

Request for Legislative Action

Ord. #5804
Date: October 16, 2023

Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5804
Sponsor(s):		Legislature Meeting Date:	10/16/2023

Introduction

Action Items: ['Authorize']

Project/Title:

RZ-2023-658 – Ray-Carroll Fuels

Request Summary

Requesting a change of zoning from District AG (Agricultural) on 5.00 ± acres to District LI (Light Industrial). The purpose is for bulk propane storage at Old Atherton and Atherton Roads.

Staff recommends approval because the change in zoning is consistent with the intent and purpose of the County Plan and complies with the Unified Development Code requirements.

The Jackson County Plan Commission held a public hearing on September 21, 2023, and accepted testimony pertaining to the rezoning request. There was no opposition to the request.

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

Contact Information

Department:	Public Works	Submitted Date:	10/3/2023
Name:	Randy D. Diehl	Email:	RDiehl@jacksongov.org
Title:	Development Division Administrator	Phone:	816-881-4577

Budget Information

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

Request for Legislative Action

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

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

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

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

Request for Legislative Action

History

Submitted by Public Works requestor: Randy D. Diehl on 10/3/2023. Comments:

Approved by Department Approver Brian Gaddie on 10/5/2023 10:38:45 AM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 10/5/2023 11:14:52 AM. Comments:

Approved by Compliance Office Approver Ikeela Alford on 10/5/2023 11:44:15 AM. Comments:

Approved by Budget Office Approver David B. Moyer on 10/5/2023 11:51:07 AM. Comments:

Approved by Executive Office Approver Sylva Stevenson on 10/5/2023 11:58:22 AM. Comments:

Approved by Counselor's Office Approver Jamesia Manning on 10/12/2023 12:06:23 PM. Comments:

RZ-2023-658

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

All that part of the Southeast Quarter of Section 10, Township 50, Range 31, Jackson County, Missouri, lying West of Atherton Road, except the West 27.88 acres of said Southeast Quarter.

RZ-2023-658

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from September 21, 2023

Staff Report

Zoning map of surrounding area

Names and addresses of surrounding property owners

Letter to surrounding property owners

Application

Map of surrounding zoning districts

Site plan

Site Plan with aerial

Illustration of tanks

Aerial of location

Site Plan

Preliminary Plat – Ray-Carroll Industrial Park

Randy Diehl gave the staff report:

RE: RZ-2023-658

Applicant: Ray-Carroll Fuels

Location: Old Atherton and Atherton Roads

Area: 5.00 ± acres

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

Purpose: The purpose is for a bulk propane storage facility.

Current Land Use and Zoning in the Area:

The zoning in the area is Agricultural.

The land use is primarily agricultural with row crops on surrounding properties and a tree farm facility across the road. The Little Blue Valley's Atherton Wastewater Treatment Plant is located west of the site.

The applicant is proposing a bulk propane storage facility. The site will consist of elevated storage tanks and a fenced in area around the bulkhead.

The applicant is needing to relocate their facility as their current lease is expiring.

Light Industrial uses are generally low intensity not having impacts on adjacent properties and do not involve large scale processing or manufacturing and involve little or no heavy equipment. Location in Suburban or Rural Tiers may be appropriate for low intensity uses located on the collector or arterial roads. This location meets those requirements.

These type of facilities are regulated by the Missouri Propane Safety Commission.

County Plan:

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

Recommendation:

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

Staff recommends APPROVAL of RZ-2023-658.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

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

There were none.

Mr. Antey: *Is the applicant here?*

Robert & Karen Schumacher: 2914 N Old Atherton Road.

Dean McFatrach: I'm with Ray-Carroll Fuels

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

Mr. Schumacher: We own the land and farm it. This five acres isn't a great farm piece, but we will continue to farm around their facility. We also farm across the road as well.

Mr. Lake: How often does it flood sown there?

Mr. Schumacher: The last time was 1977. The lakes in Blue Springs help control that.

Mr. Farrar: What about an increase in traffic?

Mr. McFatrach: We currently going going into Atherton where our current tanks are.

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

Discussion under advisement

Mr. Monaco moved to approve. Mr. Lake seconded.

Mr. Monaco	Approve
Mr. Lake	Approve
Mr. Farrar	Approve
Mr. Johnson	Approve
Chairman Antey	Approve

Motion Carried 5 – 0

STAFF REPORT

PLAN COMMISSION

September 21, 2023

RE: RZ-2023-658

Applicant: Ray-Carroll Fuels

Location: Old Atherton and Atherton Roads

Area: 5.00 ± acres

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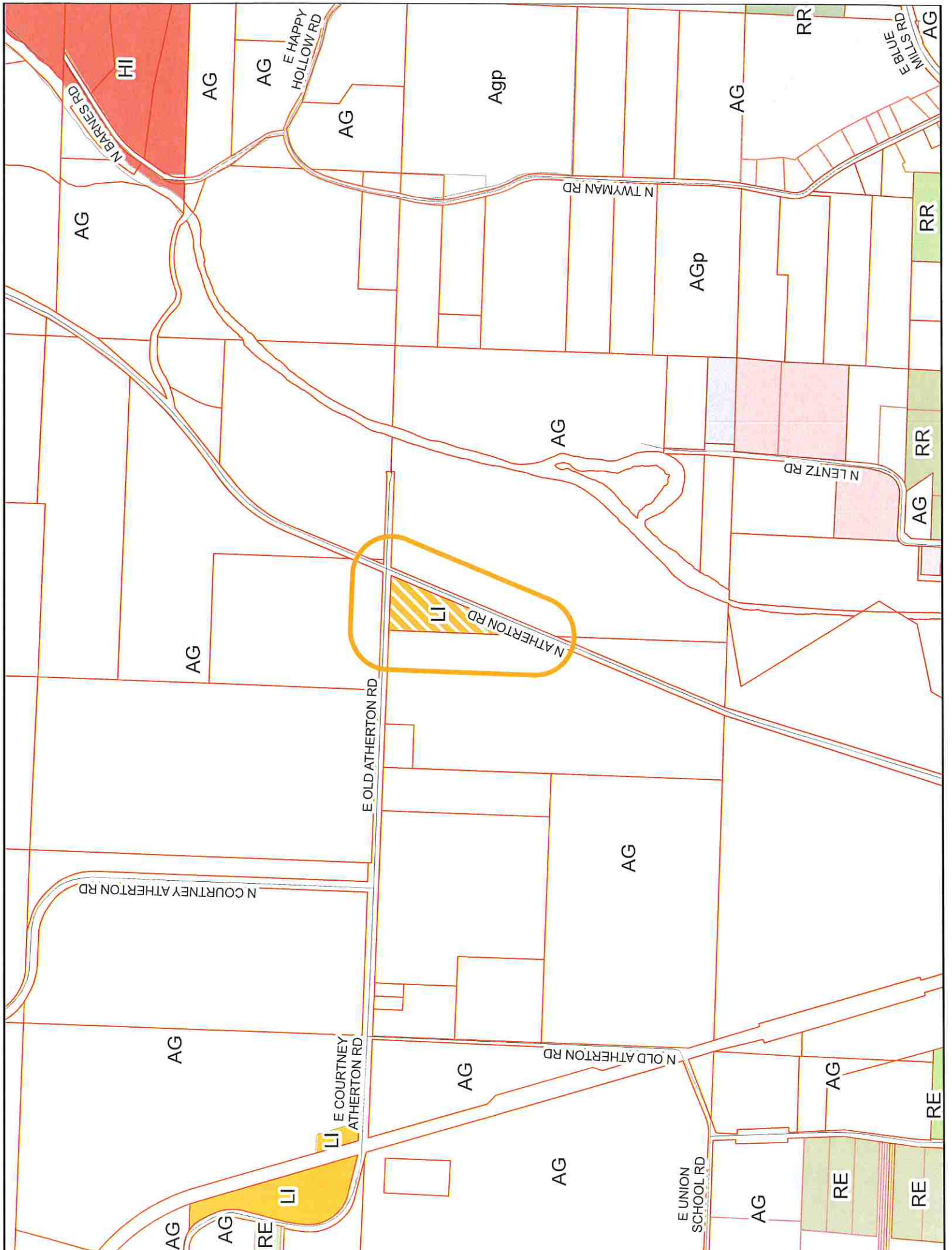
Recommendation:

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

Staff recommends APPROVAL of RZ-2023-658.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



Plan Commission September 21, 2023

RZ-2023-658

Property Owners Within 300 feet

Parcel	owner	address	city	state	zip
09-400-04-02-00-0-00-000	SCHUMACHER ROBERT P & KAREN SUE	2914 N OLD ATHERTON R	INDEPENDENCE	MO	64058
09-400-01-07-02-0-00-000	STANGER EDWARD L-TRUSTEE	905 N YUMA AVE	INDEPENDENCE	MO	64056
09-400-04-18-00-0-00-000	WILCOXSON JACKLYN ELAINE	8508 N STATE RT 9	PARKVILLE	MO	64152
09-400-01-09-00-0-00-000	SHAFFER FARM LLC	5609 N BLUE VALLEY RD	INDEPENDENCE	MO	64058
09-400-03-16-00-0-00-000	WILCOXSON JACKLYN ELAINE	8508 N STATE RT 9	PARKVILLE	MO	64152
09-400-01-04-00-0-00-000	DCA LAND MISSOURI LLC	5609 N BLUE VALLEY RD	INDEPENDENCE	MO	64058
09-400-01-13-00-0-00-000	LITTLE M FARMS, LLC	1416 NE KENWOOD CIR	LEE'S SUMMIT	MO	64064
09-400-04-03-00-0-00-000	SCHUMACHER ROBERT P & KAREN SUE	2914 N OLD ATHERTON R	INDEPENDENCE	MO	64058



JACKSON COUNTY Public Works Department

Jackson County Technology Center
303 West Walnut Street
Independence, Missouri 64050
jacksongov.org

(816) 881-4530
Fax: (816) 881-4448

September 6, 2023

RE: Public Hearing: RZ-2023-658
Ray-Carroll Fuels

Dear Property Owner:

You are hereby invited to participate in a public hearing to be held by the Jackson County Plan Commission on a request by Ray-Carroll Fuels for a change of zoning from District AG (Agricultural) on 5.00 ± acres to District LI (Light Industrial). The purpose is for bulk propane storage at Old Atherton and Atherton Road.

Please note that this request for a change of zoning affects only the property mentioned above. Adjacent properties will not be affected by the change of zoning. Taxes are based on the land use of a property not the zoning.

You are being notified pursuant to 24003.5 Chapter 240 (Unified Development Code) of the Jackson County Code, as being an adjacent property within 300' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, September 21, 2023, at 8:30 a.m. in the Large Conference Room, 2nd Floor, Historic Truman Courthouse, 112 W. Lexington, Independence, MO.

If you know of any interested party who may not have received a copy of this letter, it would be appreciated if you would inform them of the time and place of the hearing.

If you have any questions concerning this matter, please contact the Development Division at 881-4577.

Sincerely,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Frank White, Jr., County Executive

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

APPLICANT INFORMATION:

1. Application must be filed with the Jackson County Planning and Development Division,
303 W. Walnut, Independence, Missouri 64050 by the date on the Plan Commission Calendar.
 2. Application must be typed or printed in a legible manner.
 3. All applicable sections must be completed. If you need more space to provide information, please
use separate 8 1/2"x11" paper, reference the application number and attach it to the application.
Incomplete applications will not be accepted and will be returned to the applicant.
 4. Attach application for subdivision approval, consistent with the requirements of UDC Section
24003.10, as may be required.
 5. The filing fee (non-refundable) must accompany application.
(Check payable to: Manager of Finance)
\$350.00 – Change of Zoning to Residential
\$500.00 – Change of Zoning to Commercial or Industrial
-

TO BE COMPLETED BY OFFICE PERSONNEL ONLY:

Rezoning Case Number RZ- 2023 - 658
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: Roy Carroll Fuels
Address: 807 W Main P.O. Box 410
Richmond Mo 64085
Phone: 816-776-3098 cell 816-465-5053
- b. Owner(s) Name: Robert & Karen Schumacher
Address: 2419 N Old Atherton Rd Indep., MO 64058
Phone: 816-695-4426
- c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: _____

2. General location (Road Name) Courtney Atherton + Old
Atherton Rd

3. Present Zoning Ag Requested Zoning light industrial

4. AREA (sq. ft. / acres) 5

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

see attached

6. Present Use of Property: farming

7. Proposed Use of Property: Bulk Propane Storage for Customers

8. Proposed Time Schedule for Development: ASAP

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

N/A

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 N/A

b. Sewage disposal N/A

c. Electricity N/A

d. Fire and Police protection Port Osage Fire will receive site plan

12. Describe existing road width and condition: _____

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? Yes Missouri Propane Gas Commission

If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): As soon as the property is approved. I AM working with the commission

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)

Robert & Karen Schumacher

8-8-23

8-8-23

Applicant(s):

Bobbie D. McFetrich

8-8-23

Contract Purchaser(s):

Bobbie D. McFetrich

8-8-23

STATE OF

Missouri

COUNTY OF

Jackson

On this 8th day of Aug., in the year of 2023, before me

the undersigned notary public, personally appeared Robert & Karen Schumacher and Bobbie D. McFetrich

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

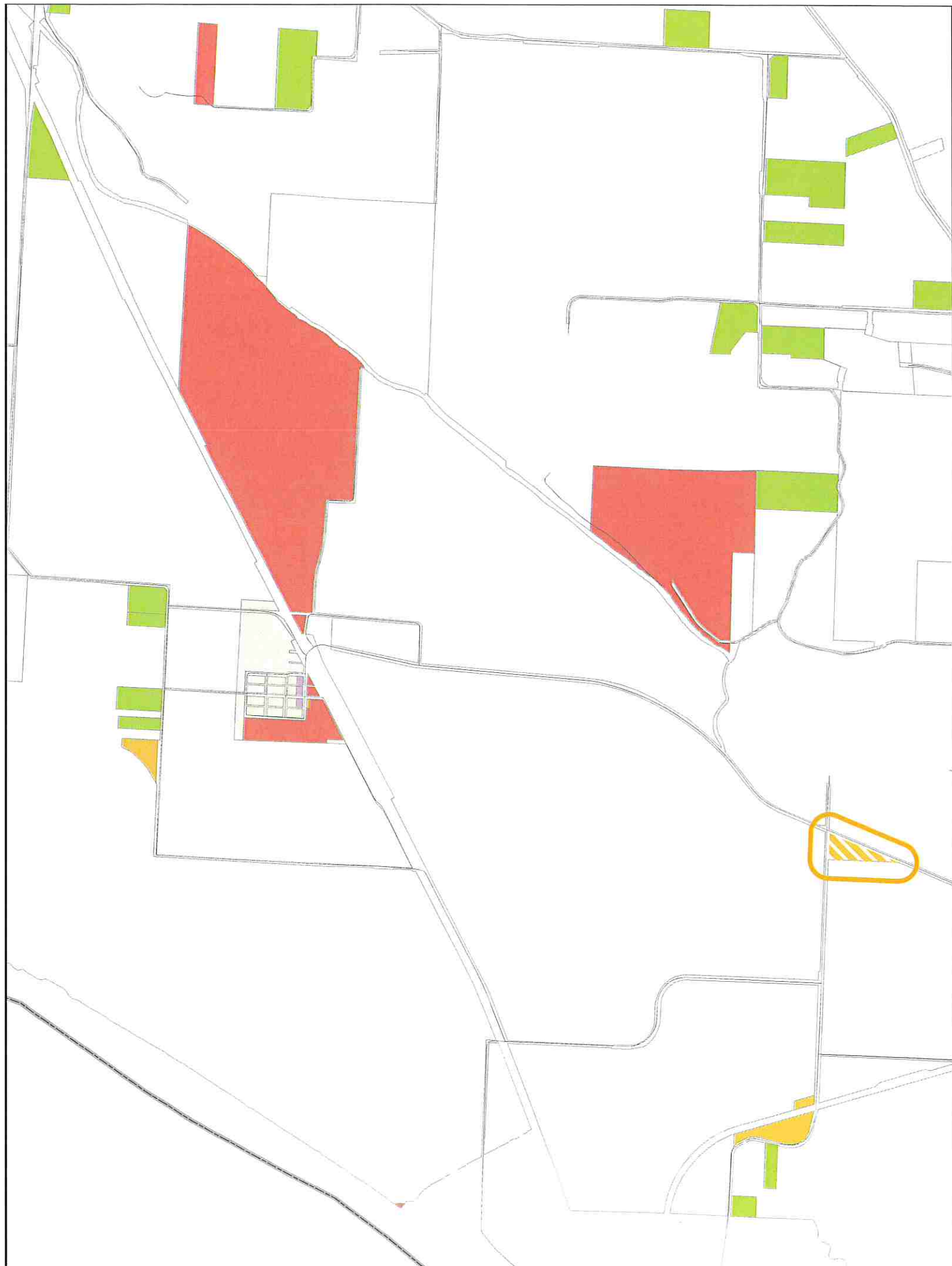
Crista Newman

Commission Expires

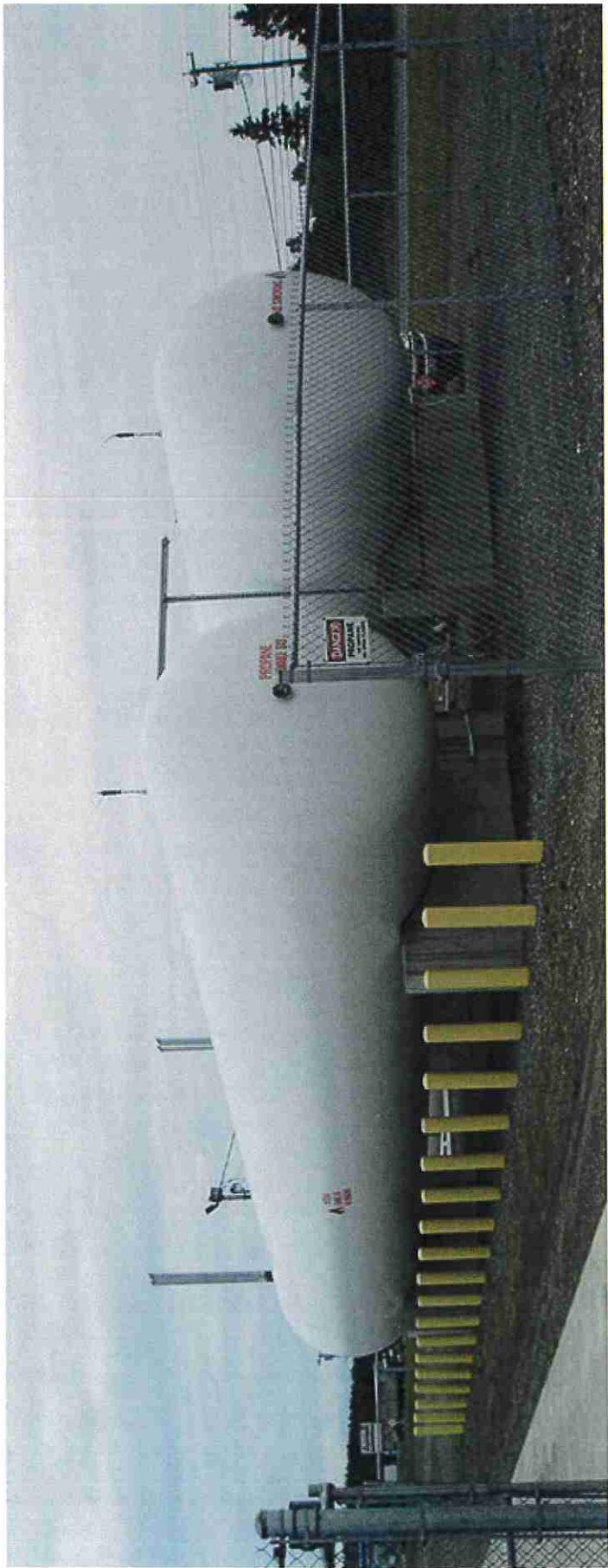
8-13-23

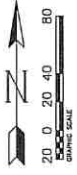


CRISTA NEWMAN
My Commission Expires
August 13, 2023
Jackson County
Commission #15636812

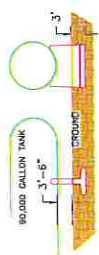
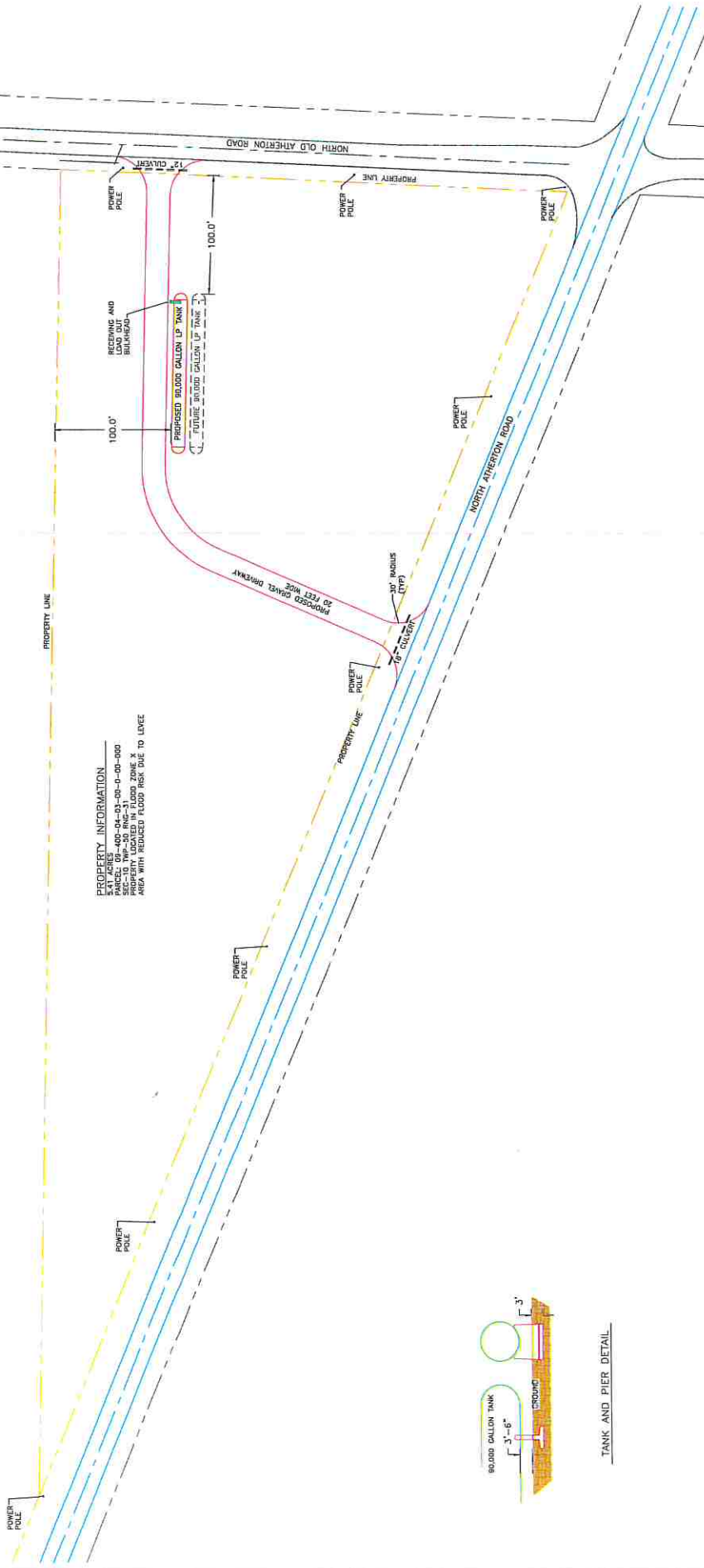








PROPERTY INFORMATION
S&P ACRES
PARCEL 08-400-04-31-00-0-00-000
PROPERTY LOCATED IN FLOOD ZONE X
AREA WITH REDUCED FLOOD RISK DUE TO LEVEE



TANK AND PIER DETAIL

NOTICE
THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE ENGINEER. THE ENGINEER ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY RESULTING FROM THE USE OF THIS PLAN.

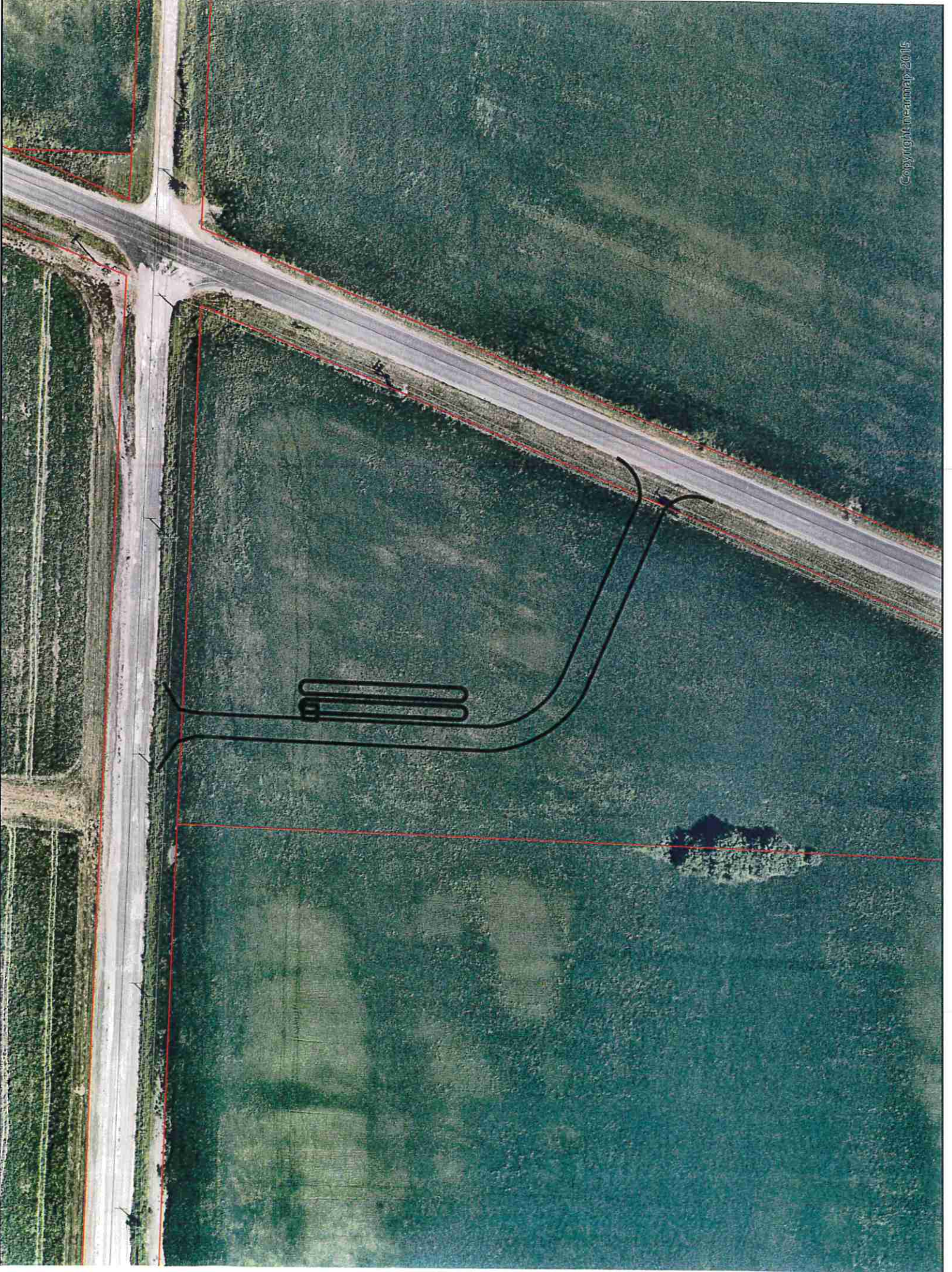
NO.	DATE	ISSUANCE	ISSUANCE	DATE	DATE
A	9/13/2023	ISSUE FOR REVIEW			
B					
C					
D					
E					
F					

PROJECT
90,000 GALLON LP TANK
RAY-CARROLL FUELS
ATHERTON, MO

OWNER
RAY-CARROLL FUELS
807 WEST MAIN STREET
RICHMOND, MO 64085
PHONE (800) 722-4470

PREPARED BY
DANIEL E. HARRIS PE
E-28910

PROJECT NO. 2023-1
DRAWING NO. G1
SCALE 1"=40'



**PART OF THE SOUTHEAST 1/4, OF
SECTION 10, TOWNSHIP 50, RANGE 31
JACKSON COUNTY, MISSOURI**

SURVEY NOTES

1. Parent Invt of this survey on Doc. No. 2027E00060603, as recorded in the Jackson County Recorder of Deeds office.
2. This survey made to ascertain the accuracy of a class "Urban Property" survey.
3. KC Metro Control Monument (4'-3") was used to establish MO State Plane Coordinates and Shortage Grid Factor = 0.9999148

$$\frac{B}{U} = \frac{V}{U} = \frac{R}{U} = \frac{P}{U} =$$

57000 BY AMZ

Sold property is fully protected from the 1 percent annual chance or greater flood hazard by a levee system. Failure of any levee system is possible, as shown on Flood Insurance Rate Map Number 2005C 0190 G, effective date of January 20, 2017.



LADWIG & ASSOCIATES, LLC.

LAND SURVEYORS
33604 E. 235th Street
Pleasant Hill, Missouri 64080
816-379-6621

Missouri Certificate of Authority
Land Surveying - LS-2012028511

LEGAL DESCRIPTION

[illegible]

EASEMENTS

[illegible]

STREET &

The roads and streets shown on this plot and not heretofore dedicated in public use as thoroughfare or hereby dedicated.

BUILDING LINE

Building lines or setback lines are hereby established as shown on the accompanying plot and no building or portion thereof shall be constructed between this line and the street right of way line.

DEFINITION

the undersigned proprietors of the herein described tract have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as:

In testimony whereof Robert P. and Karen S. Schumacher, husband and wife have caused these presents to be signed this _____ day of _____

Robert P. Schumacher - Husband

State of Missouri

On this _____ day of _____, 19____, before me personally appeared Robert P. Schumacher and Karen S. Schumacher, husband and wife who being by me sworn did say that they are the persons described herein and who executed the foregoing instrument and they acknowledged that they executed the same as their free act and deed.

In witness whereof, I have hereunto set my hand and affixed my Notarial Seal at my office this day and year last above written.

Notary Public in and for Jackson County Missouri.

Received

Public Works Department

APPROVED BY JACKSON COUNTY ASSESSOR/CMS:

[illegible]

Brandon E. Luchessa, PLS 2008016633
THIS IS NOT AN ORIGINAL SEAL AND CONTAINS
THIS PLAN IS A COPY AND MAY CONTAIN UNLAWFUL
REPRODUCTIONS. THE CERTIFICATION CONTAINED ON
THIS DOCUMENT SHALL NOT APPLY TO ANY COPIES.

DATE	23-125-pp
DATE	SEP 26, 2023
DATE	23-125
DATE	23-125