

**REQUEST FOR LEGISLATIVE ACTION**

**Version 6/10/19**

Completed by County Counselor's Office:

Res/Ord No.: 5347

Sponsor(s): N/A

Date: June 1, 2020

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Brandon &amp; Christina Hess - RZ-2020-579</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="375 514 1461 703"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number:</td> <td style="text-align: right;">\$</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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Total amount authorized after this legislative action:	\$											
Amount budgeted for this item * (including transfers):	\$											
Source of funding (name of fund) and account code number:	\$											
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 0.88 ± acre platted lot to District RS (Residential Suburban). The purpose is to decrease the building setback requirements for future construction at 10723 NE. Blackwell Road, Jackson County, Missouri, and specifically described on Attachment to RLA-1. 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 May 21, 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	See Attachment to RLA-2											
REVIEW	<table border="1" data-bbox="365 1669 1539 1904"> <tr> <td>Department Director: Brian D. Gaddie, P.E. Director of Public Works</td> <td>Date: 5.22.20</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: <i>N/A</i></td> <td>Date: 5-26-2020</td> </tr> <tr> <td>County Counselor's Office: <i>Bryan Carinsky</i></td> <td>Date: 5/27/20</td> </tr> </table>		Department Director: Brian D. Gaddie, P.E. Director of Public Works	Date: 5.22.20	Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: <i>N/A</i>	Date: 5-26-2020	County Counselor's Office: <i>Bryan Carinsky</i>	Date: 5/27/20		
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County Counselor's Office: <i>Bryan Carinsky</i>	Date: 5/27/20											

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.

## **ATTACHMENT TO RLA-**

### Attachments

Plan Commission Public Hearing Summary from May 21, 2019

Location Map

Staff Report

Affidavit of Publication in Independence Examiner

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Map showing current zoning district in area

County Code Chapter 240 – Unified Development Code

County Master Plan – “Strategy for the Future”

Application

Pictures of Property

Preliminary Plat

**STAFF REPORT**

**PLAN COMMISSION**  
**May 21, 2020**

**RE: RZ-2020-579**

**Applicant:** Brandon & Christina Hess

**Location:** 10723 NE Blackwell Road

**Area:** 0.88 acres

**Request:** Change of zoning from District AG (Agricultural) to District RS (Residential Suburban)

**Purpose:** Applicant is requesting the change in zoning to reduce building line setbacks for future construction of a 24 x 40 garage.

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

This subdivision as well as those across Blackwell Road are within an unincorporated island of the County. This area is surrounded by the City of Lee's Summit. These eight subdivisions were platted prior to June 1995, (Adaption of the Unified Development Code) and were not required to be rezoned at that that time. Lot 3, Seawood Addition and Lot 12, Richardson Estates have both been rezoned to District RS, for the reduction of building line setbacks.

The setbacks for AG are: 50', front, rear and street side and 30' side yard.

RS setbacks are: 50' front (platted), 20' rear yard, 15' side.

**County Plan:**

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

The Residential Suburban District (RS) is appropriate for the Urban Development Tier.

**Recommendation:**

Staff recommends APPROVAL of RZ-2020-579

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

**Mr. Antey: Are there any questions for Randy?**

*Mr. Tarpley: How big is the property?*

*Mr. Diehl: A little larger than  $\frac{3}{4}$  of an acre.*

**Mr. Antey: Is the applicant here?**

*Brandon Hess, 10723 NE Blackwell Rd*

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

*No.*

*Mr. Tarpley: What type of building is this going to be?*

*Mr. Hess: Steel Frame with wooden sides.*

**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. Hilliard seconded.

*Discussion under advisement*

**RZ-2019-579** Mr. Tarpley moved to approve. Mr. Hilliard seconded.

Mr. Tarpley-Approve   Ms. Querry-Approve  
Mr. Haley-Approve   Mr. Hilliard-Approve  
Ms. Mershon-Approve   Chairman Antey-Approve

Motion Carried 6 – 0

**STAFF REPORT**

**PLAN COMMISSION**

**March 19, 2020**

**RE: RZ-2020-579**

**Applicant:** Brandon & Christina Hess

**Location:** 10723 NE Blackwell Road

**Area:** 0.88 acres

**Request:** Change of zoning from District AG (Agricultural) to District RS (Residential Suburban)

**Purpose:** Applicant is requesting the change in zoning to reduce building line setbacks for future construction of a 24 x 40 garage.

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

This subdivision as well as those across Blackwell Road are within an unincorporated island of the County. This area is surrounded by the City of Lee's Summit. These eight subdivisions were platted prior to June 1995, (Adaption of the Unified Development Code) and were not required to be rezoned at that that time. Lot 3, Seawood Addition and Lot 12, Richardson Estates have both been rezoned to District RS, for the reduction of building line setbacks.

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**County Plan:**

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

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**Recommendation:**

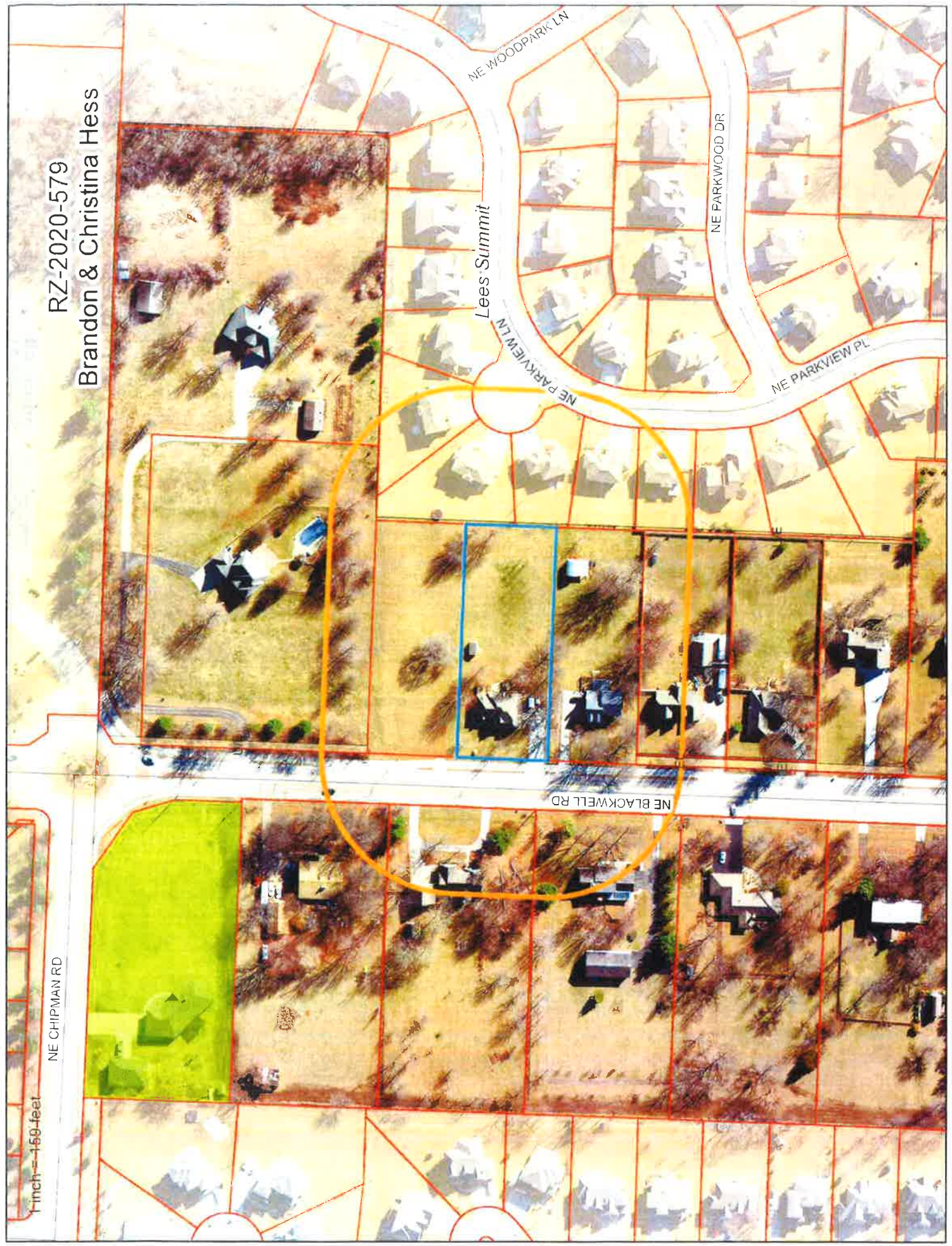
Staff recommends APPROVAL of RZ-2020-579

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

RZ-2020-579

Brandon & Christina Hess



1 inch = 150 feet

NE CHIPMAN RD

NE BLACKWELL RD

Lees Summit

NE WOODPARK LN

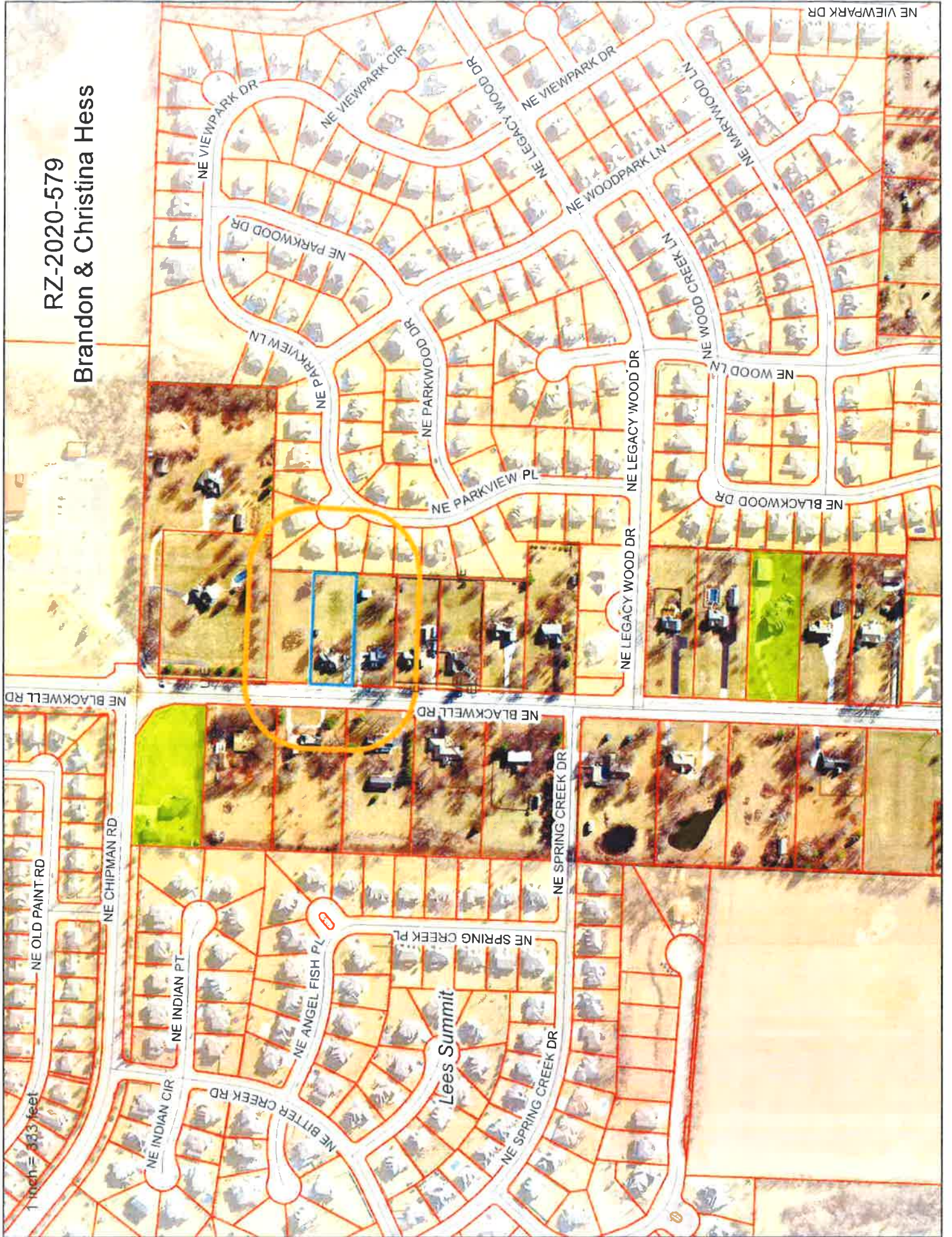
NE PARKVIEW LN

NE PARKWOOD DR

NE PARKVIEW PL

RZ-2020-579

Brandon & Christina Hess







## 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

March 11, 2020

RE: Public Hearing: RZ-2020-579  
Brandon & Christina Hess

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 Brandon & Christina Hess for a change of zoning from District AG (Agricultural) on a 0.88 ± acre platted lot to District RS (Residential Suburban). The purpose is to decrease the building setback requirements for future construction at 10723 NE. Blackwell Road, 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 185' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, March 19, 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,

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*

Plan Commission March 19, 2020  
 RZ-2020-579

Property Owners Within 185 feet

Parcel	Name	Address	City	State	Zip
60-220-02-03-00-0-00-000	BIXBY JOHN D & DIANE	10718 NE BLACKWELL RD	LEES SUMMIT	MO	64086
60-220-02-04-00-0-00-000	MCREE H ELDON TRUSTEE	10804 NE BLACKWELL RD	LEES SUMMIT	MO	64086
60-220-01-07-00-0-00-000	ELLIOTT ANGELA R TRUSTEE	10805 NE BLACKWELL RD	LEES SUMMIT	MO	64086
60-220-01-04-00-0-00-000	BULLARD AUSTIN & ANGELA	2125 SE 6TH ST	LEES SUMMIT	MO	64063
60-220-01-06-00-0-00-000	COONEY AYRE K & REBECCA K	10801 NE BLACKWELL RD	LEES SUMMIT	MO	64086
60-220-01-02-00-0-00-000	KNISLEY EDDIE G & GLORIA A	10703 S BLACKWELL RD	LEES SUMMIT	MO	64086
60-220-01-03-00-0-00-000	COX KENNETH L & KATHY L	10707 NE BLACKWELL RD	LEES SUMMIT	MO	64086
60-220-02-02-00-0-00-000	CAMPBELL MAGGIE L & LISA A WILSON TR	10712 NE BLACKWELL RD	LEES SUMMIT	MO	64086
60-220-01-72-00-0-00-000	JOINER BRANDON L & CORBETT JESSICA C	2808 NE PARKVIEW CT	LEES SUMMIT	MO	64086
60-220-01-73-00-0-00-000	DUNN JUSTIN F & ROBIN M	2804 NE PARKVIEW CT	LEES SUMMIT	MO	64086
60-220-01-74-00-0-00-000	KNIPP DUSTIN W & MICHELLE L	2800 NE PARKVIEW CT	LEES SUMMIT	MO	64086
60-220-01-75-00-0-00-000	NGUYEN KHANH & KIMDUNG	532 NE PARKVIEW PL	LEES SUMMIT	MO	64086
60-220-01-76-00-0-00-000	GRIDLEY ANDREW & DARCY	528 NE PARKVIEW PL	LEES SUMMIT	MO	64086
60-220-01-05-00-0-00-000	HESS BRANDON G & CHRISTINA N-TR	10723 NE BLACKWELL RD	LEES SUMMIT	MO	64086

**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- 2020-579  
Date filed 2-24-20 Date of hearing 3-19-20  
Date advertised 3-4-20 Date property owners notified 3-4-20  
Date signs posted 3-4-20  
Hearings: Heard by PC Date 3-19-20 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: Brandon G. & Christina N. Hess  
Address: 10723 NE Blackwell Rd.  
Lee's Summit, MO 64086  
Phone: 816-379-0694
  - b. Owner(s) Name: Brandon G. & Christina N. Hess - Trustees  
Address: 10723 NE Blackwell Rd., Lee's Summit, MO 64086  
Phone: 816-379-0694
  - c. Agent(s) Name: \_\_\_\_\_

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

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

- d. Applicant's interest in Property: Owners / Trustees
2. General location (Road Name) Blackwell Rd., North of  
Langsford Rd
3. Present Zoning Agriculture Requested Zoning Residential Suburban
4. AREA (sq. ft. / acres) 38,883.26 / 0.89
5. Legal Description of Property: (Write Below or Attached 9 )  
City Unincorporated ; SBD Seawood Hills  
07-4773 UN ; LT 2-2
6. Present Use of Property: Single - Family Residential
7. Proposed Use of Property: Single - Family Residential
8. Proposed Time Schedule for Development: 1 month
9. What effect will your proposed development have on the surrounding properties?  
No effect
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? 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 (City of Lee's Summit), No effect
- b. Sewage disposal Septic, No effect
- c. Electricity Public (Evergy), No effect
- d. Fire and Police protection Prairie Township/Jackson County, No effect
12. Describe existing road width and condition: 3 lanes (center turn lane), paved

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13. What effect will proposed development have on existing road and traffic conditions? No effect

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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): N/A

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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)

Brandon B. H  
Christina N H

2/22/20  
2/22/20

Applicant(s):

Brandon B. H  
Christina N H

2/22/20  
2/22/20

Contract Purchaser(s):

STATE OF Missouri  
COUNTY OF Jackson

On this 22 day of Feb, in the year of 2020, before me the undersigned notary public, personally appeared at UMB bank

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

M R Pipkin II

Commission Expires

10/28/23



60-200

I 423994

STATE OF MISSOURI ss  
JACKSON COUNTY 3  
COURTNEY H. THOMPSON RECEIVED

# SEAWOOD HILLS

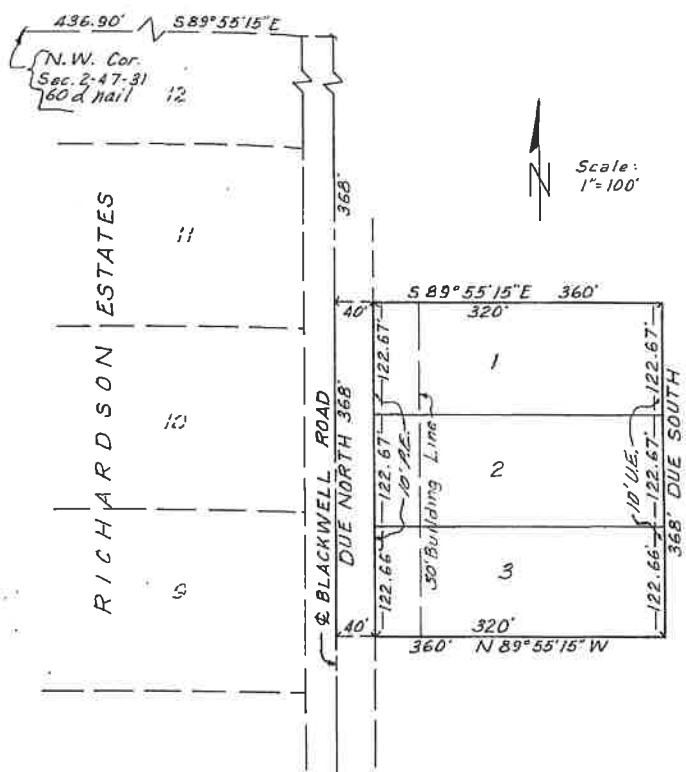
LOTS 1 thru 3  
JACKSON COUNTY, MISSOURI

500 JUN 19 PM 5 26 6

RECORDED 38 85  
KARLETT R. HILLEY STUBBS  
DIRECTOR OF RECORDS

07-4773

Order  
2500



This is a subdivision in the NW<sup>1</sup>/<sub>4</sub> of NW<sup>1</sup>/<sub>4</sub> of Section 2, Twp. 47, Rng. 31, Jackson County, Mo., more particularly described as follows: Commencing at the N.W. corner of Section 2, Twp. 47, Rng. 31; thence along the north line of said section South 89 degrees 55 minutes 15 seconds East 436.90 ft. to a point in the center line of the right of way of Blackwell Road as established by RICHARDSON ESTATES, a subdivision in Jackson County, Mo.; thence along the center line of said road due south 368 ft. to the true point of beginning; thence South 89 degrees 55 minutes 15 seconds East 360 ft.; thence due south 368 ft.; thence North 89 degrees 55 minutes 15 seconds West 360 ft. to a point in the center line of said right of way; thence due north 368 ft. to the true point of beginning.

The undersigned proprietor of the above described tract has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as

### "SEAWOOD HILLS"

All thoroughfares shown on this plat and not heretofore dedicated to public use are hereby so dedicated. An easement or license is hereby granted to Jackson County, Missouri, to locate, construct and maintain, or to authorize the location, construction and maintenance of conduits, water, gas and sewer mains, poles, wires and anchors and all or any of them upon those areas outlined on this plat and designated by the words "Utilities Easement", or abbreviated "U.E."

In testimony whereof I have hereunto set my hand this 19 day of June A.D., 1980.

*Cheryl J. Leopard*  
Cheryl J. Leopard

State of Missouri) ss.  
County of Jackson)

On this 19<sup>th</sup> day of June A.D., 1980, before me, the undersigned Notary Public, personally appeared Cheryl J. Leopard to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

In testimony whereof I have hereunto set my hand and affixed my official seal at my office in Lees Summit, Mo. the day and year last above written.

*Debra Spurgeon*  
Notary Public in and for Jackson County, Missouri

My commission expires 2-16-84

PLAID SPURGEON  
Notary Public - State of Missouri  
Commissioned in Cass County  
My Commission Expires February 16, 1984

An easement is hereby granted to the Missouri Public Service Company, a Missouri corporation, its successors and assigns, to enter upon to install and maintain such equipment and devices as are necessary for the conveyance and transmission of electrical energy over and along those areas in this subdivision, outlined on this plat, and designated by the words "Power Line Easement" or the abbreviation "P.E."

DRIVEWAY RESTRICTION: No driveways may be constructed in this subdivision in such manner so as to require vehicles using said driveways to be backed onto Blackwell Road. The Jackson County Public Works Dept. will refuse to issue a permit for the construction of any driveway not conforming to this restriction.

Approved as to Street Locations and Widths

By *James R. Dill*  
Director, Public Works Dept.  
Jackson County, Missouri

Date: 6/18/80

Approved as to Zoning & Planning

By *James R. Dill*  
Director, Zoning & Planning  
Jackson County, Missouri

Date: 6/19/80

Approved:  
By *Shari Scanlon* 6-19-80  
Assessor's Office

SURVEYED AND PLATTED BY  
HARVEY A. JONES ENGINEERING CO., INC.

By *Harvey A. Jones*  
Land Surveyor

June 7, 1979.

Filed for record \_\_\_\_\_

1 inch = 40 feet

RZ-2020-579  
Brandon & Christina Hess

NE BLACKWELL RD

Lees Summit







