

AN ORDINANCE GRANTING A SPECIAL USE PERMIT SUBJECT TO CERTAIN CONDITIONS TO JOYCE VOGT FOR OPERATION OF NAIL SALON ON PROPERTY AT 2201 NORTHEAST 56TH TERRACE.

WHEREAS, Pursuant to Section 32-39 of Ordinance No. 2.292 being the Gladstone Zoning Ordinance, public notice was made of a request for a Special Use Permit on property at 2201 Northeast 56th Terrace, legally described as Lot 8, Block 4, West Englewood; and

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

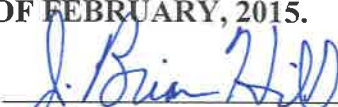
WHEREAS, the Planning Commission of the City of Gladstone did submit its recommendation to the City Council for approval.

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


SECTION 1. That Joyce Vogt is hereby granted a Special Use Permit for operation of a nail salon at 2201 Northeast 56th Terrace, the effective date of which shall be the enactment date of this Ordinance and expiring **ten (10)** years from such date, all subject to the following conditions:

1. Joyce Vogt shall maintain a License as required by the State of Missouri. If for any reason the State of Missouri revokes or suspends the license of Joyce Vogt, this Special Use Permit shall also be automatically revoked or suspended.
2. This Special Use Permit is to be issued to Joyce Vogt to be used at this residence only. If she relocates to another residence, she must reapply for another permit. This Special Use Permit is to be non-transferable to another person either living at this residence or at any other location.
3. No person other than Joyce Vogt shall be employed at this location or any other address in association with the nail salon operated by Joyce Vogt.
4. Hours of operation shall be limited to 9:00 am to 6:00 pm a maximum of four (4) days per week.
5. Joyce Vogt shall reside at this address for this permit to be valid.
6. Joyce Vogt shall apply for and maintain all applicable State and City business and occupational licenses.
7. All fire safety requirements made by the City of Gladstone Fire Inspector in addition to all fire and other safety requirements for such State License shall be complied with and maintained as required.
8. No structural changes shall be made to the house or property for the purpose of operating the nail salon other than those structural changes required by the State of Missouri or the City of Gladstone pursuant to the City Code. The intent of this requirement is to ensure that the premises shall maintain its residential character throughout the term of this Special Use Permit.
9. This permit is issued in accordance with the submitted site plan of the house supplied by Joyce Vogt in her application for a Special Use Permit. Any false statements in the application or violation of these conditions or other City Code requirements may result in the revocation of this Special Use Permit.
10. No outside signage shall be placed on the property.

PASSED, SIGNED, AND MADE EFFECTIVE BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 9TH DAY OF FEBRUARY, 2015.


J. Brian Hill, Mayor

ATTEST:


Ruth E. Bocchino, City Clerk

1st Reading: February 9, 2015

2nd Reading: February 9, 2015



P.O. Box 10719
GLADSTONE, MISSOURI 64188-0769

7010 North Holmes
GLADSTONE, MISSOURI 64118-2646

816-436-2200
816-436-2228 FAX

MEMORANDUM

TO: Planning Commission

FROM: Chris Helmer, Planning Specialist

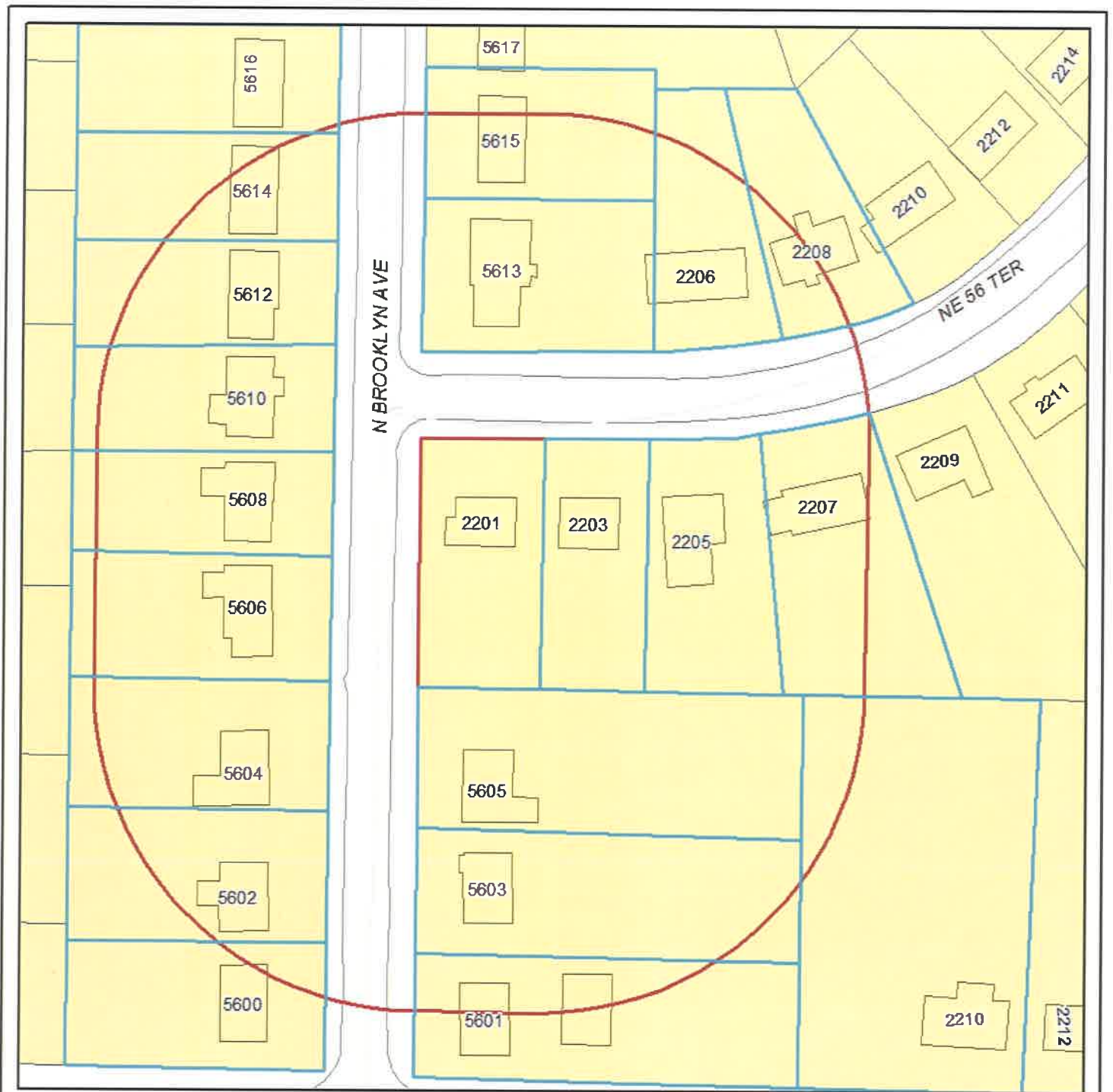
DATE: January 22, 2015

SUBJECT: **Renewal of Special Use Permit – Nail Salon (2201 NE 56th Terrace)**

An application has been submitted for the renewal of a Special Use Permit for the operation of a nail salon at 2201 NE 56th Terrace. The applicant has been operating under a (5) year SUP with no apparent issues brought to the attention of City staff. Staff is recommending the Commission and Council consider the renewal of this permit for the nail salon operation and with a (10) year permit duration.

Judgment of this issue is at the discretion of the Board. Enclosed with this report are documents relevant to the applicant's request.

Planning Commission Action: On February 2, 2015 the Planning Commission voted in favor of the request.



0 30 60 120 180 240 Feet

PROJECT NAME

PROJECT NO.



January 2015

Special Use Permit Renewal

2201 NE 56th Terr

CITY OF GLADSTONE

COMMUNITY DEVELOPMENT DEPT.
7010 N. Holmes, Gladstone, MO 64118
Telephone: (816) 436-2200

Chris Helmer - Re: Gladstone Special Use Permit

From: Joyce Vogt <joycedvogt@gmail.com>
To: Chris Helmer <ChrisH@gladstone.mo.us>
Date: 1/22/2015 1:02 PM
Subject: Re: Gladstone Special Use Permit

I am requesting a transition from a 5 year permit to a ten year permit. Thank you for your time.

On Thu, Jan 22, 2015 at 11:05 AM, Chris Helmer <ChrisH@gladstone.mo.us> wrote:

Good morning Joyce:

I am putting together the staff packet for your SUP renewal. If you could, you could write me back in an email to request the transition of a (5) year permit to a (10) year permit and we will make that a part of our recommendation. Thanks.

Chris Helmer
Planning Specialist
7010 N. Holmes
Gladstone, MO 64118-2646
[\(816\) 423-4109](tel:(816)423-4109)
Fax: [\(816\) 436-2228](tel:(816)436-2228)
www.gladstone.mo.us

PLANNING COMMISSION
GLADSTONE, MISSOURI
Council Chambers
February 2, 2015
7:00pm

Item 1 on the Agenda: Roll Call.

Present: Ms. Alexander
Mr. Markenson
Ms. McGee
Ms. Poindexter
Mr. Ringhausen
Ms. Van Duser
Mr. Ward
Mr. Whitton
Mr. Yarber
Chairman Turnage

Absent: Mr. New
Mr. Steffens

Council & Staff Present:

Councilmember Jean Moore
Councilman RD Mallams
Tim Nebergall, Director of Public Works
Alan Napoli, Building Official
Chris Helmer, Planning Specialist

Item 2 on the Agenda: Pledge of Allegiance.

Chairman Turnage led the group in reciting the Pledge of Allegiance.

Item 3 on the Agenda: Approval of the January 20, 2015 minutes.

MOTION: By Mr. Ringhausen, second by Mr. Ward to approve the January 20, 2015 minutes as presented. All said aye. The motion carried.

Item 4 on the Agenda: PUBLIC HEARING: On a request for a Special Use Permit at 2201 NE 56th Terrace. Applicant/Owner: Joyce Vogt. File #1401.

Chairman Turnage called on Mr. Helmer for the staff report.

Planning Specialist Helmer reported that the applicant, Joyce Vogt, had some unforeseen personal issues that came up today as a result of an injury that is keeping her from joining us this evening. She made contact with him today and does anticipate being at the City Council public hearing. Mr. Helmer said he contacted Chairman Turnage and agreed that they were comfortable moving forward without Ms. Vogt.

Mr. Helmer explained that this application is a renewal. The applicant had a 5-year permit approve prior to this one and then prior to that was the one-year trial permit. The applicant is requesting to move to a 10-year permit approval. Tonight, there was also a letter of support from a neighbor placed at the Commissioner's places that was received at city hall. Staff recommends approval of a 10-year permit.

Chairman Turnage asked for questions of staff or any concern about moving ahead without the applicant present.

Mr. Markenson said that one of the conditions is that State licensing be maintained and that the permit could be revoked if the State license is revoked. He thinks it's a great condition to have, but wondered how the city would be notified if this happened.

Mr. Helmer said that was a good question and to be honest, he hasn't had an experience of that happening at this point. At the beginning of the application process, staff suggests that the applicant make contact with any state or county regulations. To his knowledge, if there was an issue there are means that it would be brought to the city's attention and the process for revocation of the permit would begin.

Chairman Turnage called for those in favor or opposition of the request to come forward. There was no response. The public hearing was closed.

MOTION: By Ms. Alexander, second by Ms. Van Duser to approve the Special Use Permit at 2201 NE 56th Terrace for a period of 10 years.

VOTE:	Ms. Alexander	Yes
	Mr. Markenson	Yes
	Ms. McGee	Yes
	Ms. Poindexter	Yes
	Mr. Ringhausen	Yes
	Ms. Van Duser	Yes
	Mr. Ward	Yes
	Mr. Whitton	Yes
	Mr. Yarber	Yes
	Chairman Turnage	Yes

The motion carried. (10 yes, 0 no)

Item 5 on the Agenda: Other Business. Presentation: Tim Nebergall, Public Works Director. Adoption of APWA 5600 and BMP Manual.

Director Nebergall said that about a year ago he came to the Planning Commission and presented an overview on the stormwater program and the requirement by the Missouri Department of Natural Resources and the EPA to implement a best management practice ordinance. This would be an ordinance that would require new developments and redevelopments to focus on water quality from their site such as rain gardens or preservation of natural areas.

Before explaining why he is here tonight, he would like to give a little background on the issue since he sees a few new faces. Gladstone is called a NPDES (National Pollution Discharge Elimination System), Phase II stormwater community. In 2003, the city was required to put together a stormwater program to focus on water quality. Historically, the only thing that was really being looking at was flood protection, but with the pollution of streams and rivers, the EPA said the city needed to go a bit further. In 2003, the city received its first permit. It required the city to implement 3 new ordinances: erosion control, illicit discharge, detection & elimination, and a stormwater best practices manual.

Director Nebergall said that takes him to about a year ago when he was here to recommend approving the APWA MARC BMP Manual. At that time staff made a recommendation of adopting a couple of different things. First is the latest edition of APWA 5600. This is a document prepared by the Kansas City APWA organization that focuses on stormwater and flood control. The BMP Manual as a whole is very stringent and has different calculations for different types of development. What staff is recommending is more of a common sense approach where the city doesn't dictate to developers how they do it, but rather that they need to implement BMP's on their site but then they have the freedom to use their creativity.

Director Nebergall said that nearly every city has adopted APWA 5600 in some form. Cities are in different stages as far as adopting the MARC BMP Manual. North of the river, Liberty, North Kansas City and Kansas City have adopted it. South of the river, several cities have not adopted it with the concern that if they adopt something too stringent it might be a detriment to development.

He explained that tonight he is here for a recommendation to the City Council on adoption of APWA 5600 and the MARC BMP Manual. The current APWA 5600 goes beyond pre and post development stormwater retention and it actually calls for even more stringent requirements. He contacted our two closest neighbors, Kansas City and Liberty and are both still working off the February 15, 2006 version of APWA 5600. He thinks that moving forward this would be the version he would recommend adopting.

In regards to the MARC BMP Manual, it's a little different. Staff's not recommending adoption of the entire document, which is 400-500 pages long. He is looking at adopting section 6, 7, 8 and appendix A. Section 6 is engineering hydrology methods. Section 7 is general guidance for non-structural BMPs. Section 8 is general guidance for structural BMPs. Appendix A is example specifications.

Director Nebergall said that, if approved, there will still be some work to do with Legal and Community Development to see how it will work into our current ordinances. He also added that this was presented to the Environmental Management Advisory Committee several months

ago and they recommended proceeding to the City Council. He offered to answer any questions from the Commission.

Mr. Ringhausen asked what efforts the city is undertaking to determine illicit discharge from sump pumps. Have they considered smoke testing?

Mr. Nebergall said there is an ordinance for sump pumps; however we don't just go into houses and seek them out. If a building inspector goes into a home for an inspection and sees an issue, it can be an opportunity to educate the resident. Public Works crews have also found them during sanitary sewer backups. As far as how they find them...they are required to monitor the streams and so on an annual basis they inspect streams for discharge and other things such as dumping leaves and yard clippings. This causes bank erosion and has become a big problem in Gladstone. Public Works can then work with Community Development to educate the residents doing this.

Mr. Ringhausen asked how frequently the city is reviewing the requirements such as the APWA 5600.

Director Nebergall answered that stormwater requirements are always changing, so going forward he would like to see it reviewed every 1-2 years.

Ms. McGee said she was curious as to why certain sections of the BMP Manual were not adopted.

Director Nebergall replied that the biggest part of sections 1-5 are levels of service model. For example, if you put in certain parameters of the site it may suggest that you need a level of six. What he has found is that by doing this comes challenges because every site is different. His fear would be that a developer has a site that gives a level of service of four and then it's too stringent. By adopting sections 6-8, he believes it gives more of a common sense approach. He said that moving forward they may want to adopt the entire manual. He offered to send Ms. McGee the BMP Manual link so that she could look at it closer.

Mr. Yarber asked if the main reason staff is looking at the 2006 version on the APWA 5600 is because the pre and post construction are basically the same level.

Director Nebergall said actually if you look at APWA and how they've done 5600, it used to be just a stringent "you can't have any more stormwater come off the site than 1.8 cfs per acre." That got pretty hard to meet, so detention basins got big. After that, APWA 5600 started going to the pre and post development where basically they didn't hold anyone to a standard any more than what was already there. That's what the 2006 version does.

Chairman Turnage asked how he would prefer the Commission vote on this.

Director Nebergall suggested two motions since they are two separate documents.

MOTION: By Mr. Markenson, second by Mr. Whitton to recommend the APWA 5600, version 2006.

VOTE:	Ms. Alexander	Yes
	Mr. Markenson	Yes
	Ms. McGee	Yes
	Ms. Poindexter	Yes
	Mr. Ringhausen	Yes
	Ms. Van Duser	Yes
	Mr. Ward	Yes
	Mr. Whitton	Yes
	Mr. Yarber	Yes
	Chairman Turnage	Yes

The motion carried. (10 yes, 0 no)

MOTION: By Mr. Whitton, second by Mr. Whitton to recommend Sections 6-8 and Appendix A of the APWA MARC Manual.

VOTE:	Ms. Alexander	Yes
	Mr. Markenson	Yes
	Ms. McGee	Yes
	Ms. Poindexter	Yes
	Mr. Ringhausen	Yes
	Ms. Van Duser	Yes
	Mr. Ward	Yes
	Mr. Whitton	Yes
	Mr. Yarber	Yes
	Chairman Turnage	Yes

The motion carried. (10 yes, 0 no)

Item 6 on the Agenda: Communications from the City Council and the City Staff.

Mr. Helmer said that Mr. Wingerson had an obligation this evening and that he would update him on the actions made here tonight. He also thanked them for a good discussion on the stormwater manuals. Mr. Helmer reported that the Meadowbrook Shopping Center application for Popeye's and Dunkin Donuts was approved by the City Council last week. At their next meeting of February 17th, staff will conduct an orientation for the Planning Commission.

Item 7 on the Agenda: Communications from the Planning Commission Members.

Mr. Markenson said that during big swim meets cars are parking on the street right outside the community center entrance making it very difficult to see when pulling out on to NE 69th Street. He suggested 'no parking' signs for a few car lengths.

Director Nebergall said that he is actually meeting with Parks & Recreation Interim Director Justin Merkey tomorrow, so he will bring that up.

Item 8 on the Agenda: Adjournment

Chairman Turnage adjourned the meeting at 7:40 pm.

Respectfully submitted;

Bill Turnage, Chairman

Approved as submitted

Becky Jarrett, Recording Secretary

Approved as corrected