

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 5.45 ± acres tract from District A (Agricultural) to District RE (Residential Estates).

ORDINANCE #4420, June 18, 2012

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section 1. The Zoning Order of Jackson County, Missouri, and the official maps which are a part thereof, are amended by changing the boundaries of the "A" (Agricultural) District and the "RE" (Residential Estates) District, so that there will be transferred from District A to District RE, a tract of land described as follows:

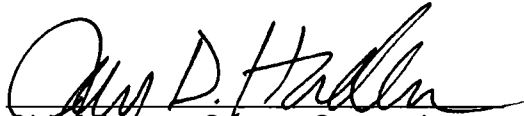
Description: That part of the South half of the Northwest quarter of the Northeast quarter of Section 4, Township 48, Range 30, Jackson County, Missouri, described as follows: Beginning at the Northwest corner of the South half of the Northwest quarter of the Northeast of said section 4; said corner being 1934.19 feet, North 0 degrees 03 minutes 29 seconds East of the Southwest corner of the Northeast quarter of said Section 4; thence South 89 degrees 48 minutes 05 seconds East, 1318.70 feet to a point on the East line of the Northwest quarter of the Northeast quarter of said Section 4; thence South 0 degrees 12 minutes 7 seconds East along said East line, 180.00 feet; thence North 89 degrees 48 minutes 05 seconds West, 1319.52 feet to a point on the West line of the Northwest quarter of the Northeast quarter of said Section 4; thence North 0 degrees 03 minutes 29 seconds East, 180.00 to the point of beginning, subject to that part in the roads.

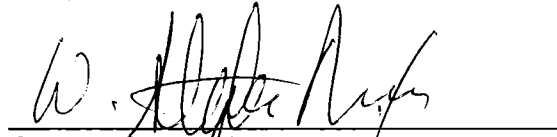
Section 2. The Legislature, pursuant to the application of Sanjay Patel (RZ-2012-483), requesting the amendment embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 9 to 0 to recommend APPROVAL of this application after a public hearing on May 17, 2012, does adopt 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 #4420 introduced on June 18, 2012, was duly passed on July 9, 2012 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.

7.9.12
Date


Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4420.

7/10/2012
Date


Michael D. Sanders, County Executive

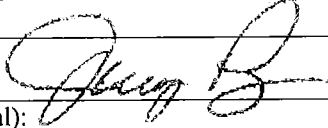
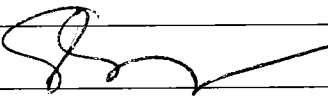
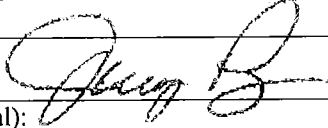
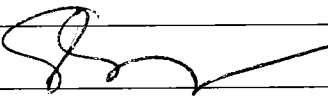
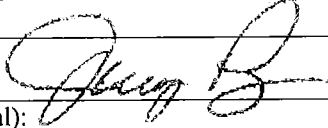
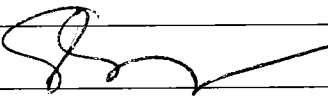
REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~ Ord No.: 4420

Sponsor(s): xxxxxx

Date: June 18, 2012

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Sanjay Patel Case No. RZ-2012-483</u>												
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" style="width: 100%;"> <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:	\$												
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 5.45 ± acres to District RE (Residential Estates). The 5.45 ± acres are on the west side of Minter Road approximately 640 feet south of Eagles Parkway lying in Section 4, Township 48, Range 30 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" style="width: 100%;"> <tr> <td>Department Director: Jerry A. Page, P.E. </td> <td>Date: 6/7/12</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: </td> <td>Date: 6/11/12</td> </tr> <tr> <td>County Counselor's Office:</td> <td>Date:</td> </tr> </table>	Department Director: Jerry A. Page, P.E. 	Date: 6/7/12	Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: 	Date: 6/11/12	County Counselor's Office:	Date:				
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County Counselor's Office:	Date:												

Fiscal Information (to be verified by Budget Office in Finance Department)

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 1:

Description: That part of the South half of the Northwest quarter of the Northeast quarter of Section 4, Township 48, Range 30, Jackson County, Missouri, described as follows: Beginning at the Northwest corner of the South half of the Northwest quarter of the Northeast of said section 4; said corner being 1934.19 feet, North 0 degrees 03 minutes 29 seconds East of the Southwest corner of the Northeast quarter of said Section 4; thence South 89 degrees 48 minutes 05 seconds East, 1318.70 feet to a point on the East line of the Northwest quarter of the Northeast quarter of said Section 4; thence South 0 degrees 12 minutes 7 seconds East along said East line, 180.00 feet; thence North 89 degrees 48 minutes 05 seconds West, 1319.52 feet to a point on the West line of the Northwest quarter of the Northeast quarter of said Section 4; thence North 0 degrees 03 minutes 29 seconds East, 180.00 to the point of beginning, subject to that part in the roads.

ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from May 17, 2012

Staff report

Names/Addresses of surrounding property owners

Map showing current zoning districts in area

Application

Survey or Property

Jackson County Plan Commission Summary of Public Hearing

Date:	May 17, 2012
Place:	Independence City Hall 111 E. Maple, Independence, MO
Attendance:	Larry Antey Denny Gibler Tom Haley Janet Mershon W.L. Pointer Sandra Querry Bill Tarpley
Staff:	Scott George Randy Diehl Jay Haden Kerri Moore

Call to Order/Roll Call

Chairman Antey called to order the May 17, 2012 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 March 15, 2012. Mr. Haley moved to approve. Mr. Tarpley seconded the motion. Voice vote. Approved.

Public Hearings

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

1. RZ-2012-483 – Sanjay Patel

Requesting a change of zoning from District A (Agricultural) on a 5.45 ± acres to District RE (Residential Estates). The 5.45 ± acres are on the west side of Minter Road approximately 640 south of Eagles Parkway lying in Section 04, Township 48, Range 30, Jackson County, Missouri aka 6000 S. Minter Road.

Mr. George introduced RZ-2012-483 and entered 10 exhibits into the record. Mr. George gave the staff report with comments and recommendation as follows: The surrounding land is primarily Agricultural. To the northwest is Light Industrial Zoning along Eagles Parkway. The City of Grain Valley is east of Minter Road with land use as single family residential, and one parcel to the north of property is within the City. To the northeast is single family residential with Agricultural zoning.

There is a one lot subdivision, southerly of the property, High Top Acres, that was zoned to RE (Residential Estates) in 1999.

The Residential Estates District is intended for low-density residential use, providing a transition between rural and higher density suburban development. Since the adoption of the UDC in 1995, all properties created less than 10 acres in size that are to be developed with improvements, must be rezoned and platted. The tract is approximately 5.45 ± acres in size with 180 feet of frontage along Minter Road. Minimum lot width for RE is 180 feet.

Subdivision plat, Minter Estates has been submitted to the Planning and Environmental Health Division for review. This will be a one lot subdivision.

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 where urban services, such as public wastewater systems will not be provided with a reasonable period of time.

This request for rezoning is consistent with the intent and purpose of the County Plan. Staff recommends approval of RZ-2011-483.

There were no questions for Mr. George.

William Ralston, land surveyor, appeared as a representative for the applicant.

Mrs. Mershon asked if they were going to build a home on the property.

Mr. Ralston said that it was his understanding that the owners did plan to sell the property for a home to be built.

Nilesh Patel, brother of the applicant appeared for testimony.

Mrs. Mershon asked if they were going to build a home on the property.

Mr. Patel stated that the property would be sold to another party that would possibly build a home in the future.

Mr. Tarpley stated that there didn't appear to be very many homes in the area and asked if it was primarily a wooded area.

Mr. Patel stated that there were houses all around the property. He went on to describe the different tract sizes of surrounding lots.

Mr. Tarpley asked how many other 5 acres lots were in the area.

Mr. Patel said as you go further down the road there are more 10 acres tracts and there were 2 and 3 acres tracts as you go further south on the east side of Minter Rd. He said there were 3 acres tracts all along Ryan Rd.

Mrs. Mershon asked if the property had water and sewer.

Mr. Patel said the final plat was contingent upon perk test and that there was city sewer across the street that may be used if sewer could not be provided.

Randy Diehl said the property would be served by an on-site waste water system.

No one appeared in opposition of the application.

Mrs. Mershon moved to take RZ-2012-483 under advisement. Mr. Haley seconded the motion.

Mrs. Mershon moved to approve RZ-2012-483. Mr. Tarpley seconded the motion.

VOTE:

Mr. Gibler	Approve
Mr. Haley	Approve
Mrs. Mershon	Approve
Mr. Pointer	Approve
Mrs. Querry	Approve
Mr. Tarpley	Approve
Chairman Antey	Approve

RZ-2012-483 APPROVED (7-0)

2. RZ-2012-481 – Gary W. Pipes

Requesting a change of zoning from District A (Agricultural) on a 8.66 ± acres to District GB (General Business). The 8.66 ± acres are on the east side of State Route 7 and on the south side of US 50 Highway lying in Section 17, Township 47, Range 30, Jackson County, Missouri aka 27603 E. Lone Jack Lee's Summit Road.

RZ-2012-481 was continued from the February 16, 2012 meeting. Mr. George stated that applicant was asking to have the case continued until the next meeting. The applicant had also applied to have the property rezoned and would have to go before the Board of Zoning Adjustments in July.

Mr. Tarpley moved to continue the case until the July meeting. Mr. Pointer seconded the motion. Voice vote. Approved.

OTHER BUSINESS- Discussion of Complete Streets

Mr. George gave an overview of the draft plans that are being discussed for the Jackson County Complete Streets Policy. He gave information on some of the surrounding areas that had already adopted a Complete Streets Policy.

Mrs. Mershon asked if the members of the commission would be given a copy of the draft plan.

Mr. George said he would get a copy to each of the members. He stated that he wanted to get the information out there so the members could give feedback and that they could discuss this further at the next meeting.

MEETING ADJOURNED.

STAFF REPORT

PLAN COMMISSION

May 17, 2012

RE: RZ-2012-483

Applicant: Sanjay Patel

Location: West side of Minter Road approximately 640 feet south of Eagles Parkway, lying in Section 04, Township 48, Range 30, Jackson County, Missouri aka 6000 S. Minter Road.

Area: 5.45 ± acres

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

Purpose: Property was split by off a larger tract of ground in by a Warranty Deed in October of 1999. Current owner wishes to bring in into compliance with the UDC by rezoning the tract and subsequently platting it into a one lot subdivision.

Current Land Use and Zoning in the Area:

The surrounding land is primarily Agricultural.

To the northwest is Light Industrial Zoning along Eagles Parkway.

The City of Grain Valley is east of Minter Road with land use as single Family residential, and one parcel to the north of property is within the City.

To the northeast is single family residential with Agricultural zoning.

There is a one lot subdivision, southerly of the property, High Top Acres, that was zoned to RE (Residential Estates) in 1999.

Comments: The Residential Estates District is intended for low-density residential use, providing a transition between rural and higher density suburban development. The Since the adoption of the UDC in 1995, all properties created less than 10 acres in size that are to be developed with improvements, must be rezoned and platted. The tract is approximately 5.45 ± acres in size with 180 feet of frontage along Minter Road. Minimum lot width for RE is 180 feet.

Subdivision plat, Minter Estates has been submitted to the Planning and Environmental Health Division for review. This will be a one lot subdivision.

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 where urban services, such as public wastewater systems will not be provided with a reasonable period of time.

Recommendation:

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

Staff recommends APPROVAL of RZ-2011-483

Respectfully submitted,
Planning and Environmental Health Division

Randy Diehl
Subdivision and Zoning Coordinator

**Plan Commission
May 17, 2012
RZ-2012-483**

Applicants / Property Owners: **Sanjay Patel
P O Box 558
Grain Valley, MO 64029**

Parcel No: 41-110-04-66-01-3

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

41-100-02-24
LARRY & CAROLYN RATLIFF
30007 E M AA HWY
GRAIN VALLEY, MO 64029

41-110-04-10
WENONA JOYCE GARVEY
30003 E AA HWY
GRAIN VALLEY, MO 64029-9104

41-100-02-02
DANNY CALVERT
9104 S HOWARD RD
LEES SUMMIT, MO 64064-2789

41-110-04-66-01-4
MARION L BETZEL
6024 S MINTER RD
GRAIN VALLEY, MO 64029

41-110-04-06
US BANK NA
4801 FREDERICA
PO BOX 20005 ST
OWENSBORO, KY 42304-0005

41-110-04-05
PHILIP & SUZANNE MATHES
2911 116TH AVE SE
VALLEY CITY, ND 58072

41-110-03-23
SHARON M JOHNSON
309 MINTER RD
GRAIN VALLEY, MO 64029

41-110-04-08
LARRY & CAROLYN RATLIFF
30007 E M AA HWY
GRAIN VALLEY, MO 64029

41-110-04-07
B & L BANK
PO BOX 190
LEXINGTON, MO 64067

41-110-07-10
WILLIAM & TAMMY AKERS
311 MINTER RD
GRAIN VALLEY, MO 64029

41-110-07-11
JOSEPH & NISA EARLY
315 S MINTER RD
GRAIN VALLEY, MO 64029

41-110-07-13
WILLIAM C ANDERSON
401 MINTER RD
GRAIN VALLEY, MO 64029

41-110-07-15
RONNIE & GWENDA PARKER
201 E WALNUT
GRAIN VALLEY, MO 64029

41-110-07-12
ROBERT W STEVENS
319 S MINTER RD
GRAIN VALLEY, MO 64029

41-110-07-14
STEVEN & TAYA CASEY
419 S MINTER RD
GRAIN VALLEY, MO 64029

41-110-04-09
LARRY & CAROLYN RATLIFF
30007 E M AA HWY
GRAIN VALLEY, MO 64029

CITY OF GRAIN VALLEY
711 MAIN STREET
GRAIN VALLEY, MO 64029



Jackson County Zoning Map

Legend

- 165' Notification Ring
- Speed Limit
- Classification**
- Class
- Local
- Collector
- Major Arterial
- Minor Arterial
- Plats
- parcels
- all other values-
- Pending Rezoning
- Rezoning selection**
- Zoning**
- RR-Residential Ranchette
- Residential Ranchette-Planned
- RE-Residential Estates
- RS-Residential Suburban
- RU-Residential Urban
- A/C-Single-Family
- B/C-Two-Family
- C/P-Multi-Family
- A1-Mobile Homes District
- ROP-Residential Office-Planned
- LB-Local Business
- LBP-Local Business-Planned
- GB-General Business
- GBP-General Business-Planned
- L1-Light Industrial
- LIP-Light Industrial-Planned
- H1-Heavy Industrial
- Inundation Area



RZ-2012-483

1 inch equals 100 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- 483
Date filed 3-29-2012 Date of hearing 5-17-2012
Date advertised 5-2-2012 Date property owners notified 5-2-2012
Date signs posted 5-2-2012
Hearings: Heard by PC Date 5-17-12 Decision _____
Heard by _____ Date _____ Decision _____
Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

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

a. Applicant(s) Name: SANJAY J. PATEL
Address: P.O. BOX 558
GRAIN VALLEY, MO. 64029
Phone: 1-816-674-2503
b. Owner(s) Name: SAME AS ABOVE
Address: _____
Phone: _____
c. Agent(s) Name: SAME AS ABOVE
Address: _____

- c. Agent(s) Name: SAME AS SHEET NO. 1
 Address: _____
 Phone: _____
- d. Applicant's interest in Property: OWNER
2. General location (Road Name) WEST SIDE MINTER ROAD, 641.50 FEET SOUTH OF "A-A" HWY.

3. Present Zoning AGRICULTUAL Requested Zoning RESIDENTIAL ESTATES
4. AREA (sq. ft. / acres) 237,460.50 SQUARE FEET/ 5.451 ACRES
5. Legal Description of Property: (Write Below or Attached)
SEE ATTACHED PLAT

6. Present Use of Property: AGRE CULTURAL LAND
7. Proposed Use of Property: SINGLE FAMILY RESIDENTIAL
8. Proposed Time Schedule for Development: IMMEDIATLEY

9. What effect will your proposed development have on the surrounding properties?
INCREASE PROPERTY VALUE
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? NONE NEEDED.
11. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water WATER DISTRICT 17
- b. Sewage disposal INDIVIDUAL SEWER SYSTEM
- c. Electricity MISSOURI PUBLIC SERVICE
- d. Fire and Police protection CENTRAL JACKSON COUNTY FIRE PROTECTION DISTRICT

12. Describe existing road width and condition: TRAVELED ROAD WIDTH IS 20.00/GOOD CONDITIONN.

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): NONE

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 [Handwritten Signature] Date 3/23/12
Property Owner(s) _____

Applicant(s): SAME AS ABOVE

Contract Purchaser(s): SAME AS ABOVE

STATE OF MISSOURI
COUNTY OF JACKSON

On this 23rd day of March, in the year of 2012, before me the undersigned notary public, personally appeared Sanjay Patel

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 Tisha N. Gildenhous Commission Expires May 31, 2014

