

Request for Legislative Action

Ord. #5754

Date: June 15, 2023

Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5754
Sponsor(s):		Legislature Meeting Date:	6/15/2023

Introduction

Action Items: ['Authorize']

Project/Title:

RZ-2023-646 – Smith-Martens Investments, LLC

Request Summary

Requesting a change of zoning from District AG (Agricultural) on 5.29 ± acres to District LI (Light Industrial). This will bring a legal non-conforming tract into compliance with the development code and to prepare for future development at 2505 E R. D. Mize Road.

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 June 1, 2023, and accepted testimony pertaining to the rezoning request. There was no opposition to the request.

The Plan Commission voted 5 to 0 to recommend APPROVAL to the County Legislature.

Contact Information

Department:	Public Works	Submitted Date:	6/2/2023
Name:	Randy D. Diehl	Email:	RDiehl@jacksongov.org
Title:	Development Administrator	Phone:	816-881-4577

Budget Information

Amount authorized by this legislation this fiscal year:			\$ 0
Amount previously authorized this fiscal year:			\$ 0
Total amount authorized after this legislative action:			\$
Is it transferring fund?			No
Single Source Funding:			
Fund:	Department:	Line Item Account:	Amount:
			!Unexpected End of Formula

Request for Legislative Action

Prior Legislation	
Prior Ordinances	
Ordinance:	Ordinance date:
Prior Resolution	
Resolution:	Resolution date:

Purchasing	
Does this RLA include the purchase or lease of supplies, materials, equipment or services?	No
Chapter 10 Justification:	
Core 4 Tax Clearance Completed:	
Certificate of Foreign Corporation Received:	
Have all required attachments been included in this RLA?	

Compliance	
Certificate of Compliance	
In Compliance	
Minority, Women and Veteran Owned Business Program	
Goals Not Applicable for following reason: Zoning Change	
MBE:	.00%
WBE:	.00%
VBE:	.00%
Prevailing Wage	
Not Applicable	

Fiscal Information
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Request for Legislative Action

History

Submitted by Public Works requestor: Randy D. Diehl on 6/2/2023. Comments:

Approved by Department Approver Kristina J. Miller on 6/5/2023 3:45:59 PM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 6/5/2023 4:29:25 PM. Comments:

Approved by Compliance Office Approver Jaime Guillen on 6/5/2023 4:36:10 PM. Comments:

Approved by Budget Office Approver David B. Moyer on 6/6/2023 8:33:56 AM. Comments:

Approved by Executive Office Approver Sylvya Stevenson on 6/6/2023 1:48:00 PM. Comments:

Approved by Counselor's Office Approver Jamesia Manning on 6/14/2023 10:37:55 AM. Comments:

RZ-2023-646

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

Lot 2, Pavilion Corner, a subdivision in Jackson County, Missouri

RZ-2023-646

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from June 1, 2023

Staff Report

Zoning map of surrounding area

Names and addresses of surrounding property owners

Letter to surrounding property owners

Application

Aerial of location

Pictures

Plat of Pavilion Corner

Randy Diehl gave the staff report:

RE: RZ-2023-646

Applicant: Smith-Martens Investments LLC

Location: 2505 E. R D Mize Road

Area: 5.29 acres

Request: Change of zoning from District AG (Agricultural) to District LI (Light Industrial)

Purpose: The purpose is to bring a non-conforming tract into compliance with the development code and to prepare for future development at 2505 E. R. D. Mize Road.

Current Land Use and Zoning in the Area:

This property is an unincorporated island between Blue Springs and Grain Valley. There is one residence currently on the land.

The applicant owns 6.75 acres of which the east 1.50 acres are within the City of Grain Valley. The City annexed this portion of the property in 1982.

The property owner to the north of the 1.50 acres will be acquiring this tract for development within the City of Grain Valley. The applicants remaining 5.29 acres must be rezoned to bring it into compliance with the Unified Development Code.

The applicant is requesting to rezone the property to make it compatible with the surrounding properties and for future development.

The adjacent property in Grain Valley is zoned General Business.

Zoning within the adjacent properties in Blue Springs are General Business, Service Office, Light Industrial and Single Family.

Staff reached out to both the City of Grain Valley and City of Blue Springs and both cities are supportive of this request.

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-2023-646.

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?

David Smith, 2315 Opossum Hollow Road, Blue Springs

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

Mr. Smith: The East 1.5 acres has been conveyed to the other owner. It's always been two separate parcels.

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?

James Brown: 2513 NE Amanda Lane, Blue Springs. We were wanting to find out the future plans for this.

Mr. Antey: At this time, as brought out, there are no immediate plans for this. They are just rezoning it.

Mr. Brown: Amazon has a building across the road.

Mr. Diehl: With Light Industrial zoning there could be different uses for that. A use like Amazon would be appropriate. A warehouse, a place of worship, public service facilities are all permitted uses under Light Industrial. Something that would be conducive to the surrounding properties and keeping in mind the residence uses across the road.

This tract at one time had three separate homes. Two of those have since been removed. The property will stay as it is until some type of development commences. We have a similar property of 40 Highway. Once the land use changes then it will need to be in full compliance with the zoning.

Motion to take under advisement.

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

Discussion under advisement

Mr. Antey: Again, I like to see legal non-conforming properties brought into compliance.

Mr. Tarpley: It will definitely be an improvement.

Mr. Crawford: I'm baffled on how this is this in the County.

Mr. Diehl: The annexation passed by Grain Valley in 1982 only took in the 1.5 acres. Blue Springs annexed around this tract. There are many instances where a city annexed only a portion of the property. Blue Ridge Boulevard in Raytown is a good example of that. One part of a house is within Raytown and the other half is in Kansas City. Farview View house part in Independence and the other part in un-incorporated County.

The 1.5 acres will be developed inside Grain Valley along with the rest of the property the other property has to the north of it. Someone could purchase this property and annex into either of the two cities adjacent to it.

Mr. Crawford moved to approve. Mr. Tarpley seconded.

Mr. Tarpley	Approve
Mr. Johnson	Approve
Mr. Crawford	Approve
Ms. Ryerkerk	Approve
Chairman Antey	Approve

Motion Carried 5 – 0

STAFF REPORT

PLAN COMMISSION

May 18, 2023

RE: RZ-2023-646

Applicant: Smith-Martens Investments LLC

Location: 2505 E. R D Mize Road

Area: 5.29 acres

Request: Change of zoning from District AG (Agricultural) to District LI (Light Industrial)

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Staff reached out to both the City of Grain Valley and City of Blue Springs and both cities are supportive of this request.

County Plan:

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

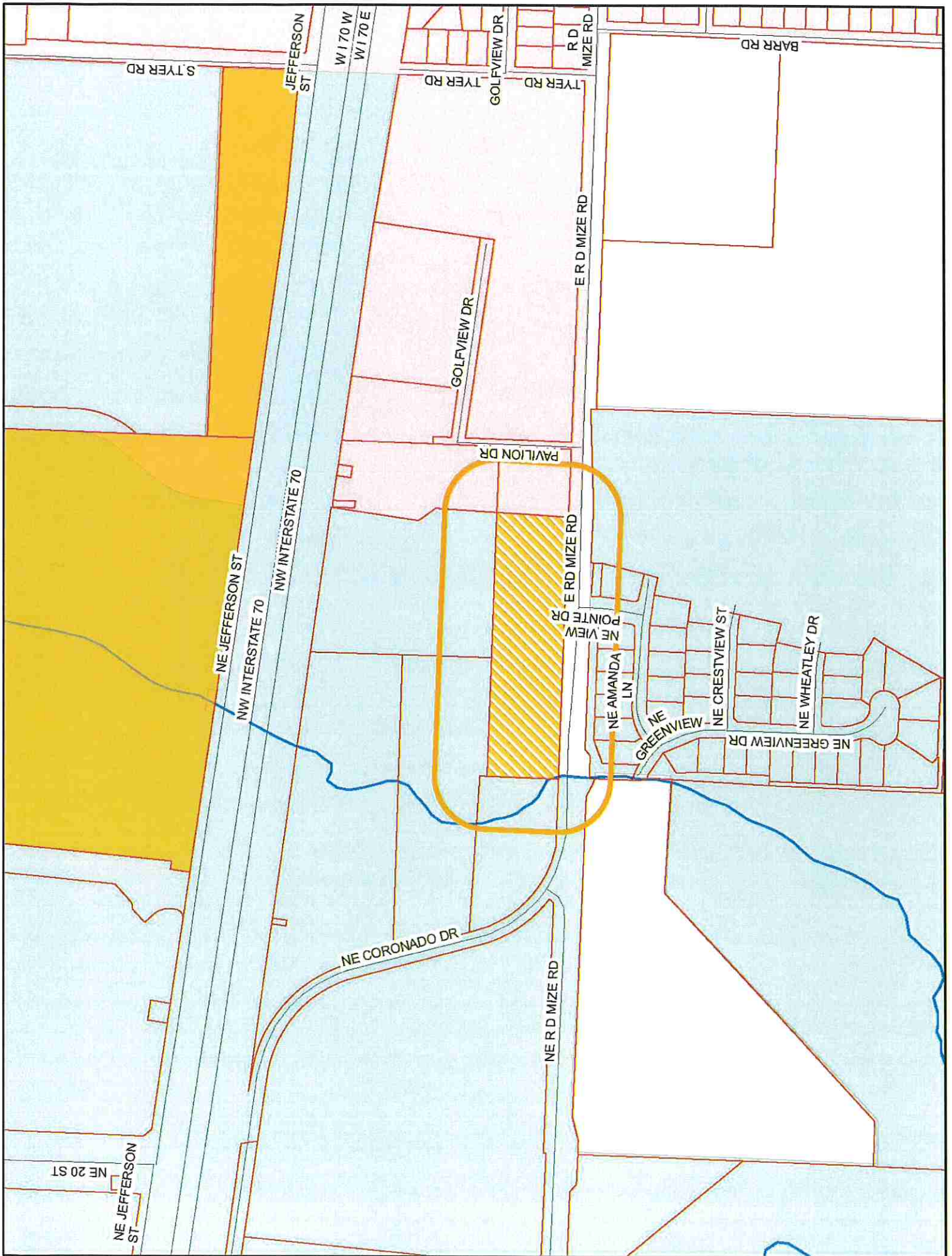
Recommendation:

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

Staff recommends APPROVAL of RZ-2023-646.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



Plan Commission May 18, 2023

RZ-2023-646

Property Owners Within 185 feet

Parcel	owner	address	city	state	zip
36-600-03-20-00-0-00-000	SMITH DAVID D III & JOY A	2315 SW APOSSUM HOLLOW RD	BLUE SPRINGS	MO	64015
36-600-03-22-00-0-00-000	JACD LLC	PO BOX 3008	BLUE SPRINGS	MO	64029
36-710-02-02-00-0-00-000	GILBERT MATTHEW G & GILBERT REBECCA N	2521 NE AMANDA LN	BLUE SPRINGS	MO	64029
36-710-04-01-00-0-00-000	SALLEE HOMES INC	2610 E R D MIZE RD	GRAIN VALLEY	MO	64030
36-710-02-04-00-0-00-000	BROWN JAMES E & ROSITA M	2513 NE AMANDA LN	BLUE SPRINGS	MO	64029
36-710-02-06-00-0-00-000	TURNER LORI KAY	2505 NE AMANDA LN	BLUE SPRINGS	MO	64029
36-710-04-02-00-0-00-000	WALKER CUSTOM HOMES LLC	PO BOX 3194	INDEPENDENCE	MO	64055
36-710-02-03-00-0-00-000	TAYLOR BRETT C & JULIE D	2517 NE AMANDA LN	BLUE SPRINGS	MO	64029
36-710-02-07-00-0-00-000	WIEGERS SHAWN & KIMBERLY	PO BOX 628	CHANUTE	KS	66720
36-720-02-01-01-0-00-000	JUDY D SMITH TRUST	1565 CHAMPIONSHIP BLVD	FRANKLIN	TN	37064
36-710-02-05-00-0-00-000	ROBINSON BRADLEY W	2509 NE AMANDA LN	BLUE SPRINGS	MO	64029
36-710-01-07-00-0-00-000	SALLEE HOMES INC	2610 E R D MIZE RD	GRAIN VALLEY	MO	64030
36-710-02-01-00-0-00-000	ADAM'S POINTE VILLAGE HOA	1951 NE RICE RD	LEES SUMMIT	MO	64064
36-600-04-11-02-0-00-000	SMITH-MARTENS INVESTMENTS LLC	1545 NE NEAWANNA DR	LEES SUMMIT	MO	64086
36-600-04-04-01-9-00-000					



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

May 3, 2023

RE: Public Hearing: RZ-2023-646
Smith-Martens Investment, 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 Smith-Martens Investment, LLC for a change of zoning from District AG (Agricultural) on 5.29 ± acres to District LI (Light Industrial). The purpose is to bring a non-conforming tract into compliance with the development code and to prepare for future developments at 2505 E R. D. Mize 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 185' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, May 18, 2023, 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 881-4577.

Sincerely,

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- 2023-646

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: Same as Owner
Address: _____

Phone: _____
 - b. Owner(s) Name: Smith Martens Investments, LLC & Aerospace, LLC
Address: %Gard Horizon, LLC. 1040 SW Luttell, Ste E2, Blue Springs, MO 64015
Phone: (Gard Horizon) 816-295-5951
 - c. Agent(s) Name: Erwin W. Gard, PLS, CET

Address: 1040 SW Luttrell, Ste E2, Blue Springs, MO 64015

Phone: 816-295-5951

d. Applicant's interest in Property: Owner

2. General location (Road Name) R. D. Mize Road, 1.25 mile east of Adams Dairy Parkway

3. Present Zoning AG Requested Zoning LI

4. AREA (sq. ft. / acres) 533,786 Sq.Ft. OR 12.2540 Ac

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

All of Lot 2, proposed PAVILLION CORNER

6. Present Use of Property: Vacant

7. Proposed Use of Property: Unknown (rezoning for lot split purpose)

8. Proposed Time Schedule for Development: Unknown

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

Unknown

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 Water District 17

b. Sewage disposal Currently private - Future City of Blue Springs

c. Electricity Evergny

d. Fire and Police protection Central JC Fire - County Sheriff

12. Describe existing road width and condition: Asphalt good condition

13. What effect will proposed development have on existing road and traffic conditions? Unknown but believed to be minimal

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)

Erwin W. Gard
Ser DAVID Smith

Date

3/28/23

Applicant(s):

Contract Purchaser(s): N/A

STATE OF Missouri

COUNTY OF Jackson

On this 28th day of March, in the year of 2023, before me
the undersigned notary public, personally appeared Erwin W. Gard for
David Smith

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

Makiya Wright

Commission Expires

July 25, 2026

MAKIYA WRIGHT
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
MY COMMISSION EXPIRES JULY 25, 2026
JACKSON COUNTY
COMMISSION #22781258





