

Request for Legislative Action

Completed by County Counselor's Office			
Action Requested:	Ordinance	Res.Ord No.:	5831
Sponsor(s):		Legislature Meeting Date:	2/19/2024

Introduction
Action Items: ['Authorize']
Project/Title:
RZ-2024-666 – D Boswell Realty, LLC

Request Summary
<p>Requesting a change in zoning from District AG (Agricultural) on 7.99 ± acres to District LI (Light Industrial). The purpose is for an office and equipment storage for a concrete construction business at 13416 S. Al Gossett Road.</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 held a public hearing on January 18, 2024, and accepted testimony pertaining to the rezoning request. There was no opposition to the request.</p> <p>The Plan Commission voted 5 to 0 to recommend <u>APPROVAL</u> to the County Legislature.</p>

Contact Information			
Department:	Public Works	Submitted Date:	1/31/2024
Name:	Randy D. Diehl	Email:	RDiehl@jacksongov.org
Title:	Development Adminsstrator	Phone:	816-881-4577

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

Request for Legislative Action

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

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

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

Fiscal Information
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Request for Legislative Action

History

Submitted by Public Works requestor: Randy D. Diehl on 1/31/2024. Comments:

Approved by Department Approver Lisa Honn on 2/2/2024 12:03:51 PM. Comments: Approving for B Gaddie due to a technical issue. lh

Not applicable by Purchasing Office Approver Lisa Honn on 2/2/2024 12:13:31 PM. Comments: Approving for C Reich due to technical issue. lh

Approved by Compliance Office Approver Ikeela Alford on 2/2/2024 12:23:39 PM. Comments:

Approved by Budget Office Approver David B. Moyer on 2/2/2024 12:32:07 PM. Comments:

Approved by Executive Office Approver Sylvya Stevenson on 2/2/2024 1:08:15 PM. Comments:

Approved by Counselor's Office Approver Jamesia Manning on 2/15/2024 12:36:44 PM. Comments:

RZ-2024-666

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

All of the South Half of the South Half of the Southwest Quarter of the Northeast Quarter of Section 21, Township 47, Range 29, Jackson County, Missouri, except part in US Highway Route 50, and except part in Al Gossett Road

RZ-2024-666

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from January 18, 2024

Staff Report

Zoning map of surrounding area

Names and addresses of surrounding property owners

Letter to surrounding property owners

Application

Aerial of location

Site Plan

Randy Diehl gave the staff report:

RE: RZ-2024-666

Applicant: D Boswell Realty, LLC

Location: 13416 S. Al Gossett Road.

Area: 7.99 ± acres

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

Purpose: Office and equipment storage for a concrete business

Current Land Use and Zoning in the Area:

The zoning in the area is Agricultural. Across 50 Highway there is a commercial and industrial zoning.

Along the 50 Highway corridor between 7 Highway and the county line there are commercial and industrial zonings within the unincorporated areas along with similar zoning within the cities.

The applicant wishes to use the property for an office and equipment storage for a concrete construction business.

Along with the change of zoning, the tract will need to be platted into a one lot subdivision. Being that this tract is changing land use from Agricultural to Industrial and is less than 10 acres in size.

The office will be required to have hard surface parking. This would include the appropriate number of ADA compliant spaces.

Any outdoor storage shall be screened by a 6-foot-tall opaque fence limited to a maximum of 3 acres in area.

There is a designated Flood Plain running through the West portion of the property. This is a tributary of the East Branch of Crawford Creek and is a State regulated waterway. These waterways are subject to Chapter 241 of the Jackson County Code and must maintain a 150-foot setback from the middle of the creek on each side of the creek. These areas are designated as No Build Zones.

County Plan:

The County Plan Development Diagram illustrates this area within the Rural Development Tier (RDT).

Recommendation:

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

Staff recommends APPROVAL of RZ-2024-666.

Respectfully submitted,

Jackson County Public Works
Development Division

Mr. Antey: The No Build Zone are the blue lines on each side of the creek.

Mr. Diehl: Correct. The blue shaded area is the designated floodplain.

Mr. Lake: How close is this to the cattle operation?

Mr. Diehl: That is in Johnson County about a mile East of the County line.

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

Mr. Crawford: Why Light Industrial vs. General Business?

Mr. Diehl: If you recall we had a similar land use for a construction company on AA Highway. That zoning was changed to Light Industrial.

Mr. Crawford: The properties at Buckner Tarsney and Colbern Roads.

Mr. Diehl: Those zonings were in place prior to 1995. The South side was expanded as is within a planned zoning.

Mr. Lake: There will not be an actual concrete operation.

Mr. Diehl: No. That would take a Heavy Industrial zoning and a Conditional Use permit. There is one property at 7 and 50 Highways that was approved a few years ago for a batch plant.

Mr. Antey: Is the applicant here?

Josh Boswell, 15922 S Evans Road, Pleasant Hill

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

Mr. Boswell: My wife and I started a concrete company about three years ago. We are a small business. We are from the Lone Jack area.

Mr. Antey: This is concrete construction not concrete production.

Mr. Boswell: That is correct.

Mr. Crawford: Do you do flatwork?

Mr. Boswell: Yes, we have done retaining walls but mostly side yards, curbs, and such.

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. Crawford moved to approve. Mr. Lake seconded.

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

Motion Carried 5 – 0

STAFF REPORT

PLAN COMMISSION

January 18, 2024

RE: RZ-2024-666

Applicant: D Boswell Realty, LLC

Location: 13416 S. Al Gossett Road.

Area: 7.99 ± acres

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

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County Plan:

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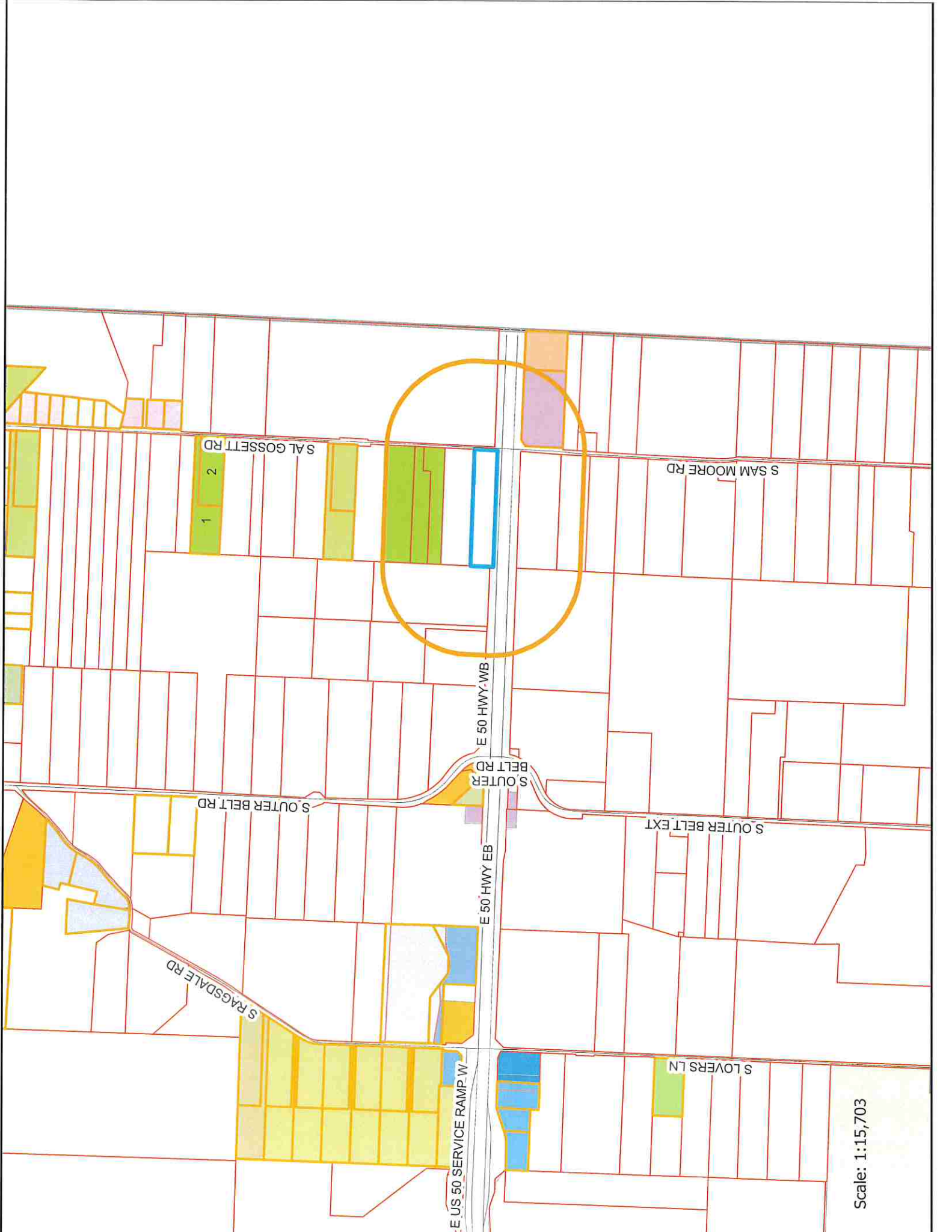
Recommendation:

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

Staff recommends APPROVAL of RZ-2024-666.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



Scale: 1:15,703

RZ-2024-666

Property Owners Within 1000 feet

Parcel	owner	address	city	state	zip
74-100-01-08-02-0-00-000	BATTAGLIA JEREMIAH & CONSTANCE	13304 E SILVER LN	INDEPENDENCE	MO	64050
74-100-04-04-00-0-00-000	BREHM JESSICA R & MATTHEW J	13613 S SAM MOORE RD	LONE JACK	MO	64070
74-100-04-02-00-0-00-000	BYNUM ENTERPRISES LTD	13520 S SAM MOORE RD	LONE JACK	MO	64070
74-100-03-01-00-0-00-000	BYNUM ENTERPRISES LTD	9910 S MUNRO RD	LONE JACK	MO	64070
74-100-04-01-01-0-00-000	C C K LLC	1733 NE PARKWOOD DR	LEES SUMMIT	MO	64014
74-100-04-12-00-0-00-000	C C K LLC	1733 NE PARKWOOD DR	LEES SUMMIT	MO	64014
74-100-01-01-00-0-00-000	CHAMNESS ROBERT M TRUSTEE	1993 NW US 50 WEST	LONE JACK	MO	64070
74-100-04-13-00-0-00-000	GREESON CHARLES A & JACQUELINE R	39903 E BOSWELL RD	LONE JACK	MO	64070
74-100-02-07-00-0-00-000	HAGEN BRIDGET M	39302 E US 50 HWY	LONE JACK	MO	64070
74-100-04-17-00-0-00-000	LARIVIERE LUCINDA	9414 LESLIE AVE	KANSAS CITY	MO	64139
74-100-02-13-00-0-00-000	MARTIN BRITTANIE & JAMIE	39404 E US 50 HWY	LONE JACK	MO	64070
74-100-04-10-00-0-00-000	PETERSON JESSICA & BREHM MATTHEW	13613 S SAM MOORE RD	LONE JACK	MO	64070
74-100-01-09-00-0-00-000	PIPES BRIAN K	13408 S AL GOSSETT RD	LONE JACK	MO	64070
74-100-01-08-01-1-00-000	PIPES BRIAN KEITH & KATHY JO	13408 S AL GOSSETT	LONE JACK	MO	64070
74-100-02-08-00-0-00-000	SCOTT P & TERESA L HUNTER TRUST	39306 E US 50 HWY	LONE JACK	MO	64070
74-100-01-08-01-2-00-000	TERRY JOHN W & LINDA D	13322 S AL GOSSETT RD	LONE JACK	MO	64070
74-100-01-10-00-0-00-000	D BOSWELL REALTY LLC	15922 S EVANS RD	PLEASANT HILL	MO	64080



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

January 3, 2024

RE: Public Hearing: RZ-2024-666
D Boswell Realty, 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 D Boswell Realty, LLC for a change in zoning from District AG (Agricultural) on 7.99 ± acres to District LI (Light Industrial). The purpose is for an office and equipment storage for a concrete business at 13416 S. Al Gossett Road.

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

You are being notified pursuant to 24003.5 Chapter 240 (Unified Development Code) of the Jackson County Code, as being an adjacent property within 1000' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, January 18, 2024 at 8:30 a.m. in the Large Conference Room, 2nd Floor, Historic Truman Courthouse, 112 W. Lexington, Independence, MO.

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

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

Sincerely,

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- 2024 - (dep)
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: Danyelle Boswell
Address: 15922 S. Evans Rd.
Pleasant Hill, MO 64080
Phone: _____
 - b. Owner(s) Name: D. Boswell Realty, LLC, Danyelle Boswell
Address: 15922 S Evans Rd, Pleasant Hill, MO 64080
Phone: 816-918-5812 Josh - 816-799-7029
 - c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: _____

2. General location (Road Name) 13416 S Al Gossett Rd, Lone Jack, MO 64070
3. Present Zoning AG Requested Zoning Light Industrial
4. AREA (sq. ft. / acres) 347,784 sq. ft.
5. Legal Description of Property: (Write Below or Attached 9)
RNG - 29 TWP - 47 SEC - 21; S 1/2 OF SW 1/4 (EX PT IN ROWS)
6. Present Use of Property: Equipment storage
7. Proposed Use of Property: Equipment storage, new office for our concrete company
8. Proposed Time Schedule for Development: ASAP. January 1st
9. What effect will your proposed development have on the surrounding properties?
No effect
10. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? Yes, ^{w/o} Base Flood Elevation, Zone A
If so, will any improvements be made to the property which will increase or decrease the elevation? Yes, bring in clean fill to increase elevation. Clean out waterway
11. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water Jackson County Water District #15
 - b. Sewage disposal Septic
 - c. Electricity Energy & West Central Electric
 - d. Fire and Police protection Lone Jack
12. Describe existing road width and condition: Asphalt road, 25 ft wide. Slightly deteriorated at approach to 56 Hwy

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? 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 01/02/2024
Property Owner(s) Danyelle Boswell
Danyelle Boswell
Applicant(s): Danyelle Boswell 01/02/2024
Danyelle Boswell
Contract Purchaser(s): Danyelle Boswell 01/02/2024
Danyelle Boswell

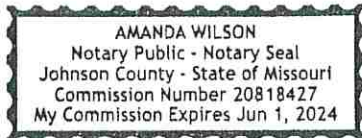
STATE OF Missouri
COUNTY OF Johnson

On this 2nd day of January, in the year of 2024, before me
the undersigned notary public, personally appeared Danyelle Boswell

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 Amanda Wilson Commission Expires 6/1/2024





SALGOSSETT RD

SAM MOORE RD

E 50 HWY, WB

E 50 HWY, EB

1,686

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