

Request for Legislative Action

Ord. #5531
August 9, 2021

Completed by County Counselor's Office			
Action Requested:	Ordinance	Res.Ord No.:	5531
Sponsor(s):	Tony Miller	Legislature Meeting Date:	8/9/2021

Introduction
Action Items: ['Authorize']
Project/Title:
Robert G & Maria D Genge - RZ-2021-609

Request Summary
Requesting a change of zoning from District AG (Agricultural) on 10.17 ± acres to District RR (Residential Ranchette). The purpose is to create two single family residential lots at 39100 block of Al Gossett Road. 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 July 15, 2021 and accepted testimony pertaining to the rezoning request. The Plan Commission voted 5 to 0 to recommend <u>APPROVAL</u> to the County Legislature.

Contact Information			
Department:	Public Works	Submitted Date:	7/22/2021
Name:	Randy D. Diehl	Email:	RDiehl@jacksongov.org
Title:	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 7/22/2021 1:24:41 PM - [Submitted |]

Department Director: Brian Gaddie at 7/22/2021 2:15:44 PM - [Approved |]

Finance (Purchasing): Barbara J. Casamento at 7/22/2021 2:25:24 PM - [Not applicable |]

Compliance: Katie M. Bartle at 7/23/2021 9:24:16 AM - [Approved | eRLA 176]

Finance (Budget): Mary Rasmussen at 7/23/2021 9:59:12 AM - [Not applicable |]

Executive: Troy Schulte at 7/23/2021 10:33:24 AM - [Approved |]

Legal: Elizabeth Freeland at 7/30/2021 4:08:07 PM - [Approved |]

RZ-2021-609

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

That part of the Southwest Quarter of the Northwest Quarter of Section 16, Township, 47 North, of the Base Line, Range 29 West of the Fifth Principal Meridian, Jackson County, Missouri, being described as follows: Commencing at the Southwest Corner of said Southwest Quarter of the Northwest Quarter; thence South 88 degrees 11 minutes 37 seconds East along the South line of said Southwest Quarter of the Northwest Quarter, 913.90 feet to the Point of Beginning of land herein described; thence continuing South 88 degrees 11 minutes 37 seconds East, 436.96 feet to the East line of said Southwest Quarter of the Northwest Quarter; thence north 02 degrees 23 minutes 08 seconds East along said East line, 1014.65 feet; thence North 88 degrees 20 minutes 59 seconds West, 436.64 feet; thence South 02 degrees 24 minutes 15 seconds West, 1013.46 feet to the Point of Beginning.

RZ-2021-609

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from July 15, 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

Pictures of Property

Copy of Preliminary Plat

Randy Diehl gave the staff report:

RE: RZ-2021-609

Applicant: Robert G and Maria D Genge

Location: 39100 Block of Al Gossett Road

Area: 10.17 ± acres

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

Purpose: Create two single family residential lots

Current Land Use and Zoning in the Area:

Zoning in the area is predominantly Agricultural. Directly across the road in Dayton Hollow, which consists of seven lots, rezoned in 1996 to District RR. To the East is a 2 lot subdivision, Wheel-Moore, also in District RR.

To the Northwest is Midi Estates, this development contains 10 lots of which 7 are 5 to 10 acres in size. This resides with District AG (Agricultural).

The applicant purchased a 10 acre tract from a recently divided 30 acre tract. They are wishing to divide this into 2 separate lots. Lot 1 is a flag lot. The criteria for flags lots is that they must be within the Rural Development Tier, must front on a road that is classified as Local per the Jackson Comprehensive Plan, and have a pole width of at least 60 feet wide. Lot 1 meets all three requirements.

County Plan:

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

Recommendation:

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

Staff recommends APPROVAL of RZ-2021-609

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?

Karen Lux: 37904 E US 50 Hwy, Lone Jack, MO for the applicant

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

Ms. Lux: No. It was thorough. I would add as well that there are similar properties across the road.

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

Discussion under advisement

Ms. Mershon moved to approve. Mr. Haley seconded.

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

Motion Carried 6 – 0

STAFF REPORT

PLAN COMMISSION

July 15, 2021

RE: RZ-2021-609

Applicant: Robert G and Maria D Genge

Location: 39100 Block of Al Gossett Road

Area: 10.17 ± acres

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Recommendation:

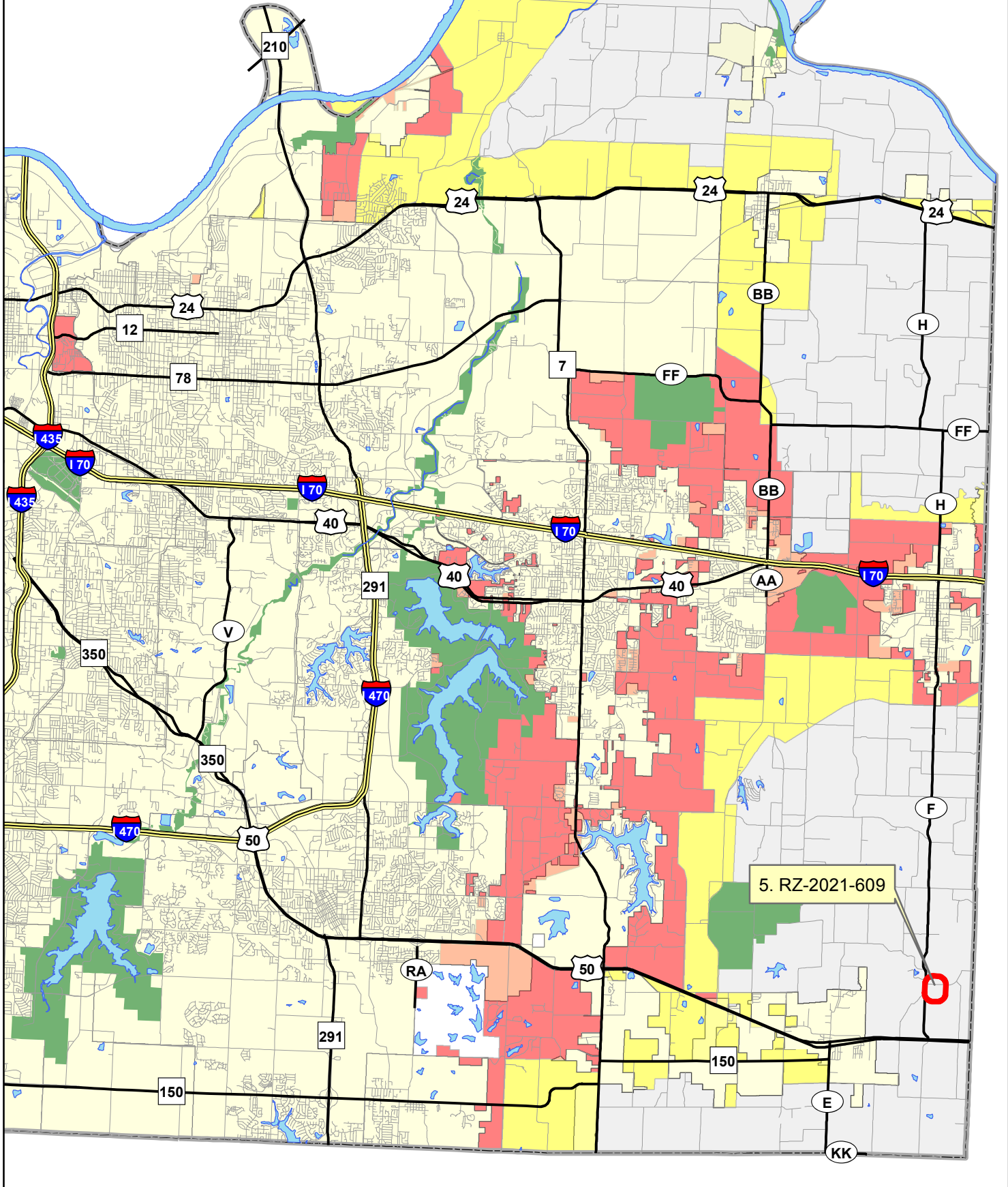
This request for rezoning is consistent with the intent and purpose of the County Plan.

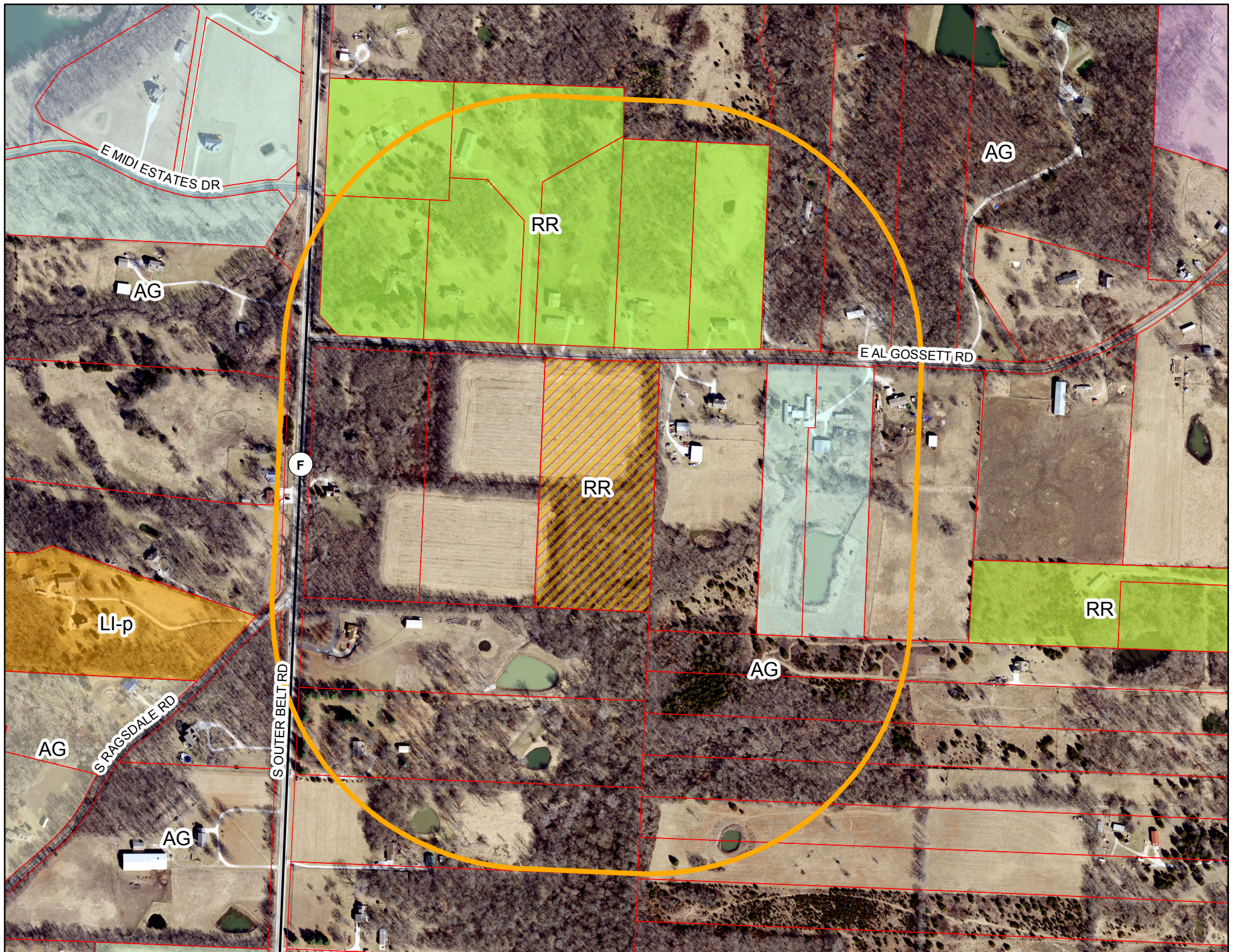
Staff recommends APPROVAL of RZ-2021-609

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
July 15, 2021
Agenda Location Map





E MIDI ESTATES DR

RR

AG

AG

E AL GOSSETT RD

F

RR

LI-p

RR

AG

S RAGSDALE RD

S OUTER BELT RD

AG

AG

Plan Commission July 15, 2021

RZ-2021-609

Property Owners Within 1000 feet

Parcel	owner	address	city	state	zip
57-700-02-30-00-0-00-000	MET INVESTMENTS LC	1415 GAMMON RD	GREENWOOD	MO	64034-8205
57-700-04-09-00-0-00-000	POTTER JACKIE G	12804 S AL GOSSETT RD	LONE JACK	MO	64070
57-700-04-15-00-0-00-000	HOWLETT MARK & CHARITY	12702 S AL GOSSETT RD	LONE JACK	MO	64070
57-700-02-20-00-0-00-000	WEEKS CAROLYN D	PO BOX 319	LONE JACK	MO	64070
57-700-03-06-00-0-00-000	MCCORMICK RICHARD C	12819 S OUTER BELT RD	LONE JACK	MO	64070
57-700-02-18-02-2-00-000	PAUL RUDY JAMES JR & ONWILER MANDE L	39402 E AL GOSSETT RD	LONE JACK	MO	64070
57-800-01-05-02-1-00-000	PLAIN B AUSTEN	12616 S OUTER BELT RD	LONE JACK	MO	64070
57-700-02-24-00-0-00-000	VILLINES MARTIN T & JANINE R	39000 E AL GOSSETT RD	LONE JACK	MO	64070
57-700-02-17-00-0-00-000	MARTIN MICHAEL D	12321 S OUTER BELT RD	LONE JACK	MO	64070
57-700-02-18-02-1-00-000	GOSS DENNIS J JR	39308 E AL GOSSETT RD	LONE JACK	MO	64070
57-700-02-26-00-0-00-000	WHITE DANIEL C & TARA L	12411 S OUTERBELT RD	LONE JACK	MO	64070
57-700-02-22-00-0-00-000	EAGAN JOHN T & DORIS A	39200 AL GOSSETT RD	LONE JACK	MO	64070
57-700-02-23-00-0-00-000	MULLINS DANNY & SANDRA	12917 S OUTER BELT RD	LONE JACK	MO	64070
57-700-03-04-00-0-00-000	WILLIAMS TROY N	12811 S OUTER BELT RD	LONE JACK	MO	64070
57-700-04-08-00-0-00-000	BURK JACKIE J	12718 S AL GOSSETT	LONE JACK	MO	64070
57-700-02-19-00-0-00-000	WEEKS CAROLYN D	PO BOX 319	LONE JACK	MO	64070
57-800-01-05-01-0-00-000	PLAIN PROPERTIES LLC	38402 MIDI ESTATES DR	LONE JACK	MO	64070
57-700-04-18-00-0-00-000	THORNE CHANARA N	12714 S AL GOSSETT	LONE JACK	MO	64070
57-700-02-14-00-0-00-000	NIERMAN TIMOTHY W & CAROLYN M	39203 E AL GOSSETT RD	LONE JACK	MO	64070
57-700-02-21-00-0-00-000	SPURGEON JASON D & ELISA M	39210 E AL GOSSETT RD	LONE JACK	MO	64070
57-800-04-02-00-0-00-000	MAKI TROY D & LINDSEY M	12718 S OUTER BELT RD	LONE JACK	MO	64070
57-700-02-25-00-0-00-000	PIERCE SHAWN M & ALEXANDRA R	38810 E AL GOSSETT RD	LONE JACK	MO	64070
57-700-02-18-01-0-00-000	SUTHERLAND LAWRENCE & JOANNE	P O BOX 184	LONE JACK	MO	64070
57-700-03-14-00-0-00-000	CLAYTON JOHN R & MARY E	12705 S OUTER BELT RD	LONE JACK	MO	64070
57-700-04-22-02-0-00-000	BUTLER ARTHUR	206 HIGHWAY 402	SHELBY	AL	35143
57-700-04-22-01-0-00-000	POTTER JACKIE G & SONJA	12804 AL GOSSETT RD	LONE JACK	MO	64070
57-700-03-15-00-0-00-000	MORGAN KENNETH L & RUTH ANN	12723 S OUTER BELT RD	LONE JACK	MO	64070
57-700-02-27-00-0-00-000	BRANTNER CHARLES A & CAROL A	39006 E AL GOSSETT RD	LONE JACK	MO	64070
57-700-02-10-00-0-00-000	MULLINS SANDRA K & TODD MELISSA M	39409 E AL GOSSETT RD	LONE JACK	MO	64070

57-800-01-05-02-2-00-000	HEIPLE EDWIN L & JANET L	12622 RAGSDALE RD	LONE JACK	MO	64070
57-700-02-29-00-0-00-000	MET INVESTMENTS LC	1415 GAMMON RD	GREENWOOD	MO	64034-8205
57-700-02-28-00-0-00-000	GENGE ROBERT G & MARIA D	2809 SE JENNIFER DR	LEES SUMMIT	MO	64063

57-800-01-05-02-2-00-000	HEIPLE EDWIN L & JANET L	12622 RAGSDALE RD	LONE JACK	MO	64070
57-700-02-29-00-0-00-000	MET INVESTMENTS LC	1415 GAMMON RD	GREENWOOD	MO	64034-8205
57-700-02-28-00-0-00-000	GENGE ROBERT G & MARIA D	2809 SE JENNIFER DR	LEES SUMMIT	MO	64063



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

June 30, 2021

RE: Public Hearing: RZ-2021-609
Robert G & Maria D Genge

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 G & Maria D Genge for a change of zoning from District AG (Agricultural) on 10.17 ± acres to District RR (Residential Ranchette). The purpose is to create two single family residential lots at 39100 block of Al Gossett 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 1000' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, July 15, 2021 at 8:30 a.m. in the Brady Courtroom, 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,

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- 2021-609

Date filed _____ Date of hearing 7-15-21

Date advertised _____ Date property owners notified _____

Date signs posted _____

Hearings: Heard by _____ Date _____ Decision _____

 Heard by _____ Date _____ Decision _____

 Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

1. **Data on Applicant(s) and Owner(s):**
 - a. Applicant(s) Name: Robert and Maria Genge
Address: 2809 SE Jennifer Drive
Lee's Summit, MO 64063
Phone: 816-520-3495
 - b. Owner(s) Name: same as (a)
Address: _____
Phone: _____
 - c. Agent(s) Name: Karen Lux

Address: 37904 E US 50 Hwy, Ste. B, Lone Jack, MO 64070

Phone: 816-697-4000

d. Applicant's interest in Property: owners

2. General location (Road Name) Al Gossett Road, just east of Outer Belt Rd(F Hwy)

3. Present Zoning agriculture Requested Zoning residential

4. AREA (sq. ft. / acres) 10.17 Acres

5. Legal Description of Property: (Write Below or Attached 9)
DESCRIPTION TRACT 3 CERTIFICATE OF SURVEY IN THE SW1/4 NW1/4 SECTION 16, T47N, R29W, JACKSON COUNTY, MISSOURI
That part of the SW 1/4 of the NW1/4 of Section 16, Township 47 North of the Base Line, Range 29 West of the Fifth Principal Meridian, Jackson County, Missouri, being described as follows: Commencing at the Southwest Corner of said SW1/4 NW1/4; thence S88°11'37"E along the south line of said SW1/4 NW1/4, 913.90' to the Point of Beginning of the fond herein described; thence continuing SBB'11'37"E, 436.96' to the east line of sold SW1/4 NW 1/4; thence N02°23'DB"f along said east line, 1014.65'; thence N8B'20'59"W, 436.64'; thence S02°24'15"W, 1013.46' to the Point of Beginning. Containing 10.17 acres and subject to all easements, restrictions, reservations or rights-of-way of record, if any.

6. Present Use of Property: agriculture

7. Proposed Use of Property: residential RR

8. Proposed Time Schedule for Development: 2021

9. What effect will your proposed development have on the surrounding properties?
none - 1 more driveway

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 public - water meters available - no affect

b. Sewage disposal septic systems required

c. Electricity public - available

d. Fire and Police protection available - no affect

12. Describe existing road width and condition: publicly maintained county road - blacktop

13. What effect will proposed development have on existing road and traffic conditions? none - only adding 1 additional building tract

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

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
Property Owner(s) [Signature]

Date
14-May-2021
5/14/2021

Applicant(s): [Signature]

14-May-2021
5/14/21

Contract Purchaser(s): _____

STATE OF Missouri
COUNTY OF Jackson

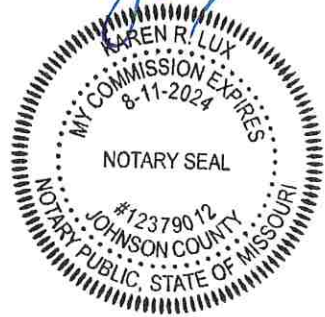
On this 14th day of May, in the year of 2021, before me the undersigned notary public, personally appeared _____

Robert and Maria Genge
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 8/11/2024



E AL GOSSETT RD

2

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