

BILL NO. 19-50

ORDINANCE NO. 4.500

AN ORDINANCE GRANTING A SPECIAL USE PERMIT SUBJECT TO CERTAIN CONDITIONS TO SARA & KENNY BOYER FOR OPERATION OF A BIO-ENERGETIC TESTING AND HEALTH & WELLNESS CONSULTING BUSINESS AT 101 NORTHEAST 62ND 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 101 Northeast 62ND Terrace; 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 Kenny & Sara Boyer are hereby granted a Special Use Permit for operation of a Bio-Energetic Testing and Health & Wellness Consulting on property at 101 NE 62nd Terrace, the effective date of which shall be the enactment date of this Ordinance and expiring **five** years from the date of passage of this ordinance, all subject to the following conditions:

1. This Special Use Permit is issued to Kenny & Sara Boyer to be used at the above noted address.
2. This Special Use Permit shall be non-transferable to any other person or company, or to any other location.
3. Any changes in operation of the business by Kenny & Sara Boyer or change in ownership shall render this Special Use Permit null and void.
4. No person other than Kenny & Sara Boyer shall be employed at this location or any other address in association with the Bio-Energetic Testing and Health & Wellness Consulting business by Kenny & Sara Boyer.
5. Hours of operation shall be limited to Mondays from 1:00 p.m. to 7:00 p.m., Thursdays, and Fridays from 9:30 a.m. to 3:30 p.m.
6. Kenny & Sara Boyer must reside at this residence for this permit to be valid.
7. Kenny & Sara Boyer shall apply for and maintain all applicable State and City business and occupational licenses; copy of such business and occupational licenses shall be supplied to the Community Development Department of the City of Gladstone.
8. No outdoor storage of products/materials.
9. No parking of commercial vehicles or commercial deliveries.
10. No more than 2 customers per hour during the allowed hours of operation.
11. No signage of the business shall be displayed on the premises.

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.

INTRODUCED, PASSED, SIGNED, AND MADE EFFECTIVE BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, ON THIS 25th DAY OF NOVEMBER, 2019.



Mayor Carol J. Suter

ATTEST:



Ruth E. Bocchino, City Clerk

1st Reading: November 25, 2019

2nd Reading: November 25, 2019

File #2018-015



Request for Council Action

RES ☐ # City Clerk Only

BILL ☒ # 19-50

ORD # 4.500

Date: 11/11/2019

Department: Community Development

Meeting Date Requested: 11/25/2019

Public Hearing: Yes ☒ Date: 1/25/2019

Subject: Special Use Permit – Living By Nature, LLC

Background:

The applicant seeks approval of a Special Use Permit Continuance for the operation of a Bio-Energetic Testing and Health & Wellness consulting business located at 101 NE 62nd Terrace. The location of this Two-Family Dwelling District is not located near any major commercial intersection and is completely surrounded by residential homes. This Special Use Permit was unanimously approved by the Planning Commission in 2018 and November 4th, 2019. City Staff has not received any calls or complaints regarding Mrs. Boyer's Health & Wellness consulting business since approving the application last year.

City Staff recommends that the following conditions be considered if the Planning Commission and City Council choose to approve this project request:

1. This Special Use Permit is issued to Kenny & Sara Boyer to be used at the above noted address.
2. This Special Use Permit shall be non-transferable to any other person or company, or to any other location.
3. Any changes in operation of the business by Kenny & Sara Boyer or change in ownership shall render this Special Use Permit null and void.
4. No person other than Kenny & Sara Boyer shall be employed at this location or any other address in association with the Bio-Energetic Testing and Health & Wellness Consulting business by Kenny & Sara Boyer.
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11. No signage of the business shall be displayed on the premises.

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

Public/Staff Input/Commission:

The Planning Commission voted unanimously 10-0 in favor to approve the Special Use Permit. City Staff is recommending a five (5) year Special Use Permit. There were not any comments from the public.

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

Austin Greer, Assistant to the City Manager/Planning Administrator

CW
City Attorney

SW
City Manager



Community Development Department

Staff Report

Date: November 4, 2019

File: #2019-015

Requested Action: Special Use Permit Continuance

Date of PC Consideration: November 4, 2019

Date of Council Consideration: November 25, 2019

Applicant/ Kenny & Sara Boyer
Owner: 101 NE 62nd Terrace
Gladstone, MO 64118

Address of Property: 101 NE 62nd Terrace
Gladstone, MO 64118

Planning Information

- Current Zoning: R-2 Two Family Dwelling District
- Planned Land Use: R-2 Two Family Dwelling District
- Surrounding Uses: North –East –; West – Residential
- Applicable Regulations: Zoning and Subdivision Ordinance and Comprehensive Plan

Additional Information

- Public Utility Availability: Existing
- Ingress/Egress: Driveway off of NE 62nd Terrace
- Parking Required: Driveway only
- Parking Provided: Minimum requirement is met
- Proposed On-Site Improvements: N/A
- Proposed Landscaping: N/A
- Proposed Signage: Business owner and City Staff have agreed to no signage.

Analysis

The applicant seeks approval of a Special Use Permit Continuance for the operation of a Bio-Energetic Testing and Health & Wellness consulting business located at 101 NE 62nd Terrace. The location of this Two-Family Dwelling District is not located near any major commercial intersection and is completely surrounded by residential homes. This Special Use Permit was unanimously approved by the Planning Commission in 2018. City Staff has not received any calls or complaints regarding Mrs. Boyer's Health & Wellness consulting business since approving the application last year.

The applicant has agreed to all conditions.

Recommended Conditions

City Staff recommends that the following conditions be considered if the Planning Commission and City Council choose to approve this project request:

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Recommendation

City Staff recommends that the request be **APPROVED** for **five years** contingent upon the conditions listed above.

GLADSTONE PLANNING COMMISSION MINUTES

Council Chambers November 4, 2019

1. Meeting called to Order– Roll Call. Chair McGee called the meeting to order at 7:00 p.m.

Commissioners present were: Chase Cookson

Mike Ebenroth

JN Hernandez

Alicia Hommon

Gary Markenson

Jennifer McGee, Chair

Katie Middleton

Kim Murch

James New

Bill Turnage

Not present: Larry Whitton

Also present: RD Mallams, Council Member
Bob Baer, Asst City Manager
Austin Greer, Asst to the City Manager/Planning Administrator
Cheryl Lamb, Administrative Assistant

2. Pledge of Allegiance to the United States of America.
3. Approval of Previous Meeting Minutes (October 29, 2019). Chair McGee asked if there was a motion to approve the minutes from the October 29, 2019 meeting.

Mr. Turnage moved to approve the minutes; Ms. Middleton seconded. The minutes were approved, 11–0.
4. Other Business. None.
5. PUBLIC HEARING: Special Use Permit continuance for Living by Nature LLC. File #2019–015. Mr. Greer presented his staff report.

“The applicant seeks approval of a Special Use Permit continuance for the operation of a Bio–Energetic Testing and Health & Wellness consulting business located at 101 NE 62nd Terrace. The location of this Two–Family Dwelling District is not located near any major commercial intersection and is completely surrounded by residential homes. This Special Use Permit was

unanimously approved by the Planning Commission in 2018. City Staff has not received any calls or complaints regarding Mrs. Boyer's Health & Wellness consulting business since approving the application last year."

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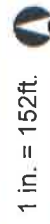
"The applicant has agreed to all conditions."

"City Staff recommends that the request be APPROVED for five years contingent upon the conditions listed above."

Chair McGee asked if the applicant wished to speak.

Mrs. Boyer (101 NE 62nd Terrace) shared that she had owned the business for one year. She hasn't had any complaints from the neighbors. She hopes they are a good business. She asked if she could adjust her hours of operation a little bit to have some traffic after 5:00pm. That was the only thing that she wanted to adjust so that she could capture some of the customers as they get off work to come by pick up supplements. Otherwise, she is good.

Chair McGee asked what she wanted the hours to be.



303.7	0	151.84	303.7 Feet
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- Stop Sign
KCPL Lights
Gladstone Lights
School Point
Bike Parking
Bus Stop
Point of Interest
Church
Apartment Point
Street Centerline
Edge Of Pavement
Driveway
City Limits
Parcel
House Number
Building Footprint
School Polygon
City Park
Villages
Apartment Polygon

Notes

PC File 2019-015 SUP
101 NE 62nd Terr
Living by Nature LLC

Mrs. Boyer said she needed one day, usually Mondays is the day she has her orders come in, so if she could be open 1:00pm–7:00pm instead of 9:30am–3:30pm. It would be the same amount of hours, just shifting them a little bit. No more hours than she was already open.

Mr. Greer replied that City Staff would agree to that.

Chair McGee asked if there were any members of the public who wished to speak in opposition to this. None.

Chair McGee asked if there were any members of the public who wished speak in favor of this. None.

Chair McGee closed the public hearing. She opened the discussion to the Commissioners, or for a motion.

Mr. New asked Mrs. Boyer to explain what she sells.

Mrs. Boyer replied that she studies holistic medicines, natural healing. She does bio–energetic testing. She explained that it works off the same meridians as Chinese acupuncture. That is a way to measure energy. That is what she does. Then she also has homeopathic supplements and herbs that she recommends based off of the findings of imbalances in people. That is what people come back to pick up. It depends on what supplements or herbs show up that would be a need for that person.

Mr. New asked what type of marketing she has.

Mrs. Boyer shared that she has a website, but most of it is word of mouth through friends and family. She started the business because her son started having seizures out of nowhere at 18. That is when she started learning more, and starting transferring over to making this her main career. It was usually through word–of–mouth because her son is doing much, much better.

Mr. New asked Mr. Greer to confirm that this was approved a year ago for one year and that the standard is to go to five years.

Mr. Greer confirmed the standard is one, five, and then ten years. That is the historical use for a special use permit.

Mx. Hernandez asked if the proposed change was to change the name of the company from Living by Nature LLC to Bio–Energetic Testing and Health and Wellness consulting.

Mr. Greer replied that Living by Nature is the company name and the bio–energetic health and wellness consulting is a description of what her company does.

Mx. Hernandez asked if there was going to be a change from this permit to the original permit.

Mr. Greer said it was a continuation from last year.

MOTION ON THE SPECIAL USE PERMIT: By Ms. Hommon, seconded by Ms. Middleton, to approve the Special Use Permit, Living by Nature LLC, File #2019-015 with the changes to the hours on Monday from 1:00pm to 7:00pm. The motion carried 10-0.

6. **Communications from City Council.** Councilmember Mallams shared that they had the groundbreaking for the Fairfield Inn and it was well done. They are excited about the project. It will be \$15 million investment in the community; 111 rooms. He said that the initial contact was with Austin and they owe him huge pat on the back and at the end of the year when they renegotiate salaries, Austin will probably bring that up, and Bob.

He said that last Wednesday the City Council members came together with the leadership team of the City Staff. They spent an entire day reviewing the progress from last year's City's Goals. They worked to develop goals for the coming year to give them direction. There was much dialog and discussion; they don't always agree. But in their hearts they are doing what they think is right for the City. By the end of the day they feel pretty comfortable about what they have identified as goals for the upcoming year. He shared the goals and said that the Planning Commission would get a draft copy of the City's goals.

- Last year, ensuring Gladstone was a safe place to work and live. The targeted areas last year were enforcement of traffic and retention and recruitment. A question he had was, "What about crime prevention? Why aren't they putting that into the goal?" He felt they were missing a huge piece. The new goal will include crime prevention. They are focused on the improvements to Fire Station #2 and beginning to look at the plans for the new Public Safety Department facility.
- They will continue to focus on Code Enforcement and refining that process. He didn't know, but over the last year they had made some good progress with enforcing codes. There is still concern about those individuals who are required to attend municipal court because of a code violation; they don't show or they get one postponement after another. They really need to focus on that and see if they can tighten up that process.
- Continuing to implement the Master Plans with infrastructure for streets and sidewalks. This current year they are spending \$1 million on street maintenance. They have spent \$1 million on replacement of water mains. He said if it wasn't for the voters and the passage of the bond that was on the election, they wouldn't be able to do what they have done this year. Pats on the back to everyone and they thank you for that. Otherwise, the money comes strictly from the general fund and there is only so much money. To be able to do everything they can within the City, they really needed that passage.

- They are going to look at the water treatment plant to insure that it continues to produce good quality water for our City.
- Continue to maintain and improve Gladstone's parks and trails.

He said these were all Master Plans they have had in place for years and they continue to work towards the completion of those. He mentioned that the last goal is continued economic development and redevelopment. If they look at last year and they look at the year that is coming, they have had some major growth and investment in our City. Summit Grill, iWerx, Stone Canyon, Wendy's, the improvements to Burger King, the Early Childhood Center that will replace the old Hobby Lobby, beginning and remodeling Hy-Vee, the new Fairfield Inn Hotel. He believes he read that last year and this year, there were \$27 million invested in capital improvements and businesses within our City. That was huge.

Councilmember Mallams said that the Mayor's Christmas Tree Lighting will be on Tuesday, November 19th at 6:00pm in Linden Square. He asked them to pray for good weather.

Mr. Markenson asked if they had chosen a site for the Public Safety building.

Councilmember Mallams replied no. He asked City Staff if they were seeking any input from citizens or will it basically be City Staff recommendations.

Mr. Baer said they had signed an agreement today with a consulting architect to find a site location.

Mr. Markenson stated that when they approved the hotel, he expressed some concern about parking in the downtown area with all of the development. He asked if Council was looking at that at all.

Councilmember Mallams replied yes.

Mr. Greer added that they have some funding set aside that the City Council has agreed to; about \$500K. He believes they will potentially work with MARC to get some grant funding as well to try to solve our parking issues downtown. He shared that having parking issues is great for a downtown. It means they are doing something right.

Mr. Markenson agreed and added that, if they aren't solved, people will stop going; he has heard people say they won't go to the Summit Grill because they had to park 3 blocks away.

Mr. Greer shared that he thinks people are starting to learn that they have an open parking agreement with iWerx so people are starting to learn they can park at iWerx. There are 50+ parking spaces there and it's not even a half block to walk to Summit Grill.

Mr. Markenson asked if they could park at the Innovation Center.

Mr. Greer said that on 69th Street there are over 105 parking spaces that is all public parking. If they go off-street into the NIC building parking, that is theirs. They aren't supposed to be using that parking. There are 100+ parking spaces off of 69th Street that are sometimes underutilized. There is plenty of parking in downtown. People are just starting to learn where they can and can't park.

Councilmember Mallams shared that in their meeting last Wednesday that City Staff wanted to delay working on those plans. Several of the City Council members, like Gary, felt it was something that needs to be addressed sooner than later. There is a plan and, once it is approved, it will be beneficial for everybody in that area.

Ms. Middleton asked about the single trash provider idea.

Mr. Greer shared that would be a component of the Comprehensive Plan. They are finishing the RFP right now, which is the Request for Proposal. They hope that will be out in the next couple of months. They do think there will be an environmental component to that study, single source being one of them. They will rely on the consultant to see what other cities are doing about different things like that.

Councilmember Mallams asked how they would get City input from the residents.

Mr. Greer said they would use the Planning Commission and probably another board or commission too. They will engage ETC Institute, which is a citizen survey company that they have worked with over the years. They have done a really good job. That will help survey the whole city.

Mr. New shared that some associations have their own contracts with trash providers and they make that one of the benefits of joining; they get a deal.

Mr. Greer agreed. He shared there is a two year notification for that process, so they are quite a ways out, but they will be looking at it when they update the Comprehensive Plan.

Councilmember Mallams shared that these are exciting times for our community and we are blessed to be in Gladstone.

7. **Communications from City Staff.** Mr. Greer shared that he believed the Mayor's Christmas Tree Lighting is on November 26th, not November 19th. He shared that City Hall will be closed on November 28th and 29th for Thanksgiving.

8. **Communications from Planning Commission Members.** Mr. Turnage expressed thanks to Public Works for setting up and sponsoring the brush collection last weekend. It was a great benefit.
9. **Adjournment.** Chair McGee asked if there was a motion to adjourn.

Mr. New motioned to adjourn; Mr. Cookson seconded.

Chair McGee adjourned the meeting at 7:20 p.m.

Respectfully submitted:

Cheryl Lamb, Recording Secretary

Approved as corrected ____

Jennifer McGee, Chair

Approved as submitted ____

DEVELOPMENT APPLICATION



CITY OF GLADSTONE
7010 N HOLMES STREET
GLADSTONE, MISSOURI 64118
PHONE: 436-4110 FAX: 436-2228

File #: 2019-015
Application Date: 10-4-19
PC Date: 11-4-19
CC Date: 11-25-19

Application Type:

- ☒ (PH) Special Use Permit (\$500) ☐ (PH) Right-of-Way Vacation (\$200)
☐ (PH) Zoning Change (\$500) ☐ (PH) Variance – BZA (\$200)
☐ (PH) Site Plan Revision (\$500) ☐ Final Plat/Replat (\$75)

Address of Action: 101 NE Lane 1st Gladstone, MO
Legal Description: 64118
Attach under separate cover if needed.

Proposed Change: Bio-Energetic Testing + Health
+ Wellness Consulting

Applicant/Property Owner Information:

☒ Applicant(s) Kenny + Sara Boyer
Company Living By Nature LLC
Address 101 NE Lane 1st
Phone 816-688-2188 Fax: _____ E-Mail: Sara@Livingbynaturellc.com

☐ Property Owner (if different than applicant)
Company _____
Address _____
Phone _____ Fax: _____ E-Mail: _____

☐ Architect/Engineer _____
Company _____
Address _____
Phone _____ Fax: _____ E-Mail: _____

Please indicate in one box above which person is to be the contact.

Applicant's Signature Sara Boyer Date 9/30/19



Clay County Assessor Parcel Detail

13905001800200

Property Address 101 NE 62ND TERR
Property Zip Code
Legal OAK MEADOWS EXTENSION LT 6
Section/Township/Range 26/51/33

Owner Name /address BOYER KENNY W & SARA F
101 NE 62ND TER
KANSAS CITY MO 64118

Tax district 8 **Tax code** 74-20-00-03-00-00-00-01-01-00-00-00
Property Class 02 **Classification** RES

	Land Value	Improvement value	Appraised value	Assessed value
Residential	18,000			
Commercial				
Agricultural				
Total	18,000	121,000	139,000	26,410

Book & Page **Deed Date**

[More information](#)
[Photo and Sketch](#)
[Location of this parcel](#)

TO: Property Owners within 185' & Other Interested Parties
FROM: Community Development Department
DATE: October 7, 2019
RE: Special Use Permit (Continuance) – 101 NE 62nd Terrace

PUBLIC HEARING #2019-015

Public notice is hereby given that the **Gladstone Planning Commission will meet on Monday, November 4, 2019 at 7:00pm** in the Council Chambers of Gladstone City Hall to consider the continuance of a Special Use Permit for property located at 101 NE 62nd Terrace legally described as OAK MEADOWS EXTENSION LOT 6, a subdivision of land in Gladstone, Clay County, Missouri.

Applicant: Living by Nature LLC
Owner: Sara & Kenny Boyer

This notice is being sent to you as a courtesy to advise you that the applicant is requesting a continuance of their special use permit for operating a Bio-Energetic Testing and Health & Wellness consulting business on their property.

The City Council will hold its public hearing on Monday, November 25, 2019 at 7:30pm.

If you have any questions, please call the Community Development Department at 423-4110.

Thank you.



MIDMOUTH: St. Joseph News-Press • Smithville Herald • Kearney Courier • Liberty Tribune • Gladstone Dispatch • Green Acres Publication • Daily Star-Journal • Read It Free • NWMO KANSAS Ashland Globe
Hawthorne World • Miami County Republic • Osawatomie Graphic • Loubsburg Herald • Read It Free • Miami County

NPG Newspapers, Inc., P.O. Box 29, St. Joseph, MO 64502
Proof of Ad 10/03/19

Account: 90701	Ad ID: 6619531	Discount: \$0.00
Name: CHERYL LAMB	Description: Hearing 2019-015.Cont.	Gross: \$33.88
Company: CITY OF GLADSTONE	SUP.101 NE 62 Ter	Paid Amount: \$0.00
Address: 7010 N. HOLMES	Run Dates: 10/17/19 to 10/17/19	Amount Due: \$33.88
GLADSTONE, MO 64118	Class: 189	
Telephone: (816) 423-4110	Orig User: SANDRAR	
	Words: 118	
	Lines: 25	
	Agate Lines: 41	

Publication	Start	Stop	Inserts	Cost
Courier Tribune	10/17/19	10/17/19	1	\$22.59
Gladstone Dispatch	10/17/19	10/17/19	1	\$11.29

(Published in the Courier-Tribune Thurs., 10/17/19)

PUBLIC HEARING #2019-015

All persons are hereby notified that the Gladstone Planning Commission will conduct a public hearing on Monday, November 4, 2019 at 7:00 pm in the Council Chambers of Gladstone City Hall to consider the continuance of a Special Use Permit for the property at 101 NE 62nd Terrace, legally described as OAK MEADOWS EXTENSION LT 6 in the City of Gladstone, Clay County, Missouri. Owner/Applicant: Sara & Kenny Boyer. Subsequently, at its regular meeting of Monday, November 25, 2019 at 7:30 pm, the City Council will hold a public hearing on the same request. The public is invited to attend. Please call 423-4110 if you have any questions.

Proof