AN ORDINANCE AND FINAL DEVELOPMENT PLAN RELATING TO AUTO SMART LLC (COMMONLY KNOWN AS GLADSTONE DODGE, CHRYSLER, JEEP & RAM) REGARDING ZONING ORDINANCE REGULATIONS AND THE ESTABLISHMENT OF USE DISTRICTS WITHIN THE CITY OF GLADSTONE, MISSOURI.

WHEREAS, pursuant to applicable City ordinances, an Application has been submitted to the Gladstone City Council to rezone part of lots 11, 12, 13, 14, 15, and 16, West Oakwood, a subdivision of land in Gladstone, Clay County Missouri and also a part of southwest quarter of section 26, Township 51, Range 33, Gladstone, Clay County Missouri in Gladstone, Clay County, Missouri in Gladstone, Clay County, Missouri.

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

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

THAT, the aforesaid land be rezoned from R-1 (Residential), C-1, Local Business District, CP-2 (Planned Commercial General Business District), to CP-3 (Planned District Commercial).

SECTION 1. FINAL DEVELOPMENT PLAN APPROVAL.

The Final Development Plan for the above described property is hereby approved subject to the terms and conditions set forth herein:

- 1. Keep an active business license in perpetuity.
- 2. All exterior lighting shall be LED
- 3. Trash service, deliveries, and distribution will be scheduled between the hours of 7:00 a.m. to 10:00 p.m.
- 4. Any and all disturbed areas shall be sodded.
- 5. Featured manicured and landscaped areas shall be irrigated and maintained in perpetuity. These two (2) featured areas are the following:
 - NE corner of the property adjacent to NE 57th Street and N. Oak Trafficway
 - SW corner of the property adjacent to NE Englewood Road
- 6. All mechanical equipment on the roof(s) shall be screened from public view by a parapet similar in design to the rest of the structure.
- 7. Tractor Trailers and storage containers shall not be parked or stored overnight in the parking lots directly adjacent to North Oak Trafficway, NE 57th Street, and NE Englewood Road.

INTRODUCED, PASSED, SIGNED, AND MADE EFFECTIVE BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, ON THIS 14TH DAY OF DECEMBER, 2020.

lean B. Moore, Mayor

Ruth E. Bocchino, City Clerk

1st Reading: December 14, 2020

2nd Reading: December 14, 2020 File#2020-013



Request for Council Action

RES □# City Clerk Only

BILL □# 20.37

ORD # 4.537

Date: 12/8/2020

Department: Community Development

Meeting Date Requested: 12/14/2020

Public Hearing: Yes ☑ Date: 12/14/2020

Subject: Site Plan Revision, Zoning Change & Re-Plat – Gladstone Dodge (AutoSmartLLC)

Background:

The applicant is proposing to construct a brand new Jeep Showroom between the two existing dealership buildings. The applicant is proposing to re-plat multiple properties into one plat and re-zone the various commercial properties into CP-3, Planned District, Commercial.

With an increase in impervious surface (additional parking spaces) on the southwest and northeast areas of the property, there will be stormwater infrastructure upgrades.

In order to improve traffic flow within the dealership and N. Oak Trafficway, the entry/exit located on the southeast side of the property, adjacent to the intersection of N. Oak Trafficway and NE Englewood road will be permanently closed and infilled with curb and gutter.

Two (2) featured manicured areas will be irrigated and maintained in perpetuity.

- NE corner of the property adjacent to NE 57th Street and N. Oak Trafficway
- SW corner of the property adjacent to NE Englewood Road

The team representing this project held a community meeting with the adjacent residential homeowners at the Gladstone Dodge dealership. From that discussion, City Staff understands that two primary concerns were raised:

- The unloading of vehicles on 57th Street using an auto transport trailer (semi-trailer).
- The demolition of two homes located on one parcel currently owned by the applicant (Autosmart LLC) in order to expand the parking lot adjacent to NE 57th Street. These two rental properties are located at 203 and 205 NE 57th Street.

From this neighborhood meeting, a larger buffer zone of approximately sixty (60) feet of green space, a new six (6) foot vinyl fence, earthtone in color and landscaping on the north side of the property will be installed. In addition, the applicant is installing an eight (8) foot vinyl privacy fence, earthtone in color, to separate the residential properties and the Gladstone Dodge property along the entire west side of the property.

<u>Budget Discussion</u>: Funds are budgeted in the amount of \$ from the Fund. Ongoing costs are estimated to be \$ 0 annually. Previous years' funding was \$0

Public/Staff Input/Commission:

Public: Via Zoom and in-person in the City Council Chambers, there were approximately 8-12 residents in the audience who are opposed to this project as presented. Members of the public voiced their displeasure primarily with the unloading of vehicles on 57th Street and the demolition of two homes located on one parcel owned by AutoSmart LLC and the expansion of a parking lot on the NW side of the property.

Staff Input: The site plan, re-zone and re-plat comply with City standards.

The neighborhood has voiced their displeasure with auto transport trailers (semi-trailers) driving and unloading/loading vehicles for the dealership on 57th St., which has been taking place for many years. City Staff has spoken to a representative of the neighborhood and they do not want semi-trailers on N. Walnut or 57th St. at all. They would prefer that the semi-trailers unload on N. Oak Trafficway, Englewood Rd. or inside the parking lot of the dealership.

The Applicant (AutoSmart LLC) has stated that unloading the semi-trucks inside their parking lot is not possible without losing a significant amount of parking for inventory. Unloading and loading of vehicles on 57th St. has been the common practice for many years according to the applicant and neighborhood.

From a City Staff perspective, there are four (4) options for the unloading and loading of vehicles using semi-trailers.

- N. Oak Trafficway is an option and will cause traffic congestion and be less safe.
- Englewood Rd. is an option but similar to N. Oak Trafficway will cause traffic congestion and be less safe.
- Re-configure the parking lot at Gladstone Dodge, causing the Applicant to lose significant parking for dealership inventory.
- 57th Street is an option that is currently being used and has been used historically. This street is less traveled, unlikely to cause traffic congestion and more safe.

As of Wednesday, December 9th, the Applicant and residents of the neighborhood have not come to a resolution regarding the unloading of vehicles on 57th St.

City Staff has driven 57th St. and the roadway appears to be in good standing.

Planning Commission: The Planning Commission voted in favor of the project. 8 Yes – 2 No

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

Austin Greer

City Attorney PC

City Manager SW

MOTION: By Mr. Markenson, second by Mix Hernandez to approve Special Use Permit at 7406 N Main file number 2020-012.

Vote: Mr. Cookson Yes Mr. Ebenroth Yes Mix Hernandez Yes Ms. Hommon Yes Ms. Lowe Yes Mr. Markenson Yes Ms. Middleton Yes Mr. Murch Yes Mr. Turnage Yes Chairperson McGee Yes

All said Aye. The motion carried. (10-Yes, 0-No)

<u>Item 5 on the Agenda:</u> Public Hearing: of a request for a Site Plan Revision and Zoning change at 5610 N Oak Trafficway. Applicant/Owner AutoSmart LLC File #2020-013.

Mr. Greer read the staff report. The applicant is proposing to construct a brand new Jeep Showroom between the 2 existing dealership buildings. The applicant is proposing to replat multiple properties into one plat and rezone the various commercial properties into cp3 planning district commercial. With an increase in impervious service on the Southwest and Northeast areas of the property. There will be storm water infrastructure upgrades. A new 6-foot vinyl fence earth tone in color and landscaping on the North side of the property will be installed. From that neighborhood meeting a concern was raised regarding the demolition of 2 homes currently owned by the applicant AutoSmart LLC in order to expand the parking lot adjacent to Northeast 57th Street. These 2 homes are located at 205 and 203 NE 57th Street and are currently being used as rental property by the applicant. In addition, the applicant is also installing an 8foot vinyl privacy fence earth tone in color to separate the residential properties in the Gladstone Dodge property on the entire West side of the property. We have learned that some of the residents do have issues with vehicle delivery on 57th street. We have been working with the applicant and Mr. Mark Spurgeon on that progress as well as some of the representatives of the neighborhood. At this point we have not been able to come to a resolution on the delivery of vehicles on 57th Street. But this is something we are trying to work through. 2 featured manicured areas will be irrigated and maintained. Northeast corner of the property adjacent to Northeast 57th Street and N Oak Trafficway as well as the Southwest corner of the property adjacent to NE Englewood Rd. In order to improve traffic flow within the dealership on N Oak Trafficway the entry exit located to the South of the property adjacent to the intersection of N Oak Trafficway and Northeast Englewood Rd will be permanently closed and infilled with curb and gutter. City Staff recommends that the following conditions be considered if the Planning Commission and City Council choose to approve this project request.

- 1.) Keep an active business license perpetuity.
- 2.) All exterior lighting shall be LED.
- 3.) Trash service deliveries and distributions will be scheduled between the hours of 7am till 10pm.
- 4.) Any and all disturbed areas shall be sodded.

- 5.) Each manicured area should be irrigated and maintained properly. These 2 areas are Northeast corner of the property adjacent to NE 57th Street and N Oak Trafficway and the Southwest corner of the property adjacent to NE Englewood Rd.
- 6.) All Mechanical equipment on the roof shall be hidden from public view by a covering similar to the rest of the structure.
- 7.) Tractor trailers and storage containers shall not be parked or stored overnight in the parking lots directly adjacent to N Oak Trafficway, NE 57th Street and NE Englewood Rd.

The applicant of this project has agreed to all conditions.

The city staff recommends that the request be approved contingent upon the conditions listed above.

Chairperson McGee asked if the applicant was present and wanted to speak.

The applicant is Mr. Mark Spurgeon who is working for Gladstone Dodge is on virtually and between him and I think we can answer any question that you may have.

Chairperson McGee asked if there were any members in the audience that wish to speak in favor of the project.

Mr. Greer said he does not believe we have any members in the audience that are willing to speak in favor.

Chairperson McGee asked if there were any members in the audience that wish to speak in opposition to this project.

Mr. Greer said we do have members in the audience that would like to speak in opposition.

Mr. Dennis Clevenger own property on NE 57th Street. The main concern is the unloading of vehicles moved off of 57th Street. Which is a residential street. He would like for them to unload them on Englewood Road or build another drive. 57th Street is not zoned for commercial vehicles.

Daughter speaking on behalf of Husam Elgousi regarding 201 NE 57th Street. We see a lot of cars. Even with the fence we will still see cars because of our house sitting up on a hill. We also hear car noises at all hours. And our road is completely destroyed. I don't think nothing is going to change because we have discussed this at other neighborhood meeting that we have had. We did not come to an agreement on it then.

Mrs. Poole 5609 N Walnut. What are the plans for N Walnut? Mr. Greer said there are no plans for Walnut at this point in time. Gladstone Dodge built a fence right up on our property line. There is buffer that they agreed upon that are not being enforced. Cars parked on residential land. Very noisy trucks. The fences on the parking are not being maintained.

Mr. Douglas Poole 5609 N Walnut. Complaint regarding trucks unloading on 57th Street. Lighting shines in the houses. The city only wants the taxes from this company they don't care about the citizens. They honk their horns every time they go around that building. Very stressful and no comfortable living.

Jessie Poole 5609 N Walnut. Lived at this property for 4 years. During that time, I paid a visit to City Council. After working with Scott Wingerson and Bob Baer individually and tried to resolve my issues with the dealership at no avail. The cars are parked on residential zoning lots. Car horns and alarms going off at all hours of the day.

Mr. Greer said there is no one else here for public comment at this time.

Chairperson McGee said that she has a list of Commissioners who have made notes in the comment that they want to speak.

Chairperson McGee said there is one person that is via zoom that would like to speak of the member of the public. Chairperson McGee ask them to state their name and address.

Jerry (brother) to Cathy Chiaminto 5700 N Grand we are both online now. Cars are being tested up and down 57th street and trucks unloading on the side of the road. Not a safe environment.

Mrs. Middleton I have several questions. How often are the vehicles being unloaded and where are they currently unloaded? Mr. Mark Spurgeon stated that Tim Doughtery the President is on the line also. Unloading cars could be 6 or more a day sometimes or 6 or more a week. It depends on sales. They are unloaded on 57th street close to the parking garage on the Northwest corner.

Mrs. Middleton asked how many times police have been called regarding accidents with the unloading of cars. Mr. Greer stated that when he sent his comments out to different departments that Public Safety did not have a comment regarding this project.

Mr. Markenson ask about a comment that was made that the City had tax interest. There is not sales tax on motor vehicles that goes through our community. It is not a money maker for the city. My questions is what is going to happen to the families that rent these homes? Mr. Tim Doughtery said the one house is vacant and the other house as soon as we have an idea on what we are going to do then we will figure out where he is going to go. Mr. Markenson said he has concerns about this and when we vote he is going to vote no. This will give the applicant some time to meet with the people in the community and work out some of these issues.

Mr. Turnage asked the public that spoke tonight did they voice their concerns during the community meeting? And if so what was the response?

Mr. Mark Spurgeon said the original design had the parking lot going in to where the 2 houses are being demolished going clear up to 57th street with a drive way. One of the concerns was to try and soften that area from the residential area. So we put a 60 or 70-foot buffer from 57th St. down to our parking lot and we were able to connect the existing lot to the new lot eternally without having to do that. The other buffers that basically separate the residential area are set at 30 feet. These are going to be very steep hills going down that also is an area we are taking into consideration or BMP's and some of our site drainage to clean the water and soften that area with landscaping and trees. Between the dealership and residences there will be an 8-foot-high vinyl fence. There were concerns that the 2 houses in the lower left corner on Walnut those are

still zoned as residential lots so they are going to remain as is and are going to be rental houses. Site lighting on the back lot is going to be LED lighting.

Mr. Turnage asked if the residents were satisfied with the responses during the community meeting?

Mr. Mark Spurgeon stated I think the only thing they were concerned about was the unloading on 57th street. We talked about the buffer are between the houses and pointed out that a lot of our parking lot is going to be lower than properties to the West. With the 8-foot-high fence and the trees along there that we have a fairly decent buffer. On 57th Street there is a few comments not wanting to look at the area straight across the street in our parking lot so we pulled that back and created a fence line in there and put some landscaping in that area. As far as the transport of the unloading of vehicles we didn't really come to a conclusion on that. I felt that everyone was somewhat satisfied with the buffer zone and landscaping. We are working with the parking lot too so it will be lower than the current fence line to hide the cars.

Mr. Cookson asked staff regarding one resident mentioned some previous possibly a previous site plan revision for a buffer zone that was not honored. Does the staff have any record of that?

Mr. Greer stated that staff has not been able to locate anything that was described earlier. Mr. Greer stated that there is anywhere between 6 to 8 parcels and 3 to 4 different zoning designations. And with this project they are trying to make this one plat one zoning and one parcel.

Chairperson McGee asked if anyone wanted to make another comment and then she closed the public hearing.

Chairperson McGee stated we are ready for discussion and to take a motion to vote.

Mix Hernandez sounds like a lot of the residents are concerned about noise pollution maybe increasing due to these changes. I wanted clarity if that correct understanding because these changes wouldn't resolve these issue, but the comments said this would make more noise pollution. Is this correct understanding?

Mr. Greer stated that yes this was part of the conversation that some of the car alarms going off on the lot. So yes you are correct.

Mr. Ebenroth asked Mr. Greer how long it would take to get that issue on 57th Street resolved between the residents and the car dealership?

Mr. Greer stated that there are some big differences with the unloading on 57th Street. Hopefully, there will be a compromise to be made. The dealership is limited on what they can do. They discussed offloading on N Oak Trafficway or Englewood or 57th Street or trying to figure a way in there parking lot to unload. It is a tough one to tackle, but it is not impossible.

Mr. Ebenroth asked about maybe continuing this project to give the residents and dealership more time to work out differences.

Mr. Greer said that the residents and the owners have discussed it and not sure everyone will come to a resolution at the end, but if that is the desire of the Planning Commission, then we can go that way as well.

Ms. Lowe said her concern is the unloading of 57th Street. Do the residents have any other recourse if the Planning Commission does not address that within this plan.

Mr. Greer stated that the offloading of the cars has been going on for many years and it is a public street, I'm not sure I can answer to what the residents have as recourse.

Ms. Hommon stated she has respect and sympathy for the noise the stress with unloading on 57th Street. There is nothing that this new build is doing that is going to change that on and off loading correct?

Mr. Greer said not to my understanding.

Ms. Hommon also stated if there is anything about this that is not in compliance with what the guidelines and the requirements that have been previously set forth are.

Mr. Greer stated again that public safety has not sent any reports regarding this area.

Ms. Middleton wanted to know which came first the residents or business.

Mr. Greer stated that it is a mixture.

Mr. Cookson a comment regarding has Gladstone Dodge been a good neighbor and it is a difficult one and will influence my vote.

Ms. Hommon asked the applicant regarding comments about noise and ordinances that weren't being addressed. Will you comply with what the city has ask for you to do in order for this to be approved?

Mr. Mark Spurgeon said the they did agree to the condition the staff requested us to do. They are fixing the buffer zone. They are also trying to work on the noise and honking. Other than that there will be some noise.

Ms. Lowe asked Mark Spurgeon regarding the trucks unloading on 57^{th} Street. So there are no other options other than 57^{th} Street?

Mr. Mark Spurgeon said that is what he has been told at the moment.

Mr. Greer stated that this is a site plan, this is a replat and a rezone and that is why we are here tonight. Being a good neighbor is a relative term. Keep in mind why we are here. If you decide to take a vote this evening.

MOTION: By Mr. Turnage, second by Ms. Middleton to approve the Site Plan Revision at 5610 N Oak Trafficway.

Vote:	Mr. Cookson	No
	Mr. Ebenroth	Yes
	Mix Hernandez	Yes
	Ms. Hommon	Yes
	Ms. Lowe	Yes
	Mr. Markenson	No
	Ms. Middleton	Yes
	Mr. Murch	Yes
	Mr Turnage	Yes
	Chairperson McGee	Yes

8 said Aye. The motion carried. (8-Yes, 2-No)

<u>Item 6 on the Agenda:</u> Consideration: of a Final Plat at 5610 N Oak Trafficway. Applicant/Owner AutoSmart LLC File #2020-2013

Chairperson McGee can we have a motion for the Final Plat at 5610 N Oark Trafficway.

MOTION: By Mr. Turnage, second by Mr. Ebenroth to approve the Final Plat at 5610 N Oak Trafficway.

Vote:	Mr. Cookson	No
	Mr. Ebenroth	Yes
	Mix Hernandez	Yes
	Ms. Hommon	Yes
	Ms. Lowe	Yes
	Mr. Markenson	No
	Ms. Middleton	Yes
	Mr. Murch	Yes
	Mr Turnage	Yes
	Chairperson McGee	Yes

8 said Aye. The motion carried. (8-Yes, 2-No

Item 7 on the Agenda: Other Business Mr. Greer stated no other business.

Item 8 on the Agenda: Communications from the City Council.

One of the Council Members spoke regarding the Mayor reminding us regarding the Christmas Tree Fund feeding the Northland children back packs of food item for weekends for the income eligible families. Second with the Christmas Tree Fund Clay County Christmas Story. Another very important resource for families during the holiday period.

Item 9 on the Agenda: Communications from City Staff.

No communications from the City Staff.

Item 10 on the Agenda: Communications from the Planning Commission Members.

Mix Hernandez said looks like there was a couple of residents on the zoom call Rick Kitchen and wife the way that the meeting operated there were specific moments for the residents to speak and when that part closed that is when it opened up to the Planning Commission Members to speak. I urge you all to go ahead and go to the Gladstone City Council Meeting and be sure to speak up during the audience portion of the meeting to make your voices heard. Just because we voted yes here tonight does not mean that it is really happening. It still goes through City Council.

Ms. Hommon said she loved the lights going down 70th streets. Thanks to the city.

Item 11 on the Agenda: Adjournment	
Chairperson McGee adjourned the meeting a	t 8:05 pm.
Respectfully submitted:	
Jennifer McGee, Chairperson	Approved as submitted
Angie Daugherty, Recording Secretary	Approved as corrected



Community Development Department

Staff Report

Date: December 8, 2020

File #: 2020-013

Requested Action: Zoning Change, Site Plan Revision, Re-Plat

Date of PC Consideration: December 7, 2020 Date of Council Consideration: December 14, 2020

Applicant:

Tim Doherty, AutoSmart LLC

Architect/

Engineer:

Mark Spurgeon & Aimee Gray, a3g Architects

Address of Property: 5610 N Oak Trafficway, Gladstone, MO 64155 (Gladstone Dodge, Chrysler, Jeep & Ram)

Planning Information

- <u>Current Zoning:</u> C-1, Local Business District; CP-2 Planned District, General Business; CP-3, Planned District Commercial;
- Zoning History: Commercial
- Planned Land Use: Commercial
- Surrounding Uses: Residential & Commercial
- Applicable Regulations: Zoning and Subdivision Ordinance and Comprehensive Plan

Additional Information

- Public Utility Availability: Existing
- <u>Ingress/Egress:</u> North Oak Trafficway (Two locations); NE Englewood Road (Two locations); NE 57th Street (One Location)
- <u>Traffic Impacts:</u> None
- Proposed Signage: See sign plan attached.

Analysis

The applicant is proposing to construct a brand new Jeep Showroom between the two existing dealership buildings. The applicant is proposing to re-plat multiple properties into one plat and rezone the various commercial properties into CP-3, Planned District, Commercial.

With an increase in impervious surface (additional parking spaces) on the southwest and northeast areas of the property, there will be stormwater infrastructure upgrades.

In order to improve traffic flow within the dealership and N. Oak Trafficway, the entry/exit located on the southeast side of the property, adjacent to the intersection of N. Oak Trafficway and NE Englewood road will be permanently closed and infilled with curb and gutter.

Two (2) featured manicured areas will be irrigated and maintained in perpetuity.

- NE corner of the property adjacent to NE 57th Street and N. Oak Trafficway
- SW corner of the property adjacent to NE Englewood Road

The team representing this project held a community meeting with the adjacent residential homeowners at the Gladstone Dodge dealership. From that discussion, City Staff understands that two primary concerns were raised:

- The unloading of vehicles on 57th Street using an auto transport trailer (semi-trailer).
- The demolition of two homes located on one parcel currently owned by the applicant (Autosmart LLC) in order to expand the parking lot adjacent to NE 57th Street. These two rental properties are located at 203 and 205 NE 57th Street.

From this neighborhood meeting, a larger buffer zone of approximately sixty (60) feet of green space, a new six (6) foot vinyl fence, earthtone in color and landscaping on the north side of the property will be installed. In addition, the applicant is installing an eight (8) foot vinyl privacy fence, earthtone in color, to separate the residential properties and the Gladstone Dodge property along the entire west side of the property.

Recommended Conditions

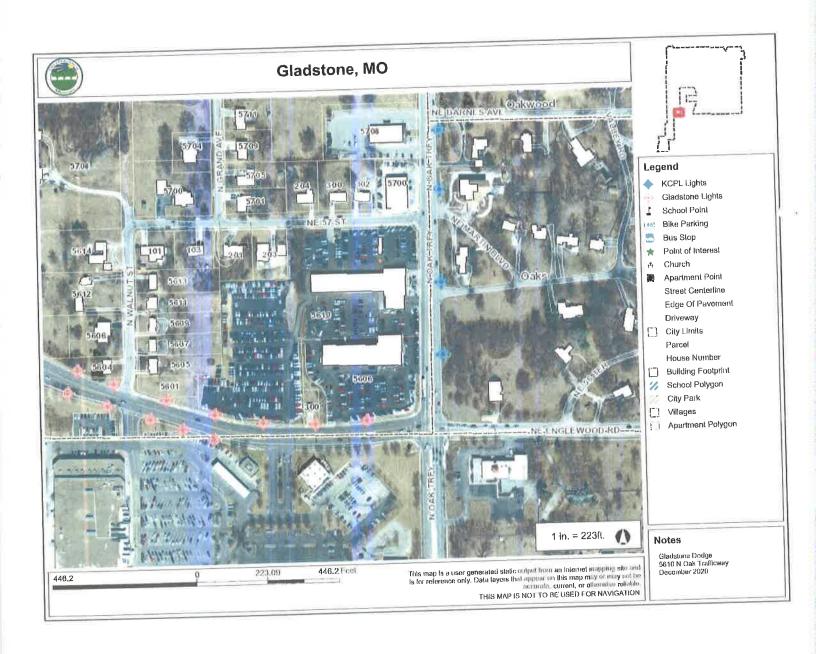
City Staff recommends that the following conditions be considered if the Planning Commission and City Council choose to approve this project request:

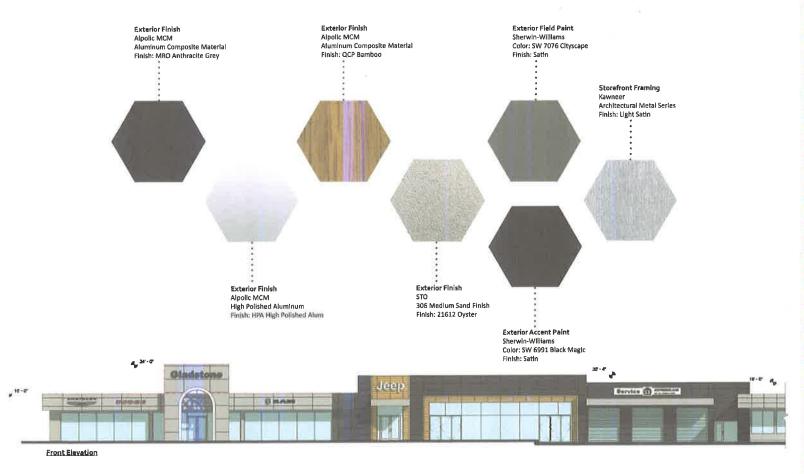
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- 5. Featured manicured and landscaped areas shall be irrigated and maintained in perpetuity. These two (2) featured areas are the following:
 - NE corner of the property adjacent to NE 57th Street and N. Oak Trafficway
 - SW corner of the property adjacent to NE Englewood Road
- 6. All mechanical equipment on the roof(s) shall be screened from public view by a parapet similar in design to the rest of the structure.
- 7. Tractor Trailers and storage containers shall not be parked or stored overnight in the parking lots directly adjacent to North Oak Trafficway, NE 57th Street, and NE Englewood Road.

The applicant of this project has agreed to all conditions.

Recommendation

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





A 33G

Gladstone Dodge Chrysler Jeep Ram 5610 N Oak Trafficway, Gladstone, Missouri 64118



Front Rendering



Gladstone Dodge Chrysler Jeep Ram 5610 N Oak Trafficway, Gladstone, Missouri 64118

