



## **PLANNING COMMISSION**

April 28, 2022 5:30pm  
1100 Frederick Avenue  
Third Floor, Council Chambers, City Hall  
Regular Meeting

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- **Call to order**
  - **Certified copies of chapters 11, 26, & 31 are available**
  - **Roll call**
  - **Postponements/adjustments to the agenda**
- 

## **RULES OF CONDUCT ADOPTED BY COMMISSION**

- Give your name and complete address.
- No one may speak more than once on the same item.
- No one may speak more than five minutes at a time without permission from the Chairperson.
- No one may speak a second time on an item until every person who wants to speak has done so.
- All submissions of evidence, i.e., photos, drawings, etc., will be retained by the Commission and will become a part of the permanent file.

**Please speak clearly and adjust microphone if needed.**

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It is the intention of the City of St. Joseph to comply in all aspects with the Americans with Disabilities Act (ADA). If you plan on attending a meeting to participate or to observe and need special assistance beyond what is routinely provided, the City will attempt to accommodate you in every reasonable manner. Please contact the ADA Coordinator (816-271-4610/TDD# 816-271-4898) at least two (2) business days prior to the meeting to inform the City of your specific needs and to determine if accommodation is feasible.

## PLANNING COMMISSION

April 28, 2022 5:30pm  
1100 Frederick Avenue  
Third Floor, Council Chambers, City Hall  
Regular Meeting

### AMENDED AGENDA

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#### OLD BUSINESS

#### NEW BUSINESS

- **Approval of minutes**
- **ITEM #1**                    **Zoning District Change** – A request for approval of a change of zoning from C-3 Commercial District and R-1A Single Family Residential District to C-3 Commercial District for property located at 1305 S 38th Street as requested by Ronald Bachman.
- **ITEM #2**                    **Zoning District Change** – A request for approval of a change of zoning from RP-2 Planned Two-Family Residential District and R-1B Single-Family Residential to RP-3 Planned Garden Apartment Residential District for property located at 3200 Timber Creek Drive and 3002 Ajax Road as requested by Shawn Duke on behalf of Midland Construction Services LLC.                    **Postponed at the request of the applicant**
- **ITEM #3**                    **Major Subdivision** – A request for approval of a preliminary plat for a major subdivision entitled Timber Creek Subdivision located at 3200 Timber Creek Drive and 3002 Ajax Road, as requested by Shawn Duke on behalf of Midland Construction Services LLC.                    **Postponed at the request of the applicant**
- **ITEM #4**                    **Authorization to enter into a Subdivision Improvement Agreement** - Approval of an application to waive the requirement of Section 26-70(a) and permit the applicant to enter into a subdivision improvement agreement for Timber Creek Subdivision as provided in Section 26-71(a).                    **Postponed at the request of the applicant**

#### PUBLIC COMMENT


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<b>Application</b>	Request for Rezoning from C-3, Commercial District/R-1A Single Family Residential District to C-3, Commercial District
<b>Applicant</b>	Ronald Bachman for St. Joe Petroleum Co.
<b>Location</b>	1305 South 38 <sup>th</sup> Street
<b>Staff Recommendation</b>	<b>APPROVAL</b>

**BACKGROUND**

This request is to re-zone the property located at 1305 South 38<sup>th</sup> Street. The reason for this request is to address a zoning incongruity on the property that has led to one half of the property being zoned for residential use, and the other half commercial. This rezoning would allow the current owner to expand services into the property, including a proposed coffee-shop and café. This zoning request would bring the entirety of the property into one zoning district and conformance with the City’s zoning code. The surrounding properties are zoned a mix of residential and commercial, with the subject property being associated with the northern commercial property at the corner of 38<sup>th</sup> Street and Mitchell Avenue.

**OVERVIEW**

	<p><b>CURRENT ZONING:</b> R-1A/C-3</p>
	<p><b>ADJACENT ZONING:</b>          North: C-3          East: R-1A          South: R-3          West: C-3</p>
	<p><b>FUTURE LAND USE PLAN:</b>          High-Density Residential</p>
<p><b>NOTIFICATIONS:</b> 14          Returned in Favor: 0 as of 3/17          Returned in Opposition: 0 as 3/17          1 Letter returned in neither favor nor opposition</p>	

**ATTACHMENTS INCLUDED:**

- Application & supporting documents provided by applicant.
  - Letter to adjacent property owners.
- 

**FACTORS FOR CONSIDERATION:**

**1. Conformance with adopted plans and planning policies.**

Staff finds the requested zoning district change is generally in keeping with adopted plans and planning policies. The Future Land Use Plan designates this area of 38<sup>th</sup> Street as “High-Density Residential”, which is reflected in the R-3 Garden Apartment zoning and uses to the south of the subject property. The proposed use itself is not residential, but the proposed zoning does allow for multi-family residential uses, which would be in keeping with the Future Land Use Plan.

**2. Zoning and use of nearby property.**

The immediately surrounding areas are zoned a mixture of residential and commercial districts. The uses of the surrounding properties reflect this zoning. The area to the south is zoned R-3 and is the location of the Chatsworth Apartment complex. To the west is a large C-3, commercial area along the Belt Highway, which the subject property faces the rear of. To the east is the rear yard of a single-family residential property. The subject property itself is a zoning mixture of R-1A, Single-Family Residential and C-3, Commercial, with the northern half, immediately abutting the existing gas station property being commercial zoning. Historically the property had been used as a single-family home, though that use was discontinued and demolished in 2017.

**3. Whether public facilities (infrastructure) and services will be adequate to serve development allowed in the requested zoning district change.**

Existing public facilities and services would be adequate for the requested zoning.

**4. Whether traffic levels are inappropriate, hazardous, or detrimental to existing or potential nearby land uses.**

Staff did not find that traffic levels would be significantly impacted by this request. The proposed use would be associated with the gas station property to the north, which is located along Mitchell Avenue, a minor arterial. The potential increase in traffic would be minimal and would likely not impact the existing uses, which includes an existing commercial use and high-density residential.

**5. Length of time the subject property has remained vacant as currently zoned.**

City records indicate that the house that was located on the site was issued a demolition permit in December of 2017. Since that time there has been no construction or other permits issued on the site to staff's knowledge.

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AGENDA ITEM #1

**STAFF REVIEW & RECOMMENDATION**

Staff recommends **APPROVAL** based on the above and following findings:

- Request is generally in keeping with City's current Future Land Use Map:
- Proposed rezoning is not detrimental to public's health, safety, or welfare:
- The Proposed rezoning would bring the entirety of the property into one zoning district, ending a nonconformity issue, and allowing the owner the maximal use of the property.

Staff: 

Zack Martin, AICP

City Planner

(816) 271-4648

zmartin@stjoemo.org



# ZONING DISTRICT CHANGE APPLICATION

City of St. Joseph, Missouri | Planning & Zoning  
1100 Frederick Avenue, Room 107  
Zack Martin, City Planner | (816) 271-4648 | [zmartin@stjoemo.org](mailto:zmartin@stjoemo.org)

All applications for a zoning district change in the City must comply with Chapter 31 of the City's Code of Ordinances, located online at [stjoemo.info](http://stjoemo.info) The following must be included with every application:

1. Completed Application
2. Written statement of purpose for the proposed zoning change in separate document & legal description of property
3. Any additional supporting materials
4. Application fee (\$1,365)
5. Planned Unit and Planned Developments must also provide materials on PUD/PD list

**THE UNDERSIGNED HEREBY APPLIES FOR THE APPROVAL OF SAID ZONING DISTRICT CHANGE BY THE CITY OF ST. JOSEPH IN BELIEF THAT THE PLAN CONFORMS TO CHAPTER 31 OF THE CODE OF ORDINANCES.** With the signing and submittal of this application, the property owner authorizes the City of St. Joseph to enter onto the subject property to collect data and other information in order to accurately prepare reports or other documentation for review by the City Council, City boards and commissions, and City departments.

### Proposed ZDC Location

Street 1305 So 38<sup>th</sup>  
City, State, Zip St. Joseph, MO 64507 | \_\_\_\_\_ | \_\_\_\_\_  
Requested Zoning District C-3, COMMERCIAL

### Applicant Information

Primary Contact  Yes  No

Name ST JOE PETROLEUM CO. | Property Owner  Yes  No  
Street 2520 S. 2ND  
City, State, Zip ST. JOSEPH, MO 64501 | \_\_\_\_\_ | \_\_\_\_\_  
Phone ( 816 ) 279-0770 | Email RON@STJOEPETROLEUM.COM

Signature [Signature] Date 3-16-22

### Representative Contact Information (Not Required if as Applicant)

Name \_\_\_\_\_ | Primary Contact  Yes  No  
Business Name \_\_\_\_\_  
Street \_\_\_\_\_  
City, State, Zip \_\_\_\_\_ | \_\_\_\_\_ | \_\_\_\_\_  
Phone ( \_\_\_\_\_ ) \_\_\_\_\_ | Email \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Planning Commission hearings, unless otherwise stated or posted, are held on the last Thursday of each month at 5:30pm in the City Council Chambers on the 3<sup>rd</sup> floor of City Hall (1100 Frederick Avenue). Submittal deadlines are the last Friday the month prior. Commission recommendations are forwarded onto City Council for final approval.

### Section to be completed by City

Received By [Signature] Date 3/28/22 Current Zoning C-3/ R-1A  
Accela ID P222-00044 Total (\$) 1,365.00



March 14, 2022

To Whom It May Concern:

We currently own and operate the Fastgas convenience stores in St. Joseph. We also operate a food service called Fresh Fare & Bakery that makes food items that are sold at our Fastgas stores. Our Fresh Fare kitchen is currently located at our St. Joe Avenue Fastgas store. Fresh Fare has outgrown this space and we need a new kitchen.

We plan to build a stand-alone Fresh Fare kitchen building in the vacant lot at 1305 S 38<sup>th</sup> Street (south of our Fastgas store at 3804 Mitchell). In addition to the kitchen, we also intend to put a café/coffee shop on the front of the building. This café/coffee shop will be open to the public and offer dine-in, carryout and drive-thru service.

The north half of the lot is currently zoned as commercial, but the south half is residential. We ask that the full lot be zoned as commercial.

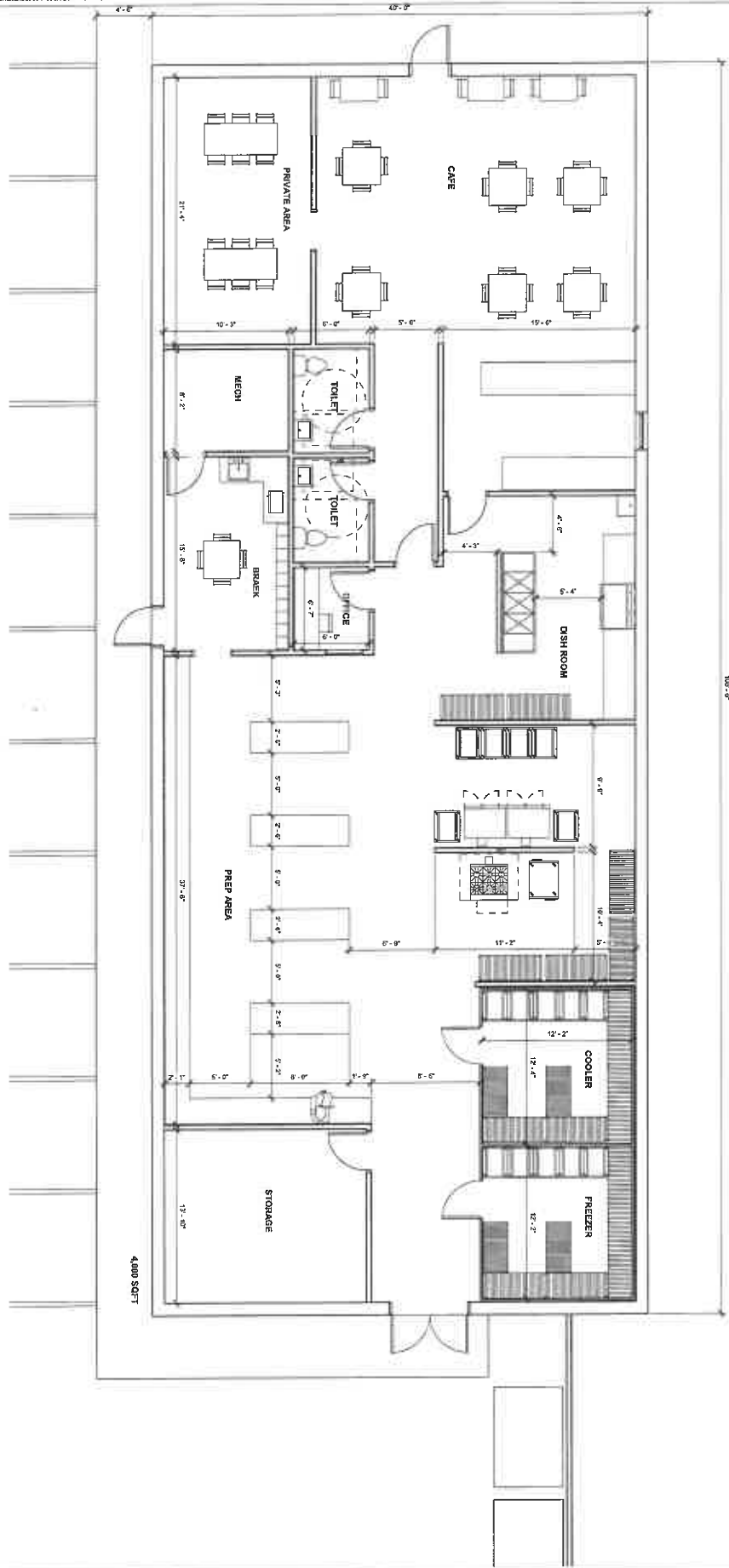
Thank you,

Ron Bachman  
President, St. Joe Petroleum Co.



1

LEVEL 1 - FLOOR PLAN  
SCALE: 1/8" = 1'-0"



NOT FOR CONSTRUCTION

PROJECT:  
KITCHEN  
ST. JOE PETROLEUM

OPTION: 1

NO.	REVISION DESCRIPTION

SHEET:

A111

DATE: Issued Date

ELLISON-AUXII  
ARCHITECTS

1924 FRANCIS ST.  
ST. JOSEPH, MO 64501  
P: 816-233-8802 F: 816-233-7  
www.ellison-auxii.com





## NOTICE OF PUBLIC HEARING

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City of St. Joseph, Missouri | Planning & Zoning  
1100 Frederick Avenue, Room 107  
(816) 271-4648 | [zmartin@stjosephmo.gov](mailto:zmartin@stjosephmo.gov)

April 4, 2022

### VIA CERTIFIED MAIL

Applicant: Ronald Bachman for St. Joe Petroleum Co.  
Location: 1305 South 38<sup>th</sup> Street  
Regarding: Request for Rezoning from C-3, Commercial District/R-1A Single Family Residential District to C-3, Commercial District

DEAR ADJACENT PROPERTY OWNER

The Planning Commission will conduct a public hearing in the Council Chamber, Third Floor, City Hall, at 5:30 p.m. on April 28, 2022, on this request. A recommendation from the Planning Commission will be forwarded to the City Council for final action. The date of the City Council meeting can be obtained by contacting the City Clerk's office at (816) 271-4730 after the Planning Commission meeting.

This request is to re-zone the property located at 1305 South 38<sup>th</sup> Street. The reason for this request is to address a zoning incongruity on the property which has led to one half of the property being zoned for residential use, and the other half commercial. This rezoning would allow the current owner to expand services into the property, including a proposed coffee-shop and café. This zoning request would bring the entirety of the property into one zoning district and conformance with the City's zoning code.

All interested citizens are invited to attend this public hearing; however, we are making a special effort to notify property owners within 185 ft. That is why you have received this certified letter.

A comment form is enclosed with this letter for those who would like to express concerns or support for the request. Written comments to be included in the Planning Commission packet should be filed with the Department of Planning & Community Development, Room 107, City Hall, by April 15, 2022. Written or verbal comments received after this date may be given during the public hearing.

Sincerely,

A handwritten signature in blue ink, appearing to be "Zack Martin", is written over the word "Sincerely,".

Zack Martin  
City Planner

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# COMMENTS IN REFERENCE TO PROPOSED ZONING DISTRICT CHANGE

To the City of St. Joseph, Missouri:

The undersigned state that the facts as entered herein are true to the best of their knowledge and belief, wish to comment on the following application of a zoning district change and ask the Planning Commission to vote  **FOR**  **AGAINST** said request.

Address of the proposed subdivision:

**1305 S 38th**

Name, address & phone of party filing comment (Please print): \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address) (Phone)

If you own property in the neighborhood of the proposed zoning district change, but do not live at that property, please give address of that property: \_\_\_\_\_  
\_\_\_\_\_

Legal description of land owned relating to request: \_\_\_\_\_  
\_\_\_\_\_

Reason(s) for concern or support to the request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OWNERS OF RECORD MUST SIGN:

Signature \_\_\_\_\_  
\_\_\_\_\_

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

**NOTE:** To be a valid protest, signatures must be notarized. Comments in favor need not be notarized.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_

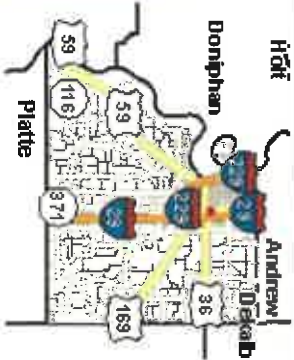
OFFICE USE Within 185 ft. of petitioned property
Not within 185 ft. of petitioned property

NOTE: A Notary Public is available at City Hall at no charge

# 1305 S 38th



1 in. = 78ft.



- Legend**
- Road
  - <all other values>
  - Interstate
  - State Highway L
  - State Highway N
  - U.S. Highway
  - Railroad
  - Parcel

**Notes**

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.  
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

1305 5 38<sup>th</sup>

Owner Name	Situs Address	Mailing Address	City	State	Zip	Parcel ID
SANDY INVESTMENT PROPERTIES LLC	1406 S 38TH PL	4710 STONECREST TER	ST JOSEPH	MO	64506 91771	9690 0935 0262 5008 57
LAPALMA LLC C/O LE MESA MEXICAN RE	3730 MITCHELL AVE	3730 MITCHELL AVE	ST JOSEPH	MO	64507 91771	9690 0935 0262 5008 88
STRONG JULIE ANN	3816 MITCHELL AVE	3816 MITCHELL AVE	ST JOSEPH	MO	64507 91771	9690 0935 0262 5008 71
SANDY INVESTMENT PROPERTIES LLC	1316 S 38TH PL	4710 STONECREST TER	ST JOSEPH	MO	64506 91771	9690 0935 0262 5009 01
BK EQUITY INVESTMENTS LLC	1401-1521 S 38TH ST	17482 E ARNOLD RD	RICH HILL	MO	64779 91771	9690 0935 0262 5008 95
WOODBURY EVA M TRUST	1315-1407 S BELT HWY	4520 MADISON AVE STE 300	KANSAS CITY	MO	64111 91771	9690 0935 0262 5009 25
ST JOE PETROLEUM CO	1305 S 38TH ST	PO BOX 3067	ST JOSEPH	MO	64507	
ST JOE PETROLEUM CO	3804 MITCHELL AVE	PO BOX 3067	ST JOSEPH	MO	64507	
C & M RENTALS LLC	1312 S 38TH PL	PO BOX 4152	ST JOSEPH	MO	64504 91771	9690 0935 0262 5009 18
HERNANDEZ THOMAS S	3813 MITCHELL AVE	3813 MITCHELL AVE	ST JOSEPH	MO	64507 91771	9690 0935 0262 5009 49
THIES KARLA K	3821 MITCHELL AVE	1514 WAYNE DR	ST JOSEPH	MO	64506 91771	9690 0935 0262 5009 32
MOSSER BETTY JO TRUST	3818 MITCHELL AVE	3818 MITCHELL AVE	ST JOSEPH	MO	64507 91771	9690 0935 0262 5009 63
MYERS MICHAEL J & E JEANNE	1205 S 38TH ST	1205 S 38TH ST	ST JOSEPH	MO	64507 91771	9690 0935 0262 5009 56
SANDY INVESTMENT PROPERTIES LLC	1402 S 38TH PL	4710 STONECREST TER	ST JOSEPH	MO	64506 91771	9690 0935 0262 5009 87
THOMAS MATTHEW	3815 MITCHELL AVE	3815 MITCHELL AVE	ST JOSEPH	MO	64507 91771	9690 0935 0262 5009 70
DYSART RICHARD D	3820 MITCHELL AVE	3820 MITCHELL AVE	ST JOSEPH	MO	64506 91771	9690 0935 0262 5009 94

Applicant

# COMMENTS IN REFERENCE TO PROPOSED ZONING DISTRICT CHANGE

To the City of St. Joseph, Missouri:

The undersigned state that the facts as entered herein are true to the best of their knowledge and belief, wish to comment on the following application of a zoning district change and ask the Planning Commission to vote  FOR  AGAINST said request.

Address of the proposed subdivision:

**1305 S 38th**

Name, address & phone of party filing comment (Please print):

Julie Strong  
3816 Mitchell Ave 816-341-4154  
(Address) (Name) (Phone)

If you own property in the neighborhood of the proposed zoning district change, but do not live at that property, please give address of that property: \_\_\_\_\_

Legal description of land owned relating to request: I have circled on the enclosed sheet.

Reason(s) for concern or support to the request: There is a cedar fence that runs North/South between our properties. We have both taken responsibility in the past for this. I paid to have it installed and Ron paid for the staining. It would be my request that he would take over full

**OWNERS OF RECORD MUST SIGN:** responsibility of maintaining and or replacing in the future as it runs directly next to the proposed site.

Signature Julie Strong

Address: 3816 Mitchell Ave.  
St Joseph MO 64507

**NOTE:** To be a valid protest, signatures must be notarized. Comments in favor need not be notarized.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

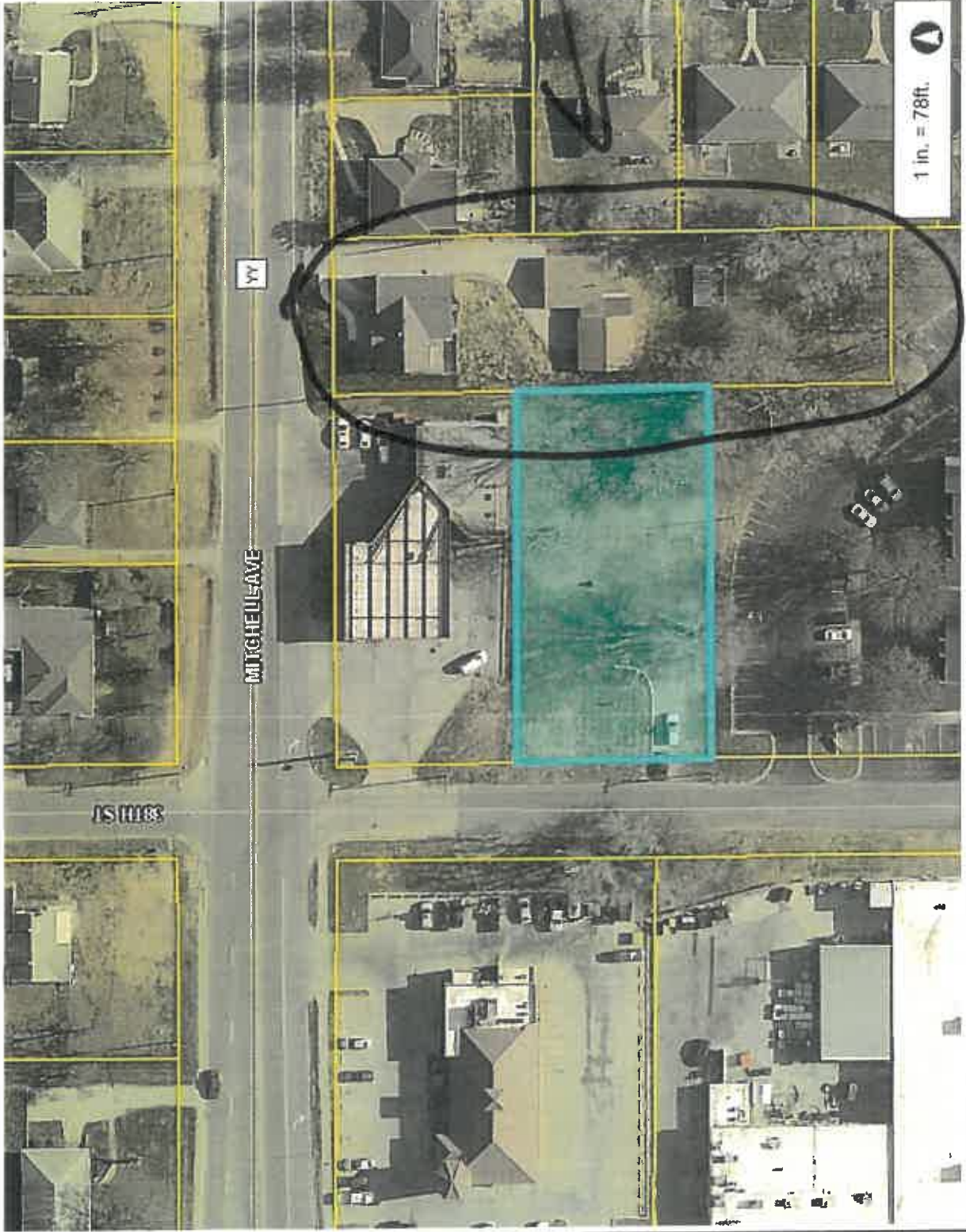
Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_

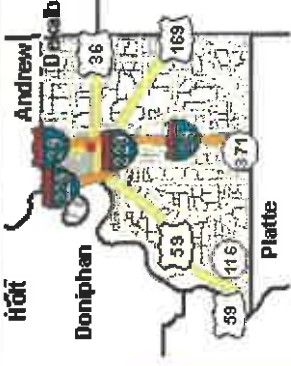
OFFICE USE Within 185 ft. of petitioned property  Not within 185 ft. of petitioned property
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NOTE: A Notary Public is available at City Hall at no charge

1305 S 38th



1 in. = 78ft.



**Legend**

- Road
- <all other values>
- Interstate
- State Highway L
- State Highway N
- U.S. Highway
- Railroad
- Parcel

*Julie Strong Mitchell Ave 3810*

**Notes**

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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

**AFFIDAVIT OF PUBLICATION**

*St. Joseph News-Press, 825 Edmond St., St. Joseph, MO 64501*

Reference: 12290

P.O. :

Ad ID: 6710898

DESC. : *Planning Comm Meeting - 3 Items 4/28/22*

**REBECCA SHIPP**

**CITY OF SJ PLANNING COMM**

**1100 FREDERICK AVE, RM 107**

**ST. JOSEPH, MO 64501-2337**

County of Buchanan

State of Missouri

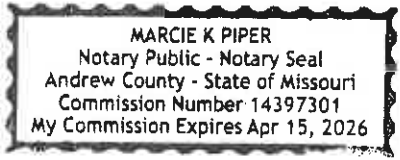
I, Sandra Ridings, being duly sworn according to law, state that I am the Legal Advertising Coordinator of the St. Joseph News-Press, a six day a week newspaper of general circulation in the county of Buchanan, where located; which has been admitted to the Post Office as

second class matter in the city of St. Joseph, the city of publication; where newspaper has been published regularly and consecutively for a period of three years and has a list of bona fide subscribers voluntarily engaged to pay a stated price for a subscription for a definite period of time, and that such newspaper has complied with the provisions of Section 493.050 Revised Statutes of Missouri, 1949. The affixed notice appeared in said newspaper on the following date:

Run Dates: 04/09/22 to 04/09/22  
Appearances: 1  
AD SPACE: 92  
TOTAL COST: \$421.26

(Signed) 

Subscribed and sworn before me this  
8th day of April 2022  
Marcie K Piper Notary Public



**NOTICE OF PUBLIC HEARING**

Planning Commission of the City of St. Joseph, Missouri, will be held on the **28th day of April, 2022 at 5:30 p.m.** in the Council Chamber of City Hall wherein the Commission will conduct a public hearing for the following items and at which time all interested persons will be heard:

● A request for approval of a change of zoning from C-3 Commercial District and R-1A Single Family Residential District to C-3 Commercial District for property located at 1305 S 38th Street as requested by Ronald Bachman.

● A request for approval of a change of zoning from RP-2 Planned Two-Family Residential District and R-1B Single-Family Residential to RP-3 Planned Garden Apartment Residential District for property located at 3200 Timber Creek Drive and 3002 Ajax Road as requested by Shawn Duke on behalf of Midland Construction Services LLC.

● A request for approval of a preliminary plat for a major subdivision entitled Timber Creek Subdivision located at 3200 Timber Creek Drive and 3002 Ajax Road, as requested by Shawn Duke on behalf of Midland Construction Services LLC.

Questions about the above referenced items should be directed to Zack Martin, City Planner at (816) 271-4648.

/s/ \_\_\_\_\_  
Allison Tschannen, Chairman  
Planning Commission