

## Request for Legislative Action

Ordinance No.: 5761

Date: June 15, 2023

### Completed by County Counselor's Office

Action Requested:	Ordinance	Res.Ord No.:	5761
Sponsor(s):		Legislature Meeting Date:	6/15/2023

### Introduction

**Action Items:** ['Authorize']

**Project/Title:**

CU-2023-246 – 1402 S Lee's Summit Inc / Rita Oliver

### Request Summary

Requesting the renewal of a Conditional Use Permit for a period of 10 years to operate a group home on .05 acres in District AG (Agricultural) at 1814 N Whitney Road.

Staff recommends approval because the change in zoning is consistent with the intent and purpose of the County Plan and complies with the Unified Development Code requirements.

The Jackson County Plan Commission held a public hearing on June 1, 2023, and accepted testimony pertaining to the rezoning request. There was no opposition to the request.

The Plan Commission voted 5 to 0 to recommend APPROVAL to the County Legislature.

### Contact Information

<b>Department:</b>	Public Works	<b>Submitted Date:</b>	6/6/2023
<b>Name:</b>	Randy D. Diehl	<b>Email:</b>	RDiehl@jacksongov.org
<b>Title:</b>	Development Administrator	<b>Phone:</b>	816-881-4577

### Budget Information

Amount authorized by this legislation this fiscal year:			\$ 0
Amount previously authorized this fiscal year:			\$ 0
Total amount authorized after this legislative action:			\$
Is it transferring fund?			No
Single Source Funding:			
Fund:	Department:	Line Item Account:	Amount:
			!Unexpected End of Formula

## Request for Legislative Action

<b>Prior Legislation</b>	
<b>Prior Ordinances</b>	
Ordinance:	Ordinance date:
<b>Prior Resolution</b>	
Resolution:	Resolution date:

<b>Purchasing</b>	
Does this RLA include the purchase or lease of supplies, materials, equipment or services?	No
Chapter 10 Justification:	
Core 4 Tax Clearance Completed:	
Certificate of Foreign Corporation Received:	
Have all required attachments been included in this RLA?	

<b>Compliance</b>	
<b>Certificate of Compliance</b>	
Not Applicable	
<b>Minority, Women and Veteran Owned Business Program</b>	
Goals Not Applicable for following reason: not spending money	
MBE:	.00%
WBE:	.00%
VBE:	.00%
<b>Prevailing Wage</b>	
Not Applicable	

<b>Fiscal Information</b>
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## Request for Legislative Action

### History

Submitted by Public Works requestor: Randy D. Diehl on 6/6/2023. Comments:

Approved by Department Approver Kristina J. Miller on 6/7/2023 1:28:54 PM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 6/7/2023 2:15:13 PM. Comments:

Approved by Compliance Office Approver Ikeela Alford on 6/7/2023 2:28:06 PM. Comments:

Approved by Budget Office Approver David B. Moyer on 6/7/2023 2:32:52 PM. Comments:

Approved by Executive Office Approver Sylvya Stevenson on 6/8/2023 8:50:20 PM. Comments:

Approved by Counselor's Office Approver Jamesia Manning on 6/14/2023 10:42:52 AM. Comments:

**CU-2023-246**

**ATTACHMENT 1: PROPERTY DESCRIPTION**

**Description:**

Lot 200 and the North 50 feet of Lot 201, Blue Skyline Acres, a subdivision in Jackson County, Missouri

**CU-2023-246**

**ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION**

Attachments

Plan Commission Public Hearing Summary from June 1, 2023

Staff Report

Zoning map of surrounding area

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Application

Aerial of Property

Copy of State License

**CU-2023-246**

**ATTACHMENT 3: LIST OF CONDITIONS**

Condition Use Permit for a period of 10 (ten) years with the following Conditions:

- 1) That the applicant complies with all applicable state regulations and licenses governing citizen residential care facilities.
- 2) Office space shall be limited to support only for the facility and not for support of other facilities managed by the applicant.

**Randy Diehl gave the staff report:**

**RE: CU-2023-246**

**Applicant:** Rita Oliver/1402 Lees Summit Road, Inc

**Location:** 1814 N. Whitney Road

**Area:** .05 ± acres

**Request:** Renewal of a Conditional Use Permit for a period of 10 years to operate a Group Home.

**Zoning Classification:** District AG (Agricultural)

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

Zoning in the area is agricultural. Land use is residential lots.

**Background:** Location was originally permitted as a Special Use Permit in 1975 as a Boarding Home. Permit was renewed in 1992, 2003 and 2013.

**Comments:**

The UDC states at 24005.11.b under Group Dwellings, the requirements for a Group Home are:

*1. A group home is a residential care facility, providing 24-hour care, in a protected living arrangement, for not more than six (6) residents with physical or mental disabilities.*

*2. The group home shall be approved or licensed by the State and County, as applicable and required.*

Applicant states in the renewal application, the Group Home is for five (5) persons.

The applicant has a current license from the State of Missouri for this facility.

**Recommendation:**

Staff recommends APPROVAL of CU-2023-246 for a period of 10 years, subject to the following conditions:

- 1) That the applicant complies with all applicable state regulations and licenses governing citizen residential care facilities.
- 2) Office space shall be limited to support only for the facility and not for support of other facilities managed by the applicant.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

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

There were none.

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

Rita Oliver: 3211 S Ash Ave, Independence. I'm providing a copy of the renewed license from the State.

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

Mr. Oliver: We do have a dedicated office building for the business.

Ms. Ryerkerk: With 5 residents, how large is the staff?

Ms. Oliver: We have two staff members there 24 hours a day. There could be additional staff for one-on-one support. They may be other staff in and out during the day.

**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. Tarpley seconded.

*Discussion under advisement*

Mr. Tarpley moved to approve. Ms. Ryerkerk seconded.

Mr. Tarpley	Approve
Mr. Crawford	Approve
Mr. Johnson	Approve
Ms. Ryerkerk	Approve
Chairman Antey	Approve



## STAFF REPORT

### PLAN COMMISSION

May 18, 2023

RE: CU-2023-246

**Applicant:** Rita Oliver/1402 Lees Summit Road, Inc

**Location:** 1814 N. Whitney Road

**Area:** .05 ± acres

**Request:** Renewal of a Conditional Use Permit for a period of 10 years to operate a Group Home.

**Zoning Classification:** District AG (Agricultural)

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

Zoning in the area is agricultural. Land use is residential lots.

**Background:** Location was originally permitted as a Special Use Permit in 1975 as a Boarding Home. Permit was renewed in 1992, 2003 and 2013.

#### Comments:

The UDC states at 24005.11.b under Group Dwellings, the requirements for a Group Home are:

*1. A group home is a residential care facility, providing 24-hour care, in a protected living arrangement, for not more than six (6) residents with physical or mental disabilities.*

*2. The group home shall be approved or licensed by the State and County, as applicable and required.*

Applicant states in the renewal application, the Group Home is for five (5) persons.

The applicant has a current license from the State of Missouri for this facility.

**Recommendation:**

Staff recommends APPROVAL of CU-2023-246 for a period of 10 years, subject to the following conditions:

- 1) That the applicant complies with all applicable state regulations and licenses governing citizen residential care facilities.
- 2) Office space shall be limited to support only for the facility and not for support of other facilities managed by the applicant.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator







Plan Commission May 18, 2023  
CU-2023-246

Property Owners Within 185 feet

Parcel	owner	address	city	state	zip
16-310-10-06-00-0-00-000	CARUTHERS LEE	1811 N REDWOOD	INDEPENDENCE	MO	64058
16-310-10-25-02-0-00-000	CASH RICHARD D & SANDY	1822 N WHITNEY RD	INDEPENDENCE	MO	64058
16-310-10-25-01-0-00-000	CASH RICHARD D & SANDY	1822 N WHITNEY RD	INDEPENDENCE	MO	64058
16-310-10-24-02-0-00-000	CASH RICHARD D & SANDY	1822 N WHITNEY RD	INDEPENDENCE	MO	64058
16-310-10-23-00-0-00-000	RICHARDSON JOHNNY C & JANET E-TR	1821 N WHITNEY RD	INDEPENDENCE	MO	64058
16-310-10-24-01-2-00-000	CASH RICHARD D & SANDY	1822 N WHITNEY RD	INDEPENDENCE	MO	64058
16-310-10-19-02-0-00-000	DUDLEY CAROL	1801 N REDWOOD	INDEPENDENCE	MO	64058
16-310-01-20-00-0-00-000	HEDGES BRIAN D	1901 N WHITNEY RD	INDEPENDENCE	MO	64058
16-310-10-26-00-0-00-000	TORRES STEVEN	1809 N REDWOOD DR	INDEPENDENCE	MO	64058
16-310-10-10-00-0-00-000	FRITZMEYER JEFFREY & CORRIE	1802 N WHITNEY DR	INDEPENDENCE	MO	64058
16-310-10-17-00-0-00-000	MUNGER CARL & JOANN	1808 N WHITNEY DR	INDEPENDENCE	MO	64058
16-310-10-05-00-0-00-000	RAMIREZ RICHARD M & KAREN M	1813 N REDWOOD DR	INDEPENDENCE	MO	64058
16-310-01-21-00-0-00-000	ROHR DENNIS L & SUSAN R	1821 N WHITNEY DR	INDEPENDENCE	MO	64058
16-310-01-22-00-0-00-000	BRYFIELD JAMES G JR & CHRISTINE	17800 E WHITNEY RD	INDEPENDENCE	MO	64058
16-310-10-13-00-0-00-000	1402 LEES SUMMIT ROAD INC	3211 S ASH AVE	INDEPENDENCE	MO	64052



## JACKSON COUNTY Public Works Department

Jackson County Technology Center  
303 West Walnut Street  
Independence, Missouri 64050  
jacksongov.org

(816) 881-4530  
Fax: (816) 881-4448

May 3, 2023

RE: Public Hearing: CU-2023-246  
Rita Oliver/1402 S Lee's Summit Road

Dear Property Owner:

You are hereby invited to participate in a public hearing to be held by the Jackson County Plan Commission requesting the renewal of a Conditional Use Permit for a period of 10 years to operate a group home on .05 acres in District AG (Agricultural) at 1814 N Whitney Road.

You are being notified pursuant to 24003.5 Chapter 240 (Unified Development Code) of the Jackson County Code, as being an adjacent property within 185' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, May 18, 2023 at 8:30 a.m. in the Large Conference Room, 2<sup>nd</sup> Floor, Historic Truman Courthouse, 112 W. Lexington, Independence, MO.

If you know of any interested party who may not have received a copy of this letter, it would be appreciated if you would inform them of the time and place of the hearing.

If you have any questions concerning this matter, please contact the Development Division at 881-4577.

Sincerely,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

*Frank White, Jr., County Executive*

JACKSON COUNTY, MISSOURI  
CONDITIONAL USE PERMIT APPLICATION

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APPLICANT INFORMATION:

1. Application must be filed with the Jackson County 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- 2023-246

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 \_\_\_\_\_

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BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):
  - a. Applicant(s) Name: Rita Oliver
  - Address: 431 S. Sterling Ave  
Sugar Creek MO 64054
  - Phone: 816-405-8509
  - b. Owner(s) Name: 1402 S. Lee's Summit Road Inc.
  - Address: 3211 South Ash Ave
  - Phone: 816-405-8509
  - c. Agent(s) Name: Rita Oliver

Address: 431 South Sterling Ave  
Sugar Creek MO 64054  
Phone: 816-405-8509

d. Applicant's interest in Property: lease for Group Home

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

a period of 10 years; property described as follows: a tract of land .05 square feet/acres in size located at 1814 N. Whitney Road Road.

Present Zoning District 29095

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

Blue Skyline Acres  
Lot 200' + N 50' Lot 201

4. Present Use of Property: Group Home

5. Proposed Use of Property: Group Home

6. Estimated Time Schedule for Development: No Development  
planned



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

NA

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 City of Independence

b. Sewage disposal Septic

c. Electricity Energy

d. Heating Spine

e. Fire and Police protection Fort Osage Fire and Jackson County Sheriff

10. Describe existing road width and condition: two lane  
good condition

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

12. Are any state, federal, or other public agencies approvals or permits required for the proposed development? Mo. Department of Mental Health Licensure + Certification

If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): May 1, 2021



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)

Rita Oliver

Date

04/05/2023

Applicant(s):

Rita Oliver

04/05/2023

Contract Purchaser(s):

STATE OF

COUNTY OF

Missouri  
Clay County

On this 5 day of April, in the year of 2023, before me the undersigned notary public, personally appeared Rita Oliver

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

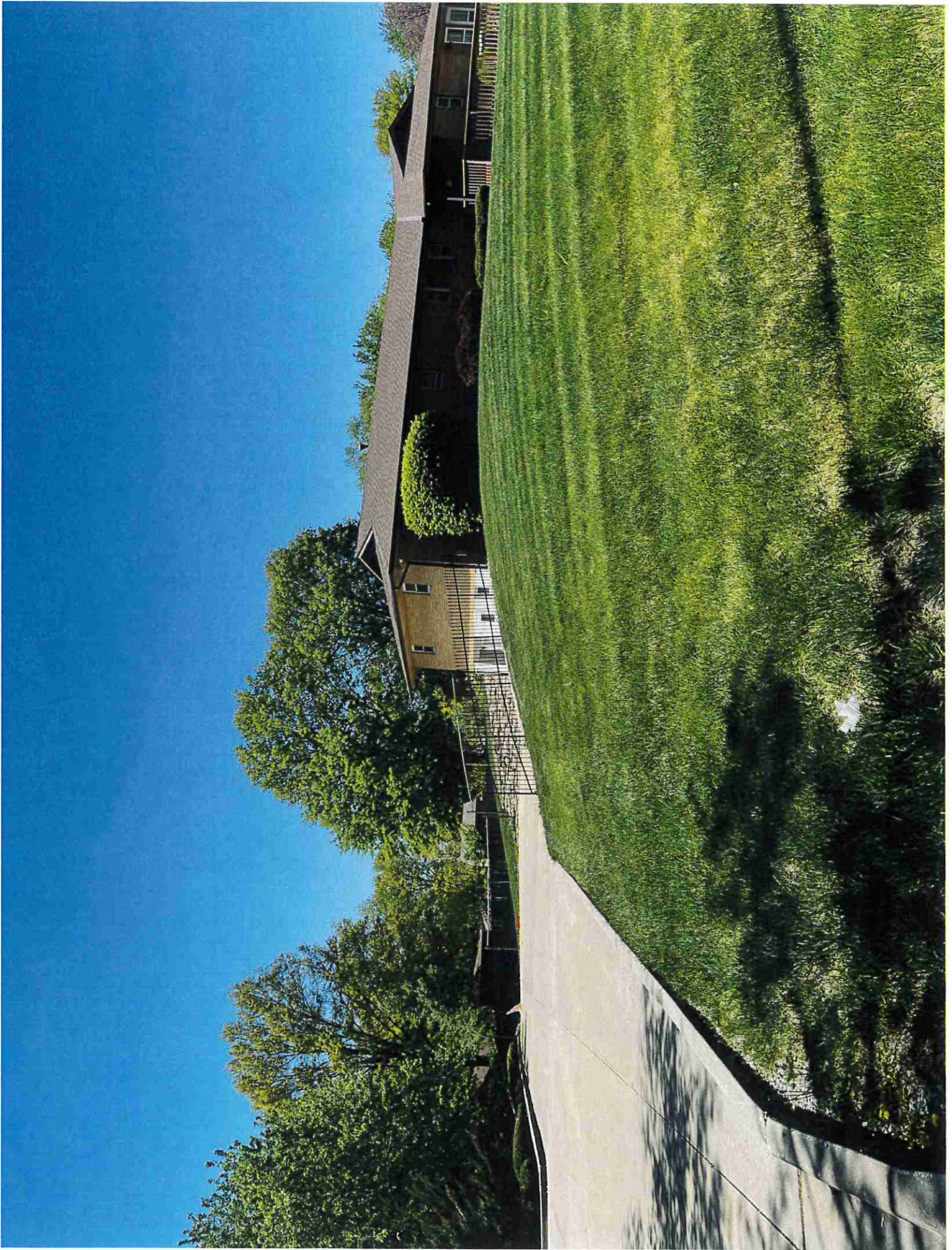
Kristie L. Maples

Commission Expires

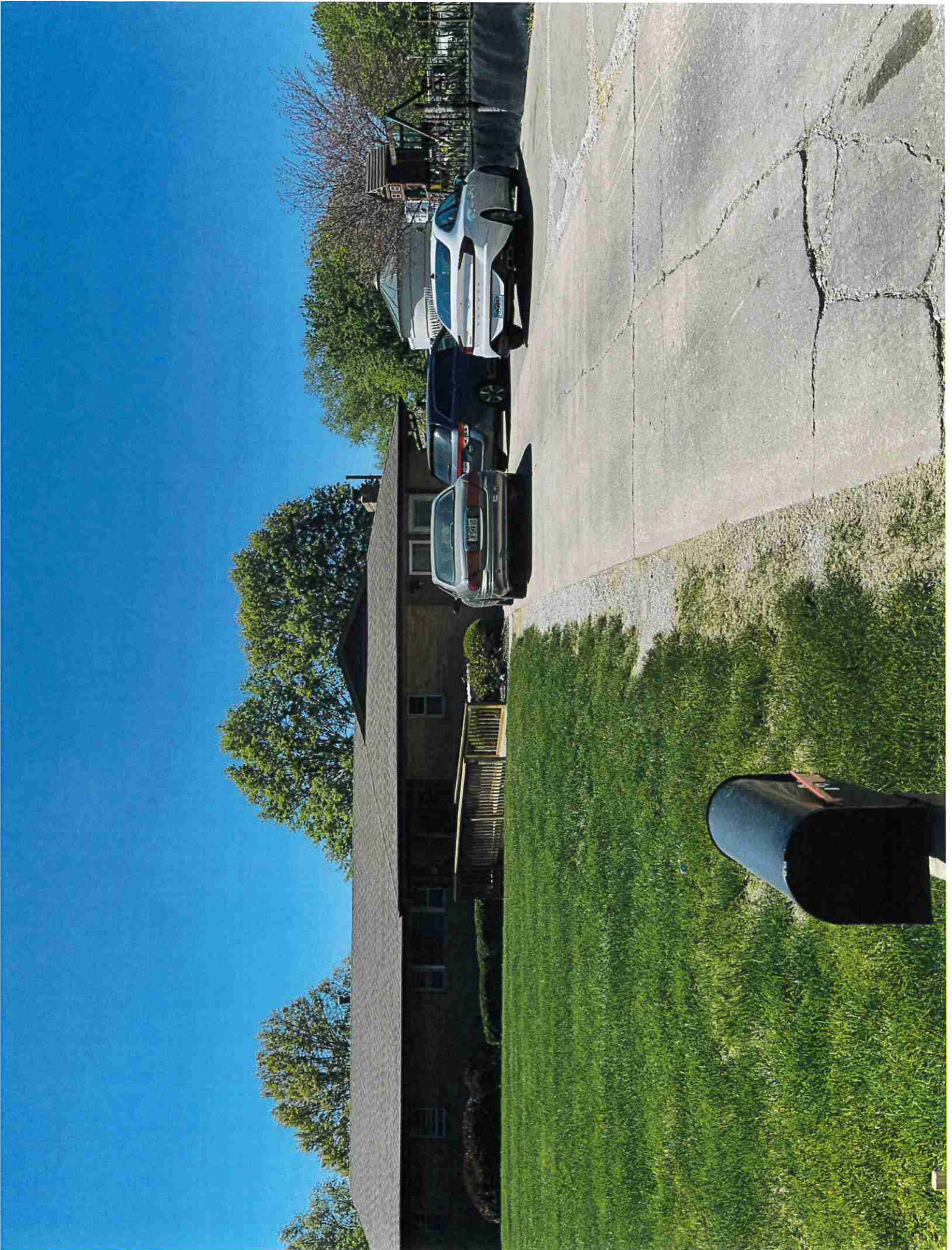
12-2-2024













**MICHAEL L. PARSON**  
GOVERNOR



**VALERIE HUHNS**  
DIRECTOR

**STATE OF MISSOURI  
DEPARTMENT OF MENTAL HEALTH**

1706 EAST ELM STREET, P.O. BOX 687  
JEFFERSON CITY, MISSOURI 65102  
PHONE: (573) 751-4122 FAX: (573) 751-8224  
[www.dmh.mo.gov](http://www.dmh.mo.gov)

April 20, 2023

Rita Oliver, Chief Executive Officer  
Pillar Residential Opportunities  
431 South Sterling Avenue  
Sugar Creek, MO 64054

Dear Ms. Oliver:

We have received a current and approved Fire Safety Inspection from the Division of Fire Safety showing your agency in substantial compliance. Enclosed is a Certificate to Provide Medicaid-Waiver Services and Supports for continued certification as a Medicaid Waiver provider of Group Home services, effective May 1, 2023, and expiring on April 30, 2025.

We appreciate your cooperation and assistance in the survey process. If you have questions, please contact the Office of Licensure & Certification at (573) 751-4024.

Sincerely,

A handwritten signature in blue ink, appearing to read "Abuhadba".

Martha Abuhadba, MS  
Western Region Director  
Office of Licensure & Certification

Enclosures

cc: Heather Huff, Provider Relations Lead, Kansas City Regional Office  
Rebecca Randalls, Provider Relations, Kansas City Regional Office  
Crystal Cisewski, Quality Enhancement Lead, Kansas City Regional Office  
Jason Amary, Quality Enhancement, Kansas City Regional Office



STATE OF MISSOURI  
Department of Mental Health  
Division of Developmental Disabilities  
Certificate to Provide Medicaid-Waiver Services and Supports

THIS IS TO CERTIFY THAT: **Pillar Residential Opportunities**  
Address: 1402 South Lee's Summit Road  
Independence, MO 64050

has met the requirements of 9 CSR 45-5.010 for Certification of Medicaid Agencies Serving Persons with Developmental Disabilities to provide the following services:

**Group Home**

The Division of Developmental Disabilities issues this certificate to authorize the provision or arrangement of services, supports and opportunities necessary for individuals to achieve the outcomes specified in the Certification Principles. Achievement of these outcomes will ensure that the services and supports received by individuals assisted under the Medicaid-Waiver programs are adequate to assure the individuals' health, safety, and protection of legal rights. The certificate further ensures that the agency develop and implement an enhancement plan.

Certification may not exceed two years from date of issuance. The Division may revoke this certificate or deny application for a certificate if the Division finds a substantial failure to meet the requirements for certification as set forth in the principles and rules.

If any substantial changes occur, such as the adoption of a new service, change in ownership, and/or significant geographic relocation or expansion to provide the same services in a new region, the requirements for an Initial Certificate issued by the Division Director must be met.

Effective Date: May 1, 2023

Expiration Date: April 30, 2025

Number: WC-0943-0423

Signed:

Miranda Robnett, Director  
Office of Licensure and Certification