

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**AN ORDINANCE** amending the zoning districts established pursuant to the Unified Development Code by changing from District A (Agricultural) to District RE (Residential Estates) a certain 6.8± acre tract, for a two-lot residential subdivision.

**ORDINANCE #3973**, January 28, 2008

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

Section 1. The Zoning Order of Jackson County, Missouri, and the official maps which are a part thereof, are amended by changing the boundaries of the "A" (Agricultural) District and the "RE" (Residential Estates) District, so that there will be transferred from District A to District RE, a tract of land described as follows:

Description:

The 6.8± acres are approximately ½± mile west of Old Atherton Road on the north side of Union School Road and specifically described as a part of the Southeast Quarter of the Southwest Quarter of Section 9, Township 50, Range 31, Jackson County, Missouri, more particularly described as:

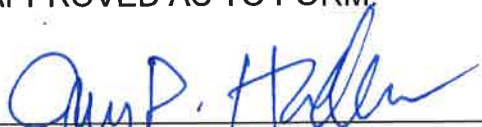
Description: Commencing at the Southwest corner of said Quarter-Quarter Section; thence south 87°42'23" East along the South line of said Quarter-Quarter section, 168.04 feet to the point of beginning; thence North 02°16'09" East, 636.01 feet; thence South 87°42'23" East, 467.40 feet; thence South 02°23'14" West, 636.01 feet to a point on the South line of said Quarter-Quarter section; thence North 87°42'23" West along said line, 466.09 feet to the Point of Beginning. Containing 6.81 acres, more or less and subject to any easements. Except that part in Union School Road aka 20108 E. Union School Road.

Section 2. The Legislature, pursuant to the application of Winfred Rogers (RZ-2008-445), requesting the amendment embodied in this Ordinance and with notice that the Jackson County Plan Commission unanimously recommended approval of this application in a public hearing on January 17, 2008, does adopt this Ordinance pursuant to the Jackson

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

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

APPROVED AS TO FORM:

  
Chief Deputy County Counselor

  
County Counselor

I hereby certify that the attached Ordinance, Ordinance #3973 introduced on January 28, 2008, was duly passed on February 25, 2008 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 7


Nays 0

Abstaining 0

Absent 2

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

2.26.08  
Date

  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance # 3973

02/26/2008  
Date

  
Michael D. Sanders, County Executive

## ORDINANCE #3973

### Legal Descriptions

#### **RZ-2008-445 (Winfred Rogers)**

**Description:** The 6.8 ± acres are approximately ½ ± mile west of Old Atherton Road on the north side of Union School Road and specifically described as a part of the Southeast Quarter of the Southwest Quarter of Section 9, Township 50, Range 31, Jackson County, Missouri described as follows: Commencing at the Southwest corner of said Quarter-Quarter Section; thence South 87 degrees 42 minutes 23 seconds East along the South line of said Quarter-Quarter Section, 168.04 feet to the Point of Beginning; thence North 02 degrees 16 minutes 09 seconds East, 636.01 feet; thence South 87 degrees 42 minutes 23 seconds East, 467.40 feet; thence South 02 degrees 23 minutes 14 seconds West, 636.01 feet to a point on the South line of said Quarter-Quarter Section; thence North 87 degrees 42 minutes 23 seconds West along said line, 466.09 feet to the Point of Beginning. Containing 6.81 acres, more or less and subject to any easements. Except that part in Union School Road aka 20108 E. Union School Road.

**1. RZ-2008-445 – Winfred Rogers**

Requesting a change of zoning from District A (Agricultural) to RE (Residential Estates) District on 6.8 ± acres. The proposed land use is a two lot residential subdivision to be known as "Winfred's Place". The existing residence will be on proposed lot 2. The 6.8 ± acres are approximately ½ ± mile west of Old Atherton Road on the north side of Union School Road lying in the southwest quarter of Section 9, Township 50, Range 31 in Jackson County, Missouri aka 20108 E. Union School Road.

Mr. Trosen introduced RZ-2008-445 and entered 9 exhibits into the record. Mr. Trosen gave the staff report with comments and recommendation as follows: the property is approximately ½ ± mile west of Old Atherton Road on the north side of Union School Road and is 6.8 ± acres in size. The request is for a change of zoning from District A (Agricultural) to RE (Residential Estates) District for the purpose of creating a two lot residential subdivision – "Winfred's Place". The existing residence is on the proposed lot 2.

The surrounding land use in the area is large residential tracts and agriculture and the zoning is District A (Agricultural). Approximately 700 feet to the east, a 3-acre parcel with a residence addressed 20408 Union School Road was rezoned to District RE in 2002. The County Plan Development Diagram illustrates this area within the Suburban Development Tier. The RE (Residential Estates) District is appropriate in the Suburban Development Tier. This request for rezoning is consistent with the intent and purpose of the County Plan. Staff recommends approval of RZ-2008-445.

There were no questions for Mr. Trosen.

The applicant, Winfred Rogers, appeared to give testimony. Mr. Rogers said he had nothing to add to the staff report.

Mr. Tarpley asked if the property was being divided in order to sell it.

Mr. Rogers said he wanted to give some property to his daughter. He had 4 daughters and his plan was to give each of them property in Jackson County.

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

Harry O'Dell, 20004 E. Union School Road, said he had no problems with the subdivision of the property. He just wanted to know what was going on. Mr. O'Dell said he lived next door to this property.

Mr. Tarpley asked how many acres Mr. O'Dell owned.

Mr. O'Dell said he thought he had 2½ acres but he wasn't sure. He said he was supposed to have the property behind his land. Mr. O'Dell said that the applicant's father had signed a quit claim deed years ago and took 2 acres away from him. He wasn't sure what a quit claim deed was.

Chairman Antey said a quit claim deed was when a person had an interest in a property and resigns the interest. Chairman Antey said Mr. O'Dell's property and the land behind it were not part of the application, only the 6 acres beside his property was involved.

Mr. Haley asked if Mr. O'Dell had legal help at the time of property transfer.

Mr. O'Dell answered that he didn't because he didn't know about it until later. He stated they had purchased the property from the applicant's sister 10 or 15 years ago. While the sister was out of the country, her father signed a quit claim deed. When she returned, she said that the O'Dells were supposed to have 5 acres.

Mr. Crawford said this sounded like a civil matter and not something for the Plan Commission.

Mr. O'Dell said he had no problems with the application; he only wanted to know if it had anything to do with his situation.

Chairman Antey said the application didn't appear to be connected with this issue.

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

Mr. Tarpley moved to take RZ-2008-445 under advisement. Mr. Pointer seconded the motion.

It was agreed that the application was very straight forward with no problems.

Mr. Haley moved to approve RZ-2008-445. Mr. Tarpley seconded the motion.

VOTE:

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

**RZ-2008-445 APPROVED (7 – 0)**

**STAFF REPORT**

**PLAN COMMISSION**  
January 17, 2008

**RE: RZ-2008-445**

**Applicant/Property Owners: Winfred and Vivian Rogers**

**Location:** Approximately ½ ± mile west of Old Atherton Road on the north side of Union School Road aka 20108 E. Union School Road

**Area:** 6.8 ± acres

**Request:** Change of zoning from District A (Agricultural) to RE (Residential Estates) District

**Purpose:** Two lot residential subdivision – "Winfred's Place". The existing residence is on proposed lot 2.

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

The surrounding land use in the area is large residential tracts and agriculture. The zoning is District A (Agricultural).

Approximately 700 feet to the east, a 3 acre parcel with a residence addressed 20408 Union School Road was rezoned to District RE in 2002.

**County Plan:**

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT). The RE (Residential Estates) District is appropriate in the Suburban Development Tier.

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2008-445.

Respectfully submitted,  
Planning and Development Division



Mark Trosen  
Administrator

**Plan Commission  
January 17, 2008  
RZ-2008-445**

**Applicant / Property Owners:** **Winfred and Vivian Rogers  
1801 Hunter's Dell Court  
Blue Springs, MO 64014**

**Parcel No: 10-600-03-07.02.4**

**Certified Mail – Return Receipt  
Property Owners within 300 feet**

10-600-03-07.02.3  
Patty Earley  
2200 N. York  
Independence, MO 64058

10-600-03-07.01  
Kimberly Porali  
15709 E. 43<sup>rd</sup> Terrace  
Independence, MO 64055

10-600-03-05.02  
Harry O'Dell  
20004 E. Union School Rd.  
Independence, MO 64058

10-600-03-04  
Mary Sue Raffety  
16300 E. Independence Ave.  
Independence, MO 64050

10-700-01-04  
McBee Custom Homes LC  
3120 Juanita Dr.  
Buckner, MO 64016

10-700-02-15  
Alice Ruble – Trustee  
904 W. White Oak  
Independence, MO 64050



# Jackson County Zoning Map



- Legend**
- Classification**
    - <all other values>
  - Road Classification**
    - Collector
    - Major Arterial
    - Minor Arterial
    - Cond Use Permits
    - Special Use
    - Legal Nonconforming
    - Variance
    - Cert of Legal Conformance
    - Legislative Actions
  - Plats**
    - JACO Parcel
    - Off Premise Signs
    - JACO Pipelines
    - Transmission Lines
  - Zonings**
    - Agricultural
    - AGP-Agricultural-Planned
    - AG-Agricultural-Rezoned
    - RR-Residential Ranchette
    - RE-Residential Ranchette-Planned
    - RE-Residential Estates
    - RS-Residential Suburban
    - RU-Residential Urban
    - AQ-Single-Family
    - BIQ-Two-Family
    - CO-Multi-Family
    - A1-Mobile Homes District
    - ROP-Residential Office-Planned
    - LB-Local Business
    - LBP-Local Business-Planned
    - GB-General Business
    - GBB-General Business-Planned
    - L-Light Industrial
    - LIP-Light Industrial-Planned
    - HI-Heavy Industrial
    - Pending
    - Inundation Area
  - ZONE**
    - A
    - Community Unit Plans

RZ-2007-445

1 inch equals 200 feet

JACKSON COUNTY, MISSOURI  
APPLICATION FOR CHANGE OF ZONING

APPLICANT INFORMATION:

1. Application must be filed with the Jackson County Planning and Development Division, 303 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. The filing fee (non-refundable) must accompany application.  
(Check payable to: Manager of Finance)  
\$150.00 – Change of Zoning to Residential  
\$300.00 – Change of Zoning to Commercial or Industrial

TO BE COMPLETED BY OFFICE PERSONNEL ONLY:

Rezoning Case Number RZ-2007-445

Date filed 12/17/07 Date of hearing 1/17/08

Date advertised 1/2/08 Date property owners notified 1/2/08

Date signs posted 1/2/08

Hearings: Heard by Plan Commission Date 1/17/08 Decision \_\_\_\_\_

Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):
  - a. Applicant(s) Name: Winfred Rogers
  - Address: 1801 Hunter's Dell Ct.  
Blue Springs MO 64014
  - Phone: 816-224-8919
  - b. Owner(s) Name: SAME
  - Address: \_\_\_\_\_
  - Phone: \_\_\_\_\_

12. Describe existing road width and condition: Oil Road, good condition,  
60 foot R/W

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): N/A

