
GLADSTONE CITY COUNCIL PUBLIC HEARING - September 23, 2019

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GLADSTONE CITY COUNCIL PUBLIC HEARING

Monday, September 23, 2019

Appearances:

Mayor Carol Suter

Mayor Pro Tem Jean Moore

Councilman Kyle Yarber

Councilman R.D. Mallams

Councilman Bill Garnos

Assistant to the City Manager Austin Greer

Recording Secretary Cheryl Lamb

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

1 MAYOR SUTER: Item 17 is a public hearing on site
2 plan revision for property at 6221 North Chestnut Avenue.
3 Open the hearing. Our procedure is are as follows: City
4 staff will first explain the application and any findings or
5 recommendations that come from the staff. The applicant will
6 have the opportunity to present any information to the City
7 Council. And then anyone in the audience who wishes to speak
8 in favor of the applicant will be invited to speak. And then
9 anyone in the audience who wishes to speak in opposition to
10 the application will be invited to speak. And then when we
11 are all said and done, the hearing will be closed.

12 MR. GREER: Good evening, Mayor, members of the City
13 Council. The applicant is requesting site plan approval for
14 the purpose of constructing a convenience store and gas
15 station at 6221 North Chestnut Avenue, formerly known as
16 Tanner's Bar and Restaurant. Their plan is to significantly
17 remodel the building, bring the structure up to code,
18 retrofit the property using a combination of EIFS, stone,
19 artificial stone, and a metal awning for the exterior. This
20 project is a proposed site plan revision and not a re-zoning
21 of the property. The current zoning of this property is CP-3
22 and is zoned for the proposed use. The site plan shows
23 additional trees and landscaping being planted on the eastern
24 side of the property located directly behind the proposed
25 convenience store and gas station creating the required

1 35-foot buffer zone between the subject commercial and
2 residential properties. There is also proposed landscaping
3 on the western side of the property near the planned monument
4 sign and green space between the egress and ingress areas on
5 Chestnut area access points. City staff recommends that the
6 trees and shrubs planted on the property be native to
7 Missouri by nature in an aid to better streetscape. In BMP
8 analysis conducted by Kaw Valley Engineering, run-off drains
9 towards the southwest corner of the property and bio-swale
10 will be implemented to capture and treat run-off from the
11 fueling area prior to run-off exiting the site. The large
12 mechanical equipment for this project is being relocated from
13 the roof of the building to the ground and will be adequately
14 screened from public view with materials similar in design to
15 the rest of the structure. All screening will be reviewed
16 via the building permit process. Included in the City
17 Council packet is a letter from World Fuel Services
18 describing the experience of Amir Nadeem Mehdi, who will be
19 the store operator for the proposed gas station and
20 convenience store. Staff has also included a "retail mystery
21 shop score" for the proposed operator for their various other
22 locations. There are residents in adjacent neighborhoods
23 located to the east of the subject property that are opposed
24 to this particular project. The community development
25 department has received multiple phone calls and a signed

1 letter from the Woodlands HOA Board in opposition to this
2 project in 2018 and 2019. In 2018, Mr. Charles Cuda
3 submitted a letter addressing issues and concerns of both the
4 residents and Planning Commission. On Monday, June 24, 2019,
5 the project team for the proposed gas station and convenience
6 store held a neighborhood meeting with the Woodlands
7 Community. It is city staff's understanding that the
8 Woodlands neighborhood is still in opposition to this
9 project. During the Planning Commission and City Council
10 hearings in 2018 and 2019 there were concerns regarding
11 decreased property values, potential crime, increased
12 traffic, and environmental impacts on the neighborhood. In
13 August 2019 the Planning Commission voted in favor of the
14 site plan revision. The motion carried eight to three; one
15 no; and two abstained. City staff recommends that the
16 following conditions be considered if the City Council
17 chooses to approve this project request. Number 1, any and
18 all disturbed areas shall be sodded. Number 2, all manicured
19 grass and landscape areas shall be irrigated and maintained
20 in perpetuity. Number 3, all mechanical equipment located on
21 the roof and on the ground shall be screened from public
22 view, similar in design to the rest of the structure. All
23 screening will be reviewed via the building permit process.
24 Number 4, a compliant monument sign shall be used to serve
25 the development, the monument sign will need 240 square feet

1 of area landscaping around sign. Number 5 relocation, of the
2 trash dumpster to the northwest corner of the parking lot
3 away from the residential area adjacent to the property.
4 Number 6, all exterior lighting on the site shall be LED and
5 designed to reduce adverse impact on adjoining residential
6 properties. Number 7, outdoor lighting cannot be greater
7 than 0.25 foot candles and 10 feet beyond the property line.
8 Number 8, dumpster shall be enclosed with materials
9 consistent with the primary building. Specific colors shall
10 be submitted and approved as part of the building permit.
11 Number 9, trash service, store deliveries, and gasoline
12 refilling underground commercial gasoline tanks shall occur
13 between the hours of 7:00 a.m. and 10:00 p.m. Number 10,
14 tractor trailers, storage containers and other commercial
15 vehicles including delivery trucks shall not be parked or
16 stored overnight on the premises. Number 11, no more than 50
17 percent of the glazed area of the building shall have
18 signage. Number 12, hours of operation are from 5:00 a.m.
19 through 2:00 a.m. The store will be closed from 2:00 a.m.
20 through 5:00 a.m., Monday through Sunday. Number 13, signage
21 compliant with the sign code shall be used. Signage shall be
22 approved at the time of permitting. Number 14, construct and
23 maintain in perpetuity a six foot PVC privacy fence, earth
24 tone in color, along the eastern property line. Number 15,
25 maintain growth between the commercial privacy fence and

1 residential privacy fence in perpetuity. City staff
2 recommends that the request be approved contingent upon the
3 conditions listed above. Thank you and that is all.

4 MAYOR SUTER: Any questions from the council? Does
5 staff wish to address counsel? Does counsel wish to address
6 the Council?

7 MR. BOWERS: Madam Mayor, members of the City
8 Council, my name is Jim Bowers. I am here on behalf of the
9 applicant tonight, Pauch, LLC, and its managing member, Mr.
10 Chuck Cuda. I am a lawyer with the law firm of Rouse Frets
11 White Goss. We have offices at 4510 Belleview, Kansas City,
12 Missouri. With me tonight in addition to Mr. Cuda, who is
13 the applicant, Mr. Jimmy Cascone, who is the owner of the
14 property at 6221 North Chestnut Avenue, Mr. Sajidg Farooqui,
15 who is one of the members of the family who will operate the
16 proposed convenience store, which is currently scheduled to
17 be a Phillips 66 convenience store, and Mr. Bryan Ruoff, who
18 is the project architect. Also with us tonight to answer
19 questions concerning the underground tank and fuel line
20 installation regulations that have been adopted by the
21 Environmental Protection Agency and the Missouri Department
22 of Natural Resources, Mr. Jason Gerber who is with Double
23 Check, Inc., the contractor who will install the underground
24 tanks and lines, should the application be approved. This is
25 a request to approve, as staff told you, an amended site

1 plan. The underlying zoning CP-3 allows a service station
2 and convenience store. The building in question has been at
3 this site for approximately 50 years. It has been operated
4 during most of that time as a commercial restaurant. The
5 building was built originally in the 1970s for a Red Lobster.
6 During the time it was operated as a Red Lobster, Mr. Cascone
7 and his brothers purchased the property and continued to
8 allow Red Lobster to operate it. After Red Lobster closed
9 the building, it has been the home to a succession of
10 restaurants; Old Chicago, Tommy's, a local barbecue, and most
11 recently Tanner's Bar and Grill. About 21 months ago,
12 Tanner's closed its doors and the property has remained
13 vacant since that time. Mr. Cascone will tell you more about
14 the background and context of this application and his
15 efforts and the efforts of Mr. Cuda to lease or develop this
16 property as a restaurant. They failed in that -- those
17 efforts. They tried to lease or develop the property for
18 other commercial uses that are permitted under your zoning
19 ordinance but were unable to secure a tenant for those other
20 purposes. What they managed to accomplish was to identify an
21 operator who was willing to invest time, money, and energy
22 into operating a convenience store with gas at this location.
23 And that's where Mr. Farooqui will tell you about his
24 operations later in the presentation. So in addition to my
25 discussion, there will be a short presentation by Mr.

1 Cascone, Mr. Farooqui, and our architect, Mr. Ruoff. This
2 slide is simply a recitation of what I've just told you
3 about, this being a site plan revision, about the vacant
4 former restaurant building. This is permitted as a matter of
5 right, CP-3 districts, and additionally this slide identifies
6 that to the north of this site, to the south of this site and
7 to the west of this site are commercial uses. And I'll show
8 you a slide in a minute that illustrates. This slide is an
9 aerial photograph with the subject 6221 North Chestnut site
10 outlined in yellow, which is where the proposed convenience
11 store will be located. To the north immediately adjacent is
12 the Wendy's that is in operation. There is a 24 hour
13 laundromat to the north of that. To the south is the United
14 Missouri Bank and other commercial uses along the northeast
15 Antioch Road, which is the road that runs north and south
16 along the west side of this property. To the east side of
17 the property you will see the Woodlands single family
18 subdivision shown on this aerial. This is a time line
19 illustrating what happened a year ago, which resulted in a
20 denial of an application that was, some would say, similar to
21 the application before you tonight. And below that line is
22 the process we've followed since May of this year in
23 submitting the application that is before you tonight, which,
24 in addition to the neighborhood meeting staff mentioned,
25 which we held June 24th, we had a City Planning Commission

1 meeting August 19th at which Planning Commission is
2 recommending approval of this application.

3 What are the significant changes that have been made
4 since last year's application? Number 1, we've significantly
5 enhanced the rear landscape screening between the commercial
6 building and the residences to the east. Specifically 24
7 trees, evergreens, eastern red bud, pear and Juniper will be
8 installed along planting line separating the properties.
9 Also a six-foot fence is proposed to be constructed on our
10 side, which will be in addition to the existing fence that is
11 there erected by the neighbors. We are willing to locate our
12 fence in a way that is most helpful to blocking the view and
13 sounds of our activity from the neighbors to the east. We've
14 agreed to relocate the trash enclosure to the northwest
15 corner away from the residences, which is one of their
16 concerns. The lighting adjacent to the residences meets the
17 zero foot candle standards at the property line, so there
18 will be no light illuminating from light sources on our side
19 to the neighbors to the east. The building height has been
20 reduced. Mechanical equipment was originally proposed to be
21 on the roof, to be screened from the neighbors, but we have
22 since removed the mechanical equipment from the roof,
23 installed it on the ground. It will also be screened on the
24 ground from the neighbors and others. This is the -- these
25 are the regulations in the zoning ordinance that require that

1 this hearing be held before the City Council as a site plan
2 revision. Because, as I mentioned earlier, the use is
3 permitted as a matter of right in CP-3 districts. This
4 simply walks you through those regulations. A site plan is
5 required in this case simply because the analysis of the
6 staff was that the square footage of the items for sale
7 outside, and that is the gas pumps, will be greater than the
8 square foot items for sale on the inside or in the
9 alternative that the proceeds or the monetary amount from the
10 sales outside is greater than 50 percent of the gross income
11 of the premises. If either one of those conditions apply,
12 then a site plan review hearing like this shall be held.
13 This is a view of the zoning for this property. And, again,
14 our property is the yellow star in the red, cross-hatched
15 area which is planned CP-3 commercial districts. You'll note
16 to the north of us are commercial districts, not planned
17 commercial districts, those are the pure red areas, and to
18 the east, the yellow is the single family subdivision that we
19 abut. Northeast Antioch is a four-lane state highway that
20 has 27,000 cars approximately daily traversing north and
21 south on Northeast Antioch. It connects with four major
22 highways that are within four miles of the site; Missouri
23 210, Interstate 35, US 69, and Missouri 152. The commercial
24 areas on the east side of Antioch have mostly drive-through
25 fast food and/or CVS type uses, UMB Bank is also a

1 drive-through. So you have McDonald's, Wendy's, CVS, Wendy's
2 all drive-through facilities, and of course Wash House with
3 24 hour laundromat approved in 2018 in place of the QuikTrip.
4 Two other cases that I think are germane in considering the
5 application tonight. One is a recent gas station approval
6 adjacent to residential in Gladstone which was a Conoco
7 station at 58th Terrace and North Oak. That site plan was
8 approved a little over two years ago by the same council that
9 is considering the site plan tonight. In that case, the
10 residential set-back of 35 feet was varied or modified to
11 allow the facility to be 16.5 feet from the adjacent
12 residence. And you will see that the new facility in this
13 slide is going up on the right and the existing residence is
14 on the left. And in this case the residences share not only
15 the same street but residential uses are on three sides of
16 that facility. That facility was demolished and rebuilt at
17 3700 square feet, much closer to the homes than it was
18 beforehand. And it increased the number of fueling stations
19 that were allowed. In that case, there are no restrictions
20 on the hours of operation. The other case -- and this is a
21 slide showing the before and after effect on the adjacent
22 residential neighbor. This is the second case, the QuikTrip
23 at 72nd Street and Prospect Avenue. This site plan was
24 approved in November of 2015. Councilman Yarber was not on
25 the council at that time. Councilman Hill had his seat but

1 it was approved, allowing residential uses on two sides of
2 the store. Again, residences shared the same street or
3 entrance to the facility. A -- the older facility was
4 demolished and a new 5800-square foot store was built in
5 closer to the homes removing the existing tree screening that
6 had protected the existing homes. They doubled the number of
7 fueling stations and there are no hours of restriction of
8 operation on that facility. The top two slides show you what
9 it looked like before the site plan approval, and the two
10 below show what it looks like today, February of 2019. This
11 is the current view of our facility at Antioch and North
12 Chestnut, 6221 North Chestnut. And I would like to ask Mr.
13 Cascone to come up and talk to you and give you some context
14 about his family's ownership of this property and their
15 participation in Gladstone and what efforts he has made to
16 find another restaurant-type tenant. Mr. Cascone.

17 MR. CASCONE: Good evening, Mayor. My name is Jimmy
18 Cascone. I am the youngest of five brothers that grew up in
19 the Northland. We spent our whole life in the Northland.
20 And a sister who is younger than the boys. We've lived in
21 Gladstone, we, my wife and I and my family, live in
22 Gladstone. My brother Frank, his wife and family, he raised
23 his children in Gladstone. My brother Larry, before he
24 passed away, lived in Gladstone, raised his family in
25 Gladstone. As well as my nephew Victor who recently located

1 to Gladstone, also. So our roots are obviously north. We've
2 spent, you know, 65 years on North Oak Trafficway. In 1970
3 we had an opportunity to purchase a property on Antioch Road
4 deserted by Red Lobster to relocate to a more prolific area
5 up on Barry Road. They operated there for quite some time.
6 After they vacated the premises, we planned to go in there
7 and put an operation but were approached by a national
8 company called Old Chicago to take the space. They felt that
9 it met their demographics at the time going there. And they
10 did take it. And they had stayed there for about five years
11 and leased the property. At which point in time they
12 revamped their original decision and decided to leave the
13 property. We left the property vacant for a while trying to
14 figure out what we were going to do. At that time we had
15 nieces and nephews who were involved in restaurant business.
16 We thought it was an opportunity for us to do something a
17 little more casual than Cascone's on North Oak, and we turned
18 around and put a concept called Tommy's in there and it
19 operated for about 12, 13 years, until we lost two brothers
20 during that period of time and family got scarce. We decided
21 that it was in our best interest to focus on, for lack of a
22 better term, the Cascone name, which had the large restaurant
23 on North Oak and it also has a restaurant in Overland Park,
24 Kansas. We turned around and were approached by block and
25 company at that time, block turned around and found a -- what

1 they consider to be a suitable tenant, it was a barbecue,
2 Suzie Q's and they came in and didn't last long. Block was
3 more interested in getting the space leased. They did not
4 have the financial wherewithal to sustain the neighborhood.
5 Part of the issue with the neighborhood at that time dealing
6 with the restaurant and dealing with it today is the fact
7 that daytime business hardly exists for a full service
8 restaurant. Nonetheless, they turned around and they left,
9 the smoker was problematic in a neighborhood. And the
10 neighborhood, we have a vested interest in the Northland. We
11 are not going to let just something happen. We were
12 approached by a mutual business partner that Tanner's Bar and
13 Grill was looking to relocate from the Meadowbrook Shopping
14 Center directly across the street. And they came over. And
15 they operated for about five to six years. The space was
16 larger than what the proprietor had envisioned being able to
17 operate. And therefore, after lease negotiations and she
18 turned around and complied with them, decided to abandon the
19 property on a cold winter night and move back to Meadowbrook
20 Shopping Center. So the property has been vacant almost two
21 years today. UMB site next door, you know, I realize that
22 there are concerns about a gas station, et cetera, and I know
23 there is history of council members that aren't around
24 anymore, but that was a Zarda gas station which was adjacent
25 property to the location we are talking about. We spent

1 numerous efforts to release the property. They began
2 immediately. Initially worked with Block, but our fear with
3 Block was the fact that they would put just anyone in that
4 space and we didn't feel like that was the way for us to go a
5 second time. We hired Chuck Cuda and his company, local
6 developer, he had an office in the neighborhood, I knew
7 Chuck, I knew Chuck's reputation, and we decided to go that
8 route and give him the contract on the building. He showed
9 it to many restaurants. And believe me, we've thrown
10 restaurants at him right and left. We've contacted
11 restaurant owners both nationally and locally. It's not a
12 prime location for a national restaurant. We targeted more
13 local operators. We have spoke with gates, with Q-39, with a
14 number of barbecue restaurants. I think we had a couple of
15 Chinese restaurants in there, too. It just, at the end of
16 the day, the location just didn't match up. So we authorized
17 Chuck to search more broadly outside of the restaurant
18 business. Gladstone Urgent Care moved into the old Mosaic
19 building, Family Dollar, Dollar General, real estate offices.
20 We approached several full service car washes, dental
21 offices, even an Andy's Frozen Custard, you know, to go into
22 the space. We had approached Wendy's prior to Wendy's opting
23 to take the Lawson Bank, the vacated Lawson Bank space, which
24 we don't understand to this day. Besides the location we are
25 here about, there is another restaurant space that exists on

1 that corridor, and that is what it is, it is a corridor that
2 doesn't see much viable full service restaurant traffic. And
3 it's two blocks north of Chestnut property is located in what
4 used to be the North Prospect Shopping Center. May still be
5 called that. It had a sit-down restaurant in it. It housed
6 Stone Canyon Pizza, which ironically has now years later,
7 years and years later relocated to the North Oak corridor.
8 It also housed a Star Point Cafe, an Arcobasso's Restaurant
9 and another one I don't believe I know the name of at this
10 time. But it has now been empty and on the market and vacant
11 for close to 900 days. A full service restaurant -- as a
12 full service restaurant operator, I've come to realize that
13 the sit-down restaurant market in that area of Gladstone just
14 doesn't exist like it did 50 years ago. And as a business
15 owner, I try to keep track of how the market is and how the
16 market works for the neighborhood. And I'm not trying to
17 hoodwink Gladstone by changing what the property was
18 originally to what we propose or are asking for
19 consideration. All we are is a land owner and business
20 people that are coming to you. And the first thing that we
21 did do prior to any of this was made sure that the property
22 was zoned properly for the use which it's being proposed.
23 The bad part of it is, is that we have ongoing expenses, it
24 doesn't stop. The building is empty, that doesn't mean it
25 goes in limbo, you know. We have to maintain the building.

1 We repair damage from vagrants. People broke in last year
2 through a metal door and slept in the boiler room through
3 Christmas. They broke pipes, they stole copper. Everything
4 that vandals will do. There has been illegal dumping there
5 because it's dark, it's off the beaten path. But we still
6 pay utilities. We still pay insurance. And we still
7 maintain the property to the best of our condition. And now
8 we've seen graffiti being, you know, tattooed onto the
9 building also. So that is my case. I -- my family again
10 are, we are Northlanders life-long, I don't know if everyone
11 can say that, you know. But we are Northlanders life-long
12 and we take pride in the Northland. We take pride in
13 Gladstone.

14 MR. BOWERS: Mr. Cascone mentioned Mr. Cuda as the
15 developer of this site. And Mr. Cuda is an experienced
16 developer. He has developed the Country Club shops, Foxwood
17 Shops, Quality Plaza. His typical neighborhood retail
18 tenants are an animal hospital, pet grooming, pet supplies,
19 cupcake stores, ice cream, sandwiches, nutrition, realtors,
20 insurance agents and the like. Interestingly enough, I was
21 advised yesterday totally unrelated to this case that Mr.
22 Cuda has been named by the Northland Neighborhood Association
23 as good neighbor business of the year and will receive an
24 award to that effect October 18th at the annual breakfast at
25 Northland Neighborhood, Inc. So kudos to Mr. Cuda on that.

1 I would like to ask Mr. Ruoff who is the project architect to
2 walk through with you the site plan and the revisions that we
3 are making to the site to make this a first class convenience
4 store with gas. Bryan?

5 MR. RUOFF: Hello, I'm Bryan Ruoff, 3F30 Architects.
6 My job is to be mostly walk you mostly through the visual
7 parts of this. What you are looking at here is the view from
8 the neighborhood up the hill to the property. And if you see
9 the arrow right there, that is the top of the current
10 building. And with the latest proposals and drawings and
11 renderings we are not proposing to raise that at all. We'll
12 take the (inaudible) off the building and re-face the entire
13 building, which you'll see in a second with new materials.
14 But we are lowering -- taking all mechanical equipment off
15 the roof so there is no necessity to raise the building. So
16 that is a benefit in two ways. One is it lowers the visual
17 aspect of the physical building down so it's not as visible.
18 And, two, it cleans up the whole scenery of the roof line.
19 And I think this is all obvious, but if you need me to point
20 with a pointer the front of the building in the blue, which
21 will be to the left of the screen is the part of the building
22 we are proposing to remove. So if you've been in the
23 building, that is an existing bar area. We are going back to
24 an existing steel beam line and removing the front part of
25 that building. That gives us space to do what we want to do

1 in the front of the building. It also allows us to put a
2 whole brand new wall across the front. So that is why the
3 elevation of the front does not resemble what is there now.
4 If you look to the back, there is a porch back there, it
5 showed in an earlier picture that she had. The roof porch
6 will be removed. It is not an aesthetically pleasing aspect
7 and there is no need for it. So that will be removed. And
8 that allows us to put 35 feet of landscaping basically across
9 the entire east side of the property. You might also look in
10 this picture and see currently the trash enclosure is back
11 where it says 35 foot buffer right in that area, we are
12 proposing to move the trash enclosure all the way to the
13 front of the property where Wendy's is. So the trash
14 enclosure that is there now will not be close to the
15 residents. It will be at the back of Wendy's right down the
16 corner. And this is a black and white version of the
17 elevations showing that the elevations of the building that
18 are there now will not be in existence anymore. We are going
19 to re-skin the entire building, take off the (inaudible) we
20 are going to re-skin it with an EIFS stucco look. There will
21 be a natural looking stone across the front. And I have a
22 color one coming up. And a metal awning on the front. And
23 we are not sure it is going to be branded Phillips yet, but
24 it will probably be Shell Phillips. So I've got Phillips up,
25 but that is just temporary. This is a back view of the back

1 end where we are proposing. What you'll see is along the
2 bottom is the 35 foot set-back, we are proposing a fence
3 line, a new fence line through the middle of that. It has to
4 be strategically placed to allow for full growth landscaping
5 so the trees that you are seeing, the evergreen trees you are
6 seeing through there, if you look in the lower left picture,
7 those trees get to be up to 40 feet tall, 30 feet diameter.
8 And they are pretty fast growing so that will fill in fairly
9 quickly. The trees to the south side or, well, on this, the
10 lower side of that fence, which would be to the west, those
11 trees are the eastern redbuds. And you are seeing it in this
12 picture -- in an up-coming picture you are seeing it in a
13 spring bloom pink. But it would be green like a normal
14 redbud most of the year. We are also, where we had the
15 mechanical system on the ground, we are mixing in sky rocket
16 Junipers which are evergreens, smaller, taller, more compact
17 tree lines you see that along our lower mechanical fence
18 there. So Jim thinks this looks like cotton candy. But
19 those are eastern redbuds. We did differentiate the trees.
20 So the trees to the right are those large evergreen trees
21 that would be there full -- actually those aren't full growth
22 but they'll fill out and need a lot of trimming. There is a
23 fence line in the middle and you have the deciduous trees
24 that will be to the west side of that. And then I might add
25 the 250 foot of landscaping required at the sign as shown in

1 the lower, down at the very bottom around the sign, that is
2 all landscaped around the proposed monument sign. The area
3 to the west is going to be a small retention area that will
4 handle filtering of water coming through. This is a front
5 elevation of what I just described. I might point out I,
6 don't know if you can see it, but if you look carefully there
7 is an outline of the roof of the house roof lines behind
8 those eastern redbuds. It is seen in that background. So
9 when you get down to eye height, it is four or five feet
10 above the proposed new PVC fence. And then this is a
11 cross-section that we've shown in various capacities, and
12 this is, I updated it, so it was a little more readable and
13 more pertinent to a screen presentation. The red line across
14 the top is a section through the site and then on the -- at
15 the section at the bottom is corresponding, so each one of
16 those red lines corresponds with a discussion point in the
17 section, so we -- some of this is done with surveys. Some of
18 this is done Google Earth. This is a compilation of
19 information. But you can see the house to the east and you
20 can see the property line and the fence. And then you can
21 see the proposed fence and then you can see the end of the
22 existing building. Then you get to 156, that is the proposed
23 manhole location for the tanks. 199 is the dispenser, and
24 209 is where we are proposing to put the vents. We are going
25 to run the vents up through the front of the canopy.

1 MR. BOWERS: Bryan, that distance is from what to
2 what?

3 MR. RUOFF: Zero is at the house and then you add
4 those dimensions, add themselves up, they work their way up
5 to the east side of the property so the property line on the
6 east side is about --

7 MR. BOWERS: Location of the tanks are 156 feet away
8 from the nearest residential home edge.

9 MR. RUOFF: Well, that is mostly true. It is based
10 on that section. So because the property curves, those
11 dimensions change by three or four feet depending where I
12 take the section out. Not to be misleading, but I had to cut
13 the site somewhere. So this was a visual depiction of some
14 of the conversations that have occurred in the past. That is
15 the end of mine.

16 MR. BOWERS: Thank you, Bryan.

17 MR. RUOFF: You are welcome.

18 MR. BOWERS: As I mentioned earlier, we are going to
19 have the operator, proposed operator of the convenience store
20 tell you about his family, their operations in Kansas City
21 and Gladstone, as well as what they propose to do with this
22 location. Mr. Farooqui.

23 MR. FAROOQUI: Sajig Farooqui. Good evening,
24 Council and mayor. Our family has been in business,
25 convenience store business for the last 20 years. And we

1 have moved from Houston to Kansas city area in 2005, and
2 purchased our first convenience store at 75th and Troost
3 Avenue in Kansas City, Missouri. It was an old kiosk-style
4 Phillips 66 where the small building in the middle and pumps
5 on the each side and there is an automatic car wash behind
6 it. Recently, we have changed that and took the car wash out
7 and made a 3500-square feet building, convenience store
8 building and added a few more pumps to it, and it has
9 become -- people who have been there and looked at it, they
10 call it a mini QuikTrip. And as an operator, I am very much
11 impressed with QuikTrip model of business. They are doing
12 very well and they are very successful. So just being in the
13 area for almost 20 years, being in the business for almost 20
14 years, we are five brothers and total of four stations that
15 we own and operate. And one of the family members is always
16 at the store managing it. And recently we have received a
17 certificate of appreciation from Blue Hills Neighborhood
18 Association for doing a very good job in maintaining that gas
19 station on Prospect. 55th and Prospect. At this location,
20 we are considering to turn this old Tanner's building into a
21 gas station. As you can see on the drawings that it's going
22 to be almost 4800 square feet of building and it's going to
23 take a lot of work to turn that from Tanner's into a new
24 Phillips 66 gas station. We are going to have three cash
25 registers, small seating area for customers who want to have

1 lunch or what have you, separate men's and women's bathroom
2 for the customer's convenience, soda fountain bar, coffee,
3 and roller grill and pastry, similar model to QuikTrip as
4 well. If given the chance, it will be a great asset to this
5 area and the neighborhood. That is all I have to say. And I
6 hope you guys will consider giving us the opportunity.

7 MR. BOWERS: How about the operational plan?

8 MR. FAROOQUI: Operational plan is we are very
9 strong in security. We have security cameras, they are HD's,
10 state-of-the art security cameras. And in some 32 to 36
11 cameras, that is -- we have talked to our audio and visual
12 guy, and that store clerk visibility of all activities
13 because we are going to be the standing six inches higher
14 than the floor and those security cameras are 24/7 real time,
15 you can monitor it anywhere from your cell phone to through
16 remote access. Thank you very much.

17 MAYOR SUTER: Can you tell us all the locations you
18 currently have?

19 MR. FAROOQUI: 75th and Troost in Kansas City
20 Missouri. 55th and Prospect. 45th and Prospect. 72nd and
21 Highway 71 North. Hopefully this one, too.

22 MAYOR SUTER: Thank you.

23 MR. FAROOQUI: Thank you very much.

24 MR. BOWERS: Staff mentioned at the outset they were
25 recommending you adopt 15 conditions, if you choose to

1 recommend approval of the site plan. I would be remiss if I
2 didn't tell you we've reviewed all 15 of those conditions and
3 accept them. We've also talked to many of the businesses and
4 neighbors along Antioch and this site. This drawing
5 identifies who those neighbors are who have signed letters in
6 support of the project, and I have copies of those for each
7 of you as well as staff of those letters which reflect
8 support for the project as shown on the map. In addition,
9 there are a number of people here tonight in support of the
10 application and I would ask that they stand. Everyone here
11 in support of the application, please stand. Thank you. In
12 previous hearings there were four issues that I think the
13 neighbors brought up as their concerns. And those issues
14 were security, lighting, noise and property values. And the
15 conditions of approval address each of those. Security, the
16 staff is recommending limitation on hours of operation and a
17 second fence, both of which we are accepting. They
18 recommended we reduce the lighting on site so as to provide
19 zero foot candles at the property boundary line. We have
20 done that. Noise was a concern. We are limiting hours of
21 operation to address the noise concern. Movement of the
22 dumpsters was identified as a concern of the neighbors. We
23 have relocated the dumpsters and they are at a site that is
24 remote from where the neighbors are. There was concern about
25 deliveries, and we've reduced the hours for deliveries and

1 trash service pick-up. Finally, property values were raised
2 as a concern. The addition of a six foot privacy fence, the
3 landscape screening, and this is an important point, putting
4 a vacant building back in service, and I'm going to deal with
5 that in a little more detail. Security. We believe that the
6 neighbors' concern about security is misplaced. As Mr.
7 Cascone mentioned, a vacant building is a target of
8 vandalism. What all of the studies that we've reviewed seem
9 to confirm is that the worst thing for adjacent property
10 values is a vacant building. This building has been vacant
11 for, as Mr. Cascone said, almost two years now. The studies
12 suggest that a vacant building and crime rates are related.
13 The longer the periods of vacancy, the greater effect on
14 crime rates. Vacant building renovations are significantly
15 associated with city-wide reduction in crime. Again, these
16 are based on studies that have been produced by the United
17 States Department of Housing and Urban Development. One
18 study was in 2014. The other study was in 2015. But both
19 came to the same conclusion with respect to the impact vacant
20 buildings have on adjacent properties. And, finally, eyes on
21 the street and our security cameras will provide additional
22 security for the neighbors. The neighbors raised a concern
23 about health and the environment, the potential water
24 pollution problem that they perceive from the sale of
25 gasoline. We have hired civil engineers to study the storm

1 water run-off and produced plans to mitigate any potential
2 pollutants from this site entering the storm water by the
3 development of bio-swales that will collect the water from
4 the site and filter it before it enters the general storm
5 water system. Did I mention, one of the Double Check
6 employees is here tonight to answer any questions you have
7 about the gas station technology that is currently employed
8 based on the Environmental Protection Agency and the Missouri
9 regulations with respect to underground storage tanks and
10 fuel lines. At the last hearing, the neighbors cited to you
11 and the Planning Commission a California-area resources
12 board, so-called board recommendation, and they cited one of
13 the recommendations of that study that was not appropriate or
14 related to the site that is before you. The information they
15 had related to a super site, and this is not a super site.
16 This is a traditional or normal gasoline service station and
17 the California Resources Board recommendation for a site of
18 our type is that the dispensing facility be at least 50 feet
19 from the adjacent residence. Our, case we are three times
20 that. So we are more than following the recommendations made
21 in the California Resources Board study of gasoline service
22 stations. And, again, just to summarize what Mr. Ruoff told
23 you, the pumps are 190 feet from the residences. The vents,
24 the so-called vents that vent these tanks, are 200 feet, and
25 the tanks themselves are 150 feet. Property values, as I

1 mentioned, property values may be negatively impacted by a
2 vacant building. Development of this property will more
3 likely increase the value of the property rather than have a
4 negative impact on the value. There is a study on the impact
5 of abandoned buildings to adjacent residences done in 2001 in
6 the city of Philadelphia, Pennsylvania -- and I realize we
7 are not Philadelphia, but it was the only study I could find
8 that had an analysis of what a vacant building does to the
9 values of adjacent residential property. This study
10 determined houses within 150 feet of a vacant building are
11 reduced in value by about \$7500. And as you get further
12 away, 450 feet, a football field and a half, it still has an
13 impact of up to \$3500 per house. Not to say that is apples
14 to apples in this case, but it is an example of the type of
15 analysis that is done about vacant buildings or abandoned
16 buildings and their impact on adjacent property. Storm
17 water, I mentioned this development will actually decrease
18 the amount of impervious surface. What I mean by that is
19 there is surface area for the restaurant that is asphalted
20 that will be removed and be returned to dirt, and that is
21 along the east side behind our building, and will be planted.
22 That is the 35-foot planning area that will separate our
23 property from the residences. So the overall run-off is
24 decreased because we are decreasing the impervious surface.
25 The studies, and these are based upon a storm water drainage

1 letter we had prepared by our professional engineer last
2 year, we had it done again this year, and we've provided
3 staff with copies of those letters -- no on site detention is
4 required. The run-off from this site, the site drains from
5 the east to the west. So the back of our property is higher
6 than the front of our property. And so the drainage of our
7 site runs towards chestnut. It does not run towards the
8 neighbors to the east. Bio-swailes will be implemented on the
9 west side of the property to capture and treat run-off from
10 the fueling area via infiltration and plant absorption. So
11 we think we are addressing the storm water run-off areas that
12 have been raised. All of our team are here to answer any
13 questions you have. I appreciate your time and attention to
14 detail. We would ask that you respectfully recommend or
15 approve the site plan that we've submitted to you. Thank you
16 very much.

17 MAYOR SUTER: Any questions?

18 COUNCILMAN YARBER: Yes. You met with the nearby
19 homeowners.

20 MR. BOWERS: Yes, sir.

21 COUNCILMAN YARBER: About a month ago. If I recall
22 correctly they remained largely opposed to this?

23 MR. BOWERS: That's correct.

24 COUNCILMAN YARBER: Why do you think they remain
25 opposed to it?

1 MR. BOWERS: I think there are a number of factors
2 in play. I have been doing land use work for the last 40
3 years. What I know is a consistent factor is that neighbors
4 hate change. Any change. They fear change. The fear of the
5 unknown always causes concern in a case like this. Until the
6 store is up and operating and proves itself to be compatible
7 with the neighborhood and not a problem, I doubt that that
8 underlying fear is likely to change. But I see in case after
9 case after case which neighborhood fears are dispelled once
10 the development goes in and operates. That seems to be a
11 pattern. I think there is also some disbelief in the opinion
12 of our experts. For example, one of the property owners
13 immediately to the east of us is convinced that storm water
14 run-off is leaving our property and entering their property
15 to their detriment. That is why we had the second study done
16 by our civil engineer, to confirm that that was not the case.
17 Water does not run uphill. And I can't explain what to me is
18 unexplainable. I recognize their concern and I don't
19 discount it, but I can find no evidence to support their
20 concern about storm water run-off from our site. There are I
21 believe fears about sale of gasoline that are not based on
22 fact or not based on any of the studies and information that
23 we've discovered or reviewed. I remind you that there are
24 27,000 cars daily that go up and down Northeast Antioch ROAD.
25 That is who we will be serving, will be the motoring public

1 that is nearby. New trips will not be attracted to this
2 convenience and grocery store. It will -- we will serve the
3 existing traffic. So I wish I could give you a better answer
4 to your question, but I, certain things I can't explain.

5 COUNCILMAN YARBER: Thank you.

6 PRO TEM MAYOR MOORE: Mr. Bowers, do you have any
7 idea about the estimated volume of gallons of gas?

8 MR. BOWERS: We do. We have an estimate of -- I've
9 actually since forgotten that, I gave it to the Planning
10 Commission, and --

11 AUDIENCE MEMBER: I think it is 130,000 gallons per
12 month.

13 MAYOR PRO TEM MOORE: 130,000 gallons per month.

14 MAYOR SUTER: Okay, thank you. Is that all from the
15 applicant? Is there anyone from the audience who would like
16 to speak in favor of this application? You need to come to
17 the podium. In favor. Anyone want to speak in favor, I ask
18 you to come to the podium give your name and address for the
19 record. Thank you.

20 MR. COSTELLO: My name is Paul Costello Junior. I
21 own the property at 2900 Kendallwood and the property at 6420
22 North Prospect. One of the things I would just like for the
23 council to keep in mind is that there is not going to be a
24 new element introduced, to most of the people that are going
25 to come up and speak in opposition. Meaning that the

1 QuikTrip was there when they purchased their houses. And
2 that QuikTrip to the center of the neighborhood from the
3 pumps to the center of the neighborhood from our pumps is
4 less than 300 feet. So I just want to bring that to the
5 attention, that someone who has lived in that neighborhood
6 for over two years bought a property -- so I just want to
7 bring that to your attention. There are people that have
8 moved into that neighborhood since then, and maybe that is a
9 new element to them. But for the majority, the introduction
10 of fueling stations is not something that is new to that
11 environment and it should be something that you should take
12 into consideration, being the fact that it is a property that
13 is zoned for that. And that is all I want to say. Thank
14 you.

15 MAYOR SUTER: Is there anyone else who would like to
16 speak in favor? If you would like to speak in favor, please
17 take the podium.

18 MR. ARELLO: My name is Nick Arello. I am a
19 resident of the Woodlands. My neighbors might not like me
20 after this. I have been there 18 years. I also had a
21 business on Antioch Road for 18 years and that was 2121
22 restaurant. And I remember way back when I opened the
23 restaurant before Bob's IGA came along it was vacant for
24 years. And when they finally opened that store, my business
25 increased 35 percent. My point is, you've got progress being

1 done up and down Antioch Road from the Conoco to the Wendy's,
2 to the laundromat, all along there. Progress is being made.
3 You can't stop progress. This is a good thing. I don't want
4 my neighborhood to be in a -- next to a blighted building.
5 And the restrictions that this council imposed on this
6 project, I believe there was 15 items, with the buffer of
7 trees and the run-off of water, I don't know what the big
8 opposition is. I don't like the vacant building. Sorry.

9 MAYOR SUTER: Is there anyone else who would like to
10 speak in favor? Sir, if you would please take the podium.

11 MR. VITALE: My name is Tony Vitale. I own a couple
12 pieces of property right around the corner and I'm really
13 just wanting to say that I'm glad they found someone
14 dedicated to spend so much money like they are doing here and
15 bring it up to modern look, because the blighted building
16 that is there just really isn't good. That is all I wanted
17 to say.

18 MAYOR SUTER: Anyone else who would like to speak in
19 favor of the application? Anyone who would like to speak in
20 opposition? Please take the podium. You can make a line.
21 If you want to line up, that's great. Then we won't be
22 fighting over who is next. Thank you. Name and address,
23 please, for the record.

24 MR. CHERY: My name is Jack Chert. I live at 125
25 the Woodlands. C-h-e-r-y. Members of Council, Madam Mayor,

1 I'm from Haiti. Almost 20 years ago when I come to this
2 country my older sister who passed away told me one thing and
3 that is America is a great country, you can speak your mind
4 and all leaders will listen. And tonight I believe I'm in a
5 great position and I'm in front of five great people who will
6 listen to my little voice who barely speak English. If I may
7 ask this gentleman to put up the very first picture. That
8 would be my house and my neighbor. I believe the very first
9 picture. That is my house. There we go. Tonight I would
10 like to ask, how would you feel, Members of Council, if your
11 grandkids -- your child is playing in your back yard a few
12 feet away from a gas station? I'm from a country where life
13 does not respect -- and right now if you watch CNN or the
14 news, you see what is going on back in my country. The
15 reason why I'm here tonight, just because I feel free, people
16 will listen and they will take my life and my kids' life very
17 seriously. Mr. Cascone, I understand your pain as a business
18 owner, as a vacant property. The owner of 66, I understand,
19 you try to do business, give people job, also provide tax for
20 the City of Gladstone. November 2003 when I come to
21 Missouri, I picked Gladstone. Why? I loved the name, I love
22 the city, and it was clean and very beautiful city. I don't
23 remember, few years ago when Gladstone was the Number 1 City
24 because we all get together. I'm not asking for favor. But
25 Members of Council tonight, I'm asking you to do me one quick

1 favor, think twice. Later on if anything ever happened to my
2 kids, my grandkids, your grandkids play all the time,
3 something ever happened, go ask yourself how you going to
4 live to it while you are the decision maker and you did not
5 make the right decision, please. My English is very little.
6 I barely speak English. But I speak French very well.
7 Please, think twice. I know you are the decision maker. But
8 think about my kids, live here in a great country, land of
9 opportunity. That is why I'm here. I grew up in a very poor
10 family, mom and dad and six kids in one bedroom home, and
11 tonight I live in the Woodlands because of great country
12 called America. I believe in you. I know you will listen,
13 please. I am not against the business owner. I am not
14 against Mr. Cascone. But, please, life matters. Tonight I
15 am not talking about property values. But think about my
16 kids will play in the back yard, 130[sic] gallons of gasoline
17 fuel selling days and night, and, as you know right now,
18 there is so many crazy people out there. We don't know.
19 Please, once again, once again, tonight before you go to bed,
20 think twice about this little guy who barely speak English
21 come before you to ask you make the right decision. Even I
22 don't come to you, will say thank you, but you will go to bed
23 with your heart and if anything ever happen you will say, I
24 make the right decision. Don't think about the business, the
25 tax the City of Gladstone will bring because we people in the

1 Woodlands, we pay taxes as well. But think about my kids'
2 life, about my life, about her grandkids' life, please, I'm
3 here to beg, please, think twice. Thank you so very much.

4 MS. CLYNE: My name is Mary Clyne, C-l-y-n-e. I do
5 not live in the Woodlands, but I am a resident, a property
6 owner just north, two --

7 MAYOR SUTER: Sorry, for public record.

8 MS. CLYNE: 2704 Northeast 63rd Street. I was here
9 a few years ago, I was in a meeting with the Planning
10 Commission and with the City Council when Mr. Wagy, the
11 McDonald's wanted to re-zone and rebuild. And you may want
12 to take him off your neighborhood supporters, and I'm going
13 to make this real short, he showed pictures just like that
14 with the cypress growing beautiful, the retaining wall was
15 supposed to be eight feet from my property. It's four. He
16 was going to maintain it, mow it. And can I show you what it
17 looks like today? And it has looked like this for 16 years
18 since I've lived there. The only time he maintained it is
19 when he was seeking approval. I have a six-foot fence at the
20 back of my property, these weeds are higher than the six-foot
21 fence. It's been that way except for when they built it,
22 when they built the retaining. Wall, after they built it,
23 they left it, there was gravel all over the place. They
24 never cleaned it up. There was an orange net fence between
25 the QuikTrip and the McDonald's. It was there for -- well,

1 it was just taken down -- it blew down a year ago, they've
2 never mowed. I have to come into the City all the time
3 asking them to clean it and, you know, get out there. They
4 went out last week and told them that they had to mow. Which
5 they didn't. That is my concern. All of the promises, same
6 thing these people have told everybody here, were not kept.
7 The building was -- they were supposed to put the cypress --
8 there was supposed to be three feet from the privacy fence to
9 the retaining wall where they were going to build. They
10 built the property all -- extended it all the way to the end
11 of the retaining wall, and it's only about four feet from my
12 fence. That is my concern. They do not maintain. I don't
13 mind if there is a business put in there, but it looks great
14 in the front, but every person that lives behind it needs to
15 be given the same consideration and they need to maintain it.
16 So if you want to see the pictures, so you can maybe take him
17 off your neighborhood support list. Because it's horrible.
18 The weeds are about, some of them are 10 feet high. And it's
19 always like that, 16 years I've lived there. So I don't want
20 the people in the Woodlands or myself, the trash blows
21 everywhere all over the neighborhood, in the trees, Styrofoam
22 everywhere. That is my concern.

23 MAYOR SUTER: Thank you, ma'am. We do have property
24 owners who only respond when they get cited. That is a
25 problem.

1 MR. MALIK: Good evening, everyone. My name is Ali,
2 that is my first name, spelled A-l-i. Last name is Malik,
3 M-a-l-i-k. So if you look at that picture over there there
4 are two houses, the house that is immediately behind that
5 structure on that gas station which is being proposed is the
6 property where I live in. So just a brief background about
7 myself and then I will make my most important argument. So I
8 am a physician and I trained at University of Nevada Las
9 Vegas. I am a cardiologist in training and my wife is a
10 pediatrician. She works at Children's Mercy Hospital. I
11 work at the Mid-America Heart Institute. So not only am I a
12 physician, I am a physician scientist. I am actually in a
13 six or seven-year track to train to understand the risk
14 factors that make our cardiovascular disease the burden it is
15 today. That is the only argument I am going to make. The
16 rest of my neighbors have spoken very eloquently, but my
17 argument is simply one: That is health. We have two little
18 children, one of them is four years old and we have a
19 two-year-old son as well. So I don't know if many of the
20 people in this room realize this or not, but air pollution or
21 quality of air is perhaps the risk factor for cardiovascular
22 disease that has never been talked about. I am still
23 developing my research niche, but my niche is probably going
24 to be the impact of quality of air on incidents and burden of
25 cardiovascular decease. If you read again these are

1 scientific terms I might use, but the biggest scientific
2 journal in circulation I myself read this year published a
3 paper cited multiple times looking at impact of air pollution
4 which is particle matter that stems directly from how many
5 thousands of gallons of gasoline is going to be there every
6 month. And imagine you living right next to it. So I would
7 say my children play in the fence line right behind that and
8 that will be hardly 20 or 30 feet away from all of that
9 source of pollution. So this long-term exposure to this
10 pollution causes arteriosclerosis, leads to blocks,
11 deposition on the arteries causing heart failure, heart
12 attacks, strokes and whatnot. And this is not a one-time
13 exposure. I am personally speaking for my children and my
14 neighbors' children and my neighbors themselves most of --
15 and the people who are particularly at risk are people who
16 have other conditions like diabetes and older people. And
17 most of our neighbors, I don't mean to sound to be offensive,
18 are slightly older. So, I mean, we -- my wife and I are
19 probably the youngest in that whole area. But, again, this
20 is my only argument, I am not here to make any enemies. I am
21 only here to make friends. So this, if this gets approved,
22 this -- ourselves, like my family, my kids will be playing
23 there for the rest of their childhood and going into like for
24 years and years, for like 10 years, 15 years until they
25 finally go off or we move somewhere. We are not moving over

1 here, anywhere now because we just bought this property less
2 than a year ago and we are here for like -- as I said, my
3 training is six years. I am only the second year of my
4 training. So I just plead to consider the impact of this
5 proposal on the residents. And I feel like we are the one
6 family that is going to be affected the most because that is
7 our house right over there, the first house you see behind
8 that is our house. Again, where the gentleman who spoke in
9 favor cited numerous studies, and to be honest I don't care
10 about property prices or anything, the only thing I care
11 about is the health of my family. And there is a plethora of
12 undeniable evidence to the association of exposure to
13 everything that these gallons of gasoline will bring and
14 development of diabetes, hypertension, cardiovascular
15 disease, strokes and a four-year-old and two-year-old don't
16 deserve to be exposed to that. My wife and I had a choice
17 when we are were scouting areas to buy a house because we
18 knew we would be staying there the next six, seven years. Do
19 we buy closer to Mid-America Heart Institution, Children
20 Mercy Hospital Downtown? But we didn't want to go down
21 there. We wanted to be outside so our kids can be exposed to
22 cleaner air, they can have a back yard they can -- we feel
23 safe sending them out, they can play freely without myself
24 being worried about them getting exposed to all these fumes.
25 So I really plead you to think of our family like they would

1 think of their family and think twice before they think this
2 proposal merits approval. And just my only argument as I've
3 stated earlier is just the health impact. And there is
4 undeniable evidence in all reading medical journals and I can
5 cite those studies and bring those papers, engineers
6 absolutely, there was actually a review article in biggest
7 heart journal published eight months ago that summarized all
8 of the evidence, and I think that in itself should be enough
9 for the council to really consider not doing this proposal.
10 Thank you.

11 MAYOR SUTER: Thank you. Next.

12 MS. CLAYBORN: Hello, my name is Niesha,
13 N-i-e-s-h-a, last name C-l-a-y-b-o-r-n. I reside at 7042
14 North Olive, 64118. I am a full-time student at the
15 University of Missouri Kansas City double majoring in
16 psychology and communications. So words are going to fail me
17 and my public speaking is still a little bit sub-par so I
18 decided to just write this down. First I would like to
19 thank -- and I would like to first apologize for my attire.
20 It is a bit informal. I've been on campus all day. But I
21 felt the important need to be here tonight to address my
22 concerns with the panel as well as my fellow attendees. So
23 thank you for allowing me the opportunity to voice my
24 concerns again. And I am especially grateful after six years
25 of living in Gladstone that I finally get to meet my City's

1 mayor. So my political science professor, Dr. Melon, will be
2 proud. I will tell him that tomorrow. So most of us are
3 familiar with a city called Liberty. Not too long ago
4 someone came up with the brilliant idea to suffocate those
5 poor people with over-consumption of retail shops and it's
6 just cluster F to get through, right? So I'm not
7 particularly versed in when it Comes to the political aspects
8 of approving these sorts of things these, cites, however I do
9 know when this happens, the city is in some capacity being
10 compensated. So Gladstone doesn't need another gas station
11 on this small strip that we have. So there are gas stations
12 that serve our city from the north part of Antioch to the
13 east part of Antioch that is doing pretty significant for
14 itself I believe when I go. I ask you to keep in mind we do
15 have those gas stations located in these areas and we did at
16 one point have gas stations in that particular place which
17 was a QuikTrip. So it didn't turn out too well. I don't
18 think it will do that well this time. I understand the needs
19 to be able to occupy this space over here, Mr. Cascone. I
20 just ask that you consider a different option besides putting
21 another gas station. We really don't need it, okay? I
22 respect you. You've been around for a long time. I love
23 your family restaurants. So I just want to say that. So
24 please allow Antioch to be a smooth free-flowing street. We
25 don't need that congestion over there, please, I beg of you.

1 And, lastly, thank you for your time -- please consider the
2 harm we continue to create in our environment by allowing
3 another barrier like climate control by building another gas
4 station. Thank you all for your time.

5 MR. ALLEN: Matthew Allen, 6001 North Michigan.
6 Just a few points. Like Niesha said, between 72nd and Vivion
7 we have four gas stations there. As one of the 27,000 cars I
8 don't have any trouble fueling my car. As a young husband,
9 any of the real estate along Antioch I would be interested in
10 would be family businesses like restaurants, family day care,
11 or businesses in the arts, similar to Antioch Music that
12 closed in 2010. And the only thing that came up was when
13 Counsel Member Yarber brought up the meeting he had on the
14 climate change, and to his point, I just think that this
15 might be the time for our property owners and our City
16 Councils to start considering to entice electric fueling
17 stations like Tesla instead of fossil fueling stations.
18 Thank you.

19 MS. IMRAN: My is name is Sehyr Imran. S-e-h-y-r
20 i-m-r-a-n. I live at 129 the Woodlands. You met my husband
21 earlier. He spoke at length about the health aspects about
22 our family life and those impacts. A couple things I would
23 like to discuss are refuting a couple of points that were
24 made by those in favor of this proposal. And so one point
25 that was made earlier was that it is permissible and

1 therefore we should approve this plan. And I feel that that
2 is equivalent to saying, just because it is allowed, I'm
3 going to do it. And that is not how we should live our
4 lives, I feel. The second point that they made was northwest
5 and south are commercial areas so let's make this commercial
6 as well. And that's similar to saying, just because they are
7 doing it, I want to do it. And it's also similar to saying,
8 I got support from the surrounding businesses, and that to me
9 sounds like my friends said it's okay, so let's go ahead and
10 do it. I am a pediatric pulmonologist, so I am a certified
11 pediatrician and my area of passion and specialty is
12 children's lungs. My husband spoke to the cardiovascular
13 aspects of it. My son himself has asthma so I have stayed up
14 many nights not just with patients in the hospital but with
15 my own son at night checking his respiration, seeing if he is
16 breathing okay. And as you all know, the air quality is one
17 of the major determinants of how it affects our respiratory
18 illnesses, our airway health as well as asthma, which I'm
19 sure, as the statistics show, you or someone you love or one
20 of your friends has asthma or has dealt with it or has been
21 to the ER or urgent care seeking treatment, just because you
22 can't breathe. And that's no way to live. Imagine holding
23 your breath for 15 seconds, what do you do? You come up for
24 air. You just can't choke yourself just because it's such a
25 primitive response to want to breathe. We get air hungry.

1 Imagine how asthmatics live and how having a gas station just
2 in our back yard is going to affect the air quality. The
3 last point I wanted to make was the ozone layer and the water
4 seepage. As we know, those in favor of this proposal have
5 said that there is going to be minimum layer and minimum gas
6 leak risk. What is the risk right now when there are no
7 underground oil reservoirs? Zero. Regardless of what
8 safeguards we put in place, we can never say that with a gas
9 reservoir in place the risk is zero. So I agree that the
10 vacant lot is not appealing. Why don't we steer the
11 conversation into an eco-friendly alternative as opposed to a
12 gas station. Just because a gas station is a lesser of the
13 two evils when compared to a vacant lot doesn't mean you have
14 to choose it. We can choose something better. We need to
15 give back to mother earth. But what we are proposing to give
16 back is not worth giving back at all. That is all. Thank
17 you.

18 MAYOR SUTER: Thank you. Next.

19 MS. THEISSEN: Berna Thiessen, T-h-e-i-s-s-e-n. I
20 am at 123 the Woodlands. So on the picture I am the far
21 right side, but I'm still within, captured within the
22 picture. I spoke at the last Council meeting. I have great
23 concerns with the gas station going in because I have four
24 children. We bought this home to raise our kids in that I
25 adopted from foster care, and it is my job to protect them

1 and now it's just very -- I got upset last time. I am going
2 to always get concerned when I'm concerned about my kids'
3 welfare, the environment. I understand globally it is a
4 concern right now. But it is a concern in my home and it is
5 all of these reservoirs they talk about. All that that leads
6 me to believe is that it's not if a spill will occur, it's
7 when and what direction it will go in. Even if it goes in
8 the wrong direction, I don't want it near my property. I
9 can't find any medical studies that confirm that having a gas
10 station is beneficial. I would say, if anything, it is
11 completely the opposite. I think more studying needs to be
12 done in the area. And as you know, with all the current
13 climate change research they are doing, there is a lot of
14 unknowns here. And so the only known that I truly believe is
15 that having a gas station is going to negatively impact my
16 children. And, I mean, it's four children. We all have big
17 families. That is why we bought homes in the Woodlands. We
18 didn't buy homes so a gas station would be put in. So just
19 continuing to be concerned. I am very opposed. And I just
20 hope that you all will take that into consideration and think
21 would you want to live that close to a gas station? Would
22 you feel that your grandkids were safe life living that close
23 to a gas station? I would say the answer is no. I don't
24 know anyone that would choose that. I hope you guys take
25 that into consideration.

1 MAYOR SUTER: Thank you. Sir?

2 MR. CHAPMAN: My name is John Chapman. I live at
3 118 the Woodlands. I spoke to you last year before your vote
4 also, and I want to speak again. So I've been concerned
5 about the gas station and its effect on not only my house but
6 also my neighbors, specifically the ones that live very close
7 to the fence that border this property. So I've done some
8 research and I started by just going on line and looking at
9 gas station pollution. And one of the things that comes up
10 right away is articles about benzene. So what is benzene?
11 Benzene, I'm not a chemist, but it is a colorless, odorless
12 liquid and it is a carcinogen. That means it causes cancer.
13 It is particularly dangerous to young children. That is why
14 states have got set backs where you can't have a gas station
15 located within 300 feet of where children play or live.
16 Studies have been done, this is a known quantity. So where
17 do we get benzene from? What are the risks? There are two
18 primary sources I've read about. One is cigarette smoke and
19 the other is gasoline. So we all know about cigarettes,
20 right? That's pretty simple. So how do you take that out of
21 your life? Well, you don't smoke. If you did smoke, you
22 quit. But what do we do about the gasoline problem? Well,
23 the articles that I read propose three different
24 possibilities. One is you shouldn't work at a gas station.
25 That is literally in several of the articles, one by the

1 American Cancer Society that literally says, You shouldn't be
2 a gas station worker. It is a risk. The other is, and this
3 one really shocked me, is that you should fuel safely. Now I
4 want you to think about that for a minute. And most of us go
5 to the gas station about once a week, depending on our
6 driving habits, once every seven days we are at a gas station
7 for five to 10 minutes. And the American Cancer Society is
8 telling us, hey, that is dangerous. Be careful. Right? So
9 in other words, don't breathe deeply, don't get a big -- you
10 know gulp of air when you're gassing up. Now, that's an
11 admonition to people at a gas station for five minutes once a
12 week. What about my neighbors that are 24/7 going to be
13 downstream from this gas station? And then the last thing
14 they say, the third one is, and that is why we are here
15 tonight, don't buy a house near a gas station. That is all I
16 have to say. Thank you.

17 MAYOR SUTER: More?

18 MR. SINGH: Good evening, Mayor. Good evening,
19 Council Members. Everyone else. I'm Gurcharan Singh, I'm
20 the owner of Conoco, 15810 East Antioch. G-u-r-c-h-a-r-a-n
21 and the last name is S-i-n-g-h. I just wanted to start off
22 with a brief issue for a gas station that has been -- we took
23 this over about five years ago and recently in the last six,
24 seven months we've started the up-dates on the plan that
25 we've been trying to go through for about three years. And

1 the location itself, the gas station has been there about 30
2 years, so this is not a complete new proposed gas station
3 location there, so it has been there for a long time. We are
4 just upgrading it now. And we are investing a lot of money
5 into this right now, \$1.6 million into this site. And
6 between Englewood and 72nd Street we have three gas stations,
7 which is about a two-mile stretch. And we have two smoke
8 shops in there. We have multiple other retailers that carry
9 liquor and tobacco products. So I don't see anything
10 proprietary in this proposed plan that we have here tonight.
11 I'm just trying to make a point that there isn't really much
12 need for a gas station. I feel like it is going to reduce
13 the property values around the neighborhood and we've already
14 seen how un-approving the local neighbors have been in the
15 past. And even tonight we've seen the disapproval from them.
16 And so I would like to say that there are probably other
17 great uses for this property besides a gas station. So
18 please take into consideration. Thank you so much.

19 MAYOR SUTER: Thank you, sir. Any others? Sir?

20 MR. CLYMORE: My name is Joe Clymore. I'm at 127
21 the Woodlands, right directly behind the current -- what was
22 the restaurant. And I'm pretty sure -- we've been there for
23 16 years. I'm pretty sure that we wouldn't have bought the
24 house there 16 years ago if it had been a gas station behind
25 the house. We really have concerns about being that close to

1 gasoline. I know Jack, one side, he has kids, and the new
2 couple, they probably took the kids home, they were on the
3 other side, and they've got small children. Well, I've got
4 six grandchildren between two and nine, and they spend a lot
5 of time at our house. And I, as they felt, I have a real
6 concerns about the gasoline fumes and gasoline spills. And I
7 used to work in a gas station. We would get a lot of spills.
8 It would run over. I don't think it is as common as it used
9 to be. But you would put -- put the nozzle in the tank and
10 you go wash the windows and first thing you know the thing
11 runs gas all over the ground. So, anyway, really like you to
12 really think hard on the gas station. Thank you.

13 MAYOR SUTER: Thank you, sir.

14 MS. HUXTABLE: I had one question, since --

15 MAYOR SUTER: Name and address?

16 MS. HUXTABLE: Angel Huxtable, 3104 Northeast 65th
17 Terrace, Gladstone. When he was talking about the
18 development they were doing, he said it wouldn't be bringing
19 in new traffic to the city, is that right? If it's not
20 bringing any new traffic and it is not bringing any more
21 revenues, then what would the point of doing it at all except
22 for the risks? Because the City is not going to make any
23 more money. They are just going to separate the other
24 businesses, and people like myself will be moving out of
25 town. So you will actually be losing. So wouldn't it be

1 better -- but Mr. Cascone is a wonderful man and he makes
2 excellent food so I'm sure he'll come up with a better
3 plan.

4 MR. McINTOSH: John McIntosh, 135 Woodlands. I came
5 here about a year ago, I came before the Board to voice my
6 opposition against this particular site development. And as
7 some of my fellow community members have expressed, you know,
8 usually when you come and develop something you have a need
9 for it. There is a supply and there is a demand. And so
10 what I did, I just looked -- I took a drive along Antioch
11 which is also Highway One, and so we start at Antioch and the
12 I-35. You have a Phillips 66 gas station there. And then if
13 you go eight tenths of a mile north to Antioch and Vivion,
14 you have a QuikTrip. Then if you go another one mile north,
15 you have the Conoco gas station that is owned by the
16 gentleman who just spoke. That is three. Then if you go
17 another 1.3 miles down to Highway One and Avenue 72, you have
18 two gas stations. A QuikTrip and a Hy-Vee. Five gas
19 stations within 3.7 miles of each other. Now, Mr. Cuda and
20 his team wants to develop another one from the Conoco station
21 which is at Antioch and Kendallwood Parkway, down to -- I
22 can't remember the name of the street -- Chestnut, and that
23 is I think is about eight tenths of a mile. I don't see the
24 need for it. Councilman said there is 27,000 vehicles that
25 drive up and down in there, but, you know what, I drive up

1 and down there every day and I've never seen those gas
2 stations so busy where nobody has -- can just come in and get
3 their gas. So the need is not there. And I think one thing
4 we are overlooking as we come up and discuss this -- and we
5 all understand that they have a right to come in and develop
6 this. That is not our argument. But I think the thing we
7 are missing is the human aspect of this. I was here at the
8 City planning meeting last month or a couple of months ago,
9 and after we came up and voiced our voices pro and con
10 against it, then the Planning Commission gave their reasons
11 why they should okay this particular site development. And
12 one of the gentlemen, my antenna came up when he spoke, and
13 he said this, and I'm going to -- I can't remember, but it is
14 in the transcript -- the minutes if you were to read the
15 minutes from that, but the gentleman sat right here on the
16 end, I think he was the second from the end, a burly fella
17 with a beard and he said this, he said, since the age of 14
18 I've worked at gas stations and gas been all on my hands and
19 I've been dirt -- nothing has ever happened to me. I thought
20 he was very disingenuous to say that. Just because it
21 didn't -- he hasn't had any problems, well you tell that to a
22 mother whose child might have a preexisting condition and
23 tell that to her. Or I don't want to ask for a show of
24 hands, how many of, you know, that somebody, one person in
25 the family smokes cigarettes and the other person don't and

1 the one that don't ends up with the cancer. So he is going
2 to sit there and have the audacity to say because he worked
3 around gas that it's not going to affect anybody else. He
4 ought to be ashamed of himself to say that. So we need to
5 look at the human side of this rather than the legality side
6 of this. Because we know that he can do it, and my
7 suggestion to Mr. Cascone, and I respect him for living here,
8 he has tenders[sic] here and we all understand that, I
9 respect that, but I would tear the place down if somebody was
10 just coming in and breaking in and living there, tear it down
11 completely, you won't have that problem anymore. And sell it
12 to the City. Sell the land to the City and then we can
13 develop it into something. There is other options than just
14 coming in with a gas station. There is other options we can
15 do. So with respect to Mr. Cuda, the well developer that he
16 is, well, you know, if you go down the highway into 152, they
17 are starting some new development down there. Why don't he
18 go down there and develop a gas station? He'll have it all
19 by himself. I know Quick Pick is putting one, he can be on
20 the other corner and that is exactly -- Highway One to 72,
21 from 72 to Highway 152 is 1.6 miles. No gas stations. He
22 can go right down and develop all he want. And I'm sure he
23 will be welcome down there in that community. But why does
24 he want to come and mess with our peace and tranquility we
25 have? He hasn't came to us and asked what do we want as a

1 community. Why hasn't he come sit down with us, say you
2 don't want a gas station, what can we do? What can we get
3 together and negotiate to find something I can put here that
4 will satisfy the community? No. He just want to force
5 something on us. That's not the way it works. This is our
6 community. We live there. Now, it was asked by counsel how
7 many people here is in opposition, so I think I have the same
8 right -- I mean, how many people are for the project, I would
9 like to ask how many people who are in opposition to this
10 project, would you please stand? And live in the community.
11 And live in the community. Thank you. So you see, we have
12 people here that support it also. And we want you to look at
13 the human side of it rather than just the legal side of it.
14 It's okay to drink, but it is not okay to drink and drive.
15 Thank you so very much.

16 MAYOR SUTER: Thank you very much. One more.

17 MR. SMITH: My name is George Smith. I am 133 the
18 Woodlands. I serve the City of Gladstone on the
19 Environmental Management Advisory Committee. And therefore
20 the environment is very important to me. I think some of
21 these previous speakers have done a great job explaining the
22 concerns about benzene. My other concern that has not been
23 approached yet is the safety on Antioch Road. When you pull
24 out of McDonald's, you are taking your life in your hands.
25 There is a little rise in the road there where you can't see

1 and cars are coming too fast, it's dangerous, now we are
2 putting in a laundromat we are putting in a Wendy's and now
3 we want to put in a gas station. There is going to be
4 entirely too much traffic in that very short stretch of road.
5 I am opposed to it, and I hope you will join me.

6 MR. MEYER: Good evening, Jonathan Meyer. I live at
7 145 the Woodlands. Several other members of my community
8 have been very eloquent and touched on a lot of the points we
9 have discussed in a lot of our meetings. My wife Erin and I
10 are relatively new to Gladstone. We moved down from the
11 Harrison County area. My wife has contracted for several
12 years with the North Kansas City School District as an
13 orientation and mobility specialist. She works with students
14 in the district that are blind and visually impaired, teaches
15 them how to travel safely. When we made the decision to
16 relocate to the area, we first purchased a duplex just
17 outside of Gladstone so we could take time and find the right
18 home. We believe we've done that, we did that in the summer
19 of 2018. At that point there was not a heavy discussion
20 about the potential for a gas station right on the edge of
21 the neighborhood we were looking at relocating to with our
22 three children. The -- I'm familiar with Gladstone because
23 growing up my aunt and uncle lived in the community and were
24 teachers in the district and we got to spend a week at a
25 time, my sister and I both, come down and got spoiled by my

1 aunt and uncle. And it is a very nice community, a very
2 forward-thinking community. And looking on the website and
3 seeing there was a comprehensive plan set forth that looked
4 at how the community should develop and in that comprehensive
5 plan section 3.2 outlined some of the key planning issues
6 that the City was going to look to when developing and
7 building the community and reaching into the next millennium,
8 some of those were the new developments should be compatible
9 with the character of existing neighborhoods. That as older
10 commercial sites are re-developed, those properties should be
11 considered for new residential in-fill housing options. That
12 new development and redevelopment areas should include
13 pedestrian features and amenities that encourage walking from
14 nearby residential areas and there should had been community
15 sustainability encouraging green infrastructure and
16 buildings. So the council and the development group that
17 came up with this plan and strategy looked to those safety
18 concerns and viability of the community going into the
19 future. And in that comprehensive plan there is a future
20 land use map. In Section 311, this area that we are talking
21 about is right in the middle of an area that was proposed to
22 transition from general commercial to mixed use. Mr. Cascone
23 outlined a myriad of commercial endeavors that indicated this
24 particular site is not a desirable commercial location. It
25 would be appropriate for the City Council to follow that

1 comprehensive plan and transition this area to a mixed use.
2 One of the individuals mentioned the issues with maintenance
3 that they are seeing from the McDonald's location, and one of
4 the slides in this presentation showed the condition and the
5 maintenance of the building, the rear of the building
6 neighboring the neighborhood during a time when they are
7 actively marketing this property for sale. Why should we
8 believe that that lack of maintenance is not going to
9 continue with the development that that owner is proposing?
10 I would ask you to strongly consider not approving this site
11 plan revision. Thank you for your time.

12 MAYOR SUTER: Thank you. Anyone else who wishes to
13 speak?

14 MS. KUENZEL: Good evening, my name is Carol
15 Kuenzel, K-u-e-n-z-e-l. I live at 138 the Woodlands. I've
16 been a resident of Gladstone and the Woodlands community
17 since 2005. Before I get into my concerns about the proposed
18 site development, I want to thank you for the opportunity to
19 speak to you tonight. And I also want to thank the Council
20 and compliment the Council and the city staff on all the
21 great things you've done in downtown Gladstone. The Linden
22 Square and the summer concerts, my husband are there almost
23 every Friday night. Stone Canyon Pizza and the Summit Grill
24 and the iWERX, all of those are great additions to our
25 community, and I really appreciate those. And I also want to

1 say thank you to the City staff for always being responsive
2 to any questions I have directed to them. I have called
3 Austin several times and he has always been very -- he always
4 answers his phone, which kind of surprises me. And he has
5 always been really gracious to answer my questions, even if
6 they stray to strange things like goats, right? I attended
7 the June 24th meeting with Mr. Cuda and his legal staff, and
8 I also attended the Planning Commission meeting. So I want
9 to address a few things. Jonathan touched on some of them
10 because at the Planning Commission one of the commissioners
11 stated, did the proposal under consideration meet zoning
12 requirements and did it meet the requirements of the master
13 plan? So not knowing what the master plan was, I called
14 Austin and said, Can you tell me what this master plan is?
15 So what he did, he directed me to the Gladstone website and I
16 could access it there, and it was all 211 pages of it, which
17 I would say I read most of that. So I really wanted to frame
18 my comments about some of the things that were in that
19 comprehensive plan. So Jonathan mentioned that this property
20 sits right in kind of the middle of the Antioch Road Highway,
21 One Highway corridor. And the plan states that this corridor
22 serves as a primary north south travel route from I-35 to
23 M-152 highway. For Gladstone to continue to be a thriving
24 community in 2030, it is important to focus on strategic
25 revitalization and redevelopment opportunities in the

1 corridor that will maintain the health of existing
2 neighborhoods and provide necessary services and retail needs
3 of the residents. And it also states that those improvements
4 should safely accommodate all users, including pedestrians,
5 bicyclists, transit riders, children, older individuals,
6 disabled individuals and motorists. George happened to
7 mention the amount of traffic, and that is the first thing I
8 want to address, the safety concern of the amount of traffic
9 that is in that concentrated area. If you get in your car
10 and you drive north from the stop light there at Brooke Tree
11 Lane, you travel about half of a block before any traffic
12 starts coming in and out of Antioch Road. You then get
13 traffic that comes in from North Chestnut. You could hit
14 traffic that will come in from the Wendy's. You have traffic
15 that comes in from the McDonald's. You have the new
16 laundromat. You have Antioch Road that curves off. And you
17 have Commerce Bank that is all in probably the amount of room
18 that is a football field. That is a lot of in-and-out
19 traffic. If you would turn around and come back down 64th to
20 Brooke Tree Lane, you have, on that side of the road you have
21 the ballet school that is a commercial property. You have
22 two auxiliary roads that feed into that site which are I
23 think North Wabash and Northeast 63rd Place, and you have
24 eight residential units that the only way in and out of those
25 properties are their driveways that feed into Antioch Road.

1 So with 27,000 cars that are going up and down that road and
2 added traffic that is going to be coming in and out if this
3 gas station is successful, that is just dumping a lot of
4 traffic into that one concentrated area. The other thing a
5 lot of our people have touched on is that really the need for
6 this type of service. We already have five gas stations.
7 Three of those are in Gladstone. Let's not take a pie that
8 is this big and divide it up by six people now instead of the
9 five. We are not bringing -- I don't see bringing any more
10 tax revenues into our city, it is not bringing non-residents
11 into our city that is going to spend money someplace else.
12 It was also touched upon the property values that are next to
13 and abandoned. You've heard several residents say, I don't
14 want to live there with my small children, maybe they decide
15 to sell their properties and sell it for a low price. That
16 does affect my property value, because should I want to sell
17 they are going to look at that comp. They are going to look
18 at what that property sold for and establish a value for
19 mine. So it does have an economic impact on all of the
20 residents. And then my last thing is at the December council
21 meeting Mayor Suter you stated the following, the major
22 success of community is often the measure of trust between
23 the citizens and elected officials, when people make
24 investments in their homes and where they are going have
25 their families live and be raised, that is based on the trust

1 of the community -- trust that the community is going to
2 respect those investments and somehow try to preserve them.
3 I served as treasurer of the Woodlands Homes Association the
4 last three years and I wanted to share with you the
5 investments our residents have made in our community through
6 paying their homes association dues to help value -- maintain
7 the values and improve the assets of our community. In the
8 last three years we've spent \$125,000 on our community.
9 These are on assets of our community that we saw that needed
10 to be either improved because they were deteriorating -- our
11 community is 30 years old. But we have replaced a fence
12 along Brooke Tree Lane, that was \$15,000. We've resurfaced
13 our pool parking lot, that is \$15,000. We repaired a stucco
14 wall on the east and west sides of our neighborhood entrance,
15 \$37,000. We renovated the gate house at our main entrance.
16 That was \$20,000. If you are familiar with our neighborhood,
17 we have an abundance of trees in our neighborhood and that is
18 why so many of us love our community. We've also implemented
19 a comprehensive tree program that addresses, you have a tree,
20 you gotta take care of it. So pruning our trees, removing
21 our dead and deceased trees. We started a program on our ash
22 trees where we are removing all of the deceased and dying ash
23 trees. And the ones that the arborists identified as being
24 savable, we've started a treatment program for those. So for
25 the next three years our neighborhood is going to be spending

1 an additional \$58,500 on capital improvement projects, and
2 that is not -- in addition to probably an additional amount
3 on our trees. So in closing what I would just wanted to say
4 is, as stated in the -- your competency plan, Gladstone on
5 the Move, the goal was to build a future of which Gladstone
6 realizes its full potential as the ideal 21st century
7 community and we become the jewel of metropolitan Kansas
8 City. I would like to ask the council to help us keep our
9 neighborhood the Woodlands safe, economically sound, and for
10 it to be the jewel of Gladstone by voting no on the proposed
11 site proposal plan. Thank you.

12 MAYOR SUTER: Anyone else? We are on opposition.
13 Anyone else who wants to speak in opposition? Any additional
14 information, council? Questions? I would like to ask our
15 City Counselor Chris Williams to make a comment.

16 MR. WILLIAMS: Mayor, we would like to enter some
17 documents into the record as exhibits, if you don't mind.
18 Exhibit 1 are the documents that are included in the council
19 packet for the public hearing this evening. Exhibit 2 is
20 Title VII zoning and planning, zoning and land planning
21 ordinance of the City code. Exhibit 3 are the newspaper
22 publication notices of the public hearing for this evening.
23 Exhibit 4 is the PowerPoint presentation by Mr. Bowers at the
24 public hearing. Exhibit 5 are the December 10, 2018, City
25 Council meeting minutes regarding the previous site plan

1 revision application. And Exhibit 6 are the letters in
2 support of the project presented at the public hearing by Mr.
3 Bowers.

4 MAYOR SUTER: Thank you. All those items exhibits
5 will be accepted for the record. Duly noted. Thank you.
6 All right. If counsel is set, then we are going to close
7 this public hearing.

8 (Hearing closed.)

9 MAYOR SUTER: Thank you so much for everyone who has
10 participated. It is very helpful for us to hear from all
11 sides, every time that we entertain a proposal for just about
12 anything in the city. Following the hearing you'll notice
13 Item 18 is first reading of Bill 19-41 which is an ordinance
14 to approve the site plan revision for 6221 North Chestnut.
15 I'll entertain a motion.

16 COUNCILMAN MALLAMS: I move to accept the first
17 reading of the bill 19-41 -- correction, Mayor Suter, I move
18 to place bill Number 19-41 on its first reading.

19 (Motion seconded and carried.)

20 (Madam clerk read bill.)

21 COUNCILMAN MALLAMS: I move to place the bill on the
22 second reading.

23 (Motion seconded and carried.)

24 (Madam clerk read bill.)

25 COUNCILMAN MALLAMS: I move to accept the second and

1 final reading of bill Number 19-41 and enact the bill as
2 ordinance Number 4.492.

3 (Seconded.)

4 MAYOR SUTER: Discussion?

5 MR. YARBER: I will go first, I certainly -- I
6 respect Mr. Cascone's commitment to the Northland, also
7 greatly love his fettuccine alfredo. Kudos to Chuck Cudo for
8 developer, as a developer. The operator, this is, you
9 operate a place exactly the way we would want it operated. I
10 think -- I highly respect how you come in and make a business
11 successful. The changes that you propose to the building are
12 great, the landscaping, all of these things are great, except
13 for one thing, the location. We have a business that by its
14 nature is a dispensing a liquid that is by the nature of
15 gasoline easily evaporated. When it burns in a vehicle it
16 actually becomes fumes so. The fact that it is fumes is what
17 gasoline is supposed to do. And so even in the best case
18 scenarios, you are still introducing benzene to the
19 neighborhood. It is odorless. It is colorless. You won't
20 know if your kids are playing out in a yard breathing it. We
21 did approve changes to a station, certainly since my time on
22 Council, but as was pointed out, this is an existing station.
23 The people that moved into the neighborhood sometime in the
24 last 30 years were well aware that there was already a gas
25 station there. No one -- I don't think anyone anticipated

1 when they moved in into their current neighborhood that in
2 the Woodlands that the right across their back yard fence
3 would be a gas station. So for that there are certainly
4 other issues I could bring up, but that alone I will be a no
5 vote on this.

6 MAYOR SUTER: All right.

7 COUNCILMAN MALLAMS: I would like to thank everyone
8 for sharing your values, your beliefs this evening. The
9 project involves amending a site plan. It does meet city
10 requirements. I believe that there have been significant
11 revisions that have been agreed to. Again, I see both sides
12 of this situation. But I will say that I will vote in favor
13 of support of the site plan revision.

14 MR. CHAIRMAN: Thank you. Mayor Pro Tem.

15 PRO TEM MAYOR MOORE: As the Council representative
16 to the Planning Commission, I have had the opportunity to
17 hear this testimony multiple times. This is a difficult
18 decision and one that I do not take lightly. I have been
19 approached multiple times to be in favor of this development
20 by good neighbors who are here tonight. I have the utmost
21 respect for the Cascone family and the deep roots and
22 contributions to the Northland and specifically to Gladstone.
23 However, I continue to be extremely concerned about the
24 negative impact and material injury that this proposed
25 development will have on this adjacent community. Especially

1 in terms of health, the environmental impact, and traffic.
2 For these reasons, I simply cannot support this site plan
3 revision.

4 MAYOR SUTER: Thank you. Councilman Garnos.

5 COUNCILMAN GARNOS: Thank you, Mayor. My comments
6 and concerns on this issue are the same as when this issue
7 was before us on December 10th, 2018. Even though we were
8 blessed with a 247 page packet for tonight, it didn't include
9 the minutes from the previous time we discussed this, and I
10 am pleased that that has now been added to the record. So I
11 would like to simply refer to my previous comments on the
12 record and not go over the same thing I said when this was
13 before us before. I haven't seen anything new since then
14 that would cause me to change the vote I made at that time.
15 I'm sorry for the residents of the Woodlands who oppose this.
16 I applaud their effort to bring their concern to City staff
17 and to the Planning Commission and to the City Council. I
18 appreciate the concerns. I really do. I'm a parent also. I
19 don't want a gas station there either. But this application
20 has been in compliance with our zoning requirements. It has
21 been recommended for approval by City staff twice. It has
22 been recommended for approval by the Planning Commission
23 twice. And the developer has agreed to 15 specific terms and
24 conditions for its approval. I would also note that now that
25 we have the privilege of having attorneys involved in this, I

1 don't want to subject the City to any unnecessary or costly
2 litigation over this issue. And on that basis I'll be voting
3 again to approve the project. Thank you.

4 MAYOR SUTER: Thank you, Councilman Garnos. Last
5 word goes to the mayor. So I want to reiterate I appreciate
6 your reading my own comments from my last -- from our last
7 meeting, because I echo those. And as Councilman Garnos
8 said, I don't need to say all that again. So if you haven't
9 seen that, read the minutes. I do believe that the public
10 trust is the key to a successful community and that's what we
11 are here to serve and to do. Several things of course are
12 different for me, and I think for all of us on Council since
13 the last meeting, and that is that a great deal of material
14 has been provided, a lot of research. And we have all had
15 this for some time. So Council members have had the
16 opportunity to review everything that was submitted. Let me
17 first address a few of the items that have come up in the
18 course of this conversation. I too appreciate interest in
19 investing in Gladstone and making this a successful
20 community. All of us of course have chosen this community
21 for its quality of life. Whether you've lived here for 50
22 years or for two years, or for eight months, as some people,
23 we all made that same decision. And I think more and more in
24 recent times Gladstone's unique progressive invigorating kind
25 of revival is the reason that more and more people are

1 interested in moving here and why the real estate values
2 continue to be high here. But a number of things I said are
3 different. One, the issue about the Planning Commission
4 giving its approval, and it's hard for citizens to understand
5 but Planning Commission has a different job from the City
6 Council, and they have a very narrow purview about land use.
7 So the fact that this property is already zoned is kind of
8 most of their issue. The City Council is empowered to
9 consider other considerations in the health and well being of
10 the community. So we are not bound by -- the Planning
11 Commission's decisions are really just recommendations to the
12 City Council. They are not effective in any other way
13 legally. They are just recommendations like all of our
14 boards and commissions pretty much make recommendations to
15 the City. I appreciate the struggle with trying to find an
16 appropriate use for this property. The City has gone through
17 that same kind of struggle as we've developed downtown. Like
18 to look at Summit Grill as kind of one of those good
19 examples. The City actually leases that space. We have
20 leased it since the Heights was built. And we have hung in
21 for five years of paying rent on empty space and we've turned
22 down proposal after proposal for things we knew the community
23 did not want to go in that space. We knew we wanted a full
24 service -- used to call it white table cloth but nobody does
25 table cloths anymore -- restaurant and full service bar, and

1 we hung in and it cost us, but the payoff has been fabulous
2 and we have one of the finest facilities in the entire
3 Northland. And so having patience, yeah, pays off a few
4 months, I'm -- I feel sorry for you because I know money is
5 at stake, but it is not causing me to stay up at night
6 because we've invested a lot more time and patience waiting
7 to develop things we want in Gladstone, and on Antioch there
8 is Applebee's, which is, as far as I know, a full service
9 restaurant that seems to be successful in its spot serving
10 lunch and dinner. So there are other opportunities there.
11 The concern about the maintenance of the property, I've been
12 on Council almost 13 years, and this is one of my bugaboos
13 that I do get on staff about from time to time, we put a lot
14 of conditions in these proposals and it's always about
15 landscaping and maintenance and this and that, and I have to
16 admit that more often than I like to see that the conditions
17 are not met. And we spend a lot of time and energy for years
18 with code enforcement making people do the things that they
19 said that they were going to do in these proposals. So I
20 also have to say I look at those conditions with a bit of
21 skepticism. It would be nice if trees could be planted 20
22 feet tall already. They aren't going to be that for a very
23 long time. They are not all going to survive. They are
24 going to die. And then we have to start over again. That
25 kind of stuff just happens all the time. The fact that the

1 property is not well maintained currently is a concern of
2 mine as well because, if you are trying to sell it, looks
3 matter. So things don't always kind of pan out. Other
4 projects, the other two gas stations that were mentioned that
5 have been expanded or remodels were existing gas stations.
6 If they were coming with a new proposal to put a new gas
7 station, I would be opposed to those. But they were existing
8 gas stations and we are not in the business of running
9 business out of town. We are not in the business of
10 prohibiting businesses from being successful that already
11 exist here. We do value the renewed investment. But mainly
12 I want to talk about health, physical health of the nearby
13 residents and the wider community kind of in general. And
14 benzene was the thing that was kind of mentioned that the
15 applicant quoted California regulations, CARB regulation,
16 that was established in 2005. This is 2019 and a lot of
17 things have changed in the universe, including science and
18 technology and our understanding about the environment around
19 us and all kinds of things. So I kind of equate gas stations
20 and fumes and leakages with cigarette smoking, which people
21 who smoked cigarettes for decades, more than decades, a
22 couple centuries before we admitted it actually killed
23 people. And then it was decades before we figured out that
24 secondhand smoke was deadly for people who live in the
25 environment. And then we figured out that occasional

1 secondhand smoke was deadly. As cities -- we went through
2 those whole phases where restaurants had smoking and
3 non-smoking sections, well, you can't partition off the air.
4 We are all breathing the same thing. As we all started to
5 ban smoking in public places what we learned was that in
6 every single jurisdiction when smoking was banned the
7 incidents of heart attacks went down in those cities. And
8 that is because even incidental exposure to secondhand smoke
9 can be deadly. And we know that because, as science and
10 technology advances, we get better testing mechanisms. We
11 are able to understand things in smaller quantities. We are
12 able to do longer term studies so we understand the effects
13 of things a lot better as time goes on. So now we know there
14 is no safe way to be around smoke, cigarettes, and now
15 vaping, you know, that was supposed to be the safe way for
16 people to stop smoking, and now we are finding out that it
17 kills and it kills young people. The more we know, the
18 better decisions we can make. And so I'm really persuaded by
19 studies done recently, 2018 by researchers at Columbia
20 University and Johns Hopkins University funded by the
21 National Institutes of Health that say that the presence of
22 benzene in the air is far more prevalent than ever thought,
23 that in amounts we didn't used to be able to measure, go much
24 farther than 100 feet, more than 300 feet beyond gas
25 stations. We've also learned, because we can do testing so

1 much better today, that even the tiniest amounts of gasoline
2 spilled seeps all the way through concrete to get into the
3 earth and then it travels in lots of ways we still don't even
4 understand. The CITY owns a piece of property that used to
5 be a gas station. It has been vacant for at least 25 or 30
6 years and we are still in the process of trying to get the
7 ground cleaned so that that property can be resold. Stuff
8 moves. And it isn't contained by putting up trees or a
9 fence. So I'm very concerned about the health of the
10 residents, especially children. Very little research is ever
11 done on the effects of children -- of things on children.
12 The other is real estate valuation, because I think at the
13 end of the day you made investments, those people who live in
14 the Woodlands, on a piece of property that happens to be my
15 profession, I am a residential real estate investor. I
16 wouldn't buy property to flip or rent or even live in myself
17 next to a gas station. As people are more and more aware of
18 the health hazards, I think it is a challenge for us in all
19 communities to figure out how we clean up things that have
20 been there for a long time. And how do we find alternatives
21 that can prevent the damage or harm that comes from some of
22 these continuing pollution problems? The quality of the air
23 matters to everyone in the community, but particularly to
24 those of you who live very close. And so I also believe that
25 putting a gas station this close to a residential area is --

1 will cause material harm to all of the adjacent properties
2 and even beyond. So I can't support this application either.
3 Any other discussion? Okay. Hearing none, Madam Clerk,
4 please call roll.

5 MADAM CLERK: Councilman Kyle Yarber.

6 COUNCILMAN YARBER: No.

7 MADAM CLERK: Councilman R.D. Mallams.

8 COUNCILMAN MALLAMS: Aye.

9 MADAM CLERK: Councilman Bill Garnos.

10 COUNCILMAN GARNOS: Aye.

11 MADAM CLERK: Mayor Pro Tem Jean Moore.

12 MAYOR PRO TEM MOORE: No.

13 MADAM CLERK: Mayor Carol Suter.

14 MAYOR SUTER: No.

15 Bill 19-41 fails and the application for site plan
16 revision is rejected. Item Number 19, any other business to
17 come before the good of the order? Hearing none, we'll stand
18 adjourned. Thank you, ladies and gentlemen.

19 (Adjourned.)
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C E R T I F I C A T E

I, Nicole M. Calcara, Certified Court Reporter, do hereby certify that on September 23, 2019, I was present and reported all of the proceedings in the Gladstone City Council Public Hearing; I further certify that the foregoing 73 pages contain a complete and accurate transcription of the proceedings.

/s/ Nicole M. Calcara, CCR
Nicole M. Calcara, CCR

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