

# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 4761

Sponsor(s): -----

Date: August 3, 2015

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Norbert Corn/OGMO Investment Co No. RZ-2015-518</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="305 485 1187 800"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT  TO ACCT</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> 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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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, Zoning Compliance Supervisor, 881-4577											
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on 5.00 ± acres to District RR (Residential Ranchette). The 5.00 ± acres are located in Section 03, Township 49, Range 30, in Jackson County, Missouri, aka 1607 S. Cartmill Road. The 5.00 ± acres will be platted as a one lot subdivision, Lawler Acres, 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 7 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 D. Gaddie, P.E. Director of Public Works	Date:										
	Finance (Budget Approval): <i>If applicable</i>	Date:										
	Division Manager: <i>Marylou Brown</i>	Date: 7/28/15										
	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.

RZ-2015-518

ATTACHMENT TO RLA 1:

DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 49 NORTH, RANGE 30 WEST, JACKSON COUNTY, MISSOURI, BEING PART OF TRACT I AS DESCRIBED BY THE DEED OF RELEASE RECORDED UNDER DOCUMENT NUMBER 2012E0007340 OF THE JACKSON COUNTY RECORDS, AND BEING PART OF TRACT A, AS SHOWN BY THE CERTIFICATE OF SURVEY PREPARED BY NOLTE LAND SURVEYING AND RECORDED UNDER DOCUMENT NUMBER 2010E0022362 OF THE JACKSON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE ALONG THE NORTH LINE OF SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 3, SOUTH 88°06'18" EAST, 10.80 FEET, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SOUTH CARTMILL ROAD, AS NOW ESTABLISHED, SAID POINT BEING THE NORTHWEST CORNER OF SAID TRACT A; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE AND THE WEST LINE OF SAID TRACT A, SOUTH 01°05'46" WEST, 719.15 FEET, TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, SOUTH 88°06'21" EAST, 475.98 FEET, TO A POINT ON THE EAST LINE OF SAID TRACT A; THENCE ALONG SAID EAST LINE, SOUTH 01°09'28" WEST, 581.05 FEET, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EAST TRUMAN ROAD, AS NOW ESTABLISHED, SAID POINT BEING THE SOUTHEAST CORNER OF SAID TRACT A; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE AND ALONG THE SOUTHERLY LINES OF SAID TRACT A, THE FOLLOWING CALLS AND DISTANCES; ALONG A CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF NORTH 46°14'40" WEST, A RADIUS OF 686.62 FEET, A DELTA ANGLE OF 37°16'04", AND AN ARC LENGTH OF 446.62 FEET; THENCE NORTH 83°30'43" WEST, 25.90 FEET; THENCE NORTH 77°48'05" WEST, 49.69 FEET, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID CARTMILL ROAD, SAID POINT BEING THE SOUTHWEST CORNER OF SAID TRACT A; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE AND ALONG THE WEST LINE OF SAID TRACT A, NORTH 01°05'46" EAST, 397.03 FEET, TO THE POINT OF BEGINNING, AND CONTAINS 5.00 ACRES, MORE OR LESS.

**ATTACHMENT TO RLA-2:**

Attachments

Plan Commission Public Hearing Summary from July 16, 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  
Photos of Property  
Certificate of Survey from 2010  
Preliminary Plat of Lawler Acres  
Certificate of Survey for 20.51 acres

# Jackson County Plan Commission

## Summary of Public Hearing

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**Date:** July 16, 2015

**Place:** Independence City Hall,  
Conference Room D  
111 E Maple, Independence, MO

**Attendance:** Chairman Antey  
  
Mr. Gibler  
Mr. Haley  
Mr. Crawford  
  
Mrs. Querry  
Mr. Akins  
Mr. Pointer

**Staff:** Randy Diehl  
Amy Keister  
Jay Hayden

Mr. Pointer and Mr. Tarpley were absent.

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

At 8:30 am Chairman Antey called to order the July 16, 2015 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 May 21, 2015. Mr. Akins made a motion to approve. Mr. Gibler seconded the motion. Voice vote.

Minutes of the May 21, 2015 Plan Commission meeting approved, 7-0.

### **Public Hearings**

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

**RE: RZ-2015-518**

**Randy Diehl gave the staff report**

**Applicant:** Norbert Corn/OGMO Investment Corp

**Location:** Section 03, Township 49, Range 30,  
1607 S. Cartmill Road

**Area:** 5.00 ± acres

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

**Purpose:** Applicant is requesting the change in zoning in order to subdivide  
property into a one lot subdivision to be known as Lawler Acres.

**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. There are tracts 10 acres and larger in the vicinity. Directly to the west of Cartmill Road is the City of Independence. Along Truman and Oakland School Roads are seven subdivisions ranging from 2.5 acres to approximately 6 acres in size. Three of these plats are within District RE (Residential Estates) and one is within District RR (Residential Ranchette).

The 5.00 acres is being taken from a tract 12.86 acre tract created by a Certificate of Survey in 2010. The remaining 7.86 acres, which contain an existing house, will be absorbed into a tract 20.51 acres in size.

**County Plan:**

The County Plan Development Diagram illustrates this area within the Urban Development Tier (UDT).

The Residential Ranchette District (RR) 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-2015-518

Respectfully submitted,

Randy Diehl  
Zoning Compliance Supervisor

Planning and Zoning Division

Mr. Antey:

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

*Is the applicant present?*

Norby Corn  
1523 S Cartmill Road  
Independence, Mo

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

*Are there any questions for the applicant?* (There were none)

*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)

Motion to take under advisement.

Mr. Gilbert moved to take under advisement? Mrs. Akins seconded.

Mr. Antey: The only question I had that Randy answered was the remnant tract is to be absorbed into another parcel and not left with a non-compliant tract.

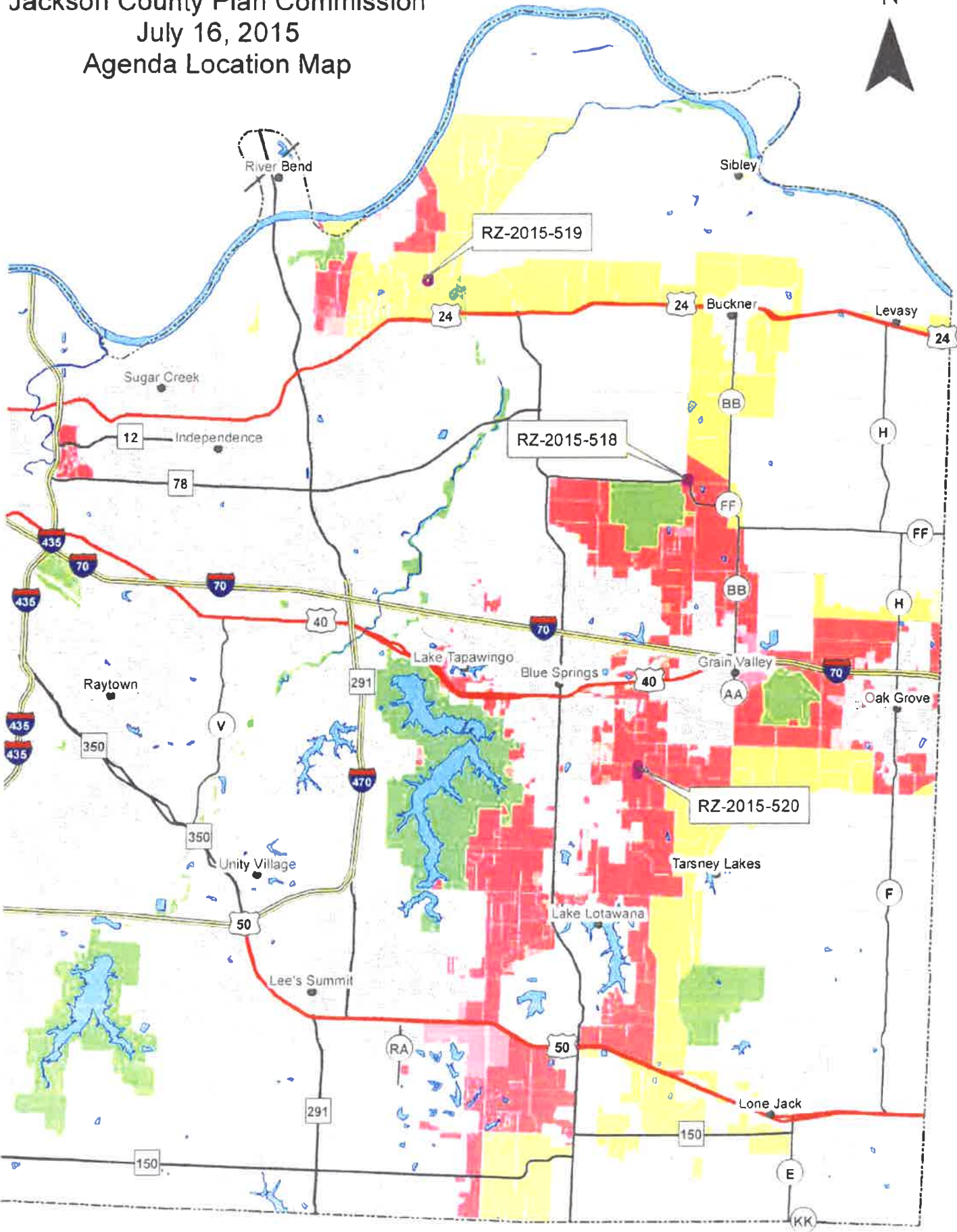
Mr. Akins motioned to approve RZ-2014-518. Mrs. Query seconded.

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

Motion Carried 7 – 0.

# Jackson County Plan Commission July 16, 2015 Agenda Location Map

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**STAFF REPORT**

**PLAN COMMISSION**

**July 16, 2015**

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Randy Diehl  
Zoning Compliance Supervisor

Planning and Zoning Division

**Plan Commission  
July 16, 2015  
RZ-2015-518**

**Applicants / Property Owners:**

**22-300-03-17  
OGMO Investment Corp  
115 W 15<sup>th</sup> St  
Oak Grove MO 64075**

**22-300-03-16  
22-300-03-11**

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

**23-100-04-13-00-0-00-000  
NELSON DANIEL & MAY ERIN N  
607 MONTANA RIDGE  
GRAIN VALLEY MO 64029**

**23-100-04-05-01-0-00-000  
OAKLAND CEMETERY ASSOC  
411 WALNUT  
GRAIN VALLEY MO 64029**

**22-300-03-10-00-0-00-000  
TARPENNING DAMIEL & MARIA  
30809 E TRUMAN ROAD  
BUCKNER MO 64016**

**22-400-02-49-00-0-00-000  
DRUMMOND GARY I-TR  
MARENCIK FRANCES-TR  
30901 E TRUMAN ROAD  
BUCKNER MO 64016**



# Jackson County Zoning Map

**Legend**

185' Notification Area

**Pending Rezoning**

**Zoning**

Residential Ranchette

Residential Suburban

Residential Estates

Streets

Tax Parcels

**Rezoning**

**Zoning**

RR-Residential Ranchette

RRp-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

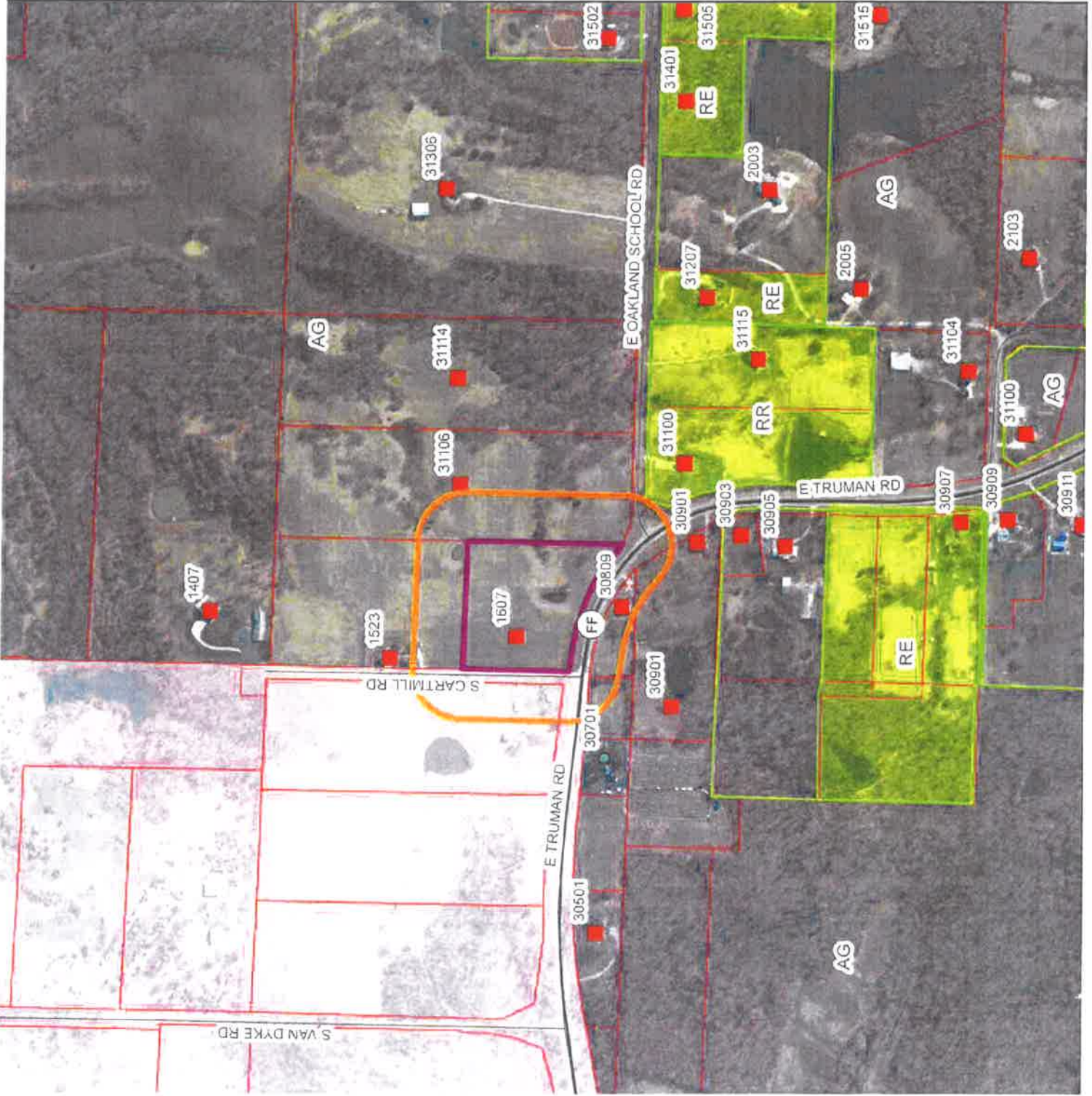
GB-General Business

GBp-General Business-Planned

LI-Light Industrial

LIp-Light Industrial-Planned

HI-Heavy Industrial



EX. 5

RZ-2015-518

Ord. 4761

1 inch = 500 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-2015-518  
 Date filed 5-10-15 Date of hearing 7-16-15  
 Date advertised 7-1-15 Date property owners notified 7-1-15  
 Date signs posted 7-1-15

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: Norby Corn  
 Address: 1523 S. Cartmill Rd., Buckner, MO 64016  
 Phone: 816-807-0052
  - b. Owner(s) Name: OGMO Investment Corp.  
 Address: 115 W. 15TH St. Oak Grove, MO 64075  
 Phone: \_\_\_\_\_
  - c. Agent(s) Name: Powell and Associates, LLC

Address: 901 NW Vesper Street

Phone: 816-228-7070

d. Applicant's interest in Property: Owner

2. General location (Road Name) 1523 S. Cartmill Rd.

3. Present Zoning Agriculture Homesite Requested Zoning Residential Ranchette

4. AREA (sq. ft. / acres) 5.0

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

Attached

6. Present Use of Property: Agricultural

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: n/a

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

None

10. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? No

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

11. Describe the source/method which provides the following services, and what effect the development will have on same:

a. Water Public Water Supply District 16

b. Sewage disposal On-Site Septic

c. Electricity KCP&L

d. Fire and Police protection Fort Osage Fire District / Jackson County

12. Describe existing road width and condition: 14' Asphalt in fair condition

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13. What effect will proposed development have on existing road and traffic conditions? None

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14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? No

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If so, describe giving dates of application and status (include permit numbers and copies of same, if issued):

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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) U.F.M.O Investment Corp.  
Thad J. C. Pres

6/9/15

Applicant(s):

Contract Purchaser(s):

STATE OF Missouri  
COUNTY OF Jackson

On this 9<sup>th</sup> day of JUNE, in the year of 2015, before me  
the undersigned notary public, personally appeared NORBERT G. CORN, PRESIDENT

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.

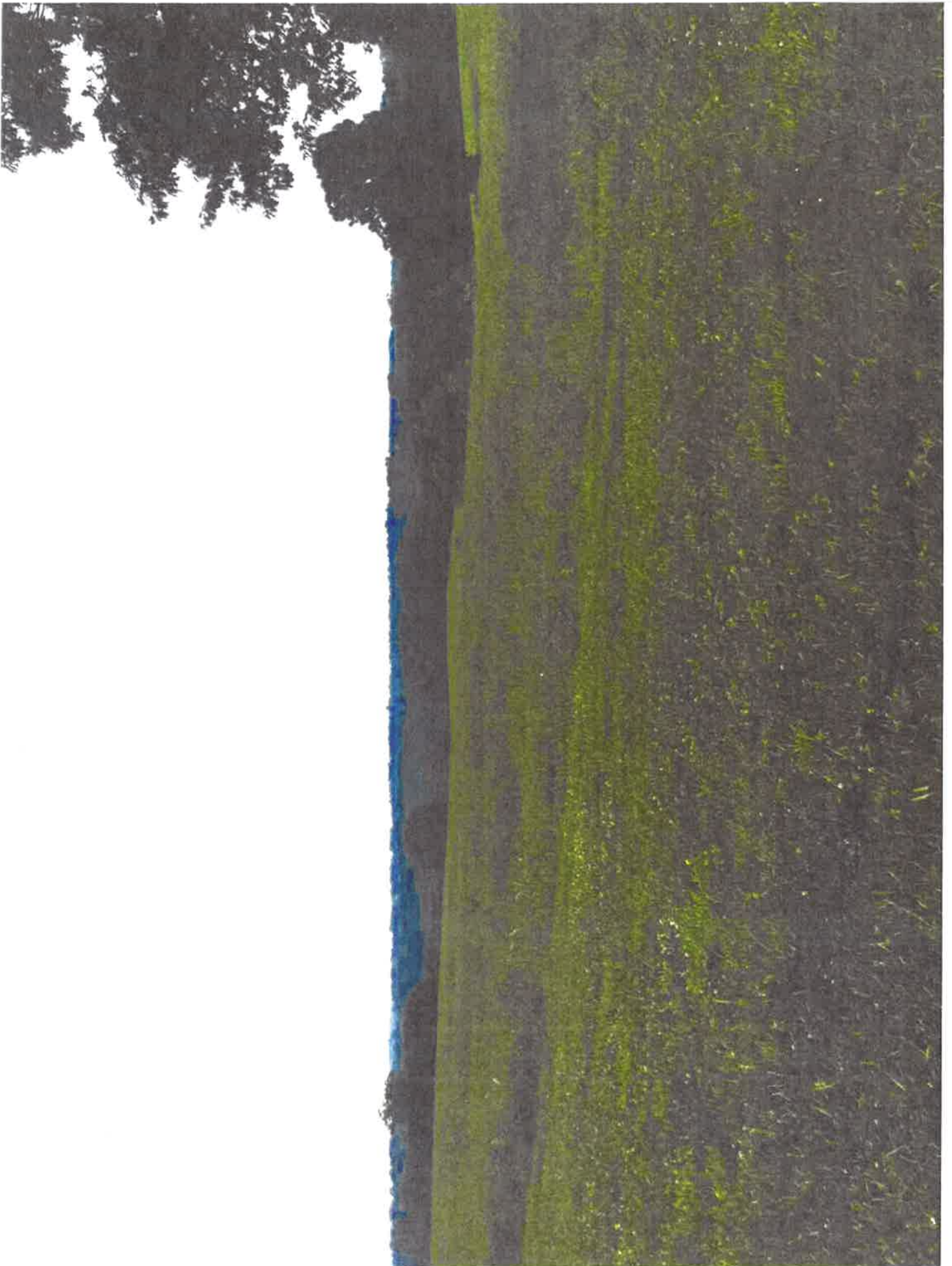
Notary Public Marianne Clark

Commission Expires 4-21-19











Ord. 4761





