


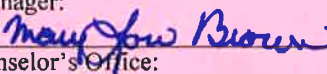
REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~ Ord No.: 4745

Sponsor(s):

Date: June 29, 2015

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: Daniel & Darcy Brotherton Case No. LA-2015-032																			
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="342 480 1187 783"> <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	
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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 the vacation of a of Lot 1, Brotherton – Dickson Acres, a subdivision in Jackson County, Missouri, aka 2306 S. Borgman 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 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: Brian Gaddie  Finance (Budget Approval): <i>If applicable</i> Division Manager:  County Counselor's Office:	Date: 06/16/2015 Date: Date: 6/23/15 Date:																		

Fiscal Information (to be verified by Budget Office in Finance Department)

ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from May 21, 2015
Staff report
Names/Addresses of surrounding property owners
Map showing current zoning districts in area
Application
Pictures of the property
Survey of property tracts

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: Daniel E & Darcy H Brotherton

Location: 2303 S. Borgman Road

Area: 4.71 ± acres

Request: Vacate Lot 1, Brotherton - Dickson Acres and
Rezone from District RR (Residential Ranchette) to AG (Agricultural)

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

Purpose: The vacation would allow the 4.71 ± acres to be absorbed into parts of four different tracts, 10 acres and larger, that are located to the west of the subject lot. They will end up with a 10, 15 and two 20 acre tracts. The vacated lot will serve as the access points for the tracts. There is an existing mobile home on the lot now. It may be moved or if it remains, it's still in compliance for a residence. Being that these tracts are larger than 10 acres, a Certificate of Survey is all that is required to be filed with the Recorder of Deeds to divide the tracts. The rezoning allows all the tracts to be within District AG (Agricultural).

This area is within the Rural Development Tier, which requires tracts 10 acres or larger.

Recommendation:

Staff recommends APPROVAL of LA-2015-032 and RZ-2015-517

Respectfully submitted,

Jackson County Public Works
Planning and Zoning Division
Randy Diehl, Zoning Compliance Supervisor

Mr. Tarpley: How is the triangle tract accessed?

Mr. Antey: There is a strip along the top.

Mr. Diehl: There is a 25 foot strip for access to Tract 1. Tracts 3 and 4 each have a 50 foot for access. Tract 2 has 205 feet of frontage along the road. They can have a shared driveway, if they want, but they all have access, just in case.

Mr. Tarpley: What is the property adjacent to the lot?

Mr. Diehl: That is Lot 2 of Brotherton – Dickson Acres, which remains a platted lot.

Mr. Antey: What is before us is the Legislative Action that will vacate Lot 1.

Mr. Diehl: Lot 1 becomes a metes and bounds description.

Mr. Antey: The rezoning goes back to AG.

Mr. Diehl: Then they file a Certificate of Survey making the configuration as shown.

Mr. Tarpley: That leaves an island lot.

Mr. Diehl: Brotherton – Dickson becomes a one lot subdivision.

Mr. Hayden: I take that everything is under common ownership?

Mr. Diehl: The platted lot is owned by the applicant and the balance is owned by another family member.

Mr. Antey: Any questions for Randy?

Mr. Antey: Would the applicant please come forward. Do you have anything to add to the staff report?

Jason Roudebush: I work for a company called Lutjen. We represent the applicant. This was a tricky deal, but with staffs help we were able to configure this to make everyone happy. I have no other comments.

Mr. Antey: Any questions for applicant's representative?

Mr. Tarpley: What the largest lot? 15 acres?

Mr. Diehl: Two 20 acre tracts, one 10 and one 15 acre tracts.

Mr. Roudebush: They are dividing up for family. Two kids each got a tract, the dad stays on one, and an aunt gets one.

Mr. Crawford: Why about line of site for these parcels.

Mr. Diehl: We would have looked at that with the original plat.

Mr. Antey: Is there any one else that want to speak in favor about this application?

Is there any one who is opposed or has questions about this application? I see no one.

Mr. Pointer motioned to approve LA-2015-032 and RZ-2015-517. Mr. Haley seconded.

Mr. Akins	Approve
Mrs. Querry	Approve
Mr. Gibler	Approve
Mr. Pointer	Approve
Mr. Tarpley	Approve
Mr. Haley	Approve
Mr. Crawford	Approve
Chairman Antey	Approve

Motion Carried 8 – 0.

**Plan Commission
May 21, 2015
LA-2015-032
RZ-2015-517**

Ord. 4745

Applicants / Property Owners:
**Brotherton, Daniel & Darcy
36604 E Truman Rd
Oak Grove, MO 64075**

Parcel No: 21-400-04-05-01

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

**21-400-01-10-00-0-00-000
Symons John W & Ann K-Trustees
P O Box 240006
Douglas AK 99824**

**21-400-01-09-00-0-00-000
Symons John W & Ann K-Trustees**

**21-500-02-10-00-0-00-000
Buso Mark J & Jacqueline R
2101 S Borgman Rd
Oak Grove MO 64075**

**21-500-02-09-00-0-00-000
Rogers Michael E & Michelle M
2217 S Borgman Rd
Oak Grove MO 64075**

**21-400-01-08-00-0-00-000
Symons John W & Ann K-Trustees**

**41-400-04-01-01-1-00-000
Moyer Stephen S & Karol L
2323 S Borgman Rd
Oak Grove MO 64075**

**21-400-04-20-00-0-00-000
Hudson Drew E & Lisa K
2307 S Borgman Rd
Oak Grove MO 64075**

**21-400-04-19-00-0-00-000
Felix Brian & Heather
2319 S Borgman Rd
Oak Grove MO 64075**

**21-400-04-17-00-0-00-000
Maliwat Jaime T & Elizabeth
P O Box 512
Oak Grove MO 64075**

**21-400-04-16-00-0-00-000
Courtney John T
Bunge Melanie M
2503 S Borgman Rd
Oak Grove MO 64075**

**21-400-04-07-00-0-00-000
Axtell Elona G
17201 E 32ns St #5
Independence MO 64055**

**21-400-04-06-00-0-00-000
McGuire Wellman S & Jessica L
2410 S Borgman Rd
Oak Grove MO 64075**

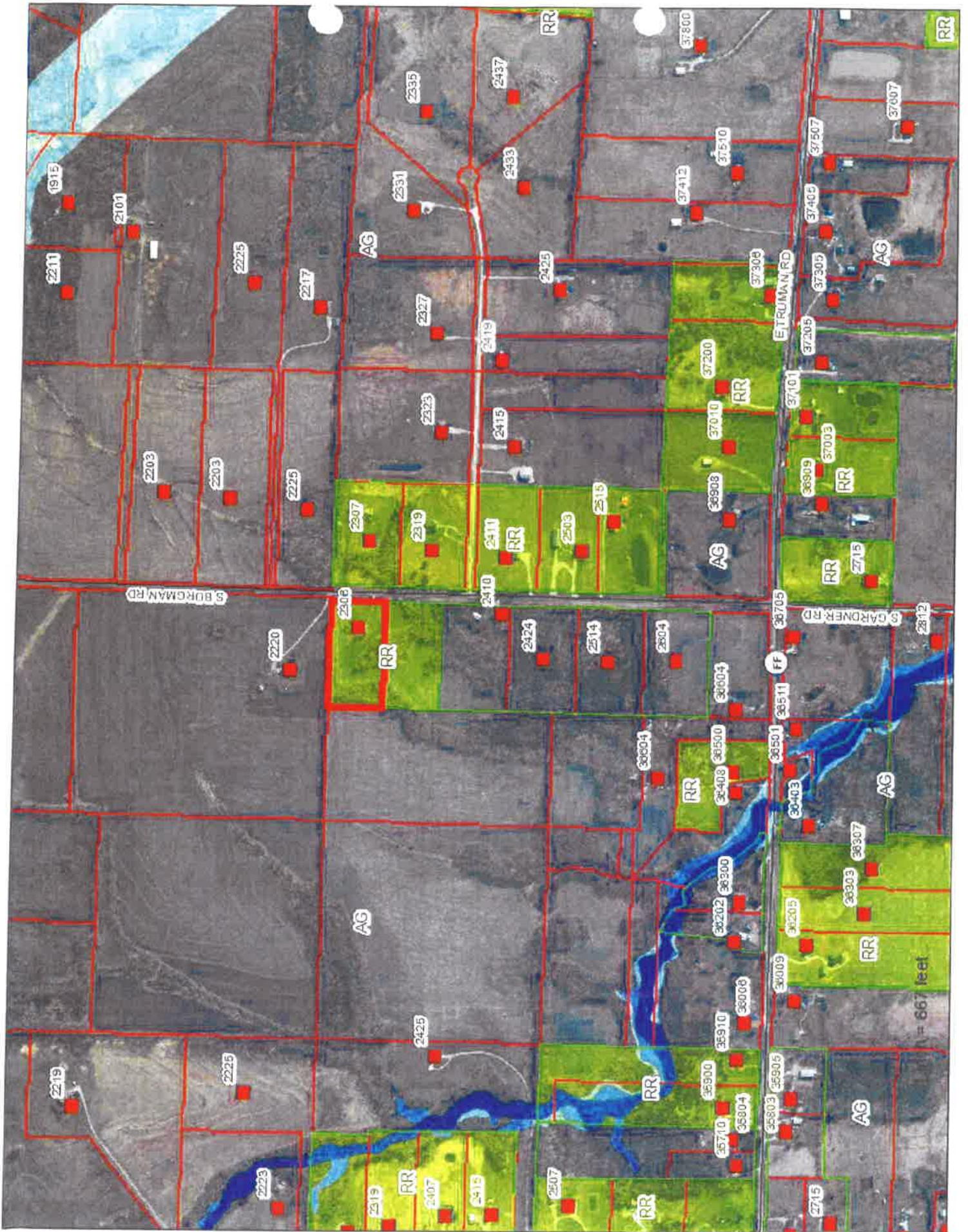
**21-400-04-05-02-0-00-000
Dickson Sherry & Robert
17201 E 32ns St #1
Independence MO 64055**

**21-400-01-03-00-0-00-000
Campbell Timothy H & Penny L
2220 S Borgman Rd
Oak Grove MO 64075**

**21-400-02-03-00-0-00-000
Campbell Timothy H & Penny L**

**21-400-04-11-01-0-00-000
Brotherton Helen O-Trustee
660 N Spring St Apt 216
Independence MO 64050**

**21-400-03-01-00-0-00-000
Brotherton Helen O-Trustee**



JACKSON COUNTY, MISSOURI
APPLICATION PLAT VACATION

LA-2015-032

Entire Plat Portion of Plat

Applicant: Daniel E. & Darcy H. Brotherton

Address: 2306 S. Borgman Rd. Jackson Co. Mo. 64075

Phone: _____

APPLICANT INFORMATION:

Application must be filed with the Jackson County Planning and Development Division, 303 West Walnut, Independence, Missouri 64050 by the date on the Plan Commission Calendar.

The following items need to be submitted with the application:

- 1. A letter to the Administrator of Planning and Development giving the reasons for the vacation request.
- 2. An accurate legal description (metes and bounds) of the area to be vacated. This needs to be done by a Missouri Registered land surveyor who must sign and seal the legal description document.
- 3. Two (2) copies 22 x 33 of a black and white map which shows the subject area in detail.
- 4. The filing fee of \$250 (non-refundable), check payable to Manager of Finance.

Signature of individual submitting the vacation request:

 04-07-15
 (Signature) (Date)

TO BE COMPLETED BY OFFICE PERSONNEL ONLY:

Case Number LA- 2015-032

Date filed _____ Date of hearing _____ Date Advertised _____

Heard by _____ Date _____ Decision _____

Heard by _____ Date _____ Decision _____

Heard by _____ Date _____ Decision _____

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
Applicant(s):	<u>Darcy H. Brotherton</u> <u>Daniel E. Brotherton</u>	<u>4-10-15</u> <u>4-10-15</u>
Applicant(s):	_____	_____
	_____	_____
	_____	_____

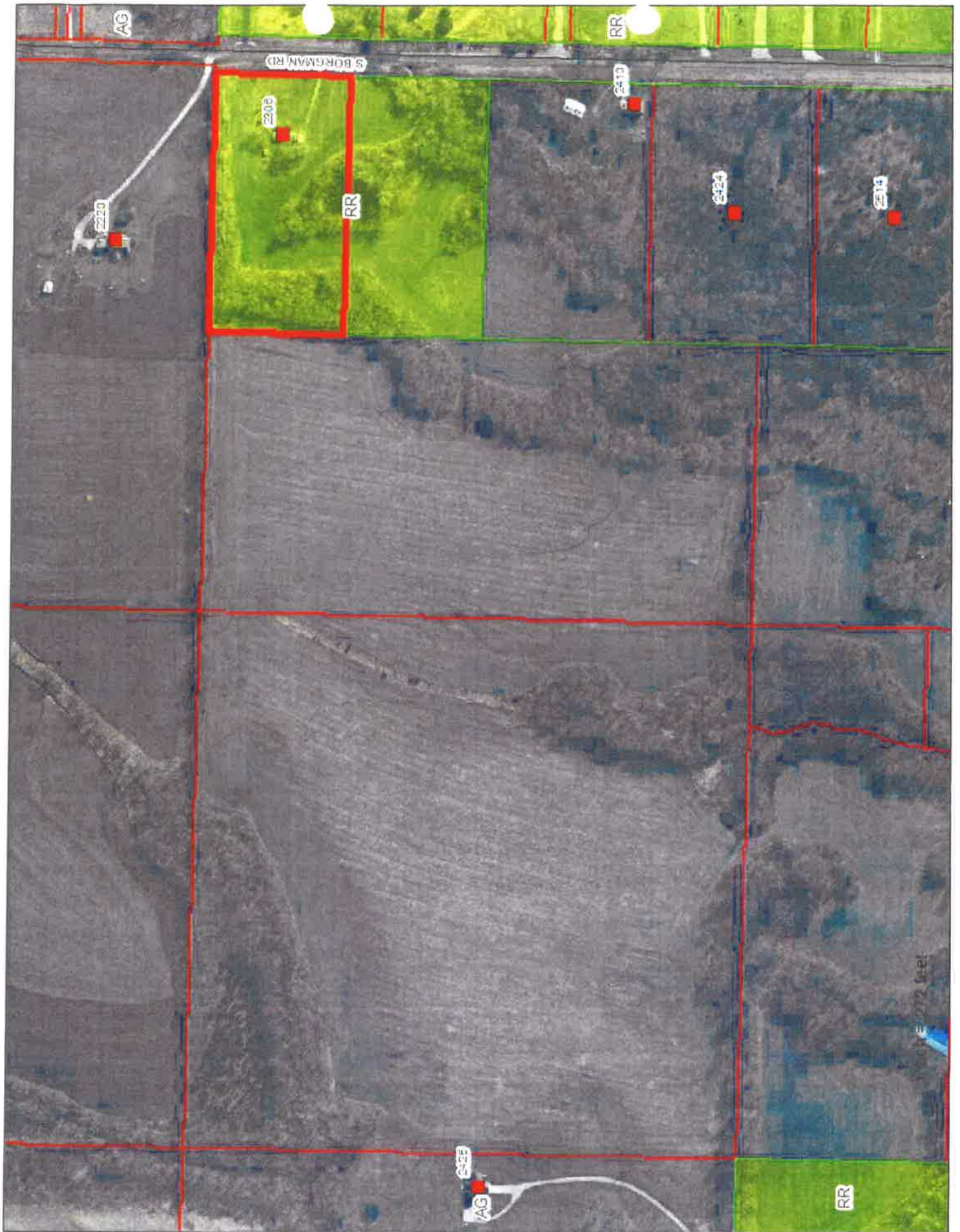
STATE OF MISSOURI
COUNTY OF Lafayette

On this 10 day of April, in the year of 2015, before me the undersigned notary public, personally appeared Daniel and Darcy Brotherton known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

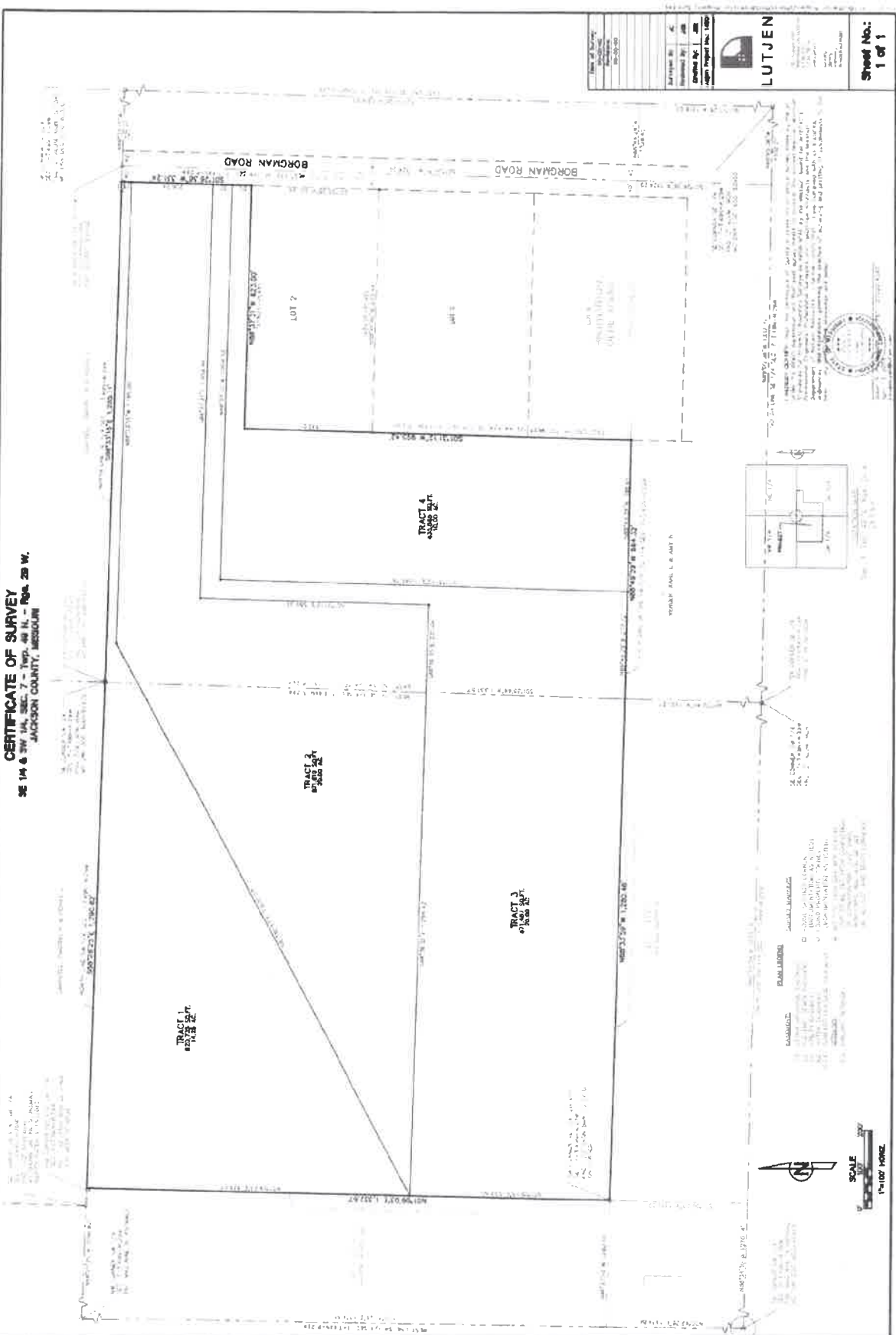
In witness whereof, I hereunto set my hand and official seal.

[Signature] Commission Expires 3/25/2016
Notary Public

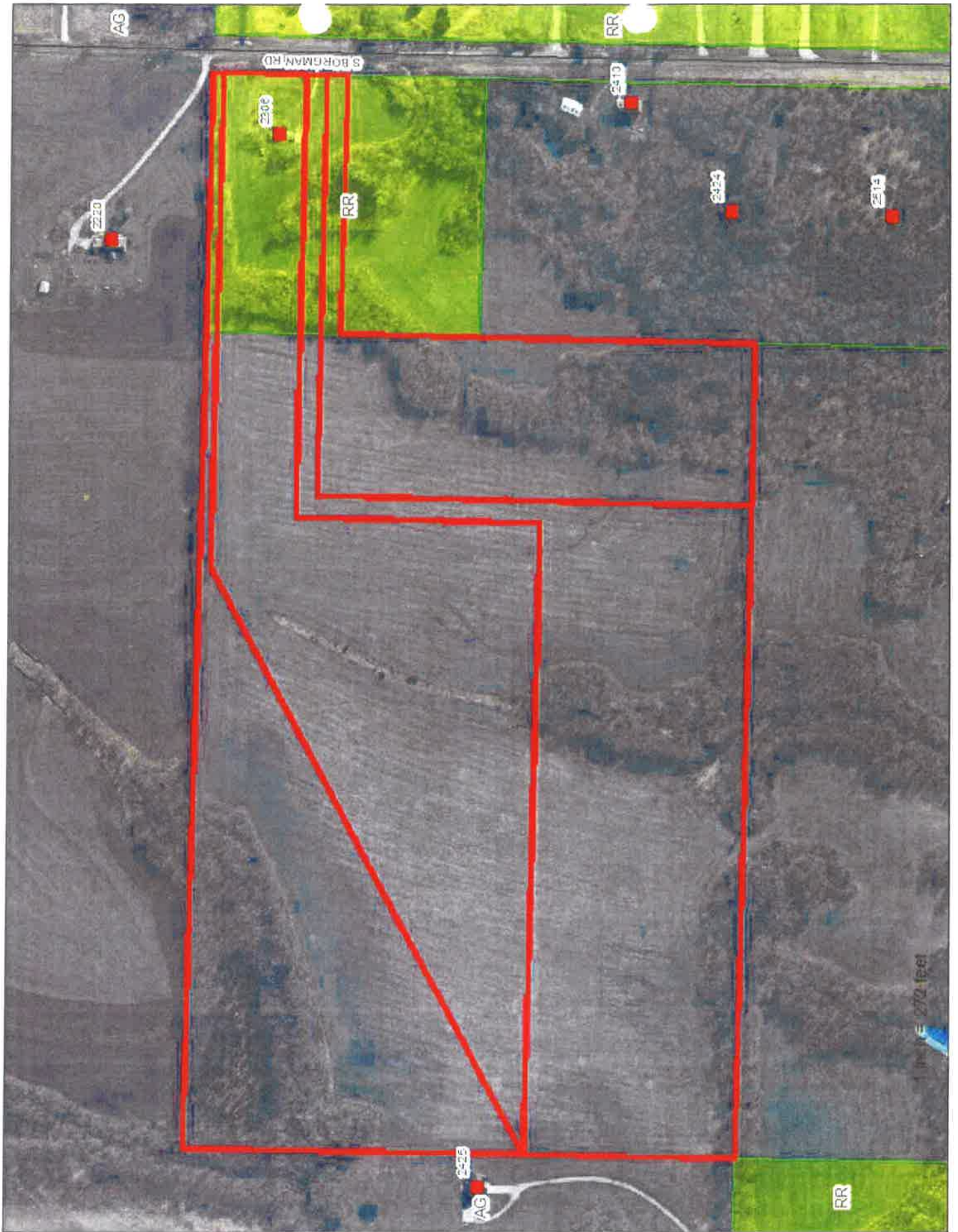




CERTIFICATE OF SURVEY
 SE 1/4 & SW 1/4, T14N, R10E, S20W,
 JACKSON COUNTY, MISSOURI



<p>LUTJEN</p> <p>Surveying & Mapping 1000 N. 10th St. Jackson, MO 64501 Phone: 816-221-1111 Fax: 816-221-1112 Email: info@lutjen.com</p>	<p>Project No. 1000</p> <p>Client: [Name]</p> <p>Surveyor: [Name]</p> <p>Date: [Date]</p>	<p>Sheet No. 1 of 1</p>
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LA-2015-032

ATTACHMENT TO RLA 1:

Description: Lot 1, Brotherton Dickson Acres, a subdivision in Jackson County, Missouri