

REQUEST FOR LEGISLATIVE ACTION


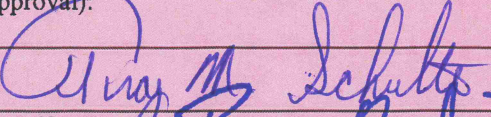
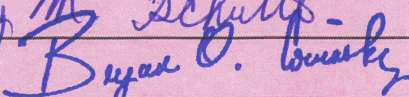

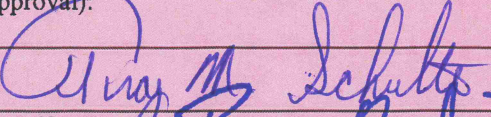
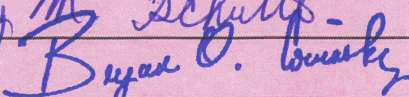

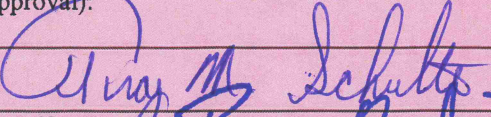
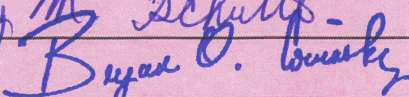
Version 6/10/19

Completed by County Counselor's Office:

Res/Ord No.: 5463

Sponsor(s): N/A

Date: November 30, 2020

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: 8910 Properties, LLC - RZ-2020-594											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="332 483 1453 682"> <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></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 style="text-align: right;">\$</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:	\$
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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:	\$											
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 C (Multi-Family) on 12.66 ± acre tract to District LI (Light Industrial). The purpose is make the zoning more compatible with surrounding properties. The location is 8910 E 22 nd Terrace. 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 November 19, 2020 and accepted testimony pertaining to the rezoning request. The Plan Commission voted 5 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)											
COMPLIANCE	<input type="checkbox"/> MBE Goals <input type="checkbox"/> WBE Goals <input type="checkbox"/> VBE Goals											
ATTACHMENTS	Attachment 1: Property Description. Attachment 2: Zoning Support Documents											
REVIEW	<table border="1" data-bbox="324 1669 1534 1900"> <tr> <td>Department Director: Brian D. Gaddie, P.E. Director of Public Works </td> <td>Date: 11-25-20</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: </td> <td>Date: 11-25-2020</td> </tr> <tr> <td>County Counselor's Office: </td> <td>Date: 11-25-20</td> </tr> </table>		Department Director: Brian D. Gaddie, P.E. Director of Public Works 	Date: 11-25-20	Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: 	Date: 11-25-2020	County Counselor's Office: 	Date: 11-25-20		
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Division Manager: 	Date: 11-25-2020											
County Counselor's Office: 	Date: 11-25-20											

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.

Randy Diehl gave the staff report:

RE: RZ-2020-594

Applicant: 8910 Properties LLC

Location: 8910 E 22nd Terrace

Area: 12.67 ± acres

Request: Change of zoning from District C (Multi-Family) to District LI (Light Industrial)

Purpose: To bring the zoning into a more compatible classification with the surrounding area.

Current Land Use and Zoning in the Area:

The property within the Blue Summit area which is an unincorporated island between Kansas City and Independence.

Jackson County adopted a Zoning Order in 1943. Most of the area was zoned as District B (Two Family) along with some commercial zoning along Truman Road.

In 1976 the subject property was rezoned to District C (Multi-Family). This rezoning was for a planned retirement community and nursing home facility. Development for this project never commenced.

The tract was also a clean fill (concrete and construction fill) site.

In 1995 the County adopted the Unified Development Code. The codes from the 1943 and 1960 Orders were replaced with a new set of zoning classifications. Districts A (One Family), B (Two Family) and C (Multi Family) were replaced with classifications better suited to development and land use.

The applicant is desiring to change the zoning from the obsolete zoning to one more compatible with the surrounding land uses. This would also better serve any potential future development for the area.

County Plan:

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

The Light Industrial is appropriate for the Urban Development Tier.

Recommendation:

Staff recommends APPROVAL of RZ-2020-594

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

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

Mr. Antey: What is the land use to the east?

Mr. Diehl: That is a mini-storage buildings facility. That property is within Light Industrial.

Mr. Crawford: Could you describe the other properties around it?

Mr. Diehl: To the north is Highland Cemetery. To the East, the mini-storage facility, and to the west is a residence. They also own the smaller piece just to the south.

Mr. Crawford: How much fill is in there?

Mr. Diehl: I'm not really sure. Those are under the jurisdiction of the Department of Natural Resources.

Mr. Crawford: Is this close to the old Dean property?

Mr. Diehl: No. That location is off of Truman Road.

Mr. Tarpley: Is this the same property that was going to be the transfer station?

Mr. Diehl: No. That was on Television Place to the west of here.

Mr. Crawford: Could you explain the color coding on the maps?

Mr. Diehl: The Yellow is Light Industrial, the Blue is Commercial.

Mr. Antey: *Is the applicant here?*

Travis Smith: 8620 E 40 Highway. I am a member of 8910 LLC. We bought this to develop it for one of our lumber companies. We have since found a property that would work better for us. We would like to make this property marketable for some sort of Light Industrial use. We looking to mirror the zoning like the other properties.

Mr. Antey: So there is not a plan to build on it?

Mr. Smith: We had a potential buyer to part a warehouse similar to the storage facility, however because of the zoning they said it work for them. In order for us to proceed, we are seeking the change in zoning.

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

There were none

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

There were none

Motion to take under advisement.

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

Discussion under advisement

Mr. Tarpley moved to approve. Mr. Hilliard seconded.

Mr. Tarpley	Approve
Mr. Crawford	Approve
Mr. Haley	Approve
Mr. Hilliard	Approve
Chairman Antey	Approve

Motion Carried 5 – 0

STAFF REPORT

PLAN COMMISSION November 19, 2020

RE: RZ-2020-594

Applicant: 8910 Properties LLC

Location: 8910 E 22nd Terrace

Area: 12.67 ± acres

Request: Change of zoning from District C (Multi-Family) to District LI (Light Industrial)

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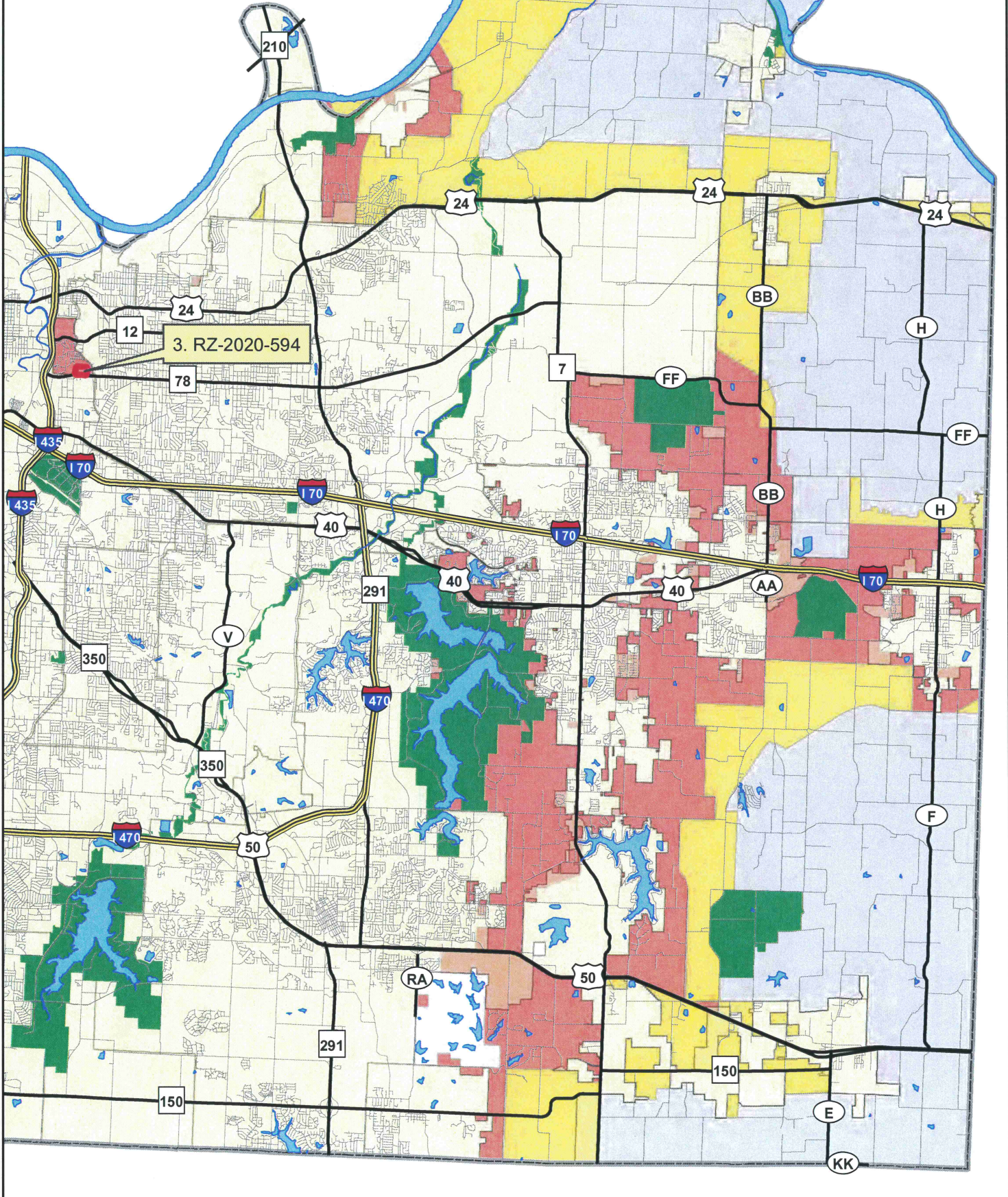
Recommendation:

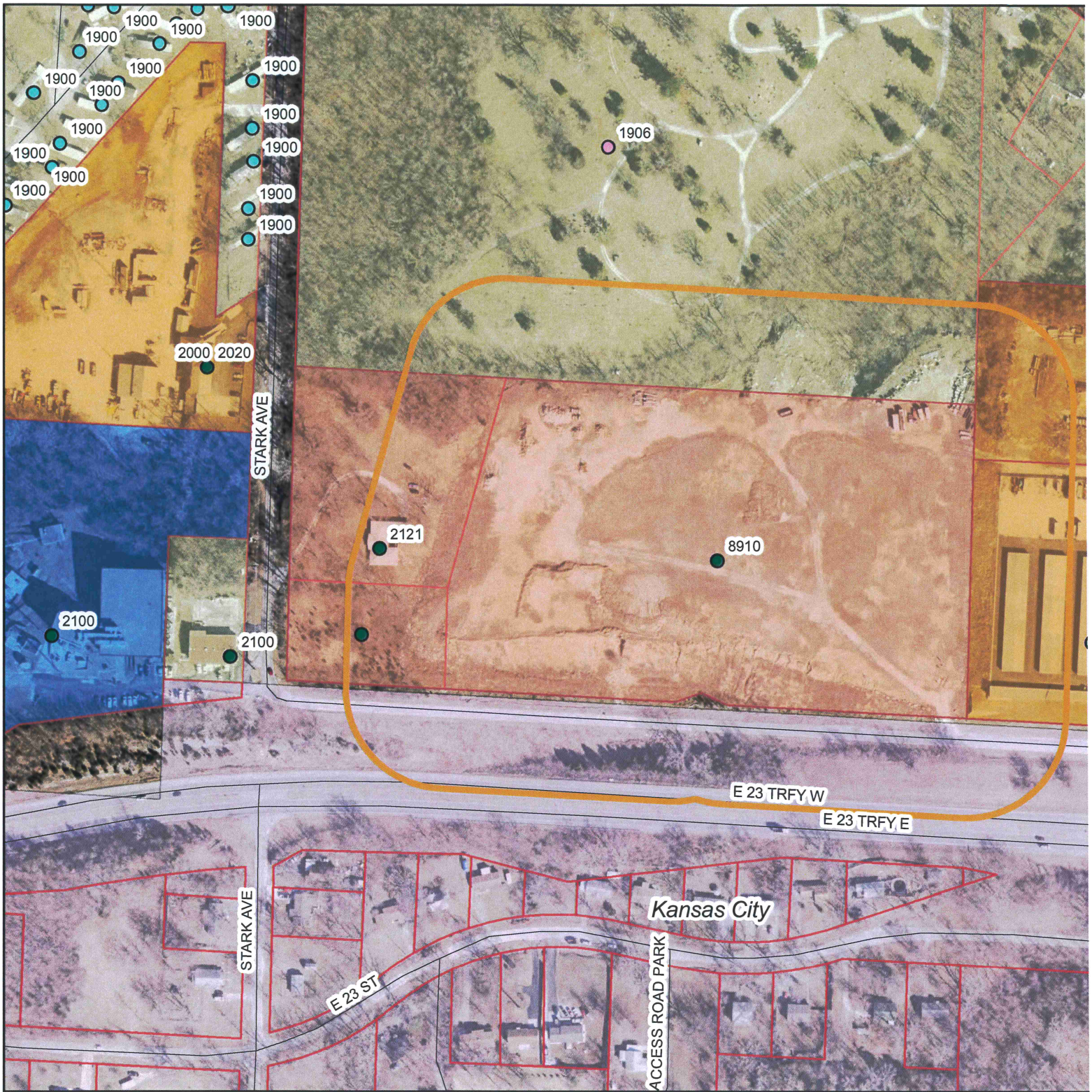
Staff recommends APPROVAL of RZ-2020-594

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
November 19, 2020
Agenda Location Map





Plan Commission November 19, 2020

RZ-2020-594

Property Owners Within 185 feet

Parcel	Name	Address	City
27-520-05-07-00-0-00-000	R C B ENTERPRISES	1601 WALROND AVE	KANSAS
27-520-05-14-01-0-00-000	8910 PROPERTY LLC	6700 WILSON RD	KANSAS
27-520-05-16-00-0-00-000	RED DOT STORAGE 90 (9006 KANSAS CITY)	248 CENTENNIAL PKW STE 100	LOUISIANA
27-520-05-15-00-0-00-000	WATKINS MARION O	2121 STARK	KANSAS
27-520-05-14-02-0-00-000	WATKINS MARION O	2121 STARK	KANSAS
27-520-05-11-00-0-00-000	LAND TRUST OF JACKSON COUNTY MO	4035 CENTRAL ST	KANSAS



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

November 4, 2020

RE: Public Hearing: RZ-2020-594
8910 Property LLC

Dear Property Owner:

You are hereby invited to participate in a public hearing to be held by the Jackson County Plan Commission on a request by 8910 Property LLC for a change of zoning from District C(r) (Multi Family) on a 12.66 ± acre tract to District LI (Light Industrial). The purpose is to make the zoning more compatible with surrounding properties. The location is 8910 E 22nd Terrace, Jackson County, Missouri.

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

You are being notified pursuant to 24003.5 Chapter 240 (Unified Development Code) of the Jackson County Code, as being an adjacent property within 185' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, November 19, 2020 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 881-4649.

Sincerely,

A handwritten signature in blue ink, appearing to read "Randy Diehl".

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Frank White, Jr., County Executive

**JACKSON COUNTY, MISSOURI
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- 2020-594

Date filed 10-12-20 Date of hearing 11-19-20

Date advertised 11-4-20 Date property owners notified 11-4-20

Date signs posted 11-4-20

Hearings: Heard by PC Date 11-19-20 Decision _____

Heard by _____ Date _____ Decision _____

Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

1. **Data on Applicant(s) and Owner(s):**
 - a. Applicant(s) Name: 8910 Property, LLC
Address: 8620 East Hwy 40
Kansas City, Missouri 64129
Phone: 816.516.6266
 - b. Owner(s) Name: 8910 Property, LLC
Address: 8620 East Hwy 40
Phone: Kansas City, Missouri 64129
 - c. Agent(s) Name: Robert J. Drumm, Attorney. Stranger Creek Advisors LLC

Address: 8101 College Boulevard, Suite 100

Phone: Overland Park, Kansas 66210

d. Applicant's interest in Property: Owner

2. General location (Road Name) 8910 East 22nd Terrace, unincorporated Jackson County (Kansas City) Missouri

3. Present Zoning C-R Requested Zoning LI

4. AREA (sq. ft. / acres) 551,851 sf 12.64

5. Legal Description of Property: (Write Below or Attached 9)
See Exhibit 1.

6. Present Use of Property: Vacant Land

7. Proposed Use of Property: Light Industrial

8. Proposed Time Schedule for Development: Within 12 months

9. What effect will your proposed development have on the surrounding properties?
Would improve what is now vacant land cluttered with construction fill and other blight.

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 KC Water

b. Sewage disposal KC Water

c. Electricity KCPL / Evergy

d. Fire and Police protection Fire: Intercity F1 Police: Jackson County Sheriff

12. Describe existing road width and condition: East 22nd Terrace. Paved

13. What effect will proposed development have on existing road and traffic conditions? Minimal effect: this will likely be occupied by 1-3 small businesses which generally do not receive traffic from the public

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)	8910 Property LLC By: <u>Travis Smith</u> Travis Smith, Member	October 12, 2020
Applicant(s):	8910 Property LLC By: <u>Travis Smith</u> Travis Smith, Member	October 12, 2020
Contract Purchaser(s):	Not applicable	

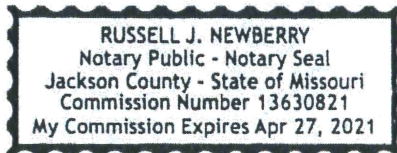
STATE OF Missouri
COUNTY OF Jackson

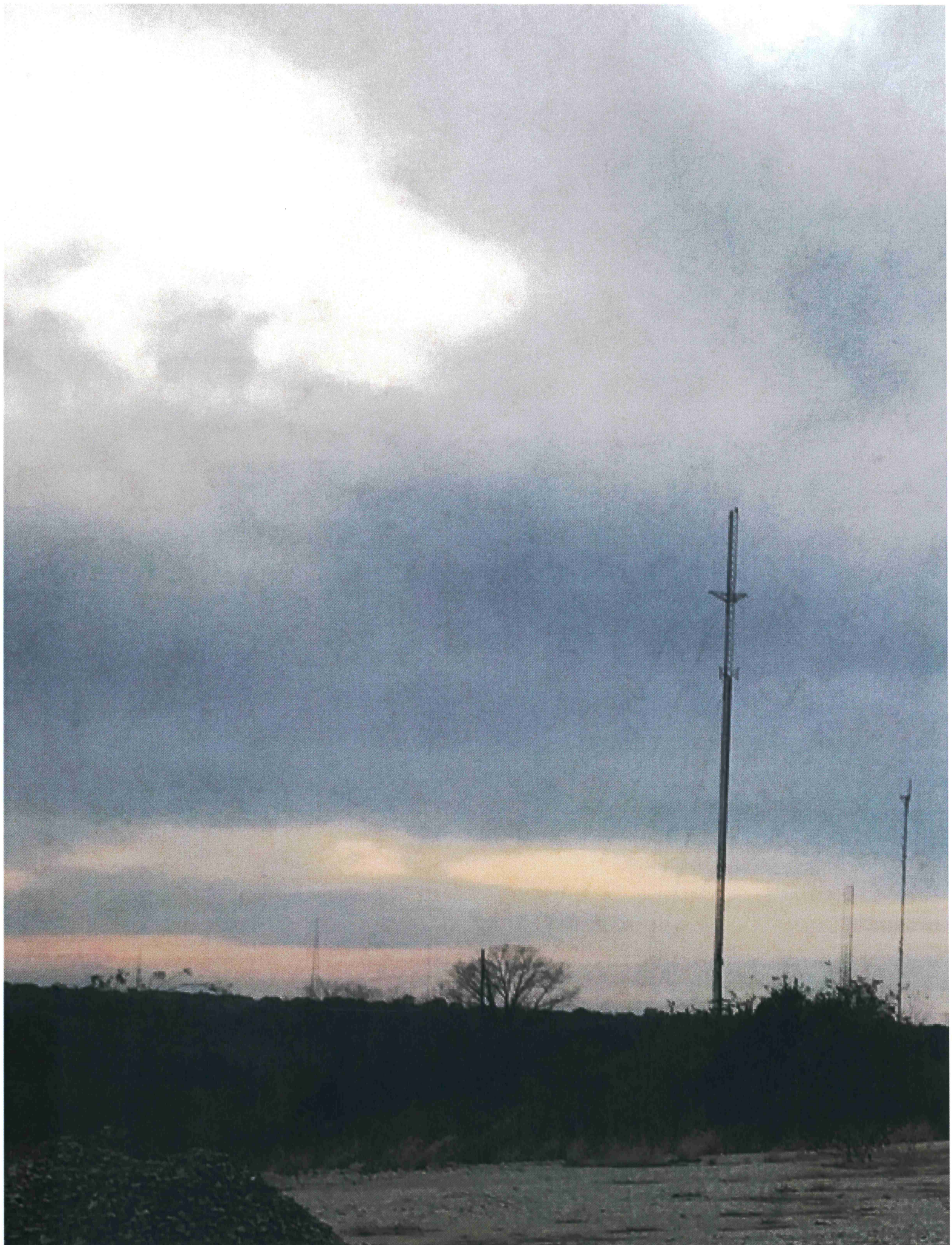
On this 12th day of October, in the year of 2020, before me the undersigned notary public, personally appeared Travis Smith, Member of 8910 Property LLC

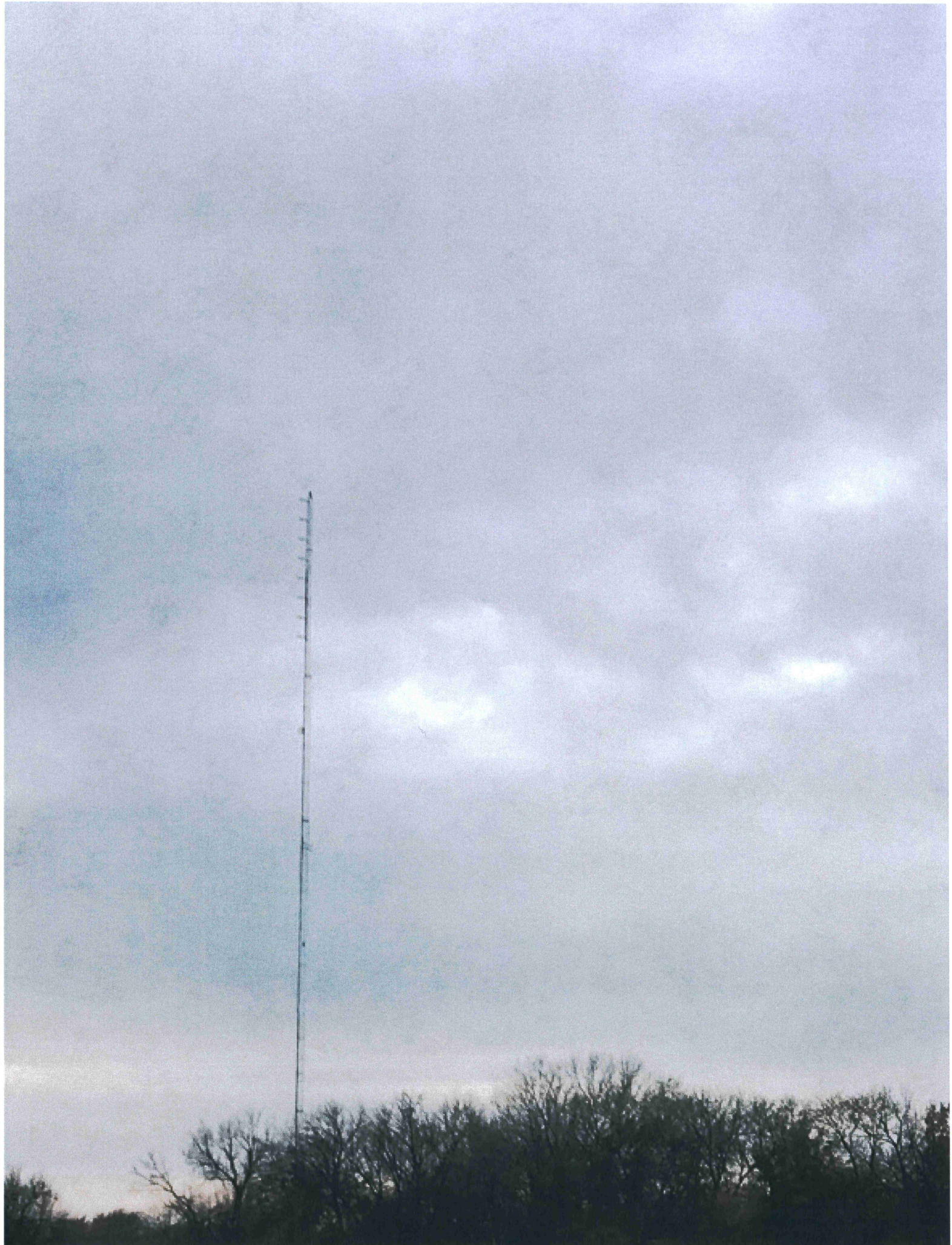
known to me to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

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

Notary Public Russell J. Newberry Commission Expires APRIL 27, 2021









JACKSON COUNTY PLANNING COMMISSION - JACKSON COUNTY LEGISLATURE
APPLICATION FOR REZONING

Date December 1, 1975 Amendment No. 108.1 Application No. R.266

Application is hereby made to the Jackson County Planning Commission and the Jackson County Legislature to rezone land located at _____

2121 Stark Avenue, Blue Summit
(General location)

from District B to District C for the proposed use _____
retirement community and nursing home facility

Exact legal description of area to be rezoned: Being a part of Section 8,
Township 49, Range 32, an area of ground between 21st Street and Yeoman
(approximately 575 feet), and between Hill Street and Stark Avenue
(approximately 1325 feet), formerly the Homestead Subdivision, now
vacated; adjacent to the Highland Cemetery and containing approximately
17.6 acres.

Application must be ACCOMPANIED BY A PLAT OF LAND IN QUESTION, drawn to scale, showing the adjoining and abutting tracts and ownership of each tract, also the position of all present buildings and proposed developments.

The applicant agrees that he has notified all the property owners adjacent, abutting and opposite to the land proposed for above use of his intentions to apply for said use and that he has fully informed them of the type of development proposed for the area.

NAMES AND MAILING ADDRESSES OF PROPERTY OWNERS NOTIFIED:

- Al Kranz, 1800 Blue Ridge Blvd, Kansas City, Missouri 64126
- Robert F. Fuzy, General Manager, K.C.P.T., 2100 Stark Ave., K.C. Mo 64126
- Odine H. Wolff, Pastor, Calvary Temple, 5607 St. John Avenue, K.C. Mo. 64123
- L.J. Lukrofka, Missouri Water Company, 11610 Truman Rd., Independence, Mo.
- Ralph Watt, Highland Sales and Investment Co., 2000 Blue Ridge Blvd.,
Kansas City, Mo. 64126

over for more notified

Signature (Land Owner)	address	zip code	phone no.
<u>[Signature]</u>	<u>215 W. Pershing Rd., # 309,</u>	<u>64108</u>	<u>842-1013</u>
Jackson Co. Redev. Auth.	<u>Kansas City, Missouri</u>		
Signature (Applicant)	address	zip code	phone no.
<u>MORRIS, FOUST, BECKETT & PONICK</u>	<u>1700 Home Savings Bldg.</u>	<u>K.C.Mo. 64106</u>	<u>474-6050</u>
By <u>[Signature]</u>	address	zip code	phone no.
Signature (Attorney)			

no. for bid

applicants file

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE to amend the district established by the Jackson County Zoning Order by changing from B to C (Second Dwelling House District to Multiple House District) an area of ground between 21st Street and Yeoman, and between Hill Street and Stark Avenue, formerly the Homestead Subdivision, now vacated, all being a part of Section 8, Township 49, Range 32

Ordinance # 356 , February 17, 1976

Introduced by Fred Arbanas, County Legislator

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 "B" Second Dwelling House District, so that the land described in the following legal description shall be transferred to the district stated in the description:

Description of Land to Be Re-Zoned District "C":

"Being a part of Section 8, Township 49, Range 32, an area of ground between 21st Street and Yeoman (approximately 575 feet), and between Hill Street and Stark Avenue (approximately 1325 feet), formerly the Homestead Subdivision, now vacated; adjacent to the Highland Cemetery and containing approximately 17.6 acres."

SECTION 2. The Jackson County Legislature, pursuant to the petition of the Jackson County Redevelopment Authority requesting the amendment embodied in this Ordinance, and pursuant to the recommendation of the Jackson County Plan Commission that said petition be granted, after public hearing held by the said Commission on December 18, 1975, does adopt this Ordinance pursuant

to the Jackson County Charter authorizing the
Legislature to exercise Legislative power
pertaining to planning and zoning.

RZ-2020-594

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

All that part of the Southwest Quarter of the Northwest Quarter of Section 08, Township 49, Range 32, Jackson County, Missouri, including a portion of vacated Homestead, a subdivision of land, described as follows: Beginning at a point of the North right of way of 23rd Street Trafficway (Also known as Missouri State Highway No. K-78) that is 300.00 feet East of the East right of way line of Stark Avenue as both are now established; thence Easterly along the North right of way line of said 23rd Street Trafficway the following courses and distances; thence South 88 degrees, 33 minutes, 00 seconds East, 438.06 feet; thence North 69 degrees, 38 minutes, 56 seconds East, 53.85 feet; thence South 66 degrees, 44 minutes, 58 seconds East, 53.85; thence South 88 degrees, 33 minutes, 00 seconds East, 452.90 feet to the East line of said Quarter Quarter section; thence North 00 degrees, 03 minutes, 15 seconds, West departing from said North right of way line and along the East line of said Quarter Quarter Section, 590.01 feet; thence North 88 degrees, 33 minutes 00 seconds West, 890.40 feet to a point that is 400.00 feet East of the East right of way line of Stark Avenue as measured along the Westerly prolongation of the last described course; thence South 14 degrees, 07 minutes, 04 seconds West, 409.85 feet; thence due South parallel with said East right of way line, 190.00 feet to the Point of Beginning. Except any part in 23rd Street Trafficway, also known as Missouri State Highway No. K-78.

RZ-2020-594

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Public Hearing Summary from November 19, 2020 Plan Commission
Staff Report
Location Map
Map showing current zoning district in area
Names/Addresses of Surrounding Property Owners
Copy of letter to said property owners
Application
Pictures