

Request for Legislative Action

Ord. #5762

Date: June 15, 2023

Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5762
Sponsor(s):		Legislature Meeting Date:	6/15/2023

Introduction

Action Items: ['Authorize']

Project/Title:

RZ-2023-649 – Shawn & Paula Cooper

Request Summary

Requesting a change of zoning from District AG (Agricultural) on 13.24 ± acres to District RR (Residential Ranchette). The purpose is to create two residential lots at 34204 E. Mabry 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

Department:	Public Works	Submitted Date:	6/5/2023
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
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Request for Legislative Action

History

Submitted by Public Works requestor: Randy D. Diehl on 6/5/2023. Comments:

Approved by Department Approver Kristina J. Miller on 6/7/2023 1:26:55 PM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 6/7/2023 1:58:58 PM. Comments:

Approved by Compliance Office Approver Ikeela Alford on 6/7/2023 2:29:00 PM. Comments:

Approved by Budget Office Approver David B. Moyer on 6/7/2023 2:33:26 PM. Comments:

Approved by Executive Office Approver Sylvy Stevenson on 6/8/2023 8:51:04 PM. Comments:

Approved by Counselor's Office Approver Jamesia Manning on 6/14/2023 10:43:26 AM. Comments:

RZ-2023-649

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

All that part of the West Half of the Southwest Quarter of Section 24, Township 50, Range 30 Jackson County, Missouri described as follows: Beginning at a point on the south line of Said Southwest Quarter, said point being South 88 degrees, 49 minutes, 02 seconds East, along said South line, 620.65 feet from the Southwest corner of said Section 24; thence North 03 degrees, 12 minutes 28 seconds East; along the West line of Tract D as shown on a Certificate of Survey recorded as Document No. 2016E0005620, at the Recorder's Office of Jackson County, Missouri, 376.72 feet; thence North 08 degrees, 13 minutes 41 seconds West, continuing along said line, 64.06 feet; thence North 03 degrees, 12 minutes 28 seconds East, continuing along said line, 390.22 feet; thence South 88 degrees, 53 minutes, 48 seconds East, along the North line of said document, 701.35 feet; thence South 03 degrees, 12 minutes 28 seconds West, along the East line of said document and along the East line of the West Half of the Southwest Quarter, 831.16 feet; thence north 88 degrees, 49 minutes, 02 seconds West, along the South Line of said document and along the South line of said Southwest Quarter, 688.61 feet to the point of beginning.

RZ-2023-649

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from June 1, 2023

Staff Report

Zoning map of surrounding area

Names and addresses of surrounding property owners

Letter to surrounding property owners

Application

Aerial of location

Preliminary Plat – Mabry Meadows

Randy Diehl gave the staff report:

RE: RZ-2023-649

Applicant: Shawn & Paula Cooper

Location: 34204 E. Mabry Road

Area: 13.24 ± acres

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

Purpose: The purpose is to create two single family residential lots.

Current Land Use and Zoning in the Area:

The zoning in the area is Agricultural.

The land use is single family residences on similar size or larger tracts. Much of the area is farm ground.

The applicant wishes 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 Suburban Development Tier (SDT).

Recommendation:

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

Staff recommends APPROVAL of RZ-2023-649.

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?

Shawn Cooper, 34204 E. Mabry Road.

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

Mr. Cooper: No, we're selling it to the neighbor on the north who has 11 acres. Randy gave us the choice to sell off this and they could add it to their property or go through this process and it remains a stand-alone piece of property.

Mr. Diehl: This sets it up for future development. A single family dwelling could be built on this.

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

Discussion under advisement

Mr. Antey: I like to see legal non-conforming property brought into compliance.

Mr. Crawford moved to approve. Mr. Tarpley 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-2023-649

Applicant: Shawn & Paula Cooper

Location: 34204 E. Mabry Road

Area: 13.24 ± acres

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

Purpose: The purpose is to create two single family residential lots.

Current Land Use and Zoning in the Area:

The zoning in the area is Agricultural.

The land use is single family residences on similar size or larger tracts. Much of the area is farm ground.

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 Suburban Development Tier (SDT).

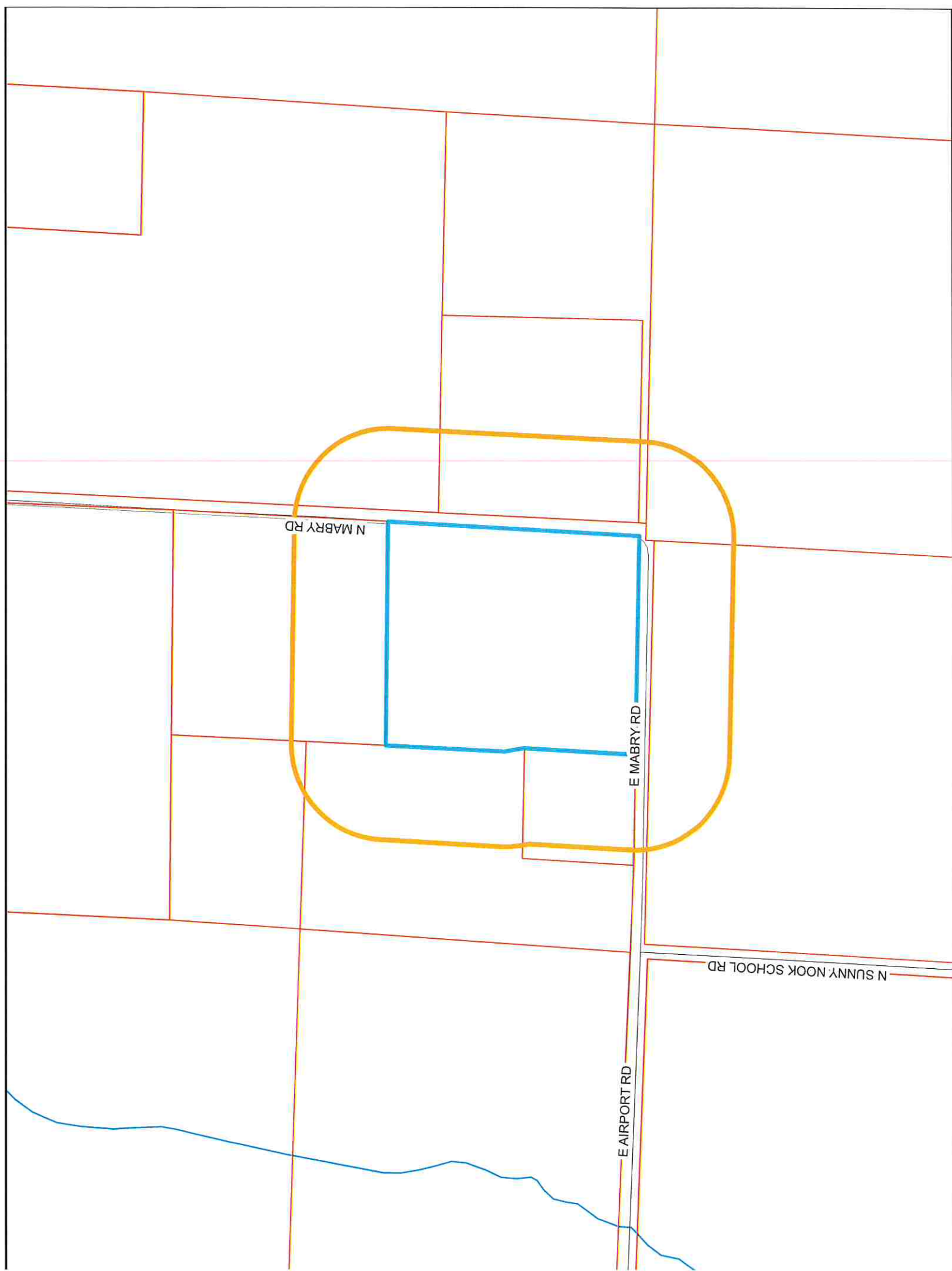
Recommendation:

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

Staff recommends APPROVAL of RZ-2023-649.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



N MABRY RD

E MABRY RD

E AIRPORT RD

N SUNNY NOOK SCHOOL RD

Plan Commission May 18, 2023

RZ-2023-649

Property Owners Within 300 feet

Parcel	owner	address	city	state	zip
19-100-03-03-00-0-00-000	TOUPS HEIDI M	34100 E MABRY RD	BUCKNER	MO	64016
19-100-03-08-00-0-00-000	SUMMERS FAMILY LAND & CATTLE GROUP	PO BOX 146	BUCKNER	MO	64016
19-100-03-10-00-0-00-000	CALLAHAN SEAN PATRICK & JOANNA MARIA	1520 N MABRY RD	BUCKNER	MO	64016
19-600-02-02-01-0-00-000	SUMMERS DANIEL E & LYNDIA K	PO BOX 146	BUCKNER	MO	64016
19-100-03-13-00-0-00-000	HALL WILLIAM S & NANCY S	1401 N MABRY RD	BUCKNER	MO	64016
19-600-02-01-00-0-00-000	SCHOLLE FRED R & SHIRLEY J-TRUSTEES	303 S BORGMAN RD	BUCKNER	MO	64016
19-100-03-14-00-0-00-000	HALL WILLIAM S & NANCY S	1401 N MABRY RD	BUCKNER	MO	64016
19-100-03-11-00-0-00-000	SUMMERS FAMILY LAND & CATTLE GROUP LLC	PO BOX 146	BUCKNER	MO	64016
19-100-03-12-01-0-00-000	HALL NANCY SUE & STRUEWE NELSON C	1401 N MABRY RD	BUCKNER	MO	64016
19-100-03-09-00-0-00-000	COOPER SHAWN & PAULA	34204 E MABRY RD	BUCKNER	MO	64016



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-2023-649
Shawn & Paula Cooper

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 Shawn & Paula Cooper for a change of zoning from District AG (Agricultural) on 13.24 ± acres to District RR (Residential Ranchette). The purpose is to create two residential lots at 34204 E. Mabry 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, May 18, 2023, 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

**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- 2023-649

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: Shawn & Paula Cooper
Address: 34204 E. Mabry Road
Buckner, MO 64016
Phone: 816-564-7979
- b. Owner(s) Name: Same
Address: _____
Phone: _____
- c. Agent(s) Name: Erwin W. Gard (Gard Horizon, LLC)

Address: 1040 SW Luttrell, Blue Springs, MO 64015

Phone: 816-295-5951

d. Applicant's interest in Property: Owner

2. General location (Road Name) Mabry Road 1/4 mile east of Sunnynook
School Road

3. Present Zoning AG Requested Zoning RR

4. AREA (sq. ft. / acres) 577,010 sq.ft. OR 13.2463 acres

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

All of Tract D, as shown on a Certificate of Survey recorded as Doc No
2016 E 0005620 at the Jackson County Recorder's Office

6. Present Use of Property: Residential

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: Immediate

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

None. New lot being sold to existing neighbor.

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 Water District 16

b. Sewage disposal Private existing

c. Electricity Evergy West

d. Fire and Police protection Fort Osage Fire - Jackson County Sherriff

12. Describe existing road width and condition: 18' to 20' asphalt no curb

13. What effect will proposed development have on existing road and traffic conditions? None. New lot to be sold to existing neighbor

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): _____

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)

Shelton

4-6-23

Applicant(s):

Shelton

4-6-23

Contract Purchaser(s):

STATE OF _____

COUNTY OF _____

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

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 _____

Commission Expires _____



N MABRY RD

E MABRY RD



