

# JACKSON COUNTY PLAN COMMISSION

## SUMMARY OF PUBLIC HEARING

Date: July 18, 2024

Place: Historic Truman Courthouse  
Large Conference Room, 2<sup>nd</sup> Floor  
112 W. Lexington, Independence, MO

Attendance: Larry Antey – Chairman

Ralph Monaco  
William Farrar  
Denise Ryerkerk  
Justice Horn  
Jack Crawford  
Robert Smead  
Roger Lake

Staff: Randy Diehl  
Amy Keister  
Amanda Langenheim

### **Call to Order/Roll Call**

Chairman Antey call to order the meeting of the Plan Commission at 8:30 am and asked the roll call to be taken.

### **Approval of Record**

Mr. Antey made a motion to approve the record of May 16, 2024.  
Justice Horn approved. Roger Lake seconded.

### **Public Hearings**

Chairman Antey swore in all persons who would like to give testimony at the public hearings.

**Randy Diehl gave the staff report:**

**RE: CU-2024-250**

**Applicant:** American Tower Asset Sub, LLC

**Location:** 1320 Blue Ridge Boulevard

**Area:** 2,500 square feet

**Request:** Renewal of a Conditional Use Permit for the continual operation of a 147-foot monopole for wireless communications.

**Zoning Classification:** District HI (Heavy Industrial)

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

**Comments:** This is a renewal of CU-2001-155 (Ordinance 3150) adopted by the Jackson County Legislature, June 11, 2001, which amended Ordinance 2918 approved July 6, 1999. The permit was for a period of 25 years subject to 10 conditions.

Six of those conditions from the original permit have been removed. Three 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

Sheet Number C-103, Tower Elevation shows the top of the highest antenna at an elevation of 159'. It should be noted that the antenna is not part of the tower structure.

**County Plan:**

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

**Recommendation:**

Staff recommends APPROVAL of CU-2024-250 subject to the following conditions:

Conditions:

1. The commercial communication lattice tower shall not exceed a height of 150 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.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

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

Mr. Lake: How many more years are we going to extend this?

Mr. Diehl: State law does not allow us to set term limits on these. The ones that have been renewed are perpetual. Some applications request a term that run with the lease of the property.

Mr. Horn: How many of these do we have in the County, and do they all basically look the same?

Mr. Diehl: We have about 10 or 12 towers in the unincorporated area.

Mr. Horn: I ask because there are some that look like trees.

Mr. Diehl: Those type of stipulations, looking like a tree or if it's at a place of worship to look like a cross, are no longer allowed.

Mr. Lake: Is this over by the substation?

Mr. Diehl: It's across the street from a cemetery. It actually sits of Lincoln Cemetery's property.

Mr. Farrar: I believe one of the previous requirements was to screen it.

Mr. Diehl: Yes, that requirement has been removed as well.

Mr. Antey: Some still have trees around them from the original applications from years ago.

**Mr. Antey: *Is the applicant here?***

Lawrence Fleming: 10 Presidential Way, Woburn, MA 01801. I represent American Tower.

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

Mr. Fleming: No.

Mr. Lake: What type of communications are you doing on the tower?

Mr. Fleming: Wireless communication for Verizon and T-Mobile. Cell service. Wi-Fi as we well.

**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. Monaco moved to approve. Mr. Lake seconded.

Mr. Lake	Approve
Mr. Farrar	Approve
Me. Smead	Approve
Mr. Monaco	Approve
Mr. Horn	Approve
Mr. Crawford	Approve
Ms. Ryerkerk	Approve
Chairman Antey	Approve

Motion Carried 8 – 0

**Randy Diehl gave the staff report:**

**RE: RZ-2024-680**

**Applicant:** Amie Weiland

**Location:** 34405 E. Pink Hill Road

**Area:** 5.04 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RE (Residential Estates)

**Purpose:** The purpose is to create a single-family residence.

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

The zoning in the area is Agricultural and Residential.

The applicant wishes to divide off the North 5.04 acres that contains the existing dwelling.

The remaining 5.00 will remain within District AG. This tract will be unbuildable unless is it absorbed into an adjacent property.

**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 RZ-2024-680.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

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

Mr. Horn: (asking for clarification) Where is the dividing line?

Mr. Diehl: The Orange ring is the notification area around the property indicating the adjacent property owners who received a certified letter regarding the zoning request. The blue line that is highlighted is the area being considered for rezoning.

**Mr. Antey: Is the applicant here?**

Steve Gillotti, 34405 E Pink Hill Road, Grain Valley, MO

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

Mr. Gillotti: No, I don't.

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

Dennis Vanarsdall, 34501 E. Pink Hill Road, Grain Valley, MO. I am buying the other piece of this property which is adjacent to me. I'll use it for farmland.

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

There were none.

Motion to take under advisement.

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

*Discussion under advisement*

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

Mr. Lake	Approve
Mr. Farrar	Approve
Me. Smead	Approve
Mr. Monaco	Approve
Mr. Horn	Approve
Mr. Crawford	Approve
Ms. Ryerkerk	Approve
Chairman Antey	Approve

Motion Carried 8 – 0

**Randy Diehl gave the staff report:**

**RE: RP-2024-681**

**Applicant:** Jacob Davis

**Location:** 13513 S. Sam Moore Road

**Area:** 9.43 ± acres

**Request:** Revision of the site plan for Planned zoning within District LI-p (Light Industrial-Planned)

**Purpose:** The purpose is to for a self-storage facility.

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

This is a request for an amendment to the Planned Zoning approved February 26, 2024 (Ordinance 5832).

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

The applicant has submitted a revised site plan for the proposed development. The changes are significant enough that a revised site plan is required.

**County Plan:**

The County Plan Development Diagram illustrates this area within the Rural Development Tier (RDT).

**Recommendation:**

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

Staff recommends APPROVAL of RP-2024-681.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

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

Mr. Horn: Is this privately owned or like a U-Haul facility?

Mr. Diehl: It's a self-storage facility. It's privately owned.

Ms. Ryerkerk: It looks like they just rotated the layout.

Mr. Crawford: Is the East line the County Line?

Mr. Diehl: No. The trailer storage lot for the business next to them, their East property line is the County line.

Mr. Crawford: Is that going to change?

Mr. Diehl: No. that property is not included. The zoning is not changing for this piece, we are just approving the site layout.

Mr. Lake: This is where the greenhouses were, and Bynum winery was across the road.

Mr. Diehl: That is correct.

Mr. Antey: We are just looking at the site plan for approval since this is a Planned development.

**Mr. Antey: *Is the applicant here?***

Scott Tanner: I am the owners' representative. We just basically shifted the site over 15 feet to the East because the geo-tech report indicated rock.

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

Mr. Antey: Do you have anything else?

Mr. Tanner: We are in contact with the County Engineering Division and MoDOT since our stormwater will be draining onto State right of way.

Mr. Crawford: Is there grass in between the buildings?

Mr. Tanner: Yes. It will be seeded and sodded. We have a landscape plan as well.

Mr. Lake: Will this facility have living quarters?

Mr. Tanner: No. It will have an office and the facility will be gated.



**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. Horn seconded.

*Discussion under advisement*

Mr. Lake moved to approve. Mr. Horn seconded.

Mr. Lake	Approve
Mr. Farrar	Approve
Me. Smead	Approve
Mr. Monaco	Approve
Mr. Horn	Approve
Mr. Crawford	Approve
Ms. Ryerkerk	Approve
Chairman Antey	Approve

Motion Carried 8 – 0

**Randy Diehl gave the staff report:**

**RE: RZ-2024-682**

**Applicant:** Samantha & Levi Irwin

**Location:** 26109 E. Flynn Road

**Area:** 5.00 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RE (Residential Estates)

**Purpose:** The purpose is to create a single-family residential lot.

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

The zoning in the area is Agricultural and Residential.

Land use is single family residences.

Property sizes range from 3.00 acres to larger tracts.

The applicant wishes to place the existing dwelling on a 5.00-acre lot. The remaining 12.48 acres will remain within District AG, since it is over 10.00 acres in size.

**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 RZ-2024-682.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

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

Mr. Monaco: So, there's nothing on the lot today?

Mr. Diehl: The 5.00 acres will contain the existing house. The 12.00 acres tract will become buildable.

Discussion ensued regarding the location of the any future improvements on the 12.00 tract.

Mr. Lake: How wide is the back tract's access?

Mr. Diehl: At the road it's over 200 feet.

**Mr. Antey: Is the applicant here?**

Samantha Irwin: 26109 E. Flynn Road.

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

Ms. Irwin: No, I don't.

**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. Mr. Lake seconded.

Mr. Lake	Approve
Mr. Farrar	Approve
Me. Smead	Approve
Mr. Monaco	Approve
Mr. Horn	Approve
Mr. Crawford	Approve
Ms. Ryerkerk	Approve
Chairman Antey	Approve

Motion Carried 8 – 0

**Randy Diehl gave the staff report:**

**RE: RZ-2024-679**

**Applicant:** 8801 Truman Road LLC

**Location:** 8801 Truman Road

**Area:** 1.01 ± acres

**Request:** Change of zoning from District LB (Agricultural) to District GB (General Business)

**Purpose:** The purpose is to redevelop the tract for an adult novelty store and laundromat.

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

The zoning in the area is commercial, industrial and residential.

The applicant wants to relocate an existing adult store from 8401 E. Truman Road to this location. The development plan would be to raze the existing Moonlight Book Store and construct a 4,000 square foot retail store. An additional 3,700 square foot retail space would be used as a laundromat or other commercial activity.

The bookstore was operating as a legal non-conforming use within District LB (Local Business) and has been closed since 2019 or 2020.

The Unified Development Code states (24003.26.g) that “When a nonconforming use is discontinued for a consecutive period of 180 days, the property involved may thereafter be used for conforming purposes”.

Adult uses that are subject to Chapter 43 of the Jackson County Code are not allowed within District LB.

Since the 180-day period allowing the non-conformity for adult use has expired the property must be rezoned to District GB (General Business) and have a Condition Use Permit granted.

(An application for Conditional Use Permit is pending as CU-2024-251).

Water service in Blue Summit is provided by the City of Independence and the sanitary sewers are maintained by the City of Kansas City.

Currently there is access from Truman Road and Stark Avenue. The proposed development will not have direct access off Truman Road.

There will be approximately 32 parking spaces provided.

There is an apartment planned for employee use located on the second floor of the 4,000 square foot building.

Permitted uses with District GB also include uses within District LB. An accessory dwelling is allowed as an Accessory Use with District LB.

The property will need to be replatted into one contiguous lot to consolidate the current three lots and to eliminate the 12-foot alley.

**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 RZ-2024-679.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

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

Mr. Lake: This is right at the Stone Arch Bridge?

Mr. Diehl: Correct.

Mr. Lake: There will be no access from Truman Road.

Mr. Diehl: At this time, you can drive onto the property from either Truman Road or Stark Avenue. The applicant has been in contact with MoDOT and direct access from Truman Road will be eliminated.

Mr. Lake: And they own across the street? It's the same color on the map.

Mr. Diehl: No. The coloring is the zoning districts. For clarification the zoning district are color coded as follows:

Purple – LB, Local Business  
Blue – GB, General Business  
Red – HI, Heavy Industrial  
Orange – LI, Light Industrial

Cream – Single Family

Ms. Ryerkerk: This is Local Business, and they are proposing General Business?

Mr. Diehl: Yes, Local Business does not allow the proposed retail use. General Business with a Conditional Use Permit.

Mr. Horn: So, the one business is going to move to this proposed sight. The gas station will be redeveloped. And the buildings removed.

Mr. Diehl: The buildings at the current site will be removed. The gas station will be replaced with the future travel plaza. Currently, they are wanting to relocate the adult store at 8401 E. Truman Road to this location at 8801 E. Truman Road.

Ms. Ryerkerk: What are some of the differences between Local Business and General Business?

Mr. Diehl: Some of the differences are the types of activities, it allows a bigger building footprint. Permitted uses within Local Business are also included in General Business.

Mr. Horn: According to the application will the building be split 50/50?

Mr. Diehl: They are proposing two separate buildings.

Mr. Antey: We are focusing on the current building. Right now, before us is the property with the blue building on it. I would assume that the building will be razed.

Mr. Diehl: It will be razed for the new development.

Mr. Horn: Do they need to rezone for the current store to be in operation?

Mr. Antey: The laundromat falls into GB zoning.

Mr. Diehl: If the other component wasn't involved, they could rezone and develop with any of the permitted uses. They need the General Business zoning for adult use.

Mr. Horn: So, they could open a laundromat today?

Mr. Diehl: Yes.

Mr. So they are rezoning so they can keep up the adult store?

Mr. Antey: Potentially.

Mr. Diehl: If the Conditional Use Permit does not go through, they can still develop the property with any permitted use for General Business.

Mr. Lake: A car lot, a dispensary or a bookstore.

Mr. Farrar: Is the iconic bridge on Truman Road part of the beautification of the area by the City of Independence?

Mr. Diehl: I don't know, that's a city plan. I did look through that plan and it did mention a recommendation for a travel plaza in the Blue Summit area.

Mr. Horn: If they can move forward with some part of this plan, does the rezoning violate Chapter 43?

Mr. Antey: They can still rezone it. They must go through the Conditional Use approval. We can rezone it and the Conditional Use can fail, which gives them the opportunity to some have sort of business there. Passing the rezoning does not give them the right to move the store. They still need the Conditional Use Permit.

Mr. Lake: The way it's zoned right now, what types of businesses can they put there?

Mr. Antey: There's a list of uses in the UDC which are the permitted uses of businesses that can go there now.

Mr. Crawford: Can we get an example of the types of businesses?

Amanda Langenheim (County Counselor's Office) read a list of permitted uses from the UDC.

Mr. Lake: So right now, they can put in a laundromat?

Mr. Horn: That's the point I'm making. Right now, they can put in the laundromat and the two apartments. They can't get a Conditional Use Permit until we rezone it.

Mr. Diehl: Correct. They have the right to ask for a rezoning.

Mr. Antey: They could have come before us and asked for a rezoning because it opens up more opportunities for them and could have said nothing about the adult store. They could have come later for that. The Conditional Use would be a different process. What they intend to put may not happen.

Mr. Crawford: The Northwest corner at Truman and Stark. Can you tell me what is there?

Mr. Diehl: It's vacant ground. There may have been a plan that never developed.

Mr. Lake: What's the next process?

Mr. Diehl: The Conditional Use is a separate application.

Mr. Lake: The applicant owns the property now. The applicant owns the bookstore?

Mr. Diehl: They acquired the property last year from the former owner's estate.

Mr. Diehl: They are the properly owners, not the owners of the former bookstore that was closed.

Ms. Ryerkerk: If the previous bookstore had not closed or gone out of business, would they (new owners) been able to continue the bookstore?

Mr. Diehl: Yes. That business was grandfathered in. They would be required to obtain a permit from the Environmental Health Division since the ownership changed.

Mr. Lake: Because it sat vacant, it lost the grandfather status?

**Mr. Antey: *Is the applicant here?***

Riad Baghdadi, 11661 College Blvd, Overland Park, KS. I'm with RB Architecture Engineering Construction. I am the consulting engineer for the applicant.

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

Mr. Baghdadi: I want to emphasize we are just focusing on the rezoning.

Mr. Lake: The applicant currently owns the gas station down the street.

Mr. Baghdadi: Yes.

Kewal Singh: I am the owner.

Mr. Farrar: Is the driving force the laundromat or the adult use store?

Mr. Singh: We are looking at two buildings.

Mr. Farrar: If at the next step, if you are denied the adult use, would you still bring the laundromat to this specific location?

Mr. Singh: Yes. If we can't move this, we cannot develop the travel plaza. Moonlight was there 20 or 30 years.

Mr. Horn: We have to understand the community we're in. The Blue Summit area has about 600 people. I don't know how this would help them. I know this is your business, it's your right.

Mr. Baghdadi: He's been running this business (as the new owner) for about four years. It's a cleaner business than when he bought it. It's like any other adult store. There's no live entertainment, just novelties.

Mr. Horn: If the store closed, why is there a need to revive it?

Mr. Baghdadi: We want to clean up the property and develop it.

Mr. Antey: They are moving the existing store from here to here. That use in to be is still to be considered upon the Conditional Use. It's not reviving, it's just moving.

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

Jeff Jewell 18702 E 28<sup>th</sup> St S, Independence, Mo. I am the Fire Chief with Inter-City Fire Department. Most of the accidents on Truman Road come from this parking lot. One of the



things I like about this plan is there being no access onto Truman Road. I've been the Chief for about 23 years. I've worked fatalities and murders. This isn't the greatest part of Kansas City. To redevelop this, we will benefit from the tax generated. What they are trying to do would be a boost. This is a poor area. We have issues with the property being vacant. Growing up we were told to stay out of Blue Summit. I'm doing my part to help clean up the area. We fight homeless, illegals and crime. The bookstore has been there for 30 plus years. It was a high crime rate area. The plans would be to light that intersection up. We don't have lights, that will help. We'll be able to clean this area. When you come up from 435 you know you are in Dogpatch. This is an opportunity to clean it clean. The current building will be torn down and replaced with the store that's already there. I don't think you'll get opposition from the residents. I hope you all to consider what's going in there, no matter what it is, they are spending money back into the community. The eyesore that is there now. The other property he has bought is much better than before. I have a background in law enforcement and I think this is a good thing.

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

Lucy Young: 2325 Viking Dr., Independence, MO. Chief Jewell hit on lot of points. He's right, this will always be known as Dogpatch. If we continue to think of it as Dogpatch, it will always be Dogpatch. The City of Independence has a gateway plan. It's a base that is needed to look beyond the present. The former County Executive has wanted to shut the adult businesses and couldn't. It's their constitutional right to this type of business and it's our right as citizens to say that we object to it moving next to the iconic stone arch bridge. Community of Christ will be having their conference in 2025. In two years, we'll be having the World Cup. These people will be going by this. It will have an impact on the area. I'm asking to turn down the zoning on the pretext of the next case.

Wes Epperson, 3600 Poplar, Independence, MO. I agree with what Lucy said. I spent a lot of time in Blue Summit. My father was the Deacon of Blue Summit Baptist Church. We were opposed to the first adult shop that went in. That store had a lot of riffraff, a lot of crime. Getting sales sales tax shouldn't justify it. I'm fine with a laundromat. I just wonder about single mothers who live in the apartments that would use the laundromat and having their kids see people going in there and seeing what they bought. The City of Independence is looking at future projects. I don't think this is the kind of welcome we want coming into Independence.

Chris Dahl, 1614 Blue Ridge, Kansas City, MO. I agree with the Fire Chief. Something needs to be done. I agree with the laundromat. I have concerns with the traffic at the intersection. I also agree with the other two folks as well.

Mr. Monaco: Are you opposed to the rezoning to allow more business opportunities, forgetting the bookstore.

Mr. Dahl: When Moonlight was open, it was a dangerous intersection.

Mr. Smead: They could put a business there now.

Mr. Dahl: I know this is zoning and don't know if it will exasperate to the next level. Maybe something that will contract traffic. I not against business.

Ms. Langenheim: Mr. Chairman, if I could. I feel it's pertinent to remind the board that the UDC brings out that the Commission's decision with regards to the rezoning, is whether the rezoning is consistent with the Jackson County Master Plan and whether the owners intended use falls within the authorized uses under the rezoning category. Here rezoning to General Business is consistent with the Master Plan. You can see on the zoning map, there is already General Business in the area. The intended use, laundromat and adult store, falls within the authorized uses for General Business. Now, the Conditional Use permit is when the Commission can consider things the public is talking about, whether the proposed use is compatible and preserves the character and integrity of the adjacent development. You can consider whether the proposed use is detrimental to public health, safety and welfare of the neighborhood. I just want to make sure we are divorcing the two, the rezoning and the conditional use.

Motion to take under advisement.

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

*Discussion under advisement*

Mr. Monaco moved to approve. Mr. Smead seconded.

Mr. Lake	Disapprove
Mr. Farrar	Disapprove
Mr. Smead	Approve
Mr. Monaco	Approve
Mr. Horn	Approve
Mr. Crawford	Disapprove
Ms. Ryerkerk	Disapprove
Chairman Antey	Approve

Tie Vote      4 – 4 - 0

**Randy Diehl gave the staff report:**

**RE: CU-2024-251**

**Applicant:** 8801 Truman Road LLC

**Location:** 8801 E. Truman Road

**Area:** 1.01 acres

**Request:** Requesting a Conditional Use Permit to operate an adult novelty store for a period of 5 years

**Zoning Classification:** General Business (Pending)

**Comments:**

The applicant wants to relocate an existing adult store from 8401 E. Truman Road to this location. The development plan would be to raze the existing Moonlight Book Store and construct a 4,000 square foot retail store.

The bookstore was operating as a legal non-conforming use within District LB (Local Business) and has been closed since 2019 or 2020.

The Unified Development Code states (24003.26.g) that "When a nonconforming use is discontinued for a consecutive period of 180 days, the property involved may thereafter be used for conforming purposes".

Adult uses that are subject to Chapter 43 of the Jackson County Code are not allowed within District LB.

Since the 180-day period allowing the non-conformity for adult use has expired the property must be rezoned to District GB (General Business) and have a Condition Use Permit granted.

The store at 8401 E. Truman Road currently has a permit to operate an Adult Entertainment Business with issued by the Jackson County Environmental Health Division.

A new permit will need to be issued for the relocated business.

Conditional Uses within District GB are subject to the following:

**24004.9.c.3 - *Adult uses, not located within 1,500 of a church or school and subject to provisions of Chapter 43.***

The Blue Summit Baptist Church sits within the 1,500 radius.

County Plan:

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

Recommendation:

Staff recommends Disapproval of CU-2024-25.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

Based on the testimony from the rezoning request RZ-2024-679, and the recommendation from staff for the Conditional Use Permit, the applicant decided to withdraw the application for the Adult Use Conditional Use Permit.

They did ask for the rezoning request RZ-2024-679 to proceed onto the Legislative approval process.

Since no testimony was heard for this request, and the applicant withdrew, the request will not be forwarded to the Land Use Committee for consideration.