## **Request for Legislative Action**

Ord. #5779

Date: August 14, 2023

Completed by County Counselor's Office					
Action Requested:	Ordinance	Res.Ord No.:	5779		
Sponsor(s):		Legislature Meeting Date:	8/14/2023		

Introduction
Action Items: ['Authorize']
Project/Title:
RZ-2023-655 – James Mauder Trust

#### **Request Summary**

Requesting a change of zoning from District AG (Agricultural) on 5.00 ± acres to District RR (Residential Ranchette). The purpose is to create a residential lot at the 36400 block of Church 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 July 20, 2023, and accepted testimony pertaining to the rezoning request. There was no opposition to the request.

The Plan Commission voted 6 to 0 to recommend <u>APPROVAL</u> to the County Legislature.

Contact Information						
Department:	Public Works	Submitted Date:	7/26/2023			
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 author	Amount previously authorized this fiscal year: \$				
Total amount authorized after this legislative action: \$					
Is it transferring fund? No					
Single Source Funding:					
Fund:	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	No
supplies, materials, equipment or services?	
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 Ve	eteran Owned Business Program			
Goals Not Applicable for f	ollowing reason: Contract is for real property			
MBE:	.00%			
WBE:	.00%			
VBE:	.00%			
Prevailing Wage				
Not Applicable				

## **Fiscal Information**

• 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 7/26/2023. Comments:

Approved by Department Approver Brian Gaddie on 7/27/2023 2:51:58 PM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 7/27/2023 2:56:49 PM. Comments:

Approved by Compliance Office Approver Ikeela Alford on 7/27/2023 4:55:41 PM. Comments:

Approved by Budget Office Approver David B. Moyer on 7/28/2023 7:45:03 AM. Comments:

Approved by Executive Office Approver Sylvya Stevenson on 7/28/2023 1:01:47 PM. Comments:

Approved by Counselor's Office Approver Jamesia Manning on 8/10/2023 12:32:45 PM. Comments:

#### RZ-2023-655

#### **ATTACHMENT 1: PROPERTY DESCRIPTION**

#### **Description:**

A tact of land in the Northeast Quarter of Section 7, Township 48, Range 29, Jackson County, Missouri, being part of Tract B, Certificate of Survey 2011E0037524, described as follows: Commencing at the Center of said Section 7; thence North 02 degrees 02 minutes 57 seconds East, along the West line of the Northeast Quarter of said Section 7, a distance of 15.00 to the North right of way line of Church Road, as established in County Court Book Book 56 at Page 568; thence South 87 degrees 43 minutes 04 seconds East, along said right of way, a distance of 49.03 feet to the Point of Beginning; thence North 02 degrees 02 minutes 57 seconds East, a distance of 764.92 feet to a point of the North boundary of said Tract B; thence South 87 degrees 58 minutes 26 seconds West, a distance of 294.25 feet to the Northeast corner of said Tract B; thence South 02 degrees 02 minutes 57 seconds West, a distance of 766.23 feet to the Southeast corner of said Tract b; thence North 87 degrees 43 minutes 04 seconds West, along the north right of way line of Church Road, a distance of 294.25 feet to the Point of Beginning.

#### RZ-2023-654

#### ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

#### <u>Attachments</u>

Plan Commission Public Hearing Summary from July 20, 2023
Staff Report
Zoning map of surrounding area
Names and addresses of surrounding property owners
Letter to surrounding property owners
Application
Aerial of location
Preliminary Plat – Sunny Acres

#### Randy Diehl gave the staff report:

RE: RZ-2023-655

**Applicant:** James Mauder Trust

**Location:** 36400 block of Church Road

Area:  $5.00 \pm acres$ 

**Request:** Change of zoning from District AG (Agricultural) to District RR

(Residential Ranchette)

**Purpose:** The purpose is to create a single family residential lot.

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

The zoning in the area is Agricultural.

The land use is single family residences on similar size or larger tracts.

The applicant is wishing to create a 5-acre lot out of their 30 acres for a future dwelling.

#### **County Plan:**

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

#### Recommendation:

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

Staff recommends APPROVAL of RZ-2023-655.

Respectfully submitted,

Jackson County Public Works Development Division Randy Diehl, Administrator Mr. Antey: Are there any questions for Randy?

There were none.

Mr. Antey: Is the applicant here?

James Mauer: 7005 S. Stillhouse Road.

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

Mr. Mauer: I do not have any to add.

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

Discussion under advisement

Mr. Lake: Don't have a problem with this since he is my neighbor. He's talked to me and the other neighbors as well.

Mr. Tarpley moved to approve. Mr. Lake seconded.

Mr. Tarpley Approve
Mr. Lake Approve
Mr. Farrar Approve
Mr. Crawford Approve
Ms. Ryerkerk Approve
Chairman Antey Approve

Motion Carried 6-0

#### STAFF REPORT

## PLAN COMMISSION July 20, 2023

RE: RZ-2023-655

Applicant:

James Mauder Trust

Location:

36400 block of Church Road

Area:

5.00 ± acres

Request:

Change of zoning from District AG (Agricultural) to District RR

(Residential Ranchette)

Purpose:

The purpose is to create a single family residential lot.

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

The zoning in the area is Agricultural.

The land use is single family residences on similar size or larger tracts.

The applicant is wishing to create a 5-acre lot out of their 30 acres for a future dwelling.

#### County Plan:

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

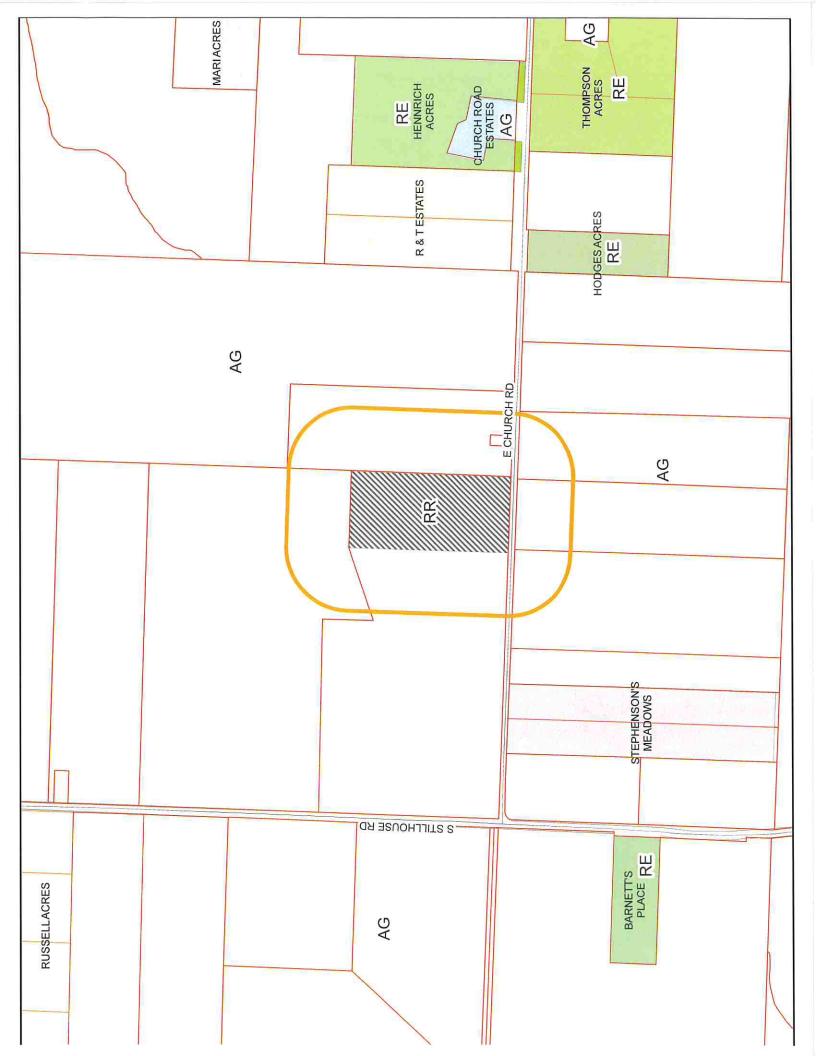
#### Recommendation:

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

Staff recommends APPROVAL of RZ-2023-655.

Respectfully submitted,

Jackson County Public Works Development Division Randy Diehl, Administrator



Plan Commission July 20, 2023 RZ-2023-655 Property Owners Within 300 feet

Parcel	owner	address	city	state	zip
39-400-04-15-00-0-000	BRESHEARS GREGORY & TRACI	1215 RANSON PL	INDEPENDENCE	MO	64057
39-400-01-02-03-0-00-000	LAKE ROGER S & BUTTERS RHONDA L-TR	36510 E CHURCH RD	OAK GROVE	MO	64075
39-400-04-14-00-0-000	THE BARBRA L HUNTER LIVING TRUST	36505 E CHURCH RD	OAK GROVE	MO	64075
39-400-01-02-02-0-000	LAKE ROGER S-TRUSTEE	36510 E CHURCH RD	OAK GROVE	MO	64075
39-400-02-21-00-0-000	MAIER MICHELLE L & THOMAS L	6907 S STILLHOUSE RD	OAK GROVE	MO	64075
39-400-03-13-00-0-00-000	WILLIAMS ERIC T	101 NW 2ND ST PO BOX 819	CONCORDIA	MO	64020
39-400-02-22-00-0-000	MAUER JAMES M-TRUSTEE	7005 S STILLHOUSE RD	OAK GROVE	MO	64075



# 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

July 5, 2023

RE:

Public Hearing: RZ-2023-655

James M Mauer Trust

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 James M Mauer Trust for a change of zoning from District AG (Agricultural) on 5.00 ± acres to District RR (Residential Ranchette). The purpose is to create a residential lot at the 36400 block of Church Road

Please note that this request for a change of zoning <u>affects only the property mentioned above.</u> 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 <u>Thursday</u>, <u>July 20, 2023</u>, <u>at 8:30 a.m. in the Large Conference Room</u>, <u>2<sup>nd</sup> Floor</u>, <u>Historic Truman Courthouse</u>, <u>112 W. Lexington</u>, <u>Independence</u>, 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

## JACKSON COUNTY, MISSOURI APPLICATION FOR CHANGE OF ZONING

#### APPLICANT INFORMATION:

- 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.
- 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 CO	MPLETED BY OFFI	CE PERSONNEL OF	NLY:			
	Case Number I					
Date filed			ing			
		y owners notified				
Date signs p	osted	<del></del> c				
Hearings:	Heard by	Date	Decision			
	Heard by	Date	Decision	-		
	Heard by	Date	Decision			
BEGIN A	PPLICATION HER	E:		and the second second		<del></del>
1. Da	ta on Applicant(s) a	nd Owner(s):				
a.	Applicant(s) Name:	JAMES N	MAYER TRU	IST		
Address: <u>7005</u> S. STIL			OUSE RO			
	DAK	GROVE M	10 64075		æ	
Phone: 816-718-2532						
b. Owner(s) Name: JAMES M MAUGA TRYSTEE						
	Address:	5 S. STILL	HOUSE RO	BAK GROVE	MO	64075
	Phone: 816	718 2532			-	
c.	Agent(s) Name:					

	Address:						
	Phone:						
	d. Applicant's interest in Property:						
2.	General location (Road Name)						
3.	Present Zoning AGRICULTURE Requested Zoning RESIDENTIAL						
4.	AREA (sq. ft. / acres) 5 AC						
5.	Legal Description of Property: (Write Below or Attached 9)  Attached						
6.	Present Use of Property: AGRICULTURE						
7.	Proposed Use of Property: RESIDEUTIAL						
8.	Proposed Time Schedule for Development: / YEA ~						
9.	What effect will your proposed development have on the surrounding properties?						
10.	Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map?						
	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 DIST # 19						
	b. Sewage disposal On-5.te						
	c. Electricity WEST CENTUL						
	d. Fire and Police protection_						
12.	Describe existing road width and condition: PAVES TWO LANE \$\frac{1}{20}'						

3.	What effect	will	proposed	development	have	on	existing	road	and	traffic
	conditions?	NON	E							
4.	Are any state,	federal,	or other pu	ablic agencies a	pproval	s or p	ermits requ	ired for	r the p	roposeo
	development?_	N	>							
	If so, describe	giving d	lates of appl	ication and statu	ıs (inclu	de pei	mit numbe	ers and c	opies o	of same

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) James M Maccer True	Tee _6/12 /2023
Applicant(s): Jame M Maun Tuesta	
Contract Purchaser(s):	
STATE OF	
COUNTY OF	
On this	he year of zoz3, before me
known to me to be the person(s) whose names(s) is/are s	ubscribed to the within instrument and
acknowledged that he/she/they executed the same for the purpos	ses therein contained.
In witness whereof, I hereunto set my hand and official seal.	
Notary Public Comm	ission Expires

CHUCK ZUVERS

Notary Public - Notary Seal

STATE OF MISSOURI

Jackson County

My Commission Expires: July 26, 2026

Gemmission #14433076



#### FINAL PLAT SUNNY ACRES IN THE NORTHEAST QUARTER OF SECTION 7-48-29 Jackson County, Missouri MENCONECK COM (BIE) SEY-EXOS EXTÉ (BIE) SEZ-E-BLIS (III NOBLH MYNY 'SILLE ÎLO (TE NOBLH ÎLO (TE MEISKIRCH & PARKS ENGINEERS, INC divo. SURFORS CRITICALIDS: The rest of the pot of SURIA AGIGS addition in based on an ectual survey made the rest entity that had survey meets are secreted the surrent topy mer or under my decir, tapevision and that sod survey meets are secreted that so the surrent sort meets are decirated by the Misman Bood for Architecta. Professional priparies, Pressional Land Surveyor and Loudicope Architects to the best of my professional incredes one Selfat. An expension or because in weaking owned its alternative Councy, business, the Unional scientists of comparing the properties of consists that of consists that of comparing the red or proposes, pages, soot as well of consists that of consists the consist of consists of A trace of each in the instruction channel of Section 7. Theraphy 8, pt. 1909 38 in decidents County, Massout, being a part of TMACT 8, Conficient of Survey 2011;2027575, stearchise of Roserra County, Massout, being a part of TMACT 8, Conficient of Survey 2011;2027575, stearchise of Roserra County, Massout, being a respective of the County of Section 19 and Sectio <u>UEDCATOR</u>: The undersigned proprietors of the within described froct have coursed the some to be suddivided in the manner shown on the occompanying plat, which subdividen one plat shall herefully be known as <u>SURLY-ACR</u>. All estaments shall be less then and clear of ony buildings, structures or other destructions (carego) diversage provide stack, private parties and theory hards made of interest less of shalls seld exercised and the contract of the contract of the contract of the contract of the received statistics from sping upon and resements in the exercising of the rights granted being assertment. All thuroughteres shown on this plot and not heretation dedicated to public use are hereby dedicated. 2. No teopogotic feature, ridition is prodeposed refrontes before these them and employed at the unrefree cleaned as part at this survey. We have made no heralization for a feature for possible under insulations once to privite induce a public exp. budding but not limited to, utility waits or structures of any leful, utility or presented frowly under the rese size, under all present and insulation bits of treat. On this day of a betay built in and for the County and State aferteed, personally appeared Johnes M. Marier, basen to me to be the person described in and and executed throughing instrument and solice-shaded that his cerefuled the largeting instrument and solice-shaded that his cerefuled the largeting instrument an his cerefuled the solice and deed. January 20, 2017, N WINESS THEREOF: I have terreunta set my hand and offlixed my Notarial Seal at my office in said County and State the day and year last above written. When an easement is designated for a particular purpose, the use thernal shall be matrix to that purpose. 1. No Commitment for Title hearience was provided by the Client for use in the propiotion of this survey described and concelled the survey. This survey described are not constituted to the Surveyor. This survey described to a relative to consequent sector for expressments to freeze, accommission or independent sector for expressments to freeze, accommission and accommission or accommission or independent accommission or accom NOTE: The bearing and coordinates shown hereon are based on the MISSOUR STATE PLANE COORDINATE SYSTEM (1983) and as American), WEST 20NE by GPS observation. Old focial as 0.9999121. The calculation are lated in maters. CAN OT RECORD Jomes M. Mouer, Trustee for The Jomes M. Mouer Trust, Doted June 21, 2012 Building setbuck lines are as shown on the plet and no building, or partion built between those lines and the street lines. According to FEMA Flood Map Number 20095004586. Effective Deter-this property is located in Zone X. (orea of Minimal Flood Hazard). N TESTIMONY WHEREOF: The undersigned proprietor has set his this day of STATE PLANE COORDINATES Robert C. Parks, MO LS No. 2362 Machina 312,721.07 312,954.07 312,950.89 312,717,49 Point Jockson County Assessor's Office Vincent E. Brice 5.5 Public Works Department Randy Diehl STATE OF MISSOUR! ) My Commission Expires. COUNTY APPROVALS: SURVEY NOTES lotery Public DOUNTY OF Bit. - Building Line U.E. - Utility Equement O Denotes Found Existing Bor Operations 1/2" Bor to be Set with Ploate Cop DEVELOPER: The James M. Mauer Trust in the Northeast Quarter of Sec. 7, Twp. 48, Rng. 29 in Unincorporated, Jackson County, Missouri LEGEND ACRES Northeast Quarter Borbed Hire and Hoven Hire Fence UNPLATTED 2016E0015220 Ls2006004887 Found 1,72" Box Borbed Wire and Woven Mire Fence 241.23 Esseting Pound 37.52 E. CHURCH ROAD S 8758'26" E 294.25' TRACT A Certificate of Survey 2011E0057524 40, BT. 30, WE Borbed Hire 3 .25,20.70 N (2) DOINT OF Burbed Wire-Fance COMMENCEMENT Enisting Rond TRACT B Certificate of Survey 2011E00375524 Section 7, Tup. 48, Fing. 29 (Not to Scale) 3 SH: 1/4 SE: 1/4 NW. 1/4 NE. 1,