

Request for Legislative Action

Ord. #5598
Date: February 7, 2022

Completed by County Counselor's Office			
Action Requested:	Ordinance	Res.Ord No.:	5598
Sponsor(s):		Legislature Meeting Date:	2/7/2022

Introduction
Action Items: ['Authorize']
Project/Title:
Graham Homes, LLC – LA-2022-042

Request Summary
<p>Requesting the vacation of a portion of Burnett Acres to allow for a development of nine 10+ acre tracts.</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:
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 9:35:21 AM - [Submitted |]
Department Director: Brian Gaddie at 1/26/2022 10:14:41 AM - [Approved |]
Finance (Purchasing): Barbara J. Casamento at 1/26/2022 2:40:01 PM - [Not applicable |]
Compliance: Katie M. Bartle at 1/26/2022 4:02:39 PM - [Approved |]
Finance (Budget): Mark Lang at 1/27/2022 9:15:25 AM - [Not applicable |]
Executive: Troy Schulte at 1/27/2022 11:16:04 AM - [Approved |]
Legal: Elizabeth Freeland at 2/3/2022 10:51:37 AM - [Approved |]

LA-2022-042

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

All that part of Lots 1 and 2, BURNETT ACRES a subdivision 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 $01^{\circ}57'56''$ East, a distance of 40.35 feet; thence departing said West line South $88^{\circ}02'04''$ 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 $01^{\circ}57'56''$ 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 $01^{\circ}57'56''$ East, a distance of 367.83 feet to the Northwest corner of said Lot 1; thence departing said East Right of Way line and along the North line of said Lot 1, South $88^{\circ}26'05''$ East, a distance of 374.68 feet to the Northeast corner of said Lot 1; thence along the East line of said Lot 1, South $01^{\circ}48'38''$ West, a distance of 293.86 feet; thence along the North line of said Lots 1 and 2, South $88^{\circ}26'05''$ East, a distance of 539.95 feet to the Northeast Corner of said Lot 2; thence along the East line of said Lot 2, South $01^{\circ}58'46''$ West, a distance of 495.00 feet to the Southeast Corner of said Lot 2; 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 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 said Lot 1A, North $88^{\circ}26'05''$ West, a distance of 516.74 feet to the POINT OF BEGINNING.

LA-2022-042

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from January 20, 2022

Staff Report

Location Map

Illustration of zoning request

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Application

Survey of proposed lot vacation

Randy Diehl gave the staff report:

RE: LA-2022-042

Applicant: Graham Homes, LLC

Location: Buckner Tarsney and Hammond Road

Request: Vacation of a portion of Burnett Acres

The applicant is creating a nine-tract survey development with each tract being at least 10 acres in size.

Developments that are over 10 acres in size are not required to follow the subdivision rules as set forth in the Unified Development Code (UDC).

Two of the 10.00-acre tracts will have a portion of the recorded subdivision plat, Burnett Acres, within their boundaries. The recording of a Certificate of Survey does not eliminate the existence of a plat. Vacation by ordinance would be the appropriate way to remove any portion of a recorded plat.

Recommendation:

Staff recommends APPROVAL of LA-2022-042

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: Are there any questions for Randy?

Mr. Lake: Are we doing this for the legal descriptions?

Mr. Diehl: Yes. This eliminates a portion of a platted lot as part of the written description. The tracts will be described by metes and bounds.

Mr. Tarpley: How many lots are there?

Mr. Diehl: There is a total of 5 platted lots. There will be a total of 9 ten-acre tracts.

Ms. Ryerkerk: Where will the access be?

Mr. Diehl: From Hammond Road. We have already looked at the site distance requirements along Buckner Tarsney Road. Our Engineering Division does want access onto it. As we know posted speed limits are not always adhered to.

Ms. Ryerkerk: What is the building on the property?

Mr. Diehl: That is a horse barn. Within a few months it will no longer be there.

Mr. Hilliard: What are the lots sizes?

Mr. Diehl: They are at least 5 acres in size. The minimum for the Residential Ranchette zoning district.

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. Just wanting to clean this up for the boundary descriptions.

Mr. Lake: Is the residence still in the horse barn?

Mr. Graham: No, he is gone. He was there for about 13 years.

Mr. Lake: I was by there a few days ago, it looks like a storage lot.

Mr. Graham: Yes, it does. The owner of all that will be picking them up.

Mr. Lake: Are you going to preserve the barn?

Mr. Graham: It will probably come down.

(Additional discussion about the barns age and construction)

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. Just reiterating that this is for the legal descriptions.

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. Mr. Lake seconded.

Discussion under advisement

Mr. Tarpley 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: LA-2022-042

Applicant: Graham Homes, LLC
Location: Buckner Tarsney and Hammond Road
Request: Vacation of a portion of Burnett Acres

The applicant is creating a nine-tract survey development with each tract being at least 10 acres in size.

Developments that are over 10 acres in size are not required to follow the subdivision rules as set forth in the Unified Development Code (UDC).

Two of the 10.00-acre tracts will have a portion of the recorded subdivision plat, Burnett Acres, within their boundaries. The recording of a Certificate of Survey does not eliminate the existence of a plat. Vacation by ordinance would be the appropriate way to remove any portion of a recorded plat.

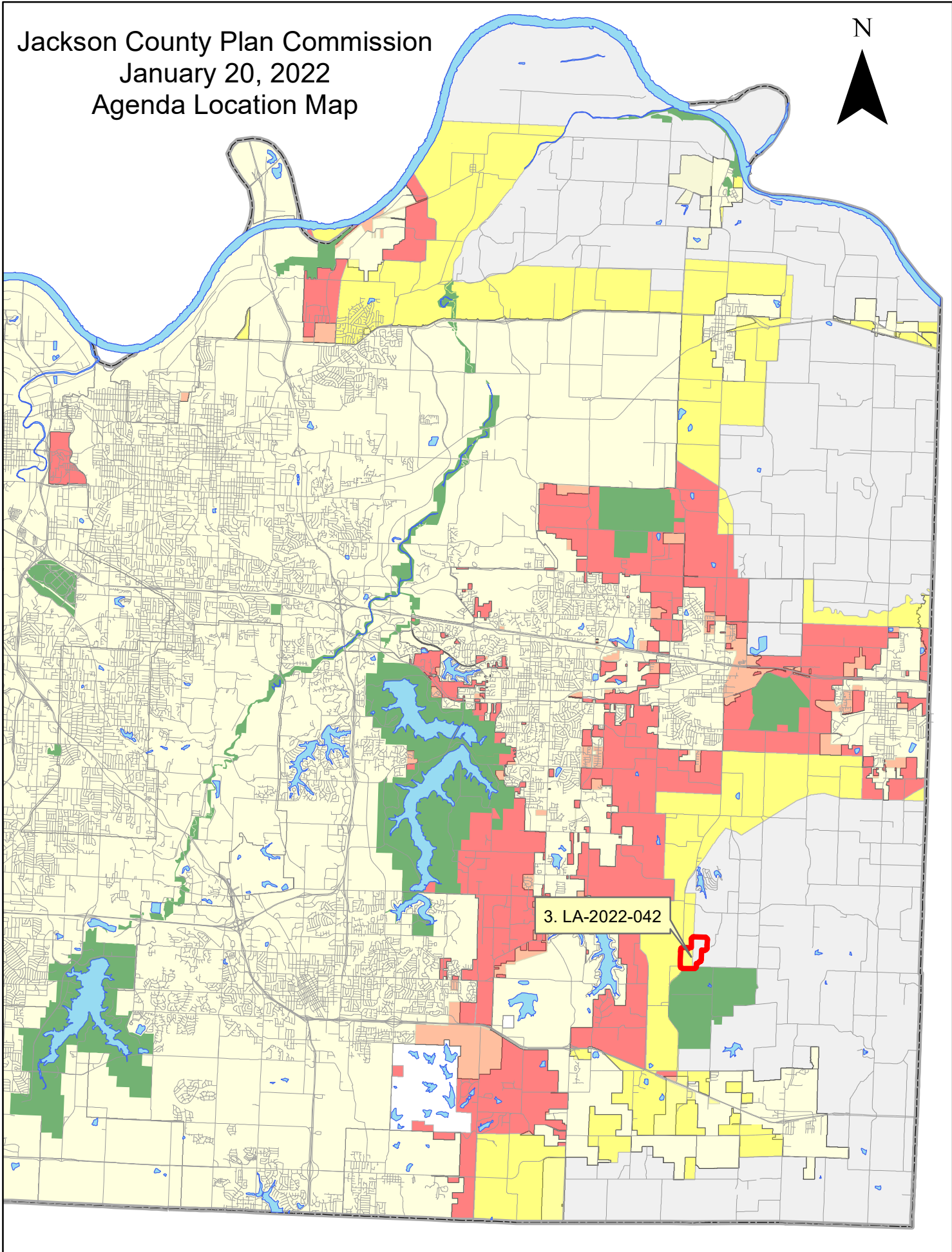
Recommendation:

Staff recommends APPROVAL of LA-2022-042

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,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Frank White, Jr., County Executive

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

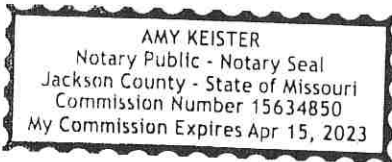
Applicant(s): Du-Lah 12-15-21

Applicant(s): Graham Hanes Construction LLC

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 name(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.

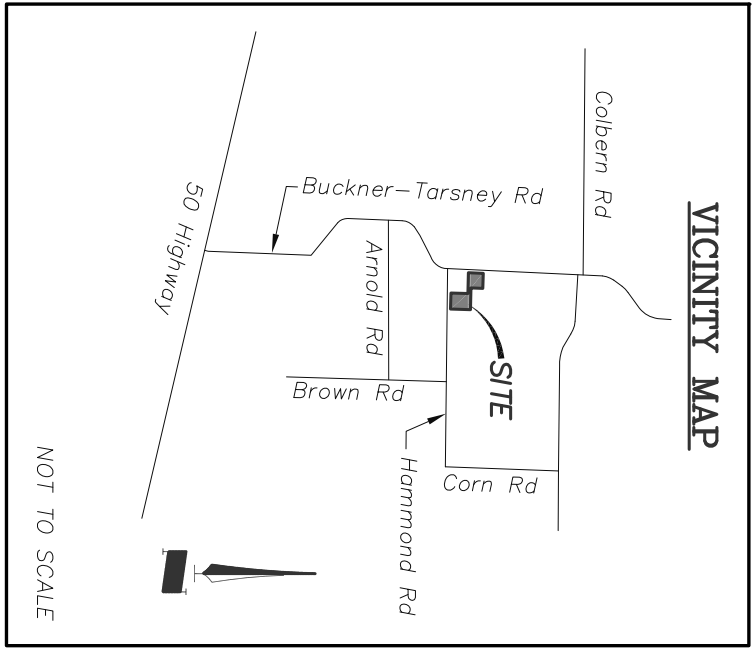
Amy Keister Commission Expires 4/15/2023
Notary Public



VACATION EXHIBIT

PART OF LOTS 1 AND 2, BURNETT ACRES

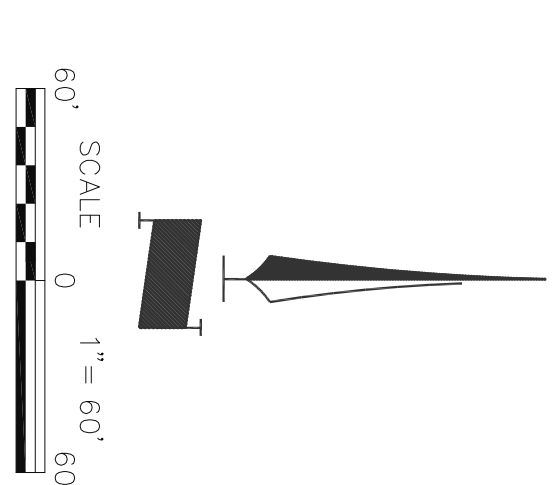
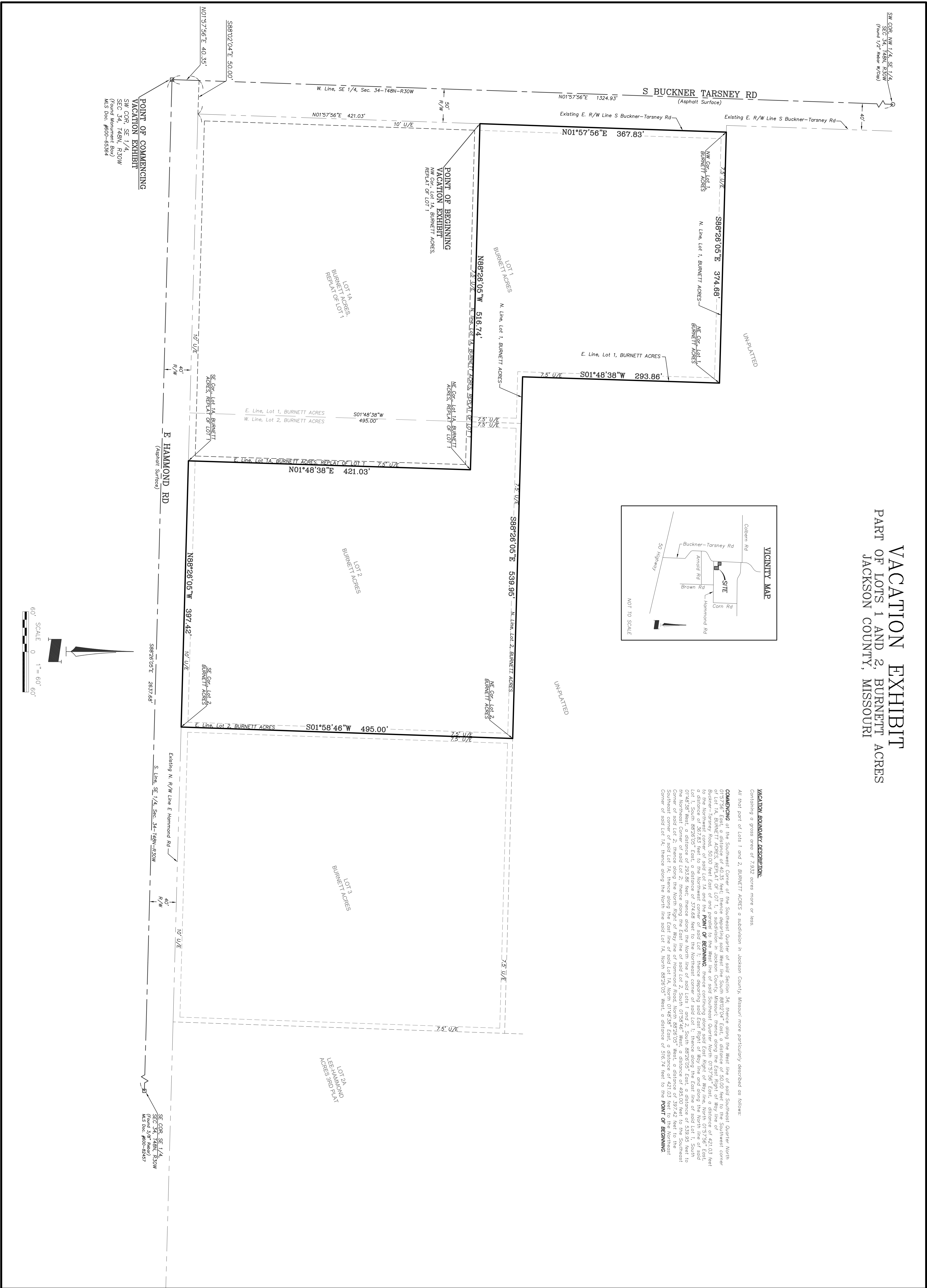
JACKSON COUNTY, MISSOURI



VACATION BOUNDARY DESCRIPTION:
Containing a gross area of 7.932 acres more or less.

All that part of Lots 1 and 2, BURNETT ACRES a subdivision in Jackson County, Missouri more particularly described as follows:

COMMENCING at the Southeast 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°26'05" East, a distance of 50.00 feet to the Southeast 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 Northeast 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 374.68 feet to the Northeast corner of said Lot 2, South 88°26'05" East, a distance of 539.95 feet to the Northeast corner of said Lot 1, South 01°48'38" West, a distance of 293.86 feet; thence along the East line of said Lot 1, South 01°48'38" West, a distance of 421.03 feet to the Northeast corner of said Lot 2, South 01°58'46" West, a distance of 495.00 feet to the Southeast corner of said Lot 1A, thence along the East line of said Lot 1A, North 01°48'38" East, a distance of 421.03 feet to the Northeast corner of said Lot 1A, thence along the North line said Lot 1A, North 88°26'05" West, a distance of 516.74 feet to the **POINT OF BEGINNING**.



DATE	NUMBER	REVISION	BY:	APPROVED:

VACATION EXHIBIT
PART OF LOTS 1 & 2, BURNETT ACRES
JACKSON COUNTY, MISSOURI

PREPARED FOR: GRAHAM HOMES
701 W. SW EAGLE DR
OAK GROVE, MISSOURI 64075

Project No: 21309
Drawn By: BDH
Checked By: JBL
Date: 12/14/2021
Scale: 1" = 60'
File Name: 21309.DWG
Certificate of Authority: Missouri - 2002026538
Kansas - LS-154

LOVELACE & ASSOCIATES
Land Surveying - Land Planning
929 SE 3rd Street Lee's Summit, Missouri 64063
Phone: (816) 347-9997 Fax: (816) 347-9979

SHT 1 OF 1

VACATION EXHIBIT