

PLANNING COMMISSION  
GLADSTONE, MISSOURI  
*Council Chambers*  
July 1, 2013  
7:30 pm

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

**Present:** Mr. Mallams  
Mr. Markenson  
Ms. Poindexter  
Mr. Ringhausen  
Ms. Smith  
Mr. Steffens  
Mr. Whitton  
Mr. Yarber  
Chairman Turnage

**Absent:** Ms. Alexander  
Mr. Hartman  
Mr. Ward

**Council & Staff Present:**  
Mayor Pro-Tem Brian Hill  
Chris Helmer, Planning Specialist  
Melinda Mehaffy, Econ. Dev. Admin.

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

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

**Item 3 on the Agenda: Approval of the April 15, 2013 minutes.**

**MOTION:** By Mr. Markenson, second by Mr. Ringhausen to approve the April 15, 2013 minutes as presented. The motion carried.

**Item 4 on the Agenda: CONSIDERATION of a Special Use Permit, located at 7412 North Oak Trafficway, Gladstone, Missouri. Applicant: The Kansas City Landsmen, LLC dba Budget Car and Truck Rental. Owner: Tom and Mary Ann Sims. File #1382.**

Mr. Helmer began the staff report with some history of the application. Budget Car and Truck Rental had been in quite a bit of communication with the city staff over the course of the last six months looking for an adequate location to fit their needs. Along the North Oak corridor there are a lot of auto-oriented type of businesses and it can become very difficult to find a location that would meet the requirements of a business that predominately sells goods outside of the primary building.

Mr. Helmer explained that this request is one that the Commission is accustomed to hearing; however, in the course of the last two or three years the majority of the special use permits heard by the Commission have been smaller home-based businesses. The conditions in the proposed ordinance are relatively standard outside of a few conditions unique to this business. The purpose of the special use permit in this case is not that the zoning is inadequate, but because the approved plan [for the property] was meant for a fast food establishment. The previous operation (McDonalds) had a lot of traffic; however, the intended operation of the businesses happened inside the building. Budget Car and Truck Rental is the flip side of that. Much more permanent frontage will be used for outdoor sales of cars and trucks.

Mr. Helmer reported that staff met with the applicant at length regarding the proposed site plan. He began to explain the plan labeled Exhibit A. The top photo depicts the area for smaller, vehicular sales that would be used on a daily basis. The second photo shows an area immediately to the south, also owned by Mr. Simms, which was also utilized by the previous business. Since the packet has been sent, Mr. Helmer said he has some discussion with the applicant on the permit duration. Due to the substantial investment of this application, staff is recommending that the Planning Commission consider a five year permit approval. This would be relatively consistent to other applications of this nature that previous Commissions and City Councils have heard. In addition, staff is open to a slight adjustment in hours of operation. Mr. Helmer offered to answer any questions prior to the property owner or applicant speaking.

Chairman Turnage asked if the Commission had any questions at this time.

Mr. Markenson asked if staff is recommending a seven year permit.

Mr. Helmer answered that it is a five year permit recommendation.

Mr. Markenson asked him to explain condition #11, which states that, "all materials, products, or other items offered for sale or lease shall not be displayed in any parking area or parkway."

Mr. Helmer said that the City has tried to identify appropriate areas where displays can occur. There have been issues in the past where displays have been placed in areas that haven't been identified in an improved site plan. This is a standard condition that has been carried over from a similar application; it can be cleaned up.

Mr. Markenson said it certainly confused him because all their products are cars and they are all going to be parked in the parking area.

Mr. Helmer explained that this would be more for products that the business owner says are only going to be placed in one specific area and later end up encroaching into areas where people are driving. He could remove "parking area" from the sentence.

Mr. Yarber asked if this would be sales or rental.

Mr. Helmer said to his knowledge it is rental, but would defer to the applicant.

Mr. Yarber asked if there is previous precedent of other permits being for a long time period such as this.

Mr. Helmer answered that there have been times where the permit period has been substantially longer because of the investment the business is making. That is the case with this application. A five year permit is pretty typical in this situation just from a filing and recording standpoint.

Ms. Smith asked if the applicant is the current landowner.

Mr. Helmer said that the special use permit will be specifically for Budget Car and Truck Rental. Mr. Tom Sims is the property owner.

Ms. Smith asked if it's Budget Rent-a-Car or Budget Car and Truck Rental.

Mr. Helmer said that the name Budget Car and Truck Rental is what was submitted on the application.

Ms. Smith asked about the future tenant space. She wondered if staff was comfortable with the layout and that a tenant would want to be in the center. Also, is there enough parking with a future tenant?

Mr. Helmer replied that he is unaware of the intent of property owner as far as a marketing standpoint. It was staff's impression that it would be along the lines of an office use. If there was any type of additional tenant space, it would be subject to review of parking ratio, etc. That is why staff has requested a sign package. If any changes are made to it an amendment to the special use permit would be required.

Mr. Markenson asked Mr. Helmer to remind him what the process is to resend a special use permit before it expires if there is not compliance.

Mr. Helmer said that without City Counselor Thompson present this evening and since he has never been a part of one [revocation], he would guess that there would be notification to the applicant of what was agreed upon and then a specific time for compliance prior to the revocation proceedings.

Mr. Whitton said that it looks like the footprint will remain the same so there is no need for site plan revision.

Mr. Helmer said that is correct.

Mr. Whitton noted that all the things he is asking to do on this property is allowed so he asked Mr. Helmer to explain to him one more time why the applicant has to have a special use permit.

Mr. Helmer answered that the special use permit comes into play because the previous approved plan was for a fast food establishment in a planned district. This means that in the event that anything significantly changes from the approved plan it could result in two things. One being a site plan revision or the second process being a special use permit application. Staff felt that the special use permit application would provide an additional layer of security for the City in the event it doesn't work out. A site plan revision is much more in perpetuity than what the special

use permit is. Mr. Helmer said that in the past, the City Council took a really significant measure on outdoor sales of vehicles and other types of uses.

Mr. Whitton said that was for produce and outdoor sales in shopping mall areas.

Mr. Helmer added that specifically with car sales being used and new, it's a pretty strict ordinance. This is an opportunity for the applicant to propose a use, otherwise, it's going to be incredibly difficult for them to find a piece of property, period.

Mr. Whitton said that when it comes time for a vote, if the Commission will allow him, he is going to make a motion for seven years because he doesn't think the guy needs one at all anyway. He's not clear on this, but he'll vote for it. Mr. Whitton said that he doesn't mean to embarrass Mr. Helmer, but the fact that he's a business owner and that he's pro-business...he doesn't like stuff like this.

Mr. Ringhausen asked if the intent of the special use permit is that if this business does not continue that it could revert back to a fast food restaurant. It leaves the underlying zoning in place.

Mr. Helmer nodded in agreement and said that this is a much more flexible tool than what would be previously allowed. The applicant does not have a 'as of right' opportunity to operate at this location without some sort of deviation from the plan.

Chairman Turnage asked if the applicant would like to speak.

Joe Collins, Budget Car and Truck Rental, addressed the Commission. Mr. Collins said that one question he heard was if they were going to be selling cars. He said their plan is to rent vehicles, not sell them. He said they do sell cars currently, but they do it at the auction or on a wholesale basis to a few local dealers out of their airport location.

Mr. Yarber said he sees the wash bay on the plans but no facilities for maintenance. Where would that take place?

Mr. Collins said they do not plan on doing any maintenance at this facility. Their main area for maintenance is at the airport. They have a shop there with their mechanics do tires, oil changes and minor repairs. Anything beyond that would go to a dealer.

Mr. Yarber said that some of the parking to the south is described as oversized parking on the plan. He wondered how large of vehicles would be rented out of this facility.

Mr. Collins replied that the area to the south would be for moving trucks. There will be 10', 16' and few 24' trucks. Other vehicles will range from everything to economy cars to mini-vans.

Ms. Smith asked how many vehicles will be in inventory. She wondered about parking for the future tenant.

Mr. Collins answered that he can use the remainder of his locations as an example. His best guess would be on average he would have approximately 10 cars and 6-7 trucks. There should be plenty of parking.

Mr. Ringhausen remarked to the "hatched" and "unhatched" spaces on the site plan asking if those are the only spaces that are available to Budget.

Mr. Collins said that he believed they were going to have access to all the spaces in the south lot and the front of the main lot (east side).

Mr. Yarber asked if there will be any additional lighting installed for security reasons.

Mr. Collins did not think there would be any needed. The only exterior lighting added with be for signage.

Chairman Turnage commented on the hours of 6:00 am to 6:00 pm.

Mr. Collins remarked that the hours of operation for most of their locations in the metro area are 7:30 am to 6:00 pm through the week. Saturday they are usually open from 8:00 am to noon or 1:00 pm depending on the season and closed on Sunday. Depending on demand at this location, it could be a little bit later, he just can't say at the moment.

Chairman Turnage asked the applicant if he is requesting a seven year permit.

Mr. Collins said that they did request a seven year in their application.

Mr. Ringhausen asked if they are comfortable with a five year permit request as written by staff this evening.

Mr. Collins said yes they are if that is what staff recommends.

Chairman asked if there were any more comments from the applicant.

Matt Unger, representing Abeln & Associates Architects addressed the Commission. Mr. Unger said that he would be glad to answer any concerns on the plan that haven't been addressed yet.

Ms. Smith said she can't envision the future tenant space and what that will look like.

Mr. Unger answered that any space that is reserved for a future tenant will have a demising wall between that space and the Budget space. He referred to the site plan to point this area out.

Mr. Yarber said that it appears that the play area is what is becoming the Budget office.

Mr. Unger said that is correct. It will be the main office area. There will be separate entrances and exits that are ADA accessible for not only the Budget area but the future tenant as well.

Mr. Ringhausen asked for confirmation that the largest vehicle rented would be a 24' truck.

Mr. Collins agreed that was the case. They aren't going to be doing a lot of truck renting, probably one truck for every 15-20 cars.

Mr. Unger said he might be able to address some of Ms. Smith's concerns with parking for the future tenant. Typically, restaurants are going to have stronger parking requirements in an assembly use group as opposed to an office or business like theirs. A typical office requirement, might be 4 or 5 spaces per 1,000 [square feet of space] which would about 13-16 spaces for the leftover space of 3,300 square feet. As shown on the site plan there are approximately 20 spaces which does not include the ADA parking on the south part of the lot, so that should be more than necessary.

Ms. Smith asked if the use of this entire building was being changed with this permit. Can food not go in as a future tenant?

The owner of the property, Tom Sims, spoke from the audience and said that there is a deed restriction on the property that states that there cannot be any food in the building for twenty years.

Mr. Yarber asked if there would be a single door to the wash bay.

Mr. Sims answered that there are actually two doors. In the very back of the building there is a people door and then there is a door on the north end. The car wash bay will be in the back of the building.

Chairman Turnage asked if there was anyone in favor or opposition of the application. There was no response. He closed the public hearing.

**MOTION: By Mr. Whitton, second by Ms. Smith to approve a 5-Year Special Use Permit at 7412 N. Oak.**

<b>VOTE:</b>	<b>Mr. Mallams</b>	<b>Yes</b>
	<b>Mr. Markenson</b>	<b>Yes</b>
	<b>Ms. Poindexter</b>	<b>Yes</b>
	<b>Mr. Ringhausen</b>	<b>Yes</b>
	<b>Ms. Smith</b>	<b>Yes</b>
	<b>Mr. Steffens</b>	<b>Yes</b>
	<b>Mr. Whitton</b>	<b>Yes</b>
	<b>Mr. Yarber</b>	<b>Yes</b>
	<b>Chairman Turnage</b>	<b>Yes</b>

**The motion carried. (9-yes, 0-no)**

**Item 5 on the Agenda: Communications from the City Council and the City Staff.**

Mayor Pro-Tem Hill invited the Commission to the 4<sup>th</sup> of July celebration at Oak Grove Park. Theatre in the Park also begins this weekend.

Mr. Helmer mentioned that Mr. Wingerson and Ms. Jarrett are enjoyed vacation this week. He thanked Ms. Mehaffy for her help tonight.

**Item 6 on the Agenda: Communications from the Planning Commission Members.**

Mr. Markenson said he keeps hearing rumors that the McDonalds on Antioch is moving or remodeling.

Staff said they are not aware of anything.

Mayor Pro-tem Hill commented that initially Council was told that they were going to move down to Antioch shopping center and apparently that fell through. Then next they heard that they were going to demolish their building and rebuild at their site. That's been quite a while and since then he hasn't heard anything.

Mr. Markenson asked if at their next meeting if they could get a report on what is going on at the Antioch and Metro north shopping areas.

Ms. Smith said she is loving Tanner's in their new location.

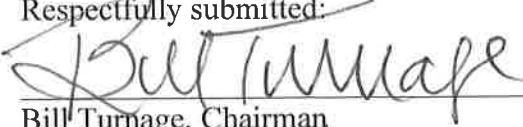
Mr. Mallams said for those of them who didn't know he has been down in Oklahoma. He had a little bit of cancer. He has some radiation treatment and he feels great now. He's glad to be home and has a 'honey-do' list that is about 2 pages long! He said another position he has is with the Elks. He met with the City Manager and Mr. Wingerson because they were curious about possible City usage of their building which is just around the corner on N. Cherry. It appears the City is not interested in the building; but during the budgeting process they decided on some improvements to the building. They now have new siding and guttering. They also decided to tie in some of the colors of the downtown area and area also doing some parking lot improvements, so it looks like they are here to stay.

Chairman Turnage thanked Ms. Mehaffy for filling in for Ms. Jarrett. He also thanked the Commission for their discussion tonight and wished them a great 4<sup>th</sup> of July.

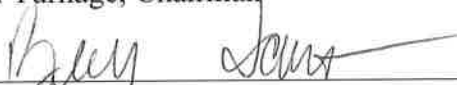
**Item 8 on the Agenda: Adjournment**

Chairman Turnage adjourned the meeting at 8:12 pm.

Respectfully submitted:

  
Bill Turnage, Chairman

Approved as submitted \_\_\_\_\_

  
Becky Jarrett, Recording Secretary

Approved as corrected 