AGENDA ITEM (5a)
PUBLIC HEARING
NEW BUSINESS

To: Cameron Planning and Zoning
Fr: Clyde Han, Zoning Officer
Dt: Tuesday, September 2, 2014
Re: Conditional Use Permit – Multiple Dogs

Petition for Conditional Use Permit for "Multiple Dogs" has been made by Daniel and Penny Kincaid, 734 S. Walnut, Cameron MO, 64429.

Legal Description of Property:
Sunnyside Addition; North 60' lot 15 Block 3.

Present Zoning Classification of Property: R-2.

Notifications

Public notification was made regarding the Petition for Conditional Use.

1. A sign was placed on the property, Wednesday, August 27, 2014.
2. "Public Notice" was published in the Cameron Observer paper on Wednesday, August 27, 2014.
3. Letters to property owners within 185 feet were sent Wednesday, August 27, 2014.

Daniel and Penny Kincaid's daughter Megan and 4 year old granddaughter have moved in with Daniel and Penny. The Kincaid's have had two small dogs for 6 years; Megan has had her dog for 8 years.
Animal Control has notified Daniel and Penny of several complaints about their dogs barking and have tried several remedies; Bark Collar, delivers a shock; Bark House, emits high pitched sound only dogs can hear and a hand held "Beeper" that works like the bark house, this has been partially effective. Daniel and Penny maintain that their dogs are the source of the complaints and not Megan's dog.

I have a letter from the families "Child and Family Therapist" requesting that it would be in Megan's daughter's best interest to allow Megan's dog to stay in the home.
I will not provide the letter to the Board. The letter was released / issued to me and is not for "Public" information, the packets and attachments are public information.

Animal Control Officer Kathy Turner says:

"*Danny and Penny have lived at 734 S. Walnut since 2008. November 2013 I sent the Kincaid's a letter addressing the complaints against their dogs continuous barking. At that time, I included a letter advising them that they did not have current dog tags, and to have them registered by November 20, 2013. They did not comply. Since it was so late in the year, I did not cite them, but instead decided to wait until the following year and rewrite the letter.*

On March 29, 2014 I sent them a letter advising they were in violation of Sec. 5-121 Failure to Register Your Dog with the City of Cameron. They were given until April 15, 2014 to comply. They did not. I called Penny and left a message the third week of April, reminding them that the deadline had past. When I talked to Penny Kincaid in April about the number of dogs at their residence, one subject we discussed was the barking issues. She told me at that time, that a neighbor had actually shot one of their dogs with a BB gun because of the barking.

May 1, 2014 I issued Danny Kincaid a summons for failure to register their dogs. The dogs were caught up to date on shots on May 10, 2014 then registered with the City of Cameron. According to vet records, the dogs are 4 and 5 years old. The only time they have registered their dogs with the City of Cameron was this year, May, 2014.

I have never had an issue with the Kincaid's dogs running at large.

I do not know if the third dog is up to date on shots, I was told that the third dog was a pup right at 6 months old not 8 years old."
Kathy Turner, Animal Control Officer.

Attached you will find:

1. Petition for Conditional Use Permit – (see both sides)
2. Map of properties within 185 feet of addressed for Conditional Use.
3. Mailing list and letter sent to property owners and residents within 185 feet of 734 S. Walnut.
4. Copy of Public Hearing Notice published.
5. Council "Agenda Item" and proposed Council Ordinance
6. One response to letters sent to neighbors (as of 9/3/14)

I will update the Commissioners with any other comments at the meeting.

PETITION FOR CONDITIONAL USE PERMIT
City of Cameron, Missouri

Instructions: **(1)** Conditional Use Permits are issued to individuals for specific uses at specific sites only. Any change in ownership or site requires re-application. **(2)** Include site plan showing improvements, facilities, parking, dimensions, fences, setbacks, etc. **(3)** The Applicant must appear at the public hearing before the Planning and Zoning Commission and present his/her case. The burden of providing substantiating evidence rests with the applicant.

Address of Property: 734 S Walnut St Cameron

Legal Description: Home

Zoning: _____

Name of Petitioner: Daniel & Penny Kincaid

Address: 734 S Walnut Phone Number: 816-288-9013

Name of Owner: Same

Address: _____ Phone Number: _____

Describe intended use of property: _____

Describe special conditions sought (hours of operation, products, lighting, parking, services, limits, etc.): Seeking Permision for Daughter's small dog to stay at the above address. This small dog (minature Yorkie) is hardly ever outside. She belongs to my daughter, who has owened →

Statement of Ownership: The signatory hereon certifies that he/she is the owner of the property described above:

Signature of Owner: Penny Kincaid Date: 8-16-14

DO NOT MARK BELOW THIS LINE

Fee: $75.00 Date Paid: 8/20/14 Date of Hearing: 9/8/14 Date Notice Published: 8/27/14

Recommendation of Planning & Zoning Commission: ( ) Approved ( ) Denied Date: _____

Action by City Council: ( ) Approved ( ) Denied Date: _____ Ordinance No. _____

for 8yrs. This dog isn't the ~~source~~ of the Complaints made by our neighbors. Our Daughter & granddaughter both Live with us since her seperation & divorce. Our granddaughter who is 4yrs old, loves the smal dog & Considers this dog her sister. To seperate her from her dog would be devastating. We have documentation from her Physcologist to colobrate how devastating it would be & Could have reverse effects on the treatment that we have been doing for the past 3 mths.

Our daughters Living situation is only temporary until housing opens up that she can afford. We are hoping it will be as early as Summer 2015.

Currently we own two other small dogs that have been with us for about 6yrs, we are aware of the barking & have tried several Products to try to stop the barking. ① bark Colar that delivers a shock - failed because it burnt two holes in one dogs neck. ② Bark house that sends out a piercing sound only the dogs can hear - fail ③ Beeper that works when we point & press the button on a hand held device that acts like the beeper house. - this works (some), Our small dogs get excited when the neighbors Children or animals are out playing.

We are not asking for anything permanently, just till our daughter is able to provide a suitable place to move to, Our granddaughter loves her small dog, please don't ask us to get rid of her dog.

Thanks.

Kmcaud's

Notice of Public Hearing for a Conditional Use Permit to allow Multiple Dogs

Notice is hereby given that a public hearing will be held by the Planning and Zoning Commission of the City of Cameron, Missouri at 6:00 o'clock (6:00 p.m.) on Monday, September 8, 2014 at City Hall, 205 North Main Street, Cameron, Missouri to review an application by Daniel and Penny Kincaid to keep three (3) dogs at 734 S. Walnut Cameron Missouri.

Public attendance and comments are invited.

Barbara J. O'Connor, CMC
City Clerk

709
719
723
737
115
119
123
127
716
726
730
734
711
713
721
305
SOUTH WALNUT STREET
EVERGREEN STREET
108
116
122
128
130
804

Tuesday, August 26, 2014

Dear property owner,

A "Petition for Conditional Use Permit" has been filed for "Multiple Dogs" that would allow for three (3) dogs at 734 S. Walnut.

As required by City Ordinance, Planning and Zoning will conduct the "Public Hearing" regarding the issue. You are receiving this letter as part of the required notification of property owners within 185 feet of 734 S. Walnut.

The Public Hearing will be held at 6:00 PM, Monday, September 8, 2014 in the Council Chambers in City Hall, 205 N. Main, Cameron MO.

The petitioner, Daniel and Penny Kincaid are asking permission to keep a third dog. The third dog is a Miniature Yorkshire Terrier that belongs to Ms. Kincaid's daughter and granddaughter currently living with the Kincaid's.

A letter written by a "Child and Family Therapist" on behalf of the granddaughter asks that they be allowed to keep the dog which offers support and comfort to help her through her emotional issues.

You are invited to attend the Public Hearing at 6:00 PM, Monday, September 8, 2014 in the Council Chambers in City Hall, 205 N. Main, Cameron MO. If you cannot attend or you have questions you may call, write or email me. I will also pass your comments on to the Planning and Zoning Commissioners.

Clyde Han

Clyde Han
City Inspector / Zoning Officer
Office (816) 632-2177
Fax (816) 632-1067
Email: inspector@cameronmo.com

CASEYS MARKETING CO
PO BOX 3001
ANKENY, IA 50021

GLENN & RUTH
BRIGHTMAN
721 S WALNUT
CAMERON, MO 64429

JAMEY & AMY MCVICKER
127 E EVERGREEN
CAMERON, MO 64429

CHARLES & JACQUELIN
BARKER
730 S WALNUT
CAMERON, MO 64429

JULIE J EVANS TRUST
9488 HERITAGE HILLS DR
CAMERON, MO 64429

EK & GWENDA BRUHN
123 E EVERGREEN
CAMERON, MO 64429

PAUL & DANA JOHNSTON
716 S WALNUT
CAMERON, MO 64429

BECKETT REALTY CO
P O BOX 468
CAMERON, MO 64429

CHRISTOPHER & JEAN
ECKERT
723 S CHESTNUT ST
CAMERON, MO 64429

DANIEL & PENNY KINCAID
734 S WALNUT ST
CAMERON, MO 64429

DENNIS M CLARK TRUST
PO BOX 406
CAMERON, MO 64429

WILLIAM & TRACI BRUHN
128 E EVERGREEN ST
CAMERON, MO 64429

TC-DC LLC
P O BOX 406
CAMERON, MO 64429

WALTER & BECKY
ARNOLD
804 S. WALNUT
CAMERON, MO 64429

AGENDA ITEM

TO: Mayor and City Council

FROM: Clyde Han, City Inspector and Zoning Officer

DATE: Tuesday, September 9, 2014

RE: Conditional Use Permit 734 S. Walnut

Petition for Conditional Use Permit for "Multiple Dogs" has been made by Daniel and Penny Kincaid, 734 S. Walnut, Cameron MO, 64429.

Mr. and Ms. Kincaid's application is to keep three (3) dogs in their home.
Daniel and Penny Kincaid's daughter Megan and 4 year old granddaughter have moved in with Daniel and Penny. The Kincaid's have had two small dogs for 6 years; Megan has had her dog for 8 years.
Animal Control has notified Daniel and Penny of several complaints about their dogs barking and have tried several remedies; Bark collar that deliver a shock, Bark House that emits high pitched sound only dogs can hear and a hand held "Beeper" that works like the bark house that has been partially effective. Daniel and Penny maintain that their dogs are the source of the complaints and not Megan's dog.

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Notifications

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2. "Public Notice" was published in the Cameron Observer paper on Wednesday, August 27, 2014.
3. Letters to property owners within 185 feet were sent Wednesday, August 27, 2014.

A Public Hearing concerning said matter was held at City Hall in Cameron Missouri at 6:00 p.m. on September 8, 2014 during the regularly scheduled Planning and Zoning meeting.

Cameron Planning and Zoning Commission has met, considered said request and voted (????) YES and (?????) NO; on recommending approval of this Condition Use permit by the City Council.

Bill ???? Ordinance ?????

AN ORDINANCE FOR THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI AUTHORIZING A MULTIPLE DOG CONDITIONAL USE PERMIT FOR DANIEL AND PENNY KINCAID ALLOWING ONE ADDITIONAL DOG AT 734 S. WALNUT STREET

WHEREAS, on August 16, 2014 Daniel and Penny Kincaid submitted a Petition for a multiple dog Conditional Use Permit allowing one additional dog at 734 S. Walnut Street; and

WHEREAS, public notice regarding the above petition was published in the *Cameron Citizen-Observer*, a newspaper of general circulation, on August 27, 2014. A Public Hearing concerning said matter was held at City Hall in Cameron Missouri at 6:00 p.m. on September 8, 2014; and

WHEREAS, Cameron Planning and Zoning Commission has met; considered said request and voted, ??? (?) YES, ???? (?) NO on recommending approval of the permit by the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI, AS FOLLOWS:

Section 1. Pursuant to Article 31, Conditional Uses, of the Cameron Zoning Ordinance, petitioner Daniel and Penny Kincaid is hereby granted a Conditional Use Permit for multiple dogs at 734 South Walnut Street.

Said property is described as follows:

Sunnyside Addition; North 60' lot 15 Block 3
Cameron, Clinton County, Missouri.

Section 2. The Petitioner shall at all times observe the following conditions:

a) Keep all three dogs licensed with the City of Cameron.

Section 3. The Mayor is authorized to sign this ordinance approving it on behalf of the City.

Section 4. The City Clerk is directed to attest to the Mayor's signature.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved on first reading this ___ day of _____ 2014.
Passed and approved on second reading this _____ day of _____ 2014.
Passed and approved on third and final reading this _____day of _____2014.

_____
Mayor Dennis M. Clark

ATTEST:

_____

City Clerk/Finance Clerk

205 North
Main Street
Cameron
Missouri
64429

Telephone
816-632-2177
Fax 816-632-1067

CITY OF CAMERON

Tuesday, August 26, 2014

WALTER & BECKY ARNOLD
804 S. WALNUT
CAMERON, MO 64429

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Clyde Han

Clyde Han
City Inspector / Zoning Officer
Office (816) 632-2177
Fax (816) 632-1067
Email: inspector@cameronmo.com

The Kincaid's live just North of us. We have never had a problem with their dog's. Let them keep the dog.

Thank You Walto Arnold