

CERTIFIED COPY OF ORDER

STATE OF MISSOURI

} ea.

June Session of the April Adjourned

Term. 20 10

County of Boone

In the County Commission of said county, on the

29th

day of June

20 10

the following, among other proceedings, were had, viz:

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

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

Done this 29th day of June, 2010.

ATTEST:

Wendy S. Noren
 Wendy S. Noren
 Clerk of the County Commission

Kenneth M. Pearson
 Kenneth M. Pearson
 Presiding Commissioner

Karen M. Miller
 Karen M. Miller
 District I Commissioner

Absent
 Skip Elkin
 District II Commissioner

The minutes for the Planning and Zoning Commission meeting of the June 17, 2010 along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

Caputo – Animal Training / Boarding:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The property has direct access onto Calvin Drive, a county-maintained public road. The proposed conditional use is not one that will generate more traffic than the current permitted uses on this property. The application can meet this criterion.

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

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

Zoning Analysis: Animal training and boarding operations are potentially intrusive on nearby property owners. The current kennel locations, identified on the photos enclosed with the conditional use permit application, have a substantial barn/stable building between the kennels and the nearest adjacent dwelling. That structure may serve as a visible screen to the adjacent properties to the west. A future kennel location, identified in the attached photos as a paddock, may be adapted to provide six additional kennels.

The paddock is located to the north of the current kennel structures and is approximately 500-600 feet from the two nearest dwellings on nearby properties. These existing conditions may serve to mitigate any undesired off-site impacts.

Staff recommended approval of this request with the following condition:

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

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

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

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

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STATE OF MISSOURI }
County of Boone } ea.

June Session of the April Adjourned

Term. 20 10

In the County Commission of said county, on the 29th day of June 20 10

the following, among other proceedings, were had, viz:

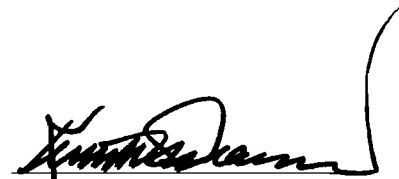
Now on this day the County Commission of the County of Boone does hereby **approve** the request of 2801 S Olivet LLC to expand a previously approved Riding School and Equine Boarding Facility on 100.98 acres located at 2801 S. Olivet Rd., Columbia, subject to the following conditions:

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


Done this 29th day of June, 2010.

ATTEST:

Wendy S. Noren
Wendy S. Noren
Clerk of the County Commission



Kenneth M. Pearson
Presiding Commissioner



Karen M. Miller
District I Commissioner

Absent

Skip Elkin
District II Commissioner

2801 S Olivet LLC / (Wright) - Animal Training and Boarding Facility

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

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

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

- a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, or general welfare.
- b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.
- c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.
- d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access, and drainage.
- e) The establishment of the conditional use permit will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.
- f) The establishment of the conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.
- g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

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

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

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

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

Staff recommended approval of this request with the following conditions:

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

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

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

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

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June Session of the April Adjourned

Term. 20 10

In the County Commission of said county, on the 29th day of June 20 10

the following, among other proceedings, were had, viz:

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

Done this 29th day of June, 2010.

ATTEST:

Wendy S. Noren KS
Wendy S. Noren
Clerk of the County Commission

Kenneth M. Pearson
Kenneth M. Pearson
Presiding Commissioner

Karen M. Miller
Karen M. Miller
District I Commissioner

Absent
Skip Elkin
District II Commissioner

Forbes Realty LLC (Rock Bridge Animal Hospital) - Rezoning

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

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

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

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

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

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

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

The property scored 76 points on the rating system.

Staff recommended approval of the rezoning and the review plan.

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

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

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

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June Session of the April Adjourned

Term. 20 10

In the County Commission of said county, on the 29th day of June 20 10

the following, among other proceedings, were had, viz:

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

Done this 29th day of June, 2010.

ATTEST:

Wendy S. Noren
Wendy S. Noren
Clerk of the County Commission

Kenneth M. Pearson
Kenneth M. Pearson
Presiding Commissioner

Karen M. Miller
Karen M. Miller
District I Commissioner

Absent
Skip Elkin
District II Commissioner

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June Session of the April Adjourned

Term. 20 10

In the County Commission of said county, on the 29th day of June 20 10

the following, among other proceedings, were had, viz:

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

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

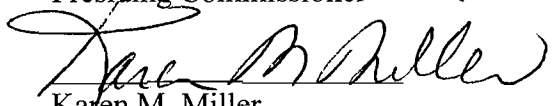
Done this 29th day of June, 2010.

ATTEST:

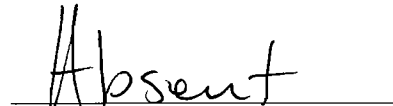
Wendy S. Noren
Wendy S. Noren
Clerk of the County Commission



Kenneth M. Pearson
Presiding Commissioner



Karen M. Miller
District I Commissioner



Skip Elkin
District II Commissioner

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June Session of the April Adjourned

Term. 20 10

In the County Commission of said county, on the 29th day of June 20 10

the following, among other proceedings, were had, viz:

Now on this day the County Commission of the County of Boone does hereby approve the organizational use of the Boone County Commission Chambers by Mathew Richmond, a student of New York Film Academy, for a student thesis film on July 8, 2010 and July 9, 2010 from 8:00 am to 7:00 pm.

Done this 29th day of June, 2010.

ATTEST:

Wendy S. Noren KS
Wendy S. Noren
Clerk of the County Commission

Kenneth M. Pearson
Kenneth M. Pearson
Presiding Commissioner

Karen M. Miller
Karen M. Miller
District I Commissioner

Absent
Skip Elkin
District II Commissioner

Ken Pearson, Presiding Commissioner
 Karen M. Miller, District I Commissioner
 Skip Elkin District II Commissioner



Boone County Government Center
 801 E. Walnut, Room 245
 Columbia, MO 65201
 573-886-4305 • FAX 573-886-4311
 E-mail: commission@boonecountymo.org

Boone County Commission

APPLICATION FOR ORGANIZATIONAL USE OF BOONE COUNTY FACILITIES

The undersigned organization hereby applies for a permit to use the Boone County Courthouse Grounds and/or Roger B Wilson Government Center or Centralia Satellite Office as follows:

Description of Use: Filming of thesis project by Mathew Richmond, New York Film Academy student

Date(s) of Use: 07/08/2010 8am to 4:30pm and 07/09/2010 8am to 7:00pm

Time of Use: From: see above a.m./ p.m. thru see above a.m./ p.m.

Facility requested: Courthouse Grounds - Courtyard Square - Chambers - Rm220 - Rm208 - Rm139
 Centralia Office

The undersigned organization agrees to abide by the following terms and conditions in the event this application is approved:

1. To notify the Columbia Police Department and Boone County Sheriff's Department of time and date of use and abide by all applicable laws, ordinances and county policies in using Courthouse grounds or designated rooms.
2. To remove all trash or other debris that may be deposited (by participants) on the courthouse grounds and/or in rooms by the organizational use.
3. To repair, replace, or pay for the repair or replacement of damaged property including shrubs, flowers or other landscape caused by participants in the organizational use of courthouse grounds and/or carpet and furnishings in rooms.
4. To conduct its use of courthouse grounds and/or rooms in such a manner as to not unreasonably interfere with normal courthouse and/or Boone County Government building functions.
5. To indemnify and hold the County of Boone, its officers, agents and employees, harmless from any and all claims, demands, damages, actions, causes of action or suits of any kind or nature including costs, litigation expenses, attorney fees, judgments, settlements on account of bodily injury or property damage incurred by anyone participating in or attending the organizational use on the courthouse grounds and/or use of rooms as specified in this application.
6. Organizations and user groups must provide any and all equipment needed for their event or presentation (i.e.; TV, projector, microphones, etc.)
7. Boone County reserves the right to cancel or alter your meeting schedule due to an emergency or any conflicts in scheduling for governmental use. If this should occur we would make every effort to contact you in ample time.

Name of Organization/Person: Student thesis film for student of New York Film Academy

Organization Representative/Title: Renee Richmond, mother of student, Mathew Richmond

Address/Phone Number: 608 Adens Woods Court Columbia, MO H: 814-1777 C: 489-7415 W: 815-3521

Date of Application: 06/28/2010

PERMIT FOR ORGANIZATIONAL USE OF BOONE COUNTY FACILITIES

The County of Boone hereby grants the above application for permit in accordance with the terms and conditions above written. The above permit is subject to termination for any reason by duly entered order of the Boone County Commission.

ATTEST:

BOONE COUNTY, MISSOURI

Wendy S. Noren
 County Clerk

[Signature]
 County Commissioner

DATE: 6/29/2010