



Jackson County, Missouri

Request for Legislative Action

REQUESTED MEETING DATE: _____ SPONSOR: _____

To be completed by the County Counselor's Office:

NUMBER: 5843

ASSIGNED MEETING DATE: 04/15/2024

STAFF CONTACT: Randy Diehl PHONE: 816-881-4577

EMAIL: rdiehl@jacksongov.org

DEPARTMENT: Public Works

TITLE: CU-2024-249 – SBA Monarch Tower I, LLC

SUMMARY:

Requesting the renewal of a Conditional Use Permit for the continual operation of a 126-foot monopole for wireless communications in District AG (Agriculture) at 11010 S. Milton Thompson Road.

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 21, 2024, and accepted testimony pertaining to the rezoning request. There was no opposition to the request.

The Plan Commission voted 5 to 0 to recommend APPROVAL to the County Legislature.

FINANCIAL IMPACT: NO

YES

Amount

Fund

Department

Line-Item Detail

ACTION NEEDED: ZONING (UDC)

ATTACHMENT(S):

CU-2024-249

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

A 13 foot by 45 foot Lease Area, situated in Lot 1A, Replat of Lot 1, Langsford Road, a subdivision in Jackson County, Missouri, described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Northeast Quarter of Section 1, Township 47, Range 31, Jackson County, Missouri; thence North 02 degrees 11 minutes 58 seconds East along the East line of said Southwest Quarter Northwest Quarter, a distance of 208.33 feet, to an existing 1/2 inch iron bar; thence North 78 degrees 51 minutes 20 seconds West, a distance of 127.67 feet to the Point of Beginning of said 13 foot by 45 foot Lease Area; thence North 87 degrees 41 minutes 23 seconds West, a distance of 45.00 feet; thence South 02 degrees 18 minutes 37 seconds west, a distance of 13.00 feet; thence South 87 degrees 41 minutes 23 seconds East, a distance of 45.00 feet; thence North 02 degrees 18 minutes 37 seconds East, a distance of 13.00 to the Point of Beginning.

CU-2024-249

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from March 21, 2024

Staff Report

Zoning map of surrounding area

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Application

Aerial of Property

Site Plan

Langsford Yard, Replat

CU-2024-249

ATTACHMENT 3: LIST OF CONDITIONS

Condition Use Permit subject to the following Conditions:

1. The commercial communication lattice tower shall not exceed a height of 126 feet as measured from ground level.
2. The lattice tower shall be galvanized finish or painted gray or light blue unless other standards are required by the Federal Aviation Agency.
3. The lattice tower shall only be illuminated if required by the Federal Communication Commission and/or the Federal Aviation Agency.
4. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such antenna/tower or property owner shall remove the antenna or tower within 90 days.

Randy Diehl gave the staff report:

RE: CU-2024-249

Applicant: SBA Monarch Tower I, LLC

Location: 11010 S. Milton Thompson Road

Area: 585 Square Feet

Request: Renewal of a Conditional Use Permit for the continual operation of a 126-foot monopole for wireless communications.

Zoning Classification: District AG (Agricultural)

Current Land Use and Zoning in the Area:

The zoning on the parent tract is Agricultural. Use of the property is the Southern Jackson County Fire Protection District Station 1.

Comments: This is a renewal of CU-2006-193 (Ordinance 3887) adopted by the Jackson County Legislature, April 30, 2007. The permit was for a period of 15 years subject to 9 conditions.

Five of those conditions from the original permit have been removed. Two of the conditions were related to the actual construction of the tower. The other three have been eliminated due to changes to the State Statutes in 2016 limiting certain provisions by jurisdictional authorities.

Requiring screening
Providing space to local authorities
Limiting the duration of the permit

County Plan:

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

Recommendation:

Staff recommends APPROVAL of CU-2024-249 subject to the following conditions:

Conditions:

1. The commercial communication lattice tower shall not exceed a height of 126 feet as measured from ground level.

2. The lattice tower shall be galvanized finish or painted gray or light blue unless other standards are required by the Federal Aviation Agency.
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Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: So, this is basically the same thing except for the changes in the State Statutes limiting restrictions.

Mr. Diehl: Yes

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

There were none.

Mr. Antey: Is the applicant here?

Roland Hooker: I work for SBA.

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

Mr. Hooker: No, It's just as he said.

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

Discussion under advisement

Mr. Crawford moved to approve. Ms. Ryerkerk seconded.

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

Motion Carried 5 – 0

STAFF REPORT

PLAN COMMISSION

March 21, 2024

RE: CU-2024-249

Applicant: SBA Monarch Tower I, LLC

Location: 11010 S. Milton Thompson Road

Area: 585 Square Feet

Request: Renewal of a Conditional Use Permit for the continual operation of a 126-foot monopole for wireless communications.

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Recommendation:

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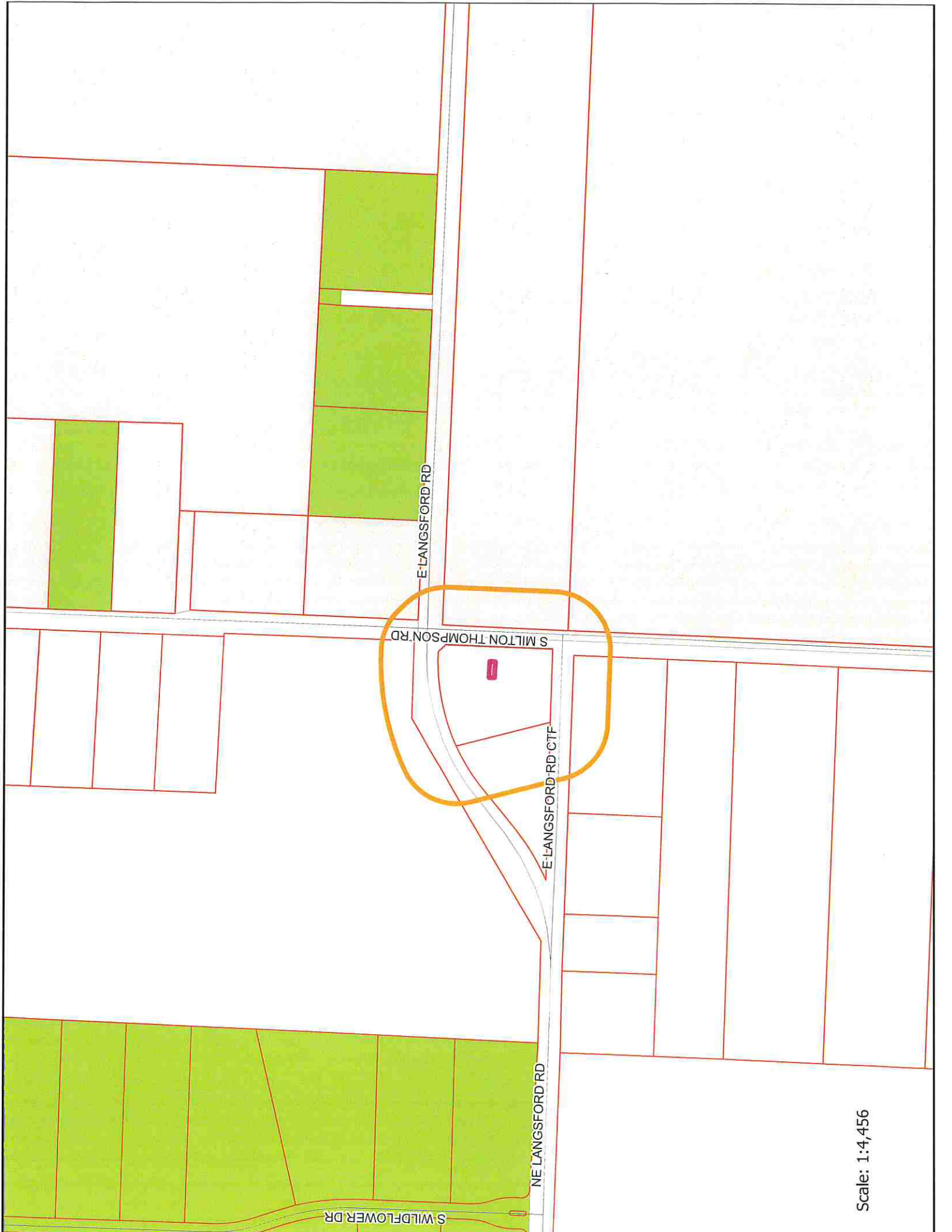
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Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



E LANGSFORD RD

S MILTON THOMPSON RD

E LANGSFORD RD CTF

NE LANGSFORD RD

S WILDFLOWER DR

Scale: 1:4,456

CU-2024-249

Property Owners Within 185 feet

Parcel	owner	address	city	state	zip
60-100-01-07-00-0-00-000	BARBER & SONS CO	27210 E 50 HWY	LEES SUMMIT	MO	64086
60-100-04-02-00-0-00-000	BARBER & SONS CO	27210 E 50 HWY	LEES SUMMIT	MO	64086
60-100-02-42-00-0-00-000	JACKSON COUNTY, MO	415 E 12th St	KANSAS CITY	MO	64106
60-100-02-31-00-0-00-000	KIRSE JOHN F JR & JANET S	10919 MILTON THOMPSON RD	LEES SUMMIT	MO	64086
60-100-03-12-00-0-00-000	HOLLAND STEVE J & MARY V-TR	24609 E LANGSFORD RD	LEES SUMMIT	MO	64086
60-100-02-19-01-0-00-000	MILTON THOMPSON ACRES LLC	24800 MILTON THOMPSON RD	LEES SUMMIT	MO	64086
60-100-02-41-00-0-00-000	SOUTHERN JACKSON CO FIRE DISTRICT	101 LOTAWANA DR	LAKE LOTAWANA	MO	64086
	SBA MONARCH TOWERS I LLC	8051 CONGRESS AVE	BOCA RATON	FL	33487



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 6, 2024

RE: Public Hearing: CU-2024-249
SBA Monarch Tower I, 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 SBA Monarch Tower I, LLC, requesting the renewal of a Conditional Use Permit for the continual operation of a 126-foot monopole for wireless communications in District AG (Agriculture) at 11010 S. Milton Thompson Road.

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, March 21, 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
CONDITIONAL USE PERMIT APPLICATION

APPLICANT INFORMATION:

1. Application must be filed with the Jackson County Development Division, 303 W. Walnut, Independence, MO 64050 by the deadline on the Plan Commission Calendar.
 2. Application must be typed or printed in a legible manner.
 3. A scaled map of the property, correlating with the legal description, and clearly showing the property's location must accompany application. Refer to Section 24003.22, pertaining to Site Plan Review within the Unified Development Code.
 4. 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.
 5. The filing fee \$350.00 (non-refundable) must accompany application.
(Check payable to: Manager of Finance)
-

TO BE COMPLETED BY OFFICE PERSONNEL ONLY:

Conditional Use Permit Number CU- 2024 -249
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: SBA Monarch Towers I, LLC
Address: 8051 Congress Avenue, ATTN: Ashley Masuda
Boca Raton, FL 33487
Phone: 561-322-7817
 - b. Owner(s) Name: Southern Jackson County Fire Protection District
Address: 101 Lotawana Dr., Lake Lotawana, MO 64086 (2nd Location Headquarter)
Phone: 816-525-4200
 - c. Agent(s) Name: Not applicable

Address: Not Applicable

Phone: Not applicable

d. Applicant's interest in Property: Leasehold

2. A CONDITIONAL USE PERMIT IS HEREBY REQUESTED for the following described use: the continued use of the existing unmanned wireless telecommunications facility for a period of Perpetual years; property described as follows: a tract of land 2.29 ~~square feet~~ acres in size located at 11010 Milton Thompson Road. Present Zoning District AG

3. Legal Description of Property: (Write Below or Attached)
See attached site survey.

4. Present Use of Property: Southern Jackson County Fire District Station, and two telecommunications facilities.

5. Proposed Use of Property: The continued use and operation of the wireless telecommunications facility located on the south side of the building.

6. Estimated Time Schedule for Development: 0 hours; no development or alterations are proposed.
Application is for the continued use of an existing unmanned wireless telecommunications facility

7. What effect will your proposed development have on the surrounding properties?
None; continuation of use of existing unmanned tower facility.
8. 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? Not applicable
9. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water None; continuation of use of existing unmanned tower facility.
 - b. Sewage disposal None; continuation of use of existing unmanned tower facility.
 - c. Electricity None; continuation of existing use without changes.
 - d. Heating None; continuation of use of existing unmanned tower facility.
 - e. Fire and Police protection None; continuation of existing use without changes.
10. Describe existing road width and condition: See attached site survey; no changes
are proposed.
11. What effect will proposed development have on existing road and traffic conditions? None; continuation of use of existing unmanned tower facility.
12. Are any state, federal, or other public agencies approvals or permits required for the proposed development? None; continuation of use of existing unmanned tower facility.
 If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): Not applicable

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) not applicable _____

Applicant(s): SBA Monarch Towers I, LLC 01/26/2024
By *Ashley Masuda* _____
Ashley Masuda, Director Planning & Zoning

Contract Purchaser(s): Not applicable _____

STATE OF FLORIDA
COUNTY OF PALM BEACH

On this 26th day of January, in the year of 2024, before me
the undersigned notary public, personally appeared Ashley Masuda

_____ 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 *Rita Drinkwater* Commission Expires 09/10/2025
RITA Drinkwater



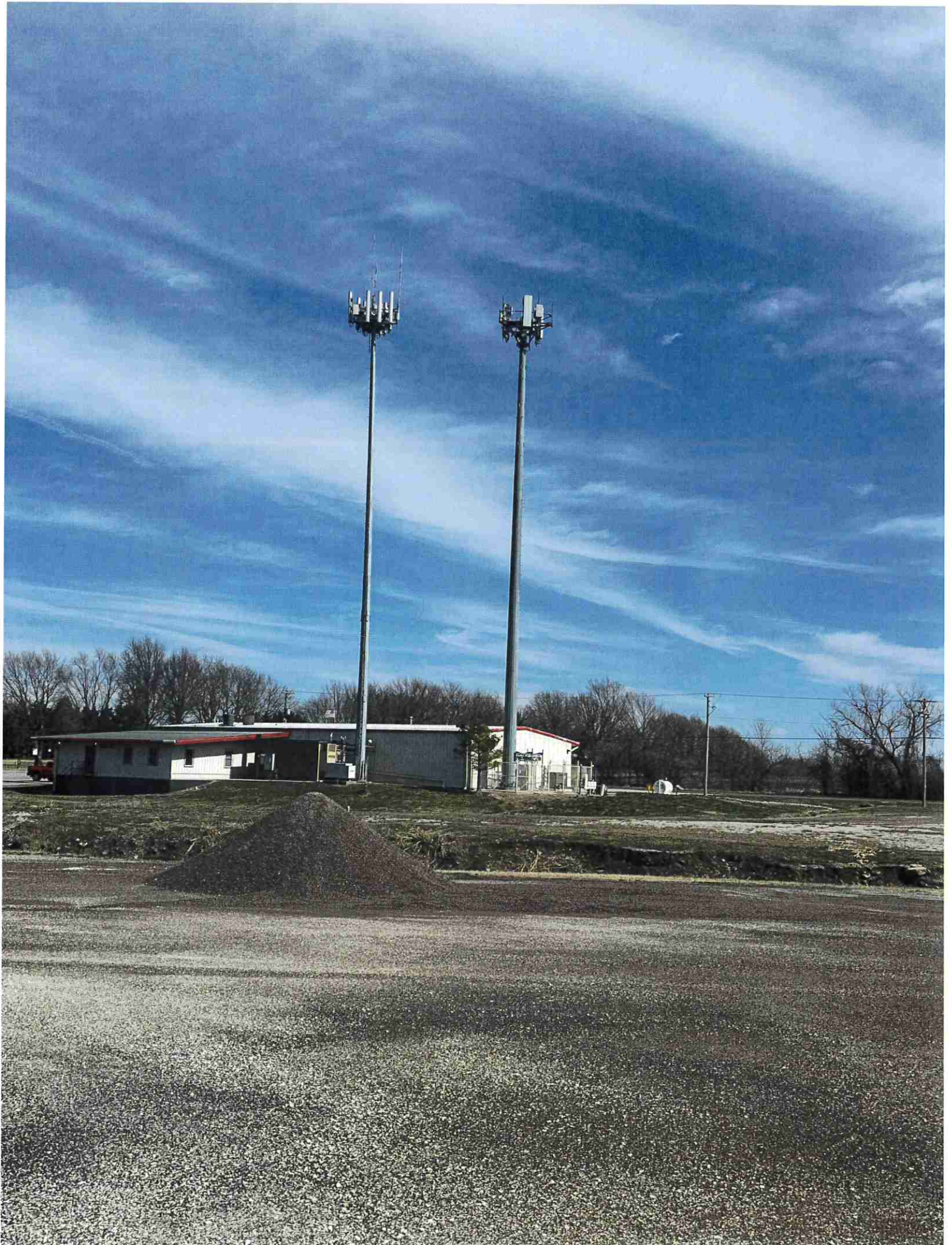


E LANGSFORD RD

S MILTON THOMPSON RD

e: 1:748

Copyright nearmap 2015



E. LEE'S SUMMIT // A5C0134 PART OF THE SW 1/4, NW 1/4, SEC. 1, T. 47, R. 31 IN JACKSON COUNTY, MISSOURI

PROPERTY DESCRIPTION: Parcel Parcel as Provided

NOTE: The parcel parcel is a subdivision in Jackson County, Missouri. The parcel parcel is a subdivision in Jackson County, Missouri. The parcel parcel is a subdivision in Jackson County, Missouri.

Property information shown hereon was provided by Automated Quality Title Company, Commitment No. 14705223, effective September 14, 2005 at 8:00 AM.

Schedule B information affecting Lease Area is noted unless shown hereon.

Schedule B information not shown hereon: NONE

NOTICE:

Records shown hereon are based on Missouri State Plane Coordinate System of 1983 (MAD 83).

Coordinates were derived using GPS Static Survey methods and post processed into a high resolution/antenna receivers and "Torus System" processor software.

Set 1/2" iron bar at Lease corners unless otherwise noted.

The purpose of this survey is to establish and describe a Lease Parcel and associated easements. This is not a boundary survey of the Parcel Parcel.

The utility on shown on this drawing was developed from the information markings placed on the ground by the utility company or a representative thereof. The utility markings were not verified by the Surveyor.

Utility markings were not verified by the Surveyor. The Surveyor is not responsible for the accuracy of utility markings or for the location of or complete inventory of utilities in the area shown on this drawing.

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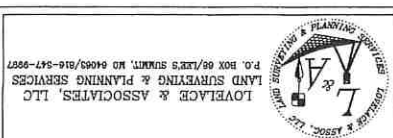
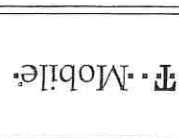
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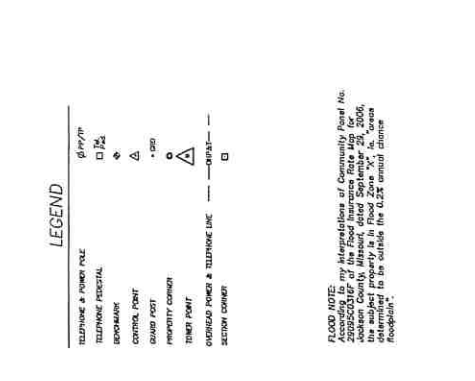
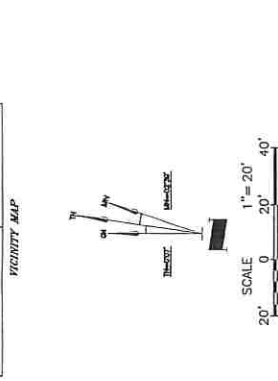
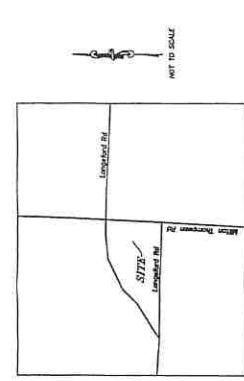
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SURVEY PROVIDED FOR:
L & A PROJECT NO. 07070
DATE: 10-10-06
CHECKED BY: J.B.L.
FIELDWORK DATE: 10-13-06
SHEET NUMBER
1 OF 1



FLOOD NOTE: My interpretation of the Flood Insurance Rate Map for the area shown on this drawing is that the area shown is in Flood Zone "X", which is determined to be outside the 0.2% annual chance floodplain.

CERTIFICATION:
I HEREBY CERTIFY THAT A SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION OF THE BOUNDARY OF THE LEASE AREA, LEASE AREA, AND THE RESULTS OF SAID SURVEY ARE REPRESENTED AS SHOWN ON THIS DRAWING. I AM A LICENSED PROFESSIONAL SURVEYOR IN THE STATE OF MISSOURI. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY OF ANY KIND, INCLUDING BUT NOT LIMITED TO, THE ACCURACY OF THE INFORMATION PROVIDED HEREON. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY OF ANY KIND, INCLUDING BUT NOT LIMITED TO, THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

PROPOSED CELL TOWER DATA:
Center of Tower = 32074.232N, 66753.165E
CP-1 (Set 1/2" Round) = 32074.232N, 66753.165E
CP-2 (Set 1/2" Round) = 32074.232N, 66753.165E
Ground Elevation = 991.11
EXISTING CELL TOWER DATA:
Center of Tower = 32074.232N, 66753.165E
Top of Tower = 1121.11
Top of Tower in Flight = 1121.11
Top of Tower in Flight = 1121.11

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CALL BEFORE YOU DIG
1-800-544-7480
TOLL FREE
MISSOURI ONE CALL SYSTEM, INC.