

## Request for Legislative Action

Ordinance No.: 5816  
Date: November 27, 2023

### Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5816
Sponsor(s):		Legislature Meeting Date:	11/27/2023

### Introduction

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

**Project/Title:**

RZ-2023-661 – Thomas Gilchrist

### Request Summary

Requesting a change of zoning from District AG (Agricultural) on 10.4 ± acres to District RE (Residential Estate). The purpose is to create two residential lots at 33608 E. Major 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 November 16, 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>	11/16/2023
<b>Name:</b>	Randy D. Diehl	<b>Email:</b>	RDiehl@jacksongov.org
<b>Title:</b>	Development 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 11/16/2023. Comments:

Approved by Department Approver Brian Gaddie on 11/16/2023 10:36:31 AM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 11/16/2023 10:52:27 AM. Comments:

Approved by Compliance Office Approver Ikeela Alford on 11/16/2023 10:58:55 AM. Comments:

Approved by Budget Office Approver David B. Moyer on 11/16/2023 11:14:51 AM. Comments:

Approved by Executive Office Approver Sylva Stevenson on 11/17/2023 8:58:01 AM. Comments:

Approved by Counselor's Office Approver Jamesia Manning on 11/21/2023 10:51:55 AM. Comments:

**ATTACHMENT 1: PROPERTY DESCRIPTION**

**Description:**

Part of the Southwest Quarter of the Northwest Quarter of Section 14 Township 48 Range 30, Jackson County, Missouri, described as follows: Commencing at the Southwest Corner of said Northwest Quarter; thence S 88 degrees 32 minutes 54 Seconds E, along the South line of said Northwest Quarter, 564.34 feet; thence North 01 degrees 47 minutes 06 seconds East, along the West line of a survey recorded as Document No. 1991I1043765, 78.40 feet to the North right-of way line of Major Road as established by Document No. 1999I0042995; thence North 01 degrees 47 minutes 06 seconds, continuing along said West line, 612.69 feet to the Northwest corner of said survey said corner also being the Southwest corner of Brooklyn Acres, a subdivision in said Jackson County; thence South 88 degrees 32 minutes 54 seconds East, along the North line of said survey and the South line of said Brooklyn Acres, 710.00 feet to the West right-of-way line of Buckner-Tarsney Road; thence South 01 degree 47 minutes 06 seconds West, along said line, 40.00 feet from the centerline thereof, 269.52 feet (deed=266.61'); thence Southerly, along a curve to the right having a radius of 1,392.39 feet an arc distance of 402.84 feet (deed=402.87') to the North right-of-way line of said Major Road; thence North 88 degrees 32 minutes 54 seconds West, along said line, 25.00 feet from the centerline thereof, 544.04 feet to the North right-of way line of Major Road as established by said Document No. 1999I0042995; thence North 51 degrees 52 minutes 54 seconds West, along said line, 89.99 feet; thence North 88 degrees 32 minutes 54 seconds West, continuing along said line, 78.40 feet North of and parallel with the South line of said Northwest Quarter, 35.60 feet to the Point of Beginning.

RZ-2023-661

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from November 16, 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 – Major Meadows

**Randy Diehl gave the staff report:**

**RE: RZ-2023-661**

**Applicant:** Thomas Gilchrist

**Location:** 33608 E. Major Road

**Area:** 10.4 ± acres

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

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

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

The land use in the area is a mix of single family residential on lots ranging from 3 acres in size to larger tracts 10 acres and greater. There are larger tracts being used for agricultural purposes.

Zoning is primarily Agricultural. There are a few scattered Residential Estate zonings around the subject property.

The applicant wishes to divide the property into 2 lots. These lots will both front on Major Road. Access onto Buckner Tarsney Road will be restricted since sight distance is limited along the curve. The East side of Lot 2 is impacted by a drainage creek which also is within the Sni-a-Bar Inundation Overlay 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-2023-661.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

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

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

Jason Graham: 7712 S Buckner Tarsney Road, Grain Valley

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

Mr. Graham asked for clarification regarding the difference between the zoning districts.

Mr. Diehl explained that the RR, Residential Ranchette, zoning was originally planned for these lots. However, because of proposed Lot 1 fell under 5 acres then RE, Residential Estates, would be the appropriate zoning for the lots.

**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. Lake moved to take under advisement. Mr. Ryerkerk seconded.

*Discussion under advisement*

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

Mr. Monaco	Approve
Mr. Lake	Approve
Ms. Ryerkerk	Approve
Mr. Crawford	Approve
Chairman Antey	Approve

Motion Carried 5 – 0

## **STAFF REPORT**

### **PLAN COMMISSION**

**November 16, 2023**

**RE: RZ-2023-661**

**Applicant:** Thomas Gilchrist

**Location:** 33608 E. Major Road

**Area:** 10.4 ± acres

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

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

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

The land use in the area is a mix of single family residential on lots ranging from 3 acres in size to larger tracts 10 acres and greater. There are larger tracts being used for agricultural purposes.

Zoning is primarily Agricultural. There are a few scattered Residential Estate zonings around the subject property.

The applicant wishes to divide the property into 2 lots. These lots will both front on Major Road. Access onto Buckner Tarsney Road will be restricted since sight distance is limited along the curve. The East side of Lot 2 is impacted by a drainage creek which also is within the Sni-a-Bar Inundation Overlay District.

#### **County Plan:**

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

#### **Recommendation:**

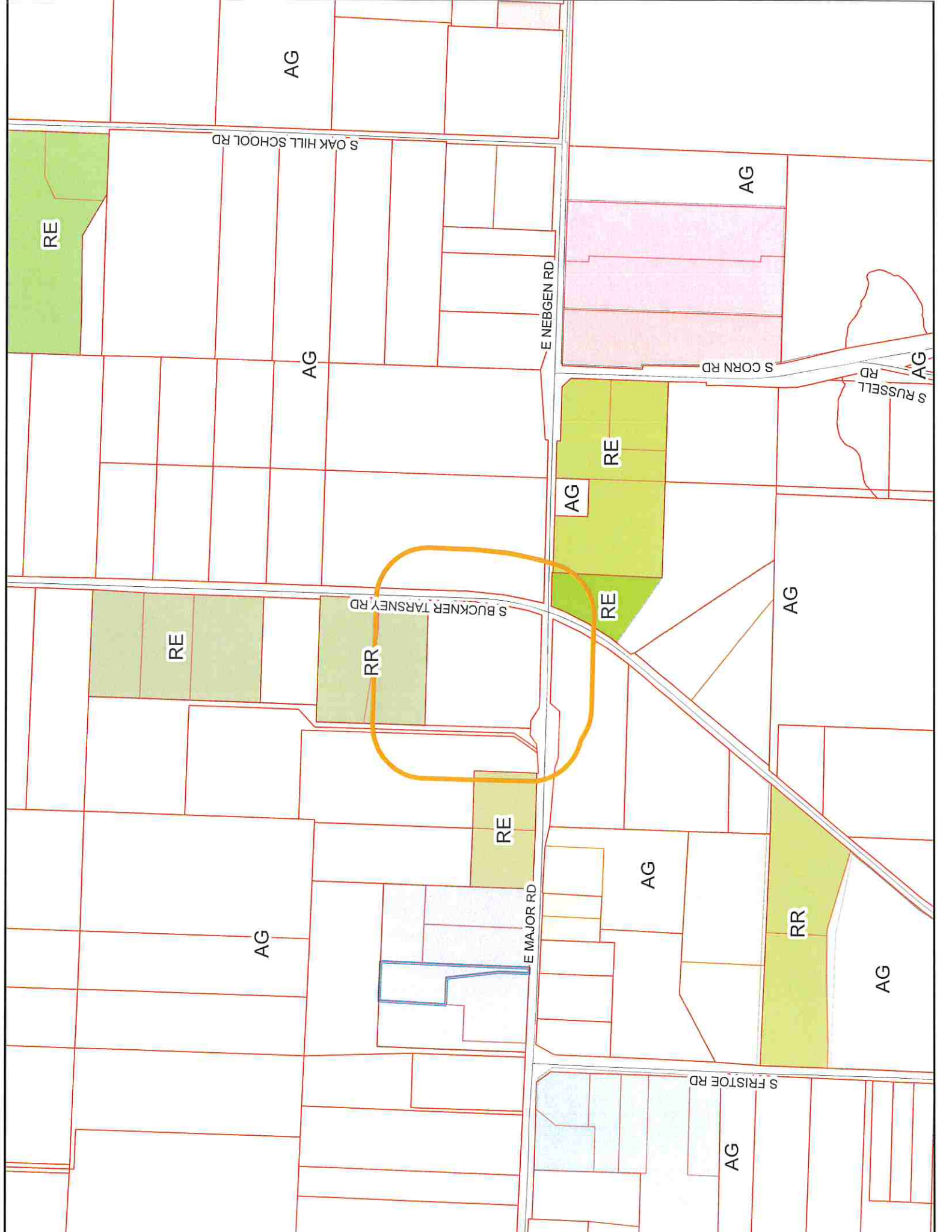
This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2023-661.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator





Plan Commission September 21, 2023

RZ-2023-657

Property Owners Within 300 feet

Parcel	owner	address	city	state	zip
40-800-03-16-01-2-00-000	CROSS JOHN ERIC & DEANNA	7914 S CORN RD	OAK GROVE	MO	64075
40-800-02-37-00-0-00-000	GRAHAM JASON T	7712 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
40-800-02-35-00-0-00-000	SIMS CAROL J & MATTHEW	32406 E MAJOR RD	GRAIN VALLEY	MO	64029
40-800-02-32-00-0-00-000	BROWN MICHAEL J & PATRICIA A	2325 GOYA DR	NOKOMIS	FL	34275
40-800-03-23-00-0-00-000	SHIFLETT FAMILY TRUST	8010 S BUCKNER TARSNEY RD	OAK GROVE	MO	64075
40-800-02-33-01-0-00-000	NIEMEYER SCOTT	32500 E MAJOR RD	GRAIN VALLEY	MO	64029
40-800-02-18-00-0-00-000	RICHARD ROBERT D & JUDITH K-TR	7808 OAK HILL SCHOOL RD	OAK GROVE	MO	64075
40-800-03-27-00-0-00-000	CROSS JOHN ERIC & DEANNA	7914 S CORN RD	OAK GROVE	MO	64075
40-800-02-36-00-0-00-000	GRAHAM JASON T	7712 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
40-800-02-25-00-0-00-000	GILCHRIST THOMAS J	32608 E MAJOR RD	GRAIN VALLEY	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

November 1, 2023

RE: Public Hearing: RZ-2023-661  
Thomas Gilchrist

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 Thomas Gilchrist for a change of zoning from District AG (Agricultural) on 10.4 ± acres to District Re (Residential Estates). The purpose is to create two residential lots at 33608 E. Major 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, November 16, 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,

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

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**TO BE COMPLETED BY OFFICE PERSONNEL ONLY:**

Rezoning Case Number RZ- P 2023-661

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: Thomas J. Gilchrist & Helen Christine Gilchrist Trust  
Current Mailing Address: 32608 Major Road, Grain Valley, MO 64029  
Phone: 816-547-8957 email : <tgilchrist124@gmail.com>
  - b. Legal Owner of Property: Same  
Current Mailing Address:  
Phone: \_\_\_\_\_ email : \_\_\_\_\_
  - b. Legal Owner of Property: \_\_\_\_\_  
Current Mailing Address:  
Phone: \_\_\_\_\_ email : \_\_\_\_\_



2. General location (Road Name) NW corner Major & Buckner-Tarsney Roads
3. Present Zoning AG Requested Zoning ~~RR~~ RE
4. AREA (sq. ft. / acres) 10.6 acres
5. Legal Description of Property: (Write Below or provide copy of deed and survey)  
See attached
6. Present Use of Property: Residential
7. Proposed Use of Property: Residential
8. Proposed Time Schedule for Development: ASAP
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? \_\_\_\_\_
11. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water Provider Lake Lotawana PW&D 13
  - b. Sewage disposal: Onsite Waste Water X Public Sewer
  - c. Electricity KCP&L
  - d. Fire and Police protection County
12. Describe existing road width and condition: Good condition
13. What effect will proposed development have on existing road and traffic conditions? Minimal

- 
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

Property Owner(s)

Erwin W GARD

Date

10/26/23

Erwin W GARD

Agent for Tom Gilchrist

STATE OF Missouri

COUNTY OF Jackson

On this 26 day of October, in the year of 2023, before me the undersigned notary public, personally appeared Erwin Gard

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

Makiya Wright

Commission Expires

July 25, 2026







RR

AG

S BUCKNER TARSNEY RD

E NEBGEN RD

RR  
Right near map 201 RE

2

AG

1

E MAJOR RD

AG



