

# Request for Legislative Action

Ordinance No.: 5641  
Date: August 15, 2022

Completed by County Counselor's Office			
Action Requested:	Ordinance	Res.Ord No.:	5641
Sponsor(s):		Legislature Meeting Date:	8/15/2022

Introduction
<b>Action Items:</b> ['Authorize']
<b>Project/Title:</b>
Matthew B Gillpatrick – RZ-2022-633

Request Summary
Requesting a change of zoning from District AG (Agricultural) on 5.00 ± acres to District RR (Residential Ranchette). The purpose is to create a single-family residential lot at 27412 E. Atherton Sibley 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 21, 2022, and accepted testimony pertaining to the rezoning request.
The Plan Commission voted 9 to 0 to recommend <u>APPROVAL</u> to the County Legislature.

Contact Information			
<b>Department:</b>	Public Works	<b>Submitted Date:</b>	7/29/2022
<b>Name:</b>	Randy D. Diehl	<b>Email:</b>	RDiehl@jacksongov.org
<b>Title:</b>	Development Division Administrotor	<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:
			<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 7/29/2022. Comments: Scheduled for Land Use on August 22.

Approved by Department Approver Brian Gaddie on 8/1/2022 4:14:18 PM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 8/1/2022 4:42:11 PM. Comments:

Approved by Compliance Office Approver Katie M. Bartle on 8/2/2022 4:14:57 PM. Comments:

Not applicable by Budget Office Approver Mark Lang on 8/3/2022 9:17:56 AM. Comments:

Approved by Executive Office Approver Sylvya Stevenson on 8/3/2022 9:41:41 AM. Comments:

Approved by Counselor's Office Approver Elizabeth Freeland on 8/4/2022 3:13:45 PM. Comments:

**RZ-2022-633**

**ATTACHMENT 1: PROPERTY DESCRIPTION**

**Description:**

All that part of the East Half of the Southeast Quarter of Section 30, Township 51 North, Range 30 West, in Jackson County, Missouri, more fully described as follows: Commencing at the Southeast corner of the said Southeast Quarter of Section 30; thence North 87 degrees 38 minutes 54 seconds West along the South line of the Southeast Quarter of said Section 30, a distance of 276.08 feet to the Point of Beginning; thence North 87 degrees 38 minutes 54 seconds West, along said South line, 258.90 feet; thence North 03 degrees 19 minutes 56 seconds East, 828.89 feet; thence South 87 degrees 38 minutes 54 seconds East, 260.30 feet to the Northwest corner of Lot 1, Cathy Acres Subdivision, a subdivision in Jackson County, Missouri; thence South 03 degrees 25 minutes 45 seconds West along the West line of said Lot 1 and the prolongation thereof, 828.92 feet to the Point of Beginning, except that part in road.

**RZ-2022-633**

**ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION**

Attachments

Plan Commission Public Hearing Summary from July 21, 2022

Staff Report

Zoning map of surrounding area

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Application

Aerial of location

Certificate of Survey 2009

**Randy Diehl gave the staff report:**

**RE: RZ-2022-633**

**Applicant:** Matthew B Gillpatrick

**Location:** 27412 E Atherton Sibley Road

**Area:** 5.00 ± acres

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

**Purpose:** Applicant is requesting the change in zoning to create a single-family residential lot.

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

The zoning in the area is predominately Agricultural. Cathy Acres, directly to the east, was rezoned to District RR and platted in 2000.

Land Use is primarily single-family residences on various sized tracts.

This tract was created by a Certificate of Survey filed in 2009. The applicant is wishing to construct a single-family residence and needs to bring to property into compliance with the Unified Development Code. Tracts less than 10 acres in size for residential purposes must be rezoned and platted to allow for development permits to be issued.

**County Plan:**

The County Plan Development Diagram illustrates this area within the Rural Development Tier (RDT).

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2022-633.

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?**

Mat Gillpatrick, 310 Prairie St, Buckner.

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

Mr. Gillpatrick: 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. Tarpley moved to take under advisement. Mr. Lake seconded.

*Discussion under advisement*

Mr. Tarpley moved to approve. Mr. Lake seconded.

Mr. Akins	Approve
Mr. Tarpley	Approve
Mr. Johnson	Approve
Mr. Crawford	Approve
Mr. Hilliard	Approve
Ms. Ryerkerk	Approve
Mr. Farrar	Approve
Mr. Lake	Approve
Chairman Antey	Approve

Motion Carried 9 – 0

**STAFF REPORT**

**PLAN COMMISSION**

July 21, 2022

**RE: RZ-2022-633**

**Applicant:** Matthew B Gillpatrick

**Location:** 27412 E Atherton Sibley Road

**Area:** 5.00 ± acres

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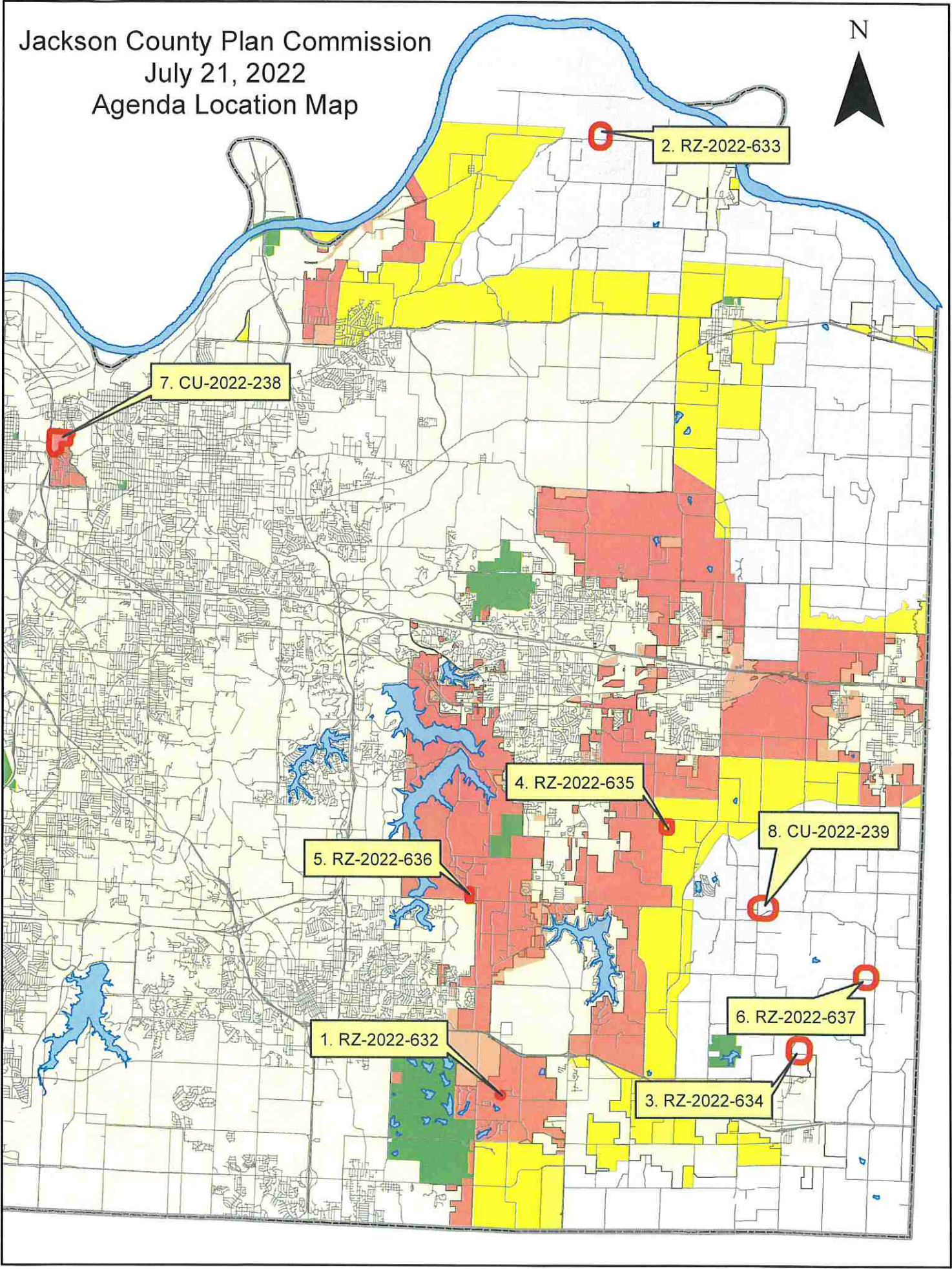
Staff recommends APPROVAL of RZ-2022-633.

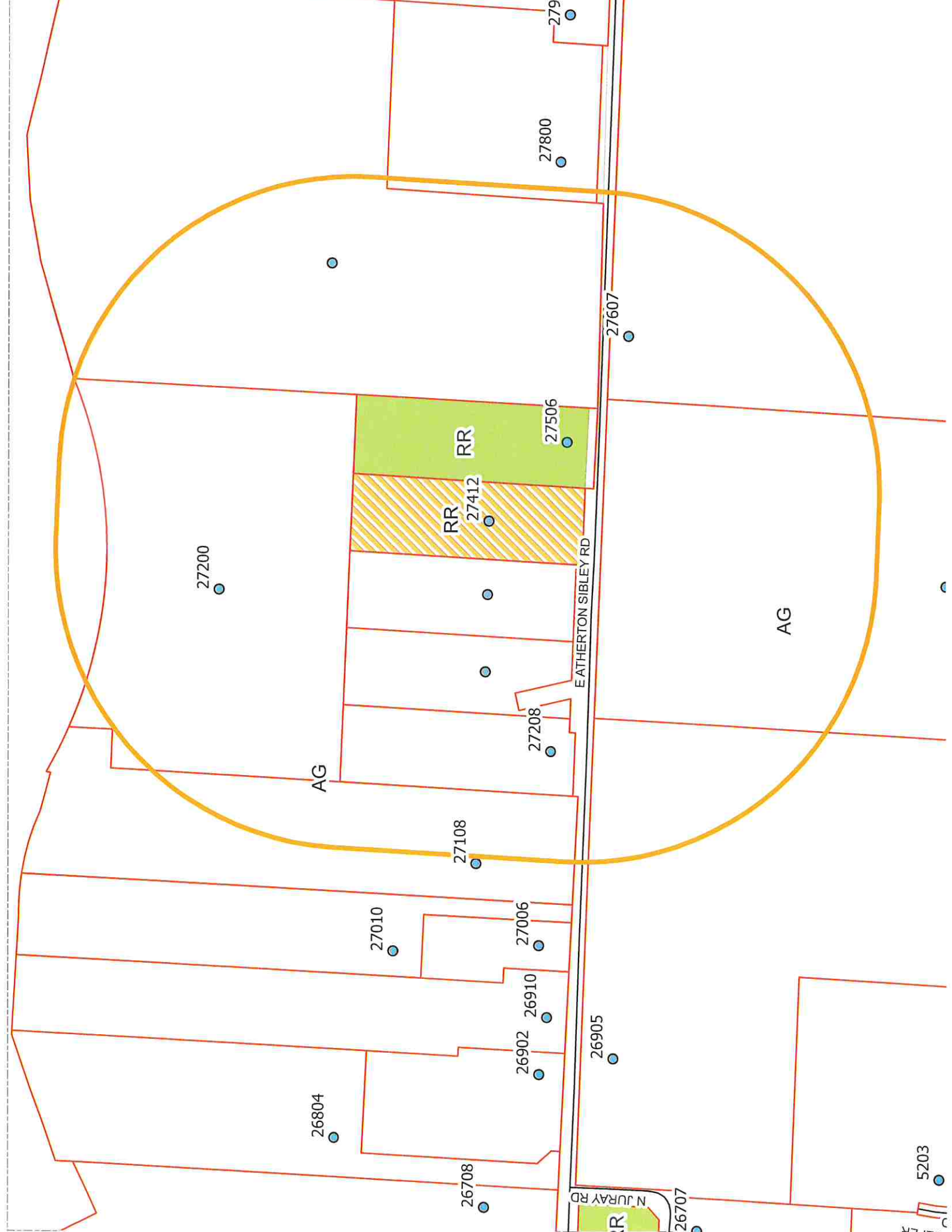
Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator



Jackson County Plan Commission  
July 21, 2022  
Agenda Location Map





27200

AG

RR  
27412

RR

27800

279:

27607

EATHERTON SIBLEY RD

AG

26804

27010

27108

27006

26910

26902

26708

26905

N JURAY RD

26707

5203



Plan Commission July 21, 2022

RZ-2022-633

Property Owners Within 1000 feet

Parcel	owner	address	city	state	zip
04-800-02-04-00-0-00-000	SISK CHARLES E & BEVERLY JO-TR	27607 E ATHERTON SIBLEY RD	SIBLEY	MO	64088
04-400-04-03-00-0-00-000	SISK CHARLES E & BEVERLY JO-TR	27607 E ATHERTON SIBLEY RD	SIBLEY	MO	64088
04-900-01-09-00-0-00-000	WALDO & EMIMA SISK-TR	9938 S HWY D	NAPOLEON	MO	64074
04-900-01-07-00-0-00-000	SISK CHARLES E & BEVERLY JO-TR	27607 E ATHERTON SIBLEY RD	SIBLEY	MO	64088
04-500-03-16-00-0-00-000	STRICKLIN WILLIAM	27800 E ATHERTON R	SIBLEY	MO	64088
04-400-04-11-00-0-00-000	JENKINS CANDY	5526 BLUE VALLEY DR	WELLINGTON	MO	64097
04-400-04-07-00-0-00-000	KING CATHY J	27506 E ATHERTON SIBLEY RD	SIBLEY	MO	64088
04-500-03-03-01-0-00-000	BITTIKER FREDRICK R JR	27610 ATHERTON SIBLEY R	SIBLEY	MO	64088
04-400-04-12-00-0-00-000	MULLIS CHERYL J & JENKINS CANDY JO	20200 E 14TH ST N	INDEPENDENCE	MO	64056
04-400-04-02-01-0-00-000	ALUMBAUGH MARK W	27108 E ATHERTON SIBLEY RD	SIBLEY	MO	64088
04-400-04-10-00-0-00-000	POWELL CINDY S & MULLIS CHERYL J	16713 E LARKSPUR LN APT 1	INDEPENDENCE	MO	64055
04-400-04-09-00-0-00-000	GILLPATRICK MATTHEW BRYAN	310 PRAIRIE ST	BUCKNER	MO	64016



## 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 6, 2022

RE: Public Hearing: RZ-2022-633  
Matthew B Gillpatrick

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 Matthew B Gillpatrick for a change of zoning from District AG (Agricultural) on 5.00 ± acres to District RR (Residential Ranchette). The purpose is to create a single-family residential lot at 27412 E. Atherton Sibley 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 1000' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, July 21, 2022, 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".

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- 2022-433

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: Matthew Bryan Gullpatrick

    Current Mailing Address: 310 Prairie St Buckner MO 64016

    Phone: 816-456-8440                      email : \_\_\_\_\_

b. Legal Owner of Property: \_\_\_\_\_

    Current Mailing Address: \_\_\_\_\_

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

b. Legal Owner of Property: \_\_\_\_\_

    Current Mailing Address: \_\_\_\_\_

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



2. General location (Road Name) 27412 Atherton Sibley RD
- 
3. Present Zoning Agricultural Requested Zoning Residential
4. AREA (sq. ft. / acres) Approx 5 acres 4.932
5. Legal Description of Property: (Write Below or provide copy of deed and survey)  
unincorporated A/V principal-Agricultural  
TR-4 cert sur T.33 P6-98
- 
6. Present Use of Property: Agricultural
7. Proposed Use of Property: Residential
8. Proposed Time Schedule for Development: Sept
- 
9. What effect will your proposed development have on the surrounding properties?  
Increase value
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? \_\_\_\_\_
11. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water Provider 16 District
  - b. Sewage disposal: Onsite Waste Water  Public Sewer
  - c. Electricity Every
  - d. Fire and Police protection Fort Osage
12. Describe existing road width and condition: Asphalt
- 
13. What effect will proposed development have on existing road and traffic conditions? NONE

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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): \_\_\_\_\_

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**The LEGAL OWNER(s) of the property must be signatory to this application. If the owner is also the applicant then only the Property Owner portion needs to be filled out. Applications will not be**

accepted to move forward without the proper signatories.  
Verification of ownership will be made using the Tax Rolls and the Recorder of Deeds database.

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.

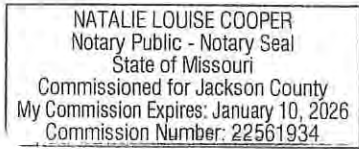
Signature \_\_\_\_\_ Date 6-6-22  
Property Owner(s) Matthew Gillpatrick

STATE OF Missouri  
COUNTY OF JACKSON

On this 6 day of JUNE, in the year of 2022, before me  
the undersigned notary public, personally appeared Matthew Gillpatrick

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 Natalie Louise Cooper Commission Expires 1/10/26



The LEGAL OWNER(s) of the property must be signatory to this application. If the owner is also the applicant then only the Property Owner portion needs to be filled out. Applications will not be accepted to move forward without the proper signatories.





RR

RR

27412

27506

EATHERTON SIBLEY RD

AG

AG

27607

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