

CITY COUNCIL MEETING MONDAY,
SEPTEMBER 23, 2019

CITY COUNCIL AGENDA BEGINS ON PAGE 7



GLADSTONE CITY COUNCIL

**OPEN STUDY SESSION MEETING
MONDAY, SEPTEMBER 23, 2019**

AGENDA

TIME: 7:00 PM

1. **Capital Improvements and Master Plan Update-** Director Tim Nebergall will give an overview of the progress made over the last year.



Department of Public Works Memorandum

DATE: September 19, 2019

TO: Scott Wingerson, City Manager

FROM: Timothy A. Nebergall, Director of Public Works

RE: Capital Improvements and Master Plans Update

Effective master planning and project implementation is essential to the long-term viability of the community. The purpose of this study session is to provide a brief overview of the progress made over the past year.

City Street

The City continues to invest heavily in the maintenance of City streets and the completion of major street projects including Pleasant Valley Road, Old Pike Road, and NE 76th Street. The City has been awarded over \$4-M in federal grants and continues to work jointly with the Gladstone Special Road District to fund street improvements. The City has also submitted 7 projects to the Mid-America Regional Council (MARC) for inclusion in the 2050 Long-Range Transportation Plan including the Gladstone Parkway, Missouri Route 1 and NE 72nd Street Intersection Improvements, N. Antioch Road, N. Broadway, N. Oak Trafficway, NE 72nd Street, and the Vivion Road Trail. Additional funding for street maintenance is proposed as part of an anticipated 2020 financing package.

Completed Projects:

- NE Pleasant Valley Road Improvements – N. Indiana Avenue to N. Jackson Street in partnership with KCMO - \$3.5-M
- 2018 Street Maintenance Program - \$1-M

Under Construction:

- Old Pike Road – Vivion Road to NW Englewood Road - \$2.0-M
- 2019 Street Maintenance Program - \$1.9-M

Funded Projects:

- NE 76th Street – N. Oak Trafficway to N. Brooklyn Avenue - \$2.3-M

Sidewalk Master Plan (2015)

Walkability is a major goal of the City of Gladstone. Approximately 9,000-linear feet of new sidewalk is currently programmed including:

Completed Projects:

- NE Pleasant Valley Road – N. Antioch Road to N. Jackson Street in conjunction with street improvements
- NE 64th Street Sidewalk – N. Bellefontaine to N. Indiana - \$50,000
- NE 64th Street and N. Antioch Road Pedestrian Signal Upgrades (Prospect Plaza) - \$50,000

Under Construction:

- Old Pike Road – Vivion Road to NW Englewood Road - \$2.0-M
- ADA Sidewalk Upgrades in conjunction with the 2019 Street Maintenance Program
- N. Broadway/NW 72nd Street Pedestrian Signal Upgrades - \$230,000

Funded Projects

- NE 72nd Street – Missouri Route 1 to N. Olive Street - \$25,000
- NE 76th Street – N. Oak Trafficway to N. Brooklyn Avenue in conjunction with street improvements

Stormwater Master Plan (2015)

The City continues to place an emphasis on stormwater management. Additional funding will be available after FY23 when a significant amount of debt has been repaid in the Capital Improvements Sales Tax fund (CIST).

Completed Projects

- N. Locust & NE 70th Street Pipe Replacement in the vicinity of Iwerx - \$50,000
- 301 NW 59th Terrace Bank Stabilization - \$25,000

Funded Projects

- Project No. 4 - NE 76th Street and N. Tracy Avenue Storm Drainage - \$90,000
- Carriage Commons Box Culvert - \$100,000
- NE 68th Terrace & N. Bellefontaine – \$85,000

Sanitary Sewer Master Plans (2002)

In 2018, the City spent approximately \$20,000 in the Rock Creek basin to reduce infiltration and inflow into the sanitary sewer collection system. Approximately \$30,000 was spent in the Mill Creek basin to increase system capacity and reduce the risk of sanitary sewer backups. An additional \$100,000 is programmed in 2019 to replace approximately 400-linear feet of 8-inch sanitary sewer in the vicinity of 6510 N. Grand.

Water Distribution Master Plan (2015)

Approximately 1.25-miles of new water main are currently under construction at a cost of approximately \$1-M. An additional \$2-M of water main replacement is planned as part of the anticipated 2020 financing package.

Under Construction:

- N. Montgall/N. Agnes – NE 67th Terrace to NE 67th Terrace
- N. Wabash – M-1 to NE 64th Street
- N. Olive – NE 61st Terrace to Shady Lane Drive
- N. Wayne – NE 65th Street to NE 67th Terrace
- NE 75th Terrace – N. Highland to N. Woodland

Parks and Recreation Master Plan (2012)

In 2012, the City of Gladstone completed a Parks and Recreation Master Plan. This document established the framework for upgrades to the existing park system, the development of Hobby Hill Park, and the expansion of the City's trail system.

Completed Projects

- Hobby Hill Park - \$1.8-M
- Happy Rock Park Restroom/Shelter Improvements - \$115,000
- Replacement of Happy Rock Park (West) and Oak Grove Playground Surfaces - \$80,000
- Meadowbrook Park Improvements (Pickle Ball, Playground, Shelter) - \$135,000

Under Construction:

- Shoal Creek Trail – N. Antioch Road to N. Brighton Avenue in partnership with KCMO - \$500,000
- Hobby Hill Disc Golf- \$25,000

Funded:

- Rock Creek Trail Phase 2 – Hidden Hollow Park to Missouri Route 1 - \$600,000
- Linden Connector – NIC to M-1 - \$870,000

Cultural Arts Master Plan (2014)

Funded Projects

- Happy Rock Park Art - \$50,000
- Temporary Art in Downtown - \$5,000

Facilities Master Plan (2015)

The City continues to pursue opportunities to improve City facilities. City-wide energy efficiency improvements were completed in 2018 utilizing an alternative financing mechanism called performance contracting. Financing was also secured to make upgrades at Public Works and City-wide facility improvements are proposed as part of the anticipated 2020 financing package.

Completed Projects

- Public Works improvements including the installation of LED exterior lighting, and upgrades to common areas including the conference room and breakroom - \$200,000



**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, SEPTEMBER 23, 2019**

The City Council will meet in Closed Executive Session at 6:30 pm Monday, September 23, 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, 610.021(2) Real Estate Acquisition Discussion, and 610.021(9) Employee Groups.

OPEN STUDY SESSION: 7:00 PM

1. **Capital Improvements and Master Plan Update-** Director Tim Nebergall will give an overview of the progress made over the last year.

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 September 9, 2019, Closed City Council Meeting Minutes.
6. Approval of the September 9, 2019, Regular City Council Meeting Minutes.
7. **PROCLAMATION:** Fire Prevention Week

- 8. PROCLAMATION:** Volunteer Appreciation Week
- 9. PROCLAMATION:** Volunteers in Police Service Program
- 10. PROCLAMATION:** Code Enforcement Month
- 11. CONSENT AGENDA**

RESOLUTION R-19-48 A Resolution authorizing the City Manager to execute an agreement for Audit Services for the City of Gladstone, Missouri, with Berberich Trahan & Co. P.A. (BT & Co.)

RESOLUTION R-19-49 A Resolution authorizing Change Order No. 13 in the amount of \$156,320.00 to the contract with Lan-Tel Communications Services, Incorporated, for the 2019 Curb, Gutter, and Sidewalk Project TP1804.

RESOLUTION R-19-50 A Resolution authorizing Change Order No. 1 in the amount of \$242,212.20 to the contract with Metro Asphalt Incorporated, for the 2019 Mill and Overlay Program Project TP2006.

APPROVE OUTDOOR SPECIAL EVENT PERMIT: iWerx Promotional Event, 602 Northeast 70th Street, Linden Square, Sunday, September 29, 2019, 2:00 – 10:00 pm.

APPROVE FINANCIAL REPORT FOR TWO MONTHS ENDING AUGUST 2019

REGULAR AGENDA

- 12. Communications from the Audience.**
- 13. Communications from the City Council.**
- 14. Communications from the City Manager.**
- 15. RESOLUTION R-19-51** A Resolution authorizing acceptance of a proposal from Superior LLC, a subsidiary of Square Technologies, Lake Mary, Florida, for the purchase of Public Administration Software for the total purchase amount of \$373,814.20.

- 16. FIRST READING BILL NO. 19-40** An Ordinance directing the City Manager to participate in the Missouri Highways and Transportation Commission Blueprint for Safer Roadways Program and sign an agreement with the Commission to utilize State Road Funds in an amount of no more than \$6,007.00 for the purchase of Radar Speed Signs for the City of Gladstone.
- 17. PUBLIC HEARING:** Site Plan Revision for property at 6221 North Chestnut Avenue.
- 18. FIRST READING BILL NO. 19-41** An Ordinance approving a Site Plan Revision for property at 6221 North Chestnut Avenue.
- 19. Other Business.**
- 20. Adjournment.**

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

City Clerk Ruth Bocchino	Posted at 1:45 pm
City of Gladstone	September 19, 2019
7010 North Holmes	
Gladstone, MO 64118	
816-423-4096	



**MINUTES
REGULAR CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, SEPTEMBER 9, 2019**

PRESENT: Mayor Carol Suter
Mayor Pro Tem Jean Moore
Councilman Bill Garnos
Councilman Kyle Yarber

City Manager Scott Wingerson
Attorney Chris Williams

ABSENT: Councilman R.D. Mallams
Assistant City Manager Bob Baer
City Clerk Ruth Bocchino

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

Mayor Suter opened the Regular City Council Meeting Monday, September 9, 2019, at 8:01 pm in the Gladstone City Council Chambers.

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

All Councilmembers were present with the exception of Councilman R.D. Mallams.

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.

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

The Agenda was approved as published.

Item No. 5. On the Agenda. Approval of the August 26, 2019, Closed City Council Meeting Minutes.

Mayor Pro Tem Moore moved to approve the minutes of the August 26, 2019, Closed City Council meeting as presented. **Councilman Yarber** seconded. The Vote: "aye", Councilman

Kyle Yarber, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Item No. 6. On the Agenda. Approval of the August 26, 2019, Regular City Council Meeting Minutes.

Councilman Garnos moved to approve the minutes of the August 26, 2019, Regular City Council meeting as presented. **Mayor Pro Tem Moore** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Item No. 7. On the Agenda. **PROCLAMATION:** Constitution Week

Mayor Suter read the Proclamation and presented to: Maggie Henderson, Jean McHenry, Kay Schaefer, Myrl Palmer, and Ruth Woody.

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

Following the Clerk's reading:

Mayor Pro Tem Moore moved to approve the Consent Agenda as published. **Councilman Garnos** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Mayor Pro Tem Moore moved to approve **RESOLUTION R-19-41** A Resolution authorizing acceptance of a proposal from Premier Picks, LLC, doing business as Performance Fitness Equipment, for the acquisition of five (5) treadmills in the total amount of \$35,750.00. **Councilman Garnos** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Mayor Pro Tem Moore moved to approve **RESOLUTION R-19-42** A Resolution authorizing the City Manager to execute a contract with Vance Brothers, Incorporated, in the total amount not to exceed \$174,500.00 for the 2019 Intermediate Maintenance Project TP2003. **Councilman Garnos** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Mayor Pro Tem Moore moved to approve **RESOLUTION R-19-43** A Resolution authorizing acceptance of a proposal from Independent Salt Company for the purchase of snow removal salt. **Councilman Garnos** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Mayor Pro Tem Moore moved to approve **RESOLUTION R-19-44** A Resolution accepting easements from certain property owners in conjunction with the Northeast 76th Street Improvements Project from North Oak Trafficway to North Brooklyn, Project TP1818. **Councilman Garnos** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Mayor Pro Tem Moore moved to **APPROVE OUTDOOR SPECIAL EVENT PERMIT:** Scarecrow 5K Run/Walk; 602 NE 70th Street, Linden Square (start/finish); Sunday, October 6, 2019 5:30 am – 9:30 am. Run/walk starts at 7:30 am. **Councilman Garnos** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

REGULAR AGENDA.

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

There were none.

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

Councilman Yarber stated: *“I’ll try to keep it quick tonight. A new display at the Atkins-Johnson house, just in time to realize we are approaching Halloween. All Hallows Eve display in the room at the Atkins-Johnson House.”*

Councilman Garnos stated: *“I just wanted to mention Gladfest is less than a month away. Our big celebration. A lot is going to be happening in the next month to get ready.”*

Mayor Pro Tem Moore stated: *“I just had a couple of things. I had the opportunity along with several other Councilmembers to attend the MARC Open House on the future of North Oak Trafficway last week. It was a little confusing but interesting and obviously something that we all need to be engaged with. I attended the Big Shoal Country Fair on Saturday and I did have a chance to look at that exhibit and it was curated by our own Erica Layton. She loves doing that job herself and it is really fun. Some people have birthdays on Halloween, so that’s makes it kind of fun, Mr. Nebergall. I would also like to extend two congratulations for staff: to Beth Gillespie who was awarded the Animal Control Officer of the Year by the Missouri Animal Control Association. I think that is a big KUDO for Beth and that department. Also, congratulations to Division Chief Sean Daugherty for completing the Executive Fire Officer Program.”*

Mayor Suter stated: *“Thank you; I’ll second that emotion for Officer Beth Gillespie. I’m pretty sure it was the snake handling that put her right over the top. What an honor; delighted when Gladstone folks are recognized for the great work they do. It’s been a busy couple of weeks, of course, always, in the City and for the Mayor. I attended the Organizing Committee for the Complete Streets. Rather confusing, thinking about North Oak. There are some interesting ideas and many ideas have been launched over the years for North Oak and unfortunately almost all of those plans don’t fit because they never get funded. It can be a little bit frustrating. I had the privilege of volunteering at the Atkins-Johnson Country Fair. Eugene and I are sponsors so we attended the VIP Event on Friday night which was very nice. We had wonderful weather. The last I heard, in the first couple of hours, over 600 people had come through the till. I don’t know how it ended up but hopefully it would have been good attendance. (over 900). It was a beautiful day. I had the opportunity on Saturday night to attend a Gala for the Mid-American Asian American Cultural Association; their annual Gala. That is the organization that presented us*

with that fine piece of art that is in the lobby. We connected at the Grand Opening of Saigon Plaza and so I was invited to attend and to give out some of the awards for the evening. It was a very interesting event. There are 62 different nations who are involved in that organization and so it was quite an interesting, colorful event. I want to encourage folks to go on the MARC website, the Transportation 2050 Plan. This is a long term plan for the region for transportation funding by the federal government. If you have a project in that plan, than you have a much better chance between now and then getting some federal funding for it. We have had several projects in the current plan which is the 2040 Plan. We are now in the process of having to update for the 2050 Plan. Gladstone has six projects that are in the hopper so they are available for public comment. And public comment matters. If we can encourage people to go on, you just go online, go to Gladstone in that 2050 Plan, each of the projects is listed, and then you have an opportunity to say why you think it is important or I guess you could criticize, but we are hoping most people will find those projects important and it will help us to try to make sure that some of them stay in the 2050 Plan and enhance our ability to get them funded. The last item, a few weeks ago, a month ago or so, I reported that City Manager Wingerson and I had an interesting conversation and interview with the reporter from the Business Journal and we hoped it would produce something. Well, it's going to produce something. Watch for the Business Journal this week. The City of Gladstone will be the featured centerpiece story for this week's issue. We are hoping that it turns out well. The photographer has been hanging around for about a week doing some photos, the reporter has been looking at all kinds of data and talking to lots of people, the City Manager has done a great job of providing background information. I think they are enthralled with what they see as a small town with big dreams, or something like that; and so I hope that is going to be the nature of the story. We won't know exactly until it comes out so watch for this week's edition. Thank you, City Manager Wingerson, for all the extra time and effort it took to cooperate with this effort."

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

City Manager Wingerson stated: *"Three quick things, Mayor and Council. Shout out to our Public Works personnel who worked over the weekend repairing a water main break at 72nd and Tracy. They were able to get the traffic control put away off to the sides early this morning so it had an impact all weekend but we did a great job getting that repaired. It's a pretty big main and it's pretty deep so it takes a lot of skill and care to do that properly. We appreciate their work over the weekend. Second thing; shout out to fire personnel Andy Starz and Jason Lawson who completed the 9-1-1 Memorial Stair Climb over the weekend. It's always great that they do that, to take their time and allow us the opportunity to reflect on what happened on September 11th. Finally, Gorilla Dance Club is Friday night at Linden Square. It should be a good time for all."*

Item No. 12. On the Agenda. PUBLIC HEARING: Site Plan Revision for property at 6221 North Chestnut Avenue. *(This public hearing was opened and immediately continued to the September 23, 2019, City Council meeting.)*

Mayor Suter opened the Public Hearing at 8:17 pm and continued the Public Hearing to September 23rd, 2019.

Item No. 13. On the Agenda. RESOLUTION R-19-45 A Resolution authorizing acceptance of a proposal from Zuercher Technologies, a Central Square Technologies Company, Sioux Falls, South Dakota, for the purchase of a Computer-Aided Dispatching and Records Management Software for the total purchase amount of \$212,221.00.

Mayor Pro Tem Moore moved to approve **RESOLUTION R-19-45** A Resolution authorizing acceptance of a proposal from Zuercher Technologies, a Central Square Technologies Company, Sioux Falls, South Dakota, for the purchase of a Computer-Aided Dispatching and Records Management Software for the total purchase amount of \$212,221.00. **Councilman Yarber** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Item No. 14. On the Agenda. RESOLUTION R-19-46 A Resolution authorizing acceptance of a proposal from American Response Vehicles (ARV), Columbia, Missouri, for the purchase of one 2019 AEV Traumahawk Type III Ambulance on a Chevrolet G4500 Chassis with equipment and one additional Stryker Power-Pro XT Powered Ambulance Cot for the total purchase amount of \$247,883.00.

Councilman Yarber moved to approve **RESOLUTION R-19-46** A Resolution authorizing acceptance of a proposal from American Response Vehicles (ARV), Columbia, Missouri, for the purchase of one 2019 AEV Traumahawk Type III Ambulance on a Chevrolet G4500 Chassis with equipment and one additional Stryker Power-Pro XT Powered Ambulance Cot for the total purchase amount of \$247,883.00. **Mayor Pro Tem Moore** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Item No. 15. On the Agenda. RESOLUTION R-19-47 A Resolution authorizing acceptance of a proposal from Shawnee Mission Ford, Shawnee, Kansas, for the purchase of four (4) 2020 Ford Police Interceptor SUV vehicles for the total purchase amount of \$133,016.00.

Councilman Garnos moved to approve **RESOLUTION R-19-47** A Resolution authorizing acceptance of a proposal from Shawnee Mission Ford, Shawnee, Kansas, for the purchase of four (4) 2020 Ford Police Interceptor SUV vehicles for the total purchase amount of \$133,016.00. **Councilman Yarber** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Item No. 16. On the Agenda. APPROVE BUILDING PERMIT: Hy-Vee Aisles Online Kiosk.

Mayor Suter asked if staff had any presentation.

City Manager Wingerson stated: *"We certainly stand to answer any questions that the Council may have. There are product boards in front of you, in front of the tables here, you can take a look at. This is in relation to a Site Plan approval that was granted just a few months ago by the Council. There is a representative from Hy-Vee here tonight if he would like to step to the podium and introduce himself."*

Mayor Suter stated: *"That would be helpful. We are interested in the time-frame of the number of things you have going on there. We have been reading about Hy-Vee Corporate in the newspaper today."*

John Brown with Hy-Vee approached Council and stated: *"Good evening, Mayor and Council. I'll start with the approval for the Aisles Online Kiosk. I just stopped by the store today. We did start construction. What you are looking at here is the Aisles Online Kiosk. The brick on the corners and all the elevations matches the building with darker brick on the bottom as an accent that matches some of the tone in the brick here. This material is an EIFS material which is the same material we have, same material, same color, that is on the store itself. This top is a glossy poly material to make it easy for customers to find where those kiosks are and get their vehicles over to it. Along the back, in order to dress this building up a little bit are windows. They are not actually windows; it's called faux glass; it's actually glass, actually a window frame, it just doesn't have any views into the building. It faces 72nd Street. This side that faces the store has three of the same spando glass panels and it also has a limited access door. Only employees are allowed in this space. Customers come up and the employee that is in the kiosk will know that they are there. There is a sensor in the pavement and they will bring the groceries right out and put them in the trunk for the customer. The customer signs for it and they are off. We are hoping it works really well. We expect that the fulfillment center that we are building in the Kansas City area will be done at the end of October and this will be up and running and waiting for that facility."*

Mayor Suter stated: *"So the timetable is to begin this immediately?"*

Mr. Brown stated *"The timetable is to begin ASAP."*

Mayor Suter stated: *"And then the Convenience Store and...?"*

Mr. Brown stated *"In addition we are also remodeling the Convenience Store. It will become a Hy-Vee Fast and Fresh. Just a little different model than what is there now. We will still have the convenience items and we will also have healthier options, grocery top off items, quick grab-and-go type items for guys like me who don't want to walk all the way to the back for a gallon of milk. You won't have to do that at Fast and Fresh, you can get in and get out. The store is also being remodeled as well. All three of these construction projects started today. There are trees we are taking down, the Ash trees that were in the parking lot have to be removed so that was step one. That is in process today."*

Councilman Garnos stated: *"I'm fully supportive of all of this but I noticed when I was looking at the plans there is quite a bit of change with the landscaping, all the trees coming down, and then those are being replaced with shorter shrubbery? Is that right? I know this hasn't changed since the last time I looked at it."*

Mr. Brown stated: *"The plan you are seeing here doesn't have any trees in those parking lot islands and that is because those trees were not supposed to come down. I've been to the store and I have already sent off a nasty email. They will be replaced. There are 13 trees that were*

taken down that were not supposed to have been taken down. There were a lot of trees that were Ash or had disease problems and those did need to come down. I'm not sure what happened there but we will correct the situation."

Mayor Suter stated: *"Some of those were along the front, near the highway."*

Mr. Brown stated: *"The areas that are affected are the islands and the parking lot."*

Mayor Pro Tem Moore stated: *"So for the kiosk, do I get out of my car? So the person who is fulfilling my order is going to be subject to all the elements, because there is no pergola, no cover, there is no anything; they just have to come out in the weather."*

Mr. Brown stated: *"Unfortunately, on most of our Aisles Online Kiosks have a canopy over them but we just didn't have the room at this site. Yes, they will have rain gear and umbrellas. They will be subject to the elements so our customers don't have to leave the car."*

Mayor Suter stated: *"So nobody will be picking up online orders under where they are now, where the drive-through and pick up is."*

Mr. Brown stated: *"No, that will be reserved for people who want to buy their groceries inside, register, and want help getting them loaded in their car. We know, we have built one that has helped with congestion along the front of the store. It gets that traffic away from that pick up lane."*

Mayor Suter stated: *"So there is just traffic going both directions alongside of this building, right, there is no parking up against it, or is there parking up against it?"*

Mr. Brown stated: *"Those four areas that I just pointed to are really wide parking stalls. They are about 16 feet with the loading zone so that the car can come out of the Aisles Online Kiosk; those are for Aisles Online pick up customers. A customer can come off of 72nd either West or East entrance, pull in, get their groceries, and then get back out on 72nd or if they are daring they can get back down to Highway 1."*

Mayor Suter stated: *"And then you are redoing the existing parking that is on the corner of the building now, where I always park, in those five spots? They are not going to be there anymore?"*

Mr. Brown stated: *"That is correct. We are actually adding some parking there. When we built the C-Store originally, we reduced the parking count basically to the city minimum and in order to keep our parking ratio where it needs to be, we had to modify that area and add some parking."*

Mayor Suter stated: *"And you are repaving the driveways, right? Especially the one on the East is in terrible shape."*

Mr. Brown stated: *"Yes."*

Mayor Suter stated: *"We love to see properties improved and new things coming so we appreciate Hy-Vee's investment in this community."*

Mr. Brown stated: *"Thank you very much."*

Mayor Pro Tem Moore moved to **APPROVE BUILDING PERMIT**: Hy-Vee Aisles Online Kiosk. **Councilman Garnos** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Item No. 17. On the Agenda. Other Business.

There was no other business to come before the Council.

Item No. 18. On the Agenda. Adjournment.

Mayor Suter adjourned the September 9, 2019, Regular City Council meeting at 8:28 pm.

Respectfully submitted:

Ruth E. Bocchino, City Clerk

Approved as presented: ____

Approved as modified: ____

Mayor Carol J. Suter

PROCLAMATION OF THE MAYOR

WHEREAS, the City of Gladstone, Missouri, is committed to ensuring the safety and security of all those living in and visiting Gladstone and fire is a serious public safety concern both locally and nationally; homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed 2,630 people in the United States in 2017, according to the National Fire Protection Association® (NFPA®); fire departments in the United States responded to 357,000 home fires with the majority of US fire deaths (4 out of 5) occurring at home each year. The fire death rate per 1000 home fires reported to US fire departments was 4 percent higher in 2017 than in 1980; and

WHEREAS, when the smoke alarm sounds Gladstone residents may have less than two minutes to escape to safety. Gladstone residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire. Gladstone residents should make a home escape plan, drawing a map of each level of the home, showing all doors and windows. Gladstone residents should practice the home fire escape plan with everyone in the household, including visitors. Gladstone residents should practice the home fire escape drill at least twice a year, during the day and at night. Gladstone residents should teach children to escape on their own in case adults can't help them; and

WHEREAS, Gladstone residents should make sure everyone in the home knows how to call 9-1-1 or the local emergency number from a cell phone or a neighbor's phone. Gladstone residents should practice using different ways out and Gladstone residents in a real emergency should get low and go under the smoke to get out quickly. Gladstone residents should get out and stay out, never going back inside the home for people, pets, or things. Gladstone residents are responsive to public education measures and are able to take action to increase their safety from fire, especially in their homes; and

WHEREAS, the 2019 Fire Prevention Week theme, "Not Every Hero Wears a Cape. Plan and Practice Your Escape!" effectively serves to remind us that we need to take personal steps to increase our safety from fire.

THEREFORE, I Carol J. Suter, Mayor of Gladstone, Missouri, on behalf of the City Council and citizens of Gladstone, do hereby proclaim October 6–12, 2019, as:

FIRE PREVENTION WEEK

throughout Gladstone, and I urge all the people of Gladstone to be aware of their surroundings, look for available ways out in the event of a fire or other emergency, respond when the smoke alarm sounds by exiting the building immediately, and to support the many public safety activities and efforts of Gladstone's fire and emergency services during Fire Prevention Week 2019.

PROCLAMATION OF THE MAYOR

WHEREAS, volunteering one's time and resources has traditionally been, and continues to be, an elemental part of the essence and tradition of our country and is essential to its spirit and vitality; and

WHEREAS, for over 29 years the Gladstone Emergency Volunteers, comprised of numerous dedicated volunteers and thousands of hours, have taken time out of their own demanding lives to help make the City of Gladstone a better place to live, and they make significant contributions to bettering social, community and cultural conditions of the City of Gladstone; and

WHEREAS, those individuals have become a vital and positive force in our community and demonstrated a common conviction: that charity and social responsibility manifest all that is good in the individual, and the wellbeing of the community is largely on the helping of others; and

WHEREAS, volunteerism is vital, fulfilling, and enriching to the participants as well as to the recipients of the service and should be encouraged for the benefits to all and the community at large; and

WHEREAS, the City Council recognizes the value of the men and women of the Gladstone Emergency Management Association volunteers, through their volunteer work at Theater in the Park, Fourth of July celebration, the annual Gladfest and numerous other events along with storm spotting and assisting Gladstone Public Safety in emergency situations.

NOW, THEREFORE, I, Carol J. Suter, Mayor of the City of Gladstone, Missouri, on behalf of the City Council and Gladstone residents, do hereby proclaim October 2019 as

VOLUNTEER APPRECIATION MONTH

and thank all of our volunteers for their dedication and service to the City and urge our residents to recognize the valuable work done by volunteers.

PROCLAMATION OF THE MAYOR

WHEREAS, the Volunteers in Police Service Programs ultimate goal is to enhance the capacity of state and local law enforcement to engage volunteers in lasting partnerships that improve public safety and quality of life in the communities they serve; and

WHEREAS, VIPs volunteers have made a selfless, generous commitment to the City of Gladstone: and

WHEREAS, the "V.I.P.S." volunteers have been an invaluable asset to the Gladstone Police and City of Gladstone, performing important volunteer tasks such as vacation house checks, property room organization and any other duty or detail that may be assigned to them; and

WHEREAS, the tasks completed by the Police Volunteers have enabled the Gladstone Police officers to be more readily available for emergency, and other priority 911 calls; and

WHEREAS, the selfless volunteer service of the aforementioned "V.I.P.S." Police Volunteers has created an undeniable benefit to the citizens of Gladstone, Gladstone Police and the City of Gladstone.

NOW, THEREFORE, BE IT RESOLVED, I Carol J. Suter, Mayor of the City of Gladstone, Missouri, on behalf of the members of the Gladstone City Council and all Gladstone residents, do hereby desire to publicly acknowledge and thank all of the aforementioned Police Volunteers for their loyal, dedicated, and devoted service to the City of Gladstone.

PROCLAMATION OF THE MAYOR

WHEREAS, Code Compliance Officers provide for the safety, health, and welfare of citizens living in communities throughout the United States through the enforcement of building, zoning, housing, fire safety, environmental, and other codes and ordinances; and

WHEREAS, Code Compliance Officers are dedicated, well-trained and highly responsible individuals who take their jobs seriously, and are proud of their departments and local government within which they serve, and are committed to saving lives and improving neighborhoods in the course of their daily jobs; and

WHEREAS, the American Association of Code Enforcement hosts its Annual Conference during the month of October each year; and

WHEREAS, the American Association of Code Enforcement, acting on behalf of its more than 1,200 members, requests that October be set aside to honor and recognize Code Compliance Officers and to highlight the contributions these individuals have made to improve communities throughout the United States, in particularly the City of Gladstone; and we extend our heartfelt thanks to Code Compliance Officers for their continued commitment to public service; and

WHEREAS, Code Compliance Officers urge the people of Gladstone be aware of code violations, work with the City to remediate code violations, and to maintain the vitality and charismatic appearance of the City; providing for a safe, healthy, and prosperous community.

NOW, THEREFORE, I, CAROL J. SUTER, Mayor of the City of Gladstone, Missouri, on behalf of the members of the Gladstone City Council and all Gladstone residents, do hereby proclaim October 2019, as:

NATIONAL CODE ENFORCEMENT MONTH

RESOLUTION NO. R-19-48

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR AUDIT SERVICES FOR THE CITY OF GLADSTONE, MISSOURI, WITH BERBERICH TRAHAN & CO. P.A. (BT & CO.)

WHEREAS, proposals were received for professional audit services, and the proposal of Berberich Trahan & Co. P.A. for such services has been determined by the Audit Selection Committee to be the best overall bid; and

WHEREAS, the total annual cost for the audit and Comprehensive Annual Financial Report preparation is \$38,250 for FY19 audit with a 2% annual increase for each future audit.

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 negotiate and execute a contract with Berberich Trahan & Co. P.A. for a period of five years subject to annual renewal and budget appropriations commencing on July 1, 2019 through June 30, 2023, with optional annual renewals thereafter.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 23rd DAY OF SEPTEMBER 2019.

Mayor Carol J. Suter

ATTEST:

Ruth E. Bocchino



Request for Council Action

RES ☒ # R-19-48

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 9/17/2019

Department: Finance

Meeting Date Requested: 9/23/2019

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

Subject: Audit Services

Background: The current contract for audit services with Berberich Trahan & Co. P.A. for the City of Gladstone ended with the completion of the 2018 fiscal year audit and completion of the Comprehensive Annual Financial Report (CAFR). A request for proposals was drafted and posted on the City's website. The RFP requested a breakdown of expenses for audit of the financial statements, single audit, and assistance for the CAFR, as well as firm and staff qualifications. The City received one proposal by the previous auditors. The proposal was evaluated by the Director of Finance and Senior Accountant and deemed to be reasonable. Given the cost and the existing relationship between staff and audit firm, staff is recommending accepting the proposal from Berberich Trahan & Co. P.A. with the option to renew annually for five years.

Budget Discussion: Funds are budgeted in the amount of \$ 38,250 from the General, Community Center, Public Safety Sales Tax, Combined Waterworks and Sewerage System Fund with a 2% increase per year. Ongoing costs are estimated to be \$39,025, \$39,815, \$40,620, and \$41,440, respectively annually. Previous years' funding was \$38,000

Public/Board/Staff Input: Resolution, sealed bid and proposal to follow

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

Dominic Accurso
Department Director/Administrator

-
City Attorney

SW
City Manager



BERBERICH TRAHAN & CO., P.A.
Certified Public Accountants

August 26, 2019

Mr. Scott Wingerson, City Manager
City of Gladstone, Missouri
7010 N. Holmes Street
Gladstone, Missouri 64118

The Objective and Scope of the Audit of the Financial Statements

You have requested that we audit the City of Gladstone, Missouri's (the City) governmental activities, business-type activities, the discretely presented component unit, each major fund and aggregate remaining fund information as of and for the year ended June 30, 2019 which collectively comprise the basic financial statements. We will also apply certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America and will report on whether supplementary information is fairly stated, in all material respects, in relation to the financial statements as a whole. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter.

Our audit will be conducted with the objective of our expressing an opinion on the financial statements.

You have informed us that you desire us to issue a report on the basic financial statements of the City as of and for the year ended June 30, 2019 conforming only to the requirements of auditing standards generally accepted in the United States of America. This reporting will not be used for purposes to comply with a requirement calling for an audit in accordance with *Government Auditing Standards*.

We will also perform the audit of the City as of June 30, 2019, so as to satisfy the audit requirements imposed by the Single Audit Act and Subpart F of Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

The Responsibilities of the Auditor

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (GAAS); "Government Auditing Standards" (GAS) issued by the Comptroller General of the United States; and the provisions of the Single Audit Act, Subpart F of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance), and U.S. Office of Management and Budget's (OMB) Compliance Supplement. Those standards, regulations, supplements, or guides require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

An Independently Owned Member, RSM US Alliance

RSM US Alliance member firms are separate and independent businesses and legal entities that are responsible for their own acts and omissions, and each are separate and independent from RSM US LLP. RSM US LLP is the U.S. member firm of RSM International, a global network of independent audit, tax, and consulting firms. Members of RSM US Alliance have access to RSM International resources through RSM US LLP but are not member firms of RSM International.



Mr. Scott Wingerson, City Manager
City of Gladstone, Missouri
Page 2

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with GAAS. Also, an audit is not designed to detect errors or fraud that is immaterial to the financial statements. The determination of abuse is subjective; therefore, GAS does not expect us to provide reasonable assurance of detecting abuse.

In making our risk assessments, we consider internal control relevant to the City's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.

We will also communicate to the City (a) any fraud involving senior management and fraud (whether caused by senior management or other employees) that causes a material misstatement of the financial statements that becomes known to us during the audit, and (b) any instances of noncompliance with laws and regulations that we become aware of during the audit (unless they are clearly inconsequential).

The component unit whose financial statements you have told us are to be included as part of the City's basic financial statements is the Gladstone Special Road District No. 3.

We are responsible for the compliance audit of major programs under the Uniform Guidance, including the determination of major programs, the consideration of internal control over compliance, and reporting responsibilities.

Our report on internal control will include any significant deficiencies and material weaknesses in controls of which we become aware as a result of obtaining an understanding of internal control and performing tests of internal control consistent with requirements of the standards and circulars identified above. Our report on compliance matters will address material errors, fraud, abuse, violations of compliance obligations, and other responsibilities imposed by state and federal statutes and regulations or assumed by contracts, and any state or federal grant, entitlement, or loan program questioned costs of which we become aware, consistent with requirements of the standards and regulations identified above.

The Responsibilities of Management and Identification of the Applicable Financial Reporting Framework

Our audit will be conducted on the basis that management and when appropriate, those charged with governance, acknowledge and understand that they have responsibility:

- a. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
- b. To evaluate subsequent events through the date the financial statements are issued or available to be issued, and to disclose the date through which subsequent events were evaluated in the financial statements. Management also agrees that it will not evaluate subsequent events earlier than the date of the management representation letter referred to below.
- c. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error;
- d. For establishing and maintaining effective internal control over financial reporting and for informing us of all significant deficiencies and material weaknesses in the design or operation of such controls of which it has knowledge;
- e. For report distribution; and



Mr. Scott Wingerson, City Manager
City of Gladstone, Missouri
Page 3

- f. To provide us with:
- (1) Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements such as records, documentation, and other matters;
 - (2) Additional information that we may request from management for the purpose of the audit;
 - (3) Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence;
 - (4) When applicable, a summary schedule of prior audit findings; and
 - (5) If applicable, responses to any findings reported on the schedule of findings and questioned costs.

As part of our audit process, we will request from management written confirmation concerning representations made to us in connection with the audit, including among other items:

- a. That management has fulfilled its responsibilities as set out in the terms of this letter; and
- b. That it believes the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

Management is responsible for identifying and ensuring that City complies with the laws and regulations applicable to its activities, and for informing us about all known material violations of such laws or regulations. In addition, management is responsible for the design and implementation of programs and controls to prevent and detect fraud or abuse, and for informing us about all known or suspected fraud or abuse affecting the City involving management, employees who have significant roles in internal control, and others where the fraud or abuse could have a material effect on the financial statements or compliance. Management is also responsible for informing us of its knowledge of any allegations of fraud or abuse or suspected fraud or abuse affecting the City received in communications from employees, former employees, analysts, regulators, short sellers, or others.

Management is responsible for the preparation of the supplementary information presented in relation to the financial statements as a whole in accordance with accounting principles generally accepted in the United States of America. Management agrees to include the auditor's report on supplementary information in any document that contains the supplementary information and that indicates that the auditor has reported on such supplementary information. Management also agrees to present the supplementary information with the audited financial statements or, if the supplementary information will not be presented with audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance of the supplementary information and the auditor's report thereon.

Because the audit will be performed in accordance with the Single Audit Act and the Uniform Guidance, management is responsible for (a) identifying all federal awards received and expended; (b) preparing the schedule of expenditures of federal awards (including notes and noncash assistance received) in accordance with Uniform Guidance requirements; (c) internal control over compliance; (d) compliance with federal statutes, regulations, and the terms and conditions of federal awards; (e) making us aware of significant vendor relationships where the vendor is responsible for program compliance; (f) following up and taking corrective action on audit findings, including the preparation of a summary schedule of prior audit findings and a corrective action plan; and (g) submitting the reporting package and data collection form.

The City Council is responsible for informing us of its views about the risks of fraud or abuse within the City, and its knowledge of any fraud or abuse or suspected fraud or abuse affecting the City.



BERBERICH TRAHAN & CO., P.A.
Certified Public Accountants

Mr. Scott Wingerson, City Manager
City of Gladstone, Missouri
Page 4

You have informed us that you may issue public debt in the future and that you may include our report on your financial statements in the offering statement. You have further informed us that you do not intend that we be associated with the proposed offering.

We agree that our association with any proposed offering is not necessary, providing the City agrees to clearly indicate that we are not associated with the contents of any such official statement or memorandum. The City agrees that the following disclosure will be prominently displayed in any such official statement or memorandum:

Berberich Trahan & Co., P.A., our independent auditor, has not been engaged to perform, and has not performed, since the date of its report included herein, any procedures on the financial statements addressed in that report. Berberich Trahan & Co., P.A., also has not performed any procedures relating to this [official statement] [memorandum].]

Because Berberich Trahan & Co., P.A. will rely on the City and its management and City Council to discharge the foregoing responsibilities, the City holds harmless and releases Berberich Trahan & Co., P.A., its directors, and employees from all claims, liabilities, losses, and costs arising in circumstances where there has been a knowing misrepresentation by a member of the City's management which has caused, in any respect, Berberich Trahan & Co., P.A.'s breach of contract or negligence. This provision shall survive the termination of this arrangement for services.

Records and Assistance

If circumstances arise relating to the condition of the City's records, the availability of appropriate audit evidence or indications of a significant risk of material misstatement of the financial statements because of error, fraudulent financial reporting, or misappropriation of assets which, in our professional judgment, prevent us from completing the audit or forming an opinion, we retain the unilateral right to take any course of action permitted by professional standards, including declining to express an opinion, issue a report, or withdraw from the engagement.

During the course of our engagement, we may accumulate records containing data that should be reflected in the City's books and records. The City will determine that all such data, if necessary, will be so reflected. Accordingly, the City will not expect us to maintain copies of such records in our possession.

The assistance to be supplied by City personnel, including the preparation of schedules and analyses of accounts, has been discussed and coordinated with Dominic Accurso, Director of Finance. The timely and accurate completion of this work is an essential condition to our completion of the audit and issuance of our audit report.

In connection with our audit, you have requested us to perform certain non-audit services necessary for the preparation of the financial statements, including preparing the financial statements and note disclosures. The GAS independence standards require that the auditor maintain independence so that opinions, findings, conclusions, judgments, and recommendations will be impartial and viewed as impartial by reasonable and informed third parties. Before we agree to provide a non-audit service to the City, we determine whether providing such a service would create a significant threat to our independence for GAS audit purposes, either by itself or in aggregate with other non-audit services provided. A critical component of our determination is consideration of management's ability to effectively oversee the non-audit service to be performed. The City has agreed that Dominic Accurso, Director of Finance, possesses suitable skill, knowledge, or experience and that the individual understands the non-audit services to be performed sufficiently to oversee them. Accordingly, the management of the City agrees to the following:



BERBERICH TRAHAN & CO., P.A.
Certified Public Accountants

Mr. Scott Wingerson, City Manager
City of Gladstone, Missouri
Page 5

1. The City has designated Dominic Accurso, Director of Finance, as a senior member of management, who possesses suitable skill, knowledge, and experience to oversee the services.
2. Dominic Accurso, Director of Finance, will assume all management responsibilities for subject matter and scope of the non-audit services listed above.
3. The City will evaluate the adequacy and results of the services performed.
4. The City accepts responsibility for the results and ultimate use of the services.

GAS further requires we establish an understanding with the management and those charged with governance of the objectives of the non-audit service, the services to be performed, the City's acceptance of its responsibilities, the auditor's responsibilities, and any limitations of the non-audit service. We believe this letter documents that understanding.

Other Relevant Information

From time to time and depending upon the circumstances, we may use third-party service providers to assist us in providing professional services to you. In such circumstances, it may be necessary for us to disclose confidential client information to them. We enter into confidentiality agreements with all third-party service providers and we are satisfied that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others.

RSM US LLP will be available to support Berberich Trahan & Co., P.A. by rendering services related to the performance of the engagement. If a situation occurs in connection with the proposed engagement for which we would request the services of RSM US LLP, we will notify you and obtain permission from you before giving access to your records. We will maintain supervision, control and ultimate responsibility for the performance of this engagement.

Berberich Trahan & Co., P.A. is independently owned and operated and assumes full responsibility for the quality of service delivered to our clients. We are responsible for our own client fee arrangements and maintenance of our client relationships.

RSM US Alliance provides its members with access to resources of RSM US LLP. RSM US Alliance member firms are separate and independent businesses and legal entities that are responsible for their own acts and omissions, and each are separate and independent from RSM US LLP. RSM US LLP is the U.S. member firm of RSM International, a global network of independent audit, tax and consulting firms. Members of RSM US Alliance have access to RSM International resources through RSM US LLP but are not member firms of RSM US LLP and RSM International. RSM, the RSM logo and RSM US ALLIANCE are trademarks of RSM International Association or RSM US. The services and products provided by RSM US Alliance are proprietary to RSM US LLP.

In accordance with GAS, a copy of our most recent peer review report is enclosed for your information.



Mr. Scott Wingerson, City Manager
City of Gladstone, Missouri
Page 6

Fees, Costs, and Access to Workpapers

Our fees for the services described above are based upon the value of the services performed and the time required by the individuals assigned to the engagement, plus direct expenses. Our fee estimate and completion of our work is based upon the following criteria:

- a. Anticipated cooperation from City personnel
- b. Timely responses to our inquiries
- c. Timely completion and delivery of client assistance requests
- d. Timely communication of all significant accounting and financial reporting matters
- e. The assumption that unexpected circumstances will not be encountered during the engagement

If any of the aforementioned criteria are not met, then fees may increase. We propose that our fee for this audit engagement, which includes out-of-pocket expenses, will be \$ 34,000. This fee does not include additional work to be performed if a single audit is required as a result of federal expenditures exceeding \$ 750,000 in any one year. If a single audit is required, there will be an additional \$ 2,250 fee for compliance testing and reporting for one major program. If there are additional major programs, our fee for each additional major program will be \$ 1,500. Our fee for CAFR preparation will be \$ 2,000. The quoted fee for the year ended June 30, 2019 will be the maximum for the work described in this letter unless the scope of the engagement is changed, the assistance which the City has agreed to furnish is not provided, or unexpected conditions are encountered. No changes will be made in the maximum agreed to amount without discussion with you regarding the proposed change. All other provisions of this letter will survive any fee adjustment. No changes will be made to the fee without discussion with you regarding the proposed change. Interim billings will be submitted as work progresses and as expenses are incurred. Billings are due upon submission.

In accordance with our policy, a finance charge of 1% per month will be applied to balances that are over 60 days old. Payments will be applied first to the accrued finance charges and then to outstanding invoices.

In the event we are requested or authorized by the City or are required by government regulation, subpoena, or other legal process to produce our documents or our personnel as witnesses with respect to our engagement for the City, the City will, so long as we are not a party to the proceeding in which the information is sought, reimburse us for our professional time and expenses, as well as the fees and expenses of our counsel, incurred in responding to such requests.

The documentation for this engagement is the property of Berberich Trahan & Co., P.A. However, you acknowledge and grant your assent that representatives of the cognizant or oversight agency or their designee, other government audit staffs, and the U.S. Government Accountability Office shall have access to the audit documentation upon their request and that we shall maintain the audit documentation for a period of at least three years after the date of the report, or for a longer period if we are requested to do so by the cognizant or oversight agency. Access to requested documentation will be provided under the supervision of Berberich Trahan & Co., P.A. audit personnel and at a location designated by our Firm.

You have informed us that you intend to prepare a comprehensive annual financial report (CAFR) and submit it for evaluation by the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting. Our association with the CAFR is to consist of assistance with preparation of the CAFR and review the CAFR to insure its readiness for submission.



BERBERICH TRAHAN & CO., P.A.
Certified Public Accountants

Mr. Scott Wingerson, City Manager
City of Gladstone, Missouri
Page 7

Claim Resolution

The City and Berberich Trahan & Co., P.A. agree that no claim arising out of services rendered pursuant to this agreement shall be filed more than two years after the date of the audit report issued by Berberich Trahan & Co., P.A. or the date of this arrangement letter if no report has been issued. In no event shall either party be liable to the other for claims of punitive, consequential, special, or indirect damages. Berberich Trahan & Co., P.A.'s liability for all claims, damages and costs of the City arising from this engagement is limited to the amount of fees paid by the City to Berberich Trahan & Co., P.A. for the services rendered under this arrangement letter.

If any dispute arises among the parties hereto, the parties agree first to try in good faith to settle the dispute by mediation administered by the American Arbitration Association under its Rules for Professional Accounting and Related Services Disputes before resorting to litigation. The costs of any mediation proceeding shall be shared equally by all parties.

The City and Berberich Trahan & Co., P.A. both agree that any dispute over fees charged by Berberich Trahan & Co., P.A. to the City will be submitted for resolution by arbitration in accordance with the Rules for Professional Accounting and Related Services Disputes of the American Arbitration Association. Such arbitration shall be binding and final. In agreeing to arbitration, we both acknowledge that, in the event of a dispute over fees charged by Berberich Trahan & Co., P.A., each of us is giving up the right to have the dispute decided in a court of law before a judge or jury and instead we are accepting the use of arbitration for resolution.

Information Security – Miscellaneous Terms

Berberich Trahan & Co., P.A. is committed to the safe and confidential treatment of the City's proprietary information. Berberich Trahan & Co., P.A. is required to maintain the confidential treatment of client information in accordance with relevant industry professional standards which govern the provision of services described herein. The City agrees that it will not provide Berberich Trahan & Co., P.A. with any unencrypted electronic confidential or proprietary information, and the parties agree to utilize commercially reasonable measures to maintain the confidentiality of the City's information, including the use of collaborate sites to ensure the safe transfer of data between the parties.

Berberich Trahan & Co., P.A. may terminate this relationship immediately in its sole discretion if Berberich Trahan & Co., P.A. determines that continued performance would result in a violation of law, regulatory requirements, applicable professional standards or Berberich Trahan & Co., P.A.'s client acceptance or retention standards, or if the City is placed on a verified sanctioned entity list or if any director or executive of, or other person closely associated with, the City or its affiliates is placed on a verified sanctioned person list, in each case, including but not limited to lists promulgated by the Office of Foreign Assets Control of the U.S. Department of the Treasury, the U.S. State Department, the United Nations Security Council, the European Union or any other relevant sanctioning authority.

If any term or provision of this arrangement letter is determined to be invalid or unenforceable, such term or provision will be deemed stricken and all other terms and provisions will remain in full force and effect.



BERBERICH TRAHAN & CO., P.A.
Certified Public Accountants

Mr. Scott Wingerson, City Manager
City of Gladstone, Missouri
Page 8

Reporting

We will issue a written report upon completion of our audit of the City's financial statements. Our report will be addressed to the City Council of the City. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

In addition to our report on the City's financial statements, we will also issue the following types of reports:

- A report on the fairness of the presentation of the City's schedule of expenditures of federal awards for the year ending June 30, 2019.
- Reports on internal control related to the financial statements, and major programs. These reports will describe the scope of testing of internal control and the results of our tests of internal controls.
- Reports on compliance with laws, regulations, and the provisions of contracts or grant agreements. We will report on any noncompliance which could have a material effect on the financial statements and any noncompliance which could have a material effect, as defined by Subpart F of Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance), on each major program.
- An accompanying schedule of findings and questioned costs.

This letter constitutes the complete and exclusive statement of agreement between Berberich Trahan & Co., P.A. and the City, superseding all proposals, oral or written, and all other communications, with respect to the terms of the engagement between the parties.

Please sign and return the enclosed copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the financial statements including our respective responsibilities.

Very truly yours,

BERBERICH TRAHAN & CO., P.A.

Stacey A. Hammond
Director

SAH:tls
Enclosures

Confirmed on behalf of the City of Gladstone, Missouri:

Scott Wingerson, City Manager

Date

Dominic Accurso, Director of Finance

Date



BERBERICH TRAHAN & CO., P.A.
Certified Public Accountants

Mr. Scott Wingerson, City Manager
City of Gladstone, Missouri
Page 9

A signed copy of this arrangement letter will be forwarded to the following pursuant to *Government Auditing Standards* Amendment No. 2, "Auditor Communication."

- I. For all financial statement audits performed in accordance with GAS:
 - a. City Council

RESOLUTION NO. R-19-49

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 13 IN THE AMOUNT OF \$156,320.00 TO THE CONTRACT WITH LAN-TEL COMMUNICATIONS SERVICES, INCORPORATED, FOR THE 2019 CURB, GUTTER AND SIDEWALK PROJECT TP1804.

WHEREAS, additional work under the 2019 Curb, Gutter and Sidewalk Project has been determined necessary and is recommended by 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 execute Change Order No. 13 to the contract with Lan-Tel Communications Services, Incorporated, TP1804 for the 2019 Curb, Gutter and Sidewalk Project, as follows:

Original Contract Amount:	\$ 169,357.50
Change Orders 1 - 12	<u>415,761.75</u>
Total approved to date:	585,119.25
Change Order 13	<u>156,320.00</u>
Revised Contract Amount:	<u><u>\$ 741,439.25</u></u>

FURTHER, THAT, funds for such purpose are authorized from the Transportation Sales Tax Fund and will be reimbursed as authorized by Resolution R-19-34.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 23rd DAY OF SEPTEMBER 2019.

Mayor Carol J. Suter

ATTEST:

Ruth E. Bocchino, City Clerk



Request for Council Action

RES ☒ # R-19-49

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 9/17/2019

Department: Public Works

Meeting Date Requested: 9/23/2019

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

Subject: Change Order 13 to Project TP1804 for the 2019 Curb, Gutter and Sidewalk Program

Background: The contract for Project TP1804 was awarded to Lan-Tel Communications Services, Inc. as authorized by Resolution 18-03. Resolution R-19-29 modified the scope of that contract to include the 2019 Curb, Gutter, and Sidewalk Program. Change Order 13 further expands the scope of work to accelerate the installation of curb, gutter, and sidewalk this fall on additional streets as part of a City-wide financing package planned for 2020. A financial breakdown of the contract is as follows:

Original Contract Amount:	\$ 169,357.50
Change Orders 1 - 12	415,761.75
Total approved to date:	585,119.25
Change Order 13	156,320.00
Revised Contract Amount:	\$741,439.25

Budget Discussion: Funds are budgeted in the amount of \$ 160,000 from the TST Fund. Ongoing costs are estimated to be \$ N/A annually. Previous years' funding was \$N/A.

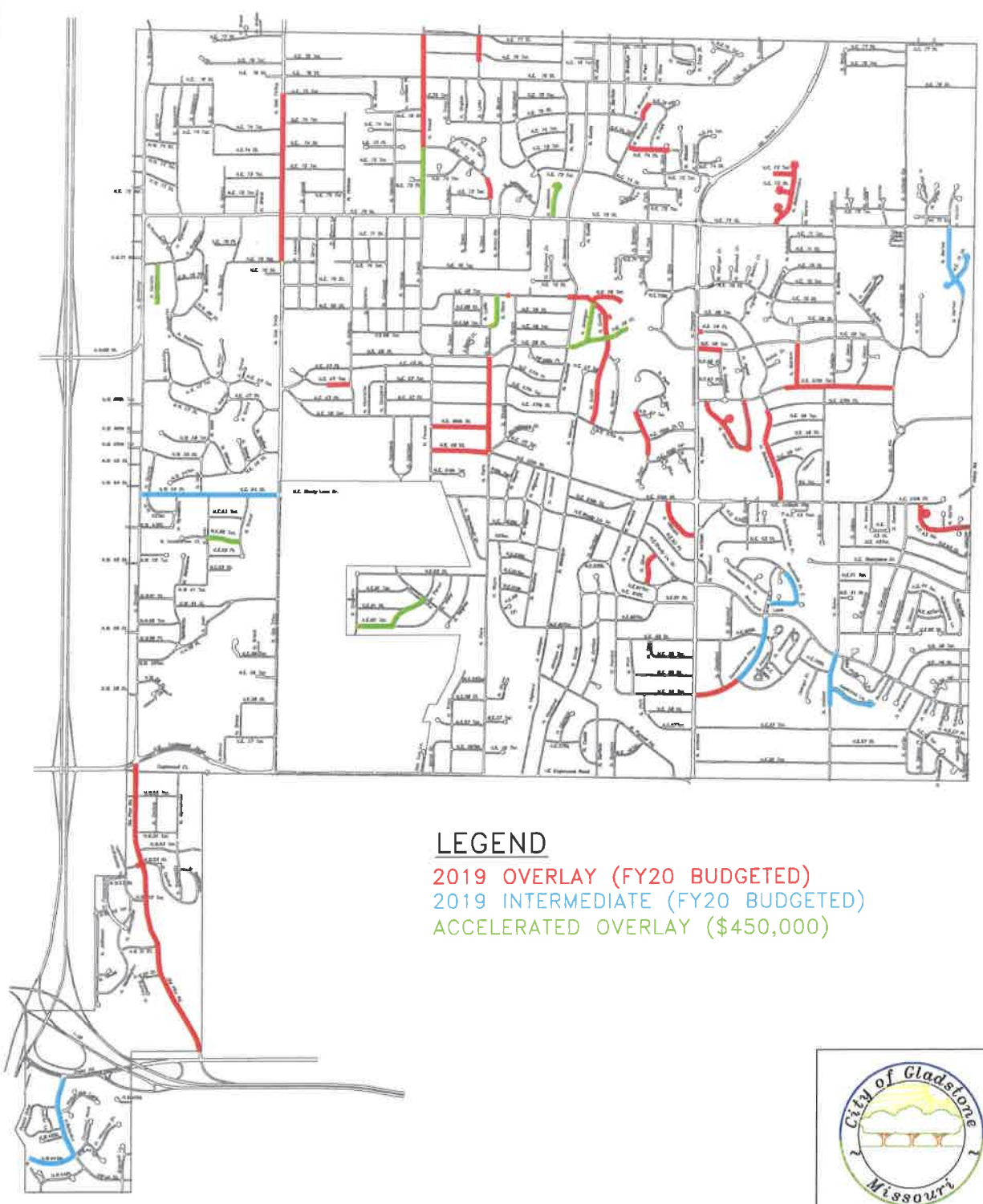
Public/Board/Staff Input: TST Funds will be reimbursed at a later date from the 2020 financing package as authorized by Resolution R-19-34.

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

Timothy A. Nebergall
Department Director/Administrator

City Attorney

SW
City Manager



LEGEND

2019 OVERLAY (FY20 BUDGETED)

2019 INTERMEDIATE (FY20 BUDGETED)

ACCELERATED OVERLAY (\$450,000)



PROPOSED 2019 STREET MAINTENANCE PROGRAM

RESOLUTION NO. R-19-50

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 IN THE AMOUNT OF \$242,212.20 TO THE CONTRACT WITH METRO ASPHALT INCORPORATED, FOR THE 2019 MILL AND OVERLAY PROGRAM, PROJECT TP2006.

WHEREAS, additional work under the 2019 Mill and Overlay Project has been determined necessary and is recommended by 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 execute Change Order No. 1 to the 2019 Mill and Overlay Project TP2006 with Metro Asphalt, Incorporated, as follows:

Original Contract Amount:	\$ 877,189.90
Change Order 1	<u>242,212.20</u>
Revised Contract Amount:	<u>\$ 1,119,402.10</u>

FURTHER, THAT, funds for such purpose are authorized from the Transportation Sales Tax Fund and will be reimbursed as authorized by Resolution R-19-34.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 23rd DAY OF SEPTEMBER 2019.

Mayor Carol J. Suter

ATTEST:

Ruth E. Bocchino, City Clerk



Request for Council Action

RES ☒ # R-19-50

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 9/17/2019

Department: Public Works

Meeting Date Requested: 9/23/2019

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

Subject: Change Order 1 to Project TP2006 for the 2019 Mill & Overlay Program

Background: The contract for Project TP2006 was awarded to Metro Asphalt, Incorporated as authorized by Resolution R-19-22. Change Order 1 further expands the scope of work to accelerate the mill and overlay of additional streets this fall as part of a City-wide financing package planned for 2020. A financial breakdown of the contract is as follows:

Original Contract Amount:	\$ 877,189.90
Change Order 1	242,212.20
Revised Contract Amount:	\$1,119,402.10

Budget Discussion: Funds are budgeted in the amount of \$ 250,000 from the TST Fund. Ongoing costs are estimated to be \$ N/A annually. Previous years' funding was \$N/A.

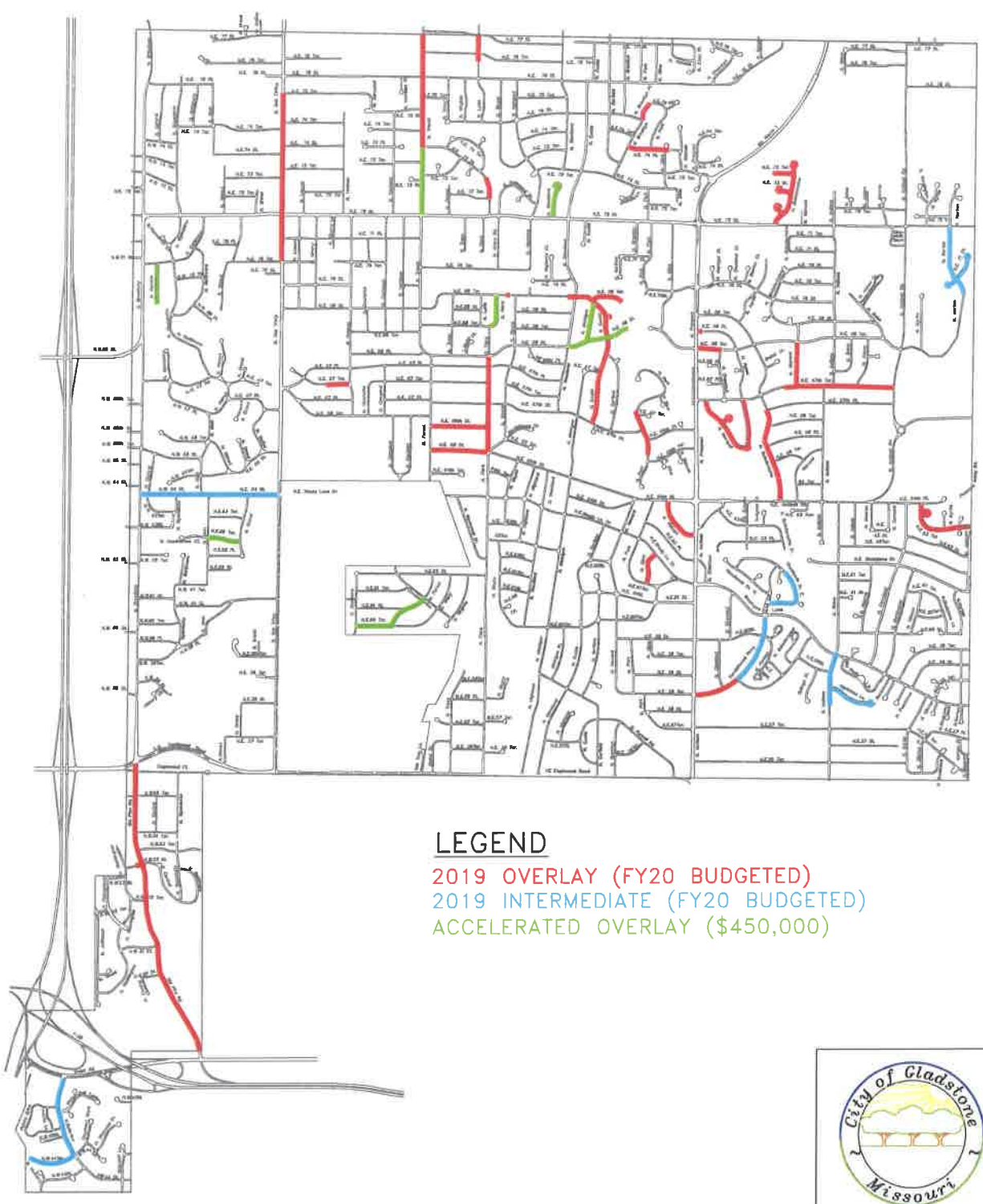
Public/Board/Staff Input: TST Funds will be reimbursed at a later date from the 2020 financing package as authorized by Resolution R-19-34.

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

Timothy A. Nebergall
Department Director/Administrator

City Attorney

SW
City Manager



PROPOSED 2019 STREET MAINTENANCE PROGRAM

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: SEPTEMBER 9, 2019
PERMIT NO.: BP-19-00751
RE: TYPE 4 OUTDOOR SPECIAL EVENT

NAME OF EVENT: iWERX PROMOTIONAL EVENT
LOCATION OF EVENT: 602 NE 70TH STREET
LINDEN SQUARE
DATE OF EVENT: SUNDAY, SEPTEMBER 29, 2019
TIME OF EVENT: 2:00PM – 10:00PM
EST. ATTENDANCE: 1,500

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: iWerx Gladstone is hosting a musical event, promoting local business. City staff has reviewed the application and find that the requested variance 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: 9/9/2019

Department: Community Development

Meeting Date Requested:

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

Subject: Outdoor Special Event Permit

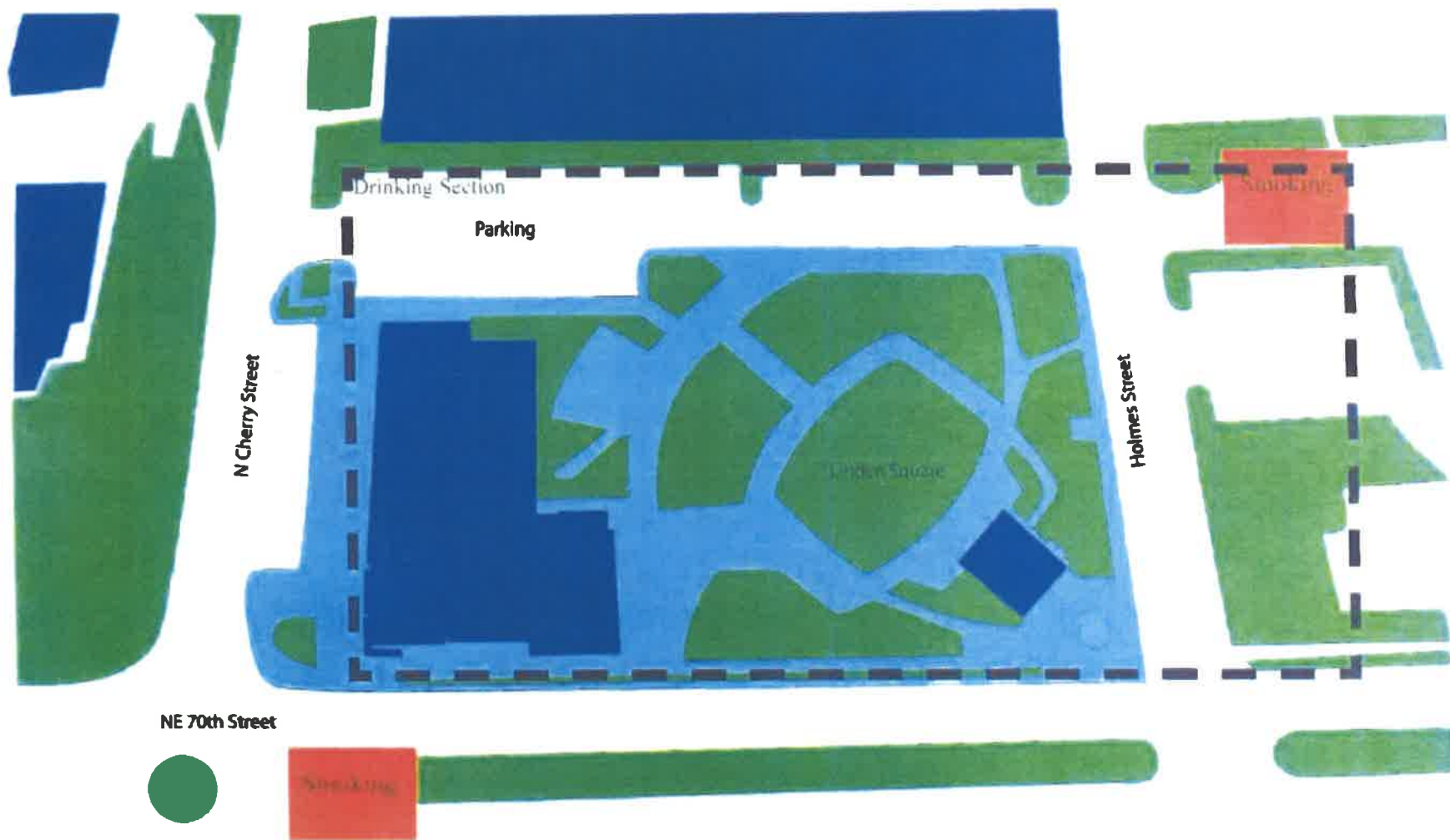
Background: iWerx Gladstone will be hosting a musical event, promoting local businesses at Linden Square on Sunday, September 29th from 2:00pm – 10:00pm. This event is free to all businesses, residents, and anyone who wishes to connect with the City of Gladstone. The band performing for this event is called Hillbilly Casino out of Nashville, Tennessee; more information on them can be found at “hillbillycasino.net”. Their music is a blend of honkytonk, rockabilly, psychobilly, and straight up rock and roll.

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





CITY OF GLADSTONE

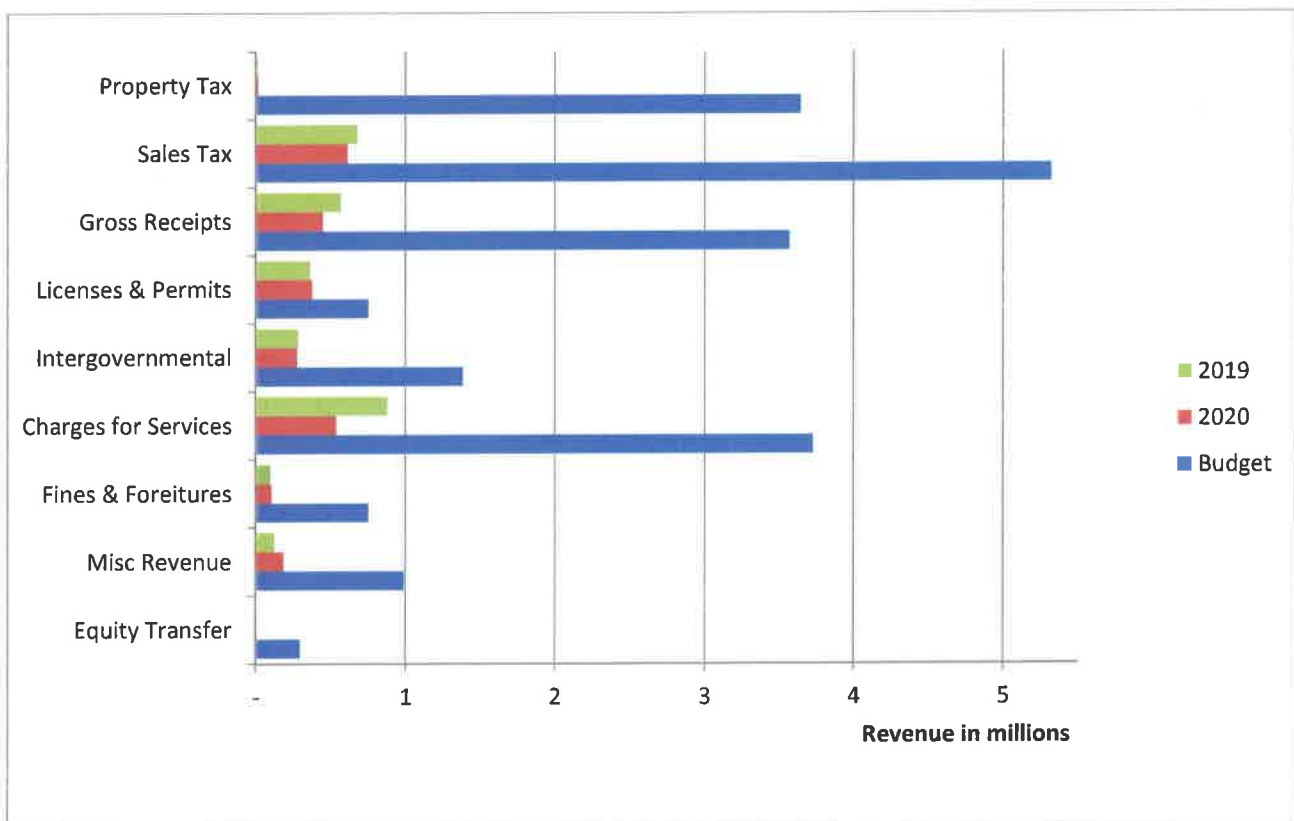
MISSOURI

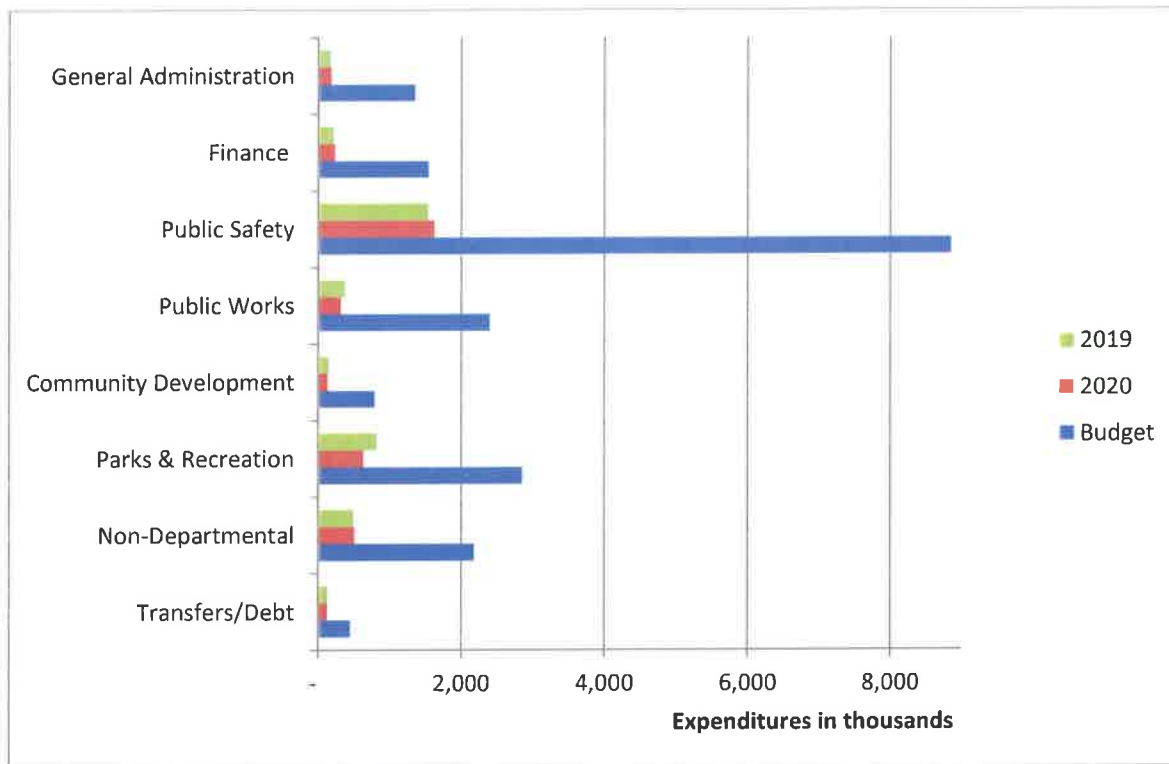
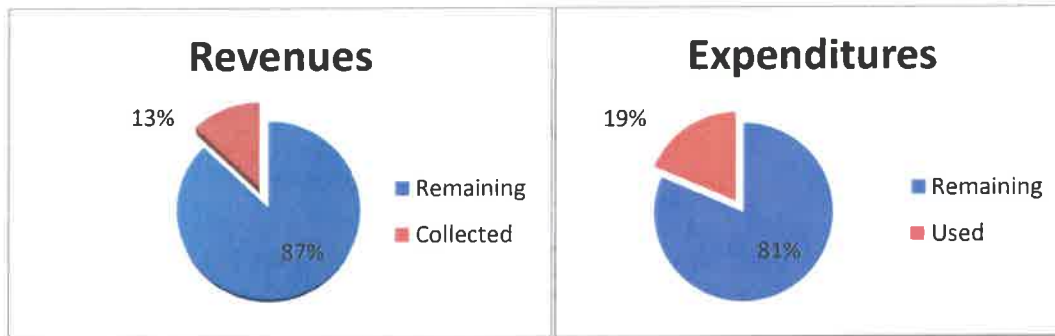
Financial Report for 2 months Ending
August 31, 2019

GENERAL FUND

General Fund Revenues

Total revenues for the General Fund through 2 months or 17% of this fiscal year are \$2,604,526 compared to total budgeted revenues for the year of \$20,459,600. Property tax receipts are \$21,326, an increase of \$3,942 from last year. Sales tax on a cash basis is \$619,662 or \$62,192 less than the same time last year due to the decrease in vehicle sales tax and late remittance. Gross receipts taxes are \$455,143, down 20% or \$117,287 from last year, mainly due to a decrease in electric gross receipts and decreasing telecom and wireless receipts. License and Permits revenues are \$383,406, up 4% or \$15,397 from the same time as last year due to building and right of way permits being issued. Intergovernmental revenue has decreased by \$4,874 from the previous year to \$281,691. Charges for Services are 543,010, down 38% or \$339,672 compared to the previous year due to multiple large overnight senior trips in the 2019 fiscal year. Fines and Forfeitures have increased 8% from the same time last year to 109,233. Miscellaneous Revenue is \$191,056, up 50% due to rental of downtown buildings.

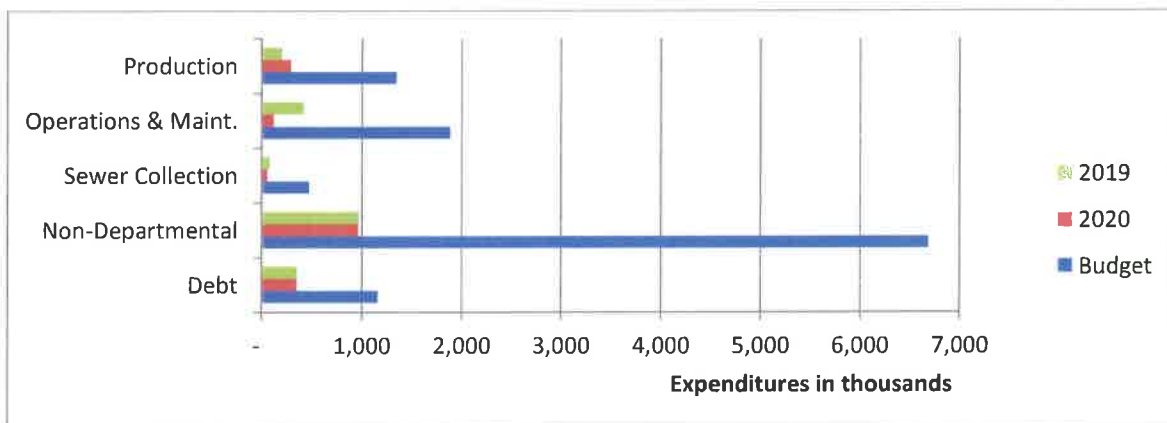
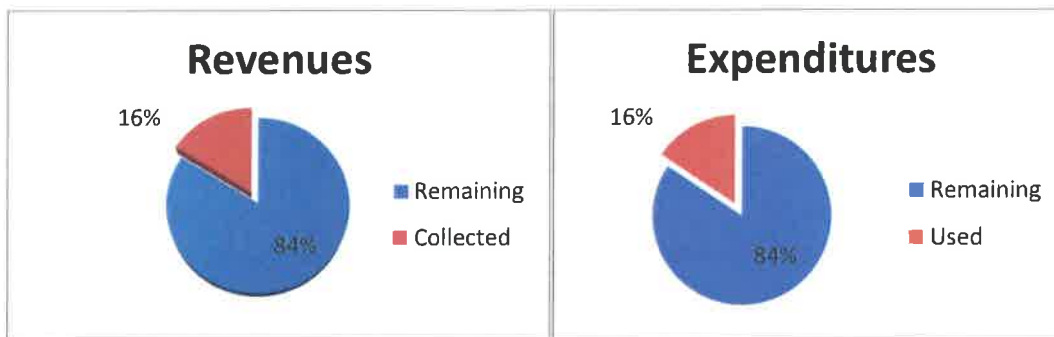
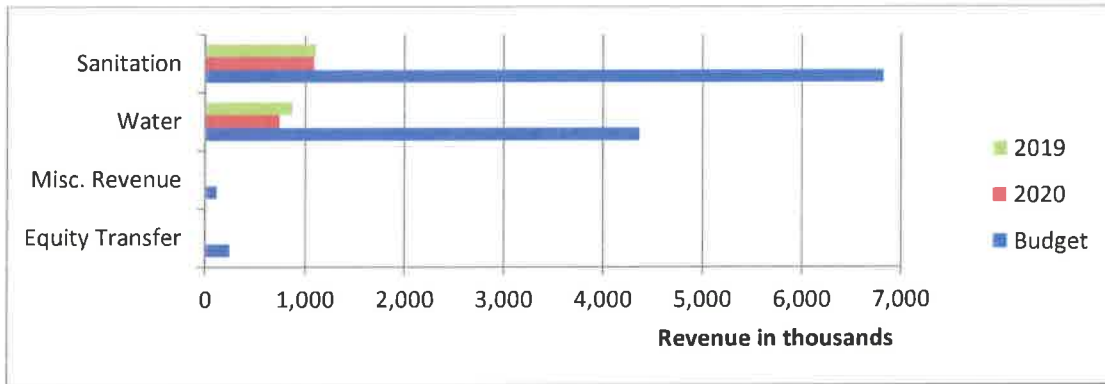




Expenditures through 2 months or 17% of this fiscal year amounted to \$3,793,714 or 19% of FY20 budgeted expenditures of \$20,450,275. This indicates that actual expenditures are 2% or \$96,433 less than last year's expenditures of \$3,890,147. General Administration expenditures increased \$17,302 or 10% from last year for a total of \$185,679 due to personnel costs. Finance expenditures are up 10% to \$237,520 due to the timing of software maintenance invoice. Public Safety expenditures are \$1,629,440, up \$88,903 or 6% due to increased personnel costs. Public Works expenditures have decreased to \$318,373 or 14% due to open positions. Community Development expenditures are \$137,216, a decrease of 7% or \$10,908 due to the timing of contractual obligations and changes in personnel. Parks & Recreation expenditures are \$638,928, down 22% or \$179,080 from the same time last year due to decreases in Senior Activities. Non-Departmental increased \$17,373 to \$511,351 due to increases in downtown development agreement expenses and insurance cost. Transfers and debt are comparable to the prior year. Current expenditures are greater than revenues in the amount of \$1,189,187. This is due to the City's full year insurance premium and debt payments being due in July, while the bulk of the property taxes will not come in until January.

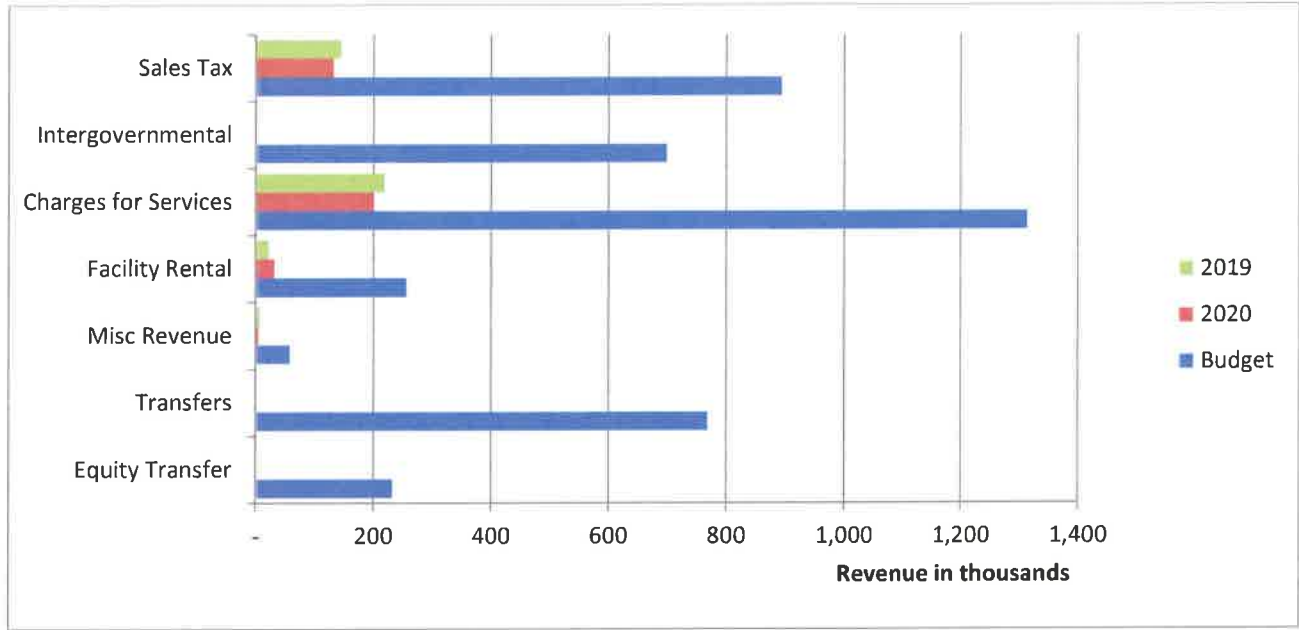
COMBINED WATER AND SEWERAGE SYSTEM FUND

Total budgeted revenues for the fiscal year are \$11,564,905. Total revenues through 2 months or 17% of this fiscal year, amounted to \$1,856,109 or 16% of FY20 budgeted revenues. Revenues are down 7% or \$138,355 from last year due to decreased water and sewer consumption.



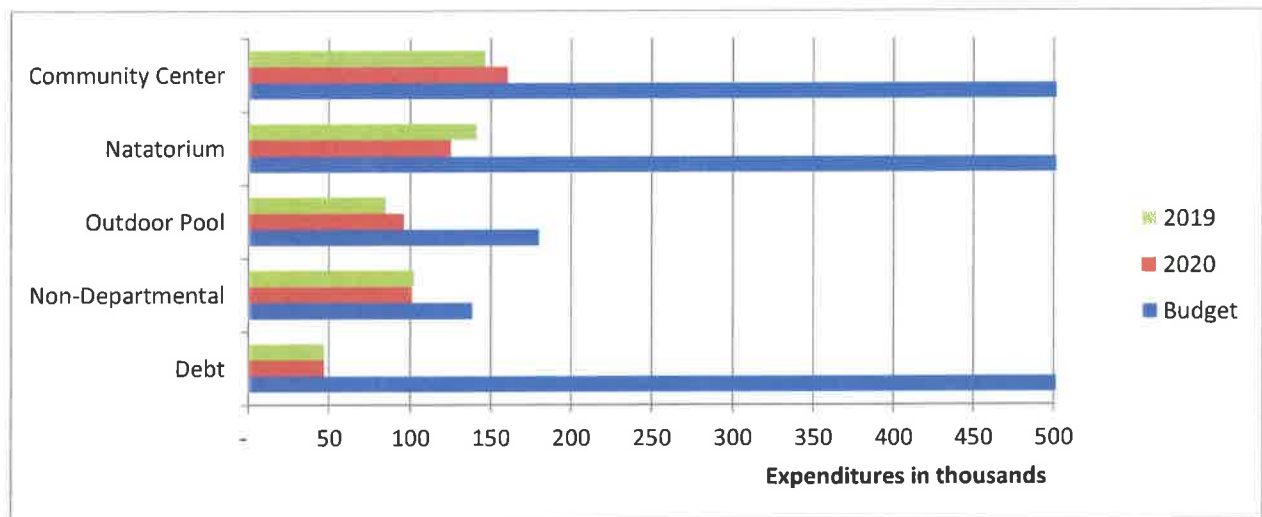
Total budgeted expenses for the fiscal year are \$11,561,656. Total expenses through 2 months or 17% of this fiscal year amounted to \$1,807,461 or 16% of FY20 budgeted expenses. Production expenditures are up \$89,599 to \$297,181 due to additional lime sludge maintenance. Operations division expenditures are \$126,111, down 27%, or \$290,452 due to the timing of water line replacements. Sewer division expenditures are down 27% or \$9,099 due to the timing of sewer line replacements. Non-departmental is down 14% due to a decrease in sewer usage. Debt payments are comparable to the prior year. Current revenue exceeds current expense by \$48,648.

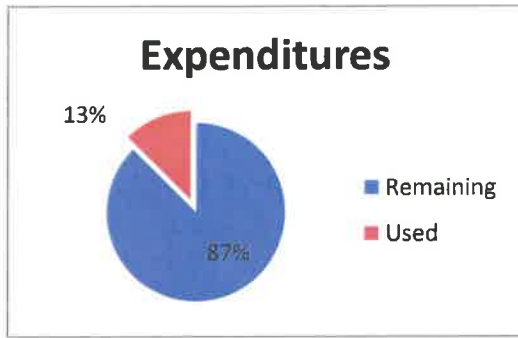
COMMUNITY CENTER AND PARKS TAX FUND



Total budgeted revenues for the fiscal year are \$4,223,765. Total revenues through 2 months or 17% of this fiscal year, amounted to \$372,564 or 9% of FY20 budgeted revenues. Sales tax received is \$133,380, down 8% or \$12,361 from the previous year. Payment from the North Kansas City School District usually occurs in January. Charges for Service are \$201,013, down 8% or \$17,737. Revenue from facility rental is \$32,743, up \$9,957 due to increased facility and pool rental. Miscellaneous revenue is comparable to the prior year. Operating and debt transfers will be

made throughout the fiscal year.

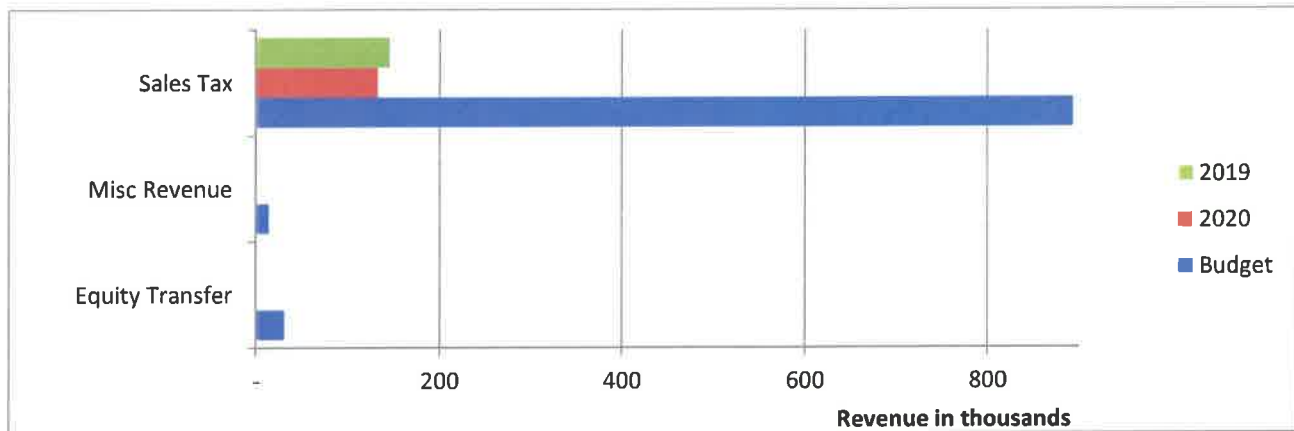




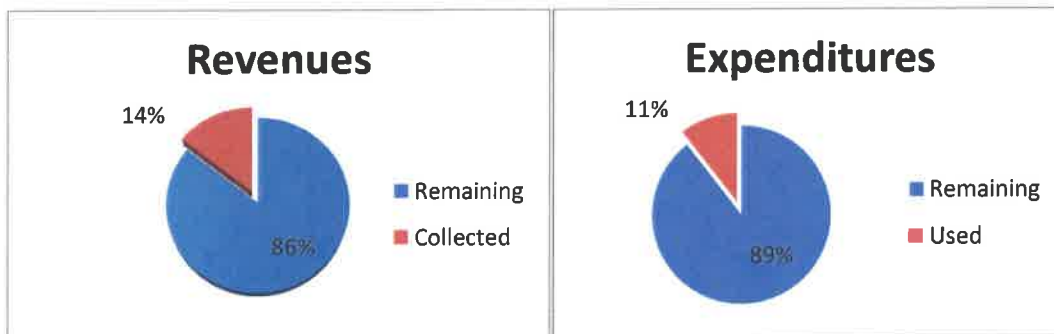
Total budgeted expenditures for the fiscal year are \$4,223,765. Total expenses through 2 months or 17% of this fiscal year, amounted to \$530,507 or 13% of FY20 budgeted expenses. Community Center expenses have increased 10% from the same time last year to \$160,745 due to personnel. The Natatorium expenses are \$125,248, down \$15,956 from the same time last year due to the timing of capital purchases. Outdoor Pool expenses are up 14% to \$96,249 due to personnel. Non-departmental and debt are comparable to the prior year. Current expense exceeds current

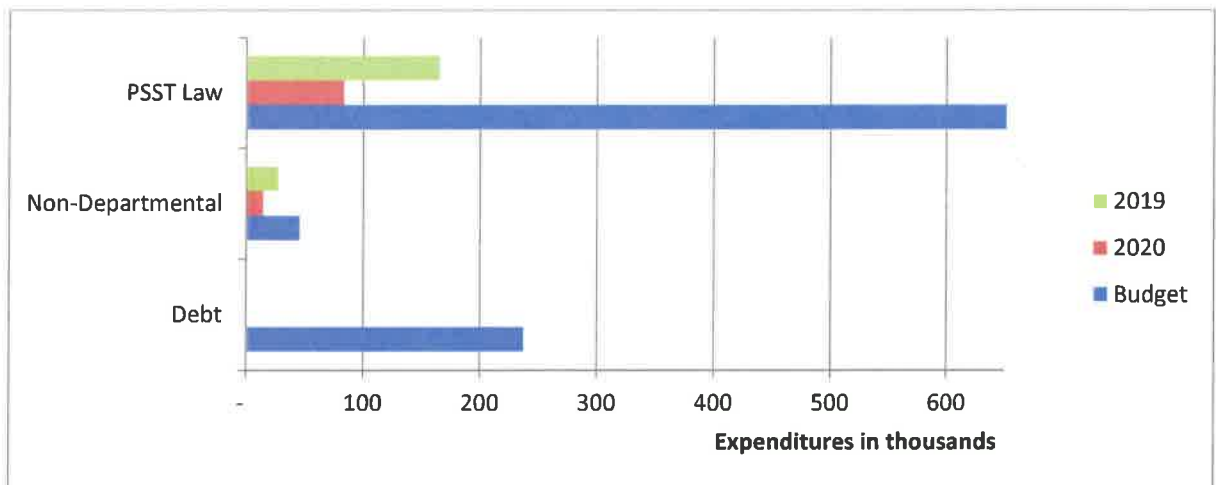
revenue by \$157,944.

PUBLIC SAFETY SALES TAX FUND



Total budgeted revenues for the fiscal year are \$940,228. Total revenues through 2 months or 17% of this fiscal year amounted to \$134,438 or 14% of FY20 budgeted revenues. Sales tax on a cash basis is down 15%. Miscellaneous revenue is comparable to the previous year.





Total budgeted expenditures for the fiscal year are \$940,228. Total expenses through 2 months or 17% of this fiscal year are \$98,826 or 11% of the FY20 budgeted expenses. Law division is down 49% due to personnel and the timing of capital purchases. Non-Departmental is \$15,063, down \$12,629 due to the timing of equipment maintenance. Payments for debt are comparable to the prior year. Current revenues are greater than current expenditures. Net income on a cash basis is \$35,611.

Respectfully submitted,

Dominic Accurso

Dominic Accurso
Director of Finance

RESOLUTION NO. 19-51

A RESOLUTION AUTHORIZING ACCEPTANCE OF A PROPOSAL FROM SUPERION L.L.C., A SUBSIDIARY OF SQUARE TECHNOLOGIES, LAKE MARY, FLORIDA, FOR THE PURCHASE OF PUBLIC ADMINISTRATION SOFTWARE FOR THE TOTAL PURCHASE AMOUNT OF \$373,814.20.

WHEREAS, software designed for public administration (budgeting, accounting, utility billing, citizen engagement, licensing, code enforcement, permitting, and ancillary systems) were evaluated; and

WHEREAS, the Central Square Technologies software far exceeded the capabilities of other products evaluated.

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, be and is hereby authorized to accept the proposal from Superion, a Central Square Technologies Company, for the purchase amount of \$373,814.20.

Public Administration Software and ancillary systems - TOTAL COST: \$373,814.20

FURTHER, THAT, funds for such purpose are authorized from the General Fund.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI THIS 23rd DAY OF SEPTEMBER 2019.

Mayor Carol J. Suter

ATTEST:

Ruth E. Bocchino



Request for Council Action

RES ☒ # R-19-51

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 9/17/2019

Department: Finance

Meeting Date Requested: 9/23/2019

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

Subject: Public Administration Software

Background: Staff has been researching acquiring new software for accounting/budgeting, utility billing, and Community Development. Memo, contracts, and resolution to follow.

Budget Discussion: Funds are budgeted in the amount of \$ 373,814.20 from the 2019 Security Bank Lease Purchase Fund. Ongoing costs are estimated to be \$ 31,415 with a 3% yearly escalation for 10 years, annually. Previous years' funding was \$55,000 with yearly escalation

Public/Board/Staff Input: Memo, contracts, and resolution to follow

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

Dominic Accurso
Department Director/Administrator

City Attorney

SW
City Manager



Department of Finance
Memorandum

DATE: September 18, 2019

TO: Scott Wingerson – City Manager

FROM: Dominic Accurso – Director of Finance

RE: **Municipal Software**

At the September 9th City Council Open Study Session, Central Square Technologies gave a short presentation on how their citizen engagement portal could help the City as well as the stakeholders of the City of Gladstone. The software would give the City the option to have re-occurring utility billing payments, pay for one or several permits, pay multiple utility bills (or just check on the history), report a code violation, or report other issues that needed attention.

Staff has been researching new software for the accounting/budgeting, utility billing, and community development functions for about two years. We have talked with other cities to see what they are using and how they are using their software. We have also had numerous demonstrations from companies in that same time frame.

Since the study session, staff has made site visits to see how the cities are using the software to accomplish their goals. The Village of Hoffman Estates was very happy to let Senior Accountant Ryan Johnston and I observe several of the financial accounting functions. They took us through a monthly bank reconciliation, walked through their purchasing process, observed pcard uploads, and created financial reports that were improvements from our current software. We also were able to observe how their workflow works and internal controls provided by the software.

Community Development Administrator and I visited the city of Coral Springs to observe how they used the Community Development portion of the software. Alan observed how code enforcement conducts inspections, closing out a case in the field, creating a new case in the field, and citizen access on an iPad. The process was very unique as the software will take your cases for the day and place them in an order for inspection on an aerial map. This order can be changed or not followed if need be. What was distinctive is that all you had to do was touch the dot on the iPad for the location and the case would popup on the screen. We were also able to observe the licensing process, and how businesses were submitting applications online with attachments.

The ability to start water service without visiting City Hall is not a function of the software. Residents are asked to come into City Hall to start water service to have some level of assurance of who is receiving the service. Residents are required to have a photo ID and a copy of the lease if the property is a rental. Staff is researching how policy and procedure could be changed to not require a physical visit to City Hall to start service, and will be presented to Council at a future study session. Another question asked by the Council was how current users would be notified about the change. Staff will work with Central Square to create a plan to ensure that all current users of Citizen Access are aware of the software change and do everything possible to assist in getting residents set up in the new software.

One of the greatest considerations of purchasing the software is cost. The greatest part of the cost of the software comes from the set-up, data conversion, and training. Total implementation costs are expected to be \$373,814.20 and will be paid as the implementation process occurs (estimated 9 to 12 months). Staff has negotiated the annual price escalation from 5% to 3% for 10 years, saving \$34,000 from price escalation alone. The annual fee for the software will be between \$20,000 and \$25,000 less per year than the current software we are using, recovering over 60% of the implementation costs.

Staff is recommending that the City enter into an agreement with Central Square Technologies for public administration software. The software is a vast improvement over the current software being used.

BILL NO. 19-40

ORDINANCE NO. 4.491

AN ORDINANCE DIRECTING THE CITY MANAGER TO PARTICIPATE IN THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION BLUEPRINT FOR SAFER ROADWAYS PROGRAM AND SIGN AN AGREEMENT WITH THE COMMISSION TO UTILIZE STATE ROAD FUNDS IN AN AMOUNT OF NO MORE THAN \$6,007.00 FOR THE PURCHASE OF RADAR SPEED SIGNS FOR THE CITY OF GLADSTONE.

LEGISLATIVE FINDINGS

1. The City of Gladstone and the Missouri Highways and Transportation Commission seek to promote safety on roadways.
2. The Commission has authorized State Road Funds to be used to support the regional Blueprint for Safer Roadways.
3. State Road Funds, which are the subject of the agreement with the Missouri Highway and Transportation Commission, will support Missouri's Blueprint for Safer Roadways through the acquisition of traffic calming equipment for school zones and reimburse eligible costs in the amount of no more than \$6,007.00.
4. Executing an agreement with Missouri Highways and Transportation Commission to participate in the Blueprint for Safer Roadways Program is in the best interests of the residents of the City of Gladstone.

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

1. The City of Gladstone agrees to participate in Missouri's Regional Blueprint for Safer Roadways Program.
2. The City Manager is authorized to sign the Missouri Highways and Transportation Commission Blueprint for Safer Roadways Program agreement.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI THIS 23RD DAY OF SEPTEMBER, 2019.

Mayor Carol J. Suter

ATTEST:

Ruth Bocchino, City Clerk

FIRST READING: September 23, 2019

SECOND READING: September 23, 2019



Request for Council Action

RES ☐ #

BILL ☒ # 19-40

ORD # 4.491

Date: 9/13/2019

Department: Public Safety

Meeting Date Requested: 09/23/2019

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

Subject: Missouri Highways and Transportation Commission Blueprint for Safer Roadways Program Agreement.

Background: The Missouri Highways and Transportation Commission Blueprint for Safer Roadways Programs provide funding to support the program. The City of Gladstone was awarded a grant through this program to acquire traffic calming equipment (radar speed signs) for school zones in the amount not to exceed \$6,007.00.

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

Public/Board/Staff Input: Staff recommends authorizing the agreement.

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

Department Director/Administrator
Chief Michael J. Hasty
Director of Public Safety

City Attorney

SW
City Manager

GLADSTONE PLANNING COMMISSION
AMENDED MINUTES

Council Chambers August 19, 2019

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

Commissioners present were: Chase Cookson
Mike Ebenroth
J.N. Hernandez
Alicia Hommon
Gary Markenson
Katie Middleton
Kim Murch
James New
Bill Turnage
Larry Whitton
Jennifer McGee, Chair

Also present: Jean Moore, Mayor Pro Tem
Scott Wingerson, City Manager
Bob Baer, Assistant City Manager
Alan Napoli, Building Official/Com Dev Administrator
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: August 5, 2019.** Chair McGee asked if there was a motion to approve the minutes from the August 5, 2019 meeting. Mr. Murch moved to approve the minutes; Ms. Hommon seconded. The minutes were approved, 12-0.
4. **Other Business.** None.
5. **Public Hearing: Site Plan Revision, 6221 N Chestnut Avenue, File #2019-008.**

"The minutes were taken by Cross Reporting for this meeting."

MOTION: By Mr. Markenson, seconded by Mr. Whitton, to approve the Site Plan Revision, 6221 N Chestnut Avenue, File #2019-008. The motion carried 9-3 (1-no, 2-abstain).

6. **Communications from City Council.** None.
7. **Communications from City Staff.** None.
8. **Communications from Planning Commission Members.** None.
9. **Adjournment.** Ms. Hommon motioned to adjourn; Mr. Murch seconded.

Chair McGee adjourned the meeting at 7:24 p.m.

PLANNING COMMISSION MEETING - August 19, 2019

CITY OF GLADSTONE, MISSOURI

CROSS REPORTING SERVICE

Certified Court Reporters

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PLANNING COMMISSION MEETING - 08/19/2019

Page 3

GLADSTONE PLANNING COMMISSION HEARING

Monday, August 19, 2019

Appearances:

Mayor Pro Tem Moore
Commissioner Cookson
Commissioner Ebenroth
Commissioner Hernandez
Commissioner Hommon
Commissioner Markenson
Commissioner Middleton
Commissioner Murch
Commissioner New
Commissioner Turnage
Commissioner Whitton
Chair McGee
CD Administrator/Building Official Alan Napuli
Assistant to the City Manager Austin Greer
Recording Secretary Cheryl Lamb

NICOLE M. CALCARA, C.C.R.

for

CROSS REPORTING SERVICE, INC.

not a re-zoning of the property. The current zoning of this property is CP-3 and is zoned for this proposed use. The site plan shows additional trees and landscaping being planted on the eastern side of the property located directly behind the proposed convenience store and gas station creating the required 35 foot buffer zone between the subject commercial and residential properties. There is also proposed landscaping on the western side of the property near the planned monument sign and green space between the two egress and ingress access points on North Chestnut Avenue. City Staff recommends the trees and shrubs being planted on the property be native to Missouri by nature in an effort to aid in better streetscape and survival.

In the BMP analysis conducted by Kaw Valley Engineering, runoff drains towards the southwest corner of the property and a bio-swale will be implemented to treat and capture runoff from the fueling area prior to runoff exiting the site.

The large mechanical equipment for this project is being relocated from the roof of the building to the ground and will be adequately screened from public view with materials similar in design to the rest of the structure. All screening will be reviewed via the building permit process.

Included in the Planning Commission packet is a

Page 2

CHAIR MCGEE: I now call the Planning Commission of Monday, August 19th, meeting to order.
(Roll called.)
(Pledge of Allegiance.)
CHAIR MCGEE: The next item on the agenda is the approval of the previous meeting minutes. Are there any corrections for the minutes or would someone like to make a motion to approve them as read?
(Motion made, seconded and carried.)
CHAIR MCGEE: The minutes stand as approved.
The next item is any other business.
MR. GREER: No other business tonight.
CHAIR MCGEE: Okay. Item No. 5 is a public hearing for a site plan revision of 6221 North Chestnut Avenue. File 2019-008. We will now open the public hearing. City Staff, do you want to give the report?
MR. GREER: Sure. Good evening, everyone. Thanks for being here tonight. The applicant is requesting site plan approval for the purpose of constructing a convenience store and gas station at 6221 North Chestnut Avenue, formerly known as Tanner's Restaurant. Their plan is to significantly remodel the building, bring the structure up to code and retrofit the property using a combination of EIFS stone, artificial stone, and a metal awning for the exterior.
This project is a proposed site plan revision and

Page 4

letter from World Fuel Services describing the experience of Amir Nadeem Mehdi, who will be the store operator for the proposed gas station and convenience store. Staff has also included a retail mystery shop for the proposed operator for their various other locations.
There are residents located to the east of the subject property that are opposed to this particular project. The Community Development Department has received multiple phone calls and a signed letter from the Woodlands HOA Board in opposition to this project in 2018 and 2019.
In 2018 Mr. Charles Cuda submitted a letter regarding issues and concerns of both the residents and the Planning Commission. This is included in the planning commission packet.
On Monday, June 24th, 2019, the project team for the proposed project held a neighborhood meeting with the Woodlands community. It is City Staff's understanding that the Woodlands neighborhood is still in opposition to this project.
During the Planning Commission and City Council hearings in 2018, there were concerns regarding decreased property values, potential crime, increased traffic and environmental impacts on the neighborhood.
City Staff recommends that the following conditions be considered if the planning commission and City Council

Page 5

1 choose to approve this project.
2 Request Number 1, any and all disturbed areas shall
3 be sodded.
4 Number 2, all manicured grass and landscaped areas
5 shall be maintained in perpetuity.
6 Number 3, all mechanical equipment located on the
7 roof and the ground shall be screened from public view
8 similar in design to the rest of the structure. All
9 screening will be reviewed via the building permit process.
10 Number 4, a compliant monument sign shall be used to
11 serve the development. The monument sign will need a minimum
12 of 240 square feet of area landscaping around the sign.
13 Number 5, relocation of the trash dumpster to the
14 northwest corner of the parking lot away from the residential
15 area adjacent to the property.
16 Number 6, all exterior lighting on the site shall be
17 LED and designed to reduce adverse impact on adjoining
18 residential properties.
19 Number 7, outdoor lighting cannot be greater than
20 0.25 foot candle with 10 feet beyond property line.
21 Number 8, dumpster shall be enclosed with materials
22 consistent with primary building. Specific colors shall be
23 submitted and approved as part of the building permit.
24 Number 9, Trash service, store deliveries, gasoline
25 refilling, underground commercial gasoline tanks, shall occur

Page 6

1 between hours of 7 and 10:00 p.m.
2 Number 10, tractor/trailers, storage containers and
3 other commercial vehicles including delivery trucks shall not
4 be parked or stored overnight on the premises.
5 Number 11, no more than 50 percent of the glazed
6 area of the building shall have signage.
7 Number 12, hours of operation are from 5:00 a.m.
8 through 2:00 a.m., the store will be closed from 2:00 a.m.
9 through 5:00 a.m., Monday through Sunday.
10 Number 13, signage compliant with the sign code
11 shall be used. Signage shall be approved at the time of
12 permitting.
13 Number 14, construct and maintain in perpetuity a
14 six foot PVC privacy fence, earth tone in color, along
15 eastern property line.
16 Number 15, maintain growth between the commercial
17 privacy fence and the residential privacy fence in
18 perpetuity.
19 The developer has agreed to all recommended
20 conditions. City Staff recommends that the request be
21 approved contingent upon the conditions listed above. The
22 date and time is scheduled Monday, September 9th, 2019, at
23 7:30 p.m., at the regular City Council meeting. Thank you and
24 that is all, Madam chairperson.
25 CHAIR MCGEE: Thank you. Would the

Page 7

1 applicant like to make a presentation?
2 MR. BOWERS: Yes.
3 CHAIR MCGEE: State your name and address.
4 MR. BOWERS: Madam chair, members of the commission,
5 my name is Jim Bowers. I'm a lawyer with Rouse Frets White
6 Goss. We have offices at 4510 Belleview, Kansas City,
7 Missouri. Here today on behalf of Chuck Cuda and his
8 company, Pauch, LLC, the developer of this project. As
9 housekeeping matter I would like to confirm Staff's report
10 that we have agreed to all 15 of the Staff's conditions.
11 With me today in addition to Mr. Cuda are the project
12 architect, Mr. Brian Ruoff, and to my left Melissa Van Trump,
13 who is my associate. We'll be available to answer any
14 questions you have at the conclusion of my presentation.
15 Also during my presentation the architectural
16 drawings prepared by Mr. Ruoff will be explained by him.
17 This is a request to approve a site plan. As Staff told you
18 the property is zoned CP-3. CP-3 permits a gasoline station
19 and a convenience store. So it's permitted use in the zoning
20 district in which we are located. The question is whether or
21 not this site plan should be approved. And the zoning
22 requirements are that in certain situations a site plan
23 review is appropriate, and we'll get into those circumstances
24 in just a moment. But this property was formerly occupied
25 and operated by Tanner's Bar. That project closed a number

Page 8

1 of months ago and this is a re-use of that property, try to
2 put it back into some commercial use consistent with the
3 zoning. You will recall I believe that most of you, that a
4 similar case was heard by you and by the City Council in 2018
5 that was ultimately denied by the City Council. This is the
6 same property, the same developer, same proposed use, but the
7 site plan and the approach is different. And for that reason
8 we believe this project is entitled to your recommendation
9 and the City Council's approval. We'll get into those a
10 little later.
11 What I didn't mention is the neighboring uses to the
12 north, south, and west of this site are commercial. The only
13 residential use adjacent to our property is to the east. The
14 Woodlands neighborhood. This is an aerial photograph of the
15 site outlined in yellow. And you will see that to the north
16 of us, to the south of us and to the west are commercial
17 uses. The Woodlands neighborhood is located in this area to
18 the east. This is the time line when you-all considered this
19 project in 2018 leading up to your consideration tonight.
20 August 19th, of the new proposed plan. Mr. Cuda is an
21 experienced developer. This isn't his first endeavor. He
22 has developed neighborhood retail shopping centers in the
23 Kansas City metropolitan area including Country Club shops,
24 Foxwood shops, Quality Plaza, all of these projects have
25 tenants that are local retail tenants. This slide shows the

Page 9

1 regulations that allow this use in a CP-3 district. And what
 2 it starts out with is an observation that shops and stores
 3 for the sale of food and beverage are first permitted in C-1,
 4 C-1 uses are accumulated into the C-2 category and in C-2 the
 5 dispensing of petroleum products is permitted for the first
 6 time. In C-3, which is the district we are in, it
 7 accumulates the uses allowed in C-1 and C-2, and that is how
 8 we get to the conclusion that this use is permitted in C-3.
 9 You will also see that the very last regulation mentioned on
 10 the site says that the uses that are permitted in C-3 shall
 11 be the same uses permitted in planned C-3. And we are a
 12 planned C-3 district. This slide shows the regulations that
 13 require a site plan in this case and what triggers the
 14 requirement, is any situation in which the square footage of
 15 the items for sale outside the premises is greater than the
 16 square footage of items for sale inside the premises. Or, in
 17 the alternative, if the proceeds from the sale of products
 18 outside exceeds 50 percent of the gross income of the entire
 19 project, this site plan review is required. Staff in this
 20 case considered we met those criteria. This is a copy of the
 21 zoning map. The star locates where this proposed project is.
 22 And you see the red with the hatch mark represents the CP-3
 23 zoning classification. The red area immediately to the north
 24 of us is C-3, without the plan requirement, and the property
 25 to the east obviously in yellow is residential, the Woodlands

Page 10

1 Neighborhood Association. This slide shows a photograph of
 2 the building, current building looking from the west side of
 3 the street directly east, and you see in the background the
 4 fence between the subject property and the Woodlands
 5 neighborhood. And the photograph at the bottom of the slide
 6 is a southeast orientation, so you are looking southeast at
 7 the building. This is coming from the other direction. This
 8 is southwest. And, finally, this is the back side of the
 9 building and the fence between the Woodlands neighborhood to
 10 the east and our property.

11 With that, I'm going to ask Mr. Ruoff to come up and
 12 go through the architectural drawings.

13 MR. RUOFF: Some changes have been made to the site,
 14 I'm going to go through those. Most of the people in this
 15 room are probably familiar with this project, but I'll back
 16 up for those who aren't. The proposed changes to the
 17 existing building, you can see the dashed line to the front
 18 of the building, we are proposing to remove 20 feet of the
 19 existing building. If you've been in the building it is the
 20 bar area. We are proposing to remove that part of the
 21 building and build a new facade to the existing buildings.
 22 Part of the discussions that occurred last year were rooftop
 23 screening and equipment on the roof that are existing now.
 24 And the issues of going back and screening that became
 25 impractical as far as the existing joists in the building.

Page 11

1 So we are proposing to take all the rooftop units off the
 2 building. The units that are now in the proposed units would
 3 all be removed from the roof. You can also see in this site
 4 plan because of all the landscaping we are adding to the east
 5 of the property, and I'll go through that when we get to the
 6 color version, we are proposing the fence to be 15 feet off
 7 the back of the existing fence to allow for practical
 8 implication of landscaping. These are similar elevations to
 9 what was proposed before. At that time we had a little bit
 10 higher parapet running around the building, because removing
 11 all of the equipment, and that is the existing parapet on the
 12 building, so this would be essentially a re-face of the
 13 building that would be there minus the front 20 feet. You
 14 can also see in this view that the lower part of the front of
 15 this would be a stone veneer. The process we've been through
 16 the last eight or nine months has been adding landscaping, so
 17 this depicts a fairly extensive -- it is a loaded east side.
 18 We've put in as many trees as we feel will physically be able
 19 to grow and exist long term. So we have a row of evergreen
 20 trees. I'll show you a -- I'll go straight to that. So we
 21 are proposing the trees in the picture in the lower left
 22 corner, very large tall evergreen trees, they would be along
 23 that entire back fence line. You can see the lower expanded
 24 version. And in front of those we would have eastern
 25 redbuds, which would be more of a broad -- those would be

Page 12

1 deciduous tree. And you can see where those line up in the
 2 front as space allows. And then we are using basically a
 3 skyrocket Juniper in the upper right corner. Those are
 4 smaller taller evergreen trees you normally find around trash
 5 enclosures, but we are going to use those to fill in
 6 landscaping gaps. You can see those along the equipment fence
 7 at the very bottom of the picture. So this is a color
 8 version of it. What you see in green is grass, the light
 9 green. And then the trees I just described are along that
 10 eastern edge. Then there is paving being removed
 11 extensively. That whole east side right now is paved and
 12 that is all being removed and landscaped. So there is a
 13 front view. This will be a spring version, that would be the
 14 eastern redbuds when they are in bloom. But that -- we put
 15 those in there that way to show the depth. Because if we had
 16 green on green it would be harder to depict the depth of the
 17 project. But there are two layers of trees going on in this.
 18 Then finally the photo metrics plan this is a slight tweak to
 19 the version we had a year ago, but, and it is hard to tell,
 20 but we have zero, zero foot candles at the eastern property
 21 line, at the actual property line all across the eastern
 22 edge. And it is actually that way all around the site except
 23 for the trash enclosure where we run into what Wendy's is
 24 doing. Probably there is going to be some overlap there,
 25 Because of the less than point one on the property line it

Page 13

1 will probably be a little more. But the eastern edge is
2 protected. And this is without the landscaping. The
3 landscaping would even filter that light even further. So
4 I'm not concerned about that being an issue at all, but I am
5 willing to answer any questions on that. Any questions for
6 me while I'm up here?

7 MR. MARKENSON: You said it clearly, but I want to
8 see if I understood it, the 20 feet that is coming off that
9 is the front of the building?

10 MR. RUOFF: Correct. There is actually a beam line
11 inside and we are going to that beam line where structurally
12 it makes sense.

13 CHAIR MCGEE: Can we hold the rest of the
14 Commission questions until the end? Thank you.

15 MR. BOWERS: Thank you, Brian. Next issue is storm
16 water. There have been certain comments made to us by the
17 neighbors about their understanding that storm water runs off
18 from our property onto their property to the east. And our
19 professional civil engineer, Kaw Valley Engineering went out
20 and took a look at this and they have a conclusion based upon
21 solid scientific analysis that water does not run uphill.
22 And uphill is the property to the east. We are downhill from
23 the eastern neighborhood. Our proposed project will actually
24 decrease the impervious surface and reduce overall site
25 runoff. There are parts of the property that are covered

Page 14

1 with asphalt that will not be when we are done with this
2 project. No on-site detention is required based on the
3 engineer's analysis. We are building bio-swales to capture
4 water that runs off the property that will filter, act as a
5 bio-filter of the property to the extent there are any
6 residual petroleum distillates in the run-off from the
7 asphalt parking lot. They will be filtered by the bio-swale
8 on the west side of the property before entering the general
9 storm water system. So we believe that will more than
10 adequately protect the environment.

11 Traffic, the traffic report that was part of the
12 19 -- 2018 application dealt with the analysis of this use
13 versus the prior historic uses and concluded that there will
14 be no traffic impact with this use that exceeds the traffic
15 impact that had occurred previously. As we indicated, there
16 was a neighborhood meeting June 24th at the Mid-Continent
17 Public Library. There were nine Woodland homeowners present.
18 And their homes were as close as Mr. and Mrs. Clymore's
19 property, which is about 75 feet to the east, and as far away
20 as Mrs. Vandever's property, which is 1500 feet away. Those
21 homes are shown on this map with yellow dots. Those yellow
22 dots indicate where those nine property owners live. And
23 again, our property is the star right there. The issues they
24 raised were security, lighting, noise, health and
25 environment. With respect to security, the operating hours

Page 15

1 as Staff pointed out will be limited to 5:00 a.m. to 2:00
2 a.m. The store will be closed between those hours of 2:00
3 a.m. in the morning and 5 a.m. Looking at the literature
4 concerning crime related to convenience stores, the Number 1
5 factor in determining the likelihood of crime, including
6 robbery, occurring in a convenience store is hours of
7 operation. And the likelihood of a 24-hour facility that is
8 open all night into the next morning is much greater than a
9 similar crime occurring at a facility that doesn't stay open
10 all night. The other interesting thing about the literature
11 is that a convenience store that sells gas is less likely to
12 be the focus of a criminal endeavor. That is what the
13 statistics show. So having gas pumps at a convenience store
14 lessens the likelihood of crime. In addition to the
15 operating hours, the layout of the store is very important.
16 And so the layout of the store will allow persons outside the
17 store to see in the store. The shelving in the store will
18 allow people outside the store to see the cash register.
19 Those things, according to the literature, very important in
20 minimizing the likelihood that this convenience store would
21 be the subject of a criminal attempt.

22 In addition to that, finally we are going to have
23 security cameras placed at strategic locations throughout the
24 facility and on the property which will be operating 24/7
25 with back-up tapes to allow us to observe anything that is

Page 16

1 going on and cooperate with local law enforcement officials
2 to the extent such cooperation is appropriate, because of the
3 activity. So we think the security issue has been addressed
4 by this. Lighting, as our architect Mr. Ruoff just told you,
5 the lighting plan shows zero foot candles at the property
6 boundary line. In addition to that, we will be using LED
7 lighting, which generally speaking is a less intrusive type
8 of lighting that doesn't have fugitive light running off the
9 property. And the Staff has suggested -- not suggested, but
10 required as conditions 6 and 7 that the lighting issue be
11 addressed. And we, of course, are complying with Staff's
12 request.

13 Noise, the concerns were traffic, deliveries, hours
14 of operation, dumpsters. Those were the issues raised at the
15 neighborhood meeting. First of all, we will comply with the
16 City's noise ordinance, Chapter 120 of the local code as a
17 provision which prevents commercial properties adjacent to
18 residential properties from conducting any unreasonably loud
19 and raucous noise from the premises, including any outdoor
20 area. And that is particularly true between the hours of
21 10:00 p.m. and 7:00 a.m. We, of course, will comply with the
22 local ordinance. In addition to that, Staff conditions 5, 8,
23 9, 10, 12, 14, and 15 address the noise issue.

24 Finally, health and environment, air pollution was
25 brought up. And I see in the packet that was handed to me

Page 17

1 this evening that a brief in opposition on our application
2 has been submitted to you that contains photostatic copies of
3 articles that have been published concerning the vent pipe
4 emissions from storage tanks. Let me tell you a little bit
5 about some of that research. I thought that might come up.
6 But before I do, I would like to just address, if I could, a
7 house keeping issue. As I understand your rules,
8 cross-examination of witnesses is not permitted. Am I
9 correct?
10 CHAIR MCGEE: That's correct.
11 MR. BOWERS: What is important about that is whether
12 a case is considered contested or uncontested, and I believe
13 this is an uncontested case because cross-examination is not
14 permitted. There was a recent Supreme Court case on that
15 issue. I just wanted the record to be clear. So I won't try
16 to cross-examine anyone and I won't make a formal objection
17 which I otherwise would to the admission of those articles,
18 they are hearsay and should not be part of the record. But
19 with that said, the study -- there is only one study that --
20 that I am aware of that appears in the literature, and that
21 was done last year of two gas stations. One in the Northwest
22 and one in the Midwest. And both of them were large gasoline
23 service stations that operated. Large means a station
24 capable of pumping 3.6 six million gallons per year. And
25 what the study did was analyze the venting of the underground

Page 18

1 storage tanks that have gasoline in them. At the time that
2 the tanker trucks are unloading the gas into the underground
3 tanks, there is a certain emission that occurs that is vented
4 through a pipe. That is how these facilities are
5 constructed. There are techniques to capture that air.
6 that -- the fumes, the petroleum aerosol, and those
7 techniques include what is called a stage one vapor recovery
8 system to collect those vapors. We will be employing that
9 system. Does that collect all of the vapors? No, the answer
10 is, they don't. But it minimizes vapors. And we are doing
11 everything in this operation we can to minimize the vapors.
12 What the study of these two stations that was produced last
13 year was analyzing was whether or not California's Air
14 Resources Board, their recommendation in the year 2005, that
15 a distance of 300 feet should be maintained between schools
16 and daycare centers and gasoline service stations that pro --
17 that pump 3.6 million gallons of gas a year, should be
18 enlarged. And that is just a recommendation. It is not a
19 rule. The California AIR Resources Board has a
20 recommendation adopted in 2005 that says you shouldn't put a
21 daycare facility or a school within 300 feet of a large
22 volume gasoline service station. Now, that is not the law
23 anywhere. It is just a recommendation. And this article
24 that we are talking about was a study as to whether or not
25 the 300 foot rule was adequate or not. And it -- all of the

Page 19

1 analysis is based on two gasoline service stations of this
2 large size. I would submit to you nothing in that report,
3 nothing in that recommendation is applicable to our service
4 station in this location.
5 Brian went through the revisions that had been made
6 to our site plan since 2018, and he mentioned that we have
7 significantly enhanced the rear landscape screening between
8 commercial and residences. We've added additional trees,
9 evergreens, eastern redbud, pear trees, both on the east side
10 and we've also added trees on the west side. We have added a
11 six foot fence proposed in the middle of the rear
12 landscaping. There is going to be landscaping on both sides
13 of this fence. And there is already a fence, the fence you
14 saw in the photographs, residents' fences. Ours will be in
15 addition to that. We discussed whether or not there should
16 be one fence at our June 24th meeting, and our feedback we
17 got at the time was they wanted both fences, so that is why
18 we have two fences.
19 There was concern last time about the trash
20 enclosures. And so we've relocated the trash enclosures to
21 the northwest to be away from the residences. There was a
22 concern about light being adjacent to the residences, meaning
23 zero foot candles at the property line, and we've done that.
24 The building height will remain the same. There was comments
25 before about the rooftop equipment that we had to -- the

Page 20

1 mechanical equipment on the roof that we were proposing and
2 whether or not it would be an eye sore to the neighborhood to
3 the east. We've removed it from the rooftop so there will be
4 no equipment on the roof. The equipment will be on the
5 ground and it will be screened from view so that the
6 neighbors to the east won't know it's there. So that's our
7 presentation. We are here to answer any questions you have
8 and I'm sure the opposition wants an opportunity to speak.
9 CHAIR MCGEE: Thank you. Does anyone from
10 the audience want to speak in favor of the project? Does
11 anyone in the audience want to speak in opposition to the
12 project? Please approach the podium and state your name and
13 your address.
14 MR. MEYER: Good evening, ladies and gentlemen of
15 the Commission. My name is Jonathan Meyer. I live at 145
16 Woodlands Drive. I live in the Woodlands community. As a
17 community, we've met a number of times and discussed concerns
18 and whatnot. The memo that we provided kind of summarizes
19 some of the highlights of those concerns. And I just want to
20 touch briefly on those five areas of concern. Counsel for
21 Mr. Cuda mentioned the environmental concern, the articles
22 that were submitted were gathered by some of the members of
23 the community just from independent research that they had
24 done. Consistent throughout those and any just simple Google
25 search shows that primary concerns for the environmental

Page 21

1 impact involving gas stations is benzene gasses, toluene,
2 VOC's or volatile organic compounds, carbon monoxide and
3 particulate matters. There are a number of ways that those
4 concerns are remediated. And I think that was discussed in
5 the presentation that some of those methods would be used,
6 but there is not any single method or combination of methods
7 that completely eliminates those concerns. The nearest
8 property owner's property line is 35 feet from the existing
9 building. Okay? It's 75 feet to the corner of his house,
10 but it's 35 feet to his property line. And of utmost concern
11 to members in the neighborhood and as an association is that
12 we work together and look out for each other. So the fact
13 that this affects two or three of our property owners most
14 severely right on the edge, all of the association is
15 supporting their objection to the gas station and potential
16 soil contamination and dramatic decrease in property value
17 for those properties. We have concerns about noise and light
18 pollution. And I understand there was a traffic study that
19 suggested traffic might not be greater. But common sense is
20 just hard for us to get our head around the fact that when
21 previous use was a restaurant where average tickets might be
22 60, 80, \$100 and people came in and sat down for 45 minutes
23 to an hour and now we are changing to a convenience store, I
24 think you would be hard pressed to assume anybody is going to
25 stay in that store for longer than 10 or 15 minutes and most

Page 22

1 likely they are only there two or three minutes, there has
2 got to be a dramatic increase in the number of vehicles and
3 patrons at this location. And during the neighborhood
4 meeting that was mentioned in June we asked how many times
5 this 10,000 gallon tanker would be coming and making a
6 delivery. And we were told that would happen every three to
7 five days. And so some of us went and looked online and saw
8 that there are a number of different experts in the field and
9 one of them is (INAUDIBLE) Hussein that runs
10 gasstationbusiness.com and his sites talk to potential gas
11 station operators and owners about how they should be
12 profitable and what they should look for, and he sites that
13 an average fill-up at a convenience store is about 10
14 gallons. It ranges in variety. So if a 10,000 gallon tanker
15 is coming every three to five days, that tells us that they
16 are anticipating somewhere between 60 and 100,000 gallons of
17 gas being sold on a monthly basis. If there is an average of
18 10 gallons per fill-up, they are anticipating traffic of six
19 to 10,000 vehicles at that location on a monthly basis just
20 for gas sales. And that doesn't take into consideration
21 people that would be coming just for convenience store
22 purchases not necessarily for gas station. So we just are
23 having a hard time getting our head around how there is not
24 going to be a dramatic increase in traffic and folks coming
25 to and from this particular location.

Page 23

1 Another area of concern for us is the economic
2 impact. And when we had the community meeting in June, we
3 asked if there had been any economic impact studies done, how
4 this might affect neighboring businesses, and didn't get real
5 direct answers, but came away from the meeting feeling like
6 the developer felt like the gas station they were
7 implementing would be better suited to meet the needs of
8 folks than some of the other facilities. And we are making
9 some assumptions, but couched in those terms is an
10 expectation at least one or more of the other businesses that
11 provide similar services in the neighborhood are going to
12 close.

13 The final area that caused us some concern as we sat
14 down and evaluated this as a group was the unintended
15 consequence of one of the requirements of the City in terms
16 of building this second fence. And at the June meeting I
17 think one of the neighboring owners in expressing concern
18 about the noise and light pollution said, hey, as many fences
19 as are possible, that would be great for him. But by putting
20 two six-foot privacy fences, at the public meeting in June
21 they were going to be 10 feet apart, now they are 15 feet
22 apart, I think in the proposal, so this is an area where
23 there is going to be a six-foot privacy fence on two sides
24 with trees, in trying to address the concerns of lights
25 coming into the neighborhood, this will be a dark area. We

Page 24

1 are creating an attractive nuisance for vagrants and homeless
2 folks to set up and camp and whatnot. We are already
3 fighting that. Every time we have a homes association
4 meeting we have at least one property owner if not two or
5 three coming and talking about the fact that on a nearly
6 daily basis local law enforcement is having to be called
7 because folks will set up tents in those wooded areas on the
8 south and east side of the Woodlands neighborhood. And one
9 property owner during the last three months has had repeated
10 instances where people are jumping her fence and coming
11 through her yard. So those are primary concerns.

12 I know some of my other neighborhood, fellow
13 neighborhood owners, property owners had a few things they
14 wanted to bring up. I appreciate you taking the time to
15 listen to our concerns.

16 CHAIR MCGEE: Thank you. Did anyone else
17 from the audience want to speak in opposition to the project?
18 Please approach the podium, state your name and your
19 address.

20 MR. CLYMORE: Yeah, my name is Joe Clymore and I
21 live in the house directly behind the building, so I'm
22 probably a little more concerned than some people. We lived
23 there about 16 years and we probably wouldn't have bought the
24 house if there had been a gas station. There was a
25 restaurant there. It really didn't bother us. But it would

Page 25

1 have really bothered us at the time if we were buying a house
2 next door to a gas station. We are pretty concerned about
3 the health risk for all the kids in the neighborhood. We
4 have six grandkids that come over and play at our house, we
5 have a couple that moved in, just moved in next door that
6 have, I think there are a two- and three-year-old. They are
7 next door. They are directly behind the proposed station
8 location. So that is a real concern. And I've heard some
9 discussion about 300 feet. You know, there is a lot of our
10 houses that are well within the 300 feet number. So I don't
11 know where that 300 feet number came from. But we are a lot
12 closer than that. And then I'm -- I still -- I struggle with
13 the fact that we just did this. I mean, we just went through
14 the whole thing. It's basically. It's basically the same
15 proposal that we had last fall. So I'm just kind of
16 discouraged that it looked like the whole thing was down and
17 now it's back up again. So how far do you go? How far can
18 that go? So, anyway, that's all I have to say. Thank you.

19 CHAIR MCGEE: Is there anyone else in the
20 audience that wishes to speak in opposition to the project?
21 Please approach the podium and state your name and address.

22 MR. CHAPMAN: My name is John Chapman. I live at
23 118 the Woodlands. I was present last year at the Planning
24 Commission and City Council and I just want to say that I
25 think the City Council decided the decision properly at that

Page 26

1 time. And I don't want to talk too long, but I do want to
2 say that a gas station is not a restaurant. I think all of
3 us can understand the differences and what our concerns are.
4 I've lived in this neighborhood since 1965. I used to live
5 in old Meadowbrook which is right adjacent to ours. This
6 building was originally a Red Lobster. It has been some form
7 of restaurant for 40 years. Our neighborhood has never been
8 opposed to any of the changes from restaurant to restaurant
9 to restaurant. But, again, a gas station is not a
10 restaurant. And I would like to have you consider voting on
11 this issue as if this were your neighborhood. Thank you.

12 CHAIR MCGEE: Is there anyone else in the
13 audience that wishes to speak in opposition to the project?

14 MR. McINTOSH: Good evening.

15 CHAIR MCGEE: Can you state your name and
16 address?

17 MR. McINTOSH: John McIntosh. I live at 135 the
18 Woodlands. I addressed this Commission a year ago regarding
19 this same issue with the same developer but with a slightly
20 different site plan. As I did then, I thank the Commission
21 for the opportunity to express my concerns for this project.
22 Our community respects Mr. Cuda and Pauch, LLC's right to
23 build and develop properties. We understand they are in that
24 business. However, we strongly disagree with their choice of
25 site. They want to develop a gas station and convenience

Page 27

1 store on the site, but the question I ask is, and Mr. Cuda,
2 this Commission is why? Now, his representative attorney
3 asked this question at the beginning of this presentation, he
4 says we want to answer the question, should this property be
5 approved. Well, let's look at that question, should this
6 property be approved. One day I drove my vehicle from the
7 intersection of the Phillips 66 station at the corner of
8 Antioch and I-35. That's Phillips station Number 1. Second
9 gas station is within three eighths of a mile north at
10 Antioch and Vivion Road. That is gas station Number 2, which
11 is the QuikTrip. The third gas station is one mile north,
12 which is Conoco at the corner of Antioch and Kendallwood
13 Parkway. That is Number 3 gas station. And finally, there
14 was two gas stations one and seven tenths of a mile north on
15 Highway One and Northeast 72nd Street, which includes the
16 Hy-Vee gas station on the northeast corner and the QuikTrip
17 on the northwest corner. That is a total of five gas
18 stations all with convenience stores. And the total distance
19 from gas station Number 1 to gas station Number 5 is three
20 and seven tenths of a mile. Mr. Cuda's position with this
21 project is unclear to us as a community because we don't see
22 a supply and demand for it. We have five gas stations. Why
23 put a sixth one in a community that is already mature in
24 terms of its businesses and residences? So five gas stations
25 is truly enough. I respect and ask the Commission on behalf

Page 28

1 of the residents of this community to reject this bid for
2 this site. I respectfully suggest to Mr. Cuda, if he is
3 serious about establishing a gas station, and his
4 representative said that he is an experienced developer.
5 well, I noticed that on the corner of the I -- Highway One
6 and I-52, they are doing some new construction there. There
7 is no gas stations there. He can have the pick of the litter
8 in terms of where he could develop. So my question is, why
9 would he come and enforce and crowd up and bring in crime --
10 and they spoke of crime. We are not talking about the store
11 being robbed. We are talking about homeless people. We are
12 talking about people coming in there that are coming in and
13 breaking into our homes, that are sneaking in and building
14 camps into those green areas behind of those homes. And this
15 is just bringing in added vagrancy into our community. So I
16 would ask Mr. Cuda, if he is really a developer and he is
17 really an experienced developer, he will go where he can have
18 the pick of the litter and he would have no competition in
19 terms of his service. So I would respectfully ask you as a
20 commission to look at the way we look at it as a community
21 and as a family that love our community. And we respect his
22 right to build and develop. That is not the issue here. But
23 he should do it where there is a need for it. Because there
24 is certainly not a need in our community where we have five
25 gas stations within three miles. Thank you so very much.

<p style="text-align: right;">Page 29</p> <p>1 CHAIR MCGEE: Does anyone else from the</p> <p>2 audience wish to speak in opposition to the project?</p> <p>3 MR. GEISINGER: I do. Thank you, Madam Chairman.</p> <p>4 My name is Steve Geisinger. I'm in 102. I appreciate John,</p> <p>5 John, and John getting up here because I reiterate all they</p> <p>6 said. We've got a nice neighborhood and I think we want to</p> <p>7 keep it that way. I'm going to -- I would like to read</p> <p>8 something to you that was stated at the last meeting on</p> <p>9 December 10th. And it was from Carol Suter on the City</p> <p>10 Council, she says, I think the measure of the success of the</p> <p>11 committee or community is often the measure of the trust</p> <p>12 between citizens and elected officials. When people make</p> <p>13 investments in their homes where they are going to live and</p> <p>14 have their families live and be raised, that is based on the</p> <p>15 trust that the community is going to respect those</p> <p>16 investments and how we preserve them. As I listen to them, I</p> <p>17 don't want to continue to just reiterate the things that they</p> <p>18 said. When we met at the library as counsel, opposing</p> <p>19 counsel stated, we had asked, have you gone back and visited</p> <p>20 the site planning? We thought maybe there would be some</p> <p>21 changes made. And at that time Mr. Cuda just kind of</p> <p>22 laughingly said, I don't even think I've gone back and looked</p> <p>23 at it in the last eight months. We asked if there had been</p> <p>24 an impact study, because Carol did ask and the rest of the</p> <p>25 City Council asked was there something that was done, we do</p>	<p style="text-align: right;">Page 31</p> <p>1 In fact, the Conoco station up on the corner at Kendallwood</p> <p>2 and Antioch, there has been several times where the attendant</p> <p>3 in there will close the doors, it has got bullet proof glass</p> <p>4 on it, and he says, you don't want to be here after a certain</p> <p>5 time after it's dark. And so we are very concerned from</p> <p>6 those standpoints. We think that a restaurant, anything else</p> <p>7 would be good. We are just not in favor of this. I also</p> <p>8 would ask that you vote no on this particular project. Thank</p> <p>9 you.</p> <p>10 CHAIR MCGEE: Thank you. Does anyone else</p> <p>11 from the audience wish to speak?</p> <p>12 MS. GEISINGER: Thank you for letting me be here.</p> <p>13 I'm Donna Geisinger, I live at 102 Woodlands. Just to</p> <p>14 reiterate a couple of really important points, John McIntosh</p> <p>15 talked about how many gas stations there were. All those gas</p> <p>16 stations are on corners. Corners. So you can come in from</p> <p>17 one direction and go out the other direction. They never</p> <p>18 have like a roundabout where this proposed gas station would</p> <p>19 be. It's sort of like in a small development right next to</p> <p>20 the bank. UMB Bank. Also, no one actually talked about how</p> <p>21 many liquor stores there are on our street, on Antioch per</p> <p>22 se. I counted, there is nine. CVS pharmacy, the liquor</p> <p>23 store behind US Bank, across the street, the bar at Tanner's,</p> <p>24 Applebee's across the street, the liquor store at Englewood</p> <p>25 and Antioch, that is another shopping development, across the</p>
<p style="text-align: right;">Page 30</p> <p>1 not want to lose the CVS and some of the other facilities</p> <p>2 that are there, so we have concern there as well. A lot of</p> <p>3 elderly people in the area. We would like to have the</p> <p>4 pharmacy and the CVS stay there. So we are concerned about</p> <p>5 the economic impact about being in a convenience store for</p> <p>6 those things. The safety issue, I think I want to reiterate</p> <p>7 we have homeless that are staying there in the area, in the</p> <p>8 facility, but also in the wooded areas, as John mentioned.</p> <p>9 And so we do have to have them out of there. I think this is</p> <p>10 creating another one of those areas where people could,</p> <p>11 vagrants can -- homeless could stay. And the other issue, as</p> <p>12 John pointed out, when you start looking at what is the</p> <p>13 viability of a gas station being there, you do have to have</p> <p>14 traffic. The Conoco station up there, they've had issues</p> <p>15 trying to stay open. They've not been able to grow. But if</p> <p>16 we do have traffic that all the sudden people are going down</p> <p>17 the side streets, we are going to have more accidents. And</p> <p>18 even tonight as we were coming to this meeting there was</p> <p>19 another accident out in front of the Woodlands area. We have</p> <p>20 one route in and one route out. People get frustrated coming</p> <p>21 off Antioch and they go around much faster than 25 miles per</p> <p>22 hour which is a stated area there. So I appreciate Mr. --</p> <p>23 counsel, opposing counsel talking about some of the studies</p> <p>24 regarding crime and whatnot, but I would also say some of</p> <p>25 those things are hearsay, because we can Google those things.</p>	<p style="text-align: right;">Page 32</p> <p>1 street is another liquor store on the either west side or</p> <p>2 east side, Wal-Mart at the Market has liquor. You can buy</p> <p>3 it. You can't buy it by the glass, but they have beer. And</p> <p>4 Hy-Vee sells liquor at 72nd and Antioch. And also they have</p> <p>5 the Market Grill where you actually could go in and eat and</p> <p>6 have a glass of wine or whatever. So there are plenty of</p> <p>7 places to buy your favorite beverage. But I don't think we</p> <p>8 need to have it right next to our homes. That is all I need</p> <p>9 to say. Thank you so much.</p> <p>10 CHAIR MCGEE: Does anyone else from the</p> <p>11 audience wish to speak?</p> <p>12 MS. THIESON: Evening. Elisha Thieson from 123 the</p> <p>13 Woodlands. I would just like to kind of clarify that it was</p> <p>14 stated earlier when they were talking about the Kaw Valley</p> <p>15 engineering site that they had done, they had said the</p> <p>16 run-off would go towards the southwest. I think that is</p> <p>17 great, I appreciate that study. I would like it known our</p> <p>18 houses on the east side are actually downhill, so any run-off</p> <p>19 that could come from the back side of the property or from</p> <p>20 the southern part of the property, it does flow, that water</p> <p>21 will flow at a southeasterly area and that does flow right</p> <p>22 into my back yard because I'm three houses down. So I would</p> <p>23 like that known, that water is a concern from our area when</p> <p>24 you have a lot of pavement and things, the water does come</p> <p>25 down in there into our yards and causes erosion things like</p>

Page 33

1 that. I would like it known as well that when we attended
2 the meeting with Mr. Chuck Cuda a few months ago, I did ask
3 him if there were any other options for that site that had
4 been explored since he came to that last meeting and he said
5 that he had tried, he had looked into things, he even talked
6 to the people that were building the Wendy's right next door
7 and they were not interested because the site wasn't really
8 built for those things. He said that the restaurant is very
9 large, it's hard to get someone who wants to put in a new
10 restaurant because, you know, the changing culture and you've
11 got things like Grubhub and all that. And that is fine. But
12 it makes me wonder, is this really a good option, or is this
13 the only option and that is why they are putting the gas
14 station in there? We have opposed it numerous times and that
15 is what he is saying is maybe the only option, so I question
16 as a community should we put something in that is a good
17 option for everyone or the only option and therefore we are
18 just going to deal with what we have to. And we think that
19 is unfair for our neighborhood. Also a concern of mine is
20 the fact that the store operator is not present at this
21 meeting, at least that I'm aware of. He wasn't named. So
22 that is also a concern of mine, that the person who is
23 actually going to be operating this store isn't here. It
24 makes me wonder how invested he will be in our community or
25 is this a shop that is going to get closed within a couple

Page 34

1 years and he'll just move on to his next place and what are
2 we going to be left with? Will someone come in? Will we
3 have an empty gas station? Will we have another situation
4 like we have now with an empty property? And then lastly as
5 you all noticed today it is very hot outside. They tell you
6 on ozone alert days to not fuel your vehicles. I can't give
7 you exact reasons why. But it concerns me if they tell you
8 when it's really hot out not to fuel your vehicles because of
9 the vapors and things that go into the air and they
10 contribute to ozone pollution. Do I really want to live 189
11 feet from this gas station with those types of issues? And
12 you have hot days, it makes me very concerned. Thank you.

13 CHAIR MCGEE: Does anyone else from the
14 audience wish to speak in opposition to this project? Seeing
15 no one, we will allow Planning Commission members to begin
16 discussion. Or, if you have questions, I can start a
17 speaker's list. Does anyone want to go first?

18 MR. MARKENSON: Mr. Bowers, there have been three
19 major issues raised. One is kind of a leaky gas tank. We
20 all know that old gas tanks leak and cause problems. What
21 has been done in recent years on the quality of gas tanks and
22 monitoring systems and so on?

23 MR. BOWERS: As additional background, there are
24 about 130,000 convenience stores operating currently in the
25 United States. And those stores serve about 80 million

Page 35

1 people annually. 80 percent of the people who have needs for
2 food and beverage that can be serviced at a convenience store
3 go to a convenience store rather than a grocery store. So
4 that is background. To your question about what has changed
5 in the industry since the leaky case -- leaky tank problem
6 arose out of tanks that were installed in the '30s, '40s and
7 '50s, which is a significant problem, the State of Missouri
8 has adopted a program to remove those tanks and has done so
9 very efficiently. Modern technology, modern engineering has
10 examined this question very carefully. And by the way, I
11 represent QuikTrip in addition to other developers in Kansas
12 City, so I run into this question frequently. And the answer
13 is that almost everything associated with the delivery of
14 fuel and the dispensing of fuel is double lined. What I mean
15 by that is, there is a liner inside of the liner on these
16 tanks. The tanks are -- the underground tanks are connected
17 to monitoring sensors, electronic monitoring sensors that
18 report to a, for lack of a better term, a computer in the
19 owner's control facility that tells you if there is any sort
20 of a leak or seepage in an underground tank. The lines that
21 connect the underground tank to the fueling points that
22 dispense fuel to the retail customer are double lined. And,
23 again, sensors are installed on those pumps that report to
24 the central control of the owner, that there is a leak, if a
25 leak occurs. And if a significant leak occurs, the

Page 36

1 electronics are designed to shut off the delivery of fuel so
2 that a spill does not occur. So the technology that you see
3 every day in your iPhones and your iPads and your laptops has
4 been adopted and directed towards making these fuel
5 situations safe. So the modern underground tank, the modern
6 fuel dispensing points and the lines that connect all of that
7 are incredibly safe by modern standards. So I have no
8 concerns that -- in addition to that. By the way, we've got
9 significant Federal and State regulations concerning the
10 installation of these facilities that we have to comply with.
11 There are not only State laws but there is also code of state
12 regulations has significant regulations on these
13 installations and how they are operated and maintained. So I
14 feel very comfortable that the leaky tanks of the past are
15 not something that we'll see in the future.

16 MR. MARKENSON: Water run-off storm water run-off.
17 it seems to me there is going to be less storm water run-off
18 because you are taking concrete areas and turning them into
19 grassy areas and trees, so there should be less water
20 run-off.

21 MR. BOWERS: That's correct. If I could in
22 connection with that, I have a letter from Kaw Valley
23 Engineering dated July 18th of this year addressed to Mr.
24 Cuda concerning the storm water run-off on Lot 3 of
25 Kendallwood Center which is what the property owners to the

Page 37

1 east were concerned about. I don't know how the last witness
2 who testified that water runs from our property onto their
3 property could occur, because physics tells me, and I am not
4 a physicist, but the law of physics is that water doesn't run
5 up hill. That is what this letter -- if I could, I would
6 offer copies of this to each of you through your Staff.

7 MR. MARKENSON: Thank you much.

8 MR. TURNAGE: Mr. Bowers, at your June 24th
9 neighborhood meeting that you had, was the issue of declining
10 property values being next to a convenience store gas
11 station, was that addressed? And if so, how so?

12 MR. BOWERS: It was raised and it was not addressed
13 by us other than to say, we, the experience we have -- and,
14 again, I represent QuikTrip so I have represented that
15 company in connection with multiple locations adjacent to
16 residential areas, what we find is, after the store is
17 established, that because of the convenience of having a very
18 good operator located very near that, it's a positive impact
19 on adjacent residential property values, not a negative.
20 Many of these things that -- and I understand the fear of the
21 unknown. The fear of the unknown is what drives most of
22 these concerns. We don't like change. We like to know
23 exactly what is next door and if next door is vacant we want
24 to keep it that way. And whenever development comes to that
25 property next door, it's threatening to us. I understand

Page 38

1 that. But in many of these situations the feared improvement
2 has the exact opposite impact on many occasions. We haven't
3 done a study of this area and typically don't do studies of
4 that type in connection with applications of this type
5 because they are relatively expensive. And another eight to
6 \$10,000 study in an application of this sort isn't in my view
7 warranted or appropriate. So we -- it is our shared
8 experience, is all we have.

9 MR. TURNAGE: Thank you.

10 MR. EBENROTH: Just a couple questions. It was
11 brought up that the back of the property to the closest edge
12 of property is 35 feet. Can you tell me what the distance is
13 to the pumps or to the underground storage tanks?

14 MR. BOWERS: I was thinking that as the statement
15 was made and --

16 MR. RUOFF: It is 197 feet from the island to the
17 first house. I show a dimension on one of the slides. Can
18 you read that? I think it was 197 or 87. I can't read it.
19 But that is from the island to the corner house.

20 MR. EBENROTH: What about the underground tanks?

21 MR. RUOFF: Are you asking about the vent or the
22 tanks?

23 MR. EBENROTH: Are they in the same spot?

24 MR. RUOFF: No. The vents will be in the canopy.
25 They will be as far as we can get them into the canopy and

Page 39

1 they'll go six or seven feet above the canopy. So on the
2 ground it's almost 200 feet. And then they are above -- by
3 code, they have to be above the roof of the canopy by -- I
4 think it is five or six feet.

5 MR. EBENROTH: And the second question I have is
6 basically the distance between the fences was brought up,
7 that could be vagrants in there and everything. How are you
8 addressing that issue as well as the maintenance of that
9 property between? Because there is a lot of trees in there.

10 MR. RUOFF: I think by record we don't care what
11 that fence is. We are just trying to get it in because it
12 was requested. We can put it up against the other fence, but
13 we were worried about maintenance and weeds between fences
14 and trying to maintain back sides of those fences if we are
15 too close, so we moved it out so we could get to it.

16 MR. BOWERS: To maintain that area between fences.

17 MR. RUOFF: We'll put that fence where everybody
18 desires that fence. But I'm trying to get all that
19 landscaping and the fence, so we are trying to make it
20 function long term. Because eventually the trees we showed
21 between the fence are going to be pretty good size. They
22 get 20 some feet in diameter.

23 MR. BOWERS: What would make most sense to me, but
24 something that the neighbors weren't interested in, would be
25 to remove the existing fence and to put in a new fence that

Page 40

1 we would maintain and the landscaping that we are proposing
2 would still be there. But there would be no "no man's land"
3 between fences.

4 MR. EBENROTH: I understand their fence goes a long
5 way past your property, though, I believe.

6 MR. BOWERS: Yes, I understand that. We are just
7 trying to offer solutions that make sense.

8 MR. EBENROTH: But is there a way to address the
9 vagrancy issue at all? I know it's common around different
10 areas. Plus there is no lighting back there, either.

11 MR. RUOFF: I was going to say the two solutions I
12 have are people and lighting. If you have a lot of people
13 and a lot of lighting, you don't have those type of problems.
14 So but we are -- we've taken the lighting to zero.

15 MR. BOWERS: At the property boundary line.

16 MR. RUOFF: It is going to be when it gets to the
17 landscaping, yeah.

18 MR. EBENROTH: Thank you.

19 MR. WHITTON: I want to address the fumes, if we
20 can. I owned a gas station for 30 some years, pumped gas
21 since I was 14, and checked tankers in, checked them out,
22 hundreds and hundreds of times. Fourth degree burns from my
23 gasoline, drank a little bit when I was trying to siphon
24 some, and it never killed me. And I'm fine, I'm still here.
25 I do like the idea that the fumes won't bother them. I

<p style="text-align: right;">Page 41</p> <p>1 swear. And I know that the reason I quit pumping gas is 2 because of all the safety things you had to install on your 3 tanks. Average guy can't afford it. And they wouldn't sell 4 it to you for the right price, anyway. But the evergreen 5 trees I like. That's a good buffer. That is a good solid, 6 keep the light in. And the piece of property is zoned for 7 the use that you are trying to do. It is CP-3. And that is 8 strong, very strong and always has been, I get that. So I 9 was opposed to it the first time because of the hours, but I 10 don't think the evergreen trees were in there then. That 11 would kill the noise and all of that. So -- and you've tried 12 to do everything you can to -- we appreciate that. The 13 fumes, I'm telling you they won't kill you. Okay? Thank 14 you.</p> <p>15 MS. MIDDLETON: I don't have any questions or 16 anything. I guess it does seem like there is an awful lot of 17 competition, so if we are going to allow another one in are 18 we causing some place else to close down someplace else that 19 we are going to have, you know, to deal with this issue 20 again? I got involved with this group because I wanted to be 21 able to do something for my community. I can't do anything 22 about the Amazon rain forest or the icebergs melting or 23 whatever. When we did the shaping our future a couple years 24 ago there was, yes, there was commercial, but there was also 25 environment. And from my point of view, yes, it is zoned for</p>	<p style="text-align: right;">Page 43</p> <p>1 determine that. I would have to go back and take a look. I 2 do believe CVS had gotten out of the tobacco business. It 3 was CVS and I can't remember -- I eventually think both of 4 them did, I would honestly have to go back and take a look. 5 Off the top of my head.</p> <p>6 MR. MARKENSON: And there is no individual business 7 that sells tobacco products other than the possibility of CVS 8 there? Or is that a Walgreens there or --</p> <p>9 MR. GREER: I believe it is a CVS. I'll have to 10 take a look to be honest with you. I can't determine off the 11 top of my head off all the stores.</p> <p>12 MR. NEW: Yeah, a question for the attorney, you 13 mentioned the volume of the assets disbursed in your study 14 which was, what was that number again, the volume of gas that 15 was disbursed for a yearly basis in the study?</p> <p>16 MR. BOWERS: A large gas station is 3.6 million 17 gallons.</p> <p>18 MR. NEW: What is the estimated volume?</p> <p>19 MR. BOWERS: Less than half of that.</p> <p>20 MR. NEW: Less than half. Okay. That is the only 21 question I had. Just wanted to know the volume. Okay.</p> <p>22 MS. HOMMON: Before I ask my questions, because I 23 might rule out some of them based on the answer, I have a 24 question for City Staff. Can you just clarify for me 25 according to the purview of the Planning Commission what are</p>
<p style="text-align: right;">Page 42</p> <p>1 this use. But when we pave over everything we are kind of 2 shooting ourselves in the foot for surviving on the planet, 3 shall I say. So I guess I do have a question for City Staff. 4 Was this zoned -- when it came up last time, was there an 5 issue with the zoning?</p> <p>6 MR. GREER: No, ma'am. It has been CP-3 for decades</p> <p>7 MS. MIDDLETON: Okay. Thank you.</p> <p>8 MR. WHITTON: You know, we have a limit on liquor 9 stores, I believe still, don't we? Or liquor establishments?</p> <p>10 MR. GREER: Yes.</p> <p>11 MR. WHITTON: But you can't do that for gas station. 12 I was here when there was a gas station on every corner in 13 the '60s. If you drove down North Oak there was a -- I swear 14 to you every corner on North Oak had a gas station. And they 15 all survived. I don't think CVS is going to move out because 16 they are putting a gas station there.</p> <p>17 MR. MARKENSON: Can I ask a question of Staff?</p> <p>18 CHAIR MC GLE: Mr. Markenson.</p> <p>19 MR. MARKENSON: It seems to me we have an ordinance 20 on tobacco sales, on zoning, and you can only have tobacco 21 sales so many -- it has to be at least so many feet from 22 other tobacco sales. Does this convenience store fall into 23 that category? Does the CVS sell tobacco? Does anyone else 24 within the range sell tobacco?</p> <p>25 MR. GREER: Off the top of my head, I can't</p>	<p style="text-align: right;">Page 44</p> <p>1 the things that we need to consider? Because I don't want to 2 ask questions that are irrelevant to what we should be 3 considering.</p> <p>4 MR. GREER: Sure. I'm not going to promise I'm 5 going to hit them all, but I'm probably going to get fairly 6 close. All of the categories that you'll see that the 7 Planning Commission typically considers is within the 8 recommended conditions, so the one through 15. I'm just 9 going to give you a couple examples. I probably won't be 10 able to get them all. But manicured and landscaped areas, 11 mechanical equipment, monument signage in general, the 12 location, and what the trash dumpsters -- are used to enclose 13 it, lighting, the exterior of the project, trash service, 14 store deliveries, and the hours that those would necessarily 15 operate. And then sometimes fencing, of course. And then 16 maintaining the growth in between those fencing. Those are 17 the types of things that planning Commission typically 18 considers, especially since it is a site plan and the zoning 19 is correct for this. Does that answer your question?</p> <p>20 MS. HOMMON: Yes, thank you. So I have a couple of 21 questions for Mr. Bowers, please. The first question I have 22 is, just for point of information, Kaw Valley Engineering, 23 they get paid regardless of whether this job goes through or 24 not, correct?</p> <p>25 MR. BOWERS: That's correct.</p>

Page 45

1 MS. HOMMON: So they don't have any vested interest
2 in this being a yes?

3 MR. BOWERS: That's correct.

4 MS. HOMMON: Thank you. So safety in the rear of
5 the building, how it's presented to us is there will be zero
6 foot candles. I am afraid I don't fully understand what that
7 is. So I may need to ask you to describe that to me. But I
8 have a concern that is typically a darker area, the back side
9 of the buildings, closing late at night. I suspect that you
10 would have employees going to trash receptacles late at
11 night. And we've made it so it's not very bright back there.
12 Is that a safety concern? And what does that look like for
13 you?

14 MR. BOWERS: Well, maybe Brian can answer this
15 better than I, but zero foot candles means fugitive light
16 from the property boundary onto adjacent residential will not
17 occur. Foot candle is a measurement of luminosity. Again,
18 I'm not a lighting engineer. There are other ways of
19 measuring the intensity of light including lumens. Another
20 way of measuring is so many lumens. In this case it would be
21 zero lumens. Zero foot -- in other words, there would be no
22 light from the property boundary to the residents adjacent.
23 That doesn't mean that you would, with modern lighting you
24 can't light your site so that it's safe and that you can
25 operate. And our lighting, LED lighting will do that. I

Page 46

1 don't know if Brian wants to add to that or not.

2 MR. RUOFF: So with the current layout right now we
3 have two proposed rear doors. One would be for deliveries.
4 One would be a potential exit only egress door in case there
5 is a fire, there would be no hardware on it. With all the
6 landscaping we are proposing at the back of this building it
7 would be fairly simple to put some wall packs light the
8 perimeter of the building up just at the edge of the building
9 so it would be just isolated to the building. But the trash
10 enclosure has been moved to where the new Wendy's is going in
11 and it is out in the parking lot. So there would be no
12 reason for anybody to be back there legitimately at night.

13 MS. HOMMON: They will not be going out the back
14 door with trash late at night?

15 MR. RUOFF: No, they would -- the way convenience
16 stores work, they -- frequently they don't have restaurant
17 trash. They usually take the trash out during the day. But
18 that one -- the service door is on the north end of that back
19 where it currently is. It is about eight feet I think from
20 the corner and there is a sidewalk there. I would suggest
21 that stays lit. There would be cameras on that, too. At
22 least two probably.

23 MS. HOMMON: The other question I have is I've
24 actually -- I know more about bio-swales than I wish to, but
25 just for the sake of this conversation, can you explain a

Page 47

1 little bit about how they operate and what that means
2 regarding run-off, et cetera?

3 MR. RUOFF: Bio-swales are common in most
4 convenience stores that are being constructed today. It
5 comes from what they call the BMPs, best manageable practice,
6 that is put out by Mark which is an area different cities
7 handle that adopt that, enforce that differently. But
8 Gladstone enforces that to pretty much the full extent. So
9 what that does is rain water that hits in and around the
10 fueling sites would run into a curb inlet and it would be
11 routed into the bio-swale where we have grass, we would have
12 wild grass, some kind of grass system that is out there in
13 the front that would be designed, have special soil, it is
14 completely designed by an engineer. And that it would go
15 through that process, aerate out, and recondition itself
16 before it goes into the storm water. I might add while I'm
17 up here, the storm water on the site currently, we are waived
18 all the way up to the existing fence except for maybe three,
19 four feet which slopes down to our site all the water on this
20 site right now runs to the west, there is two drives there,
21 that water goes out into the street and goes down the street
22 to the storm water culvert. So all the water right now that
23 is on the site is going across the asphalt out into the city
24 street and into the existing culvert. We are proposing to
25 take off the back paving area and put in landscaping which

Page 48

1 reduces the storm water run-off so the City has other
2 benefits as far as landscaping plants, fresh air from the
3 plants and that sort of thing, and that water would go into
4 the ground.

5 MS. MIDDLETON: But that is not where the swale is.

6 MR. RUOFF: The swale is out in front. The swale is
7 going to be designed around the fueling area of the site. So
8 the trick is going to be there is five islands and there will
9 be a trench drain that runs along the west side and that will
10 catch all the water and control it so it is organized and
11 goes to one spot.

12 MS. HOMMON: I have two more questions. The first
13 one is, I understand what you are saying regarding the slope
14 that goes back into -- so are you aware as a developer where
15 the water is coming from that is running down into that
16 property on the south side?

17 MR. BOWERS: The only thing I can think of is it is
18 coming from the bank because we have a curb. So all the
19 water is controlled on our side and goes in the street and
20 goes to the storm inlet so everything on the side right now
21 is going to that storm inlet. I've actually been out there
22 during a rain storm and watched it physically do that. It is
23 backed up by the engineering.

24 MS. HOMMON: The last question I have is for Austin.
25 for City Staff. One of the issues that has been addressed

Page 49

1 again is the decrease in property value. Do you have any --
 2 I don't know what the word is, but any anecdotal evidence per
 3 se about what improved areas, how that affects property
 4 values as opposed to derelict or unoccupied properties?
 5 MR. GREER: I will be the first to admit I am not a
 6 real estate professional. I wouldn't be able to make that
 7 determination. I wouldn't want to mislead anybody one way or
 8 the other.
 9 MS. HOMMON: Thank you.
 10 MR. NEW: This question is for City Council, I do
 11 remember this coming up before, and the question is, doesn't
 12 seem like they have addressed everything from the last --
 13 because it was denied, how is it coming to us again basically
 14 the same approach?
 15 MR. GREER: I'm not sure I understood your question.
 16 MR. NEW: How are they back here again asking for
 17 the same thing if it was already denied by the City?
 18 MR. GREER: Sure. They have the right to reapply.
 19 They have the right to reapply and re-adjust their site plan
 20 and their project and reapply.
 21 MR. NEW: Okay.
 22 MX. HERNANDEZ: How long has that property been
 23 vacant?
 24 MR. GREER: Probably closer to two years. And if
 25 I'm mistaken, I'm sure Mr. Cuda could answer that.

Page 50

1 MR. CUDAS: Over 18 months.
 2 MR. MURCH: I would like to ask a redundant question
 3 of City Staff, does this site plan meet all the requirements
 4 of the current zoning?
 5 MR. GREER: Yes, sir.
 6 MR. MURCH: Does it meet all the requirements of the
 7 current plan?
 8 MR. GREER: Yes.
 9 MR. MURCH: As a Commission is there anything else
 10 we are supposed to consider other than master plan or the
 11 fact that you've approved it and it meets the current zoning?
 12 MR. GREER: Currently the project addresses all of
 13 the conditions City Staff has at this time.
 14 MR. MURCH: So there is no other -- our personal
 15 emotions about bio-swales or vagrancy or --
 16 MR. GREER: When coming up with the conditions for
 17 this project, we did our research and we went through
 18 historically what other projects have done and what could
 19 apply to this one. We combined all of those with these 15
 20 conditions and they were agreeable to all of them.
 21 MR. MURCH: So at the end of the day, if it meets
 22 all of the requirements legally and it meets the requirements
 23 mainly of the master plan, how could we do anything other
 24 than vote yes?
 25 MR. GREER: I don't think we can dictate how each

Page 51

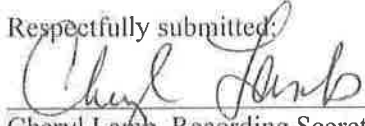
1 individual person will vote on this subject. But the
 2 Planning Commission does have a certain criteria that they
 3 look at, and the recommended conditions are those criteria.
 4 MR. MURCH: Okay.
 5 MS. MIDDLETON: I'm finding myself personally
 6 opposed to this plan, but as a member of the Planning
 7 Commission, I'm finding it difficult to find a Planning
 8 Commission reason to not vote for it. That's all.
 9 MR. WHITTON: We are talking about a piece of
 10 commercial property on a four-lane state highway. It may set
 11 back a little bit, but that is commercial. And in the
 12 past -- as a matter of fact, now there is a lot of businesses
 13 even in those little houses down there. At one time we had
 14 thought about going back 300 feet and running all that land
 15 and make that all commercial down south of there where all
 16 the little houses are businesses to improve that. So I mean,
 17 it is -- it has been zoned for that forever. It is on a
 18 four-lane state highway. Where else would you put a
 19 business? You know, we are not really going into the
 20 residential area. We are just adding more commercial on a
 21 four-lane highway. And I still like the idea that they put
 22 those great big evergreens, because you won't be able to see
 23 anything. And they've kept the light on the property.
 24 They've taken care of that. And they've tried. They really
 25 have. I'll be voting for it.

Page 52

1 CHAIR MCGEE: Are there any other questions
 2 or comments for the planning commissioners? Mr. Markenson?
 3 MR. MARKENSON: Are we going to have comments after
 4 the close of the meeting or is this my time to make a
 5 comment?
 6 CHAIR MCGEE: This is your time.
 7 MR. MARKENSON: I'm going to do it then. I think I
 8 would rather see a lot of things on this property other than
 9 a convenience store. It's properly zoned for a convenience
 10 store and the site plan resolves any sorts of problems and
 11 conflicts. I don't see any way to vote against this measure.
 12 That is how I felt really on the first time around. I think
 13 I made the motion to approve it. I don't -- I wish it were
 14 something else, but it's not, so that is the way it goes.
 15 Thank you.
 16 MS. MIDDLETON: Does anybody have an issue about the
 17 double fence and the safety issue?
 18 MR. COOKSON: I don't. Currently I'm noting that
 19 the developer has stated they are flexible on where that
 20 fence goes. So I don't have a specific concern at this time.
 21 CHAIR MCGEE: Are there any additional
 22 comments from Planning Commission members before we close the
 23 public hearing? Do I have a motion to close the public
 24 hearing?
 25 (Motion made, seconded, and carried.)

Page 53	Page 55
<p>1 CHAIR MCGEE: I will entertain a motion on 2 this topic. 3 MR. MARKENSON: I move the planning commission 4 approve the site plan review of the 6221 North Chestnut 5 Avenue, File No. 2019-008. 6 (Motion Seconded.) 7 CHAIR MCGEE: Call the roll. 8 (Roll called.) 9 MR. COOKSON: Yes. 10 MR. EBENROTH: Yes. 11 MX. HERNANDEZ: Abstained. 12 MS. HOMMON: Yes. 13 MR. MARKENSON: Yes. 14 MS. MIDDLETON: I like the abstain option. 15 MR. MURCH: Yes. 16 MR. NEW: No. 17 MR. TURNAGE: Yes. 18 Mr. WHITTON: Yes. 19 CHAIR MCGEE: Yes. 20 CHAIR MCGEE: The motion carries. Are there 21 any communications from City Council? Are there any 22 communications from City Staff? 23 MR. GREER: No, Madam Chairperson. Thank you. 24 CHAIR MCGEE: Any communications from 25 Planning Commission members?</p>	<p>CERTIFICATE</p> <p>1 I, Nicole M. Calcara, Certified Court Reporter, do 2 hereby certify that on August 19, 2019, I was present and 3 reported all of the proceedings in the Gladstone City Council 4 Hearing; I further certify that the foregoing 54 pages 5 contain a complete and accurate transcription of the 6 proceedings. 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>/s/ Nicole M. Calcara, CCR Nicole M. Calcara, CCR</p>
Page 54	
<p>1 MX. HERNANDEZ: Sure. I'm going to recommend that 2 folks show up at the City Council meeting to express concerns 3 if you have any in order to address it whenever it goes 4 before the City Council. 5 MR. MARKENSON: I would like to invite everyone to 6 participate in the Restoration Run Saturday morning at the 7 Atkins-Johnson farm. This is a 5 K walk-run fund raiser that 8 benefits 50 percent for the Atkins-Johnson farm and 50 9 percent for Synergy. Our own Bill Turnage will be 10 participating in that race and is the odds on favorite of 11 coming in first place. I will be parking cars. 12 MS. HOMMON: I would like to say thank you for 13 coming to everybody for coming and being heard. There was 14 absolutely nothing easy about this. And I'm really glad that 15 the community made it a difficult thing to vote, because you 16 forced us to consider everything that we had to legally 17 consider and I appreciate that. That is the way it should 18 be. And it's always hard when it doesn't turn out the way 19 you wish it to be, but thank you so much for coming and being 20 heard. 21 CHAIR MCGEE: I'll entertain a motion to 22 adjourn the meeting. 23 (Motion made, seconded, and carried.) 24 (Adjournment.) 25</p>	

Respectfully submitted:



Cheryl Lamb, Recording Secretary

Approved as corrected



Jennifer McGee, Chair

Approved as submitted

ORIGINAL

GLADSTONE PLANNING COMMISSION HEARING - November 19, 2018

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GLADSTONE PLANNING COMMISSION HEARING

Monday November 19, 2018

Appearances:

Chase Cookson, Commissioner

Mike Ebenroth, Commissioner

Alicia Hommon, Commissioner

Gary Markenson, Commissioner

Jennifer McGee, Commissioner

Katie Middleton, Commissioner

Kim Murch, Commissioner

Shari Poindexter, Commissioner

Bill Turnage, Commissioner

Larry Whitton, Commissioner

Don Ward, Chairman

NICOLE M. CALCARA, C.C.R.
for
CROSS REPORTING SERVICE, INC.

ORIGINAL

1 MR. CHAIRMAN: I'm going to call the Planning
2 Commission for Monday, November 19th, to order.

3 (Roll call.)

4 (Pledge of Allegiance.)

5 MR. CHAIRMAN: Approval of previous minutes from
6 November 5th. Entertain a motion.

7 (Motion made, seconded, and carried.)

8 MR. CHAIRMAN: Okay. Next on the agenda is other
9 business.

10 CITY PLANNER: No other business tonight.

11 MR. CHAIRMAN: Before we go on to the next item on
12 the agenda, I have a little statement here to read real
13 quick. Everyone desiring to speak regarding the application
14 will be given the opportunity to be heard tonight. Your
15 comments should be regarding the application specifically, if
16 you have any questions regarding the application, ask your
17 questions to the commission and I will ask either the
18 applicant or the staff to respond to your question after you
19 have had the opportunity to speak. Order of business will be
20 as follows: There will be a presentation by City staff.
21 After that presentation there will be an opportunity for the
22 Commission to ask questions for clarification, then we'll
23 move forward with public comment. Those wishing to speak in
24 opposition to the application will be heard first. Then
25 those wishing to speak in favor of the application will be

1 heard second. We ask that comments be limited to around
2 three minutes. And if you have the same thing as everybody
3 else has said, you can come to the podium here, state your
4 name and address, and say you have the same issues as
5 everybody else. And after we've heard the public comments,
6 we will conduct Commission discussion and potential action.
7 Staff, anything else to add to that?

8 CITY PLANNER: That's good.

9 MR. CHAIRMAN: All right. Onto Agenda No. 5, we
10 have a public hearing for a site revision 607 Northeast 69th
11 Street file 2018-015. I will open the public hearing.

12 CITY PLANNER: The first applicant tonight is Kim
13 Catalano who is requesting a site plan revision for the
14 purpose of an expansion to their Gladstone FOODS operation by
15 adding a new building with one additional loading dock, new
16 paved and parking lot configuration and a side driveway to a
17 new screened trash enclosure. Their plan is to use the
18 existing wall, new concrete block to construct this new
19 addition. There will be additional landscaping such as
20 shrubs and trees added on the north and west side of the
21 property. These proposed improvements do not increase
22 impervious area or run-off, therefore, no storm water
23 improvements are required nor recommended. City staff
24 recommends that the planning commission approve this site
25 plan revision contingent upon compliance with the recommended

1 conditions. Number 1, all exterior existing lighting shall
2 be converted to LED. Dumpster enclosure shall be constructed
3 with materials in colors consistent with primary building,
4 specific colors shall be submitted and approved as part of
5 the building permit. Trash service deliveries and
6 distribution shall be scheduled between the hours of 7:00
7 a.m. and 10:00 p.m. Any and all disturbed areas shall be
8 sodded. All landscaped areas shall be maintained in
9 perpetuity. All mechanical equipment on the roof shall be
10 screened from public view by a parapet similar in design to
11 the rest of the structure. This must be a minimum of 12
12 inches above the tallest piece of mechanical equipment.
13 Thank you and that is all, Mr. Chairman.

14 MR. CHAIRMAN: Is the applicant here?

15 CITY PLANNER: The applicant is here, yes, and the
16 engineers.

17 MS. CATALANO: Kim Catalano, 607 Northeast 69th
18 Street.

19 MR. CHAIRMAN: Are there any questions for the
20 applicant? So you guys are just putting an addition onto the
21 front of the building that is currently there?

22 MS. CATALANO: Correct.

23 MR. CHAIRMAN: Thank you. Is there anybody in the
24 audience that wishes to speak in opposition to this
25 applicant? Is there anybody in the audience that wishes to

1 speak in favor? Okay. I will close the public hearing is
2 there any comments from commissioners, discussion?

3 MR. TURNAGE: I worked at this establishment when it
4 first started back in '59, I guess when I was 14, 15 years
5 old. I've been friends with them for a long time, they run a
6 tight ship. I don't know if you've tried their product. But
7 it is terrific products. It is taco shells. It always looks
8 nice, well in appearance, and they are great people. They've
9 employed a ton of people in Gladstone over the last few
10 years.

11 MR. CHAIRMAN: Entertain a motion?

12 (Motion made, seconded, and carried.)

13 MR. CHAIRMAN: Next on the agenda is a public
14 hearing for site revision 6221 North Chestnut Avenue, File
15 2018-016. I will open the public hearing.

16 CITY PLANNER: The applicant 3F30 architects is
17 requesting a site plan revision on behalf of Mr. Charles Cuda
18 OPES commercial real estate for the purpose of constructing a
19 convenience store and gas station at 6221 North Chestnut
20 Avenue, formerly known as Tanner's restaurant. Their plan is
21 to significantly remodel the building, bring the structure up
22 to code and retrofit the property using a combination of
23 EIFS, stone, artificial stone and a medal awning for the
24 exterior. The site plan shows additional trees and
25 landscaping being planted on the eastern side of the property

1 located directly behind the proposed convenience store and
2 gas station helping create the required 38 feet buffer zone
3 between the subject commercial and residential properties.
4 There is also proposed landscaping on the western side of the
5 property near the planned monument sign and green space
6 between the two egress and ingress access points off of
7 Chestnut. City staff recommends that the trees and shrubs
8 being planted on the property be native to Missouri by nature
9 in an effort to aid in better street scape and survival.
10 Regarding the aesthetics of the proposed structure, two
11 primary guiding principals are described in the City's
12 Comprehensive Plan. The plan states the City should promote
13 compatible growth, ensure the design work is the compatible
14 to the character of the community, promote quality
15 development and improve area appearance. In the BMP analysis
16 conducted by Kaw Valley Engineering, run-off drains toward
17 the southwest corner and a bio-swale will be implemented to
18 capture and treat run-off from the fueling area prior to
19 run-off exiting the site. Included in the planning
20 commission packet is a letter from World Fuel Services
21 describing the experience of Amir Nadeem Mehndi, who will be
22 the store operator for the proposed gas and convenience
23 store. Staff has also included a retail mystery shop score
24 for the proposed operator for their various other locations.
25 There are residents in adjacent neighborhoods located to the

1 east of subject property that are opposed to this particular
2 project. The community development department has received
3 multiple phone calls and a signed letter included in your
4 packet from the Woodlands HOA board in opposition. City
5 staff recommends that the following conditions be considered
6 if the Planning Commission and City Council choose to approve
7 this project request. Number 1, any and all disturbed areas
8 shall be sodded. Number 2, all manicured grass and
9 landscaped areas that'll be irrigated and maintained in
10 perpetuity. Number 3, all mechanical equipment on the roof
11 shall be screened from public view by a parapet or approved
12 screening similar in design to the rest of the structure.
13 This must be a minimum of 12 inches above the tallest piece
14 of mechanical equipment. Number 4, a compliant monument sign
15 shall be used to serve the development. The monument sign
16 will need a minimum of 240 square feet of area landscaping
17 around the sign. Number 5, relocation of the trash dumpster
18 to the northwest corner of the parking lot away from the
19 residential area adjacent to the property. Number 6, all
20 exterior lighting on the site shall be LED and designed to
21 reduce adverse impact on adjoining residential properties.
22 Number 7, outdoor lighting cannot be greater than 0.25 foot
23 candles and 10 feet beyond the property line. Number 8,
24 dumpster shall be enclosed with materials consistent with a
25 primary building. Specific colors shall be submitted and

1 approved as part of the building permit. Number 9, trash
2 service, store deliveries and gasoline refilling (underground
3 commercial gasoline tanks) shall occur between the hours of
4 7:00 a.m. and 10:00 p.m. Number 10, tractor/trailers,
5 storage containers and other commercial vehicles excluding
6 delivery trucks shall not be parked or stored overnight on
7 the premises. Number 11, no more than 50 percent of the
8 glazed area of the building shall have signage. Number 12,
9 hours of operation are from 5:00 a.m. through 2:00 a.m. The
10 store will be closed from 2:00 a.m. through 5:00 a.m., Monday
11 through Sunday. Number 13, signage compliant with the sign
12 code shall be used. Signage shall be approved at the time of
13 permitting. Thank you, and that is all, Mr. Chairman.

14 MR. CHAIRMAN: Any questions for staff?

15 COMMISSIONER: To begin with, could you be kind
16 enough to give us a broader picture of those four buildings
17 that are on that block? I just did a drive-by and it looked
18 like three of the four buildings were abandoned.

19 CITY PLANNER: Sure, one of the old buildings used
20 to be Lawson Bank. Currently that is vacant and we've been
21 hearing rumblings that it might be a doctor's office
22 eventually. And then the old Tanner's property obviously is
23 vacant. And then I'm trying to think of the other two
24 properties. QuikTrip.

25 COMMISSIONER: It was going to be a laundromat but

1 now it's on hold, I think.

2 CITY PLANNER: Sure. The owner of that development
3 has recently bought another property in Independence and is
4 working on that. His plans are to still develop a laundromat
5 in that location sometime early next year.

6 COMMISSIONER: I have a couple of others. Delivery
7 trucks can park there overnight?

8 CITY PLANNER: Delivery trucks cannot park there
9 overnight.

10 COMMISSIONER: Okay. No. 10 --

11 CITY PLANNER: Excluding -- I apologize.

12 COMMISSIONER: Should that be including? You see
13 where I am on 10?

14 CITY PLANNER: Including, yes, sir.

15 COMMISSIONER: Should be including, so any motion we
16 make -- can I just make a motion to change the word excluding
17 to the word including, number 10 of the recommended
18 conditions, if we could get that out of the way. And if I
19 could -- if I can move that we, condition No. 10, delete the
20 word excluding and replace it with the word including.

21 I don't see much in here on the screening between the
22 properties to the east and the --

23 CITY PLANNER: Between residential and commercial.

24 COMMISSIONER: Yeah. Right now there is a fence and
25 it is deteriorated, it's dilapidated. There is a five foot

1 gap in the fence, I mean it's, just falling apart. Is that
2 fence going to stay there? I know there is going to be shrub
3 and screening. Talk a little about the screening.

4 CITY PLANNER: Sure. I spoke with Mr. Cuda this
5 morning about the fence, and according to the survey we think
6 it's actually the residents that own that fence.

7 COMMISSIONER: The homeowner's association that owns
8 it or the residents that are adjacent to it?

9 CITY PLANNER: That is a really good question. But
10 we can find out.

11 COMMISSIONER: That's fine. Could you talk about
12 the screening that they envision putting there? Because I
13 assume the fence is going to remain.

14 CITY PLANNER: I think the architect could probably
15 do a better job than I could.

16 COMMISSIONER: Thank you, Mr. Chairman.

17 MR. CHAIRMAN: Any other questions for staff?

18 COMMISSIONER: I was also concerned about a fence in
19 the back. And I think if this fence has to be taken down
20 that there should be somewhere in here that says a
21 replacement fence should be put up.

22 CITY PLANNER: So what we could add, is if we find
23 out that HOA does or does not own the fence, then we could
24 include that in the conditions as long as the developer would
25 agree to that.

1 MR. CHAIRMAN: Any other questions for staff? Does
2 the applicant wish to come up and speak?

3 MR. RUOFF: Good evening. My name is Brian Ruoff.
4 I'm with 3F30 Architects. I'm representing the developer,
5 Chuck Cuda, who is behind me. I'm going to make this very
6 brief, because I think everybody understands the project in
7 its entirety, we are agreeable to the entire list with the
8 one exception is we are not -- we have not confirmed the
9 structural capability of the tall parapets on this building
10 yet. So we are agreeable to screen. We just don't know
11 exactly how that is going to occur. We have the option of
12 parapet walls, but then we get snow drifting issues and
13 without having a full structural analysis of the roof
14 structure at this point in time I don't know what I can do.
15 We are trying to get the front up as far as we can because it
16 is a new wall. The whole front wall is going to be new
17 because I don't know if everybody understands, we are taking
18 20 some feet off the existing building and rebuilding that
19 entire front face for store front. So with that said, the
20 other options would be hats on the rooftop units, other
21 options that may or may not be the best option we have
22 available. So I would promote a little more landscaping or
23 strategic placement of trees for that one line item. Going
24 backwards slightly we have tried our best to get the 35 feet
25 of landscaping between the residential and the commercial

1 property. Because of the existing building location it's not
2 going to be 35 feet in all places, but wherever it can be 35
3 feet, it will be 35 feet. We would like to maximize the tree
4 plantings in that area because that is going to be the most
5 benefit above the fence line, is trees. So I think that
6 would be recommended. We do have some landscaping going into
7 the front that was mentioned and a small retention pond,
8 filtering pond is going to be at the very front of the
9 property on the west side. And we've increased the
10 landscaping around the monument side that would be in the
11 southwest corner. I do have a color rendering if anybody
12 wants to see it over here that might be a little more visual
13 for everybody to look at. Other than that, we are available
14 for questions and comments.

15 MR. CHAIRMAN: Any questions for the applicant?

16 COMMISSIONER: Is this going to be a gas station
17 slash convenience store?

18 MR. RUOFF: It is going to be a gas station -- it is
19 convenience store -- it is going to have convenience store,
20 going to have liquor and a small restaurant. The restaurant
21 is a little bit up in the air. That may not occur. But it
22 is probably going to be a carry-out restaurant. It is
23 greatly simplified from what is there now, if anybody has
24 been in this the original Tanner's. The kitchen is huge.
25 And all that has to come out. There is a huge walk-in, there

1 is a huge hood. All of that has to be removed.

2 COMMISSIONER: Hours are going to be from 5 to 2?

3 MR. RUOFF: It is. We are agreeable to what staff
4 put in the report.

5 CITY PLANNER: We were suggesting between 2:00 a.m.
6 and 5:00 a.m. that they would close down.

7 MR. RUOFF: And the owner, developer and operator
8 are agreeable to those hours. I've done many, many
9 convenience stores in the past over the years. I used to
10 work, do stores for Phillips and Conoco and that sort of
11 thing. The petroleum part of this is going to be I think
12 very well laid out. It is going to be smooth and it is going
13 to operate as it should. From a convenience store
14 standpoint, that is an operational question. But it is a
15 4,000, 5,000 square foot building. So it should be
16 comfortable and have quite a bit of amenities on the inside.
17 No drive-through. I think drive-through was a concern with
18 the neighborhood. Because of the landscaping we are
19 completely landscaping the east side of this property so
20 there will be no drive-through. We are amiable to moving the
21 trash enclosures to the McDonald's side of the lot. I think
22 McDonald's is 24 hours, you know, in operation but they have
23 an easement that runs through that property so it is trash
24 enclosure will be between their easement and where the bank
25 property is. We are amiable. We are going to completely

1 relocate the trash enclosure. So we are basically agreeable
2 to the entire list of conditions.

3 COMMISSIONER: I'm sorry I have so many questions.
4 Can you tell me a little bit more about the screening, the
5 trees you are going to plant on the east side of the
6 building? I'm still a little hazy on what you are doing
7 there. Wrong person again? I'll get the right person if I
8 keep asking the question.

9 MR. RUOFF: Well, right now it is a very preliminary
10 landscape plan. But we are proposing a lot more trees than
11 shrubs, because the trees are going to be beneficial. So
12 this is the property as it is now. And the building extends
13 out to here. We are taking off this part of the building.
14 We are going to rebuild the front. This is all going to be
15 the existing building, structurally, you know, everything
16 inside here has to be dealt with, panels, panel room, all
17 that has to stay because that is the only way to meet the
18 budget on the project. We are proposing anything back here
19 that is not part of the building or the sidewalk system would
20 be removed and landscaped. So we can plant plants here, but
21 the neighborhood won't benefit from the plants we are willing
22 to do that. But the trees are going to be the biggest
23 benefits for the houses for the neighborhood. So this is
24 our -- this is our solution to the screening on the back side
25 of the building, is to get these trees in here. Now what

1 I've got is, I've got some medium size and some -- basically
2 I'll tell you exactly what they are right now, it is a Norway
3 maple and Patmore ash. So it is a combination -- we are open
4 to anything in here, but we want to make sure they are
5 selected and placed so we can get the most benefit and that
6 can be done by sightlines and those sort of things. The
7 front end we have to get traffic through here, so we've done
8 this triangular shape around the monument sign that will be
9 landscaped with flowering plants, this is the green space
10 here I have to work with the civil engineer on, because this
11 is going to be held down so water will run through that
12 filter. And there is the trash enclosure location now -- I'm
13 sorry future. And now it's right here. So that is what --
14 we are proposing to move it away.

15 COMMISSIONER: Where is the gas tanks going to go?

16 MR. RUOFF: Gas tank right now, I've done a bunch of
17 these -- gas tank right here. Okay. From a tanker
18 standpoint, I used to bring actual drivers to these meetings
19 which was always interesting, because they would say, well, I
20 gotta back the truck -- they do the whole scenario of how
21 they get the truck on and off-site. I don't want them to
22 back up if I don't have to. My goal is to get a tanker on
23 and off-site without backing up this site. They are going to
24 probably come in this way and swing around. They've got to
25 come all the way around here. And most tankers drop on the

1 right. The hoses are on the right side. So that is the
2 ideal situation. But it is kind of tight for doing that.
3 They may want to do another round. It depends if there is
4 cars parked here. But they can come through either way. But
5 the idea is to keep the fuel close to the canopy. That is
6 the objective.

7 COMMISSIONER: Just so that I'm clear, you are going
8 to tear out the concrete that is behind the building that is
9 all crater, and looks like there has been bombs dropped on it
10 and stuff, you are going to take that out and put in dirt and
11 sod and put the trees on that?

12 MR. RUOFF: It is going to be fully landscaped. It
13 is going to be sod and trees. My preference is sod and
14 trees. What you've seen in your packet is the -- a little
15 short of 35 feet because I was given the 35 foot condition
16 later. This is the 35 foot line right here. This line right
17 here. So we are going to take out to the sidewalk, I have a
18 transformer here there is that shed back here. We are taking
19 everything out that we can and landscaping.

20 MR. CHAIRMAN: Any other questions from the
21 commissioners?

22 COMMISSIONER: There is a Conoco station a couple
23 blocks across the street to the west. Will that continue to
24 operate, or are they separate entities unrelated, unrelated?
25 Okay.

1 COMMISSIONER: So you are going to need a variance
2 as far as the set-back on part of that, you don't have 35
3 feet?

4 MR. RUOFF: Well, that is up to staff.

5 CITY PLANNER: No. Since it is CP zoning, the
6 planned portion of that gives a little bit of flexibility, so
7 a variance wouldn't be needed.

8 COMMISSIONER: I just wondered if you needed to go
9 to BZA and get a variance.

10 CITY PLANNER: We didn't think that was necessary.

11 MR. RUOFF: We are caught between existing building,
12 we'll do what is required.

13 MR. CHAIRMAN: Any other questions?

14 COMMISSIONER: Yeah. I think I know, but can you
15 clarify what kind of access there would be for traffic from
16 that building to the neighborhood, behind there, what roads
17 are back there they would use to get -- I mean, part of the
18 thing is to increase traffic to the neighborhood. How will
19 that increase traffic to the neighborhood?

20 MR. RUOFF: The entrance of the neighborhood is
21 several blocks, I don't know what is the street that goes,
22 Shady Lane. This is bank property right here on this edge.
23 And so we have no real landscape on that edge on that side
24 available because the parking property line is right on
25 our -- existing property line.

1 COMMISSIONER: I just wanted clarification on that.

2 MR. CHAIRMAN: Any other questions?

3 COMMISSIONER: I'm not sure you are the person for
4 this either, but I was -- the hours of operation, the
5 restriction on them is very unusual. I can't think of
6 anything that we restrict except liquor sales. Several
7 months ago when we had the laundromat issue we put in
8 restrictions on hours, but the City Council felt that was
9 unwarranted and took them out. So the laundromat can operate
10 24 hours a day. But a convenience store that generally
11 operates 24 hours a day would be restricted. Is that a
12 problem for you, putting you at a competitive disadvantage
13 with Hy-Vee and QuikTrip and others?

14 MR. RUOFF: Well, because I've done 100 of these
15 over 25 years the ownership, that opinion does vary. Most
16 convenience store owners would like to stay open for 24 hours
17 for two reasons. One is it does bring a little more revenue,
18 but also it is a security issue, that they want -- they like
19 to have somebody on their site 24 hours a day so they don't
20 have other issues. They like a 24-hour operation so that
21 they are watching their stores.

22 COMMISSIONER: It is not a big time for business,
23 though, is it?

24 MR. RUOFF: They usually lose money on the sales
25 part. It depends on your relocation and what you are doing.

1 But, yes.

2 COMMISSIONER: It is not a problem for the owners,
3 is that what you are saying?

4 MR. RUOFF: Well, Chuck, do you want to talk about
5 that?

6 MR. CUDA: It is not an issue in this particular
7 case.

8 MR. CHAIRMAN: Step up to the mic. State who you
9 are and your address.

10 MR. CUDA: Chuck Cuda, 6051 North Chestnut,
11 Gladstone, Missouri. For this particular instance we felt
12 that we would be amenable to the neighborhood and it would be
13 beneficial to everybody if we operated within these hours, so
14 the owner feels that with this particular demographic he is
15 comfortable with these hours. And to the point about the
16 screening, with the topography differential with the houses
17 sitting lower we could put bushes over there but, we feel the
18 trees provide the better screening. And regarding the fence
19 with the differential of wood that is being used on those, we
20 feel it is each homeowner's fence, it's their particular
21 fence, but we would be amicable to looking at possibly
22 re-screening that back side once we are done with
23 construction.

24 MR. CHAIRMAN: So the fence isn't part of your guys'
25 development?

1 MR. CUDA: It is not part of our development, but we
2 would entertain incurring that cost post-construction.

3 MR. CHAIRMAN: Any other questions for the
4 applicant? Okay. All right, next on is anybody in the
5 audience wishing to speak in opposition, please step to the
6 mic and state your name and address, please.

7 MS. BAKER: Good evening, Michelle Baker, 108 the
8 Woodlands. Thank you for affording me the opportunity to
9 come and speak before you in lieu of being with my family
10 watching the Chiefs play, which I'm sure right about now you
11 would rather be watching as well. My attendance here
12 is twofold. One, for my own personal voice and the second to
13 be the voice for at least 44 residents of the Woodlands
14 neighborhood who have responded that they did not want this
15 site re-planned. We are a small close-knit single access
16 neighborhood of 95 residents. I've already shared with you
17 the residents' comments in writing in the packet. I printed
18 out additional ones that we've received since then if you
19 would like to see those as well. Some of the main issues and
20 concerns that we have are the disruptions due to the
21 proximity to the residents' property in the form but not
22 limited to the hours of operation. I know that you've
23 already touched on it our problem is that 5:00 a.m. to 2:00
24 a.m is really late for our neighborhood. And the noise that
25 will be generated with traffic flow and lighting would be

1 detrimental, especially to the six houses that butt right up
2 close to that. The potential of water leakage from
3 underground tanks is a worry and a concern for the neighbors,
4 the large tanker and delivery trucks, the -- if you are
5 familiar with Chestnut, the street of Chestnut itself, it's a
6 small little access. It is right there in front of -- it's
7 only access for UMB Bank, the property at 6221 Chestnut.
8 That's it. Because then it curves around and then you
9 actually have to go back around to get into where Lawson Bank
10 used to be. So for a tanker hauling gasoline to be able to
11 manage that, there is going to be, I would think and the
12 neighbors think, substantial destruction of that street right
13 there. It is not an easy turn. You've got the little
14 boulevard that is the beginning of Antioch right there where
15 it splits across the street from CVS. So you have that
16 entrance. And then another entrance coming in from where
17 Lawson Bank used to be off Antioch. The lighting, once
18 again, is so close to the neighborhood that the lighting
19 would be a distraction to those homes. As well as the noise
20 level. Not to mention the increased air pollution from
21 pumping gas, which the US Energy Information Agency says that
22 it's detrimental as far as green house gasses, carbon dioxide
23 that is emitted. And that's why during high ozone times they
24 say please don't fill up your cars with gas right now. Well,
25 that is right there behind our neighborhood. Sewage and

1 water run-off issues and the potential for devaluation of the
2 property due to the proximity. I would encourage the
3 planning committee to not only consider what the closest
4 neighborhood, the Woodlands, wishes with regards to this plan
5 revision but to also think about what is best for the City of
6 Gladstone. Does the City of Gladstone truly need another gas
7 station, slash, convenience store when we have 20 right now
8 as far as Google Maps goes and 14 convenience stores, all
9 within the area. Or would it be better for Gladstone to have
10 a restaurant Gladstone residents as well as neighboring
11 cities can come and enjoy and frequent? Thank you very much.

12 MR. CHAIRMAN: Thank you. Anybody else in the
13 audience that wishes to speak in opposition?

14 MR. McINTOSH: John McIntosh, 135 the Woodlands,
15 Gladstone. Chairman Moore, commissioners, I moved here from
16 Los Angeles two years ago and my wife and I, we chose the
17 Woodlands because we enjoyed the wonderful ambience of the
18 trees and everything we live in that was there. And the only
19 thing I just want to add to my fellow neighbor Michelle is
20 that in Los Angeles we had a problem and we brought it up
21 before the City Council, I lived in Whittier, which is a
22 suburb with liquor stores, they had liquor stores on every
23 corner. And so I equate this particular project, a gas
24 station, to the liquor store problem that we had. Why have
25 another gas station when I know we have four in the proximity

1 of between a mile and a mile and a half between each of them.
2 We have one on Antioch and Vivion. You have one -- a Conoco
3 on Antioch and Kendallwood. Then you have the gas station at
4 Hy-Vee there. And then across the street there is a Quick
5 Pick there. So my question is, why another gas station? So
6 I equate it to like the liquor stores and what it would do,
7 it would bring unnecessary traffic and later possibly crime
8 into the community we don't need. And so I would just ask
9 you to consider our needs, because there is other things we
10 can probably put there that will be more convenient for the
11 community rather than a gas station. Thank you for your
12 time.

13 MR. CHAIRMAN: Is there anybody else in the audience
14 that wishes to speak in opposition?

15 MR. CHAPMAN: John Chapman, 118 the Woodlands. I
16 don't have no problem against commercial development. I've
17 lived in this area since about 1965 from Old Meadowbrook to
18 Brooketree, now the Woodlands. That building has been Red
19 Lobster, Old Chicago pizza, Tanner's, Tommmmy's and I think a
20 barbecue place. If these developers want to put in another
21 restaurant, I would be frequenting it. But I'm concerned
22 with pollution issues. I'm concerned with light pollution,
23 air pollution, water pollution and pollution pollution. And
24 so I'm against the development.

25 MR. CHAIRMAN: Thank you. Anybody else in the

1 audience?

2 MR. SKINNER: Zachary Skinner, 105 the Woodlands.
3 Nothing really to add but to support my neighbors.

4 MR. CHAIRMAN: Thank you.

5 MS. THIESSON: Alicia Thiesson, 123 Woodlands. I
6 live in one of the area that is fairly close to that. We
7 have four kids. We moved into this neighborhood a year and a
8 half ago. We knew that there was restaurants back there,
9 there is a bank back there. We were aware of all that. But
10 a gas station we feel like is a completely different topic.
11 Our two-year-old -- sorry. She has health issues. One of
12 them being in her lungs. So it's a concern of ours that we
13 made this investment into a property and into a neighborhood,
14 we felt like our family would be safe and then the issues
15 that you can have from the pollution and things could further
16 cause her additional health issues. We also have a pool in
17 our backyard, which when you add in all of those factors we
18 spend a lot of time outside, and that would be an issue for
19 us along as resale value. We feel like if we were to need to
20 move, it would be very difficult knowing that there is a gas
21 station right there to sell our home, we feel like we would
22 have trouble. Nobody is going to want to buy a house with a
23 pool in the back yard and a gas station within -- from our
24 house it's probably 200 yards or so, but it is still close
25 enough we feel like it would cause issues.

1 MR. CHAIRMAN: Anybody else?

2 MS. NARCUS: Michelle Narcus, 82 the Woodlands. We
3 ourselves just moved to a town home that is in the Woodlands
4 development a year and a half ago. Ditto for all the same
5 issues that have been expressed. Including the property
6 value. I myself don't happen to have a property that is
7 adjacent to that, but I feel that it will definitely not help
8 the value of the homes that do back up to that. The
9 Woodlands is a very nice, well kept community and even though
10 it was developed in the early '80s and the traffic there is
11 congested enough at, I guess Shady Lane, whatever turns into
12 there at Antioch, a lot of congestion, it is really hard,
13 difficult to get out. That is just going to make it worse.
14 I would say for some reason if the committee would make the
15 decision that the development is going to go through that I
16 definitely think that the developers and the owners should be
17 responsible for paying for a very large private fence amongst
18 all those properties that are adjacent to that property.

19 MR. CHAIRMAN: Thank you.

20 MS. GUYSINGER: Hi there, I'm Donna Guysinger. I
21 live at 102 the Woodlands. I don't back up there, but I'm
22 down the street. And I -- we have been in the neighborhood
23 for 25 years. And when we first moved in here, it was kind
24 of nice to have the little restaurant back there. And it
25 wasn't an issue with noise. And you can hear the noise

1 currently on Antioch. All the police that go by and the fire
2 trucks, it just seems to like it has increased. However, to
3 have a convenience store and a gas station backed -- I'm
4 going to say 300 feet or 400 feet from your driveway, I can
5 only imagine all the noise that is going to create, not just
6 with big trucks, but with the garbage, you know, the garbage
7 guys coming and people putting in all the glass. There used
8 to be a Ripple glass area over there, that was so hard to
9 take. This is the Woodlands, the homes, 300, 350,000 and up
10 okay? So it's not just a small property. And everyone keeps
11 their property up very, very well. We have lots of trees.
12 But even still, with all that, you still hear a lot of noise.
13 And that is a concern. Especially for the people that
14 surround the property, if you are sitting in your back yard
15 on a Saturday afternoon with your friends and you hear all
16 the noise going on, I would be totally disturbed about that.
17 It would really ruin the ambience of that -- of the
18 Woodlands. It is a very nice neighborhood. It's quaint and
19 it's small and we like it like that. And I have like really
20 loved it since there haven't been hardly any -- Tanner's is
21 gone and the other building is gone, so it's really nice. It
22 is nice and quiet. And that is the way we like it. And the
23 other neighborhood that is by the Woodlands is much smaller
24 but still they are very quiet, lots of trees, they want it
25 that way. And I've talked to several of the homeowners and

1 they are very concerned also. They are just right down
2 there. Thank you very much.

3 MR. CHAIRMAN: Anybody else?

4 MR. CLIMOORE: My name is Joe Climoore and we live
5 in the closest house to the building. We live at 127 the
6 Woodlands. And we are really concerned about the light and
7 the noise. Of course everything that everyone else said
8 about the situation there. But I hadn't really thought until
9 she said about the trucks turning in, it is not a very good
10 place for trucks in and out. So really that is our greatest
11 concern is the noise and the lights. Tanner's was a good
12 neighbor. We -- Tanner's was probably the best. We
13 hardly -- maybe they didn't do any business. I don't know.
14 They were very quiet back there. When the other place was
15 there, they made a lot of noise and bottles over the fence.
16 But Tanner's did very well. Like I say, maybe they didn't do
17 a lot. So thanks.

18 MR. CHAIRMAN: Thank you.

19 MS. THIESSON: Berna Thiesson, 123 the Woodlands.
20 My main concern by the health of my child who I already have
21 to take to regular doctor's visits is everyone's health
22 actually within our community. We have a slightly older
23 population within our community. I'm worried about the air
24 quality. I know that although it didn't pass, several BP
25 organizations tried to push through not allowing a gas

1 station 500 feet on the back line property from residential
2 properties. We are looking at 35 feet. And that is 35 feet
3 of like a quarter of that. So how much is like 25 feet? It
4 just keeps getting closer and closer to the properties. So
5 every single time someone is re-fueling, every single time
6 the tankers come in, we are going to smell it in our back
7 yards and smell it in our front yards. And it is not what we
8 signed up for when we moved to this community. It is
9 outrageous. Unfortunately when the gas station is already
10 there, you know what you are getting into. And I think no
11 one signed up for this within this community. So, I mean, in
12 a year or two when my daughter has health issues, who do I
13 submit petitions to that it has been a detriment to her
14 health? That I can't take my daughter in my back yard
15 because I'm worried about water pollution coming in the
16 run-offs and there is not even going to be a fence. It is
17 all about cost. They are trying to put whatever works in
18 there for the lowest amount of cost without really caring
19 what is good for our community. It is just outrageous. Not
20 even affording a fence. We already talked about the fence at
21 the last meeting with him. It is not even in the plan, so
22 obviously he doesn't care what the community wants and he
23 doesn't care about the safety and the health of our
24 community. So just it's kind of crazy, but just the fact
25 that I bought this home to raise my four children in and now

1 we are considering moving out of the community. The second
2 it gets approves we are out. It is just insane. Thank you.

3 MR. CHAIRMAN: Anybody else in the audience?

4 MS. VANDERBERG: Winnie Vanderberg, 45 the
5 Woodlands, also a broker person for Re/Max and I have been
6 for almost 40 years and I have had experience with these sort
7 of projects. And I spoke out at the last meeting. I'm
8 adamantly opposed to this. I think there are far more
9 negatives than positives. I've not seen any site studies
10 that give us anything that is going to tell us that it is
11 going to help our property values. I feel our property
12 values are going to be dramatically diminished. Already
13 there are three properties up for sale in the neighborhood.
14 And I feel according to what I'm hearing here there are
15 probably going to be more. So what are we looking at, 10,000
16 20,000, \$30,000 in losses? I moved to the Woodlands as a
17 widow. I work still at Re/Max. I'm on Kendallwood Parkway.
18 I moved there to be safe, to have a quiet place to live and a
19 place to enjoy my seven grandsons. This does not make me
20 happy, nor does it make anyone in our neighborhood, the 95
21 homes, happy. I feel that if Mr. Cuda had presented this as
22 a restaurant or some other use that we would be much happier.
23 I don't feel that this is the highest and best use of that
24 space for us as residents there. And I feel if Gladstone
25 causes this entire community to gradually dissolve and lose

1 value, then what does that say about us as a city? I just
2 would ask for you to consider that. Thank you.

3 MR. CHAIRMAN: Anybody else in the audience wish to
4 speak in opposition? Is there anybody in the audience -- oh
5 sorry.

6 MR. WATT: My name is Merrill Watt. I'm a
7 registered professional engineer. 34 the Woodlands. In
8 addition to the comments you've heard from other members of
9 the Woodlands Homeowners Association, I would like to just
10 point out something that concerns me greatly; however, it is
11 not the most important subject that has come up. Health,
12 safety, and welfare happens to be the Number 1 issue in my
13 mind. However, what I would like to learn is if an economic
14 assessment impact study has been made that projects the
15 decreased value, cumulatively, for all properties within the
16 Woodlands Homeowners Association. We've heard from a realtor
17 that has more than 30 years experience who is gravely
18 concerned about a market depreciation of those individual and
19 thus cumulative property values. If, in fact, the assessment
20 bears out that is so, what remediation financial pool is the
21 developer or owner going to offer to offset over a long
22 period of time, a very long period of time, the depreciation
23 in the asset value? Keep in mind that I believe you heard
24 this evening from at least one to possibly two owners that
25 have stated they moved in approximately two years ago. And

1 with a simple market depreciation of 10 to 12 percent you
2 could be talking well over two million dollars if properly
3 assessed. I'm not a certified financial planner. I just
4 want to point this out. There seems to be no thought for
5 those people who have lived there before this idea came to
6 fruition. And so I would like to see, is there a sinking
7 fund who manages it? How much is it? Because once the
8 decent curb flattens out on the property valuations, it's
9 very difficult to get them back up. Many of you have bought
10 and sold homes and you realize that the appraised value seems
11 to work when you are buying or selling off of what previous
12 sales have been for like and similar properties in the
13 immediate area. So once oppressed, it is very difficult to
14 get them to rise again. This concludes my remarks. Again,
15 health, safety and welfare of people in my perspective is
16 Number 1, and this onerous potential economic depreciation
17 concerns me greatly. Thank you very much for your time and
18 consideration. I hope that you oppose this project.

19 MR. CHAIRMAN: Anybody else in the audience wish to
20 speak in opposition? Seeing no more, is there anybody in the
21 audience that wishes to speak in favor of the idea? No
22 response.

23 MR. CHAIRMAN: All right. Is there any discussion
24 by the planning commission?

25 COMMISSIONER: Can I offer another amendment?

1 MR. CHAIRMAN: Yes.

2 COMMISSIONER: Condition No. 14, the applicant shall
3 replace the fence on east side of property with a six foot
4 privacy fence. We've been talking about it and we've not
5 done anything with that.

6 COMMISSIONER: I'll second that motion. The
7 applicant shall replace the fence on the east side of
8 property with a six-foot privacy fence. And I use the word
9 replace because I think the fence that is there needs to come
10 down before it falls down.

11 COMMISSIONER: If the fence is on a property that is
12 owned by someone else, is that legal for us to require it?

13 CITY PLANNER: The fence, if it is on private
14 property, not on this property, then they cannot take it
15 down. They would be damaging private property. They can put
16 a secondary fence up on their property. Though, you do have
17 the problem of two fences being next to each other and issues
18 that happen between two fences, that type of thing. But they
19 could not take the other fence down unless the homeowner
20 allowed them to do it.

21 COMMISSIONER: I'll withdraw my motion.

22 MR. CHAIRMAN: Thank you.

23 COMMISSIONER: So I would like to say that I
24 personally don't have a problem with this but I think that we
25 need to consider all these people who came out to speak

1 against it and really take their perspective into
2 consideration when we are deciding on this.

3 COMMISSIONER: The issue of the fence still bothers
4 me quite a bit. I would really like to see them put a fence
5 up on the property -- the subject property and let the
6 homeowners that have that fence there that is falling down
7 take care of that.

8 MR. CUDA: We could add that condition subject to
9 the property owner's granting us access to the property to
10 put that fence on their property. But then who maintains the
11 fence? We will replace the fence if the property owner
12 maintains it, subject to their approval.

13 MR. CHAIRMAN: Quick question on the fence, and I
14 may need to address the audience on this, is it an HOA fence
15 or is it a residential owned fence?

16 CITY PLANNER: Either way it's still private
17 property. So either the resident who lives there, if it is
18 theirs -- or the HOA would have to agree to it either which
19 way.

20 COMMISSIONER: Does the QuikTrip not back up to this
21 same Woodlands?

22 MR. CHAIRMAN: No. It backs up to another
23 neighborhood.

24 COMMISSIONER: That is a different neighborhood
25 where the QuikTrip backs up to?

1 CITY PLANNER: It is a different neighborhood.

2 COMMISSIONER: Isn't it real close in proximity to
3 the Woodlands.

4 CITY PLANNER: Not as close. I don't actually
5 physically have the map, I could not tell you exactly, but it
6 does not appear to be as close.

7 COMMISSIONER: So McDonald's, the bank, not the
8 Lawson, but the other bank and then --

9 CITY PLANNER: Then the old QuikTrip and yeah --
10 Yep.

11 COMMISSIONER: I've heard Tanner's referred to as a
12 restaurant a lot. My personal opinion is that was more of a
13 bar than a restaurant.

14 CITY PLANNER: It was a restaurant/grill. I mean,
15 this -- all the years it has been there from Red Lobster to
16 Tanner's, it has been some form of restaurant/grill bar-type
17 thing.

18 COMMISSIONER: They had outdoor seating and that
19 wasn't a problem is what I heard?

20 CITY PLANNER: Outdoor seating was actually on the
21 west side of the building.

22 COMMISSIONER: But from a noise perspective, that
23 wasn't a problem? I mean, all -- any noise or whatever
24 should be on the west side of the building in the C store as
25 well.

1 PUBLIC MEMBER: They closed at 10 or 11. The hours
2 of their operation were 7 to 9, 7:00 a.m. to 9. But for a --

3 CITY PLANNER: She was correct, the hours were -- I
4 don't remember specifically, but somewhere between 9 and
5 10:00, I believe.

6 COMMISSIONER: That is consistent over time? I
7 remember at one point -- I believe it's owned by UMB Bank
8 now -- wasn't there a nightclub there at one time? Maybe
9 that goes back 20 years or so. I guess my next question
10 would be, who came first, the Woodlands or that building?

11 CITY PLANNER: Actually the building was there
12 before the Woodlands was there. The Woodlands developed
13 later on back in that area.

14 COMMISSIONER: What is the type of license for the
15 city? I believe Tommy had a 2:00 liquor license.

16 CITY PLANNER: I think we are 1:00. Don't hold me,
17 but I think we are 1:00.

18 COMMISSIONER: But if you build a housing
19 development next to a commercial development, shouldn't you
20 expect some of this stuff and shouldn't that already been in
21 your housing pricing?

22 CITY PLANNER: Current property there has been a
23 restaurant and it has always been a restaurant, never been
24 anything else. A restaurant bar grill restaurant, that type
25 of thing. This is the first time property has ever had a use

1 change since this development.

2 COMMISSIONER: How long has that property been CP3?

3 CITY PLANNER: Somewhere back in the '80s, late
4 '70s. I'm not 100 percent sure when Red Lobster, whenever
5 Red Lobster was the original.

6 COMMISSIONER: What are the types of businesses in
7 general that can go into CP3?

8 CITY PLANNER: There is a lot. Anywhere from the
9 convenience store, restaurants basically anything C 1, C 2.

10 COMMISSIONER: How long have those been vacant, do
11 you know just about?

12 CITY PLANNER: The Lawson BANK recently were bought
13 out by Bank Liberty sometime this year. They moved out of
14 there. The QuikTrip was last year when it closed up. And
15 those are the ones that are empty besides Tanner's moved out
16 maybe two years ago pushing that at the most.

17 COMMISSIONER: Thank you.

18 COMMISSIONER: I haven't given up on the privacy
19 fence.

20 CITY PLANNER: Mr. Chairman, you do need to close
21 the public hearing?

22 MR. CHAIRMAN: We'll close the public hearing.

23 COMMISSIONER: I wonder if we could consider
24 wording -- I'm not making a motion yet -- that says the
25 applicant shall build a six-foot privacy fence on the east

1 side of the property in addition to the plantings.

2 COMMISSIONER: Contingent upon homeowners.

3 COMMISSIONER: No, on the applicant's property, so
4 you are going to have fence on fence, but still going to have
5 a decent screen. And then the property owners can tear down
6 their fence, which I would recommend before it falls. Could
7 that be done?

8 CITY PLANNER: I think as long as the developer
9 would agree to that, I believe he stated he would do
10 something along those lines. We could add that as a
11 condition, yes.

12 COMMISSIONER: What would we do about growth in
13 between the two fences? Weed and vegetation?

14 CITY PLANNER: That becomes an issue. You could put
15 the fences -- I don't know how far their fence is off the
16 property line, that becomes an issue. Ideally you don't want
17 to have two fences because it does cause issues between the
18 two fences for maintenance and whose responsibility it is to
19 maintain those fences. So --

20 MR. CHAIRMAN: If something like that was done there
21 needs to be a separation of fences so that there is
22 maintenance that could be done between the two.

23 CITY PLANNER: That would be correct. And depending
24 where the current fence is, how much property and who is
25 going to maintain it, that type of thing.

1 MR. CHAIRMAN: If there is a property line, it is
2 three foot from their fence they still have to maintain.
3 Plus -- okay.

4 COMMISSIONER: Conceivably there could be an
5 agreement with the homeowners association to take their fence
6 down once the new one is built, too, I suppose.

7 MR. CHAIRMAN: Is that a condition we could put in,
8 that we have the developer put a fence in and in return the
9 neighborhood's fence --

10 COMMISSIONER: We can't require them -- this would
11 have to be informal, actually sit down and talk about it.

12 CITY PLANNER: What we might be able to do is, if
13 you want, is add the condition that the developer get with
14 the resident that lives there, discuss the fencing. I don't
15 know that we really want to say a fence has to be built by
16 the developer or whatnot. But we can at least ask them to
17 talk and meet and come up and get back to us as to if any
18 agreement may or may not have been made on it, who can use it
19 from which side.

20 COMMISSIONER: Hopefully before it goes to the
21 Council. When will this go to the Council?

22 CITY PLANNER: The earliest they will see this will
23 be December 10th.

24 COMMISSIONER: One more question, just so I
25 understand the procedures, so the people out there understand

1 the procedure, if we support this, it is a recommendation
2 that goes to the Council. If we do not recommend it, it goes
3 to the Council with no recommendation? How does that work
4 exactly?

5 CITY PLANNER: Well, if the Planning Commission does
6 not recommend this project, we will probably work with the
7 developer and the neighborhood to try to come to some type of
8 agreement before it gets brought to City Council.

9 COMMISSIONER: But it will go to the City Council no
10 matter what we do?

11 COMMISSIONER: Yes.

12 CITY PLANNER: Yes.

13 COMMISSIONER: On the east side I notice there is a
14 eight-inch tall curb that is, is it my correct understanding
15 that that is all going to be taken out? That curb? Because
16 that kind of keeps any water for getting into the back yards
17 of about three or four home homes there.

18 CITY PLANNER: I am going to ask for the architect
19 to go ahead and answer that question.

20 MR. RUOFF: Actually that is a good question,
21 because when we take all that paving out, storm water and
22 rain will soak into that ground. Which is a benefit and it
23 is a catch 22 in some ways. So I would send it to a civil
24 engineer to make sure we have to berm it or control it, we
25 don't want any water going to the residential, but right now

1 that water that is landing on that pavement is going to all
2 the -- it is going away from the residential properties
3 completely all the way to the street. So when we put the
4 plantings and such in there, it is going -- the ground water
5 could saturate. But we don't want any storm water running to
6 the east. It is going to be a civil engineering question
7 when it's all over.

8 COMMISSIONER: But that curb you think is going to
9 come out?

10 MR. RUOFF: Yeah, we'll have a new curb in front of
11 the landscaping that will be another curb, but that entire
12 site flows to the west. The north side goes up north and the
13 south side goes up south. That is -- we are not changing the
14 way water flows.

15 COMMISSIONER: Your pond that is the fancy word, the
16 bayou, whatever, that is kind of in the center of the
17 property there, that is not in the southwest corner and that
18 is where in here someplace I saw was going to be in the
19 southwest corner.

20 MR. RUOFF: The petroleum island area is actually in
21 the middle -- is kind of flat so we are going to catch most
22 of it into that island.

23 COMMISSIONER: If you built 25 of these, do you see
24 a lot of, call it spilled gasoline or whatever, that ends up
25 in this pond?

1 MR. RUFF: We are under BMP's, Gladstone is. Kansas
2 City Missouri doesn't enforce but Kansas City Kansas does, it
3 is a metro plan, it is a strategy put together by MARC,
4 Mid-America Regional Council, it is a guideline. The problem
5 with that is it just depends on how you handle certain sites
6 and what the situation is. In my experience is the BMP's are
7 relatively new to most municipalities. They've been working
8 with them for about six, seven, eight years. Some cities
9 don't even use them. But in this situation you are going to
10 have a brand new fuel system. You are going to have all the
11 pressure gauging, all the warning -- you are going to have
12 all the safety situations. All the lines are pressurized all
13 the time. If there is a pressure failure the, alarm goes
14 off, the system shuts down, somebody comes out and looks.
15 The new technology is the highest technology available for
16 that. Now, what the pond is for is when people are putting
17 their gas in and out and they drip. You get a real heavy
18 rain storm that comes through and water will wash through
19 there. That will accumulate that first rain amount, the
20 initial rain fall that catches in that pond and filters it
21 and it keeps the site cleaner. That is what it is really
22 intended for. So but from a spill and leaks and that sort of
23 thing, it is not the same as it was with the steel tanks 30
24 years ago. With that said, it is not fool proof. I'm
25 describing this the way it is. But any time you get a new

1 gas station that is much better than one that is 30, 40 years
2 ago, it is much more advanced. They have -- there is
3 different ways of doing this, too. I'm not sure what we are
4 going to use. This is a different, you know, different
5 clients use different systems. But it is called tank level
6 sensing system that goes in the tank and it keeps track of
7 the tank. The tank is pressurized. If the tank is losing
8 pressure based on the dispense volume to what is supposed to
9 be in the tank, alarms go off and they'll check. There is a
10 system in the lines that go between the tank and the
11 dispensers and that is pressurized and that has its own alarm
12 and its own sensors and that sort of thing. The boxes
13 underneath the dispensers can be alarmed. They are not
14 required to but they can be. So all these systems are
15 available to make that part safe. This is mostly for rain
16 water. What we are talking about on the front of the site is
17 mostly just get a -- or when they pressure wash to clean it,
18 that would go through the pond and it would air out and
19 clean -- it is not major. It is not significant. But it is
20 still something you want to watch.

21 COMMISSIONER: Are you saying with today's
22 technology, you are like 100 percent that the main storage
23 tanks are never going to leak or not contaminate the ground?

24 MR. RUOFF: I don't think I'm insured to say that,
25 but I've worked with -- I did all the corporate stores with

1 the previous employer for Phillips, Texaco, Conoco and none
2 of those stores, to my knowledge, have ever had an issue.
3 But I've done several private stores and I do all the Express
4 Marts, which are not really up north of the river. I've done
5 Express Marts. We've done 12 sites with them over the years,
6 never had any problems. But they will have warnings go off
7 every once in a while where they have an issue with the
8 dispenser and it is not a leak, there is a containment box
9 there, but the alarm goes off and they'll come out and check
10 it. From A tank standpoint, this is something that is new,
11 about two years ago Missouri set a deadline for all tanks
12 going in the ground have to be double wall. What that means
13 is, used to be able to put in a single wall steel tank. That
14 is the ones we had problems with 30 years ago. If they had a
15 leak, you had no way of controlling it. Now everything is
16 going to be double walls. Most of them are going to be
17 fiberglass. You have the big fiberglass tank with the two
18 walls and it is interstitial. There is a space in between.
19 If the inner wall leaks, it sets off the alarm. And if that
20 occurs, then they shut the site down. They come out and
21 remove the tank before it goes to the second tank. There is
22 a lot more going on now than there was in the '80s.

23 COMMISSIONER: I direct probably to the staff, if
24 this gas station C Star doesn't make it or whatever, is there
25 any ordinances or anything that these tanks have to be

1 removed, or do they just get to stay in the ground forever?

2 CITY PLANNER: By federal guidelines they have to be
3 removed.

4 MR. RUOFF: Yeah, there is a fund, insurance fund
5 State of Missouri has that all these -- not all operators, I
6 think most operators have to pay into it or have some other
7 means, the tanks have to be registered with the State and
8 most all of them pay into the super fund, so that super fund
9 would remove those tanks.

10 COMMISSIONER: Does the State or City do any soil
11 testing or whatever ecological testing?

12 CITY PLANNER: We do not. Typically it is not done
13 on a regular basis. I know areas in older areas that have
14 had issues with it do test ports, but we don't do any
15 testing. It is typically done through the EPA or State
16 agency or federal agency. They do test it when tanks come
17 out and check the soil, verify that the soil is clean before
18 they'll backfill.

19 MR. CHAIRMAN: Any other discussion?

20 COMMISSIONER: I just have one comment, from my
21 perspective, as far as when we go to vote and everything, I
22 find it really challenging being comfortable voting a certain
23 way without having a little bit more information from Cuda,
24 what is the architect describing on, we don't know about
25 this, we need to speak with a civil engineer or we don't know

1 a lot about the sightlines on the top of the roof because we
2 don't know if the roof is going to be able to support extra
3 structures and we don't know about the fence. So just to
4 comment before we vote, is that I have a little bit of a
5 struggle voting a certain way based on lack of information.

6 COMMISSIONER: I think there has been several
7 motions made and seconds we've never voted on, but this is
8 going to be voted on when we come to the final thing on this,
9 I hope you've taken notes and remember what you've made
10 motions to and you do it at that time. I myself, I don't
11 like the idea of 5:00 to 2:00. And it is a liquor store.
12 And it is a convenience store. Kids are going to be hanging
13 out there and making a lot of noise. And the trees lose
14 their leaves in the winter. That is not a good buffer. And
15 besides that, it doesn't have 35 foot variance between that
16 and residential property.

17 CITY PLANNER: Still got to do the first motion that
18 Mr. Markenson made.

19 MR. CHAIRMAN: On the first motion was to change
20 Item No. 10 to "including. "

21 COMMISSIONER: Take out the word "excluding" and
22 insert in lieu thereof the word "including."

23 MR. CHAIRMAN: So we had a motion and a second.

24 CITY PLANNER: Roll call.

25 (Roll call.)

1 (Motion carried.)

2 MR. CHAIRMAN: And the other motion was to put an
3 item 14, he retracted that.

4 CITY PLANNER: That is the only motion.

5 MR. CHAIRMAN: Okay. Any other discussion? Do we
6 feel we have enough information?

7 COMMISSIONER: Would you entertain a motion to place
8 this on the table until the next meeting? Give them an
9 opportunity to work on the fence and some of the other issues
10 that have been mentioned here, before we take a final vote on
11 this? I'm not making that motion.

12 MR. CHAIRMAN: I would entertain it, yeah. To make
13 sure that we get some of the concerns addressed with the
14 fence and some of the other issues that we had.

15 MR. CUDA: Can I address a couple of these concerns?
16 This is money for me.

17 MR. CHAIRMAN: I think we have enough. We need to
18 push it to another meeting.

19 CITY PLANNER: If that is what the planning
20 commission desires, we can continue this until the planning
21 commission meeting on December 3rd.

22 MR. CHAIRMAN: We are going to vote. Is that a roll
23 call?

24 CITY PLANNER: It will be a roll call.

25 MR. CHAIRMAN: I would entertain a motion to suspend

1 this until December 3rd.

2 (Roll call)

3 (Motion carried.)

4 MR. CHAIRMAN: Move this to the December 3rd agenda
5 and try and get some answers to the questions that are still
6 out there about the fence and other items. Okay. Thank you.
7 That concludes that item. Number 7 on the agenda is
8 communications from the City Council.

9 COUNCIL MEMBER: The Mayor's Christmas Tree lighting
10 is tomorrow night, so I hope you all can come to wish
11 everybody a happy Thanksgiving.

12 MR. CHAIRMAN: Next item is communication from city
13 staff. Do you have communication?

14 CITY PLANNER: I just want to thank everybody for
15 being here tonight, I appreciate it. I know the Chiefs and
16 Rams are playing right now I don't know whose winning but
17 hopefully it's Chiefs. Rams are winning. So it looks like
18 we will have the December 3rd planning commission meeting and
19 we will continue this then. That is all I have.

20 MR. CHAIRMAN: Next on the agenda is communications
21 from the Planning Commission members.

22 COMMISSIONER: Let's go home.

23 (Adjournment.)

24

25

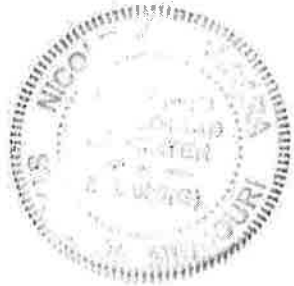
C E R T I F I C A T E

I, Nicole M. Calcara, Certified Court Reporter, do hereby certify that on November 19, 2018, I was present and reported all of the proceedings in the Gladstone Planning Commission Hearing; I further certify that the foregoing 47 pages contain a complete and accurate transcription of the proceedings.

Nicole M. Calcara

C.C.R. #930

Nicole M. Calcara, Court Reporter



ORIGINAL



Community Development Department

Staff Report

Date: August 7, 2019, 2019

File #: 2019-008

Requested Action: Site Plan Revision, 6221 N Chestnut

Date of PC Consideration: August 19, 2019

Date of Council Consideration: September 9, 2019

Applicant: Pauch, LLC

Owner: Cascone Land Co
3737 N Oak Trfwy
Kansas City, MO 64116

Architect/ **3F30 Architects**
Engineer: **7501 NW Tiffany Springs Prkwy Ste 240**
Kansas City, MO 64153

Address of Property: 6221 N Chestnut Avenue

Planning Information

- Current Zoning: CP – 3; Planned District, Commercial
- Zoning History: None Recent - CP – 3; Planned District, Commercial
- Planned Land Use: Commercial (Comprehensive Plan)
- Surrounding Uses: North – Commercial; South – Commercial; East – Residential (Woodlands Community); West - Commercial/N. Antioch Rd.
- Applicable Regulations: Zoning and Subdivision Ordinance and Comprehensive Plan

Additional Information

- Public Utility Availability: Existing
- Ingress/Egress: Adequate traffic movement is provided via two existing access points on N. Chestnut Ave.
- Traffic Impacts: None, comparable/relative to the historical land use of the property (Public Safety Review)
- Parking Required: 25 spaces
- Parking Provided: 41 spaces
- Proposed On-Site Improvements: See staff analysis
- Proposed Landscaping: See site plans and analysis
- Proposed Signage: - Proposed monument sign permitted separately when brand is selected

Analysis

The applicant is requesting site plan approval for the purpose of constructing a convenience store/gas station at 6221 N Chestnut Avenue (formerly known as Tanners restaurant). Their plan is to significantly remodel the building, bring the structure up to code, and retrofit the property using a combination of EIFS, stone, artificial stone, and a metal awning for the exterior.

This project is a proposed site plan revision and not a re-zoning of the property. The current zoning of this property is CP-3 and is zoned for the proposed use.

The site plan shows additional trees and landscaping being planted on the eastern side of the property located directly behind the proposed convenience store/gas station, creating the required 35 feet buffer zone between the subject commercial and residential properties. There is also proposed landscaping on the western side of the property near the planned monument sign and green space between the two egress/ingress (N Chestnut Ave) access points. City Staff recommends that the trees and shrubs being planted on the property be native to Missouri by nature in an effort to aid in a better streetscape and survival.

In the BMP analysis conducted by Kaw Valley Engineering, runoff drains towards the southwest corner of the property and a bio-swale will be implemented to capture and treat runoff from the fueling area prior to runoff exiting the site.

The large mechanical equipment for this project is being relocated from the roof of the building to the ground and will be adequately screened from public view with materials similar in design to the rest of the structure. All screening will be reviewed via the building permit process.

Included in the Planning Commission packet is a letter from World Fuel Services describing the experience of Amir Nadeem Mehdi who will be the store operator for the proposed gas station and convenience store. Staff has also included a "retail mystery shop score" for the proposed operator for their various other locations.

There are residents in adjacent neighborhoods, located to the east of the subject property, that are opposed to this particular project. The Community Development Department has received multiple phone calls and a signed letter from the Woodlands HOA Board in opposition to this project in 2018 and 2019.

In 2018, Mr. Charles Cuda submitted a letter addressing issues and concerns of both the residents and Planning Commission. This letter is included in the Planning Commission.

On Monday, June 24, 2019 the project team for the proposed gas station and convenience store held a neighborhood meeting with the Woodlands community. It is City Staff's understanding that the Woodlands neighborhood is still in opposition to this proposed project.

During the Planning Commission and City Council hearings in 2018, there were concerns regarding decreased property values, potential crime, increased traffic and environmental impacts on the neighborhood.

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. Any and all disturbed areas shall be sodded.
2. All manicured grass and landscaped areas shall be irrigated and maintained in perpetuity.
3. All mechanical equipment located on the roof and the ground shall be screened from public view similar in design to the rest of the structure. All screening will be reviewed via the building permit process.
4. A compliant monument sign shall be used to serve the development. The monument sign will need a minimum of 240 sq. ft. of area landscaping around the sign.
5. Relocation of the trash dumpster to the North West corner of the parking lot away from the residential area adjacent to the property.
6. All exterior lighting on the site shall be LED and designed to reduce adverse impact on adjoining residential properties.
7. Outdoor lighting cannot be greater than 0.25 foot-candles and 10 feet beyond the property line.
8. Dumpster shall be enclosed with materials consistent with the primary building. Specific colors shall be submitted and approved as part of the building permit.
9. Trash service, store deliveries, and gasoline refilling (underground commercial gasoline tanks) shall occur between the hours of 7:00 a.m. to 10:00 p.m.
10. Tractor trailers, storage containers, and other commercial vehicles (including delivery trucks) shall not be parked or stored overnight on the premises.
11. No more than 50% of the glazed area of the building shall have signage.
12. Hours of operation are from 5:00 a.m. through 2:00 a.m. (Store will be closed from 2:00 a.m. through 5:00 a.m. Monday – Sunday).
13. Signage compliant with the sign code shall be used. Signage shall be approved at the time of permitting.
14. Construct and maintain in perpetuity a 6 ft. PVC privacy fence, earth tone in color, along the eastern property line.
15. Maintain growth between the commercial privacy fence and the residential privacy fence in perpetuity.

Recommendation

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

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: 6221 N. Chestnut Avenue

Legal Description:

Attach under separate cover if needed.

See Attached Legal

Proposed Change: Site Plan Revision (no zoning change) to permit the
redevelopment of the existing building from the restaurant use
to convenience store with gas sales.

Applicant/Property Owner Information:

- ☒ Applicant(s) Pauch, LLC
Company c/o James C. Bowers, Jr., Rouse Frets White Goss Gentile Rhodes, P.C.
Address 4510 Belleview Avenue, Suite 300, Kansas City, MO 64111
Phone 816-753-9200 Fax: 816-753-9201 E-Mail: jbowers@rousepc.com
- ☐ Property Owner (if different than applicant) Cascone Land Co.
Company _____
Address 3737 N. Oak Trafficway, Kansas City, MO 64116
Phone _____ Fax: _____ E-Mail: _____
- ☐ Architect/Engineer Bryan Ruoff
Company 3F30 Architects
Address 7501 NW Tiffany Springs Parkway, Suite 240, Kansas City, MO 64153
Phone 816-801-7070 Fax: 816-801-7074 E-Mail: bruoff@3F30.com

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

Applicant's Signature  Date 5/30/2019

James C. Bowers, Jr., Attorney for Pauch, LLC

LEGAL DESCRIPTION

TITLE COMMITMENT SCHEDULE A DESCRIPTION:

LOT 3, KENDALLWOOD CENTER, A SUBDIVISION IN GLADSTONE, CLAY COUNTY, MISSOURI, EXCEPT THAT PART COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3; THENCE NORTH 0°31'58" EAST, 4.53 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 89°34'38" EAST, 152.60 FEET TO A POINT BEING 4.82 FEET NORTHERLY OF THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 0°19'01" WEST, 79.82 FEET ALONG THE EAST LINE OF SAID LOT 3 AND THE EXTENSION THEREOF; THENCE NORTH 89°28'02" WEST, 152.90 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3; THENCE NORTH 0°31'58" EAST, 79.53 FEET ALONG THE WEST LINE OF SAID LOT 3 AND THE EXTENSION THEREOF TO THE POINT OF BEGINNING.

DEVELOPMENT APPLICATION

OWNER'S AUTHORIZATION

I, Jimmy Cascone, Cascone Land Co., do hereby authorize Pauch, LLC through its attorneys,
(Owner's name) (Applicant's name)

to apply for the following action on my property at 6221 N. Chestnut, Gladstone

- a. Rezone from _____ to _____
b. Site Plan Revision X
c. Special Use Permit _____
d. Variance _____
e. Plot/Replot _____

Date: 5/29/2019

Owner's Signature: _____

Cascone Land Co.

NOTARIZATION

State of Missouri

County of Clay

Subscribed and sworn before me this 29th day of May

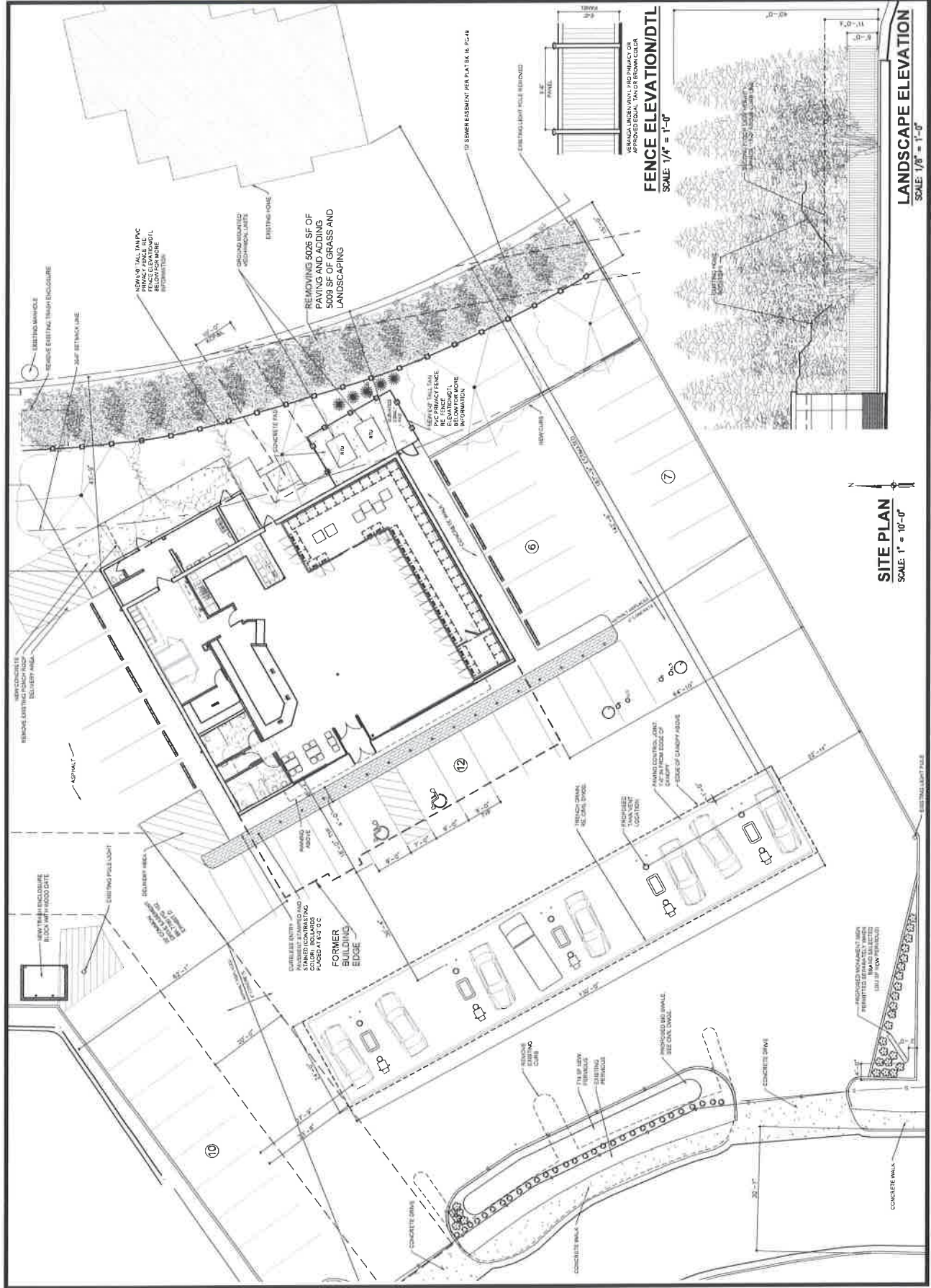
Notary's Signature: _____

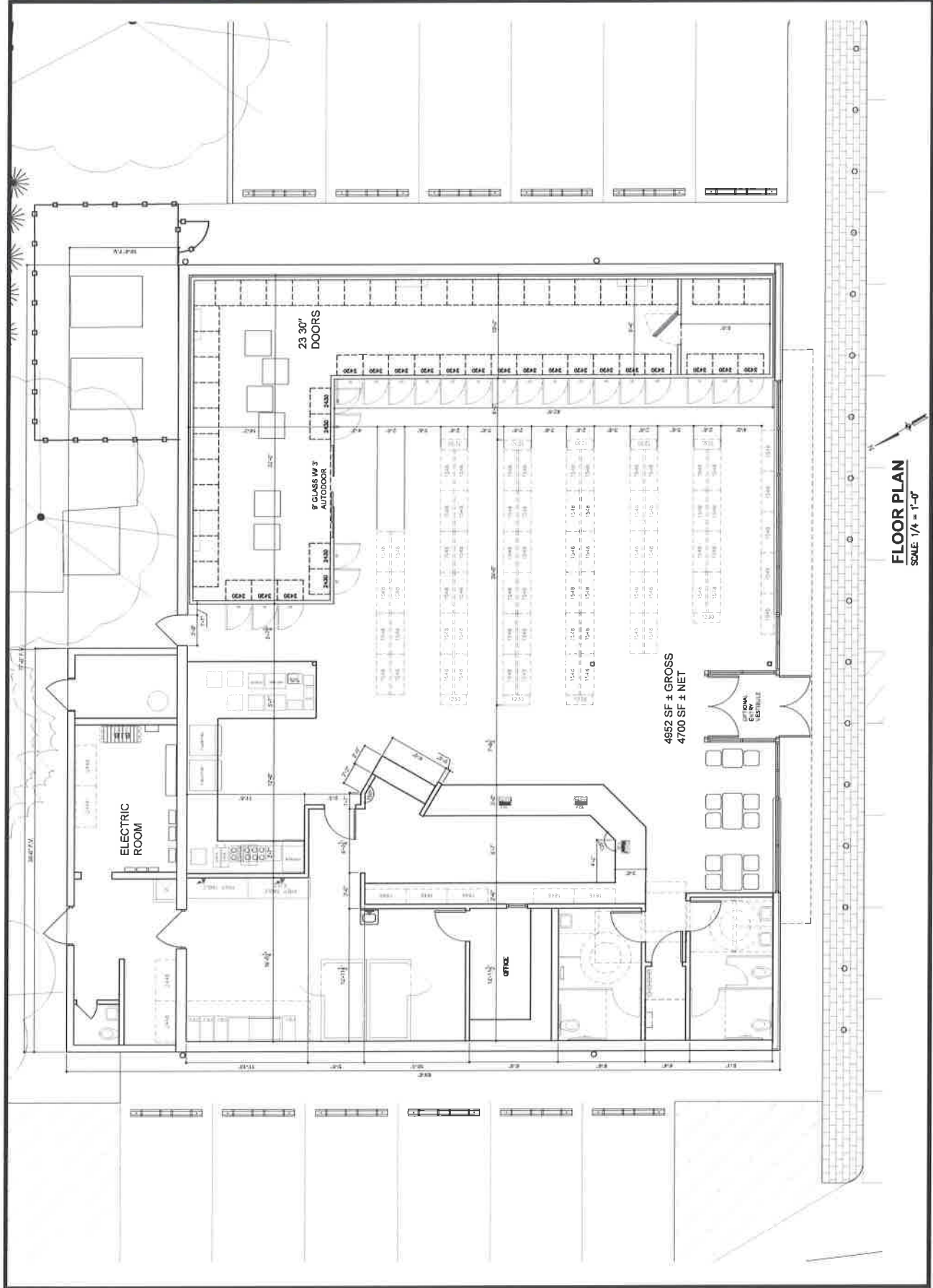
My Commission expires: 9-5-22

(seal)



ARIELLE SAULSBURY
My Commission Expires
September 5, 2022
Clay County
Commission #18128014





FLOOR PLAN
SCALE: 1/4" = 1'-0"

A101

SHEET

FLOOR PLAN

DATE 6.24.19

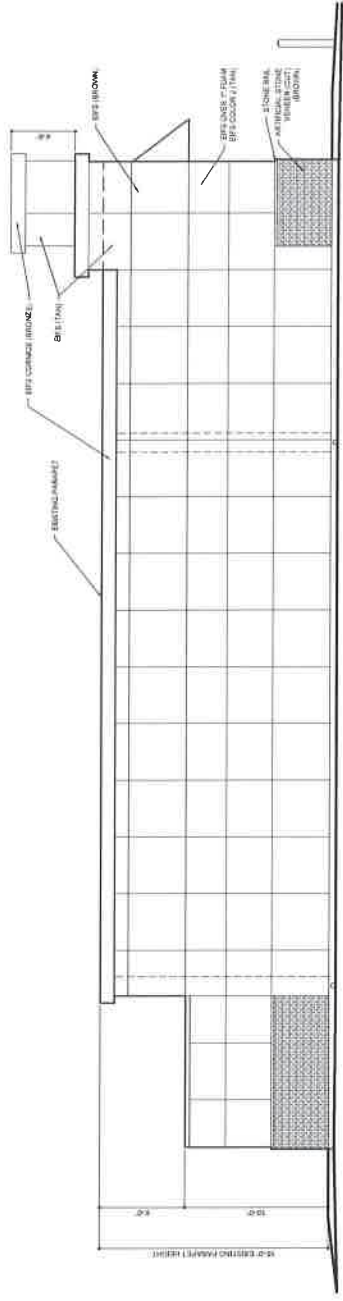
REVISION	DATE	BY	DESCRIPTION
1	7.24.19	PLAN SET UPDATES	

JOB NUMBER
18-012

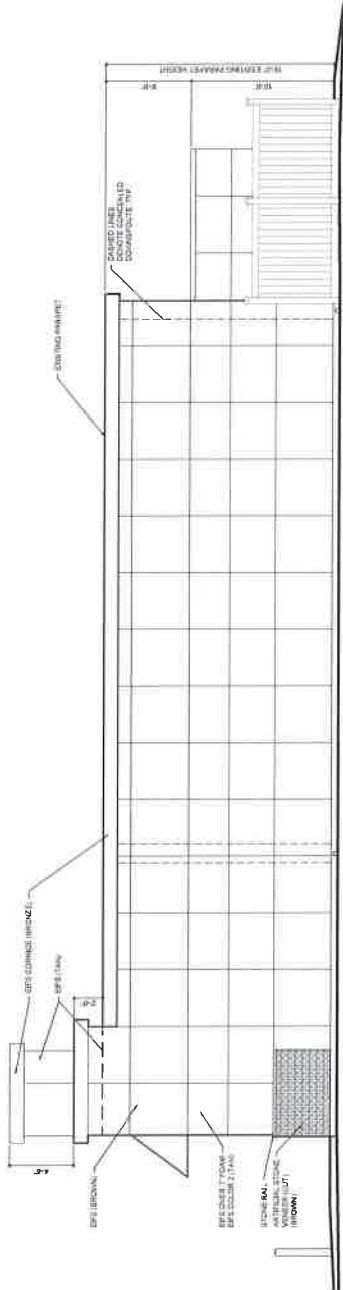
OPES
6221 N CHESTNUT AVE.
GLADSTONE, MO

ARCHITECTS
3F30 Architects Inc
7501 NW Tillary Springs Pkwy, Suite 240
KANSAS CITY, MO 64153
(P) 816-801-7070 (F) 816-801-7074 3F30.COM
CERTIFICATE OF AUTHORITY #A-200700566

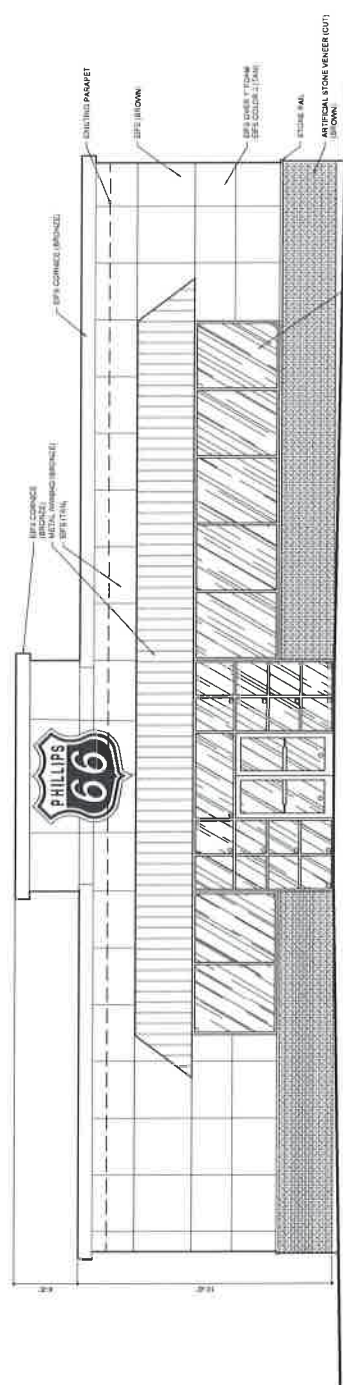
NORTH ELEVATION
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
SCALE 1/4" = 1'-0"



WEST ELEVATION
SCALE: 1/4" = 1'-0"

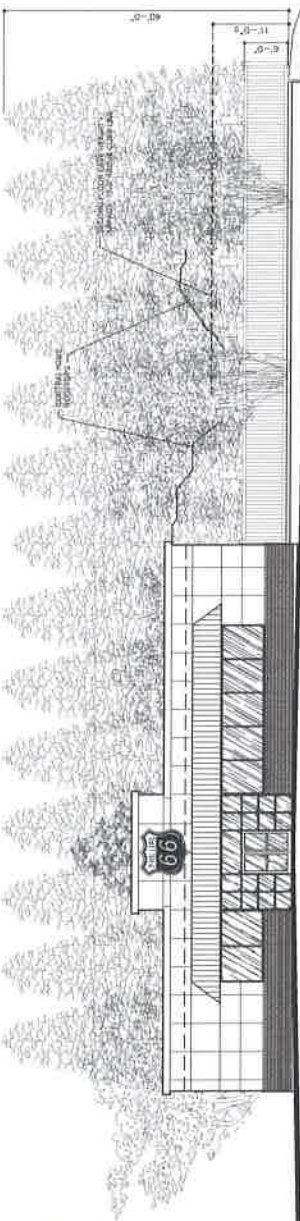


ELEVATION
SCALE: 1/8" = 1'-0"

LANDSCAPE PLAN
SCALE: 1" = 10'-0"

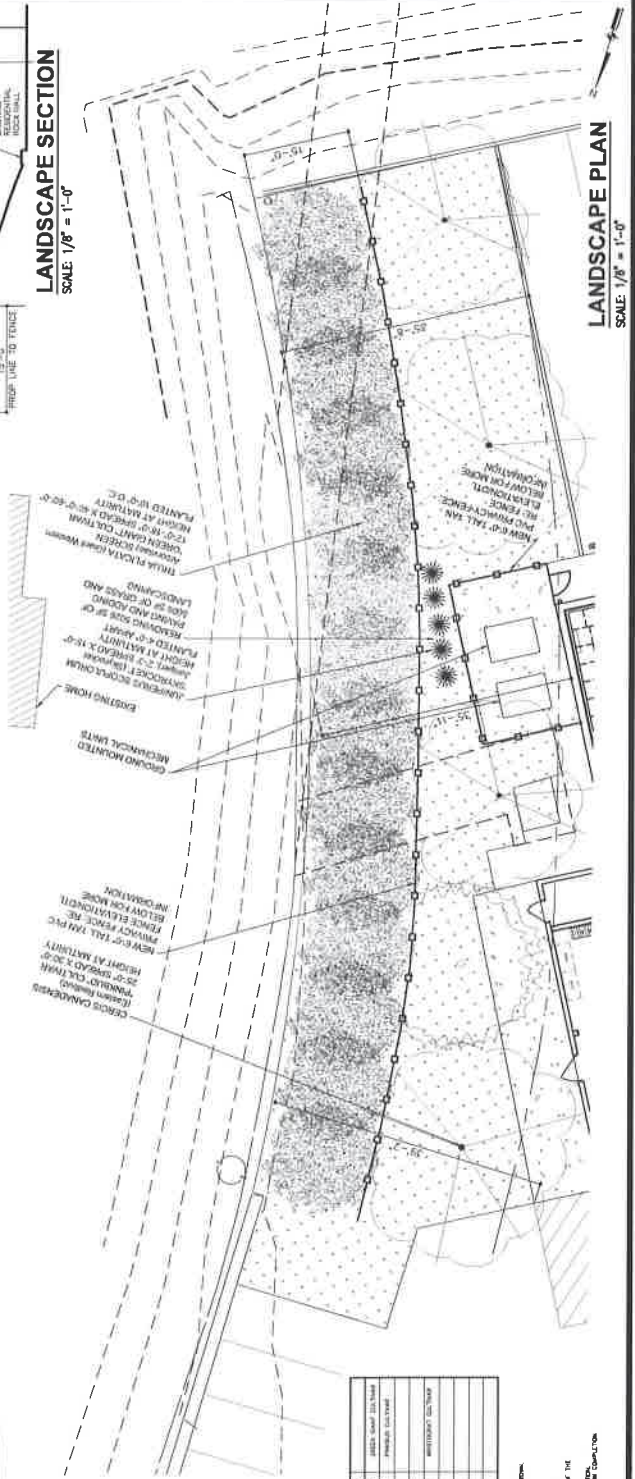
LANDSCAPE ELEVATION
SCALE: 1/8" = 1'-0"

SCALE: 1/8" = 1'-0"



LANDSCAPE SECTION

SCALE: 1/8" = 1'-0"



LANDSCAPE PLAN

SCALE: 1/8" = 1'-0"



EASTERN REDBUD



ARISTOCRAT PEAR TREE



GIANT WESTERN ABORVITAE

TREE APPEARANCE

[illegible]

1. SHOW ALL AREAS NOT LANDSCAPED, INDICATING AS SECTIONS OR CLARIFYING DIMENSIONS.
2. SHOW ALL AREAS TO BE LANDSCAPED, INDICATING AS SECTIONS OR CLARIFYING DIMENSIONS.
3. PROVIDE INSTRUCTIONS TO ORDER FOR PLANT CARE AND MAINTENANCE.
4. PROVIDE INSTRUCTIONS TO ORDER FOR PLANT CARE AND MAINTENANCE.
5. PROVIDE INSTRUCTIONS TO ORDER FOR PLANT CARE AND MAINTENANCE.
6. PROVIDE INSTRUCTIONS TO ORDER FOR PLANT CARE AND MAINTENANCE.
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OPES
6221 N CHESTNUT AVE.
GLADSTONE, MO

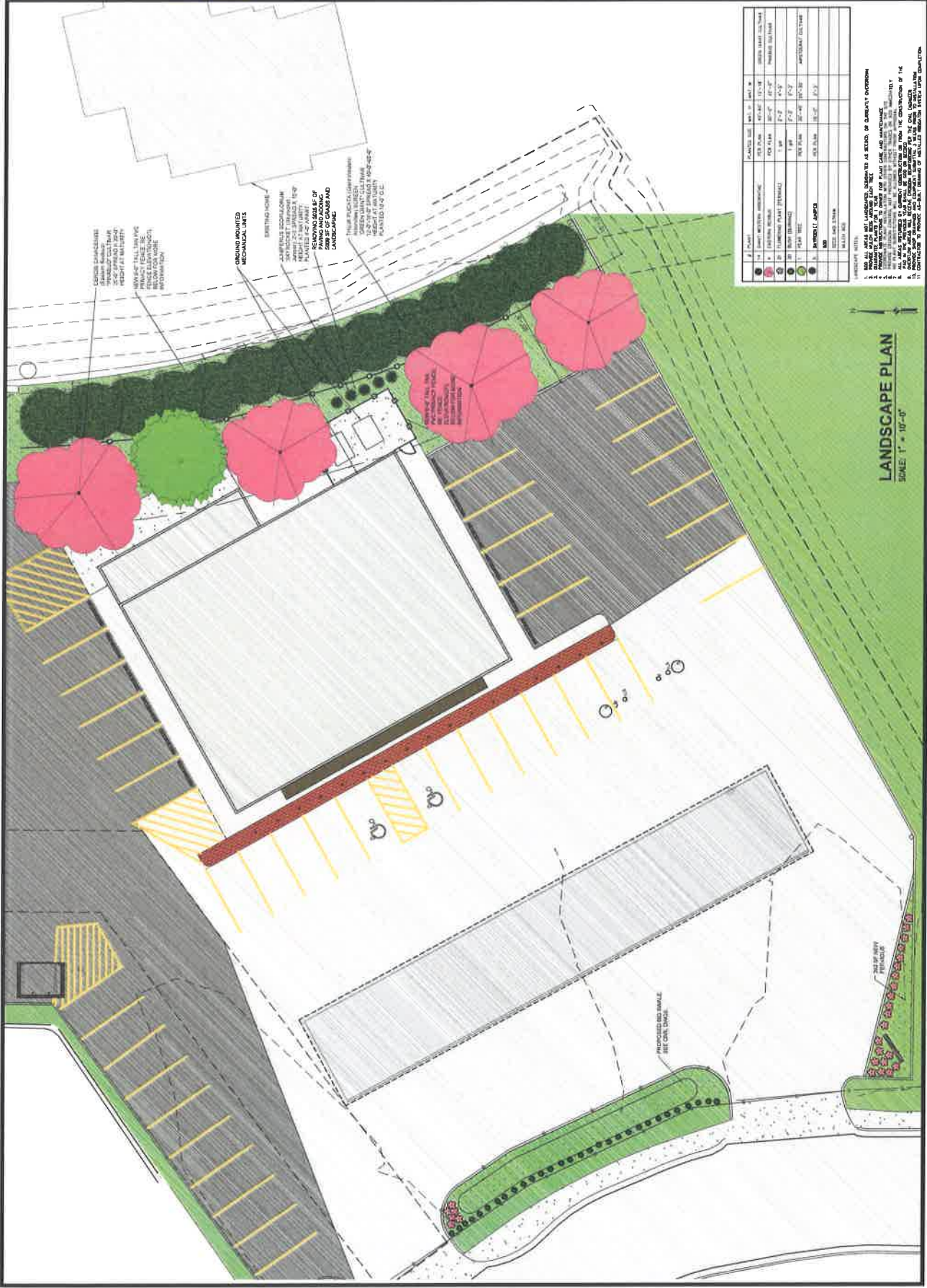
ARCHITECTS
7501 NW Tiffany Springs Pkwy, Suite 240
KANSAS CITY, MO 64155
(816) 801-7070 (F) 816-801-7074 3F30.COM
3F30 Architects, Inc.
CERTIFICATE OF AUTHORITY #A-2007030588

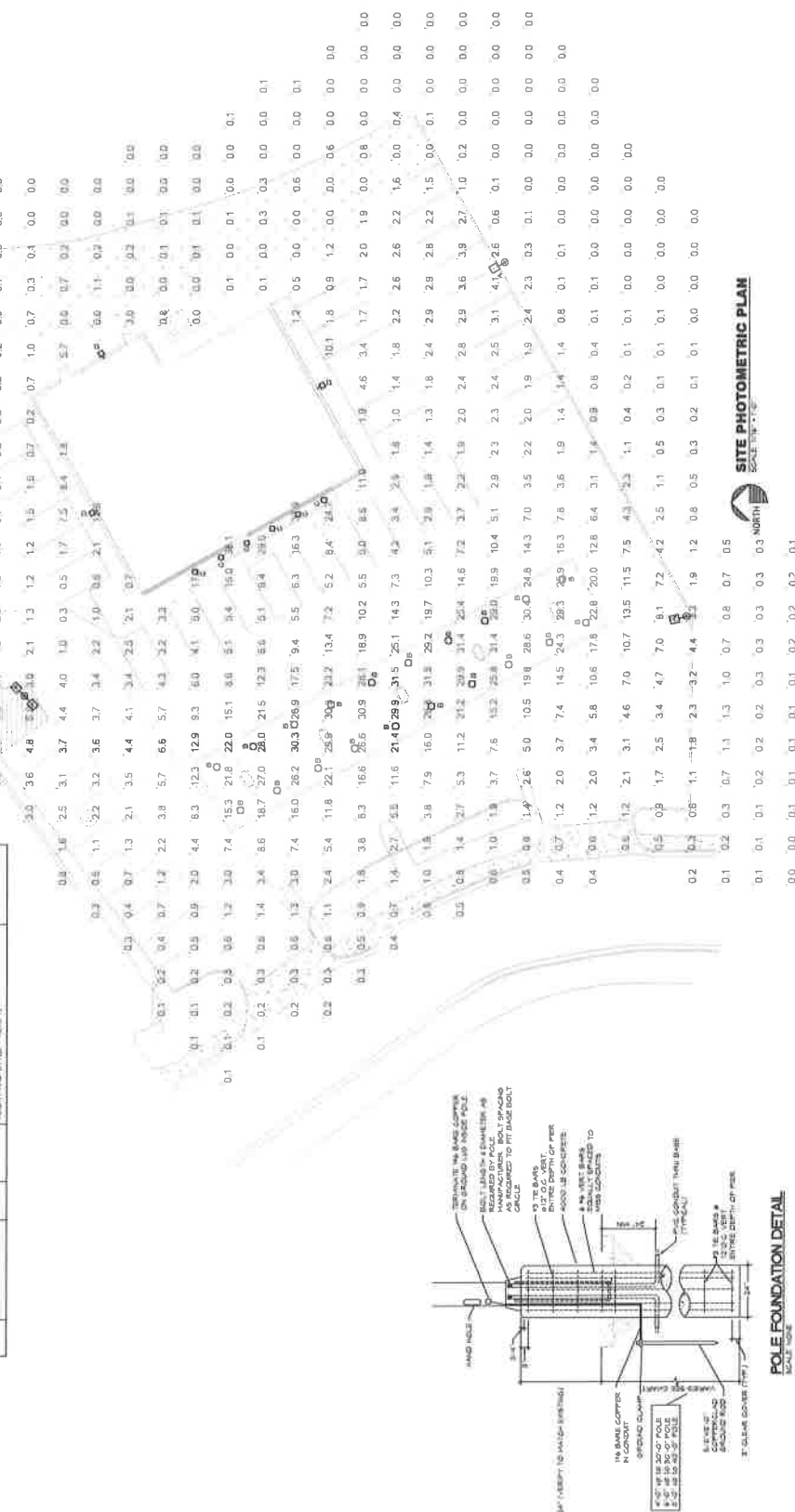
© CAMPBELL TEST SYSTEMS CORPORATION, 1997, 2000
JOB NUMBER
18-012

[illegible]

DATE: 6.24.19 SHEET: 1

L101.2



[illegible]



AGENDA

PLANNING COMMISSION *GLADSTONE, MISSOURI*

Monday, July 1, 2019 - Cancelled

TO: Planning Commission
FROM: Community Development Department
DATE: July 1, 2019
SUBJECT: Meeting Cancellation

The Planning Commission meeting scheduled for Monday, July 1st has been cancelled. The applicant has requested a postponement until the Monday, August 19th meeting. This will allow them some additional time to coordinate with the neighbors regarding the project at 6221 N Chestnut Avenue.

If you have any questions regarding this notice, please call 423-4110. Thank you.



AGENDA

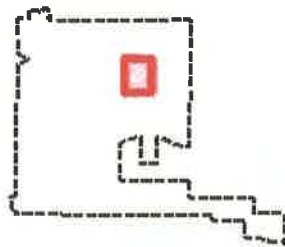
PLANNING COMMISSION *GLADSTONE, MISSOURI*

Tuesday, September 3, 2019 - Cancelled

TO: Planning Commission
FROM: Community Development Department
DATE: September 3, 2019
SUBJECT: Meeting Cancellation

The Planning Commission meeting scheduled for Tuesday, September 3rd has been cancelled.

If you have any questions regarding this notice, please call 423-4110. Thank you.



1 in. = 333ft.

Notes

File #2019-008
6221 N Chestnut
185' Properties

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

TO: Owners of Property Within 185' & Other Interested Parties
FROM: Community Development Department
DATE: June 10, 2019
SUBJECT: Site Plan Revision, 6221 N Chestnut Avenue, Gladstone, MO 64119

Public Hearing File #2019-008

Public notice is hereby given that the Gladstone Planning Commission will meet on **Monday, July 1, 2019 at 7:00 pm** for a Site Plan Revision for the property located 6221 N Chestnut Avenue. The property is legally described as KENDALLWOOD CENTER PT LT 3 BEG SW COR LT 3, E63, NE177.23, NLY217.73, W152.9, S84.97, SW103.59, SELY168.81 TO POB, in the City of Gladstone, Clay County, Missouri.

Applicant: Pauch, LLC
Owner: Cascone Land Co

The applicant is requesting to modify the site and building (formerly Tanners Restaurant) to a proposed Convenience Store.

The City Council will hold its public hearing on **Monday, July 22, 2019** at 7:30 pm.

This letter is being sent to you because you are within 185' of the above address. If you have any questions, please call the Community Development Department at 423-4110.

Thank you.

ROUSE FRETS WHITE GOSS GENTILE RHODES, P.C.

MELISSA VANCNUM
DIRECT DIAL: 913.647.3211
MVANCNUM@ROUSEPC.COM

August 21, 2019

VIA EMAIL

Austin Greer
General Administration & Community Development
City of Gladstone
7010 N. Holmes Street
Gladstone, MO 64118
Austing@gladstone.mo.us

Re: 6221 N. Chestnut Avenue City Council Continuance

Dear Mr. Greer:

I am writing on behalf of my client, Pauch, LLC, to request a continuance of the hearing for a site plan revision for 6221 N. Chestnut Avenue currently scheduled before the Gladstone City Council on September 9, 2019. We would like to continue this item for two weeks until the September 23, 2019 City Council meeting due to a previously scheduled conflict of the project's architect.

Please let me know as soon as this requested continuance and rescheduled hearing date have been confirmed. Feel free to contact me with any questions or for any additional information.

Best Regards,

ROUSE FRETS WHITE GOSS
GENTILE RHODES, P.C.



Melissa L. Vancrum

MLV/cmc

Cc: Scott Wingerson (scottw@gladstone.mo.us)
Chuck Cuda, Pauch, LLC
James C. Bowers, Jr., Rouse Frets White Goss Gentile Rhodes, P.C.



All-America City

Gladstone



2008

TO: Owners of Property Within 185' & Other Interested Parties
FROM: Community Development Department
DATE: August 29, 2019
SUBJECT: Site Plan Revision, 6221 N Chestnut Avenue, Gladstone, MO 64119

Public Hearing File #2019-008

The City Council public hearing for File #2019-008, 6221 N Chestnut Avenue has been postponed at the request of the applicant.

The City Council will hold its public hearing on Monday, September 23, 2019 at 7:30pm.

Applicant: Pauch, LLC
Owner: Cascone Land Co

The applicant is requesting to modify the site and building (formerly Tanners Restaurant) to a proposed Convenience Store.

This letter is being sent to you as a courtesy because you are within 185' of the above address.

If you have any questions, please call the Community Development Department at 423-4110.

Thank you.



KAW VALLEY ENGINEERING, INC.

Office: 816.468.5858

Fax: 816.468.6651

Web: www.kveng.com

Address: 8040 N. Oak Trafficway
Kansas City, MO 64118

July 18, 2019

B18D3566

Charles Cuda
OPES Commercial Real Estate
6051 N. Chestnut, Suite B
Gladstone, MO 64119

**Re: Storm Water Drainage Letter
Lot 3, Kendallwood Center
6221 N Chestnut Avenue
Gladstone, Missouri**

Mr. Cuda:

As requested, I visited the above referenced site as a representative of Kaw Valley Engineering, Inc. (KVE) to assess the storm water runoff interface with the residential parcel at 127 Woodlands Drive West.

The residential parcel is located east of the commercial building that is located at the southern portion of Lot 3, Kendallwood Center. The commercial site, in the vicinity of the residential parcel, is mostly curbed with a small portion of the parking lot perimeter consisting of wheel stops at the northern area. The grade within Lot 3 east of the parking lot, between the commercial site and the residential property, is at least six inches higher in elevation from the adjacent pavement. In addition, the general slope of the site is either to the west or to the south. For the portion of the site that drains south, the curb at the south end of the site directs runoff to the west.

It is my professional opinion that the commercial site, as it exists today, contributes an insignificant rate of storm runoff to the neighboring residential property. Development of the site will not adversely impact this condition.

Respectfully Submitted,
Kaw Valley Engineering, Inc.

Martin T. Arling
Martin T. Arling, P.E.
Principal





KAW VALLEY ENGINEERING, INC.

Office: 816.468.5858

Fax: 816.468.6651

Web: www.kveng.com

Address: 8040 North Oak Trafficway
Kansas City, MO 64118

Initial Submittal: October 15, 2018

B17D35667

Re: Storm Water Drainage Letter
Lot 3, Kendallwood Center
6221 N. Chestnut Avenue
Gladstone, Clay County, Missouri

Kaw Valley Engineering, Inc., on behalf of PAUCH, LLC, has prepared this Storm Water Drainage Letter to evaluate the impact of proposed site work on approximately 1.25 acres of land located along N. Chestnut Avenue in Gladstone, Missouri. The proposed scope of work includes converting the existing site to a convenience store and passenger vehicle fueling station.

GENERAL INFORMATION & EXISTING SITE CONDITIONS

The project site is located at 6221 N. Chestnut Avenue in Kendallwood Center, in Gladstone, Missouri. The site is bound by N. Chestnut Avenue to the west, existing businesses to the north and south, and residential properties to the east. The site is approximately 1.25 acres and currently contains an existing restaurant building and associated parking. The existing site generally drains to the west by overland and shallow concentrated flow where storm water enters the public storm sewer along N. Chestnut Avenue.

Runoff analysis was completed utilizing the Kansas City Metropolitan Chapter of the American Public Works Association Design Criteria, Section 5600 and its applicable supplements. The Rational Method was used to determine and compare peak runoff rates for the existing and proposed site conditions. This analysis was performed for the 2, 10, and 100-year storm events. A 5-minute Time of Concentration was used for all on site calculations. The Time of Concentration to the existing enclosed storm drainage system was calculated based on Time of Concentration calculations per APWA Section 5600. Runoff coefficient values of 0.3 and 0.9 were used for pervious and impervious surfaces, respectively. Runoff calculations for the existing and proposed conditions are presented in Table 1 and drainage area maps are presented in Attachment A.

PROPOSED SITE CONDITIONS & BMP ANALYSIS

The project scope consists of modifying the existing building and site to a convenience store and fueling station. The existing parking lot will be reconstructed to accommodate the proposed site layout. The improved site will decrease the site impervious surface and reduce the overall site runoff. No on-site detention will be required due to the decrease impervious surface and site runoff. The proposed site will maintain the drainage patterns of the existing conditions.

A best management practice (BMP) will be installed to assist in removal of on-site pollutants from the storm water runoff prior to runoff exiting the site. BMP analysis was completed using the 2012 MARC BMP Manual. Per the 2012 MARC BMP Manual, fueling stations are considered a pollutant "hot-spot" and it is recommended that runoff from the fueling areas be isolated and treated prior to exiting the site. A bio-swale is proposed at the west of the property between the site drive approaches. The bio-swale will capture runoff from the fueling area (approximately 0.18 acres) and treat the runoff via infiltration and plant absorption prior to exiting the site. The associated BMP calculation worksheets are included in Attachment B. Runoff

calculations for the existing and proposed conditions are presented in Table 1 and drainage area maps are presented in Attachment A.

SUMMARY AND CONCLUSION

As shown in Table 1, the project proposes to decrease the overall site runoff due to the decrease in impervious surface. A BMP bio-swale will be implemented to capture and treat runoff from the fueling area prior to runoff exiting the site.

Respectfully Submitted,

Kaw Valley Engineering, Inc.

Coby C. Crowl,
Project Manager



A handwritten signature in cursive script, reading "Johnson Rowland".

Johnson Rowland, EIT

TABLE 1: EXISTING AND PROPOSED DRAINAGE ANALYSIS AND COMPARISON

Drainage Area	Area (AC)	Impervious Area (AC)	% Site Impervious	C	Tc (min)	Primary Outlet	Downstream Structure	2 Year		10 Year		100 Year	
								Rainfall Intensity	Q (cfs)	Rainfall Intensity	Q (cfs)	Rainfall Intensity	Q (cfs)
EXISTING													
EXDA-1 (Site)	0.991	0.950	95.9%	0.88	5.0	Street	CI #603	5.41	4.69	7.35	6.38	10.32	11.19
EXDA-1A (Street)	0.045	0.034	75.2%	0.75	5.0	Street	CI #603	5.41	0.18	7.35	0.25	10.32	0.43
EXDA-2 (Site)	0.543	0.527	97.0%	0.88	5.0	Street	CI #603	5.41	2.59	7.35	3.52	10.32	6.18
EXDA-2A (Street)	0.048	0.035	74.3%	0.75	5.0	Street	CI #603	5.41	0.19	7.35	0.26	10.32	0.46
EX Total	1.627	1.546	95.1%	0.87	-	-	CI #603	-	7.66	-	10.41	-	18.27
PROPOSED													
PDA-1 (Site)	0.991	0.923	93.2%	0.86	5.0	Street	CI #603	5.41	4.60	7.35	6.26	10.32	10.98
PDA-1A (Street)	0.043	0.033	76.1%	0.76	5.0	Street	CI #603	5.41	0.18	7.35	0.24	10.32	0.42
PDA-2 (Site)	0.543	0.469	86.3%	0.82	5.0	Street	CI #603	5.41	2.40	7.35	3.27	10.32	5.74
PDA-2A (Street)	0.049	0.036	73.6%	0.74	5.0	Street	CI #603	5.41	0.20	7.35	0.27	10.32	0.47
PROP TOTAL	1.627	1.461	89.8%	0.84	-	-	CI #603	-	7.38	29.4	10.04	-	17.61
DIFFERENCE		-0.085	-5.2%	-0.03	-	-		-	-0.28	-	-0.37	-	-0.66

ATTACHMENTS

- ATTACHMENT A: PROPOSED GRADING PLAN
EXISTING AND PROPOSED CONDITIONS DRAINAGE AREA MAPS
- ATTACHMENT B: BMP WORKSHEETS

WORKSHEET 1A: REQUIRED LEVEL OF SERVICE - DEVELOPED SITE

Project: B18D3566

Location: Lot 3 - Kendall Wood: 6221 N Chestnut

By: JBR

Checked: CCC

Date: 10/12/2018

Date: 10/12/2018

1. Required Treatment Area

A. Total Area Disturbed by Redevelopment Activity (ac.) **0.859**

Disturbed Area Description	Acres
Pervious Surface	0.031
Impervious Surface	0.828
"1A" Total:	0.859

B. Existing Impervious Area Inside Disturbed Area (ac.)

Existing Impervious Area Description	Acres
Parking Lot, Building	0.828
"1B" Total:	0.828

C. Required Treatment Area (ac.)

"1A" Total Less "1B" Total

"1C" **0.031**

2. Percent Impervious in Postdevelopment Condition and Level of Service (LS)

A. Total Postdevelopment Impervious Area Inside Disturbed Area (ac.)

Postdevelopment Impervious Area Description	Acres
Parking Lot, Building	0.743
"2A" Total:	0.743

B. Existing Impervious Area Inside Disturbed Area (ac.)

"1B" Total: **0.828**

C. Net Increase in Impervious Area (ac.)

"2A" Total Less "1B" Total

"2C" **-0.085**

D. Percent Impervious

Net Increase in Impervious Area/Required Treatment Area

"2C"/"1C" x 100

(Round to Integer)

-275.94

Impervious Area Reduced

NA

E. Level of Service

Use Percent Impervious to Enter Table 4.3

LS = **3.0** **Minimum LS**

3. Minimum Required Total Value Rating of BMP Package

Total Value Rating = LS x Required Treatment Area

VR = **0.092**

WORKSHEET 2: DEVELOP MITIGATION PACKAGE(S) THAT MEET THE REQUIRED LS

Project: B18D3566

By: JBR

Date: 10/12/2018

Location: Lot 3 - Kendall Wood: 6221 N Chestnut

Checked: CCC

Date: 10/12/2018

Sheet _____ of _____

1. Required LS (New Development, Wksht 1) or Total VR (Redevelopment, Wksht 1A):

0.092

Note: Various BMPs may alter CN of proposed development, and LS; recalculate both if applicable.

2. Proposed BMP Option Package No. 1

Required Treatment Area Per Wksht 1A = 0.031 acres

Cover/BMP Description	Treatment Area	VR from Table 4.4 or 4.6 ¹	Product of VR x Area
Vegetated Filter Strip/Bio-Swale	0.031	5.00	0.155
Additional Treatment Area	0.149	5.00	-
			0.00
			0.00
			0.00
Untreated	0.00		0.00
Total²	0.031	Totals:	0.16
Weighted VR:			5.00 = total product/total A

¹ VR calculated for final BMP only in Treatment Train

² Total treatment area cannot exceed 100 percent of the actual site area.

* Blank in Redevelopment

Meets required LS (Yes/No)?

YES

(If No, or if additional options are being tested, proceed below)



World Fuel Services Corporation
9800 NW 41st Street
Suite 400
Miami, FL 33178
www.wfscorp.com

November 6, 2018

Mr. Austin Greer

City of Gladstone

RE: Experience letter Amir Nadeem Mehdi

We are excited to provide you with an experience letter for Amir Mehdi. He has been a long time World Fuel Services customer who is very accomplished in his business. He has been in the convenience store business since 1997 and has been a customer of ours for 11 years. He runs a professional company and is financially viable. We are proud of our association with him! His locations consistently score in the upper 90's on his performance evaluations with Phillips 66 and I am sure will continue to do so. He is an asset to his community and will be the same for the City of Gladstone!

Should you have any questions or require further information, please contact me at 785-224-9373 and I will be happy to respond quickly.

Sincerely,

Susie Coleman

World Fuel Services

Account Manager

scoleman@wfscorp.com



Visit Details

Visit Period: 2018-10
Date of Visit: 10/31/2018
Time of Day: 7 - 10 am
Job Number: 16843171
Cashier name or description: TJ
Location: 883004 - Phillips 66 - KC LIONS
Address: 5425 PROSPECT
City: KANSAS CITY
State: MO

[\[View All Photos\]](#)

Total Score

91.0%

Shop Result : Pass

Category Score

Category	Points	Out of
CORE EXPERIENCE	6	6
ATTENTION TO DETAIL	18	18
FUELING EXPERIENCE	28	37
SAFETY EXPERIENCE	8	8
RESTROOM EXPERIENCE	10	10
MERCHANDISING EXPERIENCE	19	19
CASHIER EXPERIENCE	8	8

CORE EXPERIENCE

100.0%
6/6

34a Refused Audit comments: n/a

35 Does the primary fueling area have a canopy? Mark one only: 1/1

☒ Yes

36 Was the location's primary fueling area canopy/canopies branded with approved logos and correctly painted? Mark one only: 1/1

☒ Yes





- 37 Were all protector poles, bollards, raised end caps, curbs, and columns in the primary fueling area painted the approved colors? Mark one only: 1/1
- ☒ Yes
- 39 Did each fuel dispenser in the primary fueling area meet all branding requirements? Mark one only: 1/1
- ☒ Yes
- 39d Was the Phillips 66 "Ninety years of Performance Gas and still going strong" pump topper present? n/a
- ☒ Yes
- 40 Did the Main station ID price sign meet all required elements? Mark one only: 1/1
- ☒ Yes
- 41.1 Was in and around the location free of selling any illegal drugs, synthetic drugs, or drug paraphernalia? Mark one only: 1/1
- ☒ Yes

ATTENTION TO DETAIL

100.0%
18/18

- 01 *** Was your cashier wearing neat and clean clothing with the gas or convenience store brand logo/name visible? Mark one only: 6/6
- ☒ Yes
- 02 Was your cashier wearing a name badge or have a name on his/her shirt? Mark one only: 2/2
- ☒ Yes
- 04 Was the Main station ID price sign well maintained, and free of banners and vendor signs? Mark one only: 5/5
- ☒ Yes
- 06 Were the canopy and canopy columns mainly clean, undamaged, and free of bird/wasp nests, and the entire fuel island free of any banners/flags/vendor signs (excluding Grand Opening banners)? Mark one only: 5/5
- ☒ Yes
- 915 Cashier name or description: n/a
- TJ
- 930 Time of Day n/a





☐ 7 - 10 am

940 Market: n/a

☐ Other

950 Brand/Image n/a

☐ Phillips 66

960 Closed Location- Failed Report n/a

☐ No

FUELING EXPERIENCE

75.7%
28/37

07 Was the fuel island you used clean with the paint in good condition? A few small chips from wear and tear are acceptable. Mark one only: 4/4

☐ Yes

08 *** Was the fuel dispenser in the primary fueling area that you used clean and free of the following issues? For audits, did all fuel dispensers in the primary fueling area have pump toppers and We Honor decals that were current and in good condition, along with "Fuel us with Feedback" signage? Mark one only: 0/5

☐ No

08a If No to Q8, mark all that apply: n/a

☐ i. Pump topper/Video pump topper/Eclipse POS insert/Side support sign: Expired advertisement displayed

☐ q. No "Fuel us with Feedback" survey signage present at one or more pumps

08b Which pump did you use? n/a

4

08c Was the Phillips 66, Conoco, or 76-branded security tape utilized on the fuel dispensers? Mark one only: n/a

☐ No

09 Did you see 2 or more fuel products and/or nozzles out of order/out of gas in the primary fueling area? Mark one only: 5/5

☐ No

10.1 Was the credit card reader at your fuel dispenser available and appear to be working, and did it print a receipt for your fuel purchase (if a credit or debit card was used)? Mark one only: 0/4

☐ No





10a.1 If No, mark one only: n/a

- ☐ d. Did not print a receipt when a credit or debit card was used

10a.2 If a receipt did not print, what type of message did you see on the screen? Mark one only: n/a

- ☐ c. Indicated a receipt printed, but a receipt did not print

11 Were the fueling area, parking lot, and sidewalk area clean and well maintained overall? Mark one only: 4/4

- ☐ Yes

12 Was an exterior trash can (free standing or part of a window washing unit) clean, available near your pump, in good condition, and have enough room for more trash? Mark one only: 1/1

- ☐ Yes

13 Was the store or kiosk building exterior clean and free of the following conditions? Mark one only: 1/1

- ☐ Yes

14 If the location has landscaping and/or flower pots, were they well maintained? Mark one only: 4/4

- ☐ Yes

15 Was air available, well marked, and did it appear to be in working order? Mark one only: 4/4

- ☐ Yes

16 *** Were well-maintained squeegees, paper towels, and clean water/solution available near your fuel dispenser for washing windshields? Mark one only: 5/5

- ☐ Yes

SAFETY EXPERIENCE

100.0%
8/8

17 If this location has a convenience store, were the store windows at least 50% clear of non-store or fuel-branded signs or other obstructions when looking in from outside? Mark one only: 2/2

- ☐ Yes

18 If after dark, was the exterior bright and well lit with building lights, lot lights, main station ID sign lights, and canopy lights turned on and working? Mark one only: 6/6

- ☐ N/A

RESTROOM EXPERIENCE

100.0%
10/10





19 Was a restroom available and open to customers? Mark one only: 2/2

☒ Yes

19b Which restroom did you evaluate? Mark one only: n/a

☒ a. Men's

20 *** Was the restroom clean and free of the following issues? Mark one only: 4/4

☒ Yes

21 Was the restroom fully stocked? Mark one only: 2/2

☒ Yes

22 Were restroom fixtures working properly? Mark one only: 2/2

☒ Yes

MERCHANDISING EXPERIENCE

100.0%
19/19

23 Were the transaction area and surrounding counter area neat, clean, and accessible with credit card applications visible? Mark one only: (NOTE: Credit card applications are evaluated during revealed assessments only.) 3/3

☒ Yes

24 Did the store overall seem to be clean and in good condition? Mark one only: 4/4

☒ Yes

25 Was merchandise orderly and well stocked overall (no obvious empty areas)? Mark one only: 3/3

☒ Yes

26 Was merchandise that you looked at and/or purchased priced? Mark one only: 2/2

☒ Yes

27:1 Was the location free of magazines, videos, or other materials emphasizing nudity? Mark one only: 1/1

☒ Yes

28 Was the coffee, fountain drink, and fresh food/roller grill area completely stocked? Mark one only: 4/4

☒ Yes





29 Was the location free of handwritten signs (excluding starbursts)? Mark one only:

2/2

☒ Yes

CASHIER EXPERIENCE

100.0%
8/8

30.1 Did your cashier give you a friendly verbal greeting before or when you reached the counter and provide helpful and professional service? Mark one only:

3/3

☒ Yes

32 Did your store purchase receipt have the www.gasvisit.com website address listed? Mark one only:

2/2

☒ No

32a If No, mark one only:

n/a

☒ b. Receipt did not have the www.gasvisit.com website address listed at all

34 Did the cashier say thank you or ask you to return? Mark one only:

3/3

☒ Yes





The Woodlands

A Missouri Registered LLC
Self-Managed Since 2002

Don Hansen, President
214-499-2973
Michelle Baker, Secretary
816-560-7927
Carol Kuenzel, Treasurer
816-668-6779
Rick Keller, Asst. Treasurer
816-668-7565
Jan Alexander, At Large
816-304-7608
Tom Farkas, At Large
816-786-8375
Ron Pashen, At Large
816-454-7880

The Woodlands Homes Association

100 The Woodlands

Gladstone, MO 64119

Via Email: Woodlands.Hoa.Board@gmail.com

Attention: Gladstone Planning Commission
c/o Austin Greer, Assistant to the City Manager
Via Email: austing@gladstone.mo.us

Subject: The Woodlands Neighborhood Opposition to the
Site Plan Revision of 6221 N. Chestnut Avenue

Chuck Cuda contacted Michelle Baker, Secretary of the Woodlands Homes Association Board, to inquire about the ability to meet with any and all Woodlands residents interested in hearing and discussing proposed site plan revision and development at 6221 N. Chestnut Avenue (also known as the former Tommy's / Tanner's) property into a convenience store / gas station. The Board agreed and a notification was sent out to all Woodlands residents conveying that Mr. Cuda would be presenting to all interested at our board meeting, on Thursday, August 16th, at 6:00.

Residents attending the August 16th meeting responded with intense and very passionate opposition to the site plan revision proposal as layed out by Mr. Cuda.

Some of the Woodlands resident concerns are: disruptions due to the proximity to residents' property in the form of but not limited to; hours of operation, potential for water pollution from leakage from underground tanks, large tanker and delivery trucks, lights, trash, noise level, increased air pollution, sewage and water run-off issues, and devaluation of property due to the proximity.

The neighborhood residents also believe the times of operation and products the gas station / convenience store would most likely sell, such as alcohol, and tobacco, as well as the increased traffic would render the neighborhood less safe. The Woodlands is known to be a quiet single access neighborhood. We believe the rezoning would bring a drop in property values to those homes directly adjacent to the property and subsequently drop the entire neighborhood valuation.

The Woodlands HOA residents respectfully request the Planning Commission **NOT** approve the Site Plan Revision for 6221 N. Chestnut Avenue.

**MEMORANDUM IN OPPOSITION TO PROPOSED SITE PLAN REVISION
FOR 6221 CHESTNUT AVENUE, GLADSTONE, MISSOURI**

**To: Gladstone Community Development Department
Gladstone Planning Commission
Gladstone City Council**

From: The Woodlands, Inc. (A Missouri Nonprofit Corporation serving as the Homeowner's Association for The Woodlands neighborhood), and Individual Residents and Property Owners of The Woodlands neighborhood as evidenced by their respective signatures below.

Date: July 18, 2019

Re: The Woodlands neighborhood opposition to the Site Plan Revision proposed by Pauch, LLC and Mr. Chuck Cuda.

Dear Mayor, Council Members, Department Personnel, and Commission Members:

The Woodlands Home Association Board of Directors and undersigned owners and residents of The Woodlands submit this Memorandum for your review as you take under consideration the Site Plan Revision Application submitted by Mr. Cuda through his Limited Liability Company, Pauch, LLC. This is the second attempt by Mr. Cuda in a matter of months to seek approval, ultimately of the Gladstone City Council, to modify the site and building located at 6221 N Chestnut Avenue, Gladstone, Missouri.

Neighborhood opposition to the modification of the existing property to create a convenience store and gas station was previously presented by members of The Woodlands community at the Gladstone Planning Commission on November 19, 2018, and again at the City Council Meeting on Monday, December 10, 2018. We find ourselves having to formally present our opposition to the proposed Site Plan Revision yet again less than ten months after the City Council denied a substantially similar request presented by the same interested parties.

We readily acknowledge that the address in question has previously been operated as a restaurant and bar, and that the Zoning in and of itself would allow for the location of a gas station. You, however, as the governing body of our City, have the authority and ability to regulate and control the commercial development within the community. This authority is acknowledged by the Applicant by his submission of an application for a Site Plan Revision to convert the commercial property into a gas station and convenience store. Absent your approval of the Site Plan Revision, the project as proposed cannot proceed.

We appreciate the hard work and dedication each one of you put into the discharge of your duties as municipal government employees and office holders. We understand that it is often a thankless job and that you frequently, as in this case, find yourselves having to make a decision that will please one side of the argument and displease the other. We ask that as you evaluate the application, you take into consideration our concerns. It is our intention to have a presence at the Planning Commission hearing and City Council Meetings in August and September when this matter is presented. We plan to expound upon our concerns at both the hearing and the City Council Meeting.

In order for you to have some background and the opportunity to review some pertinent information in advance of the hearing and meeting, we are providing an abbreviated listing of our concerns and some materials gathered by individual homeowners while doing research to educate themselves about the potential ramifications of having a gas station in their back yard.

Environmental Concerns

Please find attached several articles outlining the negative environmental impact gas stations have on the adjacent properties and residents. One of these articles, "Gas stations vent far more toxic fumes than previously thought" published in Science Daily on October 4, 2018 citing Columbia University's Mailman School of Public Health, suggests that the generally applied setback of 300 feet due to concentrations of Benzene, may not be enough. The proposed gas station location will be less than 100 feet from a residence in our neighborhood.

All the articles reference air pollution, soil pollution and groundwater contamination as likely negative environmental impacts of gas stations. We are concerned that the location of a gas station so close to several of the neighborhood homes will unnecessarily expose many of our families to increased levels of harmful and potentially cancer-causing chemicals and vapors. During a public meeting on June 24, 2019, facilitated by Mr. Cuda's attorney, Jim Bowers, the engineer for the project indicated that surface water runoff (which will contain petroleum contaminants) will be directed to a holding lagoon at the front of the property. The engineer readily acknowledged that during periods of heavy rain (similar to those we have experienced in the last 60 days), the holding lagoon will be overwhelmed and the excess runoff will likely be directed to the South and ultimately back to the east along the South edge of the Woodlands neighborhood.

We have recently seen an influx of younger families with children in our neighborhood. This has been exciting to see the potential for additional revitalization of our mature, well built and maintained neighborhood that has been a staple of the community since the 1970's. We are extremely concerned that given the environmental risks a gas station presents: approval of the Site Revision Plan would end this new influx of families with younger children.

Noise/Light Pollution/Additional Traffic

During the community meeting on June 24, 2019, Mr. Cuda indicated that his preliminary investigation suggests that the location would be a very lucrative location for a gas station and convenience store. Shabbir Houssain, Business Coach and Author (GasStationBusiness101.com) indicates that there is a wide range of revenue for what he refers to as "average sized" gas stations (less than 7 fuel dispensers). It is our understanding that Mr. Cuda's project will have ten (10) dispensers. Mr. Houssain indicates that fuel sales range from 40,000 to 150,000 gallons per month. Mr. Cuda's engineer confirmed during the public meeting on June 24, 2019 that they anticipated 10,000-gallon deliveries every three to five days indicating Mr. Cuda is projecting gas sales of 60,000 to 100,000 gallons per month. Assuming an average fill-up of 10 gallons, these numbers suggest there could be between 6,000 and 10,000 vehicles visiting the location per month. These figures do not take into consideration the additional vehicles frequenting the convenience store without making a gas purchase. This would be an exponentially larger level of traffic at the edge of our neighborhood than any business that has operated at this location in the past.

Vehicles at gas stations frequently are left running in hot and cold weather and the increased volume of people spending short periods of time at the location will drastically increase the noise level for property owners on the western edge of the Woodlands neighborhood. The Site Plan design proposes the planting of several deciduous trees. While this may be an effective tool to minimize noise pollution into the neighborhood ten to fifteen years from now when the trees are mature, they will do little to abate the noise nuisance in the interim.

The proposed hours of operation are from 5:00 a.m. to 2:00 a.m. The building on this property is located a mere 35 feet from the lot line of the house adjacent to the property. No prior business had full lighting during all hours except a three-hour window between 2 a.m. and 5 a.m.

In the event the Site Plan Revision is approved, how does the Planning Commission propose to address the dramatic increase in traffic exiting and entering Antioch road in this area. We are concerned that without substantial modifications to the crosswalks and traffic control devices, there will be an unnecessary increased risk to pedestrians and bicycle riders in the neighborhood.

Economic Impact on Current Businesses

One of our neighborhood residents noted the fact that there are currently five gas stations within a three (3) mile radius of The Woodlands community. During the public meeting on June 24, 2019, Mr. Cuda expressed the sentiment that the Conoco at Antioch/Kendallwood Parkway has such a small footprint it is not a viable competitor. All the presenters further intimated that the proposed location would seek to set itself out from its competitors by offering a large convenience store area with take-out food and a variety of hot food snacks. These comments suggest they intend to actively compete for business from current establishments, some of which are already showing signs of a lack of profitability leading to closure of existing businesses. Of further concern is the impact a convenience store would have on the CVS location at the intersection of Antioch and Brooktree Lane.

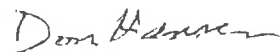
Unintended Consequences of Recommended Conditions of the Community Development Department

The Recommended Conditions of the Community Development Department include installation of a 6-foot-tall PVC privacy fence and the requirement that the developer maintain the growth between the privacy fence and the residential privacy fence. At the public meeting on June 24, 2019, it was disclosed that there would be a ten (10) foot gap between the two fences that would not be illuminated in order to facilitate maintenance of the area between the fences. It is our concern that this would create an attractive nuisance in the form of an attractive location for vagrants to sleep or for individuals to engage in unlawful activities outside of the visibility of the public.

Conclusion

We have outlined only a few of our most significant concerns about the proposed Site Plan Revision of 6221 N Chestnut Avenue, Gladstone, Missouri. We appreciate your consideration of our concerns as you evaluate the application submitted by Pauch, LLC and Mr. Chuck Cuda.

Sincerely,
The Woodlands, Inc.



Don Hansen, President

The Woodlands Homeowners and Residents Signatures are contained on the following pages.

Name	Home/Unit #
John Smith	145
Eric M. B.	145
Carol Kuegel	138
Kenn Kuegel	138
Michelle Jank	82
Tom Fortas	82
Jana R. Collura	94
Susan R. Collura	94
Brian J. Thum	123
Allen Thum	123
Meghan Wisniewski	131
John Wisniewski	131
Bob Bauer	97
Judith Bauer	97
Raymond	134
Judy Milling	134
John C. McArthur	130
Dr. Michelle McArthur	135
Michael McArthur	37
John McArthur	37
Janet Clark	128
Steve Green	128
Mark Higman	118
Ginger Higman	118
Barbara	98

Name	Home/Unit #
Carol Thompson	98
Ken Gubert	92
Bill Gubert	39
Carl R. Gubert	39
Janet Gubert	105
Michelle Gubert	108
Paul Gubert	115
Wendy Gubert	22
Janet Gubert	46
Don Gubert	5
Anna Gubert	102
Bill Gubert	39
Mary Gubert	130
John Gubert	133
Patricia Gubert	133
Robert Gubert	122
Ray Gubert	130
Bill Gubert	130
Patricia Gubert	111
John Gubert	109
Mary Gubert	112
John Gubert	2
Paul Gubert	118
John Gubert	118
Sharon Gubert	112

Name

127

125

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2.

716

102

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107

Name _____

127

125

125

129

128

2

2

21

er 10

104

2017

Paula Seger.

Name	Age	Rank	Class/Notes
John Chapman	118		
<i>J. M. Chapman</i>			
Virginia Chapman	118		
<i>Dorothy Chapman</i>			

Pollution from Gas Stations



Updated April 25, 2017 By Brett Smith

Both air pollution and soil pollution are associated with gas filling stations. While air pollution is created by volatile chemicals vaporizing during the gas filling process, soil pollution can be caused by underground pipes or tanks rusting or leaking -- slowly releasing contaminants into surrounding area. The constant spilling of gasoline can also cause significant pollution.

Toxic Fumes

When gasoline evaporates, it gives off toxic fumes; a 2011 study found that the air surrounding gas stations can contain much higher concentrations of these cancer-causing vapors than average. Conducted by the Energy and Resources Institute (TERI) in India, the study examined air quality at 40 gas stations in Delhi. The researchers pointed out that this pollution should be particularly concerning for station attendants, who may spend long hours at a station every day.

Soil Pollution

Soil surrounding a gas station can become contaminated with gasoline. Gasoline in the soil can be dangerous, as it contains the toxic chemical benzene, which can leach into the water supply. In August 2012, soil near a former Exxon gas station in Wilmington, North Carolina, was found to be contaminated. In October 2011, gasoline was detected in the soil near a Citgo gas station in Shorewood, Wisconsin.

Guarding Against Fumes and Leaks

Toxic fumes emanating from gas stations can be mitigated by a vapor recovery system. The system is installed at the underground tank's filling point, and uses carbon to absorb any vapors being released. The EPA has outlined systems that could be used to detect any leaks from an underground tank, such as a secondary containment with interstitial monitoring, automatic tank gauging systems and groundwater monitoring. As a temporary system, the EPA recommends combining tank tightness testing with inventory control -- or with manual tank gauging, for smaller tanks.

Lead Contamination

Phased out by the dawn of the 21st century, leaded gasoline used to be a conventional automobile fuel around the world. As a result, some soils near old or long-standing gas stations could be contaminated with lead. The biggest risk of exposure is through eating or swallowing lead-contaminated soil. Young children are at the greatest risk for this type of exposure, as they often play in dirt and then put their hands and other objects into their mouths. When children are repeatedly exposed to small amounts of lead this way, the metal can build up in their bodies and cause damage.

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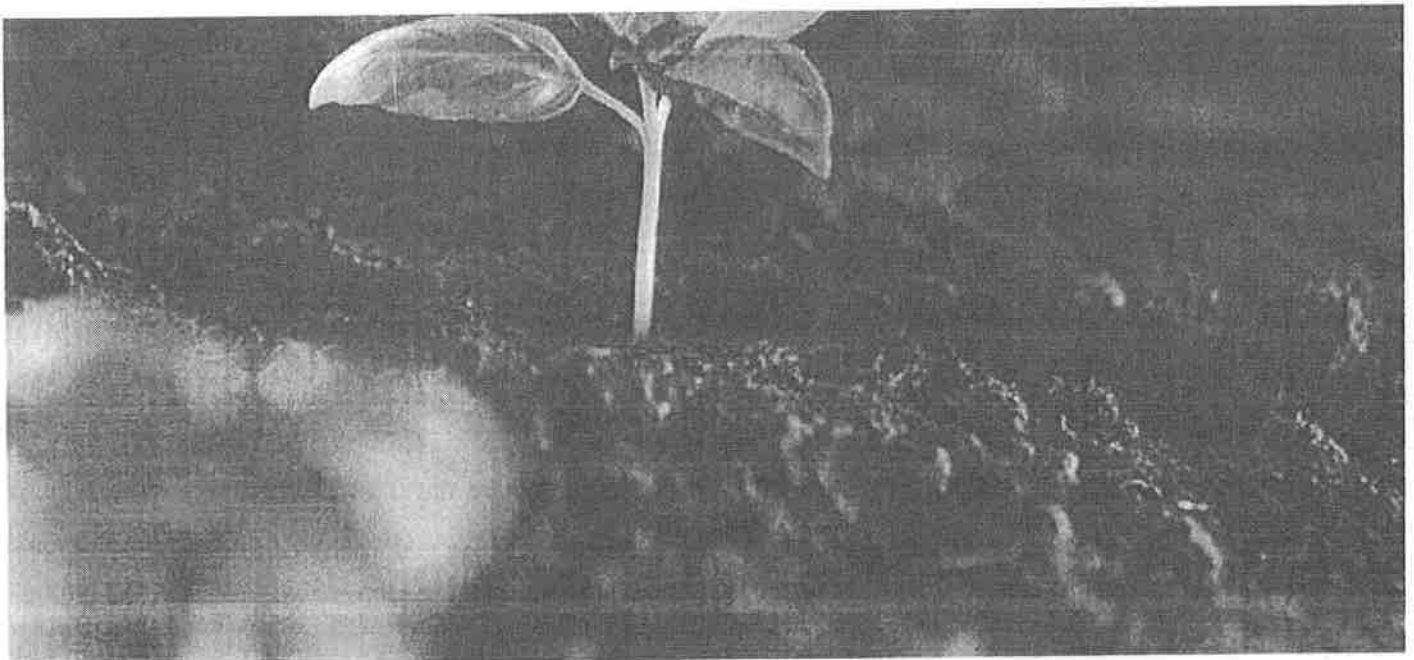
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Soil Pollution Remedies



Updated April 24, 2017 By Carolyn Csanyi

Often you can't tell if soil is polluted by looking at it. Sometimes the presence of oil, waste or litter will indicate unwanted substances, but generally it takes soil tests to reveal pollutants. Cases exist where homes or schools get built over leaking solid waste sites, or in areas contaminated by mining or industrial operations, and later prove hazardous to inhabitants. Once contaminants enter the soil, cleaning them up can be difficult and expensive.

Treatment Considerations

Each case of soil pollution needs careful consideration to decide on the most successful clean-up strategy. Variables include the type of contaminant, extent of pollution, soil type, soil condition, soil location, and weather, according to the U.S. Department of Agriculture. The treatment chosen out of the many available depends on what preliminary testing and evaluation reveal. Treatment occurs at the site of contamination, or soil is dug up and treated elsewhere. Treatment cost is also important, with some solutions costly, lengthy or labor-intensive.

Physical and Chemical Treatments

The U.S. Environmental Protection Agency (EPA) explains the many soil remediation techniques. Vapor extraction can be used to treat soil contaminated with volatile compounds on or off site. In either case, with vapor extraction, air is passed through the soil using a vacuum. This frees the volatile contaminants from their attraction to the soil. The freed volatiles are vented out. Solidification and stabilization (S/S) are on-site techniques used to treat radioactive, hazardous and mixed wastes. With solidification, waste in soil is physically trapped in place by containing it to form a solid. Stabilization immobilizes contaminants using chemical means, rather than physical. Commonly used inorganic stabilization agents include carbon and sulfur-based binders.

Another technique, soil flushing, literally involves flushing a contaminated area with water or an appropriate liquid solution. After flushing, the fluid carrying the

contaminants is collected and disposed of or treated. Positively charged contaminants, like heavy metals, can be removed using electrokinetic separation, which involves passing an electric current between two electrodes buried in contaminated soil. In off-site treatment, sometimes soil contaminated with petroleum is excavated and put into paving material.

Biological Treatments

Some soil microorganisms such as bacteria can metabolize and actually thrive on pollutants; these microbes convert pollutants to less mobile or less hazardous forms. Called bioremediation, this treats contamination from oil or petroleum products, pesticides and solvents. Microbes need good growth conditions, however. Often, substances that encourage microbe growth, such as molasses and vegetable oil or oxygen may be added to the soil, according to the EPA.

In phytoremediation, plants that actively take up heavy metals, such as arsenic and lead, are planted in contaminated soil. The soil is cleaned as metals are taken up and become concentrated in their foliage. This is a relatively slow process, however, that may take multiple years. Also, the plants themselves become contaminated as they take up the metals and can pose a hazard to humans and wildlife that consume them. The EPA warns that care must be taken to properly segregate the plants.

Thermal Treatments

Different techniques of applying heat to soils help remove volatile contaminants. Treatments include steam injection and extraction, radio-frequency heating, conductive heating and electrical resistance heating, according to the EPA. A more extreme example of heat treatment is vitrification, where high temperatures turn soil to glass, capturing nonvolatile contaminants such as heavy metals and radioactive materials. Treatments for excavated soil that use heat include incineration and thermal desorption. Incineration heats soil at temperatures between 870 and 1,200 degrees Celsius (1,600 to 2,200 F) to volatilize organic contaminants, which are then run through an air collection system for oxidative breakdown. Thermal desorption volatilizes pollutants, which are then removed by a gas treatment system.

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Menu

[Home](#) > [Sources of Exposure](#) > Gas Station

Gas Station

What are they?

Gas stations provide [motor vehicles](#) with [diesel](#) fuel, [gasoline](#), and oil. Fuel is stored and transferred between tanker trucks, [storage tanks](#), and vehicle tanks.

See also: [Benzene](#) [Methane](#) [Propane](#) [Gasoline](#) [Volatile Organic Compounds \(VOCs\)](#) [Toluene](#) [Ozone](#)

Why are they a concern?

Gas stations can pose significant hazards to people. As people fill up their gas tanks, diesel fuel or gasoline may drip from the nozzle onto the ground, and vapors may leak from the open gas tank into the air. This can lead to [air pollution](#) and soil pollution.

Air pollution is created when fuel evaporates, emitting toxic fumes, and when motor vehicles are running. Soil pollution can result when fuel that spills to the ground builds up and seeps into underlying soil and [groundwater](#). This can contaminate local well water. Underground pipes or tanks that rust or leak can also release contaminants into surrounding areas.

Gasoline is highly flammable (easily set on fire).

People also risk exposure to toxic chemicals if a gas station has an auto repair or paint shop.

Who is at risk?

- People filling vehicle tanks at a gas station are at risk for exposure to diesel fuel or gasoline—either by breathing its vapors or by spilling it directly onto their skin.
- People who live or work near a gas station may be exposed to toxic chemicals in the air, soil, and [drinking water](#).
- Children, the elderly, and people of all ages who have lung conditions such as asthma are at higher risk for harm.

What pollutants are of greatest concern?

- Gasoline contains harmful chemicals, including [benzene](#), which causes cancer.
- Gasoline vapors contain [volatile organic compounds](#), which harm human health and contribute to [ozone](#) pollution.
- Running motor vehicles produce [carbon monoxide](#) and [particulate matter](#).
- Fuel leaking from underground [storage tanks](#) can contaminate groundwater.
- Mechanics working in auto repair or paint shops at gas stations use [solvents](#), antifreeze, and [lead](#) products. They may work on vehicles that have [asbestos](#) in brakes or clutches.

Reduce your risk

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Gas Stations Pollution

Gas stations are found everywhere. They are so common and necessary that they became an integral part of our daily lives. Thus, it is no wonder that they are not usually associated with environmental and health risks, and even less with home pollution (/residential/). For example, have you asked yourself: *"Is my home or the house I intend to buy close to a gas station?"* Is the proximity to a gas station an excluding criterion for house shopping? Well, it may be! The following paragraphs should help you decide by yourself.

Below are presented, briefly, the main and sometimes severe pollution problems associated with gas stations along with the subsequent health, environmental, and home pollution risks. Additionally, due to the importance and practical relevance, prevention and cost recovery issues are first discussed.

Prevention and Cost Recovery

- **Personal damage.** From the perspective of the public, the best prevention is to spend as little time as possible at a gas station and avoid living close to a gas

station (e.g., 1 block or less). However, if this is not possible or if the exposure has already occurred (e.g., you live within 1 block from a gas station or are employed at a convenience store) you may be entitled to compensation.

- **Property damage.** From the perspective of gas station owners and/or operators, usually the insurance company may pay for pollution damage. However, not all pollution cases are straightforward and the insurance may try to avoid paying whenever possible. Gas station pollution liability is complex and legal advice is recommended.

Gas Station Pollution Release

Pollution released at gas stations is mainly due to the following:

- Accidental leaks and spills
- Gas station pollution violations
- Gas station normal operation

Gas Station Contaminants

The usual contaminants released into the environment (/chemical/) from gas stations are represented by the stored and sold petroleum products such as gasoline and diesel fuel. These are complex mixtures of volatile organic compounds (mainly hydrocarbons) and a series of additives which are blended with petroleum distillates to improve the quality of the final products and their usability. While there are hundreds of individual compounds associated with gasoline and diesel fuel (many of which are not even identified), the main compounds raising pollution problems associated with gas stations are the following:

- Benzene
- Toluene
- Ethylbenzene
- Xylenes
- Pb
- MTBE

- Ethylene dichloride (EDC)
- Naphthalene

Overview

- **On the positive side** - currently, better equipment and improved operation practices along with improved awareness of various **pollution risks** allow a more optimistic view of gas stations as integral part of urban environments with fewer pollution risks. Additionally, **gas station pollution penalties** and fines exist and are evolving, ensuring overall considerably fewer spills.
- **On the negative side** - almost a century of operation (of some stations) left a legacy of petroleum pollution (of soil and groundwater) that is found through current time and may extend to a few blocks away from the station. Additionally, the current economic difficulties seem to affect the implementation enforcement of some environmental-safe measures at gas stations, and consequently, gas stations are repeatedly cited for air pollution (/air/). There are now close to 170,000 fuel retailers (gas stations) at this moment in the U.S. alone. According to USEIA, 143.37 billion gallons were pumped in the U.S. in 2016, the largest gasoline consumption ever.



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Science News

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Gas stations vent far more toxic fumes than previously thought

Date: October 4, 2018

Source: Columbia University's Mailman School of Public Health

Summary: A study examined the release of vapors from gas station vent pipes, finding emissions were 10 times higher than estimates used in setback regulations used to determine how close schools, playgrounds, and parks can be situated to the facilities.

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FULL STORY

A study led by environmental health scientists at Columbia University Mailman School of Public Health examined the release of vapors from gas station vent pipes, finding emissions were 10 times higher than estimates used in setback regulations used to determine how close schools, playgrounds, and parks can be situated to the facilities. Findings appear in the journal *Science of the Total Environment*.

Gasoline vapors contain a number of toxic chemicals, notably benzene, a carcinogen.

The researchers attached gas flow meters to venting pipes at two large gas stations in the Midwest and Northwest and took measurements over a three-week period. They report average daily evaporative losses of 7 and 3 gallons of liquid gasoline, respectively, or 1.4 pounds and 1.7 pounds per 1,000 gallons dispensed at the pump. By comparison, the California Air Pollution Control Officers Association (CAPCOA) used an estimate of 0.11 pounds per 1,000 gallons. Based on CAPCOA emission estimates, the California Air Resources Board (CARB) determined their setback regulation of 300 feet (91 meters) from large gas stations. Similar laws exist in many, but not all states and localities. In urban areas like New York City, some gas stations are located directly adjacent to apartment buildings.

The study also simulated how the fuel vapor was carried in the air to assess the potential for short- and medium-term benzene exposures, comparing their measurements to three established thresholds. The California Office of Environmental Health Hazard Assessment one-hour Reference Exposure Level (REL) for benzene -- defined as a continuous hour of exposure to the chemical -- was exceeded at both gas stations at distances greater than 50 meters. At the Midwest gas station, REL was exceeded on two different days at distances greater than 50 meters, and once as far as 160 meters. The Agency for Toxic Substances and Disease Registry's Minimal Risk Level (MRL) for benzene exposure over a period between two weeks and a year was exceeded within 7 or 8 meters of the two gas stations. A less stringent measure used for short-term exposures of first responders, the American Industrial Hygiene Association's Emergency Response Planning Guidelines (ERPG), was not exceeded.

"We found evidence that much more benzene is released by gas stations than previously thought. In addition, even during a relatively short study period, we saw a number of instances in which people could be exposed to the chemical at locations beyond the setback distance of 300 feet," said first author Markus Hilpert, PhD, associate professor of Environmental Health Sciences at the Columbia Mailman School. "Officials should reconsider their regulations based on these data with particular attention to the possibility of short spikes in emissions resulting from regular operations or improper procedures related to fuel deliveries and the use of pollution prevention technology."

In previous work, Hilpert and colleagues documented the release of gasoline as fuel is stored and transferred between tanker trucks, storage tanks, and vehicle tanks, and how these spills can contaminate the surrounding environment. Next, the researchers will explore additional short-term measures of vapor spread to determine the bounds of safe setbacks.

Co-authors of the new study include Ana Maria Rule at Johns Hopkins, Bernat Adria-Mora formerly at Columbia, and Tedmund Tiberi at ARID Technologies, Inc. In a competing interest statement, the authors note that Tiberi directs a company that develops technologies for reducing fuel emissions from gasoline-handling operations. The research is supported by a grant from the National Institutes of Health (ES009089).

Story Source:

Materials provided by **Columbia University's Mailman School of Public Health**. *Note: Content may be edited for style and length.*

Journal Reference:

1. Markus Hilpert, Ana Maria Rule, Bernat Adria-Mora, Tedmund Tiberi. **Vent pipe emissions from storage tanks at gas stations: Implications for setback distances.** *Science of The Total Environment*, 2019; 650: 2239 DOI: 10.1016/j.scitotenv.2018.09.303

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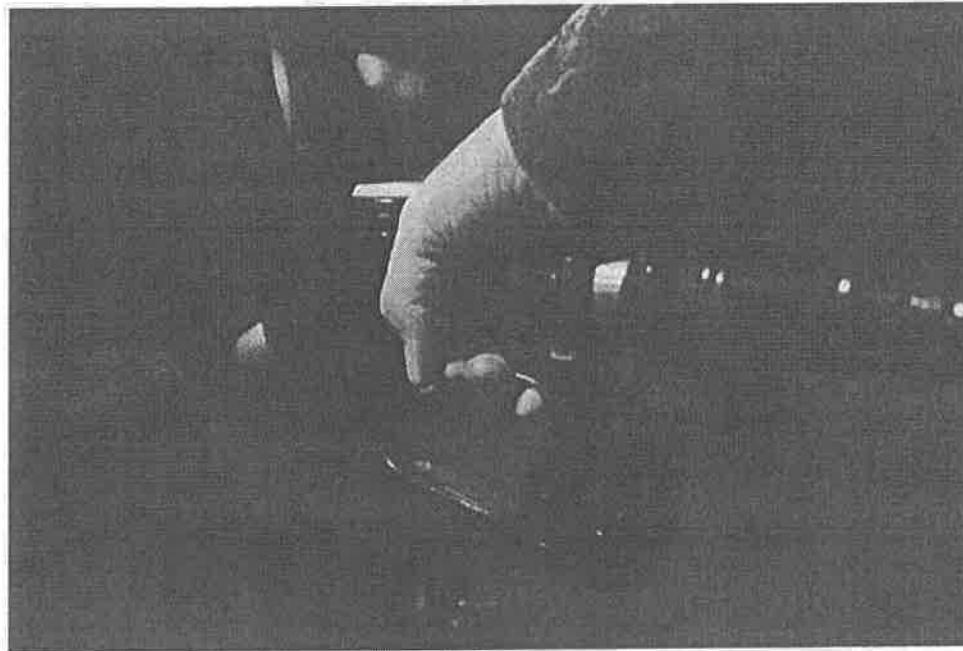
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What are the effects of environmental pollution from gas stations?

By Raymond Quan - March 7, 2019



Researchers in the United States investigated the effects of environmental pollution at gas stations by examining the emissions of cancerous substances such as benzene from station vent pipes.

Many people are aware that gasoline vapours are emitted from gas stations. But while they may be aware of common modes such as leaks and spills, they may not be aware of another source of emissions: vent pipes.

All gas stations have vent pipes attached to their underground gasoline storage tanks because gasoline vapours in these tanks can expand or contract due to changes in the outside temperature or barometric pressure, or because pressure can build up in the tanks due to evaporation.

Thus, vent pipes are needed to vent these excess gases out, and they are very much the largest emissions sources at gas stations. But what are the health effects of environmental pollution from these emissions?

Studying hourly vent pipe emissions and relating it to benzene exposure

With this issue in mind, researchers in the United States studied gasoline vent pipe emissions from gas stations. To the best of their knowledge, their study was the first to study hourly vent pipe emission data and publish it in a peer-reviewed journal. They believe it is also the first study to use this hourly data to model the resulting benzene (a carcinogen) emissions from gas stations. Their research was published in *Science of the Total Environment*.

The researchers studied two high-volume gas stations, with sales of 3.6 million gal of gasoline per year:

- One was located in the U.S. Northwest coast, and the research was done in October 2009. This station was a daytime operation (6:00 am-9:30 pm on weekdays and 7 am-7 pm on weekends) with sales of roughly 700,000 gal (2.6 million L) per month.
- The other was in the U.S. Midwest, and the research was done in the period December 2014-January 2015. This station was a 24-hour operation with sales of 450,000 gal (1.7million L) per month.

The original reason for the research was to do a cost-benefit analysis to compare the cost of lost fuel to the benefit of purchasing technologies to reduce these losses.

A dry gas diaphragm flow meter was used to measure the emissions through the stations' vent pipes. To determine the benzene emissions coming out of the vent pipes, the researchers did not actually measure for benzene, but predicted benzene concentrations using the AERMOD Modeling System developed by the US Environmental Protection Agency (EPA).

Benzene emissions can exceed one-hour thresholds

The emissions data from the two stations showed no constant pattern. At the Midwest 24-hour station, emissions were generally higher during the daytime and evening hours, where one assumes that more gasoline was being dispensed. In contrast, at the Northwest daytime-evening station, emissions were actually higher when the station was closed, at late night and early morning. Possible explanations for this discrepancy include improperly performed fuel drops, or hardware problems with piping and/or valves.

The benzene emissions predicted by the model showed that these emissions would at times exceed the 1-hour Reference Exposure Level (REL) for this carcinogen, even at a distance of as far as 160 m from the station. As well, recorded vent emission factors were more than 10 times higher than the current estimates used to determine setback distances (e.g. minimum distances away from other buildings) for gas stations.

Limitations noted by the authors included the following:

1. Data were only collected in fall and winter. This limitation matters because vent pipe emissions are seasonally-dependent.
2. Benzene levels were not directly measured.
3. The study did not predict indoor benzene levels.

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When thousands of gallons of gasoline enter the soil, chemicals travel to groundwater, which is the source of drinking water for nearly half the U.S. If buying a home, consider its potential loss in value if a nearby underground storage tank were to leak. Gasoline additives such as methyl tertiary-butyl ether (MTBE), which has been outlawed in some states, make the water undrinkable—and that is only one of 150 chemicals in gasoline. Repeated high exposure to gasoline, whether in liquid or vapor form, can cause lung, brain and kidney damage, according to the NIH's National Library of Medicine.

Spilled or vaporized gasoline is not the only chemical hazard if the station is also a repair shop. Mechanics use solvents, antifreeze and lead products, and may work on vehicles that have asbestos in brakes or clutches. Auto refinishers and paint shops use even more potentially harmful chemicals.

In today's car-centric world, we can't escape exposure completely, because these chemicals are in our air just about everywhere. But by choosing where we live, keeping an eye out for spills, and pressuring the oil companies to do the right thing for the communities they occupy, we can minimize our exposures.

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Gladstone Planning Commission and Gladstone City Council.

Re: Site Plan Revision of formally Tanner restaurant.

As a home owner in the cul-de-sac backing up to property in question I am very opposed to having another convenient store with lots of cars coming and going all hours of the night. Not only the noise is a nuisance but all the fumes are a hazard to our health. The gas station up the street is adding on to make a large convenient store and up the street is Quick trip and I think that is definitely enough.

My late husband Terry, Liggett Construction, built 4 houses in the cul-de sac that I live in. Liggett has developed many subdivisions in Gladstone, Heiden Estate, Christopher Heights, Meadowland townhomes but The Woodlands was where we wanted to build our forever home and did so in 1991.

I hope you take this in consideration when voting for something that most of us in The Woodlands are opposed to.

Maj-Britt Liggett

130 The Woodlands



OPES Commercial Real Estate
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Office: (816) 268-4493
Fax: (816) 326-3685
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November 27, 2018

City Planning Commission
City of Gladstone
7010 N. Holmes Street
Gladstone, MO 64118

Re: City Planning Commission Hearing November 19, 2018

Dear City Planning Commission,

I first want to thank you and the City Staff for all your time and effort to assist us with the possible redevelopment of 6221 Chestnut Ave. I felt that by hosting the neighborhood meeting and appeasing a lot of their initial concerns, as well as having multiple meetings with staff that we would be able to reassure staff, council, and community concerns. I will not be present at the December 3rd meeting as I have a prior engagement, but I would like to pen this letter to respectfully refute several the neighbors' issues that were heard by planning commission:

1. **Noise Level:** This property is zoned for a bar and restaurant and has been with past uses for which have operated with a 1:00 tavern license in the past. Workers, bartenders, wait staff, etc. possibly remaining on site up to 3:00 am. Furthermore, there is a McDonald's with hours from 4 AM to 12 AM and weekends 24 Hours with an intercom drive-thru system 300 ft from the nearest property owners back door; that same property owner's back door is 273 ft from the nearest Mechanical Pump Dispenser ("MPD") as shown on attached "Exhibit A." McDonald's employees park right up against this property owner's backyard and they have zero trees or screening as we offer in our development. Furthermore, there is an easement that will allow those cars at McDonald's to drive in, out, and around the Subject Property. We are not creating noise that has not been on this site prior to our proposed use, there used to be Karaoke on weekends and bands outside at this same building, these neighbors were either unaware because they did not patron the bar and grill or they did not hear the noise. Furthermore, we are planting sod that will prohibit any vehicle from driving around our building and adjacent to the neighboring property owner's property.
2. **Lighting:** By providing screening with trees and directional lighting, per the City's code and conditions, we do not anticipate this being an issue.
3. **Truck Traffic:** Many people voiced concerns about tanker trucks tearing up streets and not being able to make adequate turns, frequenting the site, etc. I want planning commission to understand that even if this is a good site and it does 120,000 gallons of gas a month, there is a 20,000-gallon underground storage tank which would mean that the tank would need to be filled 12-15 times a month on the high end, bringing a 42 ft tanker on to the site. In retrospect, my Dad operates a 1,800-SF restaurant and he receives deliveries from C&C Produce, Reinhart, US Foods, Excel Linen, and Perez twice a week. That would mean that a restaurant 1/4 the size of this one would have a 53 ft truck on site 8 times a week, or over 35 times a month; this doesn't include liquor deliveries and beer deliveries, which also come from tractor trailers. Furthermore, Chestnut is a feeder street, not a main arterial. It is a City street built to handle this type of traffic. In retrospect, a fire truck is the same width and 35 ft long, and Gladstone Public Safety stated in their report that there were no traffic impacts, comparable/relative to the historical land use of the property.
4. **Air Pollution:** This is purely speculative, I have searched and searched and found no studies related to health consequences of nearby residents of gas stations from any omissions or vapors. What I am able to quantify is that there was a Quik Trip with the closest MPD being 465 ft from the closest neighborhoods back door compared to 273 ft to the closest MPD for that same neighbor. Quik Trip was running volume of close to 200,000 gallons a month and therefore had greater tanker traffic, greater consumer traffic, and greater fueling omissions and would thus have created a greater impact to air quality. Just to give you an idea of how close these MPDs are to where QTs MPDs

- were, it's 520 ft as the crow flies and all of these measurements are shown on attached "Exhibit B."
5. **Economic Impact:** Again, this is purely speculative. In my 14 years in this industry, we have seen that a development which is safe, secure, and provides a neighborhood service is a value to the community and surrounding properties. Within .3 miles from the subject site, I am redeveloping a 100,000-SF former Woodbine Nursing Home into a 114-unit continuum of care facility. My office is at 6221 Chestnut and is visible from the subject site. These projects are all adding in growth for the community very close to the subject property. In the last few years, we have redeveloped Country Club Shops and Foxwood Shops right off Vivion Rd with surrounding residential. We have redeveloped Quality Plaza Shopping Center, and 310 Englewood just to name a couple of projects in Gladstone, these are quality projects that add value to the community.
 6. **Crime:** I do not know that there have been studies that show gas stations/convenience stores are more susceptible to crime than vacant buildings. I have seen in the past that vacant buildings tend to attract thieves, vandalism, and there is a correlation of empty buildings and criminal activity.
 7. **General Traffic:** This is not a situation where people are congregating 50-100 vehicles at a time. The Public Safety Review in the staff report indicated that there was no traffic impact and that traffic is comparable/relative to the historical land use of the property. With the property being on a feeder street off the main arterials it allows for better ease of traffic to get back on to the arterials by heading north out of the site or south to hit the light at Shady Lane and Antioch. In addition, no one will be driving through the Woodlands to access the site, the entrance to the Woodlands is east of our site off Brooktree Lane and over .3 miles from the nearest entrance to our site as shown on "Exhibit C."
 8. **Screening:** One of the key issues and questions from the Planning Commission was regarding the fence and screening. I think the best thing to do would be to curb my property line and construct a new 6' privacy fence on our property line so that it is clear who is maintaining it and who owns it. I will have my lawn and landscape company weed eat under the fence when they do our grass to eliminate any possibility for growth between the fences. Regarding the screening of the building and the HVAC units, I will assure the Planning Commission that I will elevate my new parapet wall to provide screening from Antioch Rd looking at the building. To provide any additional screening from the neighborhood to the east or bank to the south, I am open to planting additional trees; i.e. evergreens or spruce trees, so we don't have the issue of leaves falling in the winter to allow the property to be visible. I think the blue spruce/evergreens will provide adequate screening from the entire building for them, not just the RTU's. It would also provide a 365 day a year sound barrier to further appease any noise concerns that they may have.
 9. **Alternative Uses:** Many people from the neighborhood want to see alternative uses than our proposed use on this site. The reality is, I had this building listed for over seven months prior to getting any interest and the only interest is for the proposed use. We have had it under contract for another five months while working on our project and have had no further interest since lowering our price. The 6,700-SF restaurant is obsolete. There is no one that can cover the staffing and overhead for such an operation with grub hub, uber eats, and other delivery services a more convenient time-effective option. We have presented the site to other possible users as a potential scrape and ground up development opportunity, but they have been quick to turn it down due to the lack of visibility heading south. There are further issues with the access easement that runs through the property which was purchased by McDonald's when they completed their remodel. It is unfair to The Cascone's, who operated in this community for a number of years as Tommy's, for the later part of the tenure more as a community service rather than a profitability stance to expect them as owners to continue to go down the same path that has continuously produced failed ventures.

I ask that the Planning Commission consider our proposed project and hope that it is evident that we are willing to work with City staff as evidenced by accepting all the recommended conditions in the staff report.

I can look out of my office window and see this project, just like I can look out of my office and see the 2900 Kendallwood project that I am working on. I am a local developer with local ties, I was born and raised in Brook Hill and I am still a northlander. We have done a number of redevelopments in the northland that I am proud to have stamped my name on and this will be no different; I want to provide quality services to the community where they are lacking and there is a demand for our proposed use with the recent vacating of Quik Trip 6309 NE Antioch Rd 520' from our proposed site.

Sincerely,



Charles V. Cuda

August 30, 2019

Gladstone City Council
Gladstone City Hall
7010 N Holmes Street
Gladstone, MO 64118

*Re: Proposed Site Plan Revision to Redevelop the Vacant Restaurant/Bar
into a Gas Station and Convenience Store by Pauch, LLC*

Dear Mayor Suter, Mayor Pro Tem Moore and Councilmen:

I am writing in connection to the above application as the President
of Curry Real Estate located in the neighborhood of 6221 N. Chestnut Avenue. I
am familiar with the redevelopment plans and know the site well. On behalf of
Curry Real Estate I wish to offer our support to this planned infill redevelopment
because we believe it will be a positive and much needed improvement for the
neighborhood.

We are pleased by the opportunity to see this long-vacant neighboring property
be brought back to life. This planned infill redevelopment will meet the need of our
community through improving the appearance of North Antioch Road by revitalizing
underutilized land. Approval of this project will help to restore vitality to this area
by enhancing the established but underperforming commercial district with a
redevelopment that is compatible with the surrounding uses and character of the
community.

We encourage the City Council to approve the site plan revision for this
property as this planned infill redevelopment supports revitalization and positive
growth in the corridor.

Sincerely,

Ellen M Todd
Name
President
Title



Vent pipe emissions from storage tanks at gas stations: Implications for setback distances

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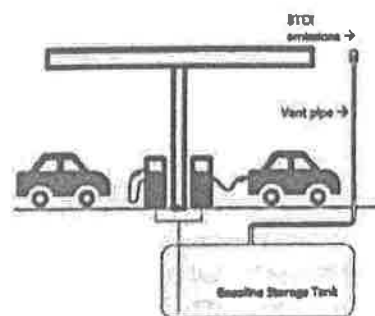
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HIGHLIGHTS

- At gas stations, fuel vapors are released from storage tanks through vent pipes.
- We measured vent pipe flow rates and tank pressure at high temporal resolution.
- Vent emission factors were >10 times higher than previous estimates.
- Modeling was used to examine exceedance of benzene short-term exposure limits.

GRAPHICAL ABSTRACT



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ABSTRACT

At gas stations, fuel vapors are released into the atmosphere from storage tanks through vent pipes. Little is known about when releases occur, their magnitude, and their potential health consequences. Our goals were to quantify vent pipe releases and examine exceedance of short-term exposure limits to benzene around gas stations. At two US gas stations, we measured volumetric vent pipe flow rates and pressure in the storage tank headspace at high temporal resolution for approximately three weeks. Based on the measured vent emission and meteorological data, we performed air dispersion modeling to obtain hourly atmospheric benzene levels. For the two gas stations, average vent emission factors were 0.17 and 0.21 kg of gasoline per 1000 L dispensed. Modeling suggests that at one gas station, a 1-hour Reference Exposure Level (REL) for benzene for the general population (8 ppb) was exceeded only closer than 50 m from the station's center. At the other gas station, the REL was exceeded on two different days and up to 160 m from the center, likely due to non-compliant bulk fuel deliveries. A minimum risk level for intermediate duration (>14–364 days) benzene exposure (6 ppb) was exceeded at the elevation of the vent pipe opening up to 7 and 8 m from the two gas stations. Recorded vent emission factors were >10 times higher than estimates used to derive setback distances for gas stations. Setback distances should be revisited to address temporal variability and pollution controls in vent emissions.

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1. Introduction

In the US, approximately 143 billion gal (541 billion L) of gasoline were dispensed in 2016 at gas stations (EIA, 2017) resulting in release of unburned fuel to the environment in the form of vapor or liquid (Hilpert et al., 2017). This is a public health concern, as unburned fuel chemicals such as benzene, toluene, ethyl benzene, and xylenes (BTEX) are harmful to humans (ATSDR, 2004). Benzene is of special concern because it is causally associated with different types of cancer (IARC, 2012). Truck drivers delivering gasoline and workers dispensing fuel have among the highest exposures to fuel releases (IARC, 2012). However, people living near or working in retail gas stations, and children in schools and on playgrounds can also be exposed, with distance to the gas stations significantly affecting exposure levels (Terres et al., 2010; Jo & Oh, 2007; Jo & Moon, 1999; Hajmohammadi et al., 2018). A meta-analysis (Infante, 2017) of three case-control studies (Sanfien et al., 2004; Brozosin et al., 2009; Harrison et al., 1999) suggests that childhood leukemia is associated with residential proximity to gas stations.

Sources of unburned fuel releases at gas stations include leaks from storage tanks, accidental spills from the nozzles of gas dispensers (Dahmer & Breysse, 2014; Anna-Maria & Hilpert, 2017; Morgner et al., 1992), fugitive vapor emissions through leaky pipes and fittings, vehicle tank vapor releases when refueling, and leaky hoses, all of which can contribute to subsurface and air pollution (Hilpert et al., 2015). Routine fuel releases also occur through vent pipes of fuel storage tanks but are less noticeable because the pipes are typically tall, e.g., 4 m. These vent pipes are put in place to equilibrate pressures in the tanks and can be located as close as a few meters from residential buildings in dense urban settings (Fig. 1).

Unburned fuel can be released from storage tanks into the environment through “working” and “breathing” losses (Yerushalmi & Rastan, 2014). A working loss occurs when liquid is pumped into or out of a tank. For a storage tank, this can happen when it is refilled from a tanker truck or when fuel is dispensed to refuel vehicles (Statistics Canada, 2009) if the pressure in the storage tank exceeds the relief pressure of the pressure/vacuum (P/V) valve (EPA, 2008). P/V valve threshold pressures are typically set to around +3 and –8 in. of water column (wc) (7.5 and –20 hPa). However, P/V valves are not always used, particularly in cold climates, as valves may fail under cold weather conditions (Statistics Canada, 2009).

Breathing losses occur when no liquid is pumped into or out of a tank because of vapor expansion and contraction due to temperature and barometric pressure changes or because pressure in the storage

tank may increase when fuel in the tank evaporates (Yerushalmi & Rastan, 2014; EPA, 2008). Although delayed or redirected by the P/V valve, breathing emissions can be significant and represent an environmental and health concern (Yerushalmi & Rastan, 2014).

Stage I vapor recovery systems, put in place to prevent working losses while delivering fuel to a station, collect the vapors displaced while loading a storage tank, redirecting them into the delivery truck. Stage II vapor recovery systems minimize working losses while delivering gas from the storage tank to the customer's car. During Stage II vapor recovery, gasoline vapors can be released through the vent pipe, if the sum of the flow rates of the returned volume and of the fuel evaporating within the storage tank is greater than the volume of liquid gasoline dispensed (Statistics Canada, 2009). We refer to this scenario as pressure while dispensing (PWD), in theory, a properly designed Stage II vapor recovery system should not have working losses, although in practice this is not typically the case (McEntire, 2000).

Regulations on setback distances for gas stations are based on lifetime cancer risk estimates. Several studies have assessed benzene cancer risk near gas stations (Atabi & Mirzabosseini, 2013; Correa et al., 2012; Cruz et al., 2007; Edokpolo et al., 2015; Edokpolo et al., 2014; Karakitsios et al., 2007). Based on cancer risk estimations, the California Air Resources Board (CARB) recommended that schools, day cares, and other sensitive land uses should not be located within 300 ft (91 m) of a large gas station (defined as a facility with an annual sales volume of 3.6 million gal = 13.6 million L or greater) (CalEPA, CARB, 2005). This CARB recommendation has not been adopted by all US states, and within states setback distances can depend on local government. Notably, CARB regulations do not account for short term exposure limits and health effects. An important limitation of existing regulations is the use of average gasoline emission rates estimated in the 90s that do not consider excursions (CAPCOA, 1997).

The main objective of this study is to evaluate fuel vapor releases through vent pipes of storage tanks at gas stations based on vent emission measurements conducted at two gas stations in the US in 2009 and 2015, including the characterization of excursions at a high temporal resolution (~minutes) and meteorological conditions at an hourly temporal resolution. In addition, we performed hourly simulations of atmospheric transport of emitted fuel vapors to inform regulations on setback distances between gas stations and adjacent sensitive land uses by comparing modeled benzene concentrations to four 60-min benzene exposure limits: an acute Reference Exposure Level (REL) for infrequent (once per month or less) exposure (WHO, 2010) and Emergency Response Planning Guidelines ERPG-1, ERPG-2 and ERPG-3 (AIHA, 2016). Finally we compared simulated benzene levels to a Minimal Risk Level (MRL) for benzene for intermediate exposure duration (14 to 364 days) (ATSDR, 2018) because that duration window includes our duration of data collection. See Table 1 for the various benzene exposure limits and issuing agencies.

2. Methods

Although we provide SI unit conversions, we report some measures in English engineering units (ft, gal, and lb) as regulatory agencies such as CARB use these units.

2.1. Sites

Data for this study were obtained from vent release measurements conducted at two gas stations as part of technical assistance to the gas stations to quantify fuel vapor losses through the vent pipes of their storage tanks. A motivation for conducting the measurements was to perform a cost-benefit analysis to compare the economic losses due to the lost fuel versus the cost of technologies that reduce the emissions. The exact location of the two gas stations is not revealed for confidentiality reasons. The gas station managers and staff who authorized the

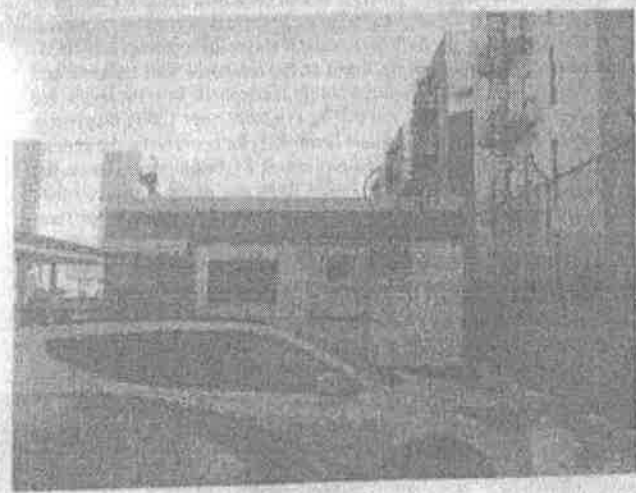


Fig. 1. The three vent pipes (enclosed by the red ellipse) on the right side of the convenience store of a gas station are ~10 m away from the residential building. (For interpretation of the references to color in this figure legend, the reader is referred to the web version of this article.)

Table 1

Benzene exposure limits, to which we compared simulation results. For unit conversion, we assumed a temperature of 25 °C, i.e., 1 ppm = 3194 µg/m³ (CAPCOA, 1997).

Agency	Name	Value (pph)	Value (µg/m ³)	Exposure duration
California Office of Environmental Health Hazard Assessment (OEHHA)	REL	8	26	1 h
American Industrial Hygiene Association (AIHA)	ERPG-1	50	159,700	1 h
AIHA	ERPG-2	150	479,100	1 h
AIHA	ERPG-3	1000	3,194,000	1 h
Agency for Toxic Substances and Disease Registry (ATSDR)	MRL	6	19	14 to 364 days

ERPG = Emergency Response Planning Guidelines. The primary focus of ERPGs is to provide guidelines for short-term exposures to airborne concentrations of acutely toxic, high-priority chemicals.

collection and analysis of these data have not been involved in the current manuscript.

The first gas station, “GS-MW,” was located in the US Midwest and is a 24-hour operation. The study was conducted from December 2014 to January 2015 for 20 full days, and fuel sales \dot{V}_{sales} were about 450,000 gal (1.7 million L) per month. Fuel deliveries to the gas station usually took place during the nighttime. The second gas station, “GS-NW,” was located on the US Northwest coast and closed at night. Hours of operation were between 6:00 am and 9:30 pm on weekdays and between 7 am and 7 pm on weekends. That study was conducted in October 2009 for 18 full days, and fuel sales were $\dot{V}_{\text{sales}} \sim 700,000$ gal (2.6 million L) per month.

Both gas stations are considered to be high-volume, because they dispense >3.6 million gal of gasoline (both regular and premium) per year (CalEPA/CARB, 2005), and fuel was stored in underground storage tanks (USTs), which is typical in the US. Both gas stations had Stage II vapor recovery installed using the vacuum-assist method. In that method, gasoline vapors, which would be ejected into the atmosphere as a working loss during refueling of customer vehicle tanks, are collected at the vehicle/nozzle interface by a vacuum pump. The recovered vapors are then directed via a coaxial hose back into the combined storage tank ullage (head space) of the gas station. Stage I vapor recovery was also used at both gas stations during fuel deliveries. Both sites had a 3-inch diameter (7.5 cm) single above-grade vent pipe with below-grade manifold that connected the vent lines from several USTs; the cracking pressures of the P/V valves were set to +3 and –8 iwc (+7.5 and –20 hPa).

2.2. Vent emission measurements

To quantify evaporative fuel releases through the vent pipe of a storage tank, the volumetric flow of the mixture of gasoline vapor and air was measured in the vent pipe. A dry gas diaphragm flow meter (American Meter Company, Model AC-250) was used. For each cubic foot (28 L) of gas flowing through the meter, a digital pulse was generated. Every minute, the number of pulses was read out and stored together with date and time on a data logger. Gas flow meters were obtained from a distributor calibrated and equipped with temperature compensation and a pulse meter.

To determine the time-dependent volumetric flow rate $Q(t)$ of the gasoline vapor/air mixture through the vent pipe, the time series of measured flow volumes were integrated over an averaging period (15 or 60 min) and divided by the duration of that period, i.e., $Q(t)$ is given by the number of pulses registered by the gas flow meter in a time window multiplied by 1 cubic foot and divided by the averaging time. The 15-minute averaging time was chosen to visualize time-dependent data, while the 60-minute averaging time was chosen because air pollution simulations were performed at that resolution.

Gas pressure p in the ullage of the storage tank was measured to assess vent emission patterns. For instance, releases can occur when the pressure exceeds the cracking pressure of the P/V valve in the vent pipe (the dry gas flow meter was fitted with a P/V valve on the outlet). Pressure was measured with a differential pressure sensor (Ceramabar PMC 41, Endress + Hauser) every 4 s, and 2-minute average values

were stored. The sensor range was scaled from –15 to +15 iwc (–37 to +37 hPa), with a full scale accuracy of 0.20%. We also obtained 15- and 60-minute averaged tank pressure data $p(t)$ where averages represent the means of the 2-minute average pressure measurements taken during each time window.

2.3. Descriptive analysis

For the 60-minute flow rate, we calculated medians and inter quartile ranges (IQRs). To illustrate diurnal fluctuations in vapor emissions, we created box plots for the 60-minute flow rate distribution that occurred during each hour of the day. Spearman correlation coefficients between the time series for pressure and flow rate were calculated to evaluate whether pressure can be used to infer vent emissions.

To estimate the mass flow rate of gasoline \dot{m}_{gas} that is released through the vent pipe in the form of a mixture of gasoline vapors and fresh air, we assumed, following the protocol of a study by the California Air Pollution Control Officers Association (CAPCOA) that assessed risks from fuel emissions from gas station (Appendix D-2 (CAPCOA, 1997)), that the density of gasoline vapors in this mixture is given by $\rho_{\text{gas}}^{(v)} = 0.3 \times 65 \text{ lb} / 379 \text{ ft}^3 = 0.824 \text{ kg/m}^3$, i.e., the molar percentages of gasoline and air were 30% and 70%, respectively. Then the volumetric flow rate Q can be converted into a mass flow rate of the vaporized gasoline:

$$\dot{m}_{\text{gas}} = \rho_{\text{gas}}^{(v)} Q \quad (1)$$

To arrive at vent emission factors, we first calculated the mean volumetric flow rate \bar{Q} , and then the mean mass flow rate $\bar{m}_{\text{gas}} = \rho_{\text{gas}}^{(v)} \bar{Q}$. From the latter, one can calculate the vent emission factor

$$\text{EF}_{\text{vent}} = \bar{m}_{\text{gas}} / \dot{V}_{\text{sales}} \quad (2)$$

For EF_{vent} , CARB uses units of pounds of emitted gasoline vapors (also called total organic gases (TOG)) per 1000 gal dispensed, or more briefly lb/kgal where kgal stands for kilogallons.

As we were not able to measure benzene levels in the tank ullage, we assumed like the CAPCOA study (Section C) that the density of the mixture of gasoline vapors and fresh air was $\rho_{\text{mix}}^{(v)} = 1.05 \text{ lb/ft}^3 = 1.682 \text{ kg/m}^3$ and that the emitted gasoline vapor/air mixture contained 0.3% of benzene by weight (CAPCOA, 1997). Therefore, the mass flow rate of benzene through the vent pipe was estimated as follows:

$$\dot{m}_{\text{benz}} = 0.003 \rho_{\text{mix}}^{(v)} Q \quad (3)$$

2.4. Air pollution modeling

We used the AERMOD Modeling System developed by the US Environmental Protection Agency (EPA) to model the dispersion of benzene vapors released into the environment through vent pipes of fuel storage tanks and from other sources (Cimorelli et al., 2005). AERMOD simulates atmospheric pollutant transport at a 1-hour temporal resolution. 3D polar grids were created with the gas station in the origin and potential receptors at different radial distances (up to 170 m) and angles (10°

increments). The grids were placed at the ground level ($z = 0$ m), in the breathing zone ($z = 2$ m), and at the 2nd floor level ($z = 4$ m) where the vent pipe emissions were assumed to occur. The topography was simplified for modeling purposes consistent with the CAPCOA study (CAPCOA, 1997), i.e., the terrain was assumed to be flat with no buildings present. Vent pipe emissions were modeled as a capped point source. Chemical reactions of benzene were not modeled, as residence times of atmospheric benzene are on the order of hours or even days (ATSDR, 2007), i.e. much longer than the travel time of benzene vapors across the 340-m diameter model domain.

For the period of time when vent emission measurements were made, we obtained meteorological data at a 1-hour temporal resolution that are representative for the geographic locations of the two gas stations. Table SI-1 provides descriptive statistics of that data. The time series were used in AERMOD to model the transport of benzene in the temporally varying turbulent atmosphere. We also used the 1-hour average time series of benzene emission rates (Eq. (3)) as an input into AERMOD.

To evaluate at each grid point whether OEHHA's acute REL or AHA's ERPG levels were exceeded at least once, we determined maximum 1-hour average benzene concentrations that were simulated for about three weeks. To evaluate how often the OEHHA REL was exceeded at each grid point in the breathing zone, we created plots indicating the number of exceedances and the day when the maximum benzene level was observed.

To facilitate comparison to published benzene measurements around gas stations, we determined for each simulated radial distance from a gas station the mean of the average concentrations simulated for each ten degree increment on the radius around the gas station.

3. Results: vent releases

3.1. Time series of tank pressure and flow rate

Fig. 2 shows the time-series data for the volumetric flow rate Q of the gasoline vapor/air mixture through the vent pipe and tank pressure p that we collected at the two gas stations. At GS-MW, little vapor was typically released in the late night and in the very early morning, while releases were generally much higher during the daytime and evenings, presumably when more fuel was dispensed (Fig. 2a). Occasionally, no vapor releases occurred for several hours. While we do not have access to time of fuel delivery records, field visits indicate that time periods with no releases coincide with fuel deliveries. For instance, fuel delivery likely occurred on January 6 at 7 pm (see Fig. 3a; an amplification of data shown in Fig. 2a). As a result, the UST pressure dropped by about 10 hPa, far below the cracking pressure of the P/V valve. The decreased gas pressure in the ullage increased until the cracking pressure of the P/V valve was reached. A very small vapor release (~ 2 L/min) was observed briefly on the next day at 2 am. The vapor flow rate becomes relatively large again, ~ 12 L/min, only after 6 am, i.e., 11 h after fuel delivery.

Fig. 3b amplifies a major vapor release at GS-MW. The UST pressure significantly exceeded the cracking pressure of the P/V valve and rose rapidly up to 37 hPa, which coincides with vapors being released at a high flow rate (15-min average) of about 470 L/min.

At GS-NW, vapor releases followed a quite different pattern (Fig. 2b). Contrary to GS-MW, vapor releases occurred in a cyclical pattern, and tended to be higher in the late night and in the very early morning when the gas station was closed.

3.2. Statistics of vapor emissions

The average volumetric flow rate \bar{Q} through the vent pipe for the entire period of time during which measurements were taken was $\bar{Q} = 7.9$ L/min for GS-MW and $\bar{Q} = 15.4$ L/min for GS-NW, which is

consistent with the higher sales volume V_{sales} of GS-NW. These emissions consist of a mixture of gasoline vapors and air. Using Eq. (1), the volumetric flow rates were converted into average mass flow rates of gasoline: $\bar{m}_{\text{gas}} = 0.39$ kg/h for GS-MW and $\bar{m}_{\text{gas}} = 0.76$ kg/h for GS-NW. Using Eq. (2), we determined a vent emission factor $\text{EF}_{\text{vent}} = 0.17$ kg per 1000 L = 1.4 lb/kgal for GS-MW and $\text{EF}_{\text{vent}} = 0.21$ kg per 1000 L = 1.7 lb/kgal for GS-NW.

The medians (IQIs) for the 60-minute averaged flow rate Q (L/min) were 6.1 (1.9, 10.9) for GS-MW and 16.0 (12.7, 18.4) for GS-NW. For GS-MW, the mean is larger than the median, indicating a more skewed distribution of flow rates when compared to GS-NW. Also the first quartile is much lower than the median for GS-MW, indicating that there are periods of time during which little emissions occurred. Conversely, GS-NW was releasing emissions more consistently.

Fig. 4a shows boxplots illustrating the distribution of flow rate Q for each hour of the day at GS-MW. Less vapor was released between 10 pm and 4 am, even though the gas station was in operation, albeit at lower activity levels. The flow rate Q at GS-NW (Fig. 4b) had fewer outliers, and the highest outlier was an order of magnitude lower than the highest one at GS-MW. Emissions were highest between 1 and 3 am, when the gas station was closed.

The Spearman correlation coefficients between tank pressure p and vent flow rate Q were $r = 0.58$ for GS-MW and $r = 0.85$ for GS-NW. Thus, vent releases are moderately and strongly correlated with tank pressure, respectively. Table 2 summarizes statistical properties of vent emissions at the two gas stations.

4. Results: air pollution modeling

4.1. Emission sources and rates

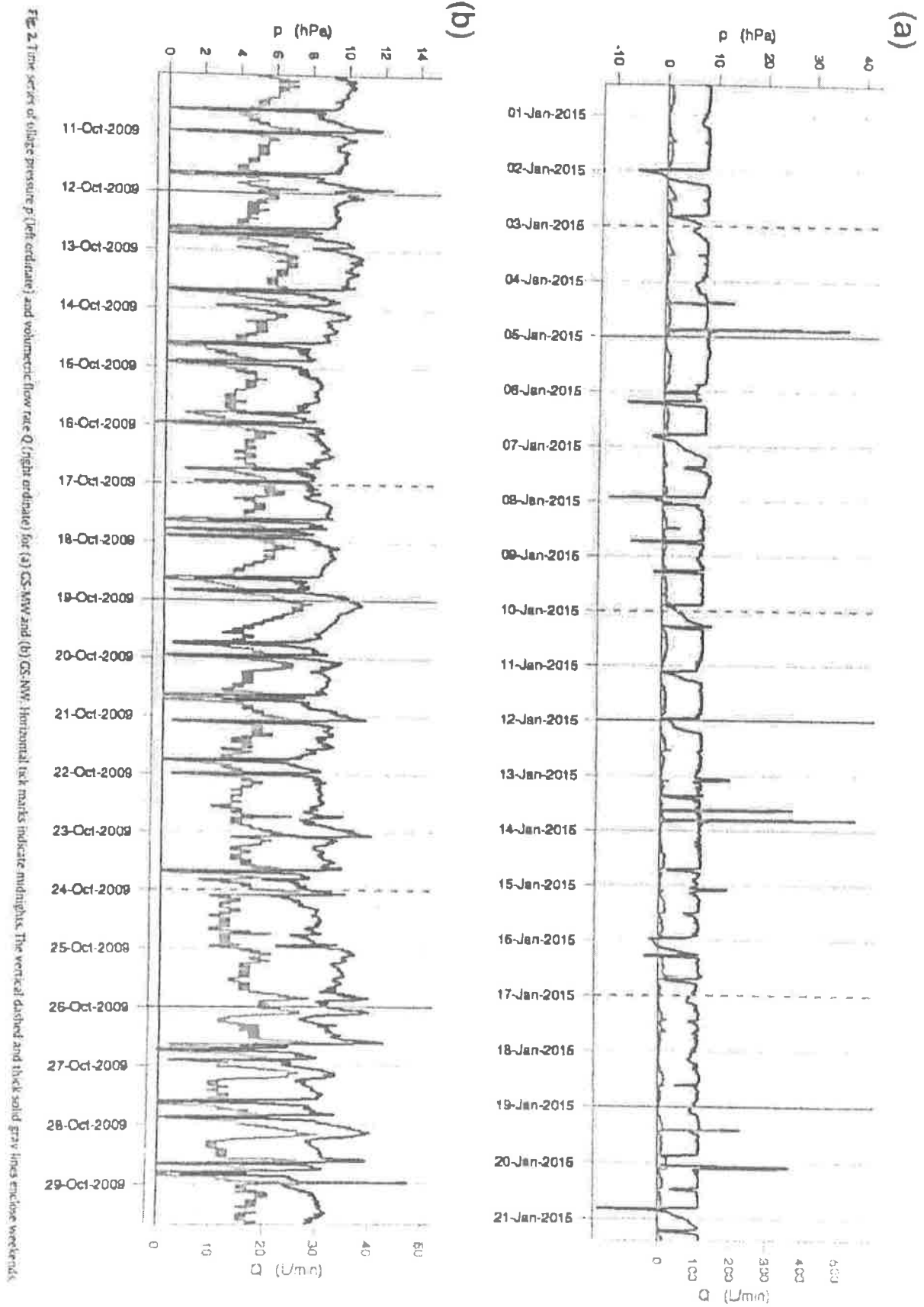
Vent pipe emissions of benzene were modeled at a 1-hour temporal resolution as described in Section 2.4. However, they are not the sole source of gasoline emissions at gas stations. Accidental spills from nozzles regularly occur near the dispensers, "refueling losses" can occur when gasoline vapors are released from the vehicle tank during refueling due to the rising liquid levels in the tanks, fuel vapors are released from permeable dispensing hoses, and "fugitive" or leakage emissions occur with driving force derived from storage tank pressure. In Section A of Supporting material, we detail how these other emission sources were modeled. Table 3 summarizes estimated mean emission rates. Note that the vent pipe losses are much greater than other losses.

4.2. Predicted benzene levels

Fig. 5 shows for both gas stations and at each grid point the maximum 1-hour average benzene concentration observed during the simulated periods in time. Benzene levels depend significantly on elevation within a 50-meter radius around the centers of the gas stations. Close to the centers of the gas stations, benzene levels are higher at the 4-m elevation and at ground level due to vent pipe emissions, which represent the largest emission source (Table 3). Further than 50 m away from the center, the vertical concentration differences become less obvious due to dispersion causing vertical mixing of benzene vapors.

At GS-MW, the 1-hour acute REL of $26 \mu\text{g}/\text{m}^3$ was exceeded 160 m away from the center of the gas station, at the location ($x = 158$ m, $y = 28$ m) both at ground level and in the breathing zone. At grid points with a distance > 50 m from the center of the gas station, the REL was exceeded at most once (Fig. SI-1a). However, the exceedance at different grid points did not occur on the same day (Fig. SI-1b). Within the 20 days during the measurement campaign, exceedances occurred on the 4th and 13th of January.

At GS-NW, the furthest REL exceedance occurred at 50 m from the center of the gas station at the grid point ($x = -38$ m, $y = 32$ m) as



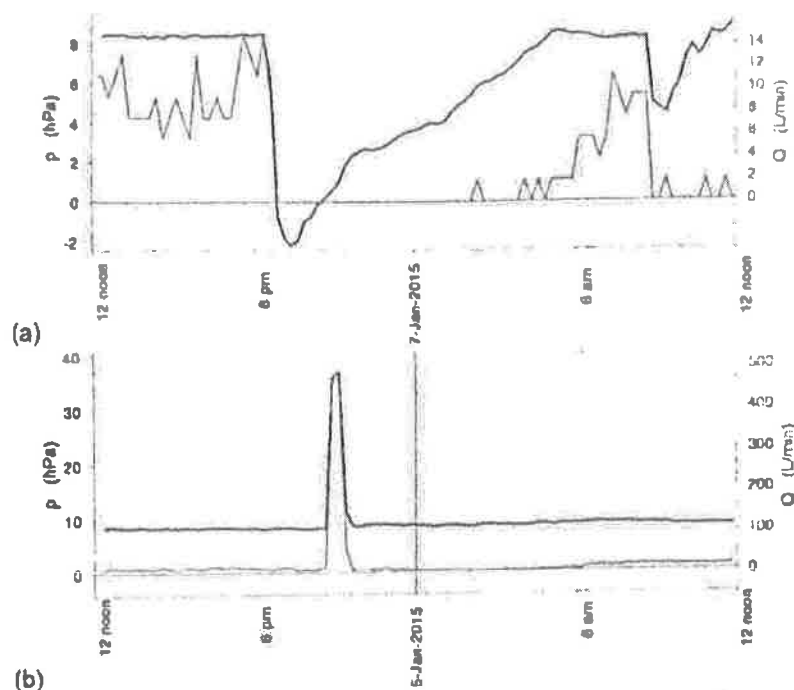


Fig. 3. Amplifications of time series data (15-minute averages) for CS-MW. (a) Tank pressure p became negative after fuel delivery. As a result, vent emission ceased for several hours. (b) A major vapor release (burst) likely occurred when the cracking pressure of the P/V valve was significantly exceeded at around 9 pm during a non-compliant bulk fuel delivery.

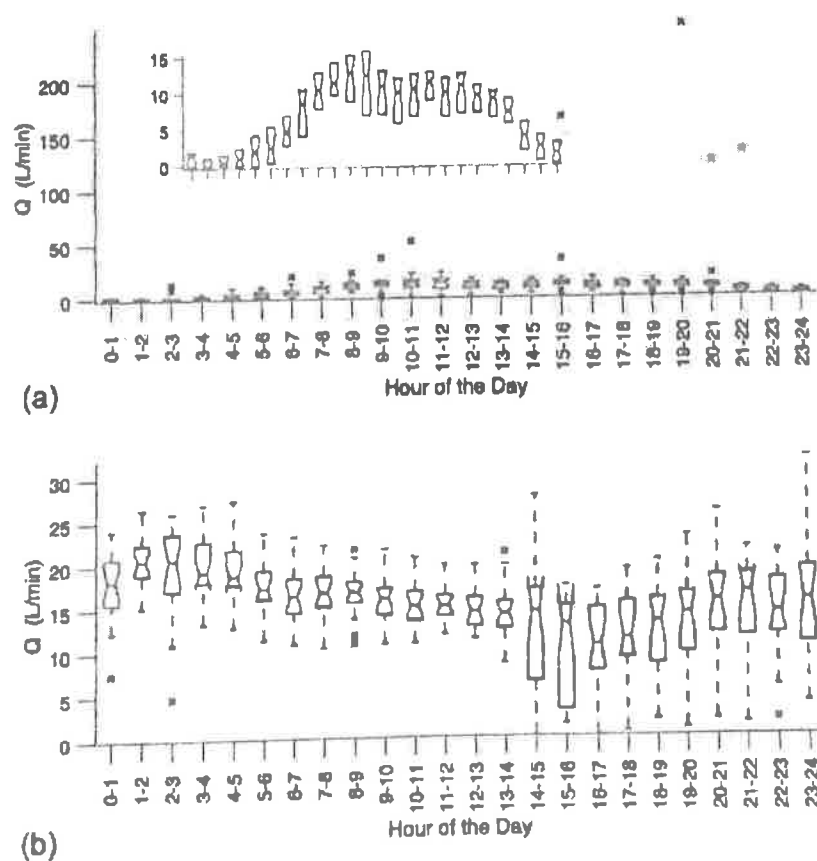


Fig. 4. Distribution of vent emissions Q observed for each hour of the day at (a) CS-MW [insert shows the IQRs of Q] and (b) CS-NW gas stations. In (a), outliers make it difficult to recognize variations in median hourly emissions. We therefore plotted in the inset only the IQRs. Boxes indicate median and IQR, whiskers values within 1.5 the IQR, and asterisks outliers.

Table 2
Summary of gas station characteristics and vent emissions.

	GS-MW	GS-NW	Units
Sales volume V_{sales}	450,000	700,000	gal/month
Volumetric flow rates (of gasoline vapor/air mixture)			
Mean \bar{Q}	7.9	15.4	L/min
Median (IQR) of 60-min average	6.1 (1.9, 10.9)	16.0 (12.7, 18.4)	L/min
Maximum of 60-min average	250	32.1	L/min
Vent emission factor EF_{vent}	1.4	1.7	lb/kgal
Mass flow rates of gasoline (w/o air)			
Mean \bar{m}_{gas}	0.39	0.76	kg/h
Maximum of 60-min average	12.3	1.6	kg/h
Correlation coefficient Between Q and p	0.58	0.85	—

shown in Fig. SI-2a. At a distance of 40 m, the REL was exceeded three times at one grid point (260° angle), and at 35 m four times at two grid points (250° and 260° angles) (Fig. SI-2b). At a distance of 20 m, the REL was exceeded at 30 (out of 36) grid points, and on nine different days.

Average benzene levels are shown in Fig. 6 for both gas stations. The MRL is exceeded at the elevation of the vent pipe opening, $z = 4$ m, up to 7 m away from for GS-MW and up to 8 m from GS-NW. Fig. 7 shows the average benzene concentration as a function of distance at an elevation of 2 m. Close to the center, benzene levels first increase and then decrease.

5. Discussion

5.1. Vent emission factors

We present unique data on vent emissions from USTs at two gas stations. Emissions can be compared to vent losses assumed by CAPCOA (CAPCOA, 1997). For a gas station with Stage I and II vapor recovery technology and a P/V valve on the vent pipe of the UST (Scenario 6B), the CAPCOA study assumed loading losses of 0.084 and breathing losses of 0.025 lb/kgal dispensed. The total loss of gasoline through the vent pipe is the sum of the two and amounts to a vent emission factor $EF_{\text{vent}} = 0.109$ lb/kgal. Based on actual measurements in two fully functioning US gas stations, we obtained EF_{vent} values of 1.4 lb/kgal for GS-MW and 1.7 lb/kgal for GS-NW, more than one order of magnitude higher than the CAPCOA estimate. While the difference between our measurements and the CAPCOA estimates may appear surprising, it is important to consider that the CAPCOA estimates are based on relatively few measurements and some unsupported assumptions (Aerovironment, 1994), particularly with regard to uncontrolled emissions due to equipment failures or defects (Appendix A-5 (CAPCOA, 1997)).

5.2. Pressure measurements

Tank ullage pressure p was moderately to strongly positively correlated with vent flow rate Q , likely because exceedance of the cracking pressure of the P/V valve causes a vent release. Thus pressure

Table 3
Mean benzene emission rates m_{benz} for the two gas stations.

Emission source	Benzene emissions (mg/s)	
Gas station	GS-MW	GS-NW
Vent pipe	0.80	1.55
Spillage	0.39	0.65
Refueling	0.41	0.69
Hose permeation	0.06	0.10
Total	1.67	2.90

measurements can be used to infer vent releases. Real-time detection of equipment failures and leaks via so-called in-station diagnostics systems is based on our observed correlations between p and Q .

5.3. Diurnal fluctuations in vent emissions

Diurnal vent emissions were quite different at the two gas stations. At GS-MW, a 24-hour operation, vent emissions were high during the daytime, presumably due to PWD. Emissions ceased at night, likely because less gasoline was dispensed and fuel deliveries with relatively cool product were frequent. Evaporative losses could also have been lower at night because the cooler delivered fuel would cause slight contraction of the liquid phase with corresponding growth in the ullage volume while at the same time lowering the vapor pressure of gasoline in the UST.

At GS-NW, vent pipe releases occurred most of the time, during the daytime when fuel was dispensed (PWD) and at night when the gas station was closed. Vent releases were higher when the gas station was closed, suggesting that during the day-time Stage II vapor recovery resulted in the injection of vapors into the storage tank that were not completely equilibrated with the liquid gasoline. During night-time, the gradual equilibration of unsaturated air in the ullage of the UST with gasoline vapors could then have caused exceedance of the cracking pressure of the P/V valve and consequently vapor release. It seems counterintuitive that less nighttime emissions occurred at the gas station where fuel was dispensed. However, while fuel is being dispensed, the outgoing liquid creates additional ullage volume, and depending on excess air ingestion rate, a negative pressure could result that lowers vent pipe emissions.

Dispensing fuel to customer vehicles and the associated Stage II vapor recovery system interact with vent emissions and can even cause vent emission during PWD, because the vacuum-assist method can negatively interfere with Onboard Refueling Vapor Recovery (ORVR) installed in customer vehicles (EPA, 2004). However, Stage II vapor recovery is not obsolete. It can be used in conjunction with ORVR to minimize exposure of gas station customers and workers to benzene due to working losses (Cruz-Nunez et al., 2003), particularly when customer vehicles are not equipped with ORVR (e.g., older vehicles, boats, motorcycles) or small volume gasoline containers are refueled. Enhanced Stage II vapor recovery technology can significantly reduce vapor emissions both at the nozzle and from UST vent pipes (CARB, 2013).

5.4. Fuel deliveries and accidental vent releases

Based on observations and interpretation of time series of the tank pressure data, it is likely that the peak vent emissions (e.g., Fig. 3b) were partly due to non-compliant bulk fuel drops where the Stage I vapor recovery system either was not correctly hooked up by the delivery driver or to hardware problems with piping and/or valves. This

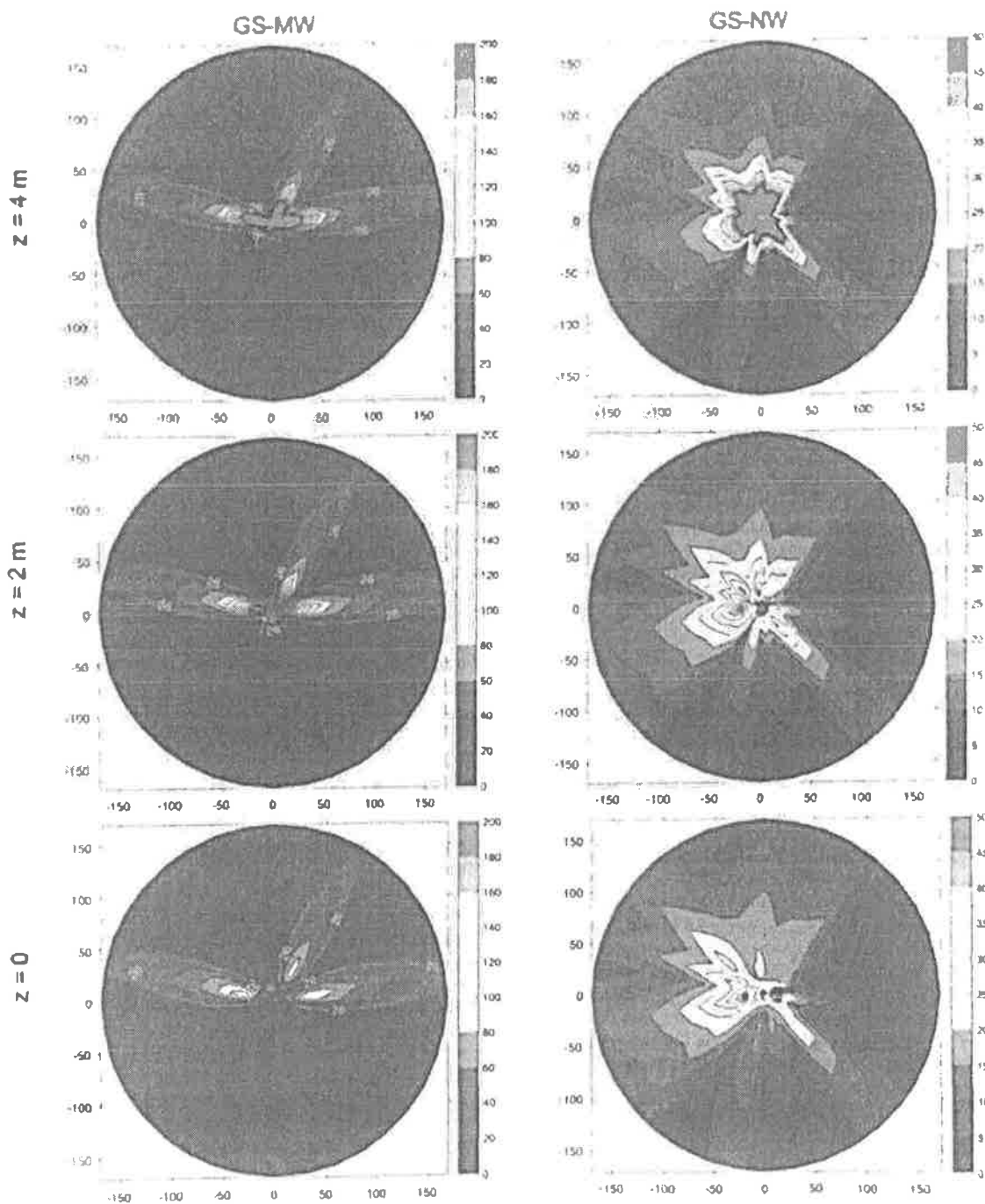


Fig. 3. Modeled maximum benzene concentrations for GS-MW and GS-NW at three different elevations z . The x - and y -axes indicate horizontal coordinates in meters. The color indicates benzene levels in units of $\mu\text{g}/\text{m}^3$. Left column: time series of benzene emission rates were used. Right column: average benzene emission rate was used in the modeling. The white isoline indicates OEHHA's acute REL of $26 \mu\text{g}/\text{m}^3 = 8 \text{ ppb}$.

conjecture is consistent with typical US storage tank volumes (~10,000 to 30,000 gal). Assuming that Phase I vapor recovery did not work at all and that 10,000 gal (~38,000 L) of fuel were delivered, the working loss (volume of gasoline vapor/air mixture released to the atmosphere through the vent pipe) is 38,000 L. It is also reasonable to assume that delivery lasted less than 1 h. According to Table 2, the maximum hourly flow rate through the vent pipe was 250 L/min at GS-MW, which would result in a maximum cumulative vapor release of 15,000 L within this hour. The measured maximum cumulative release underestimates the

assumed working loss of 38,000 L. This could be due to a fuel delivery, which involved dropping fuel from multiple compartments of a tanker truck, with the vapor return hose not being correctly hooked up for only some of the emptied compartments.

At GS-MW, UST pressure decreased after fuel delivery (causing vent emissions to cease for several hours) during the climatic conditions prevalent during the observation period, behavior not observed at GS-NW. In practice, it is possible to observe both positive and negative pressure excursions, even during the same fuel delivery (when multiple fuel

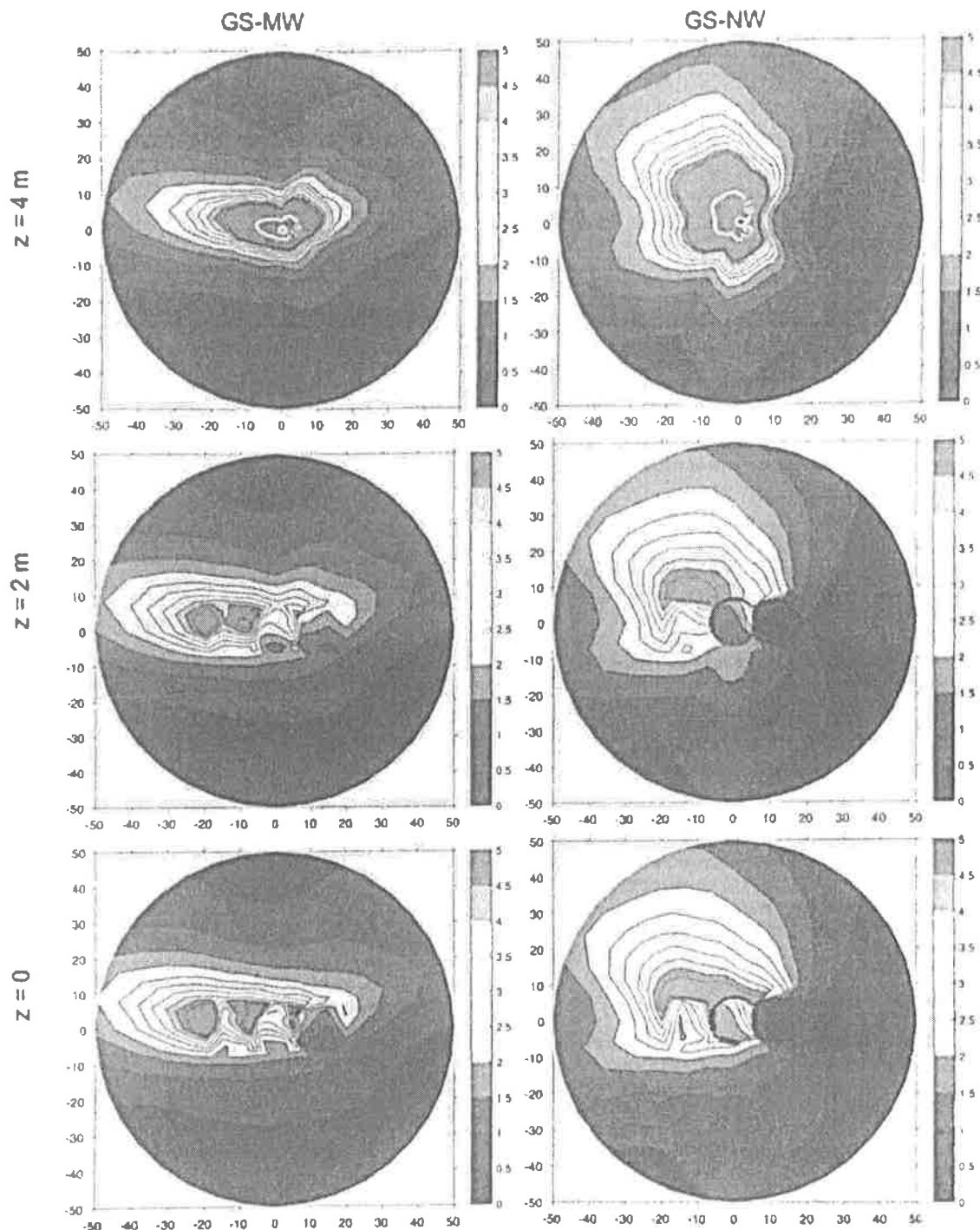


Fig. 6. Modeled average benzene concentrations for GS-MW and GS-NW at three different elevations z . The x - and y -axes indicate horizontal coordinates in meters. The color indicates benzene levels in $\mu\text{g}/\text{m}^3$ and the white isoline the MRL of $19 \mu\text{g}/\text{m}^3 = 6 \text{ ppb}$.

compartments of tanker trucks are unloaded), when Stage I vapor recovery is in place (personal observation by TT).

5.5. Exceedance of 1-hour exposure limits

AERMOD air pollution modeling suggests that at GS-MW the 1-hour acute REL was exceeded at one grid point, 160 m (525 ft) from the center of the gas station once in 20 days (Fig. 5). This distance,

is larger than the 300-ft (91 m) setback distance recommended by CARB for a large gasoline dispensing facility (CalEPA, CARB, 2005). Assuming the gas station's fence line is <225 ft. (69 m) from its center (where the vent pipe was assumed to be located), our study shows that sensitive land uses at a distance further than 300 ft from the fence line of the gas station would represent a health concern despite compliance with the CARB guidelines because of non-compliance with the acute REL.

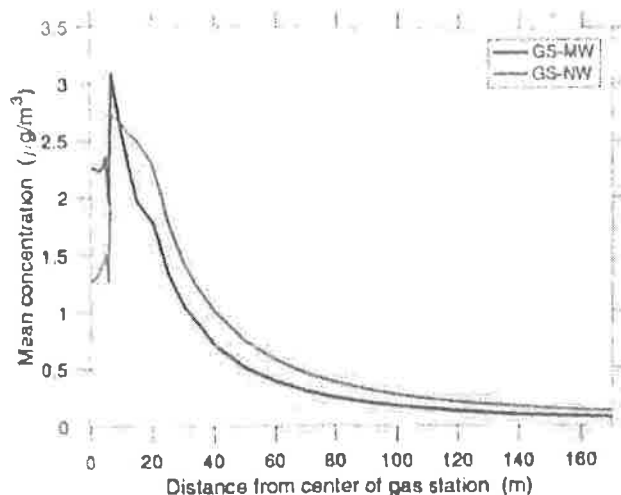


Fig. 7. Mean benzene concentrations as a function of distance from the center of the gas stations.

At any location further than 50 m from the gas station's center, the REL was exceeded at most once during the 20-day measurement campaign (Fig. SI-1a). However, exceedance occurred at several locations, and on two different days (Fig. SI-1b). E.g., at a distance of 120 m from the center, the REL was exceeded at three grid points, and the number of grid points increased with closer proximity to the gas station. This suggests that it was not just a single worst-case scenario or a single accidental vapor release that led to REL exceedance; rather exceedance may occur more frequently than is anticipated. Prevalent wind directions during the measurement campaign explained the directional patterns of exceedances (see the wind rose in Fig. SI-3a).

At GS-NW, despite its higher sales volume, the REL was exceeded only closer than 50 m from the gas station's center. However, exceedance occurred much more frequently (Fig. SI-2), likely because of the higher sales volume of GS-NW. Again, the wind rose for GS-NW (Fig. SI-3b) explains spatial patterns of REL exceedance.

None of AIHA's three ERPG levels were exceeded, meaning that individuals, except perhaps sensitive members of the public, would not have experienced more than mild, transient adverse health effects.

5.6. Average benzene levels

The initial increase in average benzene levels when moving away from the gas stations' centers (Fig. 7) is likely due to the vent emissions (at 4 m) which represent the largest benzene source, and which require a certain transport distance until they reach the 2-m level through dispersion. Further away from the gas station, benzene levels are higher for GS-NW than for GS-MW likely because of the higher sales volume of GS-NW. However, close to the center, benzene levels are higher at GS-MW. This can be attributed to the higher wind speeds at GS-NW (Table SI-1), which result in greater initial dilution of emitted pollutants in the incoming airstream and also in greater subsequent pollutant dispersion.

Modeled average benzene concentrations are generally lower ($\sim 10 \mu\text{g}/\text{m}^3$ or less) than those measured in the surroundings of gas stations, likely because our simulations do not account for traffic-related air pollution (TRAP). For instance, a study published by the Canadian petroleum industry found average benzene concentrations of 146 and 461 ppb (466 and $1473 \mu\text{g}/\text{m}^3$) at the gas station property boundary in summer and winter, respectively (Akland, 1993), values orders of magnitudes higher than ours. A South Korean study examined outdoor and indoor benzene concentrations at numerous residences within 30 m and between 60 and 100 m of gas stations and found median outdoor benzene concentrations of 9.9 and $6.0 \mu\text{g}/\text{m}^3$, respectively (Jo &

Moon, 1999), while we simulated benzene levels on the order of $1 \mu\text{g}/\text{m}^3$ (Fig. 7). In a study on atmospheric BTEX levels in an urban area in Iran, the three highest BTEX levels were measured near gas stations (~ 150 m away); the measured benzene levels (64 ± 36 , 31 ± 28 , $52 \pm 26 \mu\text{g}/\text{m}^3$) were again much higher than ours simulated at that distance, likely due to TRAP. Our modeled average benzene levels at a distance of about 50 m are on the same order as background benzene levels of $1.0 \mu\text{g}/\text{m}^3$ that were measured in 2010 in the National Air Toxics Trend Sites (NATTS) network of 27 stations located in most major urban areas in the US (Strum & Scheffe, 2016). However, our modeled levels at a distance of 170 m were 0.07 at GS-MW and 0.12 at GS-NW, a non-negligible addition to urban background levels.

At both gas stations, the MRL was exceeded at the level of the vent pipe opening in the vicinity of the gas stations, up to 7 m away from the vent pipe at GS-MW and 8 m at GS-NW. Therefore there might be an appreciable risk of adverse noncancer health effects for individuals living at the 2nd-floor level relatively close to high-volume gas stations such as GS-MW and GS-NW.

5.7. Limitations

A limitation of our study is that data were collected only in fall and winter. Results cannot be easily extrapolated to other seasons, because vent pipe emissions are seasonally dependent, e.g., due to seasonally dependent gasoline formulations and meteorological conditions. However, modeled exceedance of the OEHHA acute REL in the winter season is already of concern, because that REL was developed for once per month or less exposures.

Another limitation is that we did not directly measure benzene levels in the vent pipe, and instead made assumptions about vapor composition that were also made in the CAPCOA study (CAPCOA, 1997) of gas station emissions. In practice it may be difficult to obtain permission from gas station owners to measure benzene levels directly.

In part because we did not want to reveal the locations of the gas stations, we did not use site-specific topography information in the air dispersion modeling and instead assumed flat terrain. While this simplification results in less accurate air pollution predictions for the two sites, using a "generic" gas station is perhaps more representative of other gas station sites, and is consistent with an approach used in a previous study (CAPCOA, 1997).

Finally, our study did not predict benzene levels in indoor environments. Even though indoor air pollution levels may substantially differ from outdoor levels due to indoor sources (e.g., smoking, photocopying) (El-Hashemy & Ali, 2018), our study can still inform exposure levels in indoor environments as outdoor sources may be the main contributors to indoor air pollution, e.g., in buildings situated in urban areas and close to industrial zones or streets with heavy traffic (Jones, 1999). This is relevant to workers and customers in C-stores or other fast-food/gasoline station combination facilities.

6. Conclusions

Our study is to the best of our knowledge the first one to (1) report hourly vent emission data for gasoline storage tanks in the peer-reviewed literature and (2) use these data in hourly simulations of atmospheric benzene vapor transport. This allowed us to examine potential exceedance of short term exposure limits for benzene. Prior studies including CAPCOA's (CAPCOA, 1997) could not do so as average emission rates were used (only meteorological data was used at an hourly resolution).

Our findings support the need to revisit setback distances for gas stations, which are based on >2-decade old estimates of vent emissions (Aerovironment, 1994). Also, CARB setback distances are based on a binary decision, related to whether the gasoline sales volume V_{sales} is >3.6 million gal per year. Our data support, however, that setback

distances should be a continuous function of sales volume V_{sales} and also include the type of controls installed at the facility. Setback distances should also address health outcomes other than cancer. OEHHA's acute REL for benzene could be used to inform setback distances as it accounts for non-cancer adverse health effects of benzene and its metabolites (Budroe, 2014). ATSDR's MRL could also be considered since it is a health based limit.

We note that CARB recommended their setback distances in 2005, presumably assuming pollution prevention technology yielding a 90% reduction in benzene emissions (CalEPA CARB, 2005). Since then, CARB further promoted use of second-generation vapor recovery technology (Enhanced Vapor Recovery, EVR) to reduce emissions further. EVR includes technology that is supposed to prevent fuel vapors in overpressurized tanks from being expelled into the atmosphere (CARB, 2017). To that end, "bladder tanks" have been proposed, into which the gasoline vapor/air mixture is directed as the pressure in the combined ullage space of the storage tank increases, and from which the mixture is redirected into the fuel storage tanks if the ullage pressure becomes negative (when fuel is dispensed). The challenge with such a system is to ensure that the bladder tank capacity is not exceeded by the fuel evaporation rate. Alternatively, fuel vapor release can be reduced by processing the fuel/air mixture through either a semi-permeable membrane which selectively exhausts clean air and returns enriched fuel vapor (Semenova, 2004) or an activated carbon filter which adsorbs hydrocarbons (and water vapor) and exhausts air into the atmosphere, or by combusting the fuel/air mixture which would otherwise be released through the P/V valve. Therefore, current CARB setback distances might be adequate for gas stations in California but less so for the other 49 US states, and other countries—depending on pollution prevention technology requirements.

The larger areal extent of modeled REL exceedance at GS-MW is due to "accidental" releases of gasoline vapors. Even though regulations appear generally not to be driven by accidental releases, at GS-NW such releases likely led on two different days to REL exceedances at distances beyond CARB's recommended setback distances. Policies should address accidental fuel vapor releases that depending on pollution prevention technology (here Stage I vapor recovery) and its proper functioning can occur on a frequent basis (twice at GS-MW within about three weeks).

In future work, potential exceedance of other shorter-term exposure limits should be examined, e.g., the 15-minute short-term exposure limits (STELs) and the 8-hour time-weighted averages (TWAs) used for occupational exposures.

Acknowledgements

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Competing financial interest declaration

TT directs a company (ARID), which develops technologies for reducing fuel emissions from gasoline-handling operations. AMR, BAM and MH have no conflicts of interests to declare.

Appendix A. Supplementary data

Supplementary data to this article can be found online at <https://doi.org/10.1016/j.scitotenv.2018.09.303>.

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FBI Releases 2016 Crime Statistics

The number of robbery offenses at convenience stores rose the most in 2016.



September 26, 2017

WASHINGTON - Violent crime increased for the second consecutive year, while property crime decreased for the 14th straight year, according to the FBI's annual report on national crime statistics. Overall violent crime rose 4.1% last year, while property crime fell 1.3% compared to 2015 figures.

Compared with 2015, the report found that the number at convenience stores rose the most among six of the seven locations tracked in 2016. Last year there were 17,401 robberies in convenience stores, a 6.7% from 2015. For gas or service stations, there were 8,178 robberies, up 2.1% from 2015.

Crime in the United States, 2016 is a compilation of information reported to the FBI's Uniform Crime Reporting (UCR) Program by more than 16,000 law enforcement agencies nationwide.

The report showed there were an estimated 1.2 million violent crimes in the U.S. last year. Though the violent crime numbers rose from 2015 to 2016, the five-year and 10-year trends show an increase from 2012 (up 2.6%) and a decrease from 2007

(down 12.3%).

Additional statistics from Crime in the United States, 2016 include:

- Of the violent crimes reported to police in 2016, aggravated assault made up 64.3%, while robbery was 26.6%.
- About 7.9 million property crimes were reported to the UCR, with losses (excluding arson) of about \$15.6 billion.
- The report estimates that law enforcement agencies made about 10.7 million arrests in 2016 (excluding arrests for traffic violations).

Crime in the United States, 2016 also includes the additional publications Federal Crime Data, Human Trafficking, and Cargo Theft.

In his message accompanying the report, FBI Director Christopher Wray called on law enforcement agencies to continue transitioning to the more informative National Incident-Based Reporting System (NIBRS). Use of NIBRS data, which will be the national standard for crime reporting by 2021, will provide additional transparency. Wray called for the country to "get beyond anecdotal evidence and collect more comprehensive data so that we have a clearer and more complete picture of crime in the United States." He also noted the creation of the FBI's database to collect law enforcement use-of-force statistics to facilitate an informed dialogue within communities.

"The more complete the data, the better we can inform, educate, and strengthen all of our communities," Wray said.

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September 6, 2016

Convenience Store Case Study

Overview:

There are over 154,195 convenience stores in the US and the number of new stores is expected to grow double digits for the coming years. This shopping phenomenon represents 34% of retail sales in the US currently. Simple statistics show over 1/4 of all lottery tickets are sold through convenience stores and over 80% of convenience stores sell beer for example. A key to convenience store success is easy access to interstate and main thorough fare streets. This provides a detriment to the "predominant cash" business model in that it is also easy access for robbery and theft.

There are over 32,000 robberies a year in convenience stores and nearly 11,000 of those will be robbed multiple times. The rate of robberies has been described as an epidemic and unless cost effective preventive actions are taken, customers and employees will continue to be at serious risk. Most of the reported violent crimes occur at night in these locations.

The resulting damage from convenience store robberies can be physical, economic, and psychological in nature. A convenience store which is repeatedly robbed for specific merchandise can influence higher prices on certain products or as a precautionary action, the store may no longer carry the merchandise reducing overall sales. Independent stores owners can be more directly affected due to their size and ability to absorb loss and may not be able to recover from a robbery. The average cost to employers of a single episode of workplace violence can cost between \$25,000 and \$250,000 in lost work time and legal expenses. Customers who suffer injury along with the employees resist in face-to-face confrontations can lead to higher injury rates. Trauma can result in daily operations with loss of customers and also employee moral which can lead to loss of employee staff and loss of merchandise sales which can force some convenience stores to potentially close. Employee turnover rates for the CS is extremely high as well with the major cause being the implied safety/security concerns.

Aside from video surveillance which is almost always forensic in nature and assists *after* an incident has occurred, there are typically two solutions proposed to the convenience store industry. The first is a "wall through" cash window. This is a designed to provide safety to the store operators but prevents shopping for other tangible things that bring thousands of dollars of revenue per week to a store. The cost of this solution is nearly \$10,000 for construction, purchase of the cash drawer unit and installation. Another key point is many municipalities don't like or approve the image a wall through cash drawer portrays in their areas. Another key consideration of a wall drawer solution is the loss of revenue. If an average patron spends an additional \$5/visit and there is the opportunity for 100 patrons an evening, then over a 365-day period the potential loss of revenue is staggering (\$182,500).



Fast Food Restaurants and Convenience Stores: Using Sales Volume to Explain Crime Patterns in Seattle

Crime & Delinquency

1-22

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Abstract

This study investigates how convenience stores and fast food restaurants influence crime patterns over time. Using sales volume data from fast food restaurants and convenience stores, we examine streetblock crime levels over a seven year period in Seattle using multilevel models. Results demonstrate that high sales volume links to high crime, even after controlling for local socio-economic status, the effects of retail businesses, and local crime trends. In addition, street segment crime trajectories were spatially clustered in a significant way. The dynamics that explain why specific types of commercial facilities link to street crime need further theoretical clarification. This is the first study demonstrating significant spatio-temporal patterning of streetblock crime trends.

Keywords

fast food restaurants, convenience stores, land use, multilevel models

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A second solution for late night business is the building of an indoor encasement of "bullet proof glass". This allows patrons access to the inventory for other purchases but is an expensive proposition that typically is an eye sore to the customer experience as well. The cost of the Bullet proof solution is well over \$10,000 and the loss of merchandise theft typically increases from shoplifters as the store clerk is reticent to be outside of their enclosed area. Looking at the math equation a little differently a simple calculation identifies that the shoplifting rate can increase from a typical scenario of 3% to an increased level of 5%. Keeping time frames consistent the loss potential is north of \$13,000/year in income.

The third solution is a human guard or officer to protect the store, especially at night. The typical guard deployment is very expensive, and costs approximately \$43,000 per year for one 8-hour shift per day. Guards have proven to be effective, however also bring numerous liability risks to the businesses. Guarding services have varying degrees of professionalism and deterrence potential and they often have turnover issues as well.

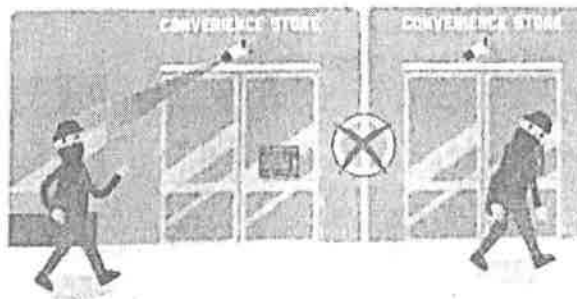
The fourth option is to close during hours when stores are most at risk for violent crime.

The Opportunity:

Each of the above security solutions go against the goal of being "friendly and welcoming." While safety is a primary consideration of their operators and patrons, the desire is that the local convenience store becomes a place where the customer is appreciated and enjoys a good shopping experience. There is nothing about the proposed solutions above which leads to achieving this goal, other than the person may not be involved as the victim of a violent crime. They are costly fixes which create an atmosphere of isolation and perception of high crime.

The Solution:

Blue Line Technology has developed an application solution that is designed to thwart robberies, and create an immediate deterrent and prevention to criminals. With over 120 years of law enforcement experience in crime prevention, Blue Line Technology has studied this application and has provided a solution where you can support the convenient stores' mission to creating the best experience for their patrons. Further, the resulting safer work environment has been documented in interviews with employees. Store employees immediately understood the functionality of the system and its potential to keep them safe. The "First Line" facial recognition/ID verification can be implemented to prevent undesirables and masked criminals from entering the premises, and the employees openly expressed gratitude their employer had purchased a tool to keep them safe.





Recognition were pulled and studied and compared to crime stats after the software was put in place. Patrons are aware of access control change to the night time activity of the store. This test will study the changes and/or behaviors in criminal activity and if it has a direct affect to the store, the employees, and the patrons who regularly visit the store.

Period of Testing:

Crime stats that were available for publication were pulled and assessed around the stores location . The Crime stats were pulled from for a previous period from April 2016 – July 21, 2016. The final install was July 21, 2016.

Crime stats will continue to be tallied and added to this report up to a 6-month period from July 21, 2016 – December 2016. ****This is an ongoing test at this time and report will be updated as results are tallied and accounted for. ****

Test Performed:

This store resides in the tail end of a district in a metropolitan city The rest of the store areas in the study are covered by bordering municipalities police departments and a river leading to another state. Crime stats pin-dropped on relative maps- (see figures 4, 5) represent convenience store, c-mart, gas station, liquor mart robbery's within a certain vicinity of the location which has facial recognition access control for night time entry. The indicated robbery's from the crime stats are from the date April 2016 – July 21, 2016 from the time of 7:00 to 8:00PM till 5:00 to 6:00AM. (See Results for reasons of increase time past locking hours of 9:00PM to 6:00AM) Maps from April, 2016 – July 21, 2016 will be created. A separate map will reflect crime stats after the install date from July 21, 2016 – December 2016. Crime that has occurred at the test store, police reports dictate both robberies occurred while the suspect was masked.

Calls to service to the store in the study were also recorded for one-month prior at this address and compared to one month after. . The calls to service will continued to be monitored until December 2016.

Stats Summary "Before" :

Direct Stats: (From April-July 21, 2016) (See Figure 4)

04/07/2016 @ 5:44AM – Robbery with Weapon/successful - Masked

05/22/2016 @ 3:20AM – Robbery with Weapon/successful - Masked

Calls to service: (From June-July 21st 2016) (See Figure 4)

07/01/2016 @ 3:42AM – Agg Assault w/knife near Riverview exit and 270

07/15/2016 @ 6:31PM – Larceny-Mtr. Vehicle under \$500

07/17/2016 @ 1:43PM – Suspicious Person

07/18/2016 @ 5:09pm – Suspicious Person

07/18/2016 @ 8:00AM – Burglary from Business Reported

07/20/2016 @ 3:19AM – Agg Assault w/firearm near Riverview exit and 270

BLUE LINE

The product works in conjunction with existing surveillance systems and provides the operators the ability to keep the undesirable outside the premises and gives time so they can call for support from local agencies. The access control functionality can be outfitted with a switch operated by the cashier/clerk that allows them to actuate the system at a particular time in the evening or if they see any unwanted activity or violence outside the convenience store, they can immediately lock the door to keep indoor employees and patrons safe.

Blue Line conducted VOC (voice of the customer meetings) with key industry leaders considered "advanced thinkers and early adopters" of technology designed to enhance the customer experience and they immediately saw how the proposed solution could benefit their employees as well as provide a better experience for his patrons. They substantiated the market situation faced by convenience store operators and added in some cases stores see 750 to 1,000 people per day. A large percentage of these (nearly 1/3) are after the hours of 10:00 pm when most crime occurs. They further went on to explain that some stores are prone to criminal behavior because of their location in proximity to highways. Some of the busiest stores described fall into the pool of repeated robbery statistics in early 2016. They are looking for a solution that employees could embrace that would also conform to the municipalities request for open interaction with patrons.

In our test cases the store managers were allowed to work with the Blue Line product, interact and help design the implementation. Immediately the solution resonated with the store operators and in the first operational day – one operator, refusing to work the night shift reported that with this product implementation she would transfer to the night shift immediately, while another operator stated he was very pleased that his personal safety was in the thoughts and actions of the ownership of the store.

How It Works:

The doors are locked using magnetic locks. A camera is strategically placed at the entrance and is used to read a patron's face as they approach the store. Signage is used to clearly tell customers to look at the camera for entry. When a face is read, the magnetic lock is immediately actuated and the patron is allowed inside. This process happens "on the walk." In the event a masked person approaches, he/she must either remove the covering to have the system record their face, or they will not be granted access. After careful review, clerks can choose to let this person in if they wish. Like other surveillance video cameras, a recording is made of entries and an ID number assigned. The video is maintained for a period controlled by the store manager or company protocol, similar to existing surveillance footage. If there is a need to review the footage (theft occurred, etc.), the store manager can then place the subject's face into the system for future immediate notification of criminal activity. The known threat can be kept from entering the store if desired.

In the convenience store application, the appliance housing the software is a small device that fits easily in a back room or lower shelf. A monitor is strategically mounted for ease of visibility by clerks. Predetermined messaging instantly appears on the monitor instructing clerks how to respond if a threat is encountered. The clerks typically will not have the administrative privilege to do entries or other activities. The clerks simply see the person's entry as either a red (threat), green (known safe employee), or unknown (safe customer). The enhanced video capability is set to run constantly throughout the day, even when doors are unlocked. The operators have a simple on/off switch that they can manipulate, turning the locks to active at any time they observe something outside that may threaten the safety and security of the employees and customers. Individual stores can format the system to their protocols.



Figure 1



Figure 2

This test results demonstrate that the employees did not have a significant influence on overall facial readings. All store attendants were visible and wore polos with the store insignia. These records were counted towards the employee column. The conclusion is that the system did not impact workers practices negatively as supported with follow up interviews.

Traffic Flow:

From 9:00 PM to 6:00AM traffic to the store was at its highest from 10:00PM to 11:00PM. The stores lowest traffic point was 4:00AM to 5:00AM. (See Figure 3) Capture activity was monitored daily. If known hours of operation were slower than previous days, the host could review recordings from that night to ensure the door was locked and to verify patron traffic was just low during the recorded time. This action was never taken as results continued to show patron traffic steady during the appropriate times.

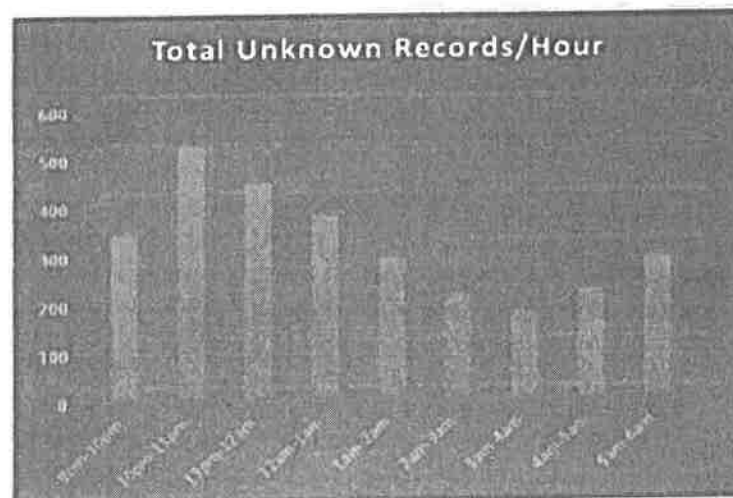


Figure 3

Crime Activity Comparison Study:

Objective:

Crime for this particular store has been on the rise as of 2016. Crimes stats for 6 months prior to Facial



Field Test:

Over the past several months Blue Line Technology conducted two field tests working with store owners and managers. The objectives and results are provided.

Store #1 Objective:

The first field test was provided to a corporate owned entity that has nearly 100 stores in a 5 state region. Their primary concern was employee safety and delivering a friendly customer experience. The Facial Recognition solution was installed at Store #1 for face capture to unlock store entrance at night. The operator was given control to manipulate and lock the door locks at a required set time from 9:00 PM to 6:00 AM. The test was run for a period of 30 days and registered and accounted for total unique records via access control from Store #1. The test demonstrated that when the patrons interact with the system, the process is easy and user friendly.

Period of Testing:

July 21, 2016 to August 21, 2016

Test Performed:

All individuals were categorized unknown records and were captured for access entry into the business. Store attendants were required to lock the door from 9:00PM to 6:00AM.

Each unknown capture record was directly emailed to host, and accounted for each night. Testing will dictate difference between "Unique Record Capture" records and "Total Records Captured".

Test Performed:

All individuals were categorized as "unknown" records and were captured for access entry into the business. Store attendants were required to lock the door from 9:00PM to 6:00AM.

Each unknown capture record was directly emailed to host, and accounted for each night. Testing differentiated between "Unique Record Capture" records and "Total Records Captured".

To distinguish between the two categories, a unique record capture takes into account a read if it occurs over a few second period and counts it as one unique read. The subsequent capture records will be accounted for in "Total Record Captures". Duplicates records account for patrons who stood longer than needed, looked away and then towards the door to open, and conversing with other patrons, etc. If the same person came back at a different recorded time, they are considered unique again in order to have door access.

Employees were counted and tallied in separate columns to ensure that they were not included in the total record capture. Employees do enter the front door for shift changes, or for breaks.

Outcome:

For a 30-day period over 2883 total unknown records were captured. From the record count, 98%(2837) of unknown records were gas station patrons and 2%(46) were employee's records. (See Figure 1) Unique captures that resulted in access control was a total 2368; 2334 were unknown unique faces and 34 were employees. This leads to 18% of the unique faces resulting duplicate facial reads. 98% of the total facial reads were that of unknown gas station patrons. (See Figure 2)



11005 Riverview (APR-JULY 2016 CALLS TO SERVICE)

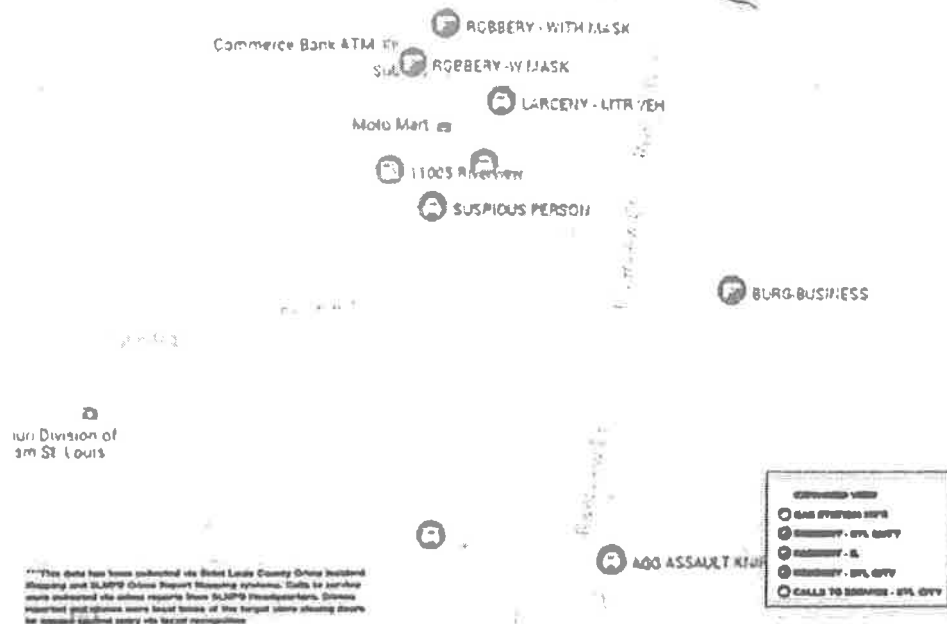


Figure 4

Chart Stats After

11005 Riverview Direct Stats (From July 21st- December 2016) (See Figure 5)

None reported as of August 26, 1026

Test is still being conducted

Calls to Service: (From July 21st- December 2016) (See Figure 5)

07/26/2016 @ 11:31Pm - Embezzlement-Over \$150

Test is still being conducted



11005 Riverview
(JULY 21-AUG 2018 CALLS TO SERVICE)

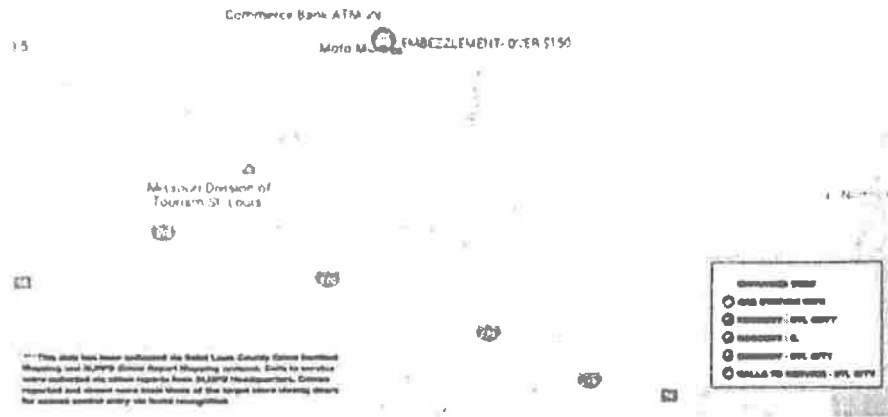


Figure 5

Crime Stats (Robbery): (From April-July 21, 2016) (See Figure 6 & Figure 7)

Crime stats pin-dropped on relative maps represent convenience store, c-mart, gas station, liquor mart robbery's within a certain vicinity of the location which has facial recognition access control for night time entry.

Patterns showed that robbery related crime was at highest time between 8:00PM – 1:00AM. These include the robberies that also have taken place within our own test store. Calls to service around the store included suspicious persons, theft from vehicles, and assaults.

County Data does not reflect if all robberies were masked or unmasked at the time of entry. City crime data that we were able to obtain for the two robberies that occurred at the test store did show the suspect was masked during both separate events. Note : National articles have reported that 98% of these crimes are masked assailants.

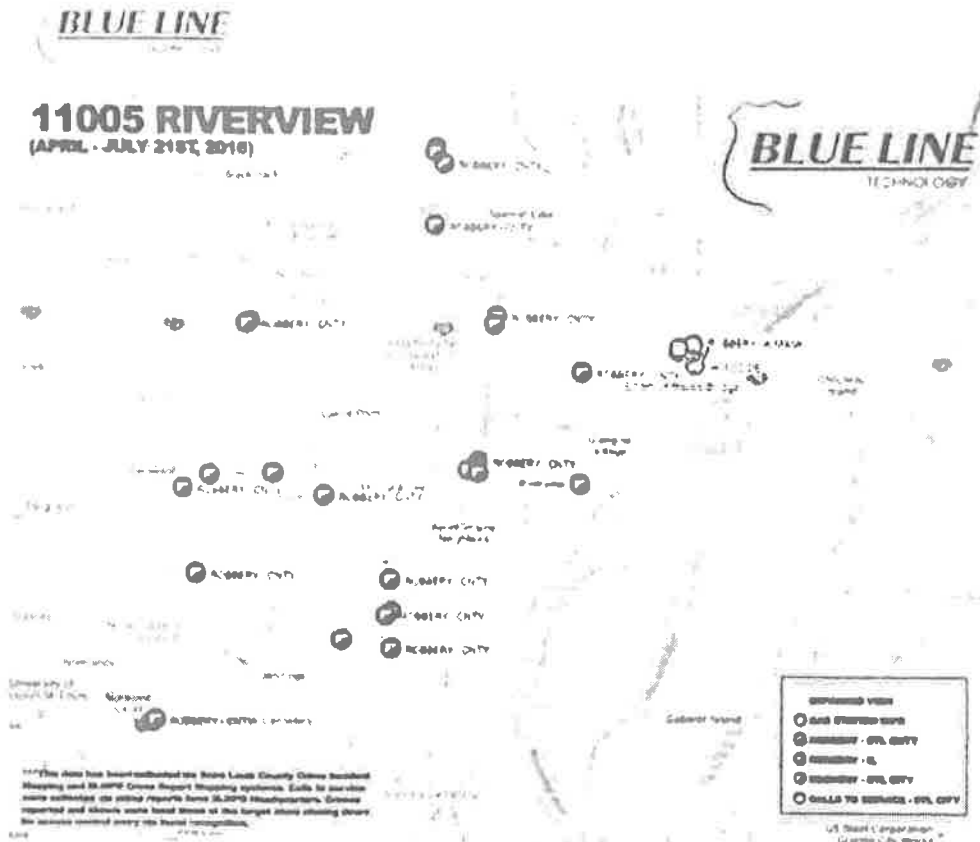


Figure 6

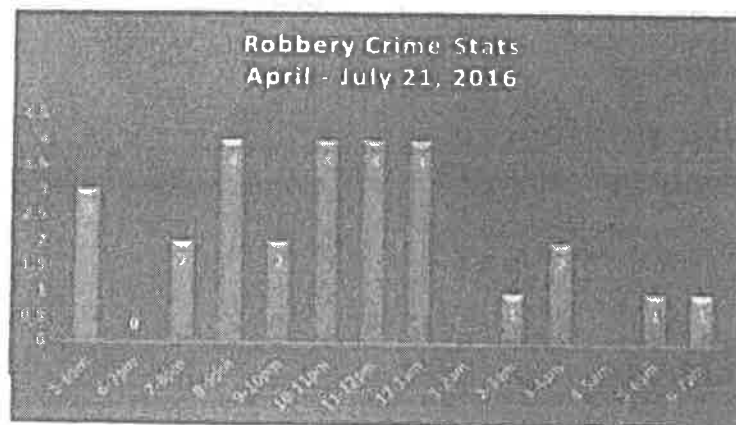


Figure 7

Crime Stats (Robbery): (From July 21 – December 2016) (See Figure 8 & Figure 9)
 Test is still being conducted

BLUE LINE

Crime stats pin-dropped on relative maps represent convenience store, c-mart, gas station, liquor mart robbery's within a certain vicinity of the location which has facial recognition access control for night time entry.

Current crime stats show that within the last month, robberies are continuing to occur. High robbery crime times are still occurring around the same estimated time frame of 8:00PM – 1:00AM. Calls to service within a month before and after comparison dropped significantly to one call. This was a result in an employee who was caught stealing/taking items of value from the store.

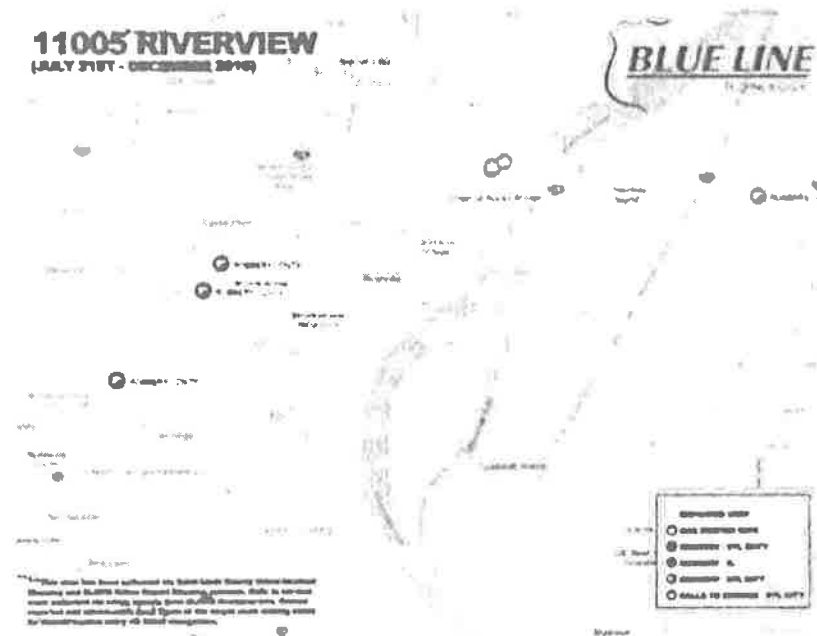


Figure 8

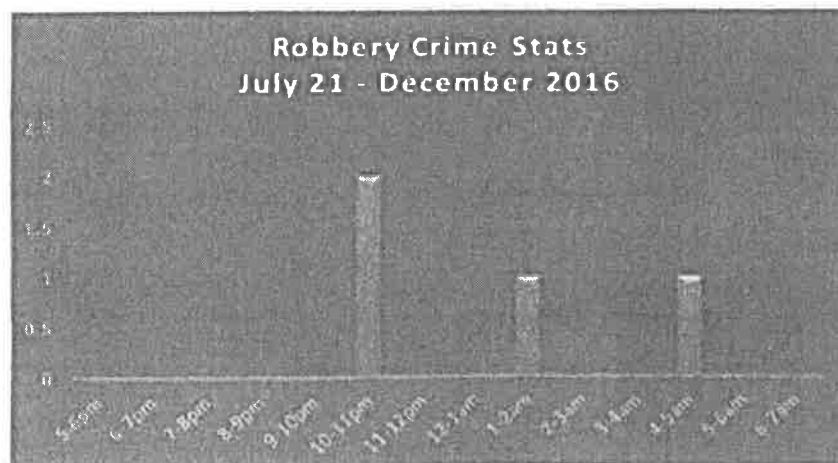


Figure 9



Results:

After the first initial 30 days of install our representatives and techs re-visited the store manager and asked some preliminary questions about the application and about how the patrons of the store have reacted to the new technology. Overall experience with the technology is that they have an average of 250 customers at night, and so far, an estimate of 10 people have seen the system and have left the premise. Patrons who are women (customers and employees) love the system. Several women customers have commented that the system makes them feel safer during their visit at night.

Employees love the system, find the overall process easy to use and interact with. The store manager has reported that he has been able to move affected employees of prior instances back to the night shift. Patrons have responded to the system and have adapted quickly to the new method entry. There are some patrons the employees have to address how to use, but they show the patrons and interactions between customer and employee are very positive and receptive.

Calls to service to the store location have dramatically reduced 85% comparing July to August. The store manager is very pleased with this result as he has the potential to remove negative interaction with suspicious persons, loitering, and vehicle theft interaction. Crime with the local area have remained constant. A most recent robbery that happened one exit away, August 12, 2016, at a Waffle House before 5:00AM. Suspects held patrons at gunpoint, and another suspect shot of his weapon in an attempt to show he was serious and demanded cash. Both robbers were masked and heavily armed.

In conclusion, building a working relationship with the convenience store and understanding their current situation has allowed us to demonstrate and facilitate robbery prevention. The times of high-crime and night activity, the store is closing the doors to activate facial recognition entry. Crime stats at this location and another St. Louis store location using BL facial recognition access control has shown almost all robberies were done by armed and masked offenders. (See Figure 10)

The convenience store has no justification to store any record information unless the particular patrol creates a crime. Providing an extra layer of security and reporting methodology for the convenience store will aid in collaborative efforts in community policing with local law enforcement.

Store Location #1 demonstrates that it is taking proactive measures to improve private security, target repeat offenders, and deter petty crime from occurring on the property. Though traffic flow, Blue Line's Facial Recognition technology has had no detrimental impact to customer experiences, and have actually proven a positive increase in customer experience though safety and security.

The benefits include:

1. Addressing a vital concern of store managers (safety of their night time staff and customers)
2. Hiring and retention of night time employees
3. Awareness to safety using the newest technology is substantially increased
4. Operational Cost Savings Include
 - a. Reduce need for expensive guards



- b. Minimization of shoplifting, a side benefit
- c. Reduced risk of injury and subsequent legal action
- d. Limit negative interaction with local government about crime issues
- e. Allow more stores to stay open 24 hrs

Projected Hard Cost Savings:

- 1. Reduce Guard coverage by 50% – From two guards to one (\$50,000 annually)
- 2. Productivity of clerks - Hiring costs often \$12,000 annually per store
- 3. Reduction in shoplifting \$18,000 annually per store
- 4. Enhanced experience because undesirables do not shop at the store and intimidate good customers

Actual photo of Store Facial Recognition System



Store #2

Objective:

The independent CS store owner (having under 5 stores) expressed his interest in the system because of the high crime rate and rash of late night business robberies with masked and unmasked gunmen in the immediate area. This store had not experienced a robbery to date but the growing concern had mounted in the months leading up to the decision. The store owner reported – my desire was to take preventive action that discouraged criminal behavior. As in the previous test case the employees were given the opportunity to learn of the system and the capabilities and then participated in the installation definition/design for their store.

This store ranged between 30 and 50 visitors in the hours from 10:00 pm to 5:00 am. During the day the store was seeing nearly 30 people an hour. Customers have adopted the system readily and report a confidence level as they enter and exit the store.

Period of Testing:

In the period of (March 1, 2016 – September 1, 2016) 183 days and the area was designed as the store plus a 2-mile radius.

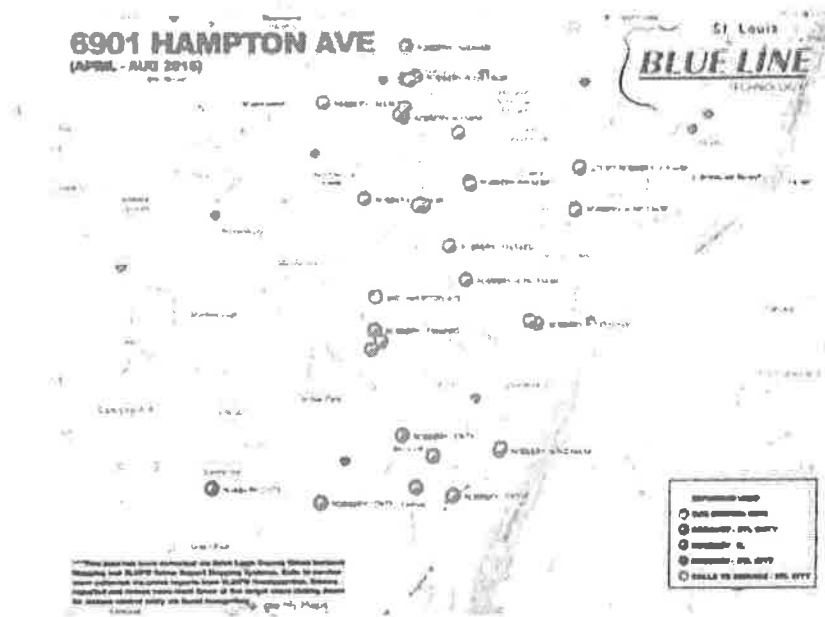
Test performed

A two camera system was installed covering the two entrances into the store – one on each entrance. The system was turned on March 1, 2016. Initially no "threats were inserted into the data base" and on day 180 the store owner reported no incidents at the store and therefore had not added any known threats to the location.



Outcome:

During the time frame of the test -- There were 22 robberies with masked gunmen and 8 robberies with unmasked gunmen in a 2- mile radius of the convenience store. All of the Indicated robberies were late night between the hours of 10:00 pm and 5:00 am. The store in this study, with the Blue Line Facial Recognition Installation was not robbed.



Summary

There is a growing safety concern with late night business experiencing armed robberies and mischievous behavior that has led to detrimental customer experiences and employee turnover rates for these properties. The Blue Line "First Line" facial recognition has proven to be a cost effective solution strategy for keeping problems away from the store and adjoining property. The application implementation, designed with seasoned law enforcement expertise, has been effective in reducing costs of operations, increasing employee morale and consumer confidence in the municipality. The convenience store owners/managers have proclaimed the original goals of employee safety, a community based safe shopping experience has been achieved with the installations of First Line. The cost of the solution was much lower than anticipated and the aesthetics helped provide a welcoming atmosphere with a certainty of deterrence.

Reported by D&D (Downing & Downing, September 6, 2016)

Retailers to spend \$23 billion in 2016 on injuries, cyber, and other insured risks

- Roughly half a penny out of every retail dollar goes toward insurance

Milliman, Inc., a premier global consulting and actuarial firm, today released the 2016 Retail Cost of Risk, which measures the cost of property and casualty risks faced by retailers. In 2016, the average cost of risk for U.S. retailers is projected to amount to \$5.93 per \$1,000 of sales. Around 60% of the costs is attributable to the injuries of employees and customers; workers' compensation costs represent around 40% of the overall risk and the cost of customer injuries represent around 20% of the total. Other risks, including property damage, cyber, and miscellaneous liabilities, account for the remaining 40%.

October 7, 2014

Small spills at gas stations could cause significant public health risks over time

by Johns Hopkins University Bloomberg School of Public Health

A new study suggests that drops of fuel spilled at gas stations—which occur frequently with fill-ups—could cumulatively be causing long-term environmental damage to soil and groundwater in residential areas in close proximity to the stations.

Few studies have considered the potential environmental impact of routine gasoline spills and instead have focused on problems associated with large-scale leaks. Researchers with the Johns Hopkins Bloomberg School of Public Health, publishing online Sept. 19 in the *Journal of Contaminant Hydrology*, developed a mathematical model and conducted experiments suggesting these small spills may be a larger issue than previously thought.

"Gas station owners have worked very hard to prevent gasoline from leaking out of underground storage tanks," says study leader Markus Hilpert, PhD, a senior scientist in the Department of Environmental Health Sciences in the Johns Hopkins Bloomberg School of Public Health. "But our research shows we should also be paying attention to the small spills that routinely occur when you refill your vehicle's tank."

Over the lifespan of a gas station, Hilpert says, concrete pads underneath the pumps can accumulate significant amounts of gasoline, which can eventually penetrate the concrete and escape into underlying soil and groundwater, potentially impacting the health of those who use wells as a water source. Conservatively, the researchers estimate, roughly 1,500 liters of gasoline are spilled at a typical gas station each decade.

"Even if only a small percentage reaches the ground, this could be problematic because gasoline contains harmful chemicals including benzene, a known human carcinogen," Hilpert says.

Hilpert and Patrick N. Breyse, PhD, a professor in the Department of Environmental Health Sciences, developed a mathematical model to measure the amount of gasoline that permeates through the concrete of the gas-dispensing stations and the amount of gasoline that vaporizes into the air.

The model demonstrates that spilled gasoline droplets remain on concrete surfaces for minutes or longer, and a significant fraction of spilled gasoline droplets infiltrate into the pavement, as concrete is not impervious.

"When gasoline spills onto concrete, the droplet will eventually disappear from the surface. If no stain is left behind, there has been a belief that no gasoline infiltrated the pavement, and all of it evaporated," Hilpert says. "According to our laboratory-based research and supported by our mathematical model, this assumption is incorrect. Our experiments suggest that even the smallest gasoline spills can have a lasting impact."

Since the health effects of living near gasoline stations have not been well studied, Breysse says there is an urgency to look more closely, especially since the new trend is to build larger filling stations with many more pumps. These stations continue to be located near residential areas where soil and groundwater could be affected.

"The environmental and public health impacts of chronic gasoline spills are poorly understood," says Breysse. "Chronic gasoline spills could well become significant public health issues since the gas station industry is currently trending away from small-scale service stations that typically dispense around 100,000 gallons per month to high-volume retailers that dispense more than 10 times this amount."

"In a perfect world, it would be ideal to avoid chronic spills," Hilpert says. "However, if these spills do occur, it is also important to prevent rainwater from flowing over the concrete pads underneath the pumps. Otherwise, storm runoff gets contaminated with benzene and other harmful chemicals and can infiltrate into adjacent soil patches or form stormwater that may end up in natural bodies of water."

More information: "Infiltration and Evaporation of Small Hydrocarbon Spills at Gas Stations" *Journal of Contaminant Hydrology*

Provided by Johns Hopkins University Bloomberg School of Public Health

Citation: Small spills at gas stations could cause significant public health risks over time (2014, October 7) retrieved 18 September 2019 from <https://medicalxpress.com/news/2014-10-small-gas-stations-significant-health.html>

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October 4, 2018

Gas stations vent far more toxic fumes than previously thought

by Columbia University's Mailman School of Public Health

 Gas stations vent far more toxic fumes than previously thought

A study led by environmental health scientists at Columbia University Mailman School of Public Health examined the release of vapors from gas station vent pipes, finding emissions were 10 times higher than estimates used in setback regulations used to determine how close schools, playgrounds, and parks can be situated to the facilities. Credit: Markus Hilpert/Columbia University Mailman School of Public Health

A study led by environmental health scientists at Columbia University Mailman School of Public Health examined the release of vapors from gas station vent pipes, finding emissions were 10 times higher than estimates used in setback regulations used to determine how close schools, playgrounds, and parks can be situated to the facilities. Findings appear in the journal *Science of the Total Environment*.

Gasoline vapors contain a number of toxic chemicals, notably benzene, a carcinogen.

The researchers attached gas flow meters to venting pipes at two large gas stations in the Midwest and Northwest and took measurements over a three-week period. They report average daily evaporative losses of 7 and 3 gallons of liquid gasoline, respectively, or 1.4 pounds and 1.7 pounds per 1,000 gallons dispensed at the pump. By comparison, the California Air Pollution Control Officers Association (CAPCOA) used an estimate of 0.11 pounds per 1,000 gallons. Based on CAPCOA emission estimates, the California Air Resources Board (CARB) determined their setback regulation of 300 feet (91 meters) from large gas stations. Similar laws exist in many, but not all states and localities. In urban areas like New York City, some gas stations are located directly adjacent to apartment buildings.

The study also simulated how the fuel vapor was carried in the air to assess the potential for short- and medium-term benzene exposures, comparing their measurements to three established thresholds. The California Office of Environmental Health Hazard Assessment one-hour Reference Exposure Level (REL) for benzene—defined as a continuous hour of exposure to the chemical—was exceeded at both gas stations at distances greater than 50 meters. At the Midwest gas station, REL was exceeded on two different days at distances greater than 50 meters, and once as far as 160 meters. The Agency for Toxic Substances and Disease Registry's Minimal Risk Level (MRL) for benzene exposure over a period between two weeks and a year was exceeded within 7 or 8 meters of the two gas stations. A less stringent measure used for short-term exposures of first responders, the American Industrial Hygiene Association's Emergency Response Planning Guidelines (ERPG), was not exceeded.

"We found evidence that much more benzene is released by gas stations than previously thought. In addition, even during a relatively short study period, we saw a number of instances in which people could be exposed to the chemical at locations beyond the setback distance of 300 feet," said first author Markus Hilpert, Ph.D., associate professor of Environmental Health Sciences at the Columbia Mailman School. "Officials should reconsider their regulations based on these data with particular attention to the possibility of short spikes in emissions resulting from regular operations or improper procedures related to fuel deliveries and the use of pollution prevention technology."

In previous work, Hilpert and colleagues documented the release of gasoline as fuel is stored and transferred between tanker trucks, storage tanks, and vehicle tanks, and how these spills can contaminate the surrounding environment. Next, the researchers will explore additional short-term measures of vapor spread to determine the bounds of safe setbacks.

Explore further

Small spills at gas stations could cause significant public health risks over time

More information: Markus Hilpert et al, Vent pipe emissions from storage tanks at gas stations: Implications for setback distances, *Science of The Total Environment* (2018). DOI: [10.1016/j.scitotenv.2018.09.303](https://doi.org/10.1016/j.scitotenv.2018.09.303)

Journal information: *Science of the Total Environment*

Provided by Columbia University's Mailman School of Public Health

Citation: Gas stations vent far more toxic fumes than previously thought (2018, October 4) retrieved 18 September 2019 from <https://phys.org/news/2018-10-gas-stations-vent-toxic-fumes.html>

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Low-Level Benzene Exposure May Be Harmful

Toxin Linked to Changes in Blood Cell Count

By [Jeanie Lerche Davis](#)

FROM THE WEBMD ARCHIVES

Dec. 2, 2004 -- Gasoline, auto emissions, cigarette smoke: All contain benzene, a toxin whose chronic exposure, even at relatively low doses, has been linked to [leukemia](#). Now, research shows that airborne exposure even below U.S. occupational limits can lower levels of disease-fighting [blood cells](#).

But an expert from the American [Cancer](#) Society says there is no reason to be alarmed.

The research appears in this week's issue of *Science*. It is part of a long-term study evaluating effects of benzene exposure among factory workers in China.

"For many years, people felt that these low-level exposures had no impact on human physiology, but this study shows they do," says researcher Richard B. Hayes, PhD, a senior investigator at the National [Cancer](#) Institute. "Of course, it raises questions about long-term effects, like [cancer](#). But we did not address that in this study," he tells WebMD.

CONTINUE READING BELOW

His study comes on the heels of another report, published in August, that showed a link between [childhood leukemia](#) and benzene exposure. In that study, the high-risk exposure occurred while living next door to a gas station or auto repair shop during childhood.

"There's a pretty long history of studies of benzene, including work we've done in China, that has shown benzene to be a cause of leukemia and other [blood problems](#) like [aplastic anemia](#)," Hayes tells WebMD. However, today's study is the first to look at the low-level effects of benzene exposure over a long period of time, levels below those considered the occupational safety standard level of 1 part per million (1 ppm), he notes.

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Benzene and Chinese Factory Workers

In their study, researchers compared 250 benzene-exposed shoe factory workers with 140 unexposed clothes factory workers, all living in the same region near Tianjin, China. All had worked in the factories about six years. Researchers monitored their benzene exposure repeatedly for 16 months before testing each volunteer's blood and urine.

All types of white blood cells, which are disease-fighting cells, were significantly decreased in workers exposed to less than 1 part per million of benzene, he reports, as were blood particles called platelets that help clot blood.

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Low-Level Benzene Exposure May Be Harmful

Toxin Linked to Changes in Blood Cell Count

FROM THE WEBMD ARCHIVES

Workers with longer work history - and therefore longer exposure -- had even lower white blood cell counts, he notes.

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"These changes are not dangerous in and of themselves," Hayes tells WebMD. "But they do show that even at levels below 1 ppm, benzene affects the development of white blood cells. That alone we think is an important finding."

Researchers also looked at toxic effects on progenitor cells, a type of adult [stem cell](#) that are still developing specific functions. Hayes and his team observed "even greater decreases" in these still-developing cells. "This suggests that early progenitor cells are more sensitive than are mature cells to the toxic effects of benzene," says the report. Other studies have found a similar vulnerability among immature cells.

"It doesn't mean that change will lead necessarily to [cancer](#)," Hayes tells WebMD. "The fact that cell numbers are reduced by 10% to 20% doesn't mean that immune function is affected. This study doesn't deal with that. This shows that something is awry, but in and of itself it doesn't indicate that any damage has been done. This is a signal we need to be paying more attention to these low-level exposures."

CONTINUE READING BELOW

Low-Level Benzene No Reason for Alarm

"There's no reason for alarm," Herman Kattlove, MD, medical editor with the American Cancer Society, tells WebMD.

"It's interesting that at very low levels, this does affect blood cell counts," says Kattlove. "Also, cigarette smoke has benzene, and we do know [smoking](#) is risk factor for acute myelogenous leukemia. So maybe there's a connection."

Everyone pumps gasoline, everyone gets exposed to automobile emissions, and some people do smoke, he says. "But there's been no increase in leukemia incidence, so we're not talking about a public health problem. [We are talking about something that's best to avoid.](#)"

[Don't smoke. Avoid auto pollution. "And hold your breath while you pump gas," says Kattlove.](#)

WebMD Health News

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A common thread in these articles about Benzene and cancer is the primary source of exposure... Cigarette smoke and Gas fumes.

I used to smoke, but quit when the health risks became clearer. I was about 35 years old. I had four friends that kept up their smoking habit. I've been to all four funerals.

In spite of attempts by the tobacco industry to minimize these health risks, there has been an ongoing campaign to limit our risks from tobacco smoke.

We can't smoke in most public places. Children can't buy cigarettes. We know that even second hand smoke can be dangerous.

So what should be done about benzene that comes from gas stations? One is that gas stations should not be within 300 feet of where children play or reside. That is an arbitrary number and some studies show benzene exposure much farther than 300 ft.

Another would be not to work at a gas station.

One should be careful when fueling. Think about that. If I should be careful when getting gas maybe once per week for 5 or ten minutes, what is my exposure like being near a gas station 24/7?

Lastly, I should not buy a home near a gas station. Especially if I have small children.

So I don't smoke anymore. And I don't live in close proximity to a gas station. Until now.

We need gas for our cars. Gas stations are a necessary evil. But we can use judgement about where to position them relative to children and housing.

Please consider the facts in these attached articles before your vote on Monday. Until I began researching gas station pollution I had no idea how much is known about the danger of benzene exposure to our health. Benzene is in the air and much of it comes from car exhaust. There's not a lot we can do about that immediately.

But you have the power to decide where we build these gas stations.

Thanks you for your consideration.

A study led by environmental health scientists at Columbia University Mailman School of Public Health examined the release of vapors from gas station vent pipes, finding emissions were 10 times higher than estimates used in setback regulations used to determine how close schools, playgrounds, and parks can be situated to the facilities. Findings appear in the journal *Science of the Total Environment*.

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"We found evidence that much more benzene is released by gas stations than previously thought. In addition, even during a relatively short study period, we saw a number of instances in which people could be exposed to the chemical at locations beyond the setback distance of 300 feet," said first author Markus Hilpert, PhD, associate professor of Environmental Health Sciences at the Columbia Mailman School. "Officials should reconsider their regulations based on these data with particular attention to the possibility of short spikes in emissions resulting from regular operations or improper procedures related to fuel deliveries and the use of pollution prevention technology."

In previous work, Hilpert and colleagues documented the release of gasoline as fuel is stored and transferred between tanker trucks, storage tanks, and vehicle tanks, and how these spills can contaminate the surrounding environment. Next, the researchers will explore additional short-term measures of vapor spread to determine the bounds of safe setbacks.

Co-authors of the new study include Ana Maria Rule at Johns Hopkins, Bernat Adria-Mora formerly at Columbia, and Tedmund Tiberi at ARID Technologies, Inc. In a competing interest statement, the authors note that Tiberi directs a company that develops technologies for reducing fuel emissions from gasoline-handling operations. The research is supported by a grant from the National Institutes of Health (ES009089).

Story Source:

Materials provided by **Columbia University's Mailman School of Public Health**. Note: Content may be edited for style and length.

Journal Reference:

1. Markus Hilpert, Ana Maria Rule, Bernat Adria-Mora, Tedmund Tiberi. **Vent pipe emissions from storage tanks at gas stations: Implications for setback distances.** *Science of The Total Environment*, 2019; 650: 2239 DOI: 10.1016/j.scitotenv.2018.09.303
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Benzene

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Outdoor air contains low levels of benzene from gasoline fumes, secondhand smoke, and other sources.

What is benzene?

Benzene is a colorless or light-yellow liquid chemical at room temperature. It is used primarily as a solvent in the chemical and pharmaceutical industries, as a starting material and an intermediate in the synthesis of numerous chemicals, and in gasoline. Benzene is produced by both natural and man-made processes. It is a natural component of crude oil, which is the main source of benzene produced today. Other natural sources include gas emissions from volcanoes and forest fires.

How are people exposed to benzene?

People are exposed to benzene primarily by breathing air that contains the chemical. Workers in industries that produce or use benzene may be exposed to the highest levels of the chemical, although federal and state regulations have reduced these exposures in recent decades. Similarly, limits on the amount of benzene allowed in gasoline have contributed to reduced exposures.

Mainstream cigarette smoke is another source of benzene exposure, accounting for about half of the total U.S. population exposure to this chemical. Among smokers, 90 percent of benzene exposures come from smoking. Benzene may also be found in glues, adhesives, cleaning products, and paint strippers. Outdoor air contains low levels of benzene from secondhand tobacco smoke, gasoline fumes, motor vehicle exhaust, and industrial emissions.

Which cancers are associated with exposure to benzene?

Exposure to benzene increases the risk of developing [leukemia](#) and other blood disorders.

How can exposure be reduced?

Don't smoke and avoid exposure to secondhand tobacco smoke. Try to limit exposure to gasoline fumes. For workers who may be exposed to benzene on the job, the U.S. Centers for Disease Control and Prevention has [information](#) about how you can protect yourself and what to do if you are exposed.

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Is It Safe to Live Near a Gas Station?

The health concerns for you or your family with living by the pump

• April 14, 2009



Dear EarthTalk: I am looking at possibly buying a house that is very close to a gasoline station. Is it safe to live so close to a gas station? What concerns should I have? I have toddler and infant babies.
-- Ranjeeta, Houston, TX

Despite all the modern health and safety guidelines they must follow, gas stations can still pose significant hazards to neighbors, especially children.

Some of the perils include ground-level ozone caused in part by gasoline fumes, groundwater hazards from petroleum products leaking into the ground, and exposure hazards from other chemicals that might be used at the station if it's also a repair shop.

Ozone pollution is caused by a mixture of volatile organic compounds, some of which are found in gasoline vapors, and others, like carbon monoxide, that come from car exhaust. Most gas pumps today must have government-regulated vapor-recovery boots on their nozzles, which limit the release of gas vapors while you're refueling your car. A similar system is used by the station when a tanker arrives to refill the underground tanks. But if those boots aren't working properly, the nearly odorless hydrocarbon fumes, which contain harmful chemicals like benzene, can be released into the air.

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Higher ozone levels can lead to respiratory problems and asthma, while benzene is a known cancer-causing chemical, according to the National Institutes of Health (NIH). The quest to reduce ozone levels has led the state of California to implement a more stringent vapor-recovery law, effective April

1, 2009, which requires that all gasoline pumps have a new, more effective vapor-recovery nozzle.

Underground gasoline storage tanks can also be a problem. The U.S. Environmental Protection Agency (EPA) estimates that there are some 660,000 of them from coast-to-coast. Many a lawsuit has been filed against oil firms in communities across the country by people whose soil and groundwater were fouled by a gas station's leaking underground storage tank. In the past, most tanks were made of uncoated steel, which will rust over time. Also, pipes leading to the tanks can be accidentally ruptured.

When thousands of gallons of gasoline enter the soil, chemicals travel to groundwater, which the EPA says is the source of drinking water for nearly half the U.S. If buying a home, consider its potential loss in value if a nearby underground storage tank were to leak. Gasoline additives such as methyl tertiary-butyl ether (MTBE), which has been outlawed in some states, make the water undrinkable—and that is only one of 150 chemicals in gasoline. Repeated high exposure to gasoline, whether in liquid or vapor form, can cause lung, brain and kidney damage, according to the NIH's National Library of Medicine.

Spilled or vaporized gasoline is not the only chemical hazard if the station is also a repair shop. Mechanics use solvents, antifreeze and lead products, and may work on vehicles that have asbestos in brakes or clutches. Auto refinishers and paint shops use even more potentially harmful chemicals.

In today's car-centric world, we can't escape exposure completely, because these chemicals are in our air just about everywhere. But by choosing where we live, keeping an eye out for spills, and pressuring the oil companies to do the right thing for the communities they occupy, we can minimize our exposures.

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CONTACTS: U.S. EPA, www.epa.gov; National Institutes of Health, www.n



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What are the effects of exposure to benzene?

posted on 4:38 PM, January 21, 2016

Benzene is a type of chemical called a hydrocarbon. It is a volatile organic compound that is used commonly in the manufacture of many products including plastics, rubbers, dyes, and synthetic fibers, and is also found **in gasoline and cigarette smoke**. Exposure to benzene occurs most commonly in workplaces such as industrial plants where it is being used, but can also occur from natural processes such as volcanoes or forest fires. Benzene can build up in water and soil, particularly in and around industrial sites. You can become exposed to benzene by inhalation, by skin contact, or by consuming food or water that is contaminated.

Exposure to liquid or vaporized benzene can be irritating to the eyes, mouth, and lungs. After breathing in a large amount of benzene, you can experience lightheadedness or sleepiness, and can even lose consciousness. Benzene exposure can also cause abnormal heart rhythms and a dangerously fast heart rate. **Long-term exposure to benzene, such as in a workplace, can result in blood cancers such as leukemia, low numbers of red blood cells which are needed to carry oxygen, and low numbers of platelets, blood cells that are important in preventing excessive bleeding and infections.**

Exposure to tobacco smoke and gasoline are the most common way that members of the public are exposed to benzene. The best way to avoid benzene exposure is by avoiding smoking (active and passive), and by avoiding contact with gasoline by pumping gas safely. People who live near petroleum refineries, gas stations, or certain industrial areas may be at increased risk for benzene exposure, by breathing in small amounts of benzene over time, or because of industrial spills or other accidents. Individuals who work in settings where benzene is found such as gas station

attendants, and workers in the rubber, steel and petrochemical industries are at the highest risk for benzene toxicity. A number of governmental and non-governmental agencies work to protect both workers and the general public from benzene exposure. The Occupational Safety and Health Administration (OSHA) protects workers by limiting the amount of benzene that is allowable in the air over the course of a work week and by ensuring that at-risk workers use protective equipment such as respirators. Work environments where benzene is used are monitored by checking air samples for benzene. The Environmental Protection Agency (EPA) protects the general population by limiting and monitoring the amount of benzene in drinking water and food, and by managing industrial spills of benzene that could harm the public.

Since methods for measuring your breath, blood, urine, or tissues for benzene are only reliable for a short time and after a very large benzene exposure, if your personal or occupational doctor is concerned that you may be at risk for health effects from benzene toxicity, blood testing to check your blood counts for any abnormalities is the recommended approach. Toxicologists at state poison control centers as well as at the U.S. Department of Health and Human Services Agency for Toxic Substances and Disease Registry (ATSDR) can be of assistance in managing workplace or environmental benzene exposures that have resulted in abnormalities in consciousness, heart activity or blood counts in people who are exposed.

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Benzene and Cancer Risk

What is benzene?

Benzene is a colorless, flammable liquid with a sweet odor. It evaporates quickly when exposed to air. Benzene is formed from natural processes, such as volcanoes and forest fires, but most exposure to benzene results from human activities.

Benzene is among the 20 most widely used chemicals in the United States. It is used mainly as a starting material in making other chemicals, including plastics, lubricants, rubbers, dyes, detergents, drugs, and pesticides. In the past it was also commonly used as an industrial solvent (a substance that can dissolve or extract other substances) and as a gasoline additive, but these uses have been greatly reduced in recent decades.

Benzene is also a natural part of crude oil and gasoline (and therefore motor vehicle exhaust), as well as cigarette smoke.

How are people exposed to benzene?

The main way people are exposed is by breathing in air containing benzene. Benzene can also be absorbed through the skin during contact with a source such as gasoline, but because liquid benzene evaporates quickly, this is less common.

People can be exposed to benzene:

- At work
- In the general environment
- Through the use of some consumer products

The highest exposures have typically been in the workplace, although these have decreased greatly over the last several decades due to federal and state regulations. Some other exposures have also gone down over time, such as the amount of benzene allowed in gasoline.

Workplace exposures

Workers in industries that make or use benzene may be exposed to this chemical. These include the rubber industry, oil refineries, chemical plants, shoe manufacturers, and gasoline-related industries. Benzene is also used to make some types of lubricants, dyes, detergents, drugs, and pesticides. Other people who may be exposed to benzene at work include steel workers, printers, lab technicians, gas station employees, and firefighters. Federal regulations limit exposure to benzene in the workplace (see below).

Community exposures

People can be exposed to benzene in the environment from gasoline fumes, automobile exhaust, emissions from some factories, and waste water from certain industries. Benzene is commonly found in air in both urban and rural areas, but the levels are usually very low. Exposures can be higher for people in enclosed spaces with unventilated fumes from gasoline, glues, solvents, paints, and art supplies. Areas of heavy traffic, gas stations, and areas near industrial sources may also have higher air levels.

Cigarette smoking and secondhand smoke are important sources of exposure to benzene. Cigarette smoke accounts for about half of the exposure to

benzene in the United States. Benzene levels in rooms containing tobacco smoke can be many times higher than normal.

People can also be exposed to benzene in contaminated drinking water and some foods (although the levels are usually very low).

Does benzene cause cancer?

Benzene is known to cause cancer, based on evidence from studies in both people and lab animals. The link between benzene and cancer has largely focused on leukemia and other cancers of blood cells.

What do studies show?

Researchers use 2 main types of studies to try to determine if a substance causes cancer.

- **Studies in people:** One type of study looks at cancer rates in different groups of people. Such a study might compare the cancer rate in a group exposed to a substance to the cancer rate in a group not exposed to it, or compare it to the cancer rate in the general population. But sometimes it can be hard to know what the results of these studies mean, because many other factors might affect the results.
- **Lab studies:** In studies done in the lab, animals are exposed to a substance (often in very large doses) to see if it causes tumors or other health problems. Researchers might also expose normal human cells in a lab dish to the substance to see if it causes the types of changes that are seen in cancer cells. It's not always clear if the results from these types of studies will apply to humans, but lab studies are a good way to find out if a substance might possibly cause cancer.

Often neither type of study provides conclusive evidence on its own, so researchers usually look at both human and lab-based studies when trying to figure out if something causes cancer.

Studies in people

Rates of leukemia, particularly acute myeloid leukemia (AML), have been found to be higher in studies of workers exposed to high levels of benzene, such as those in the chemical, shoemaking, and oil refining industries.

Some studies have also suggested links to childhood leukemia (particularly AML) as well as acute lymphocytic leukemia (ALL), chronic lymphocytic leukemia (CLL), and other blood-related cancers (such as multiple myeloma and non-Hodgkin lymphoma) in adults. However, the evidence is not as strong for these cancers.

There is much less evidence linking benzene to any other type of cancer.

Studies done in the lab

When inhaled or swallowed, benzene has been found to cause different types of tumors in lab animals such as rats and mice. These results support the finding of an excess risk of leukemia in humans. However, most studies in humans have not found an increased risk of cancers other than leukemia among people with higher exposures.

Benzene has been shown to cause chromosome changes in bone marrow cells in the lab. (The bone marrow is where new blood cells are made.) Such changes are commonly found in human leukemia cells.

What expert agencies say

Several national and international agencies study substances in the environment to determine if they can cause cancer. (A substance that causes cancer or helps cancer grow is called a *carcinogen*.) The American Cancer Society looks to these organizations to evaluate the risks based on evidence from laboratory, animal, and human research studies.

Based on animal and human evidence, several expert agencies have evaluated the cancer-causing potential of benzene.

The **International Agency for Research on Cancer (IARC)** is part of the World Health Organization (WHO). One of its goals is to identify causes of cancer. IARC classifies benzene as “carcinogenic to humans,” based on sufficient evidence that benzene causes acute myeloid leukemia (AML). IARC also notes that benzene exposure has been linked with acute lymphocytic leukemia (ALL), chronic lymphocytic leukemia (CLL), multiple myeloma, and non-Hodgkin lymphoma.

The **National Toxicology Program (NTP)** is formed from parts of several different US government agencies, including the National Institutes of Health (NIH), the Centers for Disease Control and Prevention (CDC), and the Food and Drug Administration (FDA). The NTP has classified benzene as “known to be a human carcinogen.”

The US **Environmental Protection Agency (EPA)** maintains the Integrated Risk Information System (IRIS), an electronic database that contains information on human health effects from exposure to various substances in the environment. The EPA classifies benzene as a known human carcinogen.

(For more information on the classification systems used by these agencies, see *Known and Probable Human Carcinogens*.)

Does benzene cause any other health problems?

Benzene is a potentially dangerous chemical. High levels of exposure can cause both short-term and long-term health effects.

Short-term effects

Breathing in high doses of benzene can affect the nervous system, which can lead to drowsiness, dizziness, headaches, tremors, confusion, and/or unconsciousness. Consuming foods or fluids contaminated with high levels of benzene can cause vomiting, stomach irritation, dizziness, sleepiness, convulsions, and rapid heart rate. In extreme cases, inhaling or swallowing very high levels of benzene can be deadly.

Exposure to benzene liquid or vapor can irritate the skin, eyes, and throat. Skin exposure to benzene can result in redness and blisters.

Long-term effects

Long-term exposure to benzene mainly harms the bone marrow, the soft, inner parts of bones where new blood cells are made. This can result in:

- Anemia (a low red blood cell count), which can cause a person to feel weak and tired.
- A low white blood cell count, which can lower the body's ability to fight infections and might even be life-threatening.
- A low blood platelet count, which can lead to excess bruising and bleeding.

There is also some evidence that long-term exposure to benzene might harm reproductive organs. Some women who have breathed in high levels of benzene for many months have had irregular menstrual periods and ovary shrinkage, but it is not known for sure if benzene caused these effects. It is not known if benzene exposure affects the fetus in pregnant women or fertility in men.

Are benzene levels regulated?

Several government agencies regulate benzene levels and exposures.

The Occupational Safety & Health Administration (OSHA) is the federal agency responsible for health and safety regulations in most workplaces.

OSHA limits exposure to benzene in the air in most workplaces to 1 ppm (part per million) during an average workday and a maximum of 5 ppm over any 15-minute period. When working at potentially higher exposure levels, OSHA requires employers to provide personal protective equipment such as respirators.

The EPA limits the percentage of benzene allowed in gasoline to an average of 0.62% by volume (with a maximum of 1.3%).

The EPA limits concentrations of benzene in drinking water to 5 ppb (parts per billion). Some states may have lower limits. Likewise, the US Food and Drug Administration (FDA) sets a limit of 5 ppb in bottled water.

The Consumer Product Safety Commission (CPSC) considers any product containing 5% or more by weight of benzene to be hazardous, requiring special labeling.

Can I limit my exposure to benzene?

If you are concerned about benzene, there are several ways you can limit your exposure.

Stay away from cigarette smoke. If you are a smoker, try to quit. Cigarette smoke is a major source of benzene exposure.

Try to limit gasoline fumes by pumping gas carefully and using gas stations with vapor recovery systems that capture the fumes. Avoid skin contact with gasoline.

When possible, limiting the time you spend near idling car engines can help lower your exposure to exhaust fumes, which contain benzene (as well as other potentially harmful chemicals).

Use common sense around any chemicals that might contain benzene. Limit or avoid exposure to fumes from solvents, paints, and art supplies, especially in unventilated spaces.

If you are exposed at your workplace, talk to your employer about limiting your exposure through process changes (such as replacing the benzene with another solvent or enclosing the benzene source) or by using personal protective equipment. If needed, the Occupational Safety & Health Administration (OSHA) can provide more information or make an inspection.

What should I do if I've been exposed to benzene?

For short-term exposure to high levels of benzene, the Centers for Disease Control and Prevention (CDC) recommends getting away from the source of benzene, removing any clothing that may have benzene on it, washing exposed areas with soap and water, and getting medical care as soon as possible.

If you think you may have been exposed to benzene over a long period of time, speak to a doctor. Benzene can be measured in the blood or breath, and breakdown products of benzene can be measured in the urine. These tests can only detect recent exposures to benzene. They cannot predict possible health effects.

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