

Request for Legislative Action

Ord. #5714
Date: February 21, 2023

Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5714
Sponsor(s):		Legislature Meeting Date:	2/21/2023

Introduction

Action Items: ['Authorize']

Project/Title:

RZ-2023-643 – Kathy Garver

Request Summary

Requesting a change of zoning from District AG (Agricultural) on 5.23 ± acres to District RE (Residential Estates). The purpose is to create a single-family residential lot at 7718 S. Hillside 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 19, 2023 and accepted testimony pertaining to the rezoning request.

The Plan Commission voted 8 to 0 to recommend APPROVAL to the County Legislature.

Contact Information

Department:	Public Works	Submitted Date:	1/30/2023
Name:	Randy D. Diehl	Email:	RDiehl@jacksongov.org
Title:	Development Division Administrator	Phone:	516-881-4577

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 1/30/2023. Comments:

Approved by Department Approver Brian Gaddie on 1/30/2023 3:02:54 PM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 1/30/2023 3:29:22 PM. Comments:

Approved by Compliance Office Approver Katie M. Bartle on 1/30/2023 3:55:59 PM. Comments:

Not applicable by Budget Office Approver David B. Moyer on 1/30/2023 4:01:53 PM. Comments:

Approved by Executive Office Approver Sylvya Stevenson on 1/30/2023 5:04:43 PM. Comments:

Approved by Counselor's Office Approver Jamesia Manning on 2/16/2023 11:21:40 AM. Comments:

RZ-2023-643

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

A tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 18, Township 48, Range 29, Jackson County, Missouri, described as follows: Commencing at the Southeast Corner of said Northeast Quarter; Thence North 01 degrees 59 minutes 16 seconds East, along the East line of said Northeast Quarter, 656.76 feet to the Southeast Corner Northeast Quarter Southeast Quarter, said Northeast Quarter, said corner being the Point of Beginning of tract to be described herein; Thence North 87 degrees 43 minutes 54 seconds West, along the South line of the South Half, North Half, Southeast, said Northeast Quarter, 658.95 feet to the Southwest corner, Northeast Quarter Southeast Quarter, said Northeast Quarter; thence North 01 degrees 56 minutes 57 seconds East, along the West line East Half Southeast Quarter, said Northeast Quarter, 346.59 feet; thence South 87 degrees 40 minutes 44 seconds East, parallel with and 17.60 feet North of the North line of South Half North Half, said Northeast Quarter, 659.18 feet to the East line of said Northeast Quarter; thence South 01 59 degrees 16 seconds West, along said East line, 345.98 feet to the Point of Beginning.

RZ-2023-643

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from January 19, 2023

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 – Garver Acres, 2nd Plat

Randy Diehl gave the staff report:

RE: RZ-2023-643

Applicant: Kathy Garver

Location: 7718 S. Hillside School Road

Area: 5.23

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

Purpose: The purpose is to create a single-family residential lot.

Current Land Use and Zoning in the Area:

The zoning in the immediate area is Agricultural, District RE (Residential Estates) and District RR (Residential Ranchette).

Most of the land use is single family residences.

Property sizes range from 3.00 acres in size on up to larger tracts.

The parent tract is approximately 93 acres in size.

Lot 1 Garver Acres was platted in 1993. In 2020 it was rezoned it to District RE (Residential Estates).

County Plan:

The County Plan Development Diagram illustrates this area within the Rural Development Tier (RDT).

Recommendation:

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

Staff recommends APPROVAL of RZ-2023-643.

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?*

Kathy Garver, 7504 S Hillside School Road. I live at the north end of the 93 acres. My parents bought this property in 1971. It was 100 acres originally. After my father passed my mother sold off part to some family friends. (Lot 1 Garver Acres). My husband's brother asked if we would sell them five acres to build a house on. They want to get out of the city and enjoy the country life. We are selling off part of the hayfield. The remaining property will remain as is. We raise cattle on it. They are wanting to build a small house and a shop building.

Mr. Tarpley: Where is the driveway.

Ms. Garver: There is an existing field entrance onto Hillside School Road. There was a mobile home on this property that used this field entrance. There is clear visibility coming onto the road at this point. He intends to build his house on the backside of the lot back behind the trees, which the trees are in a rock outcropped area.

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?*

Doug Medlock: 7715 S. Hillside School Road. I'm here with my wife Patty Rose. We are really upset about this. For 20 years we've looked out kitchen window at round bales of hay and the sunset. I like to sit outside and watch the cows. Two weeks ago I went outside and saw the sign for the rezoning. My wife takes pictures of people, and we use this area as a background. This is directly across the street from my house. Of the 93 acres they have, they've picked the five are directly in line with my kitchen window. I don't know if I can stop this, but would you like to look out your window where you enjoy the scenery and see a construction site every morning and every evening? And see a little house and a little shop just so they can enjoy some country living. I don't want to step on anybody's toes, and I'd like to man to have what he wants, just not at the expensive of my land, my existence, my being. All the bulldozers and trucks. How are they going to tap into the water and the sewer?

Mr. Antey: Can you show us on the map where your house is?

Mr. Medlock: (indicates on map the location of his house) Right here. This is my house, my shop. We own the five acres to the north of the house. Here is where they want to build their house. (indicates on map) They are going to turn this into a construction site. What are our horses supposed to do?

Mr. Antey: Actually, they are not building where you are indicating. They are proposing to build farther to the west behind the tree line.

Mr. Diehl: Mr. Chairman, here is the view from the road into the proposed lot. (Showing picture looking west into the interior of the proposed lot).

Mr. Medlock: I don't want to upset anybody or upset his plans, but there are places up and down that road that are nowhere near anyone.

Ms. Medlock: Sorry, this has been emotional. I bought the house and acreage for the peace of mind. There are other homes out there. It's our view, it's our happiness. I do photography and I use the view for backdrops. It's a beautiful view. I have a Facebook page. I take pictures of hummingbirds, deer, sunsets and horses. I'm concerned on how it will affect my property taxes.

Mr. Antey: This will not affect your taxes or zoning.

Mr. Medlock: She was told it was a homestead and it never would be developed or built on.

Ms. Medlock: (addressing the applicant) I don't want to deny your brother in law anything or the county life. There's a lot that goes on in our area that's not county like. There's people who fire off guns and don't take care of their property. Mike Cox wanted to buy it. I wasn't given an opportunity to buy it. Mike doesn't want it there. He's losing his view. He just built a pool and won't have privacy now. It'll literally be right across from his pool now. We tried reaching out to the other neighbors, but we all work. I had to take off to be here today to voice my opinion.

Mr. Medlock: We were just hoping to find out if there was a way to stop this.

Mr. Lake: I live around the corner on Church Road. We have quit a bit of acreage and we have cows and horses. I understand about development. My back property line is at the City of Oak Groves boundary. It's a part of life we deal with. This lady has a right to do what she's asking. It's staying in the family. I buy hay out there.

Motion to take under advisement.

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

Discussion under advisement

Mr. Antey: I understand when people are passionate about where they live emotions run strong. I applaud the couple for coming in and voicing their concern.

Mr. Tarpley: I could be worse. It all could be divided into a subdivision.

Mr. Crawford: We are charged with the legalities of this being within the codes. The applicant has the right to do with their property as they wish.

Ms. Ryerkirk: Not only that, but the house will be tucked behind the tree line.

Mr. Akins: It was my understanding that the house would be behind the trees.

Mr. Tarpley: The construction vehicles should be out there that long.

Mr. Akins: I don't think this will have the impact as the couple expect.

Mr. Lake moved to approve. Mr. Akins seconded.

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

STAFF REPORT

PLAN COMMISSION January 19, 2023

RE: RZ-2023-643

Applicant: Kathy Garver

Location: 7718 S. Hillside School Road

Area: 5.23

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

Purpose: The purpose is to create a single-family residential lot.

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County Plan:

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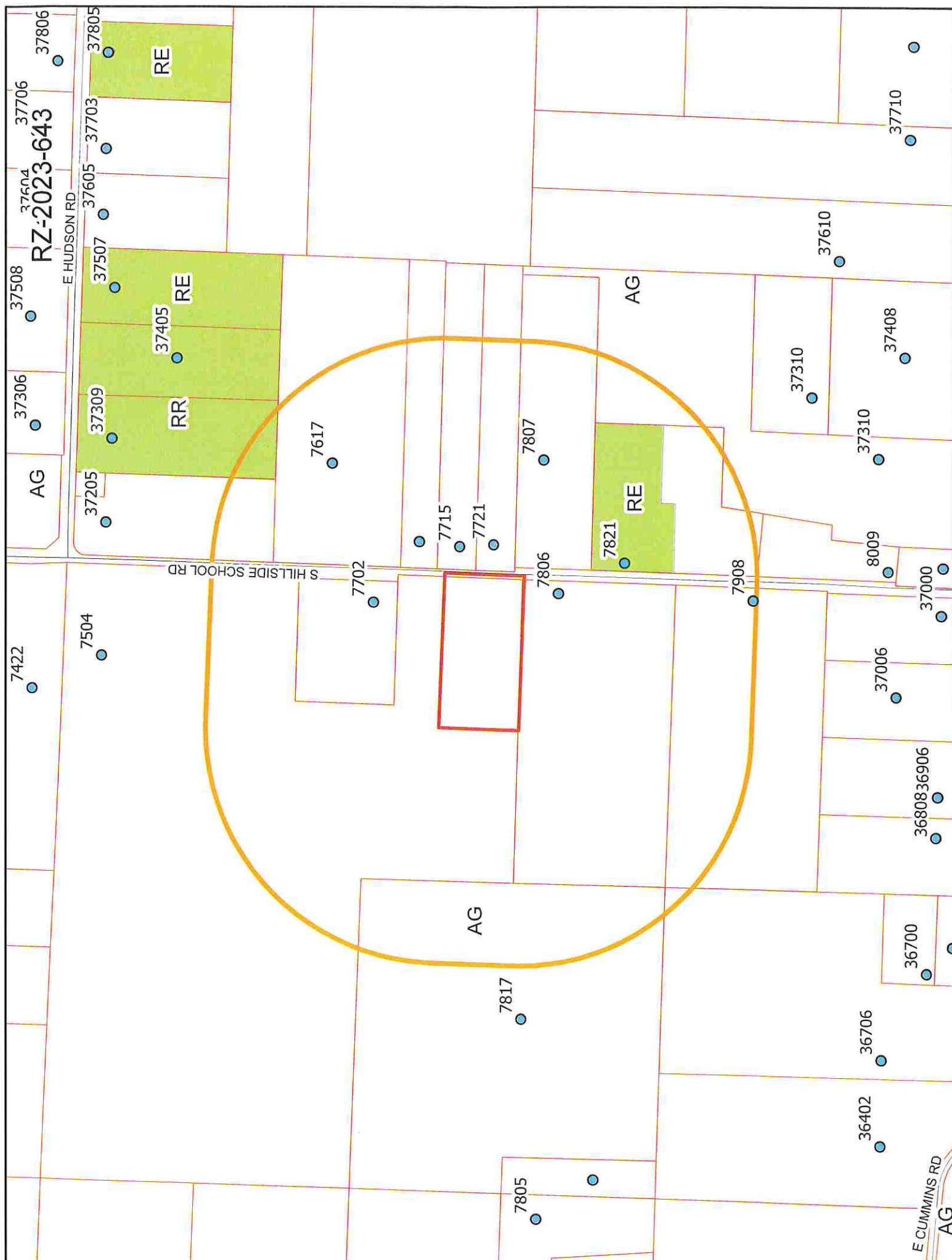
Recommendation:

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

Staff recommends APPROVAL of RZ-2023-643.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



Plan Commission January 19, 2023

RZ-2023-643

Property Owners Within 1000 feet

Parcel	owner	address	city	state	zip
39-900-01-10-00-0-00-000	MORA MICHAEL & MICHELLE	7702 S HILLSIDE SCHOOL RD	OAK GROVE	MO	64075
39-800-02-08-00-0-00-000	FORE TIMOTHY J & SHARLA D	7617 S HILLSIDE SCHOOL RD	OAK GROVE	MO	64075
39-800-02-20-00-0-00-000	BURKEYBIL KRISTEN	1401 NW EAGLE RIDGE DR	GRAIN VALLEY	MO	64029
39-800-02-22-00-0-00-000	ROSE PATRICIA J	7715 S HILLSIDE SCHOOL RD	OAK GROVE	MO	64075
39-900-01-08-02-0-00-000	SIMMONS TERESA A & MARK R	7806 S HILLSIDE SCHOOL RD	OAK GROVE	MO	64075
39-800-02-30-00-0-00-000	OSBORN MATTHEW W & MEGAN-TR	37405 E HUDSON RD	OAK GROVE	MO	64075
39-800-02-29-00-0-00-000	RIGGS BOBBY J & WAIT HEATHER	37309 E HUDSON RD	OAK GROVE	MO	64075
39-900-01-08-01-0-00-000	SIMMONS TERESA A & MARK R	7806 S HILLSIDE SCHOOL RD	OAK GROVE	MO	64075
39-800-02-28-00-0-00-000	DODSON DELBERT W	1325 SW 23RD ST	BLUE SPRINGS	MO	64015
39-800-02-21-00-0-00-000	ROSE PATRICIA J	7667 HILLSIDE SCHOOL RD	OAK GROVE	MO	64075
39-800-02-26-00-0-00-000	BARNOSKIE ASA P & STACEY L	7807 S HILLSIDE SCHOOL RD	OAK GROVE	MO	64075
39-800-02-23-00-0-00-000	WHITEHEAD DONA L	7721 S HILLSIDE SCHOOL RD	OAK GROVE	MO	64075
39-900-01-09-01-0-00-000	SHONK CADEN D & TRISHA D	7817 S STILLHOUSE RD	OAK GROVE	MO	64075
39-900-04-24-01-0-00-000	EVINGER ALLEN L SR & MARTHA G	36700 E CUMMINS RD	OAK GROVE	MO	64075
39-800-03-11-01-4-00-000	SCARBOROUGH STEVE H-TR	37408 E CUMMINS RD	OAK GROVE	MO	64075
39-900-01-07-01-0-00-000	GARVER KATHY L	7504 S HILLSIDE SCHOOL 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

January 4, 2023

RE: Public Hearing: RZ-2023-643
Kathy Garver

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 Kathy Garver for a change of zoning from District AG (Agricultural) on 5.23 ± acres to District RE (Residential Estates). The purpose is to create a single-family residential lot at 7718 S. Hillside School 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 1000' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, January 19, 2023, 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- 2023-643

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: Kathy Garver
Address: 7504 S. Hillside School Road
Oak Grove, MO 64075
Phone: 816-517-1109 or 541-8600
- b. Owner(s) Name: Same
Address: _____
Phone: _____
- c. Agent(s) Name: Erwin W. Gard, PLS,CET (Gard Horizon, LLC)

- Address: 1040 SW Luttrell, Blue Springs, MO 64015
- Phone: 816-295-5951
- d. Applicant's interest in Property: Owner
2. General location (Road Name) West side Hillside School Road 1/2 mile north of Cummins Road
3. Present Zoning AG Requested Zoning RE
4. AREA (sq. ft. / acres) 228,220 SF
5. Legal Description of Property: (Write Below or Attached 9)
See accompanying plat copy
6. Present Use of Property: Vacant
7. Proposed Use of Property: Single family residential
8. Proposed Time Schedule for Development: ASAP
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? _____
11. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water Water District 17
- b. Sewage disposal Private on site
- c. Electricity Evergy West Central Electric
- d. Fire and Police protection Sni Valley
12. Describe existing road width and condition: Asphalt 18'± wide good condition,

no curb or sidewalk

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

Property Owner(s)

Kathy L. Lamm

12/1/22

Applicant(s):

Kathy L. Lamm

12/1/22

Contract Purchaser(s):

STATE OF MISSOURI

COUNTY OF JACKSON

On this 1st day of December, in the year of 2022, before me the undersigned notary public, personally appeared Kathy GARVER

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.

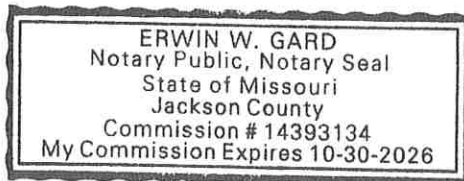
In witness whereof, I hereunto set my hand and official seal.

Notary Public

Erwin W. Gard

Commission Expires

10/30/2026





RZ-2023-643

7702

S HILLSIDE SCHOOL RD

7715

AG

7721

AG



Proposed Home Site

7806

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RE

