



**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JULY 8, 2019**

The City Council will meet in Closed Executive Session at 7:00 pm Monday, July 8, 2019, in the City Manager's office, Gladstone City Hall, 7010 North Holmes, Gladstone, Missouri. The Closed Executive Session is closed pursuant to RSMo. Open Meeting Act Exemption 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021(2), Real Estate Acquisition Discussion.

REGULAR MEETING: 7:30 PM

TENTATIVE AGENDA

- 1. Meeting Called to Order.**
- 2. Roll Call.**
- 3. Pledge of Allegiance to the Flag of the United States of America.**
- 4. Approval of Agenda.**
- 5. Approval of the June 24, 2019, Closed City Council Meeting Minutes.**
- 6. Approval of the Jun 24, 2019, Regular City Council Meeting Minutes.**

7. CONSENT AGENDA

RESOLUTION R-19-31 A Resolution authorizing acceptance of work under contract with SheDigsIt LLC, for the Hobby Hill Park Project, and authorizing final payment in the amount of \$5,390.11 for Project CO1656.

RESOLUTION R-19-32 A Resolution authorizing acceptance of work under contract with McConnell and Associates Corporation, for the 2018 Oak Grove Parking Lot Seal Coating Project, and authorizing final payment in the amount of \$996.13 for Project TP1805.

RESOLUTION R-19-33 A Resolution authorizing acceptance of work under contract with Mid-West Associated Contractors Corporation, for the Public Works Building Improvements Project, and authorizing final payment in the amount of \$8,718.53 for Project CP1754.

APPROVE OUTDOOR SPECIAL EVENT:

Atkins-Johnson Restoration Run, 4109 NE Pleasant Valley Road, Atkins-Johnson Farm, Saturday, August 24, 2019, 5:00 am – 10:00 pm.

REGULAR AGENDA

- 8. Communications from the Audience.**
- 9. Communications from the City Council.**
- 10. Communications from the City Manager.**
- 11. PUBLIC HEARING:** Considering a Site Plan Revision for property at 7117 North Prospect Avenue, commonly known as Hy-Vee Stores.
- 12. FIRST READING BILL NO. 19-26** An Ordinance approving a Site Plan Revision, subject to certain conditions, for property at 7117 North Prospect Avenue, commonly known as Hy Vee Stores.
- 13. PUBLIC HEARING:** Continued from June 10, 2019: Considering a Special Use Permit-Creative Arts Academy at 1904 Northeast Englewood Road.
- 14. FIRST READING BILL NO. 19-21** An Ordinance granting a Special Use Permit subject to certain conditions to Creative Arts Academy for purposes of operating a gymnastics center in an R-1 Zone at 1904 Northeast Englewood Road.
- 15. Other Business.**
- 16. Adjournment.**

Representatives of the News Media may obtain copies of this notice by contacting:

City Clerk Ruth Bocchino Posted at 12:00 pm
City of Gladstone July 3, 2019
7010 North Holmes
Gladstone, MO 64118
816-423-4096



**MINUTES
REGULAR CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JUNE 24, 2019**

PRESENT: Mayor Carol Suter
Mayor Pro Tem Jean Moore
Councilman Bill Garnos
Councilman R.D. Mallams
Councilman Kyle Yarber

City Manager Scott Wingerson
Assistant City Manager Bob Baer
City Clerk Ruth Bocchino
Attorney Chris Williams

Item No. 1. On the Agenda. Meeting Called to Order.

Mayor Suter opened the Regular City Council Meeting Monday, June 24, 2019, at 7:33 pm in the Gladstone City Council Chambers.

Item No. 2. On the Agenda. ROLL CALL.

All Councilmembers were present.

Item No. 3. On the Agenda. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mayor Suter asked all to join in the Pledge of Allegiance to the Flag of the United States of America and thanked VFW Post 10906 for posting the Colors.

Item No. 4. On the Agenda. Approval of Agenda.

The Agenda was approved as published.

Item No. 5. On the Agenda. Approval of the June 10, 2019, Closed City Council Meeting Minutes.

Councilman Mallams moved to approve the minutes of the June 10, 2019, Closed City Council meeting as presented. **Councilman Yarber** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Item No. 6. On the Agenda. Approval of the June 10, 2019, Regular City Council Meeting Minutes.

Mayor Pro Tem Moore moved to approve the minutes of the June 10, 2019, Regular City Council meeting as presented. **Councilman Garnos** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Item No. 7. On the Agenda. PROCLAMATION: PARKS AND RECREATION MONTH

Mayor Suter read and presented the Proclamation to Director Merkey.

Item No. 8. On the Agenda. CONSENT AGENDA.

Following the Clerk’s reading:

Councilman Mallams moved to approve the Consent Agenda as published. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Councilman Mallams moved to approve **RESOLUTION R-19-29** A Resolution authorizing Change Order No. 11 in the amount of \$197,257.50 to the contract with Lan-Tel Communications Services, Incorporated, for the 2019 Curb, Gutter and Sidewalk Project TP1804. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Councilman Mallams moved to approve **RESOLUTION R-19-30** A Resolution authorizing the City Manager to execute a contract with American Fidelity Assurance Company via the partnership with Midwest Public Risk for the changes to the Administration of the City of Gladstone’s Flexible Benefits Plan. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Councilman Mallams moved to approve the **OUTDOOR SPECIAL EVENT PERMITS:**

Independence Day Celebration, 7600 N. Troost Avenue, Oak Grove Park, Thursday, July 4, 2019, 5:00 pm to 11:00 pm.

Theater in the Park, 7600 N. Troost Avenue, Oak Grove Park, Friday July 5, Saturday, July 6, Sunday, July 7, Friday, August 2, Saturday August 3, Sunday, August 4, 2019; 5:00 pm to 11:00 pm nightly.

Children’s Garden Day, 4109 NE Pleasant Valley Road, Atkins-Johnson Farm & Museum, Saturday, July 13, 2019, 9:00 am to 12:00 pm.

Big Shoal Country Fair, 4109 NE Pleasant Valley Road, Atkins-Johnson Farm & Museum, Saturday, September 7, 2019, 10:00 am to 5:00 pm.

Cookies and Photos with Santa and Mrs. Clause, 4109 NE Pleasant Valley Road, Atkins-Johnson Farm & Museum, Saturday, December 14, 2019, 11:00 am to 9:00 pm.

Mayor Pro Tem Moore seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Councilman Mallams moved to approve the **FINANCIAL REPORT FOR MONTH END MAY 2019**. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

REGULAR AGENDA.

Item No. 9. On the Agenda. Communications from the Audience.

J.N. Hernandez approached Council and stated: *“My name is J.N. Hernandez, I live at 6817 Jason Smith Court. I just wanted to give a reminder for one of the events that is going on at Linden Square this weekend on Sunday is Northland Pride’s inaugural event. This is an event to empower, unite, and celebrate the LGBTQIA Community. Again, it’s on Sunday, June 30, from 3:00 pm to 6:00 pm. I also want to extend a thank you to the City of Gladstone for hosting us this year. It is very exciting and hopefully it will be a good event and I hope to see everyone there. Thank you.”*

Item No. 10. On the Agenda. Communications from the City Council.

Councilman Yarber stated: *“Thank you. A couple of other events that are coming up. On the 27th is the Fourth Annual Old Timer’s Alzheimer’s Fund Raiser and Comedy Show taking place. We are happy that it is the second year it is happening in Gladstone. It used to take place in Zona Rosa, so another thing that we have stolen from Zona Rosa. It will be on Thursday at the Groundhog Day Theater. No money to come in but David Scott, the gentleman who is hosting it, does so because he lost his wife to complications from Alzheimer’s several years ago. He said to bring plenty of money for the Silent Auction and the constant request for donations. The Mayor mentioned the rain over the weekend which did rain out the Gladstone Classic Car Concourse. This will be taking place this weekend. It’s supposed to be good weather. It will be taking place Sunday morning. We may start it earlier because it is going to be a hot day. It will probably start around 9:00 to about noon. We still have the Stanley Steamer coming. We are working on making sure we still have plenty of interesting old vehicles at the event. And of course this raises funds for Oak Hill Day School.”*

Councilman Mallams stated: *“Thank you, Mayor. With our city’s Mayor, I attended the Flag Celebration in the recognition of the Vietnamese Community that resides in the Kansas City Area which was conducted at our own Saigon Plaza here in Gladstone. During this event, Mayor*

Suter shared the progress of our city's economic development and she extended a thank you to the developers of the Plaza. I have to say, Mayor Suter, your presentation to the participants was exceptional. You made us feel proud. Mayor, you did a good job."

Councilman Garnos stated: *"Thank you, Mayor. I just wanted to mention the Flagpole Dedication at Hobby Hill Park Thursday morning at 10:00 am where we will be dedicating the Flagpole that the American Legion so generously donated to the city."*

Mayor Pro Tem Moore stated: *"Thank you, Mayor. I wanted to give a shout-out to everybody in Parks, Recreation, Cultural Arts, and all the other city staffers who were involved in putting together Food, Art, Drink this weekend. We had a little problem on Saturday night, obviously, with the rain. There was a lot of dedication, effort, and energy to make that happen. Thanks a lot."*

Mayor Suter stated: *"Thank you. Friday night was really a great night there as well. I've been involved in a number of things, of course, in the last couple of weeks. I represented Gladstone on the Board of the Northland Regional Chamber and participated in their strategic planning retreat which happened here in the Innovation Center. For many of the people on that committee or in that activity, it was the first time they have been in the building so it was really good exposure and it gave us an opportunity sitting up high to talk about what else was going to be going on as they looked out the window. That was good. The Mid America Regional Council had its annual event last week. It was my pleasure to speak at the Saigon Plaza grand opening and the Vietnamese American Communities Association event. It was a full military ceremony to dedicate flags at Saigon Plaza, and exciting to get to know more of the folks and the investors and developers and business owners who are in that Plaza. I also had the privilege to attend a networking breakfast with the Business Journal newspaper who had a 'get to know their staff' event which was very helpful. I made some good connections. I think we have a reporter who is very interested in coming up to learn about Gladstone. I was interested to learn that they have figured out, finally, that they need to expand their coverage area beyond the downtown focus and they figured out that the Northland is where it's at. They really are interested in learning more. They just don't know how to get their arms around the Northland because it is not 'a' thing, there is not anyone in charge of the Northland, so it's very hard for them to figure out how to get at it. We will try to be helpful to them to figure out how to do that. Friday night at the Food, Art, Drink event we hosted a VIP Reception. Thank you to staff who put in the extra time and effort to pull that event off. It was a nice event. Again, made some good connections with those who do business in the city and are looking to do business in the city. I appreciate that. We recognized Reverend Bob Baier for his 40 years in ministry, we sent flowers and congratulations to him. That was yesterday. I also wanted to express my appreciation to the SAGE students and again to our staff who work with the students in the schools around here. They completed a project at the Atkins-Johnson Farm, which are these information panels, that really add a lot to the educational value of people being on the premises. I know it takes extra time and effort for Parks and Recreation staff; especially to work with these different projects, but it really helps us to get some additional benefits that we probably wouldn't have the budget for and certainly is a help to the students to learn more about history and about parks and the importance of some of the facilities that we have. Lastly, I wanted to congratulate Public Safety on their ISO #2 rating, again, for the second time, that puts us in the top 5% of Fire Departments in the country who*

were rated. KUDOS, great job, and we always like to see that kind of recognition come our way when we do a great job."

Item No. 11. On the Agenda. Communications from the City Manager.

City Manager Wingerson stated: *"Thank you, Mayor, and members of the Council. I add my thanks to everybody who worked on Food, Art, Drink. It was a good festival. I think it started with humble beginnings and all of you remember how it started. Director Merkey knows best how it started its first year. It was quiet. It's really growing and I'm pleased with the progress and I think over the next three to five years it will be the festival that we are known for. Thanks for all the good and hard work to everybody on the staff part and for Council's support. Anecdotally, someone mentioned the rain a couple of times. It rained a lot in a very short period of time on Saturday night, and our system held up miraculously well. I think that is really good planning, really good funding, really good support from the Council, but most importantly, great operations in our Public Works Department to keep those sewers clean and free so that the water can flow. Thanks to everybody who helped out with that over the last year, or two, or five, or ten! Whatever the case may be. Thank you, Mayor."*

Item No. 12. On the Agenda. FIRST READING BILL NO. 19-25 An Ordinance amending Chapter 160 of the Gladstone City Code to update its regulations relating to Solicitation within the City.

Councilman Garnos moved Bill No. 19-25 be placed on its First Reading. **Mayor Pro Tem Moore** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0). The Clerk read the Bill.

Councilman Garnos moved to accept the First Reading of Bill No. 19-25, waive the rule, and place the Bill on its Second and Final Reading. **Mayor Pro Tem Moore** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0). The Clerk read the Bill.

Councilman Garnos moved to accept the Second and Final Reading of Bill No. 19-25, and enact the Bill as **Ordinance 4.475**. **Mayor Pro Tem Moore** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Item No. 13. On the Agenda. Other Business.

There was no other business to come before the Council.

Item No. 14. On the Agenda. Adjournment.

Mayor Suter adjourned the June 24, 2019, Regular City Council meeting at 7:51 pm.

Respectfully submitted:

Ruth E. Bocchino, City Clerk

Approved as presented: ____

Approved as modified: ____

Mayor Carol J. Suter

RESOLUTION NO. R-19-31

A RESOLUTION AUTHORIZING ACCEPTANCE OF WORK UNDER CONTRACT WITH SHEDIGS IT LLC, FOR THE HOBBY HILL PARK PROJECT, AND AUTHORIZING FINAL PAYMENT IN THE AMOUNT OF \$5,390.11 FOR PROJECT CO1656.

WHEREAS, work under the contract with SheDigsIt, LLC, for the Hobby Hill Park, Project CO1656, has been completed to the satisfaction of the Director of Parks, Recreation, and Cultural Arts.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

THAT, the City Manager of the City of Gladstone, Missouri, is hereby authorized to accept work under the contract and make final payment as follows:

Original Contract Amount:	\$ 1,268,834.00
Change Orders:	<u>78,693.68</u>
Revised Contract Amount:	\$ 1,347,527.68
Amount Paid to Date:	<u>1,342,137.57</u>
Total Amount Due Final Pay:	<u>\$ 5,390.11</u>

FURTHER, THAT, funds for such purpose are authorized from the Hobby Hill Bond proceeds.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 8th DAY OF JULY 2019.

Mayor Carol J. Suter

ATTEST:

Ruth E. Bocchino, City Clerk



Request for Council Action

RES ☒ # R-19-31

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 6/21/2019

Department: Parks & Recreation

Meeting Date Requested: 7/8/2019

Public Hearing: Yes ☐ Date: [Click here to enter a date.](#)

Subject: Hobby Hill Park Final Payment SheDigsIt, LLC.

Background:

Work has been completed on the referenced project and the contractor, SheDigsIt, LLC, Inc., has made application for final pay. Staff has conducted a final inspection and determined the work to be completed in a satisfactory manner, in accordance with the specifications. Change orders equaling \$78,693.68 were issued primarily for disc golf clearing, changes to the site plan for the expanded playground, the addition of the JJK Reflection Node, and for price increases due to construction delays caused by a protective species (Indiana and Gray Bats)

Budget Discussion: Funds are budgeted in the amount of \$1,300,000.00 from the OTHER Fund. Ongoing costs are estimated to be \$5,000.00 annually. Previous years' funding was \$0

Public/Board/Staff Input:

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Justin Merkey
Department Director/Administrator

City Attorney

SW
City Manager

RESOLUTION NO. R-19-32

A RESOLUTION AUTHORIZING ACCEPTANCE OF WORK UNDER CONTRACT WITH McCONNELL AND ASSOCIATES CORPORATION, FOR THE 2018 OAK GROVE PARKING LOT SEAL COATING PROJECT, AND AUTHORIZING FINAL PAYMENT IN THE AMOUNT OF \$996.13 FOR PROJECT TP1805.

WHEREAS, work under the contract with McConnell and Associates Corporation, for the 2018 Oak Grove Parking Lot Seal Coating Project TP1805, has been completed to the satisfaction of the Director of Public Works.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

THAT, the City Manager of the City of Gladstone, Missouri is hereby authorized to accept work under the contract and make final payment as follows:

Original Contract Amount:	\$ 11,102.60
Change Orders:	<u>8,820.00</u>
Revised Contract Amount:	\$ 19,922.60
Amount Paid to Date:	<u>18,926.47</u>
Total Amount Due Final Pay:	<u>\$ 996.13</u>

FURTHER, THAT, funds for such purpose are authorized from the Transportation Sales Tax Fund.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 8th DAY OF JULY 2019.

Mayor Carol J. Suter

ATTEST:

Ruth E. Bocchino, City Clerk



Request for Council Action

RES ☒ # R-19-32

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 7/1/2019

Department: Public Works

Meeting Date Requested: 7/8/2019

Public Hearing: Yes ☐ Date: [Click here to enter a date.](#)

Subject: Final payment approval, Project TP1805, 2018 Oak Grove Parking Lot Seal Coating.

Background: Work has been completed on the referenced project and the contractor, McConnell and Associates Corporation, has made application for final pay. Staff has conducted a final inspection and determined the work to be completed in a satisfactory manner, in accordance with the specifications.

Original Contract Amount:	\$11,102.60
Change Orders:	8,820.00
Revised Contract Amount:	\$19,922.60
Amount Paid to Date:	18,926.47
Total Amount Due Final Pay:	\$996.13

Budget Discussion: Funds are budgeted in the amount of \$ 20,000.00 from the TST Fund. Ongoing costs are estimated to be \$ 0.00 annually. Previous years' funding was \$20,000.00.

Public/Board/Staff Input: Change orders on this project included the addition of fire lane curb painting and asphalt trail crack filling and patching to the scope of work.

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Timothy A. Nebergall
Department Director/Administrator

City Attorney

City Manager

RESOLUTION NO. R-19-33

A RESOLUTION AUTHORIZING ACCEPTANCE OF WORK UNDER CONTRACT WITH MID-WEST ASSOCIATED CONTRACTORS CORPORATION, FOR THE PUBLIC WORKS BUILDING IMPROVEMENTS PROJECT, AND AUTHORIZING FINAL PAYMENT IN THE AMOUNT OF \$8,718.53 FOR PROJECT CP1754.

WHEREAS, work under the contract with Mid-west Associated Contractors Corporation, for the Public Works Building Improvements Project CP1754, has been completed to the satisfaction of the Director of Public Works.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

THAT, the City Manager of the City of Gladstone, Missouri is hereby authorized to accept work under the contract and make final payment as follows:

Original Contract Amount:	\$ 166,756.00
Change Orders:	<u>7,614.55</u>
Revised Contract Amount:	\$ 174,370.55
Amount Paid to Date:	<u>165,652.02</u>
Total Amount Due Final Pay:	<u>\$ 8,718.53</u>

FURTHER, THAT, funds for such purpose are authorized from the Capital Improvements Sales Tax Fund.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 8th DAY OF JULY, 2019.

Mayor Carol J. Suter

ATTEST:

Ruth E. Bocchino, City Clerk



Request for Council Action

RES ☒ # R-19-33

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 7/2/2019

Department: Public Works

Meeting Date Requested: 7/8/2019

Public Hearing: Yes ☐ Date: [Click here to enter a date.](#)

Subject: Final Payment approval, Project CP1754 Public Works Building Improvements.

Background: Work has been completed on the referenced project and the contractor, Mid-west Associated Contractors Corporation, has made application for final pay. Staff has conducted a final inspection and determined the work to be completed in a satisfactory manner, in accordance with the specifications.

Original Contract Amount:	\$ 166,756.00
Change Orders:	7,614.55
Revised Contract Amount:	<hr/> \$ 174,370.55
Amount Paid to Date:	165,652.02
Total Amount Due Final Pay:	<hr/> \$ 8,718.53 <hr/>

The project consisted of improvements at the Public Works Building located at 4000 NE 76th Street including upgrades to the conference room, breakroom, bathrooms, locker room, interior and exterior paint, ceiling tile, and floor tile.

Budget Discussion: Funds are budgeted in the amount of \$200,000 from the CIST Fund. Ongoing costs are estimated to be \$ 0 annually. Previous years' funding was \$0. The Engineer's Estimate for the project is \$200,000.

Public/Board/Staff Input:

Change orders on this project included additional LVT flooring, door painting, and additional closet rods for uniforms.

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Timothy A. Nebergall

Department Director/Administrator

City Attorney

City Manager

LETTER OF TRANSMITTAL



CITY OF GLADSTONE
Community Development Department
P.O. Box 10719
Gladstone, Missouri 64188-0719
Tel. (816) 436-2200 Fax (816) 436-2228



TO: CITY COUNCIL
FROM: COMMUNITY DEVELOPMENT
DATE: JUNE 28, 2019
PERMIT NO.: BP-19-00534
RE: TYPE 4 OUTDOOR SPECIAL EVENT

NAME OF EVENT: ATKINS-JOHNSON RESTORATION RUN
LOCATION OF EVENT: 4109 NE PLEASANT VALLEY ROAD
ATKINS-JOHNSON FARM
DATE OF EVENT: SATURDAY, AUGUST 24, 2019
TIME OF EVENT: 5:00AM – 10:00PM
EST. ATTENDANCE: 250

REQUESTED TEMPORARY VARIANCE:

- ☒ Section 2.120.050 Noise prohibited.
- ☒ Section 2.130.010(2) Park rules and regulations (hours).
- ☒ Section 2.130.010(13) Park rules and regulations (alcoholic beverages).
- ☐ Section 2.135.040 Prohibition of smoking on or within all public park grounds.
- ☐ Section 2.140.040 Public fireworks display prohibited, exceptions.
- ☒ Section 5.110.1800 Drinking in public.
- ☒ Section 5.160.230(a) Street use permit (street use permit allowed).
- ☒ Section 9.1600.110 Temporary signs.
- ☐ Other – Section _____
- ☐ Other – Section _____

REMARKS: The Friends of Atkins-Johnson Farm along with Synergy Services will be hosting their second annual restoration run/walk. City Staff has reviewed the application and finds that the requested variance(s) are appropriate for this venue.

Signed: _____

Alan D. Napoli, C.B.O.

Community Development Administrator / Building Official

ATTACHMENT(S):

☒ Map

☐ Other _____



Request for Council Action

RES ☐ # City Clerk Only

BILL ☐ # City Clerk Only

ORD ☐ # City Clerk Only

Date: 6/28/2019

Department: Community Development

Meeting Date Requested: 7/8/2019

Public Hearing: Yes ☐ Date: [Click here to enter a date.](#)

Subject: Outdoor Special Event Permit

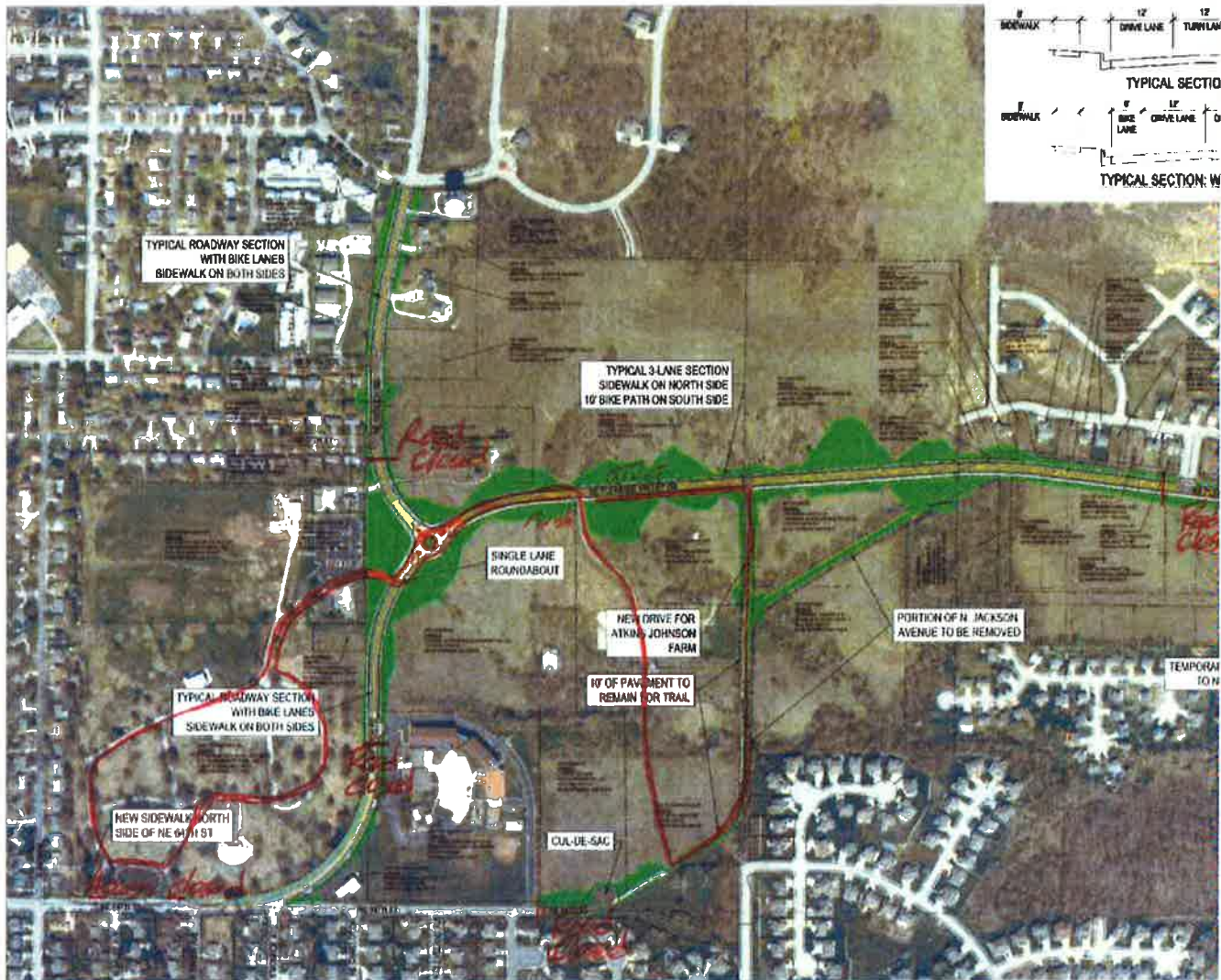
Background: The Friends of Atkins-Johnson Farm along with Synergy Services will be hosting the second annual Atkins-Johnson Farm Restoration Run/Walk. The run will be a 5K and the walk will be about 1K; see attached map for routes. The run will start at the farm then around through White Chapel Cemetery and end back at the farm. The walk will start at the farm, take the path to the Big Shoal Cemetery, and then back via old Pleasant Valley Road to the farm. The pre-race will start at 7:30am with the run starting at 8:00am and the walk at 8:15am.

Budget Discussion: Funds are budgeted in the amount of \$ 0.00 from the N/A Fund. Ongoing costs are estimated to be \$ 0.00 annually. Previous years' funding was \$0.00

Public/Board/Staff Input: See attached letter of transmittal

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Alan Napoli
Community Development Administrator / Building Official



**PLEASANT VALLEY ROAD IMPROVEMENTS
N. INDIANA TO N BRIGHTON**

WALTER

BILL NO. 19-26

ORDINANCE NO. 4.476

AN ORDINANCE APPROVING A SITE PLAN REVISION, SUBJECT TO CERTAIN CONDITIONS, FOR PROPERTY AT 7117 NORTH PROSPECT AVENUE, COMMONLY KNOWN AS HY VEE STORES.

WHEREAS, pursuant to Section 32-37 of Ordinance No. 2.292 being the Gladstone Zoning Ordinance, public notice was made of a request for site plan approval at 7117 North Prospect; and

WHEREAS, public hearings have been held after the publishing of the required notices; and

WHEREAS, the City Council finds that the planned development does not materially injure the property and the uses of the properties immediately adjacent to the proposed development; and

WHEREAS, the City Council finds that the site plan presents a unified and organized arrangement of buildings and facilities which have a functional relationship to the property comprising the development; and

WHEREAS, the City Council finds it is in the best interest of the citizens of the City of Gladstone that the site plan submitted by the applicant be approved subject to the terms and conditions set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

SECTION 1. SITE PLAN APPROVAL.

The Site Plan for 7117 North Prospect Avenue is hereby approved subject to the terms and conditions set forth herein;

1. All exterior lighting shall be LED.
2. Trash service, deliveries, and distribution shall be scheduled between the hours of 7:00 a.m. to 10:00 p.m.
3. Any and all disturbed areas shall be sodded.
4. All landscaped areas shall be irrigated and maintained in perpetuity.
5. On the Aisles Online kiosk, and 4,000 square feet addition, all mechanical equipment on the roof(s) shall be screened from public view by a parapet similar in design to the rest of the structure. This must be a minimum of twelve (12) inches above the tallest piece of mechanical equipment.
6. Two refurbished or new monument signs shall be used to serve this development along 72nd Street and North Prospect Avenue. The two monument signs will need a minimum of 150 square feet of area landscaping around both signs.
7. Hy-Vee will use a combination of, but not limited to, windows and higher end building materials to aesthetically enhance the north side of the Aisles Online kiosk facing 72nd Street.

8. Any new exterior lighting being added to the south side of the building, in relation to the 4,000 square feet addition, will be no higher than 10 feet, angled downward, and/or covered by light shields in an effort to preserve residential properties south of Hy-Vee.
9. Tractor trailers, storage containers, and other commercial vehicles (including delivery trucks) shall not be parked or stored overnight on the premises.

SECTION 2. SEVERABILITY CLAUSE. The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

PASSED, SIGNED, AND MADE EFFECTIVE BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 7th DAY OF JULY, 2019.

Mayor Carol J. Suter

ATTEST:

Ruth Bocchino, City Clerk

First Reading: July 7, 2019

Second Reading: July 7th, 2019

File #2019-006



Request for Council Action

RES ☐ # City Clerk Only

BILL ☒ # 19-26

ORD # 4.476

Date: 7/2/2019

Department: Community Development

Meeting Date Requested: 7/8/2019

Public Hearing: Yes ☒ Date: 7/8/2019

Subject: Hy-Vee Site Plan Revision

Background: The applicant is requesting site plan approval on behalf of Hy-Vee Stores for the purpose of an interior remodel, expansion of the building to the south by roughly 4,000 square feet in order to relocate the pharmacy drive through. Hy-Vee is also proposing the addition of a 900 square foot Aisles Online kiosk to the parking area north of the store. The purpose of the kiosk is to provide a separate location for customers to pick up grocery orders that have been placed through their Aisles Online program and redirect that traffic away from the pickup canopy at the front of the store. In order to meet the required parking count, Hy-Vee has reconfigured the north parking area. What is Aisles Online? • Customers can place their grocery order online and an Aisles Online personal shopper hand-selects their products. The groceries are kept in climate-controlled totes until they are unloaded into the customer's vehicle or delivered. The parking lot reconfiguration on the north side of the property will allow better traffic flow designed for employees, store customers and the proposed Aisles Online standalone building for grocery pickup/delivery. In regard to landscaping, Hy-Vee has proposed a removal and replace strategy to maintain and enhance landscaping throughout the entire project site using vegetation native to Missouri. City Staff approves of this strategy. City Staff has requested that signage along 72nd Street and North Prospect Avenue is refurbished or replaced to look like new with 150 square feet of landscaping surrounding the signs. Hy-Vee will use a combination of windows and higher-end building materials to aesthetically enhance the north side of the Aisles Online building facing 72nd Street. In regard to the 4,000 square feet building addition to the south side of the building located adjacent to their Wine & Spirits section of the store. City staff requests that exterior lighting be no higher than 10 feet, angled downward and/or covered with light shields in an effort to preserve residential properties south of Hy-Vee. City Staff also requests that Hy-Vee extend their proposed tree line, within reason, to the southeast side of the property to cover the proposed addition.

Budget Discussion: Funds are budgeted in the amount of \$ from the Fund. Ongoing costs are estimated to be \$ annually. Previous years' funding was \$

Public/Board/Staff Input: There were members of the public present at the Planning Commission meeting who live adjacent to Hy-Vee. They expressed concerns regarding lighting, noise and property maintenance. The members of the public are not opposed to this project, but request that Hy-Vee strive to be a better neighbor. A number of these residents expressed some issues with storm water but this primarily involves Linden Woods Village. Representatives of Hy-Vee are in contact with Linden Woods Village and are working to resolve these

RCA DUE TO CITY CLERK WEDNESDAY 12:00 PM

issues. In anticipation of some members of the public being present at the July 8th City Council meeting, I have requested that the new Hy-Vee Store Director, Ash Wounded Arrow, be present at the meeting to hear their concerns. He has accepted the invitation and is excited to meet the residents, City Staff, and City Council.

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Austin Greer, Assistant to the City Manager/Planning Administrator

City Attorney	SW City Manager
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May 17, 2019

Alan Napoli, C.B.O.
Community Development Administrator
Building Official
City of Gladstone
7010 North Holmes
Gladstone, MO 64118

RE: SITE PLAN REVISION REQUEST FOR THE EXPANSION AND REMODEL OF THE
GLADSTONE HY-VEE

Dear Mr. Napoli,

We are pleased to file the attached submittal package for a Site Plan Revision to the Gladstone Hy-Vee store. Enclosed with this submittal are the following:

- Application Letter
- Development Application
- Application Fee of \$500.00
- Site Plans
- Landscaping Plans
- Building Elevations
- Stormwater Management Report

As discussed at our pre-application meeting, we are proposing to remodel the interior of our store and expand the building to the south by roughly 4,000 square feet and relocate the pharmacy drive through. We are also proposing the addition of a 900 SF Aisles Online kiosk to the parking area north of the store. The purpose of the kiosk is to provide a separate location for customers to pick up grocery orders that have been placed through our Aisles Online program and redirect that traffic away from the pickup canopy at the front of the store. In order to meet the required parking count, we reconfigured the north parking area. Plans and elevations for the kiosk are included in this submittal.

We're excited to make these improvements to the Gladstone store. If you have any questions, concerns, or need additional information, please do not hesitate to contact me!

Sincerely,



John Brehm
Director, Site Planning

Enclosures

Cc: File, Olsson Associates

Hy-Vee, Inc.
5820 Westown Parkway, West Des Moines, Iowa 50266
Phone: (515) 267-2800

DEVELOPMENT APPLICATION



CITY OF GLADSTONE
7010 N HOLMES STREET
GLADSTONE, MISSOURI 64118
PHONE: 436-4110 FAX: 436-2228

File #: _____

Date: _____

Application Type:

- | | |
|--|--|
| <input type="checkbox"/> Special Use Permit (\$500) | <input type="checkbox"/> Right-of-Way Vacation (\$200) |
| <input type="checkbox"/> Zoning Change (\$500) | <input type="checkbox"/> Variance – BZA (\$200) |
| <input checked="" type="checkbox"/> Site Plan Revision (\$500) | <input type="checkbox"/> Final Plat/Replat (\$75) |

Address of Action: 7117 N PROSPECT

Legal Description:

Attach under separate cover if needed.

SEE ATTACHED

Proposed Change:

4,000 SF BUILDING EXPANSION,
REMODEL OF BUILDING INTERIOR,
MODIFICATION OF PARKING AND ADDITION
OF AISLES ONLINE KIOSK

Applicant/Property Owner Information:

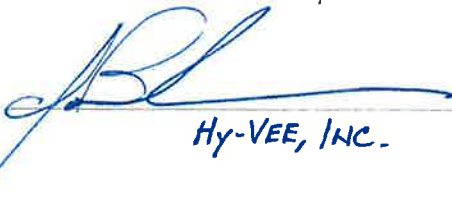
☒ Applicant(s) JOHN BREHM - CONTACT
Company HY-VEE, INC.
Address 5820 WESTOWN PARKWAY, WDSM, IA 50266
Phone 515.453.2795 Fax: _____ E-Mail: jbrehm@hy-vee.com

☐ Property Owner (if different than applicant) SAME AS APPLICANT
Company _____
Address _____
Phone _____ Fax: _____ E-Mail: _____

☒ Architect/Engineer OLSSON ASSOCIATES
Company SHANNON BUSTER
Address 1301 BURLINGTON STREET, N. KC, MO 64116
Phone 816.361.1177 Fax: _____ E-Mail: sbuster@olsson.com

Please indicate in one box above which person is to be the contact.

Applicant's Signature


Hy-VEE, INC.

Date 5-16-2019

DEVELOPMENT APPLICATION

Additional Required Documents

(check if needed) **Comments**

☒ Site Plan

☐ Traffic Study

☒ Landscaping Plans

☒ Storm Water

☐ Photometric Study

☐ Sign Plan

☒ Colored Elevation /
Rendering

☐

Planning Commission Process

Number of Planning Commissioners

12

Length of time until Public Hearing

Refer to Planning Commission Calendar

City Council

Length of time until City Council Meeting*

Refer to City Council Calendar

*final decision comes from City Council

LEGAL DESCRIPTION:

ALL OF LOT 1, GLADSTONE COMMONS, A SUBDIVISION OF LAND NOW IN THE CITY OF GLADSTONE, CLAY COUNTY, MISSOURI.



Hy-Vee, Inc.
5820 Westown Parkway
West Des Moines, IA 50266
(515) 267-2800

VENDOR NUMBER: 055522-01
PAYABLE TYPE: EXPENSE
CHECK DATE: 05/15/19
VOID 90 DAYS AFTER ISSUE DATE

CHECK NUMBER **1479859**

Wells Fargo Bank, N.A.

56-382/412

PAY Five Hundred and NO/100 Dollars

\$*****500.00

TO THE
ORDER OF: CITY OF GLADSTONE
7010 N HOLMES
GLADSTONE, MO 64118


TREASURER

⑈ 1479859⑈ ⑆041203824⑆ 9600099662⑈

↑ REMOVE DOCUMENT ALONG THIS PERFORATION ↓

Hy-Vee, Inc.
5820 Westown Parkway
West Des Moines, IA 50266
(515) 267-2800

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VENDOR NUMBER: 055522-01
PAYABLE TYPE: EXPENSE

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PAGE 1

INV. DATE	ACCOUNT NO.	LOCATION	INV. NO.	EXPLANATION	AMOUNT
5/14/19	155-00-1-01219	GLADSTONE	51419	PERMIT APPLICATIO	500.00
					500.00



Community Development Department

Staff Report

Date: June 18, 2019

File #: 2019-006

Requested Action: Site Plan Revision, 6117 N Prospect

Date of PC Consideration: June 18, 2019

Date of Council Consideration: July 8, 2019

Applicant: John Brehm
Hy-Vee
7117 N Prospect Avenue
Gladstone, MO 64119

Owner: Hy-Vee
5820 Westown Parkway
WDSM, IA 50266

Architect/ Engineer: Olsson Associates
Shannon Buster
1301 Burlington St
North Kansas City, MO 64116

Address of Property: 6117 N Prospect Avenue

Planning Information

- Current Zoning: CP-1; Planned District, Local Business
- Planned Land Use: Commercial
- Surrounding Uses: North – Commercial (Walmart); South – Residential (Northhaven Gardens); East – Residential (Linden Woods Village); West – North Prospect Avenue
- Applicable Regulations: Zoning and Subdivision Ordinance and Comprehensive Plan

Additional Information

- Public Utility Availability: Existing
- Ingress/Egress: 72nd Street and North Prospect Avenue
- Traffic Impacts: None
- Parking Required: Existing
- Parking Provided: Existing
- Proposed On-Site Improvements: See Attached Plan
- Proposed Landscaping: See Attached Plan
- Proposed Signage: - Refurbish or Replace Existing Signage

Analysis

The applicant is requesting site plan approval on behalf of Hy-Vee Stores for the purpose of an interior remodel, expansion of the building to the south by roughly 4,000 square feet in order to relocate the pharmacy drive through. Hy-Vee is also proposing the addition of a 900 square foot Aisles Online kiosk to the parking area north of the store. The purpose of the kiosk is to provide a separate location for customers to pick up grocery orders that have been placed through their Aisles Online program and redirect that traffic away from the pickup canopy at the front of the store. In order to meet the required parking count, Hy-Vee has reconfigured the north parking area.

What is Aisles Online?

- Customers can place their grocery order online and an Aisles Online personal shopper hand-selects their products. The groceries are kept in climate-controlled totes until they are unloaded into the customer's vehicle or delivered.

The parking lot reconfiguration on the north side of the property will allow better traffic flow designed for employees, store customers and the proposed Aisles Online standalone building for grocery pickup/delivery.

In regard to landscaping, Hy-Vee has proposed a removal and replace strategy to maintain and enhance landscaping throughout the entire project site using vegetation native to Missouri. City Staff approves of this strategy.

City Staff has requested that signage along 72nd Street and North Prospect Avenue is refurbished or replaced to look like new with 150 square feet of landscaping surrounding the signs.

Hy-Vee will use a combination of windows and higher-end building materials to aesthetically enhance the north side of the Aisles Online building facing 72nd Street.

In regard to the 4,000 square feet building addition to the south side of the building located adjacent to their Wine & Spirits section of the store. City staff requests that exterior lighting be no higher than 10 feet, angled downward and/or covered with light shields in an effort to preserve residential properties south of Hy-Vee. City Staff also requests that Hy-Vee extend their proposed tree line, within reason, to the southeast side of the property to cover the proposed addition.

Recommended Conditions

City Staff recommends that the following conditions be considered if the Planning Commission and City Council choose to approve this project request:

1. All exterior lighting shall be LED.
2. Trash service, deliveries, and distribution shall be scheduled between the hours of 7:00 a.m. to 10:00 p.m.
3. Any and all disturbed areas shall be sodded.
4. All landscaped areas shall be irrigated and maintained in perpetuity.
5. On the Aisles Online kiosk, and 4,000 square feet addition, all mechanical equipment on the roof(s) shall be screened from public view by a parapet similar in design to the rest of the structure. This must be a minimum of twelve (12) inches above the tallest piece of mechanical equipment.
6. Two refurbished or new monument signs shall be used to serve this development along 72nd Street and North Prospect Avenue. The two monument signs will need a minimum of 150 square feet of area landscaping around both signs.
7. Hy-Vee will use a combination of windows and higher-end building materials to aesthetically enhance the north side of the Aisles Online kiosk facing 72nd Street.
8. Any new exterior lighting being added to the south side of the building, in relation to the 4,000 square feet addition, will be no higher than 10 feet, angled downward, and/or covered by light shields in an effort to preserve residential properties south of Hy-Vee.
9. Tractor trailers and storage containers shall not be parked or stored overnight in the main parking lot.

Hy-Vee being the great community partner that they are, has agreed to all conditions.

Recommendation

City Staff recommends that the request be **APPROVED** contingent upon the conditions listed above.

GLADSTONE PLANNING COMMISSION MINUTES

Council Chambers June 18, 2019

1. Meeting called to Order- Roll Call. Acting Chair Cookson called the meeting to order at 7:00 pm.

Commissioners present were: Chase Cookson, Acting Chair
Mike Ebenroth
J.N. Hernandez
Alicia Hommon
Gary Markenson
Katie Middleton
Kim Murch
Shari Poindexter
Bill Turnage
Larry Whitton

Not present: Jennifer McGee, Chair
James New

Also present: Jean Moore, Mayor Pro Tem
Austin Greer, Assistant to the City Manager/Planning Administrator
Cheryl Lamb, Administrative Assistant

2. Pledge of Allegiance to the United States of America.

3. Approval of Previous Meeting Minutes: May 20, 2019. Acting Chair Cookson asked if there was a motion to approve the minutes from the May 20, 2019 meeting. Mr. Turnage moved to approve the minutes; Ms. Hommon seconded. The minutes were approved, 10-0.

4. Other Business. None.

5. Public Hearing: Site Plan Revision, Hy-Vee, File #2019-006. Acting Chair Cookson opened the public hearing.

Mr. Greer stated that the applicant is requesting site plan approval on behalf of Hy-Vee Stores for the purpose of an interior remodel, expansion of the building to the south by roughly 4,000 square feet in order to relocate the pharmacy drive through. Hy-Vee is also proposing the addition of a 900 square foot Aisles Online kiosk to the parking area north of the store. The purpose of the kiosk is to provide a separate location for customers to pick up grocery orders that have been placed through their Aisles Online program and redirect that traffic away from the pickup canopy at the front of the store. In order to meet the required parking count, Hy-Vee has reconfigured the north parking area.

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Mr. Markenson asked Mr. Greer to reiterate his previous question so everyone knows the answer. He had asked if the expansion on the south side is well within the setback requirements of our zoning ordinance.

Mr. Greer confirmed that was correct. He said it is almost three (3) times the distance required.

Acting Chair Cookson asked if anyone would like to speak in favor of the application.

Mr. John Brehm, Director of Site Planning for Hy-Vee, 5820 Westown Parkway, West Des Moines, Iowa, approached the podium. He stated that he is in favor of the project. He pointed out a couple of items. They are in agreement with all of the conditions the City Staff has laid out. He wanted them to note that they have shown on the site plan the expansion to the south of the store, the Wine and Spirit extension, has been put on hold for right now. They are showing it as a future addition. They are still asking for approval on it but they are not planning to build it right away or at this time. Issues with lights and the light trespass and those kinds of items in building closer to the neighbors to the south shouldn't be an issue at this time.

As far as the Aisles Online is concerned, staff outlined it correctly. You get a good rough outline of what they are doing there. Hy-Vee is planning to open a fulfillment center shortly in the Kansas City area and that will allow them to pull orders; right now they have personal shoppers in the store itself and they get in the way of their customers who are trying to do their own shopping. The idea with the fulfillment center is that orders that are placed online will be picked there and delivered to a kiosk, which will be placed on the north side of the store. That way traffic coming to pick up groceries doesn't have to navigate all the people coming and going from the parking lot in the front of the store. They won't have the people picking orders getting in the way of customers in the store. This is a convenience item and it is Hy-Vee's way of keeping up with the Amazons of the world and providing the best service that a good chunk of their customers are looking for, which is the ordering online, ecommerce ordering of groceries.

Mr. Turnage asked if that will replace, on the north end basic parking lot, will that replace grocery pick up.

Mr. Brehm said no. Grocery pick up will remain and that will be for customers who actually buy the groceries in the store and want someone to help them load them in their car. This does not replace that function. This is simply providing space for the Aisles Online orders so they aren't interfering with customers who are doing their own shopping.

Mr. Turnage asked about Aisles Online and if they anticipate that being a significant cause of traffic backing up there.

Mr. Brehm said that was a good question. They have thought about that. They have the ability to limit the number of orders that can be picked up in a certain amount of time. Customers have a window of time that they can pick up their groceries and they can limit the number of orders that can be picked up at a time so they aren't overwhelming that space and creating a problem with traffic there.

Mr. Murch clarified that they want them to approve the expansion of 4,000 sf on south end, but didn't think that any objections would be relevant tonight.

Mr. Brehm explained that he hoped he didn't miscommunicate. There are some items on the list regarding lighting and noise. He wanted to be clear that they aren't planning on building that addition right now so those items wouldn't be pertinent at this point. But they are agreeing to the conditions listed.

Mr. Murch inquired if he was asking them to approve.

Mr. Brehm said they are asking them to approve it as a future expansion. The reason they are asking that is because of the expansion they are required to update their storm water requirements. They are required to bring the landscaping ordinance up to code. They are doing all those things with or without the expansion. But they want the ability to build that addition without having to go through the whole process again.

Mr. Murch said that if anyone had any objections they would certainly be valid.

Mr. Greer added that, as of right now, the budget didn't reflect that they would be able to do it now, but within a year they would probably be able to do that. If we can just approve the plan tonight "as is" we wouldn't necessarily have to see the 4,000 sf in 9 months or a year from now.

Acting Chair Cookson asked if there was any limitation on their ability to do that from a time perspective.

Mr. Greer didn't think so. He thinks, in the past they have seen, for example the laundromat that is being built off of Antioch right now. That remodel has taken longer than anticipated. There is a good chance that Hy-Vee could finish their project before they finish with the laundromat. He thinks that is what John is talking about. Just at a later date but still in the near future.

Mr. Markenson said he thought he heard staff say there would be no overnight parking on the main parking lot. The conditions say that there will be no overnight parking on the premises, which he assumes is the entire property.

Mr. Greer confirmed he was correct. The site report is slightly different than the conversations they had with them; it was late Friday last week. So the wording is slightly different today. They decided that since Hy-Vee does a lot of flower deliveries and other types of deliveries that it would make more sense to adjust that wording a little bit. That's why he reflected tonight, the paper they have is slightly different.

Mr. Markenson asked if anything else was different.

Mr. Greer replied no, only condition number 9 on the last line. It appeared that he and John's emails weren't going back and forth very well and so they were on the phone pretty late last Thursday and Friday discussing things.

Mr. Markenson added that things could be left overnight behind and on either side.

Mr. Greer confirmed that was true.

Mr. Brehm provided clarification on item number 9. The Hy-Vee store does actually own its own catering vans and some delivery vehicles. Those would be considered commercial vehicles according to language. They asked that the main parking lot in the front not be included so those vehicles could be parked there and kept.

Mr. Markenson said that sometimes the green trucks are parked in the back overnight.

Mr. Brehm said yes. They have no issues with keeping trucks overnight, freight vehicles, off the parking lot.

Mr. Greer provided additional clarification. It is mostly to primarily address independent truckers who are coming and parking their rigs overnight and sleeping in them. They have had issues with that on some other properties and if they can avoid doing that they would like to do so.

Ms. Middleton asked if that was an issue at the Hy-Vee right now.

Mr. Greer said no. Hy-Vee has been a great community partner and they just wanted to agree that they wouldn't like to see tracker trailers, multiples, sleeping there at night.

Mr. Ebenroth asked, although they are not planning to do the expansion on the south side, if they are planning to do the all of the landscaping.

Mr. Brehm confirmed that was correct.

Mr. Ebenroth inquired if the fence that is along the wall there; the stain is completely gone. It might be something they want to address as well.

Mr. Brehm said they can talk to the store and see about getting it done. He asked if it needs stain or repairs.

Mr. Ebenroth asked that they make it look the same as the frontage, street lights too.

Ms. Poindexter asked what the status of the Market Grille will be.

Mr. Brehm said that the Market Grille is planning to stay the same. They have been learning a lot about the restaurant business. They are making a lot of changes. He thanked them for their patience while they figure out how to run a restaurant.

Mr. Whitton asked about the handling of the water. He said it goes back to when they built the assisted living facility. He went there and walked around the area. The holding pond they had there was full of weeds and stuff. They had been maintaining it well and the City was supposed to address it. He wondered if they have straightened that up behind there.

Mr. Brehm replied that he was part of helping to get the detention pond issues straightened up. Five or six years ago they had the drain at the bottom of their system detention pond plug. The detention pond filled all the way to the top and that wasn't a good situation. They didn't like seeing that. That's dangerous for the residents downstream. They took immediate action and they had a company pump out all the water, got rid of it, so the danger of the walls or soil subsidence happening were alleviated. They cleaned up the pond at that point. Then the neighbors in the assisted living facility approached them. They needed extra room for their water detention. They put together an agreement between the two parties and Hy-Vee and the assisted living facility both detain their water in the same pond now. It was expanded to handle the assisted living facility's water and expanded to bring their site up to code at the time. An agreement is in place to also have the new fencing around the north maintained by the assisted living facility. They pay their pro-rated share to take care of it. It was kind of complicated but they did remove all the grading, did a lot of grading, re-planted it, and added new structures there. So it works a lot better. It detains more water and it's much safer than it was in the past.

Mr. Whitton asked what plans they have to change it now that they are going to add more water.

Mr. Brehm replied that city ordinance requires them to treat their stormwater. They won't actually do anything in the detention pond. They will be adding some landscaped areas or some underground structures that would go near the gas station in order to trap oils, sands, things that come off of cars in the parking lot. Trap that stuff so they can suck it up and it doesn't go into the detention pond, it goes into lakes and rivers. It more of a water quality issue than a quantity issue.

Mr. Murch addressed John and Acting Chair Cookson. He struggles to vote on and approve something today without hearing objections today and what changes or what objections they might hear a year from now. He proposes that they change this in some fashion to be able to revisit this before final approval.

Mr. Cookson said that they are still going to have a public hearing where the public is going to be able to talk about the plans tonight.

Mr. Murch asked what will happen if members of the Commission resign; what happens if Hy-Vee changes ownership; there are too many variables. Other neighbors that move in that might have future objections. That is his struggle; to ask why we would approve something today for a year down the road. We don't know what changes or objections might come up.

Acting Chair Cookson asked if Mr. Greer wanted to speak to that. He had a couple of thoughts as well.

Mr. Greer asked Mr. Brehm if he wanted to start.

Mr. Brehm shared that what they have submitted to the city is a full set of building elevations, full set of site plans for the building with the addition shown. If you approve that tonight, their assumption is that is what is approved and nothing else. If they decided to change the size of that

or the way it looks or the height or anything on those items, their assumption is that they would have to come back.

Mr. Murch said that was his assumption from the Hy-Vee perspective. He asked about the neighborhood or other objections and inquired how they approve something tonight and still allow them to have future objections.

Mr. Greer added that they have only approved the 4,000 sf south addition. If they came back and tried to do 5,000 sf they would have to look at it again.

Mr. Murch said they may not change anything.

Mr. Greer agreed. He went down the list of his concerns. He mentioned a change of resident ownership. That is a hypothetical. There is always a chance of residents changing ownership. The ownership change in Hy-Vee is always a hypothetical. They are dealing with the facts of today. The plans meet all of staff's requirements. Everything is in order. They can't plan for ownership changes in the future on both residents and Hy-Vee. That would be a difficult situation for us to wade into as we are going to see more projects down the road. There is always that possibility.

Mr. Murch understands that is a possibility. He wants to know what happens when there are different objections that come up over the next year. He doesn't have a problem with the plans the way they stand today. He is assuming they will hear some objections tonight. Over a period of a year, they might hear some further objections.

Ms. Middleton stated that her point of view is that they are never guaranteed anything. Anything that they approve at any particular time can delay or be put off or people could move in and out. She doesn't share that concern.

Mr. Greer added that construction takes quite a bit of time regardless of the project. Mr. Napoli is reviewing their building the permit right now. As of today, we have to deal with the facts of today, not hypotheticals for the future.

Mr. Markenson asked to confirm that the building permit has an expiration date.

Mr. Greer confirmed that it does.

Mr. Markenson added that they had to do something in that time.

Mr. Greer agreed. He said that they have had projects come in that have received approval and, after a certain time their building permit lapses and they have to go through the whole process again. There is a safeguard to that. A building permit is generally good for six months.

Mr. Whitton shared that he doesn't understand why they can't vote on this now. As far as he is concerned Hy-Vee is very good business for Gladstone. He shops there and they do a good job. His only concern was with the water. He hasn't heard if there are any other people with objections.

He can't see holding them up because of what they might do or could do. Anything they change, if they change the site plan, they have to come back before them anyway.

Mr. Greer said that is correct and they also have six months on their building permit. Once they pull their building permit, they would have six months to complete their project.

Acting Chair asked if there was anyone who would like to speak in opposition to the plan.

Jackie Pearson, 7008 S Montgall Court, said they are the neighbors to the south of this project. They are in the cul-de-sac that is at the end of Hy-Vee to the south. While they appreciate Hy-Vee and all they have done they have also had to endure a lot of inconveniences as a result of it. When they added the gas station several years ago, they couldn't even open their windows because of the dust and the dirt and the noise and the length of the project. That's tough. She has ten grandkids. They want to go outside and play. They couldn't. Everything was covered with dust if you live along there. When they were done with the project, they had all these lights- and she heard what they said about the lighting. But they have these lights that shine so bright that these two people (she pointed towards two people in the audience) their houses back up to it. You don't even need to turn your lights on in their living room because of the lights coming from the pharmacy and the liquor store. They can hardly sit on their front porch because the angle of their house faces that direction. The lights from the cars come through there and their fence makes it like a strobe light because it's a wooden fence with slats in it. When cars come by it's a flickering-type of light that comes past all the time.

Ms. Pearson continued. She said they live in a very quiet neighborhood for the most part and, they like Hy-Vee, they appreciate them. They have not done the best job in the last few years of keeping up with their end of the bargain. For example, their trash blows over all the time. Years ago they used to have someone who policed it on a regular basis. They came to pick trash up. They don't do that. To her knowledge they don't. Their trash ends up in her yard and these people's yard all the time, so they have to pick that up. The noise from the cars and the amount of additional traffic that could come from this is going to make it ten times worse just for them. On top of that, when the fence blew down several years ago, which was no fault of theirs, it took four calls to City Hall to get that fence fixed; that wooden fence that's there now. It laid down there to the point that people started to use it for a foot path to come between their houses. The final straw was when she came up here because they were driving mopeds down the hill straight from Hy-Vee's parking lot. They had gone to Hy-Vee and asked them about it and the manager kept saying he would pass it on but nothing ever happen with that. They are not opposed to Hy-Vee in any way. But if they are coming further towards their houses and their property, they feel like they need to consider a better barrier besides the wooden fence; maybe something more solid; maybe something higher that would prevent those car lights from constantly flickering into their homes and disrupting their lifestyle. The wood is fine, but it has to be constantly maintained. The mowers that mow their property for them do a pretty good job for the most part. Many times they leave the gate open. When they leave the gate open up there, they have foot traffic coming through their yards again. It is an ongoing problem.

Ms. Pearson added that she sounds like she's anti-Hy-Vee, but she's not. She shops there all the time and they do like Hy-Vee. They are good neighbors for the most part. As they change

managers, that determines how good of a neighbor they are, in her opinion. They had one manager that they could say anything to and he would take care of it immediately. They've had managers that just scoff you off and don't care what you say; you're just a complaining neighbor. She didn't know what else to say to get her point across that they are a good neighbor to a certain extent, but they are very noisy. They have people who pick people up from work, which is not fault of their own, it is just the fact that they are there as a business and operating as a 24/7 business. They don't get a break from it because it's 24/7. She asked if they add 4,000 more square feet on to it, how much more traffic and noise are they going to have as a result.

Mr. Cookson thanked Ms. Pearson for her comments. He asked if anyone had any questions.

Ms. Middleton asked if there is a way that Hy-Vee can provide a liaison, a contact-type person that the residents can take to about some of these issues.

Ms. Pearson said it all changes when managers change. That has been their experience. They have lived there for 16 years so they have seen a lot of changes with Hy-Vee. Her other neighbors have lived there longer than they have. It changes when they change management. That's when a lot of things change. Their property doesn't end at the fence line, it comes down further. They have to have a gate where they can come in and mow the hillside. She asked if their expansion will move the fence.

Mr. Greer shared that the required setback is 35 feet. They have 130 feet to play with even with the expansion of the 4,000 sf. That is almost triple the amount of setback required.

Ms. Pearson then asked if they move her direction, because it is a hill that is slanted, they have a 6' fence but if you move it halfway down a hill it's more like a 4' fence. She asked if they are going to move the fence.

Mr. Brehm responded no.

Ms. Pearson shared that the fence needs to be a solid fence. That fencing could provide a light barrier; it could provide a sound barrier; and it could catch their trash more instead of going under the fence line.

Mr. Cookson asked if Hy-Vee updated their fence by making it larger or making it stone, a different sort of fence, would Ms. Pearson change from being in opposition to being in support of.

Ms. Pearson said that was their number one concern now. That type of a solid fence, whether the concrete type or solid PVC without the holes and the gaps in it there would be more of a light block, you won't get the strobe light effect; there won't be as much noise.

Unknown audience member added that the fence could be taller. She said they are directly behind it. They've had kids and adults running through and climb the fence, because they can climb it easily.

Mr. Cookson asked if they could hold their comments and go in order. He addressed Mr. Greer and asked if he wanted to make a comment.

Mr. Greer said that City staff has recommended either a 6 foot PVC or 6 foot wooden fence. Hy-Vee currently has an adequate wooden fence so City staff wouldn't make that recommendation. City staff has currently has a really good relationship with Hy-Vee's manager and has been very responsive in the last couple of years in regard to complaints, whether it's trash or lighting or noise issues. He empathizes with Ms. Pearson. Living beside Hy-Vee, some of this territory comes with being adjacent to the property.

Ms. Pearson agreed, but Hy-Vee was not that big when they moved there. They have added on to it at least twice; the gas station and the end closest to their homes. It wasn't that big when they moved there.

Mr. Markenson confirmed that there are two issues there. One is the lighting and one is the fence. They can't do anything about cars. He thinks that there is something on lighting that they have taken care of. So lighting shouldn't be a problem.

Ms. Pearson agreed.

Mr. Markenson said the lighting shouldn't be a problem. The problem they really have is fencing.

Ms. Pearson said that the lighting is so high on the end where the liquor store is, except where it says "drive through pharmacy" it's very high so it shines right over that fence. They are talking about putting something on it to make it more of a down light and that would be great.

Mr. Markenson asked Mr. Greer to comment on the LED lights.

Mr. Greer shared that on the 4,000 sf addition the lighting would be lowered to 10 feet. Typically, some Hy-Vee locations go higher than that. They came to an agreement through negotiation that 10 feet would be adequate.

Mr. Cookson asked to confirm that it would be shielded.

Mr. Greer confirmed that it would. Angled downward, shielded, 10 feet, which is below the normal height, they feel would be adequate for residential properties.

Mr. Byran Sweet, 7011 N Montgall Ct directly south of Hy-Vee, took the podium. He has lived there since 1996. Normally, the noise doesn't bother him. His wife and everybody else, it does. Understandable. His problem is he lives directly south of Hy-Vee. There was a tree on the Hy-Vee property that fell into his yard leaning into one of his trees. He waited two months for Hy-Vee to do something about that tree. They did nothing. He didn't go over there and tell them because it is their property. He eventually cut it down; put it on their property. He dealt with it. It shouldn't have been his responsibility, but he did it. Also, maintaining the grass, the weeds that grow in that area. In the summertime, dandelions are thicker than the grass. They treat their yards; they pay to have somebody treat their yards. Their dandelions blow into their yards, they're screwed. He

doesn't mind Hy-Vee behind him. He doesn't mind that at all. The fact that they don't pay close attention to their property on the south side of the wall, that bothers him. That was all he had to say.

Ms. Middleton asked why he didn't talk to Hy-Vee or the city about it.

Mr. Sweet said he looks at this property and he tries to deal with what his property needs. Someone from the store could be going and checking out what, if anything is going on with the south side of the fence.

Ms. Middleton asked why he didn't contact them about it.

Mr. Sweet said he is non-confrontational. He doesn't like to cause any kind of argument between anybody. He didn't say anything, maybe he should have. The fact that he had to cut their tree down to be able to cut his grass cause he had to duck his head just to be able go under the tree to be able to cut it.

Mr. Greer wanted to address Mr. Sweet's concerns and he referred them to conditions 3 and 4.

1. Any and all disturbed areas shall be sodded.
2. All landscaped areas shall be irrigated and maintained in perpetuity.

Acting Chair Cookson confirmed that Hy-Vee had agreed to both of those conditions.

Mr. Greer confirmed they had.

Acting Chair Cookson asked if it was safe to summarize that his primary concern is about continued maintenance of that property adjacent.

Mr. Sweet agreed and added that it should be on a timely basis. Not every now and then.

Mr. Murch asked if the south side of the fence irrigated now.

Mr. Sweet didn't know.

Mr. Murch asked if he sees sprinklers come on.

Mr. Sweet said he has never seen them. He saw them years ago working on it. He has never seen any kind of irrigation taking place over the last 10-15 years.

Mr. Murch asked Mr. Greer if it was correct that the area would be sodded and irrigated.

Mr. Greer stated that irrigating the fence line would cause a lot of corrosion, he assumed. He asked John to address that question as he is the architect on the project. They will see if that is something that is feasible.

Mr. Brehm responded that lawn care on the south side of the fence, he doesn't know if it will work. He made a note to check to see if there is irrigation installed there. If not, they will need to get it installed. They will talk to the store about getting back behind that fence and maintaining what's back there. Initially repairing or maintaining the fence, and /or replacing it if it's in a state where they can't do much with it. That's one item, the fence. The other item he wants to address was the lighting. Right now they currently have metal halo lights on the poles. They are older. Obviously they don't have the same kind of technology that you can get now in an LED light. They are planning to replace all of those lamps. They are planning to change out the lamps to LED fixtures. LED light is very focused. It works the same way in a parking lot with the lamp on top of the post. The light is focused on the parking lot and it's not throwing light into the neighbor's yards and it is a really sharp cutoff light. It's less intense. It may appear brighter but it's less intense.

Acting Chair Cookson asked if there was a question for John.

Ms. Middleton asked if there is any kind of landscaping issues in as far as trees going into that property, will that become Hy-Vee's responsibility to look at or if a resident sees something can they report it to the City.

Mr. Greer replied that they can report it to the Community Development department. They have a really strong relationship with Hy-Vee management at this point. They are in regular conversations with them every couple of weeks, or more. They can help get that addressed if something would occur in the future. They would be more than happy to.

Mx. Hernandez had a question for John. The 4,000 sf addition is the one that is going to be happening down the line. He asked if the change to all exterior lighting being LED, if that is on the forefront; will that be something that is going to be happening.

Mr. Brehm replied that is what they are planning on doing right now.

Mx. Hernandez said that should address the lighting issue.

Mr. Brehm confirmed that it should address a lot of the lighting issues. It won't obviously impact car lights, but it should address the issues with the light poles.

Mx. Hernandez asked if it will be done irrespective of the addition.

Mr. Brehm confirmed that it will. The halogen lights are really inefficient. They are 800 watts and they will get the same amount of light out of 250 watts in an LED.

Mr. Murch asked John how they were going to address the car lights issues.

Mr. Brehm said they will look at the fence. If it's in a bad state of repair then they can go to a composite fence which has no gaps in it. He doesn't have the authority to just go and make that expense right now, but if the neighbors are concerned about it they will take that under strong consideration.

Mr. Murch asked if the same was true for the height.

Mr. Brehm confirmed they can adjust the height if there is an issue. Typically, Austin can correct him on this, typically 6 feet is the max height they can go without some kind of variance.

Mr. Greer said that was correct.

Mr. Turnage asked John if the store director of Hy-Vee has responsibility for the entire property; the fence and also the . . . with the neighbors if they do have an issue. He asked if the neighbors can go to the store director.

Mr. Brehm replied yes. They can come and ask for the store director. His name is Ash. They ask for Ash. He should be addressing their issues. He also gave them his business card. He has been with Hy-Vee for 14 years. He's going to be there for the next 18-20 years, unless something happens. They can call him anytime. He can get ahold of whomever in charge of the store at that time.

Mr. Sweet said he had lived there since 1996, and he was never told who to talk to. Never had any communication with Hy-Vee other than having to go over there physically.

Mr. Brehm addressed his concern this way. The store directors change a lot at Hy-Vee stores. That's how they get promoted and move up is they move around from store to store and gather experience. If there is ever a concern or a question the person who is responsible for that store is called the Store Director. That hasn't changed. He or she is in charge of every aspect of that store, maintenance, hiring, firing, pricing, product selection that goes on the shelves. Hy-Vee operates each of its stores autonomously. Essentially, Gladstone's Hy-Vee is unique to Gladstone. What people in Gladstone like to buy should be reflected in what they are selling in the store. What Gladstone is should reflect in the store. The Gladstone Hy-Vee should be integrally part of the fabric of Gladstone. If you ever have questions or need something from the store, for charity events, community events, those kinds of things, always go and ask for the store director. They should be willing and able to assist you and address your needs right there on the spot.

Mr. Cookson asked if anyone else wanted to speak in opposition. He asked them to come forward and state their name and address for the record.

Ms. Sandra Hall, 7012 N Montgall Ct, stated that they are directly behind the fence at Hy-Vee. Their big concern is the fence. Most likely they will not find it in bad shape now because it was replaced two years ago. It did sit down a long time. It has been down twice. She saw the one time it did fall during a storm and it was down for a long time. She would love to see a higher fence if possible; something that would cut out the lighting and would prevent people scaling the wall. Nowadays, people have no fear. She was born and raised here and they had respect for people's property. They didn't go tromping through other people's yards. Nowadays, people don't have that and they have had several incidents, and it was adults who came through too, they weren't too nice either. One kid was high as a kite or drunk or whatever. Young kids will come through. They throw their scooters over and they scale the wall. It would be nice to see something higher to cut

out the light and would prevent people from coming right through their yards and or throwing things. She's found beer bottles, syringes. Nowadays people do anything. There's no fear. You can go out and try to say "please, will you not come through our yards". It doesn't make any difference. When they replaced the fence she knows her husband spoke to a manager at that time about the gate and the mowers that come in and they talked to the people who would mow and things. They used to keep a lock on the gate. They were told personally that when the mowers came through they would get the key for the lock and keep the gate locked, and that did help some. She doesn't believe, because they have called a few times when they have had bad storms and the gate blows open, they will come and close it. That is a big concern. It would be nice if they are going to increase the building and there is going to be more traffic to have a higher fence to prevent people from tromping through and climbing the fence and throwing their stuff back over and coming back over all the time. She said she wasn't much of a public speaker and she thanked them.

Acting Chair Cookson asked if there were other questions.

Mr. Murch had a question for John. He asked if their plans, he can't read the copy he was provided because it is so small, if there is any shrubbery or trees proposed along that fence line.

Mr. Brehm replied yes. There is an entire row of small trees and midsize trees.

Mr. Murch asked if, in his professional experience, that would help with some of the lighting.

Mr. Brehm said it would help a lot. Those trees will get around 30 feet tall and should block out a lot of that lighting.

Mr. Markenson asked how many trees there would be along that fence.

Mr. Greer said he couldn't recall the number of trees but it almost lines the entire south side of the property. It will help. It is a tremendous buffer between the residents and the Hy-Vee premises.

Mr. Brehm responded that it is about 28 around the edge.

Acting Chair Cookson questioned if it was a condition of the plan.

Mr. Greer stated that it is. It is already part of the plan.

Acting Chair Cookson asked if there was anyone else who wanted to speak in opposition to the site plan revision.

Mr. Art Lambart, 7012 N Chestnut Ct, stated that he has the field drain that gets all the water from Hy-Vee. He said it was nice to meet them. He's the guy who let your store manager know (inaudible). He has a few concerns. He guarantees that there is no irrigation on the berm. He's owned that property since 1998 and there is no irrigation, no sprinkler system, it doesn't exist, never has; if that is part of it. When the new berm got built around the retention pond, or detention pond, call it what you will, they were told that it would be maintained, it would be landscaped,

which it never was. No sod, no seed, nothing. It was just turned to a natural state. They were told that the grass was going to be cut. Whenever Hy-Vee cut their grass, that berm would be cut. Hy-Vee cuts their grass every week; that berm, maybe every two or three. It's a fact. He has talked to the store manager several times over various issues. He's been told that they don't know what they can do; it's not in the budget. He called City Hall several times. When the assisted living home was being built he had 3 feet of water in his yard and he called because the storm drain was blocked off with sandbags. No one showed up. He went out and moved the sandbags so his yard wouldn't flood. He never had water in his basement. Now he gets water in his basement since the assisted living center was built. He has a question on the fence. The new fence is 8 feet tall; the old one was 6 feet tall. Changing it from his neighbors to his side shouldn't be an issue. It's already been done once; we do it again. He has a concern about the water. They were told that no water would drain from the north side of that fence to the south side. His neighbor is Kirk Davis, the former City Manager. You can come there right now and see the ravine that was carved out from the north side of that fence from the storm drain. It runs through his (Kirk Davis's) property into his. You can see it. When he calls the City, no one shows up. He sent videos of a flood coming through there. No one shows up. No one came; nothing. He would like to see plans for this addition, this 4,000 sf. He asked if it is 45 feet by 90 feet long. He hasn't seen a plan for this. He asked if the trees going to go inside the detention pond and block the new PVC fence. When he first bought the place, it was a jungle back there. The manager at Hy-Vee didn't even know that was their property. They never maintained it. He has a lot of issues with the water that comes in there. When they put the berm in; the berm doesn't drain right. Now instead of flowing towards the field drain, he had water flowing towards his house. He called the City, he called the developer, they said, "Well, no. It was put in the plan." Not the plan he looked at when they first came to this room and talked about that. He likes Hy-Vee. He shops there, he shopped there today. But he doesn't have any faith or trust that what they say is going to happen. He doesn't honestly have any trust in the City to respond to his complaints. Just facts. He can't say that he is for or against it. He hasn't seen the plans. He managed construction for General Motors. He knows a lot about construction, but he hasn't seen a plan. He can't say yeah or nay. All he can say is what has happened.

Acting Chair Cookson thanked him for coming and sharing that experience. He asked if anyone else had any questions. None.

Acting Chair Cookson closed the Public Hearing on the Site Plan Revision on File # 2019-006. He asked for comments and discussion from the Planning Commission.

Mr. Ebenroth said that the gentleman has a valid point. He's seen a lot of plans sent to them and the public gets to see them on a board out front. He suggested that they do that for all future things that come before them in a planning stage.

Mr. Austin replied that typically the projects that are put out front are ones that have already been passed by the Planning Commission and that are ready for the City Council to hear. He said he would be happy to share the plans with Mr. Lambart after the meeting and he and John can have a discussion with him to address any issues he may have. He thinks the difficult part is, as Mr. Lambart mentioned, the assisted living facility, and the drainage issues with that. Tonight they are talking about the Hy-Vee property. That is all he had on the issue.

Mr. Markenson asked if they needed to amend condition number 9 to take out the work premises and put the main parking lot.

Mr. Austin shared that it is on record already. It isn't necessary to amend it as they will already have it in there.

Mx. Hernandez asked if there will need to be an amendment in regards to the fence as John made mention that they will look over the fence and make repairs.

Mr. Greer stated that City staff will not make a recommendation to bring the fence to 8 feet. Typically, in the past and currently, they'll recommend a wood fence or a PVC fence. Hy-Vee currently has a 6 foot wooden fence so that is adequate to City staff right now. Their fence doesn't seem to be in any disrepair that they have noticed or received complaints over the past couple of years. In City staff's eyes, it is adequate.

Ms. Middleton asked if it would have to go to the Zoning Board if they wanted to go to 8 feet.

Mr. Greer said he didn't believe so. It could be addressed in Planning Commission.

Acting Chair Cookson asked if there was anything too significant to prevent Hy-Vee and the neighbors from reaching an agreement independently, outside of this body.

Mr. Greer said it is a very large fence. He assumes that the entire fence would have to be replaced with an 8 foot fence. He is unaware of being able to add 2 feet to the top of it.

Mx. Hernandez explained that their comment was in regards to the spacing between the slats. If the LED lights will be more focused, maybe the height of the fence won't be an issue. They still have what was discussed about the cars lights going through the slats, the spacing. That is more where they were going with the fence as opposed to height.

Mr. Greer restated that the whole fence would have to be taken down and readjusted to make those slats smaller.

Mx. Hernandez asked to confirm that would not need to be an amendment.

Mr. Greer said that for them to be required to do it, it would have to be an amendment. It would have to be an added condition.

Mr. Ebenroth stated that the landscaping should address some of that.

Mr. Greer shared that there is adequate landscaping being provided on the south side of the property, especially with the added tree line.

Mr. Markenson asked when this will come before the City Council.

Mr. Greer shared that it will be July 8th. There will be another public hearing. He explained how the process works. The Planning Commission is an advisory board. The City Council holds the final decision on the issue. There will also be another public hearing.

MOTION: By Mr. Whitton, seconded by Ms. Middleton, to approve the Site Plan Revision, Hy-Vee, File #2019-006. The motion carried 10-0.

6. **Work Session: New Sign Ordinance, Padriac Corcoran, File #2019-007.** Postponed.
7. **Communications from City Council.** Mayor Pro Tem Moore reminded everyone that this weekend starts the festivals at Linden Square. It's Food, Art & Drink this Friday and Saturday night and she asked them to take advantage of that free event.
8. **Communications from City Staff.** Mr. Greer shared that the next meeting will be on July 1st and they will hear from the proposed gas station and convenience store on N Chestnut. The PC heard that project last year. It is coming around again. On July 15th the Planning Commission will see the much anticipated, proposed hotel in downtown Gladstone. That will be a Fairfield Marriott product; 109 rooms. They are very excited about that. He also thanked the representatives from Hy-Vee for being there this night. He said that Hy-Vee is a great community partner and they look forward to doing business with them for many years.
9. **Communications from Planning Commission Members.** Mr. Murch shared that the 27th of this month there will be a flag dedication to the Hobby Hill Park at 10:00am.

Mx. Hernandez shared that their name in the minutes has been updated, as well as on their name tag. Their initials JN and also their title has been changed from Mr. to Mx. That is because, after the last Planning Commission meeting, they came out to the City staff and now they would like to come out to all of them. They are transgender, non-binary to be specific. What that means is they don't fit entirely into male-box or female-box. They are somewhere in the middle. They refer that people refer to them as "they" as opposed to he or she. The staff here at the City of Gladstone has been amazing. They took their coming out as a non-issue. Honestly, they are truly grateful to know that we have such wonderful welcoming people working here. They hope they can all continue working together to make Gladstone a better place. They are still the same person. They are just asking that instead of Nathan they be referred to by their initials JN, or by their last name, Hernandez, and that they are referred to as a "they". It is a learning curve for everybody. Mistakes happen; it's not going to be a big deal; it's not the end of the world. It takes some time getting used to. They are excited to be able to live authentically while being a part of this planning commission. That's all they had to say. He thanked them.

Acting Chair Cookson said to JN that he was sure he speaks for everybody when he says they will be happy to respect their request.

Mr. Turnage mentioned that he and his wife live just off M-1 Hwy and one of their neighbor's yards back up to the trail on M-1. They have had some transients in their neighborhood.

Mr. Greer said that he would speak with Public Safety and see if they are aware of the issue. He thinks Mr. Turnage said it was somewhat located behind Fire Station #2. He's sure they are aware of the issue and he will remind them.

Acting Chair Cookson thanked the members of the public who showed up for the public hearing, and those that are outside as well, for taking the time to come down here.

10. Adjournment. Mr. Markenson motioned to adjourn; Mx. Hernandez seconded.

Acting Chair Cookson adjourned the meeting at 8:04pm.

Respectfully submitted:

Cheryl Lamb, Recording Secretary

Approved as corrected _____

Jennifer McGee, Chair

Approved as submitted _____



May 17, 2019

City of Gladstone – Planning and Zoning
7010 N Holmes Street
Gladstone, Missouri 64118

RE: Gladstone Hy-Vee Site Plan Revision – Storm Drainage Letter
Olsson Project Number: 019-1234

To Whom It May Concern,

This letter is intended as a storm drainage study for the above referenced project. Please refer to the previously approved Linden Woods Village Micro Stormwater Drainage Study, dated February 12, 2015, for more information on the existing area.

The Site Plan Revision of Hy-Vee includes a 4,000 SF building expansion on the south side of the building, remodel of the building interior, modification of parking, and addition of an Aisles Online Kiosk. The following table shows the new weighted curve number for the Gladstone Hy-Vee site.

Table 1-1
Composite Curve Number

	Total Area (ac)	Composite Curve Number
Existing Site	7.98	92.4
Site with Addition	7.98	92.7
Previous Storm Study Calculation	7.98	94

As shown in Table 1-1, with the site revisions, the curve number increased by 0.3. The curve number is affected, but still below what was anticipated (CN = 94) by the Micro Stormwater Drainage Study.

Along with the building expansion and Aisles Online Kiosk addition, the Gladstone Hy-Vee site is consistent with the Linden Woods Village Micro Stormwater Drainage Study and complies with the City of Gladstone requirements. We are requesting approval of this Storm Drainage Letter.

Thank you for your assistance. Should you have any questions or need additional information, please do not hesitate to contact us.

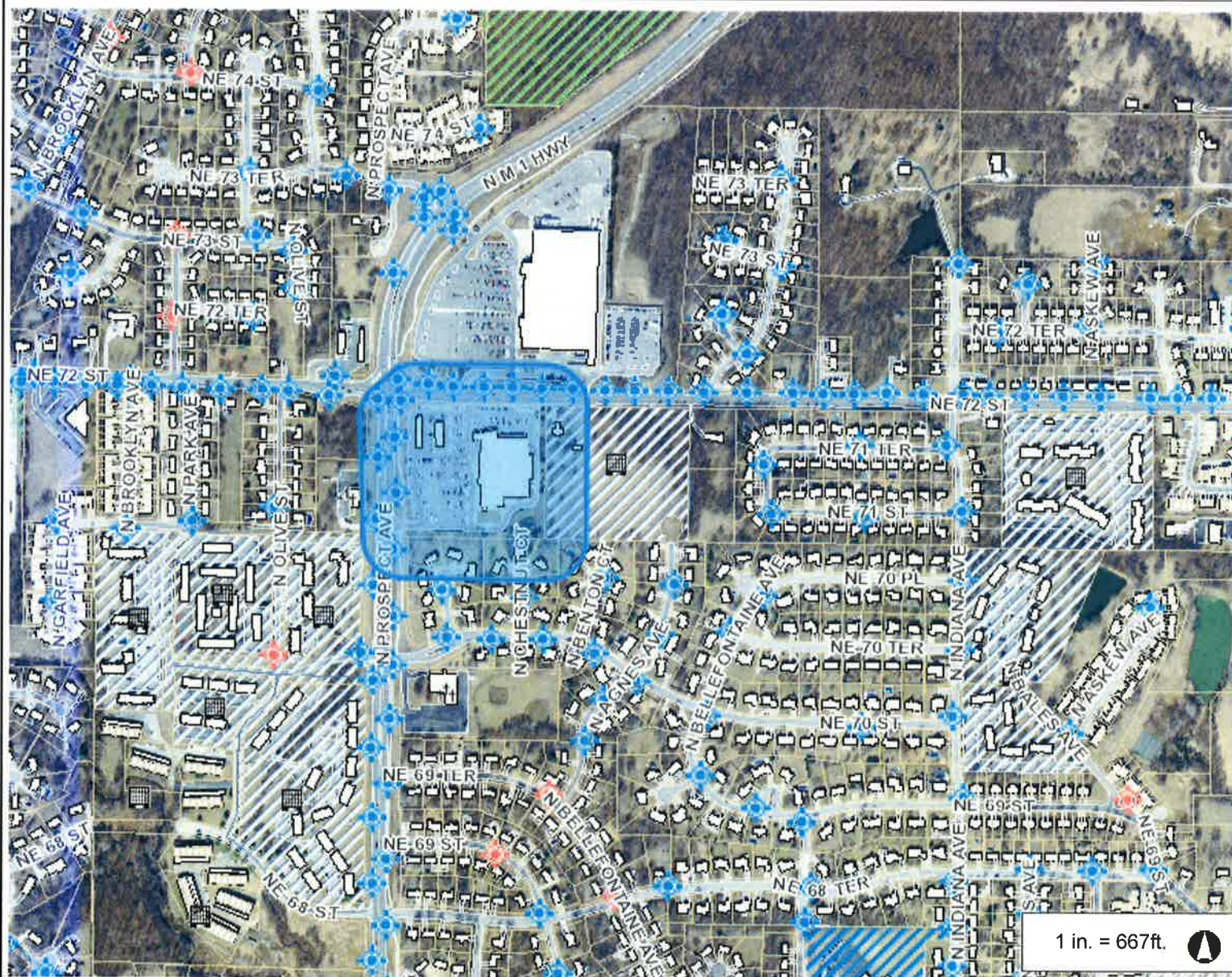
Sincerely,
Olsson

Shannon Buster, P.E.





Gladstone, MO



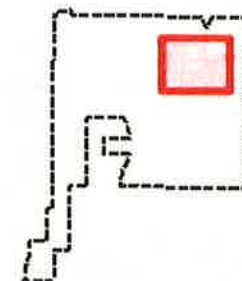
1,333.3 0 666.67 1,333.3 Feet

1 in. = 667ft.



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- KCPL Lights
- Gladstone Lights
- School Point
- Bike Parking
- Bus Stop
- Point of Interest
- Church
- Apartment Point
- Street Centerline
- Edge Of Pavement
- Driveway
- City Limits
- Parcel
- Building Footprint
- School Polygon
- City Park
- Villages
- Apartment Polygon

Notes

File 2019-006, Site Plan Revision
Hy-Vee
7117 N Prospect

GLADSTONE HY-VEE

SITE PLAN REVISION

7117 N PROSPECT AVE., GLADSTONE, MO

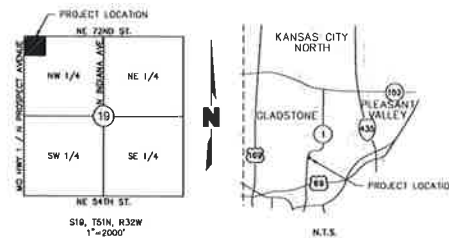
PROJECT TEAM & UTILITY CONTACT LIST	
OWNER / DEVELOPER HY-VEE, INC. 5820 WESTOWN PARKWAY WEST DES MOINES, IA 50266 CONTACT: JOHN BREHM PHONE: 515.433.2795 EMAIL: JBREHM@HY-VEE.COM	UTILITY SERVICE NUMBERS NAME: SPIRE (MGE) PHONE: 314-342-0500 NAME: AT&T PHONE: 800-286-8313 NAME: KCP&L PHONE: 816-471-5275 NAME: SPECTRUM (TWC) PHONE: 877-772-2253 NAME: GOOGLE FIBER PHONE: 877-424-5559 NAME: MISSOURI ONE-CALL PHONE: 800-344-7483
ENGINEER OLSSON 1301 BURLINGTON, SUITE 100 NORTH KANSAS CITY, MO 64118 CONTACT: SHANNON BUSTER, P.E. PHONE: 816.361.1177 EMAIL: SBUSTER@OLSSON.COM	



VICINITY MAP

LEGAL DESCRIPTION:

All of Lot 1, GLADSTONE COMMONS, a subdivision of land now in the city of Gladstone, Clay County, Missouri.



LOCATION MAPS

Sheet Number	Sheet Title
C0.0	COVER SHEET
C1.0	EXISTING CONDITIONS
C1.1	DEMOLITION PLAN
C1.1A	DEMOLITION PLAN
C2.0	SITE PLAN
C2.1	SITE PLAN ENLARGEMENT
C3.0	GRADING PLAN
C3.1	SPOT ELEVATION PLAN
C4.0	UTILITY PLAN
C5.1	PLANTING PLAN
C5.2	PLANTING DETAILS
C6.0	SITE DETAILS
--	HY-VEE - ELEVATIONS
--	HY-VEE - ELEVATIONS
A0.3	ASLES ONLINE FLOOR PLAN & ELEVATIONS

CIVIL ENGINEER:
I HEREBY CERTIFY THAT THIS PROJECT HAS BEEN DESIGNED, AND THESE PLANS PREPARED, TO MEET OR EXCEED THE DESIGN CRITERIA OF GLADSTONE, MISSOURI, IN CURRENT USAGE, EXCEPT AS INDICATED BELOW

SHANNON BUSTER, P.E.
CIVIL ENGINEER
MO# 2004034137

05.17.19
DATE



olsson

Olsson, Civil Engineers
Missouri Certificate of Authority #001592
Shannon Buster, P.E.
North Kansas City, MO 64116
TEL: 816.361.1177 www.olsson.com

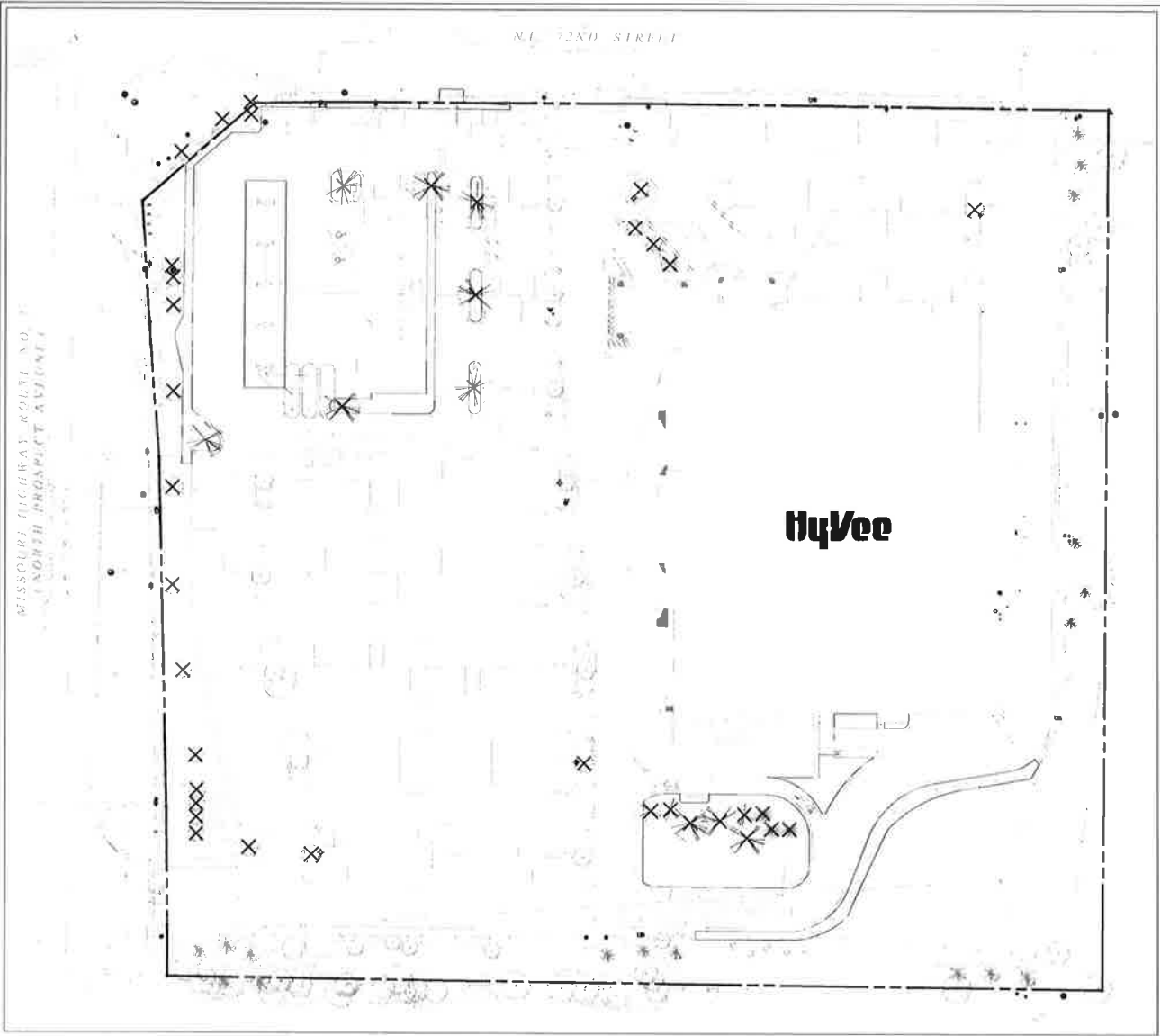


REV. NO.	DATE	REVISION DESCRIPTION

COVER SHEET	2019
GLADSTONE HY-VEE	
SITE PLAN REVISION	
GLADSTONE, MO	

drawn by	
checked by	
approved by	
date	

SHEET
C0.0



DEMOLITION NOTES

1. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UTILITIES PRIOR TO CONSTRUCTION, BOTH PUBLIC AND PRIVATE.
2. ALL CONSTRUCTION/DEMOLITION DEBRIS SHALL BE DISPOSED OF OR RECYCLED OFF-SITE IN FULL COMPLIANCE WITH CURRENT ENVIRONMENTAL REGULATIONS.
3. PROTECT ADJACENT PROPERTY DURING DEMOLITION.
4. PROTECT EXISTING UTILITIES WHICH ARE TO REMAIN. THE LOCATIONS OF ALL UTILITIES INDICATED ON THE PLANS ARE TAKEN FROM EXISTING RECORDS. THE EXACT LOCATION AND ELEVATION OF ALL UTILITIES MUST BE DETERMINED BY THE CONTRACTOR. IT SHALL BE THE DUTY OF THE CONTRACTOR TO ASCERTAIN WHETHER ANY ADDITIONAL FACILITIES OTHER THAN THOSE SHOWN MAY BE PRESENT.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING AND SALVAGING ANY IRRIGATION COMPONENTS AND ADJUSTING IRRIGATION AS REQUIRED FOR OPERATION ON REMAINDER OF SITE DURING CONSTRUCTION.
6. REMOVE AND LEGALLY DISPOSE OF ALL TREES AND ROOTS AS NOTED. TREE WASTE MUST BE DISPOSED OF ACCORDING TO THE MISSOURI DNR PROTOCOL FOR ASH TREES. TREE WASTE SHALL REMAIN IN CLAY COUNTY AND STATE OF MISSOURI.

LEGEND

- X REMOVE VEGETATION

PLANT REMOVAL LIST

- 21 OVERSTORY TREES
- 15 UNDERSTORY
- 3 EVERGREENS

HyVee
EMPLOYEE OWNED

HY VEE, INC.
500 WEST OAK PARKWAY
WEST DES MOINES, IOWA 50309
P 515.281.2000
F 515.281.7035

LOCATION
GLADSTONE FOOD STORE
7117 NORTH PROSPECT
PLANTING PLAN

REVISIONS DATE
DRAWN BY



DEMOLITION PLAN

DRAWN BY
DATE
SCALE
SHEET

C1.1

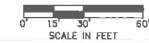
DB: opetite
C:\SPATT_0101234

CHAPTER 135. - C-1 LOCAL BUSINESS DISTRICT
SEC. 7.135.030, GLADSTONE, MO CODE OF ORDINANCES:

THE HEIGHT OF THE BUILDINGS AND THE MINIMUM DIMENSIONS OF THE YARDS, EXCEPT AS PROVIDED IN CHAPTER 175 OF THIS TITLE, SHALL BE AS FOLLOWS:

1. BUILDINGS SHALL BE LIMITED TO TWO STORIES AND SHALL NOT EXCEED 35 FEET.
2. REAR YARDS SHALL BE A MINIMUM OF NOT LESS THAN 30 FEET SHALL BE PROVIDED IN THIS DISTRICT.
3. REAR YARDS, NO SIDE YARD IS REQUIRED EXCEPT WHERE A BUFFER ZONE IS REQUIRED; PROVIDED THAT THERE SHALL BE A SIDE YARD OF NOT LESS THAN 15 FEET ON THE CORNER LOT.
4. REAR YARDS, A REAR YARD OF NOT LESS THAN 15 FEET IS REQUIRED.
5. BUFFER ZONE: VEGETY TRACT ZONED C-1 WHICH IN ANY WAY ADJOINS, ABUTS, OR IS ADJACENT TO A LOT OR TRACT OF LAND ZONED C-1 SHALL BE REQUIRED. THE BUFFER ZONE, INCLUSIVE, SHALL HAVE A BUFFER ZONE, AS DEFINED HEREIN, ALONG THE BOUNDARY OF THE LOT OR TRACT OF LAND TO THE STREET RIGHT-OF-WAY. THE BUFFER ZONE, ALONG THE EDGE OF THE STREET RIGHT-OF-WAY ABUTTING THE C-1 DISTRICT.
6. BUFFER ZONE: SEE CHAPTER 175 OF THIS TITLE FOR OFF-STREET PARKING AND LOADING REGULATIONS.

NOTES:
1. SEE SHEET C2.1 FOR ENLARGED PLANS AND DIMENSIONS OF PROPOSED IMPROVEMENTS.
2. PARKING SPACES LOST: 19; PARKING SPACES GAINED: 19 (PLUS 4 AISLES ONLINE PICKUP SPACES); NET: 0 (PLUS 4 AISLES ONLINE PICKUP SPACES)



LEGEND	
	LIGHT DUTY ASPHALT PAVEMENT
	CC-1 DRY CURB & GUTTER
	C-1 CURB
	4' SIDEWALK

olsson

Division of Civil Engineering
Missouri Certificate of Authority #001562
1301 Burlington Street
North Kansas City, MO 64116

[illegible]

REVISIONS

2019

GLADSTONE, MO

SITE PLAN

drawn by _____ CJB
checked by _____ GWW
approved by _____ GWS
QA/QC by _____ SWS
project no _____ 010-1234
drawing no _____ C-5101-0101234
date _____ 2010-05-17

SHEET
C2.0

USER: cgwhite

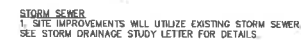


Division of Civil Engineering
Missouri Certificate of Authority #001-527
301 Burlington Street
North Kansas City, MO 64115
TEL: 816-381-1177
www.kscor.com

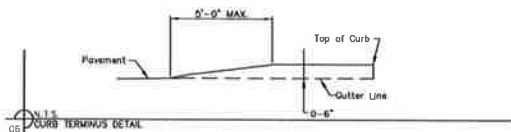
GLADSTONE HY-VEE
SITE PLAN REVISION

2019

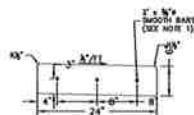
SHEE
C2.1



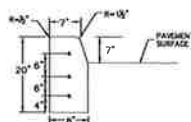
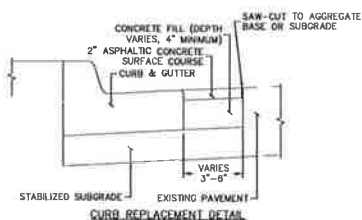
SHEET
C4.0



- GENERAL NOTES:**
1. **3/4" ISOLATION JOINTS WITH 3 (2"-5 BAR) SMOOTH DOWELS SHALL BE PLACED AT RADIUS POINTS AND AT 150' INTERVALS. THESE DOWELS SHALL BE PLACED IN THE JOINTS WRAPPED ON ONE END WITH EXPANSION TENTS.**
 2. **3" DEEP CONTRACTION JOINTS SHALL BE PLACED AT APPROXIMATELY 10' INTERVALS. THESE JOINTS SHALL PASS ACROSS THE ENTIRE CURB SECTION.**
 3. **CONCRETE FILL SHALL HAVE UNIFORM AND SMOOTH FINISH.**
 4. **KCMCB 48 CONCRETE SHALL BE USED FOR ALL CURBS.**
 5. **ASPHALTIC CONCRETE SURFACE SHALL CONFORM TO STANDARD SPECIFICATIONS SECTION 2205.2.**
 6. **CURBS FOR NEW STREETS SHALL BE BUILT ON 12" DEEP AGGREGATE BASE AS SHOWN IN TYPICAL SECTION DETAIL.**
 7. **WHITE CURING COMPOUND MUST BE APPLIED TO ALL EXPOSED AGGREGATE BASE IMMEDIATELY AFTER FINAL FINISHING.**



RIBBON CURB



STRAIGHT CURB
(TYPE C-1)

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 DATE: May 17, 2016 11:34am XREFS: C:\PLOT\019_1234
 USER: cgrhlite

olsson

Dillon is Civil Engineering
Master's Certificate of Authority #001-552
1301 Burlington Street
North Kansas City, MO 64116

[illegible]

SITE DETAILS

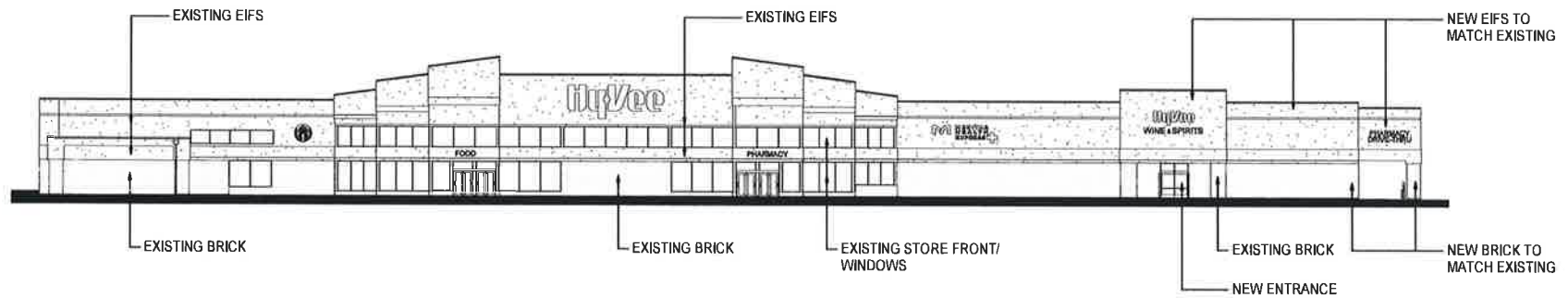
GLADSTONE HY-VEE
SITE PLAN REVISION

GLADSTONE, MO

2019

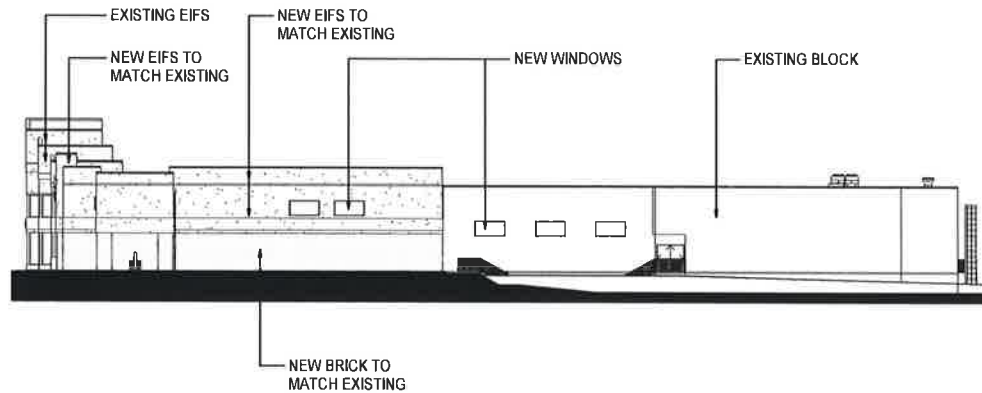
drawn by _____ C/J1
checked by _____ C/TW
approved by _____ 508
QA/QC by _____ 6415
project no _____ 019-1234
drawing no _____ C DT101 019-1234
date _____ 2018 05 17

SHEET
C6.0



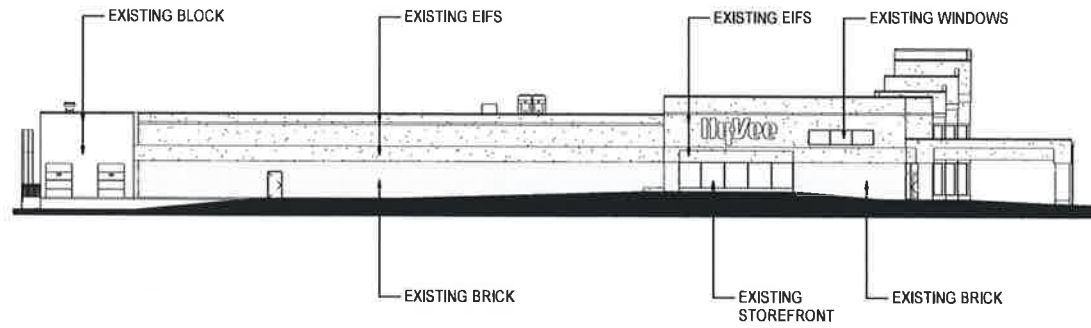
FRONT ELEVATION

SCALE: 1/32" = 1'-0"



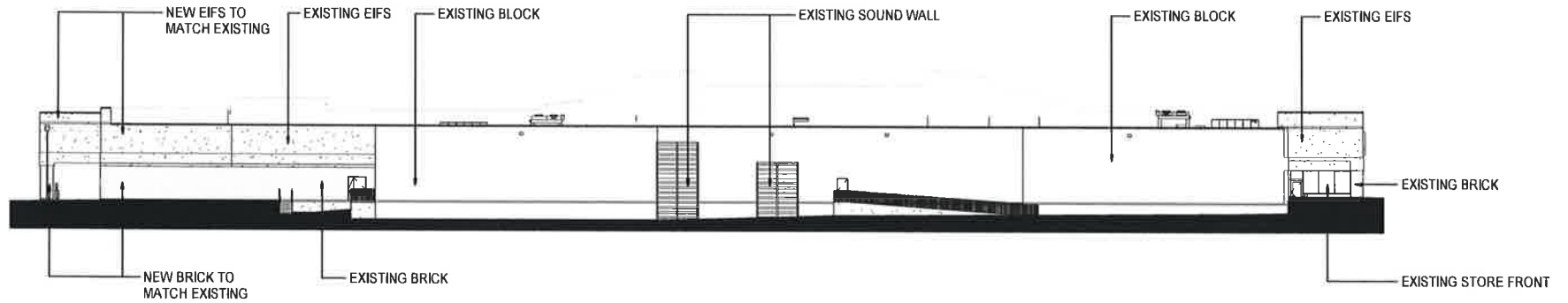
RIGHT ELEVATION

SCALE: 1/32" = 1'-0"



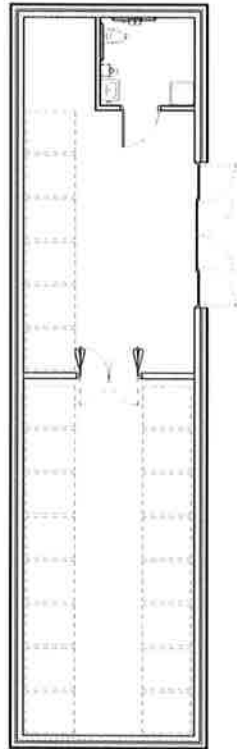
LEFT ELEVATION

SCALE: 1/32" = 1'-0"

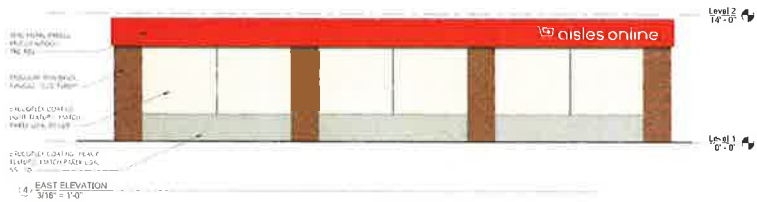


BACK ELEVATION

SCALE: 1/32" = 1'-0"



81. FLOOR PLAN
1/8" = 1'-0"

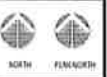


REVISION

LOCATION
Aisles Online - Gladstone

INVOICE NO. 10000000000000000000
WEST GOSWORTHY ROAD
GLADSTONE
TELEPHONE (0115) 265-2000
FAX (0115) 265-2005

Hy-Vee
EMPLOYEE OWNED



AISLES ONLINE
FLOOR PLAN &
ELEVATIONS

DATE	BY	REVISION
11/11/11	11/11/11	11/11/11
11/11/11	11/11/11	11/11/11

A0.3

AN ORDINANCE GRANTING A SPECIAL USE PERMIT SUBJECT TO CERTAIN CONDITIONS TO CREATIVE ARTS ACADEMY FOR PURPOSES OF OPERATING A GYMNASTICS CENTER IN AN R-1 ZONE AT 1904 NORTH EAST ENGLEWOOD ROAD.

WHEREAS, pursuant to Section 32-39 of Ordinance No. 2.292, being the Gladstone Zoning Ordinance, public notice was made of a request to grant a Special Use Permit on property at 1904 Northeast Englewood Road and legally described as Lot 2, Englewood Baptist Church Addition; and

WHEREAS, public hearings have been held after the publishing of the required notices; and

WHEREAS, the Planning Commission of the City of Gladstone did submit its recommendation to the City Council for approval of such Special Use Permit requesting certain conditions as incorporated herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

SECTION 1. SPECIAL USE PERMIT:

THAT, Creative Arts Academy is hereby granted a Special Use Permit for operation of a gymnastic center on property at 1904 Northeast Englewood Road, the effective date of which shall be the enactment date of this Ordinance and expiring **fifteen (15)** years from this date, all subject to the terms and conditions set forth herein:

1. Ms. Raisher shall apply for and maintain all applicable State and City business and occupational licenses; copy of such business and occupational licenses shall be supplied to the Community Development Department of the City of Gladstone.
2. This Special Use Permit is to be issued to Ms. Raisher and to be used at this location only. If she relocates, sells or leases out this location to another tenant, either she or another tenant must reapply for a new permit. This Special Use Permit is non-transferable to another tenant occupying this location.
3. Hours of operation for the location shall be limited to 8:00 a.m. to 9:00 p.m. per day, Monday – Saturday.
4. All fire safety requirements shall be complied with and maintained as required.
5. Ms. Raiser shall continue to work with the surrounding neighborhood to insure that a level of residential privacy be considered/implemented as is feasible. The applicant will work to assure that parking, noise, lighting and traffic congestion are mitigated as it relates to the surrounding residential neighbors when considering extra-curricular activities outside the hours of regular day-to-day operation.

6. Signage at the location shall be limited to applicant owned property or included in a shared signage arrangement with the tenant of the adjacent parcel, and shall follow all rules and regulations associated with all City of Gladstone sign ordinances.
7. The Englewood Road entry to the site shall be restricted to employee use only.
8. A shared parking agreement shall continue to be executed. Such agreement shall provide for cross sharing of all parking, maintenance responsibility and insurance.
9. The 6 foot privacy fence, as well as the property located north and south of the privacy fence (residential homes to commercial use), shall be maintained in perpetuity by the applicant.
10. Any violation of these conditions or other City Code requirements may result in the revocation of this Special Use Permit.

SECTION 2. SEVERABILITY CLAUSE. The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

PASSED, SIGNED, AND MADE EFFECTIVE BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 7th DAY OF JULY, 2019.

Mayor Carol J. Suter

ATTEST:

Ruth Bocchino, City Clerk

1st Reading: July 8, 2019

2nd Reading: July 8, 2019

File #2019-003



Request for Council Action

RES ☐ # City Clerk Only

BILL ☒ # 19-21

ORD # 4.477

Date: 7/1/2019

Department: Community Development

Meeting Date Requested: 7/8/2019

Public Hearing: Yes ☒ Date: 7/8/2019

Subject: Special Use Permit, Creative Arts Academy, LLC

Background: The applicant is requesting a special use permit renewal (15 year permit) for the continued operation of the Creative Arts Academy, LLC located at 1904 NE Englewood Road. The most recent special use permit issued to Ms. Raisher was in May, 2004. Since 2004, the City of Gladstone has received numerous calls in regard to maintenance between the residential fences and privacy fence installed by the Creative Arts Academy located on the north property line (Pictures can be found in the planning packet). The city has also received a number of phone calls over the years in regard to the large banner hanging from the privacy fence (Creative Arts Academy) along the north property line (Pictures can be found in the planning packet). It is City Staff's recommendation that Ms. Raisher maintain the property between residential fences and the Creative Arts Academy privacy fence located on the north property line. The reason for staff's recommendation is that the property between the two fences has been created and neglected due to the installation of the privacy fence used for the Creative Arts Academy. This is in response to neighborhood requests. As of Monday, May 6th, Ms. Raisher has agreed and started to maintain the subject area. It is also City Staff's recommendation that Ms. Raisher bring into compliance with the current sign code the Creative Arts Academy banner hanging from the privacy fence on the north property line. City Staff requests that Ms. Raisher hang the Creative Arts Academy banner sign inside the frame that is already installed on the fence. This is in response to neighborhood requests. As of Monday, May 13th, Ms. Raisher has agreed to hang the banner sign inside the frame that is already installed on the fence. Currently, the frame is being reconstructed to fit the new banner signs and has not been installed as of July 2, 2019.

Budget Discussion: Funds are budgeted in the amount of \$ from the Fund. Ongoing costs are estimated to be \$ annually. Previous years' funding was \$

Public/Board/Staff Input:

Mr. Dick Davis, representing Ms. Nancy Norton spoke on her behalf during the public hearing in regard to a gate being installed by Ms. Pam Rashier (Creative Arts Academy). Mr. Davis did not speak in opposition to the Special Use Permit but believes Ms. Rashier owes Ms. Norton a gate so she can have firewood delivered to her home through the backyard. Mr. Davis and Ms. Norton claim that in the 2004 hearing for the initial 15 year SUP, Ms. Rashier and the Planning Commission agreed that Ms. Rashier would install the gate behind Ms. Norton's residence. City staff has not been able to locate any information via memo and the

RCA DUE TO CITY CLERK WEDNESDAY 12:00 PM

original ordinance that indicates this promise was agreed upon and recorded. In short, Mr. Davis and Ms. Norton believe this promise was made and Ms. Rashier claims she did not make that promise. Since city staff is not able to locate any record of this agreement, staff has not requested as a condition, that a gate be installed behind Ms. Norton's residence.

For the past 15+ years, firewood has been delivered via the front door of Ms. Norton's residence by the boy scouts, family and friends. Ms. Rashier is not in favor of installing a fence on her property for Ms. Norton due to insurance liability if someone were to get hurt delivering firewood on her private property.

Ms. Rashier has agreed to the two primary concerns of the neighborhood in regard to signage and maintenance between the commercial and residential fences on the north property line.

The Creative Arts Academy has been in business at this location for 15+ years.

The Planning Commission heard the request on Monday, May 20th and approved the 15-year special use permit 8-1.

Since the May 20th Planning Commission, City Staff has offered to look into obtaining grants to fund the installation of the gate to help mediate the disagreement, but have not been taken up on our offer. Ms. Rashier feels very strongly about not installing a gate on her property for Ms. Norton to have firewood delivered.

Ms. Rashier has made an adequate effort in maintaining the property between the two fences but has expressed her frustration to staff about her neighbors continuing to toss their yard waste (limbs, ashes, grass clippings) on the property she has agreed to maintain.

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

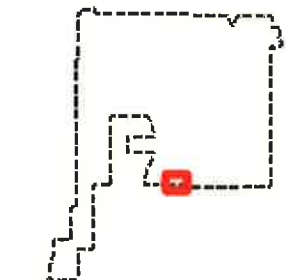
Austin Greer, Assistant To the City Manager/Planning Administrator

City Attorney PC

City Manager SW



Gladstone, MO



Legend

- KCPL Lights
- Gladstone Lights
- School Point
- Bike Parking
- Bus Stop
- Point of Interest
- Church
- Apartment Point
- Street Centerline
- Edge Of Pavement
- Driveway
- City Limits
- Parcel
- House Number
- Building Footprint
- School Polygon
- City Park
- Villages
- Apartment Polygon

Notes

File 2019-003
Creative Arts Academy
1904 NE Englewood Road

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

DEVELOPMENT APPLICATION



CITY OF GLADSTONE
7010 N HOLMES STREET
GLADSTONE, MISSOURI 64118
PHONE: 436-4110 FAX: 436-2228

File #: 2019-003

Date: 3-6-19

PC 4-15

CC 5-13

Application Type:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Special Use Permit (\$500) | <input type="checkbox"/> Right-of-Way Vacation (\$200) |
| <input type="checkbox"/> Zoning Change (\$500) | <input type="checkbox"/> Variance -- BZA (\$200) |
| <input type="checkbox"/> Site Plan Revision (\$500) | <input type="checkbox"/> Final Plat/Replat (\$75) |

Address of Action:

1904 NE ENGLEWOOD RD

Legal Description:

Attach under separate cover if needed.

GLADSTONE, Mo 64118

Proposed Change:

RENEW 15 year Special Use Permit

Applicant/Property Owner Information:

☒ Applicant(s) Pamela Raisher
Company CREATIVE ARTS ACADEMY LLC
Address 1904 NE ENGLEWOOD RD
Phone 816 452 3200 Fax: N/A E-Mail: creativeartsacademy@yahoo.com

☐ Property Owner (if different than applicant)
Company _____
Address _____
Phone _____ Fax: _____ E-Mail: _____

☐ Architect/Engineer _____
Company _____
Address _____
Phone _____ Fax: _____ E-Mail: _____

Please indicate in one box above which person is to be the contact.

Applicant's Signature

Pamela Raisher

Date 3-6-19



Clay County Assessor Parcel Detail

13912001002100

Property Address 1904 NE ENGLEWOOD RD
Property Zip Code
Legal ENGLEWOOD BAPTIST CHURCH ADDITION REPLAT LT 2 LT 2B
Section/Township/Range 25/51/33

Owner Name /address PS PROPERTIES LLC
 1904 NE ENGLEWOOD RD
 KANSAS CITY MO 64118

Tax district 8 **Tax code** 74-20-00-03-00-00-00-01-01-00-00-00
Property Class 21 **Classification** COMM

	Land Value	Improvement value	Appraised value	Assessed value
Residential				
Commercial	210,000	226,500	436,500	
Agricultural				
Total	210,000	226,500	436,500	139,680

Book & Page	Deed Date
4692-931	2005-02-21
1787-0071	2005-02-21
1036-0070	2005-02-21
1449-0648	2005-02-21

Location of this parcel



Community Development Department

Staff Report

Date: April 15, 2019

File #: 2019-003

Requested Action: Special Use Permit, Creative Arts Academy, LLC

Date of PC Consideration: May 20, 2019

Date of Council Consideration: June 10, 2019

Applicant: Pam Raisher
Creative Arts Academy, LLC
1904 NE Englewood Road
Gladstone, MO 64118

Owner: PS Properties, LLC

Address of Property: 1904 NE Englewood Road.

Planning Information

- Current Zoning: R-1 Single Family Dwelling District
 - Zoning History: Residential – In April 2004, the Planning & Zoning Commission voted 0-12 on a motion to approve a rezoning from R-1 to CP-0 at this location for the Creative Arts Academy.
 - Planned Land Use: Residential
 - Surrounding Uses: Residential
 - Applicable Regulations:
 - Additional Information
-

- Public Utility Availability: Existing
- Ingress/Egress: N. Woodland Avenue (Primary) NE Englewood Rd. (Private Drive)
- Traffic Impacts: None
- Parking Provided: Parking Agreement with Englewood Baptist Church
- Proposed On-Site Improvements: None
- Proposed Off-Site Improvements: None
- Proposed Landscaping & Yard Maintenance: Maintain property between residential fencing and Creative Arts Academy fencing on north property line.
- Proposed Signage: None Additional; Bring into compliance the large Creative Arts Academy banner on fencing located on ingress/egress N. Woodland Avenue (Primary) fencing.

Analysis

The applicant is requesting a special use permit renewal (15 year permit) for the continued operation of the Creative Arts Academy, LLC located at 1904 NE Englewood Road. The most recent special use permit issued to Ms. Raisher was in May, 2004.

Since 2004, the City of Gladstone has received numerous calls in regard to maintenance between the residential fences and privacy fence installed by the Creative Arts Academy located on the north property line (Pictures can be found in the planning packet). The city has also received a number of phone calls over the years in regard to the large banner hanging from the privacy fence (Creative Arts Academy) along the north property line (Pictures can be found in the planning packet).

It is City Staff's recommendation that Ms. Raisher maintain the property between residential fences and the Creative Arts Academy privacy fence located on the north property line. The reason for staff's recommendation is that the property between the two fences has been created and neglected due to the installation of the privacy fence used for the Creative Arts Academy. This is in response to neighborhood requests. As of Monday, May 6th, Ms. Raisher has agreed and started to maintain the subject area.

It is also City Staff's recommendation that Ms. Raisher bring into compliance with the current sign code the Creative Arts Academy banner hanging from the privacy fence on the north property line. City Staff requests that Ms. Raisher hang the Creative Arts Academy banner sign inside the frame that is already installed on the fence. This is in response to neighborhood requests. As of Monday, May 13th, Ms. Raisher has agreed to hang the banner sign inside the frame that is already installed on the fence.

Recommended Conditions

City Staff recommends that the following conditions be considered if the Planning Commission and City Council choose to approve this project request:

1. Ms. Raisher shall apply for and maintain all applicable State and City business and occupational licenses; copy of such business and occupational licenses shall be supplied to the Community Development Department of the City of Gladstone.
2. This Special Use Permit is to be issued to Ms. Raisher and to be used at this location only. If she relocates, sells or leases out this location to another tenant, either she or another tenant must reapply for a new permit. This Special Use Permit is non-transferable to another tenant occupying this location.
3. Hours of operation for the location shall be limited to 8:00 a.m. to 9:00 p.m. per day, Monday – Saturday.

4. All fire safety requirements shall be complied with and maintained as required.
5. Ms. Raiser shall continue to work with the surrounding neighborhood to insure that a level of residential privacy be considered/implemented as is feasible. The applicant will work to assure that parking, noise, lighting and traffic congestion are mitigated as it relates to the surrounding residential neighbors when considering extra-curricular activities outside the hours of regular day-to-day operation.
6. Signage at the location shall be limited to applicant owned property or included in a shared signage arrangement with the tenant of the adjacent parcel, and shall follow all rules and regulations associated with all City of Gladstone sign ordinances.
7. The Englewood Road entry to the site shall be restricted to employee use only.
8. A shared parking agreement shall continue to be executed. Such agreement shall provide for cross sharing of all parking, maintenance responsibility and insurance.
9. The 6 foot privacy fence, as well as the property located north and south of the privacy fence (residential homes to commercial use), shall be maintained in perpetuity by the applicant.
10. Any violation of these conditions or other City Code requirements may result in the revocation of this Special Use Permit.

Recommendation

City Staff recommends that the request be **APPROVED for 15 years** contingent upon the conditions listed above.

GLADSTONE PLANNING COMMISSION MINUTES

Council Chambers May 20, 2019

1. Meeting called to Order- Roll Call. Chair McGee called the meeting to order at 7:00 pm.

Commissioners present were: Mike Ebenroth
J.N. Hernandez
Alicia Hommon
Gary Markenson
Jennifer McGee, Chair
Katie Middleton
Kim Murch
Shari Poindexter
Bill Turnage

Not present: Chase Cookson
James New
Larry Whitton

Also present: Jean Moore, Mayor Pro Tem
Bob Baer, Assistant City Manager
Austin Greer, Assistant to the City Manager/Planning Administrator
Alan Napoli, Administrator Comm Dev/Building Official
Cheryl Lamb, Administrative Assistant

2. Pledge of Allegiance to the United States of America.

3. Approval of Previous Meeting Minutes: April 15, 2019. Chair McGee asked if there was a motion to approve the minutes from the April 15, 2019 meeting. Mr. Turnage moved to approve the minutes; Mx. Hernandez seconded. The minutes were approved, 9-0.

4. Other Business. None.

5. Public Hearing: SUP Continuance for Creative Arts Academy, File #2019-003. Mr. Greer shared that Ms. Pam Raisher is requesting a special use permit renewal which is a 15 year permit for the continued operation of Creative Arts Academy LLC located at 1904 NE Englewood Rd. The most recent special use permit issued to Ms. Raisher was May, 2004. Since 2004, the City of Gladstone has received numerous calls in regard to maintenance between the residential fences and privacy fence installed by the Creative Arts Academy located on the north property line. The City has also received a number of phone calls over the years in regard to the large banner hanging from the privacy fence along that north property line. It is city staff's recommendation that Ms. Raisher maintain the property between the residential fences and the Creative Arts Academy privacy fence located on the north property line. The reason for staff's recommendation is that the property between the two fences has been created and neglected due to the installation of the privacy fence used by the Creative Arts Academy. This is in response to neighborhood requests. As of Monday, May 6th, Ms. Raisher has agreed and is starting to maintain the subject area. It is also city staff's recommendation that Ms. Raisher bring into compliance with the current sign code, the Creative Arts Academy banner hanging from the privacy fence on the north property line. City staff requests that Ms. Raisher hang the Creative Arts Academy banner sign inside the frame that is already installed on the fence. This is in response to neighborhood requests. As of Monday, May 13th, Ms. Raisher has agreed to hand the banner inside the frame that is already installed on the fence.

City Staff recommends that the following conditions be considered if the Planning Commission and City Council choose to approve this project request:

1. Ms. Raisher shall apply for and maintain all applicable State and City business and occupational licenses; copy of such business and occupational licenses shall be supplied to the Community Development Department of the City of Gladstone.
2. This Special Use Permit is to be issued to Ms. Raisher and to be used at this location only. If she relocates, sells or leases out this location to another tenant, either she or another tenant must reapply for a new permit. This Special Use Permit is non-transferable to another tenant occupying this location.
3. Hours of operation for the location shall be limited to 8:00 a.m. to 9:00 p.m. per day, Monday – Saturday.
4. All fire safety requirements shall be complied with and maintained as required.
5. Ms. Raiser shall continue to work with the surrounding neighborhood to insure that a level of residential privacy be considered/implemented as is feasible. The applicant will work to assure that parking, noise, lighting and traffic congestion are mitigated as it relates to the surrounding residential neighbors when considering extra-curricular activities outside the hours of regular day-to-day operation.
6. Signage at the location shall be limited to applicant owned property or included in a shared signage arrangement with the tenant of the adjacent parcel, and shall follow all rules and regulations associated with all City of Gladstone sign ordinances.
7. The Englewood Road entry to the site shall be restricted to employee use only.
8. A shared parking agreement shall continue to be executed. Such agreement shall provide for cross sharing of all parking, maintenance responsibility and insurance.
9. The 6 foot privacy fence, as well as the property located north and south of the privacy fence (residential homes to commercial use), shall be maintained in perpetuity by the applicant.
10. Any violation of these conditions or other City Code requirements may result in the revocation of this Special Use Permit.

Chair McGee opened the floor to members of the public who are in favor of the application.

Mr. Markenson stated that he had a question for City staff. He asked if the original permit required the applicant to maintain the property free of litter and conform to the City sign ordinance.

Mr. Greer shared that as City staff looked back to some of the memos and the ordinance, they couldn't find any indication of that. Not specifically. That is why it is now being added to the list of conditions.

Mr. Markenson reiterated that there were numerous complaints. Numerous three, numerous ...

Mr. Greer said that it was phone calls over the last 15 years.

Mr. Markenson asked if he knew how many.

Mr. Greer couldn't say how many over the past 15 years. They will hear from Mr. Dick Davis who is representing a resident tonight with some of the complaints that are being addressed in the staff report tonight.

Mr. Markenson asked about condition number 5; at the very end it talks about activities outside the hours of regular day-to-day operation. Earlier on it says the hours of operation shall be 8am to 9pm. He asked if they can go beyond that. He was confused as it seemed to be a contradiction.

Mr. Greer said that some of the conditions were taken from the previous permit issued 15 years ago. He felt that Ms. Raisher could better explain some of the operation hours that she has. She agreed to these hours 15 years ago and they thought it made sense to keep them the same. There haven't been any complaints with the hours.

Mr. Markenson said that it seemed that last phrases in number 5 would seem to say that they could have events beyond that. He asked if he was reading it wrong.

Mr. Greer confirmed he was not reading it wrong. There may be a wording issue there that needs to be addressed. He asked Ms. Raisher if she would like to step up to the podium and talk about some of different classes she represents for clarification.

Ms. Raisher said they don't do much beyond 9:00pm. Occasionally, over the last 15 years they have had overnight sleepovers with 8 to 10 kids. That is usually a team experience and never conflicts with anything which is why they have never had any complaints. That is the verbiage that was offered to her in the special use permit 15 years ago. It has worked. Their hours; generally they are done by 8:30 in the evening. They comply with the hours shown. If they have an overnight, which they prefer not to have, they might do an overnight once every two or three years. It has never been an issue and it's not a huge bunch of people, children.

Mr. Greer asked Mr. Markenson if that explained it.

Mr. Markenson restated that they aren't going to do it much, but if they do it they are going to conform to the lighting and all the other stuff.

Mr. Greer confirmed that was correct.

Mr. Turnage asked Ms. Raisher if any of the neighbors addressed any of these issues with her directly.

Ms. Raisher replied no. She has never had a complaint. One time there was a tree that has a limb down that she was asked to cut it down and she did that within a few days. That was not a neighbor that was the City itself. That was one issue over 15 years.

Chair McGee asked if there was anyone who wished to speak in favor of the application. None.

Chair McGee asked if there was anyone who wished to speak in opposition to the application.

Dick Davis, who lives at 5826 N Kensington which is two blocks outside of Gladstone. He spent his first 39 years in this town, in Gladstone, as a resident. In 2004, he served on the Planning Commission that considered the initial proposal to authorize this special use permit. Two other members of that Planning Commission, Brian Hill, who later served on the City Council, and Wendell Kaiser, who has moved out of the city and couldn't be here tonight, agree with the points that he will make tonight. Brian had a conflicting meeting and he will be there later if his meeting ends early.

Mr. Davis stated that when their Commission considered this there was much debate about why this proposal was not going to zoning. Churches are allowed in our I zone in Gladstone and we were assured that this would remain an R1 property. The three of them were surprised that, after the approval, commercial zoning signs appeared in different places on the property. Commercial zoning is not allowed in R1 zones. They would have never authorized a revision of the R1 zoning. He thinks that any renewal of

this application should prohibit commercial zoning period. If you look at the property it stretches from Antioch Road to North Oak. Not a single commercial use anywhere in that property, yet there is this one property that usually has 3 or 4 commercial signs on it.

Second, they were told that a fence would be provided as a buffer between the parking lot and fenced back yards of the properties on 57th Street. The area between the fences would be landscaped and maintained by Creative Arts Academy. They discussed insuring an adequate distance between the fences to make this landscaping possible. They were shocked in days after the approval that a fence appeared very close to the rear fences. It was so close that a lawnmower could not be passed from one end to the other. Still can't. There was nothing resembling landscaping. In fact, for fourteen plus years there has been no maintenance. The last few weeks with renewal pending they have seen some cleanup. But the narrow space has been an overgrown eyesore. He urged them to take a look at this space and ask themselves, "Would I tolerate this in my backyard?" His guess is no.

Third, a Nancy Norton owns the property and resides at 1805 NE 57th Street and has for the past 53 years. Nancy was presented and he asked her to stand. Nancy asked their Commission for a gate to be provided in their fence so that firewood could continue to be delivered to her property. The presenter of the proposal, Ms. Raisher very graciously agreed that the gate would be provided as requested. Since before the gym's construction, Nancy had used the church's parking lot for delivery of firewood with no objection. Nancy is a single mother with five children and heats her house with firewood to save money. Several years later when the church sought City approval to build the gym, and notice the gym is about 10 feet from the rear line, it needed a special permit from the City because it violated the rear yard setback requirements. Neighbors were asked for their concurrence. Nancy said she would have no objection as long as her gate access would continue to be allowed. The fence was later built with no gate and CAA's response was that her insurer objected to the gate, and this was after she made her commitment to us in the planning commission meeting. Unfortunately, the planning commissioners, the City kind of screwed up and their meeting did not reflect any discussion regarding the fence. If you look in the minutes, you can't find a word about it. Ms. Raisher was able to ignore her agreement to provide the gate because the City failed to document the agreement. That incurred despite the fact that a former mayor, that's him, a former council member, that's Brian, three planning commissioners and Mrs. Norton all were there and all would serve as witnesses that she made that commitment. If the extension is approved, this would be a good time for the city of Gladstone to demand that the petitioner live up to her previous commitments. Meaning they do have a chance to correct a mistake that their planning commission failed to do. They didn't get it in the minutes, and as a result (inaudible). At a minimum, decent maintenance between the fences should be demanded. He is impressed that the city staff recommendation addresses that. That may require several gates for sufficient access. You can't get to it, let alone maintain it. And Nancy's gate should be provided to align with her fence, and it should not have a lock. Nancy needs the chance to get through that gate without the lock. The gate would not be a safety issue as Ms. Raisher said earlier, because of insurance. Anyone could walk between the fence could simply walk around the fence and get to the same place.

Last, he thinks the Creative Arts Academy has not been a good neighbor, far from it. You should be reluctant to extend for 15 years. Consider a short-term extension and if she is a better neighbor, a longer term extension could be provided at the next renewal. He thanked them for their patience and listening to his presentation.

Ms. Hommon asked him to elaborate on what he was referring to that they have not been a good neighbor.

Mr. Davis replied that in 14 years there has been zero maintenance. The good side of the fence has been maintained. Nancy's side has not been maintained. You've got 14 years of growth. Some neighbors would go over the fence and clean it up, others would not. But absolutely zero for 14 ½ years.

Ms. Hommon asked if they had been a good neighbor as far as the business aspect.

Mr. Davis answered that, to his knowledge, there have been no complaints about the other side of the fence, other than the signage which was a complete surprise. He responded to Mr. Markenson's question about the hours and said nobody had complained about the hours. The hours haven't been a problem. He did say that Brian Hill served on the City Council for three years and his term as a planning commissioner included much discussion between the City Council and City staff on what they could do insure compliance. They tried to get the gate in, but obviously they failed.

Mr. Ebenroth asked a question about the gate. He asked if the planning commission had a recommendation that a gate be installed.

Mr. Davis confirmed that was correct. They asked Ms. Raisher if she could do that and she said she would be delighted.

Mr. Ebenroth inquired if they had a chance at the next planning commission meeting to review the minutes.

Mr. Davis confirmed that they blew it.

Mr. Ebenroth stated that it was approved at the Council meeting as well without the gate in there.

Mr. Davis said that they never saw the minutes. He added that Ms. Norton had three children she raised. Today she is 80 years old and still lifting that firewood by herself because she makes a living by doing ironing and cleanup work for other people. He is there because he hates to see a situation where a wealthy commercial establishment takes advantage of the fact that they didn't document that she agreed to provide a simple gate which would be a great asset to a woman that really can't afford to be paying for that.

Ms. Middleton asked how the firewood has been delivered for the past 15 years.

Mr. Davis said through the front yard and lugging it to the back yard. Her son will come over and move some of it.

Ms. Middleton asked if it needs to go to the back yard.

Mr. Davis said it is stored in the back yard.

Ms. Middleton asked Ms. Raisher if she would be agreeable to putting a gate into the fence.

Ms. Raisher said this was actually brought back to the council as was determined that this was not an issue that should be determined by the City Council. She did not agree to put in a gate. After looking, number one she didn't want to put in a 400 foot privacy fence which is what Ms. Nancy Norton wanted so she put that in. She did not agree to maintain it because there is minimal space and there is an easement behind that fence. She has now agreed to do that. However, a lot of her property has become a dumping ground for the neighbors. If anyone has driven Englewood Road to see Englewood Baptist Church and Creative Arts Academy which sit side-by-side, she has spent a ton of money maintaining the property, improving the visual for the City of Gladstone. This is a space that, number one, you can't see unless you are looking out the back. Those people are throwing everything over the fence so she can clean it up. She added that she is not a wealthy business person.

Ms. Middleton confirmed that was a no to the gate.

Ms. Raisher said she would not put in a gate. Her insurance and her attorney determined, and so did the City Council, that if she allows one neighbor to have access to her parking lot and have their firewood delivered doesn't she need to let all 19 neighbors have access. The city at one point trying to get everyone happy went so far as to demand an electric gate so it could be locked. She's just a private business person trying to protect her property. They have a parking lot situation.

Ms. Middleton asked for the City staff perspective on this gate issue.

Mr. Greer said he wouldn't give their perspective on it. What he will say is when staff looked through the memos and the ordinance that was passed there was no recollection of a gate being installed.

Ms. Poindexter asked for clarification that they want a gate on Ms. Raisher's property, in your fence, so someone can have firewood delivered on your pavement and then they can carry it through.

Ms. Raisher confirmed that was correct.

Chair McGee asked if there were any additional people speaking for the opposition.

Mr. Davis added that it is totally within the planning commission's prerogative to recommend that a single gate be provided. If that is approved the only way that they could demand 17 more gates is to go back to the next review 15 years from now.

Nancy Norton, 1805 NE 57th Street, approached the podium. She said that the fence was fine. She did good with the fence. She takes care of the other side of the fence. In between the fences you can get a lawnmower in there but you can't turn it around. She takes care of her back yard and in between the fences and it is a big to do. Her neighbors do not. She had a rental house next door and she agreed that the rental house was, they should have torn it down, but they didn't. Everything went over the fence in between. The trees grew up. Everything was thrown over there. Everything has grown up from her house out. Her children are concerned that, if she has a fire at her house, how does she get out the back door. She can get out the back door, but she would have to climb over all the fences to get out. That is a fire lane in that alley, which should be cleaned. Whether it's cleaned by Ms. Raisher, all of that land in between belongs to the houses. That land is hers. She thinks the house should be responsible to cut the grass, to cut the trees, and do all that. Not Ms. Raisher. That's not her land. Her problem is the fence. She is looking from here to over there, and she has this nice white fence that is full of mildew, green junk, whatever, it is discolored. She has scrubbed it, but it has gotten beyond. She thinks Ms. Raisher needs to get out there, power wash it, scrub it, do something so she doesn't have to look at the unsanitary, moldy fence. The gate. She promised me a gate. Nancy said she could come in, move in, put a fence up; give me a gate. She has had three trees taken down and she's got two more that may have to come down. She has had to tear up a perfectly good bush, tear up her space, tear up her side fence between the houses and drag this tree, after they cut it down, out. She would like a riding lawnmower, she's getting to the point she needs one, but if she had to spend money to put a wider fence in on the side to save her money, because she promised us a gate. She can't get a wide lawnmower back there unless she tears up the side of the fence. That would be an expense to her that she can't afford. Since she said she would give me a gate, I realize it's private property, but that's church property. She's lived there since '66, 55 years. The kids learned to ride their bicycles, people learned to drive their cars, kids roller skate, you pull your kid in a wagon. That's private property but it's the church. It's not interfering with the little space of parking that she owns. She owns 3 feet away from the fence out, all the way down. The mildew on the fence, the space in between and all the garbage which was really from the rental house. Other people have bushes, they don't cut the grass, the weeds are all over,

and the trees are all over. Whether that's her responsibility or the individual people that live there, she doesn't know. Hers is clear, but as far as the wood man coming, yes, she burns wood. She can't afford gas, she'd freeze to death. If you knew the difference, you'd have wood too. But the wood man comes; he throws it over the fence. He used to drive it in, back it in, unload it and stack it with no problem. It's just that she told me she would give us a fence and I think we need a fence. As far as all the advertisement, yes. As far as her cars and lights, she solved that problem. Other than that, she doesn't bother me. She doesn't like the fence. Not her side. Ms. Raisher's side looks great.

Mr. Greer recapped the conversation a little bit. There were two primary concerns coming into tonight. The maintenance between the commercial fence and the residential fence that she was discussing; and then the signage. Through the conditions, through staff, Ms. Raisher has agreed to both of those conditions. To maintain that property in between the two fences and to put her sign in the bracket that was made for that. The two conditions for tonight have been addressed and have been agreed to. The other condition to consider from Mr. Davis and Ms. Norton is the access of the gate. Again, City staff was not able to locate any of that information in the minutes or in any memos from 15 years ago. That is the recap he wanted to share on tonight's meeting.

Chair McGee asked if there were any other comments from the public. None.

Chair McGee closed the Public Hearing.

Mr. Markenson asked if it was appropriate for a special use permit to require a gate. He wanted to know if this was the time to do that and, if they don't do it now, is this . . .

Mr. Greer shared that when City staff discussed the reasoning on the gate and he spoke with Mr. Davis and he recalled fifteen years ago that it was promised. Ms. Raisher has been in business roughly 20 years. The first special use permit is issued for one year; the second for three; the next for five. We are going off a 15 year permit and hoping to do another 15 year permit here tonight. However, with a special use permit, it is not mandated to put in a date. If he had been able to find it in the staff report from 15 years ago, they would have had that conversation more closely with Ms. Raisher. Given that this has been approved multiple times in the special use permit process, they didn't think it was appropriate from staff's perspective to include this within the conditions tonight.

Mr. Markenson asked if it could be done.

Mr. Greer replied it could be done. It could be costly, it could be very minimal. It just depends.

Mx. Hernandez asked if that would reset the cycle of, instead of being 15 years it would go back to a one year permit and go up the scale again.

Mr. Greer said no. It doesn't have to be that way if the planning commission or the City Council deemed that a gate needed to be installed, it could still be the 15 year permit.

Ms. Poindexter asked if Ms. Raisher is required to put in a gate, how she gets the wood into her property; doesn't she need to have a gate in her property too, or does she have a gate.

Ms. Norton replied no.

Ms. Poindexter said that if they solve the problem of requiring a gate or asking for a gate for wood to be delivered, but how does Ms. Norton get that wood into her property.

Ms. Norton said she has a gate, a double gate. The gate she would put in is not just for her and wood. It's for the neighbors. The neighbor had a riding lawnmower but couldn't get it in anymore because there's no gate.

Ms. Poindexter asked who had a gate.

Ms. Norton said that everybody had a gate. The gate she puts in would be for not just her, but for all of them.

Mr. Greer interjected to Chair McGee that the public hearing was now closed so any questions would need to be addressed to staff at this point.

Ms. Hommon shared her thought process. The special use permit is in this case is applied because this is residential zoned. Hypothetically, if this were a home behind the property and not a business, because it's a residential zone, what would be the conversation they would be having regarding this gate.

Mr. Greer said it's a commercial use, so it is considered commercial and that is why they are asking her to maintain the property in between and also why she had to install a 400 foot fence. He asked for clarification on the question.

Ms. Hommon said her question is, if she was a neighbor behind Ms. Norton and she installed a privacy fence, would she need to have a gate as a neighbor to Ms. Norton that installed a privacy fence. Would she need to have a gate there?

Mr. Napoli replied that she would not.

Mr. Greer confirmed the answer is no.

Mr. Markenson asked if it would be possible to entertain a motion to postpone until their next meeting to allow staff to work with the parties on getting a cost on a gate.

Chair McGee said he could put that to a motion.

MOTION: Mr. Markenson moved that they leave this on the table until the next planning commission meeting to allow staff an opportunity to try to work out a compromise on a gate that would become a recommended condition. No second. The motion did not carry.

Chair McGee asked if there was any additional discussion.

Ms. Middleton asked if the conditions are not met, can the city revoke the special use permit.

Mr. Greer replied that yes. He gave as an example, if the maintenance between the two fences isn't well kept, technically it could be revoked.

Ms. Middleton asked for the definition of "well kept".

Mr. Greer said that there is a maintenance code that they go by.

Ms. Hommon asked if the appearance of the fence on the backside is included in the maintenance.

Mr. Napoli said yes, but to access that they would have to access every one of the neighbor's backyards, and if they could visually see it, then yes.

Mr. Murch asked if in normal residence to residence who is responsible for the backside of the fence.

Mr. Napoli replied that whoever owns the fence is responsible for the fence, both sides.

Mr. Murch he asked Mr. Napoli to confirm that it was difficult to monitor one side because you don't have access.

Mr. Napoli stated that the other side is private property. To go on that side of the fence they would have to access private property and each resident would have to give us permission to go on their property to view the fence from the back side.

Chair McGee asked if, in order for the code to be enforced, a neighbor would have to invite you into their back yard.

Mr. Napoli confirmed that was correct. He added that, by law, they cannot trespass on private property unless they are invited. They can only address what they can see from the city's right-of-way.

Mx. Hernandez asked if the space between the fences is entirely closed off by fences. He said it looks like, from the picture, there is an opening on the side of it.

Mr. Greer shared that along the 400 foot fence there are openings on both sides. If you walk back there, some spaces are wider than other but there is access to both sides.

Mr. Murch asked if the area between the fences is property that is owned by the special permit holder.

Mr. Napoli said that when he looked at that it looks like most of the property does belong to her. He wasn't sure. The fences in the back jog a little bit so he's not 100% sure where all the property lines. He believes her fence is not directly on the property line, it's just off the property line. Some is owned by her and some is owned by the other residents. Without an accurate survey he isn't able to say exactly where the line is at. Mr. Greer added that, along the 400 feet, it is a combination of both.

Mr. Murch asked if, in order for her to maintain that area, she has to trespass on somebody's property.

Mr. Greer said he couldn't definitively say that without a survey being done. There is enough space back there where she is willing to have her landscaping contractors go through and maintain that for whoever owns that property. He knows that's not a very good answer, but it is 400 feet long and the spaces back there differ from between 5 feet and 10 feet, or 4 feet. It's variable so it's hard to determine without an actual survey who owns what piece of that fence. She is taking it upon herself to maintain the entirety of that.

Mr. Murch asked if anybody along that 400 foot has used her fence as their back fence and eliminated the space between.

Mr. Greer replied that, from what they can see from the right-of-way, it looks like there is chain link fence that is owned by residential along the majority of that property. But without actually going in those back yards and looking, it's hard definitively tell.

Mr. Murch said that they have access to be on her private property if she allows you back there.

Mr. Greer said yes.

Mr. Murch stated they would not have to go to each individual house.

Mr. Greer replied no.

Mr. Murch asked if she owns the backside of the fence and she opts not to power wash it, what would be the difference between him and his neighbor if he owned the fence.

Mr. Napoli said there wouldn't be any difference. He's never had the issue come up where one neighbor complained unless it was in a state of disrepair. If there any mold or mildew to power wash, they would take care of it themselves since it's on that side. They just maintain it. He knows some people who have painted the fences that are facing them. You would own it but there are a lot of people who would maintain the other side of the fence, or clean it off. He has a fence up against his property that has some stuff on it. It's grayed out but his neighbor comes by every once in a while and pounds the nails back in. It varies on who wants to do what and how much they care about what view they see from their property.

Mr. Greer said that there are a lot of hypotheticals they could run through. The fact of the matter is that Ms. Raisher has agreed to maintain that property in between the two fences.

MOTION: By Ms. Poindexter, seconded by Ms. Hommon, to approve the special use permit for the Creative Arts Academy, File #2019-003. The motion carried 8-1.

6. **Public Hearing: SUP Continuance for K Tailor, File #2019-004.** Mr. Greer stated that the applicant is Mr. Jong Kim who seeks approval of a special use permit for five (5) years for the operation of a homebased alteration and tailor business located at 2404 NE 72nd Street. The location of this single family residence is near a busy commercial intersection, which alleviates any concern that a homebased business with visiting customers would have a negative impact on adjacent residential uses. One sign will be permitted and displayed on the premises in compliance with the current sign code and shall not exceed six (6) square feet. Given that last year's planning commission discussion in regard to this special use permit, a strong argument was articulated that the applicant should be allowed one (1) sign. The special use permit was approved unanimously in 2018. Over the past year, the applicant has been sent two (2) separate notices in regard to sign violations. The applicant and the City staff have met and the issue of the signage is resolved as of May 2019.

City staff recommends that the following conditions be considered if the Planning Commission and the City Council choose to approve this project request.

1. This Special Use Permit is issued to Jong H. Kim to be used at the above noted address.
2. This Special Use Permit shall be non-transferable to any other person or company, or to any other location.
3. Any changes in operation of the business by Jong H. Kim or change in ownership shall render this Special Use Permit null and void.
4. No person other than Jong H. Kim shall be employed at this location or any other address in association with the alteration shop by Jong H. Kim.
5. Hours of operation shall be limited to 6:00am to 7:00pm.
6. Jong H. Kim must reside at this residence for this permit to be valid.

7. Jong H. Kim shall apply for and maintain all applicable State and City business and occupational licenses; copy of such business and occupational licenses shall be supplied to the Community Development Department of the City of Gladstone.
8. One sign shall be permitted and displayed on the premises in compliance with the current sign code and shall not exceed six square feet.

Chair McGee asked if there were any members of the public that would like to speak in favor of the application.

Mr. Kim and his translator approached the podium. His translator said that he was a church member and he would speak for Jong Kim. He stated the address was 2404 NE 72nd Street. He shared that Mr. Kim has been in business since last year. So far business is not really good but he tries hard. His customers like his business. He doesn't have any parking problem as there is room to turn around and there have not been any issues.

Mr. Turner asked a question of Mr. Napoli. He wanted to know the nature of the sign violations and if it was because of multiple signs, or because they weren't in the correct place.

Mr. Greer replied that there were multiple signs. There were a multitude of things that were wrong with those signs, but they have it squared away at this point with the one sign.

Chair McGee asked if there were any members of the public who wished to speak in opposition to this application. None.

Chair McGee closed the public hearing.

Ms. Hommon asked to make a comment. She shared that she drives past there regularly and the sign that is there now is very tastefully done. It doesn't feel like it's garish for being a place where there are homes directly nearby. She wanted to state that for the record.

Mr. Murch asked City staff how they could turn that property into commercial zoning.

Mr. Greer said given the residents that are in the audience tonight he didn't feel it was appropriate to discuss turning that property into a commercial zoning location at this time.

Mr. Murch said that they are asked to do a special use permit from residential to commercial. He asked why they aren't saying it should be commercial property with a special use permit for R-1.

Mr. Greer stated that it is a residential home at this point. If there was ever a time that Mr. Kim left, his family moved from that spot and sold it, and there was something that wanted to be developed there, they could potentially go through a rezoning process. Until that happens, there is no way that they would go through a rezoning process with someone living in that location.

Mr. Murch asked if they were sure that it is a residence or is it a business. They are asking them to make it a business.

Mr. Napoli said that it is a residential single family home. He uses a portion of it for the business. If you were to rezone the property to commercial, he would never be able to sell that house as a single family residential home. It would be commercial and it's not a commercial structure. It was built and designed for single family residential. He just wants to use it to have a business out of. It's no different than someone

who is running a tax business out of their home or a daycare or something like that. That's why the special use permit is being used. Otherwise, from a commercial use, he would not be allowed to live there and he would have to find someplace else to reside.

Mr. Murch asked if there was a special use permit for having a residence.

Mr. Napoli replied no. It's not a commercial business. It is not designed or equipped, and there is not a special use permit for a single family or residential living facility.

Mr. Murch said he didn't want to be argumentative but what would make it suitable for a commercial use.

Mr. Napoli said that for what he's doing, that's what the special use permit is, he has a room that he uses there that he does all of his tailoring. For example, if you were an accountant working at home and used one room as your office to do all of your accounting work there inside that house, that room would be taken off on your taxes. Same principal. He lives there, he's got a room he's using for his tailor business then the rest of the home is his single family residential home.

Mr. Murch asked where ADA comes into any of this with a commercial business being run in a home.

Mr. Napoli replied that with a special use permit it would not prevail there. If it were a commercial business then he would have to bring it all up to the standards for accessibility, commercial requirements, etc.

MOTION: By Mr. Markenson, seconded by Mr. Turnage, to approve the special use permit for the K Tailor, File #2019-004. The motion carried 9-0.

7. Communications from City Council. None.

- 8. Communications from City Staff.** Mr. Greer shared that the spring edition of the Gladstone Magazine has been released and was sitting on their table. The outdoor municipal pool opens this Saturday, May 25th. City Hall will be closed Monday, May 27th in observation of Memorial Day. NAWs Woofstock will be taking place June 1st at Linden Square. This is a festival for people and pets that will feature music, contests and vendors. There is the City-wide Garage Sale coming up June 7th, 8th and 9th. There will not be Planning Commission meeting on June 3rd, but there will be a meeting on June 18th. They will be looking at a Hy-Vee renovation application as well as the sign code.

Mr. Napoli asked them to note that June 18th is a Tuesday, not a Monday. There will be a work study session on the new sign code. The city counselor will be there so he can discuss the legal aspects of it. He can't be present on a Monday, so that is why they are holding the meeting on Tuesday.

- 9. Communications from Planning Commission Members.** Mr. Markenson shared that the new Linden Square event brochure is out. It is jam-packed full of neat stuff. Also, the Atkins-Johnson farm is part of it. It's all in one book and you can do something every night this summer in Gladstone. He was very impressed by that. He shared that there was a Mother-Daughter Tea at Atkins-Johnson Farm. It was well attended, 96 people were there. It was well-catered and a tremendous success, even though it rained on them a little bit; rained on them a lot.

Mr. Murch reminded everyone that May is National Military Appreciation Month. Last Saturday was Armed Forces Day. Memorial Day is coming up this weekend, and Flag Day is June 14th. He reminded them that liberty and justice are not a given. That is based on the sacrifices of our service people past and

present. He invited everybody to join Gladstone's American Legion Post 66 for a Memorial Day service at 10:00am this coming Monday. It will be at Anita Gorman Park where the fountain is on Vivion and Oak. The featured speaker will be the only living Medal of Honor recipient in Missouri, Colonel Doc Ballard. He was presented the Medal of Honor by Reagan in 1970, which is the highest valor award that can be presented to any military member in a foreign conflict or war. He was awarded it because as a medic he jumped on a grenade saving the lives of many, many of his comrades. That will be 10:00am this coming Monday.

Mr. Turnage expressed his thanks to the City for cleaning the mud out from under the bridge over Rock Creek Trail. It is better and will probably be necessary again.

10. Adjournment. Mr. Markenson motioned to adjourn; Ms. Poindexter seconded.

Chair McGee adjourned the meeting at 7:55pm.

Respectfully submitted:

Cheryl Lamb, Recording Secretary

Approved as corrected _____

Jennifer McGee, Chair

Approved as submitted _____