

Request for Legislative Action

Ordinance No.: 5640
Date: August 15, 2022

Completed by County Counselor's Office			
Action Requested:	Ordinance	Res.Ord No.:	5640
Sponsor(s):		Legislature Meeting Date:	8/15/2022

Introduction
Action Items: ['Authorize']
Project/Title:
Harold Herman - RZ-2022-635

Request Summary
<p>Requesting a change of zoning from District AG (Agricultural) on 12.58 ± acres to District RE (Residential Estates). The purpose is to create four single-family residential lots at Old Major and Enochs Mills Roads and requesting approval of the preliminary plat of "Old Major Estates" creating four (4) lot residential subdivision.</p> <p>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.</p> <p>The Jackson County Plan Commission held a public hearing on July 21, 2022, and accepted testimony pertaining to the rezoning request.</p> <p>The Plan Commission voted 9 to 0 to recommend <u>APPROVAL</u> to the County Legislature.</p>

Contact Information			
Department:	Public Works	Submitted Date:	7/29/2022
Name:	Randy D. Diehl	Email:	RDiehl@jacksongov.org
Title:	Development Division 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 7/29/2022. Comments: Land Use scheduled for August 22.

Approved by Department Approver Brian Gaddie on 8/1/2022 4:13:24 PM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 8/1/2022 4:42:41 PM. Comments:

Approved by Compliance Office Approver Katie M. Bartle on 8/2/2022 4:14:05 PM. Comments:

Not applicable by Budget Office Approver Mark Lang on 8/3/2022 9:17:32 AM. Comments:

Approved by Executive Office Approver Sylvya Stevenson on 8/3/2022 9:42:54 AM. Comments:

Approved by Counselor's Office Approver Elizabeth Freeland on 8/4/2022 3:20:01 PM. Comments:

RZ-2022-635

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

Part of the South 25 acres of the Northwest Quarter of the Southwest Quarter and the Northeast quarter of the Southwest Quarter of Section 15, Township 48 North, Range 30 West, Jackson County, Missouri, being further described as follows: commencing at the southwest corner of the southwest quarter of said section 15; thence North 01 degrees 54 minutes 36 seconds East, along the West line of said Southwest Quarter, a distance of 722.84 feet to the Southwest corner of the Northwest Quarter of said Southwest Quarter; thence South 87 degrees 50 minutes 11 seconds East, along the South line of the Northwest Quarter of said Southwest Quarter, a distance of 30.00 feet to the to the East right of way line of Enochs Mills Road, said point also being the Point of Beginning of the tract of land to be herein described; thence North 01 degrees 54 minutes 36 seconds East, a distance of 779.18 feet to a point on the North line of the South 25 acres of the Northwest Quarter of said Southwest Quarter; thence South 87 degrees 50 minutes 11 seconds East, along said line, a distance of 703.14 feet; thence South 01 degrees 54 minutes 36 seconds West, a distance of 779.18 feet to a point on the South line of the Northwest Quarter of said Southwest Quarter; thence North 87 degrees 50 minutes 11 seconds West, along said line, a distance of 703.14 feet to the Point of Beginning. Containing 547,861 square feet or 12.58 acres.

RZ-2022-635

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from July 21, 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-2022-635

Applicant:

Location: Old Major and Enochs Mills Roads

Area: 12.58 ± acres

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

Purpose: The purpose is to create four single-family residential lots

Current Land Use and Zoning in the Area:

The zoning in the area is predominately Agricultural. The land use is single family residences. There are developments of similar lots sizes in the surrounding area, the majority were created prior to the adaptation of the Unified Development Code (UDC) in 1995.

The applicant owns approximately 34 acres. The rezoning request is for 12.58 acres which will become the four lots. The remaining acreage will be shown on the plat as two 10-acre tracts and will remain with District AG (Agricultural). Tract A contains an existing residence and an accessory dwelling.

Each lot will be served by an on-site wastewater system. There are no concerns with driveway locations for each 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-2022-635.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

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

Mr. Akins: Those to the East are the 10-acre tracts?

Mr. Diehl: Yes.

Mr. Crawford: Are there any line of site issues?

Mr. Diehl: No. It appears that each lot will have full access along the roads they front.

Mr. Tarpley: Is the back 10-acre land locked?

Mr. Diehl: No. There is a 30-foot strip for access.

Mr. Akins: What are the restrictions on lot sizes?

Mr. Diehl: The minimum lot width is 180 feet for Residential Estates. These four lots meet the minimum requirements. The 10 acre tracts are not subject to the subdivision regulations.

Mr. Antey: *Is the applicant here?*

Steve Wargner: 6127 NW Pine Ridge Circle, Parkville, MO
I'm the Civil Engineer for Mr., Herman. We are in agreement with the staff report.

Mr. Tarpley: Will these all be on septic?

Mr. Wargner: Yes.

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

Mr. Wargner: We agree with the staff report.

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?*

Donna Burrows: 8122 Enochs Mills Road, Grain Valley. Regarding the drainage, I own property on this (west) side of the road where the culvert is located. What type of septic systems will these be?

Mr. Antey: Those will be determined by testing the soil prior to building permits being issued. It will take an engineer to design the individual systems. There shouldn't be any runoff from a septic system.

Mr. Tarpley: Once these lots start growing tuff grass, that will slow runoff as well.

Tracy Harris: 8115 Enochs Mills Road, Grain Valley. We own an adjacent property. Will these properties be sold as is or will they be built on and then sold?

Mr. Antey: We can't answer that question. I believe the intent is to sell them to be built on.

Mr. Wargner: We are selling the lots. We are not building spec homes.

Mr. Crawford: Are you going to have restrictions for these lots?

Mr. Wargner: Yes.

Harold Herman: 31105 E. Old Major Road, Grain Valley. We are going to record restrictions that state that no pre-manufactured homes will be allowed. Home sizes will be a minimum of 1400 square feet.

Mr. Johnson: Will you allow shop houses or barnominiums?

Mr. Herman: We are considering that.

John Britt: 31100 E. Old Major Road, Grain Valley. Our concern is what is going to happen with these 10-acre tracts?

Mr. Antey: They will remain zoned Agricultural since they are 10 acres or larger in size.

Mr. Diehl: The front tract has an existing home. The one in the back will be able to have a single-family home built on it.

Catherin Britt: 31100 E. Old Major Road, Grain Valley. The former owners brother said that it would not be sold to a developer, and it wouldn't be developed.

Mr. Antey: We can't control what a person wants to do with their land. He is before us to divide off a portion of what he owns. You can have a private conversation with the owner about their intentions regarding the other property outside this hearing. We cannot regulate something like grass mowing outside of what is before us today.

Motion to take under advisement.

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

Discussion under advisement

Mr. Tarpley moved to approve. Mr. Hilliard seconded.

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

Motion Carried 9 – 0

Approval of Preliminary Plat of Old Major Estates

Motion to take under advisement.

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

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

Motion Carried 9 – 0

STAFF REPORT

PLAN COMMISSION

July 21, 2022

RE: RZ-2022-635

Applicant:

Location: Old Major and Enochs Mills Roads

Area: 12.58 ± acres

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

Purpose: The purpose is to create four single-family residential lots

Current Land Use and Zoning in the Area:

The zoning in the area is predominately Agricultural. The land use is single family residences. There are developments of similar lots sizes in the surrounding area, the majority were created prior to the adaptation of the Unified Development Code (UDC) in 1995.

The applicant owns approximately 34 acres. The rezoning request is for 12.58 acres which will become the four lots. The remaining acreage will be shown on the plat as two 10-acre tracts and will remain with District AG (Agricultural). Tract A contains an existing residence and an accessory dwelling.

Each lot will be served by an on-site wastewater system. There are no concerns with driveway locations for each lot.

County Plan:

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

Recommendation:

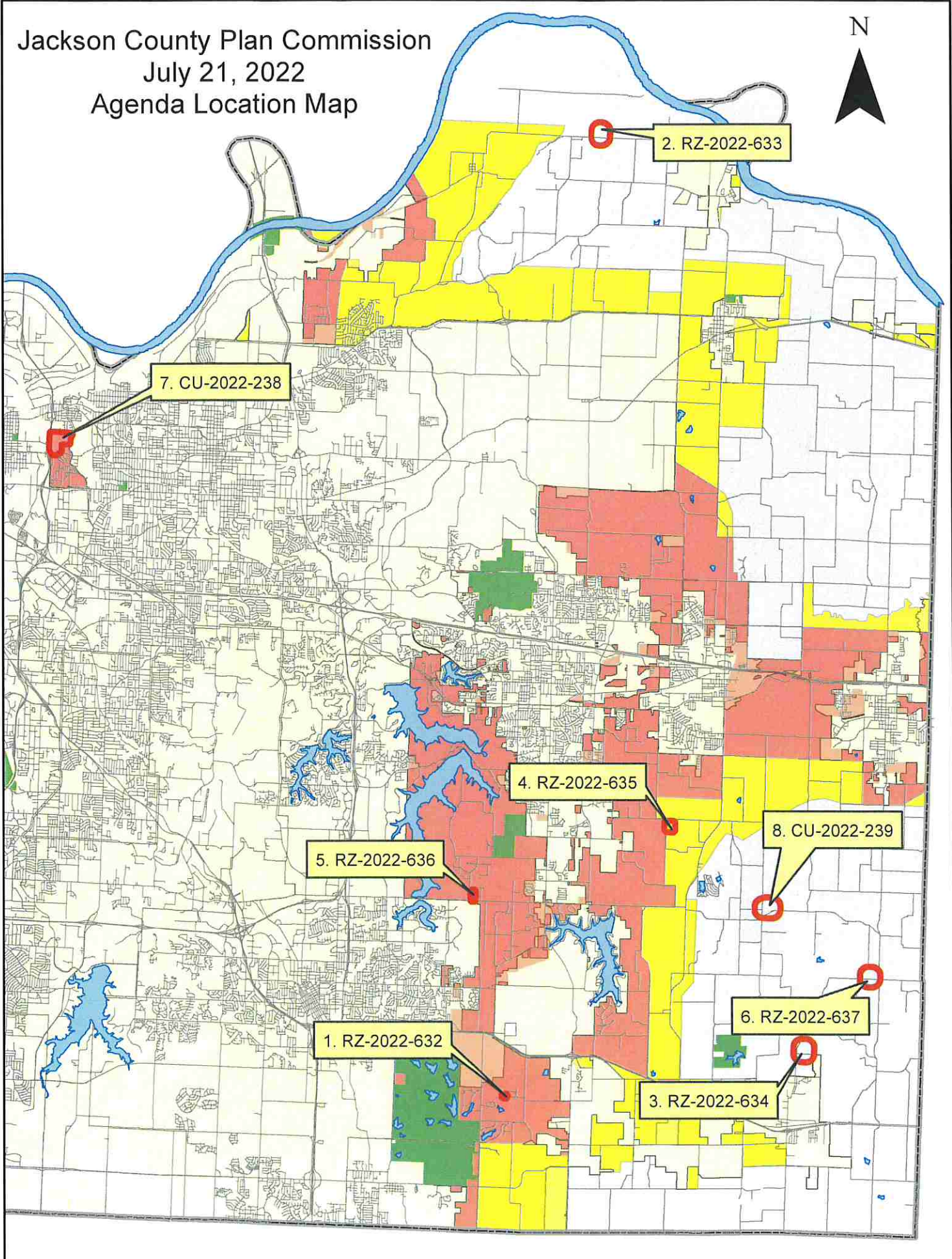
This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2022-635.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
July 21, 2022
Agenda Location Map



2. RZ-2022-633

7. CU-2022-238

4. RZ-2022-635

5. RZ-2022-636

8. CU-2022-239

1. RZ-2022-632

6. RZ-2022-637

3. RZ-2022-634

Plan Commission July 21, 2022
 RZ-2022-635

Property Owners Within 300 feet

Parcel	owner	address	city	state	zip
40-900-03-17-00-0-00-000	HINTON JAMES	30808 E OLD MAJOR RD	GRAIN VALLEY	MO	64029
41-700-04-19-00-0-00-000	MUNZURIS ROSEMARY	8004 S ENOCHS MILLS RD	GRAIN VALLEY	MO	64029
40-900-03-14-00-0-00-000	BAHAN KENNETH J & ROSALIE A	31006 OLD MAJOR RD	GRAIN VALLEY	MO	64029
41-700-04-11-00-0-00-000	BURROWS GERALD W & DONNA M-TR	8122 S ENOCH MILL RD	GRAIN VALLEY	MO	64029
41-700-04-16-00-0-00-000	MCDOWELL ROBERT ALAN	8018 ENOCHS MILLS RD	GRAIN VALLEY	MO	64029
41-700-04-18-00-0-00-000	MCALLISTER ROY JR & JOE ANNE	7924 S ENOCHS MILL RD	GRAIN VALLEY	MO	64029
40-900-03-05-00-0-00-000	HARRIS TRACY L & CHAD W	8115 S ENOCHS MILLS RD	GRAIN VALLEY	MO	64029
40-900-03-12-00-0-00-000	BRITT JONATHAN E & CATHERINE D	31100 OLD MAJOR RD	GRAIN VALLEY	MO	64029
41-700-04-01-00-0-00-000	LAUER FRANK PHILLIP & CHELSEY E	30705 E MAJOR RD	GRAIN VALLEY	MO	64029
40-900-03-15-00-0-00-000	QUINN KEVIN D & THERESA R	30910 E OLD MAJOR RD	GRAIN VALLEY	MO	64029
40-900-03-06-00-0-00-000	HERMAN HAROLD ROBERT	31105 E OLD MAJOR RD	GRAIN VALLEY	MO	64029
40-900-03-04-00-0-00-000	HERMAN HAROLD ROBERT	31105 E OLD 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

July 6, 2022

RE: Public Hearing: RZ-2022-635
Harold R Herman

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 Harold R Herman for a change of zoning from District AG (Agricultural) on 12.58 ± acres to District RE (Residential Estates). The 12.58 ± acres are at Old Major and Enochs Mills Roads. The purpose is to create four single-family residential lots.

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.

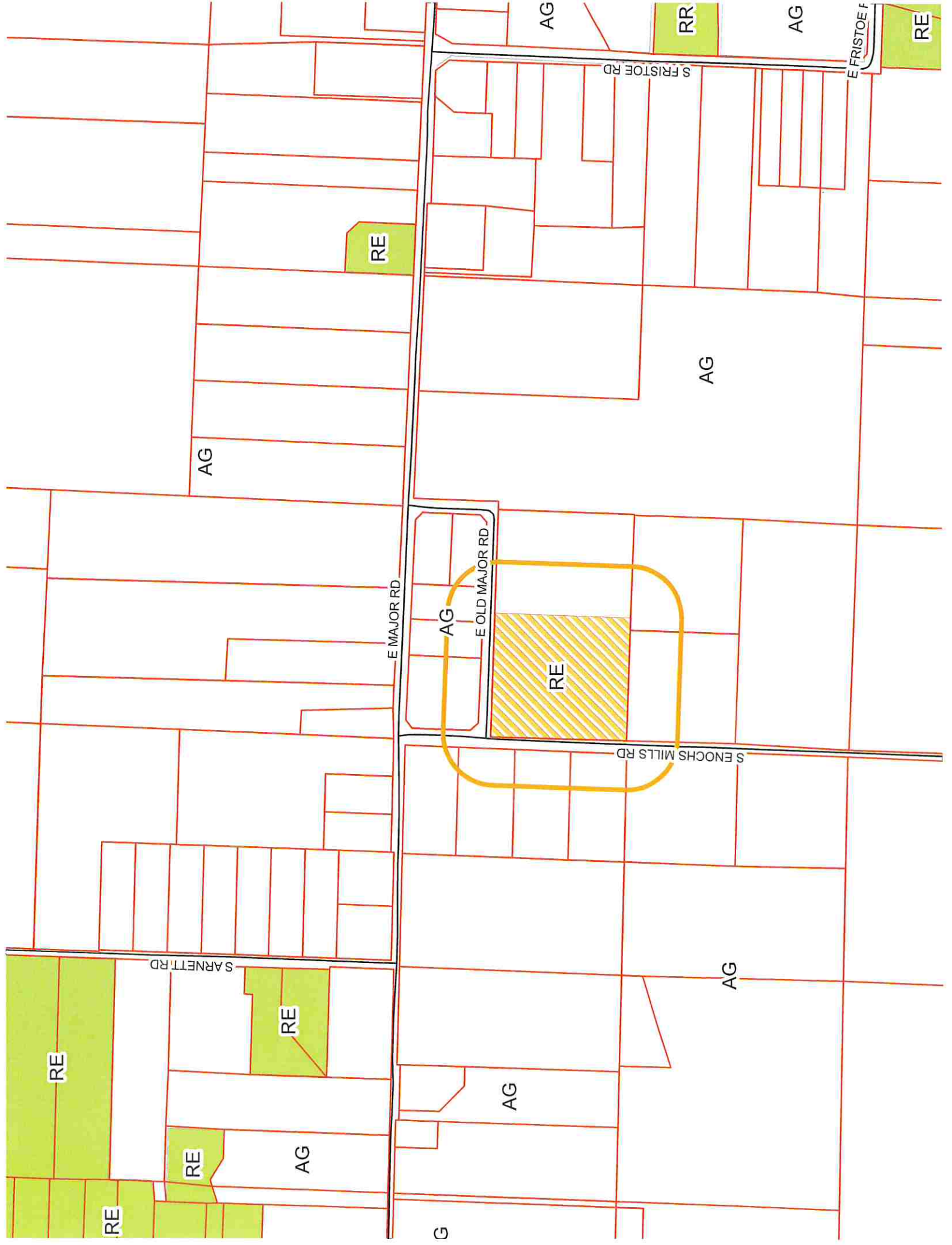
The public hearing on this matter will be held by the Plan Commission on Thursday, July 21, 2022, at 8:30 a.m. in the Large Conference Room, 2nd Floor, Historic Truman Courthouse, 112 W. Lexington, Independence, MO.

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,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



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E MAJOR RD

E OLD MAJOR RD

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AG

**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- 2022-635

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: STEVEN M WARGRE
Address: 6127 NW Pine Ridge Circle
Parkville MO 64152
Phone: 816-769 4132
 - b. Owner(s) Name: HAROLD R HERMAN
Address: 3603 S BUCKNER TARSURGE RD GRAND VILLE
Phone: 816-918-1585
 - c. Agent(s) Name: SAME AS APPLICANT

Address: _____

Phone: _____

d. Applicant's interest in Property: PROJECT ENGINEER

2. General location (Road Name) Old Major Road

3. Present Zoning Ag Requested Zoning Ag & R - Estate

4. AREA (sq. ft. / acres) 12.58 (Lot 1-4)

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

SEE ATTACHED

6. Present Use of Property: Ag

7. Proposed Use of Property: Single Family lots

8. Proposed Time Schedule for Development: NO IMPROVEMENTS NECESSARY

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

NONE Large Acre Tracts

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 EXISTING WATER Hydrant at NW corner of property

b. Sewage disposal SEPTIC

c. Electricity ENERGY

d. Fire and Police protection JACKSON COUNTY

12. Describe existing road width and condition: 16 foot wide with ditches

13. What effect will proposed development have on existing road and traffic conditions? MINOR INCREASED TRAFFIC

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? NONE THAT WE ARE AWARE OF

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

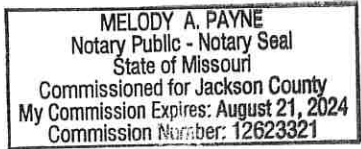
Verification: I (We) hereby certify that all of the foregoing statements contained in any papers and/or plans submitted herewith are true to the best of my (our) knowledge and belief.

Signature _____ Date 6-6-22
Property Owner(s) Harold Herman

Applicant(s): _____

Contract Purchaser(s): _____

STATE OF Missouri
COUNTY OF Jackson



On this 6 day of June, in the year of 2022, before me the undersigned notary public, personally appeared Harold Herman

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.

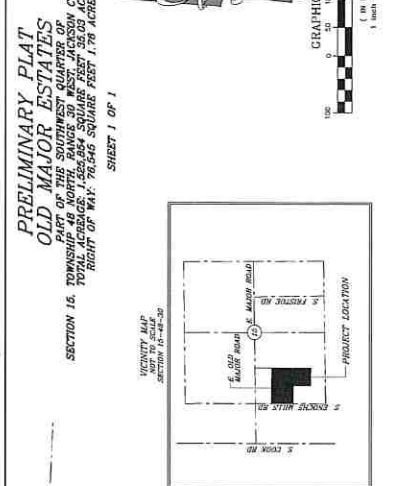
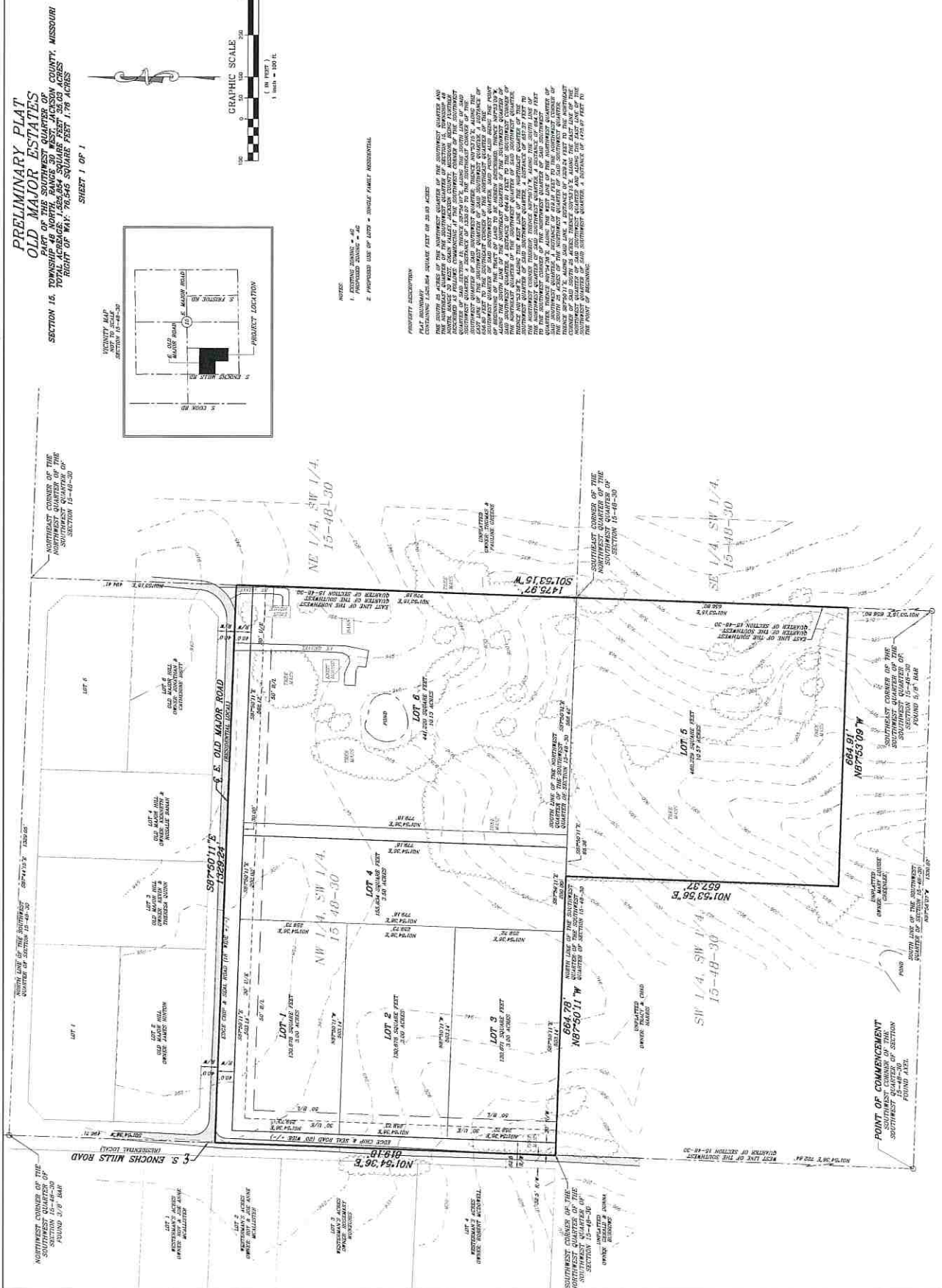
Notary Public Melody A Payne Commission Expires 8/21/24



SURVEYOR'S CERTIFICATION
 I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE PREMISES HEREIN DESCRIBED WHICH
 AS AGENCY ESTABLISHED BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF
 PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS, AND THAT THE RESULTS OF SAID
 SURVEY ARE REPRESENTED ON THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND
 BELIEF.
 HAROLD HERMAN
 LICENSE NO. 15-1001877
 REGISTERED PROFESSIONAL LAND SURVEYOR
 MISSOURI
 DATE: 08/01/2012



PRELIMINARY PLAT - MAJOR SUBDIVISION
 HAROLD HERMAN
 DATE: 08/01/2012
 SHEET NO. 1 OF 1
 TOTAL SHEETS: 1
 PROJECT: PRELIMINARY PLAT - MAJOR SUBDIVISION
 LOCATION: SECTION 15, TOWNSHIP 46 NORTH, RANGE 30 WEST, JACKSON COUNTY, MISSOURI
 TOTAL AREA: 176.84 SQUARE FEET 1.76 ACRES
 GRAN VALLEY, MO 64020
 OWNER: SUNDHORN



GRAPHIC SCALE
 1 inch = 100 feet
 0 50 100 150 200 250 300

NOTES:
 1. PROPOSED LOTS ARE 1.00 ACRES EACH.
 2. PROPOSED USE OF LOTS - SINGLE FAMILY RESIDENTIAL.

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