

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

April 1, 2014

Regular meeting of the Clay County Planning and Zoning Commission, Commission Hearing Room, 3rd Floor, County Administration Building, One Courthouse Square, Liberty, MO.

Call to Order at 6:30 pm.

Roll Call

Members Present: Gene Knisley, Mark Beggs, Jim Carlson, Duane Jackson, Cecil Troutwine and Tom Decker

Members Absent: None

Staff Present: Matt Tapp, Director
Debbie Viviano, Planner
Tim Flook, Assistant County Counselor
Angie Stokes, Secretary

Mr. Knisley: Good evening ladies and gentlemen welcome to our April 1st Clay County Planning and Zoning Commission meeting I would like to call the meeting to order, roll call please.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Present.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: Present.

Mr. Tapp: Jim Carlson

Mr. Carlson: Present.

Mr. Tapp: Tom Decker?

Mr. Decker: Present.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Present.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Present. Thank you. The approval of the last March 4th minutes do I have a motion to approve please?

Mr. Carlson: I will make a motion to approve March 4th minutes.

Mr. Knisley: Thank you, do I have a second?

Mr. Beggs: Second.

Mr. Knisley: Vote please.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Ok

Mr. Tapp: Would you like to abstain since you weren't at the meeting?

Mr. Jackson: Yes.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: Yes.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve.

Mr. Tapp: Chairman Gene Knisley

Mr. Knisley: Abstain.

Final Vote: 4/0/2 Approve March 4, 2014 Minutes

Mr. Knisley: Thank you, I would like to take this opportunity to introduce one of our new Commissioners Duane Jackson, he's taking place of Karl Walters who's been the Highway Director. He's our new Highway Director and we welcome you Duane.

Mr. Jackson: Thank you.

Mr. Knisley: Thank you for coming and serving, hope you come back after tonight. That being said this Commission is an advisory Commission to the County Commissioners and the cases that are on our agenda tonight, whether they are approved or disapproved by this Commission are scheduled to be forwarded to the County Commission, it will be in this room here and I believe its April 21st at 1:30. So you are certainly welcome to come to the Commission meeting, express your views for or against the cases that you are concerned with. Can you hear me alright it's kind of ...this is the first time I've been back that we haven't, I guess we are a little short on money we can't afford the microphones, anyway we will try to raise our voice a little bit. That being said we will go to our first case this evening, our minutes are recorded here tonight and they will be part of our record so I will be asking you as you come up, if you will state your name, spell it for us and your address so that it will part of the record. It might get old if you come up once or twice, but if you come up after the first time you just state your name for the record so we'll have that. Alright, our case number dated March 14-113CUP is a request for a Conditional Use Permit (CUP) to operate an Animal Services business on Agriculturally (AG) zoned property at 23026 NE 140th Street. The applicants are Anita Osthoff and Kris Karnes. This case was tabled last month. Do we have an up dated staff report Director Tapp?

Mr. Tapp: Yes, Mr. Chairman just real quick we have supplied the Planning and Zoning Commissioners with a Memo detailing an e-mail from Dan Vick, who is the Realtor representing the property owners wishing to sell the property as well as an Addendum of the original Business Plan supplied to you in the March meeting that highlights operations, property values, behavioral animals, sound control and then also some information on an acoustical fence which is a noise Acoustifense material on the fence, which is proposed to put on be the north and south fences of the outdoor runs to the east of the building and the petitioners or the folks requesting this CUP are here to answer additional questions as is Dan Vick.

Mr. Knisley: Thank you Director. Would the applicant, I believe we will start with the applicant if you would like to come up and state your name and address?

Mr. Karnes: My name is Kris Karnes, 4530 NE 38th Street, Kansas City, MO 64117. We heard the Council's request and concerns from last time. We also listened to the neighbors in the neighborhood and we feel with our addendum and a few other things that we've adequately solved any issues that they might have or that you all might have. We also have a consultant tonight with us that can help with answering questions about certain handling of different animals and noise things. They can speak on behalf of those things. They have been in the business for a few years so they know more then we will right off the bat not knowing. We have spoken with several different places and got the best ideas to be able to contain what we want to do in a reasonable way.

Mr. Knisley: Alright. Are there any questions from the Commission to this applicant?

Mr. Carlson: Have you had personal discussions with your neighbors?

Mr. Karnes: Yes, we spoke with Ms. Rhodus yesterday.

Mr. Carlson: Have you reviewed the number of animals that you are going to keep?

Mr. Karnes: I spoke with USDA and also with the Department of Agricultural neither one had an issue with the agriculture they said we can have as many as we want as long as we are able to take care of them. Now we are not just go hog wild on it we are going to keep it down to where we can take excellent care of our animals.

Mr. Carlson: Any thought about stray animals or do you still feel you want to take responsibility for them?

Mr. Karnes: If they're dumped out there and they are running around the property then yes we are going to pick them up and take care of them. We'll find, like I said I spoke with Excelsior Springs' Animal Control they have a big euthanasia of cats, so what we will try and do is work with them we'll give them dogs that are able to be adopted out, puppies that kind of thing, because they get rid of a lot of those he said and we will just swap out with them that way.

Mr. Knisley: Thank you. Would anybody else like to come up and speak concerning this case?

Mr. McClaskey: My name is Dave McClaskey. I live at 23407 NE 140th, which will be just across the railroad tracks from the property they are talking about. In the first meeting that we had in March we talked about this waste not being down at the end of the road and I see that in their notes they have today it's not changed the location of that. You can see from that map right there, can I walk up and point at it?

Mr. Tapp: Sure.

Mr. McClaskey: I know they have done all their requirements as far as the County for a dog park and that type of thing. 75 decimals for one dog is fine but you are talking about maybe 100 dogs there multiply that by 100 then it really surpasses that. This is the location that I'm located and this is my parent's house right here, location that they are wanting to put this waste system is right here from my driveway to here is approximately 500 feet. It's just way to close to have outside waste that close to my house. You say that's not any effect on the property value I don't know anybody in this room that would want that 500 feet from their driveway. I don't see that would help my property value in any way. And again like I mentioned on the sound of the dogs, one dog at 75 multiply that by the number of animals they want to have there is way too much. There was a gentleman that was living in that property about three years ago that was training bird dogs, he had approximately five to ten dogs out there at a time, there was always issues with the dogs barking, you could hear them at my house, I could hear them on my front porch. Sound carries out there, there is just nothing to buffer it. I did have another question, there's nothing in this about the signage that you had talked about before, is that still proposed to go up down on 140th Street?

Mr. Karnes: Yes.

Mr. McClaskey: Again we go back to the issue of once you have signage like that was to go up we would have a number of dogs that will be dumped out there. We have a hard time out there already, imagine see we are pretty easily located off the main drag, we collect a lot. And I understand what you are saying you wouldn't have more animals then what you can take care of I think we need to have a definite number of what's going to be maximum allowed there.

Mr. Karnes: That number is 250.

Mr. McClaskey: So what you are saying from the last meeting is standing at 250.

Mr. Knisley: Let's not talk back and forth we are having a problem getting this on tape.

Mr. McClaskey: I'm sorry.

Mr. Knisley: Can you speak a little louder and then I will call the applicant back up, thank you.

Mr. McClaskey: Plain and simple I live really close to this and I don't think anybody in here would want to live that close to someplace that is going to house anywhere from 100 to 250 dogs and cats at one time. Thank you.

Mr. Knisley: Thank you sir. I didn't ask if you had any questions to that gentleman, do you have any?

Mr. Beggs: I do not.

Mr. Knisley: Okay. Yes sir.

Mr. Vick: My name is Danny Vick. My address is 5905 NW Mattox Ct, Kansas City, MO 64151. As I said earlier by the staff, I represent the seller Westfall Brothers, LLC in this transfer of property. Couple of things that I just wanted to address, I want to make perfectly clear that I'm not sure if everybody is really clear about it but at the last meeting. Is that the applicant are going to live at this property, this isn't a facility where it's just going to be manned part of the day that kind of thing. They are going to live in the house that adjoins this building area and so besides having full-time staff that will be there to assist with the animals that are going to be living there. Anita's going to have her grandkids out there and everything else and it's going to be something where it's a family environment and that's what they want for the people who bring their pets out there. From the stand point of the concerns that came up last time. We had concern from one of the neighbors regarding the run off to the north towards his pond and the applicants have agreed to curb that outside dog run so there could be no run off from that dog run area. One thing that wasn't made clear, one of the things that came up from one of the neighbors last time was the concern about dogs digging out under the fence and so they're going to embed the chain link fence into concrete, kind of like a concrete footing and set the chain link fence in it so there won't be digging under the fence that contains these animals. We talked about the sound barrier being put on the kennels out there on the north and south side that would be directed towards the neighbors here to abate any sound issues and then the applicants are willing to comply with

the USDA standards which were just published in 2013 as far as the proper animal care, size of kennels all that kind of thing. On the waste disposal I want to make one thing clear, the reason we are asking for the container to be out by the end of the driveway is because the waste disposal company will not go up the driveway, they will not take on the liability of driving on private driveway with a heavy truck to do that pickup. So they plan on retaining the dog and cat waste in sealed plastic bags up by the building and then only delivering it out on the two days that the waste disposal company comes to pick that up. So I just don't feel like that's going to be an issue at this point in time. One of the things I did want to distribute to the Commissioners tonight is a letter, as Kris said a few minutes ago, we've spoken to a lot of authorities both architects, animal care people and representatives, I'm sorry here's one for the staff, and also one of the Board Member's at Southern Platte County Animal Shelter which they deal with all kinds of abandoned pets. They feel, this is a veterinarian's statement from the area here that's also going to volunteer her time to work at this shelter and while the Board Member from Southern Platte County facility over off of 9 Highway by Riss Lake. One of the concerns that came up last time was property values and what effect it might have, if any of you are aware of where the Southern Platte County Animal Shelter is it is directly across the street from the Riss Lake entrance and Riss Lake is one of the most highly sought after neighbors in Platte County to live in and so there's nothing that indicates over the six or seven years that they've been in business at that location that there's been any negative property value due to noise, smell, anything else that's come out of there and their's is even a different environment than what ours is with hopefully happy pets that are being able to roam grounds more freely and not be kenneled up on concrete runs like they are at the Parkville Shelter, they fight the noise problem more than this facility will the way it's designed. So from those standpoints the land owner Westfall Brothers, LLC is in support of this, we worked with them to get them in touch with the proper architects and people that deal with the sounds of animals and things to try and come up with a plan that would be suitable for the neighbors, because Anita and Kris do plan on being neighbors with all these people and they want to be able to get along with everybody in that area. Any questions?

Mr. Knisley: I don't believe so at this time thank you.

Mr. Vick: Okay thank you.

Ms. Rhodus: Good evening, my name is Colleen Rhodes; I live at 13623 Rhodus Road. I still have some questions and yes I believe its Ms. Osthoff that did call me late Thursday afternoon and we met this Monday at 10:30 at the Excelsior Library for about 30 minutes. In that conversation I came away with more questions than I did answers and some of the things that kind of bothered me was the fact that when they said they were going to have Vet Techs there according to, I believe his name is Kris, those are going to be Vet Techs that have not been certified yet. They are students from two local colleges that need to get hours to fulfill their class requirements. There's no training of animal husbandry there's no background and I just feel like they may be getting into something that's a little over their head and what happens if in three months, six months or even a year down the road what happens then? And if the Vet Techs aren't going to be certified what about the groomer, what about the trainer, what about the other people. And I just don't feel that if.. and things keep changing and I realize in business things do change. I've had a business of my own, but I don't want them to say we are going to do this like David said what is the number of animals and then in three months, six months, if nobody's going to check on this, and there's not any State or County regulations to where they are inspected on an annual or pop in surprise basis, what's to keep them from changing and doing things completely different than what they say in the Business Plan? So I still have a lot of questions. I have a lot of concerns because there are a lot of cattle in that area. You know animals get out whether they are pinned up or not they get out and if they're going to put concrete under that fence is it going to be all the way around north, south, east and west? Or is it just going to be on the east and west sides? So those are just some of the questions I have right now. Thank you. And I didn't get this until this evening so I apologize I haven't got time to read all the way through it yet.

Mr. Knisley: Thank you.

Mr. McClaskey: May I speak again?

Mr. Knisley: Sure come up and state your name please.

Mr. McClaskey: I'm like Colleen, I'm sorry, I'm Dave McClaskey, I live at 23407 NE 140th. I'm like Colleen I didn't receive this until this evening and they said that they contacted the neighbors, they never contacted me. I have a question about the paper that was just handed to me this lady from the

Claycomo Animal Hospital, in this letter it states “ I would be happy to volunteer my services off and on but probable not on a strict schedule” which means she is not going to be able to be there very often. Maybe a veterinary care would be best served by someone who would be all in, in other words I think she is saying they need to have a certified veterinarian on site at all times. Since this would be quite an undertaking with a large number of senior dogs. I just want to make sure what their plan...even this woman who is a veterinarian sees a need that this place is going to need a full-time veterinarian not just some tech trying to come and get his hours in. I think if she thinks what they are wanting to do is a good thing and she would be happy about it as long as what they are saying lives up to what it’s saying. They are saying they are going to live on the property if you are going to have a hundred fifty to two hundred dogs how many people does it take to make that, as she states, a truly, a warm and happy place for the animals, how many people does it take per animal to make that happen? Like I said I just want, I forgot to say I’ve never been contacted in between the two meetings, so thank you.

Mr. Knisley: Thank you sir.

Ms. Norris: My name is Debin Norris and I’m at 9844 North Cherry St in Kansas City, MO 64155. I am the founder and owner of Dog’s by Debin a licensed shelter through the State of Missouri through the Department of Ag and I’m also a registered 501C3 through the State. I have been personally operating out of Amitywoods Animal Hospital in the Northland for close to a year and I have been in rescue for probably over 25 years without giving away my age, but I can tell you that there are a lot of variances in animal rescue and a lot of what if’s and sometimes you just have to through faith out there and take it day by day, I can understand a lot of people wanting answers black and white unfortunately with the animal rescue sometimes that just doesn’t happen. So what we do is reach out in the community. We look for people to support the cause, and the mission, and I will tell you first of all that the rescue community holds each other very accountable for our actions if anything we do is uncomfortable to anybody in the rescue community they are very verbal to call or reach out and help each other out basically. As far as the vet being on site I can answer that, because I do operate out of a facility where there is a vet full-time on site, a vet does have to hold their license’s at a facility in order to be licensed through the Department of Ag. A veterinarian does have to step up to the plate fill out some paperwork and be accountable for every single animal that comes through the facility so I can assure you that there will be a lot of veterinarians that would be happy to do that for this facility and it’s their business whether they pay them or not, some vets do it pro-bono. As far as vet techs go that is up to the veterinarian because their license is at stake and I can tell you they are very conservative when it comes to that, what else? As far as the noise options go as far as I understand I have seen the plans for the interior of the building and there are a lot of options for keeping the dogs indoors. Obviously we’ve got weather here that we need to consider so they’re not going to be able to go maxed out to the point where they cannot house all the dogs inside because of our weather conditions so that will be taken into account. That’s the kind of facility I have where my dogs are outside as much as we can possibly have them be, but they are inside obviously for climate control. There’s also going to be cats on the property that is a controled cattery and it does have a top on it they won’t be free roaming all over the land. And then the last thing I would like to touch on it is, as far as strays, and I can tell you that it has not increased in the area where I’m at since I have opened my doors inside Amitywoods Animal Hospital. I think I have been there a year and there’s never been one animal dumped at the facility where I’ve been and I’m in a residential community. We also don’t have noise issues, we’ve never had a noise complaint from any neighbors since I’ve been there and our dogs are outside again as much as possible and brought indoors at night time. Any questions, it’s like the more you dive into this stuff the more questions that usually come up?

Mr. Beggs: I’m interested in how many animals that you have currently.

Ms. Norris: We usually have between 30 and 50 dogs on site just at my shelter and then the facility itself holds probably upwards of 200 dogs at any given time because it’s a public boarding facility.

Mr. Beggs: So how big is your site?

Ms. Norris: The shelter where I operate out of is a very small percentage portion of the facility I have two large yards I’d say I don’t know I am horrible with space, I’ve never walked it off.

Mr. Beggs: Is it the size of this room?

Ms. Norris: Absolutely, I’ve got one run of yard that’s this size and another one that’s probably twice this size.

Mr. Beggs: Okay.

Ms. Norris: And anywhere from 30 to 50 dogs and we usually have them out there as much as we can.

Mr. Beggs: Okay so that's your outdoor facility.

Ms. Norris: That's just mine, now the facility itself is sits on nine acres and utilizes six of it with building and yard space.

Mr. Beggs: So you're able to take, you said 200-250 dogs and you are able to bring them inside during inclement weather?

Ms. Norris: Yes.

Mr. Beggs: So that facility how big is your..

Ms. Norris: Inside the facility my very own has 26 kennels that are 3x6, 3 foot wide by 6 foot deep. We've got ones that are double that, and then we have suites and there's five wards that are, mine probably the smallest, and that 26 kennels so that's usually about 26 dogs in my space, but we double up and we have litters of puppies occasionally so that's why I say 30 to 50 dogs.

Mr. Beggs: That's all I had.

Ms. Norris: So I just like to keep in mind with the weather, the animals do have to be brought in.

Mr. Beggs: I do have one more question, you talked about licensing by the Department of Ag and that is what type of license is that?

Ms. Norris: The Department of Agricultural will come out and do a survey and they can issue a license as a shelter or a rescue and that's up to their discretion.

Mr. Beggs: Okay and that requires a vet to take responsibility for the animals in that facility?

Ms. Norris: Yes it does either way it goes.

Mr. Beggs: Okay that's all I had.

Mr. Kinsley: Along with those lines the veterinarian you said they have to have a place for their license to establish it?

Ms. Norris: Yes right.

Mr. Knisley: You assume this would be, they would have their license at this facility, the vet techs are those under the umbrella of the veterinarian. Does he or she, do they control it or have some management input with them?

Ms. Norris: Yes they run the control substances, they run the care and the housing they oversee all of that but they oversee it, now they are not hands on as far as the housing goes of the dogs, but obviously that impacts their health so they have more, their more vested as far as their names behind everything. It's like a broker having a realtor using their license it's the same thing exactly as a vet with a vet tech there. Their name is held accountable.

Mr. Knisley: Okay that was my question. And rather than asking the applicant on the vet techs what's their normal requirements that they do at a facility like this?

Ms. Norris: A Vet tech, obviously it would be based upon the comfort level of the veterinarian. A veterinarian does not have to be on site all the time every single day, it depends on how many animals are in their care, what the needs of the animals are, but as far as what a vet tech can do generally speaking just from my experience has been pretty much anything except Rabies, that is controlled by the State and a nationwide mandate. That has to be administered by a veterinarian, so a veterinarian does have to be on site enough to administer Rabies within a certain time period of the intake of the animal and surgeries, vet techs are not allowed to do any surgeries. The daily care and checking on the animals if they have an upper respiratory infection which are not contagious to humans, that would be a vet tech could administer medications for that, but nothing that is a control substance for any behavioral issues or stress or anything like that, that would be a vet.

Mr. Knisley: Okay, I am sure my colleagues would agree with me we're concerned about the safety and welfare of the animals also with the public so that's the reason why I had questions on that. Any comments from..?

Ms. Rhodus: Where was her facility?

Mr. Knisley: Just a moment ma'am you would like to have a question?

Ms. Rhodus: I didn't hear where she said her facility was located.

Mr. Knisley: I'm sorry can you speak that a little louder.

Ms. Norris: I'm in the Northland inside Amitywoods Animal Hospital that's located off 152 and Amity Road just north of Weatherby Lake off of Barry and Amity.

Mr. Vick: Right next to the Ashford Manor Subdivision.

Mr. Knisley: Any other questions or comments to this...

Mr. McClaskey: Is your facility located in a total commercial area?

Ms. Norris: No, its 100% residential.

Mr. McClaskey: And how close is the nearest home?

Ms. Norris: If I have to guess their definitely within eye shot of the backyard I would say there is a small ravine that runs through just a very small one and I would say 100 feet to the ravine, the ravine is maybe 15 feet wide and then the backyard of where the house starts, it's very close.

Mr. McClaskey: How do you get rid of your waste?

Ms. Norris: Well, waste is disposed of through a sewage system but a majority of it is picked up daily obviously multi times a day and then as far as cleaning those and rinsing there's chemicals involved and obviously they are regulated by the State, so anything that's usually put down a drain has a chemical that goes along with it to take care of any diseases or anything like that, so it's very clean and sanitary.

Mr. McClaskey: So you would say that what percentage of your waste is through the sewage?

Ms. Norris: I can't say because the reason I cannot answer that question is because I'm in just about a quarter of the facility and I'm not involved in the operational.

Mr. McClaskey: Out of your quarter of your facility how much do you guess a percentage do you use that goes into sewage other than being bagged?

Ms. Norris: I would say probably 10 to 20 percent that just depends on if we have puppies or adult dogs and most of our dogs are potty trained by the time they come into the facility or then when they go outside we pick it up and we have to do that, the Department of Ag comes out and does surprise visits and you will get written up if there is waste around, it's disease controlled and very clean. I would invite you to come look I think it would help to get a good idea to see the operations.

Ms. Rhodus: How many paid employees do you have?

Ms. Norris: I have three paid employees.

Ms. Rhodus: And are they on site?

Ms. Norris: I have one full-time, two part-time, I'm there seven days a week and we also have about 30 volunteers that volunteer their time just with my 30 to 50 dogs. They are not all on site all the time we have off site events. We have a lot of help, a lot of .. it's been big moral boost actually as far as I'm concerned to the community. So, we have a lot of retiree and a lot of high school students that do their hours there and it's been a benefit.

Mr. Knisley: Do you have a problem with getting volunteers over the years or is it pretty stable? Or is it a problem trying to get people to help you especially if there's not pay involved? Taking this volume of animals I see where it would take quite an effort to keep volunteers returning.

Ms. Norris: That's something I suggested actually is that they have a volunteer program. You can actually either hire or get a volunteer coordinator to run that program for you. There's a lot of incentives especially since their going to be licensed and a non-profit. It'll give high school student the opportunity to get hours and it also in my area since I'm residential and I'm near Riss Lake and a lot of retirement areas, not that Riss Lake is but, we have a lot of retirees that come in and love it and get to work with the dogs, it's been good.

Mr. Knisley: Any other questions for the Commissioners or the public?

Mr. Carlson: I do have a question for Dave, Dave can you describe the lay of the ground to me in relation to your house, are you high or low?

Mr. McClaskey: I reside at a higher elevation from where their driveway would be, the actually elevation where the barn is, is about dead level with me.

Mr. Carlson: Is the topography of the whole area fairly flat?

Mr. McClaskey: The hills roll up from the road back off from their driveway back to the house, it's not real steep hills it's fairly.. it's not flat it's like rolling hills.

Mr. Carlson: So it's not a bowl?

Mr. McClaskey: No.

Mr. Carlson: I live in a bowl and I can hear out my back door, I can hear (*inaudible*)

Mr. McClaskey: That's something you have to take into consideration too, because the sound travels downwards from the railroad tracks, it's like a funnel if you can imagine. That's what I have on the west side of me now on the east side of me there's a draw that actually starts on my property and goes

clear to 69 Highway. That area through there carries a lot of sounds through it too, but as far as the location of where their building is about straight across.

Mr. Knisley: Thank you, would you like to say something.

Mr. Vick: Jim asked about the general topography...

Mr. Knisley: Your name?

Mr. Vick: Danny Vick, and I'll address the topography on this because from an aerial map it's hard to get an idea of this point up to about right here, it is up hill you go over the hill to go to a building and then there's another dip in there by this pond, so you do have everything runs, your water drainage virtually runs towards the rest of the Westfall property here which the Westfall Brothers also own this tract from the draw that way so this is generally slopping this direction. They have a hill in here that's the reason they started the fencing for this project back over the hill and this all will be left open on the front side. Does that help with the grade issue? Okay.

Mr. Knisley: We have a picture here showing from the street, the slanted hill and over but I can't see if you can see the houses, can you see the house or building from the street?

Mr. Vick: When you come out of the driveway you can't see the house or the building either one, it's a red maple lined driveway that goes up over the hill.

Mr. Knisley: Alright, thank you.

Mr. Tapp: If the Commission can look at the map the yellow areas are for high grounds, green areas low ground see that ridge line that Dan was talking about up toward the front south end of the property? And then the other corresponding hill to the north so there is kind of a bowl in there and there's a pond within that bowl area.

Mr. Knisley: Yes if you would state your name.

Mr. Masters: Robert Masters, I'm at 3123 Central St, Kansas City, MO. I'm a dog behavior expert, animal trainer and also here to speak on behalf of the applicant. So I will address a few things that are pretty big one's I guess, noise excessive barking and we talked about the decibels and one dog and multiplying that by 100 that would be a highly inaccurate way to gauge this is under the assumption that at some point you have 100 dogs barking at all times. That's pretty unlikely especially since one of their primary goals is senior dogs, they are going to tend to be less vocal and also excessive barking is a behavior issue and comes from lack of stimulation and we've discussed at great length with the applicants a plan for fulfillment typically that comes from is a lack of fulfillment whether it's exercise mental and physical. There's been excessive planning with them and discussion about options to make sure that the dogs are fulfilled and exercised and also taught when, you can teach barking to stop and quiet on command is a very common thing. This is not unheard of, part of my experience would be I have worked in a dozen rescues and also boarding facilities, one that I would make note of was Pooches Paradise in Kansas City, MO, it's located I believe the fence line of the outside yard for the dogs is about 10 feet from a gentlemen's window. The worst problem he's had is his neighbor's parking across the street. So this is because the staff have been trained to manage the noise level, again the dogs are stimulated, they are not frustrated, barking is a sign of frustration and in a natural situation where a dog is fulfilled they don't naturally go around barking. If you've ever encountered packs of stray dogs do you every hear them barking? No, because they rarely, they will bark at specific things but it doesn't go on and on. So they have talked about having a trainer and I will be available to them as well to assist with things like that the behavior of barking and I noticed that you asked about certification of the dog trainers. There currently exists no certification that is recognized on the State or Federal level for dog trainers the same would actually be the answer for groomers. You also brought up the point that you wonder what would happen if they changed, who was watching this and Debin pointed it out but I will make it very clear the Department of Ag watches it very heavily. So changes do have to go through the Department of Ag, there is somebody monitoring them and they can't just go do things whilly-nilly, so also to point out one of your concerns, Sir, is the dumpster. At Pooches Paradise it is also about 10 feet from this gentlemen's house and no complaints on the waste because the waste is disposed of promptly by the time that it reaches the dumpster and the dumpsters are sanitized routinely. Those are the main things I can address as a trainer. I also would like to point out with talking about dogs and the number of dogs, barking decibels, the number of the 250 animals, is animals just not dogs, that includes the cats so elevates some of that concern as they said they plan on doing an exchange with the local animal control for cats and dogs so there is a plan for there to be a great quantity of cats that noise level is

obviously be quite low, and again having worked most of the rescues I have worked with have been located in residential areas and they've been standing with no problem in fact attached a huge volunteer base so I would like to put that out, also with the vet on site it's incredible uncommon for many many places to have a vet on site so the concern about the vet not being on site all the time is also not really worth concern to my opinion because it's quite common for a vet to take that responsibility but not be located on site and many of the most successful rescues don't have a vet on site obviously the goal is to always have one, but starting out very uncommon.

Mr. Knisley: Any questions?

Mr. Decker: I have a question for Mr. Karnes, please.

Mr. Knisley: Just a moment I have one more question for you.

Mr. Master: Yes sir.

Mr. Knisley: The Department of Agricultural they inspect?

Mr. Master: They do, rigorously.

Mr. Knisley: That's my point, how often and knows it's probably unannounced but how often would you say they come through a year?

Mr. Master: I would say its not uncommon, quarterly.

Mr. Knisley: Quarterly.

Mr. Master: The full on inspection is a yearly renewal certification typically but they come I'd say more often than that for surprise visits and then they take a more thorough inspections and they are very thorough, that does remind me, I'm sorry, to add talking about how much staff it takes to maintain the care of that many animals that would depend purely on operational settings, you can manage a whole lot of dogs with very few people if you manage things efficiently it's not about how much the dogs spend outside, it's what they do, by outside I mean outside their kennel not outside in the yard necessarily, but it's what they do and how productive it is the time spent outside the kennel. The rescue world is very tight of course just as you spoke of having a hard time of getting people to help out as volunteers there's also funding issues but there are easy ways to make the time that the dogs do spend out productive and then it doesn't matter if they do spend more time in their kennels or crates or runs, whatever, their particular set up is for that dog so that is important to address and again they have done their do diligences on working with myself, Debin and in fact when I met them a lot of their plans changed from talking to us and I was very impressed by that. So I think that's worth noting that it doesn't matter that they don't have as much experience it's that their looking to the people that do and taking the advice and not saying we want to do it our way.

Mr. Knisley: I agree with him. Any other comments from the public anybody? Just a moment referring to him? I think you're okay, so thank you for your input. Now just a moment ma'am, you had a question okay.

Mr. Decker: I had a question for Mr. Karnes.

Mr. Knisley: Okay, Mr. Karnes.

Mr. Karnes: Yes, Kris Karnes.

Mr. Decker: Kris, Ms. Norris made reference that you're either going to be a shelter or a rescue?

Mr. Karnes: Their going to determine that.

Mr. Decker: Who's going to?

Mr. Karnes: The Department of Agricultural, whenever they come out and see our facility they'll determine whether we are, which one we are.

Mr. Decker: Then do you have a commitment from a veterinarian that's willing to put his name on Swanson Acres and his license up with USDA?

Mr. Karnes: We have spoken with three different veterinarians we are not sure which one is going to be able to do that for us.

Mr. Decker: I guess before your qualified rescuers or shelter you have to have a veterinarian on board and then the USDA would sign off on your operation.

Mr. Karnes: Yes.

Mr. Decker: Would you or maybe Matt these the veterinarian would be in place and USDA certification would be in place before you bring any animals in?

Mr. Karnes: Yes.

Mr. Tapp: Yes, I'll showcase condition number four from the original Exhibit A of the staff report saying that all State and Federal requirements must be met and documented and proof must be supplied to the Planning and Zoning Department, so that includes all of that.

Mr. Karnes: There's been a couple of things that we've had to hold back on until we got the approval so we can move forward with getting our license and different things we haven't been able to do that at this point but within a month we'll be having our apps in.

Mr. Tapp: We could add on there too Tom if you feel like we can talk about how proof must be supplied to Planning and Zoning Department, we could say prior to receiving any animals.

Mr. Beggs: So am I correct in understanding that they have to be USDA licensed before they start taking animals.

Mr. Karnes: Not USDA, Department of Ag.

Mr. Tapp: Department of AG.

Mr. Beggs: I'm sorry Department of Ag so they do have to have that certification before they take animals.

Mr. Tapp: I would hope so yes.

Mr. Karnes: Yes, I've got the application at home they just sent it to me.

Mr. Decker: That is all I have thank you Kris.

Mr. Knisley: Alright, yes ma'am.

Ms. Rhodus: Colleen Rhodus, 13623 Rhodus Rd. I keep hearing all this money going out but I don't hear about the money coming in to feed, to pay water, lights and I haven't heard anything do they already have their what is it 503C their non-profit are they going to have to have that before they open? And how are they going to maintain this as far as food and like I said with the shelter and the maintenance of this and that also concerns me but I still have a real problem, most of these people their addresses are all in the city their facilities are in the city it's a completely different animal than what it is in the country. In the country people can come out and dump a dog or dogs and not be seen that's why they come to the country, but in the city somebody has a neighborhood where they're watching and they see whoever dumps those dogs and most of these are in an animal hospital or a clinic or a veterinary clinic where there is someone there right there this is out in the open all by itself and I still say there's going to be a lot of dogs dumped, and I have tried to raise sheep on our road and had just across the railroad tracks and had dogs come across and I had to ship ewes with three legs. Over on Rocky Hollow my husband had cattle and he had to destroy three dogs because they had got a hold of one calf and mutilated the calf and dogs do bark when they are together and there are several of them together. They think it's a game they think it's fun I can't stress enough how this is different because you are in a different scenario you are in a different location than what you are in the city and I just can't see this working. It's just not going to be welcomed by the neighbors and there's even neighbors on Cameron Road that have hear about this and their not happy about it either. Thank you.

Mr. Knisley: Thank you for your input. Any other, couple of members of the public like to speak? Yes ma'am

Ms. Opolen: My name is Teresa Opolen, 4530 NE 38th St, Kansas City, MO 64117. I am Kris Karnes fiancée Ms. Osthoff's daughter in law to be. I will be one of the ones living on site, we are going to have a veterinary clinic inside of our building, our building is 8,600 square feet we can take care of the animals we can do surgery. If possible we do have three veterinarians that are interested we cannot move forward though until this is passed so we are at a standstill until this is passed. We are sorry that the neighbors are not happy about it we are trying to do a good thing here and the number 250 seems to it is a very large number I understand that, that is over a period of time, that might be over a period of two years, three years and also in that process animals will unfortunately pass away I don't ever anticipate us ever having 250 animals at one time. It might be a hundred dogs, it might be 30 cats but even I say 200 is a lot of animals I just don't anticipate ever having that many at one time, but if we do we'll be fully staffed, we'll have a veterinarian, we'll have a vet tech, we'll have volunteers, we'll have paid people on staff to help take care of these animals.

Mr. Knisley: How are the 250 animals are they large horses and etc. are those counted in that number?

Ms. Opolen: Yes, if per say we ever do someone's cow gets lost then they bring it to us yes we will house it over night until the owner comes for or a horse but mainly speaking cats and dogs. But a stray cow or horse would be counted in that 250.

Mr. Knisley: Not a long period of time?

Ms. Oplen: No.

Mr. Knisley: Just temporary, okay thank you, any comments or questions from the Commissioners? Thanks for your input.

Mr. Beggs: Can I see a copy of the conditions from last month; I don't have a copy of that. Thank you.

Mr. Knisley: If you will bear with us for just a moment, while we do our homework. What they had listed in their business plan last month really didn't, we talked about the fence we talked about burying it it sounds like they are going to add a curb underneath that fence do we need, does that need to be added as a condition, the acoustifence that they've proposed the concrete curb I was just trying to think some of the other items that we spoke about.

Mr. Tapp: To be clear the curb and the noise continuation fence is only for the outdoor run area to the east of the building not the entire perimeter fencing is that correct?

Mr. Karnes: Yes, the curb is for the outside runs for the animals the fence around the entire perimeter will be in 4x concrete we are going to trench the ground six inches deep put the fence in and then put concrete in to hold the fence in so that (*inaudible*)

Mr. Beggs: So that's the ten acre fenced area.

Mr. Karnes: That's the entire ten acres fenced in.

Mr. Beggs: And the acoustifence just goes on the out..

Mr. Karnes: Goes on the north and south side of the outside runs so that it keeps the noise from going those directions the other side is straight to the railroad tracks. Now if someone purchases the property across the railroad tracks we can align the outside with the acoustic as well to take down some of the noise. The funds are there we can do what we want to do, what we need to do to make this work.

Mr. Knisley: I think along with that statement the lady before you was concerned about the funding of your immediate operation and your long term funding..

Mr. Karnes: We've been given a half of million dollars to get this started, there is an estate that is coming sometime it's in excess of that that will help us fund it after, well hopefully it will be a while, but the initial funds are there for us to get started and going and she will give us what we need as we go along that we can't do with fundraisers and donations.

Mr. Knisley: That was my question it's not we're getting a little off of our authority but just kind of curious I know how businesses are and how tough they are they have a lot of hidden.

Mr. Karnes: I spoke with our founder or main donator last night and she said whatever it takes we'll have it.

Mr. Knisley: It's very important I think this is a great thing but it's also needs to be funded and properly run and you've got a lot on your plate you've got quite a business plan.

Mr. Karnes: I have a pretty good size family I have kids that have grandkids and sisters and brothers and they are all going to be out there helping us do this, so it's not just going to be the three of us that live out there or the volunteers, other family members are involved as well.

Mr. Knisley: I have one question about your waste out there by the curb, now what kind of a ..

Mr. Karnes: We are going to put a 12 x 14 structure looks like a dog house and it's going to have doors on it so it's fully enclosed and that way whenever we take it up there all we have to do whenever they come is just pull it out for them. They are not going to drive down the driveway to get it and they probably aren't going to pull it out of the building either. I'm going to have to go down and pull the and we are talking about like my fiancée said we're going to start with, we may not even have a hundred animals in two years and 75 of them are probably going to be cats, so the waste the cans are going to be enclosed in a building my son does pest control he's going to give us the fragrances and the means to keep flies down and bugs down there are things that they use to put inside this building with the dumpster but there is also a water spicket within 30 feet of where I want to put this house that the dumpster will be washed out and sanitized once a week, twice a week whatever it takes, it's going to be picked up twice a week anyway. But the waste isn't just going to go in the dumpster it's going to be in bags that are going to be in the dumpster, so the dumpster shouldn't get that bad anyway but it is going to be cleaned and sanitized at least once a week. So there should never be an issue with odor.

Mr. Beggs: But I thought I heard earlier that the waste was going to be housed up closer to the facility at the end of the drive and only taken down a couple times a week, but now what I am hearing is that waste will actually be taken down daily and really stored at the end of the drive is that right?

Mr. Karnes: Well no, we will keep it at the house..

Mr. Beggs: And take it down twice a week for pick up.

Mr. Karnes: Yes I'll have to put it on a trailer or something to wheel it down there but if I do that then there is no reason for me to build this 12 x12 structure that's nice so two days a week those trashcans are just going to be sitting out in the wide open instead of being housed in a nice looking environment.

Mr. McClaskey: Why will there be 12 x 14 structure for two trash cans?

Mr. Karnes: So we have plenty of room.

Mr. McClaskey: For two trash cans? (*inaudible*)

Mr. Karnes: (*inaudible*)

Mr. Knisley: Are these commercial dumpsters or small dumpster that they drop off?

Mr. Karnes: There're four yard dumpster I am going to start with one we'll see how it works. We'll have them pick up once a week cause like I said we might not have 20 animals in the first year.

Mr. McClaskey: Are we talking a dumpster or trash can here? You keep going back and forth.

Mr. Karnes: A four yard, whatever they call a four yard dumpster.

Mr. McClaskey: You are going to put that on a trailer and haul it down to the road.

Mr. Karnes: I'll leave it on the trailer what difference does it make how I get it down there?

Mr. Knisley: I think he is talking about the dumpster itself, is it going to be stationary and will be enclosed in your little room?

Ms. Karnes: Right they are on wheels, correct that was what I was hoping to do.

Mr. Knisley: Right and what you are talking about is bring the trash cans or whatever the waste is in, bring it down on the truck and putting it in the dumpster is that right?

Mr. Karnes: No it will already be in the dumpster.

Mr. Knisley: How's it getting there?

Mr. Karnes: I'll just have the dumpster outside my building we'll fill it up twice a week the day that the trash's is coming we'll haul that dumpster out there and sit it by the edge of the street.

Mr. Beggs: Put it on a trailer, the dumpsters will set on a trailer?

Mr. Karnes: Instead of having it housed.

Mr. Vick: There's a loading dock on this building where the dumpster can fit right in the loading dock area.

Mr. Knisley: So you are saying..

Mr. McClaskey: Why do we need the building?

Mr. Knisley: So you are saying now that you're not going to build the outside little building just rather bring it down from the facility?

Mr. Karnes: Well I wouldn't rather do that but if that's what I have to do that's what I'll do. I mean obviously be a lot easier to be able to have it housed where they are going to pick it up and not have to move it twice a week.

Ms. Rhodus: He keeps changing it.

Mr. Knisley: That might have to be something we look at. Okay any other questions for Kris?

Mr. McClaskey: Is there an adequate sewer system in the building to take care of the waste for the animals and cats that are inside?

Mr. Vick: Well it's not designed for pets but there are adequate septic systems, there's two septic systems on the property and we have a report that we turned into the County as far as we have to have it able to support the employees of the building and the volunteer workers that kind of thing and showed the capacity needed for the normal bathroom stuff the veterinary office all that kind of thing but it's not designed to flush animal waste down it daily.

Mr. McClaskey: So that's all going to be carried out twice a week to ..

Mr. Vick: Yes it will be bagged up.

Mr. Knisley: Alright any other questions from the Commission? Any other questions from the public, yes ma'am.

Ms. Rhodus: I have another question in talking to the people yesterday at the library I asked them why here? And they said that well that they had.. I said if your Aunt's in Tulsa why not do it there? And they said they did have a spot picked out there but the girl that was supposable going to run it for them didn't have the same mind set or philosophy as they did and I said if you already had a piece picked out why not do it there and I was told well because they didn't want to live there. Well if they looked four

months for this spot did the Westfalls come to them or did they just drive around the country and find it or go on the internet and you know go through the realty companies and if they found this can they find another spot and you know how are. I just have a lot of questions and if she's going to provide this money is she going to be here to oversee it and see what's going on, what if she decides that she doesn't want to give the money to this and if they're still going to take in dogs that are rescued how many of those are they going to have versus the hospices or the older dogs? And those dogs are going to take a lot of care and a lot of time I still, it's going to take a lot of volunteers and yes it's going to take a while to get it off the ground but I just still don't see this working, thank you.

Mr. Knisley: Thank you, any comments? Any questions from the public? If there is no further questions from the public we'll pause, yes come up please.

Mr. Masters: Robert Masters, I just noticed multiple times it has been brought up the what it takes to care for an animal so I am asking just my own curiosity what is your qualifications, what knowledge do you have about what is required to care of dogs, because I am a member or the International Association of Canine Professionals and I would disagree with taking hearsay, from what I would just like to know what's the basis.

Ms. Rhodus: We run a cattle/calf operation with about 900 cow/calf and we have other animals that we take care of on a daily basis.

Mr. Masters: Dogs?

Ms. Rhodus: And we have dogs also.

Mr. Masters: Okay.

Mr. McClaskey: I can tell you this, I live in the country, I live on 4 acres right there, I have one dog my grandkids and my wife beg me constantly to have another dog, do you want to know why I don't have another dog because one dog you can take care of two are trouble. Three's worse.

Mr. Masters: I currently take care of, I just like to note, a Pit Bull, a Labrador and a German Shepherd and I live in a two bedroom house.

Mr. McClaskey: In a contained situation.

Ms. Rhodus: In a contained situation.

Mr. Knisley: I've been letting you talk sitting I think we are getting off the basis at hand the facts so ..

Mr. Masters: My issue is with facts, there's a lot of hearsay what if, what if, what if and implication about what it takes to care for animals and to hear somebody saying it's near impossible to take care of three animals but I do it on a day to day basis and it's not always in a contained situation. My animals all travel with me all the time we travel to various rescues, we are in country sittings, we are in rural sittings often and they are still manageable. There's been no complaints at Amitywoods Animal Hospitals and I've been working there for over a year, no complaints from the neighbors 150 feet away. And I would also ask for the gentlemen with the cattle perhaps if you had animals they produce waste I understand cattle produce quite I bit of waste so perhaps you can be constructive as to make some suggestions as how you dispose of your waste, which would be much more significant than any amount of waste produced by 250 cats and dogs. Just a thought.

Mr. Knisley: Thank you, alright if there is no further questions or comments from the Commission or the public. I will close the public part of the meeting, discuss it between the Commission and our Director Tapp. Would you like to have any comments?

Mr. Tapp: No, I'm available.

Mr. Beggs: I would like to add some conditions to what we had last month, I think we should add concrete curb under the fence, I think that needs to be added as a condition, and I think we also need to add the insulation of the Acoustifence that was submitted by the applicant that it be installed on the south, east and north sides.

Mr. Karnes: North and south.

Mr. Beggs: North and south side of the outside runs.

Mr. Tapp: I would say the whole outdoor run, why not.

Mr. Beggs: Let's just add to the whole thing, okay.

Mr. Tapp: That is my advice you don't have to take it.

Mr. Beggs: I think that's ...

Mr. Tapp: If you're going to do two sides might as well do three.

Mr. Karnes: We were hoping that they would be able to see out; usually if they hear something they might start barking if they can see it they won't.

Mr. Knisley: That's a good point.

Mr. Tapp: I would be curious from the behavioral expert how he feels on it.

Mr. Masters: That is true, that would be accurate it can produce more of an agitation if they can't see it's something to be aware about.

Mr. Beggs: So you are proposing just doing it on the small ends of that blue square that's shown on that drawing, the north and south sides?

Mr. Karnes: Yes.

Mr. Tapp: Most Commissioners have the staff report from March but on page of 15 of the original staff report you will see the outdoor run area on the top portion of the site plan. So there's three sides the other side is the building itself, then it encloses three sides.

Mr. Beggs: Ok.

Mr. Tapp: North, east, east is the longer side, but north and south are much shorter than that east side. So for clarity sakes Mark are you talking about the north and south sides of the runs?

Mr. Beggs: Let's just do that on the north and south, let's just add that and if it becomes a problem.

Mr. Karnes: This is the building and this is where we are talking about right here.

Mr. Knisley: This area right here.

Mr. Beggs: Ok so it's a pretty small area.

Mr. Knisley: Because you are not going across there.

Mr. Karnes: Two foot per square so it's like 30.

Mr. Knisley: I have question here, these are outside? What are these are they just doors to get out?

Mr. Karnes: Gates, yes.

Mr. Knisley: Now why are there gates for each one of these?

Mr. Karnes: This is all in concrete, that way if they are outside and we want to go inside we can go inside and get them there or we can go inside the inside route.

Mr. Knisley: Ok and so you've got your fence around out here.

Mr. Karnes: Yes and then each one of these will be fenced in as well.

Mr. Knisley: Do you have fence coming out?

Mr. Karnes: Yes the outside perimeter fence is all around this and then they'll be secondary.

Mr. Knisley: I was just concerned they could get out if somebody left the door open.

Mr. Karnes: No.

Mr. Kinsley: But you are covered with your fence there.

Mr. Karnes: Yes this is a total secondary fence.

Mr. Knisley: You are talking about acoustic and keeping the sound away and keeping it contained and maybe the door shut and all that are you going to have any kind of a control air conditioning in there with temperature?

Mr. Karnes: Yes it will be climate controlled, heat and air.

Mr. Knisley: Ok and that will be this part right here?

Mr. Karnes: Yes all of this, this will all be drop ceiling in it and it will be heat and cooled.

Mr. Tapp: So Commissioners you have, Mark Beggs you would like to have add a condition that the installation of concrete curb around the outdoor run area.

Mr. Beggs: No the perimeter fence the ten area perimeter fence is where we are proposing to but that concrete curb, so the entire perimeter fence.

Mr. Vick: Dan Vick, the outside perimeter fence on the ten acres will be trenched and the chain link set in it, it won't be like above the ground curb the fence will be buried in a concrete, what we are talking about adding the curb to was on those outside runs because the one neighbor the last time was concerned about the run off from that area to the pond behind the property. So we are curbing that outside kennel area that he just showed but the fence will be buried in concrete.

Mr. Beggs: Ok, so my mistake I was assuming they were calling that a curb underneath, so basically need to add the perimeter fence would be embedded in concrete I would call concrete filled trench.

Mr. Tapp: Will be a concrete filled trench, Kris?

Mr. Karnes: I'm sorry.

Mr. Tapp: Will be a concrete filled trench.

Mr. Beggs: On the perimeter fence.

Mr. Karnes: Yes on the perimeter fence.

Mr. Tapp: Ok the perimeter fence will be anchored into at least six inches of concrete trench.

Mr. Beggs: Yes.

Mr. Decker: I didn't know if the ...

Mr. Tapp: Do you want a condition for the curb and the noise acoustifence?

Mr. Beggs: Yes I think we need to add that.

Mr. Tapp: Ok so let's clarify that another condition is installation of acousifence added to the north and south sides of the outdoor run.

Mr. Beggs: Outdoor, yes it's called Acoustiblok with what they submitted.

Mr. Decker: I might throw out something there, the Conditional Use Permit would be in good standing provided the Department of Agricultural has found the facility's in good standing with the Department of Agricultural.

Mr. Tapp: Right so condition number four currently states all State, which falls into, and Federal requirements must be met and documented proof must be submitted supplied to the Planning and Zoning Department so that's covered that.

Mr. Beggs: I think it should say prior to taking animals.

Mr. Tapp: Ok.

Mr. Decker: I guess if the State is rejected or declined then ...

Mr. Tapp: Then the CUP would have to meet these conditions, so I will read it real quick number four all State and Federal requirements must be met and documented proof must be supplied to the Planning and Zoning Department prior to housing animals. Does that work?

Mr. Beggs: That will work.

Mr. Tapp: And then condition number eight added that concrete curb, no that the perimeter fence must be anchored into a minimum of six inch concrete trench. Is that?

Mr. Beggs: I think that will work.

Mr. Tapp: And condition number nine added, let's go back to eight real quick and make sure you've got it verbatim it is important, that the perimeter fence must be anchored, because there is a total perimeter fence there's a ten acre perimeter fence around what we are talking so.

Mr. Beggs: It's the perimeter fence of the entire site, or the ten acre site.

Mr. Tapp: Ok, so we need to add the ten acre perimeter fence must be anchored into a minimum of six inch concrete trench. And then condition number nine; installation of Acoustiblok add to the north and south sides of the outdoor runs. Is that fit what you were looking for Mark?

Mr. Beggs: Yes.

Mr. Carlson: I think what you might add is the width of the trench; I think the owner will probably needs to agree with you with those terms.

Mr. Tapp: We don't have any code covering that so it's whatever you guys see fit.

Mr. Knisley: Just a moment Kris I would like to have you come up and...

Mr. Karnes: I was going to say the normal width of a trench or whenever you trench is four inches and however deep you go so we'll trench a four inch wide trench unless you get a bigger trencher and you could go wider but I was thinking four by six would be plenty but if you think more we would do that. That will help us keeping it looking clean around the bottom of the fence too not eat up all the weed eater twine.

Mr. Knisley: That's right. How many acres do you have total that you're going to be ...

Mr. Karnes: 20 acres total but we are only fencing in 9.4 or 9.5 something like that.

Mr. Knisley: So you are in agreement with the trenching and concrete around that 9 or 10 acres?

Mr. Karnes: Absolutely we planned on doing that.

Mr. Knisley: Ok and are you in agreement with the conditions that you spelled out that we've changed, did you hear that?

Mr. Karnes: Yes sir.

Mr. Knisley: Go ahead.

Mr. Carlson: Matt can you tell me what the length of time this Conditional Use Permit is.

Mr. Tapp: This one is ten years.

Mr. Carlson: Ten years ok.

Mr. Tapp: And you can change it, it's all conditional.

Mr. Carlson: Because a concrete footing that is not buried deeper than 36 inches will last for five years, it's got to be below the frost for it to have substantial strength. The heat and the frost will break it up in five years.

Mr. Tapp: I say going 36 inches for the entire perimeter fencing would be a little extreme.

Mr. Carlson: I think that will be excessive.

Mr. Knisley: Is there any possibility if you have any kind of noncorrosive metal that can go down that you could put metal down? I mean metal is going to rust too, you know more about construction than I do because you are talking about a lot of money.

Mr. Carlson: I think the depth is the most important for the fence.

Mr. Kinsley: Right I'm just wondering if you could find something that's less inexpensive that can do a little small trench and just stick this down further.

Mr. Carlson: You're going to find a dog that will dig six inch hole pretty easy.

Mr. Knisley: That is my thinking too.

Mr. Carlson: Then I think buried six inches and maintained is the key. I don't think the concrete going to be an issue (*inaudible*).

Mr. Knisley: Kris do you have any ideas that you have thought about anything other than concrete to...

Mr. Karnes: No we're sweeping away to put rebar in it, maybe do that, run a couple pieces of rebar in and tack it down so that the concrete stays together.

Mr. Beggs: Of course we are just looking at it as a barrier we're not looking at to hold a building up.

Mr. Karnes: It's only to keep the fence from going back and forth.

Mr. Knisley: Is there thin rebar that you put in concrete (*inaudible*) can you buy that in 4 by 8 sheets something that they can cut in half at least you'd have and put that rebar I don't know how big the dogs are but I am just trying to come up with something that might be better for the long term and (*inaudible*)

Mr. Carlson: To the specification with like a curb it's going to prohibited to cost, the strength of the concrete is much greater. I think just the depth and maintenance is the key. You see a dog dig it's going to dig under a six inch curb if it wants.

Mr. Tapp: And that could be more behavioral and there's staff there at all times to monitor the dogs.

Mr. Carlson: The curb will create a barrier for moisture which will stop from the soil and the dog will be able to dig easier than the natural run off.

Mr. Beggs: What about burying the fence just go with a seven foot fence run it 12 inches in the ground and leave six foot sticking up?

Mr. Knisley: Just chain link?

Mr. Beggs: Yes its chain link, I mean are you better with that?

Mr. Carlson: I would be good with that.

Mr. Knisley: I think that would probably work better.

Mr. Tapp: I want to be clear that the applicants understand.

Mr. Knisley: Yes Kris.

Mr. Karnes: Just put it 12 inches in the ground without concrete?

Mr. Beggs: That's what they are proposing yes.

Mr. Carlson: Or rock, rock will prevent it from rusting.

Mr. Karnes: Back fill it with the dirt that comes out of there.

Mr. Knisley: He suggested, excuse me, I closed it to the public unless you have something really different.

Ms. Norris: I was just going to say to remind everybody that the dogs are going to be supervised outside all the time with cameras as well.

Mr. Knisley: Kris we are talking about to keep the cost down for you but yet have long term security with the dogs. We talked about the last idea now is come up with a chain link fence, I don't know how tall you can get it, come down do your trenching put your chain link fence 12 inches minimum and then he suggested filling it with rock that will help keep it from rusting.

Mr. Karnes: Like gravel?

- Mr. Knisley:** Gravel and I think the dogs get down there they are not going to mess with gravel too but I think would be a compromise it might that's just what I talked about is that agreeable Duane?
- Mr. Karnes:** Going a foot we'll have to be careful in a couple certain areas because they've got sprinklers system on the property as well, I'm not sure how deep those are.
- Mr. Tapp:** Are they close to the perimeter?
- Mr. Karnes:** Going across the yard I will just watch out for that, but yeah I can do that.
- Mr. Tapp:** But it still has to be six feet above grade after the foot anchor so it needs to be seven foot tall.
- Mr. Knisley:** Eight foot, six, seven foot?
- Mr. Karnes:** I think you can get seven foot fence.
- Mr. Tapp:** So condition eight will be amended to show the ten acre perimeter fence must be anchored into the ground a minimum of 12 inches with gravel back fill, that's it.
- Mr. Beggs:** Gravel back fill, crushed rock back fill.
- Mr. Tapp:** Crushed rock back fill.
- Mr. Knisley:** That sounds right.
- Mr. Karnes:** Yes.
- Mr. Knisley:** Any comments? I would like to have you do one thing for us I think the Commission would agree, would you Director Tapp read those items for item the conditions so we hear them out loud and the applicant does and the public so we know more of what we are doing?
- Mr. Tapp:** Sure we have nine total. Number one: This Conditional Use Permit is based on a time frame of ten years. Number two: A permit must be issued prior to the placement of any signs. Number three: Building permits must be acquired for remodeling of the accessory structure, and fencing which over 6 feet and under 8 feet in height. Number four: All State and Federal requirements must be met and documented proof must be supplied to the Planning and Zoning Department prior to housing animals. Number five: A maximum of 250 pets is allowed. Number six: 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. Number seven: This CUP may be revoked at any time if the conditions of this CUP have not been met. Number eight: The ten acres perimeter fence must be anchored into the ground a minimum of 12 inches with crushed rock back fill. Number nine: Installation of Acoustiblok fence added to the north and south sides of the outdoor runs.
- Mr. Knisley:** Do we have seven foot above ground where we are putting it down in the 12 inches, I guess no we are talk seven foot high going down with six foot fence?
- Mr. Tapp:** We can add an additional part in there where it's got to be a minimum of six feet above grade. Do you want to do that on condition number eight?
- Mr. Knisley:** No I think we are alright.
- Mr. Tapp:** Ok.
- Mr. Knisley:** Does the applicant, did you hear that are you agreeable with the conditions?
- Mr. Karnes:** I am sir.
- Mr. Knisley:** Any more comments or questions from the Commission? Being none do I have a motion to approve?
- Mr. Beggs:** Mr. Chairman I will make a motion that we approve the request for Conditional Use Permit to operate an Animal Services business on Agriculturally (AG) zoned property at 23026 NE 140th Street with nine conditions.
- Mr. Knisley:** Thank you I have a motion to approve with nine conditions do I have a second please?
- Mr. Carlson:** I'll second.
- Mr. Knisley:** Thank you we have a second vote please Director Tapp.
- Mr. Tapp:** Duane Jackson?
- Mr. Jackson:** Approve with conditions.
- Mr. Tapp:** Cecil Troutwine?
- Mr. Troutwine:** No.
- Mr. Tapp:** Jim Carlson?
- Mr. Carlson:** Approve with conditions.
- Mr. Tapp:** Tom Decker?
- Mr. Decker:** Approve with conditions.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve with conditions.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve with conditions.

**Final Vote: 5/1/ 0, Mar 14-113CUP; Animal Services Business – Conditional Use Permit
Approved with Nine Conditions**

Mr. Knisley: Thank you very much, good luck. We will go to the next case here, gentlemen I forgot to tell you about the sheet here about the monthly reports if you have any comments or questions?

Mr. Beggs: I don't.

Mr. Knisley: Being no questions or comments we will proceed with our next case. Case number 114CUP it's a request for a Conditional Use Permit to erect a commercial wireless communication tower on Agriculturally (AG) zoned property located at approximately 20824 NE 172nd Street, the applicant is Mike Douchant, Dolan Realty Advisors, LLC, representing AT&T Wireless, this case was also tabled until this month. Do we have a report update?

Mr. Tapp: Yes Commissioners I will point out again the updates from the March Planning and Zoning Commission meeting, a memo was sent out to the Planning and Zoning Commissioners detailing the additional items that both the applicant and surrounding property owners had submitted, we attached a letter from Tim Nelson at 21013 NE 172nd Street, who is an adjacent property owner in response staff has completed research on all existing communication towers in unincorporated Clay County which is included as the table attached also attached are the documents provided by the applicant which is propagation maps, one page front and back and then summaries of property value impact studies, towers in Kansas City area 38 pages, towers in Missouri Counties of Boone, Callaway and Colt 68 pages of towers in Lawrence, KS 35 pages and on top of that Mike Douchant had given us a couple days ago another Real Estate appraisal review this one being by Lane Appraisal's Incorporated. And this is for the Board of Commissioner's in the Pine Island Fire District in Pine Island, NY and we just received this, the staff has not had a chance to review it, but just wanted to bring all the updates to the Planning and Zoning Commissioners attention. In addition staff or the animal shelter that was just approved and then this the Kitchen on 172nd Street tower we did a study analogist of all the neighboring houses and it's too far for me to possibly read that but as we get more information or have questions we would be happy to zoom in kind of see who's where and what. With that I will close the update or staff report.

Mr. Knisley: Thank you, will the applicant please come forward?

Mr. Douchant: Good evening, Mike Douchant, Dolan Realty Advisors and we are based in a suburb of St. Louis called Webster Groves. I don't know to what degree we need to revisit some issues regarding the typical compound especially in the light of a new Board Member here but sounds like if I heard the vocation accurately that's he's well aware, we haven't reinvented the wheel at least, I'm sure based on his vocation he's well knowledge in cell sites and compounds or pretty much a part of the landscape these days. I would like to reinforce some of the items that were submitted to offset reasons why it looks like we were tabled last month and that would be first on the propagation maps if you look at that and see how the location here would help fill what we call a hole in our industry and our holes anymore we need to get beyond I want to reinforce it, we need to get beyond just say the old days when it was just car phone coverage. Our goal any more is to get it to the level to where it's in building coverage because you may or may not be aware that not that long ago the wireless phones surpassed landline phone usage across the country and I do not know specifically whether that's also the case here in your County but I would suspect that if not that it is pretty close. So our goal again is not just take care of car phones but its many new homes they don't even have landline phones they go straight to wireless, so it can't be a kind of a wish list, well I hope it works I hope I have wireless. I mean our industry is a line of sight enterprise. When you make a call you got to be able to get to an antenna for your phone to work and so whether it's AT&T or Brand X they take these things seriously each cell site cost a lot to build so they do this judicially. I hope again that the depiction and justification memo that accompanied the propagation maps shows how we can fill in that hole and holes stem from two things

they stem from usage, and also capacity. Again because more and more people are using them for a variety of things, whether it be downloading items, texting, photos so again we've gone substantially beyond say 20 years ago when it was just the old bag phones and we're just trying to get some signal you had to pull off the road at a select spot to make sure your analog phone worked. We are light years removed from that. The good news is that we don't have, we really don't have the 300 and 400 foot towers sky tower anymore, when we first started the industry that's pretty much what they were, 15 miles apart blasted away and said you had coverage, since then of course we've come down 300, 250, 220, 200, 180 and in the process of doing that that's how we have a whole network that looks like a bee hive of triangles and so in the future it might take another 20 years, our industry has been around 20-25 years, again those increments will keep going down but have to be our search rings where we put it as the network matures we have to be a little more selective. So where as 25 years ago we had some much more flexibility and float in sites that's not the case anymore. I call them pinheads compared to what it used to be because I looked the part and I've been around since the inspection, these search rings anymore as you can tell by that area have pretty much given this population density and where the existing towers are where we are in the 150 foot range we just have to be pretty selective in those rings and they pretty much they range again hinging on density, and the topography because it's line of sight in the neighborhood the search ring radius is pretty much anymore about either a quarter mile to half a mile and you've got to get as close to reasonably possible to the bulls eye. Beyond that in terms of I don't know if you had an opportunity to access the property value studies but in the three that were sited our summary of course focuses on certain buzz words that were most favorable to us and in terms of the tower will not affect or have any impact on them. The proximity to a communication tower does not affect real estate values or development; no evidence the tower could possibly affect property values. So I think that's a substantial amount of evidence that was requested and that we supplied in the interim in terms of this given location. If you so desire I am not sure it's necessary but if you would like to speak to the underline property owner Mr. David Kitchen is here tonight and I'm sure he would be willing to field any questions you all have. I can do is just reinforce that he's a good citizen, a good neighbor to any of you, he takes a great deal of pride in his property and if you went out there and took a look at the location and I can assure you that he doesn't even know it, but he fulfilled a role of say, the Board and even meeting the requirements right from the start you can tell by the design of the way it's situated, again I don't think he memorized and knew the setback requirements or whatever but they just kind of naturally, that's when you know you have a good landlord, that he knows what's best not only for himself cause it's his property not ours but he did take into account these other factors whether it be in whether it was a setback and he didn't even know about foot per foot setback or whether that some cosmetic issues in terms of the location on his property and how far apart it was from you know how far we extended his access road. So a lot of the elements that you take into account he did, and again I appreciate his input and he's been a good landlord and also I would like to reinforce your zoning officials they've been on top of things from the start and I really do appreciate your input many times folks in their shoes they just say "well wait until you have everything" again in our industry because we have so many pieces of the puzzle it's welcome feedback from the start and they've been even from a preliminary sketch they've provided input as site development unfolded. So again I am open to even on the site plan as you look at it whether it be perhaps you don't think the landscaping is necessary and you prefer seeing slates in the chain link fence or whatever, we understand that there's no perfect cell site and beauty is in the eye of the beholder. So we are open to any dialog that makes sense.

Mr. Knisley: Thank you, comments or questions?

Mr. Carlson: I have one question; it's slightly critical would you look at the dates on your three studies and tell one to the Commission.

Mr. Douchant: They are dated ranging from

Mr. Carlson: Can you tell us the dates please so we have it on record.

Mr. Douchant: Sure, 2001 1998, and 1996 and that is one of the reasons why we supplied them the more reason one I have been using these so long I'm used to it.

Mr. Carlson: 1996 how many years ago was that?

Mr. Douchant: That is why we supplied the one of just a couple of years ago. That also dealt with a virtual carbon copy type (*inaudible*) with the mono pole.

Mr. Knisley: Alright thank you sir. Any other questions from the public?

Ms. Nelson: My name is Ellen Nelson and I live at 21013 NE 176th Street. My husband actually talked with Matt and sent the letter that you have sighted something's of concern that I would like to just briefly talk about, I appreciate the studies that have been brought in tonight but the letter that my husband put together also shows that many of the studies that do happen are in fact funded by the cell phone companies themselves, and have been shared by them but do not specifically speak to the immediate neighborhood it effects. Five of these studies that have been sighted in the letter show anywhere from a two to a ten percent drop in value of the homes in that immediate neighborhood, so I think one of the main points that we have is that you consider. Yes in the County it's probably not going to decrease the value of the homes but in our specific area which my home is to the north and east, we purchased our home actually purchased the land looked at the surrounding area and it was the view that took it on a side note when we looked at the property I got on top of the hill and turned around and sang "The Hills are Alive with Sound of Music" because it was breath taking for us and so we have a little bit of an emotional, as I am sure you can hear in my voice, a little bit of emotional distress about this tower going in. We do understand being a customer that the coverage is not always the best but one of the things that we have gone out and looked at where towers primarily are and they seem to be not nestled in a neighborhood community such as this but in an area where there's a larger tract of land, but not nestled within that many houses surrounding the tower that infringe on the view. They're bigger acreages and a little more out away from homes. I appreciate the eloquence which we heard spoken about why this tower needs to go in but I also hope you understand the feelings that we have as a family related to what this will do to our property as well as our line of vision. Thank you very much for your time.

Mr. Knisley: Thank you, any other comments from the public?

Ms. Gilpen: Therrsa Gilpen 20809 NE 176th Street.

Mr. Knisley: Your name is what?

Ms. Gilpen: Therrsa Gilpen.

Mr. Knisley: Gilpen?

Ms. Gilpen: Yes. Last meeting you suggested that we get an appraisal completed I did talk to Mike Witt an appraiser and in speaking with him days later he had talked with fellow appraisers and they said that this something that cannot be done in a short period of time. That this is something that is out of the ordinary specialty and it would take a long time to complete that and we don't have pockets as deep as AT&T so therefore we are not able to get that completed in a short period of time they said they didn't know how long it would take but it would take a considerable length of time to pull those numbers together. I just agree with Ellen that it is going to affect our property value and I know that it may not do us any good to say anything because listening to Matt and Mr. Dolan and Dave out in the hallway they, it sounded like what I overheard they've already felt it was already a done deal. So I just hope that you all will consider it more closely how it affects the neighborhood as Ellen said you go out and most towers are out on open land this is a residential area and I just hope this isn't the start of more towers going in residential areas, thank you.

Mr. Knisley: Thank you. Any other comments from the public?

Ms. Brown: Hello my name is Michelle Brown my address is 104 E Major, Kearney, MO. I have some interest in the property my parents own property there are a number of neighbors were all concerned about what their esthetics are what they have to look at. My father did help with selecting the location to minimize the view of a building or fencing of this to minimize from all directions. The Nelson family and the Gilpen's live far to the north of us my father's property is 16 acres so it's fairly deep property and narrow as you can see in the spring and the summer when we are in full bloom very little of if any of the building will be visible by their homes. They will be able to see the top of the tower the property building will be sitting at a crest of a hill as it starts to go down and from the road frontage. My parent's barn and house will sit mostly in front of it so it won't be visible from the street very well. There will some areas where you are going to be able to see it. My mother is a stickler for pretty things and she won't allow it to set out there without having flowers around it, even though she cannot get inside that will disturb her but it will be well taken care of they take care of their property. I bring this out because we have over time we've had to also deal with what neighbor's leave lying about their properties and this is not a small residential type neighborhood. To the south of us immediately these are estate lots they're three to four acres. On my parents side of the street and to the north they

are all ten acres and larger, my parents are on 16, I believe the Gilpen's are 20 acres or more, I'm not sure, it's not a real it's not like we are doing this in town. The other thing is just up the hill from us two neighbors to the east, God love their little hearts, decided to put in a pumpkin patch which draws lots of children and families, laughing and giggling and the worst of that is not the traffic or the noise but they've painted the barn that's in front of the house right outside my mother's window, bright orange with a pumpkin face on it, that we have to look at every day of the month all year long and we don't fuss about it. I mean it brings families, it brings children to the neighborhood and it's a good thing but it's something that we don't find necessarily beautiful all the time but its there. I think the tower will be less obnoxious than that barn, so my parents are retired, their a nice couple, my mother likes to mow the grass constantly it is important for them to have this it is some income for them too. Just take that into consideration this was not taken on lightly initially. I owned the property next door to them and built a house and at that time we were approached to have a tower put on that property and they wanted to put it where I wanted to build my house and I threw a temper tantrum and that didn't happen but obviously this location is very important for a cell tower because they are back . They're asking again for us to consider in this very small area that property which is adjacent and my parents that we consider putting a tower and my parents are very accepting of that and I don't see where, yes there are some people who are going to see it but we are doing our best to make sure that it doesn't impact too many people, thank you.

Mr. Knisley: Thank you ma'am. Yes sir.

Mr. Kitchen: My name is Dave Kitchen; I own the property where this tower they want to put it at 20824 NE 172nd Street. Can I point at the map?

Mr. Knisley: Sure.

Mr. Kitchen: This blue dot is where the tower is going, is that correct? Okay, I live closer down here at this side to the street here. I live right here that's going to be the tower ok this is the fence line, this big pond this is all woods across in here, this is heavily wooded where Mrs. Nelson lives, this is a big draw the people come out and deer hunt on it and I sit here on my deck and I can shot deer off that pond, I don't but I can but there are deer, turkey and everything else out there for Mrs. Gilpen and Mrs. Nelson to say that is going to affect. Nobody complained about a big red and funny looking brown colored barn. We are in the country, people move out of the city because they are tired with the crap you put up within the city, they come out here and you mind your own business somebody needs some help go help them, if you need help they'll come and help you. Just don't meddle with them so I really, it don't make any difference to me I guess one way or another but they came to me and ask me if I would let them put a 75 foot square fence that in put that cell tower up and it's not a Eiffel Tower looking tower it's just a mono tube, it's a big tube they put some antennas on. I said sure. Well I understand Mrs. Gilpen, I say Mrs. Sorry the Gilpin's and the Nelson Family and this man here and me were approached I said I don't care. I don't like to turn on electricity, I don't even like turning on a flashlight because I am afraid of electricity so cell towers, cell phones, computers and that I don't have any use for them. My wife has Verizon on her computer can do (*inaudible*). My grandson stays with me he's got Sprint can't get nowhere he just bitches and bellyaches, I got AT&T cause I travel with mules all over the west. Use to go on cattle drives and pack trips and I already knew why I moved out here because I can keep my mules with me instead of having them in Plattsburg when I lived in town. So when AT&T said they wanted to put that there I said who is that going to benefit anybody, he said the cell towers that are put up, whether they are put up by AT&T or Sprint or whatever they have to let other companies put their antennas on that tower. That way they are not dotting the country with towers, so that on those towers the main thing that drove it for me was that your police, your fire and rescue can use that tower and they don't have to pay anybody anything, they put their antennas on and that's Clay County Sheriff, Kearney, Holt, Lawson and Excelsior fire and rescue and police, County or police whatever they can all use that for nothing. I don't get nothing and the cell phone company doesn't get anything, that kind of sold it for me that it's going to help, all these people are around are belly aching about, Sprint was cheaper for a while and everybody jumped on Sprint and they can't get coverage out there and I'm not talking about here I'm talking about all these people that live down in here, so anyway it don't make a whole lot of difference I guess to me. I just thought like I said I don't know how that could affect them that tower being there in the neighborhood but if they don't like it they don't, thank you sir.

Mr. Knisley: Thank you sir, any other comments from the public?

Mr. Douchant: In terms as esthetics I mean I will just throw this out there cause it has been done before naturally we prefer less maintenance as possible but there have been times for esthetic reasons for the monopoles instead of it looking like a monopole that you see all over here in town sometimes some Boards for esthetic reasons want them painted so if it has the clean and angelic look of white that can be done or there's shades of blue that allegedly blend in with the sky, we are open to that too.

Mr. Tapp: What about a pencil?

Mr. Douchant: Been there done that. Sometimes there are but in this instance naturally it will be out there by itself that would be an eye sore.

Mr. Tapp: That would require maintenance right, they'd have to paint it every so often? Or does it come pre-made into the metal?

Mr. Douchant: When we do do it, it's somewhere between five to ten years where it need another thorough paint job, and again I mean self-serving we prefer not to but that has been done before if that is an esthetic hot button issue.

Mr. Beggs: I've got one question for Mr. Douchant, have you considered other sites? I know you've obviously considered two other ones but in close proximity to there is there another location less densely populated that you've looked at that would still meet that coverage?

Mr. Douchant: Well to me, I think I mean I have done over 600 of these and to me this is certainly relatively rural remote I wouldn't, I mean to be honest I'm more accustomed to St. Louis and Kansas City and Wichita and Chicago where they're you know they are in heavily populated areas. In this instance my job is to find multiple candidates and then engineering priorities, in this instance they were certainly right in this area we had some favorable response but then engineering based on a huge build out that we are in the midst of as those fell into place one of which we'll be talking about here shortly, this one turned out to fit into the puzzle and reduce the possibility to having another tower in this general neck of the woods in the foreseeable future.

Mr. Carlson: I think maybe Mark's question was that dot in a critical spot?

Mr. Douchant: Yes based on that I mean the precise, I mean if we can go like the railroad or a utility company and just go where ever we wanted to the precise center is just a little bit farther north, but again there's always a balancing act on a receptive landlord, the location and again in this instance as the other pieces of the puzzle started falling in place this one kind of meshed in this triangular beehive I've tried to describe before.

Mr. Beggs: So you said the perfect location was a little further north are we talking is a little a quarter mile to you?

Mr. Douchant: No I'm saying it's about ...

Mr. Tapp: 300 feet.

Mr. Douchant: Yes about a football field.

Mr. Beggs: So you don't have a whole lot of latitude is that correct?

Mr. Douchant: No not like the old days, in the old days we did have when we first started we did have some because there wasn't even a network but now as I've said before these things to me are almost pinheads, you know they're like anywhere from like a quarter mile to the best case anymore a half mile. I believe in this instance it's about a quarter mile, to make and especially because again to me and I understand it could be disputed this was a remote location for example one of the build out sites that was just approved right in the middle of Raymore if you've been there and you know where City Hall is it's at a car wash just east. They have among the most rigid requirements ever but through some diligents and I am patting myself on the back we were able to find a place here that even met within a densely populated area, their requirement on the setback is four times the height of the pole and yet we were still able to find a place that was approved. We do take these things into account, we just don't willy-nilly just go where ever we want to and I hope no one has that impression.

Mr. Beggs: And I might add from the last meeting and to answer your question the trend is to have more and more of these towers, shorter towers in closer proximity to each other, is that, that's what I took from last month's meeting is that fair?

Mr. Douchant: If the consumers, because each one can only hold so many calls so eventually there will be more places for many not antennas and again I may be going too far, I'll be dead by the time

you know twenty years when we start going on light standards and everything right here in Liberty. But it'll all hinge on population density and topography because it's line of sight.

Mr. Tapp: And usage.

Mr. Douchant: And certainly usage because each one can only hold you know again so many calls.

Mr. Beggs: So this trend is only going to get more dense, it's not going to, we are not going to see less towers?

Mr. Douchant: No we're not going back to rotary phones and party lines let's put it that way. And again I mean like I said before there's more people across the country now using wireless than landline. And so again I don't think that's going to be reversed.

Mr. Knisley: How tall is this tower?

Mr. Douchant: This one is sited as 155 feet, now again that, this may come up again later tonight in some instances when we put that I just want to cite that, that is the way it's earmarked for FAA, like over all height, the pole itself could be 150' and the antennas stick up on the platform five feet above the top of the pole. So sometimes again it hinges on the municipality, sometimes their setback is just the pole itself, sometimes it's the overall height so that's why sometimes when plans don't come in and they are five feet off and all that sometimes that stems from that because each municipality has a different definition of what the setback entails, whether it's the height of the tower itself or the lighting rod. Sometimes the lighting rod could be ten feet that's why sometimes you may see a dispute in the numbers.

Mr. Carlson: Two quick questions, one are you familiar with the tower on Lake Waukomis?

Mr. Douchant: No.

Mr. Carlson: It's a big pine tree you don't see it as a tower, have you ever considered doing that?

Mr. Douchant: We have done it before but normally those are better off in say a forested situation where you are right next to or in a clump of trees, we have done it when I was involved with, if you familiar with Highway 44 going into St. Louis in a park to where it's shooting down on the highway right above a heavily forested area to where it just x number of feet above because again it's line of sight. The antennas got to hit something.

Mr. Carlson: Would you consider that in this case?

Mr. Douchant: Well we would consider it but it would be an eye sore because it would be a tall tree, out there kind of by itself. If you have seen a photo if they've got a general photo of the area, we've always considered and we've done it. In this case the pole would be much less of an intrusive.

Mr. Carlson: I've heard cases in here before about antennas and concerns about interference with other communications is that not true?

Mr. Douchant: No.

Mr. Knisley: I like to see a 150 foot palm tree.

Ms. Brown: Only if you brought in the sand that goes with it.

Mr. Knisley: Alright, any other comments?

Ms. Gilpen: I have a question for Mr. Dolan?

Mr. Knisley: Yes if you would speak louder than ...

Ms. Gilpen: Last month I believe he said it was going to be a 100 feet and no light on it is that correct?

Mr. Knisley: I don't know.

Mr. Douchant: The correct portion would just be about the light, because you would only need a light if it's mandated by the FAA, I think it's 200 feet or taller or by way of communication with local or the nearest airport that you are in some flight path and in this instance it's already addressed a long time ago.

Mr. Knisley: Alright, being no further questions I'll close and ask for a motion, so I have a motion for request for the Conditional Use Permit?

Mr. Tapp: Did you want to open the floor up for discussion amongst the Commission members, Mr. Chairman?

Mr. Knisley: Yes I can do that.

Mr. Tapp: Then ask for a motion.

Mr. Knisley: Any discussion or comments from the Commission?

Mr. Beggs: I would like to comment on the property values, I looked through them, there are so many variables to property values I don't know that this Commission could say one was right over another I

mean there are so many things that have happened and it's not just the poles that are affecting values so I wouldn't be confident in putting much weight in any of them to tell you the truth. I don't think we have the expertise or the time to really go through and evaluation what those things actually mean. That being said as far as staff is concerned this does meet our Land Development Code correct?

Mr. Tapp: Yes.

Mr. Beggs: I'm just going to I guess leave it at that.

Mr. Knisley: Would you like to make a motion?

Mr. Beggs: Well is there any other discussion I guess?

Mr. Knisley: I don't think so.

Mr. Beggs: Ok I will make a motion Mr. Chairman that we approve a request for the Conditional Use Permit to erect a commercial wireless communications tower on Agriculturally (AG) zoned property located at 208247 NE 172nd Street. Do we have any conditions on that?

Mr. Tapp: Yes we do, it's under Exhibit A.

Mr. Beggs: With conditions in the staff report.

Mr. Knisley: Alright we have a motion to approve with conditions do I have a second please.

Mr. Decker: I'll make a second.

Mr. Knisley: Thank you there's been a second vote please.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approve with conditions.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: No.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve with conditions.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve with conditions.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve with conditions.

Final Vote: 5/1/ 0 Approved, Mar 14-114CUP; AT&T Wireless Tower – Conditional Use Permit With Eight (8) Conditions

Mr. Knisley: Thank you folks. Continue to our third case this evening, Case number 115RZ/P a request for rezoning from Agricultural (AG) to Residential Urban Rural Single-Family District (RU-80) for Lot 2 only and Residential Rural (R-1) for Lot 1 only and preliminary plat approval for the proposed subdivision of Narron Estates located at approximately 15523 Cordell Road the applicants are Jerry and Mary Narron. Do we have a staff report Director?

Mr. Tapp: Yes first I would like to attach the staff report as part of the record Mr. Chairman.

Mr. Knisley: So be it.

Mr. Tapp: Summarized the staff report April 14-115RZ/P dated March 26, 2014.

Mr. Knisley: Any comments from the Commission at this time? Being none I will ask for the applicant to come forward.

Mr. Narron: Good evening Commission, Jerry Narron, 15523 Cordell Road. My wife Mary and I have resided there for about 20 years we raised twin boys and it's set up right now to revert to them upon our death anyway and one day we were just talking and one of the boys, he has been looking for some property and stuff and said "Dad I would just like to have a piece like you got", and He says, "I really kind of like to live out here while you are still here instead just after your gone," and I said, "that can work for both of us." I said, "I am getting to where I can't keep up and you can help keep up," and so we just kicked it around at first joking around but then he kind of got more serious about it and so I said, "Well if you're serious I said then we will sit down and talk about it." So first of all I would like to thank Debbie and Matt for all their assistance because we didn't have any idea what we need to do.

They were very helpful in guiding us in the way we need to go and then we got all the stuff in order and we would appreciate your permission and your blessing on this if it will work we hope the neighbors are ok with it, but it's not like we are doing anything for financial gain or anything like that it's more just to keep the family in tacked and like I said the other son will probably end up coming up there after we're gone because of the way the land lays we couldn't really do much right now anyway. It would work good for them after we're gone and it'll work good for us while we're here, so I would appreciate anything you all can do to help us.

Mr. Knisley: Are you in agreement with the staff report concerning your case?

Mr. Narron: As far as what? What Matt read? Yes the RIF was really the only thing that I read that said that would be pending on your approval. We've talked to Duane and Karl at the Highway Department and talked to water district, we've had the what kind of test was that for the sewage?

Mr. Tapp: Morphology.

Mr. Narron: The Morphology, yes we had that done and got that report back, then we talked to the Health Department and they pretty much told us what we were thinking we'd have to do on the septic anyways, so we kind of got all of that in order and we're ok with it.

Mr. Knisley: Ok.

Mr. Narron: Alright, thank you.

Mr. Knisley: Thank you for input. Any other comments or questions from the public? Any comments or discussion or questions from the Commission?

Mr. Carlson: Its nice having family that close

Mr. Knisley: That is, that's very nice.

Mr. Carlson: Your fortunate.

Mr. Beggs: Mr. Chairman I would like to make a motion that we approve the rezoning from Agricultural (AG) to Residential Rural Single-Family District (RU-80) for lot two only and Residential Rural District (R-1) only.

Mr. Knisley: Thank you.

Mr. Carlson: Second.

Mr. Knisley: There has been a motion to approve and a second vote please.

Mr. Tapp: For the..

Mr. Knisley: For the rezoning only.

Mr. Tapp: Right but did we open the floor up any other public comments?

Mr. Knisley: You mean for the preliminary?

Mr. Tapp: Yes.

Mr. Knisley: No have not got to that are there any other comments from the preliminary part of this case? Being none.

Mr. Tapp: Ok just wanted to make sure.

Mr. Knisley: That's alright.

Mr. Tapp: So we have a motion made by Commissioner Beggs, seconded by Commissioner Carlson, roll call. Did someone raise their hand? Mr. Knisley: Yes sir.

Mr. Johnson: My name is Jim Johnson I live up from Cordell been up there for forty years, I'll say one thing to that couple over there it's a damn good thing; if you guys approve it, it will help them out a hell of a lot.

Mr. Knisley: Well thank you for your comment; I am sure they appreciate that. Alright now we are voting on the rezoning only and we have opened it for the preliminary so do you just want to go right on through?

Mr. Tapp: Well I just generally for public comments so that is fine. Ok so the motion and then roll call Mr. Chairman?

Mr. Knisley: Yes.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approve with was there a condition?

Mr. Tapp: Well not on the rezoning.

Mr. Jackson: Yes then approve.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: Approve.

Mr. Tapp: Jim Carlson?
Mr. Carlson: Approve.
Mr. Tapp: Tom Decker?
Mr. Decker: Approve.
Mr. Tapp: Mark Beggs?
Mr. Beggs: Approve.
Mr. Tapp: Chairman Gene Knisley?
Mr. Knisley: Approve.

Final Vote: 6/0/ 0 Approve April 14-115RZ/P; Narron Estates – Rezoning

Mr. Knisley: I would entertain discussion on the preliminary plat approval of Case 115RZ/P? Do I have any comments from the Commission? Do I have a motion to approve the subdivision?
Mr. Carlson: I will make a motion to approve the request for the subdivision.
Mr. Tapp: The preliminary plat of Narron Estates.
Mr. Carlson: Final Plat?
Mr. Tapp: No still the preliminary.
Mr. Carlson: The rezoning for lot one only preliminary plat, ok excuse me.
Mr. Knisley: There has been a motion to approve the preliminary plat for the subdivision of Narron Estates, second?
Mr. Troutwine: Second.
Mr. Tapp: Now there is one condition. Duane Jackson?
Mr. Jackson: Approve with condition.
Mr. Tapp: Cecil Troutwine?
Mr. Troutwine: Approve with condition.
Mr. Tapp: Jim Carlson?
Mr. Carlson: Approve with condition.
Mr. Tapp: Tom Decker?
Mr. Decker: Approve with condition.
Mr. Tapp: Mark Beggs?
Mr. Beggs: Approve with condition.
Mr. Tapp: Chairman Gene Knisley?
Mr. Knisley: Approve with condition.

Final Vote: 6/0/ 0 Approve April 14-115RZ/P; Narron Estates – Preliminary Plat With 1 Condition

Mr. Knisley: We will proceed with Case number 116F a request for final plat approval for Narron Estates a proposed subdivision located at approximately 15523 Cordell Road; the applicants are Jerry and Mary Narron. Is there any further discussion on this application final plat from the Commission? Any questions, any comments or questions from the public? Being none do I have motion to approve the final plat approval of Narron Estates?
Mr. Beggs: Mr. Chairman I make a motion that the Commission approves the Final Plat of Narron Estates with the one condition.
Mr. Knisley: Thank you, there's been a motion to approve with one condition do I have a second?
Mr. Decker: I make a second.
Mr. Knisley: Thank you there is a second vote please.
Mr. Tapp: Duane Jackson?
Mr. Jackson: Approved.
Mr. Tapp: Cecil Troutwine?
Mr. Troutwine: Approve.
Mr. Tapp: Jim Carlson?
Mr. Carlson: Approved.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve.

**Final Vote: 6/0/ 0 Approve April 14-116F; Narron Estates – Final Plat
With 1 Condition**

Mr. Knisley: Thank you folks, good luck. We will go to our final case. Case number 117CUP this is a request for a Conditional Use Permit (CUP) to erect a commercial wireless communication tower on Agriculturally (AG) zoned property located at approximately 12506 33 Highway. The applicant is Mike Douchant, Dolan Realty Advisors, LLC, representing AT&T Wireless, staff report please Director.

Mr. Tapp: Yes Mr. Chairman I would first like to recommend that the staff report be attached as part of the record.

Mr. Knisley: So be it.

Mr. Tapp: Summarized the staff report April 14-117CUP dated March 25, 2014. No opposition had been received as of the date of this staff report however an e-mail was received following the writing of this in opposition and I can give you more specific location information of that person but the basically they live north about 2500 feet from the tower. Staff recommends that the request for this CUP to erect a tower originally in the writing was tabled, but since that time Mike Douchant with Dolan Realty had given us revised site drawings that includes landscaping around the entire compound and then shows co-location or total number of users of three, they've met that and then just today about hours before the meeting supplied a revised survey showing that the tower's a least a 150 feet from the west property line which is the main one in question. Therefore, the staff recommends adjusting to approval but with keeping the written FAA approval prior to the issuance of a building permit, because the FAA 7460 does take a while to get approval. So we just wait on that prior to the issuance of a building permit for the tower. So therefore the staff's recommendation will be changed from tabling to approval with the conditions as outlined in Exhibit A. With that I close the staff report portion.

Mr. Knisley: Thank you. Do you have questions?

Mr. Beggs: So on Exhibit A are you going to revise the conditions that are shown there?

Mr. Tapp: No condition number two is just fine.

Mr. Beggs: Ok I was thinking the landscaping.

Mr. Tapp: We could or we can leave them in there if you want just to make sure, the applicant has already submitted the revised drawing that includes that.

Mr. Beggs: Ok.

Mr. Tapp: We could if you wanted to strike out four and three, if desired.

Mr. Knisley: Any comments? Any comments or questions from the public?

Ms. Roney: Yes.

Mr. Knisley: You've been waiting a long time.

Ms. Roney: I am starving.

Mr. Tapp: Did you not eat dinner yet?

Ms. Roney: No we came from a baseball game. We were beginning to think we were in the wrong place. My name is Jane Roney, I live at 12300 State Route 33. So I am just three doors down from the proposed thing. That actually is a few feet from our property line. We own 55 acres that's on the west side of that and I really don't, I can't add a whole lot more to what Mrs. Nelson and Mrs. Gilpen had to say. This is an eye sore in my backyard, I mean it's just and I realize I can't speak to property values except I can tell you if my property was on the market and I came to look at it, and I saw that thing sitting back there I would say find me another place. I wouldn't want to live next door to it and I guess I'm just asking you to ask yourself if you want that in your backyard? I mean there's a lot of wide open ground out there where it can be put and it wouldn't bother a sole. I said we have 55 acres I wouldn't do

that to my neighbors. Where we live, Holmes Creek Hills surrounds, I don't know if you are familiar with that subdivision but it's a pretty nice subdivision and it's surrounds us on the south and west and those are really nice homes and you know the areas along 33 Highway with the exception of us I think most of them are probably only five to ten acres so it's not, you know, it's just where they are proposing to put it in my opinion it's not a good thing. I realize I'm probably fighting a losing battle but thanks for listening and now I must go eat.

Mr. Knisley: Thank you for waiting and your comments. Any other comments?

Ms. Roney: If you don't speak up you cannot complain.

Mr. Knisley: You know that's right, that's exactly right. Alright gentlemen any questions or discussion concerning this applicant's request?

Mr. Beggs: Did you happen to look across 33 Highway, because I know there's a wide open chunk of ground right there that's about the same height no homes around it.

Mr. Douchant: Yes and again to refer back to why you're in good hands that's one of the first questions out of Matt's mouth when we first discussed this if you recall and so we did go down that road and then I think it's been reinforced by way of the Highway Department we really we have very we have difficulty off Highway 33 securing access. If you've been down that road it's, you can testify to it, actually they've got a pretty high speed limit and plus it's, I'm not going to say hilly but it's rolling and there's no real good what in the Highway Department nomenclature I think they call it, I think they also call it line of sight so in terms of generating an access to be able to get off and on the property we had substantial dialogue with property owner in which again ma'am I appreciate your concern but it also depicted that we can't just go where ever we want to, even someone with 55 acres you know stated they wouldn't be interested and so just because there's a larger parcel there, there's no guarantees and in this instance I feel like we've also have an equally good landlord. There is some natural buffer there to the more exclusive neighborhoods to the south, there's even more substantial tree line right along their property line. Again we are open to again if it helps and again you are still be able to see it if there is some sort of color that makes since whether it be nice white like the light jacket you've got, we've done that before in other municipalities or in some of them they wanted some sort of off light blue of some sort that has a tendency to kind of blend in with the sky line you can still see it, but in some instances that's a hot button issue and we're more than happy to address cosmetic issues that's kind of in our control. We are happy to entertain that effect you know if that becomes a topic.

Mr. Beggs: The other side across the road you couldn't, what about accessing it from somewhere other than 33 Highway?

Mr. Douchant: You'd have to go pretty far north.

Ms. Roney: 128th

Mr. Douchant: And then come down a long way and I'd have to have a road named after me and then you also have to the approval of the landlord to take that much more space out of their field further complicating it and we did have dialogue with them, we met out there twice. There was also considerations on younger family members on where they were going to eventually put their home and weren't quite sure so they couldn't really make a decision and we just you know we could not wait forever and again there was no guarantees. We tried to we had some substantial dialogue we tried to see if this, was where it was meant to be you know, we did pursue it until it just you know we were just running in place.

Mr. Beggs: Ok.

Mr. Knisley: Any other questions for this gentleman? Thank you. Any other further discussion concerning this request?

Mr. Beggs: Mr. Chairman I make a motion that we approve the request for the Conditional Use Permit to erect a 150 foot mono pole commercial communication facility with the following conditions shown in Exhibit A.

Mr. Knisley: Thank you there has been a motion to approve with conditions stated in Exhibit A. Do I have a second please?

Mr. Decker: I'll make a second.

Mr. Knisley: Thank you, there has been a second do I have a vote please.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approve.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: No.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve with conditions.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve with conditions.

Final Vote: 5/1/ 0 Approved, April 14-117CUP; AT&T Wireless Tower – Conditional Use Permit With Ten (10) Conditions

Mr. Knisley: That's the end of our cases this evening do we have any other business Director Tapp any comments anybody?

Mr. Tapp: No none really.

Mr. Decker: So Mr. Douchant are you going to spend the rest of the year with us?

Mr. Douchant: No that is why I look this bad my territory kind of runs from Wichita to Chicago and all points in between. Well not there's going to be connection to Orrick a couple of sites in Liberty, there's going to be a lot more south of 70, you know Raymore and Belton, west Belton all the way down to Archie, Harrisonville and so coverage is going to be dramatically improved. Even if you are not an AT&T wireless customer you are going to drive some benefit from it because guess what there's no brand loyalty. So when your contract expires you're going to go whom has the best coverage or else they are going to have to improve their coverage if you use brand X. You are going to get some benefit one way or the other.

Mr. Beggs: Appreciate it thanks.

Ms. Viviano: Did we have an adjournment?

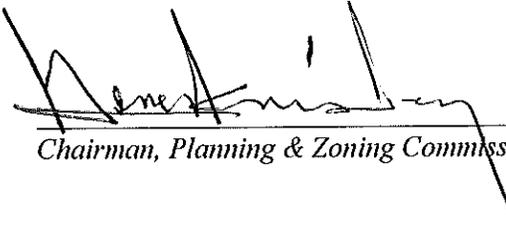
Mr. Beggs: I make a motion that we adjourn.

Mr. Decker: I'll second that.

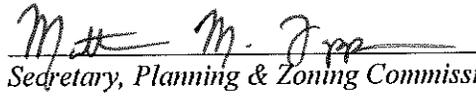
Mr. Knisley: Everybody in favor aye.

All: Aye.

Meeting Adjourned



Chairman, Planning & Zoning Commission



Secretary, Planning & Zoning Commission



Recording Secretary