



REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 5184

Sponsor(s):

Date: November 26, 2018

<p>SUBJECT</p>	<p>Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: <u>Conditional Use Permit – Nina L Pointer CU-2018-230</u></p>																			
<p>BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i></p>	<table border="1" data-bbox="313 489 1195 804"> <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> <p>OTHER FINANCIAL INFORMATION:</p> <p><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): _____</p>		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	
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																			
<p>PRIOR LEGISLATION</p>	<p>Prior ordinances and (date): _____</p> <p>Prior resolutions and (date): _____</p>																			
<p>CONTACT INFORMATION</p>	<p>RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577</p>																			
<p>REQUEST SUMMARY</p>	<p>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 AG (Agricultural). The location is 11420 S Milton Thompson Road, in Jackson County, Missouri, and specifically described on Attachment to RLA-1.</p> <p>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.</p> <p>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)</p>																			
<p>CLEARANCE</p>	<p><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)</p>																			
<p>ATTACHMENTS</p>	<p>See Attachment to RLA-3</p>																			
<p>REVIEW</p>	<p>Department Director: Brian D. Gaddie, P.E. Director of Public Works </p> <p>Finance (Budget Approval): <i>If applicable</i></p> <p>Division Manager: </p> <p>County Counselor's Office:</p>	<p>Date: 11.16.18</p> <p>Date:</p> <p>Date: 11.19.18</p> <p>Date:</p>																		

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.

Section 3. The Legislature, pursuant to the application of Nina L. Pointer (CU-2018-230), requesting approval embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 7 to 0 to recommend APPROVAL of this application in a public hearing on November 15, 2018, does adopt this Ordinance pursuant to the Jackson County Charter authorizing the Legislature to exercise legislative power pertaining to planning and zoning.

PLAN COMMISSION – November 15, 2018

Randy Diehl gave the Staff Report

RE: CU-2018-230

Applicant: Nina L Pointer

Location: 11420 S Milton Thompson 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 AG (Agricultural)

Current Land Use and Zoning in Area:

Zoning in the surrounding area is primarily agricultural. Land use is large acreage tracts containing single family residences.

Comments:

This is the second renewal for a Conditional Use Permit for this facility. CU-1998-040 was granted for a period of 20 years by the Legislature in 1998.

County Plan:

The County Plan Development Diagram illustrates this area within the Urban Development Tier (UDT). T

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 20 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) The number of horses shall be limited to no more than 38 at any time.

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

STAFF REPORT

PLAN COMMISSION
November 15, 2018

RE: CU-2018-230

Applicant: Nina L Pointer

Location: 11420 S Milton Thompson 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 AG (Agricultural)

Current Land Use and Zoning in Area:

Zoning in the surrounding area is primarily agricultural. Land use is large acreage tracts containing single family residences.

Comments:

This is the second renewal for a Conditional Use Permit for this facility. CU-1998-040 was granted for a period of 20 years by the Legislature in 1998.

County Plan:

The County Plan Development Diagram illustrates this area within the Urban Development Tier (UDT). T

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 20 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) The number of horses shall be limited to no more than 38 at any time.

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?

There were none

Mr. Antey: Is the applicant here?

Nina Pointer: 11420 S Milton Thompson Road, Lee's Summit

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

Ms. Pointer: No

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

Discussion under advisement

Mr. Tarpley: Again, we have an applicant with a great track record.

Mr. Crawford moved to approve. Mr. Tarpley seconded.

Ms. Mershon expressed condolences to Ms. Pointer from the entire Plan Commission on the loss of her husband and former Plan Commission member W L Pointer.

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

Motion Carried 7 – 0.

CU-2018-230
Nina Pointer

Lake Lotawana





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-2018-230
Nina L Pointer

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 Nina L Pointer for the renewal of a Conditional Use Permit for a period of 15 years to continue operating a horse boarding and training facility on 15.00 ± acres in District AG (Agricultural). The location is 11420 S. Milton Thompson 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 feet 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

Plan Commission November 15, 2018

CU-2018-230

Property Owners Within 185 feet

Parcel Number *	owner *	address	city	state	zip
60-100-03-18-02-0-00-000	BARBER & SONS CO	27210 E 50 HWY	LEES SUMMIT	MO	64086
60-600-02-14-01-9-00-000	BARBER & SONS CO	27210 E 50 HWY	LEES SUMMIT	MO	64086
60-100-03-18-03-0-00-000	BARBER & SONS CO	27210 E 50 HWY	LEES SUMMIT	MO	64086
60-600-02-09-00-0-00-000	CRAVENS MICHAEL K & ELIZABETH	11504 S MILTON THOMPSON RD	LEES SUMMIT	MO	64086-9801
60-240-99-01-00-0-00-000	HAAAS GARY D & DUNN MARGARET H TRUST	436 EAST PALM #208	BURBANK	CA	91501-2076
60-500-01-01-00-0-00-000	HUFF CARL E & ALTHEA J	24008 E US 50 HWY	LEES SUMMIT	MO	64063-9801
60-100-03-08-02-0-00-000	MCCLANAHAN MICHAEL KEITH &	11400 MILTON THOMPSON RD	LEES SUMMIT	MO	64086-9328
Applicant					
60-100-03-07-00-0-00-000	POINTER W L & NINA L	11420 MILTON THOMPSON RD	LEES SUMMIT	MO	64086

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-
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: NINA L. POINTER & L. Michaelle Tobin
Address: 11420 Milton Thompson Road
Lee's Summit MO 64086
Phone: 816-806-9040
 - b. Owner(s) Name: NINA L. POINTER
Address: 11420 Milton Thompson Road, Lee's Summit MO 64086
Phone: 816-806-9040
 - c. Agent(s) Name: N/A

Address: _____

Phone: _____

d. Applicant's interest in Property: Owner

2. A CONDITIONAL USE PERMIT IS HEREBY REQUESTED for the following described use: Horse Boarding AND Training Facility for a period of 20 years; property described as follows: a tract of land 15 square feet/acres in size located at 11420 Milton Thompson Road, Decatur Road.
Present Zoning District _____

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

ALL THAT PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 47, RANGE 31, IN JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID HALF OF QUARTER SECTION; THENCE NORTH 0 DEGREES 13 MINUTES WEST ALONG THE WEST LINE OF SAID HALF OF QUARTER SECTION 490.91 FEET; THENCE SOUTH 90 DEGREES EAST, 1,331.0 FEET TO THE EAST LINE OF SAID HALF OF QUARTER SECTION; THENCE SOUTH 0 DEGREES 13 MINUTES EAST 490.91 FEET TO THE SOUTHEAST CORNER OF SAID HALF OF QUARTER SECTION; THENCE NORTH 90 DEGREES, WEST AND ALONG THE SOUTH LINE OF SAID HALF OF QUARTER SECTION, 1,331.00 FEET TO THE POINT OF BEGINNING.

5. Proposed Use of Property: Same As Above

6. Estimated Time Schedule for Development: Already Built, Renewing of Current Permit which has reached 20 years

7. What effect will your proposed development have on the surrounding properties?
NONE, IT WILL BE THE SAME AS IT HAS BEEN FOR OVER 35 YEARS.
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: ALL UTILITIES ARE THE SAME AS BEFORE.
- a. Water CITY OF LEES SUMMIT
 - b. Sewage disposal SEPTIC AND SEPTIC POND
 - c. Electricity KCP&L
 - d. Heating PROPANE
 - e. Fire and Police protection PRAIRIE TOWNSHIP ON MILTON THOMPSON ROAD
5 HOUSES DOWN TO NORTH FROM HORSE BARN
10. Describe existing road width and condition: BLACKTOP ROAD OF MILTON THOMPSON ROAD
11. What effect will proposed development have on existing road and traffic conditions? NONE. THE OPERATION WILL BE THE SAME AS IT HAS BEEN FOR 20 YRS. 3-5 CARS A DAY FOR THE BARN.
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)

Nina L. Pointer
NINA L. POINTER

Date

10-14-18

Applicant(s):

Contract Purchaser(s):

STATE OF Missouri
COUNTY OF JACKSON

On this 14th day of OCTOBER, in the year of 2018, before me the undersigned notary public, personally appeared NINA POINTER

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 *Michelle Peters* Commission Expires 7-1-2022



MICHELLE PETERS
My Commission Expires
July 1, 2022
Jackson County
Commission #14991735

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE approving a conditional use permit to operate a horse boarding and training facility as to a certain 15 ± acre tract.

ORDINANCE 2880, December 15, 1998

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

Section 1. A conditional use permit for twenty years to operate a horse boarding and training facility, subject to restrictions specified on the attached Request for Legislative Action, under the Unified Development Code, is hereby approved as to a certain tract of land described as follows:

RESTRICTIONS:

1. The number of horses boarded shall be limited to no more than 38 at any one time.

LEGAL:

ALL THAT PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 47, RANGE 31, IN JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID HALF OF QUARTER SECTION; THENCE NORTH 0 DEGREES 13 MINUTES WEST ALONG THE WEST LINE OF SAID HALF OF QUARTER SECTION 490.91 FEET; THENCE SOUTH 90 DEGREES EAST, 1,331.0 FEET TO THE EAST LINE OF SAID HALF OF QUARTER SECTION; THENCE SOUTH DEGREES 13 MINUTES EAST, 490.91 FEET TO THE SOUTHEAST CORNER OF SAID HALF OF QUARTER SECTION; THENCE NORTH 90 DEGREES, WEST AND ALONG THE SOUTH LINE OF SAID HALF OF QUARTER SECTION, 1,331.00 FEET TO THE POINT OF BEGINNING AKA 11420 MILTON THOMPSON ROAD.

Section 2. The Legislature, pursuant to the application of W. L. and Nina Pointer, (CU-98-040), 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 November 19, 1998, 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:

Sandra L. Schumacher
County Counselor

I hereby certify that the attached Ordinance, Ordinance #2880 introduced on December 15, 1998, was duly passed on January 4, 199~~8~~⁹ by the Jackson County Legislature. The votes thereon were as follows: (9/0)

Yeas 9

Nays 0

Abstaining 0

Absent 0

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

1-5-99
Date

Mary Jo Brogato
Mary Jo Brogato, Clerk of Legislature

I hereby approve the attached Ordinance #2880.

1-7-99
Date

Katheryn J. Shields
Katheryn J. Shields, County Executive

CU-2018-230
Nina Pointer

S MILTON THOMPSON RD

Lake Lotawana

S MILTON THOMPSON RD



IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION authorizing the Jackson County Legislature to hold a closed meeting on Monday, November 26, 2018, for the purpose of conducting privileged and confidential communications between itself and the Jackson County Counselor under section 610.021(1) of the Revised Statutes of Missouri, and closing all records prepared for discussion at said meeting.

RESOLUTION NO. 20052, November 26, 2018

INTRODUCED BY Scott Burnett, County Legislator

WHEREAS, the Jackson County Legislature desires to hold a closed meeting on Monday, November 26, 2018, during the regularly scheduled meeting of the Legislature; and,

WHEREAS, public notice of such closed meeting has been given by inclusion of this Resolution on the published agenda for said meeting; and,

WHEREAS, the purpose of such closed meeting is to conduct privileged and confidential communications between the Legislature and the Jackson County Counselor concerning the status of legal actions, causes of action, and/or litigation; and,

WHEREAS, such closed meeting is allowable under section 610.021(1) of the Revised Statutes of Missouri; now therefore,

