

Request for Legislative Action

Ordinance: No. 5830
Date: February 19, 2024

Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5830
Sponsor(s):		Legislature Meeting Date:	2/19/2024

Introduction

Action Items: ['Authorize']

Project/Title:

RZ-2024-665 – Kurtis & Tina Jons

Request Summary

Requesting a change of zoning from District AG (Agricultural) on 11.4 ± acres to District RE (Residential Estates). The purpose is to create two residential lots at 3717 S. Howell 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 January 18, 2024, 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

Department:	Public Works	Submitted Date:	1/31/2024
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: not spending money	
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 1/31/2024. Comments:

Approved by Department Approver Lisa Honn on 2/2/2024 12:03:10 PM. Comments: Approving for B Gaddie due to a technical issue. lh

Not applicable by Purchasing Office Approver Lisa Honn on 2/2/2024 12:12:35 PM. Comments: Approving for C Reich due to technical issue. lh

Approved by Compliance Office Approver Ikeela Alford on 2/2/2024 12:22:28 PM. Comments:

Approved by Budget Office Approver David B. Moyer on 2/2/2024 12:29:45 PM. Comments:

Approved by Executive Office Approver Sylvya Stevenson on 2/2/2024 1:07:24 PM. Comments:

Approved by Counselor's Office Approver Jamesia Manning on 2/15/2024 12:35:47 PM. Comments:

RZ-2024-665

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

Part of the East Half, Northeast Quarter, Section 24 Township 49 Range 30, Jackson County, Missouri, described as follows: commencing at the Northeast corner of said Northeast Quarter; thence South 01 degrees 28 minutes 26 seconds West, along the East line of said Northeast Quarter, 1438.88 feet to the Southeast corner of Woodbury Estates, a subdivision in said Jackson County, said corner being the Point of Beginning of the tract to be described herein;

thence North 88 degrees 24 minutes 34 seconds West, along the South line of said Woodbury Estates, 1336.33 feet (plat = 1136.58 feet, survey = 1336.50 feet, deed = 1336.19 feet) to the West line of the East Half of said Northeast Quarter; thence South 01 degrees 24 minutes 15 seconds West, along said line, 372.56 feet (survey = 372.79 feet, deed = 375.00 feet) to a line 10.00 feet North of and parallel with the North line of Llewellyn Acres - 2nd plat, a subdivision in said Jackson County; thence South 88 degrees 28 minutes 36 seconds East, along said line, 1335.87 feet (survey = 1336.78 feet, deed = 1336.31 feet) to the East line of said North Quarter; thence North 01 degrees 28 minutes 26 seconds East, along said line, 370.99 feet (survey = 371.18 feet, deed = 375.00 feet) to the Point of Beginning.

RZ-2024-665

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from January 18, 2024

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 – Jons Hideaway

Randy Diehl gave the staff report:

RE: RZ-2024-665

Applicant: Kurtis & Tina Jons

Location: 3717 S. Howell Road

Area: 11.4 ± acres

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

Purpose: The purpose is to create two residential lots.

Current Land Use and Zoning in the Area:

The zoning in the area is Agricultural and Residential with land use being single family residences.

Most subdivisions were created prior to the adaptation of the Unified Development Code in 1995 and are within District AG (Agriculture).

The applicant wishes to divide the 11.4 acres into two separate lots. Lot 2 will contain the existing residence. This lot appears to be a flag, however since it meets the minimum frontage requirement of 180 feet, it is not considered a flag lot.

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-2024-665.

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?*

Erwin Gard. I'm the surveyor here to represent the owners.

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

Mr. Gard: No, I don't.

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. Farrar seconded.

Discussion under advisement

Mr. Lake moved to approve. Mr. Farrar seconded.

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

Motion Carried 5 – 0

STAFF REPORT

PLAN COMMISSION

January 18, 2024

RE: RZ-2024-665

Applicant: Kurtia & Tina Jons

Location: 3717 S. Howell Road

Area: 11.4 ± acres

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

Purpose: The purpose is to create two residential lots.

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County Plan:

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

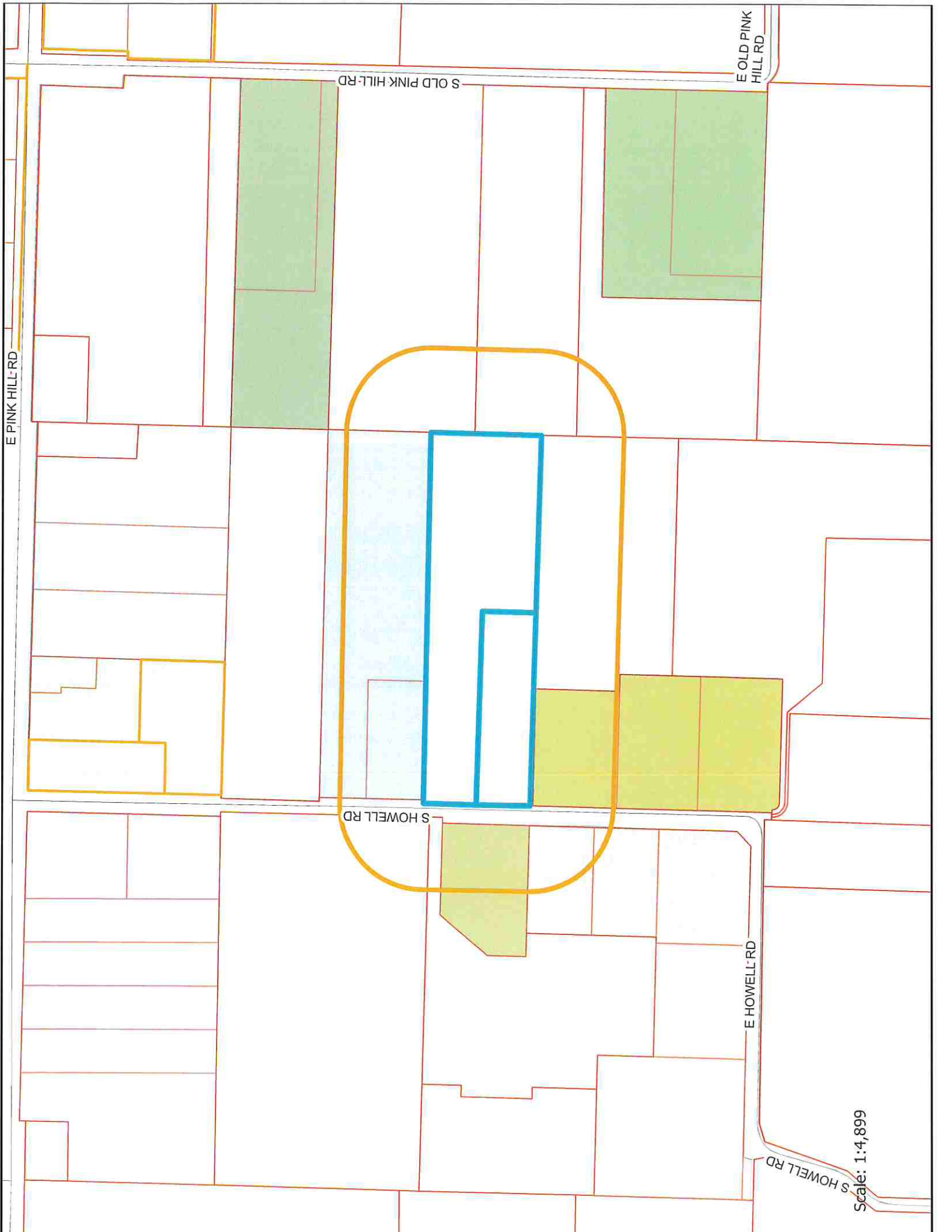
Recommendation:

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

Staff recommends APPROVAL of RZ-2024-665.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



E PINK HILL RD

S OLD PINK HILL RD

E OLD PINK
HILL RD

S HOWELL RD

E HOWELL RD

S HOWELL RD

Scale: 1:4,899

RZ-2024-665

Property Owners Within 300 feet

Parcel	owner	address	city	state	zip
38-300-02-08-01-0-00-000	BUTLER WILLIAM M & KATHLEEN M	3822 S OLD PINK HILL RD	OAK GROVE	MO	64075
37-100-01-47-00-0-00-000	BYL LORI M & DAVID D	3723 S HOWELL RD	OAK GROVE	MO	64075
37-100-01-42-00-0-00-000	DAUGHERTY PATRICK D & KENDRA S	3808 S HOWELL RD	OAK GROVE	MO	64075
37-100-01-56-00-0-00-000	HAMANN RANDALL W & TYRA L	3710 S HOWELL RD	OAK GROVE	MO	64075
37-100-01-54-00-0-00-000	HAMANN TYLER & MOLLY	3710 S HOWELL RD	OAK GROVE	MO	64075
38-300-02-11-00-0-00-000	KECK ROBIN L & MARILYN A	3722 S OLD PINK HILL RD	OAK GROVE	MO	64075
37-100-01-52-01-1-00-000	MEYER WILLIAM R & AMANDA R TRS	3829 S HOWELL RD	OAK GROVE	MO	64075
37-100-01-14-02-0-00-000	MIDDAUGH PATRICIA E	3622 S HOWELL RD	OAK GROVE	MO	64075
37-100-01-45-00-0-00-000	SANDERS JASON W & LISA M	2322 NE MAYBROOK DR	GRAIN VALLEY	MO	64029
38-300-02-10-00-0-00-000	SCOTT ROBIN M	3702 S OLD PINK HILL RD	OAK GROVE	MO	64075
37-100-01-44-00-0-00-000	SHIELDS JESSICA & WILLIAM D	3615 S HOWELL RD	OAK GROVE	MO	64075
37-100-01-43-00-0-00-000	WILLIAMSON BRIAN E & CONNIE M	3800 S HOWELL RD	OAK GROVE	MO	64075
37-100-01-13-03-0-00-000	JONS KURTIS R & TINA M TRUSTEE	3717 S HOWELL	OAK GROVE	MO	64075



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

January 3, 2024

RE: Public Hearing: RZ-2024-665
Kurtia & Tina Jons

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 Kurtia & Tina Jons for a change of zoning from District AG (Agricultural) on 11.4 ± acres to District RE (Residential Estates). The purpose is to create two residential lots at 3717 S. Howell 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, January 18, 2024 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,

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- 2024-665

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: Kurtia and Tina Jons Living Trust
- Address: 3717 S. Howell Road
- Oak Grove, MO 64075
- Phone: 816-769-6317
- b. Owner(s) Name: Same
- Address: _____
- Phone: _____
- c. Agent(s) Name: Erwin W. Gard, PLS, CET
- Gard Horizon, LLC

Address: 1212 SW Luttrell, Suite C, Blue Springs, MO 64015

Phone: 816-295-5951

d. Applicant's interest in Property: Property owner

2. General location (Road Name) S. Howell Road south of Pink Hill Road

3. Present Zoning AG Requested Zoning RE

4. AREA (sq. ft. / acres) 11.4

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

Doc #2010 E 0096271 - Rng 30 Twp 49 Sec 24 Pt of E1/2 of NE 1/4
DAF: Beg NE cor sd 1/4 Th s 1438.88' to Tru POB Th W 1336.19'
Th S 375' Th E 1336.31' Th N 375' to Tru POB.

6. Present Use of Property: Single family residence

7. Proposed Use of Property: Single family residence

8. Proposed Time Schedule for Development: Immediate

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 District 16

b. Sewage disposal Private

c. Electricity Evergy

d. Fire and Police protection Sni Valley - Jackson County

12. Describe existing road width and condition: 18.5' 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): 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

Property Owner(s)

Erwin W. Gard

Agent for Kurt Jons

Date

Dec 20, 2023

Applicant(s):

Contract Purchaser(s):

STATE OF Missouri

COUNTY OF Jackson

On this 20th day of December, in the year of 2023, before me the undersigned notary public, personally appeared Erwin W. Gard, PLS, CET agent for Kurtis and Tina Jons Living Trust

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

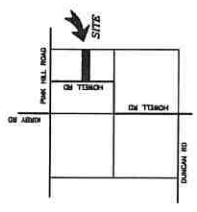
Makiya Wright

Commission Expires

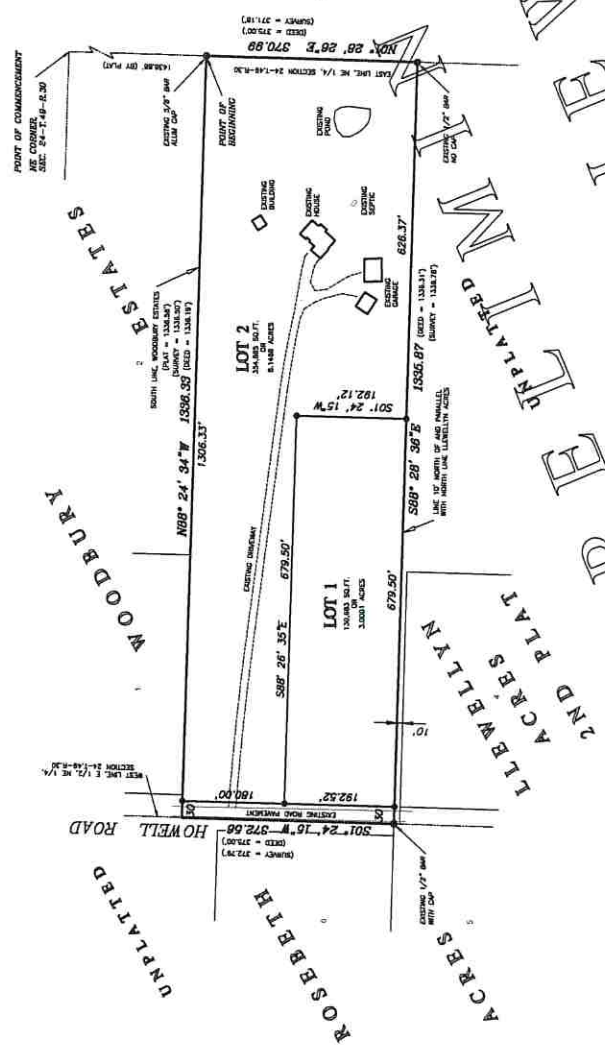
July 25, 2026







VICINITY MAP
SECTION 24-T-49-R-30
N1 TO S02



PROPERTY DESCRIPTION:

CONTAINING 46.689 SQ. FT. OR 1.0687 ACRES
PART OF THE E 1/2, NE 1/4, SECTION 24-T-49-R-30, JACKSON COUNTY, MISSOURI, BEING PART OF TRACT A AS SHOWN ON DCC # 2014 E 0003986 BEING PART OF THE NE 1/4, SECTION 24-TWP-49-R-30, JACKSON COUNTY, MISSOURI

SURVEY NOTES:

1. THE SET 1/2" BAR WITH 1/4" TYPICAL SPACING CORNERS MARKED BY...
2. THE SURVEY WAS CONDUCTED BY THE SURVEYOR IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROFESSIONAL LAND SURVEYING AS ADOPTED BY THE BOARD OF LAND SURVEYING, MISSOURI, IN 2014.
3. THE SURVEY WAS CONDUCTED BY THE SURVEYOR IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROFESSIONAL LAND SURVEYING AS ADOPTED BY THE BOARD OF LAND SURVEYING, MISSOURI, IN 2014.
4. A TITLE REPORT HAS NOT BEEN PROVIDED BY THE CLIENT TO DISCLOSE ANY ENCUMBRANCES OR OTHER EASMENTS THAT MAY AFFECT THE SUBJECT PROPERTY AND NO OTHER EASMENT RESEARCH HAS BEEN CONDUCTED BY THE SURVEYOR.
5. THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" AS SHOWN ON THE MAP OF JACKSON COUNTY, MISSOURI, AND IS SUBJECT TO FLOODING.
6. THIS SURVEY AND PLAT MEETS OR EXCEEDS THE STANDARDS FOR PROFESSIONAL LAND SURVEYING AS ADOPTED BY THE BOARD OF LAND SURVEYING, MISSOURI, IN 2014.
7. THE SURVEYOR'S CERTIFICATE OF ATTENTIVENESS IS MADE TO THE PARTIES NAMED HEREIN AND IS NOT TRANSFERABLE TO ANY OTHER PARTIES, INSTITUTIONS OR SUBSEQUENT OWNERS AND DOES NOT REPRESENT A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

JACKSON COUNTY APPROVALS:

PUBLIC WORKS DEPT. _____ DATE _____
SHERIFF'S OFFICE _____ DATE _____

SURVEYORS CERTIFICATION:

I HEREBY CERTIFY THAT, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, I HAVE PERFORMED A SURVEY OF THE PROPERTY DESCRIBED IN THE FOREGOING PLAT IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROFESSIONAL LAND SURVEYING AS ADOPTED BY THE BOARD OF LAND SURVEYING, MISSOURI, IN 2014.

TERESA W. GARD, PLS-140
DATE: DECEMBER 20, 2023

NOTARY CERTIFICATION:

STATE OF MISSOURI,)
COUNTY OF JACKSON,)
ON THIS 20th DAY OF DECEMBER, 2023, BEFORE ME, THE NOTARY PUBLIC, personally appeared TINA M. JONES, TRUSTEE, known to me to be the person whose name and signature appear on the foregoing instrument, and she acknowledged to me that she executed this instrument as her free act and deed of said trust.

IN TESTIMONY THEREOF:

I have hereunto set my hand and affirmed my seal, the day and year last written above.

NOTARY PUBLIC: _____
MY COMMISSION EXPIRES: _____

DEDICATION:

THE UNDERSIGNED, TINA M. JONES, TRUSTEE, HEREBY DEDICATES TO THE PUBLIC THE TRACT OF LAND DESCRIBED IN THIS PLAT, BEING PART OF THE NE 1/4, SECTION 24-TWP-49-R-30, JACKSON COUNTY, MISSOURI, SHOWN AS THE SUBJECT OF THIS DEDICATION WHICH SHALL HEREINAFTER BE KNOWN AS:

JONES HIGHWAY

STREETS, ALL TECHNICAL MATTERS, AND THE DUTY AND RIGHT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED. EASEMENTS: IN RESPECT OF THE USES AND EASEMENTS DEDICATED TO PUBLIC USE, THE UNDERSIGNED, TINA M. JONES, TRUSTEE, HEREBY AGREES TO MAINTAIN, REPAIR, CONSTRUCT, OR MAINTAIN OR TO AUTHORIZE THE LOCATION, CONSTRUCTION OR MAINTENANCE OF PAVES, GRADES, CURBS, GUTTERS, DRAINAGE, OR OTHER PUBLIC SERVICE OR UTILITY, ANY OR ALL OF WHICH MAY BE REQUIRED FOR THE PROPER USE AND ENJOYMENT OF THE TRACT OF LAND DEDICATED TO PUBLIC USE. THE UNDERSIGNED, TINA M. JONES, TRUSTEE, HEREBY AGREES TO MAINTAIN, REPAIR, CONSTRUCT, OR MAINTAIN OR TO AUTHORIZE THE LOCATION, CONSTRUCTION OR MAINTENANCE OF PAVES, GRADES, CURBS, GUTTERS, DRAINAGE, OR OTHER PUBLIC SERVICE OR UTILITY, ANY OR ALL OF WHICH MAY BE REQUIRED FOR THE PROPER USE AND ENJOYMENT OF THE TRACT OF LAND DEDICATED TO PUBLIC USE. THE UNDERSIGNED, TINA M. JONES, TRUSTEE, HEREBY AGREES TO MAINTAIN, REPAIR, CONSTRUCT, OR MAINTAIN OR TO AUTHORIZE THE LOCATION, CONSTRUCTION OR MAINTENANCE OF PAVES, GRADES, CURBS, GUTTERS, DRAINAGE, OR OTHER PUBLIC SERVICE OR UTILITY, ANY OR ALL OF WHICH MAY BE REQUIRED FOR THE PROPER USE AND ENJOYMENT OF THE TRACT OF LAND DEDICATED TO PUBLIC USE.

BUILDING SET BACK LINE:

THE BUILDING SET BACK LINE SHALL BE CONSTRUCTED BETWEEN THE LINE AND THE STREET FRONT THEREOF. THE BUILDING SET BACK LINE SHALL BE CONSTRUCTED BETWEEN THE LINE AND THE STREET FRONT THEREOF.

IN TESTIMONY WHEREOF:

TINA M. JONES, TRUSTEE, HEREBY SETS HER HAND AND AFFIRMS BY SEAL, THE DAY AND YEAR LAST WRITTEN ABOVE.

GARD HORIZON LLC
LAND SURVEYING, PLATTING, AND ASSESSMENT SERVICES
2115 W. LAMAR, SUITE 200
JACKSON, MISSOURI 64304
Phone: 816-252-2881
Email: info@gardhorizon.com

MINOR SUBDIVISION
THE KURTIS AND TINA JONES LIVING TRUST
2115 W. LAMAR, SUITE 200
JACKSON, MISSOURI 64304
Phone: 816-252-2881
Email: info@gardhorizon.com