

REQUEST FOR LEGISLATIVE ACTION


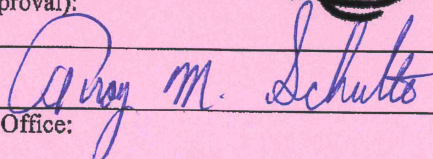

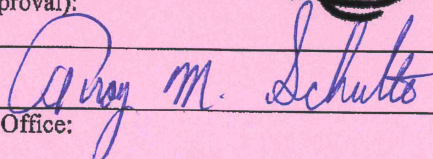

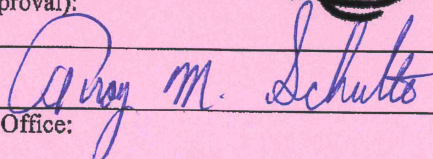
Version 6/10/19

Completed by County Counselor's Office:

Res/Ord No.: 5496

Sponsor(s):

Date: March 29, 2021

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Anthony M & Julie A Lipari - RZ-2021-601</u>										
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" style="width: 100%;"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number:</td> <td style="text-align: right;">\$</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:	\$
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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:	\$										
PRIOR LEGISLATION	Prior ordinances and (date): _____ Prior resolutions and (date): _____										
CONTACT INFORMATION	RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577										
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on 10.00 ± acres to District RR (Residential Ranchette). The purpose is to create two residential lots at the Southwest corner of Hudson Road and Outer Belt 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 March 18, 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.										
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)										
COMPLIANCE	<input type="checkbox"/> MBE Goals <input type="checkbox"/> WBE Goals <input type="checkbox"/> VBE Goals										
ATTACHMENTS	Attachment 1: Property Description. Attachment 2: Zoning Support Documents										
REVIEW	<table border="1" style="width: 100%;"> <tr> <td>Department Director: Brian D. Gaddie, P.E. Director of Public Works </td> <td>Date: 3-24-21</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: </td> <td>Date: 3-26-2021</td> </tr> <tr> <td>County Counselor's Office:</td> <td>Date:</td> </tr> </table>	Department Director: Brian D. Gaddie, P.E. Director of Public Works 	Date: 3-24-21	Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: 	Date: 3-26-2021	County Counselor's Office:	Date:		
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Division Manager: 	Date: 3-26-2021										
County Counselor's Office:	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.

RZ-2021-601

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

THAT PART OF THE NE1/4 OF SECTION 17, TOWNSHIP 48 NORTH OF THE BASE LINE, RANGE 29 WEST OF THE FIFTH PRINCIPAL MERIDIAN, JACKSON COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NE1/4; THENCE N89°08'38"W ALONG THE NORTH LINE OF SAID NE1/4, 30.01' TO THE WEST RIGHT-OF-WAY LINE OF MISSOURI HIGHWAY F, AND TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE S01°56'16"W ALONG SAID RIGHT-OF-WAY, 399.34'; THENCE N86°51'52"W, 213.91'; thence N52°11'08"W, 84.59'; thence N86°51'52"W, 63.39'; thence S51°25'01"W, 72.32'; thence N86°51'52"W, 19.70'; thence S02°23'28"W, 252.89'; THENCE S89°14'15"W, 432.67'; THENCE N02°09'36"E, 647.73' TO THE NORTH LINE OF SAID NE1/4; THENCE S89°08'38"E, 852.28' TO THE POINT OF BEGINNING. CONTAINING 10.00 ACRES AND SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS OR RIGHTS-OF-WAY OF RECORD, IF ANY.

RZ-2021-601

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Public Hearing Summary from March 18, 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 lot layout

Randy Diehl gave the staff report:

RE: RZ-202-601

Applicant: Anthony M & Julie A Lipari

Location: Southwest corner of Hudson Road and Outer Belt Road (H Highway)

Area: 10.00 ± acres

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

Purpose: Create two single family residential lots

Current Land Use and Zoning in the Area:

Zoning in the area is both agricultural and residential. There are five developments in the area, four of which were established after the adoption of the UDC, that are in District RR and one in District RE.

Land Use are family residences.

The applicants have purchased a 10 acre tract (Tract 1) from a recently divided 95 acre tract. They are wanted to divide the 10 acres into two lots of 5 acres apiece.

Typically, a 10 acre tract allows for 5.00 acre lots. At times allowances are made if a portion of the 10 acres falls into public right-of-way. The property owner isn't penalized for a lot that may short of a full 5 acres. The zoning recommendation would be for District RR (Residential Ranchette).

County Plan:

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

The Residential Ranchette is appropriate for the Suburban Development Tier.

Recommendation:

Staff recommends APPROVAL of RZ-2021-601

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

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

Mr. Crawford: Is this zoning consistent with the surrounding area?

Mr. Diehl: Yes it is. There is like zoning to the South as well as to the West.

Mr. Tarpley: How will they access the lots?

Mr. Diehl: They both will have access driveways along Hudson Road. The driveway locations have already been determined and permits issued for them.

Mr. Tarpley: No line of site problems?

Mr. Diehl: No. Each location for a driveway permit is approved by the Engineering Department is assure proper site distance.

Mr. Antey: *Is the applicant here?*

Antony Lipari: 1608 SW 18th Street Court, Blue Springs.

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

Mr. Lipari: No I don't.

There were no questions for the applicant.

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?*

Michael McCartney: 38708 E Hudson Road, I live on the corner. Does this mean that every person who owns property can cut them up into smaller lots and end up with 30 houses?

Mr. Antey: This area allows either a three or five acre minimum. If property owners choose to divide property, less than 10 acres in size, they would need to come before this board.

Mr. Diehl: This area is a 5 acre minimum. For land divisions, there are requirements that would need to be met in order to be approved. Applications would be looked at on a case by case basis to endure they meet that criteria for rezoning and divisions.

Mr. McCartney: Does this change anything else in the area?

Mr. Tarpley: No, this does not have any effect on your property.

Motion to take under advisement.

Mr. Haley moved to take under advisement. Ms. Mershon seconded.

Discussion under advisement

Ms. Mershon moved to approve. 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-202-601

Applicant: Anthony M & Julie A Lipari

Location: Southwest corner of Hudson Road and Outer Belt Road (H Highway)

Area: 10.00 ± acres

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

Purpose: Create two single family residential lots

Current Land Use and Zoning in the Area:

Zoning in the area is both agricultural and residential. There are five developments in the area, four of which were established after the adoption of the UDC, that are in District RR and one in District RE.

Land Use are family residences.

The applicants have purchased a 10 acre tract (Tract 1) from a recently divided 95 acre tract. They are wanted to divide the 10 acres into two lots of 5 acres apiece.

Typically, a 10 acre tract allows for 5.00 acre lots. At times allowances are made if a portion of the 10 acres falls into public right-of-way. The property owner isn't penalized for a lot that may short of a full 5 acres. The zoning recommendation would be for District RR (Residential Ranchette).

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.

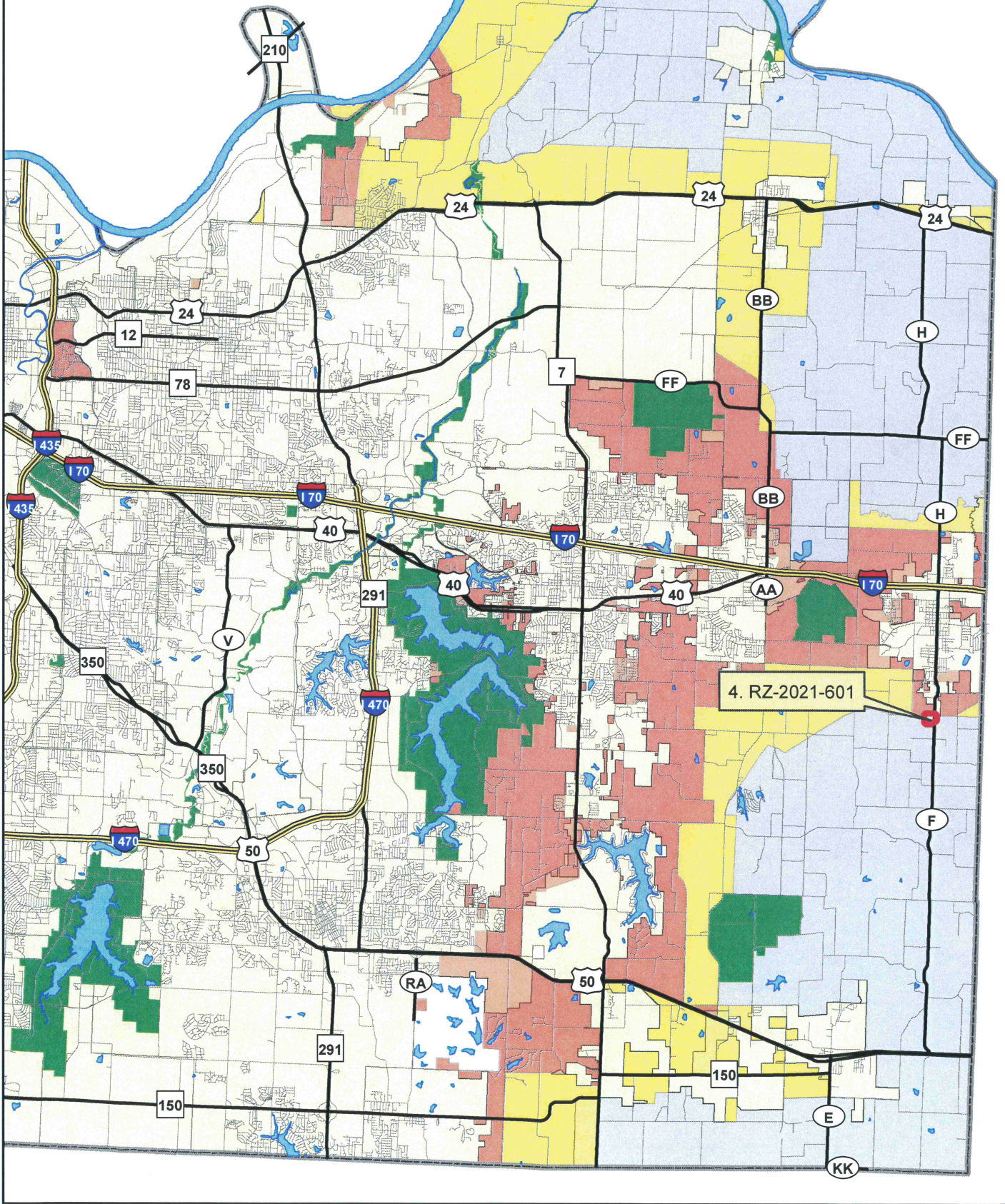
Recommendation:

Staff recommends APPROVAL of RZ-2021-601

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
March 18, 2021
Agenda Location Map



RZ-2021-601

Oak Grove

S BROADWAY ST

S OUTER BELT RD

E HUDSON RD

1

2

1

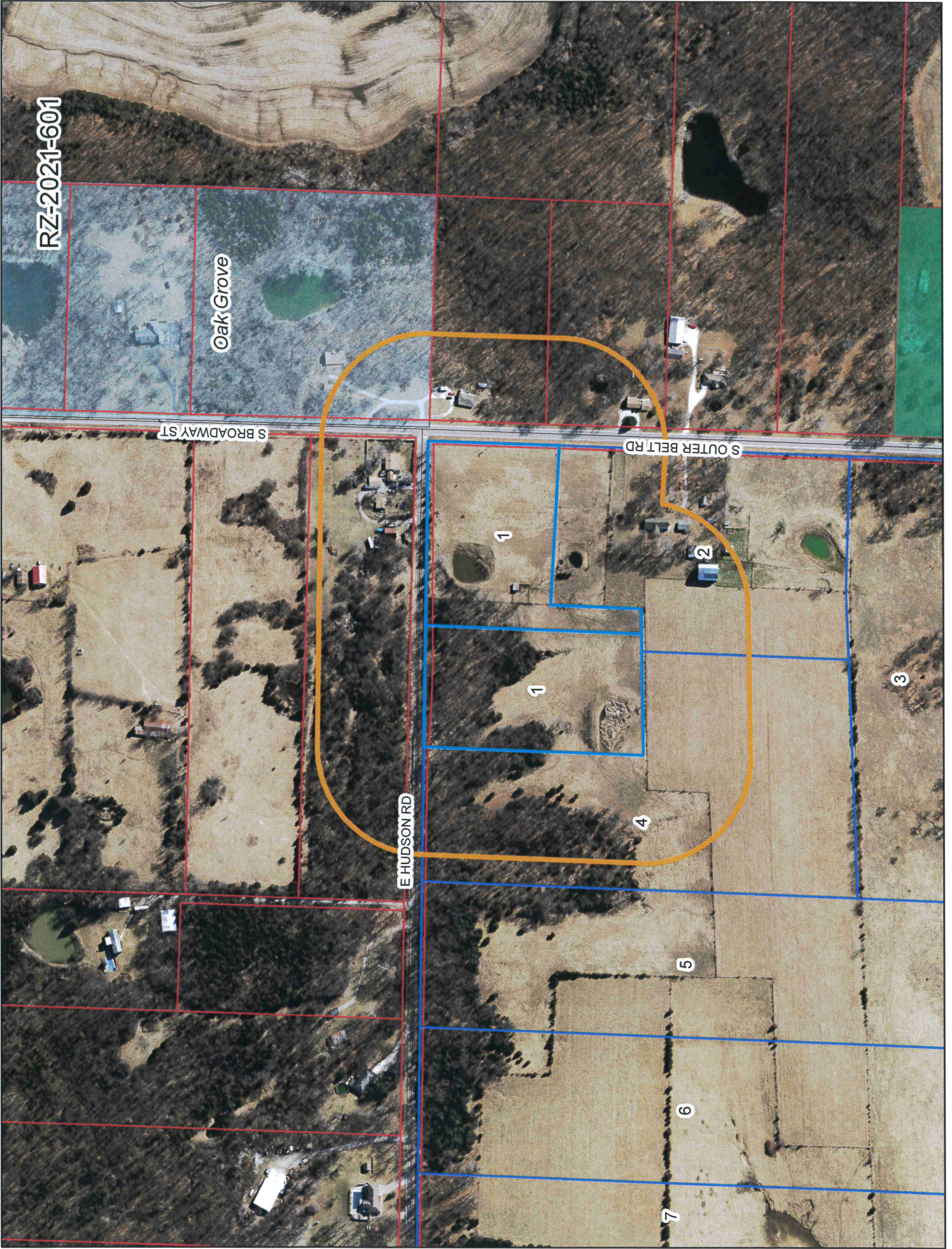
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4

5

6

7



Plan Commission March 18, 2021

RZ-2021-601

Property Owners Within 300 feet

PARCEL	Name	Address	City	State	Zip
39-700-02-03-00-0-00-000	SUMPTER THOMAS E & MORALES LINDA	7503 S OUTER BELT RD	OAK GROVE	MO	64075
39-700-02-04-00-0-00-000	CLARK DONNA S & HENRY JR	7523 S OUTER BELT RD	OAK GROVE	MO	64075
39-500-04-27-00-0-00-000	BROWN SHARON S	106 W 19TH ST	OAK GROVE	MO	64075
39-600-03-15-00-0-00-000	DOWNING DAVID S & WF	PO BOX 775	OAK GROVE	MO	64075
39-700-02-05-00-0-00-000	WYRICK TIMOTHY P & DEBORA R TRUSTEE	7603 S OUTER BELT RD	OAK GROVE	MO	64075
39-500-04-26-00-0-00-000	MCCARTNEY MICHAEL & CONNIE	38708 E HUDSON	OAK GROVE	MO	64075
39-800-01-01-01-0-00-000	MICHAEL R MORGAN REVOCABLE TRUST	882 E JW CUMMINS RD	OAK GROVE	MO	64075
39-800-01-01-01-0-00-000	PIERPOINT AUSTIN	1402 BIRCH DR	GREENWOOD	MO	64034
39-800-01-01-01-0-00-000	SCHARTZ RYAN & DARCI	1804 PARK RIDGE CIR	LEE'S SUMMIT	MO	64064
39-800-01-01-01-0-00-000	LIPARI ANTHONY M & JULIE A	1608 SE 18TH ST CT	BLUE SPRINGS	MO	64015



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-2021-601
Anthony M & Julie A Lipari

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 Anthony M & Julie A Lipari for a change of zoning from District AG (Agricultural) on 10.00 ± acres to District RR (Residential Ranchette). The purpose is to create two residential lots at the Southwest corner of Hudson Road and Outer Belt 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, 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- 2021- 601
Date filed 2-5-21 Date of hearing 3-18-21
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: Anthony M. & Julie A. Lipari
Current Mailing Address: 1608 SW 18th St. Ct. Blue Springs, mo 64015
Phone: 816-365-7674 email: BSSharks@gmail.com
- b. Legal Owner of Property: Anthony M. & Julie A. Lipari
Current Mailing Address: same as above
Phone: _____ email: _____
- b. Legal Owner of Property: _____
Current Mailing Address: _____
Phone: _____ email: _____

2. General location (Road Name) Hwy F and Hudson Rd (SW corner)
Oak Grove, MO
3. Present Zoning Agricultural Requested Zoning Residential
4. AREA (sq. ft. / acres) 10 acres
5. Legal Description of Property: (Write Below or provide copy of deed and survey)
SEE Below
6. Present Use of Property: Agricultural
7. Proposed Use of Property: Residential
8. Proposed Time Schedule for Development: 3-6 months from rezoning approval
9. What effect will your proposed development have on the surrounding properties?
NONE that we are aware of.
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:
- Water Provider Lafayette Co #1
 - Sewage disposal: Onsite Waste Water Public Sewer
 - Electricity _____
 - Fire and Police protection _____
12. Describe existing road width and condition: F Hwy - 2 lane Hwy
Hudson Rd - 2 lane Rd - Both in Good condition
13. What effect will proposed development have on existing road and traffic conditions? Normal traffic

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): _____

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)

Anthony M. Lipaci
Julie Lipaci

2-1-21
2-1-21

STATE OF Missouri

COUNTY OF Jackson

On this 1 day of February, in the year of 2021, before me the undersigned notary public, personally appeared Anthony M Lipaci
Julie Lipaci

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 Lisa S Crawford Commission Expires 8-13-21

LISA S. CRAWFORD
Notary Public - Notary Seal
State of Missouri
Commissioned for Lafayette County
My Commission Expires: August 13, 2021
Commission Number: 13536017

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)

Anthony M. Lipari
Julie Lipari

2-1-21
2-1-2021

STATE OF Missouri

COUNTY OF Jackson

On this 1 day of Feb, in the year of 2021, before me the undersigned notary public, personally appeared Anthony M Lipari + Julie Lipari

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 Lisa S Crawford Commission Expires 8-13-21

LISA S. CRAWFORD
Notary Public - Notary Seal
State of Missouri
Commissioned for Lafayette County
My Commission Expires: August 13, 2021
Commission Number: 13536017





