

PLANNING COMMISSION
GLADSTONE, MISSOURI
Council Chambers
March 4, 2013
7:30 pm

Item 1 on the Agenda: Roll Call.

Present: Ms. Alexander
Mr. Hartman
Mr. Mallams
Mr. Markenson
Ms. Poindexter
Mr. Ringhausen
Mr. Ward
Mr. Whitton
Mr. Yarber
Chairman Turnage

Absent: Ms. Smith
Mr. Steffens

Council & Staff Present:

Mayor Carol Suter
Councilman Brian Hill
Councilman Bill Garnos
Scott Wingerson, Assistant City Manager
Randall Thompson, City Counselor
Melinda Mehaffy, Econ. Dev. Admin.
Chris Helmer, Planning Specialist
Becky Jarrett, Administrative Assistant

Item 2 on the Agenda: Pledge of Allegiance.

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

Item 3 on the Agenda: Approval of the February 19, 2013 minutes.

MOTION: By Mr. Ringhausen, second by Mr. Markenson to approve the February 19, 2013 minutes as presented. The motion carried.

Item 4 on the Agenda: PUBLIC HEARING: Street Vacation: Sections of North Cherry Street and North Cherry Lane between NE 70th Street and NE 69th Street, located in Gladstone, Clay County, Missouri. File #1379.

Final Plat of “The Heights at Linden Square” a Subdivision in Gladstone, Clay County, Missouri. File #1378.

Development Plan and Zoning Change at property generally known as 500 NE 69th Street, 6909 N. Locust Street, 6913 N. Cherry Street and 605 NE 70th Street. File #1377.

Chairman Turnage reviewed the process for the public hearing and called on Mr. Helmer for the staff report.

Planning Specialist Helmer reported that there are several requests being considered tonight. The first one is for a street vacation within the development area. The second is approval of a final plat and third is the development plan and rezoning of the subject property. Mr. Helmer began his presentation by stating that the Commission has only heard one zoning request of this relatively new zoning classification, Mixed Use. A great deal of information was provided in their packets in order to take them back in time to the many public engagement processes that have led to this moment.

To begin with, Mr. Helmer referred to the Gladstone on the Move process, which was endorsed by the City Council in 2004. At that time there was much dialogue as to where the City needed to head to be the destination that others would want to gather to. Other conversations centered around improving infrastructure within Gladstone and creating a gathering place.

The next exhibit was the Downtown Village Center Master Plan. These were processes that brought the community together to talk about what they wanted to look like when they “grow up” and how that was going to be achieved. To further build on the above two documents, clear vision was provided in a document titled “Land Use Guiding Principles”, which included a Future Land Use Map. This was endorsed by the City Council in 2008 and later adopted by the Planning Commission.

Mr. Helmer explained that the project area being discussed this evening is depicted on the Land Use Map as a Mixed Use Community development area. This further illustrates the type of development that the City wants to see happen in the future. As details were discussed on appropriate density, a steering committee reviewed street frontages and appropriate areas of focus for gathering areas. Proof of this committee’s research is seen in the recently approved and constructed, Linden Square pavilion.

Chapter 3 of the Future Land Use focuses on areas of special interest. This section gives focus to the street level view. The idea of the development proposal is to be walkable and inviting to the pedestrian. Exhibit three shows the transit improvements proposed at 70th and North Oak to help bring a more efficient, desirable transportation system through the North Oak corridor.

Mr. Helmer stated that again, the consideration tonight for the Commission is for a street vacation, final plat, rezoning and final development plan. Also attached to their materials was Resolution R13-09, which was approved by City Council on February 25, 2013 stating that the vacation proceedings may begin. He said the development team is present tonight for more detailed questions. He turned it back over to Chairman Turnage.

Chairman Turnage asked the developer to come forward.

Jess Fisher, Flaherty & Collins Properties, 8900 Keystone Crossing, Ste. 1200, Indianapolis, Indiana, 46240, addressed the Commission. Mr. Fisher thanked the Commission for their time this evening and stated that he is here tonight seeking their approval on this 5-acre tract. This project is a four-story building, double-loaded, with approximately 222 units, roughly 289,000 sq. ft. building. There are 387 parking spaces provided, both surface and covered. There will be 6,000 sq. ft. of amenities that will include a resort style pool, leasing office, fitness club and an e-lounge. There is 10,000 sq. ft. of retail. The units range from studios, 1-bedroom, 2-bedroom and townhomes. The townhomes contain a 1-car garage. Mr. Fisher said he would be glad to answer any further questions after the full presentation.

David Parrish, RDL Architects, 16102 Chagrin Blvd, Ste. 200. Shaker Heights, OH. 44120, addressed the Commission. Mr. Parrish said he is here tonight to walk them through the buildings and get them more familiar with the project. Using the PowerPoint presentation he showed them that the project is two "C-shaped" buildings. In-between the two buildings is a pool and sales amenity center. There is a little bit of topography on the site. To the south, (69th Street to 70th Street) there is about 30' of topographical difference. During design, they began on the low end (or base) of the project where the townhouses will be. These two-story rental units will meet the street and as the grade starts to slope up, meet the northwest corner where the 10,000 retail space will be. There will be units facing both inside and outside the project. The inside units will face a landscaped courtyard where there will be parking. This area will be accessed by three locations: one to the south (NE 69th Street) and two off NE 70th Street.

Mr. Parrish said that as you get above the two-story rental level there are one and two-level flats as well as a handful full of studios. The highest part of the project is in the northeast corner. He pointed to these areas on the screen and explained that the slope of the site makes one end of the project look lower than the other. Regarding materials, the base of the building would be a cultured stone. Above the stone would be a brick material. Above the brick would be a cement board that would be painted different colors in order to break up the façade. The roof will be a dimensional shingle, sloping roof; however, it really won't be seen due to the height of the building. Mr. Parrish showed the Commission examples of all the types of materials including accents such as small amounts of corrugated metal and rain screen panels that are sprinkled throughout the project. As Mr. Parrish concluded his presentation, he introduced Darren Lazan.

Darren Lazan, Landform Professional Services, 105 South Fifth Avenue, Ste. 513 Minneapolis, Minnesota, 55401 addressed the Commission. Mr. Lazan said that he had available the detailed utility, landscape, site and grading plan available, but he was just planning on doing an overview for this presentation. If needed; however, he would be glad to answer any questions on the other plans. As Mr. Parrish explained, the building is "c-shaped" with the inside being the courtyard-service area. There are 227 on-site parking stalls within the courtyard and where the service takes place for both the commercial space and for the rental spaces. This includes trash and move in/out.

The site, in general, takes a very urban character along the perimeter, which was the intent of the village downtown plan. In addition to the on-site parking there are roughly another 115 on-street parking. They will be constructing Locust Street and likely assume construction of the stalls along 69th street stalls. Additional stalls will be added along NE 70th Street. Mr. Lazan said that with a recommendation by staff's consultant a few spaces will be removed along NE 70th Street near the clock tower.

The most predominate area, from a site perspective, is the greenway. This area connects pedestrian access to the new park area down to 69th Street. There are a couple of different landscape nodes in this area that differ from the 70th street landscaping. The utilities for the commercial space will be constructed with 69th Street. Stormwater will be collected on-site and internally and then ran through the new system to a regional detention that the City is constructing on the south side of 69th Street.

Mr. Lazan explained that landscaping is fairly tough to get in an area with street front stairs and doorways, but they still managed to get nearly 200 trees; 400 shrubs and 650 ornamental grasses on this site. Internally some shade trees are planned to break up and screen the area.

The two right of way vacations being proposed are Cherry Street and Cherry Lane. Cherry Street is the full 60'; only half of Cherry Lane is proposed. This is a separate item for approval this evening. With the plat there will also be a fair amount of new right-of-way to accommodate all the new parking stalls. All the public parking will be on the public right-of-way after the plat is recorded. Mr. Lazan thanked staff for their work on this site. He said it is a very challenging site and a very important project for the City and for the staff. They have put a lot of time and effort into it. He asked for questions from the Commission at this time.

Mr. Markenson asked what the time frame for construction was.

Mr. Fisher answered that he hoped to start later this summer and be completed within twelve months.

Mr. Markenson asked for clarification on the number of parking spaces.

Mr. Lazan replied that the current plan proposes 272 on-site parking stalls, which is 1.23 per unit, plus an additional 115 on-street stalls on the three sides of the project. These are not calculated in the required number of spaces.

Mr. Markenson asked where customers of the commercial area will park.

Mr. Lazan said no on-street parking was dedicated to the commercial area. They will get used for the commercial area, but again, they area public stalls so if the City felt they needed to be designated, they could be.

Mr. Ward wondered if the entrance and 13' overhead was tall enough to get trucks through.

Mr. Lazan said that is an excellent question. The Fire Chief would like a 13' clearance; however, at the time of staff review the plans did not have it. The development team is working towards that and they will comply to that request.

Mr. Ward said that at the northwest corner there is a 2.7% grade going to a 5% grade back to a 1% grade. He doesn't see any drainage along that street by the entrances going to the north and south. There is a straight shot for water to go from 70th to 69th Street with no runoff.

Mr. Lazan replied that if there are additional calculations that need to be considered to capture the water so that it doesn't go back out to 69th, he certainly will make that happen. He didn't

notice that, but the engineer in his office put all the calculations together. He also added that there is always a little bit of a gap between what is proposed in concept to what is proposed in final plans, but it is a good point and he will make sure it gets addressed.

Mr. Ringhausen said he was curious as to why only one of the entrances were being considered to be changed to meet the fire department's height requirement rather than all three. He also asked what the idea was behind covered entrances.

Mr. Lazan answered that the Fire Chief's request was that *one* entrance was constructed to the correct height; however, they are considering *two* be changed. The trick in changing the height is that if you change one entrance, it is changed for the entire building all the way around due to the interconnectivity and grade. All the internal movements meet the general requirements of a ladder truck, but they will be looking at which pieces of equipment Gladstone's department specifically has and meet those requirements.

Mr. Ringhausen said that in this 5-acre site it appears that the ratio of impervious to pervious area is about 4-acres pervious to 1-acre impervious. With this development, those numbers are essentially flipping. He asked if the additional runoff created is to be in part, be bore by the development to the south for retention that is separate from this development.

Mr. Lazan said that his understanding is that the facility to the south is a regional facility that was intended to serve the entire area. They are participating in the cost of the facility to do exactly as Mr. Ringhausen described.

Mr. Ringhausen said the south side of the development is only showing one interceptor at the base of the southernmost tree on 69th Street. He said they may want to look at more catch basins in that area. His final question was related to the commercial space. His understanding is that the intent is for it to be leased as some type of mini-mart and so he wondered about vehicles servicing the business.

Mr. Lazan replied that today the commercial space is simply shell space. He believes that a wide range of folks could line up with interest as the project moves forward. Today the concept is that the trash is all internal and Mr. Lazan pointed to the area on the plan where it would be located. A turn around spot is provided for trash trucks and they will be able to maneuver through the complex with as little impact on residents as possible.

Mr. Yarber asked how trucks will deliver to the commercial area and not interfere with the tenants.

Mr. Lazan said the loading zone can happen in a number of ways and what he has discovered over a number of years is that quite a bit of loading takes place off-street. Small shipments, UPS etc., get loaded from the street no matter how much area is provided in the back of the store. There are also a number of stalls behind the commercial area that will be controlled by the business, which they can service the site from. It is not intended to be a heavy commercial user. Light retail or a spec user is the intended user at this time.

Mr. Yarber asked about the existing stream that is on the property now. He wondered how it would be dealt with.

Mr. Lazan answered that the channel Mr. Yarber is referring to collects drainage from the park area, runs diagonally across the parking lot and outlets in a ditch. It also takes all the surface drainage (and likely part of the building drainage from the adjacent user) and flows over-land to a curb cut. What is being proposed is to fill the ditch, contain all of that in a pipe with a structure at the edge of the parking field, run it down the greenway to another structure to several other structures and then down and under to the regional facility.

Mr. Yarber asked if the runoff from the roof goes underground.

Mr. Parrish said that the water will run into gutters and then be piped around the perimeter of the building and then fed into the storm water system.

Mr. Markenson asked if the apartments would be individually metered for water.

Mr. Fisher answered that they will be individually metered. There will be a master meter for water and sewer and then it will be sub-metered back to the tenants, so that the tenants will be responsible for all the utilities.

Mr. Markenson asked if the individual water bills would be paid to them or the City.

Mr. Fisher said they contract with a third party to be paid back to them.

Mr. Markenson asked if he had any idea what rental rates would be.

Mr. Fisher said he is not the person who handles that portion of the development; so unfortunately, he does not have that information.

Chairman Turnage noticed that the description mentioned that the site had a dramatic grade change. He asked if there was any presumption as to what could be in the soil.

Mr. Lazan answered that at this point he does not know, but he has ordered soil borings so he will have that information soon.

Mr. Ringhausen asked if the intent will be individual mail walk-up.

Mr. Fisher answered that there will be a mail center located within the amenities. They like interaction with their residents so that they come in and interact with management.

Chairman Turnage asked for those in favor of the application to come forward.

Amy Harlin, 6913 N. Cherry Street, Gladstone, Missouri 64118, addressed the Commission. Ms. Harlin said that she is here tonight as President of the Gladstone Area Chamber of Commerce. On behalf of the Gladstone Area Chamber and its Board of Directors, they wholeheartedly endorse and support the Heights of Linden Square Development. They believe that the development will provide the density that is needed. There are a lot of residents in the close proximity that will eat, shop and visit the businesses in the area and spend their money. This will not only help local businesses, but also add to the tax revenues. The other things they think

are important to be considered are a broader base of employees for local businesses to choose from. Not only that, but building such an attractive development as is shown, they have high hopes that other businesses in the neighborhood will be encouraged to maintain and upgrade their properties accordingly. Finally, the retail and commercial component gives other options for new businesses looking to locate in the area, which is very encouraging to the Chamber. Ms. Harlin said she would like to commend the Commission, staff and the City Council for their vision on this project as well as lend the Chamber's full support.

Chairman Turnage asked Ms. Harlin how the project would impact Gladfest.

Ms. Harlin answered that a part of that remains to be seen, but they are certainly willing to work with whatever comes with the Heights development and are hopeful once it is developed they can incorporate it into the Gladfest activities.

Bonnie Hinkle, 6906 N. Locust, Gladstone, Missouri 64118, addressed the Commission. Ms. Hinkle said the property she owns is along Locust and so she is interested in knowing if they are going to widen that street. There is an old water line along that street and she wondered if it's going to be changed or left as it is. That's why she's here tonight to find out what's going to happen to Locust Street.

Chairman Turnage asked if she is supporting the project.

Ms. Hinkle answered yes. It's alright; she just thinks there are some things that need to be done in order not to damage the properties on the west side of the street.

Mr. Helmer commented that there will be a significant amount of work that will be done in that area. He referred to the site plan and said that there will be on-site parking improvements as well as infrastructure improvements. He does not have all the details at this time, but he can keep Ms. Hinkle informed as the process moves along.

Spencer Thomson, 4700 Belleview Avenue, Ste. 404, Kansas City, Missouri 64112, addressed the Commission. Mr. Thomson said he is here representing the property owner directly to the east of the proposed development. He was literally engaged today to appear this evening. It has come to their attention with the notices received by his client, as he was out of town tending to a sick relative, and have only recently been able to start reviewing these materials. They believe that the portion of North Cherry Lane that is being proposed to be vacated has actually already been vacated. Mr. Thomson said that he has met briefly with Mr. Wingerson prior to the meeting tonight to give him evidence of that. A survey done at his client's request fifteen years ago when the property was mortgaged clearly shows that the portion of North Cherry Lane has already been vacated. He believes that there is a need for him and staff to sit down between now and the City Council meeting to address this issue.

His client is a bit concerned about the 30' buffer with the greenway and if it is sufficient to provide an appropriate buffer, which is another conversation he will have with staff. Mr. Thomson said they are not here to oppose the project, but they think there are some very strong elements and they understand the desire for the City and the developer to do what is done, but they just want to make sure they have all the facts. As a property owner, his client has a substantial investment next door and has for twenty-five years or so and they want to make sure

what's being done is what should be being done from a vacation and buffer standpoint. This is why he is here and why he wanted to stand up in the positive section. Again, he's not here to stand in the way, but he does respectfully request that this Commission consider this concern about the vacation. The ordinance number for the vacation was provided to Mr. Wingerson, which he thought could have been from the 50's. Mr. Thomson said he is not clear if the entire North Cherry Lane was vacated or only the portion on the east side that his client now appears to own, but either way they need to get to the bottom of it. He apologized to staff for this being such a surprise, but he literally got the call today because his client had been out of town since Friday.

Mr. Ringhausen asked if the survey was ever recorded with any governing body.

Mr. Thomson replied that the survey was done by Anderson Survey Company out of Lee's Summit, by a surveyor named Bud Rodabouco who has since retired. It was done for purposes of financing with a commercial lending outfit in 1998. This is one of the reasons he has to be a little careful, because he doesn't want to represent to this body, the City or staff that it's necessarily the gospel because it could have its own issues. The only issue that he or his client has at this point is that they haven't had time to look at it. They debated about asking this body to continue the application so they could work with it, but he thinks it's okay to work with Council and staff between now and then. Mr. Thomson said he would like a recommendation from the Commission to address this concern and take into consideration that it be resolved.

Mr. Wingerson thanked Ms. Harlin for taking time out of her evening to represent the Chamber here tonight. He also explained that with a 32' wide street and 20' deep parking stalls he believes that Ms. Hinkle's concerns are addressed and of course, they will keep moving forward in the process. To Mr. Thomson comments, he is accurate; the issue was just raised with staff at 7:15 pm. The City's survey indicated that North Cherry Lane has not been vacated. Staff is suggesting that only the western half be vacated so that if Cherry Lane is vacated in its full width a recommendation is being made that is not necessary because it's already been done. Mr. Thomson is very accurate and staff will get to this first thing in the morning and clear it up. Staff would ask that the Commission add one more condition to their action tonight, which would be to solve or address the issue raised by Mr. Thomson.

Mr. Ringhausen asked if that would affect the plat in any way.

Mr. Wingerson replied that it could affect the plat, but in a minor way. It would be a plat "note" at worst.

Mr. Yarber asked if the greenway is entirely on the western part of the vacated street.

Mr. Wingerson answered that the greenway is included in the full 60'. Within the eastern half of the right-of-way is the majority of the proposed walking trail. That is why staff is suggesting that only half is being dedicated to the developer so that the public can maintain access to the walking trail.

Mr. Thomson said that could mean that the [trail] needs to shift, but he's hopeful it doesn't. If part of the design they have seen is on their property, then obviously there is an issue.

Mr. Lazan said these are all excellent points and this is the first he has heard of this, but he will certainly work with staff to get to the bottom of it. By reference, he explained that the majority of the greenway was proposed to remain public right-of-way. The project itself is setback the appropriate distance from the line and is wholly contained within Lot 1, which only includes the western half of the right-of-way.

Mr. Thomson said that his point is simply that if the greenway, as designed, is on the east half of North Cherry Lane and it is in fact vacated, it's on his client's property. Without his client's consent you can't use private property for public purposes without paying for. His client's position, he thinks, is going to be that if what they found is correct, they're going to have to shift the project to the west which may cause a re-design of some portion of the buildings. Mr. Thomson said he does not think that his client will be acceptable to doing away with the greenway, simply because it was wrongly designed on his project to begin with. They want a buffer between their property and these buildings. Just to say that the project is set back 30' from the property line and let's do away with the greenway would be unacceptable and would not be what has been pitched and represented here today. What is represented today is that there will be a greenway between his client's property and the development that will be accessible to the public for walking purposes. If in fact, it's determined that the walking trail is on his property, they have a bigger issue than what he thought. He thinks that is what they are going to find out. Again, they are not here to cause a problem, but are here to bring this to everyone's attention. They would like to work with the appropriate folks to resolve it. They very much want the 30' buffer and the greenway to remain, but they aren't in the business of giving away their property for free.

There was no one in opposition of the application. Chairman Turnage closed the public hearing.

MOTION: By Mr. Markenson, second by Mr. Whitton to approve the Street Vacation of Sections of North Cherry Street and North Cherry Lane between NE 70th Street and NE 69th Street, located in Gladstone, Clay County, Missouri, subject to resolving the street vacation of the eastern half of North Cherry Lane.

Vote:	Ms. Alexander	Yes
	Mr. Hartman	Yes
	Mr. Mallams	Yes
	Mr. Markenson	Yes
	Ms. Poindexter	Yes
	Mr. Ringhausen	Yes
	Mr. Ward	Yes
	Mr. Whitton	Yes
	Mr. Yarber	Yes
	Chairman Turnage	Yes

The motion carried. (10-yes, 0-No)

MOTION: By Mr. Yarber, second by Mr. Ward to approve the Final Plat of "The Heights at Linden Square" a Subdivision in Gladstone, Clay County, Missouri, subject to resolving the street vacation of the eastern half of North Cherry Lane.

Vote:	Ms. Alexander	Yes
	Mr. Hartman	Yes
	Mr. Mallams	Yes
	Mr. Markenson	Yes
	Ms. Poindexter	Yes
	Mr. Ringhausen	Yes
	Mr. Ward	Yes
	Mr. Whitton	Yes
	Mr. Yarber	Yes
	Chairman Turnage	Yes

The motion carried. (10-yes, 0-No)

MOTION: By Mr. Whitton, second by Ms. Poindexter to approve the Development Plan and Zoning Change at property generally known as 500 NE 69th Street, 6909 N. Locust Street, 6913 N. Cherry Street and 605 NE 70th Street.

Vote:	Ms. Alexander	Yes
	Mr. Hartman	Yes
	Mr. Mallams	Yes
	Mr. Markenson	Yes
	Ms. Poindexter	Yes
	Mr. Ringhausen	Yes
	Mr. Ward	Yes
	Mr. Whitton	Yes
	Mr. Yarber	Yes
	Chairman Turnage	Yes

The motion carried. (10-yes, 0-No)

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

Councilman Hill thanked the Commission for their intense review of this proposal. They did a great job tonight.

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

Mr. Markenson asked if there is an ordinance stating that you can't blow snow from your snow blower back into the street.

City Counselor Thompson said he is not aware of any such ordinance, but he will look into it.

Mr. Ringhausen said that City staff has done a remarkable job with snow removal. He wondered what the priority is for clearing snow from the parking lot of parks.

Mr. Wingerson answered that parking lots and public facilities are the lowest priority. They come after making sure all personnel all have adequate sleep. If there is an event in the park, it will be taken care of, but otherwise, it will be taken care of when they get back to their normal schedule.

Mr. Yarber thanked the Mayor for coming out to the Oaks annual meeting. He also thanked staff for the light at Home Depot.

Ms. Alexander said she continues to be amazed at the City's staff. The Planning Commission gets more information in which to make a decision that she has ever saw. She is excited over this project. She knows it hasn't been easy.

Chairman Turnage thanked the Commission for their great questions as well as the presenters for their great information.

Item 7 on the Agenda: Adjournment

Chairman Turnage adjourned the meeting at 8:46 pm.

Respectfully submitted:


Bill Turnage, Chairman

Approved as submitted


Becky Jarrett, Recording Secretary

Approved as corrected