



Jackson County, Missouri

Request for Legislative Action

MEETING DATE: 2/19/2024

NUMBER: 5834

SPONSOR: n/a

STAFF CONTACT: Randy D. Diehl, RDiehl@jacksongov.org, 816-881-4577

DEPARTMENT: Public Works

SUBJECT: Zoning – Unified Development Code

TITLE: RZ-2024-663 – Michael Austerman

SUMMARY: Requesting a change of zoning from District AG (Agricultural) on 5.74 ± acres to District RR (Residential Ranchette). The purpose is to create a single residential lot in the 1500 block of 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 January 18, 2024, and accepted testimony pertaining to the rezoning request. There was no opposition to the request.

The Plan Commission voted 5 to 0 to recommend APPROVAL to the County Legislature.

FINANCIAL IMPACT: NONE

ACTION NEEDED: Approval by Legislature

ATTACHMENT(S): RZ-2024-663 Zoning Support Documentation

RZ-2024-663

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

Part of the Southeast Quarter of Section 20 Township 49 Range 29, Jackson County, Missouri, described as follows: Commencing at the Northwest Corner of Southeast Quarter of said Section 20; thence South 01 degrees 41 minutes 11 seconds West, along the West line of said Southeast Quarter, 412.56 feet to the Point of Beginning of tract to be described herein; thence South 88 degrees 18 minutes 15 seconds East, 706.62 feet; thence South 02 degrees 09 minutes 25 seconds West, parallel with the original 40 feet East right-of-way line of Outer Belt Road, 320 feet to the Easterly prolongation of the North line of Document Numbers 2017E0001650 and 1976I0235119; thence North 88 degrees 18 minutes 15 seconds West along North line of said documents and its Easterly prolongation, 704.00 feet to the West line of said Southeast Quarter; thence North 01 degrees 41 minutes 11 seconds East along said West line, 319.99 feet to the Point of Beginning. Subject to that part on West being used for outer Belt Road (Missouri Route H) right-of-way.

RZ-2024-663

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from January 18, 2024

Staff Report

Zoning map of surrounding area

Names and addresses of surrounding property owners

Letter to surrounding property owners

Application

Aerial of location

Lot Plan Concept

Randy Diehl gave the staff report:

January 18, 2024

RE: RZ-2024-663

Applicant: Michael Austerman

Location: 1500 block of Outer Belt Road

Area: 5.74 ± acres

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

Purpose: The purpose is to create a single-family residential lot.

Current Land Use and Zoning in the Area:

The zoning in the area is Agricultural.

Land use is single family residences and agricultural uses.

The applicant is dividing the 60 acres into four tracts, three will be over 10 acres in size. The fourth tract is 5.74 acres and will front on Outer Belt Road (State Route H).

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-2024-663.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

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

Mr. Crawford asked to be shown the outline of the tracts.

Ms. Ryerkerk asked if there was any part in the floodplain.

Mr. Diehl stated that there was a bit of floodplain along the creek to the north side of the tract.

Mr. Antey: *Is the applicant here?*

Michael Austerman: 1613 N. Outer Belt Road

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

Mr. Austerman: No, he covered it all.

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

Discussion under advisement

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

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

Motion Carried 5 – 0

STAFF REPORT

PLAN COMMISSION

January 18, 2024

RE: RZ-2024-663

Applicant: Michael Austerman

Location: 1500 block of Outer Belt Road

Area: 5.74 ± acres

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

Purpose: The purpose is to create a single-family residential lot.

Current Land Use and Zoning in the Area:

The zoning in the area is Agricultural.

Land use is single family residences and agricultural uses.

The applicant is dividing the 60 acres into four tracts, three will be over 10 acres in size. The fourth tract is 5.74 acres and will front on Outer Belt Road (State Route H).

County Plan:

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

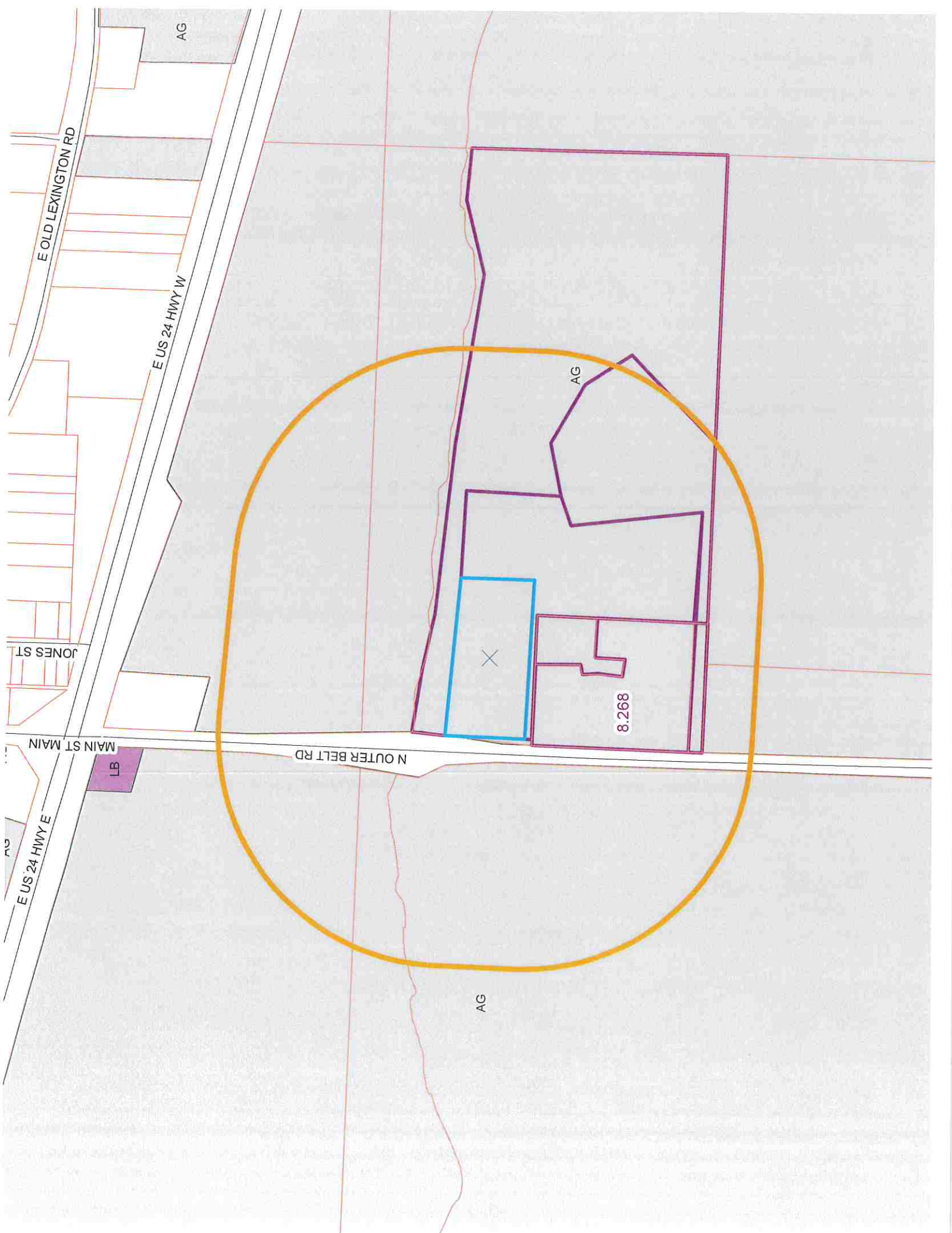
Recommendation:

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

Staff recommends APPROVAL of RZ-2024-663.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



AG

E OLD LEXINGTON RD

E US 24 HWY W

JONES ST

MAIN ST MAIN

LB

E US 24 HWY E

N OUTER BELT RD

8.268

AG

AG

RZ-2023-663

Property Owners Within 1000 feet

Parcel	owner	address	city	state	zip
20-200-02-11-01-0-00-000	BORGMAN BROTHERS FARM LLC	35603 E NEIL CHILES RD	BUCKNER	MO	64016
20-200-03-03-00-0-00-000	BORGMAN BROTHERS FARM LLC	35603 E NEIL CHILES RD	BUCKNER	MO	64016
20-200-04-08-00-0-00-000	D & C FARMS LLC	35603 E NEIL CHILES RD	BUCKNER	MO	64016
20-200-01-76-01-0-00-000	D & C FARMS LLC	35603 E NEIL CHILES RD	BUCKNER	MO	64016
20-200-04-03-01-0-00-000	HEMAN ALICE J-TRUSTEE	38408 E STOENNER RD	LEVASY	MO	64066
20-200-03-02-00-0-00-000	HEMAN CLARK DANIEL & RACHELLE MARIE	PO BOX 13	LEVASY	MO	64066
20-200-04-03-02-0-00-000	HEMAN GLEN & KELLY	PO BOX 91	LEVASY	MO	64066
20-200-04-09-01-0-00-000	WILLIAMS BRIAN K & LINDA A	1615 N OUTER BELT RD	LEVASY	MO	64088
20-200-04-10-00-0-00-000	WOLFE ALBERT & ELIZABETH	1617 N H HWY	LEVASY	MO	64066
20-200-04-09-02-0-00-000	AUSTERMAN MICHAEL J & LORA BETH-TRUSTE	1613 N H HWY	LEVASY	MO	64066
20-200-04-06-01-0-00-000	AUSTERMAN MICHAEL J & LORA BETH-TRUSTE	1613 N H HIGHWAY	LEVASY	MO	64066



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

January 3, 2024

RE: Public Hearing: RZ-2024-663
Michael Austerman

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 Michael Austerman for a change of zoning from District AG (Agricultural) on 5.74 ± acres to District RR (Residential Ranchette). The purpose is to create a single residential lot in the 1500 block of 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 1000' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, January 18, 2024 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- 2024-662663

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: Michael John Austermaun
- Current Mailing Address: P.O. Box 55, Leary, MO 64066
- Phone: 816-288-9111 email: cptdad@aol.com
- b. Legal Owner of Property: Michael J. Austermaun
- Current Mailing Address: P.O. Box 55, Leary, MO 64066
- Phone: 816-288-9111 email: cptdad@aol.com
- b. Legal Owner of Property: Lora B. Austermaun
- Current Mailing Address: P.O. Box 55, Leary, MO 64066
- Phone: 816-650-6321 email: auntbeezie@aol.com

2. General location (Road Name) North Outer Belt Road, 1 Quarter mile South of U.S. Highway 24
3. Present Zoning Agriculture Requested Zoning Residential, Agriculture
4. AREA (sq. ft. / acres) 249,956 ft² - 5.74 acres ±
5. Legal Description of Property: (Write Below or provide copy of deed and survey)
See attachment(s)
6. Present Use of Property: Agricultural
7. Proposed Use of Property: Residential / Agricultural
8. Proposed Time Schedule for Development: Jan. 2024 moving forward
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? North Boundary borders next to a flood plain area.
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 Provider City of Leawards
- b. Sewage disposal: Onsite Waste Water ☒ Public Sewer ☐
- c. Electricity Evergy
- d. Fire and Police protection Fort Osage Fire District
12. Describe existing road width and condition: State Highway
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): N/A

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)

[Signature]
Lora Beth Rusterman

Date

11-30-2023
11/30/2023

STATE OF Missouri
COUNTY OF Jackson

On this 30th day of Nov., in the year of 2023, before me
the undersigned notary public, personally appeared Michael + Lora Beth
Rusterman

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.

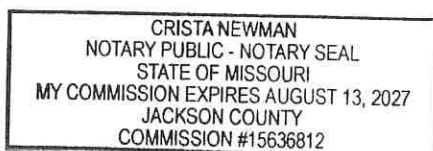
In witness whereof, I hereunto set my hand and official seal.

Notary Public

[Signature]

Commission Expires

8-13-27



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.

