

## Request for Legislative Action

Ord. #5803

Date: October 16, 2023

### Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5803
Sponsor(s):		Legislature Meeting Date:	10/16/2023

### Introduction

**Action Items:** ['Authorize']

**Project/Title:**

RZ-2023-657 – JSW Homes, LLC

### Request Summary

Requesting a change of zoning from District AG (Agricultural) on 8.00 ± acres to District RE (Residential Estates). The purpose is to create two residential lots at 31201 E. Lone Jack-Lee's Summit 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 September 21, 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>	10/3/2023
<b>Name:</b>	Randy D. Diehl	<b>Email:</b>	RDiehl@jacksongov.org
<b>Title:</b>	Development Division 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
<b>Single Source Funding:</b>			
Fund:	Department:	Line Item Account:	Amount:
			<b>!Unexpected End of Formula</b>

## 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 10/2/2023. Comments:  
Returned for more information by Department Approver Kristina J. Miller on 10/2/2023 11:03:34 AM. Comments:  
Submitted by Requestor Randy D. Diehl on 10/2/2023 11:07:24 AM. Comments: Amended Request Summary  
Approved by Department Approver Kristina J. Miller on 10/2/2023 12:36:46 PM. Comments:  
  
Not applicable by Purchasing Office Approver Barbara J. Casamento on 10/2/2023 3:55:34 PM. Comments:  
Approved by Compliance Office Approver Ikeela Alford on 10/2/2023 4:00:28 PM. Comments:  
  
Approved by Budget Office Approver David B. Moyer on 10/3/2023 8:17:17 AM. Comments:  
  
Approved by Executive Office Approver Sylva Stevenson on 10/5/2023 11:58:22 AM. Comments:  
  
Approved by Counselor's Office Approver Jamesia Manning on 10/12/2023 12:06:23 PM. Comments:

**RZ-2023-657**

**ATTACHMENT 1: PROPERTY DESCRIPTION**

**Description:**

All that part of the North Half of the North Half of the Southwest Quarter of Section 15, Township 47, Range 30, Jackson County, Missouri, described as follows: Beginning at a point 1079.35 feet east the Northwest corner of said Southwest Quarter; thence south, at right angles to the North line of said Southwest Quarter 660.02 feet to a point; thence East 567.00 feet to a point; thence North 660.05 feet to a point on the North line of said Southwest Quarter; thence West along the said North line, 567.00 feet to the Point of Beginning. Except that part in road.

RZ-2023-657

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from September 21, 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 – Steelhorse Ranch

**Randy Diehl gave the staff report:**

**RE: RZ-2023-657**

**Applicant:** JSW Homes

**Location:** 31201 E Lone Jack-Lee's Summit Road

**Area:** 8.00 ± acres

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

**Purpose:** The purpose is to create a two single-family residential lots.

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

The zoning in the area is Agricultural and Residential.

The land use is single family residences on similar size or larger tracts. Several developments of similar size or smaller were created prior to the Unified Development Code adopted in 1995.

There are two outbuildings on the property. The dividing line between the two lots will run between them. There is enough space to for both lots to maintain the 15-foot side yard setback as required by the proposed zoning district.

**County Plan:**

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

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2023-657.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

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

Mr. Farrar: Is there anything negative that staff would view on this request?

Mr. Diehl: This is pretty much a cut and dry, normal request for two separate lots for new homes.

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

Karen Lux: I'm with Realty Executives. I'm the owner's agent.

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

Ms. Lux: The structure of the west lot will eventually be removed. The residences that were on this property have been razed. The plan is to construction two new residences, each on their own lot.

Mr. Johnson: What is the building on the east side?

Ms. Lux: A metal outbuilding, a barn. It will remain.

**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?***

Crystal Turner: 31305 E. Lone Jack-Lee's Summit Road.

Clint Turner: We live to the east of this property.

Ms. Turner: I called as asked this question, but I am asking again about the setbacks. I know that you cannot build with 15 feet of the side property line. Do we know where the homes are going to be built? We don't want a house right next to us.

Mr. Johnson: Usually once the lot is sold, it would be the new owner's decision on where the house is to be placed.

Ms. Lux: The builder is someone I'm very familiar with. He does great work and has constructed many homes in the area. I can't guarantee those locations, more than likely he will build than to the center of the properties to maintain distance between homes.

Mr. Lake: Who is JSW Homes?

Ms. Lux: That's Jeff Wilkeson. He is my brother. We grew up and live in the Lone Jack area.

Mr. Antey: I'm sure the new homes would not be right up next to the neighbor.

Motion to take under advisement.

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

*Discussion under advisement*

Mr. Monaco moved to approve. Mr. Lake seconded.

Mr. Monaco	Approve
Mr. Lake	Approve
Mr. Farrar	Approve
Mr. Johnson	Approve
Chairman Antey	Approve

Motion Carried 5 – 0



## **STAFF REPORT**

### **PLAN COMMISSION**

**September 21, 2023**

**RE: RZ-2023-657**

**Applicant:** JSW Homes

**Location:** 31201 E Lone Jack-Lee's Summit Road

**Area:** 8.00 ± acres

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

**Purpose:** The purpose is to create a two single-family residential lots.

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

The zoning in the area is Agricultural and Residential.

The land use is single family residences on similar size or larger tracts. Several developments of similar size or smaller were created prior to the Unified Development Code adopted in 1995.

There are two outbuildings on the property. The dividing line between the two lots will run between them. There is enough space to for both lots to maintain the 15-foot side yard setback as required by the proposed zoning district.

#### **County Plan:**

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

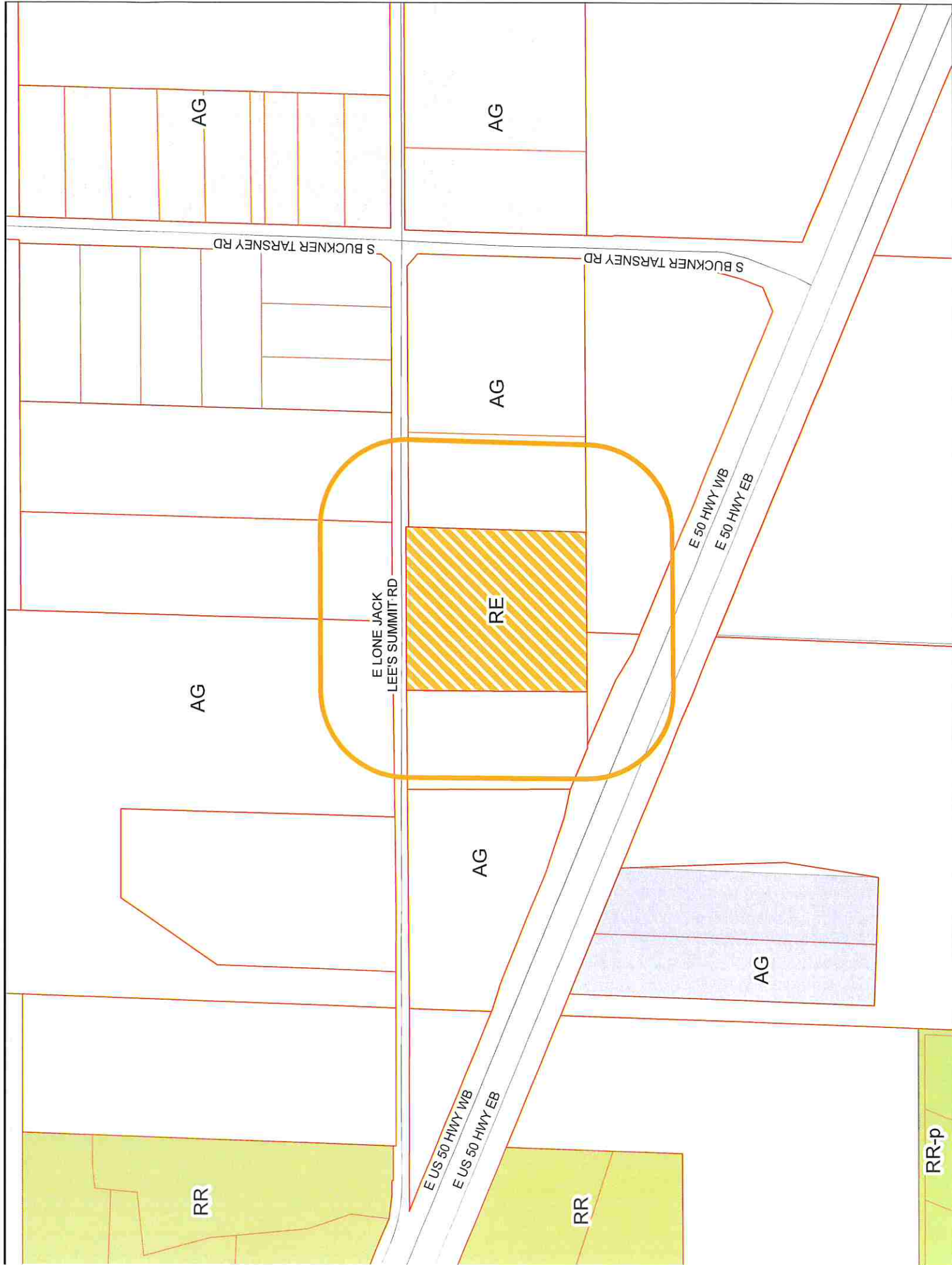
#### **Recommendation:**

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

Staff recommends APPROVAL of RZ-2023-657.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator



AG

AG

S BUCKNER TARSENEY RD

S BUCKNER TARSENEY RD

AG

E LONE JACK  
LEE'S SUMMIT RD

RE

AG

E 50 HWY WB  
E 50 HWY EB

AG

AG

E US 50 HWY WB  
E US 50 HWY EB

RR

RR

RR-p

Plan Commission September 21, 2023  
RZ-2023-657

Property Owners Within 300 feet

Parcel	owner	address	city	state	zip
58-900-02-20-00-0-00-000	TLS FARMS LLC	30810 E LONE JACK-LS RD	LEE'S SUMMIT	MO	64086
58-900-03-11-02-0-00-000	KDB INVESTMENTS LLC	503 HUNTER LN	LONE JACK	MO	64070
58-900-02-16-00-0-00-000	LANGER RUDY F-TRUSTEE	4939 WARD PKY	KANSAS CITY	MO	64112
58-900-03-11-01-0-00-000	KDB INVESTMENTS LLC	503 HUNTER LN	LONE JACK	MO	64070
58-900-03-13-00-0-00-000	TURNER CLINT & KRYSTAL	31305 E LONE JACK-LS RD	LEE'S SUMMIT	MO	64086
58-900-03-03-00-0-00-000	BUSKE RONALD LEROY & BUSKE CHRISTOPHER	4329 SE SAPELO DR	LEE'S SUMMIT	MO	64082
58-900-02-15-00-0-00-000	BURNER JAMES H & MARY E-TR	31406 E LONE JACK-LS RD			
58-900-03-02-00-0-00-000	SHEETS EVERETT L	31201 E LONE JACK-LS RD	LEE'S SUMMIT	MO	64086
	JSW HOMES	906 NW 190 RD	LONE JACK	MO	64070



## 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

September 6, 2023

RE: Public Hearing: RZ-2023-657  
JSW Homes

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 JSW Homes for a change of zoning from District AG (Agricultural) on 8.00 ± acres to District RE (Residential Estates). The purpose is to create two residential lots at 31201 E. Lone Jack-Lee's Summit 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 300' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, September 21, 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,

A handwritten signature in blue ink, appearing to read "Randy Diehl", is written over a horizontal line.

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- 2023- 657

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:**

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**1. Data on Applicant(s) and Owner(s):**

a. Applicant(s) Name: JSW Homes, LLC

Address: 900 NW 1901 RD

Lone Jack, MO 64070

Phone: 816-456-5435

b. Owner(s) Name: Everett & Julie Sheets, Helen Looney

Address: 31201 E Lone Jack Lee's Summit, RD. L.S., MO

Phone: 816-529-7409

c. Agent(s) Name: Karen Lux

Address: 37964 E US 50 Hwy. Lone Jack, MO 64501  
Phone: 816-697-2400

- d. Applicant's interest in Property: purchaser  
2. General location (Road Name) 3201 E Lone Jack Lees Summit RD

3. Present Zoning \_\_\_\_\_ Requested Zoning RES  
4. AREA (sq. ft. / acres) 8

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

Attached

6. Present Use of Property: Agricultural Use  
7. Proposed Use of Property: Residential  
8. Proposed Time Schedule for Development: 6mo - 1yr.

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

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 ProSD#15 - water meter available - no effect  
b. Sewage disposal private septic systems - no effect  
c. Electricity Energy - no effect  
d. Fire and Police protection no effect

12. Describe existing road width and condition: County maintained 24ft wide

13. What effect will proposed development have on existing road and traffic conditions? Property already had 2 homes at one time - 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

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)

Julie M Sheets  
Everett Z Sheets

8/7/23

8/7/23

Applicant(s):

Helen G. Cooney  
Jeff Wilkinson

8/7/23

8/7/23

Contract Purchaser(s):

Jeff Wilkinson

8/7/23

STATE OF

Missouri

COUNTY OF

Jackson

On this 7<sup>th</sup> day of August, in the year of 2023, before me

the undersigned notary public, personally appeared Everett & Julie Sheets,  
Helen Cooney, Jeff Wilkinson

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.

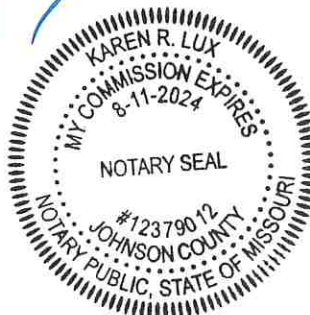
In witness whereof, I hereunto set my hand and official seal.

Notary Public

Karen R. Lux

Commission Expires

8/11/2024









PRELIMINARY PLAT  
IN THE SW1/4 SECTION 15, T47N, R30W,  
JACKSON COUNTY, MISSOURI

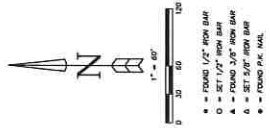
LOT 2  
5.07 ACRES  
220918.30 SQ. FT.

LOT 2, SCHUMACHER ADRES

LOT 1  
3.00 ACRES

ADJONET  
BRUCE  
2018C0004309

A location map showing the intersection of E. JONES RD., S. BUCKINGHAM ST., and E. MOORE RD. The proposed site is located at the intersection of E. JONES RD. and S. BUCKINGHAM ST. A diagonal road labeled "MAIN RD." runs from the bottom left towards the top right.

[illegible]

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION, AND THAT I AM A DULY REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MISSOURI, AND THAT THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CURRENT "MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS" (MO CSR 200-18), ADOPTED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND PROFESSIONAL LANDSCAPE ARCHITECTS. THIS DOCUMENT DOES NOT HAVE AN EMBOSSED SEAL AND A STAMP IN RED INK. IT SHOULD BE ASSUMED TO CONTAIN UNAUTHORISED ALTERATIONS.

**SISCO LAND SURVEYING, LLC**  
P.O. BOX 84  
THOMAS G. SISCO  
MD P.L.L.C. 200.501.3180

RECORDED OF DEEDS

JEFF WILKINSON  
906 NW 1901 RD  
LONE JACK, MO 64077

DATE:	SEPTEMBER 20, 2023
PROJECT #:	SL5-23-121