

PLANNING COMMISSION
GLADSTONE, MISSOURI

June 17, 2002

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

Present:	Ms. Alexander	Council & Staff Present:
	Mr. Dillingham	Councilman Shirley Smith
	Ms. Wild	Councilman Wayne Beer
	Mr. Evans	Scott Wingerson, Assist. City Mgr. for Dev.
	Mr. Kiser	David Ramsay, City Counselor
	Chairman Hill	
	Mr. Turner	
	Mr. Bone	
	Ms. Abbott	

Absent: Ms. Lowe
Mr. Duncan
Mr. Steffens

Item 2 on the Agenda: Pledge of Allegiance.

Chairman Hill led the group in reciting the Pledge of Allegiance.

Item 3 on the Agenda: Approval of May 20, 2002 Minutes.

The minutes were approved as submitted.

Item 4 on the Agenda: Communications from the Audience.

None.

Item 5 on the Agenda: Communications from the City Council and the City Staff.

Councilman Shirley Smith said that she had some good news...as she was driving back from the dentist this morning she actually saw a structure at Steak n' Shake. The walls were up... they weren't much farther than that, but it's a start. We're moving ahead!

Councilman Wayne Beer commented that the Bluesfest was a rousing success! It was great and there was a great turnout. He said he wasn't aware that Steak n' Shake was on it's way, but that's kind of exciting.

Mr. Wingerson said that now Steak n' Shake is out of the bag, he doesn't have anything.

Item 6 on the Agenda: Communications from the Planning Commission members.

Ms. Abbott referred to a handout she had given the Commission titled "Building Permits in City of Gladstone" (copy attached). She commented that she had all sorts of excitement in her neighborhood when a new neighbor moved down here from Nebraska. She guesses he lived in the country up there and that he didn't know how to live in the city. Ms. Abbott said she would be happy to answer any questions anyone had.

Ms. Alexander said that she thought that if you had a property that you were going to develop that it was your responsibility to figure out where the property lines were, not your neighbor's responsibility.

Ms. Abbott replied that you would think so.

Mr. Wingerson said that is generally correct.

Ms. Abbott said that there is a lilac bush there and that when they started all of this, he (Mr. Gilley) came over to Mr. Freeman and said "Who owns the lilac bush?" The fence was already in when Mr. Freeman bought his house and he said that "Bill Henderson told me the lilac bush was mine".

Ms. Alexander asked if the property needs to be surveyed.

Mr. Wingerson answered that to be absolutely sure where that building sits in relation to the property line, then it would have to be surveyed. He said that he was not convinced that the location of the building is the main issue. Mr. Wingerson said he thinks that maybe the issue is the existence of a building that size, which is 24' by 30'. It is detached. It sounds big, but it's not really that big. It would be 720 square feet. The foundation for the building is in and has been field measured in terms of the required setbacks to the fence. It certainly appears to be compliant with the regulations that we currently have. Mr. Wingerson said he doesn't want to speak for Ms. Abbott, but he thinks that maybe her request is that, as staff, we take a look at what it takes to obtain a building permit and more narrowly focus in on what constitutes an approval and what doesn't. He said he doesn't believe that there is anything that is not in compliance in any way, shape or form with this particular application that Ms. Abbott refers to in her letter. Mr. Wingerson said he would be glad to go over with the Commission what's required and what's not required and why those things are required or not to see if the Commission would think that a recommendation is appropriate to the Council on whether or not we should be doing it differently. He said he would be absolutely glad to do that if that would be their desire.

Ms. Abbott said it was her feeling that, speaking for the neighbors in that area complaining about the size of the garage, with anything of that size there should be some kind of application that specifies exactly how many feet it is going to be from the property line, and where the line is, and a plan. She said that when she looked at the plan, he (Mr. Gilley) said it was going to be \$12,000, but now they are going to air-condition it, add a lead entry door, a sidewalk from the house to the entry door and another ten foot driveway. So the whole East side of that front yard

is going to be concrete. The neighbors think it's going to depreciate their homes because who wants to live next door to a concrete front yard?

Ms. Alexander asked that if they aren't going to use it for a repair shop, what are they going to use it for?

Ms. Abbot explained that he said that they had a four car garage in their other house and he wants to work on his antique car and store his two motorcycles. Ms. Abbott said you don't need a garage this size to store an antique car and two motorcycles. You also don't need the whole thing air-conditioned and heated either. She said that it looks like the City needs the funds and if they are going to build a place they can live in then the City should be getting the permit fee for housing rather than out-buildings.

Mr. Wingerson said that regarding that question, the permit fee for a garage or a house is based on the same valuation table. On the application that the property owner filled out, the building was valued at \$19,000. That is just the building itself. The necessary sub-permits would be an additional permit fee. The electrical, plumbing and mechanical permits would all have separate fees that are based on the value of that specific trade work.

Ms. Wild asked how large of lot it was.

Mr. Wingerson answered that at the front it is 97 feet wide by 151 feet deep. At the back it is 123 feet wide. The lot resembles a modified pie shape.

Ms. Abbott said the garage fills up the back yard.

Mr. Dillingham asked if the building meets all the setbacks and restrictions.

Mr. Wingerson said he believes it does from the information provided on the building permit application. What really counts is a field verification. For example a contractor can say they are going to have 2 x 10 rafters. That works for the size of the room, but when the inspector shows up and they're 2 x 4 rafters, it's not going to hold the roof up. Everything on the application is field verified.

Mr. Kiser asked that if the foundation has been poured, has it been inspected.

Mr. Wingerson said that it has been inspected and the setbacks were verified. The inspectors use a common sense approach to verify. When Ms. Abbott came into the office regarding this application, staff went back and put a tape to it and verified it that way.

Ms. Alexander said it is the height of the garage that bothers her. She suggested that if it does meet all City specifications, maybe we need to take a look at the rules.

Ms. Abbott said she thinks that if someone is going to put a building that size in a residential area without an oversized lot, that it should come before the Planning Commission and be approved.

Chairman Hill said that he thinks there are two types of regulations that we are looking at here. The first one is City building codes as to what is permitted in a residential neighborhood. Those

are typically limited based upon certain construction standards and public safety. This is one of the things we are looking at with ZAPO, what will be permitted on a residential lot. Mr. Hill said that you have to be careful because some things may work in some subdivisions and not others and typically with out-buildings in a residential area there are normally covenants and restrictions that governs these things. He said that he thinks the situation they are talking about is more appropriate for covenants and restrictions than for a city building code. It seems that the covenants and restrictions were not considered and drafted when they were recorded to restrict out-buildings, or maybe they were and the neighbors need to be looking at those because they may prohibit exactly this activity. In that event, it's not a city regulatory thing, it's a neighborhood homes association situation. You can take city codes to that extent, but Chairman Hill said he thinks you would be creating a regulatory nightmare in doing so. It seems more appropriate for the home owners association.

Mr. Wingerson said this house is in the 61st Street Addition East.

Chairman Hill said that someone may want to look into it and see what's recorded in the covenants and restrictions. The neighbors may want to try and enforce it. The City would not have the authority to enforce those covenants.

Councilman Smith asked what a Morton building was.

Chairman Hill answered that it is a pre-fabricated building made of metal.

Mr. Wingerson said that he would like to make a clarification on the height. He is not sure of the height of the building, but if he had to guess, he would say it is somewhere between 14 and 16 feet. Ms. Abbott was correct in stating in her letter that the maximum height for a building is 35 feet. Mr. Wingerson said he would be very surprised if the building we are talking about is 35 feet high.

Chairman Hill asked if Ms. Abbott had anything else. She replied no.

Ms. Wild said she had two concerns. The first one is the dumpster site at Whispering Oaks Apartment complex. They have two dumpster sites on that property and if they have a regular trash pickup, she doesn't know when it is because it's now overflowing with trash including furniture. The other question is regarding the island on the stretch between M-1 Highway and 72nd and 73rd Terrace. Ms. Wild asked if the state maintains that area.

Mr. Wingerson said staff would talk to the management of Whispering Oaks regarding the dumpsters. He mentioned that staff is working with trash companies on a larger scale to see if trash pickup can be on a more regular basis. Theoretically, the state is supposed to maintain that island; however, the City ends up doing it. Mr. Hoops has already sprayed that island at least once this season and that is why everything is dead. Mr. Wingerson said he will work with Matt and his folks and see what else can be done.

Mr. Turner said he really didn't have anything except to mention that the Bluesfest was great.

Ms. Alexander said that the towing company that is on retainer for the old Texaco site is not working.

Mr. Wingerson said that staff has been in constant contact with the owners trying to get a handle on it. It is very hit or miss. This weekend it was horrible, but last weekend there wasn't a single vehicle there. Staff continues to plug away at it. Mr. Wingerson noted that they did cut the weeds.

Ms. Alexander said that she is concerned about the building going up that Ms. Abbott spoke of. If the foundation is already poured and it goes up, it will be a hard thing to get rid of.

Chairman Hill said that a couple of years ago the City had some problems with the outdoor sales at Home Depot. They have done some reorganizing, but he thinks that they are getting back to where they were. They have moved all their carts out front in the fire lane and they are doing outdoor sales in front of the garden center, which can be a pretty wild place on a weekend afternoon with traffic. He knows staff has addressed it before, but there are probably new managers.

Mr. Wingerson said that is kind of like the M-1 island, we've sprayed it once! Alan Napoli, Craig Slaughter and Dave Reyburn have been out there on several occasions. If it's any consolation, a month ago it was several times worse than it was this past weekend. Staff has worked with them to try and identify traffic patterns that work naturally for the customers so that cars are not all bogged up at the entrance. There has been some progress, but not enough. One of those strategies was to think about the carts outside, so that's kind of a test...although not in the fire lane...that wasn't the suggestion. With the carts outside, there is an allowable display area in the front. If that allows customers easier access and more natural movement then it's going to work a lot better if people know what to do instinctively, rather than having to actually figure it out. One weekend they had a rather large flower display out in the South part of the front doors and they actually blocked it off and made it one way traffic through that area. That worked really good for the volume of customers they had in the springtime. Staff will continue to work with them.

Chairman Hill joked that he would not even mention his stop sign.

Mr. Wingerson thanked him for not mentioning it.

Mr. Evans joined the meeting at 8:03 p.m.

Item 7 on the Agenda: Other Business- ZAPO Discussion: Conditional (special) Use Permits; Yard and Height Exceptions and Additional Requirements; Off Street Parking; and Accessory Uses.

Mr. Wingerson began the overview of the above sections of ZAPO. First was Conditional Use Permits. He explained that when you think about Conditional Use Permits, to think Special Use Permits although there are some subtle differences. What this section is designed to do is allow the Commission and City Council to address projects that have some type of unique impact on adjoining land uses. Mr. Wingerson noted an important change in the ability to revoke a Special Use Permit. The City has that ability now, but it is not documented. Section 32.1000.020 discusses the process of revoking a permit.

Another subtle change between a Conditional Use Permit and a Special Use Permit that we have now is a time period that is originally granted that can be extended by the City Council if they so desire. Again, this is just a formalization of current practices.

Mr. Wingerson went on to Section 32.1000.040, which states that no conditional use shall be enlarged, altered, or changed until a new application is approved by the City Council.

Regarding yard and height exceptions and additional requirements, there aren't really any giant changes. Mr. Wingerson spoke of item C on page 151, Visual Clearance. This identifies a safe site triangle of thirty feet which allows people to pass through intersections safely and back out of their driveways safely.

Item D, open porches may not exceed sixty square feet. This is the same as the current code.

Mr. Wingerson explained that a new addition proposed in ZAPO is the concept of an average setback. This only applies in residential districts, particularly in application, in R-1 districts. He read from letter E, page 151-152.

Letter F, Previously Platted Lots, states that required yard lines of subdivisions platted in compliance with applicable laws or chapters prior to August 23, 1965, shall be as then stipulated. The question is what about prior to August 23, 1965?

City Counselor Ramsay said that "...prior to August 23, 1965" should read "after August 23, 1965."

Mr. Wingerson said he would make the correction. He continued by saying that the remaining sections have to deal with flag poles, roof equipment, screening walls and antenna systems. He noted that the Commission will come back to the antenna systems, because there is a lot more work to be done there. This generally applies to satellite systems for residential property. There is a lot more coming as it relates to telecommunications. It will be inserted as necessary.

Mr. Wingerson spoke of Off-Street Parking and Loading Requirements on page 155. This is a big change in the way the City does business. Currently, parking is calculated on a net floor area (NFA). With this formula, the square footage of the building is divided by 200, which tells you how many parking spaces. Once that number is calculated, it is multiplied by 80%. As with the Sr. Housing project, sometimes this results in a parking ratio that is way higher than the proposed use could ever use. ZAPO proposes to be more specific in how it calculates parking, which can be seen on page 155-157. The downside to this calculation is that if a receiving facility were to change into a general retail facility, then it would be seriously under-parked. The new owners would need to come back to the Commission and the City Council for a plan revision to deal with the additional parking needs.

Section 32.1200.040 deals with parking requirements. The main change in this section is letter D, front yard parking which makes formal the idea that parking doesn't encroach into the setback area. It also creates more green space.

Mr. Wingerson reviewed Section 32.1200.060, special conditions, residential uses. This section mentions recreational, boat and other such vehicle parking. These items would need to be to the rear of the front set back line of the lot.

Section 32.1200.070 also provides two new tools, joint parking facilities and combined parking facilities. This is where two facilities that aren't necessarily related can share parking back and forth. One example of combined parking facilities would be a tavern and a bank that could share each other's parking do to their difference in peak times.

Letter C, small car parking refers to smaller parking spaces that do not have a lot of turnover, such as schools and churches. A small car parking space would be eight feet by sixteen feet. Orientation of parking is something that the City does not have now. It has to do with how far away the required parking can be from the front door of the building. ZAPO proposes that this distance would be three-hundred feet. Disabled parking requirements are the same.

Mr. Wingerson continued to Accessory and Temporary Uses and Structures. This section covers home occupations, permitted accessory uses and outdoor special events. There are no major changes in this section. Mr. Wingerson explained that home occupations licenses are done administratively and would not be seen by the Commission and City Council unless they did not fall under the guidelines and would then require a Conditional Use Permit. Number 13, Complaints and Appeals is new to this section. This allows staff to initiate an action to the City Council if the rules and regulations of the home occupation guidelines are not being followed.

The last Section, Outdoor Special Events is a reprint of a current ordinance that the City Council passed about four years ago. The purpose is to regulate outdoor sales in all zoning districts. Mr. Wingerson sited some examples, such as Wal-Mart's garden center, Hy-Vee's garden center and Vidalia onion sales by the Shriners. The current ordinance has been working very well since it was approved and it allows the City to review everything before the event begins. It also requires the business to submit proof of liability insurance.

Mr. Wingerson asked if anyone had any questions for him.

Chairman Hill asked if special event permits pertains to farmer's produce.

Mr. Wingerson answered that the City cannot regulate farmer's produce on a vacant lot. The City can regulate it on a developed lot, but it really isn't a problem so the City doesn't seem to need to enforce it.

Mr. Dillingham said he had a few questions. On page 148, Mr. Dillingham asked why the City is required to submit written notice by both regular mail and certified mail.

Mr. Wingerson said it is done mainly just to cover the City because a lot of people won't sign for certified mail when it is from the City.

On page 151, Mr. Dillingham asked how big a sixty square feet porch is.

Mr. Wingerson said that would be 6 feet by 10 feet.

Mr. Dillingham asked why the City was concerned with this.

Mr. Wingerson answered that it is just a way to provide an encroachment into the setback to allow entrance details to exist.

One page 152, Mr. Dillingham asked why the City would be concerned with flag sizes.

Mr. Wingerson said that this is a leftover ordinance that happened on the East coast about twenty years ago. It mainly deals with how large of a flag a business could fly. It really had to do with a green and yellow restaurant flag that was being flown so that they could avoid sign requirements. The result of the ordinance is that American flags are being flown at those restaurants instead. Mr. Wingerson said staff will look at that section because it is a lot of information.

On page 153, number 2, Mr. Dillingham asked about the fifty feet height in residential versus the twenty feet height in commercial. He said it seems like these figures should be reversed.

Mr. Wingerson answered that all of that section is going to change, but for discussion purposes, what is being discussed is that if it is mounted on a roof it can be ten feet above the highest point of that roof in residential areas and twenty feet above in commercial areas.

On page 156, Mr. Dillingham asked why hotels and motels have different parking requirements. He asked if this is because a hotel might have a restaurant or bar.

Mr. Wingerson said that is correct. Hotels have other reasons for bringing guests to the property.

Mr. Dillingham said that page 157 directly relates to Mr. Whitton's site plan regarding repair and body shop's parking space requirements. He pointed out to the Commission that is where it is addressed if they would like to change anything.

Item 8 on the Agenda: Adjournment.

Chairman Hill adjourned the meeting at 8:35 P.M.

Respectfully submitted:

Becky Jarrett, Recording Secretary

Approved as submitted _____

Brian Hill, Chairman

Approved as corrected _____