

Request for Legislative Action

Ord. #5677
Sponsor: Tony Miller
Date: October 10, 2022

Completed by County Counselor's Office			
Action Requested:	Ordinance	Res.Ord No.:	5677
Sponsor(s):	Tony Miller	Legislature Meeting Date:	10/10/2022

Introduction
Action Items: ['Authorize']
Project/Title:
RZ-2022-641 – Shirly Ellington

Request Summary
Requesting a change of zoning from District AG (Agricultural) on 4.24 ± acres to District RE (Residential Estates). The purpose is to create a single-family residential lot at 31609 E Harris Potts 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 September 22, 2022, and accepted testimony pertaining to the rezoning request.
The Plan Commission voted 7 to 0 to recommend <u>APPROVAL</u> to the County Legislature.

Contact Information			
Department:	Public Works	Submitted Date:	10/1/2022
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

Request for Legislative Action

History

Submitted by Public Works requestor: Randy D. Diehl on 10/1/2022. Comments:

Approved by Department Approver Kristina J. Miller on 10/4/2022 10:08:11 AM. Comments:

Not applicable by Purchasing Office Approver Craig A. Reich on 10/6/2022 9:36:39 AM. Comments:

Approved by Compliance Office Approver Katie M. Bartle on 10/6/2022 10:05:53 AM. Comments:

Not applicable by Budget Office Approver David B. Moyer on 10/6/2022 10:15:48 AM. Comments:

Approved by Executive Office Approver Sylvya Stevenson on 10/6/2022 11:47:49 AM. Comments:

Approved by Counselor's Office Approver Elizabeth Freeland on 10/6/2022 11:57:46 AM. Comments:

RZ-2022-641

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

That part of the Northeast Quarter of Section 22, Township 48 North Range 30 West, Jackson County, Missouri: Beginning of the center of said Section 22; thence North 88 degrees 07 minutes 05 seconds West, 340.00 feet; thence North 02 degrees 09 minutes 21 seconds East, 1263.87 feet to the Point of Beginning; thence North 53 degrees 46 minutes 34 minutes West, 387.31 feet; thence North 02 degrees 30 minutes 53 seconds East, 470.83 feet; thence South 87 degrees 22 minutes 02 seconds East, 317.91 feet; thence South 02 degrees 09 minutes 22 seconds west, 685.14 feet to the Point of Beginning.

RZ-2022-641

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from September 22, 2022

Staff Report

Agenda location map

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-2022-641

Applicant: Shirley Ellington

Location: 31609 E Harris Potts Road

Area: 4.24 ± acres

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

Purpose: Applicant is requesting the change in zoning to create a single-family residential lot.

Current Land Use and Zoning in the Area:

The zoning in the area is predominately Agricultural. Development around the subject property was developed prior to the adoption of the Unified Development Code in 1995. There are two developments in District RE that are just east of the subject property.

Land use is single family residences. There are a few tracts used for agricultural uses.

The applicant is wishing to separate the existing residence within the 4.24-acre lot. The remaining 10.68 acres will remain within District AG and be a separate tract that would allow construction of a dwelling.

The subdivision plat "Ellington Estates" is under review.

County Plan:

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

Recommendation:

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

Staff recommends APPROVAL of RZ-2022-641.

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?

Rebecca Steele: 103 N 1st Street. I'm Shirley's daughter.

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

Ms. Steele: No. Just trying to help her out. She has dementia and my brother passed away in May. I'm left making all the decisions.

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?

____ Easley: 8400 S Harris Potts Road. Are they going to build a home?

Mr. Antey: Yes, the house will be on the 4.24 acres. That will allow the 10-acre tract to be able to build on if they so choose.

Greg Lunnon: 31707 E Harris Potts Road: Will they put a driveway in?

Mr. Diehl: The 10-acre tract has about 120 feet that will allow for a driveway. Once an application is submitted, our Engineering Division will field check the site and make sure there is sufficient sight distance for driveway access.

Motion to take under advisement.

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

Discussion under advisement

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

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

Motion Carried 7 – 0

STAFF REPORT

PLAN COMMISSION September 22, 2022

RE: RZ-2022-641

Applicant: Shirley Ellington

Location: 31609 E Harris Potts Road

Area: 4.24 ± acres

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The subdivision plat "Ellington Estates" is under review.

County Plan:

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Recommendation:

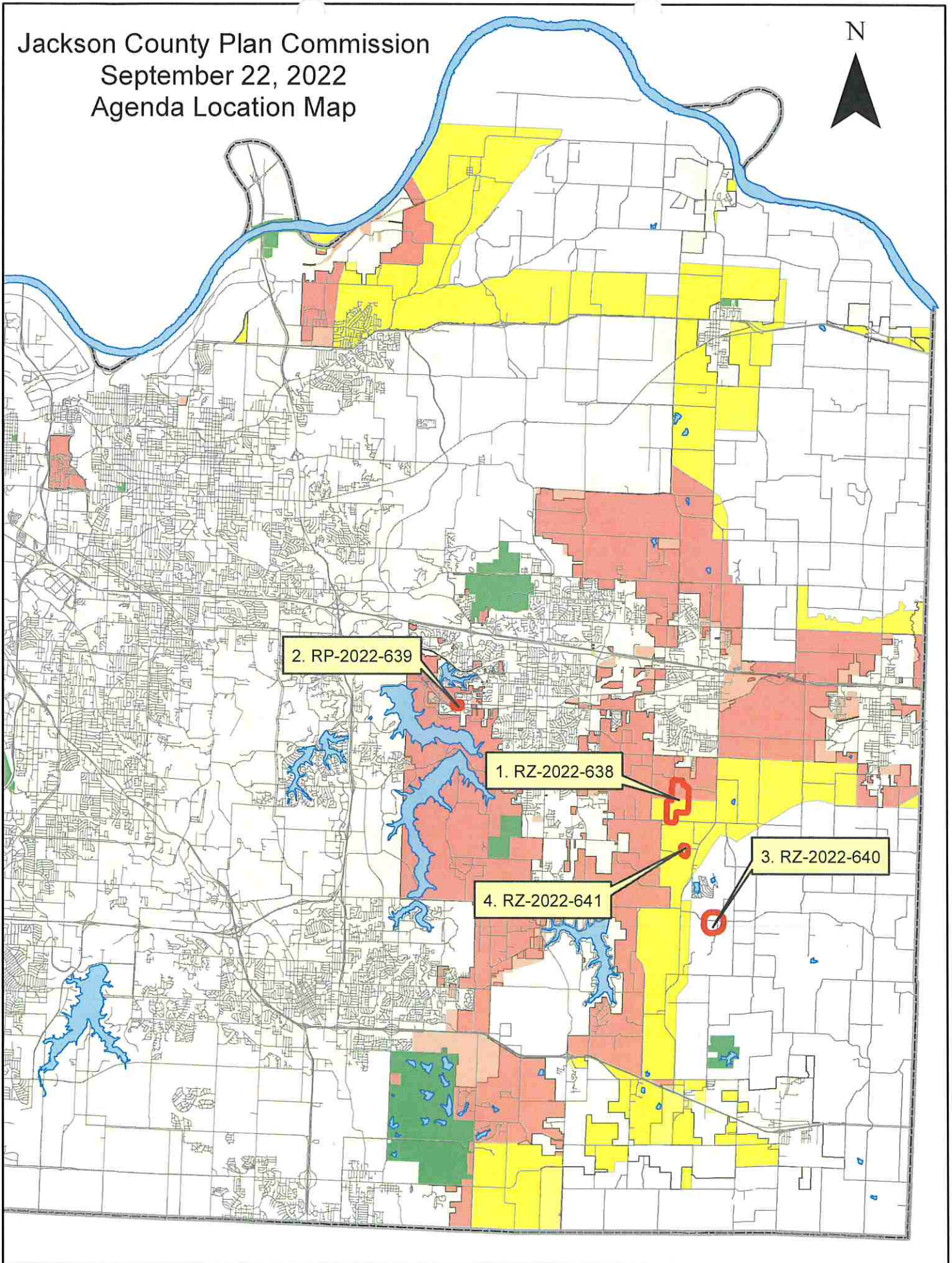
This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2022-641.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
September 22, 2022
Agenda Location Map

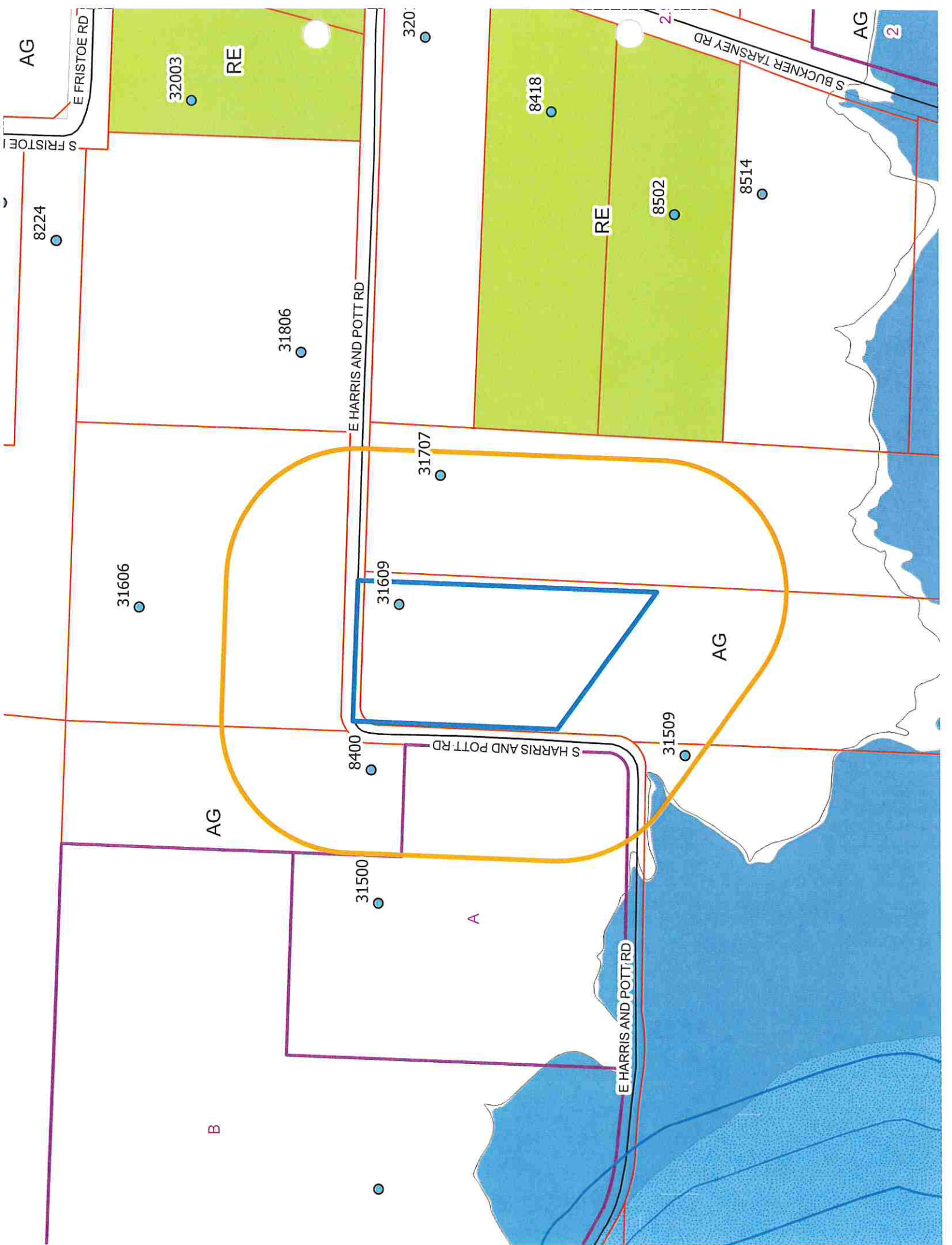


2. RP-2022-639

1. RZ-2022-638

3. RZ-2022-640

4. RZ-2022-641



AG

E FRISTOE RD

32003

RE

8224

31806

E HARRIS AND POTT RD

320

8418

RE

8502

8514

S BUCKNER TARSNEY RD

AG

2

31606

31707

31609

AG

AG

8400

S HARRIS AND POTT RD

31509

31500

A

E HARRIS AND POTT RD

B

Plan Commission September 22, 2022
RZ-2022-641

Property Owners Within 300 feet

Parcel	owner	address	city	state	zip
55-300-02-14-00-0-00-000	BURY LISA A & COX SCOTT A	31500 E HARRIS POTTS RD	OAK GROVE	MO	64075
55-300-01-32-00-0-00-000	MEYER CLARA KAYE	31606 E HARRIS POTTS RD	OAK GROVE	MO	64075
55-300-01-06-00-0-00-000	LUNNON GREGORY D & DONNA M	31707 E HARRIS POTTS RD	OAK GROVE	MO	64075
55-300-02-11-00-0-00-000	BROWN HARVEY C	807 SE MORELAND SCHOOL RD	BLUE SPRINGS	MO	64014
55-300-02-08-00-0-00-000	EASLEY HELEN M & FLOYD T	8400 S HARRIS POTTS RD	OAK GROVE	MO	64075
55-300-01-05-00-0-00-000	ELLINGTON SHIRLEY M	31609 E HARRIS POTTS 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

September 7, 2022

RE: Public Hearing: RZ-2022-641
Shirley Ellington

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 Shirley Ellington for a change of zoning from District AG (Agricultural) on 4.24 ± acres to District RE (Residential Estates). The purpose is to create a single-family residential lot at the 31609 E Harris Potts 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, September 22, 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

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- 2022-641

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: Shirley M. Ellington
Address: 31609 E. Harris Potts Rd
Oak Grove, MO 64075
Phone: 816-534-2654
- b. Owner(s) Name: Shirley Ellington
Address: 31609 E. Harris Potts Rd Oak Grove 64075
Phone: 816-534-2654
- c. Agent(s) Name: _____

Address: _____

Phone: _____

- d. Applicant's interest in Property: Property Owner / Fee Simple
2. General location (Road Name) 31609 E. Harris Potts Rd.
Oak Grove, MO 64075 (Buckner Tansney + Harris Potts)
3. Present Zoning AG Requested Zoning RE
4. AREA (sq. ft. / acres) 4-5 acres +/-
5. Legal Description of Property: (Write Below or Attached 9)
SEC 22 TWP 48 RNG 30 W 340' OF
NE 1/4 LY G S POTT RD (EX PT IN RD)
6. Present Use of Property: Single-Family
7. Proposed Use of Property: Single-Family
8. Proposed Time Schedule for Development: None planned.
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 13
 - b. Sewage disposal Septic
 - c. Electricity Energy
 - d. Fire and Police protection Central Jackson County Fire / Jackson County Sheriff
12. Describe existing road width and condition: 19' Wide Asphalt (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 8/4/22
Property Owner(s) Shirley Ellington

Applicant(s): Shirley Ellington 8/4/22

Contract Purchaser(s): _____

STATE OF Missouri
COUNTY OF Jackson

On this 4th day of August, in the year of 2022, before me
the undersigned notary public, personally appeared (Shirley Ellington)

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 Kimberly M Knowles Commission Expires Dec 11, 2023





E HARRIS AND POTT RD

31707

RE

AG

31609

S HARRIS AND POTT RD

8400

AG

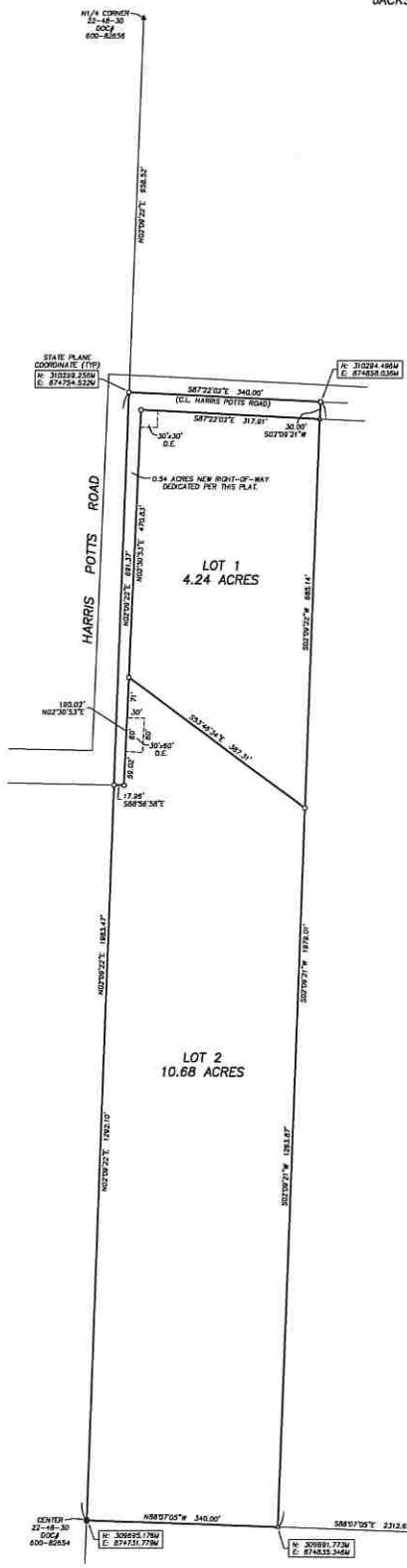
A

E HARRIS AND POTT RD

31509

Copyright hereamap 2015

ELLINGTON ESTATES
 PRELIMINARY PLAT
 IN THE NE1/4 OF SECTION 22, T48N, R30W,
 JACKSON COUNTY, MISSOURI



DESCRIPTION
 THAT PART OF THE NE1/4 OF SECTION 22, TOWNSHIP 48 NORTH OF THE BASE LINE, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, JACKSON COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS, BEGINNING AT THE CENTER OF SAID SECTION 22, THENCE N89°27'05" E ALONG THE WEST LINE OF SAID NE1/4, N89°27'05" E TO THE CENTERLINE OF HARRIS POTTS ROAD, THENCE S87°22'02" E ALONG SAID CENTERLINE, 140.00', THENCE S02°02'07" W 191.81' TO THE SOUTH LINE OF SAID NE1/4, THENCE N89°27'05" E, 340.00' TO THE POINT OF BEGINNING, CONTAINING 15.46 ACRES AND SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS OR RIGHTS-OF-WAY OF RECORD, IF ANY.

EASEMENTS
 AN EASEMENT OF LICENSE IS HEREBY GRANTED TO JACKSON COUNTY, MISSOURI, TO LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE LOCATION, CONSTRUCTION, MAINTENANCE AND USE OF POLES, WIRES, CONDUITS AND/OR STRUCTURES FOR WATER, GAS, SANITARY SEWER, STORM SEWER, ELECTRICITY, TELEPHONE, CABLE TV, OR ANY OTHER PUBLIC SERVICE OR UTILITY, ANY OR ALL OF THEM UPON, OVER OR UNDER THOSE AREAS OUTLINED AND DESIGNATED UPON THIS PLAT AS "UTILITY EASEMENT" (I.E.), "DRAINAGE EASEMENT" (I.E.), "WATER EASEMENT" (I.E.), OR "SEWER EASEMENT" (I.E.) AND WITHIN ANY STREET OR THOROUGHFARE DESIGNATED TO PUBLIC USE ON THIS PLAT, WHERE AN EASEMENT IS DESIGNATED TO A SPECIFIC USE, THE USE THEREOF SHALL BE RESTRICTED TO SAID USE. ALL EASEMENTS SHALL BE KEPT FREE AND CLEAR OF ANY BUILDINGS, STRUCTURES OR OTHER OBSTRUCTIONS (EXCEPT DRIVEWAYS, PAVED AREAS, GRASS, SHRUBS, AND FENCES) WHICH WOULD INTERFERE WITH: (A) THE PROPOSED SAFE AND CONTINUOUS USE AND MAINTENANCE OR RECONSTRUCTION OF THE FACILITIES LOCATED WITHIN SAID EASEMENTS AND (B) THE AGENTS AND EMPLOYEES OF JACKSON COUNTY, MISSOURI, AND ITS FRANCHISED UTILITIES FROM GOING UPON SAID EASEMENTS IN THE EXERCISING OF THE RIGHTS GRANTED BY SAID EASEMENT.

STREETS AND ROADS
 STREETS, ROADS AND THOROUGHFARES SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED FOR PUBLIC USE ARE HEREBY SO DEDICATED.

DEDICATION
 THE UNDERSIGNED PROPRIETORS OF THE ABOVE DESCRIBED TRACT HAS CAUSED THE SAME TO BE SUBMITTED IN THE MANNER SHOWN HEREON, WHICH SUBMISSION SHALL BE KNOWN AS ELLINGTON ESTATES IN TESTIMONY WHEREOF, SHIRLEY M. ELLINGTON, HAS SUBSCRIBED HER NAME

THIS _____ DAY OF _____ 2022

SHIRLEY M. ELLINGTON
 STATE OF MISSOURI)
 COUNTY OF JACKSON)

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____ 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHIRLEY M. ELLINGTON, KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES HEREIN STATED. IN TESTIMONY WHEREOF, I HAVE HERETOFORE SET MY NAME AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

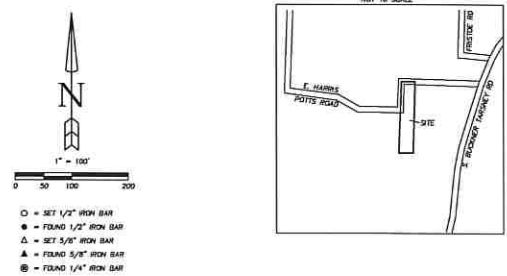
MY COMMISSION EXPIRES _____

NOTARY PUBLIC

BY: PUBLIC WORKS DEPARTMENT DATE _____

BY: JACKSON COUNTY ASSESSOR DATE _____

LOCATION MAP
 NOT TO SCALE



- = SET 1/2" IRON BAR
- = FOUND 1/2" IRON BAR
- △ = SET 3/8" IRON BAR
- ▲ = FOUND 3/8" IRON BAR
- ⊙ = FOUND 1/4" IRON BAR

- NOTES**
1. BEARING SYSTEM IS MISSOURI STATE PLANE, WEST ZONE.
 2. RECORDED DEED INFORMATION FOR THE PARENT TRACT CAN BE FOUND IN BOOK 104 PAGE 170.
 3. NO INVESTIGATION OR INDEPENDENT SEARCH HAS BEEN MADE BY THIS SURVEYOR FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE CHANGES, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SURVEY MAY REQUIRE.
 4. THIS SURVEY RESULTS OF EXCEEDED THE ACCURACY STANDARDS OF A RURAL CLASS SURVEY AS DEFINED BY THE MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS (20 CSR 203.0-16.040).

SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MISSOURI, AND THAT THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS (20 CSR 203.0-16.040) ADOPTED BY THE MISSOURI BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND PROFESSIONAL LANDSCAPE ARCHITECTS. IF THIS DOCUMENT DOES NOT HAVE AN EMBOSSED SEAL AND A STAMP IN RED INK, IT SHOULD BE ASSUMED TO CONTAIN UNAUTHORIZED ALTERATIONS.

SEAL	RECORDER OF DEEDS	SISCO LAND SURVEYING, LLC PO BOX 84 LEXINGTON, MO 64067 PHONE (816) 868-8956 sisco@landsurveying.com MISSOURI STATE CERTIFICATE OF AUTHORITY #201300553	THOMAS G. SISCO MO P.L.S. 2003013180
		SURVEY FOR: REBECCA STEELE 31608 E. HARRIS POTTS ROAD OAK GROVE, MO 64075	PROJECT # SLS-22-133
		DATE: AUGUST 5, 2022	