


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="316 489 1193 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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| | 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: | | | | | | | | | | | | | | | | | | |
| | Finance (Budget Approval): <i>If applicable</i> Division Manager: | Date: Date: | | | | | | | | | | | | | | | | | | |

Mary Lou 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

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
- Area:** 4.23 ± acres
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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

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 Anna L. Roberts Date June 6, 2016
Property Owner(s)

Applicant(s): Joe McGibby 6/3/16

Contract Purchaser(s): Joe McGibby 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.

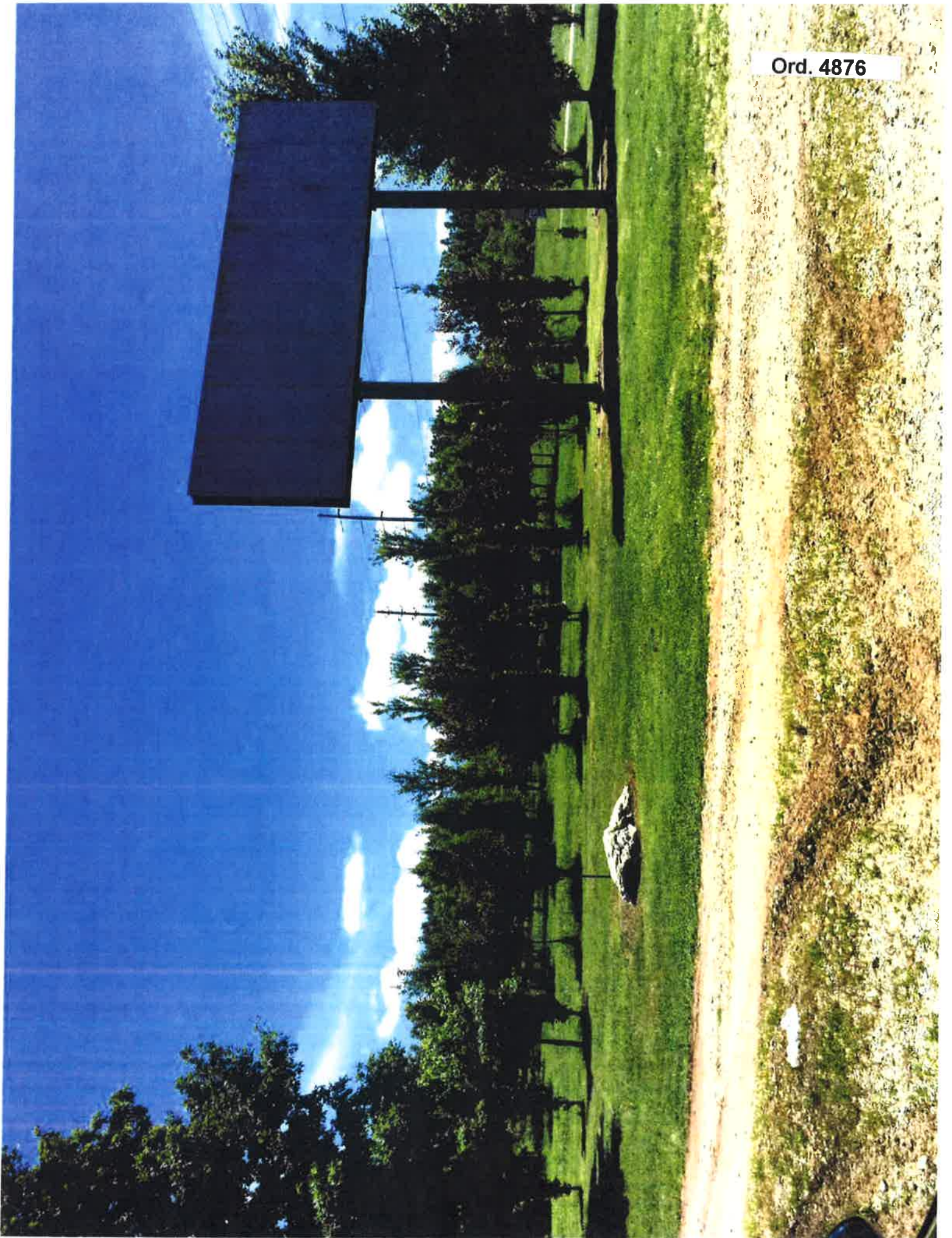
In witness whereof, I hereunto set my hand and official seal.

Notary Public _____ Commission Expires _____

Ord. 4876



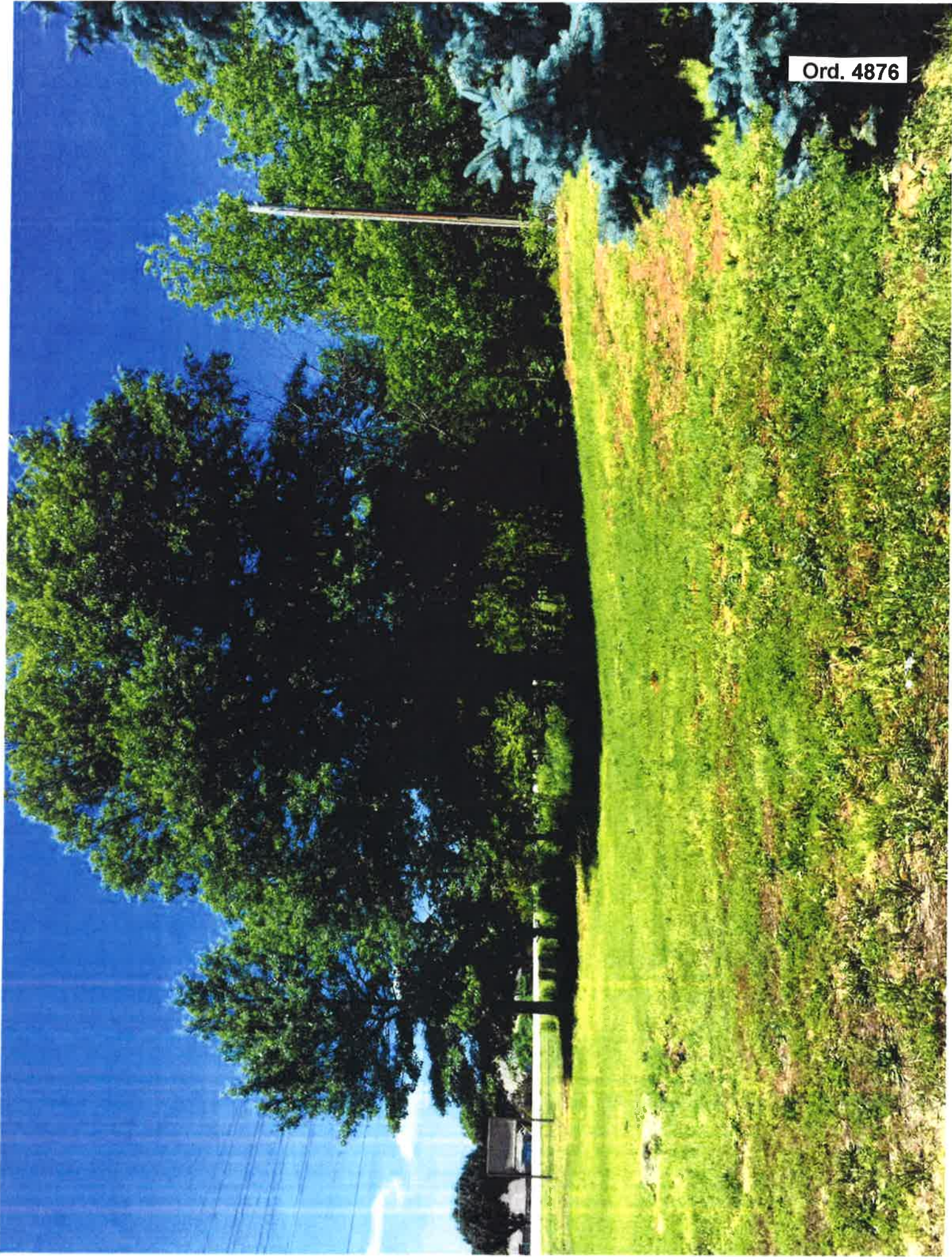
Ord. 4876



Ord. 4876



Ord. 4876



Ord. 4876

AG

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SW WESTBOUND US 40 HWY

40

SW BOWLIN RD

AG

S 42ND ST

S BOWLIN RD

SW EASTBOUND US 40 HWY

SW BOWLIN RD

SW BOWLIN RD

GB

SW INDIGO HILLS DR

AG

AG



**5-YEAR
FIX-IT-ALL
WARRANTY**
FOR ALL COOK PORTABLE WAREHOUSES

[Our Story](#)

[The Cook Difference](#)

[Rent to Own](#)

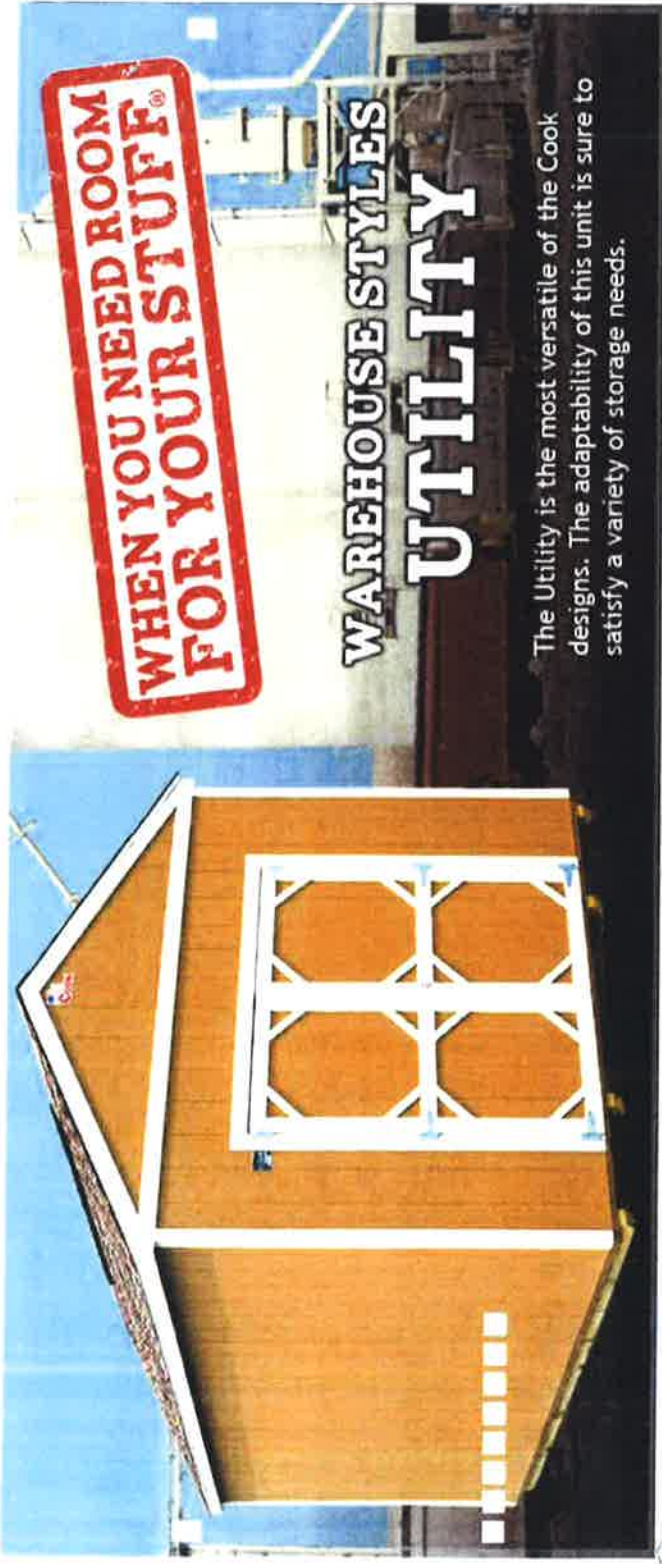
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[Contact Us](#)

[Locate a Dealer](#)

[Blog](#)

[Online Store](#)



The Utility is the most versatile of the Cook designs. The adaptability of this unit is sure to satisfy a variety of storage needs.



BARN



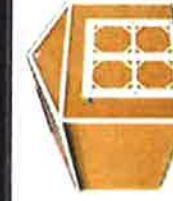
GARDEN SHED



LOFTED BARN



LOFTED GARAGE



UTILITY



GARAGE

**LOWEST PRICE
GUARANTEE**

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

[LEARN MORE](#)

**LIFETIME
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.

[LEARN MORE](#)

**RENT TO OWN
WITH NO CREDIT CHECK**

Our no strings Rent to Own program allows you to have your storage facility in your own backyard or business, when and where you need it.

[LEARN MORE](#)

**DELIVERY
& SETUP**

At Cook, all of our buildings are built in a quality controlled environment and delivered directly to you fully assembled, set up and leveled.

[LEARN MORE](#)