

Request for Legislative Action

Ord. #5518
Date: June 14, 2021

Completed by County Counselor's Office			
Action Requested:	Ordinance	Res.Ord No.:	5518
Sponsor(s):	Tony Miller	Legislature Meeting Date:	6/14/2021

Introduction
Action Items: ['Authorize']
Project/Title:
Zachary E & Krista A Harvkey – RZ-2021-603

Request Summary
<p>Requesting a change of zoning from District AG (Agricultural) on 01.57 ± acres to District RS (Residential Suburban) to decrease the building line setbacks for construction of an outbuilding at 15315 S. Stewart Road.</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 May 20, 2021 and accepted testimony pertaining to the rezoning request.</p> <p>The Plan Commission voted 6 to 0 to recommend <u>APPROVAL</u> to the County Legislature.</p>

Contact Information			
Department:	Public Works	Submitted Date:	5/24/2021
Name:	Randy Diehl	Email:	rdiehl@jacksongov.org
Title:	Administrator, Development Division	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: Zoning - 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 Diehl at 5/24/2021 1:16:38 PM - [Submitted |]
Department Director: Brian Gaddie at 5/25/2021 3:17:15 PM - [Returned for more information | Adjust attachments, as discussed.]
Submitter: Randy D. Diehl at 5/26/2021 7:52:40 AM - [Submitted | Revised support documentation provided]
Department Director: Brian Gaddie at 6/1/2021 10:25:52 AM - [Approved |]
Finance (Purchasing): Barbara J. Casamento at 6/1/2021 11:19:03 AM - [Not applicable |]
Audit: Katie M. Bartle at 6/1/2021 12:45:09 PM - [Approved | eRLA 106]
Finance (Budget): Mark Lang at 6/2/2021 1:02:52 PM - [Not applicable |]
Executive: Troy Schulte at 6/3/2021 8:43:31 AM - [Approved |]
Legal: Elizabeth Freeland at 6/4/2021 1:02:36 PM - [Approved |]

RZ-2021-603

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

Lot 2, Branton Acres, a subdivision in Jackson County, Missouri

202RZ-2021-603

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Public Hearing Summary from May 20, 2021 Plan Commission

Staff Report

Location Map

Map showing current zoning district in area

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Application

Plot plan

Pictures

Copy of Sunny Branton Acres

Randy Diehl gave the staff report:

PLAN COMMISSION
May 20, 2021

RE: RZ-2021-603

Applicant: Zachary E & Krista Harvkey

Location: 15315 S. Stewart Road

Area: 01.57 ± acres

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

Purpose: Decrease the building setback requirements for construction of an outbuilding.

Current Land Use and Zoning in the Area:

Branton Acres was platted in 1988. Deer Acres, across the road, was platted in 1993. Lot 3 of Deer Acres was rezoned to District RE in 2011.

Subdivisions platted prior to the adaption of the Unified Development Code in 1995 were not required to be rezoned, therefore they are within District AG, Agricultural.

The setbacks for AG are: 50' front and rear, and 30' side yards.

RS setbacks are: 50' front (platted), 20' rear yard, and 15' side.

The applicant has built a 30 x 50 outbuilding. The building is setback 60 feet front the side or south line and is 40 feet from the rear or east line.

The homes wastewater pond is to forward of the building. Having the rear setback reduced allows sufficient clearance from the septic system tanks and lines.

County Plan:

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

Recommendation:

Staff recommends APPROVAL of RZ-2021-603

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: Are there any questions for Randy?

There were none.

Mr. Antey: Is the applicant here?

Zachary Harvkey: 15315 S. Stewart Road

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

Mr. Harvkey No, I do not.

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

Discussion under advisement

Mr. Tarpley moved to approve RZ-2021-603. Mr. Haley seconded.

Mr. Tarpley	Approve
Mr. Crawford	Approve
Mr. Haley	Approve
Mr. Hilliard	Approve
Ms. Mershon	Approve
Chairman Antey	Approve

Motion Carried 6 – 0

STAFF REPORT

PLAN COMMISSION

May 20, 2021

RE: RZ-2021-603

Applicant: Zachary E & Krista Harvkey

Location: 15315 S. Stewart Road

Area: 01.57 ± acres

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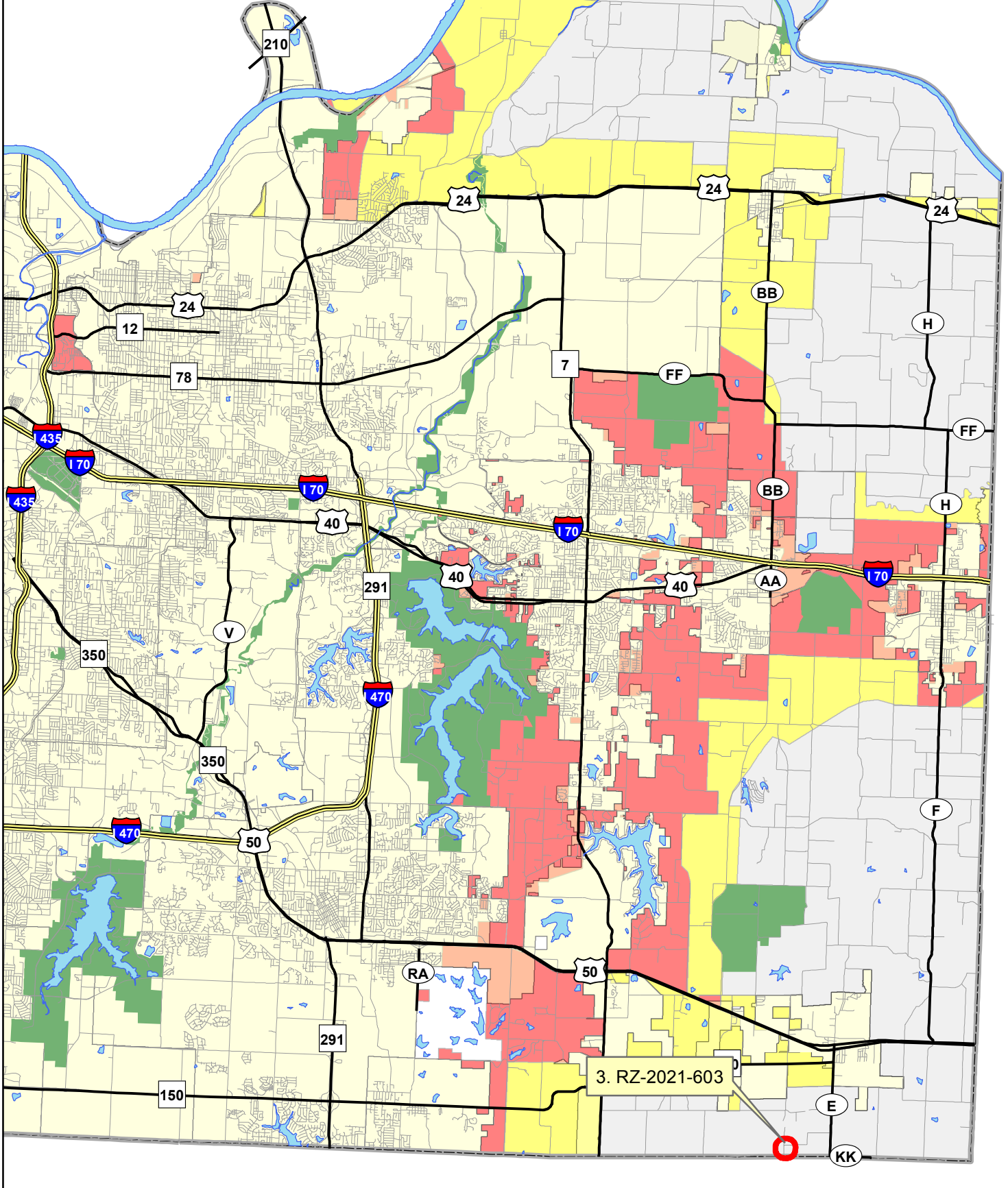
Recommendation:

Staff recommends APPROVAL of RZ-2021-603

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
May 20, 2021
Agenda Location Map



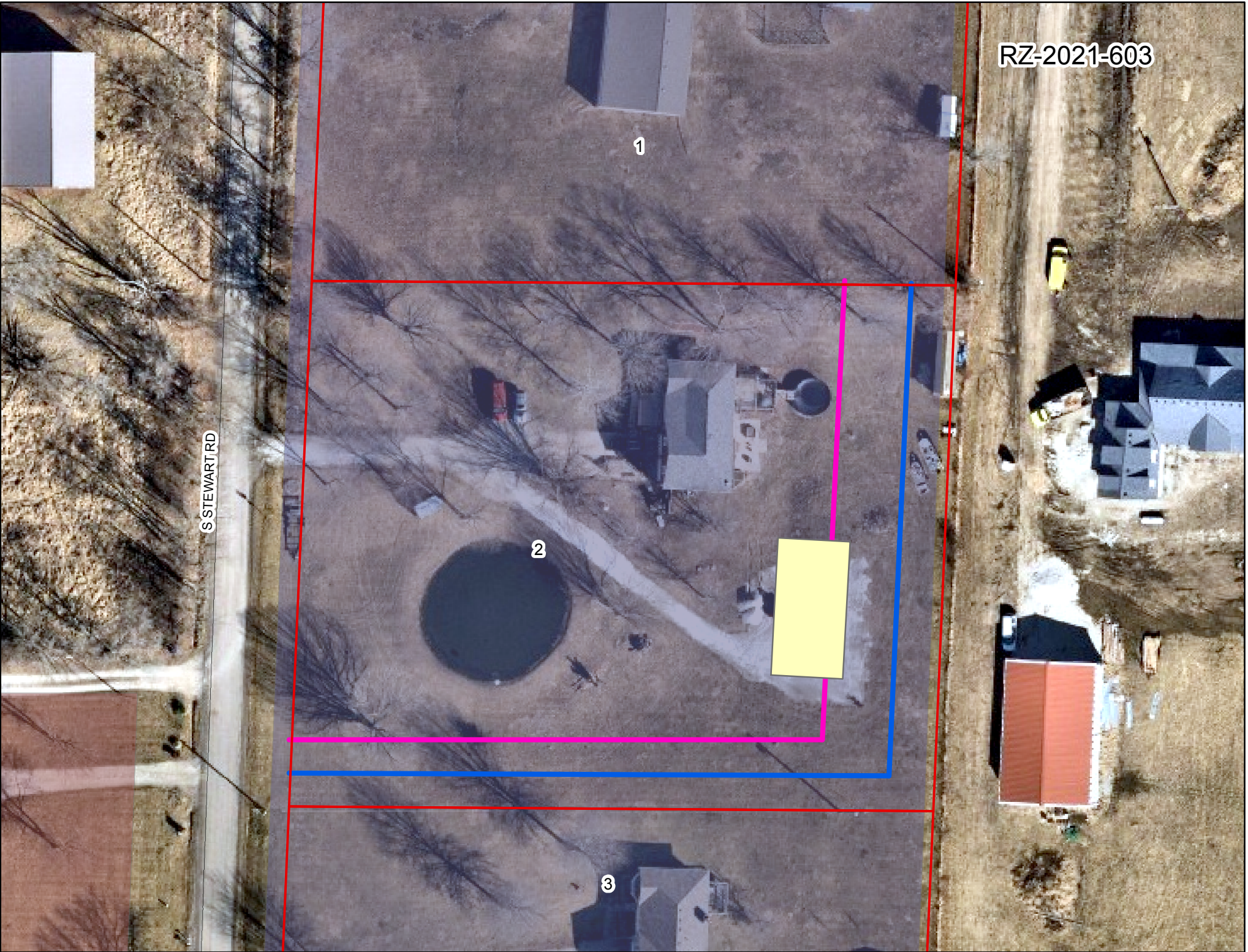
RZ-2021-603

S STEWART RD

1

2

3



Plan Commission May 20, 2021

RZ-2021-603

Property Owners Within 1000 feet

Parcel	Name	Address	City	State	Zip
73-800-04-08-00-0-00-000	HIGHTOWER DAVID & NICOLE	33708 E COUNTY LINE RD	PLEASANT HILL	MO	64080
73-800-04-09-00-0-00-000	GLOVER MATTHEW & STACY	15322 S STEWART RD	PLEASANT HILL	MO	64080
73-800-04-12-00-0-00-000	KEELY WILLIAM R & PATTI M	15316 S STEWART RD	PLEASANT HILL	MO	64080
73-700-03-05-00-0-00-000	DELBRIDGE AARON & APRIL	34011 E STEWART RD	PLEASANT HILL	MO	64080
73-800-04-05-00-0-00-000	METCALF LOUIE JR & LORIE A	33908 E COUNTY LINE RD	PLEASANT HILL	MO	64080
73-700-03-03-01-4-00-000	STEPHEN P SOMMER TRUST	34103 E STEWART R	PLEASANT HILL	MO	64080
73-700-03-03-01-5-00-000	JAMES WILLIAM P & PENELOPE M	34205 E STEWART RD	PLEASANT HILL	MO	64080
73-700-03-09-00-0-00-000	RING DONNA R	15417 S STEWART RD	PLEASANT HILL	MO	64080
73-700-03-07-00-0-00-000	SMITH MARK H & JANA L	15405 S STEWART RD	PLEASANT HILL	MO	64080
73-800-04-06-00-0-00-000	BELL DOUGLAS G & MOORE MIA G-TR	33900 E COUNTY LINE RD	PLEASANT HILL	MO	64080
73-800-04-07-00-0-00-000	GEORGE DANIEL L & SUSAN J	33804 E COUNTY LINE RD	PLEASANT HILL	MO	64080
73-700-03-03-01-6-00-000	YOUNG DOUGLAS K & LINDA W	34305 E STEWART RD	PLEASANT HILL	MO	64080
73-800-04-10-00-0-00-000	KEELY WILLIAM R	15316 S STEWART RD	PLEASANT HILL	MO	64080
73-800-04-13-00-0-00-000	THOMPSON STANLEY F & REBECCA JEAN	15417 S STEWART RD	PLEASANT HILL	MO	64080
73-800-04-15-00-0-00-000	GREEN RANDALL S	15110 S HUTT RD	PLEASANT HILL	MO	64080
73-700-02-06-01-0-00-000	BARKER DAVID G & DONNA L	PO BOX 246	LONE JACK	MO	64070
73-800-04-14-00-0-00-000	BARKER DAVID G & DONNA L	PO BOX 246	LONE JACK	MO	64070
73-800-01-12-00-0-00-000	BARKER DAVID G & DONNA L	PO BOX 246	LONE JACK	MO	64070
73-700-03-06-00-0-00-000	HARVKEY ZACHARY E & KRISTA A	15315 S STEWART RD	PLEASANT HILL	MO	64080



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 5, 2021

RE: Public Hearing: RZ-2021-603
Zachary E & Krista A Harvkey

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 Zachary E & Krista A Harvkey for a change of zoning from District AG (Agricultural) on 01.57 ± acres to District RS (Residential Suburban) to decrease the building line setbacks at 15315 S. Stewart Road, Jackson County, Missouri.

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, May 20, 2021 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 881-4649.

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- 2021- 603
Date filed 3-3-21 Date of hearing 5-20-21
Date advertised 5-5-21 Date property owners notified 5-5-21
Date signs posted 5-5-21
Hearings: Heard by PC Date 5-20-21 Decision _____
Heard by LO Date _____ Decision _____
Heard by LG Date _____ Decision _____

BEGIN APPLICATION HERE:

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

- a. Applicant(s) Name: Krista and Zak Harvkey
Address: 15315 S. Stewart Rd
Pleasant Hill, MO 64080
Phone: (816) 200-6781
- b. Owner(s) Name: Krista and Zak Harvkey
Address: 15315 S. Stewart Rd Pleasant Hill, MO 64080
Phone: (816) 200-6781
- c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: _____

2. General location (Road Name) Stewart Rd.

3. Present Zoning ~~AG~~ Requested Zoning ~~AG~~ SF Residential

4. AREA (sq. ft. / acres) 1.57 acres

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

Lot 2, Branton Acres, a subdivision in Jackson County, Missouri according to the recorded plat thereof

6. Present Use of Property: Residential

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: 2 months

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 _____

b. Sewage disposal _____

c. Electricity _____

d. Fire and Police protection _____

12. Describe existing road width and 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]
[Handwritten Signature]

3/3/2021
3-3-21

Applicant(s):

Contract Purchaser(s):

STATE OF Missouri
COUNTY OF Jackson

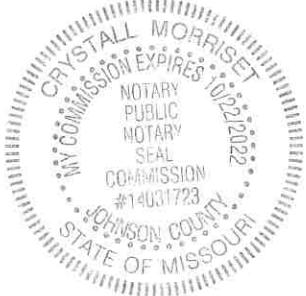
On this 3rd day of March, in the year of 2021, before me the undersigned notary public, personally appeared Zachary and Krista Harukay

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.

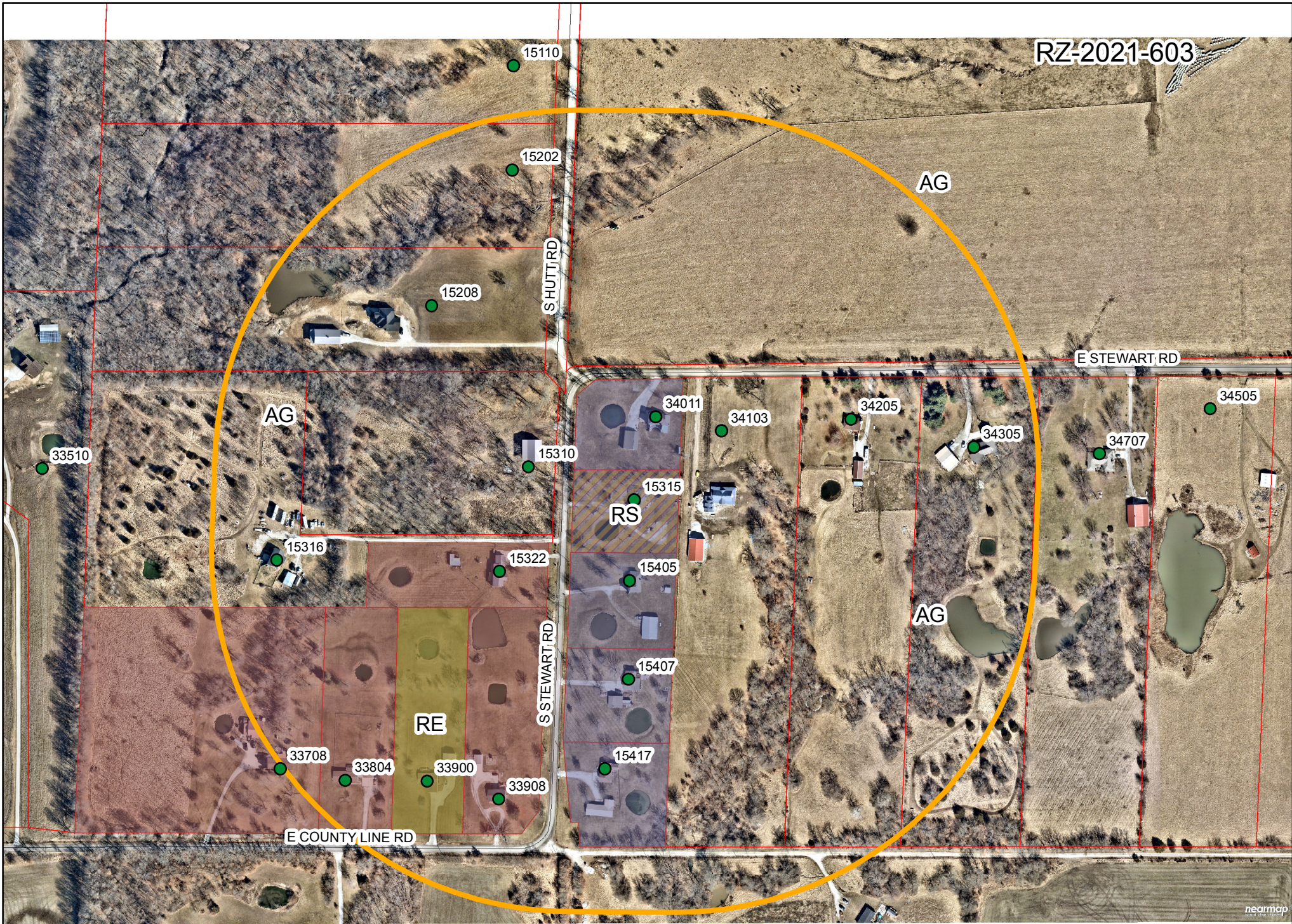
In witness whereof, I hereunto set my hand and official seal.

Notary Public Crystall Morriset

Commission Expires 10.22.22



RZ-2021-603



BRANTON ACRES

LOT 2

816 200-6781
zak

STEWART ROAD

FOUND 3/8 REBAR BENT OVER

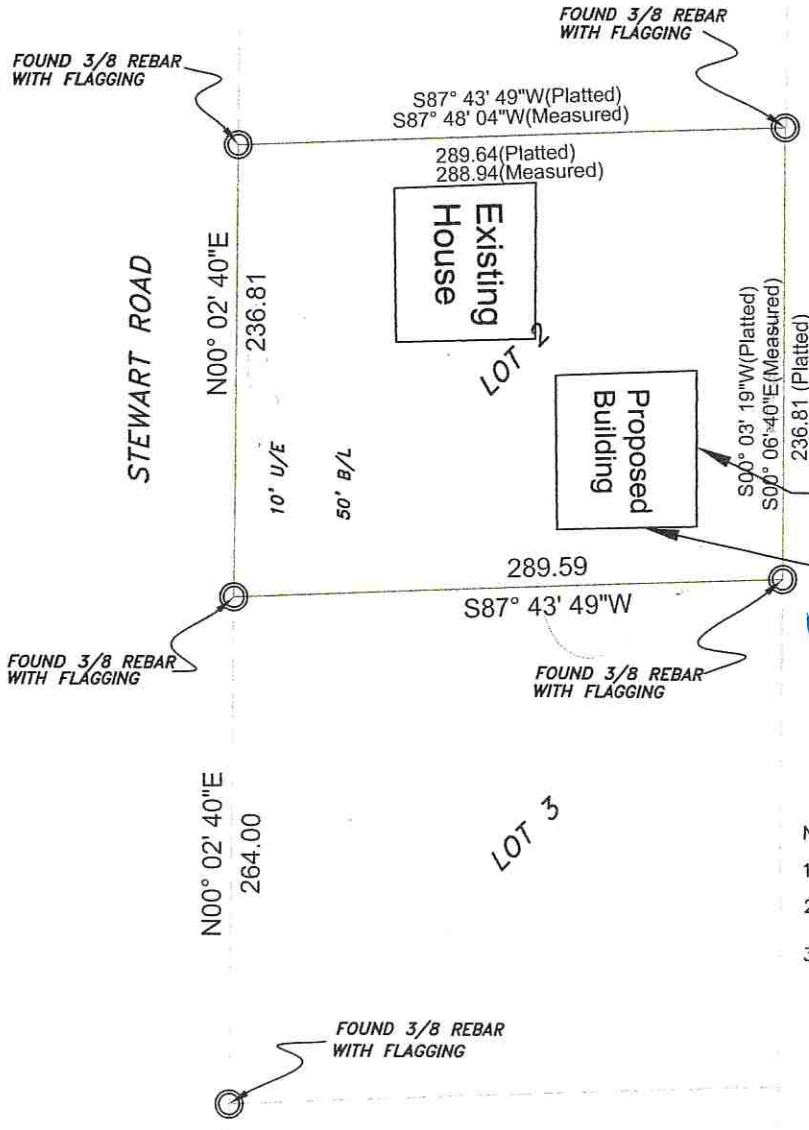
DESCRIPTION:

Lot 2, BRANTON ACRES, a subdivision in Jackson County, Missouri, according to the recorded plat thereof.

Instrument 2011E0056585

*25' feet from
ww pond*

LOT 1



The survey was completed in the field and that the survey was made by the surveyor or under his direct supervision, in accordance with the current Missouri Statutes.

4-24-20
Edward K. Dannewitz
Edward K. Dannewitz
Missouri Registered Land Surveyor #2564

40' Off Lot Line
25' Off Lot Line

UNPLATTED
30'
60'

Scale 1" = 100'

NOTES:

- LEGAL DESCRIPTION OF PROPERTY TAKEN FROM THE RECORDED DEED.
- EASEMENTS, BUILDING LINES AND SET-BACKS TAKEN FROM RECORDED PLAT ONLY.
- CONTRACTOR TO VERIFY CONDITION OF ALL FILL PRIOR TO CONSTRUCTION.

NO.	DATE	DESCRIPTION	BY
<p>Surveying Incorporated 1219 UNIVERSITY LANE LEWISVILLE, MISSOURI 64089 816-564-4700 • 816-564-4747 FAX www.surveyinginc.com</p>			
<p>HARVKEY</p>			
<p>STAKE SURVEY</p>			
			1 of 1





COPY BRANTON ACRES

I 832585

STATE OF MISSOURI
COUNTY OF JACKSON
CERTIFY INSTRUMENT RECEIVED
1988 MAR 18 P 2:41.0
RECORDED BOOK 44 PAGE 138
CATHERINE T. KOCHA
DIRECTOR OF RECORDS



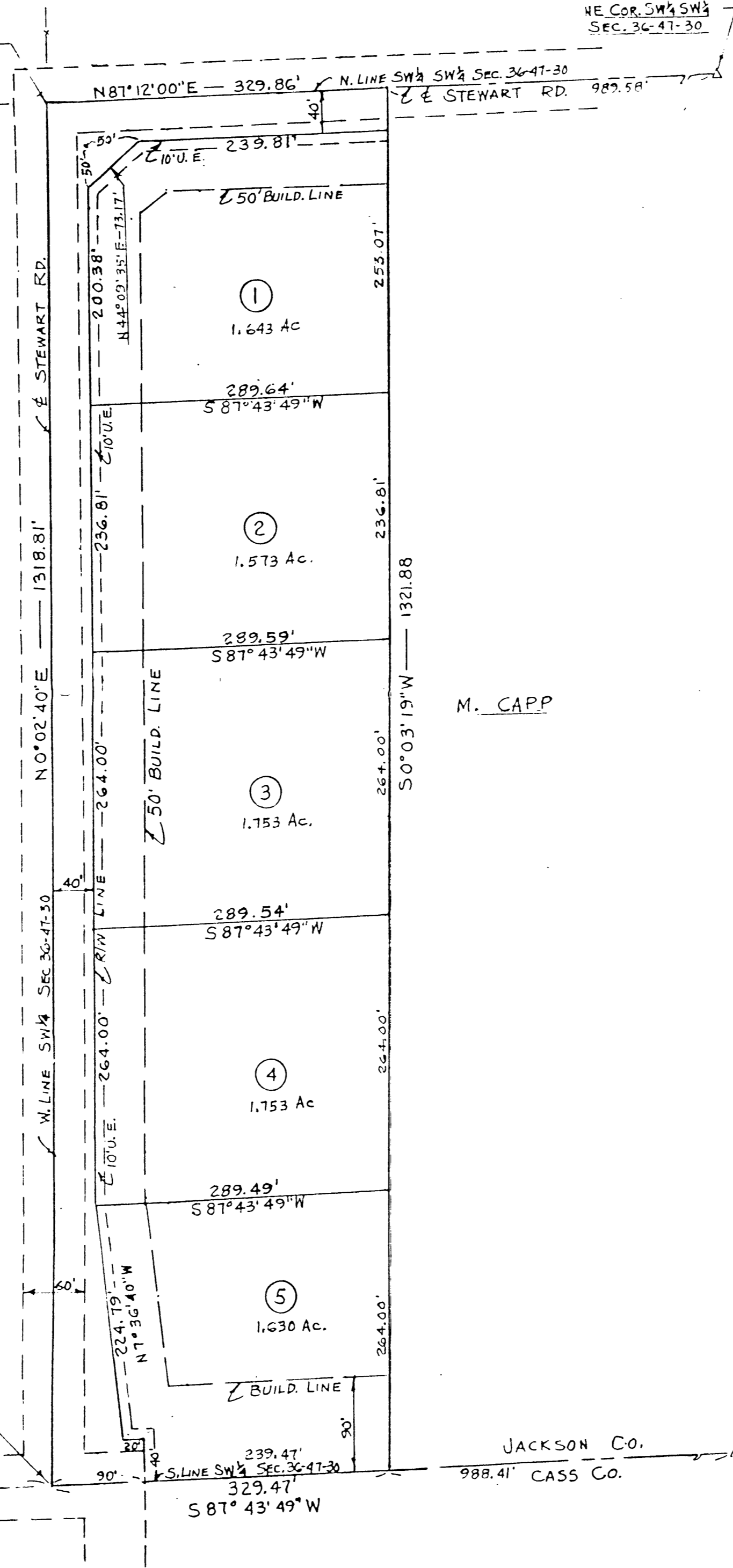
SCALE 1"=100'
100' 50' 0' 100'

300
25.00
28.00
D. Williams

M. ETEM

3/8" REBAR FOUND
NE COR. SW 1/4 SW 1/4
SEC. 36-47-30

3/8" REBAR SET
NW COR. OF SW 1/4 SW 1/4
SEC. 36-47-30



LEGAL DESCRIPTION The West half of the West half of the Southwest quarter of the Southwest quarter of Section 36, Township 47, Range 30, Jackson County, Missouri, more particularly described as: Beginning at the Southwest corner of Section 36, thence North 0 degrees 02 minutes 40 seconds East along the West line of the Southwest quarter of Section 36 a distance of 1318.81 feet, thence North 87 degrees 12 minutes 00 seconds East a distance of 329.86 feet, thence South 0 degrees 02 minutes 19 seconds West a distance of 1321.88 feet, thence South 87 degrees 43 minutes 49 seconds West along the South line of Section 36 a distance of 329.47 feet to the point of beginning, and subject to easements and rights of way of record.

01-4443

The undersigned proprietor of the of the above described tract has caused the same to be subdivided as shown on the accompanying plat, which subdivision and plat will hereinafter be known as
BRANTON ACRES

An easement or license is hereby granted to Jackson County, Missouri, to do grading and to locate, construct and maintain or to authorize the doing of grading or the location, construction and maintenance of conduits, gas, water, and sewer lines, poles, wires, and anchors and all or any of them upon any areas in this subdivision outlined on this plat and designated by U.E., for a Grading and Utility Construction Easement.

All roads and highways shown on this plat and not heretofore dedicated to public use are hereby so dedicated. No driveway may be constructed in this subdivision in such a manner so as to require vehicles, using said driveways, to be backed onto STEWART ROAD. The Jackson County Public Works Department will refuse to issue a permit for the construction of any driveway not conforming to these restrictions.

IN TESTIMONY WHEREOF Karl Carter Realty Co., a Missouri corporation has caused these presents to be signed by it's President and it's corporate seal to be affixed this 5 day of February, 1988.

By Karl D. Carter
President - Karl D. Carter

Attest: Darlene G. Carter
Secretary - Darlene G. Carter

STATE OF MISSOURI) SS
COUNTY OF JACKSON)

On this 5 day of Feb, 1988 before me the undersigned Notary Public personally appeared Karl Carter to me personally known who being duly sworn did say that he is the President of Karl Carter Realty Co, a Missouri Corporation and that the seal affixed to the foregoing instrument is the Corporate Seal of said Corporation and that said instrument was signed and sealed in behalf of said Corporation by authority of it's Board of Directors and to be the free act and deed of said Corporation.

IN WITNESS THEREOF I have hereunto set my hand and affixed my notarial seal at my office the day and year last above written.

My Commission Expires 1/30/91

Elizabeth R. Berry
Notary Public in and for Jackson County, Mo.

Approved as to Planning and Zoning and street locations and widths:

By Jerky A. Page Date 3/11/88
Director of Public Works

By Steven K. Blomquist
Assessor's Office

SURVEYOR'S CERTIFICATE

Date 3/11/88

I HEREBY CERTIFY; That the within plat of 'BRANTON ACRES' is based on an actual survey made by me or under my direct supervision and that said survey meets or exceeds the current Minimum Standards for Property Boundary Surveys as established by the Department of Natural Resources, Division of Geology and Land Survey of the State of Missouri. I further certify that the bearings shown on this plat are based on the assumption that the West line of the Southwest quarter of the Southwest quarter of Section 36 is North 0 degrees 02 minutes 40 seconds East; that the section and sectional subdivision corner monuments and survey boundary corner monuments were either found or set as indicated on this plat; that the lot corners and street centerlines have been marked with permanent monumentation as indicated on this plat; that I have complied with all State and Jackson County statutes, ordinances, and regulations governing the practice of surveying and the platting of subdivisions to the best of my professional knowledge and belief.

1/21/88
DATE

Signed: R. L. Thompson
R. L. Thompson, 1237

NOTE
1. 3/8" REBARS SET ON ALL PROPERTY CORNERS EXCEPT AS NOTED.

1/2" REBAR FOUND
SW COR. SW 1/4 SW 1/4
SEC. 35-47-30

POINT OF BEG.
3/8" REBAR FOUND
SW COR.
SEC. 36-47-30

3/8" REBAR FOUND
NE COR. SW 1/4 SW 1/4
SEC. 36-47-30

PLATTED BY THOMPSON ENG. CO.		
SCALE: AS NOTED	APPROVED BY:	DRAWN BY B.T.
DATE: 11-1987		REVISED 1-1988
DRAWING NUMBER		