

**BILL NO. 18-43**

**ORDINANCE NO. 4.450**

**AN ORDINANCE APPROVING THE RE-PLAT OF 605 & 607 NORTHEAST 75TH TERRACE, IN GLADSTONE, CLAY COUNTY, MISSOURI, 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 Part of Lot 15, also known as 605 & 607 NE 75<sup>th</sup> TER, legally described as THOMAS HEIGHTS TR A OF W198' LT 15" 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 10<sup>TH</sup> DAY OF DECEMBER, 2018.**



Mayor Bill Garnos

ATTEST:



Ruth Bocchino, City Clerk

1<sup>st</sup> Reading: December 10, 2018

2<sup>nd</sup> Reading: December 10, 2018

File #2018-014



## *Request for Council Action*

RES ☐ # City Clerk Only

BILL ☒ # 18-43

ORD # 4.450

Date: 12/3/2018

Department: Community Development

Meeting Date Requested: 12/10/2018

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

Subject: Re-Plat for 605 NE 75th Terrace

Background: The applicant (Brian Lautenschlager), the owner of the property at 605 NE 75th Terrace, is requesting that the City of Gladstone approve a re-plat to split the property from one existing nonconforming lot into two lots in order to separate the two houses. The platting of the property and construction of these two houses pre-dates our platting and zoning regulations, which makes the property in question existing non-conforming (grandfathered-in). After reviewing the plans provided by Aylett Survey Co., City Staff recognized that each house lacks required setbacks (35 feet). Considering that each house has existed on this property for many years, it would be unreasonable for the City to request compliance with current regulations. Since the homes and property in question are existing non-conforming, City Staff believes that a zoning change is not necessary and not applicable to this given project. The purpose of the re-plat is to split the property from one lot into two lots in order to separate the two houses to be sold separately. The applicant believes that re-platting the property will increase his ability to sell the two homes individually.

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

Public/Board/Staff Input: No input from the Public. The Planning Commission voted 12-0 in favor of the project. City Staff recommends that the request be approved as requested.

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

Austin Greer, Assistant To the City Manager/Planning Administrator

*PC*  
City Attorney

*SW*  
City Manager

[illegible]

Set	Minimum	75 <sup>th</sup>	Mid	75 <sup>th</sup>	Maximum	Mean	Standard Deviation	Median	Mode	Range	Skewness	Kurtosis	Number of Outliers
1	1	1	1	1	1	1	0	1	1	0	0	0	0
2	1	1	1	1	1	1	0	1	1	0	0	0	0
3	1	1	1	1	1	1	0	1	1	0	0	0	0
4	1	1	1	1	1	1	0	1	1	0	0	0	0
5	1	1	1	1	1	1	0	1	1	0	0	0	0
6	1	1	1	1	1	1	0	1	1	0	0	0	0
7	1	1	1	1	1	1	0	1	1	0	0	0	0
8	1	1	1	1	1	1	0	1	1	0	0	0	0
9	1	1	1	1	1	1	0	1	1	0	0	0	0
10	1	1	1	1	1	1	0	1	1	0	0	0	0
11	1	1	1	1	1	1	0	1	1	0	0	0	0
12	1	1	1	1	1	1	0	1	1	0	0	0	0
13	1	1	1	1	1	1	0	1	1	0	0	0	0
14	1	1	1	1	1	1	0	1	1	0	0	0	0
15	1	1	1	1	1	1	0	1	1	0	0	0	0
16	1	1	1	1	1	1	0	1	1	0	0	0	0
17	1	1	1	1	1	1	0	1	1	0	0	0	0
18	1	1	1	1	1	1	0	1	1	0	0	0	0
19	1	1	1	1	1	1	0	1	1	0	0	0	0
20	1	1	1	1	1	1	0	1	1	0	0	0	0
21	1	1	1	1	1	1	0	1	1	0	0	0	0
22	1	1	1	1	1	1	0	1	1	0	0	0	0
23	1	1	1	1	1	1	0	1	1	0	0	0	0
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25	1	1	1	1	1	1	0	1	1	0	0	0	0
26	1	1	1	1	1	1	0	1	1	0	0	0	0
27	1	1	1	1	1	1	0	1	1	0	0	0	0
28	1	1	1	1	1	1	0	1	1	0	0	0	0
29	1	1	1	1	1	1	0	1	1	0	0	0	0
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31	1	1	1	1	1	1	0	1	1	0	0	0	0
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33	1	1	1	1	1	1	0	1	1	0	0	0	0
34	1	1	1	1	1	1	0	1	1	0	0	0	0
35	1	1	1	1	1	1	0	1	1	0	0	0	0
36	1	1	1	1	1	1	0	1	1	0	0	0	0
37	1	1	1	1	1	1	0	1	1	0	0	0	0
38	1	1	1	1									

201 NW 72ND ST. - CLADSTONE, MO 64110

Run	Time	Temp	Pressure	Flow	Yield	Analysis
1	100	100	100	100	100	100
2	100	100	100	100	100	100
3	100	100	100	100	100	100
4	100	100	100	100	100	100
5	100	100	100	100	100	100
6	100	100	100	100	100	100
7	100	100	100	100	100	100
8	100	100	100	100	100	100
9	100	100	100	100	100	100
10	100	100	100	100	100	100
11	100	100	100	100	100	100
12	100	100	100	100	100	100
13	100	100	100	100	100	100
14	100	100	100	100	100	100
15	100	100	100	100	100	100
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18	100	100	100	100	100	100
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20	100	100	100	100	100	100
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25	100	100	100	100	100	100
26	100	100	100	100	100	100
27	100	100	100	100	100	100
28	100	100	100	100	100	100
29	100	100	100	100	100	100
30	100	100	100	100	100	100
31	100	100	100	100	100	100
32	100	100	100	100	100	100
33	100	100	100	100	100	100
34	100	100	100	100	100	100
35	100	100	100	100	100	100
36	100	100	100	100	100	100
37	100	100	100	100	100	100
38	100	100	100	100	100	100
39	100	100	100	100	100	100
40	100	100	100	100	100	100
41	100	100	100	100	100	100
42	100	100	100	100	100	100
43	100	100	100	100	100	100
44	100	100	100	100	100	100
45	100	100	100	100	100	100
46	100	100	100	100	100	100
47	100	100	100	100	100	100
48	100	100	100	100	100	100
49	100	100	100	100	100	100
50	100	100	100	100	100	100
51	100	100	100	100	100	100
52	100	100	100	100	100	100
53	100	100	100	100	100	100
54	100	100	100	100	100	100
55	100	100	100	100	100	100
56	100	100	100	100	100	100
57	100	100	100	100	100	100
58	100	100	100	100	100	100
59	100	100				





## Gladstone, MO



### Legend

- KCPL Lights
- Gladstone Lights
- School Point
- Bike Parking
- Bus Stop
- Point of Interest
- Church
- Apartment Point
- Street Centerline
- Edge Of Pavement
- Driveway
- City Limits
- Parcel
- House Number
- Building Footprint
- School Polygon
- City Park
- Villages
- Apartment Polygon

### Notes

File 2018-014, 605 NE 75th Ter  
Zoning Change and Replat

This map is a user-generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

666.7 Feet

333.33

0

666.7



## **Community Development Department**

### **Staff Report**

Date:

File #: 2018-014

Requested Action: A Re-Plat to Split One Lot into Two Lots

Date of PC Consideration: November 5, 2018

Date of Council Consideration: November 26, 2018

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Applicant/Owner: BAL Properties LLC  
Brian Lautenschlager  
19211 Old Missouri City Rd  
Liberty, Missouri 64068

Surveyor: Aylett Survey Co.  
Sam Aylett  
201 NW 72<sup>nd</sup> St  
Gladstone, Missouri 64118

Address of Property: 605 NE 75<sup>th</sup> Terrace

### **Planning Information**

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- Current Zoning: R1 Single Family
- Zoning History: R1 Single Family
- Planned Land Use: Remain Residential
- Surrounding Uses: South/West/East – R1 Single Family; North – M1 Light Industrial
- Applicable Regulations: Zoning and Subdivision Ordinance and Comprehensive Plan

### **Additional Information**

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- Public Utility Availability: Existing
- Ingress/Egress: Existing – NE 75<sup>th</sup> Terrace
- Traffic Impacts: None
- Parking Required: Existing Non-Conforming
- Parking Provided: Existing No Change
- Proposed On-Site Improvements: None
- Proposed Off-Site Improvements: None
- Proposed Landscaping: None
- Proposed Signage: None



## **Analysis**

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The applicant (Brian Lautenschlager), the owner of the property at 605 NE 75th Terrace, is requesting that the City of Gladstone approve a re-plat to split the property from one existing nonconforming lot into two lots in order to separate the two houses.

The platting of the property and construction of these two houses pre-dates our platting and zoning regulations, which makes the property in question existing non-conforming (grandfathered-in). After reviewing the plans provided by Aylett Survey Co., City Staff recognized that each house lacks required setbacks (35 feet). Considering, that each house has existed on this property for many years, it would be unreasonable for the City to request compliance with current regulations. Since the homes and property in question are existing non-conforming, City Staff believes that a zoning change is not necessary and not applicable to this given project.

The purpose of the replat is to split the property from one lot into two lots in order to separate the two houses to be sold separately. The applicant believes that replatting the property will increase his ability to sell the two homes individually.

Both houses are currently being used as rentals and have separate addresses.

- 605 NE 75<sup>th</sup> Terrace
- 607 NE 75<sup>th</sup> Terrace.

Also, please note and find attached in the packet, that the owner and applicant has a petition signed by his neighbors adjacent to the subject property in favor of the re-plat.

Businesses that reside at the M1 – Light Industrial designation include but are not limited to SunSmart Technologies, Ameristar Roofing & Restoration, Missouri Star Center and NKC Crossfit.

## **Recommended Conditions**

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No recommended conditions

## **Recommendation**

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City Staff recommends that the request be APPROVED as requested.

## GLADSTONE PLANNING COMMISSION MINUTES

Council Chambers November 5, 2018

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

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

Also present: Jeanne Moore, Councilmember  
Scott Wingerson, City Manager  
Alan Napoli, Administrator ComDev/Building Official  
Austin Greer, Assistant to the City Manager/Planning Administrator  
Cheryl Lamb, Administrative Assistant

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

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

Chairman Ward asked if there was a motion to approve the minutes from the October 15, 2018 meeting. Mr. Markenson moved to approve the minutes; Ms. Hommon seconded. The minutes were approved, 12-0.

### 4. **Other Business.** None.

### 5. **Update on Zoning Change, 605 NE 75<sup>th</sup> Terrace. File #2018-014.** Mr. Greer shared that City staff had further reviewed this project and recognized that a zoning change would not be necessary and that a re-plat will suffice. Since there will not be a zoning change, a public hearing is not necessary.

### 6. **Replat, 605 NE 75<sup>th</sup> Terrace. File #2018-014.** Mr. Greer stated that the applicant, Brian Lautenschlager, the owner of the property at 605 NE 75th Terrace, is requesting that the City of Gladstone approve a re-plat to split the property from one existing nonconforming lot into two lots in order to separate the two houses.

The platting of the property and construction of these two houses pre-dates our current platting and zoning regulations, which makes the property in question existing non-conforming (grandfathered-in). After reviewing the plans provided by Aylett Survey Co., City Staff recognized that each house lacks required setbacks of 35 feet. Considering that each house has existed on this property for many years, it would be unreasonable for the City to request compliance with those current regulations.

The applicant believes that re-platting the property will increase his ability to sell the two homes individually. Both houses already have separate addresses: 605 & 607 NE 75<sup>th</sup> Terrace. Also, in your

packet, you will see that Mr. Lautenschlager has a petition signed by many of his neighbors adjacent to the subject property in favor of this re-plat.

City Staff does not have any conditions and recommends that this re-plat request be approved.

Ms. Poindexter asked how the driveway played into this.

Mr. Greer said that there are two driveways; one that extends all the way to the back property for the second house. There is one that goes to the front house. Half of that driveway is gravel and half is concrete as well, but there are two separate driveways; one for the first house and one for the second.

Ms. Poindexter clarified that the second one goes to the behind house.

Mr. Greer said that the applicant could probably answer that question better than he could, if she would like to hear from him.

Mr. Brian Lautenschlager approached the podium and stated his name. His address is 19211 Old Missouri City Rd, Liberty, MO 64068. He stated that on the west side of the property, about six houses over, is N Oak. So you're looking east of N Oak. The first house, 605, you come to and there is a small driveway that you come to that goes to it. Immediately, within two feet, there's another driveway that goes straight back. They are parallel.

Ms. Poindexter shared that it wasn't very clear in the packet.

Chairman Ward asked if there were any other questions. None.

**MOTION: By Mr. Markenson, second by Mr. Whitten, to recommend the approval of the Replat, 605 NE 75<sup>th</sup> Terrace. File #2018-014.**

<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>Mr. New</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>
	<b>Chairman Ward</b>	<b>Yes</b>

**The motion carried (12-0).**

- 7. Sign Code Update.** Mr. Napoli shared that the Sign Code Ordinance is coming over from Title 9 to Title 7. It will be in the Zoning Ordinance. He wanted to share some of the legal reasons why it is changing. He spoke to the actual administration portion of it and the permanent sign portion of it. There isn't a whole lot that is different than what it currently is. They tweaked and did some updates to it.

Basically, all permanent signs do require permits. They have certain size restrictions and requirements as to the square footage they can be, how many signs you can have on a property. It addresses monument signs, wall signs, there are a variety of signs. If you go to the definitions in section 2, it gives you a list of



that. What type of signs there are and what they are. With a sign permit, plans have to be submitted which will show the sizes and where it's going to go on the building. We review the documents and signs are typically approved administratively.

Some of the changes they will see on signage are that there are some new developments coming in. They are going to try to have some of the signage be part of that site plan so that the plans are tied to the site plan and the ordinance for that site plan as to square footage. If somebody has a sign that is a little larger than they want, maybe a monument sign a little larger due to where they are located, all that is tied to the site plan. There are no variances that have to be done with the property. It will always be tied to that site plan for whoever may come in. If they want to change the sign and do something totally different they would have to go through the site plan process. That is the biggest change that is coming down. Otherwise, people who have current signs that aren't tied to the site plan will go through the process of submitting and reviewing; that type of thing. All of our sign permits have fees; our plan reviews have fees on them. Nothing has changed there. We do inspect all the signs that go in. Some signs, depending if they are new or not, may have some electrical work that is involved, which would require an electrical permit that is an additional fee, but not much other than that.

There are some processes we go through with violations if it is an illegal sign, if there is a problem with the sign, if it's fallen into a state of disrepair. We have a list of what is considered an abandoned sign or non-conforming. Certain ones that are not in compliance, we would note that they have a year to come into compliance with the ordinance. One of the things you may have noticed over time is that the City is trying to get away from pole/pylon signs. Although they are still allowed in shopping centers, such as Prospect Plaza and old Gladstone Plaza, based on the acreage the property has. The only type of business that could have a pole/pylon sign that doesn't fall into that category would be a car dealership, but they would have to be adjacent to an interstate. We typically only have one of those in town and that is Van's Chevrolet. They do have a pole sign currently which had been approved through a variance based on the fact that they were by a highway. They are trying to be visible from that interstate. All the other car dealerships we have are next to regular streets, not an interstate.

There is a long list of definitions in there. Pictures were added there. One thing he added was when you start getting into our signage is there are several federal court laws and there has been a lot of judicial legislative findings coming out of that. The biggest one coming out of that is when you address a sign, look at it or talk about a sign, we have to look at it as content neutral. If we have to look at what it says on it, we can't do that. We have to look at it as content neutral. We have written a lot of this towards that. That will affect more the temporary signs which will be discussed at the next meeting when we cover temporary signs. That is where the content neutral stuff comes into play. When he discusses "content neutral"; if you see a sign that has lewd, pornographic lettering, verbiage, or something that would be unsafe like "stop now, turn right" that could cause a traffic accident, those can still be addressed. They still left that in there for something that was out of the norm.

In the general basics of it, they talk about landscaping, particularly with monument signs, pole signs, or pylon signs. They have to have some type of landscaping around them. New signs are looking at about 240 square feet. If there is an existing sign that has been brought into compliance, we can reduce it down to about 150 square feet. There are some existing pole signs, particularly along N Oak, you aren't going to get that amount of landscaping. If you do, you tend to lose a lot of parking stalls that can affect the parking area. There are other things that can be done, like raised planting beds, in those situations.

Lighting on the signs has certain requirements for the lighting dealing with how bright the lights can be. The total percentage that your animated signs can be too; you can only do 30%. Those are your reader boards but they are electronic messaging centers. There are a few out there that have the old school stick and letter reader boards. Some are more of a digital style. More of the new ones are using electronic messaging because you can show more pictures and things on that. All signs do have to have some natural

features like stone or brick. Wall signs don't fall into that category. All signs that are lit are LED. They all have to be LED.

One of the biggest changes we made from the existing sign ordinance, which he knows they aren't familiar with, is broken down by residential districts. If you go through it, there is a chart that talks about incidental signs, monument signs, they fall under apartments. Actually, churches and schools fall under residential zones. There are wall signs and monument signs that deal with that. It discusses what areas those are, the amount they can have, the square footage, the maximum height, and some additional requirements. All of them have to have some type of landscaping. With churches and schools there are some incidental signs, like entrances and exits. They do have some square footage but they don't have to have that landscaping around them.

We broke out commercial and manufacturing. They have some restrictions there as to area. As you get into it, we move into can signs, canopy signs, and channel letter. Canopy signs are a typical canopy with some letters. A canopy with no letters doesn't fall under signs. If you put signage on there, like Laughing Place Bakery, that actually becomes a sign.

Then we get into mixed uses and downtown where we made some modifications dealing with what is going on in the areas. One of the biggest things we are doing in the downtown area, during business hours we allow a-frame signs. They need to be taken in when the business closes each day. They can't block the sidewalk. They have to be on private property. They can't be in the city right-of-way.

Mr. Markenson asked if this is the extent of changes to the sign ordinance or is this just the first installment, or is this it.

Mr. Napoli shared that they still have the temporary sign section to discuss. This just deals with the administration portion and permanent signage.

Mr. Turnage asked what happens if you pull up to an intersection and there is a sign that restricts your vision either left or right; is there some type of ordinance to handle that.

Mr. Napoli said that if it's a permanent sign it shouldn't be there. They would typically be temporary signs and there is a 15 foot triangle. Anything that is in that 15 foot triangle from where you would normally stop, anything should be less than 3 feet. There shouldn't be anything over that. That would include shrubs and other things too.

Mr. Ebenroth asked about LED being the conversion on signs. He asked what would be happening with neon signs.

Mr. Napoli stated that he's not seeing much in neon signs. There are some out there, but there should be some LED lights for them. He hasn't come across neon signs in quite a while. Most are using LED lighting. It looks like neon but it's LED.

Mr. Markenson asked if they are to recommend passage of this or is it just educational.

Mr. Napoli said when it is all said and done, just a basic general, yes, you can pass this. Eventually it will go to City Council and become an ordinance. Just wanted you to be aware of it because it will be in the zoning ordinance and you will have more involvement than you've had in the past years. On a day-to-day basis you won't see it unless we start getting site plans. Basically, it's just a general knowledge of what's going on with it and that it's coming your way. If you are for it, or have any questions, or are against it.

Mr. Markenson shared that the business community would be very interested in this. He wanted to know if there will be any sort of public hearing or just at the City Council meeting where the public can come.

Mr. Napoli said that, based on everything we have now, it's not in the zoning ordinance, but when we start going for the official, we'll have to have something out there. He'll check with legal to verify that. Eventually it will become more official with you. Ultimately, anything that is changed would have to have a public hearing. Right now, the way it sits in Title 9 the Building and Structure ordinance, any kind of sign change doesn't require a public hearing.

8. **Communications from City Council.** Councilmember Moore reminded everybody to vote tomorrow.
9. **Communications from City Staff.** Mr. Greer announced that we will have two potential projects of the docket for the November 19th Planning Commission meeting.

The first project will be a site plan revision for Gladstone Food Products located at 607 NE 69<sup>th</sup> St. They are going to do a small expansion and slight remodel.

And the second project is a site plan revision for a gas station and convenience store for the old Tanners Restaurant location at 6221 N Chestnut. From what we are hearing at the staff level, is there will be opposition to this project from the Woodlands neighborhood.

10. **Communications from the Planning Commission.** Mr. Markenson shared that on December 8<sup>th</sup> there will be Cookies with Santa Clause at the Atkins-Johnson Museum. There will be live music. There will be crafts for children. Last year it was packed full of people. It was really a delightful event. You don't need to have kids to come. You can take your picture with Santa. It's all free so please come.

Ms. Hommon shared that she lives very close to City Hall and gets to walk to the meetings. Tonight was a really fun walk for her as all the leaves were on the ground and the lights were lit and it's mysteriously misty outside. She was struck with how fortunate we are to live in a community like Gladstone where a) we can walk around, and b) it is so absolutely beautiful. As a part of the Planning Commission, as a business owner, and as a person who lives here, she wants to say thank you for all everyone has done. She is continuously struck by how beautiful and amazing this community is.

11. **Adjournment-** Chairman Ward adjourned the meeting at 7:21 pm.

Respectfully submitted:

\_\_\_\_\_  
Don Ward, Chair

Approved as corrected \_\_\_\_\_

\_\_\_\_\_  
Cheryl Lamb, Recording Secretary

Approved as submitted \_\_\_\_\_