

Request for Legislative Action

Ord. #5527
Date: August 9, 2021

Completed by County Counselor's Office			
Action Requested:	Ordinance	Res.Ord No.:	5527
Sponsor(s):	Tony Miller	Legislature Meeting Date:	8/9/2021

Introduction
Action Items: ['Authorize']
Project/Title:
Conditional Use Permit – Crown Castle CU-2021-235

Request Summary
<p>Requesting a renewal of a Conditional Use Permit in District AG (Agricultural) for a period of 25 years for a 208 foot communication tower at 26302 E Cowherd Road in Jackson County, Missouri, and specifically described on Attachment 1.</p> <p>The Jackson County Plan Commission on July 15, 2021 held a public hearing and accepted testimony pertaining to the Conditional Use Permit. There was no opposition to the request for the Conditional Use Permit. This request conforms to the general intent and purpose of the Unified Development Code.</p> <p>Therefore, the Plan Commission voted 5 to 0 to recommend <u>APPROVAL</u> provided the following conditions are met (see Attachment 3)</p>

Contact Information			
Department:	Public Works	Submitted Date:	7/22/2021
Name:	Randy D. Diehl	Email:	RDiehl@jacksongov.org
Title:	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:
2561	July 15, 1996
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

Randy D. Diehl at 7/22/2021 12:05:38 PM - [Submitted |]
Department Director: Brian Gaddie at 7/22/2021 1:04:17 PM - [Approved |]
Finance (Purchasing): Barbara J. Casamento at 7/22/2021 2:05:32 PM - [Not applicable |]
Compliance: Katie M. Bartle at 7/23/2021 9:12:03 AM - [Approved | eRLA 172]
Finance (Budget): Mary Rasmussen at 7/23/2021 9:54:27 AM - [Not applicable |]
Executive: Troy Schulte at 7/23/2021 10:36:33 AM - [Approved |]
Legal: Elizabeth Freeland at 7/30/2021 4:13:06 PM - [Approved |]

CU-2021-235

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

A tract of land in the Southwest Quarter of the Northwest Quarter of Section 19, Township 48, Range 30, Jackson County, Missouri, described as follows: Commencing at the point of intersection of the West right-of-way line of Missouri Route No. 7 and the North right-of-way line of Cowherd Road (Both as now established), said point of commencement being 1331.58 feet East and 30 feet North of the Southwest corner of the Southwest Quarter of the Northwest Quarter of Section 19; thence North 01 degrees 45 minutes 15 seconds East, along the West right-of-way of Missouri Route No. 7, a distance of 73.91 feet; thence North 88 degrees 14 minutes 45 seconds West, a distance of 208.42 feet to the point of beginning; thence N 90 degrees 00 minutes 00 seconds West, a distance of 50 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 50 feet; thence South 90 degrees 00 minutes 00 seconds, a distance of 50 feet; thence S 00 degrees 00 minutes 00 seconds West, a distance of 50 feet to the point of beginning. Contains 2,500 square feet or 0.057 acres more or less.

CU-2021-235

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from July 15, 2021

Staff Report

Location Map

Zoning map of surrounding area

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Application

Aerial of location

Pictures of Property

Ordinance 2561

Randy Diehl gave the staff report:

RE: CU-2021-235

Applicant: Crown Castle

Location: 26302 E. Cowherd Road

Area: 2, 500 ± square feet (0.057 acres)

Request: A renewal of a Conditional Use Permit for a period of 25 years for a 208 foot monopole commercial communication tower.

Zoning Classification: District AG (Agricultural)

Current Land Use and Zoning in Area:

The zoning on the parent tract is Agricultural.

Comments: This is a renewal of CU-1996-007 (Ordinance 2561) and was adopted by the Jackson County Legislature, August 12, 1996. The permit was for a period of 25 years subject to 6 conditions.

The applicant has requested a 25 year term to coincide with the lease on the property.

The conditions from the original permit have been reduced since two of conditions were related to the actual construction of the tower.

County Plan:

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

Recommendation:

Staff recommends APPROVAL of CU-2021-235 for a period of twenty five (25) years subject to the following conditions:

Conditions:

1. The commercial communication lattice tower shall not exceed a height of 208 feet as measured from ground level.
2. The lattice tower shall be galvanized finish or painted gray or light blue unless other standards are required by the Federal Aviation Agency.
3. The lattice tower shall only be illuminated if required by the Federal Communication Commission and/or the Federal Aviation Agency.
4. 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.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

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

Mr. Tarpley: When was the tower constructed?

Mr. Diehl: 1996.

Mr. Antey: *Is the applicant here?*

Katherine Brief: 1220 Augusta Drive, Houston, TX 77057

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

Ms. Brief: First off, I'd like to thank you for your time here today. I would like to mention that the evergreen trees that are surrounding the compound are still in good health.

(It should be noted that one of the original conditions from 1996 stipulated that there would be evergreen pines planted on 10 foot centers along the perimeter of the chain link fence. In 2016 new State legislation prohibits authorities from imposing any requirements relating to screening or landscaping of facilities)

Mr. Hilliard: Have there been any problems in the past?

Ms. Brief: 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?*

There were none.

Motion to take under advisement.

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

Discussion under advisement

Mr. Tarpley: I see no reason not to agree with staff.

Mr. Hilliard moved to approve. Mr. Haley seconded.

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

Motion Carried 5 – 0

STAFF REPORT

PLAN COMMISSION

July 15, 2021

RE: CU-2021-235

Applicant: Crown Castle

Location: 26302 E. Cowherd Road

Area: 2, 500 ± square feet (0.057 acres)

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Recommendation:

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Conditions:

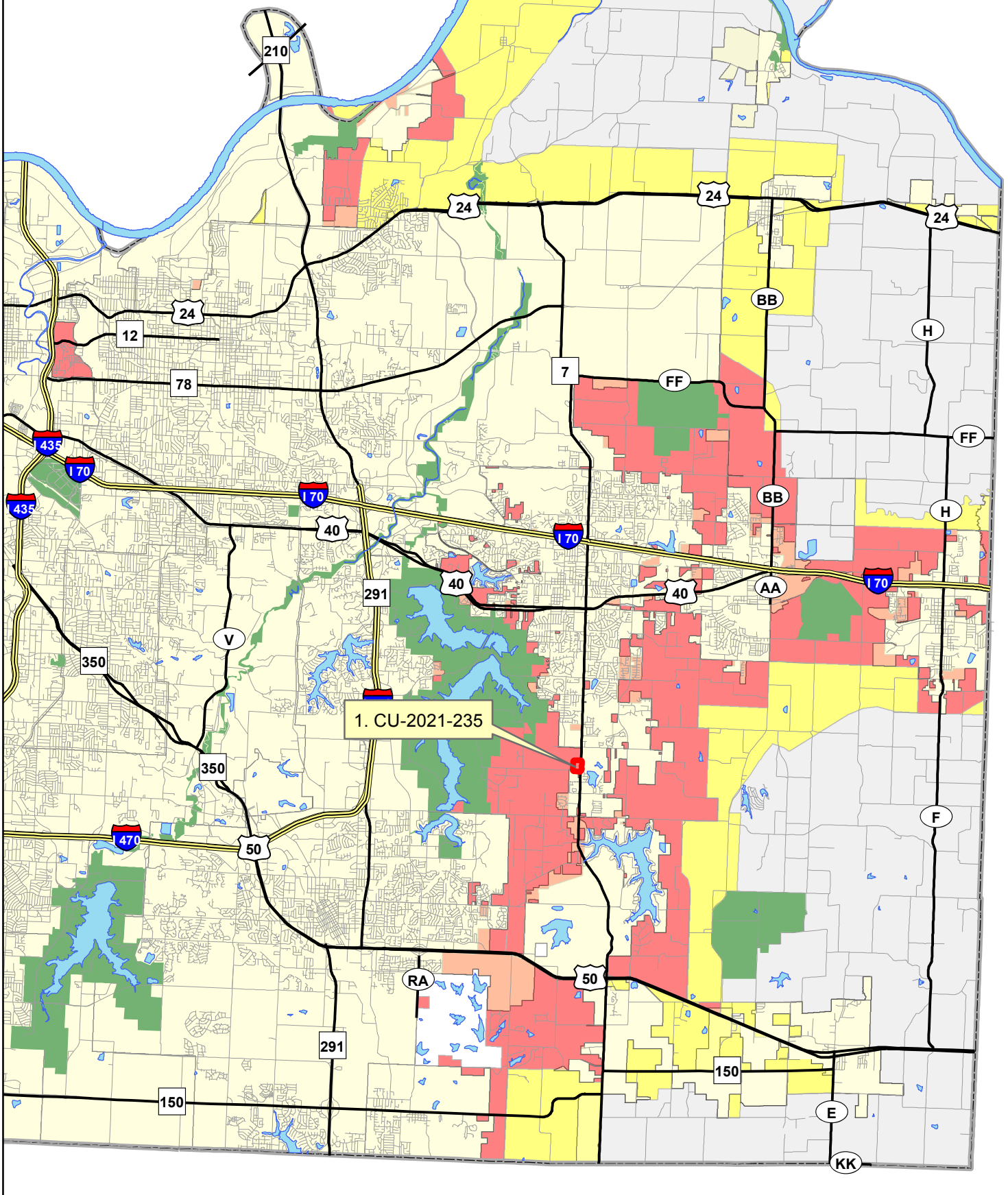
1. The commercial communication lattice tower shall not exceed a height of 208 feet as measured from ground level.
2. The lattice tower shall be galvanized finish or painted gray or light blue unless other standards are required by the Federal Aviation Agency.

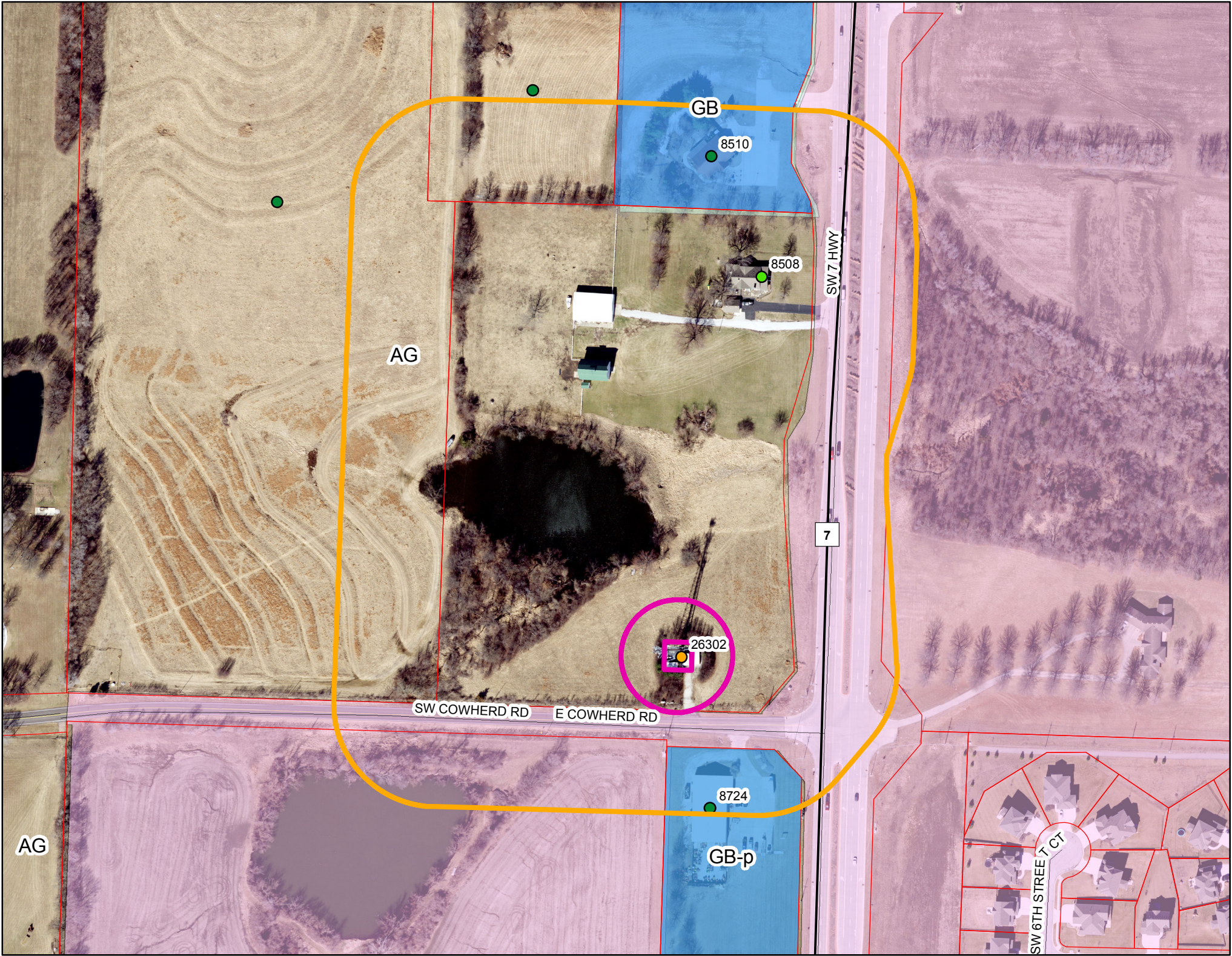
3. The lattice tower shall only be illuminated if required by the Federal Communication Commission and/or the Federal Aviation Agency.
4. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such antenna/tower or property owner shall remove the antenna or tower within 90 days.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
July 15, 2021
Agenda Location Map





GB

8510

8508

AG

SW 7 HWY

7

26302

SW COWHERD RD

E COWHERD RD

8724

GB-p

AG

SW 6TH STREET CT

Plan Commission July 15, 2021

CU-2021-235

Property Owners Within 185 feet

	Name	Address	City	State	Zip
54-300-02-03-01-5-00-000	SCHNELL KEVIN L & WANDA S	26302 COWHERD RD	BLUE SPRINGS	MO	64015
54-300-02-03-01-4-00-000	MSHM LLC	8510 S M7 HIGHWAY	BLUE SPRINGS	MO	64014
54-300-02-23-01-0-00-000	MSHM LLC	8510 S M7 HIGHWAY	BLUE SPRINGS	MO	64014
54-300-02-01-01-1-00-000	SHERMEL LLC	PO BOX 638	BLUE SPRINGS	MO	64013
54-330-98-01-00-0-00-000	BDE INVESTORS LLC	30810 E MAJOR RD	GRAIN VALLEY	MO	64029
54-330-98-02-01-1-00-000	CLAYTON PROPERTIES GROUP INC	120 SE 30TH ST	LEES SUMMIT	MO	64082
	Property Owners				
54-300-02-03-02-0-00-000	FOX MARY CAROLYN TRUSTEE	8508 S M 7 Hwy	BLUE SPRINGS	MO	64014



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

June 30, 2021

RE: Public Hearing: CU-2021-235
Crown Castle

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 Crown Castle for the renewal of a Conditional Use Permit for a 208 foot communication tower. The tower is located at 26302 E. Cowherd Road.

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, July 15, 2021 at 8:30 a.m. in the Brady Courtroom, 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,

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
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- 2021-235
Date filed 5-27-2021 Date of hearing 7-15-2021
Date advertised _____ Date property owners notified _____
Date signs posted _____

Hearings: Heard by PC Date _____ Decision _____
Heard by LU Date _____ Decision _____
Heard by LG Date _____ Decision _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):
 - a. Applicant(s) Name: Crown Castle
Address: 1220 Augusta Drive Houston TX 77057

Phone: 832-425-2278
 - b. Owner(s) Name: FOX MARY CAROLYN TRUSTEE
Address: 8508 S M 7 HWY BLUE SPRINGS MO 64014
(816) 228 -8334
Phone: _____
 - c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: Commercial

2. A CONDITIONAL USE PERMIT IS HEREBY REQUESTED for the following described use: Communication tower for a period of 25 years; property described as follows: a tract of land _____ square feet/acres in size located at 26302 EAST COWHERD Road. Present Zoning District AG- Agricultural

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

Attached _____

CURRENT CU-1996-007

4. Present Use of Property: Site for communication tower

5. Proposed Use of Property: Site for communication tower

6. Estimated Time Schedule for Development: 0 days

7. What effect will your proposed development have on the surrounding properties?
Our tower has a minimal impact on the surrounding property
8. 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? N/A
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 Mo. Public Service
 - d. Heating N/A
 - e. Fire and Police protection Central Jackson County Fire District and Jackson County Sheriff Dept.
10. Describe existing road width and condition: 22-24' Asphalt road in good condition
11. What effect will proposed development have on existing road and traffic conditions? This site will only generate 1-2 trips per month
12. Are any state, federal, or other public agencies approvals or permits required for the proposed development? N/A
 If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): N/A

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): <u>Kate Brief</u> <u>For Crown Castle</u>	<u>05/13/2021</u>
Contract Purchaser(s): _____ _____	_____

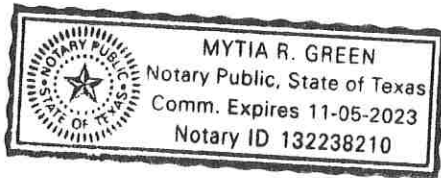
STATE OF Texas
COUNTY OF Harris

On this 13th day of May, in the year of 2021, before me the undersigned notary public, personally appeared Katherine Brief

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 Mytia R. Green Commission Expires 11/5/2023





AG

26302

SW COWHERD RD

E COWHERD RD

SW 7 HWY

7

GB-p

8724



NOTICE
Cellular
877915
1002203



PRIVATE PROPERTY
NO TRESPASSING
NO DRUGS
NO ALCOHOL

CU-2021-235

ATTACHMENT 3: LIST OF CONDITIONS

CONDITIONS

Conditional Use Permit with the following Conditions:

1. The commercial communication lattice tower shall not exceed a height of 208 feet as measured from ground level.
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