

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**AN ORDINANCE** granting a conditional use permit (CUP) in District A (Agricultural) for a period of three years to operate a kennel for the foster care of abandoned dogs and cats, subject to specified conditions on a 10 ± acre tract.

**ORDINANCE #4437**, August 6, 2012

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section 1. A conditional use permit is hereby granted for a period of three years to operate a kennel, as to an approximate 10± acre tract of land generally located at the northeast intersection of Hammond and Spainhour Roads, and specifically described as follows:

**Description:** The south 10 acres of the southeast quarter of the southeast quarter of section 36, township 48, range 30, in Jackson County, Missouri, except part in roads.

Section 2. The conditional use permit granted by this Ordinance is subject to the following conditions:

1. The number of dogs (above the age of four months) kept on the property is limited to six (6).
2. The number of cats (above the age of four months) kept on the property is limited to twenty-five (25).
3. No boarding services to be provided to the general public.
4. All animals must be contained in the kennel enclosures unless under the control

of and obedient to the command of a responsible person.

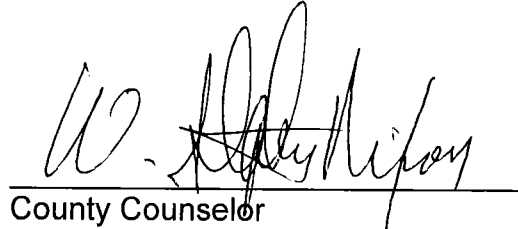
5. There shall be no on-premise sign allowed for either identification or advertisement purposes.
6. The applicant shall obtain a variance on the south setback requirement from the Board of Zoning Adjustment, if the outbuilding will be used as a kennel facility.

Section 3. The Legislature, pursuant to the application of Rene M. Martinez (CU-2012-211), requesting approval embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 6 to 0 to recommend APPROVAL of this application in a public hearing on July 19, 2012, does adopt this Ordinance pursuant to the Jackson County Charter authorizing the Legislature to exercise legislative power pertaining to planning and zoning.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

  
Chief Deputy County Counselor

  
County Counselor

I hereby certify that the attached Ordinance, Ordinance #4437 introduced on August 6, 2012, was duly passed on September 10, 2012 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 7

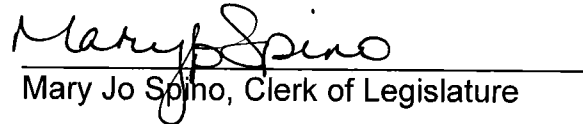
Nays 0

Abstaining 0

Absent 2

This Ordinance is hereby transmitted to the County Executive for his signature.

9-10-12  
Date

  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4437.

9-11-2012  
Date

  
Michael D. Sanders, County Executive

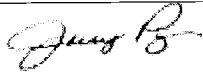
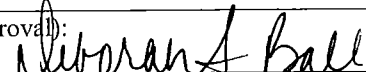
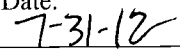
# REQUEST FOR LEGISLATIVE ACTION

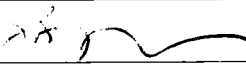
Completed by County Counselor's Office:

~~Res~~/Ord No.: 4437

Sponsor(s): xxxxxxxx

Date: August 6, 2012

SUBJECT	<p>Action Requested  <input type="checkbox"/> Resolution  <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: <u>Conditional Use Permit (Rene M Martinez)</u> Case No. <u>CU-2012-211</u></p>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="332 520 1209 835"> <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; FROM / TO</td> <td>FROM ACCT  TO ACCT</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; FROM / TO	FROM ACCT  TO ACCT
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; FROM / TO	FROM ACCT  TO ACCT											
PRIOR LEGISLATION	<p>Prior ordinances and (date): _____</p> <p>Prior resolutions and (date): _____</p>											
CONTACT INFORMATION	<p>RLA drafted by Randy Diehl, Planning and Zoning Coordinator, 881-4577</p>											
REQUEST SUMMARY	<p>Requesting Conditional Use Permit (CUP) in District A (Agricultural) for a period of 5 years to operate a kennel for foster care for abandoned puppies and kittens on 10 +/- acres.          Description: The 10 acre tract is at the northeast intersection of Hammond and Spainhour Roads lying in Section 36, Township 48, Range 30 and specifically described on Attachment to RLA-1.          The Jackson County Plan Commission July 17, 2012 held a public hearing and accepted testimony pertaining to the Conditional Use Permit. There was opposition to the request for the Conditional Use Permit. This request conforms to the general intent and purpose of the Unified Development Code.          Therefore, the Plan Commission voted 6 to 0 to recommend <u>APPROVAL</u> for a 3 year period provided the following conditions are met (see attachment RLA-2)</p>											
CLEARANCE	<p><input type="checkbox"/> Tax Clearance Completed (Purchasing &amp; Department)  <input type="checkbox"/> Business License Verified (Purchasing &amp; Department)  <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)</p>											
ATTACHMENTS	<p>See Attachment to RLA-3</p>											
REVIEW	<p>Department Director:           Jerry A. Page, P.E.</p> <p>Finance (Budget Approval):  <i>If applicable</i> </p>	<p>Date: 07/31/2012</p> <p>Date:  </p>										

Division Manager: 	Date: 1/31/12
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 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.

**ATTACHMENT TO RLA 1:**

**Description:**

THE SOUTH 10 ACRES OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 48, RANGE 30, IN JACKSON COUNTY, MISSOURI, EXCEPT PART IN ROADS.

## **ATTACHMENT TO RLA-2**

Condition Use Permit for a period of 3 (three) years with the following Conditions:

- 1) That the number of dogs kept on the property is limited to six (6).
- 2) That the number of cats kept on the property is limited to twenty five (25).
- 3) No boarding services to be provided to the general public.
- 4) That all animals must be contained in the kennel enclosures unless under the control of and obedient to the command of a responsible person.
- 5) There shall be no on-premise sign allowed for either identification or advertisement purposes.
- 6) Obtain a variance on the south setback requirement from the Board of Zoning Adjustment, if the outbuilding will be used as a kennel facility.

**ATTACHMENT TO RLA-3:**

**Attachments**

Plan Commission Public Hearing Summary from July 17, 2012

Staff report

Names/Addresses of Surrounding Property Owners

Map showing current zoning districts in area

Application

Copy of letter from Laura Williams DVM

Copy of letter from Christina Larson

Petition against Pet Rescue



**2. CU-2012-211 – Rene Martinez**

Requesting a conditional use permit for a period of 5 years to operate a kennel for foster care for abandoned puppies and kittens in District A (Agricultural) on 10± acres. The 10± acres are at the northeast intersection of Hammond and Spainhour Roads lying Section 36, Township 48, Range 30 in Jackson County, Missouri, aka 10621 S. Spainhour Road.

Mr. George introduced CU-2012 -211 and entered ten exhibits into the record.

A Conditional Use Permit to allow a kennel for abandoned puppies and kittens as set forth in Section 24004.2c.13 of the Unified Development Code (UDC). A CUP is required if more than 6 dogs and cats are kept on a property zoned Agricultural. The applicant is requesting the permit for a period of 5 years.

The applicant has owned the property since 2005. The applicant resides on the property and have indicated that they have had been fostering dogs and cats for several years.

The land use in the surrounding area is large residential tracts and agriculture. The zoning is agricultural.

The applicant provides foster care and placement services for abandoned puppies and kittens as well as dogs and cats. As stated, the property is zoned Agricultural. The UDC allows up to six dogs and cats within the Agricultural Zoning District. The term Dog and Cat as defined by the UDC is either species being four (4) months of age or over. Currently, seven dogs and twenty five cats are being cared for by the applicant.

Section 24004.2.c.13 of the UDC also requires that animal enclosures are to be located not less than 200 feet from any property line. By definition in the UDC, an Animal Enclosure Area is: "Any area designed for the containment of animals excluding: livestock grazing areas, terrariums, aquariums, small cages kept within the living area of a residence and fenced yards".

The applicant has a small outbuilding located behind the house which is being utilized as kennel facility.

In order to meet the requirement as set forth in the UDC regarding the 200 foot setback, the width and depth of the property should be at least 400 feet. The property is a 10 acre tract. It is 340 feet ± wide and 1320 feet ± deep. There is an approximately 80 foot ± deficit from the outbuilding to the south property line. Relocating the building is not an option since the width of the property does not allow the setbacks to be met on all sides. Options would be to:

- a. make a request to the Board of Zoning Adjustment for a variance to the required 200 foot setback, if the applicant wishes to continue to utilize the outbuilding as a kennel facility.
- b. locate the kennels to an area within the residence.

In our discussion with the applicant they will be seeking a variance from the BZA.

Staff recommends APPROVAL of CU-2012-211 for a three (3) year period provided the following conditions are met:

- 1) That the number of dogs kept on the property is limited to ten (10).
- 2) That the number of cats kept on the property is limited to twenty five (25).
- 3) No boarding services to be provided to the general public.
- 4) That all animals must be contained in the kennel enclosures unless under the control of and obedient to the command of a responsible person.
- 5) There shall be no on-premise sign allowed for either identification or advertisement purposes.
- 6) Obtain a variance on the south setback requirement from the Board of Zoning Adjustment, if the outbuilding will be used as a kennel facility.

Commissioner Mershon asked have they had a permit before.

Mr. George responded no but he would let the applicant explain the process in regard to this.

Commissioner Mershon asked that the applicant come forward and state her name and address for the record.

Renee Martinez, 10621 Spainhour Road. Lone Jackson County, Missouri.

Basically I foster for a State licensed rescue group and was fostering out there and I am licensed under the state and did not realize I had to have a permit with Jackson County. Now that I realize that I want to get this taken care of.

I help people get their animals spayed and neutered. I spend my weekends at PETCO helping get the animals adopted. My dogs do not roam the neighborhood but do bark when I go out to feed them and then at night when I get home from work.

Commissioner Pointer asked if she got complaints from neighbors over barking.

Ms. Martinez responded no one has knocked on my door to complain, now I did get someone complaining that I was running an illegal puppy mill. Animal Control came out to check me out and said that I was not running a puppy mill, which brought us to this.

Mrs. Mershon asked how long have you lived there.

Ms. Martinez said she has lived out there 7 years. I have done this the last four or five years I did not realize I had to have this permit thing. I take in puppies and kittens that are under four months old. I do not want adult dogs, some of them that I have had since

they were puppies and they have never been adopted. In that case I have to make a decision.

Commissioner Mershon asked when you said you put them up at night what did you mean.

Ms. Martinez responded they are in a building at night and when I let them out in the morning they are excited. The cats that I have are always in the building they are not caged so they have the run of the building.

Commissioner Pointer asked if the dogs and cats get along.

Ms. Martinez they do great occasional cat fights now and then. A lot of what we do is educating the public about spaying and neutering. I work at an adult care facility in the day and at night I come home and take care of puppies that is my passion. If the neighbors have a problem they just need to come to me. We will figure out a solution but that area needs something.

Commissioner Pointer asked if there are other people that do this in Jackson County.

Ms. Martinez said the closest one is in Johnson County.

Commissioner Pointer asked if she was going to have more than ten dogs.

Ms. Martinez said no most of what she has is puppies under four months old she does not take in adults.

Commissioner Haley asked expenses coming out of her own pocket.

Ms. Martinez said a lot of it is but what we make off adoptions helps to cover expenses.

Commissioner Pointer asked if she gets in pure breed dogs.

Ms. Martinez said yes but most of what she gets in are mutts.

Commissioner Mershon asked if anyone else has any other questions for her.

Commissioner Crawford asked how many dogs do you have right now.

Ms. Martinez said she has 3 dogs in her house and 7 adult dogs in the shelter.

Mr. George said as long as she has 3 dogs in the house and 7 in the shelter constitutes 10.

Commissioner Pointer asked when you have these dogs neutered do you also have them tattooed?

Ms. Martinez said no they do not but all the medical needed is done to get them to be adopted.

Commissioner Mershon asked if anyone else was in favor of the motion.

Catherine Kinney introduced herself and she with KCSR, she is in favor of this motion.

There were no questions for Catherine.

Is there anyone against this? Please come forward and give us your name and address.

Robert Riley, 10607 S. Spainhour Rd. I have two neighbors with me here. To start out know body wants this. I have 20 signatures on this our concerns are:

- Noise level
- Property Values
- Pest waste concerns
- Zoning concerns
- Pets and human interaction on how they are fed
- Rehabilitation
- Fighting of the dogs

I live next door and I have a tape she is right the noise is loud. I am the one who took the dog to her she turned down. We volunteer for shelters and donate to shelters. Other than we just don't want it.

Commissioner Mershon said Scott you need to enter this petition it will be exhibit 11.

Commissioner Pointer said I have a question you talk about waste you are in agricultural area.

Mr. Riley said the concern is the where is the waste going she is right next to a creek bed, I am just saying

Commissioner Mershon asked if he had seen the facility.

Mr. Riley said yes he has seen the facility.

My name is Mike Beard I just moved into 10716 Spainhour Road. I think what this lady is doing is very admirable. Cats I don't mind the barking dogs is what I can not tolerate. I just can't do another kennel. I do not want to put up with it in my brand new home.

Commissioner Mershon said you say you don't want a kennel but what about cats.

Mr. Beards said he has no problem with cats, his mother who lived there before him fed stray cats and cared of them.

Commissioner Pointer said so really what you are complaining about is adult dogs not pups.

Mr. Beards said he just does not want the noise I do not want a kennel.

Commissioner Mershon asked if she was there before you moved into this house.

Mr. Beards said yes I just moved in there Sunday.

Commissioner Pointer asked how many acres do you have?

Mr. Beards said 6 ¾.

Commissioner Mershon asked if anyone else had a complaint about this.

I am James Brinlee, 10608 Spainhour. I have lived there for 51 years and the noise is getting progressively worse.

Commissioner Pointer asked how many acres does Mr. Brinlee have.

Mr. Brinlee said 40 acres I just can not take the noise.

Commissioner Crawford asked how long has this been going on.

Mr. Brinlee it has been going on the last 3 to 4 years. It has progressively gotten worse.

Commissioner Pointer asked if she just handled the pups could you handle that.

Mr. Brinlee said if he didn't hear the barking it would be all right. She is yelling you can hear her too, Mr. Morse moved out because of the noise from the dogs.

Robert Riley 10607 Spainhour Road. I always thought it was a licensed dog thing and now we found out it is not and that is why we are all here so we can do something about this. No I do not want puppies or any of that. The noise is all day long.

Commissioner Aikens asked you said you have 3 dogs.

Mr. Riley I have 3 dogs and a fenced yard.

Commissioner Aikens asked about the dog fights.

Mr. Riley said yes there are dog fights.

Commissioner Aikens asked you are aware that the county ordinance allow 6 dogs.

Mr. Riley I did not know the ordinance.

Commissioner Mershon asked if the applicant would like to respond.

Renee Martinez said yes they do bark in the morning when I feed them and at night when I get home. As far as the dogs fighting they are probably my own dogs.

Commissioner Mershon asked when you are gone all day do the dogs stay outside or do they stay in the kennel.

Ms. Martinez said they are indoor/outdoor runs so they can go inside the shelter.

Commissioner Mershon asked all day you really do not know if they bark or not.

Ms. Martinez they bark in the morning and at night but I don't hear them on the weekend during the day when I am home.

Commissioner Aikens asked is each dog in an individual run.

Ms. Martinez said she has 2 dogs in each run I have 4 runs. He is right they do bark.

Commissioner Pointer asked what would she do if she just had puppies.

Ms. Martinez I don't understand the rule you can have as many puppies and kittens under four months old.

Commissioner Aikens stated I think you presented your own case on that you had one dog and ended up with nine.

Commissioner Mershon asked do most of the dogs you have now have you had a hard time getting rid of them.

Ms. Martinez said there are four or five of them I have had for years I have not been able to get them adopted out.

Commissioner Pointer asked how does she feel about shock collars.

Ms. Martinez I don't like shock collars.

Commissioner Mershon asked Scott do you have anything else to ask her.

Mr. George stated that he would add they are correct as far as UDC.

Commissioner Mershon ask for a motion to take this under advisement.

Mr. Pointer made a motion Mr. Haley seconded.

Discussion among the Commissioner's.

Commissioner Pointer made a motion to have 6 adult dogs and 25 cats Commissioner Gibler seconded.

Mr. George so the motion is to approve the amended conditions of the staff recommendations.

Commissioner Crawford recommends CU-2012-211 going from 10 dogs to 6.

#### VOTE

Aikens	Approve
Gibler	Approve
Pointer	Approve
Haley	Approve
Crawford	Approve
Mershon	Approve

**STAFF REPORT**

**PLAN COMMISSION**

July 19, 2012

RE: CU-2012-211

**Applicant/Property Owners:** Rene M. Martinez

**Location:** Northeast intersection of Hammond and Spainhour Roads lying in Section 36, Township 48, Range 30 in Jackson County, Missouri , aka 10621 S. Spainhour Road.

**Area:** 10 ± acres

**Zoning District:** District A (Agricultural)

**Request:** A Conditional Use Permit to allow a kennel for abandoned puppies and kittens as set forth in Section 24004.2c.13 of the Unified Development Code (UDC). A CUP is required if more than 6 dogs and cats are kept on a property zoned Agricultural. The applicant is requesting the permit for a period of 5 years.

**Background:** The applicant has owned the property since 2005. The applicant resides on the property and have indicated that they have had been fostering dogs and cats for several years.

**Current Land Use and Zoning in the Area:** The land use in the surrounding area is large residential tracts and agriculture. The zoning is agricultural.

**Master Plan:** The Master Plan Development Diagram illustrates this area within the Rural Development Tier (RDT). This tier is intended for residents who enjoy a rural lifestyle, open spaces and few neighbors.

**Comments:** The applicant provides foster care and placement services for abandoned puppies and kittens as well as dogs and cats. As stated, the property is zoned Agricultural. The UDC allows up to six dogs and cats within the Agricultural Zoning District. The term Dog and Cat as defined by the UDC is either species being four (4) months of age or over. Currently, seven dogs and twenty five cats are being cared for by the applicant.

Section 24004.2.c.13 of the UDC also requires that animal enclosures are to be located not less than 200 feet from any property line. By definition in the UDC, an Animal Enclosure Area is: "Any area designed for the

containment of animals excluding: livestock grazing areas, terrariums, aquariums, small cages kept within the living area of a residence and fenced yards".

The applicant has a small outbuilding located behind the house which is being utilized as kennel facility.

In order to meet the requirement as set forth in the UDC regarding the 200 foot setback, the width and depth of the property should be at least 400 feet. The property is a 10 acre tract. It is 340 feet  $\pm$  wide and 1320 feet  $\pm$  deep. There is an approximately 80 foot  $\pm$  deficit from the outbuilding to the south property line. Relocating the building is not an option since the width of the property does not allow the setbacks to be met on all sides. Options would be to:

- a. make a request to the Board of Zoning Adjustment for a variance to the required 200 foot setback, if the applicant wishes to continue to utilize the outbuilding as a kennel facility.
- b. locate the kennels to an area within the residence.



**Recommendation:**

Staff recommends APPROVAL of CU-2012-211 for a three (3) year period provided the following conditions are met:

- 1) That the number of dogs kept on the property is limited to ten (10).
- 2) That the number of cats kept on the property is limited to twenty five (25).
- 3) No boarding services to be provided to the general public.
- 4) That all animals must be contained in the kennel enclosures unless under the control of and obedient to the command of a responsible person.
- 5) There shall be no on-premise sign allowed for either identification or advertisement purposes.
- 6) Obtain a variance on the south setback requirement from the Board of Zoning Adjustment, if the outbuilding will be used as a kennel facility.

Respectfully submitted,

Planning and Environmental Health Division

Scott George  
Administrator  
Randy Diehl  
Subdivision and Zoning Coordinator

**Plan Commission  
July 19, 2012  
CU-2012-211**

**Applicant / Property Owner:** **Renee M. Martinez**  
**10621 S. Spainhour Road**  
**Lone Jack, Mo 64070**

**Parcel No: 55-700-04-12-00**

**Certified Mail – Return Receipt**  
**Property Owners within 1000 feet**

58-100-01-10-00  
Michael & Robin Beard  
708 NE Bryant Dr.  
Lee's Summit, MO 64086

55-700-04-02-01  
Perry Allen Benson  
280 W. 146<sup>th</sup> Street  
Carmel, IN 46032

58-100-01-16-00  
Gary & Debra Brewington  
RFD1  
Lone Jack, MO 64070

58-100-01-17-00  
Gary & Debra Brewington  
10815 S. Spainhour Road  
Lone Jack, MO 64070

55-700-04-03-00  
Brinlee Patsy C-Truste  
Rt. 1 Box 1400  
Wheatland, MO 65779

55-700-04-01-02  
BS Corner LLC  
1212 8<sup>th</sup> Street  
Kansas City, MO 64106

55-700-04-08-02  
BS Corner LLC  
25614 E. Shadybrook Lane  
Lee's Summit, MO 64086

58-100-01-04-02  
Fred Hartwig  
10810 S. Spainhour Road  
Lone Jack, MO 64070

58-100-01-08-00  
Homesales of Delaware Inc.  
10790 Rancho Bernardo Road  
Lone Jack, MO 64070

55-700-04-01-01-2  
Ismert Farms, LLC  
606 E 117<sup>th</sup> Terrace  
Kansas City, MO 64131

56-900-03-05-00  
Ismert Farms, LLC  
606 E 117<sup>th</sup> Terrace  
Kansas City, MO 64131

56-900-04-03-02-5  
Ismert Farms, LLC  
606 E 117<sup>th</sup> Terrace  
Kansas City, MO 64131

57-300-01-08-00  
Ismert Farms, LLC  
606 E 117<sup>th</sup> Terrace  
Kansas City, MO 64131

58-100-01-06-00  
Lorrie Johnson  
10717 S. Spainhour Road  
Lone Jack, MO 64070

58-100-01-15-00  
Karlene Kramer  
10801 S. Spainhour Road  
Lone Jack, MO 64070

58-100-01-02-00  
Richard & Karen Loftis  
35100 E. Hendricks Road  
Lone Jack, MO 64070-9128

57-300-02-01-00  
Gene Malvitz & Lisa Sawyer  
5624 Marion Circle  
Kansas City, MO 64144

58-100-01-05-00  
Linda Pool  
34701 E. Hammond Road  
Lone Jack, MO 64070



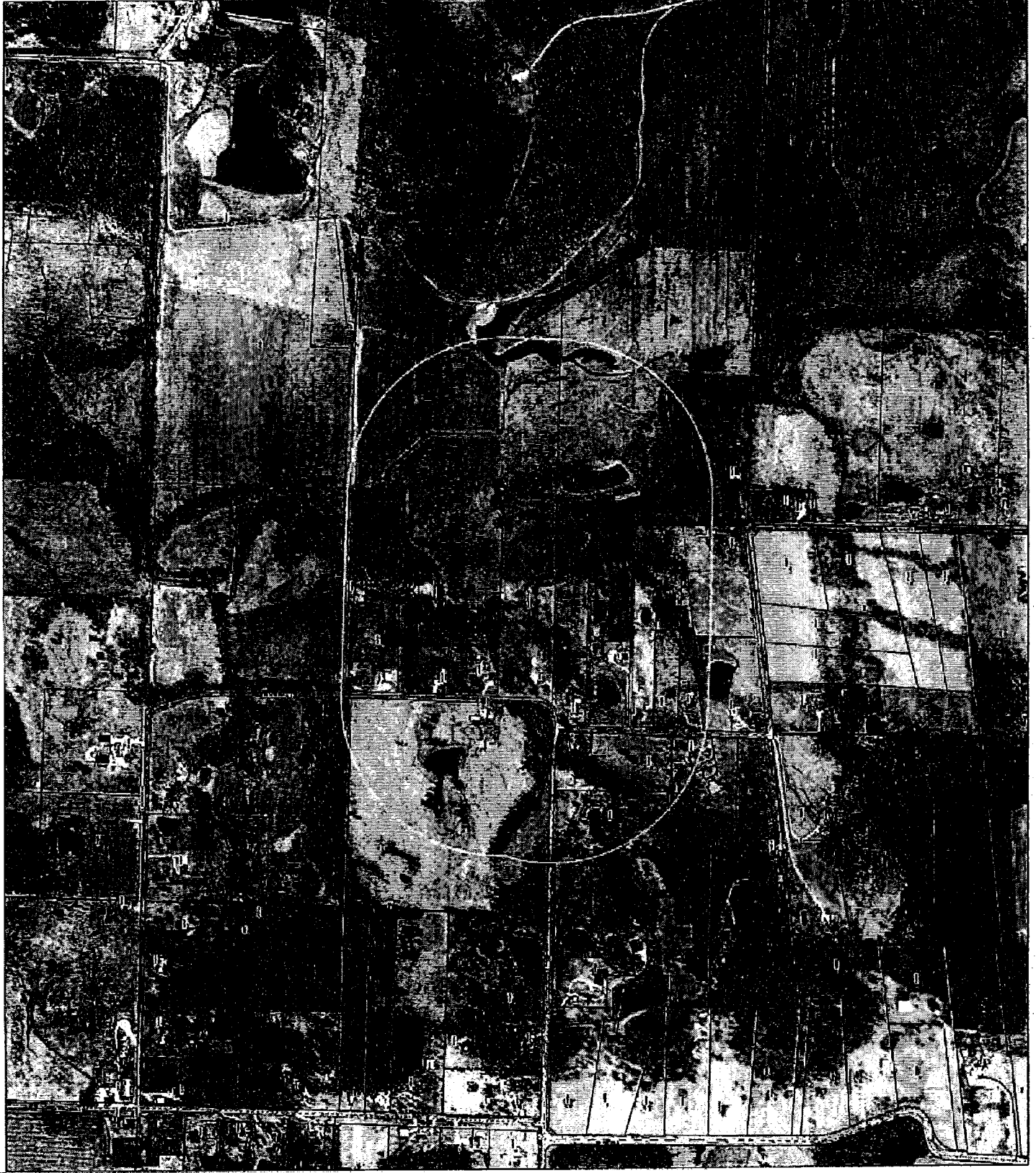
Jackson County  
Zoning Map

<b>Legend</b>	1000' Notification Ring
	Legislative Action
	percent
<b>Re zoning</b>	
<b>Zoning</b>	
	NS Residential Ranchstyle
	Ranchstyle Ranchstyle-Planned
	RE-Residential Estates
	RS-Residential Suburban
	RU-Residential Urban
	AU-Single-Family
	BF-Two-Family
	CF-Three-Family
	AL-Adult Home District
	RO-Residential Office-Planned
	LB-Local Business
	LB-Local Business-Planned
	GB-General Business
	GB-General Business-Planned
	LI-Light Industrial
	LI-Light Industrial-Planned
	HI-Heavy Industrial

EX-5

CU-2012-211

1 inch equals 200 feet



**JACKSON COUNTY, MISSOURI  
CONDITIONAL USE PERMIT APPLICATION**

---

**APPLICANT INFORMATION:**

1. Application must be filed with the Jackson County Planning and Development Division, 303 West Walnut, Independence, Missouri 64050 by the deadline on the Plan Commission Calendar.
  2. Application must be typed or printed in a legible manner.
  3. A scaled map of the property, correlating with the legal description, and clearly showing the property's location must accompany application. Refer to Section 24003.22, pertaining to Site Plan Review within the Unified Development Code.
  4. All applicable sections must be completed. If you need more space to provide information, please use separate 8 1/2"x11" paper, reference the application number and attach it to the application. Incomplete applications will not be accepted and will be returned to the applicant.
  5. The filing fee \$350.00 (non-refundable) must accompany application.  
(Check payable to: Manager of Finance)
- 

**TO BE COMPLETED BY OFFICE PERSONNEL ONLY:**

Conditional Use Permit Number CU-2012- 211  
Date filed 6-21-2012 Date of hearing 7-19-2012  
Date advertised 7-5-12 Date property owners notified 7-5-12  
Date signs posted 7-5-12

Hearings:	Heard by _____	Date _____	Decision _____
	Heard by _____	Date _____	Decision _____
	Heard by _____	Date _____	Decision _____

---

**BEGIN APPLICATION HERE:**

1. Data on Applicant(s) and Owner(s):
  - a. Applicant(s) Name: Rene' Martinez  
Address: 10671 S Spainhour Rd  
Lone Jack, MO 64070  
Phone: 816-678-6898
  - b. Owner(s) Name: Same as above  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

c. Agent(s) Name: N/A  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

d. Applicant's interest in Property: Applicant is owner

2. A CONDITIONAL USE PERMIT IS HEREBY REQUESTED for the following described use: Foster care for abandoned puppies/kittens for a period of 5 years; property described as follows: a tract of land 10 square feet/ acres in size located at 10621 S Spainhorn Rd. Road.  
Present Zoning District \_\_\_\_\_

3. Legal Description of Property: (Write Below or Attached 9 )  
Parcel No. 088136476  
\_\_\_\_\_  
\_\_\_\_\_

4. Present Use of Property: Residence

5. Proposed Use of Property: Continued residence & foster care for abandoned puppies/kittens

6. Estimated Time Schedule for Development: all development is complete. No special development was needed.

7. What effect will your proposed development have on the surrounding properties?  
none - no new development is anticipated

8. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? NO  
If so, will any improvements be made to the property which will increase or decrease the elevation? \_\_\_\_\_

9. Describe the source/method which provides the following services, and what effect the development will have on same:

- a. Water none
- b. Sewage disposal none
- c. Electricity none
- d. Heating none
- e. Fire and Police protection none

10. Describe existing road width and condition: 2 lane blacktop

11. What effect will proposed development have on existing road and traffic conditions? none

12. 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): \_\_\_\_\_

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 6/19/12  
Property Owner(s) Rene Martinez  
Applicant(s): Rene Martinez 6/19/12  
Contract Purchaser(s): n/a

STATE OF MISSOURI  
COUNTY OF JACKSON

On this 19th day of June, in the year of 2012, before me the undersigned notary public, personally appeared Rene Martinez.

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 [Signature] Commission Expires 8-16-15





# SOUTHPORT ANIMAL HOSPITAL

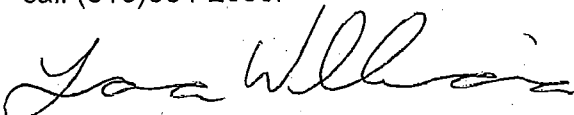
1412 S.W. Market Street • Lee's Summit, MO 64081

**Telephone: 816-554-2900**

Fax: 816-554-9111

Dear Sirs,

This is to certify that KCSR, with Cathy Kinney, Rene Martinez, and Christina Larson have been with Southport Animal hospital since October 2002. They have given the animals all the testing, vaccinations, and appropriate treatments necessary for healthy adoptions. I have enjoyed working with them all these years, and hope to continue for many more. If you have any questions, please call (816)554-2900.



Laura Williams, DVM

EX-9

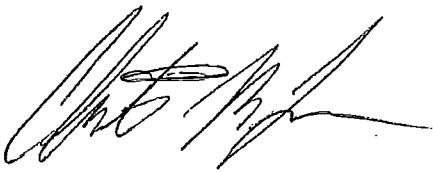


June 20, 2012

To Whom It May Concern:

I have worked with Rene Martinez, and Kansas City Siamese Rescue, for nearly 10 years now. During that time I have had many opportunities to observe her as well as the animals in her care and all I can say is she is a better person than most people I know, putting the animals in her care above herself and others, making personal sacrifices so that they may be saved. I cannot recall her ever taking a vacation, her days off are spent deep cleaning her foster area or making spay/neuter trips to the vet, and extra canned food is always in her budget even if that extra treat she would like is not. The animals in her care always have the best care, and are clean and well socialized. She works a full time job, takes care of her foster animals before and after work, attends adoptions ever other weekend, and rarely has more than a few hours a week to relax or do something for herself, and you will never hear her complain because this is what she loves. Rescuing and rehabilitating animals is her calling, not just a hobby with which she kills time, she is truly devoted to the cause and deserves to continue to do this important work!

Sincerely,

A handwritten signature in black ink, appearing to read 'Christina Larson', written in a cursive style.

Christina Larson

EX10

**Petition to block the Pet Rescue at 10621 S. Spainhour Road, Lone Jack, Mo.**

**The following reasons are cited for the vote against the Pet Rescue at above mentioned address.**

- **Noise Level**
- **Property Values**
- **Pet Waste concerns**
- **Zoning concerns**
- **Pets receive minimal human interaction other than feeding**
- **Pets receive minimal rehabilitation (if any)**
- **Pets receive minimal exercise (if any)**
- **At times animal fights occur and no one is home to tend to the animals**

The following residents of Lone Jack Missouri sign to prevent the Pet Rescue on Spainhour Road

**Print Name and Address**

**Signature**

---

James M Brince 1668 S Spainhour Rd Lone Jack Mo 6473308  
 Robert S Riley 10607 S Spainhour Rd Lone Jack Mo 6478836  
 Linda Ann 34701 E Hammond Rd Lone Jack Mo  
 Charles H Stanley 34506 E Howard Rd Lone Jack Mo

Petition against Pet Rescue on Spainhour Road Lone Jack Missouri

Mike Beard 10804 S Spainhour 816-718-4410

Karin Beard 10804 S Spainhour 816-804-9912

Ray Brumby 10815 S Spainhour 816-995-9131

DEEJ W. GREER Jay 67 Deer 10916 S Spainhour 816-697-2346

Richard A. Heltz 10701 S Spainhour Rd. Lone Jack Mo 816-697-2469

Greg E. Hutto 10901 S Spainhour Rd. Lone Jack, Mo 816-697-2469

Nichelle Riley 10601 S. Spainhour Rd 816-697-8836

Phil Bartolotta 10505 S Spainhour 816-392-9229

Mark Pitt 34901 Benson Rd Lone Jack Mo 64070 816-719-7439

Lisa Leung 10583 S. Spainhour Rd. Lone Jack Mo 64070 816-697-6685

AK 34706 Benson Lone Jack Mo 64070

John Holman 10603 E. Spainhour Rd. Lone Jack Mo 64070

Patricia 55200 E. Spainhour Lone Jack

Patsy C Brindley Patsy C Brindley 10608 S. A. SHOUR RD 417-282-6170

Petition against Pet Rescue on Spainhour Road Lone Jack Missouri

~~Michelle Cox~~ 3020M E. Spainhour Rd, Lone Jack, MO 64450  
Michael J. Bea 10505 S. Spainhour Rd, Lone Jack, MO 64450 Amber B. of

---

---

---

---

---

---

---

---

---

---