

**REQUEST FOR LEGISLATIVE ACTION**

**Version 6/10/19**

Completed by County Counselor's Office:

~~Res~~/Ord No.: 5343

Sponsor(s): N/A

Date: June 1, 2020

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Dixie L Smith &amp; Timothy &amp; Sherri Weaver - RZ-2020-583</u>										
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td style="text-align: right;">\$</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 style="text-align: right;">\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number:</td> <td style="text-align: right;">\$</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> OTHER FINANCIAL INFORMATION:  <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: _____ Prior Year Budget (if applicable): _____ Prior Year Actual Amount Spent (if applicable): _____	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:	\$
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Amount budgeted for this item * (including transfers):	\$										
Source of funding (name of fund) and account code number:	\$										
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 a 9.22 ± acre tract to District RR (Residential Ranchette). The purpose is to create two family residential lots in Section 20, Township 48, Range 29, aka 38707 E Corn Cemetery Road, Jackson County, Missouri, 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 held a public hearing on May 21, 2020 and accepted testimony pertaining to the rezoning request. The 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)										
COMPLIANCE	<input type="checkbox"/> MBE Goals <input type="checkbox"/> WBE Goals <input type="checkbox"/> VBE Goals										
ATTACHMENTS	See Attachment to RLA-2										
REVIEW	<table border="1"> <tr> <td>Department Director: Brian D. Gaddie, P.E. Director of Public Works</td> <td>Date: 5-22-20</td> </tr> <tr> <td>Finance (Budget Approval): <i>N/A</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: <i>Tracy M. Schultze</i></td> <td>Date: 5-26-2020</td> </tr> <tr> <td>County Counselor's Office: <i>Bryan Covach</i></td> <td>Date: 5/27/20</td> </tr> </table>	Department Director: Brian D. Gaddie, P.E. Director of Public Works	Date: 5-22-20	Finance (Budget Approval): <i>N/A</i>	Date:	Division Manager: <i>Tracy M. Schultze</i>	Date: 5-26-2020	County Counselor's Office: <i>Bryan Covach</i>	Date: 5/27/20		
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County Counselor's Office: <i>Bryan Covach</i>	Date: 5/27/20										

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-**

### Attachments

Plan Commission Public Hearing Summary from May 21, 2019

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

## STAFF REPORT

PLAN COMMISSION  
May 21, 2020

RE: RZ-2020-583

**Applicant:** Dixie L Smith & Timothy & Sherri Weaver

**Location:** 38707 E Corn Cemetery Road

**Area:** 10.00 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RR (Residential Ranchette)

**Purpose:** Applicant is requesting the change in zoning to create two single family residential lots.

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

Zoning in the area is both agricultural and residential. There are five developments in the area, which were established after the adoption of the UDC, that are in District RR.

Land Use are single family residences.

By deeded description the applicant owns approximately 10.00 ± acres and is wanting to create a two lot subdivision for single family homes. A preliminary plat has been submitted for review, which is in compliance with the UDC.

Typically, a 10 acre tract allows for 5.00 acre lots. At times allowances are made if a portion of the 10 acres falls into public right-of-way. The property owner isn't penalized for a lot that may short of a full 5 acres. The zoning recommendation would be for District RR (Residential Ranchette).

Lot 1 will contain the existing residence and Lot 2 will be for a future residence.

### County Plan:

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

The Residential Ranchette District (RR) is appropriate for the Rural Development Tier.

### Recommendation:

Staff recommends APPROVAL of RZ-2020-583

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

*There were none*

**Mr. Antey: Is the applicant here?**

*Tim Weaver: 2233 NW Summerfield Dr, Lee's Summit*

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

*Mr. Weaver: My Mother in Law owns the land and we are wanting to build a home out there.*

*Mr. Tarpley: Will you share the same driveway?*

*Mr. Weaver: There is a field entrance location we plan to use.*

**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?**

*There were none*

Motion to take under advisement.

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

*Discussion under advisement*

**RZ-2019-583** Mr. Tarpley moved to approve. Mr. Hilliard seconded.

Mr. Tarpley-Approve Ms. Query-Approve  
Mr. Haley-Approve Mr. Hilliard-Approve  
Ms. Mershon-Approve Chairman Antey-Approve

Motion Carried 6 – 0

**STAFF REPORT**

**PLAN COMMISSION**

**May 21, 2020**

**RE: RZ-2020-583**

**Applicant:** Dixie L Smith & Timothy & Sherri Weaver  
**Location:** 38707 E Corn Cemetery Road  
**Area:** 10.00 ± acres  
**Request:** Change of zoning from District AG (Agricultural) to District RR (Residential Ranchette)  
**Purpose:** Applicant is requesting the change in zoning to create two single family residential lots.

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

Zoning in the area is both agricultural and residential. There are five developments in the area, which were established after the adoption of the UDC, that are in District RR.

Land Use are family residences.

By deeded description the applicant owns approximately 10.00 ± acres and is wanting to create a two lot subdivision for single family homes. A preliminary plat has been submitted for review, which is in compliance with the UDC.

Typically, a 10 acre tract allows for 5.00 acre lots. At times allowances are made if a portion of the 10 acres falls into public right-of-way. The property owner isn't penalized for a lot that may short of a full 5 acres. The zoning recommendation would be for District RR (Residential Ranchette).

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**County Plan:**

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

The Residential Ranchette District (RR) is appropriate for the Rural Development Tier.

**Recommendation:**

Staff recommends APPROVAL of RZ-2020-583

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator





RZ-2020-583

Dixie Smith

AG

E NIVENS RD

AG

AG

RR

S OUTER BELT RD

AG

RR

AG

RR

E CORN CEMETERY RD

AG

S CORN CEMETERY RD

RR

E MASKAR RD

AG

E JW CUMMINS RD

AG

S MASKAR RD

S MASKAR RD

AG



Plan Commission May 21, 2020  
 RZ-2020-583

Property Owners Within 1000 feet

	Name	Address	City
56-100-02-03-00-0-00-000	BRENNECKE ADAM	8517 S OUTER BELT RD	OAK GROVE, MO 64075
56-100-02-04-00-0-00-000	LARSEN JUDY	PO BOX 553	TENSLEEP, WY 82442
56-100-03-09-00-0-00-000	BROWN KAREN	39003 E NIVENS RD	OAK GROVE, MO 64075
56-100-03-10-00-0-00-000	OLIVER JERRY W & LINDA F	38807 NEVINS RD	OAK GROVE, MO 64075
56-100-03-11-00-0-00-000	OLIVER JERRY W & LINDA F	38807 NEVINS RD	OAK GROVE, MO 64075
56-100-03-20-01-1-00-000	JONES DEREK SCOTT & HOLLY SUE	8715 S OUTER BELT RD	OAK GROVE, MO 64075
56-100-03-20-01-2-00-000	ARNETT MICHAEL & MENDY	8811 S OUTER BELT RD	OAK GROVE, MO 64075
56-100-03-20-01-3-00-000	LEAZIER PAGE & VICKIE L	8905 S OUTER BELT RD	OAK GROVE, MO 64075
56-100-03-20-02-0-00-000	LEMEN CARL W & MARJORIE A TRUSTEE	8919 S OUTER BELT RD	OAK GROVE, MO 64075
56-200-01-21-00-0-00-000	LANGVIN FAMILY TRUST	38112 MESKER RD	OAK GROVE, MO 64075
56-200-01-26-00-0-00-000	COATS DEBORAH ANN	815 S RAPP AVE	COLUMBIA, IL 62236
56-200-01-36-00-0-00-000	LANGVIN FAMILY TRUST	38112 MESKER RD	OAK GROVE, MO 64075
56-200-01-37-00-0-00-000	LANGVIN FAMILY TRUST	38112 MESKER RD	OAK GROVE, MO 64075
56-200-01-39-00-0-00-000	SCHICK DARRIN & KELLY	8607 S CORN CEMETERY RD,	OAK GROVE, MO 64075
56-200-01-40-00-0-00-000	MCMANAMIN JOHN D & JUDITH O	38504 CORN CEMETARY RD	OAK GROVE, MO 64075
56-200-01-41-00-0-00-000	SMITH RICKY L & DAWN M	8521 S CORN CEMETARY RD	OAK GROVE, MO 64075
56-200-04-04-02-4-00-000	STITT CATHRYN L & STITT ROBERT SCOTT	8700 S CORN CEMETERY RD	OAK GROVE, MO 64075
56-200-04-04-02-5-00-000	ANNIN MATTHEW D & KELLI K	8803 S MESKER RD	OAK GROVE, MO 64075
56-200-04-04-02-6-00-000	MARSHALL MARC JAMES & JANE ANN	8715 S MESKER RD	OAK GROVE, MO 64075
56-200-04-05-00-0-00-000	DEISHER LINDSEY & DUSTIN	8904 S OUTER BELT RD	OAK GROVE, MO 64075
56-200-04-17-00-0-00-000	GANN DANNY G & LYL A R	38505 CORN CEMETERY RD	OAK GROVE, MO 64075
56-200-01-44-00-0-00-000	JACKSON BETH ANN	38710 E CORN CEMETERY RD	OAK GROVE, MO 64075
56-200-01-45-00-0-00-000	DIEBOLT DYLAN M & BROOK M	125 SW GRAY CIR	LEES SUMMIT, MO 64081
56-200-04-01-00-0-00-000	SMITH DIXIE L	38707 E CORN CEMETARY 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

March 6, 2020

RE: Public Hearing: RZ-2020-583  
Dixie L Smith

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 Dixie L Smith for a change of zoning from District AG (Agricultural) on a 9.22 ± acre tract to District RR (Residential Ranchette). The purpose is to create two family residential lots in Section 20, Township 48, Range 29, aka 38707 E Corn Cemetery 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, May 21, 2020 at 8:30 a.m. in the Large Conference Room, 2<sup>nd</sup> 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**

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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

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

Rezoning Case Number     RZ-      
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:     DIXIE L SMITH      
Address:     38707 E CORN CEMETERY RD. OAK GROVE. MO 64075      
\_\_\_\_\_  
Phone:     816-690-8366
  - b. Owner(s) SAME \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_
  - c. Agent(s) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

d. Applicant's interest in Property: \_\_\_\_\_

2. General location (Road Name) CORN CEMETERY ROAD AND MO STATE ROUTE F

3. Present Zoning AG Requested Zoning RR

4. AREA (sq. ft. / acres) 9.22

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

ATTACHED

6. Present Use of Property: RESIDENTIAL

7. Proposed Use of Property: RESIDENTIAL

8. Proposed Time Schedule for Development: 1 TO 2 YEARS

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

THERE IS AN EXISTING HOUSE ON THE PROPERTY NOW THERE WILL BE ONE ADDITIONAL HOUSE BUILT ON THE PROPERTY

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 Public Water Supply District #1 of Lafayette County, MO

b. Sewage disposal ON SITE SEPTIC

c. Electricity West Central Electric

d. Fire and Police protection SNI-VALLEY

12. Describe existing road width and condition: +/- 20' WIDE ASPHALT

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13. What effect will proposed development have on existing road and traffic conditions? THERE WILL BE MINIMAL EFFECT ON EXISTING ROADS, THERE WILL BE ONE NEW HOUSE BUILT IN THE NEXT YEAR

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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): \_\_\_\_\_

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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)**

Walter J. Smith  
\_\_\_\_\_

4-9-20  
\_\_\_\_\_

**Applicant(s):**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Contract Purchaser(s):**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of \_\_\_\_\_, 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 \_\_\_\_\_

Commission Expires \_\_\_\_\_











RZ-2020-583  
Dixie Smith  
AG

E NIVENS RD

S OUTER BELT RD

RR

E CORN CEMETERY RD

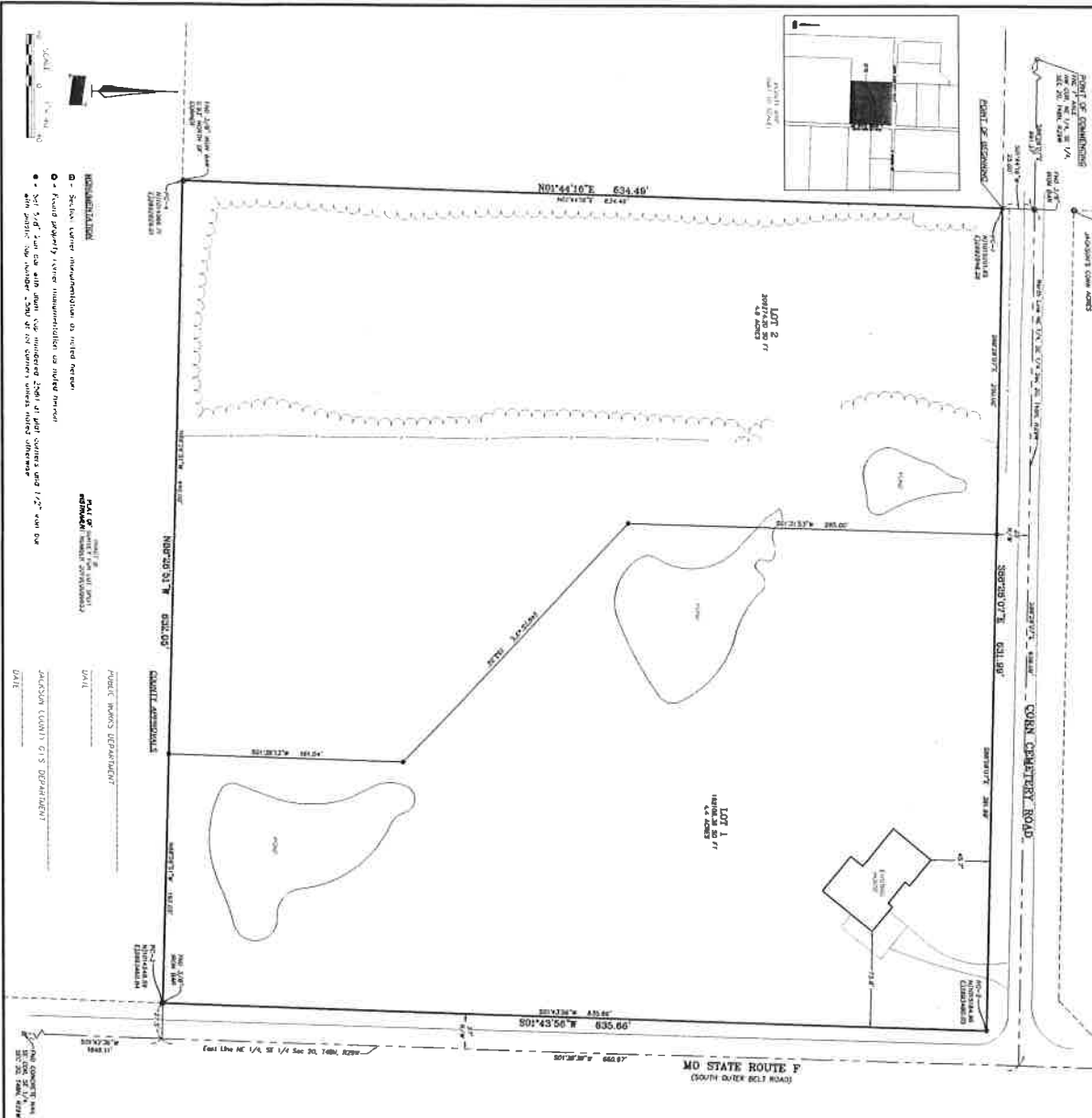
AG

RR





**PRELIMINARY MINOR PLAT  
S & W ACRES  
PART OF THE EAST 1/2, SOUTHEAST QUARTER  
SECTION 20, TOWNSHIP 48 NORTH, RANGE 29 WEST  
JACKSON COUNTY, MISSOURI**



**LEGEND:**

- Easement
- Encroachment
- Right of Way
- Survey Line
- Boundary Line
- Lot Line
- Building Footprint
- Creek
- Road
- Utility Line
- Other

**CONFORMANCE WITH SUBDIVISION ACT:** This plat complies with the provisions of the Missouri Subdivision Act, Chapter 208, R.S.Mo., as amended, and the rules and regulations of the Missouri State Board of Survey, as amended, and the rules and regulations of the Missouri State Board of Equalization, as amended.

**PLAT PREPARED BY:** DEUCE L. SMITH, Surveyor, Jackson County, Missouri.

**DATE OF PLAT:** January 20, 2017.

**RECORDING INFORMATION:** This plat is subject to the provisions of the Missouri Subdivision Act, Chapter 208, R.S.Mo., as amended, and the rules and regulations of the Missouri State Board of Survey, as amended, and the rules and regulations of the Missouri State Board of Equalization, as amended.

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DATE	NUMBER	REVISION	BY	APPROVED

**PRELIMINARY MINOR PLAT**  
**S & W ACRES**  
**JACKSON COUNTY, MISSOURI**

DEUCE L. SMITH  
SURVEYOR  
JACKSON COUNTY, MISSOURI

**LOVELACE & ASSOCIATES**  
Land Surveying - Civil Engineering  
120 SE 3rd Street, Suite 200, Springfield, Missouri 65801  
Phone: (417) 543-9995 Fax: (417) 543-9999

Project No: 20014  
Drawn By: JWS/AR  
Checked By: BLS/BJ  
Date: 1-20-17  
File Name: 20014 1704G