

REQUEST FOR LEGISLATIVE ACTION


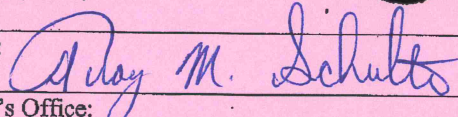

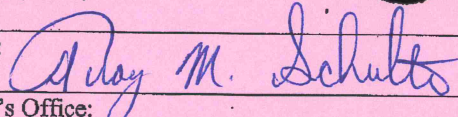

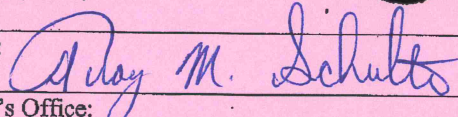
Version 6/10/19

Completed by County Counselor's Office:

Res/Ord No.: 5495

Sponsor(s):

Date: March 29, 2021

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Troy A & Kendra L Pearson – RZ-2021-598</u>										
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" style="width: 100%;"> <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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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 01.02 ± acres to District RS (Residential Suburban) to decrease the building line setbacks for future construction at 2425 N. Old Atherton 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 March 18, 2021 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	Attachment 1: Property Description. Attachment 2: Zoning Support Documents										
REVIEW	<table border="1" style="width: 100%;"> <tr> <td>Department Director: Brian D. Gaddie, P.E. Director, Public Works </td> <td>Date: 3-24-21</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: </td> <td>Date: 3-26-2021</td> </tr> <tr> <td>County Counselor's Office:</td> <td>Date:</td> </tr> </table>	Department Director: Brian D. Gaddie, P.E. Director, Public Works 	Date: 3-24-21	Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: 	Date: 3-26-2021	County Counselor's Office:	Date:		
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Division Manager: 	Date: 3-26-2021										
County Counselor's Office:	Date:										

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.

RZ-2021-598

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Public Hearing Summary from March 18, 2021 Plan Commission
Staff Report
Location Map
Map showing current zoning district in area
Names/Addresses of Surrounding Property Owners
Copy of letter to said property owners
Application
Pictures
Copy of Sunny Oaks Plat

Randy Diehl gave the staff report:

RE: RZ-2021-598

Applicant: Troy & Kendra Pearson

Location: 2425 N. Old Atherton Road

Area: 01.02 ± acres

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

Purpose: Decrease the building setback requirements for future construction

Current Land Use and Zoning in the Area:

The applicant's lot is a replat consolidation of two lots originally created in 1978 and 1980. Subdivisions platted prior to the adaption of the Unified Development Code in 1995 were not required to be rezoned, therefore these lots are within District AG, Agricultural. The replat, recorded in 2015, decreased the number of lots. Therefore a change of was not required for the replat.

The applicant is wanted to build a detached building, 55 x 65 feet in size, in the north portion of the lot and is needing to reduce the setbacks.

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

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

County Plan:

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

The Residential Suburban is appropriate for the Suburban Development Tier.

Recommendation:

Staff recommends APPROVAL of RZ-2021-598

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: Are there any questions for Randy?

Mr. Tarpley: I don't see any other property zoned residential in the area.

Mr. Diehl: The property across the street was rezoned. The properties to the East have been rezoned, as well as those on the South side of Blue Mills Road.

Mr. Crawford: Where is the building going to be located exactly?

Mr. Diehl: It will be to the North of the house. The waste water system occupies the Southern portion of the lot.

Mr. Antey: Is the applicant here?

Troy Pearson: 2425 N Old Atherton Road.

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

Mr. Pearson: This will allow the building to be flush with the face of the house and not project past it.

Mr. Hilliard asked for the placement of the building to be shown again.

Mr. Hailey: What type of building will this be?

Mr. Pearson: A Morton style building. It'll will be used for storage.

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. Haley seconded.

Discussion under advisement

Mr. Akins moved to approve. Mr. Tarpley seconded.

Mr. Tarpley	Approve
Mr. Crawford	Approve
Mr. Haley	Approve
Mr. Hilliard	Approve
Ms. Mershon	Approve
Chairman Antey	Approve

Motion Carried 6 – 0

STAFF REPORT

PLAN COMMISSION

March 18, 2021

RE: RZ-2021-598

Applicant: Troy & Kendra Pearson

Location: 2425 N. Old Atherton Road

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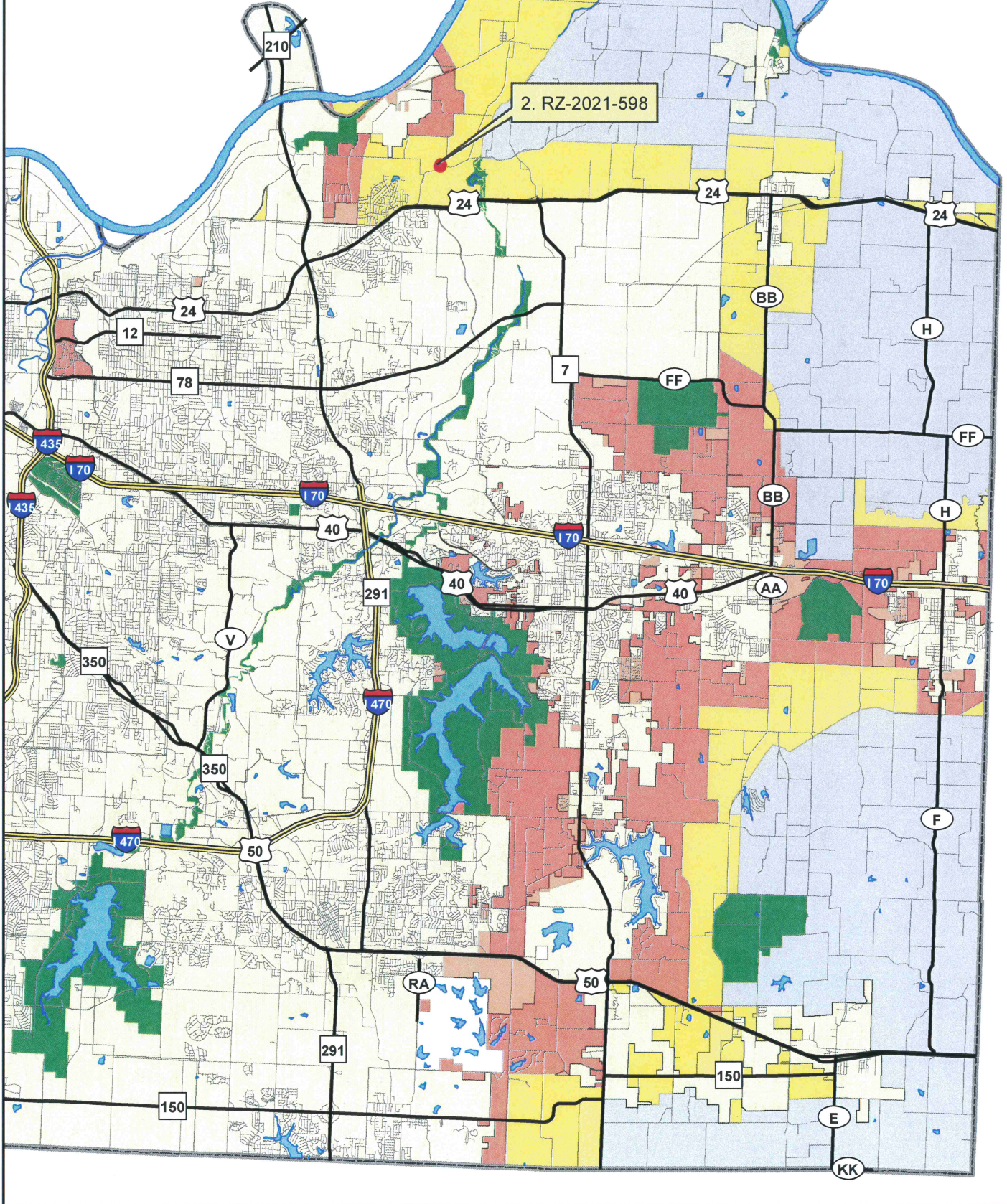
Recommendation:

Staff recommends APPROVAL of RZ-2021-598

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
March 18, 2021
Agenda Location Map





RZ-2021-598

2520

2517

2509

2500

2425

2419

2424

20904

20600

20602

21201

20901

20807

20803

N OLD ATHERTON RD

E BLUE MILLS RD

Plan Commission March 18, 2021
 RZ-2021-598

Property Owners Within 300 feet

Name	Name	Address	City	State	Zip
10-700-04-20-00-0-00-000	PEARSON RICK D & JULIE A	2509 N OLD ATHERTON RD	INDEPENDENCE	MO	64058
10-700-04-08-00-0-00-000	SCHUMACHER BRUCE A & LISA A	2424 N OLD ATHERTON RD	INDEPENDENCE	MO	64058
10-700-04-58-00-0-00-000	PEARSON KURT A & JENNIFER E	20904 E BLUE MILLS RD	INDEPENDENCE	MO	64058
10-700-04-50-00-0-00-000	KIRK AARON & STEPHANIE	2500 N OLD ATHERTON RD	INDEPENDENCE	MO	64058
10-700-04-22-01-2-00-000	SCHUMACHER ROBERT P & KAREN S	2419 N ATHERTON RD	INDEPENDENCE	MO	64058
10-700-04-61-00-0-00-000	CALTON DARIN A & KELLI S	3421 S ARROWHEAD CRT	INDEPENDENCE	MO	64057
10-700-04-49-00-0-00-000	SCHUMACHER BRUCE A & LISA A	2424 N OLD ATHERTON RD	INDEPENDENCE	MO	64058
10-700-04-22-01-3-00-000	STEWART BETTY & FRED-TR	2517 N OLD ATHERTON RD	INDEPENDENCE	MO	64058
10-700-04-40-00-0-00-000	SCHUMACHER ROBERT P & KAREN S	2419 N ATHERTON RD	INDEPENDENCE	MO	64058
10-700-04-62-00-0-00-000	CRAZY HORSE DEVELOPMENT COMPANY	923 NE WOODS CHAPEL RD STE # 460	LEES SUMMIT	MO	64064
10-700-04-59-00-0-00-000	PEARSON TROY A & KENDRA L	2425 N OLD ATHERTON RD	INDEPENDENCE	MO	64058



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 3, 2021

RE: Public Hearing: RZ-2021-598
Troy & Kendra Pearson

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 Troy & Kendra Pearson for a change of zoning from District AG (Agricultural) on 01.02 ± acres to District RS (Residential Suburban) to decrease the building line setbacks for future construction at 2425 N. Old Atherton 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 300' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, March 18, 2021 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 881-4649.

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

**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- 2021-598
Date filed 2-2-21 Date of hearing 3-18-21
Date advertised 3-3-21 Date property owners notified 3-3-21
Date signs posted 3-3-21
Hearings: Heard by DC Date 3-18-21 Decision _____
Heard by LU Date _____ Decision _____
Heard by LG Date _____ Decision _____

BEGIN APPLICATION HERE:

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

- a. Applicant(s) Name: Troy + Kendra Pearson
Address: 2425 N. Old Atherton Rd.
Independence, Mo 64058
Phone: 816-686-4551
- b. Owner(s) Name: Troy + Kendra Pearson
Address: 2425 N. Old Atherton Rd. Indep. Mo 64058
Phone: 816-686-4551
- c. Agent(s) Name: N/A

Address: N/A

Phone: N/A

- d. Applicant's interest in Property: Owner
2. General location (Road Name) Blue Mills Rd + Old Atherton Rd.
3. Present Zoning Agr Requested Zoning Res
4. AREA (sq. ft. / acres) 1 Acre
5. Legal Description of Property: (Write Below or Attached 9)
Sunny Oaks, Lot 2A - Lot 2a
6. Present Use of Property: Residential
7. Proposed Use of Property: Residential
8. Proposed Time Schedule for Development: None
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 City of Independence - None
- b. Sewage disposal Septic - None
- c. Electricity Energy - None
- d. Fire and Police protection Fort Osage - None
12. Describe existing road width and condition: 20 ft, Good

13. What effect will proposed development have on existing road and traffic conditions? None

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):

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)

[Handwritten Signature]
[Handwritten Signature]

1/13/21
1/13/2021

Applicant(s):

Troy Pearson
Kendra Pearson

Contract Purchaser(s):

STATE OF Missouri

COUNTY OF Clay

On this 13th day of January, in the year of 2021, before me the undersigned notary public, personally appeared Troy Pearson + Kendra Pearson

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

[Handwritten Signature]

Commission Expires

ASHLEY CRINGAN
Notary Public - Notary Seal
STATE OF MISSOURI
Commissioned for Clay County
My Commission Expires: June 26, 2022
Commission # 18066375



RZ-2021-598

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20602

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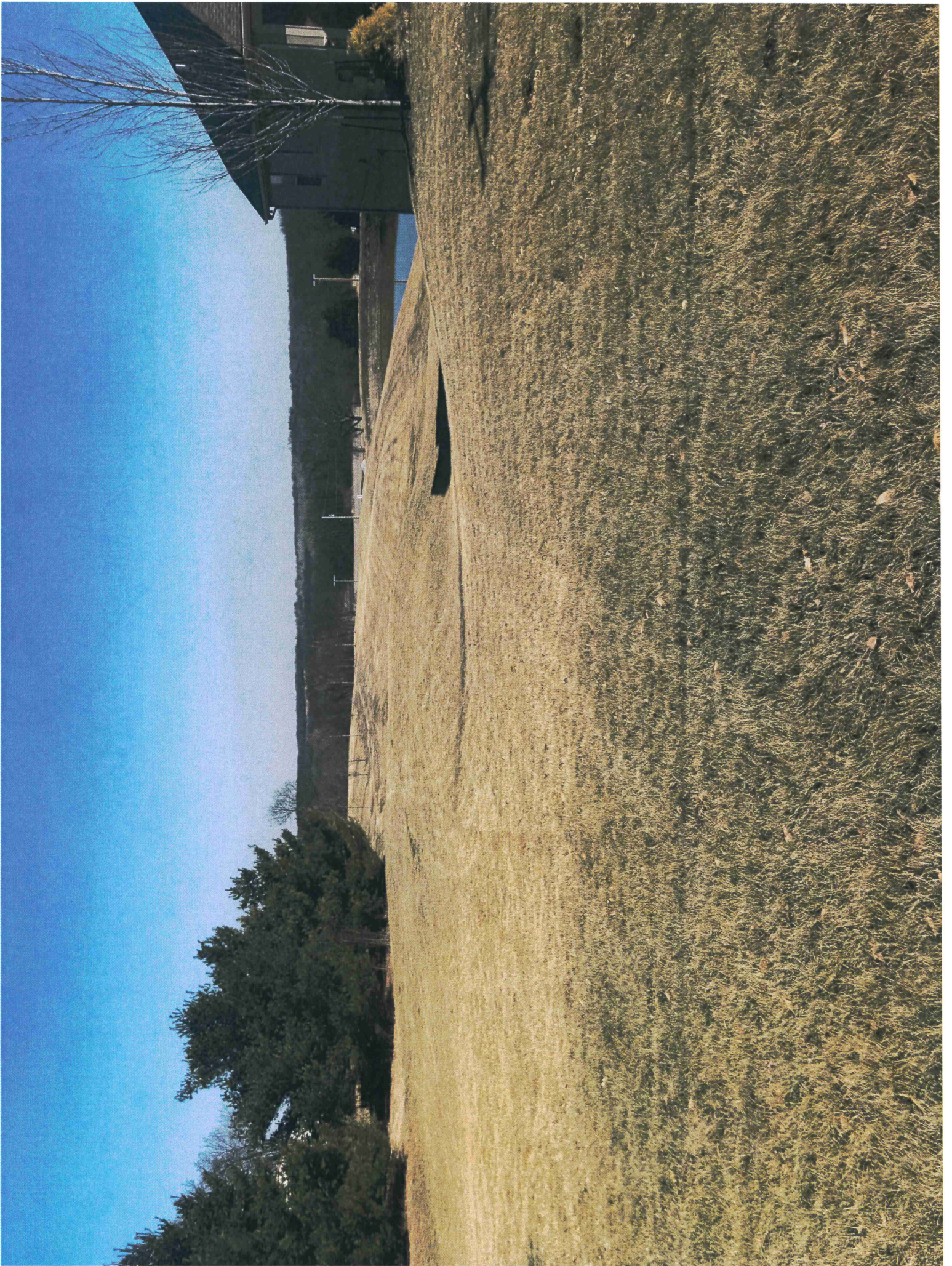
20807

20803

21201

N OLDATHERTON RD

E BLUE MILLS RD





2015E0105173

MINOR PLAT SUNNY OAKS, LOT 2A A REPLAT OF LOT 2, SUNNY OAKS & LOT 3, SUNNY OAKS, LOTS 3 & 4 JACKSON COUNTY, MISSOURI

NOTES:

1. Decide local municipality as noted.
2. A. Describe 177 Fee Fee with Public Ops LS-200616633 and this plat.
3. All measurements to be set within 12 months of the recording of this plat.
4. This subdivision is to be set within 12 months of the recording of this plat.
5. The Survey Source of this Plat is the Plat of Sunny Oaks and Sunny Oaks, Lots 3 & 4 Document Number 19780433638 and Document Number 19809443008.

FLOODPLAIN:

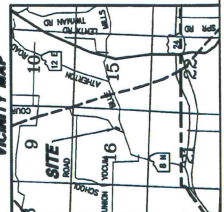
SAD PROPERTY IS LOCATED IN ZONE X, AS SHOWN ON FLOOD INSURANCE RATE MAP NUMBER 15050Z0105173 - JACKSON COUNTY MISSOURI. THE PROPERTY HAS BEEN DETERMINED TO BE ANSIS DETERMINED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN.

Met for record this day to
November 23, 2015
At 1:00 o'clock PM
Instrument No. 15050Z0105173
By: [Signature]
Deputy CL
Recorder's Fee \$ 1.66



U/E = UTILITY EASMENT
R/L = RAILING LINE
A-33621163 - MISSOURI STATE PLANE
E-17871-25 - COORDINATES, US FEET

MISSOURI STATE PLANE COORDINATES:
Missouri State Plane Coordinates were obtained from the Missouri Department of Transportation. The Missouri State Plane Coordinate System is based on the North American Datum of 1983 (NAD 83).
Grid Scale: 1:100,000

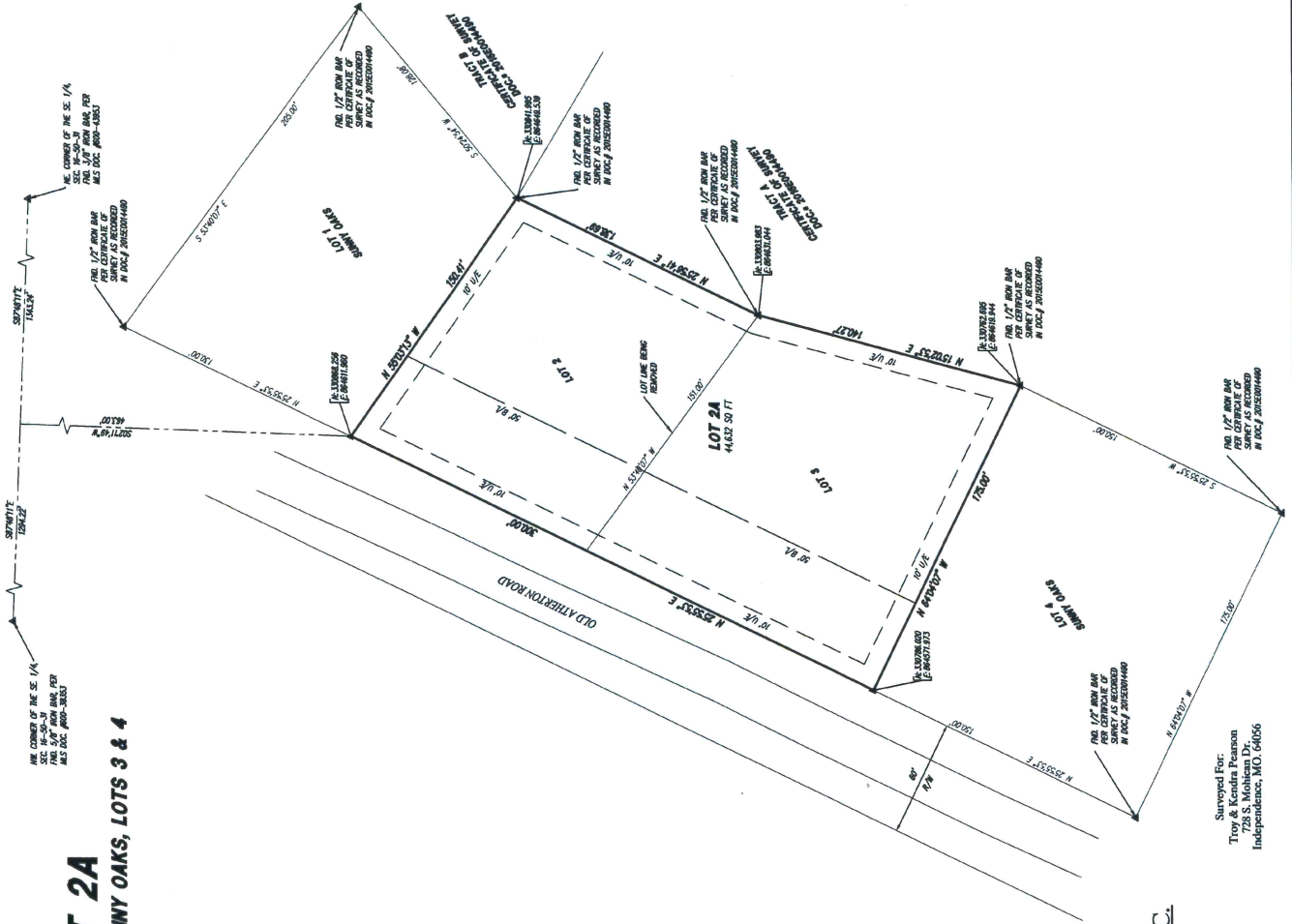


LADWIG & ASSOCIATES, L.L.C.

LAND SURVEYORS
33604 E. 235th Street
Pleasant Hill, Missouri 64080
816-309-6021

Missouri Certificate of Authority
Land Surveying - LS-2012028511

Surveyed For:
Troy & Kendra Pearson
728 S. Mohican Dr.
Independence, MO. 64056



PROPERTY DESCRIPTION:

All of Lot 2, Sunny Oaks, and all of Lot 3, Sunny Oaks, Lots 3 and 4, a subdivision of record in Jackson County, Missouri.

EASEMENTS:

An easement of access is hereby granted to Jackson County Missouri to locate, construct and maintain or cause to be located, constructed and maintained any and all public streets, sidewalks, utility lines, water mains, storm sewers, electric lines, gas lines, or any other public works or utility, any or all of them upon, over or under these same and adjacent lands from the plat of Sunny Oaks (L.C. Through Plat of Sunny Oaks, Lots 3 and 4, Document Number 19780433638 and Document Number 19809443008) to the parcel of land shown on this plat. There is no compensation to be made for this easement and the use hereunder shall be restricted to the use of easements and to the use of any building, structure, or other improvements thereon. This easement shall be in full force and effect from and after the recording of this plat and shall remain in full force and effect until the expiration of the term of years stated in the plat of record. This easement shall be subject to the provisions of the plat of record and to the provisions of the plat of record and to the provisions of the plat of record.

STREETS:

Streets shown on this plat and not heretofore dedicated to public use as thoroughfares are hereby dedicated.

BOUNDING LINES:

Boundaries shown on this plat are hereby established as shown on the accompanying plat and no building or portion thereof shall be constructed hereon that encroaches on the street right of any lot.

DEDICATION:

The boundaries of the lands described hereon have been surveyed by me or by a duly licensed surveyor shown on this accompanying plat, which is available and filed and herewith to be shown as shown on this accompanying plat.

In testimony whereof, Troy A. Pearson, & Kendra L. Pearson, husband and wife have caused these presents to be signed, this 23rd day of November, 2015.

By: [Signature]
Troy A. Pearson - Husband
By: [Signature]
Kendra L. Pearson - Wife

State of Missouri }
County of Jackson }

CLAY

On this 23rd day of November 2015, before me personally appeared Troy A. Pearson and Kendra L. Pearson, both of whom are known to me and who acknowledged that they executed the same as their free act and deed.
In witness whereof, I have hereunto set my hand and official seal at my office the day and year first above written.

[Signature]
CLAY



APPROVED:

[Signature]
TROY A. PEARSON
KENDRA L. PEARSON

APPROVED BY JACKSON COUNTY ASSESSOR:

By: [Signature]
Date: 11-23-15

I hereby certify that the within plat of subdivision and plat and survey maps or maps thereon conform to the MISSOURI STATE PLANE COORDINATES as required by the MISSOURI CONSTITUTION and the MISSOURI SURVEYING ACT. I further certify that the Survey and Section Subdivision center measurements and survey boundary corner measurements were either based on or set on indicated on this plat. I have also certified that the plat conforms to the provisions of the plat of record governing the practice of surveying and platting of subdivisions to the best of my knowledge and belief.



Executive, E. Leary, MO LS-200616633
July 12, 2015
Missouri State Surveyors Association
1001 E. 12th Street, Suite 200
Independence, MO 64056
Phone: 816-309-6021
Fax: 816-309-6022
www.missourisurveyors.org

RZ-2021-598

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

Lot 2A, Sunny Oaks, Lot 2A, a subdivision in Jackson County, Missouri