

## 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 3.00 ± acre tract from District AG (Agricultural) to District RE (Residential Estates).

**ORDINANCE NO. 4535**, June 3, 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 "RE" (Residential Estates) District, so that there will be transferred from District AG to District RE, a tract of land known as 3710 S. Howell Road, Oak Grove, MO, and specifically described as follows:

**Description:** A tract of land located in the Southwest Quarter of the Northeast Quarter of Section 24, Township 49 North, Range 30 West, in Jackson County, Missouri, being part of the tract described by Warranty Deed Recorded under Document Number 1989I0951247 of the Jackson County records, and being more particularly described as follows:

Commencing at the Southeast corner of the West Half of the Northeast Quarter of said Section 24, as shown by the plat of Rosebeth Acres, a subdivision in Jackson County, Missouri; thence along the East line of said West Half, North 01° 29' 46" East, 831.11 feet; thence leaving said East line, North 88° 29' 30" West, 20.00 feet to a point on the West right of way line of Howell Road, as now established, said point being 20.00 feet East of the Northeast corner of Lot 5 of said Rosebeth Acres, the Point of Beginning;

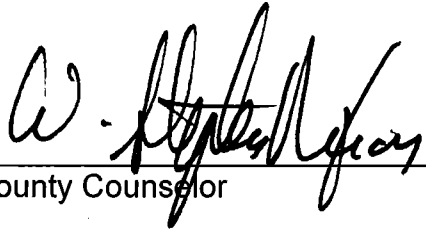
Thence from the point of beginning, along the extension of and along the north line of Lot 5 of said Rosebeth Acres, North 88° 29' 30" West, 480.55 feet; thence North 01° 29' 46" East, 136.72 feet; thence North 40° 06' 01" East, 220.73 feet; thence South 88° 29' 30" East, 342.83 feet to a point on the West right of way line of said Howell Road; thence along said West right of way line, South 01° 29' 46" West, 309.24 feet to the Point of Beginning.

Section 2. The Legislature, pursuant to the application of Danny Hight (RZ-2013-497), requesting the amendment embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 8 to 0 to recommend APPROVAL of this application after a public hearing on May 16, 2013, 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. 4535 introduced on April 15, 2013, was duly passed on July 1, 2013 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9


Nays 0

Abstaining 0

Absent 0

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

7-1-13  
Date

  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4535.

7/1/2013  
Date

  
Michael D. Sanders, County Executive

**REQUEST FOR LEGISLATIVE ACTION**

Completed by County Counselor's Office:

Res/Ord No.: 4535

Sponsor(s): -----

Date: June 3, 2013

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Danny Hight Case No. RZ-2013-497</u>																				
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="326 499 1203 810"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td></td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT</td> <td></td> </tr> <tr> <td></td> <td>TO ACCT</td> <td></td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> OTHER FINANCIAL INFORMATION:  <input checked="" type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: _____ Estimated Use: \$ _____  Prior Year Budget (if applicable): _____ Prior Year Actual Amount Spent (if applicable): _____			Amount authorized by this legislation this fiscal year:		\$	Amount previously authorized this fiscal year:		\$	Total amount authorized after this legislative action:		\$	Amount budgeted for this item * (including transfers):		\$	Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT			TO ACCT	
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 AG (Agricultural) on a 3.00 ± acre tract to District RE (Residential Estates). The 3.00 ± acres are located in Section 24, Township 49, Range 30, Jackson County, Missouri aka 3710 S. Howell 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: <i>Earl Newill</i> Earl Newill, Acting Director	Date: 05/23/13																			
	Finance (Budget Approval): <i>If applicable</i>	Date:																			
	Division Manager:	Date:																			
	County Counselor's Office:	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.

**RZ-2013-497**

**ATTACHMENT TO RLA 1:**

**Description:** A tract of land located in the Southwest Quarter of the Northeast Quarter of Section 24, Township 49 North, Range 30 West, in Jackson County, Missouri, being part of the tract described by Warranty Deed Recorded under Document Number 198910951247 of the Jackson County records, and being more particularly described as follows:

Commencing at the Southeast corner of the West Half of the Northeast Quarter of said Section 24, as shown by the plat of Rosebeth Acres, a subdivision in Jackson County, Missouri; thence along the East line of said West Half, North 01° 29' 46" East, 831.11 feet; thence leaving said East line, North 88° 29' 30" West, 20.00 feet to a point on the West right of way line of Howell Road, as now established, said point being 20.00 feet East of the Northeast corner of Lot 5 of said Rosebeth Acres, the Point of Beginning;

Thence from the point of beginning, along the extension of and along the north line of Lot 5 of said Rosebeth Acres, North 88° 29' 30" West, 480.55 feet; thence North 01° 29' 46" East, 136.72 feet; thence North 40° 06' 01" East, 220.73 feet; thence South 88° 29' 30" East, 342.83 feet to a point on the West right of way line of said Howell Road; thence along said West right of way line, South 01° 29' 46" West, 309.24 feet to the Point of Beginning.

**ATTACHMENT TO RLA-2:**

Attachments

Plan Commission Public Hearing Summary from May 16, 2013

Staff report

Names/Addresses of surrounding property owners

Map showing current zoning districts in area

Application

Plat – Rosebeth Acres, Lot 6

Picture of Proposed Rezoning

## Jackson County Plan Commission Summary of Public Hearing

---

**Date:** May 16, 2013

**Place:** Independence City Hall  
111 E. Maple, Independence, MO

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

**Staff:** Scott George  
Randy Diehl  
Jay Haden  
Kerri Moore

### **Call to Order/Roll Call**

Chairman Antey called to order the May 16, 2013 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 21, 2013. 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.

### **RZ-2013-497 – Danny Hight**

Requesting a change of zoning from District AG (Agricultural) on a 3.00 ± acre tract to District RE (Residential Estates). The 3.00 ± acres are located in Section 24, Township 49, Range 30, Jackson County, Missouri aka 3710 S. Howell Road.

Mr. George introduced RZ-2013-497 and entered 10 exhibits into the record. Mr. George gave the staff report with comments and recommendation as follows:



Zoning in the area is primarily agricultural. Property sizes range from 2 acres to 40 acre tracts, containing single family residences. To the South is Rosebeth Acres, platted in 1991 by the applicant. Lot sizes range from 2.016 acres to 5.99 acres. To the southeast is Llewellyn Acres, 2<sup>nd</sup> Plat, rezoned to District RE and platted in 2007. Lot sizes are 3.00 acres. To the Northeast is Woodbury Estates, platted in 1993. To the North along Pink Hill Road are Wilke Estates, Lockwood Estates and Hawks Ridge subdivisions. These contain lot sizes ranging from 2.00 acres to 5.00 acres.

The applicant wishing to separate the 3.00 ± proposed lot from the existing 18.00 ± acres he owns and which contains his residence.

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

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

Staff recommends APPROVAL of RZ-2012-497

There were no questions for staff.

Mr. Antey asked the applicant to come forward.

Applicant, Danny Hight, 3710 S. Howell Road, Oak Grove, MO 64075 came forward. Mr. Hight explained he had purchased 40 acres from the RLDS Church 20 years ago. He platted and sold off lots along Howell Road. He now wants to reduce the size of property he still retains. He could sell everything or has the option of keeping the 3 acres and building there. The proposed lot is on high ground along the road.

Mr. Tarpley asked if there was access to the unplatted property. Mr. Diehl explained there was split north of the proposed lot serving the large acreage tract.

Mr. Antey asked to take this under advisement. Mr. Tarpley made a motion to take RZ-2013-497 under advisement. Mr. Akins seconded the motion.

Mr. Akins moved we approve RZ-2013-497, Ms. Mershon seconded.

Mr. Tarpley	APPROVE
Mr. Haley	APPROVE
Mr. Pointer	APPROVE
Mr. Gibler	APPROVE
Mr. Akins	APPROVE
Ms. Mershon	APPROVE
Mr. Crawford	APPROVE
Mr. Antey	APPROVE

**RZ-2013-497 – APPROVED (8-0)**

**STAFF REPORT**

**PLAN COMMISSION**

**May 16, 2013**

**RE: RZ-2013-497**

**Applicant:** Danny Hight

**Location:** 3710 S. Howell Road, lying in Section 24, Township 49, Range 30, Jackson County, Missouri.

**Area:** 3.00 ± acres

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

**Purpose:** The 3.00 ± acres to be platted into proposed subdivision plat, Rosebeth Acres, Lot 6

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

Zoning in the area is primarily agricultural. Property sizes range from 2 acres to 40 acre tracts, containing single family residences. To the South is Rosebeth Acres, platted in 1991 by the applicant. Lot sizes range from 2.016 acres to 5.99 acres. To the southeast is Llewellyn Acres, 2<sup>nd</sup> Plat, rezoned to District RE and platted in 2007. Lot sizes are 3.00 acres. To the Northeast is Woodbury Estates, platted in 1993. To the North along Pink Hill Road are Wilke Estates, Lockwood Estates and Hawks Ridge subdivisions. These contain lot sizes ranging from 2.00 acres to 5.00 acres.

**Comments:**

The applicant wishing to separate the 3.00 ± proposed lot from the existing 18.00 ± acres he owns and which contains his residence.

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

**County Plan:**

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

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2012-497

Respectfully submitted,  
Planning and Environmental Health Division

Randy Diehl  
Planning and Zoning Coordinator

Plan Commission  
May 16, 2013  
RZ-2013-497

Applicants / Property Owners:

Danny Hight  
3710 S. Howell Rd  
Oak Grove MO 64075

Parcel No: 37-100-01-14-03-1  
37-100-01-43

Certified Mail – Return Receipt  
Property Owners within 300 feet

37-100-01-47-00-0-00-000  
BYL LORI M & DAVID D  
3723 S HOWELL RD  
OAK GROVE MO 64075

37-100-01-14-02-0-00-000  
MIDDAUGH JAMES E & PATRICIA E  
3622 S HOWELL  
OAK GROVE MO 64075

37-100-01-42-00-0-00-000  
DAUGHERTY PATRICK & KENDRA  
3808 S HOWELL RD  
OAK GROVE, MO 64075

37-100-01-44-00-0-00-000  
STUDDARD DALE F & NOELINE A  
3615 S HOWELL RD  
OAK GROVE MO 64075

37-100-01-45-00-0-00-000  
SANDERS JASON W & LISA M  
2322 NE MAYBROOK DR  
GRAIN VALLEY MO 64029

37-100-01-13-03-0-00-000  
JONS KURTIS R & TINA M TRUSTEE  
3717 S HOWELL  
OAK GROVE MO 64075



# Jackson County Zoning Map

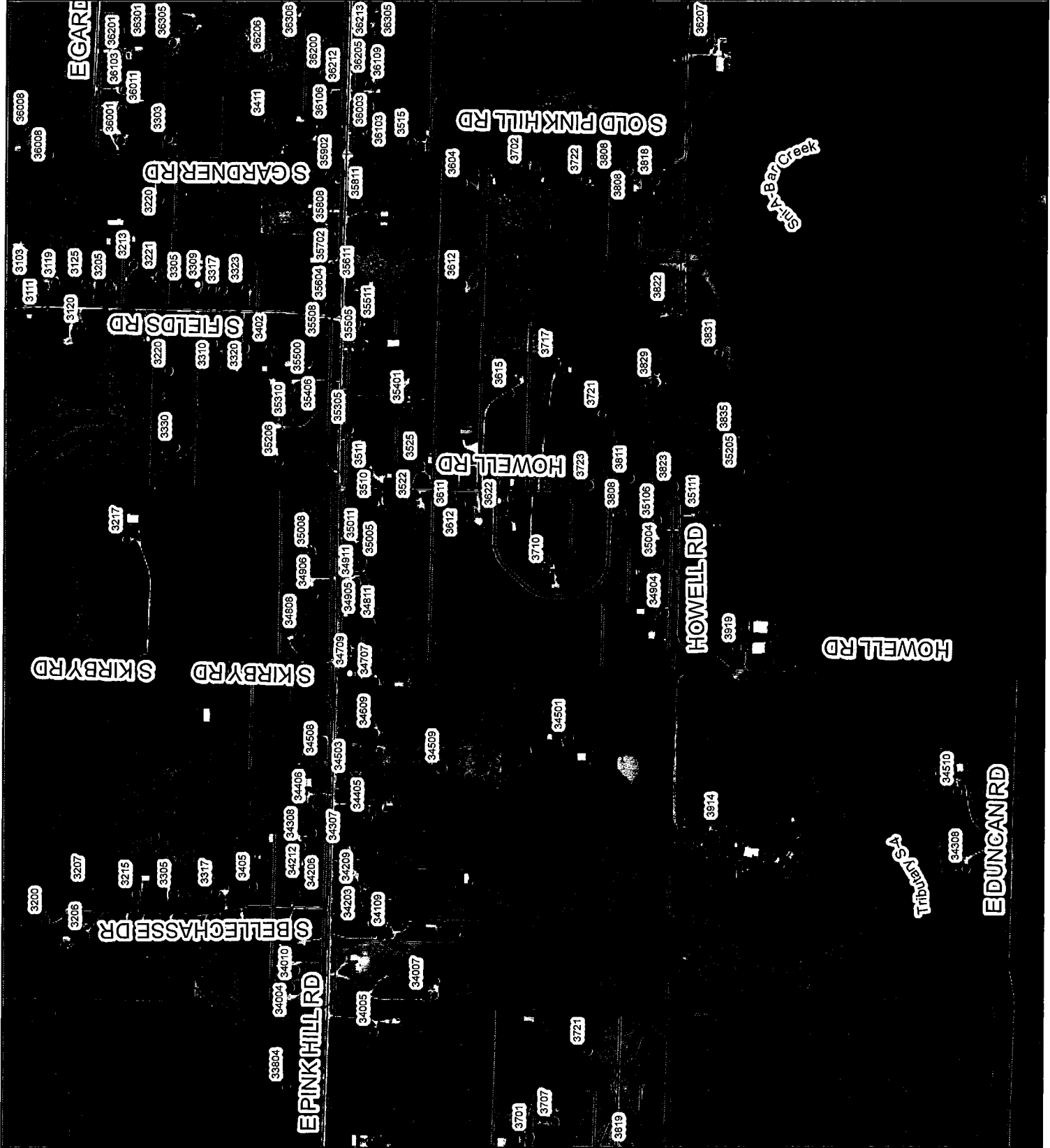
- Legend**
- Notification Area
  - <all other values>
  - <all other values>
- Rezoning**
- RR-Residential Ranchette
  - Residential Ranchette-Planned
  - RE-Residential Estates
  - RS-Residential Suburban
  - RU-Residential Urban
  - A(r)-Single-Family
  - B(r)-Two-Family
  - C(r)-Multi-Family
  - A1-Mobile 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-2013-497

Ord

1 inch = 1,000 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-2013-497  
Date filed 4-19-2013 Date of hearing 5-20-2013  
Date advertised 5-1-2013 Date property owners notified 5-1-2013  
Date signs posted 5-1-2013  
Hearings: Heard by PC Date 5-16-13 Decision 8-0 Approve  
Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_  
Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

---

**BEGIN APPLICATION HERE:**

1. **Data on Applicant(s) and Owner(s):**
  - a. Applicant(s) Name: DANNY HIGHT  
Address: 3710 S. HOWELL RD.  
OAK GROVE, MO 64075  
Phone: 816-517-4383
  - 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) HOWELL ROAD

3. Present Zoning AGRICULTURAL Requested Zoning RESIDENTIAL ESTATE

4. AREA (sq. ft. / acres) 3.00

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

ATTACHED

6. Present Use of Property: VACANT

7. Proposed Use of Property: RESIDENTIAL

RE

8. Proposed Time Schedule for Development: UNKNOWN

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 WEST CENTRAL ELECTRIC COOP.

d. Fire and Police protection SNI VALLEY

12. Describe existing road width and condition: 20'± 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)

Danny J. Hight

Date

4-19-13

Applicant(s):

SAME

Contract Purchaser(s):

STATE OF MISSOURI

COUNTY OF JACKSON

On this 19 day of APRIL, in the year of 2013, before me the undersigned notary public, personally appeared DANNY HIGHT

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

