

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MINUTES OF THE BUCHANAN COUNTY
PLANNING & ZONING BOARD
PUBLIC HEARING
NOVEMBER 13, 2024

The meeting was called to order by Chairman Alfred Purcell 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, St. Joseph, Missouri 64501.

Board members Wayne Barnett, Shirley Day, Fred Corkins, Scotty Sharp, Glen Frakes, Mike Korte, Rodney Fry, Pat McLearn, Cody Cornelius, and Al Purcell were present for roll call and a quorum was present.

Also present were Presiding Commissioner Scott Nelson, County Commissioner Scott Burnham, County Attorney Joshua Bachman, Code Enforcement Officer Ryan Pummell, and Planning & Zoning Specialist, Rhanda Shreve.

AGENDA

ITEM #1: A request by Kevin & Macie Kuritz, 3129 St. Joseph Avenue, St. Joseph, MO, to obtain a Conditional Use Permit to build a single family dwelling on a 9.33 m/1 acre parcel all located in Section 25, Township 56, Range 36.

ITEM #2: A rezoning request by James & Lynn McMillian, 2331 NE River Ridge Road, St. Joseph, MO, to rezone from A-1 to R-1 on a 2.04 m/1 acre parcel all located in Section 5, Township 57, Range 34, in order to allow two residential single family dwellings to be built by himself and his son.

ITEM #3: A request by David & Theresa Gach, 6425 Fike Road, St. Joseph, MO, to obtain a Conditional Use Permit to build a single family dwelling on a 15.2 m/1 acre parcel all located in Section 07, Township 56, Range 34.

1 P R O C E E D I N G S

2 (Proceedings commenced.)

3 CHAIRMAN PURCELL: Good evening, folks. We'll
4 call the meeting to order and thank you for coming out
5 this evening.

6 The first thing on the agenda, I would
7 certainly like to introduce Rhanda. Rhanda, thank you
8 and congratulations. And I know that you're wearing
9 two hats, and we do appreciate you supporting us and
10 keeping us organized. And contrary to popular belief,
11 Rhanda did mail all of the packages out. Mine, I
12 brought it. My postmark was on the 4th, and so I'm not
13 about to throw the post people under the bus, but it
14 was mailed the 4th, and it arrived today. And it's
15 still wet. Still wet.

16 We'll call the meeting to order, and if you'll
17 call the roll, please.

18 MS. SHREVE: Okay. Wayne Barnett?

19 MR. BARNETT: Here.

20 MS. SHREVE: Shirley Day?

21 MS. DAY: Here.

22 MS. SHREVE: Fred Corkins?

23 MR. CORKINS: Here.

24 MS. SHREVE: Scotty Sharp?

25 MR. SHARP: Here.

MS. SHREVE: Glen Frakes?

MR. FRAKES: Here.

MS. SHREVE: Mike Kort --

MR. KORTE: Korte.

MS. SHREVE: Korte, okay.

MR. KORTE: Here.

MS. SHREVE: Rodney Fry?

MR. FRY: Here.

MS. SHREVE: Pat McLearn?

MR. McLEAR: Here.

MS. SHREVE: Cody Cornelius?

MR. CORNELIUS: Here.

MS. SHREVE: And Al Purcell?

CHAIRMAN PURCELL: Here.

MS. SHREVE: Josh Bachman?

MR. BACHMAN: Present.

MS. SHREVE: Scott Nelson?

PRESIDING COMMISSIONER NELSON: Here.

MS. SHREVE: Ron Hook?

(No response.)

MS. SHREVE: Scott Burnham?

COMMISSIONER BURNHAM: Here.

CHAIRMAN PURCELL: The minutes have been

1 distributed to each one of you, and I will welcome a
2 motion to approve the minutes as written.
3 MR. CORKINS: So moved.
4 CHAIRMAN PURCELL: So moved. Is there a
5 second?
6 MR. McLEAR: Second.
7 CHAIRMAN PURCELL: Thank you. And all of you
8 supporting the minutes as written, say aye.
9 (Unanimous aye.)
10 CHAIRMAN PURCELL: Opposed?
11 (No response.)
12 CHAIRMAN PURCELL: Hearing none, the minutes
13 from our October 9th meeting have been approved.
14 Rhanda, would you please read for the record
15 what we have on the agenda for this evening?
16 MS. SHREVE: Okay, on the agenda for this
17 evening, Item #1, a request by Kevin and Macie
18 Kuritz -- I don't know if I'm saying that right -- at
19 3129 St. Joe Avenue --
20 (Brief interruption by the Reporter.)
21 MS. SHREVE: No. 1, a request from Kevin and
22 Macie Kuritz, it's K-U-R-I-T-Z, 3129 St. Joe Avenue,
23 St. Joe, Missouri, to obtain a conditional use permit
24 to build a single-family dwelling on 9.3, more or less,
25 acres parcel, all located in Section 25, Township 56,
Range 36.
Item No. 2, a rezoning request by James and
Lynn McMillian, 2331 Northeast River Ridge Road,
St. Joe, to rezone from A-1 to R-1 on a 2.04, more or
less, acre parcel, all located in Section 5, Township
57, Range 34, in order to allow two residential single
family dwellings to be built by himself and his son.
Item No. 3, a request by David and Theresa
Gach, 6425 Fike Road, St. Joe, to obtain a conditional
use permit to build a single family dwelling on 15.2,
more or less, acres parcel, located in Section 07,
Township 56, Range 34.
CHAIRMAN PURCELL: Thank you, Rhanda.
ITEM #1:
CHAIRMAN PURCELL: Item No. 1, would you
please step forward and state your name and your
address.
MS. KURITZ: Macie Kuritz, 3129 St. Joseph
Avenue, St. Joseph, Missouri 64505.
CHAIRMAN PURCELL: Thank you.
MS. KURITZ: You're welcome.
MS. DAY: So if you would, please -- I'm
sorry -- tell us what your plans are and what you are
proposing to us.
MS. KURITZ: So my husband and I bought this

1 piece of property, and we would like to build a
2 three-bedroom, two-bath home, stick home, on it.
That's it. We're just going to use it for us and our
grandbabies to run around.

3 MR. BARNETT: So the part there that goes into
the road, is that an easement through there?

4 MS. KURITZ: Yes, sir.

5 MR. BARNETT: Okay. You don't own that?

6 MS. KURITZ: We don't own that.

7 MR. BARNETT: Right where that's coming in?

8 MS. KURITZ: Correct.

9 MS. DAY: But you do have a written easement
or something, some kind of documented?

10 MS. KURITZ: Yes, ma'am.

11 MR. McLEAR: Just a question I have. I
thought when people came in with these, they were
supposed to identify the location where they're going
to build the house. Otherwise, they can -- otherwise,
they can tell us one thing today and something else six
months from now.

12 MS. SHREVE: Attached is the soil morphology
report, which will show where the septic tank has to
be.

13 MR. McLEAR: Well, we've been through this
before, this committee, and if I remember correctly,
nobody was too enthusiastic about passing any of these
without them telling us exactly where the house is so
that the people who work for zoning, they can go out in
the field and check to make sure it was built there.

14 CHAIRMAN PURCELL: On page four -- and you can
correct me -- on page four you've identified where the
proposed home site is; is that correct?

15 MS. KURITZ: May I approach?

16 CHAIRMAN PURCELL: Please.

17 MR. CORKINS: It's on the soil test, back
here.

18 MR. McLEAR: Do you see it? I don't see it.

19 UNIDENTIFIED SPEAKER: Is this where the --

20 MR. McLEAR: Oh, that dot, okay.
(Inaudible - Multiple people speaking.)

21 UNIDENTIFIED SPEAKER: Do you see it, Al? Is
this where the -- oh, that dot. Okay.

22 MS. KURITZ: That little dot?

23 MS. DAY: Yes.

24 MS. KURITZ: Yes, that's where that dot is.
(Inaudible -- multiple people speaking.)

25 CHAIRMAN PURCELL: Could you speak up?

MS. KURITZ: Yes, sir. That is where we're
planning on building the home.

CHAIRMAN PURCELL: So this is where the home

1 will be.
2 MS. DAY: Right there.
3 MR. BARNETT: Right in here.
4 (Inaudible - multiple people speaking.)
5 CHAIRMAN PURCELL: Does the board have
6 questions, any further questions?
7 MR. SHARP: You got a little bit of a steep
8 driveway coming in on that easement.
9 MS. KURITZ: Yes.
10 MR. SHARP: How are you going to go -- I seen
11 you had Monkey (phonetic) Excavating out there the
12 other day.
13 MS. KURITZ: So we have two, we had two people
14 come out and look at it, and we're going to try and
15 build it up to where it just levels off.
16 MR. SHARP: Okay. Are you going to cross on
17 the pond or are you going to cross on the bottom dam to
18 get to your site?
19 MS. KURITZ: We're going to cross the dam.
20 We're going to actually build the dam up to where --
21 when we're going to build that house so it's not quite
22 such a steep hill there, too. So we're going to build
23 up the dam a little bit higher.
24 MR. SHARP: You are going to auger above it in
25 two places, so -- okay.
CHAIRMAN PURCELL: Any further questions?
(No response.)
CHAIRMAN PURCELL: Is there anyone here in
opposition?
(No response.)
CHAIRMAN PURCELL: Hearing none, we will --
thank you so much. We will close the discussion and
call the roll.
MS. SHREVE: Wayne?
MR. BARNETT: Yes, best use.
MS. SHREVE: Shirley?
MS. DAY: Yes, best use.
MS. SHREVE: Fred?
MR. CORKINS: Yes, best use.
MS. SHREVE: Scotty?
MR. SHARP: Abstain. I got a letter so -- it
wasn't on the list.
MS. SHREVE: Glen?
MR. FRANKS: Yes, best use.
MS. SHREVE: Mike?
MR. KORTE: Yes, best use.
MS. SHREVE: Rodney?
MR. FRY: Best use.
MS. SHREVE: Is that yes, then?
MR. FRY: Yes.

1 MS. SHREVE: Pat?
MR. McLEAR: Yes, best use.
2 MS. SHREVE: Cody?
MR. CORNELIUS: Yes, best use.
3 MS. SHREVE: Al?
CHAIRMAN PURCELL: Yes, best use. It has been
4 approved, and so thank you very much.
MS. KURITZ: Thank you.
5 CHAIRMAN PURCELL: Have fun building your
home.
6 MS. KURITZ: Thank you so much.
CHAIRMAN PURCELL: You're welcome.
7 ITEM #2:
CHAIRMAN PURCELL: Item No. 2, will you please
8 step forward and state your name and your address.
MR. McMILLIAN: James and Lynn McMillian.
9 We're 2350 River Ridge Road, and the property in
question here, the building site is at 2331. It's
10 directly across the road from where we currently reside
at.
11 CHAIRMAN PURCELL: And your request is to
rezone from A-1 to R-1?
12 MR. McMILLIAN: Correct.
CHAIRMAN PURCELL: And to build two
13 residential single family dwellings on the property?
MR. McMILLIAN: Correct. The initial
14 involvement is going to be a personal home for us, and
then sometime down the road, there's enough room there
15 for my son to have interest in building a single family
home also.
16 CHAIRMAN PURCELL: And the size of the home?
MR. McMILLIAN: As far as square footage, the
17 main floor, probably looking at anywhere from 14- to
1,800 square feet on the main floor. Our current home
18 right now on River Ridge Road, it's a 1,700 square feet
on the main floor.
19 CHAIRMAN PURCELL: Questions of the board?
MR. FRAKES: Where on the property -- Is your
20 property line going through the pond?
MR. McMILLIAN: There on the south side, that
21 is correct, on the south side there, yes. Directly
behind the structure that I own right there, that's to
22 the west of that pond. It's an earth contact shop that
I have.
23 MR. FRAKES: How big's that shop?
MR. McMILLIAN: That shop is a 40 x 80.
24 MR. FRAKES: Pretty good size.
MR. McMILLIAN: Yes.
25 MR. BARNETT: Is there anyone living in that
shop?

1 MR. McMILLIAN: No, no, it's all -- it just
2 has running water and that's it. It's just for -- it's
3 what it is, a shop to tinker with. I kind of mess with
4 classic cars.

5 MS. DAY: Where do you intend on building in
6 relationship to where that shop is?

7 MR. McMILLIAN: To the north.

8 MS. DAY: To the north.

9 MR. McMILLIAN: Yeah, to the north there.

10 MS. DAY: In that clearing? In that clearing
11 area just directly north of your shop?

12 MR. McMILLIAN: You're probably seeing a lot
13 of timber there right now?

14 MS. DAY: I am.

15 MR. McMILLIAN: That's right now in the
16 process of being removed. Now, we've had a gentleman
17 there cleaning all the brush right now around the
18 trees, and I've got some tree guys coming in to pick
19 out what trees they want to have removed.

20 MR. CORNELIUS: Is there a ditch, a large
21 ditch that runs through where that tree line is
22 currently?

23 MR. McMILLIAN: No. No.

24 MR. BARNETT: So you're wanting to split 2
25 acres and make it residential, and most all these
others around you are 2, 1.6, 1.5.

26 Ryan or Josh, is that R-1 or are those A-1?

27 MR. BACHMAN: AOR.

28 MR. PUMMELL: Presently they're AOR, I
29 believe.

30 MR. BARNETT: AOR's.

31 MR. PUMMELL: And, yeah, presently they're
32 AOR, and I guess he's wanting to go to R-1.

33 MR. McMILLIAN: Well, that's what was
34 suggested to me. I can't remember the lady's name.

35 MS. SHREVE: Kristy.

36 MR. McMILLIAN: Kristy, yeah. When I
37 approached her, that's what -- she made the suggestion
38 R-1. And then I think it was brought up, too, somebody
39 said AOR; is that what you're saying?

40 MR. PUMMELL: Yeah.

41 MR. McMILLIAN: Yeah, AOR. So whatever works
42 to put a single family home in there. But she --
43 initially that's what she recommended.

44 MR. CORKINS: Are all the rest of the lots
45 there R-1?

46 MR. PUMMELL: No.

47 MR. CORKINS: No?

48 MR. PUMMELL: Most of them are AOR.

49 MR. CORKINS: Okay.

1 MR. BACHMAN: And if I may just illuminate the
2 conversation a little bit. So most of these other lots
3 here are AOR, which is Outer -- Agricultural Outer
4 Residential, and areas zoned AOR, minimum lot size is
5 one acre. Areas zoned R-1, minimum lot size is 8,000
6 square feet.
7 MR. McMILLIAN: Correct.
8 MR. BACHMAN: So that's really kind of your
9 main difference between the two.
10 MR. BARNETT: But there's a lot more
11 stipulations in an R-1 than there is AOR; is that
12 right?
13 MR. PUMMELL: That is correct.
14 MR. BARNETT: Yeah.
15 MR. PUMMELL: That is correct.
16 CHAIRMAN PURCELL: And how -- on the homes
17 that you're planning on building, how compatible are
18 they with the other homes in the area?
19 MR. McMILLIAN: Well, we've got two different
20 builders that we're looking at. One is Jamesport
21 Builders out of Jamesport, Missouri. They've currently
22 done two major jobs for us, and they're excellent
23 builders. And the other one is a Donny Clark with
24 Clark and Thompson (sic), and we've had him do work for
25 us also. So those are the two main people that we'd be
looking at as far as our single family homes.
As far as blending in with the neighborhood, I
don't see a problem with that whatsoever. Basically, I
mean, just what we have, I don't know, like, one of the
neighbors, Bob Means, down the road, he was -- he
called wanting to know what we were planning on doing
here, and like he said, he basically made the comment
that you guys always do it right when you do something.
So she's in charge of as how -- as far as how the
aesthetics look, so on and so forth, inside and out.
MS. DAY: You have to live with her.
MR. McMILLIAN: Yes, absolutely.
MR. CORNELIUS: So you all currently live on
the west side of that road right now?
MR. McMILLIAN: Correct.
MR. CORNELIUS: And are you planning to sell
that?
MR. McMILLIAN: Yes, at a later date, yes.
It's just the two of us now.
MR. FRAKES: You really don't have a full 2
acres because of that pond, do you?
MR. McMILLIAN: It's --
MR. FRAKES: I can't tell how big the pond is.
MR. McMILLIAN: That pond is very -- that pond
was basically designed by Mr. Gray when he lived on

1 that property, and now Gene and -- what's the --
MRS. McMILLIAN: Gene and Sharon.
2 MR. McMILLIAN: Sharon --
MRS. McMILLIAN: Milner.
3 MR. McMILLIAN: Oh, what is their last name,
Gene and Sharon --
4 MRS. McMILLIAN: Milner.
MR. McMILLIAN: Milner, Gene and Sharon
5 Milner. That was basically designed just to catch the
water coming down their backyard, because they've got a
6 pretty steep backyard there. It wasn't designed to
have fish or anything in it, just to catch the runoff.
7 MR. FRAKES: It's still a pond.
MR. McMILLIAN: It's just basically about a --
8 it's probably six inches deep.
MS. DAY: Well, now, but this has been a
9 pretty dang dry year.
MR. McMILLIAN: Well, like you said, even,
10 well, back in the '90s it didn't get up there at all,
because he's on, I think right now, around 12 acres.
11 MS. DAY: So it's nine -- well --
MR. FRAKES: Where would you build a second
12 home at?
MR. McMILLIAN: To the north. Our home would
13 be -- right now we're looking at our home being just
north of the shop, and then the other home would be
14 north of it, on the north side of it.
MR. FRAKES: The other home, second home, be
15 up there where you're clearing that timber out?
MRS. McMILLIAN: They both will.
16 MR. McMILLIAN: Yeah, they both will. The
timber's all going to get --
17 MR. FRAKES: Both of them will be up in there?
MR. McMILLIAN: Yeah, we're going to remove
18 all the timber. I removed all the timber in order to
build the shop. That timber used to go all the way
19 down to the other end of the property line.
CHAIRMAN PURCELL: Josh, all the other
20 property, is it AOR on all the rest of it?
MR. BACHMAN: Pretty much, yes.
21 MS. SHREVE: Well, yes, all the gray areas --
do you have a color code?
22 CHAIRMAN PURCELL: Yeah.
MS. SHREVE: The one directly behind them is
23 still A-1.
MS. DAY: Which makes sense.
24 MR. CORNELIUS: When that shop was built, did
there have to be a zoning change to AOR?
25 MR. BACHMAN: That lot's still zoned A-1. I
mean, yeah, it would depend on whether or not -- did

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

you all build the shop?
MRS. McMILLIAN: Mm-hmm.
MS. DAY: How long ago did you build that shop?
MR. McMILLIAN: 2017 is when Jamesport put it up.
MS. DAY: 2017?
MR. McMILLIAN: Yeah.
CHAIRMAN PURCELL: Other questions of the board?
MR. BARNETT: At that time you just needed a permit to do that; right? You had 2 acres?
MR. McMILLIAN: Jamesport obtained permits to do the build. I didn't do that. Jamesport handled all that.
MR. BARNETT: Josh, is there any other, any regulations they need to know about the committee here when it goes to residential?
MR. BACHMAN: Well, I mean, the main thing is is that it's 8,000 square feet, so however many 8,000 square foot lots you can get out of that potentially would open it up, and once it's rezoned, it's rezoned. And then, as you all may recall from previous times of doing this, ultimately this decision will be up to the county commission. It's your job to provide a recommendation to have a public hearing like we're having this evening and provide your recommendation of yes or no to the rezoning, and then the county commission will take that into consideration and decide ultimately whether or not to rezone it.
MR. McMILLIAN: Based on what she told me, it looks like -- based on what she said, at 8,000 square feet for R-1, it's like somebody could put ten homes in there, which absolutely that's not going to happen. No way. I would not want that to happen. And, like I said, we're just looking at two single family homes, brand new structures.
MR. BARNETT: Although, we're going to be voting on changing it to R-1.
MR. BACHMAN: That's correct, Wayne, and so that's something for the board to consider, that, you know, the McMillians, you know, if they have a plan that you find agreeable, but if it were to sell within -- certainly within a year, and other folks come along, if it's been rezoned residential, they are legally free to just get their building permits and put, you know, up to however many 8,000 square foot lots they can get on there.
Now, of course there are other regulations, and Ryan can speak to that a little more, as far as,

1 you know, how you work out the septic systems and what
2 have you. I mean, you may not practically be able to
do that even if you have the space. So that is the
deal with the zoning; once it's rezoned, it's rezoned.

3 MRS. McMILLIAN: Is there an issue that you
can't rezone an AOR like everything else?

4 MR. BACHMAN: No, it certainly could be
rezoned AOR, and that would mean the minimum lot size
5 is a thousand -- is one acre for each of your houses,
so if you end up putting two on there, you've got to be
6 able to do it, you know, 2 one-acre lots.

7 MR. McMILLIAN: So here it will be 2 one-acre
lots. Currently the shop that's in place now is not
counted as a single family home or house. It'd just be
8 the shop.

9 MR. BACHMAN: Potentially it could be an
accessory use because the home would typically have a
garage. I'm not familiar with the exact, you know --
10 what did you say, it was 60 x 40 for that shop you have
there?

11 MR. McMILLIAN: 40 x 80.

12 MR. BARNETT: It's 40 x 80.

13 MR. BACHMAN: Oh, 40 x 80. So, I mean,
potentially that would be considered an accessory use,
which would be lawful. If you're allowed to have a
dwelling, you're also allowed to have a garage, but I
14 would -- I'm not going to commit to an opinion on that
tonight but, yeah, if you are in AOR, you would have to
15 have 2 one-acre lots.

16 CHAIRMAN PURCELL: But on the table tonight,
we're being asked to move from A-1 to R-1.

17 MR. McMILLIAN: Right. And that was going by
her recommendations.

18 CHAIRMAN PURCELL: That's what's in front this
board.

19 MR. McMILLIAN: Correct.

20 CHAIRMAN PURCELL: Not moving it to AOR, but
strictly A-1 to R-1.

Any other questions of the board?

(No response.)

21 CHAIRMAN PURCELL: Hearing none, is there
anyone here in opposition?

22 UNIDENTIFIED SPEAKER: Yes.

23 CHAIRMAN PURCELL: Thank you much. Please
come forward, state your name and your address.

24 MR. ATHA: So I'm Reid Nicholas Atha, 244 --
2440 River Ridge Drive. Here with me today I've got
three letters of opposition. Al, can I bring those to
25 you, please?

CHAIRMAN PURCELL: Please.

1 MR. ATHA: From neighbors in the area. A lot
2 of this is going to be redundant. I feel like you guys
3 have kind of covered most of the bases here, but: "As
4 you likely recall, McMillian received a zoning variance
5 for construction of a commercial building on the
6 property. We would ask that you review the prior
7 variance request that decided the commercial building
8 currently on the property. Out of the commercial
9 building on the property, McMillian operates a business
10 of buying, restoring and reselling motor vehicles. It
11 is only with that zoning variance in place McMillian
12 constructed the building and operated a business of
13 profit out of that property.

14 "With that business the traffic in and out of
15 the property is significant, as is the business on the
16 property.

17 "The request to switch from zoning from A-1 to
18 R-1 is not allowable for several reasons. The first is
19 that with the current variance in place and a
20 commercial business being operated out of the property,
21 switching to a residential zoning is not allowed. If
22 the property is rezoned as residential, then the
23 business operations of the property would need to
24 cease.

25 "The second reason is R-1 zoning does not
allow for two residential single dwellings. R-1
certainly does not allow for two residential single
family dwellings in addition to a current commercial
building on the property.

"The third reason is that the building area
requirements cannot be met with the addition of two
additional structures on the property.

"Please review the maps of the property and
the location of the current building. With the current
building in place, it is not possible to add two
additional structures on the property and maintain the
buildable area requirements.

"The fourth reason is safety concerns that
result due to additional vehicles and the use of the
property. The property has two driveways. The
property across the street has a driveway in the middle
of the property's two driveways. Two residences being
constructed on the property creates a significant
safety concern for those driving on Northeast River
Ridge Road, including all of our families.

"As you would view the property in the area,
you will notice that the surrounding properties are all
single family residences on an acreage of similar size
to the property. The property already has a very large
commercial building on it. Adding two additional

1 single family residences would detract from the
2 surrounding properties and significantly decrease the
value of the neighborhood.

3 "Please find the attached advertisements by
4 the property owners confirming the uses of the property
5 as a commercial business, and thank you for your
6 consideration and for your efforts to enhance east
Buchanan County residency."

7 CHAIRMAN PURCELL: Any questions?

8 MR. McMILLIAN: Yeah, I've got a question.

9 CHAIRMAN PURCELL: No. We can ask you to come
10 back. Any further questions?

11 MR. McMILLIAN: Okay.

12 CHAIRMAN PURCELL: Any further questions?

13 (No response.)

14 CHAIRMAN PURCELL: Please, the letters that I
15 passed around, would you please pass them to the other
16 side?

17 So we have in evidence three letters of
18 neighbors that you brought that are in opposition?

19 MR. ATHA: Yes.

20 CHAIRMAN PURCELL: And each one of them has
21 their names on them?

22 MR. ATHA: Correct.

23 CHAIRMAN PURCELL: Okay. Are there any other
24 questions of Reid?

25 MR. McLEAR: So it's been established that
this is a residential area, but we have a commercial
business there? Is that what we've got? Do they have
a county merchant license?

MR. McLEAR: I would refer to our
counsel.

MR. BACHMAN: I would say that would be a
question for the McMillians. I don't have the ability
to verify that at the moment, but --

MR. McLEAR: Right. I wouldn't expect you to.
I was just raising the issue.

MR. BACHMAN: Right, that would be -- I would
encourage the chairman to invite the McMillians back up
to respond and also to allow the McMillians to read the
letters that have been provided to the board, as well,
so they can have a chance to respond.

CHAIRMAN PURCELL: Yes, that we will do.

MR. CORNELIUS: Where do the two residents
that wrote the letters, where do they live in reference
to them?

MR. ATHA: Foster is two doors down from them,
and Harry Roberts is right next door to me.

CHAIRMAN PURCELL: Thank you, Reid. Any other
questions of Reid?

1 (No response.)
2 CHAIRMAN PURCELL: Thank you. I'll invite
James and Lynn McMillian back, please.
3 MRS. McMILLIAN: Yeah, can we see the letters?
CHAIRMAN PURCELL: The question was about a
4 commercial business.
MRS. McMILLIAN: Yeah, there is no commercial
5 business.
MR. McMILLIAN: There's no commercial business
6 there, no. That is my personal.
CHAIRMAN PURCELL: Please come to the --
7 MR. McMILLIAN: Yeah, sorry. Yeah. But no,
there's no commercial business there. That's my
8 personal garage, and anybody that knows me, my family,
I've been into classic cars since I was 14 years old.
9 I bought my first one then. But anyhow, I've got two
boys, Taylor McMillian and Cole McMillian. They do run
10 a commercial business at 5201 State Route 6 Highway.
They just put up a brand new building. Jamesport
11 Builders put that up, 7,000 square foot commercial
building that they run a business there and they're
12 licensed and insured. And any car that they see or
neighbors might see up at my shop, I own. It's not
13 customers' cars, anything like that. Everything there
I own under that roof.
MRS. McMILLIAN: They started it as a hobby in
14 that location three, four, five years ago, and that's
probably the advertising that you see, but they built
15 the building on 6 Highway to support their business,
and that's why it's there. So this is not a commercial
16 property.
MR. McMILLIAN: Absolutely not.
17 CHAIRMAN PURCELL: Thank you. Any other
questions of the McMillians?
18 MR. McMILLIAN: The tax records and such will
verify the location of the -- it's called Copper Top
19 Muscle Cars. McMillian Brothers. My two sons. Copper
Top Muscle Cars. They're on Facebook. They've got
20 over 20,000 followers, and my building would not
support nowhere near the business that they do.
21 CHAIRMAN PURCELL: Did you have an opportunity
to review the folks in opposition?
22 MRS. McMILLIAN: Yeah, I see their names, but
I don't really --
23 MR. McMILLIAN: They don't really come around.
MRS. McMILLIAN: Yeah, we don't really see
24 them much, yeah.
CHAIRMAN PURCELL: Well, just the names.
25 MR. McMILLIAN: Oh, well, let me point this
out to you, sir. And everyone here.

1 CHAIRMAN PURCELL: Well, it's not just me.
MR. McMILLIAN: To everyone here.
2 CHAIRMAN PURCELL: Of course.
MR. McMILLIAN: This picture that they're
3 displaying right here, these are my personal cars, our
cars, the whole family. These aren't customer cars.
4 Every one of those we own.
CHAIRMAN PURCELL: Thank you. Any other
5 questions?
(No response.)
6 CHAIRMAN PURCELL: Anyone else here in
opposition?
7 (No response.)
CHAIRMAN PURCELL: Hearing none, seeing none,
8 we will close the meeting. Thank you so much --
MR. McMILLIAN: Thank you.
9 CHAIRMAN PURCELL: -- for your presentation,
and please call the roll.
10 MS. SHREVE: Wayne?
MR. BARNETT: No, I don't think for rezoning
11 R-1 fits that situation.
MR. BACHMAN: And if I may, there are several
12 factors to consider. One of those is compatibility
with surrounding uses, and as well as detrimental
13 impact to surrounding property. Those are two of
several factors to consider in these, so I would
14 encourage each board member to perhaps indicate their
reason, like Wayne has here, as to the reason for your
15 vote yes or no.
MS. SHREVE: Shirley?
16 MS. DAY: No, not conducive to the area.
MS. SHREVE: Fred?
17 MR. CORKINS: No, not convinced it needs to be
R-1. I would approve it for one home, but I just don't
18 think there's enough there.
MS. SHREVE: Scotty?
19 MR. SHARP: No, not conducive to the area.
MS. SHREVE: Glen?
20 MR. FRAKES: No, not compatible with the area.
MS. SHREVE: Mike?
21 MR. KORTE: No, not compatible with the area.
MS. SHREVE: Rodney?
22 MR. FRY: No, not compatible for the area.
MS. SHREVE: Pat?
23 MR. McLEAR: No, not compatible to the area.
MS. SHREVE: Cody?
24 MR. CORNELIUS: No, not compatible to the
area.
25 MS. SHREVE: Al?
CHAIRMAN PURCELL: No, not compatible. So

1 your request has not been approved with a unanimous
2 vote from the board. You realize you can appeal this.
You have a certain amount of time -- two weeks?

MR. BACHMAN: Two weeks.

3 CHAIRMAN PURCELL: It would then be handed to
4 the zoning board of adjustment. Thank you so much.

MRS. McMILLIAN: Can I ask a question?

5 MR. BACHMAN: I was going to clarify, Mr.
6 Chairman, if I may. Since this was a request for
7 rezoning, this will now be heard by the county
8 commission, and they will ultimately have the decision.
9 So while the recommendation from the planning and
10 zoning commission has been to not approve the rezoning,
the county commission does have the authority to
approve it or to go along with the recommendation of
the planning & zoning commission, and right now that
hearing is scheduled for December 16th at nine a.m. for
those that would be interested in attending that. That
may address your question.

11 MRS. McMILLIAN: I've got one more question.
12 Can I ask? Do I need to stand up? Can we come back
before the board and ask for AOR for one single family
residence?

13 CHAIRMAN PURCELL: I would defer that to the
counsel.

14 MR. BACHMAN: There are restrictions depending
15 upon the request. I'd have to evaluate that a little
16 closer. Typically there is a one-year limit on when
17 you can come back again, but I am not clear -- well, I
18 don't recall. It's been a minute since I've reviewed
19 that. You could potentially come back, depending upon
20 your request. I'd have to check if that one-year
request, if that one-year bar on coming back is based
upon what you're requesting or based upon the property.
So it is possible. With it being zoned A-1, a request
for a conditional use permit to build a house on 2
acres could be entertained by the board. That would be
something, but that's something I'd be happy to follow
up with you on, what that time limit would be.

MRS. McMILLIAN: Thank you.

21 CHAIRMAN PURCELL: Thank you.

22 ITEM #3:

CHAIRMAN PURCELL: Item No. 3, please step
forward. State your name and your address.

23 MR. GACH: My name is David Gach. I live at
24 5859 State Road FF, and we'd like to build a home for
my granddaughter, Marci Sanders. There's 15 acres
25 there that we own, me and my wife. They're in process
of doing the morphology test on the land, and they
think it's going to be okay; and we're going to build a

1 house on the very west part of this 15 acres. Is there
2 a position on -- I didn't see the map. Does it show
where we're going to put the house?
MS. DAY: No.
3 CHAIRMAN PURCELL: Dave, could you just --
MR. GACH: Yeah.
4 CHAIRMAN PURCELL: -- point out where it is on
here?
5 MR. GACH: Yeah, right -- right there. It
sidles up the hill, right there.
6 CHAIRMAN PURCELL: Right here?
MR. GACH: Yeah.
7 CHAIRMAN PURCELL: That's where he's talking
about.
8 MR. FRAKES: You need to mark that, Al.
CHAIRMAN PURCELL: You see the 7? You see the
9 7 on there?
MR. FRAKES: Yeah, I do.
10 CHAIRMAN PURCELL: It's to the left of the 7.
MR. CORKINS: Two acres down in the southwest
11 corner, then?
MR. GACH: Two acres.
12 MR. CORKINS: Two acres out of this corner.
MR. GACH: The county line goes to the center
13 of the road, last hill. If it's 3 acres we gotta give
them, that's what we'll do to build a house, and it
14 will be on the west part there. We hay the rest of it
so it's -- the rest of it would be fine for hay.
15 MR. CORKINS: Right. Okay. Thank you.
MR. GACH: We've got an 1,800, 1,900 square
16 foot single family home.
MR. McLEAR: What's that ground being used for
17 now?
MR. GACH: Hay to feed cows.
18 MR. McLEAR: I didn't hear you say hay.
MR. GACH: I don't want to use my good farm
19 ground. I've got a hundred acres right there, but this
is a piece of land that will work better for her and
20 not take away any crop land so --
MS. DAY: You access off of Southeast Fike
21 Road; is that what you'll drive into?
MR. GACH: Yes, mm-hmm, yes.
22 CHAIRMAN PURCELL: Questions of the board?
MR. KORTE: You did say this would be a
23 stick-built home?
MR. GACH: Stick-built home, yes.
24 CHAIRMAN PURCELL: Any other questions?
MS. DAY: I have one. I'm sorry. Does it
25 matter to the board whether it's 2 acres or if it's 3
acres? I mean, if he's asking for 2 acres, does it

1 matter if it ends up being on 3 acres? I'm just asking
2 for clarification. Does it matter? Does it make any
3 difference?
4 MR. BARNETT: It doesn't matter. Where's
5 Josh? It doesn't matter, Josh, at all, does it?
6 MR. BACHMAN: No.
7 MS. DAY: Okay. That's -- I just was looking
8 for clarification. So if we're approving 2 acres, then
9 I didn't want to approve 2 acres if it's going to be 3
10 acres, so that means, you know. I was just looking for
11 clarification.
12 MS. SHREVE: The only thing I suggested was
13 that he did, like, 2.2 because they told -- the GIS
14 markers told me that when they measure that, they'll
15 measure it from the center, and then his acreage will
16 shrinken. It could be, like, 1.9 when they get done
17 with the survey. So that was why --
18 MR. GACH: Yeah.
19 MS. SHREVE: -- I told you that.
20 CHAIRMAN PURCELL: Other questions?
21 (No response.)
22 CHAIRMAN PURCELL: Is there anyone here in
23 opposition?
24 (No response.)
25 CHAIRMAN PURCELL: Hearing none, we will close
the hearing.
MR. GACH: Thank you, folks.
CHAIRMAN PURCELL: And please call the roll.
Please.
MR. McLEAR: If we have 15 acres there and
we're cutting a chunk off the end, it seems to me like
there ought to be a restriction that there aren't going
to be any more. Otherwise, this could be the beginning
of a subdivision.
MR. GACH: There won't be any more.
MR. McLEAR: Well, I can't take your word for
that.
MR. CORKINS: They would have to come before
us.
MR. McLEAR: Yeah. Right. So I'd like to
make that motion that this is it.
CHAIRMAN PURCELL: Please make your motion.
MR. McLEAR: That this would be restricted,
this will be the only housing lot on those 15 acres.
CHAIRMAN PURCELL: Is there a second to the
motion?
MR. SHARP: Second.
CHAIRMAN PURCELL: There is a second. Those
supporting this recommendation --
MR. BACHMAN: Mr. Chairman, if I may address

1 the conversation on that. I don't know that the board
2 has the power to put that restriction on the remaining
3 land. As you said, Fred, they're going to have to
4 come -- they'll have to come back in front of this
5 board, so if Mr. Gach were to sell the remainder of the
6 15 or so acres there total, so if he were to sell the
7 other 12 acres to somebody and then that new owner
8 wants to come in front of the board and get a
9 conditional use permit to put a house there, it's my
10 opinion the board doesn't have the power to restrict
11 that, to put that further restriction on that land.

12 But, of course, they would -- that new owner
13 would still have to come in front of this board and ask
14 for that permission, or that conditional use permit.

15 CHAIRMAN PURCELL: Let me ask you a question.
16 Can we -- does this board have the authority to place
17 in the record the debate that we had, the discussion we
18 had, what we approved, so for future boards, if this
19 were to be brought in front of future boards, at least
20 we weighed in and identified that the board -- As you
21 said, we do not have the legal authority to restrict
22 additional property being built on there.

23 MR. BACHMAN: Correct.

24 CHAIRMAN PURCELL: But can we weigh in in
25 terms of just carrying forward the board's intent to
26 restrict that from becoming a development, should that
27 property be sold in the future?

28 MR. BACHMAN: Absolutely, you can put that on
29 the minutes that the consensus of the board is that
30 this board, as constituted tonight, would not agree on
31 approving another conditional use permit.

32 CHAIRMAN PURCELL: Sure. Then I will
33 entertain a motion that speaks to that, if there's
34 clarity.

35 MR. McLEAR: Right.

36 CHAIRMAN PURCELL: Mr. McLearn.

37 MR. McLEAR: Right.

38 CHAIRMAN PURCELL: Would you restate your
39 motion?

40 MR. McLEAR: Okay. The mood of this board
41 this evening appears to be to restrict this 15 acres to
42 one lot for housing. Is that okay?

43 CHAIRMAN PURCELL: I look to counsel.

44 MR. BACHMAN: Sure. That -- I think that
45 appears to express the opinion.

46 CHAIRMAN PURCELL: Is there a second?

47 MR. SHARP: Second.

48 CHAIRMAN PURCELL: Those that support this
49 motion, say aye.

50 (Unanimous aye.)

1 CHAIRMAN PURCELL: Those opposed?
(No response.)
2 CHAIRMAN PURCELL: So instead of the roll
call, it's unanimous around the table, and so I didn't
3 call the roll on that, so boot me up if I've stepped
out of my role as chair.
4 Okay, that said, with that going into the
notes, please call the roll in terms of approving the
5 conditional use permit of building a single family, a
single stick home, a single family home, on 2 acres.
6 MS. SHREVE: Wayne?
MR. BARNETT: Yes, compatible with the area.
7 MS. SHREVE: Shirley?
MS. DAY: Yes, compatible and family.
8 MS. SHREVE: Fred?
MR. CORKINS: Yes, family use.
9 MS. SHREVE: Scotty?
MR. SHARP: Yes, family use.
10 MS. SHREVE: Glen?
MR. FRAKES: Yes, family member.
11 MS. SHREVE: Mike?
MR. KORTE: Yes, family use.
12 MS. SHREVE: Rodney?
MR. FRY: Yes, family use.
13 MS. SHREVE: Pat?
MR. McLEAR: Yes, compatible.
14 MS. SHREVE: Cody?
MR. CORNELIUS: Yes, compatible.
15 MS. SHREVE: Al?
CHAIRMAN PURCELL: Yes, family. Motion to
16 adjourn?
MR. KORTE: So moved.
17 CHAIRMAN PURCELL: Second?
MR. CORKINS: Second.
18 MR. FRAKES: Second.
CHAIRMAN PURCELL: Thank you. Meeting
19 adjourned.
(The hearing was adjourned.)
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

STATE OF MISSOURI)
)
COUNTY OF BUCHANAN)

I, Karen J. Lyman, Certified Court Reporter of the State of Missouri, do hereby certify that I appeared at the time and place first hereinbefore set forth, that said proceedings were taken before me and thereafter transcribed into typewriting under my direction and supervision; and I hereby certify that the foregoing transcript of proceedings is a true and correct transcript of my shorthand notes.

I further certify that I am neither counsel, nor related to any party to said action, nor otherwise interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my seal this 26th day of November, 2024.



Karen J. Lyman, CCR #395