

AN ORDINANCE GRANTING A SPECIAL USE PERMIT SUBJECT TO CERTAIN CONDITIONS TO HL VENTURES, LLC, FOR OPERATION OF AN INDOOR ASSEMBLY ON PROPERTY AT 6589 NORTH OAK TRAFFICWAY, COMMONLY KNOWN AS GLADSTONE PLAZA.

WHEREAS, Pursuant to Section 32-39 of Ordinance No. 2.292 being the Gladstone Zoning Ordinance, public notice was made of a request for a Special Use Permit on property at 6589 North Oak Trafficway, legally described as Gladstone Plaza Adjusted Lot 2 and Lot 4 – Lot 2; and

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

WHEREAS, the Planning Commission of the City of Gladstone did submit its recommendation to the City Council for approval; and

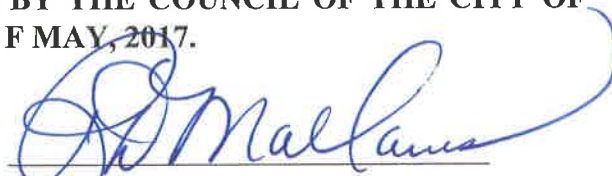
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, as follows:

SECTION 1. That HL Ventures, LLC is hereby granted a Special Use Permit for operation of an indoor assembly on property at 6589 North Oak Trafficway, the effective date of which shall be the enactment date of this Ordinance and expiring one year from the date of passage of this ordinance, all subject to the following conditions:

1. This Special Use Permit is issued to HL Ventures, LLC to be used at this address only. This Special Use Permit shall be non-transferable to any other person or company, or to any other location. Any change in operation of the business by HL Ventures, LLC shall render this Special Use Permit null and void.
2. No noise shall be produced that is perceptible outside of the business.
3. Use of outside dumpsters shall be limited from 7:00 AM to 10:00 PM, Monday through Sunday.
4. Additional landscaping to effectively buffer adjacent residential land uses shall be planted and maintained in perpetuity.
5. Compliance regarding fire safety requirements made by the City of Gladstone Fire Marshall is mandatory.
11. This permit is issued in accordance with the submitted site plan of the property supplied by HL Ventures, LLC in its application for a special use permit, and is subject to the additional conditions established by the City upon passage of this ordinance. Any false statements in the application or violation of these conditions or other City Code requirements may result in the cancellation of this Special Use Permit.

SECTION 2. SEVERABILITY CLAUSE. The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

PASSED, SIGNED, AND MADE EFFECTIVE BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 22ND DAY OF MAY, 2017.



R.D. Mallams, Mayor

ATTEST:



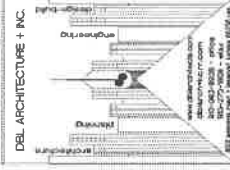
Ruth E. Bocchino, City Clerk

1st Reading: May 22, 2017

2nd Reading: May 22, 2017

File #2017-008

NOT FOR CONSTRUCTION



DEL ARCHITECTURE + INC.
www.delarchitects.com
1000 W. 10TH AVENUE, SUITE 1000
DENVER, CO 80202-1000
303.733.4444

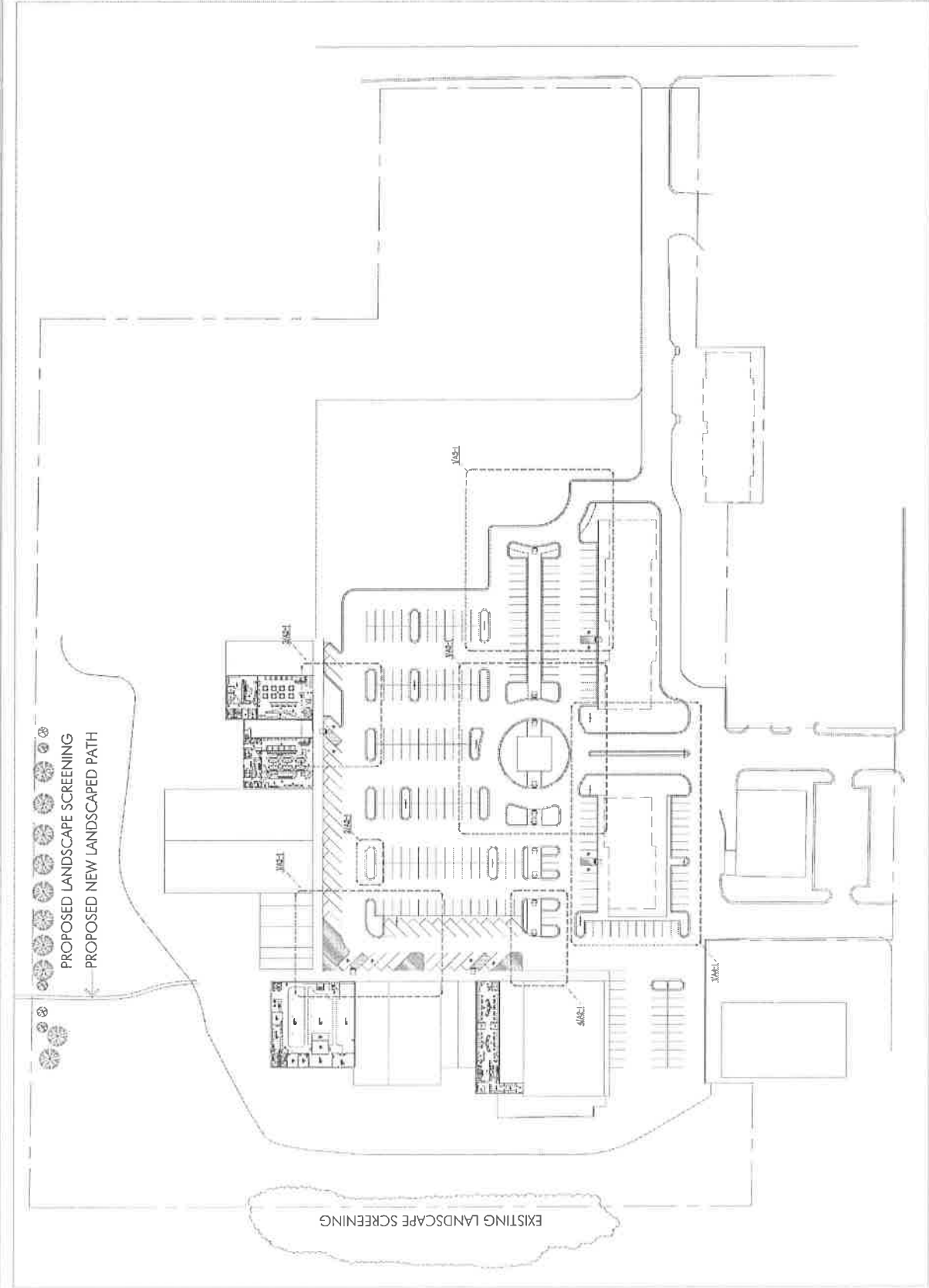
PROJECT:
PAGODA VILLAGE
MULTI-USE DEVELOPMENT
CLAYSTONE, ARBOR & 8TH

PROJECT LOG:
CONTRACT INITIATION
OWNER'S DESIGN REVIEW 1/22/18 (CONCEPT) 5/16/17 LOT 1/17/16
OWNER'S CD REVIEW 2/17/16
DEVELOPMENT ASSISTANCE TEAM MEETING 7/17/16
SCHEMATIC DESIGN REVIEW 1/17/16
PLANS AVAILABLE FOR PERMIT SUBMIT 1/17/16
PLANS PERMIT RESUBMIT 7/17/16

REVISIONS:
REVISIONS PER CITY
REVISIONS PER OWNER

SHEET TITLE:
OVERALL SITE PLAN
PHASE 1

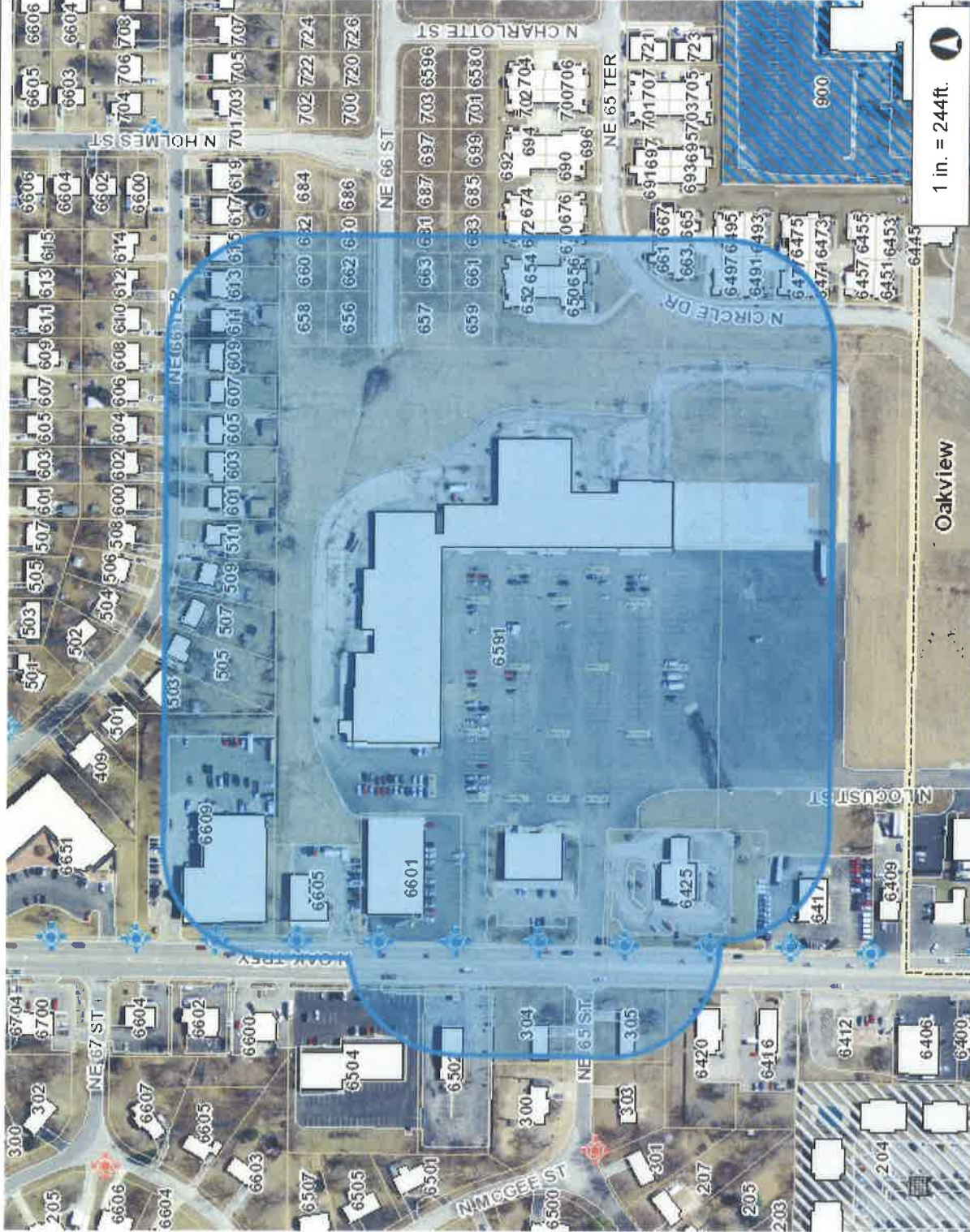
SHEET NO.:
A011-1
PROJECT NUMBER:
111716



1 OVERALL SITE PLAN - PHASE 1



Gladstone, MO



1 in. = 244ft.

Oakview

Legend

	KCPL Lights		Gladstone Lights
	School Point		Bike Parking
	Bus Stop		Point of Interest
	Church		Apartment Point
	Street Centerline		Edge Of Pavement
	Driveway		City Limits
	Parcel		House Number
	Building Footprint		School Polygon
	City Park		Villages
	Apartment Polygon		

Notes

Pagoda Event Center
Special Use Permit

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION





Community Development Department

Staff Report

Date: April 21, 2017 *N. Pappas*

File #: 2017-008

Requested Action: Special Use Permit

Date of PC Consideration: May 15, 2017 (Approved: 7 to 1)

Date of Council Consideration: May 22, 2017

Applicant: Dana Blay
DBL Architecture, Inc.
8031 Wenonga Road
Leawood, KS 66206

Owner: HL Ventures, LLC
P.O. Box 10682
Kansas City, MO 64188

Architect: Same as applicant

Engineer: N/A

Address of property: 6589 North Oak Trafficway

Planning Information

- Current Zoning: C-1 Local Business District
- Zoning History: None recent
- Planned Land Use: Commercial
- Surrounding Uses: Residential to the north, south, and east; commercial to the west
- Streetscape Guidelines: Comprehensive Plan, Appendix D; 2016 Direction Finder Survey
- Applicable Regulations: Zoning and Subdivision Ordinance and Comprehensive Plan

Additional Information

- Public Utility Availability: Existing
- Ingress/Egress: Adequate ingress and egress exists along North Oak Trafficway and NE Shady Lane Drive
- Traffic Impacts: None, relative to the historical land use of the property
- Parking Required: 50 parking spaces (1 per 3 occupants with a maximum occupancy of 150 people)
- Parking Provided: Adequate shared parking at Pagoda Plaza (Gladstone Plaza) is provided at over 200 parking spaces

- Proposed On-Site Improvements: None
- Proposed Off-Site Improvements: None
- Proposed Landscaping: None proposed, although staff suggests additional landscaping along the north property line to buffer the proposed use from adjacent residential properties
- Proposed Signage: Proposed wall signage will be submitted with application for a building permit

Analysis

The applicant is requesting a special use permit for the purpose of operating an “event center” at Pagoda Plaza (formerly Gladstone Plaza) in an existing tenant space. The intent of this use is to rent out assembly space for private events. This type of use is allowed in C-2 zoning districts and above. Chapter 135 of the City Code allows for higher intensity uses to be approved in lower intensity districts through the granting of a special use permit.

Given the unique characteristics of places of assembly, the most apparent effects of allowing this use adjacent to residential properties include noise and trash/debris. Steps aimed at noise control within the tenant space, additional landscaping along the nearest property boundary, and restrictions over outside dumpster usage can proactively ameliorate these potential negative effects.

The City’s Comprehensive Plan discusses the idea of “village centers,” of which Pagoda Plaza (Gladstone Plaza) is one. One of the components of activity nodes is encouraging intermixed uses, such as office, retail, and moderate-to-higher density residential uses with a variety of housing choices. The owner of Pagoda Plaza has discussed with City staff an ambitious long-range plan to redevelop the site with the village center concept in mind. As part of this plan, a variety of land uses (such as an event center) are anticipated. Other eventual changes on the property can include residential mixed-use development, additional commercial uses, and pedestrian-oriented open space.

Did You Know?

Chapter 135 of the City Code requires that an adequate buffer zone be constructed between commercial and residential land uses. A buffer zone is defined as “an open and unpaved ground area around the perimeter of a tract landscaped or planted so as to provide an attractive green space, having a grade not exceeding 2:1 and a width of not less than 35 feet. Parking is not allowed in a buffer zone, except as otherwise provided. Each buffer zone shall be maintained by the owner thereof in accordance with applicable laws and codes without expense to the city.” Ultimately, the Planning Commission and City Council have great latitude in determining an appropriate buffer that is suitable based on the unique characteristics of the area.

What is a Village Center?

The City’s Comprehensive Plan, *Gladstone on the Move*, promotes the concept of village centers. Village centers can vary in scale and development intensity, but are generally based on the following:

- Sense of place,
- Compact development
- Intermixed uses,
- Transportation and circulation, and
- Pedestrian-oriented design

Downtown Gladstone is a prime example of a village center. However, village centers need not be exclusively in downtown areas. They can serve adjacent neighborhoods with small-to-medium sized businesses and serve as a focal point for those neighborhoods.

Recommended Conditions

Staff recommends that the following conditions be considered if the Planning Commission and City Council choose to approve this request:

1. This Special Use Permit is issued to HL Ventures, LLC to be used at this address only. This Special Use Permit shall be non-transferable to any other person or company, or to any other location. Any change in operation of the business by HL Ventures, LLC shall render this Special Use Permit null and void.
2. No noise shall be produced that is perceptible outside of the business.
3. Use of outside dumpsters shall be limited from 7:00 AM to 10:00 PM, Monday through Sunday.
4. Additional landscaping to effectively buffer adjacent residential land uses shall be planted and maintained in perpetuity.
5. Compliance regarding fire safety requirements made by the City of Gladstone Fire Marshall is mandatory.

What Does the Public Say?

At the time this staff report was written staff has heard from three residents, all of whom approved of this special use permit application. Potential issues that the Planning Commission and City Council may want to think about in this particular case include:

- a) Noise
- b) Trash and debris

Recommendation

Both the Planning Commission and City staff recommend that this special use permit application be **approved** for a one year period contingent upon the conditions listed above.

Planning Commission Concerns

At the May 15th Planning Commission meeting Commissioners were most concerned about potential noise issues as well as whether or not the tenant would be applying for a liquor license. Staff reached out to the architect instructing him to design a landscape concept that would adequately buffer residential uses. In addition, staff reached out to the property owner to strongly encourage that he appear before the City Council to answer any detailed questions.

GLADSTONE PLANNING COMMISSION MINUTES

Council Chambers May 15, 2017

1. **Meeting called to Order-** Chairman Markenson called the meeting to order at 7:00 pm.

Roll Call

Commissioners present were: Anne Alexander, James New, Shari Poindexter, Bill Turnage, Carlos Salazar, Don Ward, Larry Whitton, Gary Markenson. Also present: Mayor R. D. Mallams, Councilmember Jean Moore; Bob Baer, Asst. City Mgr; Nick Pappas, CD Director; Alan Napoli, Building Official; Becky Jarrett, Admin. Asst., Cheryl Lamb, Admin. Asst. Absent were: Chase Cookson, Jennifer McGee.

2. **Pledge of Allegiance to the United States of America**

3. **Approval of Minutes.**

Mr. Turnage moved to approve the minutes from the April 17, 2017 and May 1, 2017 meetings. Mr. New seconded. The minutes were approved 8-0.

4. **PUBLIC HEARING: On a request for a Special Use Permit at 6589 N Oak Trfwy. Applicant: DBL Architecture, Inc. Owner: HL Ventures, LLC, File #2017-008.**

Director Pappas gave the staff report. The project started May 1, 2017 with a Special Use request for Pagoda Village. It's a multi-layer concept planned for the old Gladstone Plaza, starting with a Special Use Permit for this particular request, followed by replatting and rezoning in the near future. The Special Use Permit is for the tenant to operate an "event center" in an existing tenant space on the Northeast corner of the development. This use requires a C2 zoning or higher and is currently zoned as C1. There are residential uses to the north, south, and east and commercial to the west.

Mr. Pappas referred to the overhead screen to show the Commission the overall concept plan and tenant space for the event center. The drawing shows the stage and front door. Food will be catered for events. The most apparent effects for the Committee to consider are noise and trash/debris. There are no parking or traffic concerns. Fifty (50) parking spaces are required with a maximum occupancy of 150 people. Staff recommends additional landscaping to buffer and reduce noise. Wall signage will be submitted with an application for building permit, provided that this Special Use Permit is issued. The overall concept for this shopping center is supported by the City's Comprehensive Plan.

Mr. Pappas shared the staff recommendations to be considered if the Planning Commission and City Council choose to approve this request:

1. *This Special Use Permit is issued to HL Ventures, LLC to be used at this address only. This Special Use Permit shall be non-transferable to any other person or company, or to any other location. Any change in operation of the business by HL Ventures, LLC shall render this Special Use Permit null and void.*
2. *No noise shall be produced that is perceptible outside of the business.*
3. *Use of outside dumpsters shall be limited from 7:00 AM to 10:00 PM, Monday through Sunday.*
4. *Additional landscaping to effectively buffer adjacent residential land uses shall be planted and maintained in perpetuity.*
5. *Compliance regarding fire safety requirements made by the City of Gladstone Fire Marshall is mandatory.*

Staff recommends that this special use permit application be approved for a one year period contingent upon the conditions listed above.

Mr. Ward asked how long the application was valid. Mr. Pappas stated that staff recommends that this Special Use Permit be approved for a one year period.

Mr. Ward inquired if smoking would be allowed. Mr. Pappas was not sure and there was additional conversation regarding the smoking ordinance. He assured them that the ordinance would be followed.

Mr. Ward asked if the parking was adequate. Mr. Pappas stated that there were no issues relative to the historical land use of the property and that we would revisit that situation when the center is filled and further development takes place.

Mr. Turnage asked for verification that there was 250' to residents and Mr. Pappas confirmed that was correct.

Mr. Salazar asked why staff suggests additional landscaping along the north property line but not to the east as noise to the east side needs a buffer zone. Mr. Pappas stated that the condition could be amended.

Mr. Whitton asked if they would be selling liquor or if they had applied for a liquor license. Mr. Pappas said that they hadn't and he would let the architect explain. Mr. Blay said that he believed they are going to get a liquor license. Mr. Whitton asked if it was possible to get a liquor license and Mr. Pappas stated that it would be allowed like any other business.

Ms. Poindexter continued regarding the liquor license and where liquor would be allowed. Mr. Pappas said it would be within the tenant space.

Mr. Whitton inquired if there was a need for the event center and if the Gladstone Community Center stayed booked year-round. Mr. Pappas said it was his understanding that our Community Center did stay booked. This would be an additional venue for people to use.

Mr. Salazar asked if there was an area designed for the dumpsters and Mr. Pappas replied that there was nothing at the moment.

Chairman Markenson asked the applicant to come forward.

Mr. Dana Blay of DBL Architecture stated that the permit would allow them to create a village. The name came from a pagoda which is a community center and religious symbol where people gather, meet, sit and have lunch. The plan is for residential space on the 2nd and 3rd floors, with retail on the first floor. They intend to rezone the entire property and are working to do that right away. The parking lot will be redesigned with a roundabout to block haphazard traffic. The Pagoda will be the focal point and will be a nice amenity for the center. The plan on the residential side is to have as much outdoor space as possible. There will be lots of green space and a lot of sidewalk activity. The idea is that in a village there is music and people outdoors. He wants to give everyone an idea of what they are trying to accomplish in the long run.

The event center came about in order to get 95% of the shopping center filled. His client came to him wanting to do this and he feels it is the perfect opportunity to offer banquets and a wedding facility. He is in agreement with concerns about noise. The north side is up on the hill and is protected but the east side has trees. He is not in favor of a fence as he wants to have a welcoming feel to the village and create a path with a decorative gate. These are initial plans, but they need to get to the next phase. He is not in favor of smoking and doesn't know if they will allow it, but would refer to city ordinances. He wants the area to be clean.

Chairman Markenson thanked Mr. Blay for coming tonight and asked if there were any questions for him.

Ms. Poindexter asked where the Pagoda would be located. Mr. Blay stated that they had two roundabouts planned. It was originally on the southbound end. Now they are thinking of the next phase building-wise (he referred to the map on the overhead) and it would be on the second roundabout.

Mr. Salazar inquired about a gateway from the east for residents where there is currently a walking trail. Mr. Blay indicated he wanted to eventually enhance this space and make it more attractive to residents to the east.

Chairman Markenson asked what new restaurants are planned. Mr. Blay stated that the idea would be like a food court. He recently designed The Broken Rice Oriental restaurant. They are still completing the idea for a sushi restaurant and, if it goes as planned, sushi will come out on a conveyor belt and each diner would choose the dishes they want. The price is based on the color of the bowl. The poke bar is a new idea that is popular in California. It involves smashing sushi in a bowl. The other restaurant is The Crab Shack. The idea is crab bowls with ice cream. They are attempting to mix it up but still keep the theme of the Pan-Asian style.

Mr. Blay shared that the new area would have more retail including a jewelry store, some service industries, accountants, and plans for 3 to 4 more restaurants on the south and the same on the east end. It is a very preliminary plan.

Chairman Markenson understands that the restaurants are independent restaurants and Mr. Blay confirmed that they are independently owned.

Chairman Markenson stated that there were many conditions in the permit and asked if Mr. Blay had any concerns. Mr. Blay has no immediate concerns. He believes the dumpsters should be enclosed and gated and that noise is an obvious concern. He is not aware of any noise issues yet. There are currently 12" concrete block walls of the highest STC rating on the exterior walls.

Ms. Alexander shared that the retirement center had concrete for the floors but they also insulated between the walls and that cut down on the noise. Mr. Blay shared that there are interior walls in addition to the concrete and there is a gap between the outside that includes the green room, a stage and equipment area, offices, and a bathroom that would insulate between the event center and the exterior.

Mr. Whitton inquired about the hours of operation and Mr. Blay stated that they would open at 12:00 PM and would close at 1:00 AM, but he would be surprised if they went past 12:00 AM.

Chairman Markenson asked if the condition for a buffer on the east side would be a problem. Mr. Blay stated he's not sure what type of buffer would eliminate all noise. He suggested evergreens and he is waiting to see how it goes to determine what additional sound barriers are needed. He wants to be a good neighbor and create something new from something that's not currently used.

Chairman Markenson commented that there have been several projects in Gladstone in the last two years including new restaurants with modern, up-to-date structures. He thinks this is very gratifying to see people investing in our City. It's a good sign for our community.

Mr. Salazar asked if the residential properties would be affordable. Mr. Blay said the rates would be the same as existing properties. He hadn't checked the market prices at this time.

Chairman Markenson asked if there were any questions, any supporters, or anyone opposed.

Erin McNall, Chairman of the Board at Oakview (on Shady Lane to the south), expressed her concerns regarding additional traffic being generated by Pagoda Village. Her specific concern is regarding people turning east on Shady Lane, turning left from North Oak. She shared that her concern is there could be a bigger problem. She likes the Pagoda Village idea but traffic could become a problem.

Gary Krispen, Board Member at Oakview, stated that the complex has been dormant for several years so the traffic will increase. Currently there is a turning lane at Shady Lane and 64th but no signal and there have been several accidents. He would like to see a recommendation added to the Special Permit to add a turn signal since Gladstone operates the turn signal and lights. The Oakview community is patrolled by Kansas City police from Maple to Shady Lane in the northbound lane on N Oak and Gladstone takes care of the southbound lane. Mr. Krispen also asked if the owner has a liquor license or will it be bring-your-own-bottle. Mr. Blay said that the owner had already applied for a liquor license.

Mr. Krispen stated that the drive extending from the parking lot to Shady Lane to the south runs in front of Oakview City Hall and Police Station and was concerned about storm water drainage. Mr. Blay shared that there was going to be a re-zoning and the Special Use Permit is the beginning phase.

Mr. Krispen asked how far to the south do you anticipate the new complex will go? Mr. Blay stated that it is starting in Gladstone and might eventually extend into Oakview. He told Mr. Krispen he was glad he was there and would like to have further discussions with him. Mr. Krispen asked him to keep in mind that there are very close neighbors and more people moving into the area will cause increased traffic.

Mr. Krispen reiterated that his main concerns were about more traffic on Shady Lane, a turn signal going south at Shady Lane and N Oak as well as going north from 64th and N Oak.

There was no one else present in favor or opposed to of the application. Chairman Markenson closed the public hearing.

Ms. Poindexter is not in favor of the event center and feels that other businesses can provide the same services. Mr. Blay stated that there are no restrictions regarding restaurants or catering services.

Mr. Ward stated that a good business owner wouldn't limit caterers or they wouldn't stay in business. He also felt that traffic could be a problem. Chairman Markenson suggested that Public Works be consulted. Mr. Pappas said that he will advise our city engineer, Anthony Sands. He stated that any additional development on this site will trigger a traffic study.

Mr. Whitton asked Mr. Pappas if he knew if there were more accidents at that location. Mr. Pappas said there weren't more accidents compared to other similar intersections, but that it is on a major thoroughfare – North Oak Trafficway. Additionally, Shady Lane is a primary arterial.

Mr. Salazar commented that it was an interesting dilemma to have two different municipalities patrolling this area. He suggested a future presentation from them regarding how they work together. Mr. Pappas stated that as the concept moves forward there will be ample opportunity for additional public hearings, including the possibility of having joint meetings with Oakview.

MOTION: By Mr. Ward, second by Mr. Whitton, to approve the Special Use Permit at 6589 N Oak Trfwy.

VOTE:	Mr. Markenson	Yes
	Mr. New	Yes
	Ms. Poindexter	No
	Mr. Turnage	Yes
	Mr. Ward	Yes
	Mr. Whitton	Yes
	Ms. Alexander	Yes
	Mr. Salazar	Yes

The motion carried. (7-yes, 1 no)

5. Other Business:

- a. **Commission Education.** No new information.
- b. **Planning and development related news.** Mr. Pappas shared that he will be attending the MARC Total Transportation Policy Committee tomorrow at 9:30 AM to discuss Gladstone's position in the Kansas City region and its new prominence as a substantial activity node in the Northland. He will be presenting development progress in Downtown Gladstone over the past 20 years.

Bob Baer shared that the Antenna Bill passed the House with concessions but was bogged down in the Senate. The originator of the bill is trying to amend those concessions with original language. There was no compromise so we reached out and tried to kill it. The bill ultimately died.

6. **Communications from City Council and Staff.** Jean Moore asked if everyone had the opportunity to view the new art on Kirk Davis Drive. The new exhibit is called Glass Towers by artist Tyler Kimble. It is part of the temporary collection and will be there until October 7, 2017. There are now six pieces of public art in Downtown Gladstone.

Saturday, May 20th there will be events for Armed Forces Day and Kids to Parks Day.

The QuikTrip at 72nd and Hwy 1 will delay its opening until June 15, 2017.

There will be a new Domino's Pizza at 7302 N Oak in the Santa Fe Glass building.

7. **Communications from Planning Commission.** Mr. Whitton commented to the City Council to give this Special Use Permit one year to prove itself with the concerns regarding noise and traffic.

Mr. Salazar shared concerns about whether Pagoda Village had applied for the liquor license or not. Mr. Blay didn't seem to be sure. He still has concerns about the noise buffer on the east and north sides of the Village. Mr. Pappas stated that the permit requires them to add additional buffers to both sides.

Ms. Poindexter was disappointed that there was not a company representative from the Pagoda Village and would hope that they will attend the City Council meeting. She felt there was a lot of vagueness about several of the plans.

Ms. Alexander shared that Kendallwood originally had a tennis court and trash barrels and they have been replaced with grass and chairs, a pergola, picnic tables, benches and a lovely, rock fountain.

Mr. Turnage asked if there had been complaints about the noise during the late night work on M1. Mr. Pappas said they had been in contact with and had advised MoDOT of all complaints.

- 8. Adjournment-** Chairman Markenson adjourned the meeting at 7:52 pm.

Respectfully submitted:

Cheryl Lamb, Recording Secretary

Approved as corrected _____

Gary Markenson, Chairman

Approved as submitted _____