

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**DECEMBER 6, 2018**

**VII) PUBLIC HEARINGS**

MS. LOE: Moving on to public hearing section of the meeting. Our first case is,

**Case 26-2019**

**A request by A Civil Group on behalf of Bedrock Enterprises seeking a major amendment to the existing Spring Creek Phase II PD Plan. The property is located roughly 600 feet east of the intersection of Vawter School Road and Scott Boulevard. The purpose of this major amendment is to amend the approved statement of intent to include veterinary hospitals as a permitted use.**

MS. LOE: May we have a staff report, please.

MR. PALMER: Yes. Thank you, Madam Chair. As you said, the site's located on Vawter School Road, roughly 600 feet east of Scott Boulevard, which you can see on the map there. The overall site is 4.88 acres. And the request would be to amend the statement of intent to add the permitted use of veterinary hospitals. As far as public notice is concerned, there was a public info meeting held on the 13th and there were no attendees, except for the applicant. There were 16 postcards mailed and it was advertised on the 20th. So the property was annexed. Just a little background information first. The property was annexed in 1998 as part of a larger parcel that includes the gas station and the vacant lot here to the southeast. The entire parcel at that time was zone CP without an associated CP plan. At that time C-1 uses were permitted and the service station use was added as a permitted use. If we continue forward with those permitted uses, a veterinary hospital would require conditional use permit and by adding it to the permitted use list it essentially achieves the same goal and it's a similar process. So the applicant chose to use this route. The veterinary hospital would actually be located near the center of the building. I would like to point out in the Staff report is at the east end of the building. That was brought to our attention today by the applicant after reading that Staff report online. So that was a miscommunication on my part. It will be located roughly in this location. Mr. Gebhardt is here. He may be able to better describe the location. This was placed by a conversation we had over the phone. We may be a little off with that, just so you know. But there is single-family residential to the east and as such as part of the original CP plan and the platted process of this property, there is a 50-foot

buffer and tree preservation area required along the east edge of the property. That is shown on the plan and it's also dedicated by the plat. As far as the use is concerned, it will be completely enclosed indoors in the proposed building. There will be no more outdoor facilities proposed or there are no outdoor facilities proposed. That would include straight from the code. It enumerates a number of outdoor uses that would have special circumstances or there would be special circumstance that would require special standards. That would include anything runs, pens, enclosures or exercise yards. The applicant has indicated they don't intent to install any of those items on this property. Everything will be contained indoors. However, there will be some outdoor walking of animals that would occur on the north side of the property and on the east end of the property. So given the limited outdoor activity proposed by the applicant in addition to the 50-foot buffer that is in the distance there, Staff will support the proposed revision to the statement of intent. Also traffic loads will be significant lower for a veterinary hospital compared to some of the other uses on the property or proposed uses, which would include you know, restaurants and retail uses. So given the functions will be within the building and there will be no outdoor boarding of animals, Staff believes impacts to neighbors' properties will be minimized and therefore we support the revised statement of intent. I will be happy to answer any questions.

MS. LOE: Thank you, Mr. Palmer. Before you move on any Staff questions, I would like any commissioners who had any ex parte prior to this meeting related to Case 26-2019 to please disclose that now so all commissioners have the same information to consider. Seeing none, are there any questions of staff?  
Mr. Strodtman?

MR. STRODTMAN: Mr. Palmer, will you explain the process if the client was or had interest to do some exterior outdoor activities? What would be that process?

MR. PALMER: It would most likely, if it involved a structure of some kind, it would have to be added to the plan which then would be a major plan amendment in most cases.

MR. STRODTMAN: Would a chain-link fence be a structure?

MR. PALMER: I believe so. The structure in the code is anything having a location or attached to something at that location in the ground. It specifically names fences, if I remember correctly.

MR. STRODTMAN: So for my comfort for the neighbors to the east, there wouldn't be -- there wouldn't be that opportunity for an outdoor kennel system to be installed without somehow coming back to --

MR. PALMER: Right. They would have to amend the plan again essentially by the same process and they will be before you again.

MR. STRODTMAN: Good. Because I know -- they would have a different approach if they were having outdoor components versus no outdoor. So I just wanted to clarify that. The future, in case they were, what that process would look like.

MR. ZENNER: I think given the description that we have been provided, I think this would be similar to the Horton's Veterinary facilities that are scattered throughout town where we have a doctor. They do have some overnight boarding because of the veterinary services that they offer. They may board internally, which it was considered as we went through the amendments to the kenneling ordinance that's been then incorporated in the UDC and with a use specific standards. It would operate generally at that scale. We are not looking at an outdoor -- a true outdoor kennel boarding facility where would have runs that will be traversable from the interior to the exterior. And as Mr. Palmer said, if that was the case we would expect to see a major plan amendment that would identifies those features.

MR. STRODTMAN: With that Mr. Zenner, I appreciate that. Thank you. I would be on record to say that, you know, Horton and some of those others do have runs and kennels where the fences being on their facilities and would make me nervous as a homeowner to have the dogs barking to where I don't think this is going to be the case today. I'm voting with the intent that there will never be any chain-link fence or runs unless it comes back to us at a future date.

MS. LOE: Thank you, Mr. Strodman. Any additional questions? Seeing none, I'd like to open it up to the public comment question.

### **Public Hearing Opened**

MS. LOE: If there is anyone that would like to make a public comment, please come forward and state your name and address.

MR. GEBHARDT: Thank you. My name is Jay Gebhardt. I'm a civil engineer with A Civil Group with offices at 3401 Broadway Business Park Court. I'm here representing Bedrock, LLC, which is Terry Wilson and Greg Kutzer (ph). We're in the process of constructing this strip mall type of retail building. They've been approached by a vet that wants to lease interiors space for a veterinary clinic. They do board in a sense that if you're dog's having surgery, they may keep it overnight for observation and things like that, they don't really have boarding as part of a business like the Horton's on I-70 Drive, which has the Pet Fair next door which is completely a boarding type of thing. This is basically -- the owners of the building are concerned about the noise traveling through the walls, not just to the other tenants in the

building. So special construction is being considered to attenuate those noises to the adjoining businesses let alone the neighbors. Other than that, I'm here to answer questions and if you have any, I would be happy to answer them.

MS. LOE: Any questions for Mr. Gebhardt? Ms. Rushing?

MS. RUSHING: Do you anticipate that the lease agreement would limit or restrict them from using it as a boarding facility?

MR. GEBHARDT: Yes. I think that is part of the plan.

MR. LOE: Any additional questions? I see none. Thank you, Mr. Gebhardt.

MR. GEBHARDT: Thank you.

MS. LOE: Any additional comments on this case?

MR. CLARK: Good evening. My name is Gary Clark. I am a resident in that area to the east. That 50 feet is very close. We sit right at the very northeast corner of that piece.

MS. LOE: May we have your address, please?

MR. CLARK: 3811 Deer Foot Way.

MS. LOE: Thank you.

MR. CLARK: Sorry about that. I think most of my questions have been answered and I do appreciate it. Not having outside runs. I did not hear how any of the waste was going to be handled of the clinic because with animals there is waste. I **didn't** hear anything about that and how that is going to be handled and the smell or anything of that nature. The other question that I would have -- I guess I would ask -- I've heard several things here that there's no plans to put an outside kennel. None of that exists today, but I would ask that in approval of this, that that could never be added because **that** -- I could tell you 50 feet -- I look out my deck and I see the back of that building.

MS. LOE: Ms. Burns?

MS. BURNS: Have you had any discussions with the applicant about additional buffering as far as plantings?

MR. CLARK: If you do that property, it's all filled. Okay. And so -- but was a 45-degree angle is now flat. So coming off of that is a pretty steep angle down into -- we have a -- I call it a runoff creek behind our house. It comes back **in**, goes into the floodplain area back into the creek. So there's really not much room. I mean, it's kind of like that (indicating). It slants, so I don't know how you would do any planting or anything.

MS. BURNS: I just **didn't** know if that was something that --

MR. CLARK: No. Good, fair question. I just don't think --

MS. BURNS: And I'm not saying you. I'm saying you as a request of the builder of the site plan.

MR. CLARK: Yeah. Anything like that. I'm not against it. That's not my thing. I just -- owning that property, one of the reasons we purchased it was because it come up against that woods and that floodplain area out to the creek and nothing will be built out there. I'm not against going out there and what they did to do that, but to -- and I have animals so I'm not against that piece. Okay. But having it as a -- I heard there was not going to be boarding kennels, per se, but keeping dogs overnight just that that could never be added would be my request. I don't know of other people in the neighborhood would follow that request as well. I think that's all I have here. Let me see. Type and number -- is this a small animal clinic. I'm assuming?

MR. ZENNER: I apologize?

MR. LOW: The question is this a small animal clinic? So does the description of use get into limiting some size or type of --

MR. ZENNER: The definition for veterinary hospital if I recall correctly is -- one moment here. It does not. The definition of veterinary hospital is a hospital or facility where domesticated animals are kept, cared for or bred or boarded, daytime only or overnight, including but not limited to animal pounds, animal shelters and kennels. So farm animal type operations in some codes are called large veterinary hospitals. We don't draw the distinction necessary. Let me look at our use list though. I believe our use list does potentially -- in a planning and zoning district the use is per the statement of intent, so it allowed in any planned district. You get into potential larger animals, we do allow these types of facilities in all of our commercial zoning districts. So you could if you have a horse veterinary clinic, it could be located in one of those permitted offices, a condition use. And then in RMN zone is commercial use, conditional. We do not allow in any residential zoning. So the standards that exist within the planned district other than statement of intent which would control the intensity of the use, would address the operational characteristics. I would suggest to you that it will be different from an enforcement perspective of city staff to be able to determine if the operation is for large or small animals given the fact that it is a retail shopping center configuration. This is not what we would probably classify from an observation perspective staff as a large -- I mean, you may have large breed dogs, but I don't think of large other animals. The question -- I apologize for being distracted. We were looking at the actual use specific standards that refer to veterinary hospitals, what Mr. Palmer's and Staff report referred to that does have use specific standards about outdoor kenneling and when such features are

proposed with a veterinary office or boarding facility. If you are adjacent or within -- we have specific provisions that talk about being within a distance of residential use or residentially-zoned land that may further preclude the ability -- and that's what I was asking Mr. Palmer about -- we do not have anything mentioned at this point, but within 200 feet you have to with outdoor kenneling in -- adjacent to residential property, there is a provision that addresses the issue of separation, if you recall as well as multiple fencing in order to contain any run areas to avoid dogs or other animals from being able to escape. It's a minimum of 200 feet, so veterinary hospitals that provide outside facilities included but not limited to runs, pens, enclosures or exercise areas, which abut residential use or residual zoning shall be subject to the following setback standards; they need to be 200 feet from the residential use or residential zoning district, any outside run, the structure, pen, and enclosure or outdoor exercise yard that has openings and they would be required to be 100 feet from the residential zoning district per use if they did not have any openings. So the idea being it would more of an enclosed structural expansion possibly at that point, which definitely if that were to be asked for would have to be evaluated. We would evaluate the building request, the building the permit application. And as Mr. Palmer pointed out, the structure does include a fence. There are also some other issues associated probably that are controlled within the planning district deal with pervious cover to the site. The run areas may be concrete and things of that nature. So all of that comes into play as it relates to the potential expansion to an outdoor activity. All of that is actually internal and we can only react when we see it on an application for something such as that, which have not had.

MR. CLARK: Very good. I'm fine with that. I guess the part I had and I still haven't heard an answer on is, one is, you know -- is I heard earlier that it was not going to be a kenneling facility. This is going to be a veterinary hospital, which is fine. But would they have the right to move it to a kenneling facility if it was -- since they already have a veterinary --

MR. ZENNER: Based on the definition of a veterinary hospital, yes they could. However, if they went to the outside side of that, if he did do outside kenneling or runs, there would be additional requirements. State statutory standards as it relates to animals that are being kenneled must be met. That's another component of our codes, so there are particular provisions that kennel operators have do to meet that are at the state level. We do not reference in our code because those would have to be complied with as well. So it's likely if a business started as a veterinary hospital and wanted to go into kenneling there would need to be a revision to that operational plan and expansion probably of the facilities that were being utilized to facilitate that.

That's what would trigger an amendment to the overall development plan, which would then again involve another public process.

MR. CLARK: The last thing and I will get off of here is how is the waste and that kind of thing is going to be handled. We do sit in a runoff area.

MR. ZENNER: That is an issue that is really left up to our Health and Human Services Division, so it is more complaint driven than regulatory monitored. It is not regulatory handled through the zoning process. If that does become an issue, we do have the health -- our Health Department which is engaged in that as it relates to animal and other wastes that may be creating a public health hazard. And they would need to be contacted at the time that that is either identified as an issue and logged as a complaint that they would investigate.

MR. CLARK: So until there's an issue, there's really nothing you can do?

MR. ZENNER: It's -- really that becomes more of a neighbor to neighbor type of thing of making sure they are operating at the highest level they should be operating at and being considerate to their adjacent property owners. Again, Mr. Gebhardt may be able to address that more directly as to what their clients are wanting to -- or how the contract is made more or less. I don't know, though. We have not have the ability to do that.

MR. PALMER: It was indicated to use by the applicant early on that they intend to address waste as it happens, especially on the outdoor side of things. Hopefully it doesn't ever become an issue.

MR. CLARK: Very good. Thank you.

MS. LOE: Thank you. Any additional questions or comments on this case? Seeing none.

**Public Hearing Closed**

MS. LOE: Commission discussion? No. Commission motions? No?  
Mr. Stanton?

**MR. STANTON: As it relates to Cases 26-2019 Spring Creek Phase II PD Plan Major Amendment, I move to approve the revised statement of intent to veterinary hospital on the subject property.**

**MR. STRODTMAN: Second.**

MS. LOE: Mr. Strodtman seconded. We have a motion. Any discussion on that motion? Seeing none, Ms. Burns may we have a roll call, please?

**MS. BURNS: Yes, Mr. Harder?**

**MR. HARDER: Yes.**

**MS. BURNS: Mr. MacMann.**

**MR. MACMANN: Yes, ma'am.**

**MS. BURNS: Mr. Stanton?**

**MR. STANTON: Yes.**

**MS. BURNS: Mr. Strodman?**

**MR. STRODTMAN: Yes.**

**MS. BURNS: Ms. Rushing?**

**MS. RUSHING: Yes.**

**MS. BURNS: My vote is yes. Ms. Loe?**

**MS. LOE: Yes.**

**MS. BURNS: Seven to zero, motion carries.**

MS. LOE: Thank you. The recommendation for approval will be forwarded to City Council.