

PLANNING COMMISSION
GLADSTONE, MISSOURI

November 4, 2002

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

Present: Ms. Alexander
Chairman Hill
Mr. Kiser
Mr. Dillingham
Mr. Duncan
Mr. Turner
Ms. Abbott
Ms. Wild

Council & Staff Present:
Scott Wingerson, Assist. City Manager
David Ramsay, City Counselor
Councilman Shirley Smith
Councilman Carol Rudi
Councilman Wayne Beer

Absent: Mr. Steffens
Ms. Lowe
Mr. Bone
Mr. Evans

Item 2 on the Agenda: Pledge of Allegiance.

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

Chairman Hill thanked Vice-Chairman Dillingham for handling the past few meetings in his absence. For both health-related reasons and conflict of interest reasons Chairman Hill said that he stayed away.

Item 3 on the Agenda: Approval of September 3, 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 5870 N. Oak. Applicant: Selective Site Consultants, Inc. Owner: Eugene Steffen. (File #1183).

Mr. Wingerson reported that mid-morning today the applicant requested a continuance to the November 18, 2002 Planning Commission meeting to allow further consideration of alternative sites. The alternative sites they are looking at now appear to be technologically feasible, but may be more appropriate in terms of scale and some distance off the Oak corridor. They would like to research those in terms of the possibility of negotiating a lease before they take any action on

the pending application. Staff asked since it has been on the Planning Commission's agenda and the Council's agenda for quite some time that they go ahead and wrap that up and either withdraw the application, come forward with a different application or move forward with the pending application. Hopefully on the 18th, the Planning Commission will be able to hear that application. The public hearing with the Council is scheduled for November 25, 2002, which is the following week. If the Commission hears that case and can make a decision that night, great, if not, then it will delay the Council's public hearing until January.

Chairman Hill asked if there needed to be a motion made to continue the application.

Mr. Wingerson answered no.

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

Councilman Shirley Smith announced that next month is term limit month. In January the Council will do Boards and Commissions appointments. She would ask that any of the members that are scheduled to complete their term let the Council know in writing if they have the desire to continue or not. Ms. Smith added that she had not looked at the list, but which ever Commission member's terms are ending this December she would like them all to continue to serve because she thinks we have a good Commission.

Councilman Wayne Beer reminded everyone to vote tomorrow.

Councilman Carol Rudi reminded everyone about the 50th Anniversary Gala Saturday night.

Mr. Wingerson welcomed everyone back since it has been a while since there was a meeting. A special welcome back to Chairman Hill, who has been out for health-related issues.

Mr. Wingerson said that as follow-up item from a September 12, 2002 memo on insurance for Planning Commission members, Commissioners do have insurance generally except for negligence and willful misconduct on their part. Counselor Ramsay is prepared to make a presentation to the Commission, but would suggest that take place at the first Planning Commission meeting in December, if that meets their approval. Mr. Wingerson said that he believed Ms. Alexander had raised that question originally. Hopefully that answers her immediate question and Mr. Ramsay can provide more detail in December if that's appropriate.

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

Ms. Wild said she would like to say thanks to who ever suggested sending the packet (on the Voicestream application) It was a lot of reading, but it was a lot of good information.

Mr. Wingerson said it was Councilman Beer.

Ms. Alexander said she stopped by the pre-kindergarten center. It is very attractive, finished and doing well. She also stated that Brian's favorite trailers are by Hy-Vee. There are at least three or four of them.

Mr. Dillingham said it was good to see everybody tonight, especially Brian.

Item 8 on the Agenda: Other Business: Residential Detached Buildings: Policy Considerations.

Mr. Wingerson reviewed the September 12, 2002 memo regarding Residential Detached Buildings. Current code requires that an accessory building be no closer than 8' to any rear or side property line and no closer than 10' to the primary or any other structure.

Second, the current code does not regulate the size of accessory detached buildings; however all structures on a given lot may not exceed 30% of the area of the lot.

The Building and Construction Ordinance (BACO) provides minimal design criteria. The premise of these standards is based on compatibility of the proposed improvements with existing improvements within 185'.

In doing research, staff has found that two main and similar concepts emerge. The first regulates the size of detached buildings as a percentage of available land. The second concept regulates the size of the detached building as a percentage of the primary building.

The height of the building could be regulated by several options and further discussion could address which option would be appropriate.

Mr. Wingerson said the basis of this presentation is to get the Commission's input. If there is any direction that comes from that, staff would propose to go ahead and draft an amendment either for inclusion in the current zoning ordinance or perhaps in the Zoning and Platting Ordinance.

Ms. Alexander asked Ms. Abbott if having a regulation on height would have addressed the accessory building that was put in her neighborhood.

Ms. Abbott answered no, it was just too large and takes up the entire backyard. She added that it was her feeling that anything larger than an 8X10 storage shed should come through the City Council. Not only for the size of the lot, building or house, but for the drainage situation. By getting a permit it does not ensure that there will be landscaping and that everything is taken care of. Ms. Abbott stated that it is her feeling that anything larger 8X10 should come through the Planning Commission. Not that they would be denied, but they don't have that much to do and it would keep them busy.

Mr. Dillingham asked Mr. Wingerson if the current code stated that all structures on a given lot may not exceed 30% of the area.

Mr. Wingerson answered yes.

Ms. Abbott said that after doing some research in Liberty, when this came up in the first place, she found out that those subdivisions down there don't have restrictions anymore. They have all expired and gone by the wayside.

Mr. Wingerson asked what subdivisions she was speaking of.

Ms. Abbott said the ones down in her area. The only control that the people in those areas have is from the City. She stated that she doesn't think it does the neighborhood any good to have garages like that one.

Mr. Duncan asked Mr. Wingerson if he thought that they would run into trouble if they tried to set up anything too stringent.

Mr. Wingerson answered that the more specific the Commission and the Council desire to be, the more careful in terms of the root reasons for the new regulation. It has to be rooted in public health, welfare and safety as a general rule. The more specific the Council and Commission care to be the more careful staff needs to be in crafting the language of the ordinance to prevent future litigation.

Mr. Duncan asked if constructing a building with 300 square feet of concrete under it could be handled under flood control.

Mr. Wingerson clarified that Mr. Duncan was asking if the size of an accessory building be regulated as a stormwater concern.

Mr. Duncan said that was his question.

Mr. Wingerson said that he does not know the answer to that, but that from an ordinance standpoint, it would probably be a zoning matter. He stated that stormwater could probably be one factor in a determination, but if there is no stormwater concern at a specific individual property, is that a valid reason to restrict the size of a detached building?

Ms. Abbott said the problem is the person gets the permit to build the garage, but his neighbor behind him is going to get the results of the concrete foundation and he doesn't have anything to say about it at all.

Mr. Wingerson said that the impact of the detached building would have to be an adverse impact to the drainage area. Because these structures are so small in comparison to the drainage area, that's a pretty fine determination. It is a valid problem, but he is just not sure how it relates.

Chairman Hill said that his thoughts on this is that he does not see how a detached structure adds to the value of the residence, unless the residence does not have a garage at all. In this case, it would probably positively impact the value of the property and neighborhood. Beyond that, a detached structure over a certain size that is not a garage, two issues arise. The first being that it negatively impacts the neighborhood, if it is out of ratio to the primary building. The second being that if it is too large it doesn't have any business being there. A 10X10 shed used for yard equipment would be fine, but if it is over that size you would question what is being done in that building. There might be a home-based business or something that isn't proper in a residential neighborhood.

Chairman Hill added that in order to protect the neighborhoods, the size of sheds should be limited severely. They should be required to be of a building composition similar to the primary residence. There should be a maximum height, maybe 10 or 12 feet. They should be limited in size to maybe 8X10 or 10X10 so it doesn't de-value adjacent property. This isn't an issue in newer neighborhoods because they have restrictions, but the older neighborhoods are the ones that we are trying to preserve and trying to prevent any further degradation in value.

Mr. Wingerson summarized Chairman Hill's thoughts and comments.

Mr. Dillingham commented that value is sort of in the eye of the beholder, so we need to need to think of who is really determining value and who should be putting value on things. The conclusions he came up with are similar to Brian's although he had not thought of the garage, that is something that needs to be looked at. He was thinking more of decreasing the 30% of the area of the lot down to maybe 25%.

Mr. Wingerson said that from an administrative perspective, it is hard to provide checks and balances in the enforcement process. A resident might come in and want to build a shed and give us the size of their house and lot and it might calculate correctly. Then when the building inspector gets to the site he can't do those figures in his head.

Chairman Hill said that he would like to limit accessory buildings to one garage and one shed at a single property.

Ms. Alexander commented that after serving on the Neighborhood Preservation Task Force, she realized that these types of buildings can really detract from the neighboring properties.

Ms. Wild said that she would agree with Brian. With the business she is in, she sees that the valuation of the property is affected by things such as buildings blocking views. Ms. Wild thinks that the Commission should be in conjunction with what the Neighborhood Preservation Group is trying to achieve for the community.

Mr. Wingerson asked Chairman Hill if he would agree that existing sheds are grand fathered and that any appeal would be heard by the Board of Zoning Adjustment (BZA).

Chairman Hill agreed. He would like to give the BZA some guidelines as to what would be acceptable.

Discussion ensued regarding when staff may have a rough draft ready for the Commission to review. It was decided that a rough draft would be distributed at the next meeting, November 18th.

Item 9 on the Agenda: Adjournment.

Chairman Hill adjourned the meeting at 8:08 P.M.

Respectfully submitted:

_____ Approved as submitted _____
Becky Jarrett, Recording Secretary

_____ Approved as corrected _____
Brian Hill, Chairman