

Request for Legislative Action

Ord. #5628
Date: June 13, 2022

Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5628
Sponsor(s):		Legislature Meeting Date:	6/13/2022

Introduction

Action Items: ['Authorize']

Project/Title:

KAB Properties - RZ-2022-627

Request Summary

Requesting a change of zoning from District AG (Agricultural) on 6.15 ± acres to District RE (Residential Estates). The purpose is to create two single-family residential lots at 32800 block of E. Perry Road.

Staff recommends approval because the change in zoning is consistent with the intent and purpose of the County Plan and complies with the Unified Development Code requirements.

The Jackson County Plan Commission held a public hearing on May 19, 2022, and accepted testimony pertaining to the rezoning request.

The Plan Commission voted 7 to 0 to recommend APPROVAL to the County Legislature.

Contact Information

Department:	Public Works	Submitted Date:	5/31/2022
Name:	Randy D. Diehl	Email:	RDiehl@jacksongov.org
Title:	Development Administrator	Phone:	816-881-4577

Budget Information

Amount authorized by this legislation this fiscal year:			\$ 0
Amount previously authorized this fiscal year:			\$ 0
Total amount authorized after this legislative action:			\$
Is it transferring fund?			No
Single Source Funding:			
Fund:	Department:	Line Item Account:	Amount:
			!Unexpected End of Formula

Request for Legislative Action

Prior Legislation	
Prior Ordinances	
Ordinance:	Ordinance date:
Prior Resolution	
Resolution:	Resolution date:

Purchasing	
Does this RLA include the purchase or lease of supplies, materials, equipment or services?	No
Chapter 10 Justification:	
Core 4 Tax Clearance Completed:	
Certificate of Foreign Corporation Received:	
Have all required attachments been included in this RLA?	

Compliance	
Certificate of Compliance	
Not Applicable	
Minority, Women and Veteran Owned Business Program	
Goals Not Applicable for following reason: Not spending money	
MBE: .00%	
WBE: .00%	
VBE: .00%	
Prevailing Wage	
Not Applicable	

Fiscal Information	
<ul style="list-style-type: none">This legislative action does not impact the County financially and does not require Finance/Budget approval.	

Request for Legislative Action

History

Submitted by Public Works requestor: Randy D. Diehl on 5/31/2022. Comments: Land Use hearing scheduled for June 27, 2022

Approved by Department Approver Brian Gaddie on 5/31/2022 4:30:23 PM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 5/31/2022 4:38:44 PM. Comments:

Approved by Compliance Office Approver Katie M. Bartle on 6/1/2022 10:48:08 AM. Comments:

Not applicable by Budget Office Approver Mary Rasmussen on 6/1/2022 11:23:05 AM. Comments:

Approved by Executive Office Approver Sylva Stevenson on 6/2/2022 10:48:27 AM. Comments:

Approved by Counselor's Office Approver Elizabeth Freeland on 6/3/2022 10:20:54 AM. Comments:

RZ-2022-627

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

The East Twelve and One-Third ($12 \frac{1}{3}$) acres of the South Thirty-Three & One-Third ($33 \frac{1}{3}$) acres of the west Sixty (60) acres of the North One-Half ($\frac{1}{2}$) of the Southwest Quarter of Section 11, Township 49, Range 30, Jackson County, Missouri; except for the East Five (5) acres of said tract and except the West Twelve (12) feet of the West 297.10 feet of the East 309.10 feet of said tract.

RZ-2022-627

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from May 19, 2022

Staff Report

Zoning map of surrounding area

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Application

Aerial of location

Preliminary Plat

Randy Diehl gave the staff report:

RE: RZ-2022-627

Applicant: KAB Properties LLC

Location: E Perry Road

Area: 6.15 ± acres

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

Purpose: To create two single-family residential lots.

Current Land Use and Zoning in the Area:

Zoning is primarily Agricultural. There are two developments on Perry Road within District RE, with another five created prior to the adoption of the Unified Development Code in 1995.

Land use is primarily single-family residences and agricultural use.

County Plan:

The County Plan Development Diagram illustrates this area within the Urban Development Tier (UDT).

Recommendation:

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

Staff recommends APPROVAL of RZ-2022-627.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

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

There were none.

Mr. Tarpley: *Is the applicant here?*

Nilesh Patel: I'm with KAB Properties, 1106 Foxtail Drive, Grain Valley.

Mr. Tarpley: *Do you have anything to add to the report?*

Mr. Patel: Out plan is to have homes like those on Perry Road.

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

(Name inaudible): Will there be covenants and restrictions?

Mr. Patel: Nothing has been set definitely, but we do want to protect the neighbors out there.

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

There were none

Motion to take under advisement.

Mr. Hilliard moved to take under advisement. Mr. Lake seconded.

Discussion under advisement

Mr. Hilliard moved to approve. Mr. Lake seconded.

Mr. Johnson	Approve
Mr. Crawford	Approve
Mr. Hilliard	Approve
Ms. Ryerkerk	Approve
Mr. Farrar	Approve
Mr. Lake	Approve
Chairman Tarpley	Approve

Motion Carried 7 – 0

STAFF REPORT

PLAN COMMISSION

May 19, 2022

RE: RZ-2022-627

Applicant: KAB Properties LLC

Location: E Perry Road

Area: 6.15 ± acres

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

Purpose: To create two single-family residential lots.

Current Land Use and Zoning in the Area:

Zoning is primarily Agricultural. There are two developments on Perry Road within District RE, with another five created prior to the adoption of the Unified Development Code in 1995.

Land use is primarily single-family residences and agricultural use.

The applicant is

County Plan:

The County Plan Development Diagram illustrates this area within the Urban Development Tier (UDT).

Recommendation:

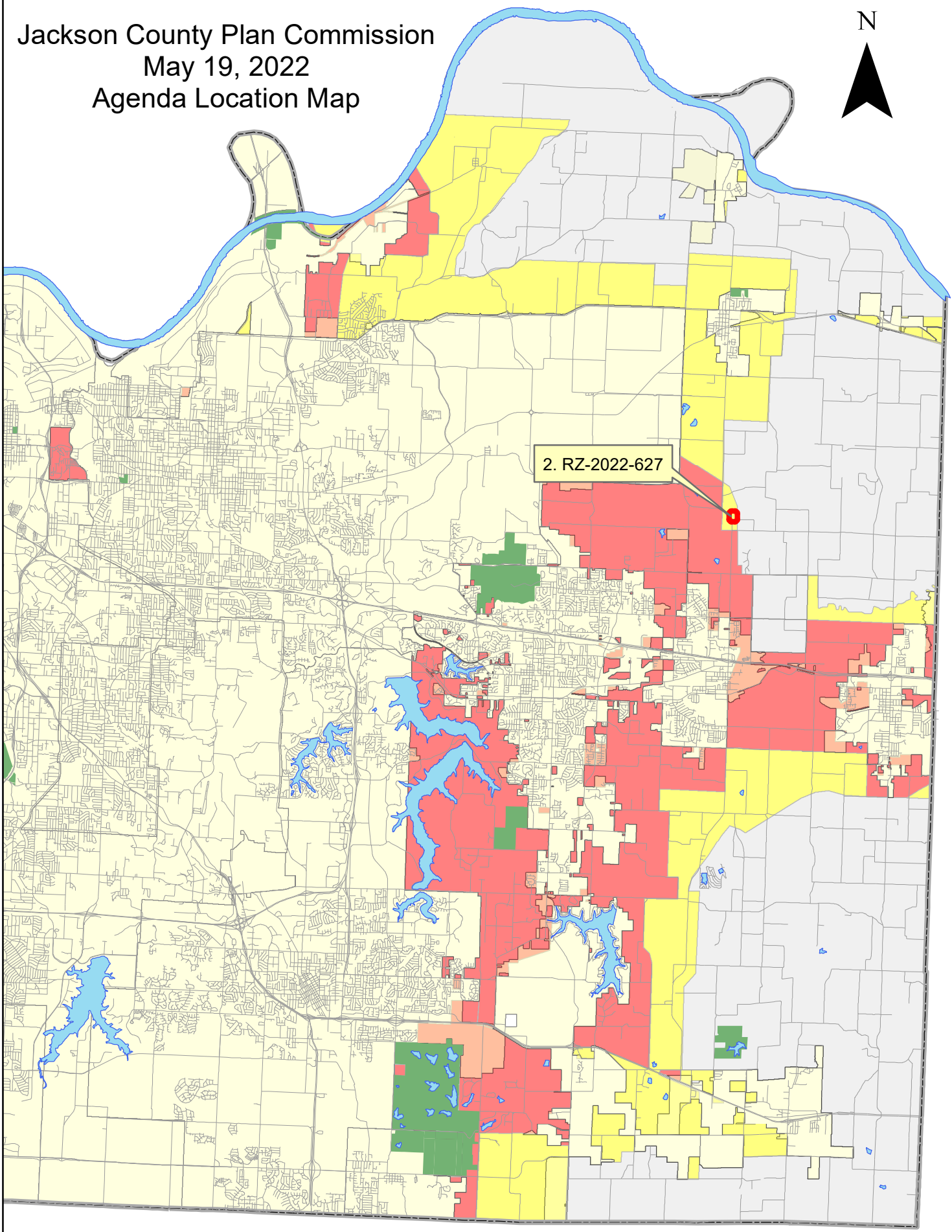
This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2022-627.

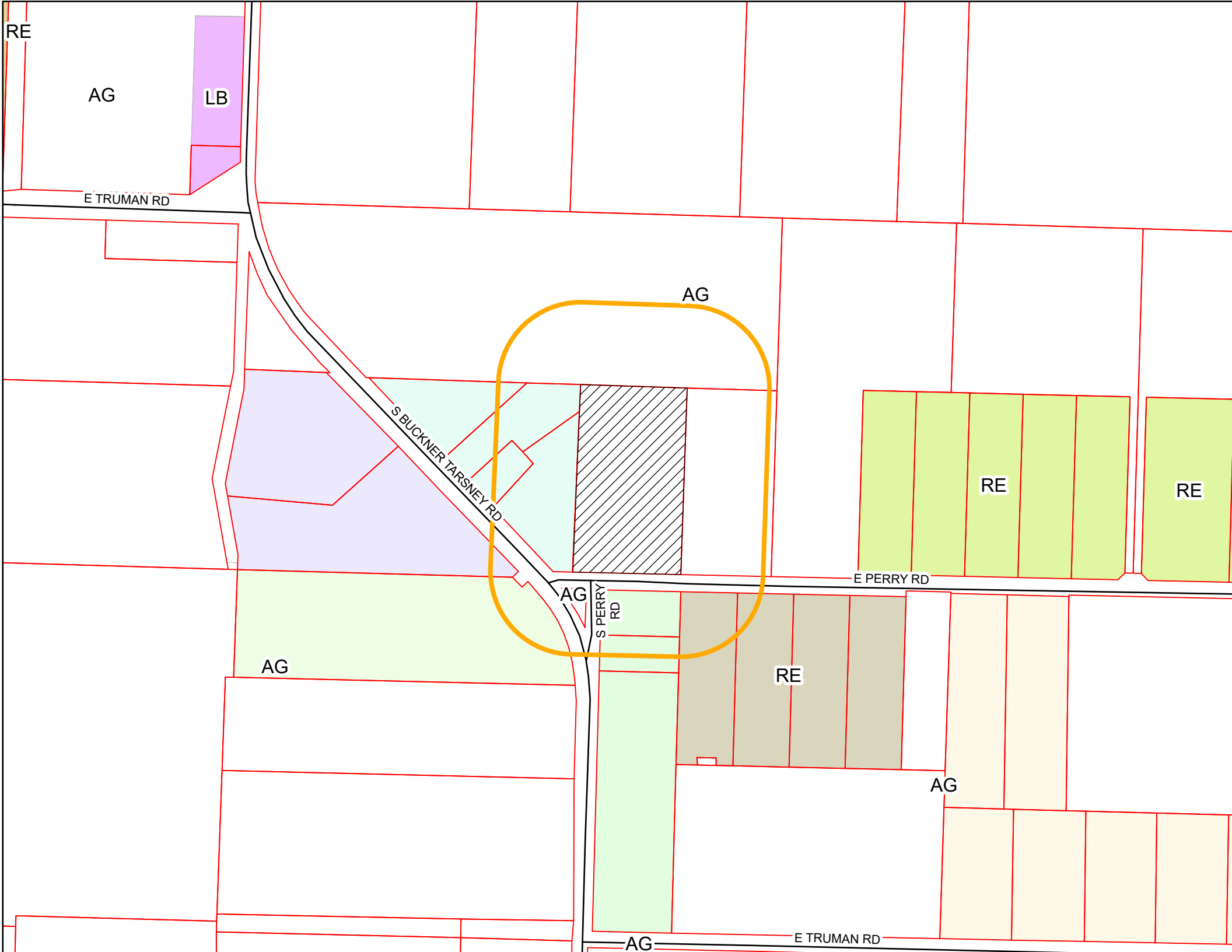
Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
May 19, 2022
Agenda Location Map



2. RZ-2022-627



Plan Commission May 19, 2022

RZ-2022-627

Property Owners Within 300 feet

Parcel	owner	address	city	state	zip
22-500-03-23-00-0-00-000	SANDERS PAULA	2419 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
22-500-03-19-00-0-00-000	HACKLEY PHILLIP WAYNE & DEANNE	32301 E TRUMAN RD	BUCKNER	MO	64016
22-500-03-28-02-0-00-000	THOMAS S & BEVERLY ANN BERTOLONE TRUST	2948 W 123RD TER	LEAWOOD	KS	66209
22-500-03-21-00-0-00-000	JONES BART W	2403 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
22-500-03-26-00-0-00-000	WORLEY STACY R	2420 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
22-500-03-22-00-0-00-000	JOHNSON STEVEN W & LINDA K	2411 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
22-500-03-28-01-0-00-000	THOMAS SYLVIA	PO BOX 784	GRAIN VALLEY	MO	64029
22-500-03-31-00-0-00-000	ERICKSON DOUGLAS C & CAROL J	32909 E PERRY RD	GRAIN VALLEY	MO	64029
22-500-03-24-00-0-00-000	KERSHNER JEANISE A	2415 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
22-500-03-05-00-0-00-000	MURRY BARBARA LEE	PO BOX 263	GRAIN VALLEY	MO	64029
22-500-03-30-00-0-00-000	HIGGINS REV TRUST	32905 E PERRY RD	GRAIN VALLEY	MO	64029
22-500-03-27-00-0-00-000	WOODWARD WALTER L & CHERYL Y	2512 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
22-500-03-11-00-0-00-000	ROBERTS HAZEL & RANDY D	1118 GOLFVIEW ST	GRAIN VALLEY	MO	64029
22-500-03-07-00-0-00-000	KAB PROPERTIES LLC	PO BOX 2996	GRAIN VALLEY	MO	64029



JACKSON COUNTY Public Works Department

Jackson County Technology Center
303 West Walnut Street
Independence, Missouri 64050
jacksongov.org

(816) 881-4530
Fax: (816) 881-4448

May 4, 2022

RE: Public Hearing: RZ-2022-627
KAB Properties

Dear Property Owner:

You are hereby invited to participate in a public hearing to be held by the Jackson County Plan Commission on a request by KAB Properties for a change of zoning from District AG (Agricultural) on 6.15 ± acres to District RE (Residential Estates). The purpose in to create two single-family residential lots at 32800 block of E. Perry Road.

Please note that this request for a change of zoning affects only the property mentioned above. Adjacent properties will not be affected by the change of zoning. Taxes are based on the land use of a property not the zoning.

You are being notified pursuant to 24003.5 Chapter 240 (Unified Development Code) of the Jackson County Code, as being an adjacent property within 300' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, May 19, 2022, at 8:30 a.m. in the Large Conference Room, 2nd Floor, Historic Truman Courthouse, 112 W. Lexington, Independence, MO.

If you know of any interested party who may not have received a copy of this letter, it would be appreciated if you would inform them of the time and place of the hearing.

If you have any questions concerning this matter, please contact the Development Division at 881-4577.

Sincerely,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Frank White, Jr., County Executive

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- 2022- 627

Date filed _____ Date of hearing _____

Date advertised _____ Date property owners notified _____

Date signs posted _____

Hearings: Heard by _____ Date _____ Decision _____

 Heard by _____ Date _____ Decision _____

 Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):

- a. Applicant(s) Name: KAB Properties LLC
 Address: PO Box 2996
 Grain valley, MO 64029
 Phone: 816-309-7604
- b. Owner(s) Name: KAB Properties LLC
 Address: PO Box 2996
 Phone: Grain valley, MO 64029
- c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: owner

2. General location (Road Name) Perry Road

3. Present Zoning Agricultural Requested Zoning Residential Estates

4. AREA (sq. ft. / acres) 268,055 Sq Ft/6.15 Acres

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

see attached

6. Present Use of Property: Raw Ground

7. Proposed Use of Property: Single Family Homes

8. Proposed Time Schedule for Development: Lots to be for sale upon approvals

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

The development will match the existing uses on the street

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 Independence water

b. Sewage disposal Septic System - designed to suit the size of home

c. Electricity Evergy- Power along the street and can serve the property

d. Fire and Police protection Fort Osage Fire & Jackson County Sherriff Dept. - Min. effec

12. Describe existing road width and condition: Approximately 18 foot wide road constructed with aspha

13. What effect will proposed development have on existing road and traffic conditions? By adding one additional home than could be previously built in the current zoning this development should have minimal impact on the road and traffic conditions.

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)

[Signature]
KAB PROPERTIES LLC
MANAGER

Date

3-21-22

Applicant(s):

[Signature]
KAB PROPERTIES LLC
MANAGER

3-21-22

Contract Purchaser(s):

STATE OF Missouri
COUNTY OF Jackson

On this 21 day of March, in the year of 2022, before me
the undersigned notary public, personally appeared Nilesh Patel

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

[Signature: Melody A. Payne]

Commission Expires

8/21/2024

MELODY A. PAYNE
Notary Public - Notary Seal
State of Missouri
Commissioned for Jackson County
My Commission Expires: August 21, 2024
Commission Number: 12623321

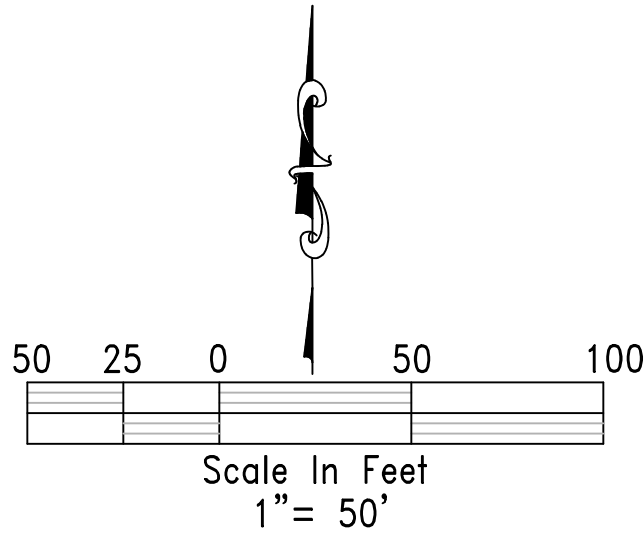


S BUCKNER TARSNEY RD

S PERRY RD

E PERRY RD

Copyright nearmap 2015

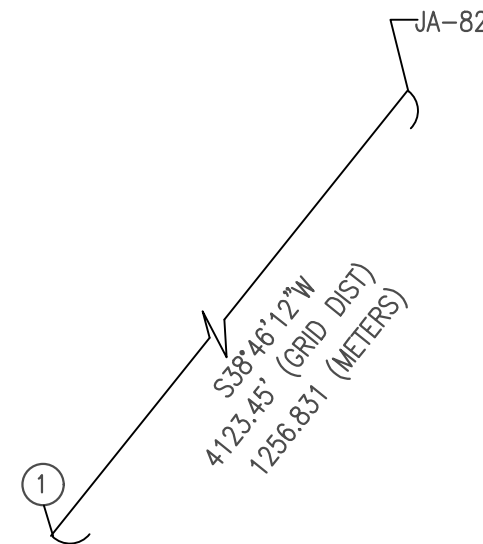


1 METER = 3.28083333'

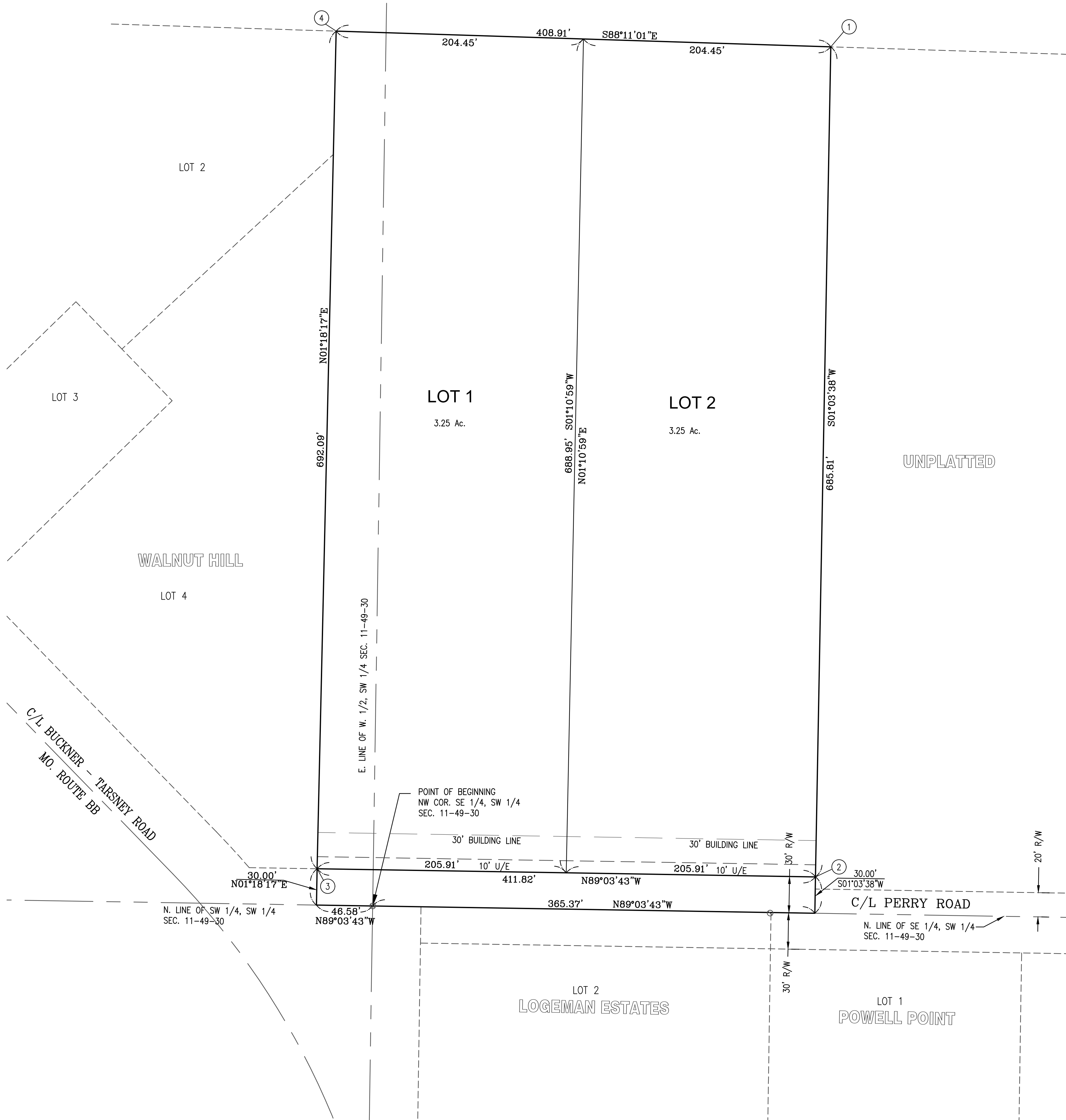
ALL COORDINATES AND ALL BEARINGS AS SHOWN IN THE TRAVERSE TABLE ARE BASED ON "MISSOURI COORDINATE SYSTEM OF 1983, WEST ZONE" "CAMBELL GPS STATION" USING A COMBINED GRID FACTOR OF 0.99990958

① - STATE PLANE POINT NUMBER

	(METERS)	
	NORTHING	EASTING
CAMBELL	323285.333	877194.273
①	322305.425	876407.250
②	322096.445	876403.381
③	322098.500	876277.886
④	322309.375	876282.689



- SYMBOL LEGEND**
- SET 1/2" REBAR AND CAP RLS-2134, MO.
 - ⊙ FOUND MONUMENT (AS NOTED)
 - U/E UTILITY EASEMENT
 - ④ STATE PLANE COORDINATE NUMBER



SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THE WITHIN PLAT OF "PG ESTATES", A SUBDIVISION IS BASED ON AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SURVEY MEETS OR EXCEEDS THE "CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS". I FURTHER CERTIFY THAT THE BEARINGS SHOWN IN THE TRAVERSE TABLE ARE GRID BEARINGS, BASED ON THE STATE PLANE COORDINATE SYSTEM OF MISSOURI, WESTERN ZONE OF THE NORTH AMERICAN DATUM OF 1983; THAT THE SECTION AND SECTIONAL SUBDIVISION CORNER MONUMENTS AND SURVEY BOUNDARY CORNER MONUMENTS WERE EITHER FOUND OR SET AS INDICATED ON THIS PLAT; THAT THE LOT CORNERS AND STREET CENTER LINES HAVE BEEN MARKED WITH PERMANENT MONUMENTATION AS INDICATED ON THIS PLAT; THAT I HAVE COMPLIED WITH ALL STATE AND JACKSON COUNTY STATUTES, ORDINANCES, AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING AND THE PLATTING OF SUBDIVISIONS TO BE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

SURVEYOR: ROGER A BACKUES PLS NO. 2134

**FINAL PLAT
PG ESTATES**
A PART OF THE SW 1/4
SEC. 11, TWPS. 49, RG. 30
JACKSON COUNTY, MISSOURI

- NOTES:**
- PROPERTY CONTAINS 6.8 ACRES MORE OR LESS.
 - CLASS OF SURVEY IS RURAL.
 - ADDRESS TO SUBJECT PROPERTY IS: NO ADDRESS ASSIGNED.
 - PARENT TRACT OF LAND AS RECORDED IN DOCUMENT NO. 2022E0022619.

BASIS OF BEARINGS:
THE BASIS OF BEARING FOR THIS SURVEY ARE GRID BEARINGS.

FLOOD STATEMENT:
PART OF THE SUBJECT PROPERTY LIES IN AN AREA LABELED ZONE "X" (AREAS DETERMINED TO BE OUTSIDE OF THE 100-YEAR FLOOD PLAIN) AS DETERMINED BY THE FEMA FLOOD INSURANCE RATE MAP NUMBER 29095C0330G WITH AN EFFECTIVE DATE OF JANUARY 20, 2017.

SURVEY REFERENCE:
NO TITLE WORK WAS FURNISHED, MAY BE EASEMENTS OR OTHER RECORDS NOT SHOWN HEREON.

DEED DESCRIPTION:
THE EAST TWELVE AND ONE-THIRD (12 1/3) ACRES OF THE SOUTH THIRTY-THREE & ONE-THIRD (33 1/3) ACRES OF THE WEST SIXTY (60) ACRES OF THE NORTH ONE-HALF (1/2), OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 49, RANGE 30, JACKSON COUNTY, MISSOURI; EXCEPT FOR THE EAST FIVE (5) ACRES OF SAID TRACT AND EXCEPT THE WEST TWELVE (12) FEET OF THE WEST 297.10 FEET OF THE EAST 309.10 FEET OF SAID TRACT.

DEDICATION:
THE UNDERSIGNED PROPRIETOR OF THE ABOVE DESCRIBED TRACT HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREFTER BE KNOWN AS "PG ESTATES".

EASEMENTS:
AN EASEMENT OR LICENSE IS HEREBY GRANTED TO JACKSON COUNTY, MISSOURI, TO LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE LOCATION, CONSTRUCTION, MAINTENANCE AND USE OF CONDUITS FOR ALL OR ANY PURPOSE, WATER, GAS, SEWER MAINS, POLES AND WIRES OR ALL OR ANY OF THEM, OVER, UNDER AND ALONG THE STRIPS OF LAND MARKED "UTILITY EASEMENT" OR "U/E.". P.D.E. = PERMANENT DRAINAGE EASEMENT W.E. = WATER EASEMENT
1. WHERE AN EASEMENT IS DESIGNATED FOR A PARTICULAR PURPOSE, THAT IS "SEWER EASEMENT", "DRAINAGE EASEMENT (D.E.)" OR "UTILITY EASEMENT (U/E)", THE USE THEREOF SHALL BE RESTRICTED TO THAT PURPOSE.
2. ALL EASEMENTS SHALL BE KEPT FREE AND CLEAR OF ANY AND ALL BUILDINGS, STRUCTURES OR OTHER OBSTRUCTIONS (EXCEPT DRIVEWAYS, PAVED AREAS, GRASS, SHRUBS AND FENCES) WHICH WOULD INTERFERE WITH (A) THE PROPER SAFE AND CONTINUOUS USE AND MAINTENANCE OR RECONSTRUCTION OF THE FACILITIES LOCATED WITHIN SAID EASEMENTS, (B) THE AGENTS AND EMPLOYEES OF JACKSON COUNTY, MISSOURI AND ITS FRANCHISED UTILITIES FROM GOING UPON SAID EASEMENTS IN THE EXERCISING OF THE RIGHTS GRANTED BY SAID EASEMENT.

BUILDING LINES:
BUILDING LINES OR SETBACK LINES ARE SHOWN HEREON.

STREET DEDICATION:
STREETS SHOWN HEREON AND NOT HERETOFORE DEDICATED FOR PUBLIC USE AS STREET RIGHT-OF-WAY ARE HEREBY DEDICATED.

IN TESTIMONY THEREOF:
THE UNDERSIGNED PROPRIETORS HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS ____DAY OF _____, 2022

KAB PROPERTIES, L.L.C., A MISSOURI LIMITED LIABILITY COMPANY

NILESH PATEL, MEMBER

STATE OF MISSOURI)
) SS
COUNTY OF JACKSON)

ON THIS ____DAY OF _____, 2022, BEFORE ME APPEARED NILESH PATEL, MEMBER OF KAB PROPERTIES, L.L.C., A MISSOURI LIMITED LIABILITY COMPANY, TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND THAT SAID INSTRUMENT TO BE THEIR FREE ACT AND DEED OF SAID PERSON AND DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN WITNESS THEREOF:
I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL IN MY OFFICE THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC:

MY COMMISSION EXPIRES: _____

APPROVED BY JACKSON COUNTY, MISSOURI:

PUBLIC WORKS DEPARTMENT DATE: _____

JACKSON COUNTY ASSESSMENT DEPARTMENT DATE: _____

FOR REVIEW

DATE: APRIL 4, 2022

CLIENT:

KAB PROPERTIES, LLC
1106 SW FOXTAIL DR.
GRAIN VALLEY, MO. 64029

FINAL PLAT

**BOUNDARY & CONSTRUCTION
SURVEYING, INC.**

821 NE COLUMBUS STREET SUITE 100, LEE'S SUMMIT, MO. 64063
PH.# 816/554-9798, FAX # 816/554-0337
roger@boundarysurvey.net

PROJECT NO. 22-144 SHEET 1 OF 1

NO ADDRESS ASSIGNED, JACKSON COUNTY, MO.