

REQUEST FOR LEGISLATIVE ACTION

Version 6/10/19

Completed by County Counselor's Office:

Res. Ord No.: 5429

Sponsor(s):

Date: October 19, 2020

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>QCC Development, LLC - RP-2020-587</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1"> <tr> <td>Amount authorized by this legislation this fiscal year:</td><td>\$</td></tr> <tr> <td>Amount previously authorized this fiscal year:</td><td></td></tr> <tr> <td>Total amount authorized after this legislative action:</td><td>\$</td></tr> <tr> <td>Amount budgeted for this item * (including transfers):</td><td>\$</td></tr> <tr> <td>Source of funding (name of fund) and account code number:</td><td>\$</td></tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><input checked="" type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: _____ Estimated Use: _____ Prior Year Budget (if applicable): _____ Prior Year Actual Amount Spent (if applicable): _____</p>		Amount authorized by this legislation this fiscal year:	\$	Amount previously authorized this fiscal year:		Total amount authorized after this legislative action:	\$	Amount budgeted for this item * (including transfers):	\$	Source of funding (name of fund) and account code number:	\$
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Source of funding (name of fund) and account code number:	\$											
PRIOR LEGISLATION	Prior ordinances and (date): _____ Prior resolutions and (date): _____											
CONTACT INFORMATION	RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577											
REQUEST SUMMARY	Requesting an 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. 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 24, 2020 and accepted testimony pertaining to the rezoning request. The Plan Commission voted 7 to 0 to recommend <u>APPROVAL</u> to the County Legislature.											
CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)											
COMPLIANCE	<input type="checkbox"/> MBE Goals <input type="checkbox"/> WBE Goals <input type="checkbox"/> VBE Goals											
ATTACHMENTS	Attachment 1: Property Description. Attachment 2: Zoning Support Documents											
REVIEW	<table border="1"> <tr> <td>Department Director: Brian D. Gaddie, P.E. Director of Public Works</td><td>Date: 9.30.20</td></tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td><td>Date:</td></tr> <tr> <td>Division Manager: <i>Ray M. Schulte</i></td><td>Date: 10-12-2020</td></tr> <tr> <td>County Counselor's Office: <i>Bryan Quinn</i></td><td>Date: 10/14/20</td></tr> </table>		Department Director: Brian D. Gaddie, P.E. Director of Public Works	Date: 9.30.20	Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: <i>Ray M. Schulte</i>	Date: 10-12-2020	County Counselor's Office: <i>Bryan Quinn</i>	Date: 10/14/20		
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Fiscal Information (to be verified by Budget Office in Finance Department)

- ☐ This expenditure was included in the annual budget.
- ☐ Funds for this were encumbered from the _____ Fund in _____.
- ☐ There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- ☐ Funds sufficient for this expenditure will be/were appropriated by Ordinance # _____
- ☐ Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- ☐ This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- ☒ This legislative action does not impact the County financially and does not require Finance/Budget approval.

RP-2020-587

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

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

RP-2020-587

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Public Hearing Summary from September 24, 2020 Plan Commission
Staff Report
Location Map
Map showing current zoning district in area
Names/Addresses of Surrounding Property Owners
Copy of letter to said property owners
Application
New Development Plan
Original Development Plan

Randy Diehl gave the staff report:

RE: RP-2020-587

Applicant: QCC Development, LLC

Location: 31711 E Colbern Road

Area: 4.54 ± acres

Request: Amendment to the Planned Development Zoning in District GBp

Purpose: Change the size and configuration of a proposed building

Current Land Use and Zoning in the Area:

This is a request for an amendment to the Planned Zoning approved March 11, 2018 (Ordinance 5083).

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

The UDC allows changes within the approved plan that would allow for unforeseeable engineering or construction problems.

Allowing a commercial building to be increased by no more than 5% in size as well as moving the location of structure by not more than 10 feet, are allowed as changes to the site plan.

The original plan illustrated a 60' x 100' future building approximately 60 feet from the East property line.

The applicant has submitted a new plan for an 80' x 100' building. The proposed building will be rotated 90 degrees and be 112 feet from the East property line.

Recommendation:

Staff recommends APPROVAL of RP-2020-587

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: Are there any questions for Randy?

Mr. Akins: Are they using the same driveway?

Mr. Diehl: Yes

Mr. Haley: What is the use of the building?

Mr. Diehl: Construction equipment.

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.

Mr. Tarpley: Is this a Butler building?

Mr. Lipowicz: Yes, It will identical to the building already there.

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. Tarpley moved to take under advisement. Mr. Haley seconded.

Discussion under advisement

Mr. Haley moved to approve. Mr. Akins seconded.

Mr. Akins	Approve
Mr. Tarpley	Approve
Mr. Crawford	Approve
Mr. Haley	Approve
Mr. Hilliard	Approve
Ms. Mershon	Approve
Chairman Antey	Approve

Motion Carried 7 – 0

STAFF REPORT

PLAN COMMISSION September 17, 2020

RE: RP-2020-587

Applicant: QCC Development, LLC

Location: 31711 E Colbern Road

Area: 4.54 ± acres

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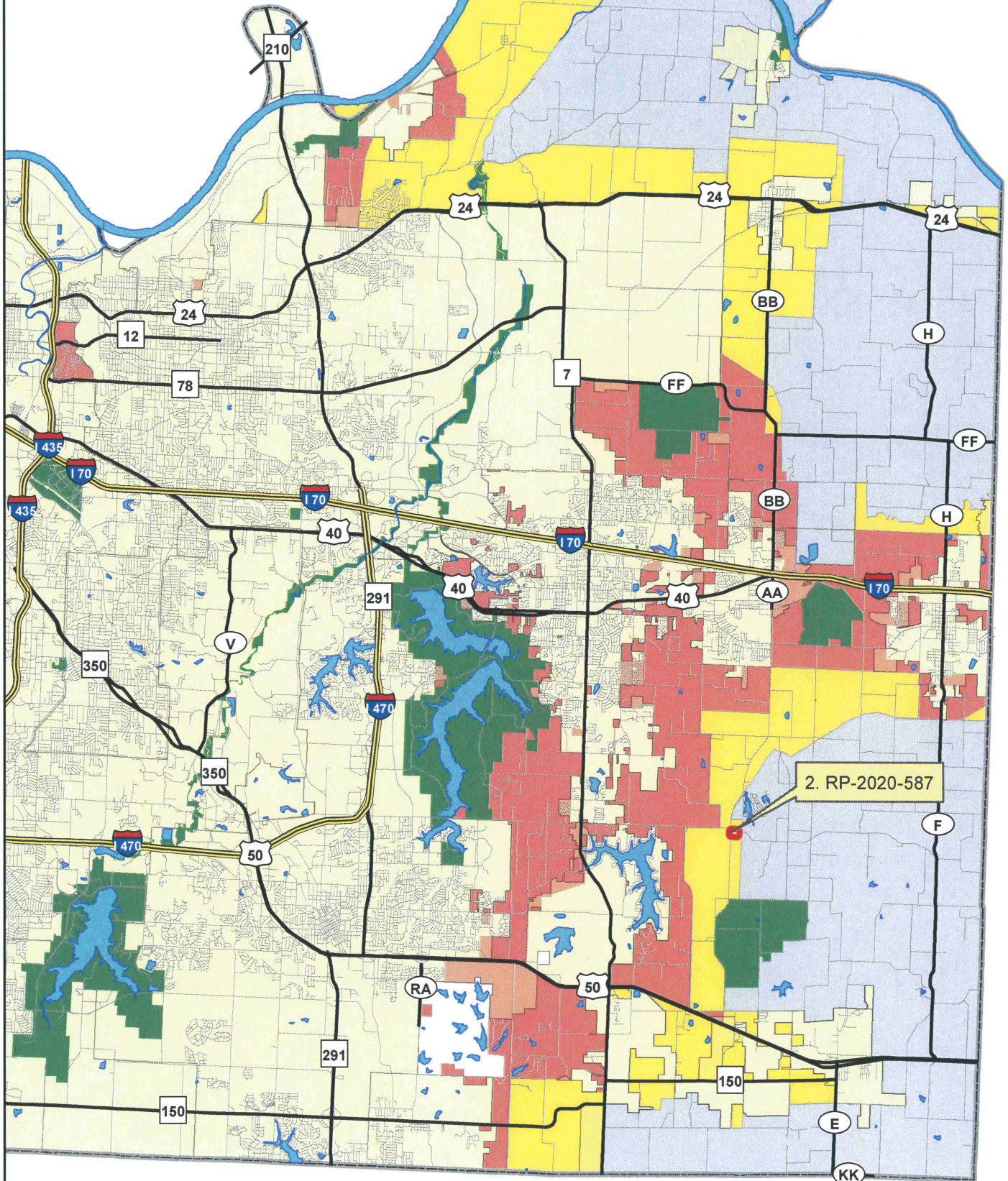
Recommendation:

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Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
September 17, 2020
Agenda Location Map



RP-2020-587
QCC



Plan Commission January 18, 2018

RP-2018-558

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

September 2, 2020

RE: Public Hearing: RP-2020-587
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 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, September 17, 2020 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 881-4649.

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**

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

TO BE COMPLETED BY OFFICE PERSONNEL ONLY:

Rezoning Case Number RP- 2020-587

Date Filed 8-3-2020 Date of hearing 9-17-2020

Date advertised 9-2-20 Date property owners notified 9-2-20

Date signs posted 9-2-20

Hearings: Heard by PC Date 9-17-2020 Decision _____

Heard by LU Date _____ Decision _____

Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s)

- a. Applicant(s) Name: QCC DEVELOPMENT, LLC
Address: 9707 S. CORN ROAD
Phone: LONE JACK, MO 64070
- b. Owner(s) Name: EDMUND LIPOWICZ IV
Address: SAME

Phone: 913-208-8233

c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: _____

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

3. Present Zoning GBp Requested Zoning GBp AMENDMENT TO PLAN

4. AREA (sq. ft. / acres) 4.3 ACRES

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

QUALITY ACRES LOT 1

6. Present Use of Property: STORAGE BUILDING FOR CONSTRUCTION EQUIPMENT

7. Proposed Use of Property: SAME

8. Proposed Time Schedule for Development: 1/1/2021 - 6/1-2021

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

NONE

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 JCWPD # 13
- b. Sewage disposal ON-SITE
- c. Electricity ENERGY
- d. Fire and Police protection SHERIFF / LONE JAC FIRE

12. Describe existing road width and condition: _____

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): N/A

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
[Signature] - President

07/30/2020

Applicant(s):

Edmund R. Lipowicz IV
[Signature]

07/30/2020

Contract Purchaser(s):

STATE OF Missouri

COUNTY OF Jackson

On this 30th day of July, in the year of 2020, 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

Whitney Raye Wymore

Commission Expires

April 19, 2021



WHITNEY RAYE WYMORE
My Commission Expires
April 19, 2021
Jackson County
Commission #17579373



