

BILL NO. 21-11

ORDINANCE NO. 4.549

AN ORDINANCE ADOPTING NEW CHAPTER 200 SITE PLAN, SECTION 7.200.010; SITE PLAN EXPIRATION TO TITLE VII-ZONING & PLANNING, OF THE CODE OF THE CITY OF GLADSTONE, MISSOURI.

WHEREAS, the City needs to adopt local ordinances to address the expiration of site plans, particularly with regard to planning, zoning and land use regulations; and

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:


SECTION 1. ADOPTING NEW CHAPTER 200. – SITE PLAN, SECTION 7.200.010 SITE PLAN EXPIRATION.

- a. The approval of a site plan shall expire three (3) years following the date of the approval, unless a building permit has been issued and construction is diligently pursued.
- b. Extension. Site plan approval may be extended once for a total of not more than an additional two (2) years by the Community Development Director. Application for an extension shall be made to the Community Development Director not more than sixty (60) days before the expiration of the original approval. The Community Development Director may extend a site plan approval if the site plan remains consistent with the purpose and intent of the original plan approved.
- c. New application. If the approval of a site plan expires and an extension to the approval is not, or cannot be granted, a new application for the site plan must be filed and approved prior to issuance of a building permit for construction on that property.
- d. Existing approved site plans. Any existing site plan that has received approval will have one (1) year to start construction starting March 15, 2021. If construction has not started within one (1) year of March 15, 2021, a new application and site plan will need to be submitted and undergo the appropriate processes.

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 the ordinance.

INTRODUCED, READ, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 8th DAY OF MARCH 2021.


Jean B. Moore, Mayor

ATTEST:

Ruth Bocchino, City Clerk

1st Reading: March 8, 2021

2nd Reading: March 8, 2021



Request for Council Action

RES # City Clerk Only

BILL # 21-11

ORD # 4.549

Date: 3/3/2021

Department: Community Development

Meeting Date Requested: 3/8/2021

Public Hearing: Yes Date: 3/8/2021

Subject: The Expiration of Site Plans

Background: As the City Code is currently written, once site plans are approved, they are approved indefinitely, even without projects being actively pursued or without building permits being applied for. Currently, there are a handful of approved site plans throughout the City that are 10+ years old and have not been actively pursued. Technically, developers could still implement those approved projects from 10+ years ago without input of the current Planning Commission, City Council and neighborhoods. As we all know, the world is a rapidly changing place and that residential neighborhoods and commercial corridors can look and feel much differently over the span of just a couple of years. City Staff believes that it is important to protect the health and safety of our neighborhoods and commercial corridors by passing an ordinance addressing the expiration of site plans that allow for modern and up-to-date input by the Planning Commission, City Council, and neighborhoods.

Add Chapter 200. – Site Plan

Add Section. 7.200.010. – Site Plan Expiration

- a. The approval of a site plan shall expire three (3) years following the date of the approval, unless a building permit has been issued and construction is diligently pursued.
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Budget Discussion: 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 – No input

Staff – Recommends approval as written.

Planning Commission – Voted unanimously (11-0) to approve the ordinance as written.

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

Austin Greer, Assistant To the City Manager/Planning Administrator

City Attorney JM

City Manager SW

RCA DUE TO CITY CLERK WEDNESDAY 12:00 PM



Community Development Department

Staff Report

Date: February 9, 2021

File #: 2021-001

Requested Action: Planning & Zoning Ordinance for the Expiration of Site Plans

Date of PC Consideration:

Date of Council Consideration:

Applicant: City of Gladstone, Community Development Department

Analysis

As the City Code is currently written, once site plans are approved, they are approved indefinitely, even without projects being actively pursued or without building permits being applied for.

Currently, there are a handful of approved site plans throughout the City that are 10+ years old and have not been actively pursued. Technically, developers could still implement those approved projects from 10+ years ago without input of the current Planning Commission, City Council and neighborhoods.

As we all know, the world is a rapidly changing place and that residential neighborhoods and commercial corridors can look and feel much differently over the span of just a couple of years. City Staff believes that it is important to protect the health and safety of our neighborhoods and commercial corridors by passing an ordinance addressing the expiration of site plans that allow for modern and up-to-date input by the Planning Commission, City Council and neighborhoods.

Below, is the recommended Ordinance.

Add Chapter 200. – Site Plan

Add Section. 7.200.010. – Site Plan Expiration

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- c. New application. If the approval of a site plan expires and an extension to the approval is not, or cannot be granted, a new application for the site plan must be filed and approved prior to issuance of a building permit for construction on that property.

- d. Existing approved site plans. Any existing site plan that has received approval will have one (1) year to start construction starting March 15, 2021. If construction has not started within one (1) year of March 15, 2021, a new application and site plan will need to be submitted and undergo the appropriate processes.

Recommended Conditions

N/A

Recommendation

City Staff recommends that the request be APPROVED.

PLANNING COMMISSION
GLADSTONE, MISSOURI
Gladstone City Hall
Commission members joined via Zoom
Tuesday, February 16th, 2021
7:00 pm

Item 1 on the Agenda: Roll Call.

Present: Chase Cookson
Mike Ebenroth
JN Hernandez
Alicia Hommon
Brenda Lowe
Gary Markenson
Kate Middleton
Kim Murch
James New
Bill Turnage
Jennifer McGee, Chair

Absent: Larry Whitton

Council & Staff Present:

Bob Baer, Asst. City Manager (via Zoom)
Austin Greer, Planning Administrator
Angie Daugherty, Admin. Assistant (via Zoom)

Item 2 on the Agenda: Pledge of Allegiance.

Chairperson McGee led the group in reciting the Pledge of Allegiance.

Item 3 on the Agenda: Approval of the January 4th, 2021 minutes.

The minutes were mistakenly not included in the packet. The commission moved on to Item 4 on the Agenda.

Item 4 on the Agenda: Public Hearing: City of Gladstone request to Add Chapter 200. – Site Plan and add section 7.200.010 – Site Plan Expiration to Title VII – Zoning and Planning Ordinance. File #2021-001

Mr. Greer read the staff report. As the City Code is currently written, once site plans are approved, they are approved indefinitely, even without projects being actively pursued or without building permits being applied for.

Currently, there are a handful of approved site plans throughout the City that are 10+ years old and have not been actively pursued. Technically, developers could still implement those

approved projects from 10+ years ago without input of the current Planning Commission, City Council and neighborhoods.

As we all know, the world is a rapidly changing place and that residential neighborhoods and commercial corridors can look and feel much differently over the span of just a couple of years. City Staff believes that it is important to protect the health and safety of our neighborhoods and commercial corridors by passing an ordinance addressing the expiration of site plans that allow for modern and up-to-date input by the Planning Commission, City Council, and neighborhoods.

Chairperson McGee opened the Public Hearing and asked if there were any members in the audience that wish to speak.

Mr. Greer stated that no members of the public are in the audience tonight at City Hall or via Zoom.

Chairperson McGee asked for discussion from the Planning Commission.

Ms. Middleton asked which projects are already on the books and have not been completed? Will this ordinance apply to them as well?

Mr. Greer answered that he does not want to single out specific projects in the community but will be more than happy to give a broad overview. One of the projects happens to be a townhome project and then the second one is a mixture of townhomes and apartments. These are just two projects that come to mind. This particular ordinance is not specifically directed towards those projects but the communities around them have certainly changed over the last 10 to 15 years and it would be more appropriate to go through the right processes again if they wanted to implement those projects that were approved many years ago.

Ms. Middleton asked if this would apply to those projects as well?

Mr. Greer said yes, that is correct. This would apply to any project that has been approved in the past. In the amendment that City Staff wrote, if that project was passed they would have a year from March 15th to pull building permits and start that project. If not, it will expire and then it will go through the normal processes.

Ms. Middleton asked if there was a way to let them know that they need to do this?

Mr. Greer said at this time, it is not a significant concern for City Staff to notify these developers. If those projects were approved 10 to 15 years ago and they have not been pursued at this point, then I believe it would be the developer's responsibility to follow-up.

Mr. Markenson stated that section A says for future site revisions they would have three years following the date of approval?

Mr. Greer said yes. For example, if a project were approved by the City Council tonight, the developer's three-year clock would start. They would ultimately have three years to get their financing in place, start pulling building permits, and actively pursuing that project.

Mr. Markenson asked if a site plan we approved earlier this year would only have one year to complete?

Mr. Greer said no. All of the projects that have been approved by the Planning Commission are actively being pursued and are under construction.

Mr. Cookson wanted to be clear that a project would not expire as long as the developer is pulling building permits and construction is being diligently pursued. Once they start, it will provide them some time, is that correct?

Mr. Greer said yes. Once the developer begins pulling building permits and actively pursues the project, this ordinance does not really apply to them. This ordinance primarily targets projects that have been approved many years ago, but have never started. City Staff believes that as quickly as neighborhoods and commercial corridors can change, if a project is pursued in their neighborhood, the project should go through the appropriate processes with current neighborhood, Planning Commission, and City Council input.

Chairperson McGee closed the public hearing.

MOTION: By Mr. Cookson, second by Ms. Middleton to approve the City of Gladstone request to Add Chapter 200. – Site Plan and add section 7.200.010. – Sit Plan Expiration to Title VII – Zoning and Planning Ordinance.

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. New	Yes
Mr. Turnage	Yes
Chairperson McGee	Yes

All said Aye. The motion carried. (11-Yes, 0-No)

Item 5 on the Agenda: Communication from the City Council.

No communication from the City Council.

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

No Communication from the City Staff.

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

Mr. Turnage spoke about an email he received regarding Shari Poindexter who used to be a member of the Planning Commission. He mentioned that she and her father passed away in a house fire in Arkansas. I remember Shari being on the quiet side and friendly. She was a fellow commissioner and I considered her a friend. I was sad to hear of her and her father's passing.

Mr. Markenson stated that Gladstone was participating with the Clay County Health Department in the major vaccine effort at Cerner. I was there last week and it was amazing and fast. It was nice to see our very own Austin Greer there directing traffic and pedestrians into the facility.

Item 8 on the Agenda: Adjournment.

Chairperson McGee adjourned the meeting at 7:14 pm.

Respectfully submitted:

Jennifer McGee, Chairperson

Approved as submitted _____

Angie Daugherty, Recording Secretary

Approved as corrected _____