

Request for Legislative Action

Ord. #5516
Date: June 14, 2021

Completed by County Counselor's Office			
Action Requested:	Ordinance	Res.Ord No.:	5516
Sponsor(s):	Tony Miller	Legislature Meeting Date:	6/14/2021

Introduction
Action Items: ['Authorize']
Project/Title:
Heritage Valley Farm, Inc - RZ-2021-600

Request Summary
Requesting a change of zoning from District AG (Agricultural) on 09.00 ± acres to District RE (Residential Estates). The purpose is to create three residential lots. 22600 – 22708 E. Meyers 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 20, 2021 and accepted testimony pertaining to the rezoning request. The Plan Commission voted 6 to 0 to recommend <u>APPROVAL</u> to the County Legislature.

Contact Information			
Department:	Public Works	Submitted Date:	5/24/2021
Name:	Randy Diehl	Email:	rdiehl@jacksongov.org
Title:	Administrator, development Division	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: Zoning - 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

Randy Diehl at 5/24/2021 1:08:00 PM - [Submitted |]
Department Director: Brian Gaddie at 5/25/2021 3:18:46 PM - [Returned for more information | Adjust attachments, as discussed.]
Submitter: Randy D. Diehl at 5/26/2021 7:48:12 AM - [Submitted |]
Department Director: Brian Gaddie at 6/1/2021 10:26:51 AM - [Approved |]
Finance (Purchasing): Barbara J. Casamento at 6/1/2021 11:20:16 AM - [Not applicable |]
Audit: Katie M. Bartle at 6/1/2021 12:46:10 PM - [Approved | eRLA 104]
Finance (Budget): Mark Lang at 6/2/2021 1:00:42 PM - [Not applicable |]
Executive: Troy Schulte at 6/3/2021 8:43:02 AM - [Approved |]
Legal: Elizabeth Freeland at 6/4/2021 12:56:13 PM - [Approved |]

RZ-2021-600

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

THAT PART OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 51 NORTH, RANGE 31 WEST, BEGINNING AT A POINT ON THE EAST LINE OF SAID 1/4 SECTION, 30.00 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE NORTH 2°-55'-08" ALONG THE EAST LINE OF SAID 1/4 SECTION, A DISTANCE OF 726.00 FEET; THENCE NORTH 87°-18'-04" WEST, A DISTANCE OF 360.00 FEET; THENCE SOUTH 2°-55'-08" WEST, A DISTANCE OF 726.00 FEET; THENCE SOUTH 87°-18'-04" EAST, A DISTANCE OF 360.00 FEET TO THE POINT OF BEGINNING.

AND

THAT PART OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 51 NORTH, RANGE 31 WEST, COMMENCING AT THE SOUTHEAST CORNER OF SAID 1/4 SECTION; THENCE NORTH 2°-55'-08" EAST ALONG THE EAST LINE OF SAID 1/4 SECTION, A DISTANCE OF 30.00 FEET; THENCE NORTH 87°-18'-04" WEST, A DISTANCE OF 470.10 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE CONTINUING NORTH 87°-18'-04" WEST, A DISTANCE OF 191.52 FEET; THENCE NORTH 2°-59'-50" EAST, A DISTANCE OF 682.33 FEET; THENCE SOUTH 87°-18'-04" EAST, A DISTANCE OF 191.52 FEET; THENCE SOUTH 2°-59'-50" WEST, A DISTANCE OF 682.33 FEET TO THE POINT OF BEGINNING.

RZ-2021-600

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Public Hearing Summary from May 20, 2021 Plan Commission

Staff Report

Location Map

Map showing current zoning district in area

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Application

Pictures

Copy of Heritage Family Farm Plat

Randy Diehl gave the staff report:

PLAN COMMISSION

May 20, 2021

RE: RZ-2021-600

Applicant: Heritage Valley Farm, Inc

Location: 22600 – 22708 E. Meyers Road

Area: 9.00 ± acres

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

Purpose: Create three residential lots

Current Land Use and Zoning in the Area:

The applicant owns a total of 40 acres. There are three homes on the tract. The applicant is wishing to place each of the homes on their own separate lots. These homes have been in place for quite some time. There was a Community Unit Plan approved back in the 1980's for this area. It was to include several homes all served by a de-centralized wastewater system. This plan was never implemented. Each of the homes will be located on their own lot served by individual wastewater system.

The remaining 30.00 ± acres will remain within District AG and be shown as Tract A on the plat. It tract will continued to be farmed.

County Plan:

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT).

The Residential Estates is appropriate for the Suburban Development Tier.

Recommendation:

Staff recommends APPROVAL of RZ-2021-600

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: Are there any questions for Randy?

Mr. Tarpley: The small strip in the middle, is that the access to Tract A?

Mr. Diehl: Yes, it is.

Mr. Crawford: What is the width of the access?

Mr. Diehl: 110 feet wide.

Mr. Antey: Is the applicant here?

Robert Anderson: Anderson Surveying Company. I represent the applicant.

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

Mr. Anderson: No I don't.

Mr. Tarpley: I curious why they are doing this at this time.

Mr. Anderson: The owners daughters live on two of the lots. She's wanting them to have their own lots for the homes.

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

There were none

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

There were none

Motion to take under advisement.

Mr. Tarpley moved to take under advisement. Mr. Haley seconded.

Discussion under advisement

Mr. Crawford moved to approve RZ-2021-600. Mr. Hilliard seconded.

Mr. Tarpley	Approve
Mr. Crawford	Approve
Mr. Haley	Approve
Mr. Hilliard	Approve
Ms. Mershon	Approve
Chairman Antey	Approve

Motion Carried 6 – 0

STAFF REPORT

PLAN COMMISSION

March 18, 2021

RE: RZ-2021-600

Applicant: Heritage Valley Farm, Inc

Location: 22600 – 22708 E. Meyers Road

Area: 9.00 ± acres

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

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Current Land Use and Zoning in the Area:

The applicant owns a total of 40 acres. There are three homes on the tract. The applicant is wishing to place each of the homes on their own separate lots.

The remaining 30.00 ± acres will remain within District AG and be shown as Tract A on the plat.

County Plan:

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT).

The Residential Estates is appropriate for the Suburban Development Tier.

Recommendation:

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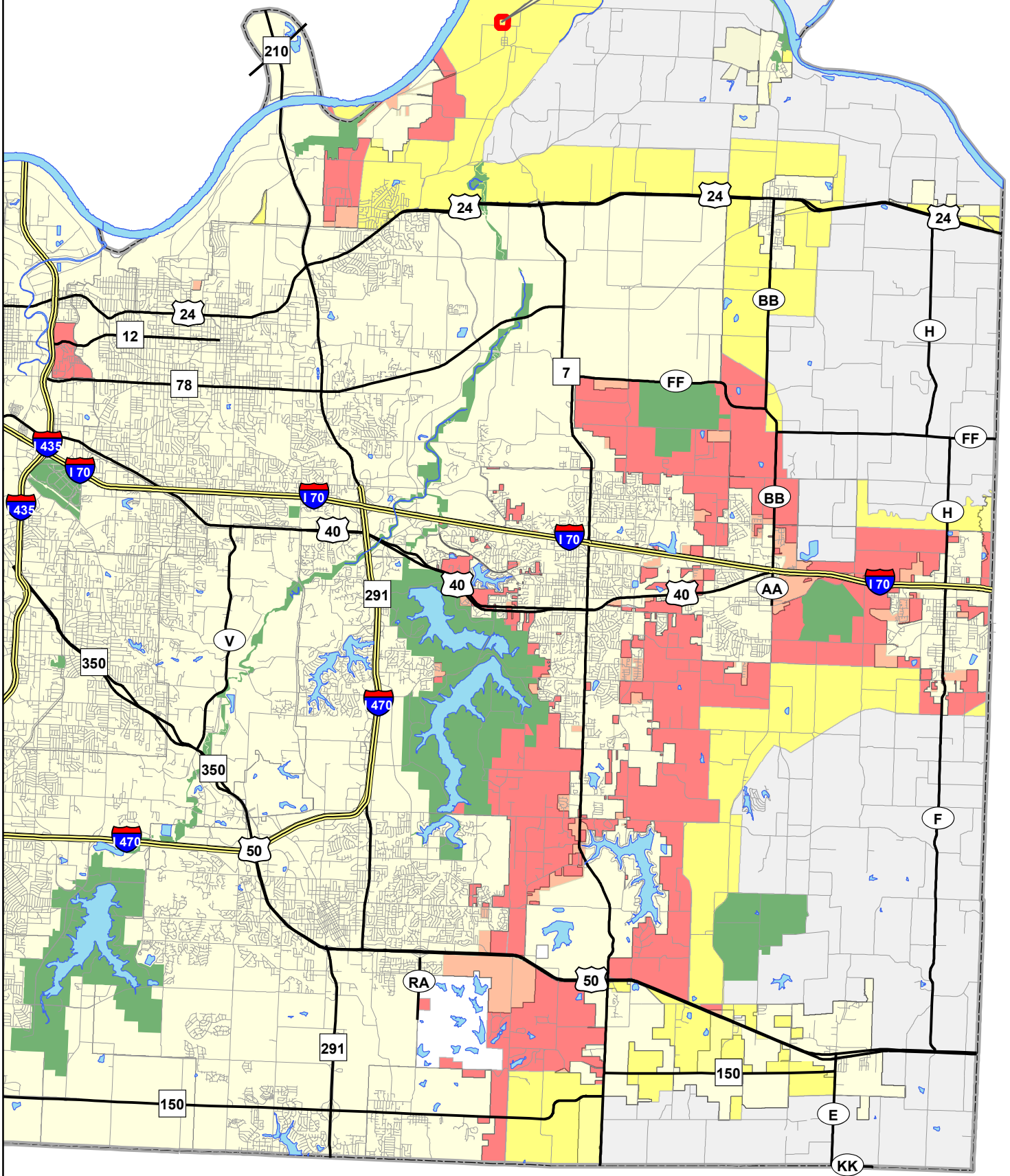
Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
May 20, 2021
Agenda Location Map

N



1. RZ-2021-600



Plan Commission March 18, 2021

RZ-2021-600

Property Owners Within 300 feet

Name	Name	Address	City	State	Zip
03-800-03-02-00-0-00-000	CORPORATION OF THE PRESIDING BISHOP OF	PO BOX 511196	SALT LAKE CITY	UT	84151-1196
03-900-04-42-00-0-00-000	THE CHURCH OF JESUS CHRIST ATHERTON	2121 CALUMET DR	INDEPENDENCE	MO	64057
03-900-04-44-01-0-00-000	FARMLAND RESERVE INC	PO BOX 511196	SALT LAKE CITY	UT	84151-1196
03-800-02-12-00-0-00-000	DCA LAND MISSOURI LLC	5609 N BLUE VALLEY RD	INDEPENDENCE	MO	64014
03-900-01-03-01-2-00-000	FARMLAND RESERVE INC	PO BOX 511196	SALT LAKE CITY	UT	84151-1196
03-800-02-08-00-0-00-000	WILLIAMS ADELIA A	PO BOX 8	ROTHVILLE	MO	64676
03-800-02-07-00-0-00-000	MARTHA J FRASHER LIVING TRUST	1011 COLBERN	BELTON	MO	64012
03-900-01-04-00-0-00-000	DCA LAND MISSOURI LLC	5609 N BLUE VALLEY RD	INDEPENDENCE	MO	64014
03-900-01-01-00-0-00-000	HERITAGE VALLEY FARM & BEEBE DONALD A	22802 E MEYERS RD	INDEPENDENCE	MO	64058
03-800-02-09-00-0-00-000					



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

March 3, 2021

RE: Public Hearing: RZ-2021-600
Heritage Valley Farm, Inc

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 Heritage Valley Farm, Inc for a change of zoning from District AG (Agricultural) on 09.00 ± acres to District RE (Residential Estates). The purpose is to create three residential lots. 22600 – 22708 E. Meyers 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, March 18, 2021 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 881-4649.

Sincerely,

A handwritten signature in blue ink, appearing to read "Randy Diehl".

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Frank White, Jr., County Executive



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

March 3, 2021

RE: Public Hearing: RZ-2021-600
Heritage Valley Farm, Inc

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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-

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: HERITAGE VALLEY FARM, INC ATTN. PATRICIA BEEBE
Current Mailing Address: 22802 EAST MEYERS ROAD, INDEPENDENCE, MO
Phone: (816) 509-3531 email: PATRICIA.BEEBE@GMAIL.COM
- b. Legal Owner of Property: SAME AS APPLICANT
Current Mailing Address: _____
Phone: _____ email: _____
- b. Legal Owner of Property: _____
Current Mailing Address: _____
Phone: _____ email: _____

2. General location (Road Name) 22600 EAST MEYERS ROAD
-
3. Present Zoning AGRICULTURE Requested Zoning RE
4. AREA (sq. ft. / acres) 392,040 SQ FT / 9.0 ACRES
5. Legal Description of Property: (Write Below or provide copy of deed and survey)
SEE ATTACHED
-
6. Present Use of Property: FARM/HOMES
7. Proposed Use of Property: FARM/HOMES
8. Proposed Time Schedule for Development: NO DEVELOPMENT PLANNED
-
9. What effect will your proposed development have on the surrounding properties?
NO DEVELOPMENT PLANNED
10. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? YES, ZONE X (SHADED)
If so, will any improvements be made to the property which will increase or decrease the elevation? NO
11. Describe the source/method which provides the following services, and what effect the development will have on same:
- Water Provider CITY OF INDEPENDENCE
 - Sewage disposal: Onsite Waste Water Public Sewer
 - Electricity EVERGY
 - Fire and Police protection FORT OSAGIE FIRE / JACKSON COUNTY SHERIFF
12. Describe existing road width and condition: +/- 16' WIDE ASPHALT, NO CURBS
-
13. What effect will proposed development have on existing road and traffic conditions? NO DEVELOPMENT PLANNED

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

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

The LEGAL OWNER(s) of the property must be signatory to this application. If the owner is also the applicant then only the Property Owner portion needs to be filled out. Applications will not be accepted to move forward without the proper signatories. Verification of ownership will be made using the Tax Rolls and the Recorder of Deeds database.

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

Signature		Date
Property Owner(s)	<u>Donald A. Beebe DPOA</u>	<u>3/1/21</u>
	<u>Patricia Beebe</u>	<u>2/1/21</u>

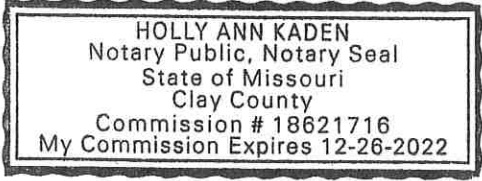
STATE OF Missouri
COUNTY OF Clay

On this 2nd day of February, in the year of 2021, before me the undersigned notary public, personally appeared Patricia Beebe

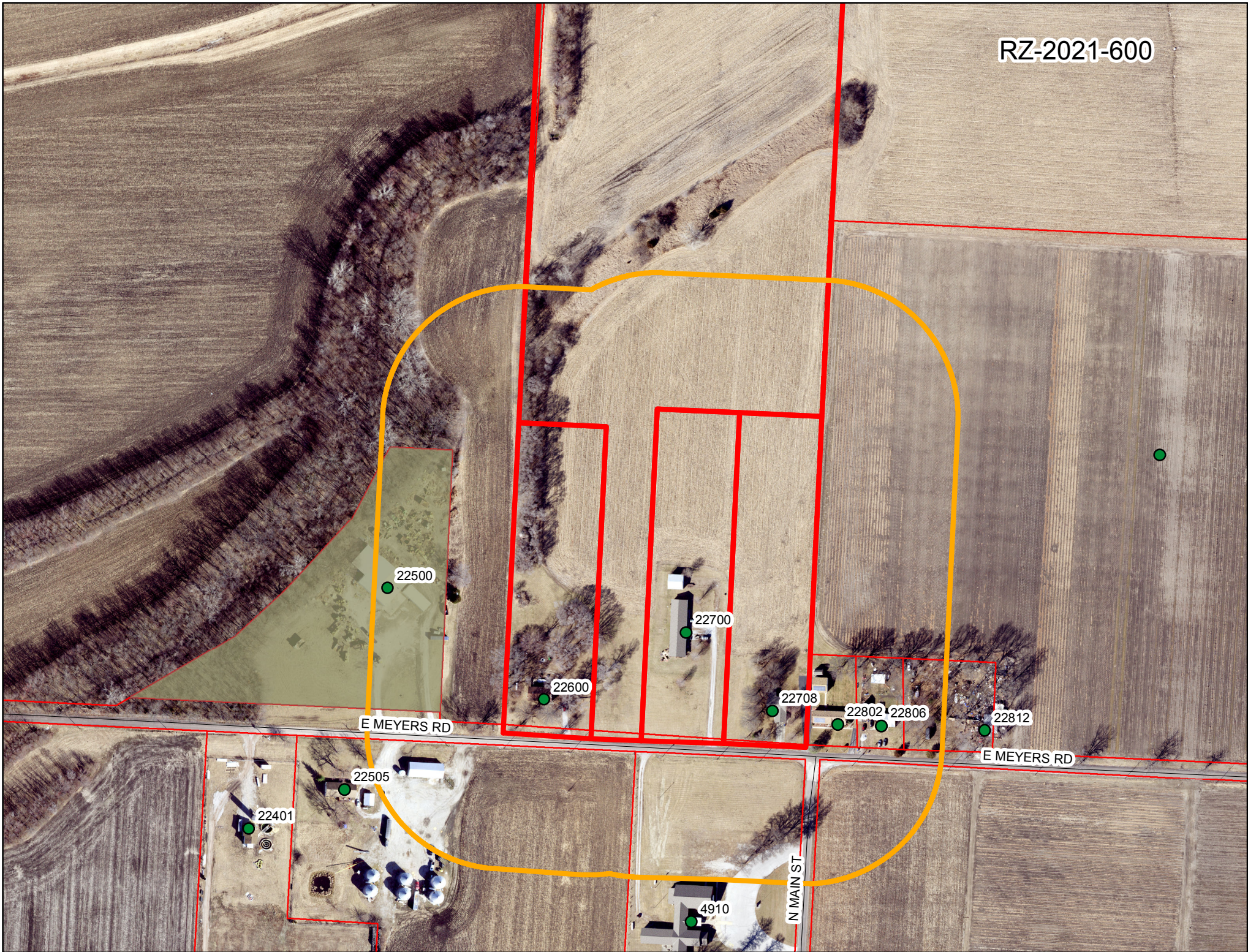
known to me to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

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

Notary Public Holly Ann Kaden Commission Expires 12-26-2022



RZ-2021-600



22500

22700

22600

22708

22802

22806

22812

22505

22401

4910

E MEYERS RD

E MEYERS RD

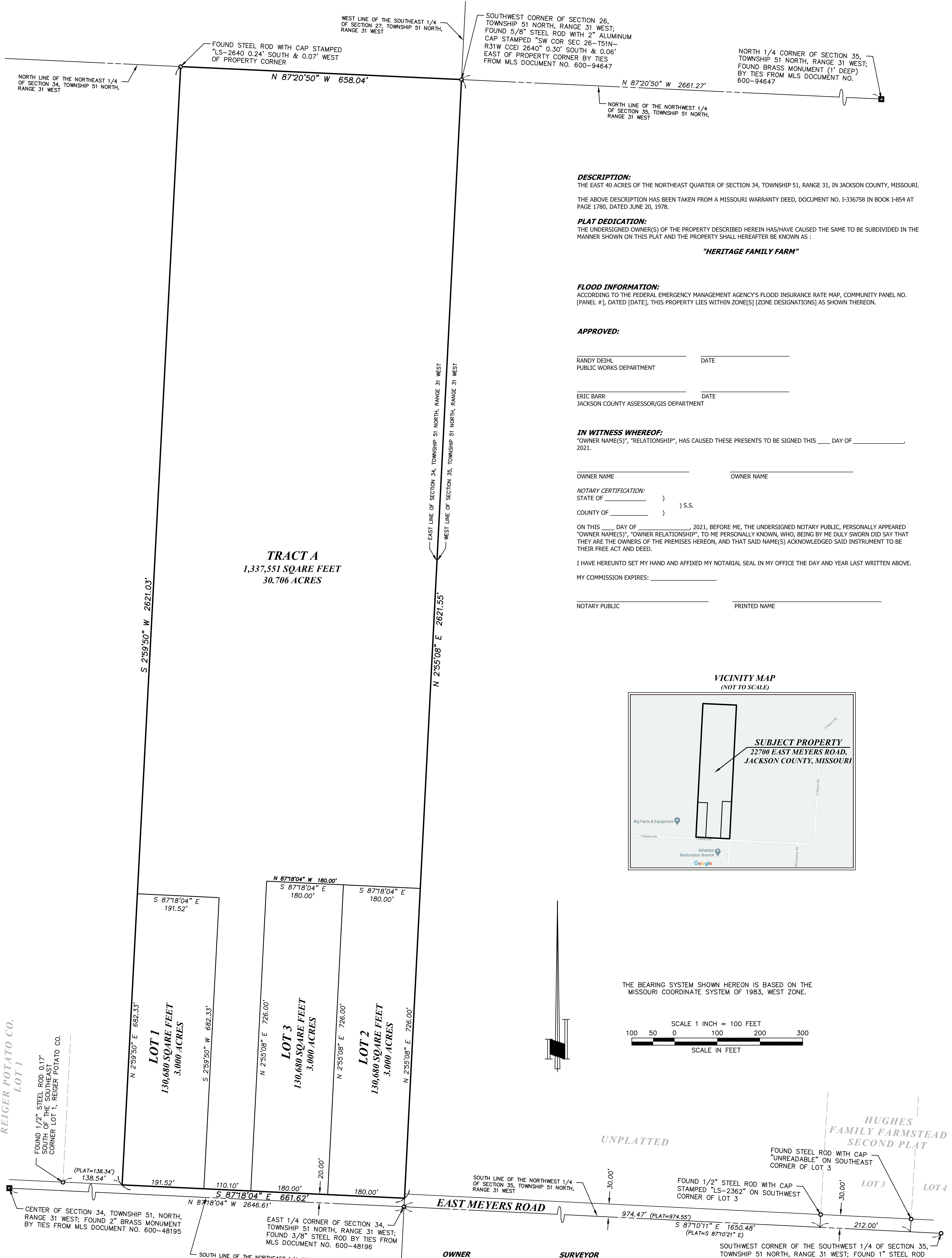
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MINOR SUBDIVISION OF
HERITAGE FAMILY FARM
A MINOR SUBDIVISION IN THE COUNTY OF JACKSON, MISSOURI
PART OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 51 NORTH, RANGE 31 WEST



DESCRIPTION:
THE EAST 40 ACRES OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 51, RANGE 31, IN JACKSON COUNTY, MISSOURI.
THE ABOVE DESCRIPTION HAS BEEN TAKEN FROM A MISSOURI WARRANTY DEED, DOCUMENT NO. I-336758 IN BOOK I-854 AT PAGE 1780, DATED JUNE 20, 1978.

PLAT DEDICATION:
THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREIN HAS/HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THIS PLAT AND THE PROPERTY SHALL HEREAFTER BE KNOWN AS :
"HERITAGE FAMILY FARM"

FLOOD INFORMATION:
ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. [PANEL #], DATED [DATE], THIS PROPERTY LIES WITHIN ZONE[S] [ZONE DESIGNATIONS] AS SHOWN THEREON.

APPROVED:

RANDY DEIHL
PUBLIC WORKS DEPARTMENT

ERIC BARR
JACKSON COUNTY ASSESSOR/GIS DEPARTMENT

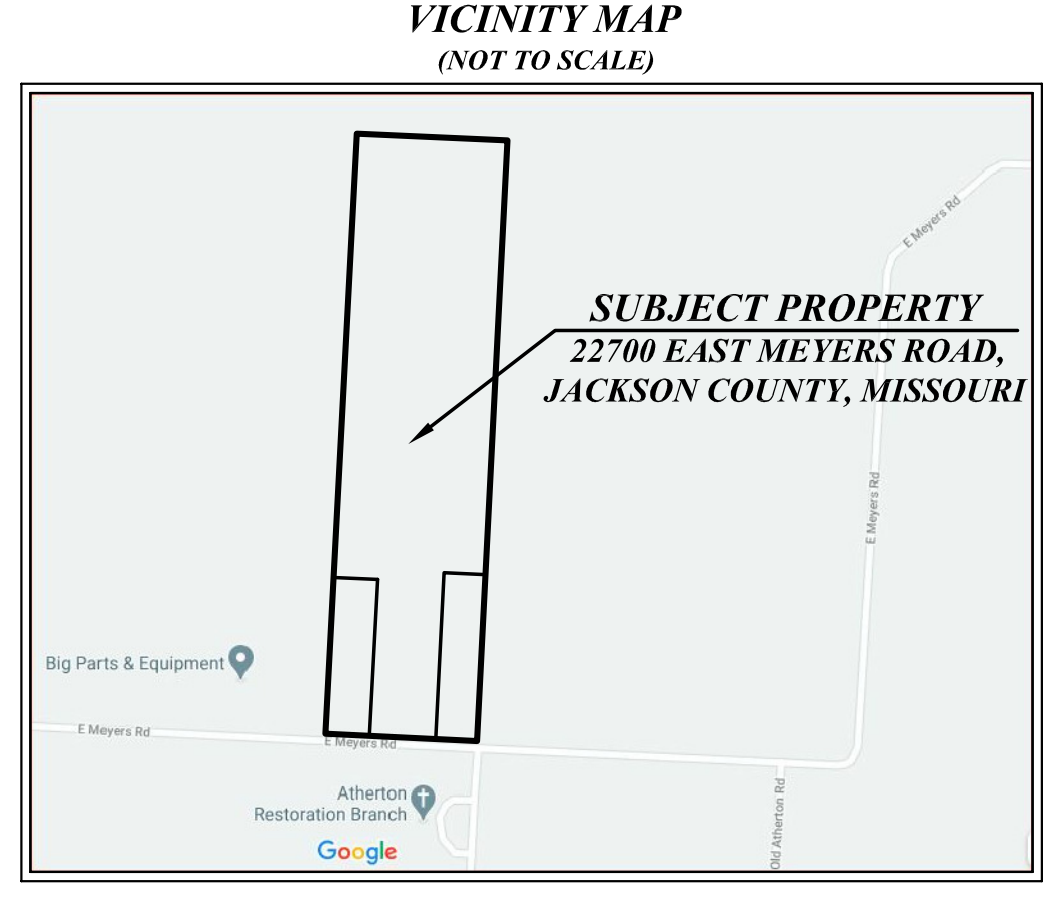
IN WITNESS WHEREOF:
"OWNER NAME(S)", "RELATIONSHIP", HAS CAUSED THESE PRESENTS TO BE SIGNED THIS ____ DAY OF _____, 2021.

OWNER NAME _____ OWNER NAME _____
NOTARY CERTIFICATION:
STATE OF _____)
COUNTY OF _____) S.S.

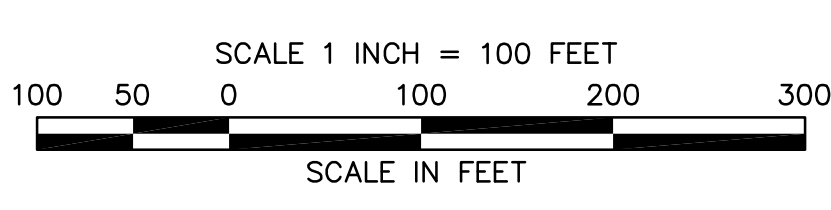
ON THIS ____ DAY OF _____, 2021, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED "OWNER NAME(S)", "OWNER RELATIONSHIP", TO ME PERSONALLY KNOWN, WHO, BEING BY ME DULY SWORN DID SAY THAT THEY ARE THE OWNERS OF THE PREMISES HEREON, AND THAT SAID NAME(S) ACKNOWLEDGED SAID INSTRUMENT TO BE THEIR FREE ACT AND DEED.

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

NOTARY PUBLIC _____ PRINTED NAME _____



THE BEARING SYSTEM SHOWN HEREON IS BASED ON THE MISSOURI COORDINATE SYSTEM OF 1983, WEST ZONE.



REIGER POTATO CO.
LOT 1

FOUND 1/2" STEEL ROD 0.17' SOUTH OF THE SOUTHEAST CORNER LOT 1, REIGER POTATO CO.
(PLAT=138.34)
138.54'

I HEREBY CERTIFY THAT THE PLAT OF "HERITAGE FAMILY FARM" IS BASED ON AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ESTABLISHED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, AND LANDSCAPE ARCHITECTS, AND I FURTHER CERTIFY THAT I HAVE COMPLIED WITH ALL STATUTES, ORDINANCES, AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING AND PLATTING OF SUBDIVISIONS, TO THE BEST OF MY PROFESSIONAL INFORMATION, KNOWLEDGE AND BELIEF.

OWNER
PATRICIA BEEBE
22802 EAST MEYERS ROAD
INDEPENDENCE, MISSOURI 64058
PHONE: (816)509-3531

SURVEYOR
ANDERSON SURVEY COMPANY
ROBERT J. ANDERSON, PLS
1270 N.E. DELTA SCHOOL ROAD
LEE'S SUMMIT, MISSOURI 64064
PHONE: (816)246-5050
E-MAIL: bob@andersonsurvey.com

DATE PREPARED: JANUARY 21, 2021

ROBERT J. ANDERSON, PLS #201000242