

## Request for Legislative Action

Ord. #5627  
Date: June 13, 2022

### Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5627
Sponsor(s):		Legislature Meeting Date:	6/13/2022

### Introduction

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

**Project/Title:**

Steven E Accurso - RZ-2022-626

### Request Summary

Requesting a change of zoning from District AG (Agricultural) on 30.00 ± acres to District RR (Residential Ranchette). The purpose is to create 6 five-acre residential lots at the Northwest corner of Bynum and Hendricks Roads. and requesting approval of the preliminary plat of "Fields of Peaceful Ridge" creating six (6) lot residential subdivision.

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 May 19, 2022, and accepted testimony pertaining to the rezoning request.

The Plan Commission voted 7 to 0 to recommend APPROVAL to the County Legislature.

### Contact Information

<b>Department:</b>	Public Works	<b>Submitted Date:</b>	5/31/2022
<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 5/31/2022. Comments: Land Use hearing scheduled for June 27, 2022.

Approved by Department Approver Brian Gaddie on 5/31/2022 4:30:53 PM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 5/31/2022 4:39:54 PM. Comments:

Approved by Compliance Office Approver Katie M. Bartle on 6/1/2022 10:06:12 AM. Comments:

Not applicable by Budget Office Approver Mary Rasmussen on 6/1/2022 11:21:27 AM. Comments:

Approved by Executive Office Approver Sylvia Stevenson on 6/2/2022 10:46:05 AM. Comments:

Approved by Counselor's Office Approver Elizabeth Freeland on 6/3/2022 10:36:28 AM. Comments:

**RZ-2022-626**

**ATTACHMENT 1: PROPERTY DESCRIPTION**

**Description:**

That part of the Southeast Quarter of the Northeast Quarter of Section 25, Township 47, North of the Base Line, Range 30 West of the Fifth Principal Meridian, Jackson County, Missouri, being described as follows: Commencing at the Southeast Corner of said Southeast Quarter of the Northeast Quarter; thence South 88 degrees 09 minutes 07 seconds West along the South line of said Southeast Quarter of the Northeast Quarter, 40.11 feet to the West right-of-way line of Bynum Road (Missouri Route E), and to the Point of Beginning of the land herein described; thence continuing South 88 degrees 09 minutes 07 seconds West, 1224.98 feet; thence North 02 degrees 07 minutes 55 seconds East, 668.98 feet; thence North 88 degrees 09 minutes 07 seconds East, 420.14 feet; thence North 02 degrees 21 minutes 34 seconds East, 670.64 feet to the North Line of said Southeast Quarter Northeast Quarter; thence North 87 degrees 57 minutes 13 seconds East along said North Line, 807.72 feet to said West right-of-way line; thence South 02 degrees 21 minutes 34 seconds West along said right-of-way line, 1342.62 feet to the Point of Beginning. Containing 31.21 acres.

**RZ-2022-626**

**ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION**

Attachments

Plan Commission Public Hearing Summary from May 19, 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

Preliminary Plat

**Randy Diehl gave the staff report:**

**RE: RZ-2022-626**

**Applicant:** Steven E Accurso

**Location:** Northwest corner of Bynum and Hendricks Road

**Area:** 30.00 ± acres

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

**Purpose:** To create 6 five-acre single family residential lots.

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

The zoning in the immediate area is Agricultural.

Land use is single family residences on properties ranging from 5 acres and up.

To the East is the City of Lone Jack.

The driveway locations along Bynum Road (State Route E) will be determined by the Missouri Department of Transportation.

These size lots are typical of the surrounding area and would not be out of character of the adjacent properties.

**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-2022-626.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

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

Mr. Crawford: Any existing structures?

Mr. Diehl: No. It's being farmed currently.

Mr. Johnson: It's just pastureland right now.

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

Karen Lux: 37904 E US 50 Highway, Lone Jack. I'm with Realty Executives and we represent the seller.

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

Ms. Lux: We have met with MoDOT and they have approved the locations of the two driveways along Bynum Road. We also met with the water district as well.

Mr. Farrar: Have you had any contact with the neighbors regarding this?

Ms. Lux: Not directly. We have sold to some of the neighbors in the area. This is typical of what's in the area and it's not too far from the High School.

Mr. Farrar: Would you say this would be an enhancement to the area?

Ms. Lux: It would make an improvement to the area. We will have restrictions for nice homes. Noting that would de-value out there.

**Mr. Tarpley: *Is there anyone else who is in favor of this application?***

There were none.

**Mr. Tarpley: *Is there anyone who is opposed or has questions regarding this application?***

Doug Thomas: 35205 E. Hendricks Road. I live across the street. I would like to know way they are not rezoning the flag lot. And I have a concern with washout from the ditch. There is no proper drainage on that side of the road. All the drainage comes down to the structure, which doesn't function properly, as goes over the road.

Mr. Diehl: The tract in the northwest corner is 8 acres. It will have an additional 2 acres added to it. Since it will be at least 10 acres in size, it does not need to be rezoned. It will remain within District AG (Agricultural).

Mr. Thomas: I thought flag lots were not allowed.

Mr. Diehl: Flag lots under 10 acres are allowed in certain areas. Tracts over 10 acres are not subject to the subdivision regulations. We will not issue a building permit on this until it is a 10-acre tract.

Mr. Lake: Hendricks is a County Road. Does the ditch just need to be cleaned out?

Mr. Thomas: There are trees lining the road. It just doesn't function.

Mr. Diehl: We'll pass along your concern to the Road and Bridge Maintenance Division.

Mr. Farrar: Will the development increase the water?

Mr. Thomas: Yes. It will all flow over the road.

Mr. Tarpley: Actually, once lawns are established with grass, that will help impede the water flow across the lots. They hold more water than row crops.

Mr. Diehl: When driveway permits are applied for, we have the Engineering Department got out and look at each individual site. They will decide on whether a culvert with be required for each of those driveways. That will help alleviate the problem as well.

Mr. Crawford: I'm curious about the restrictions.

Ms. Lux: They are not totally defined yet. The develop will be single family homes, at least 1,700 square feet in size.

Mr. Diehl: The same applicant also developed the property at Hutt Road and 150 Highway.

Motion to take under advisement.

Mr. Crawford moved to take under advisement. Mr. Farrar seconded.

*Discussion under advisement*

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

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

Motion Carried 7 – 0



**Randy Diehl gave the staff report:**

## **Fields of Peaceful Ridge**

**APPLICANT/DEVELOPER: Steven E Accurso**

The preliminary plat was received on March 28, 2022.

*Stormwater & Erosion:* No areas of concern. Area is outside of any flood hazard area.

*Engineering:* No areas of concern. The Missouri Department of Transportation will determine the locations of driveways along Bynum Road (State Route E). Driveway locations along Hutt Road will be determined by the County.

*Water District 15:* Water District requires a feasibility study. District states there is a 12-inch line and no issues with getting meters.

*Lone Jack Fire District:* Requires hydrants.

*Environmental:* Lots will be served by individual on-site wastewater systems. Location and size of systems are determined at the time of building permit applications.

The layout, as presented, is in compliance with Section 24004.4 Residential Ranchette District (RR) of the Unified Development Code and the Master Plan of Jackson County.

## **COMMENTS:**

Staff recommends APPROVAL of Preliminary subdivision plat Fields of Peaceful Ridge.

Subject to compliance with comments noted in this report and the condition that it may require future additions, deletions, and or corrections through reviews by staff.

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

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

Motion Carried 7 – 0

## **STAFF REPORT**

### **PLAN COMMISSION**

**May 19, 2022**

**RE: RZ-2022-626**

**Applicant:** Steven E Accurso

**Location:** Northwest corner of Bynum and Hendricks Road

**Area:** 30.00 ± acres

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

**Purpose:** To create 6 five-acre single family residential lots.

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

The zoning in the immediate area is Agricultural.

Land use is single family residences on properties ranging from 5 acres and up.

To the East is the City of Lone Jack.

The driveway locations along Bynum Road (State Route E) will be determined by the Missouri Department of Transportation.

These size lots are typical of the surrounding area and would not be out of character of the adjacent properties.

#### **County Plan:**

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

#### **Recommendation:**

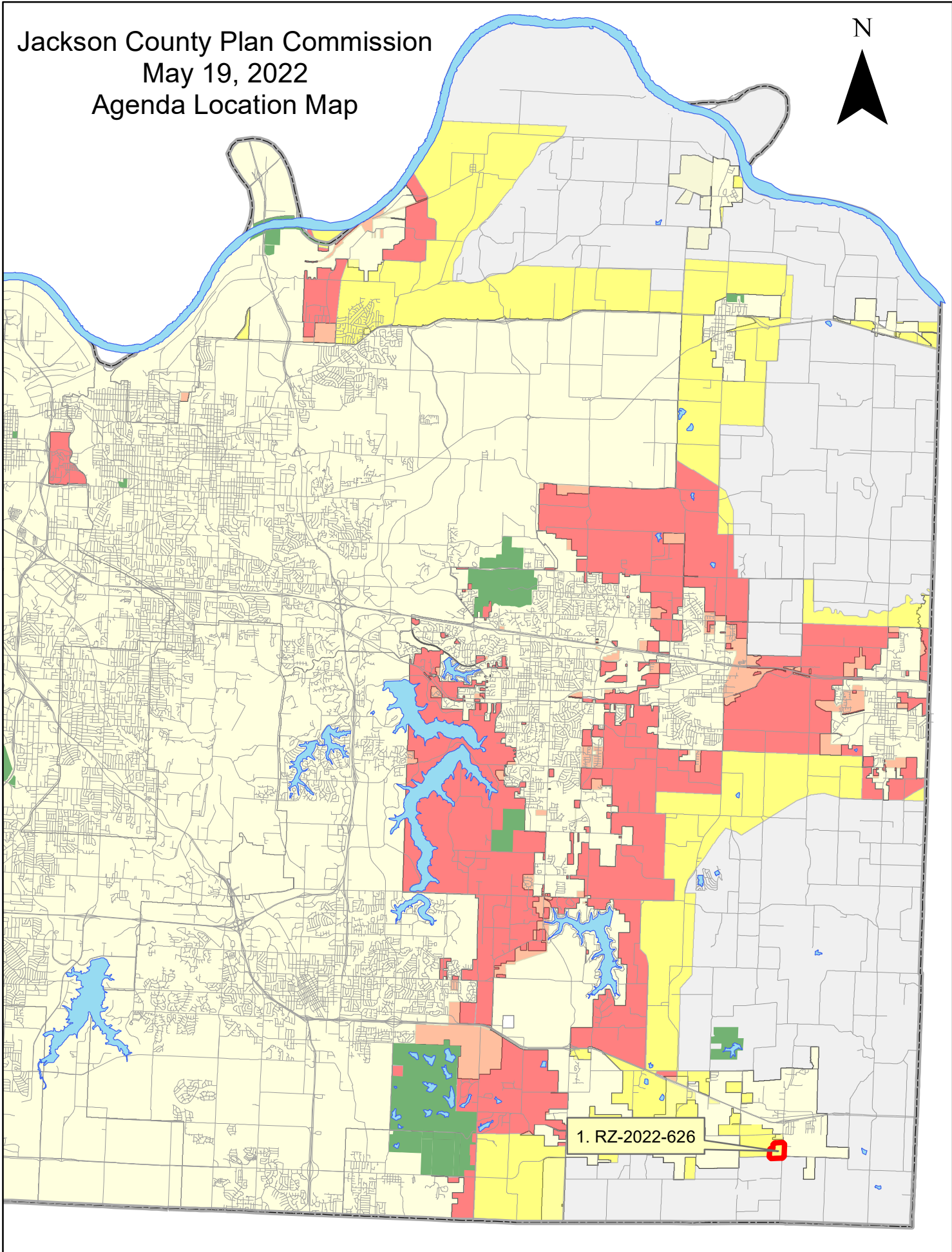
This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2022-626.

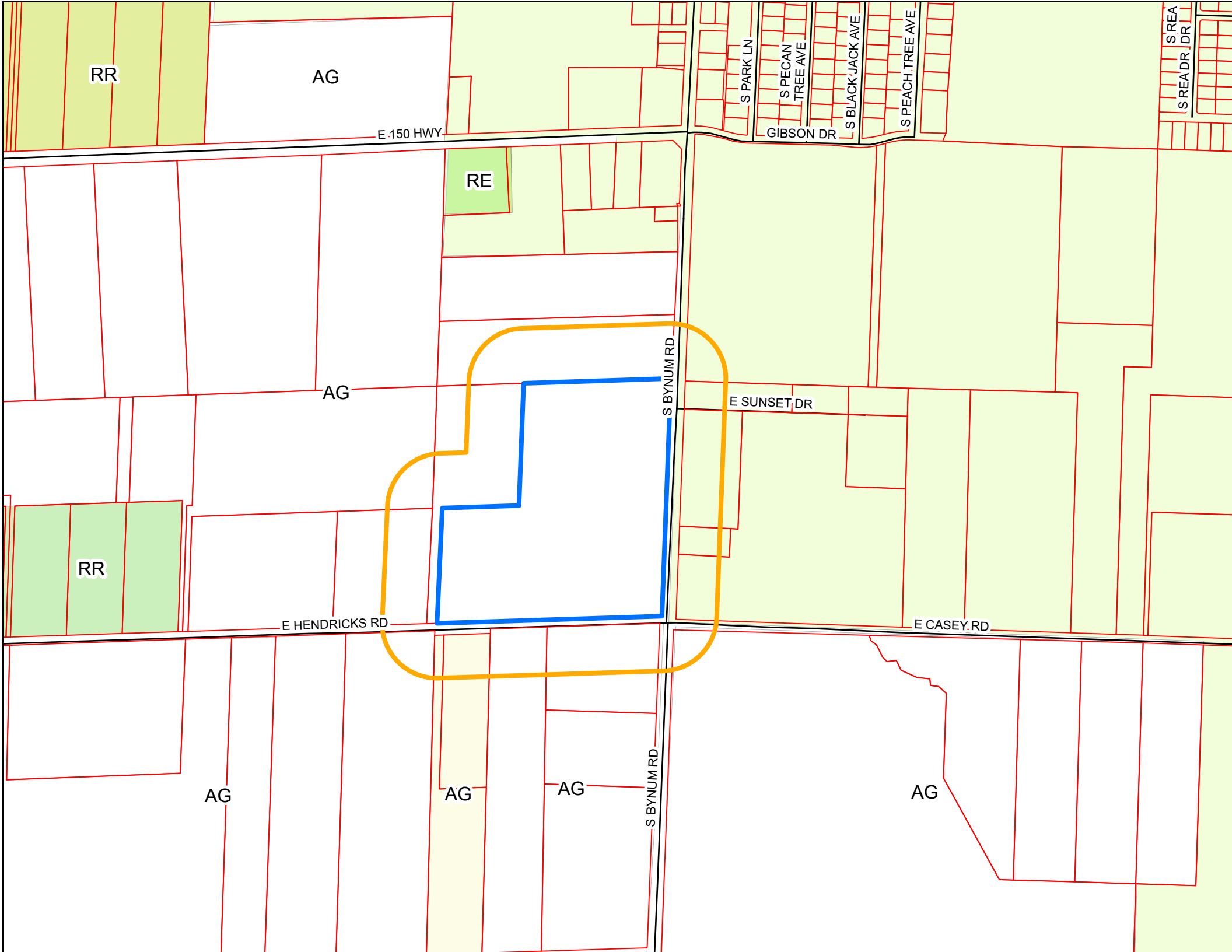
Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

Jackson County Plan Commission  
May 19, 2022  
Agenda Location Map



1. RZ-2022-626



Plan Commission May 19, 2022  
 RZ-2022-626  
 Property Owners Within 300 feet

Parcel	owner	address	city	state	zip
74-400-03-05-01-0-00-000	JCB A& E LLC	10916 S WEBSTER RD	GRAIN VALLEY	MO	64029
73-600-01-06-00-0-00-000	LOFTIS RICHARD LEE & KAREN E	35100 E HENDRICKS RD	LONE JACK	MO	64070-9128
73-600-04-05-01-6-00-000	THOMAS GARY A & AMELITA E	35101 E HENDRICKS RD	LONE JACK	MO	64070
74-400-02-12-00-0-00-000	CARNEY BRANDON	513 S BYNUM RD	LONE JACK	MO	64070
73-600-01-34-00-0-00-000	RICHARDS SUSAN	408 NW AA HWY	KINGSVILLE	MO	64061
73-600-04-03-00-0-00-000	LLOYD NANCY	14314 S BYNUM RD	LONE JACK	MO	64070
73-600-04-05-01-3-00-000	HOLIDAY JONATHAN & MELISSA	35303 E HENDRICKS RD	LONE JACK	MO	64070
74-400-02-02-02-1-00-000	CONSOLIDATED SCHOOL DIST NO 6	201 LONEJACK LEES SUMMIT RD	LONE JACK	MO	64070
74-400-02-13-00-0-00-000	CARNEY MATTHEW W	511 S BYNUM RD	LONE JACK	MO	64070
73-600-01-17-00-0-00-000	STEWART JOHN & JERI	34712 E HENDRICKS RD	LONE JACK	MO	64070
74-400-02-03-02-2-00-000	CITY OF LONE JACK	207 N BYNUM RD	LONE JACK	MO	64070
74-400-02-11-00-0-00-000	RAMEL LARRY F & SANDRA J	501 S BYNUM RD	LONE JACK	MO	64070
73-600-04-07-00-0-00-000	THOMAS DOUGLAS W & LISA A TRUSTEE	35205 E HENDRICKS RD	LONE JACK	MO	64070
73-600-04-05-01-6-00-000	THOMAS GARY A & AMELITA E	35101 E HENDRICKS RD	LONE JACK	MO	64070
73-600-01-05-00-0-00-000	ACCURSO STEVEN E	PO BOX 290	LONE JACK	MO	64070
	LUX KAREN	37904 E US 50 HWY STE B	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

May 4, 2022

RE: Public Hearing: RZ-2022-626  
Steven E Accurso

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 Steven E Accurso for a change of zoning from District AG (Agricultural) on 30.00 ± acres to District RR (Residential Ranchette) to develop 6 five-acre residential lots at the Northwest corner of Bynum and Hendricks Roads.

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, May 19, 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,

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- 2022-626

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: Steven E Accurso
- Address: PO Box 290
- Lone Jack, MO 64070
- Phone: 816-699-4042
- b. Owner(s) Name: Steven E Accurso Trust U/T/A dtd 6/7/11
- Address: PO Box 290, Lone Jack, MO 64070
- Phone: 816-699-4042
- c. Agent(s) Name: Karen Lux, Realty Executives of Kansas City



Address: 37904 E US 50 Hwy, Suite B, Lone Jack, MO 64070

Phone: 816-697-4000

d. Applicant's interest in Property: Owner/Developer

2. General location (Road Name) NW corner of Hendricks Rd and E Hwy

Lone Jack, MO

3. Present Zoning Agriculture Requested Zoning Residential

4. AREA (sq. ft. / acres) 30 acres

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

6. Present Use of Property: agriculture - crop

7. Proposed Use of Property: platted 5 acre tracts

8. Proposed Time Schedule for Development: May/June 2022

9. What effect will your proposed development have on the surrounding properties?

slight increase in traffic with more homes

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 PWSD#15 - no effect - water district has stated 12 inch line and no issues getting meters

b. Sewage disposal Private wastewater systems installed per Jackson County guidelines

c. Electricity Evergy or West Central Electric - no issues

d. Fire and Police protection No issues

12. Describe existing road width and condition: Hendricks Rd and E Hwy are approximately 30 ft. wide with more ROW - in good condition



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13. What effect will proposed development have on existing road and traffic conditions? slight increase in traffic

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14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? No

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If so, describe giving dates of application and status (include permit numbers and copies of same, if issued):

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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)

Trustee

Date

3-24-22

Applicant(s):

Contract Purchaser(s):

STATE OF

Missouri

COUNTY OF

Jackson

On this 24th day of March, in the year of 2022, before me the undersigned notary public, personally appeared Steven E Accurso, Trustee

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.

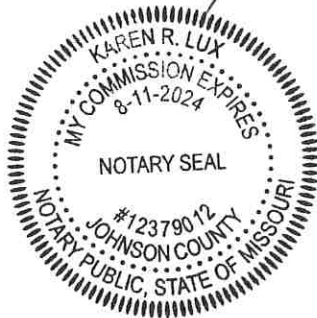
In witness whereof, I hereunto set my hand and official seal.

Notary Public

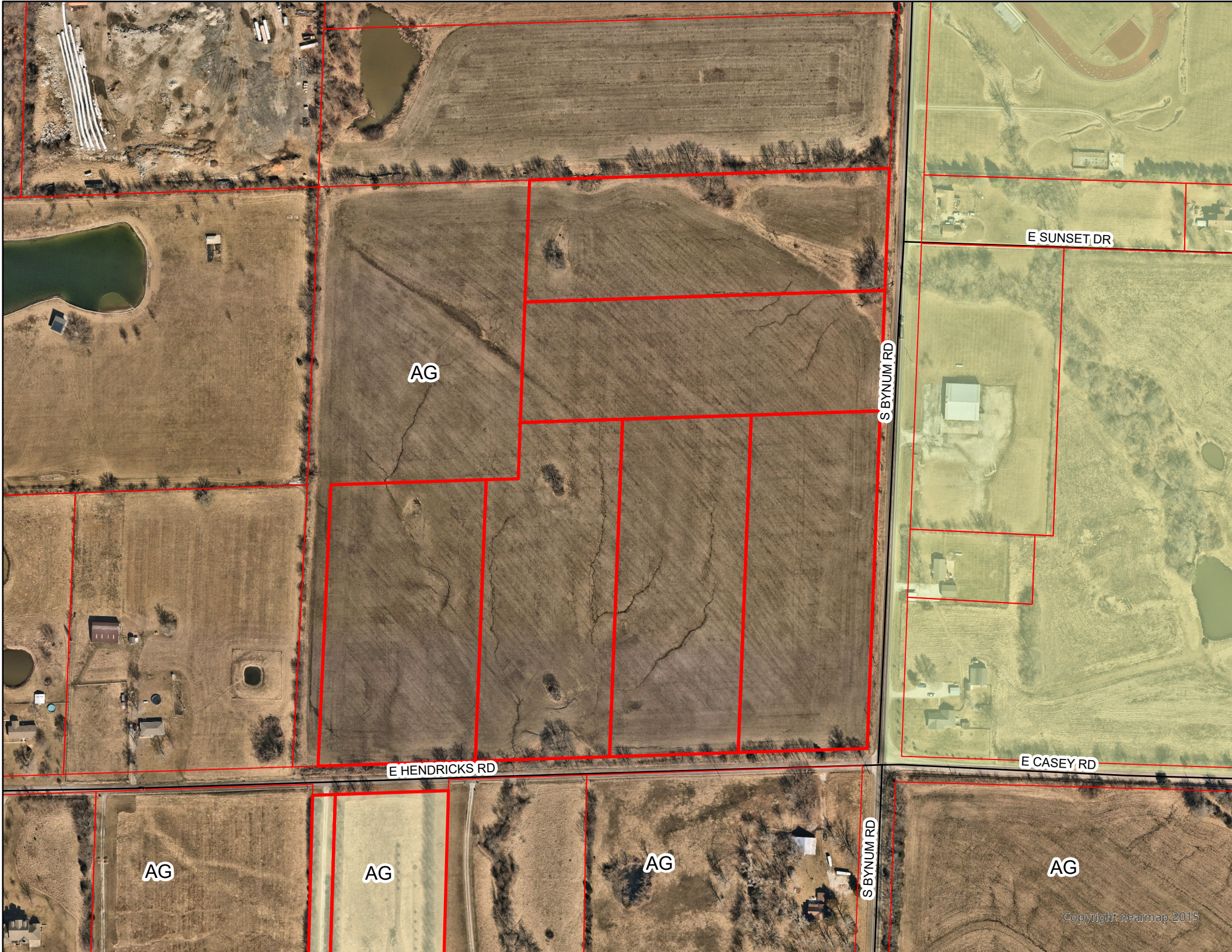
Karen R. Lux

Commission Expires

8/11/2024







AG

E HENDRICKS RD

S BYNUM RD

E SUNSET DR

E CASEY RD

AG

AG

AG

AG



