



REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~ Ord No.: 4968

Sponsor(s): None

Date: April 3, 2017

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Conditional Use Permit – Rosanna Don Carlos CU-2017-221</u>																			
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="316 483 1201 798"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td></td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT</td> <td></td> </tr> <tr> <td></td> <td>TO ACCT</td> <td></td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> OTHER FINANCIAL INFORMATION: <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): _____		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	
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PRIOR LEGISLATION	Prior ordinances and (date): _____ Prior resolutions and (date): _____																			
CONTACT INFORMATION	RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577																			
REQUEST SUMMARY	Requesting the renewal of a Conditional Use Permit to allow a kennel for dogs as set forth in Section 24004.2 Section C item 13 of the Unified Development Code. A CUP is required if more than 6 dogs and cats are kept on a property zoned Agricultural. The applicant is requesting the permit be renewed for a period of 10 years. The applicant has maintained a Conditional Use Permit for the past 10 years with no complaints. The kennel is located at 4220 N. Koger Road in Jackson County, Missouri, and specifically described on Attachment to RLA-1. The Jackson County Plan Commission on May 19, 2016 held a public hearing and accepted testimony pertaining to the Conditional Use Permit. There was no 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 8 to 0 to recommend <u>APPROVAL</u> for a 10 year period provided the following conditions are met (see attachment RLA-2)																			
CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)																			
ATTACHMENTS	See Attachment to RLA-3																			
REVIEW	Department Director: Brian D. Gaddie, P.E. Director of Public Works 	Date: _____																		
	Finance (Budget Approval): <i>If applicable</i>	Date: _____																		
	Division Manager: 	Date: <u>3-24-17</u>																		

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-3:

Attachments

Plan Commission Public Hearing Summary from March 16, 2017

Location Map

Staff Report

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

ATTACHMENT TO RLA-2

Conditional Use Permit for a period of 10 (fifteen) years with the following Conditions:

- 1) That the number of Chihuahuas dogs kept on the property is limited to fifteen (15).
- 2) That the kennel shall be private and limited to only the property owner's dogs and shall not be operated as a boarding/commercial animal establishment.
- 3) There shall be no on-premise sign allowed for either identification or advertisement purposes.
- 4) That all dogs must be contained in the residence or the fenced area unless under the control of and obedient to the command of a responsible person.

CU-2017-221

ATTACHMENT TO RLA 1:

Description:

The North $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 1,
Township 50, Range 31, Except part in Koger Road, in Jackson County, Missouri

RE: CU-2017-221

Randy Diehl gave the staff report:

Applicant: Rosanna Don Carlos

Location: 4220 N Koger Road

Area: 10 ± acres

Request: For the renewal of a Conditional Use Permit to allow a kennel for dogs as set forth in Section 24004.2 Section C item 13 of the Unified Development Code. A CUP is required if more than 6 dogs and cats are kept on a property zoned Agricultural. The applicant is requesting the permit be renewed for a period of 10 years.

Zoning Classification: District AG (Agricultural)

Background:

The applicant has owned the property since 1975. A Conditional Use Permit was granted by the County Legislature (Ordinance 3879) on March 26, 2007. The applicant resides on the property. The previous permit allowed for Chihuahua and American Staffordshire Terriers to be kept on the property. She is currently breeding and showing Chihuahuas and this breed is listed on the renewal.

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 has no intentions of providing boarding services to the general public. The dogs reside in the house and are let out for exercise in the fenced area adjacent to the house.

County Plan:

The County Plan Development Diagram illustrates this area within the Rural Development Tier (RDT). This tier is intended for residents who enjoy a rural lifestyle and open spaces. The county's land use policies are designed to retain a rural character rather than support new urban development in these rural areas.

Recommendation:

Staff recommends APPROVAL of CU-2017-221 for a ten (10) year period provided the following conditions are met:

- 1) That the number of Chihuahuas dogs kept on the property is limited to fifteen (15).
- 2) That the kennel shall be private and limited to only the property owner's dogs and shall not be operated as a boarding/commercial animal establishment.
- 3) There shall be no on-premise sign allowed for either identification or advertisement purposes.
- 4) That all dogs must be contained in the residence or the fenced area unless under the control of and obedient to the command of a responsible person.

Mr. Antey: Have there been any complaints?

Mr. Diehl: None

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

Mr. Akins: How long was the last permit for?

Mr. Diehl: 10 years

Is the applicant here?

Rosanna Don Carlos, 4220 N. Koger Road

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

Ms. Don Carlos: No, it's the same as what we had before, except we don't have the American Staffodshire Terriers.

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

Mr. Tarpey: *Do you have any cats there?*

Ms. Don Carlos: Just one

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

Discussion under advisement

Mr. Tarpley moved to approve. Mr. Haley seconded.

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

Motion Carried 8 – 0.

STAFF REPORT**PLAN COMMISSION**

March 16, 2017

RE: CU-2017-221**Applicant:** Rosanna Don Carlos**Location:** 4220 N Koger Road**Area:** 10 ± acres

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County Plan:

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Recommendation:

The Plan Commission and Staff recommend APPROVAL of CU-2017-221 for a ten (10) year period provided the following conditions are met:

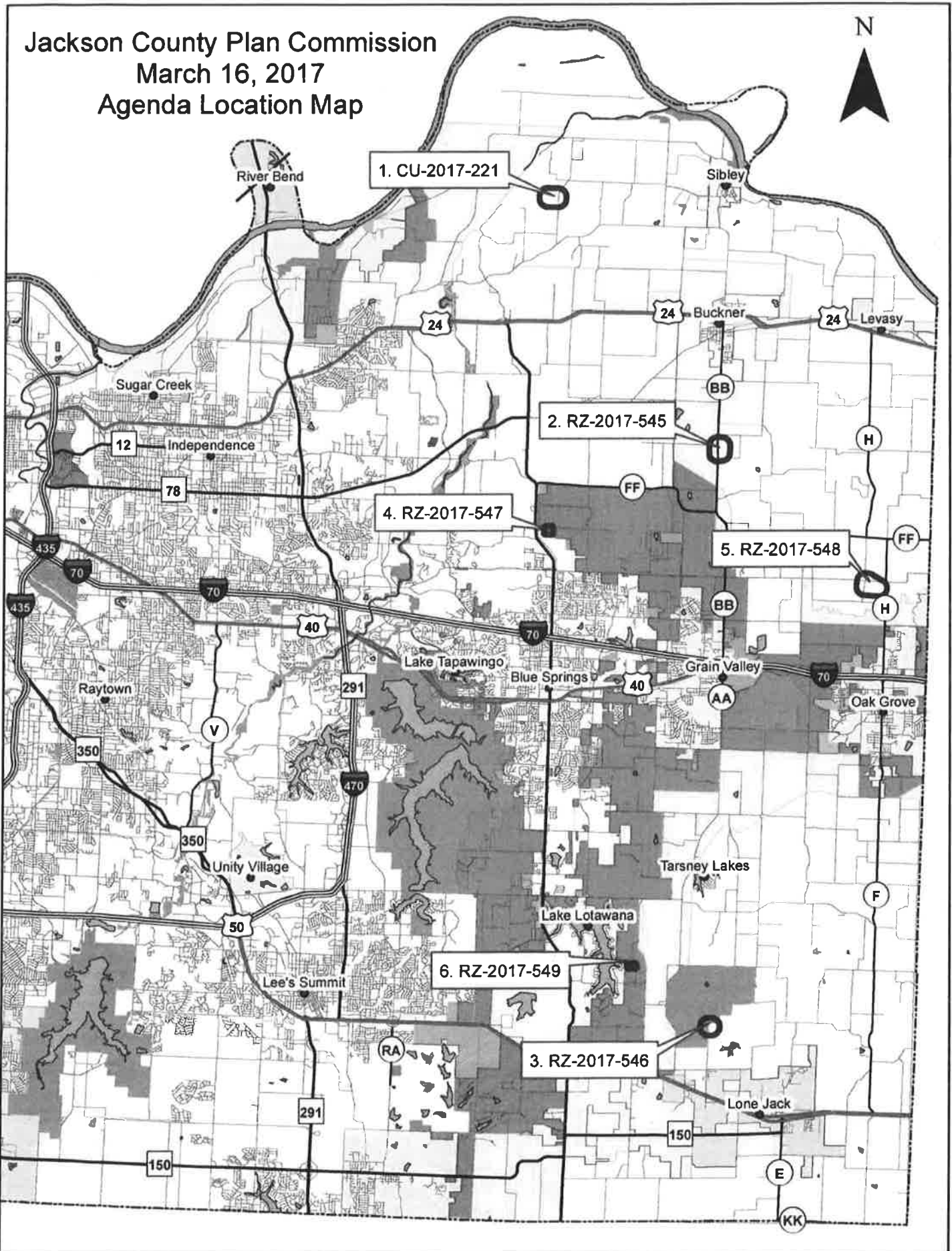
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- 2) That the kennel shall be private and limited to only the property owner's dogs and shall not be operated as a boarding/commercial animal establishment.
- 3) There shall be no on-premise sign allowed for either identification or advertisement purposes.
- 4) That all dogs must be contained in the residence or the fenced area unless under the control of and obedient to the command of a responsible person.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
March 16, 2017
Agenda Location Map

N



1. CU-2017-221

2. RZ-2017-545

4. RZ-2017-547

5. RZ-2017-548

6. RZ-2017-549

3. RZ-2017-546

River Bend

Sibley

Sugar Creek

Independence

Buckner

Levasy

Raytown

Lake Tapawingo

Blue Springs

Grain Valley

Oak Grove

Unity Village

Tarsney Lakes

Lake Lotawana

Lee's Summit

Lone Jack

**Plan Commission
March 16, 2017
CU-2017-221**

Applicant:

**Rosanna Don Carlos
4220 N Koger Road
Sibley, MO 64088**

Parcel No: 09-100-01-09

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

08-320-03-01
BROCKMAN PAUL D & WENDELIN J
4307 N KOGER RD
SIBLEY, MO 64088

08-320-01-06
BROCKMAN PAUL D & WENDELIN

09-100-01-06
BURKS CHARLES W & OPAL H
4312 N KOGER RD
SIBLEY, MO 64088

09-100-04-05-01
GILBERT FARMS INC
14825 E 42ND ST STE 110
INDEPENDENCE, MO 64055

08-320-01-04
GILBERT FARMS INC

08-330-01-05
GILBERT ROBERT B & JANET C
4001 N KOGER RD
SIBLEY, MO 64088

09-100-01-10
HANN SZ A WAYNE & BONNIE L
4212 KOGER RD
SIBLEY, MO 64088

09-100-01-19
HOSTETTER PROPERTY TRUST
25500 E HOSTETTER RD
SIBLEY, MO 64088

09-100-01-11
KOEHL Y GEORGE D & JUNE R
25703 E HOSTETTER RD
SIBLEY, MO 64088

08-330-01-04-01
LAUX FAMILY TRUST
4117 N KOGER RD
SIBLEY, MO 64088

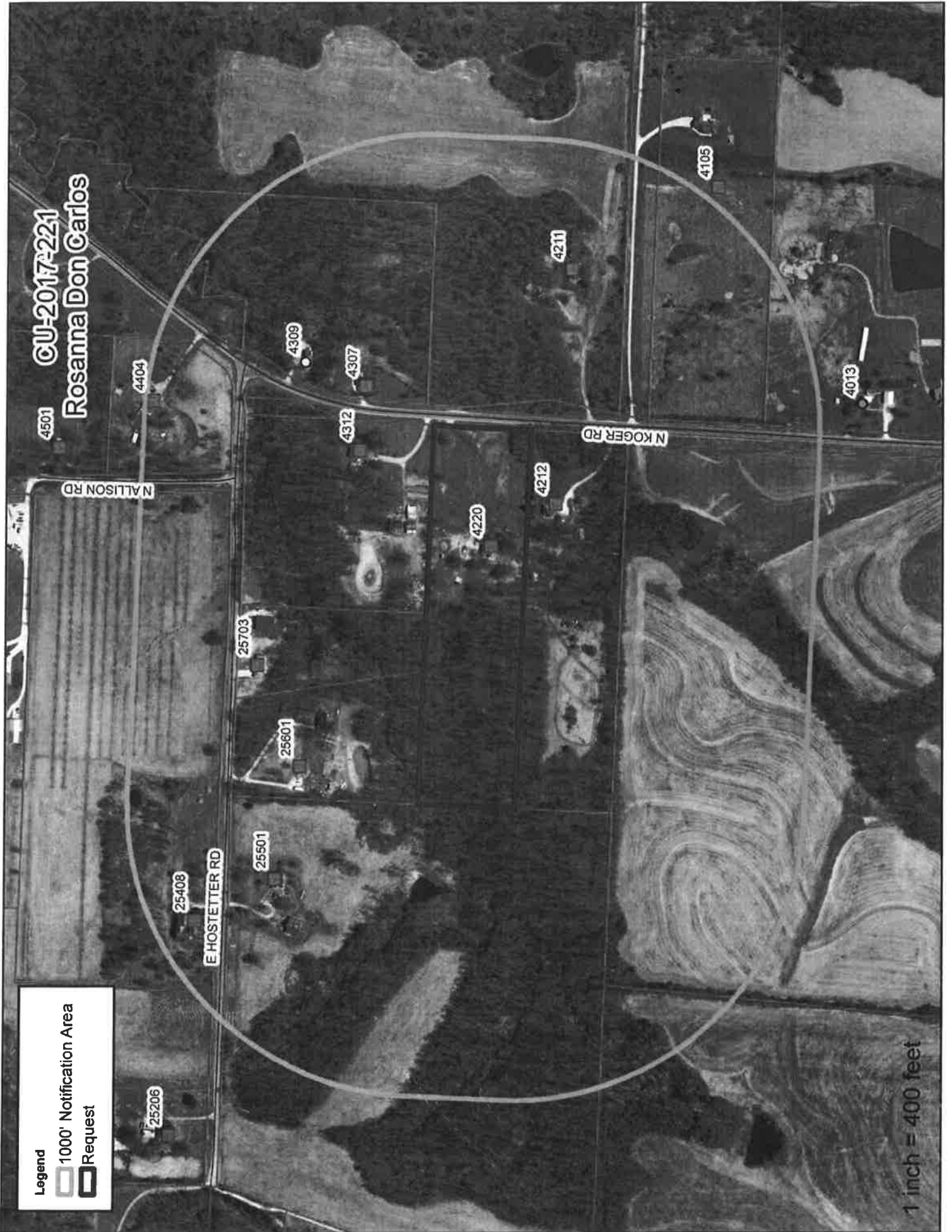
08-330-01-04-02
LAUX RYAN & TIFFANY
4105 N KOGER RD
SIBLEY, MO 64088

09-100-01-15
LEIBOULT MATTHEW & KYLA
4404 N KOGER RD
SIBLEY, MO 64088

09-100-01-17
MORROW ELIZABETH TRUSTEE
25500 E HOSTETTER RD
SIBLEY, MO 64088

09-100-01-08
MORROW ELIZABETH TRUSTEE

09-100-01-12
PARKER MELVIN & LORRIE B
25601 E HOSTETTER RD
SIBLEY, MO 64088



JACKSON COUNTY, MISSOURI
CONDITIONAL USE PERMIT APPLICATION

APPLICANT INFORMATION:

1. Application must be filed with the Jackson County Planning and Development Division, 303 W. Walnut, Independence, MO 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- 2017-221

Date filed _____ Date of hearing _____

Date advertised _____ Date property owners notified _____

Date signs posted _____

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: Rosanna DonCarlos
 - Address: 4220 N Roger Rd
Sibley MO 64088-9583
 - Phone: 816-650-5193
 - b. Owner(s) Name: _____
 - Address: _____
 - Phone: _____
 - c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: owner

2. A CONDITIONAL USE PERMIT IS HEREBY REQUESTED for the following described use: Hobby for

a period of 10 years; property described as follows: a tract of land 10 square feet/ acres

in size located at Koger Road.

Present Zoning District Jackson

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

The North 1/2 of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 1, Township 50 Range 31 Except that part of in Koger Rd, in Jackson County, Missouri

4. Present Use of Property: residential

5. Proposed Use of Property: I want to have a small hobby show kennel in this residence. I currently have Chihuahuas and am asking for a renewal. I currently have 11 dogs and am currently allowed 15 dogs.

6. Estimated Time Schedule for Development: There is no development to be done

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

There will be no effect to surrounding properties.

8. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? I don't know

If so, will any improvements be made to the property which will increase or decrease the elevation? No changes to the property to change elevation.

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

a. Water PWSD #16

b. Sewage disposal septic

c. Electricity KCP&L

d. Heating KCP&L

e. Fire and Police protection Fort Osage Volunte Fire Dept.
Jackson Co Sheriff's Dept.

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

11. What effect will proposed development have on existing road and traffic conditions? No effect on existing roads and traffic

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): I do have an Animal Care Facility Registration

Hobby/Show Registered with the state of Mo.
Reg # for 2016 3 AC001LW3. I do not have the
new card for 2017 yet.

Verification: I (We) hereby certify that all of the foregoing statements contained in any papers and/or plans submitted herewith are true to the best of my (our) knowledge and belief.

Signature _____ Date _____
Property Owner(s) Rosanna M DonCarlos 2-9-17

Applicant(s): Rosanna M DonCarlos 2-9-17

Contract Purchaser(s): _____

STATE OF Missouri
COUNTY OF Jackson

On this 9 day of February, in the year of 2017, before me the undersigned notary public, personally appeared Rosanna M DonCarlos

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 11/5/18

