

BILL NO. 24-27

ORDINANCE NO. 4.680

AN ORDINANCE APPROVING A ZONING CHANGE FOR LOT 2 OF COMMISSIONERS' PLAT OF PALMER HOME IN GLADSTONE, CLAY COUNTY, MISSOURI.

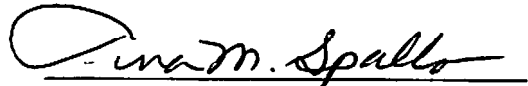
WHEREAS, pursuant to applicable City ordinances, a Petition has been submitted to the Gladstone City Council to rezone the following described property from CP-0 Planned District, Non-Retail (Office) to CP-1 Planned District, Local Business: This property is described as Lot 2 of Commissioners' Plat of Palmer Home.

WHEREAS, public hearings have been held after the publishing of the required notices;

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

THAT, the aforesaid land be rezoned from CP-0 to CP-1 as those district areas are set out in the applicable provision of Ordinance No. 3.973.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 9TH DAY OF SEPTEMBER 2024.


Tina M. Spallo, Mayor

ATTEST:


Kris Keller, City Clerk

FIRST READING: September 9, 2024

SECOND READING: September 9, 2024

File #Rezone24-00001



Request for Council Action

RES ☐# City Clerk Only

BILL ☒# 24-26

ORD ☒# 4.679

BILL ☒# 24-27

ORD ☒# 4.680

Date: 9/3/2024

Department: Community Development

Meeting Date Requested: 9/9/2024

Public Hearing: Yes ☒ Date: 9/9/2024

Subject: Re-Plat and Zoning Change located at 300 NE 58th Terrace

Background:

Mr. Roger Wilson is requesting a re-plat and re-zone of 1.49 acres located at 300 NE 58th Terrace. Mr. Wilson plans to keep Lot 1 (1 acre) and sell Lot 2 (0.49 acres) which has an existing building, parking spaces and playground. Historically, the building located on Lot 2 has been operated as a private childcare facility in an existing non-conforming way, but is the incorrect zoning for this type of use. Since the property is being replatted and sold, City Staff and the applicant believe that this is an opportune time to remedy the split-zoning situation and bring the property into compliance with a private childcare and school type of use.

Mr. Wilson has shared with City Staff that Lot 2 is currently under contract to be sold to Alecia and Deron Jones who own Brighton Learning Center, which is a private childcare facility. Mr. and Mrs. Jones own and operate two (2) other child care facilities within the City of Gladstone and are looking to expand once again at this location.

Currently, this property is a split-zoning of R-3 Garden Apartment Residential and CP-0 Planned District, Non-Retail (Office). In order to legally operate a private school or childcare facility, Lot 2 will need to be re-zoned to CP-1, Planned Local Business District.

Given the property's close proximity to the N. Oak Trafficway commercial corridor and its surrounding zoning designations and uses, it is City Staff's opinion that re-zoning this property from CP-0 to CP-1 is an adequate solution.

Public/Board/Staff Input:

Public: No comments

Board: Unanimous approval (10 Yes – 0 No)

Staff: Recommends approval

Austin Greer
Department Director/Administrator

JM
City Attorney

BB
City Manager



Community Development Department

Staff Report

Date: August 12, 2024

File #: Rezone24-00001 Plat24-00003

Requested Action: Rezoning/Replat

Date of PC Consideration: August 19, 2024

Date of Council Consideration: September 9, 2024

Applicant: Roger Wilson
Firecore Investments, LLC
7026 N. Jarboe Street
Kansas City, MO 64118
Phone: 816-935-9160
wilsonroger852@aol.com

Owner: Same as Applicant

Address of Property: 300 NE 58th Terrace

Planning Information

- Current Zoning: Split zoning of R-3 Garden Apartment Residential and CP-0 Planned District, Non-Retail (Office)
- Planned Land Use: Commercial (Comprehensive Plan)
- Surrounding Uses: C-1 Local Business District, C-2 General Business District, C-3 Commercial District, R-3 Garden Apartment Residential
- Applicable Regulations: Zoning and Subdivision Ordinance and Comprehensive Plan

Additional Information

- Public Utility Availability: Existing
- Ingress/Egress: Access on NE 58th Terrace from N. Oak Trafficway
 - At this location, NE 58th Terrace is a dead end street.
- Parking Provided: Approximately 6-8 parking stalls located at the front of the building. There are parking opportunities in the back of the building as well but new parking stalls will need to be marked.

Analysis

Mr. Roger Wilson is requesting a re-plat and re-zone of 1.49 acres located at 300 NE 58th Terrace. Mr. Wilson plans to keep Lot 1 (1 acre) and sell Lot 2 (0.49 acres) which has an existing building, parking spaces and playground. Historically, the building located on Lot 2 has been operated as a private childcare facility in an existing non-conforming way, but is the incorrect zoning for this

type of use. Since the property is being re-platted and sold, City Staff and the applicant believe that this is an opportune time to remedy the split-zoning situation and bring the property into compliance with a private childcare and school type of use.

Mr. Wilson has shared with City Staff that Lot 2 is currently under contract to be sold to Alecia and Deron Jones who own Brighton Learning Center, which is a private childcare facility. Mr. and Mrs. Jones own and operate two (2) other child care facilities within the City of Gladstone and are looking to expand once again at this location.

Currently, this property is a split-zoning of R-3 Garden Apartment Residential and CP-0 Planned District, Non-Retail (Office). In order to legally operate a private school or childcare facility, Lot 2 will need to be re-zoned to CP-1, Planned Local Business District.

Given the property's close proximity to the N. Oak Trafficway commercial corridor and its surrounding zoning designations and uses, it is City Staff's opinion that re-zoning this property from CP-0 to CP-1 is an adequate solution.

Recommendation

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

PLANNING COMMISSION
GLADSTONE, MISSOURI
Gladstone City Hall
Monday, August 19th, 2024
7:00 p.m.

Item 1 on the Agenda: Roll Call.

Present: Chase Cookson
Bill Turnage
Jennifer McGee
Cameron Nave, Vice-Chair
Robert Wilson
Steve Beamer, Chair
Brenda Lowe, Secretary
Kim Murch
Mike Ebenroth
Joseph Brancato

Absent: Katie Middleton

Council & Staff Present:

Austin Greer, Assistant City Manager | Community Development Director
Alan Napoli, Community Development Administrator & Building Official
Angie Daugherty, Admin. Assistant
Jean B. Moore, Councilmember

Item 2 on the Agenda: Pledge of Allegiance.

Chair Beamer led the group in reciting the Pledge of Allegiance to the United States of America.

Item 3 on the Agenda: Approval of the July 15th, 2024 Minutes. Chair Beamer asked if there was a motion to approve the minutes from the July 15th meeting.

Mr. Turnage moved to approve the minutes; Mr. Nave seconded. The minutes were approved, 10-0.

Item 4 on the Agenda: Consideration: On a Re-Plat for address 300 NE 58th Ter.

Applicant/Owner: Roger Wilson

City Council consideration for this project is scheduled for Monday, September 9, 2024.

Mr. Greer read from the staff report:

Mr. Roger Wilson is requesting a re-plat and re-zone of 1.49 acres located at 300 NE 58th Terrace. Mr. Wilson plans to keep Lot 1 (1 acre) and sell Lot 2 (0.49 acres) which has an existing building,

parking spaces and playground. Historically, the building located on Lot 2 has been operated as a private childcare facility in an existing non-conforming way, but is the incorrect zoning for this type of use. Since the property is being re-platted and sold, City Staff and the applicant believe that this is an opportune time to remedy the split-zoning situation and bring the property into compliance with a private childcare and school type of use.

Mr. Wilson has shared with City Staff that Lot 2 is currently under contract to be sold to Alecia and Deron Jones who own Brighton Learning Center, which is a private childcare facility. Mr. and Mrs. Jones own and operate two (2) other child care facilities within the City of Gladstone and are looking to expand once again at this location.

Currently, this property is a split-zoning of R-3 Garden Apartment Residential and CP-0 Planned District, Non-Retail (Office). In order to legally operate a private school or childcare facility, Lot 2 will need to be re-zoned to CP-1, Planned Local Business District.

Given the property's close proximity to the N. Oak Trafficway commercial corridor and its surrounding zoning designations and uses, it is City Staff's opinion that re-zoning this property from CP-0 to CP-1 is an adequate solution.

City Staff recommends that the request be approved.

MOTION: By Ms. McGee, second by Mr. Ebenroth to consider a Re-Plat located at 300 NE 58th Ter.

Vote: Mr. Wilson	Yes
Mr. Turnage	Yes
Mr. Cookson	Yes
Chair Beamer	Yes
Ms. McGee	Yes
Mr. Nave	Yes
Mr. Murch	Yes
Ms. Lowe	Yes
Mr. Ebenroth	Yes
Mr. Brancato	Yes

The motion carried. (10-0)

Item 5 on the Agenda: Consideration: Zoning change for property located at 300 NE 58th Ter

MOTION: By Ms. Lowe, second by Mr. Cookson to consider a zoning change located at 300 NE 58th Ter.

Vote: Mr. Wilson	Yes
Mr. Turnage	Yes
Mr. Cookson	Yes
Chair Beamer	Yes
Ms. McGee	Yes

Mr. Nave	Yes
Mr. Murch	Yes
Ms. Lowe	Yes
Mr. Ebenroth	Yes
Mr. Brancato	Yes

The motion carried. (10-0)

Item 6 on the Agenda: Communications from the City Council

No communication from City Council.

Item 7 on the Agenda: Communications from the City Staff

No communication from the City Staff

Item 8 on the Agenda: Communications from the Planning Commission Members

Ms. McGee stated that school starts this week so please watch out for the kids.

Item 9 on the Agenda: Adjournment

Chair Beamer adjourned the meeting at 7:07 p.m.

Respectfully submitted:

_____	Approved as submitted _____
Steve Beamer, Chair	

_____	Approved as corrected _____
Angie Daugherty, Recording Secretary	

DEVELOPMENT APPLICATION



CITY OF GLADSTONE
7010 N HOLMES STREET
GLADSTONE, MISSOURI 64118
PHONE: 436-4110 FAX: 436-2228

File #: Site 24-0003
Plat 24-0003
Date: 7-15-24

Application Type:

- | | | | |
|-------------------------------------|----------------------------|-------------------------------------|-------------------------------|
| <input type="checkbox"/> | Special Use Permit (\$500) | <input type="checkbox"/> | Right-of-Way Vacation (\$200) |
| <input checked="" type="checkbox"/> | Zoning Change (\$500) | <input checked="" type="checkbox"/> | Final Plat/Replat (\$75) |
| <input type="checkbox"/> | Site Plan Revision (\$500) | | |

Address of Action: sub d.vide property

Legal Description:
Attach under separate cover if needed.

see attached

Proposed Change: sub d.vide property
Zoning change from CPO to CP-2
300 NE 58th Terr.

Applicant/Property Owner Information:

- ☒ Applicant(s) Roger Wilson
Company Firecore Investments, LLC
Address 7026 N Jarboe St, KC Mo 64118
Phone 816-935-9160 Fax: N/A E-Mail: Wilsonroger852@aol.com
- ☐ Property Owner (if different than applicant) _____
Company _____
Address _____
Phone _____ Fax: _____ E-Mail: _____
- ☐ Architect/Engineer _____
Company _____
Address _____
Phone _____ Fax: _____ E-Mail: _____

Please indicate in one box above which person is to be the contact.

Applicant's Signature R Wilson Date 7-1-24

DEVELOPMENT APPLICATION

Office Use Only:

Publication Dates:
Planning Commission
City Council
BZA

Aug 1 2024
Ø

Public Hearing Dates:
Planning Commission
City Council
BZA

Aug 19 2024
Sept. 9 2024
Ø

Planning Commission

Date

- ☐ Approval
☐ Denial
☐ Withdrawn

City Council

Date

- ☐ Approval
☐ Denial
☐ Withdrawn

BZA

Date

- ☐ Approval
☐ Denial
☐ Withdrawn

Deposit:

\$ _____

Charges:

Office Fee	\$ 75.00
Certified Mail (_____ @ _____)	\$ _____
PC Legal Notice	\$ _____
CC Legal Notice	\$ _____
Other	\$ _____
Sub-total	\$ _____
Balance	\$ _____

Amount Overpaid \$ _____

Check Requested _____

Amount Underpaid \$ _____

Invoice Requested _____

DEVELOPMENT APPLICATION

OWNER'S AUTHORIZATION

I, Roger Wilson (Owner's name), do hereby authorize Roger Wilson (Applicant's name)
to apply for the following action on my property at 300 NE 58TH Terr.
Gladstone, MO

- a. Rezone from CP-0 to CP-1
- b. Site Plan Revision _____
- c. Special Use Permit _____
- d. Variance _____
- e. Plat/Replat X

Date: 7-1-24 Owner's Signature: [Signature]

NOTARIZATION

State of Missouri
County of Clay

Subscribed and sworn before me this 1 day of July, 2024

Notary's Signature:

[Signature: Krista Arias]

My Commission expires:

1/7/2028

(seal)



RECOMMENDED DESCRIPTION

All that part of Lot 3, of the COMMISSIONERS' PLAT OF PALMER HOME, a Subdivision of Land in Gladstone, Clay County, Missouri; Described as follows: Commencing at the Northeast Corner of the Southwest Quarter of Section 26, Township 51, Range 33 in the City of Gladstone, Clay County, Missouri; thence South 00 Degrees 47 Minutes 31 Seconds West along the East Line of said Southwest Quarter, a distance of 659.70 feet; thence North 89 Degrees 09 Minutes 21 Seconds West, a distance of 208.00 feet to the Point of Beginning of the tract of land herein to be described; thence South 00 Degrees 47 Minutes 31 Seconds West, a distance of 145.00 feet; thence North 89 Degrees 09 Minutes 21 Seconds West, a distance of 447.34 feet; thence, North 00 Degrees, 46 Minutes, 34 Seconds East, a distance of 145.00 feet to the North line of said Lot 3; thence South 89 Degrees 09 Minutes 21 Seconds East, along the said North line a distance of 447.38 feet to the Point of Beginning. Said tract contains 64,867.0019 square feet or 1.49 acres more or less and is subject to that part in Road Rights of Way if Any.

**A MINOR SUBDIVISION REPLAT OF PART OF LOT 3,
COMMISSIONERS' PLAT OF PALMER HOME IN GLADSTONE, CLAY
COUNTY, MISSOURI**

All that part of Lot 1, of the COMBINEDS' PLAT of PALMER HOLE, a subdivision of land in Choshoma, Dry County Missouri, described as follows: Commencing at the Northeast Corner of the Southeast Quarter of Section 28, Township 34, Range 33 in the Northwest Quarter of the same section; thence South 70 Degrees 15 Minutes East along the East Line of said Southeast Quarter, a distance of 629.79 feet; thence North 88 Degrees 03 Minutes 21 Seconds West, a distance of 202.00 feet to the Point of Beginning of the tract of land herein to be described; thence South 00 Degrees 47 Minutes 30 Seconds West, a distance of 122.83 feet; thence North 00 Degrees 15 Minutes 21 Seconds West, a distance of 487.36 feet; thence North 00 Degrees 03 Minutes 36 Seconds East, a distance of 145.03 feet to the North end of said Lot 1, thence South 00 Degrees 15 Minutes 21 Seconds West, a distance of 145.03 feet to the South end of said Lot 1, thence South 00 Degrees 15 Minutes 21 Seconds West, a distance of 145.03 feet to the West end of said Lot 1, thence East 00 Degrees 15 Minutes 21 Seconds West, a distance of 145.03 feet to the point of beginning. Said tract contains 0.6553 0019 square acres or 1.00 acre more or less and is subject to lien for taxes due on said tract for the year of A.D.

STREETS Drive and Right-of-Way shown on this plat are not easements dedicated to Olathe, City County for public use nor hereby so dedicated.

FIGURE 1 (Cont.) Building loads or surface loads are hereby so indicated as shown on the accompanying plan and no building

[illegible]

An easement is hereby granted for that portion shown here on for short term vehicular parking, and ingress and egress, over the East 6 1/2 feet of Lot 1 only to serve Lot 2 of this plat

IN TESTIMONY WHEREOF, Frederic Marshbanks, LLC, a Minnesota Limited Liability Company, has this solemnly certified this instrument to be executed on this 29 day of July, 2024.

I, the undersigned, Paul on the 23 day of July, 2024, before me the undersigned Notary Public in and for the County and State above mentioned, being Roger Wilson, manager of Encore Investments, LLC, a Missouri Limited Liability Company who is personally known to me and duly sworn did say that he executed this instrument as the free act and deed of said Roger Wilson and was signed by its authority. In testimony whereof

IN TESTIMONY WHEREOF (I have hereunto set my hand and affixed my natural seal at my office in Clay County, Missouri, on the day and year last aforesaid.)

My Commission Expires 1/7/2028 Krista Uria
NOTARY PUBLIC

This plot of FIRECKYNE has been submitted to and approved by the City Planning Commission this ____ day of _____, 20____, and by the City Council this ____ day of _____, 22____.

1. *Journal of Management Studies*, 1996, 33, 1, 1-14.

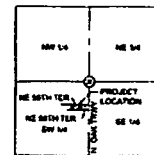
Deputy City Clerk

TITLE COMBATANT NUMBER FILE NUMBER: BIC0001087CXX-000000/
EFFECTIVE DATE: NOVEMBER 12, 2013 AT 2:43:49 PM BY DECLASSIFIED TITLE WAS
UCFRA FOR THIS SURVEY

2. BASED ON BLANDING, THE MISSOURI STATE PLANE COORDINATE SYSTEM (FWD 873, WGS 84 ZONE)
3. THIS TRACT CONTAINS 84,887.0019 SQUARE FEET OR 1.43 ACRES & MORE OR LESS.
4. NO UNDERGROUND UTILITIES WERE LOCATED FOR THIS SURVEY. MISSOURI LAW REQUIRES THE USE OF THE MISSOURI GAS CODE SYSTEM (MGA) FEE \$400-\$6,000 PER YEAR TO ANY RESEARCHING OR DOCUMENT IS THE EXCAVATOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF AND PROTECT ALL UTILITIES WHETHER SHOWN OR NOT.

SET OF REDAR CAP 820103A,019
UNLESS OTHERWISE NOTED:

FOUND MONUMENT
CENTERLINE
EIGHTY-FOUR
BOOK
PAGE



LOCATION MAP
SECTION 28-61-3
ONLY FOR SCALE



BEFORE YOU
DIG - DRILL - BLAST

Call
1-800-368-745
Outside NJ

DATE: 07/23/2024



Zachary W. Brinker
ZACHARY W. BRINKER, JR. 20000101

**FIRECORE, REPLAT OF PART OF LOT 3,
'COMMISSIONERS' PLAT OF PALMER HOMES'
GLADSTONE, CLAY COUNTY, MISSOURI
MINOR SUBDIVISION**

REC'D NO. 124.0137.13	
NUMBER, DATE 67-12-2334	
CITY NAME MOORE WILSON	
CUSTOM ADDRESS 7026 N. JARVIS	
COUNTY CLAY	CITY CLAY

SHEET NO.
01 OF 01

REV 02/2014