

**MINUTES OF THE PLATTE COUNTY COMMISSION  
ADMINISTRATIVE SESSION**

Monday, October 17, 2022

1. **CALL TO ORDER:** Presiding Commissioner Schieber called the meeting to order at 10:01am
2. **INVOCATION GIVEN BY:** 2nd District Commissioner Joe Vanover.
3. **PLEDGE OF ALLEGIANCE LEAD BY:** 2nd District Commissioner Joe Vanover.
4. **APPROVAL OF AGENDA:** Commissioner Wood moved to approve the Agenda as presented. Commissioner Vanover requested to amend the agenda by removing 6- J. Commissioner Vanover's motion to amend the agenda failed due to the lack of a second. Commissioner Schieber seconded Commissioner Wood's motion to approve the agenda as presented. Agenda approved as presented. Commissioner Schieber (Yes), Commissioner Wood (Yes), Commissioner Vanover (No). The motion passed by a vote of 2 to 1.
5. **CONSENT CALENDAR:** Commissioner Vanover moved to approve the Consent Calendar as presented. Commissioner Wood seconded. Commissioner Schieber (Yes), Commissioner Wood (Yes), Commissioner Vanover (Yes). The motion passed by a vote of 3 to 0.

6. **BUSINESS ACTION ITEMS:**

Auditor - Kevin Robinson

Public Hearing to Amend the Budget (Auditor)

1. Open Public Hearing (Commission) 10:03am
2. Amend the Budget (Auditor)
3. Comments (Commission)
4. Close Public Hearing (Commission) 10:10am

A. 2022-CO-150

Approval of Budget Amendments to the 2022 Budget

Commissioner Wood moved to approve 2022-CO-150 as presented. Commissioner Vanover seconded. Commissioner Schieber (Yes), Commissioner Wood (Yes), Commissioner Vanover (Yes). The motion passed by a vote of 3 to 0.

Sheriff - Major Erik Holland - Presented by Captain Anthony Avery

B. 2022-CO-149

DHS Port Security Grant Program (PSGP) 2022 Final Approval - Budget Impact: \$24,552.00

Commissioner Vanover moved to approve 2022-CO-149 as presented. Commissioner Wood seconded. Commissioner Schieber (Yes), Commissioner Wood (Yes), Commissioner Vanover (Yes). The motion passed by a vote of 3 to 0.

**RECEIVED**

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- C. 2022-CO-152  
FY 2022 Emergency Management Performance Grant- Budget Impact: \$115,073.31  
Commissioner Wood moved to approve 2022-CO-152 as presented. Commissioner Vanover seconded. Commissioner Schieber (Yes), Commissioner Wood (Yes), Commissioner Vanover (Yes). The motion passed by a vote of 3 to 0.

Assessor- David Cox

- D. 2022-CO-153  
Bid Award - Vision Government Solutions - CAMA SYSTEM  
Commissioner Vanover moved to approve 2022-CO-153 as presented. Commissioner Wood seconded. Commissioner Schieber (Yes), Commissioner Wood (Yes), Commissioner Vanover (Yes). The motion passed by a vote of 3 to 0.
- E. 2022-CO-154  
Contract Award - Vision Government Solutions - Computer Assisted Mass Appraisal System - 2022 - Budget Impact: \$74,500 - 2023 - Budget Impact: \$330,050.00  
Commissioner Wood moved to approve 2022-CO-154 as presented. Commissioner Vanover seconded. Commissioner Schieber (Yes), Commissioner Wood (Yes), Commissioner Vanover (Yes). The motion passed by a vote of 3 to 0.

Parks and Recreation - Daniel Erickson

- F. 2022-RES-045  
Request For Bids- Multiuse Field Improvements - Platte Ridge Park  
Commissioner Vanover moved to approve 2022-RES-045 as presented. Commissioner Wood seconded. Commissioner Schieber (Yes), Commissioner Wood (Yes), Commissioner Vanover (Yes). The motion passed by a vote of 3 to 0.
- G. 2022-CO-155  
Bid Award- Brush Creek Trail - Prime Time Contracting  
Commissioner Wood moved to approve 2022-CO-155 as presented. Commissioner Vanover seconded. Commissioner Schieber (Yes), Commissioner Wood (Yes), Commissioner Vanover (Yes). The motion passed by a vote of 3 to 0.
- H. 2022-CO-156  
Bid Award- Spin Bikes - Stages Indoor Cycling LLC  
Commissioner Vanover moved to approve 2022-CO-156 as presented. Commissioner Wood seconded. Commissioner Schieber (Yes), Commissioner Wood (Yes), Commissioner Vanover (Yes). The motion passed by a vote of 3 to 0.

Planning and Zoning - Daniel Erickson

- I. 2022-CO-124  
Rezoning - AG (Agricultural) and R-7 (Single-Family High Density) to RE (Rural Estates) - Janis P. Rowell - Budget Impact: \$0.00 (Remove From Tabled Status)  
Commissioner Wood moved to remove from tabled status 2022-CO-124. Commissioner Vanover seconded. Commissioner Schieber (Yes), Commissioner Wood (Yes), Commissioner Vanover (Yes). The motion passed by a vote of 3 to 0.  
Daniel Erickson gave background information regarding the denial request.  
(See recording in Clerk's office or online.)  
Commissioner Vanover moved to deny the request for rezoning from AG & R-7 to RE for Janice P. Rowell by approving the version of 2022-CO-124 which denies the request. Commissioner Schieber seconded.  
(See recording in Clerk's office for additional Commissioners' comments.)

Public Comments and Discussion:

1. Shane Bartee, Counsel for the Rowells  
(See handout in Clerk's office or online.)
2. Lynda Payne  
(See handout in Clerk's office or online.)
3. Robert & Cathie Kornacki
4. Michael Dailey
5. Mark Hummer
6. Karen Lee  
(See handout in Clerk's office or online.)

Shane Bartee and Lynda Payne responded to comments.

Daniel Erickson addressed comments.

(See recording in Clerk's office or online.)

Commissioner Schieber reiterated that a motion and a second to deny 2022-CO-127 had been made and called for a vote.

Commissioner Schieber (Yes), Commissioner Wood (No), Commissioner Vanover (Yes). The motion passed by a vote of 2 to 1.

Commissioner Schieber suggested alternate plans be resubmitted to the Planning & Zoning Committee.

J. 2022-CO-127

Amendment to The Platte County Zoning Order of 1990, as amended - Article II, Section 400.210 (R-7 - Single-Family High Density), Subsection D.1.a. (Area Regulations - Front Yard) - David Barth - Budget Impact: \$0.00 (Remove From Tabled Status)

Commissioner Wood moved to remove from tabled status 2022-CO-127. Commissioner Schieber seconded. Commissioner Schieber (Yes), Commissioner Wood (Yes), Commissioner Vanover (No). The motion passed by a vote of 2 to 1.

Daniel Erickson gave background information regarding the request.

(See recording in Clerk's office or online.)

Commissioner Wood moved to approve 2022-CO-127 as presented. Commissioner Schieber seconded.

(See recording in Clerk's office or online for additional Commissioners' comments.)

Public Comments:

1. Gary Kerns, Builder
2. David Barth

(See recording in Clerk's office or online.)

Commissioner Schieber (Yes), Commissioner Wood (Yes), Commissioner Vanover (No). The motion passed by a vote of 2 to 1.

K. 2022-CO-157

Acceptance of Performance and Maintenance Bond - Storm Sewers - Seven Bridges 8th Plat. - Budget Impact: \$0.00

Commissioner Vanover moved to approve 2022-CO-157 as presented. Commissioner Wood seconded. Commissioner Schieber (Yes), Commissioner Wood (Yes), Commissioner Vanover (Yes). The motion passed by a vote of 3 to 0.

Public Works - Bob Heim

L. 2022-RES-043

Request for Bids - Brown Road Culvert Replacement - Budget Impact: \$0.00

Commissioner Wood moved to approve 2022-RES-043 as presented. Commissioner Vanover seconded. Commissioner Schieber (Yes), Commissioner Wood (Yes), Commissioner Vanover (Yes). The motion passed by a vote of 3 to 0.

M. 2022-RES-044  
Public Hearing Request to Amend Traffic Schedule III for the Ordinances of Platte County  
Budget Impact: \$0.00  
Commissioner Vanover moved to approve 2022-RES-044 as presented. Commissioner Wood seconded. Commissioner Schieber (Yes), Commissioner Wood (Yes), Commissioner Vanover (Yes). The motion passed by a vote of 3 to 0.

N. 2022-CO-151  
Bid Award - Required Combination - Sharps Station Rd Bridge Replacement - Brightwell Rd Culvert Repair - Budget Impact: \$641,618.00  
Commissioner Wood moved to approve 2022-CO-151 as presented. Commissioner Vanover seconded. Commissioner Schieber (Yes), Commissioner Wood (Yes), Commissioner Vanover (Yes). The motion passed by a vote of 3 to 0.

7. **ANNOUNCEMENTS FROM COUNTY OFFICEHOLDERS AND STAFF:** None

8. **PUBLIC COMMENTS:** None

9. **COMMISSION COMMENTS:**

- A. Presiding Commissioner – Ron Schieber  
None
- B. 1<sup>st</sup> District Commissioner – Dagmar Wood  
None
- C. 2<sup>nd</sup> District Commissioner – Joe Vanover  
Gave update on jail overcrowding.  
(See recording in Clerk's office or online.)

10. **ADJOURNMENT:**

Commissioner Wood moved to adjourn at 12:14pm. Commissioner Vanover seconded. Commissioner Schieber (Yes), Commissioner Wood (Yes), Commissioner Vanover (Yes). The motion passed by a vote of 3 to 0.





PLATTE COUNTY COMMISSION SESSION

PUBLIC COMMENT CARD

Complete the card and return to the County Clerk prior to the start of the meeting.

Date: 10/17/22

Name: Karen Lee

Address: 13010 Jantzen LN Platte City, MO.

Email Address: lee6kc@gmail.com

Phone Number: 816-217-9282

Subject of Comments: Rezoning of Rowell property

As a reminder, public comment is limited to five minutes per speaker.

## IRREGULARITIES REGARDING THE ROWELL REZONING REQUEST

### 400.720(3b1)

The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district or vicinity and is not created by an action or actions of the property owner or applicant.

- MRS. ROWELL WROTE 'NO'

### 400.720(3b2)

The granting of the permit for variance will not be of substantial detriment to the adjacent property and the character of the district will not be changed by granting the variance.

- MRS. ROWELL WROTE 'NO, NO CHANGE'

### 400.720(3b4)

The granting of the variance is based upon reasonable, demonstrable and exceptional hardship as distinguished from variations for purpose of convenience, profit or caprice.

- THERE'S NO 'HARDSHIP': ORIGINAL VARIANTS HAVE BEEN ADEQUATE FOR 40+ YEARS
- 'PROFIT' IS DEFINITELY THE GOAL: MRS. ROWELL IS ASKING \$18,600 PER ACRE

### 400.710(B2)

The Enforcement officer shall provide the applicant with a minimum of two signs. The applicant shall post the signs in a conspicuous place visible from every street along the frontage of subject property.

- NO SIGNS WERE POSTED IN FEBRUARY 2021 OR MAY 2021

### 405-100(A): CLASSIFICATIONS

Lot Split. Any subdivision of real property which, when completed, creates no lot or tract that is less than forty (40) acres in size.

- NEITHER LOT IS 40 ACRES (30.95 and 13.44)

### 405-100(B-1): MINOR SUBDIVISION

Each of the lots shall have frontage on an existing street, road or highway.

- NOT MET, BUT A NEW VARIANT WAS GRANTED

### 405.110(B-2):

The applicant is encouraged to meet with and discuss the proposed development with the owners of all property within 1000 feet.

- STIPULATED IN FEB 2021; NO WORD FROM OR SIGHT OF MRS. ROWELL

### STAFF REPORT, PLANNING AND ZONING COMMISSION, AUGUST 16, 2022:

The subject property lies within the Agricultural Policy Area. Primary land uses within the Agricultural Policy include large-lot residential and agriculture. The recommended maximum residential densities within these areas are 1 lot per 10 or more acres.

- MULTIPLE 5-ACRE "RE" LOTS DO NOT COMPLY WITH COUNTY POLICY FOR THIS AREA

**400.730(A)**

Appeals to the Board of Zoning Adjustment may be taken by any owner, lessee or tenant of land or by a public officer, department, board or bureau affected by any decision of an Administrative Official (as such term is hereinafter defined) in administering this Order. Such appeal shall be taken within a period of not more than three (3) months and in the manner provided by the rules of the Board.

- WITHOUT KNOWLEDGE OF THE MAY 2021 RULING, NO APPEAL WAS POSSIBLE

**400.740(A)**

Any owners, lessees or tenants of buildings, structures or land jointly or severally aggrieved by any decision of the Board of Zoning Adjustment may present to the Circuit Court of Platte County a petition, duly verified, stating that the decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom. All such appeals must be filed within 30 days of the Board of Zoning Adjustment's decision.

- WITHOUT KNOWLEDGE OF THE MAY 2021 RULING, NO APPEAL WAS POSSIBLE



## A Final Thought

On May 5, 2021, Shane E. Bartee stated that the initial petition for the Kincaid variants was being withdrawn by the Kovells "because the opposition of the neighbors and in the nature of neighborhood harmony" [video on Zoning website]

We agree with the conclusion Mr. Bartee expressed then:

For 'neighborhood harmony' please vote to preserve existing A/G/R-7 zoning.

This community is united in its desire to preserve its rural character.

The many Neighbors of Jantzen Lane thank the Committee for its attention.

John Payne  
Rick Kovelski  
Karen Lee  
Lydia Bailey  
Jim Payne  
Cathy Kovelski  
Theresa Tate  
Vandana Lee  
Catherine  
Rita Stephens  
Condi  
Lynne Green  
Sue Hearn  
Mimi

**PLATTE COUNTY COMMISSION SESSION**

**PUBLIC COMMENT CARD**

Complete the card and return to the County Clerk prior to the start of the meeting.

Date: 10/17/22  
Name: Lynda Payne  
Address: 12930 Jantzen Lane, Platte City, MO 64079  
Email Address: lynda.jones@mac.com  
Phone Number: 919.929.3599  
Subject of Comments: Rowell Rezoning

As a reminder, public comment is limited to five minutes per speaker.

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**PLATTE COUNTY COMMISSION SESSION**

**PUBLIC COMMENT CARD**

Complete the card and return to the County Clerk prior to the start of the meeting.

Date: 10-17-2022  
Name: Robert / Cathie Kornacki  
Address: 23055 Humphreys Rd., Platte City, MO 64079  
Email Address: rekornacki@hotmail.com  
Phone Number: 816-546-3396 / 816-729-9705  
Subject of Comments: REMARKS AGAINST PROPOSED  
REZONING of POWELL CANON.

As a reminder, public comment is limited to five minutes per speaker.

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PLATTE COUNTY COMMISSION SESSION

PUBLIC COMMENT CARD

Complete the card and return to the County Clerk prior to the start of the meeting.

Date: 10/17/22

Name: Michael DAILEY

Address: 12780 JANTZEN LN

Email Address: michaeldaileylaw@gmail.com

Phone Number: 816-221-7008

Subject of Comments: Rezoning of Rowell property

As a reminder, public comment is limited to five minutes per speaker.

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PLATTE COUNTY COMMISSION SESSION

PUBLIC COMMENT CARD

Complete the card and return to the County Clerk prior to the start of the meeting.

Date: 17 Oct 2022

Name: Mick Hammer

Address: 12820 Santzen Lane Platte City MO 64079

Email Address: \_\_\_\_\_

Phone Number: 816-390-4524

Subject of Comments: Rezoning of Janice Rowell estate.

As a reminder, public comment is limited to five minutes per speaker.

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PLATTE COUNTY COMMISSION SESSION

PUBLIC COMMENT CARD

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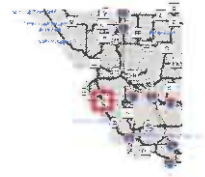
Date: 10/17/2022  
Name: SHANE BARTEE  
Address: 27145 Webster Ct Weston MO 64098  
Email Address: shane@bartee-lawfirm.com  
Phone Number: (816) 386-4025  
Subject of Comments: Attorney for Janis Rowell Rezoning application

As a reminder, public comment is limited to five minutes per speaker.

\* Handed out by Shane Bantee, Legal Council for Janis P. Rowell during his public comment. \*



Overview



Legend

- Parcels Current
- Roads
  - 1
  - 2
  - 3
  - 4
  - 5
  - 6
  - 8
  - 9
  - 10
  - <all other values>
- Subdivisions
- Lot Numbers

<b>Parcel ID</b>	16-3.0-08-000-000-023.000	<b>Alternate ID</b>	n/a	<b>Owner Address</b>	ROWELL FAMILY REVOCABLE TRUST
<b>Sec/Twp/Rng</b>	8/52/35	<b>Class</b>	Ag Dwelling		12990 JANTZEN LN
<b>Property Address</b>	12990 JANTZEN LN	<b>Acreege</b>	44.5825		PLATTE CITY, MO 64079-0000
<b>District</b>	Dist 53				
<b>Brief Tax Description</b>	PART OF S1/2 OF SE1/4 DESC AS BEG AT NE CO OF S1/2 OF SE1/4 TH S 270.15'				
	<i>(Note: Not to be used on legal documents)</i>				

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