# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office: x8xx/Ord No.: 4999

Sponsor(s):

xxxx

Date:

August 7,2017

SUBJECT	Action Requested Resolution Ordinance				
	Z oranianee				
	Project/Title: Robert D & Kim J Luke - RP-2017-552				
BUDGET INFORMATION					
To be completed	Amount authorized by this legislation this fiscal year:  Amount previously authorized this fiscal year:	\$			
By Requesting	Total amount authorized after this legislative action:	\$			
Department and	Amount budgeted for this item * (including	\$			
Finance	transfers):				
	Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT			
		TO ACCT			
	* If account includes additional funds for other expenses, total budgete	ed in the account is: \$			
	OTHER EDIANGLA NEGODIA TO				
	OTHER FINANCIAL INFORMATION:				
	No budget impact (no fiscal note required)				
	Term and Supply Contract (funds approved in the ar	nnual budget); estimated value	and use of contract:		
	Department: Estimated Use: \$				
	Prior Year Budget (if applicable):				
	Prior Year Actual Amount Spent (if applicable):				
PRIOR	Prior ordinances and (date):				
LEGISLATION CONTACT	Prior resolutions and (date):				
INFORMATION	RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577				
REQUEST	Requesting a change of zoning from District AG (Agricultural) on a 20.00 ± acres to District AGp				
SUMMARY	(Agricultural Planned), for the purpose of season based events. The 20.00 ± acres are located In Section				
	11, Township 50, Range 31, Jackson County, Missouri, aka 3022 N. Twyman Road, and specifically				
	described on Attachment to RLA-1.				
	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 County Plan and complies with the Unified Development Code requirements.  The Jackson County Plan Commission voted 7 to 0 to recommend <u>APPROVAL</u> to the County				
	Legislature.				
CLEARANCE	Legislature.				
	Tax Clearance Completed (Purchasing & Department)				
	Business License Verified (Purchasing & Department)				
ATTACHMENTS	Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)  See Attachment to RLA-2				
ATTACHMENTS	See Attachment to KLA-2				
REVIEW	Department Director:		Date:		
	Brian D. Gaddie, P.E. Director of Public Works		7/25/2017		
	Fla:				
	Finance (Budget Approval):  If applicable  Date:				
	Division Manager: Date:				
	1 100		8 1 17		

	County Counselor's Office:  Date:					
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 theFund 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.					
$\boxtimes$	This legislative action does not impact the County financially and does not require Finance/Budget approval.					

### **ATTACHMENT TO RLA-2:**

# Attachments

Plan Commission Public Hearing Summary from July 20, 2017
Location Map
Staff Report
Affidavit of Publication in Independence Examiner
Names/Addresses of Surrounding Property Owners
Copy of letter to said property owners
Map showing current zoning district in area
County Code Chapter 240 – Unified Development Code
County Master Plan – "Strategy for the Future"
Application
Pictures of Property

# PR-2017-552

### **ATTACHMENT TO RLA 1:**

**Description:** All that part of the Southwest ¼ of the Southwest ¼ of Section 11, Township 50, Range 31, Jackson County, Missouri, being described as follows: Beginning at the Southwest corner of said Southwest ¼ of the Southwest ¼; thence North 0 degrees, 06 minutes, 53 seconds West, along the West line of said Southwest ¼ of the Southwest ¼, 653.13 feet to a point, South 0 degrees, 06 minutes, 53 seconds East, along said West line 669.18 feet from the Northwest corner of said Southwest ¼ of the Southwest ¼; thence North 89 degrees, 16 minutes, 03 seconds East, parallel with the South line of said Southwest ¼ of the Southwest ¼, 1304.11 feet to the West right of way line of Twyman Road (Road Record Book 4, Page 563); thence South 0 degrees, 10 minutes, 29 seconds along said line, 20.00 feet West of and parallel with the East line of said Southwest ¼ of the Southwest ¼, 653.12 feet to the South line of said Southwest ¼ of the Southwest ¼; thence South 89 degrees, 16 minutes, 03 seconds West, along said South line 1304.79 feet to the point of beginning, except that part in road.

RE: RP-2017-552

Randy Diehl gave the staff report:

Applicant:

Robert D & Kim J Luke

Location:

3022 N. Twyman Road

Area:

20.00 ± acres in Section 11, Township 50, Range 31

Request:

Change of zoning from District AG (Agricultural) to District AGp

(Agricultural-Planned)

Purpose:

Applicant is requesting the change in zoning for season based events.

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

The zoning in the immediate area is Agricultural with the majority of the land use being single family residences on large acreage tracts and smaller residential lots.

To the North on Twyman Road is Shelterwood, a faith based Therapeutic Boarding School for teens, rezoned to District AGp in 2006.

The applicant owns 20.00 acres. They have being running a "choose and harvest" tree farm for the past 15 years.

Their season begins the weekend prior to Thanksgiving and runs through the week prior to Christmas.

Hours of operation are Tuesday through Friday 3pm to 6pm and Saturday and Sundays 9am to 6pm.

The applicant is constructing a 1,700 square foot building that will serve as a waiting area for customers, and sale area for season related merchandise. The new building contains restrooms that are ADA compliant.

Within District AG, (24004.2.b.11) Harvesting of agricultural crops, including public harvesting of Christmas trees, fruit and other produce, is a Permitted Use.

The applicant would like to expand the seasonal offering to at least two other seasons. In the fall, to bring in pumpkins and possibly apples. This would be a Fall/Halloween theme and run for approximately two weeks. There will be no corn maze or pumpkin patch. In the Spring, provide tree and plants for sale with an Easter theme.

They would also, on occasion, like to rent out the building for reception type gatherings.

# **County Plan:**

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

District AGp (Agricultural-Planned) is appropriate for the Rural Development Tier.

#### Recommendation:

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

Staff recommends APPROVAL of RP-2017-552.

Respectfully submitted,

Jackson County Public Works Development Division Randy Diehl, Administrator

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

Mr. Akins: Is the Shelterwood property just shown for informational purposes?

Mr. Diehl: Yes, it's in the proximity as well as being within District AGp. The same zoning as the request.

Mr. Antey: Is the applicant here?

Robert D & Kim J Luke, 3022 N. Twyman Road

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

Ms. Luke: It would be good to know that once we plant a crop of trees, as seedlings, it takes about seven years to harvest. It takes a long time to make money and the harvest season is short as well. So we are hoping to add other seasons to our farm. We are hoping to use our farm for other things. We lost a lot of trees one year, about 8,000, due to brown spot. Not wanting to put all our eggs into one basket, we were looking at other things. Agra-Tourism is a growing industry. Many farms are doing things like this and since we a large following of families. We have about 2,000 followers on Facebook and they want to come to our farm all the time. It's just a short window that they can do that. If are able to extend those seasons, we'd be a way to keep the farm and think it would be something popular.

### Mr. Antey: Are there any other questions for the applicant?

Mr. Tarpley: Aren't there a lot of watermelon farms in the area?

Ms. Luke: I have no idea.

Mr. Luke: We don't plan on being in the watermelon business, and really weren't wild about being in the pumpkin business either.

Ms. Luke: Those would be something we would bring in, if we decide to do that. More than likely there will be no season bigger than what we are doing now. That season spans about six weeks where we have people on the property. If we do the other seasons like we are planning those would be short on weekends. Two weekends in the fall, two weekends in the spring and two weekends in the summer. We get pretty worn out during the Christmas season, and we may not want to do it at all. We would like to have the option for the other seasons now that we have restrooms. For 15 years we've had no running water or restrooms. And if we could use the facility for something else, we'd like that.

Mr. Tarpley: What about hayrides?

Ms. Luke: We've considered that.

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?

Amy Morris, 2911 N Twyman Road, my husband and I moved there about a month ago. We moved for the quiet, the piece. There's not a lot of traffic on the road. My concern, and we knew there was a Christmas tree farm there, that opening this up to all the other seasons concerns me with that many people on the farm. The extra traffic takes away from the peace and quiet. The Christmas season might be fine, and I'm not opposed to it all. I'm just concerned about it.

Mr. Tarpley: You are aware that Christmas time is the busiest time?

Ms. Morris: Yes

Mr. Tarpley: And you were aware that there was a Christmas tree farm there when you bought the property?

Ms. Morris: Yes

Mr. Tarpley: Just a couple of seasons, this isn't a year round party event. I'm trying to put your mind at ease. You're going to have all those people at Christmas time, that's a given. I understand your concern.

Ms. Morris: There will be all the extra traffic from renting out the building.

Ms. Morris: I was wondering if this is just a benefit for the neighborhood or just one person. As long as we can work together so everything can be quiet.

Ms. Luke: I would have those concerns as well if I hadn't experienced a season. All of the neighbors that have lived here as long as us have been supportive of this. If it was a nuisance, it would not be that way.

Mr. Luke: Several of our neighbors around us benefit from having us there. One sells firewood. Across the street from us they are selling honey. They say the more traffic for us is more traffic for them.

Mr. Tarpley: Where is the building from the road?

Ms. Luke: (pointing to the map) In this area

Mr. Diehl: It's approximately 1,000 feet from the road

Mr. Tarpley: My point is that being that far off the road you can't see any cars

Mr. Antey: What the capacity of the building?

Ms. Luke: The building occupancy is limited to 110-120 people per the fire district. In the case with the seasonal events we are wanting, there will never be that many people at one time in the building. We still are not sure if we want to have events in the building. We asking at this point, so we don't have to come back and reapply to change the plan.

Mr. Luke: We also grow elderberries on the farm. These are not for the public, they are for buyer in Columbia, MO. We are wanting to expand the uses of the farm and not lock it into one specific use, like the Christmas tree farm. We are still recuperating from the loss we suffered with the trees.

Mr. Akins: I believe your neighbors concern was also with the ingress and egress of traffic on the property. Is there a continual stream of cars all the time?

Ms. Luke: No. Shelterwood generates more continual traffic than we would.

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

Amanda Smith: 608 NE Leann Dr, My family and I go there almost every year. The entrance is a long driveway. There is no waiting to turn off the road into the property.

Mr. Crawford: This question is for staff, is the line of site adequate for the driveway.

Mr. Diehl: Yes, they have a Y driveway at the road. The site distance to the north (for a right hand turn) is very good. Most customers would travel to Blue Mills Road, which is south of the property. Site distance for a left hand turn is adequate as well.

Mr. Crawford: Agricultural Planned, does that cover receptions?

Mr. Diehl: That us would be covered "under the plan". If you recall the Horse Park from a couple of years ago. They have an events building as part of their plan. Christmas tree farming is a Permitted Use with District AG. In order to extend the seasons, a planned development would allow the extension into those other seasons.

# Motion to take under advisement.

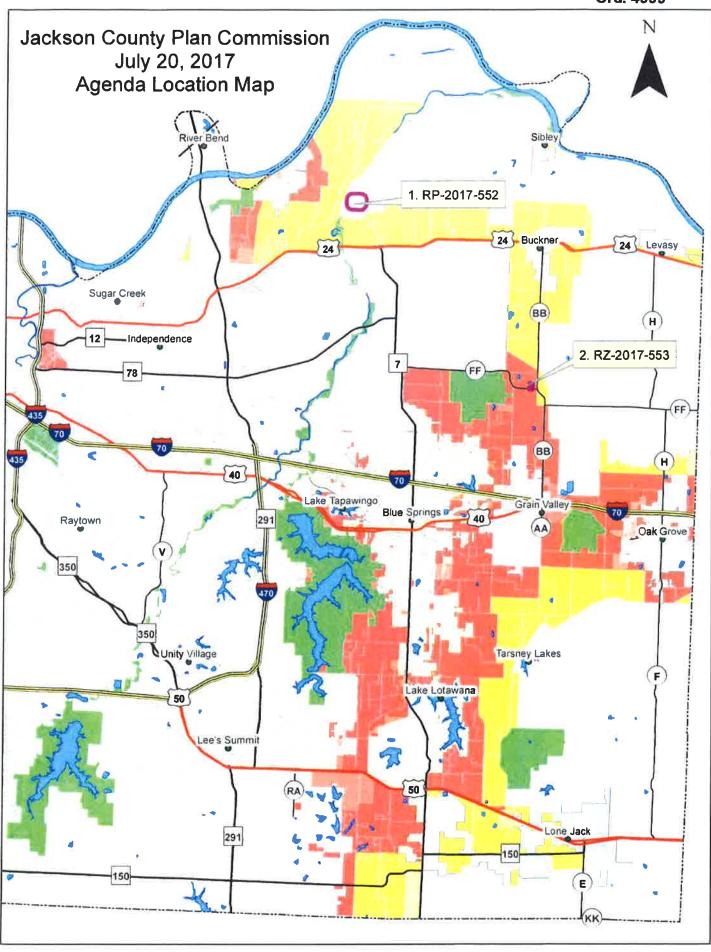
Mr. Tarpley moved to take under advisement. Mr. Akins seconded.

# Discussion under advisement

Mr. Gibler moved to approve. Mr. Haley seconded.

Mr. Tarpley Approve
Mr. Gibler Approve
Mr. Haley Approve
Mr. Crawford Approve
Mrs. Mershon Approve
Mr. Akins Approve
Chairman Antey Approve

Motion Carried 7 - 0



#### STAFF REPORT

PLAN COMMISSION July 20, 2017

RE: RP-2017-552

Applicant: Robert D & Kim J Luke

Location: 3022 N. Twyman Road

Area: 20.00 ± acres in Section 11, Township 50, Range 31

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

(Agricultural-Planned)

**Purpose:** Applicant is requesting the change in zoning for season based events.

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### Recommendation:

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Staff recommends APPROVAL of RP-2017-552.

Respectfully submitted,

Jackson County Public Works Development Division Randy Diehl, Administrator

Ord. 4999



Plan Commission July 20, 2017 PR-2017-552 Property Owners Within 1000 feet

parcel_number	owner	address	city	state	zipcode
09-800-02-07-00-0-00-000	ADAMS LARRY WAYNE	2821 N TWYMAN RD	INDEPENDENCE	МО	64058
09-500-03-09-01-0-00-000	BOGAN MICHAEL & CONNIE	3122 N TYWMAN RD	INDEPENDENCE	MO	64058
09-800-02-03-01-0-00-000	BROWN TIMOTHY W & CAROL JEAN	3010 N TWYMAN RD	INDEPENDENCE	МО	64058
09-400-04-15-00-0-00-000	BURCIAGA JOSE & VELIA	3008 N LENTZ RD	INDEPENDENCE	MO	64058
09-400-04-10-00-0-00-000	BUSH DAVID W & MARY M	3007 N LENTZ RD	INDEPENDENCE	МО	64058
09-400-04-14-00-0-00-000	BUSH DAVID W & MARY M	3007 N LENTZ	INDEPENDENCE	MO	64058
09-400-04-13-00-0-00-000	BUSH DAVID W & MARY M	3007 N LENTZ RD	INDEPENDENCE	MO	64058
09-400-04-17-00-0-00-000	BUSH DAVID W & MARY M	3007 N LENTZ	INDEPENDENCE	MO	64058
09-800-02-48-01-0-00-000	BUTLER WILLIAM LEE &	2917 N TWYMAN RD	INDEPENDENCE	MO	64058
09-900-01-38-00-0-00-000	CLAFLIN JONATHAN T & ARIELLE R	2815 N LENTZ RD	INDEPENDENCE	MO	64050
09-800-02-03-03-0-00-000	CLEVINGER LADONNA	707 APACHE DR	INDEPENDENCE	МО	64056
09-500-03-09-02-1-00-000	COLLIER MICHAEL WAYNE &	3106 N TWYMAN RD	INDEPENDENCE	МО	64058
09-800-02-57-00-0-00-000	CRAIG JEFFREY DALE & RENIE JEAN	23500 E BLUE MILLS RD	INDEPENDENCE	MO	64058
09-500-04-05-00-0-00-000	DOULOS MINISTRIES INC	3205 N TWYMAN RD	INDEPENDENCE	MO	64058
09-900-01-34-00-0-00-000	ELLIOTT STEVEN C & LORI L	17311 E 40 HWY H29	INDEPENDENCE	MO	64055
09-800-02-05-00-0-00-000	JAFISHER PROPERTIES LLC	2106 PRAIRIE CREEK DR	KEARNEY	МО	64060
09-500-03-10-00-0-00-000	JOHNSON ERIC & DORENE	9836 N HOME AVE	KANSAS CITY	МО	64157
09-400-04-19-00-0-00-000	JONES BURKET & BRENDA	3101 N LENTZ RD	INDEPENDENCE	Θ	64058
09-800-02-06-01-0-00-000	MARLEY GLEN E JR & MARJORIE L	2900 N TWYMAN RD	INDEPENDENCE	Θ	64058
09-800-02-03-02-0-00-000	MARTIN KATHY S	2912 N TWYMAN RD	INDEPENDENCE	МО	64058
09-800-02-56-00-0-00-000	MEYER JOHN R	23510 E BLUE MILLS RD	INDEPENDENCE	МО	64058
09-900-01-35-00-0-00-000	MILES JULIE A	435 JOSEPH LN	<b>GRAIN VALLEY</b>	MO	64059
09-800-02-48-02-0-00-000	MORRIS EDWARD R & AMY C	2911 N TWYMAN RD	INDEPENDENCE	МО	64058
000-00-0-00-09-00-00-60	OBERMEYER LISA D & JARED W	3202 N TWYMAN RD	INDEPENDENCE	МО	64058
09-800-02-03-04-0-00-000	OWENS MICHAEL	2808 N TWYMAN RD	INDEPENDENCE	MO	64058
09-800-02-08-00-0-00-000	SIMKO STEVEN & DAWN	2815 N TWYMAN RD	INDEPENDENCE	МО	64058
09-900-01-29-00-0-00-000	STEELE RONNIE D & COLLEEN	2906 N LENTZ RD	INDEPENDENCE	MO	64058
09-800-02-02-00-0-00-000	STURGIS JANEY M	7035 PICKWELL DR APT # 3100	SAN ANTONIO	¥	78223
09-800-02-45-00-0-00-000	THOMAS MARILYN	2812 N TYWMAN RD	INDEPENDENCE	MO	64058

64015 64058	64058	
M M	MO	
INDEPENDENCE	INDEPENDENCE	
3105 N TWYMAN RD 3105 N TWYMAN RD	3022 TWYMAN	
YOUNGBLOOD M LYNN YOUNGBLOOD M LYNN & MANUS GRADY B	LUKE ROBERT D & KIM J	
09-500-03-08-02-0-00-000	09-500-03-09-02-2-00-000	

# JACKSON COUNTY, MISSOURI PLANNED DEVELOPMENT ZONING APPLICATION

### 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.

TO BE COMPLETED BY OFFICE PERSONNEL ONLY:

- 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 <u>Site Development Plan and supporting documentation</u> as provided in UDC Section 24003.18 paragraph e (See Item 14).
- 6. A <u>signed statement</u> by applicant that applicant understands and agrees that rezoning granted under this section may be revoked should actual use of the property deviate materially <u>if</u> 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

Rezoning Case  Date Filed 6		2017-552 Date of hearing 7-2	0/17		
Date advertised Date property owner's notified					
Date signs poste		zaro proporty owner s non			
Hearings:	Heard by PC	Date 7-20-17	Decision		
	Heard by	Date	Decision		
	Address: 302 Phone 5/6 8	1 Owner(s) e: Robert and Ki 2 N Twyman Ro (38 0338 38-3707			
<b>b.</b>	Owner(s) Name:  Address:  Phone:		Rd Judgendence No 0405B		

		c. Agent(s) Name:
		Address:
		Phone:
		d. Applicant's interest in Property: Duner / Uperature
	2.	General Location (Road Name) Twy man
	3.	Present Zoning Agricultural Requested Zoning Requested Zoning
*	4.	AREA (sq. ft. / acres)
	5.	Legal Description of Property: (Write Below or Attached 9)
	6	Proceed the of Proceeding (s. hyrus tongs. The s. Turcing
	6.	Present Use of Property: Christmas Tree, tarm
	7.	Proposed Use of Property: Pring Summer Fall Capele pump Kin event, Easter
*	8. 1	Proposed Use of Property: Still Still Still Strates for additional scasons  Proposed Use of Property: Pring Summer Fall Capele pumpkin event, Easler  Hunt, Summer scaving or hunt, hent building for parties, anniversaries  Fund raisers Farmers Minket small weddings, charge, groups and organ  Proposed Time Schedule for Development: Winter
	9.	What effect will your proposed development have on the surrounding properties?  No change from what work currently doing. Neighbor see increase in traffic during a selling season, so feehups increase in traffic.
	10.	Is any portion of the property within the established flood plain as shown on the FEMA Flood
		Boundary Map?
		If so, will any improvements be made to the property which will increase or decrease the
		elevation?

	11.	Desc	ribe the source/method which provides the following services, and what effect the
		deve	lopment will have on same:
		a.	Water City of Independence
		b.	Sewage disposal 3500 gal septic tank
		c.	Electricity KCP+
		d.	Fire and Police protection For 1 Osage Fire District Jackson County Sherrif
<u>ن</u> ا	12.	Desc	ribe existing road width and condition:
*	13.	What	t effect will proposed development have on existing road and traffic conditions?
4	14.	Are a	any state, federal, or other public agencies approvals or permits required for the proposed
<b>7</b>			opment?If so, describe giving dates of application and status (include permit
			pers and copies of same, if issued):
	15.	Pľ.A	NNED ZONING APPLICATION SHALL INCLUDE SITE DEVELOPMENT PLAN:
	101		ccurate, legible site plan, drawn to scale and containing the following information:
		7 11.2 40.	to the same to the
		Va.	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 Property Owner(s)	fold Plake	Date	7-18-17
Applicant(s):	Kim Lulie Robert D Fine	e	7-18-17
Contract Purchaser(s	):	=	
		-	
STATE OF MAS	nour Luon		
On this <u>\\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\</u>	public, personally appeared	, in the year o	of 2017, before me
acknowledged that he/s	the person(s) whose names(s) in the he/they executed the same for the ereunto set my hand and official s	purposes therei	d to the within instrument and n contained.
Notary Public Opi	20 Billingsley	Commission Ex	opires March 24, 201°



Our current business is a "choose and harvest" tree farm. Season begins the weekend prior to Thanksgiving and runs through week prior to Christmas. Our hours of operation are Tuesday through Friday from 3pm-6pm. On Saturday and Sunday we are open from 9am-6pm. We offer field trees for our customers to harvest, and wholesale some varieties that cannot be grown in Missouri. We offer complimentary hot cocoa and candy canes. Santa visits on three of the weekends for a few hours. Customers pay for their trees in our gift shop, where they can purchase stands, wreaths, decorations and holiday related merchandise. If weather permits we have a outside bonfire. We have speakers attached to our gift shop where we play holiday music. We have done our business in this fashion for 15 years and have never had one complaint or concern. Most everyone on Twyman are customers of ours.

We will be offering the exact same type of seasonal offering in at least two other seasons. In Fall we plan to bring in pumpkins, and possibly apples. We will serve cider and have a fall/Halloween theme. Exactly like above, but season would run approx. two weeks. We will not have a corn maze or pumpkin patch.

In Spring we will have tree seedlings and elderberry plants for sale. We will have the Easter bunny and an egg hunt.

These are the things we will be doing, now that we have bathroom facilities.

We have five pole lights leading to and around our parking area. Most everything goes on in daylight hours.

