



# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res Ord No.: 4849

Sponsor(s): xxxxxxxxx

Date: June 6, 2016

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Cynthia Livingston Case No. RZ-2016-533</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
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	Requesting a change of zoning from District AG (Agricultural) on 15.00 ± acres to District RR (Residential Ranchette). The 15.00 ± acres are located in Sections 07 & 18, Township 47, Range 29, Jackson County, Missouri, aka 12204 S. Bynum 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 9 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: 5/23/2016   Date:  Date: 										

County Counselor's Office:	Date:
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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 May 19, 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 Livingston Acres

**RZ-2016-533**

**ATTACHMENT TO RLA 1:**

**Description:**

Beginning at a point on the West line of the South Half of Lot 2 of the Southwest Fractional Quarter of Section 7, Township 47, Range 29, Jackson County, Missouri, said point being 704.24 feet South 00 degrees 16 minutes 52 Seconds East of the Northwest corner of the South Half of said Lot 2; thence, along the West line of the South Half of said Lot 2, South 00 degrees 16 minutes 52 seconds East 640.90 feet to the Southwest corner of the South Half of said Lot 2; thence, along the West line of the Northwest Quarter of the Northwest Quarter of Section 18, Township 47, Range 29, South 00 degrees 16 minutes 52 seconds East, 126.24 feet; thence, parallel to the North line of the Northwest Quarter of the Northwest Quarter of said Section 18, South 89 degrees 51 minutes 09 seconds East, 893.79 feet to the centerline of Bynum Road, as now established and in use; thence, along said road centerline, North 03 degrees 19 minutes 18 seconds East, 118.57; thence, continuing along centerline, North 02 degrees 46 minutes 54 seconds East, 184.84 feet; thence, continuing along said centerline, North 00 degrees 57 minutes 03 seconds West, 286.24 feet to the point of curvature of a horizontal curve to the right, having a radius of 485.00 feet and a total length of 244.67 feet; thence, continuing along said centerline and along said curve, 181.73 feet arc; thence, parallel to the North line of the South Half of said Lot 2 of the Southwest Fractional Quarter of Section 07, Township 47, Range 29, North 89 degrees 53 minutes 18 seconds West, 931.23 feet to the point of beginning, being part of the Southwest Quarter of Section 07, Township 47, Range 29, and part of the Northwest Quarter of Section 18, Township 47, Range 29, Jackson County, Missouri, except part in road.

RE: RZ-2016-533

**Randy Diehl gave the staff report:**

**Applicant:** Cynthia A Livingston

**Location:** 12204 S. Bynum Road

**Area:** 15.00 ± acres

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

**Purpose:** Applicant is requesting the change in zoning for a two lot subdivision. Lot 1 contains the existing residence and Lot 2 will be for a future residence.

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

The zoning in the immediate area is Agricultural with the majority of the land use being single family residences and agricultural uses. Property sizes within the area range from around 2 acres to over 80 acres.

Prior to 2013, this area was completely within the Rural Development Tier (RDT). At that time the minimum lot size was 5 acres.

With the adaption of amended Development Plan, Building A Vision Together in 2012 and implemented in 2013, the development tiers map was adjusted, and one of the policies was that there would be no new lots less than 10 acres in size in the Rural Development Tier.

Since 2013, staff has had at least 10 to 12 inquiry's relating to the division within the RDT. All of the requests were well within the confines of the Rural Tier. This request is based on the proximity of the Suburban Development Tier (SDT). The subject property is approximately a half mile north of the SDT.

The applicant owns approximately 15 acres and is wishing to divide off a 9 acre and 5 acre lot. The 9 acres being for a future residence.

Staff looked at the development around the proposed lot. There are nine subdivisions with a half mile radius the subject property.

Back Acres, two 5 acre lots, created in 1985, District AG.

Bynum-Berry Acres, three 4 acre lots, created in 1993, District AG.

Green Valley East, four 2.5 acres lots, created in 1979, District AG.

Joyce's Acres, four 5 acres lots, created 1985 & 1988, District AG.

Phillips Two, 2 acre lot, created 1982, District AG.

Pedrow Estates, two 5 acre lots, created 1995, District RR.

Rogers Acres, two 5 acre lots, created 1999, District RR.

Albert Long Estates, 5 acre lot, created 2004, District RR.

Proposed Lot 1 contains the residence and has an existing driveway onto Bynum Road. Lot 2 will be for a future residence.

**Recommendation:**

Staff feels the request is within the character and spirit of the surrounding area. Proposed Lot 1 contains a single family residence, Lot 2 is for a future residence.

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

Staff recommends APPROVAL of RZ-2016-533

Respectfully submitted,

Randy Diehl  
Administrator

Planning and Development Division

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

Mrs. Mershon: Will the County give them access onto to road?

Mr. Diehl: They have plenty of frontage, however access will more than likely be close or sharing the existing driveway will an ingress/egress on the plat.

Mr. Tarpley: What about the shape of the lot? Are they wanting to keep the barn?

Mr. Diehl: The UDC doesn't prohibit lots that are not square or rectangular.

Mr. Pointer: Is there are creek on there?

Mr. Diehl: We can ask the applicant about that.

Mr. Crawford: Where is the crest of the hill?

Mr. Diehl: The crest is almost to the South edge of the lot. The picture is taken fairly close to the boundary between the two lots.

*Is the applicant here?*

Cynthia Livingston, 12204 S Bynum Road, Lone Jack, MO

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

Ms. Livingston: There is room for a driveway, we realize it might be close to my driveway. If they have to share, I have no problem with that.

Mr. Diehl: We are needing some revision from the surveyor, and will need to go to the sight and perform a better site distance test for the driveway location. Any restrictions regarding the driveway will be on the Final Plat.

Mr. Pointer: Why is the line so crooked?

Ms. Livingston: To keep the barn, and there is no creek on the property.

Mr. Antey: *Are there any other questions for the applicant?*

Mr. Antey: *Are there any other questions for the applicant?*

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

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

There were none.

Motion to take under advisement.

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

*Discussion under advisement*

Mr. Crawford: One thing Mr. Chairman. I struggle sometimes, we had two cases right on the edge. Randy has done a great job with supporting data. Where do we draw the line down the road?

Mr. Antey: What we are looking at here is the character of the surrounding properties, which Randy has done a great job. The UDC (Comprehensive Plan) is a guide line for us. It's not a cut and dry decision. That's why we are here is see if it works within the guidelines of what we are charged to do.

Motion to approve.

Mr. Crawford moved to approve RZ-2016-533. Mr. Pointer seconded.

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

Motion Carried 9 – 0.

**STAFF REPORT**

**PLAN COMMISSION**

**May 19, 2016**

**RE: RZ-2015-533**

**Applicant:** Cynthia A Livingston

**Location:** 12204 S. Bynum Road

**Area:** 15.00 ± acres

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Respectfully submitted,

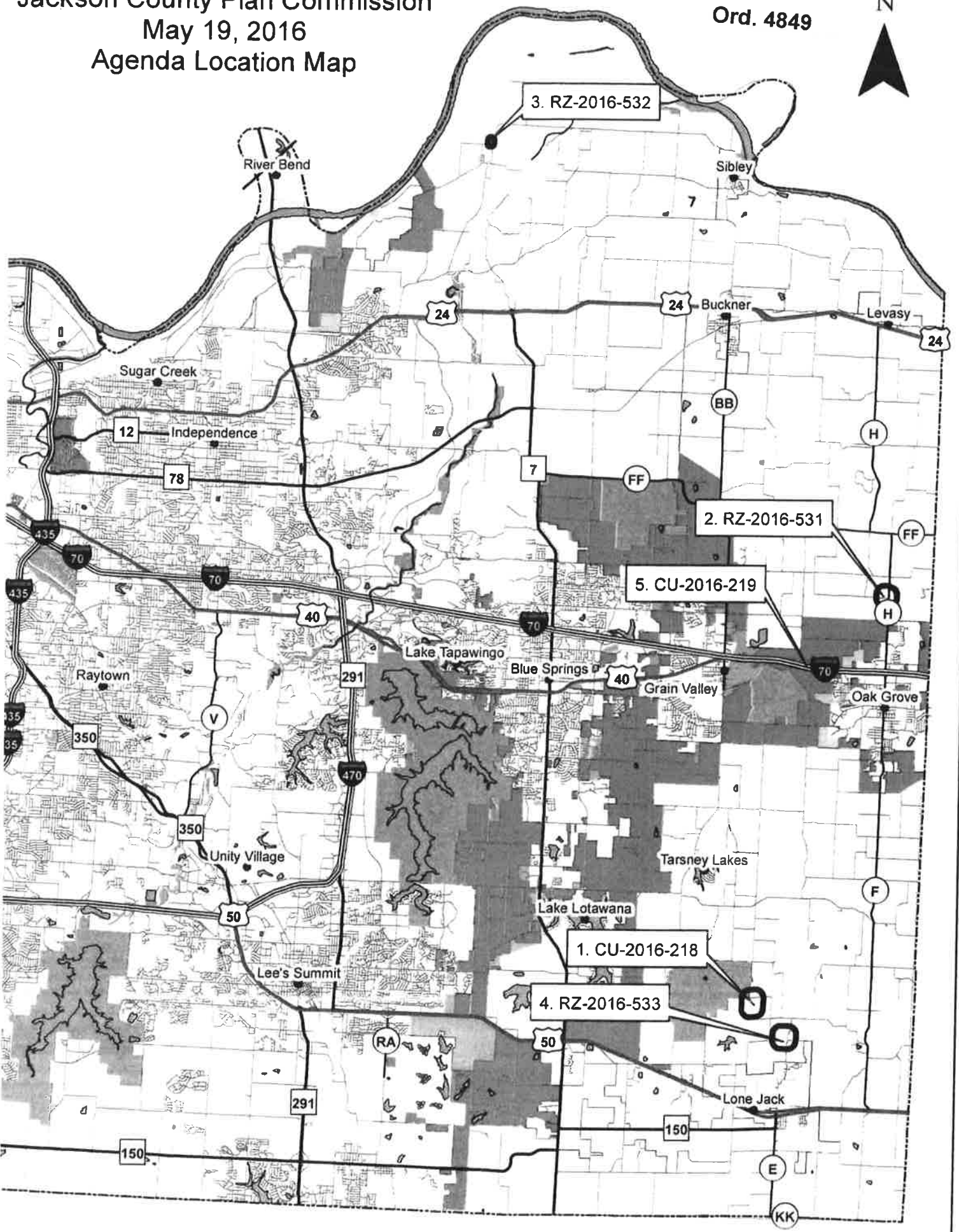
Randy Diehl  
Administrator

Planning and Development Division

Jackson County Plan Commission  
May 19, 2016  
Agenda Location Map

Ord. 4849

N



**Applicants / Property Owners:**

**57-900-02-09-01, 57-400-03-09  
Livingston Cynthia A  
517 SE Bayberry Lane  
Lee's Summit MO 64063**

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

57-900-02-10-00-0-00-000  
ADKINS STANLEY E & BEVERLY A  
12404 S BYNUM RD  
LONE JACK MO 64070

57-400-03-14-00-0-00-000  
CAVINESS REBECCA A  
12011 S BYNUM RD  
LONE JACK MO 64070

58-600-04-16-00-0-00-000  
COX R SHERMAN & JOYCE J-TR  
12219 S HELMING RD  
LONE JACK MO 64070

57-400-03-06-00-0-00-000  
EDMONDS ALICE CARROLL  
12110 S BYNUM RD  
LONE JACK MO 64070

58-600-04-21-00-0-00-000  
ELLIOTT MARK A & PHYLLIS J  
12022 S BYNUM RD  
LONE JACK MO 64070

57-400-03-02-01-2-00-000  
ELLIOTT MARK A & PHYLLIS J

7-400-03-02-01-3-00-000  
ELLIOTT MARK A & PHYLLIS J

57-900-02-28-00-0-00-000  
EZELL STEVE M & MERIBETH  
12417 S BYNUM DR  
LONE JACK MO 64070

58-700-01-06-00-0-00-000  
FOSTER CHRISTIN D & ANGELA S  
35101 E SHORES RD  
LONE JACK MO 64070

57-900-02-02-01-0-00-000  
G8KIDS LLC  
102 SUNSET DR  
LONE JACK MO 64070

58-600-04-18-00-0-00-000  
GREENSTREET MATTHEW R  
12119 S HELMIG RD  
LONE JACK MO 64070

57-900-02-04-01-0-00-000  
HALL MICHAEL T & LEANNE  
816 NE EMILY LN  
LEE'S SUMMIT MO 64086

8-700-01-01-01-1-00-000  
ALL MICHAEL T & LEANNE

57-900-02-33-00-0-00-000  
JACKSON MARK S  
36003 E BYNUM SPUR RD  
LONE JACK MO 64070

58-600-04-01-02-0-00-000  
JENNINGS JEFFREY M & LAURA R  
7800 BROOK COURT  
LEE'S SUMMIT MO 64139

57-900-02-09-02-0-00-000  
JOHNSTON DAVID K & ANDREA D  
12314 S BYNUM RD  
LONE JACK MO 64070

58-600-04-19-00-0-00-000  
KELLY LORI E  
12209 S HELMIG RD  
LONE JACK MO 64070

57-900-02-27-00-0-00-000  
RIDENOUR CHRISTOPHER S &  
200 C W NICHOLAS DR  
LONE JACK MO 64070

57-900-02-29-00-0-00-000  
SCHRADER BRIAN A & MELANIE L  
36105 E BYNUM SPUR RD  
LONE JACK MO 64070

58-600-04-17-00-0-00-000  
SNOW DONALD L &  
30021 STATE HWY 76  
BRADLEYVILLE MO 66514

57-900-02-30-00-0-00-000  
VITALE STEVE L JR & MICHELLE L  
36101 E BYNUM SPUR RD  
LONE JACK MO 64070

57-400-03-17-00-0-00-000  
WHITAKER DELLA M  
7503 S ARNETT RD  
GRAIN VALLEY MO 64029

**JACKSON COUNTY, MISSOURI  
APPLICATION FOR CHANGE OF ZONING**

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Ord. 4849

**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-2016-533

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 \_\_\_\_\_

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**BEGIN APPLICATION HERE:**

1. **Data on Applicant(s) and Owner(s):**
  - a. Applicant(s) Name: Cynthia A. Livingston  
Address: 12204 S. Bynum Rd.  
Lone Jack, MO 64070  
Phone: 816-260-8189
  - b. Owner(s) Name: SAME  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_
  - c. Agent(s) Name: N/A

Address: 12204 S. Bynum Rd., Lone Jack  
Phone: 816-260-8189

- d. Applicant's interest in Property: OWNER
2. General location (Road Name) S. Bynum Road, north of Lone Jack
3. Present Zoning AG Requested Zoning RR
4. AREA (sq. ft. / acres) 7-15
5. Legal Description of Property: (Write Below or Attached 9 )  
SEE ATTACHED DEED
6. Present Use of Property: Residential
7. Proposed Use of Property: Residential
8. Proposed Time Schedule for Development: 1 year
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? NO
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 # 15
  - b. Sewage disposal Individual, lagoon, none
  - c. Electricity WEST Central Electric Coop
  - d. Fire and Police protection Lone Jack Fire Protection # <sup>City of Lone Jack</sup> Police Dept.
12. Describe existing road width and condition: 50' right of way, chip & seal

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13. What effect will proposed development have on existing road and traffic conditions? Very minimal, single family residence to be

added

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14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? Possibly, septic permit from Jackson County

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)

Cynthia A. Livingston

4/11/16

Applicant(s):

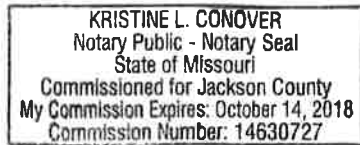
Contract Purchaser(s):

STATE OF

Missouri

COUNTY OF

Jackson



On this 11<sup>TH</sup> day of April, in the year of 2016, before me the undersigned notary public, personally appeared Cynthia Livingston

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

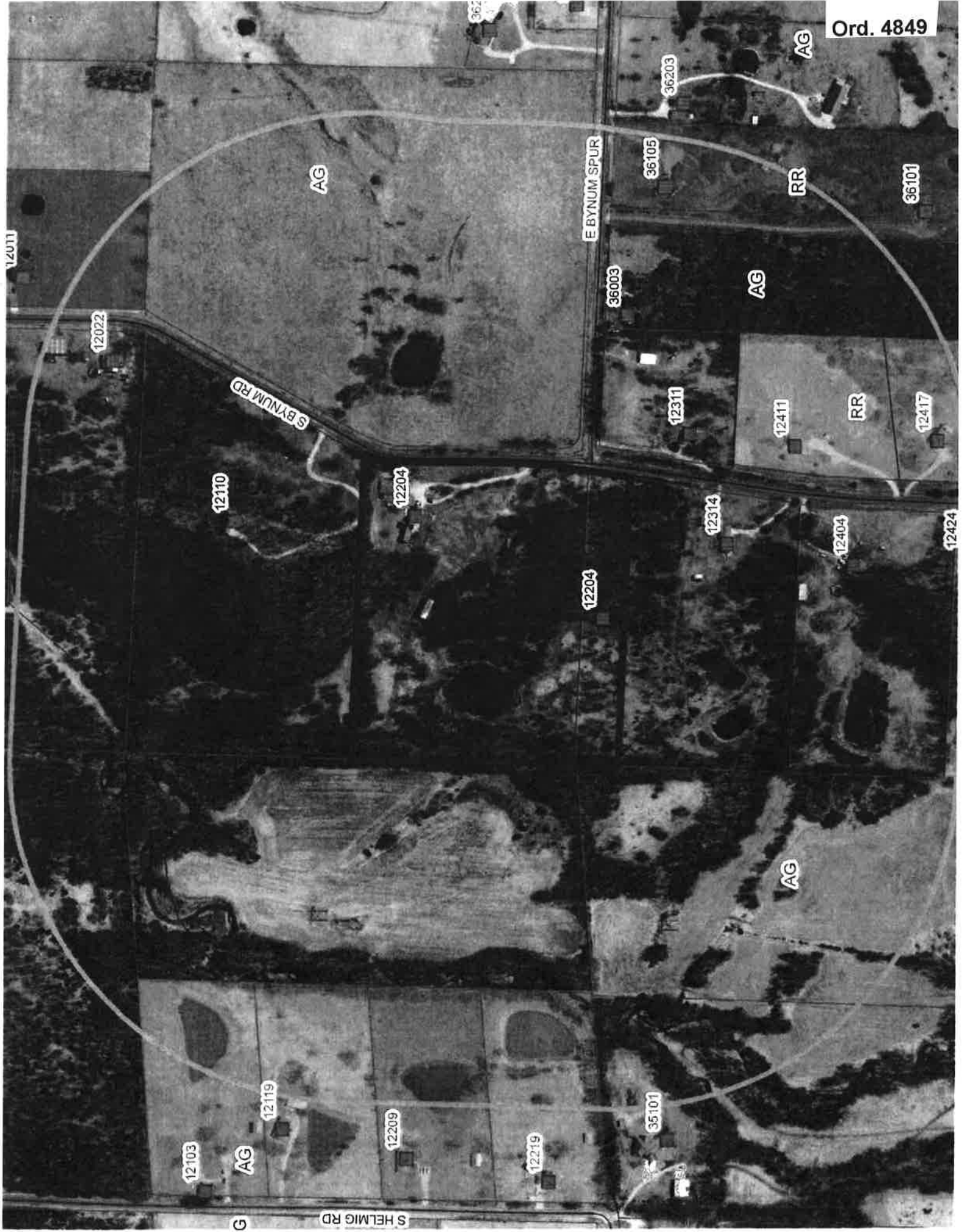
Kristine L. Conover

Commission Expires

10-14-18







E BYNUM SPL

AG

AG

S BYNUM RD

12204

12204

AG

AG



# LIVINGSTON ACRES MINOR SUBDIVISION PRELIMINARY PLAT

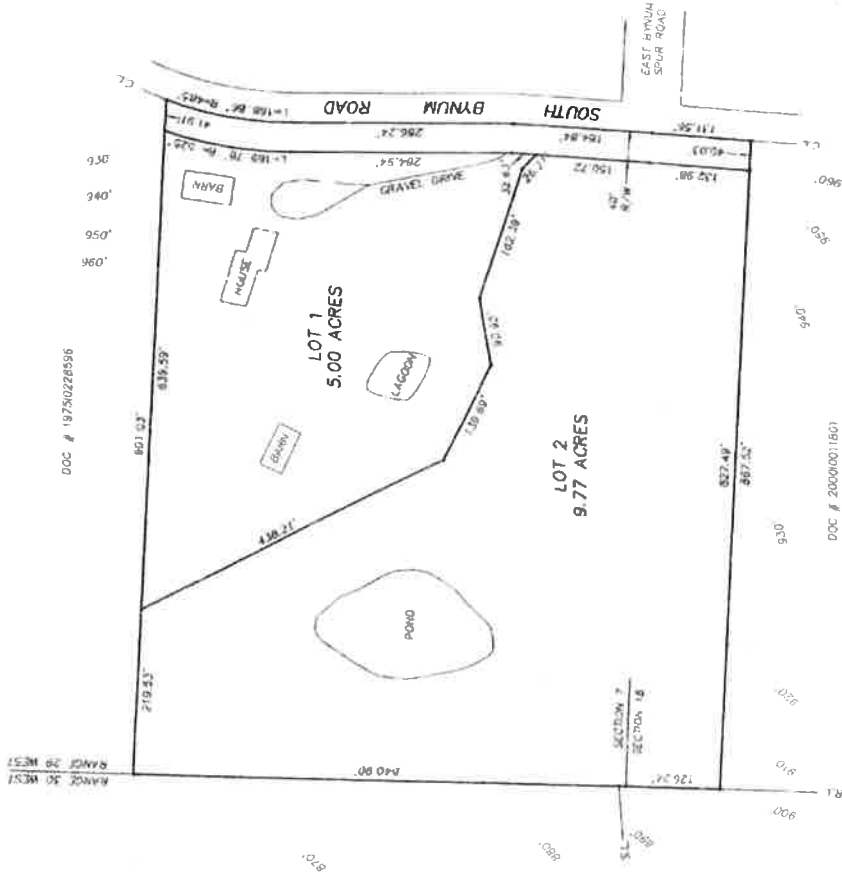
LOCATED IN THE SW 1/4 SW 1/4 SECTION 7,  
AND THE NW 1/4 NW 1/4 SECTION 18,  
TOWNSHIP 47 NORTH, RANGE 29 WEST,  
JACKSON COUNTY, MISSOURI

**DESCRIPTION OF RECORD**

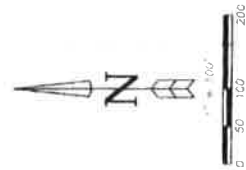
Beginning at a point on the west line of the South Half of Lot 2 of the Southwestern Quarter of Section 7, Township 47 North, Range 29 West, Jackson County, Missouri, said point being 204.24 feet South 0 degrees 52 minutes 52 seconds East of the Northwest Corner of the South Half of said Lot 2, thence along the west line of the South Half of said Lot 2, South 0 degrees 52 minutes 52 seconds East 40.80 feet to the Southwest Corner of the South Half of said Lot 2, thence South 0 degrees 52 minutes 52 seconds East of the Northwest Quarter of Section 18, Township 47 North, Range 29 West, South 0 degrees 16 minutes 32 seconds East, 126.24 feet, thence parallel to the west line of the Northwest Quarter of the Northwest Quarter of said Section 18, South 89 degrees 05 minutes 18 seconds East, 81.73 feet to the line containing the Bynum Road, as now established and shown on the plat, thence along said road centerline, North 2 degrees 46 minutes 54 seconds East, 118.57 feet, thence along said road centerline, North 2 degrees 46 minutes 54 seconds East, 118.57 feet, thence along said road centerline, North 0 degrees 57 minutes 01 seconds East, 118.57 feet, thence along a horizontal curve to the right, having a radius of 482.00 feet and a total length of 244.67 feet, thence, continuing along said road centerline and along said curve, 181.73 feet arc, thence, parallel to the North 2 degrees 46 minutes 54 seconds East line of the Northwest Quarter of Section 7, North 89 degrees 05 minutes 18 seconds West, 241.23 feet to the West line of the Northwest Quarter of Section 7, Township 47 North, Range 29 West, thence along the West line of the Northwest Quarter of Section 18, Township 47 North, Range 29 West, Jackson County, Missouri, 424.00 feet to road.

**NOTES**

1. Owner: Cynthia A. Livingston, 1025 N. Benton Blvd., Jackson, MO 64032
2. Recordation used information for the recordation tract can be found in Document Number 20040041330.
3. The subject property and all adjoining properties are currently zoned Agricultural.
4. The subject property is not in a flood zone, per Flood Insurance Rate Map 2202500343Z, Jackson County community number 250492, effective date September 29, 2006.
5. The contour interval is 10' vertical datum is NAVD83.



LOCATION MAP

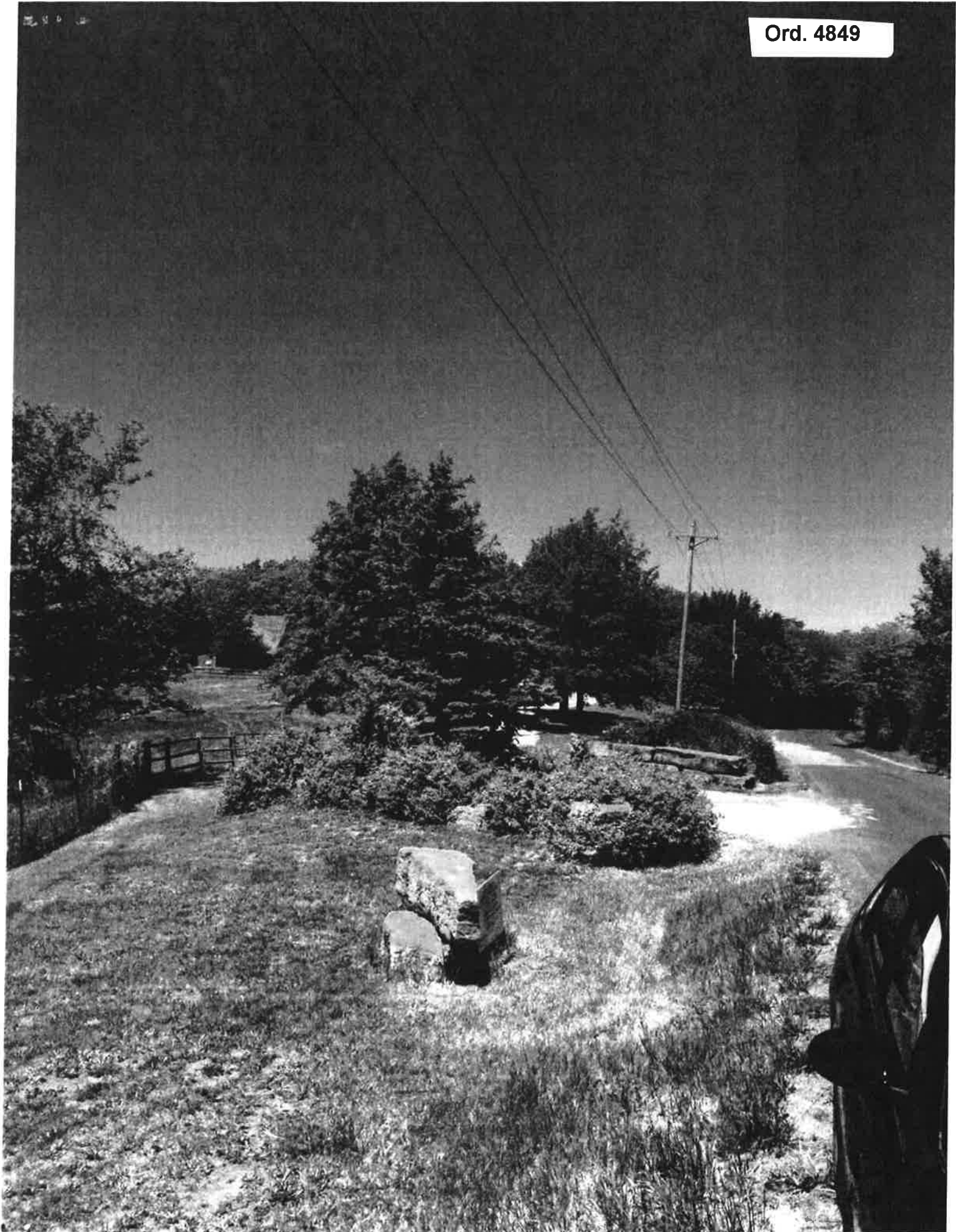


**SISCO LAND SURVEYING, LLC**  
 PO Box 84  
 Lexington, MO 64067  
 Phone (816) 868-6950  
 sisco@landsurveying@gmail.com

Prepared For: **CYNTHIA A. LIVINGSTON**  
 LONE JACK, MO

Date: **April 11, 2018** Project #: **SL-16-37**

Ord. 4849



Ord. 4849

