

Request for Legislative Action

Ord. #5777

Date: August 14, 2023

Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5777
Sponsor(s):		Legislature Meeting Date:	8/14/2023

Introduction

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

RZ-2023-654 – Peter Kenney

Request Summary

Requesting a change of zoning from District AG (Agricultural) on 7.00 ± acres to District RR (Residential Ranchette). The purpose is to create a residential lot at 12600 S. Harris 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 July 20, 2023, and accepted testimony pertaining to the rezoning request. There was no opposition to the request.

The Plan Commission voted 6 to 0 to recommend APPROVAL to the County Legislature.

Contact Information

Department:	Public Works	Submitted Date:	7/26/2023
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: Zoning change	
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 7/26/2023. Comments:

Approved by Department Approver Brian Gaddie on 7/27/2023 11:05:04 AM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 7/27/2023 11:17:08 AM. Comments:

Approved by Compliance Office Approver Jaime Guillen on 7/27/2023 1:04:36 PM. Comments:

Not applicable by Budget Office Approver Mark Lang on 7/27/2023 1:14:36 PM. Comments:

Approved by Executive Office Approver Sylvia Stevenson on 7/27/2023 1:39:20 PM. Comments:

Approved by Counselor's Office Approver Jamesia Manning on 8/10/2023 12:30:20 PM. Comments:

RZ-2023-654

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

The East seven (7) acres, more or less, of the following described tract:

A part of the Northeast Quarter of Section 13, Township 47, Range 31, Jackson County, Missouri, described as follows: Beginning at the Southeast Corner of the Northeast Quarter of said Section 13; thence North 87 degrees 20 minutes 58 seconds West, along the South line of said Northeast Quarter, 1338.48 feet to a point at the Southeast corner of the West 10 acres as described in Document No. 2006E0110200; thence North 02 degrees 14 minutes 31 seconds East, along the East line of said 10 acres, 329.81 feet; thence South 87 degrees 20 minutes 58 seconds East, 8.90 feet to a point on the West line of the Southeast Quarter of the Northeast Quarter of said Section 13; thence continue South 87 degrees 20 minutes 58 seconds East, 1328.90 feet to a point on the East line of the Northeast Quarter of Section 13, also being the centerline of Harris Road; thence South 02 degrees 07 minutes 23 seconds West, along said lines, 329.82 feet to the point of beginning. Except that part in road.

(Also known as Tract A, as shown on Certificate of Survey recorded in Document 2018E0031291 on April 13, 2018).

RZ-2023-654

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from July 20, 2023

Staff Report

Zoning map of surrounding area

Names and addresses of surrounding property owners

Letter to surrounding property owners

Application

Aerial of location

STAFF REPORT

PLAN COMMISSION May 18, 2023

RE: RZ-2023-654

Applicant: Peter Kenney

Location: 12600 S. Harris Road

Area: 7.00 ± acres

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

Purpose: The purpose is to create a single-family residential lot.

Current Land Use and Zoning in the Area:

The zoning in the area is Agricultural, Residential Estates and Residential Ranchette.

The land use is single family residences on similar size or larger tracts. There are some smaller size developments created prior to the Unified Development Code (UDC).

The applicant owns 2 10-acre tracts and is constructing a new residence on the north 10-acre tract. They are wishing to attach the west 2.45 acres of the south tract to the north tract. The remaining 7.00 ± acres which contain the current residence will need to be rezoned and platted to bring it back into compliance with the UDC.

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-2023-654.

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?*

Peter Kenney, 12600 S. Harris Road.

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

Mr. Kenney: We bought this property in 2018. My wife has several horses. The pond is on the backside of the south 10 acres. We want to keep the pond with us and this is the area we can spread manure. We are almost finished with the new house. Once we move in we'll place the other on the market.

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. Lake seconded.

Discussion under advisement

Mr. Crawford moved to approve. Mr. Tarpley seconded.

Mr. Tarpley	Approve
Mr. Lake	Approve
Mr. Farrar	Approve
Mr. Crawford	Approve
Ms. Ryerkerk	Approve
Chairman Antey	Approve

Motion Carried 6 – 0

STAFF REPORT

PLAN COMMISSION May 18, 2023

RE: RZ-2023-654

Applicant: Peter Kenney

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Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



RE

AG

RE

S HARRIS RD

RR

RR

AG

RS

S HOWARD ST

RS

RS

RS

RS

RS

E 130TH ST

AG

AG

RS

Plan Commission July 20, 2023

RZ-2023-654

Property Owners Within 185 feet

Parcel	owner	address	city	state	zip
60-700-04-77-00-0-00-000	GARRIS REVOCABLE TRUST	12704 S HARRIS RD	LEES SUMMIT	MO	64063
59-900-02-06-00-0-00-000	TULEY WILLIAM N & MYRNA J	12613 HARRIS RD	LEES SUMMIT	MO	64063
60-700-04-07-01-0-00-000	WHITE WILLIAM L & LISA A	12714 S HARRIS RD	GREENWOOD	MO	64034
60-700-01-07-00-0-00-000	WHITE WILLIAM L & LISA A	12714 S HARRIS RD	GREENWOOD	MO	64034
60-700-04-71-00-0-00-000	WHITE WILLIAM L & LISA A	12714 S HARRIS RD	GREENWOOD	MO	64034
59-900-03-02-00-0-00-000	RAUBER BRETT & JESSICA R	12707 S HARRIS RD	GREENWOOD	MO	64034
59-900-02-21-00-0-00-000	BUHMAN LIVING TRUST	12605 HARRIS RD	LEES SUMMIT	MO	64063
60-700-01-04-03-1-00-000	KENNEY PETER J	12600 HARRIS RD	LEES SUMMIT	MO	64063
60-700-01-04-01-1-00-000	KENNEY PETER J & DANIELLE DUSSELIER	12600 HARRIS RD	LEES SUMMIT	MO	64063



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 5, 2023

RE: Public Hearing: RZ-2023-654

Peter Kenney

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 Peter Kenney for a change of zoning from District AG (Agricultural) on 5.00 ± acres to District RR (Residential Ranchette). The purpose is to create a residential lot at 12600 S. Smart 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, July 20, 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,

A handwritten signature in blue ink, appearing to read "Randy Diehl", is written over a faint, light blue circular stamp.

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- 654

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: Peter J Kenney

Address: 12600 Harris Road
Lex's Summit MO 64086

Phone: 816 694 8464

b. Owner(s) Name: SAME

Address: _____

Phone: _____

c. Agent(s) Name: N/A

Address:

N/A

Phone:

d. Applicant's interest in Property:

2.

General location (Road Name)

HARRIS ROAD
NEAR NE Lee's Summit

3.

Present Zoning

AG

Requested Zoning

RR

4.

AREA (sq. ft. / acres)

3 AC M/L (Tract B will be 13 AC M/L
Tract A will be 7 AC M/L)

5.

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

See Attached Tract A & B.

plan is for Tract B to acquire 3 acres M/L from Tract A for

6.

Present Use of Property:

AG

RESIDENCE west side

7.

Proposed Use of Property:

RR

RR

RESIDENCE

8.

Proposed Time Schedule for Development:

within 3 months

From Present Date.

9.

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

None whatsoever

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

Lee's Summit Water - no effect

b.

Sewage disposal

existing new septic system - no effect

c.

Electricity

Every New Transformer in place - no effect

d.

Fire and Police protection

SO. JACKSON COUNTY Fire Dis. - no effect

12.

Describe existing road width and condition:

HARRIS ROAD

south of ~~MO 15~~ NO 50 Hwy
condition GOOD.

no effect
no effect
no effect

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

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): N/A

Attachments: (3)

- TRACT A. Jackson Cty TAX View with Legal Description
- TRACT B Jackson Cty TAX View with Legal Description
- current Certificate of Survey completed by Boundary & Construction surveying, inc. (Roger Backus) completed 04/13/2018
(to be re surveyed by Roger after county approval)

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

Property Owner(s)

Peter J Kenney

Date

6/9/23

Applicant(s):

Contract Purchaser(s):

STATE OF Missouri

COUNTY OF Jackson

On this 9th day of June, in the year of 2023, before me the undersigned notary public, personally appeared Peter J Kenney

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

Nancy Candeles

Commission Expires

06/04/2024

NANCY CANDELAS
NOTARY PUBLIC-NOTARY SEAL
STATE OF MISSOURI
JACKSON COUNTY
MY COMMISSION EXPIRES 6/4/2024
COMMISSION # 16867415



