

BUCHANAN COUNTY PLANNING AND ZONING

St. Joseph, Missouri

Planning & Zoning
411 Jules - Room 204
St. Joseph, MO 64501



James Whitson, Chairman
Steve Reardon, Vice - Chairman
Johnaphine Fenton, Secretary

MINUTES OF THE BUCHANAN COUNTY PLANNING AND ZONING COMMISSION JANUARY 12, 2022

The Chairman, Jim Whitson, called the Buchanan County Planning and Zoning Commission meeting to order at 7:00 p.m. in the Thomas J. Mann III Room # 223. This room is located on the 2nd floor of the Buchanan County Courthouse, 411 Jules Street, Saint Joseph, Missouri, 64501.

Board Members Glen Frakes, Shirley Day, Rodney Fry, Pat McLearn, Alfred Purcell, Steve Reardon, Wayne Barnett, Jim Whitson, Chairman, were the Board Members present for roll call. Also present were Chad Gaddie, Lee Sawyer and Ryan Pummell.

The minutes were presented from the October 13, 2021 meeting. The Chairman, Jim Whitson, asked if there were any additions or corrections. With none presented, the minutes were approved as written.

AGENDA

ITEM # 1 – A request by Charles Cooper, 17585 SE State Rt E, Gower, Mo to obtain a Conditional Use Permit in order to sell two (2) tracts of land that total eighteen (18) acres m/l for a purchaser to construct cabins for rental use located in Sections 24 and 25, Township 55 Range 34.

REPRESENTATION OF REQUEST

Keith Cooper; Charles Cooper son, 17585 SE State Rt E, Gower, MO 64454

Jim Whitson, Chairman stated there is a situation for this request; of 4 houses. Anything over 2 houses require a subdivision Platte. We can go ahead and have a hearing but there is a problem with this because it is not subdivided. If you want to withdraw it and come back at a later date or we can proceed with the hearing.

Charles asked if it could be sub divided fairly quickly and stated he wasn't sure what that meant.

Jim Whitson, Chairman explained; anything more than 2 has to have a Platte. It is just like a housing development and will have to be made into a subdivision like East Hill Addition or Morningside.

Charles asked if it is something we can do.

Jim Whitson, Chairman stated it is something that you have to do.

Charles asked if he could bring up Mr. Greer.

Jim Whitson, Chairman stated if you want to go ahead with hearing we'll have it. I just wanted to let everyone know there are some issues with this. Because it is not really presented properly. If you want to go ahead with the hearing we can proceed

Charles said yes; he would like to bring up Sean Greer.

Sean Greer; Hearthstone Property, 14268 State Hwy DD, Savannah MO. “I found this piece of property and thought it was a beautiful tract of land and my idea is to build a small retreat. I have spoke to a couple of folks in the office about it earlier and to your point we were unaware, we weren’t given any indication that we would have to subdivide and lot it. If we need to do that, that’s fine. I would like to end up with 3 or 4 structures on the property. One of those is going to be a shop/main facility. All of this will be determined and to follow your recommendation. I have some pictures, I’m looking to build really nice retreat style cabins. That’s an overview, I’d be happy to take any questions.

Question 1 – How many feet will these be, what size cabins are they?

Mr. Greer answered 1 Bedroom 1 Bath typically for 2 adults. Just a place to go and unwind, there is fiber internet access out there. People want to watch Netflix, have a cozy fire, just a nice get away. About 400 to 500 square foot.

Question 2 – What is the draw to this area?

Mr. Greer answered that Air B&B rentals are increasing in popularity, it’s a half an hour from the airport. A lot of people are transitioning more to an independently operated style Air B&B vacation rentals. Just a quick get a way that doesn’t involve driving all the way to Branson. There are several of this type, higher end vacation rentals in the Branson area but a lot of folks in the KC metro area don’t have 3-4 hours to drive down to Branson. They want a quick, flexible weekend getaway.

Question 3 – It’s a pretty secluded area, basically out in the middle of nowhere. Have you established a business plan for this involvement?

Mr. Greer – I don’t have a formal plan but am working on it. Depending kind of approval and filling in the blanks as far as what the Commission is ok with.

Question 4 – What will rental fee be?

Mr. Greer– Probably \$175 to \$200 per night to start out with. I think it could easily support that, there is a similar community in the Leavenworth, actually Easton Kansas that is \$200 - \$225 range. They are booked up solid.

Question 5 – Have you done a cost estimate on what it will cost to run utilities and roads back to these rentals.

Mr. Greer answered, I have a rough idea, haven’t done a formal one. It will depend on how many we build.

Question 6 – Are each one on a septic, what are you planning on doing?

Mr. Greer stated he talked to someone about that and he said we would have to do a soil and test and follow the recommendations. There will probably be individual septic systems, if that won’t work will look into a pond system.

Comment made that each one will have to be on its own septic system. If a septic tank will work; there cannot be more than one house on a septic tank.

Question 7 – What is the rental time on these, a day, week, month or what?

Mr. Greer said it goes by the day, all the vacation rental sites; air BNB, VRBO go by the day. Typically, there is a 2-day minimum.

Question 8 – What is the road access to them?

Mr. Greer stated there is gravel access that goes to the Cooper's residence on the south. We would put in a gravel road to the individual sites.

Question 9 – If this is not successful, could these be used as rentals.

Mr. Greer answered; possibly yes,

Comment made – Therein lies one of the issues, if this is not successful and somebody say's I'd like to buy this; then you have a house instead of a rental.

Mr. Greer stated to that point; I would like to make it nice enough that somebody would love to have it as a house, on a real foundation. I'm not looking at doing anything halfway.

Mr. Whitson, Chairman asked if anyone would like to speak for any opposition.

Brian Maloney, 17351 SE State Route E, (submitted notes to the board) on the property that borders both east and north boundaries and these are 2 parcels we are talking about here. All the way down to 116 on my western parcel and I own completely too; and I have a map I would like to share. (passed out maps) There are wetlands on the west side and wetlands will always be wetlands. The gentleman that owns them is an LLC, they receive funding from the department of conservation as well as the Corps of Engineers. That is never going to be developed, it is what it is. Mr. Smith owns the property adjacent to the entire south of this. The property was originally listed for sale on 2/11/15 for \$195,000, then it was reduced in price to \$179,000 on 4/29/19. The property went pending for sale at \$179,000 on 3/24/21 at that point Mr. Cooper was allowed to re-survey 2 acres of the property around his house. Now we had originally 2 parcels for 20 acres with 1 house. Now we have Mr. Coopers house on 2 acres we still have the remaining 18 acres. I did a little math here; in 2014 we moved there, we moved there because I was told by my real estate agent don't buy in Andrew County don't buy in Platte County don't buy in Clay County and I know in Clinton County it is 1 house per 10 acres. I was informed it is 1 house for 20 acres, please correct me if that is not true. Is that correct.

Mr. Whitson, Chairman stated that's 1 house for 20 acres without having to rezone it. We can go down to as small as 2 acres if rezoned.

Mr. Maloney – A conditional use permit was granted at that point for the Cooper house. Now we want to add 4 A frame houses, which are houses regardless of the sizes. Plus, a shop building with 2 bathrooms and living quarters; which I consider a fifth house. If we look at the original size of the property with 20 acres is 1 house and 2 parcels. The 2 parcels aren't separated because it crosses the section line, and I don't think we can have a parcel that crosses a section line. Is that correct?

Mr. Whitson, Chairman stated I couldn't tell you on that. I don't think that really matters.

Mr. Maloney- Now the density on 20.03 acres will be 6 houses on the original 20 and it will be 1 house on 3.3 acres. It will be rental houses; the zoning will have to be changed from A-1 to B-2 in order to accommodate a commercial enterprise in this property which this is. As far as rental houses, it is going to cost me a great loss in property value due to the coming and going of people. Greatly increase traffic on County Road 305 which at this state is almost a gravel 2 track at this point. Unknown persons coming and going, these are daily rentals that could be up to 1000 vehicles in a year if this is successful in renting each one of these for 1 night. There is no attractions out there. I can't see anyone coming to stay there in a 400 square foot house with 1 bedroom and 1 bath. I think 3- or 4-acres on top; what do you do with that. If things go south as far as renting these cabins, well maybe you have a motorcycle rally up there, maybe have an outdoor concert with camping, maybe it becomes a meth cooking village, maybe the families with bored kids that are stuck out there with their family go to the Tobin Cemetery, that's been there since I think 1834 and start messing around. Southeast County Road 105 intersects my south parcel and that's the only access to this property. Further, what are the requirements in Buchanan County for daily rental properties; who oversees them? Is there a county code that inspects and license daily rentals because this is a commercial enterprise? It's not someone renting a bedroom in their house. Environmental impact; 1 house with 3.3 acres said it had to be on septic not on a lagoon system.

This is not a good situation. I tried to buy the North parcel from Mr. Cooper and I think it was after the first time it was listed in 2015, I have a signed contract from Mr. and Mrs. Cooper who are the owners of the house not Keith Cooper, sorry Keith. I wish Charlie could be here since this is in his name and I don't know who signed the paperwork at this point. For 8 acres at \$5,000 an acre. Mr. Cooper had accepted that. Knowing full well that was the true value of the property or he wouldn't have accepted that contract. The contract fell through because the owner of the mortgage would not release the lien on the land and I believe it is because there is about in a neighborhood of at least \$177,000 that is still owed the bank in order to release this property. So, the property gets released, Mr. Cooper has his house on 2 acres, he gets \$177,000 for this property and he doesn't care what happens at this point. He is 93 years old. This is a bad way to get out of a tough situation and I feel for him.

Mr. Whitson, Chairman, asked if we could get to your objection so we can let other people who would like to talk. If you could speed them up as much as possible, please.

Mr. Maloney said these are all his objections. I am pretty much at the end, I thank you for your time.

Mr. Whitson, Chairman asked if anyone else would like to speak in opposition.

Steve Mummert, 17020 South East 115th Road, Edgerton MO. It's a half a mile from my property. Grew up there for 50 years. I knew Charlie. We live out in the country, that's the whole point. I don't want all of this out where I live. I object to it. Traffic is going to be huge. I thought you had to have 20 acres to do this per structure. That's about all I've got to say. I'm not in favor of it.

Mr. Whitson, Chairman said thank you very much. Is there anyone else in opposition that wish to speak.

Dr. Nancy Lynn Bruda, 17351 South East State Route E. We moved out there to have quiet. I work at the hospital and just want to have some time to relax and it's a very attractive piece of property where we live. We like all of our neighbors, very friendly, but we keep our distance because that's what we want. We are 5 miles from a Dollar General, a liquor store, a grocery store, a gas station. We are 25 minutes from a hospital, we don't have a Sheriff's department sitting right there. So what will the attraction be to these cabins; yes, we do have fiber optic high speed internet; thank God we have united fiber. But there is nothing but quiet. So what would someone from Kansas City want to do out there? We used to live in Kansas City, we enjoyed living in Kansas City, but we came out here for quiet, but if we were to live in Kansas City, we would go to Lake of the Ozarks or Branson because there are attractions and things to do for children and if you want to go to dinner you would have to drive for at least 5 miles, maybe longer to even find a restaurant. So what would you do where we live. Spend 1 night? I don't want 1000 cars driving by my house. We don't have that kind of place. Buchanan County doesn't need this. If you want to build something like this; Andrew County. Let us keep our piece and quiet in our small hobby barns, that's what we want. Thank You

Mr. Whitson, Chairman asked if anyone else would like to speak in opposition.

Brad Smith 17635 SE State Route E. Gower Mo. I join this property to the south. I have young kids and grandkid. I don't know who's going to be coming in there around my kids. I don't know what is going to happen to my kids, I don't want anything to happen to my kids. It will be a bad deal. I won't know who's coming in, who these people are or anything. I don't want them around my kids.

Mr. Whitson, Chairman asked if there is anyone else.

Speaker did not give name/address. I have lived out there for 40 years. There has never been a police car. I have never allowed anyone to go down to that cemetery and have a party. Everybody knows to stay off that property. I have managed to retire there and help Mr. Greer with this. Last thing I want is a bunch of wild kids making trouble. He's proposed a first-class thing for; I'm thinking for older people, this piece of ground is fairly historic, he has that cemetery which is interesting. I have found several Indian relics around that place and old civil war canteens, so it's probably from troops going back and forth. I just want to say I would never allow anything like this with my neighbor to happen.

Mr. Whitson, Chairman asked if there is anyone else.

Natalie Mummert 17020 SE 115th Road Edgerton MO. My husband spoke earlier. That is not true that the law has not been called out there. There have been 2 abandoned homes over there that lay vacant that have had numerous phone calls from police in the last couple of years. In fact, I have made one of those phone calls. I know there was one house not too many years ago that was shut down for meth. Those things do happen especially if land sits idle. I too, have a family my kids are starting to grow their family, they have a little one and they stay home and my concern is when people get bored where our property sits once in a while we can see on the back-road people driving back there. I don't know what they will do once they are there because there is nothing to do, so what happens when you are bored. You take a stroll you take a walk, whatever it might be and we've had people come on our back road from the property that's closed down; its not a county road. But they are curious as to what's back there and that's in our back yard. That is frightening to me especially for my grandkids that are right there. I appreciate your time.

Mr. Whitson, Chairman asked if there is anyone else. Are there any questions from the Commission? With no questions or comments, I'll call the hearing closed for roll.

Glen Frakes – No. Not compatible in surrounding area

Shirley Day - No. Not compatible

Rodney Fry – No. Not compatible

Alfred Purcell – No. Not compatible and too much opposition

Steve Reardon – No. It's not compatible

Wayne Barnett – No. Not compatible

Jim Whitson – No. Not compatible

Pat McLear – No. Not compatible

Mr. Whitson stated it did not pass, you do have an appeal, which is a conditional use it will go to the zoning adjustment board. You will talk to planning and zoning office, it did not pass.

ITEM #2 - A request by Ian Quinn, 18801 SW 90 RD, Rushville, MO to obtain a Conditional Use Permit in order to construct one (1) Single Family Dwelling at 8630 SW Bisel Hill RD, Rushville, MO.

REPRESENTATION OF REQUEST

Ian Quinn – 18801 SW 90th Rd. Rushville, MO 64484. My plan is to build a single-family residence, more like a shop house than anything else. It will be in the middle of the property. If you are familiar with the property it is surrounded on two sides by a 20-25-foot ditch, the front tapers up to a bluff about 20 feet tall. My plan is to build a house there.

Mr. Whitson, Chairman asked for yourself? How big of a house and shop are you building, how much is shop?

Mr. Quinn answered, yes. It will be 60x80, it will be 1 or 2 bedrooms finished off; 1000 square feet or less for the house part. Its close to 40% timber slash ditch.

Question asked where do you plan on putting this house and where are you accessing to the road?

Mr. Quinn referred to the map stated it's cut through a hill, there is access on the east and west side and showed where his thought is to bring in a driveway.

Mr. Whitson, Chairman asked any more questions from the Commission

Question asked, will this be a barn with a house inside or look like a house with a barn attached?

Mr. Quinn stated it will be a metal building and eventually will put an eave on the side like a covered porch.

Question asked, how tall are you making it?

Mr. Quinn stated he would like 16 feet.

Question asked, what is your plan with the shop, are you planning on running a business out of there?

Mr. Quinn stated no. I dabble in some things, I like older trucks and cars and that's what I spend my time working on.

Mr. Whitson, Chairman confirmed it will not be a commercial endeavor?

Mr. Quinn stated no. It is secluded and I would like to keep it that way.

Mr. Whitson, Chairman asked any more questions from the Commission

Someone stated they want to discuss that Denise has on the bottom of the sheet that we would like to encourage the remainder be used for agriculture and put a limit of 1 house. I sometimes wonder; we say these things and we want this to be the only house to build there. If we are trying to keep the county agricultural; I mean we got to tweak our limit. Maybe it would take the pressure off of other land becoming housing if we allow these parcels eventually to be further divided. If we are going to leave 9-acre tracts out there that are only 1 house I sometimes think we are defeating our purpose of trying to keep the county agricultural. How are we going to police these anyway?

Mr. Whitson, Chairman responded if they ever come back in for a conditional use or rezoning we say they can't do it because it has this restriction.

Someone answered, sometimes I think we are shooting ourselves in the foot if we want to keep more land agricultural because we do have a 2-acre limit.

Someone stated; there is only one access to the road, possibly two.

Mr. Quinn stated there isn't another flat spot for a house. There is possibly two but I would have to talk with the neighbor on the east side. I don't know exactly where the property line is over there it's been a while since the survey is done. There is a culvert already in and that's where he drives in, there is like 2 acres. We might have to dig that out a bit so I am not approaching on his property line, put the driveway in on the east side. I would have to have a surveyor come out and mark it with a pin and a flag.

Mr. Whitson, Chairman asked any more questions from the Commission? Is there anyone here in opposition of this request? If so give your name, address and state your opposition.

Gary Quinn, 1704 Arbor Lane, Atchison Ks. I own a farm next to this piece of ground I got 42 acres That little piece that joins east of where build a house there at the time I would've probably bought it but it had been too expensive to farm. What I was wondering on mostly, I didn't know which electric companies coming in or if it is coming from the east or coming from the west or if its going to be coop or energy. My biggest thing on it is I've got two other farms and I don't want any more poles.

Mr. Whitson, Chairman replied whoever runs service there would do it. We don't know who that would be. Most the time now have electric companies come down the road, they don't like to go through the fields, they have problems with them and can't get into fix them.

Someone stated they wanted to approach Mr. Quins question about power. He approached Evergy, I met with someone from Evergy out on the property and they can run power for up to a quarter of a mile basically east of

the property that is where Everygy stops. They would have to take it across the street obviously and run it down to my property, once they got to my property of course I would be responsible for electric to the house. At that point if you are interested in it, it would be a quarter of a mile of your property.

Barbara, Gary's wife – 1704 Arbor Lane, Atchison Ks. So; are you saying when the electricity comes in it will be put in on the road and would come across Gary's land?

Mr. Whitson, Chairman said they will bring it down the road not on the land. We farm east of town and we've had some electric wires across our property, they have taken all of them out to come down the road. They don't request fields anymore.

Ian Quinn stated it's coming from the west not the east.

Barbara Quinn now understands.

Someone stated they are wondering if they are opposed to him building on the property or just concerned about poles. I guess I don't know what your opposition is.

Mr. Whitson, Chairman stated it is more of a fact finding. He asked if anyone else wish to speak? Any questions from the Commission? If no one wants to put any restrictions on it, that's fine. I'll call hearing closed and call for roll.

Glen Frakes – Yes, Best Use
Shirley Day – Yes, Best Use
Rodney Fry – Yes, Best Use
Pat McLear - Yes, Best Use
Alfred Purcell – Yes, Best Use
Steve Reardon – Yes, Best Use
Wayne Barnett – Yes, Best Use
Jim Whitson – Yes, Best Use

Mr. Whitson, Chairman, then announced that this Item had passed, there will be a thirty (30) day waiting period if someone would want to appeal the decision. He then asked for any further business and if the Commission had anything next month.

Ryan Pummell told Mr. Quinn if he has a soil morphology present it to him, will not have to pay for another one.

ITEM #3 - A request by Corey Miller, 1873 SE Taos Rd, Faucett, MO to obtain a Conditional Use Permit in order to sell a 10.68-acre m/l tract of land for a purchaser to construct one (1) Single Family Dwelling located in Section 5, Township 56, Range 35.

REPRESENTATION OF REQUEST

Corey Miller, 1873 SE Taos Rd, Faucett Mo. I have owned this piece of land for about 20 years. We are looking at other endeavors for my wife and I and we have an interested party in it. We want to get are ducks in a row and make sure can build a house on it.

Mr. Whiston, Chairman asked where would the access be for this? How big of a house does the buyer want to build?

Mr. Miller answered it will come off Cardiff drive, that was an easement that I went through 5 years ago. I got an easement from the neighbor.

Matt Grooms, 6 Lindenwood Lane, St. Joseph Mo. 2000 square foot house, nothing huge.

Mr. Whitson, Chairman asked if there were any questions from the Commission?

Someone asked if this will be a stick-built house?

Mr. Grooms answered yes, stick built house on a basement.

Someone asked what is the ground being used for now?

Mr. Miller answered it is built up in trees and a gentleman has had some cows on it. The neighbor moved the hot wire fence down onto the property and ran his cows a little bit further down the hill.

Someone asked if the easement goes with the property and is it written someplace?

Mr. Miller confirmed it goes with the property. I have it all written right here, Jim Bowers did the whole legal description and everything on it.

Mr. Whitson, Chairman asked if there were any questions from the Commission? Is there anyone here in opposition of the request?

Rebecca Huntsman, 465 SE Turner Rd, I didn't know what I was getting into until I got the letter. My property does not, according to everything does not butt up to Mr. Miller's property. My concern was the easement because the more I have investigated to get to a property, they can go across your property to get to their property. So that was my concern that I wanted to voice now that I have found out there is another easement. My fear was and I have been envisioning for the last couple of weeks a bulldozer taking down my fruit trees and then I thought my septic tank and my laterals are right there so the driveway is going to have to go up through my trees, either build a bridge across the crick; its really deep. That was my concern. We were approached before with someone that wanted to come through our property. There is no way with out major damage.

Someone confirmed you are pretty safe no one will come through your property. The easement is already in place.

Mr. Miller stated again the driveway is coming off Cardiff Drive.

Mr. Whitson, Chairman asked if any comments from the Commission?

Someone asked if there are any other plans for the rest of the property?

Mr. Miller stated; No.

Someone made the motion the property can not be split again. The motion was seconded.

Mr. Whitson, Chairman stated; there was a motion put on that the property cannot be spit again, everyone in favor say aye.

All are in favor.

Mr. Whitson, Chairman stated we will now vote on the request of the conditional use with the condition that the property cannot be split anymore. We are voting on the whole thing right now with the condition, that it cannot be slit and subdivided again. Call for role.

Glen Frakes – Yes, Best Use
Shirley Day – Yes, Best Use
Rodney Fry – Yes, Best Use
Pat McLear - Yes, Best Use
Alfred Purcell – Yes, Best Use
Steve Reardon – Yes, Best Use
Wayne Barnett – Yes, Best Use
Jim Whitson – Yes, Best Use

Jim Whitson, Chairman stated it did pass you have the same 30-day period. Does Denise have anything else for us?

Ryan Pummell stated no nothing else.

Someone asked where are we at with the Comprehensive Plan?

Lee Sawyer, Presiding Commissioner stated we have high centered a little bit. It's a matter of getting with Mo-Kan to start working on it again and make sure we keep moving forward on it. We have shared it with others too around that gave some input, so we are in that process of adding some population trends. That's a good question we need to try and button it up.

Mr. Whitson, Chairman stated it has been a process and has stalled a couple of time in years past.

Mr. Sawyer, Presiding Commissioner would like to present a piece of new business we have signed an agreement with Black & Veach, very similar to what we did with the wind energy for the solar. We had a conference call with them and they have done a lot of best practices with solar. We feel like they are a really good group to give us advise on how solar might work in our County. We will definitely keep you in the loop, we just signed the agreement with them. We want to make sure we adopt thoughtful ways of dealing with that and we do know that we will have somewhat of a similar process of we did before; we will have some meetings, we will put together a draft agreement, if you will of how it will work and then you all will have input and we will probably have public hearings if we feel that is necessary. We haven't had a lot of people, it doesn't seem like it is nearly a hot button as what the wind energy was but we make sure we want to do it right and have a good plan.

Mr. Whitson, Chairman stated we definitely need something on the books. Does anyone else have anything? Can I have a motion to adjourn?

Someone made a motion to adjourn, there was a second. All were in favor.

With no further business the meeting was adjourned.