

**REQUEST FOR LEGISLATIVE ACTION**

**Version 6/10/19**

Completed by County Counselor's Office:

Res/Ord No.: 5384

Sponsor(s): N/A

Date: August 3, 2020

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Aileene Peery Trust - RZ-2020-586</u>																
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="370 527 1458 709"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> <td></td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td></td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number:</td> <td></td> <td>\$</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> OTHER FINANCIAL INFORMATION:  <input checked="" type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: _____ Estimated Use: _____ Prior Year Budget (if applicable): _____ Prior Year Actual Amount Spent (if applicable): _____		Amount authorized by this legislation this fiscal year:		\$	Amount previously authorized this fiscal year:			Total amount authorized after this legislative action:		\$	Amount budgeted for this item * (including transfers):		\$	Source of funding (name of fund) and account code number:		\$
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PRIOR LEGISLATION	Prior ordinances and (date): _____ Prior resolutions and (date): _____																
CONTACT INFORMATION	RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577																
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on a 6.64 ± acre platted lot to District RR (Residential Ranchette). The purpose is to create a single family residential lot in Section 16, Township 47, Range 30 at 29404 E. Old 50 Highway, Jackson County, Missouri. 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 16, 2020 and accepted testimony pertaining to the rezoning request. The Plan Commission voted 6 to 0 to recommend <u>APPROVAL</u> to the County Legislature.																
CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)																
COMPLIANCE	<input type="checkbox"/> MBE Goals <input type="checkbox"/> WBE Goals <input type="checkbox"/> VBE Goals																
ATTACHMENTS	Attachment 1: Property Description. Attachment 2: Zoning Support Documents																
REVIEW	<table border="1" data-bbox="354 1648 1539 1883"> <tr> <td>Department Director: Brian D. Gaddie, P.E. <i>Director of Public Works</i></td> <td>Date: 7-24-20</td> </tr> <tr> <td>Finance (Budget Approval): <i>N/A</i></td> <td>Date:</td> </tr> <tr> <td><i>Div. M. Manager</i></td> <td>Date: 7/29/20</td> </tr> <tr> <td>County Counselor's Office: <i>Bryan Conroy</i></td> <td>Date: 7/29/20</td> </tr> </table>		Department Director: Brian D. Gaddie, P.E. <i>Director of Public Works</i>	Date: 7-24-20	Finance (Budget Approval): <i>N/A</i>	Date:	<i>Div. M. Manager</i>	Date: 7/29/20	County Counselor's Office: <i>Bryan Conroy</i>	Date: 7/29/20							
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Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the \_\_\_\_\_ Fund in \_\_\_\_\_.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # \_\_\_\_\_
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

**RZ-2020-586**

**ATTACHMENT 1: PROPERTY DESCRIPTION**

**Description:**

That portion of the Northwest Quarter of Section 16, Township 48 North, Range 30 West of the 5th Principal Meridian, all in Jackson County Missouri and being described as follows: Commencing at the Southeast corner of the Northwest Quarter of said Section 16; Thence South 89 degrees 59 minutes 09 seconds West along the South line of said Northwest Quarter, a distance of 1322.85 feet; thence North 02 degrees 07 minutes 21 seconds East, a distance of 1077.28 feet; thence North 67 degrees 21 minutes 16 seconds West, a distance of 254.63 feet, to the Point of Beginning; thence continuing North 67 degrees 21 minutes 16 seconds West, a distance of 346.40 feet; Thence South 22 Degrees 38 minutes 44 seconds West, 764.47 feet; thence South 45 degrees, 11 minutes, 16 seconds East, 374.05 feet; thence North 22 degrees, 38 minutes, 44 seconds East, 905.60 feet to the Point of Beginning.

**RZ-2020-586**

**ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION**

Attachments

Public Hearing Summary from July 16, 2020 Plan Commission

Staff Report

Location Map

Map showing current zoning district in area

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Application

Pictures of subject property

Certificate of Survey

**Randy Diehl gave the staff report:**

**RE: RZ-2020-586**

**Applicant:** Aileene Peery Trust

**Location:** 29404 E. Old 50 Highway

**Area:** 6.64 ± acres

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

**Purpose:** To create single family residential lot.

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

Surrounding land use is agricultural or residential tracts.

The zoning in the area is both agricultural and residential with single family homes on larger acreage tracts.

To the East is Homestead Acres, rezoned this year to District RR, for two single family residential lots. To the north across 50 Highway is Eagle Crest Estates within District RE (Residential Estates).

The City of Lake Lotawana is south of Old 50 Highway.

The applicant sold off 10 acres of a 15 acre tract directly to the East of this request. The remaining acreage is to be sold and needs to be in compliance with the UDC in order to be developed for a residence.

**County Plan:**

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT).

The Residential Ranchette is appropriate for the Suburban Development Tier.

**Recommendation:**

Staff recommends APPROVAL of RZ-2020-586

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?**

Anna Nicoletta, 1550 SW Market St, Lee's Summit.

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

Ms. Nicoletta: No, I do not.

Mr. Antey: So you're going to build a house that fronts on Old 50.

Ms. Nicoletta: I'm not sure about the future plans. We represent the seller.

Mr. Diehl: Access will be onto Old 50 Highway. Access onto 50 Highway is controlled by the Missouri Department of Transportation. Direct access onto the Highway would probably be denied. It is a limited access Highway. We will place a note on the plat stating access to 50 Highway is controlled by MoDOT.

**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. Tarpley moved to take under advisement. Mr. Haley seconded.

*Discussion under advisement*

Mr. Haley moved to approve. Mr. Akins seconded.

Mr. Akins	Approve
Mr. Tarpley	Approve
Mr. Crawford	Approve
Mr. Haley	Approve
Mr. Hilliard	Approve
Chairman Antey	Approve

Motion Carried 6 – 0

## STAFF REPORT

### PLAN COMMISSION

July 16, 2020

RE: RZ-2020-586

**Applicant:** Aileene Peery Trust

**Location:** 29404 E. Old 50 Highway

**Area:** 6.64 ± acres

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

**Purpose:** To create single family residential lot.

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

Surrounding land use is agricultural or residential tracts.

The zoning in the area is both agricultural and residential with single family homes on larger acreage tracts.

To the East is Homestead Acres, rezoned this year to District RR, for two single family residential lots. To the north across 50 Highway is Eagle Crest Estates within District RE (Residential Estates).

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#### County Plan:

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT).

The Residential Ranchette is appropriate for the Suburban Development Tier.

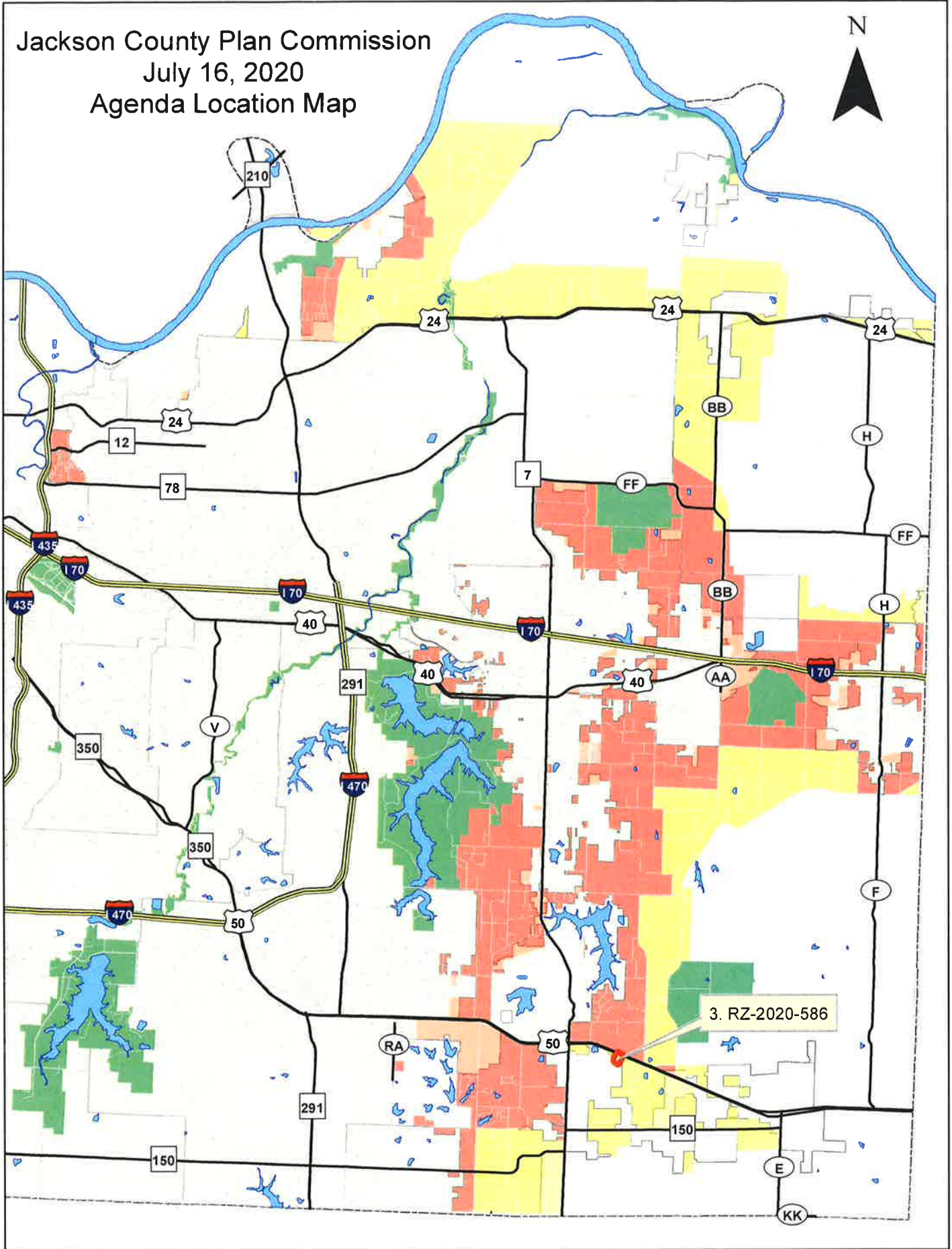
#### Recommendation:

Staff recommends APPROVAL of RZ-2020-586

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

Jackson County Plan Commission  
July 16, 2020  
Agenda Location Map



3. RZ-2020-586



RZ-2020-586

Aileene Perry Trust

29602

RE

E US 50 HWY WB  
E US 50 HWY EB

AG

RR

AG

29606

29500

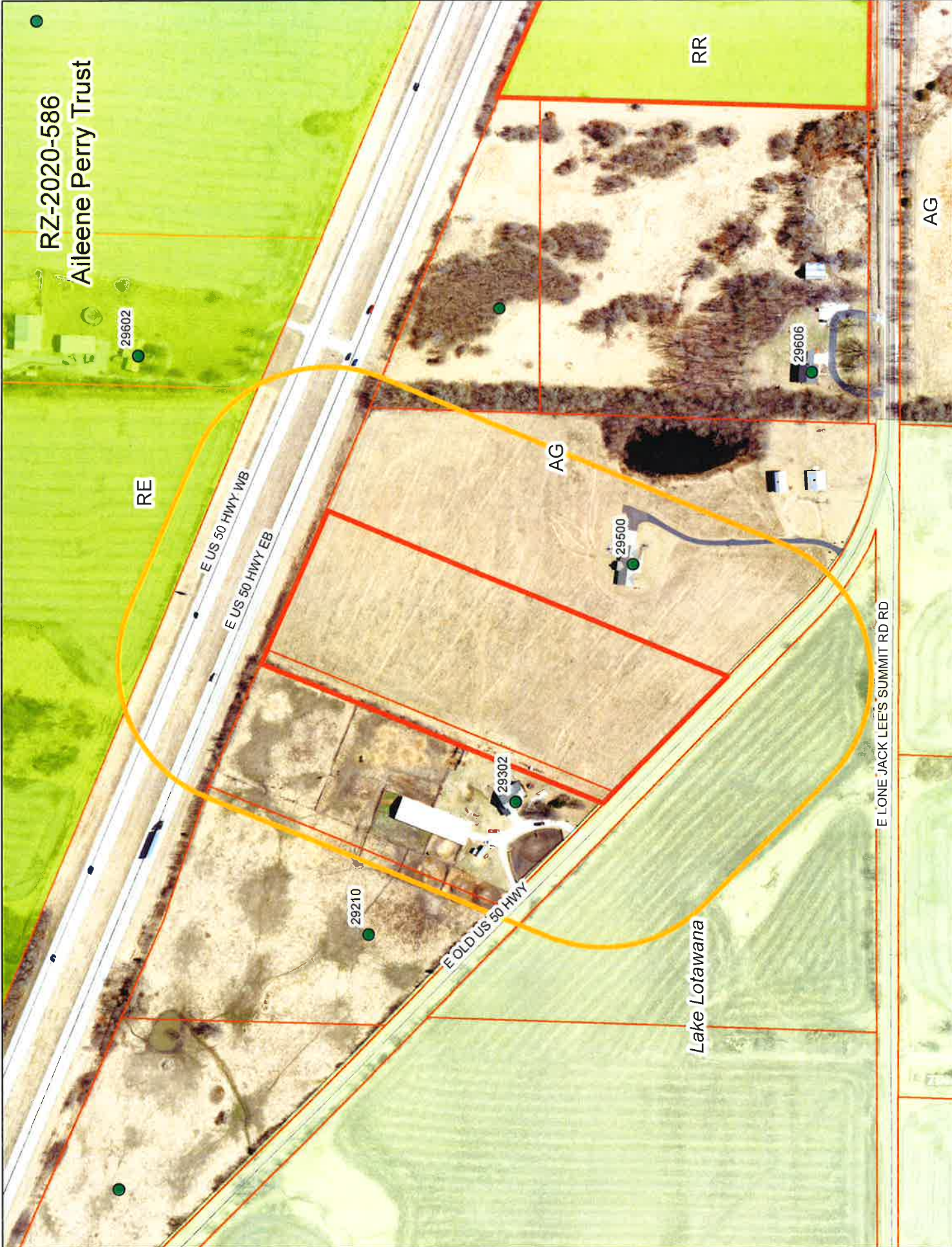
E LONE JACK LEES SUMMIT RD RD

29210

29302

E OLD US 50 HWY

Lake Lotawana



Plan Commission July 16, 2020

RZ-2020-586

Property Owners Within 300 feet

Name	Name	Address	City	State	Zip
59-700-02-04-02-1-00-000	PEERY DARIN LYNN	29606 OLD 50 HWY	LEE'S SUMMIT	MO	64086
59-700-02-02-00-0-00-000	LASCUOLA SALVATORE A	430 NE LANDINGS DR	LEE'S SUMMIT	MO	64064
59-700-02-08-03-0-00-000	PEERY THOMAS L & MELISSA	29302 OLD 50 HWY	LEE'S SUMMIT	MO	64086
59-700-02-08-02-0-00-000	PEERY THOMAS L & MELISSA	29302 OLD 50 HWY	LEE'S SUMMIT	MO	64086
59-700-02-05-00-0-00-000	SALLEE RANDALL W & LINDA K-TRUSTEES	28701 E OLD 50 HW	LEE'S SUMMIT	MO	64086
72-300-02-08-00-0-00-000	ANDERSON MALINDA-TRUSTEE	26814 W ORAIBI DR	BUCKEYE	AZ	85396



## 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 1, 2020

RE: Public Hearing: RZ-2020-586  
Aileene Peery Trust

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 Aileene Peery Trust for a change of zoning from District AG (Agricultural) on a 6.64 ± acre tract to District RR (Residential Ranchette). The purpose is to create a single family residential lot in Section 16, Township 47, Range 30 at 29404 E. Old 50 Highway, Jackson County, Missouri.

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, July 16, 2020 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 881-4649.

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
- 

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

Rezoning Case Number RZ- 2020 - 586  
Date filed 6-23-20 Date of hearing 7-16-20  
Date advertised 7-1-20 Date property owners notified 7-1-20  
Date signs posted 7-1-20  
Hearings: Heard by PC Date 7-16-20 Decision \_\_\_\_\_  
Heard by LU Date \_\_\_\_\_ Decision \_\_\_\_\_  
Heard by LC Date \_\_\_\_\_ Decision \_\_\_\_\_

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**BEGIN APPLICATION HERE:**

1. **Data on Applicant(s) and Owner(s):**
  - a. Applicant(s) Name: J. Aileene Peery  
Address: 29500 E Old Us 50 Hwy  
Lee's Summit, MO 64086  
Phone: 913-219-9079
  - b. Owner(s) Name: J. Aileene Peery Revocable Trust (Malinda Anderson - DPOA)  
Address: 29500 E Old US 50 HWY Lee's Summit, MO 64086  
Phone: 913-219-9079
  - c. Agent(s) Name: Malinda Anderson ( DPOA)

Address: 26814 W. Oraibi Drive Buckeye, AZ 85396

Address: \_\_\_\_\_

Phone: 913-219-9079

Phone: \_\_\_\_\_

d. Applicant's interest in Property: Owners Durable Power of Attorney

2. General location (Road Name) E Old US 50 HWY

3. Present Zoning Agriculture Requested Zoning Residential Ranchette

4. AREA (sq. ft. / acres) 5.75 acres

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

See attached Preliminary Plat provided by Henley Survey. 5.75 acres is being remove

Total parcel of 15.75 acres for the purpose of 1 lot for 1 future primary residence.

6. Present Use of Property: Hay Production - Agriculture

7. Proposed Use of Property: Rural Ranchette - 1 Primary Residence

8. Proposed Time Schedule for Development: Future New Owner currently under contract  
has plans to build 1 primary residence for their family within 1-3 years.

9. What effect will your proposed development have on the surrounding properties?  
New Homes will add value to surrounding 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? No

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

a. Water Lee's Summit PWD #15 - 1 Water Tap to be installed

b. Sewage disposal Private Disposal (Septic to be installed)

c. Electricity Evergy - 1 meter to be installed

d. Fire and Police protection Lee's Summit & Jackson County Sheriff & FD

12. Describe existing road width and condition: Standard 2 lane blacktop with no shoulders

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13. What effect will proposed development have on existing road and traffic conditions? Traffic increase will be barely noticeable since only 1 residence is being added to the 5.75 acre parcel.

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14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? No

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

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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.

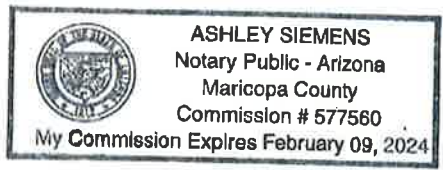
Signature	Date
Property Owner(s) <u>J. Aileen Perry Revocable Trust</u> <u>By Malinda Anderson</u> <u>DORA</u>	<u>6/19/2020</u>
Applicant(s): <u>J. Aileen Perry Revocable Trust</u> <u>By Malinda Anderson-DORA</u>	<u>6/19/2020</u>
Contract Purchaser(s): _____	_____
_____	_____

STATE OF ARIZONA  
COUNTY OF MARICOPA

On this 19 day of JUNE, in the year of 2020, before me the undersigned notary public, personally appeared MALINDA ANDERSON,  
DURABLE POWER OF ATTORNEY FOR J. AILEENE PERRY  
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 Ashley Siemens Commission Expires 09 FEB 2024











# REZONING EXHIBIT

PART OF THE NW 1/4 OF SEC. 16, T47N, R47W, JACKSON COUNTY, MO.



THE SOUTHERN LINE OF THE NW 1/4 OF SEC. 16, T47N, R47W, AND CENTERLINE OF LONE LAKE LEE'S SUMMIT ROAD

- Notes:
- 1- Section 177 has 111' with electric cap at all corners located on the north-south line.
  - 2- Bearings are MO State Plane - West Zone.
  - 3- 1/2" Bar WYCAH.
  - 4- 1/2" Bar WYCAH.

Point of Beginning  
 Point of Beginning  
 Point of Beginning  
 Point of Beginning

THE SOUTHERN LINE OF THE NW 1/4 OF SEC. 16, T47N, R47W, AND CENTERLINE OF LONE LAKE LEE'S SUMMIT ROAD

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STATEMENTS OF THE SURVEYOR  
 I hereby certify that the within survey is based on an actual survey made by me or under my direct supervision and that said survey conforms to the standards for property boundary surveys adopted by the Missouri Board for Architects, Professional Engineers and Land Surveyors.

Resubscribed M. Stanley PLS 20050109231

RESUBSCRIBED FOR  
 ALLEN EATON TRUST  
 1775 SUMMIT  
 JACKSON COUNTY, MO

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