

Request for Legislative Action

Ord: #5614
Date: April 11, 2022

Completed by County Counselor's Office			
Action Requested:	Ordinance	Res.Ord No.:	5614
Sponsor(s):		Legislature Meeting Date:	4/11/2022

Introduction
Action Items: ['Authorize']
Project/Title:
Ride It Out, LLC – RZ-2022-622

Request Summary
<p>Requesting a change of zoning from District AG-p (Agricultural-Planned) on 144 ± acres to District AG (Agricultural). The applicant is wishing to back zone the property from the Planned designation back to Agricultural at 8521 S. Stillhouse 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 March 17, 2022, and accepted testimony pertaining to the rezoning request. The Plan Commission voted 7 to 0 to recommend APPROVAL to the County Legislature.</p>

Contact Information			
Department:	Public Works	Submitted Date:	3/25/2022
Name:	Randy D. Diehl	Email:	RDiehl@jacksongov.org
Title:	Development Division Administrator	Phone:	816-804-6410

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

Prior Legislation	
Prior Ordinances	
Ordinance:	Ordinance date:
4801	November 16, 2015
Prior Resolution	
Resolution:	Resolution date:

Purchasing	
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?	

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

Fiscal Information	
<ul style="list-style-type: none"> This legislative action does not impact the County financially and does not require Finance/Budget approval. 	

Request for Legislative Action

History

Randy D. Diehl at 3/25/2022 12:44:36 PM - [Submitted |]Department Director: Brian Gaddie at 3/28/2022 9:56:25 AM - [Approved |]Finance (Purchasing): Barbara J. Casamento at 3/28/2022 11:10:41 AM - [Not applicable |]Compliance: Katie M. Bartle at 3/28/2022 11:56:44 AM - [Approved |]Finance (Budget): Mark Lang at 3/29/2022 10:58:34 AM - [Not applicable |]Executive: Sylvya Stevenson at 3/29/2022 12:30:43 PM - [Approved |]Legal: Elizabeth Freeland at 3/29/2022 12:52:54 PM - [Returned for more information | Please use the "on agenda" date for previous legislation. Thanks!]Submitter: Randy D. Diehl at 3/29/2022 1:50:30 PM - [Submitted | Corrected On Agenda Date]Department Director: Brian Gaddie at 3/29/2022 2:19:29 PM - [Approved |]Finance (Purchasing): Barbara J. Casamento at 3/29/2022 4:12:16 PM - [Not applicable |]Compliance: Katie M. Bartle at 3/30/2022 10:56:39 AM - [Approved |]Finance (Budget): Mark Lang at 3/30/2022 11:41:38 AM - [Not applicable |]Executive: Sylvya Stevenson at 3/30/2022 6:58:01 PM - [Approved |] Legal: Elizabeth Freeland at 4/1/2022 12:22:47 PM - [Approved |] Legal: Elizabeth Freeland at 4/1/2022 12:22:47 PM - [Approved |]

RZ-2021-622

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

The North 30 acres more or less of the Southeast Quarter of the Northwest Quarter and the Southwest Quarter of the Northeast Quarter, and the Northwest Quarter of the Southeast Quarter, all in Section 19, Township 48, Range 29, Jackson County, Missouri, except a strip of land described as follows to-wit: Beginning at the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 19, Township 48, Range 29, running thence South 12 feet, thence West to the county road, thence North 12 feet, thence East to the place of beginning.

The Northwest Quarter of the Northeast Quarter; also Beginning at the Southwest corner of said Northwest Quarter of the Northeast Quarter and running due West 282 feet to the public road, thence South along the East line of public road 12 feet, thence East 282 feet, thence North to beginning, all in Section 19, Township 48, Range 29, Jackson County, Missouri.

Except, therefrom, any part lying West of the East line of Stillhouse Road.

RZ-2021-622

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from March 17, 2022

Staff Report

Zoning map of surrounding area

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Application

Aerial of location

Ordinance 4801, November 16, 2015

Pictures provided by J Skistimas

Randy Diehl gave the staff report:

RE: RZ-2022-622

Applicant: Ride It Out Property, LLC

Location: 8521 S. Stillhouse Road

Area: 144 ± acres

Request: Change of zoning from District AG-p to District AG

Current Land Use and Zoning in the Area:

The applicant was granted a change of zoning to District AG-p (Agricultural Planned) in 2015 to host local equine events. Events were proposed 4-6 times a year over the course of 2-3 days. Part of the plan was to have a multipurpose building to hold award ceremonies and to be rented out for retreats, family reunions and other types of events.

The applicant is now wanting to revert the zoning back to Agricultural as the need and demand for an equine facility did not pan out as expected.

They have since opened Stillhouse Farms Wedding and Event Space within the existing horse barn. A Conditional Use Permit will be required for the event facility.

Recommendation:

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

Staff recommends APPROVAL of RZ-2022-622.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: Are they still wanting to rezone if the Conditional Use Permit is not granted?

Mr. Diehl: This action reverts the property back to District AG and eliminates the Planned Zoning that was in place for the equine events. I'm sure the application will be able to answer that question.

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

There were none

Mr. Antey: *Is the applicant here?*

Matt Mitchell: 8611 S. Stillhouse Road.

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

Mr. Mitchell: No. We are now trying to do a wedding venue in an existing horse barn. There is no reason to keep the Planned designation.

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?*

John Skistimas: 8727 S Stillhouse Road. I've lived out there since '94. I moved here from California looking to get out of the city to a peaceful, quiet place. I have a lot invested in this house. My house is here (indicating on map). This facility was my former owners horse barn. It was a sand bottom area for cutting horses. In the last couple of years, it has been transformed into a concrete floor party house, with DJ's constantly playing and a huge parking lot. Car's parking way down over here and on the grass sometimes. I've had RV's overnighting back there. I have some pictures.

Mr. Diehl: Mr. Chairman, this testimony may be more appropriate for the Conditional Use Permit that will be brought up later.

Mr. Skistimas: Here is a picture of cars parking for a small event. There are cars coming up and down that road. When they miss the driveway, they turn around in my driveway. It's nonstop traffic all the time. I work weekends often and, in the spring, and fall, when the weather is good, we like to have our windows open. The windows and rattling from the DJ's. The voices, it sounds like there are people on my back patio. That's what I deal with.

I noticed that when the signs were posted, someone removed them within a few days.

I have a picture of a tractor and wagons that they drive people around in. They have photo shoots, and wedding stuff.

People overnighting in RV's.

Is the building ADA compliant? I've been in that horse barn before, I don't know what's been done since. What about fire suppression, emergency lighting? Not to mention the septic system. Employees coming to the facility. There are cars there every day.

The alcohol thing. Coming up and down that there are people at a reception under the influence. Security. There are people having a good time. What's to say someone isn't armed and starts shooting each other. I'm not to argue the rezoning. I'm here to argue the event center.

Mr. Crawford: How many times a year do you have this problem with live music?

Mr. Skistimas: Almost every Saturday. In the summer, they open the doors and it's coming out. If you remember with the equine events, there wasn't supposed to be any loudspeakers.

Mr. Lake: You said you've been in the barn.

Mr. Skistimas: Not since the Browns owned it. I've been told by friends that have been to events that the floor is concrete.

Motion to take under advisement.

Mr. Crawford moved to take under advisement. Mr. Lake seconded.

Discussion under advisement

Mr. Crawford moved to approve. Mr. Lake seconded.

Mr. Akins	Approve
Mr. Crawford	Approve
Mr. Hilliard	Approve
Ms. Ryerkerk	Approve
Mr. Farrar	Approve
Mr. Lake	Approve
Chairman Antey	Approve

Motion Carried 7 – 0

STAFF REPORT

PLAN COMMISSION

March 17, 2022

RE: RZ-2022-622

Applicant: Ride It Out Property, LLC

Location: 8521 S. Stillhouse Road

Area: 144 ± acres

Request: Change of zoning from District AG-p to District AG

Current Land Use and Zoning in the Area:

The applicant was granted a change of zoning to District AG-p (Agricultural Planned) in 2015 to host local equine events. Events were to be proposed 4-6 times a year over the course of 2-3 days. Part of the plan was to have a multipurpose building to hold award ceremonies and to be rented out for retreats, family reunions and other types of events.

The applicant is now wanting to revert the zoning back to Agricultural as the need and demand for an equine facility did not pan out as expected.

They have since opened Stillhouse Farms Wedding and Event Space within the existing horse barn. A Conditional Use Permit will be required for the event facility.

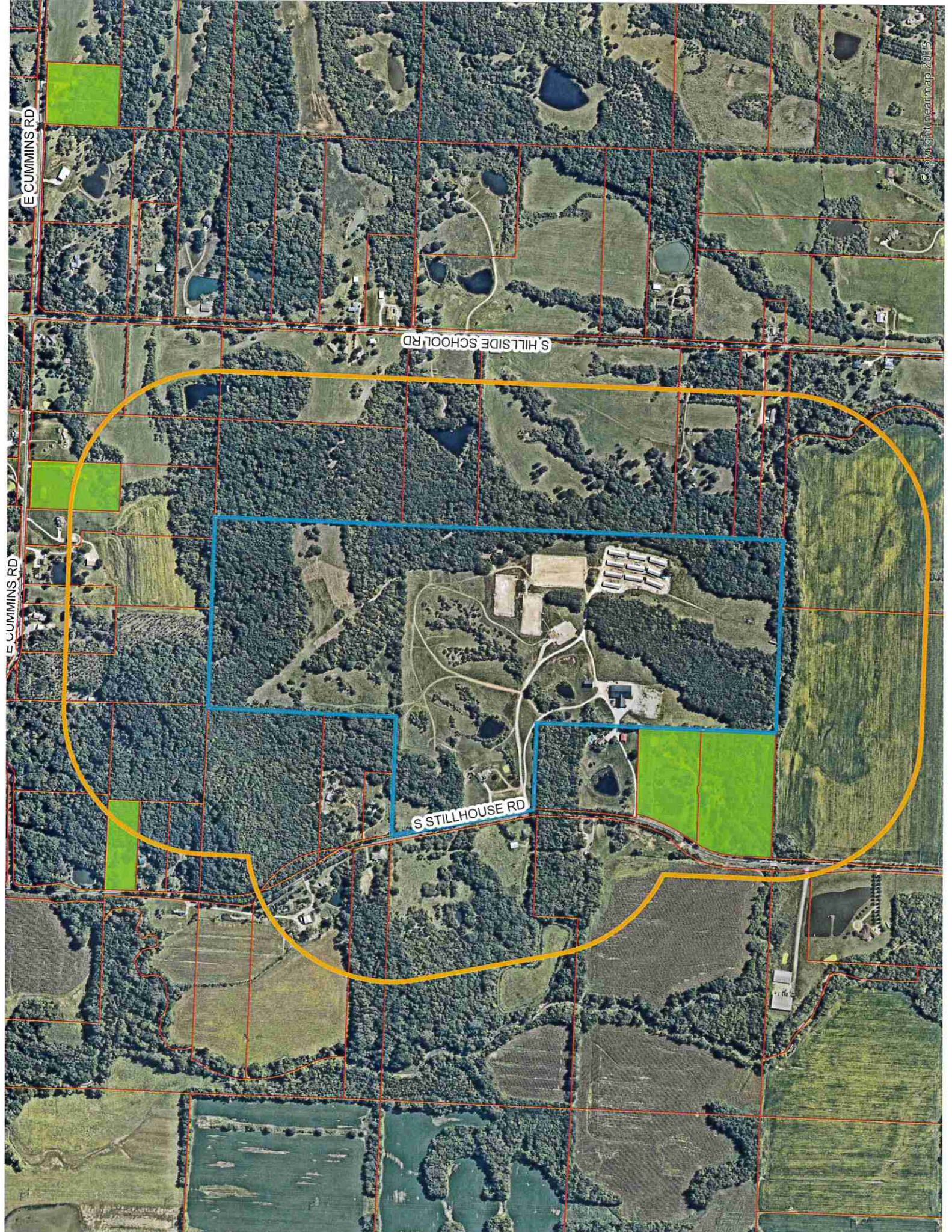
Recommendation:

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

Staff recommends APPROVAL of RZ-2022-617.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



E CUMMINS RD

S HILLSIDE SCHOOL RD

S STILLHOUSE RD

Copyright Inceatmap 2015

Plan Commission March 17, 2022

RZ-2022-622

Property Owners Within 1000 feet

Parcel	owner	address	city	state	zip
56-300-03-16-00-0-00-000	SKISTIMAS JOHN JR	8727 S STILLHOUSE RD	OAK GROVE	MO	64075
56-300-03-11-00-0-00-000	WILKERSON ANTHONY	9020 STILLHOUSE RD	OAK GROVE	MO	64075
56-300-04-03-00-0-00-000	MORGAN MICHAEL R-TRUSTEE	882 J W CUMMINS RD	OAK GROVE	MO	64075
56-300-03-07-00-0-00-000	MARTIN DENNIS C & MARY ELAINE	1809 N EMBUDO AVE E	ALBUQUERQUE	NM	87112
56-300-04-10-00-0-00-000	GRIFFIN MARK R & TAMARA L	PO BOX 743	OAK GROVE	MO	64075
56-300-03-08-02-1-00-000	GROSS EBERHARD & ILSE-TRUSTEE	8811 S STILLHOUSE RD	OAK GROVE	MO	64075
56-300-03-12-00-0-00-000	ARW INVESTMENTS LLC	9020 STILLHOUSE RD	OAK GROVE	MO	64075
56-300-01-07-01-0-00-000	GRIFFIN MARK R & TAMARA L	PO BOX 481	OAK GROVE	MO	64075
56-300-04-07-01-0-00-000	CUMMINS BEATRICE	37402 E J W CUMMINS RD	OAK GROVE	MO	64075
56-300-04-07-02-1-00-000	SLAHCK JO ELLEN	23701 E BLUE MILLS RD	INDEPENDENCE	MO	64058-2236
56-300-04-06-00-0-00-000	MORGAN MICHAEL R-TR	882 E J W CUMMINS	OAK GROVE	MO	64075
56-300-04-07-02-2-00-000	CUMMINS KENNETH M & VICKIE J	8918 S HILLSIDE SCHOOL RD	OAK GROVE	MO	64075
39-900-04-17-00-0-00-000	SCHWOPE RICHARD K & PATRICIA J	1608 SW ROCK CREEK DR	BLUE SPRINGS	MO	64015
39-900-04-19-00-0-00-000	HAYES TONY R & YVONNE M	PO BOX 565	OAK GROVE	MO	64075
39-900-04-16-00-0-00-000	HAYES TONY R & YVONNE M	36509 E CUMMINGS RD	OAK GROVE	MO	64075
39-900-03-13-00-0-00-000	HAYNES JAMES R & CHRISTINE C	8205 S STILLHOUSE RD	OAK GROVE	MO	64075
39-900-04-27-00-0-00-000	WITTIG CHARLES B	36909 CUMMINS RD	OAK GROVE	MO	64075
39-900-03-12-00-0-00-000	BROWN CALEB & MEGAN	8213 S STILLHOUSE RD	OAK GROVE	MO	64075
39-900-03-11-00-0-00-000	ERICKSON JOSHUA & BAILEY	8221 S STILLHOUSE RD	OAK GROVE	MO	64075
39-900-04-21-00-0-00-000	WITTIG OSCAR R & DORIS L	8404 S HILLSIDE SCHOOL RD	OAK GROVE	MO	64075
39-900-04-22-00-0-00-000	RIKER DAVID O & URSULA M	PO BOX 123	OAK GROVE	MO	64075
39-900-04-32-00-0-00-000	LINSON STEPHEN T & CONNIE M	36707 E CUMMINGS	OAK GROVE	MO	64075
39-900-03-07-01-0-00-000	HERMAN JASON R	8119 S STILLHOUSE RD	OAK GROVE	MO	64075
56-300-01-05-00-0-00-000	AETIUS INVESTMENTS HOLDINGS LLC	PO BOX 3307	INDEPENDENCE	MO	64055
56-300-02-01-01-0-00-000	HERMAN JASON R	8119 S STILLHOUSE RD	OAK GROVE	MO	64075
39-900-04-33-00-0-00-000	DAVIS JO	36605 E CUMMINS RD	OAK GROVE	MO	64075
39-900-03-07-02-0-00-000	KITTLE MARK D & JANICE N	36207 E CUMMINGS RD	OAK GROVE	MO	64075
56-300-01-02-00-0-00-000	AETIUS INVESTMENTS HOLDINGS LLC	PO BOX 3307	INDEPENDENCE	MO	64055

56-300-02-10-00-0-00-000	THOMPSON DAMON J	8421 S STILLHOUSE RD	OAK GROVE	MO	64075
56-300-01-08-00-0-00-000	WITTIG OSCAR & DORIS	8404 S HILLSIDE SCHOOL RD	OAK GROVE	MO	64075
56-300-02-09-00-0-00-000	MYERS JIMMY E	8409 S STILLHOUSE RD	OAK GROVE	MO	64075
56-300-02-02-01-1-00-000	EVINGER CLAY L & PAM J	8324 S STILLHOUSE RD	OAK GROVE	MO	64075
39-900-04-29-00-0-00-000	STILL CHRISTOPHER & ANNE-MARIE	36807 E CUMMINGS RD	OAK GROVE	MO	64075-8238
56-300-02-02-02-0-00-000	JOHNSON CHRISTIAN E & RENEE L	8424 STILLHOUSE	OAK GROVE	MO	64075
56-300-02-08-00-0-00-000	SORENSEN ERIC	2909 NE MARYWOOD LN	LEE'S SUMMIT	MO	64086
56-300-01-09-00-0-00-000	RIDE IT OUT PROPERTY LLC	8611 S STILLHOUSE RD	OAK GROVE	MO	64075
56-300-02-08-01-0-00-000	MITCHELL MATTHEW J & JEANETTE M	8611 S STILLHOUSE RD	OAK GROVE	MO	64075
39-900-03-09-00-0-00-000	RIDE IT OUT PROPERTY LLC	8611 S STILLHOUSE RD	OAK GROVE	MO	64075



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

March 2, 2022

RE: Public Hearing: RZ-2022-622
Ride it Out Property LLC

Dear Property Owner:

You are hereby invited to participate in a public hearing to be held by the Jackson County Plan Commission on a request by Ride it Out Property LLC for a change of zoning from District AG-p (Agricultural-Planned) on 144.00 ± acres to District AG ((Agricultural) at 8521 S. Stillhouse Road. The purpose is to the remove the Planned designation granted in 2015.

Please note that this request for a change of zoning affects only the property mentioned above. Adjacent properties will not be affected by the change of zoning. Taxes are based on the land use of a property not the zoning.

You are being notified pursuant to 24003.5 Chapter 240 (Unified Development Code) of the Jackson County Code, as being an adjacent property within 1000' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, March 17, 2022, at 8:30 a.m. in the Large Conference Room, 2nd 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 881-4649.

Sincerely,

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

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Frank White, Jr., County Executive

**JACKSON COUNTY, MISSOURI
APPLICATION FOR CHANGE OF ZONING**

APPLICANT INFORMATION:

1. Application must be filed with the Jackson County Planning and Development Division, 303 W. Walnut, Independence, Missouri 64050 by the date on the Plan Commission Calendar.
2. Application must be typed or printed in a legible manner.
3. All applicable sections must be completed. If you need more space to provide information, please use separate 8 1/2"x11" paper, reference the application number and attach it to the application. Incomplete applications will not be accepted and will be returned to the applicant.
4. Attach application for subdivision approval, consistent with the requirements of UDC Section 24003.10, as may be required.
5. The filing fee (non-refundable) must accompany application.
(Check payable to: Manager of Finance)
\$350.00 – Change of Zoning to Residential
\$500.00 – Change of Zoning to Commercial or Industrial

TO BE COMPLETED BY OFFICE PERSONNEL ONLY:

Rezoning Case Number RZ- 2022- 622

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: RIDE IT OUT PROPERTY, LLC
Current Mailing Address: 8611 S STILLHOUSE RD, OAK GROVE, MO 64075
Phone: 816-898-4447 email: 20CULVERS@GMAIL.COM
- b. Legal Owner of Property: MATT MITCHELL
Current Mailing Address: SAME
Phone: SAME email: SAME
- b. Legal Owner of Property: _____
Current Mailing Address: _____
Phone: _____ email: _____

2. General location (Road Name) 8521 S STILLHOUSE RD
OAK GROVE, MO 64075
3. Present Zoning COMMERCIAL AG Requested Zoning AG
4. AREA (sq. ft. / acres) 144 ACRES
5. Legal Description of Property: (Write Below or provide copy of deed and survey)

6. Present Use of Property: EQUESTRIAN CENTER
7. Proposed Use of Property: _____
8. Proposed Time Schedule for Development: N/A
9. What effect will your proposed development have on the surrounding properties?
NONE
10. 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
11. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water Provider PUBLIC WATER
 - b. Sewage disposal: Onsite Waste Water Public Sewer _____
 - c. Electricity WEST CENTRAL
 - d. Fire and Police protection _____
- NO CHANGES/
NO IMPACT
12. Describe existing road width and condition: NEW BLACKTOP
13. What effect will proposed development have on existing road and traffic conditions? NO IMPACT ON ROAD & MINIMAL TRAFFIC ON EVENT DAYS

14. 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): _____

The LEGAL OWNER(s) of the property must be signatory to this application. If the owner is also the applicant then only the Property Owner portion needs to be filled out. Applications will not be

accepted to move forward without the proper signatories.
Verification of ownership will be made using the Tax Rolls and the Recorder of Deeds database.

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 RIDE IT OUT PROPERTY, LLC Date _____
Property Owner(s) *Matt Mitchell* 1/22/22

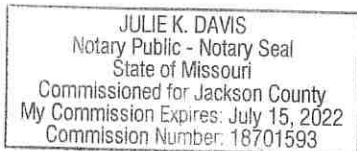
STATE OF _____
COUNTY OF _____

On this 24th day of January, in the year of 2022, before me
the undersigned notary public, personally appeared Matt Mitchell

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 *Julie K Davis* Commission Expires 7.15.2022



The LEGAL OWNER(s) of the property must be signatory to this application. If the owner is also the applicant then only the Property Owner portion needs to be filled out. Applications will not be accepted to move forward without the proper signatories.

S HILLSIDE SCHOOL RD

S STILLHOUSE RD



IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE amending the zoning districts established pursuant to the Unified Development Code by changing a certain 144 ± acre tract from District AG (Agricultural) to District AGp (Agricultural - Planned).

ORDINANCE NO. 4801, November 16, 2015

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

Section 1. The Zoning Order of Jackson County, Missouri, and the official maps which are a part thereof, are amended by changing the boundaries of the "AG" (Agricultural) District and the "AGp" (Agricultural - Planned) District, so that there will be transferred from District AG to District AGp, a tract of land commonly known as 8611 and 8521 S. Stillhouse Road, Oak Grove, MO, and specifically described as follows:

Description: The North 30 acres more or less of the Southeast Quarter of the Northwest Quarter and the Southwest Quarter of the Northeast Quarter, and the Northwest Quarter of the Southeast Quarter, all in Section 19, Township 48, Range 29, Jackson County, Missouri, except a strip of land described as follows to-wit: Beginning at the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 19, Township 48, Range 29, running thence South 12 feet, thence West to the county road, thence North 12 feet, thence East to the place of beginning.

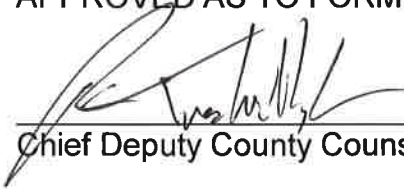
The Northwest Quarter of the Northeast Quarter; also Beginning at the Southwest corner of said Northwest Quarter of the Northeast Quarter and running due West 282 to the public road, thence South along the East line of public road 12 feet, thence East 282 feet, thence North to beginning, all in Section 19, Township 48, Range 29, Jackson County, Missouri. Except, therefrom, any part lying West of the East line of Stillhouse Road.

Section 2. The Legislature, pursuant to the application of the Ride It Out, LLC, (RP-2015-521), requesting the amendment embodied in this Ordinance and with notice that

the Jackson County Plan Commission voted 7 to 0 to recommend APPROVAL of this application after a public hearing on October 15, 2015, 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 No. 4801 introduced on November 16, 2015, was duly passed on December 7, 2015 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9 Nays 0
Abstaining 0 Absent 0

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

12.7.15

Date



Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4801.

12-8-15

Date



Michael D. Sanders, County Executive



