

PLANNING COMMISSION
GLADSTONE, MISSOURI
Council Chambers
January 21, 2014 (Tues)
7:30 pm

Item 1 on the Agenda: Roll Call.

Present: Ms. Alexander
Mr. Mallams
Mr. New
Ms. Poindexter
Mr. Ringhausen
Mr. Ward
Mr. Whitton
Mr. Yarber
Chairman Turnage

Absent: Mr. Hartman
Mr. Steffens
Ms. Van Duser

Council & Staff Present:

Mayor Pro-Tem Brian Hill
Councilman Gary Markenson
Scott Wingerson, Assist. City Mgr.
Randall Thompson, City Counselor
Melinda Mehaffy, Econ. Dev. Admin.
Chris Helmer, Planning Specialist

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 December 2, 2013 minutes.

MOTION: By Mr. Ringhausen, second by Mr. Whitton to approve the December 2, 2013 minutes as submitted. All said aye. The motion carried.

This portion of the meeting was transcribed by Cross Reporting Service. Please see attached.

Item 4 on the Agenda: Public Hearing: On a Site Plan and Rezoning at property generally known as 2801 and 2901 NE 72nd Street. File #1387.

Item 5 on the Agenda: Consideration: Of a Final Plat "Maplewoods Village" a subdivision in Gladstone, Clay County, Missouri. File #1388.

Item 6 on the Agenda: Other Business- Officer Election.

Ms. Alexander nominated by acclamation Mr. Turnage for Chairman. All said aye.

Motion by Mr. Ringhausen to re-elect Mr. Steffens as Vice-Chairman. Mr. Whitton gave the second. All said aye. The motion carried.

Motion by Mr. Whitton to re-elect Mr. Ringhausen as Secretary. Mr. Ward gave the second. All said aye. The motion carried.

Item 7 on the Agenda: Communications from the City Council and the City Staff.

Mayor Pro-Tem Hill welcomed Mr. New to the Commission who was previously a member of the Parks Board. He said he was pleased with who was available to serve on Committees and sorry that the Council didn't have a place for everyone this time.

Mr. Wingerson welcomed Mr. New as well and said that Sarah Van Duser is also a new member who was unable to attend this evening. He thanked the Commission for a great meeting and for their questions, which were exactly on point.

Item 8 on the Agenda: Communications from the Planning Commission Members.

Mr. New said he did go by the development in Lenexa, Kansas and it looked like a pretty nice piece of property. Since he's new to the process and it looks like this is going to go no matter what the citizens say, he wondered if there was a real concern for not doing this [project].

Mr. Wingerson explained that staff is not sure if this application will move forward or not, but this hearing is part of the process. In two weeks, staff will come back with responses to a lot of the questions raised tonight and then the entire application will go to the City Council. Council involves a similar process but with no guarantees of approval.

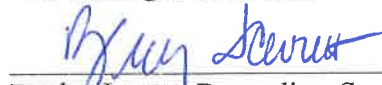
Item 9 on the Agenda: Adjournment

Chairman Turnage adjourned the meeting at 8:52 pm.

Respectfully submitted:


Bill Turnage, Chairman

Approved as submitted ☒


Becky Jarrett, Recording Secretary

Approved as corrected ☐

CITY OF GLADSTONE, MISSOURI
PLANNING COMMISSION MEETING

JANUARY 21, 2014

7:30 P.M.

TRANSCRIPT OF PROCEEDINGS

In Re: Public Hearing - A Site Plan and Rezoning
of property generally known as 2801 and
2901 N.E. 72nd Street. File #1387.

Held at City of Gladstone City Hall,
7010 North Holmes Street, in Gladstone, Missouri.

A P P E A R A N C E S:

Planning Commission:

Mr. Bill Turnage, Chair
Mr. Don Ward, Member
Mr. Larry Whitton, Member
Mr. Kyle Yarber, Member
Mr. Alan Ringhausen, Member
Ms. Shari Poindexter, Member
Mr. James New, Member
Mr. R.D. Mallams, Member
Ms. Anne Alexander, Member

Mr. Chris Helmer, Planner
Ms. Becky Jarrett, Administrative Assistant

1 CHAIRMAN TURNAGE: Tonight we will have
2 a public hearing on a site plan, rezoning property
3 generally known as 2801 and 2901 Northeast 72nd
4 Street. Let me remind you that there's several
5 people here and I know many of you would like an
6 opportunity to speak and you will have a chance to
7 speak. Let me remind you to be succinct, and also
8 to be respectful of those who also wish to speak.
9 So with that, I am going to open the hearing at
10 this time and turn it over to Mr. Helmer.

11 MR. HELMER: Thank you, Mr. Chairman and
12 good evening Commissioners. Good evening to the
13 rest of you all joining us this evening as well.
14 Very quickly, you all are going to hear a wealth
15 of information this evening. And starting with
16 the intent of staff is really to outline the big
17 picture of the topics and the discussion as well
18 as ultimately the process that the Commission will
19 take, regardless of the stance that the Commission
20 may take.

21 You will see that in the staff packet
22 there are many issues that relate to planned use
23 issues. One area in particular that I would like
24 the Commission to remember during the discussion
25 is that there's three fundamental areas of

1 discussion, and then ultimately actions that will
2 be required by the Planning Commission and City
3 Council. One will be for a final plat
4 consideration of the entire property. You will
5 see that in the overall site development plan.
6 The final plat that is proposed does currently
7 under the existing condition show a single family
8 residential home that would be just adjacent or
9 immediately east of the existing HyVee grocery
10 store.

11 Another and likely one of the larger
12 requests of the developer is that of a rezoning.
13 Rezoning is necessary in this particular
14 application to meet the needs of the applicant
15 needing to meet the overall development
16 preference. So currently the proposed tracts of
17 land for development are R-1 single family. They
18 have been zoned under that designation for quite
19 some time. In order to satisfy the proposed
20 development application that is being proposed,
21 the rezoning will be from an R-1 single family to
22 an RP-4, which is planned district apartment
23 house.

24 Finally, the last consideration of the
25 Commission, and ultimately the City Council, is

1 for a site development plan that is the large
2 package that encompasses a lot of the fine detail
3 that you will see in the application. So
4 landscaping, stormwater, ingress/egress to the
5 site, building footprint layout, et cetera. I'll
6 just very quickly provide a brief summary of that
7 site plan. The developer as well as their team of
8 design professionals are here that can provide
9 some additional information. But very quickly, a
10 total of 116 units; total development site, 8.71
11 acres. 34 assisted living units; 46 independent
12 living units; and 36 skilled nursing units.

13 One area of discussion that not only did
14 the developer but City staff have quite a bit of
15 dialogue with area residents, meaning the North
16 Haven folks just immediately to the south, is the
17 topic as it relates to buffering between the
18 proposed development and the existing
19 predominantly single family residential homes to
20 the south. So one area that has sort of evolved
21 throughout this whole process, one being when the
22 developer first initiated conversations with the
23 residents and then, ultimately, when the Assistant
24 City Manager Wingerson and myself were able to
25 come to many of your homes. And thank you for

1 allowing us to do that. We were able to really
2 get a flavor of what you all wanted to see.

3 So for those that we did meet with, I
4 believe I told some of you that the intent of our
5 meeting with you and then, ultimately, some of the
6 conditions that you see in the staff analysis are
7 hopefully, really, some of your voices and some of
8 the things that we were hearing from you. So in
9 some cases you will see, and to the Commission the
10 two additional items, exhibits that I provided to
11 you show some additional clarification.

12 One, there is an eight-foot privacy
13 fence that is being proposed more on the southwest
14 portion, just south and west of the proposed
15 stormwater detention to help with some additional
16 buffering; and many of the area residents we heard
17 from that wanted to see a substantial mature berm,
18 vegetative area between the proposed development
19 and that of the existing homes.

20 So in the cross-sections that the
21 Commission has been provided, as well as in the
22 site plans, I hope that we have been able to
23 convey as best as possible the intent of what we
24 were hearing from the residents. So outreaches
25 like most applications has been a big portion of

1 this application. Obviously not always a perfect
2 system, but one that we as staff have hopefully
3 illustrated that we take serious the direction of
4 the City Council and senior leadership of the
5 City.

6 Storm water. A big topic of discussion
7 as relates to the development. We do have
8 designers here this evening to discuss the report
9 that you all have received in your packet, being
10 the micro stormwater analysis that was a
11 requirement for this project to move forward, as
12 well as traffic impact analysis that was provided
13 to the Commission. You will see that in that
14 analysis. No significant impact is being seen at
15 this point in time as it would relate to a massive
16 change in infrastructure, things of that nature.
17 Not to say that there likely will not be with
18 development, post-development, be some change in
19 the overall impact.

20 You will also see another piece of
21 information that has come a little bit later on in
22 the process, but we were able to get it into your
23 staff packets, is a letter that was submitted by
24 Dr. Ballard. So hopefully each of you have
25 received that letter. I did have the opportunity

1 to speak with Ms. Ballard and you have been
2 provided the information by her as well as we have
3 shared that information with the developer.

4 One item, Mr. Chairman, that I would
5 like to take a moment to do that we don't often
6 do, but I feel is important in this particular
7 case. For those who are attending in the audience
8 and those who might not have been able to receive
9 the information via our distribution in the mail,
10 is for the record to go over each of the
11 conditions so that those in the audience can
12 realize that this development is subject to
13 approval on a whole host of conditions, very
14 specific conditions.

15 Some of them are what I would say
16 generic in nature, but they are very important.
17 So there are some conditions that might relate to
18 like trash service pickup and things that are
19 pretty common amongst other developments. So
20 those are things that are carried over.

21 However, in this particular application
22 there's some very specific conditions that we
23 tried our best to hear from you all. Hear from
24 our own internal staff review people, whether it
25 is staff engineer or our codes people, et cetera,

1 to make the development or proposed development as
2 best as it can be. So I will quickly read through
3 those conditions and then we will end staff
4 presentation in outlining the process and then we
5 will turn it over to the developer for their
6 comprehensive presentation.

7 Mr. Chairman, for the record, I
8 recommend the conditions associated with the site
9 development plan are:

10 1. Donate right-of-way to allow for 72nd
11 Street widening.

12 2. Evaluate capacity of existing storm
13 sewer downstream of Point A. in storm study.
14 Investigate emergency measures that could be
15 implemented to protect homes downstream of
16 stormwater basin.

17 3. Storm water basins shall include a
18 nuisance channel and be manicured (not natural).

19 4. Implement additional landscaping on
20 north side of detention basin and east side of
21 cul-de-sac.

22 5. Provide sanitary sewer flow
23 calculation with construction plan review.

24 6. Provide sediment basins and erosion
25 control fencing in accordance with City code.

1 7. Install six-foot chain link
2 temporary construction fencing around development
3 site.

4 8. Construct eight-foot privacy fence,
5 finished side toward development where highlighted
6 on attached exhibit.

7 9. Water main shall be looped from North
8 Agnes to NE 72nd Street.

9 10. Photometric photo study shall be
10 submitted and ground level and building mounted
11 lighting shall be implemented. No standard
12 pole-mounted parking lot lighting shall be
13 implemented behind front building line of
14 property.

15 11. Dumpsters/storage areas shall be
16 enclosed with materials consistent with the
17 primary building and adequately screened from
18 public view. Trash services shall be scheduled
19 between 7:00 a.m. and 10:00 p.m.

20 12. Relocate dumpster to west side of
21 the main building.

22 13. Tractor-trailers shall not park or
23 be stored overnight.

24 14. Fire hydrants shall be installed in
25 accordance with fire code requirements.

1 15. Fire protection shall be provided
2 within 150 feet of development.

3 16. All manicured landscaping and
4 related improvements shall be maintained in
5 perpetuity. All manicured grassed areas and
6 landscaping shall be irrigated.

7 17. Increase landscape to 10-gallon
8 shrubs and 3-inch caliper trees (minimum).

9 18. Provide tree preservation plan.
10 Focus shall be on the south and east property
11 lines.

12 19. Portable storage units shall not be
13 placed or stored on site, post-construction.

14 And finally 20. Exterior lighting shall
15 be designed, installed and maintained to reduce
16 any adverse impact on the surrounding neighbors.

17 In closing, Mr. Chairman, we would like
18 to quickly remind the Commission three fundamental
19 areas of discussion. Final plat rezoning and site
20 plan approval, that Commission is certainly within
21 your parameters of discussion, certainly have the
22 option to obviously approve the application.

23 Staff is recommending approval subject
24 to adherence of the recommended conditions. The
25 application can be approved with conditions,

1 obviously denied or continued. With these large
2 applications we always build in additional time
3 with the Commission, meaning if the Commission
4 should desire additional information or we
5 certainly come to a point where staff and their
6 developer need to work on additional items, we
7 have certainly built in that time with this
8 approval process to do that prior to ever getting
9 in before the City Council.

10 So with that said, Mr. Chairman. With
11 your approval we would suggest that we at this
12 point in time turn it over to the developer for
13 their presentation and then hopefully be able to
14 address questions that the Commission have. Thank
15 you.

16 CHAIRMAN TURNAGE: Okay.

17 MR. WOOD: Good evening. Is this on?
18 Can you hear me? My name is Gibb Wood, and I am
19 the managing partner of Scenic Development, which
20 is a company that has been around for 35 years.
21 Our parent company is out of Iowa Falls, Iowa.
22 First off, I would like to thank Chris and Scott
23 for their help. They have been good to work with.
24 There has been a lot of good give and take and a
25 lot of input.

1 Scenic Development, we are a
2 family-owned company. We have three generations
3 of family members who have worked in this company.
4 What we are proposing tonight, we are calling
5 Maple Woods Village. And it is a continuing care
6 retirement community. This is our own proprietary
7 model. We know of no other companies in the
8 United States that are doing what we do. What we
9 have here is what we call a boutique kind of
10 community. We have independent living, assisted
11 living and skilled nursing facility. Each one of
12 these segments is relatively small, anywhere from
13 30 to 40. As Chris said, our independent living
14 is only 46 units, but combined it makes for a nice
15 project where the senior citizens of Gladstone can
16 age in place. So if they are in independent
17 living they won't have to go to another facility
18 if they need more care, so they can go throughout
19 our facility.

20 Another thing that we've done that is
21 unique, is that we have no barriers based on which
22 neighborhood you're in. A lot of retirement
23 communities have multiple levels. There's
24 physical barriers so that the groups can't
25 intermingle. And we've gotten totally away from

1 that. So this is a state of the art project that
2 is really unique to our company. The project
3 itself -- ah, I made it work. Good. This is a
4 rendering of the project from 72nd Street. As you
5 can see, we have two stories. The independent
6 living and assisted living are two stories. It
7 will be approximately 120,000 square feet. And we
8 will have underground parking underneath the
9 independent living for 38 cars. Most of our
10 residents will not drive. The vast majority. So
11 about two-thirds of the independent folks will
12 drive. We will have to get a Certificate Of Need
13 from the State of Missouri and that is -- that
14 Certificate Of Need is for March 2nd. However,
15 there is a very large statutory need for beds in
16 Clay County, so we don't anticipate any problem.

17 This is another rendering of the back of
18 the building from the cul-de-sac, with the
19 extension of Agnes? Yeah, Agnes. And this shows
20 the nursing facility and it is a one-story
21 building. And this will have 40, license for 40
22 beds. And this skilled nursing facility will be a
23 neighborhood model, so it will be set up as
24 residential as possible in the nursing industry.
25 This again is a new model that very few nursing

1 homes have. We did a project for Covenant
2 Retirement Communities. They are the seventh
3 largest supplier of senior housing in the United
4 States and they are a church-owned project. They
5 liked our project. And they do very high-end,
6 what they call buy-in models. And they wanted us
7 to do what we do, so that they could have a more
8 reasonable price point for their congregants and
9 people in the community at large. So it is very
10 similar to what we're doing. These are actual
11 photographs.

12 This project was completed in October.
13 So the project we are doing in Gladstone will look
14 very similar to this. And you can see from the
15 lower picture, that's the rear. So the one-story
16 part, which is a primary section that backs to the
17 neighbors, is low in profile and is residential in
18 character.

19 This is the site plan. So you can see
20 on the west side we have the assisted living and
21 that is two story. In the middle we have the
22 village center where all the different -- all
23 three neighborhoods can congregate and gather. We
24 have a large chapel. We have a coffee shop. We
25 have a beauty shop in there. We will have a bank

1 so that the residents can do their banking on
2 site. We have a fitness center. Again, all three
3 neighborhoods will use the village center. To the
4 east is the independent living, and that will also
5 be two-story with parking underneath. And then
6 again the skilled nursing in back. Now -- is
7 there a pointer on this, Chris?

8 MR. HELMER: I believe so.

9 MR. WOOD: This right here is a natural
10 tree line. One thing, we have the berm here. And
11 a lot of these changes were made based on input
12 from the neighbors. The berm here is six feet and
13 it tapers down to two feet here. And one of the
14 things the neighbors talked about was beefing up
15 the landscaping back in here and across here,
16 which we have done in this rendition. Another
17 thing too, is that we move the dumpster from this
18 area over here towards pretty much across from
19 HyVee's dock. And we are leaving as many trees as
20 we can right here. So these are all natural
21 trees. And we increased some landscaping right in
22 this corner here. This is a cross-section. I
23 don't know if this is in the packet or not. This
24 is a cross-section that we showed the neighbors.

25 We actually had three neighborhood

1 meetings. One of them we had down in Lenexa. We
2 met approximately 12 or 15 neighbors that came to
3 Lenexa to see the project. Primarily those
4 neighbors that back to the project. We invited
5 all of them, but those are the ones that showed
6 up. Then we had another one at the Gladstone
7 Community Center. And then we had a follow-up one
8 because some of the folks didn't receive the
9 information in time. And then we met individually
10 with most of the neighbors who backed to the
11 project. So a lot of what we've done is a result
12 of those meetings. But you can see from this,
13 this is the berm behind the Kellys' residence.
14 And so this would be where it tapers down to about
15 two feet. So you have the berm and then you have
16 the landscaping. So we've tried to make it as
17 much of a natural break as possible.

18 We will be putting in a little bit of a
19 fence right here at the request of another
20 neighbor. These other neighbors did not want a
21 fence. So I think that's everything I wanted to
22 cover as far as the project goes.

23 I would like to comment about some of
24 the conditions. Ladies, would you mind joining
25 me? I'll get my experts up here. In general, we

1 agree pretty much with the spirit of all of the
2 conditions. There are a few issues that we have.
3 Some of them are technical, and I will just go
4 over -- I don't want to go over each one of them.
5 We'll just go over the ones that we would like
6 some either clarification or some guidance on.

7 The first one, "Donate right-of-way to
8 allow for 72nd Street widening." We don't have a
9 problem with that, but we just don't know what
10 that entails yet. So we would just like to be
11 able to keep working with staff on that. We can't
12 give cart blanc to donate something that we don't
13 know what it's going to be. In general, we don't
14 have a problem with that.

15 "The stormwater basin shall include a
16 nuisance channel and be manicured (not natural)."
17 We're fine with that. I think some of the
18 neighbors are concerned, and rightfully so, that
19 the HyVee basin kind of got out of control. And
20 we don't want that either. Our basin is going to
21 be a design feature for our project, where HyVee's
22 basin is behind their service area. So I think we
23 have two different animals here. We would
24 certainly like to manicure it, but on the lower
25 part of the basin we would like to have some

1 natural plantings down there. Probably a
2 monoculture. So if anything that is we don't want
3 in there shows up, we know to get rid of it
4 instead of just wildflowers. That's something
5 that we would like to be able to continue to work
6 with on staff. Staff with that.

7 Item 7, "Install a temporary chain link
8 construction fence around the development site."
9 Again, we understand why you want that. I think
10 we would like to work with staff and just put it
11 along the south portion, because there's fence on
12 two sides. A fence on the west and a fence on the
13 east. And then have it be across the access to
14 72nd Street. That's something that I think would
15 kind of keep kids out from neighborhoods to the
16 south.

17 Really, the main issue we have is with
18 the, Number 10, the -- not the photometric study.
19 We actually have the photometric study here
20 already done. The issue we really have -- and
21 there's two issues here, is with the "no standard
22 pole-mounted parking lot lights." We had this
23 same issue when we did Lenexa. Our Lenexa project
24 is surrounded on two and a half sides by high end
25 housing. On the south side, just like we are

1 here, we have HyVee. Almost identical. In our
2 neighborhood meetings actually we heard --
3 actually we heard more from our neighbors about
4 lighting. We heard from our neighbors here about
5 lighting. But that was a huge issue in Lenexa
6 because of a project just down the street from us.
7 So we took that into account. We came up with a
8 plan very similar to what we have here. And
9 actually the mayor of Lenexa backs to our project.

10 So they took our design and it has
11 worked out great. We've had no complaints. The
12 only complaint we've had is we have one of these
13 small bollard lights, these trail lights that
14 shine down. And one neighbor across the street,
15 it kind of shown at them. So we changed it up.
16 But we had no complaints about the overhead
17 lighting.

18 One of the other issues we have with
19 this, is that we are a -- we will be licensed with
20 the State of Missouri for assisted living and for
21 nursing. And we have to follow Federal
22 guidelines, Chapter 7 of the Life Safety Codes,
23 which requires that we have certain illumination
24 on our parking lots. And if we don't have that,
25 we can't get licensed. And we cannot get licensed

1 with the smaller mounted lighting. It just won't
2 work. We have to have some sort of pole-mounted
3 lighting. And we can have it -- we can reduce the
4 size of it, the height of it, if that's a concern.
5 But the more we reduce the height, the more poles
6 we have to have. So that's something -- would you
7 like to speak on that a little bit?

8 MS. BUSTER: Sure. Just to point out
9 that you can see the kind of -- the light poles
10 are shown on that exhibit. They are the sort of
11 dark squares. You can see they are along the
12 drive in the front, the drive on the west side,
13 the parking in the rear and the circle drive in
14 the front. Those are all about 20-foot tall
15 poles, which is pretty standard for parking lot
16 lighting. And the reason for the height, like
17 Gibb said, is that the shorter the pole, the more
18 of them you need. Because I think everyone can
19 picture if you take a flashlight and shine it
20 down, you have a bigger circle that shines down on
21 the ground than that of the flashlight. The lower
22 you lower the flashlight, the smaller and smaller
23 that circle gets.

24 From an engineering standpoint, when we
25 are designing lighting for a site, you want to

1 design it such that those light circles just sort
2 of barely intersect so that you have kind of an
3 even, average, luminance over the site. So if
4 those circles of light are smaller, you are just
5 going to need more poles. I think in the
6 photograph that you have of the Lenexa project,
7 you can see some pole-mounted lighting. It looks
8 like it is about 20 feet tall. It is pretty
9 unobtrusive. We put cut-off devices on the
10 fixtures that limit the amount of light that goes
11 out sideways and focuses it down on the ground.

12 Near the property lines, our goal
13 is to have zero luminance at the property line.
14 So no light spilling over the property line onto
15 neighbors' properties, which actually exceeds the
16 City of Lenexa's -- I'm sorry, the City of
17 Gladstone's owner requirements, which say that you
18 can bleed over about 10 feet onto a neighboring
19 property. We are probably more like 10 feet
20 inside our property.

21 So, and then also touching on standards.
22 The City standards also reference the illuminating
23 engineer's standards. It is a group that puts out
24 standards and recommendations for different types
25 of lighting. For parking lots they recommend an

1 average of one foot-candle. A foot-candle is just
2 a measure of luminance. An average of one over
3 the site, which is what we've provided. So what
4 we're showing there actually meets and exceeds the
5 City's requirements.

6 MR. HELMER: Mr. Chairman. Could you
7 provide your name, please.

8 MS. BUSTER: I'm sorry. I'm Shannon
9 Buster. I'm with Lutjen.

10 MR. WOOD: Is that all you want, Chris?
11 Just to point out the blue marks where the
12 luminance stops. So where there is no blue, there
13 is zero foot-candles. So our lighting will not
14 bleed past here. So you can see that we are well
15 over 10 feet. And we are over 10 feet on the east
16 side also. The only place where it comes up to
17 the property line is against HyVee. I don't think
18 HyVee cares about that. So we have tried to
19 design a plan with the neighbors in mind,
20 because -- and with our neighbors too, because our
21 residents have to look out in the parking lot too.
22 And if these parking lot lights shine into their
23 lights, they're going to have a bad living
24 experience and they won't want to live in our
25 building. So we have to think about the people

1 who live in our building as well as neighbors and
2 that's something that we have taken into account
3 for all this. We certainly understand why people
4 don't want poles. But I'm afraid there's really
5 no way to get around that, from an engineering
6 standpoint or from a licensing standpoint.

7 So what I would like to do, with your
8 permission, is to keep working with staff on this
9 requirement so that we can come up with something
10 that staff and we agree with. Agree on.

11 CHAIRMAN TURNAGE: Other conditions?

12 MR. WOOD: 15. We're still working with
13 the fire marshal on this to -- just to get some
14 clarification. This is a standard issue. The
15 last one really -- I have two more. But the
16 landscaping. We are okay with -- in general we
17 are okay with this requirement. However,
18 10-gallon shrubs is really not a commercially
19 available commodity. So what our landscaper is
20 saying, that we set some minimum heights.
21 Typically a five-gallon shrub is anywhere from 18
22 to 24 inches. So we will bump that up to a
23 minimum of 24 and possibly 36, depending on the
24 shrubs. And on the tree size, if it is a
25 deciduous tree, we expect two and a half-inch

1 calipers that will go up to three. If it is an
2 ornamental tree, it will go up from one and a half
3 to two. From what our landscapers tell us, on
4 ornamental trees, two is a pretty good-sized
5 ornamental tree. So, here again, we would like to
6 continue to work with the staff on that.

7 Lastly, Item Number 20. We completely
8 agree with the intent of this. We would just like
9 to work with it to get some -- work with staff on
10 some wording of it. The intent of it is just
11 fine, but our attorney is not real comfortable
12 with the way it is worded and we just want to be
13 able to work with the staff on it.

14 CHAIRMAN TURNAGE: Okay. Ready for some
15 questions?

16 MR. WOOD: Sure.

17 CHAIRMAN TURNAGE: Commissioners?
18 Questions?

19 COMMISSIONER MALLAMS: Can we have some
20 clarification, Chris, on Number 1, on the
21 Recommended Conditions to donate right-of-way to
22 allow for the 72nd Street widening. I think I
23 understand that. But clarification.

24 MR. HELMER: Yes. This condition came
25 about as a result of our internal review with City

1 engineers. As the Commission might recall, there
2 has been developments in the past, specifically on
3 72 Street, that there has been the need or might
4 possibly be the need to expand the roadway for an
5 additional turn lane, things of that nature. In
6 this particular application or proposed
7 development, the developer and what the Commission
8 is seeing is correct in the fact that the traffic
9 analysis is not outright suggesting that there is
10 a huge impact.

11 However, what the City has traditionally
12 taken a position on is at least investigating or
13 allowing the adequate roadway for any type of
14 future needs. So what we had suggested to the
15 engineers is that it might simply be them looking
16 at the existing conditions of the roadway, which
17 they have done to some degree, and it might be as
18 simple as providing an exhibit that would
19 illustrate allowing the need that would adequately
20 satisfy our additional internal staff. So if that
21 helps.

22 MS. BUSTER: Just to add to that, in
23 answer to your question. We have looked at --
24 like Chris has said, we've looked at the road
25 preliminarily. Over half of the site, 72nd Street

1 is fully improved with four traffic lanes and a
2 center turn lane. What we are really talking
3 about is a future improvement with an extension of
4 that center turn lane. And we believe that the
5 right-of-way exists. Adequate right-of-way
6 already exists across the frontage of this
7 property. And we can work with staff to provide
8 exhibits that show the future improvement and
9 demonstrates that that will all fit in the
10 right-of-way that is there. But we're going to
11 continue to work with them on that.

12 MR. WOOD: Just to point out. The
13 right-of-way goes all the way to the property
14 line. And the road starts narrowing. So even
15 this portion on both sides is still within the
16 right-of-way. So that's what Shannon was talking
17 about, that we believe there's probably enough
18 right-of-way there as it is. But we're open to
19 looking at what the City wants to do.

20 CHAIRMAN TURNAGE: Other questions?

21 COMMISSIONER MALLAMS: I have to say, I
22 voiced concerns to our City staff in regards to
23 the traffic on 72nd Street and the impact that
24 that would have. And based upon the traffic study
25 that we received, there's not a significant

1 increase and it is within allowable standards.
2 Same thing with the stormwater run-off. And
3 living on Bellefontaine, right across the street
4 of this development, I was concerned with the
5 stormwater and the run-off, because there's a
6 slope to the northeast. And again, provided the
7 stormwater drainage study, I see that it should
8 not be a concern. I do have a concern about the
9 maintenance of the property. What is the plan to
10 maintain the grounds?

11 MR. WOOD: Well --

12 COMMISSIONER MALLAMS: Will you have
13 staff on-site that will maintain it, will it be
14 contracted out?

15 MR. WOOD: We will contract it out. So
16 the grass will be mowed, depending on the mowing
17 season, at least once a week, if not sooner, until
18 fall. And we will probably do it once -- when
19 needed. And then we will always have a spring
20 clean-up. And then they come and take care of the
21 shrubs and the flowers throughout the season. But
22 we do contract it out.

23 COMMISSIONER MALLAMS: I am just
24 curious, what is the estimated cost for this
25 project?

1 MR. WOOD: Construction cost is around
2 14 million. So total project cost is 17 million.

3 CHAIRMAN TURNAGE: Kyle? Questions?

4 COMMISSIONER YARBER: Is any of the
5 original vegetation going to be maintained or will
6 it all be new?

7 MR. WOOD: We're still doing the Tree
8 Preservation Study to see if we can preserve, as
9 one of these requirements is to submit one. Right
10 now it looks like only the trees along the east
11 side. This site has a big knob right in the
12 middle, so there will be a lot of grading that
13 will have to be done. And in order to put the
14 pond in and the berm, it is going to be very hard
15 for us to preserve any of those trees along the
16 rear. But we're still looking at that. We
17 haven't submitted a site preservation plan. The
18 trees -- there may be a tree or two up on the
19 northwest corner. But again, that's a high point,
20 so that will probably have to come down.

21 COMMISSIONER YARBER: Thank you.

22 CHAIRMAN TURNAGE: Anne? James?

23 COMMISSIONER NEW: I just have one
24 question. On your plan there, there is a property
25 that is on the northwest corner. That is not

1 depicted on your --

2 MR. WOOD: No, that house will come
3 down.

4 COMMISSIONER NEW: Okay. I didn't know
5 that. And overall construction time. What is
6 that going to be like? Do you have any idea?

7 MR. WOOD: Well, if the weather holds
8 out, it will be 12 months. 12 to 14 months,
9 typically. If we have some weather delays it will
10 probably be 14 months.

11 CHAIRMAN TURNAGE: Larry?

12 COMMISSIONER WHITTON: I don't have any
13 questions.

14 CHAIRMAN TURNAGE: Alan?

15 COMMISSIONER RINGHAUSEN: I have a
16 handful, so it might be a little bit. You touched
17 on one of the conditions about the stormwater
18 retention pond there in the southwest corner of
19 the area. And in looking through it, it looks
20 like the stormwater study also took into account
21 the retention pond there on HyVee's property as
22 well. Both of those tie into an existing City
23 sewer.

24 MR. WOOD: Yes.

25 COMMISSIONER RINGHAUSEN: One of the

1 conditions says that "Approval pending" -- I'm
2 paraphrasing here, but "Approval pending
3 confirmation of existing stormwater capacity in
4 the City's downstream stormwater sewer." Is
5 that -- this may be just as much a question for
6 you as it is for staff. Is that something that
7 your plan is going to be involved in taking the
8 modeling of that to verify that we can handle that
9 additional stormwater that will be held in those
10 ponds, or is that something that falls within the
11 City's purview to provide and verify?

12 MR. WOOD: Well, we will put it in --
13 actually I'll let Shannon speak to that. She is
14 the expert.

15 MS. BUSTER: With the construction
16 documents we will prepare a storm drainage study.
17 And that will be a component of the storm drainage
18 study. Because the detention pond is, as you
19 said, connected to the City system downstream,
20 part of that will have to be verifying that that
21 system has capacity. And from what we've looked
22 at preliminarily so far, this -- it may seem a
23 little counter-intuitive, but we are actually
24 going to reduce the amount of water that is in
25 that, that is going into that storm sewer in a

1 100-year storm, because of the detention basin.

2 So we are basically -- we are putting in
3 a large hole with a small outlet that will allow
4 water to sit and detain in that pond for a period
5 of time and be released more slowly. So actually
6 during the peak of a storm, there will actually be
7 less water in that system than there is even now.

8 COMMISSIONER RINGHAUSEN: The study
9 refers to a five-foot, I think it is a five-foot
10 square area inlet in that area existing.

11 MS. BUSTER: An existing field inlet.

12 COMMISSIONER RINGHAUSEN: So if I
13 understand what you are saying, you are saying
14 that the current condition out there right now,
15 would actually be delivering more stormwater to
16 that area inlet now than it would be in the future
17 because of the detention ponds.

18 MS. BUSTER: That's correct. There's
19 two things at issue. There is the water in the
20 pipe and there is the water that gets to the
21 inlet. So right now, that whole site kind of
22 drains overland to the field inlet. And that's
23 how it gets into the system.

24 Now, water is going to be captured in
25 our basin before it even gets to the field inlet.

1 So you are going see less water on the ground,
2 because it is being captured in our detention
3 basin and put into a pipe and put directly into
4 the City system. So the water, both what you
5 would see coming to it directly from the ground
6 surface and what is in the pipe in the system will
7 both be less once the development is complete.

8 COMMISSIONER RINGHAUSEN: Thank you.
9 You also touched on a comment or one of the
10 conditions that talks about those basins being
11 maintained. And I am assuming, based on the
12 layouts that you have presented in the packets,
13 that the sides of those berms are something that
14 actually can safely be mowed as opposed to trying
15 to cram in the detention so closely on the site to
16 make it all work. Could you speak to that some,
17 please, as well.

18 MS. BUSTER: Typically what we would
19 design a basin to, would be to have a three-to-one
20 sided slope. So for every vertical foot of rise,
21 there would be three-foot horizontal. That is a
22 mobile slope. And since we've brought that up, I
23 might just elaborate just a little bit on the
24 comment about being manicured and the nuisance
25 channels.

1 The nuisance channels are from the two
2 inlet pipes to the outlet pipe, because that path
3 tends to get a little eroded. So what we will do
4 is we will put in kind of a meandering channel
5 that is lined with riprap so that that water gets
6 directed to the outlet without eroding the bottom
7 of the basin. So now, if we are talking about --
8 if we say manicured, and we are saying like short
9 grass, you can imagine that trying to get a mower
10 in that area with all the riprap will be a
11 challenge.

12 So when Gibb was talking about, you
13 know, we would like to have the ability to use
14 some native vegetation in the bottom, there are
15 two reasons for that. One would be to -- because
16 it would just be easier for maintenance. It
17 wouldn't have to be mowed. The other reason is
18 that we are required to put in BMP's, Best
19 Management Practices. Things that will filter
20 stormwater. Clean the water before it gets
21 released out into the system. Native vegetation
22 is a very, very good way to do that. So what we
23 would like to be able to do is have a single
24 species native vegetation just in the bottom of
25 the basin. Where water will be detained and where

1 water will be able to kind of infiltrate down
2 through the roots of that native system. And the
3 sides will be manicured.

4 Typically if you have some native
5 vegetation you've got a manicured edge. It tends
6 to look very nice. And again, a single species in
7 the basin will be very, very obvious if there is
8 something there that shouldn't be there. A
9 maintenance guy who doesn't know a flower from a
10 bulrush will be able to pull it out. Does that
11 answer your question?

12 COMMISSIONER RINGHAUSEN: Thank you.
13 Yes, it does. Just a few more questions. The
14 right-of-way there in the southeast corner where
15 Agnes turns into a cul-de-sac. We've got -- you
16 are depicting a sidewalk going out to that
17 cul-de-sac. Has there been any concern or any
18 discussion either from the development side or the
19 City staff side about potential for vehicles
20 attempting to park in the cul-de-sac and walk in
21 as kind of like a back entrance visitor? Or any
22 signage in that cul-de-sac that would clearly say
23 this is not a place to park? Has there been any
24 discussion of that?

25 MR. WOOD: No. The reason we have that

1 sidewalk, again, it is a life safety issue. We
2 have to have the residents, in case of a fire,
3 that's their exit to safety. So that conversation
4 hasn't come up. But I'm certainly open to putting
5 signs up, because we don't want people parking
6 back there either.

7 COMMISSIONER RINGHAUSEN: One other
8 observation. I know I am kind of jumping around
9 here. The traffic study. The traffic study, when
10 I briefly read through it, I was having a little
11 bit of trouble placing the crown of 72nd Street,
12 the crown of the hill, the crest of the hill, I
13 should say, in relation to your entrance and exit
14 there onto 72nd. And the study made reference to
15 lines of sight or stopping distances, I think it
16 was, to the closest intersection. Maybe not so
17 much a question as it is an observation. The
18 crest of the hill is its own -- has its own line
19 of sight. Has the traffic study given any
20 consideration to entrances and exits out of that
21 property relative to someone coming over the crest
22 of the hill, rather than just back at the next
23 major intersection, the lighted intersection or
24 the four-way stop?

25 MR. WOOD: I'll let Shannon speak on

1 that. But we have been out to the site several
2 times trying to make sure that we have that
3 entrance in the location that has the most
4 visibility from east to west. So I will let
5 Shannon speak on that issue.

6 MS. BUSTER: The traffic study, that is
7 part of what is involved in that, is to verify
8 that people entering and exiting our drive would
9 have sufficient sight distance both directions to
10 be able to make a decision as to when they can
11 safely turn. And we verified that there is
12 sufficient sight distance to meet the AASHTO green
13 book, which is the traffic and roadway standard
14 that sets those limits. Melissa, could you just
15 point kind of generally where that crest is.

16 MS. DeGONIA: It is just to the west.

17 MS. BUSTER: Just slightly to the west
18 of the drive.

19 MS. DeGONIA: It is right around in
20 here. So, I mean, it's pretty far away from the
21 entrance.

22 COMMISSIONER RINGHAUSEN: Maybe -- I
23 said one last question. I really just thought of
24 one other. Again, maybe more of an observation.
25 I understand the concerns about lighting. That

1 would be my concern as well. Has there been given
2 any consideration to lighting, not so much on the
3 pole-mounted lights in the parking lot, which you
4 touched on that, the fixtures and the pole heights
5 can be worked with and adjusted to meet those
6 foot-candle requirements. But I am assuming
7 there's also some lights that are mounted on the
8 buildings over like doorways, entrance and exit
9 doorways?

10 MS. BUSTER: Yeah. And I should have
11 mentioned that. Obviously you've got -- for
12 options, you've got pole-mounted lighting,
13 anything from half size to parking lot size. And
14 then you've got the building lighting. If you
15 look at the site plan, I think you can appreciate
16 that the way that you would get light from the
17 building out to sufficiently light the drives and
18 the parking, it would have to be pointed out like
19 this. And that is going to be obtrusive to people
20 around the site.

21 What is superior is to have the
22 pole-mounted fixtures which have the cut-offs
23 which direct light down at the ground. I don't
24 think anybody is going to be happy with lights
25 that shine out in this direction. And that's what

1 you would have to do. If you look, you can see
2 how far you would have to go from the building to
3 the opposite side of the drive in order to light
4 that adequately. You would be looking at a pretty
5 bright, kind of like a floodlight. Which I don't
6 think anyone would be happy with how that looks.
7 Did that answer your question?

8 COMMISSIONER RINGHAUSEN: Yes. Thank
9 you. I don't have any more questions, Mr.
10 Chairman.

11 CHAIRMAN TURNAGE: Shari.

12 COMMISSIONER POINDEXTER: At this time
13 the discussion has answered all of my questions.

14 CHAIRMAN TURNAGE: Good. Don?

15 COMMISSIONER WARD: I have one question.
16 On the northeast corner where it slopes down to
17 the neighbor's lot, the water draining off of
18 that, the nearest inlet is on the other side of
19 the driveway. Has that been addressed to kind of
20 keep some of the water from flowing across that
21 driveway?

22 MS. BUSTER: I'm sorry, would you say
23 that one more time.

24 COMMISSIONER WARD: On the northeast
25 side you have a slope coming down onto the

1 neighbor. And the drain out on the road is on the
2 opposite side of the driveway for the neighbor.
3 As trying to eliminate some of that water runoff,
4 I know there's some trees and some shrubbery on
5 the corner there, but is there any type of berm or
6 anything there?

7 MS. BUSTER: Well, I think the best way
8 to answer your question. Let me see if I can make
9 this pointer thing work. There is a crest that
10 runs through the site about like this. Melissa,
11 correct me if I am wrong. Everything on this side
12 flows this direction. Everything on this side
13 flows basically this direction. So what you're
14 asking is, the area of the site that drains off in
15 this direction, how is that going to impact water
16 that is running across this neighboring drive
17 here? In answer to your question, it will reduce
18 it. Because if you think about it, right now this
19 is all just a slope that all drains down to the
20 street and to that inlet. In the future, you are
21 going to have -- the rooftop has a gutter system
22 and those are all tied together underground. The
23 driveway will have curb, which will intercept
24 water and put it into the storm sewer system.

25 So what you are asking about

1 specifically is overland flow. And that is
2 actually going to be reduced, because right now
3 the drainage area is about like this. And
4 afterwards it is going to be limited to this area
5 here outside the curb. Because everything inside
6 that is going to get intercepted by the storm
7 sewer system and tied in underground.

8 CHAIRMAN TURNAGE: Anyone else?

9 COMMISSIONER MALLAMS: Mr. Chairman, I
10 have another question. And I don't know, this may
11 be something that would need to be addressed with
12 the City staff. But in thinking about the
13 additional need and requirements for ambulance and
14 EMT services to meet the needs of the residents
15 there, this I would assume would have an impact on
16 the current services and resources that we have in
17 Gladstone. Is this something that has been
18 discussed?

19 MR. WOOD: Yes, we have been in
20 discussion with staff quite a bit on that. And we
21 have actually been working on a solution to that
22 right now, which we will have before we go to City
23 Council.

24 COMMISSIONER MALLAMS: Mr. Chairman, I
25 have no further questions.

1 CHAIRMAN TURNAGE: You mentioned the
2 estimated construction cost. Is there financing
3 that will become available assuming approval?

4 MR. WOOD: We've already been approved
5 for financing.

6 CHAIRMAN TURNAGE: Okay, good. Any
7 other questions? Commissioners? Thank you very
8 much.

9 MR. WOOD: All right, thank you.

10 CHAIRMAN TURNAGE: Chris, do you have
11 other presenters?

12 MR. HELMER: No, we do not, Mr.
13 Chairman.

14 CHAIRMAN TURNAGE: So we are ready to
15 open it to the audience?

16 MR. HELMER: Yes, sir.

17 CHAIRMAN TURNAGE: If there's anyone in
18 the audience who would like to come and speak in
19 favor of this proposal, please come up to the
20 podium, state your name and your address, and be
21 sure to speak clearly into the microphone. Okay.

22 Anyone in the audience who would like to
23 speak in opposition, same guidelines. Please come
24 up to the podium, state your name, address, speak
25 clearly into the microphone.

1 MS. BAKER: My name is Lottie Baker. I
2 live at 7229 North Bellefontaine in Tall Timber,
3 which is across the street up 72nd. I don't know
4 that I am actually opposed to the proposition, but
5 first of all I want to say that I have received
6 one phone call invitation to go to the Lenexa
7 place for a meeting. I have never received
8 anything by mail or any other notification of
9 meetings. So what I am learning tonight is pretty
10 much all news to me.

11 One thing that I noticed from your
12 illustrations of other projects is they are all on
13 flat land and this project will be on a
14 significant hill. And I just want to know how
15 that is going to be handled. I see the
16 underground parking will be on the lower side.
17 But I can't envision that the roof line would be
18 straight on that hilly piece of property.

19 Another question I have, and you brought
20 it up that it had been discussed, is where are the
21 fire hydrants? Because this is a -- you can't
22 reach the back buildings from fire hydrants on
23 72nd Street. I just wonder where they will be and
24 if that has been addressed as significant.

25 When I envision people, assisted living

1 or independent living people being there, I
2 imagine them wanting to cross the street and go to
3 Wal-Mart. And I really fear for their lives
4 because, as you mentioned, there is a crest of the
5 hill there and where they would want to cross the
6 street is just a little ways down from the crest.
7 And they would be -- their lives would be in
8 danger, that's for sure.

9 Also something that you brought up, the
10 drainage to the east. It seems to me that there
11 should be some sort of a containment pond on that
12 side. Maybe you've already figured that out
13 scientifically. But water runs downhill and it is
14 all going past my house on 72nd Street, I'll tell
15 you that, on Bellefontaine. That's most of my
16 questions. Thank you.

17 CHAIRMAN TURNAGE: Thank you for your
18 comments. Anyone else?

19 MR. LAMBART: Art Lambart. I live at
20 7012 North Chestnut Court. Does that boundary
21 show the extent of the construction that will take
22 place? There will be no need to tie in to the
23 existing storm drain at the southwest corner?

24 MS. BUSTER: We will be tying into the
25 existing storm sewer.

1 MR. LAMBART: How so?

2 MS. BUSTER: Right now what we're
3 proposing is setting a new structure actually
4 back --

5 MR. HELMER: Mr. Chairman --

6 MS. BUSTER: Would you like me to come
7 up?

8 CHAIRMAN TURNAGE: Yes, please, so that
9 we can all hear.

10 MS. BUSTER: There is an existing storm
11 line that goes from the basin on HyVee's property
12 to a field inlet that is over on the residential
13 side. So there's a line that runs through there.
14 We've got a good working relationship with HyVee,
15 and in order to minimize any disruption to
16 anybody's yard, what we will do is run our outlet
17 pipe from our basin over to where their line
18 crosses and set a new structure over the top of
19 it. So the field inlet will still be there, but
20 then upstream from that will be the new structure
21 over what is basically HyVee's outlet pipe. Does
22 that answer your question?

23 MR. LAMBART: Which is where?

24 MS. BUSTER: I can kind of point.

25 MR. LAMBART: I know where the field

1 outlet is, it is in my yard.

2 MS. BUSTER: It is this here. So our
3 pipe would come over to this new structure here
4 and then that existing pipe goes into that
5 existing field inlet.

6 MR. LAMBART: So that structure sits on
7 a berm that currently washes out.

8 MS. BUSTER: I can't speak to that.

9 MR. LAMBART: I can.

10 MS. BUSTER: Okay.

11 MR. LAMBART: It currently washes out
12 into the field inlet. It is currently washed out
13 now because their detention pond has failed. It
14 looks like Niagara Falls in my back yard when it
15 rains. Coming out of that pond. What you are
16 telling me, though, because when you come, you are
17 going to be working on that slope in my yard?

18 MS. BUSTER: Like I said, our intent in
19 working on the HyVee property is to do our best to
20 minimize any impact to your yard. If there is an
21 existing problem with HyVee's facility, then
22 that's something we're going to have to work with
23 HyVee to get corrected.

24 MR. LAMBART: My other concern is, when
25 I mention this is, as far as my kids go, the yard

1 goes to the fence. When you set that new
2 structure in there you are going to be in my yard.
3 I have a three-year-old and a one-year-old. I
4 will not tolerate anything in my yard that
5 endangers my children. I manage construction for
6 a living. Construction is inherently dangerous.
7 I won't even tolerate it. Not at all.

8 MS. BUSTER: Understood. As with all
9 the neighbors, like I said, we certainly are not
10 interested in endangering anyone's children. We
11 are certainly not interested in impacting you
12 negatively. And as much as we can possibly avoid
13 it --

14 MR. LAMBART: This doesn't provide
15 enough information to say how you are going to do
16 the job. You are going to say it is our proposal.
17 Here it is. It gets signed off and away you go.
18 And down the road, well, I've got a backhoe in my
19 yard. I've got inadequate fencing in my yard.

20 MS. BUSTER: I think I would have to let
21 the developer speak to those questions. But I
22 will just point out that this isn't the final
23 step. This is a conceptual plan. And you are in
24 construction, so you know.

25 MR. LAMBART: I understand that. These

1 are the details that we have to see to talk about
2 this.

3 MS. BUSTER: Right. And the
4 construction documents will basically follow this
5 format. But that's where the real level of detail
6 comes in, is when we get to the construction
7 document phase. As far as concerns with the HyVee
8 basin and other things, I think that probably
9 would be best addressed by the developer.

10 MR. LAMBART: When you say the water
11 flow, no water flows off of that hill. I have
12 never seen water yet flow into that field outlet
13 because of the slope of the property.

14 MS. BUSTER: Okay.

15 MR. LAMBART: I've lived there since
16 '98. I have never seen water flow there. I have
17 seen it come out of the HyVee. But it never flows
18 there because of the way the berm at the HyVee
19 sits. It never flows that direction. So I don't
20 know what you're -- I understand how the water
21 should flow, but it doesn't go there because of
22 the berm. Your cyclone fence that you said you
23 are going to put up. Your temporary construction
24 fence. Where would that be?

25 MS. BUSTER: We were proposing along the

1 south side of the project from the HyVee fence
2 connecting to the fence that is on the east side
3 of the property.

4 MR. WOOD: From the HyVee fence over to
5 here.

6 MR. LAMBART: That's all I have for now.

7 CHAIRMAN TURNAGE: Thank you for your
8 comments. Anyone else in the audience? Please
9 come up to the podium.

10 MR. BAKER: I am John Baker. 7229 North
11 Bellefontaine. That's in Tall Timber. And my
12 major concern would be in case of a major
13 catastrophe, a big fire within the subdivision,
14 will enough room be in that one entrance and exit
15 to let ambulances in and out and fire trucks in
16 and out and all the emergency equipment. Has that
17 been looked at?

18 CHAIRMAN TURNAGE: Comments?

19 MR. HELMER: Mr. Chairman. Yes, the
20 developer touched on this just a little bit when
21 going over the various conditions that have been
22 proposed by staff. You will see there's a couple
23 of conditions in there that address fire safety.
24 So when the initial plan and review, conception
25 review began on this particular project, it does

1 go through our fire safety division and our fire
2 chief. So at this point in time they have made
3 some recommendations that is directly a result of
4 the adopted fire safety codes that we have in
5 place. So there was one specific condition that
6 stated fire safety will need to be adequate within
7 150 feet of the development.

8 Another portion of the site that also
9 pertains to fire safety is to the south of the
10 development, which is the proposed cul-de-sac off
11 of North Agnes. So there wasn't a lot of
12 discussion about that. It is an aesthetic
13 feature, it is an infrastructure feature of the
14 development. However, it does serve a purpose for
15 additional fire apparatus to enter the site if
16 needed. There will be another level of review and
17 approval by the City, by our fire division. I
18 would defer to the developer on some specifics of
19 how they possibly dealt with other jurisdictions
20 that are similar to ours in the actual front entry
21 for fire, ambulance protocol for this proposed
22 development.

23 MR. BAKER: Thank you.

24 MR. ARCE: I am Joe Arce. My address,
25 7013 North Benton Court. I will also be impacted

1 by this on the south end. One of the things that
2 I have proposed early on in some of the meetings
3 that we had, that was why not try to merge the
4 catch basin with HyVee. And they did a little
5 research, I believe the developers did, and the
6 City staff did as well. But I think they came to
7 the conclusion that it would be very difficult for
8 two entities to come together and maintain one
9 catch basin. And to me, I think a little bit more
10 work needs to be -- and research needs to go into
11 that. Because I would think that maybe two
12 developers having one catch basin versus two of
13 them, because they are basically next to one
14 another. It might be a perfect opportunity for
15 HyVee to upgrade that catch basin. Maybe address
16 some of the issues that our neighbor has, versus
17 having two, and 10 years or 15 years from now have
18 the same problem, but instead of one, we will have
19 two problems. Because I know they also talked
20 about putting privacy fence there, wood fence
21 there. But HyVee has had an issue maintaining
22 that fence as well. I'm sure you would agree with
23 me on that. So some of these problems might exist
24 down the road. So again, I think we need to
25 research that. And I do remember talking to, I

1 think it was Chris. Chris, did you and I talk
2 about that?

3 MR. HELMER: Yes, sir.

4 MR. ARCE: We did this by phone, by the
5 way. And that was that they couldn't come
6 together. The two private entities could not come
7 together. And I really feel as though we should
8 be able to do that. It may cost this developer
9 here and also HyVee a little money, or maybe make
10 it a little bit larger, but serve the same
11 purpose. Maintaining both of those. So again, I
12 think some more research needs to go into that as
13 well. It didn't dawn on me about the berms until
14 you mentioned it as well, how they do deteriorate
15 over time. And that was not discussed with us.

16 And I'm not necessarily opposed to the
17 project in any way. But the reality is, I am
18 concerned about erosion. We've been fortunate
19 that we have not had a lot of run-off from where
20 I'm at, but I am also on North Benton, right in
21 the middle of this project as well.

22 So again, I think maybe if we would take
23 a little bit more time and research those catch
24 basins and see if we can bring two developers
25 together and upgrade that one, even if it is a

1 little bit larger, and he may not oppose that. If
2 it is a little larger, but take care of the
3 maintenance all at the same time. So if that
4 helps. Okay.

5 CHAIRMAN TURNAGE: Thank you. Anyone
6 else in the audience?

7 MS. BALLARD: Patricia Ballard. 3001
8 Northeast 72nd. First of all, since we're on the
9 drainage problem. The schematic they had right
10 before that, when she was dancing her little red
11 laser around there, she was saying that the
12 northeast section was going to drain towards 72nd
13 and then the back area towards North Agnes area
14 south.

15 Well, I have a problem right now with
16 the big drainage problem. When it rains real bad,
17 I have water going down my driveway. And, of
18 course, part of it is my own fault because I
19 didn't say anything, but when Jimmy Davidson
20 filled in his pond and grated all that area up
21 there and made it really nice, he made an area
22 that drains down onto my property. And I never
23 said anything because he is a friend of the
24 family. Him and my dad worked together and that's
25 part of the reason why he even bought the property

1 and built there is because of my father.

2 Well, my concern is I would like to have
3 that fixed. I put concrete blocks and everything
4 trying to keep it from -- you know, trying to stem
5 the flow somewhat so it is not really bad. But I
6 still get a big flow. And I would like that
7 drainage repaired, you know, put up a berm or
8 something there. But it looked like that they
9 were just going to leave the tree line and
10 preserve the trees. And I believe in preserving
11 those trees and things, but not if it is going to
12 alter the slope of the land where I am going to
13 have this big drainage problem. And where the big
14 problem is, it seems to be not where she was
15 showing it going to 72nd, but coming back this
16 way. And I don't see how that is going to be.
17 And I would like to see that that gets repaired.

18 They said they were going to put up a
19 privacy fence, but that only seems to be on the
20 south side. I guess I don't get a privacy fence.
21 I've got that land all along that east section
22 there. Also probably not the best way, but Jimmy
23 Davidson and I and our family had, when they fixed
24 everything up like put North Agnes in and such, we
25 had an agreement, a verbal agreement, you know,

1 your word is your bond, that he would give me
2 access to that area up there. It doesn't have to
3 be a big access, just a small driveway so that I
4 can either sell it or I can build up there myself.

5 Let's see. The traffic. Yeah. I'm
6 concerned a little bit about the traffic. But I
7 see the writing on the wall. It is not going to
8 make any difference what we think, it is going to
9 go in. And I can't say that I am truly opposed to
10 it. It is a nice-looking section. And two
11 story -- well, I feel like they're going to be
12 looking down on me, but I think that will be just
13 something that I will have to live with. But I
14 would like to see that these two items, especially
15 the drainage and the access, that you will
16 consider doing something for me there. Because it
17 will be -- there won't be any access up there.
18 You would have to come in by helicopter. And
19 North Agnes comes right there and I can just tie
20 in there easily.

21 Jimmy said something about an easement
22 years ago when we were talking about it. And I
23 don't -- I've never seen anything that ever said
24 anything about an easement. So I don't know if
25 that's true or not. But I will say that the

1 Davidson's have been wonderful next-door neighbors
2 and I wish them the best in this.

3 CHAIRMAN TURNAGE: Thank you. Anyone
4 else? Hearing none, this will close the public
5 hearing. If staff agrees, I think there's at
6 least seven items here that need clarification,
7 resolution. So this needs to be continued to our
8 next regularly scheduled meeting February 3rd. Is
9 that okay with all the Commissioners? Okay? So
10 be it. Thank you all for your attention.

11 - - - -

C E R T I F I C A T E

I, JAMES A. LEACOCK, Certified Court Reporter,
do hereby certify that I appeared at the time and place
hereinbefore set forth; I took down in shorthand the
entire proceedings had at said time and place, and the
foregoing 55 pages constitute a true, correct and
complete transcript of my said shorthand notes.

Certified to this 28th day of January, 2014.

James A. Leacock, CCR.

Certified Court Reporter No. 662 (G)

Notary Public, State of Missouri