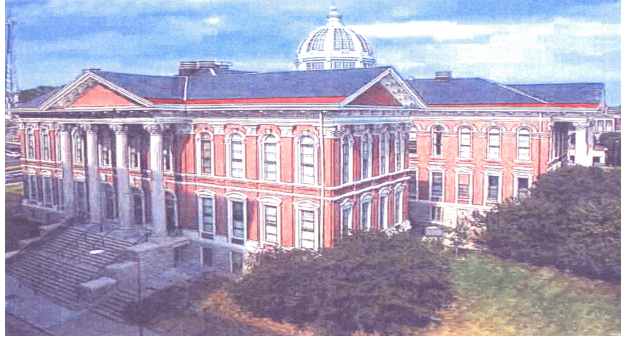


BUCHANAN COUNTY PLANNING AND ZONING
St. Joseph, Missouri

Denise K. Embrey, Director
Planning & Zoning
411 Jules - Room 204
St. Joseph, MO 64501



James Whitson, Chairman
Wayne Barnett, Vice Chairman
Robert Roach, Secretary

MINUTES OF THE BUCHANAN COUNTY PLANNING AND ZONING COMMISSION

August 13, 2014

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.

Joan Bennett, Wayne Barnett, Robert Roach, Scotty Sharp, Glen Frakes, Pat McLear, Steve Reardon, and Chairman, Jim Whitson, were the Board Members present for roll call.

Others present were Denise Embrey, Director of Planning and Zoning and George S. Murray, Buchanan County Counselor.

The Chairman, Jim Whitson, verified members received minutes from the June 11, 2014 meeting. With no additions or corrections, the minutes stood approved as presented.

AGENDA

ITEM # 1 – A Conditional Use Permit request by Brian & Carrie Hansen to place one (1) Single Family Dwelling on a four (4) acre m/l parcel split from a thirty two (32) acre m/l parcel currently owned by John & Betty Anderson located on SW State RT JJ, St. Joseph, MO, 64504 in Section 24, Township 56, Range 36, zoned A-1, General Agriculture.

REPRESENTATION OF REQUEST

Mr. Brian Hansen, 406 Tanglewood Drive, Saint Joseph, MO 64506.

Mr. Jim Whitson, Chairman: “Tell us what your plans are and how big of a house. Give us an overview of everything.”

Mr. Hansen: “This is going into my second year as the principal of Dekalb Middle/High School, so my wife and I are from larger cities in central Iowa. We wanted to get out into the country in a rural setting. Being here near Dekalb is just a great fit for our family. As far as the dwelling goes, we haven’t really decided on what kind of a home. It won’t be a modular or double wide mobile home. It will be a decent home of at least 1,700 square foot.”

Mr. Jim Whitson, Chairman, then called for any questions from the Commission.

A Board Member asked if the property had been bought from the Anderson's yet. Mr. Hansen explained they were ready to go to buy the property. They just wanted to make sure they could build on it.

Mr. Pat McLear: Board Member: "The only problem, it's thirty-two (32) acres with four (4) acres off of it. How many more of these are they going to sell off?"

Mr. Jim Whitson: Chairman: "Well, the way I am looking at it, this is the second piece off of this thirty-two (32) acres."

Ms. Denise Embrey: Director: "It is actually the first piece off, because those other two parcels are in Graves and Anderson Subdivision to the west. So, this is the first parcel he has split off of the thirty-two acres. He can't split off any more or he would be creating a subdivision."

Mr. Hansen: "So, if we get the four (4) acres, let's say five (5) years from now I want to get three (3) or four (4) more for some hunting area or something, would that be an issue?" Mr. Hansen was informed if he didn't build on it, there would be no problem.

Mr. George S. Murray : County Counselor: "You've got this recommendation of a fifty (50) foot easement in here."

Mr. Jim Whitson: Chairman: "Do you want to put that in as evidence?"

Mr. George S. Murray: County Counselor: "Yeah, probably so. We need to do something with that. The Conditional Use Permit is subject to the fifty (50) foot easement." Mr. Hansen was asked if he understood and if he had seen it and he was in agreement with it. He stated yes.

Mr. Jim Whitson asked for any other questions. With no other questions, he then called for opposition to this request. With none presented, he asked if someone would like to make a motion that the Conditional Use Permit be subject to the existing fifty (50) foot easement. A motion was made and seconded that the Conditional Use Permit be subject to the existing easement.

Mr. Jim Whitson: Chairman: "All in favor of the motion to make an easement per the Program Director a part of this hearing say "aye." The Board voted unanimously to pass the motion.

With no other questions or comments, the hearing was closed and roll was called to vote on Item # 1.

DECISION OF THE PLANNING & ZONING COMMISSION

Joan Bennett: "Yes – Best use."

Wayne Barnett: "Yes – Best use."

Robert Roach: "Yes – Best use."

Scotty Sharp: "Yes – Best use."

Glen Frakes: "Yes – Best use."

Pat McLear: "No – If they want to do a subdivision they need a plat."

Steve Reardon: "Yes – Best use."

Jim Whitson: “Yes – Best use.”

Mr. Whitson, Chairman, announced this item had passed and the Planning and Zoning Office would be in touch with them on what they needed to do next.

AGENDA

Mr. Jim Whitson, Chairman: “These are just Ordinances that are being changed to bring the County in line with the State.”

Mr. George S. Murray: County Counselor: “We are trying to clean up our Code here, especially one of them, which we have been a first class County for twenty years and we have operated under second class county statutes. It does create a little bit of a problem. It has developed into a problem with the lawsuit that you will recall. I am suggesting you clean these up.”

Item # 2: Addition of Ordinances 806.9 and 807.5 to the Buchanan County, Missouri Zoning Order which shall read: No case shall be reopened nor shall any application be accepted constituting the same application involving the same property upon which the Planning and Zoning Commission has taken action for at least one (1) year from the date of the final action of the Planning and Zoning Commission.

Mr. George S. Murray: County Counselor: “That has been our practice and there is a Code section in there that talks about the one (1) year rule to come back before the Board in BZA or any other court to rehear the same case or the same application. We have been doing that for years and years. I just wanted to clear up everything so there are no other questions.”

Mr. Whitson, Chairman then asked for any comments from the Commission. With no further comments, the Board voted “aye” unanimously on Item # 2.

Item # 3: Amend Ordinance 804.1.8 in the Buchanan County, Missouri Zoning Order to read: Failure, refusal or neglect of any property owner or his authorized representative to apply for and secure a valid and proper permit(s), including the payment of the prescribed fee, as provided, shall be reason for the issuance of a “stop order” by the Zoning Officer. For this “stop order”, owner or authorized representative shall have been notified in writing at least ten (10) days prior to the issuance of said “stop order” that he/she is in violation of regulations of the County. Said “stop order” shall be posted on or near property in question, in a conspicuous place and no further condition shall proceed. Said permits shall include: rezoning, Conditional Use, building, solar energy, demolition/removal, temporary use, addition/alteration, in ground swimming pool, septic system, land disturbance, sign and retail fireworks permits.

Mr. Whitson, Chairman explained this was just being added to the existing 804.1.8 Ordinance.

Mr. George S. Murray: County Counselor: “The “stop order” provision because that has expanded and situations come up to where something goes on out in the County and we just want to make sure that Denise has the power to issue this ten (10) day “stop order” deal so that we can add a little more bite to our Ordinances.”

Mr. Jim Whitson, Chairman: “It doesn’t necessarily mean they have to have a hearing. They just have to come in and get a permit.”

It was decided to strike the words ‘land disturbance’ by consent of the Board Members and all members voted “aye” on this Ordinance.

Item # 4: Amend Ordinance 102.1 in the Buchanan County, Missouri Zoning Order to read: This Order is made in accordance with Sections 64.211 to 64.295 of the Revised Statutes of Missouri 2000 and all supplements thereto and in accordance with the Buchanan County Master Plan and is designed to:...

Mr. George S. Murray: County Counselor: “This is the one I was talking about. These are first class county statutes which we have had for twenty years and somehow the Ordinance here says second class county. But, that did come up and one of the reasons it came up is an appeal to the Board of Zoning Adjustment in a second class county could take up to three (3) months.”

Mr. Jim Whitson: Chairman: “We’ve had issues with being borderline between a first and second class before. This will eliminate that. This would definitely make us a first class County.”

With no comments heard, the Board Members unanimously voted “aye” on this item.

Item # 5: Amend Ordinance 806.7 in the Buchanan County, Missouri Zoning Order to read: In case of written protest against any proposed change or amendment, signed and acknowledged by the owners of twenty percent (20%) of the frontage within one thousand (1,000) feet to the right or left of the frontage proposed to be changed, or by the owners of twenty percent (20%) directly opposite, or directly in the rear of the frontage proposed to be altered, or in cases where the land affected lies within one and one-half (1 ½) miles of the corporate limits of a municipality having in effect an ordinance zoning property within the corporate limits of such municipality, made by resolution of the City Council or Board of Trustees thereof, and filed with the County Clerk, such amendment may not be passed except by the favorable vote of two-thirds (2/3) of the members of the County Commission.

With no comments heard, the Board Members unanimously voted “aye” on this item.

OTHER BUSINESS

Steve Reardon, Board Member, stated he had heard several complaints from people regarding the fees charged for an accessory building permit versus a single family dwelling. The building permit fee is .15 cents per square foot for both agricultural and residential building permits. He viewed it as a tax and not a fee and no service was provided. You are just getting a permit. We have no upper limit on any of those. They are all .15 cents per square foot. He thought that was pretty steep to build a shed. “I just don’t think there is a value there for what we provide. It is becoming a tax and not a fee. I think the County Court should take a look at it. I asked Denise do they expect fees to pay for the zoning for the year? I don’t think that is fair. I don’t know if they need enough money to self sustain the Office or what. To me, it is a tax and not a fee.”

It was decided it would be looked into and the results would be available at the next regular meeting.

With no other issues to discuss the meeting was adjourned.

**Denise K. Embrey
Director of Planning & Zoning**