

**BILL NO. 18 -18**

**ORDINANCE NO. 4.424**

**AN ORDINANCE APPROVING THE FINAL PLAT OF CLAYMONT POINTE 19<sup>TH</sup> REPLAT, A SUBDIVISION IN GLADSTONE, CLAY COUNTY, MISSOURI (COMMONLY KNOWN AS 150, 152, AND 154 POINTE DRIVE), 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 "Final Plat of Claymont Pointe 19<sup>th</sup> Replat" 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 #2018-007



## Community Development Department

### Staff Report

Date: February 23, 2018 *N. Pappas*

File #: 2018-007

Requested Action: Final Plat (Replat)

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

Date of Council Consideration: April 23, 2018

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Applicant: Environmental Building, LLC  
2880 W 162<sup>nd</sup> Street  
Stillwell, KS 66085

Owner: Same

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

Address of Property: 150-152-154 Pointe Drive

### Planning Information

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- Current Zoning: RP-4: Planned Apartment House District
- 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 Pointe Drive
- Traffic Impacts: Minimal
- Parking Required: Two off-street parking spaces per unit
- Parking Provided: At least two off-street parking spaces per unit
- Proposed On-Site Improvements: Construction of townhouses
- Proposed Off-Site Improvements: None
- Proposed Landscaping: Compliant with HOA and City Code
- Proposed Signage: None

## **Analysis**

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The applicant is requesting that the city approve a minor replat that would enable the developer to construct upper scale townhomes in the Claymont area – similar to his past projects.

This minor replat will not adversely impact neighboring properties, will tie into the overall character of the neighborhood, and is consistent with the City's Comprehensive Plan.

## **Recommendation**

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

**FINAL PLAT**  
**A SUBDIVISION IN GLADSTONE**  
**Clay County, Missouri**

[illegible]

LEGEND	
▲	See Participants' Manuscripts before First or Cap 2074 (Unlabeled otherwise noted)
●	See First or Participants' Manuscripts before First or Cap 2074
○	First or Participants' Manuscripts (Unlabeled otherwise noted)
€	Participant Manuscript
α, β, γ, δ	Center Line
α, β, γ, δ	Not to Be Used
α, β, γ, δ	Right of Way
α, β, γ, δ	Initial's/Names/Sealing
α, β, γ, δ	Other
α, β, γ, δ	Cap Treatment
α, β, γ, δ	Unlabeled Manuscript

**GENERAL NOTES**

1. Dates of Review: Immediate Job of Claymore, Rhode.
2. This plan contains 10,000 square feet of 0.20 acre, more or less.
3. The PRM Map Unit Community parcel No. 0001C00101, dated August 2, 2015. This tract of land does not lay within a regulatory floodplain.
4. This plan meets the necessary requirements for a Urban, Class of property.



**AMENDED PLAT OF CLAYMONT POINTE 19TH REPLA'**  
JANUARY  
Walden, Clay County, Missouri



ATLETT SURVEY & ENGINEERING CO.  
LAND SURVEYING CIVIL ENGINEERING - LAGO PLANCHES

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.

**MOTION: By Mr. Markenson, second by Mr. Whitton, to approve Final Plat (Re-plat): 150-152-154 Pointe Drive. File #2018-007.**

<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).**

**6. Public Hearing: Special Use Permit for 2404 NE 72<sup>nd</sup> Street. File #2018-004.**  
Vice-Chair McGee opened the Public Hearing.

Director Pappas stated that the applicant is seeking a Special Use Permit for an alteration business, a tailor business. It will be a home-based business located at 2404 NE 72<sup>nd</sup> Street, located just west of QuikTrip on M-1 and 72<sup>nd</sup>. The location is a single family residence. It's near a commercial intersection. That alleviates any concern that a home-based business would interfere as far as traffic is concerned regarding visiting customers in the area. Three residents called to inquire about the request but they did not have any issues. They think it is a good thing. There was one person who called to inquire how the traffic would be affected backing on to 72<sup>nd</sup> Street; 72<sup>nd</sup> in that area is very busy. Having traffic back out on to 72<sup>nd</sup>, instead of having traffic back out on the property and then move forward, is very dangerous in that area. That was the one concern that we received. They actually said that having an alteration shop at that location would be good for the City. Staff had recommendations for the Commission to approve.

**Recommended Conditions**

1. This Special Use Permit is issued to Jong H. Kim to be used at the above noted address.
2. This Special Use Permit shall be non-transferable to any other person or company, or to any other location.
3. Any changes in operation of the business by Jong H. Kim or change in ownership shall render this Special Use Permit null and void.
4. No person other than Jong H. Kim shall be employed at this location or any other address in association with the alteration shop by Jong H. Kim.
5. Hours of operation shall be limited to 6:00am to 7:00pm.
6. Jong H. Kim must reside at this residence for this permit to be valid.
7. Jong H. Kim shall apply for and maintain all applicable State and City business and occupational licenses; copy of such business and occupational licenses shall be supplied to the Community Development Department of the City of Gladstone.
8. No signage of the business shall be displayed on the premises.

Provided that the applicant is agreeable to the above, and that the Commission is agreeable to this request, Staff recommends the approval of a one (1) year Special Use Permit.