

REQUEST FOR LEGISLATIVE ACTION


Version 6/10/19

Completed by County Counselor's Office:

Res/Ord No.: 5349

Sponsor(s): N/A

Date: June 1, 2020

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Steven E Accurso - RZ-2020-577</u>																
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="375 506 1461 688"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> <td></td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td></td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number:</td> <td></td> <td>\$</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:		\$
Amount authorized by this legislation this fiscal year:		\$															
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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 an 80.00 ± acre tract to District RR (Residential Ranchette). The purpose is to create 11 residential lots in Section 24, Township 47, Range 30, at 150 Highway and Hutt Road, Jackson County, Missouri, and specifically described on Attachment to RLA-1, and requesting approval of the preliminary plat of "Peaceful Ridge" creating a thirteen (13) lot residential subdivision. 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	Department Director: Brian D. Gaddie, P.E. Director of Public Works 	Date: 5.22.20															
	Finance (Budget Approval): <i>N/A</i> If applicable	Date:															
	Division Manager: <i>Wayne M. Schultz</i>	Date: 5-26-2020															
	County Counselor's Office: <i>Bryan County</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, 2020

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

Randy Diehl gave the staff report:

RE: RZ-2020-577

Applicant: Steven E Accurso

Location: Northeast corner of 150 Highway and Hutt Road

Area: 80.00 ± acres in Section 24, Township 47, Range 30

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

Purpose: Applicant is requesting the change in zoning for 13, single-family residential lots.

Current Land Use and Zoning in the Area:

The zoning in the immediate area is Agricultural.

Land use is single family residences on properties ranging from 5 acres and up. Some large acreage tracts are farmed.

The applicant is proposing 13 single family lots. Eleven of the lots are 5 and 6 acres in size. There are two 10 acre tracts as well.

The applicant is working with the Missouri Department of Transportation for the location of driveways along 150 Highway. The County will determine the locations along Hutt Road.

These size lots are fairly typical of the surrounding area and would not be out of character of the adjacent properties.

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

Residential Ranchette is appropriate for the SDT.

Recommendation:

Staff recommends APPROVAL of RZ-2020-577.

Mr. Antey: Are there any questions for Randy?

Mr. Tarpley: Is this an area that requires 5 acre lots.

Mr. Diehl: This area is in the Suburban Development Tier and 5 acre lots are appropriate for the tier.

Mr. Hilliard: Are there any concerns for the proposed lots that has the small lake on it.

Mr. Diehl: Not at this time. The area is not in a floodplain. When a building permit application is submitted for review, the wastewater system as designed by an engineer will be reviewed as well. The soil tests will dictate the appropriate type of system.

Mr. Antey: Is the applicant here?

Karen Lux: I'm with Realty Executives, 37904 50 Highway, Lone Jack. I represent the applicant.

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

Ms. Lux: No

Mr. Tarpley: Are all the other houses out there on septic?

Ms. Lux: Yes

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?

Roger Deines, 13909 S Hutt Road, Lone Jack. My question is what are that plans for Hutt Road. I'm not opposed to this development.

Mr. Diehl: Any major improvements would be decided by our Engineering and Road and Bridge staff.

Mr. Tarpley: What is the condition of the road?

Mr. Deines: It's falling apart. I've got two pot holes in front of my house. I understand it a chip seal road.

Mr. Diehl: I'll pass your concerns regarding the road to our Road and Bridge Maintenance Division.

Motion to take under advisement.

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

Discussion under advisement

RZ-2019-577 Mr. Tarpley moved to approve. Mr. Hilliard seconded.

Mr. Tarpley: Staff has answered all my questions.

Mr. Tarpley-Approve Ms. Query-Approve
Mr. Haley-Approve Mr. Hilliard-Approve

Ms. Mershon-Approve Chairman Antey-Approve

Motion Carried 6 – 0

Randy Diehl gave the staff report for Peaceful Ridge:

Since this is major plat, more than 3 lots, the preliminary plat requires approval.

The preliminary plat was received on February 7, 2020.

Stormwater & Erosion: No areas of concern. Area is outside of any flood hazard area.

Engineering: No areas of concern. The Missouri Department of Transportation will determine the locations of driveways along 150 Highway. Driveway locations along Hutt Road will be determined by the County.

Water District 15: Water District requires a feasibility study. District states there is a 12 inch line and no issues with getting meters.

Lone Jack Fire District: Requires hydrants.

Environmental: Lots will be served by individual on-site waste water systems. Location and size of systems are determined at the time of building permit applications.

The layout, as presented, is in compliance with Section 24004.4 Residential Ranchette District (RR) of the Unified Development Code and the Master Plan of Jackson County.

COMMENTS:

Staff recommends APPROVAL of Preliminary subdivision plat Peaceful Ridge. Subject to compliance with comments noted in this report and the condition that it may require future additions, deletions, and or corrections through reviews by staff.

Mr. Antey: My question is regarding the access for the two 10 acre tracts. It's pretty limited spot where they can be. I assume there may be some adjustment if necessary?

Mr. Diehl: Yes. Given that MoDOT will determine the access onto Route 150, there may be a need for some adjustment of that driveway location. Typically MoDot likes to have as few as possible driveway. They may have some lots share access point onto 150.

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

Mr. Tarpley: Is there any line of sight issues?

Mr. Diehl: No. That area is fairly flat. We'll determine the access onto Hutt Road. For the corner lot, we will not allow any access within 200 feet off the intersection.

Mr. Tarpley moved to approve the preliminary plat of Peaceful Acres.

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

March 19, 2020

RE: RZ-2020-577

Applicant: Steven E Accurso

Location: Northeast corner of 150 Highway and Hutt Road

Area: 80.00 ± acres in Section 24, Township 47, Range 30

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

Purpose: Applicant is requesting the change in zoning for 13, single-family residential lots.

Current Land Use and Zoning in the Area:

The zoning in the immediate area is Agricultural.

Land use is single family residences on properties ranging from 5 acres and up. Some large acreage tracts are farmed.

The applicant is proposing 13 single family lots. Eleven of the lots are 5 and 6 acres in size. There are two 10 acre tracts as well.

The applicant is working with the Missouri Department of Transportation for the location of driveways along 150 Highway. The County will determine the locations along Hutt Road.

These size lots are fairly typical of the surrounding area and would not be out of character of the adjacent properties.

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

Residential Ranchette is appropriate for the SDT.

Recommendation:

Staff recommends APPROVAL of RZ-2020-577.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

SUBDIVISION REPORT

By Randy Diehl

Planning Commission

March 19, 2020

RE: Peaceful Ridge

APPLICANT/DEVELOPER: John & Carolyn Hedgecock

The preliminary plat was received on February 7, 2020.

Stormwater & Erosion: No areas of concern. Area is outside of any flood hazard area.

Engineering: No areas of concern. The Missouri Department of Transportation will determine the locations of driveways along 150 Highway. Driveway locations along Hutt Road will be determined by the County.

Water District 15: Water District requires a feasibility study. District states there is a 12 inch line and no issues with getting meters.

Lone Jack Fire District: Requires hydrants.

Environmental: Lots will be served by individual on-site waste water systems. Location and size of systems are determined at the time of building permit applications.

The layout, as presented, is in compliance with Section 24004.4 Residential Ranchette District (RR) of the Unified Development Code and the Master Plan of Jackson County.

COMMENTS:

Staff recommends APPROVAL of Preliminary subdivision plat Peaceful Ridge. Subject to compliance with comments noted in this report and the condition that it may require future additions, deletions, and or corrections through reviews by staff.

RZ-2020-577
Steven E Accurso



Lone Jack

AG

RE

AG

AG

RR

GB

AG

Lone Jack

HUNTER LN

E 50 HWY WB

E 50 HWY EB

S HUTT RD

S HUTT RD

E 150 HWY

W W ST

W NICHOLAS DR

W CANNON DR

W RAMP W

E RAMP E



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 4, 2020

RE: Public Hearing: RZ-2020-577
Steven E Accurso

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 Steven E Accurso a change of zoning from District AG (Agricultural) on an 80.00 ± acre tract to District RR (Residential Ranchette). The purpose is to create 13 residential lots in Section 24, Township 47, Range 30, at 150 Highway and Hutt Road, Jackson County, Missouri

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, March 19, 2020 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 881-4649.

Sincerely,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Plan Commission March 19, 2020
 RZ-2020-577

Property Owners Within 300 feet

Parcel	Name	Address	City	State	Zip
73-100-03-02-00-0-00-000	GIBSON WILLIAM R TRUST	37411 E FAULKENBERRY RD	LONE JACK	MO	64070
73-100-03-03-00-0-00-000	WALKER SHIRLEY B	801 SE BATTERY DR UNIT 117	LEES SUMMIT	MO	64063
73-140-05-03-00-0-00-000	WALKER ALFORD H & SHIRLEY B	801 SE BATTERY DR UNIT 117	LEES SUMMIT	MO	64063
73-140-05-05-00-0-00-000	MOEHLE VINCENT	1612 NW NICHOLAS DR	GRAIN VALLEY	MO	64029
73-140-05-06-00-0-00-000	MOEHLE VINCENT	1612 NW NICHOLAS DR	GRAIN VALLEY	MO	64029
73-200-04-04-00-0-00-000	HEDGPETH THOMAS E & JANICE A-TR	33800 E OUTER BELT RD	LEES SUMMIT	MO	64086
73-200-04-13-00-0-00-000	LONG MEGAN	13610 S HUTT RD	LEES SUMMIT	MO	64086
73-200-04-14-00-0-00-000	FELIX BRIAN & AMANDA	13616 S HUTT RD	LEES SUMMIT	MO	64086
73-200-04-15-00-0-00-000	HEFLEY JAMES GRANT II & SARA ELIZABETH	13620 S HUTT RD	LEES SUMMIT	MO	64086
73-600-01-14-00-0-00-000	CROWELL TAMARA E	4121 SW LEEWARD DR	LEES SUMMIT	MO	64082
73-600-02-06-00-0-00-000	HAMMOND RICKLAND E & ROSALINDA T-TR	34309 E OUTERBELT RD	LONE JACK	MO	64070
73-600-02-07-00-0-00-000	WILLYARD BOB D & BOBBIE K	34029 E OUTER BELT RD	LONE JACK	MO	64070
73-600-02-08-00-0-00-000	BARTOW DANNY & KATHY	34105 E 150 HWY	LONE JACK	MO	64070
73-600-02-09-00-0-00-000	DEINES ROGER L & AMY J	13909 S HUTT RD	LONE JACK	MO	64070
73-600-02-11-00-0-00-000	STEVENSON CLINT ALLEN & ANGELA DIANE-TRS	34405 E OUTER BELT RD	LONE JACK	MO	64070
73-600-02-12-00-0-00-000	TRAMMELL MARK L & CYNTHIA D-TR	34601 E OUTER BELT RD	LONE JACK	MO	64070
73-600-02-13-00-0-00-000	POWELL KEVIN & LAURA	34703 E OUTER BELT RD	LONE JACK	MO	64070
73-500-01-01-00-0-00-000	INDEP COMMERCIAL INVESTMENT CO LLC	1120 NW EAGLE RIDGE BLVD	GRAIN VALLEY	MO	64029
73-100-03-04-00-0-00-000	ACCURSO STEVEN E-TRUSTEE	PO BOX 290	LONE JACK	MO	64070

**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- 2020-577
Date filed 2-7-2020 Date of hearing 3-19-2020
Date advertised 3-4-2020 Date property owners notified 3-4-2020
Date signs posted 3-4-2020
Hearings: Heard by AC Date 3-19-20 Decision _____
Heard by LJ Date _____ Decision _____
Heard by LG Date _____ Decision _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):

- a. Applicant(s) Name: Steven E Accurso
Address: PO Box 290
Lone Jack, MO 64070
Phone: 816-699-4042
- b. Owner(s) Name: Steven E Accurso Trust U/T/A dtd 6/7/11
Address: PO Box 290, Lone Jack, MO 64070
Phone: 816-699-4042
- c. Agent(s) Name: Karen Lux, Realty Executives of Kansas City

Address: 37904 E US 50 Hwy, Suite B, Lone Jack, MO 64070

Phone: 816-697-4000

- d. Applicant's interest in Property: Owner/Developer
2. General location (Road Name) NE Corner of 150 Hwy and Hutt Rd
Lone Jack, MO
3. Present Zoning agricultural Requested Zoning residential
4. AREA (sq. ft. / acres) 80 acres+-
5. Legal Description of Property: (Write Below or Attached 9)
South 1/2 of the SW 1/4 of Section 24, Township 47, Range 30 Jackson County, MO
6. Present Use of Property: agriculture - crop/hay
7. Proposed Use of Property: platted 5-10 acre tracts of land
8. Proposed Time Schedule for Development: March/April 2020
9. What effect will your proposed development have on the surrounding properties?
Increase in traffic
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 PWSD#15 - no effect - water district has stated 12 inch line and no issue getting meters
 - b. Sewage disposal Private Wastewater Systems Installed Per Jack County Guidelines
 - c. Electricity Evergy - company representative has stated no issue with availability
 - d. Fire and Police protection No issue - fire hydrants will be required to install
12. Describe existing road width and condition: Hutt Rd and 150 Hwy are both approx. 30 feet wide with more ROW - both in good condition.

13. What effect will proposed development have on existing road and traffic conditions? Already met with State Hwy Dept and no issues getting entrances off of 150 Hwy.
Slight increase in traffic; however, easy access to 50 Hwy so not much distance to have more travelers.

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? _____

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 1-31-2020
Property Owner(s) [Signature] _____

Applicant(s): [Signature] _____ Date 1-31-2020 _____

Contract Purchaser(s): _____

STATE OF Missouri
COUNTY OF Jackson

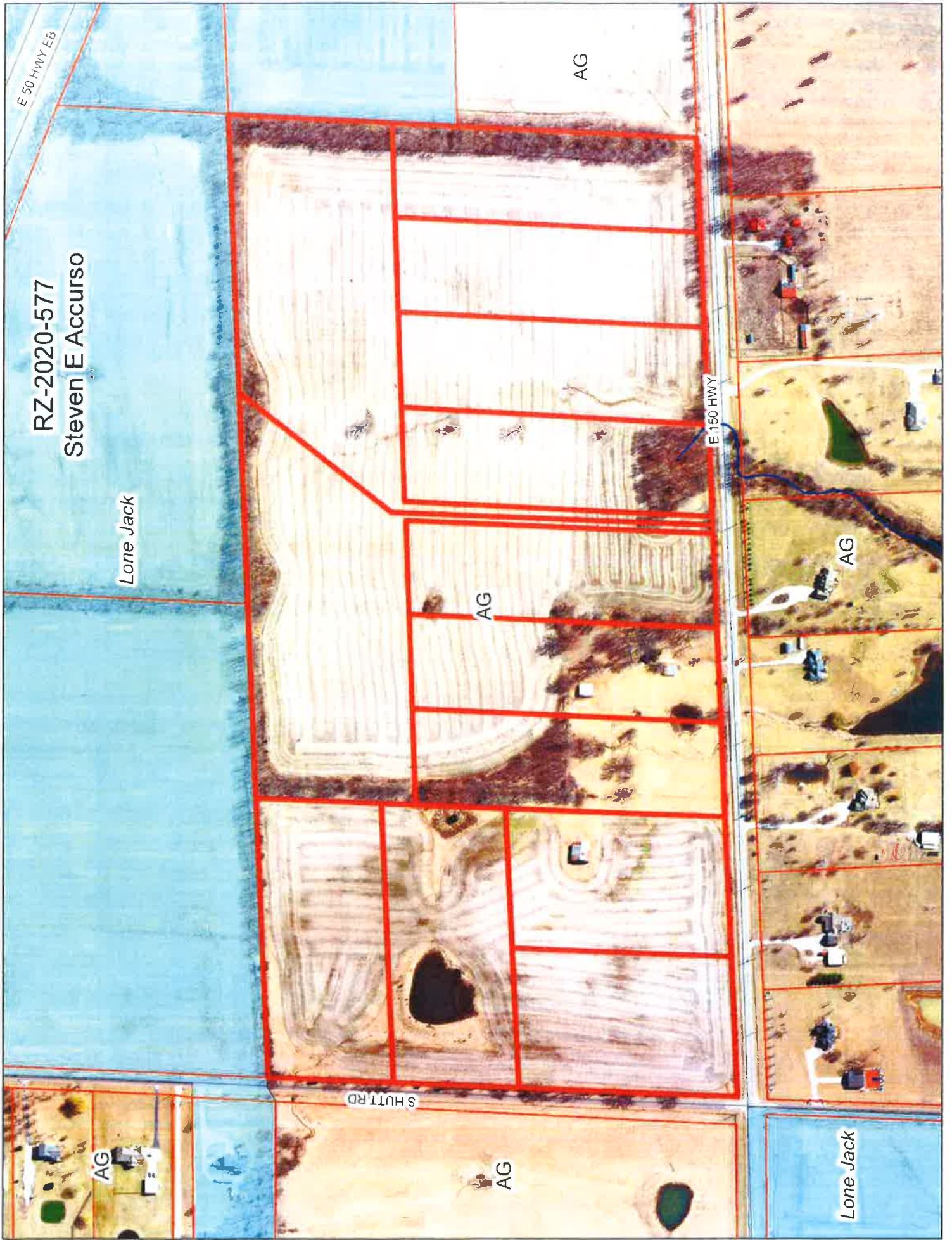
On this 30th day of January, in the year of 2020, before me the undersigned notary public, personally appeared Steven E Accurso

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 Karen R Lux Commission Expires 8/11/2020





RZ-2020-577
Steven E Accurso

Lone Jack

AG

AG

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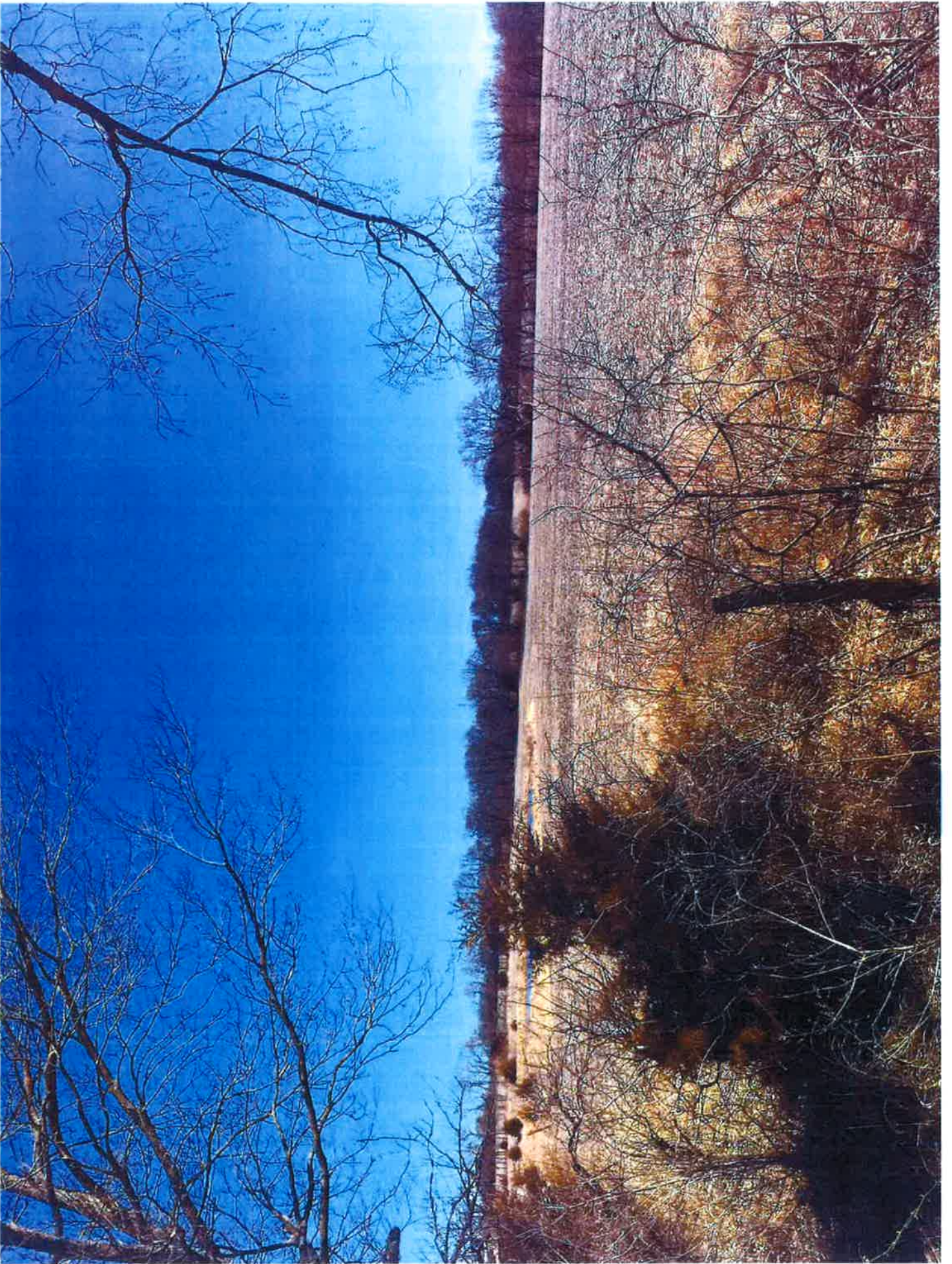
AG

Lone Jack

SHUTT RD

E 150 HWY

E 50 HWY EB





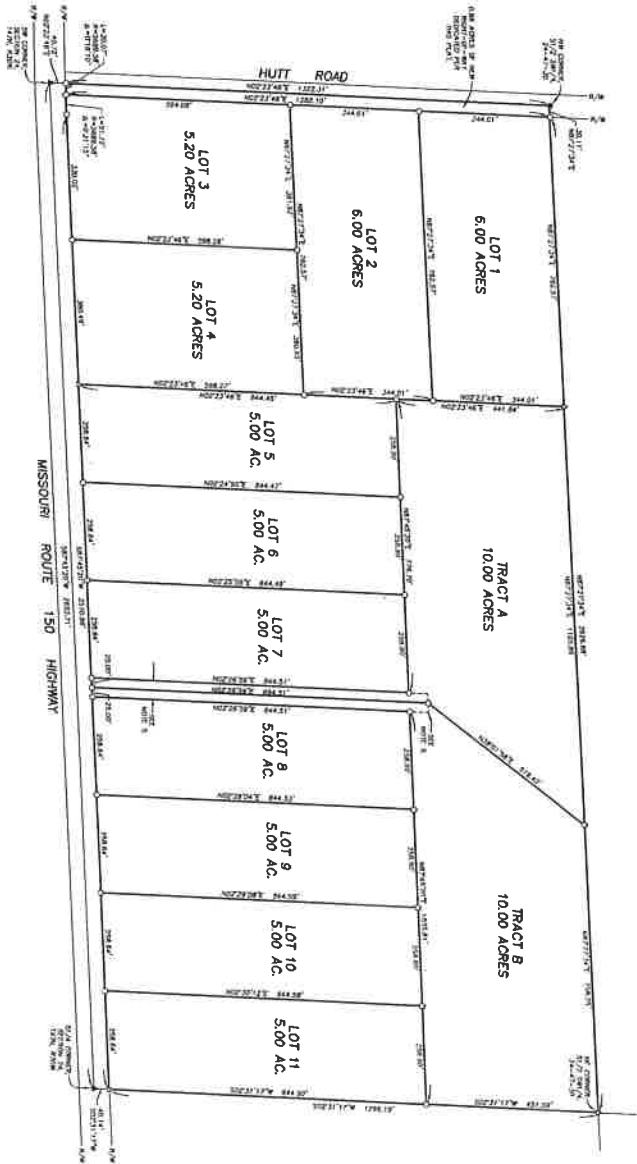








PEACEFUL RIDGE
 PRELIMINARY PLAN
 IN THE S 1/2 SW 1/4 SECTION 34, T47N, R30W,
 JACONSON COUNTY, MISSOURI



- 1 - 1/4" = 100'
- O - 8 1/2" Iron Stake
 - M - 1/2" Iron Stake
 - D - 8 1/2" Iron Stake
 - A - 7/8" Iron Stake

- TITLES**
1. Record Title & Record Title of the land
 2. Record Title of the land
 3. Record Title of the land
 4. Record Title of the land
 5. Record Title of the land
 6. Record Title of the land
 7. Record Title of the land
 8. Record Title of the land
 9. Record Title of the land
 10. Record Title of the land
 11. Record Title of the land

SISCO LAND SURVEYING, LLC 12345 Main Street Lincoln, MO 64501 Phone: (417) 555-1234 Fax: (417) 555-5678 Email: info@sisco-surveying.com		PROJECT # SS-20-20	
PREPARED BY SISCO SURVEYING FOR LOVE, MO 64070		DATE: FEBRUARY 8, 2020	

NOT TO SCALE
 THIS PLAN IS A PRELIMINARY PLAN AND DOES NOT CONSTITUTE A FINAL SURVEY. IT IS SUBJECT TO CHANGE WITHOUT NOTICE. THE SURVEYOR'S LIABILITY IS LIMITED TO THE STATE OF MISSOURI.