

PLANNING COMMISSION  
GLADSTONE, MISSOURI  
*Council Chambers*  
November 7, 2016  
7:00 pm

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

**Present:** Ms. Alexander  
Mr. Markenson  
Ms. McGee  
Ms. Poindexter  
Mr. Turnage  
Mr. Ward  
Mr. Whitton  
Mr. Yarber  
Chairman Ringhausen

**Absent:** Mr. New  
Mr. Williams

**Council & Staff Present:**

Councilman J. Brian Hill  
Alan Napoli, Interim Comm. Dev. Director  
Melinda Mehaffy, Econ. Dev.

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

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

Mr. Napoli introduced Nick Pappas, as the new Community Development Director. The Commission welcomed him by applause.

**Item 3 on the Agenda: Approval of the August 1, and August 15, 2016 minutes.**

**MOTION:** By Mr. Turnage, second by Ms. Poindexter to approve the August 1, 2016 minutes and the August 15, 2016 minutes as submitted. All said aye, the motion carried.

**Item 4 on the Agenda: PUBLIC HEARING: for a Special Use Permit at 1404 NE 66<sup>th</sup> Street, legally described as North Oaks Lot 13, Block 4. Applicant: Amy Cole. Owner: Joe Doyle. File #1434.**

Mr. Napoli reported that the property being discussed is 1404 NE 66<sup>th</sup> Street. It is a single-family residence located at the corner of NE 66<sup>th</sup> Street and North Flora. The zoning is R-1, single family residential and has been since 1955. All the existing utilities are there, electric, gas all those, access to street. There is access on 66<sup>th</sup> and there is a detached garage off Flora that is there. There are fourteen conditions to the ordinance and all are typical to this type of special

use permit. One thing he noted is that the applicant currently has a 42" chain link fence. Her plans are, next year when the weather gets well and the kids are going to be out more often, to install at least a 42" privacy fence. At the present time, her fence does meet the requirements of the height, but her intentions are to go with a privacy fence next year. Ms. Cole has run a child daycare before. She is from Columbia, Missouri where she ran a daycare and has moved here. Ms. Cole is renting this property at the present time. Mr. Doyle is the owner and he has given an authorization form for her to have a daycare in that property so he is okay with it and understands it. At this point in time there are no objections from the owner for anything. Mr. Napoli said that staff has recommended approval. Her intended use is the dining room, living room, den and the bathroom, which is a little over 400 square feet of the primary floor being used for the daycare area. The rest of the structure will still be private. There will be no use in the basement for daycare. Mr. Napoli pointed to an aerial photograph of the property on the overhead projector to explain how the property is laid out. Mr. Napoli offered to answer any questions at this time.

Mr. Turnage asked how many daycare operations there are in predominantly residential areas.

Mr. Napoli referred to Ms. Jarrett.

Ms. Jarrett asked Mr. Turnage if he was referring to daycare with special use permits.

Mr. Turnage answered yes.

Ms. Jarrett said there are probably three or four that require special use permits.

Mr. Turnage asked if there have been any issues with those.

Mr. Napoli answered no. He said that since this is Ms. Cole's first application, staff will recommend a one year permit and then she'll come back for renewal. All the other daycares [with special use permits] have been back and are somewhere in the 5-year or longer term. To his knowledge, there have never been any issues with daycares or complaints of daycares where the City has had to revoke a special use permit or contact them and tell them they're in violation of something.

Mr. Markenson confirmed that the City notifies property owners so many feet within the property.

Mr. Napoli answered yes, within 185' feet. (He showed them on the map) He believes there is one resident from that notification in the audience as well as a letter the Commission received from a resident in the area. Mr. Napoli read the letter into the record: "It is my opinion that this would not be a good idea. This property is not located where it would be safe for children, no extra parking for parents, too much traffic on North Flora and the chances that children perhaps would be too close to the street. This is a quiet neighborhood where we do not need extra play yard equipment to distract from the residential neighborhood. I have given you my opinion and I hope you see the points that I have mentioned. Those of us who live here do not need our property value declined."

Mr. Markenson mentioned the issue of parking. It concerned him when he stopped to look at the property. There are two parking places in front and when people park there and deliver their children inside and come back, how do they get back on North Flora?

Mr. Napoli asked if he was talking about coming from the south driveway or the east driveway.

Mr. Markenson said from the front of the house. (south)

Mr. Napoli answered that they would just back up to NE 66<sup>th</sup> Street and go right up to North Flora. If they use the driveway on the detached garage, they would back up in to Flora. If they use the driveway in front of the house, they will go into NE 66<sup>th</sup> Street.

Mr. Markenson said he would suspect most people would park on 66<sup>th</sup> Street on the curb.

Mr. Napoli said that would be his opinion, but Ms. Cole is here to further explain.

Mr. Markenson said his concern is that the only way to get back to Flora is to go into somebody's driveway and turn around.

Chairman Ringhausen asked the applicant to come forward.

Amy Cole, 1404 NE 66<sup>th</sup> Street, addressed the Commission. Ms. Cole stated that she is currently renting the residence in hopes of receiving this special use permit so that she can purchase the home. She has been doing daycare for 26 years. Her son is her assistant. In Columbia she was licensed by the State of Missouri and in compliance of all their guidelines and rules. The new property is very, very good for daycare because of the two driveways. Her and her son can have their cars in the driveway of the detached garage and out of the way of the families bringing their kids. Currently, her nephews are coming and spending the day with her and it is working out fine. There are room for two or three cars to come at once, but since some having siblings, you're really only looking at 3-4 cars a day. Ms. Cole said that she loves her job and the kids. She has over 75 kids that she has taken from infancy to kindergarten.

Mr. Yarber asked if it is Ms. Cole's intention to remain State licensed.

Ms. Cole answered yes. She feels like it's important to keep the kids safe and protected. It also puts her on the "child care aware" and helps people find her for child care. She said she has her CDA, which stands for Childhood Development Associates credentials.

Ms. McGee asked if there is already play equipment or swing sets in the play area.

Ms. Cole said there is not a swing set yet. There are some little cars, an airplane teeter-totter and a step 2 climber.

Ms. Poindexter said that Ms. Cole mentioned that her son is helping her with the daycare. She asked if he is employed [with the daycare].

Ms. Cole said that currently she doesn't have any children, but if the enrollment was more like 6 or 8, he would probably help. He makes the lunches or helps supervise. He might open or close although she doesn't plan on not being there all the time.

Ms. Poindexter said that it seems like the play area could be a little far and not seen easily from the house.

Ms. Cole answered that they don't ever go out without her; she would always be with them. The plan is, if this works out, that the fence will have a divider and that will allow each yard to have a privacy fence, giving her access to both yards.

Ms. Poindexter asked what happens if the children are all playing outside and one of them needs to go to the bathroom.

Ms. Cole said they all go in as a group.

Mr. Markenson stated that quality daycare is very important to Gladstone and he very much appreciates her being licensed. He suggested that she encourage her customers not to use other people's driveways. He has a feeling that people are going to park in front of her house and when they leave it's going to be easier to turn around in a driveway.

Mr. Ward noticed that the sixth condition mentions that no one else besides Ms. Cole can be employed at the daycare. He wondered if having her son help out is going to be a concern.

Ms. Cole said that since they own the house together, she didn't realize that would be an issue. He works at Hy-Vee; it wouldn't be his main job. The State does require her to have an assistant on hand in case of emergency and he is that person. He has already been background checked and has his education hours completed.

Mr. Turnage asked how often the State comes and inspects and do they give her any warning.

Ms. Cole answered that she is informed of their initial inspection, but once she's licensed they can come in once a year without notice in addition to the Fire Marshall and Health Department.

Mr. Turnage asked if there is an exit in every room or if it was a requirement.

Ms. Cole said that it's not a requirement. It depends on the size of the room.

Ms. Poindexter asked if the hours of 7:30 am to 5:30 pm were realistic.

Ms. Cole said she has been using those hours for years and years. She is currently flexible and doesn't mind opening for parents at 7:00 am and doesn't mind staying open a little later if a parent is running late, but those are her typical hours of operation.

Chairman Ringhausen asked if the State puts any restrictions on the number of children that are being cared for based on the size of the facility and if so, how does that compare to her house.

Ms. Cole said that they do have restrictions. The most children any family home can have at a time is ten and that can only include two under two. If you have two workers, you can have up to four under the age of two, but she's not planning on doing that. Every child is required to have 35 square feet of inside floor space and 75 square feet of outside floor space. She thinks her goal is more like 6-8 children, so she has plenty of space.

Chairman Ringhausen asked if the permit is approved tonight; how is she planning on getting the word out as far as advertising.

Ms. Cole answered that she plans on word of mouth and probably some flyers at her church or her workplace.

Chairman Ringhausen asked for clarification on the fence. The staff report referred to a 42" fence, which is typically not a privacy fence.

Ms. Cole said pending this permit, she already has plans for a 6' privacy fence.

Chairman Ringhausen called for those in favor to come forward. There was no response. He then asked for those in opposition.

Douglas Harlan, 1307 NE 66<sup>th</sup> Street. Mr. Harlan stated that he objects to this variance on the grounds of it's going to be detrimental to the property value of the whole area. There is also an issue with the street on NE 66<sup>th</sup> Street. The asphalt is 22 feet wide with curbing of two feet on each side. With cars parked on both sides of the street you have a one-lane street. A fire truck will have trouble getting through as does a school bus. In his opinion, it's not good for their neighborhood and he's against any variation. It's a residential zoned area and he wants to keep it that way.

Mr. Markenson asked how many houses are between him and the applicant.

Mr. Harlan said he is three houses away.

Mr. Markenson asked if the school bus goes up 66<sup>th</sup> Street.

Mr. Harlan said it sure does. The distance between the corner and her driveway...you might get two cars in there. You might.

Dave Graham, 1405 NE 67<sup>th</sup> Street. Mr. Graham said he lives directly behind the property in question. He's not sure if he's for or against it, he just has a couple of quick questions. Is this going to impact his insurance?

Chairman Ringhausen deferred to staff.

Mr. Napoli said there would be no impact.

Mr. Graham said the gentleman before him was talking about the traffic on the street. He can't say there's a whole lot to object to; the traffic's really not that bad. He very seldom has to wait

to back out of his driveway. The main thing he was concerned about was the fence and it sounds like she's addressed that. He guesses he's for it! He's all for business.

Mr. Harlan said that 66<sup>th</sup> Street is the main thoroughfare and he has to wait to get out of his driveway quite often.

Hearing no further testimony, Chairman Ringhausen closed the public hearing.

Mr. Markenson asked if #6 of the conditions of the ordinance needed to be amended to include Ms. Cole's son.

Mr. Napoli said they can amend it if they wish to.

Discussion ensued regarding the exact wording of the amendment. It was decided that it would be changed to "No other person than Amy L. Cole and an approved assistant..."

Mr. Markenson asked if the Fire Department reviewed this application.

Mr. Napoli answered that at this point in time no, he knows the State Fire Marshall will govern and our Fire Marshall....

Mr. Markenson said he was thinking of the traffic situation.

Mr. Napoli said to his knowledge he is unaware of any traffic issues over there.

Mr. Markenson asked if cars are parked there, can a fire truck can get through?

Mr. Napoli answered yes.

Mr. Turnage said he drove around the block over there today. NE 66<sup>th</sup> Street does seem rather narrow and there could be traffic congestion. He wondered what the anticipated traffic as far as kids being let off in morning/afternoon.

Ms. Cole answered that usually kids are just dropped off in the morning between 7:30 and 8:30 am and then picked up from 5:00 – 5:30 pm.

Mr. Turnage asked if they generally come at the same or different times.

Ms. Cole said they usually come at the same time. She also added that there has been a school bus that comes and parks in front of her house almost every afternoon and his mom waits for him there. It has worked out just fine.

**MOTION: By Ms. Poindexter, second by Mr. Whitton to approve Special Use Permit at 1404 NE 66<sup>th</sup> Street with the addition of an approved assistant to condition #6.**

<b>VOTE:</b>	<b>Ms. Alexander</b>	<b>Yes</b>
	<b>Mr. Markenson</b>	<b>Yes</b>
	<b>Ms. McGee</b>	<b>Yes</b>

Ms. Poindexter	No
Mr. Turnage	Yes
Mr. Ward	Yes
Mr. Whitton	Yes
Mr. Yarber	Yes
Chairman Ringhausen	Yes

The motion carried. (8-yes, 1 no)

This application will move forward to the City Council on Monday, November 14, 2016.

**Item 5 on the Agenda: Other Business. Oakhill Day School Student Presentations.**

Mr. Feagles, 8<sup>th</sup> Grade students presented their quarterly planning project, Gladstone Time Machine.

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

Councilman Brian Hill thanked the Commission for all their work tonight. He appreciates several of them driving by the site prior to the meeting. He informed them that KCP&L is in the process of replacing several streetlights that will be the new LED style. Also, November 22<sup>nd</sup> is the Mayor's Christmas Tree lighting at Linden Square. He also reminded them to vote tomorrow!

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

Mr. Markenson asked about the electric charging stations that are springing up around the City.

Councilman Hill said there are some installed in Happy Rock Park and over by the Innovation Center, in conjunction with an agreement with KCP&L that they install them and the City pays for the electricity costs through the end of the year, then billed to the user after that.

Mr. Turnage asked what the status of McDonalds is.

Mr. Napoli said inspections are continuing and they are hoping to be open in December. Sonic is looking to open in the next few weeks. Quiktrip should be starting construction very quickly.

**Item 8 on the Agenda: Adjournment**

Chairman Ringhausen adjourned the meeting at 8:04 pm.

Respectfully submitted:

 For Alan Ringhausen  
Alan Ringhausen, Chairman

Approved as submitted ☒

  
Becky Jarrett, Recording Secretary

Approved as corrected \_\_\_\_\_