



**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, AUGUST 9, 2021**

The City Council will meet in Closed Executive Session at 6:30 pm Monday, August 9, 2021, 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, and 610.021(3) Personnel.

OPEN STUDY SESSION: 6:50 PM

1. Comprehensive Plan: Sheila Shockey and Shelby Ferguson of Shockey Consulting will introduce their firm regarding the Comprehensive Plan update.
2. Radio Financing Proposal: Director Accurso will provide the funding concept for the upcoming purchase of new radios.

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 July 26, 2021, Closed City Council Meeting Minutes.
6. Approval of the July 26, 2021, Regular City Council Meeting Minutes.

REGULAR AGENDA.

7. Communications from the Audience.

Members of the public are invited to speak about any topic not listed on the agenda. When speaking, please state your name and address for the record and limit comments to 5 minutes.

8. Communications from the City Council.

9. Communications from the City Manager.

10. FIRST READING BILL NO. 21-25 An Ordinance annexing into the City of Gladstone approximately 0.62 acres generally located at 3000 Northeast 76th Street upon the detachment of said property by the City of Kansas City, Missouri.

11. FIRST READING BILL NO. 21-26 An Ordinance amending Title IX of the Code of Ordinances of the City of Gladstone, Missouri, by repealing Chapter 2400, Special Event Regulations, and enacting in lieu thereof a new Chapter 2400, Special Event Regulations.

12. CONSIDER SPECIAL EVENT PERMIT: Lift Church KC-Worship & Fellowship Evening, 602 NE 70th Street, Linden Square, Sunday, August 22, 2021, 6:00 pm-9:00 pm; set up at 12:00 pm.

13. Other Business.

14. Adjournment.

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

City Clerk Ruth Bocchino
City of Gladstone
7010 North Holmes
Gladstone, MO 64118
816-423-4096

Posted at 2:30 pm
August 5, 2021



Department of Community Development
Memorandum ASG 21-7

DATE: August 3, 2021

TO: Scott Wingerson, City Manager

FROM: Austin Greer, Interim Community Development Director & Asst. To The City Manager

SUBJECT: Comprehensive Plan Update – Shockey Consulting

The Gladstone City Council created the Comprehensive Plan Task Force to aid in the development and search for the next consultant to address the Comprehensive Plan Update. Since the beginning of 2021, this task force has met periodically to discuss the Citizen Survey conducted by the ETC Institute, the Land Productivity Analysis completed by Gould Evans, the Request for Qualifications (RFQ) process, and the future of the Comprehensive Plan Update.

Three firms submitted documents for the Request for Qualifications. Those firms were Shockey Consulting, Gould Evans, and Confluence. Ultimately, the interview team that consisted of Bill Turnage (Planning Commission and Comprehensive Plan Task Force), Brenda Lowe (Capital Improvements, Planning Commission, and Comprehensive Plan Task Force), Tim Nebergall, Justin Merkey, and Austin Greer unanimously chose Shockey Consulting.

Shockey Consulting is a female owned and operated company comprised of many dedicated and talented professionals with diverse backgrounds. They provide award-winning management, planning and community engagement consulting services to federal, regional, state, and local governments and other public agencies. The firm was founded in 1998 and is headquartered in Lenexa, Kansas with an office in the St. Louis Missouri region. Their company includes former government managers, community planners, strategic planners, and communications and public engagement specialists.

Recent recognitions include:

- 2017 Outstanding Public Outreach Program, Project, Tool or Community Initiative for Imagine Independence by the American Planning Association, Missouri Chapter
- 2017 Pioneer Award (Urban) City of Hutchinson for Imagine Hutch 2037 by the American Planning Association, Kansas Chapter
- 2015 Top 25 Under 25 Small Business by Thinking Bigger Business Media Inc.
- 2015 Top Women-Owned Business by the Kansas Department of Commerce

Shockey Consulting has developed plans for:

City of Hutchinson, KS
City of Independence, MO
City of Kirksville, MO
City of Ladue, MO
City of Lake Saint Louis, MO
City of Larned, KS
City of Leavenworth, KS
City of Lee's Summit, MO

City of Lenexa, KS
City of Lindsborg, KS
City of Maryland Heights, MO
City of Merriam, KS
City of O'Fallon, IL
City of Olathe, KS
City of Raymore, MO
City of Rose Hill, KS

City of Atchison, KS
City of Camdenton, MO
City of Columbus, KS
City of Edgerton, KS
City of Emporia, KS
City of Great Bend, KS
City of Greenwood, MO
City of Holton, KS

City of Waverly, KS
City of Westwood, KS
Franklin County
Harvey County
Sedgwick County
Lafayette Square Neighborhood

Sheila Shockey, Founder & President along with Shelby Ferguson, Urban Planner & Project Lead will present in Open Study at the City Council meeting Monday, August 9th.

The contract for their services, resulting in approximatey \$120,000 will be on the City Council agenda for approval on the Monday, August 23rd City Council meeting.

Thank you.



***Department of Finance
Memorandum***

DATE: August 4, 2021

TO: Scott Wingerson, City Manager

FROM: Dominic Accurso, Director of Finance

RE: Radio Financing Proposal

As mentioned from a previous Study Session by Assistant City Manager Bob Baer, the City last purchased radios for Police, Fire/EMS, Community Development, and Parks and Recreation around 2011. The radio project was financed through the 2011 COP with a total project cost of \$1.6 million. Payments for the project started in fiscal year 2012 and is scheduled to end in fiscal year 2023. Debt service was to be paid from the Public Safety Sales Tax Fund in the amount of about \$190,000 per year.

Effective January 1, 2022, Kansas City will be changing the encryption on the Metropolitan Area Regional Radio System (MARRS). It would be possible to update the encryption on the current radios to the new AES encryption. However, this would have a cost and the existing radios are coming close to the end of their useful lives. Staff is recommending the purchase of new encrypted radios that would be compatible with the MARRS system.

The total estimated cost of the new radio project is \$850,000. This will fund \$680,000 for the new radios, \$50,000 for a dispatch voice recorder, \$100,000 for dispatch console upgrades, and \$50,000 for project contingency. The City will receive a discount of \$30,000 for the trade-in of the old radios.

Staff has been working with Bond Council (Rick McConnell at Armstrong Teasdale) and our bank to structure a financing package to best fit the City's needs. Since the existing debt issue has two years of debt service remaining, the new debt will "wrap" the existing debt. The first two years will be interest only payments allowing minimal impact to the PSST fund. In fiscal year 2024, principle and interest payments will be made, paying the project off in approximately seven years.

A resolution for the purchase of the radios and an ordinance for the financing will be on the August 23rd regular agenda if the council wishes to proceed. Please contact me at your convenience if you have any questions.



**MINUTES
REGULAR CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JULY 26, 2021**

PRESENT: Mayor R.D. Mallams
Mayor Pro Tem Bill Garnos
Councilmember Jean Moore
Councilman Tom Frisby
Councilmember Tina Spallo

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

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

Mayor Mallams opened the Regular City Council Meeting Monday, July 26, 2021, at 7:33 pm.

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

City Clerk Ruth Bocchino called Roll. All Councilmembers were present.

Item No. 3. On the Agenda. Pledge of Allegiance to the Flag of the United States of America.

Mayor Mallams asked all to join in the Pledge of Allegiance to the Flag of the United States of America and thanked VFW Post 10906: Joe Liles, Jim Zimmerman, Charlie Cram and Stan Stoner for presenting the Colors.

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

The agenda was approved as published.

Item No. 5. On the Agenda. Approval of the July 12, 2021, Closed City Council Meeting Minutes.

Mayor Pro Tem Garnos moved to approve the minutes of the July 12, 2021, Closed City Council meeting as presented. **Councilmember Spallo** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilmember Jean Moore, Mayor Pro Tem Bill Garnos, and Mayor R.D. Mallams. (5-0)

Item No. 6. On the Agenda. Approval of the July 12, 2021, Regular City Council Meeting Minutes.

Mayor Pro Tem Garnos moved to approve the minutes of the July 12, 2021, Regular City Council meeting as presented. **Councilmember Spallo** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilmember Jean Moore, Mayor Pro Tem Bill Garnos, and Mayor R.D. Mallams. (5-0)

REGULAR AGENDA.

Item No. 7. On the Agenda. Communications from the audience.

John Bledsoe approached Council and stated: *"John Bledsoe, I want to pass these out so a picture lasts a thousand words or something; simple map, simple, simple map of 76th Terrace, the Mosby/Bateman cave (unintelligible). All right, you ready? I'm John Bledsoe, 206 NE 76th Terrace. I'm here once again to review the water/flood issue on 76th Terrace into the Bateman/Mosby cave. According to an engineer report, there is 250 acres or surrounding area that drains through five yards on 76th Terrace, mine is one, before entering the cave property. With the continuing trash impediment that falls into the cave, its absorption rate cannot handle the water flow in the future. Simple as that. A two inch rain over 250 acres is 12 million gallons. OK. I made a hand drawing I showed you all. The green part of that indicates my opinion of how to fix the problem to divert the water from the cave and divert it to the next crick to the south. Oh, where the new project is going. Still all on city property by the way, as it still leaches down to the area basin on city property where the park is. By doing all that, no matter what the cost is, here is the thing: no more water in the cave, no more extortion money. Now if any of you have followed any of this you know who I'm talking about and what I just said. No more water in the cave, no more extortion money. It just seems like a pretty simple observation to me. Now that's number one. Now we got to talk about one more thing and this is way more serious. This same water, I don't know if any of you ever go down that street; Mr. Ralph Doherty, at 201, the last house on the right, has retained me to do, I call it, doing a study for the feasibility of putting a pipe in his yard before the rapid erosion creates a sudden catastrophic foundation failure of his house. The torrent of water is a six-foot by twenty-foot ditch at twenty miles an hour, it's frightening, and it is only 15 feet from his house. I mean just absolute, very dangerous. The neighbor next door already has a five-foot pipe and if you stayed with the same five-foot pipe of the neighbors, and that was kosher, which I don't think is the rightest answer, but it's feasible; you're looking at \$36,000.00 to \$40,000.00 to correct Mr. Doherty's 120 foot piece of property. Now, I can see, you know, that is quite a bit of money. But here's the thing: 20 years ago, I got a document, it says right here, the city, with the city's pre-existing agreement to maintain this easement of Mr. Doherty's property, the petition, he is petitioning the city, oh, sponsor, of this project. In other words, if you guys don't get off your ass and fix this and this house falls in the crick, and it's that far, anybody that drives down the street, you don't even have to get out of your car, you don't have to get out your car, (unintelligible), it's right there. Absolutely frightening in a rain of any kind. Everybody else's ditch, all over the city, including all these Burns, Black and Veatch reports, nine out of 10 of them, yeah, OK, nine out of 10 of them, I know they might be ugly and they are running water, but they are at the back edge of this guy's*

property, it's at the back edge of this guy's property; this is a monster ditch and it's running right this far from that man's house. Thank you very much."

Jim Oldebeken approached Council and stated: "Good evening. My name is Jim Oldebeken. I live at 7402 North Hiland. I'm here tonight to talk about, for a few minutes, to talk about Sunshine. This is something that is a wonderful law that we have in our State, really all across the nation. We have the Freedom of Information Act at the Federal level and we have Sunshine, the Sunshine Law here in Missouri, which gives citizens, it ensures that the citizens have a pathway to be involved in government; meetings, from public meetings, to be available with proper notice, and then also for records; for public records. If we look at the name, public records, who do they belong to? Us. And I want to start with a very sincere observation which is I'm very, very pleased and proud of how this city handles follow up on requests like that. It is timely, it is professional, it's reliable and I have made many requests in the city. This is very encouraging to me because over the last two years that I have been attending, about half or more of the City Council meetings, there have been very few citizens here. I want to stand up this year. Let's cheer ourselves. All right. I really like what Presiding Commissioner of Clay County Jerry Nolte gave as his definition, working definition of democracy, which is 'Citizens being informed and involved in their government,' and, it's really, it's really the way for every city, every government entity to improve; if they continue to improve in the area of that connecting point with citizens, we can't make them come here, but let's us all keep trying; individually for our own networks, our own organizations. We have to have your back and I know it is, it would probably be meaningful to me if I were in your chair, if there was a very active and comprehensive involvement from the community. There is nothing like being here in person and um, I can see the importance of citizens being involved and informed in their government because of a really unusual circumstance that we have been in for the last year, almost two years, where one of our citizens made financial demands of our city, on no uncertain terms, related to a small two acre property which he indicated had too much Stormwater, rain water, coming onto his property and into a hole in the ground; cave, hole in the ground. I just can't get over from the things that I heard from that gentleman, but what really got to me is that there was no one else here; it was me and him, for a couple of meetings; and I know the city can't comment back, but, you know, I just can't get along with the thought that citizens can get away with treating our City Council like a punching bag and making demands and making statements that, well, in my research, and using your documents, public records, I found virtually no support for the claims I heard in those meetings. I want to conclude my involvement. I've spoken a few times about this circumstance, this gentleman, and I really don't want to do this anymore. I spent over a year on this; a year ago the demand was \$1.8 million for a property he didn't even live on. And then in January, he filed a suit against the city, it went up 83 times, the initial amount, \$150 million and that is something citizens want to know about because if you work the math on it, that works out to over \$5,000.00 per citizen for a community of 27,500 people. About \$13,000.00 per resident; apartment rented, or a home. So I'm concluding my work here because I've been working on a tool, a resource, that I've developed just a few times previously, but it is a research for citizens where it is an aggregation of the documents; so we have Mr. Bateman's comments here; I got them all from the minutes. And he mentioned a lot of facts and reports; and then I have all the facts and reports, and, this is a tool; so it's something I wish to make available to the city, any citizens that are interested in the community; I don't know that I'll have any takers, but it's, I think, could be a useful tool for citizens being able to be part of this city, and it concerns

me that this happened because I don't see any merit in this demand whatsoever; I mean I understand flooding problems. My childhood home was flooded twice, and we had a connected sanitary sewer and storm sewer in my neighborhood. That was an issue. But we didn't demand money. Um, I will cover, I'll cover a few things that are in here; just because I want it on the record; how am I doing on time?

Mayor Mallams stated: *"A couple of minutes."*

Mr. Oldebeken continued: "But, um, I want to say something, and really what I'm saying here, I want the citizens to hear, but I'm addressing you. This isn't hard work to do. If somebody, if we have some business here, that we have a complaint or whatever, and it catches your attention, it's not hard to request the documents. You give them three days or you at least find out when you will get them and the biggest one I got was the Black and Veatch report that Mr. Bateman quoted quite a bit. That was fascinating to read that. That's an impressive, massive effort, to take care of our citizens. Nature makes it rain, and when it hits the ground, it goes like gravity and you have 10 year floods, 50 year floods, 100 year floods. This tool, I think, helps put things in perspective and I want to share just a few parts of it, and when I'm done compiling this, I'm almost done, there are just a few documents I'm waiting on; I'll give it to the city for you to use for internally or with citizens. I would like to cover a few points. I do encourage citizens to get Bateman vs. Gladstone. It's downloadable on the Clay County Court website. I just have to use a few quotes from this gentleman. He claims the city pumps water onto his property, that ALDI's pumps water; that is just so ridiculous. Much of his comments were about the citizens on that street; the residences that Mr. Bledsoe mentioned; there is many references in his, in the minutes, during his public comments about the citizens and their issues. He doesn't even live on the street. I think he has gone up and down, I guess, talking about a class action suit against our city; and against all the other businesses and homes that 'dump their water' into his cave. It just doesn't make sense. I don't want to go into any words on that; they're here and a couple of other things; \$150 million is an interesting number; of all the CEO's in the United States, only Google (unintelligible) makes more in the salary than \$150 million. There is only one athlete in the world, I find, that gets a salary bigger than \$150 million; Lebron James. As far as things in the United States, I've looked at their public record, their average payouts and litigation per claims for damages, only two cities have numbers higher than \$150 million, that is Chicago and New York and that's the whole budget. That's for a whole year for all of the citizens. There is a reference, he made reference to a survey of his cave, and I have the report, um,..."

Mayor Mallams stated: *"Jim, do you want to move to concluding comments?"*

Mr. Oldebeken stated: "Sure. Let us get better and let us all work together; we are all citizens on mentoring, coaching, encouraging other citizens to get involved actively; and I know you do a great job in supporting those that do; I'd like to see us continue with that. Thank you."

Item No. 8. On the Agenda. Communications from the City Council.

Councilmember Moore stated: *"Thank you, Mayor. I would like to offer my sincere wish to you for a very happy birthday today, and thank you for sharing your day with us."*

Item No. 9. On the Agenda. Communications from the City Manager.

City Manager Scott Wingerson stated: *"Mayor, thank you very much, and members of the Council, good evening. I do have a few things to talk about and it focuses on COVID-19; specifically, the Delta Variant. COVID has not disappeared; I want everybody to take note of that and as we go about our normal activities day-to-day, without masks, and without occupancy restrictions and all those things we came to learn about over the last 18 months or so, we need to be aware that COVID-19 does continue to exist. Only 41% of Clay County residents have been vaccinated. The vaccine is a deterrent to COVID-19 and lessens the symptoms. There has been a 60% increase in the number of cases reported to Clay County in the last 30 days, so that is a significant amount. That rivals peak month-to-month increases when we were in the midst of COVID and about 32 people from Gladstone went to the hospital this last week with COVID-like symptoms. That doesn't mean they had COVID, it just means they had symptoms that replicate COVID. So, my only comment is, if you know someone who would like a vaccine, please help them do that. You can do that at our website to find a place, you can do that at Hy Vee, you can do that at CVS, you can do that at Clay County Public Health Center; there is lots of places to do that; so there shouldn't be anybody who wants a vaccine that hasn't been able to get one yet; and we encourage those that haven't and want to go ahead and make that leap. Thank you."*

Item No. 10. On the Agenda. PUBLIC HEARING: Final Development Plan and Zoning approval for property located at 7506 North Oak Trafficway, 7510 North Oak Trafficway, and Parcel 13609000102200.

Mayor Mallams opened the Public Hearing at 7:55 pm.

Austin Greer approached Council and stated: *Good Evening Mayor and Members of the City Council. The Applicant, Cardinal Crest KC is proposing a mixed-use development at 7506, 7508, 7510 N. Oak Trafficway and an undeveloped parcel 13609000102200. This location is approximately at the block of 76th St. to the south and west of N. Oak Trafficway. The development site consists of four (4) separate parcels currently owned by the Ryan Family, Beverly Sue Ryan, Clayton & Shirley McCullick, and JRKC Holdings, LLC. With the combination of all four (4) parcels, there is approximately 7.53 acres of land. The proposed mixed-use project includes the construction of a 216-unit luxury style apartment complex with community amenities including a pool, clubhouse, fitness center, as well as commercial retail and office space adjacent to N. Oak Trafficway. The complex consists of five (5) separate buildings consisting of four (4) floors. The development offers 87 one bedroom apartments and 129 two bedroom apartments. The commercial aspect of this project is 9,000 square feet and will have approximately 31 dedicated parking spaces. A total of 325 parking spaces will serve the development. Tim Nebergall, City Engineer & Director of Public Works has been working with the Cardinal Crest team to address adequate storm water detention for this site. In order to meet Stormwater requirements and development criteria, Anderson Engineering is proposing an underground detention basin with three bio retention basins installed on the site. Given the size and magnitude of this project, City Staff engaged Kaw Valley Engineering to conduct a third party review of the storm water study submitted to City Staff. In summary, Kaw Valley Engineering agrees with the storm water study submitted by the development team in that the proposed Stormwater system has the capacity to mitigate increases in runoff as a whole and at*

individual uncontrolled releases. City Staff agrees with Anderson Engineering, Inc. and Kaw Valley Engineering that runoff from this project flows to the south and the storm water system that is proposed is more than adequate to accommodate this development site. The Comprehensive Plan that was adopted in 2008 by the Planning Commission and City Council identifies this area of the N. Oak Corridor as a location for redevelopment into a mixed-use community. This proposed mixed-use project complies and aligns with our current comprehensive plan for future redevelopment of this corridor. City Staff recommends that the following conditions be considered if the City Council chooses to approve this project request:

- 1. All development signage shall comply with approved City standards.*
- 2. All manicured grass and landscaped areas shall be irrigated and maintained in perpetuity.*
- 3. Tractor trailers shall not be parked or stored overnight. Storage containers shall not be stored on site unless as part of a valid building permit.*
- 4. Disabled vehicles shall not be stored on site.*
- 5. No items shall be stored on resident balconies.*
- 6. Residents of the development shall not store personal or company trailers on the development site.*
- 7. Provide outdoor bike racks within the development area to serve residents of the development.*
- 8. Entry points of buildings shall be secured twenty-four hours/seven days of the week year round.*
- 9. Dumpster and storage areas shall be enclosed on four (4) sides with materials consistent with the primary building and adequately screened from public view. Trash service shall be scheduled between 7:00 a.m. to 10:00 p.m.*
- 10. A fire sprinkler system shall be installed and comply with the 2018 International Fire Code standards.*

The Developers of this project have agreed to all conditions. City Staff recommends that the request be approved contingent upon the conditions listed above. At the Tuesday, July 6th Planning Commission, three different neighbors expressed concerns with ongoing Stormwater erosion issues on their property. The Developers of this project have agreed to work with the City on addressing those neighbors' concerns by stabilizing the bank and slowing erosion. City staff estimates this project cost is somewhere in the \$20,000 to \$30,000 price range. Engineers for this project will work with Director Nebergall to determine what the best strategy is to help solve those erosion issues. These Stormwater improvements will be coordinated with construction on the development site if approved by the City Council as there will likely be some cost savings due to economies of scale. City Staff also spoke with a representative from the North Kansas City School district and if this project develops, a school bus will pick children up from the development site. The Planning Commission voted unanimously in favor of this project. The final vote was 8 Yes and 0 No. This proposed project requires the following actions: Rezone the individual parcels from commercial to mixed-use and approve the proposed site plan for the mixed-use development. Joe Christensen and Matt Hendrickson who are the Developers of this project are here in the audience tonight and they would like to make a presentation. Thank you Mayor and that is all.

Mayor Mallams stated: *"I'd like to ask Matt and Joe, please come to the podium."*

Joe Christensen approached Council and stated: *"Thank you so much for your time."*

Please see attached for the presentation by Mr. Christensen. For full audio/video, please see this link: <https://www.gladstone.mo.us/CityGovernment/recordings/vids/2021/2021-07-26-regular-agenda.mp4>

Mayor Mallams asked if there was anyone in support of the project.

Scott Horseman approached Council and stated: *"My name is Scott Horseman, my address is 7508 North Oak Trafficway, and 7514 North Oak Trafficway. I own two properties there on North Oak. It actually came up in Joe's discussion here; we have been, for the last several years, doing roofing projects for major contractors throughout the city and I saw the result of not planning ahead. I really respect Joe's approach to the way he is staging this process; it seemed to be a concern for one of the City Council members; just clarification might have been the point; but I fully respect that because I've seen what chaos can happen on huge projects. I've seen it first hand and I do not want to see that next door. I am fully supportive of this project and what he is saying, is, he's putting everything on the property that is going to draw people, first off; so why wouldn't he finish? He's already done the investment, now let's get some more revenue, Phase 2, with more residents to enjoy those amenities that he has already put on the property, plus then he is also going to be, at that point, adding retail space from what I saw right there on North Oak which creates a better tax base for the city which helps all of us out. So it just seemed like a pretty wise, common sense approach. I understand, Councilman, I'm sorry, (Councilmember Moore), I understand your questions and your concerns with that, like, are you just going to stop and go off and leave us? From my estimation, that would be a foolish thing to do and I don't see any foolish people here in that group of gentlemen that have come to visit us."*

Mayor Mallams asked if there was anyone in opposition of the project.

John Bledsoe approached Council and stated: *"John Bledsoe again. You all get, had that map that I drew you. You see where I'm suggesting in order to fix the cave problem, all the water has got to go over in his neighborhood and add on to the erosion problem on that same bank; except now we are adding in a hard rain, we're adding 12 million gallons a day more water. That's a lot of water. It's still going to be the way it has to happen, because the cave can't handle it in the future. But, the engineer better figure out, we are going to have to have more than just a couple of rocks up against that bank because there is a lot more water getting ready to come down there than there was (unintelligible). Have a nice night."*

Bill Endriss approached Council and stated: *"Yes, my name is Bill Endriss and I live at 106 NE 74th Terrace. My property butts up against this proposed addition and I've got some questions for the developers. One of them is just this retention tank that you are going to put on the property; I understand it's got holes in it so where the water seeps into the ground; is there any provisions for in the future to expect that tank to, over time, that sucker's going to start filling up with sediment and trash, and the more trash and sediment it collects, the less water it's going to retain; and when that happens, then the water is going to go to your retention basins. My second*

question was, you show that these three retention basins exit your property to the southwest corner. That property is not owned by you. Is there any provisions to ensure that the existing drainage that is there now doesn't become a gulley that we have experienced, that has separated me from the back part of my property already. I've got, like the gentleman said, I've got a deep ditch in my back yard that I could stand in and you couldn't see me, and I'm 6'2". I'd also like to take this time to thank the Mayor for coming by to take a look at it and actually see what, that what I'm saying is true; and that I have an 18 foot drawbridge that goes across that crick, and the north end of it is about ready to fall into that crick; ditch. But, anyway, that's pretty much the concerns I have."

Mayor Mallams asked if (the developer) would like to step forward and answer questions.

Joe Christensen approached Council and stated: *"I appreciate you bringing up your concerns and I think some of them, we will be addressing; all of them. I want Patrick here, from Anderson Civil Engineering, discuss the basin specifically and then, you know, I think we have touched on, that your area of concern is something that we've talked about with the city...(unintelligible). Yeah, we'll address that right now."*

Mayor Mallams stated: *"I was hoping Patrick would have talked during the first part, but we will let him speak now."*

Patrick Joyce with Anderson Engineering approached Council and stated: *"To address the first problem, I apologize I don't have a great detail to show everybody, but I think it would be clear if I did; I'll try to explain what those underground detention basins look like to address the siltation. You're absolutely right, that does happen over time. So what the detail of that includes is we have these plastic domes chambers and we actually create a sub-base underneath those chambers for the water to percolate down into. We incorporate in the design what we call an isolator row. The isolator row is purely to catch the very first flush of water that comes through the system. It's coated with geo-fabric before the water is allowed to go into the rock base and what that does is it collects the sediment on the geo-fabric and collects trash inside that isolator row and then yes, that isolator row is inspected periodically to see how well it functions and it can be jetted out and cleaned at that time. So that's basically how that works; how maintenance works on those. I think the other point that was brought up was the, where the water is releasing. Right now the water is releasing, there is a small swale, I've been out to see this for myself before I directed the water there; that the site uses right now, on the south side, in that southeast right where we are releasing. It's done that over time; it's not something, of course, that we had anything to do with, but it's really the only spot that we can release the water; so what, city requirements, for us, were to release that water; so one, we release it no more than the amount that is going there now so the peak level that is releasing is being held back by those three detention basins so our release rate doesn't generate a higher peak as it runs off through that property. I don't know if there is another question or if that satisfies what..."*

Councilmember Spallo stated: *"Patrick, how often are the detention basins inspected for the trash and silt?"*

Mr. Joyce responded: *"The inspections are generally, when you first install them, you generally have stuff like construction that will generate sediment and stuff like that; you need to inspect them more often; but then generally it's a couple times a year, and there is inspection ports. You just kind of look down there and you can see how they are doing and then the inspection and maintenance people can kind of establish, after some period after construction, they know, kind of, hey, these things need it every two years, or something like that, just based on the size and how much is being generated."*

Councilmember Spallo stated: *"Are those professionally cleaned or can a general maintenance person do that?"*

Mr. Joyce responded: *"You have to use something called a JV truck; a jetter vacuum. What it does is, it's a system that uses high pressure water like a pressure washer that moves through that chamber and then it has a vacuum that follows right below it, right behind it, and you pull it back through, sucks everything up, and washes it clean. So I know Ace Pipe Cleaning does it; I don't know that you guys would actually invest in a JV truck because they are quite expensive; but Ace Pipe Cleaning around town here does that."*

Councilman Frisby stated: *"Is there a life expectancy to these systems?"*

Mr. Joyce responded: *"In perpetuity. The plastic it uses is high-density polyethylene, it will last you easy 7,500 years."*

Ronald Boney approached Council and stated: *"My name is Ron Boney, I live at 104 NE 74th Terrace for 56 years. I've seen that creek back there erode something terrible over the years, caused by many things. My question, I always knew that property would be sold, but never in my wildest dreams did I think I'd have 200-300 people living in my back yard. Another thing that concerns me was the height of the buildings and the number of them. It just seem like there's too much for so little piece of ground. The other part I'm concerned about, besides the water run-off; will this project affect the sewers that currently run through my property, the middle of my property; are they going to tie into them? And are they big enough for it? For 200 or 300 people? That's my question."*

Mayor Mallams asked if there was anyone else to speak in opposition of the project.

There were none.

Mayor Mallams closed the Public Hearing at 8:32 pm.

Item No. 11. On the Agenda. FIRST READING BILL NO. 21-22 An Ordinance and Final Development Plan Regarding Zoning Ordinance Regulations and the establishment of Use Districts within the City of Gladstone, Missouri, for property located at 7506 North Oak Trafficway, 7510 North Oak Trafficway, and Parcel 13609000102200.

Councilmember Spallo moved **Bill No. 21-22** be placed on its First Reading. **Councilmember Moore** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby,

Councilmember Jean Moore, Mayor Pro Tem Bill Garnos, and Mayor R.D. Mallams. (5-0). The Clerk read the Bill.

Councilmember Spallo moved to accept the First Reading of **Bill No. 21-22**, waive the rule, and place the Bill on its Second and Final Reading. **Councilmember Moore** seconded. The Vote: “aye”, Councilmember Tina Spallo, Councilman Tom Frisby, Councilmember Jean Moore, Mayor Pro Tem Bill Garnos, and Mayor R.D. Mallams. (5-0). The Clerk read the Bill.

Councilmember Spallo moved to accept the Second and Final Reading of **Bill No. 21-22**, and enact the Bill as **Ordinance 4.560**. **Councilmember Moore** seconded.

Mayor Pro Tem Garnos stated: *“Thank you. I have appreciated the developer and city staff efforts to go above and beyond for addressing the Stormwater issues. I know we have issues there and I appreciate the extra effort, extra engineering that was done to try to address them and I know as the project goes forward and the plans for the site and the development; I know you will keep that as a foremost issue for all of us. I’m also, one of the things, as I understand looking at the project; 76th Terrace. I know we are talking about Stormwater and drainage on the south and southwest corner; but 76th Terrace, the street that leads up to Hobby Hill, that is essentially the northern border of this project and there is nothing that is happening on this project that does anything that affects in any way the water north of 76th Terrace; the best I can tell. I don’t know that I’m allowed to ask questions, but that is my understanding of it and that’s a major issue for us.”*

City Manager Wingerson stated: *“You are correct, Mayor Pro Tem.”*

Mayor Pro Tem Garnos stated: *“Thank you. With that, I’m going to be supporting this.”*

Councilmember Moore stated: *“Mayor Mallams, I just wanted to say I do appreciate this investment in our community in an area that has been lacking in new development. I’m hoping this will be a great addition to our city.”*

The Vote: “aye”, Councilmember Tina Spallo, Councilman Tom Frisby, Councilmember Jean Moore, Mayor Pro Tem Bill Garnos, and Mayor R.D. Mallams. (5-0)

Item No. 12. On the Agenda. FIRST READING BILL NO. 21-23 An Ordinance authorizing the City Manager to enter into a Cooperative Agreement with the Clay County Public Health Center to provide COVID-19 vaccinations to homebound residents.

Councilmember Moore moved **Bill No. 21-23** be placed on its First Reading. **Councilman Frisby** seconded. The Vote: “aye”, Councilmember Tina Spallo, Councilman Tom Frisby, Councilmember Jean Moore, Mayor Pro Tem Bill Garnos, and Mayor R.D. Mallams. (5-0). The Clerk read the Bill.

Councilmember Moore moved to accept the First Reading of **Bill No. 21-23**, waive the rule, and place the Bill on its Second and Final Reading. **Councilman Frisby** seconded. The Vote:

“aye”, Councilmember Tina Spallo, Councilman Tom Frisby, Councilmember Jean Moore, Mayor Pro Tem Bill Garnos, and Mayor R.D. Mallams. (5-0). The Clerk read the Bill.

Councilmember Moore moved to accept the Second and Final Reading of **Bill No. 21-23**, and enact the Bill as **Ordinance 4.561**. **Councilman Frisby** seconded.

Councilmember Moore stated: *“Mayor Mallams, I just want to say that I am certainly in support of this. This Bill will allow our Fire/EMS to take vaccines to homebound residents and in light of the importance of everybody getting shots in their arms, I think this is really a great thing that we can do for our personnel.”*

The Vote: “aye”, Councilmember Tina Spallo, Councilman Tom Frisby, Councilmember Jean Moore, Mayor Pro Tem Bill Garnos, and Mayor R.D. Mallams. (5-0)

Item No. 13. On the Agenda. FIRST READING BILL NO. 21-24 An Ordinance repealing Section 1.125.380 of the Code of Ordinances of the City of Gladstone, Missouri, pertaining to the Sheriff Retirement Fund surcharge.

Councilman Frisby moved **Bill No. 21-24** be placed on its First Reading. **Mayor Pro Tem Garnos** seconded. The Vote: “aye”, Councilmember Tina Spallo, Councilman Tom Frisby, Councilmember Jean Moore, Mayor Pro Tem Bill Garnos, and Mayor R.D. Mallams. (5-0). The Clerk read the Bill.

Councilman Frisby moved to accept the First Reading of **Bill No. 21-24**, waive the rule, and place the Bill on its Second and Final Reading. **Mayor Pro Tem Garnos** seconded. The Vote: “aye”, Councilmember Tina Spallo, Councilman Tom Frisby, Councilmember Jean Moore, Mayor Pro Tem Bill Garnos, and Mayor R.D. Mallams. (5-0). The Clerk read the Bill.

Councilman Frisby moved to accept the Second and Final Reading of **Bill No. 21-24**, and enact the Bill as **Ordinance 4.562**. **Mayor Pro Tem Garnos** seconded.

Councilmember Moore stated: *“Mayor Mallams, I wonder if I could ask our City Counselor to just give us the cliff notes of this for the benefit of our audience.”*

City Counselor Chris Williams stated: *“The city, currently by statute, imposes a \$3.00 surcharge on each matter in Municipal Court. The Missouri Supreme Court on June 1, ruled that surcharge that statute was unconstitutional so this is basically a clean-up item for us to remove from our City Code. We are no longer authorized to charge that \$3.00.”*

The Vote: “aye”, Councilmember Tina Spallo, Councilman Tom Frisby, Councilmember Jean Moore, Mayor Pro Tem Bill Garnos, and Mayor R.D. Mallams. (5-0)

Item No. 14. On the Agenda. CONSIDER FINANCIAL REPORT MONTH END JUNE 2021.

Councilmember Moore moved to approve the Financial Report for month end June 2021. **Councilmember Spallo** seconded. The Vote: “aye”, Councilmember Tina Spallo, Councilman Tom Frisby, Councilmember Jean Moore, Mayor Pro Tem Bill Garnos, and Mayor R.D. Mallams. (5-0)

Mayor Mallams stated: *“I want to thank everybody for being here this evening. It’s nice to see an audience. Again for our developers; thank you for believing in Gladstone. It’s a wonderful community and you are going to make it better.”*

Item No. 15. On the Agenda. Other Business.

There was no other business.

Item No. 16. On the Agenda. Adjournment.

Mayor Mallams adjourned the July 26, 2021, Regular City Council meeting at 8:44 pm.

Respectfully submitted:

Ruth E. Bocchino, City Clerk

Approved as presented: ____

Approved as modified: ____

Mayor R.D. Mallams



CARDINAL CREST - DESIGN/BUILD

RESIDENTIAL & COMMERCIAL



CARDINAL CREST HOMES EST.

PORTFOLIO

2011

YTD BOOK OF WORK - 91 MILLION. 130 HOMES. 26-30 HOMES A

PRINCIPLES

JOSE CHRISTENSEN & ADAM SHAEFFER

COMPANY

YEAR



PROJECT

CARDINAL CREST COMMERCIAL & DEVELOPMENT EST. 2019

WIP 10 MILLION

PRINCIPLES

JOE CHRISTENSEN & ADAM SHAEFFER

COMPANY



PARK SIDE AT HOBBY HILL

LOCATED AT: 76TH STREET & NORTH OAK TRAFFICWAY GLADSTONE, MO





VIEW FROM NE 76TH ALDIS

SOUTH WEST VIEW



VIEW FROM NORTH OAK

SOUTH WEST VIEW

One Connected building with
amenity center in the middle

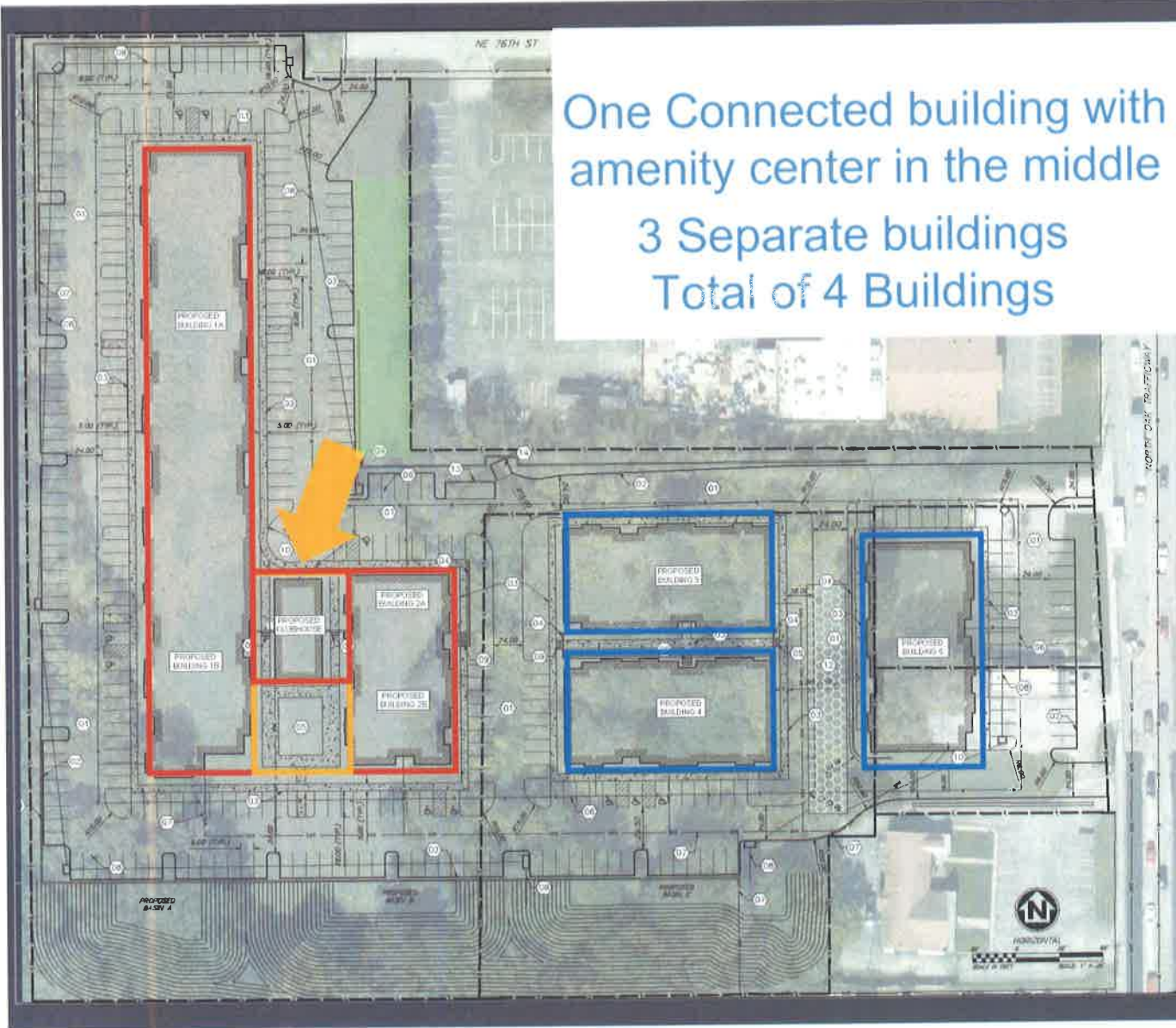
3 Separate buildings
Total of 4 Buildings

BUILDINGS

BUILDING ONE IS ONE L SHAPED
BUILDING INTERCONNECTED WITH
AMMENITY CENTER IN MIDDLE

AMENITY CENTER

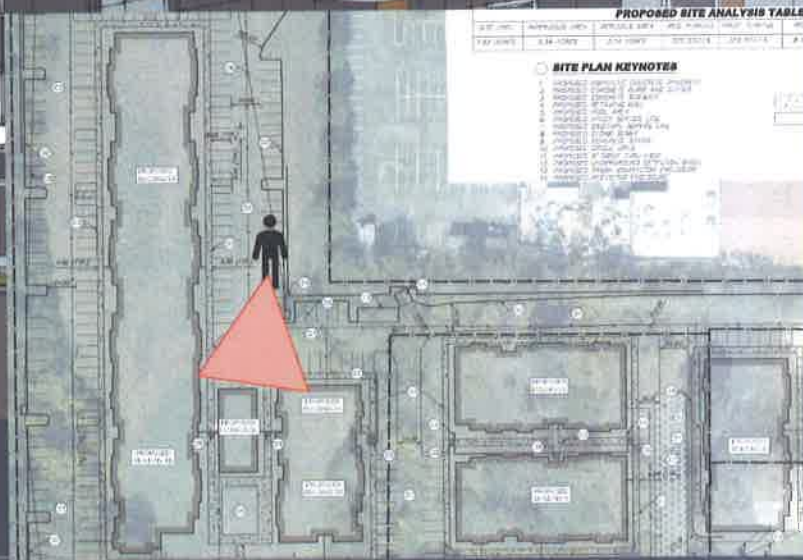
- MAIN ENTRANCE
- LEASING OFFICE
- MAIL ROOM
- COFFEE LOUNGE
- FITNESS CENTER
- YOGA STUDIO
- LOUNGE
- OUTDOOR GRILLING AREA
- POOL
- STORAGE
- ELEVATOR
- DOG PARK
- DOG WASH
- DETACHED GARAGES





MAIN ENTRANCE

LEASING OFFICE AND AMENITY CENTER





SITE PLAN KEYNOTES

- [illegible]



Stage 1 – 140 UNITS
Stage 2 – 70 – 80 UNITS &
9000 SQFT OF
COMMERCIAL SPACE

PROJECT SEQUENCE

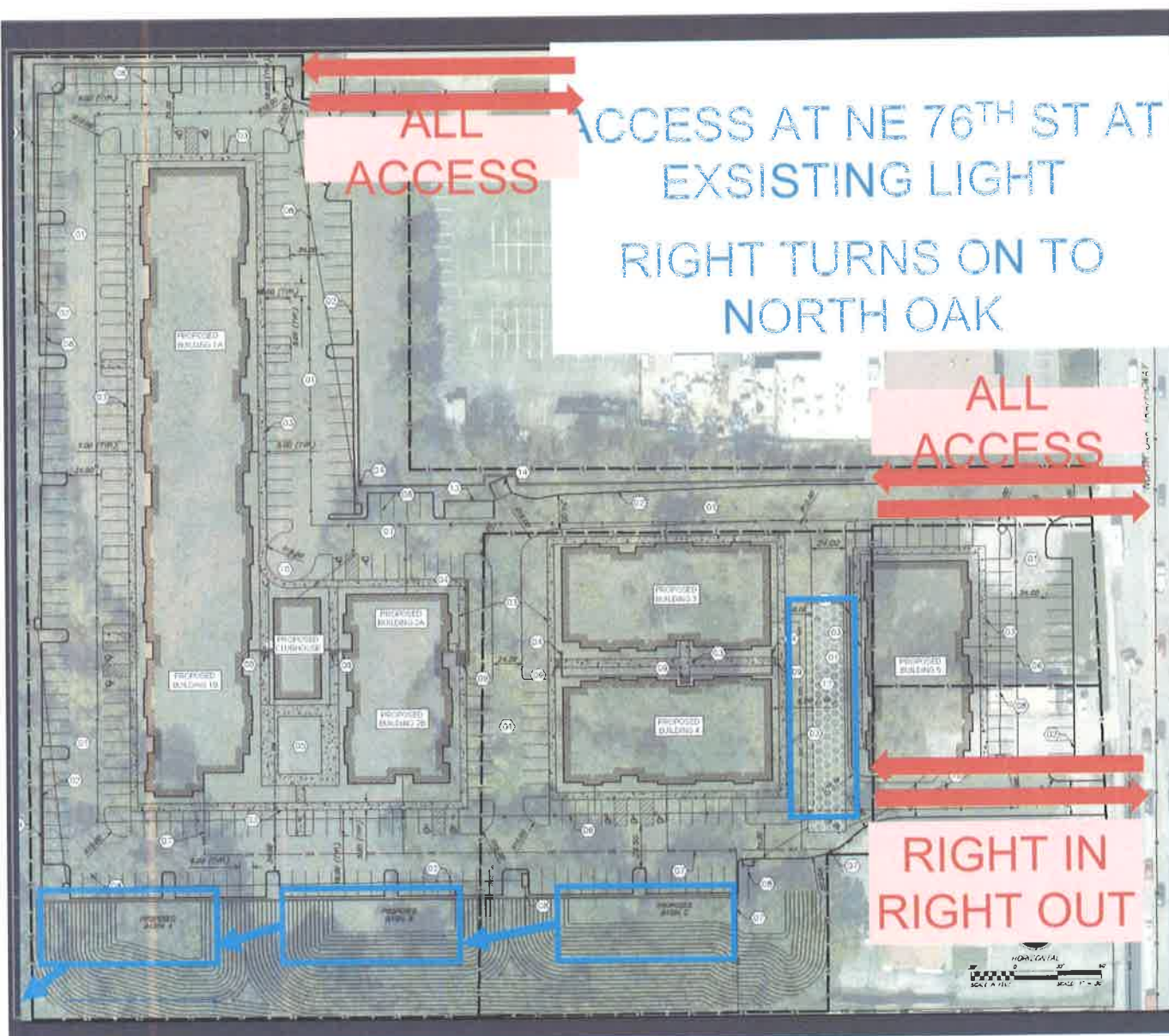
- FIRST BUILDING WILL BE BUILT AS TWO BUILDINGS TO SPEED LEASE UP
- EXPECT A 18– 22 UNITS PER MONTH

2ND STAGE & START

- SECOND PHASE WILL HAVE 70 – 80 UNITS
- 9000 SQFT OF COMMERCIAL SPACE
- ONCE FIRST PHASE REACHES 90% WILL START STAGE 2

LEASE UP
START Q2
2023

ON
START Q4
2023



ACCESS

MAIN ACCESS WILL UTILIZE LIGHT AT 76TH ST AND RIGHT TURNS ONTO NORTH OAK

STORM WATER

ON SITE RETENTION UTILIZING ABOVE GROUND AND UNDER GROUND STORAGE

3 DRY BASINS THAT LEAD TO A DRAINAGE SWELL

A FENCED RETAINING WALL WITH A NATURAL BUFFER ZONE UTILIZING LANDSCAPE



QUICK FACTS

- 220 TOTAL UNITS
- MIX OF 2 BED/1BED & STUDIOS
- LUXURY FINISHES & AMENITIES
- ELEVATORS
- COMMUNITY FEEL
- 9000 SQFT OF COMMERCIAL RETAIL
- START OF CONSTRUCTION NOV. 2021
- LEASE UP TO BEGINS SPRING OF 2023

PARK SIDE APARTMENTS AT HOBBY HILL

OWNERSHIP

MANAGING PARTNER

- CARDINAL CREST
- DEVELOPER/CONTRACTOR/ASSET MANAGER

LIMITED PARTNERS & CAPITAL INVESTORS

- 5 PARTNERS 80% NORTHLAND RESIDENTS

FIRST MISSOURI
BANK

TIME LINE

- **Pre Zoning Time Line**

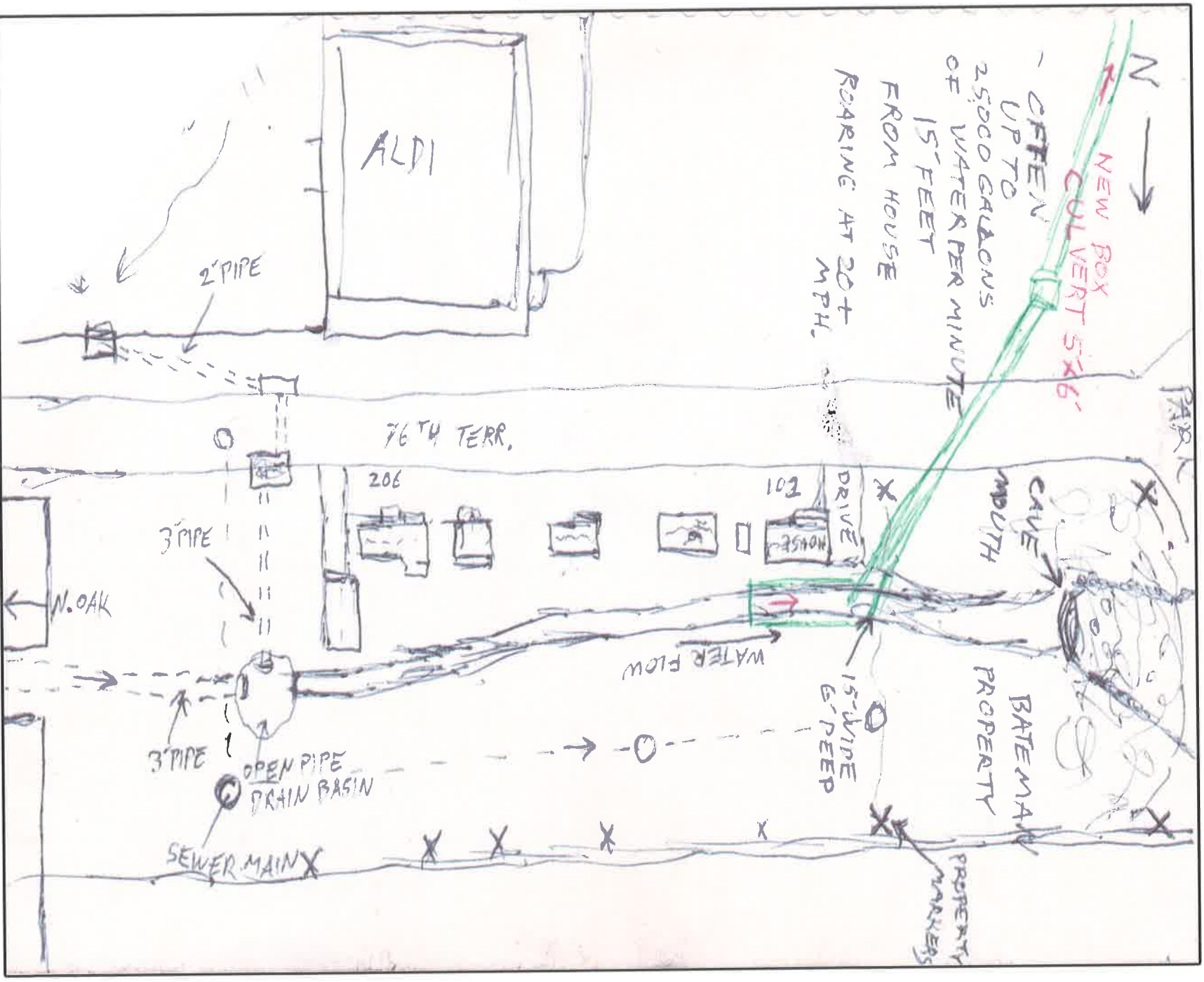
- June 7th - City Submission - COMPLETED
- 30 Days Public Hearing - COMPLETED
- July 6th Planning Commission Meeting - COMPLETED
- July 26th - Zoning Approval & 1st Capital Raise
- Land Closing on 4 parcels with in 20 days after rezoning

- **Post Zoning**

- Architecture/Civil/MEP
- Replat
- Plan Submission
- Construction Start
- Completion of Stage 1

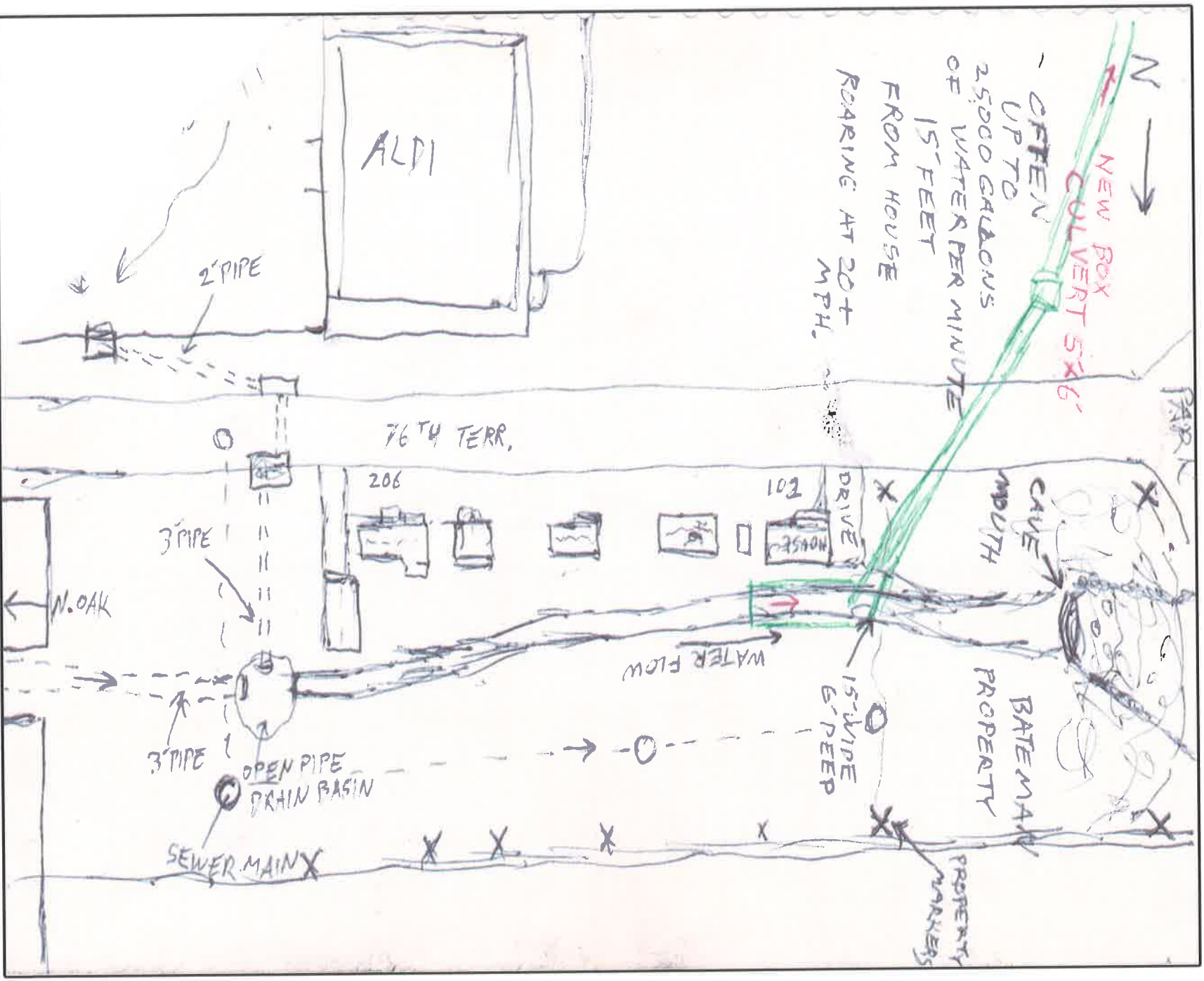
From John Bledsoe to City of Gladstone

Submitted July 26, 2021



From John Bledsoe to City of Gladstone

Submitted July 26, 2021





GIS/Mapping, Clay County Assessor



No Oak

Like to see more detail on the map? [Click here.](#)

BILL NO. 21-25

ORDINANCE NO. 4.563

AN ORDINANCE ANNEXING INTO THE CITY OF GLADSTONE APPROXIMATELY 0.62 ACRES GENERALLY LOCATED AT 3000 NORTHEAST 76th STREET UPON THE DETACHMENT OF SAID PROPERTY BY THE CITY OF KANSAS CITY, MISSOURI.

WHEREAS, the City of Kansas City and the City of Gladstone have begun a joint effort to detach from Kansas City a portion of the property located at 3000 Northeast 76th Street, consisting of approximately 0.62 acres and described in the Clay County records as Parcel #14405000800100, Property ID# 271725; and

WHEREAS, the current structure on the property, which has been declared a Dangerous Building by the City of Gladstone, is located in a manner that places it within the jurisdictions of Gladstone and Kansas City; and

WHEREAS, it is in the best interest of each municipality to complete this action to ensure the inhabitable and dangerous structure falls within the jurisdiction of one municipality; and

WHEREAS, the property to be concurrently annexed by Gladstone and detached by Kansas City abuts Gladstone; and

WHEREAS, all provisions of Section 71.011, Revised Statutes of Missouri, authorizing such concurrent detachment and annexation have been met; and

WHEREAS, there are currently no residents living in the area to be detached by Kansas City and concurrently annexed by Gladstone.

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

SECTION 1: That the following property, generally located on the north side of N.E. 76th Street, between N. Agnes Avenue on the east and N. Kansas Avenue on the west, at the address generally known as 3000 N.E. 76th Street, within the City of Kansas City, Clay County, Missouri, and more specifically described as follows:

Tract A depicted on the Lot Split Survey, recorded in Clay County, Missouri as Instrument No. 2005016594, in Book F, Page 180, on April 15, 2005, more fully described as a tract of land being part of the Southeast Quarter of the Northwest Quarter of Section 18, Township 51 North, Range 32 West in Kansas City, Clay County, Missouri, being more particularly described as follows: Commencing at the Southwest corner of the East-Half of said Northwest Quarter; thence North 00 degrees 18 minutes 37 seconds East along the West line of said East-Half, a distance of 842.38 feet to the Point of Beginning of the tract of land herein to be described, said point also being on the South line of Kansas City, Missouri city

limit; thence continuing North 00 degrees 18 minutes 37 seconds East along said West line, a distance of 139.73 feet; thence South 89 degrees 20 minutes 18 seconds West parallel with said South line of Kansas City city limit, a distance of 181.43 feet to the West Right-of-Way line of Agnes Avenue; thence South 09 degrees 40 minutes 09 seconds East along said West Right-of-Way line, a distance of 142.03 feet to said South line of said Kansas City city limit; thence North 89 degrees 20 minutes 18 seconds West along said South line, a distance of 206.04 feet to the Point of Beginning. Said tract contains 27,071 square feet or 0.62 acres, more or less;

Is hereby declared to be annexed by the City of Gladstone, Missouri, upon the detachment of the same property by the City of Kansas City, Missouri, according to the terms of Section 71.011, RSMo.

SECTION 2. That the reasons for and purposes to be accomplished with this detachment by the City of Kansas City and concurrent annexation by the City of Gladstone are that it will allow Gladstone to apply its own ordinances to property owned by Gladstone.

SECTION 3. That the City of Gladstone, Missouri, shall file a certified copy of this ordinance simultaneously with the filing of a certified copy of the related detachment ordinance adopted by the City of Kansas City in the office of the County Clerk of Clay County, the Clay County Assessor, the Recorder of Deeds of Clay County, and the Clerk of the Circuit Court of Clay County, at the cost of the City of Gladstone.

SECTION 4. That the City Clerk is further authorized and directed to take any and all necessary steps to effectuate this concurrent detachment and annexation by and between the City of Gladstone, Missouri, and the City of Kansas City, Missouri.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 9TH DAY OF AUGUST, 2021.

R.D. Mallams, Mayor

ATTEST:

Ruth E. Bocchino, City Clerk

1st Reading: August 9th, 2021

2nd Reading: August 9th, 2021



Request for Council Action

RES ☐ # City Clerk Only

BILL ☒ # 21-25

ORD # 4.563

Date: 8/3/2021

Department: General Administration

Meeting Date Requested: 8/9/2021

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

Subject: An Ordinance annexing into Gladstone approximately 0.62 acres generally located at 3000 NE 76th Street upon the detachment of said property by the City of Kansas City, Missouri.

Background: The structure located at 3000 NE 76th Street is unique in that the city boundary between Gladstone and Kansas City, MO runs through the residence, making half of the house in Kansas City and the other half in Gladstone. The property has not been properly maintained and is vacant and inhabitable. The neighboring property owners have voiced concerns about the unsafe conditions, the affect the property has on home values in the area and the amount of illegal activity that has taken place inside the vacant structure. A review of police calls for service and criminal reports have supported the claims that the property has become a haven for vagrants, vandals and other criminal activity. On October 22, 2020, a Dangerous Building Hearing was conducted and the structure was declared a dangerous building; the owner had 30 days to correct the violations and dangerous conditions, which he has failed to do. In order for Gladstone to have the authority to demolish the structure, Kansas City would have had to conduct their own Dangerous Building Hearing and make a similar declaration. Kansas City did not take this action and ultimately offered to deannex the remainder of the structure into Gladstone. This Ordinance authorizes the annexation of the property and once deannexed by Kansas City, will place the entire structure within the jurisdictional boundaries of Gladstone. Once this is complete, a second Dangerous Building Hearing will be conducted and ultimately the dangerous conditions will be corrected through demolition if the owner fails to comply with the order.

Budget Discussion: Funds are budgeted in the amount of \$ 0 from the Choose a Fund Fund. Ongoing costs are estimated to be \$ 0 annually. Previous years' funding was \$0

Public/Board/Staff Input: Staff recommends passage of this Bill

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

Bob Baer
Department Director/Administrator

JM
City Attorney

SW
City Manager

ORDINANCE NO.

Detaching from the City approximately .62 acres generally located on the north side of N.E. 76th Street between N. Agnes Avenue on the east and N. Kansas Avenue on the west, at the address generally known as 3000 N.E. 76th Street, upon the annexation of said property by the City of Gladstone, Missouri.

WHEREAS, the City of Kansas City and the City of Gladstone have begun a joint effort to detach from Kansas City and concurrently annex into Gladstone the property generally located on the north side of N.E. 76th St. between N. Agnes Avenue on the east and N. Kansas Avenue on the west, at the address generally known as 3000 N.E. 76th Street; and

WHEREAS, the property to be concurrently annexed by Gladstone and detached by Kansas City abuts Gladstone; and

WHEREAS, the current structure on the property is located in a manner that places it within the jurisdictions of Gladstone and Kansas City; and

WHEREAS, it is in the best interest of each municipality to complete this action; and

WHEREAS, it is the intent of Kansas City and Gladstone to concurrently detach this property from Kansas City and annex such property into Gladstone, according to the terms of Section 71.011, Revised Statutes of Missouri; and

WHEREAS, there are no residents living in the area to be detached by Kansas City and concurrently annexed by Gladstone; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the following property, generally located on the north side of N.E. 76th Street, between N. Agnes Avenue on the east and N. Kansas Avenue on the west, at the address generally known as 3000 N.E. 76th Street, within the City of Kansas City, Clay County, Missouri, and more specifically described as follows:

Tract A depicted on the Lot Split Survey, recorded in Clay County, Missouri as Instrument No. 2005016594, in Book F, Page 180, on April 15, 2005, more fully described as a tract of land being part of the Southeast Quarter of the Northwest Quarter of Section 18, Township 51 North, Range 32 West in Kansas City, Clay County, Missouri, being more particularly described as follows: Commencing at the Southwest corner of the East-Half of said Northwest Quarter; thence North 00 degrees 18 minutes 37 seconds East along the West line of said East-Half, a distance of 842.38 feet to the Point of Beginning of the tract of land herein to be described, said point also being on the South line of Kansas City, Missouri city limit; thence continuing North 00 degrees 18 minutes 37 seconds East along said West line, a distance of 139.73 feet; thence South 89 degrees 20 minutes 18 seconds West

parallel with said South line of Kansas City city limit, a distance of 181.43 feet to the West Right-of-Way line of Agnes Avenue; thence South 09 degrees 40 minutes 09 seconds East along said West Right-of-Way line, a distance of 142.03 feet to said South line of said Kansas City city limit; thence North 89 degrees 20 minutes 18 seconds West along said South line, a distance of 206.04 feet to the Point of Beginning. Said tract contains 27,071 square feet or 0.62 acres, more or less;

is hereby declared to be detached from the City of Kansas City, Missouri, upon the annexation of the same property by the City of Gladstone, Missouri, according to the terms of Section 71.011, RSMo.

Section 2. That the reasons for and purposes to be accomplished by this detachment from the City of Kansas City and concurrent annexation of the City of Gladstone are that it will allow for better coordination of property maintenance enforcement for the benefit of the citizens and property owners in the affected area.

Section 3. That the City of Gladstone, Missouri shall file a certified copy of this ordinance simultaneously with the filing of a certified copy of the related annexation ordinance adopted by the City of Gladstone in the office of the County Clerk of Clay County, the Clay County Assessor, the Recorder of Deeds of Clay County, and the Clerk of the Circuit Court of Clay County, at the cost of the City of Gladstone.

Approved as to form and legality:

Bret R. Kassen
Assistant City Attorney

AN ORDINANCE AMENDING TITLE IX OF THE CODE OF ORDINANCES OF THE CITY OF GLADSTONE, MISSOURI, BY REPEALING CHAPTER 2400, SPECIAL EVENT REGULATIONS, AND ENACTING IN LIEU THEREOF A NEW CHAPTER 2400, SPECIAL EVENT REGULATIONS.

WHEREAS, the City Council has conducted a comprehensive review of Chapter 2400 Special Event Regulations; Title IX of the Code of Ordinances relating entertainment activities not conducted in an enclosed building or regular place of business in commercial zoned districts; and

WHEREAS, the City Council desires to amend the Code of Ordinances as it pertains to Special Events within commercial zoned districts; particularly as it pertains to entertainment activities not conducted in an enclosed building or regular place of business; and

WHEREAS, the City Council desires to set forth standards and stipulations to safeguard property and the public welfare while allowing for entertainment activities within the commercial zoned districts that are not conducted in an enclosed building or regular place of business; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Gladstone, Missouri to enact the provisions of the Ordinance set forth herein.

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

Section 1. That Chapter 2400 of the Code of Ordinances of the City of Gladstone, Missouri, regarding outdoor special events, is hereby repealed.

Section 2. That Chapter 2400 of Code of Ordinances of the City of Gladstone, Missouri is hereby amended to read as set forth in Exhibit A, Chapter 2400, Special Event Regulations, attached hereto and incorporated as part of this Ordinance by reference as if fully set forth herein.

Section 3. That the provisions of the Code of Ordinances of the City of Gladstone, Missouri repealed herein shall not be construed to revive any former Ordinance, clause, or provision of the Gladstone Code of Ordinances.

Section 4. That the provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

Section 5. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

**INTRODUCED, PASSED, SIGNED, AND MADE EFFECTIVE BY THE CITY COUNCIL
OF THE CITY OF GLADSTONE, MISSOURI ON THIS 9TH DAY OF AUGUST 2021.**

R.D. Mallams, Mayor

Attest:

Ruth Bocchino, City Clerk

1st Reading: August 9, 2021

2nd Reading: August 9, 2021

EXHIBIT A

CHAPTER 2400



Request for Council Action

RES ☐ # City Clerk Only

BILL ☒ # 21-26

ORD # 4.564

Date: 8/3/2021

Department: Community Development

Meeting Date Requested: 8/9/2021

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

Subject: Adoption of Type 6 Special Event.

Background: The Community Development Department has seen an upsurge in some of the restaurant business wanting to conduct outdoor entertainment events, primarily live music. Under our current Special Event Regulations, they are only allowed three (3) special event permits good for one month each and can run consecutively. This does not allow them to have such events through most of the yearly outdoor weather.

Staff has revised the regulations to allow for outdoor commercial entertainment events. Commercial businesses will be able to apply for a Type 6 Special Event Permit; this permit is valid for ninety (90) days and may have up to three (3) Type 6 Special Event Permits per calendar year. There is a stipulation that a business may only have three (3) events per week during the validity of the permit.

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: I spoke to three (3) business about the type 6 Special Event requirements and all three are pleased with these requirements and had no opposition.

Community Development Staff presented the Type 6 Special Event to the Board of Zoning and Adjustments (BZA) at their meeting on Monday, July 19, 2021. The BZA had no changes to the proposed Chapter and voted unanimously to present to City Council for their recommendation.

Community Development Staff presented the Type 6 Special Event requirements to the City Council during the Open Study Session on Monday, August 9, 2021; and endorsed moving forward with adoption of the requirements.

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

Alan D. Napoli, C.B.O.

JM Counsel

SW City Manager

Community Development Administrator | Building Official

CHAPTER 2400
SPECIAL EVENT REGULATIONS

DIVISION 1
SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SECTION 9.2400.101
GENERAL

9.2400.101.1 Title.

This chapter shall be known as the Special Event Regulations for the City of Gladstone, Clay County, Missouri, hereinafter referred to as “this chapter”.

9.2400.101.2 Scope.

The provisions of this chapter are to set forth procedures for controlling *special and qualifying event* activities in this jurisdiction.

9.2400.101.3 Intent.

The purpose of this chapter is to allow the short-term use of land for *special and qualifying events*, while protecting area residents and businesses from activities that may be disruptive, obnoxious, or otherwise incompatible; and to safeguard life, health, property, and public welfare.

SECTION. 9.2400.102.
APPLICABILITY

9.2400.102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify different requirements, the most restrictive shall govern.

9.2400.102.2 Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

9.2400.102.3 Application of references.

References to division or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such division, section or provision of this chapter.

9.2400.102.4 Partial invalidity.

In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.2400.103 DUTIES AND POWERS OF BUILDING OFFICIAL

9.2400.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.2400.103.2 Applications and permits.

The *building official* shall receive applications, review construction documents and issue *permits* for the placement and use of portable storage containers and dumpsters, inspect the *premises* for which such *permits* have been issued and enforce compliance with the provisions of this chapter.

9.2400.103.3 Notices and orders.

The *building official* shall issue all necessary notices or order to ensure compliance with this chapter.

9.2400.103.4 Inspections.

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

9.2400.103.5 Identification.

The *building official* shall carry proper identification when inspecting *premises* in the performance of duties under this chapter.

9.2400.103.6 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the *building official* has reasonable cause to believe that there exists upon a *premises* or private property a condition in violation of this chapter, the *building official* is authorized to enter the *premises* at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such *premises* is occupied the *building official* shall present credentials to the *premises* or private property owner and request entry. If such *premises* or private property is unoccupied, the *building official* shall first make a reasonable effort to locate the owner; owner's authorized agent, or other person having charge or control of the *premises* or private property and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

9.2400.103.7 Department records.

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 9.2400.104 PERMITS

9.2400.104.1 Required.

Any *owner, tenant, person, authorized agent*, or organization that intends to operate, host, or conduct a *special or qualifying event* shall first make application to the building official and obtain a *permit*.

9.2400.104.2 Exempt from permit.

Exemption from *permit* requirements of this chapter shall not be deemed to grant authorization from the use to be in violation of the provisions of this chapter or any other laws or ordinances of the jurisdiction. *Permits* shall not be required for the following:

1. Any *not-for-profit special or qualifying event* less than seventy-two (72) hours in duration. The *building* or *premises* may require a *permit* if in the judgement of the *building official* the activity is such that review is necessary to provide for protection and to safeguard life, health, property, and public welfare of area residents and businesses.
2. Duly licensed auctioneers, selling at auction. (Although exempt from this chapter, this type of event shall be governed by Title IX, Chapter 1400.)
3. Person's acting in accordance with their powers and duties as public officials.
4. Any business, which operates pursuant to a special use permit regulating the display and sale of outdoor goods.
5. Businesses which have been approved through special conditions or other approved conditions respective to their zoning. (Although exempt from this chapter, this type of event shall be governed by their approved conditions as to location on *premises*, times, dates, and any other conditional requirements.)

9.2400.104.3 Application for permit.

To obtain a *permit*, the applicant shall first file an application in writing on a form furnished by the *Department* for that purpose. Such application shall:

1. Describe the land on which the proposed event shall be located by legal description, street address, or similar description that will readily identify and definitely locate the proposed location.

2. Applicant's name, address, phone numbers and other pertinent information as deemed necessary.
3. Property owner's name, address, phone numbers, and other pertinent information as deemed necessary.
4. Date(s) and time(s) of the proposed event.
5. Be accompanied by construction documents and other information as required by Section 9.2400.104.
6. Be signed by the applicant, or the applicant's authorized *agent*.
7. Be signed by the *owner* or *owner's* representative.
8. Give such other data and information as required by the *building official*.

9.2400.104.4 Action on application.

The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application does not conform to the requirements or pertinent laws, the *building official* shall reject such application. If the *building official* is satisfied that the application conforms to the requirements of this chapter, codes, laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefore as soon as practicable.

9.2400.104.5 Validity of permit.

The issuance or granting of a *permit* shall not be construed to be a *permit* for, or approval of, any violation of any of the provisions of this chapter or of any other ordinances of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this chapter or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on information given shall not prevent the *building official* from requiring the corrections of errors in the information given. The *building official* is also authorized to prevent operation of a *special event*, in violation of this chapter or any other ordinances of this jurisdiction.

9.2400.104.6 Suspension or revocation.

The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this chapter wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation, or any other provisions of this chapter.

SECTION 9.2400.105 EVENT DOCUMENTS

9.2400.105.1 General.

Submittal documents consisting of *event documents* and a map indicating the following:

1. Location of the event,
2. Existing and/or proposed structures,
3. Off street parking area(s),
4. Traffic circulation,
5. Outdoor display area(s),
6. Signage and location thereof,
7. Adjacent streets, and
8. Property lines.

9.2400.105.2 Information on documents.

A description of the proposed event indicating the following information:

1. Any merchandise, products, or displays;
2. Signs;
3. Attention-attracting devices; and
4. Any other information deemed necessary by the *Building Official* to ensure compliance with these regulations and any other regulations that may pertain to said event.

9.2400.105.3 Examination of documents.

The *building official* shall examine or cause to be examined the accompanying *event documents* and shall ascertain by such examination whether the said event indicated and described is in accordance with the requirements of this chapter and other pertinent laws or ordinances.

9.2400.105.4 Amended documents.

Said event shall be in accordance with the *approved permit* and submitted *event documents*, and any changes made after approval or during said event that are not in compliance with the *approved permit* and submitted *event documents* shall be resubmitted for approval as an amended set of *event documents*.

SECTION 9.2400.106

FEES

9.2400.106.1 Payment of fees.

A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fees, if any, have been paid.

9.2400.106.2 Permit fee.

Permit fees shall be in accordance with the adopted schedule of fees and charges; but not less than \$100.00 per permit and shall be paid at time permit is issued. *Special events* conducted prior to obtaining a *permit* shall be assessed a penalty fee equal to the permit fee in addition to the require permit fee.

Exception: Type 2 and type 4 *special event permits*.

9.2400.101067.3 Related fees.

The payment of the fee for the *permit* shall not relieve the applicant or permit holder from the payment of other fees that are prescribed by law. Applicant shall reimburse any cost incurred by the City of Gladstone for personnel, etc. related to the operation of a *special event*.

SECTION 9.1400.107

APPEALS

9.1400.107.1 General.

In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Board of Zoning and Adjustments (BZA) is hereby authorized to conduct said appeals.

9.1400.107.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Board of Zoning and Adjustments (BZA), provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determinations therefore made by the *building official*.

9.1400.107.2 Authority on appeal.

See Title VII, Chapter 190 of the City of Gladstone's Code of Ordinances.

SECTION 9.2400.108

VIOLATIONS

9.2400.108.1 Unlawful act.

It shall be unlawful for any person, firm, or corporation to be in conflict with or in violation of any of the provisions of this chapter.

9.2400.108.2 Notice of violation.

The *building official* shall serve a notice of violation or order in accordance with Section 9.2400.109.

9.2400.108.3 Prosecution of violation.

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.2400.109, shall be deemed guilty of a misdemeanor or civil infraction as determined by this jurisdiction, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this jurisdiction on such *premises* shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.2400.108.4 Violation; penalties.

Any person, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Board of Zoning and Adjustments (BZA), or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

SECTION 9.2400.109 Notices and Orders

9.2400.109.1 Notice to person responsible.

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 9.2400.109.2 and 9.2400.109.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

9.2400.109.2 Form.

Such notice prescribed in Section 9.2400.109.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.

4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *premises* or private property into compliance with the provisions of this chapter.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 9.2400.108.3.

9.2400.109.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

9.2400.109.4 Unauthorized tampering.

Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

9.2400.109.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 9.2400.108.4.

9.24200.109.6 Transfer of ownership.

It shall be unlawful for the *owner* of any *premises* or private property thereof, who has received a compliance order upon whom a notice of violation or order has been served, to sell, transfer, mortgage, lease or otherwise dispose of such *premises* or private property thereof to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *building official* and shall furnish to the *building official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

DIVISION 2 DEFINITIONS

SECTION. 9.2400.201 GENERAL

9.2400.201.1 Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this chapter, have the meaning shown in this section.

9.2400.201.2 Interchangeability.

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

9.2300.201.3 Terms defined in other codes.

Where terms are not defined in this chapter such terms shall have the meanings ascribed in publications of the International Code Council.

9.2400.201.4 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

9.2400.202 GENERAL DEFINITIONS

APPROVED. Acceptable to the *building official*.

ATTENTION-ATTRACTING DEVICES. Any item designed or used to promote, advertise, demonstrate, or call attention to any commercial, residential, office, retail or service business or activity.

BUILDING. Any structure utilized or intended for supporting or sheltering any occupancy.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this chapter, or any duly authorized representative.

BUSINESS. All kinds of vocations, occupations, professions, enterprises, establishments, and all other kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit, or benefit, either directly or indirectly, on any premises in the *jurisdiction*.

CITY. The City of Gladstone, Clay County, Missouri.

COMMERCIAL. The sale, purchase or exchange of goods, products, or property of any kind for profit.

DEBRIS. The remains of something broken down or destroyed: and/or discarded *garbage* or *rubbish*.

EASEMENT. That portion of land property reserved for present or future use by a person or agency other than the legal fee *owner(s)* of the *property*. The *easement* shall be permitted to be for use under, on or above a said *lot* or *lots*.

ENCLOSED AREA. Any area, which is inaccessible to the public view.

ENTERTAINMENT. An event, performance, or activity designed to entertain others.

EXTERIOR PROPERTY. The open space on the *premises* and on adjoining property under the control of the *owners* or *operators* of such *premises*.

EVENT DOCUMENTS. Written, graphic and political documents prepared or assembled for describing the design, location, and physical characteristics of the elements of a project necessary for obtaining a *permit*.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GOODS. Any wares, merchandise or other property capable of being the object of a *Special Event* or sale regulated hereunder.

JURISDICTION. The governmental unit that has adopted this chapter.

LITTER. *Rubbish, garbage* and *debris* that have been thrown away and that are lying on the ground.

LOT. A portion or parcel of land considered as a unit.

LOT LINE. A line dividing one *lot* from another, or from a street or any public place.

NOT-FOR-PROFIT. Any person or organization that operates without private profit, for a public, charitable, educational, literary, fraternal, or religious purpose.

OPERATOR. Any person who has charge, care or control of a structure or *premises*, which is let or offered for occupancy.

OWNER. Any *person, agent, operator, firm* or corporation having legal or equitable interest in the *property*; or recorded in the official records of the state, county or municipality as holding title to the *property*; or otherwise having control of the *property*,

including the guardian of the estate of any such *person*, and the executor or administrator of the estate of such *person* if ordered to take possession of real property by a court.

PARKING LOT. An open area, other than a street, used for the parking of motor vehicles.

PAVED AREA. A hard surface area consisting of concrete, asphalt or other *approved* materials.

PERMIT. An official document or certificate issued by the *building official* that authorizes performance of a special activity.

PERSON. An individual, heirs, executors, administrators or assigns, and also includes firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PREMISES. A *lot*, plot or parcel of land, *easement* or *public way*, including any *structures* thereon.

PUBLIC WAY. Any street, alley or similar parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated, or otherwise permanently appropriated to the public for public use; and has clear width and height of not less than ten (10) feet.

QUALIFYING EVENT. A celebration, observance, or commemoration of a happening that is held within an enclosed *building*, but necessitating outdoor promotional materials. Such as, but not limited to:

1. *Business* anniversary,
2. Special sales,
3. Grand openings,
4. Holidays,
5. Special awards, and
6. Special offers.

RUBBISH. Combustible and noncombustible waste materials, except *garbage*; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass, crockery and dust and other similar materials.

SPECIAL EVENT. An outside or outdoor thematic entertainment, amusement, athletic event or merchandise sale that may or may not be advertised or promoted inside or outside

the *jurisdiction*, on private property or in the exclusionary use of public property, and it is reasonably foreseeable to involve a large assemblage of vehicles, and/or persons, impose traffic congestion, impact required parking, involve sanitation and/or security concerns, the erection of structures or operation of rides, games or machines that may affect the City's residents' or invitees' health, safety, or welfare, or may require excessive police department cost in responding to and/or managing the event to preserve the public peace. A *special event* has a specific start and stop date, and has no intervening dates of event inactivity, except for City sponsored events. A series of similar events is not considered a single event, unless conducted on consecutive days. The outdoor display or sale of merchandise or placement of vending on private property in connection with the sale of merchandise is considered a *special event*, unless approved through special conditions or other approved conditions respective to the zoning. A *special event* can include, but is not limited to:

1. Any organized formation, parade, procession or assembly consisting of persons, animals, vehicles or any combination thereof, which is to assemble or travel in unison on any street which does not comply with normal or usual traffic regulations or controls;
2. Any other organized activity conducted by a person or group for a common or collective use, purpose or benefit which involves the use of, or has impact on, other public property or facilities and the provision of the City's police department services in response thereto;
3. The display and/or sale of goods and merchandise, food, clothing, supplies, equipment, concessions, souvenirs, balloons, candy, jewelry and any other similar items outside of the primary business structure; or
4. Structures, including stages, booths, canopies, awnings, risers, bleachers, fences, partitions, stands or similar construction.

Additional examples of *special events* include but not limited to:

1. Filming;
2. Pyrotechnic displays or any kind;
3. Outdoor concerts;
4. Parades;
5. Carnivals or circuses, including any exhibition involving amusement attractions or rides, spectacles, animals, side shows, games and the like;
6. Fairs;
7. Festivals;

8. Block parties;
9. Automobile or motorcycle rallies;
10. Community events; and/or
11. Sports competition such as:
 - 11a. Marathons and running/walking events, or
 - 11b. Bicycle races or tours.
12. *Qualifying events.*
13. *Entertainment.*

STRUCTURE. That which is built or constructed.

TEMPORARY SPECIAL EVENT STRUCTURE. Any temporary ground-supported structure, platform, stage, stage scaffolding or rigging, canopy, tower supporting audio or visual effects equipment or similar structures not regulated within the scope of the International Building Code.

TENANT. A *person*, corporation, partnership or group, whether or not the legal *owner* of record, occupying a *building* or portion thereof as a unit.

YARD. An open space on the same *lot* with a *structure*.

DIVISION 3 SPECIAL EVENTS

SECTION 9.2400.301 TYPES OF PERMITS

9.2400.301.1 General.

Special event permits shall be classified as one of the following six (6) types:

9.2400.301.1.1 Type 1. Outdoor Commercial Events.

Commercial activities not conducted in an enclosed *building* or regular place of business, but are conducted on the premises of said business. Such commercial activities must be associated with the ongoing primary purpose of the business.

9.2400.301.1.2 Type 2. Outdoor Fund-Raising Activities by Not-For-Profits:

Outdoor fund-raising or non-commercial events by *not-for-profit* organizations.

9.2400.301.1.3 Type 3. Outdoor Community/Public Events:

Outdoor events such as but not limited to; filming, concerts, running/walking/biking events, races or tours.

9.2400.301.1.4 Type 4. City Sponsored Events:

Outdoor events/activities which benefit the community and is open for participation to the general community at-large, and is conducted in whole or part on public property or public right-of-way, and the City, solely or in partnership with another entity, produces, manages and/or coordinates the event, or has agreed to provide in-kind services and/or other financing in support of the event/activity, or has agreed to lend its name in support of the event/activity, after determining that the event/activity either:

1. Provides a local commemoration of a national holiday;
2. Provides cultural or recreational experiences to City and area residents that are not otherwise routinely available in the community; or
3. Significantly enhances tourism or other forms of economic development to the City.

This event requires approval by City Council: applications must be submitted a minimum of forty-five (45) days prior to the event.

9.2400.301.1.5 Type 5. Qualifying Events:

Commercial activities conducted in an enclosed *building* or regular place of *business*, but necessitate outside notification of said event.

9.2400.301.1.6 Type 6. Outdoor Commercial Entertainment Events:

Commercial *entertainment* activities not conducted in an enclosed *building* or regular place of business, but conducted on the premises of said business. Such *entertainment* activities must be associated with the ongoing primary purpose of the business.

SECTION 9.2400.302 STANDARDS AND STIPULATIONS

9.2400.302.1 General.

Special events shall comply with the following:

9.2400.302.1.1 Land use compatibility.

The event must be compatible with the purpose and intent of this chapter and with surrounding land uses. The event shall not impair the normal, safe and effective operation of a permanent use on the same site. The event shall not endanger or be materially detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the event, given the nature of the activity, its location on the site and its relationship to parking and access points.

9.2400.302.1.2 Compliance with other regulations.

A building and/or fire inspection may be required before any temporary *structure* used in conjunction with the event is occupied or modified. All *structures* and the site, as a whole, shall be required to meet all applicable building code, zoning code, fire code and sign code standards and any temporary *structure* shall be promptly removed upon the cessation of the event. Within forty-eight (48) hours of cessation of the event or use, the site shall be returned to its previous condition (including the removal of all *rubbish, garbage, debris, signage, attention-attracting devices* or other evidence of the event or use). No outdoor display or *structure* shall occur within any required front, side, or rear yard setback.

9.2400.302.1.3 Hours of operation.

The hours of operation of an event shall be consistent with the surrounding land uses.

9.2400.302.1.4 Number and timing of special event permits.

All *special event permits* are valid for thirty (30) days from date of issuance. No *business, not-for-profit*, or any other organization, etc. can have more than three (3) *special event permits* in a calendar year. *Special event permits* can run consecutively.

Exception: Type 4 and type 6 *special event permits*.

9.2400.302.1.4.1 Type 6 permits; timing of.

Type 6 *special event permits* are valid for ninety (90) days from date of issuance.

9.2400.302.1.4.2 Type 6 permits; number of.

Type 6 *special events* shall only be allowed entertainment events three (3) days per week during the validity of the permit.

9.2400.302.1.5 Traffic circulation.

The event shall not cause undue traffic congestion or accident potential given attendance and the design of adjacent streets, intersections, parking and traffic controls.

9.2400.302.1.6 Off-street parking.

Off-street parking shall be provided to meet the needs of the requested event, and the event shall not create a parking shortage for any of the other existing uses on the site. All parking surfaces used by the business and event shall be of approved material.

9.2400.302.1.7 Public conveniences and litter control.

Adequate on-site restroom facilities and onsite solid waste and recycling containers shall be required. The applicant shall calculate the demand for such facilities and how the need will be addressed.

9.2400.302.1.8 Appearances and nuisances.

The event shall be compatible in intensity, appearance, usefulness, enjoyment and value with surrounding land uses. The event shall not generate excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution.

9.2400.302.1.9 Signs and attention-attracting devices.

The city shall review all signage in connection with the event. The number and types of signs and *attention-attracting devices* permitted shall be evaluated on the following criteria:

1. Type,
2. Size and duration of the proposed event or use,
3. Safety considerations,
 - 3.1. Site-distance setback,
 - 3.2. Sidewalks in area,
4. Lighting considerations,
 - 4.1. Disturbance of nearby residents,
 - 4.2. Disturbance of nearby businesses, and
 - 4.3. Adverse effects to traffic on adjacent streets.
5. Aesthetic concerns.
 - 5.1. Appearance,

5.2. Illumination,

5.3. Number and size of signs, and

5.4. Number and size of *attention-attracting devices*.

9.2400.302.1.10 Area of parking lot dedicated to.

No more than ten percent (10%) of the parking stalls required for the business requesting the event permit shall be permitted for the display and demonstration of the event. No drives or maneuvering areas may be utilized within the event area unless such drive or maneuvering areas are directly adjacent to the approved display or demonstration area, not required for emergency access, and not deemed necessary by the *Building Official* to provide proper circulation through the lot.

9.2400.302.1.11 Outdoor events.

All outdoor events shall be located on an *approved* surface. A permanent *building* occupied by an existing primary business, possessing a valid business license within the *City* is required to operate any event on *premises* within the *City*.

Events shall abide by Title II, Chapter 120 Noise and Title IX, Chapter 600 Fire Prevention Regulations, International Fire Code (IFC) Section 3105 Temporary Special Event Structures.

Exception: Type 4 special event permits.

9.2400.302.1.12 Other conditions.

The *Building Official* may establish additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including but not limited to the following:

1. Time and frequency of operation,
2. Limitations on signs and *attention-attracting devices*,
3. Temporary arrangements for parking and traffic circulation,
4. Requirements for screening/buffering, and
5. Guarantees for site restoration and cleanup following the event.

9.2400.302.1.12.1 Special Conditions.

Special conditions may include, but not be limited to:

1. Modifications or restrictions to the hours of operation, duration of the event, size of the activity or other operational characteristics.

2. The posting of a performance bond to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to required standards and stipulations.
3. If the applicant requests the *Building Official* to provide extraordinary services or equipment or if the *Building Official* otherwise determines that extraordinary services including, but not limited to:
 - 3.1. Traffic control,
 - 3.2. Security personnel, or
 - 3.3. Equipment

is required to protect the public health or safety the applicant shall be required to reimburse the *City* for the cost of any such services if the applicant does not provide such services. The *Building Official* may require the applicant to submit a security deposit prior to the event to ensure that the applicant complies with the provision.
4. Events held on public property and all events assisted by the *City* must have a certificate of liability and personal injury insurance identifying the *City* as additional insured, at such levels of insurance designated by the *City*.

SECTION 9.2400.303

TEMPORARY SUSPENDING CERTAIN ORDINANCE REGULATIONS.

9.2400.303.1 Temporary suspending.

The City Council shall have the power to temporarily suspend the applicability of certain City Ordinance Regulations for type 4 City Sponsored Events by approval of the *special event* permit application, including but not limited to:

1. Section 2.120.050 Noise prohibited.
2. Section 2.130.010(2) Park rules and regulations (hours).
3. Section 2.130.010(13) Park rules and regulations (alcoholic beverages).
4. Section 2.135.040 Prohibition of smoking on or within all public park grounds.
5. Section 2.140.040 Public fireworks display prohibited, exceptions.
6. Section 5.110.1800 Drinking in public.
7. Section 5.160.230(a) Street use permit (street use permit allowed).

8. Section 9.1600.110 Temporary signs.
9. Section 9.3000.301.2 Operating locations, hours.



Request for Council Action

RES ☐ # City Clerk Only

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 8/4/2021

Department: Community Development

Meeting Date Requested: 8/9/2021

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

Subject: Special Event Permit

Background: Lift Church KC, a non-denominational Church, would like to host a “Worship and Fellowship Evening” at Linden Square on Sunday, August 22, 2021. Set up would begin around 12:00pm with the event starting at 6:00pm, concluding at 9:00pm. There will be live music, worship and fellowship during the three (3) hour event.

Currently they are not planning on any temporary signs but ask for the variance in case they decide otherwise. Additionally, they may have a ten (10) foot pop up type tent. No food is planned on being served.

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 D. Napoli, C.B.O.
Community Development Administrator | Building Official

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: AUGUST 4, 2021
PERMIT NO.: SEP21-00073
RE: TYPE 4 OUTDOOR SPECIAL EVENT

NAME OF EVENT: LIFT CHURCH KC – WORSHIP & FELLOWSHIP EVENING
LOCATION OF EVENT: 602 NE 70TH STREET
LINDEN SQUARE
DATE OF EVENT: SUNDAY, AUGUST 22, 2021
TIME OF EVENT: 6:00PM TILL 9:00PM
SET UP WILL START AT 12:00PM
EST. ATTENDANCE: 50 - 200

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: City staff has reviewed the application and finds that the variance(s) are appropriate for this venue.

Signed: _____

Alan D. Napoli, C.B.O.
Community Development Administrator | Building Official

ATTACHMENT(S):

- ☒ Map
- ☐ Other _____



Gladstone, MO



Legend

- Survey Point
- Right of Way
- Gladstone Capital
- School Point
- Bike Pathway
- Bus Stop
- Point of Interest
- Station
- Apartment Point
- Street Cancellation
- Large All Easement
- Driveway
- Dry Ponds
- Tunnel
- House Garbage
- General Polygon
- Village
- Apartment Polygon

Notes

Scale: 0 50 100 Feet

This map is a user-generated data output from an internet mapping site and is for reference only. Data users should verify all data from this site and not rely on it for any other purpose. This map is not to be used for any other purpose.