

PLANNING COMMISSION
GLADSTONE, MISSOURI
City Hall Council Chambers

Monday
December 6, 2010
7:30 pm

Item 1 on the Agenda: Roll Call.

Present: Ms. Alexander
Mr. Turnage
Mr. Garnos
Mr. Ringhausen
Ms. Smith
Mr. Velasquez
Mr. Whitton
Ms. Abbott
Mr. Steffens
Mr. West
Chairman Hill

Absent: None

Council & Staff Present:

Mayor Pro-Tem Barry McCullough
Councilman Carol Rudi
Scott Wingerson, Assistant City Manager
Melinda Mehaffy, Economic Development Administrator
Chris Helmer, Planning Specialist
Betsy Blake, Interim City Attorney, Williams, Campo
Becky Jarrett, Administrative Assistant

Item 2 on the Agenda: Pledge of Allegiance.

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

Item 3 on the Agenda: Approval of the October 18, 2010 minutes.

MOTION: By Mr. Steffens, second by Mr. West to approve the October 18, 2010 minutes as submitted. The motion carried.

Item 4 on the Agenda: Communications from the Audience.

None.

Item 5 on the Agenda: CONSIDERATION: of a FINAL PLAT at “all that part of Block 1, Santerra at Shady Lane 1st Plat.” Applicant/Owner: Reveda of Gladstone. File #1352. The City Council will consider this application on Monday, December 13th.

Chairman Hill called on Mr. Helmer for the staff report.

Planning Specialist Chris Helmer stated that tonight’s final plat is simply for final plat approval. The overall plat is consistent with the proposed development plan. A while back there was a revised site plan and this simply allows the developer the ability to sell each of the units separately. He said the request is for the two units currently being constructed.

Ms. Alexander asked if the developer has resolved the resident’s complaints about the drainage and those types of things.

Mr. Helmer answered that those issues have been separate from the overall plat approval process, but he does believe they are getting better.

Ms. Alexander said she is reluctant to approve anything for the area until the builder corrects existing problems.

Ms. Smith asked if this would put the Commission in a position to give up their leverage on the issue if they approve it.

Mr. Helmer replied that it is kind of a gray area and that he knows it’s hard to separate their feelings and some of the things that the Commission heard during the site plan revision process. Although this is associated with that, this process is pretty straight forward and one that is just a formality of going through for the platting process to sell those units and if the Commission recalls that was a pretty big deal going through that process.

Ms. Abbott asked if the developer fixed the run-off problems on the new units so there won’t be any problems like they had with what was already built.

Mr. Helmer said he’s not sure where everything is on the stormwater process, but it is on-going. Although this is associated with some of those issues, it’s safe to say there is headway being made.

Mr. Ringhausen asked what was trying to be illustrated with the photo that was included in their packets.

Mr. Helmer said that in the last year or so there have been several lot splits and it was requested that we see what some of the physical work looks like; so it’s really just an “FYI”.

MOTION: By Ms. Abbott, second by Mr. West to approve the Final Plat of Block 1, Santerra at Shady Lane, 1st Plat.

VOTE:	Ms. Alexander	Yes
	Mr. Turnage	Yes

Mr. Garnos	Yes
Mr. Ringhausen	Yes
Ms. Smith	Yes
Mr. Velasquez	Yes
Mr. Whitton	Yes
Ms. Abbott	Yes
Mr. Steffens	Yes
Mr. West	No
Chairman Hill	Yes

The motion carried. (10-Yes, 1-No)

Item 6 on the Agenda: PUBLIC HEARING: On a Special Use Permit at 5804 N. Norton.
Applicant: Darron and Alicia Jones. Owner: Jones & Huff Company, LLC. File #1351.
The City Council public hearing will be held on Monday, January 10, 2011.

Upon announcing the hearing, Chairman Hill explained the hearing process to the audience and then called on Mr. Helmer for the staff report.

Mr. Helmer reviewed the items which were included in the Commissioner's packets as well as an email from Ms. Jones that had been left at their places this evening. He also made note that this application, like many others, would deal with issues such as traffic, parking and some of those are addressed in the staff report. Mr. Helmer mentioned that as a starting point for tonight's discussion, staff is recommending a one-year trial basis approval of the proposed application.

Chairman Hill asked if the Commission had any questions of staff at this time.

Mr. Ringhausen referred to item #10 of the conditions which mentions a fence around the perimeter of the proposed play area. In past applications there has been discussions related to zoning of certain fence heights and types of material; he thought maybe some more definition might be needed for this condition. Another question was the description of the 42" high fence. He wondered if this special use permit prohibited a taller privacy fence for this property.

Mr. Helmer responded by saying that these proposed conditions are consistent with previous special use applications, but he believes the applicant will be able to give more detailed State requirements that are consistent with these types of conditions.

Ms. Smith asked if this is the initial application for the license because in her packet it appears that this has been up and running for some period of time.

Mr. Helmer stated that he will defer the exact time to the applicant, but there is some history as far as their knowledge and practice of operating a child care type facility.

Chairman Hill asked if someone was present on behalf of the applicant.

Alecia Jones, 5804 N. Norton, addressed the Commission. Ms. Jones thanked the Commission for the hearing about their business tonight. To give them a little history, she said that she and

her husband decided to open their own childcare business while she was teaching third grade at a local elementary school. She was realizing more and more the impact that early childhood education has on everyone in a community, from the teachers to the parents to the local government and especially the children themselves. Several months of research and meetings later, Brighton Learning Center was born. They became licensed by the State in October of 2009 and started small, serving only two families. As their reputation grew, they began receiving more referrals and phone calls. They now serve eight families for a total of nine full-time children ranging in from eight months to three years. As educators with graduate degrees, Ms. Jones said they take pride in combining nurturing care with high academic expectations. Their faith-based practices and close partnership with their families make their childcare program unique. She read on. The fact that they bring the credentials of a school system with the experience of a childcare center all in an at-home arena is attractive to the families that they have served in the past and to the ones they currently serve. They also enjoy the freedom an at-home environment that operating from their residence affords them.

Ms. Jones continued by stating that many of their neighbors have had nothing but positive comments about their business. The few concerns that they have heard are mostly related to home values being affected, which someone else will speak on shortly, and traffic, which she would respond to. Ms. Jones said that they have different events and parties four to five times a year; for instance, a Halloween party for the kids, a summer BBQ, a Christmas party, things of that nature. During those events, which typically last between 1-2 hours, there are the same number of cars as one might have in attendance for a birthday party or a Superbowl party. Daily traffic is minimal. Most of the drop-off time is between 7-8:30 am and is really staggered. They typically don't have any more than 2-3 cars at a time which all can fit in their driveway. Pick-up time is a little busier because people tend to get off around the same time, but it's still staggered between 4-5:00 pm. Still no more than 4-5 cars at any one time with parking in their driveway and in front of their home.

Ms. Jones asked that as the Planning Commission consider everything they hear tonight, for them to please consider this: they are simply a family trying to use their gifts- education & experience- to work with other young families in the community. As stated previously, they became licensed [with the State] over a year ago and began the process with the City around that same time before their application was sent back to them stating that they did not need to go any further with it at that time. She said they did start this process in August of last year, initially, and were told that they did not need to go any farther.

Ms. Alexander asked how many children Ms. Jones had at this time.

Ms. Jones answered that there are nine full-time children. She is licensed by the State for up to ten.

Ms. Smith asked if it is a learning center or a daycare center.

Ms. Jones said it's just semantics really. They are educators and sometimes daycare can have a connotation like they're just watching the kids, but they are teachers so they are teaching them early education.

Ms. Smith asked what the age ranges of the children is.

Ms. Jones answered six weeks to five years; however, the ages they have currently are eight months to three years.

Mr. Velasquez asked if it was just herself and her husband or was anyone else involved.

Ms. Jones replied that her Mom....with the State you have to two approved assistants for emergency situations...so her Mom comes maybe once or twice a month for a couple of hours. They do have an assistant, a volunteer teenager from her church, that comes and helps them out.

Mr. Velasquez asked if the State requires any background checks for the volunteers.

Ms. Jones answered that background checks are required as well as CPR and first aid.

Ms. Smith said that she noticed on the staff report that it said "no structural changes shall be made other than those that are required by the State of Missouri." She asked if that would require pre-approval by the Planning Commission [if structural changes were recommended by the State.]

Chairman Hill said he wasn't sure if he understood what she was asking because if it didn't change the site plan any it would maybe be a City Code issue, but not a Planning Commission issue.

Mr. Helmer commented that the intent is for the structure to still look like a residential home.

Mr. Steffens remarked that Ms. Jones said she started with the City for this application in August of 2009.

Ms. Jones answered yes; they received a letter saying that they needed to send in their fee and fill out the forms and they did all of that. In early October they received a letter back along with their check saying that there wasn't enough information to continue. At that point, in April, they received another letter saying there were still being concerns being raised with the daycare and for them to send an email stating how many children they have and if they had any employees. Ms. Jones said they responded via email and they received an email back saying "okay" and that was the last they heard until they received this current letter in September at which time they filled out the forms and sent in the money.

Mr. Steffens asked Mr. Helmer if the applicant's sent their paperwork in August and staff sent it back; who's responsibility is it at that point?

Mr. Helmer explained that this one has been pretty challenging and a little difficult as far as the amount of information that staff received and the decisions that they have to make from just a relatively little observatory standpoint. Typically, a special use permit application is not required when you start to get above the four total individuals threshold. Through time staff felt that the applicants were in compliance by what they were hearing, so the Jones', he believes, felt that they were complying under those conditions. As things have emerged and staff has received additional information not only from the applicant, but from area residents, that is why the application is being heard this evening.

Mr. Steffens understood that the City thought that they had fewer kids in the beginning and now they think they have more.

Mr. Helmer said that is correct.

Ms. Jones replied that at that time they had started with only three children and it wasn't until January that they got a couple more and then this summer is when they reached the nine which they are at now.

Ms. Abbott asked if she was missing something or is the Brighton Learning Center five days a week.

Ms. Jones answered yes, it is five days a week.

Ms. Abbott referred to the Brighton Learning Center advertisement printed from the website which referred to the fact that the center was open seven days a week.

Ms. Jones said that it is just Monday through Friday, 6:30 am to 5:30 pm. The additional email correspondence she submitted explains the change.

Chairman Hill asked Ms. Jones if she had an opportunity to look through the recommended conditions from city staff.

Ms. Jones answered yes and that many of them are similar to her State guidelines.

Mr. Ringhausen asked Ms. Jones if the State required her to maintain a fence around the property.

Ms. Jones replied that her requirement from the State is a fence around the play area of at least 42". It can be higher.

Mr. Ringhausen asked if beyond the website and word of mouth, did she anticipate any advertising in the yard or neighborhood as far as signage is concerned.

Ms. Jones answered no and that in accordance with the homeowners association there can be no signs and she believed with the City of Gladstone she could not have signs as well.

Darron Jones, 5804 N. Norton, addressed the Commission. Mr. Jones began by thanking the Commission for the opportunity and for the service that they do for the City. He said he would like to open with a quote to ease the situation for himself by Dr. Bruce Perry, Parent Magazine regarding empathy "We wouldn't have been able to survive without creating relationships in groups that could function together." He said wanted to use that as a framework for himself and how when he and his wife initiated opening a business for themselves and making some sacrifices for their families that they would be empathetic and they would serve. It's important that people respectfully function and create relationships and hope that empathy is the force that forges those relationships.

Mr. Jones admitted that he wasn't really sure where he wanted to go with this, but that this is a matter of conviction for them. He is a service individual; he takes that matter to heart. He remarked that he is usually very articulate and able to get these things out pretty clear, but this is something that is pretty dear to him. Mr. Jones explained that he began in law enforcement and from there he moved into education. He has taken part in these types of services because of his background and because he has seen a great need with society and the connection and that is why he can appreciate this situation. Secondly, our youth have a feeling of disenfranchisement and that they may not be part of what's going on and so with that said, he and his wife felt compelled to open up a learning center and distance themselves from the public school system. They are young and they understood that there was going to be a process that they would have to go through before their ideas and their concepts were able to be enacted. They thought they had a great opportunity, having three young children of their own to work with families, the community and even in this situation right now. Mr. Jones said that when they see an issue they address those issues.

To look at some of the things that have been objected by them operating, he continued, he wanted to start with the children they have enrolled. Mr. Jones explained the process of checking with State to be able to make themselves legitimate. They made sure they were compliant because those were the only regulations they knew of at the time. They went through the process, which is pretty tedious and expensive, and they received their State license. Upon finding out that they needed a City license, they did that immediately. There was a lot of chaos going on...they have three young children under three years old...they have a young marriage themselves and are still newlyweds who have been married five years by the grace of God, and just have a lot going on. They go to it in an efficient way and again, they were always compliant. The number of children they have stay on pace. They are compliant with the State and the regulations they had knowledge of.

Mr. Jones addressed traffic secondly and said he would try to be empathic because he wouldn't want that to affect himself. His wife covered the get-togethers that they have, but again their sentiment behind it is it's more of a priority for them to get to know people and to interact with people and form a bond with, but they are conscience of the traffic issue and there are some things they know they can make improvements on and they will make improvements on them as far as being contained in their own personal space. He does feel that it's not something out of the ordinary in the neighborhood and in the community. There are other get-togethers that they have to drive around and he is personally not bothered by those but he is very empathic for what this issue may cause. It could cause accidents and be a nuisance.

Finally, Mr. Jones addressed the reason he is in Gladstone because he is not from Gladstone; however, his wife is from North Kansas City, he wants to live comfortably as well as his children. He wants them to appreciate where they live and take pride in it and this was a great start for them. Noise. Children. He loves the noise of children, that's why he's in it. They have three children and they probably make the most noise and that's something that goes with it and he said that is truly sorry, but he wants them to have a great childhood. Aesthetics. They are vested in their property. He and his wife are business-minded people. They hope to grow and not to be in this situation in a residential area for too long. How they keep their community and neighborhood. They have had some housing association issues, but as far as respecting their property they have upheld that. They have not made any alterations to the property because they want to resell and resell well.

Mr. Jones concluded by stating that that is pretty much what he heard about by going out and talking. When they first moved in they went out and talked to the community to let people know what they were planning on doing and to gather information. He said he also did it again recently.

Chairman Hill asked who Jones & Huff Company, LLC is.

Mr. Jones answered that Linda Huff is a half partner in that company, who is a relative of his wife, by law. It was a business proposition that they made on the house, so they are 50/50 in the estate.

Mr. West asked how long Mr. Jones had lived in the house relative to how long he had been operating the daycare.

Mr. Jones said they lived in the house a couple of months before beginning the daycare.

Mr. West said that he had mentioned in his presentation that he had already had a couple of minor homeowners association issues that came up. He asked if that was related.

Mr. Jones said they were pretty recent.

Mr. West asked if they were related to the daycare.

Mr. Jones said no, not really, just a preference issue. One issue was with the smell of the trash. He said that they were changing three sets of diapers and keeping them outside in the trash. Not necessarily thinking that was a priority on their list; it was just stupidity on his part and they will just deal with it and he has now placed the trash back in their garage.

Linda Huff, Jefferson Iowa, addressed the Commission. Ms. Huff stated that she is the "Huff" in "Jones & Huff Company". She said that she and her husband also live in Gladstone in a townhome that they purchased several years ago over in Meadowlane Townhomes. They are here because their grandchildren live here and they help with them. Alecia Jones is their older half sister. Ms. Huff read the following statement:

"I'd like to speak briefly about just one part of this. The one thing I've been told; the reason this hearing has been called is that the house next door has been for sale and that the reason they think it hasn't sold is the children and daycare next door. I think that's very unfair. You've all read about the housing market, but it's very hard to confront when it becomes personal. I have had in the past an Iowa Realtor's License and worked as a realtor for several years in a small town Jefferson, Iowa. In buying property here in Gladstone I worked with a realtor at Reece, Nichols. Some of the information I will pass on to you comes from Mary Ann Rober, who is there. Other Clay County information was found on-line and is a public record. I'd like to show you with a comparison to another home in the neighborhood why I think the home at 5800 N. Norton Avenue has been priced too high and why it hasn't sold. I've made a comparison with a neighboring house down the street about two blocks. I made copies of my information and I believe one of you has the paperwork. The property at 5800 N. Norton, on the corner, is Clay County appraised at \$165,100. They listed it for sale at \$194,000. That was on

March 29, 2010. It was lowered April 30th to \$189,900 and again September 1st to \$179,000 and not sold. There's the property up the street two blocks. Clay County appraisal is \$158,100. They have a listing price of \$162,500, but that home has a newly renovated kitchen with new cherry cabinets, is freshly painted in an up-to-date color, has newly updated bathrooms, new Anderson windows, and a fenced in private yard. This comparison shows that the updates there justify a raise in price. In my opinion, the Norton Street home is priced too high to begin with and it lost buyer's interest for that reason and it is not updated appropriate to it's asking price. Also, in my opinion, asking prices need to get closer to appraised prices if you want to sell a house."

Ms. Huff said that she had worked up some comparisons showing some houses that have sold and some that are still for sale. She apologized for being short on copies. She also commented on the proximity of the children and noise. She explained that the association swimming pool and playground is just down the street a couple of blocks. She wondered if those neighbors minded children. The Jones', before buying the home, checked with the Brooktree Homeowners Association and the City of Gladstone before moving and opening their childcare center. Ms. Huff closed with a statement from another realtor here in Kansas City. "As prices continue to fall it is very difficult for sellers to admit to themselves that their home is not worth what it once was. We fight this everyday as realtors. The sellers do get very angry and tend to lash out at anyone they can blame. According to recent statistics the home values in the United States have decreased for seventeen quarters in a row. This has not happened since the Great Depression."

Melissa Tobey, 3603 NE 78th Street Kansas City, addressed the Commission. Ms. Tobey stated that her daughter has been going to Brighton Learning Center for the past eleven months. When she decided to look for child care for her it was the most nerve-wracking experience of her life; she was only four months old. There were several places she called but didn't even want to go meet the people because she didn't feel comfortable over the phone. When she first spoke to Alecia she had a feeling this was where Madison was going to end up going. Ms. Tobey explained that the Jones' aren't doing this to get rich, but because they really believe in it. Her daughter has learned so much since she's been there and she's only sixteen months old. Right now she can do sign language. Her daughter really loves it there and if they don't get this permit and she has to find additional childcare that would really break her heart for her. She also said that when there is an issue where you don't agree with them, if you just bring it up to them a lot of times they do try and change what they're doing. Every time she has had a concern they've ended up taking care of it for her. Ms. Tobey also added that she knows that some of the neighbors are disturbed by them, but as far as traffic goes she has only seen a couple of neighbors a couple of times in the eleven months that she's been going there so she doesn't really feel like traffic is causing that big of an issue.

Pat Blake, 5808 N. Norton, addressed the Commission. Mr. Blake stated that he lives next door to the Jones'. Being an older person and having his kids gone and raised and grandkids when he saw what he thought they were doing he shuddered and thought, "oh no, there's a bunch of little kids." During the course of a year, everything's not about money. Some things come to light that can inspire you to change your thoughts. For instance, and something that impressed him was one day while painting his house and doing yard work, without Mr. Jones even knowing he was there, Mr. Blake heard him working with these little kids out in the yard and getting them to count and telling them what colors things are in a loving, soft voice. That's the only way he's ever heard him treat kids. He's retired so he's home a lot. They've probably had six

conversations; they're not close friends so that's not the reason, but as their neighbor he doesn't mind them being there. It's been a little enlightening to him on many levels. Mr. Blake said he doesn't mind seeing the kids. There's a little traffic for a few minutes a couple of times a day, but in comparison to any other part of Brooktree it might be worse just for a moment, but not any worse than swim meets or garage sales. Other things that are just as dangerous or more so with way more cars that he's not complaining about. He moves every five to ten years. He's lived here twenty years and had five houses. He's not worried about that right now. Mr. Blake said he's not going to stay there forever at his age. He doesn't have an objection. He can't agree that they're hurting anything. They're young and learning and anything that is reasonably brought to them for any type of change; he has the confidence that they'll do that....he really does. He likes them and doesn't have a problem with them.

Norbert Herman, 5812 N. Norton, addressed the Commission. Mr. Herman stated that he is here to show his support for the Jones. He and his wife are qualified foster parents and they have a lot of interaction and understanding how the legal system works, so when he heard about the Jones' daycare and had some interactions with the neighbors he was definitely encouraged to know that people are trying to take care of life and at the same time manage, not only for themselves financially, but then give something back to society and how valuable that is when it is for children. Mr. Herman said that living two doors down he has no concerns about the value of the property. He has not noticed any issue with traffic. He has a large family and has people over all the time. The neighbors have a lot of gatherings and there are cars there all the time; he thinks that is just a normal part of a community. In closing, Mr. Herman said that what has impressed him most is that they are young but they are willing to understand how the system works and put forth the effort and make things right. If things aren't really according to plan then they're willing to do and follow the right course of action and you can't ask for much more than that.

Mandy Shoeman, 5420 N. Wayne, addressed the Commission. Ms. Shoeman said that she has two young children that go to Brighton Learning and started with them since the day that they opened in 2009. When they decided to switch daycares, one of the things they loved is the neighborhood. It is a great neighborhood. They have several friends that live in the neighborhood. It is very clean and safe. She loves that the Jones' take advantage of the sidewalks by taking the children for walks around the block. They use the community park and the children get to play on nice days. Ms. Shoeman said that since 2002 she has taught at Chapel Hill Elementary and so she sees tons of kids in the neighborhood when she is there and they wave at her and she loves that. There are so many things she could say about the academics and the faith that they provide at Brighton, but they love the in-home and that it is a husband and wife. The consistency is wonderful.

Tom Jensen, 6005 N. Michigan, addressed the Commission. Mr. Jensen told the Commission that he has personally known Darron for ten years ago; they went to college at William Jewell and have been friends ever since. His children also attend Brighton Learning Center. He can't say anything better than anyone else. One thing he can say as a parent...they have three kids...it wouldn't matter if they had a daycare or not, there's going to be toys in the backyard. There's toys in his backyard; they're might have been toys in their backyards. Having kids, they're going to play and it's a great environment. The amount of toys they have? They have three kids!

Hearing no more in favor of the application, Chairman Hill called for those in opposition of the application.

Bev Poppenhagen, 5800 N. Norton, addressed the Commission. Ms. Poppenhagen stated that she and her husband own the house on the corner at 5800 N. Norton. She would like to first make a correction to what Ms. Huff said. She has never, ever said to anyone that their house didn't sell because of the daycare. That is an untrue statement. She is really sorry that she [Ms.Huff] spent so much time researching it. She has never said that.

Ms. Poppenhagen said that they lived in that house for twenty-six years; they moved in March. Over the twenty-six years they put \$70,000 into the house and then when they got ready to move they put over \$10,000 in the house getting it ready to sell. They had all the wallpaper taken off, the walls painted and all new carpeting put throughout. Those were suggestions that came from realtors. As they can see, they have quite an investment. Brooktree is a residential neighborhood. Ms. Poppenhagen explained that five months their house was on the market for five months...they currently have a 3 ½ year lease with an executive from Germany and his family. One time during the time the house was for sale they received feedback from a realtor who said that they went at 2:30 in the afternoon and it appeared that there was a daycare next door, so the people were not interested. After that, she said she went over to check that out and what she found was originally when they started it there were five or six roll-around toys or playhouses, but when she went over to check it out there were at least fifteen. The backyard was filled with roll-around toys that two year olds would ride.

Ms. Poppenhagen continued by saying that they have also had some other issues with the Jones'; with the trash. They were putting the trash out by the mailbox on Friday evening even though the pickup was not until Monday. She guessed they stopped that and she didn't know if someone said something to them or not. She did not. Then they started keeping it...as he said earlier...up against the garage door and as late as three weeks ago on the day her renters were moving in there were two large trash cans pulled against the garage door. The lids were not attached and on top of one of them was a volcano that a child had made. A paper machè volcano. There was also a blue tub there for recycling things. So that's been a constant issue. While the Jones' say they want to be good neighbors she doesn't see that behavior and she's a person that looks at behavior, she doesn't look at what people say, but what they do.

Ms. Poppenhagen said that when the Jones' first moved in it was two years ago last June and during the summer they had some relatives living with them, some children, but in the fall they started having a daycare so she takes issue with the date that they say they started the daycare. It appeared for the first year or so that they were pretty much in compliance. When they moved in they said they were going to start a learning center. She thought that was pretty interesting because most people she knows who want to start a learning center look for a commercial piece of property or they build a commercial piece of property. She found it very unusual that they would come to a residential neighborhood expecting to run a business. At that point she, as well as some other neighbors started talking to the City of Gladstone.

It was very difficult for her to get documentation that first year because she only has one window on that side of the house and so it was very difficult. She did notice that children were being dropped off at 5:30, 6:00 or 7:00 in the evening; it was really hard to track it because it was

irregular and so now that she knows that at one point they were having evening sitting services and those types of things her guess is that's what that was.

She has checked into the regulations of Gladstone and what she knows is that you can only have four children plus your own. You can have no employees or helpers. On a regular basis she has sent to the City of Gladstone cars that were over there. There are two; a gray-beige van and there's also a burgundy car. Three months ago she ran into one of her neighbors in the community and she said to her, "They have a lot of kids over there and they appear to have people who are coming to help them." At that point she went over to take a look herself. One day at noon there were several children most of which were two years old. There appeared to be two four year olds. Their [Jones'] son is probably getting close to four and then there was another boy. There were so many kids that she was trying to count the children and she couldn't so finally she had to start counting clothing because they were moving around so much. Ms. Poppenhagen stated that what she counted that day was nine children. There were the two four year olds; the two year olds and two babies that were on a blanket with Ms. Jones.

She said that she also knows that you cannot have employees or helpers in a home-operated business in Gladstone. There should also be no outside storage of materials related to business. A prospect who was looking at her house could tell there was a daycare there. When you see that many toys you know that they don't belong to two or three children. What she decided to do was go over one afternoon, she believes it was October 21st, and sat in front from 3:15-5:00 pm. What she saw was every 5-10 minutes a child was being picked up. She had to leave at 5:00 pm and what she counted- and she only counted those she could certify- there were ten and so she takes issue with the number they also say they have. On this afternoon Mr. Jones went out to his car several times carrying bags and what appeared to be a stack of children's clothes. That was one of the days that there was an older burgundy car there. There were two vehicles there; an older burgundy car and a gray-beige van. The lady that the car belonged to also came out a couple of times. At 5:00 pm the Jones' left in their car with several other children, but she said these are not the ten that she could certify. They all came out as a group and down the steps and went between the two cars, so she could not certify how many there were. There appeared to be three or four additional ones. As they left there was a lady that she had seen over there before, probably a helper, who was standing in the door and she had a baby in arms and then there was a fourteen- year-old boy. The fourteen-year-old boy, she understands, is a relative because he lived with them the first summer they were there. She actually documented ten children leaving; four were babies and six appeared to be two year olds meaning they walked out on their own. That does not count the ones that left with the Jones' at 5:00 pm.

In closing, Ms. Poppenhagen stated that she recommends that a special permit not be issued. It's against Gladstone's basic ordinance and this is a residential neighborhood. Properties are affected by daycare! The other thing is, what if two other families on North Norton wanted to open up daycares? Getting back to the children being picked up, that would mean for an hour and a half they were being picked up every 5-10 minutes. Over a day's time that would be three hours out of every day that you would have people coming and picking people up and dropping them off. She has also been very concerned about their lack of doing due diligence. To move into a residential neighborhood with the idea that they are going to run a business and in their own words, they referred to that many times, not a daycare, but a business. The property has gone down since they moved in. When they bought it, it was pristine and now it's really in pretty bad shape. In fact, the days that the trashcans were sitting out in front she looked over

there and thought, "This looks like the inner city." She's sorry but, that's exactly how it looked. She would like to see that this special permit is not given to them because she doesn't feel comfortable that they aren't going to push the envelope. They've had childcare there, not since 2009, but two years ago last June. In September of that year they started having daycare children. She asked if the Commission had any questions for her.

There was no response. Chairman Hill asked if there was anyone else to speak in opposition of the application.

Carol Medley, 5805 N. Norton, addressed the Commission. Ms. Medley stated that she lives directly across the street. She said it was raining not more than three weeks ago and she got in from work and was sitting in her great room and there were at least ten cars stacked up on her side of the street, on their side of the street and in their driveway. Everyone was waiting, and she understands it, to pull in and get their children and not get them wet. In the mean while, there are cars lined all across the street. Those streets aren't built for traffic on both sides; then you have a space in between and you can't get two more cars in there. That is not a four car wide street. It doesn't happen often, but it does happen. She doesn't like it. She bought a house twenty-four years ago, she and her husband did. Ms. Medley explained that they have lived on a very quiet street until this happened. It's no longer a quiet street. In the summertime if you stand on her front porch you can hear the screaming and hollering. She realizes people like the noise of children, but she personally is not a great fan. She raised her son and he's gone. He has children of his own; she has grandchildren. Also, she built a single-family dwelling. It never would have entered her mind that someone would try and make commercial real estate across the street from her. It was a wonderful neighborhood; it still is a wonderful neighborhood. As far as property value is concerned, she has talked to several realtors and it does affect her property value. She's not planning on selling or moving, but this is affecting her and she doesn't care what anyone says about it, it is. Her suggestion, her opinion, is that they need to do what her husband did when he bought a business. He got a building and did his business at work and then came home and he came home to peace and quiet in their home.

Linda Gibson, 4100 NE Brooktree Lane addressed the Commission. Ms. Gibson stated that she is opposed to this because it's diminished property values. While they [Jones'] said they came around the neighborhood when they very first moved in...maybe she wasn't home that day...they did come around a couple of weeks ago when they were trying to gather support for this issue and she told Mr. Jones at that time that perhaps the solution to some of this would be if he put a privacy fence in the back so that all of the toys wouldn't be so visible to everybody.

Betty Level, 4033 NE Brooktree Lane addressed the Commission. Ms. Level said that she has lived in the Brooktree neighborhood for twenty-seven years. She and her husband are also opposed to this. Their major objection is simply neighborhood and property preservation. They are also concerned that the Jones' will continue to push the envelope. She thinks that Gladstone's regulations have been totally ignored and then all of a sudden they are being forced to come and acknowledge that they do need a permit now. She thinks that as soon as they get that there will be maybe 15-20 kids there.

Chairman Hill closed the public hearing and asked for discussion from the Planning Commission.

Mr. Turnage asked who has the jurisdiction in this case. The State or the City?

Chairman Hill referred to Mr. Helmer.

Mr. Helmer replied that it's pretty much a two-prong process as they heard from the applicant. There are some State requirements that the applicant has to adhere to; some of those resolve around safety; some are regarding the number of children that are permitted. The flip side of that is where there is some local jurisdiction and that centers on things that the Commission is mostly accustomed to and that's predominately land use issues and neighborhood impacts. His best answer is that there is dual process that's being discussed tonight. The one that falls under the jurisdiction of the Planning Commission are issues such as adverse affects to the community related to traffic or parking, etc.

Ms. Smith asked how often the State inspects the daycare to verify the number of children.

Ms. Jones answered that they inspect at least every six months; unannounced visits.

Inaudible question from Mr. Ringhausen.

Mr. Helmer answered that staff would probably need to look into that a little bit further depending on how far back historically he would want to see if there were any code issues. He made note of the spreadsheet in their packets where he had highlighted about five special use permit applications. Some vary from going back 10, 15, 18 years others fall into a five-year duration. As far as his involvement from special use permit applications that he has dealt with and receiving any notification on non-compliance of the conditions, is typically something that has not happened with the issued permits that we have at this time. Some of the other code compliance issues are just very simple issues that can happen whether or not you have a special use permit application or not.

Mr. Ringhausen said his question was centered more on code or inspections conducted more frequently on the same schedule as a general, regular residential home under a special use permit.

Mr. Helmer said not to his knowledge, not more frequently, but in the event there was a code issue it would fall through the direction of what happens in Community Development where a courtesy notice is sent out after a complaint is made.

Mr. Whitton remarked that he has no doubt in his mind that these people are great at what they do. It's obvious they are educators, the children learn, the people love them and he hopes they'll do well, but he'll have to vote no on this because of the fact that there is opposition from people who bought their house in a residential area and don't want commercial there. If we [the Commission] should turn this down he would hope that they would find one of Gladstone's vacant buildings here in town and lease it and expand and do an even better job. Even though it's not going to hurt property values, the traffic...that has nothing to do with it. The fact is, it's a residential area. Mr. Whitton said that he's always voted, since he's been on the Commission, for renewals, but he doesn't like the fact of starting more new business in a residential area. There's designated areas for residential and there's ones designated for commercial. He really thinks they do a great job and he hopes they stay in the City; lease a building, if this should fail,

and get more children and make a lot of money and become very wealthy, but he can't vote for it.

Mr. Velasquez said he heard the term "pushing the envelope" during the hearing and wondered what regulations were being "pushed" here. He also asked if the City's codes makes a determination between a learning center and a daycare.

Mr. Helmer said that to his knowledge there is not a difference between the two definitions. He said they have probably noticed that there has been an evolution with the business. A lot of times the intent of these types of at-home businesses is to start out relatively small and hopefully build over time. People just don't always have the capital at the beginning for some of these types of businesses. As far as pushing the envelope, this application has presented some challenges on really seeing what the transparency of what's occurring. On past applications there is different intensities of impact that can happen because of an at-home daycare operation or one that's from a large corporate entity. Typically, what staff sees from the land use impacts are things that center around traffic discussions, parking or any nuisance to neighbors. The jurisdiction of the Planning Commission and a lot of the more in-depth conversation that has occurred has been around those primary issues.

Mr. West said that other variances that have been previously heard have been for terms longer than one year. He asked if that was correct.

Mr. Helmer said yes and no. The Commission has heard some applications where staff has recommended a "one year trial basis" term. This gives the Planning Commission and Council some leverage so that if the conditions aren't adhered to there is another opportunity to review any potential issues.

Mr. Steffens commented that this will not be the last time that the Commission will have this come up and be able to eliminate all childcare from neighborhoods. He understands the part....he lives close to this area too...he's on a very busy street. He understands both sides. He thinks the Jones' have got off to a bad footing with some of the neighbors and some of the things they haven't taken care of and the City. He still thinks they should have worked a lot harder in getting that done instead of just going on waiting for them [the City] to call them back. At this time he said he's not sure which way he would vote; he can see both sides.

Ms. Alexander said that as a former teacher she knows how desperately we need early childhood education, but she also can hear the neighbors and hear where they're coming from; however, she believes she would vote in favor of it because of the desperate need for what they're doing.

Mr. Velasquez asked the Jones' what immediate changes come to mind on their part.

Darron Jones responded by saying that they are on the road to immediate changes. He hopes that he is not being narrow-minded, but they have covered the ground as far as regulations are concerned. Some of the undertones of what he has heard is upkeep of property. He stated that he lives in a free country and they do the best with what they have. They take pride in their community; they take pride in the heart of the community and they even take pride in the infrastructure and they understand what part that plays. He talked with the community. He would say that he had a great conversation with Linda, who came up and mentioned some ideas

of what they can do. He thought about a privacy fence and that sounded like a pretty good idea. He spoke with some of the neighbors about that, and if they care to acknowledge that they can, but the conversation didn't end as amicable as he would have liked it to. Mr. Jones wasn't sure if it was appropriate to continue that conversation regarding the fence, but should they proceed with it that would be one infrastructure issue they could control. They do not want it to look like the ghetto. It's something he can relate to, but it doesn't mean he has that mentality or that he wasn't raised to take pride in what he has...very much so. He understands not to extend himself and he will not run a line a credit to have his yard beautified...plush grass...that's not something that's in their means right now and he will honestly say that. He does take pride in his property and he would love for all of them to drop by and take a look. They mow it, but he cannot keep par with some of the immaculate yards that they do have around. He says that with no sarcasm. He tries not to covet and he could easily covet some of his neighbor's properties and he hopes to be there some day. They have taken care of their trash. Mr. Jones' said that as soon as he heard about the toys he did his best to keep them in a group on a little island. He has some rambunctious children and he's proud of them, and they'll go out and they'll throw them right back out there and they will empty the box they have full of toys throughout the yard. Looking at Commissioner Whitton, Mr. Jones said that he respects what he is saying and said that they will move on and they'll have a blessed life regardless [of what happens].

Mr. Garnos made the observation that there are issues with the State regulations and the State licensing and the Jones' have been fully cooperative and welcoming of those from the beginning. There are now special conditions for the special use permit by the City and the Jones' are fully supportive of those. The area he has a question about is the homeowner's association; they didn't hear anything about them. He doesn't understand the role or regulations of the association in this neighborhood and how that would apply to operating this business. He understands the concerns of the neighbors, but asked if this is governed by a homeowners association. He asked if there is a president here on behalf of them to speak.

Ms. Poppenhagen answered from the audience that there is an association president, but she is not here tonight.

Mr. Garnos asked if what the Jones' are doing is not consistent with the covenants of the homeowners association.

Ms. Poppenhagen asked if he was asking her.

Ms. Garnos said he was asking anybody.

Ms. Poppenhagen approached the podium and answered that according to the homeowners association there are no regulations about a business in a home; those ordinances were probably formed thirty-some years ago.

Mr. Garnos said that if the house had been purchased with covenants in a homeowners associating saying they couldn't run a business and then they started this, he thinks that would be a different matter. However, if there is a homeowners association and they're not in violation of that; and are in full compliance of State regulations; and any special conditions being placed by the City he would think that a one-year trial period is something he can support.

Members of the audience wished to speak, but Chairman Hill apologized and said that the public hearing portion of the meeting was closed.

Mr. Ringhausen said that he has heard testimony tonight concerning the visual impact of toys in the yard and the possibility of a privacy fence, but his interpretation of the ordinance is that the applicant cannot make changes to their fence if they wanted to. He wondered if the language could be changed to provide for more flexibility.

Chairman Hill asked if anyone would like to make a motion and include verbiage change on the fence height. He might also suggest that there be an additional statement regarding no exterior signage.

MOTION: By Mr. Ringhausen, second by Ms. Alexander to approve the Special Use Permit at 5804 N. Norton with the recommended conditions as well as a modification to item #10 which states that a fence taller than 42" may be installed and the addition of a condition stating that no exterior signage may be erected on the property.

VOTE:	Ms. Alexander	Yes
	Mr. Turnage	Yes
	Mr. Garnos	Yes
	Mr. Ringhausen	Yes
	Ms. Smith	Yes
	Mr. Velasquez	Yes
	Mr. Whitton	No
	Ms. Abbott	No
	Mr. Steffens	Yes
	Mr. West	Yes
	Chairman Hill	Abstain

The motion carried. (8-Yes, 2-No, 1-Abstain)

Item 7 on the Agenda: Communication from the City Council and City Staff

Councilman Rudi announced two events coming up; both are tomorrow at the Community Center. At 6:00 pm is the art exhibit opening with a small reception catered by Hy-Vee and then at 6:30 pm Antioch Middle School is performing a Christmas concert. She invited them all to attend. She also wished them Happy Holidays if she didn't see them again and thanked them for their work.

Chairman Hill thanked Councilman Rudi for her email calendar reminders.

She responded by saying that she would welcome any assistance in getting some of the events listed. She hopes to encourage people to stay in Gladstone and participate with our merchants.

Ms. Mehaffy announced that she and Ms. Jarrett are currently working on a shop local campaign that they will be rolling out in the coming weeks. It's a very specific program, called Shop QA, that lets people decide to follow local businesses so they can learn about coupons, job opportunities and special events that those businesses are having.

Mr. Wingerson introduced Ms. Betsy Blake with the law firm of Williams and Campo. She will be with the City through January when the new City Attorney takes his role in the organization. He wished them all a Merry Christmas and a Happy New Year. He knows the Commission didn't meet much this year, but he thinks the economy's going to get better and they will have a lot of important things to do in the next eighteen months or so.

Ms. Alexander asked who the new City Attorney is.

Councilman Rudi announced that it was Randall Thompson who just happens to be related to Nancy Thompson who is currently serving as City Attorney for the City of Riverside and formally served as Gladstone's City Attorney.

Mr. Helmer thanked the Commission for the good discussions this evening and wished them a Happy Holiday.

Item 8 on the Agenda: Communication from the Planning Commission Members

Ms. Abbott thanked Mr. Wingerson and Gladstone staff for resurfacing part of Old Pike. It was certainly an improvement!

Mr. Garnos asked about Stratford Park and wondered, although he's not sure it's a good idea, if they should start putting time frames in ordinances for the developer to build the project or else they come back to the Commission. He hates the fact that they went through that hearing and nothing has been done.

Mr. Wingerson responded by stating that it is a really difficult position because the drainage issues require site plan approval. The site plan has been implemented and the drainage issues are solved, although to the residents they may never be. The stormwater issues is basically fixed from the City's perspective. The plat that was heard tonight; however, is really unrelated to the site plan approval. It's more a legal document that allows change of ownership so staff's not allowed to put conditions on a plat and so it's hard to bring site plan discussion into a plat discussion.

Item 9 on the Agenda: Adjournment

Chairman Hill adjourned the meeting at 9:10 pm.

Respectfully submitted:

Becky Jarrett, Recording Secretary

Approved as submitted _____

J. Brian Hill, Chairman

Approved as corrected _____