



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

Site Location: 23026 NE 140th Street
 Section 5 | Township 52 | Range 30

Site Size: 19.67± acres

Existing Landuse & Zoning: Agricultural (AG)

Zoning/Platting History: None

Surrounding Landuse & Zoning:

- North* – Agriculturally zoned land (AG)
- East* – Agriculturally zoned land (AG), (R-1 & R-1A) zoned land
- South* – Agriculturally zoned land (AG), Midwest National Air Center (I-2),
 Cities of Kearney, Mosby and Excelsior Springs
- West* – Agriculturally zoned land (AG)

Current Conditions:

Existing Property Lines = **YELLOW** | Subject Property Lines = **BLUE**



Courtesy Clay County Assessor GIS/Mapping



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 Courtesy Microsoft® Bing™



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Assessment

Anita Osthoff and Kris Karnes, representing property owner Westfall Brothers, LLC are requesting approval of a **Conditional Use Permit (CUP)** to operate an Animal Services (commonly referred to as an “Animal Shelter”) business at 23026 NE 140th Street. The property is 19.67± acres in size and zoned Agricultural (AG).

According to the applicants, this proposal is to locate a facility that will provide “a no-cage, no-kill forever home for senior animals”. See Attachment C for the Business Plan and site plan drawings, and Attachment D for applicant photos.

2008 Comprehensive Plan Considerations

The Comprehensive Plan (“Plan”) indicates that the subject property is located in the **URBAN SERVICES TIER**, and the 1-Mile Urban Coordination Tier of the Cities of Kearney, Mosby and Excelsior Springs.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the landuse tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy directed by the Plan.

	Natural Resources Tier † (Yellow)	Rural Low-Density Tier † (Green)	Urban Services Tier † (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density: low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽³⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

⁽³⁾ On-site septic allowed for agricultural uses only.

† The **Planning Tier Map** notes a special designation of areas within one mile of each city: “1-Mile Urban Coordination Sub-Tier” where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures

	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts		Phasing in of new regulations
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

Character of the General Neighborhood

Agricultural (AG) zoned land is in each direction of the property. R-1 and R-1A zoned land are to the East; the Cities of Kearney, Mosby and Excelsior Springs and the Midwest National Air Center (I-2) are to the South.

Code Considerations

The Conditional Use Permit (CUP) application was properly noticed in the Kearney Courier on February 13, 2014. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter sent February 14, 2014.

The subject request to operate an Animal Services business would be addressed in the 2011 Clay County Land Development Code ("LDC") under the use table inside Section 151-6.1 designation requiring approval of a Conditional Use Permit ("CUP") in the Agricultural ("AG"), Community Commercial (C-2), Commercial Services (C-3), Limited Industrial (I-1), General Industrial (I-2) and Open Space/Trails/Parks/Public Use (OP) zoning districts. As such, the subject request must meet all of the approval criteria for a CUP in Section 151-3.10 (A) (13) detailed below:

- A) The proposed use complies with the intent of the Comprehensive Plan and general provisions of the Land Development Code, modified for the specific use request.
- B) The proposed use in its proposed location will not have a substantial adverse impact on the public health, safety or general welfare.
- C) The proposed use will not cause substantial injury to the value of other property in the vicinity.
- D) Adequate access routes will be provided and designed to prevent traffic hazards and to minimize traffic congestion in public streets.
- E) Adequate public safety, transportation and utility facilities/services will be available to service the subject property while maintaining adequate levels of service for existing development, and
- F) The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (i.e., hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).



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Outside Agency Review

The Clay County Health Department noted the following:

“Septics (2) on property meet code at this time. The septic system for the accessory building will be adequate for staff use.”

The Clay County Highway Department has noted the following:

“Per telephone conversations with the applicants, Clay County Highway Department has determined that the traffic increase is minimal, therefore no impact fees will be assessed.”

The Public Water Supply District #8 supplies water to the property and has ample capacity to serve any additional demand. The Fishing River Fire District serves this property.

Findings

For details to the proposed business, see Attachment C for the applicant business plan and site plan drawings, as well as Attachment D for applicant photos. The facility must also meet all State and Federal requirements, and documented proof must be supplied to the Planning & Zoning Department.

Questions have been raised and phone calls have been received from adjacent property owners, but no outright opposition has been received as of the date of this writing.

Recommendations

Staff recommends the request for the **Conditional Use Permit** to operate an Animal Services business be **approved**, with the following conditions as shown on Exhibit A:

Exhibit A

1. This Conditional Use Permit (CUP) is based on a time frame of ten (10) years.
2. A permit must be issued prior to the placement of any signs.
3. Building permits must be acquired for remodeling of the accessory structure, and fencing which over 6 feet and under 8 feet in height.
4. All State and Federal requirements must be met and documented proof must be supplied to the Planning & Zoning Department.
5. A maximum of 250 pets is allowed.
6. Once approved, this CUP is non-transferable; therefore, if ownership changes a new CUP must be filed with the Clay County Planning and Zoning office.
7. This CUP may be revoked at any time if the conditions of this CUP have not been met.



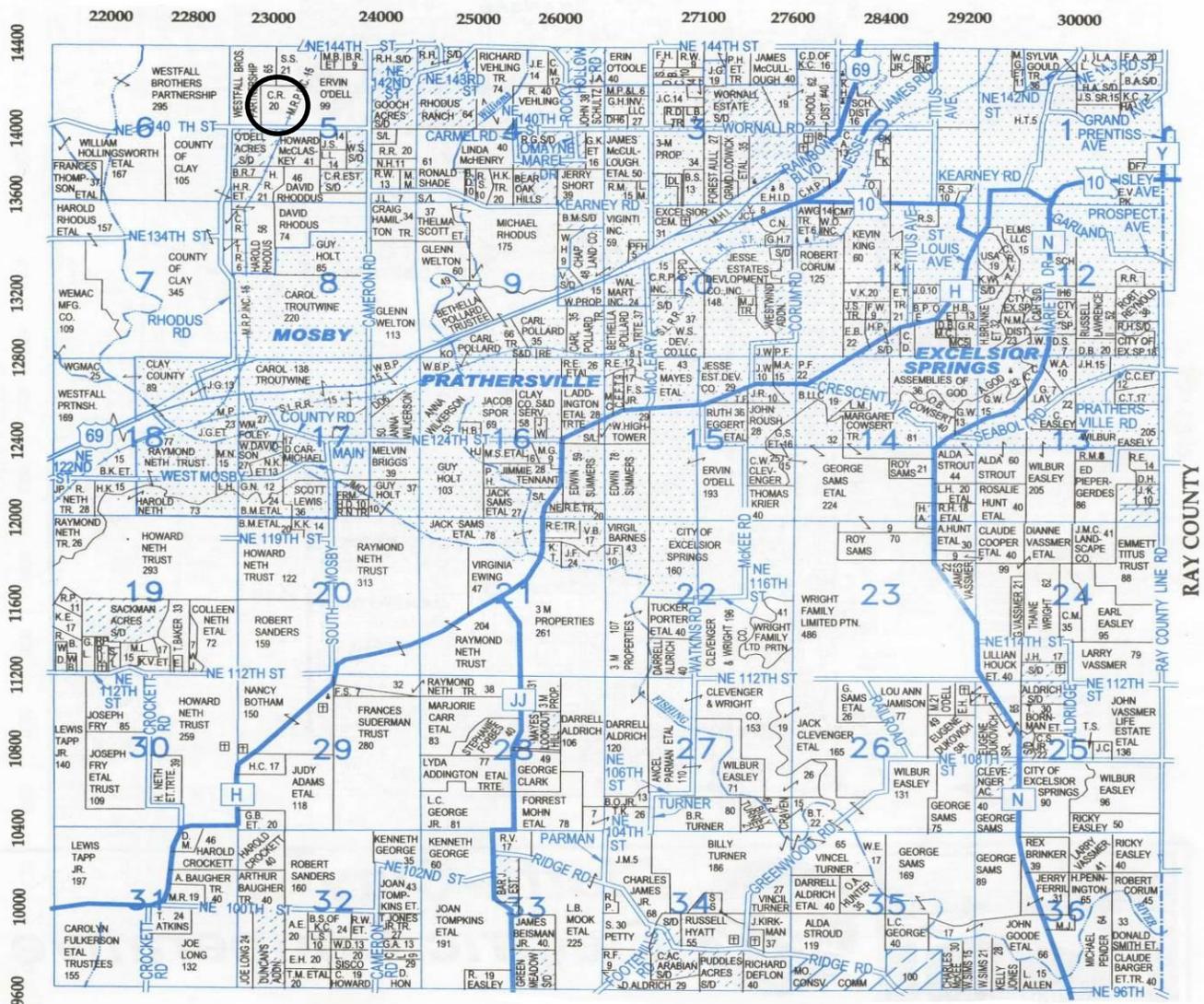
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Attachments

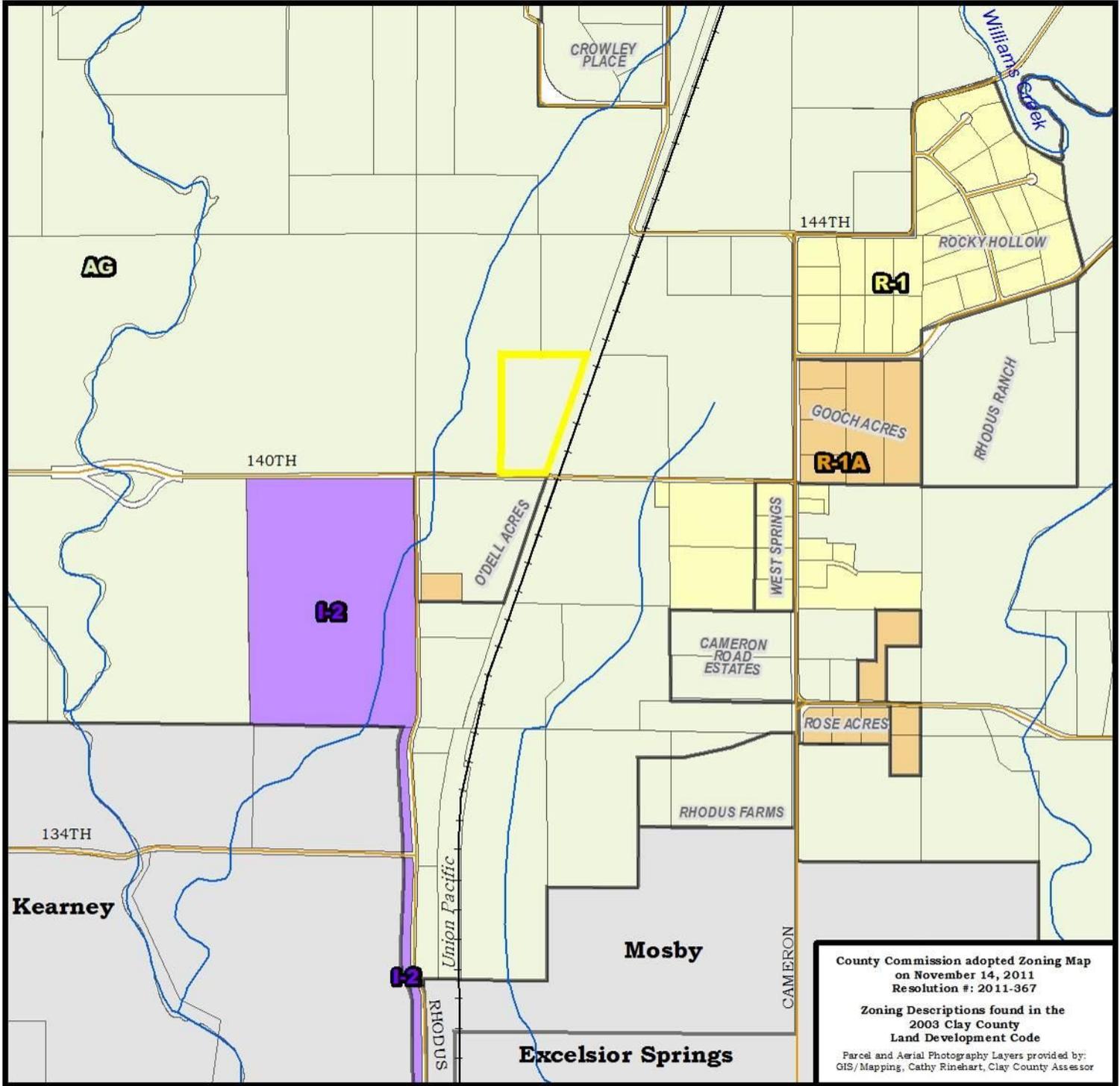
March 14-113 CUP – Osthoff/Karnes – Animal Services Attachment A – Vicinity Map

TOWNSHIP 52N • RANGE 30W



March 14-113CUP – Animal Services Business

Attachment B - Existing Conditions Map



Planning & Zoning Department



1 inch = 1,500 feet
1 inch = 0.28 miles

LEGEND

- Property Line
- Streams (EPA)
- Railroads
- Roads
 - Interstates
 - State Highways
 - Local Roads
 - Highway Ramps
- Subdivisions
- 2013 City Limits
- Parks
- County Boundaries
- Overlay Districts
 - CD (Conservation District)
 - PUD (Planned Unit Development)
- Zoning Districts
 - AG
 - R-1
 - R-1A/R-5
 - R-1B/RU
 - R-3
 - C-1
 - C-2
 - C-3
 - I-1
 - I-2
 - OP



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March 14-113 CUP – Osthoff/Karnes – Animal Services

Attachment C – Applicant Letter & Site Plan Drawings

(5 pages)

BUSINESS PLAN

Phase 1
1-5 years

Swanson Acres

23026 NE 140th Street Excelsior Springs MO 64024

February 14, 2014

Mission Statement

Swanson Acres will be a non-profit 501(c)3 organization committed to providing a no-cage, no-kill forever home for senior animals surrendered by pet-parents who can no longer care for their pet. Although the focus will be on older pets we will also provide a safe, loving home for special need, abused and neglected animals of all ages. We will live on property and provide a healthy home environment to as many animals as resources allow.

The Company

Mrs. Swanson's vision for the facility comes from her love of animals and her desire to give as many animals as possible a healthy and loving home. In the next five years, our mission is to provide a safe, and happy home to 150 animals.

Swanson Acres is part of the Edith Swanson Trust and will be guided by a six member Board of Directors. The company will be managed by Mrs. Swanson's niece, Anita Osthoff, and her nephew, Kris Karnes.

The Product

To provide permanent care for animals whose pet-parent can no longer care for their pet but do not want the animal adopted.

To provide a permanent home for animals who, due to advanced age, would be considered unadoptable or unlikely be placed into a loving home through an animal shelter.

To provide abused or neglected animals a safe and loving forever home.

To re-home adoptable pets.

Organizational Timeline

Initial funding is in place with additional fund raising to begin in March. Renovations to the property and the out-building will be completed by May 15th. Swanson Acres anticipates an August 1st opening.



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Phase I *continued*

Operations

Daily Operations

Surrendering an animal is handled by appointment only between the hours of 9am and 6pm, Monday thru Friday, and 9am to 4pm, on Saturday and Sunday. Once all required information pertaining to the animal has been obtained, the animal will be presented to the on-site Veterinarian or Vet tech for screening. All adoptable animals will be spayed or neutered, vaccinated and micro-chipped. All cats and kittens are also tested for FeLV/FIV. After all necessary testing and shots have been administered, the animal is sent to the groomer and then evaluated by the on-site trainer.

Animal waste products will be placed in containers provided by a solid waste management company and picked up bi-weekly. The containers will be housed in a 10x10 structure located on the east side of the property near the entrance – approximately 800-ft from any housing. The structure will be completely enclosed to keep the containers protected from the weather and animals.

Signage for the facility will be located at the entrance on the west side of the property.

Metal bait stations will be placed around the out-building to capture small unwanted varmints from hanging around or entering the facility.

Disposition of a deceased pet will be handled according to the wishes of the pet-parent who surrendered the animal, as specified in the paperwork completed at the time of surrender. If the pet was surrendered with no preset arrangements the animal will be cremated off site.

A Veterinarian will euthanize a pet only if he/she determines it necessary to relieve suffering.

Operational Facilities

Renovations to the 8,600 square-ft out-building will include a 25x20 admitting office, a 20x20 Vet clinic, a 25x20 grooming room, 30x20 break room and 20x20 FIV positive cat ward. The 30x20 training area for dogs with behavioral issues will have outdoor covered runs with 6-ft fencing placed in concert slabs.

A 100x70 parking area is to be installed adjacent to the out-building to accommodate two handicap and ten regular spaces. An additional space will be allocated for the Veterinarian.

Emergency lighting will be installed inside and outside the buildings, as well as battery operated smoke/carbon monoxide detectors, as needed.

We are awaiting quotes on insurance coverage for the property, including workman's comp and one million in liability.

See attached site plan for the facility and parking.
(Proposed fencing appears in blue.)



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Phase I *continued*

Location

The location for our facility was chosen because of its wonderful feeling of tranquility. During Phase I, ten acres of the lush grass and stately trees will be fenced for the animals to explore at will. Fencing will be 6-ft, chain link with a 10-in overhang, recessed 5-ins in the ground. The new fencing will be placed four feet from the existing fencing on the exterior of the property. The grounds will also be equipped with a additional security system and continual surveillance via closed circuit monitors for 24-hour observation.

There is a natural sound barrier of land mass, trees and foliage running parallel to the railroad tracks, behind the out-building on east side of property. If necessary, evergreens and foliage can be added to bolster the existing sound barrier, and placed along the fence lines on the north and south sides of the property.

Staffing

The Administrator, Assistant Administrator and Office Manager will live on property.

On-site: Vet-tech, Groundskeeper/maintenance, Groomer, Trainer, and Volunteers will be allocated on an as needed basis.

On call: We will partner with four Veterinarians to administer rabies shots, take x-rays, prescribe needed medications and perform necessary surgeries.

Phase II **5-10 years**

Company Goals and Objectives

Our vision is to have a maximum of 250 pets enjoying life at Swanson Acres.

We expect to have a permanent staff of 12: Administrator, Assistant Administrator, Office Manager & two office assistants, Facility Coordinator, Groundskeeper/Maintenance Supervisor, Veterinarian, Grooming staff of two, Trainer and Accountant.

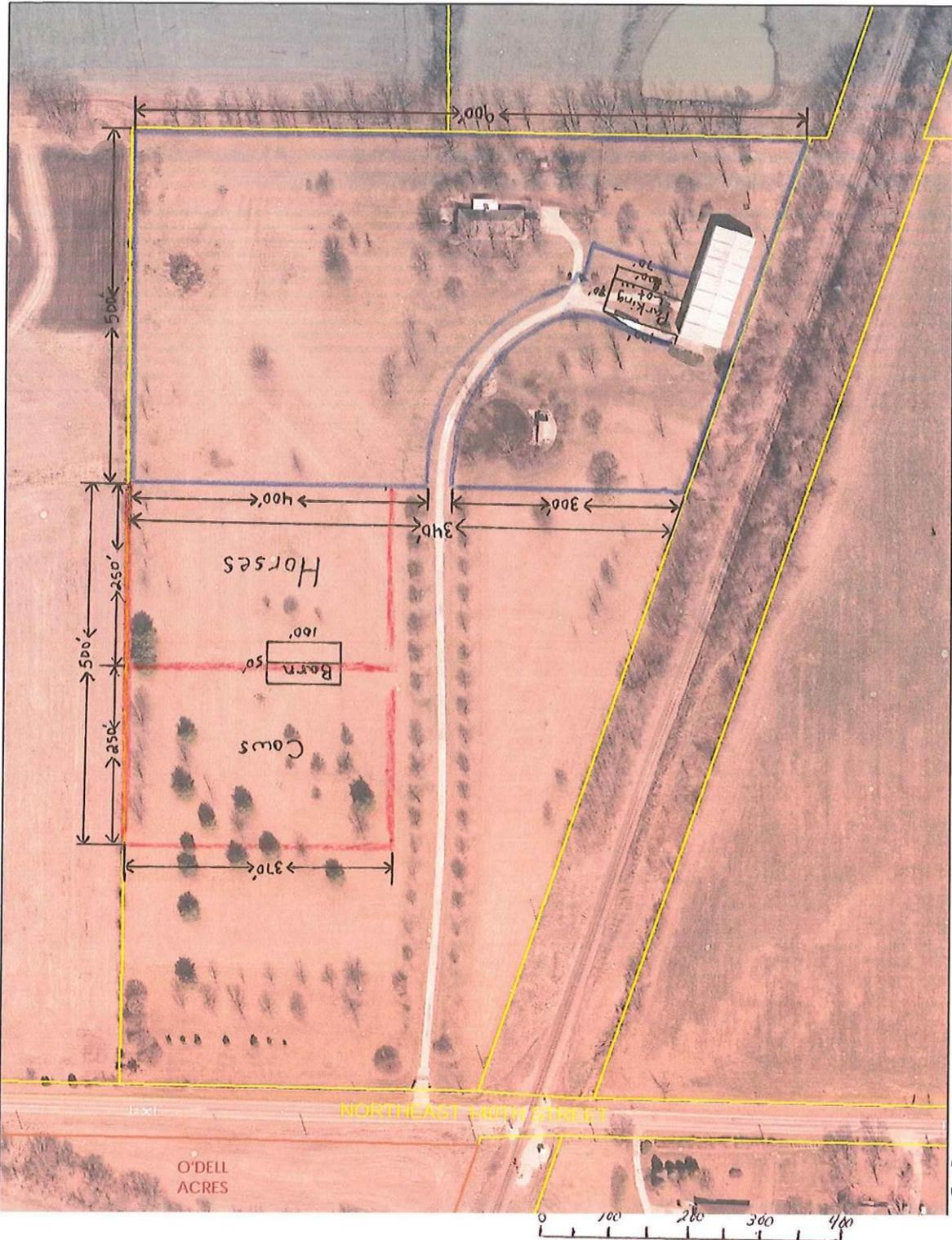
If, during the first five years we are asked to shelter horses or cattle, we have land available for fencing to accommodate those requests and will research the necessary requirements.

We will also explore the feasibility of a Pet Cemetery on three acres of the property



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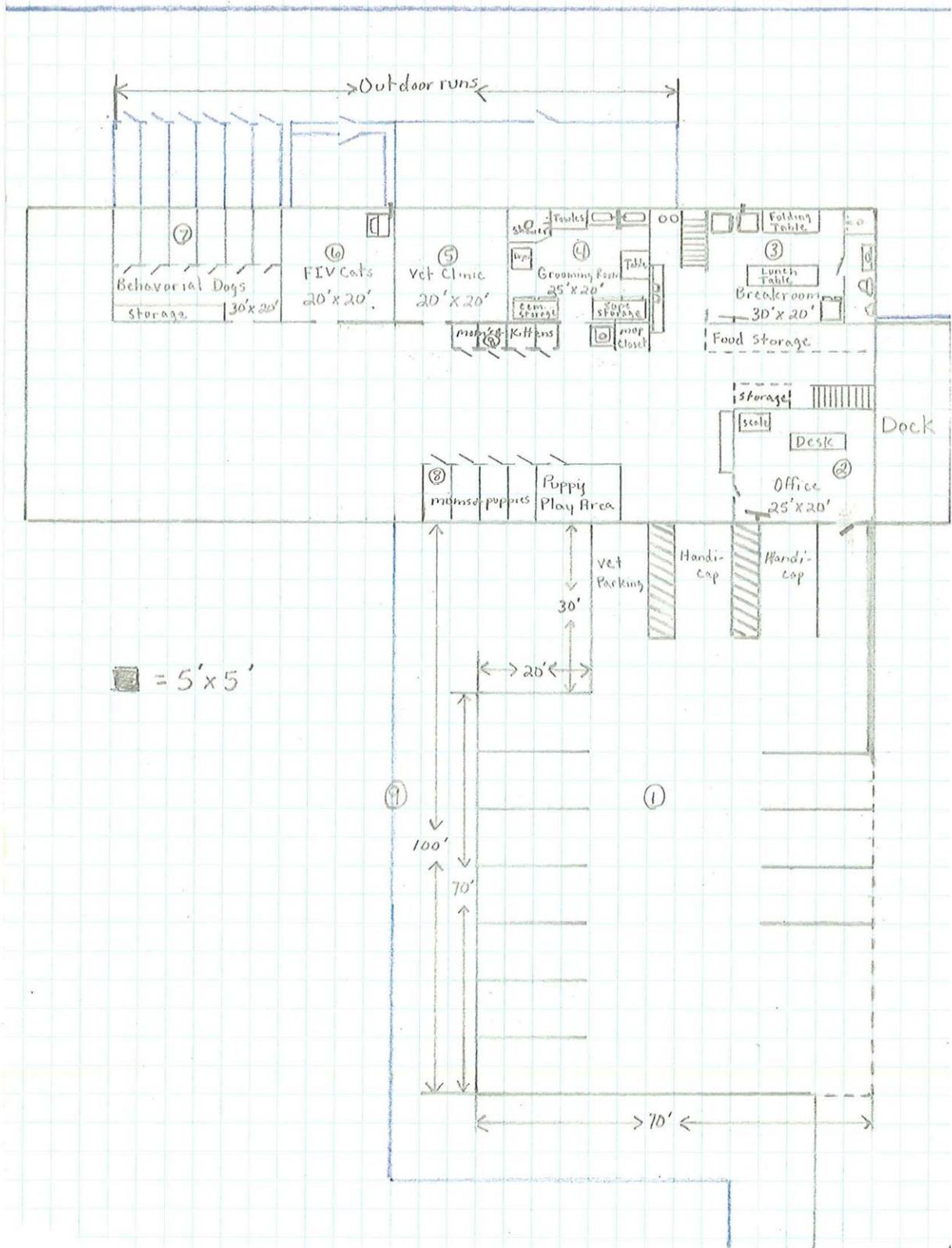
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March 14-113 CUP – Osthoff/Karnes – Animal Services

Attachment D – Applicant Photos

(3 pages)

East side of property





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Northeast corner





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East of the building

