

## Request for Legislative Action

Ordinance No.: 5755

Date: June 15, 2023

### Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5755
Sponsor(s):		Legislature Meeting Date:	6/15/2023

### Introduction

**Action Items:** ['Authorize']**Project/Title:**

RZ-2023-647 – Connie McCartney

### 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 two residential lots at 38708 E Hudson 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 June 1, 2023, and accepted testimony pertaining to the rezoning request. There was no opposition to the request.

The Plan Commission voted 5 to 0 to recommend APPROVAL to the County Legislature.

### Contact Information

<b>Department:</b>	Public Works	<b>Submitted Date:</b>	6/2/2023
<b>Name:</b>	Randy D. Diehl	<b>Email:</b>	RDiehl@jacksongov.org
<b>Title:</b>	Development Administrator	<b>Phone:</b>	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

<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>	
In Compliance	
<b>Minority, Women and Veteran Owned Business Program</b>	
Goals Not Applicable for following reason: Zoning Change	
MBE:	.00%
WBE:	.00%
VBE:	.00%
<b>Prevailing Wage</b>	
Not Applicable	

<b>Fiscal Information</b>
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## Request for Legislative Action

### History

Submitted by Public Works requestor: Randy D. Diehl on 6/2/2023. Comments:

Approved by Department Approver Kristina J. Miller on 6/5/2023 3:45:44 PM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 6/5/2023 4:28:45 PM. Comments:

Approved by Compliance Office Approver Jaime Guillen on 6/5/2023 4:36:57 PM. Comments:

Approved by Budget Office Approver David B. Moyer on 6/6/2023 8:44:07 AM. Comments:

Approved by Executive Office Approver Sylvy Stevenson on 6/6/2023 1:48:38 PM. Comments:

Approved by Counselor's Office Approver Jamesia Manning on 6/14/2023 10:38:33 AM. Comments:

**RZ-2023-647**

**ATTACHMENT 1: PROPERTY DESCRIPTION**

**Description:**

Part of the Southeast Quarter of the Southeast Quarter of Section 8, Township 48, Range 29, Jackson County, Missouri, beginning at the Southeast corner of said Quarter Quarter Section; thence North 324.73 feet to a stake, thence West 1306.82 feet to a stake in the West line of said Quarter Quarter Section, thence South 327.74 feet to the Southwest corner of said Quarter Quarter, thence East along South line of said Quarter Quarter Section 1307 feet to the point of beginning, except part in roads.

**RZ-2023-647**

**ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION**

Attachments

Plan Commission Public Hearing Summary from June 1, 2023

Staff Report

Zoning map of surrounding area

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Application

Aerial of location

Pictures

**Randy Diehl gave the staff report:**

**RE: RZ-2023-647**

**Applicant:** Connie McCartney

**Location:** 38708 E. Hudson Road

**Area:** 10.00 ± acres

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

**Purpose:** Applicant is requesting a change in zoning to create two residential lots at 38708 E. Hudson Road.

**Current Land Use and Zoning in the Area:**

The zoning in the area is predominately Agricultural. 10.00 acres on the south side of Hudson Road were rezoned in 2021 for two residential lots.

The land use is single family residences on similar size or larger tracts.

The applicant is wishing to divide the acreage into two lots. One lot will contain the existing residence.

**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-2023-647.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

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

Mr. Johnson: Will this be split evenly into 5 and 5 acres?

Mr. Diehl: Yes. They may be a little short on acreage since this property is on a corner. However, we don't penalize them for that. If they have a deeded 10 acres, we treat it accordingly.

Mr. Crawford: Any line-of-sight issues?

Mr. Diehl: Once we receive the preliminary plat we'll contact a site distance test to see where the appropriate locations will be for any new driveway.

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

Connie McCartney, 38708 E. Hudson Road, Oak Grove

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

Ms. McCartney: 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?***

Janet Kaiser, 408 Topaz, Lees Summit. We own 38503 E. Hudson, an 11-acre tract across the road. We just want to make sure that it will be a single family home. No duplex or anything like that.

Mr. Antey: Single family residence.

Mr. Diehl: Duplexes are only allowed in areas where public sewers are available.

Motion to take under advisement.

Mr. Tarpley moved to take under advisement. Mr. Johnson seconded.

*Discussion under advisement*

Mr. Tarpley: It's compatible with the surrounding area.

Mr. Diehl: Jack, you can see in the picture the road heading West goes downhill. There will be some limitation for a new driveway.

Mr. Antey: Having a wide lot would help with that.

Mr. Tarpley moved to approve. Mr. Johnson seconded.

Mr. Tarpley	Approve
Mr. Johnson	Approve
Mr. Crawford	Approve
Ms. Ryerkerk	Approve
Chairman Antey	Approve

Motion Carried 5 – 0



## **STAFF REPORT**

### **PLAN COMMISSION**

**May 18, 2023**

**RE: RZ-2023-647**

**Applicant:** Connie McCartney

**Location:** 38708 E. Hudson Road

**Area:** 10.00 ± acres

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

**Purpose:** Applicant is requesting a change in zoning to create two residential lots at 38708 E. Hudson Road.

#### **Current Land Use and Zoning in the Area:**

The zoning in the area is predominately Agricultural. 10.00 acres on the south side of Hudson Road were rezoned in 2021 for two residential lots.

The land use is single family residences on similar size or larger tracts.

The applicant is wishing to divide the acreage into two lots. One lot will contain the existing residence.

#### **County Plan:**

The County Plan Development Diagram illustrates this area within the Urban Development Tier (UDT).

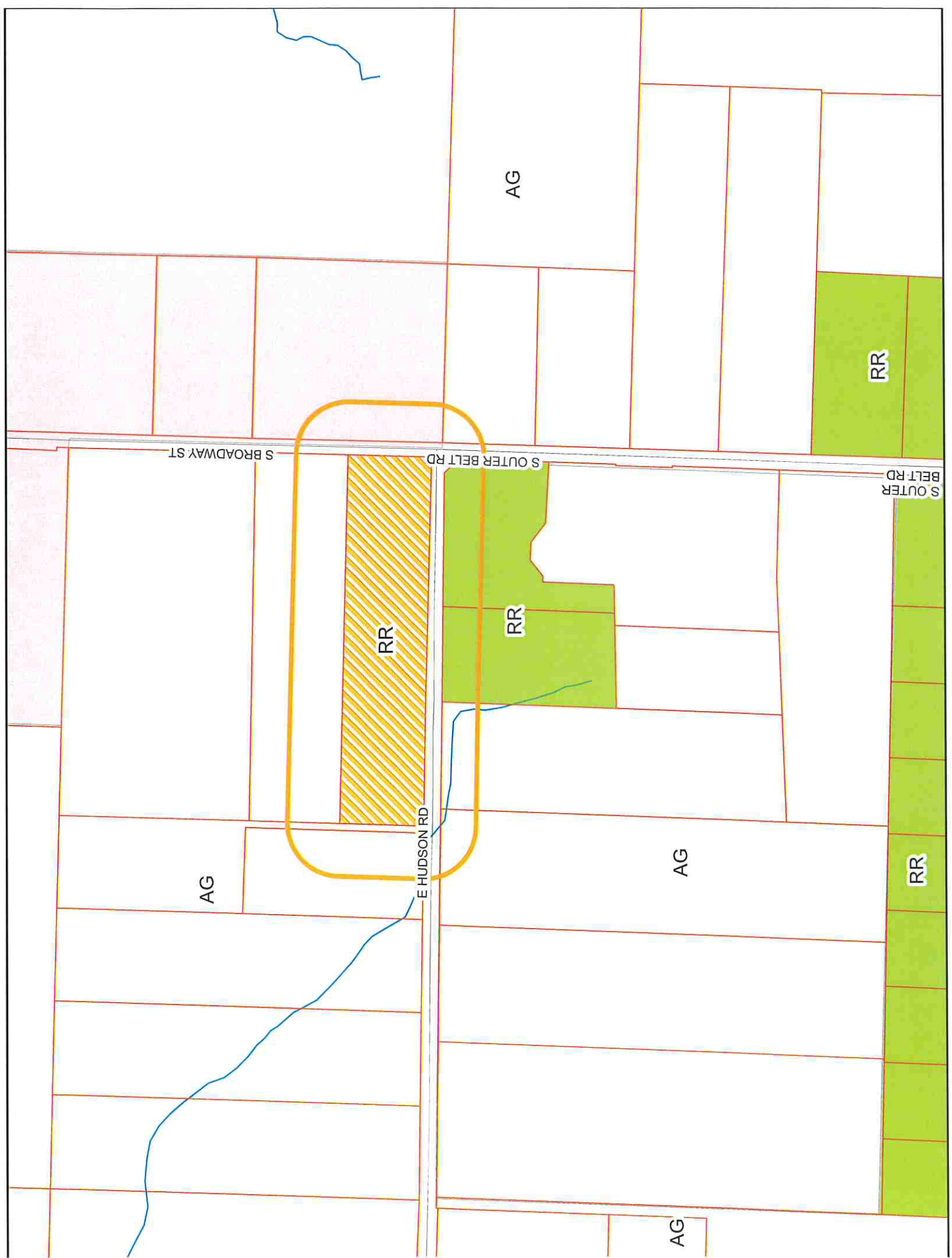
#### **Recommendation:**

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

Staff recommends APPROVAL of RZ-2023-647.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator



AG

RR

S BROADWAY ST

S OUTER BELT RD

S OUTER  
BELT RD

RR

RR

E HUDSON RD

AG

AG

RR

AG

Plan Commission May 18, 2023  
RZ-2023-647

Property Owners Within 185 feet

Parcel	owner	address	city	state	zip
39-600-03-15-00-0-00-000	COONE LON A & ASHLEY N	3401 S BROADWAY ST	OAK GROVE	MO	64075
39-700-02-03-00-0-00-000	SUMPTER THOMAS E & MORALES LINDA	7503 S OUTER BELT RD	OAK GROVE	MO	64075
39-500-04-27-00-0-00-000	BROWN SHARON S	106 W 19TH ST	OAK GROVE	MO	64075
39-500-04-11-00-0-00-000	DRURY SHELBY & FLETCHALL AUSTIN LYNN	38206 E HUDSON RD	OAK GROVE	MO	64075
39-500-04-10-00-0-00-000	JOHNSON ALBERT JAKE & TRISTAN MARIE	38312 E HUDSON RD	OAK GROVE	MO	64075
39-800-01-15-00-0-00-000	BEHOME LLC	7618 S ARNETT RD	GRAIN VALLEY	MO	64029
39-800-01-14-00-0-00-000	KAISER JEFFREY & JANET	PO BOX 721	OAK GROVE	MO	64075
39-800-01-12-00-0-00-000	NEWELL SCOTT & KENDRA	4887 SHAWNEE RD	WELLSVILLE	KS	66092
39-800-01-13-00-0-00-000	LIPARI ANTHONY M & JULIE A	1608 SW 18TH ST CRT	BLUE SPRINGS	MO	64015
39-500-04-26-00-0-00-000	MCCARTNEY MICHAEL & CONNIE	38708 E HUDSON RD	OAK GROVE	MO	64075



## 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 3, 2023

RE: Public Hearing: RZ-2023-647  
Connie McCartney

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 Connie McCartney for a change of zoning from District AG (Agricultural) on 10.00 ± acres to District RR (Residential Ranchette). The purpose is to create two residential lots at 38708 E Hudson 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, May 18, 2023, 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,

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

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**TO BE COMPLETED BY OFFICE PERSONNEL ONLY:**

Rezoning Case Number RZ- 2023-647

Date filed \_\_\_\_\_ Date of hearing \_\_\_\_\_

Date advertised \_\_\_\_\_ Date property owners notified \_\_\_\_\_

Date signs posted \_\_\_\_\_

Hearings:      Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

                  Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

                  Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

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**BEGIN APPLICATION HERE:**

1. **Data on Applicant(s) and Owner(s):**
  - a. Applicant(s) Name: Connie McCartney  
Address: 38708 E. Hudson  
Oak Grove, MO 64075  
Phone: 816-694-0102
  - b. Owner(s) Name: Connie McCartney  
Address: 38708 E. Hudson, Oak Grove, MO 64075  
Phone: 816-694-0102
  - c. Agent(s) Name: Heritage Realty; Jenny Neel

Address: 200 S. 2nd St. Odessa, MO 64076

Phone: 660-596-4178

d. Applicant's interest in Property: Owner wants to split off to sell.

2. General location (Road Name) F Highway & E. Hudson Rd.  
Oak Grove, MO

3. Present Zoning Agriculture Requested Zoning Residential  
RANCHETTE

4. AREA (sq. ft. / acres) 10 acres

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

see attached legal description

6. Present Use of Property: Agriculture

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: 90-120 days

9. What effect will your proposed development have on the surrounding properties?

Improving the value of properties

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? N/A

11. Describe the source/method which provides the following services, and what effect the development will have on same:

a. Water PWSD #1 - Odessa

b. Sewage disposal septic tank

c. Electricity West Central Electric

d. Fire and Police protection Jackson County

12. Describe existing road width and condition: 20ft wide / good condition

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13. What effect will proposed development have on existing road and traffic conditions? Shouldn't have any negative effects.

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14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? none that we are aware of

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

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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)

Connie McCarthy

3-31-23

Applicant(s):

Connie McCarthy

3-31-23

Contract Purchaser(s):

STATE OF Missouri

COUNTY OF Lafayette

On this 31st day of March, in the year of 2023, before me the undersigned notary public, personally appeared Connie McCarthy

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

Jenny Neel

Commission Expires

4/12/2025









