

Request for Legislative Action

Ord. #5778

Date: August 14, 2023

Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5778
Sponsor(s):		Legislature Meeting Date:	8/14/2023

Introduction

Action Items: ['Authorize']

Project/Title:

CU-2023-247 – Network Real Estate

Request Summary

Requesting a Conditional Use Permit for a period of 50 years for a 190-foot communication tower and facility in a 10,000 square foot on 106.00 ± acres in District AG (Agricultural) at 31710 E. Oakland School Road.

The Jackson County Plan Commission held a public hearing on July 20, 2023, and accepted testimony pertaining to the Condition Use request. The was no opposition to the request.

The Plan Commission voted 6 to 0 to recommend APPROVAL to the County Legislature for a 50 year period provided certain conditions are met.

Contact Information

Department:	Public Works	Submitted Date:	7/27/2023
Name:	Randy D. Diehl	Email:	RDiehl@jacksongov.org
Title:	Development Adminitrator	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	
Not Applicable	
Minority, Women and Veteran Owned Business Program	
Goals Not Applicable for following reason: not spending money	
MBE:	.00%
WBE:	.00%
VBE:	.00%
Prevailing Wage	
Not Applicable	

Fiscal Information	
<ul style="list-style-type: none">This legislative action does not impact the County financially and does not require Finance/Budget approval.	

Request for Legislative Action

History

Submitted by Public Works requestor: Randy D. Diehl on 7/27/2023. Comments:

Approved by Department Approver Brian Gaddie on 7/27/2023 3:43:39 PM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 7/27/2023 4:06:13 PM. Comments:

Approved by Compliance Office Approver Ikeela Alford on 7/27/2023 4:42:15 PM. Comments:

Approved by Budget Office Approver David B. Moyer on 7/28/2023 7:41:36 AM. Comments:

Approved by Executive Office Approver Sylvia Stevenson on 7/28/2023 1:01:15 PM. Comments:

Approved by Counselor's Office Approver Jamesia Manning on 8/10/2023 12:31:36 PM. Comments:

CU-2023-247

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

A 10,353 square foot lease area situated in the Southeast Quarter of Section 13, Township 49, Range 30, Jackson County, Missouri, more particularly described as follows: Commencing at the South Quarter Corner of said Section 3; thence along the South line of said Southeast Quarter, South 88 degrees 34 minutes 53 seconds East, a distance of 849.86 feet; thence leaving said South line, North 00 degrees 00 minutes 00 seconds East, a distance of 1928.02 feet to the Point of Beginning, thence North 90 degrees 00 minutes 00 seconds West, a distance of 107.06 feet; thence North 04 degrees 02 minutes 16 seconds East, a distance of 100.25 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 100.00 feet; thence South 00 degrees 00 minutes 00 seconds East to the Point of Beginning.

CU-2023-247

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from July 20, 2023

Staff Report

Zoning map of surrounding area

Names/Addresses of Surrounding Property Owners

Application

Aerial of Property

Site Plan and Tower Elevation

CU-2023-247

ATTACHMENT 3: LIST OF CONDITIONS

Condition Use Permit for a period of 50 (Fifty) years with the following Conditions:

1. The commercial communication lattice tower shall not exceed a height of 190 feet as measured from ground level.
2. The lattice tower and appurtenance shall be installed according to manufacturer's specifications using sound engineering and safety practices.
3. The lattice tower shall be galvanized finish or painted gray or light blue unless other standards are required by the Federal Aviation Agency.
4. The lattice tower shall only be illuminated if required by the Federal Communication Commission and/or the Federal Aviation Agency.
5. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such antenna/tower or property owner shall remove the antenna or tower within 90 days.

Randy Diehl gave the staff report:

RE: CU-2023-247

Applicant: Network Real Estate

Location: 31710 E. Oakland School Road

Area: 100' x 100' site area (Subject property is 106.00 acres)

Request: 190-foot communication tower and facility

Zoning Classification: District AG (Agricultural)

Current Land Use and Zoning in the Area:

The surrounding land is agricultural and vacant ground. The subject property is surrounded by mostly larger tracts with single family dwellings.

County Plan:

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

Comments / Recommendation:

Section 24005.20 of the Unified Development Code, Telecommunication Towers and Antennas provides guidelines for the location and development of Commercial Communication towers. A Conditional Use Permit is required for a commercial antenna in District AG (Agricultural) when the above ground level height of the tower exceeds 75 feet. The applicant proposes a 190-foot self-support lattice tower.

The UDC requires a fall zone setback to be a distance equal to or greater than one-half (1/2) the height of the tower from a property line. Since the tower has a height of 190 feet, the fall zone setback is 95 feet.

Staff recommends APPROVAL of CU-2023-247 for a period of fifty (50) years subject to the following conditions:

1. The commercial communication lattice tower shall not exceed a height of 190 feet as measured from ground level.
2. The lattice tower and appurtenance shall be installed according to manufacturer's specifications using sound engineering and safety practices.
3. The lattice tower shall be galvanized finish or painted gray or light blue unless other standards are required by the Federal Aviation Agency.
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Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: If I remember, there were some changes in the State Statutes regarding what jurisdictions could not impose on cell tower sites.

Mr. Diehl: Term limits, camouflaging and requiring trees around the perimeter of the lease area are some of those. Terms could be set up by the applicant to correspond with a lease agreement. We try to mirror those statutes.

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

There were none.

Mr. Antey: *Is the applicant here?*

Glen Klocke, 5055 Hwy N, Cottleville, MO. I represent AT&T for this tower.

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

Mr. Klocke: This is a three-legged tower. Everything associated with this tower will be fenced in with a chain link fence. We share the entry at the road with the property owner. It will split off to a 12-foot access road to the tower. The tower will be gray. They are not required to be painted any longer. Once we get approval from the jurisdiction, we will get final approval from the FAA. They will make the decision if lighting is required. This is designed to improve coverage in this area. It will also be designed to allow two other carriers on it.

Ms. Ryerkerk: Will there be interference with other carriers?

Mr. Kocke: No. The FCC dictates the band width for each carrier.

Mr. Lake: What will be the coverage area?

Mr. Kocke: It will allow coverage for about an eight to ten mile radius.

Mr. Farrar: What about maintenance?

Mr. Kocke: Within the lease area, AT&T hires out for that. The compound itself will be graveled. They don't want anything overgrowing into the area. If there is a fence down, they usually have someone out there. They don't want anybody accessing the compound. There will also be a gate on the driveway for safety reasons as well.

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

Discussion under advisement

Mr. Tarpley moved to approve. Ms. Ryerkerk seconded.

Mr. Tarpley	Approve
Mr. Lake	Approve
Mr. Farrar	Approve
Mr. Crawford	Approve
Ms. Ryerkerk	Approve
Chairman Antey	Approve

Motion Carried 6 – 0

STAFF REPORT

PLAN COMMISSION

July 20, 2023

RE: CU-2023-247

Applicant: Network Real Estate

Location: 31710 E. Oakland School Road

Area: 100' x 100' site area (Subject property is 106.00 acres)

Request: 190-foot communication tower and facility

Zoning Classification: District AG (Agricultural)

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Comments / Recommendation:

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Jackson County Public Works
Development Division
Randy Diehl, Administrator



AG

RR

AG

RE

RE

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AG

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RE

RR

S BUCKNER TARSNEY RD

E OAKLAND SCHOOL RD

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Plan Commission July 20, 2023

CU-2023-247

Property Owners Within 300 feet

Parcel

owner

address

city

state

zip

This site is in the Suburban Tier and requires letters be sent out within 300 feet of the requested area. There were no adjacent owners within 300 feet of site of the proposed tower site.

22-300-04-29-01-0-00-000

KUHNERT FRANK & JEAN F

1227 W 25TH ST

INDEPENDENCE

MO

64052

JACKSON COUNTY, MISSOURI
CONDITIONAL USE PERMIT APPLICATION

APPLICANT INFORMATION:

1. Application must be filed with the Jackson County Planning and Development Division, 303 W. Walnut, Independence, MO 64050 by the deadline on the Plan Commission Calendar.
2. Application must be typed or printed in a legible manner.
3. A scaled map of the property, correlating with the legal description, and clearly showing the property's location must accompany application. Refer to Section 24003.22, pertaining to Site Plan Review within the Unified Development Code.
4. 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.
5. The filing fee \$350.00 (non-refundable) must accompany application.
(Check payable to: Manager of Finance)

TO BE COMPLETED BY OFFICE PERSONNEL ONLY:

Conditional Use Permit Number CU- 2023-247

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): C/O AT&T WIRELESS
 - a. Applicant(s) Name: NETWORK REAL ESTATE LLC
Address: 2055 HWY "N" COTTLEVILLE, MO 63304
GHA.THOCH@NETWORKRE. NET
Phone: 314.922.3400
 - b. Owner(s) Name: TRO QUE FARMS
Address: 31710 E. OAKLAND 3rd School RD. BURNING, MO 64016
Phone: 816.215.9925
 - c. Agent(s) Name: Same AS APPLICANT.

Address: _____

Phone: _____

d. Applicant's interest in Property: _____

2. A CONDITIONAL USE PERMIT IS HEREBY REQUESTED for the following described use: NEW 190' COMMUNICATION TOWER for a period of 50+ years; property described as follows: a tract of land 10,000 square feet/ acres in size located at 31710 E. OAKLAND STREET Road. Present Zoning District AG.

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

SEE ATTACHED

4. Present Use of Property: FARMING

5. Proposed Use of Property: LEASING 100' X 100' AREA TO BUILD A NEW COMMUNICATION TOWER.

6. Estimated Time Schedule for Development: 6 TO 8 WEEKS

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

NONE

8. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? N/A

If so, will any improvements be made to the property which will increase or decrease the elevation? _____

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

a. Water N/A

b. Sewage disposal N/A

c. Electricity NEW POWER LINE WILL BE RUN FOR TOWER

d. Heating N/A.

e. Fire and Police protection A 12' ACCESS ROAD WILL BE BUILT TO TOWER LOCATION.

10. Describe existing road width and condition: A NEW GRAVEL 12' ACCESS ROAD WILL BE BUILT TO TOWER LOCATION.

11. What effect will proposed development have on existing road and traffic conditions? NONE.

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

If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): TBD

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.

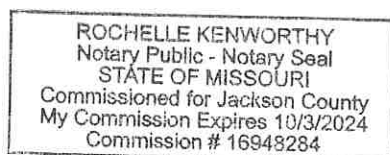
	Signature	Date
Property Owner(s)	<u>Frank E. Kuhnert</u>	<u>5-15-2023</u>
	<u>Jean F. Kuhnert</u>	<u>5-15-2023</u>
Applicant(s):	_____	_____
	_____	_____
Contract Purchaser(s):	_____	_____
	_____	_____

STATE OF MISSOURI
COUNTY OF JACKSON

On this 15 day of May; in the year of 2023, before me the undersigned notary public, personally appeared Frank E. and Jean F Kuhnert known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

Notary Public Rochelle Kenworthy

Commission Expires 10-3-2024



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

Property Owner(s)

Applicant(s):

Sean Dule
Glen Klacke

5-4-2023

Contract Purchaser(s):

STATE OF

Missouri

COUNTY OF

St. Charles

On this 4th day of May; in the year of 2023, before me
the undersigned notary public, personally appeared Glen Klacke

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.

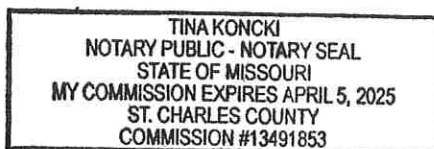
In witness whereof I hereunto set my hand and official seal.

Notary Public

Tina Koncki

Commission Expires

April 5, 2025





1928 OLIVE BLVD
CHICAGO, MO 63141



1100 E WOODFIELD ROAD, SUITE 500
CHICAGO, MO 63117
TEL: 816-768-4900
COAF: EDI19038761
www.fullertonengineering.com



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#	DATE	DESCRIPTION	INT.
A	4/20/23	PRELIM. ZONING	LA
0	05/07/23	FINAL	EC



SITE NAME
**WILLIAM LANDAHL
RESERVE**

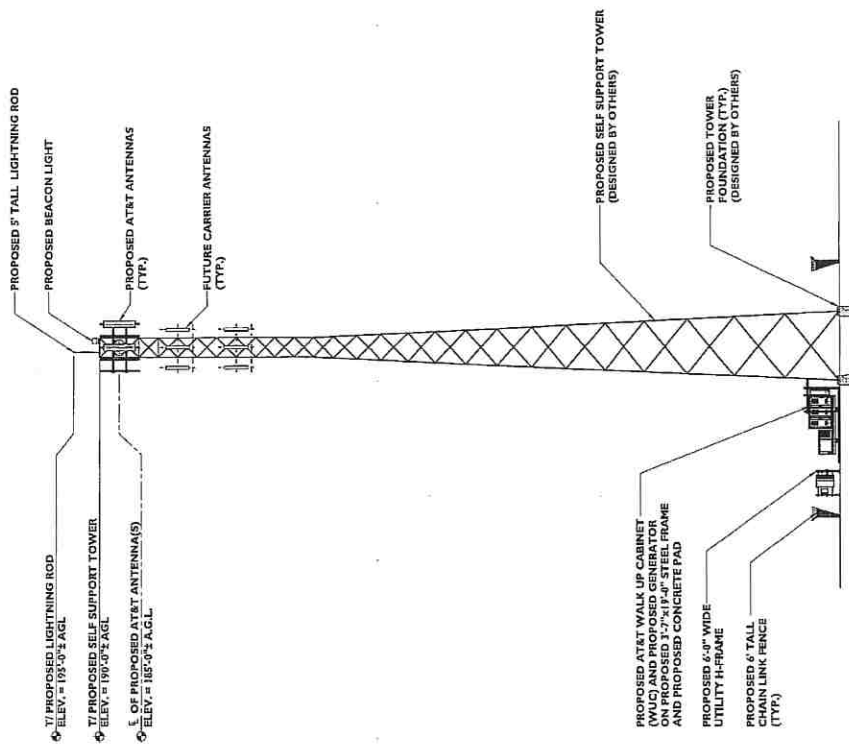
SITE NO.
KS5298

SITE ADDRESS
**31710 E OAKLAND SCHOOL RD.
BUCKNER, MO 64016**

SHEET NAME
**TOWER
ELEVATION**

SHEET NUMBER
Z-3

PROJECT # 2023.0057.0007



SCALE: 1" = 30'-0"

TOWER ELEVATION

[illegible]



SCALE 1/8" = 1'-0"



PROJECT# 2023.0057.0007