

Request for Legislative Action

Ord. #5632
Date: June 13, 2022

Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5632
Sponsor(s):		Legislature Meeting Date:	6/13/2022

Introduction

Action Items: ['Authorize']

Project/Title:

Southern Jackson County Fire Protection District - RZ-2022-631

Request Summary

Requesting a change of zoning from District AG (Agricultural) on 7.41 ± acres to District RR (Residential Ranchette). The purpose is to create a single lot at 13909 S. Smart Road for use as a fire station.

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 May 19, 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

Department:	Public Works	Submitted Date:	5/31/2022
Name:	Randy D. Diehl	Email:	RDiehl@jacksongov.org
Title:	Development Administrator	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	
<ul style="list-style-type: none">This legislative action does not impact the County financially and does not require Finance/Budget approval.	

Request for Legislative Action

History

Submitted by Public Works requestor: Randy D. Diehl on 5/31/2022. Comments: Land Use hearing scheduled for June 27, 2022

Approved by Department Approver Brian Gaddie on 5/31/2022 4:26:58 PM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 5/31/2022 4:36:12 PM. Comments:

Approved by Compliance Office Approver Katie M. Bartle on 6/1/2022 10:50:30 AM. Comments:

Not applicable by Budget Office Approver Mary Rasmussen on 6/1/2022 11:25:08 AM. Comments:

Approved by Executive Office Approver Sylva Stevenson on 6/2/2022 11:06:45 AM. Comments:

Approved by Counselor's Office Approver Elizabeth Freeland on 6/3/2022 10:37:49 AM. Comments:

RZ-2022-631

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

All that part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 25, Range 31 West, in Jackson County, Missouri, more particularly described as follows: Beginning at the Northwest Corner of said Quarter Quarter; thence South 87 degrees 29 minutes 20 seconds East along the North Line of said Quarter Quarter and the South right-of-way line of Timberlake Trail, as established by the plat of Timberlake Estates, Second Plat, a subdivision in said County and State, a distance of 509.57 feet to the Northwest corner of Lot 1, Timbercreek Reserve, a subdivision in said County and State; thence South 01 degrees 18 minutes 41 seconds East (plat South 01 degrees 22 minutes 21 seconds East), along the Westerly line of said Lot 1 and its Southerly extension thereof, a distance of 611.36 feet to a point 610.00 feet South of the North line of said Quarter Quarter; thence North 87 degrees 29 minutes 20 seconds West, along a line 610.00 feet South of a parallel with said North Quarter Quarter line, a distance of 548.88 feet to a point of the West line of said Quarter Quarter; thence North 02 degrees 22 minutes 32 seconds East, along said West Quarter Quarter line, a distance of 610.00 to the Point of Beginning.

RZ-2022-631

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from May 19, 2022

Staff Report

Zoning map of surrounding area

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Application

Aerial of location

Preliminary Plat

Randy Diehl gave the staff report:

RE: RZ-2022-631

Applicant: Southern Jackson County Fire Protection District

Location: S. Smart Road

Area: 7.41 ± acres

Request: Change of zoning from District AG (Agricultural) to District RR (Residential Ranchette)

Purpose: To create a single lot at 13909 S. Smart Road for use as a fire station.

Current Land Use and Zoning in the Area:

The parent property is the Greenwood Energy Center. Evergy owns approximately 170 acres that make up their facility.

Southern Jackson County Fire Protection District currently has two stations, 11010 Milton Thompson Road and the other at 101 Lotawana Drive.

There are plans for an additional station on Wyatt Road and the District is wanting to add an additional station south of 50 Highway at this location.

District RR allows as a permitted use: Public service facilities, including streets, *emergency service facilities*, public works facilities and parks.

Along with the rezoning, the property will need to be platted into a 1 lot subdivision.

County Plan:

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT).

Recommendation:

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

Staff recommends APPROVAL of RZ-2022-631.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

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

Mr. Lake: This is a new District?

Mr. Diehl: Prairie Township Fire Protection District and Lake Lotawana Fire District merged into Southern Fire Protection District a couple a years ago.

Mr. Crawford: This is down by the large substation, correct?

Mr. Diehl: Yes.

Mr. Hilliard: That is just south of Timberlake Estates.

Mr. Diehl: That is correct.

Mr. Tarpley: What is the size again?

Mr. Diehl: A little over seven acres.

Mr. Tarpley: So, the location from homes won't be a problem.

Mr. Diehl: There are several other stations that are within residential areas.

Mr. Crawford: Do we have a plot plan of where the building will be placed?

Mr. Diehl: At this time there has not been any plans submitted for the building. They are getting the zoning and the plat into place ahead of the construction portion.

Mr. Crawford: Have they purchased the property?

Mr. Diehl: I don't know. The District may be under contract with Every. I'm sure the applicant can answer that question. Every was signatory to the application.

Mr. Tarpley: *Is the applicant here?*

Mike Boinski: 13404 Oakhaven Ct. I've been with the District for about 15 years. We do have two stations.

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

We have a piece of property at 12th Street and Wyatt Road that we had a groundbreaking ceremony for the new station at that location. That will be Station No. 3. We don't intend on using the entire 7 acres.

Every basically indicated the area they wanted to sell. We were looking for a location that would be conducive to response time on the South side of the 50 Highway corridor. This was moved up to the front burner when the Blackwell interchange was constructed and MoDOT made improvements and modifications along the highway. This had an impact on our response time to this area.

We have had residents in the around asking about the possibility of a station south of 50.

Trying to cross the Highway at a crossover, as many of you may know, is dangerous on 50 Highway.

We think this would be a good move for both the District and the residences in the southern part of the District.

We expect to be able to build this station within a year or so. Once we finish with Station No. 3, we'll go to the voters with a bond issue. We plan this to be a 2-bay station with 2 trucks. There will be 5 staff members on each of the 3 shifts.

Mr. Lake: What is your role within the District?

Mr. Boinski: I'm on the board with the District.

Mr. Lake: Can you explain the effect a station will have on insurance.

Mr. Boinski: It will definitely have an effect on rates. The rates are based on risk. Having a station in the area will lower rates south of 50 due to the response time.

Mr. Lake: What about the volume of calls can all get.

Mr. Boinski: At the board meeting yesterday, the chief stated that 50 percent of our calls last month were EMS related. For the year that number would be about 60 percent. We've had 12 structure fires within the past four months.

Mr. Tarpley: How many residents are in the district or how big is the district?

Mr. Boinski: The District is 56 square miles.

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

There were none.

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

Stephan Koshland: 24406 Timberlake Trail. Can this property be used as a shopping center?

Mr. Diehl: Any use that would deviate from this zoning district would need to come back before this committee for consideration.

Mr. Boinski: In the future, if this is no longer utilized as a station, Everygy has first refusal rights on this.

Mr. Koshland: I'm concerned about the number of times fire trucks will be running up and down the road, and how affects the value of my home. Why couldn't you find another tract of land in the area?

Mr. Boinski: This was the best deal we could find.

Motion to take under advisement.

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

Discussion under advisement

Mr. Tarpley: I see this as a positive thing for the community.

Mr. Crawford: I agree.

Mr. Tarpley: How many calls did you have last year?

Mr. Boinski: About a thousand for the whole district.

Mr. Farrar: How you had any other feedback from anyone else that has problem with the location of this station?

Mr. Boinski: No

Mr. Crawford moved to approve. Mr. Lake seconded.

Mr. Johnson	Approve
Mr. Crawford	Approve
Mr. Hilliard	Approve
Ms. Ryerkerk	Approve
Mr. Farrar	Approve
Mr. Lake	Approve
Chairman Tarpley	Approve

Motion Carried 7 – 0

STAFF REPORT

PLAN COMMISSION May 19, 2022

RE: RZ-2022-631

Applicant: Southern Jackson County Fire Protection District

Location: S. Smart Road

Area: 7.41 ± acres

Request: Change of zoning from District AG (Agricultural) to District RR (Residential Ranchette)

Purpose: To create a single lot at 13909 S. Smart Road for use as a fire station.

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County Plan:

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Recommendation:

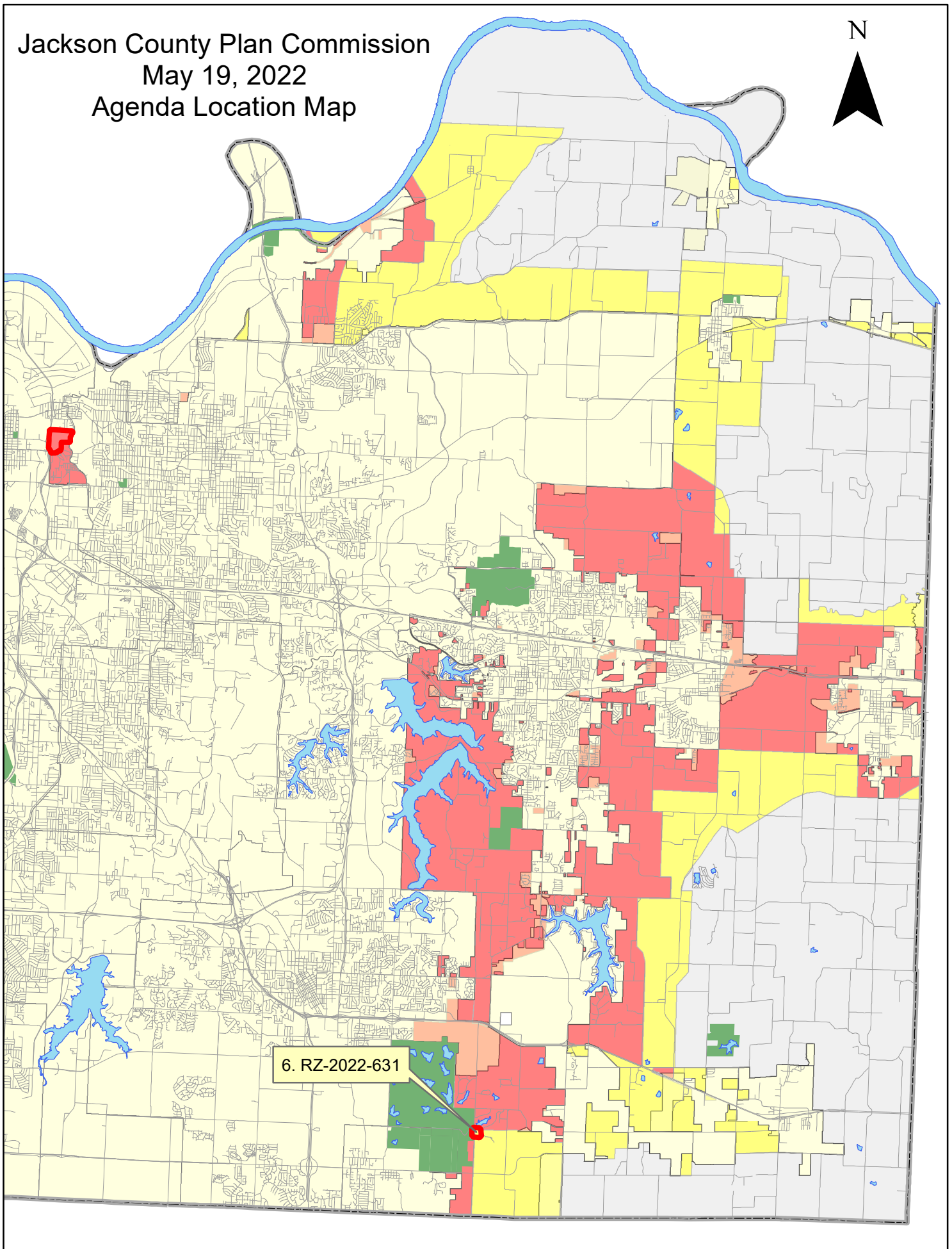
This request for rezoning is consistent with the intent and purpose of the County Plan.

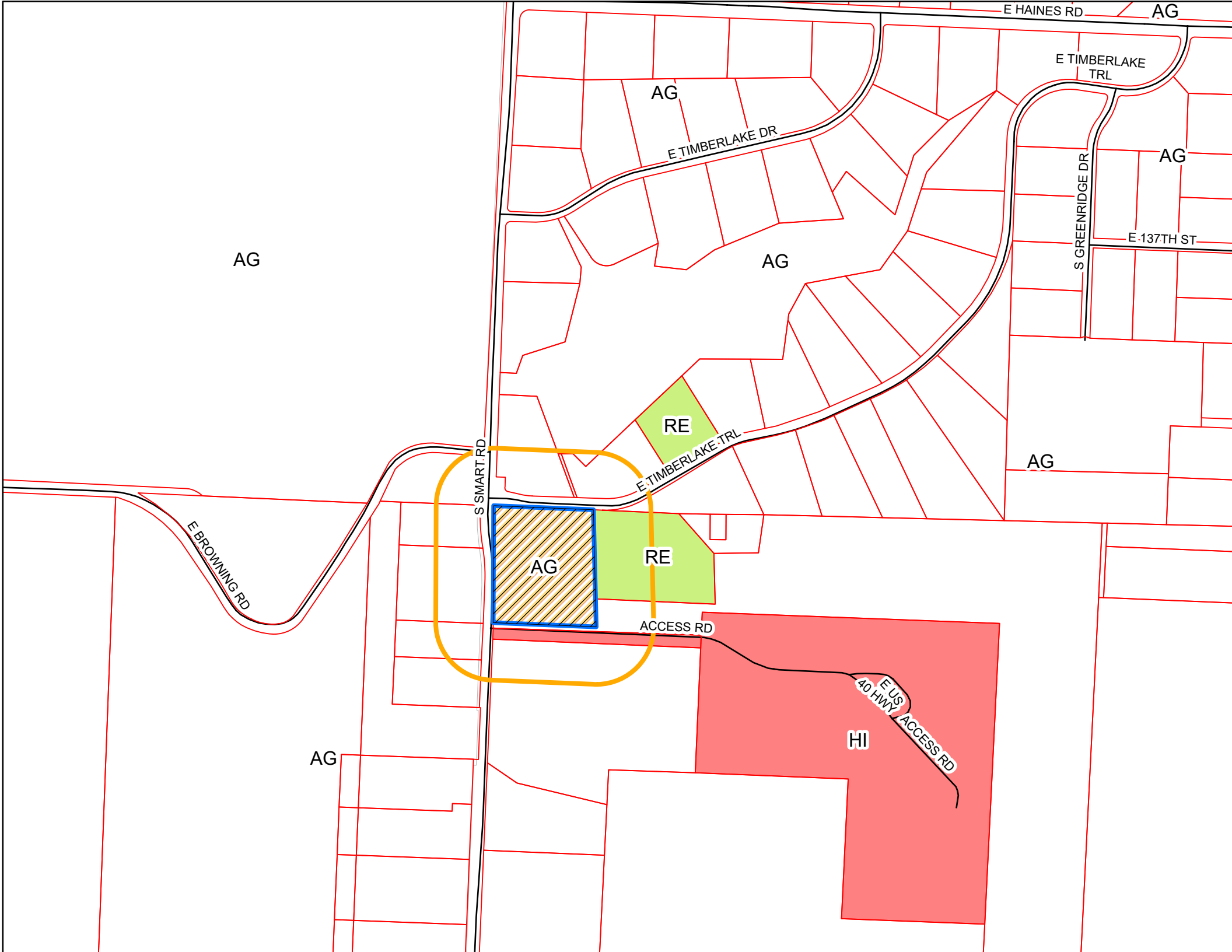
Staff recommends APPROVAL of RZ-2022-631.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
May 19, 2022
Agenda Location Map





Plan Commission May 19, 2022

RZ-2022-631

Property Owners Within 185 feet

Parcel	owner	address	city	state	zip
71-200-04-01-00-0-00-000	CONSERVATION COMMISSION OF MO	PO BOX 180	JEFFERSON CITY	MO	65102-0180
71-100-03-50-00-0-00-000	KOSHLAND STEPHEN & MARILYN	24406 TIMBERLAKE TRL	GREENWOOD	MO	64034
71-100-03-49-00-0-00-000	TIMBERLAKE ESTS HM OWNERS ASSOC	24709 E HAINES RD	GREENWOOD	MO	64034
71-100-03-17-01-0-00-000	TIMBERLAKE ESTS HM OWNERS ASSOC	24709 E HAINES RD	GREENWOOD	MO	64034
71-100-03-48-00-0-00-000	VANATTA KIRBY D & DOROTHY J	24600 E TIMBERLAKE TRAIL	GREENWOOD	MO	64034
71-100-03-47-00-0-00-000	HARRIS MATTHEW T & SHERYL J	24705 TIMBERLAKE TRL	GREENWOOD	MO	64034
71-600-02-18-00-0-00-000	PRUDDEN TIMOTHY B & CYNTHIA R-TR	24501 TIMBERLAKE TRL	GREENWOOD	MO	64034
71-500-01-16-00-0-00-000	ROSHA NOEL & TRICIA	14010 S SMART RD	GREENWOOD	MO	64034
71-500-01-17-00-0-00-000	MONDAY CHARLES J & SHERRI L	14000 S SMART RD	GREENWOOD	MO	64034
71-500-01-19-00-0-00-000	MEYER MARK ALAN & WILMA ANN	13920 SMART RD	GREENWOOD	MO	64034
71-500-01-18-00-0-00-000	MORRIS LARRY A & HELEN M	13904 S SMART RD	GREENWOOD	MO	64034
71-600-01-12-02-0-00-000	EVERGY				
71-600-02-10-00-0-00-000					



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

May 4, 2022

RE: Public Hearing: RZ-2022-631
Southern Jackson County Fire Protection District

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 Southern Jackson County Fire Protection District for a change of zoning from District AG (Agricultural) on 7.41 ± acres to District RR (Residential Ranchette). The purpose is to create a single lot at 13909 S. Smart Road for use as a fire station.

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, May 19, 2022, 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-

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: Southern Jackson County FPD
- Address: 101 Lotawana Dr
Lake Lotawana, MO 64086
- Phone: 816-525-4200
- b. Owner(s) Name: Evergy Missouri West, Inc
- Address: 818 S. Kansas, Topeka, KS 66602
- Phone: (785) 508-2453
- c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: _____

2. General location (Road Name) 139-140th STREET ROAD
JACKSON COUNTY

3. Present Zoning _____ Requested Zoning _____

4. AREA (sq. ft. / acres) 7 ACRES + -

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

6. Present Use of Property: AGRICULTURE

7. Proposed Use of Property: FIRE STATION

8. Proposed Time Schedule for Development: 2 YEARS

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

BETTER FIRE & EMS SERVICE

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? N/A

11. Describe the source/method which provides the following services, and what effect the development will have on same:

a. Water LEE'S SUMMIT

b. Sewage disposal SEPTIC SYSTEM

c. Electricity EVERGY

d. Fire and Police protection SOUTH HAVEN JACKSON COUNTY F.P.D JACKSON COUNTY SHERIFF

12. Describe existing road width and condition: MAIN THOROUGHFARE N/S GOOD

13. What effect will proposed development have on existing road and traffic conditions? None. There will be an Apron of course to connect to Smaet Rd.
14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? Jackson County Building Permits
If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): To be determined by public vote

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)

Applicant(s):

Southern Jackson County F.P.D.
Port Alberca Board President

Contract Purchaser(s):

STATE OF

MO

COUNTY OF

JACKSON

On this 28 day of April, in the year of 2022, before me the undersigned notary public, personally appeared Robert Mike Boinski of Southern Jackson County Fire Protection Dist. 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

Lisa A Mahaffey

Commission Expires Feb. 03, 2023



LISA A MAHAFFEY
My Commission Expires
February 3, 2023
Jackson County
Commission #14140382

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)

JR Glenn
SR Real Estate Coord.

5/3/2022

Applicant(s):

Contract Purchaser(s):

STATE OF Kansas

COUNTY OF Shawnee

On this 3rd day of May, in the year of 2022, before me
the undersigned notary public, personally appeared JR Glenn, Sr. Real Estate Coordinator

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

Donna Pool
Donna Pool

Commission Expires

12-14-2025





AG

E BROWNING RD

AG

RE

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AG

E TIMBERLAKE TRL

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S SMART RD

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RE

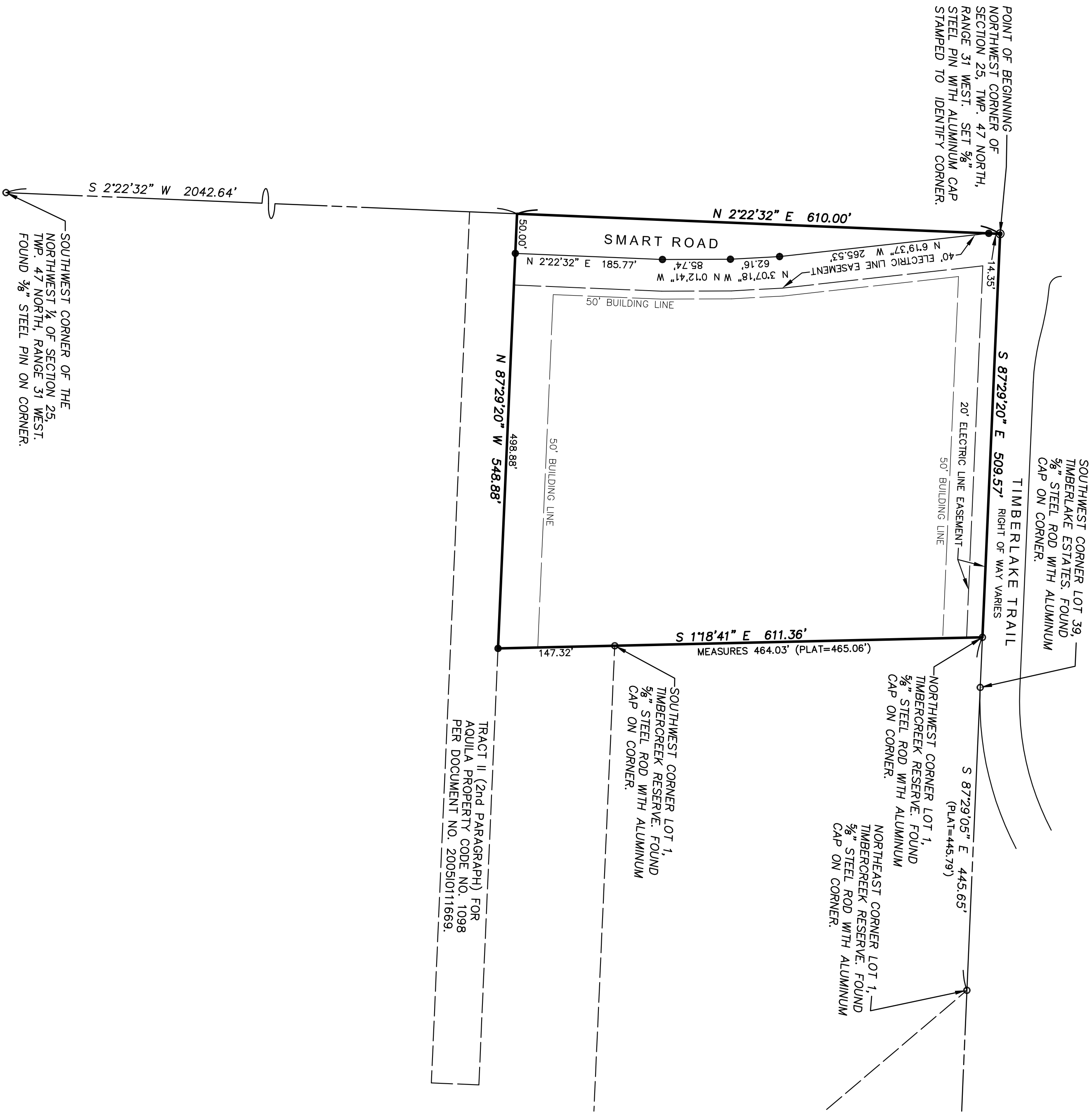
ACCESS RD

HI

AG

FINAL PLAT
STATION 4

PART OF THE NW¼ OF THE NW¼ OF
SECTION 25, TOWNSHIP 47 N, RANGE 31 W
JACKSON COUNTY, MISSOURI



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SURVEYORS CERTIFICATION:

I HEREBY CERTIFY THAT WE HAVE MADE A SURVEY OF THE PREMISES DESCRIBED HEREIN WHICH MEETS OR EXCEEDS THE CURRENT "MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS" AS ADOPTED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND PROFESSIONAL SURVEYORS. I CERTIFY THAT I HAVE COMPLIED WITH ALL STATUTES, ORDINANCES AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING AND PLATTING OF SUBDIVISIONS, AND THAT THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS PLAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

ANDERSON
SURVEY COMPANY
1270 NE DELTA SCHOOL ROAD
LEES SUMMIT, MISSOURI 64064
(816) 246-5050

MISSOURI STATE CERTIFICATE OF AUTHORITY: 000076

PHILIP J. HENAHAN, P.L.S. 2079