


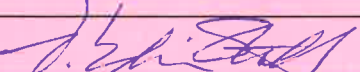
# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 4822

Sponsor(s): None

Date: February 8, 2016

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Aaron Jackson &amp; Kayli Naudet-Jackson Case No. RZ-2016-528</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="310 485 1190 800"> <tr> <td>Amount authorized by this legislation this fiscal year:</td><td>\$</td></tr> <tr> <td>Amount previously authorized this fiscal year:</td><td>\$</td></tr> <tr> <td>Total amount authorized after this legislative action:</td><td>\$</td></tr> <tr> <td>Amount budgeted for this item * (including transfers):</td><td>\$</td></tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td><td>FROM ACCT  TO ACCT</td></tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><input checked="" type="checkbox"/> No budget impact (no fiscal note required)  <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract:          Department: Estimated Use: \$</p> <p>Prior Year Budget (if applicable):          Prior Year Actual Amount Spent (if applicable):</p>		Amount authorized by this legislation this fiscal year:	\$	Amount previously authorized this fiscal year:	\$	Total amount authorized after this legislative action:	\$	Amount budgeted for this item * (including transfers):	\$	Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT  TO ACCT
Amount authorized by this legislation this fiscal year:	\$											
Amount previously authorized this fiscal year:	\$											
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Amount budgeted for this item * (including transfers):	\$											
Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT  TO ACCT											
PRIOR LEGISLATION	Prior ordinances and (date): Prior resolutions and (date):											
CONTACT INFORMATION	RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577											
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on 11.04 ± acres to District RE (Residential Estates). The 11.04 ± acres are described located with Section 18, Township 50, Range 30, in Jackson County, Missouri, aka 2819 N. Elsea Smith Road, and specifically described on Attachment to RLA-1. 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 voted 6 to 0 to recommend <u>APPROVAL</u> to the County Legislature.											
CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)											
ATTACHMENTS	See Attachment to RLA-2											
REVIEW	Department Director:   Brian D. Gaddie, P.E. Director of Public Works	Date: 1/28/2016										
	Finance (Budget Approval): <i>If applicable</i>	Date:										
	Division Manager: 	Date: 2/1/16										

	County Counselor's Office:	Date:
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Fiscal Information (to be verified by Budget Office in Finance Department)

- ☐ This expenditure was included in the annual budget.
- ☐ Funds for this were encumbered from the \_\_\_\_\_ Fund in \_\_\_\_\_.
- ☐ There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- ☐ Funds sufficient for this expenditure will be/were appropriated by Ordinance # \_\_\_\_\_
- ☐ Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- ☐ This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- ☒ This legislative action does not impact the County financially and does not require Finance/Budget approval.

**ATTACHMENT TO RLA-2:**

Attachments

Plan Commission Public Hearing Summary from January 21, 2016

Location Map

Staff Report

Affidavit of Publication in Independence Examiner

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Map showing current zoning district in area

County Code Chapter 240 – Unified Development Code

County Master Plan – “Strategy for the Future”

Application

Pictures of Property

Preliminary Plat of Naudet-Jackson Subdivision

**RZ-2016-528**

**ATTACHMENT TO RLA 1:**

**Description:**

Part Section 18, Township 50, Range 30, in Jackson County, Missouri described as follows:

Beginning at a point 189.24 feet North of the Southwest Corner of the Northwest Quarter of the Northeast Quarter of said Section 18; thence North along the West line of said Quarter Quarter, 387.24 feet; thence East parallel to the South line of said Quarter Quarter, 660 feet; thence North parallel to the West line of said Quarter Quarter, 116.52 feet; thence East parallel to the South line of said Quarter Quarter, 449 feet; thence South 503.76 feet; thence West 1109 feet to the point of beginning.

**Randy Diehl gave the staff report:**

**Applicant:** Aaron Jackson & Kayli Naudet-Jackson

**Location:** 2819 N. Elsea Smith Road

**Area:** 11.04 ± acres

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

**Purpose:** Applicant is requesting the change in zoning in divide the property into two lots.

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

The zoning in the immediate area is Agricultural with the majority of the land use being single family residences. Property sizes within the area range from less than an acre to larger acreage tracts.

To the North is Steen Acres, a two lot subdivision, created in 1973. Lot 1 is approximately 4.20 acres and Lot 2 is .75 acres in size. To the East along Hoover Road is Allen's Garden, a two lot subdivision, created in 1981. Both lots are 1.25 acres in size. Villines Acres created in 1978, W R Kepler Estates created in 1992. Lot sizes are less than five acres in size. These subdivisions were created prior to the Unified Development Code (UDC) in 1995 and therefore are with District AG (Agricultural). There are a couple of tracts approximately 1 acre or less along Elsea Smith Road that contain a single family residence.

**County Plan:**

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT). Prior to 2013, this area was in the Rural Development Tier (RDT) and the minimum lot size was 5 acres. With the adaptation of the amended comprehensive plan, "Building A Vision Together", in 2012, this area is now within the Suburban Development Tier (SDT) with the minimum lot size being 3 acres.

The Residential Estates (RE) is appropriate for the Suburban Development Tier.

**Recommendation:**

**Ord. 4822**

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

Staff recommends APPROVAL of RZ-2016-528

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

*Are there any questions for Randy?*

Mr. Tarpley: What the existing use of the property?

Mr. Diehl: A single family residence.

Mr. Tarpley: And the pond?

Mr. Diehl: It's a stock pond not a potty pond.

*Is there anyone who is in favor of this application?*

Aaron Jackson (Applicant), 2819 N. Elsea Smith Road:

We are dividing it so my brother in law can build a home. He is getting married in June. My in-laws live around the corner. My folks live down the road.

*Is there anyone else who is in favor of this application?*

*Is there anyone who is opposed or has questions regarding this application?*

Henry Luther, 2803 N. Elsea Smith Road: I own 11.6 acres to the South of this property. I've never been contacted by them to ask if I was or was not in favor of this. I'd like to know where the house is going to sit and which way the drainage is going to be off the house itself. I had a well down by the lower pond and I have a stock pond. I'm concerned about the drainage because my house sits about four and half feet lower on the road. I'm concerned about the size of the house that's going to be setting there.

Mr. Tarpley: How far is your house from the North boundary line?

Mr. Luther: About 42 feet.

Mr. Tarpley: Randy what's the width of the new lot?

Mr. Diehl: 190 feet.

Mr. Tarpley: More than likely it would be in the middle.

Mr. Luther: Is there going to be a road to the rear end of the property?

Mr. Diehl: There will be no public improvements built like a road. Just their driveway.

Mr. Luther: There is no way they can development but this one tract of land? Because the application says Residential Estates?

Mr. Diehl: That's just name of the zoning classification. There can be one or multiple lots for the zoning.

Mr. Luther: I was concerned if they could development back there.

Mr. Diehl: One house per lot.

Mr. Luther: What about the 8 acre lot?

Mr. Diehl: That lot has the existing house. They cannot subdivide any further. There is not enough road frontage. As for a flag lot, they are not allowed in the Suburban Development Tier.

*Is there anyone who is opposed or has questions regarding this application?*

Joe Diaz, 2808 N. Elsea Smith Road, There's a lot a congestion here now. I have to took both directions all the time. That's my concern. I don't know where they are going to put their driveway. They never came to us and asked us about doing something here.

Mr. Antey: This is this forum to bring it out to the public.

Mr. Diaz: He never came to us to ask "guys, we want to do this". We value our property. We moved out her thinking that it would remain this way. Otherwise we would have stayed in the community we were in.

Mr. Tarpley: What's the current use of your property?

Mr. Diaz: My residence is zoned residential and agricultural zoned land.

Mr. Tarpley: Any row crops.

Mr. Diaz: No, just chickens. Nothing else. I don't want anyone coming out and saying you can't have those.

Mr. Diehl: You are actually zoned all Agricultural. Your Land Use, as determined by the assessor, splits that into residential and agricultural.

Mr. Diaz: We wants to stay a farming community. If a guy wants to come in later and development my property, that's valuable.

Mr. Crawford: How long had you been there?

Mr. Diaz: 15 years.

Mr. Crawford: So, 15 years before that was somebody that left the way you do. And 15 years before that, the same. So where are we, as a board, supposed to stop at?

Mr. Diaz: Well, can can't stop border wars.

Mr. Antey: We have to look at the Unified Development Code and the surrounding area.

Mr. Diaz: I know down the back side of us, they never came to me or Henry and asked if they could development these one acre lots back there. I guess they didn't have to ask us. I sympathize with him, but I don't want anyone living close to me.

Mr. Tarpley: We're only talking about one house.

Mr. Diaz: One becomes two houses.

Mr. Tarpley: Not in this case.

Mr. Antey: Like you said, if you sold your property, that guy might want to chop it up into lots. Things do change and evolve.

Mr. Tarpley: You could chop yours into three lots.

Mrs. Mershon: Randy. Where would the driveway be on this new lot.

Mr. Diehl: We still need to perform the site distance for that lot. There is a formula for that. When we posted the sign, there is a field entrance here (on Lot 1). The driveway may be restricted to the lower part of the lot.

Mr. Tarpley: How close could the house be built on the new lot?

Mr. Diehl: The side setbacks for District RE are 15 feet, and a 30 foot setback on the front and rear. The side setbacks for District RE are 15 feet, and a 30 foot setback on the front and rear.

Mr. Jackson: The house should sit on the front portion of the lot. The rear portion will remain pasture.

Motion to take under advisement.

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

Mr. Tarpley: I think we put some of the concerns to rest. The line of sight for the driveway. One house sounds like it will be an improvement to the neighborhood.

Mr. Antey: I was also assuming that the driveway might be across from the other. That'll be reviewed with site distance.

Mr. Crawford: This will be a stick built house not a pre-manufactured house, I assume.



Mr. Tarpley: The County doesn't allow mobile homes.

Mr. Antey: We can't mandate what type of house it's going to be.

Mr. Diehl: We don't have anything in the Code that says they can or can't. Whether or not they wanted to move a mobile home in.

Voice from audience: So what you're saying.....

Mr. Antey: All the discussion comes from this side of the table since we are under advisement. If we have concerns and more questions, we can reopen the public hearing.

A pre-fab home is not any different from stick built home or anything like that. They still will have to get a building permit from the County. The County's not going to impose any restrictions on what can be built there other than if falls under County guidelines. If they wanted to put restrictions when he sold that off and that would be a civil matter and they could delineate how many square feet is can or can't be. They can delineate the appearance of the house. Put that's not part of that plan here.

Mr. Diehl: Private restrictions we do not enforce.

Mr. Crawford: I entertain that we reopen the public hearing.

Mr. Tarpley: I second that.

Mr. Antey: All in favor of coming out of advisement?

Unanimous "Aye"

Mr. Antey: We are out of advisement. If the applicant would come forward. The question is to what kind of house you'll be building.

Mr. Jackson: It will be a stick build home. About 1800 to 2000 square feet.

Mr. Crawford: Motion to take under advisement. Mr. Tarpley seconded.

Motion to approve.

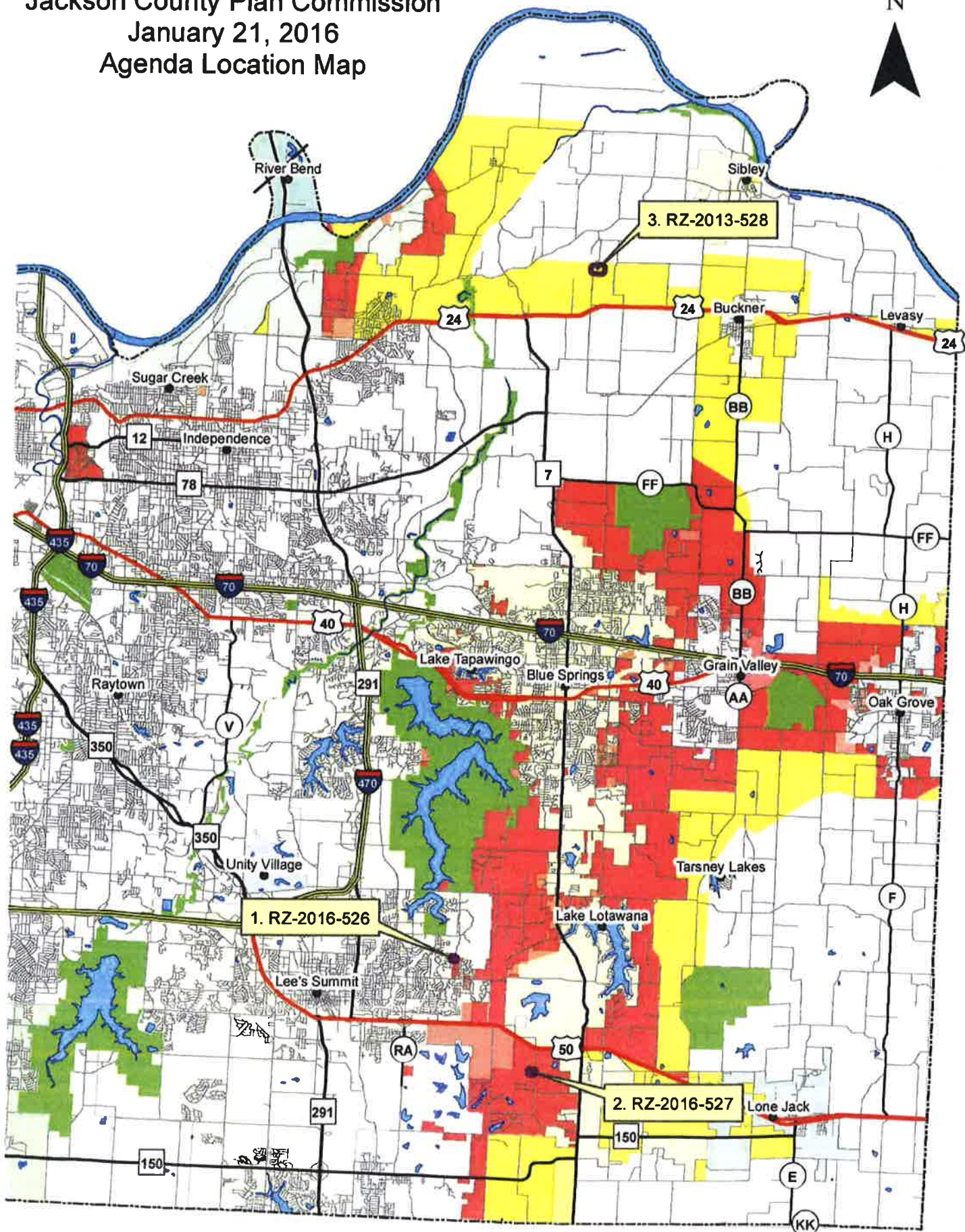
Mr. Tarpley moved to approve RZ-2016-526. Mr. Crawford seconded.

Mr. Tarpley	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mr. Crawford	Approve
Mrs. Mershon	Approve
Chairman Antey	Approve

Motion Carried 6 – 0.

Jackson County Plan Commission  
January 21, 2016  
Agenda Location Map

N



**STAFF REPORT**

**PLAN COMMISSION**

**January 21, 2016**

**RE: RZ-2016-528**

**Applicant:** Aaron Jackson & Kayli Naudet-Jackson

**Location:** 2819 N. Elsea Smith Road

**Area:** 11.04 ± acres

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

**Purpose:** Applicant is requesting the change in zoning in divide the property into two lots.

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

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**County Plan:**

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The Residential Estates (RE) is appropriate for the Suburban Development Tier.

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2016-528

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

Plan Commission  
January 21, 2016  
RZ-2016-528

**Applicants / Property Owners:**

**08-900-01-14**  
**Aaron Jackson**  
**Kayli Naudet-Jackson**  
**2819 N Elsea Smith Road**  
**Buckner, MO 64016**

**Certified Mail – Return Receipt**  
**Property Owners within 300 feet**

08-900-01-13-00-0-00-000  
ASHLAND CHRIS & MELANIE  
2901 N ELSEA SMITH RD  
BUCKNER, MO 64016

08-900-01-12-00-0-00-000  
ROSE SHIRLEY A  
2905 N ELSEA SMITH RD  
BUCKNER, MO 64016

08-900-01-41-00-0-00-000  
BEDSWORTH SHERRY  
2913 N ELSEA SMITH RD  
BUCKNER, MO 64016

08-900-01-42-00-0-00-000  
BEDSWORTH SHERRY

08-900-01-39-00-0-00-000  
STATHAM CHARLES FREDERICK II  
27800 E US 24 HWY  
BUCKNER, MO 64016

08-900-01-36-00-0-00-000  
MCCORMICK BRENT L  
26301 BUNDSCHU RD  
INDEPENDENCE, MO 64056

08-900-01-31-00-0-00-000  
KELLY PATSY L & DAVID E  
2804 N HOOVER RD  
BUCKNER, MO 64016

08-900-01-27-00-0-00-000  
GAULT BRADLEY C & JERI R  
2722 N HOOVER RD  
BUCKNER, MO 64016

08-900-01-15-00-0-00-000  
LUTHER HENRY B TRUSTEE  
2803 N ELSEA SMITH RD  
BUCKNER, MO 64016

08-900-02-06-01-0-00-000  
SMITH GERALD I & MARY M  
2726 N ELSEA SMITH RD  
BUCKNER, MO 64016

08-900-02-12-00-0-00-000  
DIAZ JOE A & BETTY M  
2808 N ELSEA SMITH RD  
BUCKNER MO 64016

08-900-02-14-00-0-00-000  
DENTON JULIE L & ROGER L  
2824 N ELSEA SMITH RD  
BUCKNER MO 64016

08-900-02-13-02-0-00-000  
HULETT KURT B & JOYCE A  
2904 N ELSEA SMITH RD  
BUCKNER, MO 64016



**Ord. 4822**

= 500 feet



**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
- 

**TO BE COMPLETED BY OFFICE PERSONNEL ONLY:**

Rezoning Case Number RZ- 2016-528

Date filed 12-21-15 Date of hearing 1-21-16

Date advertised 1-6-15 Date property owners notified 1-6-15

Date signs posted 1-6-15

Hearings: Heard by PC Date 1-21-16 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: Aaron Jackson & Kayli Naudet-Jackson
- Address: 2819 N. Elsea Smith Road
- Buckner MO 65016
- Phone: 816-588-0603
- b. Owner(s) Name: same as above
- Address: \_\_\_\_\_
- Phone: \_\_\_\_\_
- c. Agent(s) Name: Toth & Associates

Address: 830 E. Primrose, Ste. 200, Springfield MO 65807

Phone: 417-888-0645

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

2. General location (Road Name) 2819 N. Elsea Smith Road

3. Present Zoning AG - Agricultural District Requested Zoning RE - Residential Estate District

4. AREA (sq. ft. / acres) 480,879 sq.ft. / 11.04 acres

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

see attached

6. Present Use of Property: Residential

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: 2016

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

Addition of one residential property within a residential neighborhood

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 Well / Water District 16

b. Sewage disposal Septic System

c. Electricity Kansas City Power & Light Company

d. Fire and Police protection Fort Osage

12. Describe existing road width and condition: 60' right-of-way with a two-lane asphalt road



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13. What effect will proposed development have on existing road and traffic conditions? Addition of driveway entrance to accommodate Lot 2

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14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? Possible DNR permit for well and septic to service Lot 2

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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

Date

Property Owner(s)

Aaron Jackson Kayli Naudet Jackson  
A 21 Kayli Naudet Jackson

12/31/15

Applicant(s):

Aaron Jackson Kayli Naudet Jackson  
A 21 Kayli Naudet Jackson

12/31/15

Contract Purchaser(s):

STATE OF

Missouri

COUNTY OF

Jackson

On this 31 day of December, in the year of 2015, before me  
 the undersigned notary public, personally appeared \_\_\_\_\_

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

Amy Keister

Commission Expires

4-15-19



AMY KEISTER  
 My Commission Expires  
 April 15, 2019  
 Jackson County  
 Commission #15834850

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)

Applicant(s):

Contract Purchaser(s):

STATE OF MISSOURI  
COUNTY OF GREENE

On this 22 day of DECEMBER, in the year of 2015, before me  
the undersigned notary public, personally appeared CARL E BURNETT

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.

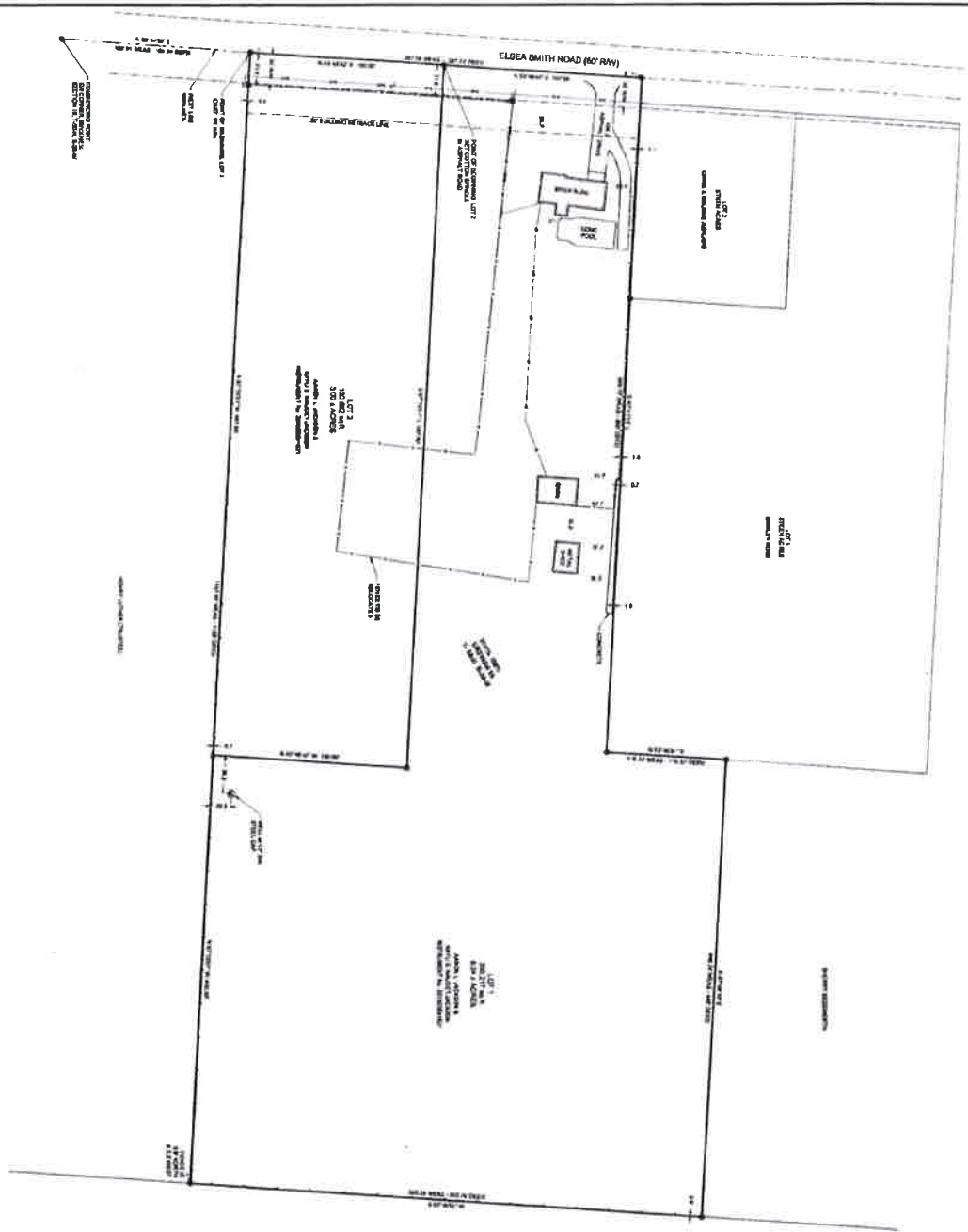
In witness whereof, I hereunto set my hand and official seal.

Notary Public Carol Russell

Commission Expires 05.27.2017



CAROL RUSSELL  
My Commission Expires  
May 27, 2017  
Greene County  
Commission #13800177



**DEVELOPMENT DATA**  
 Subdivision Name: NAUDET-JACKSON SUBDIVISION  
 Owner: AARON L. JACKSON & KAYLI D. JACKSON  
 Surveyor: CARL E. BLANCHETT, L.S.  
 Date of Survey: 10/15/2024  
 Purpose: MINOR SUBDIVISION - PRELIMINARY PLAT

**LEGEND**

- 1/4" = 1' — BOUNDARY LINE
- 1/8" = 1' — EASEMENT LINE
- 1/16" = 1' — EASEMENT LINE
- 1/32" = 1' — EASEMENT LINE
- 1/64" = 1' — EASEMENT LINE
- 1/128" = 1' — EASEMENT LINE
- 1/256" = 1' — EASEMENT LINE
- 1/512" = 1' — EASEMENT LINE
- 1/1024" = 1' — EASEMENT LINE
- 1/2048" = 1' — EASEMENT LINE
- 1/4096" = 1' — EASEMENT LINE
- 1/8192" = 1' — EASEMENT LINE
- 1/16384" = 1' — EASEMENT LINE
- 1/32768" = 1' — EASEMENT LINE
- 1/65536" = 1' — EASEMENT LINE
- 1/131072" = 1' — EASEMENT LINE
- 1/262144" = 1' — EASEMENT LINE
- 1/524288" = 1' — EASEMENT LINE
- 1/1048576" = 1' — EASEMENT LINE
- 1/2097152" = 1' — EASEMENT LINE
- 1/4194304" = 1' — EASEMENT LINE
- 1/8388608" = 1' — EASEMENT LINE
- 1/16777216" = 1' — EASEMENT LINE
- 1/33554432" = 1' — EASEMENT LINE
- 1/67108864" = 1' — EASEMENT LINE
- 1/134217728" = 1' — EASEMENT LINE
- 1/268435456" = 1' — EASEMENT LINE
- 1/536870912" = 1' — EASEMENT LINE
- 1/1073741824" = 1' — EASEMENT LINE
- 1/2147483648" = 1' — EASEMENT LINE
- 1/4294967296" = 1' — EASEMENT LINE
- 1/8589934592" = 1' — EASEMENT LINE
- 1/17179869184" = 1' — EASEMENT LINE
- 1/34359738368" = 1' — EASEMENT LINE
- 1/68719476736" = 1' — EASEMENT LINE
- 1/137438953472" = 1' — EASEMENT LINE
- 1/274877906944" = 1' — EASEMENT LINE
- 1/549755813888" = 1' — EASEMENT LINE
- 1/1099511627776" = 1' — EASEMENT LINE
- 1/2199023255552" = 1' — EASEMENT LINE
- 1/4398046511104" = 1' — EASEMENT LINE
- 1/8796093022208" = 1' — EASEMENT LINE
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- 1/288230376151711744" = 1' — EASEMENT LINE
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- 1/1152921504606846976" = 1' — EASEMENT LINE
- 1/2305843009213693952" = 1' — EASEMENT LINE
- 1/4611686018427387904" = 1' — EASEMENT LINE
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2715

ELSEA SMITH RD

1 inch = 167 feet