

REQUEST FOR LEGISLATIVE ACTION

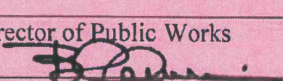
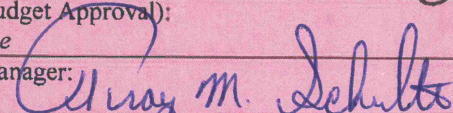
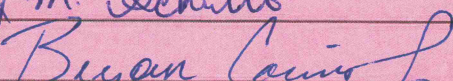
Version 6/10/19

Completed by County Counselor's Office:

Res/Ord No.: 5430

Sponsor(s):

Date: October 19, 2020

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Pamela Stepp - RZ-2020-588</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>\$</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:</td><td>\$</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: _____ 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:	\$
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Total amount authorized after this legislative action:	\$											
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 9.00 ± acre tract to District RE (Residential Estates). The purpose is to create three single family residential lots in Section 33, Township 48, Range 30 at 29906 S. Perdue Road, Jackson County, Missouri. 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 24, 2020 and accepted testimony pertaining to the rezoning request. The Plan Commission voted 7 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	Attachment 1: Property Description. Attachment 2: Zoning Support Documents											
REVIEW	Department Director: Brian D. Gaddie, P.E. Director of Public Works 	Date: <u>9.30.20</u>										
	Finance (Budget Approval): <i>If applicable</i>	Date: _____										
	Division Manager: 	Date: <u>10-12-2020</u>										
	County Counselor's Office: 	Date: <u>10/14/20</u>										

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.

RZ-2020-588

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

All that part of the East Half of the South half of the Southeast Quarter of the Southwest Quarter of Section 33, Township 48, Range 30, in Jackson County, Missouri, more particularly described as; Beginning at the Southeast corner of the East Half of the South Half of said Quarter Quarter section; thence North 01 degrees, 48 minutes, 51 seconds East, along the East line of the East half of the South half of said Quarter Quarter section, a distance of 663.77 feet; thence North 88 degrees, 26 minutes, 22 seconds West, along the North line of the East Half of the South Half of said Quarter Quarter, a distance of 615.42 feet, to a point on the East right of way line of Purdue Road as now established; thence in a Southerly and Easterly direction, the following 3 courses, along the Right-of-Way of said Purdue Road; thence South 01 degrees, 45 minutes, 05 seconds West, a distance of 625.10 feet; thence South 88 degrees, 33 minutes, 51 seconds East, a distance of 466.64 feet; thence South 02 degrees, 29 minutes, 07 seconds West, a distance of 40.01 feet, to a point of the south line of the East Half of the South Half of said Quarter Quarter section; thence South 88 degrees, 33 minutes, 51 seconds East, along said line, a distance of 148.57, to Point of Beginning.

RZ-2020-588

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Public Hearing Summary from September 24, 2020 Plan Commission
Staff Report
Location Map
Map showing current zoning district in area
Names/Addresses of Surrounding Property Owners
Copy of letter to said property owners
Application
Preliminary Plat of Butterfly Meadows

Randy Diehl gave the staff report:

RE: RZ-2020-588

Applicant: Pamela Stepp

Location: 29906 S. Perdue Road

Area: 9.00 ± acres

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

Purpose: To create three single family residential 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 and some agricultural uses. Lake Lotawana is to the West.

Along Perdue Road there are 7 subdivisions with lot sizes ranging from 1 to 5 acres in size. These were all developed prior to the Unified Development Code (UDC) and therefore remain within district AG (Agricultural). To the South is District RR, rezoned in 2017. The rest of the surrounding properties are in District AG and range from 1.5 acres to larger in size.

The applicant owns approximately 9.00 acres and is wanting to divide it into three lots. Lot 1 will contain the existing residence.

County Plan:

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

The Residential Estates is appropriate for the Urban Development Tier.

Recommendation:

Staff recommends APPROVAL of RZ-2020-588

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

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

Mr. Antey: Where will the access be?

Mr. Diehl: Driveway access locations are determined as part of the plat review process. This area is relatively flat, more than likely there will not be any restrictions on any of those locations. If there are any, they will be noted on the plat.

Mr. Tarpley: So there will be just two new houses?

Mr. Diehl: Yes. Lot 1 contains the existing residence.

Mr. Akins: Do any of those ponds serve as effluent ponds?

Mr. Diehl: No. Those are natural ponds.

Mr. Tarpley: Will there be any septic systems?

Mr. Diehl: Yes. As part of the building permits application process, engineered waste water system plans will need to be submitted for review.

Mr. Antey: *Is the applicant here?*

Pamela Stepp: 310 NE Landings Drive, Lees Summit

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

Ms. Stepp: No.

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?*

Stacie Myers, 10511 S Perdue Road. I live to the north of this property. Are concern was what acreage size for lots were allowed. Our attorney said nothing under 5 acres, someone told my husband nothing under 6 acres, and they are proposing 3 acres.

My concern this the split where the two ponds are. You going to put a septic system there. Where is it going? We are all about progress. We would like to see 5 acre lots.

Mr. Antey: I'm not sure where they got their information. I can tell you there are two different designations, Residential Ranchette, which is a 5 acre minimum, and Residential Estates, which is a 3 acre minimum. The 3 acre is appropriate for this area. As stated, before a building permit can be issued, a waste water system would need to be designed for that particular piece of property.

Mr. Tarpley: How big is your lot?

Ms. Myers: We have 10 acres.

Mr. Tarpley: And you are on septic as well?

Ms. Myers: Yes.

Mr. Diehl: During the plat review process we also take a look at the natural drainage and if appropriate, we will buffer those with a No Build Zone in order to keep them as natural as possible. Septic systems have to maintain certain distances as well. Those buffer areas can range from 75 to 150 feet.

Mr. Crawford: Didn't we just recently approve a similar rezoning to the north of here?

Mr. Diehl: Yes, there was a two lot subdivision rezoned to Residential Estates. The Urban Development Tier allows down to a 3 acre minimum.

Motion to take under advisement.

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

Discussion under advisement

Mr. Crawford moved to approve. Ms. Mershon seconded.

Mr. Akins	Approve
Mr. Tarpley	Approve
Mr. Crawford	Approve
Mr. Haley	Approve
Mr. Hilliard	Approve
Ms. Mershon	Approve
Chairman Antey	Approve

Motion Carried 7 – 0

STAFF REPORT

PLAN COMMISSION September 17, 2020

RE: RZ-2020-588

Applicant: Pamela Stepp

Location: 29906 S. Perdue Road

Area: 9.00 ± acres

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

Purpose: To create three single family residential 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 and some agricultural uses. Lake Lotawana is to the West.

Along Perdue Road there are 7 subdivisions with lot sizes ranging from 1 to 5 acres in size. These were all developed prior to the Unified Development Code (UDC) and therefore remain within district AG (Agricultural). To the South is District RR, rezoned in 2017. The rest of the surrounding properties are in District AG and range from 1.5 acres to larger in size.

The applicant owns approximately 9.00 acres and is wanting to divide it into three lots. Lot 1 will contain the existing residence.

County Plan:

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Recommendation:

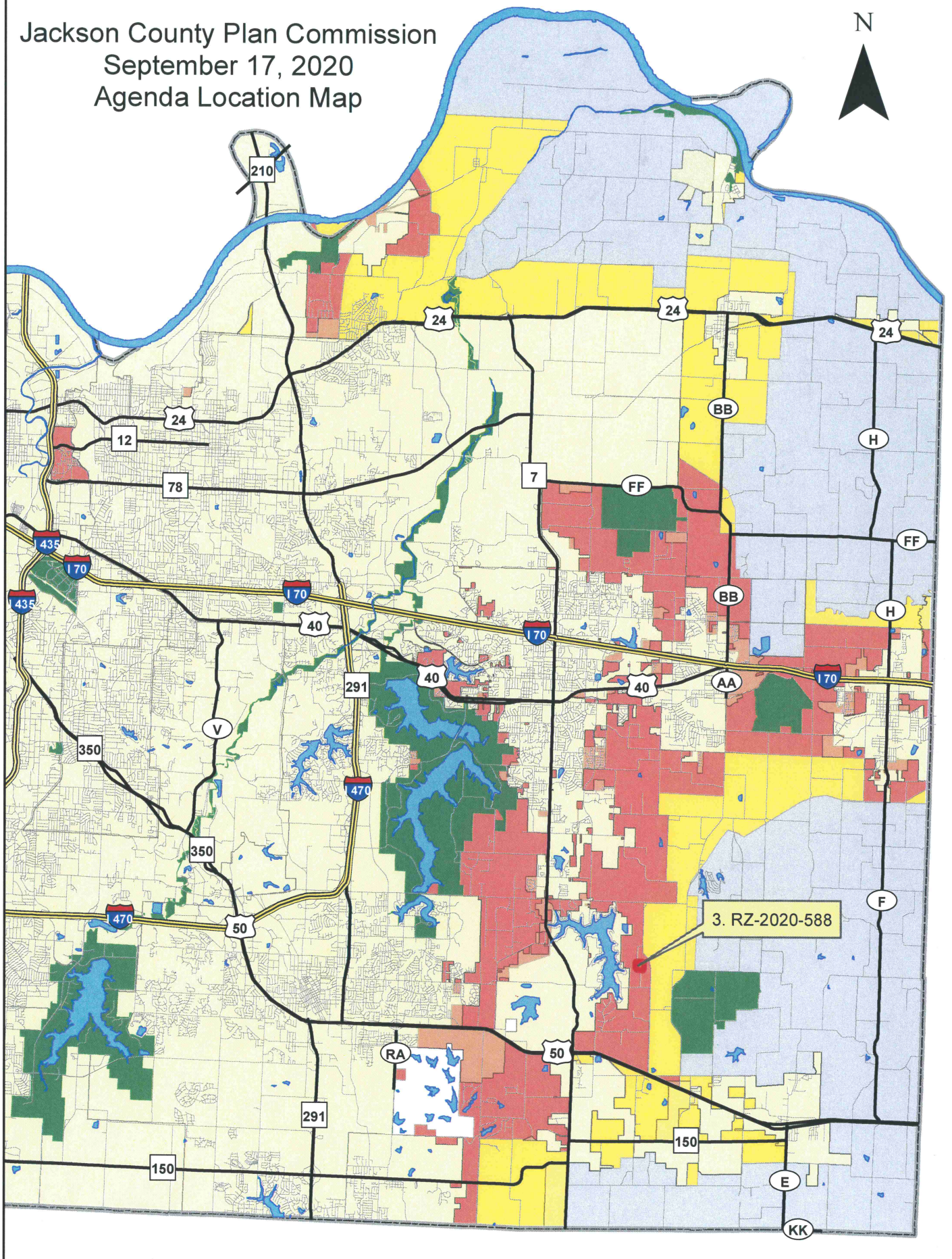
Staff recommends APPROVAL of RZ-2020-588

Respectfully submitted,

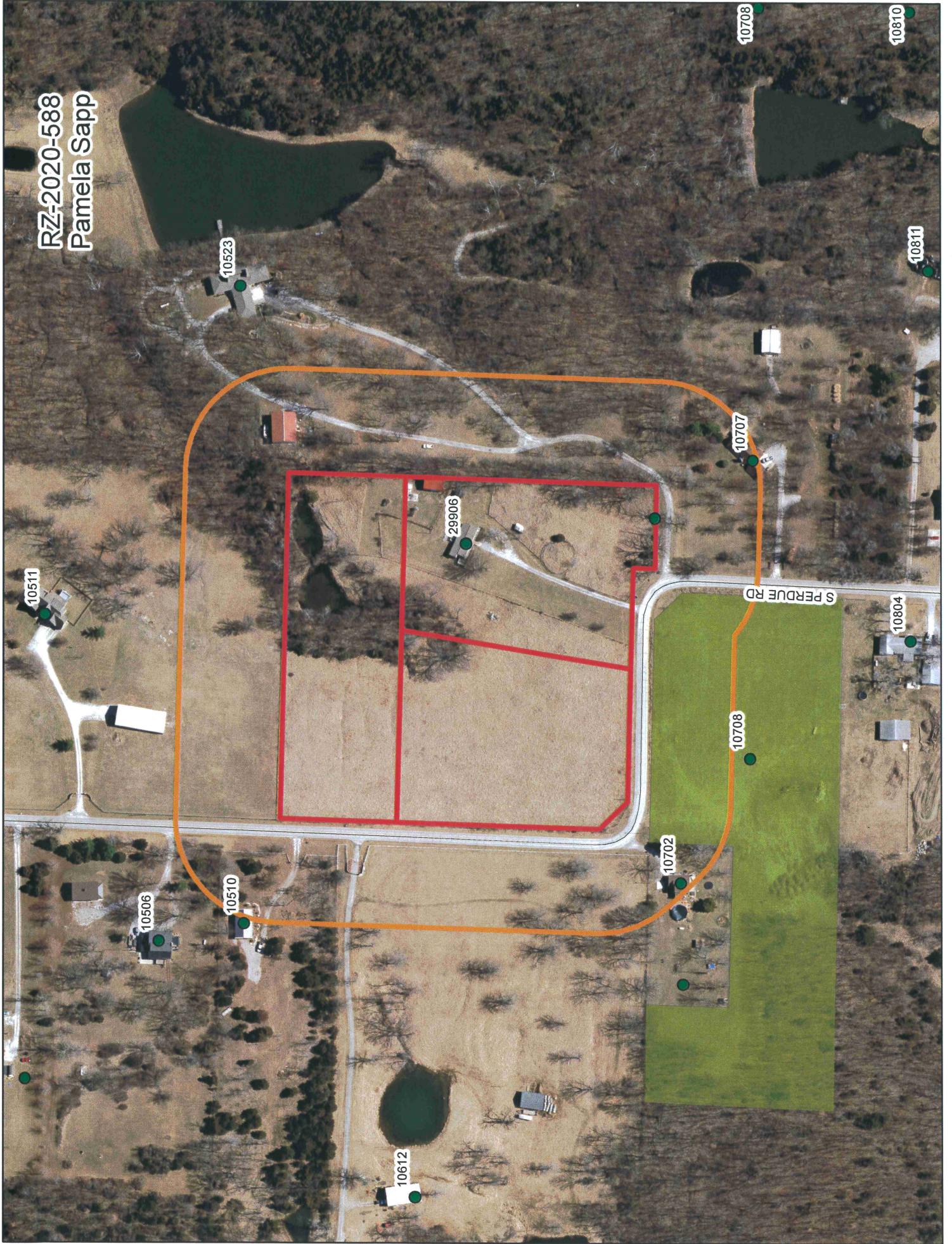
Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
September 17, 2020
Agenda Location Map

N



RZ-2020-588
Pamela Sapp



Plan Commission September 17, 2020

RZ-2020-588

Property Owners Within 185 feet

Name	Name	Address	City	State	Zip
59-120-01-18-00-0-00-000	ANDES DUSTY R & REBECCA J	3820 NE CORAL DR	LEE'S SUMMIT	MO	64064
54-700-03-34-02-1-00-000	SHELTON ERIC & MELISSA	10506 S PERDUE RD	GRAIN VALLEY	MO	64029
54-700-03-33-00-0-00-000	RUDOLPH TODD E & JACQUELYN M	9415 PLEASANT AVE	KANSAS CITY	MO	64138
54-700-03-32-00-0-00-000	L M J J TRUST	10612 S PERDUE RD	GRAIN VALLEY	MO	64029
59-100-01-22-00-0-00-000	BOWLIN ROBERT D & ANGELA M	10707 S PERDUE RD	GRAIN VALLEY	MO	64029
59-120-01-01-02-0-00-000	CRAGG RANDALL D & KAREN M	10702 S PERDUE RD	GRAIN VALLEY	MO	64029
59-100-01-04-00-0-00-000	BROWN ALYN & JULIE	10523 S PERDUE RD	GRAIN VALLEY	MO	64029
54-700-04-03-00-0-00-000	BROWN ALYN & JULIE	10523 S PERDUE RD	GRAIN VALLEY	MO	64029
54-700-03-08-01-0-00-000	MYERS WILLIAM H III & STACIE L	10511 S PURDUE	GRAIN VALLEY	MO	64029
54-700-03-08-02-0-00-000	STEPP PAMELA	310 NE LANDINGS DR	LEE'S SUMMIT	MO	64064



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 2, 2020

RE: Public Hearing: RZ-2020-588
Pamela Stepp

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 Pamela Stepp for a change of zoning from District AG (Agricultural) on a 9.00 ± acre tract to District RE (Residential Estates). The purpose is to create three single family residential lots in Section 33, Township 48, Range 30 at 29906 S. Perdue 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 185' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, September 17, 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,

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**

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- 2020-588

Date filed 7-31-2020 Date of hearing 9-17-2020

Date advertised 9-2-2020 Date property owners notified 9-2-2020

Date signs posted 9-2-2020

Hearings: Heard by PC Date 9-17-2020 Decision _____

Heard by LW Date _____ Decision _____

Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):
 - a. Applicant(s) Name: Pamela Stepp
 - Address: 310 NE. Landings Dr
Lee's Summit, MO 64064
 - Phone: 816.260.7330
 - b. Owner(s) Name: same
 - Address: _____
 - Phone: _____
 - c. Agent(s) Name: NA

Address: _____

Phone: _____

d. Applicant's interest in Property: owner

2. General location (Road Name) Perdue Rd.

3. Present Zoning Agriculture Requested Zoning ~~Agriculture~~ RE

4. AREA (sq. ft. / acres) 9 acres

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

See prelim plat

6. Present Use of Property: agriculture

7. Proposed Use of Property: agriculture - SINGLE FAMILY RESIDUAL

8. Proposed Time Schedule for Development: no schedule

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

NA

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? No

11. Describe the source/method which provides the following services, and what effect the development will have on same:

a. Water PWSD #15

b. Sewage disposal Septic

c. Electricity Energy

d. Fire and Police protection Lone Jack - SHERIFF OFC

12. Describe existing road width and condition: 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

Property Owner(s)

Pamela Stepp

Date

7/29/2020

Applicant(s):

Pamela Stepp

7/29/2020

Contract Purchaser(s):

STATE OF _____

COUNTY OF _____

On this 29th day of July, in the year of 2020, before me the undersigned notary public, personally appeared Pamela Stepp

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

Candace Lena Marie Hall

Commission Expires

9/29/2023

Candace Lena Marie Hall
Notary Public-Notary Seal
STATE OF MISSOURI-LAFAYETTE COUNTY
My Commission Expires September 29, 2023
Commission # 15999901

PRELIMINARY PLAT

LEGAL DESCRIPTION:

The undersigned proprietors of the herein described tract have caused the same to be subdivided in the manner shown on the accompanying plat, which plat and plot shall hereafter be known as: ELLIOTTERLY MEADOWS

IN TESTIMONY WHEREOF, Pamela Stepp, have caused these presents

Pamela Stepp
Candidate: Lene Maria Hall
Race: Public-Notary Seal
STATE OF MISSISSIPPI-CLAYETTE COUNTY
My Commission Expires September 28, 2025

STATE OF MISSOURI } SS
Commissioner of Education

On this 24th day of July, 2020, before me personally appeared Pamela Stepp who by me sworn that she is the person described in and who executed the foregoing instrument and she acknowledged that she executed the same as her free act and deed.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my
 official seal of my office the day and year last written above.

My Commission expires: 7/14/2025

COUNTY APPROVALS

Public Works Department!

APPROVED: _____
Jackson County Assessor


Date _____


I hereby certify that, as the Secretary of Beltway Members, I have surveyed the described property and submitted the same to the Missouri State Board of Surveyors with the current statement of value as required by the Missouri Minimum Standards for the current valuation of property as adopted by the Missouri Board for Architects, Professional Engineers, and Land Surveyors. I further certify that this plot meets or exceeds all County ordinances and standards. Further, I certify that the bearings shown on this plot are true and correct, based on the State Plane Coordinate System of Missouri, Western Zone of the National American Edition of 1983, that the section and township were found or set as monuments and the survey was conducted in accordance with the laws and regulations of the State of Missouri. I further certify that all of the information contained on this plot is true and accurate to the best of my professional knowledge and belief.


Branton E. Ludwig, PLS 2006016633
FEB. 20, 2020




EXISTING	PROPOSED	PROPOSED	PROPOSED
Section Line	Right-of-Way Line	Existent	Assigned by
Existing Section Line	Existing Right-of-Way Line	Existing Existent	Address Assigned by
Existing Right-of-Way Line	Existing Storm Sewer	Existing Storm Structure	Existing Waterline
Existing Storm Sewer	Existing Storm Structure	Existing Waterline	Existing Gasline
Existing Storm Structure	Existing Waterline	Existing Gasline	Existing Sewer
Existing Waterline	Existing Gasline	Existing Sewer	Existing Electric
Existing Gasline	Existing Sewer	Existing Electric	Existing Telephone
Existing Sewer	Existing Electric	Existing Telephone	Existing Cable
Existing Electric	Existing Telephone	Existing Cable	Existing Fiber Optic
Existing Telephone	Existing Cable	Existing Fiber Optic	Existing Other
Existing Cable	Existing Fiber Optic	Existing Other	
Existing Fiber Optic	Existing Other		
Existing Other			

1.  Denotes found monumentation as noted.

2.  Denotes Set 1/2" bar with Plastic Cap LS 2006016633.

3.  Denotes Missouri State Plane Grid Coordinates.

4.  Denotes Missouri State Plane Grid Coordinates.

B/L = BUILDING LINE
U/E = UTILITY EASEMENT
R/W = RIGHT-OF-WAY
P/L = PROPERTY LINE

1. Parent tract of this survey is Doc # 2011E0120173.
2. This survey meets or exceeds the accuracy of a class "Urban Property" survey.
3. KC Metro Control Monument UA-34 Reset was used to establish MO State Plane

LAND SURVEYORS
Derek Rohrer
33604 E. 235th Street
Pleasant Hill, Missouri 64080
816-399-6621
Missouri Certificate of Authority
29500 East Alley Rd.
Lake Lotawana, MO 64086
roherdevelopment@gmail.com
816-314-0862

