

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

March 4, 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: Mark Beggs, Jim Carlson, Karl Walters, Cecil Troutwine and Tom Decker

Members Absent: Gene Knisley

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

Mr. Beggs: I would like to call to order the March 4, 2014 meeting of the Clay County Planning and Zoning Commission, welcome everybody, roll call.

Mr. Tapp: Karl Walters?

Mr. Walters: 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: Absent.

Mr. Beggs: A few housekeeping things we need to address we are recording the meeting tonight, we ask anyone who wants to speak that you come up to the podium and state your name and your address and each time you come up, it might seem redundant to you, but for the recording purposes when she transcribes it's easier to know who is saying what and when, if each time you come up and say your name and your address each time. We have quite a few cases tonight, 14 so we are going to try and get through them quickly as we can. If you have comments we ask that you be concise and so we are not here until all hours of the night, but we do want to hear everything everyone has to say, so we do want your input. With that we'll proceed with the business of tonight, we have staff reports, Director Tapp to you want to address anything on the staff reports.

Mr. Tapp: Do you want to discuss the minutes then (*inaudible*)

Mr. Beggs: Oh I'm sorry do you want to approve the minutes from the December 3, 2013 meeting?

Mr. Carlson: I will make a motion that we approve the minutes of the December 3, 2013 meeting.

Mr. Walters: Second.

Mr. Beggs: Vote?

Mr. Tapp: Karl Walters?

Mr. Walters: Yes.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: Yes.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Yes.

Mr. Tapp: Tom Decker?

Mr. Decker: Yes. [*however, not present at December 3, 2013 meeting*]

Mr. Tapp: Mark Beggs?

Mr. Beggs: Abstain.

Final Vote: 4/0/1 Approve December 3, 2013 Minutes [However Tom Decker was not present at December 3, 2013 Meeting]

Mr. Beggs: Now we will move on to the staff reports, everyone has a copy, review it and if you have any questions, comments. This means we have quite a bit more activity this year than last year that is good. Any questions? No okay. Then we will move onto the first case tonight this one was held over from our February meeting, its case number February 14-101RZ/P, it's a request for rezoning from Agricultural (AG) to Residential Urban Rural Single-Family District (RU-80) for Lot 1 only and to Residential Ranchette (R-5) for Lot 2 only and preliminary plat approval for the proposed subdivision of Becker Estates located at 3421 and 3611 NE 132nd Street. The applicant is William Becker. Is someone here? Okay, very good, staff report.

Ms. Viviano: Yes, I'm not going to go ahead and repeat what you already read the addresses and such and what the zoning is, if that is okay with the Commission?

Mr. Beggs: So be it.

Ms. Viviano: There are two existing homes on this property and what they are doing here and I am just going to try and cut to the chase, what they are doing on the two properties for the Becker's is they have open property to the back, the property on the east side had some septic issues and they are extending and making that lot larger to help with that also going to the south and the west a little bit and then the property all the way over to the west side of it they are extending it more to the south, and I believe a little bit to the west, no, just the south. Okay, and the property in the middle is not included there is an older house there. That is going to be included by deed with the property to the south of it and that's what you will see in your exhibit as conditions that will be a deed that will be included, when we record, at the point of the recording. So as you notice the Highway Department has approved the existing right of ways, road impact fees are not required for either of the lots because they already have existing family homes, the Clay County Health Department has given their preliminary and final approval because they did update the septic and that is all taken care of. Public Water Supply District 9 since they already have existing water meters on the property and then the Smithville Fire District serves the property. The applicant will address issues regarding the rezoning. The City of Smithville, as it states our Comprehensive Plan, I'm kind of going backwards here a little bit. But the Comprehensive Plan which is the long range plan of the County, it does meet the spirit and jest of the 2008 Comprehensive Plan, the City of Smithville and the City of Kansas City are within one mile of that Urban Coordination sub-tier. The City of Smithville responded with an e-mail dated the 22nd stating that this parcel lies outside of the boundaries of their 2005 Comprehensive Plan future development areas for the City of Smithville and they had no comments on it and the City of Kansas City did not get back to us, as of the writing of this report. But it does meet our spirit and jest because of the response of the City of Smithville. And the applicant is here if you have other questions, I can also answer additional questions too.

Mr. Beggs: Will the applicant come forward? State your name and address.

Mr. Becker: William Becker and I am the applicant and representative for all the parties involved.

Mr. Beggs: I assume you discussed the staff's report and are you in agreement with all of the conditions?

Mr. Becker: Yes, they sent me a copy and I am in total agreement.

Mr. Beggs: Okay very good.

Ms. Viviano: And just to note on the Final Plat the only condition is on Exhibit A which is that the parcel to the south of 65 acres that will be added, and you can see on the markings on the yellow that will be the inclusive part of that parcel the 65 acres.

Mr. Becker: I do have a draft of that.

Ms. Viviano: You do have a draft of the legal.

Mr. Becker: From Aylett so that we are prepared for that when it's going to be filed.

Mr. Beggs: Okay, thank you. Any public comments? Any discussion from the Commission?

Mr. Carlson: Okay then I will make a motion that we approve case 14-101RZ/P rezoning from Agricultural to Urban Rural Single-Family district (RU-80) for Lot one only and to Residential Ranchette (R-5) for Lot two only and we approve the preliminary plat.

Mr. Tapp: So the first vote, Jim, is on the rezoning first then the preliminary.

Mr. Carlson: What to do the rezoning before the plat?

Mr. Beggs: Yes, please.

Mr. Carlson: Okay then.

Mr. Tapp: Would you like to revise your motion?

Mr. Carlson: For the rezoning.

Mr. Beggs: Do we have a second?

Mr. Walters: Second.

Mr. Beggs: Vote.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: Approved.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approved.

Final Vote: 5/0/ 0 Approve Feb 14-101RZ/P; Becker Estates – Rezoning

Mr. Tapp: And now the preliminary plat, please.

Mr. Carlson: I make a motion that we approve the preliminary plat for Becker Estates.

Mr. Beggs: Do I have a second?

Mr. Walters: Second.

Mr. Beggs: Vote.

Mr. Tapp: Karl Walters?

Mr. Walters: Approved.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: Approved.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approved.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve.

Final Vote: 5/0/ 0 Approve Feb 14-102F; Becker Estates – Preliminary Plat

Mr. Beggs: I might also mention that these cases will come before the County Commission is it on the 24th of this month.

Mr. Tapp: On the 24th at 1:30 pm same room.

Mr. Beggs: 1:30. Second case number February 14-102F, a request for final plat approval of Becker Estates a proposed subdivision located at 3421 and 3611 NE 132nd Street. The applicant is William Becker and this case was postponed from February meeting. Do we have a staff report?

Ms. Viviano: If I could just ditto the first one.

Mr. Beggs: Okay.

Ms. Viviano: This is just basically the same thing the only thing that is different is as I said before is that 65 acres that will have a new deed to be recorded with the final plat and as the Commissioners know we do not require that anything over 40 acres when you are splitting with a 100 feet of road

frontage does not have to be part of a plat. So this portion is not part of the plat but it is the deed would have to have to be changed, it would have to be recorded with the recording of Becker Estates.

Mr. Beggs: So is that a condition that we need to add?

Ms. Viviano: Yes, well it's already in there.

Mr. Tapp: You can just approve it

Mr. Carlson: It can just be approved?

Ms. Viviano: And you can see that in Exhibit A. That is what actually they are doing, but we are requiring that Warranty Deed to be recorded with that.

Mr. Beggs: Okay.

Mr. Carlson: I make a motion that we approve the

Mr. Beggs: Just a second, do we have any other comments? And would the applicant come back up here real quick? State your name for the record again.

Mr. Becker: William Becker.

Mr. Beggs: And you are familiar with the staff's report for the final plat approval and the conditions that they're talking about?

Mr. Becker: Yes sir.

Mr. Beggs: Okay, full agreement and no questions you understand it.

Mr. Becker: Yes.

Mr. Beggs: Okay, very good, any public comment? Questions from the Commission? Okay

Mr. Tapp: I believe there is a motion on the floor is that correct Mr. Vice-Chairman?

Mr. Carlson: Yes, I'll continue that I will make a motion that we approve the final plat of Becker Estates with conditions.

Mr. Beggs: Second?

Mr. Walters: Second.

Mr. Beggs: Vote?

Mr. Tapp: Karl Walters?

Mr. Walters: 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.

**Final Vote: 5/0/0 Approve Feb 14-102F; Becker Estates – Final
with one Condition**

Mr. Beggs: Third case tonight is February 14-103A it is a request for approval of the 2013 Zoning Map, which includes approved rezoning applications from January 2013 through December 31, 2013 the applicant is Clay County.

Mr. Tapp: We have some new members of the Planning and Zoning Commission this stems from the Land Development Code requirement that we adopt an official Zoning Map every year, so this is in conformance in compliance with that code. We have a hard copy if anyone wants to see it, but that's it.

Mr. Carlson: Okay I will make a motion that we approve the 2013 Zoning Map.

Mr. Walters: Second.

Mr. Beggs: Vote.

Mr. Tapp: Karl Walters?

Mr. Walters: 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.

Final Vote: 5/0/ 0 Approve Feb 14-103A; Zoning Map

Mr. Beggs: Fourth case tonight is case number March 14-104RZ/P is a request for rezoning from Agricultural (AG) to Residential Ranchette (R-5) with an Agricultural Land Preservation (ALP) overlay district and preliminary plat approval for the proposed subdivision of Maharg Ridge located at approximately 14720 WHB Road. The applicants are James R. and Cathy J. Graham.

Mr. Tapp: Yes Mr. Vice-Chairman if I may also attach the staff reports as part of the record.

Mr. Beggs: So be it.

Mr. Tapp: For those folks out in the audience that have a sharp IQ they might recognize Maharg spelled backwards is Graham, which is the last name of the applicant/owners, just had to point that out, maybe someone caught that. It is very hard to say Maharg Ridge. Summarized the staff report March 14-104RZ/P dated February 26, 2014. Applicant/owners are here to answer any further questions you may have.

Mr. Beggs: I just had a quick question, the fire district wants to approve the plans of the structures is that, is there some kind of concern?

Mr. Tapp: No, that's standard for their whole district. They request that.

Mr. Beggs: Okay. Any comments? Applicant?

Mr. Graham: My name is Jim Graham and I reside at 9116 N Glenwood Avenue, Kansas City.

Mr. Beggs: So you understood and had meetings with the staff and understand all the conditions.

Mr. Graham: Correct.

Mr. Beggs: Hope that was good meetings, but you are okay with all the conditions they set for, very good thank you.

Mr. Graham: Yes.

Mr. Beggs: Any public comments?

Mr. Carlson: I will make a motion that we approve the rezoning from Agricultural to Residential Ranchette (R-5) with the Agricultural Land Preservation overlay district.

Mr. Beggs: Do I have a second?

Mr. Walters: Second.

Mr. Beggs: Vote.

Mr. Tapp: Karl Walters?

Mr. Walters: 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.

Final Vote: 5/0/ 0 Approve Mar 14-104RZ/P; Maharg Ridge – Rezoning

Mr. Beggs: Now the preliminary plat.

Mr. Carlson: I will make a motion that we approve the preliminary plat of subdivision of Maharg Ridge with the three conditions.

Mr. Tapp: Yes, I appreciate the clarity and I am sure Mr. Flook does too.

Mr. Beggs: Do I have a second?

Mr. Walters: Second.

Mr. Beggs: Vote.
Mr. Tapp: Karl Walters?
Mr. Walters: Approve with conditions.
Mr. Tapp: Cecil Troutwine?
Mr. Troutwine: Approve.
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.

**Final Vote: 5/0/ 0 Approve Mar 14-104RZ/P; Maharg Ridge – Preliminary Plat
With 3 Conditions**

Mr. Beggs: The next case tonight is March 14-105F it's a request for final plat approval of Maharg Ridge a proposed subdivision located at approximately 14720 WHB Road. The applicants are James R and Cathy J Graham.

Mr. Tapp: Jim you realize the legal description of this property Maharg Ridge people are going to stumble across that every time, in perpetuity forever.

Mr. Beggs: Thank you for that.

Mr. Tapp: The final plat is in substantial compliance with the preliminary plat as such the staff recommends approval with should be the same conditions as the preliminary plat. I will just double check real quick, because we have 117 pages of staff report. Yes, same conditions.

Mr. Beggs: Okay, applicant state your name.

Mr. Graham: Jim Graham, 9116 N Glenwood, Kansas City.

Mr. Beggs: Again you have familiar with the conditions that the staff is asking on the final plat.

Mr. Graham: Yes sir.

Mr. Beggs: You are in agreement?

Mr. Graham: Yes.

Mr. Beggs: Okay, thank you. Any comments from the public? Commission comments? Okay.

Mr. Carlson: I will make a motion that we approve the final plat of Maharg Ridge with three conditions.

Mr. Walters: Second.

Mr. Beggs: Vote.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve with conditions.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: Approve.

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.

**Final Vote: 5/0/ 0 Approve Mar 14-105F; Maharg Ridge – Final Plat
With 3 Conditions**

Mr. Beggs: Next case is case number March 14-106RZ/P is a request for rezoning from Agricultural (AG) to Residential Urban Rural Single-Family District (RU-80) for Lot 2 only and to Residential

Ranchette (R-5) for Lot 1 only and preliminary plat approval for the proposed subdivision of Bringus Estates located at approximately 12412 NE 112th Street. The applicant is Gary Bringus.

Ms. Viviano: First off I would like to attach the staff reports.

Mr. Beggs: So be it.

Ms. Viviano: Summarized the staff report March 14-106RZ/P dated February 26, 2014. The applicants are here.

Mr. Beggs: Have we received an application for the waiver of the RIF?

Mr. Viviano: Yes.

Mr. Beggs: Okay do we need to address that in a separate vote? Because you are saying that we need to approve it, it needs to be approved.

Mr. Tapp: It's built within the..

Mr. Beggs: So you just want to keep it as part of the conditions? Okay. Applicant are you present?

Mr. Bringus: My name is Cory Bringus, I am representing Gary Bringus, at 12412 NE 112th Street.

Mr. Beggs: Okay, you are familiar with the staff's report?

Mr. Bringus: Yes sir.

Mr. Beggs: And you agree with all the conditions you are going to have to meet?

Mr. Bringus: Yes.

Mr. Beggs: Okay, very good thank you. Any public comments? Any comment from the Commission? Do I have a motion?

Mr. Carlson: I will make a motion that the Commission approve the rezoning request from Agricultural to Residential Urban Rural Single-Family District (RU-80) for lot 2 only and to the Residential Ranchette (R-5) for lot 1 only with condition.

Mr. Beggs: On rezoning do you have any conditions?

Ms. Viviano: We don't have any conditions on the rezoning.

Mr. Carlson: Not on the rezoning.

Mr. Beggs: Do I have a second?

Mr. Walters: Second.

Mr. Beggs: Vote.

Mr. Tapp: Karl Walters?

Mr. Walters: 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.

Final Vote: 5/0/ 0 Approve Mar 14-106RZ/P; Bringus Estates – Rezoning

Mr. Beggs: Okay do I have a motion for the preliminary plat?

Mr. Carlson: And I will make a motion that we approve the preliminary plat for the Bringus Estates with conditions.

Mr. Walters: Second.

Mr. Beggs: Vote.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve with conditions.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: Approve with conditions.

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.

**Final Vote: 5/0/ 0 Approve Mar 14-106RZ/P; Bringus Estates – Preliminary Plat
With 5 Conditions**

Mr. Beggs: Next case is March 14-107F which is a request for final plat approval of Bringus Estates a proposed subdivision located at approximately 12412 NE 112th Street. Applicant is Gary Bringus.

Ms. Viviano: This of course is ditto of the preliminary there are no changes to the conditions to the final. If Commissioners have any questions of me and the applicant's here.

Mr. Beggs: Okay.

Mr. Bringus: Cory Bringus, representing Gary Bringus.

Mr. Beggs: Okay any you are familiar with the final plat, the conditions of the final plat, you are in agreement?

Mr. Bringus: Yes.

Mr. Beggs: Okay, very good, thank you. Public comments? None. Commission any comments? Okay. Do I have a motion?

Mr. Carlson: I'll make a motion that we approve the final plat of Bringus Estates with conditions.

Mr. Walters: Second.

Mr. Beggs: Vote.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve with conditions.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: Approve with conditions.

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.

**Final Vote: 5/0/ 0 Approve Mar 14-107F; Bringus Estates – Final Plat
With 5 Conditions**

Mr. Beggs: Okay the next case is number March 14-108RZ/P which is a request for rezoning from Agricultural (AG) to Residential Rural (R-1) with an Agricultural Land Preservation (ALP) overlay district for proposed Lot 6 only and preliminary plat approval for the proposed subdivision of Halferty Acres located within Section 33-Township 54N-Range 32W. The applicant is Show-Me Real Estate, representing B & R Farms, LLC.

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

Mr. Beggs: So be it.

Mr. Tapp: Summarized the staff report March 14-108RZ/P dated February 26, 2014. The applicants or the Show-Me Real Estates representatives are here to answer any additional questions and also Debbie would like to point out that I supplied you with a memo that covers the method and timing of that RIF payment which the applicant and owners and staff have mutually agreed to which is 50% of the RIF is paid prior to recording and the remaining 50% is paid within 60 days of the recording. If that is in agreement with Planning and Zoning Commission and the County Commission than our staff recommends that go forward.

Mr. Beggs: Do we need a separate motion on this? For the payment for the RIF? The terms of the RIF payment?

Mr. Tapp: We actually recommend inside the memo that we amend, I give you a specific quote that we amend condition number one to state, which use to state is just that a RIF development agreement or conditions of development must be approved and recorded with the final plat to this, which is specific

in that the RIF agreement recorded with the final plat that a Road Impact Fee agreement must be recorded with the final plat. That the RIF method of payment is check or money order and the timing of payment is as follows 50% due prior to the recording of the final plat and remaining 50% due within 60 days of the recording. So we recommend adjusting condition number one which to reflect that of the memo, so in the, if there is a motion to approve, that the language be in that motion that you all change condition number one to reflect the staff's memo dated March 3, 2014.

Mr. Carlson: So it's not part of the conditions yet, it needs to be included?

Mr. Tapp: It needs to be included yes, so during the motion we would amend the current condition number one that it is in the staff report to reflect ..

Mr. Carlson: Condition number one?

Mr. Tapp: Yes condition number one to reflect the language in the staff memo dated March 3rd. With that I close the staff report.

Mr. Beggs: Okay thank you.

Mr. Tapp: Sorry.

Mr. Beggs: Is the applicant present?

Mr. Talley: Dirk Talley with Show-Me Real Estates, representing B &R or Bob and Ronda Schmidt, do you have questions?

Mr. Beggs: I don't do any of the Commission? So you understand the agreements and what the conditions are for the preliminary plat and the rezoning?

Mr. Talley: Yes we do.

Mr. Beggs: Okay, very good, thank you. Any public comments? Comments from the Commission? Okay, do we have a motion?

Mr. Carlson: I make a motion that we approve the rezoning request from Agricultural (AG) to Residential Rural (R-1) with an Agricultural Land Preservation (ALP) overlay district for proposed lot 6 only.

Mr. Beggs: Do I have a second?

Mr. Walters: Second.

Mr. Beggs: Vote.

Mr. Tapp: Karl Walters?

Mr. Walters: 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.

Final Vote: 5/0/ 0 Approve Mar 14-108RZ/P; Halferty Acres – Rezoning

Mr. Carlson: Now I will make a motion that we approve the preliminary plat for the proposed subdivision of Halferty Acres and with conditions and that the revision of the six conditions number one be amended.

Mr. Tapp: Amended to reflect the language in the memo.

Mr. Carlson: To reflect the language in the memo.

Mr. Tapp: Dated March 4th.

Mr. Carlson: Dated March 3rd.

Mr. Tapp: 3rd sorry today is March 4th.

Mr. Beggs: Do I have a second?

Mr. Walters: Second.

Mr. Beggs: Vote.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve with conditions.
Mr. Tapp: Cecil Troutwine?
Mr. Troutwine: Approve with conditions.
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.

**Final Vote: 5/0/ 0 Approve Mar 14-108RZ/P; Halferty Acres – Preliminary Plat
With 6 Conditions**

Mr. Beggs: Next case is March 14-109F which is a request for final plat approval of Halferty Acres a proposed subdivision located with Section 33-Township 54N-Range 32W. Applicant is Show-Me Real Estate, representing B & R Farms, LLC.

Mr. Tapp: I would like to say the final plat is in substantial compliance with the just approved preliminary plat but with that change to condition number one as well to reflect the language in memo dated March 3rd by staff, and the applicants of course are here.

Mr. Beggs: Please.

Mr. Talley: Again Dirk Talley with Show-Me Real Estate, representing B & R Farms, any questions.

Mr. Beggs: I don't have any; do you understand the conditions we have been talking about?

Mr. Talley: Yes.

Mr. Beggs: In agreement with the staff?

Mr. Talley: Yes we do.

Mr. Beggs: Very good, thank you. Any public comments? Comments from the Commission?

Mr. Carlson: I will make a motion then that we approve the final plat for Halferty Acres with conditions.

Mr. Tapp: With the conditions.

Mr. Carlson: With the amended condition number one, memo dated March 3rd.

Mr. Beggs: Do I have a second?

Mr. Walters: Second.

Mr. Beggs: Vote.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve with conditions.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: Approve with conditions.

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.

**Final Vote: 5/0/ 0 Approve Mar 14-109F; Halferty Acres – Final Plat
With 6 Conditions**

Mr. Beggs: Next case is case number March 14-110GR it's a request for the use of well water as the source of water supply on Agriculturally (AG) zoned property located approximately along the 19800 block of N Eastern Road for proposed as Lots 1 and 2 of Halferty Acres. The applicant is Show-Me Real Estate, representing B & R Farms, LLC.

Mr. Tapp: First off Mr. Vice-Chairman I would like to attach the staff report as part of the record.

Mr. Beggs: So be it.

Mr. Tapp: Summarized the staff report March 14-110GR dated February 26, 2014. With that I will close the staff report and of course the applicants representing the owners are here if you have further questions.

Mr. Beggs: Thank you.

Mr. Talley: Again Dirk Talley with Show-Me Real Estate, representing B & R and we understand...

Mr. Beggs: All the conditions.

Mr. Talley: All the conditions.

Mr. Beggs: Okay, very good. Thank you. Any public comments? Comments from the Commission? Okay do I have a motion?

Mr. Carlson: I make a motion that we approve the use of a water well as a source of water for lots 1 and 2 of Halferty Acres with conditions.

Mr. Beggs: Do I have a second?

Mr. Walters: Second.

Mr. Beggs: Vote.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve with conditions.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: Approve with conditions.

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.

**Final Vote: 5/0/ 0 Approve Mar 14-110GR; Halferty Acres – Use of Well Water
With 1 Condition**

Mr. Beggs: The next case is case number March 14-111RZ/P which is a request for rezoning from Agricultural (AG) and Residential Ranchette (R-5) to Residential Urban Rural Single-Family District (RU-80) and Community Commercial (C-2) with a Planned Unit Development (PUD) overlay district for proposed Lot 4 only, and preliminary plat approval for the proposed subdivision of Providence Hills Estates located at approximately 12104 N Stark Avenue. The applicant is Adam Ferrell.

Ms. Viviano: I would like to attach the staff report as part of the record.

Mr. Beggs: So be it.

Ms. Viviano: Summarized the staff report March 14-111RZ/P dated February 27, 2014. The property owners are here to answer additional questions.

Mr. Beggs: Thank you. I was just looking at the site plan for proposed lot 4 and I can see where they got gravel parking and storage with phase one, to me it appears to be a little vague I mean there is just a note there with really no designations of what's going to be parking and storage. I think we probably need to specify that a little bit better. Because I know just from past experience those things tend to spread out so that would be one comment that I would have. I would like to see some, you know what is storage, what is parking I can see where is it screened by the metal sheds and the phase one and phase two buildings. That's the only comment I really had. Commission anything?

Ms. Viviano: The applicant might be able to address some of that and if you would like before we record the final plat they could give us a drawing?

Mr. Beggs: I think that would be a good idea. Is the applicant here?

Mr. Ferrell: I am the applicant, I am Adam Ferrell. Jeremiah Mead probably the best one to talk to about that.

Mr. Beggs: Okay.

Ms. Viviano: They have addressed a lot of that in their plan.

Mr. Beggs: Is it in the written portion?

Ms. Viviano: It's in the written portion but it is not all on the plan.

Mr. Jeremiah Mead: It's under the 2nd section in Mead Construction Inc. overview there is a material and equipment storage in which it states "All company storage will take place on the western portion of the property in and behind the existing barn. It is our belief that if something is out of sight then it is out of mind. Initially this section would serve as material, equipment storage, and parking for company owned trucks and trailers that the current building cannot house, as well as employee parking while employees that drive company vehicle to and from the job site. Materials stored outdoors would include but not limited to 1/2" clean rock, rebar and excess lumber, etc. and equipment which currently include machinery such as compact multi terrain loaders, skid steer loader, mini excavator, we own a tractor and somewhat farm equipment."

Mr. Beggs: So are you planning on screening that east side of the property would that whole east side would be screened?

Mr. J. Mead: From the building north and then on the northern property line in between the two trees.

Mr. Tapp: Jeremiah you might clarify there is existing vegetation on the south and the west they adequately screen it. Is there screening on the west side?

Mr. J. Mead: Yes.

Mr. Beggs: And the view from Stark would that?

Mr. Tapp: It's blocked by the building.

Mr. J. Mead: The building is on the crest of a hill and it goes down a ways.

Mr. Beggs: So it is screened?

Mr. J. Mead: Yes.

Mr. Tapp: I do think Mr. Vice-Chairman that a little bit of clarification to take place; I believe Jeremiah and Mark Mead have agreed the driveway, parking areas and drive aisles for the business will be paved and dust free. I think you guys did say being concrete would make a lot of since you guys are a concrete business. But I am not quite clear on the site drawing, which says gravel parking storage then your narrative talks about how company vehicles will park on the gravel are you saying then that the parking for customers or other folks will be concrete?

Mr. J. Mead: Yes all on the south side there is existing concrete there and we can keep them on the east side of the building.

Mr. Tapp: Which is right here?

Mr. J. Mead: Correct, on the east side of the building as well. It's not a.. we are doing the same thing that the Ferrell's are doing currently except operating farm equipment out of there we are going to be using it as our garage, we don't intend to have customers coming to and from there, it's more like a really big garage for a concrete company.

Ms. Viviano: So we can clarify this by saying that what is on your site plan with the gravel parking will only be for the storage?

Mr. J. Mead: Yes.

Ms. Viviano: And not for people coming in and out?

Mr. J. Mead: Right that would be on the western portion where we store our gravel, we don't keep large quantities on hand but we do keep one ton and cabling and it tends to spread itself out but we only buy clean rock. So we intended a chip and seal to keep it as dust free as possible.

Mr. Tapp: So the outdoor storage will be vehicles and equipment will be chip and seal?

Mr. J. Mead: Yes that is exactly what it is.

Mr. Tapp: That is dust free?

Mr. Beggs: Yes.

Mr. Tapp: If it is straight up gravel then no, if you say clean rock, I'd still say..

Mr. J. Mead: Right, there is a big difference.

Mr. Tapp: There is a big difference, yes I agree. So I would like to point out condition number five for the Commission and for the applicants and owners and the Meads, that condition number five states "Designated outdoor storage must be screened from public view buy adjacent property and public roadway either by fencing or vegetative plants". We cover the screening and then condition number six is "All off-street parking areas, drive aisles, internal roadways and loading areas used for the C-2 zoning district must be paved and kept in a dust-free condition at all times." So I believe based on more

clarity for you Jeremiah that everything is going to be dust-free, if you are going to do chip and seal there then I would say it's all dust-free, that meets our Land Development Code.

Mr. Beggs: And with it screened I think that's ...

Mr. Tapp: And the screening, I know that they are planning on installing screening, Jeremiah, along this northern property line right through here, is that correct? Because Providence Baptist Church is right here just to the north, so screening is important all along here. And screening from the internal residential zoning of the commercial, so screening of some type as a building or what not it has to be right here.

Mr. J. Mead: We would like to eventually add onto the building and keep the same (*inaudible*)

Mr. Tapp: And site plan shows that.

Mr. J. Mead: Right and until then first step would be to screen the northern border and then we'll decide whether or not if well screen from the northern border to south to the existing building, that just kind of depends on how soon we believe we can put up the second building, if it's going to be six to ten months down the road then we will keep everything outside until we can get the second building up.

Mr. Beggs: Okay, so you understand all the conditions?

Mr. J. Mead: Yes.

Mr. Beggs: Okay, very good. Mr. Ferrell the same for you, understand?

Mr. Ferrell: Yes, I understand.

Mr. Beggs: Okay, very good.

Mr. Tapp: And I would like to reiterate, Jeremiah and Mark that if anything changes to your business plan you've got to go back through this board and County Commission to amend this business plan. That is why we will say this business plan is extremely important, so you talk about two to four employees initially will be on the site then the ultimate build out expansion could be up to 16 total, I believe 16 total employees, is that correct?

Mr. M. Mead: Yes but they don't all come to here, they won't all show up there, only drivers show up, most of our guys will go to the job. We'll have four or five guys maybe come pick-up trucks and then then they will bring the equipment to the job all of our other employee show up at the job.

Mr. Tapp: I just wanted to be very explicitly clear that what is in here is basically the gospel.

Ms. Viviano: Jeremiah I am sorry but since we're having a little trouble recording can you come back up and state that just so that we make sure we get that on the record.

Mr. Beggs: Get it on the record.

Mr. Tapp: Our recorder is right here just to clarify that you understand and that any changes to your business would have to come through, any changes to the business plan or the business would have to come back through here to amend the PUD, that's allowing you to locate the commercial with residential. I just want to be very very clear.

Mr. J. Mead: That is understood.

Mr. Beggs: Okay, very good, thank you.

Mr. Carlson: I have a question to the staff, this zoning request was a PUD was it brought upon them by you or is it part of the land plan?

Mr. Tapp: It's part of their approach to us, this is not reactive, no this is proactive, if that's the question?

Mr. Carlson: My question is what is the difference between their business and say the business that existed there as farming equipment moving on and off the property?

Mr. Tapp: Ag business is handled very differently from a more traditional commercial business like this concrete or any type of commercial business. Ag business, and legal counsel can chime in if he certainly wants too, but the State of Missouri is definitely orientated towards the Ag business, there's large trucks that they carry grain and few other things for Ag type of uses so we really cannot touch that but more traditional construction services is like home builders or concrete business or things like that are not true Ag purpose then we do have commercial zoning for things like that. Like Landscaping and Lawncare, there are different uses that we require from commercial zoning but for Ag no. If it's being produced on that site, farmers can bring all the trucks they want on that.

Mr. Carlson: I see, I know there are a lot of businesses that work out of the home and..

Mr. Tapp: Most of them are office oriented, yes.

Mr. Carlson: They are what?

Mr. Tapp: Office oriented, they are not..

Mr. Carlson: Well I don't see a concrete business as office oriented.

Mr. Tapp: No that is why they are pursuing a commercial zone. Now if it was just a straight up office that supports the business, just an office then that would be a Home Occupation. But we bring the trucks and their functions of the business onto that site that's where it changes.

Mr. Carlson: I am just questioning whether my truck everyday driving it out my driveway is a ...

Mr. Tapp: Yes we have tonage restrictions on vehicles in residential neighborhoods or residential zoning.

Mr. Carlson: Okay. No more questions.

Mr. Beggs: Okay thank you, do we have a motion?

Mr. Carlson: I will motion that we approve the Rezoning of Agricultural land to Residential Ranchette (R-5) with the exception of lot 4 as a Planned Unit Development overlay.

Mr. Tapp: Mr. Vice-Chairman, I may have missed it but did you open the floor up for public comments?

Mr. Beggs: I don't know if I did any public comments? Okay.

Mr. Carlson: Same motion.

Mr. Tapp: The motion on the floor is for the rezoning for Providence Hills Estates as outlined in the staff report.

Mr. Walters: Second.

Mr. Beggs: Vote.

Mr. Tapp: Karl Walters?

Mr. Walters: 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.

Final Vote: 5/0/ 0 Approve Mar 14-111RZ/P; Providence Hills Estates – Rezoning

Mr. Tapp: And now we need preliminary plat approval.

Mr. Carlson: I will make a motion that we approve the preliminary plat for Providence Hills Estates with conditions.

Mr. Beggs: Do I have a second?

Mr. Walters: Second.

Mr. Beggs: Vote.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve with conditions.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: Approve with conditions.

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.

**Final Vote: 5/0/ 0 Approve Mar 14-111RZ/P; Providence Hills Estates – Preliminary Plat
With 7 Conditions**

Mr. Beggs: Next case is case number Mar 14-112F is a request for final plat approval of Providence Hills Estates a proposed subdivision located at approximately 12104 N Stark Ave. The applicant is Adam Ferrell.

Ms. Viviano: Again I would like to attach the staff report as part of the record.

Mr. Beggs: So be it.

Ms. Viviano: Summarized the staff report March 14-112F dated February 27, 2014.

Mr. Beggs: Applicant, Mr. Ferrell?

Mr. Ferrell: Adam Ferrell.

Mr. Beggs: Thank you and you understand the staff's report and all the conditions associated with it?

Mr. Ferrell: Yes.

Mr. Beggs: Thank you. Comments from the public? Questions or comments from the Commission? Okay.

Mr. Carlson: I'll make a motion that we approve the final plat for Providence Hills Estates with conditions.

Mr. Beggs: Do I have a second?

Mr. Walters: Second.

Mr. Beggs: Vote.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve with conditions.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: Approve with conditions.

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.

**Final Vote: 5/0/ 0 Approve Mar 14-112F; Providence Hills Estates – Final Plat
With 7 Conditions**

Mr. Beggs: Thank you. Next case is case number Mar 14-113CUP which 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. Staff Report?

Mr. Tapp: Yes hold on Mr. Vice-Chairman.

Mr. Beggs: Okay.

Mr. Tapp: As you indicated Anita Osthoff and Kris Karnes representing property owner Westfall Brothers, LLC are requesting approval of a CUP or a conditional use permit to operate an animal services commonly referred to as an Animal Shelter business at 23026 NE 140th Street north and east of the Midwest National Air Center. According to the applicants this proposal is to locate a facility that is providing a no-cage, no-kill forever home for senior animals, see attachment C for the business plan and sit plan drawings in attachment D for applicant photos. The Comprehensive Plan has this area called out as an Urban Services Tier, the Land Development Code the CUP application which was properly noticed in the newspaper and adjacent property owners were notified within 1,000 feet per state law. The subject request to operate an Animal Services business would be addressed in the Land Development Code or LDC under the use table inside Section 6.1 designation requiring approval of the CUP in the Agricultural Community, Agricultural C-2, C-3, I-1 and I-2 and OP district. As such the subject request must meet all of the approval criteria of a CUP as highlighted A through F on page 4 of 15 in the staff report and I won't go into any specifics of it as the Commission should be aware of those approval criteria for any CUP. As for outside agency, the Health Department has noted that the septic or two of them on the property meet code at this time. The septic system for the accessory building will be adequate for staff use. The Highway Department has noted per telephone conversation with the applicants, Clay County Highway Department has determined that the traffic increase is minimal; therefore no impact fees will be assessed. Public Water Supply of Clay County #8 supplies water to the

property and has ample capacity to serve any additional demand. And Fishing River Fires District serves this property. For our details on the proposed business of course see attachment C and D the facility must also meet all State and Federal requirements and documented proof must be supplied to the Planning and Zoning Department at all times. Questions have been raised and phone calls have been received from adjacent property owners but no outright opposition had been received as of the date of this writing of the staff report. Therefore staff recommends approval of the CUP for the Animal Services business with the conditions as shown in Exhibit A and I will cover those real quick as they are important. Condition number one of this CUP is based on a time frame of ten years. A permit must be issued prior to the placement of any signs. Building permits must be acquired for remodeling of the accessory structure and fencing which is over 6 feet and under 8 feet in height. All State and Federal requirements must be met and documented proof must be supplied to the Planning and Zoning Department. A maximum of 250 pets is allowed. 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. This CUP may be revoked at any time if the conditions of this CUP have not been met. With that the applicants are here to answer any additional questions and I will close the staff report and of course attach it as part of the record for this case.

Mr. Beggs: Okay thank you. Applicants can I have you come forward. State your name and address for the record please.

Mr. Karnes: Kris Karnes, 4530 NE 38th Street, Kansas City, MO

Mr. Beggs: And you're familiar with the staff's report and the requirements they are asking to be met?

Mr. Karnes: Yes.

Mr. Beggs: You totally understand and you are in agreement?

Mr. Karnes: Yes.

Mr. Beggs: Okay very good, thank you. Any public comments? Okay please come forward and state your name and address for the record.

Mr. Vick: Danny Vick, 5905 N Mattox Ct, Kansas City, MO 64152. I am here as an agent for the Westfall Brothers, LLC I represent them in the real estate transaction and they are in support of the use of this and they still want to continue to own surrounding properties that directly abut to the property.

Mr. Beggs: Okay there.

Mr. McClaskey: My name is Dave McClaskey I am here representing my parent that are unable to be here today they are Howard and Dixie McClaskey. We are neighbors to where this is going to be coming up, you said there was no opposition I would like to state an opposition.

Mr. Beggs: Okay that is fine.

Mr. McClaskey: The location of a lot of the things that are in here is going to be a decrease to our property values, there is just no getting around it. If I could stand on my front porch and look at a waste station from my front porch that does not help my property values in anyway. Also I have a concern with veterinarian screening is going to happen, I mean what kind of screening are they going to do for the animals is a concern. The metal bait stations will be placed around the building for small (*inaudible*) or unwanted animals hanging around. I have dogs and cats; I live in the country so my dogs and cats can run free. On the location of the fencing I am not quite sure exactly where the fencing was going to be located is that going to be clear down to 140th Street or is that going to be located back further from where it's not going to be seen from the road? And the number of animals that are going to be on property they are saying 150 animals to start out with a maximum of 250 in a future time. Plain and simple I don't want to live next to a dog pound.

Mr. Beggs: So your main concern there is noise?

Mr. McClaskey: Noise plus the animals that are on my property if a dog was to get out and on my property what would be the consequences involved with that as far.. I can't have even my dogs that I have with my neighbors out there, we all understand if my dog gets on your property and is chasing your cattle you shot it, that's just the way it is. I am quite sure that with that number of animals on there can they stay in the fencing they are going to put up, so it's going to be 6 foot fencing and buried 6 inches underground, dogs always seem to find a way to get out, somehow some way. I am not enthused about having a pet cemetery which is in the five year proposal.

Mr. Beggs: What exactly bothers you about that? Because I am going to ask them to come up and address your concerns so if you could be a little bit more specific about what it is that...?

Mr. McClaskey: Again it goes back to my property value for my property.

Mr. Carlson: Do you feel your property value would be decreased if there were a herd of cattle across the street?

Mr. McClaskey: A herd of cattle sir is not 250 dogs, it's just not. And it says they are going to put signage up down there on 140th Street, we have problems out there with dogs getting dumped already now I am afraid if they put a sign up out there saying this is a no kill shelter we are going to have a lot of them. Once the public finds out that that's happening you know that's there it will be common practice for people to come out and just dump a pet dog or cat. I understand it's probably not going to be a whole lot of public opposition to this, my parents and I are closes residence to this property closer to every other property owner that is adjacent within 1,000 feet of this property, there are no other residences.

Mr. Beggs: I did not catch your address.

Mr. McClaskey: 23407 NE 140th.

Mr. Beggs: And your parents address?

Mr. McClaskey: 23401 I believe.

Mr. Beggs: You are right there together then?

Mr. McClaskey: We are the next two properties on the eastside of the railroad tracks. Thank you.

Mr. Beggs: Okay, thank you. So I will give the applicant a chance to come back up and address some of those issues.

Mr. Karnes: Kris Karnes, 4530 NE 38th St, Kansas City.

Mr. Beggs: I was kind of keeping notes to see as he was going through the visual screening how are you going to I guess keep this operation being seen, I don't know it probably even a County requirement to screen it.

Mr. Karnes: If you have a copy of the business plan in here, on the screen. The fencing is not going to be around the entire 20 acres, it's going to be on the back, more in back of the property. Which if you are standing on 140th Street and you are looking north down the driveway you cannot see the house, the building you can't see anything up hill, you don't see the fence, you don't see any of it from the street. The only thing that will be up at the street will be our dumpsters for the trash cans and it will be in a building, fully contained so it won't be an eyesore.

Mr. McClaskey: You are going to put waste right on the road?

Mr. Beggs: Wait, just a second, I will give you a chance in just a minute. So you have got a railroad to the east.

Mr. Karnes: Right

Mr. Beggs: And basically farm ground to the north and west.

Mr. Karnes: Correct.

Mr. Beggs: And 140th to the south, correct?

Mr. Karnes: Correct.

Mr. Beggs: Okay.

Mr. Decker: Is the red, is that?

Mr. Karnes: That's for horses and cows.

Mr. Decker: More traditional.

Mr. Karnes: Traditional, yes.

Mr. Decker: Barbwire fence?

Mr. Karnes: Yes.

Mr. Decker: Then the blue will be the six foot privacy fence.

Mr. Karnes: No. Chain link.

Mr. Decker: Chain link, then the blue it goes all the way around the, all four sides of the property down each side of the driveway. I see.

Mr. Karnes: Yes sir.

Ms. Viviano: Kris, if you could also state how far back that chain link is going to go down into the ground so the dogs can't dig under.

Mr. Karnes: Yes, it's going to be recessed six inches in the ground; it'll also have the 45 degree overhang with the wire around the top of it. Now you have to remember this is a sanctuary for older unadoptable animals. We're going to work with other agencies to have any dogs that might get dumped and it's not only dogs it's also cats, okay. Any dogs that are able to be adopted will be taken other places so they can be adopted out, this is mainly for unadoptable older animals, it's not a...

Mr. Walters: It's not to raise young dogs?

Mr. Karnes: Correct.

Mr. Walters: Young cats?

Mr. Karnes: Right.

Mr. Walters: And if they're not adoptable for the young ones what are we going to do with them?

Mr. Karnes: Well we will work with PetCo, Pet Smart, Excelsior Springs, animal control they have real good, they are able to get rid of a lot of dogs, so we will work with them. We'll take some of their cats they euthanize a lot of cats, so we will take them and so that 250 we are talking cats and dogs not all of them are going to be dogs not all of them are going to be cats. It's going to be a mix of them but they are all going to be older unadoptable, yes we will have, like you said people will dump their animals, I live in the country myself and have that issue. But wouldn't it be nice a least we see them they are going to come in, they are not going to be running around we'll take care of them.

Mr. Troutwine: Is this non-profit?

Mr. Karnes: Yes, sir.

Mr. Troutwine: How are going to fund it?

Mr. Karnes: I'm sorry?

Mr. Troutwine: How are you funded? How is..

Mr. Karnes: We are initially funded by Edith Swanson Foundation, Swanson Acres. They had purchased the property and given us the money to renovate and basically to start up, we also have fund raisers that we are setting up. When Mrs. Swanson passes away the rest of her estates will come to the facility, this is a substantial amount.

Mr. Carlson: Will there be a fee that a person would pay to take their animal to you.

Mr. Karnes: Yes there will.

Mr. Carlson: This is a unique ...

Mr. Karnes: Very unique, very unique there's I've seen one on line, the Cat Lady in Arizona, she has 500 cats and it's the same type of facility.

Mr. Decker: Did you mention earlier that the lay of the land suggests that the existing building and the area inside the blue fence is not clearly visible from the road is that correct?

Mr. Karnes: Correct.

Mr. McClaskey: From the road not my house, I can see from my house.

Mr. Decker: The cows and horses are they part of the 250 animal count?

Mr. Karnes: Yes and that's the phase two type thing, we want to be available for the cities if somebodies horse or cow get out in the middle of the night and they need somewhere to take it, they can bring it to us and we'll take care of it for a few days until the owner can pick it up.

Mr. Decker: The cats and dogs inside the blue fence are going to be over 800 feet north of 140th Street?

Mr. Karnes: Yes.

Mr. Beggs: It looks like 800-750 or 800 feet north if that is 5.

Mr. Decker: About 820.

Mr. Beggs: Something like that, okay. The other concern they had was vet screening, what kind of screenings are you going to do on the animals?

Mr. Karnes: When they come in they will be tested for any, we should get their records from the people who are bring them in they are going to be paying us to take their animals, they are going to have to show us that all the vaccinations have been done. If they are not spade or neutered they will. Cats have a feline FIV, they will have to be screened, those cats will be held in a separate area all confined so they don't get around the other cats and get them sick, anything we will have a full time Vet Tech on the property, once we start getting some animals. I'm guessing we'll probably; it's going to take a while to get a lot of animals, who knows it could take two years before we have 50 it's

depending on, I imagine we will have more dumped out there. Then we will have people surrendering them to us, but we are willing to take those on as well.

Mr. Beggs: I am going to move onto the next, the metal bait station that was talked about are those going to be inside your six foot chain link fence?

Mr. Karnes: Those are all going to be inside the six foot fence. They are only going to be in the parking lot, right by the door that goes into the facility and we probably aren't going to need those with all the cats we are going to have. So that was something that I thought that originally we will do that, we will see if we don't have anything in those traps in four or five months then we'll take them up and they won't be there. They're metal traps there's no way a cat or dog anything can get inside of it other than like a rat or a mouse or

Mr. Beggs: But any case totally inside your six foot chain link fence.

Mr. Karnes: Correct.

Mr. Beggs: So there shouldn't be any way they can get in there? Fencing location I think we kind of went over that from the picture before, basically 800 feet north of the road looks like to me at least.

Ms. Viviano: If you notice the blue on your, Commissioners, that's where he's proposing the fence, the six foot fence.

Mr. Karnes: Yes and the fence will be the existing fence will stay right now there is a four foot cattle fence that's up on the three sides of it, the back and two sides, that will stay our new fence will go four feet in from that existing, from where that is and give us a four foot buffer all the way around there in case for some reason we need to plant some foliage or some kind of a sound barrier later on and we will be able to do that.

Ms. Viviano: And did you not state also in your business plan that you would have staff that would be looking at making sure the animals were inside that were going to be watching them or babysitting them. I don't know how he wants to address that.

Mr. Karnes: Oh yeah, we will have cameras on the property all around the property.

Ms. Viviano: You're going to have cameras and you have staff on property, are these animals going to go in the building at night?

Mr. Karnes: Yes, there are going to be three of us actually living on site, we are going to live there. So there will be three of us there at all times. Like we said we will add to our staff, our volunteers and that type of stuff as we collect more animals.

Mr. Beggs: So if you get 250 dogs out there how are you going to address that noise issue?

Mr. Karnes: I don't see to the east of us there's 25 foot of trees then the railroad track then there is another 25 feet of trees if that's not enough to keep the noise down then we have that four foot area that we can plant shrubs, bushes maybe put up a different size... maybe put up a privacy fence if it becomes an issue then we will address it.

Mr. Beggs: Your nearest neighbors are south and east of you right? Right where you are pointing to so they are roughly 800 or what is that distance?

Mr. McClaskey: It is 400 feet from my driveway to the railroad.

Mr. Tapp: Straight line is whatever that says up there.

Mr. Karnes: Approximately 50 from the railroad to the driveway.

Ms. Viviano: 1,100 feet approximately.

Mr. Beggs: So that railroad that runs through there is it below grade, is it above grade?

Mr. Karnes: It's below grade. Well it's at grade on the street

Mr. Tapp: But it goes up.

Mr. Beggs: So I was wondering is that going to provide some sound barrier from earth and berm or will that provide some protection from sound traveling south and east?

Mr. Karnes: Yes.

Mr. Tapp: What the Vice-Chairman is getting at is the railroad goes up here and down or does it go down?

Mr. Karnes: It goes down.

Mr. Tapp: Okay.

Mr. Beggs: Okay. So their embankment is above grade.

Mr. Karnes: One of the pictures that I took there was a train going by and standing in back of this building right here it goes up about four feet.

Ms. Viviano: You can see the pictures here.

Mr. Beggs: Okay.

Mr. Karnes: Then it goes straight across then you can actually see the top of the train in one of them.

Mr. Tapp: Right here.

Mr. Karnes: Yes, you can see the top of the train.

Mr. Beggs: Okay.

Mr. Tapp: That's the railroad tracks right there.

Mr. Beggs: So that picture is taken where?

Mr. Tapp: Isn't that the railroad tracks right there?

Mr. Karnes: Yes go back, that's the top of the train, go back two pictures. That is looking to the north that is looking toward his house, from the back of the building. That is standing at the north end of the building looking directly south.

Mr. Beggs: I think we have addressed the security of the animals you are going to have someone there on site. I can't help but think of them are going to get lose how are you going to address that? They call you, hey got one of your dogs.

Mr. Karnes: Yes, like I say a majority of the animals are going to be older unadoptable animals, they are not going to want to dig, they are not going to want to climb, they are going to want to lay down go out and do their thing come back in. Yes we will have some that get dumped off out there we'll take those and we will address them with the vet and get them cleaned up with the grooming and take them and try and get them adopted out in one of the other facilities.

Mr. Beggs: Are you going to screen, because I assume some of these dogs that come to you are going to be problem animals, aggressive are you going to try and screen those out?

Mr. Karnes: Behavioral, yes and we have a behavioral area that we will have a trainer come in and work with those dogs, that if we have some behavioral. Now the behavioral anything, we have an area set up on the back, on this back side there is going to be right where I am standing there's going to be eight or six runs that are five foot by fifteen foot and they are six foot on concrete slabs with a rood on it or it's a tent, totally enclosed, that's where the behavioral dogs will go in and out at that point right there. Just passed that, that will be an additional 20-25 foot area for the sick cats on the other side of that will be another area for holding, we'll hold the animals in a certain area for a week to see how they get along with the other animals that might be outside the fence and have a trainer come in and work with those animals make sure they are not going to be a problem then they will go into population or they will go into the behavioral ward, where we will be watching them.

Mr. Beggs: So that will be toward the back side of the property the northeast corner of the property?

Mr. Karnes: Yes, that's the northwest corner of the property.

Mr. Beggs: Okay.

Mr. Karnes: Like I say if you go back to that one picture where I am standing at the back and look to the south you can see the hill that goes up..

Mr. Tapp: Tell me when to stop.

Mr. Karnes: That one right there. That's looking straight down the back of the building towards 140th Street.

Mr. Carlson: There is no residence to be planned with this facility?

Mr. Karnes: Residence?

Mr. Carlson: Where someone will reside there?

Mr. Karnes: Yes.

Mr. Tapp: It's right there.

Mr. Carlson: There is a residence there?

Mr. Karnes: Three of us will live there.

Mr. Carlson: Okay.

Mr. Beggs: So it will be safe to say there will be someone on site 24 hours a day 7 days a week?

Mr. Karnes: Yes.

Mr. Carlson: So that is an existing house that is there?

Mr. Karnes: Yes it is.

Mr. Beggs: I can't remember if I asked you, I think I asked you already, have you read the report and in agreement with staff's recommendations? Just wanted to make sure I covered that.

Mr. Karnes: Yes.

Mr. Tapp: Mr. Vice-Chairman real quick, just gaining clarity on the waste station.

Mr. Beggs: Okay.

Mr. Tapp: Animal waste products will be and this is being quoted straight from the business plan provided by the applicants, but it's the second paragraph on phase one operations which is page nine of fifteen on the staff report. But it states, "Animal waste products will be placed in containers provided by a solid waste management company and picked up bi-weekly. The containers will be housed in a 10x10 structure located on the east side of the property near the entrance – approximately 800 feet from any housing. The structure will be completely enclosed to keep the containers protected from the weather and animals." So regards to the actual map, as I zoom in, it will be here's the facility the white roof the accessory building then the driveway. I guess, Kris will it be right back in this area right here?

Mr. Karnes: Yes.

Mr. Tapp: East of the entrance.

Mr. McClaskey: That will be 200 feet from my parent's driveway.

Mr. Tapp: Which is right here?

Mr. McClaskey: Yes.

Ms. Viviano: If you could come up, Mr. McClaskey, so we can get this recorded, that would be great.

Mr. McClaskey: Yes I can physically see the spot he is talking about from standing on my front porch.

Mr. Karnes: It will look like a doghouse basically.

Mr. McClaskey: I don't care what it looks like.

Mr. Karnes: And when our volunteers will pick up the feces it will be put in a plastic bag tied and placed into the metal containers and be picked up twice a week as ...

Mr. Beggs: So let me ask you this what if you relocated that waste station back up the road instead of putting it down on NE 140th, put it back up toward your facility maybe just say outside your chain link fence so it's not such an eyesore and puts it back up your road.

Mr. Karnes: I don't have an issue; I was just trying to make it easier for the trash company.

Mr. Beggs: Sure I understand, so they may have to go another quarter mile up your road, I was thinking right outside the fence but off of 140th.

Mr. Karnes: Yes that would be closer for us to take it too.

Mr. Beggs: And your containers that you're putting in this in are they air tight, I don't want to say air tight, they are probably not 100% air tight, but ..

Mr. Karnes: No, just regular containers that they set out.

Mr. Tapp: But it's a fully enclosed building.

Mr. Karnes: Yes.

Mr. Beggs: I was just wondering ...

Mr. Tapp: Latching gates or how is it?

Mr. Karnes: Yes.

Mr. Beggs: But order, but you are going to have it bagged in a plastic bag then it goes in?

Mr. Karnes: It will be in trash bags and inside, more than likely we are not going to have that much for a long time so we'll plan on putting it in trash bags and then putting it into a Rubbermaid trash can that locks tight and then as we get more animals we will get bigger locked tight containers. We don't want flies, we don't want bugs, we don't want the smell. We want people to enjoy it when they come out and see it, so we are going to do everything we can to keep any kind of order down.

Mr. Beggs: Okay. Any other comments from the Commission? Thank you, I will let Mr. McClaskey I will let you voice any other concerns not that you have heard the response.

Mr. McClaskey: The noise issue, the thought we have been talking about Mr. Westfall did a few years back had a tenant that was living in that house that was raising, he was a bird dog trainer, I listened to those dogs daily at my house, there was just no getting around it and the dogs he had maybe 10 to 12 dogs max. There were several occasions that he would stop at my house and say have you seen such and such dog, but the noise deal you can't put enough in-between there to stop that noise you just can't. I've been in this location for 40 years I have put up with trains for 40 years I now put up with an airport down the street and now you want me to put up with a bunch of barking dogs. Thank you.

Mr. Beggs: Ok.

Ms. Osthoff: Anita Osthoff, 816 E 24th Ave, North Kansas City, MO. I would like to address the barking, I am going to be living on this property I don't want to hear any barking any more than you do really, I think because they will not be caged, caged animals have a tendency to bark, most of, I am not going to say half but I would like for most of them to be cats, so but we will take the dogs. I think that if they are not caged if they are in a home environment they are laying on couches, they are sleeping in front of the fireplace; they're where ever they are not going to be hopefully barking keeping me up 24 hours. So that's something that we have certainly thought about we're going to address any way we can, if we have to set up with them all night and (*inaudible*) we'll do whatever to keep them happy. Because that is the whole premise is to give them a happy safe healthy home and if they can do, if we are successful at that they hopefully won't be barking. Now I am not going to say that they may get into a scuffle and bark at each other but hopefully at night they'll be all (*inaudible*).

Mr. Beggs: Okay, thank you.

Mr. McClaskey: They'll be barking the first time they are out pooping.

Mr. Beggs: Any other comments?

Mr. Rhodus: Greg Rhodus, 12825 Jesse James Farm Rd, I representing my parents, they have the property north. The place where he was talking about he was standing at the end of the farm, that has all the sick animals, my question is what about the run off of all the waste that goes right into the pond that we water the cattle out of that is not 200 feet from the property line. What's going to be done with the between the fence and the existing fence for the four feet is it going to turn into weeds or are they going to keep maintained? The other problem is with the fence six inches underneath it I suggest it needs to have a foot wide and foot deep concrete all away around the perimeter with the chain link in it. The other thing with say 10 dogs 12 dogs they say they are going to run them all together you know as good as well as I do, dogs one, two's two when got three you got trouble and you get that many dogs together there's no way you can keep them separated from fighting or whatever, which I don't live there so that's more concern to him than anybody. The other thing is they get out (*inaudible*) they can come back I have zero tolerance because I have cattle all around and I make my point clear I have zero tolerance everybody knows that around here. As for the waste deal I presume it will be better to have it up towards the barn so they can deal with it there instead of up the road. The deal with the horses and the cattle you know as good as I done some gets out four strains of bar is not going to hold something that's been out running down the highway, it's going to take something besides that, it's going to take (*inaudible*) and I don't see where they're having the dogs that many dogs in that confined area there will not be grass there will be mud it will be (*inaudible*) what are they going to concrete the whole five acres? Then what's going to be done with the waste that runs off, is there going to be some type of barrier around that where they can capture the water from that? That's another question. (*inaudible*)

Mr. Beggs: Okay thank you. Have we addressed run off? That was the first thing that came to my mind when I read this proposal I know feedlots, we always...

Mr. Tapp: Right, inside our code under all animals, domestic animals there's animal waste requirements applies to all domestic animals and talks about manure shall be removed in regular and a reasonable manner or otherwise composted or spread in such a manner as to protect surface and ground water and to minimize the breeding of flies and control order. That is for anybody and everybody, this facility the person down the street who has eight dogs whatever, it applies there. Manure piles shall be set back a minimum distance of 100 feet from any lot line, wells, springs, water body or other sensitive natural features on the property, adequate drainage facilities or improvement shall be provided by the landowner and constructed to protect any adjacent land from run off containing contaminated such as sediment or organic waste. So with this if you approve it then all domestic animals owners have to adhere to animal waste ordinance and if we get a complaint we will investigate it and if find that they are in violation of these then we'll come to a compliance agreement if not it goes to the Prosecuting Attorney for criminal prosecution. For any domestic animal owner.

Ms. Viviano: And their license will be revoked for the CUP.

Mr. Tapp: True and their CUP could be revoked so I would say Kris, would need to address are they going to pick up after the animals right after they do their business or do the dogs run lose and free and then there is like a two to three times a week walk through with the cleaning up all the waste? We have a ton of public stables and each one kind of handles it differently, some harrow it some pick it up and

put it in a pile I mean there is all different ways of handling it. Kris talks about how the staff will put it in a plastic bag and put it in a container, yes but how frequently in the outdoor portions is someone going to walk in clean up all the waste?

Mr. Beggs: Ten acres is a pretty big area.

Mr. Tapp: It is, it's without question of course also with cattle ranching too there is a ton of cows that release by-product as well and it sits on the ground and so there is also that factor too. How much is this adding on to that, but then also as maybe guidance as suggestion in another part of our code we deal with kennels and kennels are allowed in certain districts I won't go into detail but they do have to be on at least three acres and not within 300 feet of any residential zoning district so that kind of gets at that distance for barking noise odors. We've actually did fine someone, this very Commission did fine someone, no sorry the Board of Zoning Adjustment declined a variance from that 300 feet, that is a good bases to go off of.

Mr. Beggs: So what density? No more than three acres but ..

Mr. Tapp: It is up to the Commission, you can restrict the number however you want too you can add a condition to the approval that decimal level at the property line, it would be difficult at east property line because of facility grade of ground is right there but I don't know within 300 feet of the facility or with in the southern property line, west property line, north property line it can't be more than 65 decimals and that, we've don't it before we can do it again.

Mr. Beggs: Is that a good number? 65?

Mr. Tapp: Tom Decker knows that with his residential wind turbine, we actually measured the decimal level at the property line.

Mr. Beggs: What is the nearest house to the north? We know where the closes one is to the south.

Mr. Tapp: I can find it.

Mr. Beggs: Our maps don't go that far.

Mr. Tapp: I can't tell, is that a house? Ok I will measure it.

Mr. Walters: Isn't that your hay barn Greg?

Mr. Rhodus: Oh yes it is.

Mr. Walters: Go up a little bit more.

Mr. Rhodus: It's just a little bit further up to the north, maybe 300 feet up the road.

Mr. Tapp: Where are we at right here?

Mr. Walters: That's the house.

Mr. Tapp: Whatever that distance says, I can't see it.

Mr. Walters: 1,914 feet.

Mr. Tapp: That is a vast distance. But there could be conditions that, I would have to look at points of reference, I had to look up a typical decimal level of dogs back when I worked at the City of Excelsior Springs on an animal shelter and I can't remember of course it doesn't compound so you don't have 50 dogs and 65 decimals times 50 of course it slowly dissipates each dog only adds so much. I can look at that we can table it to explore that or add a condition that it's just the east property line would be difficult to achieve 65 decimals along that I would doubt it. But adding some type of condition at the property line can't be more than a certain decimal level but then again a railroad goes right through the property, so a train if it blows it horn or not every train that goes by would be equal to a dog.

Mr. Beggs: I think the better measures at the road, NE 140th rather than a property line because there's no one really on the eastside.

Mr. Tapp: I don't envision this area ever further developing or subdivision.

Mr. Rhodus: There's a house closer to the north that is over here on the other side of the train tracks.

Ms. Viviano: I am sorry Greg we can't hear you.

Mr. Rhodus: There's another house on the other side of the train tracks next to the farm ground, east side of the train tracks.

Mr. Walters: Right east side keep going, right there yes that's a house right there.

Mr. Tapp: Roughly the same distance, I would say that you know along the road you cannot be than 65 decimals.

Mr. Beggs: So give me a frame of reference 65 decimals what is that compare it to something give me something that means something to me.

Mr. Tapp: It's just a number thrown out I will have to do more research on I am trying to remember what other comparisons like a rock concert is a 110 or 120 decibals.

Mr. Decker: You are probably speaking in 50 right now, I don't know just guessing.

Mr. Tapp: I think it is more like a human voice is 35 again without doing research I will be guessing.

Mr. Beggs: So is that exponential thing though? 130 is not twice 65?

Mr. Tapp: No it much more.

Mr. Beggs: It's exponentially louder.

Mr. Tapp: The human ear can only handle past a hundred or so.

Mr. Carlson: Is that found in the zoning for a kennel?

Mr. Tapp: No it just talks about the distance and that's what is kind of getting at is enough buffer.

Mr. Carlson: I have a property in Kearney adjacent to it is a kennel and I very rarely hear dogs.

Mr. Tapp: Do you know how far they'd be?

Mr. Carlson: I have no complaints, it's a local vet, I don't think he has more than five or six dogs at a time.

Mr. Tapp: Is it an outdoor kennel?

Mr. Carlson: It's enclosed.

Mr. Tapp: But it's outdoors, like a separate accessory building?

Mr. Carlson: No.

Mr. Karnes: Kris Karnes, I want to address the picking up of the waste, at first like she said we are going to live there we are not going want that stuff in the yard we are going to pick it up every day. As we get more animals and there is more out there we'll have to do it two times a day if it looks like it's getting to be a.. then we will do it three times a day. We want people when they bring their animals in to see that it is a beautiful setting for their animal to retire at and be happy. We will address that issue as it comes up many times as we have to keep it picked up that's what we are going to do. Same thing with removal of it if it looks like we got a lot we'll have the trash people come three times a week we'll have them come four times a week whatever we have to do to be able to keep that down because we don't want it either.

Mr. Beggs: Ok thank you.

Mr. Rhodus: Greg Rhodus.

Mr. Walters: I got a question for you Greg, when you talk about that pond that's right there on that property line 200 feet does that....

Mr. Rhodus: I don't know if it's 200 feet.

Mr. Walters: Ok but does it fall, does their property fall towards your pond, where does the water that fills that pond up where does it come from?

Mr. Rhodus: It comes in right there at the corner northeast corner of the property line.

Mr. Walters: Ok but does their property line fall to you too?

Mr. Rhodus: And flows down to the dam from the dam of the pond straight up from their property line goes into the pond. That is one issue I understand.

Mr. Walters: I know I just want to make sure where we are at.

Mr. Rhodus: But you know they say they're going to keep the sick dogs up there so what kind of sickness are they going to have and not be filtrating down into the pond

Mr. Walters: And get your cattle sick.

Mr. Rhodus: That's my concern.

Mr. Beggs: Go back to that previous picture I've got a quick question Greg before you go on, that aerial.

Mr. Tapp: There's the topo so yes it would fall off into the pond. Yellow is higher green is lower.

Mr. Beggs: So the dam is on the northwest ok looked like to me that the dam was on the south.

Mr. Tapp: It's a little deceiving.

Mr. Walters: So it does fall to it.

Mr. Beggs: Yes.

Mr. Rhodus: One of the other issues was is what's going to happen to these dogs you say they are all going to be old they come out a lay around and everything. She says they are going to have couches and fireplaces and all this well you get 200 dogs out here or just say you got 50 of them on 10 acres like

I said before the grass is going to be gone how are their living conditions going to be what they are wanting it to be.

Mr. Tapp: We have devegetation standards for all animals in Clay County, let me try and locate that Greg.

Mr. Rhodus: I understand what you are saying there I'm just saying their painting this pretty picture where these dogs are going to have their own bowties and be groomed every day and it's not going to happen that way. Once we get so many dogs in an area.

Mr. Tapp: Let's see ten acres or more 15% of the total site or two acres whichever is larger to a maximum of ten acres. 15% so they have what 20 acres there Debbie?

Mr. Rhodus: But they are going to fence off how many acres for the dogs?

Mr. Beggs: Ten.

Mr. Tapp: But this is based on total acreage. You can have up to 15% total lots devegeted.

Mr. Rhodus: Then what's going to happen to the animals that die?

Mr. Tapp: They're going to go to the pet cemetery.

Mr. Rhodus: Should say?

Ms. Viviano: Are not going to stay on the property.

Mr. Tapp: DNR has you know standards on deceased animals and so do we.

Ms. Viviano: I think one of the things DNR states now even cows and horses aren't supposed to be buried, is that correct?

Mr. Tapp: Well you can but got to..

Mr. Rhodus: But what I am saying is

Ms. Viviano: So I am talking about we wouldn't allow dogs either.

Mr. Rhodus: I understand that, but what I am saying is they're going to have a dangerous flow of this are they going to do something there? Or are they going to have an incinerator there?

Mr. Tapp: I don't think so, Kris can speak to that.

Ms. Viviano: No. That would have to be in their business plan, Greg.

Mr. Tapp: Which a cemetery is in the business plan right now is that correct Debbie?

Ms. Viviano: Yes, that's a possibility if the cemetery's in there they're going to have to meet certain conditions extra that might be in the ten year for them to come back, I would assume that.

Mr. Tapp: No it says Pet Cemetery in there.

Mr. Rhodus: The other question is what happened to all this deal with the airport wanting to take all this ground around here for a commercial deal to create businesses whenever they get the sewer plant there from Kearney which will never happen.

Mr. Tapp: That is down south on the Airport property.

Mr. Rhodus: But that would all be considered that. Why would you want a dog pound right there in the mist of your residential or your business type of deal there, people dumping things out which we already said most of them will be to start off with will be dumped out. We'll have that problem back again, just questions.

Mr. Beggs: Thank you.

Mr. Vick: Danny Vick, 5905 NW Mattox Ct, Kansas City, MO 64151. I would like to address a couple of things from Westfalls that have come up here. Westfalls will continue to have a large land presence directly abutting this property, so it was a concern and looked at the whole scenario we do have compassion because I am in the Real Estate business and Jim and Tom you know that I am in the Real Estate business right now we have a real problem when we have clients who are going to hospice care to nursing homes to long term living arrangements and they maybe have a dog and a cat that are eight or nine years old and have been used to living with them and they are not adoptable and Swanson Acres will provide an alternative for those older animals to live out their life in peace out there in a very serene setting so I just want you to understand that the Westfall's definitely took this into consideration. Considering their land holdings are directly adjacent to this property because it's not something where they want waste problems smell problems, anything that's going to take value from their property. So I want you to understand this is something that we took into consideration.

Mr. Beggs: Thank you.

Mr. Vick: Thank you.

Mr. McClaskey: Dave McClaskey, I just would like to be noted from what the gentleman just presented about Westfall, they don't live anywhere close to this. They never will ever. So it's really no concern to them in that type of deal the property that they have around there have their livestock on it's all tillable ground so it's not issue for them. Being in Real Estate I would like I still have heard anybody, where's this going to take my property value? That's a big concern.

Mr. Beggs: Thank you.

Ms. Rhodus: Good evening my name is Colleen Rhodus, I live at 13623 Rhodus Road and I have several questions concerning the fundraising. Where will that be held and what kind if they are going to have big programs for the (*inaudible*) to fund this? Are they going to hold it on their property and will that not increase the traffic? We also farm in that area as my son has indicated we also run cattle we have on more than one occasion suffered the consequences of dogs getting out and destroying some of our calves and cows. We do this for our livelihood we are not hobby farmers I would really like for you to take that into consideration. Talking to Debbie I have visited the zoning board on two occasions and it was my understanding maybe I was confused, but it was my understanding that if the Liberty Animal Shelter or the Excelsior Animal Shelter were over run and too populated then those younger dogs would possible come to this facilities.

Ms. Viviano: I am sorry; I don't ever remember saying that to you, Colleen. If you interpreted that from my speaking, but I know that was never presented in their business plan or to me from them, so just to clarify that.

Ms. Rhodus: It's not in here but this is one of the questions that I

Ms. Viviano: I can't answer that they would need to answer that.

Ms. Rhodus: Mr. McClaskey indicated we have several problems with dogs being dumped on our road and this is another concern we have cattle right on our home behind our house and dogs think it's fun to go out and chase calves and once it's done there is not coming back. I also have a concern with behavioral dogs and that was another question I asked was what if these are could these possibly be dogs that have been fighting dogs? And what if one of them gets out I have grandchildren what if they hurt one of my grandchildren? What are our legal what is the ramifications of that if the cattle get out and one of my children shots one of those dogs are they going to turn around and sue us? And my daughter asked the question tonight what are these dogs going to do because they are going to make noise and we have cattle what if they excite our cattle, our cattle get out get on the railroad track, which is nearby as it has been pointe out on more than one occasion, who do we go to? The railroad to get reimbursement or these people want to carry enough liability to cover that? Those were some questions and I still have a concern like some of the other about the dumped dogs that are just left at the gate and people are many not going to fill out those papers what are they going to do when somebody want to fill out the paper or doesn't want to give their information and will this veterinary that's going be on staff is he going to be a volunteer or is he going to be paid the vet tech is it volunteer or they going to be paid? And their groomer and trainer also and what kind of certifications will this groomer and trainer have? And will they be paid on a weekly or monthly basis or will they volunteer their time? And if they volunteer how big will their turnover are we going to have? And I realize we may just start out with just a few dogs but they are talking within five years up to 150 and ten years 250 that's a lot of animals on that small piece of ground. And then we have so much where we can run our cattle and we can farm for our livelihood. I think I have a lot of other questions but those are just some concerns I have, so thank you your time.

Mr. Beggs: Thank you. Any other comments? What do you guys want to do? It's up to the Commission to decide where we want to move.

Mr. Carlson: I would like to make a motion that we request the Conditional Use Permit to operate an Animal Services business on Agriculturally (AG) zoned property at 23026 NE 140th Street with the conditions that have been stipulated.

Mr. Beggs: Motion to approve, is that the motion?

Mr. Carlson: Yes that's the motion.

Mr. Beggs: Do I have a second. Do you want to have a discussion? Does anyone want to make a different motion? Do we want to table it for further study? Do we need to vote on this motion?

Mr. Flook: I was going to say without a second the motion fails. It's been the process there'd be a second so without the second motion does not go to a vote, so his option is to withdraw the motion or the motion fails either way.

Mr. Beggs: I'll say it again, do we have a second?

Mr. Carlson: Okay I withdraw the motion.

Mr. Beggs: Okay, so procedurally?

Mr. Flook: (*inaudible*) There is no second it's withdrawn therefore if someone wants to make the same motion with an alteration to it or some new limitation they can do it, it won't be redundant, okay.

Mr. Beggs: Okay.

Mr. Flook: But it would have obviously because you have seen nobody seconded it, if you want to make a similar motion you need to make sure what your clear what your distinction is, okay.

Mr. Beggs: Thanks.

Mr. Flook: Of course, if someone calls the opposite motion now is the time to do that.

Mr. Troutwine: I make a motion that we disapprove.

Mr. Beggs: Do I have a second?

Mr. Troutwine: I don't know what we are doing here.

Mr. Beggs: Okay.

Mr. Flook: Maybe as chair you can, that motion fails to warrant a second at this point I think maybe we might have a question as to whether or not the Commission needs some more information, more evidence on a specific subject such as we have talked about the regulatory requirements are for a kennel and for domestic animal waste you might want more information on that or more evidence on that as an example it's really up to you. Right now what you have is you have no decision so you either ...

Mr. Tapp: I think we just need to ask the Commissioners what are the issues that have not been fully addressed.

Mr. Beggs: Do we need Cecil to rescind his motion?

Mr. Flook: Well it's failed or he can withdraw it.

Mr. Beggs: Okay.

Mr. Troutwine: No I chose not to withdraw.

Mr. Beggs: Okay, there's no second so the motion fails. Discussion points I know we talked about sound levels, visual screening, people have talked about density, number of animals kept, I would like to see some more information regarding say 65 decibels that has been suggested is that a condition that we need to put on the permit, property screening visually as well as sound barriers, maybe limiting, instead of going 10 years on the conditional use permit going into a smaller time frame and maybe instead of just saying up to 250 animals work this in slowly so we can see what's happening to vegetation, what is happening to the waste removal, what's happen to run off, how that's being handled that would be some of my suggestions the Commission may feel differently.

Mr. Walters: I agree.

Mr. Beggs: But I think there are some more things that we need to talk about.

Mr. Tapp: Specifically so we can properly research this for the Commission if we so chose to table it for next month, Debbie go run down the list that the Vice-Chairman just addressed.

Ms. Viviano: I have a number of animals and specifically you said 250 animals are you saying

Mr. Beggs: That was from their business plan was the 250.

Ms. Viviano: Right that was the maximum, are you wanting that to be ...

Mr. Beggs: I would like to see some kind of guidelines for density on 10 acres of ground what will 10 acres ground actually ...

Ms. Viviano: That's a guideline on 10 acres?

Mr. Beggs: We know how many cattle we can run on an acres.

Mr. Tapp: Its one to one relationship, large animals is one to one. Medium depends on the size of the animal and small is like hamsters and stuff so we will have to go with medium, I'll give you guidance on that in just a second, go ahead Debbie keep going down your list.

Ms. Viviano: The screening is one of the things which I'm thinking that they addressed the screening to a certain degree you want more addressing done on that?

Mr. Beggs: Well to the south it looked like on their site plan there really wasn't much screening to the south and....

Ms. Viviano: Okay so you are looking at the south screening?

Mr. Beggs: Yes I think the railroad on the east is probably adequate.

Ms. Viviano: So the east is okay and the west?

Mr. Beggs: There's not much ...

Ms. Viviano: The north?

Mr. Beggs: Yes I think the north and the west and the south need to be, we need to look at that.

Ms. Viviano: Okay so the north, west and south need to be addressed on the screening.

Mr. Beggs: Visually as well as sound what can we do and maybe we want to put a decimal type measurement on that.

Ms. Viviano: You were thinking of a smaller time frame do you have a time frame in mind do you want to go in with a possible five acres?

Mr. Beggs: I think that is something that needs to be discussed with them because they are going to be making a sizable investment here in the time they need to get that back that's going to drive that so I think that needs to be in negotiations that maybe it needs to be less than 10.

Ms. Viviano: Okay.

Mr. Carlson: I think maybe the owner, I think I understand their vision, I think it's a very noble vision. We don't have places to take our pets you know, when I read this over I talked to my wife about, what a neat place to take our dog, I don't think we are going to look at this, I don't think their vision is going to be a kennel, I think maybe we ought to remove that word from the terms and change it to some other wording but not a kennel and maybe limit the number of ..

Mr. Flook: That maybe harder to do I think maybe I looked at their plan, don't they have a building plan? So which based on the numbers of animals even at a smaller number of what they got it would still be our kennel code..

Mr. Carlson: Well I have a kennel, if I keep my dog out in the backyard I have a kennel for it..

Mr. Flook: There's a general definition but this is larger so it's going to have to meet some other code sections. It really kind of relates to the safety and health environmental type of things for the animal and for people around them and I think Matt's already touched on a lot of it, there's a lot of play there. It seems like, and I'm objectively to look at it, it seems like what we have those standards doesn't seem like anybody can speak with authority about how many dogs, in terms of dog or pet density at what point does the waste, even though you cart off some of it or a lot of it, what point does the waste become a problem, we have some standards for it but I don't know if we've had testimony about that, from what I've heard.

Mr. Troutwine: I think if I can give a recommendation to these people who have the application in that maybe they ought to go back to square one and contact the neighbors and find out what the real impact is. I can't judge the impact of that many dogs or cats how that's going to effect the land out there, but you are dealing in a rural area with farmers who make their livelihood out of protecting the land. I 'm not saying you won't protect the land but number one you ought to talk to the neighbors out there you are going to be living with the neighbors out there find out what their problems are find out what their concerns are see how many of those problems you can solve and see how many of those concerns you can answer where they feel comfortable with you being a neighbor. To drop this on somebody and the impact that it may have I think you need to talk to them, individually you haven't got that many neighbors. It's not like you are going to a hundred people, you've got a few neighbors with real concerns that you need to address and then come back before us with the support of your neighbors and I can grantee if you have the support of neighbors it's going to be smooth sailing for you.

Mr. Beggs: Along with that maybe, before Cecil started, I was thinking instead of saying you have got to do X, Y and Z have some kind of performance specification say you can have more than 65 decimals at this point and let them decide what they have to do to get to that point or whatever the number is.

Mr. Tapp: And encourage the Commission to vote on is to perhaps table it to next month's meeting because we already have a meeting set, we have other items on the agenda. So we table it for next month to give us enough time to research whatever we can on property value, impact of animal shelters, I don't know what we might be able to locate but that's very difficult to pin point. There is hearsay and the NIMY-ism and all that kind of stuff to sift through. Also the decimal level I will do some more research on where it's medium and larger dog decimal level so many feet from the source of the sound and kind of give you guidance for that and identify a good number that makes since for dogs at the

property line maybe not right at the facility. It's really up to the Commission you can if you want, so the property line decimal level can't be more than this, and they will have to adjust their business plan to make sure they meet that requirement. So I would encourage that we table it to give staff more time to do some research on these fronts and kind of work with the applicant and hopefully applicants can work with the adjacent property owners and come to a resolution.

Mr. Troutwine: If I could make a suggestion,

Mr. Walters: Colleen has a question out there.

Mr. Troutwine: Oh I'm sorry. If I could make a suggestion, Matt I think that maybe you should meet with not only the applicants but the people that seem to have a problem with all of this and see if you can't come to some kind of a balance I think it would be worth all of our time if you come to us and say I've reached an agreement here with the affected neighbors and the applicant that we can live with. I think that would save us a lot of time and a lot of guess work on how much noise is out there, how much environmental impact is going to have on that land.

Mr. Beggs: Colleen?

Ms. Rhodus: One question was does the County regulate a facility like this? I mean to do they go in for monthly inspections or they inspected by the state and if they are fine but if they are not could that be something that could be put into their conditional use that this facility be inspected to make sure that it is a what do I want to say I just lost the word.

Mr. Tapp: Well Colleen real quick probably best comparison is our public stables and a lot of times we have in there that we certainly can do a surprise inspection anytime we want to have the zoning authorities so we can do whatever we want, but we can add a condition in there that we inspect the facility every x months I don't know what ever three months, six month every year, depending on the time frame of the CUP and then we can do it that way. I do know that the Department of Agricultural, State Department of Agricultural regulates animal shelters or different facilities I believe is that correct Kris?

Mr. Karnes: I'm sorry.

Mr. Tapp: The Department of Agricultural regulates Animal Shelters?

Mr. Karnes: Yes.

Mr. Tapp: Numbers and making sure it's in a safe environment so like the City of Kansas City. The KC Pet Project gets inspected by the State I assume.

Ms. Rhodus: I know by looking at (*inaudible*) that the State comes in and just does impromptu they don't know they are coming, and they come in and inspect the plants to, so ..

Mr. Tapp: That can be added as a condition to the Conditional Use Permit, is inspections at a certain rate.

Mr. Carlson: I would like to make a motion to table this request for Conditional Use Permit.

Mr. Beggs: Do I have a second?

Mr. Walters: I'll second.

Mr. Beggs: Vote.

Mr. Tapp: Karl Walters?

Mr. Walters: 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.

Final Vote: 5/0/ 0, Tabled until April 1st Meeting, Mar 14-113CUP; Animal Services Business – Conditional Use Permit

Mr. Beggs: So we will put this on next month's agenda.

Mr. Tapp: That will be April I will get the date, what's the date? April 1st, April's Fool Day.

- Mr. Vick(?):** Can I get the contact information and names for everybody around there so that when we start the *(inaudible)*
- Mr. Tapp:** There is a sign in sheet at the front that is all the information we can have, so yeah I encourage the folks that voice their concerns tonight to put their information on there and maybe we'll try and schedule a community meeting and have everyone talk and we can figure it out.
- Mr. Beggs:** Thanks everybody for coming in we appreciate it.
- Mr. Karnes:** Can I address *(inaudible)*
- Mr. Beggs:** Sure go ahead.
- Mr. Karnes:** I can appreciate your concerns and all that and we are a nonprofit organization and we've already work with Debbie and she had some questions from over here and we addressed that issue we don't have deep pockets, we have so much we can work with so we may have to rethink what we are doing and where we are going to do it because we don't want to upset anyone. We just want to provide a safe, healthy, happy environment for as many animals as we possibly can. We're not backwoods people that are going to let it all go to heck we want it to look beautiful and nice for everybody. Like I said I appreciate your concerns and it's not our intentions to decrease anybody's property. Do anything of that sort, we are just trying to do a good thing and we can't afford to continually add five feet deep concrete put fence in and twelve foot chain link with privacy fence, we don't have the money to do that we will work with Debbie and Matt and
- Mr. Tapp:** It's just been tabled to April 1st the only other recourse you can have right now is to fully withdraw the application at this point, we tabled it to next month the only other option is to withdraw.
- Mr. Karnes:** We have a contract on the property, we are supposed to take procession of it April 1st pending the approval of what *(inaudible)*
- Mr. Tapp:** Let us know
- Mr. Karnes:** So we may lose that contract anyway so it maybe null and void.
- Mr. Tapp:** Okay but we will work with you.
- Mr. Karnes:** I will get back with you Matt and Debbie, like I said thank you for your time and *(inaudible)*.
- Mr. Beggs:** Thank you.
- Mr. Troutwine:** Thank you.
- Mr. Beggs:** Last case for this evening is March 14-114CUP 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.
- Mr. Tapp:** Yes Mr. Vice-Chairman first off I would like to attach the staff report as part of the record.
- Mr. Beggs:** So be it.
- Mr. Tapp:** Summarized the staff report March 14-114CUP dated February 27, 2014.
- Mr. Beggs:** Okay thank you, the applicant come forward.
- Mr. Douchant:** Good evening my name Mike Douchant with Dolan Realty Advisors our offices are in Webster Groves, MO a suburb of St. Louis. I should have inquired from Matt and Debbie as to how many similar applications have been made in the past, but in likelihood you know the drill, to be honest before I go too far I just want to say I know it's getting late and this is the last item on the agenda but I've done over 600 of these all land sites and I wouldn't look this bad if more zoning officials were like Debbie and Matt they have been very productive, you guys are in good hands. The AT&T Wireless is in the midst of a significant build out as we are all well aware several years ago we had kind of a down turn in the economy and so all businesses are affected by that this is kind of a barometer that the economy is probably on the uptick and that again we are in the midst of a significant build out if you even look at the cover sheet of the plans and look at the vicinity map you can just look at several municipalities here where we are going to be connecting to those areas with this specific proposed site. Whether it be Gladstone to Glenaire, Roosterville and that is kind of north of 70, we've got an even more significant build out south of 70 down just out of sight the middle of Raymore that will be connecting the Belton that will be connected to a couple of sites of Harrisonville to Lee's Summit down, all the way down south to Archie. So if you are an AT&T customer you'll probably be glad to know that your coverage and capacity issues are going to be met even if you're not you are going to derive a benefit from it, because guess what the brand X is going to have to keep up with the Jones' or

else they are going to lose you as a customer. Plus there really is no brand loyalty, whom ever has the best coverage gets the customer and so again there's going to be a benefit even if you are not at the moment an AT&T user. We haven't reinvented the wheel in terms of compound design. Matt described specific site in general again the good news will be that if you've been on board such as this for an extended period you probably remember back at the inception of our industry 20 – 25 years ago we were up in the 300, 350, 400 foot range guide towers and we blasted away saying we've got coverage, well as the years unfolded the heights came down 350, 320, 300. 280, 250, 220 and now we're in the mid-100 range for a relativity remote location not only that it's also again no guide wires and it's also not a self-support lattice tower, this is a mono pole, it's a galvanized pole, pretty much straight up it is tapered but you really can't tell with the naked eye. And it's not, you know, one of the (*inaudible*) looking like towers with three or four lips. So in most municipalities that's just looked upon more favorable for asthetic reasons, beyond that the access road we are mooching off the underline property owner for half the access road coming off the public right away. We will be extending it north the compound presented in the plans with the similar type of rock base, in addition to the mono pole being there one the things that have really been improved over the years has been design. Our compounds anymore are virtually maintenance free and again the other thing it won't be a high traffic deal, operations will show up kind of like a meter reader their supposed to be there once a month to check the equipment I think they take naps at some of the other facilities and are normally there every other month or every quarter. So beyond that I'm open to fielding any questions again this a, oh one of the sites I neglected to mention will probably be coming up in the next couple of months this site will be connected to one in the (*inaudible*).

Mr. Beggs: Any questions from the Commission? So you have read the report and you are in agreement with all the conditions that they have specified.

Mr. Douchant: I would like to touch on several of them just for clarification.

Mr. Beggs: Okay.

Mr. Douchant: You may want see if there is any other commentary that might surface where I couple that with the response there that might happen to deal with (*inaudible*)

Mr. Beggs: Is there any other comments from the public? Please come forward.

Mr. Nelson: Tim Nelson, 21013 NE 176th St, my property is just short of 20 acres due north of this property. I want to apologize I didn't notify the Commission of my objections it wasn't specified in the letter to call back I am just expressing them now, I have concerns for my property value, in the rear of my property or my deck where I spend a lot of time, it's over this area and so I have concerns of the effect of the property value and I think there are some other neighborhood people here as well we all have cell phones and I understand that but this seems to be a pretty small property with continues neighbors I don't know what the property size is was it 13 or 15 acres seems to me such a tower will be best places in a more spacious rural acreage where there aren't you know typical Clay County where there are small (*inaudible*) where houses develop, we built this house with a view in mind located the house with a view in mind so we can imagine we are a little concerned to know right over our view of the rolling hills of Clay County now we get a cell tower. So I've got concerns about the economic impact on my property value and the aesthetic of seeing that tower. You know I understand that tower goes up on some other property owner what's my recourse? Do I come to this, do I come to Clay County for reimbursement on my lost property value do I go to AT&T? Because there is no doubt in my mind I can show any realtor the sight of that tower and they are going to say "wow that doesn't look very good" (*inaudible*) Thank you, I know it's late appreciate your service.

Mr. Beggs: Thank you, anybody else?

Ms. Gilpin: Therssa Gilpin 20809 NE 176th Street. My property adjoins the property of the Nelsons as well as the Kitchen's; my concern also is the view, this is a residential area and then to put a tower it will distract from the view. As a Real Estate Agent I know what it does to the property value and I have had the experience with trying to show property next to towers and next to power lines and it just doesn't fly with people so I'm concern about property values and I'm also concerned that they say it is a smaller tower but over the years the height has diminished but who's to say that it's going to go back up because of some other reason. I don't think that this gentleman would want this in his backyard whenever it is a residential area there are other areas around that that are less populated but as you can see it is basically a residential area and we do have beautiful views there and this will diminish our

pleasure of our property, that's why we bought it was because of the country sitting. So we hate to see this happen and there are other areas I'm sure that Mr. Dolan can find just my property is straight back and then the Nelson's are over to the right. Down over to the left, that is my property and then to the right is the Nelson's. So that's all, thank you.

Mr. Beggs: Thank you. I can address one of your concerns the CUP is based on a maximum height of 155 feet that is part of the conditions so it won't ever be any higher without changing the CUP. Anyone else?

Mr. Huffman: I know it's getting real late and I've got to go to the bathroom. I am Joe Huffman, and I live at 21006 NE 172nd Street, I am the one immediately to the east. I have two questions my are primarily really selfish I am a current AT&T customer and I get less than stellar service now and I am told when I have a tower right next to me it is going to be less than stellar, can you address that? The second one is what is the red being up there?

Mr. Tapp: That's just the location of the tower.

Mr. Huffman: Well I know that's the location but it's not circular, it looks like a mushroom or something.

Mr. Tapp: That is just zoomed way out it's just an x I tried to draw on here free hand I will just remove it.

Mr. Huffman: I didn't know if that dealt with radio beams or

Mr. Tapp: No that's just my poor x writing.

Mr. Huffman: Not that I have any kids (*inaudible*)

Mr. Tapp: Right sure I understand.

Mr. Huffman: Can you address that because AT&T has always told me, this is a selfish reason, AT&T told me if I wanted better service you need to buy a house antenna repeater and I said it's your service why should I buy a tower so maybe, put a tower in my home to get better service I don't know if that increases or decreases the service.

Mr. Douchant: Well on a couple of those things on that topic first you will have the best coverage in town cause we are a line of sighting enterprise you don't want to be what they should have embellished on is that you don't want to be underneath a tower, you don't want to be in our compound shouldn't be there anyway so because it's line of sight to the antennas and so you'll just be in direct line of sight.

Mr. Huffman: I'll be at four bars.

Mr. Douchant: Plus a little. So in terms of the property value I would only add that respectfully request there be some studies documenting that I believe we did provide via e-mail if not we can voluminous studies in fact I might be able if you want me to haul them in show them there's zero impact we've got them for a verity of locations whether it be several County wide look in more toward St. Louis, we've got Kansas City area we also got Lawrence. So if you want that be distributed to whom ever so be it. Again the general is just zero impact. (*inaudible*) Although as events have unfolded over the years what you are finding is that more and more folks crave it because say someone does want to build out there residential be it on if the lots are even subdivided in the future from 15 into 12 to 9, 6, 3 whatever more and more new home builders they are going wireless they don't even have land lines. So it's considered more of a perk than anything, again cosmetically it's the monopole verses the oil derek looking like cell support lattice tower. Again if I didn't supply those that pass on for the public I apologize we've got it readily available if you need it to peruse. But the again they are like 100 pages each on the property (*inaudible*).

Mr. Tapp: A couple of points there real quick, Mike you do have another application that is going to go before this same Board in a month, April 1st if the Commission so desires we could table this request so that we can get that information perhaps from both applications this one and 33 Highway one.

Mr. Douchant: I could go out and fetch it up in my vehicle right now, if you want it to look at it, if you prefer to move on if you (*inaudible*)

Mr. Tapp: I am just giving an option to the Planning and Zoning Commission that you are coming here anyway April 1st for another one so we could table it and get that information or do a slight recess so that Mike can grab it but even then we would have to have time to review it.

Mr. Carlson: Is the necessity for this tower in that area for coverage?

Mr. Douchant: In this specific case it's a combination of what the gentlemen just sighted there are some coverage gaps do to the relativity remote location but principle anymore as our network matures

it's more for capacity reasons. If I could beg your indulgency for just briefly here let me try to visible kind of depicted, if you could envision a triangle honeycomb that's what a cell phone network looks like each because again it's a line of sight business, you've got antennas at a raise of 120, 240 and 360 degrees for the complete circle to try to get out to enhance the coverage. As the network matures each cell site each quarter of that triangle can only hold so many calls and so when you get to a certain capacity we know we've got to get our act together and spend more money to get a cell site as close as reasonable possible to the middle of that triangle and then that forms x number more triangles in the future as we get to that capacity level again then you do it again. But again the good news is as each time you do it then that center line comes down, so in the future the next time you have another triangle it will be 120 or 100 feet the next one next time will be 80, ten years from now it will be 60, 40 twenty years from now we will be down to light posts. So that's the essence of it I hope I explained it in a way that kind of makes sense, we've in the past we use to be able to float it, oh there's a larger parcel over there but in my view our search areas or our search range their becoming more like pinheads then what they use to be. We really can't float we've got to be in that middle as close as we possibly can be to that triangle or else all it does well we'll put one right here well then when we could have one cover that whole triangle on the growth well if we put it over here well now you've got to put one over here so you are putting in two towers instead of one, that kind of defeats the purpose of the proliferation of towers. So there is a method to the madness we take these variables that have been brought up and we try to put ourselves in the shoes because we have been there and done that. We do take a great deal of pride in the coverage of the network we also try to factor in all these things right from the get go. Again that is one of the reasons why I appreciate the input from the zoning because they helped make this go straight from A to Z we didn't meander all over the place in the wilderness like Moses.

Mr. Carlson: Did you search that site or did the people come to you, are they compensated for this site?

Mr. Douchant: Yes we have a lease with them and (*inaudible*) because we did in this specific case we did have several viable options including neighbors right adjacent to them it just so happened that on the adjacent sites that we are going to build this made for a seamless fit again to reduce the possibility of us needing additional tower in the not too distant future rather than waiting until the capacity increases again and with the newer sites, so we had a wealth of candidates good candidates with similar size lots that just so happen, you've got to pick one, that is just how this unfolded in fact they were on the two adjacent parcels to the north where our other candidates for this specific site.

Mr. Carlson: Matt how does this tower compare in height to the last one we did that was a ...?

Mr. Tapp: Paradise.

Mr. Carlson: Yes, same size?

Mr. Tapp: That was a wi-fi tower a little different technology.

Mr. Beggs: Yes that was a wi-fi tower.

Mr. Carlson: In height?

Mr. Tapp: I think actually the same height 155.

Mr. Beggs: Was it that tall, I didn't think it was that big.

Mr. Tapp: No that was 70 or 80 feet. The wi-fi towers are different it's set for a very specific geography.

Mr. Nelson: I would just like to know how many of these letters were sent out, is that a hard question to answer off the top.

Mr. Tapp: We can get the file.

Mr. Nelson: To me it seems like a little question of how many adjacent landowners there will be and what we are really talking about is one land that benefits from making this contract with Communications Company and the rest of us if you would be in our position you know we are (*inaudible*) just because someone want to make a buck and I don't think that's right. So my suggestion is to look at a large area and sounds like it shouldn't be a problem with all the opportunities to find a large acreage area in the middle of a farm the farmer would be glad to have to make money off his acreage there.

Mr. Tapp: By State law requires 1,000 feet around the buffer of the property, I can show you the map 26 people it went into Leewood north, one, two, three properties to the east, (*inaudible*), Georgetown Acres, you two guys

Mr. Nelson: *(inaudible)*

Mr. Tapp: Yes and 26 of them, 1,000 foot buffer from the property.

Mr. Nelson: So that is just in an immediate 1,000 feet there is 26 people that will have 150 foot tower we all moved out into the country in sprawling Clay County I just want to you to think about that. Thank you.

Mr. Beggs: Thank you

Ms. Gilpin: Therrsa Gilpin. I was contacted by this gentleman and told him he ask me if we would be interested in talking with him, I said well yes because I couldn't make a decision without my husband and so he never came to us again but husband and I discussed it that. Why do we want a tower obstructing our views and we felt it wasn't fair to our neighbors to put an obstacle like this on our property where we would benefit from it but they wouldn't, they would have to look at it as well as we did and I just feel that these big companies like to come in and make it appealing that they are going to give you enough money that you will be able to pay your County taxes at the end of the year and it makes it look appealing to maybe the Kitchen's, but to me that's just being deceitful because they are a big company and all they want is more money, more customers. We want what we bought it for we wanted to live in Clay County with a nice view and good neighbors and it bothers me that the neighbor, and we love David and Betty they are wonderful people but it bothers me that they didn't ask us if what our feeling were about this, because so far the neighbors that have shown up here tonight didn't approve of it and so please take into consideration if you would like to have *(inaudible)* and we appreciate it.

Mr. Tapp: I strongly encourage the Planning and Zoning Commission by state law by local codes case law that we need to get to the root of the issues do not deny something just based on solely upon "we don't want" Strongly encourage it.

Mr. Beggs: Okay other than

Mr. Tapp: If we have issues of property values look at property values reports and the neighbors are more than welcome to have an appraiser do a report for them, it's totally up to them.

Mr. Flook: The question I think what Matt's trying to say is that which is the standard do you feel like you have heard today substantial and competent evidence on which to make a decision so an opinion could be taken as some but not as evidence itself, so I think that's what he is getting at.

Mr. Tapp: Get to the root of the issue and get the facts.

Mr. Flook: Yes and so if you, your choice you could say, you could vote today and obviously it's within the right of anybody on the Commission to make a motion but if there's a feeling on anybody's part that they don't feel like they don't have substantial convincing evidence then you are within your right as a Commission to table it and request more evidence on any specific issues that anyone of you wants to hear on and there is no right or wrong way to ask for it you just simply ask for it.

Mr. Beggs: Okay.

Mr. Carlson: I would like to make a motion that we table this proposal and ask for more evidence on land values, location, or alternate locations.

Mr. Beggs: Do I have a second?

Mr. Walters: Second.

Mr. Beggs: Vote.

Mr. Tapp: Karl Walters?

Mr. Walters: 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.

Final Vote: 5/0/ 0 Tabled until April 1st Meeting, Mar 14-114CUP; AT&T Wireless Tower – Conditional Use

Permit

Mr. Tapp: And is that table to April 1st?

Mr. Beggs: Yes next month?

Mr. Tapp: Is that correct Jim?

Mr. Carlson: Yes.

Mr. Beggs: Can we get the information that we need by April 1st?

Mr. Douchant: Yes it will be (*inaudible*) I mean in terms of say alternate locations.

Mr. Beggs: Sure I mean to me I would ask the same for you, I am sure you are going to provide a report showing it doesn't decrease values, anybody in the room can also provide a report showing otherwise.

Mr. Flook: Actually data, actually information either sporting your proposition that values will go down (*inaudible*)

Mr. Douchant: (*inaudible*) I will deliver it tomorrow our copy.

Mr. Flook: But it goes for both sides of the issue.

Mr. Carlson: Right.

Mr. Flook: What kind of comparison data is there something more comparable for whatever position anyone is taken would constitute a type of evidence that they can use for basis for decision either for or against as an example. And your data on the benefits of the additional cover you have more data on that that would evidence your opinions are nice to hear but it's not enough.

Mr. Tapp: I think what Tim's getting at is show us that the triangle that you are talking about right here is the middle this is where you have to be for that triangle for coverage.

Mr. Douchant: We have what we call a propagation map we'll show the coverage gap that needs to be filled or else regrettable we'll have to go through that period of 10 – 12 years ago if you recall that era of drop calls and spotty coverage because again each cell site will only hold so many calls. When you get to a certain level of capacity you know you are going to be in 100% capacity within that so many months so you better find something else or else you are going to have some unhappy customers.

Mr. Carlson: Question for you would a tower next to another tower increase the capacity enough in that triangle? But another triangle next to it is...?

Mr. Beggs: Does two towers give you twice the number of calls? If you set one right next to another?

Mr. Carlson: It seems to me like it's a capacity issue with you not the number of not the range.

Mr. Douchant: In this case it is a combination of coverage and capacity.

Mr. Carlson: So it is coverage.

Mr. Douchant: Yes and that is what we will be...

Mr. Carlson: Could you bring information that would ...

Mr. Douchant: It will be color coded what we call propagation maps; you will be able to see here's the coverage now here's what it will be with the new cell site and the here's the strength of the coverage. For us to stay in business anymore we can't just have what we call drive coverage you've got to have what we call in building coverage now or else you will lose the customer because the competition is going to either has it and you better keep even or beat them to the punch one way or the another. Whoever has in building coverage so it makes your phone more useable it's the customer when your contract expires.

Mr. Beggs: Okay appreciate it, thank you. Thank you everybody. Matt do you have any comments?

Mr. Tapp: No, none right now. Adjourn.

Mr. Carlson: Motion to adjourn.

Mr. Beggs: Motion to adjourn.

Mr. Walters: Second.

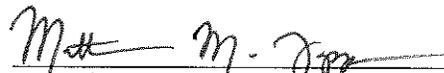
Mr. Beggs: All in favor aye.

All: Aye.

Meeting Adjourned



Chairman, Planning & Zoning Commission



Secretary, Planning & Zoning Commission



Recording Secretary