

PLANNING COMMISSION
GLADSTONE, MISSOURI

January 7, 2002

Item 1 on the Agenda: Meeting called to order – Roll Call.

Present: Ms. Abbott

Ms. Alexander

Mr. Dillingham

Mr. Duncan

Mr. Hill

Mr. Kiser

Mr. Steffens

Ch. Rudi

Council & Staff Present:

Mayor Anita Newsom

Councilman Shirley Smith

Counselor David Ramsay

Asst. City Manager for Development Scott Wingerson

Absent: Mr. Beer

Mr. Evans

Ms. Morrow

Ms. Wild

Item 2 on the Agenda: Pledge of Allegiance.

Ch. Rudi led the group in reciting the Pledge of Allegiance.

Item 3 on the Agenda: Approval of December 17, 2002 Minutes.

The Minutes were approved as submitted.

Item 4 on the Agenda: Communications from the Audience.

None.

Item 5 on the Agenda: PUBLIC HEARING on a request for a Special Use Permit, property at 903 NE 76th Street. Applicant/owner: Toni Faust. (#1170) NOTE: the City Council public hearing is scheduled for January 28th.

Ch. Rudi opened the public hearing and called on Mr. Wingerson for his comments.

Mr. Wingerson stated that the applicant is requesting a special use permit to allow the operation of a day care center from the home at 903 NE 76 Street. The proposed term is five years with a maximum number of children being ten.

He drew attention to the staff report, specially Recommended Condition #6, which suggests a 6' tall fence with lockable gate be installed around the water feature in addition to a 6' tall fence around the entire back yard. This home has a water feature, a decorative pond, in the back yard. Staff is a little bit concerned about that. Overall, the request is solid and not different from what

the Planning Commission has seen in the past except in a couple of areas; one being the water feature in the back yard, and the second being that it's located on 76th Street which is a primary, arterial east-west route in the City. Staff is recommending this request be tabled after tonight's public hearing to allow a portion of the Planning Commission to perform a site visit, and that we have some sort of notice from the Missouri Department of Family Services which indicates that the water feature is appropriate under their guidelines.

Ch. Rudi called for questions from the Planning Commission for Mr. Wingerson.

Ms. Abbott said she drove up there today and walked around. My goodness, that isn't a pond, that's a lake that takes up the whole back yard of that one house next door to 903, and there's only a 4' fence around it, besides the water in the applicant's back yard!

Mr. Wingerson said he thinks Ms. Abbott has accurately characterized the area. There's a pond on the property to the west which serves as a detention pond, although it's been a recreational pond for that property owner for a number of years. The storm water system that drains Oak Grove Park drains through there and then runs through Mr. Mitchell's development before going on into Rock Creek across Troost.

There being no further questions for Mr. Wingerson, Ch. Rudi called on the applicant to address the Commission.

Toni Faust, 903 NE 76 Street, introduced herself, saying she and her husband have lived there about 10 years. She's been a public school teacher for a number of years, then retired. They had two children who had gone to a Montessori School and she was very interested in that method of teaching. She wanted to start instruction for Montessori at that time, but her kids were too little and she didn't want to leave them, so she went ahead and taught in public school for 21 years. Upon retirement she did her Montessori training and has been working in the summer at Global Montessori School as a substitute and then at Covenant Montessori School here in Gladstone. Since their children have left home and graduated from college, their basement is empty. It's a huge area the length of the house and garage and it's just sitting empty. She decided it'd be great to have a Montessori School there. It isn't a day care. It's a Montessori School and the hours would be from 8:30 to 11:30, and not open during the summer. So it's a very small operation.

Ch. Rudi called for questions for the applicant.

Mr. Hill asked what's the nature of the water feature in their back yard? Ms. Faust answered that it's a beautiful pond that her husband put in two years ago before they ever had a thought of having a Montessori School there. It's a waterfall and has a couple of little water falls. It's a shallow pond (10") except for one point where it's deeper so that fish can live all year.

Mr. Kiser asked, what is the diameter of it? Can it be covered? Ms. Faust answered that it can be covered with a net.

Ms. Alexander said she's assuming the net would be heavy enough that it would keep a child from falling in? Ms. Faust said she thought it would be.

Ch. Rudi called on those who want to speak in favor of this proposal. There was no response. She called on those who want to speak in opposition. Again, no response. The public hearing was closed by Ch. Rudi.

Mr. Hill made a motion to table the application pending a site visit and written documentation from the Missouri Division of Family Services regarding the water features in the area. Mr. Duncan made the second to the motion.

Ch. Rudi called for discussion.

Mr. Duncan asked when the Division of Family Services will be out there for an inspection?

Mr. Wingerson replied that staff has received a couple of different responses from DFS which is one of the reasons we'd like their official interpretation on this. We'll continue to follow up and ask that the applicant do the same. DFS will probably be more responsive to Ms. Faust than to staff, though. The goal is to have this information prior to the next Planning Commission meeting.

Ms. Rudi stated that a site visit needs to be scheduled. (She encouraged the members to drive by during the day.) After some discussion, the site visit was established for Wednesday, January 9th, at 7:15 PM.

Ch. Rudi asked Mary to call the members not here to advise them of the site visit.

ROLL VOTE: Ms. Abbott-yes, Ms. Alexander-yes, Mr. Dillingham-yes, Mr. Duncan-yes, Mr. Hill-yes, Mr. Kiser-yes, Mr. Steffens-yes, Ch. Rudi-yes. (8 yes 0 NO).

Item 6 on the Agenda: Communications from the City Council and the City Staff.

Mayor Newsom wished everyone a Happy New Year. On Monday night at the City Council meeting they will be making appointments and re-appointments to the boards and commissions. Ms. Morrow has declined reappointment so they'll be making a new appointment there. She believes everybody else is on the reappointment list.

She received a card reminding her about the 50th Anniversary Celebration. They can use some people to help on various committees. If any of them want to become involved, please let somebody know. You can contact her, Laura Gay, Teri Hopenthaler, or Lana Whitton. They need people to work on committees. There's quite a gamut of things taking place, so jump in, participate, and have a good time.

Councilman Smith stated that she thought this would be an exciting year for the city, but she really didn't think they'd start out with a great water main break which took her by surprise at 5:00 yesterday afternoon. It's being handled well, and probably by Wednesday morning they'll be back on track. She's glad to see that even though the year is young, we already have things going that we're all geared to whatever happens. But when she says they have some exciting things coming up for the City she doesn't mean things like the water break!

Mr. Wingerson would like to follow up on a discussion they had back in October of last year which had to do with a time frame for implementing the North Oak Corridor Study. One of the primary tools recommended in the Corridor Study is the creation of Overlay Districts and a Landscape Ordinance. Back in October around the time the Commission and Council were considering adopting the Study, he committed that they'd have something to begin discussion after the first of the year.

He looked at several strategies for overlay zoning and landscape ordinances and came up with some ideas. Unfortunately the ideas don't work very well in our current zoning ordinance because of its age and format and simplicity. That led to a re-review of ZAPO which allowed the Overlay Zoning and the Landscape Ordinance to fit nicely into that framework. He spent a little bit of time over the holidays looking at ZAPO and including the corridor overlay regulations as well as the landscape provisions and it looks something like this (holding up the ZAPO notebook).

Ms. Alexander asked, what is ZAPO? Mr. Wingerson answered, ZAPO stands for Zoning and Platting Ordinance. It's the zoning and subdivision regulations of the city. Its' two companions are LADO (Land and Development Ordinance) and BACO (Building and Construction Ordinance). We are on our second version of BACO. The first version of LADO was adopted in 1997. So two of the three 'brothers' have been adopted. ZAPO has tried to be adopted several times and never quite made it. It's a good document, but it's very complex and will take some time on the part of the Commission and the City Council to feel comfortable in considering approving it.

If approved by the Commission, we'll propose to the City Council next Monday a process which divides ZAPO into roughly six sections so we can be completely through the review process in six months and then start gearing for the actual public hearings and adoption in late summer.

The process might work like, somewhere in the first week of the month, the Commission, and the City Council, should they agree, would received approx. 1/6 of the document, an amount that can be covered generally in about an hour. Then at the third Monday, the Planning Commission would go through that information in a time period that is an hour or slightly under, then hold their regular meeting. The following Monday, which would be the second Council meeting of the month, the City Council would receive a summary of what's in that information as well as any input that the Planning Commission receives and a chance at that point to comment. At the conclusions of the six meetings over six months, they'd have public hearings on the entire document and allow people to comment and move forward through adoption.

A complicating factor in all of this is the overlay zoning. It is possible for the Commission to recommend and the Council to approve overlay zoning standards (how tall the buildings are, how short they are, how much parking they have, what they're made out of, how much landscaping), all of those things you're using to looking at are possible and appropriate to adopt into a zoning ordinance, however, the actual legal description of the district itself is a little bit problematic because it requires certified notice to every property owner within that district. The strategy currently included in ZAPO includes a strategy that creates one very large district that runs up and down N. Oak from City Limits to City Limits in various depths. That's one district with a certain set of regulations and requirements. The second would be kind of a civic core district which would be this area. That's an awful lot of notice. Probably it's not going to be the shortest public hearing the Commission ever has been involved in, so that may be very confusing when trying to adopt about 300 pages of zoning text.

What he recommends as of tonight, until they have a chance to discuss it more, is that they go through and try to understand the text and see if they can get the text adopted and then concurrently work with the N. Oak and Civic Center property owners in the creation of specific districts and what the rules and regulations might look like for that district. Hopefully in similar timeframes they'll conclude the public process for the districts and more of a study process for the text itself.

Mr. Wingerson would welcome input from the Commission. This is a pretty important document which they need to spend some time on.

Ch. Rudi asked what would be the process to work with the North Oak and Civic Center? Mr. Wingerson answered, they're developing that strategy now. One approach is to create a special improvement district where some of the revenues from that district can be re-utilized, re-invested, within the district, giving the property owner something to look forward in improvements that they can understand, feel and touch. It's a benefit to each other. In providing that benefit, there's regulations so that it's administered appropriately and fairly to all. That's one way to do it concurrently. There's probably two or three different strategies for concurrently doing that at the same time. It's important that they seek to get buy-in from the N. Oak property owners as well as the Civic Center property owners in moving forward to long-term success in the districts themselves.

Ch. Rudi asked if the Commission members have any problems with looking at this each month at their second meeting? After some discussion, it was decided to schedule this after their second regular meeting each month.

Item 7 on the Agenda: Communications from the Planning Commission members.

Mr. Dillingham asked about Steak'n Shake on behalf of his pregnant wife. Mr. Wingerson said there has been a little bit of movement, but he doesn't know what it is. We'll send an update in their packets.

Ms. Abbott wished everyone Merry Christmas and Happy New Year. She still has the crud, but isn't contagious!

Mr. Steffens asked about the sign on Antioch Road where the young lady is sticking out in the road? Mr. Wingerson answered that the sign is in compliance.

Ch. Rudi wished all a Happy New Year.

Item 8 on the Agenda: Other Business.

None.

Item 9 on the Agenda: Adjournment.

Ch. Rudi adjourned the meeting at 8:03 P.M.

Respectfully submitted:

Mary Walden, Recording Secretary

Approved as submitted _____

Carol Rudi, Chairman

Approved as corrected _____