


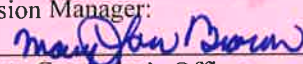
# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Ord~~ Ord No.: 4939

Sponsor(s): None

Date: November 28, 2016

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Marc &amp; Tonya Busker and Al &amp; Donna Hainen. RZ-2016-544</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="308 472 1185 787"> <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                       TO ACCT                 </td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <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:	\$											
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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, Administrator, Development Division, 881-4577											
REQUEST SUMMARY	District RS (Residential suburban). The proposed land use is a one lot subdivision. The 3.00 ± acres are located in Section 12, Township 48, Range 31, in Jackson County, Missouri, aka 3120 SW Liggett 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 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    Finance (Budget Approval): <i>If applicable</i>  Division Manager:   County Counselor's Office:	Date:   Date:   Date: 11/22/16 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-2016-544**

**ATTACHMENT TO RLA 1:**

**Description:** A Tract Of Land Located In Part Of The Northwest Quarter Of Section 12, Township 48 North, Range 31 West, Jackson County, Missouri, Being Part Of The Tract Described By The Warranty Deeds Recorded Under Document Number 2000i0051903 And Under Document Number 2002i0067741, Both Of The Jackson County Records, And Being More Particularly Described As Follows:

Commencing At The Southwest Corner Of Said Northwest Quarter, Thence Along The South Line Of Said Northwest Quarter, South 88°05'12" East, 1620.06 Feet; Thence Leaving Said South Line, North 02°00'42" East, 69.27 Feet, To The Southwest Corner Of Lot 1, Payne's Estates, Lots 1 & 2, A Subdivision In Blue Springs, Jackson County, Missouri, Said Point Being On The North Right-Of-Way Line Of Liggett Road, As Now Established, The Point Of Beginning;

Thence From The Point Of Beginning, Along Said North Right-Of-Way Line, South 89°29'25" West, 266.44 Feet; Thence Leaving Said North Right-Of-Way Line, North 02°01'15" East, 395.47 Feet; Thence North 51°14'34" East, 36.14 Feet; Thence North 70°27'49" East, 67.31 Feet; Thence North 55°58'55" East, 48.57 Feet; Thence North 44°23'14" East, 82.97 Feet; Thence North 54°41'58" East, 45.07 Feet; Thence North 79°45'24" East, 45.58 Feet; Thence South 12°54'29" East, 49.20 Feet; Thence South 06°58'14" West, 139.90 Feet, To The Northwest Corner Of Said Lot 1; Thence Along The West Line Of Said Lot 1, South 02°00'42" West, 372.00 Feet, To The Point Of Beginning, And Contains 2.96 Acres, More Or Less; Said Descriptions To Be Known As Lot 1, Gator Acres

**ATTACHMENT TO RLA-2:**

Attachments

Plan Commission Public Hearing Summary from November 17, 2016

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

**RE: RZ-2016-544**

**Randy Diehl gave the staff report:**

**RE: RZ-2016-544**

**Applicant:** Al D. & Donna Hainen, and Marc J & Tonya D. Busker

**Location:** 3120 SW Liggett Road

**Area:** 3 ± acres in Section 12, Township 48, Range 31

**Request:** Change of zoning from District AG (Agricultural) to District RS (Residential Suburban)

**Purpose:** Applicant is requesting the change in zoning for a one lot subdivision.

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

The zoning in the immediate area is Agricultural with the land use being single family residences. The area is an unincorporated island surrounded by the city of Blue Springs to the South and East, and Lake Jacomo and Blue Springs Lake to the North and West.

Jacomo Place, directly to the West, is a Community Development Plan created in 1984.

The applicant's tract is one of three tracts created in 1973. This tract was originally 13.60 acres in size. 2.20 acres were sold off the East side by the former owners in 1988, leaving the tract 11.40 acres in size. Access from Liggett Road for the three properties is provided along a 30 foot easement established in 1973.

The applicants purchased the property in 2000. A permit for an accessory dwelling was issued in 2000. The main residence was originally served by an on-site waste water system. Since 2001 the residence and the accessory dwelling are now both tied into the public sewer system administered by the City of Blue Springs.

In 2002 a 3 ± acre tract was purchased from the property owners to the South. The South 50 ± feet were acquired by the City of Blue Spring in 2005 for the continuation of Moreland School Road.

The applicants are wishing to separate both residences onto separate tracts. The main residence will need to remain on a tract no smaller than 10 acres in size. The smaller lot will be approximately 3 acres in size and have frontage along Moreland School Road.

**County Plan:**

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

District RS (Residential Suburban) is appropriate for the Urban Development Tier.

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2016-544

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

Mr. Antey: *Are there any questions for Randy?*

Mr. Tarpley: Is there a road on the easement?

Mr. Diehl: Yes, there is a roadway that runs the length of the easement to serve all the residents.

Mr. Tarpley: Where is the driveway for the new lot?

Mr. Diehl: They will be sharing the existing driveway off the easement. The property line runs along here (the driveway). More than likely there'll be an ingress/egress across the drive. There will be no new driveway off of Moreland School Road.

Short discussion about the access onto Moreland School Road. The access point for both Jacomo Place and the three acreage tracts onto Moreland School Road were moved during the reconstruction of Liggett Road in 2006.

Mr. Tarpley: Why does the larger tract need to stay AG?

Mr. Diehl: Since it is 10 acres or larger it will remain in AG. The 3 acres that are to be platted is all that needs to be rezoned.

Mr. Tarpley: Where does the sewer system go to?

Mr. Diehl: Both residences connect to the City of Blue Springs sewer system that runs along the East side of the property.

*Is the applicant here?*

Donna Hainen: 3120 SW Liggett Road, Blue Springs

Mr. Antey: *Do you have anything to add to Randy's report?*

Mrs. Hainen: The reason we are dividing is because our daughter's mortgage company doesn't want to houses on the same property.

Mr. Tarpley: What do they want them separated?

Mr. Snyder: They are concerned if a foreclosure happens, will they take one or both houses.

Mr. Antey: *Is there anyone else who is in favor of this application?*

There were none.

Mr. Antey: *Is there anyone who is opposed or has questions about this application?*

There were none.

Motion to take under advisement.

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

*Discussion under advisement*

Motion to approve.

Mrs. Mershon moved to approve RZ-2016-544. Mrs. Querry seconded.

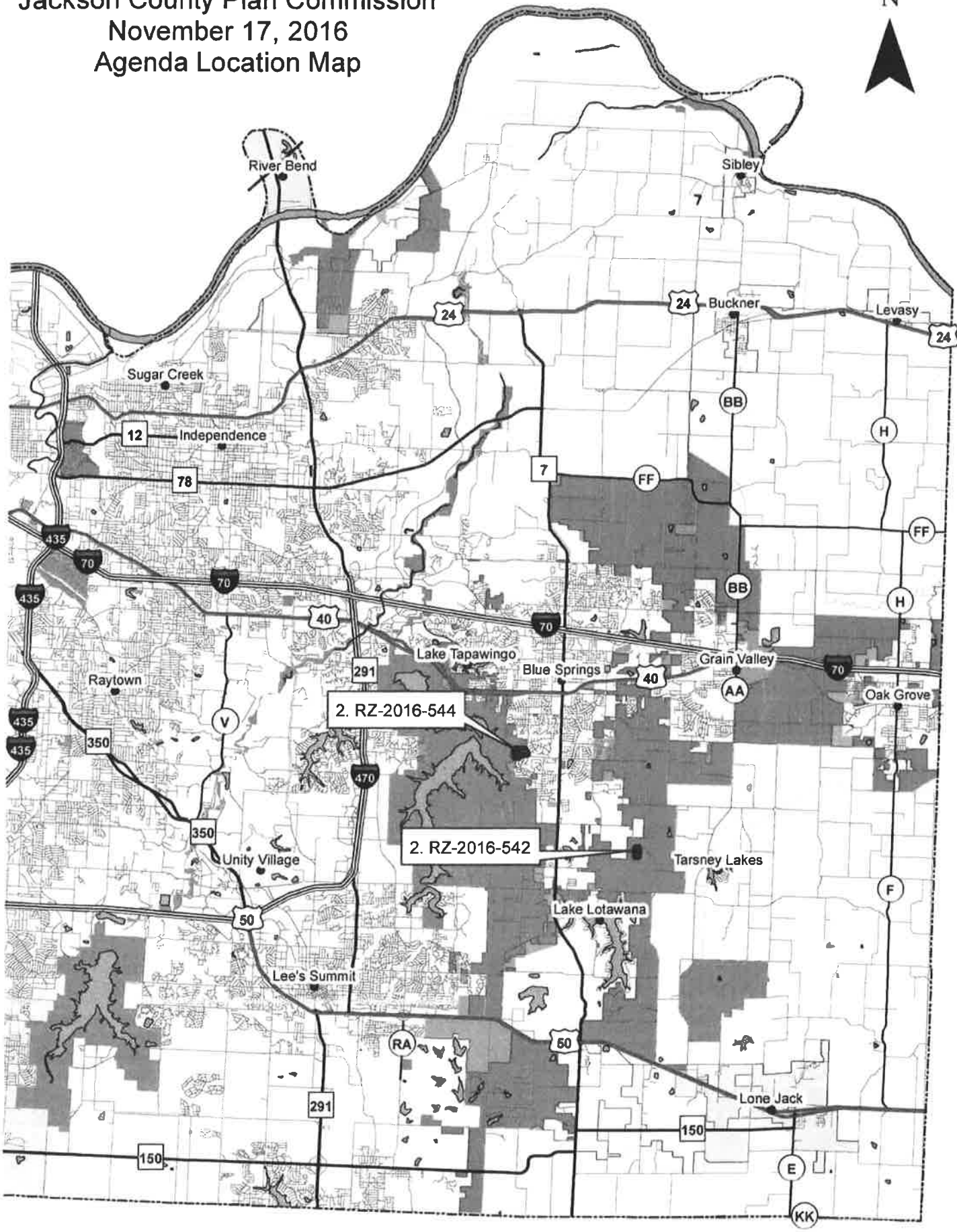
Motion to approve.

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

Motion Carried 7 – 0.

Jackson County Plan Commission  
November 17, 2016  
Agenda Location Map

N





**STAFF REPORT****PLAN COMMISSION  
November 17, 2016****RE: RZ-2016-544**

**Applicant:** Al D. & Donna Hainen, and Marc J & Tonya D. Busker

**Location:** 3120 SW Liggett Road

**Area:** 3 ± acres in Section 12, Township 48, Range 31

**Request:** Change of zoning from District AG (Agricultural) to District RS (Residential Suburban)

**Purpose:** Applicant is requesting the change in zoning for a one lot subdivision.

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

The zoning in the immediate area is Agricultural with the land use being single family residences. The area is an unincorporated island surrounded by the city of Blue Springs to the South and East, and Lake Jacomo and Blue Springs Lake to the North and West.

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The applicants are wishing to separate both residences onto separate tracts. The main residence will need to remain on a tract no smaller than 10 acres in size. The smaller lot will be approximately 3 acres in size and have frontage along Moreland School Road.

**County Plan:**

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

District RS (Residential Suburban) is appropriate for the Urban Development Tier.

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2016-544

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

Plan Commission  
November 17, 2016  
RZ-2016-544

Applicants / Property Owners:

42-600-02-09-02, 42-600-02-10-02  
Alphonse D & Donna Ann Hainen  
3120 SW Liggett Road  
Blue Springs MO 64015

Marc J & Tonya D Busker  
3100 SW Liggett Road  
Blue Springs MO 64015

Certified Mail – Return Receipt  
Property Owners within 185 feet

42-610-07-05-00-0-00-000  
ALUMBAUGH ROBERT R & KARISSA L  
3005 SW 19TH ST  
BLUE SPRINGS MO 64015

42-600-02-24-00-0-00-000  
BINGGELI MATTHEW &  
CYNTHIA WILLSEY  
3080 SW LIGGETT RD  
BLUE SPRINGS MO 64015

42-600-02-01-01-6-00-000  
BRADLEY CRAIG J & TALENNA L  
2605 SW 19TH ST  
BLUE SPRINGS MO 64015

42-600-02-15-00-0-00-000  
CALAWAY BARBARA J & JAMES H III  
3155 SW LIGGETT RD  
BLUE SPRINGS MO 64015

42-600-02-18-00-0-00-000  
FARLEY KIMBERLY R  
3145 SW LIGGETT RD  
BLUE SPRINGS MO 64015

42-610-07-06-00-0-00-000  
GRAHAM TRAVIS J & MAQUAL R  
1701 W 40 HWY STE 205  
BLUE SPRINGS MO 64015

42-600-02-13-00-0-00-000  
HILL TYREL & JAMIE  
18753 BONHOMME CREEK RD  
CHESTERFIELD MO 63005-4131

42-600-02-20-00-0-00-000  
KLEIN DENNIS  
2105 SW MORELAND SCHOOL RD  
BLUE SPRINGS MO 64015

42-610-07-07-00-0-00-000  
MORRIS RUSSELL A & PATRICIA A  
4118 TYER RD  
GRAIN VALLEY MO 64029

42-610-07-04-00-0-00-000  
SHAW BON F  
2905 SW 19TH ST  
BLUE SPRINGS MO 64015

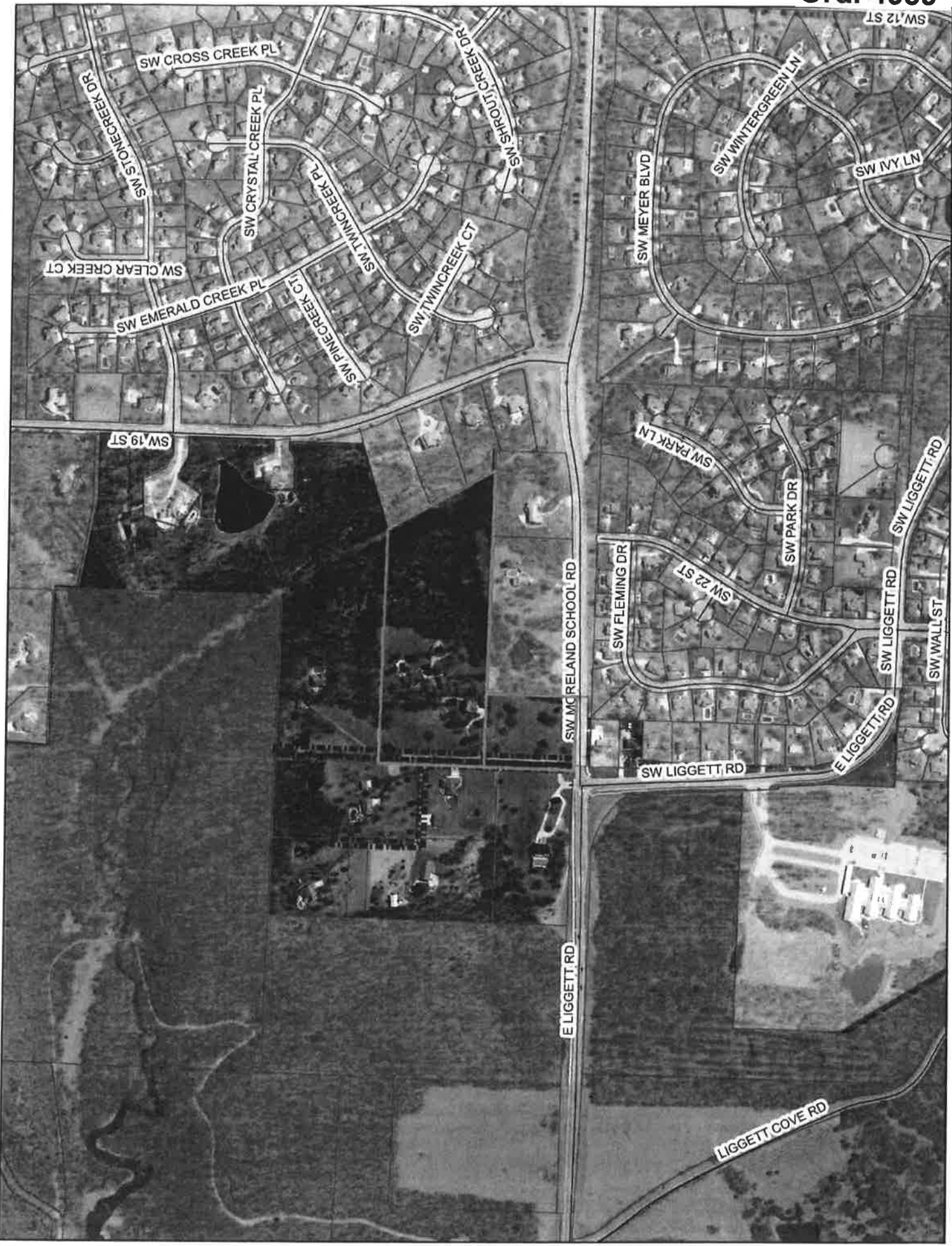
42-600-02-21-00-0-00-000  
SPAULDING TERRY A  
2205 SW MORELAND SCHOOL RD  
BLUE SPRINGS MO 64015

42-630-05-05-00-0-00-000  
ROGERS BENJAMIN C  
MCGILVRA BREANN S  
2217 SW FLEMING DR  
BLUE SPRINGS MO 64015

42-630-05-29-00-0-00-000  
ALLCOCK ALLEN B & MARLENE S  
3200 SW LIGGETT RD  
BLUE SPRINGS MO 64015

42-630-05-06-00-0-00-000  
ECKERT RUSSELL L & JUDITH L  
2221 SW FLEMING DR  
BLUE SPRINGS MO 64015

42-630-05-07-00-0-00-000  
GARNETT GREGORY & AMY  
3301 SW FLEMING DR  
BLUE SPRINGS MO 64015



SW CROSS CREEK PL

SW CRYSTAL CREEK PL

SW TWINCREEK PL

SW EMERALD CREEK PL

SW CLEAR CREEK CT

SW STONECREEK DR

SW TWINCREEK CT

SW PINECREEK CT

SW SHOUT CREEK DR

SW MEYER BLVD

SW WINTERGREEN LN

SW IVY LN

SW PARK LN

SW PARK DR

SW FLEMING DR

SW 22 ST

SW LIGGETT RD

SW LIGGETT RD

SW WALL ST

SW MCRELAND SCHOOL RD

SW LIGGETT RD

E LIGGETT RD

E LIGGETT RD

LIGGETT COVE RD

SW 19 ST

SW 12 ST

plus

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-2016-544

Date filed \_\_\_\_\_ Date of hearing \_\_\_\_\_

Date advertised \_\_\_\_\_ Date property owners notified \_\_\_\_\_

Date signs posted \_\_\_\_\_

Hearings:    Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

                  Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

                  Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s): Marc and Tonya Busker

a. Applicant(s) Name: Al and Donna Hainen

Current Mailing Address: 3100 SW Liggett Rd. Blue Springs, MO. 64015

Phone: 816-220-1233 email: donna.hainen@gmail.com

b. Legal Owner of Property: same as above

Current Mailing Address: \_\_\_\_\_ ↓ \_\_\_\_\_

Phone: \_\_\_\_\_ email: \_\_\_\_\_

c. Agent(s) Name: n/a

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ email: \_\_\_\_\_

- d. Applicant's interest in Property: Owners
2. General location (Road Name) 3100 + 3120 SW. Liggett Rd.  
Blue Springs, Mo. 64015
3. Present Zoning AG Requested Zoning R-F
4. AREA (sq. ft. / acres) 3+ or - acres
5. Legal Description of Property: (Write Below or provide copy of deed and survey)
6. Present Use of Property: resident
7. Proposed Use of Property: resident
8. Proposed Time Schedule for Development: n/a
9. What effect will your proposed development have on the surrounding properties?  
no effect
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 Provider City of Blue Springs
  - b. Sewage disposal: Onsite Waste Water  Public Sewer
  - c. Electricity KCP & L
  - d. Fire and Police protection Central Jackson Cty. & Sheriff Dept.
12. Describe existing road width and condition: residents served by private easement
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):

The LEGAL OWNER(s) of the property must be signatory to this application. If the owner is also the applicant then only the Property Owner portion needs to be filled out. Applications will not be accepted to move forward without the proper signatories.

Verification of ownership will be made using the Tax Rolls and the Recorder of Deeds database.

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

Marc Busker

Date

10-14-2016

Property Owner(s)

Alphonse D. Hainen

10-14-16

Donna A. Hainen

10-14-16

Donna A. Hainen

10-14-16

STATE OF Missouri

COUNTY OF Jackson

On this 14<sup>th</sup> day of October, in the year of 2016, before me the undersigned notary public, personally appeared Marc J. Busker, Tonya D. Busker, Alphonse D. Hainen and Donna A. Hainen

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

Jennifer Helm

Commission Expires

11-18-2017







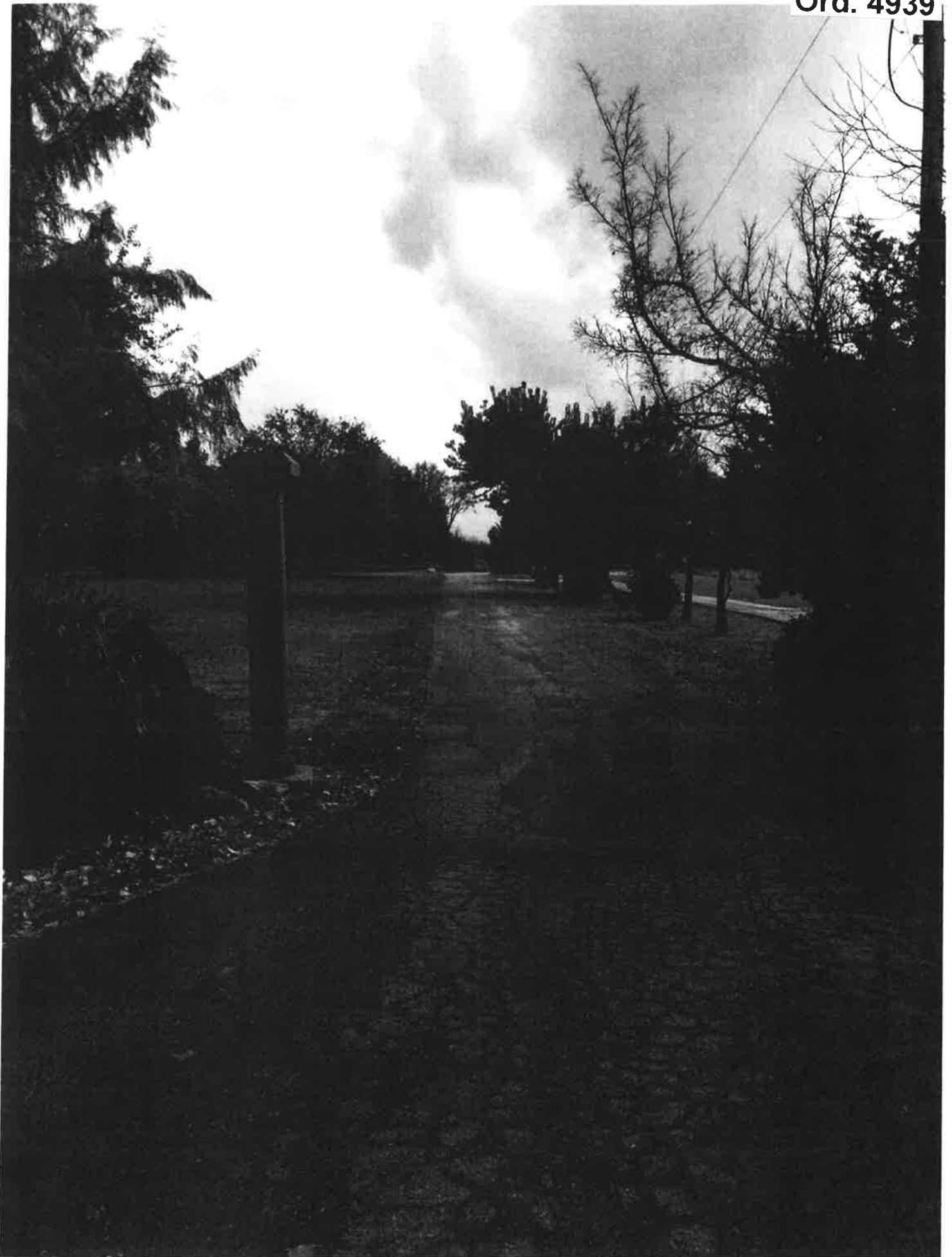




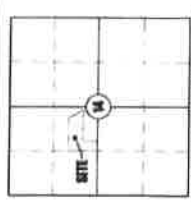








**PRELIMINARY PLOT  
GATOR ACRES  
PART OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 21 WEST  
SHERBORN/QUINCY, JACKSON COUNTY, MISSOURI**



**LEGEND:**

- 1. ROAD
- 2. EXISTING PROVISION
- 3. PROPOSED IMPROVEMENT
- 4. 500'



**REFERENCE BEARING:**  
BEARING FROM SECTION 12, TOWNSHIP 48 NORTH, RANGE 21 WEST TO SECTION 13, TOWNSHIP 48 NORTH, RANGE 21 WEST IS S 89° 58' 00" W 100.00 FEET TO CORNER OF SECTION 13, TOWNSHIP 48 NORTH, RANGE 21 WEST, JACKSON COUNTY, MISSOURI.

**DESCRIPTION:**

PROPERTY HERE DESCRIBED IS MORE OR LESS THE SAME AS THAT SHOWN ON THE SURVEY MAP OF THE GATOR ACRES, PART OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 21 WEST, JACKSON COUNTY, MISSOURI, FILED FOR RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI, ON MAY 1, 1996, UNDER RECORD NO. 100,000,000.

THE PROPERTY HERE DESCRIBED IS MORE OR LESS THE SAME AS THAT SHOWN ON THE SURVEY MAP OF THE GATOR ACRES, PART OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 21 WEST, JACKSON COUNTY, MISSOURI, FILED FOR RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI, ON MAY 1, 1996, UNDER RECORD NO. 100,000,000.



**NOTES:**

1. THE PROPERTY HERE DESCRIBED IS MORE OR LESS THE SAME AS THAT SHOWN ON THE SURVEY MAP OF THE GATOR ACRES, PART OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 21 WEST, JACKSON COUNTY, MISSOURI, FILED FOR RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI, ON MAY 1, 1996, UNDER RECORD NO. 100,000,000.
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**STATEMENT OF  
GATOR ACRES  
PART OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 21 WEST  
SHERBORN/QUINCY, JACKSON COUNTY, MISSOURI**

**Powell  
AND ASSOCIATES, LLC**  
SURVEYORS  
1000 S. W. 10TH AVE., SUITE 100  
OKLAHOMA CITY, OKLAHOMA 73109  
TEL: (405) 233-1111 FAX: (405) 233-1112

NO.	DATE	DESCRIPTION	BY
1	10/1/00	PRELIMINARY SURVEY	J. POWELL
2	10/1/00	FINAL SURVEY	J. POWELL
3	10/1/00	REVISION	J. POWELL
4	10/1/00	REVISION	J. POWELL
5	10/1/00	REVISION	J. POWELL
6	10/1/00	REVISION	J. POWELL
7	10/1/00	REVISION	J. POWELL
8	10/1/00	REVISION	J. POWELL
9	10/1/00	REVISION	J. POWELL
10	10/1/00	REVISION	J. POWELL

THIS SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACTS OF THE STATE OF MISSOURI, AND THE SURVEYING ACTS OF THE UNITED STATES OF AMERICA, AND THE SURVEYING ACTS OF THE STATE OF OKLAHOMA.