



REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 4798

Sponsor(s): xxxxxx

Date: November 16, 2015

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: Aaron Yeager & Crazy Horse Development Co Case No. RZ-2015-523													
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="305 489 1182 802"> <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
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	TO ACCT													
PRIOR LEGISLATION	Prior ordinances and (date): _____ Prior resolutions and (date): _____													
CONTACT INFORMATION	RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577													
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on 13.85 ± acres to District RE (Residential Estates). The 13.85 ± acres are described are located in Section 16, Township 50, Range 31, in Jackson County, Missouri, along Blue Mills Road, specifically described on Attachment to RLA-1, and requesting approval of the preliminary plat of "Ouray Estates" creating a four (4) lot residential subdivision. 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 7 to 0 to recommend <u>APPROVAL</u> to the County Legislature for both the rezoning and the preliminary plat of Ouray Estates.													
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 D. Gaddie, P.E. Director of Public Works 	Date: 11/4/2015												
	Finance (Budget Approval): <i>If applicable</i>	Date:												
	Division Manager: 	Date: 11/10/15												

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.

ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from October 15, 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

Preliminary Plat of Ouray Estates

RZ-2015-523

ATTACHMENT TO RLA 1:

Description:

A tract of land located in part of the Southeast Quarter of Section 16, Township 50, Range 31, Jackson County, Missouri, and being more particularly described as follows:

Commencing at the Southeast corner of said Section 16; thence along the South line of the Southeast Quarter of said Section 16, North 87° 42' 32" West, 1315.73 feet, to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 16; thence along the West line of the Southeast Quarter of the Southeast Quarter of said Section 16, North 02° 29' 04" East, 664.07 feet; thence leaving said West line, North 34° 43' 45" West, 338.38 feet, to the Point of Beginning; thence continuing North 34° 43' 45" West, 569.09 feet, to a point of the South right of way line of Blue Mills Road, as now established; thence along said South right of way, North 77° 29' 25" East, 41.29 feet, thence along a curve to the left, having a curve length of 360.77 feet, and a curve radius of 2904.52 feet, with a chord bearing of North 73° 55' 55" East; thence north 70° 25' 25" East, 640.90 feet; thence along a curve to the right, having a curve length of 325.63 feet, and a curve radius of 914.84 feet, with a chord bearing of North 80° 34' 14" East, thence leaving said South right of way, South 01° 52' 25" W, 130.32 feet; thence South 15° 24' 38" West, 419.34 feet; thence South 70° 22' 25" West, 923.73 feet to the Point of Beginning.

Randy Diehl gave the staff report

Applicant: Aaron Yeager & Crazy Horse Development Co

Location: Blue Mills Road, Section 16, Township 50, Range 31

Area: 13.85 ± acres

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

Purpose: Applicant is requesting the change in zoning in order to subdivide the property into a four lot subdivision, Ouray Estates.

Current Land Use and Zoning in the Area:

The zoning in the area is predominantly Agricultural with the majority of the land use being single family residences. In the immediate area there are five subdivisions within District RE created after the adaptation of the Unified Development Code (UDC). Sunny Oaks, is a development consisting of four lots, each approximately .50 acre in size. These were platted in 1978 and 1980. These lots were created prior to the Unified Development Code's adoption in 1995, and therefore are in District AG. There are two developments, one northwest of the property, and one adjacent to this request.

County Plan:

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT).

The Residential Suburban District (RE) is appropriate for 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-2015-523

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

SUBDIVISION REPORT

By Randy Diehl

Planning Commission

October 15, 2015

RE: Ouray Estates

APPLICANT/DEVELOPER: Aaron Yeager & Crazy Horse Development Co

The preliminary plat was received on September 9, 2015.

Lot sizes are 3.00 acres and 3.5 acres in size. Each lot has in excess of the minimum lot width requirement of 180 feet.

Stormwater & Erosion: There are no areas of the proposed development that are effected by any special flood hazard areas.

City of Independence Water Department: There is a 6" water line on the south side of Blue Mills Road. The proposed lots will need to be tapped from this line. Lot 2 contains a 30 foot easement for a transmission line owned by the City. The developer is required to sign the City of Independence Annexation Agreement prior to a service line tap.

Fort Osage District: No area no concern. There is a fire hydrant located in front of proposed Lot 1.

Environmental: Soil conditions ratings may limit each lot to polishing pond. Each lot is sufficient in size to accommodate a pond system. Lot 2 will pose a challenge with the water line easement bisecting through it.

The layout, as presented, is in compliance with Section 24004.4 District RE (Residential Estates) of the Unified Development Code and the Master Plan of Jackson County.

COMMENTS:

Staff recommends APPROVAL of Preliminary subdivision plat, Ouray Estates. Subject to compliance with comments noted in this report and the condition that it may require future additions, deletions, and or corrections through reviews by staff.

Mr. Diehl: We talked to Crazy Horse Development regarding altering the lot lines to allow additional room for the front portion of lot 2 to allow more room for a waste water system.

Mr. Akins: What are the structures on the aerial?

Mr. Diehl: They are barns that were part of the property. The house was razed a few years ago.

Mr. Tarpley: What is the blue light running through the property?

Mr. Diehl: That is the water transmission line within the 30' easement owned by the City of Independence. The 6 inch runs along the south side of the road.

Mr. Akins: Where does the transmission line run?

Mr. Diehl: It runs south along Old Atherton Road, crossing through the property, and running South under 24 Highway.

Mr. Crawford: Transmission, as in water?

Mr. Diehl: Yes

Mr. Crawford: Line of site for lot 4 is adequate?

Mr. Diehl: Yes, sight distance is one of our concerns. Starting at the top of the hill, Lot 1 has an existing driveway, across from Old Atherton Road that the site distance meets the requirements. At the bottom of the hill, at the East side of Lot 4, is an access easement for the 10 acre tracts. In talking with Crazy Horse Development, if the entire hedgerow was cleaned out and maintained, there would be no problem with the site distance. That will be on the plat that the hedge line be maintained to provide site distance. 3

Mr. Tarpley: Is there any reason that it can be removed permanently?

Mr. Diehl: It should be. That why we are placing the note on the plat. Otherwise the site is short. They let it grow up over the years since it was vacant. Other than that, we don't have any issues with the plat.

Mr. Tarpley: Who provides that water?

Mr. Diehl: The City of Independence.

Mr. Antey:

Are there any questions for Randy? (There were none)

Is the applicant present?

Aaron Yeager, 801 S. Van Dyke Road, Buckner. The old barn has since been torn down, and the other will be removed.

Do you have anything to add to the staff report? No

Are there any questions for the applicant?

Mr. Akins: Do you have any problem with the skewed lines?

Mr. Yeager: No

Is there anyone who is in favor of this application? (There were none)

Is there anyone who is opposed or has questions regarding this application? (There were none)

Mr. Diehl: We received a phone call from a neighbor down the road, who voiced their opposition for any development.

Motion to take under advisement.

Mrs. Mershon moved to take under advisement. Mrs. Haley seconded.

Motion to approve.

Mr. Tarpley motioned to approve RZ-2015-523. Mr. Haley seconded.

Mr. Akins	Approve
Mr. Tarpley	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mr. Crawford	Approve
Mrs. Mershon	Approve
Chairman Antey	Approve

Motion Carried 7 – 0.

Mr. Akins motioned to approve the Preliminary Plat of Ouray Estates. Mrs. Mershon seconded.

**Plan Commission
October 15, 2015
RZ-2015-523**

Applicants / Property Owners:

**10-700-04-51
Aaron Yeager
801 S. Van Dyke Road
Buckner MO 64016**

**10-700-04-52
10-700-04-57
10-700-04-56**

**Crazy Horse Dev Co
923 NE Woods Chapel Road #460
Lee's Summit MO 64064**

**Certified Mail – Return Receipt
Property Owners within 300 feet**

10-700-04-44-00-0-00-000
HAWKINS PATRICIA ANN
20602 E BLUE MILLS ROAD
INDEPENENCE MO 64058

10-700-04-41-00-0-00-000
KIDD BRUCE & TERESA L
20600 E BLUE MILLS ROAD
INDEPENENCE MO 64058

10-700-04-38-00-0-00-000
LANE STACIE E
20605 E BLUE MILLS ROAD
INDEPENENCE MO 64058

10-700-04-39-00-0-00-000
PEARON TROY A & KENDDRA
728 MOCHICAN DR
INDEPENENCE MO 64058

10-700-04-08-00-0-00-000
SCHUMACHER BRUCE A & LISA A
2424 N OLD ATHERTON ROAD
INDEPENENCE MO 64058

10-700-04-49-00-0-00-000
SCHUMACHER BRUCE A & LISA A

10-700-04-40-00-0-00-000
SCHUMACHER ROBERT & KAREN
2419 N OLD ATHERTON ROAD
INDEPENENCE MO 64058

10-700-04-22-01-2-00-000
SCHUMACHER ROBERT & KAREN

10-700-04-42-00-0-00-000
SMITH YVONNE L
20410 E BLUE MILLS ROAD
INDEPENENCE MO 64058

10-700-04-58-00-0-00-000
STEWART BETTY & FRED-TR
2417 N OLD ATHERTON ROAD
INDEPENENCE MO 64058

10-700-04-22-01-3-0-00-000
STEWART BETTY & FRED-TR

10-700-04-11-00-0-00-000
TAYLOR AARON & SUE A-TR
4705 E HUNTER ROAD
SIBLEY MO 64088

**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- 523

Date filed 9-9-15 Date of hearing 10-15-15

Date advertised 9-30-15 Date property owners notified 9-30-15

Date signs posted 9-30-15

Hearings: Heard by PC Date 10-15-15 Decision _____

Heard by WJ Date _____ Decision _____

Heard by LEG Date _____ Decision _____

BEGIN APPLICATION HERE:

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

- a. Applicant(s) Name: Aaron Yeager
Address: 801 S. Van Dyke Road
Buckner, mo. 64016
Phone: 816-898-6751
- b. Owner(s) Name: Crazy Horse Development Company
Address: 923 NE Woods Chapel Rd, suite 460 Lees Summit, MO. 64064
Phone: 816-478-8182
- 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: purchasing property and building new homes
2. General location (Road Name) Blue Mills Rd and old Atherton Rd
3. Present Zoning AG Requested Zoning RE
4. AREA (sq. ft. / acres) 13.85 acres +/-
5. Legal Description of Property: (Write Below or Attached 9)
Attached
6. Present Use of Property: vacant hay ground
7. Proposed Use of Property: building of 4 new homes
8. Proposed Time Schedule for Development: 2015 / 2016
9. What effect will your proposed development have on the surrounding properties?
None that we are aware of
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 City of Independence
- b. Sewage disposal private on site system
- c. Electricity KCP&L
- d. Fire and Police protection Fort Osage / Jackson County Sheriffs Dept.
12. Describe existing road width and condition: 2 lane black top very good condition

13. What effect will proposed development have on existing road and traffic conditions? None that we are aware of.

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? None that we are aware of.

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 _____ Date _____
Property Owner(s) Crazy Horse Dev. Co. 9-8-15
[Signature]

Applicant(s): Aaron Yeager 9-8-15
[Signature]

Contract Purchaser(s): Aaron Yeager 9-8-15
[Signature]

STATE OF Missouri
COUNTY OF Jackson

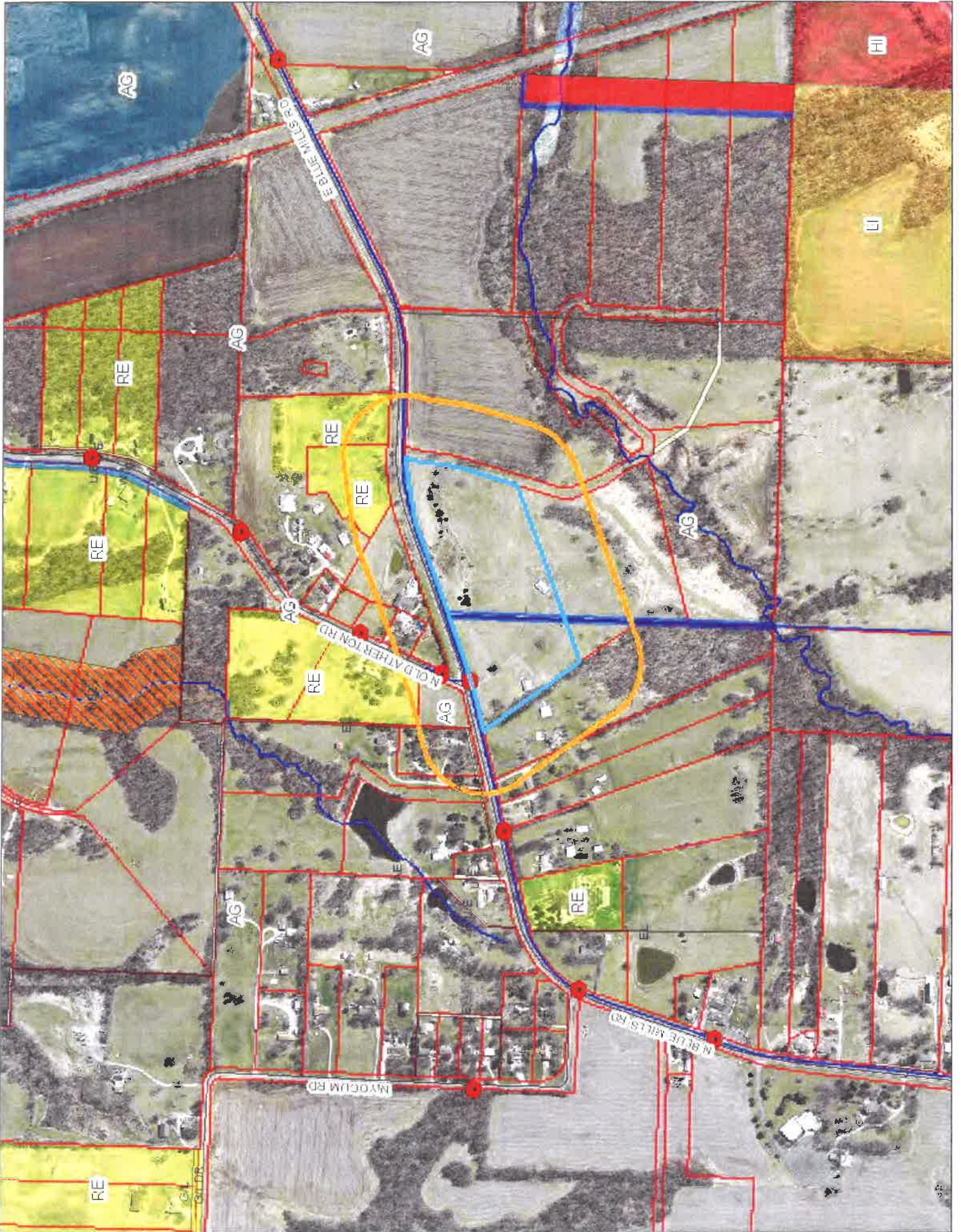
**JOANN LATHROM
NOTARY PUBLIC-NOTARY SEAL
STATE OF MISSOURI
JACKSON COUNTY
MY COMMISSION EXPIRES 12/3/2016
COMMISSION #12420621**

On this 8th day of September, in the year of 2015, before me
the undersigned notary public, personally appeared Aaron Yeager

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 Joann Lathrom Commission Expires 12/3/2016



PRELIMINARY
OURAY ESTATES - LOTS 1 THRU 4
 PART OF THE SOUTHEAST QUARTER OF SECTION 16
 TOWNSHIP 50 NORTH, RANGE 31 WEST
 SACAGAWAH COUNTY, MONTANA



SITE LOCATION MAP



TOWNSHIP 50 NORTH, RANGE 31 WEST

LEGEND



REFERENCE MATERIAL

PLANS INFORMATION

NOTES

PROPERTY DESCRIPTION

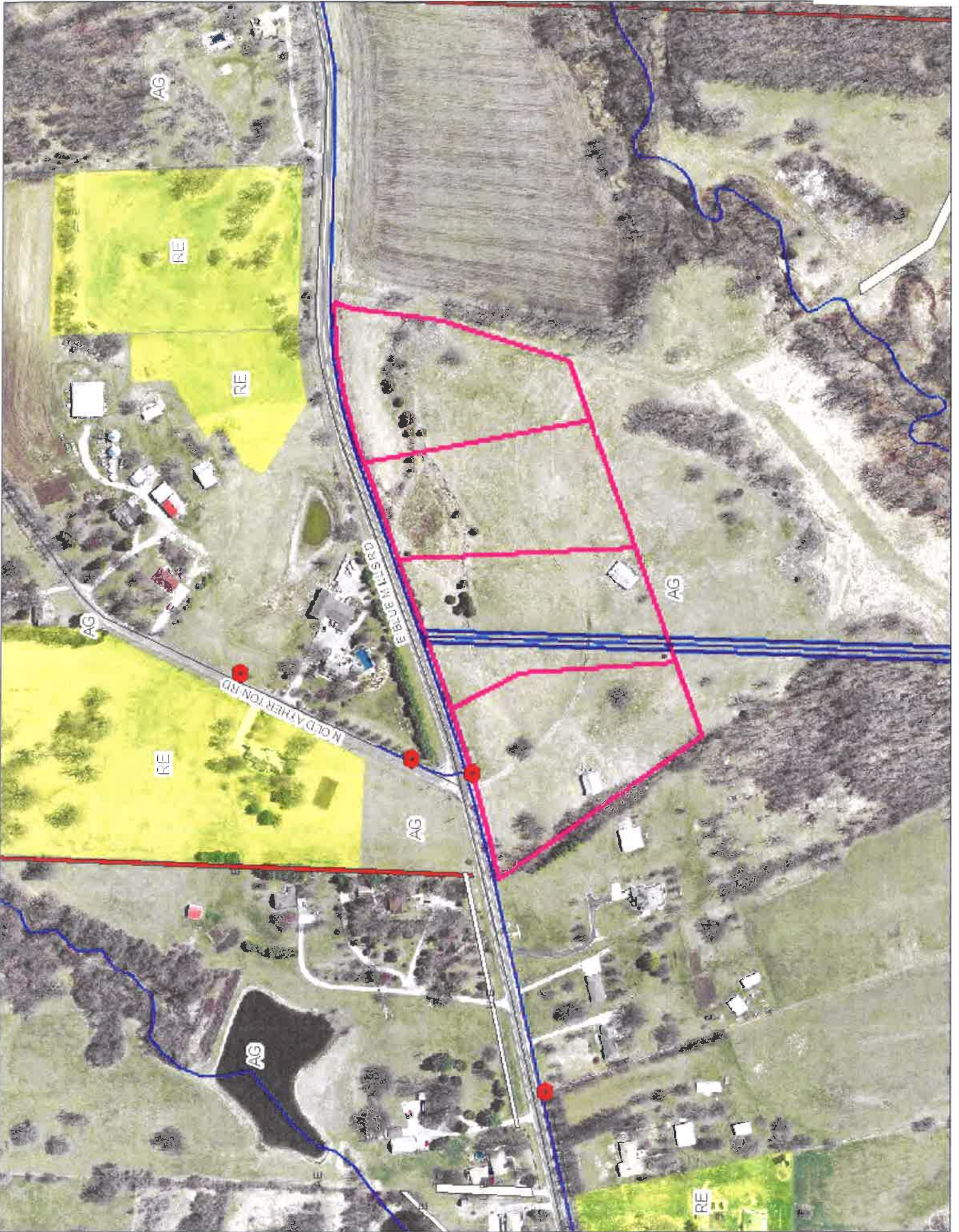
POWELL AND ASSOCIATES, LLC

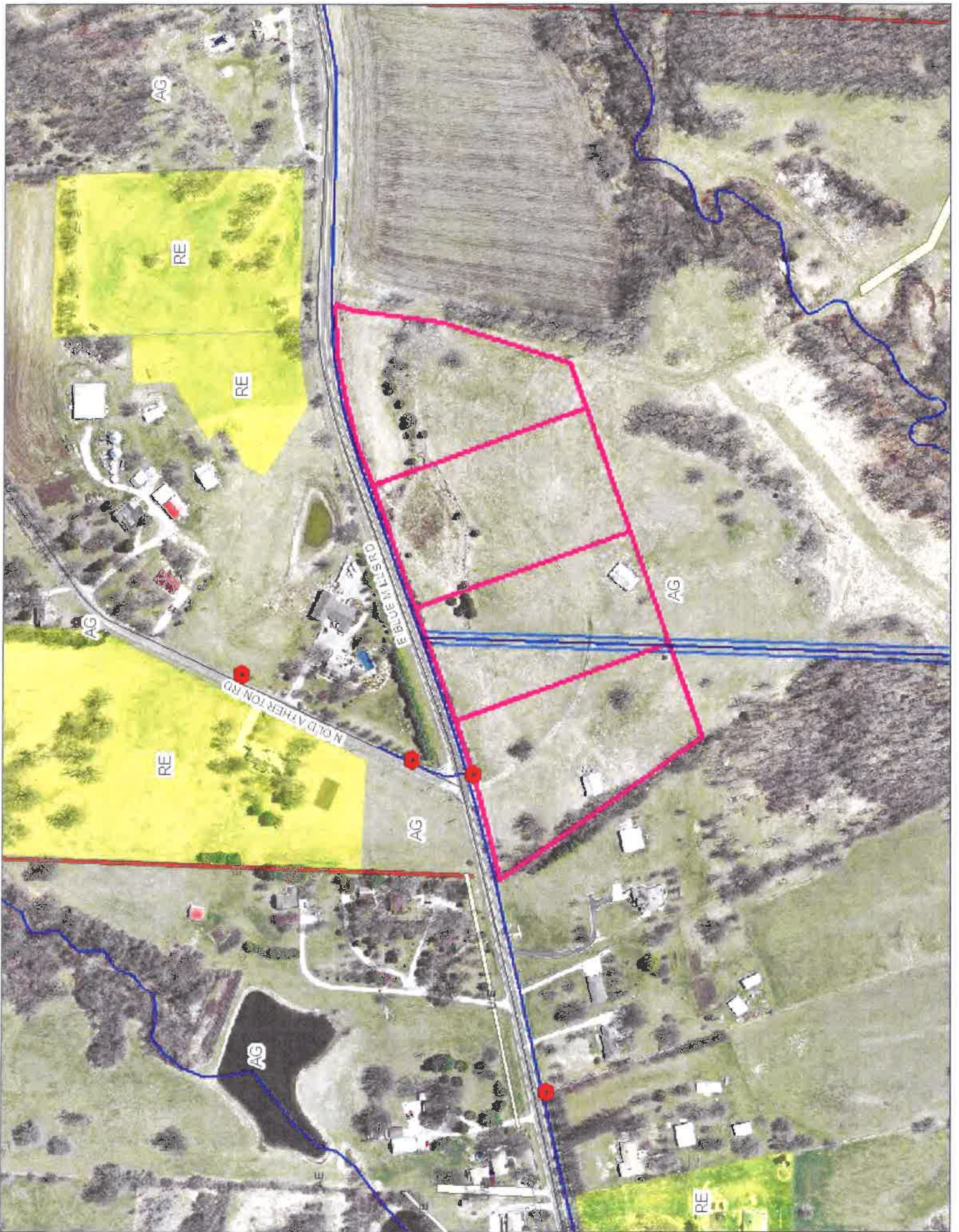
POINT OF COMMENCEMENT

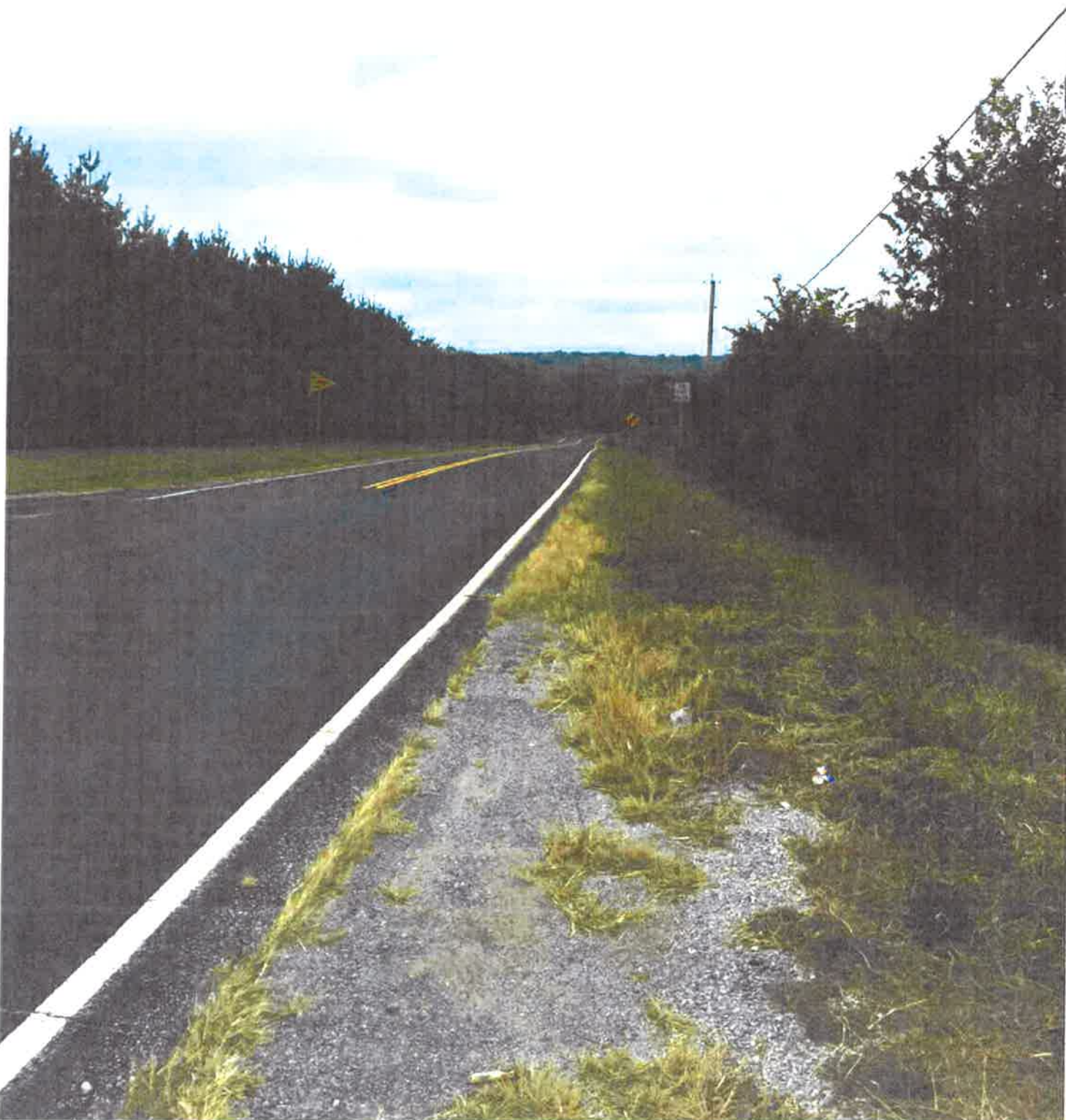
POWELL AND ASSOCIATES, LLC

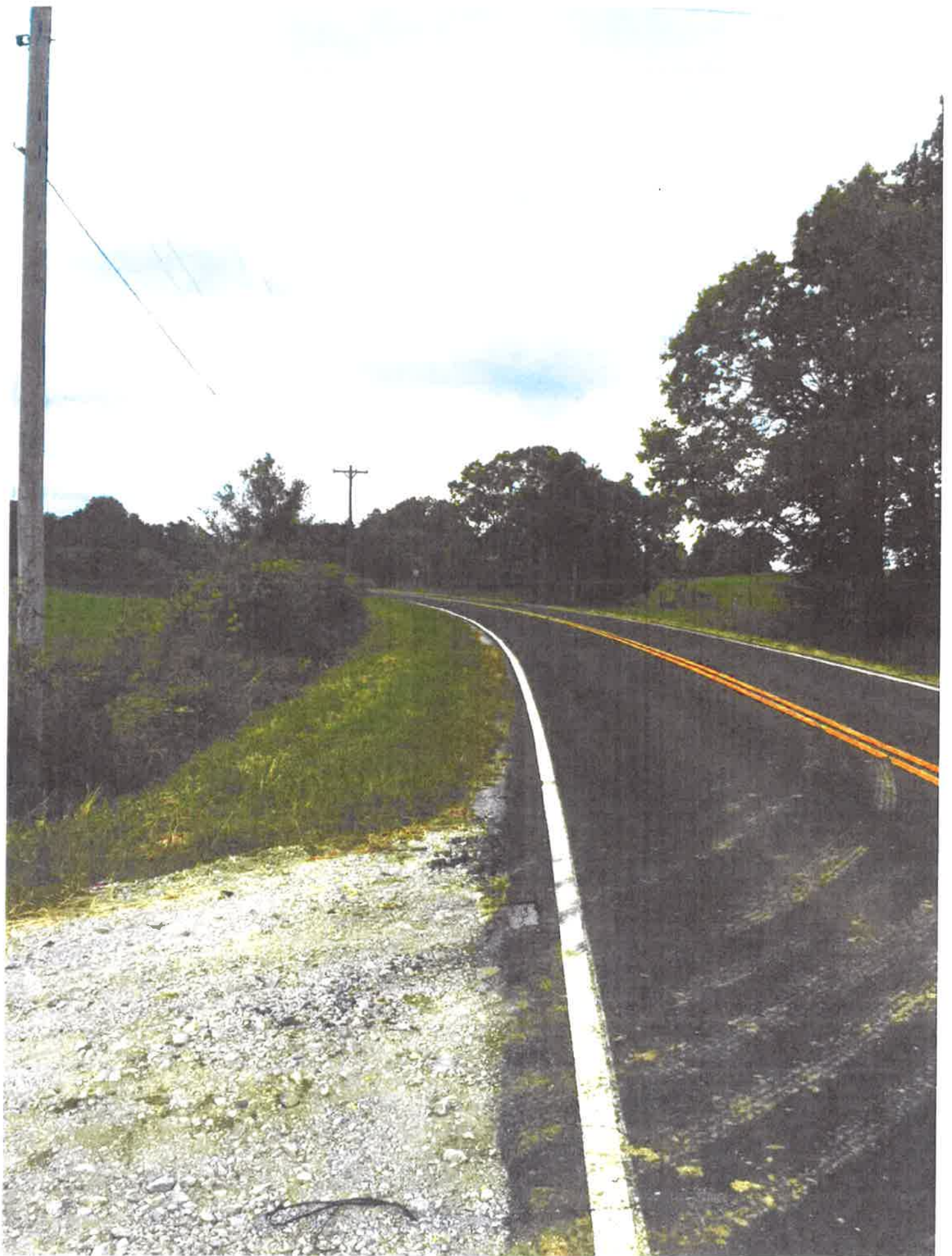
PREPARED FOR:		DRAWN BY:		CHECKED BY:		DATE:	
OWNER:	OURAY ESTATES - LOTS 1 THRU 4	DRAWN:	[Name]	CHECKED:	[Name]	DATE:	[Date]
PROJECT:	OURAY ESTATES - LOTS 1 THRU 4	SCALE:	[Scale]	DATE:	[Date]	DATE:	[Date]











Ord. 4798





SUBDIVISION REPORT

By Randy Diehl

Planning Commission

October 15, 2015

RE: Ouray Estates

APPLICANT/DEVELOPER: Aaron Yeager & Crazy Horse Development Co

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City of Independence Water Department: There is a 6" water line on the south side of Blue Mills Road. The proposed lots will need to be tapped from this line. Lot 2 contains a 30 foot easement for a transmission line owned by the City.

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