

Request for Legislative Action

Ord. 5597

Date: February 7, 2022

Completed by County Counselor's Office			
Action Requested:	Ordinance	Res.Ord No.:	5597
Sponsor(s):		Legislature Meeting Date:	2/7/2022

Introduction
Action Items: ['Authorize']
Project/Title:
Graham Homes, LLC - RZ-2022-619

Request Summary
<p>Requesting a change of zoning from District RR (Residential Ranchette) on 92.00 ± acres to District AG (Agricultural) and a change of zoning from District AG (Agricultural) on 1.92± to District RR (Residential Ranchette) to allow for a development of nine 10.00± acre tracts and to bring a platted lot into compliance with the Unified Development Code.</p> <p>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.</p> <p>The Jackson County Plan Commission held a public hearing on January 20, 2022, and accepted testimony pertaining to the rezoning request.</p> <p>The Plan Commission voted 7 to 0 to recommend <u>APPROVAL</u> to the County Legislature</p>

Contact Information			
Department:	Public Works	Submitted Date:	1/26/2022
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:
3013	4/3/2000
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 1/26/2022 9:22:19 AM - [Submitted |]
Department Director: Brian Gaddie at 1/26/2022 10:20:59 AM - [Approved |]
Finance (Purchasing): Barbara J. Casamento at 1/26/2022 12:12:58 PM - [Not applicable |]
Compliance: Katie M. Bartle at 1/26/2022 1:52:57 PM - [Approved |]
Finance (Budget): Mark Lang at 1/26/2022 3:13:41 PM - [Not applicable |]
Executive: Troy Schulte at 1/27/2022 11:14:57 AM - [Approved |]
Legal: Elizabeth Freeland at 2/1/2022 2:41:52 PM - [Returned for more information | Please include O 3013 mentioned in back up.]
Submitter: Randy D. Diehl at 2/1/2022 3:34:51 PM - [Submitted | Updated Documentation with Ordinance 3013 attached]
Department Director: Kristina J. Johnson at 2/1/2022 3:46:49 PM - [Approved |]
Finance (Purchasing): Barbara J. Casamento at 2/1/2022 4:38:04 PM - [Not applicable |]
Compliance: Katie M. Bartle at 2/2/2022 9:57:44 AM - [Approved |]
Finance (Budget): Mark Lang at 2/2/2022 3:45:40 PM - [Not applicable |]
Executive: Sylvia Stevenson at 2/2/2022 3:57:21 PM - [Approved |]
Legal: Elizabeth Freeland at 2/3/2022 11:37:28 AM - [Approved |]

RZ-2022-619

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

That part of the East Half of Section 34, Township 48 North, Range 30 West, all being situated in Jackson County, Missouri more particularly described as follows: COMMENCING at the Southwest Corner of the Southeast Quarter of said Section 34; thence along the West line of said Southeast Quarter North 01°57'56" East, a distance of 40.35 feet; thence departing said West line South 88°02'04" East, a distance of 50.00 feet to the Southwest corner of Lot 1A, BURNETT ACRES, REPLAT OF LOT 1, a subdivision in Jackson County, Missouri; thence along the East Right of Way line of Buckner-Tarsney Road, 50.00 feet East of and Parallel to the West line of said Southeast Quarter North 01°57'56" East, a distance of 421.03 feet to the Northwest corner of said Lot 1A and the POINT OF BEGINNING; thence continuing along said East Right of Way line, North 01°57'56" East, a distance of 367.83 feet to the Northwest corner of said Lot 1; thence along the westerly prolongation of the North line of said Lot 1 and continuing along said East Right of Way line, North 88°26'05" West, a distance of 10.00 feet; thence continuing along said East Right of Way line, North 01°57'56" East, a distance of 908.61 feet to the intersection of said East Right of Way line with the westerly prolongation of the South line of Lot 1, LEE-HAMMOND ACRES a subdivision in Jackson County, Missouri; thence departing said East Right of Way line and along the South line of said Lot 1 South 88°33'12" East, a distance of 871.24 feet to the Southeast Corner of said Lot 1; thence along the East line of said Lot 1 North 01°57'56" East, a distance of 250.00 feet to the Northeast Corner of said Lot 1 and the North line of the South Half of the Northwest Quarter of the Southeast Quarter of said Section 34; thence along said North line South 88°33'12" East, a distance of 407.91 feet to the Northeast Corner of said South Half and the East line of the Northwest Quarter of said Southeast Quarter; thence along said East line North 01°58'32" East, a distance of 663.38 feet to the Northeast Corner of the Northwest Quarter of said Southeast Quarter; thence along the East line of the Southwest Quarter of the Northeast Quarter of said Section 34 North 02°07'58" East, a distance of 663.00 feet to the Northwest Corner of the South Half of the Southeast Quarter of said Northeast Quarter; thence along the North line of said South Half South 88°37'36" East, a distance of 1321.26 feet to the Northeast Corner of said South Half and the East line of said Section 34; thence along said East line South 02°18'10" West, a distance of 663.81 feet to the Northeast Corner of the Southeast Quarter of said Section 34; thence continuing along the East line of said Section 34 South 01°59'00" West, a distance of 333.64 feet; thence North 88°26'05" West, a distance of 659.60 feet to the East line of the West Half of the East Half of the Southeast Quarter of said Section 34; thence along said East line South 01°58'46" West, a distance of 1436.58 feet to the Northeast Corner of Lot 3, LEE-HAMMOND ACRES, 3RD PLAT a subdivision in Jackson County, Missouri; thence along the North line of said Lot 3 North 88°26'05" West; a distance of 242.62 feet to the Northwest Corner of said Lot 3; thence along the West line of said Lot 3 South 01°58'46" West, a distance of 219.00 feet to the Northeast Corner of Lot 2A of said LEE-HAMMOND ACRES, 3RD PLAT; thence along the North line of said Lot 2A North 88°26'16" West, a distance of 330.01 feet to

the Northwest Corner said Lot 2A; thence along the West line of said Lot 2A South $01^{\circ}58'46''$ West, a distance of 132.91 feet to the Northeast corner of Lot 3, of said BURNETT ACRES; thence along the North line of Lot 3 of said BURNETT ACRES, North $88^{\circ}26'05''$ West, a distance of 440.30 feet to the Northwest Corner of Lot 3 of said BURNETT ACRES; thence along the West line of Lot 3 of said BURNETT ACRES, South $01^{\circ}58'46''$ West, a distance of 495.00 feet to the Southeast corner of Lot 3 of said BURNETT ACRES; thence along the North Right of Way line of Hammond Road, North $88^{\circ}26'05''$ West, a distance of 397.42 feet to the Southeast corner of said Lot 1A; thence departing said North Right of Way line and along the East line of said Lot 1A, North $01^{\circ}48'38''$ East, a distance of 421.03 feet to the Northeast corner of said Lot 1A; thence along the North line of said Lot 1A, North $88^{\circ}26'05''$ West, a distance of 516.74 feet to the East Right of Way line Buckner-Tarsney Rd and the POINT OF BEGINNING. (Except the West 335 feet) and also;
The West 325 feet of Lot 1, Lee Hammond Acres, a subdivision in Jackson County, Missouri

RZ-2022-619

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from January 20, 2022

Staff Report

Location Map

Zoning map of surrounding area

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Application

Illustration of zoning request

Preliminary layout of proposed 10 acre tract development

Randy Diehl gave the staff report:

RE: RZ-2022-619

Applicant: Graham Homes Construction LLC

Location: Northeast corner of Buckner Tarsney & Hammond Road

Area: 92.00 ± acres

Request: Change of zoning from District AG (Agricultural) on 1.92 ± acres to District RR (Residential Ranchette) and District change 90.00 ± acres from District RR (Residential Ranchette) to District AG (Agricultural).

Purpose: The to allow for a development of nine 10+ acre tracts and to bring a platted lot into compliance with the development code.

Current Land Use and Zoning in the Area:

Zoning in the area is predominantly agricultural with land uses being single family residences with the larger tracts being farmed. There are platted lots with single family residences within the immediate area.

The subject property was rezoned by Ordinance No. 3013 in 2000 for a 21-lot residential subdivision. Development for the project never commenced. Subsequently there have been four plats recorded creating six lots. All the lots are completely within the existing zoning, except a portion of Lot 1, Lee-Hammond Acres. The west 325 feet of said lot is within District AG.

The applicant is creating a nine-tract survey development with each tract being at least 10 acres in size. The request is to back-zone the area for the tracts from District RR to AG. The west of Lot 1 will be rezoned to RR which puts the entire lot into a residential zoning.

County Plan:

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT).

Recommendation:

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

Staff recommends APPROVAL of RZ-2022-619

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: So, the major portion is being rezoned from District RR back to District AG? The tract sizes will be larger than 10 acres.

Mr. Diehl: That is correct.

Mr. Antey: The other is bringing a portion of the existing lot into compliance with zoning into District RR?

Mr. Diehl: Yes.

Mr. Antey: Are there any questions for Randy?

Mr. Crawford: We have a lot with two different zoning on it? Is this unusual?

Mr. Diehl: To an extent. We have a couple of other properties that have a split zoning. The original rezoning left a portion within District AG. This single lot was not part of the original plan and therefore has a split zoning. We would use the residential zoning standards when it came time to review building permits.

Mr. Tarpley: Are the existing lots on the South zoned agricultural?

Mr. Diehl: No. They are with District RR from the 2000 zoning. They are not part of this request.

Mr. Crawford: Is there a house on Lot 1?

Mr. Diehl: No is does not.

Mr. Lake: What is the minimum lot size?

Mr. Diehl: For this area, 5 acres for new platted lots.

Mr. Tarpley: There aren't too many houses in the area?

Mr. Diehl: No. Most of the properties out there are larger tracts, and you have the Blue and Gray Park across the road.

Mr. Antey: Is the applicant here?

Danny Graham: 701 S Eagle Dr, Oak Grove, MO

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

Mr. Graham: No. Not really. I think 10 acres tracts will work better for that area instead of 5 acres. The area has a lot a character and we'd like to preserve that.

Mr. Antey: You don't see that very often. Usually, developers try and fit more instead of less into an area.

Mr. Graham: With the horse park across the street, we are trying to take advantage of the equestrian aspect. We'll have some restrictions that will help keep things organized out there.

Mr. Antey: *Is there anyone else who is in favor of this application?*

Brad Harkin: I'm with Lovelace and Associates. 929 SE 3rd Street, Lee's Summit, MO. We are the surveyors for Mr. Graham.

Mr. Antey: Do you have anything to add?

Mr. Harkin: No.

Mr. Lake: Who changed for zoning originally?

Mr. Diehl: A previous owner had the zoning changed in 2000. The develop planned at that time never happened.

Mr. Antey: *Is there anyone who is opposed or has questions regarding this application?*

There were none.

Motion to take under advisement.

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

Discussion under advisement

Mr. Antey: It's an unusual one. I like it that they are removing the split zoning. I like it that it preserves the integrity of that piece of property.

Mr. Tarpley: I like it that it's across the street from the horse park.

Mr. Lake: I live out that way and have used that park.

Mr. Crawford: I like it that it has plenty of green space.

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

Mr. Tarpley	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

January 20, 2022

RE: RZ-2022-619

Applicant: Graham Homes Construction LLC

Location: Northeast corner of Buckner Tarsney & Hammond Road

Area: 92.00 ± acres

Request: Change of zoning from District AG (Agricultural) on 1.92 ± acres to District RR (Residential Ranchette) and District change 90.00 ± acres from District RR (Residential Ranchette) to District AG (Agricultural).

Purpose: The to allow for a development of nine 10+ acre tracts and to bring a platted lot into compliance with the development code.

Current Land Use and Zoning in the Area:

Zoning in the area is predominantly agricultural with land uses being single family residences with the larger tracts being farmed. There are platted lots with single family residences within the immediate area.

The subject property was rezoned by Ordinance No. 3013 in 2000 for a 21-lot residential subdivision. Development for the project never commenced. Subsequently there have been four plats recorded creating six lots. All the lots are completely within the existing zoning, except a portion of Lot 1, Lee-Hammond Acres. The west 325 feet of said lot is within District AG.

The applicant is creating a nine-tract survey development with each tract being at least 10 acres in size. The request is to back-zone the area for the tracts from District RR to AG. The west of Lot 1 will be rezoned to RR which puts the entire lot into a residential zoning.

County Plan:

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT).

Recommendation:

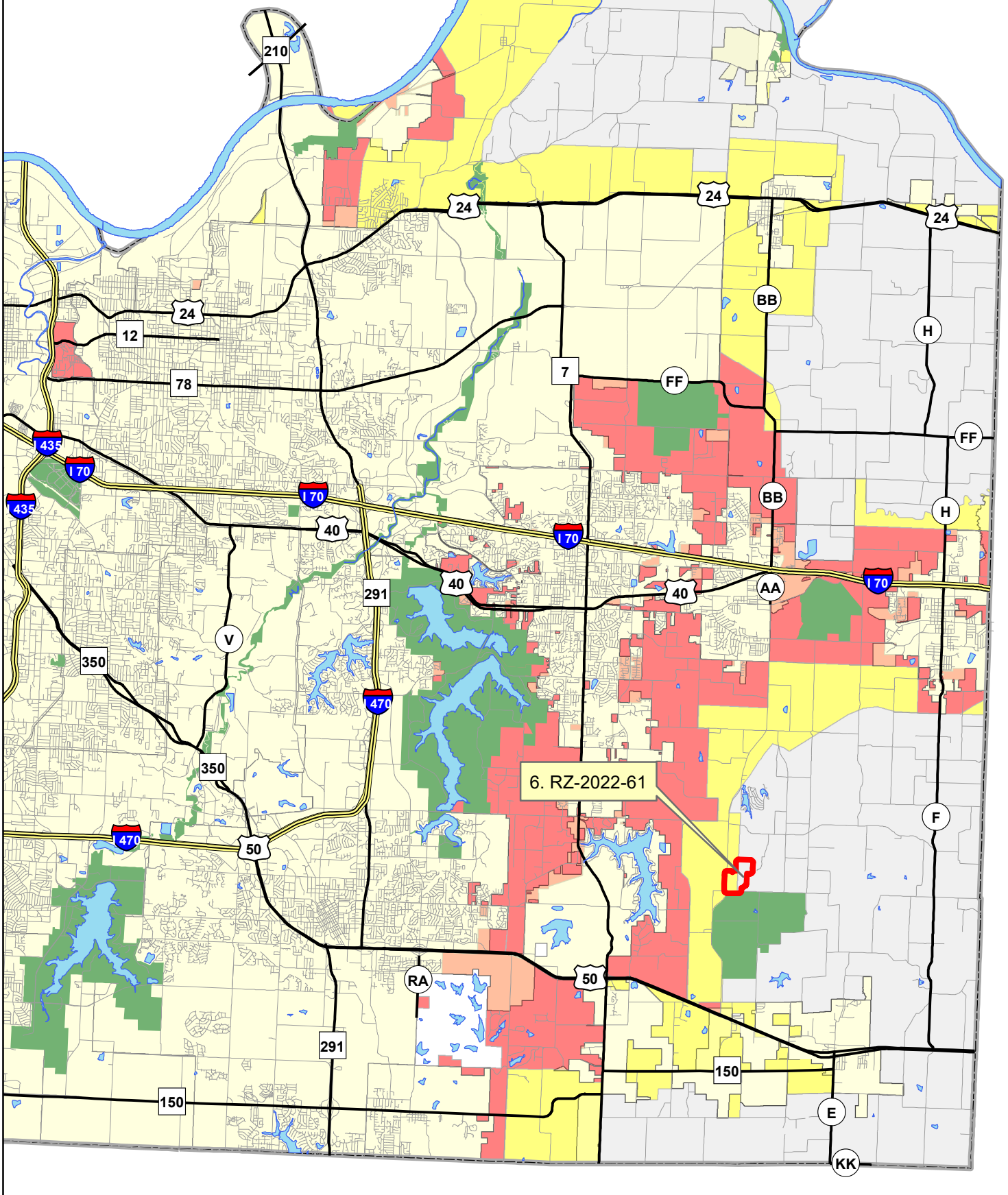
This request for rezoning is consistent with the intent and purpose of the County Plan.

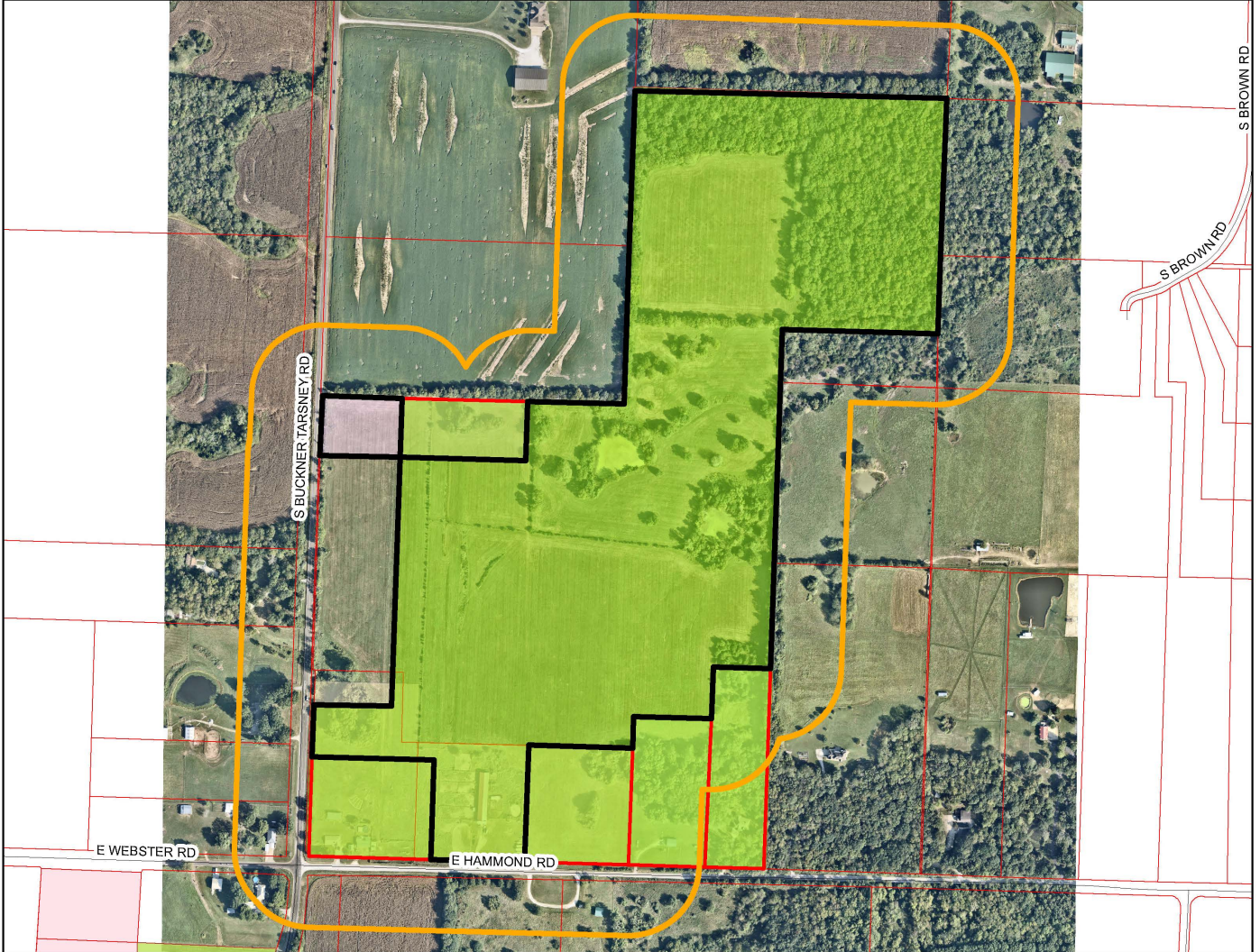
Staff recommends APPROVAL of RZ-2022-619

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
January 20, 2022
Agenda Location Map





Plan Commission January 20, 2022

LA- 2022- 042 & RZ-2022-619

Property Owners Within 300 feet

Name	Name	Address	City	State	Zip
55-900-03-08-02-0-00-000	LIGHTNER JIMMY D SR & LINDA	10620 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
55-900-03-08-01-0-00-000	SEATON JIMMIE RAY-TR	10600 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
55-900-03-07-00-0-00-000	SEATON JIMMIE RAY-TR	10600 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
55-900-03-03-00-0-00-000	FOWLER RAY DEAN & ETTA MAY-TR	10512 S BUCKNER TARNSEY RD	GRAIN VALLEY	MO	64029
55-900-03-01-00-0-00-000	PECK CYNTHIA GAIL	3302 SW 1ST PL	CAPE CORAL	FL	33914
55-900-04-02-00-0-00-000	CHAPMAN R STEVEN & THOMASA J-TRUSTEES	10021 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
55-900-01-02-00-0-00-000	CHAPMAN R STEVEN & THOMASA J-TRUSTEES	10021 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
55-500-03-15-01-0-00-000	CHOPLIN FAMILY TRUST	PO BOX 2954	GRAIN VALLEY	MO	64029
55-800-02-10-00-0-00-000	SEVILLA-LOPEZ SERGIO & SEVILLA CYNTHIA P	10100 S BROWN RD	OAK GROVE	MO	64075
55-800-02-11-00-0-00-000	CHAPMAN DEBORAH KAY	3510 S OSAGE ST	INDEPENDENCE	MO	64055
55-900-04-07-00-0-00-000	AARON GENE D JR & BRENDA	PO BOX 33	CORDER	MO	64021
55-800-03-07-00-0-00-000	AARON GENE D JR & BRENDA	PO BOX 33	CORDER	MO	64021
55-800-03-04-01-5-00-000	COWLEY MYRON D	32610 E HAMMOND RD	GRAIN VALLEY	MO	64029
55-900-04-05-01-1-00-000	COWLEY MYRON D	32610 E HAMMOND RD	GRAIN VALLEY	MO	64029
55-900-04-11-00-0-00-000	BAUER STEPHEN R & MICHELLE L	32108 E HAMMOND RD	GRAIN VALLEY	MO	64029
55-900-04-10-00-0-00-000	LEE MARK E & BRANDY M	31904 E HAMMOND RD	GRAIN VALLEY	MO	64029
58-300-02-10-01-0-00-000	JACKSON COUNTY MISSOURI				
58-300-01-02-00-0-00-000	JACKSON COUNTY MISSOURI				
58-300-01-01-00-0-00-000	JACKSON COUNTY MISSOURI				
55-900-04-12-00-0-00-000	GRAHAM HOMES CONSTR LLC	31606 E HAMMOND RD	GRAIN VALLEY	MO	64029
55-900-04-15-00-0-00-000	GRAHAM HOMES CONSTR LLC	31606 E HAMMOND RD	GRAIN VALLEY	MO	64029
55-900-04-14-00-0-00-000	GRAHAM HOMES CONSTR LLC	31606 E HAMMOND RD	GRAIN VALLEY	MO	64029
55-900-04-13-00-0-00-000	GRAHAM HOMES CONSTR LLC	31606 E HAMMOND 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

January 6, 2022

RE: Public Hearing: RZ-2022-619 & LA-2022-042
Graham Homes 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 Graham Homes LLC for a change of zoning from District AG (Agricultural) on 1.92 ± acres to District RR (Residential Ranchette) and a change of zoning from District RR (Residential Ranchette) on 90.00± to District AG (Agricultural). Also requesting the vacation of a portion of Burnett Acres. The location is in the Southeast Quarter of Section 34, Township 48, Range 30, at the Northeast corner of Buckner Tarsney and Hammond Roads.

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 300' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, January 20, 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- 2022-619
Date filed 12-15-21 Date of hearing 1-20-22
Date advertised 1-5-22 Date property owners notified 1-5-22
Date signs posted 1-5-22
Hearings: Heard by PC Date 1-20-22 Decision _____
Heard by LU Date _____ Decision _____
Heard by LG Date _____ Decision _____

BEGIN APPLICATION HERE:

1. **Data on Applicant(s) and Owner(s):**
 - a. Applicant(s) Name: Danny Graham
Address: 701 SW Eagle Dr.
Oak Grove, MO 64075
Phone: 816-716-9023
 - b. Owner(s) Name: Graham Homes Construction, LLC
Address: 701 SE Eagle Dr., Oak Grove, MO 64075
Phone: 816-716-9023
 - c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: Owner

2. General location (Road Name) NE Quadrant intersection Buckner Tarsney & Hammond Rd

3. Present Zoning Partial AG/ Partial RR Requested Zoning All AG + PT RR

4. AREA (sq. ft. / acres) 4,237,777 square feet/97.286 Acres more or less

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

Attached

6. Present Use of Property: Horse Pasture

7. Proposed Use of Property: Large 10+ Acre tracts for single family residence.

8. Proposed Time Schedule for Development: Begin 02/01/2022

with three month completion schedule

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

Possibly increase property value.

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? None known

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

a. Water Rural Water District 15 - add customers

b. Sewage disposal N/A

c. Electricity Evergny - it will add customers

d. Fire and Police protection Lone Jack Fire/Jackson County Sheriff - add 8 new parcels

12. Describe existing road width and condition: Asphalt Road in Good Condition, 21' wide

13. What effect will proposed development have on existing road and traffic conditions? At most 8 parcels would be added to what already exists.

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? None known

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 David Calhoun Date 12-15-21
Property Owner(s) _____

Applicant(s): Graham Homes Construction LLC _____

Contract Purchaser(s): _____

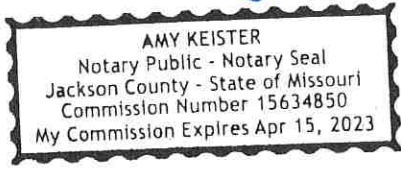
STATE OF Missouri
COUNTY OF Jackson

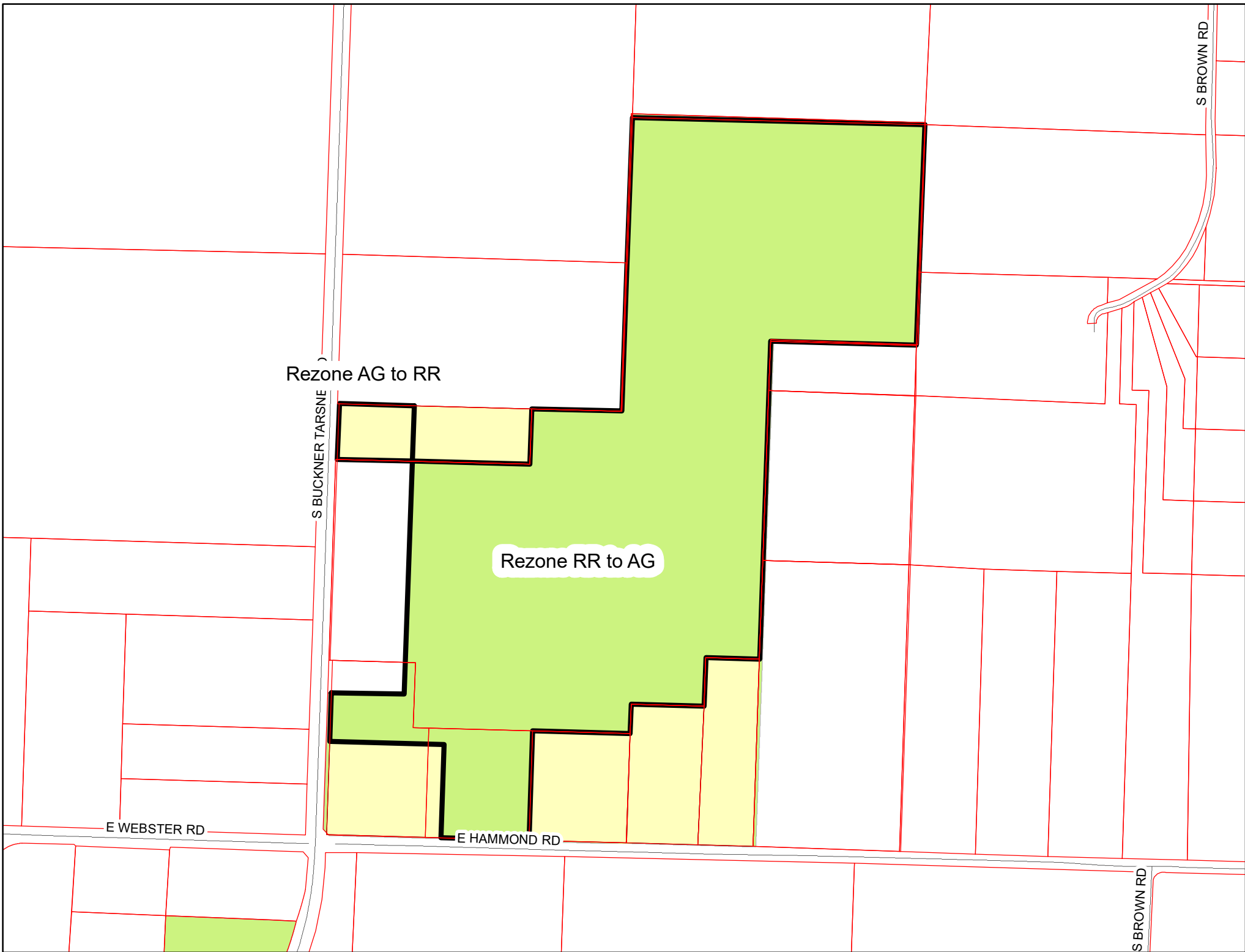
On this 15 day of December, in the year of 2021, before me the undersigned notary public, personally appeared _____

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 Amy Keister Commission Expires 4/15/2023





Rezone AG to RR

Rezone RR to AG

S BUCKNER TARSNE

E WEBSTER RD

E HAMMOND RD

S BROWN RD

S BROWN RD

