

TERM OF COMMISSION: May 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
District II Commissioner Skip Elkin
Director of Planning and Building Stan Shawver
Deputy County Clerk Josh Norberg

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

Planning and Zoning

1. Request by Shadd and Melinda Westhoelter for a permit for a dog kennel on 18.34 acres, located at 15253 N. Tucker School Rd., Hallsville.

Mr. Shawver stated The subject property is 18.34 acres located approximately 3 miles west of Hallsville, 1 ½ miles north of State Highway 124. The property is zoned A-2 (Agriculture), which is original 1973 zoning. This property is surrounded by original A-2 zoning.

The applicants are requesting a conditional use permit to operate a breeding kennel for dogs. They have operated under USDA and Missouri Department of Agriculture permit for several years, and are seeking this permit to be in compliance with county regulations. This is required in order to upgrade the existing kennel facilities. The applicants have identified the existing structures on their property in the documentation submitted with their conditional use permit. There are two whelping sheds with chain-link runs and six dog pens present on the property. The applicants currently have eight active breeding females, four females that are not mature enough to breed, and three males.

The property is located inside the Hallsville public school district and the Boone County Fire Protection District. The Master Plan describes this area as being suitable for agricultural and rural residential land use. Staff notified 14 property owners about 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, comfort 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.

The requested use has the potential to be injurious to the use and enjoyment of other property in the immediate vicinity. However, the structures used in the kennel operation are roughly located in the center of this property, buffering it from nearby properties. Public testimony may be more 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.

The proposed use may have a negative impact on property values in the area. Typically, kennels can generate significant noise and odor impacts on the surrounding properties. 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.

The site has access to all necessary facilities. Waste materials are handled through use of an older lagoon on site and/or a manure spreader used for pasture fertilization.

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

This property is zoned A-2 (Agriculture), with residential uses limited to 2.5 acre lots. Development of this area may be restricted due to the presence of the kennel. The surrounding tracts have the potential to be divided at a higher density than their present status. Given the potential negative impacts of a kennel, adjacent lots may need to be made larger in order to provide a buffer between home sites and the kennel property.

(f) The establishment of a 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 site has direct access to Tucker School Road, a county-maintained public road. The proposed use should not hinder traffic or cause congestion on public streets.

(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.

The level of activity on the property as described by the application and the applicant would appear consistent with the criteria for approval of this conditional use permit.

Staff recommends approval of this conditional use permit.

Ms. Westhoelter stated her family has been breeding dogs at this location for fourteen years. She did not know that she needed a conditional use permit for this building until she decided to tear it down to build a new one. She stated she is here this evening to try to make sure she is complying with regulations.

Commissioner Elkin stated he has been to the property and it is in great shape.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby **approve** the request Shadd and Melinda Westhoelter for a permit for a dog kennel on 18.34 acres, located at 15253 N. Tucker School Rd., Hallsville **with the following conditions:**

- No more than 22 breeding animals on site at any time.
- No new structures shall be constructed any closer than 150 feet to any property line.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 259-2008**

2. Petition submitted by Rhodes-Payne Properties, Inc. to vacate and re-plat Lot 135 and Lot 136 of The Woodlands Plat 5A.

Mr. Shawver stated the prospective builder's preferred building location on this property is right on the plat line between the two lots. This petition is to vacate those two lots and re-plat them as one. Mr. Shawver stated when conducting the public hearing, the Commission is supposed to take into consideration the following criteria: the character of the neighborhood; traffic conditions, circulations, property location, alignment, improvement of streets and roads within and adjacent to the subdivision; property values within the subdivision; public utilities, facilities, and services; will not generally adversely affect the welfare or safety of the persons owning or possessing real estate within the subdivision.

Mr. Shawver stated this property is located in a upper middle class subdivision. These are existing lots; the streets are in place. They will be reducing the density on the two lots from two dwellings to one dwelling. There will not be any increase in traffic. There will be a potential decrease. It will not affect the circulation in any fashion. It will not affect the location or alignment of the streets because the streets are already in place. There should not be anything but a positive impact on the property values. There will not be any change in public utilities. Mr.

Shawver stated he can think of no reason why this would affect the health, welfare, or safety of persons in the subdivision.

Thirteen property owners were notified of this request.

Ron Lueck stated he is the surveyor of the property. He stated the re-plat has been submitted to the Planning and Building Department and is awaiting approval.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the petition by Rhodes-Payne Properties, Inc. to vacate and re-plat Lot 135 and Lot 136 of The Woodlands Plat 5A.

Said vacation is not to take place until the re-plat is approved.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 260-2008**

3. Daisy Way. S3-T49N-R12W. A-2. Marjorie Kay Spiva, owner. Curtis E. Basinger, surveyor.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby receive and accept the following subdivision plats and authorize the presiding commissioner to sign them:

Daisy Way. S3-T49N-R12W. A-2. Marjorie Kay Spiva, owner. Curtis E. Basinger, surveyor.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 261-2008**

Court Administrator

4. Budget Amendment for Drug Court Re-Integration Grant (first read on 5/13/08)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the following budget amendment for the Drug Court Re-Integration Grant:

Department	Account	Department Name	Account Name	Decrease	Increase

1243	03451	Judicial Grants	State Grant Reimb		\$28,923
1243	10100	Judicial Grants	Salary		\$22,219
1243	10200	Judicial Grants	FICA		\$1,700
1243	10300	Judicial Grants	Health Ins		\$2,375
1243	10325	Judicial Grants	Disability Ins		\$82
1243	10350	Judicial Grants	Life Ins		\$26
1243	10375	Judicial Grants	Dental Ins		\$178
1243	10400	Judicial Grants	Workers Comp		\$1,018
1243	10500	Judicial Grants	401A Match		\$325
1243	71100	Judicial Grants	Outside Services		\$1,000

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 262-2008**

5. Commissioner Reports

There were no commissioner reports.

6. Public Comment.

There was no public comment.

The meeting adjourned at 7:25 p.m.

Attest:

Ken Pearson
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner