

# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 4747

Sponsor(s):

Date: June 29, 2015

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Doan Baldus Case No. RZ-2015-516</u>													
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="345 489 1190 789"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT</td> </tr> <tr> <td></td> <td>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:	\$													
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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 Compliance Supervisor, 881-4577													
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on 10.00 ± acres to District RR (Residential Ranchette). The 10.00 ± acres are described as located in Section 35, Township 50, Range 30, in Jackson County, Missouri, aka 33101 E. Roy Harra 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 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: Brian Gaddie <i>Brian Gaddie</i>  Finance (Budget Approval): <i>If applicable</i>  Division Manager: <i>Mary Lou Brown</i>  County Counselor's Office:	Date: 06/16/15  Date:  Date: <i>6/23/15</i>  Date:												

- 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.

**516**

**ATTACHMENT TO RLA-2:**

Attachments

Plan Commission Public Hearing Summary from May 21, 2015

Location Map

Staff Report

Affidavit of Publication in Independence Examiner

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Map showing current zoning district in area

County Code Chapter 240 – Unified Development Code

County Master Plan – “Strategy for the Future”

Application

Pictures of Property

Letter from Sandra Baldus

Beneficiary Deed recorded 01/30/2015

**RZ-2015-516**

**ATTACHMENT TO RLA 1:**

**Description:**

The East Half of the North Half of the Southeast Quarter of the Southwest Quarter of Section 35, Township 50, Range 30, all in Jackson County, Missouri.

**RE: RZ-2015-516**

**Randy Diehl gave the staff report**

**Applicant:** Don Baldus

**Location:** 33101 E. Roy Harra Road

**Area:** 10.00 ± acres

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

**Purpose:** Applicant is requesting the change in zoning divide the property into two lots.

**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. Property sizes within the area range from less than an acre to over 200 acres.

In a one mile radius of the subject property there are seven subdivisions within District RR (Residential Ranchette).

Prior to 2013, this area was completely within the Rural Development Tier. At that time the minimum lot size was 5 acres.

With the adaption of amended Development Plan, Building A Vision Together in 2012 and implemented in 2013, the development tiers map was adjusted, and one of the policies was that there would be no new lots less than 10 acres in size in the Rural Development Tier.

Since 2013, staff has had at least 10 to 12 inquiry's relating to the division within the RDT. All of the requests were well within the confines of the Rural Tier. This request is based on the proximity of the Suburban Development Tier.

Staff also looked at the land use for the adjacent properties in the vicinity. Based on the Land Use Codes from the Assessor's Office:  
3/4 of mile vicinity

122 Parcels  
33 - Single Family  
61 - Residential/Farm  
23 - Agricultural  
4 - Unimproved Residential

54 of these properties are 5 acres or less.

Farol & Sandra Baldus (parents of the applicant) bought the property in 1965. Staff received a letter from Mrs. Baldus stating the desire of her and her late husband to split the property between their children.

The Subdivision Regulations 2003.10 with the Unified Development Code at d. Exemptions. The Following divisions of land shall be exempt from these subdivision requirements:

3. A division of property through inheritance, the probate of an estate, or by a court of law.

Mrs. Baldus filed a Beneficiary Deed from herself to her children, Donna Thorpe and Donald Baldus. Document 2015E0008428, 01-30-2015.

The applicant is wishing to divide the property before the implementation of the Beneficiary Deed. They want to place the existing home on a second tract.

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2015-516

Respectfully submitted,

Randy Diehl  
Zoning Compliance Supervisor

Planning and Zoning Division

Mr. Antey: Are there any questions for Randy?

Mr. Crawford: How many plots total?

Mr. Diehl: Ten acres and they want to divide it into two five acres pieces.

Mr. Crawford: How many parcels in the ¼ mile radius.

Mr. Diehl: 122. 54 are 5 acres or less.

Mr. Pointer: Were they done all before we went to the 10 acre rule?

Mr. Diehl: Seven of them were created prior to the master plan change that was brought before this Board.

Mr. Crawford: If we make a favorable decision, are we setting a precedent?

Mr. Diehl: That's why we did a little much research. The other request we've received and turned down were well within the Rural Development Tier, surrounded by larger acreage tracts. They would not fit into with the surrounding neighborhoods.

Mr. Crawford: This property is a quarter mile away the Suburban Tier. What if someone comes in and is a half mile from the Suburban Tier?

Mr. Antey: That's what we're charged with, is looking at it. The UDC is a guideline we use that is not hard and fast. What we are charged with is looking at it in a case by case scenario.

Mr. Crawford: I'm trying to figure out what hard and fast is.

Mr. Tarpley: I think the bottom line is that it fits the existing neighborhood the way it is right now and were not changing any thing great. It fits in.

Mr. Antey: That's what we're looking at.

Mr. Crawford: How much of a guideline do we use it for? Where do we draw the line?

Mr. Pointer: We had seven others we've already approved. You can't hard/fast on this.

Mr. Crawford: Was this an oversight on the consultant on drawing the maps?

Mr. Diehl: Part of the basic for the remapping for the potential built growth on where they wanted to be in 20, 30, 40 years.

Mr. Crawford: It is a quarter mile from the suburban tier which is a three acre minimum, so where does the Residential Ranchette fit in? We are going from Suburban to AG which are ten acre plots?

Mr. Diehl: The Rural Tier is now a 10 acre minimum. Residential Ranchette could only go into the Suburban Tier.

Mr. Crawford: Which could also be three acres? We are going between three and ten acres.

Mr. Diehl: Yes. We still have Residential Ranchette in the UDC.

Mr. Akins: How much time has elapsed from this picture (Development Tier) to what we have here?

Mr. Diehl: The change was implemented in 2013.

Mr. Akins: So in two years we've gone from this to that? And in two more years we could potentially envelop the area in yellow as well?

Mr. Diehl: It's possible.

Mr. Akins: Is the area above this a section or half section?

Mr. Diehl: I'm not sure if that's a section line or not. It probably is.

Mr. Akins: So the top half of this section is already in the Suburban Tier? And the next couple of years this could be in the Suburban as well.

Mr. Antey: It depends on how often the UDC (Master Plan) is updated. We started the process quite a bit before 2013. It's fluid and they are trying to look ahead into the future.

Mr. Akins: The point I'm trying to make is that in a short time this area would be okay anyway.

Mr. Antey: Right. The growth is going out more and we are trying managing and controlling growth. That is what we are charged with in the Commission,

Mr. Crawford: Smart growth. The only thing I didn't see is the plot plan, how the property is being divided.

Mr. Diehl: There has not been a plot plan submitted to us yet. They are basically going to split it East and West, five acres on the top and five acres on the bottom.

Mr. Crawford: So they'll come before us next month or so for that.

Mr. Diehl: It would be a minor plat. This Board would approve major plats, which are four or more.

Mr. Tarpley: These lots would be accessed by what roads?

Mr. Diehl: The existing house is on Roy Harra Road and the proposed new lot would be accessed from Riner Road.

Mr. Antey: Any other questions for staff? Is the applicant present today?

Don Baldus: 2009 Grove Dr, Independence, MO

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

Mr. Baldus: No. My mother and father always planned on my sister and me on having this property. We didn't know all the rules and regulations of the County and the changes over time. We had conversations prior to my dad's passing that I would have the back half of the property.

Mr. Antey: Any questions for the applicant? Is there anyone who would like to speak in favor of the application? Is there anyone who has questions or is opposed to this application?

Jacquelyn Howell: 415 S Riner Road, Buckner, MO

Ms. Howell: Where are they building this house, how big is it going to be, how is it going to affect Riner Road? Instead of looking at ten acres, I'll be looking at a new access and a house directly across the road from me. I'm concerned about it. I moved there for the country, not to look at housing.

Mr. Antey: As for the access and the site distance, that will be reviewed through the Engineering Department, and as far as where the driveway will be located. How long have you lived out there?

Ms. Howell: Since 1986



Mr. Antey: Back then the UDC didn't exist. When you move somewhere there's no guarantee. That's why we're here to make sure it stays within characteristics of the surrounding property areas.

Mr. Tarpley: What size is your property?

Ms Howell: 10 acres.

Mr. Diehl: The 10 acres is directly across the road to the east.

Mr. Tarpley: And you access your property from what road?

Ms. Howell: Riner Road. There is a real steep hill that the Baldus' live on.

Mr. Diehl: Part of the review process for the plat with the review of the preliminary plat will be driveway access locations to make sure it is adequate site distance for the driveway.

Ms: Howell: How far off the road will they be able to build?

Mr. Diehl: Considering the road right of way and the front set back, probably no less than 90' and on the side yard set back, it's a 25' minimum setback.

Mr. Tarpley: I'm sure with 5 acres they would center the house.

Mr. Antey: That would be within the parameters of the setbacks.

Ms. Howell: It's on a steep hill.

Mr. Haley: I suggest that you open a conversation with your neighbors as soon as possible.

Ms. Howell: They didn't ask me any questions or tell us about this until I got the notice.

Mr. Antey: That's what this process is all about.

Ms: Howell: It's not very neighborly.

Mr. Antey: Do you have any other question or comments to be addressed?

Ms. Howell: I guess once this is settled they will be allowed to build, buildings and things they can put on it, and the view that I once had will no longer be there right?

Mr. Tarpley: Hopefully we can ask the applicant some question and take care of your concerns.

Mr. Baldus: As far building the house, we don't plan on building up close to the road. We want to move back far enough so we won't have to see their house. The ground goes steep down, 200 yards away and I can go ahead and look at a pond and my sister's house and I don't have to look at my neighbor's house as the surrounding area. As for the driveway, there's a ditch there and I'll have to put in a culvert and a gravel driveway.

Ms. Thorpe: (33101 E Roy Harra Road) She's says she going to be looking out to see a house instead of the former view.

Mr. Antey: We run into that a lot. Everybody wants to be the last one in the country. They want to close the gate after them.

Mr. Tarpley: The driveway will be placed with line of site for safety.

Mr. Baldus: The top of the hill is level.

Mr. Diehl: All that is part of the plat review process. We use APWA standards for site distance based on the speed limit. Sometimes lots have the full width and sometimes they are restricted to a certain spot.

Mr. Akins: When was that house built?

Mr: Baldus: 1965.

Mr. Akins: So it has been there 50 years. Have you watched houses pop up around?

Ms. Thorpe: It's totally full now. There were three or four houses when mom and dad built.

Mr. Antey: Any other questions for the applicant?

Rose Hart: 517 S Riner Road. We've been out there since 1983. We've already approved (inaudible) so I think they should be able to. My other comment was sort of answered. This gentleman referred to the next couple of years, things might be changing in that area. We have six acres and we have two residences on it. In the future, we thinking that we would like to divide and sell off one.

Ms. Howell: I have horses and chickens. I don't want it be like down in the city where you can't have roosters. I'm not against it, but I have concerns on how it will affect road traffic. We see more traffic and with more people there is more traffic.

Chris Spears: 33208 E Roy Harra Road, when you keep dividing land, is that what sets up the tiers.

Mr. Antey: Not necessarily. The tiers are looked at with a process to see where growth may take place in the future. What area are servable water, sewer and that sort of thing that can be developed. It's like looking into a crystal ball. Areas that don't have much development as opposed to those that are closer to the cities would be in a rural tier, which would be in a suburban tiers.

Mr. Diehl: The Suburban Tier is the one that is closer to the cities. Those are the ones that would have city services, water and sewers. The Suburban Tier is the transition between the Urban and Rural Tiers.

Mr. Antey: Is there any one else that wants to speak about this application?

Mr. Tarley moved to take under advisement

Mr. Pointer seconded

Mr. Pointer: I think it's pretty cut and dry. I see no problem with it.

Mr. Tarpley: I'm going to repeat what I said earlier that it's not out of place. It fits in.

Mr. Crawford: I agree with Mr. Tarpley on this. Were setting a precedent here, but it allows other to be able to go through the process in the future.

Mr. Akins: Did I understand staff correctly? I see a Beneficiary Deed here. If something like this takes place in a will that this happens anyway?

Mr. Antey: That's basis for it happening.

Jay Hayden: (County Counselor's Office) No individual's estate planning can bind the County to development decisions.

Mr. Antey: It's a basis for making a decision.

Mr. Hayden: Correct. If you didn't want to do this or the Legislature didn't want to do this, the beneficiary deed that subdivided the property wouldn't have any bearing. They wouldn't be able to build on it.

Mr. Pointer motioned to approve RZ-2014-516. Mr. Tarpley seconded.

Mr. Akins	Approve
Mrs. Querry	Approve
Mr. Gibler	Approve
Mr. Tarpley	Approve
Mr. Pointer	Approve
Mr. Haley	Approve
Mr. Crawford	Approve
Chairman Antey	Approve

Motion Carried 8 – 0.



# Current Zoning

**STAFF REPORT**

**PLAN COMMISSION**  
**May 21, 2015**

**RE: RZ-2015-516**

**Applicant:** Don Baldus  
**Location:** 33101 E. Roy Harra Road  
**Area:** 10.00 ± acres  
**Request:** Change of zoning from District AG (Agricultural) to District RR (Residential Ranchette)  
**Purpose:** Applicant is requesting the change in zoning divide the property into two lots.

**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. Property sizes within the area range from less than an acre to over 200 acres.

In a one mile radius of the subject property there are seven subdivisions within District RR (Residential Ranchette).

Prior to 2013, this area was completely within the Rural Development Tier. At that time the minimum lot size was 5 acres.

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Staff also looked at the land use for the adjacent properties in the vicinity. Based on the Land Use Codes from the Assessor's Office:  
3/4 of mile vicinity

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33 - Single Family  
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54 of these properties are 5 acres or less.

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3. A division of property through inheritance, the probate of an estate, or by a court of law.

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The applicant is wishing to divide the property before the implementation of the Beneficiary Deed. They want to place the existing home on a second tract.

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2015-516

Respectfully submitted,

Randy Diehl  
Zoning Compliance Supervisor

Planning and Zoning Division

AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI )
County of Jackson ) SS.

I, KATHERINE M. JONES., being duly sworn according to law, state that I am the LEGAL CLERK and agent of THE EXAMINER, a daily newspaper of general circulation in the County of Jackson, State of Missouri, where located; which newspaper has been admitted to the Post Office as a periodical class matter in the City of Independence, Missouri, the city of publication; which newspaper has been published regularly and consecutively for a period of three years and has a list of bona fide subscribers, voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription for a definite period of time, and that such newspaper has complied with the provisions of Section 493.050, Revised Statutes of Missouri 2000, and Section 59.310, Revised Statutes of Missouri 2000. The affixed notice appeared in said newspaper in the following issues: May 6, 2015 Commencing on \_\_\_\_\_

and ending on May 6, 2015 \_\_\_\_\_, being the issues of: May 6, 2015 \_\_\_\_\_

being Volume 110 Numbers: 250

Signed [Signature] Legal Clerk, Katherine M. Jones
Subscribed and sworn to before me on this 6th day of May 2015

[Signature] Notary Public, Ramona Williams

My commission expires March 13, 2018

PUBLIC HEARING

The Jackson County Plan Commission will hold public hearings at 8:30 a.m. on Thursday, May 21, 2015 in Conference Room C Ground Floor, City Hall, 111 East Maple, Independence, MO on the following requests:

1. RZ-2015-516 - Don Baldus
Requesting a change of zoning from District AG (Agricultural) to 10.00 ± acres to District RR (Residential Ranchette). The 20.00 acres are described as located in Section 35, Township 50, Range 30 in Jackson County, Missouri, aka 33101 E. Roy Harra Road.

2. LA-2015-032 - Brotherton, Daniel E. & Darcy H.
Requesting the vacation of a of Lot 1, Brotherton - Dickson Acres, subdivision in Jackson County, Missouri, aka 2306 S. Borgma Road.

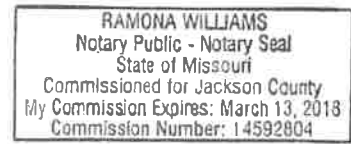
3. RZ-2015-517 - Brotherton, Daniel E. & Darcy H.
Requesting a change of zoning from District RR (Residential Ranchette) to District AG (Agricultural) on 4.71 acre tract. The 4.7 ± acres are legally described as of Lot 1, Brotherton - Dickson Acres, a subdivision in Jackson County, Missouri, aka 2306 S. Borgma Road.

4. LA-2015-033 - UDC Amendment - FEMA Updates and Revisions
Repealing Sections 24004.14 and 24004.15 in the Jackson County Unified Development Code (County Code, Chapter 240) relating to floodplain management, and enacting, in lieu thereof, new sections relating to the same subject. Amending portions of Section 24006.5 relating to administration of floodplain management.

For further details, exact locations and specific boundaries of these requests, contact Public Works Planning and Development Division at 881-4649, 303 W. Walnut, Independence, MO where the applications are accessible for inspection.

Persons with disabilities wishing to participate in the meeting and requiring a reasonable accommodation may call the Jackson County Public Works Planning and Zoning Division at 881-4649 or 1-800-735-2466 (Missouri Relay); 48 hour notice is required.
Jackson County Public Works
Planning and Zoning Division
Randy Diehl, Zoning Compliance Supervisor

May 6, 2015



Plan Commission  
May 21, 2015  
RZ-2015-516

**Applicants / Property Owners:**

**19-800-03-05**  
**Don Baldus**  
**209 Grove Road**  
**Independence MO 64058**

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

19-800-03-15-03-2-00-000  
SHROUT JERRY W & PAMELA K  
111 S BUCKNER TARSNEY RD  
BUCKNER MO 64016

19-800-03-04-00-0-00-000  
RUSHTON TINA E & BRYAN W  
5225 STANTON DRIVE  
KANSAS CITY MO 34133

19-800-03-12-01-0-00-000  
CALAHAN JACK & RUTH V  
32611 E ROY HARRA RD  
BUCKNER MO 64016

22-200-02-10-00-0-00-000  
LOEPPKE RHONDA S  
154 SOUTHFOLK TRAIL  
EVERGREEN CO 80439

22-200-02-11-02-0-00-000  
FERGUSON LACY L & TRUDY L  
712 S RINER RD  
BUCKNER MO 64016

22-200-02-11-010-00-000  
CONTRELL JIM  
610 S RINER RD  
BUCKNER MO 64016

19-800-03-09-00-0-00-000  
ALLWINE GAIL H & KAREN L  
5634 SWENSON RD  
NINE MILE FALSS WA 99026

19-800-03-08-00-0-00-000  
WILSON MICHAEL G & CHERYL L  
508 S RINER RD  
BUCKNER MO 64016

19-800-03-10-00-0-00-000  
WATERBURY MARTIN N & CONNIE J  
32909 E ROY HARRA RD  
BUCKNER MO 64016

19-800-03-11-00-0-00-000  
BIVEN KAYLA  
32801 E ROY HARRA RD  
BUCKNER MO 64016

19-800-03-15-02-0-00-000  
SMITH DONALD & BETTY  
151 HAZEL  
LAWSON MO 64062

19-800-03-15-01-0-00-000  
SMITH THOMAS C & MARCIA  
3723 S RUST RD  
GRAIN VALLEY MO 64029

19-800-04-15-00-0-00-000  
SPEARS CHRISTOPHER &  
CHRISTINA  
33208 E ROY HARRA RD  
BUCKNER MO 64016

19-800-4-14-00-0-00-000  
WALLER DEVIN D & STACIE R  
33400 E ROY HARRA RD  
BUCKNER MO 64016

19-800-04-13-00-0-00-000  
RONSLEY KENNETH G & LINDA N  
33505 E ROY HARRA RD  
BUCKNER MO 64016

19-800-04-03-00-0-00-000  
HOWELL JACQUELYN L  
415 S RINER RD  
BUCKNER MO 64016

19-800-04-07-00-0-00-000  
WALKER ROBERT G & VICKY M  
503 S RINER RD  
BUCKNER MO 64016

19-800-04-08-00-0-00-000  
HART MICHAEL A & LENORA  
517 S RINER RD  
BUCKNER MO 64016



**22-200-01-03-00-0-00-000**  
**CONAWAY RAMONA & ROBERT**  
**603 S RINER RD**  
**BUCKNER MO 64016**

**22-200-01-02-01-1-00-000**  
**RINER RAYMOND & DEBRA**  
**703 S RINER RD**  
**BUCKNER MO 64016**



**JACKSON COUNTY  
Public Works and Facilities Management Departments**

303 West Walnut Street  
Independence, Missouri 64050  
www.jacksongov.org

*Administration Offices  
303 W. Walnut  
Independence, MO  
64050  
(816) 881-4530  
Fax: (816) 881-4448*

*Planning and  
Environmental Health  
303 W. Walnut  
Independence, MO  
64050  
(816) 881-4634  
Fax: (816) 881-1650*

*Road Maintenance  
34900 E. Old U.S. 40 Hwy.  
P.O. Box 160  
Grain Valley, MO  
64029  
(816) 847-7050  
Fax: (816) 847-7051*

May 6, 2015

RE: Public Hearing: RZ-2015-516  
Don Baldus

Dear Property Owner:

You are hereby invited to participate in a public hearing to be held by the Jackson County Plan Commission on a request by Don Baldus for a change of zoning from District AG (Agricultural) on a 10.00 ± acre tract to District RR (Residential Ranchette). The 10.00 ± acres are described as located in Section 35, Township 50, Range 30, in Jackson County, Missouri, aka 33101 E. Roy Harra Road.

Please note that this request for a change of zoning affects only the property mentioned above. Adjacent properties will not be affected by the change of zoning. Taxes are based on the land use of a property not the zoning.

You are being notified pursuant to 24003.5 Chapter 240 (Unified Development Code) of the Jackson County Code, as being an adjacent property within 1000' of the subject property.

The public hearing on the rezoning will be held by the Plan Commission on Thursday, May 21, 2015 at 8:30 a.m. in Conference Room D, Ground Floor, Independence City Hall, 111 East Maple, Independence, MO.

If you know of any interested party who may not have received a copy of this letter, it would be appreciated if you would inform them of the time and place of the hearing.

If you have any questions concerning this matter, please contact the Planning and Zoning Division at 881-4649.

Sincerely,

Planning and Zoning Division

Randy Diehl  
Zoning Compliance Supervisor

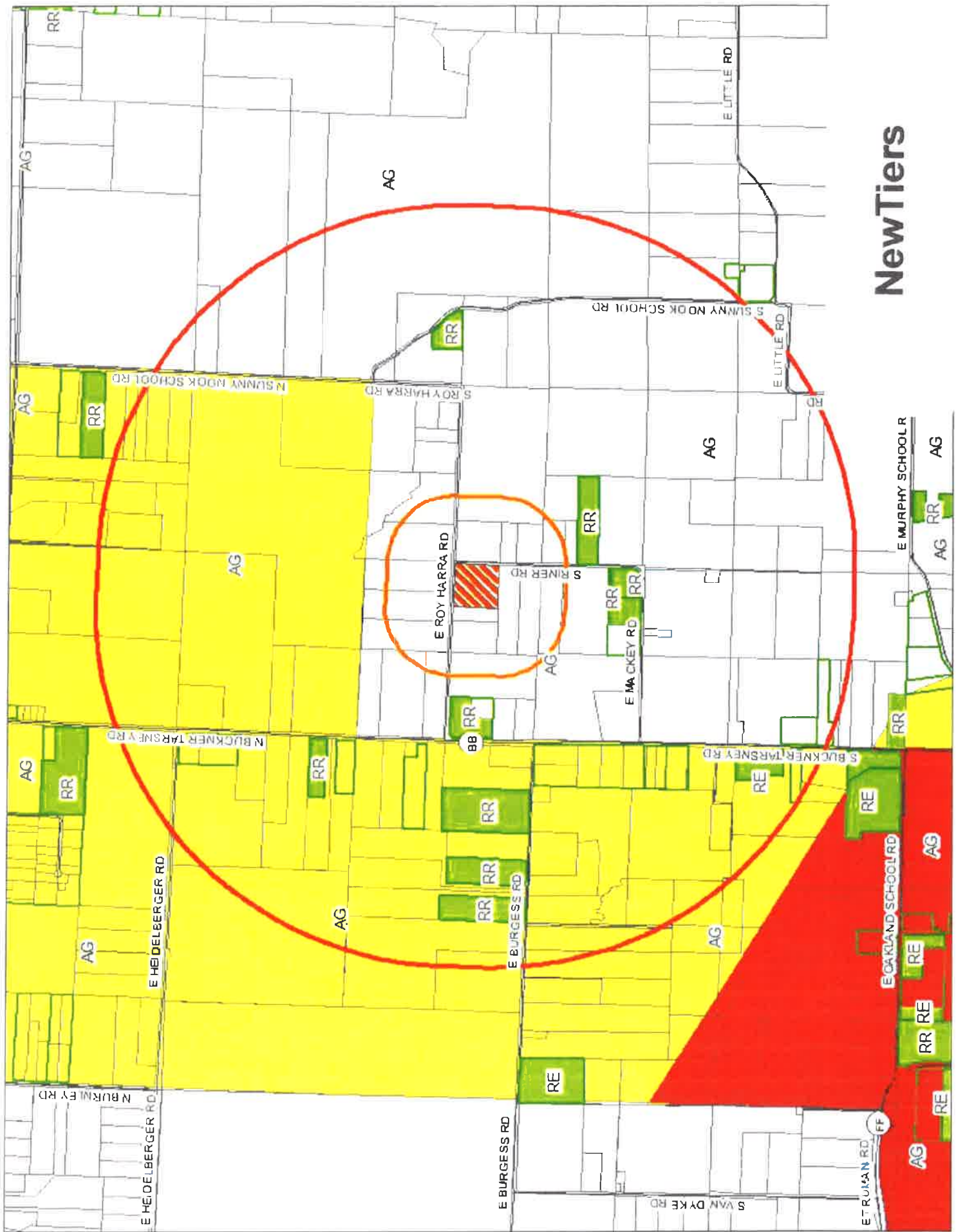
*Michael D. Sanders, County Executive*



# 1 Mile Radius



# Old Tiers











# NewTiers

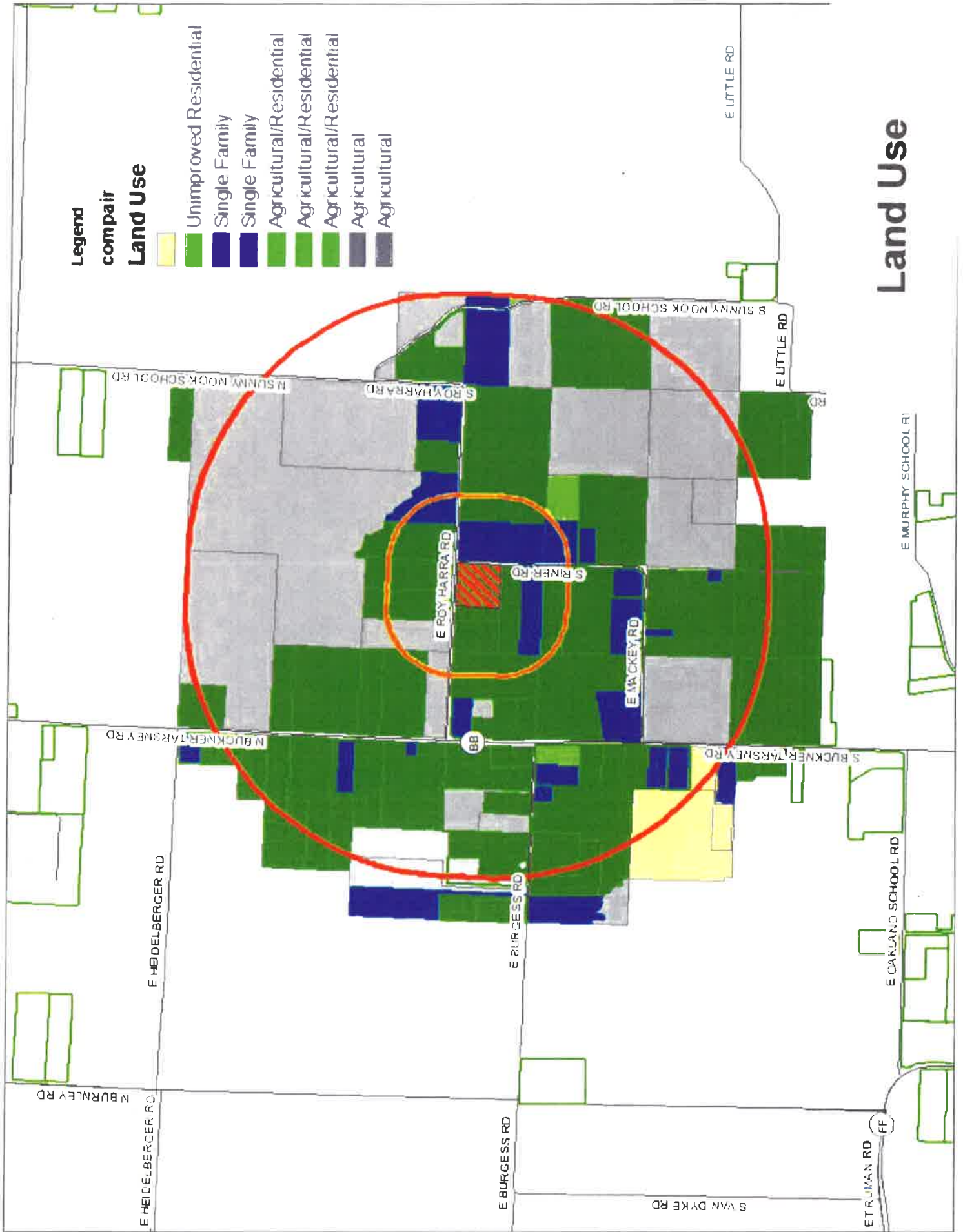


**Legend**

**compair**

**Land Use**

-  Unimproved Residential
-  Single Family
-  Single Family
-  Agricultural/Residential
-  Agricultural/Residential
-  Agricultural/Residential
-  Agricultural
-  Agricultural











**Land Use**

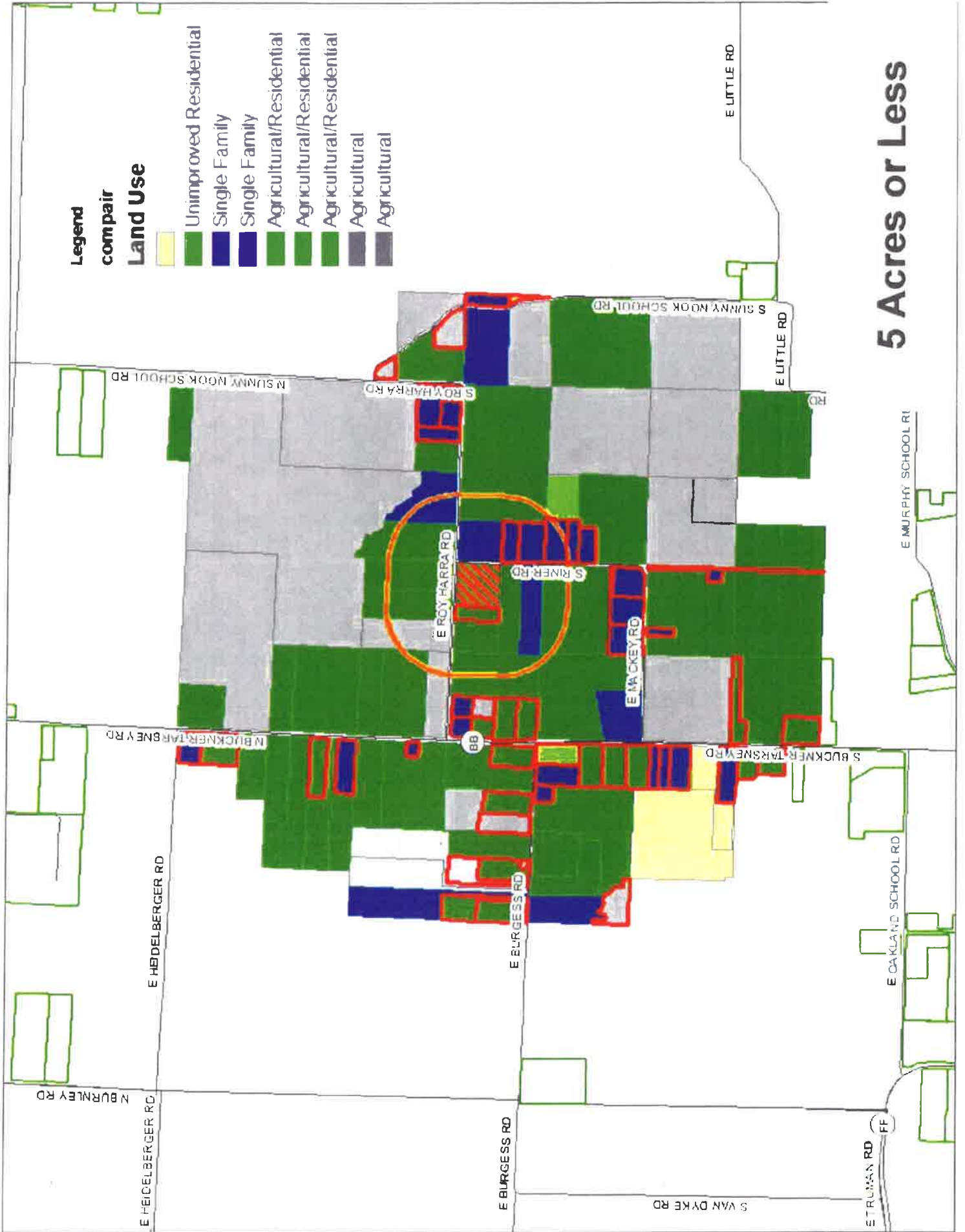
# 5 Acres or Less

**Legend**

**compair**

**Land Use**

-  Unimproved Residential
-  Single Family
-  Single Family
-  Agricultural/Residential
-  Agricultural/Residential
-  Agricultural/Residential
-  Agricultural
-  Agricultural





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- 2015- 516

Date filed 3-18-05 Date of hearing 5-21-15

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: Don Baldus

Address: 2009 Grove Road, Independence, Missouri

Phone: 816-885-5715

b. Owner(s) Name: Sandra Ruth Baldus

Address 33101 Roy Harra Road

Phone: \_\_\_\_\_

c. Agent(s) Name: Don Baldus

Address: 2009 Grove Road, Independence, Missouri

Phone: 816-885-5715

d. Applicant's interest in Property: Family Inheritance

2. General location (Road Name) Located at the intersection of Roy Harra and Riner Road

3. Present Zoning Agricultural 4120 Requested Zoning Residential R-

4. AREA (sq. ft. / acres) 9.68 acres Per Jackson county Records

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

The East Half of the North half of the Southeast Quarter of the Southwest Quarter of Section 35, Township 50, Range 30, all in Jackson County

6. Present Use of Property: Residential

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: Subdivision will happen as soon as possible

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

There should be No Impact on surrounding properties.

10. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? No, The project lies in Zone X on Map 2909500202F

If so, will any improvements be made to the property which will increase or decrease the elevation?

There will be no substantial increase or decrease.

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 Septic

c. Electricity- Use Present Provider

d. Fire and Police protection- Use Present Provider

- 12. Describe existing road width and condition: Asphalt of varying width- 22" to 28" feet
- 13. What effect will proposed development have on existing road and traffic conditions?

Their will little change on the existing road and traffic conditions.

- 14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? At the present time only a minor subdivision of land is needed to fulfill the legal warranty deed.

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)

Sandra R. Baldus

Date

3/16/2015

Applicant(s):

Donald R. Bubb

3/16/2015

Contract Purchaser(s):

STATE OF Missouri  
COUNTY OF Jackson

On this 16<sup>th</sup> day of March, in the year of 2015, before me the undersigned notary public, personally appeared Sandra R. Baldus

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

Betty J. Yates

Commission Expires

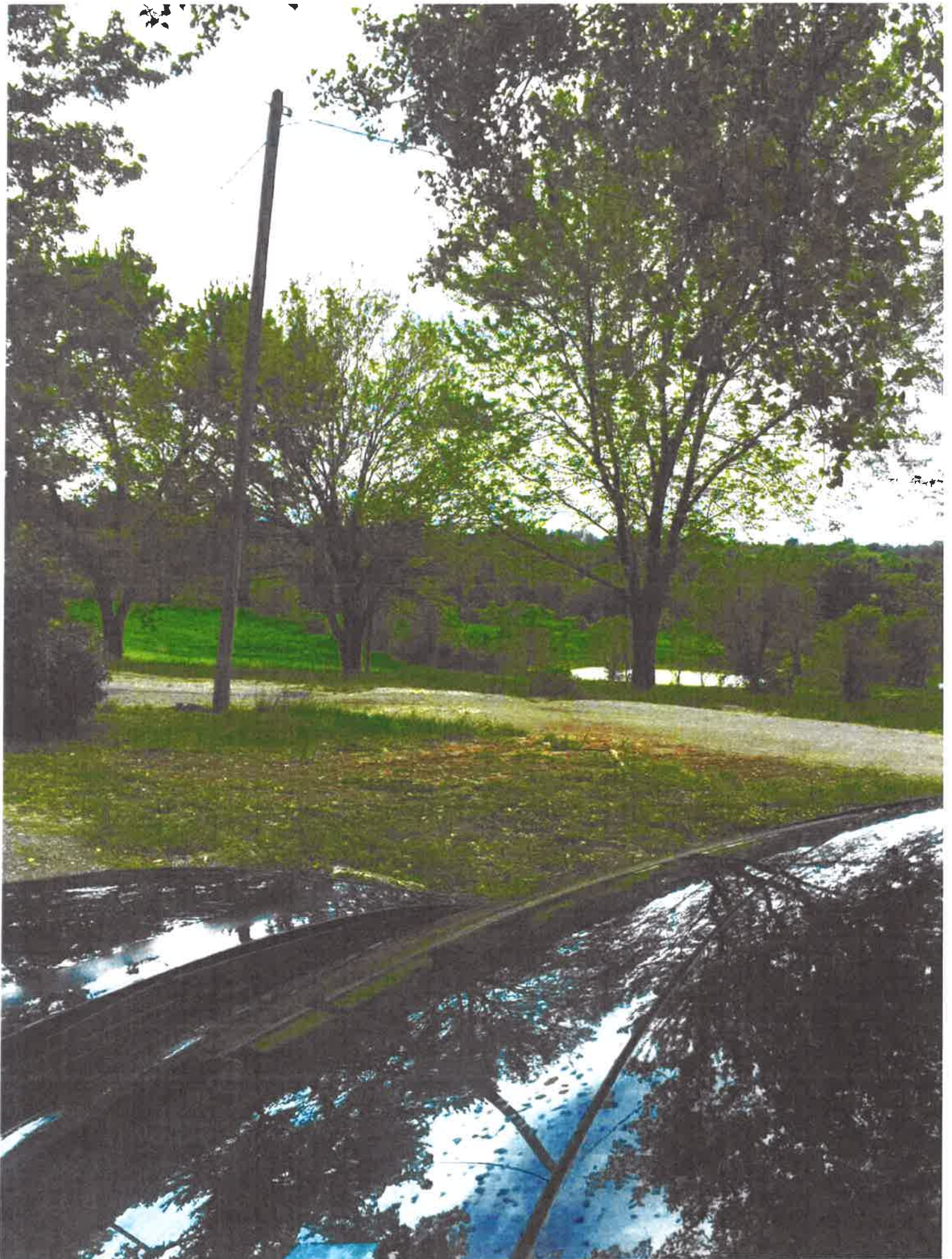
02-19-2017

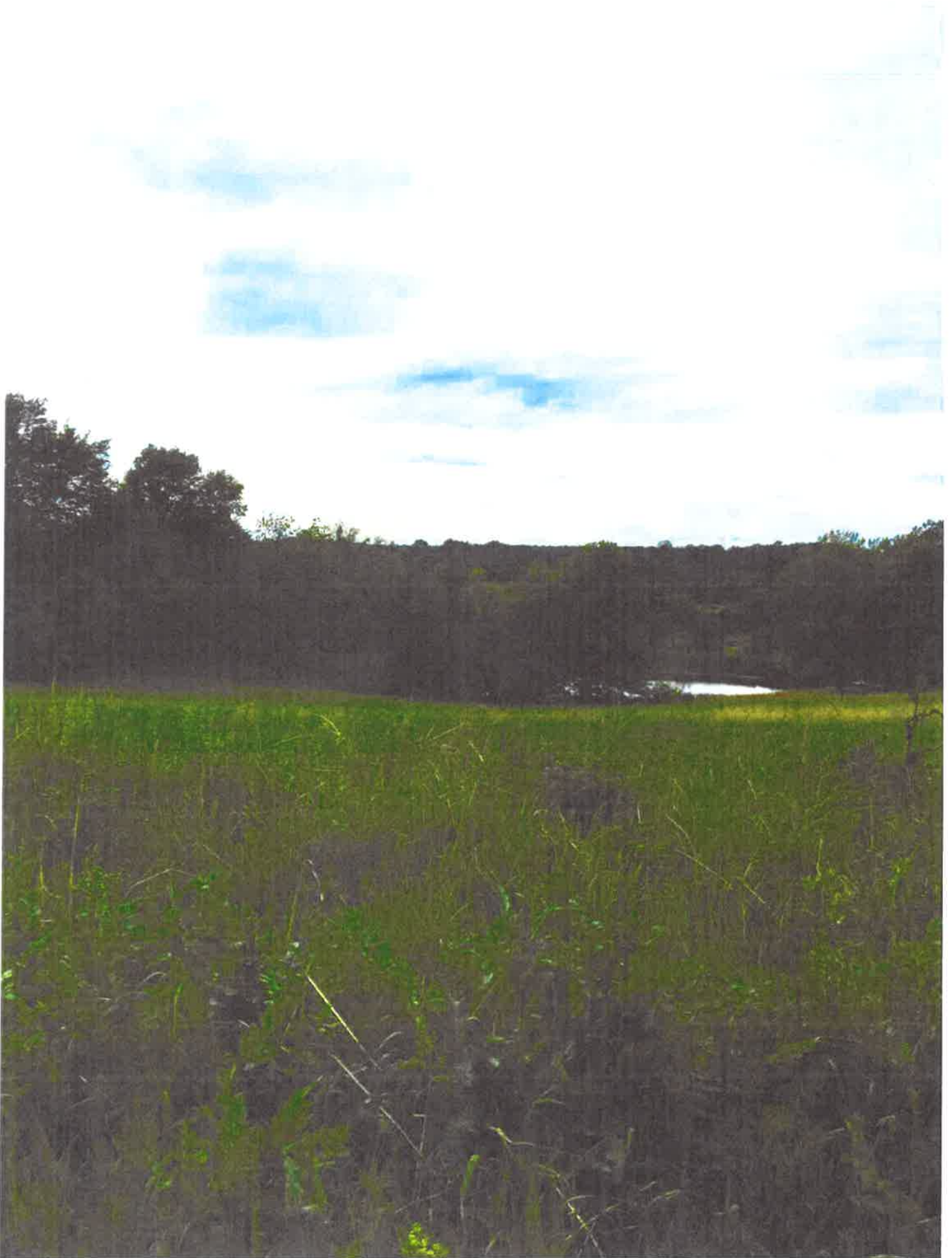


BETTY J. YATES  
My Commission Expires  
February 19, 2017  
Jackson County  
Commission #13469259



Ord. 4747





Ord. 4747



Ord. 4747



3/14/2015

To whom it may concern,

In the interest of 33101 E Roy Harra Rd, Buckner, Mo, my husband and I intended for our children, Donna Thorpe and Donald Baldus to split our property and reside in neighboring homes should they choose. These wishes were expressed by both me and my late husband in our last will and testaments.

Please take our desires for the home and land we raised our three children and numerous grandchildren on into consideration when making your decision regarding the subdivision and zoning of our property.

408440328A

Sincerely,

A handwritten signature in cursive script that reads "Sandra R. Baldus". The ink is dark and the signature is written in a fluid, connected style.

Sandra R. Baldus

RECORDER'S CERTIFICATION  
JACKSON COUNTY, MISSOURI  
01/30/2015 02:20:14 PM  
INSTRUMENT TYPE BDEED FEE 324 00 2 PGS



INSTRUMENT NUMBER / BOOK & PAGE  
2015E0008428

Robert J. Kelly, Director, Recorder of Deeds

\*\*\*\*\* BENEFICIARY DEED \*\*\*\*\*

THIS DEED WITNESSETH, That on the 30<sup>th</sup> day of January , 2015, Sandra Ruth Baldus, the owner/grantor, of the County of Jackson, State of Missouri, for good consideration received, do by these presents, SELL AND CONVEY a one-half interest unto Donna Renae Thorpe, LDPS, a one-half interest unto Donald Ray Baldus, LDPS, the grantees, Beneficiaries MAILING ADDRESS OF GRATEE, 33101 E. Roy Harra Road, Buckner, Missouri 64106

Their heirs and assigns, the following described lots, tracts, or parcels of land, lying, being and situate in-the County of Jackson, State of Missouri, to-wit

The East Half of the North Half of the Southeast Quarter of the Southwest Quarter of Section 35, Township 50, Range 30, all in Jackson County, Missouri

PROVIDED, HOWEVER, That this Deed is not to take effect until the death of such Grantor, or until the death of the last to die of such two or more Grantors, and then shall be effective to convey all of the land aforesaid only to the designated Grantee Beneficiary(ies) surviving such Grantor or the last to die of such two or more or more Grantors, or to such contingent or substitute Grantee Beneficiary(ies) herein designated or as law provided, and

PROVIDED FURTHER, That this Deed is made ad delivered by Grantors pursuant to the provisions of Section 25 of the Non- Probate Transfers Law of Missouri and is subject to revocation by such Grantor, or by the survivor of such two or more Grantors, pursuant to Section 28 of such Act

TO HAVE AND TO HOLD, but subject to the foregoing provisions, the premises aforesaid with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in otherwise appertaining unto said Grantee Beneficiary(ies) and unto their heirs and assigns forever

Farol T Baldus, one and the same person as Farol Thomas Baldus, died December 11, 2014, in his home in Buckner, Missouri. He was buried in Oakland Cemetery, Independence, Missouri. Sandra Ruth Baldus has remained singled and unmarried

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year above written



Sandra Ruth Baldus

STATE OF MISSOURI )

)ss

COUNTY OF JACKSON )

On this 30<sup>th</sup> day of January, 2015, before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Sandra Ruth Baldus, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed and further declares herself to be single and unmarried

Witness my hand and Notarial Seal subscribed and affixed in said County and State, the day and year in this certificate above written



Notary Public



LES D. WIGHT  
My Commission Expires  
June 25, 2017  
Jackson County  
Commission #13524580

My Commission Expires