

**Request for Legislative Action****Completed by County Counselor's Office**

Action Requested:	Ordinance	Res.Ord No.:	5780
Sponsor(s):		Legislature Meeting Date:	8/14/2023

**Introduction****Action Items:** ['Authorize']**Project/Title:**

RZ-2023-650 – Thomas &amp; Cassie Montgomery

**Request Summary**

NOTE: This is a resubmission of erla 1021, due to technical issue

Requesting a change of zoning from District AG (Agricultural) on 3.00 ± acres to District RE (Residential Estates). The purpose is to create two residential lots at 34007 E. Pink Hill 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 APPROVAL to the County Legislature.

**Contact Information**

<b>Department:</b>	Public Works	<b>Submitted Date:</b>	7/28/2023
<b>Name:</b>	Randy D. Diehl	<b>Email:</b>	RDiehl@jacksongov.org
<b>Title:</b>	Development Administrator	<b>Phone:</b>	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
<b>Single Source Funding:</b>			
Fund:	Department:	Line Item Account:	Amount:
			<b>!Unexpected End of Formula</b>

## Request for Legislative Action

<b>Prior Legislation</b>	
<b>Prior Ordinances</b>	
Ordinance:	Ordinance date:
<b>Prior Resolution</b>	
Resolution:	Resolution date:

<b>Purchasing</b>	
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?	

<b>Compliance</b>	
<b>Certificate of Compliance</b>	
Not Applicable	
<b>Minority, Women and Veteran Owned Business Program</b>	
Goals Not Applicable for following reason: zoning change	
MBE: .00%	
WBE: .00%	
VBE: .00%	
<b>Prevailing Wage</b>	
Not Applicable	

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

## Request for Legislative Action

### History

Submitted by Public Works requestor: Randy D. Diehl on 7/28/2023. Comments:

Approved by Department Approver Brian Gaddie on 7/28/2023 1:25:38 PM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 7/31/2023 9:06:38 AM. Comments:

Approved by Compliance Office Approver Jaime Guillen on 7/31/2023 10:06:20 AM. Comments:

Approved by Budget Office Approver David B. Moyer on 7/31/2023 10:18:41 AM. Comments:

Approved by Executive Office Approver Sylva Stevenson on 7/31/2023 10:44:31 AM. Comments:

Approved by Counselor's Office Approver Jamesia Manning on 8/10/2023 12:33:34 PM. Comments:

**RZ-2023-650**

**ATTACHMENT 1: PROPERTY DESCRIPTION**

**Description:**

Beginning at a point 495 feet West of the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 24, Township 49, Range 30; Thence South 1324.98 feet to the South line of the Northwest Quarter of the Northwest Quarter; Thence West 840.97 feet to the East line of Section 23, Township 49, Range 30; Thence North 1324.62 feet to the Northwest corner of the Northwest Quarter of the Northwest Quarter of section 24; Thence East 840.45 feet to the point of beginning, except the east 10.568 acres thereof, in Jackson County, Missouri. Less that part taken or used for road purposes.

RZ-2023-650

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

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

**Randy Diehl gave the staff report:**

**RE: RZ-2023-650**

**Applicant:** Thomas & Cassie Montgomery

**Location:** 34007 E. Pink Hill Road

**Area:** 3.00 ± acres

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

**Purpose:** The purpose is to create two single family residential lots.

**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. Bellechasse is an older development directly across the road.

The applicant wishes to divide the acreage into two lots. This will allow construction of a new dwelling on Lot 1. Tract A will contain the existing residence and will remain within District AG.

**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-2023-650.

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?***

Thomas Montgomery: 34007 E. Pink Hill Road.

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

Mr. Montgomery: No.

**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. Lake seconded.

*Discussion under advisement*

Mr. Lake moved to approve. Mr. Tarpley 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-2023-650**

**Applicant:** Thomas & Cassie Montgomery

**Location:** 34007 E. Pink Hill Road

**Area:** 3.00 ± acres

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

**Purpose:** The purpose is to create two single family residential lots.

#### **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. Bellechasse is an older development directly across the road.

The applicant wishes to divide the acreage into two lots. This will allow construction of a new dwelling on Lot 1. Tract A will contain the existing residence and will remain within District AG.

#### **County Plan:**

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

#### **Recommendation:**

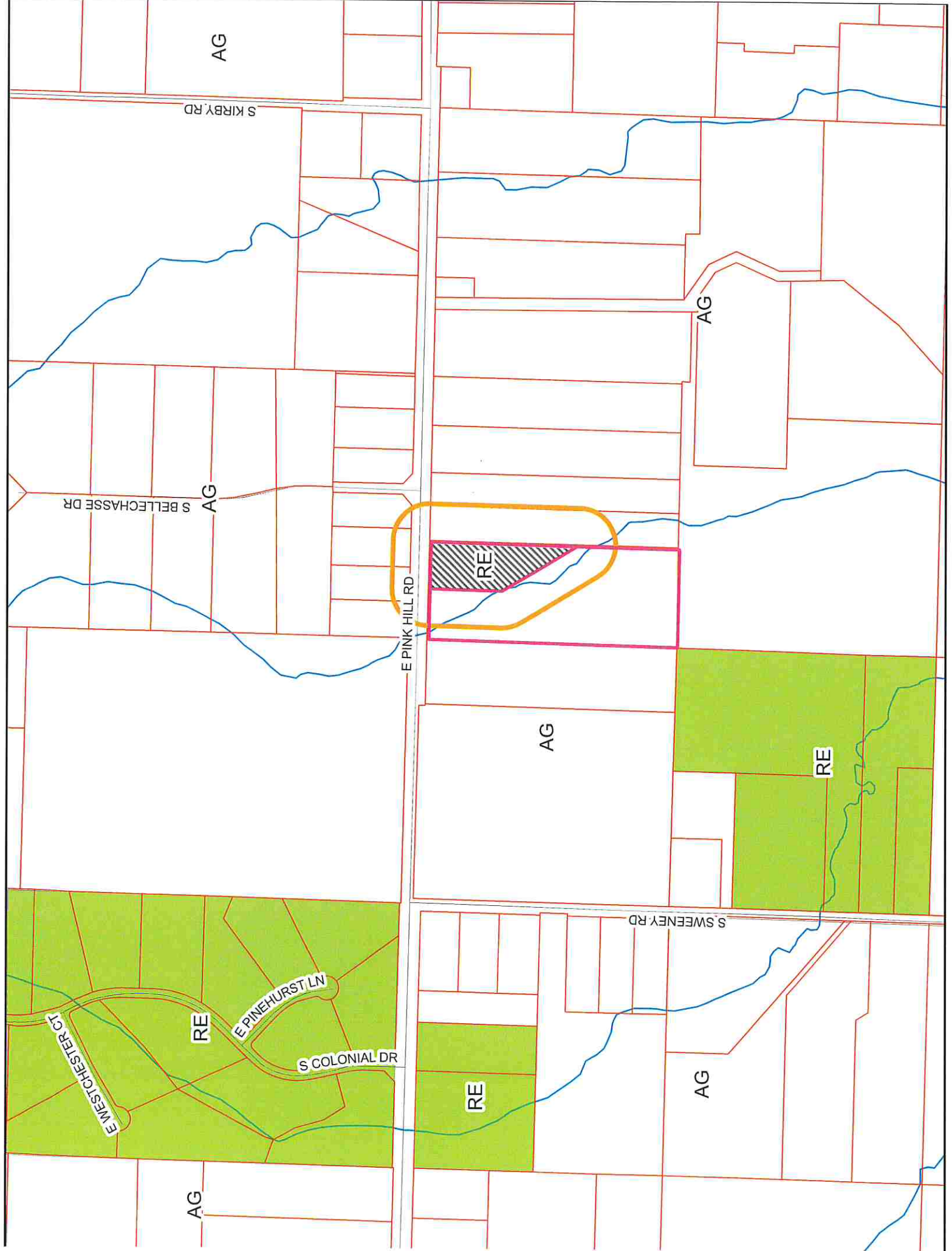
This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2023-650.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator





Plan Commission July 20, 2023

RZ-2023-650

Property Owners Within 185 feet

Parcel	owner	address	city	state	zip
22-700-03-28-00-0-00-000	SMITH BRIAN A & KIM A	34004 E PINK HILL RD	GRAIN VALLEY	MO	64029
22-700-03-27-00-0-00-000	WERTH ANTHONY & KELLY	34010 E PINK HILL R	GRAIN VALLEY	MO	64029
22-700-03-26-00-0-00-000	WOOD STEVEN	34104 E PINK HILL RD	GRAIN VALLEY	MO	64029
22-700-03-25-00-0-00-000	LOVE GARY D & SUZANNE	34112 E PINK HILL RD	GRAIN VALLEY	MO	64029
37-100-02-09-00-0-00-000	BOYER ROY W & KERRI J	34203 E PINK HILL RD	GRAIN VALLEY	MO	64029
37-100-02-05-00-0-00-000	MESA LAND TRUST	34109 E PINK HILL RD	GRAIN VALLEY	MO	64029
37-100-02-06-00-0-00-000	MONTGOMERY THOMAS JR & CASSIE	34007 E PINK HILL RD	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 3, 2023

RE: Public Hearing: RZ-2023-650  
Thomas & Cassie Montgomery

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 Thomas & Cassie Montgomery for a change of zoning from District AG (Agricultural) on 5.00 ± acres to District RR (Residential Estates). The purpose is to create two single family residential lots at 34007 E. 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 185' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, July 20, 2023, at 8:30 a.m. in the Large Conference Room, 2<sup>nd</sup> 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**

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**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

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**TO BE COMPLETED BY OFFICE PERSONNEL ONLY:**

Rezoning Case Number RZ- 2023- 650

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 \_\_\_\_\_

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**BEGIN APPLICATION HERE:**

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

- a. Applicant(s) Name: Thomas & Cassie Montgomery
- Current Mailing Address: 34007 E. Pink Hill Rd Grain Valley, MO 64029
- Phone: 816-213-0771 / 816-786-0108 email : cmcasscass@gmail.com
- b. Legal Owner of Property: Same as above
- Current Mailing Address: \_\_\_\_\_
- Phone: \_\_\_\_\_ email : \_\_\_\_\_
- b. Legal Owner of Property: \_\_\_\_\_
- Current Mailing Address: \_\_\_\_\_
- Phone: \_\_\_\_\_ email : \_\_\_\_\_



2. General location (Road Name) Pink Hill Rd
3. Present Zoning AG / Agricultural Requested Zoning R1 RE
4. AREA (sq. ft. / acres) 3Ac
5. Legal Description of Property: (Write Below or provide copy of deed and survey)  
See Attached
6. Present Use of Property: Private Residence
7. Proposed Use of Property: Private Residence
8. Proposed Time Schedule for Development: Fall 2023
9. What effect will your proposed development have on the surrounding properties?  
None
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? N/A
11. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water Provider City of Independence
  - b. Sewage disposal: Onsite Waste Water x Public Sewer
  - c. Electricity West Central Electric
  - d. Fire and Police protection Sni-Valley Fire District / Jackson County Sheriff
12. Describe existing road width and condition: Two lane asphalt road.
13. What effect will proposed development have on existing road and traffic conditions? No impact.

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14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? Property split only, no known permits required.

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

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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

Property Owner(s)



Date

May 26<sup>th</sup> 2023  
May 16<sup>th</sup> 2023

STATE OF Missouri

COUNTY OF JACKSON

On this 26<sup>th</sup> day of May, in the year of 2023, before me the undersigned notary public, personally appeared Cassie Montgomery and Thomas Montgomery 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.

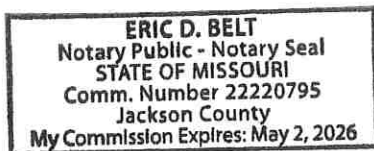
In witness whereof, I hereunto set my hand and official seal.

Notary Public

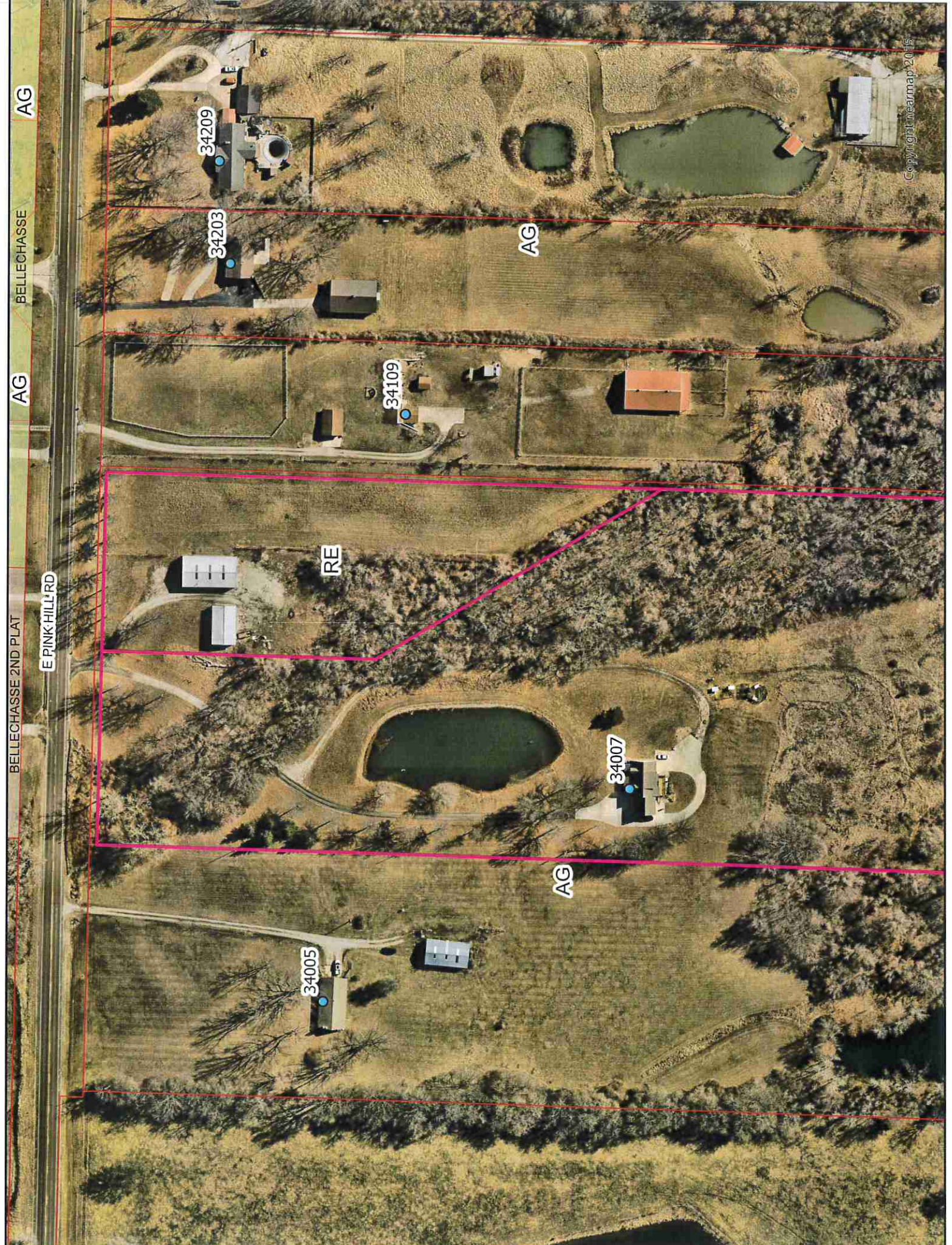


Commission Expires

5/2/26







AG

BELLECHASSE

AG

BELLECHASSE 2ND PLAT

E PINK HILL RD

34209

34203

34109

34005

34007

RE

AG

AG

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