

**BILL NO. 18-23**

**ORDINANCE NO. 4.429**


**AN ORDINANCE APPROVING THE RE-PLAT OF LOTS 10 AND 11, THE PRESERVES AT CARRIAGE HILL ESTATES, A SUBDIVISION IN GLADSTONE, CLAY COUNTY, MISSOURI, (COMMONLY KNOWN AS 6831 AND 6837 NORTH NORTON AVENUE), 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 10 & 11, The Preserves at Carriage Hill Estates" 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.

**INTRODUCED, READ, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 29<sup>TH</sup> DAY OF MAY, 2018.**

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

ATTEST:

  
\_\_\_\_\_  
Ruth Bocchino, City Clerk

1<sup>st</sup> Reading: May 29, 2018

2<sup>nd</sup> Reading: May 29, 2018

File #2018-006



## *Request for Council Action*

RES ☐ # City Clerk Only

BILL ☒ # City Clerk Only

ORD # City Clerk Only

Date: 5/8/2018

Department: Community Development

Meeting Date Requested: 5/29/2018

Public Hearing: Yes ☐ Date: [Click here to enter a date.](#)

Subject: Re-plat of 6831 N. Norton Avenue and 6837 N. Norton Avenue of the common side yard property line.

Background: The applicant, who owns both properties, is requesting that the City approve a minor replat that would move the Lot Line between Lot 10 (6831 N. Norton Avenue) and Lot 11 (6837 N. Norton Avenue); see attached replat of Lots 10 and 11.

The reason for the Lot Line relocation is that when the house was constructed on Lot 10 (6831 N. Norton Avenue) a couple of retaining walls were constructed on Lot 11 (6837 N. Norton Avenue). The relocation of the Lot Line will move the retaining walls within the property line of the new Lot 10A (6831 N. Norton Avenue). The side yard from the home under construction on the new Lot 11A (6837 N. Norton Avenue) will reduce to 9'-6" at it closest point which is six (6) inches greater than required by our zoning requirements.

There are no adverse impacts to either property with the replat as submitted.

Budget Discussion: Funds are budgeted in the amount of \$ 0.00 from the N/A Fund. Ongoing costs are estimated to be \$ 0.00 annually. Previous years' funding was \$0.00

Public/Board/Staff Input: The Planning Commission heard the request at their May 7, 2018 meeting. There were no questions or discussion on the re-plat; the Commission approved the re-plat 8-0.

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Alan Napoli  
Interim Community Development Director

PC

City Counselor

SW  
City Manager



## **Community Development Department**

### **Staff Report**

Date: April 25, 2018

File #: 2018-009

Requested Action: Final Plat (Replat)

Date of PC Consideration: May 7, 2018

Date of Council Consideration: May 29, 2018

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Applicant: Keith and Alanna McConnell  
MBW Construction  
6831 N. Norton Avenue  
Gladstone, Missouri 64119

Owner: Same

Architect/  
Engineer: Dave Wilson  
Land Survey  
P.O. Box 528  
Grandview, Missouri 64030

Address of Property: 6831 N. Norton Avenue and 6837 N. Norton Avenue

### **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 existing along N. Norton Avenue
- Traffic Impacts: None
- Parking Required: Two (2) off-street parking spaces
- Parking Provided: Two (2)
- Proposed On-Site Improvements: None
- Proposed Off-Site Improvements: None
- Proposed Landscaping: None
- Proposed Signage: None

## **Analysis**

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The applicant, who owns both properties, is requesting that the City approve a minor replat that would move the Lot Line between Lot 10 (6831 N. Norton Avenue) and Lot 11 (6837 N. Norton Avenue); see attached replat of Lots 10 and 11.

The reason for the Lot Line relocation is that when the house was constructed on Lot 10 (6831 N. Norton Avenue) a couple of retaining walls were constructed on Lot 11 (6837 N. Norton Avenue). The relocation of the Lot Line will move the retaining walls within the property line of the new Lot 10A (6831 N. Norton Avenue). The side yard from the home under construction on the new Lot 11A (6837 N. Norton Avenue) will reduce to 9'-6" at it closest point which is six (6) inches greater than required by our zoning requirements.

There are no adverse impacts to either property with the replat as submitted.

## **Recommendation**

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City Staff recommends that the request be **APPROVED** as requested.



**GLADSTONE PLANNING COMMISSION MINUTES**  
Council Chambers May 7, 2018

**1. Meeting called to Order- Roll Call.** Chairman Ward called the meeting to order at 7:00 pm.

Commissioners present were: Mike Ebenroth  
Alicia Hommon  
Jennifer McGee  
Katie Middleton  
Kim Murch  
Bill Turnage  
Larry Whitton  
Chairman Ward

Absent: Chase Cookson  
Gary Markenson  
James New  
Shari Poindexter

Also present: Jean Moore, Councilmember  
Scott Wingerson, City Manager  
Bob Baer, Assistant City Manager  
Alan Napoli, Interim Community Development Director  
Cheryl Lamb, Administrative Assistant

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

**3. Community Development Department Update.** City Manager Wingerson announced that Director Nick Pappas resigned on April 20<sup>th</sup> from his employment with the City of Gladstone. He shared that it was a difficult decision for Nick to make and Nick felt that he needed some time to resolve personal issues. He wished him well in those endeavors. He shared that their staff would be Alan and Cheryl, neither who are strangers or new to the Commission. Mr. Wingerson is evaluating what the options are moving forward. He said they will take some time to think through what's best for the organization and best for the Community Development Department. He wanted the Commission to hear the news from him. He offered to answer any questions that he can answer. No questions were asked.

**4. Approval of Minutes.** Chairman Ward asked if there was a motion to approve the minutes from the March 19, 2018, meeting. Mr. Turnage moved to approve the minutes. Mr. Whitton seconded. The minutes were approved. (8-0).

**5. Final Plat (Re-plat): 6831 & 6837 N. Norton. File #2018-009.** Interim Director Napoli shared that this was a simple re-plat. The builder owns both properties. He lives in one and is building a house on the other one. He built a couple of retaining walls and they inadvertently were built on the property next door to him that he owns and is building on now. He is asking to pivot the property line between the two houses by the street, from N. Norton to the back, so that both retaining walls are on his property and not encroaching on the other property. By doing that he will not reduce the side yard setback. It still meets City zoning requirements on both properties.

**MOTION:** By Mr. Ebenroth, second by Mr. Whitton, to approve the Final Plat (Re-plat) of 6831 & 6837 N. Norton.

<b>VOTE:</b>	<b>Mr. Ebenroth</b>	<b>Yes</b>
	<b>Ms. Hommon</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>Mr. Turnage</b>	<b>Yes</b>
	<b>Mr. Whitton</b>	<b>Yes</b>
	<b>Chairman Ward</b>	<b>Yes</b>

**The motion carried (8-0).**

**6. Public Hearing: Special Use Permit for 5940 N. Flora Avenue. File #2018-010.** Chairman Ward opened the Public Hearing.

Interim Director Napoli shared that Tina Peery is the owner/operator of the daycare center at 5940 N. Flora. This is a renewal of her existing Special Use Permit. In 2003, she applied for and received a five (5) year Special Use Permit. In 2008, she was granted a renewal for ten (10) years. She is asking for another ten (10) year renewal. The City has not has any issues with Ms. Peery.

The Staff has ten (10) recommended conditions which are the same conditions stipulated when Ms. Peery reapplied in 2008. The recommendations are as follows:

1. Tina Peery shall maintain a Child Care License as required by the State of Missouri Division of Family Services. If, for any reason, the State of Missouri revokes or suspends the child care license this Special Use Permit shall also be revoked or suspended.
2. This Special Use Permit is issued to Tina Peery to be used at this address only. This Special Use Permit shall be non-transferable to any other person(s), company, or any other location. Any changes in operation of the business by Tina Peery or changes in ownership of the property shall render this Special Use Permit null and void.
3. The maximum number of children in care at any one time shall be limited to fifty-eight (58).
4. Hours of operation shall be limited to 6:30am to 6:00pm, Monday through Friday.
5. Tina Peery shall apply for and maintain all applicable State and City business and occupational licenses.
6. All fire safety requirements made by the City of Gladstone's Fire Marshal in addition to all fire safety requirements for such State license shall be maintained as required.
7. This Special Use Permit is to be issued in accordance with the previously submitted site plan along with any additional conditions established by the City upon passage of this Special Use Permit. Any violations of these conditions may result in the termination of this Special Use Permit.
8. The property shall be maintained in accordance with applicable property maintenance requirements.
9. All required fencing for play areas shall be maintained in good condition.
10. Signage on site shall not exceed existing square footage and height of current sign. Any replacement of existing sign(s) shall be in compliance with City of Gladstone's sign regulations.

Interim Director Napoli said that Ms. Peery is agreeable to these conditions. She is not planning to make any changes to the site or any modifications at this time. Everything that is there is staying the same and the operation will remain the same. Based on this information and the staff recommendations provided, City Staff recommends that the request be approved contingent upon compliance with the above recommended conditions.

Mr. Murch stated that in February there was a similar application, not as long as this one, but with several more requirements. He asked why there were fewer (conditions) for this permit.