

Request for Legislative Action

Ord. No.: 5600
Date: February 7, 2022

| Completed by County Counselor's Office | | | |
|---|-----------|---------------------------|----------|
| Action Requested: | Ordinance | Res.Ord No.: | 5600 |
| Sponsor(s): | | Legislature Meeting Date: | 2/7/2022 |

| Introduction |
|--------------------------------------|
| Action Items: ['Authorize'] |
| Project/Title: |
| Mark & Brenda Malicoat – RZ-2022-618 |

| Request Summary |
|---|
| <p>Requesting a change of zoning from District AG (Agricultural) on 8.930 ± acres to District RR (Residential Ranchette). The purpose is to rezone an existing tract and to create a single-family residential lot.</p> <p>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.</p> <p>The Jackson County Plan Commission held a public hearing on January 20, 2022, and accepted testimony pertaining to the rezoning request.</p> <p>The Plan Commission voted 7 to 0 to recommend <u>APPROVAL</u> to the County Legislature.</p> |

| Contact Information | | | |
|----------------------------|---------------------------|------------------------|-----------------------|
| Department: | Public Works | Submitted Date: | 1/26/2022 |
| 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 | |
| <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

Randy D. Diehl at 1/26/2022 10:11:37 AM - [Submitted |]
Department Director: Brian Gaddie at 1/26/2022 10:22:29 AM - [Approved |]
Finance (Purchasing): Barbara J. Casamento at 1/26/2022 12:13:31 PM - [Not applicable |]
Compliance: Katie M. Bartle at 1/26/2022 1:51:54 PM - [Approved |]
Finance (Budget): Mark Lang at 1/26/2022 3:10:18 PM - [Not applicable |]
Executive: Troy Schulte at 1/27/2022 11:14:26 AM - [Approved |]
Legal: Elizabeth Freeland at 2/3/2022 9:43:58 AM - [Approved |]

RZ-2022-618

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

All that part of the Northeast Quarter of Section 31, Township 49, Range 29, in Jackson County, Missouri, more particularly described as follows: Commencing at the Northwest corner of said Northeast Quarter Section; thence South 88 degrees 01 minute 21 seconds East, along the North line thereof, said line also being the North Line of Spear Acres, a subdivision, and the South Line of P V Acres, a subdivision, 1021.95 feet (1038.67 feel, Records) to the Northwest corner of Tract 2 per the Certificate of Survey filed Oct. 24, 2018 as Document No. 2018E0092572, said point being the Point of Beginning of the described tract; thence continuing South 88 degrees 01 minute 21 seconds East, along the North line of said Quarter Section, 367.42 feet; thence South 1 degree 47 minutes 29 seconds West, 1056.44 feel to a point on the North right-of-way line of Interstate Highway 70, said point being 135.00 feet North of the centerline of the Westbound Lanes of said Highway; thence North 89 degrees 00 minutes 17 seconds West, along said North right-of-way line, 367.45 feel to the Southeast corner of Lot 1, SPEAR ACRES; thence North 1 degree 47 minutes 29 seconds East, along the East line thereof, 1062.74 feel (1063.90 feel, Plat) to the Northeast corner thereof and the Point of Beginning, subject to that part, if any, in streets, roadways, highways or other public rights-of-way.

AS SHOWN AS TRACT 2C ON CERTIFICATE OF SURVEY RECORDED
SEPTEMBER 15, 2021, AS DOCUMENT NO. 2021E01 01730 IN
BOOK T52 AT PAGE 13.

RZ-2022-618

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from January 20, 2022

Staff Report

Location Map

Zoning map of surrounding area

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Application

Aerial of location

Photo of property

Preliminary Plat

STAFF REPORT

PLAN COMMISSION January 20, 2022

RE: RZ-2022-618

Applicant: Mark & Brenda Malicoat

Location: 1120 NW 1st Street

Area: 8.93 ± acres

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

Purpose: Rezone an existing tract and to create a single-family residential lot.

Current Land Use and Zoning in the Area:

The zoning in the area is predominantly Agricultural with single family residences on larger sized tracts.

The applicant recently purchased the 8.93 acres from a 20.00-acre tract. They are requesting the change in zoning in order to bring the tract into compliance with the Unified Development Code. The tract will also be platted into a one lot subdivision to be known as Malicoat Homestead.

County Plan:

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

Recommendation:

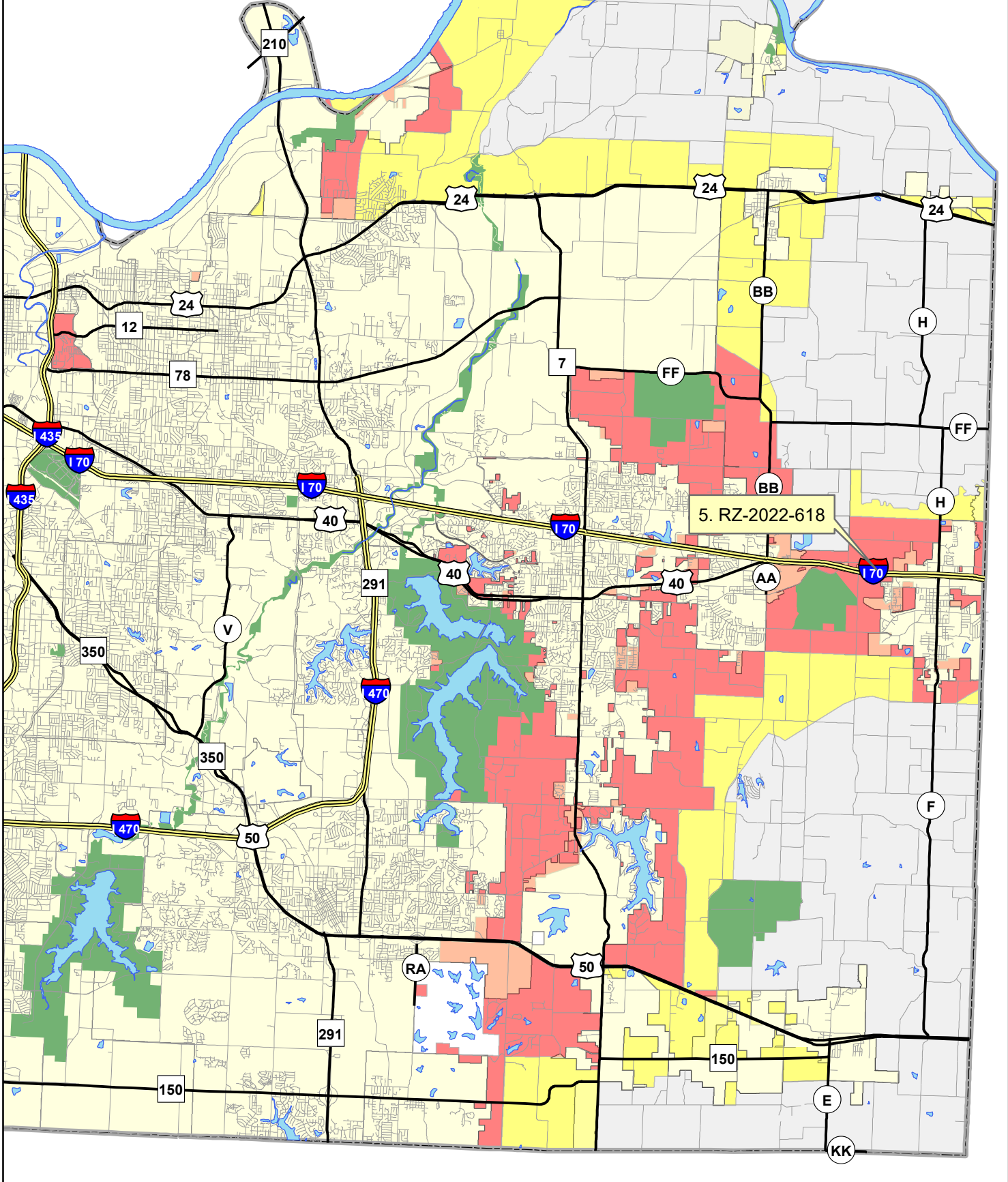
This request for rezoning is consistent with the intent and purpose of the County Plan.

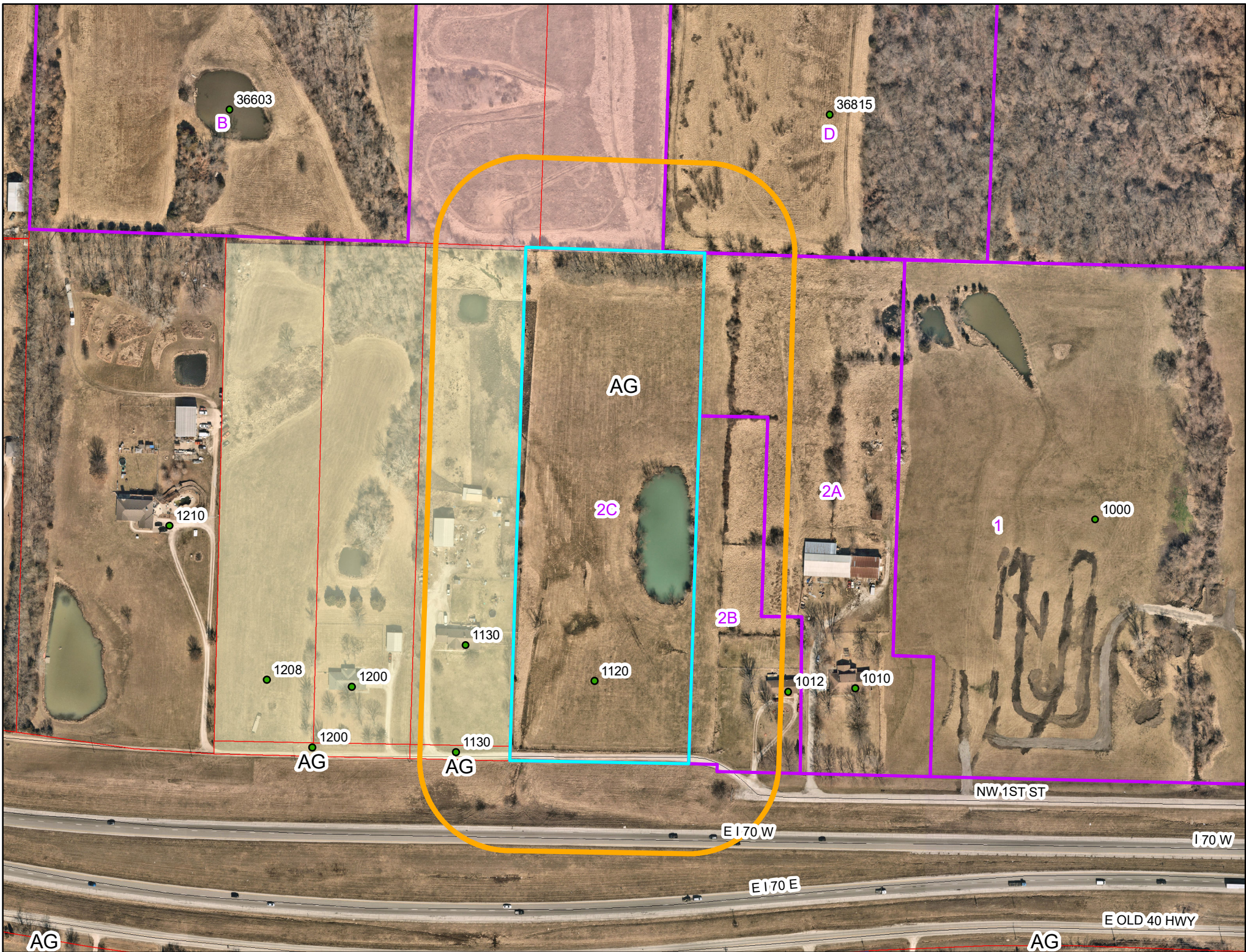
Staff recommends APPROVAL of RZ-2022-618

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
January 20, 2022
Agenda Location Map





36603

B

36815

D

AG

2C

2A

1

1000

1210

1208

1200

1200

AG

1130

1130

AG

1120

2B

1012

1010

E 170 W

170 W

NW 1ST ST

E 170 E

E OLD 40 HWY

AG

AG

Plan Commission January 20, 2022

RZ-2022-618

Property Owners Within 185 feet

| Name | Name | Address | City | State | Zip |
|--------------------------|-----------------------------|---------------------------|--------------|-------|-------|
| 38-400-04-10-00-0-00-000 | ANGLEBRANDT JOSEPH & DIEDRA | 36609 E JIM OWINGS RD | OAK GROVE | MO | 64075 |
| 38-400-04-09-00-0-00-000 | WILCOX DONALD S & MARY M | 36703 E JIM OWINGS RD OAK | OAK GROVE | MO | 64075 |
| 38-400-04-14-00-0-00-000 | STONE BRETT A | 1010 NW MAGNOLIA LN | GRAIN VALLEY | MO | 64029 |
| 38-900-01-10-00-0-00-000 | SHERWOOD FAMILY TRUST | 1130 NW 1ST ST | OAK GROVE | MO | 64075 |
| 38-900-01-14-00-0-00-000 | SPEAR MARION P & ROSALIE | 1010 NW 1ST ST | OAK GROVE | MO | 64075 |
| 38-900-01-01-01-2-00-000 | SHIPP SETH & NICOLE A | 1012 NW 1ST ST | OAK GROVE | MO | 64075 |
| | MALICOAT MARK & BRENDA | 2521 NE AMANDA LN | BLUE SPRINGS | MO | 64029 |



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

January 6, 2022

RE: Public Hearing: RZ-2022-618
Mark & Brenda Malicoat

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 Mark & Brenda Malicoat for a change of zoning from District AG (Agricultural) on 8.93 ± acres to District RR (Residential Ranchette). The 8.93 ± acres are located in the Northeast Quarter of Section 31, Township 49, Range 29, aka 1120 NW 1st Street.

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, January 20, 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,

A handwritten signature in blue ink, appearing to read "Randy Diehl".

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-

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: Mark + Brenda Malicoat
Address: 455 SW Eagles Parkway Apt. 4301
Grain Valley, MO 64029
Phone: (816) 210-1220 (816) 820-2227
 - b. Owner(s) Name: _____
Address: _____
Phone: _____
 - c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: Single Family/ownership

2. General location (Road Name) _____

3. Present Zoning Agricultural Requested Zoning Single Family

4. AREA (sq. ft. / acres) 9 Acres

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

See plat/survey

6. Present Use of Property: Vacant/Pasture

7. Proposed Use of Property: Single Family Homestead

8. Proposed Time Schedule for Development: April of 2022

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

None

10. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? No incroachment into flood plain

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 Public

b. Sewage disposal Septic

c. Electricity Public

d. Fire and Police protection Public

12. Describe existing road width and condition: Private Gravel Road Access

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):

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>Mark Malicoat</u> | <u>12-27-21</u> |
| | <u>Brenda Malicoat</u> | <u>12-27-21</u> |
| Applicant(s): | <u>Mark Malicoat</u> | <u>12-27-21</u> |
| | <u>Brenda Malicoat</u> | <u>12-27-21</u> |
| Contract Purchaser(s): | <u>Mark Malicoat</u> | <u>12-27-21</u> |
| | <u>Brenda Malicoat</u> | <u>12-27-21</u> |

STATE OF Missouri
COUNTY OF Jackson

On this 27th day of December, in the year of 2021, before me the undersigned notary public, personally appeared _____

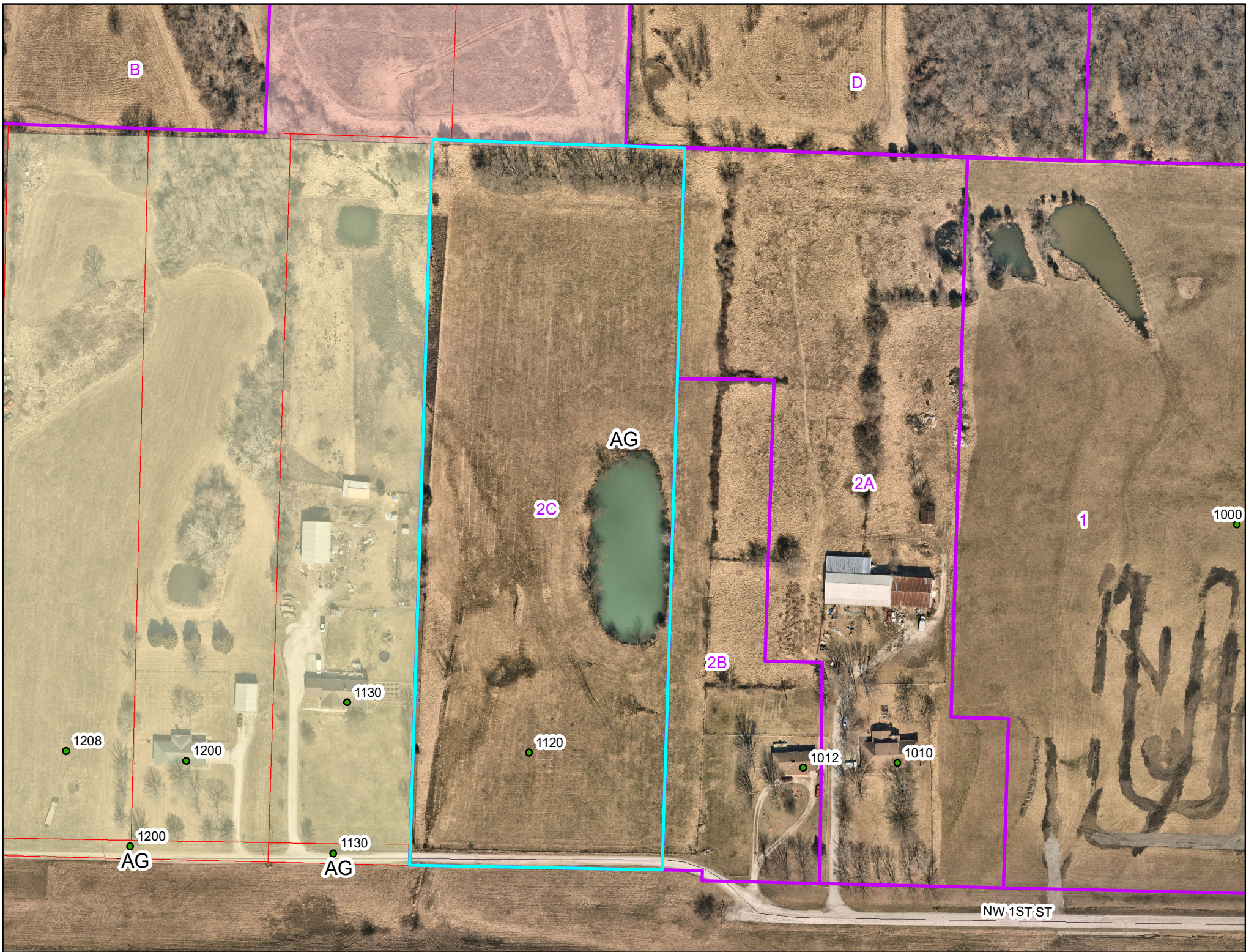
known to me to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

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

Notary Public *Cheyenne Slade Keith*

Commission Expires 8-12-25





B

D

AG

2C

2A

1

1000

1208

1200

1130

1120

1012

1010

2B

1200
AG

1130
AG

NW 1ST ST

Final Plat Malicoat Homestead, 1st Plat

**In the Northeast 1/4 of
Section 31, Township 49 N, Range 29 W**

Property Description per Trustee's Deed recorded 10-04-2021 as Doc. No. 2021E0109181:

All that part of the Northeast Quarter of Section 31, Township 49, Range 29, in Jackson County, Missouri, more particularly described as follows:

Commencing at the Northwest corner of said Northeast Quarter Section; thence South 88 degrees 01 minute 21 seconds East, along the North line thereof, said line also being the North Line of Spear Acres, a subdivision, and the South Line of P V Acres, a subdivision, 1021.95 feet (1038.67 feet, Records) to the Northwest corner of Tract 2 per the Certificate of Survey filed Oct. 24, 2018 as Document No. 2018E0092572, said point being the Point of Beginning of the described tract; thence continuing South 89 degrees 01 minute 21 seconds East, along the North line of said Quarter Section, 367.42 feet; thence South 1 degree 47 minutes 29 seconds West, 1056.44 feet to a point on the North right-of-way line of Interstate Highway 70, said point being 135.00 feet North of the centerline of the Westbound Lanes of said Highway; thence North 89 degrees 00 minutes 17 seconds West, along said North right-of-way line, 367.45 feet to the Southeast corner of Lot 1, SPEAR ACRES; thence North 1 degree 47 minutes 29 seconds East, along the East line thereof, 1062.74 feet (1063.90 feet, Plat) to the Northeast corner thereof and the Point of Beginning, subject to that part, if any, in streets, roadways, highways or other public rights-of-way, AS SHOWN AS TRACT 2C ON CERTIFICATE OF SURVEY RECORDED SEPTEMBER 15, 2021 AS DOCUMENT NO. 2021E0101730 IN BOOK T52 AT PAGE 13.

EASEMENT DEDICATION: An easement or license is hereby granted to Jackson County, Missouri, to locate, construct and maintain or authorize the location, construction or maintenance or use of poles, wires, conduits, and/or structures for water, gas, sanitary sewer, storm sewer, electricity, telephone, cable television, or any other public service or utility, any or all of them upon, over, or under those areas outlined and designated upon this plat as "Utility Easement" (U.E.), "Drainage Easement" (D.E.), "Water Easement" (W.E.), or "Sewer Easement" (S.E.), and within any street or thoroughfare dedicated to public use. Where an easement is dedicated for a specific use, the use therefore shall be restricted to said use. All easements shall be kept free and clear of any buildings, structures or other obstructions (except driveways, paved areas, grass, shrubs, and fences) which would interfere with A) the proper safe and continuous use and maintenance or reconstruction of the facilities located within said easements and B) the agents and employees of Jackson County, Missouri and its franchised utilities from going upon said easements in the exercising of the rights granted by said easement.

The undersigned proprietors of the tract of land described herein have hereby caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as:

MALICOAT HOMESTEAD, 1ST PLAT

Any streets shown on this plat not heretofore dedicated to public use are hereby so dedicated.

The Private Road shown hereon per the recorded Plat of Spear Acres is not dedicated to public use, but is reserved for the use of the proprietors herein, their heirs, and assigns..

In Testimony Whereof:

We have hereby set our hands on this _____ day of _____, 20____.

_____ Date _____ Date
 Mark Malicoat Brenda Malicoat

State of Missouri:)
) SS:
County of Jackson:)

BE IT REMEMBERED, that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said County and State, appeared Mark Malicoat and Brenda Malicoat, Husband and Wife, personally known and being duly sworn, did say that the foregoing instrument was signed as their free act and deed.

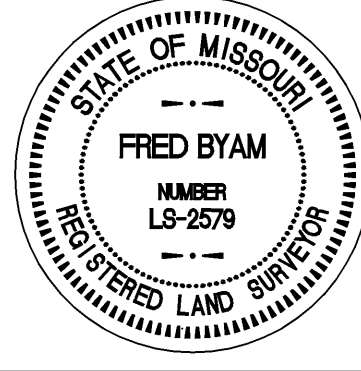
In Witness Whereof: I have hereunto set my hand and affixed my Notarial Seal at my office in said County and State the day and year last written above.

 My Commission Expires: Notary Public

Jackson County Approvals

_____ Date _____
 Randy Diehl
 Jackson County Public Works Department

_____ Date _____
 Vince Brice
 Jackson County GIS Department

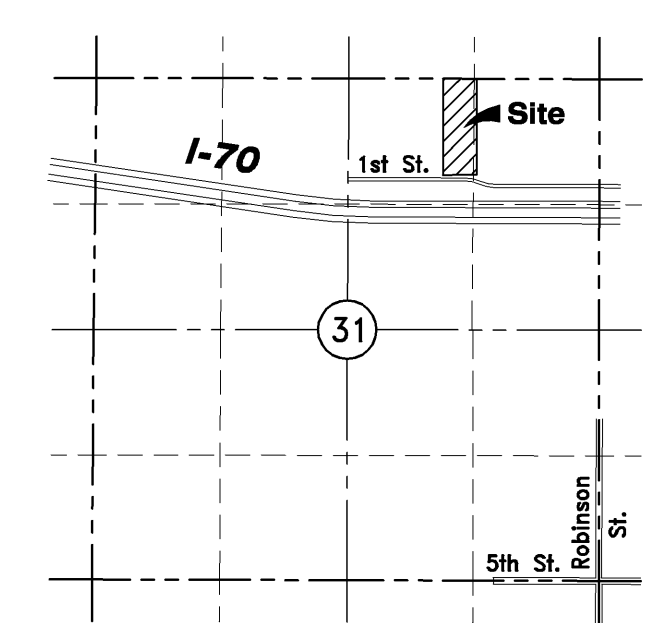
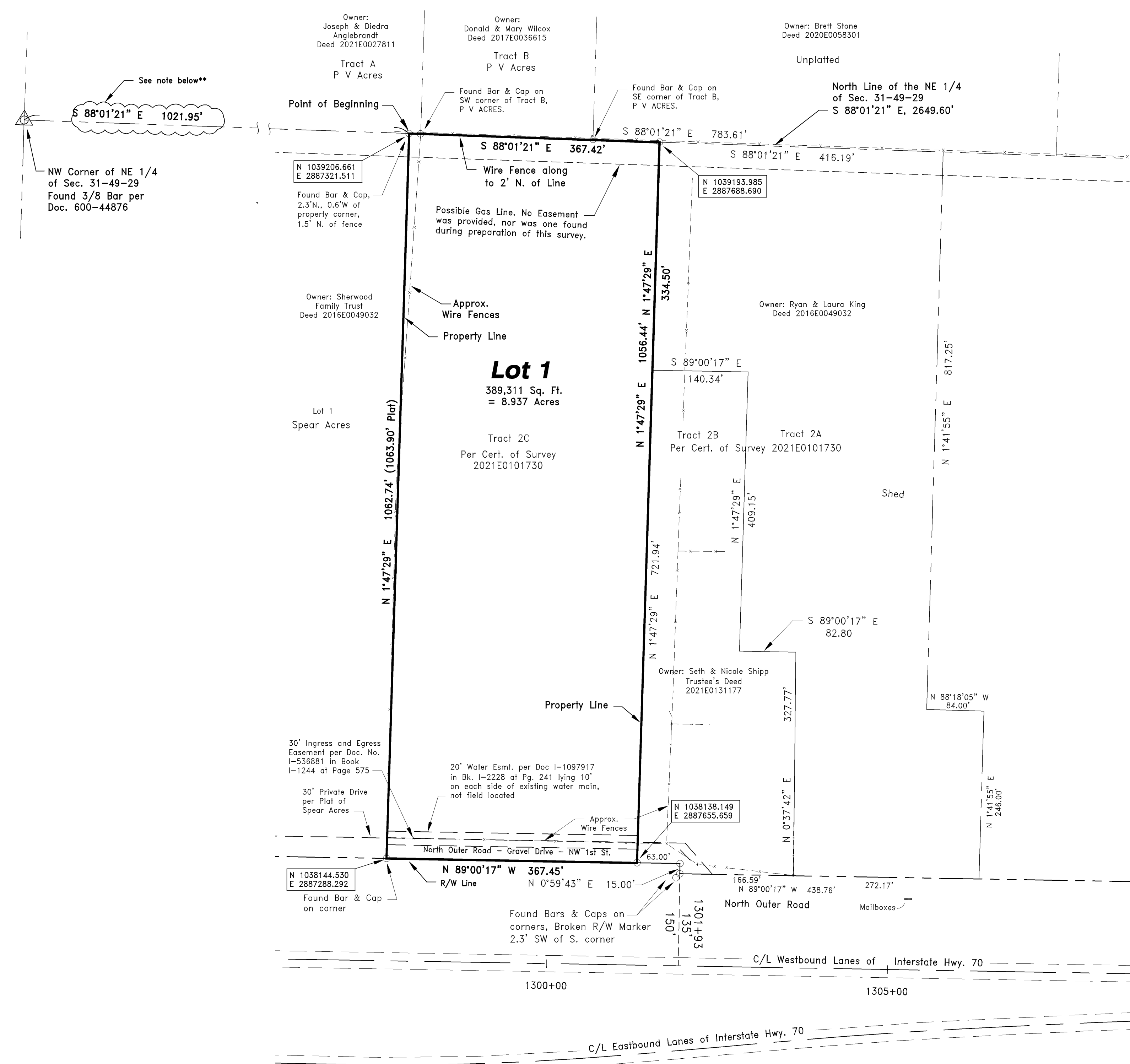


Fred Byam
 Signature
Fred Byam
 Missouri PE #22487
 Missouri LS #2579
 12-6-2021
 Date Signed



For: **Brenda & Mark Malicoat**
Final Plat
 Malicoat Homestead, 1st Plat
 in the NE 1/4 of Sec. 31, Twp. 49., Rg. 29
 Unincorporated Jackson County, Missouri

Revision: P Drawn: Dec. 3, 2021
 Job No. 2021-1382 Sheet 1 of 1



Vicinity Map
 Section 31, Township 49, Range 29
 Scale: 1" = 2000'

No Title information was provided to the surveyor for this survey. The Trustee's Deed, existing surveys of public record, adjoining deeds, and any easements noted were obtained from the Jackson County Recorder. This surveyor made no further investigations or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. The Client mentioned a Gas Pipeline and Easement across the northern edge of the property. No information was provided or discovered for this possible encumbrance during the preparation of this survey.

**** Note:** Previous surveys of this parcel and the Parent Tract included a Scrivener's Error showing an incorrect dimension from the NW Corner of the NE 1/4 Section. The listed dimension of 1038.67 feet is the distance to the SE Corner of Tract 2, P.V. ACRES. The correct distance to the NW Corner of Tract 2C and this subject property is 1021.95 feet as noted herein.

The Bearings and Coordinates shown on this survey were generated with a TopCon HiPer SR GPS RTK Rover, connected to the MoDOT CORS System via a Wifi Hotspot and the Internet. Coordinates were measured on the NAD83 platform with no translation. One meter = 3.28083333 feet. The coordinates shown are in feet.

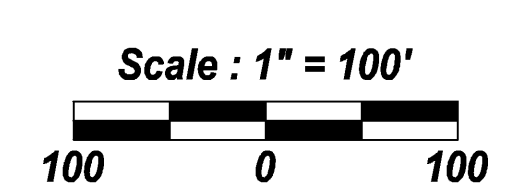
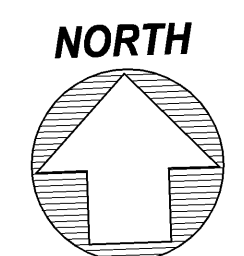
Per FEMA FIRM Panel 29095 C 0344 G, with an Effective Date of Jan. 20, 2017, the subject property Tract 2, shown, is not affected by the Regulatory Floodplain..

Existing utilities are shown based on visual, above-ground observations and may not be complete or accurate. There may be additional utilities and easements or encumbrances affecting the subject property. Prior to commencing construction, State law requires notification to the ONE-CALL System. Call 1-800-DIG-RITE (1-800-344-7483)

LEGEND

- GLO Corner, Circle indicates a found Monument
- Monument Found, as Noted
- Monument Set, as Noted
- Fence
- 1/4 Section, Property, or R/W Line
- Easement Line
- State Plane Coordinate on Corner

- UGT = Underground Telecommunications
- OHE = Overhead Electrical or Tele Lines
- San CO = Sanit. Sewer Cleanout or Valve
- P.O.B. = Point of Beginning
- P.Pole = Power Pole
- Lt.Pole = Light Pole
- R/W = Right-of-Way
- WV = Water Valve
- FO = Fiber Optics Line



For:
 Brenda & Mark Malicoat
 455 SW Eagles Pkwy. Apt. 4301
 Grain Valley, MO 64029
 816-210-1220

Completion Date of Survey:
 June 30, 2020

Boundary Description Closure Report:
 Perimeter: 2,854.05 ft.
 Closure: S 75°01'25" E, 0.004 ft.
 0.004 ft/2854.05 ft = 1 in 713,512

Surveyors Certification: I certify that this Survey and Plat were made by me and that said Survey meets or exceeds the current Missouri Standards for Urban Property Boundary Surveys, as established by the Missouri Department of Agriculture, with an effective date of June 30, 2017, and that the Final Plat complies with the requirements of Jackson County, Missouri, to the best of my professional knowledge and belief.

| NO. | DATE | REVISION |
|-----|------|----------|
| | | |
| | | |
| | | |
| | | |

