



**MINUTES
REGULAR CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, NOVEMBER 24, 2014**

Mayor J. Brian Hill opened the City Council Meeting to adjourn to a Closed Executive Session on November 24, 2014 at 5:40 pm. Councilmember Jean Moore made a motion to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemptions 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilmember Jean Moore added 610.021 (18) for Public Safety Operational Guidelines and policies to the closed session agenda. Mayor Pro Tem Bill Garnos seconded. The Vote: All "aye" – Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Bill Garnos, Mayor J. Brian Hill. (4-0). Councilmember Carol Suter was also present at the Closed Executive Session.

PRESENT: Mayor J. Brian Hill
Mayor Pro Tem Bill Garnos
Councilmember Carol Suter
Councilmember Jean Moore
Councilman R.D. Mallams

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor Randall Thompson
City Clerk Ruth Bocchino

Item 2. On the Agenda. ROLL CALL.

Mayor J. Brian Hill opened the Regular City Council Meeting November 24, 2014, at 7:48 PM in the Gladstone City Council Chambers, and noted all City Council members were present.

Item 3. On the Agenda. PLEDGE OF ALLEGIANCE.

Mayor J. Brian Hill asked everyone to join and to please rise for the pledge of allegiance. VFW Post 10906 members presented the Colors and led the Pledge of Allegiance. Mayor Hill thanked the VFW Post for posting the colors.

Item 4. On the Agenda. Approval of the November 10, 2014, Regular City Council Meeting Minutes.

Councilman R.D. Mallams moved to accept the minutes of the November 10, 2014, Regular City Council meeting as presented. **Councilmember Carol Suter** seconded. The Vote: All "aye" - Councilman R. D. Mallams, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos, Mayor J. Brian Hill. (5-0).

Item 5. On the Agenda. CONSENT AGENDA.

Following the Clerk's reading, **Councilmember Carol Suter** moved to approve the Consent Agenda as published. **Councilmember Jean Moore** seconded. The vote: All "aye" - Councilman R. D. Mallams, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor J. Brian Hill. (5-0).

Councilmember Carol Suter moved approval of **RESOLUTION R-14-80** A Resolution adopting a Mission Statement and Goals for the City of Gladstone, Missouri, for 2014-2015. **Councilmember Jean Moore** seconded. The vote: All "aye" -Councilman R. D. Mallams, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor J. Brian Hill. (5-0).

Councilmember Carol Suter moved approval of **RESOLUTION R-14-81** A Resolution authorizing the City Manager to execute a Professional Engineering Services Agreement with Wilson and Company, Incorporated, Engineers and Architects in an amount not to exceed \$49,500.00 for the preparation of a Stormwater Master Plan update. **Councilmember Jean Moore** seconded. The vote: All "aye" -Councilman R. D. Mallams, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor J. Brian Hill. (5-0).

Councilmember Carol Suter moved approval of **RESOLUTION R-14-82** A Resolution authorizing the City Manager to execute a Professional Engineering Services Agreement with Wilson and Company, Incorporated, Engineers and Architects in an amount not to exceed \$27,730.00 for the preparation of a Sidewalk Master Plan. **Councilmember Jean Moore** seconded. The vote: All "aye" -Councilman R. D. Mallams, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor J. Brian Hill. (5-0).

Councilmember Carol Suter moved approval of **RESOLUTION R-14-83** A Resolution authorizing the City Manager to execute a Professional Engineering Services Agreement with Kaw Valley Engineering, Incorporated, in an amount not to exceed \$42,350.00 for the preparation of a Water Distribution System Master Plan. **Councilmember Jean Moore** seconded. The vote: All "aye" -Councilman R. D. Mallams, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor J. Brian Hill. (5-0).

Councilmember Carol Suter moved approval of **RESOLUTION R-14-84** A Resolution amending the 2015 Annual General Fund and Combined Waterworks Sewerage System Budget for the City of Gladstone, Missouri, and authorizing expenditures of funds. **Councilmember Jean Moore** seconded. The vote: All "aye" -Councilman R. D. Mallams, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor J. Brian Hill. (5-0).

Councilmember Carol Suter moved approval of **BUILDING PERMIT: Margaritas, 7013 North Oak Trafficway. Exterior Improvements; installation of windows and garage doors. Councilmember Jean Moore** seconded. The vote: All “aye” –Councilman R. D. Mallams, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor J. Brian Hill. (5-0).

Councilmember Carol Suter moved approval of **BUILDING PERMIT: Senor Tequila, 6502 North Oak Trafficway. Addition and exterior remodel. Councilmember Jean Moore** seconded. The vote: All “aye” –Councilman R. D. Mallams, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor J. Brian Hill. (5-0).

Councilmember Carol Suter moved approval of the **CITY OF GLADSTONE FINANCIAL REPORT FOR PERIOD ENDING OCTOBER 31, 2014. Councilmember Jean Moore** seconded. The vote: All “aye” –Councilman R. D. Mallams, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor J. Brian Hill. (5-0).

REGULAR AGENDA.

Item 6. On the Agenda. Communications from the Audience.

There were no communications from the audience.

Item 7. On the Agenda. Communications from the City Council.

Councilman R.D. Mallams stated he wanted to thank the City Manager for the opportunity to attend the National League of Cities conference. Councilman Mallams targeted sessions related to economic development, technology and public safety. Councilman Mallams recognized paramedic Kevin Davis, who recently graduated from the fire academy. Mr. Davis completed training at the Blue River Community College campus. The schooling included training in firefighting tactics, hazardous materials, and the use and maintenance of firefighting equipment.

Councilmember Carol Suter stated she also had the privilege of attending the National League of Cities and she has a lot of good ideas to share with staff. Councilmember Suter stated it is always a great experience because they have great presenters and a great opportunity to meet with cities from all over the county to see who is doing great things that Gladstone has not thought of yet and to share the great things that Gladstone is doing that other cities have not thought of. Councilmember Suter appreciated the opportunity. Councilmember Suter expressed her appreciation to Beth Houlihan who has been a really fabulous city gardener for a long time. Mrs. Houlihan has done a great job with the green space in Gladstone and we are sorry to see that she has decided to give up the trowel and the shovel and the hedge. Councilmember Suter also thanked all the folks who applied for Board and Commission appointments. The Council had a wonderful year of just fabulous folks who are willing to offer their time and talent to the City. We are always in a great position where we have more people apply than we had openings. Council is sorry for anyone who didn't get a position this time, but it's a wonderful wealth of community resources just to see what citizens are willing to do for the City, appreciation to all of you.

Councilmember Jean Moore stated she echoed **Councilmember Suter's** comments about our city gardener. Mrs. Houlihan has made such an amazing difference in the vision of the City, the way it looks, the image, the identity that we all said that we wanted to establish and so we need to do everything we can to continue in that vein to support that position. Councilmember Moore stated she is also counting on the Mayor for good weather tomorrow night (Mayor's Christmas Tree Lighting Ceremony Tuesday, November 25).

Mayor Pro Tem Bill Garnos stated the Building Commission met on November 13 and they adopted the Findings of Facts, Conclusions of Law and an Order of Abatement for property at 4001 NE 60th Street. It has some fairly significant fire and smoke damage and was the subject of a Public Hearing that the Building Commission conducted last month. Mayor Pro Tem Garnos stated he wanted to say happy Thanksgiving to everybody this week and as we gather with family and friends, remember the words of the great philosopher, Dr. Seuss, who said "you ought to be thankful a whole heaping lot for the people and places you're lucky you're not."

Mayor J. Brian Hill echoed his appreciation to Beth Houlihan for taking our gardens and lawns of different city locations to a new level. Truly she has done a spectacular job with the City. Mayor Hill mentioned tomorrow night (November 25, 2014), is the Mayor's Christmas Tree Lighting Ceremony and he invited everyone to attend. The weather promises to be perfect, just enough to wear a coat and be comfortable. It will be nice. We will have the ice skating rink open right after the ceremony and his understanding Richard King is going to give a skating demonstration because he has taken some lessons, so that is something to look forward to, if nothing else, that is a reason to attend. Mayor Hill wished everyone a happy Thanksgiving and noted that City Hall will be closed Thursday and Friday in honor of the holiday.

Item 8. On the Agenda. Communications from the City Manager.

City Manager Kirk Davis stated he wanted to follow up on a couple things that Council has mentioned: No. 1, tomorrow night starts at 6:00 pm. There will be a couple of choirs and it will be a nice event. We may really appreciate those heaters tomorrow night if the Mayor doesn't come through with the weather, we have the heaters. No. 2, about Beth Houlihan, he wasn't going to say anything until January but Sheila Lillis and he talked, not that long ago, when we didn't have the facilities we have now. It was six, seven or eight years ago; there was a concerted effort and program recognition to take care of the public grounds. City Manager Davis stated we are expecting people to invest in our community and we felt like we needed to put our best foot forward and reflect the fact that we are going to take care of our own property as well. Part of that is landscaping and the work that Beth has done and Beth has far exceeded his expectations. When we started this program, he had some pretty high expectations as Sheila will tell you, but Beth has done a great job with all of the grounds and gardens, she is creative and comes up with ways to landscape city properties, islands, North Oak, in different ways and he wanted to make the point that she has exceeded expectations and we are certainly going to miss her and miss that effort. City Manager Davis stated he didn't know if he could replace that, but will give it a shot. Beth certainly set the bar high.

Item 9. On the Agenda. RESOLUTION R-14-85 A Resolution authorizing the City Manager to execute an agreement between the City of Gladstone, Missouri, and NorthPoint Development, LLC, a Missouri Limited Liability Company, to provide broker services for the leasing of property generally located at The Heights at Linden Square, North Locust Street and Northeast 70th Street, Gladstone, Missouri.

Councilmember Jean Moore moved approval of **RESOLUTION R-14-85** A Resolution authorizing the City Manager to execute an agreement between the City of Gladstone, Missouri, and NorthPoint Development, LLC, a Missouri Limited Liability Company, to provide broker services for the leasing of property generally located at The Heights at Linden Square, North Locust Street and Northeast 70th Street, Gladstone, Missouri. **Councilman R.D. Mallams** seconded. The vote: All “aye” –Councilman R. D. Mallams, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor J. Brian Hill. (5-0).

Item No. 10. On the Agenda. FIRST READING BILL NO. 14-37 An Ordinance approving the Final Plat of VT Tract Addition, Lot 1, Gladstone, Clay County, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording.

Councilmember Carol Suter moved **Bill No. 14-37** be placed on its First Reading. **Councilmember Jean Moore** seconded. The vote: All “aye” – Councilman R.D. Mallams, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor J. Brian Hill. (5-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the First Reading of **Bill No. 14-37**, waive the rule, and place the Bill on its Second and Final Reading. **Councilmember Jean Moore** seconded. The vote: All “aye” – Councilman R.D. Mallams, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor J. Brian Hill. (5-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the Second and Final Reading of **Bill No. 14-37**, and enact the Bill as **Ordinance 4.290**. **Councilmember Jean Moore** seconded. The vote: All “aye” – Councilman R.D. Mallams, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor J. Brian Hill. (5-0).

Item No. 11. On the Agenda. PUBLIC HEARING Special Use Permit; Farmer’s Market.

Mayor J. Brian Hill opened the Public Hearing at 8:03 PM.

Administrative Assistant Becky Jarrett stated the following: *“Good evening Mayor and City Council. I’m here to represent the vendors and the Farmer’s Market this evening. The City has had a great partnership with the vendors over these last five years and through 2014 I worked with them to fly the nest, so to speak. We worked this year to get them a 501C6 designation. They have their own bank account, by laws, president, vice president, and secretary. In cooperation with Hy Vee, this permit is really the last piece of the puzzle. This permit will secure their home at Hy Vee. It will allow them to stay there for the next ten years under the management of the vendors themselves. It doesn’t completely keep Hy Vee from changing, or to negotiate with them*

to move somewhere else in the lot or something like that. Obviously if a new manager came in and he was totally against it, there would be room to negotiate, but it does help secure them whereas they are the Gladstone Farmers Market and we don't want to see them leave Gladstone. They have the relationship with us that they want to stay here as well so this was the last thing we thought we could do to help them with that transition. The Ordinance follows a typical Special Use Permit template. It does leave some flexibility on issues like hours and days of operation in case they would like to change those. They will have a business license as the Gladstone Farmer's Market. I've been honored to work with this group of vendors. They have done a great job inventing themselves and really creating not only partnerships with Hy Vee, the City, but their customer base. They have a very loyal customer base. We have only been tracking really their success through customer counts and then we switched to sales. I can say that they have more than doubled their sales in the last several years and each year keeps getting better. We are looking forward to seeing what they are going to do in the future."

Mayor J. Brian Hill asked if anyone on the Council had any questions. There were none.

Mayor J. Brian Hill asked if there was anyone in the audience who desired to address the Council in favor of the application. There were none.

Mayor J. Brian Hill asked if there was anyone in the audience who desired to address the Council in opposition of the application. There were none.

Mayor J. Brian Hill asked if there were any comments from the City Council.

Councilmember Jean Moore stated she wanted to extend her heartfelt congratulations to Becky for all of her hard work. Councilmember Moore said she knows she has just given birth to this project and really has been with it in the heat, in the cold, in the concerns that the vendors have had and has just done a miraculous job and just a beautiful job making all this happen so kudos to Becky for hanging in there because we can really be proud to say we do have a Gladstone Farmers Market.

Mayor J. Brian Hill echoed Councilmember Moore's statement and he thinks Becky has done a wonderful job of organizing this, leading it up, and he does not want to leave out in the very early formative stages Richard King and Alan Napoli also had some quite instrumental roles to play and he knows there are others on city staff and he hates to name names because he knows he will leave somebody out. Becky has always been the point leader on this and has done a wonderful job.

Mayor J. Brian Hill closed the Public Hearing at 8:07 PM.

Item No. 12. On the Agenda. FIRST READING BILL NO. 14-38 An Ordinance
approving a Special Use Permit subject to certain conditions to Gladstone Farmers Market, Incorporated, for operation of a Farmers Market at 7117 North Prospect Avenue.

Councilman R.D. Mallams moved **Bill No. 14-38** be placed on its First Reading. **Mayor Pro Tem Garnos** seconded. The vote: All “aye” – Councilman R.D. Mallams, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor J. Brian Hill. (5-0). The Clerk read the Bill.

Councilman R.D. Mallams moved to accept the First Reading of **Bill No. 14-38**, waive the rule, and place the Bill on its Second and Final Reading. **Mayor Pro Tem Bill Garnos** seconded. The vote: All “aye” – Councilman R.D. Mallams, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor J. Brian Hill. (5-0). The Clerk read the Bill.

Councilmember R.D. Mallams moved to accept the Second and Final Reading of **Bill No. 14-38**, and enact the Bill as **Ordinance 4.291**. **Mayor Pro Tem Bill Garnos** seconded. The vote: All “aye” – Councilman R.D. Mallams, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor J. Brian Hill. (5-0).

Item No. 13. On the Agenda. FIRST READING BILL NO. 14-34 An Ordinance amending Ordinance No. 3.973 and being an Ordinance relating to Zoning Ordinance Regulations and the Establishment of Use Districts within the City of Gladstone, Missouri, property commonly known as 5703 North Broadway.

Mayor J. Brian Hill recognized Planning Specialist Chris Helmer to the podium.

Chris Helmer stated *“Very quickly, by staff, you were provided a number of items that showed the evolution of this development application. Very quickly I believe you were provided, at your places, an additional email that came in over the weekend by an area resident and in addition to that attached with my memorandum of the updates on the site plan, you also had received some of the general language of the regulations of the C2 District. I am going to read those very quickly for the record and then after that we do have a brief presentation by the applicant. Under the guidelines in the regulations of the C2, starting from items two through seven, C-2B, shops and stores for the sale at retail or wholesale of department store merchandise, newspapers, books, and stationary supplies; C-2C, shops and stores for the sale at retail or wholesale of automotive supplies and dispense petroleum products; Item 4, C-2D, services such as clubs, radio and television broadcasting studios, indoor public or private, entertainment and recreational places, hotels, motels, and places where alcoholic beverages are served; Item 5, C-2E, dry cleaning, laundry, appliances and small equipment repair, printing and publishing; No. 6, C-2F, places of public assembly, public parking lots and transportation terminals, and finally No. 7, C-2G, pet shops and small animal hospitals. That was an item that was provided to you in your packet as well as additional changes in the site plan as well as the building elevations. At this point in time I will turn it over to the applicant, there was a number of items that were brought up to the Council, or that the Council raised, and in closing those items generally centered on Stormwater as well as the overall building design and materials for that proposed structure. At this time I’ll turn it over to the applicant for their additional items.*

Councilmember Carol Suter stated, Mayor Hill, question of procedure. *"We are not in a public hearing; I'm unclear as to what the precedent is for any applicant testimony at this stage."*

Assistant City Manager Scott Wingerson stated *"Mr. Mayor and Councilmember Suter, the applicant desires to be responsive to the questions that the City Council asked last time revolving around Stormwater and building design. So as long as they keep their comments to those, they are responsive to what was raised in the Public Hearing."*

Councilmember Suter stated *"We have those things in print in front of us."*

Assistant City Manager Scott Wingerson stated *"Yes."*

Mayor J. Brian Hill asked the applicant to proceed.

Alex Toye with ATA Architects stated *"I have been the elected person to try to walk through our information to respond to the items that were brought up at our last Public Hearing meeting. In front of you, what we have done is put a small PowerPoint presentation to try to point out some of the items that were done and to hopefully minimize the concerns you have about our potential project for this particular site. What we have done, and again I, we have taken photographs as well as incorporate some of the drawings and designs to help identify some of the items and the impact of the site development that we are proposing for the project. What we have done, you will see there is a realm of 26 slides that will be done in a very short period of time as requested by the city to respond to these items. First thing we would like to show is this is the existing site conditions where we have the tree line identifying the current tree configurations that are there, there is an island of trees basically dead center as well as a tree area south of the particular property as well as an evergreen grove around here and some additional utilities that are located on the southern portion of the site. Incorporating that, we have got some different views looking from the areas, I've identified those on the top, you can kind of see where those were taken from. The evergreens are located on the south side of the property coming across from the Driver's License Bureau. This is a view looking up the street from the north looking back from the south, again identification this is the driveway that is located part way down the hill and again the tree line is located along that area. As we get closer to the ridge of the crest of the hill, again the same tree line, this is when you are at the base of the crest of the hill looking east back toward that area. As we go into our development of the particular site, we've identified on the same drawing we had shown before the area that we would impact our tree areas for removal and of course trying to save what major trees we can to work around our grading. The centered island area we identified here before, those trees would be completely removed in that area, and a little bit of the portion of those trees to the south would be to accommodate utility improvements that would occur. I've also then in turn over-layed the existing building site foot print identifying the same type tree line you see here with that. The following photos that you are going to see represent that our building, based on a street grade of 731 and our grade site here of our building elevation of 738.5, we have about a seven foot rise from our street level to our finished floor of our building for approximately 125 feet off the property and what you are going to see, what I have identified here is basically a post that has an orange topping, orange board on the top, which signifies the top of our building. We have a green board that is identified on the next markings that identify the top of our door. We've gone through the same photographs to*

identify those same areas of our views that show where you can see those boards in relationship to the current tree coverage that is there both evergreen and basically trees that are not in full bloom or deciduous because of the leaves and the time of year. Right there is the green and there is the red; this is basically looking east that is overlooking the Senior Living Center. Same area, there is the red and the green, this is directly along the south line down by the sidewalk and again you can see the grades where our hill would be coming down and sloping. Those are the two utility markers right there is the red on the top of the board. Same thing, there is the red marker; this is across the street over by the shopping center. There is the same red board right there from the evergreen trees overlooking from the northwest corner of the license bureau. Same thing, there is the red board, again the green which is basically over the doors are pretty minimized on what you are seeing from the views. Right through the tree line, this is basically just before the crest, right there again is our signage. Our building will be pretty much horizontal as you come across but again that's why we are adding the stone veneers as well as the panel structure stucco type finish that would be illustrated at that point. Again our signage right there. Same thing with the boards, there is the green through that tree grove that would be removed. Same signs. So again try to make sure when the questions came up about our grades and elevations overall master site plan again showing how our grades were incorporated in. The grades along here, this is basically 942; we are at 938.5 so as I said we are cutting out approximately 18-20 inches of soil in that area to basically minimize and balance the site. Part of our site development work that we are looking at along with that and to address some of the concerns about Stormwater city staff had provided us a copy of the engineering study that was done when the retirement community did go in. That development had taken (?) the Stormwater that was designed for the entire site with the patio homes that would have been put in place at that particular time. We have taken those same calculations and incorporated our Stormwater design to accommodate those needs as well as the additional steps for BMP practices which is Best Water Management to provide bio swales and to accommodate proving rock rip-rap areas to continue to deter the constant flow of water heading down the hill. The owner and one of the questions that came up last time, my owner has decided to go ahead and proceed with installing an underground Stormwater collection system that would now not be located on the back side of the building, back over in this area where the mechanical condensing units were located at, that comes back to basically a design question that came up that staff had mentioned and was passed on to us as well which I will further continue on here in just a second. Other things of concern, the site constraints we've identified our landscaping areas, they are also looking to add evergreen trees located along the northwest corner of the property as well as evergreen trees located along the east side of the property to provide blockage of our current or proposed roof design from additional neighbors to the east of us. Again additional deciduous trees would be added to our property as well. The original design that was mentioned before, Councilmember Suter had mentioned concerns a little bit about our minimization of our roof pitch and illustrations really not having much to show and again Councilmember Moore had mentioned a little bit about her concerns for our doors so hopefully showing the existing landscaping conditions that are currently in place they are now as well as one of the requests from staff to add additional landscaping to in front of our overhead doors and this coming from the driveway again seven foot of rise we will put some type of ornamental trees and stuff at that particular area again to try to block our driveway and our doors from those locations. Again the buildings we mentioned, some of the adjacent materials that again are on the property, you have the Driver's License Bureau which is basically a pre cast stucco or almost a wall panel system with

vertical joints. You have a plaster or stucco type building directly across the street in that development area along with that and the building that you currently have over here across directly to the street south of us basically a brick and sided building. Your site development that you have on your properties again from a commercial basically maintained the inner core surrounding the intersection of your property and the future development you would have going to the north on this basically is almost an unbuildable part of property based on what my owner would have, down to the ownership they have for the entire parcel. There is still a boundary zone of land between here and the retirement home. If you take your property to the west of us across the street, same thing, commercial development, vacant property and directly behind that before you hit any residential to there or to the north. So we feel that we are not exactly based on development of taking the use of the space from a residential or patio home to this particular zoning but the zoning in turn would allow us to put some type of development in that area, whether it would be a four to five home development per acre so that is another consideration if something based on how our approval would occur. The last consideration is our new design. We are looking to basically put a continuous parapet on three sides located again on our west, this raises our roof by one foot on top of our parapet and providing continuous slope from the west back to the east and that is why we are adding the evergreen trees to basically block our roof areas and stuff that we would see from the property to the east of us. And again the landscaping we have talked about basically in the corner to help try to block the doors from the view coming off of Broadway.

I do have our engineer here tonight with us if there are any questions concerning the Stormwater and I'd be glad to answer any questions you have. Thank you for your time."

Mayor J. Brian Hill thanked Mr. Toye and asked if Mr. Helmer had anything else. (No).

Mayor J. Brian Hill stated we are on item No. 13.

Mayor Pro Tem Bill Garnos moved **Bill No. 14-34** be placed on its First Reading. **Councilman R.D. Mallams** seconded. The vote: All "aye" – Councilman R.D. Mallams, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor J. Brian Hill. (5-0). The Clerk read the Bill.

Mayor Pro Tem Garnos moved to accept the First Reading of **Bill No. 14-34**, waive the rule, and place the Bill on its Second and Final Reading. **Councilman R.D. Mallams** seconded. The vote: All "aye" – Councilman R.D. Mallams, Councilmember Jean Moore, Councilmember Carol Suter, Mayor Pro Tem Bill Garnos and Mayor J. Brian Hill. (5-0). The Clerk read the Bill.

Mayor Pro Tem Garnos moved to accept the Second and Final Reading of **Bill No. 14-34**, and enact the Bill as **Ordinance 4.292**. **Councilman R.D. Mallams** seconded.

Councilmember Carol Suter stated *"This is an ordinance concerning zoning which is a question that we get to long before we get to the size of the building or the color of the roof or any of those kinds of issues so I was a little curious as to why we had additional information prior to this particular Bill. This calls us as city leaders of course to keep our macro hat on, that is to look out after the best interests of the community. One of the challenges that we face in*

Gladstone of course is maintaining our property values, residential and commercial. I am particularly concerned in this instance about residential property. Whenever you put commercial immediately adjacent to single family residents, the single family resident's value goes down. That is kind of a universal in the real estate world. Whenever we do that, and neighborhood values go down in one neighborhood, that affects the average of the entire community. We hear so often from Gladstone residents that one of our concerns is we want to upgrade the offerings that are available in Gladstone for restaurants, retail, services of all kinds. Vendors and retailers and business people of all kinds look at demographics like the age, the income and household values in our community. When the values go down our options and opportunities go down. So while I think the Buckner's are fabulous business people and I appreciate their interest in staying in Gladstone, and I think this looks like a wonderful building, I think that rezoning this piece of property is not in the best interest of the community and so I will be voting against it."

Councilmember Jean Moore stated *"I would echo Councilmember Suter's comments. I am so grateful for the Buckner's having made all the adjustments that they have made in terms of the architecture of the building, in terms of the landscaping, and I truly believe they have addressed all those issues but it's the zoning that really causes heartburn for me and I don't think it is in the best interest to move the zoning for this property."*

Mayor J. Brian Hill stated *"I have to echo Councilmembers' Moore and Suter. Years ago, I guess not that many years ago, the city developed and updated its Comprehensive Plan and at that time, volunteers and city staff spent literally hundreds if not thousands of hours looking at areas within the city and what is appropriate for each location. I can just off the top of my head think of at least two members of those volunteer groups that lived and/or lived on the North Broadway corridor. Their input was to actually have this as residential as opposed to the patio homes and the current zoning that resulted from Gladstone Seniors Apartment. I respect what our volunteers do; they spend a great deal of time on behalf of the city. At the time of the Comprehensive Plans development there was opportunity for input from residents and businesses, public hearings were advertised. Basically there was a whole lot of input into this Comprehensive Plan and the reason behind the Comprehensive Plan is to provide for the growth of Gladstone, provide quality living areas, quality business areas and so I'm very much inclined to follow that absent some extraordinary circumstances. The Buckner's are fine business people and I really would like to see them stay in Gladstone and I do not have a problem with their use of this site as they intended. I don't think that there is going to be a Stormwater problem, I don't think there is going to be a noise problem, I don't think there is going to be a traffic problem and I appreciate what they have done to the building and the site to address Council concerns, staff concerns; my concern though is when the Buckner's are done with this site. It is going to be zoned for a much more intense use than what they are going to use it for if permitted. That intense use would allow it under that zoning to be used for a warehouse, a veterinary, which would also include a kennel I assume because I don't know if there is very many veterinary offices without an attached kennel. Other uses would be permitted that would allow for much more noise generation, much more traffic generation. Because of that I just cannot approve this zoning application. I would be more than willing to approve some lesser zoning change but with a Special Use Permit to allow the Buckner's to conduct their business there as long as they want. I would not have any problem. I don't think it would cause any adverse impact on the area but I just can't zone it to where it could cause these adverse impacts. That's all I have to say."*

Mayor J. Brian Hill asked if there was any other discussion. There was none.

The vote: "Aye" – Councilman R.D. Mallams, Mayor Pro Tem Bill Garnos; "Nay" - Councilmember Jean Moore, Councilmember Carol Suter, and Mayor J. Brian Hill. (2-3).

Mayor J. Brian Hill stated the Bill is not approved by a 3-2 margin.

Item No. 14. On the Agenda. FIRST READING BILL NO. 14-35 An Ordinance approving a Site Plan for property legally described as Gladstone Senior Apartments, Lot 2, Tract 1, property commonly known as 5703 North Broadway.

Mayor J. Brian Hill stated Item No. 14 on the agenda becomes moot because we cannot approve a Site Plan that doesn't comply with current zoning.

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

There was no other business to come before the Council.

Item No. 16. On the Agenda. Questions from the news media.

There were no questions from the news media.

Item No. 17. On the Agenda. Adjournment.

Mayor J. Brian Hill adjourned the meeting at 8:34 pm to closed session.

Respectfully submitted:

Ruth E. Bocchino
Ruth E. Bocchino, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

J. Brian Hill
Mayor J. Brian Hill