

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 4724

Sponsor(s): -----

Date: April 13, 2015

SUBJECT	<p>Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: <u>Conditional Use Permit Lee Roy Thomas. CU-2015-216</u></p>																			
<p>BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i></p>	<table border="1" data-bbox="310 512 1195 827"> <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																			
PRIOR LEGISLATION	<p>Prior ordinances and (date): _____</p> <p>Prior resolutions and (date): _____</p>																			
CONTACT INFORMATION	<p>RLA drafted by Randy Diehl, Zoning Compliance Supervisor, 881-4577</p>																			
REQUEST SUMMARY	<p>Requesting a Conditional Use Permit in District AG (Agricultural) for a period of 10 years for the continued use of a private aviation field on a 70.00 ± acre tract. The applicant has maintained a Special/Conditional Use Permit since 1987 with no complaints. The field is located in Section 21, Township 48, Range 29 aka 39202 E. J W Cummins Road in Jackson County, Missouri, and specifically described on Attachment to RLA-1.</p> <p>The Jackson County Plan Commission on March 19, 2015 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.</p> <p>Therefore, the Plan Commission voted 8 to 0 to recommend <u>APPROVAL</u> for a 10 year period provided the following conditions are met (see attachment RLA-2)</p>																			
CLEARANCE	<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>																			
ATTACHMENTS	<p>See Attachment to RLA-3</p>																			
REVIEW	<p>Department Director: <i>Earl Newill</i> Earl Newill, Acting Director</p> <p>Finance (Budget Approval): _____</p>	<p>Date: 03/31/2015</p> <p>Date: _____</p>																		

<i>If applicable</i>		
Division Manager:	<i>Mary Lou Brown</i>	Date: <i>4/8/15</i>
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-2

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

- 1) The airport landing strip shall be used for the applicant's private use and not as a commercial operation.
- 2) The private airport and its support facilities shall be limited to only the applicant's airplane.
- 3) The private airport shall include all approach and departure paths as necessary to assure a safe and adequate landing and take off area.
- 4) Adequate safety provisions shall be provided which control or restrict access to the landing and take off areas to the general public.
- 5) Landing and take off areas shall be surfaced in such a manner as to avoid blowing dust or dirt into neighboring property

CU-2015-216

ATTACHMENT TO RLA 1:

Description:

All of the South 70 acres of the East Half of the Southwest Quarter of Section 21,
Township 48, Range 29, in Jackson County, Missouri

ATTACHMENT TO RLA-3:

Attachments

Staff Report

Affidavit of Publication in Independence Examiner

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

Jackson County Plan Commission Summary of Public Hearing

Date: March 19, 2015

Place: Independence City Hall,
Conference Room D
111 E Maple, Independence, MO

Attendance: Chairman Antey

Mr. Gibler
Mr. Haley
Mr. Crawford
Mrs. Mershon
Mrs. Querry
Mr. Akins
Mr. Pointer

Staff: Randy Diehl
Chris Jenkins
Amy Keister
Kristen Geary

Mr. Tarpley was absent.

Call to Order/Roll Call

At 8:30 am Chairman Antey called to order the March 19, 2015 meeting of the Plan Commission and asked that the roll call be taken. Mr. Tarpley was absent.

Approval of Record

Chairman Antey asked for a motion to approve the record of January 15, 2015. Mr. Pointer made a motion to approve. Mr. Gibler seconded the motion. Voice vote.

Minutes of the January 15, 2015 Plan Commission meeting approved, 8-0.

Public Hearings

Chairman Antey swore in all persons present who would like to give testimony at the public hearings.

Randy Diehl gave the staff report
RE: CU-2015-216

Applicant/Property Owners: Lee Roy Thomas

Location: 39202 E. J. W. Cummins Road

Area: 70 ± acres

Zoning District: District AG (Agricultural)

Request: A Conditional Use Permit for a period of 10 years for the continued use of a private aviation field (50' x 2100')

Background:

This request is a renewal of CU-2005-184 approved by Ordinance #3601, which was granted for a period of 10 years. (S-661 1987, S-866 1995, CU-2005-184 2005) The applicant has operated the airstrip since 1987 with no complaints from the surrounding neighbors.

Current Land Use and Zoning in the Area:

The land use in the surrounding area is large residential tracts and agriculture. The zoning is primarily agricultural; there are few smaller acreage lots in the vicinity.

Comments:

The applicant was assigned Location Identifier MU85. The landing strip is a 50' x 2100' turf runway. It should be noted that the applicant owns additional property south and across the road.

FAA Information lists this as a Private Use Only Airport.

Recommendation:

Staff recommends APPROVAL of CU-2015-216 for a ten (10) year period provided the following conditions are met:

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

- 1) The airport landing strip shall be used for the applicant's private use and not as a commercial operation.
- 2) The private airport and its support facilities shall be limited to only the applicant's airplane.
- 3) The private airport shall include all approach and departure paths as necessary to assure a safe and adequate landing and take off area.
- 4) Adequate safety provisions shall be provided which control or restrict access to the landing and take off areas to the general public.

- 5) Landing and take off areas shall be surfaced in such a manner as to avoid blowing dust or dirt into neighboring property

Chairman Antey: Are there any questions for Randy or staff?

Chairman Antey: Is the applicant or his representative present?

Lee Roy Thomas: (39202 E J W Cummins Road) this is my strip. It's been there since 1956. I still fly and she (my wife) has a license. I seldom fly but would like to have the strip continued. We have friends that fly with me.

Chairman Antey: Are there any questions for the applicant?

Mr. Pointer: Do you have lights on the runway?

Lee Roy Thomas: I did have, but I don't fly at night, so I left them. I don't turn them on.

Chairman Antey: Randy, I assume we've never had a complaint about the strip?

Randy Diehl: We've have the Special Use/Conditional Use Permits since 1987. It's been there 30 years prior. We've never had a complaint about it.

Mr. Pointer: It's nice to have some there in case you have an emergency.

Chairman Antey: Is there anyone else present who would like to speak in favor of this application? *(There was no one)*

Chairman Antey: Is there anyone present who would like to speak who is opposed to or has questions concerning this application? *(There was none)*

Mrs. Mershon motioned to take this under advisement. Mr. Gibler seconded.

Voice Vote: Motion Carried 8 – 0.

Mr. Akins Mr. Chairman I'm in favor of this simply because these small air strips are drying up and going away. And as stated sometime a pilot needs a place to set down in a tight spot.

Mrs. Mershon motioned to approve CU-2015-216. Mr. Haley seconded.

Motion Carried 8 – 0.

STAFF REPORT

PLAN COMMISSION
March 19, 2015

RE: CU-2015-216

Applicant/Property Owners: Lee Roy Thomas

Location: 39202 E. J. W. Cummins Road

Area: 70 ± acres

Zoning District: District AG (Agricultural)

Request: A Conditional Use Permit for a period of 10 years for the continued use of a private aviation field (50' x 2100')

Background:

This request is a renewal of CU-2005-184 approved by Ordinance #3601, which was granted for a period of 10 years. (S-661 1987, S-866 1995, CU-2005-184 2005) The applicant has operated the airstrip since 1987 with no complaints from the surrounding neighbors.

Current Land Use and Zoning in the Area:

The land use in the surrounding area is large residential tracts and agriculture. The zoning is primarily agricultural; there are few smaller acreage lots in the vicinity.

Comments:

The applicant was assigned Location Identifier MU85. The landing strip is a 50' x 2100' turf runway. It should be noted that the applicant owns additional property south and across the road.

FAA Information lists this as a Private Use Only Airport.

Recommendation:

Staff recommends APPROVAL of CU-2015-216 for a ten (10) year period provided the following conditions are met:

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

- 1) The airport landing strip shall be used for the applicant's private use and not as a commercial operation.

- 2) The private airport and its support facilities shall be limited to only the applicant's airplane.
- 3) The private airport shall include all approach and departure paths as necessary to assure a safe and adequate landing and take off area.
- 4) Adequate safety provisions shall be provided which control or restrict access to the landing and take off areas to the general public.
- 5) Landing and take off areas shall be surfaced in such a manner as to avoid blowing dust or dirt into neighboring property

Respectfully submitted,

**Randy Diehl
Zoning Compliance Supervisor**

Planning and Zoning Division

**Plan Commission
March 19, 2015
CU-2015-216**

Applicants / Property Owners:
56-100-03-06
Lee Roy & Mary Thomas
39202 E J W Cummins Road
Oak Grove, MO 64075

56-600-02-06-01
56-100-03-08
56-600-01-02-01-1
56-600-01-02-01-2

Certified Mail – Return Receipt
Property Owners within 1000 feet

56-100-03-20-01-2-00-000 ARNETT MICHAEL & MENDY 8811 S OUTER BELT RD OAK GROVE MO 64075	56-100-04-04 BLACKMAN ANNA M 2805 SW 13TH ST LEES SUMMIT MO 64081	56-100-03-21-00-0-00-000 CALLAHAN MICHAEL J STARK TONY G & 39102 E J W CUMMINS RD OAK GROVE MO 64075
56-100-01-14-00-0-00-000 CURRIER EDWARD E & SARA A 39612 E NIVENS RD OAK GROVE MO 64075	56-600-01-02-01-2-00-000 DENT THOMAS L & SUSAN LYNN 39309 E J W CUMMINS RD OAK GROVE MO 64075	56-600-02-01-01-2-00-000 DENT THOMAS L & SUSAN LYNN
56-600-02-01-02-3-00-000 DENT THOMAS L & SUSAN LYNN	56-600-02-01-01-1-00-000 DENT THOMAS L & SUSAN LYNN	56-100-02-12-02-0-00-000 DIETZ RICHARD J & PAMELA 39502 E NIVENS RD OAK GROVE MO 64075
56-100-02-12-01-0-00-000 EVANS TOM W & BRENDA L 39406 E NEVINS RD OAK GROVE MO 64075	56-100-01-12-00-0-00-000 FINNIGAN BRADLEY D & DARLA K 39810 E NEVINS RD OAK GROVE MO 64075	56-100-03-09-00-0-00-000 GREEN KAREN K & NORVAL L 39003 S NIVENS RD OAK GROVE MO 64075
56-100-03-20-01-3-00-000 HUBBARD EUGENE F III & DORIS I 8905 S OUTER BELT RD OAK GROVE MO 64075	56-100-03-20-01-1-00-000 JONES DEREK S & HOLLY SUE 8715 S OUTER BELT RD OAK GROVE MO 64075	56-100-02-04-00-0-00-000 LARSEN JUDY 1024 CUMBERLAND RD OAK GROVE MO 64075
56-100-03-20-02-0-00-000 LEMEN CARL W & MARJORIE A-TR 8919 S OUTER BELT RD OAK GROVE MO 64075	56-100-02-06-00-0-00-000 MORGAN MICHAEL & JAN 1725 WHITE RD BATES CITY MO 64011	56-100-03-11-00-0-00-000 OLIVER JERRY W & LINDA F 38807 NEVINS RD OAK GROVE MO 64075

56-100-03-10-00-0-00-000
OLIVER JERRY W & LINDA F

56-100-02-05-00-0-00-000
REYNOLDS JOSH K & AMANDA
39104 E NIVENS RD
OAK GROVE MO 64075

56-100-03-07-00-0-00-000
STORY SARAH S
39409 E NIVENS RD
OAK GROVE MO 64075

56-600-02-06-02-1-00-000
SWISEGOOD MAX W
9511 S OUTER BELT RD
OAK GROVE MO 64075

56-100-03-16-00-0-00-000
THOMPSON JAMIE M-TRUSTEE
711 SE 6TH ST APT B
OAK GROVE MO 64075

56-100-02-03-00-0-00-000
WILLEY JEFF & JENNIFER
8517 S OUTER BELT RD
OAK GROVE MO 64075

56-100-03-23-00-0-00-000
WILLIAMS W GLENN & ELAINE-TR
506 SW MITCHELL ST APT B
OAK GROVE MO 64075

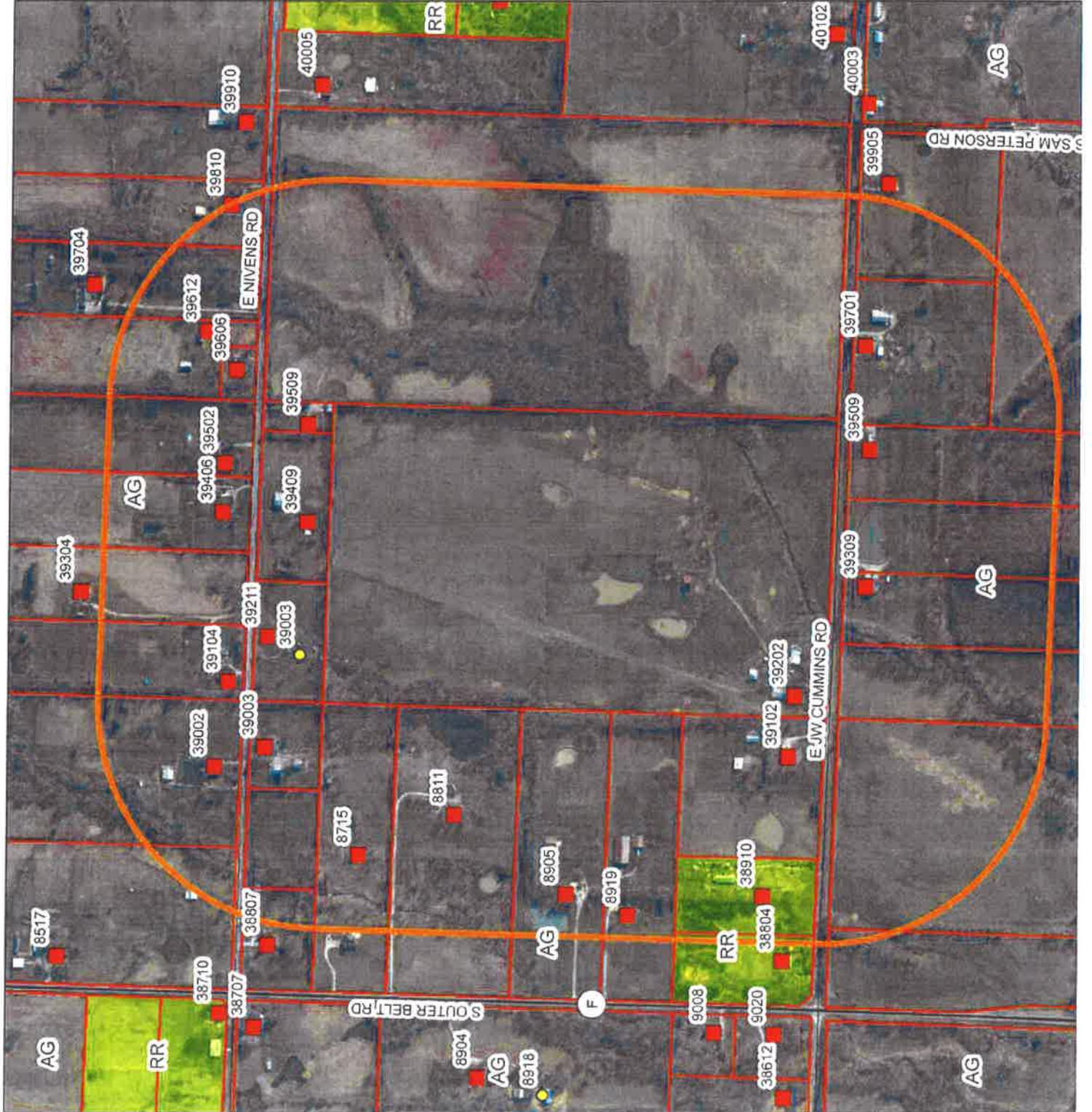
56-100-03-22-00-0-00-000
WILLIAMS W GLENN & ELAINE-TR
506 SW MITCHELL ST APT B
OAK GROVE MO 64075

56-100-01-13-00-0-00-000
WILPER MICHAEL H & HELEN
39704 E NEVINS RD
OAK GROVE MO 64075



Jackson County Zoning Map

- Legend**
- 1000' Notification Area
 - Pending Rezoning**
 - Zoning**
 - Residential Estates
 - Streets
 - Rezoning**
 - Zoning**
 - RR-Residential Ranchette
 - RRp-Residential Ranchette-Pla
 - RE-Residential Estates
 - RS-Residential Suburban
 - RU-Residential Urban
 - A(r)-Single-Family
 - B(r)-Two-Family
 - C(r)-Multi-Family
 - A1-Mobile Homes District
 - ROp-Residential Office-Planne
 - LB-Local Business
 - LBp-Local Business-Planned
 - GB-General Business
 - GBp-General Business-Planne
 - LI-Light Industrial
 - LIp-Light Industrial-Planned
 - HI-Heavy Industrial



EX. 5

Ord. 4724

CU-2015-216

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-2015-216
 Date filed 2-10-15 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: LEE Roy THOMAS
 Address: 39202 E. J.W. CUMMINS
OAK GROVE, MO. 64075
 Phone: 816 625-3240
 - b. Owner(s) Name: LEE Roy THOMAS
 Address: 39202 E. J.W. CUMMINS
 Phone: OAK GROVE, MO. 64075
 - c. Agent(s) Name: NONE

Address: _____

Phone: _____

d. Applicant's interest in Property: _____

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

a period of 10 years; property described as follows: a tract of land 69000 square ~~feet~~ acres

in size located at J.W. CUMMINS Road.

Present Zoning District _____

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

SECTION 21 TOWNSHIP 48 RANGE 29
S. 70 ACRES OF SW 1/4 OF SD SECTION

4. Present Use of Property: AIRSTRIP

5. Proposed Use of Property: AIRSTRIP

6. Estimated Time Schedule for Development: ALLREADY DONE

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? NO
9. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water NONE
 - b. Sewage disposal NONE
 - c. Electricity NONE
 - d. Heating NONE
 - e. Fire and Police protection NONE
10. Describe existing road width and condition: NO ROAD
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		Date	
Property Owner(s)	<u>Mary C Thomas</u> <u>Lee Roy Thomas</u>		<u>Feb 5 2015</u> ^{mpj} <u>Feb 5 2015</u>
Applicant(s):	<u>Mary C Thomas</u> <u>Lee Roy Thomas</u>		<u>Feb 5 2015</u> ^{mpj} <u>Feb 5 2015</u>

Contract Purchaser(s): _____

STATE OF Missouri
COUNTY OF Jackson

On this 5th day of February, in the year of 2015, before me the undersigned notary public, personally appeared Mary & Lee Roy Thomas

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 Jana Scarborough Commission Expires April 23, 2017

JANA SCARBOROUGH
Notary Public - Notary Seal
State of Missouri
County of Jackson
My Commission Expires: April 23, 2017
Commission # 13899535



