

Request for Legislative Action

Ord. #5629

Date: June 13, 2022

Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5629
Sponsor(s):		Legislature Meeting Date:	6/13/2022

Introduction

Action Items: ['Authorize']

Project/Title:

Lindsay Bennett - RZ-2022-628

Request Summary

Requesting a change of zoning from District AG (Agricultural) on 3.00 ± acres to District RE (Residential Estates). The purpose is to create a single-family residential lot at 6204 S. Stillhouse 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 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

Department:	Public Works	Submitted Date:	5/31/2022
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	
<ul style="list-style-type: none">This legislative action does not impact the County financially and does not require Finance/Budget approval.	

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 4:28:48 PM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 5/31/2022 4:37:22 PM. Comments:

Approved by Compliance Office Approver Katie M. Bartle on 6/1/2022 10:47:10 AM. Comments:

Not applicable by Budget Office Approver Mary Rasmussen on 6/1/2022 11:22:15 AM. Comments:

Approved by Executive Office Approver Sylva Stevenson on 6/2/2022 10:47:17 AM. Comments:

Approved by Counselor's Office Approver Elizabeth Freeland on 6/3/2022 10:22:49 AM. Comments:

RZ-2022-628

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

The North 215 feet of the East 615 feet of Tract I and II of tract of land described in instrument 2019E0085842, more particularly described as follows:

Tract I

That part of the West Half of the Northwest Fractional Quarter of Section 6, Township 48, Range 29, in Jackson County, Missouri, described as follows: Beginning at a point on the South line of said Fractional Quarter Section, 400 feet East of the Southwest corner thereof; thence North 00 degrees 03 minutes 30 seconds East, a distance of 400 feet; thence North 89 degrees 22 minutes 30 seconds West, a distance of 400 feet to the West line thereof; North 00 degrees 03 minutes 30 seconds East, along said West line, a distance of 273.81 feet; thence South 89 degrees 48 minutes 41 seconds East, a distance of 878.92 feet; thence South 00 degrees 10 minutes 36 seconds East, a distance of 680.54 feet to the South line of said Fractional Section; thence North 89 degrees 22 minutes 30 seconds West, a distance of 481.75 feet to the point of beginning, less part taken for road.

Tract II

That part of the West Half of the Northwest Fractional Quarter of Section 6, Township 48, Range 29, in Jackson County, Missouri, described as follows: Beginning at a point on the South line of said Fractional Quarter, 1295.75 feet East of the Southwest corner thereof, said point being the Southeast corner of the West Half of said Fractional Section, and said point also being the Southwest corner of the land platted as Moore Acres; thence North 00 degrees 10 minutes 36 seconds West along the East line of said West Half (being the West line and the prolongation of the West line of the land platted as Moore Acres), a distance of 683.69 feet; thence North 89 degrees 48 minutes 41 seconds West, a distance of 413.97 feet to a point lying South 89 degrees 48 minutes 41 seconds East, 878.92 feet from the West line of said Fractional Quarter Section; thence South 00 degrees 10 minutes 36 seconds East, a distance of 680.54 feet to a point on the South line of said Fractional Section lying 881.75 feet East of the Southwest corner thereof; thence South 89 degrees 22 minutes 30 seconds East, a distance of 414 feet to the point of beginning, less part taken for road.

RZ-2022-628

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

Randy Diehl gave the staff report:

RE: RZ-2022-628

Applicant: Lindsey Bennett/Beneterre Farms LLC

Location: S Stillhouse Road

Area: 3.00 ± acres

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

Purpose: To create a single-family residential lot.

Current Land Use and Zoning in the Area:

The parent property is a 15-acre tract zoned agricultural.

Zoning is Agricultural and Residential Estates. Land Use is single-family homes. Monkey Mountain Nature Reserve, a County park is directly to the West of the parent tract. The smaller acreage lots were created prior to the adaption of the Unified Development Code (UDC) in 1995.

The applicant is wanting to divide off a 3.00 acre from the property for a residence. The remaining 12 acres with remained zoned agricultural.

Along with the rezoning, the property will need to be platted into a 1 lot subdivision.

County Plan:

The County Plan Development Diagram illustrates this area within the Urban Development Tier (UDT).

Recommendation:

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

Staff recommends APPROVAL of RZ-2022-628.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

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

Mr. Hilliard: this will be platted?

Mr. Diehl: Yes. Is has not yet been submitted. It will be an administrative review once it is submitted.

Mr. Farrar: This is for a residence. Will it be for the applicant?

Mr. Diehl: I believe it will be for a family member. There is an existing home on the property already.

Mr. Tarpley: *Is the applicant here?*

Lindsey Bennett: 35800 E R D Mize Road. This will be for my parents, to have them a little bit closer.

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

Ms. Bennett: This will be for my parents, to have them a little bit closer.

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?*

There were none

Motion to take under advisement.

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

Discussion under advisement

Mr. Farrar moved to approve. Ms. Ryerkerk 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-2022-628

Applicant: Lindsey Bennett/Beneterre Farms LLC

Location: S Stillhouse Road

Area: 3.00 ± acres

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

Purpose: To create a single-family residential lot.

Current Land Use and Zoning in the Area:

The parent property is a 15-acre tract zoned agricultural.

Zoning is Agricultural and Residential Estates. Land Use is single-family homes. Monkey Mountain Nature Reserve, a County park is directly to the West of the parent tract. The smaller acreage lots were created prior to the adaption of the Unified Development Code (UDC) in 1995.

The applicant is wanting to divide off a 3.00 acre from the property for a residence. The remaining 17 acres with remained zoned agricultural.

Along with the rezoning, the property will need to be platted into a 1 lot subdivision.

County Plan:

The County Plan Development Diagram illustrates this area within the Urban Development Tier (UDT).

Recommendation:

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

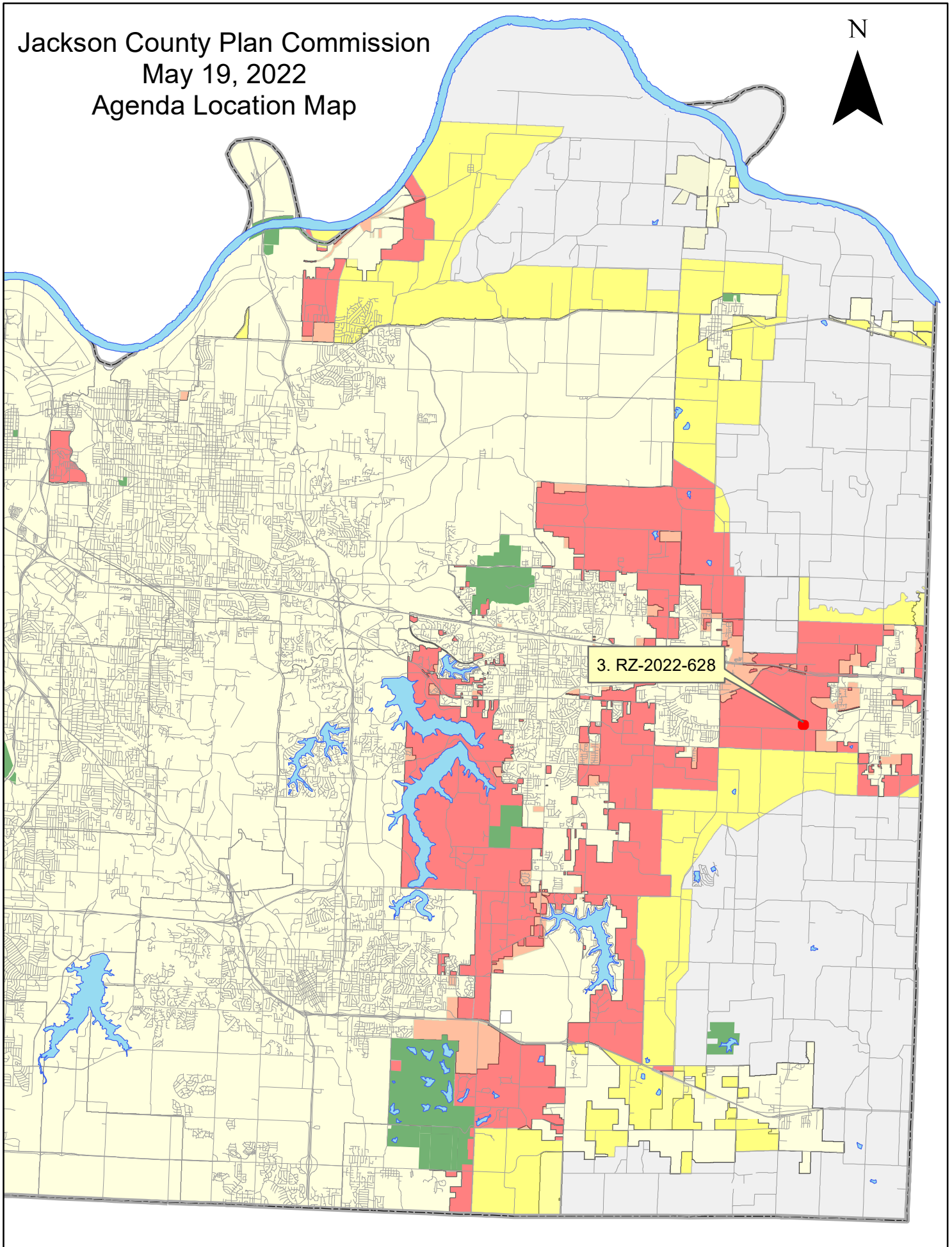
Staff recommends APPROVAL of RZ-2022-628.

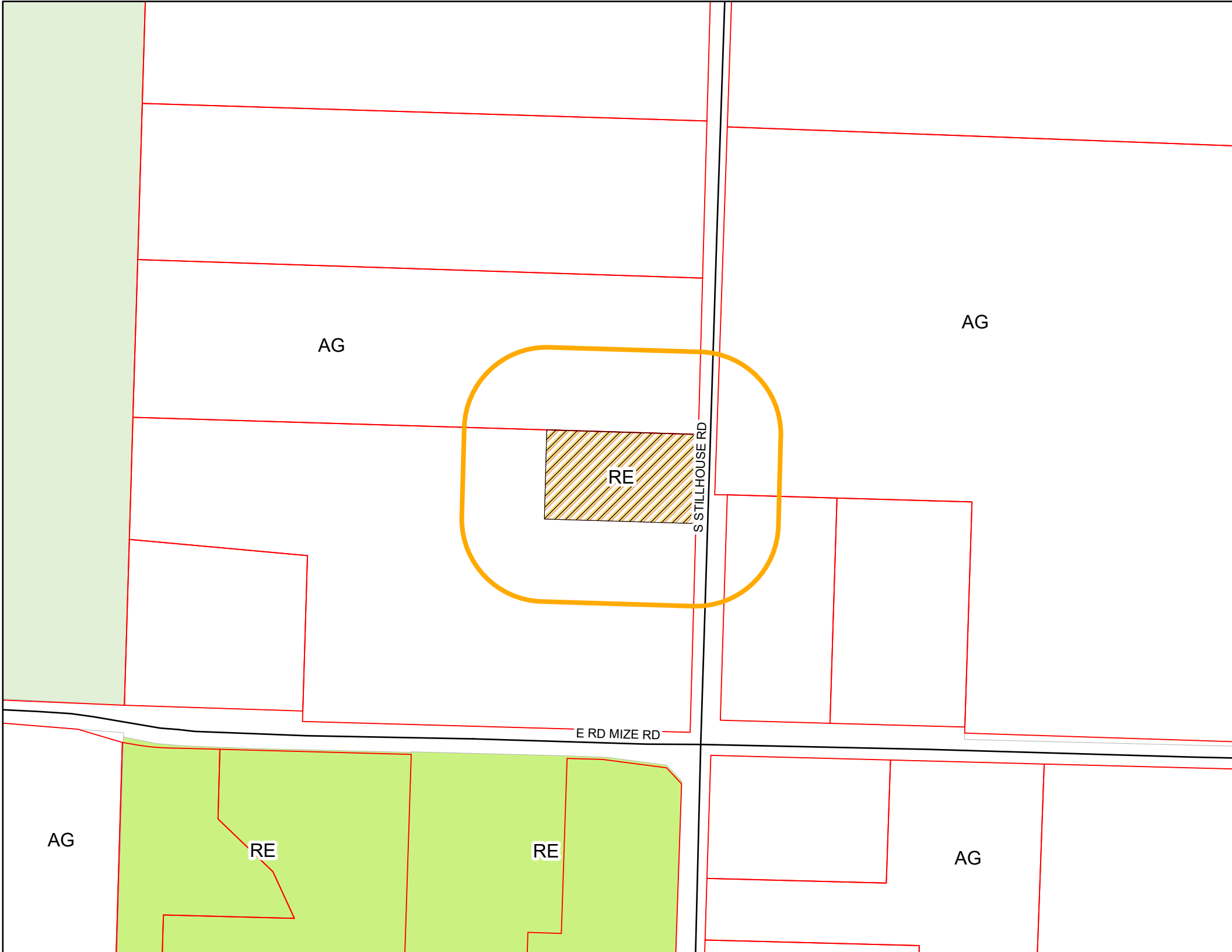
Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
May 19, 2022
Agenda Location Map

N





AG

AG

RE

S STILLHOUSE RD

E RD MIZE RD

AG

RE

RE

AG

Plan Commission May 19, 2022
RZ-2022-628
Property Owners Within 185 feet

Parcel	owner	address	city	state	zip
39-300-02-03-04-2-00-000	RICHARD ROBERT D & JUDITH K	7808 S OAK HILL SCHOOL RD	OAK GROVE	MO	64075
39-300-02-12-00-0-00-000	JOHNSON LESTA FRANCINE MOORE	1007 SE 5TH ST	LEES SUMMIT	MO	64063
39-300-02-06-00-0-00-000	DEATON PAUL W	36006 E RD MIZE RD	OAK GROVE	MO	64075
39-300-02-03-02-0-00-000	BTC FARMS LLC	35800 E R D MIZE RD	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

May 4, 2022

RE: Public Hearing: RZ-2022-628
Lindsey Bennett/Beneterre Farms LLC

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 Lindsey Bennett/Beneterre Farms LLC for a change of zoning from District AG (Agricultural) on 3.00 ± acres to District RR (Residential Ranchette). The 3.00 ± acres are in the West Half of the Northwest Quarter of Section 6, Township 48, Range 29, on Stillhouse 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 185' 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, 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,

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- 2022- 628
Date filed 4-4-22 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: James R Mock
Address: 1421 NE Timberline Circle
Lee's Summit, MO 64064
Phone: 816-564-0017
- b. Owner(s) Name: Lindsey Bennett / Beneterre Farms LLC
Address: 35800 East RD Mize Road, Grain Valley, MO 64075
Phone: 816-309-6633
- c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: Build a primary residence.

2. General location (Road Name) NW corner of Stillhouse Rd and East RD Mize Rd

3. Present Zoning Agriculture Requested Zoning Residential

4. AREA (sq. ft. / acres) 3 acres

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

6. Present Use of Property: Agriculture

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: June 1, 2022 - June 1, 2023

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? No

11. Describe the source/method which provides the following services, and what effect the development will have on same:

a. Water PWSD #17 - No effect

b. Sewage disposal Septic - No effect

c. Electricity West Central Coop - No effect

d. Fire and Police protection Sni-a-bar FD / Jackson County Sheriff - no effect

12. Describe existing road width and condition: 20' paved sided by stormwater ditches

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? Not to my knowledge

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

NOTED FOR REVIEW
DATE: 10/10/10
BY: [Signature]
FOR: [Signature]
RE: [Signature]

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)

Lindsey Bennett
Lindsey Bennett

Date

4/2/22

Applicant(s):

James R Mock
James R Mock

4/2/22

Contract Purchaser(s): N/A

STATE OF Missouri

COUNTY OF Jackson

On this 2nd day of April, in the year of 2022, before me the undersigned notary public, personally appeared Lindsey Bennett and James R Mock

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.

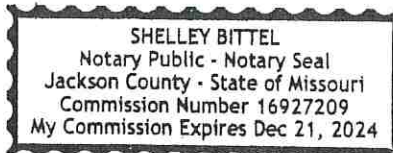
In witness whereof, I hereunto set my hand and official seal.

Notary Public

Shelley Bittel

Commission Expires

Dec. 21, 2024





AG

RE

AG

S STILLHOUSE RD

E RD MIZE RD

RE

RE

AG