Ord. #5520

Request for Legislative Action

Date: June 14, 2021

Completed by County Counselor's Office					
Action Requested:	Ordinance	Res.Ord No.:	5520		
Sponsor(s):	Tony Miller	Legislature Meeting Date:	6/14/2021		

Introduction
Action Items: ['Authorize']
Project/Title:
PG Investments - RP-2021-606

Request Summary

Requesting a change of zoning from District AG (Agricultural) on $6.31 \pm$ acres to District RO-p (Residential Office-Planned). The purpose is to create non-retail office and warehouse units at 29106 E Old 50 Highway.

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 20, 2021 and accepted testimony pertaining to the rezoning request.

The Plan Commission voted 6 to 0 to recommend <u>APPROVAL</u> to the County Legislature.

Contact Information						
Department:	Public Works	Submitted Date:	5/24/2021			
Name:	Randy Diehl	Email:	rdiehl@jacksongov.org			
Title:	Administrator, Development	Phone:	816-881-4577			
	Division					

Budget Information						
Amount authorized by	\$ 0					
Amount previously auth	\$ 0					
Total amount authorize	\$					
Is it transferring fund?	No					
Single Source Funding:			•			
Fund:	Amount:					
	!Unexpected End of					
			Formula			

June 8, 2021 Page **1** of **3**

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	No
supplies, materials, equipment or services?	
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: Zoning - not spending money					
MBE:	.00%				
WBE:	.00%				
VBE:	.00%				
Prevailing Wage					
Not Applicable					

Fiscal Information

 This legislative action does not impact the County financially and does not require Finance/Budget approval.

June 8, 2021 Page **2** of **3**

Request for Legislative Action

History

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Randy Diehl at 5/24/2021 1:49:44 PM - [Submitted | ]
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Department Director: Brian Gaddie at 5/25/2021 3:15:49 PM - [Returned for more information | Adjust

attachments, as discussed.]

Submitter: Randy D. Diehl at 5/26/2021 7:55:06 AM - [Submitted | Revised support documentation provided]

Department Director: Brian Gaddie at 6/1/2021 10:25:08 AM - [Approved |]

Finance (Purchasing): Barbara J. Casamento at 6/1/2021 11:17:59 AM - [Not applicable |]

Audit: Katie M. Bartle at 6/1/2021 12:43:44 PM - [Approved | eRLA 108] Finance (Budget): Mark Lang at 6/2/2021 1:04:02 PM - [Not applicable |]

Executive: Troy Schulte at 6/3/2021 8:41:48 AM - [Approved |] Legal: Elizabeth Freeland at 6/8/2021 1:12:10 PM - [Approved |]

June 8, 2021 Page **3** of **3**

RP-2021-606

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

A tract of land located in Sections 16 and 17, Township 47, Range 30, in Jackson County, Missouri, more particularly described as follows: Commencing at the South west corner of the Northwest Quarter of Section 16: thence North 89 degrees 59 minutes 31 seconds East, 1331.31 feet; thence on a curve to the right having a central angle of 45 degrees 00 minutes 00 seconds, a radius of 542.41 feet and a length of 426.01 feet; thence North 44 degrees 59 minutes 31 seconds West, 590.33 feet; thence North 35 degrees00 minutes 29 seconds East, 30.00 feet to a point on the North right of way line of Old U.S. Highway SO, said point also being the true point of beginning; thence North 44degrees 59 minutes 31 seconds West along the North right of way line of Old U.S. Highway 50, 1871.61 feet; thence North 44 degrees 50 minutes and 29 seconds East, 66.17feet; thence South 67 degrees 09 minutes and 31 seconds East, 478.50 feet; thence South 64 degrees 03 minutes and 21 seconds East, 298.43 feet; thence South 67 degrees 09 minutes and 31 seconds East, 400.00 feet; thence South 70 degrees 54 minutes 31 seconds East, 200.43 feet; thence South 67 degrees 09 minutes 31 seconds East, 332.00 feet; thence South 22 degrees 50 minutes and 29 seconds West, 764.47 feet to the true point of beginning,

EXCEPT that part as follows: All that part of the Northwest Quarter of Section 16, Township 47, Range 30, Jackson County, Missouri, described as commencing at the Southeast corner of said Northwest Quarter; thence North 89 degrees 59 minutes and 31 seconds West along the South line of said Northwest Quarter, a distance of 1569.74 feet; thence North 45 degrees 11minutes and 22 seconds West, 822.99 feet to a point on the centerline of Old Highway 50; thence from said point, perpendicular to said centerline, North 44 degrees 48 minutes 38 seconds East, a distance of 30 feet to the true point of beginning, said point of beginning being also on the Northerly right of way line of Old Highway 50; thence North 45degrees 11 minutes 22 seconds West along said right of way line and parallel with said centerline, a distance of 335.37 feet; thence North 22 degrees 38 minutes 38 seconds East, a distance of 638.27 feet to a point on the Southerly right of way line of U.S. Highway, said point being 117 feet right of centerline Station 1075 + 20.61 of said U.S. 50Highway; thence South 67 degrees 15 minutes and 46 seconds East along said right of way and parallel with said centerline, a distance of 310.58 feet to a point, said point being 117 feet right of Station 1078 + 31.19 of said U.S. Highway 50; thence South 22 degrees 38 minutes 38 seconds West, a distance of 764.30 feet to the point of beginning.

RP-2021-606

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

<u>Attachments</u>

Public Hearing Summary from May 20, 2021 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 Site Plan Pictures

Randy Diehl gave the staff report:

PLAN COMMISSION

May 20, 2021

RE: RP-2021-606

Applicant: PG Investments LLC

Location: 29106 E Old 50 Highway

Area: $6.31 \pm acres$

Request: Change of zoning from District AG (Agricultural) to District ROp

(Residential Office-Planned)

Purpose: Non-retail office and warehouse units

Current Land Use and Zoning in the Area:

Land use in the area is a mix of residential, agricultural and commercial. Across the road is Lone Summit Ranch within the City of Lake Lotawana. To the West at the 50 & 7 Highway interchange is District GB (General Business) and District HI (Heavy Industrial). To the East at R F Gammon Road is District LB (Local Business).

The applicant is proposing non-retail office and warehouse units. There would be 6 to 8 units. These would be rented out to contractors. Staff suggests the RO zoning instead of District LB or GB. District RO can be used be for commercial development, however it does not allow for retail sales. Storage of outside materials is prohibited and there are limitations of the parking of vehicles and equipment outside.

The Planned zoning allows a total of 60,000 square of building floor area per lot. The submitted site plan illustrates two buildings at approximate 19,500 apiece. Site improvements such as hard surface parking areas and storm water detention will be required.

Any external lighting shall be located so that the direct source is shielded from view of adjacent residences.

Onsite wastewater, if provided, may be limited to a single restroom per building with a holding tank.

Access improvements onto Old 50 Highway will be handled through the Missouri Department of Transportation. MoDOT informed staff that there will be no direct access allowed onto US 50 Highway.

The property will need to be platted into a one lot subdivision prior to the commencement of any construction.

County Plan:

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

The Residential Office-Planned is appropriate for the Suburban Development Tier.

Recommendation:

Staff recommends APPROVAL of RP-2021-606

Respectfully submitted,

Jackson County Public Works Development Division Randy Diehl, Administrator

Mr. Antey: Are there any questions for Randy?

Mr. Tarpley: Are there any structures on this property?

Mr. Diehl: No, not at this time.

Mr. Tarpley: Access will be off Old 50 Highway.

Mr. Diehl: Per MoDOT they will need to be at least 300 feet from the intersection of Old 50 Highway and US 50 Highway. They are planning to be well past that point for their driveway.

Mr. Antey: We are looking at 6 to 8 units. Are they going to be divided between the two buildings?

Mr. Diehl: Yes.

Mr. Antey: And no outside storage?

Mr. Diehl: Outside storage is prohibited. Whoever leases a unit cannot pull in and leave a piece of equipment, such as a Bobcat on a trailer overnight. It would need to be inside. All storage must be inside.

Mr. Tarpley: what is the size of the units?

Mr. Diehl: At this point that hasn't been determined. The applicant's representative can answer that.

Mr. Crawford: Who enforces the outside storage?

Mr. Diehl: That would be the County. If we see a violation of code, we will respond. Hopefully the owner would also monitor that as well. A car could be out there for the day. At the end of the day everything should be stored inside.

Mr. Crawford: Is there going to be a berm or anything like a barrier?

Mr. Diehl: If you remember the trailer storage for the fireworks business. They installed the slats in the fencing due to the fact it is outside storage. In this case since there is no outside storage, there is no need for screening.

Mr. Crawford: I was thinking also about Buckner-Tarsney and Colbern Road.

Mr. Diehl: Yes. That business voluntarily built the berm around that property.

Mr. Antey: I don't think that this piece of land would lend itself to build a berm.

Mr. Crawford: You said 6 to 8 units. The drawing shows more than that.

Mr. Diehl: That is correct. The elevation plan is a typical example of what the buildings may look like.

Mr. Crawford: If they want outside storage, is that something they can come back and ask for?

Mr. Diehl: No. The code is specific on that matter. No outside storage. Since this is a planned zoning, the Plan is what is approved. An amended plan could be submitted for other reasons such as building locations and sizes.

Mr. Antey: What is the height of the building?

Mr. Diehl: I'll defer that to the representative.

Mr. Antey: Is the applicant here?

Matt Schlicht: Engineering Solutions, 50 SE 30th St, Lee's Summit. I represent the applicant.

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

Matt Schlicht: The concept of this is that there are a lot of smaller companies out there, like a guttering company, a carpet or tile company. They may not be able to have it at their home or afford to buy land a build a building for the business. If you have an 18 to 20-foot building spaced out into units, then each person or business have their own space. They grab their gear and head out for the day. Come back and store their gear. It is the intent to have no outside storage, not to bring customers. It just simply to have a place for a trailer or truck. To allow a small business to start. This site is idea since it's right off 50 Highway. It's an odd location to build anything else. You really wouldn't want to build a home there. It's no big enough to far. We did talk to Lone Summit Ranch. They don't have a problem with it. They are going to keep the trees lining the road and leave as many along 50 Highway. We do want to screen it to some degree. We don't intend to have any signage or be an advertising piece for somebody. It's a place for a small business to rent. A place would be affordable to a small business.

Mr. Hillard: How tall will these be?

Mr. Schlicht: Typically, we have built these so they will have a 16 to 18-foot doors high doors. The building itself will be 18 to 20 foot tall.

Mr. Tarpley: Will these be Butler building?

Mr. Schlicht: They will be a metal building. And maybe with some type of facade.

Mr. Antey: Will they have water and sewer?

Mr. Schlicht: The intent is to have one bathroom per building. More than likely, it will be a holding tank.

Mr. Crawford: What about offices?

Mr. Schlicht: No. Have may have a spot for a desk and such, but not in the sense that there will be someone working in it all day.

Mr. Crawford: You mention no signage. Is that a commitment that you will not have any?

Mr. Schlicht: Even if we did, I'm sure we would be coming back it and talking to staff.

Mr. Diehl: They are regulations regarding signage, and size requirements. They would not be able to make the whole side of the building a billboard sized sign.

Mr. Antey: Randy, is this part of Lake Lotawana CID?

Mr. Diehl: I'm not sure if it is or not. Does that district go outside the boundaries of the City?

Mr. Akins: No sure. Sallee's property is in it. But he's in the city.

Mr. Crawford: What about the number of units.

Mr. Schlicht: 6 to 8 units per building.

Mr. Antey: Should that be part of the plan?

Mr. Diehl: Yes. Since this a planned zoning, that number will be set. It can be less, no cannot exceed that set number of units.

Mr. Schlicht: If it's set at 8 units per building, that would make it 16 total units. That would about 35 wide units.

Mr. Haley: How far from the businesses at Cockrell?

Mr. Diehl: A little less than a mile from there.

Additional discussion about the types of businesses that would benefit from renting a unit. Mr. Crawford was concerned about a business that may need outside storage. Mr. Schlicht stated this may not be the type of place for all businesses. This would be an

ideal location for a small company who hasn't grown large enough to require a larger building or have the need for outside storage.

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.

Ms. Mershon moved to take under advisement. Mr. Haley seconded.

Discussion under advisement

Mr. Crawford moved to approve PR-2021-606. Mr. Tarpley seconded.

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 May 20, 2021

RE: RP-2021-606

Applicant: PG Investments LLC

Location: 29106 E Old 50 Highway

Area: $6.31 \pm acres$

Request: Change of zoning from District AG (Agricultural) to District ROp

(Residential Office-Planned)

Purpose: Non-retail office and warehouse units

Current Land Use and Zoning in the Area:

Land use in the area is a mix of residential, agricultural and commercial. Across the road is Lone Summit Ranch within the City of Lake Lotawana. To the West at the 50 & 7 Highway interchange is District GB (General Business) and District HI (Heavy Industrial). To the East at R F Gammon Road is District LB (Local Business).

The applicant is proposing non-retail office and warehouse units. There would be 6 to 8 units. These would be rented out to contractors. Staff suggests the RO zoning instead of District LB or GB. District RO can be used be for commercial development, however it does not allow for retail sales. Storage of outside materials is prohibited and there are limitations of the parking of vehicles and equipment outside.

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Access improvements onto Old 50 Highway will be handled through the Missouri Department of Transportation. MoDOT informed staff that there will be no direct access allowed onto US 50 Highway.

The property will need to be platted into a one lot subdivision prior to the commencement of any construction.

County Plan:

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

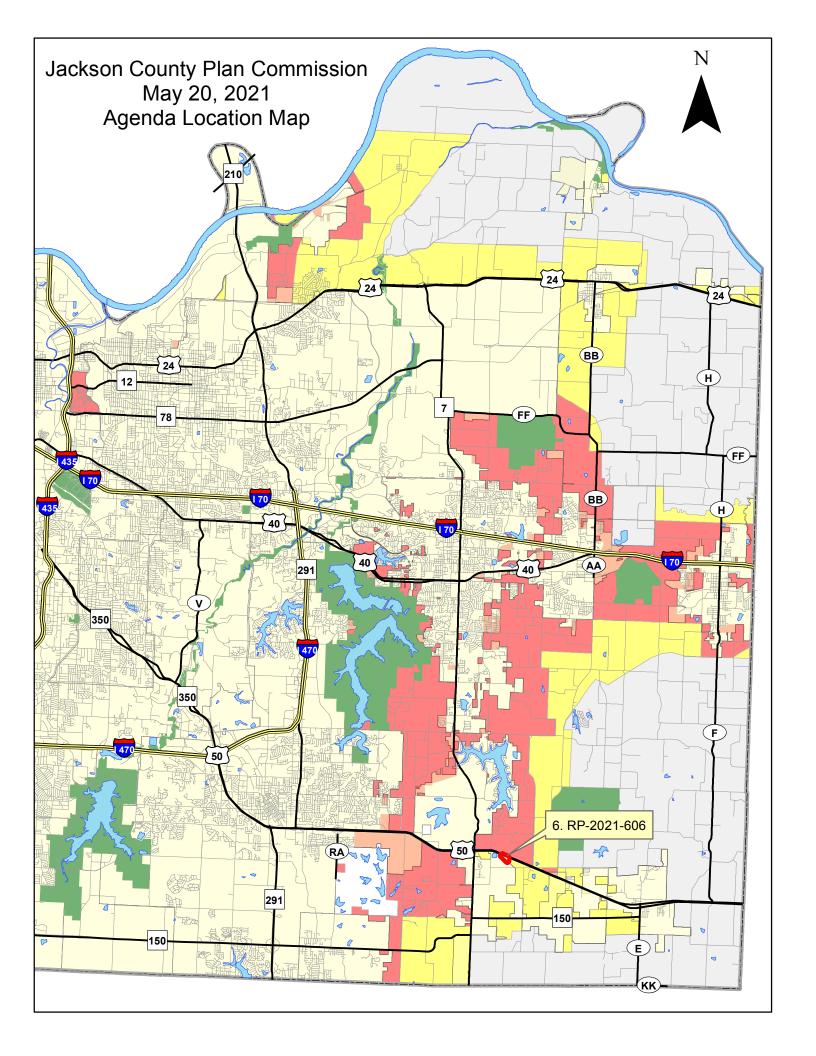
The Residential Office-Planned is appropriate for the Suburban Development Tier.

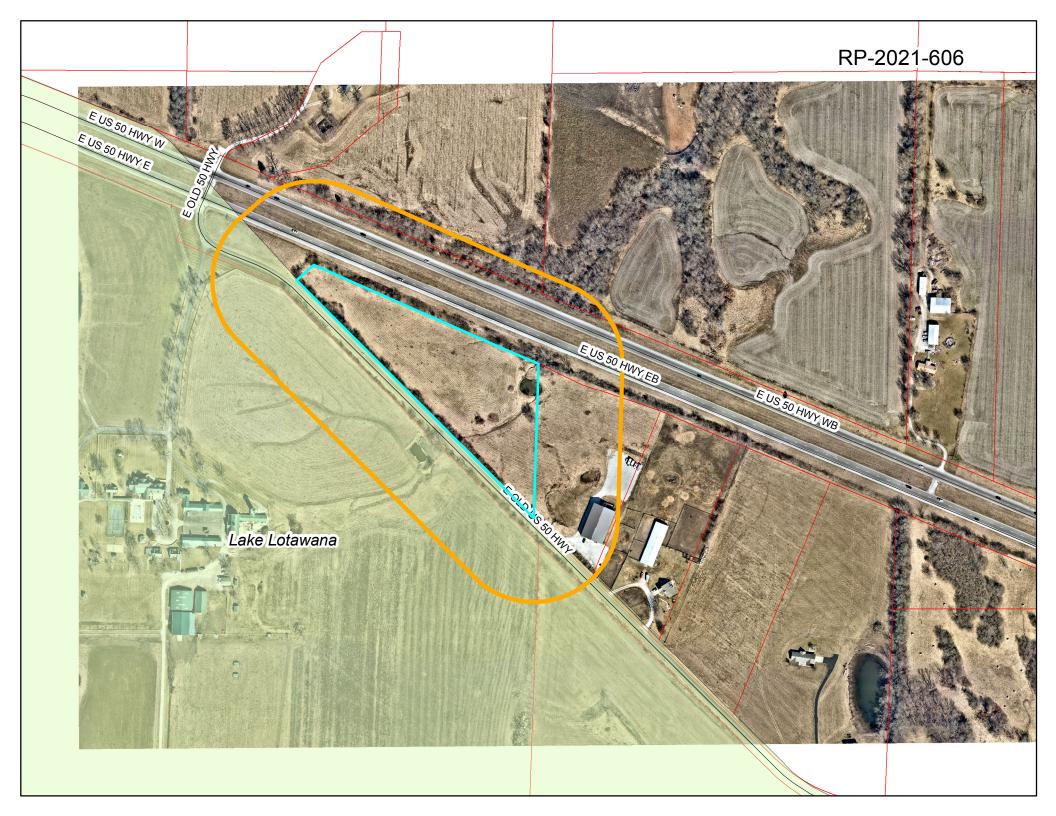
Recommendation:

Staff recommends APPROVAL of RP-2021-606

Respectfully submitted,

Jackson County Public Works Development Division Randy Diehl, Administrator





Plan Commission May 20, 2021 RZ-2021-606 Property Owners Within 300 feet

Name	Name	Address	City	State	Zip
59-800-01-02-00-0-00-000	SALLEE RANDALL W & LINDA K-TRUSTEE	28701 E OLD 50 HWY	LAKE LOTAWANA	МО	64086
59-800-01-04-01-0-00-000	RYAN FARMS LLC	PO BOX 7073	LEES SUMMIT	MO	64064
59-700-02-02-00-0-00-000	LASCUOLA SALVATORE A	430 NE LANDINGS DR	LEES SUMMIT	MO	64064
59-700-02-08-02-0-00-000	PEERY THOMAS L & MELISSA	29302 E OLD US 50 HWY	LEES SUMMIT	MO	64086
59-800-01-03-00-0-00-000	PG INVESTMENTS LLC	1153 NE RICE RD	LEES SUMMIT	MO	64086
59-700-02-08-03-0-00-000	PG INVESTMENTS LLC	1153 NE RICE RD	LEES SUMMIT	MO	64086



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 5, 2021

RE: Public Hearing: RZ-2021-606

PG Investments, 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 PG Investments, LLC for a change of zoning from District AG (Agricultural) on 6.31 ± acres to District RO-p (Residential Office-Planned). The purpose is to create non-retail office and warehouse units at 29106 E Old 50 Highway.

Please note that this request for a change of zoning <u>affects only the property mentioned above.</u>
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 <u>Thursday</u>, May 20, 2021 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,

Jackson County Public Works
Development Division

Randy Diehl, Administrator

JACKSON COUNTY, MISSOURI APPLICATION FOR CHANGE OF ZONING

APPLICANT INFORMATION:

- 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.
- 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

		5.7	NLY:	
1.00	se Number]		ng.	
Date advertised_			Date property owners notified	
Date signs posted		Bate property	y owners notified	
Hearings:	Heard by	Date	Decision	
	Heard by			
	Heard by	Date	Decision	
1 D.4		RE:		
a. A	a on Applicant(s) a Applicant(s) Name: Address:	and Owner(s):	BING SOLUTIONS 30HM ST	_
a. A	Applicant(s) Name: Address: Phone: Owner(s) Name:	ENGINES ENGINES 50 SE Leels Sy 316-623 PG INDES	BILE ED, Lees Summit,	-

	Address: 50 St 30 MST, Lee's Summit, MO 6468Z
	Phone: 8/6-623-9888
d.	Applicant's interest in Property: ENGINEER
Gen	neral location (Road Name) OLD MO 50 Hwy
>====	
	sent Zoning AG Requested Zoning Residential OFFICE PLAN
AR	EA (sq. ft. / acres) 274,817.80 SF (6.31 ACRES)
Leg	al Description of Property: (Write Below or Attached 9)
V	AMACHED
Pres	sent Use of Property: VACONT
Pror	posed Use of Property: OFFICE / WAREHOUSE
	posed Time Schedule for Development: SPKING ZOZI
1101	Asset Time Senedule for Bevelopment.
₩ Is an	nt effect will your proposed development have on the surrounding properties? NEW THE LIMITED IMPACT IN portion of the property within the established flood plain as shown on the FEMA Flood Indary Map?
	o, will any improvements be made to the property which will increase or decrease the
	ation?
	cribe the source/method which provides the following services, and what effect the
	elopment will have on same:
a.	Water
а. b.	
	Sawara disposal NONA
C	Sewage disposal NONE Flectricity GUERCY
c.	Electricity EVERGY
d.	Sewage disposal NONE Electricity ENDEGY Fire and Police protection cribe existing road width and condition: ASPHACT, POADSIDE DITCY

What	effect	will		d development						traffic
conditi	ons?_/	LINI	MAC	TRAFFIC	WILL		BZ	CREA	CD	
		Federal,		public agencies a	approvals	or p	ermits re	equired for	r the p	roposed
develo	oment?									

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 Property Owner(s)	Ras Elleranno	Date	4/20/2021
Applicant(s):	APAY SOLICE		4/20/2021
Contract Purchaser	(s):		
STATE OF MISS COUNTY OF LA On this Zo the undersigned nota		n the year o	of ZUZI, before me
	the person(s) whose names(s) is/are/she/they executed the same for the purp		
In witness whereof, I Notary Public Notary Public	hereunto set my hand and official seal.		apires <u>Alta/zozy</u>

