

Request for Legislative Action

Completed by County Counselor's Office			
Action Requested:	Ordinance	Res.Ord No.:	5563
Sponsor(s):		Legislature Meeting Date:	11/12/2021

Introduction
Action Items: ['Authorize']
Project/Title:
Anthony & Darleen Hicks - RZ-2021-616

Request Summary
<p>Requesting a change of zoning from District AG (Agricultural) on 10.05 ± acres to District RR (Residential Ranchette). The purpose is to create two single family residential lots at 37404 E. Old Pink Hill Road.</p> <p>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.</p> <p>The Jackson County Plan Commission held a public hearing on October 21, 2021 and accepted testimony pertaining to the rezoning request.</p> <p>The Plan Commission voted 7 to 0 to recommend <u>APPROVAL</u> to the County Legislature.</p>

Contact Information			
Department:	Public Works	Submitted Date:	11/1/2021
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

Randy D. Diehl at 11/1/2021 10:00:45 AM - [Submitted |]
Department Director: Brian Gaddie at 11/1/2021 3:12:45 PM - [Approved |]
Finance (Purchasing): Barbara J. Casamento at 11/2/2021 9:24:26 AM - [Not applicable |]
Compliance: Katie M. Bartle at 11/2/2021 9:50:55 AM - [Approved | eRLA 296]
Finance (Budget): Mark Lang at 11/2/2021 10:09:04 AM - [Not applicable |]
Executive: Troy Schulte at 11/2/2021 12:41:23 PM - [Approved |]
Legal: Elizabeth Freeland at 11/8/2021 2:51:13 PM - [Approved |]

RZ-2021-616

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

The West Half or the East Half of the Southwest Quarter of the Northwest Quarter of Section 20, Township 49, Range 29, Jackson County, Missouri, being more particularly described as follows: Commencing at the West Quarter Corner of said Section 20; thence South 86 degrees, 11 minutes, 45 seconds East, along the South line of said Southwest Quarter Northwest Quarter, 660.87 feet, to the Point of Beginning; Thence North 01 degrees, 41 minutes, 46 seconds East, 1324.77 feet to the Northwest Corner of said West Half or the East Half of the Southwest Quarter of the Northwest Quarter; thence S 86 degrees, 08 minutes, 11 seconds East, 330.60 feet to the Northeast Corner of said West Half or the East Half of the Southwest Quarter of the Northwest Quarter; thence South 01 degrees, 42 minutes, 09 seconds West, 1324.42 feet to the Southeast Corner of said West Half or the East Half of the Southwest Quarter of the Northwest Quarter; thence North 86 degrees, 11 minutes, 45 seconds West, 330.44 feet to the Point of Beginning.

RZ-2021-616

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from October 21, 2021

Staff Report

Location Map

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-2021-616

Applicant: Anthony & Darleen Hicks

Location: 37404 E. Old Pink Hill Road

Area: 10.05 ± acres

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

Purpose: Applicant is requesting the change in zoning in order to create two single family residential lots.

Current Land Use and Zoning in the Area:

The zoning in the immediate area is Agricultural with the majority of the land use being single family residences and some agricultural uses.

The existing home will be within Lot 2. Lot 1 will be for a future residence. Access for lot 1 will be a 60 foot strip along the East side the tract.

There are seven platted developments in the proximity of the subject property. Four of these developments were established under the guidelines of the Unified Development Code (UDC) Lot sizes range from approximately 5 acres to 8 acres in size. The remaining three were created prior to 1995 and remain with District AG. Lots sizes are 2 to 5 acres in size.

County Plan:

The County Plan Development Diagram illustrates this area within the Rural Development Tier (RDT).

Recommendation:

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

Staff recommends APPROVAL of RZ-2021-616

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?

Anthony Hicks: 37404 E. Old Pink Hill Road.

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

Mr. Hicks: No.

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

Scott Pequin: 3620 S Ketterman Road. The whole tract of land is being rezoned, correct?

Mr. Antey: Yes

Mr. Diehl: The area highlighted in red will be the new property boundaries.

Mr. Pequin: The only question I have is can they subdivide this area further?

Mr. Antey: No. The minimum lot size for Residential Ranchette is 5 acres.

Mr. Diehl: There would be no way to subdivide these tracts to anything smaller.

Mr. Pequin: My concern is that I have 25 acres that butts up to their rear property line. We have cattle that we run back there.

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. Hilliard seconded.

Discussion under advisement

Ms. Mershon moved to approve. Mr. Hilliard seconded.

Ms. Mershon	Approve
Mr. Crawford	Approve
Mr. Hilliard	Approve
Ms. Ryerkerk	Approve
Mr. Akins	Approve
Mr. Tarpley	Approve
Chairman Antey	Approve

Motion Carried 7- 0

STAFF REPORT

PLAN COMMISSION October 21, 2021

RE: RZ-2021-616

Applicant: Anthony & Darleen Hicks

Location: 37404 E. Old Pink Hill Road

Area: 10.05 ± acres

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County Plan:

The County Plan Development Diagram illustrates this area within the Rural Development Tier (RDT).

Recommendation:

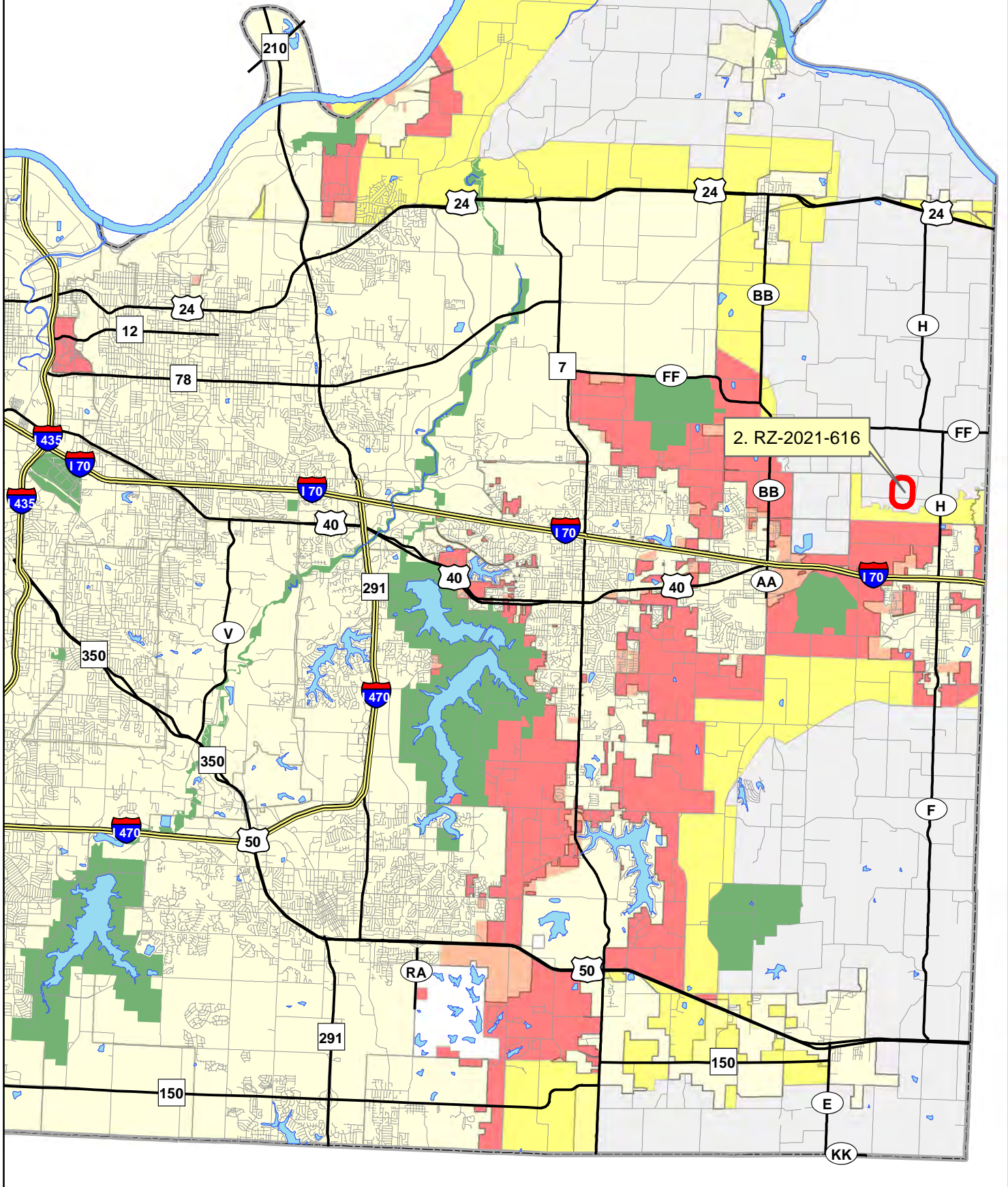
This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2021-616

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
October 21, 2021
Agenda Location Map



Plan Commission October 21, 2021

RZ-2021-616

Property Owners Within 1000 feet

Parcel	owner	address	city	state	zip
38-200-02-17-00-0-00-000	STEWART MICHAEL A & TERESA C	37305 E PINK HILL RD	OAK GROVE	MO	64075
38-200-02-06-01-0-00-000	PEQUIN SCOTT R & CORA J	3620 S KETTERMAN RD	OAK GROVE	MO	64075
38-200-02-22-02-0-00-000	MITCHELL LINVELL A & BEVERLY E	37403 E PINK HILL RD	OAK GROVE	MO	64075
38-300-04-11-00-0-00-000	HACKLEY RONALD W	37105 E OLD PINK HILL RD	OAK GROVE	MO	64075
38-200-02-22-01-0-00-000	WEIGEL JOSEPH B & CYNTHIA M	37501 E PINK HILL RD	OAK GROVE	MO	64075
38-200-03-06-00-0-00-000	HODGES JOHN R	37703 E OLD PINK HILL RD	OAK GROVE	MO	64075
38-200-02-09-02-1-00-000	BRIGHT KRISTOPHER J	3722 S KETTERMAN RD	OAK GROVE	MO	64075
38-200-03-05-00-0-00-000	NICHOLS CHARLES W & JEFFERY J	PO BOX 118	OAK GROVE	MO	64075
38-200-02-18-00-0-00-000	HOFFMAN JENNIFER L TRUSTEE	37209 E PINK HILL RD	OAK GROVE	MO	64075
38-300-01-06-00-0-00-000	CAMPBELL JOSEPH L & ROBERTA PAGE-TR	11426 W 99TH PL	OVERLAND PARK	KS	66214
38-200-02-20-00-0-00-000	FANNON KENNETH & ROXANNA	37605 E PINK HILL RD	OAK GROVE	MO	64075
38-200-02-07-02-0-00-000	BROSAM ERIC L & KIMBERLY R	37108 E OLD PINK HILL RD	OAK GROVE	MO	64075
38-200-02-07-01-0-00-000	DABBS RON & DONNA	7609 DANELL LN	GRAIN VALLEY	MO	64029
38-200-02-09-02-2-00-000	SANDERS SYLVIA M-TRUSTEE	37804 E OLD PINK HILL RD	OAK GROVE	MO	64075
38-300-01-05-02-4-00-000	BROSAM ERIC L & KIMBERLY R	37108 E OLD PINK HILL RD	OAK GROVE	MO	64075
38-200-02-09-01-0-00-000	BRALEY DAVID L JR & KLEMENZ JACKIE R	3708 S KETTERMAN RD	OAK GROVE	MO	64075
38-200-03-08-00-0-00-000	HACKLEY RONALD WAYNE	37105 E OLD PINK HILL RD	OAK GROVE	MO	64075
38-200-02-08-01-0-00-000	CALDARELLA BRYAN R & ALANNA J	37500 E OLD PINK HILL RD	OAK GROVE	MO	64075
38-200-03-03-01-0-00-000	HACKLEY RONALD WAYNE	37105 E OLD PINK HILL RD	OAK GROVE	MO	64075
38-200-03-07-00-0-00-000	KENNEDY JESSICA A & RYAN J	37405 OLD PINK HILL RD	OAK GROVE	MO	64075
38-200-02-08-02-0-00-000	HICKS ANTHONY N & DARLLEEN	37404 E OLD PINK HILL 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

October 6, 2021

RE: Public Hearing: RZ-2021-616
Anthony N & Darleen Hicks

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 N & Darleen Hicks for a change of zoning from District AG (Agricultural) on 10.05 ± acres to District RR (Residential Ranchette). The purpose is to create two single family residential lots at 37404 E. Old Pink Hill 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 1000' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, October 21, 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 881-4577.

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- 614
Date filed 9-7-21 Date of hearing 10-21-21
Date advertised 10-6-21 Date property owners notified 10-6-21
Date signs posted 10-6-21
Hearings: Heard by PC Date 10-21-21 Decision _____
Heard by LU Date _____ Decision _____
Heard by LG Date _____ Decision _____

BEGIN APPLICATION HERE:

1. **Data on Applicant(s) and Owner(s):**
 - a. Applicant(s) Name: ANTHONY & DARLEEN HICKS
Address: 37404 E. OLD PINK HILL RD.
OAK GROVE, MO 64075
Phone: 816-739-4992
 - b. Owner(s) Name: SAME AS ABOVE
Address: _____
Phone: _____
 - c. Agent(s) Name: SAME AS ABOVE

Address: _____

Phone: _____

d. Applicant's interest in Property: OWNER

2. General location (Road Name) E. OLD PINK HILL RD

3. Present Zoning AG Requested Zoning RR

4. AREA (sq. ft. / acres) 10.05 ACRES

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

SEE ATTACHED

6. Present Use of Property: RESIDENTIAL

7. Proposed Use of Property: RESIDENTIAL

* 8. Proposed Time Schedule for Development: 1 year

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

ADDITION OF ONE SINGLE-FAMILY RESIDENCE.

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 PWSD #16

b. Sewage disposal INDIVIDUAL

c. Electricity West Central

d. Fire and Police protection Smi Valley

12. Describe existing road width and condition: +/- 18' WIDE CHIP & SEAL

13. What effect will proposed development have on existing road and traffic conditions? ADDITION OF ONE DRIVEWAY FOR

SINGLE-FAMILY RESIDENCE

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? UNKNOWN

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 _____ Date _____
Property Owner(s) Darleen + Tony Hicks 9-7-21
9-7-21

Applicant(s): _____

Contract Purchaser(s): _____

A STATE OF Missouri
COUNTY OF Jackson

On this 7th day of Sept, in the year of 2021, before me
the undersigned notary public, personally appeared Darleen + Tony Hicks

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 Patricia Hancock Commission Expires 7-20-23



PATRICIA HANCOCK
My Commission Expires
July 20, 2023
Jackson County
Commission #15636810



3620

37108

1

AG

3722

2

37302

37500

37404

37105

AG

37305

RR

E OLD PINK HILL RD

AG

