

# JACKSON COUNTY PLAN COMMISSION

## SUMMARY OF PUBLIC HEARING

Date: May 16, 2024

Place: Historic Truman Courthouse  
Large Conference Room, 2<sup>nd</sup> Floor  
112 W. Lexington, Independence, MO

Attendance: Larry Antey – Chairman

Ralph Monaco  
William Farrar  
Denise Ryerkerk  
Justice Horn  
Jack Crawford

Staff: Randy Diehl  
Amy Keister  
Whitney Miller

### **Call to Order/Roll Call**

Chairman Antey call to order the meeting of the Plan Commission at 8:30 am and asked the roll call to be taken. Mr. Lake will not be in attendance for today's meeting.

Mr. Diehl introduced Justice Horn as the newest appointee to the Commission.

### **Approval of Record**

Mr. Antey made a motion to approve the record of March 21, 2024.  
Ralph Monaco approved. Jack Crawford seconded.

### **Public Hearings**

Chairman Antey swore in all persons who would like to give testimony at the public hearings.

**Randy Diehl gave the staff report:**

**RE: RZ-2024-674**

**Applicant:** Jeffrey & Kim Frye

**Location:** 26105 E Wyatt Road

**Area:** 0.64 ± acres

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

**Purpose:** Merging additional property into the existing residential lot.

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

The existing 3.00 acre lot was rezoned in November 2021 and subsequently platted as a single lot.

The applicants purchased the existing lot in January. In February they purchased an additional 0.65 acres at the Southeast corner of the lot.

Along with the rezoning, the lot will be replatted to absorb the include the addition land.

**County Plan:**

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

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2024-674.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

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

Mr. Monaco: Why would they not want to do this?

Mr. Diehl: By consolidating the pieces, this would eliminate the line between the two pieces if they were ever to put an outbuilding in that area. Otherwise, there would be an arbitrary line that would require a setback to be adhered to. It's better to join them into one lot with a replat.

Mr. Crawford: How was it (the new piece) platted before?

Mr. Diehl: It is a piece of ground they acquired from the adjacent property owner.

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

Jeffrey Frye: 4805 SW 3<sup>rd</sup> Street, Blue Springs.

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

Mr. Frye: No, what he said is accurate.

Mr. Farrar: Have you had any feedback from the neighbors?

Mr. Frye: No.

Mr. Diehl: The property to the East is a self-storage facility and a 3.00-acre residential lot. The property owner to the West is who they bought the lot from and who is also selling them the 065 acres.

**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. Farrar moved to take under advisement. Mr. Monaco seconded.

*Discussion under advisement*

Mr. Monaco moved to approve. Mr. Farrar seconded.

Mr. Monaco	Approve
Mr. Farrar	Approve
Mr. Crawford	Approve
Ms. Ryerkerk	Approve
Mr. Horn	Approve
Chairman Antey	Approve

Motion Carried 6 – 0

**Randy Diehl gave the staff report:**

**RE: RZ-2024-675**

**Applicant:** Bryan Stockton and Dennis & Diane Epperson

**Location:** 1719 & 1709 S. Buckner Tarsney Road

**Area:** Two 0.85 ± acre tracts

**Request:** Change of zoning from District AG (Agricultural) on 0.85 ± acres to District RR (Residential Ranchette) and a change of zoning from District RR (Residential Ranchette) on 0.85 ± acres to District AG (Agricultural).

**Purpose:** The purpose is to align the zonings with the new property lines.

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

The applicants re-aligned their property lines by deed last October. There is an outbuilding that was bisected by the property line. Both owners deeded amounts of land remove the encroachment of the building.

The property at 1719 was rezoned to District RR in May of 1998. The tract was not required to be platted since it was created in 1968, prior to the adoption of the subdivision requirements in 1978.

**County Plan:**

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

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2024-675.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

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

Mr. Antey: Will they need to plat the property?

Mr. Diehl: Yes, since they have altered the grandfathered configuration of the rezoned tract, it will need to now be platted. The AG piece is not required to be platted.

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

Bryan Stockton: 1719 S. Buckner Tarsney Road.  
Dennis Eppeson: 1709 S. Buckner Tarsney Road.

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

Mr. Eppeson: A few years back my wife and his fiancé decided to rescue some horses. We put up a barn. He's now wanting to sell and we want to clean up the property lines.

**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. Crawford moved to take under advisement. Mr. Farrar seconded.

*Discussion under advisement*

Mr. Crawford moved to approve. Mr. Farrar seconded.

Mr. Monaco	Approve
Mr. Farrar	Approve
Mr. Crawford	Approve
Ms. Ryerkerk	Approve
Mr. Horn	Approve
Chairman Antey	Approve

Motion Carried 6 – 0

**Randy Diehl gave the staff report:**

**RE: RZ-2024-676**

**Applicant:** Scott & Tammy Lightner

**Location:** 8504 S. Hillside School Road

**Area:** 5.5 ± acres

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

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

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

The zoning in the area is Agricultural. Land use is single-family residences.

There are a few same size lots in the area. To the North are platted lots created prior to the adoption of the Unified Development Code in 1995. Along Cummins Road there are a couple of lots that are within District RR.

The remaining acreage will be divided into larger tracts both of which will be over 10 acres in size. These tracts will remain within District AG.

**County Plan:**

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

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2024-676.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

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

There were none.

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

Scott Lightner: 8504 S. Hillside School Road.

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

Mr. Lightner: No, I don't.

**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. Monaco moved to take under advisement. Mr. Crawford seconded.

*Discussion under advisement*

Mr. Crawford moved to take under advisement. Mr. Crawford seconded.

*Discussion under advisement*

Mr. Crawford moved to approve. Mr. Monaco seconded.

Mr. Monaco	Approve
Mr. Farrar	Approve
Mr. Crawford	Approve
Ms. Ryerkerk	Approve
Mr. Horn	Approve
Chairman Antey	Approve

Motion Carried 6 – 0

**Randy Diehl gave the staff report:**

RE: RZ-2024-677

Applicant: Linda Strickland

Location: 12023 E. Faulkenberry Road

Area: 10.73 ± acres

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

Purpose: The purpose is to create two residential lots.

Current Land Use and Zoning in the Area:

The zoning in the area is Agricultural and some Residential.

The applicant wishes to divide the 10 acres into two single family lots. Residential Ranchette is appropriate the the Rural Development Tier. The minimum lot size for District RR is 5 acres, with a minimum width of 250 feet.

The road frontage falls short of the required 500-foot total. They are proposing a 3.00-acre and a 7.50-acre lot.

Staff looked at the surrounding properties to see if there were similar sized lots for comparison. Oak Shadows directly to the East consists of two lots. These lots are both less than 2.5 acres. Highland Ridge to the Southwest has 8 lots. Lot sizes range from 2.00 acres to 2.50 acres. Residential Estates would be an alternative district to accommodate the 3.00 acre minimum and the road frontage requirement. There have been eight approvals for District RE within the Rural Tier.

Staff feels that this would not be out of character with the surrounding properties. If there were no similar sized lots in the immediate area, there would be no reason to proceed with seeking approval of this request.

County Plan:

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



Recommendation:

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

Staff recommends APPROVAL of RZ-2024-677.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

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

Mr. Horn: Where is this located?

Mr. Diehl: It's North of Lone Jack in the Southeast part of the County.

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

Linda Strickland: 12023 S. Faulkenberry Road.

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

Ms. Strickland: No, I don't.

Mr. Crawford: How long have you been out there?

Ms. Strickland: About 6 or 7 years.

**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?**

Jason Defreese: 12114 S Outer Belt Road, Lone Jack. If this gets rezoned and divided there will be two homes next to me on what is now an open field.

Mr. Antey: There will be just one new home. The existing home will be on the other lot.

Mr. Defreese: I'll be surrounded by houses on all sides.

Mr. Antey: If you want the to remain undeveloped, the best way is to buy it.

Mr. Defreece: My concern is also access. My driveway comes across 12121 Faulkenberry. We share a driveway. If somebody put a house up, would they get their own driveway?

Mr. Antey: That would be determined when a home was going to be built.

Mr. Diehl: If the home would want to share your driveway, they would need to get your permission. The new lot has sufficient site distance or frontage that so sharing that driveway would not be an issue.

Mr. Horn: What is the issue? Is it sharing the driveway or the development of the property.

Mr. Defreece: We moved out to the Lone Jack area to be in the country. I understand there are other properties that are developed. If that gets sold and a home built, I'll have houses all around me.

Mr. Antey: That's we hear all the time is: "Everybody wants to preserve the country feel, but let's preserve it after I move out there and then shut the gate behind me". Everybody has the right to subdivide their property in accordance with the code. This one lot is almost twice the size of yours and they will have their own driveway.

Mr. Crawford: Your lot fronts Outer Belt Road but you access from Faulkenberry Road?

Mr. Defreece: Yes. It was like that when we bought it.

Mr. Diehl: When your lots were created (1984), the access easement was established at that time. More than likely there were sight distance issues and MoDOT was not going to allow a driveway along that lot frontage. The lot has frontage along a public road, but access is across the easement from Faulkenberry Road.

Mr. Crawford: The lots around you basically went through this same type of procedure.

Mr. Horn: I understand what you are talking about. My house is backed up to a nature reserve. If I found out house were ever going to go back there, I'd be upset. The decision before us is this piece of ground.

Ms. Stickland: I don't know what I am going to do with that vacant lot at this time. I may eventually build on it for myself or maybe my kids.

Motion to take under advisement.

Mr. Monaco moved to take under advisement. Mr. Horn seconded.

*Discussion under advisement*

Mr. Crawford moved to take under advisement. Mr. Crawford seconded.

*Discussion under advisement*

Mr. Crawford moved to approve. Mr. Monaco seconded.

Mr. Monaco	Approve
Mr. Farrar	Approve
Mr. Crawford	Approve
Ms. Ryerkerk	Approve
Mr. Horn	Approve
Chairman Antey	Approve

Motion Carried 6 – 0

**Randy Diehl gave the staff report:**

**RE: RZ-2024-678**

**Applicant:** Matthew Gratto

**Location:** 25700 E. Timber Meadows Court.

**Area:** 2.21 ± acres

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

**Purpose:** The purpose is to decrease the building setback requirements.

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

The zoning in the area is Agricultural and Residential.

Timber Meadows 6<sup>th</sup> Plat was created in 1985, prior to the adoption of the Unified Development Code in 1995. These lots are Legal Non-Conforming. As of 1995, residential lots under 10 acres are now required to be rezoned to a residential zoning.

The lot directly to the West was rezoned in 2004 for the same reason.

The applicant wishes to decrease the side yard setbacks for future construction. The rezoning will reduce the side yard setbacks from 30 feet to 15 feet, the rear yard setbacks from 50 feet to 20 feet.

The front setback is platted at 75 feet and will remain the same.

**County Plan:**

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

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2024-678.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

Mr. Antey: Will this still be considered legal-nonconforming due to the size since this is under 3 acres?

Mr. Diehl: No. District RE allows existing lots that are 2 acres in size to be rezoned. The applicant applied for a building permit for a pole barn that was 15 feet off the West property line. I called him and explained he was zoned as agricultural; he would need to be 30 feet from the line. I informed him that he would either adjust the building site location or have the property rezoned. He asked if a variance would help. I told him that since he was platted the rezoning would be the first thing we look at to reduce that setback. This would allow both side yard or the rear yard line to diminish. A variance is basically a last ditch effort to allow the adjustment and only applies to one side at the location of the proposed structure.

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

There were none.

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

The applicant was not present.

**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.

Mr. Crawford moved to take under advisement. Mr. Horn seconded.

*Discussion under advisement*

Mr. Crawford moved to take under advisement. Mr. Monaco seconded.

*Discussion under advisement*

Mr. Crawford moved to approve. Mr. Monaco seconded.

Mr. Monaco	Approve
Mr. Farrar	Approve
Mr. Crawford	Approve
Ms. Ryerkerk	Approve
Mr. Horn	Approve
Chairman Antey	Approve

Motion Carried 6 – 0