

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 14.4 ± acre tract from District AG (Agricultural) to District RR (Residential Ranchette).

ORDINANCE NO. 4493, January 7, 2013

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 "AG" (Agricultural) District and the "RR" (Residential Ranchette) District, so that there will be transferred from District AG to District RR, a tract of land described as follows:

Description: That part of the Northwest ¼ of the Northwest ¼ of Section 31, Township 51, Range 30, in Jackson County, Missouri, beginning at the Northeast corner of said ¼ ¼ Section; thence South 346 feet; thence West 290 feet; thence North 346; thence East 290 feet to place of beginning, except part in roads.

and;

All of the Northwest Quarter of the Northwest Quarter of Section 31, Township 51, Range 30, EXCEPT the tract conveyed to Michael K. Thompson and Janet C. Thompson, his wife, by Document No. I-243118, AND EXCEPT the tract conveyed by Document NO. I-497402, AND EXCEPT the tract conveyed to Michael K. Thompson and Janet C. Thompson, his wife, by Document NO. I-948901, AND EXCEPT the right of way conveyed to Jackson County, Missouri by Document I-235635, and EXCEPT part in roads.

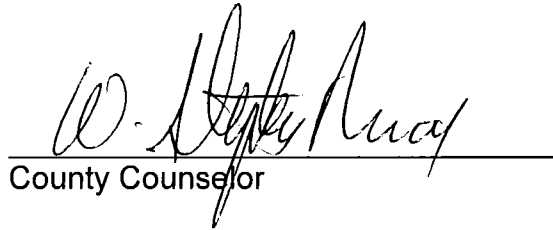
Section 2. The Legislature, pursuant to the application of Mark H. and Stacy L. Bowling & Bowling Family Trust (RZ-2012-490), requesting the amendment embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 9 to 0 to recommend APPROVAL of this application after a public hearing on November 15,

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 No. 4493 introduced on January 7, 2013, was duly passed on February 4, 2013 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0

Abstaining 0

Absent 1

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

2.4.13
Date


Mary Jo Spino, Clerk of Legislature

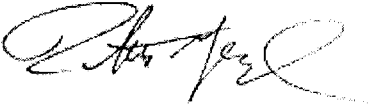
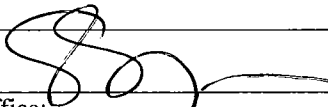
I hereby approve the attached Ordinance No. 4493.

2/9/2013
Date


Michael D. Sanders, County Executive

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:
~~Res~~/Ord No.: 4493
 Sponsor(s): xxx
 Date: Jan. 7, 2013

| | | | | | | | | | | | | |
|---|--|--|---|----|--|----|--|----|--|----|---|--------------------------|
| SUBJECT | Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Mark and Stacy Bowling; and Bowling Family Trust Case No. RZ-2012-490</u> | | | | | | | | | | | |
| BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i> | <table border="1" data-bbox="326 499 1203 814"> <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 14.4 ± acre tract to District RR (Residential Ranchette). The 14.4 ± acres are at the southwest corner of Koger and Atherton Sibley Roads, lying in Section 31, Township 51, Range 30, Jackson County, Missouri aka 5318 and 5310 N. Koger 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 | PLANNING ADMINISTRATOR:  Finance (Budget Approval): <i>If applicable</i> Division Manager:  County Counselor's Office: | Date: 12/03/2012 Date: Date: 12/10/12 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.

ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from November 15, 2012
Staff report
Names/Addresses of surrounding property owners
Map showing current zoning districts in area
Application
Plat – Bowling Estates

ATTACHMENT TO RLA 1:

Description: That part of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 31, Township 51, Range 30, in Jackson County, Missouri, beginning at the Northeast corner of said $\frac{1}{4}$ $\frac{1}{4}$ Section; thence South 346 feet; thence West 290 feet; thence North 346; thence East 290 feet to place of beginning, except part in roads.

And ;

All of the Northwest Quarter of the Northwest Quarter of Section 31, Township 51, Range 30, EXCEPT the tract conveyed to Michael K. Thompson and Janet C. Thompson, his wife, by Document No. I-243118, AND EXCEPT the tract conveyed by Document NO. I-497402, AND EXCEPT the tract conveyed to Michael K. Thompson and Janet C. Thompson, his wife, by Document NO. I-948901, AND EXCEPT the right of way conveyed to Jackson County, Missouri by Document I-235635, and EXCEPT part in roads.

Jackson County Plan Commission Summary of Public Hearing

Date: November 15, 2012
Place: Independence City Hall
111 E. Maple, Independence, MO

Attendance: Larry Antey
Terry Akins
Jack Crawford
Denny Gibler
Tom Haley
Janet Mershon
W.L. Pointer
Sandra Querry
Bill Tarpley

Staff: Scott George
Randy Diehl
Mark Trosen
Chris Jenkins
Bill Snyder
Joan Dickey
June Van Loo

Call to Order/Roll Call

Chairman Antey called to order the November 15, 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 October 18, 2012. Mr. Akins made a motion to approve. Mr. Haley seconded the motion. Voice vote.

Minutes of October 18th, 2012 Approved.

Public Hearings

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

STAFF REPORT

PLAN COMMISSION
November 15, 2012

RE: RZ-2012-490

Applicant: Mark H. and Stacy L. & Bowling Family Trust

Location: Southwest corner of Koger and Atherton Sibley Roads, lying in Section 31, Township 51, Range 30, Jackson County, Missouri aka 5318 and 5310 N. Koger Road..

Area: 14.4 ± acres

Request: Change of zoning from District A (Agricultural) to District RR (Residential Ranchette)

Purpose: Applicants would like to adjust the property line between 5318 and 5310 N. Koger.

Current Land Use and Zoning in the Area:

Zoning in the area is primarily agricultural. Property sizes range from 2 acres to 10 acres and larger tracts, containing single family residences.

The only plats are to the southeast of the requested area. Rayron Addition, containing two lots, platted in 1983, and Rayron Addition Second Plat, containing 3 lots, platted in 1988. Both subdivision were created prior to the Unified Development Code (UDC) and are therefore considered as legal non-conforming.

Comments: As stated, the applicants are wanted to adjust the property lines in order to add additional acreage to the property at 5318 N. Koger, which is a legal non-conforming tract at approximately 2.3 acres in size. The property at 5310 contains approximately 12.5 acres. The proposed area to be rezoned and platted is approximately 14.4 ± acres in size. Both of the proposed lots will be about 7.5 ± acres in size.

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

County Plan:

The County Plan Development Diagram illustrates this area within the Rural Development Tier (RDT). The RR (Residential Ranchette) District is appropriate in the Rural Development Tier.

Recommendation:

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

Staff recommends APPROVAL of RZ-2012-490

Respectfully submitted,
Planning and Environmental Health Division

Randy Diehl
Planning and Zoning Coordinator

1. RZ-2012-490 – Mark H. and Stacy L. & Bowling Family Trust

Requesting a change of zoning from District A (Agricultural) on a 14.4 ± acre tract to District RR (Residential Ranchette). The 14.4 ± acres are at the southwest corner of Koger and Atherton Sibley Roads, lying in Section 31, Township 51, Range 30, Jackson County, Missouri aka 5318 and 5310 N. Koger Road.

Mr. George introduced RZ-2012-490 and entered 9 exhibits into record.

Location: Southwest corner of Koger and Atherton Sibley Roads, lying in Section 31, Township 51, Range 30, Jackson County, Missouri aka 5318 and 5310 N. Koger Road..

Area: 14.4 ± acres

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

**Plan Commission
November 15, 2012
RZ-2012-490**

Applicants / Property Owners:

**Mark H. and Stacy L. Bowling
5318 N. Koger Road
Sibley, MO 64088**

**Bowling Family Trust
5202 N. Koger Road
Sibley, MO 64088**

**Parcel No: 04-900-02-19-01-1-00-000
04-900-02-20-00-0-00-000**

**Certified Mail – Return Receipt
Property Owners within 1000 feet**

**03-600-04-01-0-00-000
Atherton Levee District
PO Box 1084
Blue Springs, MO 64013-1084**

**03-600-04-04-00-0-00-000
Atherton Levee District**

**04-400-03-06-00-00-000
Atherton Levee District**

**04-400-03-07-01-0-00-000
Atherton Levee District**

**03-700-01-02-00-0-00-000
Steven L & Vicki P Beck
106 Baker
Buckner, MO 64016**

**04-900-02-19-01-2-00-000
Herbert L. Bowling III
5300 N. Koger Road
Sibley, MO 64088**

**04-900-02-22-00-0-00-000
James Arnold Burke
26501 E. Juray Road
Sibley, MO 64088**

**04-900-02-33-01-0-00-000
Daniel R. & Ruth Ann Griggs
5225 Koger
Sibley, MO 64088**

**04-900-02-13-00-0-00-000
Bradley Ray Hall
26505 Juray Road
Sibley, MO 64088**

**04-400-03-05-02-0-00-000
Caleb W. Hannsz
26606 Atherton Sibley Road
Sibley, MO 64088**

**04-400-03-05-01-0-00-000
Robert & Mary Anne Holmberg
26804 Atherton Sibley Road
Sibley, MO 64088**

**04-900-02-01-00-0-00-000
Charles & Ronna Magargee
1302 N. Atherton Road
Independence, MO 64058**

**04-900-02-32-02-0-00-000
James L. & Terry L. Mays
26607 E. Juray Road
Sibley, MO 64088**

**03-600-04-01-01-2-00-000
James C. & Rebekah G. McMillin
4924 N. Koger Road
Sibley, MO 64088**

**04-900-02-35-00-0-00-000
McMillin James C.**

**03-700-01-15-00-0-00-000
McMillin Jim C. & Becky**

**04-400-03-05-03-1-00-000
Jeffery W. & Shelly L. Morrison
26508 E. Atherton
Sibley, MO 64088**

**04-900-02-33-02-0-00-000
Doris Pearson
5217 N. Koger Road
Sibley, MO 64088**

04-400-03-05-03-3-00-000
Thomas L. & Kathleen D. Rindels
26404 E. Atherton Sibley Road
Sibley, MO 64088

04-900-02-32-01-0-00-000
Daniel J. & Stephanie J. Roberts
126611 E. Juray Road
Sibley, MO 64088

03-700-01-09-00-0-00-000
Vincent L. Sanders
6029 Alhambra
Fairway, Kansas 66205

03-700-01-06-00-0-00-000
Clayton E. Stephens
5006 Reynolds Road
Independence, MO 64058

03-700-01-13-00-0-00-000
Clayton E. Stephens

04-400-03-05-03-4-00-000
Summers AG Land Group LLC
PO Box 146
Buckner, MO 64016

04-400-03-08-00-0-00-000
Summers AG Land Group LLC

04-900-02-24-00-0-00-000
Lillian A. Sweem
5209 N. Koger Road
Sibley, MO 64088

04-900-02-19-01-3-00-000
Michael K. & Janet C. Thompson
5902 N. Koger Road
Sibley, MO 64088

04-900-02-30-00-0-00-000
Michael K. & Janet C. Thompson

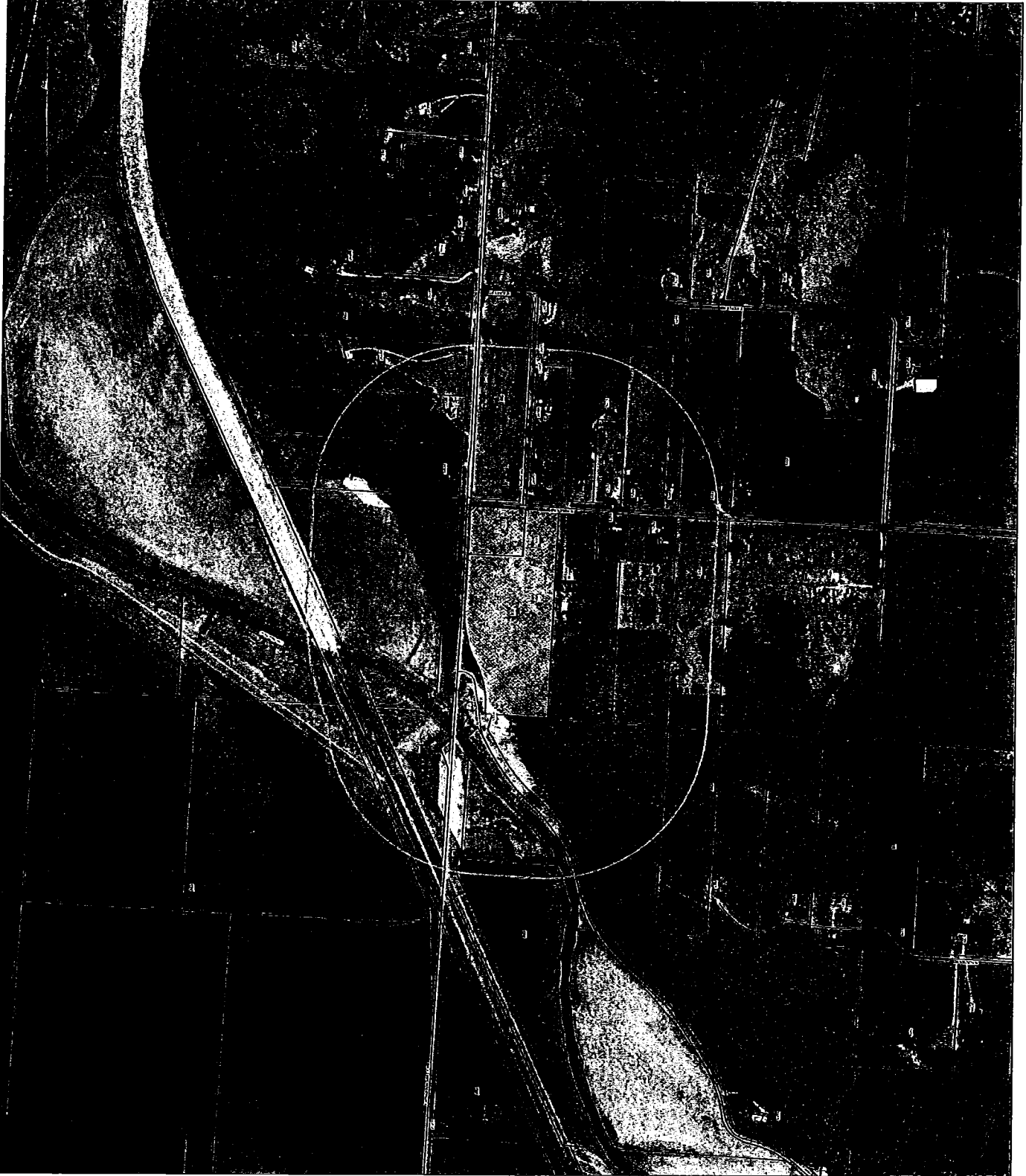
04-900-02-10-02-0-00-000
Karen K. Wolfe
5119 N. Koger Road
Sibley, MO 64088-9584

04-900-02-17-00-0-00-000
Michael S. & Brandy M. Wolfe
5201 N. Koger Road
Sibley, MO 64088



Jackson County
Zoning Map

| | |
|--------------------|-----------------------------------|
| Legend | 1000' Notification Ring |
| Addresses | • all other values |
| PRIMARY ADD | • Future No. |
| | • Park |
| | • Multiple |
| | • Primary |
| | • Secondary Res |
| | • Utility |
| | Legislative Action |
| | Streets |
| | • all other values |
| | Pending |
| Rezoning | |
| Zoning | |
| | RR-Residential Ranchette |
| | RRP-Residential Ranchette-Planned |
| | RE-Residential Estates |
| | RS-Residential Suburban |
| | RU-Residential Urban |
| | A1J-Single-Family |
| | B1J-Two-Family |
| | C1J-Multi-Family |
| | A1-Mobile Homes District |
| | ROP-Residential Office-Planned |
| | LB-Local Business |
| | LBp-Local Business-Planned |
| | GB-General Business |
| | GBp-General Business-Planned |
| | LU-Light Industrial |
| | LUp-Light Industrial-Planned |
| | HI-Heavy Industrial |



EX. 5

RZ-2012-490

Otd

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-2012- 490
Date filed 10-15-12 Date of hearing 11-15-12
Date advertised 10-12-12 Date property owners notified 10-31-12
Date signs posted 10-21-12
Hearings: Heard by PC Date 11-15-12 Decision 9-0-
Heard by LV Date 11-15-12 Decision _____
Heard by LQ Date _____ Decision _____

BEGIN APPLICATION HERE:

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

- a. Applicant(s) Name: MARK BOWLING
Address: 5318 KOGER ROAD
SIBLEY, MO 64088
Phone: 816-650-6124
- b. Owner(s) Name: SAME
Address: _____
Phone: _____
- c. Agent(s) Name: POWELL AND ASSOCIATES, LLC
Address: 901 NW VESPER ST., BLUE SPRINGS, MO 64015

Phone: 816-228-7070

d. Applicant's interest in Property: OWNER

2. General location (Road Name) 5318 N. KOGER RD.

3. Present Zoning AGRICULTURAL Requested Zoning RESIDENTIAL RANCHETTE

4. AREA (sq. ft. / acres) 628,822 / 14.4

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

6. Present Use of Property: RESIDENTIAL

7. Proposed Use of Property: RESIDENTIAL

8. Proposed Time Schedule for Development: N/A

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 WATER DISTRICT 16

b. Sewage disposal ON-SITE

c. Electricity KCP&L

d. Fire and Police protection FORT OSAGE

12. Describe existing road width and condition: 22'± WIDE AND 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

Property Owner(s)

Mark H. Bowling

Date

10-15-12

Applicant(s):

Contract Purchaser(s):

STATE OF MISSOURI

COUNTY OF JACKSON

On this 15TH day of OCTOBER, in the year of 2012, before me the undersigned notary public, personally appeared MARK BOWLING

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.

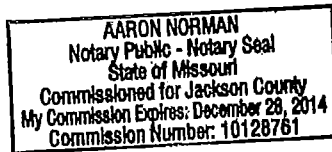
In witness whereof, I hereunto set my hand and official seal.

Notary Public

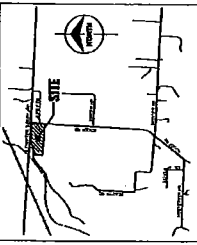
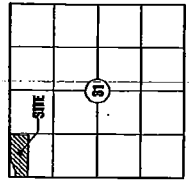
[Signature]

Commission Expires

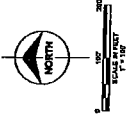
12/20/14



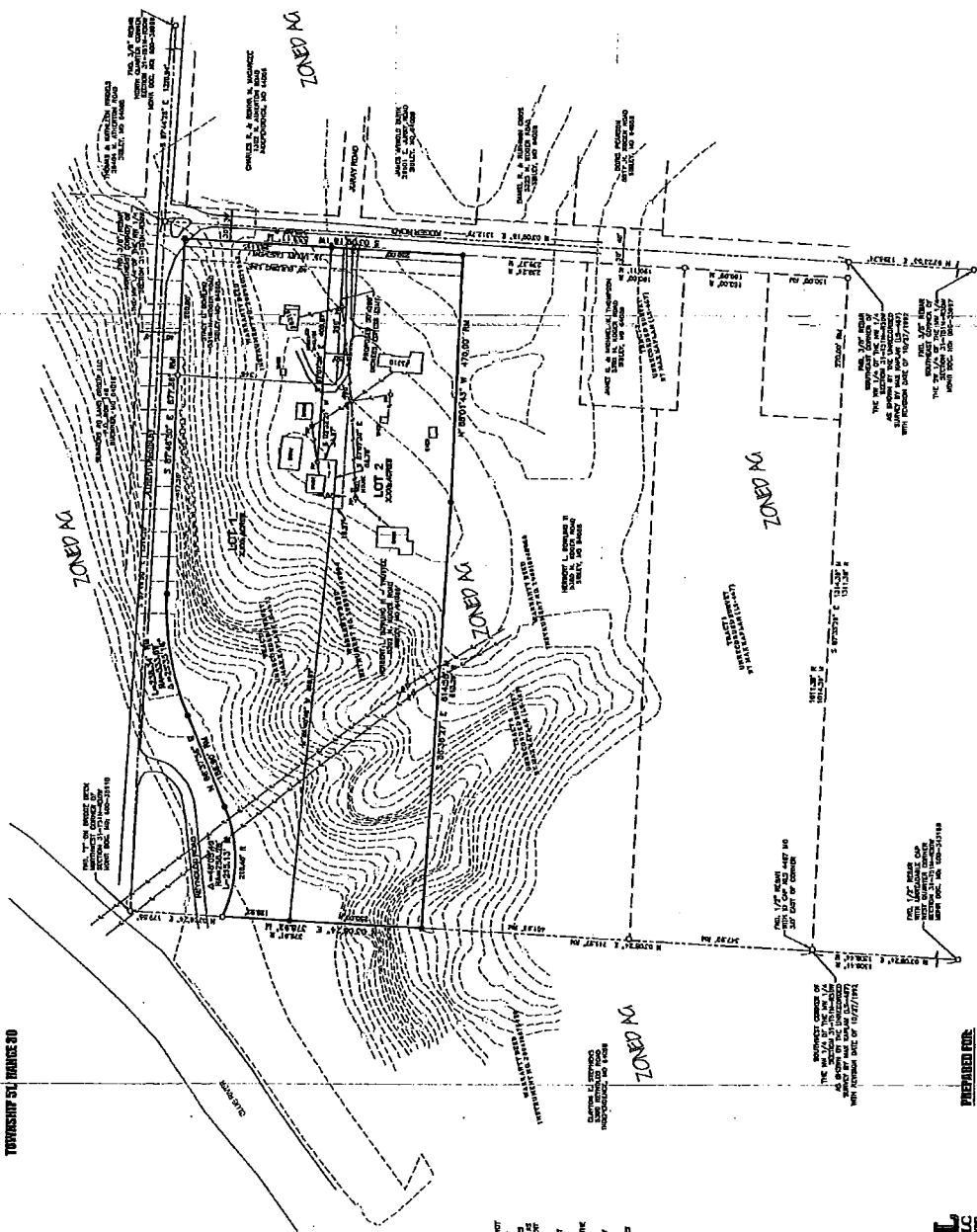
PRELIMINARY PLAN
BOWLING ESTATES, LOTS 1 AND 2
 PART OF NORTHWEST QUARTER OF
 SECTION 31, TOWNSHIP 31 NORTH, RANGE 30 WEST
 JACKSON COUNTY, MISSOURI



- LEGEND**
- D POWER LINE, AS SHOWN
 - E 1/2" CONTOUR
 - F 1/4" CONTOUR
 - G 1/8" CONTOUR
 - H 1/16" CONTOUR
 - I 1/32" CONTOUR
 - J 1/64" CONTOUR
 - K 1/128" CONTOUR
 - L 1/256" CONTOUR
 - M 1/512" CONTOUR
 - N 1/1024" CONTOUR
 - O 1/2048" CONTOUR



ZONING NOTES:
 ZONED M1 (MEDIUM DENSITY RESIDENTIAL) DISTRICT
 ZONED M2 (MEDIUM DENSITY RESIDENTIAL) DISTRICT



DESCRIPTION:
 THIS PLAN IS A PRELIMINARY PLAN FOR THE PROPOSED BOWLING ESTATES, LOTS 1 AND 2, PART OF NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 31 NORTH, RANGE 30 WEST, JACKSON COUNTY, MISSOURI. THE PROPOSED LOTS ARE TO BE DEVELOPED AS RESIDENTIAL LOTS. THE PROPOSED LOTS ARE TO BE DEVELOPED AS RESIDENTIAL LOTS. THE PROPOSED LOTS ARE TO BE DEVELOPED AS RESIDENTIAL LOTS.

PREPARED FOR:
 POWELL AND ASSOCIATES, LLC
 SURVEYING AND ENGINEERING SERVICES
 1111 W. WASHINGTON STREET, SUITE 100
 JACKSON, MISSOURI 64501

PRELIMINARY

DEWITT M. POWELL, CIVIL
 ENGINEER
 LICENSE NO. 10000

IF THIS INSTRUMENT IS NOT RECORDED IN FULL, THE SURVEYOR'S COPY THAT IS FILED BY THE COUNTY CLERK SHALL BE VALID. THIS INSTRUMENT SHALL BE VALID.

| DATE | REVISION | BY | DATE | REVISION | BY |
|------|----------|----|------|----------|----|
| | | | | | |

NOTES:

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. THE PROPOSED LOTS ARE TO BE DEVELOPED AS RESIDENTIAL LOTS.
3. THE PROPOSED LOTS ARE TO BE DEVELOPED AS RESIDENTIAL LOTS.
4. THE PROPOSED LOTS ARE TO BE DEVELOPED AS RESIDENTIAL LOTS.
5. THE PROPOSED LOTS ARE TO BE DEVELOPED AS RESIDENTIAL LOTS.
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8. THE PROPOSED LOTS ARE TO BE DEVELOPED AS RESIDENTIAL LOTS.
9. THE PROPOSED LOTS ARE TO BE DEVELOPED AS RESIDENTIAL LOTS.
10. THE PROPOSED LOTS ARE TO BE DEVELOPED AS RESIDENTIAL LOTS.

POWELL AND ASSOCIATES, LLC
 SURVEYING AND ENGINEERING SERVICES
 1111 W. WASHINGTON STREET, SUITE 100
 JACKSON, MISSOURI 64501
 PHONE: (660) 733-1111
 FAX: (660) 733-1112
 WWW.POWELLANDASSOCIATES.COM