

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:
 Res/Ord No.: 4232
 Sponsor(s): None
 Date: Aug. 30, 2010

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Rezoning and Approval of Preliminary Plat (Bountiful Development Corporation, Case No. RP-2010-471)</u>										
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" style="width: 100%;"> <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> 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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PRIOR LEGISLATION	Prior ordinances and (date): N.A. Prior resolutions and (date): N.A.										
CONTACT INFORMATION	RLA drafted by (name, title, & phone): Mark Trosen, Planning and Development Administrator, 881-4645										
REQUEST SUMMARY	<p>Requesting an Ordinance amending the zoning districts established by the Unified Development Code by rezoning a certain 197 ± acres from District A (Agricultural) to District RR-p (Residential Ranchette – Planned Development) and approving the preliminary plat "Bountiful" creating a forty-three (43) lot residential subdivision subject to conditions.</p> <p>Description: The 197 ± acres are generally located one mile north of FF Highway (Truman Road) on the west side of H Highway (Outer Belt Road) and more specifically described on Attachment to RLA-1.</p> <p>The Jackson County Plan Commission on August 19, 2010 held a public hearing and accepted testimony pertaining to the change of zoning and preliminary plat requested by Bountiful Development Corporation. There were several surrounding property owners present in opposition to the zoning and development request.</p> <p>Staff recommended approval because the proposed change in zoning is consistent with the intent and purpose of the County Plan and complies with the clustered subdivision planned use under District RR (Residential Ranchette).</p> <p>Staff further recommended approval of the preliminary plat subject to the following conditions:</p> <ol style="list-style-type: none"> 1) The County Legislature allows private streets as a means to provide access to the subdivision lots. The developer agrees that private streets are constructed in conformance with standards and specifications prescribed for public roads in the Unified Development Code and provides evidence that an association or entity is responsible for maintenance of the private streets. 2) Prior to final plat submittal, the Developer has obtained a permit from Missouri Department of Transportation to access Missouri Highway H and construct the right hand and left hand turning lanes on H Highway. 3) Prior to final plat submittal, the Developer has obtained a permit from Missouri Department of Natural Resources for disposal of wastewater in residential housing development in accordance to state regulations. 										

ATTACHMENT TO RLA-1

RP-2010-471 (Bountiful Development Corporation)

Description: The 197 ± acres are generally located one mile north of FF Highway (Truman Road) on the west side of H Highway (Outer Belt Road) and more specifically described as commencing at the southwest corner of the southwest quarter of Section 5, Township 49 north, Range 29 west, Jackson County, Missouri; thence S87°15'23" E along the north line of said southwest quarter, a distance of 245.59'; to the point of beginning; thence S01°56'07"W a distance of 2661.33', thence S87°03'10"E a distance of 1090.91', thence S01°20'42"W a distance of 978.70', thence S87°03'10"E a distance of 1335.33', thence S86°49'27"E a distance of 591.71' to the westerly right of way (R/W) line of H Highway, thence along said R/W N08°30'13"E a distance of 51.48', thence along said R/W in a curve to the right having a radius of 2904.79' and an arc length of 401.33', thence along said R/W N16°25'11"E a distance of 812.39', thence along said R/W in a curve to the left having a radius of 676.78' and an arc length of 502.79', thence along said R/W N26°08'45"W a distance of 816.90', thence N87°15'38"W a distance of 1026.86', thence N02°44'22"E a distance of 914.70', thence N87°15'38"W a distance of 884.48', thence N02°44'22"E a distance of 300.00', thence S87°15'38"W a distance of 973.17' to the point of beginning encompassing an area of 197.12 ac.

ATTACHMENT TO RLA-2:

Attachments

1. Plan Commission public hearing summary from August 19, 2010
2. Staff Report (Revised)
3. Names / Addresses of surrounding property owners
4. Map showing current zoning districts in area
5. Application
6. Site Development Plan/Preliminary Plat
7. Letter dated 7/6/10 from Joe Ben Stone
8. Letter dated 7/6/10 from Robert Walquist, P.E.
9. Site Evaluation for On-Site Sewage System
10. Letter dated 12/15/08 from Jack Schmidt
11. Letter dated 12/17/08 from Mark Trosen
12. Map illustrating tract size within ½ mile of development
13. Letter dated 8/15/10 from Scott and Melissa Trusty
14. MDNR Geohydrologic Groundwater Evaluation

2. RP-2010-471 – Bountiful Development Corporation

Requesting a change of zoning from District A (Agricultural) to District RR-p (Residential Ranchette – Planned Development) on 197 ± acres. The proposed land use is a forty-three (43) lot residential subdivision with approximately 21% of the development area reserved as common open space. The proposed development is called "Bountiful". Each lot within the proposed subdivision will be 3 acres or larger. The 197 ± acres are generally located one mile north of FF Highway (Truman Road) on the west side of H Highway (Outer Belt Road) lying in the southwest quarter of Section 5, Township 49, Range 29 in Jackson County, Missouri.

Mr. Trosen introduced RP-2010-471 and entered 17 exhibits into the record. Mr. Trosen gave the staff report with comments and recommendation as follows: the property is approximately one mile north of FF Highway (Truman Road) on the west side of H Highway (Outer Belt Road) and is 197 ± acres in size. The request is for a change of zoning from District A (Agricultural) to RR-p (Residential Ranchette – Planned Development) for the purpose of a 43 lot residential subdivision – "Bountiful"; approximately 21% of the development area is reserved as common open space.

The surrounding land use in the area is either agricultural or residential tracts. The zoning in the area is predominantly Agricultural. There are some properties further north and south that are zoned District RR (Residential Ranchette) and also along Truman Road (Route FF) and Borgman Road. The County Plan Development Diagram illustrates this area within the Rural Development Tier. This tier is intended for residents who enjoy a rural lifestyle, open spaces and few neighbors. The County's policies are designed to retain this rural character rather than to support new urban development in these rural areas.

Since 2008, Staff has been meeting with the applicant regarding the development of this property. One of the original plans submitted by the applicant illustrated a development for 248 residential units with an internal curb and gutter street network and a package waste treatment plant for the entire development. The applicant referred to this as a "clustered subdivision" in compliance with District RR – planned development standards. A letter dated December 15, 2008 from Jack Schmidt, a consultant for the applicant, requested Staff's interpretation of the Unified Development Code (UDC) specifically referring to Section 24004.3 requirement of the pertains to their proposed development of 248 residential units. UDC Section 24004.3 (Residential Ranchette), paragraph "e" subtitled "Planned Uses" states:

"Clustered subdivisions with an average density of one (1) dwelling unit per three (3) acres, provided that such use is compatible with adjacent uses and that at least twenty (20) percent of the site is reserved as common open space".

Staff responded to Mr. Schmidt in a letter dated December 17, 2008. Staff explained that the RR District is intended for very low density residential use, with a minimum lot size of five acres. Development in the RR District is served at rural level of services. The RR District is appropriate in the Rural Development Tier depicted on the Development Diagram of the County Plan.

The Rural Development Tier was established to maintain the opportunity for a rural lifestyle in the future. This tier is intended for residents who enjoy a rural lifestyle, open spaces and few

neighbors. County regulations and zoning districts, such as Residential Ranchette, were established to retain this rural character rather than to support new urban development in these rural areas.

Therefore, in maintaining the rural character and intent of the County Plan's Rural Development Tier and UDC's Residential Ranchette District, it is Staff's interpretation, with concurrence from the County Counselor's office, that a clustered subdivision in District RR is a planned development subdivision allowing one dwelling on a 3 acre lot with 20% of the overall area reserved as common open space. The original plan would be inconsistent with the intent and purpose of the County Plan and Unified Development Code.

The applicant has had a couple of meetings with surrounding property owners as well as meetings with Staff on several revised plans. The development plan/preliminary plat filed for consideration consists of 43 residential lots and five tracts of common open space consisting of 41.72 acres or 21% of the development area.

Mr. Joe Ben Stone, a board member and property manager for the applicant, states in a letter dated July 6, 2010 that this development plan "is designed to be a "Green Community" preserving the agricultural nature of the surrounding area". Mr. Stone goes on to say that they intend to utilize as many green construction methods as possible and chose the planned development concept to preserve green space for growing produce for their neighborhood.

Staff has reviewed the development plan/preliminary plat as well as distributed to other organizations, utilities and agencies. Copies were hand delivered on July 16, 2010 to the following: West Central Electrical Co-Operative, Oak Grove School District, Jackson County Sheriff's Office, Fort Osage Fire Protection District, Public Water Supply District No. 16, Missouri Department of Natural Resources and the Missouri Department of Transportation.

West Central Electrical Co-Operative:

Request that necessary utility easements be shown on final plat.

Oak Grove School District:

No comments received.

Sheriff's Office:

Upon review, no issues were found.

Fort Osage Fire Protection District:

No comments received.

Public Water Supply District No. 16:

Hydrology study pending. There is a 6-inch main running along Outer Belt Road (Missouri H Hwy) and also a 6-inch main running to the west of the property along Borgman Road.

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Wastewater Treatment (Missouri Department of Natural Resources):

The development plan indicates that each lot will be served by an on-site wastewater treatment system.

For single family residential housing developments with seven or more lots and each lot less than 5 acres in size, a developer must request MDNR (Missouri Department of Natural Resources) approval. The request for approval must be submitted to Jefferson City Water Pollution Control Branch. These applications are reviewed by Charles Harwood in Jefferson City. On August 3rd, Staff contacted Mr. Harwood regarding the permit for Bountiful. He stated that no application has been submitted to him for review.

Once MDNR approves the subdivision, the county's Development Division will review the plans and issue a permit for each single family residential system that either discharges into a subsurface soil absorption system or a polishing pond system.

The County's on-site wastewater staff has reviewed the proposed development plan and has conditionally approved the development pending similar confirmation by MDNR in Jefferson City.

Internal Streets and Access(Missouri Department of Transportation):

The applicant proposes that all internal streets will be private and maintained by the HOA (Home Owners Association). The streets will be constructed to the County's asphalt rural road standards which are two 12 foot wide travel lanes, a six foot wide asphalt shoulder adjacent to travel lane and a green open swale to accommodate storm water. At the entrance, the developer proposes the rural collector standard which increases the width of shoulders to 8 feet.

UDC Section 24006.7 under paragraph "k" states that the County Legislature may approve a proposed development provided with the means of access by private streets so long as the private streets are constructed in conformance with standards and specifications prescribed for public streets in the UDC and an association or entity is responsible for maintenance and snow removal of these streets.

During the construction of the streets, Public Works will inspect for conformity to County specifications and engineered plans in the event that the private streets were to become public at some future date.

The access from Missouri H Highway is regulated and permitted by the Missouri Department of Transportation (MoDOT). The applicant has been working with MoDOT since 2008 regarding access to Missouri H Highway. MoDOT's access management guidelines require 985 feet of stopping sight distance for side road connections to the state highway system. If the minimum stopping sight distance cannot be obtained, then a variance request must be approved by MoDOT's central office staff in Jefferson City.

The field measured stopping sight distance at the location on the development plan was 905 feet northbound and 985 feet southbound. It was determined that the additional 80 feet of sight

distance might be obtained through removal of trees and/or grading along the horizontal curve. The applicant determined that there are utility conflicts that would be cost prohibitive in moving trees and specifically grading down the bank to improve sight distance. The applicant has elected to obtain the variance from MoDOT in Jefferson City.

MoDOT also informed the applicant that a traffic study would be required or construction of required turn lanes to accommodate the turning vehicles. This must be a fully designed left turn lane and a right turn lane. The proposed development plan illustrates the right and left lanes on Missouri Highway H.

In regards to the sight distance variance, the applicant must submit a formal letter with engineering documents to the local MoDOT office. The local MoDOT office forwards the request to the Central Office where a decision is made within 30 days. The local MoDOT representative is confident the variance will be granted especially since the turning lanes are being proposed.

Stormwater:

A small portion of the property is included in the 100 Year Flood Zone. A Floodplain Development Permit and Elevation Certificate will be required. The plat must illustrate and label a 75-foot area on each side of the creek as a "No Build Zone" that flows through Lots 26, 28 and Tract E. Permanent BMP (Best Management Practices) will be required along the southern boundary of development.

Preliminary Plat:

An easement for pedestrian access must be shown on the plat from the private street to each tract which is designated as common open space.

Lot 3 is slightly less than 3 acres in area.

Illustrate and label a 75 ft. area on each side of the creek as a "No Build Zone" that flows through lots 26, 28 and Tract E.

Compatible with Adjacent Uses:

In the UDC section for planned uses under District RR, the clustered subdivision use has the words embedded, "provided that such use is compatible with adjacent uses". The word by word interpretation is that there is housing around this development and therefore, the proposed single-family residential lots would be compatible. However, you might also interpret this to mean that the size of tract containing the home is similar in size to tracts in the surrounding area.

Exhibit 16 illustrates the number of properties within ½ mile that fall within one of three categories according to their size - number of acres. Over half or 70 properties that are within one-half mile of this development contain 10 acres or more.

Rezoning:

Plan Commission August 19, 2010

The proposed change in zoning to District RR-p (Residential Ranchette – Planned Development) is consistent with the intent and purpose of the County Plan and complies with the clustered subdivision planned use under District RR (Residential Ranchette).

Staff recommends approval of RP-2010-471.

Preliminary Plat:

Staff recommends approval of the Preliminary Plat lots 1 through 43 Tracts A – E subject to the following conditions:

1. The County Legislature allows private streets as a means to provide access to the subdivision lots. The developer agrees that private streets are constructed in conformance with standards and specifications prescribed for public roads in the Unified Development Code and provides evidence that an association or entity is responsible for maintenance of the private streets.
2. Prior to final plat submittal, the Developer has obtained a permit from Missouri Department of Transportation to access Missouri Highway H and construct the right hand and left hand turning lanes on H Highway.
3. Prior to final plat submittal, the Developer has obtained a permit from Missouri Department of Natural Resources for disposal of wastewater in residential housing development in accordance to state regulations.
4. The Developer agrees to revise the plat to include a pedestrian access easement from the internal private street to each tract which is designated as common open space.
5. The Developer agrees to revise the plat to illustrate necessary utility easements as required by West Central Electrical Co-Operative.
6. The Developer agrees to revise the plat to illustrate and label a 75 foot area on each side of the creek as a "No Build Zone" that flows through lots 26 and 28 and Tract E.

Mr. Tarpley wanted to know the name of the north-south road to the west of the property and if there would be any access other than from H Highway into the subdivision.

Mr. Trosen said the road to the west was Borgman Road and the only access would be from H Highway.

Mr. Tarpley also wanted to know the number of access points pedestrians would have to the common areas.

Mr. Trosen there would be one or more and would be shown on the plat.

Mr. Tarpley asked if the perc tests done on the individual lots would need to be done by an engineer or if an architect could do them.

Mr. Trosen said the perc tests would need to be done by a Missouri registered engineer.

Mr. Tarpley wanted to know where the stormwater would be released.

Mr. Jenkins said there would be two man made ponds on the property. Mr. Trosen said that the streets would be designed according to rural road standards with asphalt pavement and shoulders and green open swales that would absorb a lot of the water. Mr. Jenkins said the ponds would be considered retention ponds and due to some grade issues in spots, an enclosed system might need to be considered.

Mr. Tarpley wanted to know the location of the trees that might be removed.

Mr. Trosen said they were on the curve in the right-of-way and affected sight distance but because of the presence of a waterline, the applicant was not pursuing this option but would request a variance from MoDOT.

Mr. Tarpley asked how the property had previously been used.

Mr. Trosen said it was used for crops.

Mr. Haley asked what percentage of the water collected in the swales would be absorbed.

Mr. Jenkins said that would depend on which Best Management Practices are used, whether or not deep rooted plants are used, percolation rates and grades.

Mr. Crawford asked for clarification that these were swales and not ditches.

Mr. Jenkins that these would be swales.

Mr. Trosen said that even though these would be private streets, they would need to be built to county specifications and be inspected by the county.

Mr. Pointer asked if the association would maintain the streets.

Mr. Trosen answered yes.

Mrs. Mershon asked who would make sure this was being done.

Mr. Trosen said the association as the county would be doing no repairs or snow removal.

Mr. Pointer asked if the homeowners would be paying a fee to help with upkeep of the streets.

Mr. Trosen said that would be a question for the applicant but other homeowner associations have monthly or annual fees to finance such operations.

Mr. Tarpley asked how the common areas would be maintained.

Mr. Trosen said the developer had stated the purpose of the common areas was to be garden areas so residents could produce garden products that everyone could share.

There were no further questions for staff.

Robert Walquist, the applicant's representative, appeared to give testimony. Mr. Walquist said there was an existing pond on the property and a second pond would be built for the water to flow to. He said orchards had been planned and orchards would be planted on the residents' property if they wanted them. He said the common areas would be like farmland and no trees were being cut down. Mr. Walquist said a gate on the entrance was a future option if permitted.

Mr. Trosen said a gate would be allowed if the legislature approved the private streets. He said coordination would need to be done with emergency services for entrance and to ensure no traffic backups occurred.

Mr. Walquist presented the approval from MDNR that had just been received and it was entered as exhibit 18. He said the swales would have shallow slopes that could be easily maintained and the steeper grades would have turf reinforcement.

Mr. Crawford wanted to know about the size and type of houses planned for the development.

Mr. Walquist said 2000 sq.ft. was being considered for minimum size and they were planning for a green development.

Mr. Pointer asked about the price of the homes.

Mr. Walquist said pricing would begin at \$250,000.

Mr. Tarpley asked about the size of the pond on the north of the property.

Mr. Walquist said it was about 1 ½ acres. He said there would be an overflow system installed.

Mr. Tarpley asked if the green areas were garden areas.

Mr. Walquist said there were plans for orchards.

There no further questions for the applicant and no one else to speak in favor of the application.

Tim Gant, 1405 S. Outer Belt, appeared to speak in opposition to the application. Mr. Gant pointed out his property on the map. Mr. Gant said that drainage from development in the north was already causing problems with water crossing the road and he felt that further development would increase the problem. He said that there was a lot of groundwater in the area and the creek had water flowing continuously; he was worried about septic system leaks contaminating the groundwater endangering his children that played in the creek and livestock that drank from the creek. Mr. Gant was also concerned about increased traffic; he said that there were

currently numerous accidents on the corner. He said he could not build his driveway where he wanted because of sight distance problems and was concerned about the entrance to the development and sight distance. Mr. Gant said the development would be a cause of light pollution if the homes had dusk to dawn lights and destroy the ability to enjoy the night sky. Mr. Gant said he was concerned about the new residents failing to take care of the property once the "new car smell" wore off; he said he did not think they would be aware of the amount of work needing to be done.

Mr. Tarpley asked where the trees were that caused the sight difficulties.

Mr. Gant said it was more of an embankment causing the problems rather than trees.

Mr. Crawford asked if the water drained to a creek and Mr. Gant pointed out the creek on the map.

Mr. Tarpley asked where the stormwater on H Highway drained.

Mr. Gant said the water ran into ditches along the side of the road then into the creek.

Mr. Crawford said the turn lanes would direct runoff water to the south.

Mr. Tarpley said the development was to be on a 10-year plan so all of the houses wouldn't appear over night – it would be a gradual development.

There were no further questions for Mr. Gant.

James Marsh, 2120 Mecklin School Road, appeared in opposition to the application. Mr. Marsh said his family had owned property in the area since 1936. He said he has seen lots of development in the area and didn't like it. Mr. Marsh said once development occurs, it and the accompanying problems stays forever. He said that there would be problems occurring during the development process that needed to be solved. Mr. Marsh said creeks on his property had suffered from a lot of erosion because of improper stormwater drainage procedures to the north. Mr. Marsh said he was concerned about the increase in traffic suggesting that 43 homes could conceivably cause 100 additional cars on road with increased noise, pollution, and wear and tear on roads. He said the trees that cause sight distance problems are around the bend in the road on the west side. He wanted to know if there would be other large buildings in the development other than the church.

Mr. Pointer asked Mr. Marsh how much property he owned and if he had sold land for development.

Mr. Marsh said he owned 40 acres and his family had sold land that had been subsequently developed but development was not the intent for the property sale.

Mr. Tarpley asked how much land they had sold.

Mr. Marsh said about 50 acres. He said his family had originally owned 115 acres. Mr. Marsh said that an article in a 2008 issue of *Hastening Times* entitled "Building the Future Zion" and he

wanted an explanation from the applicant about the consistency of this article with the current zoning request.

There were no further questions for Mr. Marsh.

Brian Smith, 1215 Mannaseh, appeared to speak against the application. Mr. Smith pointed out his property on the map and stated he purchased the property 10 years ago and built his house 6 years ago. He said that 2000 sq.ft. houses would be small for the area; he said his house was 3500 sq.ft. Mr. Smith suggested that larger, more valuable homes be on the outside of the development rather than small 1-story ranch homes for senior citizens. Mr. Smith referred to the description of Residential Ranchette that included the phrase "few neighbors"; he said he moved to the country to see one or two houses, not 42. Mr. Smith said that maintenance would be a big problem in the development and that it would be expensive to live in the country. He said he didn't think the new residents would have the equipment and/or tools necessary for maintenance. Mr. Smith said that invasion of privacy would have the most impact for him. He was worried about teenagers shooting BB guns and trespassers coming onto his property to explore trails in the woods which in turn could cause liability problems if someone were to be hurt. Mr. Smith suggested that if a gate were put at the entrance, a fence should be built around the back to keep the residents off neighboring property. He reiterated the fact that stormwater was an issue because the area was so wet. He said that the current plan was much better than the plan originally proposed. Mr. Smith said that the privacy of his family was his main concern; he said that he didn't buy 10 acres in the country to have 42 neighbors; he said if he had wanted that, he could have bought one acre anywhere.

Mr. Crawford asked if Mr. Smith could see the applicant's property through the treeline.

Mr. Smith said he couldn't now that the trees were leafed out but during the winter when the trees were bare, he could see everything.

There were no further questions for Mr. Smith.

Susan Pinkerton, 1308 S. Outer Belt Road, appeared to speak against the application. Ms. Pinkerton said the development would be on two sides of her property and she said she was in agreement with statements previously made. Ms. Pinkerton said she had lived on her property for 7 years and at the time of purchase, the 197 acres were also for sale. She said phase one would be adjacent to her property. She said she was concerned about her swimming pool that currently didn't require a fence around it but she said she could see this changing in the future along with the liability of trespassers using her pool. Ms. Pinkerton said the majority of the properties in the area were 5 acres or larger and she thought that was the requirement of Residential Ranchette zoning.

Chairman Antey said that 5 acres was the minimum for this type zoning except that this was a planned development and an exception to the requirement. He stated that if any changes were desired to the development plan, the applicant would need to reappear before the commission to get approval. Chairman Antey said if 5 acre tracts were created, there would still be 39 homes and if 10 acre tracts were created, the applicant would not need commission approval.

Ms. Pinkerton reiterated that the property is very wet with springs, ponds and hidden wells. She said that development most likely couldn't be stopped but that she wanted it done responsibly.

Mr. Tarpley asked if there were trees on the west side of her property. She said there was a natural berm that prohibited her from currently seeing from what was happening on the applicant's property.

Mr. Tarpley asked if her property was fenced.

Ms. Pinkerton said no.

Mr. Scarborough asked if the property that Ms. Pinkerton owned was carved out of the original tract of which the 197 acres was part.

Ms. Pinkerton said yes.

There were no further questions for Ms. Pinkerton.

Jack Gant, 1622 N. Charlton, appeared to speak against the application. Mr. Gant stated that he did not live in the area but his three sons did live there. He said that MoDOT was being inconsistent as his sons were allowed only one shared driveway instead of the two driveways they wanted but the applicant would be allowed to have a road with lots of traffic. Mr. Gant said he had concerns about septic systems on the property as the land was not readily adaptable for septic uses.

Chairman Antey said that before any building permits could be issued, a septic system design completed by a Missouri licensed engineer would need to be submitted and the appropriate perc testing done; he said if requirements were not met, no permit would be issued.

Mr. Gant said that MDNR had done perc tests on the property.

Chairman Antey said MDNR did perc tests for their purposes and that additional perc testing would need to be done for each building permit application.

Mr. Gant said that engineers could make mistakes. Mr. Gant said he had further concerns about only one entrance/exit to the development. He said one entrance could not be making emergency personnel happy. Mr. Gant said traffic in the area was bad already and the additional traffic accompanying the development would be giving the sheriff more business. He said the neighboring property owners didn't want the applicant not to be able to use the property but wanted something more compatible to the area than what was proposed such as five or ten acre lots.

There were no questions for Mr. Gant.

Mr. Tarpley asked if there would be turn lanes.

Mr. Trosen said there would be a left turn lane going northbound and a right turn lane going southbound. He said that when the final plat was submitted, the necessary approval and permits must have been received from MoDOT for the turn lanes.

Mr. Tarpley asked where the church would be located.

Mr. Trosen said the church location was not indicated but could be on any of the lots as long as the building complied with requirements for drainage, etc. Mr. Trosen said none of the lots had direct access to H Highway but all of the lots were served by one road.

Mr. Haley asked where people attending the church would park.

Mr. Trosen said the church would be on a 3-acre lot so there would be room for parking.

Todd Riepe, 1116 S. Outer Belt Road, appeared in opposition to the application. Mr. Riepe said his major concern was that the development would be a closed community and he did not think this would be the way to go in the country. He said any property purchased in the development would be through the church board and not a realty agent.

Mr. Pointer asked for clarification.

Mr. Riepe said it had been explained in a neighborhood meeting with the applicant that prospective buyers in the development would need to appear before the church board of directors for approval to purchase a lot.

Mrs. Mershon said it would be a closed community for church members only.

Mr. Riepe said he wasn't against religion but he didn't feel this was a proper use in this area.

Douglas Attebery, 1102 S. Outer Belt Road, appeared to speak against the application. Mr. Attebery said that the current proposed development was much more palatable than what was originally proposed. He said he moved from the city to get away from the noise and pollution and to be able to see the stars at night. Mr. Attebery said his property was six miles north of I-70 and he thought he would have at least ten years before development reached his back door. He said he had purchased 10 acres in order to enjoy the quiet and the dark and he was paying big money to do this. He said that the proposed development would be destroying what he had moved to the country to enjoy; he said he had selected this area as the minimum lot size was 5 acres and this would give him the quiet that he wanted.

Tim Gant had an additional comment stating that the driveway on the applicant's property had been approved by MoDOT.

There was no one else to appear in opposition to or with questions regarding the application.

Kevin Rohmer, the applicant's representative, appeared to answer concerns brought up during preceding testimony. Mr. Rohmer said neighborhood meetings had been held to hear the neighbors' concerns and attempt to ease them. He said there would be no street lights to contribute to light pollution and the 3-acre lots were proposed to create more open areas that

would be buffers between the development and neighboring properties. Mr. Rohmer said at the first neighborhood meeting they had learned of the concerns regarding the 2008 article in "Hastening Times" and that was one of the reasons for downsizing the original proposal. He said the planned development designation was meant as a safeguard for the neighbors as no changes to the proposal could be made without appearing before the plan commission and securing approval.

Mr. Pointer asked for clarification of the approval process of who could buy and move into the development.

Mr. Rohmer said the church members wanted to develop an old-fashioned community where they could live together in the country. He said there would be no discrimination and all requirements of the Fair Housing Act would be followed.

Mr. Gibler wanted to know if the applicant owned the development on 7 Highway.

Mr. Rohmer said there was no affiliation but that many of their members had come from that organization.

Mr. Haley said he couldn't understand how a Christian community would want to be a gated community.

Mr. Rohmer said no decision had been made regarding a gate but that it was an option for a private road.

Mr. Haley asked if only church members would be allowed to live in the development.

Mr. Rohmer said the purpose of the development was to give church members the opportunity to live and share their lives together.

Mr. Gibler asked if emergency personnel would be able to access the property when necessary.

Mr. Walquist said if a gate were installed, all emergency personnel would be given means to access the property. He further stated that if a gate were installed, it would only be closed at night.

Mr. Tarpley wanted to know if street lights were a requirement.

Mr. Trosen said street lights were not required.

Mr. Pointer said he had a problem with a community being restricted to a certain group.

Mr. Wahlquist said there were communities for seniors with age restrictions.

Mr. Pointer said senior communities were not communes and had only age restrictions. He said he didn't approve of communities set up for just certain people.

Brian Smith said he had been unaware of the process to purchase property within the development and wondered if staff had been aware of the need to be approved by the church board prior to property purchase. He asked if explanation could be given regarding how the church membership and finances were regulated by the church.

Counselor Haden said this was beyond the decision before the commission.

Chairman Antey said it was not the commission's purpose to determine if Fair Housing laws could possibly be violated in the future with regards to the development.

Ms. Pinkerton wanted to know who would regulate these laws.

Counselor Haden said there was a federal department that ensured that Fair Housing laws were not violated and anyone who thought they were being discriminated against by being denied the opportunity of buying property in the development could appeal the decision to this federal department.

There were no further questions.

Mr. Tarpley moved to take RP-2010-471 under advisement. Mr. Pointer seconded the motion.

Mr. Tarpley said management of stormwater was always a main concern with development and it seemed that procedures were in place to take care of stormwater for this development. He said grassy lawns would slow down stormwater much more than the current row crops.

Chairman Antey said both the state and county had strict guidelines for the control of stormwater during development.

Mrs. Mershon said the Unified Development was adopted to protect and maintain the agricultural way of life in eastern Jackson County by requiring 10-acre lots. She stated that the commission had rejected a 5-acre lot development to the north of this area a few years ago however the legislature had approved it. She stated that she didn't see the need for lot sizes less than 5 acres even though a planned development designation allowed smaller lots.

Chairman Antey said if the green areas were removed, more tracts could be created in the development.

Mrs. Mershon said the requirement should be 5-acre lots in addition to the green areas.

Chairman Antey said the UDC didn't require this.

Mr. Tarpley wanted to know why the 5-acre lot development had been rejected.

Mrs. Mershon said the rejection was due to non-compatibility with the surrounding 10-acre lots. She said she believed that the surrounding area should be kept as it is.

Mr. Tarpley said if 10-acre or larger tracts were created, these tracts could always be divided later on necessitating numerous appearances before the commission.

Mrs. Mershon said that was okay with her.

Chairman Antey said with 5-acre lots there would 39 lots in the development.

Counselor Haden stated that dedicated road right-of-way was included in total acreage of a tract.

Mr. Pointer said he thought they were voting on the wrong thing. If it was to be a business where money was going to be raised for the church after things were paid off, then it was going to be a business and not a housing development.

Chairman Antey said he didn't understand what point was being made.

Mr. Pointer said a person couldn't buy a house in the development unless a member of the church and money made from the home owners association would be given to the church. He said churches don't pay taxes but are still businesses. He said communes were created in order to get around the tax laws.

Mr. Tarpley said his concerns about perc tests were eased by the MDNR report which indicated that three systems could be placed on each lot. He said if the report were correct, there should be no problem with individual septic systems.

Mr. Scarborough said he had grown up in the country. He said he always found it interesting to listen to both long-time residents and newer residents who were always distrustful of people who wanted to move into an area and enjoy the lifestyle that current residents enjoyed. He said people always wanted to enjoy looking at 100 acres without buying 100 acres. Mr. Scarborough said he had a problem with one entrance only for the number of lots in the development. He said that there was no one currently on staff at the fire district to review subdivision plans. He said that the location of the development did not fit in with the character and lot sizes of the area.

Mr. Crawford said several things had been brought before the commission for which they had no responsibility. He said access off of the highway was determined by MoDOT and although the process of purchase was unconventional and exclusive, the only concern for the commission was use of the land and the proposal met UDC guidelines.

Chairman Antey said if any changes were made to the proposed development plan, the applicant would need to reappear before the commission.

Mr. Crawford clarified that Residential Ranchette was a proper zoning classification in the Rural Development Tier.

There was no further discussion on the application.

Mr. Haley moved to approve RP-2010-471. Mr. Pointer seconded the motion.

VOTE:

Plan Commission August 19, 2010

Mr. Crawford	Disapprove
Mr. Gibler	Disapprove
Mr. Haley	Disapprove
Mrs. Mershon	Disapprove
Mr. Pointer	Disapprove
Mr. Scarborough	Disapprove
Mr. Tarpley	Disapprove
Chairman Antey	Approve

RP-2010-471 DISAPPROVED (1-7)

Mr. Trosen asked Counselor Haden if a decision should be made regarding the preliminary plat since the application for rezoning had been disapproved. Counselor Haden said a decision should be made regarding the preliminary plat as both the rezoning application and preliminary plat would be sent to the legislature. Mr. Pointer said he didn't see the need to vote on the preliminary plat since the rezoning application had been disapproved. Both Chairman Antey and Mr. Trosen said both recommendations would be carried forward to the legislature.

Preliminary Plat – "Bountiful":

Mrs. Mershon moved to approve the preliminary plat. Mr. Tarpley seconded the motion. Voice vote. Disapproved.

STAFF REPORT (Revised)

**LAND USE COMMITTEE
August 20, 2010**

**RE: RP-2010-471 (Rezoning – Planned Development)
Preliminary Plat – Bountiful Lots 1-43 and Tracts A - E**

Applicant: Bountiful Development Corporation

Property Owner: Remnant Development (New Jerusalem Communities, LLC)

Location: Approximately one mile north of FF Highway (Truman Road) on the west side of H Highway (Outer Belt Road).

Area: 197 ± acres (Exhibit 10)

Request: Change of zoning from District A (Agricultural) to RR-p (Residential Ranchette – Planned Development)

Purpose: 43 lot residential subdivision – Bountiful. Approximately 21% of the development area is reserved as common open space.

Current Land Use and Zoning in the Area:

The surrounding land use in the area is either agricultural or residential tracts. The zoning in the area is predominantly Agricultural. There are some properties further north and south that are zoned District RR (Residential Ranchette) and also along Truman Road (Route FF) and Borgman Road.

County Plan:

The County Plan Development Diagram illustrates this area within the Rural Development Tier (RDT). This tier is intended for residents who enjoy a rural lifestyle, open spaces and few neighbors. The County's policies are designed to retain this rural character rather than to support new urban development in these rural areas.

Comments: Since 2008, Staff has been meeting with the applicant regarding the development of this property.

One of the original plans submitted by the applicant illustrated a development for 248 residential units with an internal curb and gutter street network and a package waste treatment plant for the entire development. The applicant referred to this as a "clustered subdivision" in compliance with District RR – planned development standards. A letter (Exhibit 14) dated December 15, 2008 from Jack Schmidt, a consultant for the applicant, requested Staff's interpretation of the Unified Development Code (UDC) specifically referring to Section 24004.3 requirement as it pertains to their proposed development of 248 residential units.

UDC Section 24004.3 (Residential Ranchette), paragraph e subtitled "Planned Uses" states:

"Clustered subdivisions with an average density of one (1) dwelling unit per three (3) acres, provided that such use is compatible with adjacent uses and that at least twenty (20) percent of the site is reserved as common open space".

Staff responded to Mr. Schmidt in a letter dated December 17, 2008 (Exhibit 15). Staff explained that the RR District is intended for very low density residential use, with a minimum lot size of five acres. Development in the RR District is served at rural level of services. The RR District is appropriate in the Rural Development Tier depicted on the Development Diagram of the County Plan.

The Rural Development Tier was established to maintain the opportunity for a rural lifestyle in the future. This tier is intended for residents who enjoy a rural lifestyle, open spaces and few neighbors. County regulations and zoning districts, such as Residential Ranchette, were established to retain this rural character rather than to support new urban development in these rural areas.

Therefore, in maintaining the rural character and intent of the County Plan's Rural Development Tier and UDC's Residential Ranchette District, it is Staff's interpretation, with concurrence from the County Counselor's office, that a clustered subdivision in District RR is a planned development subdivision allowing one dwelling on a 3 acre lot with 20% of the overall area reserved as common open space. The original plan would be inconsistent with the intent and purpose of the County Plan and Unified Development Code.

The applicant has had a couple of meetings with surrounding property owners as well as meetings with Staff on several revised plans.

The development plan / preliminary plat (Exhibit 9) filed for consideration consists of 43 residential lots and five tracts of common open space consisting of 41.72 acres or 21% of the development area.

Mr. Joe Ben Stone, a board member and property manager for the applicant, states in a letter dated July 6, 2010 (Exhibit 11) that this development plan "is designed to be a "Green Community" preserving the agricultural nature of the surrounding area". Mr. Stone goes on to say that they intend to utilize as many green construction methods as possible and chose the planned development concept to preserve green space for growing produce for their neighborhood.

Staff has reviewed the development plan/preliminary plat as well as distributed to other organizations, utilities and agencies. Copies were hand delivered on July 16, 2010 to the following: West Central Electrical Co-Operative, Oak Grove School District, Jackson County Sheriff's Office, Fort Osage Fire Protection District, Public Water Supply District No. 16,

Missouri Department of Natural Resources and the Missouri Department of Transportation.

West Central Electrical Co-Operative:

Request that necessary utility easements be shown on final plat.

Oak Grove School District:

No comments received.

Sheriff's Office:

Upon review, no issues were found.

Fort Osage Fire Protection District:

No comments received.

Public Water Supply District No. 16:

Hydrology study pending. There is a 6-inch main running along Outer Belt Road (Missouri H Hwy) and also a 6-inch main running to the west of the property along Borgman Road.

Wastewater Treatment (Missouri Department of Natural Resources):

The development plan indicates that each lot will be served by an on-site wastewater treatment system.

For single family residential housing developments with seven or more lots and each lot less than 5 acres in size, a developer must request MDNR (Missouri Department of Natural Resources) approval. The request for approval must be submitted to Jefferson City Water Pollution Control Branch. These applications are reviewed by Charles Harwood in Jefferson City. On August 3rd, Staff contacted Mr. Harwood regarding the permit for Bountiful. He stated that no application has been submitted to him for review.

At the Plan Commission meeting, the applicant submitted the MDNR Residential Housing Development Geohydrologic Groundwater Evaluation Rating (Exhibit 18). The evaluation is not an approval under the current residential housing development rule. That decision is made by Mr. Harwood. This evaluation pertains to groundwater contamination potential only.

Once MDNR approves the subdivision, the county's Development Division will review the plans and issue a permit for each single family residential system that either discharges into a subsurface soil absorption system or a polishing pond system.

The County's on-site wastewater staff has reviewed the proposed development plan and has conditionally approved the development pending similar confirmation by MDNR in Jefferson City.

Internal Streets and Access(Missouri Department of Transportation):

The applicant proposes that all internal streets will be private and maintained by the HOA (Home Owners Association). The streets will be constructed to the County's asphalt rural road standards which are two 12 foot wide travel lanes, a six foot wide asphalt shoulder adjacent to travel lane and a green open swale to accommodate storm water. At the entrance, the developer proposes the rural collector standard which increases the width of shoulders to 8 feet.

UDC Section 24006.7 under paragraph k states that the County Legislature may approve a proposed development provided with the means of access by private streets so long as the private streets are constructed in conformance with standards and specifications prescribed for public streets in the UDC and an association or entity is responsible for maintenance and snow removal of these streets.

During the construction of the streets, Public Works will inspect for conformity to County specifications and engineered plans in the event that the private streets were to become public at some future date.

The access from Missouri H Highway is regulated and permitted by the Missouri Department of Transportation (MoDOT). The applicant has been working with MoDOT since 2008 regarding access to Missouri H Highway. MoDOT's access management guidelines require 985 feet of stopping sight distance for side road connections to the state highway system. If the minimum stopping sight distance cannot be obtained, then a variance request must be approved by MoDOT's central office staff in Jefferson City.

The field measured stopping sight distance at the location on the development plan was 905 feet northbound and 985 feet southbound. It was determined that the additional 80 feet of sight distance might be obtained through removal of trees and/or grading along the horizontal curve. The applicant determined that there are utility conflicts that would be cost prohibitive in moving trees and specifically grading down the bank to improve sight distance. The applicant has elected to obtain the variance from MoDOT in Jefferson City.

MoDOT also informed the applicant that a traffic study would be required or construction of required turn lanes to accommodate the turning vehicles. This must be a fully designed left turn lane and a right turn lane.

The proposed development plan illustrates the right and left lanes on Missouri Highway H.

In regards to the sight distance variance, the applicant submitted a formal letter with engineering documents to the local MoDOT office. The local

MoDOT office forwarded the request to the Central Office where a decision is made within. On August 20, staff received notification that the MoDOT Central Office staff approved the sight distance variance on condition that the turn lanes are constructed in advance of occupancy. The applicant must now submit detail plans for the turn lanes and connection to Route H. Once approved, MoDOT can issue the necessary permits.

Stormwater:

A small portion of the property is included in the 100 Year Flood Zone. A Floodplain Development Permit and Elevation Certificate will be required. The plat must illustrate and label a 75-foot area on each side of the creek as a "No Build Zone" that flows through Lots 26, 28 and Tract E. Permanent BMP (Best Management Practices) will be required along the southern boundary of development.

Preliminary Plat:

1. An easement for pedestrian access must be shown on the plat from the private street to each tract which is designated as common open space.
2. Lot 3 is slightly less than 3 acres in area.
3. Illustrate and label a 75 ft. area on each side of the creek as a "No Build Zone" that flows through lots 26, 28 and Tract E.

Compatible with Adjacent Uses:

In the UDC section for planned uses under District RR, the clustered subdivision use has the words embedded, "provided that such use is compatible with adjacent uses". The word by word interpretation is that there is housing around this development and therefore, the proposed single-family residential lots would be compatible. However, you might also interpret this to mean that the size of tract containing the home is similar in size to tracts in the surrounding area.

Exhibit 16 illustrates the number of properties within ½ mile that fall within one of three categories according to their size - number of acres. Over half or 70 properties that are within one-half mile of this development contain 10 acres or more.

Staff Recommendation:

Rezoning:

The proposed change in zoning to District RR-p (Residential Ranchette – Planned Development) is consistent with the intent and purpose of the County Plan and complies with the clustered subdivision planned use under District RR (Residential Ranchette).

Staff recommends APPROVAL of RP-2010-471.

Preliminary Plat:

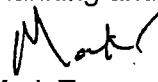
Staff recommends APPROVAL of the Preliminary Plat lots 1 through 43 Tracts A – E subject to the following conditions:

1. The County Legislature allows private streets as a means to provide access to the subdivision lots. The developer agrees that private streets are constructed in conformance with standards and specifications prescribed for public roads in the Unified Development Code and provides evidence that an association or entity is responsible for maintenance of the private streets.
2. Prior to final plat submittal, the Developer has obtained a permit from Missouri Department of Transportation to access Missouri Highway H and construct the right hand and left hand turning lanes on H Highway.
3. Prior to final plat submittal, the Developer has obtained a permit from Missouri Department of Natural Resources for disposal of wastewater in residential housing development in accordance to state regulations.
4. The Developer agrees to revise the plat to include a pedestrian access easement from the internal private street to each tract which is designated as common open space.
5. The Developer agrees to revise the plat to illustrate necessary utility easements as required by West Central Electrical Co-Operative.
6. The Developer agrees to revise the plat to illustrate and label a 75 foot area on each side of the creek as a "No Build Zone" that flows through lots 26 and 28 and Tract E.

Plan Commission Recommendation:

After hearing testimony pertaining to this request, the Plan Commission voted 7 to 1 to recommend DISAPPROVAL to the County Legislature on the rezoning matter and a unanimous voice vote of Disapproval on the Preliminary Plat. The plan Commission determined that the proposed 3-acre lots and planned subdivision are not compatible with the surrounding uses and tract sizes.

Respectfully submitted,
Planning and Development Division


Mark Trosen
Administrator

**Plan Commission
August 19, 2010
RZ-2010-471**

Applicant / Property Owners:

**Bountiful Development
700 W. Lexington
Independence, MO 64050**

**Parcel Nos: 21-200-03-03;
21-200-03-04; 21-200-03-05;
21-200-03-01.01.2; 21-500-01-08;
21-500-02-01; 21-200-04-03.03.1**

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

21-200-02-14
Alan Toczek
1106 S. Outer Belt Rd.
Oak Grove, MO 64075

21-200-04-04.01
Timothy Gant
1405 S. Outer Belt Rd.
Oak Grove, MO 64075

21-200-04-03.01
Michael Lidberg
1214 S. Outer Belt Rd.
Oak Grove, MO 64075

21-200-03-01.01.2
Bountiful Development Corp.

21-200-04-03.02
Benton Pinkerton
1308 S. Outer Belt Rd.
Oak Grove, MO 64075

21-200-03-05
Bountiful Development Corp.

21-200-03-01.02
James Malone
1208 S. Outer Belt Rd.
Oak Grove, MO 64075

21-200-03-04
Bountiful Development Corp.

21-200-03-03
Bountiful Development Corp.

21-200-02-13
Angela George
1112 S. Outer Belt Rd.
Oak Grove, MO 64075

21-200-02-02.01
Julius Telgemeier
37204 E. Steinhauser Rd.
Sibley, MO 64088

21-300-01-25
Doris Triplett – Trustee
36807 E. Steinhauser Rd.
Sibley, MO 64088

21-300-01-13
Karen Zumwalt
40203 E. Nevins Rd.
Oak Grove, MO 64075

21-300-04-15
Michael Richards
1615 S. Manasseh St.
Oak Grove, MO 64075

21-300-04-17
Robert Kimzey
P.O. Box 107
Grain Valley, MO 64029

21-300-04-12
David Brown
1203 S. Manasseh St.
Oak Grove, MO 64075

21-200-02-12
Todd Riepe
1116 S. Outer Belt Rd.
Oak Grove, MO 64075

21-300-01-06
Steven Heinz
1200 S. Outer Belt Rd.
Oak Grove, MO 64075

21-300-04-11
Richard Baylor
1211 S. Manasseh St.
Buckner, MO 64016

21-300-04-13
Adam Reinbold
1207 S. Manasseh St.
Oak Grove, MO 64075

21-200-03-02.01
Diana McGinnis
1120 S. Outer Belt Rd.
Oak Grove, MO 64075

21-500-02-02.02
Mark Buso
P.O. Box 586
Oak Grove, MO 64075

21-300-04-18
Robert M. Thomas II
1701 S. Manasseh St.
Oak Grove, MO 64075

21-300-04-16
John Herrin
1503 S. Manasseh St.
Oak Grove, MO 64075

21-300-04-21
Gary Nickelson
2016 NW 9th St.
Blue Springs, MO 64015

21-300-04-19
Leanne Farkes
7820 Long
Lenexa, KS 66216

21-300-04-20
Timothy Muntz
1717 Manasseh St.
Oak Grove, MO 64075

21-300-04-14
Brian Smith
1215 Manasseh St.
Oak Grove, MO 64075

21-300-04-22
Daniel Feldman
1911 S. Borgman Rd.
Oak Grove, MO 64075

21-300-01-07.01
David Steinhauser
37107 E. Steinhauser Rd.
Oak Grove, MO 64075

21-400-01-06
Daniel Feldman

21-500-01-08
Bountiful Development Corp.

21-400-01-04.01.1
John Symons
P.O. Box 240006
Douglas, AK 99824

21-500-02-07
Daniel Feldman

21-400-01-07
Daniel Feldman

21-500-02-06
Daniel Feldman

21-200-02-07
Martin Gorman
17517 Leavenworth Rd.
Tonganoxie, KS 66086

21-200-02-06
Lowell Welsch
37611 E. Steinhauser Rd.
Oak Grove, MO 64075

21-200-02-05
Julius Telgemeier

21-500-02-05
Daniel Feldman

21-500-02-10
Mark Buso

21-500-02-02.01.1
Mark Buso

21-500-02-03
Kenneth Campbell
34506 E. Little Rd.
Buckner, MO 64016

21-500-01-07.02.2
Danny Miller
1811 S. Outer Belt Rd.
Oak Grove, MO 64075

21-500-01-07.02.1
Danny Miller

21-500-02-01
Bountiful Development Corp.

21-500-02-08
Daniel Feldman

21-500-01-05
Mildred Buie
149 Pisgah Rd.
Easley, SC 29642

21-500-01-06
James Marsh
P.O. Box 582
Oak Grove, MO 64075

21-500-01-07.02.3
Ryan Grey
2017 S. Outer Belt Rd.
Oak Grove, MO 64075

21-200-04-01.01.4
Jason Oglesby
1217 S. Outer Belt Rd.
Oak Grove, MO 64075

21-200-04-01.01.3
Donald Fagan
1211 S. Outer Belt Rd.
Oak Grove, MO 64075

21-200-01-12
Timothy White
P.O. Box 525
Oak Grove, MO 64075

21-200-01-13
Timothy White

21-200-01-14
Waymond Durham
1109 S. Outer Belt Rd.
Oak Grove, MO 64075

21-400-01-05
Daniel Feldman

21-200-04-05
Scott Trusty
1711 H Hwy
Oak Grove, MO 64075

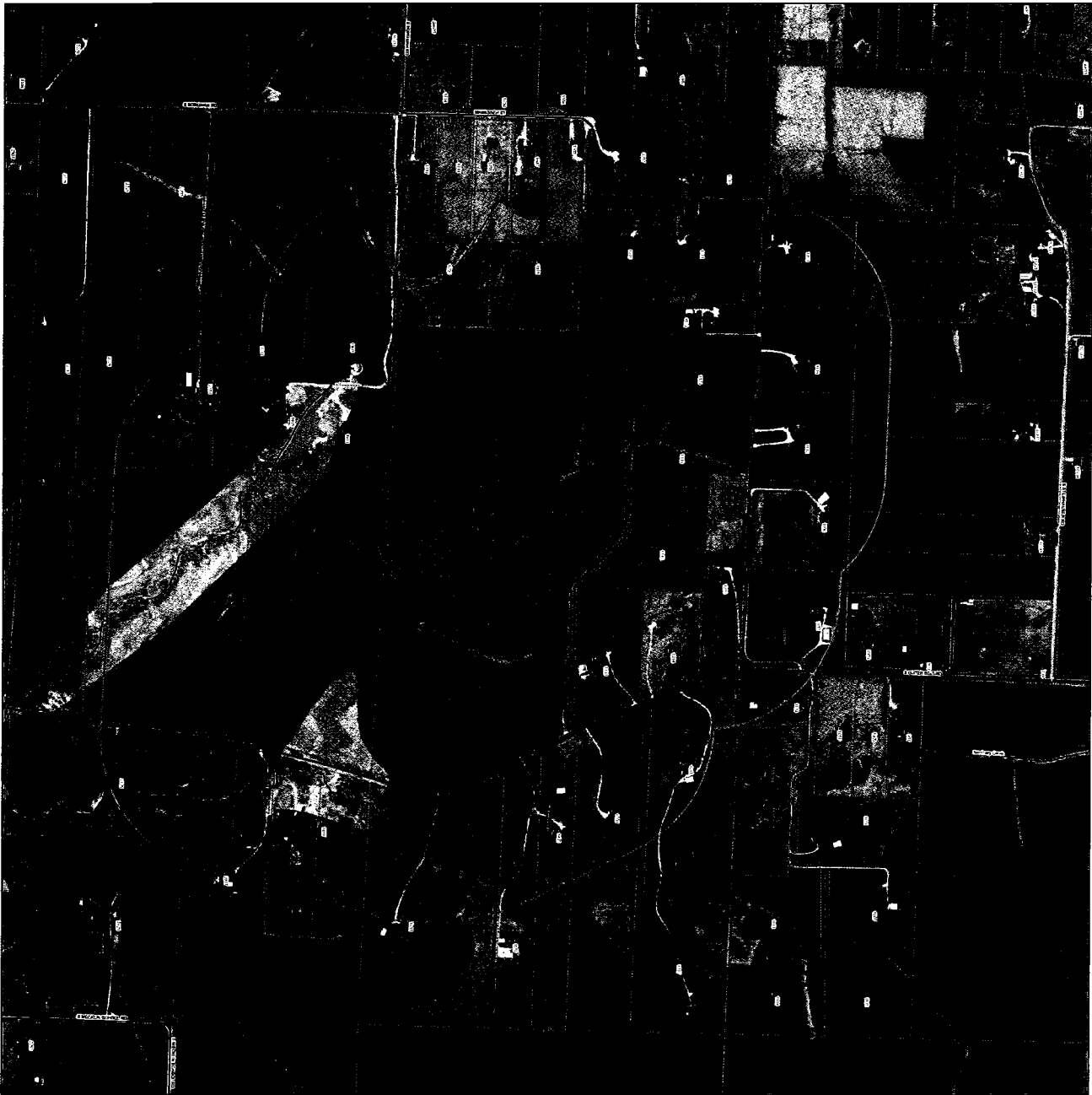
21-200-04-04.02
John Gant
1507 S. Outer Belt Rd.
Oak Grove, MO 64075

21-200-04-03.03.1
Bountiful Development Corp.

21-200-04-01.01.2
Stephen Mapes
1307 Outer Belt Rd.
Oak Grove, MO 64075

21-200-02-15
Douglas Attebery
1102 S. Outer Belt Rd.
Oak Grove, MO 64075

21-200-02-03
Ronald Brittain
37405 E. Steinhauser Rd.
Oak Grove, MO 64075



Jackson County
Zoning Map

Legend	
	100' Notification Ring
Classification	
Class	
	Local
	Collector
	Major Arterial
	Minor Arterial
	Parcel
	all other values
	Plat
	Pending Rezoning
	Rural Development
Rezoning selection	
Zoning	
	RR-Residential Ranchette
	RC-Residential Ranchette-Planned
	RS-Residential Estates
	RS-Residential Suburban
	RU-Residential Urban
	A1/1-Single-Family
	B1/1-Two-Family
	C1/1-Multi-Family
	A1-1-Absorb Homes District
	R1/1-Residential Office-Planned
	L1/1-Local Business
	L2/1-Local Business-Planned
	SB-General Business
	GB-General Business-Planned
	I1-Light Industrial
	I2-Light Industrial-Planned
	IH-Heavy Industrial
	Flood Hazard Area
	City Boundary selection

RZ-2010-471

1 inch equals 282 feet

**JACKSON COUNTY, MISSOURI
PLANNED DEVELOPMENT ZONING APPLICATION**

APPLICANT INFORMATION:

1. 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.
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. Provide Site Development Plan and supporting documentation as provided in UDC Section 24003.18 paragraph e (See Item 14).
6. A signed statement by applicant that applicant understands and agrees that rezoning granted under this section may be revoked should actual use of the property deviate materially if planned development is granted.
7. The filing fee (non-refundable) must accompany application.
(Check payable to Manager of Finance)
\$350.00 - Change of Zoning to Residential / Planned Development
\$500.00 - Change of Zoning to Commercial or Industrial / Planned Development

TO BE COMPLETED BY OFFICE PERSONNEL ONLY:

Rezoning Case Number RP-~~2009~~²⁰¹⁰-471

Date Filed 7-8-10 Date of hearing August 19, 2010

Date advertised 8/4/10 Date property owners notified 8/4/10

Date signs posted 8/4/10

Hearings:	Heard by <u>Plan Comm</u>	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: Bountiful Development Corporation
Address: 700 West Lexington Independence, MO 64050
Phone 816-699-9600
- b. Owner(s) Name: Remnant Development (New Jerusalem Communities, LLC)
Address: 700 West Lexington Independence, MO 64050

Phone: 816-699-9600

c. Agent(s) Name: Quist Engineering, Inc.

Address: 4138 Hwy TT Odessa, MO 64076

Phone: 816-625-6937

d. Applicant's interest in Property: 100%

2. General Location (Road Name) 1400 Outerbelt Road

3. Present Zoning AG Requested Zoning RR-P

4. AREA (sq. ft. / acres) 197.12 ac

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

see attached

6. Present Use of Property: farmland

7. Proposed Use of Property: Single family

8. Proposed Time Schedule for Development: 10 year

9. What effect will your proposed development have on the surrounding properties?

increase in traffic, noise, light, security

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 Water District #16
- b. Sewage disposal individual on-site treatment
- c. Electricity West Central Electric
- d. Fire and Police protection Fort Osage, Sheriff

12. Describe existing road width and condition: 26 foot width, no curbs, condition good

13. What effect will proposed development have on existing road and traffic conditions? We intend to add a deceleration lane.

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? Yes If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): MDNR - for grading and erosion control, MDNR - for on-site treatment - Form 10 CSR 20-6.030

15. **PLANNED ZONING APPLICATION SHALL INCLUDE SITE DEVELOPMENT PLAN:**

An accurate, legible site plan, drawn to scale and containing the following information:

- a. the legal description of subject property;
- b. the limits, dimensions, and square footage/acreage of property and the development of property adjacent to the area within three hundred (300) feet;
- c. the topography in intervals no greater than ten (10) feet;
- d. general location and width of all proposed streets and public rights-of-way, such as pedestrian ways and easements.
- e. entrances and exits from streets or indication of the criteria for entrance and exit

placement;

- f. proposed building layout illustrating the front, side and rear building setback lines.
- g. proposed use of buildings, or a description of the proposed uses by type, character, and intensity;
- h. location and amount of parking or loading, or indication of the proposed parking and loading ratio and the location criteria;
- i. location, type, and size of signs, or indication of the criteria for location, type and size of signs.

Verification: I (We) hereby certify that all 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): Remnant Development Corporation
New Jerusalem Communities, LLC

July 6, 2010

Joe Ben Stone
Telephone 816-699-9600

July 6, 2010

Applicant(s) Bountiful Development Corporation

July 6, 2010

Joe Ben Stone
Telephone 816-699-9600

July 6, 2010

Contract Purchaser(s) _____

STATE OF MISSOURI
COUNTY OF JACKSON

On this 6th day of July, in the year of 2010, before me

The undersigned notary public, personally appeared JOE BEN STONE

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.

Notary Public

Michael L. Lytle

Commission Expires

Nov. 13, 2012

MICHAEL L. LYTLE
Notary Public - Notary Seal
State of Missouri
Commissioned for Jackson County
My Commission Expires: November 13, 2012
Commission Number: 08680533

*Remnant Development Corporation
New Jerusalem Communities, LLC*

*700 West Lexington
Independence, Missouri 64050*

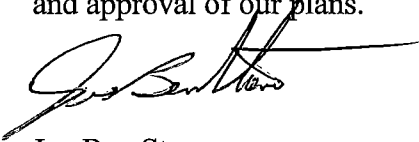
July 6, 2010

Jackson County
Planning And Development
303 W. Walnut
Independence, MO 64050

Re: Bountiful Development Project

Dear Sir:

We respectfully submit for your consideration the enclosed plans for a rural planned development community utilizing the "Cluster Housing" concepts. This Community is designed to be a "Green Community" preserving the agricultural nature of the surrounding area. We intend to utilize as much green construction methods as possible. We choose the clustered planned development to preserve green space for growing produce for the community. We look forward to your review and approval of our plans.



Joe Ben Stone
Board Member / Property Manager

Quist Engineering, Inc.

Civil Engineering for Residential & Commercial Site Development

4138 Highway TT
Odessa, Missouri 64076
Phone: (816)625-6937
Fax: (816)625-6937

Email: ralquist@quistengineering.com

July 6, 2010

Jackson County
Planning And Development
303 W. Walnut
Independence, MO 64050

Re: Bountiful Development Project

To Whom It May Concern:

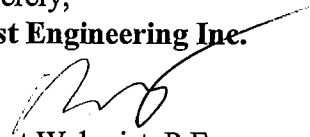
This letter is to address some engineering concerns.

1. Regarded to the MDNR approvals needed for on-site treatment systems.
We have submitted to MDNR the form for a "Request for Geohydrologic Evaluation" on 6/20/10 we are waiting for this study to submit form 10CRS 20-6.030 "request for approval disposal of wastewater in residential housing development".
We have had a on-site sewer study done on the property which we have attached a copy of.
2. We have contacted water district # 16 and are getting a study completed on this site to evaluate fire flows.
3. We have contacted MODOT regarding the entrance location and have had a response by e-mail which we will forward to you.

As soon as we receive the reports or responses back from any of the above entities we will forward a copy to the planning department.

If you have any questions please call me at (816) 625-6937 or e-mail me at ralquist@quistengineering.com

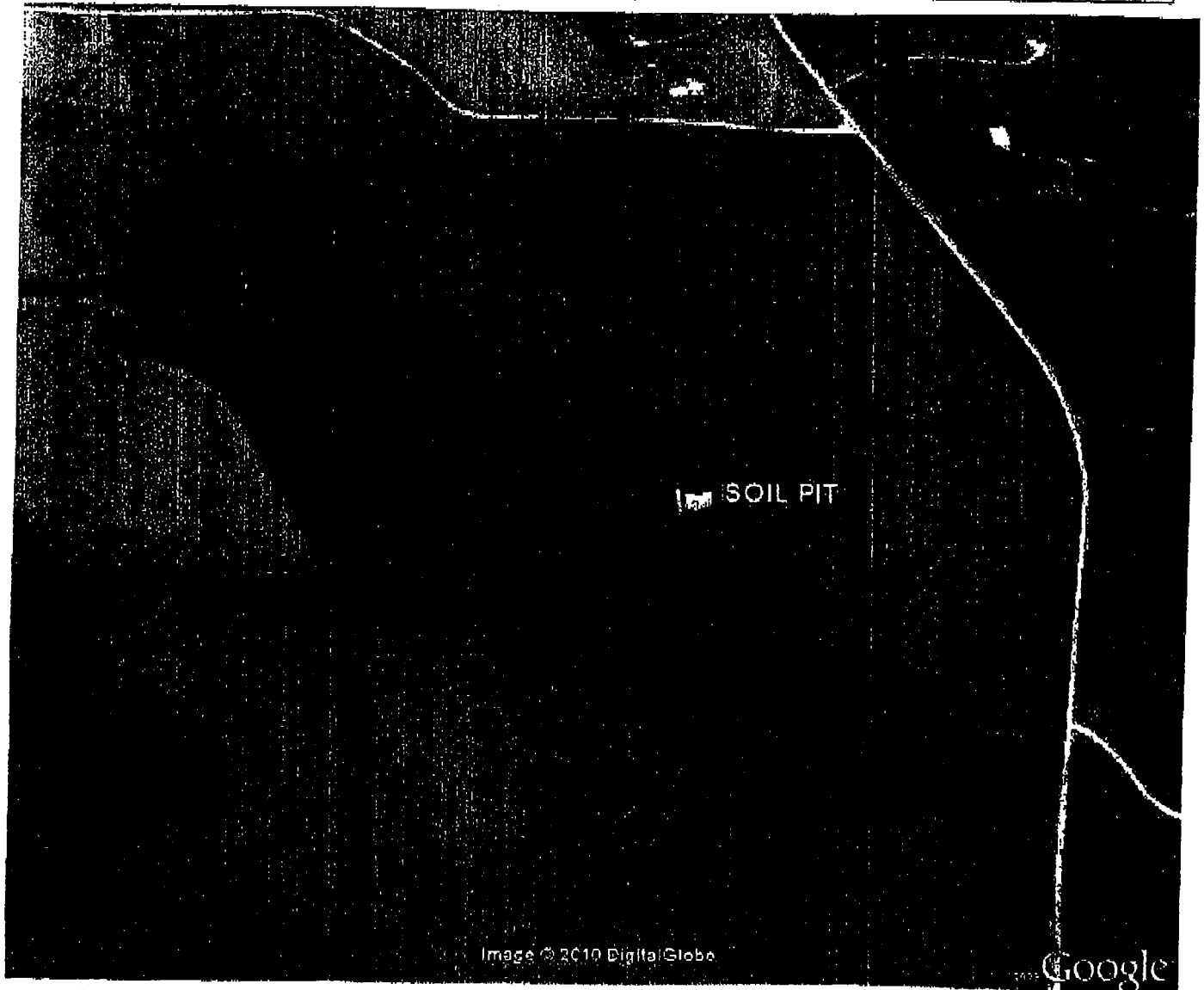
Sincerely,
Quist Engineering Inc.


Robert Walquist, P.E.
Project Engineer

EX. 12

OFFICIAL USE - APPLICATION # _____
SITE EVALUATION for ON-SITE SEWAGE SYSTEM

Property Owner: BOUNTIFUL DEVELOPMENT CORP		Date: 28 JUNE 2010	
Site Address: MO. H HWY		Mailing Address: 700 W. LEXINGTON	
197 ACRE SITE		INDEPENDENCE MO 64050	
PROPOSED SUBDIVISION		Day: 816 699 9600 Evening: ()	
County: JACKSON	Legal Location: 1/4 1/4 SW 1/4 S 5 T 49 N R 29 W		
Residence - # Bedrooms:	# People	Latitude: N 39° 04' 42.9"	Longitude: W 94° 02' 09.5"
Business - Type: RES.	Design flow: 150 gpd	System is: New <input checked="" type="checkbox"/>	Replacement <input type="checkbox"/> Repair <input type="checkbox"/>



Site Diagram and Cross-Section: Show relative location of buildings, wells, roads, rock outcrops, depressions, sinkholes, location of soil observations, etc. Indicate the evaluated area(s) and direction of slope. (Property lines, easements, buried utilities, etc., are as observed, or as reported by property owner)

Owner: BOUNTIFUL DEVELOPMENT CORP. SOIL PROFILE DESCRIPTION
 SOIL CHARACTERISTICS

Date: 28 JUNE 2010

Vegetation: GR Excavation Depth: 69" Pit (required for new installation) or Core #: 180610

Soil Suitability (S, PS, U)	Horizon Designation	Depth / Boundary (ft)	Munsell Color (moist)	Redoximorphic Features (e)	Texture		% Coarse Fragments by volume >3"	Consistence (f)	Structure (g)	Roots /Pores (h)	Shrink /Swell	Soil Group	Application Rate	
					USDA (i)	% Clay							Conv. (Table 13)	LPP (Table 14)
S	Ap	0-8.5 GS	10YR3/1	—	SIL	26	—	FRSS	1M5BK	MM	MDP III	0.50	0.25	
S	Ba	8.5-16 CS	10YR4/1	—	D1CL29	—	—	FRSS	1M5BK	CM	MDP III	0.45	0.23	
PS	Bt1	16-29 CS	10YR4/1	FEW IRON DYR 5/G IRON 10/R 5%	S1CL31	—	—	FRS	2M5BK	CF	MDP III	0.40	0.20	
U	Bt2	29-62 CS	10YR4/1	FEW IRON DYR 6/I S1CL39	S1CL39	—	—	FRSS	3C5BK	FF	HIGH IV	N/S		

Notes: PIT DUG NEXT TO CROP FIELD.
PIT WAS DRY TO MOIST DURING RAINY SEASON.
DRAINAGE BANK - BREAK 80' ± FROM PIT.

Notations used on Soil Profile Description

- (i) Boundary distinctness: A-abrupt, C-clear, G-gradual; topography: S-smooth, W-wavy, I-irregular.
- (e) Redox Features Report low chroma Munsell colors and iron and manganese concentrations indicative of soil drainage limitations;
- (f) Texture s-sand, ls-loamy sand, sl-sandy loam, l-loam, sil-silt loam, st-silt, scl-sandy clay loam, cl-clay loam, sil-silty clay loam, sc-sandy clay, sic-silty clay, c-clay; Designate estimated clay content for all horizons;
- (g) Consistence (report moist consistence) moist: fr-friable, fi-firm, vfi-very firm; wet: ss-slightly sticky, s-sticky, vs-very sticky and sp-slightly plastic, p-plastic, vp-very plastic; dry: sh-slightly hard, h-hard, vh-very hard;
- (h) Structure grade: 1-weak, 2-moderate, 3-strong; size: f-fine (thin if platy), m-medium, c-coarse (thick if platy); shape: ABK-angular blocky, SBK-subangular blocky, GR-granular, PL-play, PR-prismatic, MA-massive;
- (i) Roots/Pores abundance: f-few, c-common, m-many; size: vf-very fine, f-fine, m-medium, c-coarse.

SITE CLASSIFICATION for

ON-SITE SEWAGE SYSTEM - 19 CSR 20-3.060(2) & (7)

Owner: BOUNTIFUL DEVELOPMENT CORP Pit/Core # 280610 Date 28 JUNE 10

PS Suitability See recommendations below S - Suitable; PS - Provisionally Suitable; U - Unsuitable; for conventional system.

PS LANDSCAPE POSITION: FOOT SLOPE Slope aspect: SW

Flooding frequency: None Rare Occasional Frequent Surface depression(s) in evaluated area?

S & TOPOGRAPHY Percent Slope: 2% Slope Type: Uniform Complex

Shape across (contour): LINEAR Shape down (profile): LINEAR

SOIL CHARACTERISTICS (See Profile Description for details)

U PS TEXTURE to a depth of 0-29 inches Depth of unsuitable texture 29-69 inches

U PS STRUCTURE to a depth of 0-29 inches Depth of unsuitable structure 29-69 inches

PS SOIL DRAINAGE Type of water table: SEASONAL Depth to water table 16 inches

PS Surface drainage limitations: NONE Runoff slope length 500± feet

S SOIL THICKNESS Depth of bedrock: inches Rock outcrops? NONE

S RESTRICTIVE HORIZON Type: NONE Depth: Thickness:

S AVAILABLE SPACE Estimated space available: 197 ACRES

Adequate for a conventional system? YES an alternative system? YES replacement area? YES

OTHER FACTORS Note any environmental hazards: NONE

High groundwater contamination potential? (If yes, indicate reason): NONE

Sinkhole Rapid permeability Depth to highly permeable bedrock Fill material /depth

U OVERALL Notes: SITE IS PROVISIONALLY SUITABLE FOR AN ALTERNATIVE SYSTEM.

Overall site classification will be determined by the lowest of the uncorrectable characteristics.

- S An overall site classification of suitable indicates soil and site conditions favorable for the operation of a conventional absorption system.
- PS Sites classified as provisionally suitable require some modifications and careful planning, design, and installation for a conventional system or alternative system to function satisfactorily.
- U Sites originally classified as unsuitable may possibly be reclassified as provisionally suitable according to subsection (7)(K).
- An unsuitable site may be used for soil absorption systems, provided engineering, hydrogeologic and soil studies indicate to the administrative authority that a conventional or alternative system could be expected to function satisfactorily. These sites may be reclassified as provisionally suitable upon meeting the requirements of the administrative authority according to subsection (6)(K).

Recommendations* associated with Provisionally Suitable or Unsuitable classifications:

Trenches must not be dug when wet to prevent damaging soil/trench surfaces.

Surface water diversion is needed. YES

FOR An interceptor drain should be installed upslope at a depth of 36 inches.

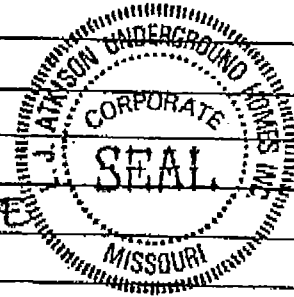
ALTERNATIVE Shallow or modified shallow placed trenches should be installed at a depth of 30 inches.

SYSTEM An alternative/engineered system is needed to overcome site limitations. YES

Owner: BOUNTIFUL DEVELOPMENT CORP. Date 26 JUNE 2010

Comments/Recommendations

PIT SITE SELECTION WAS DUE TO MAJORITY OF THE SITE IS IN CROPS.
THIS AREA WILL REQUIRE AN ALTERNATIVE SYSTEM.
DIVERSION BERM & INTERCEPTOR DRAIN SHOULD BE INSTALLED ABOVE SYSTEM AREA.



*Recommendations are to assist the property owner, and their agents in complying with the standards, and are subject to approval by the administrative authority.

I, the undersigned, hereby certify that the site evaluation was made in accordance with the requirements of Sections 701.025-701.059 RSMo and 19 CSR 20-3.060 and 19 CSR 20-3.080, and that the data recorded is correct to the best of my knowledge.

LJ ATKINSON
 Print name

[Signature] 06 JULY 2010
 Signature Date

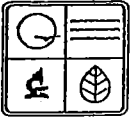
Important Recommendations for Installers and Homeowners:

- Protect the absorption area before and after construction. Do not drive over or store excavated materials on field area etc.
- Shallow placed absorption systems utilize more permeable and better-aerated soil horizons.
- Do not install soil absorption system when soil is wet.
- Redirect surface water, house guttering, and foundation drains away from absorption field.
- Establish & maintain adequate vegetative cover over the field.
- Regularly inspect, maintain, and pump your sewage system.
- Install water saving devices & practice water conservation.
- Check for and repair any water leaks as soon as discovered.
- Spread out water use, such as laundry, throughout the week.
- Restrict garbage disposal use.
- Do not put fats or grease into the sewage system.
- Keep chemicals and hazardous wastes out of your system.
- Use disinfectants and high strength cleaners sparingly.
- Do not plan any building improvements, patios, etc. near the sewage system or repair area.

Minimum Set-Back Distances
 Based on 19 CSR 20-3.060(1)(D) Table 1
 [See also (6)(D) for lagoons]

Minimum Distance from	Sewage Tank (feet)	Disposal Area (feet)	Lagoons (feet)
Private water supply well	50	100	100
Public water supply well	300	300	300
Cistern	25	25	25
Spring	50	100	100
Classified stream or lake	50	50	50
Stream or open ditch	25	25	25
Property lines	10	10**	75
Building foundation	5	15	[100]
Basement	15	25	[100]
Swimming pool	15	15	
Pressure water line	10	10	10
Suction water line	50	100	100
Upslope interceptor drain	-	10	
Downslope interceptor drain	-	25	
Embankment or cuts	-	20	
Edge of sink holes	50	100	500
Other absorption system	-	20	20

**Recommend 25 feet from downslope property line.



STATE OF MISSOURI
 MISSOURI DEPARTMENT OF NATURAL RESOURCES
 GEOLOGICAL SURVEY PROGRAM
**REQUEST FOR GEOHYDROLOGIC EVALUATION OF
 RESIDENTIAL HOUSING DEVELOPMENT (SUBDIVISION)**

FOR OFFICE USE ONLY

PROJECT NUMBER
DATE RECEIVED

SUBDIVISION OR DEVELOPMENT LOCATION

SUBDIVISION OR DEVELOPMENT NAME <i>Beautiful Development</i>						
1/4 1/4 SECTION	1/4 1/4 SECTION	1/4 SECTION	SECTION	TOWNSHIP	RANGE	QUADRANGLE NAME
		<i>SW</i>	<i>5</i>	<i>49 North</i>	<i>29</i> <input type="checkbox"/> East <input checked="" type="checkbox"/> West	
WRITTEN LOCATION IF LEGAL DESCRIPTION IS UNAVAILABLE (USE COMMENTS AREA IF NECESSARY) <i>see attached</i>					COUNTY <i>Jackson</i>	

DEVELOPER INFORMATION

DEVELOPER'S NAME <i>Beautiful Development Corp.</i>			TELEPHONE <i>(816) 699-9600</i>	
ADDRESS <i>700 W. Lexington</i>		CITY <i>Independence</i>	STATE <i>MO</i>	ZIP CODE <i>64050</i>

REQUESTOR INFORMATION

NAME AND COMPANY OF REQUESTOR (IF DIFFERENT THAN DEVELOPER) <i>same as Developer</i>			TELEPHONE <i>()</i>	
ADDRESS		CITY	STATE	ZIP CODE

DEVELOPMENT INFORMATION

TYPE OF WATER SUPPLY PROPOSED TO BE USED IN SUBDIVISION	TOTAL ACREAGE OF DEVELOPMENT
<input checked="" type="checkbox"/> COMMUNITY PUBLIC WATER SUPPLY	<i>197</i> Acres
<input type="checkbox"/> INDIVIDUAL DOMESTIC WELLS	
<input type="checkbox"/> MULTI-FAMILY OR INDIVIDUAL WELLS WITH FULL-LENGTH GROUT	

SKETCH OR MAP MUST BE SUBMITTED WITH REQUEST !

A sketch or photocopy of topographic map must show the following: development boundaries, all known wells, springs, sinkholes, caves, mines and roads. Include a scale and north arrow on the sketch map.

Geohydrologic evaluation reports will be mailed to the developer, requesting party, DNR/DEQ regional office and Water Protection Program central office.

COMMENTS

Quist Engineering, Inc.

*Civil Engineering for
 Residential & Commercial Site Development*

ROBERT WALQUIST, P.E.
Project Manager

*4138 Hwy. TT
 Odessa, Missouri 64075
 Phone: (816)625-6937
 Cell: (816)550-5675
 Fax: (816)625-6937*

REQUESTOR'S SIGNATURE	DATE
OWNER'S SIGNATURE (INDICATES PERMISSION TO ACCESS PROPERTY FOR EVALUATION)	DATE

JRS Consultants - architecture, planning, interiors

2590 Royal Court
Pelham, Alabama 35124.

December 15, 2008

Jackson County Plan Commission
303 W. Walnut
Independence, MO 64050

Attention: Mr. Mark Trosen, Planning and Development Administrator

Dear Mr. Trosen,

This letter is a follow-up to a recent visit on December 8, 2008 to your office by Mr. Joe Ben Stone, developer and Mr. Robert Walquist, civil engineer. They were there to discuss our preliminary plan to develop 197 acres on west side of State Highway H south of Levasy. My firm has been working as a land planning consultant with Mr. Stone and Mr. Walquist.

The land is presently zoned **Agricultural District (A)**. Our preliminary plan calls for a planned development community including mixed-type residential (approx. 33% land use) and agricultural (approx. 67% land use). During your discussions with Mr. Stone and Mr. Walquist an option was mentioned for redesigning the development using a clustered subdivision based on an average density of one (1) dwelling per (3) acres. In reviewing the various types of districts described within Section 24004 of the Unified Development Code, it appears that only the **Residential Ranchette District (RR)** has a provision of this nature.

In the Residential Ranchette District (RR) section, paragraph 24004.3.e. Planned Uses, it states "The following uses are authorized within a planned development district, subject to the requirements of Section 24003.18. Clustered subdivisions with an average density of one (1) dwelling unit per three (3) acres, provided that such use is compatible with adjacent uses and that at least twenty (20) percent of the site is reserved as common open space."

Our understanding of the term "Clustered subdivisions with an average density of one (1) dwelling per three (3) acres" can be interpreted that, in our particular case, a site of 197 acres with "an average density of (1) dwelling per three (3) acres" would allow a maximum of 65 dwelling units. By using the clustering of lots concept, we can hope to maintain our preliminary plan of 33% land use for residential and 67% land use for agricultural if we were to pursue an application for Planned Development as an alternative to rezoning from Agricultural District (A) to Residential Ranchette District (RR).

Please provide our firm with an official interpretation of the Jackson County Unified Development Code paragraph 24004.3 requirement as it pertains to our proposed development.

Respectfully submitted,

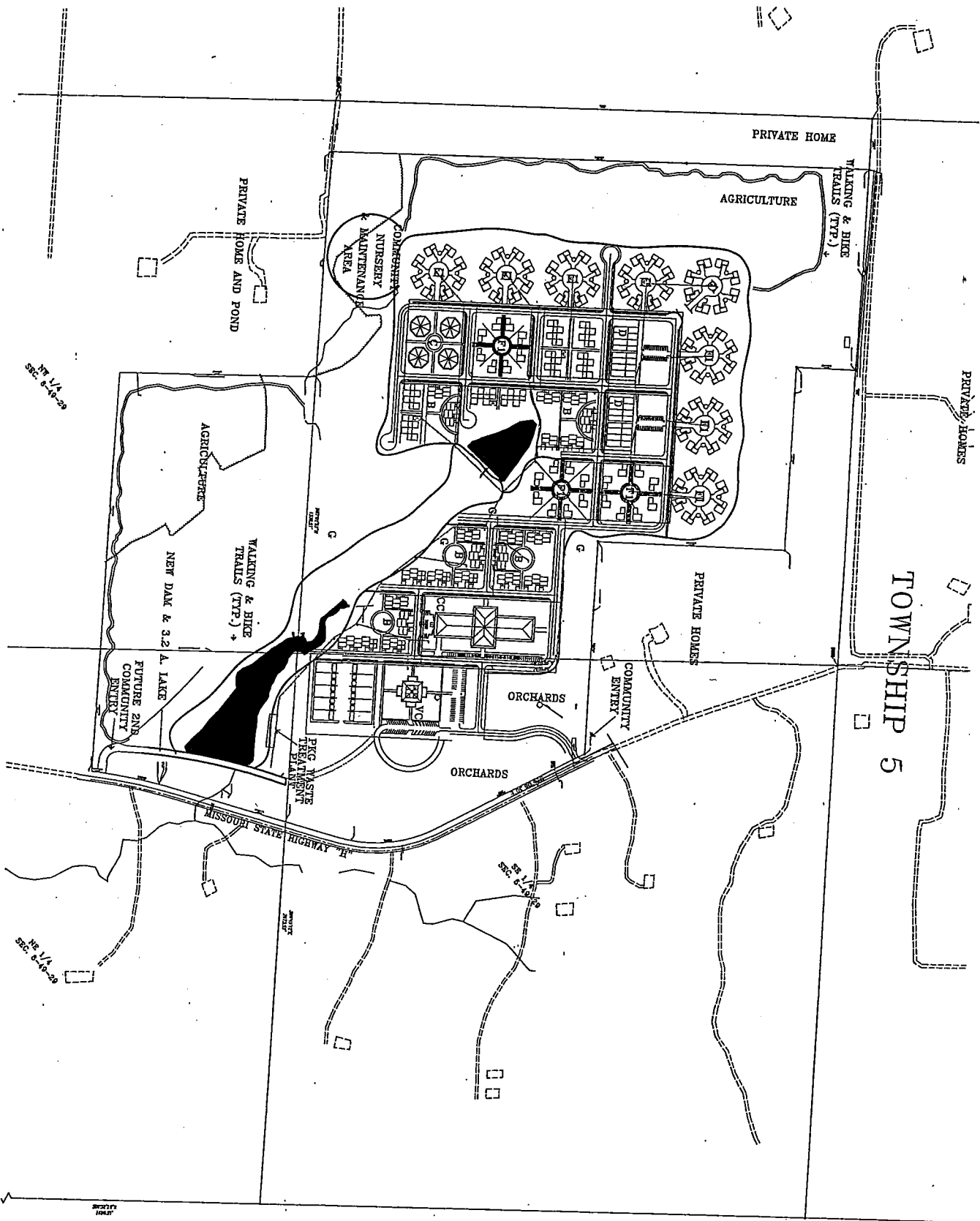
Jack R. Schmidt

Jack R. Schmidt
MO Architectural License No. 002631

phone: 205.587.6993

fax: 886.881.7763

email: jrschmidt@msn.com



PRIVATE HOME

AGRICULTURE

WALKING & BIKE TRAILS (TYP.)

NURSERY & MAINTENANCE AREA

PRIVATE HOME AND POND

AGRICULTURE

NEW DAM & 3.2 A. LAKE

WALKING & BIKE TRAILS (TYP.)

FUTURE 2ND COMMUNITY ENTRY

PRIVATE HOMES

ORCHARDS

COMMUNITY ENTRY

ORCHARDS

DUG WASTE TREATMENT

MISSOURI STATE HIGHWAY

TOWNSHIP 5

PRIVATE HOMES

SEC. 11A-20-20

SEC. 11A-20-20

SCALE 1"=100'



JACKSON COUNTY PUBLIC WORKS DEPARTMENT

ADMINISTRATIVE OFFICES
303 W. Walnut
Independence, MO 64050
(816) 881-4530
(816) 881-4448 Fax

ENVIRONMENTAL HEALTH
308 W. Kansas, Box 100-O
Independence, MO 64050
(816) 881-4530
(816) 881-1650 Fax

ROAD MAINTENANCE DIVISION
34900 E. Old U.S. 40 Hwy
P.O. Box 160
Grain Valley, MO 64029
(816) 847-7050
(816) 847-7051 Fax

December 17, 2008

Mr. Jack R. Schmidt
JRS Consultants
2590 Royal Court
Pelham, Alabama 35124

Re: UDC Section 24004.3.e.1 Interpretation

Dear Mr. Schmidt:

In your letter dated December 15, 2008, you requested an interpretation of the County Unified Development Code (UDC) Section 24004.3, specifically a "clustered subdivision" under the planned use category.

This planned use is found under the UDC zoning classification, Residential Ranchette (RR). The UDC states that the RR District is intended for very low density residential use, with a minimum lot size of five acres. Development in the RR District is served at rural level of services. The RR District is appropriate in the Rural Development Tier depicted on the Development Diagram of the County Plan.

The County Plan, "Strategy for the Future" was adopted by the County Legislature in 1994. The Plan is a guide for public and private decision-makers in matters affecting land use and development. The Plan lists the county's goals, policies and implementation measures pertaining to future physical development and improvement of the county.

The Unified Development Code was approved by the County Legislature in 1995. The Unified Development Code is the zoning and development regulations for the unincorporated area. The UDC implements the land use goals and policies of the County Plan.

The County Plan recognizes the need for diverse development opportunities and with the Development Diagram illustrates future land use patterns for urban, suburban and rural development in appropriate areas of the County. The Rural Development Tier was established to maintain the opportunity for a rural lifestyle in the future. This land use tier is intended for residents who enjoy a rural lifestyle, open spaces and few neighbors. County regulations and zoning districts, such as Residential Ranchette, were established to retain this rural character rather than to support new urban development in these rural areas.


Therefore, in maintaining the rural character and intent of the County Plan's Rural Development Tier and UDC's Residential Ranchette District, it is staff's interpretation, with concurrence from our legal department, that a clustered subdivision in District RR is a planned development subdivision allowing one dwelling on a 3 acre lot with 20% of the overall area reserved as common open space instead of the RR District permitted minimum lot size of 5 acres.

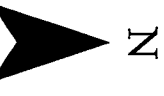
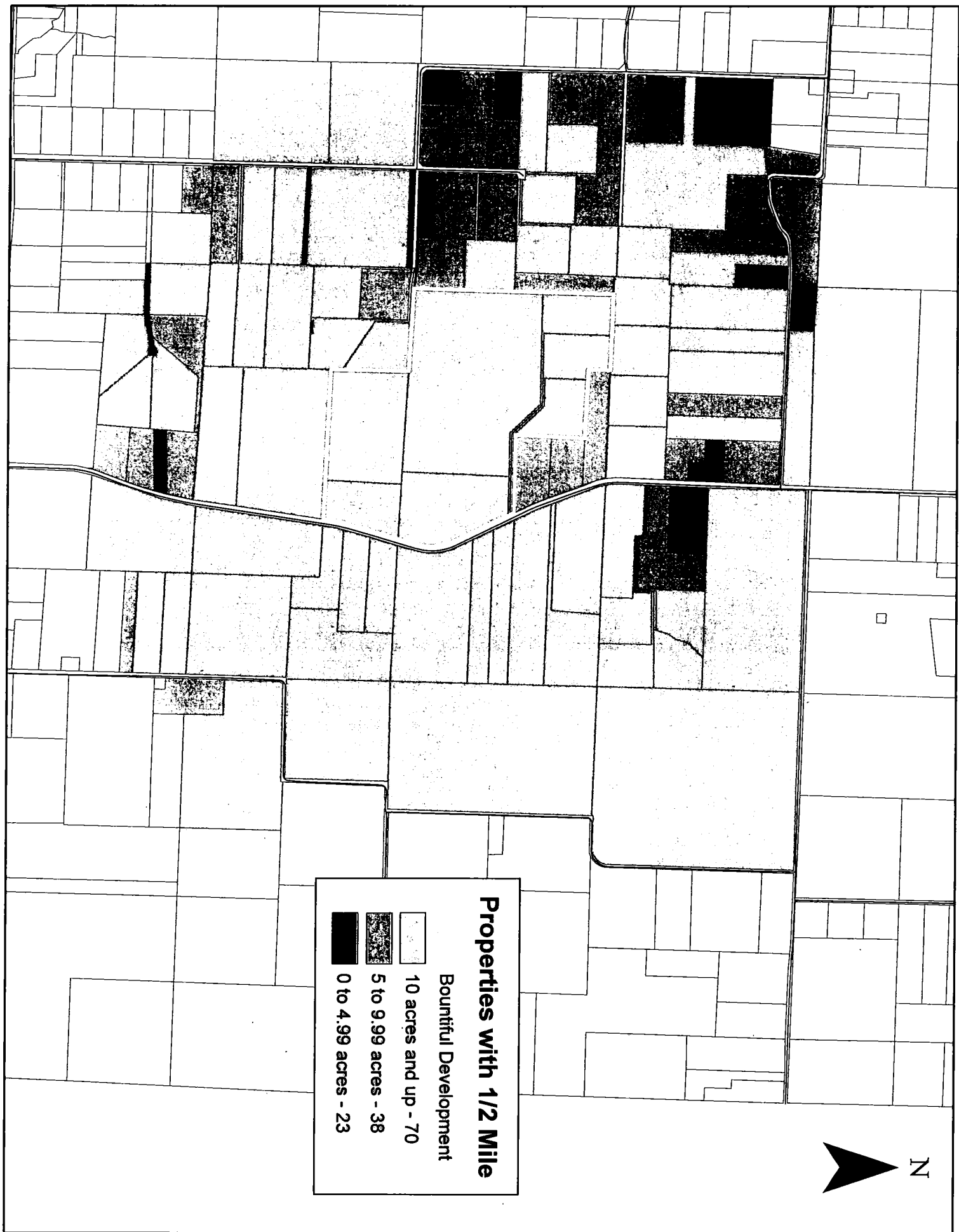
The 197 acres that you refer to in your letter is in a rural setting with predominant land uses being agricultural and large residential tracts (10 acres or more).

The proposed preliminary development plan illustrates the layout of residential dwellings in an urban setting (high density in a compact area) with urban level of services (curb/gutter streets and wastewater treatment plant). This planned development would be inconsistent with the intent and purpose of the County Plan and Unified Development Code as well as incompatible with surrounding land uses.

Please feel free to contact me at either mtrosen@jacksongov.org or (816) 881-4645 if you have any further questions.

Sincerely,
Planning and Development Division


Mark Trosen
Administrator



**Mark Trosen
Planning and Development Administrator
Jackson County Public Works**

August 15, 2010

Dear Mr. Trosen:

As you know from several e-mail and phone conversations we are very concerned with the planned development across the street from our home at 1711 S. Outer Belt Road. This plan, referred to as Bountiful Development, would significantly change the look and feel to our rural home. When we purchased our property nearly twenty years ago and finally moved here over ten years ago we wanted to settle in a rural area. We knew Jackson County had specific zoning requirements and checked into what was allowed and planned for in this area. We would prefer to make our statements in person to the Plan Commission but the meeting is scheduled for the second day of school and as teachers we are not allowed to take this time off except for illness.

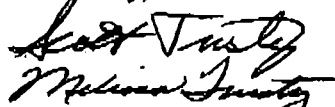
We are opposed to the requested change of zoning because we feel that the proposed number of houses would create numerous problems:

- 1) Public Water Supply District #16 has stated that their source of water (Kansas City's Atherton plant) is nearly at maximum capacity and there are no plans to make expansions at that plant. The Water District has not been able to make other arrangements to increase their water volume. A significant increase in the number of houses could create many problems with water supply and water pressure.
- 2) MODOT has a drainage pipe under H highway (South Outer Belt Road) that is just north of our driveway. We're concerned that any extra runoff from the development that would be likely due to paved roads, houses and outbuildings, a Church parking lot (they did tell us at a meeting that one of the lots was planned for a Church building and the proposed lots for this were all close to our property) etc. would greatly increase the amount of water that would then be passing through the water pipe under our driveway. We have had occasional flash flooding problems already but don't want this to become a regular occurrence.
- 3) Traffic would significantly increase. This would mean more noise and likely increase the number of accidents. As we are located on a sharp curve we have had to deal with many accidents over the years. Not only would we have the increased traffic that all those houses would create but the Church would also bring in many more people whenever they had services or meetings. As this is a rural area there is a lot of farm equipment on this road. Farmers would have to deal with more cars trying to rush past them creating dangerous situations. I know that hay equipment and trailer loads of big bales already struggle with leaving my driveway.
- 4) Noise would be a bigger issue than it ever has been. We moved into the country to avoid listening to neighbors music, voices, cars, lawnmowers etc. We like to be able to sit outside and not hear any manmade noises for long stretches at a time. The required common open space that Bountiful Development is proposing is almost entirely on the western side of their property. As we are located on the eastern side we will be seeing and hearing multiple families day in and day out this is not the rural feel we have grown to love.

- 5) Light pollution would be a much greater problem with this many houses.
- 6) Septic system failures could develop that could create direct concerns for us as Bountiful Development property drains to our property. Hopefully this would not happen as specific requirements are already in place but with 43 lots the likelihood of a failure is much greater than if there are only 19.

We hope the Plan Commission understands our concerns. What Bountiful Development is proposing would be more appropriate at the edge of town, not in an agricultural area. We, and our neighbors who we have spoken to, moved here to live in a rural setting. Our desires are protected by the Agricultural zoning that is in place. We request that the Plan Commission maintain the current zoning and do not allow this development to move forward.

Sincerely,



Scott & Melissa Trusty
1711 S. Outer Belt Road
Oak Grove, MO 64075



Missouri Department of Natural Resources
 Division of Geology and Land Survey
 P.O. Box 250
 Rolla, MO 65402
 Phone - 573.368.2161 Fax - 573.368.2111
 E-mail - gspgeol@dnr.mo.gov

Project Exempt Yes No
 Project ID Number RHD10012-
 County JACKSON

*F.L.C
 Bountiful
 FN
 8-16*

Residential Housing Development Geohydrologic Groundwater Evaluation Rating

Development Name **Bountiful Development**

Quadrangle **Oak Grove**

Location **SW1/4**

Section **5**

Township **49 N**

Range **29 W**

Total acres **197**

Latitude **39 deg 4 min 45 sec North**

Longitude **94 deg 8 min 15 sec West**

DEVELOPER Bountiful Development Corporation

(816) 699-9600

700 W. Lexington, Independence, MO 64050

REQUESTER Same as above

Upper Bedrock

- 0.0 Surficial materials > 20 feet thick (bedrock is not karst) or bedrock generally displays low permeability
- 0.1 Bedrock has moderate to high near-surface permeability and relatively low permeability at depth
- 0.4 Bedrock has persistent open fractures and/or moderate to high permeability
- 1.2 Bedrock displays well developed karst features

Surficial Materials Type

- 0.0 Clay: glacial drift or residuum with low permeability
- 0.1 Silt/sand: loess, silty and sandy alluvium, moderate permeability residuum
- 0.4 Gravel: gravelly alluvium and residuum, fragipan over permeable residuum
- 1.2 Macropore permeability: relict bedrock structure residuum

Surficial Material Thickness

- 0.0 Greater than 20 feet
- 0.1 Greater than 10 feet but less than or equal to 20 feet
- 0.4 Greater than 5 feet but less than or equal to 10 feet
- 1.2 Less than 5 feet

Water Supply

- 0.0 Public water supply or community well
- 0.1 Noncommunity wells
- 0.4 Multi-family wells or domestic wells with full length grout
- 1.2 Individual wells

Approximate Groundwater Velocity

- 0.0 Low to moderate
- 1.2 High

Watershed Hydrology

- 0.0 Limited recharge
- 0.4 Local recharge
- 1.2 Regional recharge

This evaluation is not an approval under the current residential housing development rule. This evaluation pertains to groundwater contamination potential only. * (see reverse)

0.92 Acres

Total of rating numbers for all categories equals minimum lot size in acres (lot size may never be less than 0.92 acres).

Ex. 18

Date of field visit: N/A

Remarks:

Pursuant to 10 CSR 20-6.030 (2) (B), the Geological Survey Program has determined that this residential housing development is exempt from obtaining a geohydrologic evaluation because bedrock and surficial materials exhibit low overall permeability and groundwater recharge is limited. Therefore, the minimum lot size for the individual treatment systems shall be determined by the soils report required under 10 CSR 20-6.030 (3).

* THIS EVALUATION PERTAINS TO GROUNDWATER CONTAMINATION POTENTIAL ONLY. IN ORDER TO RECEIVE DEPARTMENTAL APPROVAL FOR A RESIDENTIAL HOUSING DEVELOPMENT, A SOILS MAP AND SOILS EVALUATION MUST ALSO BE SUBMITTED FOR APPROVAL. THE MINIMUM LOT SIZE IS BASED ON BOTH EVALUATIONS. THIS REPORT IS VALID ONLY AT THE LOCATION SPECIFIED HEREIN. A CHANGE IN WATER SUPPLY COULD IMPACT THE MINIMUM LOT SIZE AND WOULD REQUIRE AN UPDATED REPORT FROM THIS OFFICE.



Signature of Investigator: _____

Investigated by: Larry Pierce

DATE: Tuesday, July 06, 2010

CC: KCRO, WPCP-Charles Harwood

0#4232

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September 17, 2010

VIA EMAIL ONLY (*farbanas@jacksongov.org*)

Fred Arbanas
Jackson County Legislature
201 W. Lexington, Suite 201
Independence, MO 64050

Re: RP2010-471

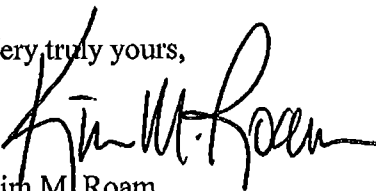
Dear Chairman Arbanas:

As you are aware from this afternoon's Land Use Committee public hearing, I am the attorney representing the Applicant in the above-referenced Rezoning-Planned Development matter. Immediately following the conclusion of today's Committee meeting, my client advised me of its desire to withdraw its Application. Please permit this correspondence to act as my client's formal withdrawal of its Application.

I discussed that decision with both County Counselor Haden and Mark Trosen, who suggested I write you this letter. I also, at Mr. Trosen's suggestion, stepped outside and visited with several of the neighbors who opposed the Application so they would be aware of this decision and avoid the unnecessary trip to Monday's legislative meeting (although I did advise that they would be receiving some formal notification from the County per my understanding from Mark Trosen). Those property owners confirmed the ability to notify their neighbors by use of an "email tree."

Thank you for your attention to this matter.

Very truly yours,



Kim M. Roam

KMR/sam

cc: Mark Trosen (*via email only*)
Bountiful Development (*via email only*)