

## 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 8.66 ± acre tract from District AG (Agricultural) to District GB (General Business).

**ORDINANCE NO. 4512**, March 11, 2013

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 on the east side of State Route 7 and on the south side of U.S. 50 Highway, also known as 27603 E. Lone Jack Lee's Summit Road, and specifically described as follows:

**Description:** All that part of the northwest quarter of the northwest quarter of section 17, township 47, range 30 described as follows: beginning at the northwest corner of section 17, township 47, range 30, thence south 20 chains, thence east 16.59 chains to the west line of county road, thence north 26 degrees, 50 minutes west 21.60 chains, thence west 7.5 chains to point of beginning, except the south 10 acres and except part in roads.

Section 2. The Legislature, pursuant to the application of Gary Pipes (RZ-2012-481), requesting the amendment embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 7 to 0 to recommend APPROVAL of this application after a public hearing on October 18, 2012, 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. 4512 introduced on March 11, 2013, was duly passed on April 8, 2013 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0

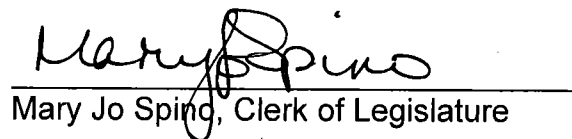
Abstaining 0

Absent 0

Excused 1

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

4-8-13  
Date

  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4512.

4/9/2013  
Date

  
Michael D. Sanders, County Executive

# REQUEST FOR LEGISLATIVE ACTION


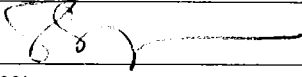
Completed by County Counselor's Office:

~~Res~~ Ord No.: 4512

Sponsor(s): xxxx

Date: March 11, 2013

SUBJECT	<p>Action Requested  <input type="checkbox"/> Resolution  <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: <u>Rezoning Gary W Pipes RZ-2012-481</u></p>										
<p>BUDGET INFORMATION  <i>To be completed                  By Requesting                  Department and                  Finance</i></p>	<table border="1" data-bbox="329 501 1203 814"> <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> <p>OTHER FINANCIAL INFORMATION:</p> <p><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: \$ _____</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; 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	<p>Prior ordinances and (date): _____                  Prior resolutions and (date): _____</p>										
CONTACT INFORMATION	<p>RLA drafted by Randy Diehl, Planning and Zoning Coordinator, 881-4577</p>										
REQUEST SUMMARY	<p>Requesting an ordinance amending the zoning districts established by the Unified Development Code requesting a change of zoning from District A (Agricultural) on a 8.66 ± acres to District GB (General Business). The 8.66 ± acres are on the east side of State Route 7 and on the south side of US 50 Highway lying in Section 17, Township 47, Range 30, Jackson County, Missouri aka 27603 E. Lone Jack Lee's Summit Road and specifically described on Attachment to RLA-1.</p> <p>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.</p> <p>The Jackson County Plan Commission voted 7 to 0 to recommend <u>APPROVAL</u> to the County Legislature.</p>										
CLEARANCE	<p><input type="checkbox"/> Tax Clearance Completed (Purchasing &amp; Department)  <input type="checkbox"/> Business License Verified (Purchasing &amp; Department)  <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)</p>										
ATTACHMENTS	<p>See Attachment to RLA-2</p>										

REVIEW	Department Director: Larry J. Schall 	Date:
	Finance (Budget Approval): <i>If applicable</i>	Date:
	Division Manager: 	Date: 3/5/13
	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.

## Jackson County Plan Commission Summary of Public Hearing

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**Date:** October 18, 2012

**Place:** Independence City Hall  
111 E. Maple, Independence, MO

**Attendance:** Larry Antey  
Jack Crawford  
Tom Haley  
Janet Mershon  
W.L. Pointer  
Sandra Querry  
Bill Tarpley

**Staff:** Scott George  
Randy Diehl  
Chris Jenkins  
Bill Snyder  
Joan Dickey  
June Van Loo

### **Call to Order/Roll Call**

Chairman Antey called to order the October 18, 2012 meeting of the Plan Commission and asked that the roll call be taken

### **Approval of Record**

Chairman Antey asked for a motion to approve the record of August 16, 2012. Ms. Mershon made a motion to approve. Mr. Crawford seconded the motion. Voice vote.

Minutes of August 16<sup>th</sup>, 2012 Approved.

### **Public Hearings**

Chairman Antey swore in all persons present to give testimony at the public hearings.

Ms. Mershon stated that this is too much to absorb in this amount of time.

Ms. Query stated she agreed.

Mr. Crawford stated with that being said he would like to postpone the vote not that this commission has any objection but just give us a little more time to absorb all the information.

Mr. George stated that is not a problem at all.

Mr. Crawford stated that everything he has heard sounds good just need a little more time.

Mr. Tarpley asked if there was an application for next month.

Mr. George responded there is one.

Mr. Crawford stated; Mr. Chairman I need to make a motion on this. I would like to move to table the vote until next month, seconded by Mr. Haley.

Voice vote carried the motion will be tabled until next month.

**6. RZ-2012-481 – Gary Pipes** Requesting a change of zoning from District a (Agricultural) on A 8.66 + acres to a District GB (General Business). The 8.66 + acres are on the east side of State Route 7 and on the south side of US 50 Highway lying in the Section 17, Township 47, Range 30, Jackson County, Missouri aka 27603 E. Lone Jack Lee's Summit Road

Mr. George stated that this project has been going on for 7 months and we are bringing it back to you. Since then the owner has altered his plans which the handouts that you have been given show where the paved parking and the paved driveway will meet. It has been suggested that back in the areas where they are running the track loaders and heavy equipment they use recycled asphalt millings. With the understanding that the public points of access would be a paved hot mix asphalt or concrete mix. This process has drug out longer than anticipated and as many of you know there have been concerns with the condition of the property. We still have objections to the zoning but our engineering staff is setting up a meeting with their engineer to try to wrap up a lot of the questions. They have off loaded a bunch of railroad ties at that location which are not permitted and we are working to get those out of there. If they would like to have some for sale as part of the landscape business that is fine but they can not have a massive storage of railroad ties. So we are bringing this back before you to see if you would wish to make a recommendation on it or if you need to hold it.

Mr. Pointer stated that he needs to get rid of the railroad ties and let him use oil or something to keep the dust down. When we had it all concrete before it was not feasible.

Mr. George responded we tried to discuss that with the applicant to try and change the plan and he did not want to try that. Through further discussion and efforts on his developing coordinator we have been able to help tweak that plan that is more cost effective for him.

Mr. Tarpley asked where the railroad ties used just for the landscaping business.

Mr. George responded right now they are for sale. I am not sure why the large amount was dumped there. Our vision in what we see this landscape business to be is not that of a storage yard.

Mr. Crawford asked why there were two plat drawings.

Mr. Diehl responded that the wrong plan was sent with the response letter the other plan is the right plan.

Mr. Pointer stated that it is beginning to look worse.

Ms. Mershon asked how many months have we been working on this?

Mr. George said it has been 7 months.

Ms. Mershon stated that he has not done anything you want done and it looks awful. Is it our position to tell him to clean it up?

Mr. George said we can by the development standards within general business we can tell them yes, you have to landscape, yes; you have to clean it up. Right now it is in limbo.

Mr. Tarpley asked what is the size of the property, what is the acreage?

Mr. Scott responded the acreage is 8.66 acres.

Mr. Scott stated if it gets re-zoned we will make sure it is constructed to the standards. If it does not get re-zoned then we will make sure it all gets vacated and cleaned back up.

Mr. Antey said you have a couple of things to consider. If it doesn't go then it will be vacated and it will continue the same way that it is. If re-zoning comes through for him then the County it will be their job to make sure that it is built to the standards set fourth.

Mr. Antey asked if there were any other questions for staff.

Applicants Representative Dan Little, 2402 SW 4<sup>th</sup> Street, Lee's Summit, MO.

Mr. Antey asked Mr. Little if he had anything to add.

Mr. Little said working with these three gentlemen they have been terrific. I will be the first to admit it looks like missile practice there. I consult for Mr. Pipes I do not work for him. I have asked for these gentlemen to let him present the new site plan with conditions that this and this have to be done period. That is the way I feel that it has to be done. It is a good business down there but the railroad ties I wondered where in the world did they come from.

Ms. Mershon said it looks like he is saying he can do what he wants.

Mr. Little stated that Mr. Pipes needs to get the zoning in place so he can go ahead and build the building and get this cleaned up. He really does not know what to do, where do I clean up, where do I plant trees. How do I do the roads, and that is kind of where he is right now just kind of stuck.

Mr. Crawford asked how do the railroad ties figure in to this.

Mr. Little said there was a gentleman who had a railroad distribution center of I-70, they asked him to please come and get these and they gave them to him free so he has these 6-8 thousand railroad ties. He has them stored everywhere.

Mr. Pointer said he is going to have a hard time selling them.

Mr. Little said he is selling a hundred a day.

Mr. Antey asked if there were anymore questions for the applicant's representative.

Mr. Tarpley asked what are we voting on today.

Mr. Antey said we are voting on the re-zoning

Mr. George said the issue at hand is re-zoning. We can place conditions on the building permit and the construction side of it to make sure that it meets the guidelines of General Business Development Standards.

Mr. Crawford asked if the applicant is in favor of going to General Business.

Mr. Little said yes he is.

Mr. Tarpley made a motion to take RZ-2012-481 under advisement, Mr. Pointer seconded.

Motion was made to approve RZ-2012-481 by Ms. Mershon seconded. Vote was taken.

Mr. Antey	APPROVE
Mr. Crawford	APPROVE
Mr. Haley	APPROVE
Ms. Mershon	APPROVE
Mr. Pointer	APPROVE
Ms. Query	APPROVE
Mr. Tarpley	APPROVE

**RZ-2012-481 – APPROVED (7-0)**

**Motion was made to adjourn the meeting by Ms. Mershon, seconded by Ms. Query.**

Meeting Adjourned 11:10 AM



**ATTACHMENT TO RLA-2:**

Attachments

Staff report

Affidavit of Publication in Independence Examiner

Names/Addresses of surrounding property owners

Map showing current zoning districts in area

Application

Survey

Site Plan

Site Evaluation Memo from Jackson County Public Works Engineering Division

Letter from developer regarding paving requirements

Response to developer from Public Works regarding paving requirements

Final Site Plan

## STAFF REPORT

### PLAN COMMISSION

February 16, 2012

RE: RZ-2012-481

**Applicant:** Gary W Pipes

**Location:** South side of US 50 Highway lying in Section 17, Township 47, Range 30, Jackson County, Missouri aka 27603 E. Lone Jack Lee's Summit Road.

**Area:** 8.66 ± acres

**Request:** Change of zoning from District A (Agricultural) to District GB (General Business)

**Purpose:** Landscaping supply business.

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

Zoning in the area is agricultural. To the west across 7 Highway is the City of Lake Lotawana. Besides a large acreage tract, there is a convenience store and a bank. To the south, also in Lake Lotawana, there is boat sales/repair business as well as the subdivision, Foxbury Estates. To the east are single family homes on tract or lots ranging from approximately 2 to 6 acres in size. The majority of these being in a platted subdivision, Cooper Acres which was platted in 1964 and a portion being replatted in 1986.

**Comments:** As stated, the applicant is rezoning to GB for his landscaping supply business. Along with the application, a site plan was submitted for the business. Staff reviewed this site and makes the following comments:

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

The structure used as an office will need to be a permanent structure of no less than 300 square feet and have an on-site waste water system serving it. The structure will need to meet the setbacks of the GB Zoning District which are 25 feet from the property/right-of-way line. The right-of-way for Lone Jack-Lee's Summit Road will be platted as 30 feet from the center line of the road.

There is a natural drainage area bisecting the proposed lot. This drainage will be subject to a 50 foot no build zone (Chapter 241, Jackson County Code) on each side of the drainage area. A Detention basin will be required on the northwesterly portion of the proposed lot to collect runoff from the property.

Upon the approval of the Preliminary Plat, construction plans will be required as part of the review process. Said site plan shall include, but not be limited to: Site Plan, Grading Plan, Erosion Control Plan, Detention Basin Plan as well as other criteria as set forth by the UDC.

All hard surface areas, parking and product loading areas are to be paved. See exhibit 8 for additional requirements

**County Plan:**

The County Plan Development Diagram illustrates this area within the Rural Development Tier (RDT). The County should support the development of commercial uses as activity nodes. Activity nodes, which primarily support the commercial demands of area residents, may be established in the Rural Development areas. These nodes should be located around the intersections of major streets. Employment centers may also be established as activity nodes if they are appropriately scaled and compatible with adjacent land uses. The design of this project should incorporate the natural features of the site.

**Recommendation:**

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

Staff recommends APPROVAL of RZ-2012-481.

Respectfully submitted,  
Planning and Environmental Health Division

Randy Diehl  
Planning and Zoning Coordinator

AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI )  
County of Jackson) SS.

I, DENEANE M. HYDE., being duly sworn according to law, state that I am BUSINESS MANAGER and agent of THE EXAMINER, a daily newspaper of general circulation in the County of Jackson, State of Missouri, where located; which newspaper has been admitted to the Post Office as a periodical class matter in the City of Independence, Missouri, the city of publication; which newspaper has been published regularly and consecutively for a period of three years and has a list of bona fide subscribers, voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription for a definite period of time, and that such newspaper has complied with the provisions of Section 493.050, Revised Statutes of Missouri 2000, and Section 59.310, Revised Statutes of Missouri 2000. The affixed notice appeared in said newspaper in the following issues: February 1, 2012  
Commencing on \_\_\_\_\_

and ending on February 1, 2012, being the issues of:

February 1, 2012

being Volume 107 Numbers: 184

Signed Deneane M. Hyde  
Business Manager, Deneane M. Hyde

Subscribed and sworn to before me on this 1 day of February, 2012.

Jasmine L. Alioto  
Notary Public, Jasmine L. Alioto

My commission expires April 25, 2014

Publishing Fee: \_\_\_\_\_

Received payment \_\_\_\_\_ per \_\_\_\_\_

**PUBLIC HEARING**

The Jackson County Plan Commission will hold public hearings at 8:30 a.m. on Thursday, February 16, 2012 in Conference Room D, Ground Floor, City Hall, 111 East Maple, Independence, MO on the following requests:

1. RZ-2012-2012-481 - Gary W. Pipes  
Requesting a change of zoning from District A (Agricultural) on a 8.66 ± acres to District GB (General Business). The 8.66 ± acres are on the east side of State Route 7 and on the south side of US 50 Highway lying in Section 17, Township 47, Range 30, Jackson County, Missouri aka 27603 E. Lone Jack Lee's Summit Road.

2. RZ-2012-0482 Betty R. Hale  
Requesting a change of zoning from District A (Agricultural) on a 12.47 ± acres to District RR (Residential Ranchette). The 2.89 ± acres are on the west side of Buckner Tarsney Road one and a quarter miles south of Harris Potts Road, lying in Section 22, Township 48, Range 30, Jackson County, Missouri aka 8502 S. Buckner Tarsney Road. For further details, exact locations and specific boundaries of these requests, contact Public Works Planning and Development Division at 881-4649, 303 W. Walnut, Independence, MO where the applications are accessible for inspection. Persons with disabilities wishing to participate in the meeting and requiring a reasonable accommodation may call the Jackson County Public Works Planning and Development Division at 881-4649 or 1-800-735-2466 (Missouri Relay); 48 hour notice is required.

Jackson County Public Works Planning & Development Division  
Randy Diehl, Planning and Zoning Coordinator  
February 1, 2012

JASMINE L. ALIOTO  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Jackson County  
My Commission Expires: April 25, 2014  
Commission Number: 10966090

**Plan Commission  
February 16, 2012  
RZ-2012-481**

**Applicants / Property Owners:** Gary Pipes  
13600 Pebblebrook Lane  
Glenwood, MO 64034

**Parcel No:** 59-820-02-01  
59-820-02-02

**Certified Mail – Return Receipt**  
**Property Owners within 1000 feet**

59-400-04-04  
Barber & Sons Co  
11400 S M 7 Hwy  
Lee's Summit, MO 64086

59-820-01-10  
Rodney L Bartlett  
28108 Lone Jack L S Rd  
Lee's Summit, MO 64086

59-820-02-03  
BSW LLC  
11709 Lone Jack Lee's Summit Rd  
Lake Lotawana, MO 64086

59-820-02-04  
BSW LLC  
11709 Lone Jack Lee's Summit Rd  
Lake Lotawana, MO 64086

59-820-02-26  
Randy & Erynn Buckman  
12503 S Fox Den  
Lee's Summit, MO 64086

59-820-01-02  
Deborah Carriker & Dorothy Carriker  
PO Box 2227  
Lee's Summit, MO 64063

59-820-02-17  
Daniel & Alexandria Duello  
12508 S Laci Circle  
Lee's Summit, MO 64086

59-820-01-09  
Bruce & Gayle Eagleburger  
28010 E Lone Jack Lee's Summit Rd  
Lee's Summit, MO 64086

59-820-01-03  
Dallas & Laurie Fouts  
28102 E Lone Jack Lee's Summit Rd  
Lee's Summit, MO 64086

59-900-01-04  
Gibson General Store Properties  
28010 E Lone Jack Lee's Summit Rd  
Lee's Summit, MO 64086

59-820-02-05  
Iowa-MO Conf Association  
Of Seventh Day Adventist  
12501 s MO Highway 7  
Lee's Summit, MO 64086

59-820-02-16  
Iowa-MO Conf Association  
Of Seventh Day Adventist  
12501 s MO Highway 7  
Lee's Summit, MO 64086

59-820-99-01  
Lead Bank  
200 N 3<sup>rd</sup> St  
Garden City, MO 64747

59-820-99-01  
Lead Bank  
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Garden City, MO 64747

59-820-99-01  
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59-820-03-03  
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59-820-02-22  
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59-820-02-18  
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59-820-02-24  
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59-820-02-25  
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59-820-02-30  
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Garden City, MO 64747

59-820-02-31  
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Garden City, MO 64747

59-820-02-27  
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Garden City, MO 64747

59-820-02-33  
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Garden City, MO 64747

59-820-02-34  
Lead Bank  
200 N 3<sup>rd</sup> St  
Garden City, MO 64747

59-820-02-29  
Lead Bank  
200 N 3<sup>rd</sup> St  
Garden City, MO 64747

59-820-02-28  
Lead Bank  
200 N 3<sup>rd</sup> St  
Garden City, MO 64747

59-900-01-03-02  
Lone Summit Bank  
12418 S M-7 HWY  
Lake Lotawana, MO 64086

59-900-01-03-01-1  
Lone Summit Development Group Inc  
27570 Silver Wraith  
Olathe, KS 66061

59-820-01-05  
Claude & Pamela Lush  
27790 E Lone Jack Lee's Summit Rd  
Lee's Summit, MO 64086

59-820-01-06  
Gary & Linda Lush  
12411 E Lone Jack Lee's Summit Rd  
Lee's Summit, MO 64086

59-820-01-08  
Gary Lush – Trustee  
12309 E Lone Jack Lee's Summit Rd  
Lee's Summit, MO 64086

59-820-01-04  
Ronald L Neer  
22199 Osborn Rd  
Higginsville, MO 64037

59-820-02-32  
Don & Elizabeth Rosenberger  
PO Box 471  
Lee's Summit, MO 64063

59-820-02-23  
Christopher & Kristy Schieszer  
12509 S Fox Den  
Lake Lotawana, Mo 64086

59-500-03-07  
The Gibson Family Limited Partnership  
28708 E Lone Jack Lee's Summit Rd  
Lee's Summit, MO 64086

59-500-03-08  
The Gibson Family Limited Partnership  
28708 E Lone Jack Lee's Summit Rd  
Lee's Summit, MO 64086

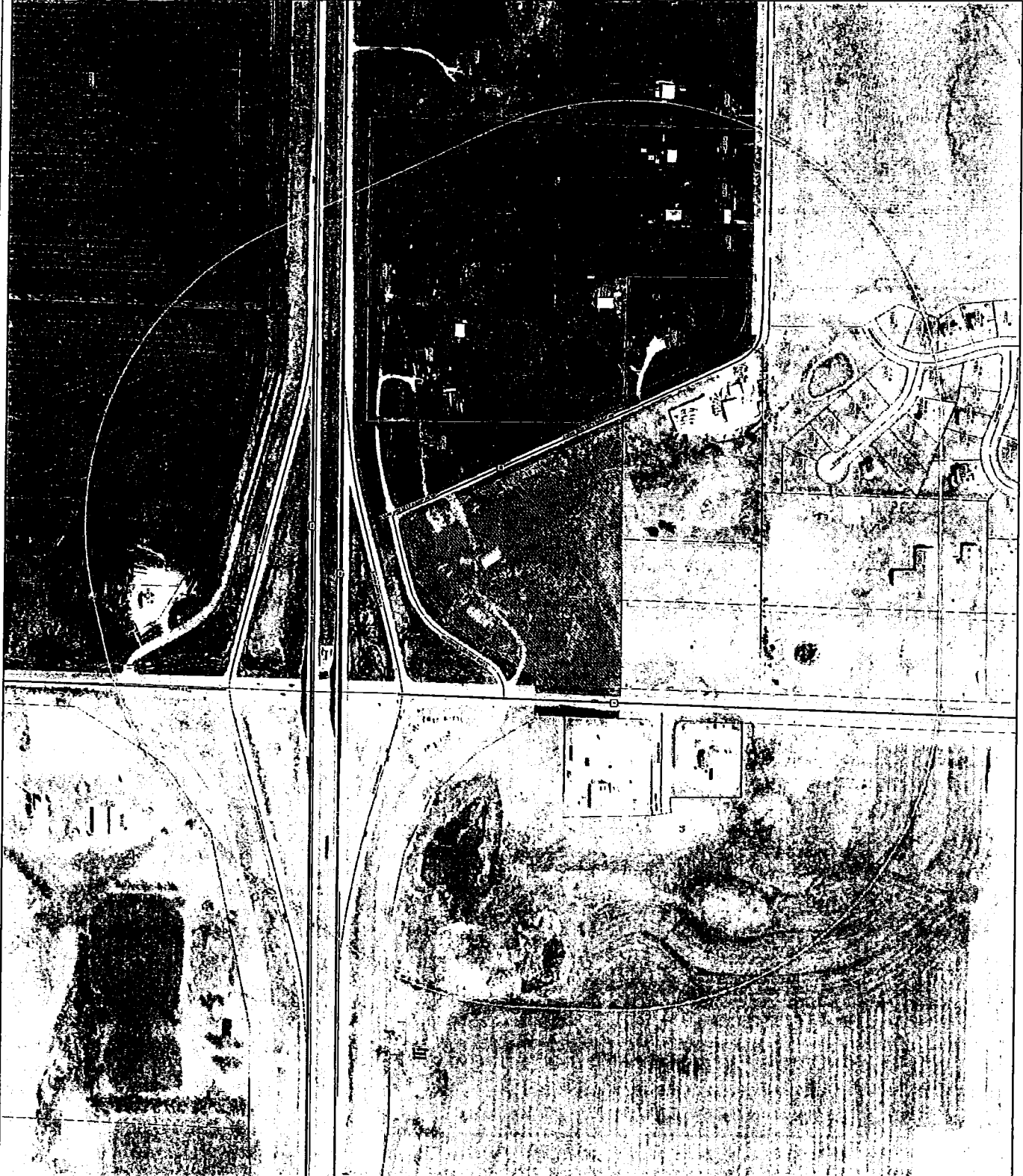
59-500-03-04  
The Gibson Family Limited Partnership  
28708 E Lone Jack Lee's Summit Rd  
Lee's Summit, MO 64086

59-820-01-07  
Tracy & Jennifer Wilson  
12411 E Lone Jack Lee's Summit Rd  
Lee's Summit, MO 64086



# Jackson County Zoning Map

	100' Notification Ring
	Speed Limit
<b>Classification</b>	
	Local
	Collector
	Major Arterial
	Minor Arterial
	Plats
	Parcels
	Pending Rezoning
	Rezoning selection
<b>Zoning</b>	
	RR-Residential Ranchette
	Residential Ranchette-Planned
	RE-Residential Estate
	RS-Residential Suburban
	RU-Residential Urban
	A0-Single-Family
	B0-Two-Family
	C0-Multi-Family
	A1-Locate Homes District
	RP-Residential Office-Planned
	LB-Local Business
	LBP-Local Business-Planned
	GB-General Business
	GBP-General Business-Planned
	LI-Light Industrial
	IIP-Light Industrial-Planned
	IH-Heavy Industrial
	Inundation Area



RZ-2012-481

1 inch equals 100 feet

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

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**APPLICANT INFORMATION:**

1. Application must be filed with the Jackson County Planning and Development Division, 303 West 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-2011-  
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: GARY W. PIPES  
Address: 13600 Pebblebrook Lane  
Greenwood, MD 64034  
Phone: 816-918-4631
  - b. Owner(s) Name: SAME  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_
  - c. Agent(s) Name: Matt Schlitt, Engineering Solutions  
Address: 50 SE 30th Street, L.G. MD 64042  
816-623-9888

Revised 11/1/07



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

- d. Applicant's interest in Property: Owner
2. General location (Road Name) Cone Jack, Leis Summit Road  
1/2 Missouri Route No. 7
3. Present Zoning AG Requested Zoning GB
4. AREA (sq. ft. / acres) 8.66 ACRES
5. Legal Description of Property: (Write Below or Attached 9)

6. Present Use of Property: AG
7. Proposed Use of Property: SALES OF LANDSCAPING & STORE SUPPLIES
8. Proposed Time Schedule for Development: 180 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 ON SITE
- b. Sewage disposal NO SEWER, SEPTIC / HOLDING
- c. Electricity ON SITE
- d. Fire and Police protection CONE JACK & PRAIRIE TOWNSHIP

12. Describe existing road width and condition: ON SITE PLAN

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? Missouri Highway - permit for Right away  
If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): Attached

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)

[Handwritten Signature]

12-21-11

Applicant(s):

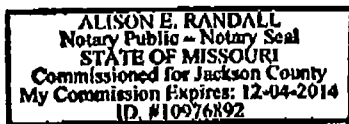
Contract Purchaser(s):

STATE OF Missouri  
COUNTY OF Jackson

On this 21<sup>st</sup> day of December, in the year of 2011, before me  
the undersigned notary public, personally appeared Gary Piper

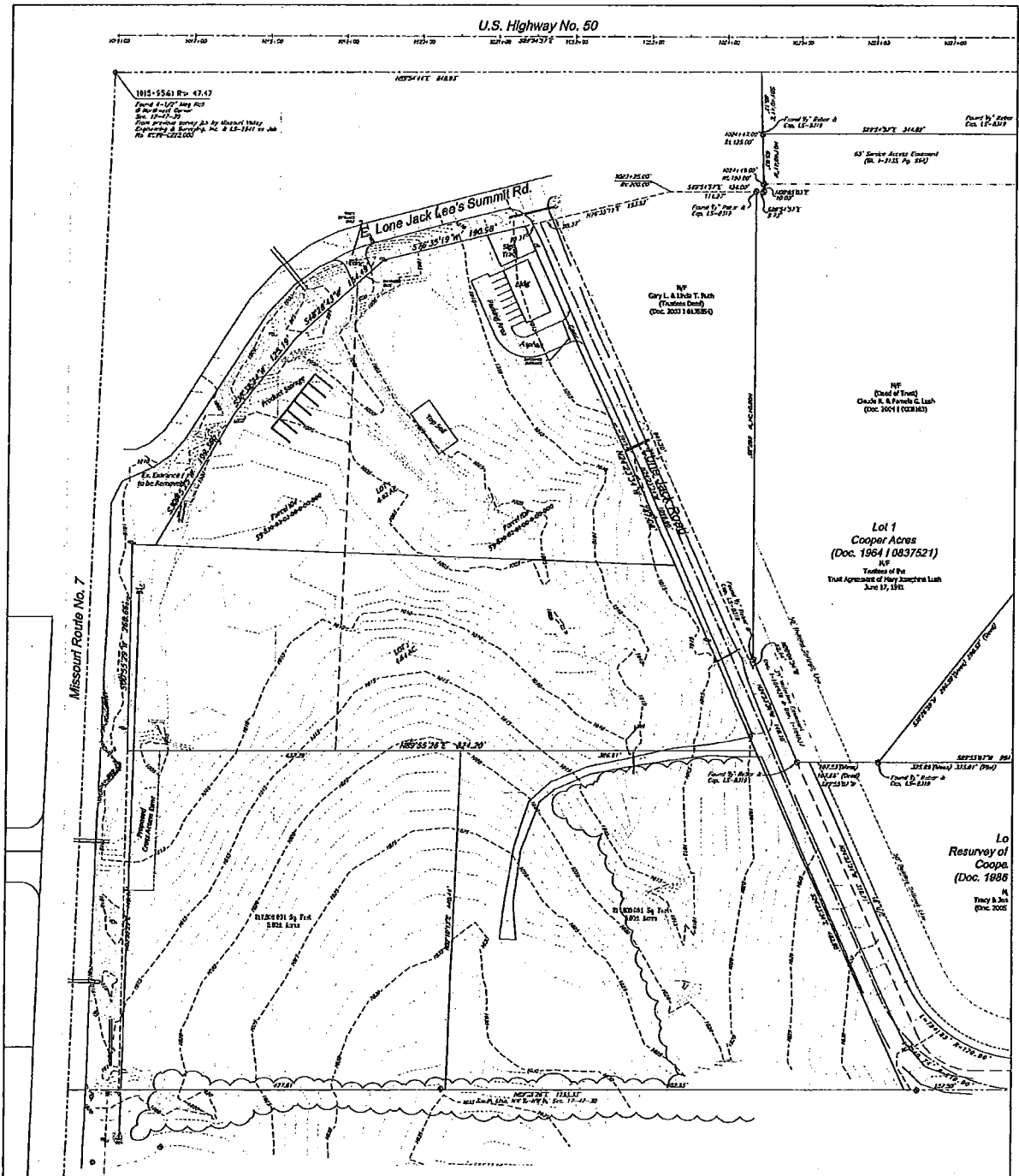
known to me to be the person(s) whose names(s) is/are subscribed to the within instrument and  
acknowledged that he/she/they executed the same for the purposes therein contained.  
In witness whereof, I hereunto set my hand and official seal.

Notary Public Alison E. Randall Commission Expires 12-4-2014



U.S. Highway No. 50

1071.00 1071.50 1072.00 1072.50 1073.00 1073.50 1074.00 1074.50 1075.00 1075.50 1076.00 1076.50 1077.00



1815-5561 R.D. 47.47  
 Found 11 1/2" Iron Rod  
 1/4" Brass Cap  
 From previous survey by Missouri Valley  
 Engineering & Surveying, Inc. in 1941 on job  
 No. 2779-122100

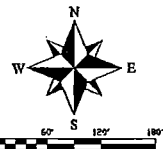
Found 1/2" Iron Rod  
 Cap. 12-1318  
 Found 1/2" Iron Rod  
 Cap. 12-1319  
 63' Service Access Easement  
 (R. 4-3122, Pg. 252)

NP  
 Gary L. & Linda T. Bush  
 (Traverse Data)  
 (Doc. 20031618285)

NP  
 (Traverse of Town)  
 Charles E. & Pamela C. Lutz  
 (Doc. 20041102383)

Lot 1  
 Cooper Acres  
 (Doc. 195410837521)  
 NP  
 Testimony of the  
 Trust Agreement of Mary Margaret Lutz  
 June 17, 1951

Lo  
 Resurvey of  
 Coopa.  
 (Doc. 1986  
 M  
 Tracy & Son  
 Dec. 2005



LEGEND

- Found Station Symbol not  
 in Survey in the vicinity.
- 1/4" 1/2" Iron Rod in Cap
- Found Survey Monument (P. Method)
- True Corner Point
- Highway Right-of-Way
- Found 1/4" Iron Rod
- Existing Fence Line

**ENGINEERING SOLUTIONS**  
 ENGINEERING & SURVEYING  
 1015 34TH STREET  
 LEAS SUMMIT, MO 64221  
 (781) 625-4111 (F) (781) 625-4148

THIS SURVEY PROVIDED FOR:

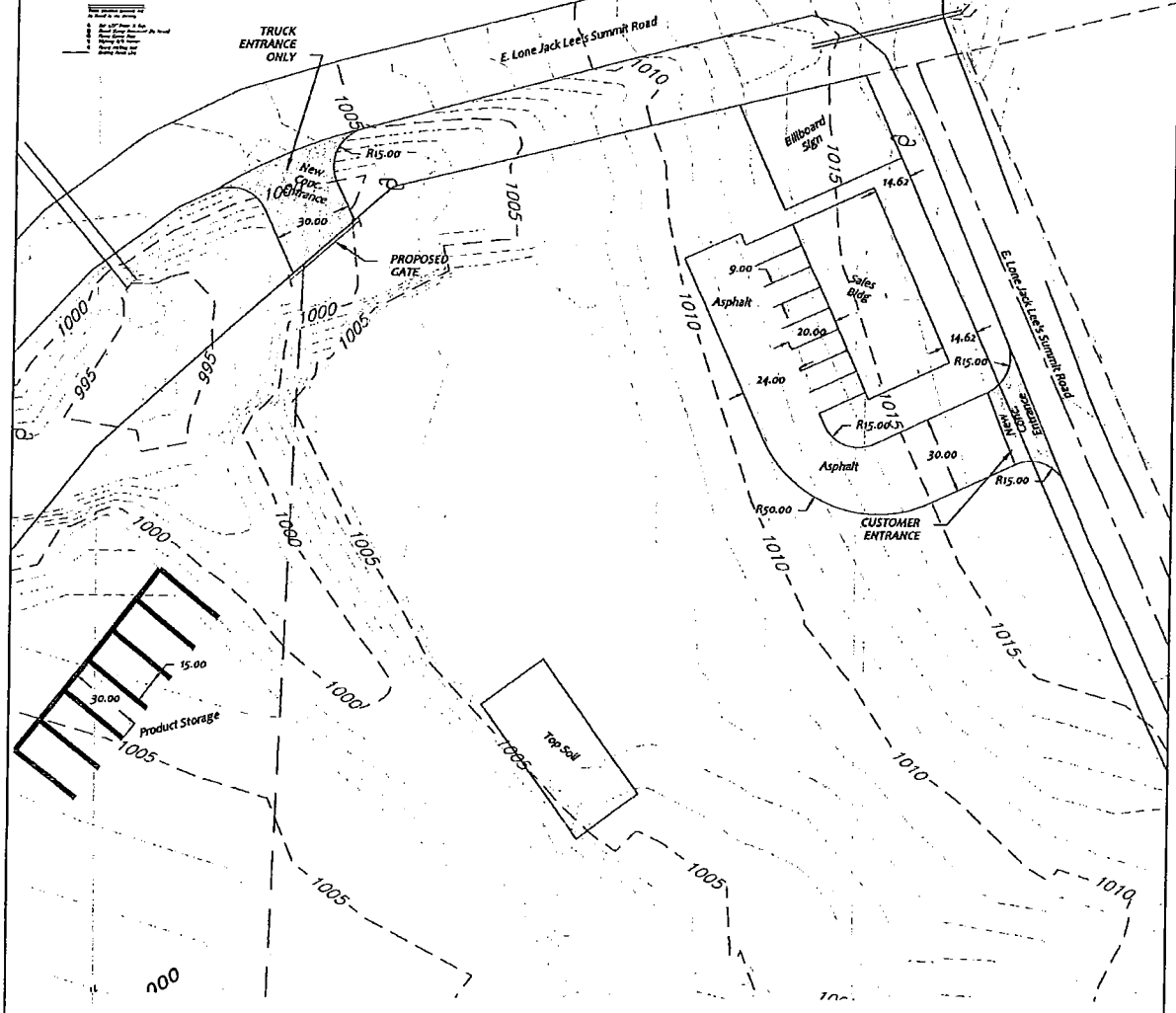
SHEET	SECTION	TOWNSHIP	RANGE	COUNTY	JOB NO.
1 OF 1	17	47	30	JACKSON	PPFES
DRAWN BY		SCALE		DATE OF REVISION	
K. BUDWYN, PLS		1"=60'		JANUARY 03, 2011	

REVISIONS

DATE	BY	DESCRIPTION

**LEGEND**

- Proposed Road
- Proposed Gate
- Proposed Asphalt
- Proposed Safety Block
- Proposed Billboard Sign
- Proposed Product Storage
- Proposed Top Soil
- Proposed Material Dividers



**ENGINEERING & SURVEYING SOLUTIONS**

133 SE 34TH STREET  
LEWIS & CLARK, MO 64501  
PHONE: 636-241-4849

THIS SURVEY PROVIDED FOR:

**Developer's Helpers**  
50 Highway and 7 Highway  
Jackson County, Missouri

SHEET	DATE	BY	SCALE	COUNTY	JOB NO.
1 OF 1	17	47	30	JACKSON	PEES
DRAWN BY			SCALE	DATE OF PREPARATION	
Holmes J. Schuch, P.E.			1"=50'	JANUARY 03, 2011	

REVISIONS		
DATE	BY	DESCRIPTION

# Memo

**To:** Randy Diehl, Planner for JCPW  
**From:** Chris Jenkins  
Subdivision Project Manager  
Engineering Division  
**CC:** Plat Review File  
**Date:** January 11, 2012  
**Re:** **Site evaluation of Gary Pipes commercial property on Lone Jack Lee's Summit Road near southeast corner of 50 Hwy and 7 Hwy, Engineering Review Comments**

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## PLAT

1. Show the total 40-ft existing Right-of-Way (Exist. R/W) and existing 17-ft wide Chipseal roadway on Lone Jack Lees Summit Road located on the east side of Pipes property that is owned by Jackson County, MO. Also, show the centerline of the roadway.
2. The topography of the area shall be shown on the Site Plan. It shall be in 5 ft Contour Intervals.
3. Make sure that both the existing and proposed R/W, 10-ft Utility Easement, and Building Lines are shown.
4. The north of Pipes commercial property is an outer roadway owned by MODOT that is named Lone Jack Lees Summit Road. Show the Existing R/W of this roadway based on MODOT data. Include any Temporary Highway Easements, if any.
5. Show the existing culvert that is near the East middle portion of Lot 1. Therefore, label the culvert as a "24" Diam. x 32-ft Long Clay Pipe. Show all existing cross road pipes with their sizes and type of structure labeled on the Plat, if applicable.
6. The Site Plan needs to show the Creek Lines, ditch lines and or water ways. Designate the flowline direction of all the waterways with drainage arrows.
7. A Drainage Easement (D.E.) needs to be shown in Lot 1 going westerly of the above Clay pipe culvert structure. The D.E. shall be 30-ft x 30-ft. The 30-ft shall be parallel to the existing roadway. Show and label all Drainage Easements (D.E.).

8. Show the large existing Permanent Drainage Easement (PDE) along the south side of the north Lone Jack Lees Summit Road owned by MODOT. The PDE runs west to east on the south side of the roadway. This PDE has a portion of the easement that is near the proposed new north driveway entrance. The location of the north driveway needs to be approved by MODOT. This PDE needs to be labeled and dimensioned in accordance with MODOT specifications. Portions of this easement are in the proposed west Material Dividers, approach driveway and Landscape Bed. A relocation of the proposed west Material Dividers, etc. will need to be shown.
9. Show the existing utilities within the Lots such as power poles, waterlines with mainline sizes and type, etc.
10. A 50-ft wide NO BUILD ZONE needs to be along the large creekline that starts from the southeast portion of the Lot and heads due north to the existing culvert the north leg of Lone Jack Lees Summit Road that is owned by MODOT. This may effect the location of the Pulverizer Building, proposed west Material Dividers, approach driveway and Landscape Bed.

### CONSTRUCTION

11. Construction Plans for the project shall be required upon the approval of the Preliminary Plat as part of the Building Permits, etc. The Construction Plans shall be submitted to JCPW Engineering for review. The plans shall include the following:
  - a) Site Plan with existing and proposed items
  - b) Grading Plan
  - c) Erosion Control Plan
  - d) Storm Pipes and Detention Basin Plan
  - e) Building Plans with layouts and Section Views
  - f) Mechanical Plans
  - g) Electrical Plans
  - h) Landscape Plan
  - i) Structural Details of the Materials Dividers
  - j) Details of the pavement surfaces in accordance with Kansas City APWA requirements
  - k) Driveway Entrances details in accordance with KC APWA
  - l) Parking Layouts with Pavement Markings, Handicap Stall details, etc.
12. The Site Plan shows a Dust Free Surface and a Product Loading Area car or truck drive thru areas. Some of the Product Loading Areas is being used in front of the Material Dividers as part of the drive thru. All Dust Free Surface areas and a Product Loading Areas shall be paved with asphalt or concrete pavement surface. The minimum concrete pavement shall be 4" PCC material. The Asphalt material shall be a minimum of 6" AC surface with 6" gravel base with compacted dirt subgrade to 95% of standard maximum density. The pavement thickness above is a minimum. The commercial

**Jackson County, MO. Department of Public Works**  
**303 W. Walnut, Independence MO. 64050      (816) 881-4429      Fax # (816) 881-1700**

- developer, Gary Pipes, will need to have the pavement thickness evaluated by a MO. Professional Engineer due to the amount of truck traffic projected. A Soils Report will need to be provided to JCPW Engineering.
13. The new paved areas need to have perimeter dimensions. Make sure all the radiuses are labeled.
  14. All the drive thru areas in front of the west and north Material Dividers needs to be paved with either concrete or asphalt. See note 12, above for requirements.
  15. The material underneath all the west and north Material Dividers can be granular material. The gravel type and depth needs to be shown on the Construction Plans within the Structural Details of the Materials Dividers sheet. A note stating "NON-MOTORIZED AREAS" needs to be next to both the north and west Material Dividers.
  16. If the developer is planning to use a non-vehicular storage area other than Materials Dividers, then a 6-ft fence shall be placed along the perimeter of the area. A Gate shall be installed on one side. This area can be gravel. The approach entrance drive to this non-vehicular storage area shall be paved with asphalt or concrete surface materials.
  17. If a motorized vehicle is placed in the Material Dividers than the surface material for those areas will change from gravel to paved. If the Material Dividers will have motorized vehicles then these areas will be labeled as "MOTORIZED VEHICLES STORAGE AREA (RV, CARS, TRUCKS, MOTORCYLCES, RIDING LAWN MOWERS, ETC)".
  18. The inside dimensions of the west Material Dividers is not consistent. What is the developer planning to add in this area? The width of the Product Loading Area in front of the west Material Divider is 34-ft. Why is this bigger than the north Material Divider's Product Loading Area of 30-ft? Even the Product Loading Area drive thrus for the entire site is 30-ft.
  19. The developers proposed use of Chip Seal surface with granular base will not be allowed.
  20. How was the 30-ft proposed pavement width determined? If you need to use the 30-ft width, then it is recommended to use a 24-ft pavement width with 3-ft gravel shoulders. This will safe the developer some money.
  21. The open ditch roadway systems within the Lot of the commercial property are fine to use. The open ditches shall have materials in place in accordance to the Best Management Practices (BMPs) in accordance with KC APWA requirements.
  22. A Detention Basin shall be put on sight near the NW portion of the lot to collect runoff from the development.
  23. Both the north and east entrance driveways shall be a minimum of 8" PCC. Show the radiuses. The entrance driveways shall be designed as commercial driveways in accordance with KC APWA specifications. Entrance stormwater pipes shall be installed to assist on the ditches runoff. The minimum storm pipe sizes shall be 15" Diam. CMP (Corrugated Metal Pipes) with End Sections. The developer can use a 15" Diam. RCP (Reinforced Concrete



**Jackson County, MO. Department of Public Works**  
303 W. Walnut, Independence MO. 64050      (816) 881-4429      Fax # (816) 881-1700

- Pipe) instead of the CMP. The End Sections can be CMPs and must have concrete toe walls to assist on truck traffic impacts.
24. A dimension from both entrance driveways to the T intersection of the both the Lone Jack Lees Summit Roads needs to be on the Site Plan and the of the Construction Plans and the Preliminary Plat. The distance of the entrances to the intersection shall meet the minimum requirements of the Jackson County, MO. Unified Development Code. Sight distance for vehicular traffic shall be used to determine the location of the driveways.
  25. Both entrance driveways need to be shown on the Site Plan.
  26. The Sales Building located on the Northeast portion of the Lot should be a minimum of 300 square feet of office space with bathrooms. This is in accordance to the Jackson County, MO. Building Codes. What type of materials is the developer planning to use for this building? This office space shall have all the utilities such as electric, water, sewer and gas. Show the all the interior and exterior layouts of the Sales Building on the Construction Plans. Show the locations of the utilities coming into the building.
  27. All building structures shall be in accordance with the Jackson County, MO. Building Codes.
  28. The parking lot of the Sales Building shall have a Handicap Stall with Van Accessibility near the front door of the building. The dimensions for Handicap Stalls shall be in accordance with Federal Regulations for ADA accessibilities. Also, the parking lot has parallel stalls that are 29-ft in length. The requirement for the parallel stalls is 18-ft long x 9ft for standard 90 degree parking lot stalls. Please explain the need for longer stalls. The asphalt paving for the parking lot shall be different then the paved drive thru areas. All the parking lot designs, dimensions, pavement design, etc. shall be shown on the Construction Plans. Show the proposed parking lot layout.
  29. Show dimensions of the Pulverizer Building. What type of materials is the developer planning to use for this building? Show the all the interior and exterior layouts of the Pulerizer Building on the Construction Plans.
  30. An Erosion Control Plan shall be included in the Construction Plans. The Erosion Control shall be in accordance with Jackson County, MO. and Missouri Department of Natural Resources (MDNR). According to the Site Plan, the amount of land disturbance appears to be greater than 1 acre. Therefore, a Land Disturbance Permit needs to be aquired by the developer from MDNR. A copy of this permit shall be given to JCPW Engineering.
  31. There are several overhead power poles near the R/Ws of both Lone Jack Lees Summit Roadways. Check with utility companies and MODOT to see if they need relocations. Make sure the guy wires to the poles are not in conflict with proposed items within the project.

If you have any questions, then please give me a call at (816) 881-4429.

Thank You!

DEVELOPERS HELPERS  
P.O. BOX 1447  
LEE'S SUMMIT, MO 64063  
816-697-2345

October 3, 2012

Mr. Earl Newill  
Deputy Director of Public Works  
303 W. Walnut St  
Independence MO 64050  
Off: 816-881-4538  
Fax: 816-881-4448  
[ernewill@jacksongov.org](mailto:ernewill@jacksongov.org)

Re: Asphalt Surface Material Substitution, for Property  
Located at 50 Highway and 7 Highway, Lee's Summit  
Missouri.

Dear Mr. Newill,

On September 18, 2012, I met with Mr. Randy Diehl and Mr. Christopher Jenkins to discuss the property that I own that is located at 50 Highway and 7 Highway. Earlier in the month we had submitted to the County a Revised Site Plan for the property. It is my understanding that after our meeting that they went to the property to observe the nature of our business.

Our business, Developers Helpers is a unique business. We sell Landscape Stone, Mulch, Dirt, Pulverized Dirt, Garden Mix, Railroad Ties, and Large Decorative Stones just to name a few. Many of our materials are either delivered or customers pick them up at our location. You may go to our website, [www.developerhelpers.com](http://www.developerhelpers.com) to get a clear picture of our business.

We have submitted 2-3 revised site plans to the County over the last year. The meeting that we recently had with Mr. Diehl and Mr. Jenkins was a very positive meeting. They suggested, and I agreed, for us to meet with our Engineer to clarify and complete a couple of items on the site plan. I do believe that we are getting closer to resolving some issues.

Our immediate plan is for us to build a building on our property that will be approximately 35' x 75'. This building will be used for customers, equipment storage and offices for our business. We intend to meet all of the County requirements for customer parking for our new building. We have put the building on hold until we feel sure that the expense of our architect to complete the design will be warranted due to a couple of outstanding issues.

The biggest issue that we have is the driveway surface material that the County wants us to use. As I have said many times, for us to use concrete for the driveway is not a solution to this issue. We have trucks and tractor trailers constantly moving on our property. They are delivering materials and loading equipment. I do believe that this would be a maintenance nightmare for us. We would be continually repairing and replacing concrete. The cost would be prohibitive.

We have in place 8"-10" of stone base mixed in with recycled asphalt. This is cold mix asphalt. According to the National Asphalt Pavement Association, "Using reclaimed asphalt pavement is a treasure trove of pre-processed road building material. The aggregate has already undergone the processing, blasting and washing. Besides the major cost benefit of using Recycled Asphalt, the material represents an environmentally positive method of recycling". The following is just a few benefits to using this product:

- Reduces cost of hot mix asphalt
- Reduces consumption of our natural resource supply
- Less dependence on foreign oil because of energy savings in mining and less binder is required.
- Long-term performance is equivalent to or better than virgin mix
- The surface will be able to absorb surface water and help control erosion and water run-off

According to your JDO, Section 24006.7- Parking, Loading and Access Standards, Item number F, Zoning District, LI the Driveway Surface would need to be Concrete with a thickness of 4". Mr. Newill, we feel that we can exceed the concrete driveway surface requirement by using the existing base that we currently have on site. We also have an ongoing supply of recyclable asphalt material which we use on a regular basis. With the machinery and equipment that we have on-site, we would be maintain, repair, water to keep the driveway in a dust free environment.

We hope that you can understand our situation and will help us with this request. We look forward to hearing from you soon.

Sincerely,



Gary Pipes  
Developers Helpers



**JACKSON COUNTY**  
**Public Works and Facilities Management Departments**

303 West Walnut Street  
Independence, Missouri 64050  
www.jacksongov.org

Administration Offices  
303 W. Walnut  
Independence, MO  
64050  
(816) 881-4530  
Fax: (816) 881-4448

Planning and  
Environmental Health  
303 W. Walnut  
Independence, MO  
64050  
(816) 881-4634  
Fax: (816) 881-1650

Road Maintenance  
34900 E. Old U.S. 40  
Hwy.  
P.O. Box 160  
Grain Valley, MO  
64029  
(816) 847-7050  
Fax: (816) 847-7051

**To:** Mr. Gary Pipes, Developer  
Developer's Helpers  
P.O. Box 1447  
Lee's Summit, MO. 64063  
Office: (816) 697-2345

**From:** Earl Newill  
Deputy Director of Public Works  
Engineering Division

**Date:** October 9, 2012

**Re:** **DECLINED: Asphalt Surface Material Substitution for Property Located at 50 Highway and 7 Highway, Lee's Summit, Mo.**

Dear Mr. Pipes,

Jackson County, MO. Public Works (JCPW) received your request letter dated October 3, 2012. Upon further review, JCPW has declined your request to substitute Asphalt Millings for the pavement surface of your proposed thru drive. The proposed thru drive (Dust Free Surface) shall be Hot Mix Asphaltic Concrete or Concrete surface material connecting the two entrance driveway locations at both E Lone Jack Lee's Summit Road locations.

Your request letter did not address the proposed Parking Lot Material asphaltic concrete surface and the Product Loading Area. See below the requirements.

The Asphalt Millings surface can be used for the pavement surface along the Product Loading Areas that connect to the Material Dividers, only.

The proposed Parking Lot Material asphaltic concrete surface (Dust Free Surface) shall be Hot Mix Asphaltic Concrete or Concrete surface material.

The Product Loading Areas and Dust Free Surface Areas have been defined to JCPW on 12/27/11 submittal drawings.

If you have any questions, then please give me a call at (816) 881-4538.

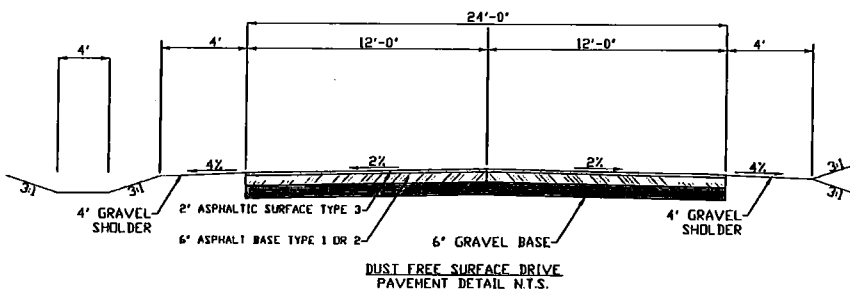
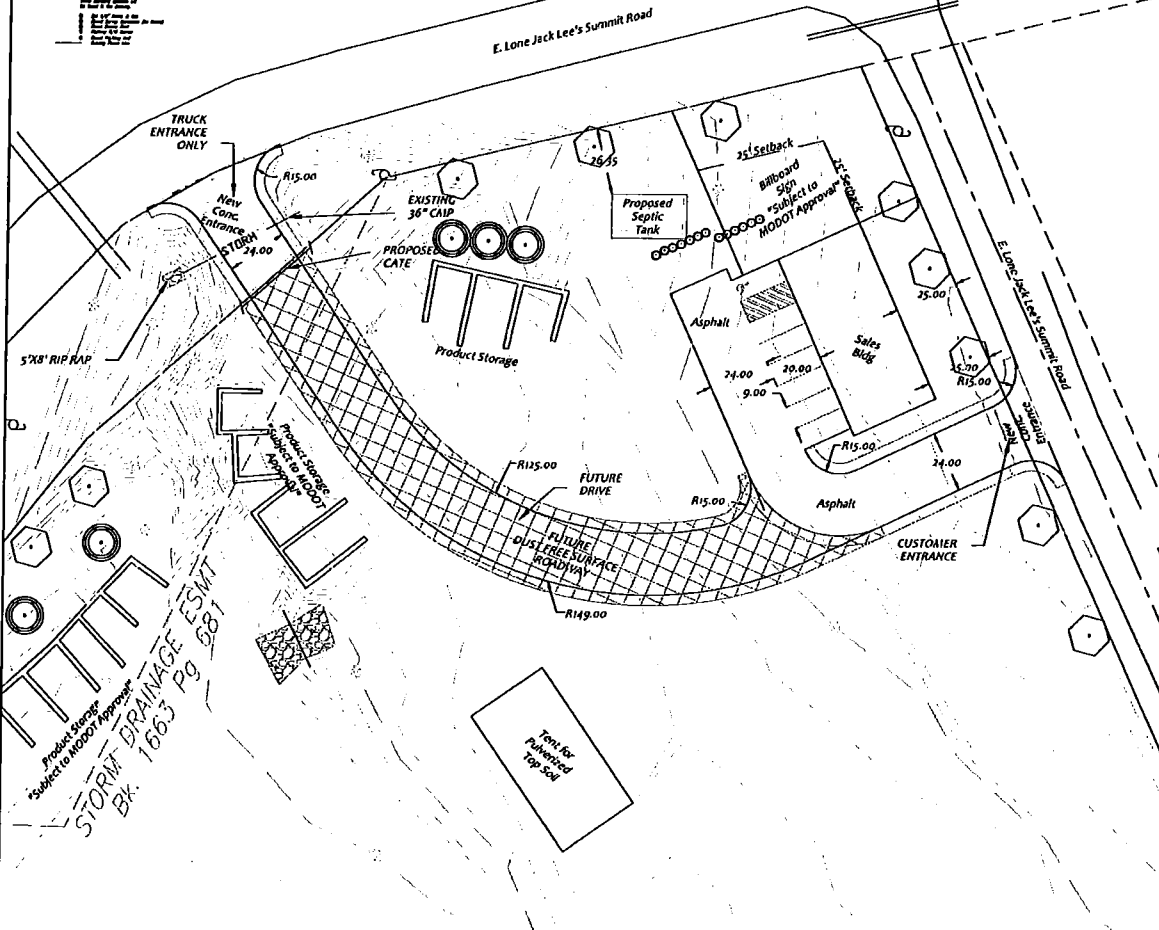
Thank You!

Cc: Chris Jenkins, Project Manager for JCPW  
Scott George, JCPW Planning and Development Administrator

Michael D. Sanders, County Executive

**LEGEND**

- Proposed Septic Tank
- Proposed Septic Tank
- Proposed Septic Tank
- Proposed Septic Tank
- Proposed Septic Tank



**PLANTING GUIDE**

SYMBOL	QTY	REV	NAME	SIZE
	10	24	AMERICAN BLENDED LINDEN	2 1/2\"/>
	15	24	INDIAN CHERRY	2 1/2\"/>
	8	24	OKLAHOMA BLEND	1\"/>

**ENGINEERING SOLUTIONS**  
 ENGINEERING & SURVEYING  
 3148 STATE STREET  
 LEE'S SUMMIT, MO 64082  
 P: (816) 234-1111 F: (816) 234-1112

THE SURVEY MEASURED FOR

**Developer's Helpers**  
 50 Highway and 7 Highway  
 Jackson County, Missouri

SHEET	SECTION	NOVEMBER	INDEX	ISSUED BY	DATE
1 OF 1	17	47	30	JACKSON	2011
DRAWN BY		SCALE		DATE OF PREPARATION	
WILLIAM J. SOLOMON, PE		1"=100'		JANUARY 01, 2011	

REVISIONS		
NO.	DATE	DESCRIPTION