

Request for Legislative Action

Ordinance No.: 5645

Date: August 9, 2022

Completed by County Counselor's Office			
Action Requested:	Ordinance	Res.Ord No.:	5645
Sponsor(s):		Legislature Meeting Date:	8/15/2022

Introduction
Action Items: ['Authorize']
Project/Title:
Christine L Smith – RZ-2022- 637

Request Summary
Requesting a change of zoning from District AG (Agricultural) on 5.00 ± acres to District RR (Residential Ranchette). The purpose is to create a single-family residential lot at 38410 E. Cline 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 21, 2022, and accepted testimony pertaining to the rezoning request.
The Plan Commission voted 9 to 0 to recommend <u>APPROVAL</u> to the County Legislature.

Contact Information			
Department:	Public Works	Submitted Date:	7/29/2022
Name:	Randy D. Diehl	Email:	RDiehl@jacksongov.org
Title:	Development Division Administator	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

Submitted by Public Works requestor: Randy D. Diehl on 7/29/2022. Comments: Land Use scheduled for August 22.

Approved by Department Approver Brian Gaddie on 8/1/2022 4:11:59 PM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 8/1/2022 4:43:42 PM. Comments:

Approved by Compliance Office Approver Katie M. Bartle on 8/2/2022 4:12:29 PM. Comments:

Not applicable by Budget Office Approver Mark Lang on 8/3/2022 9:16:39 AM. Comments:

Approved by Executive Office Approver Sylvya Stevenson on 8/3/2022 11:21:02 AM. Comments:

Approved by Counselor's Office Approver Elizabeth Freeland on 8/4/2022 3:20:41 PM. Comments:

RZ-2022-637

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

A tract of land in the Southeast 1/4 of the Southeast 1/4 of Section 32, Township 48 North, Range 29 West in Jackson County, Missouri, described as follows: Commencing at the Southeast corner of said 1/4 1/4 section; thence North 88 degrees 00 minutes 17 seconds West along the South line of said 1/4 1/4 section, a distance of 689.50 feet; thence North 1°-51'-19" East, a distance of 25.00 feet to the north right of way line of Cline Road, as now established; thence North 88 degrees 00 minutes 17 seconds West along said north right of way line, a distance of 150.56 feet to the Point of Beginning of the tract of land to be herein described; thence continuing North 88 degrees 00 minutes 17 seconds West along said north right of way line, a distance of 478.71 feet to the east line of lot 3 of Clemens Addition, a subdivision in said County and state; thence North 01 degrees 52 minutes 21 seconds East along said east line of lot 3 and the East line of lot 4 of said subdivision, a distance of 455.00 feet; thence South 88 degrees 00 minutes 17 seconds East, a distance of 478.71 feet; thence South 01 degrees 52 minutes 21 seconds West, a distance of 455.00 feet to the Point of Beginning.

RZ-2022-637

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from July 21, 2022

Staff Report

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-2022-637

Applicant: Christine L Smith

Location: 38410 E Cline Road

Area: 5.00 ± acres

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

Purpose: Applicant is requesting the change in zoning to create a single-family residential lot.

Current Land Use and Zoning in the Area:

The zoning in the area is predominately Agricultural. Development around the subject property was developed prior to the adoption of the Unified Development Code in 1995.

Land use is single family residences.

The applicant is wishing to separate the existing residence within the 5.00-acre lot. The remaining acreage will become a separate tract that would allow construction of a dwelling.

The subdivision plat "McLennan's Addition" is under review.

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-2022-637.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: Are there any questions for Randy?

Mr. Tarpley: The surrounding properties are all divided into lots?

Mr. Diehl: Yes.

Mr. Hilliard: What is the difference between lots and tracts?

Mr. Diehl: Subdivision lots will usually have the lots numbered and tracts over 10 acres are referenced as letter designations.

Mr. Antey: Is the applicant here?

Christine Smith, 38410 E. Cline Road.

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

Ms. Smith: No.

Mr. Johnson: Do you own the rest of the property?

Ms. Smith: Yes, I do. We are splitting this for my kids.

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

Discussion under advisement

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

Mr. Akins	Approve
Mr. Tarpley	Approve
Mr. Johnson	Approve
Mr. Crawford	Approve
Mr. Hilliard	Approve
Ms. Ryerkerk	Approve
Mr. Farrar	Approve
Mr. Lake	Approve
Chairman Antey	Approve

Motion Carried 9 – 0

STAFF REPORT

PLAN COMMISSION

July 21, 2022

RE: RZ-2022-637

Applicant: Christine L Smith

Location: 38410 E Cline Road

Area: 5.00 ± acres

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

Purpose: Applicant is requesting the change in zoning to create a single-family residential lot.

Current Land Use and Zoning in the Area:

The zoning in the area is predominately Agricultural. Development around the subject property was developed prior to the adoption of the Unified Development Code in 1995.

Land use is single family residences.

The applicant is wishing to separate the existing residence within the 5.00-acre lot. The remaining acreage will become a separate tract that would allow construction of a dwelling.

The subdivision plat "McLennan's Addition" is under review.

County Plan:

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

Recommendation:

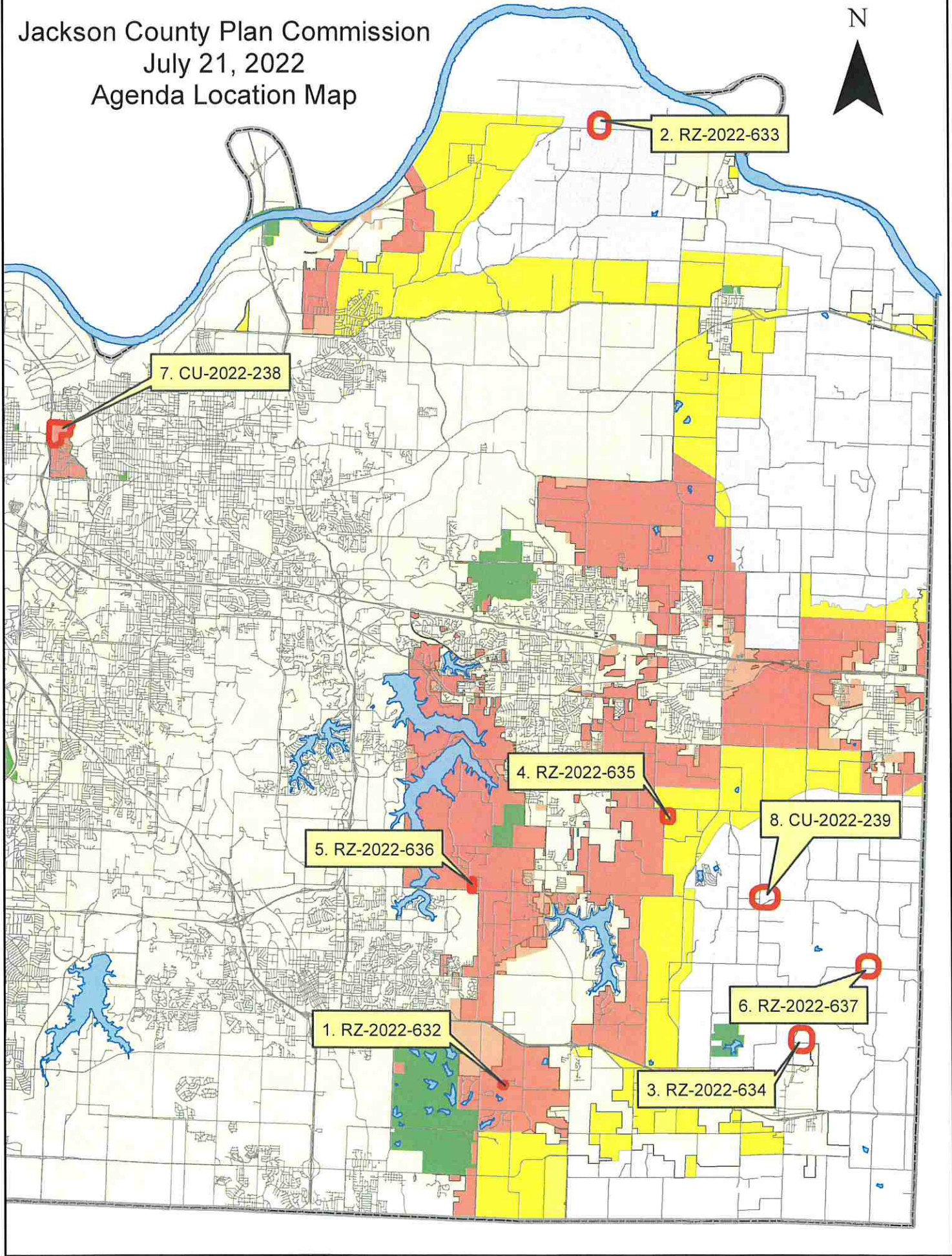
This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2022-637.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
July 21, 2022
Agenda Location Map



2. RZ-2022-633

7. CU-2022-238

4. RZ-2022-635

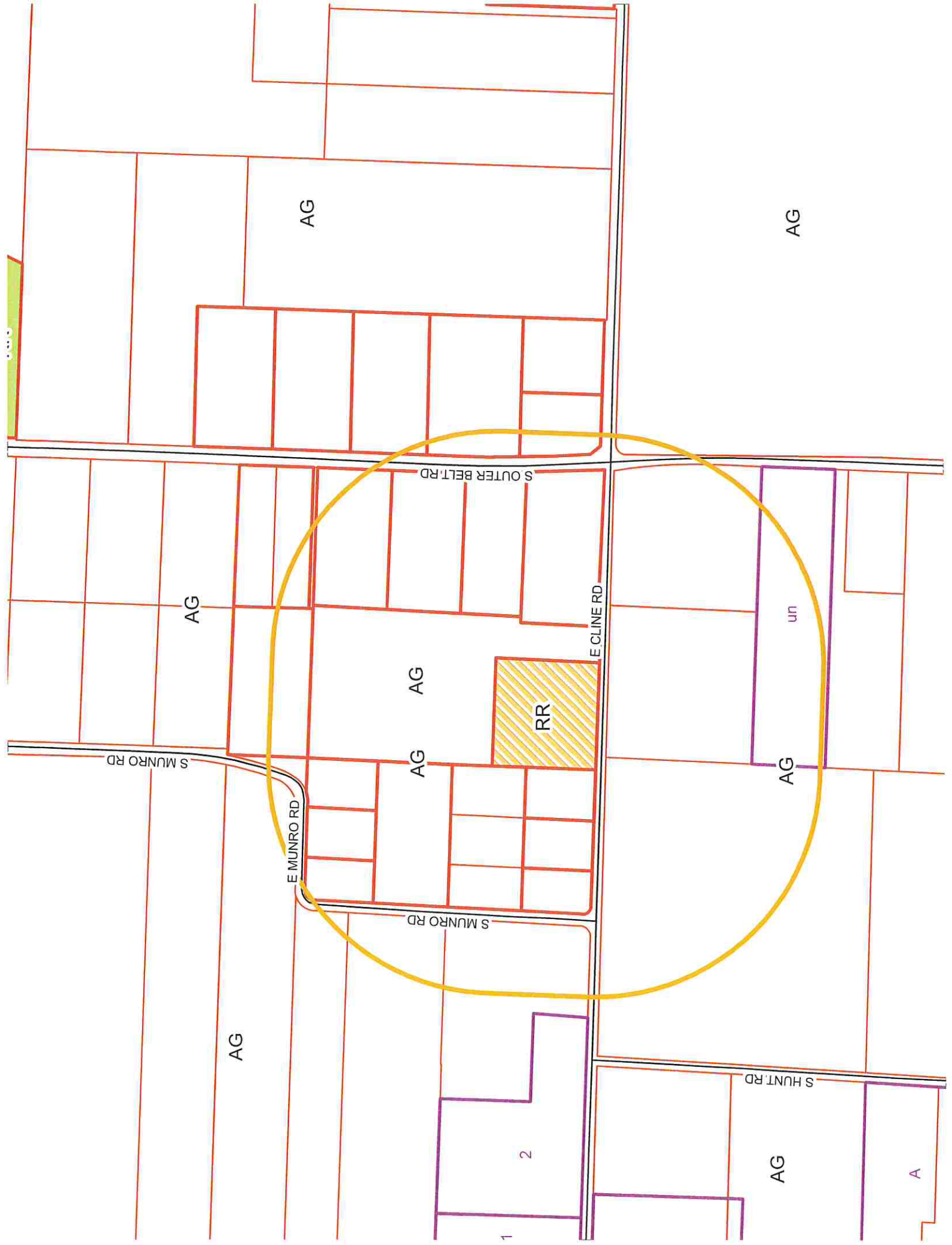
5. RZ-2022-636

8. CU-2022-239

1. RZ-2022-632

6. RZ-2022-637

3. RZ-2022-634



Plan Commission July 21, 2022

RZ-2022-637

Property Owners Within 1000 feet

Parcel	owner	address	city	state	zip
56-800-04-39-00-0-00-000	HOPKINS CRAIG R & SHERRY L	38604 E CLINE RD	LONE JACK	MO	64070
56-800-04-31-04-0-00-000	ROMANCHUK JOHN GARY		LONE JACK	MO	64070
56-800-04-49-00-0-00-000	GREENSTREET MATTHEW R	38108 E CLINE RD	LONE JACK	MO	64070
56-800-04-26-00-0-00-000	BOTTEMULLER MICAH & CHLOE	38308 E CLINE RD	LONE JACK	MO	64070
56-800-04-31-05-0-00-000	ROMANCHUK STEVE & JUDY A	10308 S MUNRO RD	LONE JACK	MO	64070
56-800-04-35-00-0-00-000	SCHLOTZHAUER KATHRYN L-TR	10502 S OUTER BELT RD	LONE JACK	MO	64070
56-800-04-28-00-0-00-000	CLARK PATRICIA A	38204 E CLINE RD	LONE JACK	MO	64070
56-800-04-29-00-0-00-000	OLIVER DAVID MICHAEL & MARCELLA ANN	38300 E CLINE R	LONE JACK	MO	64070
56-700-03-19-00-0-00-000	LEONARD DAVID N & SANDRA	10615 S OUTERBELT RD	OAK GROVE	MO	64075
56-800-04-25-00-0-00-000	ROUSH MARK P & HELEN A	10609 S MUNRO R	LONE JACK	MO	64070
56-700-03-21-00-0-00-000	LAPLANTE DENNIS D & OPAL M TR	10515 S F HWY	OAK GROVE	MO	64075
56-800-04-20-00-0-00-000	GOODMAN SHEILA D-TR	38301 E MUNRO RD	LONE JACK	MO	64070
57-200-01-10-00-0-00-000	HULL DAVID A & JANIS L	10802 S F HIGHWAY	LONE JACK	MO	64070
56-800-04-21-00-0-00-000	GOODMAN SHEILA D-TR	38301 E MUNRO RD	LONE JACK	MO	64070
56-800-04-22-00-0-00-000	EGNER ALEX M	10505 S MUNRO RD	LONE JACK	MO	64070
56-800-04-48-00-0-00-000	STREET LARRY E & SHARON L	10602 S OUTER BELT RD	OAK GROVE	MO	64075
56-800-04-18-00-0-00-000	MOBLEY LYNN E	10422 S OUTER BELT RD	OAK GROVE	MO	64075
57-100-02-02-00-0-00-000	DEBLASE FAMILY LLC	2131 W 116TH ST	LEAWOOD	KS	66211
56-700-03-18-00-0-00-000	TUTTLE JOSEPH E-TR	101601 S OUTER BELT	OAK GROVE	MO	64075
56-800-04-27-00-0-00-000	OLIVER DAVID MICHAEL & MARCELLA AN	38300 E CLINE RD	LONE JACK	MO	64070
56-800-04-30-00-0-00-000	BOTTEMULLER MICAH & CHLOE	38308 E CLINE R	LONE JACK	MO	64070
57-200-01-11-00-0-00-000	CHASTAIN DONALD K & MICHELLE J	38405 E CLINE RD	LONE JACK	MO	64070
56-800-04-40-01-3-00-000	ROMANCHUK STEVE & JUDY A	10308 MUNRO RD	LONE JACK	MO	64070
56-800-04-19-00-0-00-000	BADAMI BLAKE M	10418 S OUTER BELT RD	OAK GROVE	MO	64075
57-200-01-02-00-0-00-000	KACEE LAMB TRUST	11716 S OUTER BELT R	LONE JACK	MO	64070
56-800-04-47-00-0-00-000	CREED ROBERT K & LAURA DIANE	10518 S OUTER BELT RD	OAK GROVE	MO	64075
56-800-04-23-00-0-00-000	TITUS CALEB A	10521 S MUNRO RD	LONE JACK	MO	64070
56-800-04-31-03-0-00-000	SQUIRES ROBERT G & AMBER NICOLE	10504 S MUNRO R	LONE JACK	MO	64070
57-200-01-04-00-0-00-000	DRECKTRAH BRAD R & SHELLY	1602 OAKRIDGE DR	OAK GROVE	MO	64075
56-800-04-36-00-0-00-000	SMITH CHRISTINE L	38410 E CLINE RD	LONE JACK	MO	64070



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

July 6, 2022

RE: Public Hearing: RZ-2022-632
Christine L Smith

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 Christine L Smith for a change of zoning from District AG (Agricultural) on 4.00 ± acres to District RR (Residential Ranchette). The 4.00 ± acres are located at 38410 E Cline 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 21, 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

**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- 2022- 637
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 _____

BEGIN APPLICATION HERE:

1. **Data on Applicant(s) and Owner(s):**
 - a. Applicant(s) Name: ANDERSON SURVEY COMPANY - ROBERT ANDERSON
Address: 1270 NE DELTA SCHOOL ROAD
LEE'S SUMMIT, MISSOURI 64064
Phone: (816) 246-5050
 - b. Owner(s) Name: CHRISTINE SMITH
Address: 38410 E CLINE ROAD, LONE JACK, MO 64070
Phone: (816) 405-2025
 - c. Agent(s) Name: _____

Address: _____

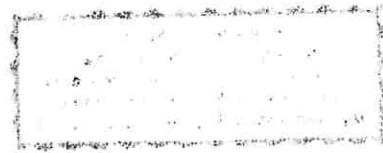
Phone: _____

- d. Applicant's interest in Property: NONE
2. General location (Road Name) 38410 EAST CLINE ROAD
3. Present Zoning AG Requested Zoning RR
4. AREA (sq. ft. / acres) ~~19.2 ACRES~~ 5.00 +/-
5. Legal Description of Property: (Write Below or Attached 9)
SEE ATTACHED
6. Present Use of Property: Home owner / agriculture
7. Proposed Use of Property: Same - potential to sell house and 5 to my son
8. Proposed Time Schedule for Development: + build on the land
We don't have a set timeline to make any changes yet
9. What effect will your proposed development have on the surrounding properties?
No
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 Odessa
- b. Sewage disposal Septic
- c. Electricity West Central Electric
- d. Fire and Police protection Sm Valley
12. Describe existing road width and condition: Asphalt/Chip and seal

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? No

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



10/25/11

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)

Christine L. Smith

Date

6.22.22

Applicant(s):

Contract Purchaser(s):

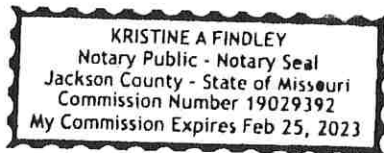
STATE OF Missouri
COUNTY OF Jackson

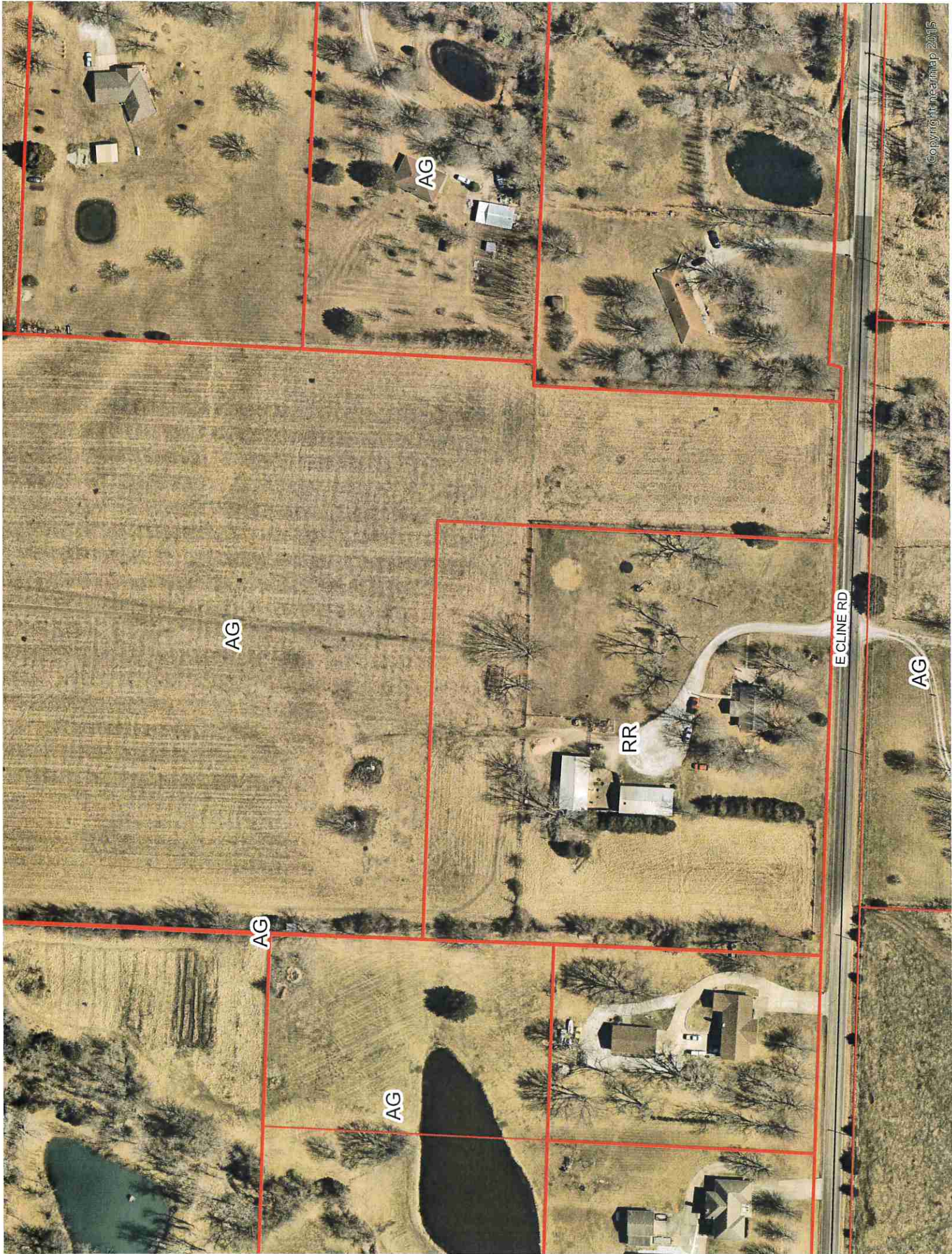
On this 23rd day of June, in the year of 2022, before me the undersigned notary public, personally appeared Christine L. Smith

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.

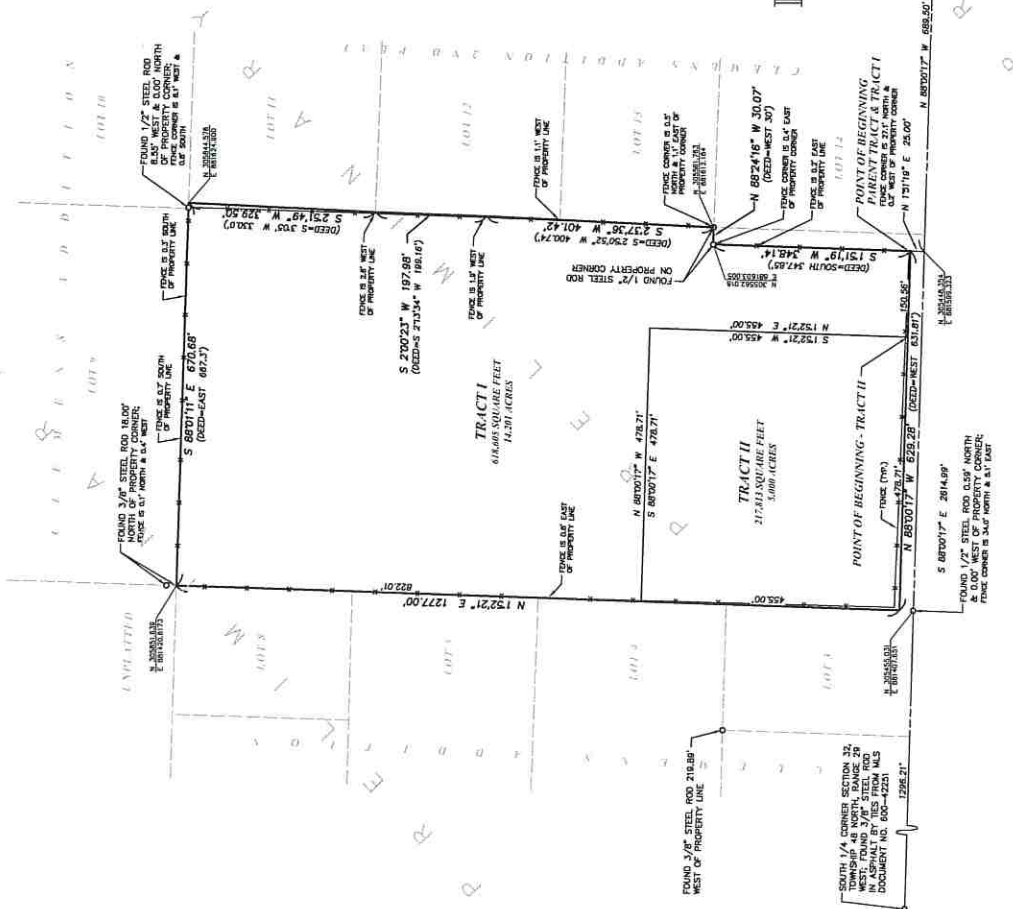
In witness whereof, I hereunto set my hand and official seal.

Notary Public Kristine A. Findley Commission Expires Feb. 25, 2023





MINOR SUBDIVISION OF
McLENNAN'S ADDITION
 A MINOR SUBDIVISION IN THE COUNTY OF JACKSON, MISSOURI
 PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF
 SECTION 32, TOWNSHIP 46 NORTH, RANGE 29 WEST



PARENT DESCRIPTION:
 A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 46 NORTH OF THE RANGE LINE, RANGE 29, WEST OF THE EIGHTH PRINCIPAL MERIDIAN, MOONSHOE ROAD 1/4 EAST TO THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE NORTH 127°22'45\"/>

PLAT DESCRIPTION:
 THE ABOVE DESCRIPTION HAS BEEN TAKEN FROM A QUILT CLAIN DEED RECORDED AS INSTRUMENT NO. J0120018211.
 THE BEARING SYSTEM SHOWN HEREON HAS BEEN CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THIS PLAT AND THE PROPERTY SHALL HEREAFTER BE MOVED AS IF.

FLOOD INFORMATION:
 THE SUBDIVISION SHOWN ON THIS PLAT IS LOCATED WITHIN AN AREA OF SPECIAL FLOOD HAZARD AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY MAP NO. 2005060610, DATED JANUARY 26, 2017. THIS PROPERTY LIES WITHIN ZONE X, AREAS SUBJECT TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN.

APPROVED:
 PUBLIC WORKS DEPARTMENT _____ DATE _____
 JACKSON COUNTY RECREATION DEPARTMENT _____ DATE _____

IN WITNESS WHEREOF:
 THE UNDERSIGNED OFFICIALS HAVE CAUSED THESE PRESENTS TO BE SIGNED THIS _____ DAY OF _____, 2022.
 CHRISTINE L. SMITH - CLERK
 STATE OF _____ COUNTY OF _____ J.S.
 ON THIS _____ DAY OF _____, 2022, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED CHRISTINE L. SMITH, AND BEING BY ME DULY SWORN, SHE SAID SHE IS THE OWNER OF THE SUBJECT PROPERTY, AND THAT SAID CHRISTINE L. SMITH ACKNOWLEDGED SAID INSTRUMENT TO BE HER FREE ACT AND DEED.
 I HAVE HEREBY SET MY HAND AND AFFIXED MY NOTARIAL SEAL IN MY OFFICE THE DAY AND YEAR LAST WRITTEN ABOVE.
 MY COMMISSION EXPIRES: _____
 NOTARY PUBLIC: _____

THE BEARING SYSTEM SHOWN HEREON IS BASED ON THE MISSOURI COORDINATE SYSTEM OF 1983, WEST ZONE.
 SCALE: 1 INCH = 100 FEET
 100 50 0 100 200 300
 FEET
 SCALE IN FEET
 DATE PREPARED: MAY 12, 2022

PLAT OF SURVEY
 THIS IS TO CERTIFY THAT THIS SURVEY WAS EXECUTED IN ACCORDANCE WITH THE MISSOURI SURVEYING ACTS AND THE MISSOURI BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND PROFESSIONAL LANDSCAPE ARCHITECTS AND MEETS OR EXCEEDS THE STANDARDS FOR SURVEYING AS ESTABLISHED BY THE MISSOURI BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND PROFESSIONAL LANDSCAPE ARCHITECTS.
 DATE: JANUARY 27, 2022
 FOR: CHRIS SMITH
 38410 EAST CLINE ROAD
 LONE JACK, MISSOURI 64070

PROJECT LOCATION:
 JACKSON COUNTY
 MISSOURI
 PROJECT NO. 2022-01-001

ANDERSON SURVEY COMPANY
 1270 N.E. DELTA SCHOOL ROAD
 LEES SUMMIT, MISSOURI 64064
 PHONE: (816) 445-5000
 EMAIL: info@andersonsurvey.com

OWNER:
 CHRISTINE L. SMITH
 38410 EAST CLINE ROAD
 LONE JACK, MISSOURI 64070
 PHONE: (816) 445-5000
 EMAIL: Christine21@gmail.com

SURVEYOR:
 ROBERT J. ANDERSON, PLS
 1270 N.E. DELTA SCHOOL ROAD
 LEES SUMMIT, MISSOURI 64064
 PHONE: (816) 445-5000
 EMAIL: info@andersonsurvey.com

DRN, BMC, P-C, OK, EJA, APP.