

# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 4601

Sponsor(s): xxxxxx

Date: February 3, 2014

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Brian &amp; Ann Mundy and Jabba Real Estate LLC Case No. RZ-2014-501</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="329 495 1206 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> 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 3.19 ± acre tract to District RE (Residential Estates). The 3.19 ± acres are to be platted into a one lot subdivision. The 3.19 ± acres are located in Section 9, Township 50, Range 31, Jackson County, Missouri aka 20705 E. Courtney 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="297 1728 1531 1957"> <tr> <td>Department Director: <i>Earl Newill</i></td> <td>Date: 01/29/2014</td> </tr> <tr> <td>Earl Newill, Acting Director</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>1/29/14</i></td> </tr> </table>		Department Director: <i>Earl Newill</i>	Date: 01/29/2014	Earl Newill, Acting Director		Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: <i>[Signature]</i>	Date: <i>1/29/14</i>		
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Finance (Budget Approval): <i>If applicable</i>	Date:											
Division Manager: <i>[Signature]</i>	Date: <i>1/29/14</i>											

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-2014-501****ATTACHMENT TO RLA 1:**

**Description:** A tract of land in the South Half of the Northeast Corner of Section 9, Township 50 North, Range 31 West, Jackson County, Missouri, described of follows: Commencing at the Southwest corner of the Northeast Quarter; thence South 87 degrees, 34 minutes, 07 seconds East, along the South line of the Northeast Quarter, 472.20 feet; thence North 02 degrees, 14 minutes, 19 seconds East, parallel with the West line of the Northeast Quarter, 612.56 feet, to the Point of Beginning; thence continuing North 02 degrees, 14 minutes, 19 seconds East, 196.11 feet to a point on the Southerly line of Lot 1 of the recorded plat of "Mundy Estates"; thence South 87 degrees, 35 minutes, 42 seconds East, along the Lot line and it's prolongation, 725.78 feet, to a point on the Westerly Right-Of-Way of Courtney Atherton Road as described in Document 2012E0053515; thence South 11 degrees, 16 minutes, 18 seconds West, along the Right-Of-Way line, being 25 feet from the Centerline, 198.49 feet; thence North 87 degrees, 35 minutes, 42 seconds West, leaving the Right-Of-Way line 694.61 feet, to the Point Of Beginning, containing 139,280.03 square feet, or 3.19 acres, more or less.

**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 Mundy Estates, 2<sup>nd</sup> Plat

Jackson County Plan Commission  
Summary of Public Hearing

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RE: RZ-2014-501

**Applicant:** Brian Mundy & Ann Mundy and Jabba Real Estate LLC

**Location:** 20705 E. Courtney Atherton Road, lying in Section 9, Township 50, Range 31, Jackson County, Missouri.

**Area:** 3.19 ± acres

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

**Purpose:** The 3.19 acres to be platted into a lot with proposed subdivision plat, Mundy Estates, 2<sup>nd</sup> Plat

**Current Land Use and Zoning in the Area:**

Zoning in the area is primarily agricultural. Property sizes range from 5 acres to 10 acres and larger tracts, containing single family residences.

Directly to the west is the City of Sugar Creek and Lot 2, Mundy Estates, which the applicant rezoned to District RE and platted in 2013. To the north is a four lot subdivision, Cox Mills Estates platted in 1995. To the east to a 7.9 acre tract rezoned to Light Industrial in 1981. Further east across the railway is the Little Blue Valley Sewer District's Atherton Wastewater Treatment Plant.

**Comments:** The applicant wishes to rezone and plat an additional three acre lot. This lot will become Lot 5 of the said proposed Mundy Estates, 2<sup>nd</sup> Plat. Part of Lot 1 Mundy Estates is being replatted into Lot 3. The remaining portion of Lot 1, originally platted as a 16 is being platted into Lot 4 with some addition land to the east and with access onto Courtney Atherton Road. Both Lots 3 and 4 are remaining within District AG (Agricultural) and therefore are not included in this application. The applicants remaining acreage of 10.12 acres already contains a residence and is not part of the proposed plat.

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

**County Plan:**

The County Plan Development Diagram illustrates this area within the Urban Development Tier (UDT). The RE (Residential Estates) District is appropriate in the Urban Development Tier.

**Recommendation:**

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

## Jackson County Plan Commission Summary of Public Hearing

Staff recommends APPROVAL of RZ-2014-501

**General Discussion:**

Mr. Tarpley asked if the surrounding lots currently have homes on them. Mr. Diehl stated that the remaining 10 acres has a small house on it.

Mr. Pointer stated that there is pretty hilly land in this area. Mr. Diehl agreed that there is a tall hill on the other side of the creek.

Mr. Tarpley asked about what road would provide access to the lots. Mr. Diehl stated that they would have access from Courtney-Atherton Road. Mr. Tarpley stated concern that all of the lots will have road access. Mr. Diehl confirmed that they will.

Applicants did not have any additional information.

Mrs. Mershon made a motion to take RZ-2014-501 under advisement. Mr. Crawford seconded. Voice Vote. Approved 9-0.

RZ-2014-501 was taken under advisement.

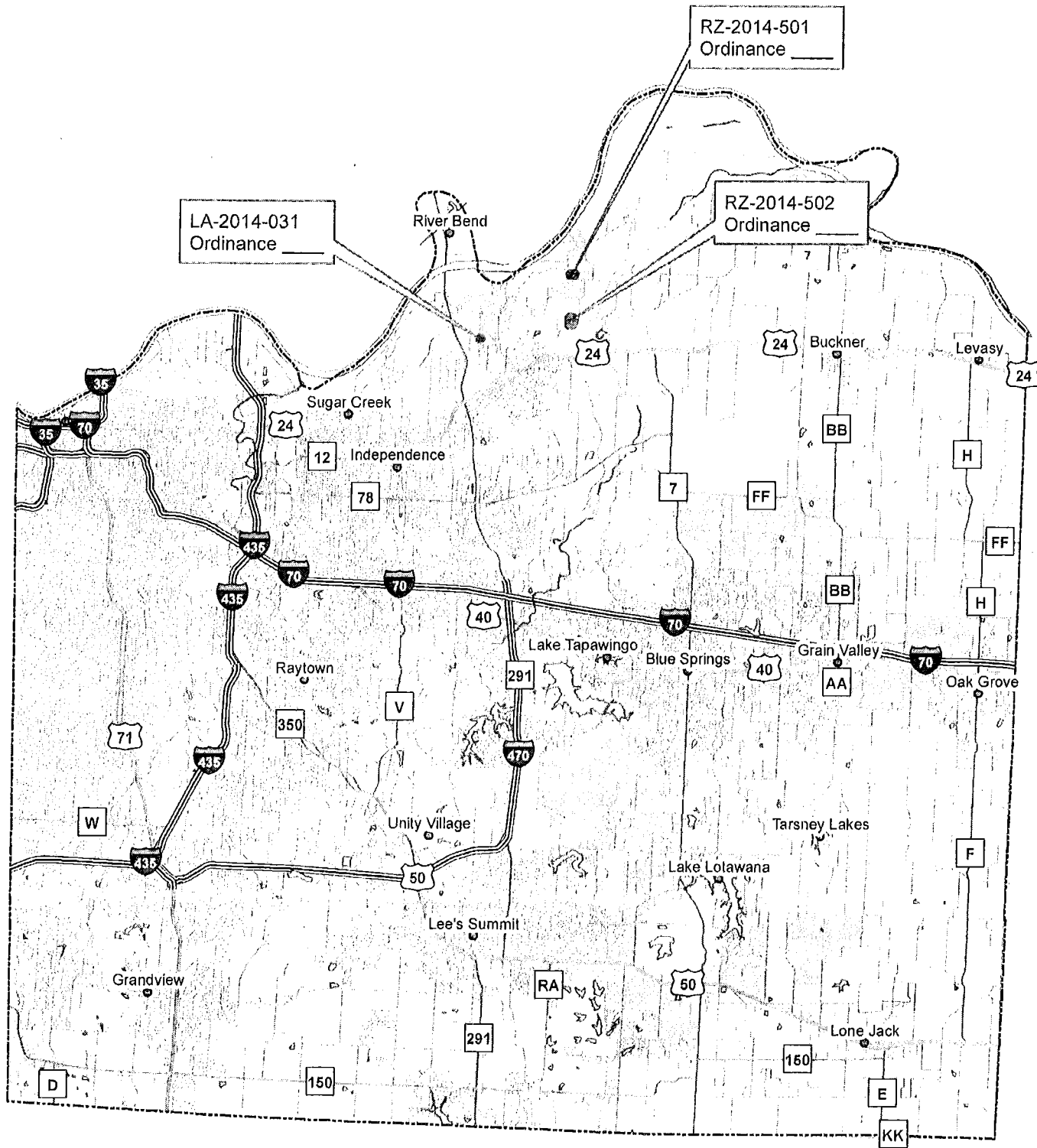
Mrs. Mershon made motion to approve RZ-2014-501, seconded by Mr. Tarpley.

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-2014-501 APPROVED**

Jackson County Plan Commission  
January 16, 2014  
Agenda Location Map



STAFF REPORT

PLAN COMMISSION  
January 16, 2014

RE: RZ-2014-501

Applicant: Brian Mundy & Ann Mundy and Jabba Real Estate LLC

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**County Plan:**

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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-2014-501

Respectfully submitted,

Jackson County Public Works  
Planning and Environmental Health  
Scott George, Assistant Director  
Randy Diehl, Subdivision and Zoning Coordinator

Plan Commission  
January 16, 2014  
RZ-2014-501

Applicants / Property Owners:

10-600-01-14  
Brian K & Anne E Mundy-Trustees  
20509 E Courtney Atherton Road  
Independence, MO 64058

10-600-05-03  
Jabba Real Estate LLC  
20509 E Courtney Atherton Road  
Independence, MO 64058

Certified Mail – Return Receipt  
Property Owners within 185 feet

10-600-01-04  
Little Blue Valley Sewer District  
21101 E 78 Hwy  
Independence, MO 64057

10-600-01-15  
Paul I Marsh  
20403 E Courtney Atherton Road  
Independence, MO 64058



# Jackson County Zoning Map

## Legend

185' Notification Area

## Pending Rezoning

<all other values>

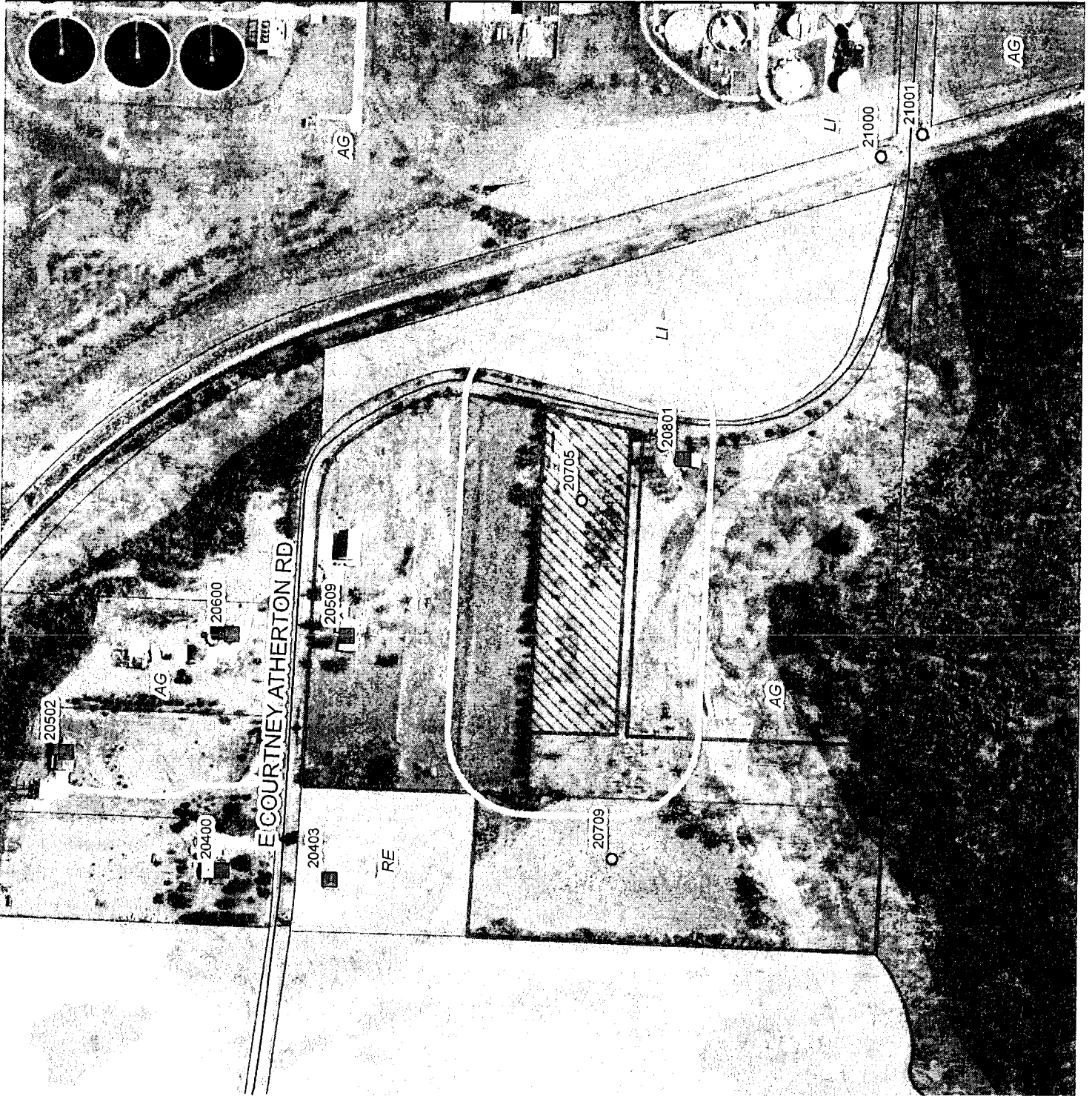
## Zoning

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-2014-501

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-2014-001  
 Date filed 12-22-13 Date of hearing 1-16-14  
 Date advertised 12-21-13 Date property owners notified 12-21-13  
 Date signs posted 12-31-13  
 Hearings: Heard by PC Date 1-16-14 Decision \_\_\_\_\_  
 Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_  
 Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

BEGIN APPLICATION HERE:

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

- a. Applicant(s) Name: Brian K. Mandy  
 Address: 20007 E. Courtney-Hickox Rd, Independence, MO 64058  
 Phone: 816.668.4551
- b. Owner(s) Name: JAMES KEAL LEWIS  
 Address: 1551 N. Courtin 20509 Courtney Hickox 12d, Indep. mo 64058  
 Phone: 816 668-4521
- c. Agent(s) Name: D&S INNOVATIONS CONSULT, LLC

Address: 5004 Buchanan Ave., Ste B Reno 89430

Phone: 775.876.8176

d. Applicant's interest in Property: OWNER

2. General location (Road Name) COURTNEY - AMERSON RD.

3. Present Zoning AG Requested Zoning RE

4. AREA (sq. ft. / acres) 3.08 AC.

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

See Exhibit

6. Present Use of Property: \_\_\_\_\_

7. Proposed Use of Property: SINGLE FAMILY

8. Proposed Time Schedule for Development: SPRING 2014

9. What effect will your proposed development have on the surrounding properties?

No Change

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? N/A

11. Describe the source/method which provides the following services, and what effect the development will have on same:

a. Water ~~from street~~ ON SITE WELL

b. Sewage disposal ON SITE

c. Electricity KCP&L ON SITE

d. Fire and Police protection Fire Usage Fire Jackson County Sheriff

12. Describe existing road width and condition: 20' Asphalt

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13. What effect will proposed development have on existing road and traffic conditions? No Change

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14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? No

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If so, describe giving dates of application and status (include permit numbers and copies of same, if issued):

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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>Brian Mandy</u>	<u>12-12-13</u>
<u>Ann Mandy</u>	<u>12-12-13</u>
TABBA BY <u>Brian Mandy</u>	<u>12-12-13</u>
Applicant(s): <u>Brian Mandy</u>	<u>12-12-13</u>
<u>Ann Mandy</u>	<u>12-12-13</u>
Contract Purchaser(s): _____	_____
_____	_____

STATE OF Missouri  
COUNTY OF Jackson

On this 12<sup>th</sup> day of December, in the year of 2013, before me the undersigned notary public, personally appeared Brian Mandy and  
Ann M. Mandy

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 Kristen R. Geary

Commission Expires December 27, 2014

