

Request for Legislative Action

Ord. #5644

Date: August 15, 2022

Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5644
Sponsor(s):		Legislature Meeting Date:	8/15/2022

Introduction

Action Items: ['Authorize']

Project/Title:

James & Gina Stuelke - RZ-2022-636

Request Summary

Requesting a change of zoning from District AG (Agricultural) on 4.00 ± acres to District RE (Residential Estates). The purpose is to create a single-family residential lot at 23700 NE Colbern 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 21, 2022, and accepted testimony pertaining to the rezoning request.

The Plan Commission voted 9 to 0 to recommend APPROVAL to the County Legislature.

Contact Information

Department:	Public Works	Submitted Date:	7/29/2022
Name:	Randy D. Diehl	Email:	RDiehl@jacksongov.org
Title:	Development Division 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

Submitted by Public Works requestor: Randy D. Diehl on 7/29/2022. Comments: Land Use scheduled for August 22.

Approved by Department Approver Brian Gaddie on 8/1/2022 4:13:04 PM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 8/1/2022 4:43:15 PM. Comments:

Approved by Compliance Office Approver Katie M. Bartle on 8/2/2022 4:13:14 PM. Comments:

Not applicable by Budget Office Approver Mark Lang on 8/3/2022 9:17:03 AM. Comments:

Approved by Executive Office Approver Sylvya Stevenson on 8/3/2022 11:18:38 AM. Comments:

Returned for more information by Counselor's Office Approver Elizabeth Freeland on 8/4/2022 1:18:49 PM. Comments: Public hearing date.

Submitted by Requestor Randy D. Diehl on 8/4/2022 1:24:28 PM. Comments: Corrected Plan Commission Vote from 7-0 to 9-0

Approved by Department Approver Brian Gaddie on 8/4/2022 2:47:04 PM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 8/4/2022 3:21:36 PM. Comments:

Approved by Compliance Office Approver Katie M. Bartle on 8/5/2022 12:34:00 PM. Comments:

Not applicable by Budget Office Approver Mark Lang on 8/5/2022 4:28:49 PM. Comments:

Approved by Executive Office Approver Sylvya Stevenson on 8/8/2022 9:41:49 AM. Comments:

Approved by Counselor's Office Approver Elizabeth Freeland on 8/10/2022 10:07:56 AM. Comments:

RZ-2022-636

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

All that part of the Southwest quarter of the Northeast quarter of Section 26, Township 48 north, Range 31 west. In Jackson County, Missouri, and being more fully described as follows:

Beginning at a point on the north right of way line of Colbern Road, said point being 40.00 feet north and South 87 degrees 44 minutes 46 seconds East (this bearing and all following bearings being state plane grid north as established using r. T.k. g.p.s. equipment, and referenced to Kansas City metro control station ja-149), 334.80 feet from the Southwest corner of the Northeast Quarter of Section 26, Township 48 North, Range 31 West; thence along a line parallel with the west line of the Northeast Quarter of said Section 26, North 02 degrees 08 minutes 16 seconds East said line also being the east line of Colborn & Cyclone Road Estates a subdivision in Jackson county, Missouri, for a distance of 1242.27 feet to the south line of J. Morgan Meadows a subdivision in Jackson County, Missouri; thence along the south line of said subdivision; South 87 degrees 47 minutes 10 seconds East, 660.00 feet to a point on the west line of lot 10 of Colborn & Cyclone Road Estates 2nd plat, a subdivision in Jackson County, Missouri; thence along the west line of said subdivision South 02 degrees 08 minutes 16 seconds West 1242. 73 feet to a point on the north right of way line of Colbern Road (40. 00 feet north of the south line of the northeast quarter of said section 26); thence along the north line of said Colbern Road north 87 degrees 44 minutes 46 seconds west, 660.00 feet to the point of beginning.

RZ-2022-636

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from July 21, 2022

Staff Report

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-2022-636

Applicant: James & Gina Stuelke

Location: 23700 E Colbern Road

Area: 4.00 ± acres

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

Purpose: Creating a single-family residential lot

Current Land Use and Zoning in the Area:

The zoning in the area is predominately Agricultural. Development around the subject property was developed prior to the adoption of the Unified Development Code in 1995.

Land use is single family residences. Across Colbern Road is the City of Lee's Summit Legacy Park.

The applicant is wishing to separate the existing residence within the 4.00-acre lot. The remaining acreage will become a separate tract that would allow construction of a dwelling.

The subdivision plat "Flamingo Acres" is under review. An additional driveway would more than likely be allowed. Sharing the existing entryway would an option to reduce any additional driveways onto Colbern Road.

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-2022-636.

Respectfully submitted,

Jackson County Public Works

Development Division
Randy Diehl, Administrator

Mr. Antey: Are there any questions for Randy?

Mr. Tarpley: What's the total acreage?

Mr. Diehl: 18.83 acres. Four acres is the request with 14.83 acres remaining within District AG – Agricultural.

Discussion regarding the current parcel lines and the new proposed lines.

Mr. Johnson: Are those ponds affluent ponds?

Mr. Diehl: No.

Mr. Antey: Is the applicant here?

Don Roberts: 15905 E 78th Street, Kansas City. I represent the Stuelkes.

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

Mr. Roberts: We do hope to have a second driveway instead of sharing the one that serves the existing residence.

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?

Sandra Cutler, 23803 E 92nd Terr, Lee's Summit. What is the smaller piece zoned now?

Mr. Antey: Agricultural. All new development under 10 acres is subject to this process. There are other properties created prior to the code that are grandfathered in under Ag zoning.

Mr. Crawford: The ordinance we are under was adopted in 1995.

Motion to take under advisement.

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

Discussion under advisement

Mr. Lake moved to approve. Mr. Hilliard seconded.

Mr. Akins	Approve
Mr. Tarpley	Approve
Mr. Johnson	Approve
Mr. Crawford	Approve
Mr. Hilliard	Approve
Ms. Ryerkker	Approve
Mr. Farrar	Approve
Mr. Lake	Approve
Chairman Antey	Approve

Motion Carried 9 – 0

STAFF REPORT

PLAN COMMISSION

July 21, 2022

RE: RZ-2022-636

Applicant: James & Gina Stuelke

Location: 23700 E Colbern Road

Area: 4.00 ± acres

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

Purpose: Creating a single-family residential lot

Current Land Use and Zoning in the Area:

The zoning in the area is predominately Agricultural. Development around the subject property was developed prior to the adoption of the Unified Development Code in 1995.

Land use is single family residences. Across Colbern Road is the City of Lee's Summit Legacy Park.

The applicant is wishing to separate the existing residence within the 4.00-acre lot. The remaining acreage will become a separate tract that would allow construction of a dwelling.

The subdivision plat "Flamingo Acres" is under review. An additional driveway would more than likely be allowed. Sharing the existing entryway would an option to reduce any additional driveways onto Colbern Road.

County Plan:

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

Recommendation:

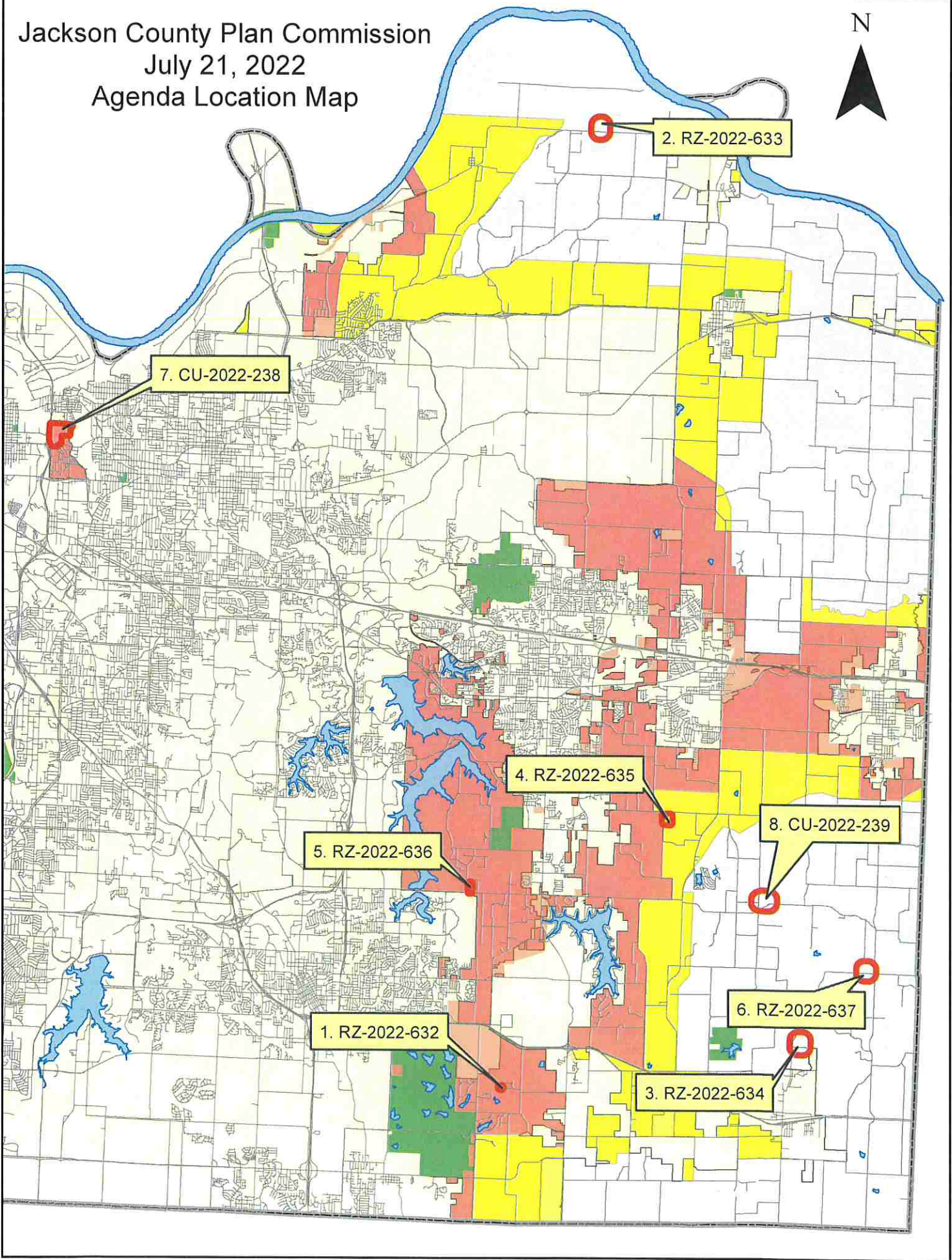
This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2022-636.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
July 21, 2022
Agenda Location Map



AG

RS

AG

RE

S CYCLONE LN

AG

AG

RE

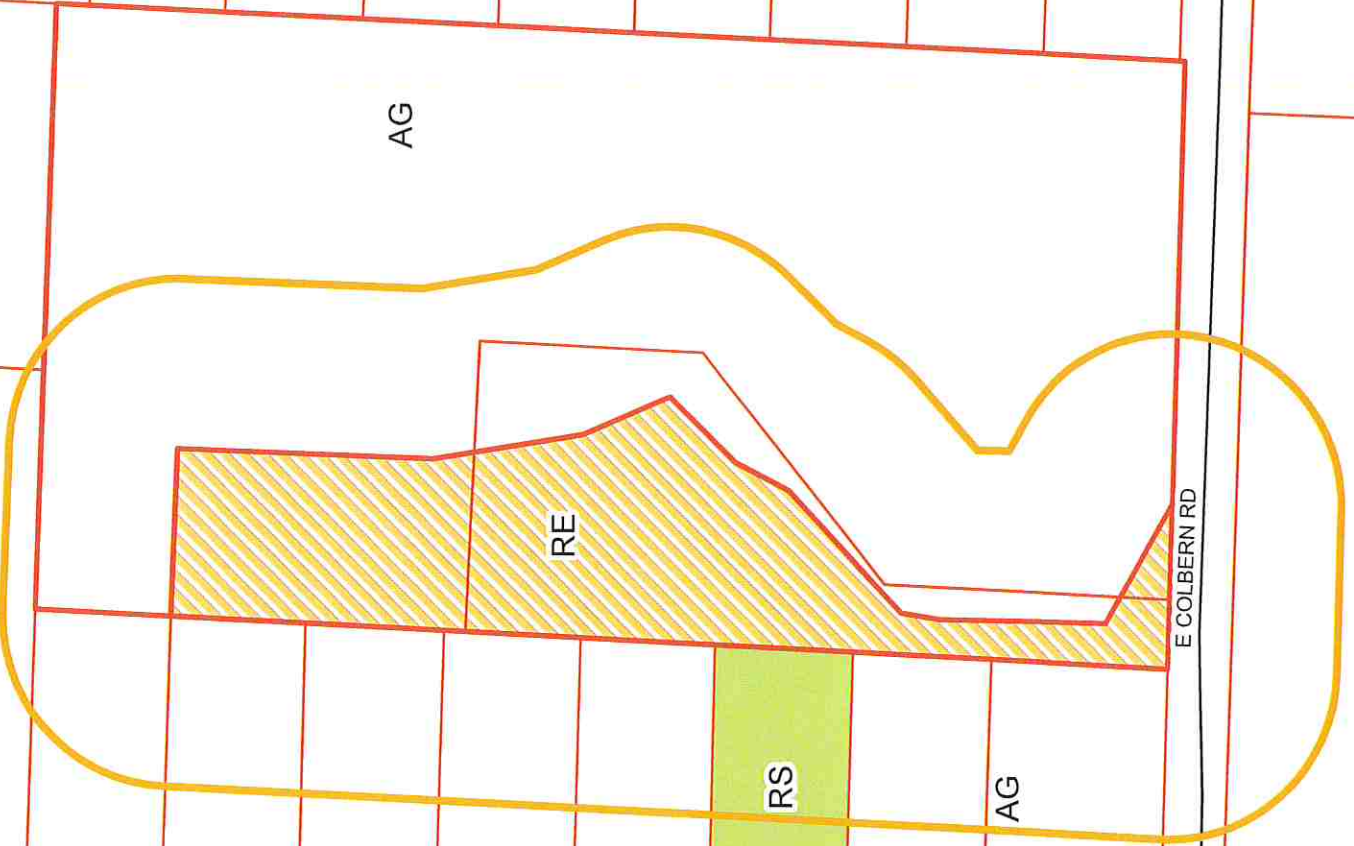
E COLBERN RD

RS

AG

S CYCLONE SCHOOL RD

AG



Plan Commission July 21, 2022
 RZ-2022-636

Property Owners Within 185 feet

Parcel	owner	address	city	state	zip
53-500-01-14-00-0-00-000	O BRIEN SCOTT J & TONYA K	9401 S CYCLONE SCHOOL RD	LEES SUMMIT	MO	64064
53-500-01-63-00-0-00-000	CUTLER SANDRA LEE-TRUSTEE	23803 E 92ND TE	LEES SUMMIT	MO	64064
53-500-01-10-00-0-00-000	MARTIN DEBRA KAY	9301 S CYCLONE SCHOOL RD	LEES SUMMIT	MO	64064
53-500-01-11-00-0-00-000	HATFIELD JOHN W & DEBORAH J	9307 S CYCLONE SCHOOL RD	LEES SUMMIT	MO	64064
53-500-01-12-00-0-00-000	PALMER RONALD G & KAREN L-TR	9313 CYCLONE SCHOOL RD	LEES SUMMIT	MO	64064
53-500-01-17-00-0-00-000	CONRAD JOEL C & KERRY M	9419 S CYCLONE SCHOOL RD	LEES SUMMIT	MO	64064
53-500-01-16-00-0-00-000	WESTCOTT ROBERT L & MARY ANN	9413 S CYCLONE SCHOOL RD	LEES SUMMIT	MO	64064
53-500-01-13-00-0-00-000	CUSTER GARY E & SUSAN L	9319 S CYCLONE SCHOOL RD	LEES SUMMIT	MO	64064
53-500-01-62-00-0-00-000	CHAPMAN MICHAEL & DEBORAH-TR	9223 S CYCLONE SCHOOL RD	LEES SUMMIT	MO	64064
53-500-01-15-00-0-00-000	DAVENPORT CARRIE & ROGER	9407 S CYCLONE SCHOOL RD	LEES SUMMIT	MO	64064
53-500-04-02-01-0-00-000	CITY OF LEES SUMMIT	PO BOX 1600	LEES SUMMIT	MO	64063
53-500-01-03-01-0-00-000	STUELKE JAMES B JR & GINA L	23700 E COLBERN RD	LEES SUMMIT	MO	64086
53-500-01-03-02-0-00-000	STUELKE JAMES B JR & GINA L-TR	23700 E COLBERN RD	LEES SUMMIT	MO	64086



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 6, 2022

RE: Public Hearing: RZ-2022-636
James B & Gina Stuelke

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 B & Gina Stuelke for a change of zoning from District AG (Agricultural) on 4.00 ± acres to District RE (Residential Estates). The 4.00 ± acres located at 23700 E. Colbern 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 21, 2022, 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- 2022-636

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: The Stuelke Living Trust (James B., Jr. & Gina L. Stuelke, Trustees)
Address: 23700 NE Colbern Rd.
Lee's Summit, Mo. 64086
Phone: _____
- b. Owner(s) Name: The Stuelke Living Trust (James B., Jr. & Gina L. Stuelke, Trustees)
Address: 23700 NE Colbern Rd., Lee's Summit, Mo. 64086
Phone: 816-381-9901 Email: jim@extremecoatingsolutions.com
- c. Agent(s) Name: Roger A. Backues

Address: 821 NE Columbus St., Suite 100, Lee's Summit, Mo. 64063

Phone: Office # 816-554-9798 Email: roger@boundariesurvey.net

d. Applicant's interest in Property: Owner

2. General location (Road Name) Cyclone School Road & NE Colbern Road

3. Present Zoning AG (Agriculture) Requested Zoning RE (Residential Suburban District) *RE ESTATES*

4. AREA (sq. ft. / acres) 18.8 acres +/- *4.00 +/- - REZONE*

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

See attached

6. Present Use of Property: Residential

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: As Soon As Possible

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? _____

11. Describe the source/method which provides the following services, and what effect the development will have on same:

a. Water PWSD # 13

b. Sewage disposal On-Site Septic System

c. Electricity Evergy

d. Fire and Police protection Fire: CJCFPD Police: Jackson County Sheriff Department

12. Describe existing road width and condition: standard asphalt surface road/ good 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

Date

Property Owner(s)

[Handwritten Signature]

6/6/22

6/6/22

Applicant(s):

Contract Purchaser(s):

STATE OF Missouri
COUNTY OF Jackson

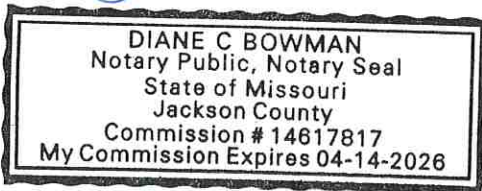
On this 8th day of June, in the year of 2022, before me the undersigned notary public, personally appeared James Stuckey & Gina Stuckey

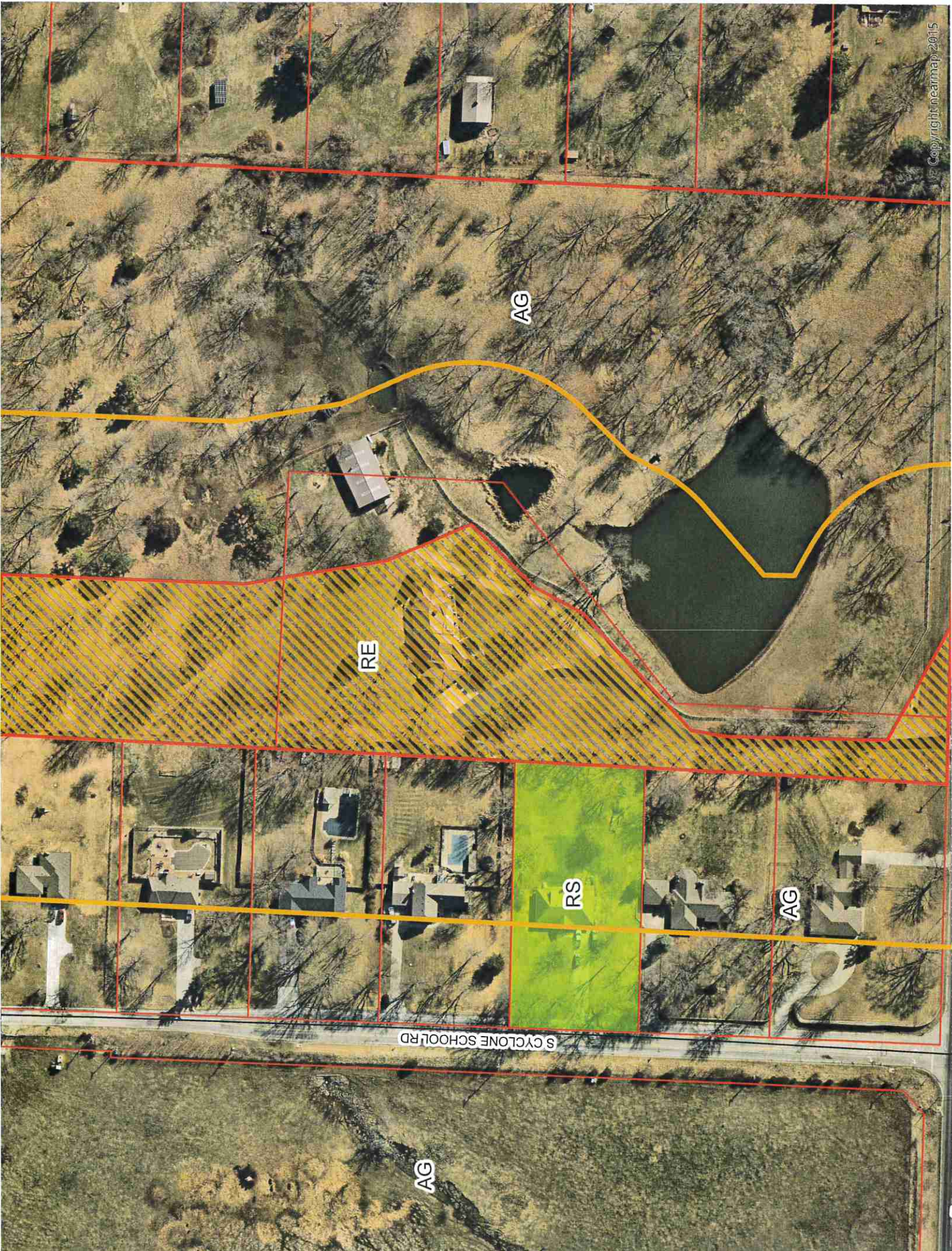
known to me to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

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

Notary Public [Handwritten Signature]

Commission Expires April 14, 2022





AG

RE

RS

AG

S CYCLONE SCHOOL RD

AG

