



Board of Alderman Request for Action

MEETING DATE: 7/19/2022

DEPARTMENT: Development

AGENDA ITEM: Resolution 1091, Final Plat Dibben's Estates Subdivision

REQUESTED BOARD ACTION:

A motion to approve Resolution 1091 – Final Plat Dibben's Estates Subdivision.

SUMMARY:

The final plat would create two additional lots at the southwest corner of Amory Road and Virginia Avenue.

BACKGROUND:

This land was submitted for rezoning and a final plat at the June Planning and Zoning Commission meeting. The rezoning was recommended for approval and sent to the Board. The Board approved first reading of the rezoning ordinance at its June 21, 2022 meeting, and second reading approval is on the same agenda as this request. Approval of the second reading of Bill No. 2949-22 is a condition precedent to approval of the actual plat presented here.

The application sought to rezone land from A-1 to A-R, and if approved to subdivide the lot into 3 lots. The two new lots would have direct access onto Amory Road, and no city public utilities would be used. Staff recommended that the plat include dedication language that is similar to the language used in Lakeside Crossing to get those lots annexed, but in this case it would be to require that any future owners would agree to the creation of an improvement district to improve streets in the area in the future.

PREVIOUS ACTION:

The rezoning was First Read on June 21, 2022, and is on the agenda for Second reading on July 19, 2022. That rezoning approval is required to be completed prior to Final Plat approval.

POLICY ISSUE:

The Comprehensive Plan calls for low density residential (lots over 3 acres) in this area.

FINANCIAL CONSIDERATIONS:

None

ATTACHMENTS:

☐ Ordinance

☒ Resolution

☒ Staff Report

☐ Contract

☒ Plans

☐ Minutes

RESOLUTION 1091

A RESOLUTION APPROVING A FINAL PLAT FOR DIBBEN'S ESTATES SUBDIVISION

WHEREAS, the applicant submitted a rezoning and final plat application for approval to be heard by the Planning Commission on June 14, 2022.

WHEREAS, the items were advertised in the Courier Tribune newspaper and notices were sent to adjoining landowners on May 26, 2022; and;

WHEREAS, the Planning Commission recommended approval of the proposed Final Plat with the condition that the staff conditions of dedication language changes and Parks Fees in the amount of \$1,875.00 be paid prior to releasing the plat for recording, and;

WHEREAS, the subject property on Lot 1, Ada's Estates subdivision was given approval for rezoning by second reading of Bill No. 2949-22 by the Board of Aldermen on July 19, 2022, that was a condition precedent to this Final Plat Approval, and;

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF
THE CITY OF SMITHVILLE, MISSOURI, AS FOLLOWS:**

**THAT THE FINAL PLAT OF DIBBENS ESTATES SUBDIVISION IS HEREBY
APPROVED WITH THE FOLLOWING CONDITIONS:**

**THE PLAT SHALL NOT BE RELEASED FOR RECORDING UNTIL ALL
CONDITIONS OF PAYMENT OF PARK FEES IN THE AMOUNT OF
\$1,875.00 AND THE PLAT DEDICATION LANGUAGE IS CORRECTED IN
ACCORDANCE WITH STAFF'S RECOMMENDATIONS.**

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 19th day of July, 2022.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



June 14, 2022

Single Phase Final Plat for Clay County Parcel Id # 09-302-00-02-013.00

Application for a Plat Approval – Dibben’s Estates Final Plat– 3 lots

Code Sections:

425.285.A.4

Single Phase Final Plat Approval

Property Information:

Address: 13916 N. Virginia Ave.
 Owner: Bradley & Marjorie Dibben
 Current Zoning: A-1 (simultaneous application for A-R)

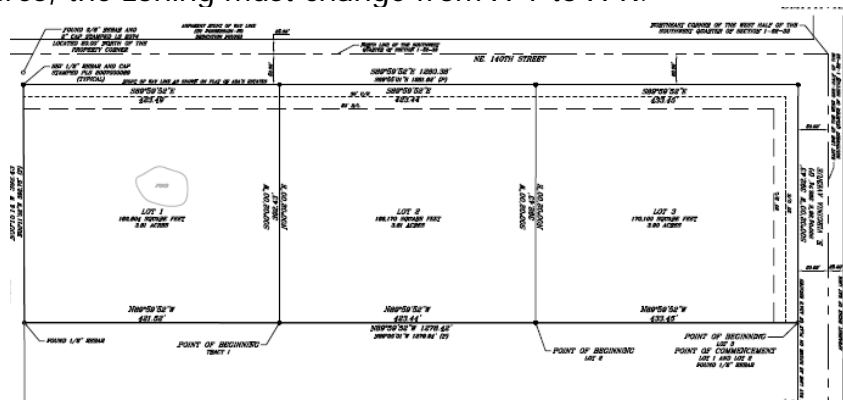
Public Notice Dates:

1st Publication in Newspaper: May 26, 2022

Letters to Property Owners w/in 185': May 26, 2022

GENERAL DESCRIPTION:

The property is currently Lot 1, Ada’s Estates and contains a single-family home on 11.52 acres. This Final Plat would divide the existing lot into a total of 3 lots, each of which is approximately 3.81 acres. Approval of this plat is conditional to the zoning amendment request simultaneously submitted. To have a lot less than 10 acres, the zoning must change from A-1 to A-R.



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 to the existing zoning on the property and complies with the Comprehensive plan density for N. Virginia.***

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 naturally drains to the north and to the east, depending upon the exact location. The existing road ditches on both Virginia and Amory are sufficient to handle any additional runoff created by a new home.***

(2) A minimum amount of grading on both cut or fill and preservation of good trees and other desirable natural growth. ***Again, grading of the development is limited to level the areas in the lots to account for a new home. Existing trees are generally in the drainage area that leads to Amory.***

(3) A good grade relationship with the abutting streets, preferably somewhat above the street. ***Each lot will have access to Amory, and the land slopes down to the streets.***

(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. ***N/A.***

(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 public roadways needed. This plat will have a condition placed in its dedications that requires the lot owner to join and specifically not oppose the creation of a district to improve the roads in the future. Given the extremely limited impact upon the existing roads, Staff considers this dedication sufficient to protect the city in the event that major road upgrades are needed in the future.***

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 land is currently served by all utilities (septic systems) and any service line extension will be triggered with a building permit.***

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 meets this standard.***

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. ***Annexed.***

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, and a Park fees are required as a condition of approval of any plat.***

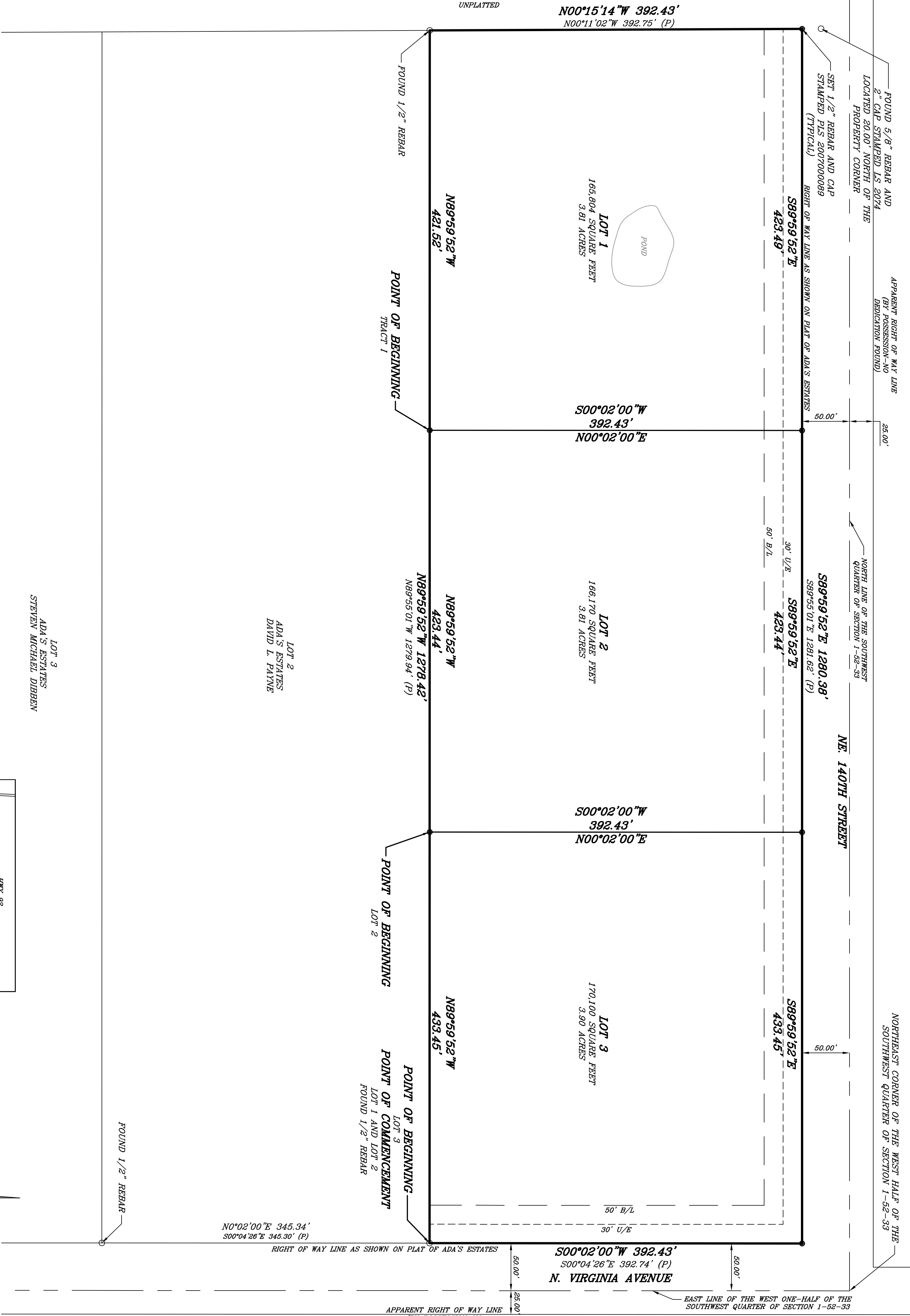
l. All applicable submission requirements have been satisfied in a timely manner. ***Yes.***

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. **The development needs no current additional improvements except the plat dedication language concerning improvement districts.**

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Final Plat based upon adherence to the conditions contained in this report.

DIBBEN'S ESTATES
A REPLAT OF LOT 1, ADA'S ESTATES
A SUBDIVISION IN SECTION 1, TOWNSHIP 52 NORTH, RANGE 33 WEST
SMITHVILLE, CLAY COUNTY, MISSOURI



PROPERTY DESCRIPTIONS

PARENT PARCEL:
LOT 1, ADA'S ESTATES, A SUBDIVISION IN SECTION 1, TOWNSHIP 52 NORTH, RANGE 33 WEST, SMITHVILLE, CLAY COUNTY, MISSOURI

LOT 1
CONTAINING 165,804 SQUARE FEET OR 3.81 ACRES

ALL THAT PART OF LOT 1, ADA'S ESTATES, A SUBDIVISION IN SECTION 1, TOWNSHIP 52 NORTH, RANGE 33 WEST, SMITHVILLE, CLAY COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE N89°59'52\"W ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 466.89 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE N89°59'52\"W CONTINUING ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 421.52 FEET TO THE SOUTHWESTERLY CORNER SAID LOT 1; THENCE N00°15'14\"W ALONG THE WESTERLY LINE OF SAID LOT 1, A DISTANCE OF 392.43 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 1; THENCE S89°59'52\"E ALONG THE NORTHERLY LINE OF SAID LOT 1, A DISTANCE OF 423.49 FEET TO THE POINT OF BEGINNING.

LOT 2
CONTAINING 166,170 SQUARE FEET OR 3.81 ACRES

ALL THAT PART OF LOT 1, ADA'S ESTATES, A SUBDIVISION IN SECTION 1, TOWNSHIP 52 NORTH, RANGE 33 WEST, SMITHVILLE, CLAY COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE N89°59'52\"W ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 433.49 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE N89°59'52\"W CONTINUING ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 433.44 FEET TO THE NORTHWESTERLY CORNER SAID LOT 1; THENCE N00°15'14\"W ALONG THE WESTERLY LINE OF SAID LOT 1, A DISTANCE OF 392.43 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 1; THENCE S89°59'52\"E ALONG THE NORTHERLY LINE OF SAID LOT 1, A DISTANCE OF 423.44 FEET TO THE POINT OF BEGINNING.

LOT 3
CONTAINING 170,100 SQUARE FEET OR 3.90 ACRES

ALL THAT PART OF LOT 1, ADA'S ESTATES, A SUBDIVISION IN SECTION 1, TOWNSHIP 52 NORTH, RANGE 33 WEST, SMITHVILLE, CLAY COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE N89°59'52\"W ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 433.45 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE N89°59'52\"W CONTINUING ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 433.44 FEET TO THE NORTHWESTERLY CORNER SAID LOT 1; THENCE N00°15'14\"W ALONG THE WESTERLY LINE OF SAID LOT 1, A DISTANCE OF 392.43 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 1; THENCE S89°59'52\"E ALONG THE NORTHERLY LINE OF SAID LOT 1, A DISTANCE OF 423.45 FEET TO THE POINT OF BEGINNING.

BOUNDARY SURVEY NOTES:

1. THE DESCRIPTIONS USED FOR THIS SURVEY WERE DERIVED FROM THE PLAT OF ADA'S ESTATES.
2. THE BEARINGS SHOWN HEREON ARE BASED ON NAD 84(2011) EPOCH 2010.00 ADJUSTMENT UTILIZING THE MODOT RTN NETWORK.

3. THIS SURVEY IS BASED UPON RECORD DOCUMENTS, LEGAL DESCRIPTIONS, AND OTHER INFORMATION FURNISHED BY THE CLIENT PLUS OTHER INFORMATION KNOWN TO THIS SURVEYOR. THIS SURVEYOR HAS NO KNOWLEDGE OF ANY OTHER RECORD DOCUMENTS WHICH AFFECT THE SUBJECT REAL ESTATE.

4. THIS SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS DEFINED BY THE MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

5. ACCORDING TO THE FLOOD INSURANCE RATE MAP OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY PANEL NUMBER 106 OF 350, MAP NUMBER 59827T00R, EFFECTIVE DATE, AUGUST 3, 2015, THE SUBJECT PROPERTY IS IN ZONE X AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD.

PLAT DEDICATION:

THE UNDERSIGNED PROPRIETORS OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION SHALL BE HEREAFTER KNOWN AS:

"DIBBEN'S ESTATES, A REPLAT OF LOT 1, ADA'S ESTATES"

THE UNDERSIGNED PROPRIETORS OF THE LAND HEREIN SUBDIVIDED, AS WELL AS THEIR HEIRS, PERSONAL REPRESENTATIVES, SUCCESSORS OR ASSIGNS DO, IN EXCHANGE FOR NOT COMPLETING STREET IMPROVEMENTS TO ALL ADJOINING STREETS PRIOR TO RECORDING THIS PLAT, HEREBY AGREE TO JOIN ANY DISTRICT OR OTHER ENTITY FOR OPPOSE ANY SUCH EFFORTS TO IMPROVE THE ADJACENT STREETS. SUCH OBLIGATION IS INTENDED TO STIMULATE THE SALE OF LOTS FROM THE ORIGINAL OWNER OR ANY SUCCESSOR OWNERS AND INCLUDES THE OBLIGATION TO VOTE APPROPRIATELY IF A VOTE IS EXTENDED TO CREATE OR FUND A DISTRICT FOR ROAD IMPROVEMENT PURPOSES.

IN WITNESS WHEREOF:

OWNERS: BRADLEY W. AND MARJORIE K. DIBBEN HAS CAUSED THESE PRESENTS TO BE SIGNED
THIS _____ DAY OF _____ 2022.

BRADLEY W. DIBBEN
OWNER
MARJORIE K. DIBBEN
OWNER

STATE OF MISSOURI)
COUNTY OF _____) SS.

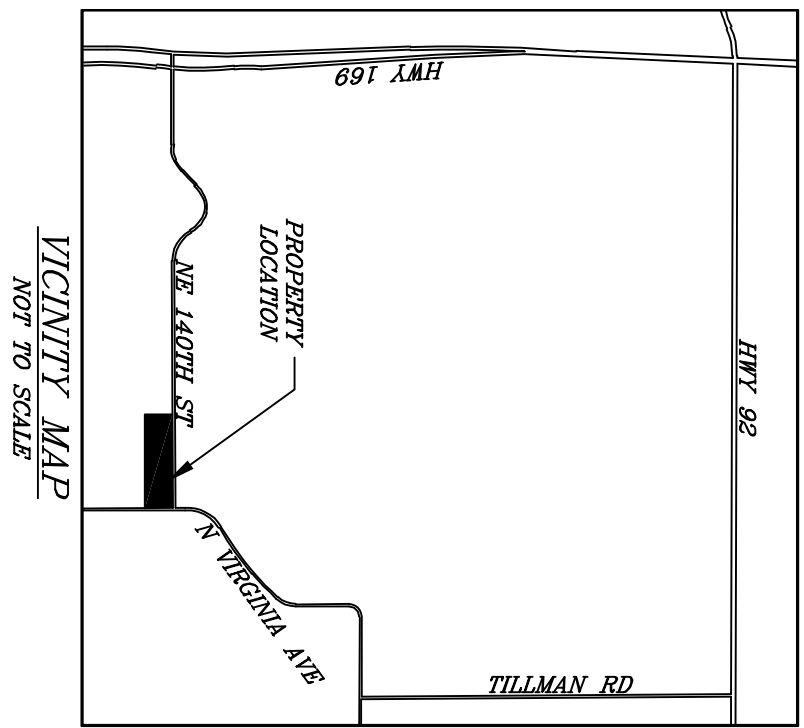
BE IT REMEMBERED THAT ON THIS _____ DAY OF _____ 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME BRADLEY W. AND MARJORIE K. DIBBEN, TO ME PERSONALLY KNOWN TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF SAME. IN TESTIMONY WHEREOF, I HAVE HEREONTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL, THIS DAY AND YEAR ABOVE WRITTEN.

IN TESTIMONY WHEREOF I HAVE HEREONTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL
THIS _____ DAY OF _____ 2022.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC

APPROVED BY THE CITY OF SMITHVILLE COMMUNITY DEVELOPMENT DIRECTOR

JACK HENDRIX
DATE



SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT WE HAVE MADE A SURVEY OF THE PREMISES HEREIN DESCRIBED WHICH MEET OR EXCEED THE CURRENT "MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS" AS JOINTLY ESTABLISHED BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF GEOLOGY AND LAND SURVEY AND THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS, AND THAT THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

ROBERT G. YOUNG, PLS-2007000089
DATE 07/13/2022

