


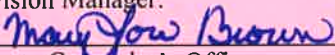
REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~ Ord No.: 4799

Sponsor(s): xxxxxx

Date: November 16, 2015

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Garry Cunningham Case No. RZ-2015-524</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="305 489 1183 802"> <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
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, Administrator, Development Division, 881-4577											
REQUEST SUMMARY	Requesting a change of zoning from district RR (Residential Ranchette) to District AG (Agricultural) on a 17.5 +/- acre tract. The 17.5 acres are legally described as Twin Oak Estates, Lots 1 – 3 & Tract A, a subdivision in Jackson County, Missouri, aka 36008 E. Gardner Road, and specifically described on Attachment to RLA-1. Staff recommends approval because this vacation 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: 11/4/2015 Date: Date:  11/10/15 Date:										
	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-2015-524

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

RZ-2015-524

Ord. 4799

ATTACHMENT TO RLA 1:

Description:

Twin Oak Estates, Lots 1 – 3 & Tract A, a subdivision in Jackson County, Missouri

RE: LA-2015-034 & RZ-2015-524

Randy Diehl gave the staff report:

For presentation purposes both applications were presented as one report. However, there will need to be two separate actions taken. One for LA-2015-032, the vacation of the platted lot, and one for RZ-2015-517, the rezoning of the lot to District AG.

Applicant: Garry Cunningham

Randy Diehl gave the staff report

Location: Gardner Road

Area: 17.5 ± acres

LA-2015-034

Request: Vacate Lots 1–3 & Tract A, Twin Oak Estates.

Purpose: The vacation would allow the 17.5 ± acres to be resurveyed into four different tracts, 10 acres and larger, including two additional tracts owned by the applicant, and located to the north of the lots.

Since the proposed tracts are greater than 10 acres in size, they are not required to be platted. A Certificate of Survey filed with the Recorder of Deeds to divide the property.

RZ-2015-524

Request: Rezone from District RR (Residential Ranchette) to AG (Agricultural)

Purpose: The vacation would allow the 17.5 ± acres to be absorbed into parts of four different 10 acres and larger.

Zoning: Current – District RR (Residential Ranchette)
Proposed – District AG (Agricultural)

With the vacation of the platted lot (action taken by LA-2015-034) this allows all the proposed tracts within District AG.

Recommendation:

Staff recommends APPROVAL of LA-2015-034 and RZ-2015-524.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey:

Are there any questions for Randy?

Mrs. Mershon: Do the parcels all have access to a road?

Mr. Diehl: Three will have access onto Gardner Road, the other off of Fields Road.

Mr. Crawford: Is there any creeks on the property

Mr. Diehl: There is a creek running through the property, which is effected by a Special Flood Hazard Area.

Is the applicant present?

Garry Cunningham, 36008 E. Gardner Road, Oak Grove

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?

Scott Van Hooser: 36001 E Gardner Road, I'm just wondering, can they sell it for residential purposes, since it is greater than 10 acres, if is Ag.

Mr. Diehl: Yes

Motion to take under advisement.

Mr. Tarpley moved to take under advisement. Mr. Akins seconded.

Mr. Akins: Looks like a better land use to me.

Motion to approve.

Mr. Crawford motioned to approve LA-2015-034. Mr. Akins 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. Tarpley motioned to approve RZ-2015-524. Mr. Akins 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.

Plan Commission
October 15, 2015
LA-2015-034
RZ-2015-524

Ord. 4799

Applicants / Property Owners:

**Garry Cunningham
36008 E. Gardner Road
Oak Grove, MO 64075**

**Parcel No: 21-900-03-58
21-900-03-59
21-900-03-60
21-900-03-61**

**21-900-02-13-02-4
21-900-02-22**

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

21-900-04-08-00-0-00-000
ADAMS RUSSELL L & PATRICIA A
36503 E GARDNER RD
OAK GROVE MO 64075

21-900-03-45-00-0-00-000
BAILEY JAMES B & NANCY E
PO BOX 229
BUCKNER MO 64016

21-900-03-42-00-0-00-000
BOLANDER BILLIE JOANNE-TRUSTEE
3103 S FIELDS RD
OAK GROVE MO 64075

21-900-03-54-00-0-00-000
CAPONETTO MITCHELL A &
36011 E GARDNER RD
OAK GROVE MO 64075

21-900-03-08-00-0-00-000
CORNWELL BRUCE A & DIANNA
3310 S GARDNER RD
OAK GROVE MO 64075

21-900-03-43-00-0-00-000
CROSSLAND ROBERT W & DEBBIE M
3111 S FIELDS RD
OAK GROVE MO 64075

21-900-03-44-00-0-00-000
CROSSLAND ROBERT W & DEBBIE M

21-900-03-57-00-0-00-000
DILL WILBERT E & LOIS M
3303 GARDNER RD
OAK GROVE MO 64075

21-900-02-13-02-2-00-000
DOUBLEDEE MELVIN D
3003 S FIELDS RD
OAK GROVE MO 64075

21-900-01-20-00-0-00-000
GONDRAN BARBARA L
PO BOX 812
GRAIN VALLEY MO 64029

21-900-03-62-00-0-00-000
GRIESSEL DAN P & WF
3305 S FIELDS RD
OAK GROVE MO 64075

21-900-03-35-00-0-00-000
GRUBB RONALD D & JOYCE
3221 S FIELDS RD
OAK GROVE MO 64075

21-900-03-46-00-0-00-000
HIPSHER DARRYL J & DANA M SANTULLI
3205 S FIELDS RD
OAK GROVE MO 64075

21-900-03-53-00-0-00-000
HUFF DAVID B & ELIZABETH D
36103 E GARDNER RD
OAK GROVE MO 64075

21-900-03-56-00-0-00-000
HUNT ROBERT L & CAROL J-TRUSTEES
36305 E GARDNER RD
OAK GROVE MO 64075

21-900-03-05-00-0-00-000
LYONS RICHARD H & WF
3302 S GARDNER RD
OAK GROVE MO 64075

21-900-01-21-00-0-00-000
MINTON KENT W & KAREN S
36500 E GARDNER RD
OAK GROVE MO 64075

21-900-01-12-00-0-00-000
MINTON KENT W & KAREN S

21-900-03-01-00-0-00-000
MINTON KENT W & KAREN S

21-900-04-03-00-0-00-000
MINTON KENT W & KAREN S

21-900-04-09-00-0-00-000
MINTON KENT W & KAREN S

21-900-02-13-02-7-00-000
SCOTT DONALD & WILLENA F TRUSTEE
36205 E TRUMAN RD
OAK GROVE MO 64075

21-900-02-13-02-8-00-000
SCOTT DONALD & WILLENA F TRUSTEE

21-900-02-13-02-8-00-000
SCOTT DONALD & WILLENA F TRUSTEE

21-900-03-52-00-0-00-000
SHACKLES BRIAN S & HEIDI J
36201 E GARDNER RD
OAK GROVE MO 64075

21-900-03-51-00-0-00-000
THEROFF MARVIN W & ANNITA C
36301 E GARDNER RD
OAK GROVE MO 64075

21-900-03-21-00-0-00-000
THOMAS MICHAEL R
3220 S GARDNER RD
OAK GROVE MO 64075

21-900-03-55-00-0-00-000
VAN HOOSER J SCOTT & TRACY M
36001 E GARDNER RD
OAK GROVE MO 64075

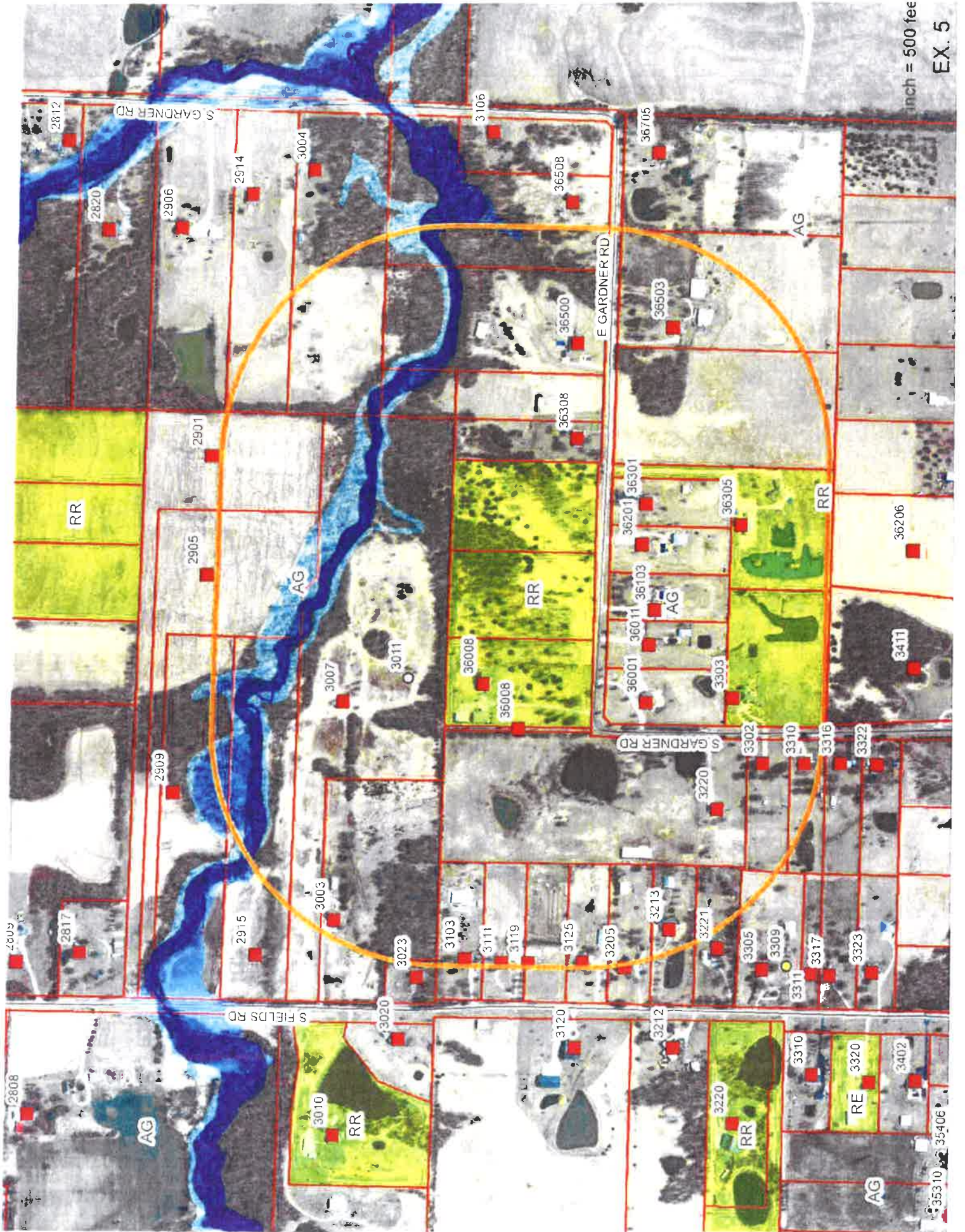
21-900-02-06-00-0-00-000
VANDERPOOL JIMMIE B &
PO BOX 14
OAK GROVE MO 64075

21-900-03-34-00-0-00-000
WEBB DUANE E
3213 S FIELDS RD
OAK GROVE MO 64075

21-900-04-07-00-0-00-000
WHITE STEPHEN L & HEATHER M
36705 E GARDNER RD
OAK GROVE MO 64075

21-900-01-11-02-0-00-000
WILCOX BILLY R & PAULA J
3004 S GARDNER
OAK GROVE MO 64075

21-900-01-11-01-1-00-000
WILLIS RANDY M & JOHANNA M
2914 S GARDNER RD
OAK GROVE MO 64075



1 inch = 500 feet
EX. 5

JACKSON COUNTY, MISSOURI
APPLICATION FOR CHANGE OF ZONING

Ord. 4799

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 -524

Date filed 9-11-15 Date of hearing 10-13-15

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 LJ Date _____ Decision _____

Heard by LEH Date _____ Decision _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):
 - a. Applicant(s) Name: Garry D Cunningham
 - Address: 36008 Gardner Rd
Oak Grove MO 64075
 - Phone: 816-506-8874
 - b. Owner(s) Name: _____
 - Address: _____
 - Phone: _____
 - c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: _____

2. General location (Road Name) GARDNER Rd

3. Present Zoning RR Requested Zoning AG

4. AREA (sq. ft. / acres) 18 +/- Acres

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

6. Present Use of Property: _____

7. Proposed Use of Property: _____

8. Proposed Time Schedule for Development: _____

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? _____

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 SAME

b. Sewage disposal SAME

c. Electricity SAME

d. Fire and Police protection SAME

12. Describe existing road width and condition: PAVED ROAD

13. What effect will proposed development have on existing road and traffic conditions? NONE UNINCORPORATED - AGRICULTURAL

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		Date	
Property Owner(s)	<u>Garry Cunningham</u>		_____
	_____		_____
Applicant(s):	<u>Garry Cunningham</u>		_____
	_____		_____
Contract Purchaser(s)	<u>Garry Cunningham</u>		_____
	_____		_____

STATE OF Missouri
COUNTY OF Jackson

On this 11th day of September, in the year of 2015, before me the undersigned notary public, personally appeared Garry D. Cunningham

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 Linda Gail Allen Commission Expires 01/19/2019



LINDA GAIL ALLEN
My Commission Expires
January 19, 2019
Jackson County
Commission #14492715

