

TERM OF COMMISSION: June Session of the April Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center
Commission Chambers

PRESENT WERE: Presiding Commissioner Kenneth M. Pearson
District I Commissioner Karen M. Miller
County Counselor CJ Dykhouse
Director of Planning & Building Stan Shawver
Planning & Building Planner Uriah Mach
Deputy County Clerk Kristina Johnson

District II Commissioner Skip Elkin was absent.

The meeting was called to order at 7:00 p.m.

Planning and Building

1. Request by Joseph A. Caputo for an animal training facility and kennel on 15 acres located at 1651 E. Calvin Dr., Hartsburg.

Mr. Mach stated the subject property is located approximately 2 ½ miles to the west of Ashland on Calvin Drive. The property is 15 acres in size and zoned A-2 (Agriculture), and is surrounded by A-2 zoning. This is all original 1973 zoning. Currently, there is a single-family dwelling, a barn, and outbuildings present on the property.

The applicant is requesting a conditional use permit for an animal (canine) training, boarding, and grooming facility. He has substantial experience in training canines for law enforcement and emergency service tasks with the New York Police Department and wishes to make that training experience available to agencies in central Missouri. The requested conditional use permit for an animal (canine) training, boarding, and grooming facility is the proper action to be able to train canines in the county in compliance with the Boone County Zoning Ordinance.

This property is within the Southern Boone R-1 School District. Electric service is provided by Boone Electric Co-operative. Water service is provided by Consolidated Public Water District #1. The master plan designates this area as being suitable for agriculture and rural residential land uses. The property scored 38 points on the point rating system. Staff notified 9 property owners concerning this request.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

- a. The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, or general welfare.

If operated in conformance with existing county regulations, the use should comply with this criterion.

- b. The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

Canine training/boarding facilities have the potential to be injurious to the use and enjoyment of other properties in the immediate vicinity. That potential harm can be mitigated by conditions limiting the number of canines being trained and/or boarded and the presence of screening. Public testimony may be indicative as to whether this criterion is met.

- c. The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

Canine training/boarding facilities have the potential to impair property values of existing properties in the neighborhood. That impairment can be mitigated by limiting the number of canines being trained and/or boarded on the site. Public testimony may be indicative as to whether this criterion is met.

- d. All necessary facilities will be available, including, but not limited to, utilities, roads, road access, and drainage.

All necessary facilities are available. The application can meet this criterion.

- e. The establishment of the conditional use permit will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.

The existing design of this lot and the adjacent lots, combined with the limited availability of utility services necessary to serve the maximum density allowed by the zoning, have a greater impact on the normal and orderly development of the surrounding property than this conditional use permit. The application can meet this criterion.

- f. The establishment of the conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

The property has direct access onto Calvin Drive, a county-maintained public road. The proposed conditional use is not one that will generate more traffic than the

current permitted uses on this property. The application can meet this criterion.

- g. The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

The proposal conforms to other applicable regulations of the A-2 zoning district.

Zoning Analysis: Animal training and boarding operations are potentially intrusive on nearby property owners. The current kennel locations, identified on the photos enclosed with the conditional use permit application, have a substantial barn/stable building between the kennels and the nearest adjacent dwelling. That structure may serve as a visible screen to the adjacent properties to the west. A future kennel location, identified in the attached photos as a paddock, may be adapted to provide six additional kennels. The paddock is located to the north of the current kennel structures and is approximately 500-600 feet from the two nearest dwellings on nearby properties. These existing conditions may serve to mitigate any undesired off-site impacts.

Staff recommended approval of this request with the following condition:

- That no more than 17 dogs be in training or boarded at any given time.

The Planning & Zoning Commission conducted a public hearing on this request during their June 17, 2010 regular meeting. There were ten members of the commission present. Following the public hearing, a motion was made to recommend approval of the request with the following condition:

- That no more than 17 dogs be in training or boarded at any given time.

That motion received unanimous support and so the request comes forward with a recommendation for approval.

Mr. Caputo stated he lived at 1651 E. Calvin Drive, Hartsburg, Missouri. Mr. Caputo stated he moved here from New York City in November 2008. He is a 20 year Veteran of the NYPD and served 17 years in the canine unit patrolling the streets and subways of New York City. He became the lead canine trainer in 2001 until his retirement in 2008. Mr. Caputo stated he was responsible for 36 canine teams at that particular time. He is certified with the state of New York Department of Municipal Police Canine training. Mr. Caputo stated he has certifications in explosives, narcotics, basic police patrol, and urban and/or wilderness rescue training. Mr. Caputo stated all of his dogs go through a minimum of 540 hours of training which is also state certified curriculum. Mr. Caputo stated he trained approximately 60 canine teams for the NYPD and he was also the lead trainer and handler for New York Task Force 1. Mr. Caputo stated he trained approximately 12 teams for that unit. Mr. Caputo stated he served at the Trade Center from its initial date 9/11 for ten months until its completion. He also stated he served at Hurricane Katrina. Mr. Caputo stated his duties there were initial rescue and recovery and also to keep the canines viable to get through that period of time. Mr. Caputo stated he served on FEMA's subcommittee representing four task forces made up of PA, MA, OH, and NY. Mr.

Caputo stated he is currently employed by the Central Missouri Humane Society where he is the Kennel Manager. His overall dream was upon the time he left the department was to continue what he did for New York City and help out the public service and public good. Mr. Caputo stated he would like to do this by using his God given gift so to speak. He feels comfortable with the animals and has a desire to provide. Mr. Caputo stated he feels that he could help with public safety and he would be able help or reduce costs as far as training costs and travel costs. Many people in central Missouri travel to Cape Girardeau, so this will help provide something more centrally located. Mr. Caputo stated this is a passion he has and he hopes to be able to continue to do this.

Mr. Caputo stated he believes that his property is very conducive to this type of work. Much of this property is hilly and wooded so the area is isolated. There is a public road access so he would not have to worry about a private road where he might be intervening or being intrusive on adjoining neighbors. Mr. Caputo stated his goal is quality not quantity. Mr. Caputo stated he is a one man operation.

Commissioner Pearson asked Mr. Caputo if he had spoken with the neighbors.

Mr. Caputo stated he held two open houses in February, one on Sunday and the other was Monday. Mr. Caputo stated about six or seven people showed up. Everybody seemed to be happy to meet him. Apparently the place was being utilized as a puppy mill prior to him. Mr. Caputo stated he is not breeding and he has no intentions of breeding and that was some of the neighbors concern. Mr. Caputo stated he screens for candidates that are anywhere between ten months to a year and a half to two years old. Mr. Caputo stated you could take two good candidates breed them together and that does not mean that you are going to get something good out the back end. Mr. Caputo stated he does not have the time or the patience for that.

Commissioner Pearson opened the hearing for this item.

Commissioner Pearson closed the hearing for this item.

Commissioner Miller stated she was noticing how narrow the tract of land is. Commissioner Miller stated this is probably a good use for that land because it is not good for development in anyway.

Commissioner Pearson stated he and Stan Shawver were at that tract of land the other day and that is a good area for something like this.

Mr. Shawver stated that is an old survey tract and before there was land use regulations. One of the discussions that we have had recently was the three to one ratio.

Commissioner Miller stated right, it would be hard to put three houses on that tract of land.

Mr. Shawver stated this narrow strip creates kind of a false density along the frontage and so this creates a density that you would not expect to find on a fifteen or twenty acre tract of ground.

Commissioner Miller asked Mr. Caputo what brought him from New York City to Hartsburg Missouri.

Mr. Caputo stated it was time for a change. He stated he had enough excitement for a few life times and this was nice and peaceful and he knew members of MO Task Force One.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the request of Joseph A. Caputo for an animal training facility and kennel on 15 acres located at 1651 E. Calvin Dr., Hartsburg, subject to the following condition:

- That no more than 17 dogs be in training or boarded at any given time.

Commissioner Pearson seconded the motion

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 322-2010**

2. Request by 2801 S Olivet LLC to expand a previously approved Riding School and Equine Boarding Facility on 100.98 acres located at 2801 S. Olivet Rd., Columbia.

Mr. Mach stated the subject property is located two miles east of the City of Columbia, and ½ mile south of State Highway WW, to the northwest of the intersection of Olivet Road and New Haven Road. It is 100 acres in size and is currently zoned A-1(Agriculture), and is surrounded by A-1 zoning. All of this is original 1973 zoning. This property received a conditional use permit in 2002 for an Animal Training and Boarding Facility. Since that time, a boarding stable and two run-in sheds have been constructed as part of that use. An outdoor riding area is also in use on this property. The applicants are requesting a revision to their original permit to allow them to construct a 130'x 200' indoor riding arena and a 36'x 48' barn for use in this conditional use.

The property is in the Columbia Public School District, is served by Public Water Service District #9, Boone Electric, and the Boone County Fire Protection District. The property scored 47 points on the rating system.

The criteria for approval of a conditional use permit are as follows:

- a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, or general welfare.
- b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.
- c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.
- d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access, and drainage.

- e) The establishment of the conditional use permit will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.
- f) The establishment of the conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.
- g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

In 2002, staff found that this request was able to meet the criteria with the following two conditions:

1. The driveway and required parking area be dust free with a minimum of a chip seal surface. The required parking area will be determined by the area of the stables. Dust free surface to be completed within six months of opening to the public.
2. Animal waste to be disposed of in an appropriate manner.

Since the initial approval, staff has had no complaints and is aware of no issues with the operation of the current conditional use permit.

While the proposed indoor riding arena is substantial in size, the property is 100 acres and the site for this structure is approximately 750 feet from Olivet Road. Additionally, the applicants own 50 acres to the north, and the adjacent 53 acres to the south and southeast. This allows for substantial buffering from adjacent properties. Any off-site impacts should be effectively mitigated by this.

Staff recommended approval of this request with the following conditions:

- Any lighting installed on-site is focused inward and downward.
- The driveway and required parking area be dust free with a minimum of a chip seal surface.
- Animal waste is to be disposed of in an appropriate manner.

The Planning & Zoning Commission conducted a public hearing on this request during their June 17, 2010 regular meeting. There were ten members of the commission present. Following the public hearing, a motion was made to recommend approval of the request with the following conditions:

- Any lighting installed on-site is focused inward and downward.
- The driveway and required parking area be dust free with a minimum of a chip seal surface.
- Animal waste is to be disposed of in an appropriate manner.

That motion received unanimous support and so the request comes forward with a recommendation for approval.

Commissioner Miller asked if this building was going to have sides.

Mr. Shawver stated yes.

Commissioner Miller asked if this would be sprinkled.

Mr. Shawver stated no.

Commissioner Miller asked for the explanation why it would not need to be sprinkled.

Mr. Shawver stated the occupancy level is going to be below what would be necessary for sprinkling.

Commissioner Miller stated but nothing is said about the occupancy level in the Planning and Zoning recommendations.

Mr. Shawver stated buildings always have to comply with building code so if they design it for assembly use then it would have those conditions.

Commissioner Pearson stated if this was designed for assembly use it would have to have bleachers or some kind of observation area where people could gather.

Mr. Shawver stated correct.

Terry Wright stated she resides at 2590 S. Winding Trail 65201.

Commissioner Pearson asked what Ms. Wright would like to say about this.

Ms. Wright stated the size of the building is because there needs to be a large area in which to be able to gallop around and jump. Even with a 100 by 200 riding area, this comes up quickly when riding a horse. Ms. Wright stated so that kind of justifies the size. Ms. Wright stated the arena is nestled back in the property which would require someone to really have to look for it to find it. This is going to be a nice looking building. Ms. Wright stated she does not intend on having a lot of people in there at once. When riding, even in a size that big, if you have five people in there that is a pretty crowded arena. Ms. Wright stated not many people will be in this facility at all. Ms. Wright stated she has at this time about ten or eleven boarders and so there are just not many people out there. Ms. Wright stated we have had some bad winters and it rains a lot and so life is too short to have a farm this size and not be able to ride in it.

Commissioner Miller asked if there were trees around her property line.

Ms. Wright stated yes, and she also owns the two pieces on either side of this property as well.

Commissioner Miller asked Mr. Shawver if that little point on the screen was a stem to give access to New Haven.

Mr. Shawver stated that was what it was originally planned for. Mr. Shawver stated this was the old Barnes property and when Fred Barnes folks passed away this property ended up being split up. They had originally wanted to make sure there was access back to the road.

Commissioner Pearson asked if this building was engineered.

Ms. Wright stated yes. Ms. Wright stated we have spent a large chunk of money for that building.

Commissioner Pearson opened the hearing over this item.

No one was present.

Commissioner Pearson closed the hearing over this item.

Commissioner Pearson stated this is an engineered building and you have gone through the process with our folks ahead of time.

Mr. Shawver stated yes he has had a number of conversations with them ahead of time and this will be a class 2B structure, all metal. Mr. Shawver stated the last structure was wood.

Commissioner Miller stated yes and required assembly.

Mr. Shawver stated correct.

Commissioner Pearson stated he had no further questions.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the request of 2801 S Olivet LLC to expand a previously approved Riding School and Equine Boarding Facility on 100.98 acres located at 2801 S. Olivet Rd., Columbia, subject to the following conditions:

- Any lighting installed on-site is focused inward and downward.
- The driveway and required parking area be dust free with a minimum of a chip seal surface.
- Animal waste is to be disposed of in an appropriate manner.

Commissioner Pearson seconded the motion

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 323-2010**

3. Request by Forbes Realty LLC to rezone from R-S (Single Family Residential) to C-GP (Planned Commercial) and to approve a Review Plan on .44 acres, more or less, located

at 5095 S. Providence Rd., Columbia.

- Rezone

Mr. Mach stated the subject property is located at to the northwest of the intersection of Providence Road and Old Plank Road. It is approximately 0.44 acres in size and is currently zoned R-S (Residential Single-Family). It has R-S zoning to the west, south, and east, with R-M(Residential Moderate Density) zoning to the north. All of the zonings are original 1973 zonings. The property to the south received a conditional use permit for a day care in 1987. The subject property has been operating as a veterinary hospital prior to county zoning being adopted in 1973. The applicants are seeking this rezoning to bring the previously non-conforming use into compliance with the zoning ordinance for purposes of expanding the existing veterinary hospital.

The Master Plan designates this property as suitable for residential land use. The Master Plan also identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal.

The resources necessary to serve the proposed development can be broken down into 3 general categories; utilities, transportation, and public safety services.

Utilities: This property is served by Consolidated Public Water Service District #1 6” line, Boone Electric Cooperative, and the Boone County Regional Sewer District.

Transportation: This property has access onto Chris Drive to the west, via a common drive on the south side of the property. As a part of phase 2, there is a proposed single-lane drive that extends to the northern property line. It is designed for a possible connection to the access road on the west side of Providence, across the property to the north.

Public Safety: The property is approximately $\frac{3}{4}$ of a mile from the Boone County Fire Protection District Station on Route K.

Zoning Analysis: This plan’s permitted uses can be met by the existing resources. The proposed two-phase expansion of the veterinary clinic is limited by the existing conditions, and the plan makes the best use of those conditions. The primary structure on the property also limits the identified permitted uses to a degree that allows them to function at this location with the surrounding uses.

The property scored 76 points on the rating system.

Staff recommended approval of the rezoning and the review plan.

The Planning & Zoning Commission conducted a public hearing on this request during their June 17, 2010 regular meeting. There were ten members of the commission present. Following the public hearing, a motion was made to recommend approval of the rezoning request.

Nine members voted in favor of the request and one member abstained. The rezoning request comes forward with a recommendation for approval.

A second motion was made to approve the Review Plan as submitted. Nine members voted in favor of the request and one member abstained. The Review Plan comes forward with a recommendation for approval.

Jay Gebhardt stated he is a Civil Engineer with A Civil Group. Mr. Gebhardt stated he has Wendy and Travis Forbes with him tonight and they are the owners of Rock Bridge Animal Hospital. This is more of a housekeeping thing. This building was built in the early 70's prior to zoning and has been a Veterinary Hospital since it has been built. The Forbes would like to put an addition on the back and this is shown on the plan as Phase I. This desire has triggered this request to bring the zoning in line with the others around. Also shown is what could be done with the property should they retire and want to sell the property. Mr. Gebhardt stated there are a couple of phases shown on this plan. Phase I is mainly what we are present here for tonight, an addition on the back which is 832 square feet. Phase II is really just any future potential proposals.

Commissioner Pearson opened the hearing over this item.

No one was present.

Commissioner Pearson closed the hearing over this item.

Commissioner Miller asked Mr. Gebhardt how likely is it to gain a connection to the Providence outer road.

Mr. Gebhardt stated at this time not likely as long as the Forbes own this. Maybe a future buyer may entertain that possibility which is why this was shown as a possibility in the future.

Commissioner Pearson asked if the house was the one to the north.

Mr. Gebhardt stated yes.

Commissioner Pearson asked if on the review plan they have this all worked out so that if someone buys the property in the future and they want to do something that is not on the proposed plans, they must come back before the Commission.

Mr. Shawver stated correct.

Commissioner Miller asked if with the proposed uses they could change from a Vet to a daycare.

Mr. Shawver stated if the daycare was within the proposed uses, yes.

Commissioner Miller moved on this day the County Commission of the County of Boone does

hereby **approve** the request of Forbes Realty LLC to rezone from R-S (Single Family Residential) to C-GP (Planned Commercial) .44 acres, more or less, located at 5095 S. Providence Rd., Columbia.

Commissioner Pearson seconded the motion

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 324-2010**

4. -Review Plan

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the request of Forbes Realty LLC for a Review Plan .44 acres, more or less, located at 5095 S. Providence Rd., Columbia.

Commissioner Pearson seconded the motion

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 325-2010**

5. Olivet Christian Church Plat 2. S23-T48N-R12W. A-1. Olivet Christian Church of Columbia, owner. Jay Gebhardt, surveyor.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby receive and accept the following subdivision plat and authorize the presiding commissioner to sign it:

Olivet Christian Church Plat 2. S23-T48N-R12W. A-1. Olivet Christian Church of Columbia, owner. Jay Gebhardt, surveyor.

Commissioner Pearson seconded the motion

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 326-2010**

Commission

6. Organizational Use of Boone County Facilities by Mathew Richmond (first and second reading)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the organizational use of the Boone County Commission Chambers by Mathew

Richmond, a student of New York Film Academy, for a student thesis film on July 8, 2010 and July 9, 2010 from 8:00 am to 7:00 pm.

Commissioner Pearson seconded the motion

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 327-2010**

7. Public Comment

8. Commissioner Reports

The meeting adjourned at 7:42 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Kenneth M. Pearson
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner