

Request for Legislative Action

Ord: #5612
Date: April 11, 2022

Completed by County Counselor's Office			
Action Requested:	Ordinance	Res.Ord No.:	5612
Sponsor(s):		Legislature Meeting Date:	4/11/2022

Introduction
Action Items: ['Authorize']
Project/Title:
Pine Investments, LLC – RZ-2022-620

Request Summary
Requesting a change of zoning from District AG (Agricultural) on 3.00 ± acres to District RE (Residential Estates). The purpose is to create a single-family residential lot. 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 17, 2022, and accepted testimony pertaining to the rezoning request. The Plan Commission voted 7 to 0 to recommend APPROVAL to the County Legislature.

Contact Information			
Department:	Public Works	Submitted Date:	3/25/2022
Name:	Randy D. Diehl	Email:	RDiehl@jacksongov.org
Title:	Development Division Administrator	Phone:	816-804-6410

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 3/25/2022 8:56:13 AM - [Submitted |]Department Director: Brian Gaddie at 3/25/2022 9:44:51 AM - [Approved |]Finance (Purchasing): Barbara J. Casamento at 3/25/2022 10:39:04 AM - [Not applicable |]Compliance: Katie M. Bartle at 3/25/2022 3:01:53 PM - [Approved |]Finance (Budget): Mark Lang at 3/28/2022 9:48:21 AM - [Not applicable |]Executive: Sylvya Stevenson at 3/28/2022 11:54:34 AM - [Approved |]
Legal: Elizabeth Freeland at 4/1/2022 12:21:56 PM - [Approved |]
Legal: Elizabeth Freeland at 4/1/2022 12:21:56 PM - [Approved |]

RZ-2022-620

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

A tract of land lying in the Southeast Quarter of the Northeast Quarter of Section 29, Township 48 North, Range 30 West, Jackson County, Missouri and being more fully described as follows:

Beginning at a found 1/2 inch iron pin marking the Northwest corner of the Southeast Quarter of the Northeast Quarter of said Section 29; thence South 87 degrees, 28 minutes and 51 seconds East along the North line of said Quarter-Quarter Section, 1206.59 feet to a found 1/2 inch iron pin; thence South 01 degree, 46 minutes, 02 seconds West, leaving said North line, 1009.26 feet to the Point of Beginning; thence continuing South 01 degree, 46 minutes, 02 seconds West, leaving said North line, 276.53 feet, to a 5/8 iron pin on the north right-of-way of Colbern Road; thence North 87 degrees, 32 minutes, 20 seconds West, along said right-of-way, 472.61 feet; thence North 01 degrees, 46 minutes 02 seconds East, leaving said right-of-way, 276.53 feet; thence South 87 degrees, 32 minutes, 20 seconds East, 472.61 feet to the Point of Beginning.

RZ-2022-620

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from March 17, 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-2022-620

Applicant: Pine Investments, LLC

Location: 29200 E. Colbern Road

Area: 3.00 ± acres

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

Purpose: To create a single-family residential lot.

Current Land Use and Zoning in the Area:

The zoning in the area is predominantly Agricultural with single family residences on larger sized tracts. There are also some undeveloped tracts as well.

The applicant recently purchased a 34.00 ± acre tract and is wishing the divide the three acres that contain an existing residence into a separate lot. The remaining land will be sold off into 10-acre tracts.

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-2022-620

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: Are there any questions for Randy?

Mr. Lake: In the corner where the pond is, how is that going to be separated?

Mr. Diehl: I will be jointly owned. If the developer wishes they can put a buffer around it for shared access. It's totally up to them on how they want to handle that.

Mr. Lake: what about the existing house?

Mr. Diehl: The applicant can answer whether the home will be renovated or removed.

Mr. Antey: Is the applicant here?

William Weis: 29704 E Windmill Ridge Lane.

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

Mr. Malicoat: A small tract next to the three acres is being sold to the neighbor to the east. Both he and I have agreed to drain and relocate the pond. As for the old farmhouse, I'd love to keep it however we'll need to investigate whether or not the it would be cost effective to keep it or build a new house.

Mr. Lake: You bought 34 acres?

Mr. Weiss: Yes. The remaining acreage will be divided into 10 acre tracts.

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

Discussion under advisement

Mr. Crawford moved to approve. Mr. Lake seconded.

Mr. Akins	Approve
Mr. Crawford	Approve
Mr. Hilliard	Approve
Ms. Ryerkerk	Approve
Mr. Farrar	Approve
Mr. Lake	Approve
Chairman Antey	Approve

Motion Carried 7 – 0

STAFF REPORT

PLAN COMMISSION

March 17, 2022

RE: RZ-2022-620

Applicant: Pine Investments, LLC

Location: 29200 E. Colbern Road

Area: 3.00 ± acres

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

Purpose: To create a single-family residential lot.

Current Land Use and Zoning in the Area:

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County Plan:

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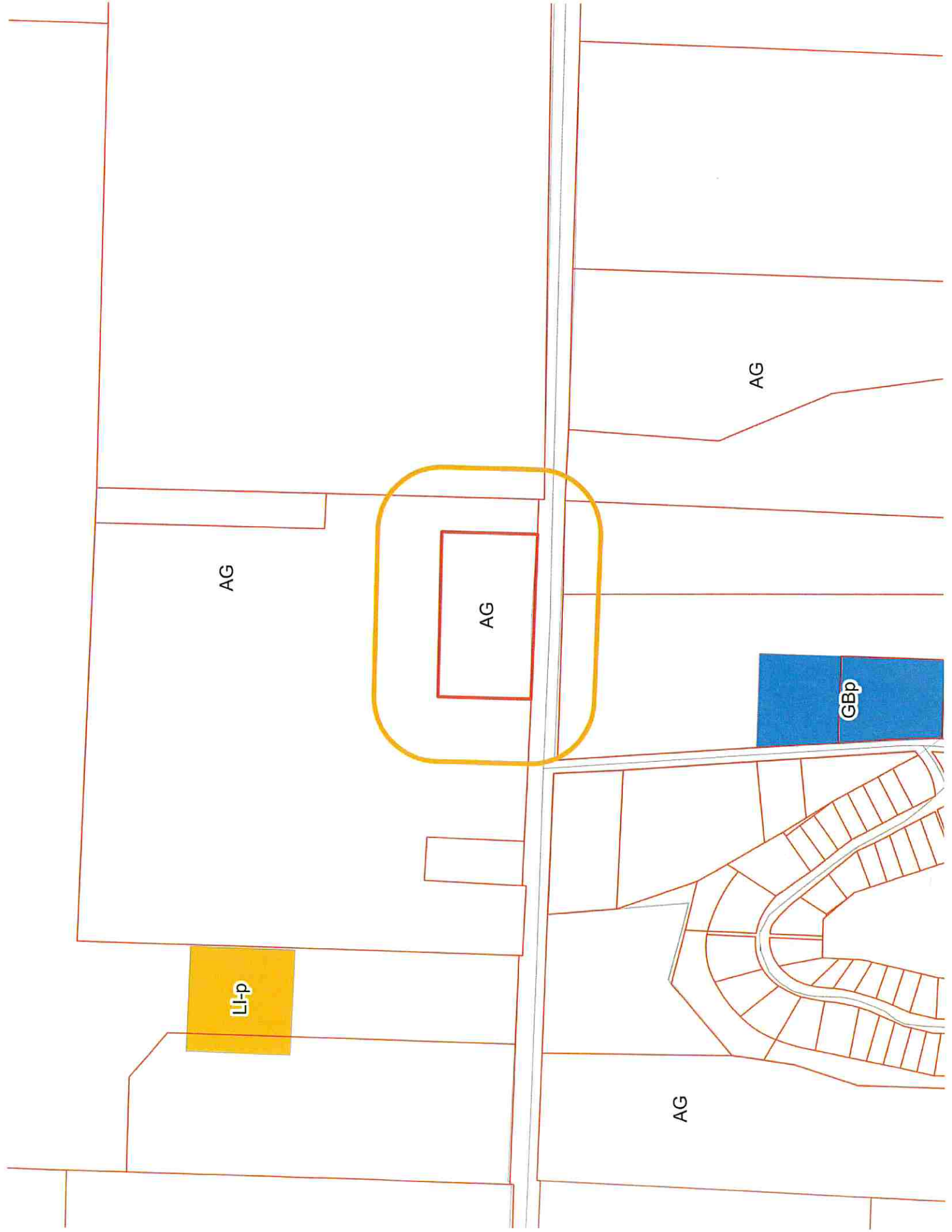
Recommendation:

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

Staff recommends APPROVAL of RZ-2022-620

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



Plan Commission March 17, 2022

RZ-2022-620

Property Owners Within 185 feet

Name	Name	Address	City	State	Zip
54-500-01-18-00-0-00-000	HAGGERTY FARM & AGRICULTURE LLC	28800 E COLBERN RD	LEES SUMMIT	MO	64086
54-540-02-03-00-0-00-000	FLYNN NATHANIEL & LAUREN	28605 NE COLBERN RD	LEES SUMMIT	MO	64086
54-600-02-08-00-0-00-000	HARRIS MILTON LYNN & JEAN E	29204 E COLBERN RD	GRAIN VALLEY	MO	64029
54-600-03-04-01-2-00-000	KINNEY DOUGLAS A & YVETTE R-TRUSTEES	29203 E COLBERN RD	GRAIN VALLEY	MO	64029
54-540-01-01-01-2-00-000	DAK FARM LLC	29203 E COLBERN RD	GRAIN VALLEY	MO	64029
54-540-02-01-00-0-00-000	UNITED METHODIST CHURCH	28901 NE COLBERN RD	LAKE LOTAWANA	MO	64086
54-500-01-06-00-0-00-000	HARRIS MILTON LYNN & JEAN E	29204 E COLBERN RD	GRAIN VALLEY	MO	64029
54-540-02-53-00-0-00-000	UNITED METHODIST CHURCH	28901 NE COLBERN RD	LAKE LOTAWANA	MO	64086
54-600-03-04-01-1-00-000	DAK FARM LLC	29203 E COLBERN RD	GRAIN VALLEY	MO	64029
54-540-01-01-01-1-00-000	KINNEY DOUGLAS A & YVETTE R-TRUSTEES	29203 E COLBERN RD	GRAIN VALLEY	MO	64029
54-500-01-16-02-0-00-000	HAGGERTY CHRISTOPHER J & ASHLEY S-TRUSTE	28800 E COLBERN RD	LEES SUMMIT	MO	64086
54-500-01-07-00-0-00-000	BOWLIN JAMES S	28812 E COLBERN RD	GRAIN VALLEY	MO	64029
54-500-01-05-00-0-00-000	PINE INVESTMENTS LLC	29704 E WINDMILL RIDGE LN	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

March 2, 2022

RE: Public Hearing: RZ-2022-620
Pine Investments, LLC

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 Pine Investments, LLC for a change of zoning from District AG (Agricultural) on 3.00 ± acres to District RE (Residential Estates). The 3.00 ± acres are in the Southeast Quarter of the Northeast Quarter of Section 29, Township 48, Range at 29200 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, March 17, 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,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

**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- 620

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: Pine Investments, LLC
Address: 29704 E Windmill Ridge Ln
Lees Summit MO 64086
Phone: 816-763-9066
 - b. Owner(s) Name: William P. Wiest
Address: " "
Phone: 816-703-9066
 - c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: _____

2. General location (Road Name) Colbern Road

3. Present Zoning AG Requested Zoning RF

4. AREA (sq. ft. / acres) 32.7 ACRES 3.00 +/-

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

Attached and Submitted by Surveyor

6. Present Use of Property: AG

7. Proposed Use of Property: AG with Residence Lots

8. Proposed Time Schedule for Development: _____

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? NO

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

a. Water PWSD - at road

b. Sewage disposal Septic - on each lot

c. Electricity Energy - at road

d. Fire and Police protection _____

12. Describe existing road width and condition: Two lane asphalt.

13. What effect will proposed development have on existing road and traffic conditions? No increased traffic, ~~the~~ 3 Driveways will be added.

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? MOBOT Line of Sight.

If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): Verified with MOBOT on site.

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] _____

Applicant(s): _____

Contract Purchaser(s): _____

STATE OF Missouri
COUNTY OF Jackson

On this 5th day of January, in the year of 2022, before me the undersigned notary public, personally appeared _____

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 Kori Garrett

Commission Expires June 26, 2022

