

# Request for Legislative Action

Ord. #5562  
Date: November 12, 2021

<b>Completed by County Counselor's Office</b>			
Action Requested:	Ordinance	Res.Ord No.:	5562
Sponsor(s):		Legislature Meeting Date:	11/12/2021

<b>Introduction</b>
<b>Action Items:</b> ['Authorize']
<b>Project/Title:</b>
Robert K. Kavanaugh - RZ-2021-614

<b>Request Summary</b>
<p>Requesting a change of zoning from District AG (Agricultural) on 3.00 ± acres to District RE (Residential Estates). The purpose is to create one single family residential lot at 26105 E. Wyatt 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 October 21, 2021 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>

<b>Contact Information</b>			
<b>Department:</b>	Public Works	<b>Submitted Date:</b>	11/8/2021
<b>Name:</b>	Randy D. Diehl	<b>Email:</b>	RDiehl@jacksongov.org
<b>Title:</b>	Development Administrator	<b>Phone:</b>	816-881-4577

<b>Budget Information</b>	
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:
	<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

Randy D. Diehl at 11/8/2021 3:47:45 PM - [Submitted | This eRLA is to replacing ID 295 per Counselor's Office. The address of the subject property was in error within the body of the text.]

Department Director: Brian Gaddie at 11/8/2021 5:48:27 PM - [ Approved | ]

Finance (Purchasing): Barbara J. Casamento at 11/9/2021 9:07:52 AM - [ Not applicable | ]

Compliance: Katie M. Bartle at 11/9/2021 9:40:00 AM - [ Approved | eRLA 305 ]

Finance (Budget): Mark Lang at 11/9/2021 10:13:26 AM - [ Not applicable | ]

Executive: Sylvya Stevenson at 11/9/2021 10:50:13 AM - [ Approved | ]

Legal: Elizabeth Freeland at 11/9/2021 11:05:11 AM - [ Approved | ]

**RZ-2021-614**

**ATTACHMENT 1: PROPERTY DESCRIPTION**

**Description:**

A tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 19, Township 48 North, Range 30 West of the 5<sup>th</sup> P. M., Jackson County, Missouri, to wit: Commencing at a found iron rod at the Southeast corner of Lot 9-A, Replat of Lots 7, 8 & 9, Meadow Run, a subdivision in Jackson County, Missouri, being on the west right of way of Missouri Highway No. 7; thence along the south line of said lot, North 88 degrees, 09 minutes, 27 seconds West, 661.69 feet to a point at the Southwest corner of said Lot 9-A; thence along the west line of Meadow Run, North 01 degree, 51 minutes 59 seconds West, 917.76 feet to a point; thence leaving said west line, South 88 degrees 03 minutes 14 seconds East, 121.41 feet to the point of beginning, also being the Southwest corner of Lot 3 Meadow Run, a subdivision in Jackson County, Missouri a subdivision in Jackson County, Missouri; thence South 01 degrees, 57 minutes 00 seconds West, 232.50 feet; thence North 88 degrees, 06 minutes, 00 Seconds West, 220.00 feet; thence North 01 degrees, 57 minutes, 00 seconds East 594.00 feet; thence South 88 degrees, 06 minutes, 00 East 220.00 feet; thence South 01 degrees, 57 minutes, 00 seconds West 361.50 feet to the point of beginning.

**RZ-2021-614**

**ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION**

Attachments

Plan Commission Public Hearing Summary from October 21, 2021

Staff Report

Location Map

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-2021-614**

**Applicant:** Robert K Kavanaugh

**Location:** 26105 E. Wyatt 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 tracts 5 acres and larger. To the East is a residence on a 3.00 acre lot and along 7 Highway is Industrial and Commercial zonings. To the North across Wyatt Road is the City of Blue Springs.

The applicant is wishing to construct a single family residence on the 3.00 acres.

**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-2021-614

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

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

Mr. Tarpley: Are there any other homes on three acre lots?

Mr. Diehl: There is a three acre platted lot to the east. To the west are legal non-conforming tracts of various sizes.

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

Robert Kavanaugh: 18407 E 26<sup>th</sup> Terrace Ct S, Independence, MO

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

Mr. Kavanaugh: No.

**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. Tarpley moved to take under advisement. Ms. Mershon seconded.

*Discussion under advisement*

Mr. Hilliard moved to approve. Mr. Tarpley seconded.

Ms. Mershon	Approve
Mr. Crawford	Approve
Ms. Ryerkerk	Approve
Mr. Hilliard	Approve
Mr. Akins	Approve
Mr. Tarpley	Approve
Chairman Antey	Approve

Motion Carried 7 – 0

## **STAFF REPORT**

### **PLAN COMMISSION**

**October 21, 2021**

**RE: RZ-2021-614**

**Applicant:** Robert K Kavanaugh

**Location:** 26105 E. Wyatt 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 tracts 5 acres and larger. To the East is a residence on a 3.00 acre lot and along 7 Highway is Industrial and Commercial zonings. To the North across Wyatt Road is the City of Blue Springs.

The applicant is wishing to construct a single family residence on the 3.00 acres.

#### **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.

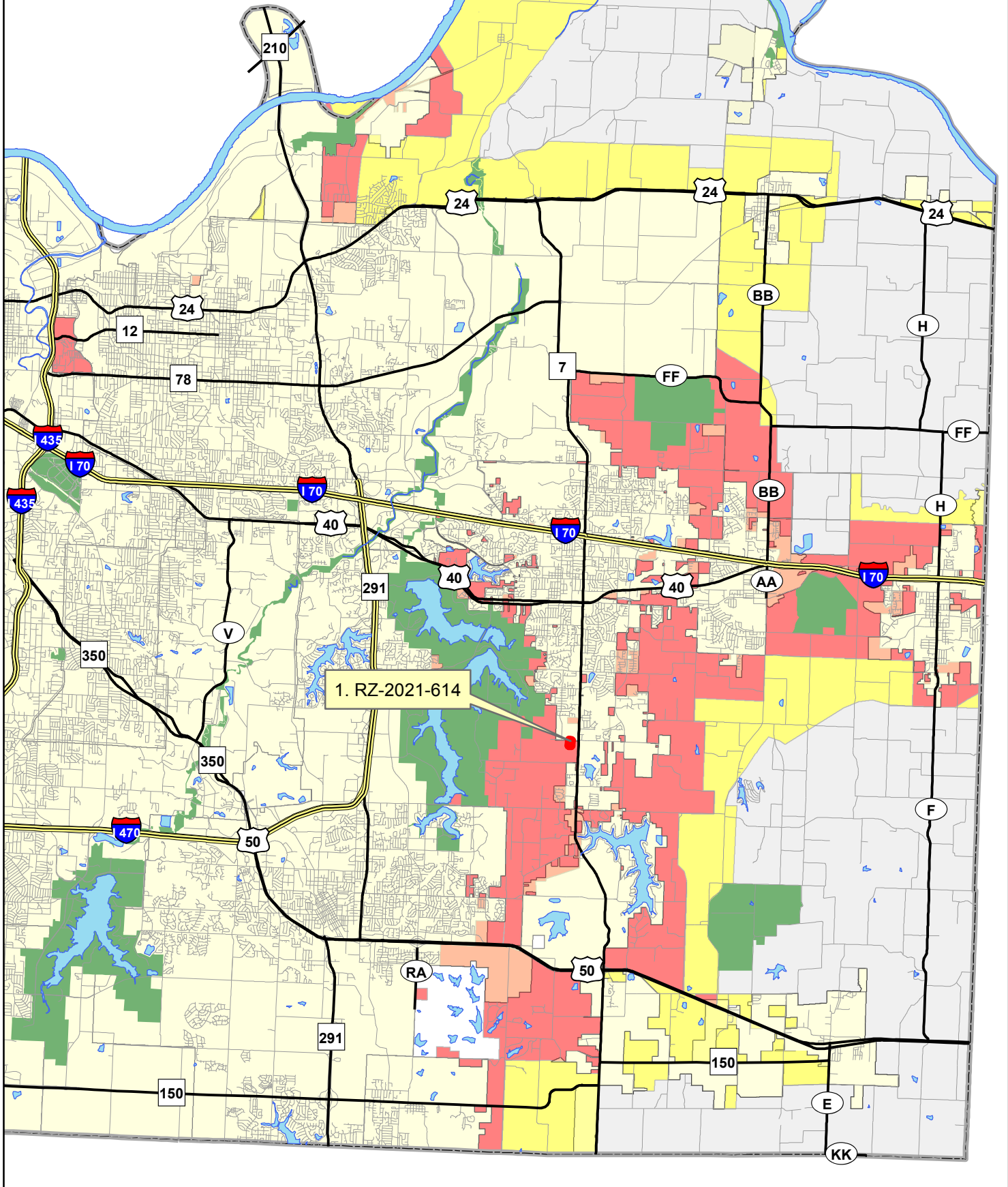
Staff recommends APPROVAL of RZ-2021-614

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator



Jackson County Plan Commission  
October 21, 2021  
Agenda Location Map



1. RZ-2021-614



SW 12TH ST

SW LINCOLN AVE

E WYATT RD

SW 7 HWY

SW 6TH ST

SW WYATT RD

25611

25709

25809

25907

26105

26201

26211

26305

LI

8316

LI

8322

GB

8400

AG

LI-p

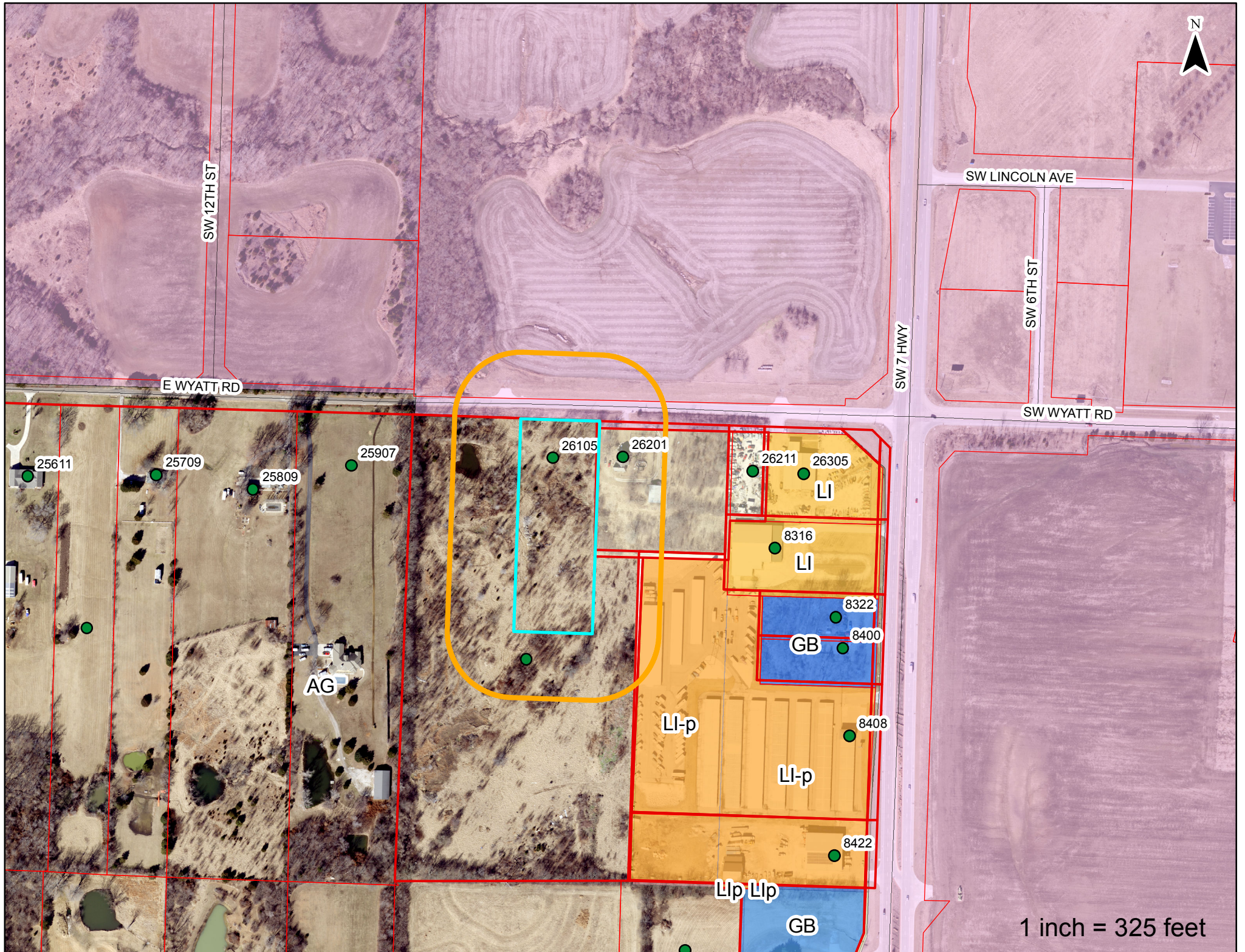
LI-p

8408

Llp Llp

GB

1 inch = 325 feet



Plan Commission October 21, 2021

RZ-2021-614

Property Owners Within 185 feet

Parcel	owner	address	city	state	zip
41-930-03-03-00-0-00-000	FIRST BAPTIST CHURCH OF BLUE SPRINGS	4500 LITTLE BLUE PARKWAY	INDEPENDENCE	MO	64057
54-300-02-12-00-0-00-000	KEEFER JAMES H & PAMELA S	26201 WYATT RD	BLUE SPRINGS	MO	64015
54-300-02-21-00-0-00-000	TKG-STORAGEMART PTRS PORTFOLIO LLC	215 N STADIUM BLVD STE 207	COLUMBIA	MO	65203
54-300-02-17-00-0-00-000	CATON PROPERTIES LLC	25907 SW WYATT RD	BLUE SPRINGS	MO	64015



## 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

October 6, 2021

RE: Public Hearing: RZ-2021-614  
Robert K Kavanaugh

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 Robert K. Kavanaugh for a change of zoning from District AG (Agricultural) on 3.00 ± acres to District RE (Residential Estates). The 3.00 ± acres are located in the Northwest Quarter of Section 19, Township 48, Range 30, aka 26105 E. Wyatt 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, October 21, 2021 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- 2021- ~~62~~ 614  
Date filed 7-28-21 Date of hearing 10-21-21  
Date advertised 10-6-21 Date property owners notified 10-6-21  
Date signs posted 10-6-21  
Hearings: Heard by PC Date 10-21-21 Decision \_\_\_\_\_  
Heard by LU Date \_\_\_\_\_ Decision \_\_\_\_\_  
Heard by LG Date \_\_\_\_\_ Decision \_\_\_\_\_

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**BEGIN APPLICATION HERE:**

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

- a. Applicant(s) Name: Robert K. KAVANAUGH  
Current Mailing Address: 18407 E. 26<sup>th</sup> Terr. C.T.S. Independence, Mo 64057  
Phone: 816-795-1264 email: jodie.R.1969@COMCAST.NET
- b. Legal Owner of Property: CATON Properties LLC  
Current Mailing Address: 25907 SE. WATSON RD. Blue Springs, Mo  
Phone: 913-244-1531 email: brayan@midlandmarble.com
- b. Legal Owner of Property: \_\_\_\_\_  
Current Mailing Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ email: \_\_\_\_\_

2. General location (Road Name) Wyatt Road

3. Present Zoning Agriculture Requested Zoning Residential

4. AREA (sq. ft. / acres) 130,680 SF 3 Acres

5. Legal Description of Property: (Write Below or provide copy of deed and survey)  
See Attachments

6. Present Use of Property: Agriculture

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: EARLY 2022

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 Provider Hotawana Water District 15

b. Sewage disposal: Onsite Waste Water  Public Sewer

c. Electricity Energy

d. Fire and Police protection Southern Jackson County Fire DIST <sup>Jackson County Sheriff</sup>

12. Describe existing road width and condition: 28' Poor Condition

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? NO

If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): \_\_\_\_\_

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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 \_\_\_\_\_ Date \_\_\_\_\_  
Property Owner(s) Bryan Caton Caten Properties LLC 7-24-21

STATE OF MO  
COUNTY OF Jackson

On this 24 day of July, in the year of 2021, before me the undersigned notary public, personally appeared Bryan Caton

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 10-18-23





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 \_\_\_\_\_ Date \_\_\_\_\_  
Property Owner(s) Brian Caten Properties LLC 7-24-21

STATE OF MO  
COUNTY OF JACKSON

On this 24 day of July, in the year of 2021, before me the undersigned notary public, personally appeared Brian Caten

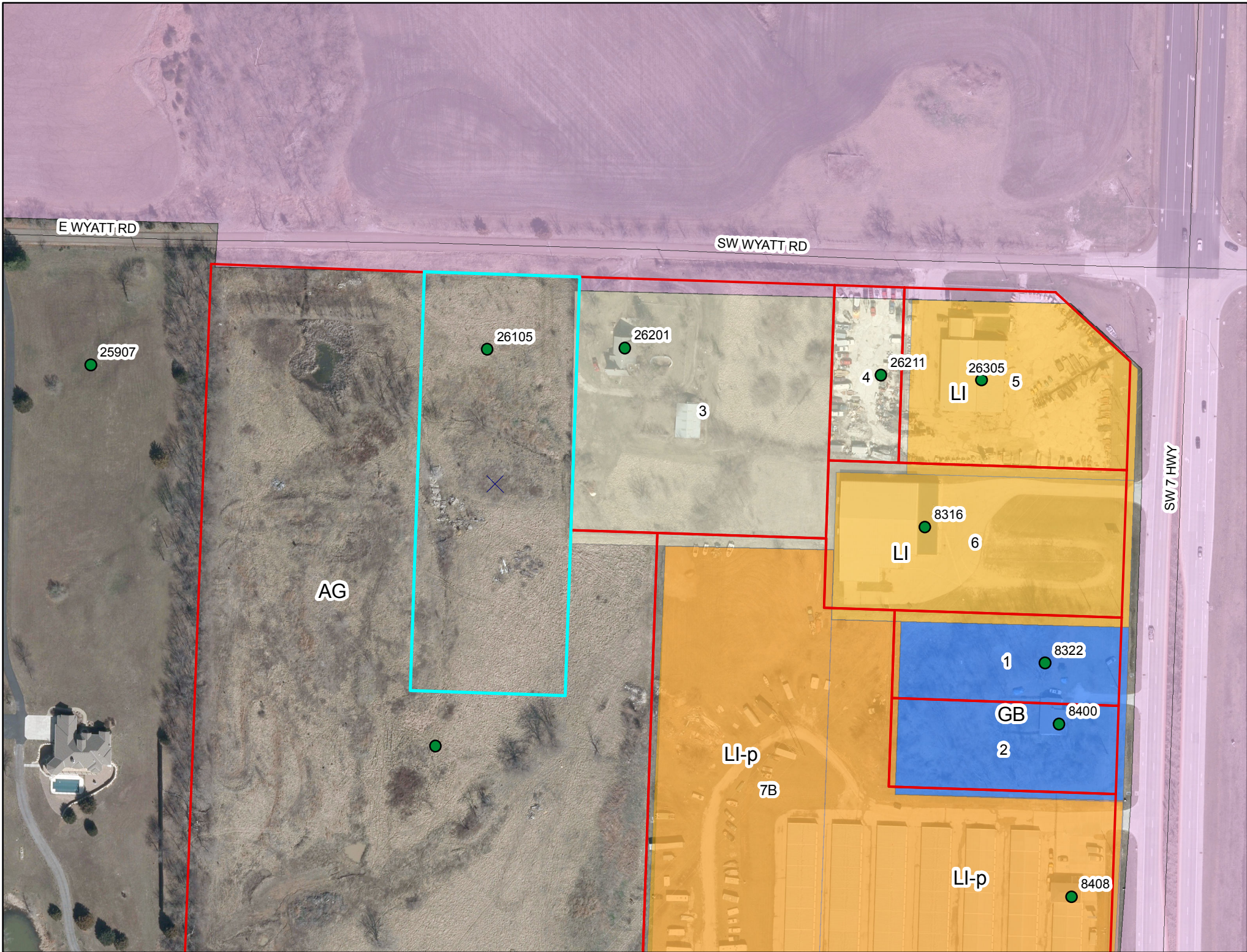
known to me to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

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

[Signature]  
Notary Public \_\_\_\_\_

Commission Expires 10-18-23





E WYATT RD

SW WYATT RD

SW 7 HWY

25907

26105

26201

4

26211

26305

5

3

8316

6

AG

LI

1

8322

GB

8400

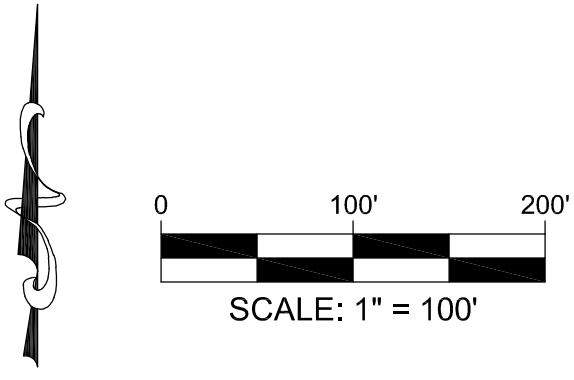
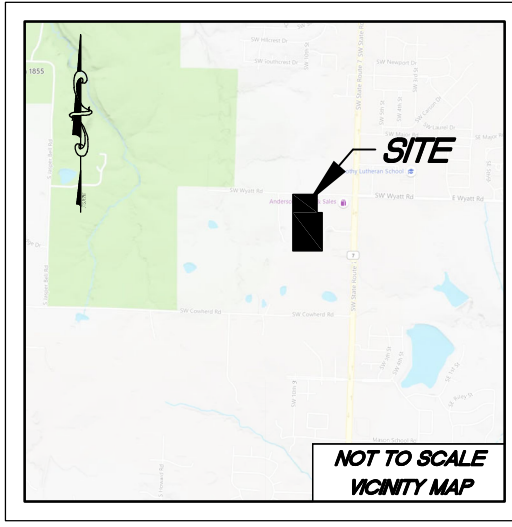
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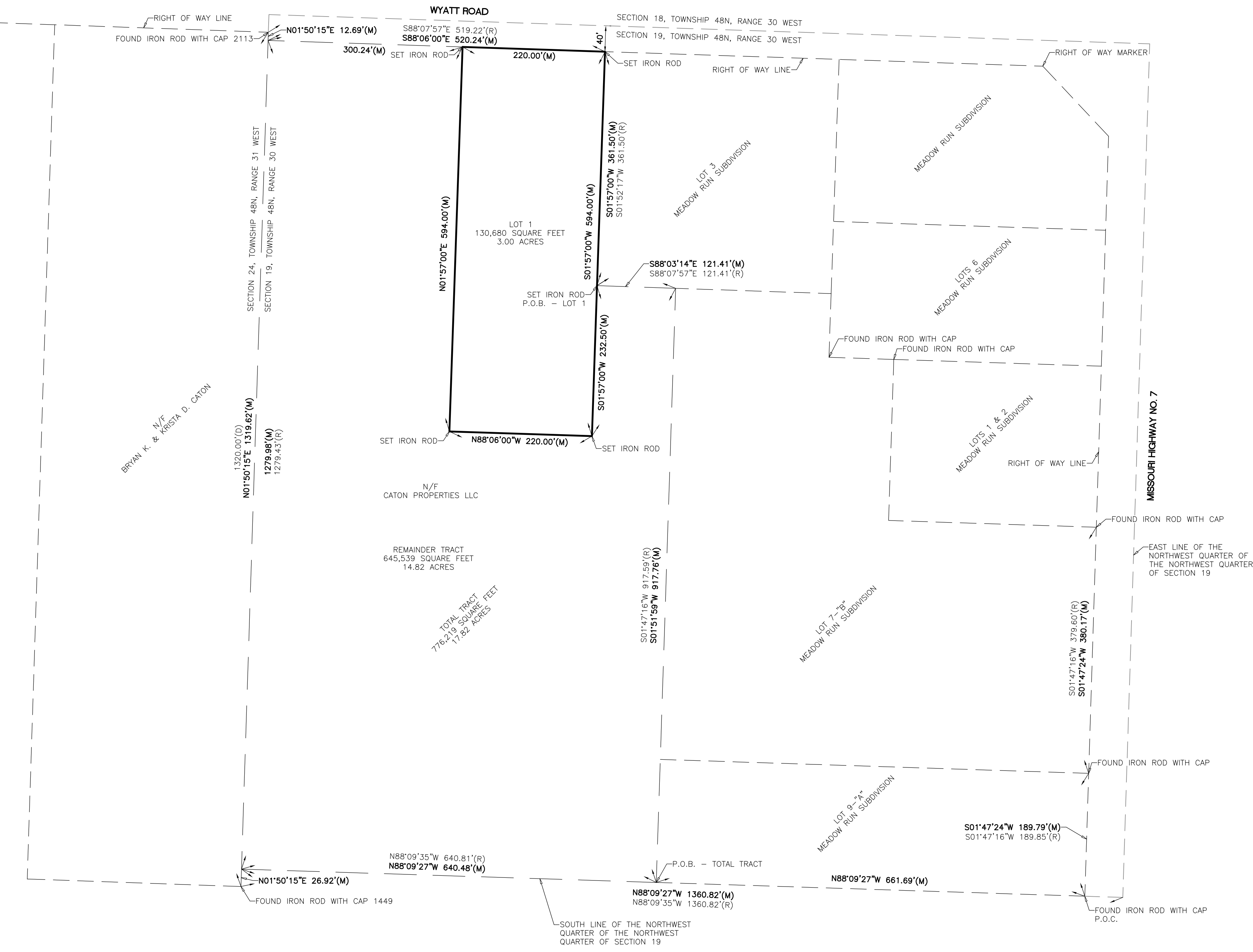
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# THE ORCHARDS SUBDIVISION

PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER IN SECTION 19, TOWNSHIP 48 NORTH, RANGE 30 WEST, OF THE 5TH P.M., JACKSON COUNTY, MISSOURI



**NOTES:**

- 1. Bearings referenced to Grid North of the Missouri Coordinate System 1983, West Zone per GPS observations utilizing the MoDOT VRS RTK Network.
- 2. Field work was completed on this site by Buescher Frankenberg Associates, Inc. on June 16, 2021.  
M = Indicates measured outboundary information obtained by Buescher Frankenberg Associates, Inc.  
R = Recorded outboundary information as per "Replat of Lots 7, 8 & 9, in Meadow Run Addition" recorded on August 26, 1996 in Book 159, Page 30 of the Jackson County Recorder of Deeds Office.  
D = Recorded outboundary information as per Trustee's Warranty Deed recorded on February 26, 2018 as Instrument No. 2018E0015497 of the Jackson County Recorder of Deeds Office.
- 3. Zoning ID - Non-Urban and Agricultural (NUA)
- 4. This site is located in Zone "X", as per Federal Emergency Management Agency Flood Insurance Rate Map, Community Panel No. 29095C0434G, effective date 01/20/2017.

**LEGAL DESCRIPTION: TOTAL TRACT**

A tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 19, Township 48 North, Range 30 West of the 5th P.M., Jackson County, Missouri, to wit:

Commencing at a found iron rod at the Southwest corner of Lot 9-"A" of Plat recorded in Book 159, Page 30 of the Jackson County Recorder of Deeds Office, also being on the west right of way line of Missouri Highway No. 7; thence along the south line of said Lot N88°-09'-27"W 661.69 ft. to the point of beginning; thence leaving said south line N88°-09'-27"W 540.48 ft. to a point on the west line of said Section; thence along said West line N01°-50'-15"E 1279.98 ft. to a point on the south right of way line of Wyatt Road; thence along said south right of way line S88°-06'-00"E 520.24 ft. to a point; thence leaving said south right of way line S01°-57'-00"W 361.50 ft. to a point; thence S88°-03'-14"E 121.41 ft. to a point; thence S01°-51'-59"W 917.76 ft. to the point of beginning, containing 17.82 acres.

**LEGAL DESCRIPTION: LOT 1**

A tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 19, Township 48 North, Range 30 West of the 5th P.M., Jackson County, Missouri, to wit:

Commencing at a found iron rod at the Southwest corner of Lot 9-"A" of Plat recorded in Book 159, Page 30 of the Jackson County Recorder of Deeds Office, also being on the west right of way line of Missouri Highway No. 7; thence along the south line of said Lot N88°-09'-27"W 661.69 ft. to a point at the southwest corner of Lot 9-"A"; thence along the west line of Meadow Run Subdivision N01°-51'-59"W 917.76 ft. to a point; thence leaving said west line S88°-03'-14"E 121.41 ft. to the point of beginning, also being the southwest corner of Lot 3 of Meadow Run Subdivision; thence S01°-57'-00"W 232.50 ft. to a set iron rod; thence N88°-06'-00"W 220.00 ft. to a set iron rod; thence N01°-57'-00"E 594.00 ft. to a set iron rod on the south right of way line of Wyatt Road; thence along said south right of way line S88°-06'-00"E 220.00 ft. to a set iron rod; thence leaving said south right of way line along the west line of said Lot 3 S01°-57'-00"W 361.50 ft. to the point of beginning, containing 3.00 acres.

**COUNTY APPROVALS:**

-----  
PUBLIC WORKS DEPARTMENT

DATE \_\_\_\_\_

-----  
JACKSON COUNTY G.I.S. DEPARTMENT

DATE \_\_\_\_\_

**CERTIFICATE OF OWNERSHIP:**

We, Bryan K. & Krista D. Caton, hereby certify that we are the owners of the property shown and described hereon, and have caused the same to be surveyed and subdivided in the manner shown on this plat, and we hereby freely adopt this plan of subdivision.

The subdivision shall be known as "The Orchards Subdivision".

The utility easements as shown hereon are hereby dedicated to the various utility companies for utility purposes.

IN WITNESS WHEREOF, we have executed this plat as of this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Bryan K. Caton

\_\_\_\_\_  
Krista D. Caton

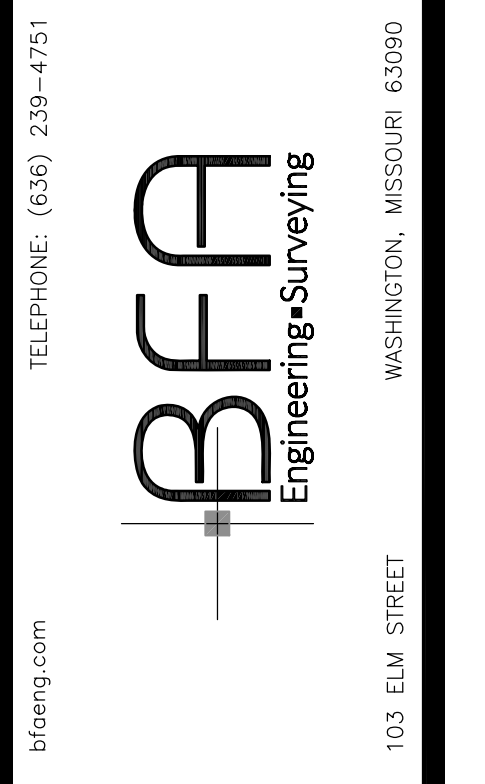
**STATE OF MISSOURI }  
COUNTY OF \_\_\_\_\_} SS**

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Bryan K. & Krista D. Caton, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

My term expires: \_\_\_\_\_

**Bryan K. & Krista D. Caton**  
**25907 SW Wyatt Road**  
**Blue Springs, Missouri 64015**  
**Jackson County**



Date: \_\_\_\_\_  
Mark R. Frankenberg, PLS #2365  
State of Missouri  
Registered Land Surveyor  
or Buescher Frankenberg Associates, Inc.  
Corporate #0096

DRAWN  
B.L.P.

DATE  
06-29-21

JOB No.  
6775

SHEET NAME  
THE  
ORCHARDS  
SUBDIVISION