

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 4746

Sponsor(s):

Date: June 29, 2015

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: Daniel & Darcy Brotherton Case No. RZ-2015-517											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="341 478 1185 781"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT TO ACCT</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> OTHER FINANCIAL INFORMATION: <input checked="" type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: _____ Estimated Use: \$ _____ Prior Year Budget (if applicable): _____ Prior Year Actual Amount Spent (if applicable): _____		Amount authorized by this legislation this fiscal year:	\$	Amount previously authorized this fiscal year:	\$	Total amount authorized after this legislative action:	\$	Amount budgeted for this item * (including transfers):	\$	Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT TO ACCT
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Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT TO ACCT											
PRIOR LEGISLATION	Prior ordinances and (date): _____ Prior resolutions and (date): _____											
CONTACT INFORMATION	RLA drafted by Randy Diehl, Planning and Zoning Coordinator, 881-4577											
REQUEST SUMMARY	Requesting a change of zoning from District RR (Residential Ranchette) to District AG (Agricultural) on 4.71 acre tract. The 4.71 ± acres are legally described as of Lot 1, Brotherton – Dickson Acres, a subdivision in Jackson County, Missouri, aka 2306 S. Borgman Road, and specifically described on Attachment to RLA-1. Staff recommends approval because this vacation is consistent with the intent and purpose of the County Plan and complies with the Unified Development Code requirements. The Jackson County Plan Commission voted 8 to 0 to recommend APPROVAL to the County Legislature.											
CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)											
ATTACHMENTS	See Attachment to RLA-2											
REVIEW	Department Director: <i>Brian Gaddie</i> Brian Gaddie Finance (Budget Approval): If applicable Division Manager: <i>Mary Lou Brown</i> County Counselor's Office:	Date: 06/16/15 Date: Date: 6/23/15 Date:										

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

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the _____ Fund in _____.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # _____
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from May 21, 2015

Staff report

Names/Addresses of surrounding property owners

Map showing current zoning districts in area

Application

Pictures of the property

Survey of property tracts

RZ-2015-517

ATTACHMENT TO RLA 1:

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

RZ-2015-517

Randy Diehl gave the staff report:

For presentation purposes both applications were presented as one report. However, there will need to be two separate actions taken. One for LA-2015-032, the vacation of the platted lot, and one for RZ-2015-517, the rezoning of the lot to District AG.

- Applicant:** Daniel E & Darcy H Brotherton
- Location:** 2303 S. Borgman Road
- Area:** 4.71 ± acres
- Request:** Vacate Lot 1, Brotherton - Dickson Acres and
Rezone from District RR (Residential Ranchette) to AG (Agricultural)
- Zoning:** Current – District RR (Residential Ranchette)
Proposed – District AG (Agricultural)
- Purpose:** The vacation would allow the 4.71 ± acres to be absorbed into parts of four different tracts, 10 acres and larger, that are located to the west of the subject lot. They will end up with a 10, 15 and two 20 acre tracts. The vacated lot will serve as the access points for the tracts. There is an existing mobile home on the lot now. It may be moved or if it remains, it's still in compliance for a residence. Being that these tracts are larger than 10 acres, a Certificate of Survey is all that is required to be filed with the Recorder of Deeds to divide the tracts. The rezoning allows all the tracts to be within District AG (Agricultural).

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

Recommendation:

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

Respectfully submitted,

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

Mr. Tarpley: How is the triangle tract accessed?

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

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

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

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

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

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

Mr. Antey: The rezoning goes back to AG.

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

Mr. Tarpley: That leaves an island lot.

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

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

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

Mr. Antey: Any questions for Randy?

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

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

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

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

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

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

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

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

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

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

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

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

Motion Carried 8 – 0.

STAFF REPORT

PLAN COMMISSION

May 21, 2015

RE: RZ-2015-517

Applicant: Daniel E & Darcy H Brotherton

Location: 2303 S. Borgman Road

Area: 4.71 ± acres

Request: Rezone from District RR (Residential Ranchette) to AG (Agricultural)

Purpose: The vacation would allow the 4.71 ± acres to be absorbed into parts of four different 10 acres and larger.

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

With the vacation of the platted lot (action taken by LA-2015-032) this allows all the proposed tracts within District AG.

Recommendation:

Staff recommends APPROVAL of RZ-2015-517

Respectfully submitted,

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

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

Ord. 4746

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

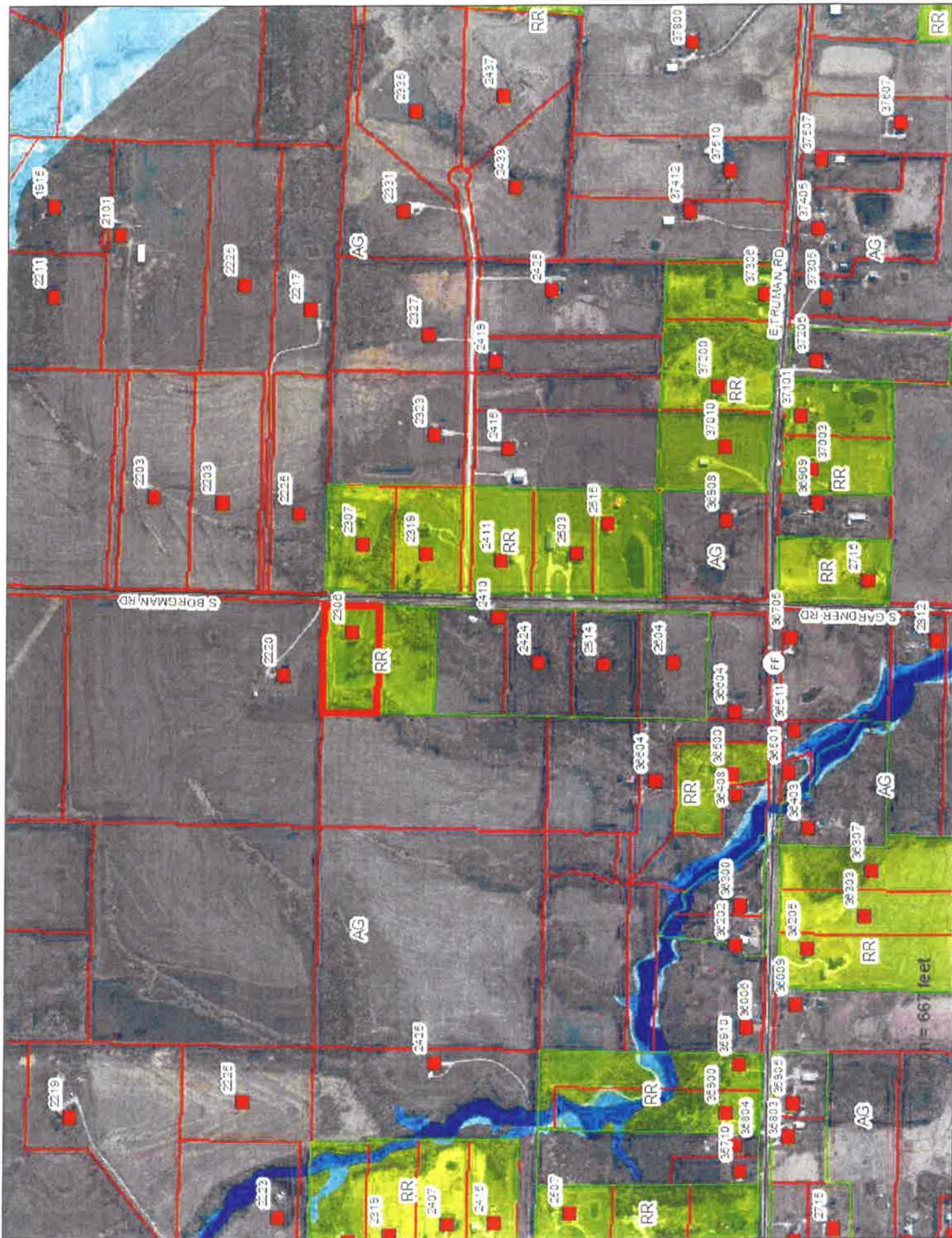
**21-400-04-05-02-0-00-000
Dickson Sherry & Robert
17201 E 32ns St #1
Independence MO 64055**

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

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

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

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



JACKSON COUNTY, MISSOURI
APPLICATION FOR CHANGE OF ZONING

APPLICANT INFORMATION:

1. Application must be filed with the Jackson County Planning and Development Division, 303 W. Walnut, Independence, Missouri 64050 by the date on the Plan Commission Calendar.
2. Application must be typed or printed in a legible manner.
3. All applicable sections must be completed. If you need more space to provide information, please use separate 8 1/2"x11" paper, reference the application number and attach it to the application. Incomplete applications will not be accepted and will be returned to the applicant.
4. Attach application for subdivision approval, consistent with the requirements of UDC Section 24003.10, as may be required.
5. The filing fee (non-refundable) must accompany application.
(Check payable to: Manager of Finance)
\$350.00 – Change of Zoning to Residential
\$500.00 – Change of Zoning to Commercial or Industrial

TO BE COMPLETED BY OFFICE PERSONNEL ONLY:

Rezoning Case Number RZ- 2015- 517

Date filed 4-13-15 Date of hearing _____

Date advertised _____ Date property owners notified _____

Date signs posted _____

Hearings: Heard by _____ Date _____ Decision _____

 Heard by _____ Date _____ Decision _____

 Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

1. **Data on Applicant(s) and Owner(s):**
 - a. Applicant(s) Name: Daniel E and Darcy H. Brotherton ✓
Address: 2306 S. Bergman Rd.
Jackson County, Missouri 64075
Phone: _____
 - b. Owner(s) Name: Same as above.
Address: _____
Phone: _____
 - c. Agent(s) Name: Lutjen, Inc. Jason Rordebush, PLS

Address: 1301 Burlington #100 N. Kansas City Mo. 64116

Phone: 816-587-4320

d. Applicant's interest in Property: Surveyor

2. General location (Road Name) Borgman Road.

3. Present Zoning RR-Residential Plandatt Requested Zoning AG

4. AREA (sq. ft. / acres) 205,165 - 4.71 ac.

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

Lot 1, Brotherton - Dickson Acres, a subdivision of land in Jackson County, Missouri

6. Present Use of Property: Single Family

7. Proposed Use of Property: Single Family

8. Proposed Time Schedule for Development: 6 months.

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

None

10. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? No.

If so, will any improvements be made to the property which will increase or decrease the elevation? —

11. Describe the source/method which provides the following services, and what effect the development will have on same:

a. Water None

b. Sewage disposal None

c. Electricity None

d. Fire and Police protection None.

12. Describe existing road width and condition: 40' R-O-W- Asphalt Road.

13. What effect will proposed development have on existing road and traffic conditions? None

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? No.

If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): —

Verification: I (We) hereby certify that all of the foregoing statements contained in any papers and/or plans submitted herewith are true to the best of my (our) knowledge and belief.

Signature

Property Owner(s)

Daniel E. Brotherton
Darcy H. Brotherton

Date

4-10-15
4-10-15

Applicant(s):

Contract Purchaser(s):

STATE OF Missouri
COUNTY OF Lafayette

On this 10 day of April, in the year of 2015, before me the undersigned notary public, personally appeared Darcy and Daniel Brotherton

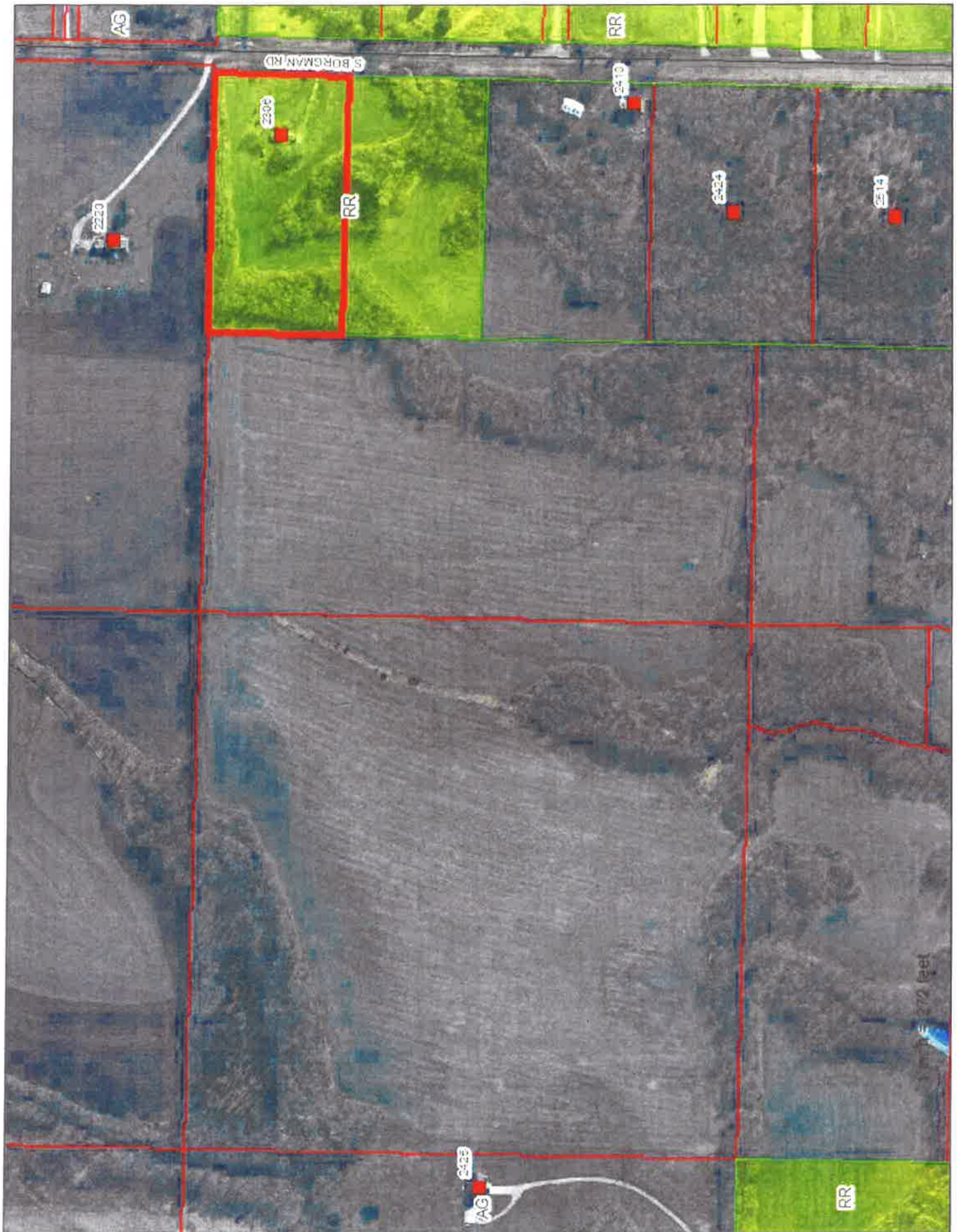
known to me to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

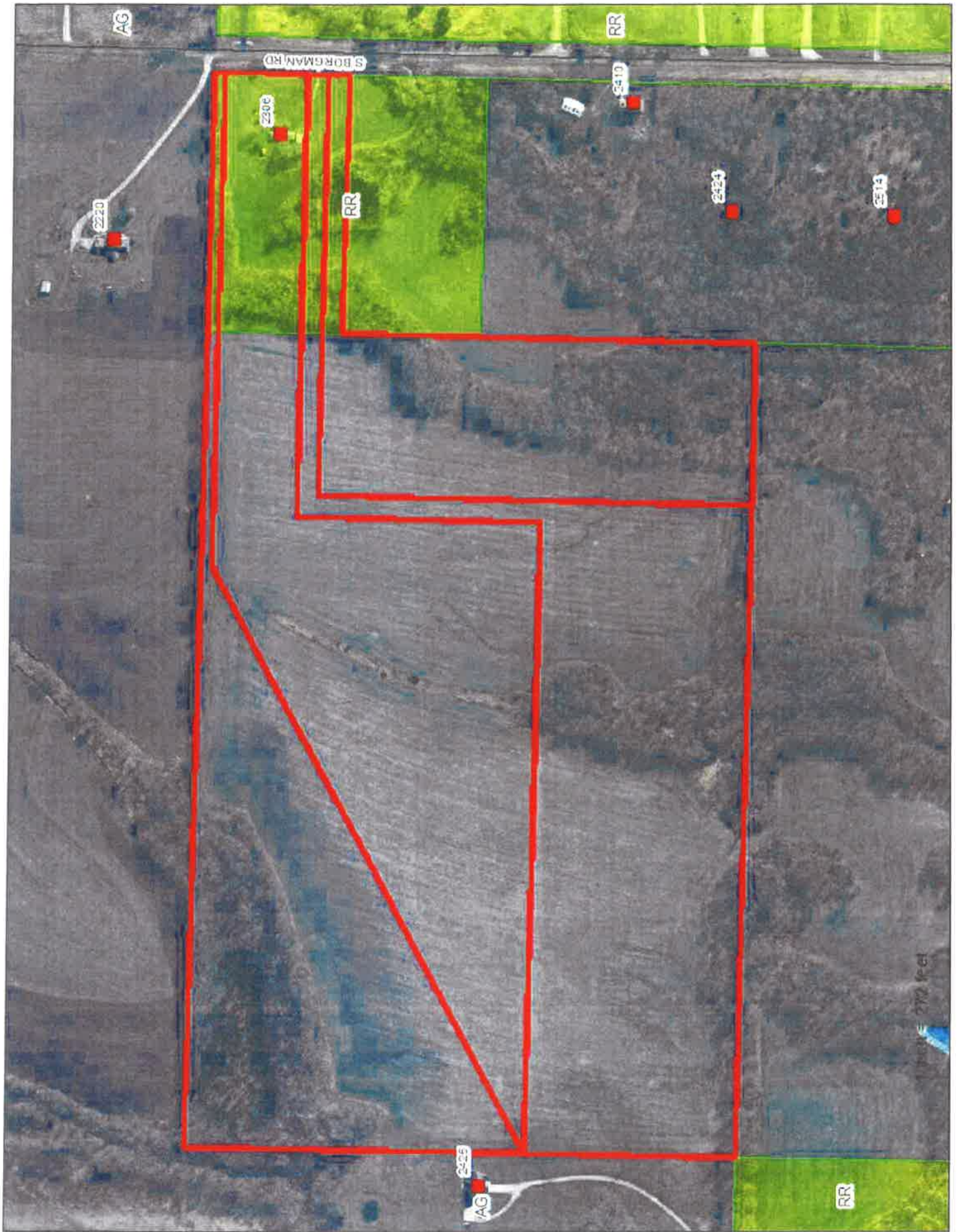
In witness whereof, I hereunto set my hand and official seal.

Notary Public Casi L. Scott

Commission Expires 3/25/2016

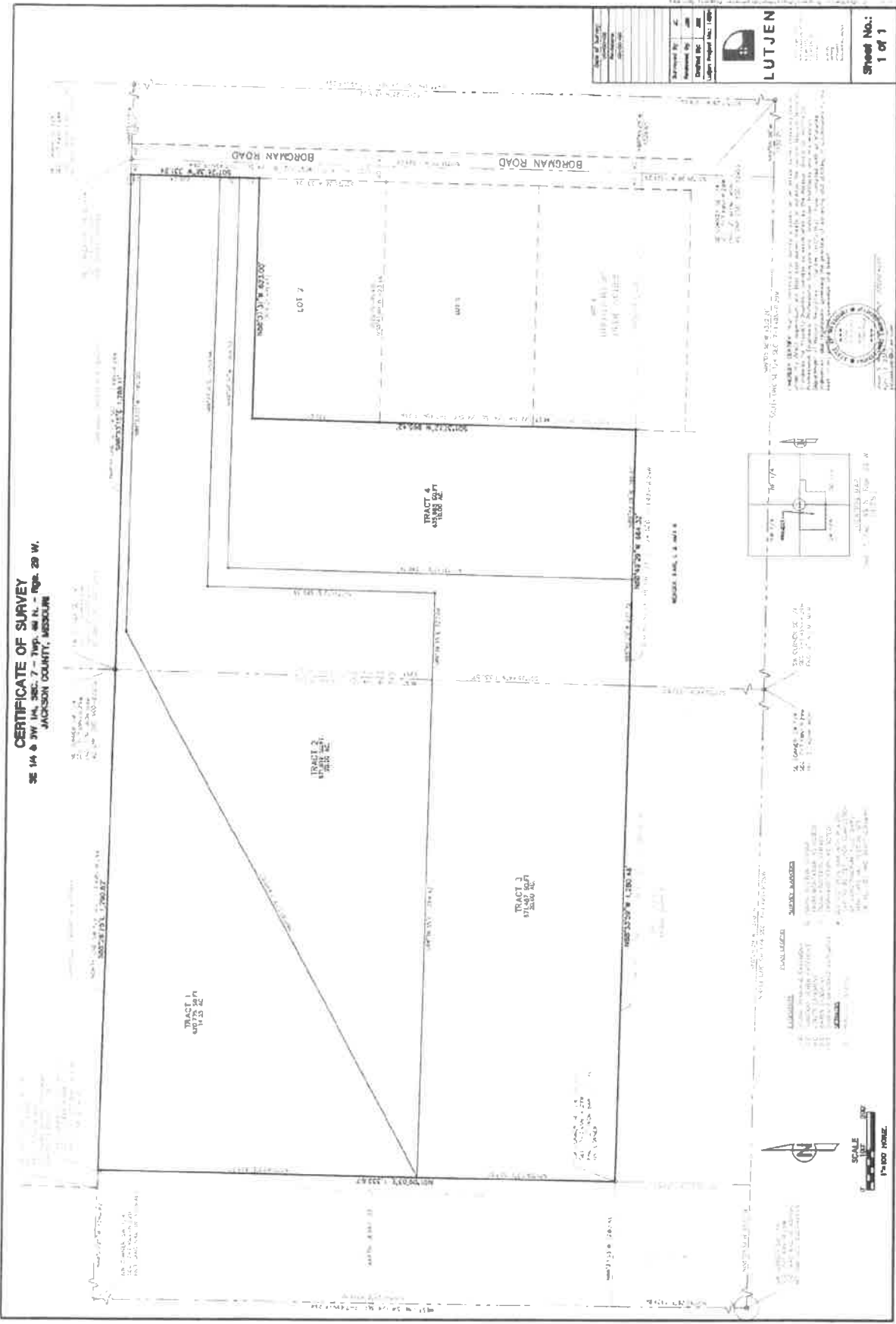






Ord. 4746

CERTIFICATE OF SURVEY
 SE 1/4 & SW 1/4, SEC. 7 - Twp. 40 N. - R. 20 W.
 JACKSON COUNTY, MISSOURI



Prepared By	AM
Reviewed By	AM
Drafted By	AM
Upper Project No.	1000

LUTJEN

Surveyors
 11/15/2011
 11/15/2011
 11/15/2011

Sheet No. 1 of 1

CHALLENGE

1. This survey was prepared in accordance with the laws and rules of the State of Missouri and the rules of the Board of Surveyors of the State of Missouri.

WARRANTY

1. The surveyor warrants that the survey was prepared in accordance with the laws and rules of the State of Missouri and the rules of the Board of Surveyors of the State of Missouri.

2. The surveyor warrants that the survey was prepared in accordance with the laws and rules of the State of Missouri and the rules of the Board of Surveyors of the State of Missouri.

SCALE

1" = 100' HORIZ.

CHALLENGE

1. This survey was prepared in accordance with the laws and rules of the State of Missouri and the rules of the Board of Surveyors of the State of Missouri.

WARRANTY

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