson Homes, Inc
Jason Spencer

Location: Buckner Tarsney Road

Area: 12.00 ± acres in Section 03, Township 47, Range 30

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

Purpose: Applicant is requesting the change in zoning for a three lot subdivision.

Current Land Use and Zoning in the Area:

The zoning in the immediate area is Agricultural with the majority of the land use being single family residences.

There are a few platted developments within the proximity of the subject property. Mer-Lou Estates, to the West, is a development consisting of 22 lots. Lot sizes range from approximately 2 acres to 8 acres in size. These were developed prior to 1995, before the implementation of the Unified Development Code (UDC) and therefore are within District AG.

To the Northeast, across Buckner Tarsney Road, is Residential Ranchette zoning. This was rezoned in 2000, however only three lots were created from this. Directly across the Road is Blue and Gray Park Reverse, A County maintained park.

The applicant is wanting to plat the 12.00 acres into a three lot subdivision. Two lots will be 3 acres, the remaining will be 5 acres in size.

Plan:

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

Residential Estates is appropriate for the SDT.

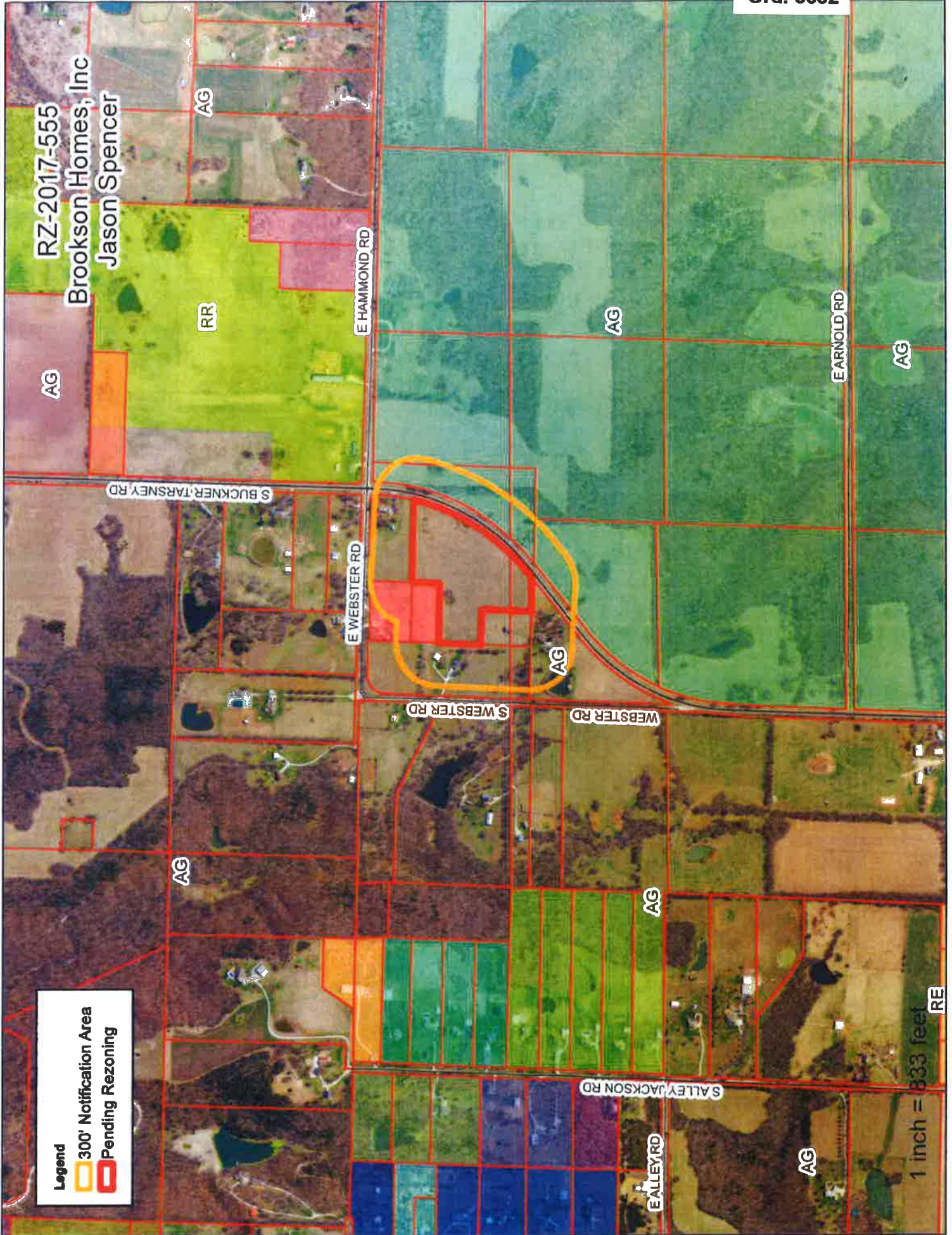
Recommendation:

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

Staff recommends APPROVAL of RZ-2017-555.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



Legend
300' Notification Area
Pending Rezoning

1 inch = 333 feet

RZ-2017-555
Brookson Homes, Inc
Jason Spencer

Plan Commission September 21, 2017
 RZ-2017-555

Property Owners Within 300 feet

parcel_number	owner *	owneraddress	ownercity	ownerstate	zip
58-300-02-13-02-0-00-000	HUNT TIMOTHY R & REBECCA S	31309 E WEBSTER RD	GRAIN VALLEY	MO	64029
58-300-02-07-00-0-00-000	JACKSON COUNTY MISSOURI				
58-300-02-10-02-0-00-000	JACKSON COUNTY MISSOURI				
58-300-01-02-00-0-00-000	JACKSON COUNTY MISSOURI				
58-300-02-10-01-0-00-000	JACKSON COUNTY MISSOURI				
58-300-02-04-00-0-00-000	JAEL BOB	10918 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
58-300-02-01-02-6-00-000	KENNARD LINDA D	10905 S WEBSTER RD	GRAIN VALLEY	MO	64029
58-300-02-01-02-5-00-000	KENNARD LINDA D				
58-300-02-01-01-0-00-000	SCHIPULL DONNA J	10804 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
58-300-02-13-01-0-00-000	SULLIVAN KEVIN P & CATHY S	370 SW 201ST RD	CLINTON	MO	64735
58-300-02-01-02-8-00-000	BROOKSON HOMES INC	3007 S COLONIAL DR	GRAIN VALLEY	MO	64029
58-300-02-01-02-7-00-000	BROOKSON HOMES INC	3007 S COLONIAL DR	GRAIN VALLEY	MO	64029

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- 2017-555

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: BROOKSON HOMES, INC.
 - Address: 3007 S. COLONIAL DRIVE
GRAIN VALLEY, MO 64029
 - Phone: 816-674-3215
 - b. Owner(s) Name: JASON SPENCER
 - Address: 3007 S. COLONIAL DR.
 - Phone: GRAIN VALLEY, MO 64029
 - c. Agent(s) Name: _____

Address: _____

Phone: _____

- d. Applicant's interest in Property: DEVELOPMENT
2. General location (Road Name) BUCKNER TARSNEY RO -
JUST SOUTH OF EAST WEASTER RO.
3. Present Zoning AG Requested Zoning RESIDENTIAL ESTATES
4. AREA (sq. ft. / acres) 14 ACRES DIVIDED INTO 3 LOTS (3.02, 3.87, 7.15 ACRES)
5. Legal Description of Property: (Write Below or Attached 9)
SEE ATTACHED
6. Present Use of Property: _____
7. Proposed Use of Property: SINGLE FAMILY HOMESITES
8. Proposed Time Schedule for Development: ASAP
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? NO
11. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water WATER DISTRICT 15
 - b. Sewage disposal ON-SITE SEPTIC SYSTEMS
 - c. Electricity KCP&L
 - d. Fire and Police protection LONE JACK FIRE PROT. DIST. & JACKSON CO. SHERIFF
12. Describe existing road width and condition: 2 LANE ROAD THAT IS PAVED

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? NONE

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] _____
AS AGENT OF BACORSON HOMES INC. _____

Applicant(s):

Contract Purchaser(s):

STATE OF _____

COUNTY OF _____

On this 8th day of August, in the year of 2017, before me the undersigned notary public, personally appeared _____

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

4-15-19



AMY KEISTER
My Commission Expires
April 15, 2019
Jackson County
Commission #15634850



JACKSON COUNTY
Public Works Department

Jackson County Technology Center
303 West Walnut Street
Independence, Missouri 64050
jacksongov.org

(816) 881-4530
Fax: (816) 881-4448

September 13, 2017

Brookson Homes, Inc
Jason Spencer
3007 S. Colonial Drive
Grain Valley, MO 64029

RE: Public Hearing: RZ-2017-555
Rezoning

Dear Mr. Spencer:

Your application for rezoning is scheduled for a public hearing before the Jackson County Plan Commission at 8:30 AM on Thursday, September 21, 2017 in the Large Conference Room, 2nd Floor, Historic Truman Courthouse, 112 W Lexington, Independence, MO.

You or a representative must be present at the hearing.

Enclosed is a copy of the staff report.

If you have any questions, please contact me at 881-4577.

Sincerely,

A handwritten signature in blue ink, appearing to read "Randy Diehl".

Randy Diehl
Administrator
Development Division
Jackson County Public Works

Enc.

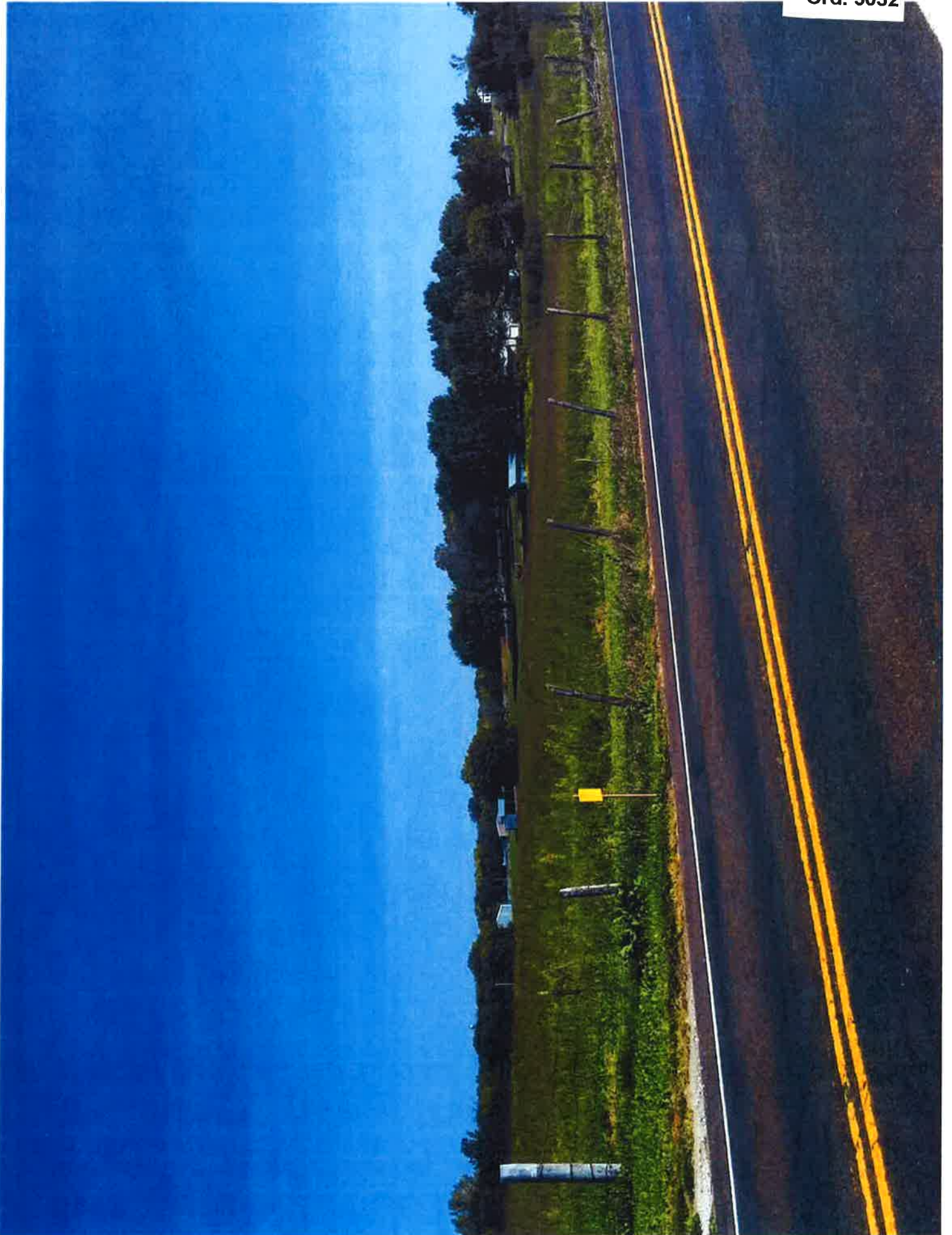
RDD:rdd



RZ-2017-555
Brookson Homes, Inc
L. P. (A MISSOURI LLC)
Jason Spencer

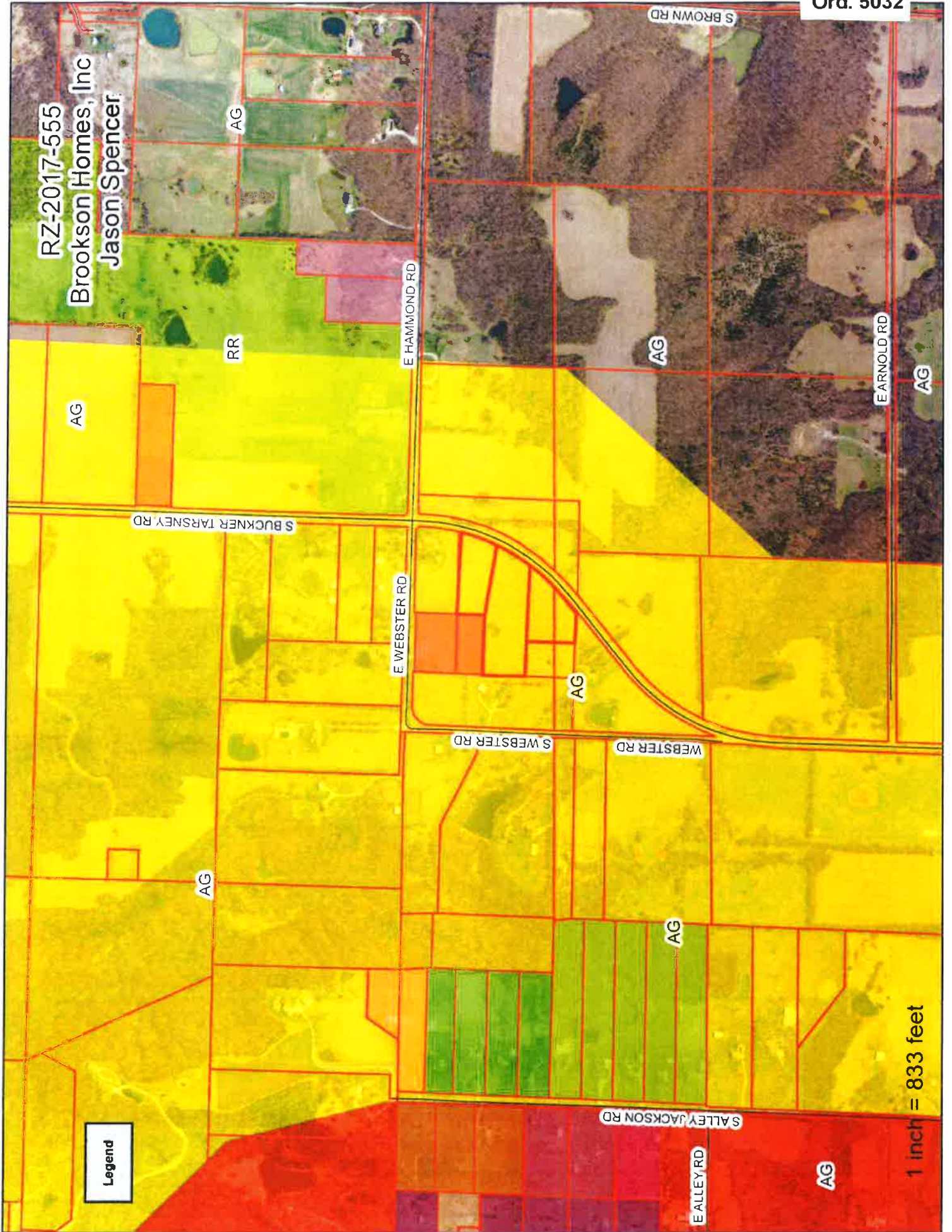
Legend

1 inch = 226 feet



RZ-2017-555

Brookson Homes, Inc
Jason Spencer



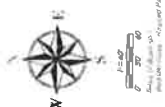
Legend

1 inch = 833 feet

BROOKSON ACRES

A SUBDIVISION OF LAND IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 47, RANGE 30, JACKSON COUNTY, MISSOURI

PRELIMINARY PLAT



THESE PLATS WERE PREPARED BY THE SURVEYOR IN ACCORDANCE WITH THE MISSOURI SURVEYING ACTS AND THE RULES OF THE BOARD OF SURVEYORS OF THE STATE OF MISSOURI. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PLATS AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE LAWS AND RULES OF THE STATE OF MISSOURI. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE LAND AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE LAWS AND RULES OF THE STATE OF MISSOURI. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE PLATS AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE LAWS AND RULES OF THE STATE OF MISSOURI.

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BROOKSON ACRES
 PART of NW 1/4, SECTION 3-47-30, JACKSON COUNTY, MO.
ATLAS SURVEYORS, LLC
 303 South 30th Street | Independence, Missouri 64050 | 816.342.1200 | 816.342.1200 (F)



MISSOURI STATE PLANK COORDINATES

CORNER	NORTHING	EASTING
1	102714.613	264261.278
2	102012.184	264216.019
3	102001.636	264649.700
4	102165.800	264647.946
5	103142.821	264649.309
6	103126.469	264676.888
7	102242.455	264029.634
8	102493.114	264649.962
9	102278.721	264641.461



LEGEND
 - Drive shown on plat
 - Lot boundary
 - Lot boundary
 - Lot boundary
 - Lot boundary

Prepared For:
 Brookson Acres, LLC
 303 South 30th Street
 Independence, MO 64050
 August 27, 2019

To Whom It May Concern:

September 17, 2017

We are not able to attend the public hearing on September 21, 2017 regarding the change of zoning of property Section 03, Township 47, Range 30, Jackson County Missouri aka 10800 Block of South Buckner Tarsney Road.

We are contesting the development of a three-lot subdivision at the aforementioned location. It is our understanding that a minimum of a 5-acre plot is necessary at this location.

Regards,

Signature of homeowners:

Donna Schipull

Printed name of homeowner: Donna Schipull

Address: 10804 S Buckner Tarsney Road Grain Valley, Missouri 64029

Jim Schipull

Printed name of homeowner: Daniel Schipull

Address: 10804 S Buckner Tarsney Road Grain Valley, Missouri 64029

10629 BUCKNER TARS.

X

Printed name of homeowner:

Ruk Dajan

Address:

31212 Webster Rd Grain Valley MO

Printed name of homeowner:

Address:

Daniel L. Schipull Daniel Schipull

10804 S Buckner Tarsney Road GV MO

Linda D. Kennard



Printed name of homeowner:

Address:

10905 S. Webster Rd.
Grain Valley MO 64029

Printed name of homeowner:

Address:

Printed name of homeowner:

Address:

Printed name of homeowner:

Address:

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