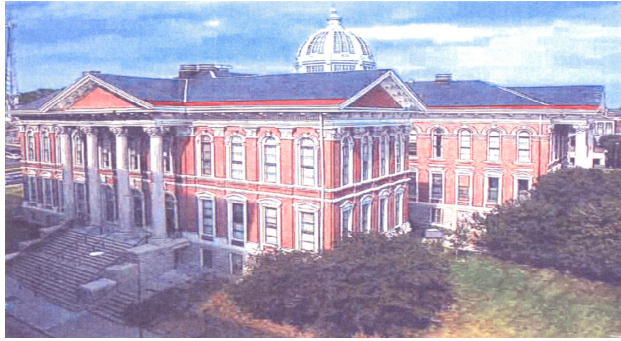


# BUCHANAN COUNTY PLANNING AND ZONING

St. Joseph, Missouri

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**James Whitson, Chairman**  
Steve Reardon, Vice - Chairman  
Johnaphine Fenton, Secretary

## MINUTES OF THE BUCHANAN COUNTY PLANNING AND ZONING COMMISSION

**August 12, 2020**

The Vice - Chairman, Steve Reardon, called the Buchanan County Planning and Zoning Commission meeting to order at 7:00 p.m. in the Thomas J. Mann III Room # 223. This room is located on the 2<sup>nd</sup> floor of the Buchanan County Courthouse, 411 Jules Street, Saint Joseph, Missouri, 64501, since Jim Whitson, Chairman, was absent.

Glen Frakes, Shirley Day, Rodney Fry, Pat McLearn, Alfred Purcell, Steve Reardon, Rosan Bowers and Wayne Dale Barnett, were the Board Members present for roll call.

Also present were Chad Gaddie, Legal Counsel, Scott Burnham, Eastern District Commissioner and Denise Embrey, Planning and Zoning Director.

The minutes were presented from the June 10, 2020 meeting. The Vice - Chairman, Steve Reardon, asked if there were any additions or adjustments. With no response, the minutes stood approved as presented and written.

### AGENDA

**ITEM # 1 – A request by KP Developments LLC to make one (1) lot line adjustment to Lot three (3) in Quail Ridge East Subdivision located in Section 32, Township 58, Range 34.**

**REPRESENTATION OF REQUEST: Dave Kruse, 2951 NE River Ridge RD, St. Joseph, MO, 64507:** “We have the Quail Ridge Subdivision on W Highway there and we are asking if we could split one (1) of the three (3) acre lots into two (2) one and one half (1.50) acre lots. Currently there are two (2) 1.5 acre lots there now, and of course we have the three (3) acre lot that we would like to split and just have four (4) 1.50 acre lots there.”

Mr. Reardon, Vice – Chairman asked if there were any questions from the Commission.

**Wayne Dale Barnett: Board Member:** “Why are you wanting to divide that when you already have two (2) and is there anybody on the other two (2)?”

**Dave Kruse:** “Yes, I want to divide it for my daughter. I want to build a home for my daughter and her fiancée on that other lot. That’s why I want to divide it.”

**Wayne Dale Barnett: Board Member:** “So, you want two of them? Are you going to put your daughter on one and the fiancée on the other?”

**Dave Kruse:** “The other one has already sold.”

**Shirley Day: Board Member:** “How did you sell it if it hadn’t been divided yet?”

**Dave Kruse:** “Since it was zoned R-1, I was under the impression that you could subdivide them off and split a lot up since it wasn’t Agricultural ground anymore. So, all I did when I sold it, I just sold one half of lot 3 and recorded it that way. And, so when we went in to get a building permit, I was informed that was not the way to do it.”

**Shirley Day: Board Member:** “Okay, because I was a little bit confused, because I know that once you establish your lots and get that approved, then that’s supposed to be the way it is. There’s not supposed to be any changes. It’s approved and it’s approved as it is. So, I didn’t know once it was approved and it was approved as a three (3) acre lot ...I guess I was just a little bit confused on how that had all transpired.”

**Dave Kruse:** “I didn’t have anything to do with the original planning. If I had been the one to lay it out in the beginning, I don’t understand why they had a three (3) acre lot there with two one and a half acre lots. It just didn’t make sense.”

Discussion was then held regarding the size of the lots.

**Dave Kruse:** “There is a three (3) acre lot there on the other side of the ditch line. I wasn’t quite considering that one in there. But, there is a three (3) acre lot there. As far as usable space, we had the soil tested already and it is good for a conventional septic system, so there isn’t any issue there.” Mr. Kruse explained the soil test was good for both lots.

**Glen Frakes: Board Member:** “I was out there last Thursday. One of those lots is being built on. Which lot is being built on now?”

Dave Kruse responded it was lot 2.

**Glen Frakes: Board Member:** “So, two and four...four is built on and two is being built on?”

**Dave Kruse:** “One is built and completed and two is being built on right now.”

**Glen Frakes: Board Member:** “Four is built?”

Dave Kruse responded that was right.

**Glen Frakes: Board Member:** “Looks like to me that lot three, the biggest part of that is timber and not a lot of land to build on.”

**Dave Kruse:** “I have cleared a lot of that timber off of it already. It is a 200’ wide lot. The typical home is 50’ wide. It’s more than adequate.”

**Glen Frakes: Board Member:** “You’ve sold half of this split off?”

Dave Kruse responded that he had.

**Steve Reardon: Vice - Chairman:** “My question is when you do a smaller lot, if you had sold it and it didn’t perk well, would you give the guy his money back for the lot?”

**Dave Kruse:** “That’s all negotiated up front that the system will test. I like them to know that up front what kind of system they are going to have to put in. You can put in a system on any size lot, but it gets pretty expensive.”

**Steve Reardon: Vice - Chairman:** “So, that is something they consider before they buy the lot?”

**Dave Kruse:** “I recommend it before I sell to anybody so they know what they are up against.”

**Shirley Day: Board Member:** “I know we had talked earlier and you said that you had an access point to all four lots?”

**Dave Kruse:** “I think you can forget about lot four there. The access point is only for lots 1 through 3.”

**Shirley Day: Board Member:** “So, how much of your frontage is taken up by your access point? Where is that moving your build site to?”

**Dave Kruse:** “They both sit a little over 100 feet off the highway there, so it didn’t impact it to any degree.”

**Denise Embrey: Director:** “From this plat, it shows 20’ for a utility easement and a 50’ setback from that point.”

**Dave Kruse:** “I did that on my own. When it was originally approved, I guess they were going to let them have driveways on each one, but it was unsafe to let them do it that way. So, we chose to do this easement and bring it in on this one location where you could clearly see all traffic when you pulled out on the highway. I have a copy of that easement here if you want me to pass it around. This easement will not change because it has been recorded.”

Mr. Kruse was asked by Board Member, Glen Frakes, if any development had been made in Quail Ridge South. He answered it had not at this time, since that was basically in his back yard and he had purchased it to protect the area since he lived on River Ridge Road.

**Steve Reardon: Vice-Chairman:** “Any other questions? Is there anyone that would like to speak in opposition?”

## OPPOSITION

**Tracy Maisel, 2951 NE State RT W, St. Joseph, MO, 64507:** “I live on lot 4. We had a lot of problems getting the house built. When the Subdivision was platted, and submitted to you guys for approval, MO-DOT hadn’t approved it, so there was a lot of drama when we were building about MO-DOT coming and shutting down our build site, because there was not a 50’ easement that was submitted to them for approval.” Ms. Maisel continued on with several issues, but none of them pertained to the lot line adjustment that was on the Agenda.

Steve Reardon, Vice-Chairman, asked if anyone else would like to make a comment. With no further comments or questions heard, roll was called to make a recommendation to the County Commissioners.

Denise Embrey, Director, asked Mr. Kruse if he would like to make a rebuttal regarding Ms. Maisels comments.

**Dave Kruse:** “There are stakes right now. Midland Surveying has staked them and I can show you where they are at there. We didn’t move anything around there. It has all been done by Midland Surveying.”

**RECOMMENDATION OF THE PLANNING & ZONING COMMISSION**

**Glen Frakes:** “No – Not in favor of splitting this lot.”

**Shirley Day:** “No.”

**Rodney Fry:** “No.”

**Pat McLearn:** “No. I have been opposed to this whole project from the beginning because of the problem of safety on the roads on both sides of the property. It seems to me Buchanan County needs to have some kind of program or system in place like they have in Lancaster County, Nebraska or Platte County Missouri, where in fact, the developer is responsible if they build a Subdivision, they are responsible for upgrading the roads for the purposes of safety in the process of doing that. Right now, anybody can do anything they want, anywhere they want in the County. That’s why I am voting no.”

**Alfred Purcell:** “No – Not the Best Use.”

**Steve Reardon:** “Yes – Appropriate.”

**Rosan Bowers:** “No.”

**Wayne Dale Barnett:** “No – Because I agree with leaving it a three acre lot.”

Denise Embrey, Director, announced this Item did not pass and there is a 30 day appeal period and this recommendation would be forwarded to the Buchanan County Commission for a final decision.

She also informed the Board there would be a meeting September 9th regarding two Conditional Use Permits for Single Family Dwellings.

With no further business or discussion, the meeting was adjourned at 7:15 p.m.

*Denise K. Embrey*

*Director of Planning & Zoning*