

Request for Legislative Action

Ord. 5781

Date: August 14, 2023

Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5781
Sponsor(s):		Legislature Meeting Date:	8/14/2023

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

RZ-2023-652 – Paul & Dawn Riffe

Request Summary

Requesting a change of zoning from District AG (Agricultural) on 10.00 ± acres to District RE (Residential Estates). The purpose is to create two residential lots at 24209 E. 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 July 20, 2023, and accepted testimony pertaining to the rezoning request. There were five letters submitted in opposition to this request.

The Plan Commission voted 5 to 1 to recommend APPROVAL to the County Legislature.

Contact Information

Department:	Public Works	Submitted Date:	7/28/2023
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 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 change	
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

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

Approved by Department Approver Brian Gaddie on 7/28/2023 3:12:32 PM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 7/31/2023 9:05:08 AM. Comments:

Approved by Compliance Office Approver Jaime Guillen on 7/31/2023 10:07:44 AM. Comments:

Approved by Budget Office Approver David B. Moyer on 7/31/2023 10:19:23 AM. Comments:

Approved by Executive Office Approver Sylvia Stevenson on 7/31/2023 10:53:41 AM. Comments:

Approved by Counselor's Office Approver Jamesia Manning on 8/10/2023 12:34:28 PM. Comments:

RZ-2023-652

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

Part of the East Half of the Northeast Quarter of Section 35, Township 47, Range 31, Jackson County, Missouri, more particularly described as follows:

Commencing at the Northeast corner of the East Half of the Northeast Quarter of said Section 35; thence South 00 degrees 06 minutes 45 seconds West, along the East line of said East Half of the Northeast Quarter, a distance of 30.01 feet to a point; thence North 89 degrees 53 minutes 15 seconds West, a distance of 25.00 feet to the point of beginning, said point being on the West right of way line of Smart Road as now established; thence South 00 degrees 06 minutes 45 seconds West, along said West right of way line 25.00 West of and parallel to the East line of said Northeast Quarter, a distance of 960.13 feet to a point on a common boundary line as established in the boundary line agreement recorded as Document No. I-539935 in book I-1251 at page 64; thence South 89 degrees 48 minutes 17 seconds West along said line a distance of 370.00 feet to a point; thence North 00 degrees 11 minutes 43 seconds West a distance of 478.00 feet to a point; thence North 64 degrees 04 minutes 36 seconds West a distance 211.40 feet to point; thence North 00 degrees 35 minutes 21 seconds West a distance 325.00 feet to a point on the South right of way line Route B (150 Highway) as established in Document No. I-31088 in book 89 page 587; thence North 89 degrees 24 minutes 39 seconds East along said South right of way a distance of 30.00 feet to a point; thence North 62 degrees 06 minutes 43 minutes 59 seconds East along said South right of way a distance of 140.39 feet to o point of curvature; thence easterly along said right of way line on a curve to the right having an initial tangent bearing of North 89 degrees 43 minutes 59 seconds East, a radius of 34347.50 feet, a central angle of 00 degrees 22 minutes 41 seconds and an arc length of 226.60 feet to a point, thence South 89 degrees 53 minutes 21 seconds East along said South right of way line, a distance of 1486.22 feet to the point of beginning.

RZ-2023-652

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

Certificate of Survey 2015E0062314

Randy Diehl gave the staff report:

RE: RZ-2023-652

Applicant: Paul & Dawn Riffe

Location: 24209 E. Outer Belt

Area: 13.24 ± 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. The platted developments were created prior to the Unified Development Code.

The applicant is wishing to divide the acreage into two lots. One lot will contain the existing residence. Access for the existing dwelling is off State Route 150 (Outer Belt Road). The proposed lot for the new dwelling will be accessed off Smart Road. There is a 60-foot ingress/egress easement along the south side of the three tracts. This easement was setup on the Certificate of Survey recorded in 2015. There is frontage along Smart Road for a separate driveway. The South lot will be 3 acres in size leaving the 7 acres for the lot with the existing residence.

County Plan:

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

Recommendation:

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

Staff recommends APPROVAL of RZ-2023-652.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Diehl: We received five letters from surrounding property owners, You all have been provided with copies of those. There is some misinformation regarding lot sizes and some other things.

Mr. Antey: And we'll see if we can get those cleared up.

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

Mr. Tarpley: What are the sizes of the lots again?

Mr. Diehl: 3 acres and 7 acres.

Ms. Ryerkkerk: Can you point out the easement. It runs along the back or south portion of of these 3 10-acres tract and serves tracts inside the City of Greenwood. The three tracts in the County have frontage along 150 Highway. Their physical access comes off the easement. The County does not control the easement, who gets to use it, who maintains it. It is private. Whenever a new home is built on the 3-acre lot, they should have adequate site distance for a new access point on Smart Road, if they do not use the easement. Again, the County does not control the use of the easement.

Mr. Antey: The original developer probably put that in for the benefit of those tracts because MoDOT controls the driveway along 150 Highway.

Mr. Diehl: There is also a ditch that runs through there and crossing could be a challenge. The convenience of having that was put in place by the developer. There may be deed restrictions or not for the use, we've had this come up before, we recognize them, but don't enforce them.

Mr. Lake: Whoever buys the lot, they control the easement?

Mr. Diehl: We don't know who controls it. More than likely those who benefit from using it does. It's private property.

Mr. Lake: The easement is within the three acres.

Mr. Diehl: Yes.

Mr. Antey: It will be shown on the plat as well.

Mr. Diehl: Yes, since its established, it will be illustrated on the plat.

Mr. Tarpley: How come the County isn't responsible for the line of sight along the easement.

Mr. Diehl: Because it's private. The County only controls the point where the easement enters onto County right of way, which is Smart Road. If an additional driveway was requested for the lot, that permitting would go through the County.

Ms. Ryerkkerk: You said there was some misinformation.

Mr. Diehl: Yes, regarding the lot sizes. They were says there could potentially be five 2-acre lots. Not entirely true.

Mr. Antey: We'll get more into that here in a bit.

Mr. Crawford: Then one lot?

Mr. Diehl: One new lot for a new house on three acres. The existing house remains on the seven acres.

Mr. Crawford: Why didn't they deed the easement over to the other five people?

Mr. Antey: To use it.

Mr. Tarpley: The easement is because they are landlocked.

Mr. Diehl: No, the three tracts in the County have frontage along 150 Highway. Instead of crossing the ditch, they access off the easement. The applicant has an existing driveway on 150. The other tracts at the end of the easement have benefit of its use.

Mr. Farrar: Also MoDOT wants to control access points along their roads.

Mr. Lake: So those at the end are land locked.

Mr. Diehl: They are inside Greenwood and subject to their rules.

Mr. Antey: *Is the applicant here?*

Paul Riffe, 24209 E. Outer Belt Road

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

Mr. Riffe: We bought the place with the hopes of turning the barn into our house. We had a temporary residence set up. The sale of the three acres will help. The person buying the three acres said he'll put a driveway wherever it needs to be. All the six or seven property owners, including myself, share in the maintain of the easement.

Mr. Antey: So, responsibility would fall on the owner of the three acres?

Mr. Riffe: Yes.

Mr. Crawford: Is there an association set up for that?

Mr. Riffe: No. It comes with the ownership of those lots. There is a document recorded to that fact.

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?*

Janet Asher, 15105 S. Smart Road. I'm hear the the neighbors who sent in letters. My son owns two of those tracts in Greenwood. At the intersection of the easement and the road, its on a hill. The neighbors are concerned with the size. Can there be any more divisions?

Mr. Antey: There cannot be anymore divisions. Three acres is the minimum to be on septic.

Ms. Asher: How much is left after the three acres are carved off?

Mr. Antey: That leaves 7 acres.

Ms. Asher: Which could be divided.

Mr. Riffe: Do to the setbacks for the septic system, the seven acres cannot be subdivided any further.

Mr. Asher: What about the water and the sewer? The drive and access. They want to maintain that gravel drive. What forces the three acre owner, if they want to use it, to maintain it?

Mr. Antey: As the applicant stated that is stated on the deed for that and would transfer to the new owner. Even though he accesses off 150, he still has responsibility for that.

Ms. Asher: We were told verbally when we moved out there, there were no trailers and no swine. There's a trailer there. I heard your son is living in it.

Mr. Riffe: No, he's not.

Mr. Antey: Please address the Commission.

Ms. Asher: There's a shipping container there. I think this would be the smallest lot, except for the ones across the road.

Mr. Antey: If you look at the map, there are small lots to the North.

Ms. Asher: So, no trailers or swine.

Mr. Antey: Where did the no trailers and swine come from?

Ms. Asher: It was verbal to us.

Mr. Diehl: When your property was originally divided, there could have been deed restrictions for those properties. Just like any subdivision, that developer could have imposed restrictions just for those lots. Those wouldn't carry over onto adjacent properties, it would be for those specific lots.

Ms. Asher: I've explained what it's like to access off Smart Road. You said in the deed they would have bought into the easement.

Mr. Antey: That's what the applicant stated.

Mr. Lake: Are the houses on the tracts in Greenwood?

Ms. Asher: Yes. Three of the four tracts have homes on them.

Mr. Tarley: Are you on septic?

Ms. Asher: Yes.

Mr. Antey: Everyone of there is on septic. There are no public sewers out there.

Motion to take under advisement.

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

Discussion under advisement

Mr. Lake: I know it's a private easement, but I have a concern about the people in the back being land locked.

Mr. Antey: They are no more land locked in the future as they are right now if we pass this.

Mr. Lake: Those people can't get to their property off 150.

Mr. Antey: The situation remains the same no matter what. Whether it's a 13 acre parcel or a 3 acre parcel, the easement is already established. It remains an easement.

Mr. Diehl: The easement was established on the Certificate of Survey that created the three tracts. The survey is recorded.

Mr. Farrar: There is a legal method called easement by prescription for use. These people have a method of getting to their property.

Mr. Diehl: They have a vested right to access their property through the easement.

Mr. Antey: The applicant stated there is a document regarding maintenance.

Mr. Crawford: Would it have been better to have deeded that over to the other properties.

Mr. Diehl: No. If they would have taken taken the 60 foot strip off those properties, those acreages would have fallen below the 10 acre threshold and would have been required to be rezoned and platted. There easement was created so those three tracts could remain within District AG.

Mr. Crawford moved to approve. Mr. Farrar seconded.

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

Motion Carried 5 – 1

STAFF REPORT

PLAN COMMISSION

July 20, 2023

RE: RZ-2023-652

Applicant: Paul & Dawn Riffe

Location: 24209 E. Outer Belt

Area: 13.24 ± 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. The platted developments were created prior to the Unified Development Code.

The applicant is wishing to divide the acreage into two lots. One lot will contain the existing residence. Access for the existing dwelling is off State Route 150 (Outer Belt Road). The proposed lot for the new dwelling will be accessed off Smart Road. There is a 60-foot ingress/egress easement along the south side of the three tracts. This easement was setup on the Certificate of Survey recorded in 2015.

County Plan:

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

Recommendation:

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

Staff recommends APPROVAL of RZ-2023-652.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



Plan Commission July 20, 2023

RZ-2023-652

Property Owners Within 185 feet

Parcel

Parcel	owner	address	city	state
71-500-04-14-00-0-00-000	BROWNLEE CAROL F	14620 S SMART RD	GREENWOOD	MO
71-700-02-11-00-0-00-000	WAISNER KENT D & MICHELE LEA	P O BOX 348	GREENWOOD	MO
71-800-01-04-01-0-00-000	BRATON K STEVEN & SANDRA L	14916 S SMART RD	GREENWOOD	MO
71-800-01-11-00-0-00-000	MARKEY FAMILY TRUST	14702 SMART RD	GREENWOOD	MO
71-500-04-10-00-0-00-000	GRINDSTAFF JUSTEN D & KATHRYN	24106 E OUTER BELT RD	GREENWOOD	MO
71-700-02-10-00-0-00-000	WAISNER KENT D & MICHELE LEA	PO BOX 34	GREENWOOD	MO
71-600-03-16-00-0-00-000	LUKOWSKI STEPHEN M & BARBARA M	14623 S SMART RD	GREENWOOD	MO
71-700-02-08-00-0-00-000	RUSH TERRY L & BRENDA J	14711 S SMART RD	GREENWOOD	MO
71-700-02-09-00-0-00-000	CLARK JAMIE MIDDLETON & WHITACRE KARL THOMAS	14801 S SMART RD	GREENWOOD	MO
71-800-01-10-00-0-00-000	RIFFE PAUL W & DAWN R	PO BOX 383	GREENWOOD	MO



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-2023-652
Paul & Dawn Riffe

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 Paul & Dawn Riffe for a change of zoning from District AG (Agricultural) on 10.00 ± acres to District RE (Residential Estates). The purpose is to create two residential lots at 24209 E. 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 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, 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,

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- 2023- 652

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: Paul Riffe & Dawn Riffe
Address: 24209 E. Outerbelt Rd.
Greenwood, mo 64034
Phone: (816) 548-9003
 - b. Owner(s) Name: _____
Address: _____
Phone: _____
 - c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: owner

2. General location (Road Name) 150 Hwy E Smart Rd.

3. Present Zoning AG Requested Zoning RE

4. AREA (sq. ft. / acres) _____

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

6. Present Use of Property: Residential

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: 2023-2024

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

Additional 1 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 #12

b. Sewage disposal _____

c. Electricity Evergy

d. Fire and Police protection South Jackson / Jackson County Sheriff

12. Describe existing road width and condition: _____

13. What effect will proposed development have on existing road and traffic conditions? None

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):

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)

Paul W Riffe
Dawn B. Riffe

Date

6/5/2023
6/5/2023

Applicant(s):

Contract Purchaser(s):

STATE OF Missouri

COUNTY OF Jackson

On this 5th day of June, in the year of 2023, before me
the undersigned notary public, personally appeared Paul + Dawn Riffe

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.

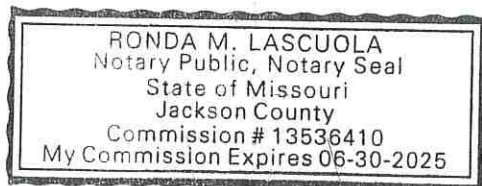
In witness whereof, I hereunto set my hand and official seal.

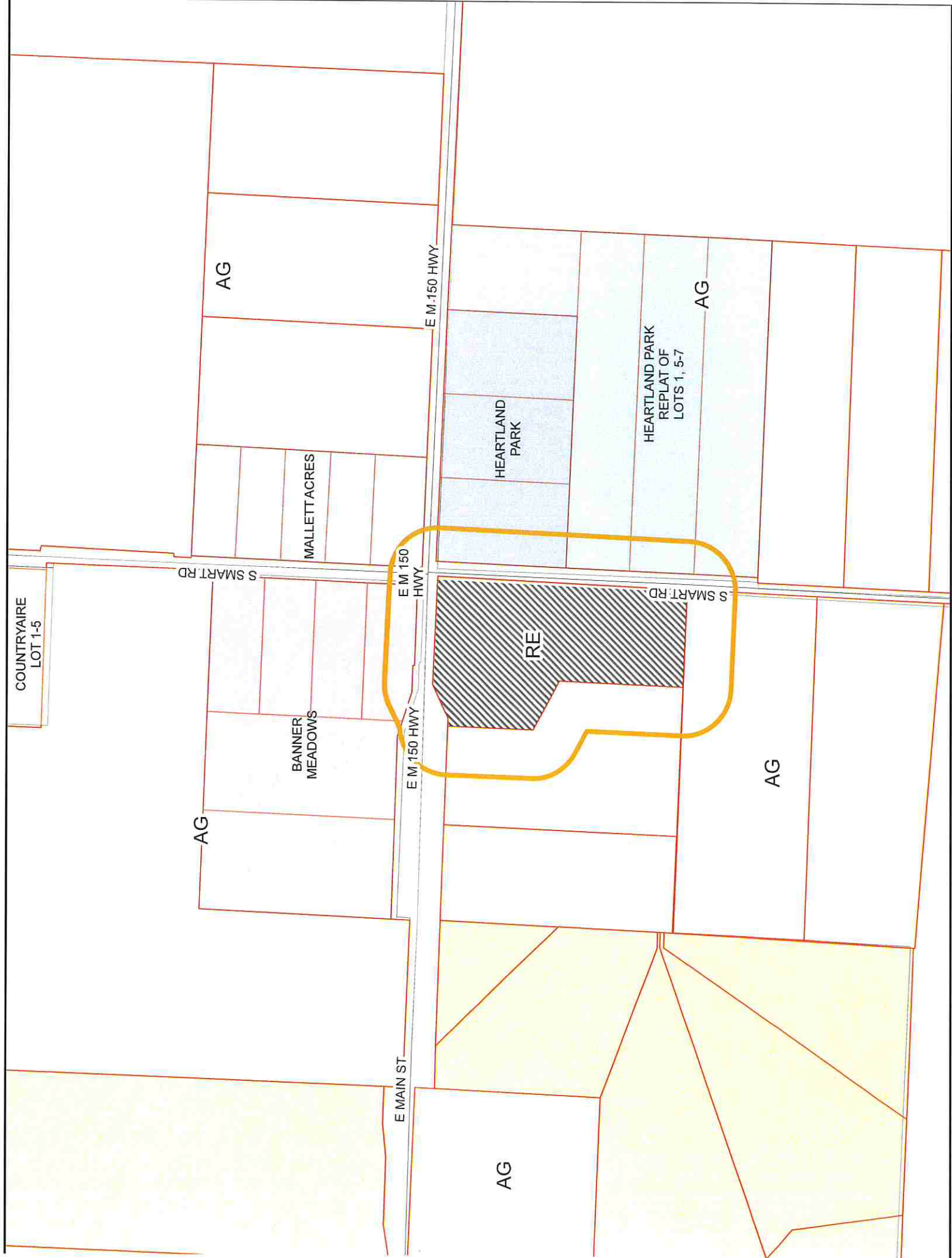
Notary Public

Ronda Lascuola

Commission Expires

6-30-25





- RIGHT-OF-WAY
- UTILITY EASEMENT



Filed for Record this day of JULY, 2015
At 8 O'clock 50 Minutes AM
Recorded in Book 141 At Page 56
Instrument Number 150622314
Director Recorder of Deeds
By W. S. F. H. L. Deputy
Recorder's Fee \$ 00.00

Robert and Helen Roberta Wright
14706 S Smart Road
Greenwood, MO 64034
816-985-5934
bobroberta555@gmail.com

July 12, 2023

Plan Commission
Jackson County, MO
303 W Walnut
Independence, MO 64050

I am writing in regards to the rezoning request RZ-2023-652 by Paul and Dawn Riffe. Unfortunately, my wife and I will be out of town on July 20th and will not be able to attend the Public Hearing on this rezoning request. Please consider this letter in your decision.

My wife and I are adamantly opposed to this rezoning for a couple reasons:

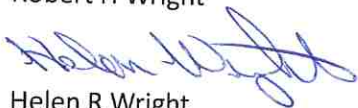
- Paul and Dawn Riffe's property, by deed, has rights to and responsibilities to a shared private drive. We own property and live on this private drive and share in the rights and responsibilities. Currently 6 property owners share in this agreement. Subdividing this property will severely complicate this agreement and have a negative impact on the current participant's abilities to maintain the drive and enforce the private drive agreement. For example:
 - Would any new lots have the same rights and responsibilities to the private drive? Some of the new lots may not need the private drive for access to their property. If they are still required to help maintain the private drive, not needing or having access to the drive would make it very difficult for the rest of us to force them to participate in sharing the costs.
 - Would Paul and Dawn Riffe still have rights and responsibilities to the private drive as their current deed states? If their property is subdivided, they would no longer have access to their property from the private drive. This is another situation where a party has no interest in participating in sharing the costs of the drive and makes it very difficult for the rest of the parties involved.
 - Best case, the private drive agreement is doable but precarious. Any new participants, especially those with no need or interest in the drive would virtually make it impossible.
- We bought our property here 5 years ago because of the nice big lots and open, quiet spaces. We are a small community of 10-acre tracts basically on a giant cul-de-sac with one entrance. Subdividing any of these lots into smaller lots would be detrimental to our property values and contrary to what we have all purchased several years ago.

I urge you to deny this rezoning request.

Thank you,



Robert H Wright



Helen R Wright

James and Michele Markey
14702 S Smart Rd
Greenwood, MO 64034
(816) 679-0523
jpmarkey@att.net

July 8, 2023

Plan Commission
Jackson County, MO
303 W Walnut
Independence, MO 64050-3849

Re: Public Hearing: RZ-2023-652
Paul & Dawn Riffe
Opposition to Requested Zoning Change

Dear Plan Commission Members:

We apologize for being unable to attend this hearing in person, but when we were notified of this hearing, we already had an out-of-state family obligation we must attend.

Concerning the request to rezone the subject property from District AG (Agriculture) to District RE (Residential Estates), Michele and I vehemently oppose the request for rezoning. There are multiple reasons the rezoning of this property will be detrimental to our property and the surrounding community:

- We were the first to purchase our 10-acre site within this small development with the understanding that ours and surrounding properties would remain low-density sites ensuring a quiet, bucolic homestead. Allowing rezoning to District RE, per Jackson County ordinances, would allow them to subdivide their current site to lots as small as 2 acres each (3 acres minimum if on septic sewer), increasing the number of single-family homes up to five times the original intended density of one single family home. Regardless of their current stated intention - subdividing their lot into only 2 lots - rezoning provides them permission to subdivide their 10 acres up to five times, so their intentions may change in the future beyond their current stated intent. Rezoning would allow them to do that without the need for additional county and community approval.
- Paul and Dawn Riffe are good people based on the few brief exchanges I have had with them since building and moving to our home adjacent to them. However, they have not always been good stewards of their property and have made changes without regard to the effects to their neighbors:
 - They have been placing indiscriminate fill for some time in the drainage system that runs through the north side of their property without placing proper storm drainage infrastructure to continue the free flow of water through the drainage area. These

measures have affected the flow of water through ours and other downstream neighbors' properties.

- It is my understanding they have allowed a family member to live for quite a while in a trailer in the back of their property increasing the density of the site without proper approvals.
- They continue to add storage trailers, debris, and other odds and ends to their property. Allowing them to subdivide their property could increase these effects five-fold and further erode the value and quiet enjoyment of our homestead and for others' homestead around us.


- The intersection of Highway 150 and Smart Rd is a dangerous intersection and increasing the residential density in the area would increase the risk to the travelling public. Since moving to the area, I have witnessed the result of multiple accidents at the intersection. A review of existing conditions of the intersection would find multiple violations of Jackson County and Missouri Department of Transportation requirements and recommendations for safe intersections, such as:

- incorrect roadway striping
- non-compliant line-of-sights for approaching vehicles
- lack of street lighting
- improper signage
- narrow approach and intersection lanes
- non-compliant storm drainage features.


A Traffic Impact Study should be requested to determine the effect increasing the area density would have on the travelling public. Increasing the density in the area should not and could not occur without significant infrastructure improvement costs by the County and State to reduce the risk to the travelling public at the intersection.

There are adequate existing lots within the Jackson County community that would not require rezoning and could meet the requirements of the person desiring to build upon the proposed lot without increasing the density of the existing subject 10-acre lot. Please do not approve this rezoning request.

Respectfully,



James (Jim) Markey



Michele Markey

CC: Randy Diehl, Development Administrator
Sean Smith, County Legislator, District 6
Megan Marshall, County Legislator, At-Large
Jill Bruss, Area Engineer, MoDOT

Dr. K. Steven Braton and Sandra L. Braton
14916 S. Smart Road
Greenwood, MO 64034
816-589-2441
daddo78@att.net

July 13, 2023

Plan Commission
Jackson County, MO
303 W Walnut
Independence, MO 64050-3849

Re: Public Hearing: RZ-2023-652
Paul and Dawn Riffe
Opposition to Requested Zoning Change

Dear Plan Commission Members:

We will be unable to attend the hearing regarding this zoning change. We will address our opposition and concerns in this email and a mailed written copy.

We have lived on Smart Road for 40 years on the adjacent 70 plus acre farm. The area is zoned Agricultural down to the Cass County line. The environment is peaceful and beautiful, with an abundance of varied wildlife that share the land with us. You will be receiving or have received, an email/opposition letter from our neighbors, Jim and Michele Markey. In this document, they highlight environmental and infrastructure problems that currently exist with the (Paul and Dawn Riffe) property. We share their concerns. It is alarming to know there are existing drainage issues, and improperly managed debris that could potentially be harmful for human and animal life.

Another major concern is in regard to "spot zoning." This will increase traffic and the usage of Highway 150 and S. Smart Road intersection. There have been *several* major accidents that have required *Life Flight* transport. Tragically, one fatality occurred at this intersection. As a result, MoDOT installed a flashing red light at this location, to try to prevent future incidents. Increased density in population would likely have a negative impact on the traffic condition. The Lee's Summit R-7 School District uses Smart Road and 150 Highway for transporting students to various schools in the district. The buses are large, and it is already difficult for them to navigate the small road, and negotiate turns.

While this is no reflection upon the integrity of our neighbors, we are strongly opposed to the rezoning of the property. Respectfully, we ask that **impact and feasibility studies be conducted before finalization of the case.**

Again, we are strongly opposed to the rezoning of this property.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Steven Braton". The signature is stylized with a large, looped "K" and a cursive "Braton".

K. Steven Braton, D.O.

A handwritten signature in black ink, appearing to read "Sandra L. Braton". The signature is cursive and elegant, with a large "S" and "B".

Sandra L. Braton

CC: Randy Diehl, Development Administrator
Sean Smith, County Legislator, District 6
Megan Marshall, County Legislator, At-Large
Jill Bruss, Area Engineer, MoDOT

Brent and Adrienne Menghini
14816 S Smart Rd
Greenwood, MO 64034
(816)914-2717
Brent@menghinilandscaping.com

July 18th 2023

Plan Commission
Jackson County, MO
303 W Walnut
Independence, MO 64050-3849

Re: Public Hearing RZ-2023-652
Paul & Dawn Riffe
Opposition to Requested Zoning Change

Dear Plan Commission Members:

I apologize for being unable to attend this hearing in person, as a small business owner I can not get away at this time.

A few concerns that my wife and I have in regards to the re-zoning.

- 1) They have a pull behind trailer on the backside of their property where a family member is living with out proper approvals.
- 2) They have storage trailers, debris, old appliances and other rubbish on their property which is making the property a safety concern.
- 3) Part of the conditions to all of us property owners building our homes in this area we were required to own 10 acres to build our homes. We had neighbors that had to get there property's re-plotted to meet the requirements. We feel that sub-dividing the property for one residence will cause the potential to further problems in the area. This area was designed per the plot plans, not for a bunch of properties to sub-divide to further cause traffic issues.
 - A) We have an inadequate intersection in regard to the amount of erosion that keeps narrowing the intersection of 150 and smart rd. I have reported many occasions, and nothing has been done to help slow the erosion of the intersection.
 - B) Lack of street lighting
 - C) Improper Signage
 - D) Improper Storm drainage
 - E) Lack of Roadway striping
 - F) Lack of line of sight for approaching vehicles.

There are other existing lots in the area that would allow them not to have to rezone and would meet the requirements of the person desiring to build upon the proposed lot. Please do not approve this rezoning request.

Sincerely,



Brent Menghini

Randy D. Diehl

From: Ashley Asher <ashleyjasher@gmail.com>
Sent: Wednesday, July 19, 2023 10:25 PM
To: Randy D. Diehl
Subject: EXTERNAL Public Hearing RZ-2023-652 on July 20, 2023

WARNING: This email originated outside of Jackson County.
DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Mr. Diehl and the Jackson County Plan Commission,

Thank you in advance for taking the time to read and consider our input regarding Public Hearing RZ-2023-652. I noticed the Public Hearing sign posted at the corner of 150 Highway and Smart Rd the other day while leaving our house for an errand, and after having a chance to discuss it, we just won't be able to make the hearing in the morning. I stay home with our two boys (under 3) and Jason's workday starts well before the hearing. I believe in addition to our note, you might also hear from some of our neighbors as well.

A little background on us - My husband and I currently live just down the private drive from the lot being considered for rezoning. My husband grew up about a quarter mile from our current home, and he bought our first lot in 2017 just months before we met, married and started our life together, with the hope of someday building and living on the undeveloped lot not too far off in the future. Since that initial purchase, we have purchased a second adjacent lot and home, so we now live on and own 20 acres tucked away in this quiet part of town. Acreage and quiet that we have been dreaming of for quite some time. And not only dreaming of, but saving for, sacrificing for, and planning (Lord willing) our future around.

From what I understand, the Riffe's are requesting that the existing single lot be rezoned with potential to be sold as 5 lots, and we want to oppose the approval of this. This area is intended to be a quiet area consisting of larger lots, less traffic, noise, clutter, etc. Think of it as a place where families come to build their forever homes. People buy lots here to stay for the long haul. We worry that if the lot in question is approved for being parceled into 5 lots, that this will change. Turnover will increase. Care and commitment to maintaining the area will decline. Surrounding wildlife and safety could be impacted not only because of higher traffic, but also because of a potential change from the "forever home" mindset to one of "home for now" mindset, reducing the investment in maintaining or care.

Everyone in this collection of properties also co-owns the private drive we live off of. It is written into our deeds. Management of the private drive is part of living on these particular large lots. My husband and I are curious if the work has been done to address this - the sharing of responsibilities for the road - within the rezoning request? Or will these new parcel(s) will open out onto 150? If the lot access points will be off the private drive and no work has been done or mentioned regarding this, then will the private drive become city managed? How will that impact us existing co-owners?

And what about the use of the lots themselves? Is the request being made for them to be sold with the intention of 5 single family homes existing on them, or as vacant lots? Agricultural use doesn't seem likely since they'd end up being so small...? Regardless - are there details drafted out about what is permissible or limited on each? Again, the heart of this small community is for one of permanence, and longevity. We request information on and input into the intended use of/advertisement of these parcels and to have reassurance that there won't suddenly be a host of additional temporary type dwellings popping up before the rezoning is pushed through.

I hope this does not come across as a pair of citizens looking for a way to ruffle feathers. We have no ill will for the Riffe's. We actually have not even had the pleasure of meeting them since moving into the home we just purchased, but we had a vision of what life would be like out here and this could very well change things for us, our neighbors, the wildlife and the community/road safety. We are invested in this home, this neighborhood, these neighbors, this town and this area, so we write because we care.

We hope this note finds you before the hearing. We apologize that we will not be there.

Ashley and Jason Asher
14814 S Smart Rd
(913) 481-6449