

**BILL NO. 18-17**

**ORDINANCE NO. 4.423**

**AN ORDINANCE APPROVING THE RE-PLAT OF LOTS 35 & 36, BLOCK 11, NORTHAVEN ELEVENTH PLAT, A SUBDIVISION IN GLADSTONE, CLAY COUNTY, MISSOURI (COMMONLY KNOWN AS 1909 AND 1913 NORTHEAST 68<sup>TH</sup> STREET), AND DIRECTING THE APPROPRIATE OFFICIALS TO AFFIX THEIR SIGNATURES TO SAID PLAT FOR RECORDING.**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:**

**SECTION 1. ACCEPTANCE.** It appearing to the Council of the City of Gladstone, Missouri, from the Plat filed and exhibited to them that all parties having any right, title, or interest in or to said property described more particularly in the attached Exhibit "A", having signed said Plat, and it is in the best interests of the City of Gladstone to approve and accept the same; it is hereby ordained by the Council of the City of Gladstone, that the Final Plat described in the attached Exhibit "A" as "Replat of Lots 35 & 36, Block 11, Northaven Eleventh Plat" is hereby accepted.

**SECTION 2. SIGNATURES.** The proper officials of the City of Gladstone, Missouri, are hereby authorized and directed to affix their signatures to said Plat in a manner suitable for recording.

**PASSED, SIGNED, AND MADE EFFECTIVE BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 23<sup>RD</sup> DAY OF APRIL, 2018.**

  
\_\_\_\_\_  
Mayor Bill Garnos

ATTEST:

  
\_\_\_\_\_  
Ruth E. Bocchino, City Clerk

1st Reading: April 23, 2018

2nd Reading: April 23, 2018

File #2018-006



## Community Development Department

### Staff Report

Date: March 16, 2018 *N. Pappas*

File #: 2018-006

Requested Action: Final Plat (Replat)

Date of PC Consideration: March 19, 2018 (**Unanimously approved by PC**)

Date of Council Consideration: April 18, 2018

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Applicant: Kirk Gerard  
3301 N Chippewa Drive  
Kansas City, MO 64116

Owner: Same

Architect/ Engineer: Sam Aylett  
Aylett Survey & Engineering Company  
201 NW 72<sup>nd</sup> Street  
Gladstone, MO 64118

Address of Property: 1909 NE 68<sup>th</sup> Street

### Planning Information

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- Current Zoning: R-1: Single-Family Residential
- Zoning History: None recent
- Planned Land Use: Remaining residential
- Surrounding Uses: Residential
- Applicable Regulations: Zoning and Subdivision Ordinance and Comprehensive Plan

### Additional Information

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- Public Utility Availability: Existing public utilities are available
- Ingress/Egress: Adequate ingress and egress exist along NE 68<sup>th</sup> Street
- Traffic Impacts: None
- Parking Required: Two off-street parking spaces
- Parking Provided: At least two off-street parking spaces
- Proposed On-Site Improvements: None
- Proposed Off-Site Improvements: None
- Proposed Landscaping: None
- Proposed Signage: None

## **Analysis**

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The applicant is requesting that the city approve a minor replat that would slightly extend the side yard setback by a marginal amount. Nothing of any material will change other than better aligning the property line with an existing driveway.

There are two notable reasons why staff supports this requested change. Ultimately, the neighboring property owner has given express permission that this change should occur. This small reduction in the side yard setback will not cause any substantial harm to either property and will not affect the character of the neighborhood.

## **Recommendation**

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City staff and the Planning Commission recommend that the City Council approve the final plat as submitted.



## **GLADSTONE PLANNING COMMISSION MINUTES**

Council Chambers March 19, 2018

### **1. Meeting called to Order- Roll Call.** Vice-Chair McGee called the meeting to order at 7:00 pm.

Commissioners present were: Chase Cookson  
Mike Ebenroth  
Alicia Hommon  
Gary Markenson  
Jennifer McGee, Vice-Chair  
Katie Middleton  
Kim Murch  
Shari Poindexter  
Bill Turnage  
Larry Whitton

Absent: James New  
Don Ward

Also present: RD Mallams, Mayor  
Jean Moore, Councilmember  
Bob Baer, Assistant City Manager  
Nick Pappas, Community Development Director  
Alan Napoli, Building Official  
Cheryl Lamb, Administrative Assistant

### **2. Pledge of Allegiance to the United States of America.**

### **3. Approval of Minutes.**

Vice-Chair McGee asked if there was a motion to approve the minutes from the February 5, 2018 meeting. Mr. Markenson moved to approve the minutes. Mr. Turnage seconded. The minutes were approved, 10-0.

### **4. Final Plat (Re-plat): 1909 NE 68<sup>th</sup> Street. File #2018-006.**

Director Pappas explained that this is a minor re-plat of 1909 NE 68<sup>th</sup> Street. It is straightforward. The applicant is requesting that the City approve the re-plat that would slightly extend the side yard setback by a very marginal amount. Nothing of any material would change other than aligning the property line with an existing driveway. There are two notable reasons why staff supports this requested change. First, the neighboring property owner has given expressed permission that the change should occur. We have a letter on file. This small reduction in side yard setback won't cause any substantial harm to any other property and will not affect the character of the neighborhood. Staff recommends without any conditions, that the Planning Commission recommend approval to the City Council.

**MOTION: By Mr. Turnage, second by Ms. Poindexter, to approve the Final Plat (Re-plat) of 1909 NE 68<sup>th</sup> Street.**

Vice-Chair McGee asked if there was any further discussion on the motion.

Ms. Middleton asked what the purpose was, in general, of this type of request; if it is for property values or resale.

Director Pappas said it was more to properly align the property lines with what is actually on the ground. Many times builders will submit a survey and it might be a couple feet off. In this case, this applicant extended a driveway that encroached on the neighbors' property without any fault of their own. Many times fence lines come into play. They assume the fence line is the property line and sometimes it isn't.

The applicant, Mr. Kirk, approached the podium and explained that he inherited this property from his brother in August. A couple of years ago the neighbor next door had a survey done on his property because of an issue he was having with the neighbor on the back side. In the process of doing the survey, they found that the extension to his brother's driveway, that his brother had poured himself a few years ago, was over the property line of the neighbor. They had a gentleman's agreement saying they weren't worried about it. This neighbor is in his 80's and Mr. Kirk is planning to move into the property and he wants to resolve this issue before they decide to sell their property as it would have to be resolved at some time. He had the property line re-surveyed and in the process found out that part of the original driveway that was poured in 1968 was actually over the property line also. The neighbor agreed to give him a few inches. They drew a straight line from the street to the back of the lot. There is a creek that it crosses and a wooded area behind. He is giving him three feet from where the encroachment begins. It's all wooded so it will never be developed. He has agreed to give that to him. He has a document that is on file that the neighbor signed agreeing to the re-plat of this piece of property. He wanted to get it legal, not only for the City, but also for the County, so there won't be an issue if he would sell.

Mr. Pappas added that this is a very common occurrence in Gladstone. At this point they are looking for a recommendation to the Council; an approval or a denial.

**MOTION: By Mr. Whitton, second by Mr. Cookson, to approve the Final Plat (Re-plat) of 1909 NE 68<sup>th</sup> Street. File #2018-006.**

<b>VOTE:</b>	<b>Mr. Cookson</b>	<b>Yes</b>
	<b>Mr. Ebenroth</b>	<b>Yes</b>
	<b>Ms. Hommon</b>	<b>Yes</b>
	<b>Mr. Markenson</b>	<b>Yes</b>
	<b>Ms. McGee</b>	<b>Yes</b>
	<b>Ms. Middleton</b>	<b>Yes</b>
	<b>Mr. Murch</b>	<b>Yes</b>
	<b>Ms. Poindexter</b>	<b>Yes</b>
	<b>Mr. Turnage</b>	<b>Yes</b>
	<b>Mr. Whitton</b>	<b>Yes</b>

**The motion carried (10-0).**

**5. Final Plat (Re-plat): 150-152-154 Pointe Drive. File #2018-007.**

Director Pappas stated that there are multiple properties. It is one of our premier land developers in the Claymont Pointe neighborhood just south of I-29. He wants to re-plat the area to existing conditions. It's a little bit of a backwards process with our developer. He builds the townhouses and then he comes back with the as-builds which are very helpful. This is similar to the rest of the neighborhood. Nothing would be against the adjacent neighborhood. We have not had any complaints. Staff recommends that the Planning Commission recommend approval.

Mr. Markenson clarified that the addresses should be 150-152-154.

Director Pappas confirmed he was correct. The agenda should be amended.