


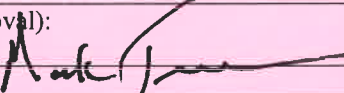
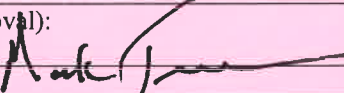
REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 5034

Sponsor(s):

Date: October 9, 2017

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Conditional Use Permit – Showtime Equestrian Center CU-2017-223</u>																			
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="315 485 1195 800"> <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 for a period of 20 years to operate a horse boarding stable in District AG (Agricultural) on a 17.5 ± acre tract. The facility has been maintained for the past 40 years with no complaints. The 17.5 acres are located in Section 8, Township 47, Range 30, Jackson County, Missouri, aka 11920 S. Easley Road in Jackson County, Missouri, and specifically described on Attachment to RLA-1. The Jackson County Plan Commission on September 21, 2017 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 7 to 0 to recommend <u>APPROVAL</u> for a 20 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: 9/27/2017 Finance (Budget Approval): If applicable:  Date: _____ Division Manager:  Date: 9/29/17																		

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 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 September 21, 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

CU-2017-223**ATTACHMENT TO RLA 1:****Description:**

Tract I: That part of the West Half of Section 8, Township 47, Range 30 in Jackson County, Missouri, described as follows: Commencing at the Southeast corner of the Southwest Quarter of section 8; thence North 0 Degrees 07 minutes 34 seconds East a distance of 1311.5 feet to the Southeast corner of the Northeast corner Southwest corner of Section 8; thence North 0 degrees 01 minute 40 seconds East along the East line thereof a distance of 401.19 feet, said point being the true point of beginning, thence continuing north 0 degrees 01 minute 20 seconds East a distance of 481.81 feet; thence North 65 degree 20 minutes 00 seconds West, a distance of 327.50 feet, thence North 9 degrees 31 minutes 00 seconds West, a distance of 34.96 feet; thence North 63 degrees 41 minutes 12 seconds West, a distance of 30.34 feet; thence on a curve to the left having a 195.00 foot radius, a distance of 99.36 feet; thence South 84 degrees 36 minutes 53 seconds West, a distance of 140.23 feet; thence South 79 degrees 32 minutes 11 seconds West, a distance of 223.90 feet; thence South 74 degrees 21 minutes 32 seconds West, a distance of 29.43 feet; thence South 11 degrees 46 minutes 58 seconds East, a distance of 220.56; thence South 83 degrees 29 minutes 36 seconds West, a distance of 318.84 feet; thence South 0 degrees 03 minutes 22 seconds West, a distance of 405.23 feet; thence North 88 degrees 14 minutes 43 seconds east and parallel to the South line of the Northeast Quarter Southwest Quarter of Section 8, a distance of 1087.51 to the point of beginning.

Tract II: That part of the West Half of Section 8, Township 47, Range 30 in Jackson County, Missouri, described as follows: Commencing at the Southeast corner of the Southwest Quarter of section 8; thence North 0 Degrees 07 minutes 34 seconds East a distance of 1311.5 feet to the Southeast corner of the Northeast corner Southwest corner of Section 8; thence South 88 degrees 14 minutes 43 seconds West along the South line of the Northeast Quarter Southwest Quarter of Section 8, a distance of 1087.7, said point being the true point of beginning; thence North 0 degrees, 03 minutes 22 seconds East, a distance of 647.39 feet; thence South 83 degrees 29 minutes 36 seconds West, a distance of 221.34 feet; thence South 0 degrees 03 minutes 22 seconds West, a distance of 629.04 feet to a point on the South line of the Northeast Quarter Southwest Quarter of Section 8; thence North 88 degrees 14 minutes 43 seconds East along said South line, a distance of 220.00 feet to the point of beginning.

ATTACHMENT TO RLA-2

Conditional Use Permit for a period of 20 (twenty) years with the following Conditions:

- 1) The number of horses used in the equine riding center shall be limited to no more than 80 (eighty) at any one time.
- 2) The outdoor arena shall not have any accessory lighting.

RE: CU-2017-223

Randy Diehl gave the staff report:

Applicant: Showtime Equestrian Center

**Property Owners: 4 A Property Management LLC
Aaron Shillcutt
13512 E 95th Terr
Kansas City MO 64138**

Location: 11920 S. Easley Road

Area: 17.5 ± acres

Request: A renewal of a Conditional Use Permit for a period of 20 years to operate a horse boarding facility.

Zoning Classification: District AG (Agricultural)

Current Land Use and Zoning in Area:

Zoning in the surrounding area is Agricultural. Easley Estates is a single family residential subdivision to the northeast. Land use in the area is primarily Agricultural related with sparse residential tracts

Comments: This is the second renewal for a Conditional Use Permit for this facility. The original Special Use Permit was granted in 1977 for a period of 10 years. The permit was renewed in 1987 for another 10 years. With the adoption of the Unified Development Code in 1995, a Conditional Use Permit is required for boarding facilities. CU-1997-019 was granted for a period of 20 years by the Legislature in 1997.

The facility consists of a 23,000 square foot stable barn which also contains an indoor riding arena. The facility is able to accommodate up to 80 horses. Currently there are 41 being boarded.

County Plan:

The County Plan Development Diagram illustrates this area within the Suburban Development Tier (SDT). This tier is intended for lower density residential development.

Recommendation:

An equine riding center and horse stables are allowed by Conditional Use Permit in District AG (Agricultural).

Conditional Uses are those uses which generally are compatible with the permitted land uses in a given zoning district, but which require individual review of their location, a design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district.

The facility has been in operation for 40 years with no complaints. The horse stable facility is consistent with the general purpose and intent of the Agricultural zoning district regulations and complies with the requirements of the Unified Development Code.

Staff recommends APPROVAL of CU-2017-223 for a period of Twenty (20) years subject to the following conditions:

- 1) The number of horses used in the equine riding center shall be limited to no more than 80 (eighty) at any one time.
- 2) The outdoor arena shall not have any accessory lighting.

Recommendation:

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

Staff recommends APPROVAL of CU-2017-223

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: Are there any questions for Randy?

Mr. Tarpley: I question the number of (allowed) horses?

Mr. Diehl: We mirrored the last permit. They are not boarding that many horses, however they would have the capacity for it, if they wish. I would defer that question to the applicant.

Mr. Tarpley: How much pasture ground do they have? Again, the applicant can answer that question better.

Mr. Antey: Is the applicant here?

Aaron Shillcutt, 13512 E 95th Terr, Kansas City

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

Mr. Shillcutt: We have owned this for about three years. The currently have 37 horses boarded inside and 4 outside. There are a total of 50 stalls inside. We have about a total of 10 acres in pasture.

Mr. Antey: How do handle the manure?

Mr. Shillcutt: We use a spreader to spread it out over the lower pasture area.

Mr. Tarpley: How many horses use the pasture?

Mr. Shillcutt: There are the 4 that are pasture boarded. About 20 of them are put out each day for about two to four hours a day. We have two full time staff members.

Ms. Mershon: I just wonder about the 20 years.

Mr. Antey: The previous one was 20 years and two 10 year durations previous. The stable has been there for 40 years.

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

La Vonda Montgomery, 12024 S. Easley Road. I the south adjacent property. I don't have any complaints. My question is how is the building (areas within the cities, and the new interchange built) going to effect this?

Short Discussion regarding the projects and possible future plans, if any, within the city.

Mr. Crawford: Any future development on the 30 acres to the south of this really wouldn't have an impact on what we are doing today. We don't know what the future holds.

Mr. Antey: Anything that would be developed, if it stayed within the County, would come before this board.

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

There were none

Motion to take under advisement.

Ms. Mershon moved to take under advisement. Mr. Gibler

Mr. Tarpley: I think they have a great track record.

Mr. Antey: The applicant has had it for 3 years, and has continued to keep up the way good work started 40 years ago

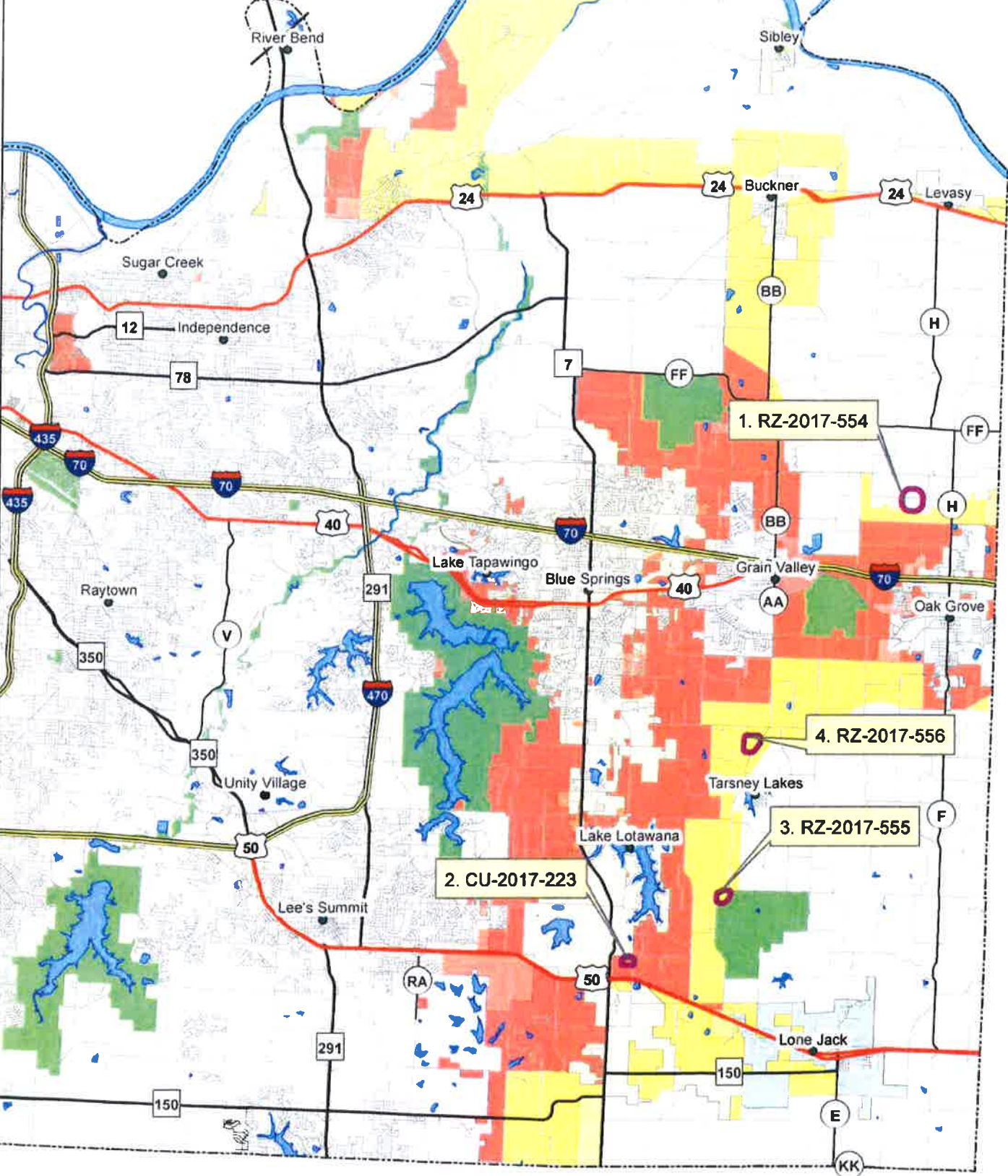
Discussion under advisement

Ms. Mershon moved to approve. Mr. Gibler seconded.

Mr. Tarpley	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mr. Crawford	Approve
Ms. Mershon	Approve
Ms. Querry	Approve
Chairman Antey	Approve

Motion Carried 7 – 0.

Jackson County Plan Commission September 21, 2017 Agenda Location Map



STAFF REPORT

PLAN COMMISSION

September 21, 2017

RE: CU-2017-223

Applicant: Showtime Equestrian Center

**Property Owners: 4 A Property Management LLC
Aaron Shillcutt
13512 E 95th Terr
Kansas City MO 64138**

Location: 11920 S. Easley Road

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Recommendation:

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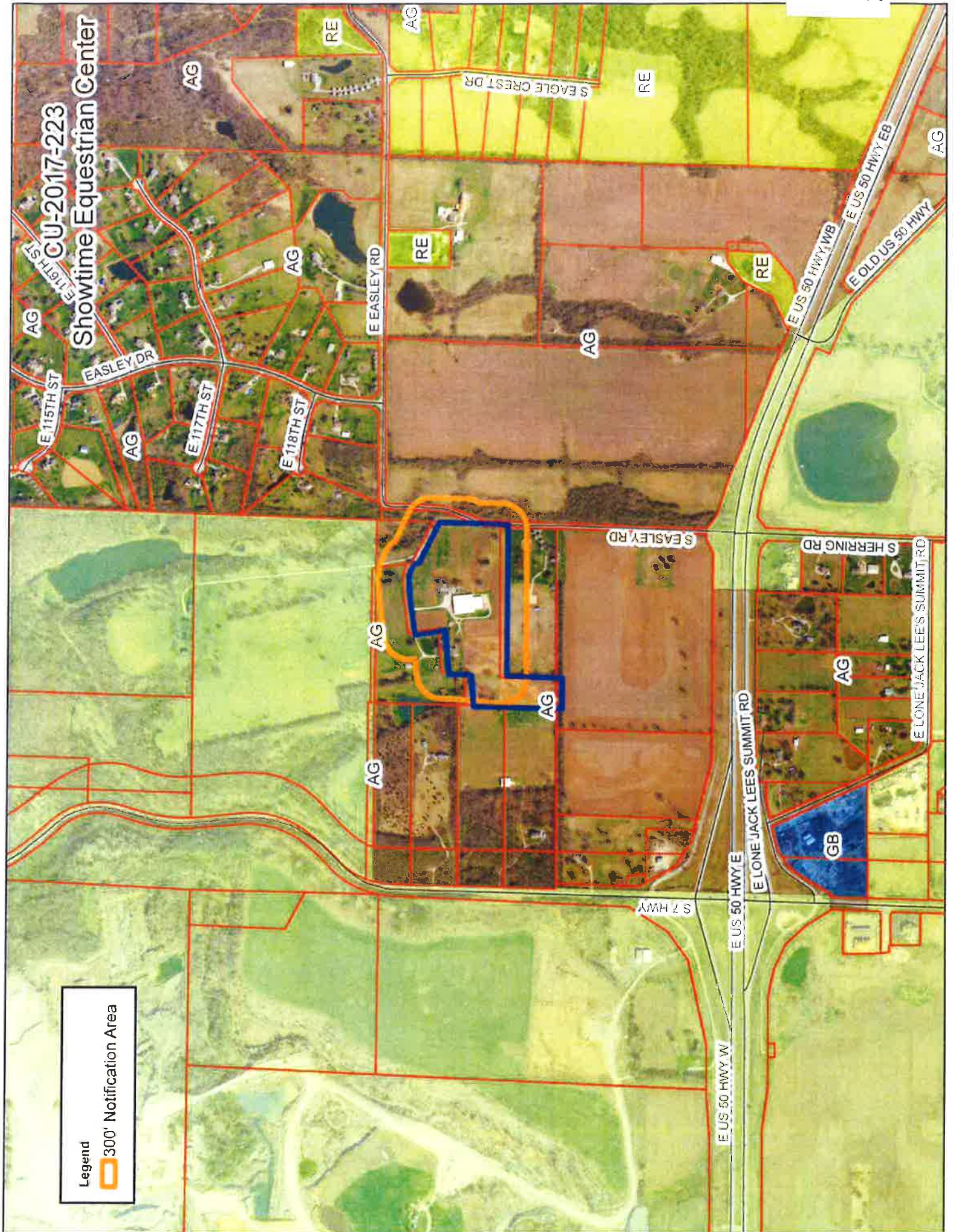
Recommendation:

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

Staff recommends APPROVAL of CU-2017-223

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



Legend
300' Notification Area

CU-2017-223
Showtime Equestrian Center

Plan Commission September 21, 2017
 RZ-2017-555CU-2017-223

Property Owners Within 300 feet

parcel_number	owner *	owneraddress	ownercity	state	zip
59-500-03-25-00-0-00-000	CLEVELAND STANLEY T & LINDA K	11916 EASLEY RD	LEES SUMMIT	MO	64086
59-500-03-24-01-2-00-000	MONTGOMERY DARYL E & LA VONDA G	12024 S EASLEY RD	LEES SUMMIT	MO	64086
59-500-04-02-00-0-00-000	RUSSELL RAHE J & THE MIDWEST TRUST CO-TR	5901 COLLEGE BLVD STE 100	OVERLAND PARK	KS	66211
59-500-04-03-00-0-00-000	RUSSELL RAHE J & THE MIDWEST TRUST CO-TR	5901 COLLEGE BLVD STE 100	OVERLAND PARK	KS	66211
59-500-03-23-00-0-00-000	SPRING LAKE FARM LLC	3522 ENTERPRISE DR STE A	KANSAS CITY	MO	64129
59-500-03-24-01-1-00-000	4 A PROPERTY MANAGEMENT LLC	13512 E 95TH TER	KANSAS CITY	MO	64138

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- 2017-223

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: Aaron Shiltcutt & Lance Cacy
 Address: 13512 E. 95th Terr / 4020 S. Jackson #104
KC, MO 64138 / Independence, MO ~~64057~~ 64057
 Phone: 816-694-6941 / 816-529-8520
 - b. Owner(s) Name: Aaron Shiltcutt & Lance Cacy
 Address: 13512 E 95th Terr KC MO 64138 / 4020 S. Jackson #104
Independence, MO 64057
 Phone: 816-694-6941 / 816-529-8520
 - c. Agent(s) Name: N/A

Address: _____

Phone: _____

d. Applicant's interest in Property: Owners

2. A CONDITIONAL USE PERMIT IS HEREBY REQUESTED for the following described use: Boarding Stable for a period of 20 years; property described as follows: a tract of land 17.5 ~~square feet~~/acres in size located at 11920 Easley Road. Present Zoning District District AG

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

4. Present Use of Property: Boarding Stable

5. Proposed Use of Property: Boarding Stable

6. Estimated Time Schedule for Development: N/A

7. What effect will your proposed development have on the surrounding properties?
None known
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? N/A
9. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water Public Water Dist #
 - b. Sewage disposal Septic
 - c. Electricity ~~KCP&L~~ KCP & L
 - d. Heating Electric - Limited use only in office
 - e. Fire and Police protection Jackson Co. Sheriff / Lane Jack
10. Describe existing road width and condition: 2 Lane Road - Good condition
11. What effect will proposed development have on existing road and traffic conditions? No adverse
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 8-2-17
Property Owner(s) Aaron Shillcutt _____
Lance Cacy _____ 8-2-17
Applicant(s): Aaron Shillcutt _____ 8-2-17
Lance Cacy _____ 8-2-17
Contract Purchaser(s): _____

STATE OF Missouri
COUNTY OF Cass



On this 2 day of August, in the year of 2017, before me the undersigned notary public, personally appeared Aaron Shillcutt and Lance Cacy

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 Tracie A. Weatherly Commission Expires April 28, 2018



**SHOWTIME
EQUESTRIAN CENTER**

Boarding
Training



Lessons
Sales

www.showtimeequine.com
(816) 694-6941







CU-2017-223
Showtime Equestrian Center

Legend