

AN ORDINANCE GRANTING A SPECIAL USE PERMIT SUBJECT TO CERTAIN CONDITIONS TO KANSAS CITY (NORTHLAND) LODGE NO. 2376, BENEVOLENT AND PROTECTIVE ORDER OF ELKS LOCATED AT 7010 NORTH CHERRY STREET.

WHEREAS, pursuant to Section 7.165.010 of Ordinance No. 3.973 being Gladstone Zoning Ordinance, public notice was made of a request for a Special Use Permit on property at 7010 N. Cherry Street, legally described as Lots 1, 2 and 3, Block 23, Linden; 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 Kansas City (Northland) Lodge No. 2376, Benevolent and Protective Order of Elks, is hereby granted a Special Use Permit for the operation of a lodge at 7010 N. Cherry Street, the effective date of which shall be the enactment date of this Ordinance and expiring ten (10) years from the date of passage of this Ordinance, all subject to the following conditions:


1. The Special Use Permit is to be granted to the Kansas City (Northland) Lodge No. 2376, Benevolent and Protective Order of Elks, located at 7010 N. Cherry Street, Gladstone, Missouri 64118 and is not transferrable to any other group or to another location.
2. The issuance of such Special Use Permit does not relieve Kansas City (Northland) Lodge No. 2376, Benevolent and Protective Order of Elks, from following all other applicable codes and laws of the City of Gladstone or other governing governmental agency.
3. Alcoholic beverage service is unrestricted when provided with food service, on the lower level only.
4. No alcoholic beverages will be served outside of the building, except on an approved permitted deck that is accessible from the upper level.
5. Any violations of any of the recommended conditions of the Special Use Permit will result in immediate review of and possible revocation of said Special Use Permit.

SECTION 2. SEVERABILITY CLAUSE. The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance..

PASSED, SIGNED AND MADE EFFECTIVE BY THE COUNCIL OF THE CITY OF
GLADSTONE, MISSOURI, THIS 27TH DAY OF JUNE, 2016.


Jean B. Moore, Mayor

ATTEST:


Ruth E. Bocchino, City Clerk

1st Reading: June 27, 2016

2nd Reading: June 27, 2016

File #1428

Community Development Department
Staff Report



Date: June 6, 2016

File #: 1428

Requested Action: Special Use Permit

Date of PC Consideration: On June 6th the Planning Commission recommended approval 9-0 removing condition #3 (*Excluding national holidays, alcoholic beverages are to be served only during hours of operation*)

Date of Council Consideration: June 27, 2016

Applicant: Benevolent Protective Order of the Elks
7010 N. Cherry
Gladstone, MO 64118

Owner: Northland Elks Lodge 2376

Architect: N/A

Address of property: 7010 N. Cherry Street

General location of property: Northwest of Pollina building

Physical Characteristics: Existing brick building

Planning Information

Current Zoning: C-1, Local Business District

Zoning History: Zoned C-1 since 2005

Planned Land Use: Commercial

Applicable Regulations: Zoning and Subdivision Regulations

Comprehensive Plan: This property is included in the Gladstone Downtown area. No change in the building, use or zoning is proposed.

Additional Information

Public Utility Availability: Yes
Ingress/Egress: Existing
Traffic Division Comments: None
Parking Required: Yes
Parking Provided: Yes
Proposed On-Site Improvements: None
Proposed Off-Site Improvements: None
Proposed Landscaping: Existing with no changes
Proposed Signage: Existing with no changes

Recommended Conditions

1. The Special Use Permit is to be granted to the Kansas City (Northland) Lodge No. 2376, Benevolent and Protective Order of Elks, located at 7010 N. Cherry Street, Gladstone, Missouri 64118 and is not transferrable to any other group or to another location.
2. The issuance of such Special Use Permit does not relieve Kansas City (Northland) Lodge No. 2376, Benevolent and Protective Order of Elks, from following all other applicable codes and laws of the City of Gladstone or other governing governmental agency.
3. Excluding national holidays, alcoholic beverages are to be served only during hours of operation.
4. Alcohol beverage service is unrestricted when provided with food service, on the lower level only.
5. No alcoholic beverages will be served outside of the building, except on an approved permitted deck that is accessible from the upper level.
6. Any violations of any of the recommended conditions of the Special Use Permit will result in immediate review of and possible revocation of said Special Use Permit.

Analysis

The applicant is requesting a ten (10) year renewal of their Special Use Permit that was issued September 14, 1992 to continue their operation as they have for the past twenty-four (24) years.

Recommendation

The Staff recommends that the request be **APPROVED** contingent upon compliance with the above recommended conditions.



Kansas City (Northland) Lodge No. 2376

BENEVOLENT AND PROTECTIVE ORDER OF ELKS

7010 North Cherry

Gladstone, Missouri 64118

Phone: (816) 436-6550

May 9, 2016

TO: Members of the Planning Commission & City Council

SUBJECT: Renewal of a Special Use Permit

The purpose of this letter is to request a 10 year renewal of our special use permit for the Kansas City Northland Elks Lodge located at 7010 North Cherry in Gladstone.

The Elks Lodge has approximately 275 members. Lodge meetings are held the second, third, and fourth Wednesday's of each month. At these lodge meetings, the average attendance is 25 members.

During the year, we support community activities, such as: the annual scholarship breakfast which provides \$10,000 in scholarship assistance to Northland high school seniors; the annual breakfast in support of the Down Syndrome Guild of Kansas City; and the annual Thanksgiving dinner for the members of the Gladstone Chamber of Commerce. Our lodge membership provides support to the veterans who reside at the Kansas City Veteran's Hospital and the veterans at the Veteran's Home in Cameron. Finally for children, we annually sponsor the Hoop Shoot, sponsor a fishing derby, and provide drug education materials in support of living healthy life styles.

Hours of operation are:

Sunday:	12:00- 6:00
Monday, Wednesday, Thursday:	3:00-11:00
Tuesday:	12:00-11:00
Friday	3:00- 1:00
Saturday:	12:00- 1:00

Hall rentals are on Friday and Saturday evenings and occur once or twice a month. A member of the lodge staff is always present to supervise the rental.

Cordially,

R.D. Mallams
Exalted Ruler

PLANNING COMMISSION
GLADSTONE, MISSOURI
Council Chambers
June 6, 2016
7:00 pm

Item 1 on the Agenda: Roll Call.

Present: Mr. Markenson
Ms. McGee
Mr. New
Ms. Poindexter
Mr. Turnage
Mr. Ward
Mr. Whitton
Mr. Yarber
Chairman Ringhausen

Absent: Ms. Alexander
Ms. Van Duser
Mr. Williams

Council & Staff Present:
Mayor Pro Tem RD Mallams
Scott Wingerson, City Manager
Alan Napoli, Interim Comm. Dev. Director

Item 2 on the Agenda: Pledge of Allegiance.

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

Item 3 on the Agenda: Approval of the May 2, 2016 minutes.

MOTION: By Mr. Turnage, second by Ms. Poindexter to approve the May 2, 2016 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 7010 N. Cherry Street. File #1428.

Interim Director Alan Napoli reported that the Elks Lodge located at 7010 N. Cherry Street is requesting a renewal of their Special Use Permit. Their last one was issued 24 years ago; this request is for a 10-year time period. The zoning for their location is currently C-1, Local Business District since 2005. There are six conditions being recommended by staff. Five of the six were carried over from their previous permit. The new conditions is #5, which states, "No alcoholic beverages will be served outside of the building except on an approved, permitted deck

that is accessible from the upper level.” The Elks Lodge does not have a deck at this time; however, they are considering putting one on due to some changes coming forth in the City’s smoking ordinance that may require people to go outside to smoke. Mr. Napoli said that is all he had to report and offered to answer any questions.

Mr. Markenson said he spoke with Mr. Napoli about condition #3 prior to the meeting: “Excluding national holidays, alcoholic beverages are to be served only during hours of operation.” He doesn’t think it makes a lot of sense and doesn’t think it’s necessary. Before it’s approved, he’d like to move to take it out unless someone else has other arguments.

Chairman Ringhausen asked the applicant to come forward.

Torance Fisher, 4185 NE 63rd Terrace addressed the Commission. Mr. Fisher said he’s lived at that address for a long time and he’s been a member of the Elks even longer. One of the reasons is they have several community projects they do: the scholarship breakfast, serve at the veterans home, children’s programs, drug awareness, Northland Christmas Store, mobile dental units for handicap children and the downs syndrome breakfast to name a few. He offered to answer any questions.

Ms. Poindexter asked how many people may be at the Elks Lodge on any given day.

Mr. Fisher said not very many on some days. On Saturday night they had a function and there were over 100 people there, but that was rare. On a normal day there are probably 40 people.

Ms. Poindexter asked if they rent the facility out to people for events.

Mr. Fisher said they rent out the lower level occasionally. One of the requirements is that an Elks member is present at the event to supervise.

Mr. Turnage asked what types of events might be held there.

Mr. Fisher said wedding receptions, anniversaries and birthdays.

Chairman Ringhausen asked if there was a reason for a 10-year request and previously it was a 24-year request.

Mr. Fisher said as it happened, he was Exalted Ruler when they moved into that building and received the Special Use Permit. He remembers thinking that it was just a one-time permit and it would last forever. Then a couple of months ago, the City informed them it had expired and they needed to apply for a new one.

Mr. Napoli explained that typically Special Use Permits are now issued for a maximum of 10-years. He’s not sure why the previous one was issued for such a long time period.

There was no one in favor or opposition of the application. Chairman Ringhausen closed the public hearing.

MOTION: By Mr. Markenson, second by Mr. Ward to approve the Special Use Permit at 7010 N. Cherry Street for a period of 10-years and remove condition #3 (Excluding national holidays, alcoholic beverages are to be served only during hours of operation).

Vote:	Mr. Markenson	Yes
	Ms. McGee	Yes
	Mr. New	Yes
	Ms. Poindexter	Yes
	Mr. Turnage	Yes
	Mr. Ward	Yes
	Mr. Whitton	Yes
	Mr. Yarber	Yes
	Chairman Ringhausen	Yes

The motion carried. (9 yes, 0 no) This application will move forward to the City Council on Monday, June 27, 2016.

Item 5 on the Agenda: Communications from the City Council and the City Staff.

Mr. Napoli announced that there will not be a Planning Commission meeting on Monday, July 20th. On July 5th (Tues) there will be a work session in conjunction with the Neighborhood Commission at 6:30 pm. He also reported that the building permit for McDonalds is moving forward to the City Council for consideration next Monday, June 13th. A few months ago the Planning Commission approved the Community for Ages program. Next Friday the City will receive a recognition plaque for the Gold Level from MARC for this progression.

Mayor Pro-Tem Mallams said that the transition from City Manager Davis to City Manager Wingerson has been very smooth. He reported that the City Council has had two study sessions regarding the upcoming year's budget. The focus will continue to be on the Master Plans that have been approved. The biggest expenditures will be in Public Safety, Parks & Recreation and Public Works. The Innovation Center is scheduled to open this fall with the school district occupying a large portion of the building. They've probably noticed that the old Arby's and Chinese Restaurant buildings have been demolished. This is a continued attempt to improve the appearance of North Oak and attract new small businesses. There is also a new contract for a new leasing agency for the commercial space at the Heights. He has to say that the person they brought in is going to do a good job! The Gladstone Shaping Our Future process is on-going. He has heard positive things about it from friends and neighbors.

Mr. Markenson asked what the schedule is for the second building at the Innovation Center.

Mayor Pro-Tem Mallams answered that it has to have a 50% commitment for occupancy before it begins.

Mr. Turnage asked what the occupancy of the Heights Apartments is.

Mayor Pro-Tem Mallams said it is at 95%.

Mr. New asked if Linden Woods Village is open yet.

Mr. Napoli said they have been given a temporary occupancy. They have started moving residents into the independent living area. A ribbon cutting has not been scheduled at this time.

Item 6 on the Agenda: Communications from the Planning Commission Members.

None.

Item 7 on the Agenda: Adjournment

Chairman Ringhausen adjourned the meeting at 7:17 pm.

Respectfully submitted:

Alan Ringhausen, Chairman

Approved as submitted _____

Becky Jarrett, Recording Secretary

Approved as corrected _____