

## Request for Legislative Action

Ord. #5676

Date: October 10, 2022

### Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5676
Sponsor(s):		Legislature Meeting Date:	10/10/2022

### Introduction

**Action Items:** ['Authorize']**Project/Title:**

RP-2022-639 - West Forty Properties, LLC

### Request Summary

Requesting a change of zoning from District GB (General Business) on 5.40 ± acres to District GBp (General Business-Planned) at 4001 SW 40 Highway. The purpose is for a commercial development.

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 September 22, 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>	9/30/2022
<b>Name:</b>	Randy D. Diehl	<b>Email:</b>	RDiehl@jacksongov.org
<b>Title:</b>	Development Division Administrator	<b>Phone:</b>	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
<b>Single Source Funding:</b>			
Fund:	Department:	Line Item Account:	Amount:
			<b>!Unexpected End of Formula</b>

## Request for Legislative Action

<b>Prior Legislation</b>	
<b>Prior Ordinances</b>	
Ordinance:	Ordinance date:
<b>Prior Resolution</b>	
Resolution:	Resolution date:

<b>Purchasing</b>	
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?	

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

<b>Fiscal Information</b>
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## Request for Legislative Action

### History

Submitted by Public Works requestor: Randy D. Diehl on 9/30/2022. Comments:

Approved by Department Approver Brian Gaddie on 9/30/2022 2:43:49 PM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 9/30/2022 2:48:01 PM.  
Comments:

Approved by Compliance Office Approver Katie M. Bartle on 10/3/2022 9:12:35 AM. Comments:

Not applicable by Budget Office Approver David B. Moyer on 10/3/2022 9:36:29 AM. Comments:

Approved by Executive Office Approver Sylva Stevenson on 10/4/2022 7:38:23 AM. Comments:

Approved by Counselor's Office Approver Elizabeth Freeland on 10/4/2022 12:15:20 PM. Comments:

**ATTACHMENT 1: PROPERTY DESCRIPTION**

**Description:**

A tract of land located in the fractional Northwest Quarter of Section 2, Township 48 North, Range 31 West of the Fifth Principal Meridian, all in Jackson County, Missouri and being more particularly described as follows:

Commencing at the Northeast corner of said fractional Northwest Quarter (said point being the North Quarter Corner of said Section 2), thence North 88 degrees 20 minutes 51 seconds West along the North line of said fractional Northwest Quarter, a distance of 1546.27 feet; thence South 01 degrees 39 minutes 09 seconds West, a distance of 18.96 feet to a point in the South right of way line of the westbound U.S. Highway 40 as now established and the Point of Beginning of tract of land herein described; thence South 01 degrees 57 minutes 38 seconds West along the West line of a tract of land described in document No. 2001I0050756, a distance of 328.05 feet to a point on the North right of way of eastbound U.S. Highway 40 as now established; thence North 87 degrees 25 minutes 00seconds west along said North right of way, a distance of 519.00 feet to the Southeast corner of a tract of land described in Book 546 at Page 1093, thence North 01 degrees 47 minutes 51 seconds East along the East line of said tract described in Book 546 at Page 1093, a distance of 319.92 feet (320.00 feet deed) to a point of the South right of way line of said westbound U.S. Highway 40; thence South 88 degrees 25 minutes 51 seconds East along said South right of way , a distance of 411.96 feet (411.48 feet deed) right of way P. I. Station 393+00 (30 feet right); thence continuing along said South right of way, South 87 degrees 52 minutes 01 seconds East, a distance of 107.93 feet to the point of beginning. Being Tracts 1 and II on Certificate of Survey filed November 23, 2005, as Document 2005I0103893.

And including:

Commencing at a point 56.29 feet west and 29.71 feet south of the Northeast Corner of the Northwest Quarter of the Northwest Quarter of Section 2, Township 48 North, Range 31 West of the Fifth Principal Meridian, all in Jackson County, Missouri, said point being also the intersection of the south right of way line (30 feet from centerline thereof) of the westbound Highway 40 and the west right of way (50 feet from the centerline thereof) of Woods Chapel Road; thence along said west right of way line of Woods Chapel Road, South 00 degrees 08 minutes East, 160 feet to the true Point of Beginning of the tract; thence parallel to said centerline along said west right of way line of Woods Chapel Road, South 00 degrees 08 minutes East 119.49 feet; thence along the Highway right of way line, South 45 degrees 55 minutes West, 71.18 feet to a point on the North right of way line (65 feet from the centerline thereof) of Highway 40 eastbound; thence North 89 degrees 26 minutes West, 148.76 feet; thence parallel to the West right of way line of Woods Chapel Road, North 00 degrees 08 minutes West, 167.57 feet; thence parallel to and 160 feet South of the South right of way line of said westbound Highway 40, North 89 degrees 59 minutes East, 200 feet to the True Point of Beginning.

And including:

All that part of the Northwest Quarter of the Northwest Quarter of Section 2, Township 48 North, Range 31 West of the Fifth Principal Meridian, all in Jackson County, Missouri' described as follows: Beginning at a point 56.29 feet west and 29.71 feet south of the Northeast Corner of the Northwest Quarter of the Northwest Quarter, said point being also the intersection of the south right of way line westbound Highway 40 and the west right of way of Woods Chapel Road; thence South along the west right of way of Woods Chapel Road, 160 feet, thence west 200 feet; thence North 160 feet to the south right of way line of Highway 40; thence East 200 feet to the Point of Beginning.

**RP-2022-639**

**ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION**

Attachments

Plan Commission Public Hearing Summary from September 22, 2022

Staff Report

Agenda location map

Zoning map of surrounding area

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Application

Aerial of location

Site plan

Rendering of proposed building

## **STAFF REPORT**

### **PLAN COMMISSION**

**September 22, 2022**

**RE: RP-2022-639**

**Applicant:** West Forty Properties LLC

**Location:** 4001 SW US 40 Highway

**Area:** 5.40 ± acres

**Request:** Change of zoning from District GB (General Business) to District GBp (General Business Planned)

**Purpose:** The purpose is for a commercial development.

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

The subject property is along the 40 Highway Corridor. Parts of this area are within the City of Blue Springs.

Zoning along the corridor is mostly commercial and industrial zoning with a few tracts with the agricultural

Land use within the annexed areas is residential and some commercial uses.

The applicant is wishing to development the property with a convenience store. This will require the removal of the two existing commercial buildings. A 6,000 square feet of Office/Warehouse space is planned within a three-unit building. A 10,000 square foot warehouse for seasonal fireworks is planned along the west side of the property.

The current entrance off the eastbound lanes of 40 Highway will be relocated farther west. An additional entrance along the north side will be allowed By MoDOT from the westbound lanes of 40 Highway.

Wastewater will be handled by an onsite wastewater system. There is a public sewer system in the vicinity, however connection would require annexation and boring under 40 Highway.

#### **County Plan:**

The County Plan Development Diagram illustrates this area within the Urban Development Tier (UDT).

**Recommendation:**

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

Staff recommends APPROVAL of RP-2022-639.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator



Jackson County Plan Commission  
September 22, 2022  
Agenda Location Map

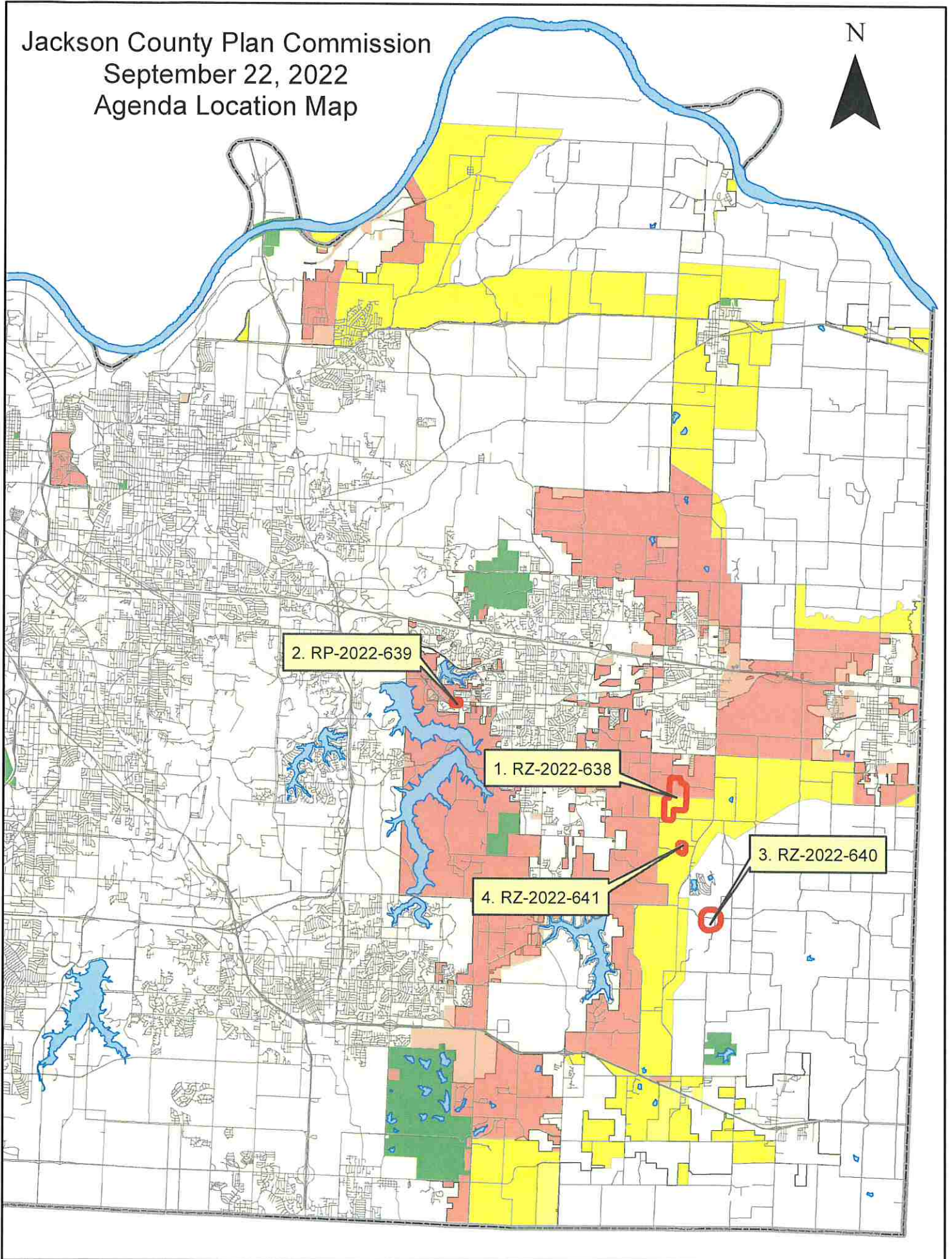


2. RP-2022-639

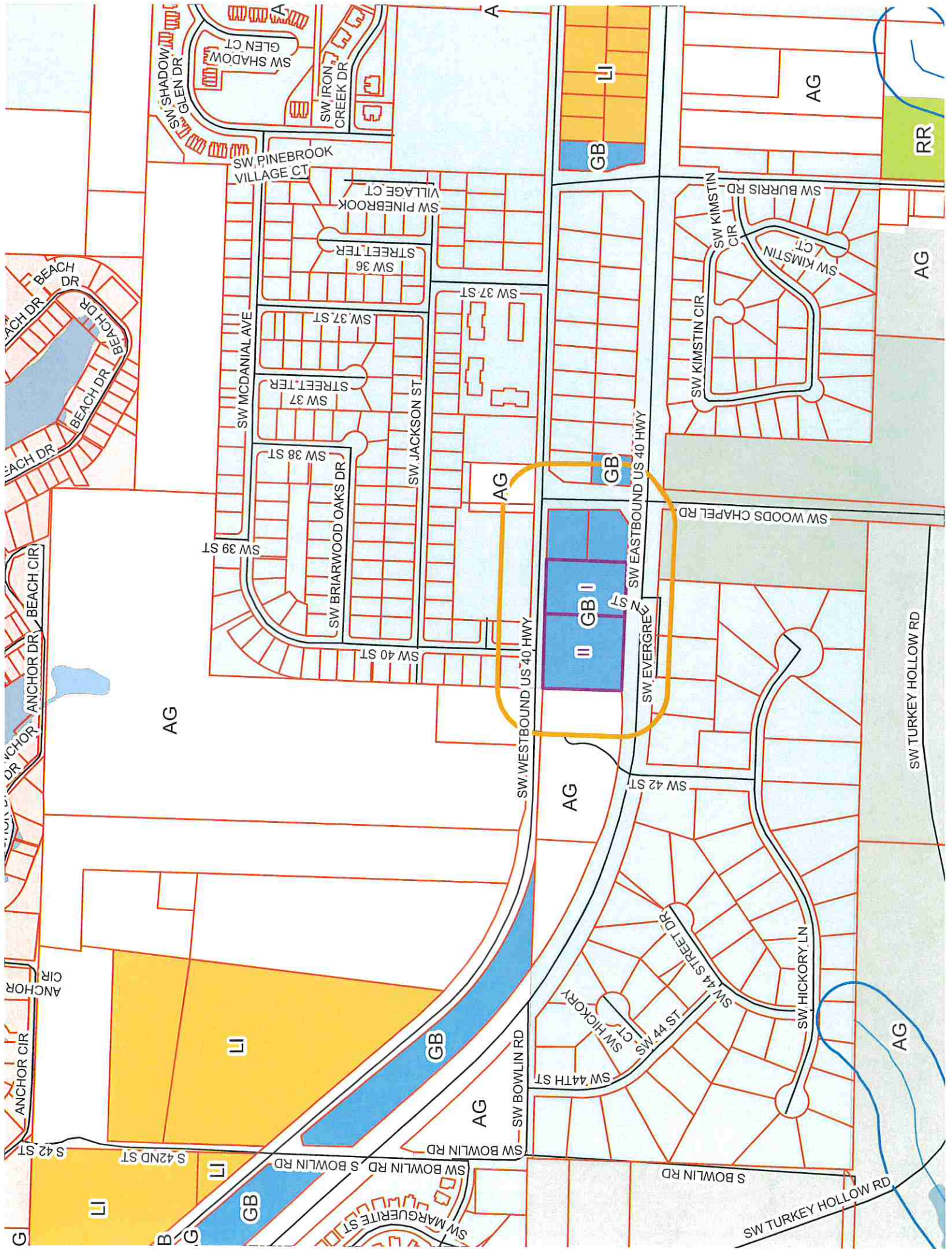
1. RZ-2022-638

4. RZ-2022-641

3. RZ-2022-640







Plan Commission September 15, 2022

RP-2022-639

Property Owners Within 185 feet

Parcel	owner	address	city	state	zip
35-830-20-06-00-00-000	FISHER MICHAEL R & RUTH A	4205 SW 40 HW	BLUE SPRINGS	MO	64015
35-830-04-36-00-00-000	SALISBURY MATTHEW & MIITSI	9704 E 80TH TER	RAYTOWN	MO	64138
35-830-04-33-00-00-000	THOMPSON MARIO JAMES & DAVIS LAURA	3926 SW BRIARWOOD OAK	BLUE SPRINGS	MO	64015
35-830-04-37-00-00-000	PRICE JEREMY D	805 SW WESTBOUND US 4	BLUE SPRINGS	MO	64015
35-830-21-05-00-00-000	BRIARWOOD OAKS ESTATES HOMES ASSOC	3918 SW JACKSON	BLUE SPRINGS	MO	64015
35-830-21-06-00-00-000	BRIARWOOD OAKS ESTATES HOMES ASSOC	3918 SW JACKSON	BLUE SPRINGS	MO	64015
35-830-21-04-00-00-000	HAGERTY J MICHAEL	913 SW 40TH ST	BLUE SPRINGS	MO	64015
42-200-02-67-00-00-000	HERIFORD SCOTT W	4110 EVERGREEN LN	BLUE SPRINGS	MO	64015
42-200-02-54-00-00-000	FORTY WOODS BAIT & TACKLE INC	3995 W US 40 HWY	BLUE SPRINGS	MO	64015
42-200-02-03-00-00-000	GILBERT JEFFREY A	4832 SW MARGUERITE ST	BLUE SPRINGS	MO	64015
42-200-02-98-00-00-000	MOORE NICOLE IRENE	12804 E 57TH ST	KANAS CITY	MO	64133
35-830-04-35-00-00-000	GIMMARRO FAMILY TRUST	3113 S DILLINGHAM RD	GRAIN VALLEY	MO	64029
42-200-02-73-02-00-000	WEST FORTY PROPERTIES LLC	4001 SW EASTBOUND US 4	BLUE SPRINGS	MO	64015
35-830-04-34-00-00-000	BRIARWOOD OAKS ESTATES HOMES ASSOC	3918 SW JACKSON	BLUE SPRINGS	MO	64015
42-200-02-65-00-00-000	LEONARD DENNIS & AUDREY	4102 EVERGREEN LN	BLUE SPRINGS	MO	64015
42-200-02-53-00-00-000	FORTY HIGHWAY PROPERTIES LLC	PO BOX 213	LEE'S SUMMIT	MO	64063
42-200-02-66-00-00-000	SNELSON DENNIS E & TERRI B	4106 SW EVERGREEN ST	BLUE SPRINGS	MO	64015
42-200-02-68-00-00-000	UNITED STATES OF AMERICA				
42-200-02-81-00-00-000	DOUTT FORTY LLC	PO BOX 213	LEE'S SUMMIT	MO	64063
42-200-02-74-00-00-000	WEST FORTY PROPERTIES LLC	PO BOX 25255	KANAS CITY	MO	64119
42-200-02-80-00-00-000	DOUTT FORTY LLC	PO BOX 213	LEE'S SUMMIT	MO	64063
42-200-02-73-02-00-000	WEST FORTY PROPERTIES LLC	PO BOX 25255	KANAS CITY	MO	64119





## 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

September 7, 2022

RE: Public Hearing: RZ-2022-639  
West Forty Properties 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 West Forty Properties LLC for a change of zoning from District GB (General Business) on 5.40 ± acres to District GBp (General Business Planned). The purpose is for a commercial development at 4001 SW US 40 Highway.

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 185' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, September 22, 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 881-4577.

Sincerely,

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- 2022-639

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

Date advertised \_\_\_\_\_ Date property owners notified \_\_\_\_\_

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

<b>Hearings:</b>	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: M.A.C. CORPORATION ROBERT ANDREU  
Address: 900 N.W. HUNTER DR., BLUE SPRINGS, Mo 64015  
Phone \_\_\_\_\_

b. Owner(s) Name: WEST 40 PROPERTIES, L.L.C. MONU SINGH  
Address: P.O. Box 25255 KANSAS CITY, Mo. 64119  
KEVAL SINGH

Phone: 1-347-335-2836

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

d. Applicant's interest in Property: ENGINEER/GENERAL CONTRACTOR

2. General Location (Road Name) BETWEEN THE LANES OF 40 HWY.  
WEST OF WOODS CHAPEL 4001 W. 40 HWY,

3. Present Zoning GB Requested Zoning PLANNED ZONING

4. AREA (sq. ft. / acres) 5.408

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

SEE ATTACHED SURVEY  
\_\_\_\_\_  
\_\_\_\_\_

6. Present Use of Property: AUTO SALES AND AUTO REPAIR

7. Proposed Use of Property: MIXED USE CONVENIENCE STORE,  
OFFICE WAREHOUSE, AND FIREWORKS WAREHOUSE

8. Proposed Time Schedule for Development: PHASE I COMPLETED 5-15-23,  
FIREWORKS; PHASE II COMPLETED 10-15-23, C STORE;  
PHASE 3 COMPLETED JUNE 15, 24

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

MINIMAL IMPACT. THE HIGHWAYS ARE HIGH  
TRAFFIC NOW, AND WE ARE NOT CREATING  
DESTINATION BUSINESSES.

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 WATER DIST. #8 BLUE SPRINGS
- b. Sewage disposal SEPTIC SYSTEM
- c. Electricity EVERGY
- d. Fire and Police protection JACKSON COUNTY SHERIFF  
CENTRAL JACKSON COUNTY FIRE

12. Describe existing road width and condition: EB & WB 40 HWY EA TWO  
LANES 24' WIDE, WOODS CHAPEL TWO LANE 24' W.

13. What effect will proposed development have on existing road and traffic conditions? SEE  
TRAFFIC STUDY

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? YES If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): MO DOT DEVELOPMENT  
PLAN SUBMITTED AUG. 4, 22

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)**

Kunal Singh

08/04/22

**Applicant(s):**

R. H. K. D.

Aug. 4, 22

**Contract Purchaser(s):**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

STATE OF

Missouri

COUNTY OF

Jackson

On this 4<sup>th</sup> day of August, in the year of 2022, before me the undersigned notary public, personally appeared Kunal Singh

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

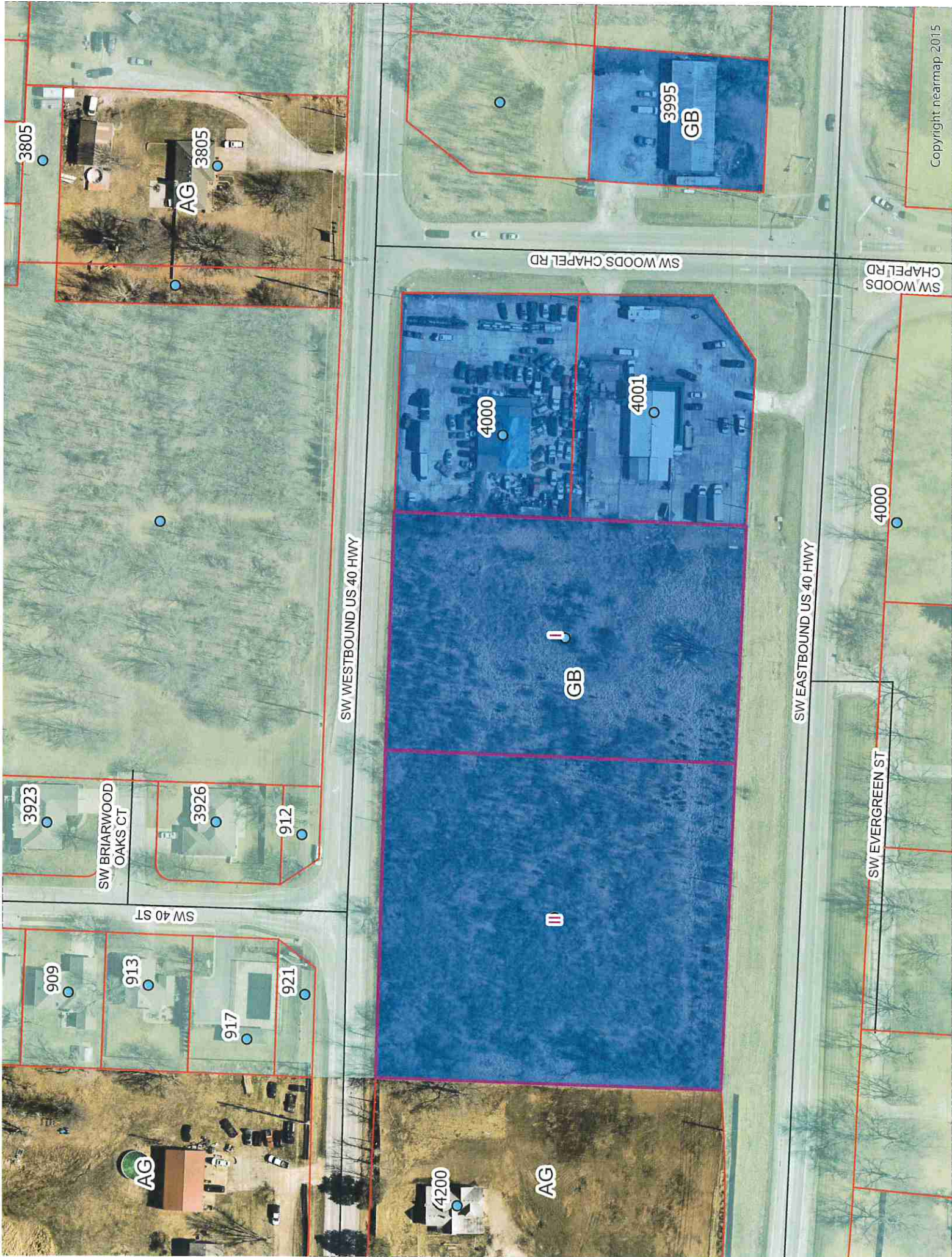
Brenda Andrew

Commission Expires

April 26, 2024









SEALED:

FILE: DATE: 8-3-22

MIXED USE DEVELOPMENT  
KEWAL SINGH  
4001 W. US 40 HWY.

IMAC CORPORATION  
ENGINEERS • CONSTRUCTION MANAGERS • BUILDERS  
900 NW HUNTER DR. STE. 200  
DENVER, CO 80202  
(303) 571-5847  
(303) 571-5847

SHEET NO: 33 of 33

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PRELIMINARY  
PAVING PLAN  
SCALE: 1" = 30'-0"

CALL BEFORE YOU  
DIG - DRILL - BLAST  
1-800-344-7543  
(TOLL FREE)

MISSOURI ONE CALL SYSTEM, INC.  
THE UTILITIES AS SHOWN ON THIS DRAWING WERE  
LOCATED BY FIELD SURVEY. THE INFORMATION ON THE  
DATE OF THE SURVEY. THIS IS NOT A GUARANTEE  
INTENDED TO BE THE COMPLETE INVENTORY OF UTILITIES  
IN THIS AREA.

PRELIMINARY PAVING PLAN  
SCALE: 1" = 30'

MAXIMUM ALIGNMENT  
OF INDICATED



2 SITE DETAILS

