
BUCHANAN COUNTY PLANNING AND ZONING

PUBLIC HEARING

WEDNESDAY, APRIL 14, 2021

Location:

**Buchanan County Courthouse
Tom Mann Room
411 Jules Street
St. Joseph, MO 64501**

**REPORTED BY: Pamela K. Koch, CCR
Official Court Reporter, Division 1
5th Judicial Circuit**

APPEARANCES

PLANNING & ZONING

Denise K. Embrey, Director

BOARD OF PLANNING AND ZONING MEMBERS

James F. Whitson Chairman	Agency Township
Steve W. Reardon Vice-Chairman	Marion Township
Glen Frakes	Lake Township
Rodney Fry	Bloomington Township
Fred Corkins	Platte Township
Patrick E. McLear	Jackson Township
Alfred Purcell	Tremont Township
Shirley M. Day	Crawford Township

Not Present: Johnaphine Fenton
Scotty Paul Sharp
Wayne D. Barnett

BUCHANAN COUNTY COMMISSION

Scott Burnham

LEGAL COUNSEL

Chad Gaddie

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1 PROCEEDINGS

2 PUBLIC HEARING -- WEDNESDAY, APRIL 14, 2021

3 MR. WHITSON: I've got 7 o'clock. I'm going to
4 call the meeting to order and call for roll.

5 MS. EMBREY: Al Purcell.

6 MR. PURCELL: Present.

7 MS. EMBREY: Steve Reardon.

8 MR. REARDON: Present.

9 MS. EMBREY: Fred Corkins.

10 MR. CORKINS: Present.

11 MS. EMBREY: Johnaphine Fenton. (No response.)

12 Wayne Dale Barnett. (No response.)

13 Fred Corkins.

14 MR. CORKINS: Present again.

15 MS. EMBREY: Okay. Scotty Paul Sharp. (No
16 response.)

17 Glen Frakes.

18 MR. FRAKES: Here.

19 MS. EMBREY: Shirley Day.

20 MS. DAY: Here.

21 MS. EMBREY: Rodney Fry.

22 MR. FRY: Present.

23 MS. EMBREY: Pat McLearn.

24 MR. McLEAR: Here.

25 MS. EMBREY: Jim Whitson.

1 MR. WHITSON: Here.

2 MS. EMBREY: Chad Gaddie.

3 MR. GADDIE: Present.

4 MS. EMBREY: Scott Burnham.

5 MR. BURNHAM: Here.

6 MR. WHITSON: Okay. You all got your minutes from
7 the October 14th meeting. Are there any additions or
8 corrections? If not, they'll stand approved as read --
9 as presented.

10 **Conditional Use Permit - Andy Wilmes**

11 **Item #1 on Agenda**

12 MR. WHITSON: Moving on to Item #1 on the Agenda.
13 It's a Conditional Use Permit request by Adam Wilmes to
14 construct two single-family dwellings on a 15-acre
15 parcel located at 7300 SE 80th Road in St. Joseph,
16 Missouri. Is someone here representing this request?
17 Go ahead and state your name and address for the record,
18 please.

19 MR. WILMES: Adam Wilmes. Current address is 12435
20 SE State Route DD, Gower, Missouri.

21 MR. WHITSON: What's your plans?

22 MR. WILMES: Just build a nice house for my family
23 and a shop for my toys. And then there will be a parcel
24 that's sold off in the future for a second dwelling for
25 a good friend of mine.

1 MR. WHITSON: Okay. You're going to just sell half
2 of it off?

3 MR. WILMES: Yeah.

4 MR. WHITSON: There's been some concern. Are you
5 planning on bringing your trucks in there?

6 MR. WILMES: No. My business stays in town. I
7 don't need my drivers out screwing with my kids and my,
8 you know, my soon-to-be wife gets out of the shower, and
9 I don't need a driver standing on the door going, "Hey."

10 MR. WHITSON: How big a house are you going to
11 build, do you know?

12 MR. WILMES: 2,250 square feet, plus basement.

13 MR. CORKINS: 2,250?

14 MR. WILMES: Yeah.

15 MR. WHITSON: And then what about the shop? How
16 big is that gonna be?

17 MR. WILMES: About 4,000 square feet.

18 MR. WHITSON: It'll be about 100 by 40 or 60 by --

19 MR. WILMES: It's 90-some by 42.

20 MR. WHITSON: But you're not gonna work on any
21 stock trucks or anything there?

22 MR. WILMES: Just toys.

23 MR. WHITSON: Okay. Any questions from the
24 Commission?

25 MR. REARDON: Both drives will be on to 80th, both

1 driveways?

2 MR. WILMES: Yeah. Yeah.

3 MR. REARDON: Are you keeping the north half and
4 selling the south, or have you gotten there yet?

5 MR. WILMES: I will be at the north half, yeah. I
6 want the pond.

7 MS. DAY: What currently goes on there? Is it row
8 crop or pasture?

9 MR. WILMES: It's just pasture. It's pasture.

10 MS. DAY: Are there livestock on it currently?

11 MR. WILMES: No, there's no fences.

12 MR. FRAKES: Do they hay it?

13 MR. WILMES: They did, yeah. They'll still hay the
14 majority of it. I don't want to mow 15 acres.

15 MR. WHITSON: Any other questions?

16 MR. WILMES: We've already got the soil morphology,
17 and it's good for a conventional system.

18 MR. WHITSON: Okay. Anybody else? All right,
19 thank you. Anyone here in opposition of this request?

20 MR. ALLISON: No, but I have a question.

21 MR. WHITSON: Come forward and give your name and
22 address for the record, Steve.

23 MR. ALLISON: Steve Allison, 7020 SE 80th Road. I
24 just wondered -- I was told that -- I own a piece of
25 land on that side of the creek, a couple acres. I was

1 told I would have to have access to that if this was
2 sold off. I've always had it because I've known who
3 owned it and they would let me go across there to hay
4 it. Am I going to lose access to my property over there
5 on that side?

6 MR. WHITSON: That you would have to ask Legal.

7 MR. GADDIE: I don't know the layout. You probably
8 would have to have a private attorney to make sure that
9 you covered that. But you can't landlock that side.

10 MR. ALLISON: Well, that would be the thing. It
11 would be.

12 MR. GADDIE: Yeah. Then you would be entitled to
13 some type of easement.

14 MR. ALLISON: Some type of -- but would I have to
15 file for an easement or something? All I would be doing
16 was wanting to take a tractor over there to cut the hay
17 and bale it.

18 MR. GADDIE: I'd talk to that landowner.

19 MR. WILMES: It's a real small piece in the corner,
20 and it's real hard to get to. I'm not going to keep
21 anybody off there. It wouldn't alter the grass. I
22 maybe would even try to step up and maintain it for you,
23 you know, because it is kind of an odd corner, I mean,
24 yeah.

25 MR. ALLISON: Well, I had to have 10 acres to build

1 my house on, and that came across the creek.

2 MR. WILMES: Squared it off.

3 MR. ALLISON: So we have a bridge to go across
4 it -- to walk across it. We don't have any road.

5 MR. WHITSON: All right. Thank you.

6 MR. ALLISON: Thank you.

7 MR. WHITSON: Now, we can put conditions on this if
8 you want. Like, we can't separate any more -- divide
9 any more houses off of it. Or we can just vote on it
10 however you want. Any other comment?

11 MR. BOLTON: I'm Mike Bolton. I live at 7987 SE
12 169 Highway. I guess one thing that I'm curious about
13 is what is the definition of a Conditional Residential
14 Permit?

15 MR. WHITSON: A Conditional Residential Permit is
16 he's getting a permit to build these two houses, and
17 that's it.

18 MR. BOLTON: So he mentioned he was going to build
19 a garage.

20 MR. WHITSON: Well, yeah, that's considered a --

21 MR. REARDON: Outbuilding.

22 MR. WHITSON: -- support structure. So he can
23 build that, yeah.

24 MR. BOLTON: He can build that?

25 MR. WHITSON: Yeah.

1 MR. BOLTON: And later on down the road, is there a
2 minimum amount of acreage that he would need if he sold
3 part of the land off to someone else to build a house?
4 MR. WHITSON: Well, that's why he's coming in here.
5 He can do -- actually just with a Conditional Use, three
6 acres is the smallest he can go, isn't it?
7 MS. EMBREY: Two.
8 MR. WHITSON: Two acres?
9 MS. EMBREY: Yeah.
10 MR. WHITSON: But if he would sell it off, they
11 would have to come in and get a Conditional Use to build
12 a house.
13 MR. BOLTON: Okay.
14 MR. WHITSON: He can't build any more than these
15 two houses without coming back to us.
16 MR. BOLTON: Okay. That's all I need, thank you.
17 MR. WHITSON: Okay. Any other comment? Hearing no
18 comment, I'll call the hearing closed and call for roll.
19 MS. EMBREY: Alfred Purcell.
20 MR. PURCELL: Yes, best use.
21 MS. EMBREY: Steve Reardon.
22 MR. REARDON: Yes, appropriate use.
23 MS. EMBREY: Fred Corkins.
24 MR. CORKINS: Yes, appropriate use.
25 MS. EMBREY: Glen Frakes.

1 MR. FRAKES: No, agricultural ground.

2 MS. EMBREY: Shirley Day.

3 MS. DAY: No, agriculture.

4 MS. EMBREY: Rodney Fry.

5 MR. FRY: Yes, best use.

6 MS. EMBREY: Pat McLear.

7 MR. McLEAR: No, agricultural land.

8 MS. EMBREY: Mr. Whitson.

9 MR. WHITSON: Yes, best use.

10 MS. EMBREY: Three to five.

11 MR. WHITSON: Okay, that did pass. There is an
12 appeal process. But we didn't have any real objections
13 to it, but you've got 30 days to make an appeal on this
14 if you so desire.

15 **Rezoning Request -- Item #2**

16 **Herzog Contracting Corporation**

17 MR. WHITSON: Moving on to Item #2 on the agenda is
18 a rezoning request by Herzog Contracting Corporation
19 from A-1 General Agriculture to A-2 Commercial
20 Agriculture on an eight-acre parcel located at 7870 SE
21 169 Highway in St. Joe, in order to offer veterinarian
22 service to the public. Is there anyone here
23 representing this request?

24 MR. NEWVILLE: My name is Kenny Newville, 4505
25 North Lakewood, and I work with Herzog. This property

1 has been on the market for the better part of a year,
2 seven/eight acres off of Highway 169 with high traffic
3 counts. And the market is telling us that the highest
4 and best use is the A-2, which would be a semi-low
5 density agricultural -- commercial agricultural-type
6 use, again, on Highway 169 with relatively high traffic
7 counts. Nothing in this request is going to change
8 that. So if you all would be willing to hear, I'd like
9 to introduce Dr. Eric and Shelly Haeker, who will be the
10 veterinarians.

11 MR. WHITSON: Okay. That'd be fine.

12 MS. SHELLY HAEKER: Good evening. Eric Haeker,
13 Shelly Haeker. We live at 15248 County Road 338 in
14 Savannah. We own two veterinary clinics currently in
15 St. Joseph, Countryside Veterinary Clinic and East Hills
16 Veterinary Clinic.

17 MR. WHITSON: Could you speak up just a little bit?
18 We normally have a sound system.

19 MS. SHELLY HAEKER: I'm sorry. I can't hear out of
20 my right ear, so I can't tell if I'm being really loud
21 or not.

22 MR. WHITSON: No, you're fine.

23 MS. SHELLY HAEKER: We own two clinics in
24 St. Joseph, Missouri. We own Countryside Veterinary
25 Clinic and we own East Hills Veterinary Clinic in town.

1 We are looking to -- we've outgrown our current location
2 at the Countryside location. And we're looking to take
3 the one from East Hills Veterinary Clinic, which is
4 currently in, like, a shopping mall, and move it to that
5 location down there. So that's kind of the plan. We're
6 staying with the other location and still keeping it in
7 St. Joe.

8 MR. WHITSON: You're talking large animals, I
9 mean --

10 MS. SHELLY HAEKER: It would be a mixed animal
11 practice. Initially it would be small because we've
12 been seven years trying to recruit veterinarians to
13 St. Joe. We're having a very difficult time getting
14 some here. All the clinics in town are short on
15 veterinarians.

16 FROM THE AUDIENCE: Could you turn around just a
17 little bit? We can't hear you very well.

18 MS. SHELLY HAEKER: We've been trying for seven
19 years to recruit veterinarians to St. Joe with no luck.
20 And the other clinics in town are also short on
21 veterinarians. We've kind of noticed a trend where
22 students are starting to get into more mixed animal
23 idea, including our own son, who is a first-year
24 veterinary student.

25 We have one perspective veterinary student from --

1 he's a veterinarian from Western Kansas who's maybe
2 interested in coming here. He is mixed animal. We have
3 no large animal veterinarians at all in Buchanan County.
4 And the ones that are in the outlying areas, several of
5 them are getting older.

6 So currently in St. Joseph there is only our
7 practice that does emergency services. The other ones
8 all send everyone to Kansas City. So that's what we're
9 looking for is initially it's going to be small animal.
10 And if we can get someone here to do large animals, we
11 will.

12 DR. ERIC HAEKER: I am not.

13 MS. SHELLY HAEKER: He is not.

14 MR. WHITSON: Do you have any perspective on what
15 your client count would be out at that location?

16 MS. SHELLY HAEKER: Honestly, the only thing I can
17 tell you for sure is the client count we have at the
18 location we would move to it initially. And we're
19 seeing about 25 a day there.

20 DR. ERIC HAEKER: I would say 25 to 35.

21 MS. SHELLY HAEKER: Small animal.

22 MR. WHITSON: Okay. Questions from the Commission?
23 Are you looking to renovate any -- what building are you
24 going to put the actual clinic in?

25 DR. ERIC HAEKER: The clinic could be in the house.

1 MR. WHITSON: In the house part?

2 DR. ERIC HAEKER: Yeah, it would be -- help me out.

3 MS. SHELLY HAEKER: We're keeping part of the house
4 as a residential space for particularly the prospective
5 veterinarian we're trying to get here. But if he
6 wouldn't come, then we would, you know, hopefully entice
7 maybe some veterinary students, some people come for
8 internships, so they would live there.

9 MR. WHITSON: Basically, it's going to be the
10 garage is what you're going to convert?

11 MS. SHELLY HAEKER: Mostly the house.

12 DR. ERIC HAEKER: The house.

13 MR. WHITSON: Just the house?

14 MS. SHELLY HAEKER: Mostly the house and a portion
15 of the garage.

16 MR. WHITSON: Okay.

17 MR. PURCELL: As you move to large animals, what do
18 you envision in terms of the large animal being there?

19 DR. ERIC HAEKER: That's a good question. Like I
20 say, I don't want to particularly do it. I'm too old.
21 I wish I had started a long time ago. But keep the --
22 our oldest son is at the University of Missouri now, and
23 that's always been his dream job to do large
24 animal-mixed animal practice. So that's part of what's
25 pushing us. But like she said, I think it's a huge

1 trend for universities accepting mixed animal practice,
2 which is a good thing.

3 And we're not set up for that at all. It's hard to
4 find a veterinarian of any size, shape, whatever. I
5 think St. Joe, honestly, is down to around seven total
6 doctors, and we're three of them.

7 MR. PURCELL: Were there large animals on this
8 property before?

9 DR. ERIC HAEKER: It's set up for equine.

10 MS. SHELLY HAEKER: I believe there were before
11 they owned it.

12 MR. REARDON: The Bounds had --

13 MR. WHITSON: The Bounds had lots of horses.

14 DR. ERIC HAEKER: It's all set up for horses. They
15 had horses.

16 MR. WHITSON: They had horses and a few cows there.

17 MR. PURCELL: A few cows, horses, goats.

18 MR. FRY: They had miniature horses. They had
19 miniature cows. They weren't full-size cows.

20 MR. WHITSON: They had a little bit of everything.

21 MS. SHELLY HAEKER: I mean, predominately in large
22 animal veterinary medicine, they go to farms with their
23 trucks.

24 MR. WHITSON: Right.

25 MS. SHELLY HAEKER: Predominately. But they do

1 bring -- I mean, I don't know if we can find someone who
2 is interested in doing the equine portion of it. That
3 would be great if we could, I mean, because we don't
4 have anything around here.

5 MR. PURCELL: But large animals would be on a rare
6 occasion if they would come, then.

7 MS. SHELLY HAEKER: There would be -- there would
8 be -- I really couldn't say.

9 DR. ERIC HAEKER: I would say yes, just because I
10 don't want --

11 MS. SHELLY HAEKER: It wouldn't be in large
12 quantities, I mean.

13 MR. REARDON: Usually you wouldn't board them but
14 maybe a night and they'd be gone? They're in and out
15 pretty quickly. I suppose you wouldn't have animals
16 there all the time.

17 DR. ERIC HAEKER: Large animals?

18 MS. SHELLY HAEKER: Small animals, yes, large
19 animals, no.

20 DR. ERIC HAEKER: Yeah.

21 MR. FRAKES: You'll have to build some sort of
22 holding pens or something, won't you?

23 MR. WHITSON: There's lots of holding pens.

24 MS. SHELLY HAEKER: There's lots of holding pens
25 there. It's, like, perfectly set up for it. There's

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stalls.

DR. ERIC HAEKER: There's a shed to the west, I think it is.

MS. SHELLY HAEKER: Attached to the back of the property is already large animal stalls.

MR. WHITSON: There's several stalls and several barns there.

MS. SHELLY HAEKER: We would board dogs there, but they would be inside, probably in one of the already existing structures. They would go out to potty, but they would board inside.

MR. PURCELL: Clientele visitation max, like, 30 to 35 you said?

DR. ERIC HAEKER: I can't lie to that. I hope at some point it's more than that.

MR. PURCELL: Yeah.

DR. ERIC HAEKER: Because the clinic that we're moving, it's pretty small. But I don't know that number. I can just safely say I would assume it would be that. I hope it's not less. But that would be a good count for what is represented at the East Hills Clinic that we're semi-transferring to that clinic.

MS. SHELLY HAEKER: Our current clinic we have was started by my father-in-law, Dr. Darrell Haeker, in 1973. So it's been there for 48 years. I brought

1 photos of our other practice if you want to see how it's
2 kept. We're in a residential area. We have houses to
3 our east, north, and Meierhoffer's to our west.

4 MS. DAY: What about parking?

5 DR. ERIC HAEKER: Lots of it.

6 MS. DAY: I mean, there's a lot of property, but I
7 don't see a lot of parking.

8 MS. SHELLY HAEKER: It would be up by the house.

9 DR. ERIC HAEKER: It's way more than we have now.
10 Yeah, there's a lot of parking.

11 MS. SHELLY HAEKER: It would be up by the house in
12 the front.

13 DR. ERIC HAEKER: All this strip right there here,
14 that would be converted. That's a big area.

15 MS. DAY: And then what's your projected use for
16 the remainder of the property -- all this?

17 DR. ERIC HAEKER: Right now, short of -- to look
18 good. It's pretty. I would want to take my dog there,
19 honestly. I don't see what, short of exercising a dog
20 on lead that is hospitalized or something, I don't see
21 it getting developed per se.

22 MS. SHELLY HAEKER: It has more structures on it
23 than we need.

24 DR. ERIC HAEKER: Than we need, yeah.

25 MR. WHITSON: Any other questions from the

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Commission?

MR. CORKINS: The map we have, are these property lines correct?

MR. WHITSON: Yes.

MR. CORKINS: So the driveway would belong to that property?

MR. WHITSON: Yes.

MS. SHELLY HAEKER: No. The beginning of the driveway is on an easement that belongs to Mr. Price.

MR. CORKINS: That's not what this map shows.

MR. WHITSON: That's not the way it's drawn up on the map.

MS. SHELLY HAEKER: It's not real accurate. It's my understanding it comes down more like this.

MR. CORKINS: I mean, our map shows Scott and Wendy's driveway being on this property.

MR. WHITSON: Yeah.

MR. CORKINS: So this is not right? I didn't think it was. That's why I'm asking.

MR. WHITSON: See, here's the driveway he's talking about.

MS. SHELLY HAEKER: It's my understanding that it comes down more, yeah, like that.

MR. CORKINS: Like this?

MS. SHELLY HAEKER: Yeah. So that whole part of

1 the driveway belongs to him.

2 MR. CORKINS: This would be here?

3 MS. SHELLY HAEKER: That might be --

4 MR. CORKINS: And this was an easement?

5 DR. ERIC HAEKER: That's an easement, yes, sir.

6 (Further short inaudible
7 discussion between individuals
8 looking at the map.)

9 MR. WHITSON: Maybe that's drawn up like that
10 because these are easements that they're dealing with.

11 MR. CORKINS: Okay. Okay.

12 MR. WHITSON: That would be my guess, Fred. I
13 don't know for a fact.

14 Okay, any other questions? Thank you.

15 DR. ERIC HAEKER: Thank you.

16 MS. SHELLY HAEKER: Thank you.

17 **OPPOSITION TESTIMONY TO ITEM #2**

18 MR. WHITSON: Is there anyone here in opposition to
19 this request? We do have two comments referenced that
20 was passed out earlier this evening.

21 **JERE LOYD**

22 MR. LOYD: My name is Jere Loyd. I represent
23 Kenneth Price. His property is adjacent to the subject
24 of this application.

25 MR. WHITSON: We need your address, please.

1 MR. LOYD: My address is 3715 Beck Road, Suite 104,
2 St. Joseph.

3 MR. WHITSON: Okay.

4 MR. LOYD: Mr. Price's property is, I think,
5 immediately southwest to this and adjacent to it. And
6 it is over his property that the driveway juts out to
7 the highway. Because the subject property is, in fact,
8 landlocked.

9 There is a joint easement which is contemplated for
10 residential use. This is a residential area with three
11 residential properties around it. It's my understanding
12 until you drive up to the St. Joseph county line -- city
13 line -- city limits and about three miles away, there's
14 no commercial enterprises along this route.

15 This would dramatically change the character of the
16 residential neighborhood. It would conceivably cause an
17 increase in traffic over that stretch of the driveway
18 from the road to the entrance to the subject property,
19 which isn't accurately depicted on the County GIS
20 graphical image. And we will have a survey here to show
21 that.

22 There is certainly a provision for joint use. But
23 we're kind of concerned about the overburdening of
24 traffic on this residential driveway, which isn't
25 designed, or wide enough, for this purpose. My client's

1 daughter waits for the bus at the end of this driveway
2 on the highway, and we can contemplate large animals
3 being brought in by a trailer or large truck, which
4 would be an impediment to that safety.

5 The classic neighborhood setting would be certainly
6 dramatically changed by the presence of a continuing
7 commercial operation and the proposed traffic that we
8 anticipate that that would bring.

9 For those reasons, we object to this and suggest
10 that this is not consistent with the character of the
11 area, and that the change from an agricultural
12 residential to agricultural commercial is merely for
13 economic gain by the seller and is certainly
14 inconsistent with the interest of those around it.
15 Thank you.

16 MR. PURCELL: Mr. Loyd, a question.

17 MR. LOYD: Certainly.

18 MR. PURCELL: I drive by this probably four to six
19 times a day. And is there a semi that's on the Prices'
20 property? Is there a semi parked on that property?

21 MR. LOYD: It's my understanding that Mr. Price may
22 have one. I don't know.

23 MR. PURCELL: Because I see that semi there.

24 MR. WHITSON: No, that's Scott Davis that lives in
25 this house here.

1 MR. CORKINS: It's Scott's. It's the next
2 neighbor.

3 MR. LOYD: A neighbor, and I'm not sure which one
4 it is.

5 MR. PURCELL: And where's the Price home?

6 MR. FRY: The Price home is up here.

7 MR. PURCELL: It sets way back up the hill. Okay.
8 But there is a semi that is in that driveway.

9 MR. CORKINS: In the neighbor's, not in
10 Mr. Price's.

11 MR. PURCELL: I understand. But there's a semi
12 that has ingress/egress out of that common driveway.

13 MR. CORKINS: No, no. It's a separate driveway.

14 MR. PURCELL: Right next to it, yeah.

15 MR. LOYD: It's between the subject property and
16 the Price property there's an easement.

17 MR. WHITSON: He's got his own driveway.

18 MR. PURCELL: Got it.

19 MR. WHITSON: Any other questions? Anyone else
20 wish to speak?

21 MR. PRICE: This might help show what we're talking
22 about.

23 (Brief inaudible discussion off
24 the record.)

25 MR. PRICE: Kenneth Price, 7890 SE 169 Highway here

1 in St. Joe. As far as the proposal to rezone this to
2 commercial, the first and foremost would probably be the
3 child safety issue. You can't pull trailers in. They
4 don't know if it's going to be large animals, possibly
5 could be. Don't know how many. Don't know how much
6 traffic count. But that is a bus stop. It could be
7 multiple kids. It could be one kid. We don't know, but
8 we know that it is a bus stop and it's used right now
9 for a bus stop. We've got pictures showing at 6:45 in
10 the morning when the kid's picked up. In today's time,
11 it's fairly dark. Three months of the year it's dark
12 when you get on and get off during daylight savings
13 time. It's just unsafe to have people pulling trailers
14 in with little kids, I mean, and it's not designed for
15 that.

16 If it's made commercial, it would seem what I gave
17 the easement for in 2004, December 16th of 2004, I gave
18 that easement because it was going to be one residential
19 home. That was it. Ingress and egress for the
20 utilities. Now we're talking about it could be 25/35
21 cars a day. It could be 100 cars a day. We don't know.
22 But we know that I didn't give the easement for that
23 prospect -- for that to be commercial.

24 I know that they've had it on the market for a
25 year, a year and a half. It was built in '05 as a

1 single-family dwelling. I gave the easement for that.
2 It sold in 2018 as a single-family dwelling. They used
3 it as a single-family dwelling. And now that they can't
4 sell it or it benefits them, they want to change the
5 residential property to commercial.

6 It would totally change the area. It does add a
7 bunch of traffic. It could be a vet today, but if you
8 zone that commercial, it could be anything. It could be
9 a bigger company than Countryside Veterinary. We can't
10 do that.

11 It shows -- this shows Scott Davis is here. Here's
12 the driveway coming in. They have an easement right
13 here off of the highway that I gave for ingress and
14 egress. They're landlocked. I believe everybody that
15 landlocks that property is against this. I mean, I'm
16 sure you're going to hear from them. But it wasn't
17 built for commercial, and it shouldn't be commercial.

18 MR. WHITSON: Any questions? All right, thank you.

19 MR. PRICE: Thanks, guys.

20 MR. WHITSON: Anybody else wish to speak? You want
21 these back, Mr. Price?

22 MR. PRICE: No, thank you.

23 MR. WHITSON: Here, Steve. I know the property
24 well.

25 MR. DAVIS: I'm Scott Davis and my wife Wendy. We

1 are the property owners at 7860 SE 169. And you brought
2 up the question about the semi. That is where we do
3 live. 7870 sits right behind us, which would be our
4 south border. So, obviously, they're looking to make a
5 huge change here. And if you look at the first picture
6 that I have on there -- we've been there 23 years at
7 this property. So 169, obviously there's a lot of
8 traffic, and over 23 years, it has increased
9 substantially.

10 I do drive a semi. I've been driving for 27 years.
11 And as you look at that first picture, you can see
12 if -- you're actually going east and west in front. You
13 don't actually go north and south until you get to Gower
14 on 169. So if you look up to the west, you would see a
15 slight grade going that way, and it's very -- it's very
16 tricky. The speed limit is 60 miles an hour coming over
17 there. And that's one of the few places you can
18 actually pass. If you're going south on 169 towards
19 Gower, that's one of the few places you can pass. And
20 people, I mean, they're just flying as they come. So
21 you've really, really got to watch.

22 I do drive a semi and I do pull out of there. I
23 pull out very early in the morning, so I can actually
24 see headlights coming. If you're trying to come out of
25 there with however many ever trailers or trucks with

1 farm animals on it and large animals, it would just be
2 extremely, extremely dangerous.

3 The second picture that I have on there would show
4 our property line from the driveway. We're not talking
5 this driveway's just down the road. It's 32 inches from
6 our property line to the driveway at 7870.

7 The next picture will show you a view of I'm
8 standing in our backyard. I'm standing in our backyard
9 and you look up towards their driveway towards the
10 house. That's how close we are. It's just extremely
11 close. I just think that the change that you're asking,
12 or they're asking, to make this would just be
13 detrimental to everybody and very dangerous.

14 They're talking about -- you know, they don't know
15 the number of cars and trailers. If it's a newer
16 business, yeah, they say 25 or 30. But they're going to
17 want to grow their business so, you know, the number's
18 unknown of how many cars and trucks and trailers will be
19 coming in and out.

20 The other picture that we do have on there shows
21 how close our driveways are with Kenny Price's and the
22 easement he's given to them, and we have had a number of
23 countless cars actually trying to go to the Herzog place
24 while they turn into our driveway. So then they have to
25 make a turn in our drive. Well, any time somebody comes

1 on your property, you know, it's a liability on you.
2 But then they also would have to get back onto 169. And
3 if they're pulling a trailer and make a tight turn back
4 into the driveway that they're trying to get to for
5 7870.

6 So, you know, I understand maybe a large animal vet
7 is needed in St. Joe. But as far as this location, it's
8 not right for it. It's the wrong spot.

9 We have 64 acres just to the west of us. We've got
10 68 acres to the east of us. And this is farm country.
11 This isn't a place for a commercial business.

12 I'll say in closing, you know, for us, we have 169
13 on the front of our house. When we built our house, we
14 specifically angled it so we would have -- it was
15 pasture behind us at the time. And we angled it so we
16 would have some privacy in our backyard, because 169 is
17 on the front. And I just feel like, you know, in that
18 regards, that we'll lose everything. As far as privacy,
19 we'll have none. So I just, I thank you for your time
20 and I hope that --

21 MR. WHITSON: Any questions for Mr. Davis?

22 MR. McLEAR: We couldn't hear you over here.
23 What's your last name?

24 MR. DAVIS: Davis. So I just ask you to do the
25 right thing tonight and not pass the zoning for it.

1 Thank you.

2 MR. WHITSON: Now, I will make this statement. On
3 a rezoning request like this, we don't actually make a
4 decision. We will vote and we pass it to the County
5 Commission, and they have the final say on it.

6 MR. DAVIS: Okay.

7 MR. WHITSON: We are a recommendation board for
8 rezoning, so we will not be making the final decision on
9 this. The County Commission will at a later date. And
10 regardless of how we vote, you can come to the County
11 Commission's meeting and state your opinions there. So
12 on this particular item on a rezoning, we're just a
13 recommendation board. We're not going to make a final
14 decision tonight.

15 MR. DAVIS: Okay.

16 MR. WHITSON: That's just for everybody in regards
17 to this. Any other questions for Mr. Davis? Okay.
18 Thank you.

19 MR. McLEAR: I've got a question. The gentleman
20 that was up here previously --

21 MR. WHITSON: Yeah.

22 MR. McLEAR: I've been sitting here thinking about
23 what he said. He gave an easement. Is there any record
24 of that that it was only for a home?

25 MR. WHITSON: An easement's just -- it's just a

1 land easement.

2 MR. McLEAR: It's a legal document, isn't it?

3 MR. WHITSON: It wouldn't have a specification on
4 it. It's just an easement for --

5 (Inaudible comments.)

6 MR. WHITSON: Who else wishes to speak? Any
7 questions for the Commission? I'll call the hearing
8 closed and call for roll.

9 MS. EMBREY: Al Purcell.

10 MR. PURCELL: Yes, I approve the request to rezone
11 on General Agriculture to Commercial Agriculture.

12 MS. EMBREY: Steve Reardon.

13 MR. REARDON: No, it's not appropriate.

14 MS. EMBREY: Fred Corkins.

15 MR. CORKINS: No, too much opposition.

16 MS. EMBREY: Glen Frakes.

17 MR. FRAKES: No, not appropriate.

18 MS. EMBREY: Shirley Day.

19 MS. DAY: No, opposition.

20 MS. EMBREY: Rodney Fry.

21 MR. FRY: No, too much opposition.

22 MS. EMBREY: Pat McLearn.

23 MR. McLEAR: No, too much liability for the other
24 people on the easement on that driveway.

25 MS. EMBREY: Jim Whitson.

1 MR. WHITSON: No, too congested right there.

2 Okay. That will go to the County Commission with
3 that recommendation. They will act on it within 30
4 days, I presume.

5 **Conditional Use Permit - Nichole Faucett**

6 **Item #3 on Agenda**

7 MR. WHITSON: And moving on to Item #3 on the
8 agenda. It's a Conditional Use Permit request by
9 Nichole Faucett; Faucett, Missouri 64448 to construct
10 one single-family dwelling on a five-acre parcel of
11 ground split from a 96.5-acre parcel of ground located
12 on SE State Route CC in Faucett, Missouri. Anyone here
13 representing this request?

14 MS. NICHOLE FAUCETT: We're just wanting to
15 split --

16 MR. WHITSON: We need your name and address.

17 MS. FAUCETT: Nichole Faucett, 15270 State Route
18 CC, Faucett.

19 MR. WHITSON: Okay.

20 MS. NICHOLE FAUCETT: We're just wanting to split
21 off 5.01 acres to build a single-family dwelling.

22 MR. WHITSON: For?

23 MS. NICHOLE FAUCETT: For my daughter.

24 MR. WHITSON: For your daughter? Is it going to be
25 a stick house? What kind of --

1 MS. NICHOLE FAUCETT: Probably a barndominium.

2 MR. WHITSON: Okay.

3 MS. NICHOLE FAUCETT: We've been waiting for this
4 approval to move forward.

5 MR. WHITSON: Any questions from the Commission?

6 MS. DAY: Who currently owns the 97 acres?

7 MS. NICHOLE FAUCETT: It's being --

8 MR. NEIL FAUCETT: I do.

9 MS. NICHOLE FAUCETT: Currently he owns it. Yeah,
10 we both own part of it that she's getting.

11 MS. DAY: Who is "I Do"? I'm sorry.

12 MS. NICHOLE FAUCETT: Neil Faucett.

13 MR. NEIL FAUCETT: Neil Faucett.

14 MR. WHITSON: Neil Faucett. Is it in the Family
15 Trust or is it --

16 MR. NEIL FAUCETT: It's in the Family Trust.

17 MS. NICHOLE FAUCETT: Yeah, it's in the Family
18 Trust.

19 MR. WHITSON: Faucett Family Trust?

20 MS. NICHOLE FAUCETT: Yes.

21 MR. WHITSON: Any other questions?

22 MR. FRAKES: Was there a reason for moving this
23 from the north end down to where you did?

24 MR. NEIL FAUCETT: Accessibility.

25 MS. NICHOLE FAUCETT: Yes. That would be the best

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way to put it.

MR. REARDON: The only comment --

MR. FRAKES: What?

MS. NICHOLE FAUCETT: Accessibility.

MR. McLEAR: What would keep you, if we approved this, from moving it again? Is there anything --

MR. NEIL FAUCETT: Do what?

MS. NICHOLE FAUCETT: We didn't move forward with the first one.

MR. McLEAR: I'm saying they had it up on one end before. And then it ended up on the other end.

MR. WHITSON: Well, we didn't vote on that one. They withdrew it.

MR. McLEAR: They could put it anywhere they want to all over that ground.

MS. NICHOLE FAUCETT: We withdrew it. We haven't done anything with that.

MR. WHITSON: They haven't ever done anything with it. They changed the location of it, and that's why they had to come tonight instead of doing it the other night, because it was in the wrong location at the time. The legal description didn't match where they wanted to put it. So they had to get that straightened out before we could come forward with it tonight.

MR. FRAKES: Is there a legal for this one?

1 MR. WHITSON: Is there what?

2 MS. NICHOLE FAUCETT: I am on the -- I am stated
3 for a survey. I have been on the wait list for over two
4 months.

5 MR. FRAKES: If we approve this, you could put that
6 anywhere on that ground if you wanted to.

7 MR. NEIL FAUCETT: We were told we could go ahead
8 and apply for this.

9 MR. FRAKES: I don't care what you was told, but
10 I'm just saying you have to have a legal description for
11 that.

12 MR. NEIL FAUCETT: We were told by your Zoning
13 Director that we could use this as an application. We
14 threw that out so we could apply.

15 MS. NICHOLE FAUCETT: Until the survey is --

16 MR. FRAKES: Well, you could put it back up here.

17 MR. PURCELL: Who's the guy talking?

18 MR. WHITSON: You need to give your name.

19 MR. NEIL FAUCETT: Neil Faucett, 15280 SE State
20 Route CC, Faucett, Missouri.

21 MR. WHITSON: Conditional Use on the five acres.
22 We're not Conditional Use on the whole 96.5 acres.

23 MR. FRAKES: I understand that.

24 MR. WHITSON: Yeah. They could put the house
25 anywhere on this five acres.

1 MR. FRAKES: Yeah, or they could put it any place
2 on that because it's not surveyed. You don't know
3 where. They don't got no legal for it.

4 MR. NEIL FAUCETT: Can this Conditional Use Permit
5 be subject to Legal, then, upon the survey?

6 MR. GADDIE: It seems fair to me.

7 MR. NEIL FAUCETT: Pardon me?

8 MR. GADDIE: Yeah, it seems reasonable to me.

9 MR. NEIL FAUCETT: Okay.

10 MR. GADDIE: As long as it's consistent with what
11 you have --

12 MS. NICHOLE FAUCETT: What we have drawn.

13 MR. GADDIE: Yeah.

14 MR. REARDON: The only comment I have on something
15 like this, seeing this where you've drawn this, is if
16 this remains farmed, at some point if a family member
17 doesn't own this five acres, they own part of your
18 waterway. I mean, I've had this happen where you lose
19 control of whatever happens in the future. If that
20 other part is going to remain farm ground, you know, at
21 some point a family member might not own that five
22 acres, and then you'll lose control of that waterway.

23 MR. NEIL FAUCETT: Right.

24 MR. REARDON: And your agriculture is --

25 MR. NEIL FAUCETT: The waterway? Did you say the

1 waterway?

2 MR. REARDON: The waterway that is on the back part
3 of that property. If I was doing this, I would do it
4 something like this so you keep your waterways. But the
5 way it is now, you lose control of your waterway.

6 MR. NEIL FAUCETT: Well, I agree with that. And
7 what we thought -- if I can make a statement?
8 Originally, Nichole owns 3.32 acres, or something, right
9 here where her house is. We were told originally under
10 the County Statutes, I thought, if she increased her
11 acreage to five acres, then she could give an acre to
12 her daughter.

13 MS. NICHOLE FAUCETT: Two acres.

14 MR. NEIL FAUCETT: Two acres to her daughter, and
15 we wouldn't have to go and subdivide that off. We were
16 told that is not correct. Even though it's in the
17 Zoning Regulations, it's not correct.

18 MR. REARDON: See, I don't understand that either.

19 MR. NEIL FAUCETT: But what we're really wanting to
20 do -- would like to do, is increase hers to five acres.
21 She's got three and a half now. And that would just
22 move it right back here. And then she could give two
23 acres to her daughter and build a house right here, and
24 we wouldn't take anything out of ag. That would be the
25 simplest possible thing to do.

1 MR. REARDON: You can go as low as two acres.

2 MS. NICHOLE FAUCETT: Well, we were told two, and
3 then we were told 5.01. That's why it says 5.01.

4 MS. EMBREY: That's because you have already
5 created a subdivision on that property. There's three
6 parcels under 5.01 acres, so that's a subdivision.

7 MR. NEIL FAUCETT: I'm just trying to make it
8 simple and take the least amount of land out of ag
9 production. And if we would do it the simple way, we
10 would take very little out at all, and not create any
11 diversion. There wouldn't be any interference to the
12 waterway or the ag property or anything. And we thought
13 that would -- it's in the County Zoning Laws. But we
14 were told that was not correct.

15 MS. EMBREY: What was in the County Zoning Laws?

16 MR. NEIL FAUCETT: That she could have five acres.
17 If she had four acres, I think, then she could give two
18 to her sibling.

19 MS. EMBREY: But see, no, because that's a
20 subdivision. It's creating a subdivision.

21 MR. WHITSON: You can only take two parcels off of
22 something without creating a subdivision. This would be
23 the third parcel regardless of what the size is. It's
24 still a subdivision.

25 MS. NICHOLE FAUCETT: Well, the question we had

1 was, I own 3.23 acres, whether it came off of his 96
2 acres or not. It is now mine. I own it.

3 MR. WHITSON: Okay.

4 MS. NICHOLE FAUCETT: So why couldn't I subdivide
5 what I own? How can you keep going back and back and
6 back? Because initially it wasn't his and it was
7 subdivided. You see what I'm saying? That's where the
8 confusion is all coming from.

9 MR. WHITSON: Well, it came off the original farm.

10 MS. NICHOLE FAUCETT: Right.

11 MR. NEIL FAUCETT: Yes.

12 MS. NICHOLE FAUCETT: Right.

13 MR. NEIL FAUCETT: Hers and her sister's came off
14 the original farm. Mine came off the original farm
15 before there was zoning.

16 MS. EMBREY: Three parcels came off of that.

17 MR. PURCELL: What are we being asked to approve?

18 MS. NICHOLE FAUCETT: I want her to build a house
19 on whether it's two acres or five acres. Whatever you
20 say I would have to give to her, I will give to her.

21 MR. NEIL FAUCETT: Or I will.

22 MR. WHITSON: Well, the five acres is what we're
23 here tonight doing. We're not doing the three or the
24 five or the two or anything else. We're doing five is
25 what we're doing.

1 MS. NICHOLE FAUCETT: And if that's what it has to
2 be, then --

3 MR. NEIL FAUCETT: If that's what the law -- the
4 Zoning Regulations say would have to be, then that's
5 what we're requesting. We'll make it subject to the
6 legal.

7 MR. PURCELL: Well, I'm totally confused.

8 MR. FRAKES: If we approve the third, will that
9 make it a subdivision?

10 MS. EMBREY: The fourth one, you mean, the one that
11 she's asking for?

12 MR. FRAKES: Yes. Yeah.

13 MS. EMBREY: That will exempt it from the
14 subdivision.

15 MS. DAY: If it's 5.1.

16 MS. EMBREY: If it's 5.01, yes.

17 MR. WHITSON: If it's less than five acres, then it
18 has to be -- because it's already been divided off three
19 times.

20 MR. NEIL FAUCETT: She lives here. My daughter
21 lives here.

22 MR. PURCELL: Got it.

23 MR. NEIL FAUCETT: I live up here.

24 MR. PURCELL: Okay.

25 MR. NEIL FAUCETT: My other daughter lives here.

1 MR. PURCELL: Yeah.

2 MR. NEIL FAUCETT: We're asking to make that 5.01
3 acres right here --

4 MR. PURCELL: Got it.

5 MR. NEIL FAUCETT: As a mini Conditional Use Permit
6 for her to build a house right here on the corner.
7 That's what we want to do.

8 MR. PURCELL: I've got it. That's all I needed to
9 know. Because I'm hearing two acres, three acres,
10 bequeathing two acres to a child.

11 MS. NICHOLE FAUCETT: It's been confusing for us
12 too.

13 MR. PURCELL: So it's 5.11 (sic.) acres, period,
14 right there.

15 MR. NEIL FAUCETT: That's what we said we had to
16 have.

17 MS. NICHOLE FAUCETT: Yes, that is what's drawn
18 out.

19 MR. WHITSON: That's the way it's drawn up.

20 MR. NICHOLE FAUCETT: And it's not moving.

21 MR. FRY: Was there a Conditional Use Permit for
22 your house?

23 MS. NICHOLE FAUCETT: No.

24 MR. NEIL FAUCETT: Yes.

25 MS. NICHOLE FAUCETT: No. I did not need one. He

1 gifted it to me.

2 MR. NEIL FAUCETT: I gifted it to her -- first

3 sibling.

4 MR. WHITSON: You can give one to family.

5 MR. FRY: Okay.

6 MR. WHITSON: It was probably before --

7 MS. NICHOLE FAUCETT: It was 20 years ago.

8 MR. WHITSON: Yeah. Any other questions? Any

9 questions?

10 MR. NEIL FAUCETT: Trying to keep it simple.

11 MR. WHITSON: Anyone here in opposition to this

12 request?

13 BOARD MEMBER: Your daughter.

14 MR. NEIL FAUCETT: No, my other daughter.

15 BOARD MEMBER: There has to be a little bit of

16 humor here once in a while.

17 MR. WHITSON: What we're going to vote on is

18 Conditional Use for the five acres that's drawn off

19 subject to a survey. Does everybody understand? Call

20 for roll.

21 MS. EMBREY: Al Purcell.

22 MR. PURCELL: Yes, providing it doesn't move.

23 BOARD MEMBER: Not a mobile home, you're saying?

24 MR. PURCELL: No. I mean, providing this piece of

25 land that you've identified doesn't move around.

1 MS. EMBREY: Steve Reardon.
2 MR. REARDON: Yes, appropriate use.
3 MS. EMBREY: Fred Corkins.
4 MR. CORKINS: Yes, family use.
5 MS. EMBREY: Glen Frakes.
6 MR. FRAKES: No, ag ground.
7 MS. EMBREY: Shirley Day.
8 MS. DAY: No, ag ground. I can't do it.
9 MS. EMBREY: Rodney Fry.
10 MR. FRY: No, ag ground.
11 MS. EMBREY: Pat McLear.
12 MR. McLEAR: No, ag ground.
13 MS. EMBREY: Mr. Whitson.
14 MR. WHITSON: Yes, best use. So that ended up --
15 MS. EMBREY: It's a tie.
16 MR. WHITSON: It's a tie.
17 MR. GADDIE: We've never encountered that.
18 MS. EMBREY: No, I've never.
19 MR. NEIL FAUCETT: Well, this goes to the County
20 Commission.
21 MR. WHITSON: This does not go to the County
22 Commission.
23 MR. NEIL FAUCETT: Oh, it doesn't?
24 MR. WHITSON: This is a Conditional Use. This
25 would go to the Zoning Adjustment Board, I presume,

1 would be the next step, wouldn't it?

2 MR. NEIL FAUCETT: Can I make a comment?

3 MR. WHITSON: Sure.

4 MR. NEIL FAUCETT: We're not going to take that out
5 of ag production. Her house is going to be on the
6 corner, and that's going to remain in ag production as
7 long as we're alive -- as long as I'm alive.

8 MS. NICHOLE FAUCETT: She doesn't need that much.

9 MS. TAYLOR FAUCETT: I don't need that much. If I
10 need to sign something that says ag land is staying --

11 MS. DAY: My only concern is that I know that you
12 believe that now, but let's say --

13 MR. FRAKES: 10 years down the road.

14 MS. DAY: -- 10 years down -- 15, 20, 30 years down
15 the road, that property no longer belongs to her. She
16 sells it. Okay? Let's say she just --

17 MR. NEIL FAUCETT: Yes, I agree. I understand.

18 MR. WHITSON: It's just like the guy that gave the
19 easement to the earlier one. So I assume this would go
20 to the Zoning Adjustment Board.

21 MR. NEIL FAUCETT: Our Trust says that it stays in
22 the family for so many years.

23 MS. BONNIE FAUCETT: If for some reason they move,
24 this all will go back to the Faucett family.

25 MR. WHITSON: Our Legal is telling us what our next

1 step would be.

2 MR. CORKINS: Denise, I have a question.

3 MS. EMBREY: Sure.

4 MR. CORKINS: Jim, maybe you can answer this
5 question. I understand our five acres to keep it from
6 being a subdivision.

7 MS. EMBREY: Right.

8 MR. CORKINS: I understand all that. If they deed
9 her five acres, she gets the house built on an acre and
10 a half in front. What's to keep her from deeding that
11 other three and a half acres back to the Trust?

12 MS. EMBREY: Well, she could.

13 MR. CORKINS: I'm just asking. There's no -- and
14 then she's back to an acre and a half.

15 MS. EMBREY: She'd have to have at least two acres.
16 But, see, that's --

17 MR. NEIL FAUCETT: I'd be glad to.

18 MS. EMBREY: That's a violation.

19 MR. NEIL FAUCETT: That would work for me if that
20 would work for you.

21 MR. CORKINS: I'm just asking. This is new to me.
22 I'm asking if it's legal for them to do that.

23 MS. EMBREY: They've got to have 5.01. It can't go
24 any lower.

25 MR. WHITSON: If you did do that -- we had a case

1 earlier where that happened.

2 MR. CORKINS: I'm asking.

3 MR. WHITSON: And if push comes to shove, they're
4 out of the Zoning --

5 MR. REARDON: Compliance.

6 MR. WHITSON: -- compliance. You could have to tear
7 the house down.

8 MR. FRY: It's illegal in Platte County to do that.
9 They won't record the deed.

10 MR. CORKINS: I understand that.

11 MR. FRY: You know what I was talking about?

12 MS. EMBREY: Yes, I do.

13 MR. NEIL FAUCETT: Can I ask one more thing?

14 MR. WHITSON: Sure.

15 MR. NEIL FAUCETT: I originally said that in the
16 Zoning Regulations there is a statement that she owns
17 five acres or four acres.

18 MS. NICHOLE FAUCETT: I own 3.2.

19 MR. NEIL FAUCETT: But if you own four acres,
20 right, you could give her two acres?

21 MS. NICHOLE FAUCETT: I thought, yes.

22 MR. NEIL FAUCETT: We've got it. I didn't bring
23 it, but it's in there, I can guarantee you. If we could
24 do that, we could increase what she owns from three and
25 a half acres to five acres easily without taking any

1 crop land. She can give two acres to her daughter to
2 build on. We don't take any ag land out. It's done.

3 MR. WHITSON: But then you've created a
4 subdivision.

5 MS. EMBREY: Exactly.

6 MR. WHITSON: Because it's less than the five
7 acres.

8 MS. NICHOLE FAUCETT: But if we deed her 20 acres,
9 then there's nothing that Zoning will do about it, and
10 it could still come out of crop land.

11 MR. NEIL FAUCETT: Right. If we deed 20 acres, we
12 can do anything we want, and then 15 acres comes out of
13 crop land instead of five.

14 MR. PURCELL: Your answer to that is correct.
15 Anything that's 20 acres and above does not come before
16 this Board.

17 MR. NEIL FAUCETT: We don't want to do that. I
18 don't want to take more out than that. But if it comes
19 to that, that's what it will be.

20 MS. DAY: I understand what you're saying, I really
21 do.

22 MR. NEIL FAUCETT: I'm not trying to be
23 argumentative here. I'm trying to go the easy way and
24 make it work.

25 MR. PURCELL: To answer your question, if you were

1 looking at 20 acres, it does not come before this Board.

2 MR. NEIL FAUCETT: Right, I understand that.

3 MR. WHITSON: But if you give her the 20 acres and
4 she sells 15 acres back -- 17 acres back to you, then
5 we've got an issue.

6 MR. NEIL FAUCETT: Right, I understand that. I'm
7 not wanting to do that.

8 MR. WHITSON: Okay. All right.

9 MR. NEIL FAUCETT: What I really want to do is
10 what --

11 MR. WHITSON: I just wanted to make sure that we
12 understand what's --

13 MR. NEIL FAUCETT: What I'm asking for you all to
14 do is what we've put before you and what you voted on.

15 MR. WHITSON: Okay. You got something?

16 MS. EMBREY: I do.

17 MR. WHITSON: Okay.

18 MS. EMBREY: In the Zoning Order, this is what she
19 asked for. To construct one single-family dwelling on a
20 five-acre, more or less, parcel, split from a 96.50-acre
21 parcel. Okay. So on the application, what you asked
22 for is what you have to do.

23 MS. NICHOLE FAUCETT: I understand. And I asked
24 for that because you told me that's what I had to do.

25 MS. EMBREY: This is what you requested.

1 MR. NEIL FAUCETT: That's what we're asking for.
2 Subject to Legal.

3 MR. WHITSON: Yeah.

4 MS. EMBREY: You have to have the 5.01 acres.

5 MS. NICHOLE FAUCETT: Which is fine. That's fine.

6 MR. WHITSON: I assume that the --

7 MS. NICHOLE FAUCETT: So it's a tie and we have to
8 appeal now?

9 MS. EMBREY: Well, I'm not sure.

10 MR. WHITSON: A tie does not --

11 MR. GADDIE: Yeah, it's vague. It basically says
12 that this Board either has to approve it or deny it by a
13 majority. And you don't have a majority to approve it,
14 and you don't have a majority to deny it. So you're in
15 limbo at this point. I can't give you an answer.

16 MS. NICHOLE FAUCETT: And I've been in this room
17 for --

18 MR. NEIL FAUCETT: Can I appeal it to one of you
19 people to approve this, please?

20 MR. WHITSON: Well, we've already had the vote.

21 MR. PURCELL: Is there anything in our law that
22 says at our next meeting where we have more than what
23 would create a tie, that this could be voted on again,
24 or we voted and that's it? That's a question of this
25 group, of you.

1 MS. EMBREY: It cannot come before this Board for
2 another year.

3 MR. PURCELL: Okay, so --

4 MR. GADDIE: Wait, wait, wait, wait, wait. If
5 there's a decision made.

6 MS. EMBREY: Yeah.

7 MR. GADDIE: There was no decision. I'm telling
8 you right now, you don't have a decision. In my
9 opinion, the matter is still open until we get --

10 MR. PURCELL: That's where I am.

11 MR. GADDIE: -- until we get a decision on where you
12 stand at this point.

13 MS. NICHOLE FAUCETT: Okay. Then I have a
14 question.

15 MR. GADDIE: Okay, hang on just a second. We'll
16 get to you. And so what I'm telling you is you haven't
17 reached a decision at this point. You just have made a
18 vote.

19 MR. WHITSON: Yeah.

20 MR. GADDIE: Rules are not clear on whether you've
21 approved this, whether you've denied it or what your
22 next step should be.

23 MR. PURCELL: I'm going to make a recommendation to
24 the Chair.

25 MR. GADDIE: Go for it.

1 MR. PURCELL: To the Chair, I recommend that since
2 we have not made a decision, that at our next meeting or
3 whatever is appropriate for us as a group, that where we
4 have more than the number of folks around the table,
5 where we can definitively make a yes decision or a no
6 decision, that's my recommendation.

7 MR. WHITSON: Do I have a second?

8 MR. CORKINS: I would second that motion.

9 MR. WHITSON: All in favor -- do we have anything
10 for next month, Denise, that you know?

11 MS. EMBREY: Yes.

12 MR. WHITSON: Okay. We would take it up at next
13 month's meeting. All in favor of not really postponing
14 it, but moving it --

15 MR. REARDON: Tabling it?

16 MS. DAY: Tabling.

17 MR. PURCELL: So we can make a decision.

18 MS. DAY: Would it be a new vote or a continuation?

19 MR. WHITSON: It will be a new vote.

20 MS. DAY: A new vote, okay. I'm just asking for
21 clarification.

22 MR. GADDIE: I think you could open it back up.

23 MR. WHITSON: We'll just open it back up for
24 comments and everything. It will be just like having
25 another hearing.

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MS. DAY: Okay.

MR. FRAKES: But it won't be fair to the people that wasn't here tonight, because they're going to miss out on a lot of conversation if they vote next month.

MS. NICHOLE FAUCETT: But we'll be back.

MR. FRAKES: Yeah, but there's a lot -- the conversation that we've all had tonight won't be --

MR. REARDON: They can read the minutes.

MR. CORKINS: It should be in the minutes of the meeting.

MR. WHITSON: We will just hold, basically, another hearing.

MS. DAY: And it will be in the minutes.

MR. WHITSON: It will be in the minutes.

MR. NEIL FAUCETT: Will we have to pay again for another service, another mailing?

MS. NICHOLE FAUCETT: I've paid twice.

MR. NEIL FAUCETT: We've already paid twice. Are we going to have to pay for another full service?

MR. REARDON: I think you're just putting it on the Agenda.

MR. WHITSON: We're just moving it, yeah. All in favor of moving this to the next -- to the April meeting?

MR. GADDIE: And further, in the meantime, I will

1 research this issue to see if there's a clear answer as
2 to how this would apply. It's not clear.

3 MR. FRY: It's in there.

4 MR. GADDIE: No, I'm not talking about -- I'm not
5 researching that, I'm researching the vote.

6 MR. NEIL FAUCETT: The tie.

7 MR. GADDIE: The tie.

8 MR. WHITSON: Okay. All in favor of transferring
9 this -- postpone it to the April meeting, say Aye.

10 BOARD MEMBERS: Aye.

11 MR. WHITSON: Opposed?

12 BOARD MEMBERS: (No response.)

13 MS. DAY: This is April.

14 MR. WHITSON: April, I mean. April meeting.

15 MS. DAY: Don't you mean the May meeting?

16 MR. WHITSON: What did I say?

17 MS. DAY: April.

18 MR. WHITSON: April 12.

19 MS. DAY: May meeting.

20 MR. WHITSON: Oh, yeah, it will be the May meeting.

21 Yes?

22 MS. TAYLOR FAUCETT: How many people are missing
23 from tonight?

24 MR. WHITSON: I think --

25 MS. TAYLOR FAUCETT: How many people are you

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missing to make this vote, like, to get a majority?

MS. EMBREY: Three.

MR. WHITSON: But we may hear some new information.
So just because the vote went this way tonight doesn't
mean it will go that way next month.

MS. TAYLOR FAUCETT: No, I'm just curious.

MR. WHITSON: Anything else, Denise?

MS. EMBREY: That's it.

MR. NEIL FAUCETT: Thank you for hearing us.

MR. WHITSON: Motion to adjourn?

MR. PURCELL: Motion to adjourn.

MR. REARDON: We just need a quorum.

MR. WHITSON: So moved. We need a quorum. Seven
members create a quorum.

Okay, meeting is adjourned.

(Hearing is adjourned.)

REPORTERS' CERTIFICATE

I, Pamela K. Koch, Certified Court Reporter, certify that I am the official court reporter for Division 1 of the Buchanan County Circuit Court; that on Wednesday, April 14, 2021, I was present and reported all of the proceedings had in the 7:00 PM PUBLIC HEARING of the BUCHANAN COUNTY PLANNING AND ZONING BOARD.

I further certify that the foregoing 54 pages, numbered 1 through 54, contain a true and accurate reproduction of the proceedings transcribed.

/s/ Pamela K. Koch

Pamela K. Koch, CCR #1220
Official Court Reporter
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St. Joseph, Missouri 64501

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