

## IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

**AN ORDINANCE** granting a conditional use permit (CUP) in District AG (Agricultural) to construct a 180-foot wireless communication tower, subject to specified conditions, as to a 5 ± acre tract.

**ORDINANCE NO. 4874**, August 22, 2016

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section 1. A conditional use permit is hereby granted to construct a 180-foot wireless communication tower, as to an approximate 5 ± acre tract of land commonly known as 35202 E. AA Highway, Oak Grove, and specifically described as follows:

**Description:** That part of the Northeast ¼ Section 36, Township 49, Range 30, in Jackson County, Missouri, described as follows: Beginning at the point on the East line of said Quarter section where the South line of Interstate Route No. 70, formerly new U.S. Highway 40, as established by the deed recorded in Book 792, Page 167, filed January 29, 1947 as Recorder's Document No. 525111, in the Office of the Recorder of Deeds for Jackson County, Missouri, intersects said East line; and running thence Westerly along the South line of said Interstate Route No. 70 to the Northeast corner of the tract of land conveyed to Lloyd R. Hale and Margaret B. Hale, husband and wife, by the deed recorded in Book 1511, Page 755, filed May 16, 1961 as Recorder's Document No. 768232 in said Recorder's Office; thence South on the East line of said tract conveyed to hale by said deed to the Northerly line of the right of way of the Gulf, Mobil & Ohio Railroad Company granted to the Kansas City, St. Louis and Chicago Railroad Company by the deed filed June 25, 1878 recorded in Book 116, Page 414 as now established; thence Southeasterly along the Northerly line of said railroad right of way to the North line of the right of way of Old U.S. Highway No. 40 as established by the deed recorded in Book 434, Page 127, filed April 10, 1923 as Recorder's Document No. 17052, in said Recorder's Office; thence Easterly along the Northerly line of said of Old U.S. Highway No. 40, as established by said deed recorded in Book 434, Page 127, to the East line of said Quarter Section; thence North along the East line of said Quarter Section to the Place of Beginning, Except the following described property: that part of the Northeast Quarter of Section 36, Township 49, Range 30, in Jackson County, Missouri described as follows: Beginning at the point on the East line of said Quarter Section where the South line of Interstate Route No. 70, formerly new U.S. Highway 40, as established by the deed recorded in Book 792, Page 167, filed January 29, 1947 as Recorder's Document No. 525111, in the Office of the Recorder of Deeds for Jackson County, Missouri, intersects said East line; and running thence Westerly along the South line of said Interstate Route No. 70 to a point where said South line of Interstate No. 70 intersects the East line of Leftholtz Road; thence Southwesterly along the East line of Leftholtz Road to the point where said East line of Leftholtz Road intersects the North line of Old U.S. Highway No. 40; thence Easterly along the North line of Old U.S. No. 40 to the point where said North line of Old

U.S. Highway 40 intersects the East line of said Quarter Section; thence North along East line of said Quarter Section to the Point of Beginning, Except that part in road.

Section 2. The conditional use permit granted by this Ordinance is subject to the following conditions:

1. The commercial communication lattice tower shall not exceed a height of 180 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 structurally designed so that at least four (4) other wireless co-locators would be allowed space on the tower.
4. The lattice tower shall be galvanized finish or painted gray or light blue unless other standards are required by the Federal Aviation Agency.
5. The lattice tower shall only be illuminated if required by the Federal Communication Commission and/or the Federal Aviation Agency.
6. 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.

Section 3. The Legislature, pursuant to the application of Verizon Wireless c/o Selective Sites, LLC (CU-2016-219), requesting approval embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 8 to 0 to recommend APPROVAL of this application in a public hearing on July 21, 2016, does adopt this Ordinance pursuant to the Jackson County Charter authorizing the Legislature to exercise legislative power pertaining to planning and zoning.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chief Deputy County Counselor

  
\_\_\_\_\_  
County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4874 introduced on August 22, 2016, was duly passed on \_\_\_\_\_, 2016 by the Jackson County Legislature. The votes thereon were as follows:

Yeas \_\_\_\_\_

Nays \_\_\_\_\_

Abstaining \_\_\_\_\_

Absent \_\_\_\_\_

This Ordinance is hereby transmitted to the County Executive for his signature.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4874.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Frank White, Jr., County Executive


# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.:4874

Sponsor(s): None

Date: August 22, 2016

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Verizon Wireless c/o Selective Sites, LLC Conditional Use Permit CU-2016-219</u>																			
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="310 489 1190 804"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td></td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT</td> <td></td> </tr> <tr> <td></td> <td>TO ACCT</td> <td></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; FROM / TO	FROM ACCT			TO ACCT	
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Total amount authorized after this legislative action:		\$																		
Amount budgeted for this item * (including transfers):		\$																		
Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT																			
	TO ACCT																			
PRIOR LEGISLATION	Prior ordinances and (date): _____  Prior resolutions and (date): _____																			
CONTACT INFORMATION	RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577																			
REQUEST SUMMARY	A Conditional Use Permit in District AG (Agricultural) to construct a 180 foot wireless communication facility on 2,500 square foot area on a 5.0 ± acre site. The proposed location is located in Section 36, Township 49, Range 30, Jackson County, Missouri, aka 35202 E. AA Highway (Old 40 Highway), Jackson County, Missouri, and specifically described on Attachment to RLA-1. The Jackson County Plan Commission on May 19, 2016 held a public hearing and accepted testimony pertaining to the Conditional Use Permit. The meeting was continued until July 21, 2016. 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. Therefore, the Plan Commission voted 8 to 0 to recommend <u>APPROVAL</u> for provided the following conditions are met (see attachment RLA-2)																			
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)																			
ATTACHMENTS	See Attachment to RLA-3																			
REVIEW	Department Director: Brian D. Gaddie, P.E. Director of Public Works  	Date:   Date:   Date:																		

*Maury Brown*

*8/18/16*



County Counselor's Office:	Date:

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.

**ATTACHMENT TO RLA-2:**

Attachments

Plan Commission Public Hearing Summary from July 21, 2016

Location Map

Staff Report

Affidavit of Publication in Independence Examiner

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Map showing current zoning district in area

County Code Chapter 240 – Unified Development Code

County Master Plan – “Strategy for the Future”

Application

Pictures of Property

Plans, Engineering reports and other information provide by applicant

House Bill 650

**ATTACHMENT TO RLA-2**

Conditional Use Permit subject to the following conditions:

1. The commercial communication lattice tower shall not exceed a height of 180 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 structurally designed so that at least four (4) other wireless co locators would be allowed space on the tower.
4. The lattice tower shall be galvanized finish or painted gray or light blue unless other standards are required by the Federal Aviation Agency.
5. The lattice tower shall only be illuminated if required by the Federal Communication Commission and/or the Federal Aviation Agency.
6. 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.

CU-2016-219

**ATTACHMENT TO RLA 1:**

Description: That part of the Northeast ¼ Section 36, Township 49, Range 30, in Jackson County, Missouri, described as follows: Beginning at the point on the East line of said Quarter section where the South line of Interstate Route No. 70, formerly new U.S. Highway 40, as established by the deed recorded in Book 792, Page 167, filed January 29, 1947 as Recorder's Document No. 525111, in the Office of the Recorder of Deeds for Jackson County, Missouri, intersects said East line; and running thence Westerly along the South line of said Interstate Route No. 70 to the Northeast corner of the tract of land conveyed to Lloyd R. Hale and Margaret B. Hale, husband and wife, by the deed recorded in Book 1511, Page 755, filed May 16, 1961 as Recorder's Document No. 768232 in said Recorder's Office; thence South on the East line of said tract conveyed to hale by said deed to the Northerly line of the right of way of the Gulf, Mobil & Ohio Railroad Company granted to the Kansas City, St. Louis and Chicago Railroad Company by the deed filed June 25, 1878 recorded in Book 116, Page 414 as now established; thence Southeasterly along the Northerly line of said railroad right of way to the North line of the right of way of Old U.S. Highway No. 40 as established by the deed recorded in Book 434, Page 127, filed April 10, 1923 as Recorder's Document No. 17052, in said Recorder's Office; thence Easterly along the Northerly line of said of Old U.S. Highway No. 40, as established by said deed recorded in Book 434, Page 127, to the East line of said Quarter Section; thence North along the East line of said Quarter Section to the Place of Beginning, Except the following described property: that part of the Northeast Quarter of Section 36, Township 49, Range 30, in Jackson County, Missouri described as follows: Beginning at the point on the East line of said Quarter Section where the South line of Interstate Route No. 70, formerly new U.S. Highway 40, as established by the deed recorded in Book 792, Page 167, filed January 29, 1947 as Recorder's Document No. 525111, in the Office of the Recorder of Deeds for Jackson County, Missouri, intersects said East line; and running thence Westerly along the South line of said Interstate Route No. 70 to a point where said South line of Interstate No. 70 intersects the East line of Leftholtz Road; thence Southwesterly along the East line of Leftholtz Road to the point where said East line of Leftholtz Road intersects the North line of Old U.S. Highway No. 40; thence Easterly along the North line of Old U.S. No. 40 to the point where said North line of Old U.S. Highway 40 intersects the East line of said Quarter Section; thence North along East line of said Quarter Section to the Point of Beginning, Except that part in road.

RE: CU-2016-219

Randy Diehl gave the staff report:

May 19, 2016 Continued July 21, 2016

**Applicant:** Verizon Wireless  
c/o Selective Site Consultants

**Property Owner:** William Hailey

**Location:** 35202 E Old US 40 Highway

**Area:** 5.00 ± acres

**Request:** A Conditional Use Permit for a period of 30 years to construct a 180 foot self-support lattice tower for wireless communications.

**Current Zoning:** District AG (Agricultural)

**Present Use of Property:**

The property is occupied by a single family residence.

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

The surrounding land uses are residential tracts and agricultural. The zoning is Agricultural. To the East to General Business. Directly West and across I-70 to the North is the City of Grain Valley. The Jackson County Road & Bridge Maintenance Facility is located to the southwest of the proposed site and County Park, Monkey Mountain is across Old 40 Highway.

**Master Plan:**

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

**Comments / Recommendation:**

Within the Unified Development Code, Section 24005.20 entitled 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 180 foot self-support lattice tower which leaves a height differential between permitted and proposed of 105 feet.

This is a relocation of an existing tower located on McQuerry Road. The relocation will provide a cost savings to the applicant as well as improve

coverage and service reliability around the site, including but not limited to along I-70, west towards Grain Valley and East towards Oak Grove.

Verizon proposes to lease a 50 ft. x 50 ft. area at the west area of the property and to construct, operate and maintain a 180 foot, 4-carrier self-support lattice type tower. This structure will be contained within an appurtenant ground based equipment compound surrounded by a six foot (6') chain link fence. The site will be unmanned and the traffic following construction will usually amount to a technician visiting the site as routine operational maintenance requires.

The Unified Development Code 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 180 feet, the fall zone setback is 90 feet.

Site plans were provided with the application. The proposed tower is to be located 160 feet from the west property line, 103 feet from the south property, 95 feet from the north property line and 550 feet from the east property line. The tower is 370 feet from Mr. Hailey's residence.

The self-support lattice tower will be structurally designed to accommodate four additional cellular providers beside Verizon.

The applicant is requesting a 30 year time period for the permit. On previous conditional use permits for wireless communication towers, the approved time period has typically been either 10 or 15 years. To be consistent with previous approvals, staff will recommend a 15 year period for this CUP request.

Staff recommends APPROVAL of CU-2016-219 for a period of fifteen (15) years subject to the following conditions:

1. The commercial communication lattice tower shall not exceed a height of 180 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 structurally designed so that at least four (4) other wireless co locators would be allowed space on the tower.
4. The lattice tower shall be galvanized finish or painted gray or light blue unless other standards are required by the Federal Aviation Agency.
5. The lattice tower shall only be illuminated if required by the Federal Communication Commission and/or the Federal Aviation Agency.
6. 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,

Randy Diehl  
Administrator

Planning and Development Division

Mr. Tarpley asked about the size of the property vs. the size of the compound.  
Answer: The property size was 5 acres and the compound will occupy a 50 ft. x 50 ft. area.

Mr. Pointer asked where the closest tower was located.  
Answer: As stated in the staff report there is an existing tower on the North side of I-70.

Mr. Pointer: Is it full?

Mr. Diehl: I will defer that question to the applicant.

Mr. Tarpley: When was the last application for a tower?

Mr. Diehl: The last permit granted was over 10 years ago, the location is South of Buckner.

Mr. Pointer: I have a problem with putting in towers and having the County look like a porcupine. If there are two towers close enough, one company should rent to the other, instead of putting up their own tower.

Mr. Diehl: I will defer that question to the applicant.

Mr. Tarpley: It's been 10 years, it's not like there growing up like mushrooms.

Ms. Mershon: How long are we doing this one for?

Mr. Diehl: They are asking for 30 years, staff is recommending 15 years, since this is the first permit.

Mr. Akins: Are they currently on the other tower?

Mr. Diehl: Yes, they are wishing to relocate from that tower to this one.

Ms. Mershon: If the tower falls, will it fall into I-70?

Mr. Diehl: No, the fall zone is 90 feet. The tower is set back from the property lines greater than that distance.

Mr. Crawford: Why is the fall zone only 90 feet?

Mr. Antey: The fall zone is half the height of the tower.

Mr. Diehl: They are engineered to collapse not the fall straight over.

Mr. Tarpley: We have no report of any collapsing?

Mr. Diehl: No.

*Is the applicant here?*

Brit Mitchell, Selective Sites Consultants on behalf of Verizon Wireless, 9900 W 109<sup>th</sup> Street, Overland Park, Kansas 66210

Mr. Antey: *Do you have anything to add to Randy's report?*

Mr. Mitchell: The only things is with some recent legislation, Senate Bill 650, Verizon would not be able to accept two of the conditions, the 30 years for the use permit and as well as removable term be accepted. Each of those have been addressed in the lease with the landowner.

Mr. Antey: How have they been addressed?

Mr. Mitchell: The term for the 30 years is in the lease and there is a removal clause in the lease as well.

Mr. Antey: You relocating from the tower on the North to this?

Mr. Mitchell: Yes, Verizon is leasing space and is wanting to relocate for a savings per month.

Mr. Tarpley: Are there any other companies wanting to use this new tower?

Mr. Mitchell: Not at this time.

Mr. Pointer: So the other tower will stay in use?

Mr. Mitchell: Yes

Mr. Pointer: So you are building a tower within a quarter of a mile from the other?

Mr. Mitchell: Yes

Mr. Crawford: You're doing this for economic reasons...

Mr. Mitchell: And also for enhancement of coverage.

Mr. Crawford: enhancement of coverage is secondary vs. the economic reason.

Mr. Pointer: I don't know about the County, but in the cities this is becoming a problem, everybody wanting their own towers too close together. I think you should stay renting where you are at instead of building another tower.



Mr. Crawford: Is it possible for you to tell us how much the coverage will improve at the new locations? I've got two maps here and I can't

Mr. Mitchell: It's Verizon's preference to have optimal performance.

Mr. Crawford: I've got two maps here and I can't tell.

Mr. Mitchell: I wouldn't be able to speak as a radio frequency expert, the maps were provided to show the improvement.

Mr. Pointer: What's the height of the old tower?

Mr. Mitchell: I believe 170 feet.

Justin Anderson, Selective Sites Consultants on behalf of Verizon Wireless, 9900 W 109<sup>th</sup> Street, Overland Park, Kansas 66210

Mr. Anderson: If I may add, this is mostly for the corridor site that we are gaining coverage. We are in an odd position as the applicant well as the Commission, regarding the new legislation that has certain things that can and can't be considered anymore. It's fairly new and I don't think a lot of us has experienced it yet. Some of things are: the consideration of separation of towers or other co-locations opportunities are not a factor for consideration or approval of towers anymore. If it's a business opportunity, specifically we're telling you as the applicant that we did look at other opportunities for current coverage. We are trying to improve it, and trying to drastically improve our rent. The goal of every business is to cut the bottom line and improve business.

Mr. Tarpley: Can I ask how you selected this particular site?

Mr. Mitchell: It's based on a search ring issued by Verizon for a selected area and we did go out and submit for interest to parties, and this happened to be an applicant that was interested. Verizon's engineers selected this as the best option.

Mr. Tarpley: If I remember right, it doesn't necessarily need to be real tall. It's based on the surrounding topography of land. I'm curious on how you picked this site.

Mr. Mitchell: It's based on the engineers study.

Mr. Hailey: I'm curious about the legislation, are you saying it's because of new legislation or doing away with?

Mr. Anderson: Senate Bill 650 was passed in 2014. A number of things that can still be considered by governments. Any a number of things that cannot be. Separation of towers, that consideration has been off the table. The ability to co-locate on other sites, term limits.

Mr. Pointer: You're saying that the State won't let you co-locate or operate on another tower?

Mr. Antey: The Senate Bill is saying as part of our decision that We cannot say that "you can locate on that tower", so we're not going to approve it on the fact that they could put their antenna on another tower.

Mr. Anderson: It's not because there was wide spread unfair practices or the fact that we were putting up erroneous towers. It is a wireless company's least favorite thing to do is put up a tower. It takes no less than six months, costs lots of money and then they have this piece of real estate that they don't want to own or have any responsibility for. All they want to do it have their antennas in the air and provide coverage. Unfortunately there are a lot of new technology requirements that are being pushed be the consumer that requires different antennas, different radios. All of these things regardless if we are taking away or increasing loads on a tower. This current tower is owned by a tower company that is in the business of making money, not providing service to any consumer. Any changes we make to our equipment impacts our rent. It's not economically feasible for us.

Mr. Antey: You stated that you find a couple of the conditions unacceptable, that's the 15 year period.

Mr. Anderson: Were trying not to set a president with the Senate Bill.

Mr. Antey: Are the other was with the removal if not used for a period of time

Mr. Anderson: And that's another item in the Senate Bill.

Jay Haden, County Counselor's Office: If the Commission is concerned with the Senate Bill as the applicant has mentioned several times, I would recommend hearing all the testimony and tabling it for a month and give me an opportunity to review the law and give you my legal advice on to what the Commissions rights and obligation are regarding this matter.

Mr. Tarpley: What was the reason for the Senate Bill?

Mr. Mitchell: It was brought forth to steam-line the process. More and more people are cutting the cord at home. There are more people that use their mobile data over their internet. There were a few jurisdictions that were taking advantage of situations requiring extreme application fees, lots of a requirements like structural on towers when they were putting in just a generator at the base. This was to help alleviate some of this. We are here to work with you and not try and push this through.

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

Discussion ensued regarding the painting of the tower, which may be regulated by the FCC or FAA, and in the tower was in any airport traffic pattern, which it is not.

Discussion on tabling or continuing the public hearing.

Discussion regarding the lease between the applicant and property owner.

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 continue to hearing. Mr. Point seconded.

Meeting resumed on July 21, 2016.

Mr. Tarpley	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mr. Crawford	Approve
Mrs. Mershon	Approve
Mr. Pointer	Approve
Mrs. Querry	Approve
Mr. Akins	Approve
Chairman Antey	Approve

Motion Carried 9 – 0.

### **Continuation of meeting from May 19, 2016**

RE: CU-2016-218

Randy Diehl gave a recap of the staff report with the revised recommendation as follows:

Staff recommends APPROVAL of CU-2016-219 subject to the following conditions:

1. The commercial communication lattice tower shall not exceed a height of 180 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 structurally designed so that at least four (4) other wireless co locators would be allowed space on the tower.
4. 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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6. 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.

Mr. Antey: Jay has some information to share with the Commission.

Jay Haden, County Counselor's Office: The Commission might recall with the packets from the last meeting, the applicant provided a copy of the State law which was adopted

in 2014. This is the first cell tower application that the Commission has seen several years. The applicant mentioned a couple of things in that law that the Commission should pay closer attention to. It was my suggestion that this hearing be continued. I've looked at it and I think there are two factors of the law that come into play that the Commission should be aware of. One is that the law states that the County and the Commission cannot put a time limit duration on this. When we approve the permit, it's indefinite, it's limited to the life of the tower. It was originally an application for 30 years, staff recommended 15 years. They raised a point that staff recommended if it stops being used as a cell tower it be disassembled and removed. There is no condition in the law and I believe the application agrees with that. The last point the applicant raised is that there was some questioning on why they were moving from across the highway. They are not the owner of the tower, they are a tenant. Their equipment is not at the location to provide maximum service, the best service for their expanding customer base. The law clearly states we are not to consider whether or not they could locate on another tower or stay on the tower they are on, provided they have provided information stating they have conducted an analysis of their service needs. I believe the evidence shows they have provided that.

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

Mr. Akins: Will the tower be lighted?

Mr. Mitchell: No, it is under the 200 foot limit as required by the FAA.

Mr. Antey: *Is there anyone else who is in favor of this application?*

Mr. Antey: *Is there anyone who is opposed or has questions regarding this application?*

There were none.

Motion to take under advisement.

Motion to approve.

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

Mr. Tarpley	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mr. Crawford	Approve
Mrs. Mershon	Approve
Mrs. Querry	Approve
Mr. Akins	Approve
Chairman Antey	Approve

Motion to approve.

Mrs. Mershon moved to approve CU-2016-219. Mr. Tarpley seconded.

Motion Carried 8 – 0.

**STAFF REPORT**

**PLAN COMMISSION  
May 19, 2016**

**RE: CU-2016-219**

**Applicant: Verizon Wireless  
c/o Selective Site Consultants**

**Property Owner: William Hailey**

**Location: 35202 E Old US 40 Highway**

**Area: 5.00 ± acres**

**Request: A Conditional Use Permit for a period of 30 years to construct a 180 foot self-support lattice tower for wireless communications.**

**Current Zoning: District AG (Agricultural)**

**Present Use of Property:**

The property is occupied by a single family residence.

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

The surrounding land uses are residential tracts and agricultural. The zoning is Agricultural. To the East to General Business. Directly West and across I-70 to the North is the City of Grain Valley. The Jackson County Road & Bridge Maintenance Facility is located to the southwest of the proposed site and County Park, Monkey Mountain is across Old 40 Highway.

**Master Plan:**

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

**Comments / Recommendation:**

Within the Unified Development Code, Section 24005.20 entitled 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 180 foot self-support lattice tower which leaves a height differential between permitted and proposed of 105 feet.

This is a relocation of an existing tower located on McQuerry Road. The relocation will provide a cost savings to the applicant as well as improve coverage and service reliability around the site, including but not limited to along I-70, west towards Grain Valley and East towards Oak Grove.

Verizon proposes to lease a 50 ft. x 50 ft. area at the west area of the property and to construct, operate and maintain a 180 foot, 4-carrier self-support lattice type tower. This structure will be contained within an appurtenant ground based equipment compound surrounded by a six foot (6') chain link fence. The site will be unmanned and the traffic following construction will usually amount to a technician visiting the site as routine operational maintenance requires.

The Unified Development Code 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 180 feet, the fall zone setback is 90 feet.

Site plans were provided with the application. The proposed tower is to be located 160 feet from the west property line, 103 feet from the south property, 95 feet from the north property line and 550 feet from the east property line. The tower is 370 feet from Mr. Hailey's residence.

The self-support lattice tower will be structurally designed to accommodate four additional cellular providers beside Verizon.

The applicant is requesting a 30 year time period for the permit. On previous conditional use permits for wireless communication towers, the approved time period has typically been either 10 or 15 years. To be consistent with previous approvals, staff will recommend a 15 year period for this CUP request.

Staff recommends APPROVAL of CU-2016-219 for a period of fifteen (15) years subject to the following conditions:

1. The commercial communication lattice tower shall not exceed a height of 180 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 structurally designed so that at least four (4) other wireless co locators would be allowed space on the tower.
4. The lattice tower shall be galvanized finish or painted gray or light blue unless other standards are required by the Federal Aviation Agency.
5. The lattice tower shall only be illuminated if required by the

**Federal Communication Commission and/or the Federal Aviation Agency.**

- 6. 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,**

**Randy Diehl  
Administrator**

**Planning and Development Division**

**Plan Commission  
May 19, 2016  
CU-2016-219**

**Applicants / Property Owners:**

**37-700-01-03  
William L Hailey  
35202 E AA Hwy  
Oak Grove MO 64075**

**Verizon Wireless by  
Selective Sites Consultants  
10740 Nall Ave suite 400  
Overland Park KS 66211**

**Certified Mail – Return Receipt  
Property Owners within 185 feet**

37-700-01-07-01-00-000  
JACKSON COUNTY

37-700-01-10-00-0-00-00  
JACKSON COUNTY

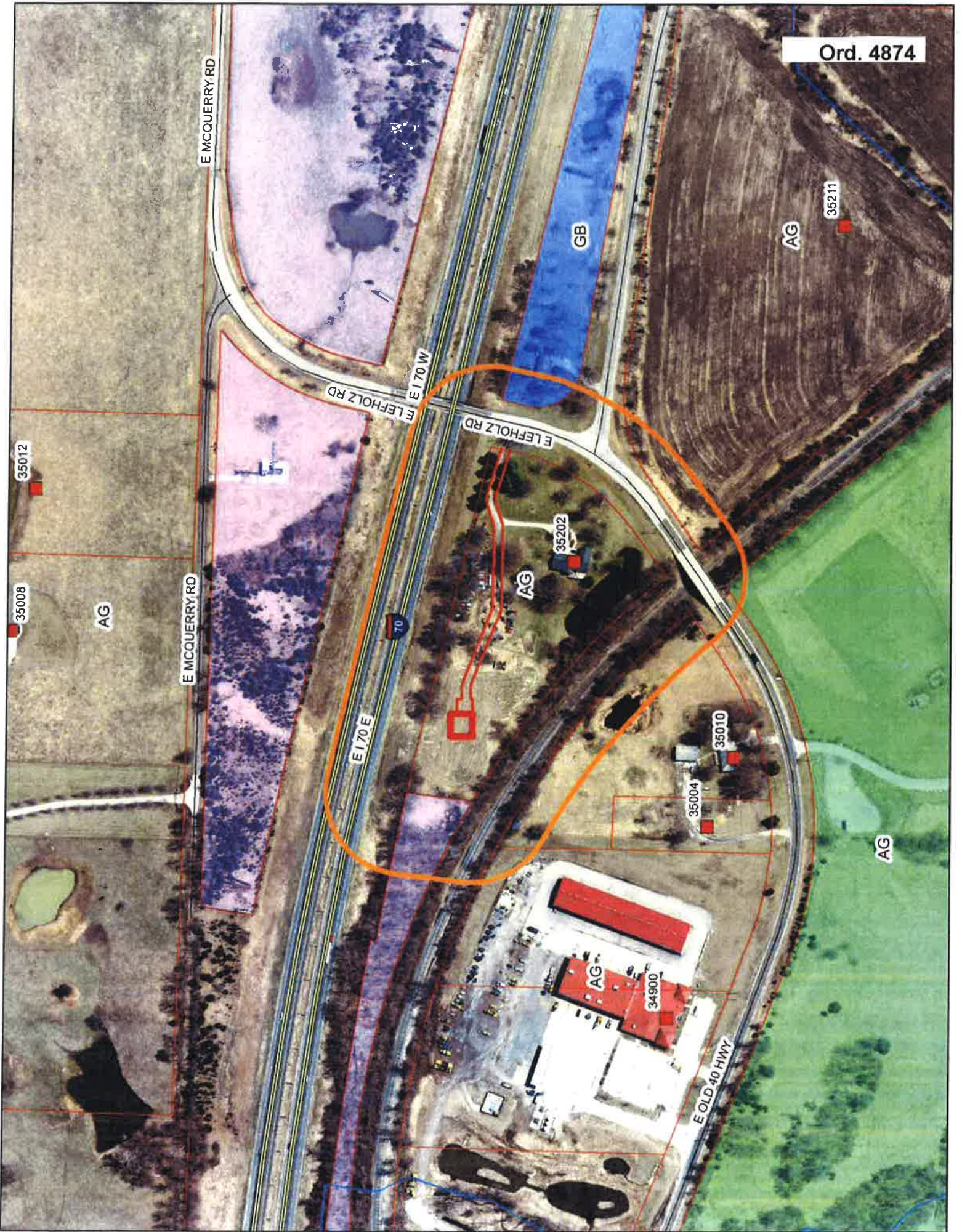
37-700-01-05-00-0-00-000  
WARD DAVID L & SANDRA L  
35004 E McQUERRY ROAD  
OAK GROVE MO 64075

37-700-01-04-00-0-00-000  
SCHEFERS INVESTMENTS LLC  
PO BOX 326  
GRAIN VALLEY MO 64029

37-700-01-12-00-0-00-000  
FAULKNER WILL M  
35010 E AA HWY  
OAK GROVE MO 64075

37-700-02-02-01-0-00-000  
WARD DEVELOPMENT & INVESTMENT  
1101 NW PAMELA BLVD STE C  
GRAIN VALLEY MO 64029







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- 2016-219

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: Verizon Wireless - represented by SSC  
 Address: 10740 Nall Avenue, Suite 400  
Overland Park, KS 66211  
 Phone: 913.438.7700
  - b. Owner(s) Name: William Hailey  
 Address: 35202 E. Old US 40 Highway  
 Phone: 816.918.4583
  - c. Agent(s) Name: SSC

Address: 9900 W. 109th Street, Suite 300  
Overland Park, KS 66210  
Phone: 913.438.7700

d. Applicant's interest in Property: Proposed Wireless Communications Facility

2. A CONDITIONAL USE PERMIT IS HEREBY REQUESTED for the following described use: Installation of a 180' wireless communications facility and ground equipment for a period of 30 years; property described as follows: a tract of land \_\_\_\_\_ square feet/acres in size located at 35202 E. MAA Highway \_\_\_\_\_ Road.  
Present Zoning District Agriculture

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

See Attached

4. Present Use of Property: Agriculture with residential house

5. Proposed Use of Property: Existing uses with addition of the 180' wireless communication facility.

6. Estimated Time Schedule for Development: 6 week construction period after obtaining the building permit.

7. What effect will your proposed development have on the surrounding properties?  
Enhanced wireless coverage and safety for surrounding property owners and I-70 corridor
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 200A service and fiber provided by utility and Verizon.
  - d. Heating N/A
  - e. Fire and Police protection N/A
10. Describe existing road width and condition: Approximate 420' access drive that is 20' wide gravel and connects to the property owner's existing driveway.
11. What effect will proposed development have on existing road and traffic conditions? There will be no effect. No additional traffic or parking other than seldom maintenance and performance visits by Verizon technicians.
12. Are any state, federal, or other public agencies approvals or permits required for the proposed development? FAA / FCC  
 If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): local FCC license attached; FAA preliminary report attached. Final FAA upon receipt.

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)

William A. Hawley

4-6-2016

Applicant(s):

[Signature]

4-8-2016

Contract Purchaser(s):

STATE OF

Kansas

COUNTY OF

Johnson

On this 8<sup>th</sup> day of April, in the year of 2016, before me the undersigned notary public, personally appeared Brit Mitchell

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

Megan Brown

Commission Expires

7/6/2016



From: Benedict Ringor – Principal RF Engineer, Verizon Wireless

April 1, 2016

To: The City Representatives

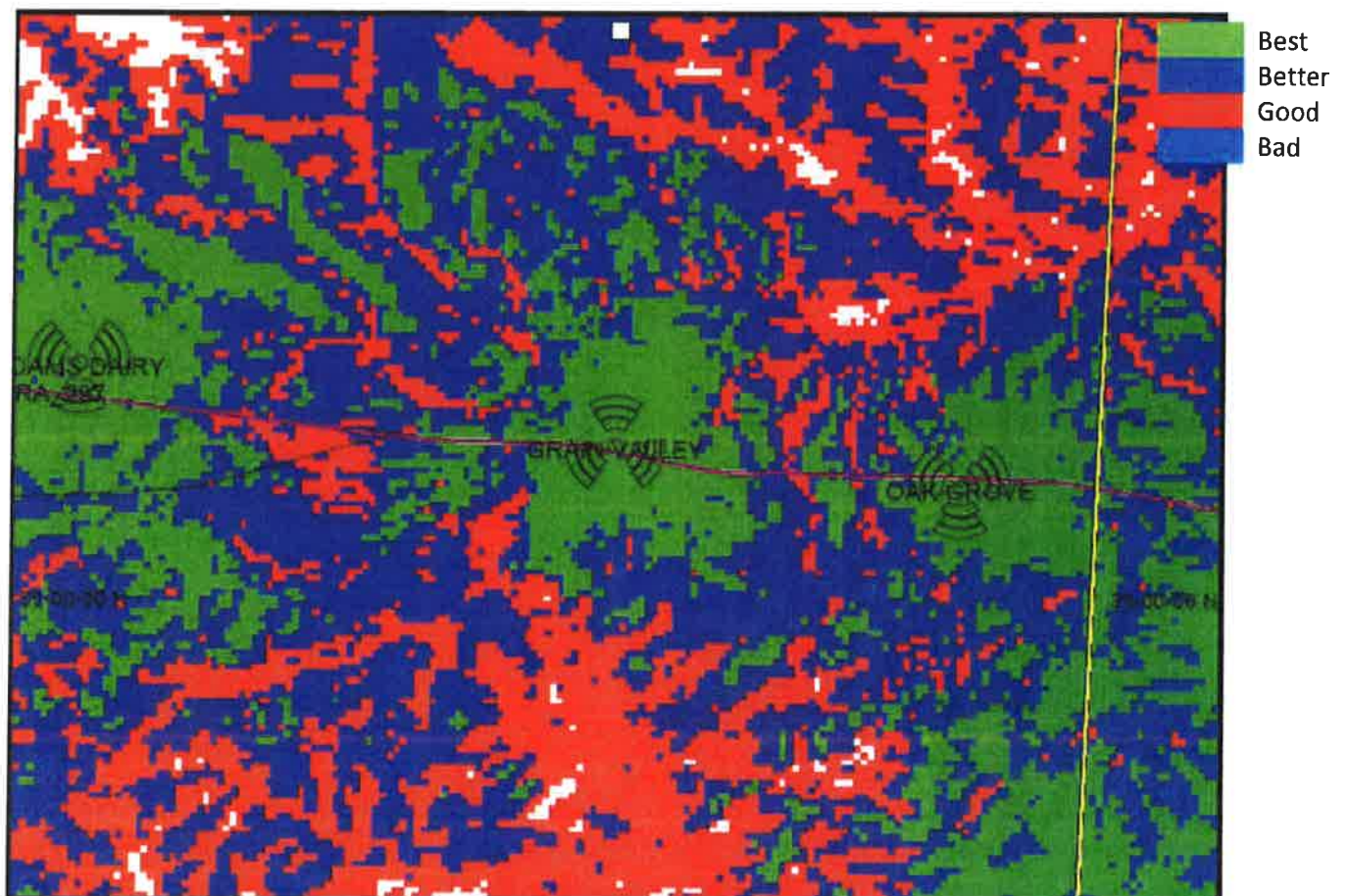
Ord. 4874

RE: Relocation of Grain Valley to McQuery Site

Dear City Representatives,

Verizon Wireless is proud to serve the Kansas City metropolitan area and we are always diligent to maintain excellent service and improvements. This time, we are trying to relocate our Grain Valley site located at 35209 E. McQuery, Grain Valley, MO 64075 to a new location called McQuery site to be located at 35202 E. M AA Highway, Oak Grove, MO 64075 because the current site rental at the existing site location is very high. Also, this relocation will improve coverage and service reliability around the site including but not limited to along I70, west towards Grain Valley and east towards Oak Grove. The map below shows the existing coverage using our Grain Valley site.

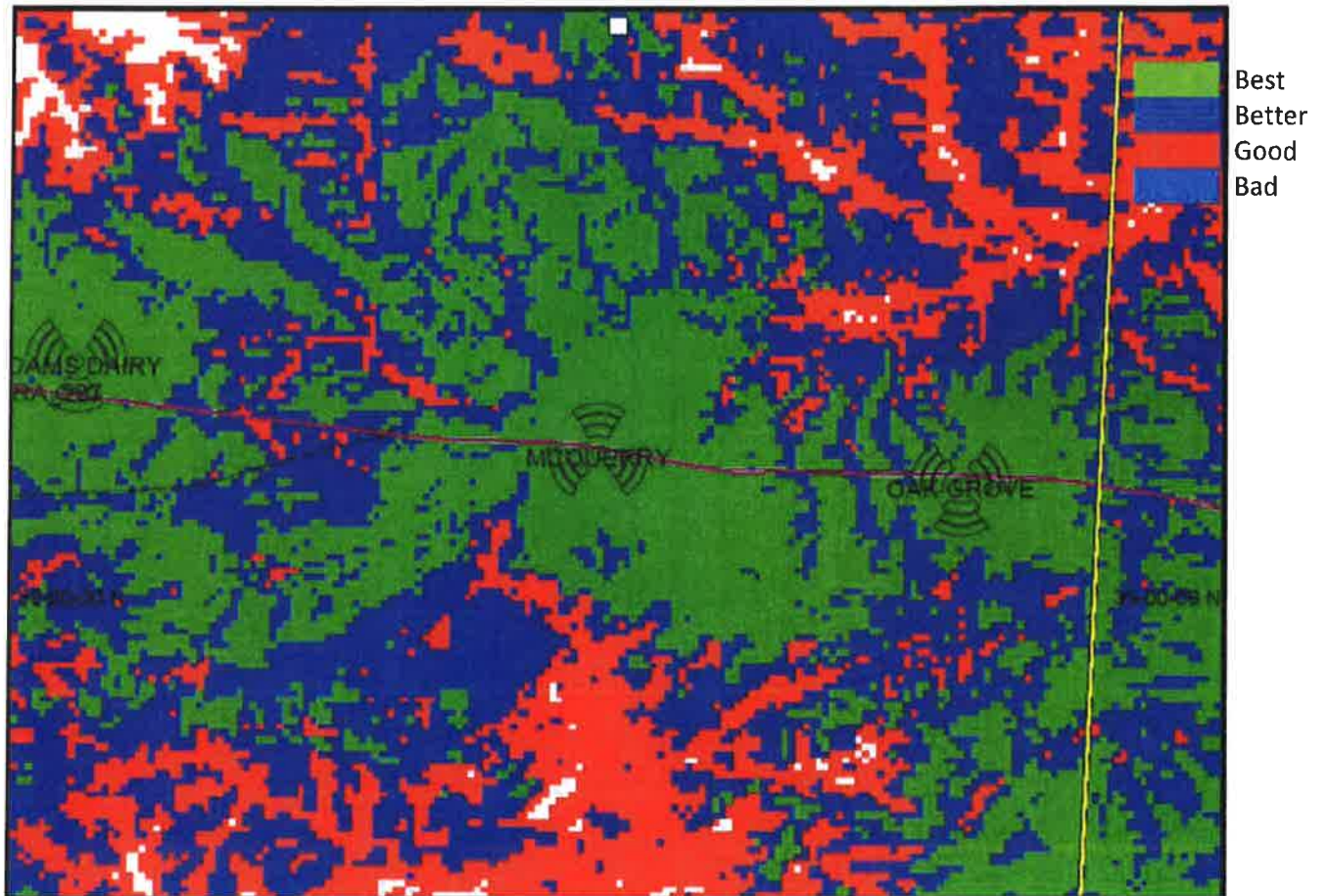
Map 1 – Existing Coverage





Below is map 2 showing with the proposed new site, McQuerry.

Map 2 – Coverage with the new site



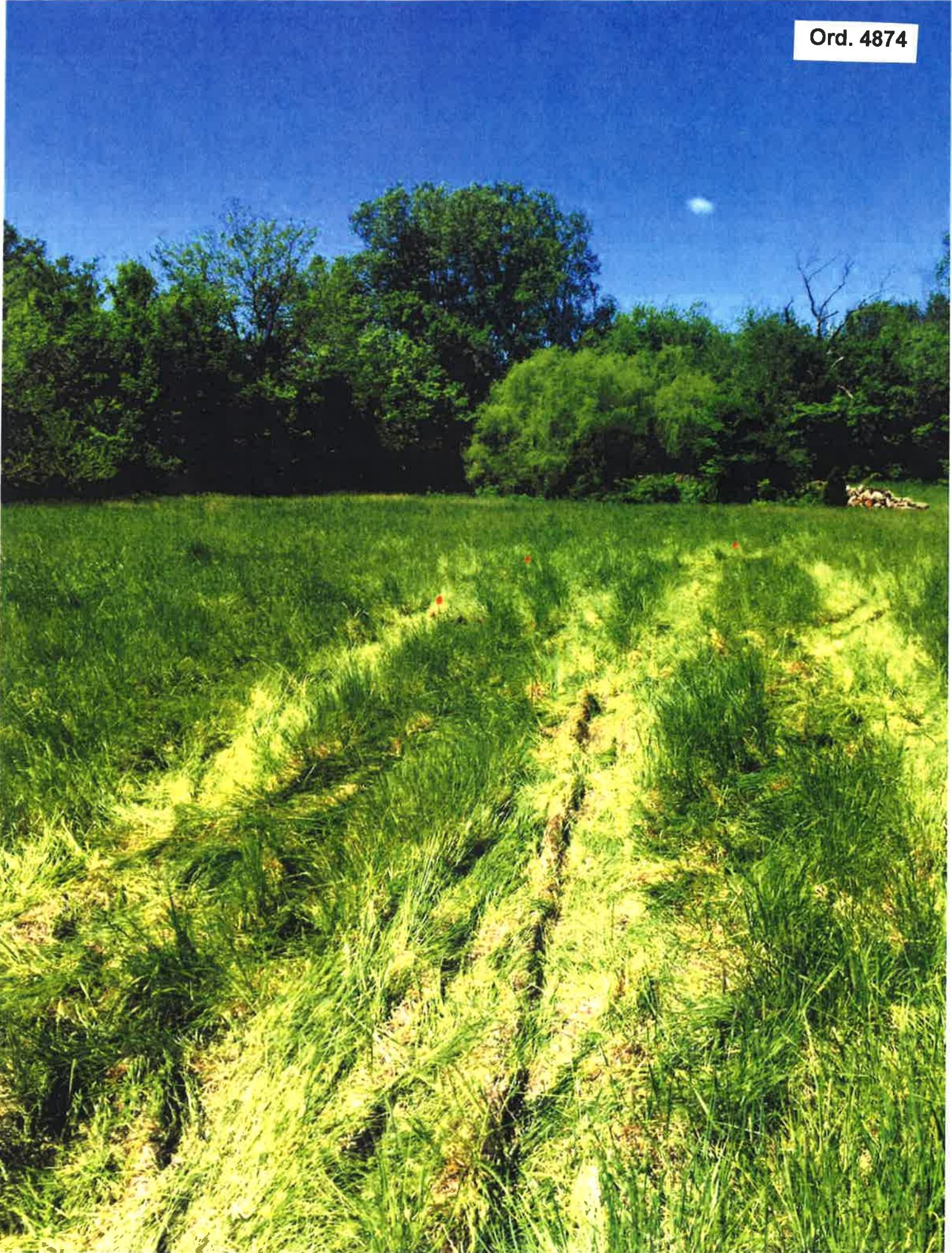


Ord. 4874



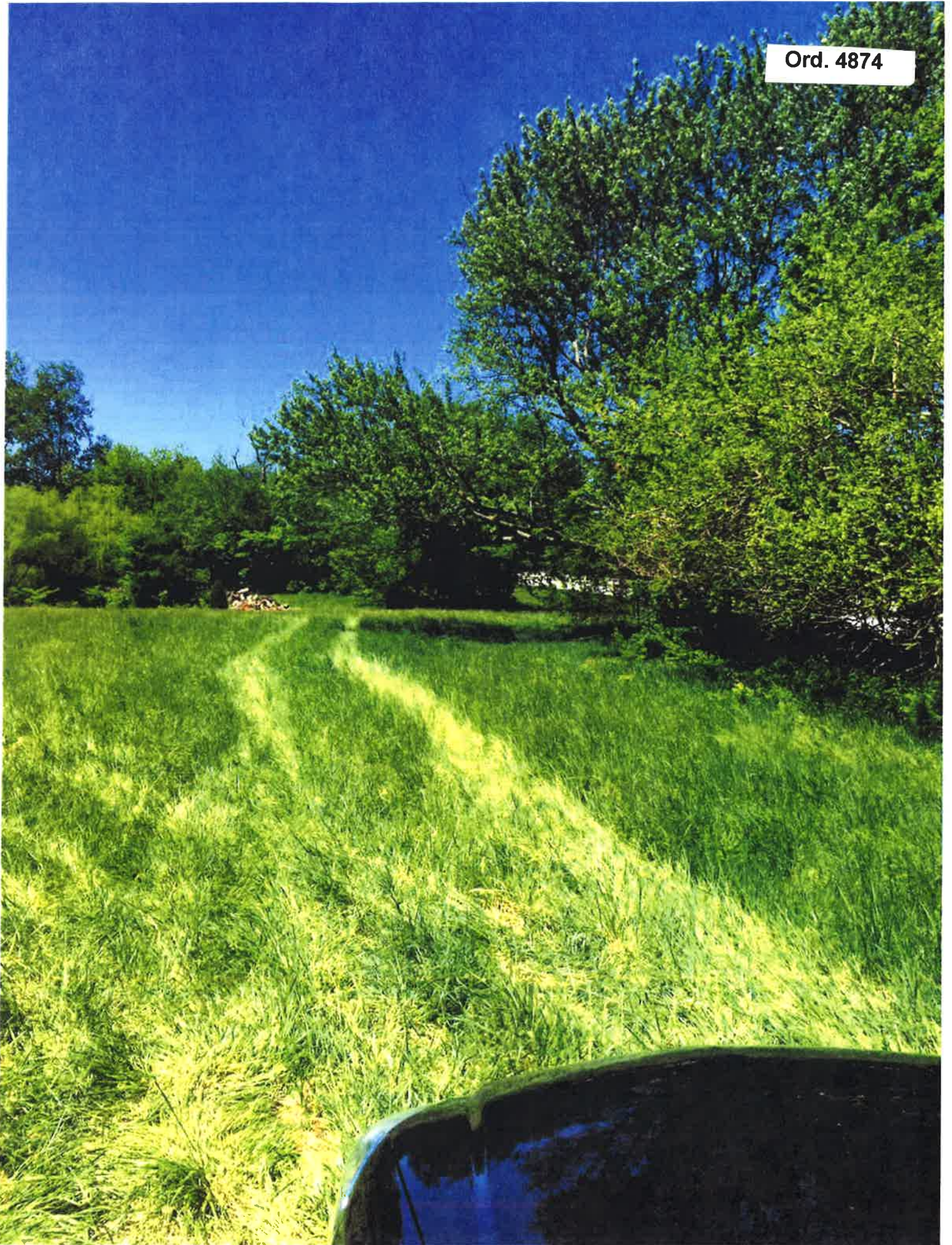


Ord. 4874





Ord. 4874











SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 650

97TH GENERAL ASSEMBLY

2014

5012S.03T

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## AN ACT

To repeal sections 67.5090, 67.5092, 67.5094, 67.5096, 67.5098, 67.5100, 67.5102, and 67.5103, RSMo, and to enact in lieu thereof eight new sections relating to wireless communications infrastructure deployment.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 67.5090, 67.5092, 67.5094, 67.5096, 67.5098, 67.5100, 2 67.5102, and 67.5103, RSMo, are repealed and eight new sections enacted in lieu 3 thereof, to be known as sections 67.5090, 67.5092, 67.5094, 67.5096, 67.5098, 4 67.5100, 67.5102, and 67.5103, to read as follows:

67.5090. Sections 67.5090 to [67.5102] **67.5103** shall be known and may 2 be cited as the "Uniform Wireless Communications Infrastructure Deployment 3 Act" and is intended to encourage and streamline the deployment of **broadcast** 4 **and** broadband facilities and to help ensure that robust wireless **radio based** 5 communication services are available throughout Missouri.

67.5092. As used in sections 67.5090 to [67.5102] **67.5103**, the following 2 terms mean:

3 (1) "Accessory equipment", any equipment serving or being used in 4 conjunction with a wireless **communications** facility or wireless support 5 structure. The term includes utility or transmission equipment, power supplies, 6 generators, batteries, cables, equipment buildings, cabinets and storage sheds, 7 shelters, or similar structures;

8 (2) "Antenna", communications equipment that transmits or receives 9 electromagnetic radio signals used in the provision of any type of wireless 10 communications services;

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

11 (3) "Applicant", any person engaged in the business of providing wireless  
12 communications services or the wireless communications infrastructure required  
13 for wireless communications services who submits an application;

14 (4) "Application", a request submitted by an applicant to an authority to  
15 construct a new wireless support structure, for the substantial modification of a  
16 wireless support structure, or for collocation of a wireless facility or replacement  
17 of a wireless facility on an existing structure;

18 (5) "Authority", each state, county, and municipal governing body, board,  
19 agency, office, or commission authorized by law and acting in its capacity to make  
20 legislative, quasi-judicial, or administrative decisions relative to zoning or  
21 building permit review of an application. The term shall not include state courts  
22 having jurisdiction over land use, planning, or zoning decisions made by an  
23 authority;

24 (6) "Base station", a station at a specific site authorized to communicate  
25 with mobile stations, generally consisting of radio transceivers, antennas, coaxial  
26 cables, power supplies, and other associated electronics, and includes a structure  
27 that currently supports or houses an antenna, a transceiver, coaxial cables, power  
28 supplies, or other associated equipment;

29 (7) "Building permit", a permit issued by an authority prior to  
30 commencement of work on the collocation of wireless facilities on an existing  
31 structure, the substantial modification of a wireless support structure, or the  
32 commencement of construction of any new wireless support structure, solely to  
33 ensure that the work to be performed by the applicant satisfies the applicable  
34 building code;

35 (8) "Collocation", the placement or installation of a new wireless facility  
36 on [existing structure] **a structure that already has an existing wireless**  
37 **facility**, including electrical transmission towers, water towers, buildings, and  
38 other structures capable of structurally supporting the attachment of wireless  
39 facilities in compliance with applicable codes;

40 (9) "Electrical transmission tower", an electrical transmission structure  
41 used to support high voltage overhead power lines. The term shall not include  
42 any utility pole;

43 (10) "Equipment compound", an area surrounding or near a wireless  
44 support structure within which are located wireless facilities;

45 (11) "Existing structure", a structure that exists at the time a request to  
46 place wireless facilities on a structure is filed with an authority. The term

47 includes any structure that is capable of supporting the attachment of wireless  
48 facilities in compliance with applicable building codes, National Electric Safety  
49 Codes, and recognized industry standards for structural safety, capacity,  
50 reliability, and engineering, including, but not limited to, towers, buildings, and  
51 water towers. The term shall not include any utility pole;

52 (12) "Replacement", includes constructing a new wireless support  
53 structure of equal proportions and of equal height or such other height that would  
54 not constitute a substantial modification to an existing structure in order to  
55 support wireless facilities or to accommodate collocation and includes the  
56 associated removal of the preexisting wireless facilities or wireless support  
57 structure;

58 (13) "Substantial modification", the mounting of a proposed wireless  
59 facility on a wireless support structure which, as applied to the structure as it  
60 was originally constructed:

61 (a) Increases the existing vertical height of the structure by:

62 a. More than ten percent; or

63 b. The height of one additional antenna array with separation from the  
64 nearest existing antenna not to exceed twenty feet, whichever is greater; or

65 (b) Involves adding an appurtenance to the body of a wireless support  
66 structure that protrudes horizontally from the edge of the wireless support  
67 structure more than twenty feet or more than the width of the wireless support  
68 structure at the level of the appurtenance, whichever is greater (except where  
69 necessary to shelter the antenna from inclement weather or to connect the  
70 antenna to the tower via cable);

71 (c) Involves the installation of more than the standard number of new  
72 outdoor equipment cabinets for the technology involved, not to exceed four new  
73 equipment cabinets; or

74 (d) Increases the square footage of the existing equipment compound by  
75 more than [two thousand five hundred] **one thousand two hundred fifty**  
76 square feet;

77 (14) "Utility", any person, corporation, county, municipality acting in its  
78 capacity as a utility, municipal utility board, or other entity, or department  
79 thereof or entity related thereto, providing retail or wholesale electric, natural  
80 gas, water, waste water, data, cable television, or telecommunications or internet  
81 protocol-related services;

82 (15) "Utility pole", a structure owned or operated by a utility that is



83 designed specifically for and used to carry lines, cables, or wires for telephony,  
84 cable television, or electricity, or to provide lighting;

85 (16) "Water tower", a water storage tank, or a standpipe or an elevated  
86 tank situated on a support structure, originally constructed for use as a reservoir  
87 or facility to store or deliver water;

88 (17) **"Wireless communications service", includes the wireless**  
89 **facilities of all services licensed to use radio communications pursuant**  
90 **to Section 301 of the Communications Act of 1934, 47 U.S.C. § 301;**

91 (18) "Wireless facility", the set of equipment and network components,  
92 exclusive of the underlying wireless support structure, including, but not limited  
93 to, antennas, accessory equipment, transmitters, receivers, power supplies,  
94 cabling and associated equipment necessary to provide wireless communications  
95 services;

96 ~~[(18)]~~ (19) "Wireless support structure", a structure, such as a monopole,  
97 tower, or building capable of supporting wireless facilities. This definition does  
98 not include utility poles.

67.5094. In order to ensure uniformity across the state of Missouri with  
2 respect to the consideration of every application, an authority shall not:

3 (1) Require an applicant to submit information about, or evaluate an  
4 applicant's business decisions with respect to its designed service, customer  
5 demand for service, or quality of its service to or from a particular area or site;

6 (2) Evaluate an application based on the availability of other potential  
7 locations for the placement of wireless support structures or wireless facilities,  
8 including without limitation the option to collocate instead of construct a new  
9 wireless support structure or for substantial modifications of a support structure,  
10 or vice versa; provided, however, that solely with respect to an application for a  
11 new wireless support structure, an authority may require an applicant to state  
12 in [its] **such applicant's** application that it conducted an analysis of available  
13 ~~[collocation]~~ **collocation** opportunities on existing wireless towers within the  
14 same search ring defined by the applicant, solely for the purpose of confirming  
15 that an applicant undertook such an analysis; **For collocation to any**  
16 **certified historic structure as defined in section 253.545, in addition to**  
17 **all other applicable time requirements, there shall be a thirty day time**  
18 **period before approval of an application. During such time period, an**  
19 **authority shall hold one or more public hearings on collocation to a**  
20 **certified historic structure.**

21 (3) Dictate the type of wireless facilities, infrastructure or technology to  
22 be used by the applicant, including, but not limited to, requiring an applicant to  
23 construct a distributed antenna system in lieu of constructing a new wireless  
24 support structure;

25 (4) Require the removal of existing wireless support structures or wireless  
26 facilities, wherever located, as a condition for approval of an application;

27 (5) With respect to radio frequency emissions, impose environmental  
28 testing, sampling, or monitoring requirements or other compliance measures on  
29 wireless facilities that are categorically excluded under the Federal  
30 Communication Commission's rules for radio frequency emissions under 47 CFR  
31 1.1307(b)(1) or other applicable federal law, as the same may be amended or  
32 supplemented;

33 (6) Establish or enforce regulations or procedures for RF signal strength  
34 or the adequacy of service quality;

35 **(7) Establish or enforce regulations or procedures for**  
36 **environmental safety for any wireless communications facility that is**  
37 **inconsistent with or in excess of those required by OET Bulletin 65,**  
38 **entitled Evaluating Compliance with FCC Guidelines for Human**  
39 **Exposure to Radio Frequency Electromagnetic Fields, Edition 97-01,**  
40 **released August, 1997, and Supplement A: Additional Information for**  
41 **Radio and Television Broadcast Stations;**

42 (8) In conformance with 47 U.S.C. Section 332(c)(7)(b)(4), reject an  
43 application, in whole or in part, based on perceived or alleged environmental  
44 effects of radio frequency emissions;

45 [(8)] (9) Impose any restrictions with respect to objects in navigable  
46 airspace that are greater than or in conflict with the restrictions imposed by the  
47 Federal Aviation Administration;

48 [(9)] (10) Prohibit the placement of emergency power systems that  
49 comply with federal and state environmental requirements;

50 [(10)] (11) Charge an application fee, consulting fee, or other fee  
51 associated with the submission, review, processing, and approval of an application  
52 that is not required for similar types of commercial development within the  
53 authority's jurisdiction. Fees imposed by an authority for or directly by a  
54 third-party entity providing review or technical consultation to the authority  
55 must be based on actual, direct, and reasonable administrative costs incurred for  
56 the review, processing, and approval of an application. Except when mutually

57 agreeable to the applicant and the authority, total charges and fees shall not  
58 exceed five hundred dollars for a collocation application or one thousand five  
59 hundred dollars for an application for a new wireless support structure or for a  
60 substantial modification of a wireless support structure. Notwithstanding the  
61 foregoing, in no event shall an authority or any third-party entity include within  
62 its charges any travel expenses incurred in a third-party's review of an  
63 application and in no event shall an applicant be required to pay or reimburse an  
64 authority for consultation or other third-party fees based on a contingency or  
65 result-based arrangement;

66        **[(11)] (12)** Impose surety requirements, including bonds, escrow deposits,  
67 letters of credit, or any other type of financial surety, to ensure that abandoned  
68 or unused facilities can be removed unless the authority imposes similar  
69 requirements on other permits for other types of commercial development or land  
70 uses;

71        **[(12)] (13)** Condition the approval of an application on the applicant's  
72 agreement to provide space on or near the wireless support structure for  
73 authority or local governmental services at less than the market rate for space  
74 or to provide other services via the structure or facilities at less than the market  
75 rate for such services;

76        **[(13)] (14)** Limit the duration of the approval of an application;

77        **[(14)] (15)** Discriminate or create a preference on the basis of the  
78 ownership, including ownership by the authority, of any property, structure, or  
79 tower when promulgating rules or procedures for siting wireless facilities or for  
80 evaluating applications;

81        **[(15)] (16)** Impose any requirements or obligations regarding the  
82 presentation or appearance of facilities, including, but not limited to, those  
83 relating to the kind or type of materials used and those relating to arranging,  
84 screening, or landscaping of facilities if such regulations or obligations are  
85 unreasonable;

86        **[(16)] (17)** Impose any requirements that an applicant purchase,  
87 subscribe to, use, or employ facilities, networks, or services owned, provided, or  
88 operated by an authority, in whole or in part, or by any entity in which an  
89 authority has a competitive, economic, financial, governance, or other interest;

90        **[(17)] (18)** Condition the approval of an application on, or otherwise  
91 require, the applicant's agreement to indemnify or insure the authority in  
92 connection with the authority's exercise of its police power-based regulations; or

93            ~~[(18)]~~ (19) Condition or require the approval of an application based on  
94 the applicant's agreement to permit any wireless facilities provided or operated,  
95 in whole or in part, by an authority or by any entity in which an authority has  
96 a competitive, economic, financial, governance, or other interest, to be placed at  
97 or collocated with the applicant's wireless support structure.

67.5096. 1. Authorities may continue to exercise zoning, land use,  
2 planning, and permitting authority within their territorial boundaries with  
3 regard to the siting of new wireless support structures, subject to the provisions  
4 of sections 67.5090 to 67.5103, including without limitation section 67.5094, and  
5 subject to federal law.

6            2. Any applicant that proposes to construct a new wireless support  
7 structure within the jurisdiction of any authority, planning or otherwise, that has  
8 adopted planning and zoning regulations in accordance with sections 67.5090 to  
9 67.5103 shall:

10            (1) Submit the necessary copies and attachments of the application to the  
11 appropriate authority. Each application shall include a copy of a lease, letter of  
12 authorization or other agreement from the property owner evidencing applicant's  
13 right to pursue the application; and

14            (2) Comply with applicable local ordinances concerning land use and the  
15 appropriate permitting processes.

16            3. Disclosure of records in the possession or custody of authority  
17 personnel, including but not limited to documents and electronic data, shall be  
18 subject to chapter 610.

19            4. The authority, within one hundred twenty calendar days of receiving  
20 an application to construct a new wireless support structure or within such  
21 additional time as may be mutually agreed to by an applicant and an authority,  
22 shall:

23            (1) Review the application in light of its conformity with applicable local  
24 zoning regulations. An application is deemed to be complete unless the authority  
25 notifies the applicant in writing, within thirty calendar days of submission of the  
26 application, of the specific deficiencies in the application which, if cured, would  
27 make the application complete. Upon receipt of a timely written notice that an  
28 application is deficient, an applicant may take thirty calendar days from receiving  
29 such notice to cure the specific deficiencies. If the applicant cures the deficiencies  
30 within thirty calendar days, the application shall be reviewed and processed  
31 within one hundred twenty calendar days from the initial date the application

32 was received. If the applicant requires a period of time beyond thirty calendar  
33 days to cure the specific deficiencies, the one hundred twenty calendar days'  
34 deadline for review shall be extended by the same period of time;

35 (2) Make its final decision to approve or disapprove the application; and  
36 (3) Advise the applicant in writing of its final decision.

37 5. If the authority fails to act on an application to construct a new  
38 wireless support structure within the one hundred twenty calendar days' review  
39 period specified under subsection 4 of this section or within such additional time  
40 as may be mutually agreed to by an applicant and an authority, the application  
41 shall be deemed approved.

42 6. A party aggrieved by the final action of an authority, either by its  
43 affirmatively denying an application under the provisions of this section or by its  
44 inaction, may bring an action for review in any court of competent jurisdiction  
45 **within this state.**

67.5098. 1. Authorities may continue to exercise zoning, land use,  
2 planning, and permitting authority within their territorial boundaries with  
3 regard to applications for substantial modifications of wireless support structures,  
4 subject to the provisions of sections 67.5090 to 67.5103, including without  
5 limitation section 67.5094, and subject to federal law.

6 2. Any applicant that applies for a substantial modification of a wireless  
7 support structure within the jurisdiction of any authority, planning or otherwise,  
8 that has adopted planning and zoning regulations in accordance with sections  
9 67.5090 to 67.5103 shall:

10 (1) Submit the necessary copies and attachments of the application to the  
11 appropriate authority. Each application shall include a copy of a lease, letter of  
12 authorization or other agreement from the property owner evidencing applicant's  
13 right to pursue the application; and

14 (2) Comply with applicable local ordinances concerning land use and the  
15 appropriate permitting processes.

16 3. Disclosure of records in the possession or custody of authority  
17 personnel, including but not limited to documents and electronic data, shall be  
18 subject to chapter 610.

19 4. The authority, within **[ninety] one hundred twenty** calendar days of  
20 receiving an application for a substantial modification of wireless support  
21 structures, shall:

22 (1) Review the application in light of its conformity with applicable local

23 zoning regulations. An application is deemed to be complete unless the authority  
24 notifies the applicant in writing, within thirty calendar days of submission of the  
25 application, of the specific deficiencies in the application which, if cured, would  
26 make the application complete. Upon receipt of a timely written notice that an  
27 application is deficient, an applicant may take thirty calendar days from receiving  
28 such notice to cure the specific deficiencies. If the applicant cures the deficiencies  
29 within thirty calendar days, the application shall be reviewed and processed  
30 within ninety calendar days from the initial date the application was received. If  
31 the applicant requires a period of time beyond thirty calendar days to cure the  
32 specific deficiencies, the ninety calendar days' deadline for review shall be  
33 extended by the same period of time;

34 (2) Make its final decision to approve or disapprove the application; and

35 (3) Advise the applicant in writing of its final decision.

36 5. If the authority fails to act on an application for a substantial  
37 modification within the ninety calendar days' review period specified under  
38 subsection 4 of this section, or within such additional time as may be mutually  
39 agreed to by an applicant and an authority, the application for a substantial  
40 modification shall be deemed approved.

41 6. A party aggrieved by the final action of an authority, either by its  
42 affirmatively denying an application under the provisions of this section or by its  
43 inaction, may bring an action for review in any court of competent jurisdiction  
44 **within this state.**

67.5100. 1. Subject to the provisions of sections 67.5090 to 67.5103,  
2 including section 67.5094, collocation applications and applications for  
3 replacement of wireless facilities shall be reviewed for conformance with  
4 applicable building permit requirements, National Electric Safety Codes, and  
5 recognized industry standards for structural safety, capacity, reliability, and  
6 engineering, but shall not otherwise be subject to zoning or land use  
7 requirements, including design or placement requirements, or public hearing  
8 review.

9 2. The authority, within forty-five calendar days of receiving a collocation  
10 application or application for replacement of wireless facilities, shall:

11 (1) Review the collocation application or application to replace wireless  
12 facilities in light of its conformity with applicable building permit requirements  
13 and consistency with sections 67.5090 to 67.5103. A collocation application or  
14 application to replace wireless facilities is deemed to be complete unless the

15 authority notifies the applicant in writing, within fifteen calendar days of  
16 submission of the application, of the specific deficiencies in the application which,  
17 if cured, would make the application complete. Each collocation application or  
18 application to replace wireless facilities shall include a copy of a lease, letter of  
19 authorization or other agreement from the property owner evidencing applicant's  
20 right to pursue the application. Upon receipt of a timely written notice that a  
21 collocation application or application to replace wireless facilities is deficient, an  
22 applicant may take fifteen calendar days from receiving such notice to cure the  
23 specific deficiencies. If the applicant cures the deficiencies within fifteen calendar  
24 days, the application shall be reviewed and processed within forty-five calendar  
25 days from the initial date the application was received. If the applicant requires  
26 a period of time beyond fifteen calendar days to cure the specific deficiencies, the  
27 forty-five calendar days' deadline for review shall be extended by the same period  
28 of time;

29 (2) Make its final decision to approve or disapprove the collocation  
30 application or application for replacement of wireless facilities; and

31 (3) Advise the applicant in writing of its final decision.

32 3. If the authority fails to act on a collocation application or application  
33 to replace wireless facilities within the forty-five calendar days' review period  
34 specified in subsection 2 of this section, the application shall be deemed approved.

35 4. The provisions of sections 67.5090 to 67.5103 shall not:

36 (1) Authorize an authority, except when acting solely in its capacity as a  
37 utility, to mandate, require, or regulate the placement, modification, or collocation  
38 of any new wireless facility on new, existing, or replacement poles owned or  
39 operated by a utility;

40 (2) Expand the power of an authority to regulate any utility; or

41 (3) Restrict any utility's rights or authority, or negate any utility's  
42 agreement, regarding requested access to, or the rates and terms applicable to  
43 placement of any wireless facility on new, existing, or replacement poles,  
44 structures, or existing structures owned or operated by a utility.

45 5. A party aggrieved by the final action of an authority, either by its  
46 affirmatively denying an application under the provisions of this section or by its  
47 inaction, may bring an action for review in any court of competent jurisdiction  
48 **within this state.**

67.5102. In accordance with the policies of this state to further the  
2 deployment of wireless communications infrastructure:

3 (1) An authority may not institute any moratorium on the permitting,  
4 construction, or issuance of approval of new wireless support structures,  
5 substantial modifications of wireless support structures, or collocations if such  
6 moratorium exceeds six months in length and if the legislative act establishing  
7 it fails to state reasonable grounds and good cause for such moratorium. No such  
8 moratorium shall affect an already pending application;

9 (2) To encourage applicants to request construction of new wireless  
10 support structures on public lands and to increase local revenues:

11 (a) An authority may not charge a wireless service provider or wireless  
12 infrastructure provider any rental, license, or other fee to locate a wireless  
13 **facility or wireless** support structure on an authority's property in excess of the  
14 current market rates for rental or use of similarly situated property. If the  
15 applicant and the authority do not agree on the applicable market rate for any  
16 such public land and cannot agree on a process by which to derive the applicable  
17 market rate for any such public land, then the market rate will be determined by  
18 a [panel of three certified appraisers] **state-certified general real estate**  
19 **appraiser** licensed under chapter 339[, using the following process. Each party  
20 will appoint one certified appraiser to the panel, and the two certified appraisers  
21 so appointed will appoint a third certified appraiser. Each appraiser will  
22 independently appraise the appropriate lease rate, and the market rate shall be  
23 set at the mid-point between the highest and lowest market rates among the  
24 three independent appraisals, provided the mid-point between the highest and  
25 lowest appraisals is greater than or less than ten percent of the appraisal of the  
26 third appraiser chosen by the parties' appointed appraisers. In such case, the  
27 third appraisal will determine the rate for the lease] **mutually agreed upon by**  
28 **the parties at the applicant's cost.** The appraisal process shall be concluded  
29 within ninety calendar days from the date the applicant first tenders its proposed  
30 lease rate to the authority. [Each party will bear the cost of its own appointed  
31 appraiser, and the parties shall share equally the cost of the third appraiser  
32 chosen by the two appointed appraisers.] **In the event either party is**  
33 **dissatisfied with the value determined by the appraiser, such party may**  
34 **bring an action for review in any court of competent jurisdiction. The**  
35 **court shall rule on any such petition for review in an expedited**  
36 **manner.** Nothing in this paragraph shall bar an applicant and an authority  
37 from agreeing to reasonable, periodic reviews and adjustments of current market  
38 rates during the term of a lease or contract to use an authority's property; and



39           (b) An authority may not offer a lease or contract to use public lands to  
40 locate a wireless support structure on an authority's property that is less than  
41 fifteen years in duration unless the applicant agrees to accept a lease or contract  
42 of less than fifteen years in duration;

43           (3) Nothing in subdivision (2) of this section is intended to limit an  
44 authority's lawful exercise of zoning, land use, or planning and permitting  
45 authority with respect to applications for new wireless support structures on an  
46 authority's property under subsection 1 of section 67.5096.

          67.5103. Notwithstanding any provision of sections 67.5090 to [67.5102]  
2 **67.5103**, nothing herein shall provide any applicant the power of eminent domain  
3 or the right to compel any private or public property owner, the department of  
4 conservation, the department of natural resources, or the state highways and  
5 transportation commission to:

6           (1) Lease or sell property for the construction of a new wireless support  
7 structure; or

8           (2) Locate or cause the collocation or expansion of a wireless facility on  
9 any existing structure or wireless support structure.

✓

## IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

**AN ORDINANCE** amending the zoning districts established pursuant to the Unified Development Code by changing a certain 1.5 ± acre tract from District AG (Agricultural) to District RS (Residential Suburban).

**ORDINANCE NO. 4875**, August 22, 2016

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section 1. The Zoning Order of Jackson County, Missouri, and the official maps which are a part thereof, are amended by changing the boundaries of the "AG" (Agricultural) District and the "RS" (Residential Suburban) District, so that there will be transferred from District AG to District RS, a tract of land commonly known as 8921 S. Shrout Road, Grain Valley, MO, specifically described as follows:

**Description:** Lot 4, Reynolds Addition, a subdivision in Jackson County, Missouri.

Section 2. The Legislature, pursuant to the application of the Wayne and Priscilla Wheeler (RZ-2016-534), requesting the amendment embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 8 to 0 to recommend APPROVAL of this application after a public hearing on July 21, 2016, does adopt this Ordinance pursuant to the Jackson County Charter authorizing the Legislature to exercise legislative power pertaining to planning and zoning.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chief/Deputy County Counselor

  
\_\_\_\_\_  
County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4875 introduced on August 22, 2016, was duly passed on \_\_\_\_\_, 2016 by the Jackson County Legislature. The votes thereon were as follows:

Yeas \_\_\_\_\_

Nays \_\_\_\_\_

Abstaining \_\_\_\_\_

Absent \_\_\_\_\_

This Ordinance is hereby transmitted to the County Executive for his signature.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4875.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Frank White, Jr., County Executive

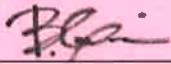

# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 4875

Sponsor(s): None

Date: August 22, 2016

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Wayne N. &amp; Priscilla L. Wheeler Case No. RZ-2016-534</u>																			
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="310 478 1192 793"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td></td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT</td> <td></td> </tr> <tr> <td></td> <td>TO ACCT</td> <td></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; FROM / TO	FROM ACCT			TO ACCT	
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; FROM / TO	FROM ACCT																			
	TO ACCT																			
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 AG (Agricultural) on 1.5 ± acres to District RS (Residential Suburban). The 1.2 ± acres are legally described as Lot 4, Reynolds Addition, aka 8921 S. Shroul Road, and specifically described on Attachment to RLA-1. 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 voted 8 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)																			
ATTACHMENTS	See Attachment to RLA-2																			
REVIEW	Department Director: Brian D. Gaddie, P.E. Director of Public Works  	Date:   Finance (Budget Approval): <i>If applicable</i> Date:  Division Manager:  Date: 8/18/16 County Counselor's Office: Date:																		

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.

**ATTACHMENT TO RLA-2:**

Attachments

Plan Commission Public Hearing Summary from July 21, 2016

Location Map

Staff Report

Affidavit of Publication in Independence Examiner

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Map showing current zoning district in area

County Code Chapter 240 – Unified Development Code

County Master Plan – “Strategy for the Future”

Application

Pictures of Property

Plot Plan

VS-858

**RZ-2016-534**

**ATTACHMENT TO RLA 1:**

**Description:**

Lot 4, Reynolds Addition, a subdivision in Jackson County, Missouri.

RE: RZ-2016-534

**Randy Diehl gave the staff report:**

**Applicant:** Wayne N & Priscilla L. Wheeler

**Location:** Lot 4, Reynolds Addition, aka 8921 S. Shrou Road.

**Area:** 1.5 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RS (Residential Suburban)

**Purpose:** Applicant is requesting the change in zoning in order to decrease the building setback requirements for future construction.

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

The zoning in the area is predominantly Agricultural. The land use in the area are single family residences.

Property sizes in the immediate area range from smaller than 1 acre in size to 10 acres and above.

Development of the platted lots within the various subdivisions occurred from 1976 to 1995. Reynolds Addition was platted in 1978.

The Zoning Order (adopted in 1960) in place at the time did not require a change in zoning for platted lots. Therefore the platted lots are within District AG (Agricultural).

In 1994 the Board of Zoning Adjustment granted to the applicant a variance of 12.5 feet to the required 25 foot sideyard setback for the construction of a 24 x 28 detached garage.

Prior to the adoption of the Unified Development Code (UDC) in 1995, the 1960 Zoning Order did not have a provision for rezoning. The only residential zoning in the Order was Single Family Zoning for lots 7,500 to 15,000 square feet in size. A variance was the only way to accommodate those situations where minor changes to district requirements could be granted.

The UDC allows legal non-conforming lots the opportunity to be rezoned to the appropriate zoning district.

The side yard setbacks will be reduced from 30 feet to 15 feet.  
The rear yard setback will be reduced from 50 to 20 feet.



The front yard setback will remain 50 feet since this setback was established on the recorded plat.

**County Plan:**

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

The Residential Suburban District (RS) is intended for detached single family residential use

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2016-534

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

Mr. Antey: So were going from legal non-conforming and bringing it into compliance with the UDC.

Mr. Diehl: That is correct. It is no different from may we have done in the past couple years.

Mr. Tarpley: Is there any structures on the property?

Mr. Diehl: Their house, the detached garage and pool.

Mr. Tarpley: Is it hooked to public sewers?

Mr. Diehl: No, it's on septic. The lateral field is on the north part of the back of the lot.

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

*Is the applicant here?*

Wayne Wheeler, 8921 S. Shrout Road.

Mr. Antey: *Do you have anything to add to Randy's report?*

Mr. Wheeler: No I do not.

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

Mr. Tarpley: What size building are you constructing?

Mr. Wheeler: 18 x 28.

Mr. Akins: Would the AG setback require you to set the building over the lateral field?

Mr. Wheeler: No.

Mr. Akins: Question for staff, the variance still stays in place?

Mr. Diehl: Yes, it does.

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

There were none.

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. Gibler moved to take under advisement. Mr. Akins seconded.

*Discussion under advisement*

Motion to approve.

Mr. Tarpley moved to approve RZ-2016-534. Mr. Haley seconded.

Mr. Tarpley	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mr. Crawford	Approve
Mrs. Mershon	Approve
Mrs. Querry	Approve
Mr. Akins	Approve
Chairman Antey	Approve

Motion Carried 8 – 0.

**STAFF REPORT**

**PLAN COMMISSION**  
**July 21, 2016**

**RE: RZ-2016-534**

- Applicant:** Wayne N & Priscilla L. Wheeler
- Location:** Lot 4, Reynolds Addition, aka 8921 S. Shrout Road.
- Area:** 1.5 ± acres
- Request:** Change of zoning from District AG (Agricultural) to District RS (Residential Suburban)
- Purpose:** Applicant is requesting the change in zoning in order to decrease the building setback requirements for future construction.

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

The zoning in the area is predominantly Agricultural. The land use in the area are single family residences.

Property sizes in the immediate area range from smaller than 1 acre in size to 10 acres and above.

Development of the platted lots within the various subdivisions occurred from 1976 to 1995. Reynolds Addition was platted in 1978.

The Zoning Order (adopted in 1960) in place at the time did not require a change in zoning for platted lots. Therefore the platted lots are within District AG (Agricultural).

In 1994 the Board of Zoning Adjustment granted to the applicant a variance of 12.5 feet to the required 25 foot sideyard setback for the construction of a 24 x 28 detached garage.

Prior to the adoption of the Unified Development Code (UDC) in 1995, the 1960 Zoning Order did not have a provision for rezoning. The only residential zoning in the Order was Single Family Zoning for lots 7,500 to 15,000 square feet in size. A variance was the only way to accommodate those situations where minor changes to district requirements could be granted.

The UDC allows legal non-conforming lots the opportunity to be rezoned to the appropriate zoning district.

The side yard setbacks will be reduced from 30 feet to 15 feet.  
The rear yard setback will be reduced from 50 to 20 feet.  
The front yard setback will remain 50 feet since this setback was established on the recorded plat.

**County Plan:**

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

The Residential Suburban District (RS) is intended for detached single family residential use

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2016-534

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator



**Plan Commission  
July 21, 2016  
RZ-2016-534**

**Applicants / Property Owners:**

**54-200-03-26  
Wayne and Priscilla Wheeler  
8921 S. Shrout Road  
Grain Valley, MO 64029**

**Certified Mail – Return Receipt  
Property Owners within 185 feet**

54-200-03-37-00-0-00-000  
WALLCE RICKY L & GINA R  
9002 S SHROUT RD  
GRAIN VALLEY MO 64029

54-200-03-39-00-0-00-000  
GALINDI LISA D  
8922 S SHROUT RD  
GRAIN VALLEY MO 64029

54-200-03-40-00-0-00-000  
GRAHAM CONRAD & KAZUKO EDA  
8914 S SHROUT RD  
GRAIN VALLEY MO 64029

54-200-03-35-00-0-00-000  
KING LARRY D & SHARON S  
8919 S SHROUT RD  
GRAIN VALLEY MO 64029

54-200-03-36-00-0-00-000  
CURTIN EDWARD M & MARY J  
8917 S SHROUT RD  
GRAIN VALLEY MO 64029

54-200-03-28-00-0-00-000  
SMITH JAMES & ALICE  
9007 S SHROUT RD  
GRAIN VALLEY MO 64029

54-200-03-27-00-0-00-000  
AKINS TERRAL S & VICKIE L  
9003 S SHROUT RD  
GRAIN VALLEY MO 64029

54-200-03-25-00-0-00-000  
KEEPORTS KENNETH W & CYNTHIA  
8915 S SHROUT RD  
GRAIN VALLEY MO 64029

54-200-03-22-04-1-00-000  
REYNOLDS JOHN R & FERN Y  
8815 S SHROUT RD  
GRAIN VALLEY MO 64029







**JACKSON COUNTY, MISSOURI  
APPLICATION FOR CHANGE OF ZONING**

**Ord. 4875**

**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- 2016 534  
Date filed 5-2-16 Date of hearing 7-21-16  
Date advertised 7-6-16 Date property owners notified 7-6-16  
Date signs posted 7-6-16  
Hearings: Heard by PC Date 7-21-16 Decision \_\_\_\_\_  
Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_  
Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

**BEGIN APPLICATION HERE:**

1. **Data on Applicant(s) and Owner(s):**
  - a. Applicant(s) Name: Wayne N. and Priscilla L. Wheeler  
Address: 8921 S. Shroust Rd.  
Grain Valley, MO 64029  
Phone: (816) 228-4512
  - b. Owner(s) Name: Wayne N. and Priscilla L. Wheeler  
Address: 8921 S. Shroust Rd., Grain Valley, MO 64029  
Phone: (816) 228-4512
  - c. Agent(s) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

d. Applicant's interest in Property: Owner

2. General location (Road Name) Shrout Rd.

3. Present Zoning AG Requested Zoning RS

4. AREA (sq. ft. / acres) 1.5 acres

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

lot 4, Reynolds Addition

6. Present Use of Property: Residential

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: Summer - Fall 2016

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

None - Adding 18'8" X 28' Garage

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 Rural Water Dist. #13

b. Sewage disposal Septic

c. Electricity KCP&L

d. Fire and Police protection Lake Lotawanna Fire / Jackson Co Sheriff

12. Describe existing road width and condition: 21' Asphalt



---

13. What effect will proposed development have on existing road and traffic conditions? None

---

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

Date

Property Owner(s)

Wayne N. Wheeler  
Priscilla L. Wheeler

4/28/16  
4/28/16

Applicant(s):

Wayne N. Wheeler  
Priscilla L. Wheeler

4/28/16  
4/28/16

Contract Purchaser(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

STATE OF Missouri

COUNTY OF Jackson

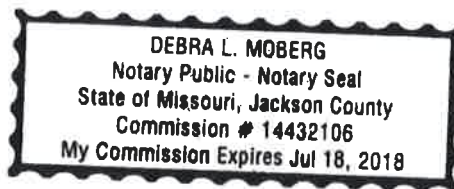
On this 28 day of April, in the year of 2016, before me the undersigned notary public, personally appeared Wayne N. Wheeler and Priscilla L. Wheeler

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 Debra L. Moberg

Commission Expires July 18, 2018





Ord. 4875



S SHROUT RD

8915

AG

8921

9003



Ord. 4875



S SHROUT RD



Ord. 4875





**BEFORE THE BOARD OF ZONING ADJUSTMENT OF  
JACKSON COUNTY, MISSOURI AT INDEPENDENCE, MISSOURI**

IN THE MATTER OF THE APPEAL  
FROM DIRECTOR OF PLANNING  
REFUSAL TO ISSUE A BUILDING  
PERMIT FOR THE CONSTRUCTION OF  
A 24X28 FOOT DETACHED GARAGE  
TO COME TWELVE AND ONE-HALF  
FEET FROM SOUTH SIDE YARD  
PROPERTY LINE OF ONE AND ONE-  
HALF ACRE TRACT KNOWN AS LOT 4,  
REYNOLDS ADDITION, BEING PART OF  
SW 1/4, SECTION 20, TOWNSHIP  
48N, RANGE 30W, AKA 8921 S.  
SHROUT ROAD.

Application No. VS-858  
Wayne and Priscilla Wheeler  
8921 S. ShROUT Road  
Grain Valley, MO 64029

**ORDER**

NOW ON THIS DAY, evidence having been presented to and heard by the Jackson County Board of Zoning Adjustment in the above matter, the Board makes the following Order, Decision and Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. We find that Application VS-858 was filed by the applicant on August 4, 1994, requesting variance to permit the construction of a 24x28 foot detached garage to come twelve and one-half feet (12.5') from side yard property line of a one and one-half acre tract of land, being part of SW 1/4 of Section 20, Township 48N, Range 30W, more specifically described as Lot 4, Reynolds Addition, a subdivision in Jackson County Missouri, aka 8921 S. ShROUT Road..

2. We find that the Director of Planning and Zoning refused to issue a building permit as applied for, because the applicant failed to meet the requirements set out in the Zoning Order of Jackson County, Missouri.

3. We find that a public hearing was held on September 7, 1994, by this Board and that the property owners that lived or owned property within 1000 feet of subject property were notified of the hearing.

4. We find that the public hearing was held in the manner and form provided by law and that all interested parties were given full opportunity to be heard and were heard under oath.

5. We find that opportunity for opposition was had at the public hearing and that three persons appeared in opposition to the variance.

**AND THE BOARD HAVING HEARD AND CONSIDERED THE TESTIMONY BY THE APPLICANT AND THE STAFF MAKES THE FURTHER SPECIFIC FINDINGS OF FACT.**

- (a) The applicant is appealing the Director of Planning and Zoning refusal to issue a Building Permit for the construction of a 24x28 foot detached garage to come 12.5 feet from sideyard (south) property line of a 1.5 acre tract of land, being part of SW 1/4 of Section 20, Township 48N, Range 30W, more specifically described as Lot 4, Reynolds Addition.
- (b) That said tract of land is in Zoning District "D", Agricultural, which requires that there shall be a sideyard on each side of a building not less than twenty-five feet (25').
- (c) That the Jackson County Master Plan illustrates said tract of land to be in the Suburban Development Tier which allows development of lot sizes between one-third and five acres and residential zoning with a lesser side yard setback.
- (d) That applicant's appeal is reasonable, will not seriously injure the appropriate use of neighboring property, and to grant the variance in this instance would promote substantial justice and will be in keeping with the scope, general intent and purpose of Chapter 240 of the Jackson County Code.

## **CONCLUSIONS OF LAW**

1. The Board finds that under the provisions of Jackson County Ordinance 23, Enacted March 5, 1973, (Codified in Chapter 82 of the Jackson County Code), Title XIII, Section 8.28 and 8.29, it is empowered to hear appeals from any persons aggrieved by a public officer in administering County Zoning Regulations. Further the Board may vary or modify the application of any of the regulations or provisions so the intended regulations shall be strictly observed, public safety and welfare secured and substantial justice done. In exercising its powers, the Board may in conformity with the provisions of the Jackson County Zoning Regulations or Ordinances, reverse or affirm wholly or partly, or may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

2. The Board finds that Section 24020, Chapter 240 of the Jackson County Code empowers the Board to grant variance provided that such variance will not seriously injure the appropriate use of neighboring property and will conform to the general intent and purpose of Chapter 240 of the Jackson County Code.

3. The Board finds that public notice of the hearing before the Board was given in the Independence Examiner on August 23, 1994, that thereafter such hearing was held on September 7, 1994 in the manner and form provided by law.

**AND THE BOARD FINDS THAT AFTER CAREFULLY WEIGHING THE EVIDENCE** presented by the applicant and the staff that the granting of the variance is reasonable and proper, will not seriously injure the appropriate use of neighboring property and the granting of the variance will be in keeping with the scope, general intent and purpose of Chapter 240 of the Jackson County Code.

**IT IS THEREFORE ORDERED ADJUDGED, AND DECREED BY THE BOARD** that the decision of the Director of Planning and Zoning in refusing to issue a Building Permit for the construction of a 24x28 foot detached garage to come within (12.5) feet from side yard (south) property line of a one and one-half (1.5) acre tract of land known as Lot 4, Reynolds Addition, a subdivision of Jackson County, Missouri, being part of SW 1/4 of Section 20, Township 48N, Range 30W, aka 8921 S. Shroust Road, is **HEREBY OVERRULED** and Application VS-858 for a **TWELVE AND ONE-HALF (12.5) FOOT VARIANCE** is **GRANTED BY UNANIMOUS VOTE** of the **BOARD MEMBERS** with no time limitation.

IT IS BY THE BOARD FURTHER ORDERED that an attested copy of the Findings, Decision and Order be mailed to applicant and interested parties.

Donna J. Wilson  
Chairperson

[Signature]  
Executive Secretary

Order made this 10th day  
of November 1994.

This Order approved as to form by

[Signature]  
Legal Counsel

STATE OF MISSOURI    )  
  ) ss  
COUNTY OF JACKSON )

I, Mary Jo Brogato, Clerk of the County Legislature within and for the County aforesaid, hereby certify that the foregoing is a true copy of the Order of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said County in my office in Kansas City, Missouri on this 10th day of November, 1994.

Mary Jo Brogato  
Clerk of the County Legislature





## IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

**AN ORDINANCE** amending the zoning districts established pursuant to the Unified Development Code by changing a certain 4.34  $\pm$  acre tract from District AG (Agricultural) to District GB (General Business).

**ORDINANCE NO. 4876**, August 22, 2016

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section 1. The Zoning Order of Jackson County, Missouri, and the official maps which are a part thereof, are amended by changing the boundaries of the "AG" (Agricultural) District and the "GB" (General Business) District, so that there will be transferred from District AG to District GB, a tract of land located between the eastbound and westbound lanes of U.S. 40 Highway and Bowlin Road, specifically described as follows:

**Description:** All that part of the Southeast Quarter of the Southeast Quarter of Section 34, Township 49, Range 31, in Jackson County, Missouri, lying between the East and West bound lanes of U. S. Highway No. 40, more particularly described as follows: Commencing at the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 34; thence North 0 degrees 00 minutes East 742.78 feet to a point on the North right of way line of the Eastbound lane of U.S. Highway No. 40 (65.0 feet from the center line thereof); thence South 43 degrees 34 minutes 15 seconds East along said North right of way line 58.03 feet to the intersection of said North right of way line with the East line of the crossover between the East and West bound lanes of U.S. Highway No. 40, which intersection is the True Point of Beginning of this description; thence continuing South 43 degrees 34 minutes 15 seconds East along the North right of way line of the Eastbound lane of U.S. Highway NO. 40, 546.05 feet to a point of curve; thence along a curve to the left (having a radius of 2057.26 feet) a distance of 456.36 feet to the South line of the Southeast Quarter of the Southeast of said Section 34; thence North 89 degrees 07 minutes 00 seconds east along said South line 386.41 feet to the South right of way line of the Westbound lane of U.S. Highway NO. 40 (30 feet from the centerline thereof); thence Northwesterly on said right of way line along a curve to the right (having a radius of 1176.00 feet) a distance of 679.93 feet to a point of tangency; thence North 42 degrees 00 minutes 15 seconds West 749.19 feet; thence South 72 degrees 05 minutes 36 seconds West 35.32 feet to the East line of the crossover between the East and West bound lanes of U.S. Highway No. 40; thence South 0 degrees 00 minutes West along the said East line of (said crossover) 197.14 feet to the True Point of Beginning, except that part in county roads.

Section 2. The Legislature, pursuant to the application of the Cook Sales, Inc. (RZ-2016-536), requesting the amendment embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 8 to 0 to recommend APPROVAL of this application after a public hearing on July 21, 2016, does adopt this Ordinance pursuant to the Jackson County Charter authorizing the Legislature to exercise legislative power pertaining to planning and zoning.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chief Deputy County Counselor

  
\_\_\_\_\_  
County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4876 introduced on August 22, 2016, was duly passed on \_\_\_\_\_, 2016 by the Jackson County Legislature. The votes thereon were as follows:

Yeas \_\_\_\_\_

Nays \_\_\_\_\_

Abstaining \_\_\_\_\_

Absent \_\_\_\_\_

This Ordinance is hereby transmitted to the County Executive for his signature.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4876.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Frank White, Jr., County Executive


# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~ Ord No.: 4876

Sponsor(s): None

Date: August 22, 2016

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Cook Sales, Inc Case No. RZ-2016-536</u>													
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="313 489 1193 802"> <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 style="text-align: right;">\$</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; FROM / TO</td> <td>FROM ACCT</td> </tr> <tr> <td></td> <td>TO ACCT</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; FROM / TO	FROM ACCT		TO ACCT
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; FROM / TO	FROM ACCT													
	TO ACCT													
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 AG (Agricultural) on 4.34 ± acres to District GB (General Business). The proposed land use is portable backyard storage sales and rentals. The 4.23 ± acres are located in Section 34, Township 49, Range 31, Jackson County, Missouri, between the Eastbound & Westbound lanes of US 40 Highway at Bowlin Road, and specifically described on Attachment to RLA-1.  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 voted 8 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)													
ATTACHMENTS	See Attachment to RLA-2													
REVIEW	Department Director: Brian D. Gaddie, P.E. Director of Public Works  	Date:   Date:   Date:												

*Mary Lou Brown*

*8/18/16*



	County Counselor's Office:	Date:
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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.

**ATTACHMENT TO RLA-2:**

Attachments

Plan Commission Public Hearing Summary from July 21, 2016

Location Map

Staff Report

Affidavit of Publication in Independence Examiner

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Map showing current zoning district in area

County Code Chapter 240 – Unified Development Code

County Master Plan – “Strategy for the Future”

Application

Pictures of Property

RZ-2016-536

**ATTACHMENT TO RLA 1:****Description:**

All that part of the Southeast Quarter of the Southeast Quarter of Section 34, Township 49, Range 31, in Jackson County, Missouri, lying between the East and West bound lanes of U. S. Highway No. 40, more particularly described as follows: Commencing at the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 34; thence North 0 degrees 00 minutes East 742.78 feet to a point on the North right of way line of the Eastbound lane of U.S. Highway No. 40 (65.0 feet from the center line thereof); thence South 43 degrees 34 minutes 15 seconds East along said North right of way line 58.03 feet to the intersection of said North right of way line with the East line of the crossover between the East and West bound lanes of U.S. Highway No. 40, which intersection is the True Point of Beginning of this description; thence continuing South 43 degrees 34 minutes 15 seconds East along the North right of way line of the Eastbound lane of U.S. Highway NO. 40, 546.05 feet to a point of curve; thence along a curve to the left (having a radius of 2057.26 feet) a distance of 456.36 feet to the South line of the Southeast Quarter of the Southeast of said Section 34; thence North 89 degrees 07 minutes 00 seconds east along said South line 386.41 feet to the South right of way line of the Westbound lane of U.S. Highway NO. 40 (30 feet from the centerline thereof); thence Northwesterly on said right of way line along a curve to the right (having a radius of 1176.00 feet) a distance of 679.93 feet to a point of tangency; thence North 42 degrees 00 minutes 15 seconds West 749.19 feet; thence South 72 degrees 05 minutes 36 seconds West 35.32 feet to the East line of the crossover between the East and West bound lanes of U.S. Highway No. 40; thence South 0 degrees 00 minutes West along the said East line of (said crossover) 197.14 feet to the True Point of Beginning, except that part in county roads.

**Randy Diehl gave the staff report:**

- Applicant:** Cook Sales, Inc
- Location:** Section 34, Township 49, Range 31, Jackson County, Missouri, between the Eastbound & Westbound lanes of US 40 Highway at Bowlin Road
- Area:** 4.23 ± acres
- Request:** Change of zoning from District AG (Agricultural) to District GB (General Business)
- Purpose:** Applicant is requesting the change in zoning for portable backyard storage sales and rentals.

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

To the north, zoning is Light Industrial and Agricultural.  
To the west, zoning is General Business and Local Business.  
To the east, Agricultural.  
To the south are two residential subdivisions within the City of Blue Springs, between them is Agricultural.

Land uses along the US 40 Highway corridor range from Central Jackson County Fire Protection District's Fire Training Center, a convenience store, auto repair facilities, and auto sales. There are a few single family residences on the Agricultural tracts as well as those within the City's subdivisions.

Roberts Nursery occupied the property south of the subject property. They also own the property for the request as well as one of the large tracts on the north side of the highway. They served the area for approximately 64 years before closing.

The applicants are proposing to purchase the land between the lanes of US 40 Highway for the sale of portable backyard storage buildings. The site will include a small office and display product.

The nursery and this piece of ground are within District AG. The land use for the nursery is considered Legal Non-Conforming. Under the Zoning Code of 1943, nurseries, greenhouses and orchards, were permitted uses within the Agricultural District. The change of zoning is required since the land use is changing to a retail commercial use.

Staff met with the owner and applicants in April on requirements for the proposed use of the property.

The office will be roughly 300 square foot building with a restroom for a single employee. A building permit and the permit for the wastewater system will be required.

#### Parking areas

Parking areas will need to be paved according to the standards as set forth in the UDC for commercial properties. The product areas can be on a gravel base. Drainage improvements will need to be addressed as well.

#### Wastewater

A holding tank would be allowed for the office building.

#### Fire Protection

Central Jackson County Fire Protection District did not have any concerns.

#### Water

Water is currently provided by Blue Springs.

#### Power

KCP&L did not have any concerns regarding running power to the office.

#### Access

The Missouri Department of Transportation will require the entrances along the westbound lane to be closed. A new entrance should be located west of the existing one. The eastbound lane entrance can remain.

#### Platting

The property will need to be platted into a one lot subdivision.

The City of Blue Springs was asked for any comments. They did not have any concerns with the proposed use.

The office will be roughly 300 square foot building with a restroom for a single employee. A building permit and the permit for the wastewater system will be required.

#### **Recommendation:**

Staff feels the request is within the character and spirit of the surrounding area.

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

Staff recommends APPROVAL of RZ-2016-536

Mr. Tarpley: how big is the waste water system?

Mr. Diehl: Since this will be on a holding tank, I'm not sure. Homes are usually 1.500 gallons. The use will be for a single employee.

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



Mr. Crawford: Is the nursery the only unincorporated area?

Mr. Diehl: Blue Springs has the most pockets of unincorporated. (Shows areas on map).

Mr. Crawford: So in fifty years, this could be in Blue Springs.

Mr. Diehl: It's possible. Annexations are requests to the city from a property owner.

Mr. Antey: *Is the applicant here?*

Tim Stuart, Cook Sales, Inc, Joplin, MO

Mr. Antey: *Do you have anything to add to Randy's report?*

Mr. Stuart: Just that we have another location in Springfield MO and it is no a 1,500-gallon tank.

Mr. Tarpley: What type of units are you selling?

Mr. Diehl: The last page of your packet is a picture of the type of products they sell.

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

Mr. Antey: *Is there anyone else who is in favor of this application?*

Gina Roberts, 1512 NE Jacklyn Dr., Grain Valley, My family has owned this since 1948 and done to hardships and losses family members, I been trying to maintain the property. Three years ago I had to close the nursery. I been maintaining the property, but it has gotten to be overwhelming. When the cooks came and proposed this, it was a beautiful plan and I didn't want just anyone on there. They showed me their plan, on how they would keep many of the trees. I still own the south side (of 40 Highway).

Mr. Antey: *Is there anyone else who is in favor of this application?*

Diane Simmons: 1003 Hickory Court, Blue Springs. Our back windows face 40 Highway and this would be in my sight. I'm not sure if you are familiar with Hickory Woods or Indigo Hills, they are both upscale neighborhoods. We are trying to sell our house and we're having problems that 40 Highway is behind us. And if they look out and see storage buildings that's detrimental to all the property owners. It's nice they are keeping some of the trees. I don't know if all the owners got their certified letters. Some of them didn't know about it.

Mr. Antey: The yellow outline of the map is the notification area. If you're not in that area you would not have received a letter.

Mr. Crawford: Point out on the map where you live. You have a triangle shaped lot. It looks like your view isn't directly toward the property.

Mr. Antey: It's just the tip.

Mr. Crawford: You know there are a lot a different uses for the AG zoned property.

Ms. Simmons: I was wishing the City would keep the trees.

Mr. Antey: The City doesn't own it nor does the County.

Ms. Simmons: I know she can't maintain the property any more.

Mr. Antey: I believe she's given due diligence to this.

Mr. Stuart: If I may, the office will be here (in the middle on the property) and the product will be here (also middle area of the property). Putting any here (easterly portion) will result in a long walk for our staff. In years to come we may place product out there. Most of this property will be unused.

Ms. Roberts: I also share her concerns. I have been maintaining it, because if I can't I'll let it go back to forest.

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. Crawford seconded.

*Discussion under advisement*

Mr. Tarpley: If we are going to maintain some of the trees, it's still going to be a beautiful piece of property.

Mr. Crawford: I think this is good use of the property.

Motion to approve.

Mr. Akins moved to approve RZ-2016-536. Mr. Crawford seconded.

Mr. Tarpley	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mr. Crawford	Approve
Mrs. Mershon	Approve
Mrs. Querry	Approve
Mr. Akins	Approve
Chairman Antey	Approve

Motion Carried 8 – 0.

**STAFF REPORT**

**PLAN COMMISSION  
July 21, 2016**

**RE: RZ-2016-536**

- Applicant:** Cook Sales, Inc
- Location:** Section 34, Township 49, Range 31, Jackson County, Missouri, between the Eastbound & Westbound lanes of US 40 Highway at Bowlin Road
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**Parking areas**

Parking areas will need to be paved according to the standards as set forth in the UDC for commercial properties. The product areas can be on a gravel base. Drainage improvements will need to be addressed as well.

**Wastewater**

A holding tank would be allowed for the office building.

**Fire Protection**

Central Jackson County Fire Protection District did not have any concerns.

**Water**

Water is currently provided by Blue Springs.

**Power**

KCP&L did not have any concerns regarding running power to the office.

**Access**

The Missouri Department of Transportation will require the entrances along the westbound lane to be closed. A new entrance should be located west of the existing one. The eastbound lane entrance can remain.

**Platting**

The property will need to be platted into a one lot subdivision.

The City of Blue Springs was asked for any comments. They did not have any concerns with the proposed use.

The office will be roughly 300 square foot building with a restroom for a single employee. A building permit and the permit for the wastewater system will be required.

**Recommendation:**

Staff feels the request is within the character and spirit of the surrounding area.

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

Staff recommends APPROVAL of RZ-2016-536

Respectfully submitted,

Randy Diehl  
Administrator

**Plan Commission  
July 21, 2016  
RZ-2016-536**

**Applicants / Property Owners:**

**35-940-07-01  
Roberts Gina T  
1512 NE Jacklyn Dr  
Grain Valley MO 64029**

**Cook Sales, Inc  
P O Box 687  
Anna IL 62906**

**35-940-08-01, 35-940-04-09**

**Certified Mail – Return Receipt  
Property Owners within 185 feet**

42-300-01-01-00-0-00-000  
BOGACZ ROGER L  
2800 NE JELLISON RD  
BLUE SPRINGS MO 64014

35-940-04-08-00-0-00-000  
CROWDER MILDRED H  
909 N COCHISE AVE  
INDEPENDENCE MO 64056

35-940-05-08-00-0-00-000  
CROWDER MILDRED H

35-940-04-10-00-0-00-000  
HOUSE DEBORAH LYNN  
4215 SE US 40 HWY  
BLUE SPRING MO 64015

35-940-04-26-01-2-00-000  
J & M SARAI LLC  
1405 NE SUNNY CREEK LN  
BLUE SPRINGS MO 64014

42-300-11-00-00-0-00-000  
SIMMONS DIANE L  
1003 HICKORY CRT  
BLUE SPRINGS MO 64015

42-300-11-06-00-0-00-000  
TILLER LEE A & JONI  
1001 HICKORY CRT  
BLUE SPRINGS MO 64015

35-940-09-15-00-0-00-000  
WOODS CUSTOM HOMES LLC  
P O BOX 399  
BLUE SPRINGS MO 64014





Ord. 4876

Map labels include street names: BEACH, ANCHOR DR, ANCHOR CIR, SW MCDANIAL AVE, SW BRIARWOOD OAKS DR, SW JACKSON ST, SW 40 ST, SW 42 ST, SW 44 ST, SW 44 STREET DR, SW HICKORY LN, SW HICKORY CT, SW BOWL'N RD, SW TURKEY HOLLOW RD, SW ELIZABETH ST, SW MARGUERITE ST, SW INDIGO HILLS DR, SW EASTBOUND US 40 HWY, S BOWL'N RD, S 42ND ST, S 44TH ST, S 46TH ST, S 48TH ST, S 50TH ST, S 52ND ST, S 54TH ST, S 56TH ST, S 58TH ST, S 60TH ST, S 62ND ST, S 64TH ST, S 66TH ST, S 68TH ST, S 70TH ST, S 72ND ST, S 74TH ST, S 76TH ST, S 78TH ST, S 80TH ST, S 82ND ST, S 84TH ST, S 86TH ST, S 88TH ST, S 90TH ST, S 92ND ST, S 94TH ST, S 96TH ST, S 98TH ST, S 100TH ST.

Zoning codes shown on the map include: AG, LI, GB, LB.



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- 2016- 536  
 Date filed 6-6-16 Date of hearing 7-21-16  
 Date advertised 7-6-16 Date property owners notified 7-6-16  
 Date signs posted 7-6-16  
 Hearings: Heard by PC Date 7-21-16 Decision \_\_\_\_\_  
 Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_  
 Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):
  - a. Applicant(s) Name: Cook Sales, Inc.  
 Address: PO Box 687  
Anna, IL 62906  
 Phone: 618- 893- 2114
  - b. Owner(s) Name: Gina Roberts  
 Address: 1512 NE Jaclyn Dr., Grain Valley, MO 64029  
 Phone: 816- 719- 2283
  - c. Agent(s) Name: Melissa Fry

Address: PO Box 29057, Parkville, MO 64152

Phone: 816-517-9360

d. Applicant's interest in Property: Prospective Buyer

2. General location (Road Name) Property in median area of Hwy. 40, just west of Blue Springs, MO - used to be part of nursery.

3. Present Zoning AG Requested Zoning GB

4. AREA (sq. ft. / acres) 4.23 acres

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

See Attached

6. Present Use of Property: Vacant

7. Proposed Use of Property: Portable Backyard Storage Sales + Rental + On-Site Storage

8. Proposed Time Schedule for Development: 90 Days

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 Blue Springs - meter on property

b. Sewage disposal Containment Tank

c. Electricity KCP+L

d. Fire and Police protection CJCFPO

12. Describe existing road width and condition: Gravel - will be paved per MDDOT requirements.

13. What effect will proposed development have on existing road and traffic conditions? Minimal; typically 1-3 customers on the property per day total.

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 \_\_\_\_\_ Date June 16, 2016  
Property Owner(s) Anna L Roberts

Applicant(s): Ann McCarty 6/3/16

Contract Purchaser(s): Ann McCarty 6/3/16

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of \_\_\_\_\_, before me  
the undersigned notary public, personally appeared \_\_\_\_\_

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 \_\_\_\_\_ Commission Expires \_\_\_\_\_



Ord. 4876





Ord. 4876



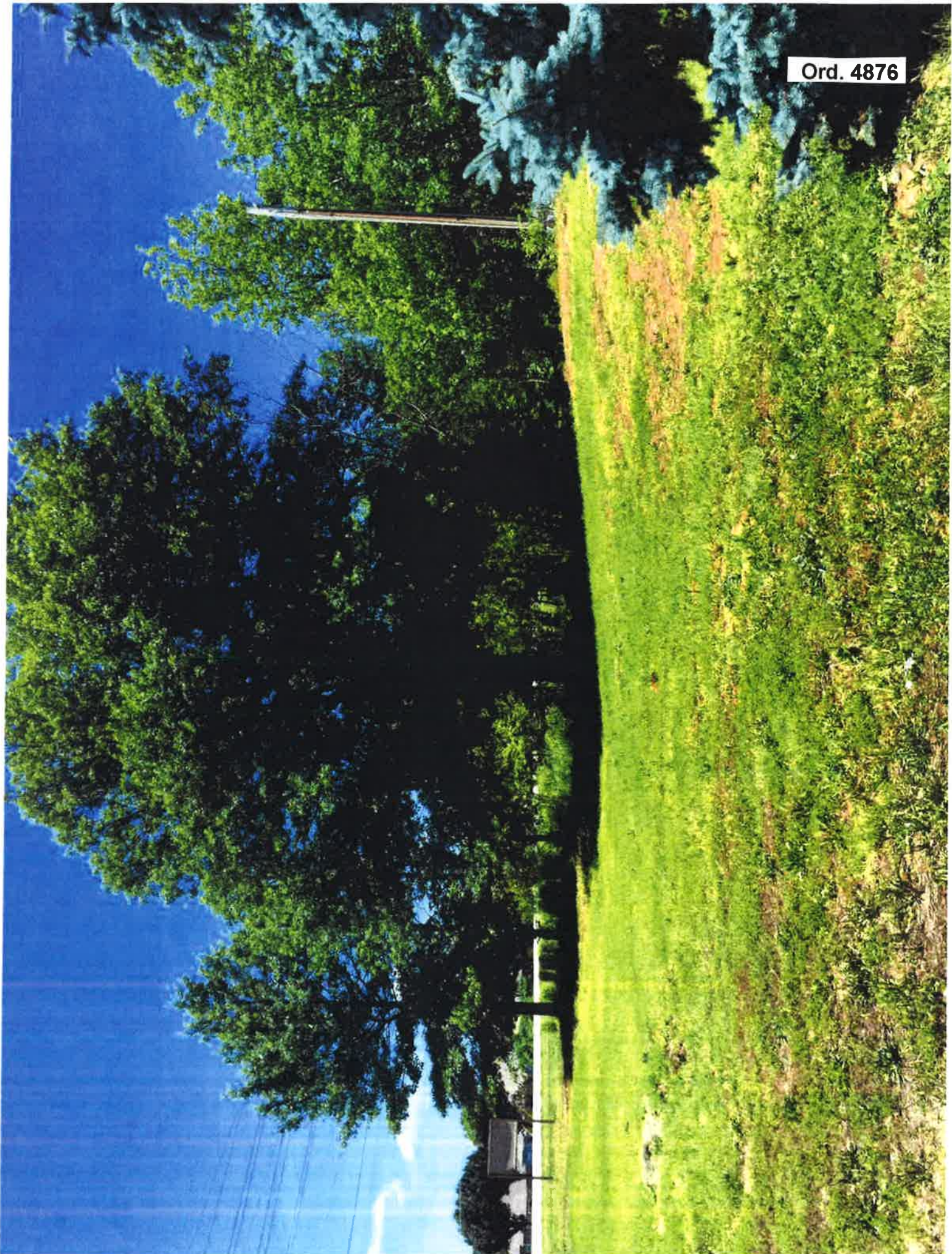


Ord. 4876





Ord. 4876





Ord. 4876





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FIX-IT-ALL  
WARRANTY**

AVAILABLE WAREHOUSES®

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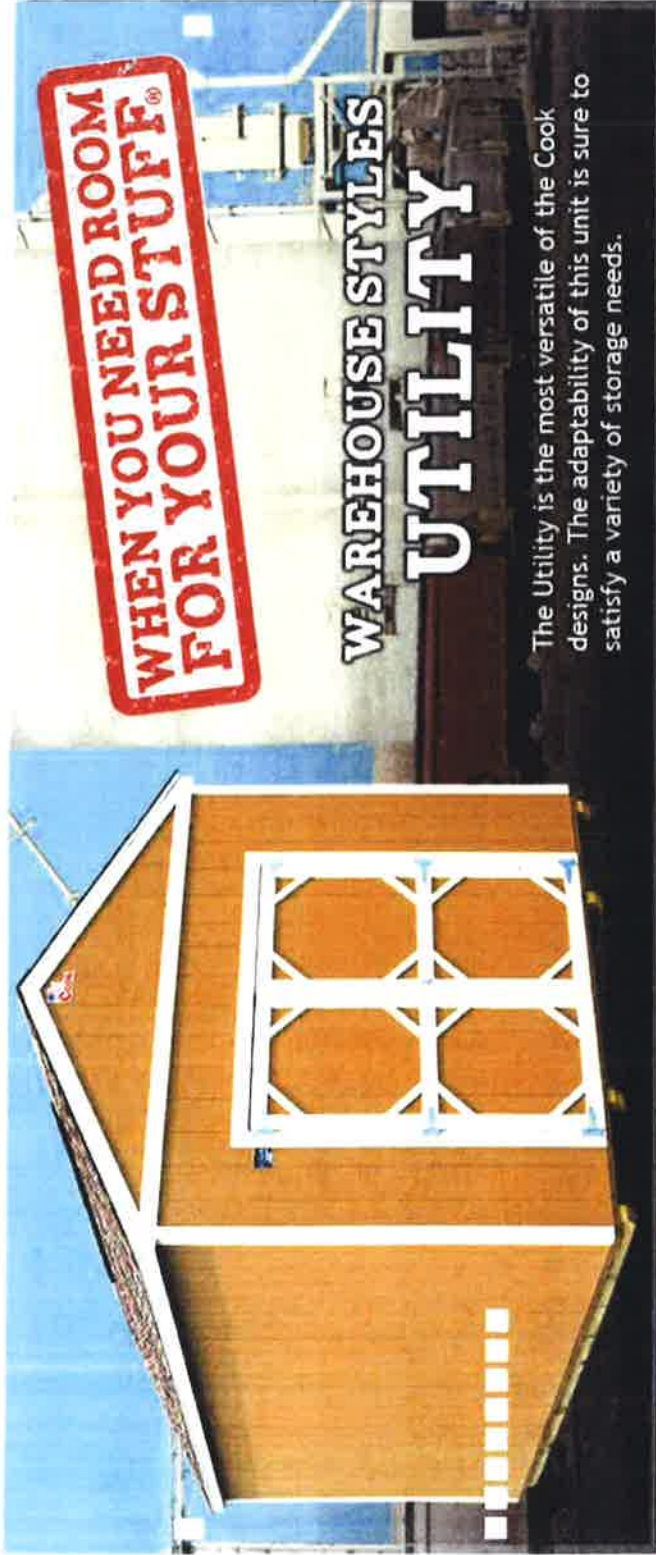
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**BARN**



**GARDEN SHED**



**LOFTED BARN**



**LOFTED GARAGE**



**UTILITY**



**GARAGE**

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No other portable building or shed manufacturer can offer our Lowest Price Guarantee because no one builds a storage shed like Cook.

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WARRANTY**

If the pressure treated lumber in your Cook Portable Warehouse is ever damaged by fungal decay or termites, Cook will replace it free of charge.

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WITH NO CREDIT CHECK**

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& SETUP**

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## IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

**AN ORDINANCE** amending the zoning districts established pursuant to the Unified Development Code by changing a certain 1.78 ± acre tract from District AG (Agricultural) to District RS (Residential Suburban).

**ORDINANCE NO. 4877**, August 22, 2016

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section 1. The Zoning Order of Jackson County, Missouri, and the official maps which are a part thereof, are amended by changing the boundaries of the "AG" (Agricultural) District and the "RS" (Residential Suburban) District, so that there will be transferred from District AG to District RS, a tract of land commonly known as 5906 S. Minter Road, Blue Springs, MO, specifically described as follows:

**Description:** Lot 6, Blue Springs Plaza, a subdivision in Jackson County, Missouri.

Section 2. The Legislature, pursuant to the application of the David and Kitty Snyder and Bill and Candace Williams (RZ-2016-537), requesting the amendment embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 8 to 0 to recommend APPROVAL of this application after a public hearing on July 21, 2016, does adopt this Ordinance pursuant to the Jackson County Charter authorizing the Legislature to exercise legislative power pertaining to planning and zoning.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chief Deputy County Counselor

  
\_\_\_\_\_  
County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4877 introduced on August 22, 2016, was duly passed on \_\_\_\_\_, 2016 by the Jackson County Legislature. The votes thereon were as follows:

Yeas \_\_\_\_\_

Nays \_\_\_\_\_

Abstaining \_\_\_\_\_

Absent \_\_\_\_\_

This Ordinance is hereby transmitted to the County Executive for his signature.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4877.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Frank White, Jr., County Executive


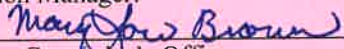
# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 4877

Sponsor(s): None

Date: August 22, 2016

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>David E &amp; Kitty M Snyder &amp; Billy &amp; Candance Williams Case No. RZ-2016-537</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="305 506 1187 821"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$</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>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT  TO ACCT</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; FROM / TO	FROM ACCT  TO ACCT
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; FROM / TO	FROM ACCT  TO ACCT											
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 AG (Agricultural) on 1.78 ± acres to District RS (Residential Suburban). The 1.78 ± acres are legally described as Lot 6, Blue Springs Plaza, aka 5906 S. Minter Road, and specifically described on Attachment to RLA-1. 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 voted 8 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)											
ATTACHMENTS	See Attachment to RLA-2											
REVIEW	Department Director: Brian D. Gaddie, P.E. Director of Public Works    Finance (Budget Approval): <i>If applicable</i>  Division Manager:   County Counselor's Office:	Date:   Date:  Date: 8/18/16  Date:										

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.



**ATTACHMENT TO RLA-2:**

Attachments

Plan Commission Public Hearing Summary from July 21, 2016

Location Map

Staff Report

Affidavit of Publication in Independence Examiner

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Map showing current zoning district in area

County Code Chapter 240 – Unified Development Code

County Master Plan – “Strategy for the Future”

Application

Pictures of Property

**RZ-2016-537**

**ATTACHMENT TO RLA 1:**

**Description:**

Lot 6, Blue Springs Plaza, a subdivision in Jackson County, Missouri

**RE: RZ-2016-537**

**Randy Diehl gave the staff report:**

**Applicant:** David E & Kitty M. Snyder

**Location:** Lot 6, Blue Springs Plaza, aka 5906 S. Minter Road

**Area:** 1.78 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RS (Residential Suburban)

**Purpose:** Applicant is requesting the change in zoning in order to decrease the building setback requirements for future construction.

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

The zoning in the area is predominantly Agricultural. The land use in the area are single family residences.

Blue Ridge Plaza was platted in 1952. The City of Grain Valley surrounds lots 5 through 10 of Blue Ridge Plaza.

The original house has been razed and the owner is planning on building a new single family residence.

The rezoning to District RS will allow the side yard setbacks to be reduced from 30 feet to 15 feet.

Lot 6 is 110 feet side. This gives the lot 80 feet as opposed to 50 feet of width to build within

The rear yard setback will be reduced from 50 to 20 feet.  
The front yard setback will remain 50 feet since this setback was established on the recorded plat.

**County Plan:**

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

The Residential Suburban District (RS) is intended for detached single family residential use.

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2016-537

Mr.: Antey: So this is bringing a legal non-conforming into compliance.

Mr. Diehl: Yes.

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

*Is the applicant here?*

Bill Williams: 509 S. Fulton, Butler, MO.

Mr. Antey: *Do you have anything to add to Randy's report?*

Mr. Williams: We are building a new house further back from the old one.

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

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. Akins moved to take under advisement. Mr. Gibler seconded.

*Discussion under advisement*

Motion to approve.

Mr. Akins moved to approve RZ-2016-537. Mr. Gibler seconded.

Mr. Tarpley	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mr. Crawford	Approve
Mrs. Mershon	Approve

Mrs. Query	Approve
Mr. Akins	Approve
Chairman Antey	Approve

Motion Carried 8 – 0.



**STAFF REPORT**

**PLAN COMMISSION  
July 21, 2016**

**RE: RZ-2016-537**

**Applicant:** David E & Kitty M. Snyder

**Location:** Lot 6, Blue Springs Plaza, aka 5906 S. Minter Road

**Area:** 1.78 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RS (Residential Suburban)

**Purpose:** Applicant is requesting the change in zoning in order to decrease the building setback requirements for future construction.

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

The zoning in the area is predominantly Agricultural. The land use in the area are single family residences.

Blue Ridge Plaza was platted in 1952. The City of Grain Valley surrounds lots 5 through 10 of Blue Ridge Plaza.

The original house has been razed and the owner is planning on building a new single family residence.

The rezoning to District RS will allow the side yard setbacks to be reduced from 30 feet to 15 feet.

Lot 6 is 110 feet side. This gives the lot 80 feet as opposed to 50 feet of width to build within

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The front yard setback will remain 50 feet since this setback was established on the recorded plat.

**County Plan:**

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

The Residential Suburban District (RS) is intended for detached single family residential use

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2016-537

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

**Plan Commission  
July 21, 2016  
RZ-2016-537**

**Applicants / Property Owners:**

**41-110-04-02  
Snyder David & Kitty  
612 SW Lakeview Dr  
Grain Valley MO 64029**

**Williams Billy & Candace  
P O Box 326  
Butler MO 640730**

**Certified Mail – Return Receipt  
Property Owners within 185 feet**

41-110-04-07-00-0-00-000  
B & L BANK  
P O BOX 190  
LEXINGTON MO 64067

36-740-07-01-00-0-00-000  
B & L BANK

41-110-02-20-00-0-00-000  
BAMESBERGER NORMAN & HELENE  
9521 KEYSTONE DR  
LEES SUMMIT MO 64086

36-740-07-03-00-0-00-000  
CALVERT PHILLIP - TR  
18 R STREET  
LAKE LOTAWANA MO 64086

41-110-04-03-00-0-00-000  
HENSLEY MICHAEL D  
304 SE 8<sup>TH</sup> STREET  
OAK GROVE MO 64075

41-110-04-01-00-0-00-000  
KEY ALBERT R JR & WANDA  
5902 S MINTER RD  
GRAIN VALLEY MO 64029

41-110-03-22-00-0-00-000  
MARBLE WALTER E  
307 S MINTER  
GRAIN VALLEY MO 64029

41-110-03-20-00-0-00-000  
MCKENNA PROPERTIES LLC  
8320 WESTRIDGE  
RAYTOWN MO 64138

41-110-04-04-00-0-00-000  
THURN LARRY  
12915 E 50<sup>TH</sup> TER S  
INDEPENDENCE MO 64055

41-110-03-21-00-0-00-000  
TUSTANOWSKI GLENNA  
305 S MINTER  
GRAIN VALLEY MO 64029



Ord. 4877



SW EAGLES PKWY

SW MINTER WAY

BLUE BRANCH DR

BLUE BRANCH DR

BLUE BRANCH CT

S MINTER RD

S MINTER RD

SW EAGLES PKWY

EA HWY

5902

5906

5910

5916

5920

5924

6000

AG

AG

RE

AG

30011

30007

30003

LI

LI



JACKSON COUNTY, MISSOURI  
APPLICATION FOR CHANGE OF ZONING

Ord. 4877

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- 2016- 537

Date filed 6-7-16 Date of hearing 7-21-16

Date advertised 7-6-16 Date property owners notified 7-6-16

Date signs posted 7-6-16

Hearings: Heard by PC Date 7-21-16 Decision \_\_\_\_\_

Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):
  - a. Applicant(s) Name: DAVID + KITTY SNYDER  
Address: 5906 S Minter Rd  
Blue Springs  
Phone: \_\_\_\_\_
  - b. Owner(s) Name: DAVID + KITTY SNYDER  
Address: 612 SW Lakeview DR  
Phone: 816-728-8391 Grain Valley, MO 64029
  - c. Agent(s) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

d. Applicant's interest in Property: \_\_\_\_\_

2. General location (Road Name) 5906 S Minter Road

3. Present Zoning AG Requested Zoning RS

4. AREA (sq. ft. / acres) 1.78

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

Blue Springs Plaza Lot 6

6. Present Use of Property: Vacant - old house torn down

7. Proposed Use of Property: Single Family House

8. Proposed Time Schedule for Development: 6-8 month

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

Will increase Adjacent Values

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 Water District 17 / City of GV

c. Electricity ICPL

d. Fire and Police protection Central Jackson CTY

12. Describe existing road width and condition: Paved TWO LANE

---

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

---

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)

[Signature]  
Kitty M. Snyder

Date

6/6/16  
6/6/16

Applicant(s):

[Signature]  
Kitty M. Snyder

6/6/16  
6/6/16

Contract Purchaser(s):

\_\_\_\_\_  
\_\_\_\_\_

STATE OF

Missouri

COUNTY OF

Jackson

On this 6<sup>th</sup> day of June, in the year of 2016, before me the undersigned notary public, personally appeared David Snyder and Kitty M. Snyder

known to me to be the person(s) whose name(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

[Signature]

Commission Expires

01/19/2019



LINDA GAIL ALLEN  
My Commission Expires  
January 19, 2019  
Jackson County  
Commission #14492715



**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)**

*[Signature]*  
Candace D. Williams

7-6-16  
7-6-16

**Applicant(s):**

*[Signature]*  
Candace D. Williams

7-6-16  
7-6-16

**Contract Purchaser(s):**

*[Signature]*  
Candace D. Williams

7-6-16  
7-6-16

STATE OF

Missouri

COUNTY OF

Bates

On this 6<sup>th</sup> day of July, in the year of 2016, before me the undersigned notary public, personally appeared Candace & Billy Williams

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

Letitia A. Foster

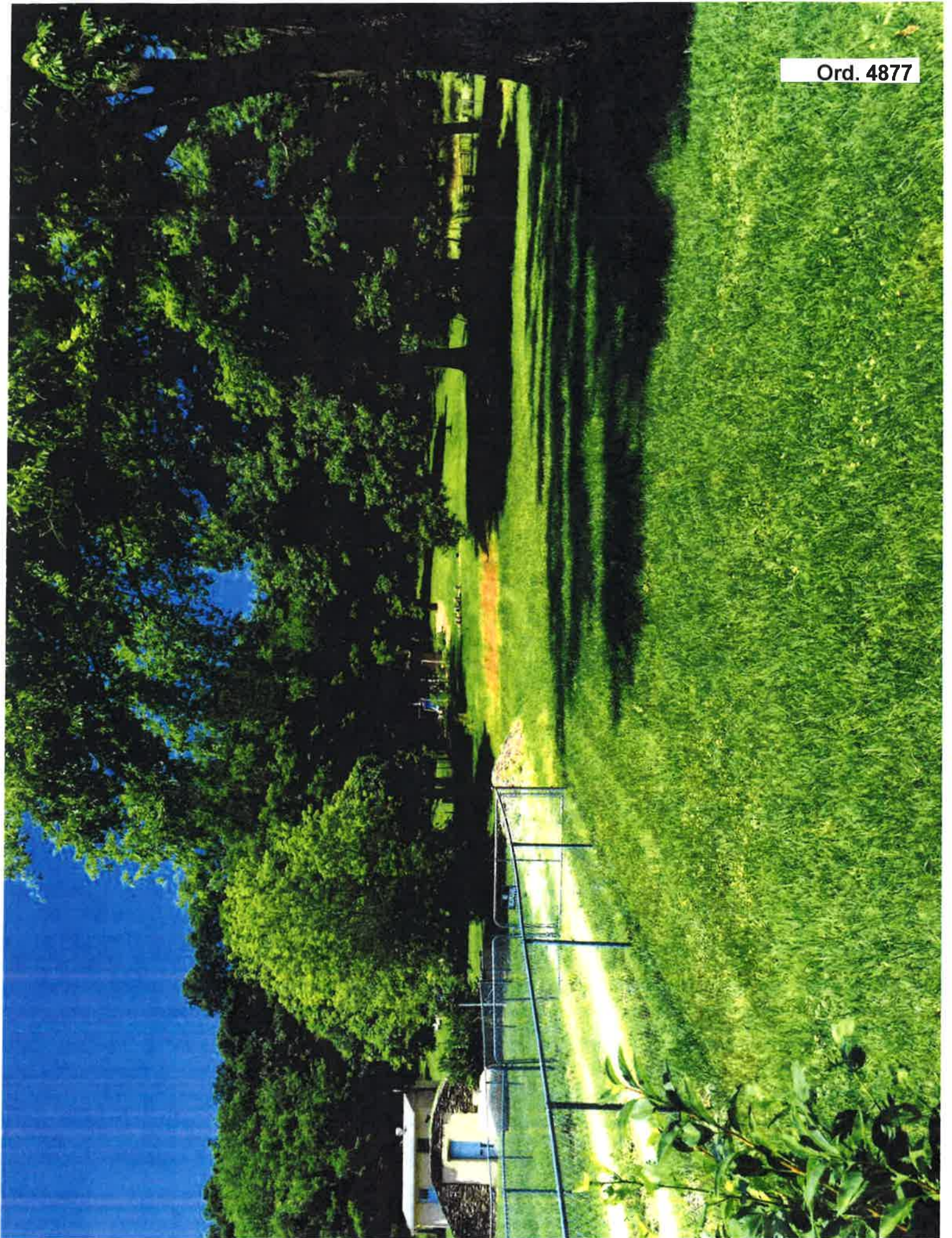
Commission Expires

02/13/2018

Letitia A. Foster  
Notary Public - Notary Seal  
No. 14499559  
State of Missouri - Bates County  
My commission expires February 13, 2018



Ord. 4877





Ord. 4877





Ord. 4877

BLUE BRANCH DR

S MINTER RD

S MINTER RD

5902

5906

5910





## IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

**AN ORDINANCE** amending the zoning districts established pursuant to the Unified Development Code by changing a certain 3.1 ± acre tract from District AG (Agricultural) to District RE (Residential Estates).

**ORDINANCE NO. 4878**, August 22, 2016

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section 1. The Zoning Order of Jackson County, Missouri, and the official maps which are a part thereof, are amended by changing the boundaries of the "AG" (Agricultural) District and the "RE" (Residential Estates) District, so that there will be transferred from District AG to District RE, a tract of land commonly known as 36805 E. Church Road, Oak Grove, MO, specifically described as follows:

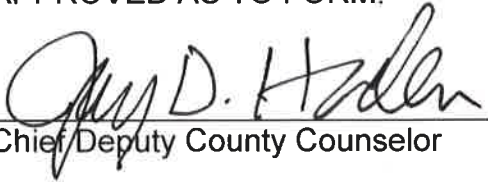
**Description:** All that part of the Southeast Quarter of Section 7, Township 48 North, Range 29 West, and being part of the tract described in Document #1290335, in Book I-766, at Page 381 and recorded in the Jackson County Recorder of Deeds Office, Jackson County, and more fully described as follows: Commencing at the Northeast corner of the Southeast Quarter of Section 7, Township 48 North, Range 29 West; thence North 89 degrees 39 minutes 59 seconds West along the North line of the Southeast Quarter of Section 7, a distance of 1,104.62 feet to the True Point of Beginning; thence South 01 degrees 20 minutes 36 seconds West, 699.57 feet; thence West 200.00 feet; thence North 01 degrees 20 minutes 30 seconds East 700.73 feet to a point on the North line of the Southeast Quarter of said Section 7; thence South 89 degrees 39 minutes 59 seconds East along said North line 200.00 to the True Point of Beginning, less and except that part in road, said tract containing 3.122 acres on land more or less. Now known as Tract 1 on Certificate of Survey recorded February 11, 1992 in Book T5 at Page 62.

Section 2. The Legislature, pursuant to the application of the Brian and Angie Hodges (RZ-2016-538), requesting the amendment embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 8 to 0 to recommend APPROVAL of

this application after a public hearing on July 21, 2016, does adopt this Ordinance pursuant to the Jackson County Charter authorizing the Legislature to exercise legislative power pertaining to planning and zoning.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chief/Deputy County Counselor

  
\_\_\_\_\_  
County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4878 introduced on August 22, 2016, was duly passed on \_\_\_\_\_, 2016 by the Jackson County Legislature. The votes thereon were as follows:

Yeas \_\_\_\_\_

Nays \_\_\_\_\_

Abstaining \_\_\_\_\_

Absent \_\_\_\_\_

This Ordinance is hereby transmitted to the County Executive for his signature.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4878.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Frank White, Jr., County Executive



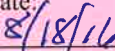
# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~ Ord No.: 4878

Sponsor(s): None

Date: August 22, 2016

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Brian &amp; Angie Hodges Case No. RZ-2016-538</u>													
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="305 499 1187 810"> <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 style="text-align: right;">\$</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; FROM / TO</td> <td>FROM ACCT</td> </tr> <tr> <td></td> <td>TO ACCT</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; FROM / TO	FROM ACCT		TO ACCT
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; FROM / TO	FROM ACCT													
	TO ACCT													
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 AG (Agricultural) on 3.1 ± acres to District RE (Residential Estates). The proposed land use is a one lot subdivision. The 3.1 ± acres are located in Section 7, Township 48, Range 29, Jackson County, Missouri, aka 36805 E. Church Road, and specifically described on Attachment to RLA-1. 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 voted 8 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)													
ATTACHMENTS	See Attachment to RLA-2													
REVIEW	Department Director: Brian D. Gaddie, P.E. Director of Public Works    Finance (Budget Approval): <i>If applicable</i> Division Manager: 	Date:   Date:   Date: 												



County Counselor's Office:

Date:

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.

**ATTACHMENT TO RLA-2:**

Attachments

Plan Commission Public Hearing Summary from July 21, 2016

Location Map

Staff Report

Affidavit of Publication in Independence Examiner

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Map showing current zoning district in area

County Code Chapter 240 – Unified Development Code

County Master Plan – “Strategy for the Future”

Application

Pictures of Property

**RZ-2016-538**

**ATTACHMENT TO RLA 1:**

**Description:**

All that part of the Southeast Quarter of Section 7, Township 48 North, Range 29 West, and being part of the tract described in Document #1290335, in Book I-766, at Page 381 and recorded in the Jackson County Recorded of Deeds Office, Jackson County, and more fully described as follows: Commencing at the Northeast corner of the Southeast Quarter of Section 7, Township 48 North, Range 29 West; thence North 89 degrees 39 minutes 59 seconds West along the North line of the Southeast Quarter of Section 7, a distance of 1,104.62 feet to the True Point of Beginning; thence South 01 degrees 20 minutes 36 seconds West, 699.57 feet; thence West 200.00 feet; thence North 01 degrees 20 minutes 30 seconds East 700.73 feet to a point on the North line of the Southeast Quarter of said Section 7; thence South 89 degrees 39 minutes 59 seconds East along said North line 200.00 to the True Point of Beginning, less and except that part in road, said tract containing 3.122 acres on land more or less. Now known as Tract 1 on Certificate of Survey recorded February 11, 1992 in Book T5 at Page 62.

**Randy Diehl gave the staff report:**

**Applicant:** Brian & Angie Hodges

**Location:** 36805 E. Church Road

**Area:** 3.1 ± acres

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

**Purpose:** Applicant is requesting the change in zoning for a one lot subdivision.

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

The zoning in the immediate area is Agricultural with the majority of the land use being single family residences.

Prior to the adoption of the Unified Development Code (UDC) in 1995, land could be divided under 10 acres for development by subdividing it into platted lots. The lots would remain in District AG (Agricultural) The 1960 Zoning Order did not have a provision for residential zoning except for single family lots between 7,500 and 15,000 square feet in size.

Across the street is R & T Estates which contains two lots both slightly under 2 acres. This plat was recorded in 1988.

East of R & T is Church Road Estates, 1.5 acres in size and created in 1984.

The 3.1 acre tract was created by a Certificate of Survey filed in the Records Office in 1992. Typically Certificates of Survey are used to divide land over 10 acres in size because they do not need approval like a subdivision plat would require. It's not a violation to create a tract smaller than 10 acres if it is being used for agricultural purposes as it does not involve the construction of any type of building.

The applicant has applied for a building permit for a residence. Upon review it was discovered that the tract would need to come into compliance with the UDC to be a legal conforming lot. Rezoning and platting the property is required. Had the tract been platted prior to 1995, this would have been considered a Legal Non-Conforming lot and the building permit would have been honored.



**County Plan:**

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT).  
The Residential Suburban District (RE) is appropriate for the Suburban Development Tier.

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2016-538

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

Mr. Tarpley: Is there a house on the lot?

Mr. Diehl: No.

*Is the applicant here?*

Angie Hodges, 36805 E, Church Road

Mr. Antey: *Do you have anything to add to Randy's report?*

Mr. Tarpley: You do live in the neighborhood?

Ms. Hodges: No. We did. We are living with my in-laws.

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

Mr. Antey: *Is there anyone else who is in favor of this application?*

David Smith: 36903 E. Church Road. I just have concerns about drainage. Most of the drainage from the pond goes along here (north side).

Discussion with Mr. Smith regarding the former use of the property, fencing, his lateral field and the spring on the adjacent property.

Mr. Antey: *Is there anyone who is opposed or has questions regarding this application?*

There were none.

Motion to take under advisement.

Mrs. Mershon moved to take under advisement. Mr. Haley seconded.

*Discussion under advisement*

Motion to approve.

Mr. Crawford moved to approve RZ-2016-538. Mr. Tarpley seconded.

Mr. Tarpley	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mr. Crawford	Approve
Mrs. Mershon	Approve
Mrs. Querry	Approve
Mr. Akins	Approve
Chairman Antey	Approve

Motion Carried 8 – 0.

**STAFF REPORT**

**Ord. 4878**

**PLAN COMMISSION  
May 19, 2016**

**RE: RZ-2016-538**

**Applicant:** Brian & Angie Hodges

**Location:** 36805 E. Church Road

**Area:** 3.1 ± acres

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

**Purpose:** Applicant is requesting the change in zoning for a one lot subdivision.

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

The zoning in the immediate area is Agricultural with the majority of the land use being single family residences.

Prior to the adoption of the Unified Development Code (UDC) in 1995, land could be divided under 10 acres for development by subdividing it into platted lots. The lots would remain in District AG (Agricultural) The 1960 Zoning Order did not have a provision for residential zoning except for single family lots between 7,500 and 15,000 square feet in size.

Across the street is R & T Estates which contains two lots both slightly under 2 acres. This plat was recorded in 1988.

East of R & T is Church Road Estates, 1.5 acres in size and created in 1984.

The 3.1 acre tract was created by a Certificate of Survey filed in the Records Office in 1992. Typically Certificates of Survey are used to divide land over 10 acres in size because they do not need approval like a subdivision plat would require. It's not a violation to create a tract smaller than 10 acres if it is being used for agricultural purposes as it does not involve the construction of any type of building.

The applicant has applied for a building permit for a residence. Upon review it was discovered that the tract would need to come into compliance with the UDC to be a legal conforming lot. Rezoning and platting the property is required. Had the tract been platted prior to 1995, this would have been considered a Legal Non-Conforming lot and the building permit would have been honored.

**County Plan:**

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

The Residential Suburban District (RE) is appropriate for the Suburban Development Tier.

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2016-538

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator



**Plan Commission  
July 21, 2016  
RZ-2016-538**

**Applicants / Property Owners:**

**39-400-04-19  
Hodges Brian & Angie  
1701 NE Helen Ct  
Grain Valley Mo 64029**

**Certified Mail – Return Receipt  
Property Owners within 185 feet**

39-400-01-12-00-0-00-000  
FORSYTH TERRY W & PATTI J  
36900 E CHURCH RD  
OAK GROVE MO 64075

39-400-04-17-00-0-00-000  
FREEMAN CHRISTOPHER  
7204 S HILLSIDE RD  
OAK GROVE MO 64075

39-400-04-18-01-0-00-000  
GARTON BRIAN T  
P O BOX 425  
GRAIN VALLEY MO 64029

39-400-01-13-00-0-00-000  
HADLEY DELMAR B & NORMA J  
36804 E CHURCH RD  
OAK GROVE MO 64075

39-400-01-05-01-4-0-00-000  
HENNRICH LARRY G & ORPHA-TR  
37604 E CHURCH RD  
OAK GROVE MO 64075

39-400-01-02-00-0-00-000  
LAKE DONALD L & PATRICA J  
36510 E CHURCH RD  
OAK GROVE MO 64075

39-400-04-19-00-0-00-000  
SMITH DAVID P & BETH A  
36903 E CHURCH  
OAK GROVE MO 64075



Ord. 4878

S HILLSIDE SCHOOL RD

E CHURCH RD





300

**JACKSON COUNTY, MISSOURI  
APPLICATION FOR CHANGE OF ZONING**

---

Ord. 4878

**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- 2016 - 538

Date filed 6-7-16 Date of hearing 7-21-16

Date advertised 7-6-16 Date property owners notified 7-6-16

Date signs posted 7-6-16

Hearings: Heard by PC Date 7-21-16 Decision \_\_\_\_\_

Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

---

**BEGIN APPLICATION HERE:**

**1. Data on Applicant(s) and Owner(s):**

- a. Applicant(s) Name: Brian & Angie Hodges  
Address: 36805 E. Church Road  
Oak Grove, Mo 64075  
Phone: (816) 522-0844 (816) 686-9014
- b. Owner(s) Name: Brian & Angie Hodges  
Address: 36805 E. Church Road, Oak Grove, Mo 64075  
Phone: (816) 522-0844 (816) 686-9014
- c. Agent(s) Name: NA

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

- d. Applicant's interest in Property: Build a single family home
2. General location (Road Name) Church Road
3. Present Zoning Agricultural Requested Zoning Residential
4. AREA (sq. ft. / acres) 3.1 acres
5. Legal Description of Property: (Write Below or Attached 9 )  
Tract No 1
6. Present Use of Property: Agricultural-Farming / Vacant land
7. Proposed Use of Property: To build a 1525 sq ft home
8. Proposed Time Schedule for Development: To begin June 2016 or as soon as possible and to be completed within 9-12 months
9. What effect will your proposed development have on the surrounding properties?  
Building 1 single residence / no negative effect
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? NA
11. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water Jackson County Water Dist. 17 single tap / no effect
- b. Sewage disposal private septic system / no effect
- c. Electricity West Central Electric Coop / no effect
- d. Fire and Police protection Central Jackson County Fire protection / no effect
12. Describe existing road width and condition: approx 20 ft wide in good condition



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13. What effect will proposed development have on existing road and traffic conditions? No negative effect

---

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? Jackson County Building Permit

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

---

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)

Brian Hodges  
Angie Hodges

6-6-16  
6-6-16

Applicant(s):

Brian Hodges  
Angie Hodges

6-6-16  
6-6-16

Contract Purchaser(s):

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

STATE OF Missouri  
COUNTY OF Jackson

On this 6<sup>th</sup> day of June, in the year of 2016, before me the undersigned notary public, personally appeared Brian & Angie Hodges

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

Jessica Bray

Commission Expires

Oct. 22, 2016



JESSICA BRAY  
My Commission Expires  
October 22, 2016  
Jackson County  
Commission #12409145



Ord. 4878

AG

E CHURCH RD

AG





Ord. 4878







## IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

**AN ORDINANCE** amending the zoning districts established pursuant to the Unified Development Code by changing a certain 10.24 ± acre tract from District AG (Agricultural) to District RE (Residential Estates).

**ORDINANCE NO. 4879**, August 22, 2016

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section 1. The Zoning Order of Jackson County, Missouri, and the official maps which are a part thereof, are amended by changing the boundaries of the "AG" (Agricultural) District and the "RE" (Residential Estates) District, so that there will be transferred from District AG to District RE, a tract of land commonly located in Section 7, Township 48, Range 29, specifically described as follows:

**Description:** All that part of the Southeast Quart of Section 7, Township 48 North, Range 29 West, and being part of a tract as described in Document #1290335, in Book I-766, Page 381 and recorded in Jackson County Recorder of Deeds Office, Jackson County, Missouri, and more fully described as follows:

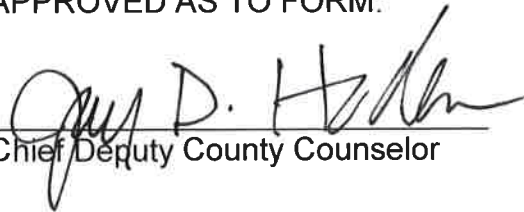
Beginning at the Northeast corner of the Southeast Quarter of Section 7, Township 48 North, Range 29 West; thence South along the East line of the Southeast Quarter of said Section 7, a distance of 177.07 feet; thence West 208.71 feet; thence South 208.71 feet; thence East 208.71 feet to a point on the East line of the Southeast Quarter of said Section 7; thence South along the said East line 307.17 feet; thence West 746.71 feet; thence North 01 degrees 20 minutes 34 seconds East 697.42 feet to a point on the South line of the Southeast Quarter of said Section 7; thence South 89 degrees 39 minutes 59 seconds East along said North line 730.39 feet to the point of beginning, less and except that part in roads, said tract containing 10.237 acres more or less.

Section 2. The Legislature, pursuant to the application of the Michael Thompson (RZ-2016-539), requesting the amendment embodied in this Ordinance and with notice that

the Jackson County Plan Commission voted 8 to 0 to recommend APPROVAL of this application after a public hearing on July 21, 2016, does adopt this Ordinance pursuant to the Jackson County Charter authorizing the Legislature to exercise legislative power pertaining to planning and zoning.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chief Deputy County Counselor

  
\_\_\_\_\_  
County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4879 introduced on August 22, 2016, was duly passed on \_\_\_\_\_, 2016 by the Jackson County Legislature. The votes thereon were as follows:

Yeas \_\_\_\_\_

Nays \_\_\_\_\_

Abstaining \_\_\_\_\_

Absent \_\_\_\_\_

This Ordinance is hereby transmitted to the County Executive for his signature.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4879.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Frank White, Jr., County Executive





# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 4879

Sponsor(s): None

Date: August 22, 2016

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: <u>Michael Thompson Case No. RZ-2016-539</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="308 483 1185 798"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$</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>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT  TO ACCT</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; FROM / TO	FROM ACCT  TO ACCT
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; FROM / TO	FROM ACCT  TO ACCT											
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 AG (Agricultural) on 10.24 ± acres to District RE (Residential Estates). The proposed land use is a three lot subdivision. The 10.24 ± acres are located in Section 7, Township 48, Range 29, Jackson County, Missouri, at intersection of Church Road and Hillside School Road, and specifically described on Attachment to RLA-1. 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 voted 8 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)											
ATTACHMENTS	See Attachment to RLA-2											
REVIEW	Department Director: Brian D. Gaddie, P.E. Director of Public Works  	Date:   Date:   Date: <u>8/18/16</u>										
	Finance (Budget Approval): <i>If applicable</i>  Division Manager: 	Date:   Date:										

County Counselor's Office:

Date:

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.

**ATTACHMENT TO RLA-2:**

Attachments

Plan Commission Public Hearing Summary from July 21, 2016

Location Map

Staff Report

Affidavit of Publication in Independence Examiner

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Map showing current zoning district in area

County Code Chapter 240 – Unified Development Code

County Master Plan – “Strategy for the Future”

Application

Pictures of Property

Certificate of Survey

RZ-2016-539

**ATTACHMENT TO RLA 1:**

**Description:** All that part of the Southeast Quart of Section 7, Township 48 North, Range 29 West, and being part of a tract as described in Document #1290335, in Book I-766, Page 381 and recorded in Jackson County Recorder of Deeds Office, Jackson County, Missouri, and more fully described as follows:

Beginning at the Northeast corner of the Southeast Quarter of Section 7, Township 48 North, Range 29 West; thence South along the East line of the Southeast Quarter of said Section 7, a distance of 177.07 feet; thence West 208.71 feet; thence South 208.71 feet; thence East 208.71 feet to a point on the East line of the Southeast Quarter of said Section 7; thence South along the said East line 307.17 feet; thence West 746.71 feet; thence North 01 degrees 20 minutes 34 seconds East 697.42 feet to a point on the South line of the Southeast Quarter of said Section 7; thence South 89 degrees 39 minutes 59 seconds East along said North line 730.39 feet to the point of beginning, less and except that part in roads, said tract containing 10.237 acres more or less.



**RE: RZ-2016-539**

**Randy Diehl gave the staff report:**

**Applicant:** Michael L Thompson

**Location:** Southwest corner of Church and Hillside School Road

**Area:** 10.23 ± acres

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

**Purpose:** Applicant is requesting the change in zoning for a three lot subdivision.

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

The zoning in the immediate area is Agricultural with the majority of the land use being single family residences.

To the East and Northeast are Hillside Estates II, containing two lots, rezoned and created in 2004, and Hillside Corner, containing three lots, rezoned and created in 2007. Both subdivision are in District RE.

Fox Farm is a one lot subdivision created in 1951. It is within District AG.

The 10.23 acre tract was created by a Certificate of Survey filed in the Records Office in 1992. As stated in the previous case (RZ-2016-538) Certificates of Survey are used to divide land over 10 acres in size because they do not need approval like a subdivision plat would require. This survey is the same one used to divide the 3.1 acres to the west.

The applicant is wishing to divide the land into a three lot subdivision.

**County Plan:**

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

The Residential Suburban District (RE) is appropriate for the Suburban Development Tier.

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2016-539

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

Mr. Tarpley: That notch is the side of the property?

Mr. Diehl: That is a 1 acre piece that is a separate, that was cut out of the property years ago. It is not part of this application.

Mr. Tarpley: That's a very hilly road.

Mr. Diehl: That is correct, the sight distance will be a challenge, but we feel there is adequate enough for a driveway for the lot fronting on Hillside School Road.

*Is the applicant here?*

Michael Thompson: 8521 E 47<sup>th</sup> Street

Mr. Antey: *Do you have anything to add to Randy's report?*

Not really. We've spoken with David's (Smith) regarding the drainage. That's a 9 percent grade going to the South. Every goes to the pond. I was concerned about cutting the water off to their pond. I spoke to Mrs. Smith about that rerouting it to the pond.

Mr. Tarpley: What's the current use of the land?

Mr. Thompson: They baled it last year. We been trying find someone to cut and baled it this year. The property hasn't had a lot of TLC in a long time.

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

There were none.

Mr. Antey: *Is there anyone else who is in favor of this application?*

David Smith: 36903 E. Church Road. I just have concerns about drainage. The run off along Church Road is a concern.

Mr. Antey: *Is there anyone who is opposed or has questions regarding this application?*

There were none.

Motion to take under advisement.

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

*Discussion under advisement*

Mr. Tarpley: As long as staff can find safe locations for the driveways, I have no concerns.

Motion to approve.

Mrs. Mershon moved to approve RZ-2016-539. Mrs. Querry seconded.

Mr. Tarpley	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mr. Crawford	Approve
Mrs. Mershon	Approve
Mrs. Querry	Approve
Mr. Akins	Approve
Chairman Antey	Approve

Motion Carried 8 – 0.

**STAFF REPORT**

**PLAN COMMISSION**

**July 21, 2016**

**RE: RZ-2016-539**

**Applicant:** Michael L Thompson

**Location:** Southwest corner of Church and Hillside School Road

**Area:** 10.23 ± acres

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

**Purpose:** Applicant is requesting the change in zoning for a three lot subdivision.

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

The zoning in the immediate area is Agricultural with the majority of the land use being single family residences.

To the East and Northeast are Hillside Estates II, containing two lots, rezoned and created in 2004, and Hillside Corner, containing three lots, rezoned and created in 2007. Both subdivision are in District RE.

Fox Farm is a one lot subdivision created in 1951. It is within District AG.

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The applicant is wishing to divide the land into a three lot subdivision.

**County Plan:**

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

The Residential Suburban District (RE) is appropriate for the Suburban Development Tier.

**Recommendation:**

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



Staff recommends APPROVAL of RZ-2016-539

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

**Plan Commission  
July 21, 2016  
RZ-2016-539**

**Applicants / Property Owners:**

**39-400-04-21  
Thompson Michael L  
8521 E 47<sup>th</sup> St  
Kansas City MO 64129**

**Certified Mail – Return Receipt  
Property Owners within 185 feet**

39-400-01-12-00-0-00-000  
FORSYTH TERRY W & PATTI J  
36900 E CHURCH RD  
OAK GROVE MO 64075

39-400-04-17-00-0-00-000  
FREEMAN CHRISTOPHER  
7204 S HILLSIDE RD  
OAK GROVE MO 64075

39-400-01-11-00-0-00-000  
BROWN EVELYN N  
37002 E CHURCH RD  
OAK GROVE MO 64075

39-400-01-14-00-0-00-000  
GEORGE CEMETERY

39-400-01-05-01-4-0-00-000  
HENNRICH LARRY G & ORPHA-TR  
37604 E CHURCH RD  
OAK GROVE MO 64075

39-400-04-05-00-0-00-000  
KEISER JAMES D & W LUANN  
7110 S HILLSIDE SCHOOL RD  
OAK GROVE MO 64075

39-400-04-19-00-0-00-000  
SMITH DAVID P & BETH A  
36903 E CHURCH  
OAK GROVE MO 64075

39-500-03-11-01-0-00-000  
MORRILL TIMOTHY J  
7205 S HILLSIDE SCHOOL RD  
OAK GROVE MO 64075

39-500-03-16-00-0-00-000  
PARKS JERRY L & COURTNEY I  
7119 S HILLSIDE SCHOOL RD  
OAK GROVE MO 64075

39-400-01-07-00-0-00-000  
PAUL BUDDY G & CECIL L  
P O BOX 455  
OAK GROVE MO 64075

39-500-02-08-00-0-00-000  
ROBINSON DALE R  
1021 SW HILLCREST DR  
BLUE SPRINGS MO 64015

39-500-03-15-00-0-00-000  
TRIPP CHAD J & TARA L  
7103 S HILLSIDE SCHOOL RD  
OAK GROVE MO 64129



Ord. 4879





**JACKSON COUNTY, MISSOURI  
APPLICATION FOR CHANGE OF ZONING**

Ord. 4879

**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- 2016-539  
Date filed 6-13-16 Date of hearing 7-21-16  
Date advertised 7-6-16 Date property owners notified 7-6-16  
Date signs posted 7-6-16  
Hearings: Heard by PC Date 7-21-16 Decision \_\_\_\_\_  
Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_  
Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

**BEGIN APPLICATION HERE:**

1. **Data on Applicant(s) and Owner(s):**
  - a. Applicant(s) Name: Michael L. Thompson  
Address: 8521 E. 47<sup>th</sup> ST.  
Kansas City, MO 64129  
Phone: 816-921-6138
  - b. Owner(s) Name: SAME  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_
  - c. Agent(s) Name: N/A



Address: \_\_\_\_\_

Phone: \_\_\_\_\_

d. Applicant's interest in Property: OWNER

2. General location (Road Name) Southwest corner of E. Church Rd  
and S. Hillside School Rd.

3. Present Zoning AG Requested Zoning RE

4. AREA (sq. ft. / acres) 10.24

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

6. Present Use of Property: Agricultural

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: 1 year

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? NO

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

a. Water PWSD #17

b. Sewage disposal Individual

c. Electricity West Central Electric Coop.

d. Fire and Police protection CJCFPD, Jackson County

12. Describe existing road width and condition: 40' and 60' rights of way, asphalt

---

13. What effect will proposed development have on existing road and traffic conditions? Addition of 3 single-family residences to be added.

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? Possibly septic and driveway  
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** \_\_\_\_\_ **Date** 6/10/16  
**Property Owner(s)** Michael L. Thompson

**Applicant(s):** \_\_\_\_\_

**Contract Purchaser(s):** \_\_\_\_\_

STATE OF MISSOURI  
COUNTY OF JACKSON

On this 10 day of June, in the year of 2016, before me the undersigned notary public, personally appeared Michael L. Thompson

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 Paula Fats Cannon Commission Expires 05/27/17

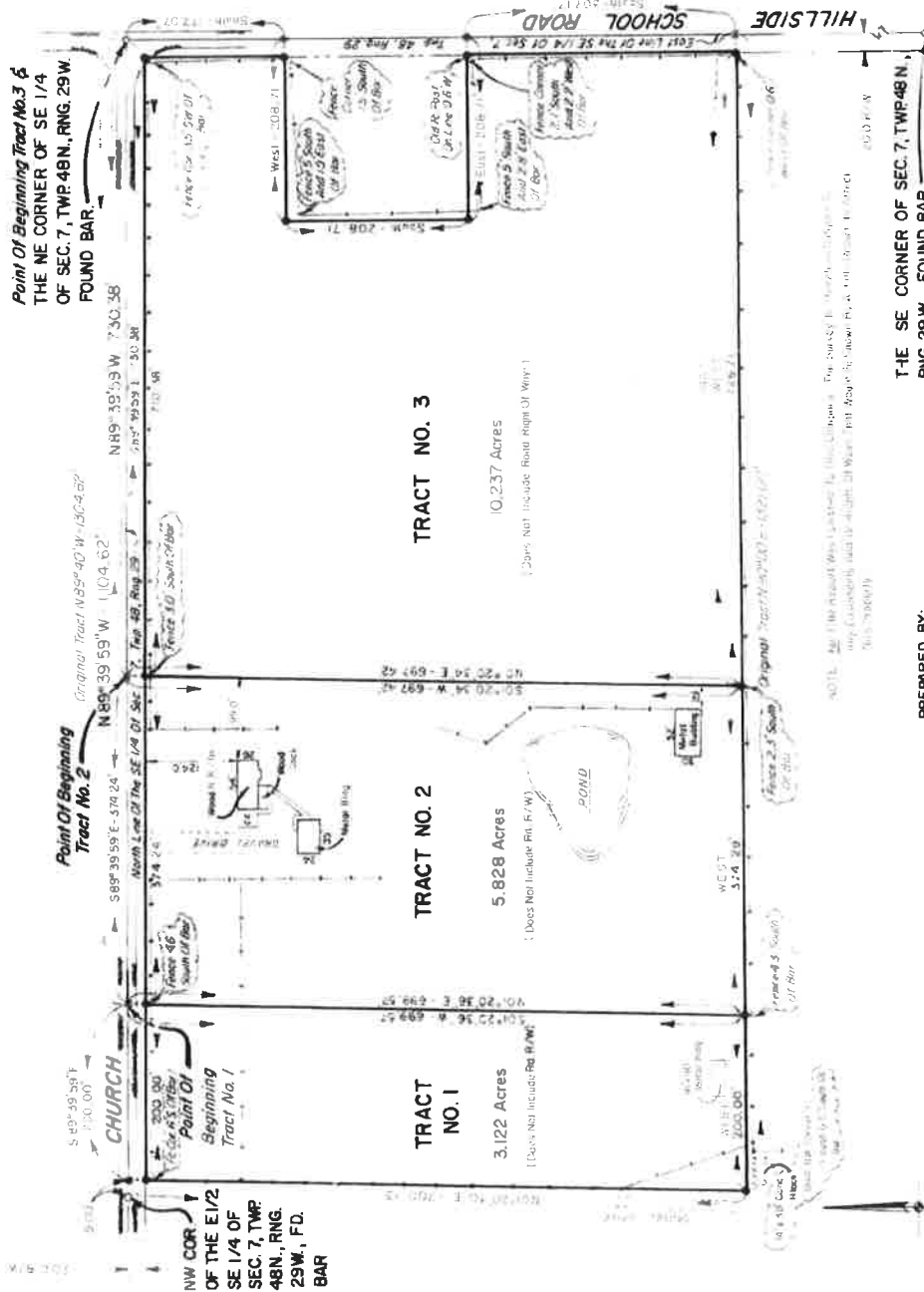
PAULA FATS CANNON  
NOTARY PUBLIC-NOTARY SEAL  
STATE OF MISSOURI  
COMMISSIONED FOR JACKSON COUNTY  
MY COMMISSION EXPIRES MAY 27 2017  
COMMISSION # 13498865

# CERTIFICATE OF SURVEY

FOR A BOUNDARY OF A TRACT OF LAND, BEING PART OF THE SOUTHEAST QUARTER OF SEC. 7, TWP. 48N., R. 29W. IN JACKSON COUNTY, THE STATE OF MISSOURI

11087213

LEGEND  
 S 1/2 Sec. C, Cou.  
 S 1/2 "PK" Nail & Shiner  
 Found Pin  
 Fence



PREPARED BY:  
**RENNER AND ASSOCIATES**  
 LAND SURVEYING, INC.  
 980 S.W. 37th St.  
 P.O. Box 323, BLUE SPRINGS, MO. 64015  
 PH. (816) 228-9022, Fax (816) 228-1198

PREPARED FOR:  
**LARRY D BAKER**  
 36903 E. Church Rd.  
 Oak Grove, MO. 64075

1. THESE SURVEY DATA ARE BASED ON THE ORIGINAL SURVEY RECORDS OF THE SURVEYOR, AND THE SURVEYOR HAS REVIEWED THE ORIGINAL RECORDS AND FOUND THEM TO BE CORRECT AND COMPLETE. THE SURVEYOR HAS ALSO REVIEWED THE ORIGINAL RECORDS OF THE SURVEYOR AND FOUND THEM TO BE CORRECT AND COMPLETE. THE SURVEYOR HAS ALSO REVIEWED THE ORIGINAL RECORDS OF THE SURVEYOR AND FOUND THEM TO BE CORRECT AND COMPLETE.

*[Signature]*  
 Robert H. Renner, Surveyor

## RESULTS OF NEWLY-CREATED TRACTS

ALL THAT PART OF THE NE CORNER OF SECTION 7, TWP. 48N., R. 29W., MO. BEING PART OF THE TRACT AS DESCRIBED IN RECORD 11087213, IN BOOK 1-160, AS PAGE 281 AND INCORPORATED IN THE ABOVE-TITLED SURVEY OF SAID SECTION 7, JACKSON COUNTY, MISSOURI, AND MORE FULLY DESCRIBED AS FOLLOWS:

TRACT NO. 1  
 BEING THAT PART OF THE NE CORNER OF SECTION 7, TWP. 48N., R. 29W., MO. BEING PART OF THE TRACT AS DESCRIBED IN RECORD 11087213, IN BOOK 1-160, AS PAGE 281 AND INCORPORATED IN THE ABOVE-TITLED SURVEY OF SAID SECTION 7, JACKSON COUNTY, MISSOURI, AND MORE FULLY DESCRIBED AS FOLLOWS:

TRACT NO. 2  
 BEING THAT PART OF THE NE CORNER OF SECTION 7, TWP. 48N., R. 29W., MO. BEING PART OF THE TRACT AS DESCRIBED IN RECORD 11087213, IN BOOK 1-160, AS PAGE 281 AND INCORPORATED IN THE ABOVE-TITLED SURVEY OF SAID SECTION 7, JACKSON COUNTY, MISSOURI, AND MORE FULLY DESCRIBED AS FOLLOWS:

TRACT NO. 3  
 BEING THAT PART OF THE NE CORNER OF SECTION 7, TWP. 48N., R. 29W., MO. BEING PART OF THE TRACT AS DESCRIBED IN RECORD 11087213, IN BOOK 1-160, AS PAGE 281 AND INCORPORATED IN THE ABOVE-TITLED SURVEY OF SAID SECTION 7, JACKSON COUNTY, MISSOURI, AND MORE FULLY DESCRIBED AS FOLLOWS:

TRACT NO. 4  
 BEING THAT PART OF THE NE CORNER OF SECTION 7, TWP. 48N., R. 29W., MO. BEING PART OF THE TRACT AS DESCRIBED IN RECORD 11087213, IN BOOK 1-160, AS PAGE 281 AND INCORPORATED IN THE ABOVE-TITLED SURVEY OF SAID SECTION 7, JACKSON COUNTY, MISSOURI, AND MORE FULLY DESCRIBED AS FOLLOWS:

TRACT NO. 5  
 BEING THAT PART OF THE NE CORNER OF SECTION 7, TWP. 48N., R. 29W., MO. BEING PART OF THE TRACT AS DESCRIBED IN RECORD 11087213, IN BOOK 1-160, AS PAGE 281 AND INCORPORATED IN THE ABOVE-TITLED SURVEY OF SAID SECTION 7, JACKSON COUNTY, MISSOURI, AND MORE FULLY DESCRIBED AS FOLLOWS:

TRACT NO. 6  
 BEING THAT PART OF THE NE CORNER OF SECTION 7, TWP. 48N., R. 29W., MO. BEING PART OF THE TRACT AS DESCRIBED IN RECORD 11087213, IN BOOK 1-160, AS PAGE 281 AND INCORPORATED IN THE ABOVE-TITLED SURVEY OF SAID SECTION 7, JACKSON COUNTY, MISSOURI, AND MORE FULLY DESCRIBED AS FOLLOWS:

TRACT NO. 7  
 BEING THAT PART OF THE NE CORNER OF SECTION 7, TWP. 48N., R. 29W., MO. BEING PART OF THE TRACT AS DESCRIBED IN RECORD 11087213, IN BOOK 1-160, AS PAGE 281 AND INCORPORATED IN THE ABOVE-TITLED SURVEY OF SAID SECTION 7, JACKSON COUNTY, MISSOURI, AND MORE FULLY DESCRIBED AS FOLLOWS:

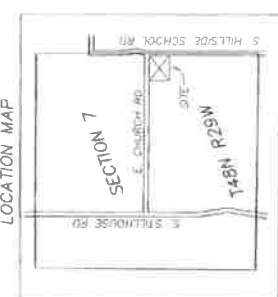


# THOMPSON ACRES MINOR SUBDIVISION PRELIMINARY PLAT

LOCATED IN THE NE 1/4 SE 1/4 SECTION 7,  
TOWNSHIP 48 NORTH, RANGE 29 WEST,  
JACKSON COUNTY, MISSOURI



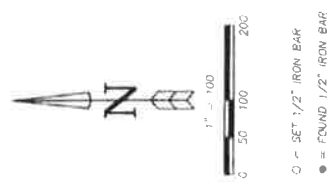
- NOTES**
1. Owner: Michael L. Thompson, Jackson County, MO 64129
  2. Recorded deed information for the parent tract can be found in instrument number 2016E0042755
  3. The subject property is currently zoned Agricultural
  4. This property is located in Zone A (not in a flood zone) per Flood Insurance Rate Map 28055C0339, Jackson County, Missouri, effective 2016 September 22, 2026.
  5. The contour interval is 10'; vertical datum is NAVD83



**SISCO LAND SURVEYING, LLC**  
PO Box 84  
Lexington, MO 64667  
Phone (816) 868-6950  
siscolandsurveying@gmail.com

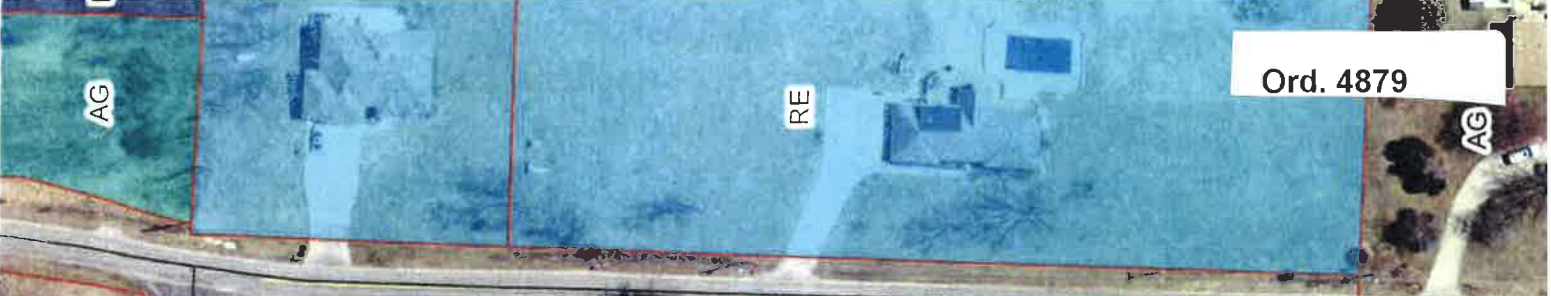
Prepared For: MICHAEL L. THOMPSON  
8521 E. 47th STREET  
KANSAS CITY, MO 64179

Date: JUNE 10, 2016 Project #: SLS-18-53

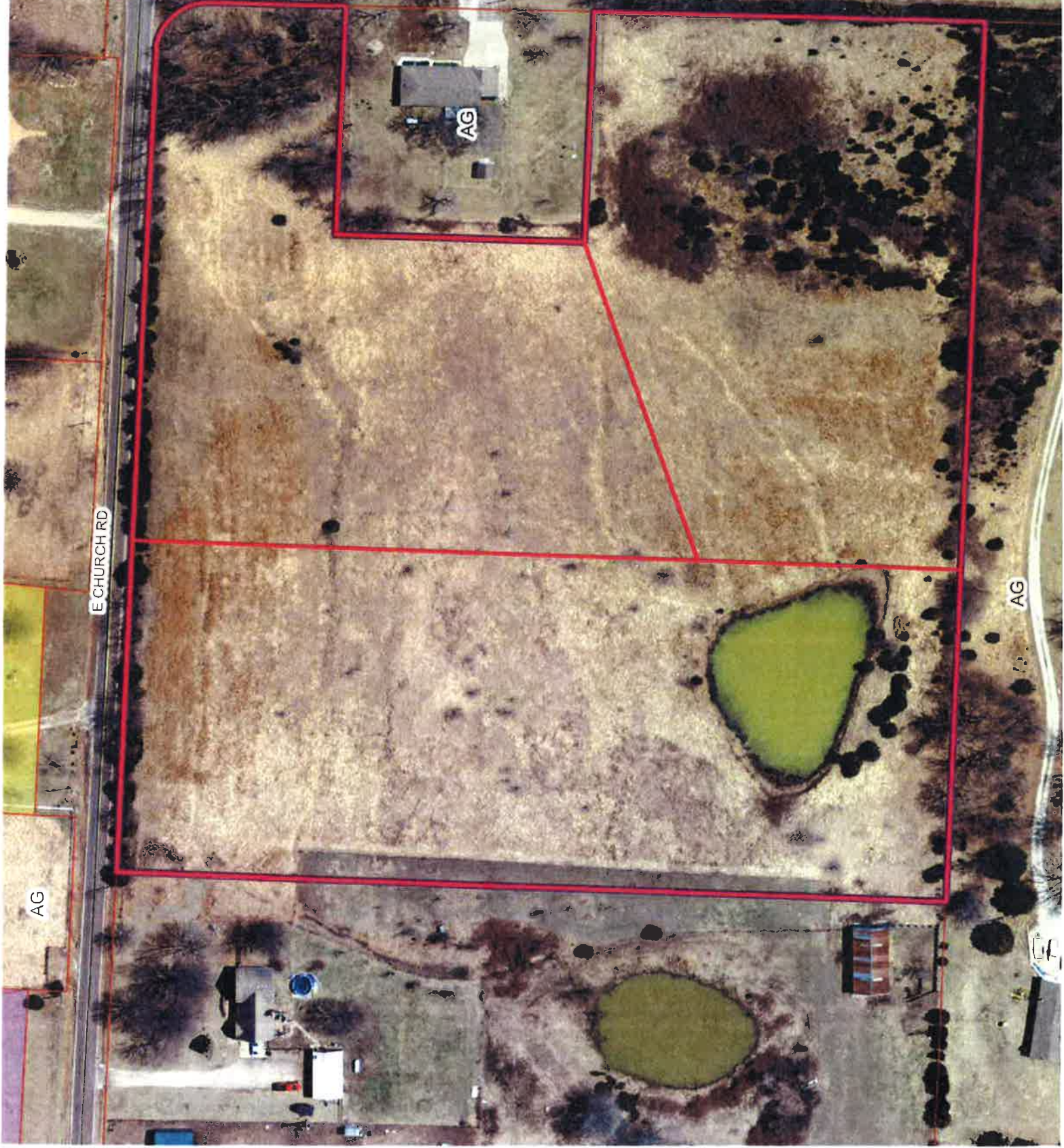




Ord. 4879



S HILLSIDE SCHOOL RD



E CHURCH RD

AG

AG

AG

RE

AG

AG



**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**AN ORDINANCE** submitting to the qualified voters of Jackson County, Missouri at the general election to be held on November 8, 2016, a question authorizing Jackson County solely for the purpose of establishing a Community Children's Services Fund for the purpose of providing services to protect the well-being and safety of children and youth nineteen years of age or less and to strengthen families, to levy a countywide sales tax of one-quarter of one cent.

**ORDINANCE NO. 4880**, August 22, 2016

**INTRODUCED BY** Crystal Williams, Tony Miller, and Dan Tarwater III, County Legislators

WHEREAS, pursuant to section 67.1775.1, RSMo Supp 2013, the governing body of any county in Missouri may, after voter approval, levy a sales tax in the county not to exceed one-quarter of one cent, for the purpose of providing services described in section 210.861, RSMo Supp. 2013, including counseling, family support, and temporary residential services to persons nineteen years of age or less; and,

WHEREAS, under section 67.1775.6, all revenues generated by such tax shall be deposited in the county treasury to the credit of a special Community Children's Services Fund to accomplish the purposes set out in sections 67.1775 and 210.861, which revenues may be used for no other purpose, to be administrated by a board of directors established under section 210.861; and,

WHEREAS, pursuant to section 210.861, when the tax prescribed by section 67.1775 is authorized, the governing body of the county shall appoint a board of directors consisting of nine members, who shall be residents of the county, to staggered

terms of three years; and,

WHEREAS, also pursuant to section 210.861, revenues collected and deposited in the Community Children's Services Fund may be expended for the purchase of the following services:

(1) Up to thirty days of temporary shelter for abused, neglected, runaway, homeless or emotionally disturbed youth; respite care services; and services to unwed mothers;

(2) Outpatient chemical dependency and psychiatric treatment programs; counseling and related services as a part of transitional living programs; home-based and community-based family intervention programs; unmarried parent services; crisis intervention services, inclusive of telephone hotlines; and prevention programs which promote healthy lifestyles among children and youth and strengthen families;

(3) Individual, group, or family professional counseling and therapy services; psychological evaluations; and mental health screenings; and,

WHEREAS, citizens of Jackson County have indicated their support for the establishment of a Community Children's Service Fund to provide services to children nineteen years of age or less, governed by an independent citizen board of directors, with all funds being expended in Jackson County; and



WHEREAS, the submission to the voters of a question authorizing the establishment of a Community Children's Services Fund, through the levy of one-quarter of one cent sales tax, as permitted under Missouri law, is in the best interests of the health, welfare, and safety of the citizens of Jackson County, now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section 1. Pursuant to the provisions of section 67.1775, RSMo Supp 2013, there is hereby submitted to the qualified voters of Jackson County, Missouri at the general election to be held on November 8, 2016, a question authorizing Jackson County, solely for the purpose of establishing a Community Children's Services Fund for the purpose of providing services to protect the well-being and safety of children and youth nineteen years of age or less and to strengthen families, to levy a countywide sales tax of one-quarter of one cent.

Section 2. The qualified voters at said election shall vote by ballot and the ballots to be used at said election shall contain the following language:

**JACKSON COUNTY, MISSOURI**  
**QUESTION # 3**  
**GENERAL ELECTION**  
**NOVEMBER 8, 2016**  
**OFFICIAL BALLOT**

Shall Jackson County, solely for the purpose of establishing a Community Children's Services Fund for the purpose of providing services to protect the well-being and safety of children and youth nineteen years of age or less and to strengthen families, be authorized to levy a countywide sales tax of one-quarter of one cent? This fund will be transparently administered in a manner independent of County government, by a diverse, geographically representative, nine-member citizen board appointed by the County Executive, with at least with one member residing in each Jackson County legislative district. Revenues will be solely used to benefit the residents of Jackson County.

YES

NO

If you are in favor of the question, place an "x" in the box opposite "Yes." If you are opposed to the question, place an "x" in the box opposite "No."

Section 3. The Clerk of the Legislature is hereby authorized and directed to notify the Jackson County and Kansas City Boards of Election Commissioners of the adoption of this Ordinance no later than 5:00 p.m. on August 30, 2016, and to include in said notification all of the terms and provisions required by § 115.125, RSMo Supp. 2013.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chief Deputy County Counselor

  
\_\_\_\_\_  
County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4880 introduced on August 22, 2016, was duly passed on \_\_\_\_\_, 2016 by the Jackson County Legislature. The votes thereon were as follows:

Yeas \_\_\_\_\_

Nays \_\_\_\_\_

Abstaining \_\_\_\_\_

Absent \_\_\_\_\_

This Ordinance is hereby transmitted to the County Executive for his signature.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4880.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Frank White, Jr., County Executive

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**AN ORDINANCE** submitting to the qualified voters of Jackson County at the general election to be held on Tuesday, November 8, 2016, a question authorizing Jackson County to continue its countywide anti-crime sales tax (COMBAT) at the rate of one-quarter of one cent for a period of nine years for the purpose of promoting and providing public safety within Jackson County, including, but not limited to, the prevention and treatment of drug abuse and addiction and the investigation, prevention, and detention of violent criminals and drug dealers.

**ORDINANCE NO. 4881**, August 22, 2016

**INTRODUCED BY** Crystal Williams and Dan Tarwater III, County Legislators

WHEREAS, pursuant to Ordinance 4132, dated August 10, 2009, the voters of Jackson County did, on November 3, 2009, authorize the continuation of a countywide sales tax at the rate of one-quarter of one cent, to be used solely to combat the serious problems of illegal drug use and violent crime which were then and are still plaguing our community; and,

WHEREAS, since collection of this community-based anti-crime tax (COMBAT) began in 1990, the County has demonstrated a record of success in establishing anti-drug and violent crime initiatives in the areas of law enforcement, crime prevention, treatment, and deferred prosecution, among many others; and,

WHEREAS, unless continued by the voters, COMBAT will expire on March 31, 2018; and,



WHEREAS, continuation of COMBAT at this time would allow for better and more efficient planning and allocation of anti-crime resources; and,

WHEREAS, the Legislature believes that COMBAT's record of success is such that the question of its continuation is worthy of submission to the voters of Jackson County; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section 1. Pursuant to the provisions of § 67.547, RSMo Supp. 2013, there is hereby submitted to the qualified voters of Jackson County, Missouri, at the general election to be held on November 8, 2016, a question for the continuation of the countywide anti-crime sales tax (COMBAT) at the rate of one-quarter of one cent for a period of nine years for the purpose of promoting and providing public safety within Jackson County, including, but not limited to, the prevention and treatment of drug abuse and addiction and the investigation, prevention, and detention of violent criminals and drug dealers.

Section 2. All aspects of the tax shall continue to be administered in accordance with chapter 93, Jackson County Code, 1984, except that a portion of the tax's proceeds may be used to pay the costs incurred by the appropriate election authorities in conducting the election provided for in this Ordinance.

Section 3. The qualified voters at said election shall vote by ballot and the ballots to be used at said election shall contain the following language:

**JACKSON COUNTY, MISSOURI  
QUESTION # 1  
GENERAL ELECTION  
NOVEMBER 8, 2016  
OFFICIAL BALLOT**

Shall Jackson County continue its anti-crime sales tax, commonly known as COMBAT, at the rate of one-quarter of one cent for a period of nine years for the purpose of promoting and providing public safety within Jackson County, including, but not limited to, the prevention and treatment of drug abuse and addiction and the investigation, prevention, and detention of violent criminals and drug dealers. The proceeds of this tax shall be deposited in a special Jackson County Anti-Crime Sales Tax Trust Fund, separate from the general fund or any other county funds.

YES

NO

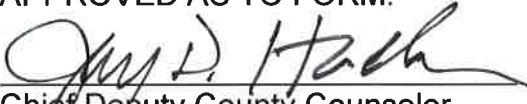
If you are in favor of the question, place an "x" in the box opposite "Yes." If you are opposed to the question, place an "x" in the box opposite "No."

Section 4. If a majority of the qualified voters voting at said election shall vote in favor of the approval of this ordinance, the tax provisions hereof shall be binding and shall become effective April 1, 2017, and shall automatically terminate nine years after that date, March 31, 2026.

Section 5. The Clerk of the Legislature is hereby authorized and directed to notify the Jackson County and Kansas City Boards of Election Commissioners of the adoption of this Ordinance no later than 5:00 p.m. on August 30, 2016, and to include in said notification all of the terms and provisions required by §115.125, RSMo Supp. 2013.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chief Deputy County Counselor

  
\_\_\_\_\_  
County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4881 introduced on August 22, 2016, was duly passed on \_\_\_\_\_, 2016 by the Jackson County Legislature. The votes thereon were as follows:

Yeas \_\_\_\_\_

Nays \_\_\_\_\_

Abstaining \_\_\_\_\_

Absent \_\_\_\_\_

This Ordinance is hereby transmitted to the County Executive for his signature.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4881.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Frank White, Jr., County Executive



**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**A RESOLUTION** authorizing the County Executive to execute an Agreement with the Mid-America Regional Council to provide a leadership development program for use by the County Executive's Office, at a total cost to the County not to exceed \$17,000.00.

**RESOLUTION NO. 19238**, August 22, 2016

**INTRODUCED BY** Dennis Waits, County Legislator

WHEREAS, the Mid-America Regional Council (MARC), a nonprofit association of city and county governments, has provided a County leadership development program for the past seven years to County associates to enhance the organization and foster teamwork and cooperation among departments and associate groups; and,

WHEREAS, section 1030.7 of the Jackson County Code, 1984, eliminates the requirement for competitive bidding when items or services required are proposed to be obtained from a tax-exempt organization; and,

WHEREAS, MARC will provide a facilitator to lead the upcoming class for a development program from August 1, 2016, through July 31, 2017, at a cost to the County not to exceed \$17,000.00; and,

WHEREAS, an Agreement with MARC for the furnishing of this program is in the best interest of the health, welfare, and safety of the citizens of Jackson County; now therefore,

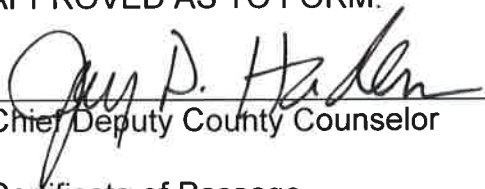
**BE IT RESOLVED** by the County Legislature of Jackson County, Missouri, that the County

Executive be and hereby is authorized to execute an Agreement with the Mid-America Regional Council, in a form to be approved by the County Counselor; and,

BE IT FURTHER RESOLVED that the Director of Finance and Purchasing be and hereby is authorized to make all payments, including final payment on the Agreement.

Effective Date: This Resolution shall be effective immediately upon its passage by a majority of the Legislature.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chief Deputy County Counselor

  
\_\_\_\_\_  
County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution No. 19238 of August 22, 2016, was duly passed on \_\_\_\_\_, 2016 by the Jackson County Legislature. The votes thereon were as follows:

Yeas \_\_\_\_\_

Nays \_\_\_\_\_

Abstaining \_\_\_\_\_

Absent \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary Jo Spino, Clerk of Legislature

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.

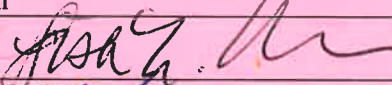

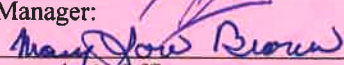
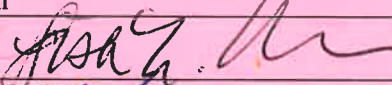

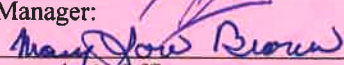
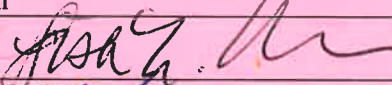

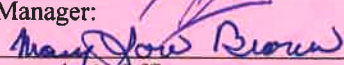
ACCOUNT NUMBER: 001 5101 56790  
ACCOUNT TITLE: General Fund  
Non-Departmental  
Other Contractual Services  
NOT TO EXCEED: \$17,000.00

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Chief Financial Officer

# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:  
 Res/Ord No.: 19238  
 Sponsor(s): Dennis Waits  
 Date: August 22, 2016

SUBJECT	<p>Action Requested  <input checked="" type="checkbox"/> Resolution  <input type="checkbox"/> Ordinance</p> <p>Project/Title: <u>Awarding a contract for the furnishing of Jackson County Leadership Development Program for Jackson County with the Mid-America Regional Council (MARC) at a total cost to the County not to exceed \$17,000.</u></p>										
<p>BUDGET INFORMATION  <i>To be completed By Requesting Department and Finance</i></p>	<table border="1"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$17,000</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>\$17,000</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$17,000</td> </tr> <tr> <td colspan="2">Source of funding (name of fund) and account code number: 001-5101-56790            General Fund, Non-Departmental General, Other Contractual Services</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><input 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: \$</p> <p>Prior Year Budget (if applicable): \$14,300      Prior Year Actual Amount Spent (if applicable): \$14,300</p>	Amount authorized by this legislation this fiscal year:	\$17,000	Amount previously authorized this fiscal year:		Total amount authorized after this legislative action:	\$17,000	Amount budgeted for this item * (including transfers):	\$17,000	Source of funding (name of fund) and account code number: 001-5101-56790 General Fund, Non-Departmental General, Other Contractual Services	
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Source of funding (name of fund) and account code number: 001-5101-56790 General Fund, Non-Departmental General, Other Contractual Services											
PRIOR LEGISLATION	<p>Prior ordinances and (date):          Prior resolutions and (date):</p>										
CONTACT INFORMATION	<p>RLA drafted by (name, title, &amp; phone): Barbara Casamento, Purchasing Supervisor, 881-3253</p>										
REQUEST SUMMARY	<p>The Executive Office has worked with MARC since 2010 to provide a customized Leadership Development Program to improve succession planning for our organization. The 2016-17 class will be Class #7. MARC provides a facilitator that leads the group through some classroom instruction on principles of leadership, individual self-assessments and feedback and the creation of a group project to enhance the organization or benefit associates. Additionally, participants will be invited to attend an annual alumni luncheon event featuring a key note speaker from the community.</p> <p>Pursuant to Section 1030.7 of the Jackson County Code, the Director of Finance and Purchasing recommends the approval of this contract for training with MARC, as a tax exempt organization.</p>										
CLEARANCE	<p><input type="checkbox"/> Tax Clearance Completed (Purchasing &amp; Department) N/A  <input type="checkbox"/> Business License Verified (Purchasing &amp; Department) N/A  <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office) N/A</p>										
ATTACHMENTS	<p>A Memorandum from Ms. Lisa Honn, Administrative Manager and the Scope of Services for Leadership Development Program</p>										
REVIEW	<table border="1"> <tr> <td>Department Director: </td> <td>Date: 8/11/16</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i> </td> <td>Date: 8/12/16</td> </tr> <tr> <td>Division Manager: </td> <td>Date: 8/18/16</td> </tr> <tr> <td>County Counselor's Office:</td> <td>Date:</td> </tr> </table>	Department Director: 	Date: 8/11/16	Finance (Budget Approval): <i>If applicable</i> 	Date: 8/12/16	Division Manager: 	Date: 8/18/16	County Counselor's Office:	Date:		
Department Director: 	Date: 8/11/16										
Finance (Budget Approval): <i>If applicable</i> 	Date: 8/12/16										
Division Manager: 	Date: 8/18/16										
County Counselor's Office:	Date:										





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.



**Res. 19238**

(816) 881-3333

Fax: (816) 881-3133


## OFFICE OF THE COUNTY EXECUTIVE

**JACKSON COUNTY COURTHOUSE**

415 EAST 12TH STREET  
KANSAS CITY, MISSOURI 64106



To: Barbara Casamento, Purchasing Supervisor

From: Lisa Honn, Senior Administrative Manager 

Date: August 10, 2016

Re: Request for contract for MARC Leadership Development Program

In 2010, Jackson County created a Leadership Development Program with MARC in an effort to spur culture change and to ensure the succession planning for our future department leadership. Each year since, we have put forward a group of eight (8) associates who spend approximately eleven months working together on a project to benefit our organization or our associates. Through this program they are taught leadership essentials, participate in a self-assessment that includes an evaluation of their leadership strengths, and practice skills to lead meetings, manage group work with an opportunity to present their project to directors and executive leadership. We hope they also gain a better understanding of their strengths, a plan for personal/professional development and a larger view of the organization.

Attached is a scope of services for the Jackson County Leadership Development Program, class of 2016-17. Page 3 outlines the costs for the program. The total cost for the 2016-17 class should not exceed \$17,000. Funding has been budgeted in Account No. 001-5101-56790.

Please let me know if you require further information.



**Jackson County Leadership Development Program  
Scope of Services  
August 1, 2016 – July 31, 2017**

Mid-America Regional Council (MARC) has facilitated the Jackson County Leadership Development Program since 2010. This document outlines the approach to be deployed in the 2016-2017 program.

**Objectives of the Leadership Development Program**

- ❖ Increase the professional leadership capacity of the organization.
- ❖ Improve succession plan for the organization.
- ❖ Enhance and accelerate positive culture change in the organization.
- ❖ Foster teamwork and cooperation among departments and among associate groups.

**Training Plan**

- **Participants:** Eight (8) participants selected by the Jackson County executive leadership team to participate in Class #7 of the **Leadership Development Program**.
- **Class location:** Primarily at the Mid-America Regional Council, 600 Broadway, Suite 200, Kansas City, Missouri.
- **Format:** Facilitator-led
- **Schedule:** Monthly meetings will be held on:
 

Thursday, September 8, 2016	Thursday, February 9, 2017
Thursday, October 20, 2016	Thursday, March 8, 2017
Thursday, November 10, 2016	Thursday, April 13, 2017
Tuesday, December 6, 2016 11:30 a.m. – 1:30 p.m. – alumni event	Thursday, May 11, 2017
Thursday, January 19, 2017	Thursday, June 9, 2017
	Thursday, July 13, 2017 (if needed)
- **Additional meetings planned:**
  - Attend Directors' Meeting in Spring 2017;
  - Three 90-minute blocks of time will be reserved in late February or March to accommodate 360-degree feedback sessions for each per participant.
  - An alumni event that. This will be a luncheon event on Tuesday, December 6 at MARC's conference center. David Warm, Keynote speaker is to be determined.
- **Class time:** Thursdays from 9:00 – 11:30 AM.
- **Facilitator/Instructor:** Jonathan Morris, Mid America Regional Council MARC.
- **Instructor biographical sketch:** Jonathan is the GTI program manager for MARC. Prior Jonathan served as an Instructor with the KU Public Management Center (PMC) and leads the PMC's Custom Course and Consulting programs and serves as the Program Manager of the Law Enforcement Leadership Academy (LELA). Jonathan's topics include leadership and supervision, coaching, succession



planning, facilitation, emotional intelligence, organizational change, diversity, ethics and more. Jonathan has worked with thousands of leaders from city, county, state and federal government throughout Kansas, Missouri and across the United States. Jonathan previously served as program director of a training center funded by the New York City Department of Mental Health where he also ran an AmeriCorps VISTA program. He is a former President of the Board of Directors of the Kansas City Chapter of the American Society for Training and Development and his work has been honored with a Bright Idea award from the Ash Center for Democratic Governance and Innovation at the Kennedy School of Government at Harvard University.

**Project:**

Each class selects a project to work on, with the assumption that it would benefit the organization in some way. This can be a difficult task because there are many good ideas, and there is uncertainty about what the project will entail until more information is gathered. Thus, it is important that the project scope and objectives remain flexible and that the class be able to make adjustments.

**360-degree Assessment:**

MARC has developed an assessment process, which includes feedback from one's direct reports, peers, and supervisors. In this program, MARC tailored the process to fit the needs of the participants. Each person will choose up to 10 competencies, and questionnaires are completed by the above three groups of co-workers chosen by the participants. Individual confidential sessions are held with Georgia Nesselrode and Jonathan Morris during which results and a development plan are discussed.

**BENEFITS OF PROGRAM:**

- Increased learning about the dynamics in Jackson County, how to enhance teamwork in groups, and how to provide effective leadership.
- Clearer understanding of one's strengths, weaknesses, and leadership style, and a plan for personal and professional development.
- Practice skills to lead meetings, to write clearly, and to plan and gain participation in projects.
- Demonstrate leadership and personal responsibility through planning and implementing an organizational project.
- Bring together individuals from different departments to develop teamwork, to learn from each other, and to gain a larger view of the organization.

**Timeline and costs for August 1, 2016 – July 31, 2017**

1 one-day Leadership Essentials course (administer SDI) attend by Class 6 and Class 7 participants	\$2,650.00
11 Monthly half-day sessions @ \$750/session (invoiced upon completion)	\$8,250.00
2 additional blocks of time are reserved for meetings with Directors and County Executive	\$1,500.00
Alumni event (luncheon with 35 attendees with keynote speaker)	\$1,000.00
360 degree assessments (instrument design, administration 8 participants @ \$300/assessment)	\$2,400.00
Individual feedback interviews 8 participants @ \$150/session	\$1,200.00
<b>*TOTAL</b>	<b><u>\$17,000.00</u></b>

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**A RESOLUTION** awarding a twenty-four month term and supply contract with three twelve-month options to extend for the furnishing of mailing services for use by the Office Services Division of the Finance and Purchasing Department to Strahm Automation and Mailing Services of Kansas City, MO, under the terms and conditions of Request for Proposals No. EV2181.

**RESOLUTION NO. 19239**, August 22, 2016

**INTRODUCED BY** Dennis Waits, County Legislator

WHEREAS, the Office Services Division of the Finance and Purchasing Department has a need for a term and supply contract for mailing services; and,

WHEREAS, Request for Proposals No. EV2181 was issued by the County as a cooperative bid along with the 16<sup>th</sup> Judicial Court of Jackson County, the City of Kansas City, Missouri, and the School District of Kansas City, Missouri; and,

WHEREAS, a total of thirteen notifications were distributed and five responses were received, two of which were deemed nonresponsive, with the two responsive bids evaluated as follows:

<u>VENDOR</u>	<u>EVALUATION POINTS</u>
Strahm Automation Kansas City (Jackson County), MO	64.1
KC Blueprint North Kansas City, MO	61.3

and,

WHEREAS, the Director of Finance and Purchasing recommends the award of a twenty-four month term and supply contract with three twelve-month options to extend for the furnishing of mailing services for use by the Office Services Division of the Finance and Purchasing Department to Strahm Automation and Mailing Services of Kansas City, MO, under the terms and conditions of Request for Proposals No. EV2181, as the lowest and best overall bid; now therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that award be made as recommended by the Director of Finance and Purchasing and that the Director be, and is hereby, authorized to execute for the County any documents necessary for the accomplishment of the award including any and all future extensions; and,

BE IT FURTHER RESOLVED that the Director of Finance and Purchasing be and hereby is authorized to make all payments, including final payment on the contract, to the extent that sufficient appropriations to the using spending agency are contained in the then current Jackson County budget.



Effective Date: This Resolution shall be effective immediately upon its passage by a majority of the Legislature.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chief Deputy County Counselor

  
\_\_\_\_\_  
County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution No. 19239 of August 22, 2016, was duly passed on \_\_\_\_\_, 2016 by the Jackson County Legislature. The votes thereon were as follows:

Yeas \_\_\_\_\_

Nays \_\_\_\_\_

Abstaining \_\_\_\_\_

Absent \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary Jo Spino, Clerk of Legislature

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 is subject to annual appropriation.

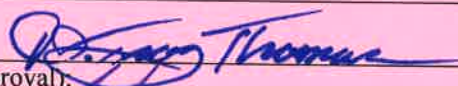

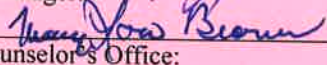

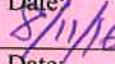
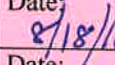
  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Chief Financial Officer

# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:  
 Res/Ord No.: 19239  
 Sponsor(s): Dennis Waits  
 Date: August 22, 2016

<b>SUBJECT</b>	<p>Action Requested  <input checked="" type="checkbox"/> Resolution  <input type="checkbox"/> Ordinance</p> <p>Project/Title: <u>Awarding a Twenty-Four Month Term and Supply Contract, with Three Twelve Month Options to Extend, for the furnishing of Mail Services for the Office Services Division of the Finance and Purchasing Department to Strahm Automation and Mailing Services of Kansas City, MO under the terms and conditions of Request for Proposal EV2181.</u></p>										
<b>BUDGET INFORMATION</b> <i>To be completed By Requesting Department and Finance</i>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Amount authorized by this legislation this fiscal year:</td> <td style="width: 20%; text-align: right;">\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td style="text-align: right;">\$</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> </td> <td> </td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p><b>OTHER FINANCIAL INFORMATION:</b></p> <p><input type="checkbox"/> No budget impact (no fiscal note required)  <input checked="" type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract:          Department:                      Estimated Use:      Office Services                      \$148,525.00</p> <p>This RLA only approves the term and supply contract. The funds were appropriated through the annual budget adoption. Figures included in the Budget Information section are for informational purposes to provide an estimate of the contract value.</p> <p>Prior Year Budget (if applicable): \$200,000      Prior Year Actual Amount Spent (if applicable): \$189,840</p>	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):	\$		
Amount authorized by this legislation this fiscal year:	\$										
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Total amount authorized after this legislative action:	\$										
Amount budgeted for this item * (including transfers):	\$										
<b>PRIOR LEGISLATION</b>	Prior ordinances and (date): Prior resolutions and (date): 17240, 4/19/2010; 18462, 4/7/14; 18869, 6/29/15										
<b>CONTACT INFORMATION</b>	RLA drafted by (name, title, & phone): Kyle Brack, Sr. Buyer, 881-3265										
<b>REQUEST SUMMARY</b>	<p>The Office Services Division requires a Term and Supply Contract for the furnishing of Mail Services. The County, along with the 16<sup>th</sup> Judicial Court of Jackson County, MO, the City of Kansas City, Missouri, and the School District of Kansas City, Missouri joined together for a cooperatively bid contract. The goal of this joint bid was to obtain a strong, financially solvent vendor to provide mail services at the lowest price.</p> <p>A total of thirteen notifications were distributed and five responses were received. It's been determined that three of the five proposals were deemed non-responsive. The following two responses were evaluated as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 20%; text-align: center;">Estimated Annual Cost*</th> <th style="width: 20%; text-align: center;">Evaluation Points (100 points possible)</th> </tr> </thead> <tbody> <tr> <td>Strahm Automation Kansas City, MO</td> <td style="text-align: center;">\$148,525</td> <td style="text-align: center;">64.1</td> </tr> <tr> <td>KC Blueprint North Kansas City, MO</td> <td style="text-align: center;">\$361,193</td> <td style="text-align: center;">61.3</td> </tr> </tbody> </table>		Estimated Annual Cost*	Evaluation Points (100 points possible)	Strahm Automation Kansas City, MO	\$148,525	64.1	KC Blueprint North Kansas City, MO	\$361,193	61.3	
	Estimated Annual Cost*	Evaluation Points (100 points possible)									
Strahm Automation Kansas City, MO	\$148,525	64.1									
KC Blueprint North Kansas City, MO	\$361,193	61.3									

	<p>*Estimated Annual Cost is based on 2015 letter and flats counts, and does not include specialized services e.g. flats and letters over 1 oz., parcels, certified mail, return receipt mail, signature/delivery confirmation, etc.</p> <p>Strahm was the lowest-priced bid and received the highest cumulative score on Evaluation Points.</p> <p>Pursuant to Section 1054.6 of the Jackson County Code, the Director of Finance and Purchasing recommends the award for the furnishing of Mail Services to Strahm Automation and Mailing Services of Kansas City, Missouri under the terms and conditions of Request for Proposal EV2181, as the lowest and best proposal received.</p> <p>This award is made on an "As Needed" basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases is subject to annual appropriations.</p>	
CLEARANCE	<input checked="" type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input checked="" type="checkbox"/> Business License Verified (Purchasing & Department) <input checked="" type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)	
ATTACHMENTS	Pertinent Pages of City of Kansas City's Request for Proposal EV2181, Scoring Sheet, and Pricing	
REVIEW	Department Director:  Finance (Budget Approval):  <i>If applicable</i> Division Manager:  County Counselor's Office:	Date:  Date:  Date:  Date:

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.



# Scope of Services

## 1. STATEMENT OF NEED

The City of Kansas City, MO in partnership with Jackson County, MO and the Kansas City Public Schools are currently seeking proposals from qualified individuals and/or firms interested in providing print center and mail room services. Suppliers may not respond to only one service.

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## 2. OBJECTIVE

To obtain savings by combining the mail and print functions under one contract vehicle.  
To obtain savings for our constituents by utilizing the joint buying power of three large agencies within the Kansas City metro.

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## 3. BACKGROUND

The current mail services and duplicating services contracts were solicited separately and are held by different suppliers. This has caused a redundancy within the organizations where there could be cost savings without a reduction in service. This is a rising trend in this field of service.

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## 4. OVERALL PROJECT SUPPLIER SERVICES AND DELIVERABLES

\*The City has listed below some specific deliverables required but, but reserves the right to identify other deliverables which will be identified and agreed upon between The City and the Proposer during negotiations and will be incorporated as part of the project plan and payment milestones in the final contract.

In general, the proposer must complete the following tasks:

## **4.1 Project Management**

For this section of the proposal, Proposer must submit a narrative that fully describes the approach, methods, tools, and techniques for managing the project to achieve the goals and objectives stated by the City.

Proposer must also submit a Project plan that will be used to create a consistent, logical management plan of action that will be used to guide the Project execution and control the project. The Project Plan must include sufficient detail to give City an understanding of Proposer's approach to a successful implementation.

Supplier must provide a Project Manager to directly manage all activities. City will provide a Project Manager to oversee the entire project. As a part of project management duties, Supplier must attend informational, status and any other project related meetings as designated by City. Project deliverables and activities will follow a rigorous quality management process. The following activities are required to achieve this:

### **4.1.1 Management of Supplier Staff**

City will provide oversight for the entire project. However, Supplier must provide overall project management for the tasks in the Contract, including the day-to-day management of its staff. Supplier must provide administrative support for its staff and activities. Any staffing changes must be reviewed and approved by City prior to any reassignments.

### **4.1.2 Project Plan/Updates**

Within the first four (4) weeks of beginning work, Supplier must refine the detailed Project Work Plan and Resource Schedule using Supplier's Scheduling tool and should be able to export into Microsoft Project. These documents must be approved by City before the project continues. This document must contain the following:

- a. A consolidated view of the work to be performed
- b. Project activities, task assignments, due dates and resources for both Supplier and City. Dependencies and constraints should be identified.
- c. Project Milestones clearly identified (Hardware, Software, Testing, Training, etc.) Note the payment schedule should be based on milestones.

### **4.1.3 Kick-Off Meeting**

Supplier and City will conduct a joint kick-off meeting.

### **4.1.4 Status Meetings**

Throughout the project, Supplier Project Manager and City Project Manager will attend regular status meetings. The meetings must follow a pre-set agenda but must also allow Supplier or City the option

to discuss other issues that concern either party. Supplier shall provide written documentation (minutes with items discussed and action items assigned) from each meeting.

#### **4.1.5 Issues Tracking, Analysis and Escalation**

The creation and updating of these documents, which are part of the overall Project Plan, are the joint responsibility of Supplier Project Manager and the City Project Manager must be reviewed and approved by the City.

#### **4.1.6 Change Management**

Supplier must use a written Change Management Plan which establishes the Change Management roles and responsibilities, policies, guidelines, processes and procedures necessary for controlling and managing the changes during the life of the Project. This documented plan will describe how changes are identified, defined, evaluated, approved, and tracked to completion. The Change Management plan should include a Communications plan describing planned communications methods, documents, and audience.

#### **4.1.7 Status Reports**

City Project Manager will require status reports on a weekly basis. Supplier must provide electronic status reports on the project, every Thursday by Noon. Supplier Project Manager will be given a template to follow. Some information that will be required is as follows:

- a. Tasks Accomplished
- b. Any deadlines met or missed
- c. Any issues encountered and their status or the need to be addressed before proceeding to the next task(s)
- d. Anticipated tasks to be completed in the next week
- e. Updated project schedule

#### **4.1.8 Supplier Deliverables**

Must include

- a. Updated Project Strategy, Work Plan, and Resource Schedule
- b. Issues Tracking, Risk, and Communication Plans
- c. Change Management Plan

## **4.2 Training**

### **4.2.1 User Training**

Please describe the user training approach which will be conducted by Supplier to assist City in training employees who will be using the new online ordering form.

Supplier must provide:

Any classroom materials to support the training effort; Best practices on training for the proposed form; How to customize the training materials and set up specific reference data in the training environment, if there is one. Supplier will also provide troubleshooting assistance when end user training is conducted.

#### **4.2.2 Training Facilities/Equipment**

All of the training is expected to take place at City facilities. City will provide training facilities in which Supplier must use for conducting training for which it is directly responsible. City will rely on the Supplier to recommend the appropriate mode (e.g. classroom, one-on-one, auditorium) in which the training will be conducted. City has not yet determined the minimum or maximum number of users per session and would like Supplier to suggest optimal session sizes.

#### **4.2.3 Supplier Deliverables**

Must include

- a. User Training
- c. Training Facilities/Equipment

[4.3 skipped]

## **4.4 Implementation Activities**

#### **4.4.1 Implementation Plan**

Supplier must produce an implementation plan that lists and describes activities needed to successfully implement the software. The plan must detail the approach for coordinating the following; Development of an implementation activities check list; Staffing requirements, by role and responsibilities, for both Supplier and City staff for all implementation activities; an Implementation schedule; The process for developing a contingency plan for identifying, communicating, resolving risks and maintaining the current production capability if the implementation is delayed.

#### **4.4.2 Implementation Report**

Supplier must implement the software in accordance with the approved implementation plan. Supplier must produce an Implementation Report detailing all implementation activities and certifying that the online ordering is operational and meets performance requirements.

#### **4.4.3. Supplier Deliverables**

Must include

- a. Implementation Plan
- b. Implementation Report

## 4.5 Documentation

For this section of the proposal, Proposer must submit a narrative that fully describes the approach, methods, tools, and techniques used for developing user and system documentation.

Supplier must develop and provide to City all documentation throughout each phase of the project and prior to final system acceptance. Supplier must provide complete, well-written, and accurate technical, system, and user documentation. For any custom developed applications, Supplier must adhere to City development standards. All documentation must be easy to follow, with screen shots, where applicable. All documentation must also be available in both paper and electronic form. The following activities are required to achieve this:

### 4.5.1 Supplier Deliverables

Must include

- b. User Documentation (and updates)

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## 5. ROLES AND RESPONSIBILITIES

	<b>Task/Activity</b>	<b>Vendor</b>	<b>City</b>
Project Management	Management of Supplier Staff	Joint	Joint
	Project Plan and Updates	Assistance	Lead
	Kick Off Meeting	Assistance	Lead
	Status Meetings	Assistance	Lead
	Issue Tracking, Analysis, and Escalation	Assistance	Lead
	Change Management	Joint	Joint
	Status Reports	Joint	Joint
Testing	User Training	Joint	Joint
Training/Knowledge Transfer	Project Team Training	Lead	Assistance
	Training Curriculum/Materials	Lead	Assistance



	Train the Trainers	Lead	Assistance
	Training Facility/Equipment Assistance	Assistance	Lead
System Implementation / Post Implementation Support	Implementation Plan	Lead	Assistance
	Implementation readiness	Lead	Assistance
	Implementation Report	Lead	Assistance
Documentation	All Project Documentation	Lead	Assistance

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## 6. MAIL CENTER FUNCTIONAL REQUIREMENTS

### 6.1 Jackson County, MO County and Courts

A. The annual volumes were:

- 2013: 348,465
- 2014: 215,746
- 2015: 182,369

B. Daily Mail Pickup Schedule for both the County and Courts is:

- Approximately 12:30 PM and 4:30 PM daily at Room G-1 of the. Kansas City Courthouse, 415 East 12th Street, Kansas City, Missouri;
- Approximately 4 PM daily at the Eastern Jackson County Courthouse, 308 West Kansas, Independence, Missouri;
- Approximately 4 PM daily at the Legislator's Office, 201 Lexington, Suite 201, Independence, Missouri;
- Approximately 4 PM daily at the Tech Center, 303 West Walnut, Independence, Missouri.
- Approximately 4 PM daily at the Truman Courthouse on the Square, 112 West Lexington, Independence, MO 64050, Room 30.

D. All outgoing mail shall be presorted at the Successful Respondent's site. Mail shall be sorted to qualify for the United States Postal Services 1<sup>st</sup> Class, Automated Postage Rate, including, but not limited to, sorting to Postal Code sequence, bundling and labeling.

E. Successful Respondent shall pick-up, sort and deposit mail at an appropriate United States Postal Services acceptance point on the same day as the pick-up; postmark must be the same date as the pick-up date.

F. Successful Respondent will supply all outgoing mail trays/tubs/greenbags to all pick-up locations.

G. Successful Respondent shall have United States Postal Services Official Depository Status.

H. Successful Respondent's fees must be all inclusive, the County and Courts will not be subject to pick-up or drop-off charges.

I. Successful Respondent will provide an invoice breakdown by department number and mail type (i.e. 1 oz standard, 2 oz standard, 3 oz standard, etc.) for each invoice presented. The Successful Respondent shall provide transmittal slips for this purpose.

J. Successful Respondent will provide a weekly activity report and a quarterly business report outlining volumes, cost efficiencies realized and future improvements. Any non-conformances will be reported quarterly or as needed.

K. Successful Respondent will provide customer service during working hours on business days.

L. Successful Respondent's Issue Resolution Process will be simple and timely.

M. Special Projects: The Successful Respondent will be required to manage all special mailings. Special Mailing will contain, but are not limited to, these components:

- Presort (zip codes and addresses) and same day postage Labeling and date stamping
- Delivery to Post Office
- Applying variable data and proofing
- Successful Respondent will be required to receive data in an electronic format and properly manage the data to ensure 100% accuracy mailing.

## **6.2 City of Kansas City, MO**

The City provides a full service mail room for City operations. City employees receive mail via an internal mailbox located near the copy center. City employees can drop off mail for processing and delivery. City employees are also able to utilize 3rd party services for drop off and delivery, including UPS, FEDEX, etc.

A. The annual volumes were:

- 2013:
- 2014:
- 2015:

**Strahm Pricing**

City of Kansas City/KCPS Onsite CSR (does not include Jackson County) entity \$5,000.00/month per

Onsite CSR will be main point of contact for City Hall and School District employees. Includes sorting of incoming mail, handling incoming 3rd party carriers (UPS, FedEx) and notifying recipients, maintain log of incoming packages from UPS/FedEx including collecting signatures for release to employees, staging of outgoing mail for pick up by Strahm.

**Mail Services - Does Not Include Postage**

Daily Pickups - All Entities	\$10.00 per location, daily
Metering postage, Letters	\$0.015
USPS Presorting, Letters	\$0.01
Metering postage, Flats	\$0.085
USPS Presorting, Flats	\$0.042
Move Update for USPS compliance	\$0.003
Meter strip Flats and Parcels	\$0.42 (hand apply meter strips to flats too thick to meter and parcels)

**Postage rates are USPS Mixed AADC and subject to change with USPS rate increases**

Mail Service only option will not have any required M/WBE participation attached.

**City of Kansas City, Jackson County and Circuit Court, KCMO School District**

**All Entities**

Letters	Mixed AADC Postage	Metering	Move Comply	Sorting
Postcards	0.272	0.015	0.003	0.010
1 oz	0.419	0.015	0.003	0.010
2 oz	0.419	0.015	0.003	0.010
3 oz	0.669	0.015	0.003	0.010
3.5 oz	0.794	0.015	0.003	0.010

Non-automatable mail will be metered up to full pay

Flats	Mixed AADC Postage	Metering	Presorting
1 oz	\$0.750	0.085	0.042
2 oz	\$0.960	0.085	0.042
3 oz	\$1.170	0.085	0.042
4 oz	\$1.380	0.085	0.042
5 oz	\$1.590	0.085	0.042
6 oz	\$1.800	0.085	0.042
7 oz	\$2.010	0.085	0.042
8 oz	\$2.220	0.085	0.042
9 oz	\$2.430	0.085	0.042
10 oz	\$2.640	0.085	0.042
11 oz	\$2.850	0.085	0.042
12 oz	\$3.060	0.085	0.042
13 oz	\$3.270	0.085	0.042

Non-automatable mail will be metered up to full pay

**Parcels/Packages**

	Postage		Metering	Total
1 oz	2.45		0.420	2.870
2 oz	2.45		0.420	2.870
3 oz	2.45		0.420	2.870
4 oz	2.64		0.420	3.060
5 oz	2.83		0.420	3.250
6 oz	3.02		0.420	3.440
7 oz	3.21		0.420	3.630
8 oz	3.40		0.420	3.820
9 oz	3.59		0.420	4.010
10 oz	3.78		0.420	4.200
11 oz	3.97		0.420	4.390
12 oz	4.16		0.420	4.580
13 oz	4.35		0.420	4.770

**Postage rates are USPS Mixed AADC and subject to change with USPS rate increases**



**Special Services (Prices below DO NOT include postage - these are for the services only)**

- Certified Mail
- Restricted Delivery
- Return Receipt - Electronic
- Return Receipt - Mail
- Signature Confirmation (Parcels Only) - Retail
- Signature Confirmation (Parcels Only) - Electronic
- Delivery Confirmation (Parcels Only) - Retail
- Delivery Confirmation (Parcels Only) - Electronic

**Confirm Delivery Products (includes 1 ounce postage)**

- Certified Letter
- Delivery Confirmation
- Signature Confirmation

**USPS additional services are subject to change with USPS rate increases**

**Kyle D. Brack**

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**From:** Keely Golden <Keely.Golden@kcmo.org>  
**Sent:** Monday, June 06, 2016 11:09 AM  
**To:** Kyle D. Brack  
**Subject:** FW: EV2181- Notification of Selection for Tentative Partial Award

**Importance:** High

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**From:** Keely Golden  
**Sent:** Friday, May 06, 2016 7:43 AM  
**To:** 'kim.tarpley@strahm.com'  
**Subject:** EV2181- Notification of Selection for Tentative Partial Award  
**Importance:** High

The City of Kansas City, Missouri, Procurement Services Division is hereby notifying you that your company has been selected by the City to move forward in contract negotiations for the mail portion of the scope of services outlined in the RFP No. EV2181- Mail and Duplicating Services RFP.

- 1- As part of this process, we will need your company to start compiling the following documentation.
  - Your firms' submission and subsequent City approval of a Certificate of Insurance, as required in the contract. Please be certain that the insurance certificate names the City as an additional insured and includes a provision for written notice of cancellation. Please also be certain to include your professional liability insurance coverage, as it is required under this contract.
  - Missouri Secretary of State Business Entity Registration.
  - Employee Eligibility Verification. You submitted the affidavit, now please register with DHS and submit the 1<sup>st</sup> and last page of your electronically signed MOU.
  - Revenue Clearance Letter. Submit an approved letter from KCMO Treasury dated within the last 12 months.
- 2- We are making a tentative partial award to your company for the mail portion of this RFP, including variable printing. Please notify us when you will be able to start these services for the City.
- 3- We are in the process of reviewing your proposal and will be in touch in the next few days with any negotiation items that need to be discussed.
- 4- I will work up the new contract for your review. Please email a word version of your proposal for me to insert sections of your proposal as attachments to the contract.

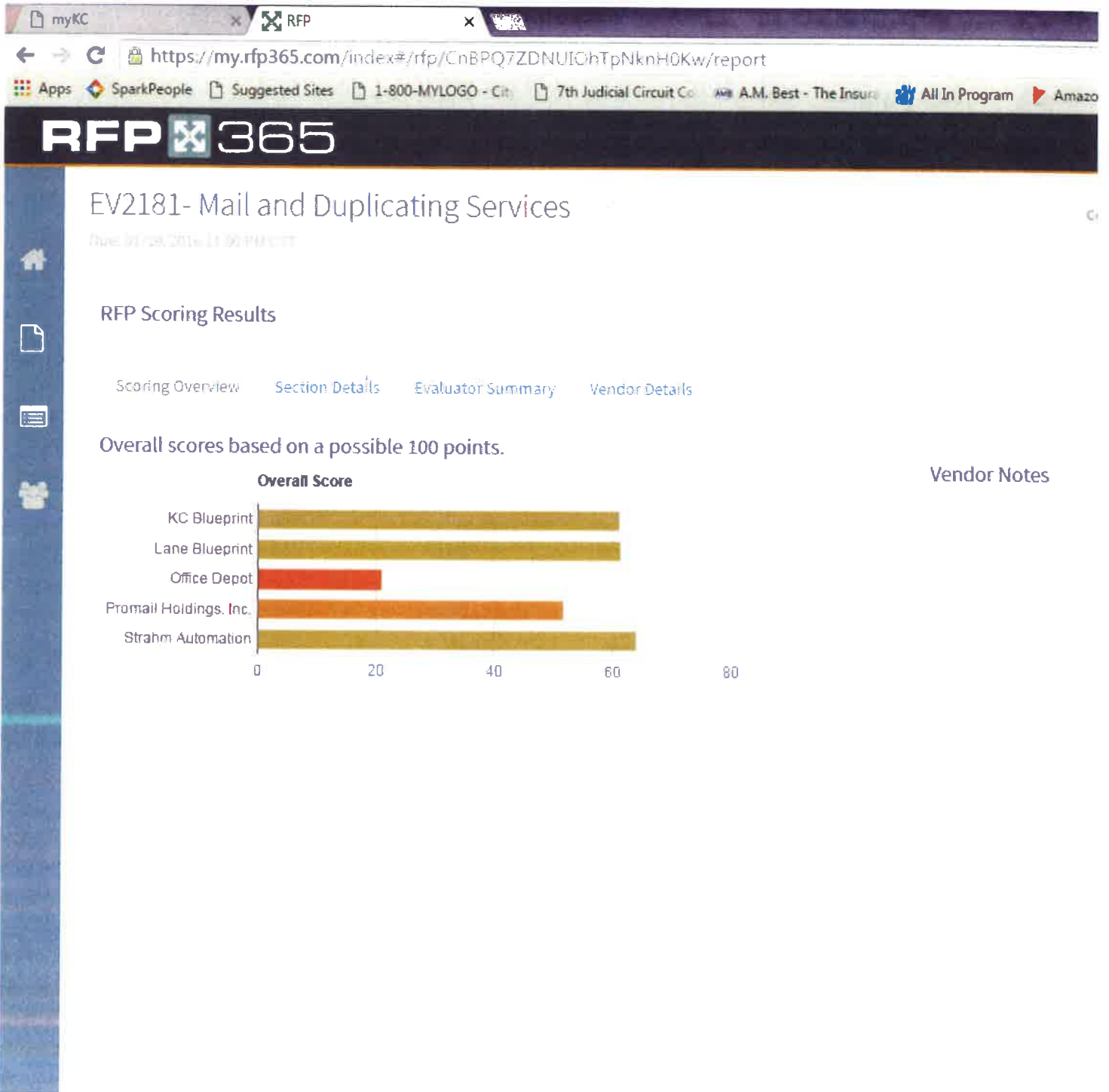
To confirm your receipt of this notification, please send me an e-mail. In the e-mail, also indicate your estimated time frame for assembling and submitting the required documents listed above. All documents must be submitted to me before the final contract can be completed.

We look forward to working with you on this. Let me know if you have any questions. We would like to have this new contract in place by June 1, 2016 and must present this contract to our City Council for approval.

Thanks,

We also did not re-score at the end of the evaluations. I have provided a screen shot below of the overall scoring from the initial proposals: KC Blueprint 61.3, Lane Blueprint 61.5, Promail 51.7, Strahm 64.1 and OfficeMax was non-responsive. Any score shown for OfficeMax was prior to the non-responsive marking or the system automatic scoring and should be disregarded. I have completed the letter of recommendation for our print award and will have the letter of recommendation for our mail award completed today (probably). Once completed, I can send over to you if you like. It lists out our timeline for the decision making process for the evaluation team. Does that help? The rest of the determination were made by evaluation team group decisions and a final recommendation of award.

Let me know.



**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**A RESOLUTION** awarding a twenty-four month term and supply contract, with two twelve-month options to extend, for the furnishing of certified laboratory urinalysis testing for use by the Office of Population Control to Avertest, LLC., of Richmond, Virginia, under the terms and conditions of Request for Proposals No. 12-16.

**RESOLUTION NO. 19240**, August 22, 2016

**INTRODUCED BY** Alfred Jordan, County Legislator

WHEREAS, the Director of Finance and Purchasing has solicited written proposals pursuant to Request for Proposals No. 12-16 for certified laboratory urinalysis testing for use by the Office of Population Control; and,

WHEREAS, a total of nine notifications were distributed and six responses were received, and the three lowest and best responses evaluated as follows:

<u>BIDDERS</u>	<u>EVALUATION POINTS</u>
Avertest, LLC Richmond, VA	99
Pharmatech San Diego, CA	85
Cordant Flagstaff, AZ	85

and,

WHEREAS, an evaluation committee made up of representatives from the Office of Population Control evaluated the bidders on responsiveness to the RFP, experience,

qualifications, references, and pricing; and,

WHEREAS, the Director recommends the award to Avertest, LLC of Richmond, Virginia, as the lowest and best bid as determined by the evaluation committee; and,

WHEREAS, this award is made on an as needed basis and does not obligate Jackson County to pay any specific amount, with the availability of funds for specific purchases subject to annual appropriation; now therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that award be made as recommended by the Director of Finance and Purchasing, and that the Director be and hereby is authorized to execute for the County any documents necessary for the accomplishment of the award; and,

BE IT FURTHER RESOLVED that the Director of Finance and Purchasing be and hereby is authorized to make all payments on the contract, including final payment, to the extent that sufficient appropriations to the using spending agency are available in the then current Jackson County budget.



Effective Date: This Resolution shall be effective immediately upon its passage by a majority of the Legislature.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chief Deputy County Counselor

  
\_\_\_\_\_  
County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution No. 19240 of August 22, 2016, was duly passed on \_\_\_\_\_, 2016 by the Jackson County Legislature. The votes thereon were as follows:

Yeas \_\_\_\_\_

Nays \_\_\_\_\_

Abstaining \_\_\_\_\_

Absent \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary Jo Spino, Clerk of Legislature

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 is subject to annual appropriation.

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Chief Financial Officer

# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:  
 Res/~~Ord~~No.: 19240  
 Sponsor(s): Alfred Jordan  
 Date: August 22, 2016

SUBJECT	<p>Action Requested  <input checked="" type="checkbox"/> Resolution  <input type="checkbox"/> Ordinance</p> <p>Project/Title: <u>Awarding a Twenty-Four Month Term and Supply Contract, with Two Twelve Month Options to Extend for Certified Laboratory Urinalysis Testing for the Jackson County, Missouri Population Control Office to Avertest LLC of Richmond, Virginia under the terms and conditions of Request for Proposal No. 12-16.</u></p>																																																	
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <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 style="text-align: right;">\$</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></td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><input type="checkbox"/> No budget impact (no fiscal note required)  <input checked="" type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract:      Department: Population Control                      Estimated Use: \$88,400.00</p> <p>Requesting approval by the Legislature of the Term and Supply Contract; the funds were already appropriated through the annual budget adoption. Estimated usage figures are for informational purposes only.</p> <p>Prior Year Budget (if applicable):          Prior Year Actual Amount Spent (if applicable):</p>	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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Source of funding (name of fund) and account code number:																																																		
PRIOR LEGISLATION	Prior ordinances and (date): Prior resolutions and (date): 18935, September 21, 2015																																																	
CONTACT INFORMATION	RLA drafted by (name, title, & phone): Barbara Casamento, Purchasing Supervisor, 881-3253																																																	
REQUEST SUMMARY	<p>The Population Control Office requires a Term and Supply Contract for Certified Laboratory Urinalysis Testing for their House Arrest Program. The Purchasing Department issued Request for Proposal No. 12-16 in response to those requirements.</p> <p>A total of nine notifications were distributed and six responses were received and evaluated as follows:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Respondent &amp; Location</th> <th>Response 5 points</th> <th>Method of Performance 15 points</th> <th>Experience &amp; Qualifications 35 points</th> <th>Pricing 45 points</th> <th>Total Points</th> <th>Price per Test</th> </tr> </thead> <tbody> <tr> <td>ArcPoint Kansas City, MO</td> <td>5</td> <td>12</td> <td>30</td> <td>36</td> <td>83</td> <td>\$34.00</td> </tr> <tr> <td>Cordant Flagstaff, AZ</td> <td>5</td> <td>12</td> <td>30</td> <td>38</td> <td>85</td> <td>\$26.96</td> </tr> <tr> <td>Phamatech San Diego, CA</td> <td>5</td> <td>12</td> <td>30</td> <td>38</td> <td>85</td> <td>\$26.00</td> </tr> <tr> <td>IMC Kansas City, MO</td> <td>5</td> <td>10</td> <td>25</td> <td>40</td> <td>80</td> <td>\$24.98</td> </tr> <tr> <td>ESS Springfield, MO</td> <td>5</td> <td>10</td> <td>25</td> <td>42</td> <td>82</td> <td>\$18.75</td> </tr> <tr> <td>Avertest Richmond, VA</td> <td>5</td> <td>15</td> <td>34</td> <td>45</td> <td>99</td> <td>\$17.00</td> </tr> </tbody> </table>	Respondent & Location	Response 5 points	Method of Performance 15 points	Experience & Qualifications 35 points	Pricing 45 points	Total Points	Price per Test	ArcPoint Kansas City, MO	5	12	30	36	83	\$34.00	Cordant Flagstaff, AZ	5	12	30	38	85	\$26.96	Phamatech San Diego, CA	5	12	30	38	85	\$26.00	IMC Kansas City, MO	5	10	25	40	80	\$24.98	ESS Springfield, MO	5	10	25	42	82	\$18.75	Avertest Richmond, VA	5	15	34	45	99	\$17.00
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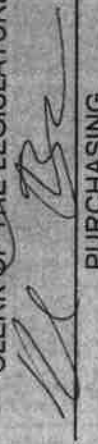
	<p>Pursuant to Section 1054.6 of the Jackson County Code, the Director of Finance and Purchasing recommends the award of a Term and Supply Contract for the furnishing of Certified Laboratory Urinalysis for the Population Control Office of Avertest LLC of Richmond, Virginia under the terms and conditions of Request for Proposal No. 12-16 as the lowest and best proposal received.</p> <p>This award is made on an "as needed" basis and does not obligate Jackson County, Missouri to pay any specific amount. The availability of funds for specific purchases is subject to annual appropriations.</p>	
CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) N/A <input type="checkbox"/> Business License Verified (Purchasing & Department) N/A <input checked="" type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)	
ATTACHMENTS	The Abstract of Bids Received, the Award Recommendation Memorandum and the pertinent pages of Avertest's proposal.	
REVIEW	Department Director:	Date: 8-4-16
	Finance (Budget Approval): If applicable:	Date: 8/9/16
	Division Manager:	Date: 8/18/16
	County Counselor's Office:	Date:

RFP 12-16 DATE: 03/08/16 COMMODITY: Urinalysis Testing for Pop Con		UNIT	QTY	IMC	Cordant Forensic Solutions	Employee Screening Services	ARCpoint Labs	Avertest
NO	DESCRIPTION			AMOUNT	AMOUNT	AMOUNT	AMOUNT	AMOUNT
1	7 Panel Screen			24.98	26.95	18.75	34.00	17.00
2	Confirmation Test			Ø	13.15	10.00	included	19.95

CERTIFICATION OF BID OPENING  
 BIDS WERE PUBLICLY  
 OPENED AND RECORDED  
 ON: March, 2016 BY \_\_\_\_\_  
 \_\_\_\_\_  
 CLERK OF THE LEGISLATURE  
 \_\_\_\_\_  
 PURCHASING

RFP 12-16  
 DATE: 03/08/16  
 COMMODITY: Urinalysis Testing for Pop Con

NO	DESCRIPTION	UNIT	QTY	Phamatech		AMOUNT	AMOUNT	AMOUNT	AMOUNT
				AMOUNT	AMOUNT				
1	7 Panel Screen			26.00					
2	Confirmation Test			9.00					

CERTIFICATION OF BID OPENING  
 BIDS WERE PUBLICLY  
 OPENED AND RECORDED  
 ON: March 8, 2016 BY  
  
 CLERK OF THE LEGISLATURE  
  
 PURCHASING





OFFICE OF POPULATION CONTROL

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JACKSON COUNTY COURTHOUSE  
1305 LOCUST STREET  
KANSAS CITY, MISSOURI 64106

FAX: (816) 881-3891  
Amber Ledbetter  
Population Control Coordinator  
(816) 881-3725 or (816) 805-3477

MEMORANDUM

July 26, 2016

Memo To: Barbara Casamento  
Purchasing Supervisor

Memo From: Jessie Ehart  
Interim Population Control Coordinator  
Amber Ledbetter  
Population Control Coordinator

Memo Re: Urinalysis Contract for County House Arrest

Jackson County has provided house arrest services for inmates awaiting trial for several years. As a stipulation of participating in the program, all clients are required to be tested for illegal substances. As the Office of Population Control cannot provide in-house services, we must resource to an outside agency.

To accommodate the needs of our office, the Purchasing Department issued a Request for Proposal. A total of six proposals were received and evaluated based on the requirements of our department.

After reviewing the submitted proposals from each agency, the Office of Population Control would like to submit a recommendation for Avertest, as this agency meets the criteria set forth by our department and is the lowest and best proposal received. With a cost of \$17 per urinalysis per client (100 clients) per week (52 weeks), the annual budget for urinalysis testing would be \$88,400 for 2017.

JE/jre  
AL/ajl

**9.0 QUOTATION SHEET**

Quotation must be an all-inclusive price that includes Collection, Urinalysis, Confirmation on Positives and all paperwork and reporting.

No.	Description	Estimated Monthly Quantity	Price
01	7 Panel Screen – Marijuana, Cocaine, PCP, Amphetamine, Opiate, Benzodiazepine, Barbiturates	400	\$ 17.00
02	Confirmation Test	Unknown	\$ 19.95

Pricing information is continued on the next page

<b>Respondent's Name</b>	Jason Herzog
<b>Authorized Representative</b>	Yes
<b>Title</b>	CEO & Co-chairman
<b>Signature</b>	
<b>Phone Number</b>	(804) 767-8693
<b>Fax Number</b>	(804) 767-8693
<b>Cell Number</b>	(804) 955-5246
<b>Email Address</b>	jherzog@avertest.com
<b>Web Address</b>	Avertest.com