

# Request for Legislative Action

Ord. #5631

Date: June 13, 2022

## Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5631
Sponsor(s):		Legislature Meeting Date:	6/13/2022

## Introduction

**Action Items:** ['Authorize']

**Project/Title:**

Joseph O'Conner - RZ-2022-630

## Request Summary

Requesting a change of zoning from District AG (Agricultural) on 1.05 ± acres to District RS (Residential Suburban). The purpose is to decrease the building setback lines for future construction at 25400 E. 130th Street.

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 May 19, 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

<b>Department:</b>	Public Works	<b>Submitted Date:</b>	5/31/2022
<b>Name:</b>	Randy D. Diehl	<b>Email:</b>	RDiehl@jacksongov.org
<b>Title:</b>	Development Administrator	<b>Phone:</b>	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		
<b>Single Source Funding:</b>			
Fund:	Department:	Line Item Account:	Amount:
			<b>!Unexpected End of Formula</b>

## Request for Legislative Action

<b>Prior Legislation</b>	
<b>Prior Ordinances</b>	
Ordinance:	Ordinance date:
<b>Prior Resolution</b>	
Resolution:	Resolution date:

<b>Purchasing</b>	
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?	

<b>Compliance</b>	
<b>Certificate of Compliance</b>	
Not Applicable	
<b>Minority, Women and Veteran Owned Business Program</b>	
Goals Not Applicable for following reason: Not spending money	
MBE:	.00%
WBE:	.00%
VBE:	.00%
<b>Prevailing Wage</b>	
Not Applicable	

<b>Fiscal Information</b>	
<ul style="list-style-type: none"> <li>This legislative action does not impact the County financially and does not require Finance/Budget approval.</li> </ul>	

## Request for Legislative Action

### History

Submitted by Public Works requestor: Randy D. Diehl on 5/31/2022. Comments: Land Use hearing scheduled for June 27, 2022

Approved by Department Approver Brian Gaddie on 5/31/2022 4:27:25 PM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 5/31/2022 4:36:42 PM. Comments:

Approved by Compliance Office Approver Katie M. Bartle on 6/1/2022 10:49:00 AM. Comments:

Not applicable by Budget Office Approver Mary Rasmussen on 6/1/2022 11:23:46 AM. Comments:

Approved by Executive Office Approver Sylvya Stevenson on 6/2/2022 10:50:46 AM. Comments:

Approved by Counselor's Office Approver Elizabeth Freeland on 6/3/2022 10:37:18 AM. Comments:

**RZ-2022-630**

**ATTACHMENT 1: PROPERTY DESCRIPTION**

**Description:**

Lot 37, Trophy Estates, a subdivision in Jackson County, Missouri

**RZ-2022-630**

**ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION**

Attachments

Plan Commission Public Hearing Summary from May 19, 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

**Randy Diehl gave the staff report:**

**RE: RZ-2022-630**

**Applicant:** Joseph G O'Connor

**Location:** Lot 37, Trophy Estates, 24500 E. 130<sup>th</sup> Street

**Area:** 1.05 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RS (Residential Suburban)

**Purpose:** Applicant is requesting the change in zoning in order to decrease the building setback lines requirements for future construction.

**Current Land Use and Zoning in the Area:**

The zoning in the area is predominately Agricultural. The land use within the platted subdivision is single family residences. Trophy Estates was platted in 1977 and 1979. The Zoning Order (adopted in 1960) in place at the did not require a change in zoning for platted lots. Therefore, Trophy Estates is within District AG (Agricultural).

There have been 11 lots rezoned in the development for the same purpose as this application.

The north side yard setback will be reduced from 50 to 20 feet. The side yard setbacks will be reduced from 30 to 15 feet. The south side yard will remain at 75 feet as that setback was established on the recorded plat.

**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-2022-630.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

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

Mr. Johnson: Do all those lots that have been rezoned have the same setbacks?

Mr. Diehl: Yes, and it brings these lots into compliance with the UDC.

**Mr. Antey: Is the applicant here?**

Joseph O'Conner: 25400 E 130<sup>th</sup> Street.

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

Mr. O'Conner: No. I'm doing exactly what all the others have done.

Mr. Hilliard: What are you planning on building?

Mr. O'Conner: An outbuilding. Probably a garage.

**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. Farrar seconded.

*Discussion under advisement*

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

Mr. Johnson	Approve
Mr. Crawford	Approve
Mr. Hilliard	Approve
Ms. Ryerkerk	Approve
Mr. Farrar	Approve
Mr. Lake	Approve
Chairman Tarpley	Approve

Motion Carried 7 – 0

## STAFF REPORT

### PLAN COMMISSION May 19, 2022

RE: RZ-2022-630

**Applicant:** Joseph G O'Connor

**Location:** Lot 37, Trophy Estates, 24500 E. 130<sup>th</sup> Street

**Area:** 1.05 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RS (Residential Suburban)

**Purpose:** Applicant is requesting the change in zoning in order to decrease the building setback lines requirements for future construction.

#### Current Land Use and Zoning in the Area:

The zoning in the area is predominately Agricultural. The land use within the platted subdivision is single family residences. Trophy Estates was platted in 1977 and 1979. The Zoning Order (adopted in 1960) in place at the did not require a change in zoning for platted lots. Therefore, Trophy Estates is within District AG (Agricultural).

There have been 11 lots rezoned in the development for the same purpose as this application.

The north sideyard setback will be reduced from 50 to 20 feet. The sideyard setbacks will be reduced from 30 to 15 feet. The south sideyard will remain at 75 feet as that setback was established on the recorded plat.

#### 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.

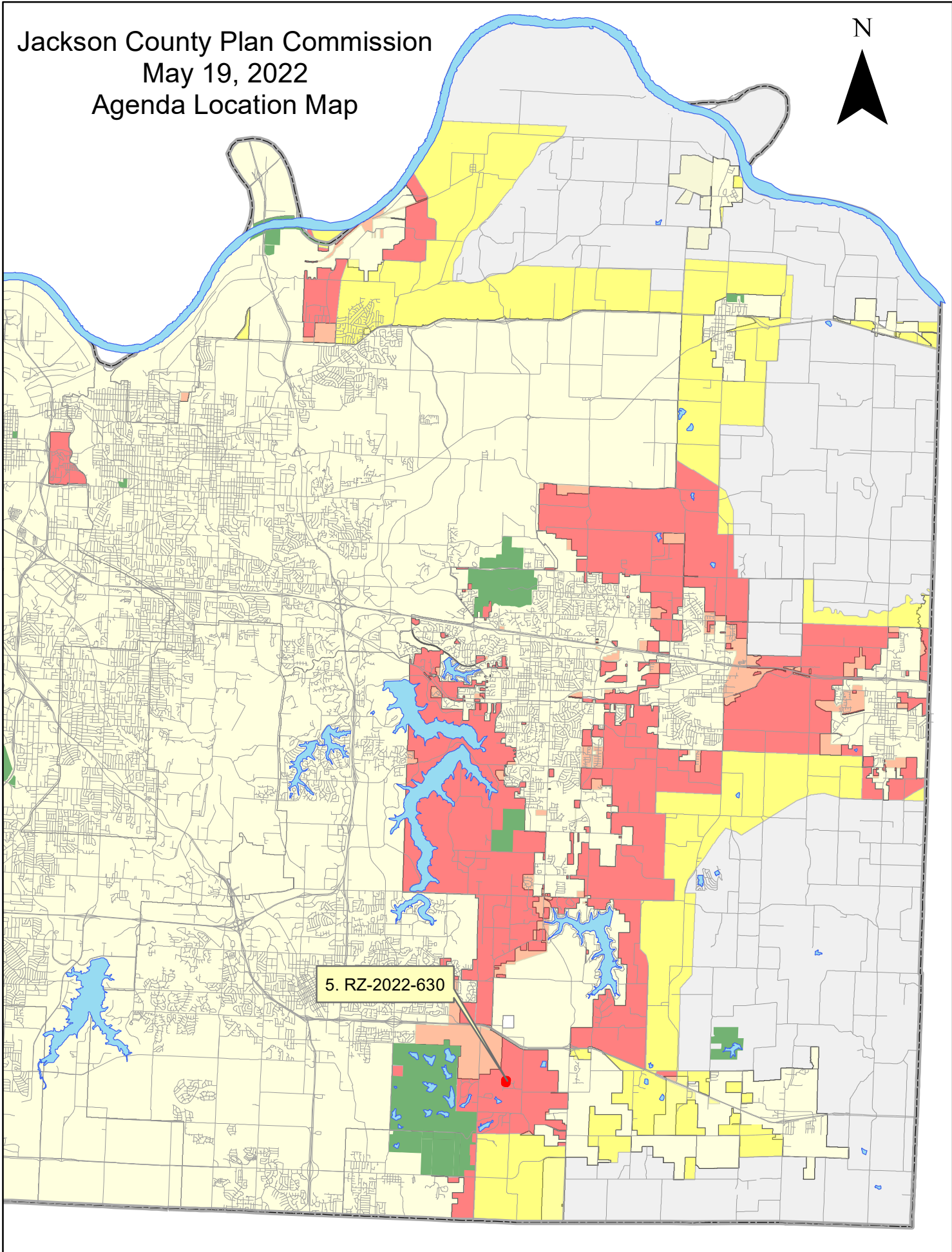
Staff recommends APPROVAL of RZ-2022-630.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator



Jackson County Plan Commission  
May 19, 2022  
Agenda Location Map





Plan Commission May 19, 2022  
RZ-2022-630  
Property Owners Within 185 feet

Parcel	owner	address	city	state	zip
60-700-04-74-00-0-00-000	WHITE WILLIAM L & LISA A	12714 S HARRIS RD	GREENWOOD	MO	64034
60-700-04-75-00-0-00-000	WHITE WILLIAM L & LISA A	12714 S HARRIS RD	GREENWOOD	MO	64034
60-700-04-26-00-0-00-000	HENRY ROBERT W & BARBARA K	25308 E 130TH ST	GREENWOOD	MO	64034
60-700-04-41-00-0-00-000	HOLSTROM AARON & MELISSA	25303 E 130TH ST	GREENWOOD	MO	64034
60-700-04-40-00-0-00-000	HILKER DONALD R & CYNTHIA A	25311 E 130TH ST	GREENWOOD	MO	64034
60-700-04-39-00-0-00-000	FOLTZ ROBERT C & LINDA	25403 E 130TH ST	GREENWOOD	MO	64034
60-700-04-38-00-0-00-000	BUCK JAMES K JR	25409 E 130TH ST	GREENWOOD	MO	64034
60-700-04-29-00-0-00-000	MEDRANO JESUS S & EVONNE E	25412 E 130TH ST	GREENWOOD	MO	64034
60-700-04-28-00-0-00-000	BOYLES JOSEPH R & DEBORAH K	25406 E 130TH ST	GREENWOOD	MO	64034
60-700-04-25-00-0-00-000	HUGHES DOUGLAS & BLAIRE	25302 E 130TH ST	GREENWOOD	MO	64034
60-700-04-27-00-0-00-000	O'CONNOR JOSEPH G	25400 E 130TH ST	GREENWOOD	MO	64034



## 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

May 4, 2022

RE: Public Hearing: RZ-2022-630  
Joseph G O'Connor

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 Joseph G O'Connor for a change of zoning from District AG (Agricultural) on 1.05 ± acres to District RS (Residential Suburban). The 1.05 ± acres is described as Lot 37, Trophy Estates, 24500 E. 130<sup>th</sup> Street.

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, May 19, 2022, at 8:30 a.m. in the Large Conference Room, 2<sup>nd</sup> 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**

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**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- 2022-630

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 \_\_\_\_\_

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**BEGIN APPLICATION HERE:**

**1. Data on Applicant(s) and Owner(s):**

- a. Applicant(s) Name: Joseph O'Connor  
Address: 25400 E 130<sup>th</sup> ST  
Greenwood, MO 64034  
Phone: 816-267-1032
- b. Owner(s) Name: Joseph O'Connor  
Address: 25400 E 130<sup>th</sup> ST, Greenwood, MO, 64034  
Phone: 816-267-1032
- c. Agent(s) Name: N/A



Address: \_\_\_\_\_

Phone: \_\_\_\_\_

d. Applicant's interest in Property: Owner

2. General location (Road Name) 25400 E 130th Street

3. Present Zoning Agricultural Requested Zoning Residential

4. AREA (sq. ft. / acres) 1 Acre

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

Lot 37, Trophy Estates  
Subdivision in Jackson County, Missouri

6. Present Use of Property: Residential

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: 2022 - 2023

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 None

b. Sewage disposal None

c. Electricity None

d. Fire and Police protection None

12. Describe existing road width and condition: Approx 28'

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

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14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? Yes

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If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): pending not submitted yet

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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)

[Signature]

April 4, 2022

Applicant(s):

[Signature]

April 4, 2022

Contract Purchaser(s):

\_\_\_\_\_

\_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

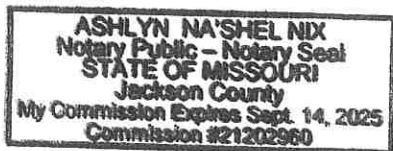
On this Monday 4<sup>th</sup> day of April, in the year of 2022, before me the undersigned notary public, personally appeared Joseph Gary Oconnor

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 Ashlyn Nix

Commission Expires September 14, 2025





RS

AG

RS

RS

RS

E 130TH ST

130TH TER

AG

