

REQUEST FOR LEGISLATIVE ACTION

Version 6/10/19

Completed by County Counselor's Office:

Res/Ord No.: 5462

Sponsor(s): N/A

Date: November 30, 2020

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Aaron Day - RZ-2020-595</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="332 472 1453 661"> <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 LB (Local Business) on 2.79 ± acres to District GB (General Business). The purpose is to up-zone the zoning to align with the current businesses. The location is 9314-9400 S 7 Highway, 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 November 19, 2020 and accepted testimony pertaining to the rezoning request. The Plan Commission voted 5 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	<table border="1" data-bbox="316 1648 1534 1902"> <tr> <td>Department Director: Brian D. Gaddie, P.E., Director of Public Works <i>B. Gaddie</i></td> <td>Date: 11-25-20</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: <i>Tracy M. Schultz</i></td> <td>Date: 11-25-2020</td> </tr> <tr> <td>County Counselor's Office: <i>Bryan O. Conisky</i></td> <td>Date: 11-25-20</td> </tr> </table>		Department Director: Brian D. Gaddie, P.E., Director of Public Works <i>B. Gaddie</i>	Date: 11-25-20	Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: <i>Tracy M. Schultz</i>	Date: 11-25-2020	County Counselor's Office: <i>Bryan O. Conisky</i>	Date: 11-25-20		
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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.

STAFF REPORT

PLAN COMMISSION

November 19, 2020

RE: RZ-2020-595

Applicant: Aaron Day

Location: 9314-9400 S 7 Highway

Area: 9.00 ± acres

Request: Change of zoning from District LB (Local Business) to District GB (General Business)

Purpose: Up-zone the zoning to align with the current businesses

Current Land Use and Zoning in the Area:

This area is an unincorporated island surrounded by the City of Blue Springs.

There are several businesses operating on the premises; A cocktail bar and restaurant, a CDL training facility, a boat part and accessory store, and a medical marijuana dispensary.

In 1947 the County Court approved the zoning to Local Business that covers these properties.

A major difference between District LB and GB is the limitation of the size of the building, LB is limited to 10,000 square feet of gross floor area. Typically LB permitted uses provide limited retail, service and office facilities. Permitted uses within District LB are permitted uses within District GB.

District LB also requires a Conditional Use Permit (CUP) for a business serving alcoholic beverages. Staff could not find that a CUP was issued to any previous owner for serving alcoholic. The applicant is desiring to bring the restaurant businesses into compliance with the UDC.

A CUP or change of rezoning would be appropriate to bring the property into compliance.

Dispensaries are a permitted use within District GB, and permitted with CUP in District LB. This property is in compliance with the UDC at this time.

Staff met with the applicant and determined that rezoning to District GB would be appropriate for all the lots.

County Plan:

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

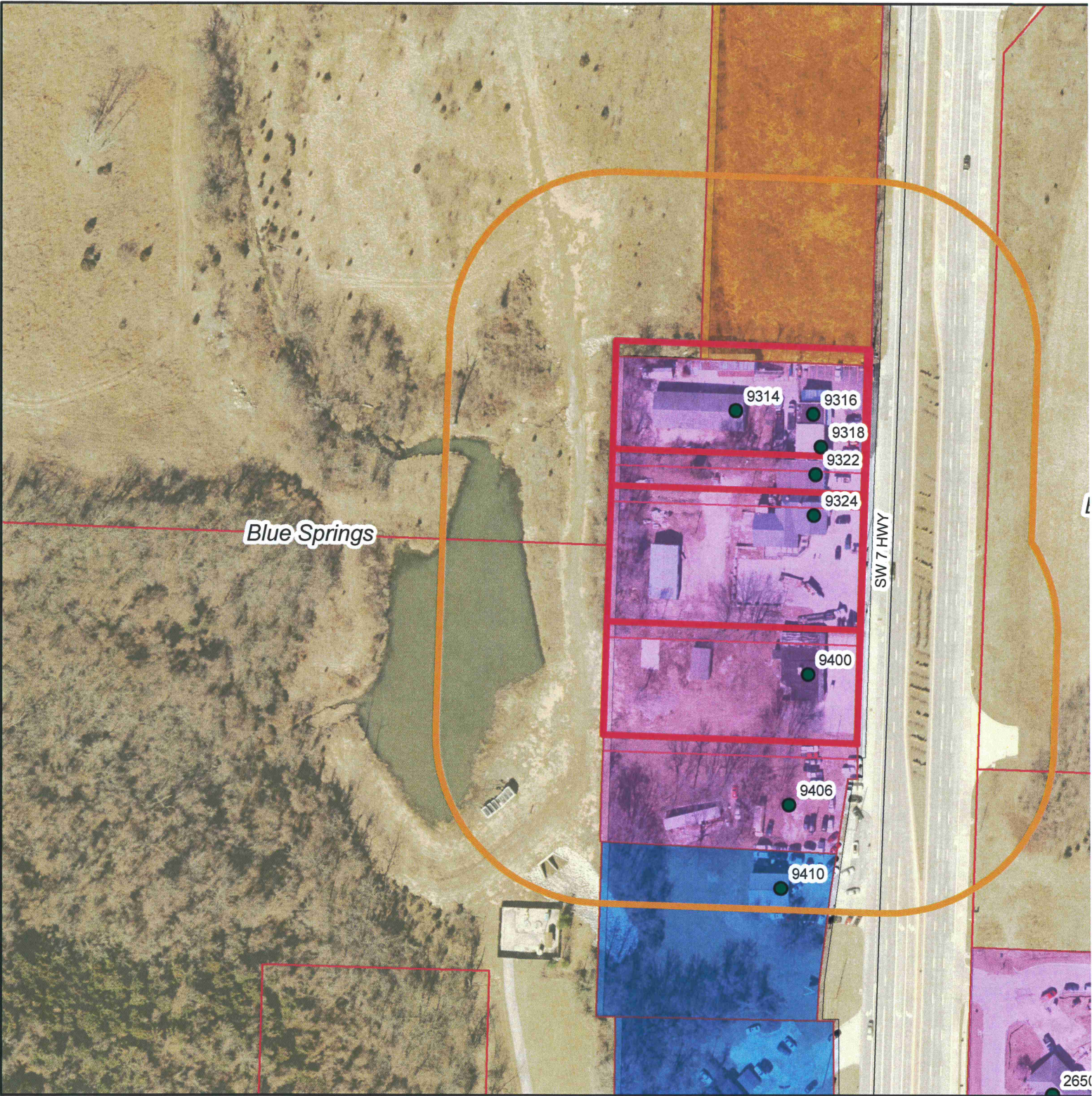
The General Business is appropriate for the Urban Development Tier.

Recommendation:

Staff recommends APPROVAL of RZ-2020-595

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



Blue Springs

SW 7 HWY

9314

9316

9318

9322

9324

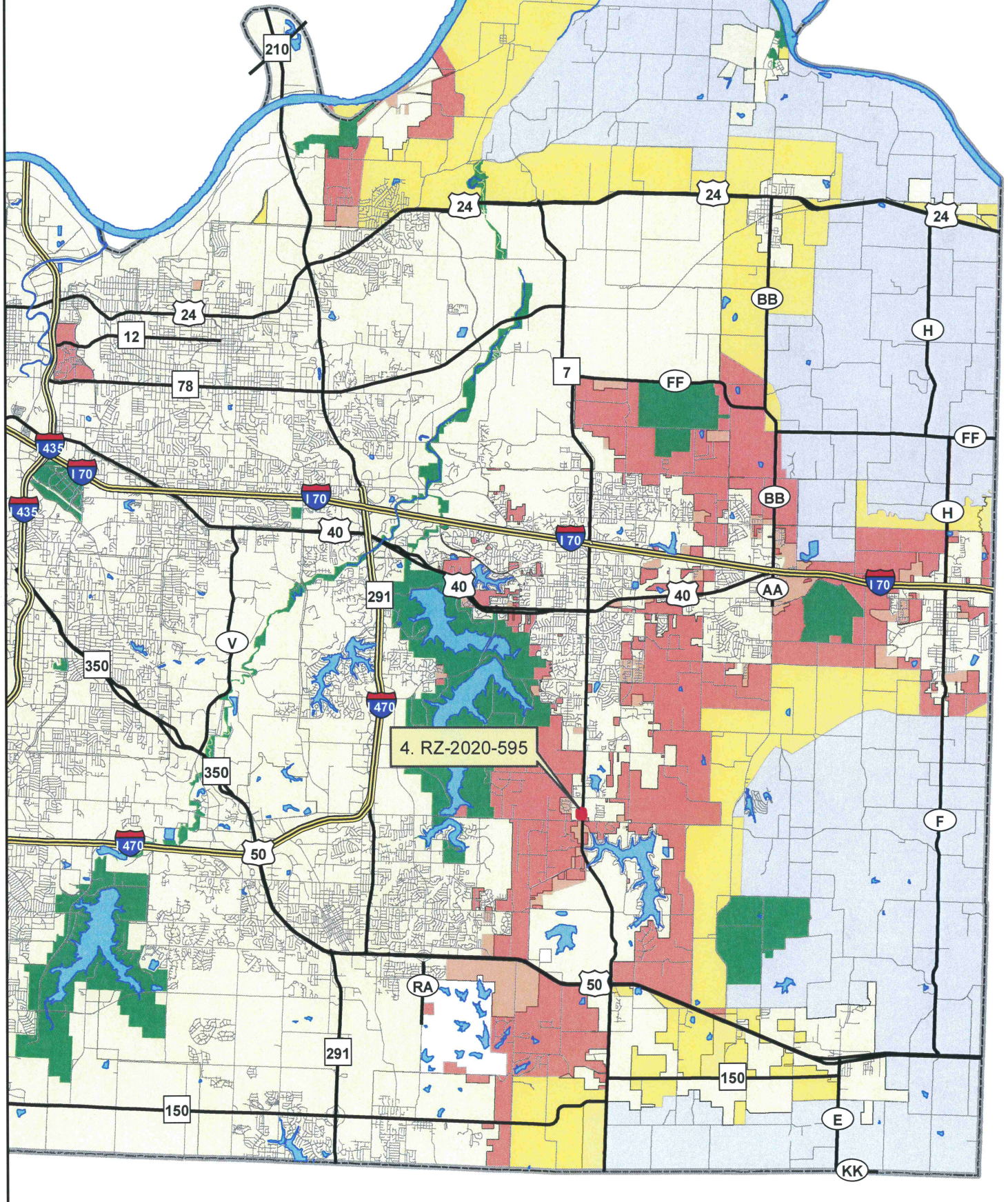
9400

9406

9410

2650

Jackson County Plan Commission
November 19, 2020
Agenda Location Map



Plan Commission November 19, 2020

RZ-2020-595

Property Owners Within 185 feet

parcel	Name	Address	C
54-420-99-17-00-0-00-000	SIFERS INVESTMENTS LLC	10314 MEADOW LN	LI
54-420-06-99-00-0-00-000	LAND BANK OF BLUE SPRINGS MISSOURI	903 W MAIN ST	BI
54-420-99-18-00-0-00-000	WAL MART REAL ESTATE BUSINESS TRUST	C/O % REAL ESTATE MANAGER STORE # 184-05, 2001 SE 10TH ST	BI
54-420-98-09-00-0-00-000	NUSSAIRAT MO	109 NE BROOKWOOD DR	BI
54-420-98-08-00-0-00-000	NUSSAIRAT MO	109 NE BROOKWOOD DR	BI
54-420-98-14-00-0-00-000	FLANDERS ASSET MANAGEMENT LC	C/O % JOHN H FLANDERS, 1401 MORAY CT	PI
54-420-98-06-01-0-00-000	SARAI JARNAIL S & MANJIT K	1405 NE SUNNY CREEK LN	BI
54-420-98-11-00-0-00-000	FINE DAY LLC	C/O KAREN DAY FINEOUT, 9318 S MO 7 HWY	LI
54-420-98-13-00-0-00-000	A DAY LLC	9512 S MAIN ENTRANCE DR	LI
54-420-98-12-00-0-00-000	FINE DAY LLC	C/O KAREN DAY FINEOUT, 9318 S MO 7 HWY	LI
54-420-98-10-00-0-00-000	A DAY LLC	9400 A MO 7 HWY	LI



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

November 4, 2020

RE: Public Hearing: RZ-2020-595
Aron Day (ADay, LLC & Fine Day, LLC)

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 Aron Day for a change of zoning from District LB (Local Business) on 2.79 ± acres to District GB (General Business). The purpose is to up-zone the zoning to align with the current businesses. The location is 9314-9400 S 7 Highway

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, November 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,

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

2. General location (Road Name) 9316 9232 9400 SWHL 7 Hwy
-
3. Present Zoning L B Requested Zoning G B
4. AREA (sq. ft. / acres) _____
5. Legal Description of Property: (Write Below or provide copy of deed and survey)
-
-
6. Present Use of Property: Commercial
7. Proposed Use of Property: GB
8. Proposed Time Schedule for Development: Now
-
9. What effect will your proposed development have on the surrounding properties?
- None
-
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 Provider 13
- b. Sewage disposal: Onsite Waste Water Public Sewer
- c. Electricity KCP&L
- d. Fire and Police protection County/Prater Town Shop
12. Describe existing road width and condition: 4 lane E
-
13. What effect will proposed development have on existing road and traffic conditions? None
-

The LEGAL OWNER(s) of the property must be signatory to this application. If the owner is also the applicant then only the Property Owner portion needs to be filled out. Applications will not be accepted to move forward without the proper signatories.

Verification of ownership will be made using the Tax Rolls and the Recorder of Deeds database.

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 *Ar Day* Date 10-15-20
Property Owner(s) Ar Day
Ar Day LLC

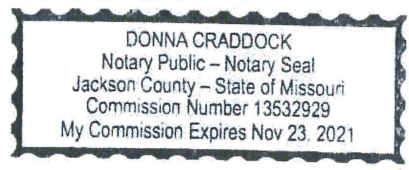
STATE OF Missouri
COUNTY OF JACKSON

On this 15th day of October, in the year of 2020, before me the undersigned notary public, personally appeared Ar Day

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 *Donna Craddock* Commission Expires Nov. 23, 2021



The LEGAL OWNER(s) of the property must be signatory to this application. If the owner is also the applicant then only the Property Owner portion needs to be filled out. Applications will not be accepted to move forward without the proper signatories.

Verification of ownership will be made using the Tax Rolls and the Recorder of Deeds database.

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 Alan Day Date 10-15-20
Property Owner(s) Karen Day
Finis Day III

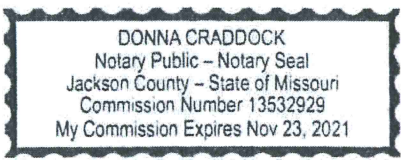
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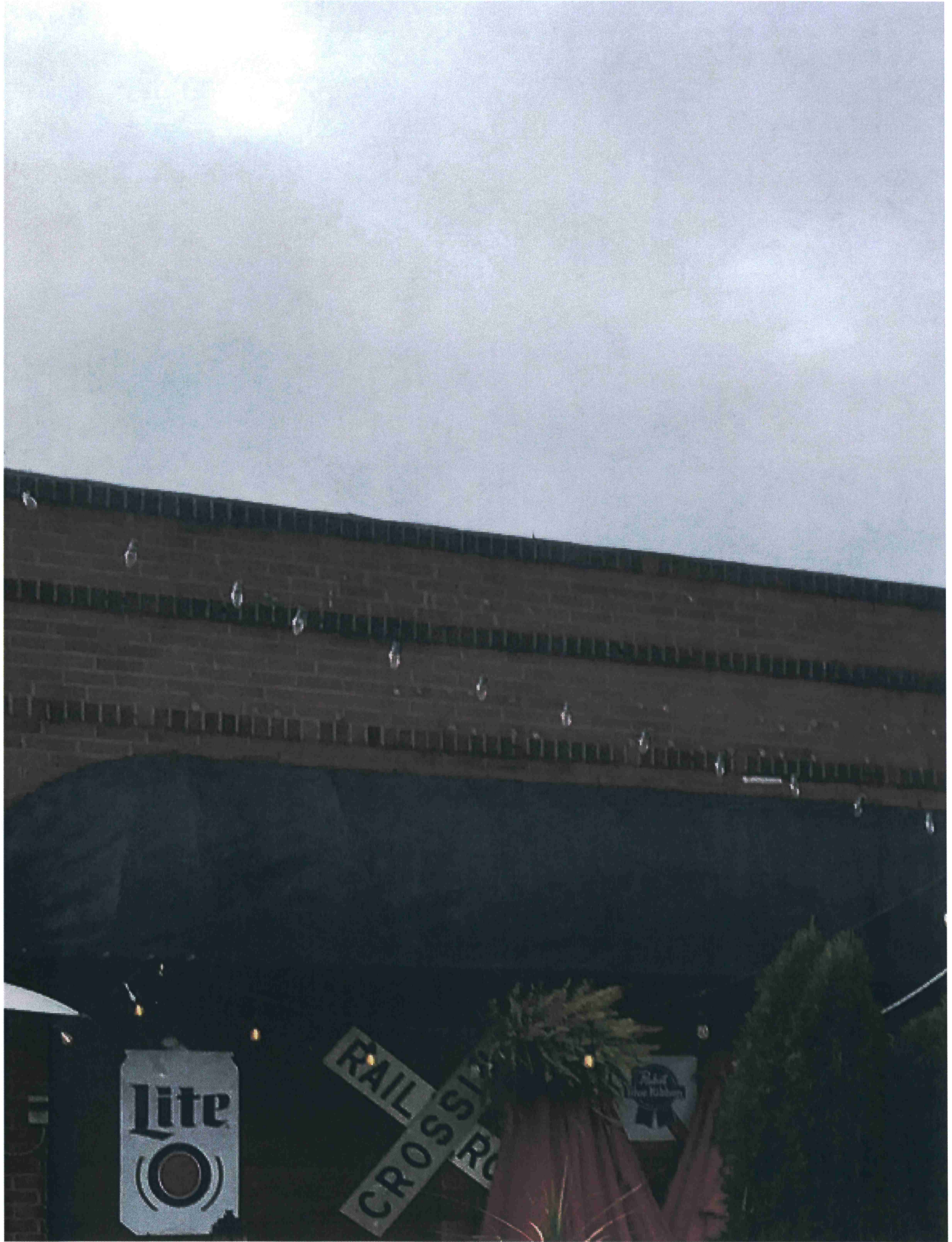
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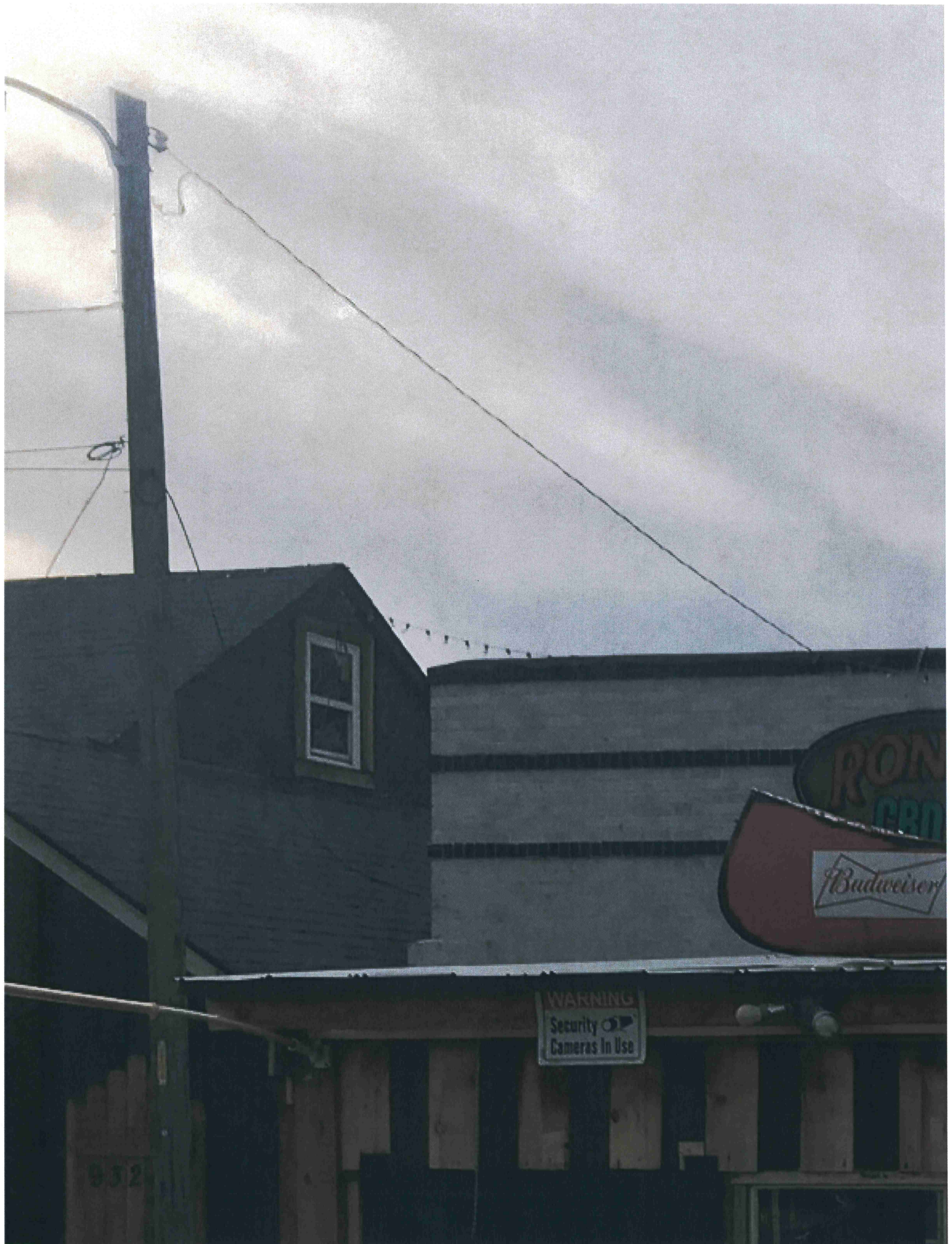
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In witness whereof, I hereunto set my hand and official seal.

Notary Public Donna Craddock Commission Expires Nov. 23, 2021







RON
BAR

Budweiser

WARNING
Security
Cameras In Use

832





OPEN NOW
Prestige Home Services
General Home & Commercial
Remodeling & Repair
Interior Painting
Flooring & Siding
818-841-3384

506
1097

EXCESS PROCEEDS DOCKET - Thursday, December 10, 2020 @ 10:00 am

SUIT NO.	CONFIRMATION	RECORD OWNER	APPLICANT	ATTORNEY
I2016-00048	18-Dec-2017	WILLARD HOWARD D & SHERRY E	WILLARD HOWARD D & SHERRY E	MICHAEL J. SCHILLING
I2017-00143	22-Nov-2019	MOSBY AMANDA	AMANDA WILLIS	
I2017-00152	16-Nov-2018	MENDENHALL JESSE	JESSICA MENDENHALL	
I2017-00209	16-Nov-2018	AUSTIN RICHARD L	TERESA BURCH & PAMELA AUSTIN	MICHAEL J. SCHILLING
I2018-00292	22-Nov-2019	WYATT NORMA L	3 DOORS PROPERTIES LLC	
			BRENDA BELL	
			MICHAEL R. WYATT	
			MISSOURI DEPARTMENT OF REVENUE	MICHAEL S. KISLING
			STEPHEN B. WYATT	
K2016-01822	29-Nov-2017	REYES THOMAS F & MARY E	JOEL ESTRADA	
K2016-02704	19-Nov-2018	BENNETT HELMS SHIRLEY A & DAVID W	JASON LEE HELMS	MICHAEL J. SCHILLING
K2017-01774	16-Nov-2018	LEWIS KENNETH LEON	THOMAS E. BIBBS	
K2017-02331	15-Nov-2018	HARPER FRANKIE % PUBLIC ADMINISTRATOR	DEBRA LYNN JOHNSON	
			MISSOURI DEPARTMENT OF REVENUE	MICHAEL S. KISLING
K2017-03109	15-Nov-2018	AMERICAN ESTATE & TRUST FBO SALLY SAAD IRA	AMERICAN ESTATE & TRUST FBO SALLY SAAD IRA	
K2017-03550	15-Nov-2018	PAYNE AUGUSTA I	OCIE PAYNE	
K2018-01453	15-Nov-2019	HICKS JOYCE M	RICARDO LAMONT HICKS	

SUIT NO.	CONFIRMATION	RECORD OWNER	APPLICANT	ATTORNEY
K2018-01485	15-Nov-2019	STEWART REBECCA	BRITTANY MCCARTHY	
K2018-01875	15-Nov-2019	THOMAS JERRY OVEAL & DOROTHY MAE	JANET E. JONES (THOMAS)	
K2018-01887	15-Nov-2019	GREEN MOUNTAIN FINANCE FUND II LLC	GREEN MOUNTAIN FINANCE FUND, LLC	
K2018-02336	15-Nov-2019	GREEN MOUNTAIN FINANCE FUND II LLC	GREEN MOUNTAIN FINANCE FUND, LLC	
			MARIBEL GUZMAN MARTINEZ AND MANUEL REYES	
K2018-02629	15-Nov-2019	PATRICIA WHITE	BEDFORD LEONARD &	
			PATRICIA WHITE	JAMES M. POWELL
			ROBIN RENEE WHITE	
			WHITE REGINA &	
K2018-02683	15-Nov-2019	GREEN MOUNTAIN FINANCE FUND II LLC	GREEN MOUNTAIN FINANCE FUND, LLC	
K2018-02923	15-Nov-2019	HOBBS KAREY E	LISA HOBBS & BECKY COHRON	JAMES M. POWELL
K2018-03069	15-Nov-2019	CORY WARD E JR	STUART M. CORY	

RZ-2020-595

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

Lots 1, 2 & 3, Corrected Plat, R. C. Shotts Addition, and

Lot 1, Earl Strohm Addition, subdivisions in Jackson County, Missouri

RZ-2020-595

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Public Hearing Summary from November 19, 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
Pictures