



Planning and Zoning Commission Meeting

October 11, 2022

7:00 p.m. – City Hall Council Chambers and Via Videoconference

Anyone who wishes to view the meeting in real time may do so as it will be streamed live on the city's YouTube page through YouTube Live or may use the Zoom link below to access the meeting.

1. **Call to Order**
2. **Approve the September 13, 2022, Planning Commission Minutes**
3. **Staff Report**
4. **Public Hearing**
 - Rezoning a portion of 18601 N. 169 Hwy from R-1B to B-3.
5. **Rezoning a portion of 18601 N. 169 from R-1B to B-3**
6. **Public Hearing**
 - Single-Phase Final Plat for a 1-lot subdivision to be named Herzog Lodge.
7. **Single Phase Final Plat – Herzog Lodge**
8. **Adjourn**

Join Zoom Meeting

<https://us02web.zoom.us/j/82363996371>

Meeting ID: 823 6399 6371

Passcode: 030400



SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

September 13, 2022

7:00 P.M.

City Hall Council Chambers and Via Videoconference

1. CALL TO ORDER

Chairman Melissa Wilson called the meeting to order at 7:00 p.m.

A quorum of the Commission was present: Melissa Wilson, Alderman John Chevalier, Billy Muessig, Rob Scarborough and Deb Dotson. Mayor Damien Boley & Dennis Kathcart were present via zoom.

Staff present: Jack Hendrix and Brandi Schuenger.

2. MINUTES

The August 9, 2022, Regular Session Meeting Minutes were moved for approval by SCARBOROUGH, Seconded by MAYOR BOLEY.

Ayes 6, Noes 0, Abstain 1 (Alderman Chevalier). Motion carried.

3. STAFF REPORT

HENDRIX reported:

Informed that we are still at 54 single family residential building permits since January 1, 2022.

An update was provided on the following commercial construction:

The Shamrock gas station (now Phillips 66) will be opening for business soon. They received their liquor license last week. They will now start stocking the store and cleaning up around the property.

We should have a site plan approval request coming to us soon for the old Price Chopper building for some exterior improvements. Interior work for Napa Auto Parts has already begun.

Attic Storage is just about ready to put the second story on their building.

We anticipate construction starting soon for McBee's Coffee N Carwash and Richardson Street Plaza. These project are both fully approved.

DOTSON stated that she has noticed that construction on the townhomes between E Main Street and E Meadow St seems to have stalled. Why?

HENDRIX stated that construction there has stalled, and the developer is working to resolve the issue that has stopped them. If it continues much longer we will make contact with them on Code Enforcement type issues.

4. PUBLIC HEARING:

- **REZONING 413 WINNER RD FROM R-1B TO R-3**

Public Hearing Opened

HENDRIX stated that there are 2 buildings on one lot. One is a three plex and the other is a two plex. These are multi-family units built on a single family zoned lot. This occurred in the 1990's. Tonight's proposal is to change the zoning to match the use which is R-3.

Public Hearing closed

5. REZONING 413 WINNER RD FROM R-1B TO R-3

KATHCART motioned to approve the Rezoning at 413 Winner Rd from R-1B to R-3. Seconded by MUESSIG.

DISCUSSION: NONE

THE VOTE: MAYOR BOLEY-AYE, KATHCART-AYE, DOTSON-AYE, SCARBOROUGH-AYE, MUESSIG-AYE, WILSON-AYE, ALDERMAN CHEVALIER-AYE.

AYES-7, NOES-0. MOTION PASSED

6. PUBLIC HEARING:

- **REZONING 1103 S COMMERCIAL FROM B-2 TO B-3**

Public Hearing Opened

HENDRIX stated that this property was formerly the old Catholic Church but is now the Our Savior Lutheran School. They have a long piece of property with a lot of frontage on 92 Hwy. They have an entity that is looking to purchase some land off of the back side of it for a very specific use related to the Smithville School District. They are looking to build a bus barn so the school district can have it on their property. Since it not education related it is required to be zoned and the only zoning that would allow that use is B-3.

Public Hearing closed

7. REZONING 1103 S COMMERCIAL FROM B-2 TO B-3

MAYOR BOLEY motioned to approve the Rezoning at 1103 S Commercial from B-2 to B-3. Seconded by KATHCART.

DISCUSSION:

ALDERMAN CHEVALIER stated that when he first came on board as an alderman he remembers that Stonebridge had reached out several times about the school district and water drainage problems. Has anything happened with that recently?

MAYOR BOLEY stated that he has met with them several times and as Mr. Hendrix mentioned since this use is not an educational use it will require a storm water study. Stonebridge still has not submitted anything to us from their engineers. We met with them 4 or 5 times and were supposed to submit something to the city.

HENDRIX confirmed that the mayor is correct, and this will require a storm water study for the drainage basins just like anything else.

MUESSIG asked how they would be bringing the buses in and out? Isn't there limited access there?

HENDRIX stated that they will access this off of the South entrance off of 92 Hwy. MODOT won't let them access it any other way. We will address this when they bring the site plan to us for review which will include what the building will look like, traffic study, and storm water.

THE VOTE: ALDERMAN CHEVALIER-AYE, WILSON-AYE, MUESSIG-AYE, SCARBOROUGH-AYE, MAYOR BOLEY-AYE, KATHCART-AYE, DOTSON-AYE.

AYES-7, NOES-0. MOTION PASSED

8. SITE PLAN REVIEW

- **1300 S 169 HWY – HERITAGE TRACTOR ADDITION**

ALDERMAN CHEVALIER motioned to approve the Site plan review at 1300 S 169 Hwy for the Heritage Tractor Addition. Seconded by DOTSON.

DISCUSSION:

HENDRIX stated that one on the engineers is present via Zoom if anyone has any questions. The building itself meets all of our general standards. The only other item is that staff recommendation is that a limited amount of low-stature bushes be placed in 5 areas in the green space along the 169 side of the property. This is similar to what you see at QuikTrip.

SCARBOROUGH asked if the purpose of this is just for beautification of 169 Hwy?

HENDRIX stated yes.

THE VOTE: MUESSIG-AYE, WILSON-AYE, ALDERMAN CHAVALIER-AYE, MAYOR BOLEY-AYE, KATHCART-AYE, DOTSON-AYE, SCARBOROUGH-AYE.

AYES-7, NOES-0. MOTION PASSED

9. PUBLIC HEARING

- **ZONING CODE AMENDMENT – OUTDOOR STORAGE REGULATIONS**

Public Hearing Opened

HENDRIX stated that he went through the conversation points at last month's meeting and made the changes requested. A draft of the proposed amendment has been provided to each commission member and he believes he has addressed all of the commissions issues as it relates to storage and how it can happen outdoors and what type of screening is required.

Public Hearing closed

10. ZONING CODE AMENDMENT – OUTDOOR STORAGE REGULATIONS

KATHCART motioned to approve the Zoning Code Amendment for Outdoor Storage Regulations. Seconded by SCARBOROUGH.

HENDRIX stated when we deal with a textual change versus a district change the zoning code requires slightly different findings. In this case, at the back of the staff report and is also included as an exhibit on the

proposed ordinance are the draft statements that would meet the standard of the code. The findings are as follows:

1. These changes are consistent with the intent and purpose of these regulations.
2. The areas of the city which are most likely to be directly affected by these changes are those zoned commercially, and these properties will be affected by the new provisions for outdoor storage behind storage screening where it is currently completely prohibited.
3. This amendment is made necessary as a result of significant investment in commercial construction and the commercial development of the city, as well as the evolving nature of the districts.

If you have any discussion points to changes you would like to make to these finding or the ordinance we can discuss them.

WILSON stated that on the first page of the ordinance under 400.155.B.7 reads: *No outdoor storage except the display of merchandise for sale to the public while the bus, but only when the business is open and only during daylight hours.* There are some extra words in there and needs to be reworded.

HENDRIX agreed and stated that "while the bus" will be deleted and this will now read: *No outdoor storage except the display of merchandise for sale to the public, but only when the business is open and only during daylight hours.*

ALDERMAN CHEVALIER stated that the next paragraph (400.160.B.7 and 400.165.B.8) also sounds funny. It reads: *No outdoor storage except the display of merchandise for sale to the public, or except outdoor storage completely enclosed in proper storage screening.* He suggested delete "or".

HENDRIX stated that "or" will be deleted and this will now read: *No outdoor storage except the display of merchandise for sale to the public, except outdoor storage completely enclosed in proper storage screening.*

DOTSON stated that the next paragraph (400.170.B.8) also has "or" in it. It reads: *No outdoor storage except the display of merchandise for sale to the public during business hours, or except outdoor storage completely enclosed in proper storage screening.* She requested that "or" be deleted from this as well.

WILSON and ALDERMAN CHEVALIER also agreed with that.

HENDRIX stated that "or" will be deleted and this will now read: *No outdoor storage except the display of merchandise for sale to the public during business hours, except outdoor storage completely enclosed in proper storage screening.*

THE VOTE: SCARBOROUGH-AYE, MUESSIG-AYE, WILSON-AYE, ALDERMAN CHAVALIER-AYE, DOTSON-AYE, KATHCART-AYE, MAYOR BOLEY-ABSTAINED.

AYES-6, NOES-0, ABSTAIN-1. MOTION PASSED

11. ADJOURN

DOTSON made a motion to adjourn. MUESSIG seconded the motion.

VOICE VOTE: UNANIMOUS

CHAIRMAN WILSON declared the session adjourned at 7:29 p.m.



STAFF REPORT
October 6, 2022
Rezoning portion of Parcel Id # 05-301-00-01-005.00

Application for Rezoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: NE corner of 18601 N 169 Hwy
Owner: Diocese of Kansas City-St. Joseph
Current Zoning: R-1B
Proposed Zoning: Part of R1B to B-3

Public Notice Dates:

1st Publication in Newspaper: September 22, 2022
Letters to Property Owners w/in 185': September 26, 2022

GENERAL DESCRIPTION:

The applicant has a contract to purchase an 8-acre parcel from the current Catholic Church site for the purpose of constructing a hotel type facility described as the Herzog Lodge. The property is along N. Main Street and lies south of the Stanley M. Herzog Charitable Foundation offices and the cabins. Currently, the Foundation lot is zoned B-2, but the proposed use of a lodge can only be constructed on B-3. This will require rezoning this new lot to B-3.

EXISTING ZONING:

The existing zoning is R-1B with a church constructed on the lot.

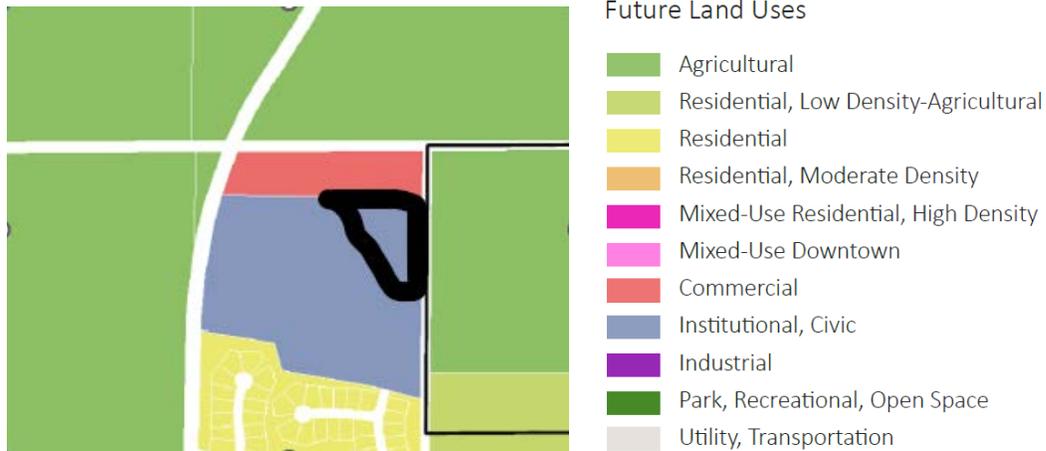
CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is a mix of R-1 single family housing to the south of the Catholic Church, as well as many acres of undeveloped land to the south and east. The lot north is B-2 and houses the Foundation offices and the four cabin buildings.

CONSISTENCY WITH COMPREHENSIVE PLAN AND ORDINANCES 400.560.C.2

The new Comprehensive Plan was approved by the Planning Commission on November 10, 2020 and adopted as the Board policy on November 17, 2020. This Comprehensive plan was adopted following the change in zoning of the current Herzog Foundation to B-2. This new plan is like previous versions of the Comprehensive Plan in that it describes the process of using the plan in rezoning decisions. "When property owners and developers request zoning changes, th[e] Future Land Use Map is one of the key considerations for the zoning recommendation with the Planning and Zoning Commission's and the Board of Aldermen's decisions and other principles in this Comprehensive Plan." *Comprehensive Plan 2030*, pg. 43.

The new Comprehensive Plan includes a new Future Land Use Map shown below, with a color-coded key to the side.



The property subject to this rezoning request is roughly the area located with the black outlined mark and contained in land described as Institutional, Civic. "Civic and Institutional uses include, but are not limited to, educational facilities and campuses, libraries, places of worship, and other community-oriented areas." *Comprehensive Plan 2030*, pg. 46-47. Please note that the B-2 property to the north originally included a B-3 parcel that was down-zoned to B-2 and increased from 2.25 to 8 acres. This proposal would increase the size of the area by its' proposed 8 acres and increase the zoning level to B-3. While the requested district is B-3 which encompasses nearly all business and retail type uses, the applicant has indicated that it is working on plans for final submission for Site Plan approval for a 72 room lodge/hotel building. These facts are what must be

used to determine if the suggested change meets the definition of Civic or Institutional Uses as described in the Comprehensive Plan or that meets the overall intent of the plan is a decision that the Planning Commission must evaluate and decide prior to its' recommendation to the Board of Aldermen.

ADEQUACY OF PUBLIC UTILITIES OR OTHER PUBLIC SERVICES *400.560.C.3*

Streets and Sidewalks:

The adjacent street (N. Main St.) is an open ditch chip seal street that is otherwise unimproved. There will be a sidewalk along the west side of N. Main St. on the Herzog Foundation Lot that this lot can access. If approved, the site plan review process, which now incorporates all aspects of the subdivision code requirements should be used for guaranteeing upgrades to those streets and sidewalks.

Water, Sewer and Storm water

The city has adequate water supply on the east of the parcel and sewer bisects the property already. A storm study will be required as a part of the site plan process prior to any construction.

All other utilities

Future Development will be conditioned upon installation of all other needed utilities at the cost of the development.

SUITABILITY OF THE USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED UNDER ITS EXISTING ZONING *400.560.C.4*

The current use is as a church facility to the west, but the subject property is undeveloped land.

TIME THE PROPERTY HAS REMAINED VACANT AS ZONED *400.560.C.5*

The property was zoned to the existing district classification of R-1B in 2004 for the Rock Creek Subdivision. In 2009, after the housing bubble burst no construction occurred in the brand-new residential development, the future development area of the subdivision was acquired by the Catholic Church and the church was constructed.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY LAND *400.560.C.6*

The adjacent land (except the church and applicants' other facilities to the north) is either residential, or vacant, undeveloped land, with a future land use designation of either agricultural or residential. The intended district will expand the impact of the uses from the original impacted area of 188th St. and 169 Hwy significantly.

EXTENT WHICH THE AMENDMENT MAY DETRIMENTALLY AFFECT NEARBY PROPERTY *400.560C.7*

To the extent that the adjacent land is undeveloped but intended to be either residential or agricultural in use, any detrimental effects are not known, but it could impact the future development of that land due to the proximity of the use. Again, the compliance with the Comprehensive plan and its' Future Land Use Map is the up to the Commission for its' recommendation to the Board

WHETHER THE PROPOSAL HAS A DISPROPORTIONATE GREAT LOSS TO ADJOINING PROPERTY OWNERS' RELATIVE TO THE PUBLIC GAIN *400.560.C.8*

Without a specific determination as to Comp plan compliance, any detrimental effects would be prospective and any loss would be to a future development plan, so, no great loss is expected.

STAFF RECOMMENDATION:

Staff recommends that the Commission base its' decision using the decision-making infrastructure included in both the zoning ordinance and the Comprehensive Plan. The question is whether increasing the intensity of use of land that is further away from the high traffic of 169 and 188th St. meets the new Comprehensive Plan 2030 recommendations on density. Staff's findings and recommendations are based upon the current code requirements contained in the Site Plan Review provisions of the code that identifies street improvements and storm water protections be constructed in accordance with the Subdivision Code requirements.

Respectfully Submitted,

Zoning Administrator

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: Focal Design Studio, Agent for Diocese of KC-St. Joseph and Herzog Foundation

Land Use Proposed: B-3

Zoning: R-1B

Property Location: 18601 N. 169 Hwy

Pursuant to the provisions of Section 400.560(C) of the Smithville Code, the Planning Commission does hereby make the following findings of fact based upon the testimony and evidence presented in a public hearing of the Planning and Zoning Commission of the City of Smithville, held on May 5, 2020, and presents these findings to the Board of Aldermen, with its' recommendations on the application.

Finding of Facts

1. *Character of the neighborhood.*

The surrounding area is a mix of R-1 single family housing to the south of the Catholic Church, as well as many acres of undeveloped land to the south and east. The lot north is B-2 and houses the Foundation offices and the four cabin buildings.

2. *Consistency with the City's Comprehensive Plan and ordinances.*

A. The existing Comprehensive Plan was approved on November 10, 2020 and calls for this area to remain Civic or Institutional. Civic and Institutional uses include, but are not limited to, educational facilities and campuses, libraries, places of worship, and other community-oriented areas. A proposed lodge building with 72 rooms for the support of the Herzog Foundation to the north meets this definition in that it can be considered part of the larger campus.

or

B. The new Comprehensive Plan was approved on November 10, 2020 and calls for this area to remain as Civic or Institutional uses. The proposed district of B-3 does not comply with the Comprehensive Plan.

3. *Adequacy of public utilities and other needed public services.*

The application is to allow an 8-acre portion of the land to be used for constructing a lodge facility. All utilities and services are available currently, but must be extended to this facility at the applicant's sole cost and expense.

4. *Suitability of the uses to which the property has been restricted under its existing zoning.*

The current use is as a church facility to the west, but the subject portion of the land is undeveloped.

5. *Length of time the property has remained vacant as zoned.*

The property was zoned to the existing district classification of R-1B in 2004 for the Rock Creek Subdivision. In 2009, after the housing bubble burst no construction occurred in the brand-new residential development, the future development area of the subdivision was acquired by the Catholic Church and the church was constructed.

6. *Compatibility of the proposed district classification with nearby properties.*

The adjacent land (except the church and applicants' other facilities to the north) is either residential, or vacant, undeveloped land, with a future land use designation of either agricultural or residential. The intended district will expand the impact of the uses from the original impacted area of 188th St. and 169 Hwy significantly.

7. *The extent to which the zoning amendment may detrimentally affect nearby property.*

A. No detriment is anticipated to the adjacent nearby undeveloped land.

Or

B. The ability of the adjacent land to develop in accordance with the Future Land Use Map of the Comprehensive Plan will be detrimentally impacted by the expansion of more intense business district further from the 169 Hwy/188th St. intersection that generated the initial ability of business zoning at that corner.

8. *Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.*

A. No loss to landowners is expected.

Or

B. The undeveloped, adjacent property will lose value as its' future development opportunities will be limited given the Future Land Use Map requirements and its proximity to the heaviest use business district.

9. That in rendering this Finding of Fact, testimony at the public hearing on October 11, 2022, has been taken into consideration as well as the documents provided.

Recommendation of the Planning Commission

Based on the foregoing findings of fact, we conclude that:

- A. This application and the Rezoning of this property from R-1B to B-3 is governed by Section 400.620 of the zoning ordinance of Smithville, Missouri.
- B. The proposed zoning is (is not) compatible with the factors set out in Section 400.560(C) of the zoning ordinance.
- C. The Planning and Zoning Commission of the City of Smithville, Missouri does (does not) recommend approval of rezoning the property to B-3 subject to compliance with the Site Plan Ordinance when development occurs.

BILL NO. 2858-20

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF SMITHVILLE, MISSOURI AND ENTERING INTO A DEVELOPMENT AGREEMENT.

WHEREAS, The City of Smithville received an application for rezoning a portion of 18601 169 Hwy on August 17, 2022; and

WHEREAS, the public was notified by publishing in the CT paper on September 22, 2022 and notices were mailed to adjoining property owners more than 15 days prior to the October 11 hearing.

WHEREAS, a Public Hearing was conducted before the Planning Commission on October 11, 2022; and

WHEREAS, the rezoning is to create a single commercial lot for development of a 72 room lodge/hotel to support the adjacent Herzog Foundation; and

WHEREAS, the Planning Commission presented its' findings to the Board of Aldermen and recommended (**did not recommend**) approval of the rezoning request; and,

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI, THAT:

Section 1. Having received a recommendation from the Planning Commission, and proper notice having been given and public hearing held as provided by law, and under the authority of and subject to the provisions of the zoning ordinances of the City of Smithville, Missouri, by a majority council vote, the zoning classification(s) or district(s) of the lands legally described hereby are changed as follows:

The property legally described as:

All that part of the West half of the Southwest Quarter of Section 2, Township 53 North, Range 33 West of the Fifth Principal Meridian, located in the City of Smithville, Clay County, Missouri, being more particularly described as follows: Commencing at the West Quarter corner of said Section 2; thence North 89 degrees 41 minutes 40 seconds East along the North line of the Southwest Quarter of said Section 2, a distance of 1296.87 feet to the Northeast corner of the Northwest Quarter of the Southwest Quarter of said Section 2; thence South 00 degrees 17 minutes 14 seconds West along the East line of said Northwest Quarter, a distance of 343.83 feet to the Easterly prolongation of the South line of Lot 1, Final Plat Herzog Foundation, a subdivision of land located in Smithville, Clay County, Missouri recorded at Instrument Number 2020016029 in Book I at

Page 98.4 and the Point of Beginning of the tract of land herein to be described, said point also being on the Westerly right-of-way of North Main Street, as now established; thence South 89 degrees 42 minutes 14 seconds West along said South line and it's Easterly prolongation, a distance of s Easterly prolongation, a distance of 620.26 feet; thence South 00 degrees 17 minutes 46 seconds East, a distance of 7.00 feet; thence along a curve to the right, having a chord bearing of South 71 degrees 07 minutes 08 seconds East, a chord length of 44.02 feet and a radius of 67.00 feet, a distance of 44.85 feet; thence South 51 degrees 56 minutes 26 seconds East, a distance of 96.63 feet; thence along a curve to the right, having a chord bearing of South 31 degrees 26 minutes 30 seconds East, a chord length of 46.93 feet and a radius of 67.00 feet, a distance of 47.94 feet; thence South 10 degrees 56 minutes 32 seconds East, a distance of 704.56 feet; thence South 89 degrees 42 minutes 22 seconds East, a distance of 340.17 feet to the Westerly right-of-way North Main Street, as now established; thence North 00 degrees 17 minutes 14 seconds East along said Westerly right-of-way line, a distance of 817.56 feet to the point of beginning.

is hereby changed from R-1B to B-3.

Section 2. Upon the taking effect of this ordinance, the above zoning changes shall be entered and shown upon the "Official Zoning Map" previously adopted and said Official Zoning Map is hereby reincorporated as a part of the zoning ordinance as amended.

Section 3. This ordinance shall take effect and be in full force from and after the approval.

PASSED THIS _____ DAY OF _____, 20_____

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: / /

Second Reading / /



STAFF REPORT
May 5, 2020
Platting of Parcel Id # 05-301-00-01-005.00

Application for a Plat Approval – Herzog Lodge - 1 lot

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: NE corner of 18601 N 169 Hwy
Owner: Diocese of Kansas City-St. Joseph
Current Zoning: R-1B
Proposed Zoning: Part of R1B to B-3

Public Notice Dates:

1st Publication in Newspaper: September 22, 2022
Letters to Property Owners w/in 185': September 26, 2022

GENERAL DESCRIPTION:

The property is currently a 26.11-acre parcel owned by the Diocese of Kansas City-St. Joseph and is the location of the Good Shepherd Catholic Church. The application is to divide the northeast 8 acres from the 26.11-acre tract and create a subdivision of 1 lot, to be titled the Herzog Lodge subdivision. The subdivision will be for a new lot to be zoned B-3 in order to construct a large, 72-room lodge/hotel building to support the foundation offices to the north.

GUIDELINES FOR REVIEW – SINGLE PHASE SUBDIVISION FINAL PLATS *See 425.285.A.4*

The Planning Commission shall consider the following criteria in making a recommendation on the plat:

- a. The plat conforms to these regulations and the applicable provisions of the Zoning Ordinance and other land use regulations. ***Yes, the layout complies with zoning and subdivision requirements.***
- b. The plat represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan. ***The Development pattern is similar (but more intense) to the existing zoning on the property to the north, however the Comprehensive Plan pattern is for the property to remain Civic/Institutional.***
- c. The development shall be laid out in such a way as to result in:
- (1) Good natural surface drainage to a storm sewer or a natural watercourse. ***The property is bisected by a natural drainage area. To the extent that the proposed subdivision is for a single, commercial lot, the storm drainage is subject to a storm study and protective measures in accordance with and during the Site Plan Review process.***
 - (2) A minimum amount of grading on both cut or fill and preservation of good trees and other desirable natural growth. ***Again, a single commercial lot is subject to the Site Plan Review process which contains the same protections as this subdivision provision, so the ultimate design must meet this standard.***
 - (3) A good grade relationship with the abutting streets, preferably somewhat above the street. ***In most of the lot, the grade meets this standard. The exception is the natural drainage course across the property.***
 - (4) Adequate lot width for the type or size of dwellings contemplated, including adequate side yards for light, air, access and privacy. ***Yes.***
 - (5) Adequate lot depth for outdoor living space. ***Yes.***
 - (6) Generally regular lot shapes, avoiding acute angles. ***Yes.***
 - (7) Adequate building lots that avoid excessive grading, footings or foundation walls. ***Yes.***
- d. The plat contains lot and land subdivision layout that is consistent with good land planning and site engineering design principles. ***Yes.***
- e. The location, spacing and design of proposed streets, curb cuts and intersections are consistent with good traffic engineering design principles. ***There are no new roadways, but the Site Plan Review process will require a traffic study concerning access, and there are adjacent street improvements by the applicant included in assumptions made for this staff report.***
- f. The plat is served or will be served at the time of development with all necessary public utilities and facilities, including, but not limited to, water, sewer, gas, electric and telephone service, schools, parks, recreation and open space and libraries. ***Yes, the development lot includes gravity sewers already***

in place, and water, power and all other utilities are on the existing parcel.

g. The plat shall comply with the stormwater regulations of the City and all applicable storm drainage and floodplain regulations to ensure the public health and safety of future residents of the subdivision and upstream and downstream properties and residents. The Commission shall expressly find that the amount of off-site stormwater runoff after development will be no greater than the amount of off-site stormwater runoff before development. ***The proposed development will meet this standard at the time of Site Plan Review, and the minimum standards of this provision are met during that process.***

h. Each lot in the plat of a residential development has adequate and safe access to/from a local street. ***N/A.***

i. The plat is located in an area of the City that is appropriate for current development activity; it will not contribute to sprawl nor to the need for inefficient extensions and expansions of public facilities, utilities and services. ***Yes.***

j. If located in an area proposed for annexation to the City, the area has been annexed prior to, or will be annexed simultaneously with plat approval. ***n/a***

k. The applicant agrees to dedicate land, right-of-way and easements, as may be determined to be needed, to effectuate the purposes of these regulations and the standards and requirements incorporated herein. ***Yes, the plat includes the required dedications.***

l. All applicable submission requirements have been satisfied in a timely manner. ***Yes.***

m. The applicant agrees to provide additional improvements, which may include any necessary upgrades to adjacent or nearby existing roads and other facilities to current standards and shall include dedication of adequate rights-of-way to meet the needs of the City's transportation plans. ***Staff's recommendation is based upon the new requirements of the Site Plan Review process that specifically requires upgrades to all facilities subjected to the process.***

STAFF RECOMMENDATION:

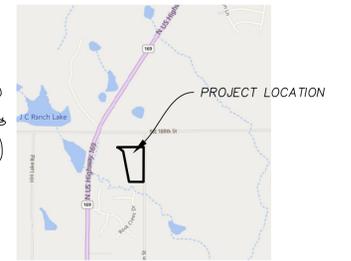
Staff recommends APPROVAL of the proposed Final Plat based upon adherence the understanding that the Site Plan Review process will require all subdivision improvements.

Respectfully Submitted,

Director of Development

Final Plat of HERZOG LODGE

A subdivision in the West half of the Southwest Quarter of Section 2, Township 53 North, Range 33 West of the Fifth Principal Meridian, located in the City of Smithville, Clay County, Missouri.



VICINITY MAP
Smithville, Clay County, Missouri
(not to scale)

PARCEL DESCRIPTION:

All that part of the West half of the Southwest Quarter of Section 2, Township 53 North, Range 33 West of the Fifth Principal Meridian, located in the City of Smithville, Clay County, Missouri, being more particularly described as follows:

Commencing at the West Quarter corner of said Section 2; thence North 89 degrees 41 minutes 40 seconds East along the North line of the Southwest Quarter of said Section 2, a distance of 1296.87 feet to the Northeast corner of the Northwest Quarter of the Southwest Quarter of said Section 2; thence South 00 degrees 17 minutes 14 seconds West along the East line of said Northwest Quarter, a distance of 343.83 feet to the Easterly prolongation of the South line of Lot 1, Final Plat Herzog Foundation, a subdivision of land located in Smithville, Clay County, Missouri recorded at Instrument Number 2020016029 in Book I at Page 98.4 and the Point of Beginning of the tract of land herein to be described, said point also being on the Westerly right-of-way of North Main Street, as now established; thence South 89 degrees 42 minutes 14 seconds West along said South line and its Easterly prolongation, a distance of 620.26 feet; thence South 00 degrees 17 minutes 46 seconds East, a distance of 7.00 feet; thence along a curve to the right, having a chord bearing of South 71 degrees 07 minutes 08 seconds East, a chord length of 44.02 feet and a radius of 67.00 feet, a distance of 44.85 feet; thence South 51 degrees 56 minutes 26 seconds East, a distance of 96.63 feet; thence along a curve to the right, having a chord bearing of South 31 degrees 26 minutes 30 seconds East, a chord length of 46.93 feet and a radius of 67.00 feet, a distance of 47.94 feet; thence South 10 degrees 56 minutes 32 seconds East, a distance of 704.56 feet; thence South 89 degrees 42 minutes 22 seconds East, a distance of 340.17 feet to the Westerly right-of-way North Main Street, as now established; thence North 00 degrees 17 minutes 14 seconds East along said Westerly right-of-way line, a distance of 817.56 feet to the point of beginning. The above described tract of land contains 348,486.39 square feet or 8.00 acres of land more or less.

EASEMENTS:

An easement is hereby granted to Smithville, Missouri, to locate, construct and maintain or to authorize the location, construction and maintenance of poles, wires, anchors, conduits and/or structures for water, gas, sanitary sewer, storm sewer, surface drainage channel, electricity, telephone, cable television, or any other necessary public utility or service, any or all of them upon, over, or under those areas outlined or designated upon this plat as "Utility Easement" (U/E) or within any street or thoroughfare dedicated to public use or private alley on this plat.

RIGHT OF ENTRANCE:

The right of entrance and egress in travel along any street or drive within the boundaries of the property is hereby granted to Smithville, Missouri, for the purpose of fire and police protection, maintenance of water mains, sanitary and storm lines, collection of garbage and refuse and to the United States Postal Service for the delivery of mail; provided, however, contribute for any damage to private street or drive by virtue of the exercise of the right stated herein and specifically, neither Smithville, Missouri nor the United States Postal Service shall incur any liability by virtue of the exercise of such rights.

BUILDING LINES:

Building lines or setback lines are hereby established, as shown on the accompanying plat, and no building or portion thereof shall be located or built between this line and the lot line nearest thereto.

FLOODPLAIN:

The subject parcel of land lies within a flood zone designated, Zone X per FEMA Map Community Panel Number 29047C0012E, Map Revised August 3, 2015. Zone X: Areas determined to be outside the 0.2% annual chance floodplain.

DEDICATION:

Catholic Diocese of Kansas City-St. Joseph, a Missouri nonprofit corporation, declare that they are the sole owners of the above described tract of land and have caused the same to be divided into streets and lots of the sizes, dimensions and locations as shown on this plat, which said plat was drawn by authority of and under their direction. Said plat shall hereinafter be known as:

"HERZOG LODGE"

IN TESTIMONY WHEREOF, the undersigned have caused these presents to be signed as follows:

David A. Malannowski, Treasurer

STATE OF _____)
) SS.
COUNTY OF _____)

Be it remembered that on this _____ day of _____, 2022, before me, a notary public in and for said County and State, came _____, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my seal the day and year written.

Notary Public My Commission Expires: _____

PLANNING COMMISSION:

The final plat of "Herzog Lodge" was submitted to and approved by the Smithville Planning Commission on the _____ day of _____, 2022.

Chairman Secretary

BOARD OF ALDERMEN:

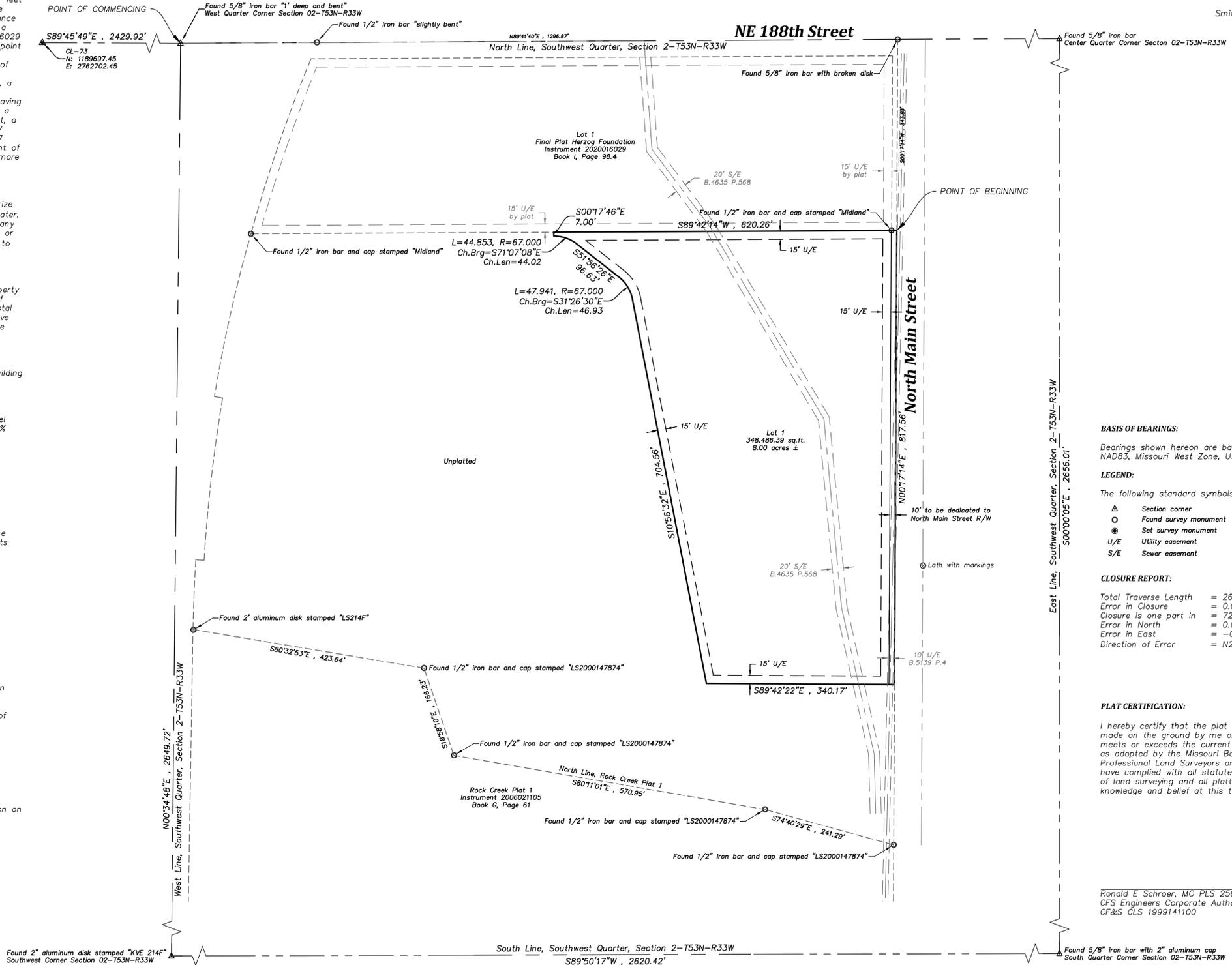
This final plat approved _____ by the Board of Aldermen of Smithville, Missouri, this _____ day of _____, 2022.

Mayor Attest: City Clerk

RECORDER OF DEEDS:

Entered on transfer record this _____ day of _____, 2022.

County Recorder



BASIS OF BEARINGS:

Bearings shown hereon are based on the Missouri State Plane Coordinate System, NAD83, Missouri West Zone, US Foot

LEGEND:

The following standard symbols and notations can be found on this plat.

- △ Section corner
- Found survey monument
- Set survey monument
- U/E Utility easement
- S/E Sewer easement

CLOSURE REPORT:

Total Traverse Length = 2678.98
 Error in Closure = 0.006
 Closure is one part in = 722,981.43
 Error in North = 0.0058
 Error in East = -0.0025
 Direction of Error = N22°49'09"W

PLAT CERTIFICATION:

I hereby certify that the plat of "HERZOG LODGE" is based on an actual survey made on the ground by me or under my direct supervision and that said plat meets or exceeds the current Minimum Standards for Property Boundary Surveys as adopted by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects. I further certify that I have complied with all statutes, ordinances and regulations governing the practice of land surveying and all platting of subdivisions to the best of my professional knowledge and belief at this time.

Ronald E. Schroer, MO PLS 2569
 CFS Engineers Corporate Authority
 CF&S CLS 1999141100

CFS ENGINEERS
 cfse.com 1421 E. 104th Street, Ste. 100 KCMO 64131
 o. 816-333-4477 f. 816-333-6688

Date	Revisions

DEVELOPER:
 Stanley M. Herzog Foundation
 PO Box 26777
 Kansas City, Missouri 64196
 Attn: Kristen Blanchard Anslay

PREPARED BY:
 CFS Engineers
 1421 E 104th Street, Suite 100
 Kansas City, Missouri 64131
 816-333-4477

