

REQUEST FOR LEGISLATIVE ACTION







Completed by County Counselor's Office:

Res/Ord No.: 5164

Sponsor(s): **EXECUTIVE OFFICE**

Date: October 8, 2018

SEP 26 2018

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Brookson Capital, LLC - RZ-2018-564</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="316 535 1198 850"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT TO ACCT</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <input checked="" type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: _____ Estimated Use: \$ _____ Prior Year Budget (if applicable): _____ Prior Year Actual Amount Spent (if applicable): _____		Amount authorized by this legislation this fiscal year:	\$	Amount previously authorized this fiscal year:	\$	Total amount authorized after this legislative action:	\$	Amount budgeted for this item * (including transfers):	\$	Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT TO ACCT
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Amount budgeted for this item * (including transfers):	\$											
Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT TO ACCT											
PRIOR LEGISLATION	Prior ordinances and (date): _____ Prior resolutions and (date): _____											
CONTACT INFORMATION	RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577											
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on 10.00 ± acres to District RR (Residential Ranchette). The purpose is to create a two single family residential lots. The location is 7706 S. Buckner Tarsney Road, and specifically described on Attachment to RLA-1. The Jackson County Plan Commission on September 20, 2018 held a public hearing and accepted testimony pertaining to the request. This request for a 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 voted 5 to 0 to recommend <u>APPROVAL</u> to the County Legislature.											
CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)											
ATTACHMENTS	See Attachment to RLA-2											
REVIEW	<table border="1" data-bbox="300 1738 1534 1957"> <tr> <td>Department Director: Brian D. Gaddie, P.E. Director of Public Works </td> <td>Date: 9.26.18</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: </td> <td>Date: 9.27.18</td> </tr> <tr> <td>County Counselor's Office:</td> <td>Date:</td> </tr> </table>		Department Director: Brian D. Gaddie, P.E. Director of Public Works 	Date: 9.26.18	Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: 	Date: 9.27.18	County Counselor's Office:	Date:		
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County Counselor's Office:	Date:											

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the _____ Fund in _____.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # _____
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

RZ-2018-564

ATTACHMENT TO RLA 1:

Description: Tract B as shown on the Certificate of Survey filed July 3, 1991 as Document No. I-1043765 in Book T-4 at Page 95, being more particularly described as follows: That part of the Southwest Quarter of the Northwest Quarter of Section 14, Township 48, Range 30, Jackson County Missouri described as follows: Commencing at the Southwest corner of said Quarter Quarter Section; thence North 89 degrees 40 minutes 00 seconds East along the South line of said Quarter Quarter Section a distance of 564.34 feet; thence North a distance of 691.43 feet to the true point of beginning; thence North 89 degrees 54 minutes 00 seconds East a distance of 710.00 to a point on the West right-of-way line of Buckner Tarsney Road as now established; thence North along said West line a distance of 615.00 feet to the South line of the northwest Quarter of the Northwest Quarter of Section 14, thence South 89 degrees 54 minutes 00 seconds West along said South line a distance of 710.00 feet; thence South a distance of 615.00 feet to the point of beginning.

PLAN COMMISSION – September 20, 2018

Randy Diehl gave the Staff Report

RE: RZ-2018-564

Applicant: Brookson Capital LLC

Location: 7706 S. Buckner Tarsney Road

Area: 10.00 acres

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

Purpose: Applicant is requesting the change in zoning for two single family residential lots.

Current Land Use and Zoning in the Area:

The land use in the area is a mix of single family residential on lots ranging from 3 acres in size to larger tracts 10 acres and greater. There is also some larger tracts being used for agricultural purposes.

Zoning is primarily Agricultural. There are a few scattered Residential Estate zoning around the subject property.

The purchaser is wanting to divide the property into 2 lots. These lots will both front on Buckner Tarsney Road and share common driveway access onto Buckner Tarsney Road. An approved driveway location has already been permitted. The East portion of the proposed lots is impacted by a drainage creek.

Plan:

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

Residential Ranchette is appropriate for the SDT.

(Mr. Gibler and Mr. Haley entered meeting at 8:40)

Recommendation:

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

Staff recommends APPROVAL of RZ-2018-564.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: Are there any questions for Randy?

Mr. Tarpley: Are there any houses on there now?

Mr. Diehl: No

Mr. Antey: Is the applicant here?

Jason Spencer: 3307 S Colonial Dr. Grain Valley, MO

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

Jr. Spencer: No. To answer Mr. Tarpley's question, the driveways will split off after crossing the creek and go to their respective homes.

Mr. Akins: So the driveway is on the dividing line?

Mr. Spencer: Yes

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.

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

Discussion under advisement

Mr. Tarpley moved to approve. Mr. Akins seconded.

Ms. Mershon	Approve
Mr. Haley	Recused (Was not present for staff report)
Mr. Tarpley	Approve
Mr. Gibler	Recused (Was not present for staff report)
Mr. Akins	Approve
Ms. Querry	Approve
Chairman Antey	Approve

Motion Carried 5 – 0.

STAFF REPORT

PLAN COMMISSION

September 15, 2018

RE: RZ-2018-564

Applicant: Brookson Capital LLC - Purchaser Applicant
Thomas J Gilchrist - Owner

Location: 7706 S. Buckner Tarsney Road

Area: 10.00 acres

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

Purpose: Applicant is requesting the change in zoning for two single family residential lots.

Current Land Use and Zoning in the Area:

The land use in the area is a mix of single family residential on lots ranging from 3 acres in size to larger tracts 10 acres and greater. There is also some larger tracts being used for agricultural purposes.

Zoning is primarily Agricultural. There are a few scattered Residential Estate zoning around the subject property.

The purchaser is wanting to divide the property into 2 lots. These lots will both front on Buckner Tarsney Road and share common driveway access onto Buckner Tarsney Road. An approved driveway location has already been permitted. The East portion of the proposed lots is impacted by a drainage creek.

Plan:

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

Residential Ranchette is appropriate for the SDT.

Recommendation:

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

Staff recommends APPROVAL of RZ-2018-564.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

RZ-2018-564
Brookson Capital, LLC





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

September 5, 2018

RE: Public Hearing: RZ-2018-564
Brookson Capital, 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 Brookson Capital, LLC for a change of zoning from District AG (Agricultural) on 10.00 ± acres to District RR (Residential Ranchette). The purpose is create two single family residential lots. The location is 7706 S. Buckner Tarsney 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 300' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, September 20, 2018 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

Plan Commission September 15, 2018
 RZ-2018-564

Property Owners Within 300 feet

Parcel Number	owner *	address	city	state	zip
40-800-02-31-00-0-00-000	BOEHMER RICHARD D & ANGELIA N	32512 E MAJOR RD	GRAIN VALLEY	MO	64029
40-800-02-17-00-0-00-000	ABIMANYU JAYASHANKARA ABIMANYU	7617 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
40-800-02-34-00-0-00-000	ANDERSON THOMAS J & ACKLEY LAURA D	7622 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
40-800-02-32-00-0-00-000	BROWN MICHAEL J-TRUSTEE	912 J W CUMMINS RD	OAK GROVE	MO	64075
40-800-02-18-00-0-00-000	RICHARD ROBERT D & JUDITH K-TR	7808 OAK HILL SCHOOL RD	OAK GROVE	MO	64075
40-800-02-33-01-0-00-000	NIEMEYER SCOTT A & DENISE C	32500 MAJOR RD	GRAIN VALLEY	MO	64029

Applicant - Owner

40-800-02-26-00-0-00-000
 40-800-02-25-00-0-00-000

Applicant - Purchaser

GILCHRIST THOMAS J
 BROOKSON CAPITAL LLC

32608 E MAJOR RD
 3007 S COLONIAL DR
 GRAIN VALLEY MO 64029
 GRAIN VALLEY MO 64029

**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- 2018 - 564
Date filed 8-9-18 Date of hearing 9-20-18
Date advertised 9-5-18 Date property owners notified 9-5-18
Date signs posted 9-5-18
Hearings: Heard by PC Date 9-20-18 Decision _____
Heard by _____ Date _____ Decision _____
Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

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

a. Applicant(s) Name: BROOKSON CAPITAL LLC

Address: 3007 S. COLONIAL DR.

GRAIN VALLEY, MO 64029

Phone: 816-674-3215

b. Owner(s) Name: THOMAS GILCHRIST

Address: 32608 E. MASOR RD. GRAIN VALLEY, MO 64029

Phone: 816-547-8957

c. Agent(s) Name: _____

Address: _____

Phone: _____

- d. Applicant's interest in Property: DEVELOPMENT
2. General location (Road Name) SOUTH BUCKNER TARSNEY RD. -
JUST NORTH OF MAJOR RD ON THE WEST SIDE OF BUCKNER TARSNEY.
3. Present Zoning AG Requested Zoning RR
4. AREA (sq. ft. / acres) 10.28 ACRES DIVIDED INTO 2 LOTS
5. Legal Description of Property: (Write Below or Attached 9)
SEE ATTACHED PAGE
6. Present Use of Property: VACANT LAND
7. Proposed Use of Property: SINGLE FAMILY HOMESITES
8. Proposed Time Schedule for Development: ASAP
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 WATER DISTRICT 13
 - b. Sewage disposal ON-SITE SEPTIC SYSTEMS
 - c. Electricity KANSAS CITY POWER & LIGHT
 - d. Fire and Police protection CENTRAL JACKSON COUNTY FIRE PROT. DIST. & JACKSON COUNTY SHERIFF
12. Describe existing road width and condition: 2 LANE PAVED ROAD

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? *NONE*

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 8-9-18
Property Owner(s) Thomas D. Gilchrist

Applicant(s): _____

Contract Purchaser(s): Brookshire Capital LLC 8/9/2018

STATE OF Missouri
COUNTY OF Jackson

On this 9th day of August, in the year of 2018, before me the undersigned notary public, personally appeared Jason Spencer, Thomas Gilchrist

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 Jill R Perkins Commission Expires June 11, 2021



JILL R. PERKINS
My Commission Expires
June 11, 2021
Jackson County
Commission #13637637

RZ-2018-564
Brookson Capital, LLC

S BUCKNER TARSENEY RD

32506

7622

7617

7706

7713

32508

32500

AE
818

32406

818

32302



