

PLANNING COMMISSION  
GLADSTONE, MISSOURI

July 15, 2002

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

<b>Present:</b>	Ms. Alexander	<b>Council &amp; Staff Present:</b>
	Mr. Dillingham	Councilman Shirley Smith
	Mr. Duncan	Councilman Carol Rudi
	Mr. Steffens	Councilman Wayne Beer
	Mr. Evans	Scott Wingerson, Assist. City Mgr. for Dev.
	Mr. Kiser	David Ramsay, City Counselor
	Chairman Hill	
	Mr. Bone	
	Ms. Abbott	
	Ms. Lowe	
<b>Absent:</b>	Mr. Turner	
	Ms. Wild	

**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 June 17, 2002 Minutes.**

Mr. Dillingham noted a correction on page eight, sixth paragraph, second line. It should read "...ten feet *above*", not "...ten feet *about*."

Ms. Abbot noted a correction on page three, third paragraph, fourth sentence. It should read "...they are going to *build* a place", rather than "...they are going to *live* a place."

The minutes were approved as corrected.

**Item 4 on the Agenda: Communications from the Audience.**

Ray Freeman, 201 NW 60<sup>th</sup> Terrace addressed the Commission. Mr. Freeman stated that he is not here to file any formal complaint or anything, but that he has a few questions. He had a neighbor who put in a structure, a garage, and a drive down his side yard...actually his back yard. Through communication with a lot of people, he is just wondering what kind of guidelines we have in Gladstone as far as what a person has to do to put in a structure.

Chairman Hill said he would refer that question to Mr. Wingerson.

Mr. Wingerson asked Chairman Hill if he would like him to answer the question now or take it up under "Other Business" as an agenda item.

Chairman Hill asked if Mr. Freeman had any other questions.

Mr. Freeman answered that no, that was basically it.

Chairman Hill said that topic is on the agenda tonight as number eight, Other Business. He said if Mr. Freeman did not mind he would get back to him on that question when the discussion begins.

Mr. Freeman said that would be fine.

Chairman Hill asked if there were any further comments from the public. Hearing none, he proceeded.

**Item 5 on the Agenda: Consideration of Final Plat, Northaven Village Condos 5<sup>th</sup> Plat, NE 68<sup>th</sup> Street and N. Olive. Applicant: Neil Rose (#1179) This application will go to the City Council on July 22, 2002.**

Mr. Wingerson stated that he would like the record to show that this is the 5<sup>th</sup> Plat of Northaven Village Condos, rather than the 4<sup>th</sup>, which is what the Staff Report and Agenda reflected. The proposed plat simply allows the owner to sell each of the eighteen units in this building individually. The plat and companion declarations comply with the state and local regulations regarding this project. As usual, the covenants and declarations are available for the Commission's review. It is about sixty-five pages in length and outlines in what way the individual property owners will own the units. Mr. Wingerson let the Commission know he would be happy to answer any questions. He added that this plat is the fifth in the series and is identical to the last one in all respects.

Mr. Duncan asked if this building would be right next to the new building going up right now.

Mr. Wingerson answered that this is the new building going up right now. It allows each of the eighteen units to be sold. The next one will be just east of the one that is now under construction.

**Mr. Dillingham made a motion to approve the Final Plat of Northaven Village Condos 5<sup>th</sup> Plat. Mr. Kiser made the second to the motion.**

<b>Roll Vote:</b>	<b>Ms. Alexander</b>	<b>Yes</b>
	<b>Mr. Dillingham</b>	<b>Yes</b>
	<b>Mr. Duncan</b>	<b>Yes</b>
	<b>Mr. Steffens</b>	<b>Yes</b>
	<b>Mr. Evans</b>	<b>Yes</b>
	<b>Mr. Kiser</b>	<b>Yes</b>
	<b>Chairman Hill</b>	<b>Yes</b>

<b>Ms. Lowe</b>	<b>Yes</b>
<b>Mr. Bone</b>	<b>Yes</b>
<b>Ms. Abbott</b>	<b>Yes</b>

(10 yes, 0 no)

Chairman Hill announced the application is approved and will be heard by the City Council on Monday, July 22, 2002.

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

Councilman Shirley Smith announced that the City is beginning to have some activity for it's 50<sup>th</sup> year. She said she hopes everyone plans to attend as many of these activities as they can. She said she didn't wear her 50<sup>th</sup> Anniversary shirt tonight, but she does have one and they are very nice looking. She encouraged everyone to buy one.

Ms. Rudi commented that she's got her shirt!

City Staff had no comments.

**Item 7 on the Agenda: Communications from the Planning Commission Members.**

Ms. Alexander said she got a call again this morning regarding the Texaco lot. There were nine cars there on Sunday and seven cars on Saturday. She commented that if the towing company is on a retainer they are missing a lot of money. There are not only cars (for sale) on the lot, but also people who are looking at buying the cars.

Mr. Wingerson said that he would like to apologize to Ms. Alexander and to the Commission. He had been communicating by email with Chairman Hill on this subject a couple of weeks ago. After the first weekend when there were eight or ten cars on the lot, staff contacted the owners of the property which is a Trust in Texas and provided two weeks for them to develop a compliance plan or they would be asked to appear in court. The owners stated that their compliance plan would be to place "no trespassing" signs, which were put up last weekend. They also stated that they were going to barricade the entrances with a bollard and a chain. Staff is anticipating that the chain will be up sometime this week.

Ms. Alexander asked if the bollard and chains would be at all the entrances to the lot.

Mr. Wingerson said that both entrances would be closed off.

Ms. Abbott said that she had several things. There is a big pothole at the intersection of Wyandotte and 59<sup>th</sup> Place. It is where the road has been repaired and has sunk down. She also wanted to thank the City Council and staff for the 4<sup>th</sup> of July celebration, it was great. Ms. Abbott added that she and Carol sold t-shirts at the event and that she was the only one who bought one!

Ms. Abbott said she would like to thank Scott for taking care of the water damage from the 4 ½ inch rain on the 4<sup>th</sup> of July. She saw that they were still working on it today.

Mr. Steffens joined the meeting, 7:45 PM.

Regarding Steak n' Shake, Ms. Abbot made a remark that she hopes they do a better job housekeeping their grounds when they open than they have done in the past year while they have been under construction. The place is a mess. She appreciates that there is a certain amount of mess when something is under construction, but the weeds are high and the orange nylon netting fencing is half down.

Mr. Wingerson said he would like to respond to a couple of things. The pothole will be reported to Public Works tomorrow morning to see if that can be fixed. For the rest of the Commission's knowledge, Ms. Abbott referenced some work adjacent to the Senior Housing project on Englewood Road. During the heavy rains silt and stormwater overflowed the detention basin on the west edge of the property and created mud on Broadway, 58<sup>th</sup> Street and in the driveway of one resident, Mr. and Mrs. Bell. The Bell's have been on vacation for quite some time and staff has been working with Mrs. Bell's either sister or daughter on the problem. The mud was cleaned off the street and the driveway the best it could be. The construction that Ms. Abbott referenced is replacing a stormwater pipe that is beyond their requirement to replace. It is upstream from where their improvements stop, but for their improvements to work it has to be connected to something else. This should solve the Bell's problem of water running down their driveway.

Mr. Bone asked if the City of Gladstone is responsible for pedestrian crossings and stop signs. The reason he is asking is because on Brooktree Lane at the "T" intersection of Myrtle there is a lot of missed stop signs. It is just a two way stop. People seem not to be paying attention to those stop signs and are going way too fast through that area. Mr. Bone asked if anything could be done in this area since there are a lot of kids that go through to the park.

Mr. Wingerson said he would take a look at that. The first thing would be to put in a traffic request to Public Safety and see if an officer can sit out there for a while and then look at the other issues.

Mr. Duncan stated that the intersection at Brooktree Lane and Myrtle is confusing for traffic because there are only two stop signs.

Mr. Duncan and Mr. Bone discussed the intersection in detail.

Chairman Hill said the only thing he has is that the Wal-Mart fountain looks nice.

**Item 8 on the Agenda: Other Business: ZAPO Discussion, Section XIII; Accessory and Temporary Uses and Structures.**

Chairman Hill said that he has talked to Scott about this over the past week to ten days and what they thought would be the most expedient way to approach this would be to open it for discussion. Based on what is directed to staff, staff could go back and do some research and look at the advisability and the means of regulating accessory structures and then to report back to the Commission with some sort of a recommendation. Chairman Hill then opened the topic for discussion.

Ms. Alexander directed her comments at Mr. Freeman by saying that she would be glad to be where he was located instead of downhill from the structure that was built. That structure is too wide for that lot and it is downhill. It doesn't look bad from the front, but then when you add more concrete drive the water is going to go down the driveway into the yards below. The mere size of the concrete and the slope are going to cause problems.

Ms. Alexander mentioned that the other structure, at 73<sup>rd</sup> and Harrison, sticks out like a sore thumb. She said she doesn't dispute the fact that the structures meet City Code, but she said she would sure be raising the roof if those structures were by her. It seems to her that someplace we are missing the overall effect of these buildings.

Mr. Wingerson said that this issue was raised at the last meeting and staff agreed volunteered to do the research; however staff may have volunteered too early because it seems it is more complicated. To start the discussion, Mr. Wingerson answered Mr. Freeman's question. In a normal single-family home, an owner would come to City Hall and request a building permit. That permit would be issued if the information they provided indicated compliance with setbacks and construction standards such as mechanical, electrical, building and plumbing codes. The burden on the part of the property owner at that point is not extremely high. The reason it's not very high is because many of these projects are "do it yourself" projects. Many of the people building these do not understand in full detail the technical nature of building and electrical codes. Everything is field verified through inspections so if any changes need to be made, they are caught at that point.

Mr. Wingerson said the actual drafting of the language that would bring a detached structure into scale with the existing home is very easy to write, but it may not solve the concern of the Commission. If the issue is aesthetics, regulating the size is only going to do a small part of that. Mr. Wingerson said that he would also like some kind of boundary from the Commission so that he know where to stop since there are many other structures such as gazebos and over-sized decks that may not be aesthetically pleasing to a neighborhood.

Ms. Abbott said that since she has been on the receiving end of many of the complaints, she feels that limiting the number of square feet allowed might be a good starting point. One of her concerns is that the new garage in her neighborhood has so much concrete. Ms. Abbott said the barn that was built at 73<sup>rd</sup> and North Harrison is another eye sore! She added that you can't be mad at the homeowners because they have a permit from the City.

Mr. Wingerson said that although both of those projects are allowed by City Code, those ordinances can be changed. Staff can draft several alternatives for the Commission to consider. Lot coverage is one way to do it, but there are other choices as well. Mr. Wingerson said the question to him is bigger; detached buildings tonight, gazebos and tree houses next month. Any of these structures can be perceived as inappropriate.

Mr. Freeman said that the company that put the structure up next to him was Morton, but it is not a metal building. He said that really it seems as though we have dodged the bullet on this project, he could have had something really un-imaginable next to him. The gentleman who put this up has matched the line of the roof, shingles, shutters and garage door with the house. He has even heard he will paint it to match the house. Mr. Freeman said he doesn't really have any

complaints on the structure. The driveway is kind of banked toward his house, but he will just have to wait and see what that does. His reason for being here tonight was to find out the guidelines for building permits. It seems as though the guidelines are way too loose. As far as the structure next to him, it is tastefully done. Mr. Freeman said that he believes plans should have to be submitted to the City.

Chairman Hill thanked Mr. Freeman for his comments. He said that what he seems to be hearing is regarding how much of a lot can be covered in concrete or with structures. The overall size of the structure is also part of that concern. Chairman Hill said that he did not believe it is intent of the Commission to regulate small structures, such as gazebos or playhouses. There does seem to be concern to how a structure integrates to what else is on the lot.

Ms. Alexander commented that if the existing structure (Mr. Freeman spoke of) was on a level lot, it would be pretty towering for that area.

Ms. Lowe said when someone is looking at a structure or the amount of concrete; it is really based on the eye of the beholder. It is really an arbitrary judgment. Minus having the ability to have that neighborhood come to some consensus that it does not meet their standards, she doesn't think that new guidelines are going to address this topic. Dimensions can be on the plans, but perhaps it would be painted a color that someone would not like.

Ms. Abbott said she went to the Courthouse in Liberty and checked with the Recorder of Deeds and the title company and there are not any covenants or restrictions on that neighborhood.

Mr. Bone asked if the person who is building that structure has to submit a blueprint to an art committee or anything.

Mr. Wingerson explained that there is really no process for that although some of these detached buildings do come with blueprints from the manufacturer. The large majority of the applications are just from homeowners who don't always have the knowledge to create blueprints. From a planning and building codes standpoint, he would have to agree with Mr. Freeman in that the process is pretty loose. The reason it is loose has to do with customer service when the end result is confirmed for accuracy, safety and code compliance. The process could certainly be tightened. It would be a little bit more slow and bureaucratic on the City's end, simply because of having to review it on paper. It would be a little more expensive for the property owner because they would need to have those blueprints created. There should be some kind of balance between the two.

Mr. Dillingham asked how often neighborhood association's change their covenants.

Mr. Wingerson said that in this case there were no covenants, and if there were they probably would have expired. Certainly cases like this have resulted in the formation of a neighborhood association that drafts a covenant and is approved by a neighborhood. In other neighborhoods, where neighborhood associations are active, covenants are routinely enforced; however they normally do not change their covenants.

Mr. Duncan said that his neighborhood's covenants go for a twenty period at a time and then are renewed. One time a restriction on roofs was changed and it took 90% of the homeowners notarized signatures and two years to change it.

Ms. Alexander asked what the difference was between by-laws and covenants.

Chairman Hill answered that by-laws are the rules of the association and the covenants are the rules recorded against the lots of the subdivision.

Ms. Abbott said that some of the old subdivisions are only a block or two long and there is no homeowner's association. These subdivisions are only restricted by the rules Gladstone imposes on them.

Mr. Steffens asked Mr. Wingerson how hard it would be to make the ordinance say that anything not attached to the house has to come before staff or the Planning Commission for review.

Mr. Wingerson said that there are several approaches staff could take. One is to allow staff to research and draft some additional language that will cover most occurrences. In terms of the administrative route, we can certainly bring things that are out of the ordinary to the Planning Commission and City Council. The Planning Commission is a recommending body; therefore, it would have to go to the City Council for approval or denial. In that situation, there would perhaps be a public hearing and with that comes publication costs, mailing and a deposit which now is \$500. There would also be a 90-day waiting period before construction could begin.

Ms. Alexander said that having spent months on the task force for Gladstone preservation and seeing areas that are going down-hill is the reason she is so adamant about something being done. Ms. Alexander said she would like to see staff draft some options.

Mr. Evans asked what the plan review process is now.

Mr. Wingerson answered that after the property owner or contractor completes a building permit form and brings in a plot plan or survey a permit is issued. The plot plan lets staff check the setbacks.

Mr. Evans asked if City staff basically has any idea on the type of materials that are going to be used.

Mr. Wingerson said that they do not know about types of materials unless there are a full set of blueprints or photo copies of what the building will look like.

**Item 9 on the Agenda: Adjournment.**

Chairman Hill adjourned the meeting at 8:22 P.M.

Respectfully submitted:

\_\_\_\_\_ Approved as submitted \_\_\_\_\_

Becky Jarrett, Recording Secretary

\_\_\_\_\_ Approved as corrected \_\_\_\_\_  
Brian Hill, Chairman