# AN ORDINANCE APPROVING A SITE PLAN REVISION FOR PROPERTY AT 7000 N. OAK TRAFFICWAY.

WHEREAS, pursuant to Section 32-37 of Ordinance No. 2.292 being the Gladstone Zoning Ordinance, public notice was made of a request for site plan approval at 7000 N. Oak Trafficway; and

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

WHEREAS, the City Council finds that the planned development does not materially injure the property and the uses of the properties immediately adjacent to the proposed development; and

WHEREAS, the City Council finds that the site plan presents a unified and organized arrangement of buildings and facilities which have a functional relationship to the property comprising the development; and

WHEREAS, the City Council finds it is in the best interest of the citizens of the City of Gladstone that the site plan submitted by the applicant be approved subject to the terms and conditions set forth herein;

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

#### SECTION 1. SITE PLAN APPROVAL.

The Site Plan for 7000 N. Oak Trafficway is hereby approved subject to the terms and conditions set forth herein;

- 1. Any and all disturbed areas shall be sodded.
- 2. All manicured grass and landscaped areas shall be maintained in perpetuity.
- 3. All mechanical equipment on the roof and ground shall be screened from public view similar in design to the rest of the structure. Mechanical screening will be submitted and approved as part of the building permit.
- 4. The trash dumpster shall be enclosed with materials consistent with the primary building and located on the west side of the property shielded from public view. Specific construction materials and colors shall be submitted and approved as part of the building permit.
- 5. All exterior lighting on the site shall be LED and designed to reduce adverse impact on adjoining properties.
- 6. Trash service and deliveries shall occur between the hours of 7:00 a.m. to 10:00 p.m.
- 7. Tractor trailers, RV's, and storage containers shall not be parked or stored overnight on the premises.
- 8. Signage compliant with the sign code shall be used. Signage shall be approved at the time of permitting.

**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 14th DAY OF FEBRUARY, 2022.

R D Mallams Mayor

ATTEST:

Becky Parrett, Deputy City Clerk

First Reading: February 14, 2022

File # SITE21-00008

Second Reading: February 14, 2022



# Request for Council Action

RES □# City Clerk Only

BILL ⊠# 22-09

ORD # 4.586

Date: 2/8/2022

Department: Community Development

Meeting Date Requested: 2/14/2022

Public Hearing: Yes ☑ Date: 2/14/2022

Subject: Site Plan Revision, 7000 N. Oak Trafficway - Pure Water of Kansas City

Background:

Chris and Amanda Surber, the Applicants and Tom and Mary Ann Sims, the Owners are seeking site plan approval for the purpose of adding approximately 1,800 sq. ft. to the building located at 7000 N. Oak Trafficway in order to operate Pure Water of Kansas City, a Gladstone based business. Their plan is to remodel the interior and exterior of the building and improve the parking lot on the west side (backside) of the property.

Mr. Sims also plans to install a new stone veneer, approximately four (4) feet tall, on the front side of the building and enhance the landscaping around the monument sign adjacent to N. Oak Trafficway. With Mr. Sims upgrading the landscaping around the monument sign using more natural landscaping that requires minimal water, city staff is not requiring the installation of underground irrigation.

NE 70<sup>th</sup> St., which is a dead end street, is already being utilized by the AT&T maintenance facility directly to the south of 7000 N. Oak Trafficway for large commercial vehicles.

In the storm water analysis conducted by Kaw Valley Engineering, they recommend an extended detention basin on the west side (backside) of the property that will provide reductions in storm water runoff rates and volume.

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

from the N/A Fund. Ongoing costs are

Public/Board/Staff Input:

Public – Mr. Jim Oldebeken spoke about Mr. Bateman's cave and lawsuit against the city.

Board – The Planning Commission voted unanimously in favor of approving this project request.

Staff – City Staff recommends approval upon the conditions listed in the staff report.

Austin Greer

JM

Comm. Dev. Dir.

City Attorney

City Manager

SW



### **Community Development Department**

Staff Report

Date: January 10, 2022

File #:

Requested Action: Site Plan Revision, 7000 N. Oak Trafficway

Date of PC Consideration: January 18, 2022

Date of Council Consideration: February 14, 2022

Applicant: Chris & Amanda Surber

Pure Water of Kansas City

Owner: Tom & Mary Ann Sims

1800 NE 76th St.

Architect: Kathleen Warman

Warman Architecture+Design

Address of Property: 7000 N. Oak Trafficway

# **Planning Information**

- Current Zoning: CP − 2; Planned District, General Business District
- Zoning History: CP 2; Planned District, General Business District
- Planned Land Use: Commercial (Comprehensive Plan)
- <u>Surrounding Uses:</u> North Commercial; South Commercial; East N. Oak Trafficway; West Single Family Residential.
- Applicable Regulations: Zoning and Subdivision Ordinance and Comprehensive Plan

#### Additional Information

- Public Utility Availability: Existing
- <u>Ingress/Egress</u>: Adequate traffic movement is provided via two existing access points on NE 70<sup>th</sup> St.
- Total Parking Spaces Provided: 17 total spaces 5 new spaces and 12 spaces existing

# **Analysis**

Chris and Amanda Surber, the Applicants and Tom and Mary Ann Sims, the Owners are seeking site plan approval for the purpose of adding approximately 1,800 sq. ft. to the building located at 7000 N. Oak Trafficway in order to operate Pure Water of Kansas City, a Gladstone based business. Their plan is to remodel the interior and exterior of the building and improve the parking lot on the west side (backside) of the property.

Mr. Sims also plans to install a new stone veneer, approximately four (4) feet tall, on the front side of the building and enhance the landscaping around the monument sign adjacent to N. Oak Trafficway. With Mr. Sims upgrading the landscaping around the monument sign using more natural landscaping that requires minimal water, city staff is not requiring the installation of underground irrigation.

NE 70<sup>th</sup> St., which is a dead end street, is already being utilized by the AT&T maintenance facility directly to the south of 7000 N. Oak Trafficway for large commercial vehicles.

In the storm water analysis conducted by Kaw Valley Engineering, they recommend an extended detention basin on the west side (backside) of the property that will provide reductions in storm water runoff rates and volume.

#### **Recommended Conditions**

City Staff recommends that the following conditions be considered if the City Council chooses to approve this project request:

- 1. Any and all disturbed areas shall be sodded.
- 2. All manicured grass and landscaped areas shall be maintained in perpetuity.
- 3. All mechanical equipment on the roof and ground shall be screened from public view similar in design to the rest of the structure. Mechanical screening will be submitted and approved as part of the building permit.
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# Recommendation

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

## PLANNING COMMISSION GLADSTONE, MISSOURI Gladstone City Hall Tuesday, January 18th, 2022 7:00 pm

#### Item 1 on the Agenda: Roll Call.

Present:

Gary Markenson

Kate Middleton Bill Turnage Brenda Lowe

Mike Ebenroth, Vice Chair

Alicia Hommon

Jennifer McGee, Chair

Larry Whitton

Absent:

James New

JN Hernandez

Chase Cookson, Secretary

Kim Murch

#### Council & Staff Present:

Austin Greer, Community Development Director Angie Daugherty, Admin. Assistant

Jean B. Moore, Council Member

# Item 2 on the Agenda: Pledge of Allegiance.

Chair McGee led the group in reciting the Pledge of Allegiance to the United States of America.

<u>Item 3 on the Agenda:</u> Approval of the January 3rd, 2022 Minutes. Chair McGee asked if there was a motion to approve the minutes from the January 3<sup>rd</sup> meeting.

Ms. Hommon moved to approve the minutes; Mr. Ebenroth seconded. The minutes were approved, 8-0.

Item 4 on the Agenda: Public Hearing: On a Site Plan Revision at 7000 N. Oak Trafficway. Applicant Chris & Amanda Surber/Owner Tom & Mary Ann Sims #Site21-00008. The City Council Public Hearing is scheduled for Monday, February 14th, 2022.

Mr. Greer read from the staff report.

Chris and Amanda Surber, the Applicants and Tom and Mary Ann Sims, the Owners are seeking site plan approval for the purpose of adding approximately 1,800 sq. ft. to the building located at 7000 N. Oak Trafficway in order to operate Pure Water of Kansas City, a Gladstone based business. Their plan is to remodel the interior and exterior of the building and improve the parking lot on the west side (backside) of the property.

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City Staff recommends that the request be <u>APPROVED</u> contingent upon the conditions listed above.

Chair McGee asked if the applicants are here tonight.

Mr. Greer stated yes, the applicants and the property owners are in the audience tonight and will be willing to answer any questions that you may have regarding this project.

Mr. Turnage asked the applicants what the nature of the business is.

Mrs. Surber stated that they deliver water, they do water filtration services for homes. They install reverse osmosis water softeners. They also have a store where people can come in and fill up their bottles with water and a number of other water related services.

Chair McGee asked if there were any members of the public that would like to speak in favor of this project. – No members of the audience spoke.

Chair McGee asked if there were any members of the public that would like to speak in opposition of the project.

Mr. Jim Oldebeken stated that he lives at 76<sup>th</sup> Ter. He is not necessarily opposed to this particular project but there is a matter of public safety that he wants to present to the Planning Commissioners.

Mr. Greer asked Mr. Oldebeken if his remarks are related to this particular project tonight or are they related to the cave on 76<sup>th</sup> Terrace?

Mr. Oldebeken stated that he will cover that. Mr. Bob Bateman spoke to the Planning Commission in the previous meeting and made some statements that concern him. The one that concerns him the most has to do with a statement that said this cave could drown a child at Hobby Hill Park. Bob Bateman has said in this lawsuit exhibit one that he will be suing the business owners who's storm water ends up on his property. Which he thinks damages his property and to the hazard of a child drowning on his property. The connection has to do with a real hazard and a lawsuit. Mr. Oldebeken has a couple of questions that he would like to cover so they have the basics on the safety issue. His first question was "what water shed is this property on that we are considering tonight?"

Mr. Greer stated that he believes there is a mile or more between this particular property that we are discussing tonight and the location of the cave on 76<sup>th</sup> Terrace.

Mr. Oldebeken stated he has a handout for them. Mr. Bateman believes that the entire area of North Oak from Gladstone downtown area is damaging his cave and putting a child at risk. He never hears any feedback from the city since this lawsuit started on January 28<sup>th</sup> of 2021. Nothing comes back to the public when we have questions or concerns about this. The hazards with this cave are not limited to flooding. Another hazard is asphyxiation. Mr. Bateman neglected to comment about the fact that the cave map that was drawn in 2019, that the city has a copy of, was not completed. Also, you can get stuck in this cave. The area of this cave is two feet by two feet. In 1991, there was a report from Mike Banks when he surveyed the cave that there is a lower level to the cave. He is asking that the city does not consider any new applications until the public is comfortable with the safety hazards associated with storm water in this area. He asked if we could have a public hearing where the public can get some basics questions answered about safety. He wandered who has commented publicly to the city about Mr. Bateman's cave hazards and the lawsuit.

Mrs. Mary Ann Sims who owns the property at 7000 N. Oak Trafficway introduced herself and spoke. She would like to know how this cave has any connection to her property located at 7000 N. Oak Trafficway. This property is south of 72<sup>nd</sup> St. Her understanding is that the cave is on 76<sup>th</sup> Terrace. She would like to know how this has anything to do with her property and what they are proposing to do.

Mr. Greer thanked Mr. Oldebeken for being here tonight and sharing his comments with the Planning Commission. He also thanked Mrs. Sims for introducing herself and speaking as well. There is significant separation and distance between this project at 7000 N. Oak Trafficway and the cave location on 76<sup>th</sup> Terrace. Although Mr. Oldebeken believes there could be a connection between these two locations, I do not believe that there is, so let's refocus on the project and application that is in front of us tonight. Thank you.

Mr. Whitton stated that he is a lifetime resident of Gladstone and he said there is no way that the water runoff from the property at 7000 N. Oak Trafficway could ever move up to 76<sup>th</sup> Terrace. The water will run downhill and it will end up south of Englewood Road. The Planning Commissioners can't stop every project in town just because Mr. Bateman is suing the city.

Ms. Hommon asked if Mr. Greer could speak to the qualifications of Kaw Valley Engineering to be able to address the issue of the runoff so they can be confident on making their decision.

Mr. Greer stated that the Kaw Valley Engineering Firm is a well-known firm in the metro area. They are a reliable engineering firm that actually completes a lot of work with the city and city staff believes they are more than qualified to do this type of work.

Ms. Hommon asked if the city has ever had any litigation or any legal liability related to any error on Kaw Valley Engineering Firm.

Mr. Greer stated that not that he is aware of. Part of the reason why staff requires an engineering study like you've seen for this project tonight is so that we can have it for our records in case an issue arises in the future. By requiring this study, paid for by the applicant, to be included in the application, it's Alan and I's way of helping protect the city, Planning Commission, and City Council from any future liability. Thank you.

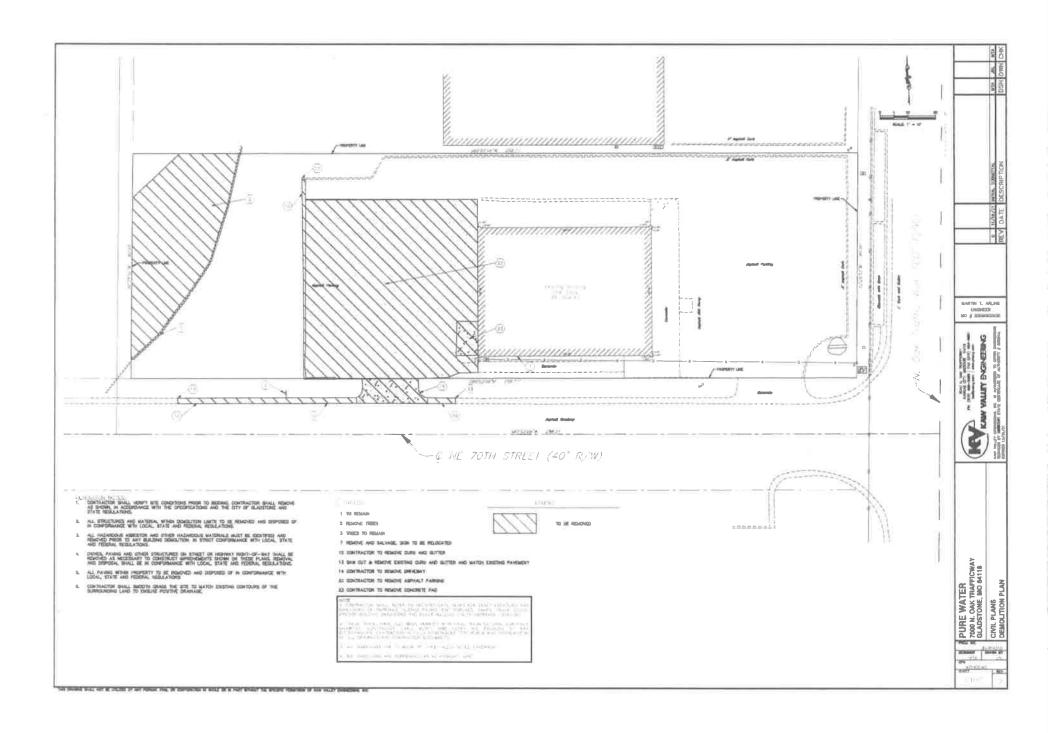
MOTION: By Ms. Hommon, second by Mr. Whitton to approve a Site Plan Revision for the property located at 7000 N. Oak Trafficway.

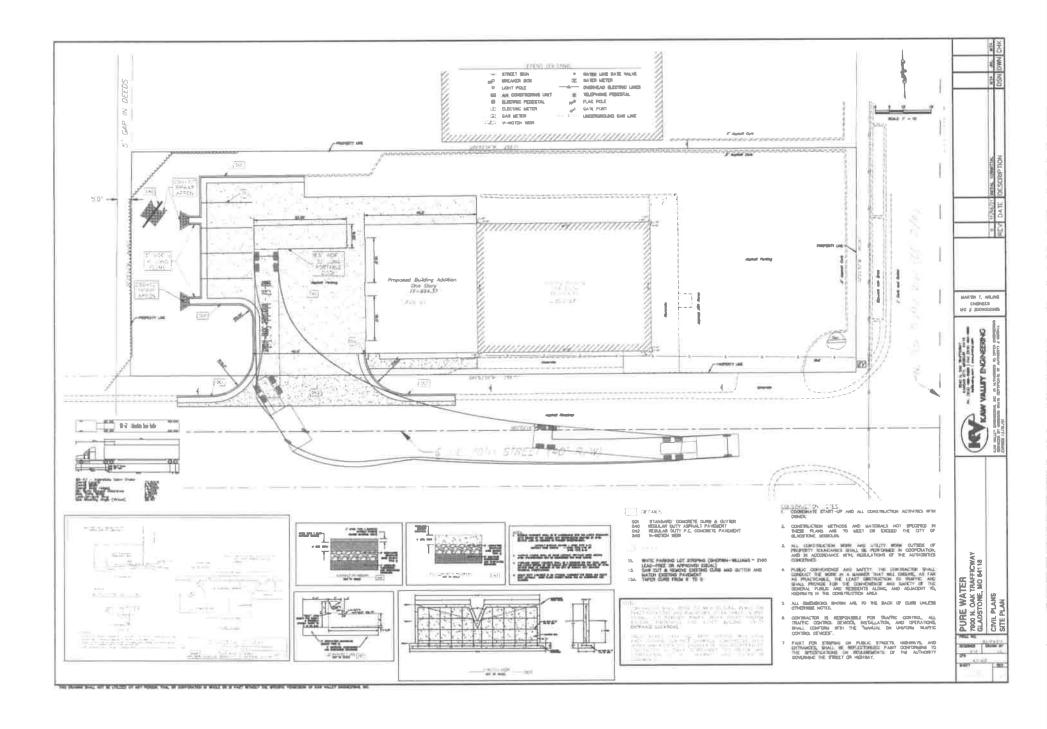
Vote:	Ms. Lowe	Yes
	Mr. Markenson	Yes
	Mr. Whitton	Yes
	Mr. Turnage	Yes
	Ms. Middleton	Yes
	V-Chair Ebenroth	Yes
	Chair McGee	Yes
	Ms. Hommon	Yes

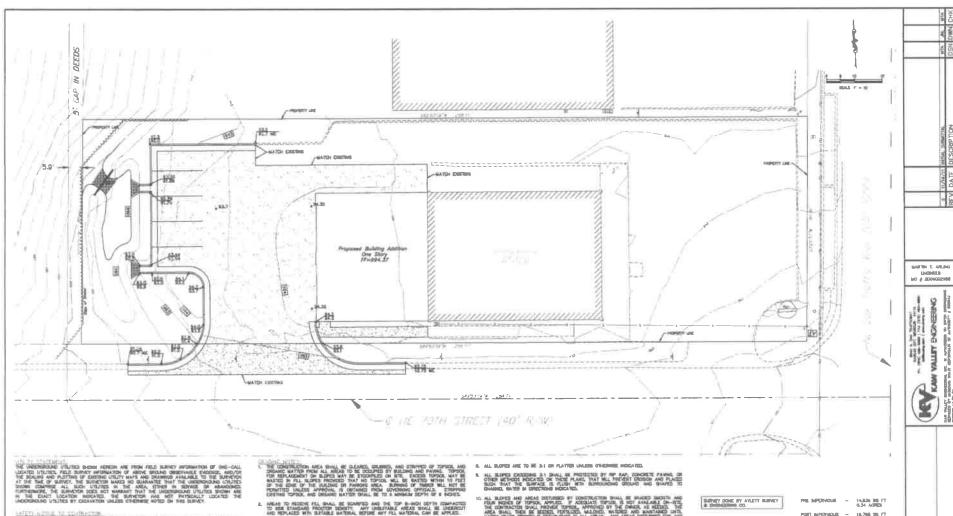
The motion carried. (8-0)

# Item 5 on the Agenda: Communication from the Audience

Mr. Cody McElroy wanted to introduce himself to the Planning Commissioners. He is running for the Gladstone City Council and he is primarily concerned with affordable housing. People are looking to start families and want to buy housing at an affordable cost.







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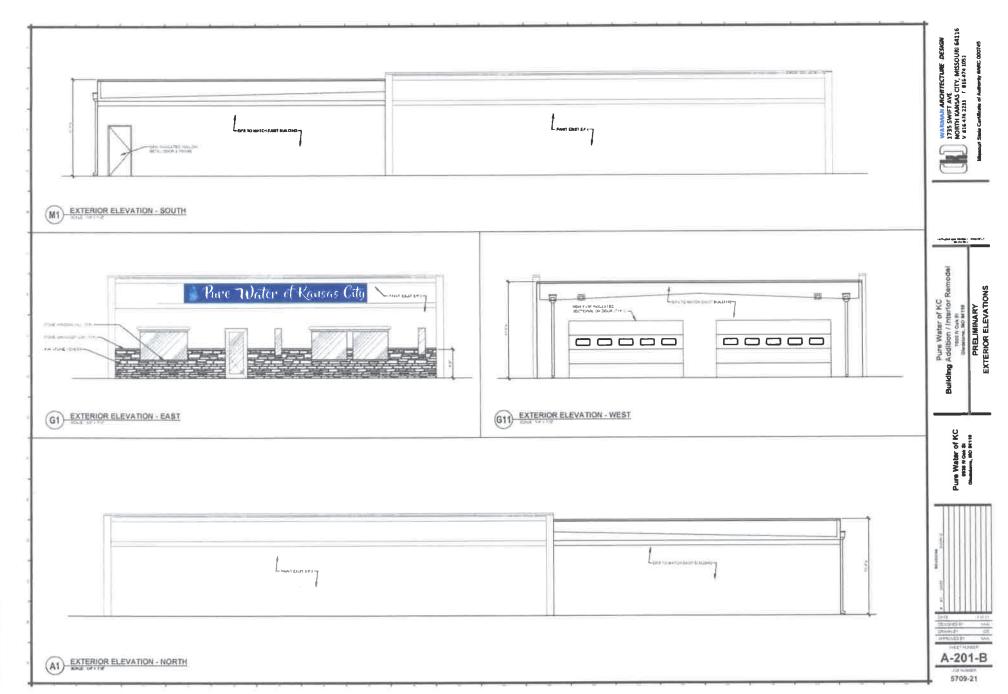
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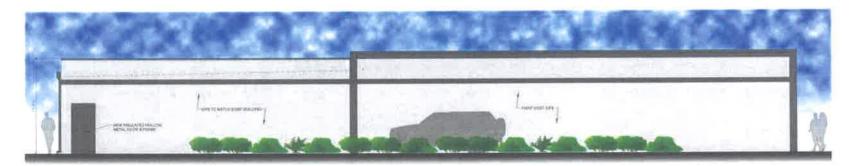
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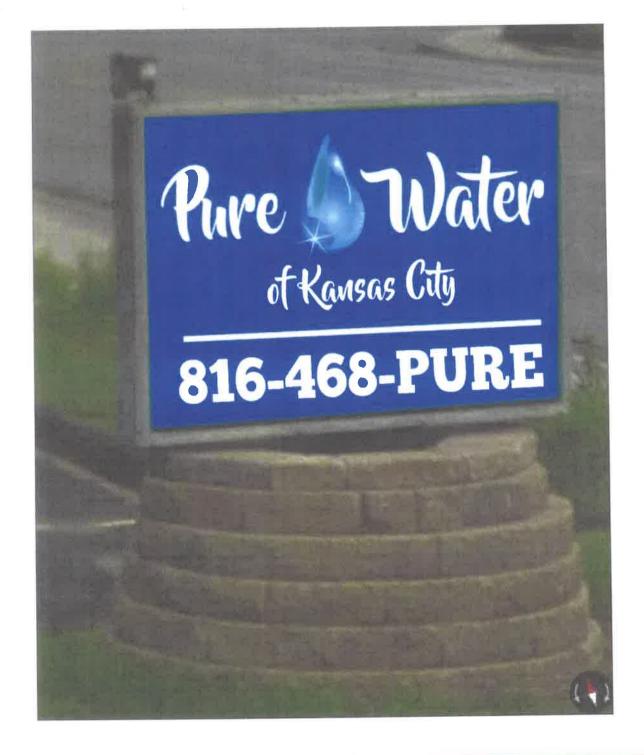
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