



Board of Alderman Request for Action

MEETING DATE: 8/16/2022

DEPARTMENT: Development

AGENDA ITEM: Resolution 1101, Final Plat Hildebrand Estates Subdivision

REQUESTED BOARD ACTION:

A motion to approve Resolution 1101, a resolution approving the final plat for Hildebrand Estates Subdivision.

SUMMARY:

The final plat would create one new lot of 11 acres at the corner of Lowman Road and NW 164th Street.

This land was submitted for a final plat at the August 9, 2022 Planning and Zoning Commission meeting. Following a public hearing, the Planning Commission moved to approve the application for a Single Phase Final Plat to create a new 11 acre lot out of an existing 42.11 acre parcel. The applicant determined that the cost of including this 11 acre parcel into a subdivision with the entire 42 acre parcel was cost prohibitive due to the grading necessary to build a road across the large drainage area. As a result, he seeks to divide the 11 acres north of the drainage area into a separate lot to be sold to a waiting buyer.

PREVIOUS ACTION:

N/A

POLICY ISSUE:

The plat complies with the Comprehensive Plan.

FINANCIAL CONSIDERATIONS:

None

ATTACHMENTS:

☐ Ordinance

☒ Resolution

☒ Staff Report

☐ Contract

☒ Plans

☐ Minutes

RESOLUTION 1101

A RESOLUTION APPROVING A FINAL PLAT FOR HILDEBRAND ESTATES SUBDIVISION

WHEREAS, the applicant submitted a rezoning and final plat application for approval to be heard by the Planning Commission on August 9, 2022.

WHEREAS, the items were advertised in the Courier Tribune newspaper and notices were sent to adjoining landowners on July 21, 2022; and;

WHEREAS, the Planning Commission held a public hearing and then recommended approval of the proposed Final Plat with the condition that Parks Fees in the amount of \$625 be paid prior to releasing the plat for recording, and;

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

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

**THE PLAT SHALL NOT BE RELEASED FOR RECORDING UNTIL PARK
FEES IN THE AMOUNT OF \$625.00 ARE PAID.**

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 16th day of August, 2022.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



STAFF REPORT
August 3, 2022
Platting of Parcel Id # 05-504-00-01-010.01

Application for a Plat Approval

Code Sections:
425.285.A.4 Single Phase Final Plat Approval

Property Information:
Address: 16391 Lowman Rd.
Owner: LMW Investments LLC
Current Zoning: A-1
Public Notice Dates: July 21, 2022
185' Notices: July 25, 2022

GENERAL DESCRIPTION:

The property is currently undeveloped, with an A-1 zoning designation. The proposed lot is approximately 11 acres of a 42.11 acre lot at the corner of Lowman and Second Creek Bridge Rd. While the entire site was being evaluated for a subdivision, it was determined that the 11 acres north of the main drainage channel was not feasible to develop with the added cost of building the culverts and raising the access road dozens of feet. The one lot subdivision will allow the lot to be sold as agricultural land for a single owner, with access through the Lowman and 164th St. entrance, and includes the public access easement to the Cit wastewater treatment plant.



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. ***Yes.***
- 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. ***Yes, the existing drainage areas are being utilized as both detention areas and natural basins, more than sufficient for one lot.***
 - (2) A minimum amount of grading on both cut or fill and preservation of good trees and other desirable natural growth. ***Yes, since the single lot will be developed with residential and permitted agricultural buildings.***
 - (3) A good grade relationship with the abutting streets, preferably somewhat above the street. ***Yes.***
 - (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.***

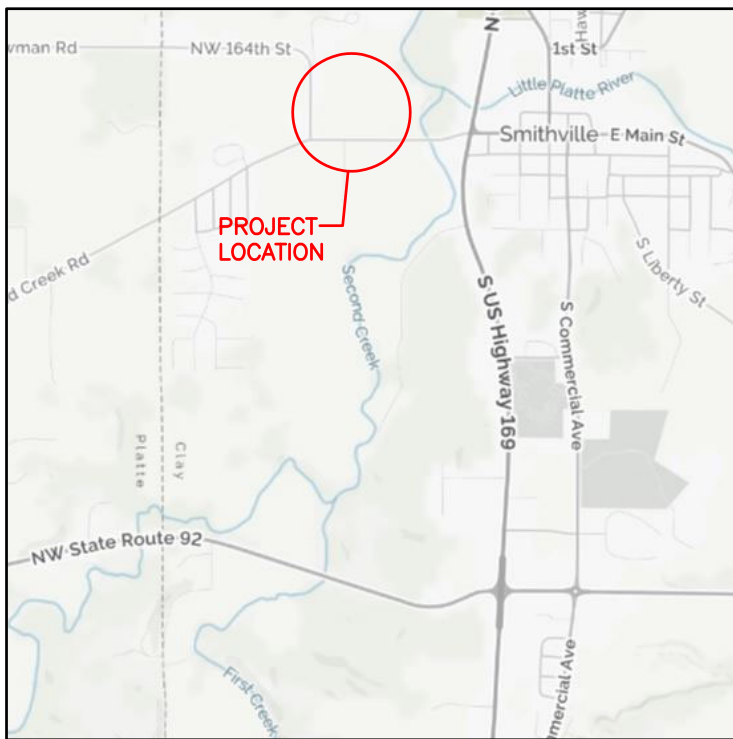
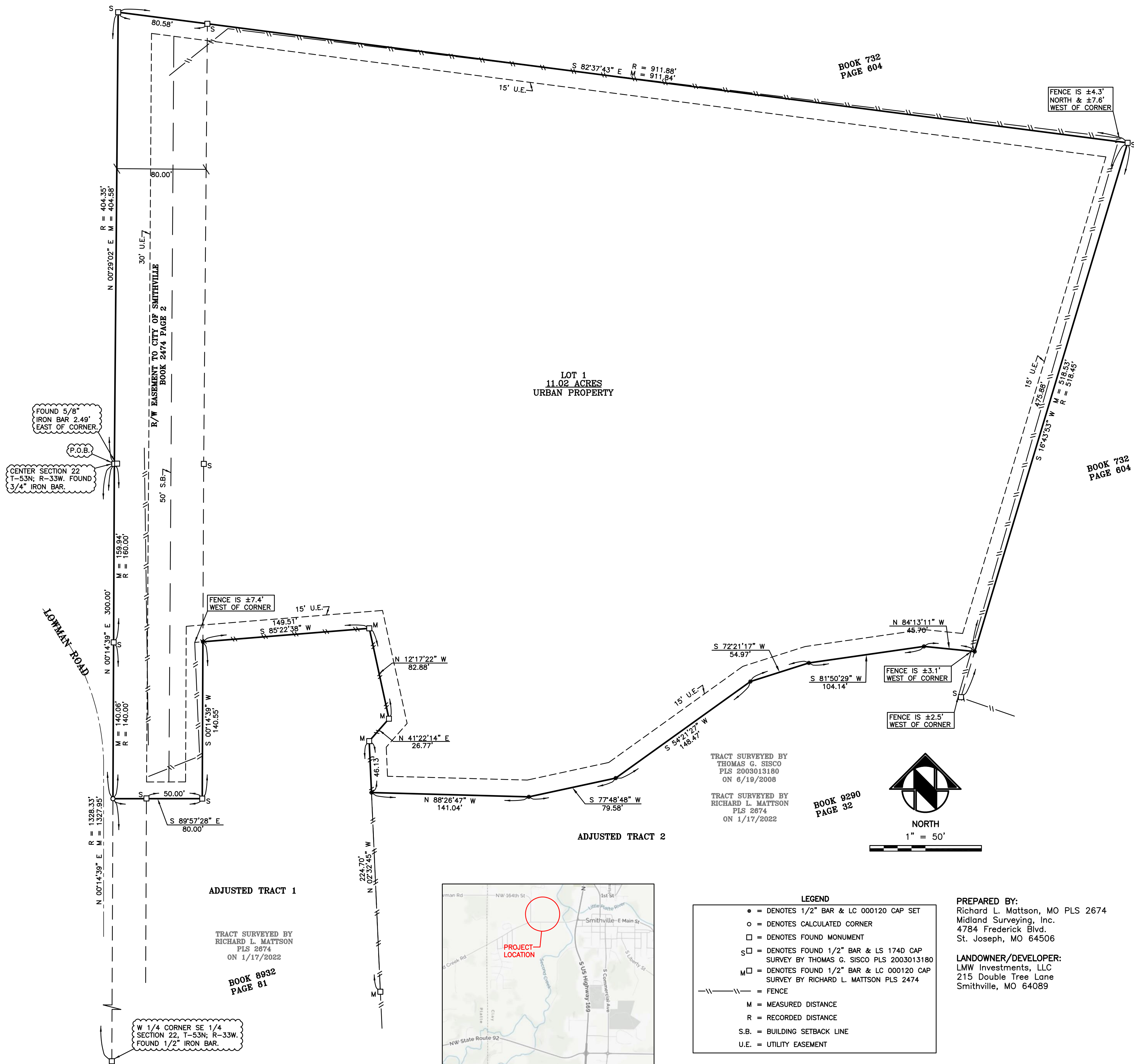
- (7) Adequate building lots that avoid excessive grading, footings or foundation walls. **Yes.**
- d. The plat contains lot and land subdivision layout that is consistent with good land planning and site engineering design principles. **Yes.**
- e. The location, spacing and design of proposed streets, curb cuts and intersections are consistent with good traffic engineering design principles. **N/A.**
- 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.**
- 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 plat is for one single 11 acre agricultural lot, so no measurable impact is anticipated.***
- 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. **N/A.**
- 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. **n/a**

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Final Plat conditioned upon payment of a parks fee in the amount of \$625.00.

Director of Development

FINAL PLAT
HILDEBRAND ESTATES
A MINOR SUBDIVISION IN THE E 1/2 SECTION 22
T-53N; R-33W, SMITHVILLE, CLAY COUNTY, MISSOURI



- LEGEND**
- = DENOTES 1/2" BAR & LC 000120 CAP SET
 - = DENOTES CALCULATED CORNER
 - = DENOTES FOUND MONUMENT
 - = DENOTES FOUND 1/2" BAR & LS 1740 CAP SURVEY BY THOMAS G. SISCO PLS 2003013180
 - = DENOTES FOUND 1/2" BAR & LC 000120 CAP SURVEY BY RICHARD L. MATTSON PLS 2474
 - = FENCE
 - M = MEASURED DISTANCE
 - R = RECORDED DISTANCE
 - S.B. = BUILDING SETBACK LINE
 - U.E. = UTILITY EASEMENT

PREPARED BY:
Richard L. Mattson, MO PLS 2674
Midland Surveying, Inc.
4784 Frederick Blvd.
St. Joseph, MO 64506

LANDOWNER/DEVELOPER:
LMW Investments, LLC
215 Double Tree Lane
Smithville, MO 64089

PROPERTY DESCRIPTION:
Beginning at the Center of Section 22, Township 53 North, Range 33 West, Clay County, Missouri; thence with the West line of the Northeast Quarter of the Northeast Quarter North 00 degrees 29 minutes 02 seconds East, 404.58 feet; thence departing from said line South 82 degrees 37 minutes 43 seconds East, 911.84 feet; thence South 16 degrees 43 minutes 53 seconds West, 475.88 feet; thence North 84 degrees 13 minutes 11 seconds West, 45.70 feet; thence South 81 degrees 50 minutes 29 seconds West, 104.14 feet; thence South 72 degrees 21 minutes 17 seconds West, 54.97 feet; thence South 54 degrees 21 minutes 27 seconds West, 148.47 feet; thence South 77 degrees 48 minutes 49 seconds West, 79.58 feet; thence North 88 degrees 26 minutes 47 seconds West, 141.04 feet; thence North 02 degrees 32 minutes 45 seconds West, 46.13 feet; thence North 41 degrees 22 minutes 14 seconds East, 26.77 feet; thence North 12 degrees 17 minutes 22 seconds West, 82.88 feet; thence South 85 degrees 22 minutes 38 seconds West, 149.51 feet; thence South 00 degrees 14 minutes 39 seconds West, 140.55 feet; thence South 89 degrees 57 minutes 28 seconds West, 80.00 feet to the West line of the Northwest Quarter of the Southeast Quarter; thence along said line North 00 degrees 14 minutes 39 seconds East, 300.00 feet to the Point of Beginning.

The above described tract of land contains 11.02 acres, more or less, and is subject to all recorded and unrecorded easements, restrictions, and right-of-ways.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY that we have performed a survey and prepared the accompanying plat of the premises described hereon which meets or exceeds the current Missouri Standards for Property Boundary Surveys, 10 CSR 30-2 and 20 CSR 2030-16, and that the results of said survey are represented on this plat to the best of my professional knowledge and belief.

WITNESS hand and seal this Thirteenth (13th) day of June, 2022.

Richard L. Mattson
Missouri P.L.S. 2674

SURVEYOR'S NOTES:

- Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements, other than possible easements that were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations; and any other facts that an accurate and current title search may disclose.
- Declaration is made to original purchaser of the survey. It is not transferable to additional institutions or subsequent owners.
- Survey is valid only if print has original seal and signature of surveyor.
- Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied the surveyor. No abstract of title, nor title commitment, nor results of title searches were furnished the surveyor. There may exist other documents of record that would affect this parcel.
- Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- The word "certify" or "certificate" as shown and used hereon means an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee, expressed or implied.
- The West line of the Northwest Quarter of the Southeast Quarter Section 22, Township 53 North, Range 33 West, Clay County Missouri, bears North 00 degrees 14 minutes 39 seconds East for this survey.

PLAT DEDICATION:

The undersigned owner of the property described herein have caused the same to be subdivided as shown on this plat and said property shall hereafter be known as:

"Hildebrand Estates"

IN TESTIMONY WHEREOF:

The undersigned owners have hereunto set their hand as follows:

LMW Investments, LLC

Clayton E. Cox, Member

Lindsay M. Wagner, Member

STATE OF MISSOURI

COUNTY OF _____

On this _____ day of _____, 2022, before me personally appeared Clayton E. Cox and Lindsay M. Wagner, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal at my office in _____ the day and year first above written.

Notary Public

My Commission Expires: _____

THE CERTIFICATE OF THE PLANNING AND ZONING COMMISSION:

The final plat of Hildebrand Estates subdivision was submitted to and approved by the Smithville Planning and Zoning Commission on the _____ day of _____, 2022.

(SEAL) _____
Chairman

(SEAL) _____
Secretary

THE APPROVAL OF THE PLAT BY THE BOARD OF ALDERMEN:

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

(SEAL) _____
Mayor

ATTEST: _____
City Clerk

RECORDER OF DEEDS:

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

County Recorder

PREPARED FOR:
CLAYTON COX
SECTION 22, T-53N; R-33W
SMITHVILLE, CLAY COUNTY, MISSOURI



Midland Surveying, Inc.
Missouri State Certificate of Authority #000120

LAND SURVEYORS - PLANNERS
4784 Frederick Blvd, St. Joseph, MO 64506
ph. (816) 233-7900 fax (816) 233-4852
501 North Market, Maryville, MO 64468
ph. (660) 582-8633 fax (660) 582-7173

FILE: COX-SMITHVILLE_SUB	DATE: JUNE 13, 2022	SCALE: 1" = 50'	REVISED:	SHEET NO. 1 OF 1
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