







REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~ Ord No.: 5181

Sponsor(s):

Date: November 26, 2018

| | | | | | | | | | | | | | | | | | | | | |
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| SUBJECT | Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Conditional Use Permit - Clifford Lee - CU-2018-228</u> | | | | | | | | | | | | | | | | | | | |
| BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i> | <table border="1" data-bbox="316 493 1198 808"> <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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| | TO ACCT | | | | | | | | | | | | | | | | | | | |
| 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 continue operating a horse boarding and training facility on 15.00 ± acres in District RR (Residential Ranchette). The location is 31606 E. Hammond Road, Jackson County, Missouri, and specifically described on Attachment to RLA-1. The Jackson County Plan Commission on November 15, 2018 held a public hearing and accepted testimony pertaining to 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 | <table border="1" data-bbox="305 1673 1533 1906"> <tr> <td>Department Director: Brian D. Gaddie, P.E. Director of Public Works</td> <td></td> <td>Date: 11-16-18</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td></td> <td>Date:</td> </tr> <tr> <td>Division Manager:</td> <td></td> <td>Date: 11-19-18</td> </tr> <tr> <td>County Counselor's Office:</td> <td></td> <td>Date:</td> </tr> </table> | | Department Director: Brian D. Gaddie, P.E. Director of Public Works |  | Date: 11-16-18 | Finance (Budget Approval): <i>If applicable</i> | | Date: | Division Manager: |  | Date: 11-19-18 | County Counselor's Office: | | Date: | | | | | | |
| Department Director: Brian D. Gaddie, P.E. Director of Public Works |  | Date: 11-16-18 | | | | | | | | | | | | | | | | | | |
| Finance (Budget Approval): <i>If applicable</i> | | Date: | | | | | | | | | | | | | | | | | | |
| Division Manager: |  | Date: 11-19-18 | | | | | | | | | | | | | | | | | | |
| 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.

PLAN COMMISSION – November 15, 2018

Randy Diehl gave the Staff Report

RE: CU-2018-228

Applicant: Clifford R Lee

Location: 31606 E. Hammond Road

Area: 15.0 ± acres

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

Zoning Classification: District RR (Residential Ranchette)

Current Land Use and Zoning in Area:

Zoning in the surrounding area is Residential Ranchette. Land use is predominately agricultural. Blue and Grey Park, primarily used by equestrian enthusiasts, is directly across the road to the south.

Comments:

This is the second renewal for a Conditional Use Permit for this facility. The original Special Use Permit was granted in 1992 for a period of 10 years. With the adoption of the Unified Development Code in 1995, a Conditional Use Permit is required for boarding facilities. CU-2003-169 was granted for a period of 15 years by the Legislature in 2003.

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 RR (Residential Ranchette)

The facility has been in operation for over 25 years with no complaints. The horse stable facility is consistent with the general purpose and intent of the zoning district regulations and complies with the requirements of the Unified Development Code.

Staff recommends APPROVAL of CU-2018-228 for a period of Twenty (20) years subject to the following conditions:

- 1) No overnight parking of camping trailer or lodging shall be provided on the premises. .
- 2) No horse shows, commercial concession stands or retail tack room shall be provide on the premises.
- 3) All outdoor lighting to be turned off no later than 11:00 pm.

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

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

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

Mr. Tarpley: Is there a limit on the number of horses?

Mr. Diehl: I didn't see a set number on the original permit. The permit is for 15 acres, however the applicant owns around 100 acres.

Ms. Mershon: What if he sells of acreage?

Mr. Diehl: The permit encompasses 15 acres. Most of the other stables with Conditional Use Permits are anywhere from 10 to 20 acres in size as well.

Ms. Mershon: What is the rule on number of horses?

Mr. Diehl: One head per grazing acre. If the horses are stalled, there may be less acreage. We have some that are stalled only on about 10 acres. I'll let that applicant answer any specific questions.

Mr. Antey: *Is the applicant here?*

Clifford Lee, 31606 E. Hammond Road, Grain Valley

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

Mr. Lee: No

Mr. Tarpley: How many horses are on the property?

Mr. Lee: 10 to 12. I don't want a big operation.

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.

Ms. Mershon moved to take under advisement. Mr. Tarpley seconded.

Discussion under advisement

Mr. Antey: 25 years and no complaints. That's a pretty good track record.

Mr. Crawford: The only question I have is, without a limit on the horses. If it was to change hands, the number could increase and there be no limit to the number of horses.

Mr. Diehl: If the Commission wishes, an additional condition could be added.

Mr. Tarpley: Since he has 10 to 12, we could limit it to 20 horses.

Mr. Crawford: I'd like to make a motion to reopen the hearing.

Mr. Tarpley seconded

Voice vote: All Aye

Mr. Antey (to applicant): Would it be acceptable if we set the number of horses to 20?

Mr. Lee: Yes, that would be okay.

Mr. Tarpley: I move we go back Under Advisement.

Mr. Crawford seconded

Voice vote: All Aye

Mr. Antey: I make a motion that we add a condition to the number of horses to be no more than 20.

Mr. Crawford moved to approve with additional condition. Mr. Tarpley seconded.

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

Motion Carried 7 – 0.

STAFF REPORT

PLAN COMMISSION
November 15, 2018

RE: CU-2018-228

Applicant: Clifford R Lee

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Zoning Classification: District RR (Residential Ranchette)

Current Land Use and Zoning in Area:

Zoning in the surrounding area is Residential Ranchette. Land use is predominately agricultural. Blue and Grey Park, primarily used by equestrian enthusiasts, is directly across the road to the south.

Comments:

This is the second renewal for a Conditional Use Permit for this facility. The original Special Use Permit was granted in 1992 for a period of 10 years. With the adoption of the Unified Development Code in 1995, a Conditional Use Permit is required for boarding facilities. CU-2003-169 was granted for a period of 15 years by the Legislature in 2003.

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).

The facility has been in operation for over 25 years with no complaints. The horse stable facility is consistent with the general purpose and intent of the zoning district regulations and complies with the requirements of the Unified Development Code.

Staff recommends APPROVAL of CU-2018-228 for a period of Twenty (20) years subject to the following conditions:

- 1) No overnight parking of camping trailer or lodging shall be provided on the premises. .
- 2) No horse shows, commercial concession stands or retail tack room shall be provide on the premises.
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This request for rezoning is consistent with the intent and purpose of the County Plan.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



Plan Commission November 15, 2018
CU-2018-228

Property Owners Within 300 feet

| Parcel Number * | owner | address | city | state | zip |
|--------------------------|-------------------------|--------------------|--------------|-------|-------|
| 55-900-04-10-00-0-00-000 | LEE MARK E & BRANDY M | 31904 E HAMMOND RD | GRAIN VALLEY | MO | 64029 |
| 58-300-01-01-00-0-00-000 | JACKSON COUNTY MISSOURI | | | | |
| 58-300-01-02-00-0-00-000 | JACKSON COUNTY MISSOURI | | | | |

Applicant

55-900-04-06-01-2-00-000 LEE CLIFFORD R 31606 E HAMMOND RD GRAIN VALLEY MO 64029



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

October 31, 2018

RE: Public Hearing: CU-2018-228
Clifford R Lee

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 Clifford R Lee for the renewal of a Conditional Use Permit for a period of 20 years to continue operating a horse boarding and training facility on 15.00 ± acres in District RR (Residential Ranchette). The location is 31606 E. Hammond 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 300' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, November 15, 2018 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
CONDITIONAL USE PERMIT APPLICATION

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- 2018 - 228
Date filed _____ Date of hearing 11-15-18
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: Clifford Lee
Address: 31606 E Hammond Rd
Grain Valley, mo 64029
Phone: 816-223-2468
 - b. Owner(s) Name: Clifford Lee
Address: 31606 E Hammond Rd
Phone: 816-223-2468
 - c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: Horse boarding

2. A CONDITIONAL USE PERMIT IS HEREBY REQUESTED for the following described use: Horse boarding for a period of 20 years; property described as follows: a tract of land ~~115~~ square feet/acres in size located at 31606 E Hammond Road. 15 Present Zoning District Agricultural

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

4. Present Use of Property: Agricultural / Horse boarding

5. Proposed Use of Property: Horse Boarding

6. Estimated Time Schedule for Development: _____

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

none

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 Public

b. Sewage disposal Put on hay field - Septic

c. Electricity KCP&L

d. Heating none

e. Fire and Police protection Lone Jack

10. Describe existing road width and condition: 23 ft - chip & seal

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
Property Owner(s)

Clifford Lee

Date

9-4-18

Applicant(s):

Same

Contract Purchaser(s):

Same

STATE OF

Missouri

COUNTY OF

JACKSON

On this 4th day of Sept., in the year of 2018, before me the undersigned notary public, personally appeared Clifford Lee

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.

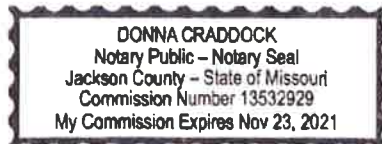
In witness whereof, I hereunto set my hand and official seal.

Notary Public

Donna Craddock

Commission Expires

Nov. 23, 2021



IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE extending for fifteen years a conditional use permit to continue operating a horse boarding and training facility as to a certain 15 ± acre tract.

ORDINANCE # 3389, August 4, 2003,

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

Section 1. A conditional use permit to continue operating a horse boarding and training facility, under the Unified Development Code, is hereby extended for fifteen years as to a certain tract of land described as follows:

DESCRIPTION: The 15 ± acre tract of land generally located 1/10 of a mile east of Buckner Tarsney Road on the north side of Hammond Road and more specifically described as the SE 1/4 of the SW 1/4 of the SE 1/4 and the W ½ of the SW 1/4 of the SE 1/4 of the SE 1/4 of Section 34, Township 48N, Range 30W, Jackson County, Missouri.

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

1. No overnight parking of camping trailers or lodging shall be provided on the premises.
2. No horse shows, commercial concession stands or retail tack rooms shall be provided on the premises.
3. That all outdoor arena lighting be turned off no later than 11:00 p.m. each night.

Section 3. The Legislature, pursuant to the application of Clifford Lee, (CU-2003-169), requesting approval embodied in this ordinance and with notice that the Jackson County Planning Commission unanimously recommended approval of this application in a public

hearing on July 17, 2003, 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:


Acting County Counselor

I hereby certify that the attached Ordinance, Ordinance # 3389 introduced on August 4, 2003, was duly passed on September 2, 2003 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 her signature.

9.3.03
Date


Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance # 3389.

9-9-03
Date


Katheryn J. Shields, County Executive

CU-2018-228
© Clifford Lee



E HAMMOND RD





