

PLANNING COMMISSION  
GLADSTONE, MISSOURI  
*City Hall Council Chambers*

Monday  
June 20, 2011  
7:30 pm

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

**Present:** Ms. Alexander  
Mr. Hartman  
Mr. Markenson  
Mr. Ringhausen  
Ms. Smith  
Mr. Turnage  
Mr. Whitton  
Mr. Yarber  
Chairman Garnos

**Absent:** Ms. Abbott  
Mr. Steffens  
Mr. Velasquez

**Council & Staff Present:**

Mayor Barry McCullough  
Councilman Brian Hill  
Randall Thompson, City Counselor  
Scott Wingerson, Assistant City Manager  
Melinda Mehaffy, Economic Development Administrator  
Chris Helmer, Planning Specialist  
Becky Jarrett, Administrative Assistant

**Item 2 on the Agenda: Pledge of Allegiance.**

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

Chairman Garnos introduced and welcomed Kyle Yarber to the Planning Commission. He said he got to know him during the Future Leaders Academy this spring. He asked Mr. Yarber if he would like to tell the group a little about himself.

Mr. Yarber thanked the City Council for his appointment and all the members of the Commission for being so welcoming; it's an honor and privilege to be serving with them. He said he is a teacher although right now he is working on a couple of Masters. He and his wife are fairly new residents to Gladstone so he appreciates this opportunity.

**Item 3 on the Agenda: Approval of the February 22, 2011 minutes.**

MOTION: By Mr. Markenson, second by Ms. Alexander to approve the February 22, 2011 minutes as presented. The motion carried.

**Item 4 on the Agenda: Communications from the Audience.**

None.

**Item 5 on the Agenda: PUBLIC HEARING on a request for a Special Use Permit (renewal) at 2005 NE 62<sup>nd</sup> Street. Applicant: Judy A. Cervantes. Owner: Louis A. Sr. and Judy A. Cervantes.**

Chairman Garnos reviewed the process for public hearings and called on Planning Specialist Helmer.

Mr. Helmer reported that the applicant's history on this application goes back to 1996 where her first permit was issued. She then renewed the permit in 2001 for ten years. The conditions are typical to that of a daycare special use permit. Staff is continuing to request a 10-year renewal and would ask that the Commission consider giving a recommendation of approval to the City Council as well.

Chairman Garnos asked if there were any questions for Mr. Helmer.

Mr. Markenson asked what the length of the permit now is.

Mr. Helmer answered that the one that is now expiring was for ten years.

Mr. Yarber said since this is his first time through this process he had a few questions. He asked what a special use permit allows for.

Mr. Helmer explained that they typically deal with uses in residential areas. Some examples would be childcare, a hair salon or a nail salon. The special use permit has very standard conditions that often fall under all of the mentioned uses. Sometimes there are additions or deletions; however, the ultimate goal is to preserve or protect the underlying zoning.

Mr. Yarber asked if the conditions are specific to the individual case and not "blanket" conditions.

Mr. Helmer answered that they are specific and that the Zoning Ordinance refers to a number of conditions noted that fall under special use permit requests.

Mr. Yarber asked if there are criteria that they have to meet.

Mr. Helmer answered that the criteria they have to meet are the conditions listed in the proposed ordinance. The applicant also falls under business licensing and any type of regulations that would occur through other City Codes.

Mr. Yarber asked if in a case like this if there was special training that the City required of the applicant.

Mr. Helmer said that typically there is other State regulation and licensing that the applicant has to apply and be approved for.

Mr. Yarber asked if they have to carry special insurance.

Mr. Helmer said that would be a better question for the applicant, but he would suspect they do.

Mr. Yarber asked if the facility has to meet State standards.

Mr. Helmer said that was correct.

Mr. Yarber asked if the State performs inspections.

Mr. Helmer answered that yes, they do.

Mr. Yarber asked if he knew how often.

Mr. Helmer said he would defer that question to the applicant.

Mr. Yarber said that the City probably doesn't have any interest in what they [daycare provider] charge.

Mr. Helmer said that is correct.

Mr. Yarber wondered if the City is interested in having the applicant specifically state what services they provide and in making sure that it's very clear between customer and provider.

Mr. Helmer explained that the City, in any business, doesn't get that intimately involved in what they do. The role of the Commission in this particular case is to look at the land use implications of this particular case and to see if that is appropriate or not. The City typically does not get involved in the day-to-day operation unless something is going on that has been brought to their attention. Financial negotiations and things of that nature are not the role of the City.

Mr. Yarber said he is probably asking dumb questions, but this is part of his education. He asked Mr. Helmer how things might be brought to staff's attention and in what form.

Mr. Helmer answered that typically in neighborhoods people talk a lot and are very watchful of their neighbors. If something is happening that people don't like there is an anonymous phone call or a letter that comes to City Hall to let staff know.

Mr. Yarber asked how the City would take action. He guessed it would depend on what the complaint was about.

Mr. Helmer said that is correct.

Mr. Yarber asked if there had been any complaints about this particular business.

Mr. Helmer said he hasn't been with the since 1996, but staff is not aware of any issues that have been raised, which is why an additional 10-year permit is being recommended.

Mr. Markenson asked if one of the conditions of the permit was a limitation on the number of employees.

Mr. Helmer answered that the ordinance states that in both cases this evening that the primary employer is just the person living in the home.

Mr. Hartman asked if the City gets a copy of the applicant's current State license.

Mr. Helmer said that sometimes staff will see those certifications in their initial applications, but that's typically between the State and the applicant.

Mr. Markenson said that he has already suggested to staff that they examine their State license before it gets to this point. He thinks it would be a good safeguard.

Chairman Garnos called on Ms. Cervantes to come forward.

Judy Cervantes, 2005 NE 62<sup>nd</sup> Street, addressed the Commission. Ms. Cervantes said that she has been doing childcare for about sixteen years. She doesn't have her [State] license with her tonight but she does have one and it is renewed every two years. Generally, they show up at the house a couple of times a year, unannounced, for an inspection. Then the people who check the food menus come through every two or three months. There is also an unannounced visit from the Clay County Health Department and an inspection from the State Fire Marshall. Ms. Cervantes said she is required to do twelve hours of training a year. She is currently licensed for ten children.

Chairman Garnos asked if the Commission had any questions for Ms. Cervantes.

Mr. Hartman asked if she carries insurance.

Ms. Cervantes answered that she has a childcare rider on her homeowner's policy.

Mr. Hartman noticed that her letter said that she is licensed for nighttime care and asked what that means.

Ms. Cervantes explained that she has kids that come before 6:30 am and so anything before that time is considered nighttime. Requirements for nighttime care include things like emergency nighttime lighting, which they do come and inspect.

Mr. Markenson asked Ms. Cervantes if she thought the daycare regulations through the State were pretty reasonable.

Ms. Cervantes said she thought so. She feels like the things they ask her to do are for the safety of the kids. The emergency lighting is an example. When the power goes out- her house looks like she is sitting on the sun because it is just glowing from the inside, but it's a regulation that's there to safeguard the kids. She does fire drills every month and they do tornado drills to keep everyone on the same page.

Mr. Yarber said there are six kids in her care.

Ms. Cervantes answered yes, six unrelated.

Mr. Yarber asked their ages.

Ms. Cervantes said she has a 3 year old, 2 two-year olds, and 3 one-year olds.

Mr. Yarber asked how large of an area in the house is devoted to the daycare.

Ms. Cervantes said they run her whole house; the whole main floor.

Mr. Yarber asked how many hours, typically, would an individual be there.

Ms. Cervantes said she has one that comes about 5:15 am and another that leaves about 5:30 pm, so generally she's going for about twelve hours. They're not all there for 12 hours, but she's working for that time.

Mr. Yarber asked if by the time the children are five they're moving on.

Ms. Cervantes answered that yes they are because they're in school. She does a preschool program so during the school year she does that program.

Hearing no further questions from the Commission Chairman Garnos asked for those in favor of the application to come forward. There was no response. He then asked for those in opposition. Again, there was no response. The public hearing was closed.

**MOTION: By Mr. Markenson, second by Mr. Yarber to approve a 10-Year Special Use Permit 2005 NE 62<sup>nd</sup> Street.**

<b>VOTE:</b>	<b>Ms. Alexander</b>	<b>Yes</b>
	<b>Mr. Hartman</b>	<b>Yes</b>
	<b>Mr. Markenson</b>	<b>Yes</b>
	<b>Mr. Ringhausen</b>	<b>Yes</b>
	<b>Ms. Smith</b>	<b>Yes</b>
	<b>Mr. Turnage</b>	<b>Yes</b>
	<b>Mr. Whitton</b>	<b>Yes</b>
	<b>Mr. Yarber</b>	<b>Yes</b>
	<b>Chairman Garnos</b>	<b>Yes</b>

**All said Aye. The motion carried. (9-Yes, 0-No)**

**Item 6 on the Agenda: PUBLIC HEARING on a request for a Special Use Permit (renewal) at 6822 N. Charlotte. Applicant: Lisa Jo Sink/Kids Count Owner: Lisa Sissel File #1358.**

Chairman Garnos asked Mr. Helmer for the staff report.

Mr. Helmer explained that the only difference in this application is that Ms. Sink was operating under a 5-year permit and is now requesting that staff consider recommending a 10-year permit. At this time staff is recommending the 10-year permit.

Chairman Garnos asked for questions from the Commission.

Mr. Markenson asked why the initial permit was for five years rather than ten.

Mr. Helmer answered that typically when staff reviews a special use permit application there is a 1-year "trial basis" permit issued to make sure that the operation is working out. After that permit, typically a 5-year permit is issued and from there a 10-year if it is requested.

Mr. Ringhausen asked if the special use permit resides with the individual or the property.

Mr. Helmer replied that it stays with the individual, so in the event that the applicant moves to a new address the special use permit would not carry over; she would need to reapply for a new permit.

Mr. Yarber asked if there had been any complaints filed for this business.

Mr. Helmer said there were none that he was aware of.

Chairman Garnos called on the applicant to come forward.

Lisa Sink, 6822 N. Charlotte, addressed the Commission. Ms. Sink stated that the only difference in her application from Ms. Cervantes is that she is not State licensed because she currently only watches four children, un-related. She let her license go two years ago because that was all she was caring for. If she ever goes above that she will get licensed again. She stated that she does still maintain and follow all the State guidelines that are established that way if she does need to get licensed she can just step right back into that with no problems. She still does fire and tornado drills, has her extinguishers inspected and still maintains her property as if she were licensed.

Mr. Turnage asked how Ms. Sink enforces the 6:00 pm pick-up time.

Ms. Sink said she tells people her hours; although some parents do like to be late occasionally, but it doesn't seem to be a big issue. If they are going to be late they call her. If she has plans for the evening she lets them know in the morning and they are very respectful of that.

Mr. Markenson asked why she let her license with the State lapse.

Ms. Sink said she let her license go because she only had four children and, bless her State representatives little heart, she would always come in just totally frazzled telling her how the State has cut the number of people doing inspections and how she working her little self to death and she said that they both know she didn't need her license, so she was kind of saving her some work. She knows it sounds strange, plus being married she didn't really need to have more than four children. It wasn't an issue of her trying to do something wrong.

Mr. Yarber asked if the County or anyone else comes in to do inspections.

Ms. Sink answered no.

Mr. Yarber asked how much of the home is used for the daycare.

Ms. Sink said the whole house.

Mr. Yarber asked if they go outside the house.

Ms. Sink replied yes. She has a totally fenced backyard.

Mr. Yarber asked what ages of children she cares for.

Ms. Sink said a 1-year old, a 2-year old, and three 5-year olds, one of which is her niece who doesn't count since she is related. The five year olds will begin school in the fall so she will be looking to replace them, so she has been looking into getting re-licensed.

Mr. Yarber asked how long the process would be to get re-licensed.

Ms. Sink said it shouldn't really be that big of an issue since she keeps herself up to their standards now.

There was no one in favor or opposition of the application. Chairman Garnos closed the public hearing.

Mr. Markenson asked Mr. Helmer if a State license is a prerequisite for a special use permit.

Mr. Helmer explained that in Ms. Sink's case he thinks what she is trying to say is since she has four non-related children she is not required to have that certification through the State. In the event she would want to watch above four children then in that case the special use permit would come into play. It's a bit unique now because she doesn't have above the four children, but is choosing to come through the process.

Mr. Markenson asked if the State doesn't license and inspect then who would. Who makes sure there's only four kids.

Mr. Helmer said it's really difficult. A lot of neighborhood vigilance; people take a lot of pictures and that triggers staff to take a look at the residential piece of property. It's time consuming; it's lengthy and it takes quite a bit of due diligence.

Ms. Smith said that realistically speaking, it would seem that the parents of the children would be the one bringing it to someone's attention.

Mr. Helmer said that would be exactly right.

**MOTION: By Mr. Ringhausen, second by Mr. Hartman to approve a 10-year Special Use Permit at 6822 N. Charlotte.**

<b>VOTE:</b>	<b>Ms. Alexander</b>	<b>Yes</b>
	<b>Mr. Hartman</b>	<b>Yes</b>
	<b>Mr. Markenson</b>	<b>No</b>
	<b>Mr. Ringhausen</b>	<b>Yes</b>
	<b>Ms. Smith</b>	<b>Yes</b>
	<b>Mr. Turnage</b>	<b>Yes</b>
	<b>Mr. Whitton</b>	<b>Yes</b>
	<b>Mr. Yarber</b>	<b>No</b>
	<b>Chairman Garnos</b>	<b>Yes</b>

**All said Aye. The motion carried. (7-Yes, 2-No)**

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

Mayor McCullough welcomed Commissioner Yarber and announced several upcoming events in the community.

Councilman Hill welcomed Mr. Yarber to the Commission. He thanked Ms. Jarrett for all she has done with the farmers market.

Mr. Wingerson announced that staff has Planning Commissioner Journal periodicals available if anyone would like to read them let Ms. Jarrett know. He said strangely enough the topic of one of them is "daycares in our community."

Ms. Mehaffy distributed Shop Gladstone magnets and invited everyone to look at the website when shopping or eating out. If you have a business in Gladstone you are invited to register for free.

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

Ms. Alexander brought an article from the KC Star that featured Commissioner Smith and her cooking. She also asked why there can't be some type of time limit on site plans. She cited the example of 72<sup>nd</sup> and Euclid. She announced that after five times in court with her neighbor, the barking dog problem seems to be at a resolution. She thanked the City, City Counselor Thompson and Mayor McCullough for their help with her situation.



Ms. Smith asked why the farmers market closes at 6:00 pm.

Ms. Jarrett replied that last year staff heard from the vendors that there was not enough traffic after 6:00 pm so the market hours were changed from 2-6 pm.

Mr. Turnage and Mr. Ringhausen welcomed Mr. Yarber to the Commission.

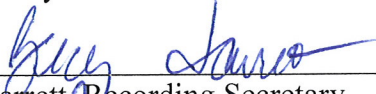
Mr. Yarber thanked the Chamber for another fantastic Bluesfest. Earlier this month he also met Amy Mayer at the Community Center who is a Kansas City area ceramic artist. Her artwork is currently on display there through July. Another event coming up is the Old Fashioned Ice Cream Social at Gladstone Bowl this Saturday from 5-8:00 pm. Lastly, Mr. Yarber wanted to express appreciation for service to Councilman/Mayor Les Smith who will soon be stepping down. His experience, perception and insight has helped shape Gladstone into the kind of community where he and his wife has chosen to put down roots and start a family. He was instrumental in his appointment to the Commission and his presence here in City Hall will be missed, but he established a standard of knowledge, service and dedication to Gladstone that the rest of us should strive for.

Chairman Garnos mentioned that he believed the special use daycare application that the Commission heard earlier this year is where Mr. Whitton had recommended that the couple try to find a building and operate a daycare commercially because of the good things we heard about their operation. He believes that is what they are now doing in the building behind Family Video.

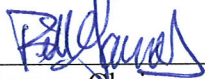
**Item 9 on the Agenda: Adjournment**

Chairman Garnos adjourned the meeting at 8:13 pm.

Respectfully submitted:

  
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Becky Jarrett, Recording Secretary

Approved as submitted ☒

  
\_\_\_\_\_  
Bill Garnos, Chairman

Approved as corrected ☐