

# Request for Legislative Action

Ord. 5615

Date: April 11, 2022

Completed by County Counselor's Office			
Action Requested:	Ordinance	Res.Ord No.:	5615
Sponsor(s):		Legislature Meeting Date:	4/11/2022

Introduction
<b>Action Items:</b> ['Authorize']
<b>Project/Title:</b>
QCC Development, LLC - RP-2022-623

Request Summary
Requesting a second amendment to the Development Plan in District GBp (General Business-Planned) to add an additional building within the plan at 31711 E. Colbern Road, Jackson County, Missouri. 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 March 17, 2022, and accepted testimony pertaining to the rezoning request. The Plan Commission voted 7 to 0 to recommend APPROVAL to the County Legislature.

Contact Information			
<b>Department:</b>	Public Works	<b>Submitted Date:</b>	3/25/2022
<b>Name:</b>	Randy D. Diehl	<b>Email:</b>	RDiehl@jacksongov.org
<b>Title:</b>	Development Division Administrator	<b>Phone:</b>	816-804-6410

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

## Request for Legislative Action

Prior Legislation	
Prior Ordinances	
Ordinance:	Ordinance date:
5429	October 19, 2020
Prior Resolution	
Resolution:	Resolution date:

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

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

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

## Request for Legislative Action

### History

Randy D. Diehl at 3/25/2022 1:35:16 PM - [Submitted | The RP designation is correct as opposed to RZ. This is a Planned zoning.]

Department Director: Brian Gaddie at 3/31/2022 4:10:17 PM - [ Approved | ]

Finance (Purchasing): Barbara J. Casamento at 4/1/2022 9:39:38 AM - [ Not applicable | ]

Compliance: Katie M. Bartle at 4/1/2022 10:12:46 AM - [ Approved | ]

Finance (Budget): Mark Lang at 4/4/2022 11:18:40 AM - [ Not applicable | ]

Executive: Sylvya Stevenson at 4/4/2022 1:58:19 PM - [ Approved | ]

Legal: Elizabeth Freeland at 4/6/2022 1:49:59 PM - [ Approved | ]

**RP-2022-623**

**ATTACHMENT 1: PROPERTY DESCRIPTION**

**Description:**

Lot 1, Quality Acres, a subdivision in Jackson County, Missouri.

**RP-2022-623**

**ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION**

Attachments

Public Hearing Summary from March 17, 2022, Plan Commission meeting  
Staff Report  
Map showing current zoning district in area  
Names/Addresses of Surrounding Property Owners  
Copy of letter to said property owners  
Application  
New Development Plan  
Aerial with Building Location  
Ordinance 5429, October 26, 2020

**Randy Diehl gave the staff report:**

**RE: RP-2022-623**

**Applicant:** QCC Development, LLC

**Location:** 31711 E Colbern Road

**Area:** 4.54 ± acres

**Request:** Amendment to the Planned Development Zoning in District GB-p

**Purpose:** Adding an 80' x 175' building to the development plan

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

This is a request for an amendment to the Planned Zoning approved October 26, 2020 (Ordinance 5429).

The Unified Development Code (UDC) requires that a site plan to be submitted illustrating the proposed buildings and lot arrangements.

The applicant is wishing to construct an additional equipment storage building on the west side of the property. This requires an amendment to the planned development.

**Recommendation:**

Staff recommends APPROVAL of RP-2022-623

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

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

There were none

**Mr. Antey: Is the applicant here?**

Ed Lipowicz, 9707 S Corn Road, Lone Jack

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

Mr. Lipowicz: Not really. Just adding an additional building. The initial one was completed three years ago. The middle one was completed last year. There will be on additional entrances. This will not generate any additional traffic.

Mr. Antey: Remind us of what your line of business is.

Mr. Lipowicz: Concrete.

Mr. Antey: The purpose is to not have any outside storage.

Mr. Lipowicz: Correct. Other than the building, there will not be any additional pavement. The detention pond is existing and in the southeast corner is the septic system.

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

There were none

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

There were none

Motion to take under advisement.

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

*Discussion under advisement*

Mr. Hilliard moved to approve. Mr. Lake seconded.

Mr. Akins	Approve
Mr. Crawford	Approve
Mr. Hilliard	Approve
Ms. Ryerkerk	Approve
Mr. Farrar	Approve
Mr. Lake	Approve
Chairman Antey	Approve

Motion Carried 7 – 0

## **STAFF REPORT**

### **PLAN COMMISSION**

**March 17, 2022**

**RE: RP-2022-623**

**Applicant:** QCC Development, LLC

**Location:** 31711 E Colbern Road

**Area:** 4.54 ± acres

**Request:** Amendment to the Planned Development Zoning in District GB-p

**Purpose:** Adding an 80' x 175' building to the development plan

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

This is a request for an amendment to the Planned Zoning approved October 26, 2020 (Ordinance 5429).

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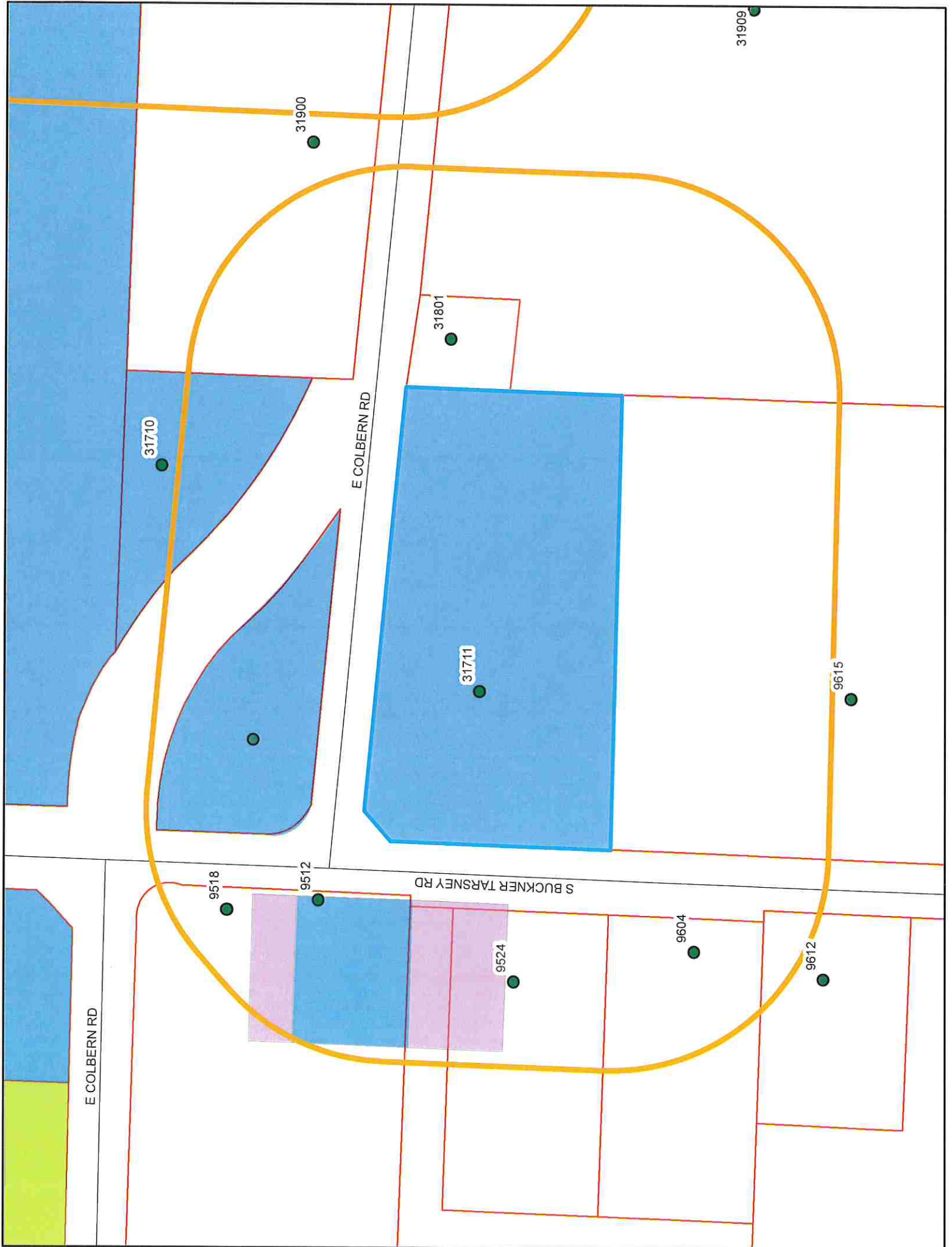
#### **Recommendation:**

Staff recommends APPROVAL of RP-2022-623

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator





Plan Commission March 17, 2022

RP-2022-623

Property Owners Within 300 feet

parcel	owner	address	city	state	zip
55-400-04-03-02-0-00-000	AQUILA INC	PO BOX 418679	KANSAS CITY	MO	64141-9679
55-400-03-13-00-0-00-000	CROPP ROBERT C & VICTORIA R	9520 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
55-400-04-17-00-0-00-000	ROBERTS MICHAEL A & KATHERINE M TR	31909 E COLBERN RD	OAK GROVE	MO	64075
55-400-03-08-00-0-00-000	GUNTER ANTHONY A	9612 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
55-400-03-01-00-0-00-000	MARKHAM THEODORE R & BONNIE A	PO BOX 623	GRAIN VALLEY	MO	64029
55-400-04-01-01-0-00-000	NOLAND TERRY D & TANYA D	31900 E COLBERN RD	OAK GROVE	MO	64076
55-400-04-13-00-0-00-000	SEARS CHRISTOPHER L	31801 E COLBERN RD	OAK GROVE	MO	64075
55-400-03-15-00-0-00-000	SNEDEGER DAVID M & MARY C	9604 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
55-400-04-02-02-0-00-000	TRIO SYSTEMS INC	31710 E COLBURN RD	OAK GROVE	MO	64075
55-400-04-02-01-0-00-000	TRIO SYSTEMS INC	31710 E COLBERN RD	OAK GROVE	MO	64075-7284
55-400-03-14-00-0-00-000	WILLIAMS VINCENT G & BRENDA K	9524 S BUCKNER TARSNEY RD	GRAIN VALLEY	MO	64029
55-400-04-03-01-0-00-000	QCC DEVELOPMENT LLC	9707 S CORN RD	LONE JACK	MO	64070



## 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

March 2, 2022

RE: Public Hearing: RP-2022-623  
QCC Development, LLC

Dear Property Owner:

You are hereby invited to participate in a public hearing to be held by the Jackson County Plan Commission on an additional amendment to the Development Plan in District GBp (General Business-Planned) to change the size and configuration of a proposed building at 31711 E. Colbern Road, 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 300' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, March 17, 2022 at 8:30 a.m. in the Large Conference Room, 2<sup>nd</sup> 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  
PLANNED DEVELOPMENT ZONING APPLICATION**

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**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. Provide Site Development Plan and supporting documentation as provided in UDC Section 24003.18 paragraph e (See Item 14).
6. A signed statement by applicant that applicant understands and agrees that rezoning granted under this section may be revoked should actual use of the property deviate materially if planned development is granted.
7. The filing fee (non-refundable) must accompany application.  
(Check payable to Manager of Finance)  
\$350.00 - Change of Zoning to Residential / Planned Development  
\$500.00 - Change of Zoning to Commercial or Industrial / Planned Development

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**TO BE COMPLETED BY OFFICE PERSONNEL ONLY:**

Rezoning Case Number RP- 2022-623

Date Filed \_\_\_\_\_ Date of hearing \_\_\_\_\_

Date advertised \_\_\_\_\_ Date property owner's notified \_\_\_\_\_

Date signs posted \_\_\_\_\_

**Hearings:**    Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

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

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

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**BEGIN APPLICATION HERE:**

1. **Data on Applicant(s) and Owner(s)**
  - a. Applicant(s) Name: QCC DEVELOPMENT, LLC  
Address: 9707 S. CORN RD  
Phone LONG JACK MO 64070  
913-208-8233
  - b. Owner(s) Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

c. Agent(s) Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

d. Applicant's interest in Property: OWNER

2. General Location (Road Name) 31711 E COLBERN ROAD

3. Present Zoning GBP Requested Zoning GBP

4. AREA (sq. ft. / acres) 4.5 ACRES

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

LOT 1, QUANTITY ACRES

6. Present Use of Property: STORAGE FOR EQUIPMENT

7. Proposed Use of Property: SAME

8. Proposed Time Schedule for Development: 9-1-22 - 2-1-2023

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

NO

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 JCWSO # 13
- b. Sewage disposal ONSITE - THIS BLDG WILL NOT GENERATE
- c. Electricity TEVERG
- d. Fire and Police protection LONE JACK FIRE, JCSCO

12. Describe existing road width and condition: N/A

13. What effect will proposed development have on existing road and traffic conditions? NO CHANGE IN TRAFFIC

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): \_\_\_\_\_

**15. PLANNED ZONING APPLICATION SHALL INCLUDE SITE DEVELOPMENT PLAN:**

An accurate, legible site plan, drawn to scale and containing the following information:

- a. the legal description of subject property;
- b. the limits, dimensions, and square footage/acreage of property and the development of property adjacent to the area within three hundred (300) feet;
- c. the topography in intervals no greater than ten (10) feet;
- d. general location and width of all proposed streets and public rights-of-way, such as pedestrian ways and easements.
- e. entrances and exits from streets or indication of the criteria for entrance and exit placement;
- f. proposed building layout illustrating the front, side and rear building setback lines.
- g. proposed use of buildings, or a description of the proposed uses by type, character, and intensity;

- h. location and amount of parking or loading, or indication of the proposed parking and loading ratio and the location criteria;
- i. location, type, and size of signs, or indication of the criteria for location, type and size of signs.

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) QCC Development, LLC 01/26/22  
[Signature] - President \_\_\_\_\_

Applicant(s): Edmund R. Lipowicz IV 01/26/22  
[Signature] \_\_\_\_\_

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

STATE OF Missouri  
COUNTY OF Jackson

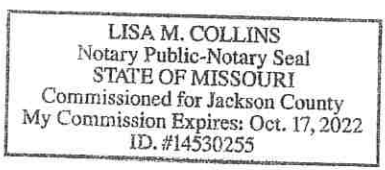
On this 26th day of January, in the year of 2022, before me the undersigned notary public, personally appeared \_\_\_\_\_

Edmund R. Lipowicz IV

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.

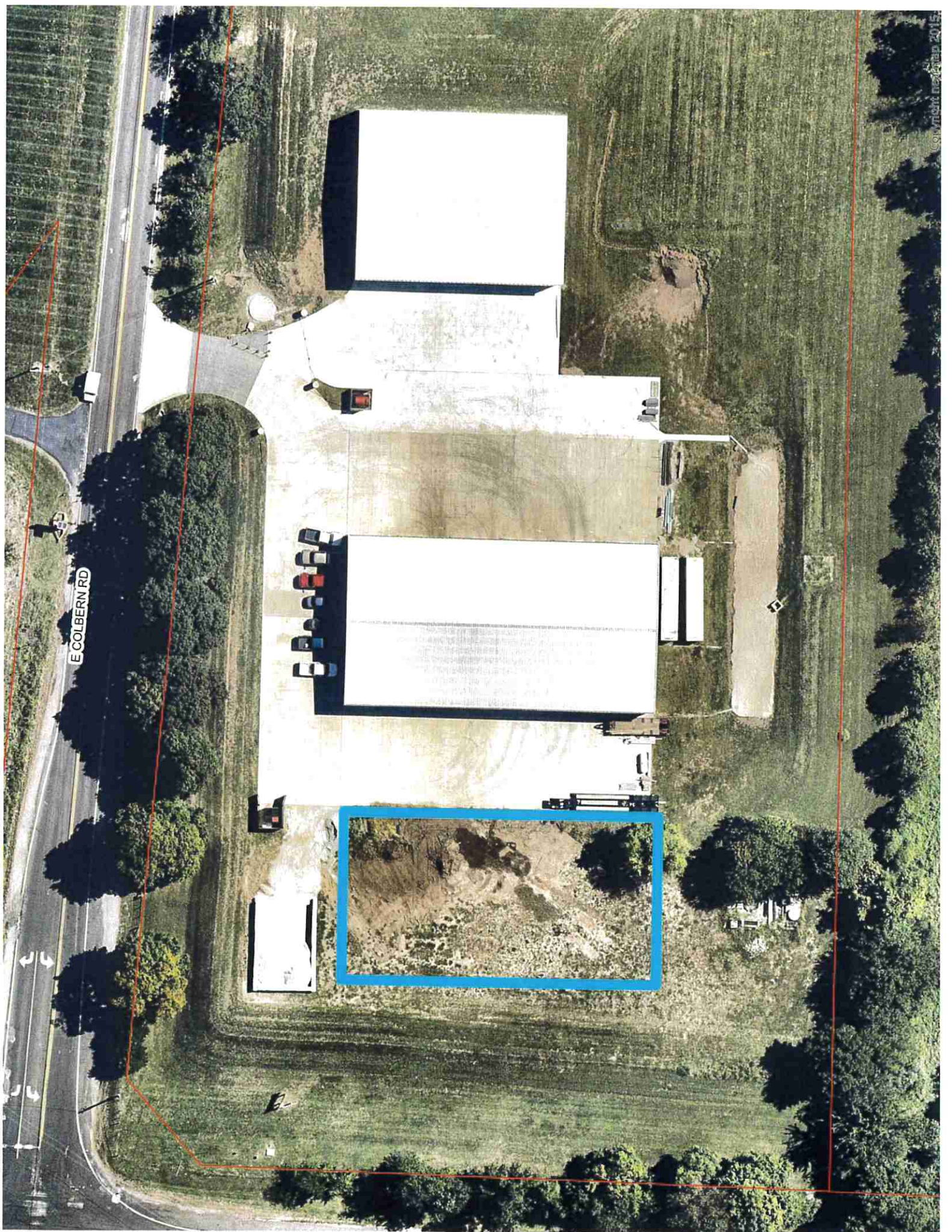
Notary Public [Signature] Commission Expires 10-17-2022











E COLBERN RD

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## IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

**AN ORDINANCE** amending the Planned Development Zoning in District GBp (General Business Planned) established pursuant to the Unified Development Code to allow a change in the size and configuration of a proposed building previously authorized.

**ORDINANCE NO. 5429**, October 19, 2020

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

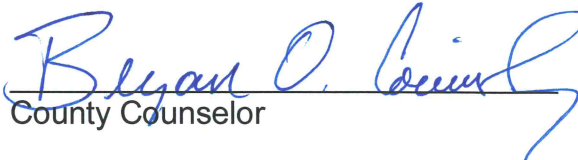
Section 1. The Planned Development Zoning approved by Ordinance 5083, effective March 11, 2018, is hereby amended in District "GBp" (General Business Planned) to allow a change in the size and configuration of a proposed building previously authorized.

Section 2. The Legislature, pursuant to the application of Ed Lipowicz on behalf of QCC Development, LLC (RP-2020-587), 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 September 24, 2020, 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. 5429 introduced on October 19, 2020, was duly passed on October 26, 2020 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 7


Nays 0

Abstaining 0

Absent 2

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

10.26.2020  
\_\_\_\_\_  
Date

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

I hereby approve the attached Ordinance No.5429.

10/26/2020  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Frank White, County Executive