

PLANNING COMMISSION
GLADSTONE, MISSOURI
Council Chambers
May 19, 2014
7:30 pm

Item 1 on the Agenda: Roll Call.

Present: Ms. Alexander
Mr. Hartman
Mr. Markenson
Mr. New
Ms. Poindexter
Mr. Ringhausen
Mr. Steffens
Ms. Van Duser
Mr. Ward
Mr. Whitton
Mr. Yarber
Chairman Turnage

Absent: None

Council & Staff Present:

Councilmember Jean Moore
Scott Wingerson, Assist. City Mgr.
Alan Napoli, Building Official
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 February 18, 2014 minutes.

MOTION: By Mr. Ringhausen, second by Mr. Hartman to approve the February 18, 2014 minutes as submitted. All said aye. The motion carried.

Item 4 on the Agenda: PUBLIC HEARING: Of a Special Use Permit at 6904 N. Bellefontaine. Applicant/Owner: Lawrence and Dawn Anthony. File #1390.

Planning Specialist Helmer opened by stating that included with the special use permit application [to the Commissioners] were a series of documents that are typically what staff recommends be reviewed by the Commission. In the application, associated with the ordinance, there are a number of conditions, is a letter from the applicant, a project boundary map and a statement of compliance for a home-based business. The statement of compliance is what would be required of a resident seeking an occupational license from the city that is out of their home.

If all the requirements are met, they would go on with their business. The reason for submitting it this evening, is because there has been a change in the overall business practice of the applicant as well as frequency of clients going to the property and it now steps out of the bounds of what can be done "as of right" for a home-based occupation.

Mr. Helmer refreshed the Planning Commission on the philosophy of special use permits. The application, as with all applications, is to preserve the underlying zoning classification. Although the applicant is requesting some items that may not be 100% typical of a residential home that does not mean that the zoning classification would change to that of a commercial or retail zoning. The conditions state the general hours of operation of 9:00 am to 7:00 pm. The permit will only be issued to the applicant and is not transferrable. Also, staff is recommending a one-year permit approval. After the one-year permit, the applicant would then be required to come back before this Commission and the City Council for re-approval. Mr. Helmer said that staff is recommending approval subject to adherence to the conditions that have been set forth in the site plan ordinance. He added that the applicant is here this evening to answer any questions they may have.

Ms. Poindexter asked Mr. Helmer what a-typical conditions might be, since he mentioned that these conditions were typical.

Mr. Helmer answered that items such as the permit not being transferrable or that state licensing may be required, such in a daycare situation.

Mr. Markenson asked if neighbors are directly notified for a special use permit application.

Mr. Helmer said they are. The process for this application is the same as for a land use matter such as a rezoning or site plan revision.

Chairman Turnage asked if it is typical to begin with a one-year permit.

Mr. Helmer answered that when it's a residential area, one-year permits are generally suggested and provide a "trial run period" for the applicant and neighborhood. The one-year permits have usually been successful and from then on the applicant can request a five-year permit.

Mr. Ringhausen asked about the statement of compliance contained in their packets. He asked how the document relates to the special use permit consideration.

Mr. Helmer remarked that item #3 states that "No patrons or any other evidence of the occupation will be discernable at the perimeter of the property." It was reported that there is noticeable activity at the house and so in that case the business does not meet all guidelines operate without a special use permit.

Chairman Turnage asked the applicant to come forward.

Dawn Anthony, 6904 N. Bellefontaine addressed the Commission. Ms. Anthony said that she began her business in 2010 when she left her full-time job to be around for her parents. She decided to put her accounting skills to use. Originally, her business license was for a home-based business but she did not see clients in her home because she worked with elderly people

doing daily money management and reconciled their checking accounts. It became pretty clear to her that her clients were wanting more of a companionship type of thing and that was taking away too much time from her parents, so she shifted her focus to bookkeeping and tax preparation. Ms. Anthony explained that she does not advertise her business, but only works through word of mouth, friends and other people she would not mind coming to her neighborhood. Her business isn't very big and can't get very big in order for her to be there for her parents too. She said she might see four clients a day during her busiest time, which is tax season (January 20th to April 15th). People tend to drop off and leave paperwork and then pick it up later. If they actually stay during the preparation, they might be there for an hour or less. There are usually two cars maximum at one time, if a husband and a wife have to meet at her home; otherwise it's one car. She asked if there were any questions for her.

Chairman Turnage asked if her business was year round or just during tax season.

Ms. Anthony answered that her business is year round, so if someone gets the "dreaded letter" from the IRS they can come and talk to her about it. She also does limited bookkeeping, but that is usually by mail.

Ms. Van Duser asked what her traffic was like during non-tax season.

Ms. Anthony said that so much can be done over the phone or email, that people prefer to correspond that way and not come to her home if they can.

Hearing no further questions from the Commission, Chairman Turnage asked for those in favor of the application to come forward.

C. Milton Wallace, 3101 NE 69th Street addressed the Commission. Mr. Wallace said that he is a neighbor of Ms. Anthony, who lives on a thumb cul-de-sac. He said she bought one of the most difficult houses in the subdivision because of a retention pond that backs up to it. They've maintained the area beautifully and they are a wonderful neighbor. Mr. Wallace said he can't see how the job she does for people can really create a problem. He can't imagine anyone rejecting it too much.

Nelson Young, 6906 N. Bellefontaine addressed the Commission. Mr. Young stated that he is Dawn's next door neighbor. The traffic that is in and out of her driveway during the tax season is one vehicle at a time and maybe four a day. There are other activities in the neighborhood, such as a family get together or party that bring cars as well. He doesn't see any problem with Dawn having this permit.

Carol Young, 6906 N. Bellefontaine addressed the Commission. Mrs. Young said that the Anthonys are wonderful neighbors. She hardly ever saw a car there, so when she received the notice she couldn't believe what she was seeing. The activity is hardly anything. She doesn't know why anyone would make this a problem in their neighborhood because they have other things in the neighborhood where there is more traffic and more problems.

Hearing no more in favor, Chairman Turnage asked for those in opposition of the application to come forward.

Dennis Crouch, 6908 N Bellefontaine addressed the Commission. Mr. Crouch said he lives one house away from the applicant and he is in opposition to it because there's a lot of traffic coming in and out of the cul-de-sac. He has small children, grand-children who play in the cul-de-sac and he's very worried about their safety and other issues that this could bring. When he had his house built in 1991 he had to agree to certain stipulations. One of those stipulations was that they wouldn't have a business. This was through Century 21 and through the people who owned the land in the area. He had to submit the house plans and builder's name to be pre-approved prior to building his house. Mr. Crouch said that he is not a member of the homeowner's association and he didn't have to be at that time. Everyone who spoke tonight is a member of the association and Dawn is also on the Board of the Association; she's the Treasurer. He feels like it's going to be a safety issue. Like everyone said, there's one parking area in front of each house which happens to be in front of the mailbox. If someone parks in front of his mailbox and he doesn't get mail; that could be an issue with him.

Hearing no more from the audience, Chairman Turnage closed the public hearing.

Mr. Hartman asked if the homes association has rules against businesses in homes.

Mr. Helmer answered that there has been a letter from the President of the HOA stating that it is not an issue. Staff generally tasks the applicant with doing their due-diligence on any covenants or restrictions attached to the property.

Ms. Alexander asked if there is anything that could be done with signage to call attention to the children in the cul-de-sac.

Mr. Helmer said that over time there have been measures taken; however, it is at the discretion of the Public Safety Department and there is a process that takes place to determine what measures need to be taken.

Mr. Yarber asked if there was something initially with the construction would it have anything to do with the City.

Mr. Helmer said typically, covenants or private transactions with banks and buyers wouldn't involve the City.

Mr. Steffens clarified that the traffic time would be January to April with four cars at most.

Ms. Anthony answered yes and the cars would not all be there at the same time.

Mr. Steffens said this would be during winter time so there wouldn't be as many kids, nothing against them...they're what make the world go round, but when it's warmer there will be less business.

Mr. Markenson asked Mr. Helmer approximately how many similar special use permits the City has.

Mr. Helmer guessed maybe 10-12 on record with the majority of them being daycares or hair salons.

Mr. Markenson said there are a lot more traffic with those types of special use permits.

Mr. Helmer agreed that in the morning and evening time there is a more traffic.

Mr. Whitton commented that he lived at 70th and Indiana and there really was a lot of speeding, but he can't see anyone speeding in a cul-de-sac and he can't see all four of them doing it, so he'll be in favor of it.

MOTION: By Mr. Whitton, second by Ms. Alexander to approve the Special Use Permit for Dawn Anthony at 6904 N. Bellefontaine for 1-year.

VOTE:	Ms. Alexander	Yes
	Mr. Hartman	Yes
	Mr. Markenson	Yes
	Mr. New	Yes
	Ms. Poindexter	Yes
	Mr. Ringhausen	Yes
	Mr. Steffens	Yes
	Ms. Van Duser	Yes
	Mr. Ward	Yes
	Mr. Whitton	Yes
	Mr. Yarber	Yes
	Chairman Turnage	Yes

All said aye. The motion carried. (12 yes-0 no)

Item 5 on the Agenda: CONSIDERATION: Of a Final Plat at 6527 and 6559-6599 N. Oak Trafficway. Applicant: Anderson Survey Company. Owner: Clay County Realty Company. File #1391

Mr. Helmer reported that this application from Clay County Realty is for a re-plat. The exhibits that have been provided show the newly created lot 4. Typically a re-plat such as this is done to prepare the property for separate ownership, which is what the owner is anticipating to make it more marketable. It also cleans up the entire plat for recording. Mr. Helmer offered to answer any questions as well as the applicant who is in the audience.

Jim Anderson, Anderson Survey Co. 203 NW Executive Way Lee's Summit, MO addressed the Commission. Mr. Anderson said he didn't have anything to add, but that he would be glad to answer any questions.

Mr. Yarber asked if the new lot has structures or if it is the portion that was demolished.

Mr. Anderson said it is a vacant area with nothing on it. It is just a concrete slab now.

MOTION: By Ms. Alexander, second by Mr. Steffens to approve a Final Plat at 6527 and 6559-6599 N. Oak Trafficway.

VOTE:	Ms. Alexander	Yes
	Mr. Hartman	Yes
	Mr. Markenson	Yes
	Mr. New	Yes
	Ms. Poindexter	Yes
	Mr. Ringhausen	Yes
	Mr. Steffens	Yes
	Ms. Van Duser	Yes
	Mr. Ward	Yes
	Mr. Whitton	Yes
	Mr. Yarber	Yes
	Chairman Turnage	Yes

All said aye. The motion carried. (12 yes-0 no)

Item 6 on the Agenda: Communications from the City Council and the City Staff.

Mr. Wingerson informed the Commission that the Scenic Development application will be heard by the City Council on Tuesday, May 27, 2014 due to Memorial Day. He also welcomed back Mr. Markenson.

Councilmember Moore said that it is an honor for her to be the Council liaison to the Planning Commission. It is a job she hasn't served at yet, so she is looking forward to it. She encouraged everyone to check the City's website for all the up-coming events. This Saturday is the first annual Armed Forces and Memorial Day recognition at Linden Square. The City pool also opens this weekend.

Mr. Helmer reminded the Commission of two upcoming public hearings on June 16th. One is a rezoning and site plan revision at 6417 N. Oak and the other is a site plan revision of the McDonalds on NE Antioch Road. More information will be following on both.

Item 7 on the Agenda: Communications from the Planning Commission Members.

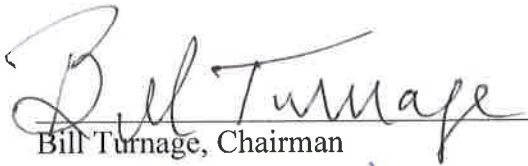
Mr. Whitton thanked the City Council for having Mr. Markenson come back to the Planning Commission.

Mr. Wingerson spoke briefly about Goggle and the contractors that were doing work in the City.

Item 8 on the Agenda: Adjournment

Chairman Turnage adjourned the meeting at 8:17 pm.

Respectfully submitted:



Bill Turnage, Chairman

Approved as submitted ✓



Becky Jarrett, Recording Secretary

Approved as corrected _____