

**Request for Legislative Action**

Ord. #5818

Date: November 27, 2023

**Completed by County Counselor's Office**

Action Requested:	Ordinance	Res.Ord No.:	5818
Sponsor(s):		Legislature Meeting Date:	11/27/2023

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

RZ-2023-659 – Blake Landes

**Request Summary**

Requesting a change of zoning from District AG (Agricultural) on 13.25 ± acres to District RE (Residential Estates). The purpose is to create two residential lots at 35101 & 35107 Howell 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 November 16, 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>	11/16/2023
<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>	
Not Applicable	
<b>Minority, Women and Veteran Owned Business Program</b>	
Goals Not Applicable for following reason: not spending money	
MBE:	.00%
WBE:	.00%
VBE:	.00%
<b>Prevailing Wage</b>	
Not Applicable	

<b>Fiscal Information</b>	
<ul style="list-style-type: none"><li>This legislative action does not impact the County financially and does not require Finance/Budget approval.</li></ul>	

## Request for Legislative Action

### History

Submitted by Public Works requestor: Randy D. Diehl on 11/16/2023. Comments:

Approved by Department Approver Brian Gaddie on 11/16/2023 10:35:49 AM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 11/16/2023 10:50:25 AM. Comments:

Approved by Compliance Office Approver Ikeela Alford on 11/16/2023 10:54:59 AM. Comments:

Approved by Budget Office Approver David B. Moyer on 11/16/2023 11:10:17 AM. Comments:

Approved by Executive Office Approver Sylvya Stevenson on 11/17/2023 8:54:43 AM. Comments:

Approved by Counselor's Office Approver Jamesia Manning on 11/21/2023 10:53:37 AM. Comments:

**RZ-2023-659**

## **ATTACHMENT 1: PROPERTY DESCRIPTION**

### **Description:**

A Tract of land described in Document Number 2022E0044553, Jackson County Missouri, being part of the East Half of the Southwest Quarter of the Northeast quarter of Section 25, Township 49, Range 30, in Jackson County, Missouri, more particularly described as follows: Commencing at the Northwest corner of said Southwest Quarter of the Northeast Quarter of said Section 25; thence South 89 degrees 03 minutes 55 seconds East, along the North line of said Quarter Quarter, a distance of 962.90 feet, to the Point of Beginning; thence continuing South 89 degrees 03 minutes 55 seconds East, along said North line, a distance of 366.00 feet, to the Northeast corner of said Quarter Quarter; thence South 1 degree 44 minutes 49 seconds West, along the East line of said Quarter Quarter, a distance of 953.40 feet; thence north 88 degrees 37 minutes 06 seconds West, parallel with the South line of said Quarter Quarter, a distance of 649.45 feet, to the Easterly line of a tract of land described in Book 1990 at Page 1596, and Book 1876 at Page; thence North 1 degree 40 minutes 05 Seconds East, along the Easterly line of said tract, a distance of 736.73 feet; thence North 66 degrees 40 minutes 05 East, along the old creek bed as shown on survey notes dated October 16, 1902, a distance of 198.00 feet; thence north 49 degrees 34 minutes 26 seconds East, a distance of 141.95 feet, to the Point of Beginning.

RZ-2023-659

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from November 16, 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 – Landes Estates

**Randy Diehl gave the staff report:**

**RE: RZ-2023-659**

**Applicant:** Blake Landes

**Location:** 35101 & 35107 E. Howell Road

**Area:** 13.25 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RE (Residential Estates)

**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 larger tracts. There are some smaller developed lots on Lefholz Road created prior to the Unified Development Code in 1995.

The land north of this area consists of larger tracts used for farming. Little development exists due to the floodplain along the Sni-a-Bar Creek.

The applicant wishes to divide the property into two separate lots. Lot 1 will contain a new dwelling currently under construction. The original dwelling is on proposed lot 2.

**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-2023-659.

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?***

Blake Landes: 131 SW Tennessee Dr, Blue Springs

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

Mr. Landes: 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?***

There were none.

Motion to take under advisement.

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

*Discussion under advisement*

Mr. Lake moved to approve. Ms. Ryerkerk seconded.

Mr. Monaco	Approve
Mr. Lake	Approve
Ms. Ryerkerk	Approve
Mr. Crawford	Approve
Chairman Antey	Approve

Motion Carried 5 – 0

## **STAFF REPORT**

### **PLAN COMMISSION**

**November 16, 2023**

**RE: RZ-2023-659**

**Applicant:** Blake Landes

**Location:** 35101 & 35107 E. Howell Road

**Area:** 13.25 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RE (Residential Estates)

**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 larger tracts. There are some smaller developed lots on Lefholz Road created prior to the Unified Development Code in 1995.

The land north of this area consists of larger tracts used for farming. Little development exists due to the floodplain along the Sni-a-Bar Creek.

The applicant wishes to divide the property into two separate lots. Lot 1 will contain a new dwelling currently under construction. The original dwelling is on proposed lot 2.

#### **County Plan:**

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

#### **Recommendation:**

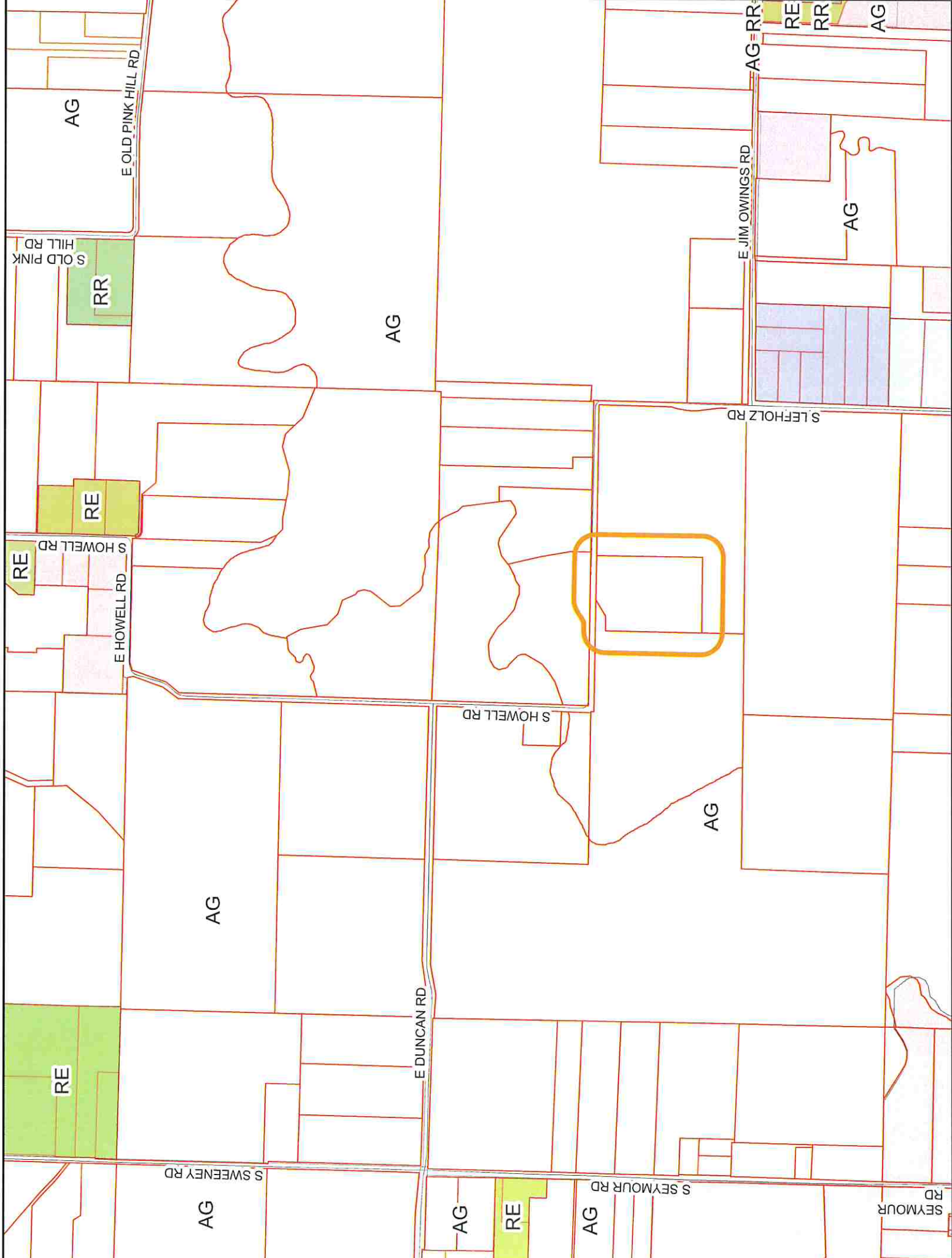
This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2023-659.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator





Plan Commission September 21, 2023

RZ-2023-659

Property Owners Within 185 feet

Parcel	owner	address	city	state	zip
37-600-01-11-00-0-00-000	LEDGERWOOD DENZEL R JR & NANCY	4602 S HOWELL R	OAK GROVE	MO	64075
37-600-01-09-00-0-00-000	HERRON ROBERT P & MELBA JEAN	4418 S LEFHALZ R	OAK GROVE	MO	64075
37-600-01-13-00-0-00-000	HOWELL SPENCER C & ANDERSON AUSTIN E &	35204 E HOWELL RD	OAK GROVE	MO	64075
37-600-01-12-00-0-00-000	HOWELL SPENCER C & ANDERSON AUSTIN E &	35204 E HOWELL RD	OAK GROVE	MO	64075
37-600-01-08-00-0-00-000	LANEDS BLAKE	131 SW TENNESSEE DR	BLUE SPRINGS	MO	64014



## 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

November 1, 2023

RE: Public Hearing: RZ-2023-659  
Blake Landes

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 Blake Landes for a change of zoning from District AG (Agricultural) on 13.25 ± acres to District RE (Residential Estates). The purpose is to create two residential lots at 35101 & 35107 E. Howell 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, November 16, 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- 2023-659

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: Blake Landes
- Address: 131 SW Tennessee Dr
- BLUE SPRINGS MO 64014
- Phone: 913-424-3971
- b. Owner(s) Name: \_\_\_\_\_
- Address: \_\_\_\_\_
- Phone: \_\_\_\_\_
- c. Agent(s) Name: \_\_\_\_\_

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

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

d. Applicant's interest in Property: \_\_\_\_\_

2. General location (Road Name) \_\_\_\_\_

3. Present Zoning AG homesight Requested Zoning Residential Estates

4. AREA (sq. ft. / acres) 13.259

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

Part of the E 1/2 of SW 1/4 of the NE 1/4

6. Present Use of Property: Residential

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: 12/1/23

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

N/A

10. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? Yes

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 Public Water

b. Sewage disposal Septic

c. Electricity Evergy

d. Fire and Police protection Sni Mills

12. Describe existing road width and condition: 20' Gravel

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13. What effect will proposed development have on existing road and traffic conditions? N/A

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14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? N/A

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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)

Blake Landes

10/12/2023

Blake Landes

Applicant(s):

Contract Purchaser(s):

STATE OF MISSOURI

COUNTY OF JACKSON

On this 12<sup>th</sup> day of October, in the year of 2023, before me the undersigned notary public, personally appeared Blake Landes

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.

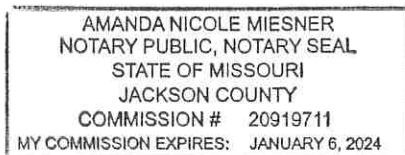
In witness whereof, I hereunto set my hand and official seal.

Notary Public

Amanda Miesner

Commission Expires

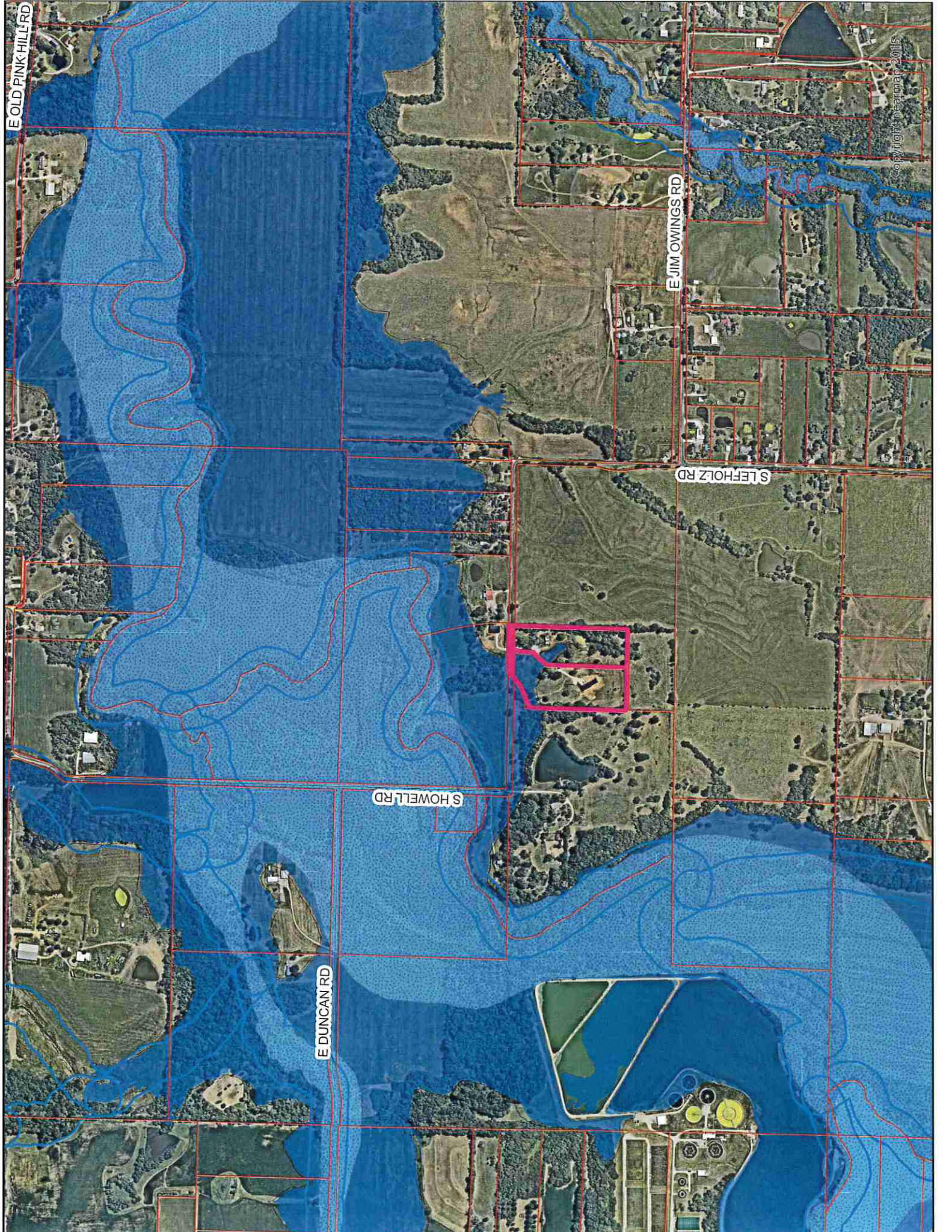
1-6-24











E OLD PINK HILL RD

E JIM OWINGS RD

S LEFHOLZ RD

S HOWELL RD

E DUNCAN RD

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A SUBDIVISION IN JACKSON COUNTY, MISSOURI

PLAT DESCRIPTION:  
A TRACT OF LAND DESCRIBED IN DOCUMENT NUMBER 2022CD04453, JACKSON COUNTY MISSOURI RECORDED OF DEEDS, BEING PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 49, RANGE 30, IN JACKSON COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

89°33'50" EAST, ALONG THE NORTH LINE OF SAID QUARTER, A DISTANCE OF 602.80 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°33'55" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 368.00 FEET, TO THE NORTHEAST CORNER OF SAID QUARTER; THENCE SOUTH 174°49' WEST, ALONG THE EAST LINE OF SAID QUARTER, A DISTANCE OF 933.40 FEET; THENCE NORTH 174°49' WEST, ALONG THE WEST LINE OF SAID QUARTER, A DISTANCE OF 640.45 FEET, TO THE VERTICE Y LINE OF A TRACT BEING PART OF THE SOUTHWEST CORNER OF SAID SECTION.

**EASEMENTS:** AN EASEMENT OR LICENSE IS HEREBY GRANTED TO JACKSON COUNTY, MISSOURI, TO LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE LOCATION, CONSTRUCTION, MAINTENANCE AND USE OF CONDUITS FOR ALL OR ANY PURPOSE, WATER, GAS, SEWER MAINS, POLES AND WIRES OR ALL OR ANY OF THEM, OVER, UNDER AND ALONG THE STRIPS OF LAND MARKED "UTILITY EASEMENT" OR "U/E".

(1) EASEMENTS SHALL BE FIRST DEED AND CLEAR OF ANY AND ALL BURDENING SUBSEQUENT TO OTHER INSTRUMENTS EXCEPT INSTRUMENTS

BUILDING LINES.  
BUILDING LINES OR SETBACK LINES ARE SHOWN HEREON,  
IN TESTIMONY THEREOF.

STATE OF MISSOURI )  
COUNTY OF ) ss  
 )

I HAVE HERETO SET MY HAND AND AFFIXED MY NOTARY SEAL IN MY OFFICE THE DAY AND YEAR LAST WRITTEN ABOVE.

APPROVED BY JACKSON COUNTY, MISSOURI \_\_\_\_\_

DATE: 04/11/2017

THIS CERTIFICATE OF SURVEY WAS PREPARED FOR BLAINE LANDS AND IS EXPRESSLY FOR HIS/HER/THEIR USE AND SAID CERTIFICATE OF SURVEY SHALL NOT BE TRANSFERRED TO PARTIES OTHER THAN HIMSELF/HERSELF/ITSELF. CORRECT ATTENTION IN THE SUBJECT MATTER AS OF THE DATE OF THE SURVEY.

MEETS OR EXCEEDS THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ESTABLISHED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS, AND THE MISSOURI DEPARTMENT OF AGRICULTURE LAND SURVEY PROGRAM. I FURTHER CERTIFY THAT I HAVE COMPLIED WITH ALL STATUTES, ORDINANCES AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING TO THE BEST OF MY

OWNERS, AND OTHERS WITH SURPLUS LAND MAY BE SUBJECT TO REMOVED OR REPLACED AND FURTHER, LEGAL

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 08-21-2013 BY 60322  
UCBAW/BJA

ST	62	433	DATE	09/25/2022	PT	COM
<a href="mailto:sebastian.fischer@epiworld.com">sebastian.fischer@epiworld.com</a> PHONE: 815-386-1123 FAX: 815-32021108 ADDRESS: 25060221436 AND 2017.						

