



## **Planning and Zoning Commission Meeting**

**December 12, 2023**

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

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**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 November 14, 2023, Planning Commission Minutes**
- 3. Staff Report**
- 4. Public Hearing**

Rezoning Lots 5, 6 and the North 100.03 feet of Lot 7 in Wait Acres 18212 N. Main St. from R-1A to A-R

- 5. Rezone Lots 5, 6 and the North 100.93 feet of Lot 7 in Wait Acres from R-1A to A-R**

Applicant seeks to rezone 5.11 acres of land on North Main St. to A-R.

- 6. Public Hearing**

Rezoning 19950 N. F Hwy from A-1 and R-1B to A-R

- 7. Rezoning 19950 N. F Hwy from A-1 and R-1B to A-R**

Applicant seeks to rezone land zoned A-1 and a small sliver of R-1b to A-R to allow a subdivision of 3, 3 acre lots to be created.

- 8. Public Hearing**

Single Phase Final Plat – Queens Corner – 3 Lots



**9. Single Phase Final Plat for Queen's Corner – 3 Lots**

Applicant seeks approval for a Single-Phase Final Plat to create a 3-lot subdivision with 3, 3-acre lots on 9 acres at 19950 N. F Hwy.

**10. Adjourn**

Join Zoom Meeting

<https://us02web.zoom.us/j/81369431428>

Meeting ID: 813 6943 1428

Passcode: 680794



# SMITHVILLE PLANNING COMMISSION

## REGULAR SESSION

November 14, 2023

7:00 P.M.

City Hall Council Chambers and Via Videoconference

### 1. CALL TO ORDER

Chairman John Chevalier called the meeting to order at 7:02 p.m.

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

Staff present: Jack Hendrix and Brandi Schuerger.

### 2. MINUTES

The October 10, 2023, Regular Session Meeting Minutes were moved for approval by SCARBOROUGH, Seconded by MUESSIG.

Ayes 6, Noes 0. Motion carried.

### 3. STAFF REPORT

HENDRIX reported:

Fairview Crossing North is still under construction. They are preparing for the curbs and will be paving shortly after. They are finalizing their last MODOT permit. The first building on the northeast lot is under construction.

They are finalizing plans on Fairview Crossing (south portion). The first phase of this will be townhomes and they are finalizing the construction plans for those as well. They will be submitting the Final plat to the Board of Alderman since this has already went through the preliminary platting process.

McBee's Coffee N Carwash has indicated that they are hoping to be open by the end of the year. They have a lot of work left to do and are working hard to meet that timeframe.

Permitting for housing is still low. Last budget year we issued a 34 permits. He feels that the interest rates are the reason for this.

Short-term rental regulations went into effect on the first full week of November.

#### **4. PUBLIC HEARING**

- **PROPOSAL WOULD REZONE 17 MULTIFAMILY LOTS IN THE SECOND CREEK MEADOWS APPROVED PRELIMINARY PLAT FROM R-3 TO R-1B**

**Public hearing opened.**

HENDRIX stated that this matter was last before the commission January-March 2023. The preliminary plat and the rezoning all went through then. It included 50 single family lots and 17 multifamily lots in what was called Second Creek Meadows. The applicant is seeking to rezone the 17 multifamily (R-3) lots to R-1B. If they can get this approved and the sale complete they plan on starting construction as soon as possible.

**Kevin Turley---1116 NW 92<sup>nd</sup> Street Kansas City, MO 64155---**

Stated that he is here to represent the applicant Jamie Pryor. Stated that what Mr. Hendrix just stated is correct. They hope that this will move things forward on the sale of the property. The new owners are only planning to construct single family homes.

**Kristine Bunch---402 4<sup>th</sup> Street Smithville, MO 64089---** Thanked the commission for considering rezoning this back to single family. She hopes that the new owner doesn't bring this back to the commission to be rezoned back to multifamily in the future.

**Public hearing closed.**

## **5. REZONE 17 LOTS IN SECOND CREEK MEADOWS FROM R-3 TO R-1B**

- **APPLICANT SEEKS TO REZONE THE CURRENT 17 MULTIFAMILY LOTS FROM R-3 TO R-1B**

SCARBOROUGH motioned to approve the Rezoning of 17 lots in Second Creek Meadows from R-3 to R-1B. Seconded by DOTSON.

**DISCUSSION:** None

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

**AYES-6, NOES-0. MOTION PASSED**

## **6. ADJOURN**

DOTSON made a motion to adjourn. ALDERMAN WILSON seconded the motion.

VOICE VOTE: UNANIMOUS

CHAIRMAN CHEVALIER declared the session adjourned at 7:11 p.m.



STAFF REPORT  
December 7, 2023

Rezoning of Parcel Id's# 05-303-00-01-001.11  
Application for Rezoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 18212 N. Main St.  
Owners: Zachary and Lindsay Nicholas  
Current Zoning: R-1A  
Proposed Zoning: A-R

Public Notice Dates:

1<sup>st</sup> Publication in Newspaper: November 23, 2023  
Letters to Property Owners w/in 185': November 17, 2023

GENERAL DESCRIPTION



The applicants seek to rezone the subject property from R-1A to A-R.  
These properties were zoned B-3 many years ago as a part of the Wait Storage

business off 169. In 1994, when this subdivision was created, it was still zoned B-3 and the subdivision was allowed to proceed without rezoning the land to a residential zone. In 2022, the lots were again rezoned to R-1A to better match the existing usage as single family housing. At the time, three different owners sought to rezone, two of which were on 185' wide lots, which were too narrow to allow A-R zoning. The third owner owned four lots with sufficient frontage to allow the A-R district zoning, but chose to simplify the hearing process by making all the zones the same. Subsequently, that owner sold his house and one lot to one purchaser, and then the remaining 3 lots to the applicant.

#### EXISTING ZONING:

The existing zoning is R-1A which was the lowest zoning classification available for lots that were less than 200'.

#### CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is a predominantly agricultural/residential to the east and south, Single family R-1A and R-1B on the north and vacant B-3 land to the west. Other than the vacant commercial to the west, large lot residential uses predominate the area.

#### CONSISTENCY WITH COMPREHENSIVE PLAN AND ORDINANCES *400.560.C.2*

The new Comprehensive Plan was approved on November 10<sup>th</sup>, 2020, and formally adopted as the policy of the City on November 17<sup>th</sup>, 2020. That plan seeks to continue developing this north area as residential, so amending this zoning brings this land into the comprehensive plans desired use.

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

The property has existing utilities sufficient for housing and any other A-R use.

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

The current use restricts the ability to build a barn or outbuilding as the first/primary structure on the lot without including 1,100 square feet of it as a single family residence. The applicant seeks to be able to construct a barn first, then when he approaches retirement, he can then build the single family home and move to Smithville.

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

The property was zoned to the existing district classification in July of 2022.

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

The proposed district is compatible with the existing nearby land as all the uses are large lot residential.

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

No detrimental effects are anticipated to the adjacent property values.

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

No detrimental effects are anticipated to adjacent properties.

STAFF RECOMMENDATION:

Staff recommends that the rezoning to A-R be approved.



## **FINDING OF FACTS AND CONCLUSIONS OF LAW**

Applicants: Zachary & Lindsay Nicholas  
Dennis Brewer

Land Use Proposed: A-R

Zoning: R-1A

Property Location: 18212 N. Main St.

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 December 12, 20232022, 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 predominantly large lot single family uses on Agriculturally zoned land to the east, and standard R-1 single family housing to the north. Vacant B-3 lies to the west and fronts upon 169 Hwy
2. *Consistency with the City's Comprehensive Plan and ordinances.*  
The new Comprehensive Plan was approved on November 10th, 2020, and formally adopted as the policy of the City on November 17th, 2020. That plan calls for the north part of the city to remain single family residential for the most part.
3. *Adequacy of public utilities and other needed public services.*  
The property is served with all utilities.
4. *Suitability of the uses to which the property has been restricted under its existing zoning.*  
The current use is vacant single family residential, zoned R-1A. The change would allow an outbuilding/barn to be constructed as the primary/initial structure, which is not allowed in any R-1 designated district.
5. *Length of time the property has remained vacant as zoned.*  
The property was zoned to the existing district classification in 2022 from B-3

6. *Compatibility of the proposed district classification with nearby properties.*  
The properties all front on N. Main St. and the proposed district will match the existing uses and approximate lot sizes.
7. *The extent to which the zoning amendment may detrimentally affect nearby property.*  
No detrimental effects are anticipated to the adjacent property values.
8. *Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.*  
No detrimental effects are anticipated to adjacent properties.
9. That in rendering this Finding of Fact, testimony at the public hearing on December 12, 2023, 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-1A to A-R is governed by Section 400.620 of the zoning ordinance of Smithville, Missouri.
- B. The proposed zoning is 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 recommends approval of rezoning the property to A-R.

**BILL NO. 3022-23**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF SMITHVILLE, MISSOURI.**

**WHEREAS**, The City of Smithville received an application for rezoning Lots 5, 6 and the north 100.93 feet of Lot 7, Wait Acres on October 11, 2023; and

**WHEREAS**, the public was notified by publishing in the CT paper on November 23<sup>rd</sup> and 30<sup>th</sup> and December 7, 2023 and notices were mailed to adjoining property owners on November 17, 2023.

**WHEREAS**, a Public Hearing was conducted before the Planning Commission on December 12, 2023; and

**WHEREAS**, the rezoning is to change the zoning from R-1A to A-R; and

**WHEREAS**, the Planning Commission presented its' findings to the Board of Aldermen and recommended 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:

Lots 5, 6 and the north 100.93 feet of Lot 7 of Wait Acres, a subdivision in Smithville, Clay County, Missouri.

Changed from R-1A to A-R

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  
December 7, 2023

Rezoning of Parcel Id's # 01-904-00-01-004.00  
and the north ½ acre of 01-904-00-01-006.00  
Application for Rezoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 19950 N. F Hwy.  
Owners: High Tide Properties  
Current Zoning: R-1B and A-1  
Proposed Zoning: A-R

Public Notice Dates:

1<sup>st</sup> Publication in Newspaper: November 23, 2023  
Letters to Property Owners w/in 185': November 17, 2023

GENERAL DESCRIPTION



The applicants seek to rezone the subject property from R-1B and A-1 to A-R. These properties were zoned many years ago at the time of annexation.

The purpose of the rezoning is to allow three lots to be created to allow homes to be constructed on each lot.

#### EXISTING ZONING:

The existing zoning is R-1B and A-1.

#### CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is a predominantly agricultural with large lot residential to the east, west and north.

#### CONSISTENCY WITH COMPREHENSIVE PLAN AND ORDINANCES *400.560.C.2*

The new Comprehensive Plan was approved on November 10<sup>th</sup>, 2020, and formally adopted as the policy of the City on November 17<sup>th</sup>, 2020. That plan seeks to continue developing this north area as residential, so amending this zoning brings this land into the comprehensive plans desired use.

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

The property has existing utilities sufficient for housing and any other A-R use.

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

The current use is farmland with the area surrounding the land developing into large lot residences.

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

The property was zoned to the existing district classification upon annexation and no changes have been sought.

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

The proposed district is compatible with the existing nearby land as all the uses are large lot residential.

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

No detrimental effects are anticipated to the adjacent property values.

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

No detrimental effects are anticipated to adjacent properties.

STAFF RECOMMENDATION:

Staff recommends that the rezoning to A-R be approved.

## **FINDING OF FACTS AND CONCLUSIONS OF LAW**

Applicant: Dirk Talley

Land Use Proposed: A-R

Zoning: A-1 and R-1B

Property Location: 19950 N. F 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 December 12, 2023, 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 comprised of three single family homes on varying large lots, and the remainder if vacant land being farmed.

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

The new Comprehensive Plan was approved on November 10th, 2020, and formally adopted as the policy of the City on November 17th, 2020. That plan calls for the north part of the city to remain single family residential for the most part.

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

Adequate utilities are available, and the lots are large enough for septic systems.

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

The current use is A-1, agricultural with a small sliver of R-1B zoned land that is also farmed. The current zoning does not allow for any additional residential building to be constructed, but dividing the land allows the construction, and triggers the more restrictive A-R district.

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

The property was zoned to its' existing district classification when annexed, and the agricultural nature is not being changed significantly. The change would additional housing similar to the adjacent lots.

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



The proposed district is essentially the same as the existing adjacent uses.

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

No detriment is anticipated.

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

No loss to landowners is expected.

9. That in rendering this Finding of Fact, testimony at the public hearing on December 12, 2023, 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 A-1 and R-1B to A-R is governed by Section 400.560 of the zoning ordinance of Smithville, Missouri.

B. The proposed zoning is 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 recommends approval of rezoning the land to A-R.

**BILL NO. 3021-23**

**ORDINANCE NO. XXXX-19**

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF SMITHVILLE, MISSOURI.**

**WHEREAS**, The City of Smithville received an application for rezoning 19950 N. F Hwy on October 16, 2023; and

**WHEREAS**, Public Notice was published in the Courier Tribune and letters to property owners within 185' were sent not less than 15 days prior to the Public Hearing conducted before the Planning Commission on December 12, 2023; and

**WHEREAS**, the Planning Commission presented its' findings to the Board of Aldermen and recommended 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:

A tract of land in the Northwest Quarter of Section 36, Township 54 North, Range 33 West, Clay County, Missouri, described as follows: Beginning at a point on the North line of said Northwest Quarter, said point being 130.2 feet North, 88 degrees, 55 minutes East of the Northwest corner of said Northwest Quarter; thence South 00 degrees, 35 minutes East, 660.4 feet; thence North 88 degrees, 55 minutes East, 601.77 feet to a point on the Westerly right-of-way line of State Route F (said point being 2016.4 feet North of the South line of said Northwest Quarter, measured along said Westerly right-of-way line); thence North 00 degrees, 35 minutes West, along said Westerly right-of-way line, 357.75 feet to a point of curve; thence on a curve to the left with a radius of 271.04 feet and a central angle of 88 degrees, 22 minutes, 416.27 feet; thence North 01 degrees, 03 minutes East, 10 feet; thence continuing along said right-of-way line, North 88 degrees, 57 minutes West, 169.9 feet to a point of a curve; thence on a curve to the right, with a radius of 330.33 feet, 79.46 feet to the said North line of said Northwest Quarter; thence South 88 degrees, 55 minutes West, 90.4 feet to the point of beginning.

And Also

Commencing at the Northwest Corner of Section 36, Township 54 North, Range 33 West, Clay County, Missouri; thence along the North line of the Northwest Quarter South 89 degrees 37 minutes 38 seconds East, 130.20 feet; thence South 00 degrees 52 minutes 22 seconds West, 660.40 feet; thence South 89 degrees 38 minutes 13 seconds East, 601.77 feet to the Point of Beginning; thence South 00 degrees 45 minutes 26 seconds West, 36.24 feet; thence North 89 degrees 38 minutes 13 seconds West, 601.84 feet; thence North 00 degrees 52 minutes 22 seconds East, 36.24 feet to the Point of Beginning.

is hereby changed from A-1 and R-1B to A-R.

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 \_\_\_\_\_, 2023

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

First Reading:                      / /2023

Second Reading                      / /2023



STAFF REPORT  
December 7, 2023  
Platting of Parcel Id # 01-904-00-01-004.00  
and the north ½ acre of 01-904-00-01-006.00

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Application for a Plat Approval

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

Property Information:

Address:	19950 N. F Hwy.
Owner:	High Tide Properties
Current Zoning:	A-1 and R-1B (A-R if approved)
Public Notice Dates:	November 23, 2023
185' Notices:	November 17, 2023

GENERAL DESCRIPTION:

The property is currently a 9-acre farm field with a small pond in the middle of the property. The parcel is surrounded by generally farmsteads with single family houses on large to very large lots. The applicant seeks to divide the parcel into 3 lots, all 3 acres in size to comply with the A-R district requirements for lots without sewers.



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 maintained.***
  - (2) A minimum amount of grading on both cut or fill and preservation of good trees and other desirable natural growth. ***Yes, no grading, other than for residential style buildings is anticipated.***
  - (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, to the extent possible.***
  - (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. ***No streets are anticipated.***
- 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 will be served by private septic systems, but all other utilities are available.***
- 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 the code requirements and the City's engineer recommends approval of the plat conditioned upon construction meeting adopted city codes.***

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

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. ***No dedications of additional land is needed or requested, but there will be park fees in lieu of dedication in the amount of \$625 per lot required prior to releasing the plat for recording.***

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:

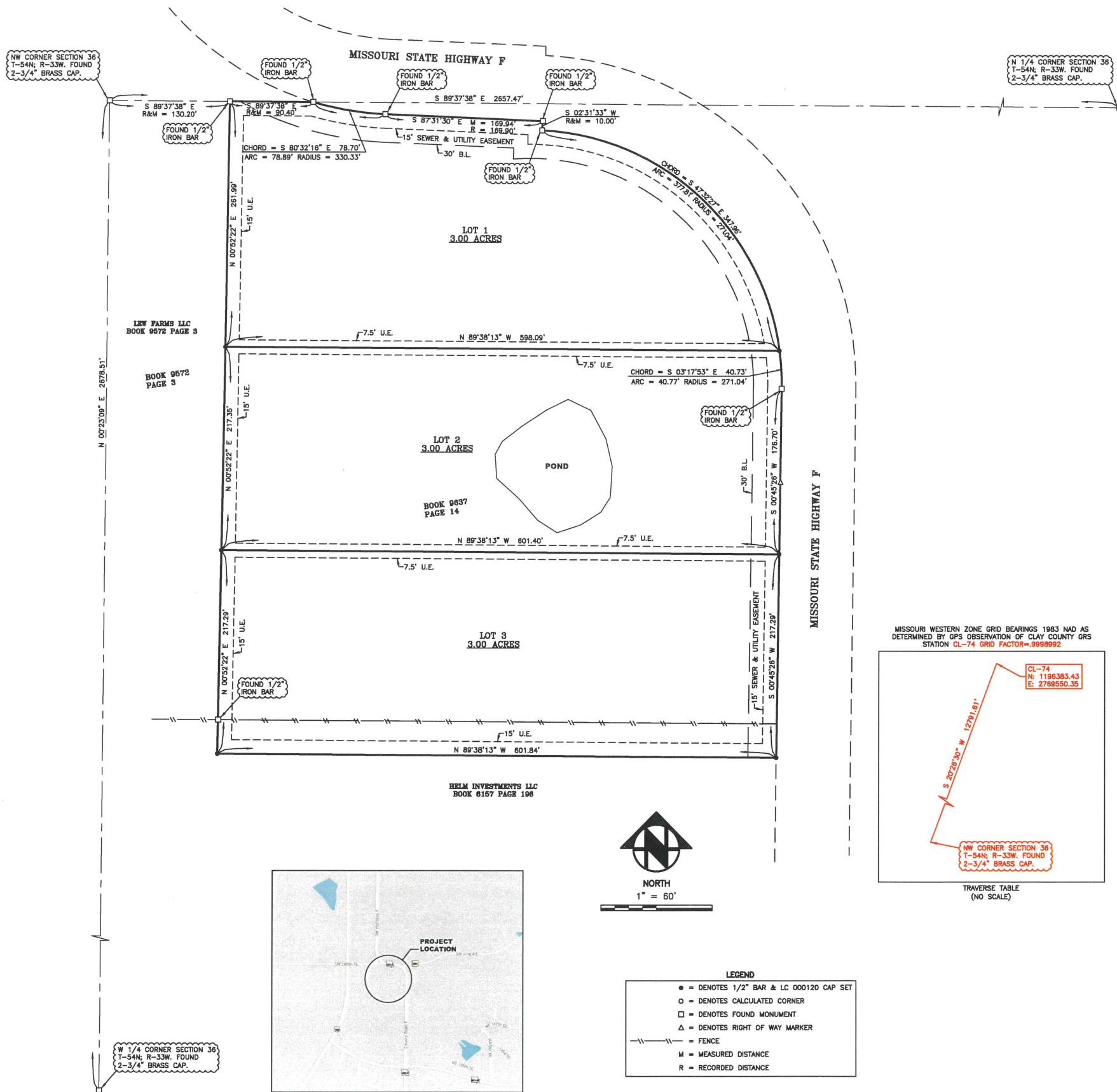
Staff recommends APPROVAL of the proposed Final Plat.

Respectfully Submitted,

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Director of Development

FINAL PLAT  
QUEEN'S CORNER  
A SUBDIVISION IN THE NW 1/4  
SECTION 36, T-54N; R-33W  
SMITHVILLE, CLAY COUNTY, MISSOURI



RECORD DESCRIPTION BOOK 9837 PAGE 14:

A tract of land in the Northwest Quarter of Section 36, Township 54 North, Range 33 West, Clay County, Missouri, described as follows: Beginning at a point on the North line of said Northwest Quarter, said point being 130.2 feet North, 88 degrees, 55 minutes East of the Northwest corner of said Northwest Quarter; thence South 00 degrees, 35 minutes East, 680.4 feet; thence North 88 degrees, 55 minutes East, 601.77 feet to a point on the Westerly right-of-way line of State Route F (said point being 2016.4 feet North of the South line of said Northwest Quarter, measured along said Westerly right-of-way line); thence North 00 degrees, 35 minutes West, along said Westerly right-of-way line, 357.75 feet to a point of curve; thence on a curve to the left with a radius of 271.04 feet and a central angle of 88 degrees, 22 minutes, 418.27 feet; thence North 01 degrees, 03 minutes East, 10 feet; thence continuing along said right-of-way line, North 88 degrees, 57 minutes West, 169.9 feet to a point of a curve; thence on a curve to the right, with a radius of 330.33 feet, 79.46 feet to the said North line of said Northwest Quarter; thence South 88 degrees, 55 minutes West, 80.4 feet to the point of beginning.

And Also

PROPERTY DESCRIPTION:

Commencing at the Northwest Corner of Section 36, Township 54 North, Range 33 West, Clay County, Missouri; thence along the North line of the Northwest Quarter South 89 degrees 37 minutes 38 seconds East, 130.20 feet; thence South 00 degrees 52 minutes 22 seconds West, 660.40 feet; thence South 89 degrees 38 minutes 13 seconds East, 601.77 feet to the Point of Beginning; thence South 00 degrees 45 minutes 26 seconds West, 36.24 feet; thence North 89 degrees 38 minutes 13 seconds West, 601.84 feet; thence North 00 degrees 52 minutes 22 seconds East, 36.24 feet to the Point of Beginning.

The above described tract of land contains 0.50 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 Twelfth (12th) day of October, 2023.

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 North line of the Northwest Quarter of Section 36, Township 54 North, Range 33 West, Clay County, Missouri bears South 89 degrees 37 minutes 38 seconds East for this survey.

EASEMENTS:

Easements are hereby dedicated for public use. As utility easement right-of-way which are shown as lying between the dashed lines in width indicated and as set forth on this plat unless otherwise noted, and side easements may be employed for the purpose of installing, repairing and maintaining sanitary sewers, storm sewers, gas lines, electric lines, telephone lines, trails and all other forms and types of public utilities now and hereafter used by the public over, under and along the strips marked U/E and T/E.

STREETS:

Streets are shown on this plat and not heretofore dedicated to and for public use are hereby dedicated.

Know all men by these presents that we, the undersigned property owners of the property as above set forth in the legal description, have caused the same to be surveyed and platted into lots, blocks, easements, lanes, drives, courts, streets and avenues. The same to be known as the Queen's Corner, an addition to the City of Smithville, Clay County Missouri, the lanes, drives, courts, streets and avenues are hereby dedicated to and for the use of public, and easements as indicated on the accompanying plat are hereby granted to the public for the purpose of constructing, operating, maintaining, and repairing all public utilities.

PLAT DEDICATION:

The undersigned High Tide Properties LLC, owner of the property described herein has caused the same to be subdivided as shown on this plat and said property shall hereafter be known as:

"Queen's Corner"

IN TESTIMONY WHEREOF the undersigned owner has hereunto set his hands this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

High Tide Properties LLC

Donald L. Talley, Member

STATE OF MISSOURI

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me personally appeared Donald L. Talley, Member, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Notary Public My Commission Expires: \_\_\_\_\_

PLANNING COMMISSION:

The final plat of Queen's Corner was submitted to and approved by the Smithville Planning and Zoning Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Chairman

(SEAL)

Secretary

(SEAL)

BOARD OF ALDERMEN:

This final plat approved by the Board of Aldermen of Smithville, Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Mayor

(SEAL)

ATTEST: City Clerk

RECORDER OF DEEDS:

Entered on transfer record this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

County Recorder

PREPARED FOR:

DIRK TALLEY  
SECTION 36, T-54N; R-33W  
CLAY COUNTY, MISSOURI



MIDLAND  
SURVEYING

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:

QUEENS\_CORNER

DATE:

OCT. 12, 2023

SCALE:

1" = 60'

REVISED:

SHEET NO.

1 OF 1

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

LANDOWNER/DEVELOPER:  
High Tide Properties, LLC  
1101 S US 169 Hwy  
Smithville MO 64089

SECTION 36, T-54N; R-33W