

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE amending the zoning districts established pursuant to the Unified Development Code by changing a certain 16.57 ± acre tract from District AG (Agricultural) to District RR (Residential Ranchette).

ORDINANCE NO. 4519, April 15, 2013

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section 1. The Zoning Order of Jackson County, Missouri, and the official maps which are a part thereof, are amended by changing the boundaries of the "AG" (Agricultural) District and the "RR" (Residential Ranchette) District, so that there will be transferred from District AG to District RR, a tract of land known as 4711 N. Hunter Road and specifically described as follows:

Description: A tract of land in the Southeast Quarter, Southeast Quarter of Section 36, Township 51, Range 31, Jackson County, Missouri described as follows: Beginning at a point on the East line of said Section 36; said point being North 0°, 06 minutes, 35 seconds East along said East line, 720.37 feet from the Southeast corner of said section; thence North 0°, 06 minutes, 35 seconds East, continuing along the East line, 594.00 feet to the Northeast corner of said Southeast ¼, Southeast ¼, thence North 89°, 59 minutes, 23 seconds West, along the North line of said ¼ ¼ section, 1330.11 feet (deed – 20 chains) to the Northwest corner of said ¼ ¼ section, thence South 0°, 06 minutes, 56 seconds West along the West line of said ¼ ¼ section, 594.00 feet, thence South 89°, 59 minutes, 23 seconds East parallel with the North line of said ¼ ¼ section, 1330.17 feet (Deed – 20 chains) to the point of beginning.

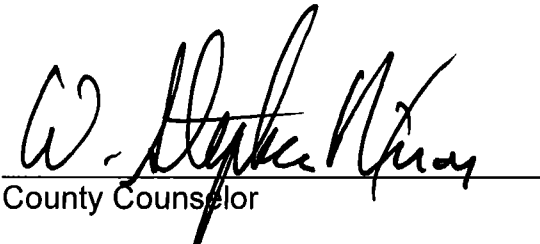
Section 2. The Legislature, pursuant to the application of John and Cindy Holman (RZ-2013-495), requesting the amendment embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 8 to 0 to recommend APPROVAL of this application after a public hearing on March 21, 2013, does adopt this Ordinance

pursuant to the Jackson County Charter authorizing the Legislature to exercise legislative power pertaining to planning and zoning.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:


Chief Deputy County Counselor


County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4519 introduced on April 15, 2013, was duly passed on May 6, 2013 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9


Nays 0

Abstaining 0

Absent 0

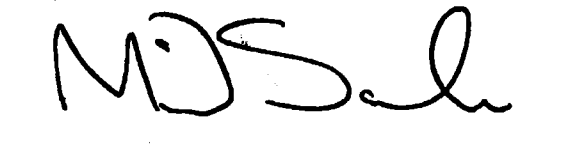
This Ordinance is hereby transmitted to the County Executive for his signature.

5.6.13
Date


Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4519.

5-6-13
Date


Michael D. Sanders, County Executive

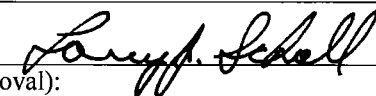
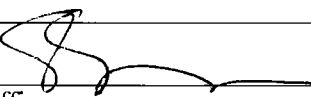
REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 4519

Sponsor(s): _____

Date: April 15, 2013

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>John and Cindy Holman Case No. RZ-2013-495</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="332 499 1214 814"> <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, Planning and Zoning Coordinator, 881-4577											
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on a 16.57 ± acre tract to District RR (Residential Ranchette). The 16.57 ± acres are located in Section 36, Township 51, Range 31, Jackson County, Missouri aka 4711 N. Hunter 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 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: Larry J. Schall, P.E.  Finance (Budget Approval): <i>If applicable</i> Division Manager:  County Counselor's Office: _____	Date: <u>April 2, 2013</u> Date: _____ Date: <u>4/4/13</u> 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.

**Jackson County Plan Commission
Summary of Public Hearing**

Date: March 21, 2013
Place: Independence City Hall
111 E. Maple, Independence, MO

Attendance: Larry Antey
Sandra Querry
Jack Crawford
Denny Gibler
Tom Haley
Janet Mershon
W.L. Pointer
Bill Tarpley

Staff: Larry Schall
Randy Diehl
Scott George
Jay Haden
Chris Jenkins
June Van Loo
Joan Dickey

Call to Order/Roll Call

Chairman Antey called to order the March 31, 2013 meeting of the Plan Commission and asked that the roll call be taken. Commissioner Akins was absent.

Approval of Record

Chairman Antey asked for a motion to approve the record of January 17, 2013. Ms. Mershon made a motion to approve. Mr. Haley seconded the motion. Voice vote.

Minutes of January 17, 2013, Approved.

Public Hearings

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

2. RZ-2013-495 – John and Cindy Holman

Requesting a change of zoning from District AG (Agricultural) on a 16.57 ± acre tract to District RR (Residential Ranchette). The 16.57 ± acres are located in Section 36, Township 51, Range 31, Jackson County, Missouri aka 4711 N. Hunter Road.

Mr. George introduced RZ-2013-495 and entered 8 exhibits into record.

- Location:** 4711 N. Hunter Road lying in Section 36, Township 51, Range 31, Jackson County, Missouri
- Area:** 16.57 ± acres
- Request:** Change of zoning from District AG (Agricultural) to District RR (Residential Ranchette)
- Purpose:** The 16.57 ± acres to be platted into proposed subdivision plat, Cameron Cove

Current Land Use and Zoning in the Area:

Zoning in the area is primarily agricultural. Property sizes range from 10 acres and larger tracts, containing single family residences.

To the East of the proposed request is Heritage Estates, Lots 1–8, platted in 1995. Lot sizes range from 2.0 acres to 6.23 acres. To the South of Heritage Estates is Six Mile Random Acres platted in 1978. Both of these subdivisions were created prior to the Unified Development Code (UDC) and are therefore considered as legal non-conforming, being within District AG (Agricultural). To the North, and the end of Hunter Road is a 9.35 ± acre tract zoned HI (Heavy Industrial) in 1972.

Comments:

As stated, the applicant wishes to plat the residence at 4711 N. Hunter Road into 5 acre lot and the remaining area into an 11.57 ± lot as shown on the proposed plat.

The proposed subdivision and lot size are compatible with adjacent uses.

County Plan:

The County Plan Development Diagram illustrates this area within the Rural Development Tier (RDT). The RR (Residential Ranchette) District is appropriate in the Rural Development Tier. It should be noted that with the adoption of the new Jackson County Development Plan, which recommends a 10 acre minimum within the Rural Development Tier, staff was working with the applicant's surveyor prior to the adoption of the new plan and therefore allowed the applicant to move forward with their request without imposing the Development Plans recommendation.

Recommendation:

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

Staff recommends APPROVAL of RZ-2012-495

There were no questions for staff.

Mr. Antey asked if the applicant was present and to come forward and state his name for the record.

John and Cindy Holman 4711 N. Hunter Road, Sibley MO.

There were no questions for the applicant.

Mr. Tarpley had a question for staff. Why are there 2 acre lots.

Mr. Diehl stated it was done back in 72 that zoning I think the guy was selling parts out of there at one time and the county re-zoned it.

Mr. Tarpley asked if three acres was the minimum in that area.

Mr. Diehl responded five.

Mr. Antey asked if there was anyone present today that has questions concerning or is opposed to this application. Please come forward and state your name and address.

Mr. Antey swore in Richard Best.

Richard Best, 26102 Lee's Summit Road. I was wondering what the zoning was all about. We are not opposed to anything. Just trying to understand what is going on. The land butts up to some of ours.

Mr. Antey stated that basically anytime you divide a land that has been AG into smaller sections that are not big enough to still be considered AG, Agricultural Zoning then they have to come before us to get the proper zoning for that piece of land. With the different zonings there are different rules on set backs for building and different procedures depending on how the land is zoned. You heard us talk about Legal Non Conforming which means that the parcels are smaller than what we would normally allow today but it happened before we had the code in place so there they don't conform to the code but they are still legal. It is a legal thing.

Mr. Best asked if they grandfathered in.

Mr. Antey said yes but anytime they divide land in to smaller tracks they have to come and get the proper zoning and be consistent for what is around it. It is a safeguard for the community so that you don't have a battery plant move in next door to you or what have you. There are a lot of things in the UDC such as we just got done with in the Conditional Use Permit. Such like that with the Group Home, but if you come before us and ask for special permission we are going to put a time limit and regulations.

Mr. Antey asked if there was anyone else that would like to speak.

My name is Sue Taylor I live at 4705 N. Koger Road. I have no objection just a point of clarification. We live adjoining and south of the property in question and I just wondered would it have to come before you again to divide it down in to further portions are there going to be two parcels. It is just going to be turned in to just two properties it is not going to be a bunch of them.

Mr. Antey stated no.

Ms. Taylor stated it would have to come back here to be divided down further.

Mr. Antey, stated right.

Mr. George stated if it came back with a new plan the new development tier would come in to play and staff would be hard pressed to recommend it.

Mr. Antey made a motion to take RZ-2013-495 under advisement. Ms. Mershon made the motion and Mr. Crawford seconded it. Under advisement.

Mr. Antey stated that it is consistent with the land around it especially off to the east and south.

Mr. Tarpley made a motion to approve RZ-2013-495, Mr. Crawford seconded it.

Roll call vote:

Mr. Gibler	APPROVE
Ms. Query	APPROVE
Mr. Pointer	APPROVE

Mr. Tarpley	APPROVE
Mr. Haley	APPROVE
Mr. Crawford	APPROVE
Ms. Mershon	APPROVE
Mr. Antey	APPROVE

RZ-2013-495 APPROVED (8-0)

John STAFF REPORT

PLAN COMMISSION

March 21, 2013

RE: RZ-2013-495

Applicant: John and Cindy Holman

Location: 4711 N. Hunter Road lying in Section 36, Township 51, Range 31, Jackson County, Missouri

Area: 16.57 ± acres

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

Purpose: The 16.57 ± acres to be platted into proposed subdivision plat, Cameron Cove

Current Land Use and Zoning in the Area:

Zoning in the area is primarily agricultural. Property sizes range from 10 acres and larger tracts, containing single family residences.

To the East of the proposed request is Heritage Estates, Lots 1-8, platted in 1995. Lot sizes range from 2.0 acres to 6.23 acres. To the South of Heritage Estates is Six Mile Random Acres platted in 1978. Both of these subdivisions were created prior to the Unified Development Code (UDC) and are therefore considered as legal non-conforming, being within District AG (Agricultural). To the North, and the end of Hunter Road is a 9.35 ± acre tract zoned HI (Heavy Industrial) in 1972.

Comments:

As stated, the applicant wishes to plat the residence at 4711 N. Hunter Road into 5 acre lot and the remaining area into an 11.57 ± lot as shown on the proposed plat.

The proposed subdivision and lot size are compatible with adjacent uses.

County Plan:

The County Plan Development Diagram illustrates this area within the Rural Development Tier (RDT). The RR (Residential Ranchette) District is appropriate in the Rural Development Tier. It should be noted that with the adoption of the new Jackson County Development Plan, which recommends a 10 acre minimum within the Rural Development Tier, staff was working with the applicant's surveyor prior to the adoption of the new

plan and therefore allowed the applicant to move forward with their request without imposing the Development Plans recommendation.

Recommendation:

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

Staff recommends APPROVAL of RZ-2012-495

Respectfully submitted,
Planning and Environmental Health Division

Randy Diehl
Planning and Zoning Coordinator

Plan Commission
March 21, 2013
RZ-2013-495

Applicants / Property Owners:

John and Cindy Holman
4211 N. Hunter Road
Sibley, MO 64088

Parcel No: 03-700-04-05-01-0-00-000

Certified Mail – Return Receipt
Property Owners within 1000 feet

03-700-04-0100-0-00-000
Theresa Collins
PO Box 1343
Sunrise Beach, MO 65079-1343

04-900-03-22-00-0-00-000
Richard & Tonya Best
26102 E. Hunter Road
Sibley, MO 64088

03-700-04-05-01-0-00-000
Cindy Cameron
4711 N. Hunter Road
Sibley, MO 64088

03-700-04-11-01-0-00-000
Donald & Vicki Combs
4910 Hunter Road
Sibley, MO 64088

04-900-03-16-00-0-00-000
Randy & Sharon Cox
845 Tropic Ave
Ft. Walton Beach, Florida 32548

04-900-03-23-00-0-00-000
Jerry Allen Hardwick – TRUSTEE
4616 N. Koger Road
Sibley, MO 64088

04-900-03-24-00-0-00-000
Jerry Allen Hardwick – TRUSTEE

Hostetter Property Trust
25500 E. Hostetter Road
Sibley, MO 64088.

03-700-04-08-03-5-00-000
Robert Knoll & Cynthia McKenna
PO Box 1514
Blue Springs, MO 64013

03-700-04-11-02-1-00-000
Edwin Landis Sr.
4824 Hunter Road
Sibley, MO 64088

03-700-04-07-00-0-00-000
Joseph & Marty Lindsey
4501 N. Allison
Sibley, MO 64088

04-900-03-15-00-0-00-000
Joseph & Marty Lindsey

09-100-01-16-00-0-00-000
Joseph Y Marty Lindsey

03-700-04-08-01-0-00-000
Steve & Shawn Marshall
25701 E. Hunter
Sibley, MO 64088

03-700-04-08-02-0-00-000
Steve & Shawn Marshall

03-700-04-11-02-2-00-000
David Mattox & Kelly & Campbell
4810 Hunter Road
Sibley, MO 64088

04-900-03-02-00-0-00-000
James & Rebekah McMillin
4924 Koger Road
Sibley, MO 64088

08-320-02-01-00-0-00-000
Robert & Pamela Miller
4522 N. Koger Road
Sibley, MO 64088

03-700-04-08-03-1-00-000
Matthew & Jolynn Parker
4732 Hunter Road
Sibley, MO 64088

04-900-03-14-00-0-00-000
Vernon & Doris Pearson
4706 N. Koger Road
Sibley, MO 64088

04-900-03-17-00-0-00-000
Vernon & Doris Pearson

04-900-03-18-00-0-00-000
Vernon & Doris Pearson

03-700-04-12-00-0-00-000
Annastasia Peters
4613 N. Koger Road
Sibley, MO 64088

03-700-04-13-00-0-00-000
Annastasia Peters

03-700-04-08-03-3-00-000
Donald & Jeannie Simpson
4702 N. Hunter Road
Independence, MO 64058

03-700-04-09-00-0-00-000
Aaron & Sue Taylor
4705 N. Hunter
Sibley, MO 64088

04-900-03-19-00-0-00-000
Aaron & Sue Taylor

04-900-03-20-00-0-00-000
Aaron & Sue Taylor

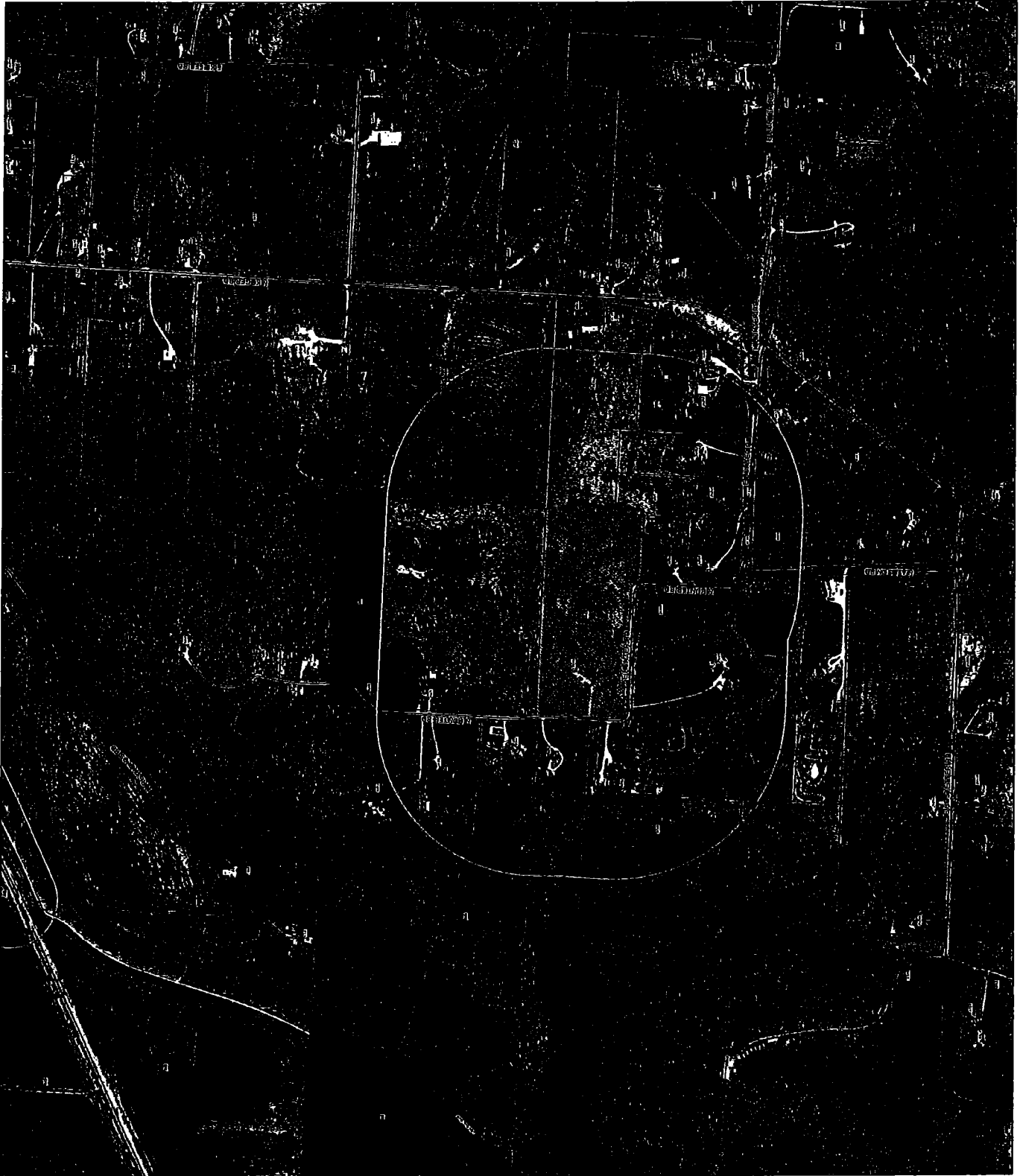
03-700-04-10-00-0-00-000
Dugald & Jacquitta Taylor
2600 E. Hunter Road
Sibley, MO 64088

04-900-03-21-00-0-00-000
Dugald & Jacquitta Taylor



Jackson County
Zoning Map

Legend	100' Neighboring
Addresses	• call other values
PRIMARY ADD	• Future No.
	• Park
	• Multiple
	• Primary
	• Secondary Res
	• Utility
	Legislative Action
	Streets
	• call other values
	• parcels
	• call other values
	• call other values
	• Pending
Rezoning	
Zoning	RR-Residential Ranchette
	Residential Ranchette-Planned
	RE-Residential Estates
	RS-Residential Suburban
	RL-Residential Urban
	Aff-Single-Family
	BP-Two-Family
	CP-Multi-Family
	A1-Hybrid Homes District
	RO-Residential Office-Planned
	LB-Local Business
	LB-General Business
	GB-General Business-Planned
	GB-General Business-Planned
	LI-Light Industrial
	LI-Light Industrial-Planned
	LI-Light Industrial-Planned
	HI-Heavy Industrial



EX. 5

RZ-2013-495

Ord

1 inch = 200 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- 2013-495
Date filed 2-19-13 Date of hearing 3-21-13
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):
 - a. Applicant(s) Name: John & Cindy Holman
Address: 4211 N Hunter Rd
Sibley, Mo 64088
Phone: John - 816-716-3067, Cindy 816-217-7562
 - b. Owner(s) Name: Cindy Cameron
Address: Same
Phone: _____
 - c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: _____

2. General location (Road Name) _____

3. Present Zoning AG Requested Zoning RR

4. AREA (sq. ft. / acres) 10.1

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

SEE ATTACHED DEED

6. Present Use of Property: Res

7. Proposed Use of Property: Res.

8. Proposed Time Schedule for Development: 2013

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 _____

b. Sewage disposal onsite

c. Electricity _____

d. Fire and Police protection _____

12. Describe existing road width and condition: Hunter Rd.

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) Cindy Holman
N/A

2-19-2013
N/A

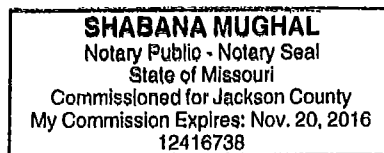
Applicant(s): N/A
N/A

N/A
N/A

Contract Purchaser(s): N/A
N/A

N/A
N/A

STATE OF Missouri
COUNTY OF JACKSON



On this 19th day of February, in the year of 2013, before me the undersigned notary public, personally appeared Cindy Holman.

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 Shabana Mughal

Commission Expires 20th November 2016

Construction Engineering Services, Inc.
 1100 North 10th Street, Suite 100
 Fargo, ND 58102
 Phone: (701) 785-1111
 Fax: (701) 785-1112
 Email: info@ces-inc.com
 Website: www.ces-inc.com

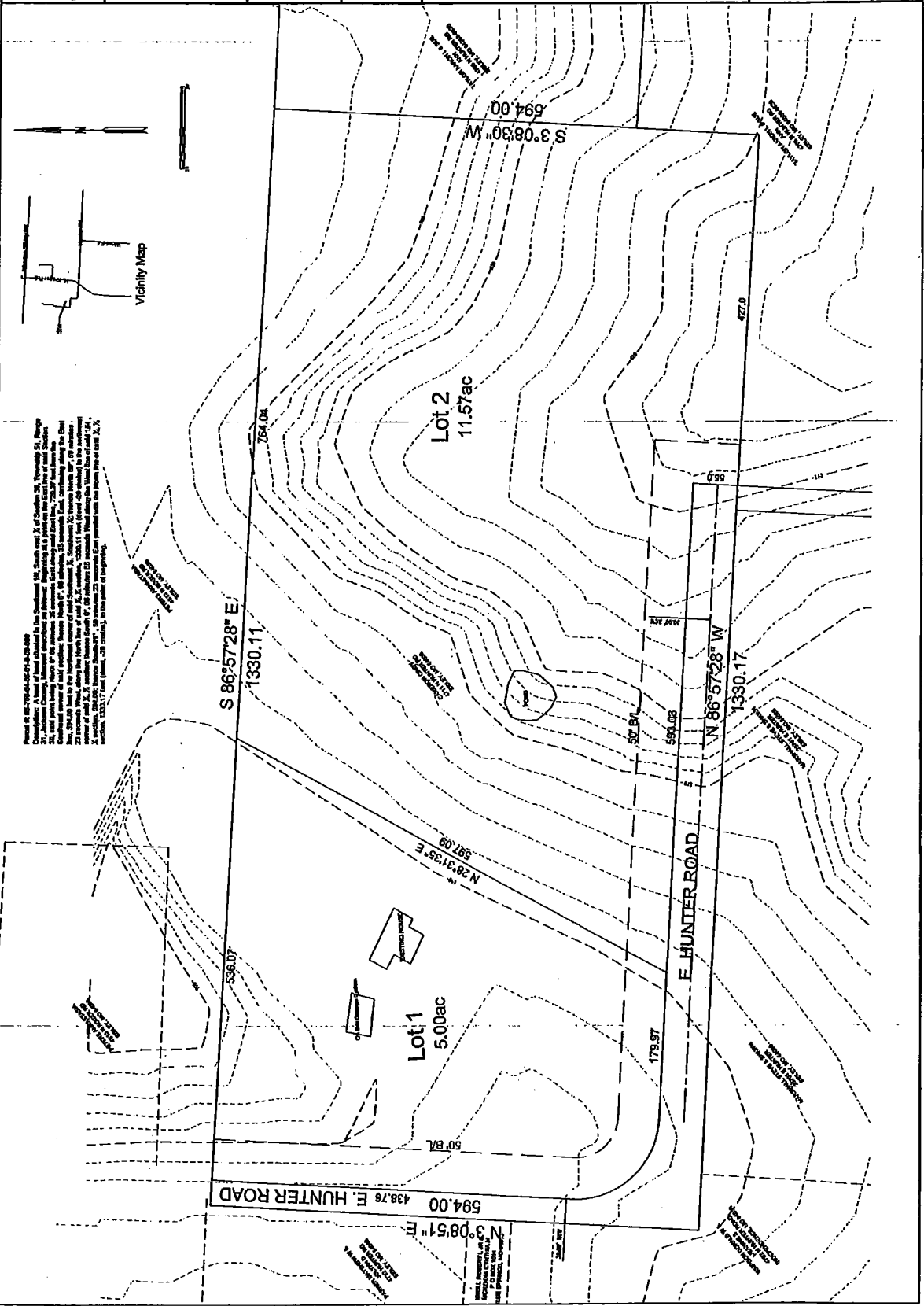
Project No. 2011-001
 Project Name: Preliminary Plat - Cameron Cove

Section 36 Twp 51 Rng 31

PRELIMINARY PLAT - Cameron Cove
 Sec. 36 Twp 51 Rng 31

North Arrow
 North
 True
 Magnetic
 Grid

Scale: 1" = 100'



EX-9