

## GLADSTONE PLANNING COMMISSION MINUTES

Council Chambers April 3, 2017

1. **Meeting called to Order-** Chairman Markenson called the meeting to order at 7:00 pm.

### Roll Call

Commissioners present were: Anne Alexander, Jennifer McGee, James New, Shari Poindexter, Chase Cookson, Bill Turnage\*, Carlos Salazar, Don Ward, Kyle Yarber, Gary Markenson. Also present: Bob Baer, Asst. City Mgr; Nick Pappas, CD Director; Becky Jarrett, Admin. Asst. Absent was: Larry Whitton.

*\*entered after roll call.*

2. **Pledge of Allegiance to the United States of America**

3. **Approval of Minutes.**

Mr. Ward moved to approve the minutes from the January 17, 2017 meeting. Mr. Salazar gave the second. The minutes were approved 10-0.

4. **File #2017-002 Site Plan Revision at 1900 NE 72<sup>nd</sup> Street. Applicant/Owner: Highland Ventures/Family Video. City Council hearing: April 24, 2017.**

Director Pappas gave the staff report. This is the Family Video property located on NE 72<sup>nd</sup> Street. He referred to the map on the overhead and said that notices were sent to all property owners within 185' of the property. The zoning is CP-1, local business. Zoning adjacent is residential to the south and west and commercial directly to the north and east. The applicant is requesting site plan approval for the purpose of adding a new ice kiosk on the western edge of the property. The structure is roughly 120 square feet and is proposed to span two existing parking spaces (and an additional two parking spaces for customer parking and maneuverability). The kiosk will be fastened to existing asphalt with 36-inch screw anchors and multiple tie downs that will enable it to withstand 170 mile per hour wind loads. Water and electrical service will be provided to the structure.

Although the actual construction and location of the kiosk are compliant with code requirements, there are concerns regarding the exterior aesthetic of the structure. It is not consistent with the building elevations of Family Video and also violates two primary guiding principles described in the City's Comprehensive Plan – *Gladstone on the Move*. The Plan states the City should:

1. Promote compatible growth
  - a. Ensure the urban design framework of new development is compatible with the character of the community
2. Promote quality development and improve area appearance

Mr. Pappas said that the current proposal being shown has a lot of signage, rooftop equipment and the exterior materials are not consistent with Family Video, which is brick and mortar. In all other aspects, aside from aesthetics, this request actually complies with the Code. All utilities exist on the property, access to property is adequate, there are no traffic concerns, adequate parking exists and stormwater was addressed when Family Video was built. Elevations are a concern. Mr. Pappas noted a graph that was included in his staff report, which shows that only 66% of the residents of Gladstone approve of the appearance of the City. There are other issues such as code enforcement and general upkeep of properties, but he believes that a major component is how the commercial buildings look on major corridors.

Ultimately, staff recommends denial of this application, absent any new testimony tonight. If the Planning Commission should choose to approve, staff would suggest the following conditions:

1. Bollards shall be constructed to protect the ice kiosk structure from vehicle access.
2. Additional landscaping shall be planted so as to effectively screen the ice kiosk structure from residential properties or rights-of-way; any visible portions of the structure to residential properties or rights-of-way shall be constructed with material similar to existing structures on the site.
3. Any disturbed grassed areas shall be sodded.
4. All landscaping and related improvements shall be maintained in perpetuity.
5. All mechanical equipment on the roof shall be screened by a parapet similar in design to the rest of the structure a minimum of twelve (12) inches above the tallest piece of mechanical equipment.
6. All exterior lighting of the site shall be converted to LED.
7. Trash service shall continue to be scheduled between the hours of 7:00am to 10:00pm.
8. Tractor trailers and other commercial vehicles shall continue to not be parked or be stored overnight on the premises.

Mr. Pappas concluded his presentation and asked for questions from the Commission.

Mr. Ward asked if this unit required a backflow preventer.

Mr. Pappas answered yes.

Ms. Alexander said she doesn't like the things on the top of the building that show. Maybe they can be hidden more.

Mr. Pappas said that is one of the recommended conditions.

Ms. Poindexter asked Mr. Pappas to show her on the map where the residential area is that needs screening from the ice machine.

Mr. Pappas said that it would be to the west and to the south. (depicted in blue shaded area)

Chairman Markenson asked how tall the structure is.

Mr. Pappas said the applicant could address that.

Chairman Markenson said that condition #2 asks for the structure to be constructed with material similar to existing structures on side. Would this be reddish/brownish brick?

Mr. Pappas said that is correct. (or something similar.)

Chairman Markenson said under "additional information" the traffic division asked for the kiosk to be lit at night. He asked if that was mentioned in the recommended conditions.

Mr. Pappas said yes, it would be included in the LED lights that are already on the property.

Mr. Salazar said that the utilities in the area are underground. He asked if KCP&L would be providing underground service to this unit or would an overhead line be dropped.

Mr. Pappas was informed by the applicant it would be underground.

Ms. Poindexter said that 185 notices were sent, were there any responses?

Mr. Pappas said that notices were sent to everyone within 185' of the property. Staff received a couple of general questions, but no comments.

Hearing no more questions of staff, Chairman Markenson asked the applicant to come forward.

Jason Yuhasz, Highland Ventures/Family Video, 3940 SW Nottingham Road, Topeka, Kansas. Mr. Yuhasz said that they currently have about 13 ice kiosks at Family Video locations. It is a new concept for them. Until about a year ago, he didn't even realize ice and water was a business. They are all over Missouri and Kansas. It is basically purified water with a triple filtration system and reverse osmosis. It houses the 5-gallon blue jugs of water. It's \$1.00 for five gallons of water. Ice is \$2.00 for twenty pounds/\$1.25 for ten pounds so people are buying a lot of these products. Mr. Yuhasz said it fits unique with their business because they own their real estate. It takes up about two parking spots, 110 feet for the unit and then room for the bollards.

With regards to the façade, Mr. Yuhasz said that they units are pre-fabricated, but they probably have the opportunity to add to the skirting on the top. It's basically an ice maker and a cooling unit that's up there. As far as the location of the unit, they may be able to move it to a different spot. He and the owner were talking last week about possibly moving it closer to the building. (Mr. Yuhasz pointed to the location on the overhead screen that he was referring to.) They also want to make sure they're not blocking the view of the building. He confirmed that the electrical and plumbing will all be underground. Part of the unit will anchor into the concrete, which is shown in the construction plans. He offered to answer any questions.

Mr. New asked if they would be opposed to painting the unit more of an earth-tone color.

Mr. Yuhasz said they haven't done it yet since they are pre-made units. He'd have to see what they could do. The walls are foam insulated to house the ice so he's thinking maybe a concrete board.

Ms. McGee asked what the difference is between this water and water that comes out of her sink at home.

Mr. Yuhasz said he's not sure how Gladstone's is, but theirs goes through carbon filters and a reverse osmosis filter which gets it down to like a .00009 micron of contaminants.

Ms. McGee asked him if he has had Gladstone water.

Mr. Yuhasz said he has not. They look to place the units at their existing Family Video locations and help increase foot traffic to the building.

Mr. Ward asked if there was any consideration to placing something similar to this inside the store to get foot traffic inside the store.

Mr. Yuhasz said he was in Shawnee and there was a similar one in that area; but they have not done that since it's such a small unit. They have not talked about it as a company but he knows it can be done.

Ms. Poindexter asked if they would be willing to relocate it on the side of the building so it's not so visible. She wondered if that could be included in the recommended conditions, if approved.

Director Pappas answered yes.

Chairman Markenson said this location is a residential area. He asked the applicant if he could see how someone might feel that this is rather unsightly in a residential area.

Mr. Yuhasz said sure. When they select a Family Video site their primary concern is rooftops, so all of their locations are like that. The existing units they have are very busy...people are picking up ice or water when they're coming to work or coming home, for graduations parties. Thus far, the units they have put in are very popular. Of all of the locations, this is the first public hearing they have gone through so he has not heard anything back otherwise.

Chairman Markenson said what might be appropriate on North Oak or Antioch in certain locations, doesn't work quite so well at this location. He asked the applicant if he was willing to accept the eight conditions.

Mr. Yuhasz answered:

1. Bollards. *Yes, for sure.*
2. Landscaping. *He doesn't have a problem with it. He would have to see if it's cost effective. He doesn't want to block the building.*
3. Sod. *Yes.*
4. Landscaping in perpetuity. *Yes.*
5. Parapet screening. *He believes it can be done, but would have to check with the manufacturer. Also needs to check how it would be maintenance.*
6. Lighting. *He doesn't think that will be a problem.*
7. Trash service. *No change.*
8. Commercial vehicles. *No change. The kiosk is installed in about 6 hours.*

Chairman Markenson asked him if he would like them to proceed tonight.

Mr. Yuhasz said yes. If there's some reason those items cannot be done, they just won't be able to use this site.

Mr. Salazar asked if the unit was noisy.

Mr. Yuhasz said it is not noisy; it's really quiet. It takes seven minutes to make ice and it's all enclosed. Since the walls are four inches of foam, you can hardly hear anything.

Mr. New asked if it's a 24-7 operation.

Mr. Yuhasz answered yes. They do a lot of business about 6:00 am when people are either leaving or heading out and then of course on the weekends.

Mr. Ward asked staff if this structure would fall under the detached accessory structure code.

Mr. Pappas said that due to its permanence on the property and the way it's going to be attached, it would be a structure on its' own.

Mr. Ward asked the applicant about having the structure look like the Family Video store.

Mr. Yuhasz said he didn't think they could do that since it's a pre-made unit. Maybe down the road, if they special order them or something, but they haven't done that so far.

Mr. New said they could build brick structure around it.

Mr. Yuhasz said he didn't think that would be cost effective for them at this point. They would like to use the pre-fabricated unit and change some of the other things mentioned tonight.

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

**Action:** Ms. Poindexter moved to approve the Site Plan Revision at 1900 NE 72<sup>nd</sup> Street with the recommended conditions 1-8 plus the addition of #9:

- 1. Bollards shall be constructed to protect the ice kiosk structure from vehicle access.*
- 2. Additional landscaping shall be planted so as to effectively screen the ice kiosk structure from residential properties or rights-of-way; any visible portions of the structure to residential properties or rights-of-way shall be constructed with material similar to existing structures on the site.*
- 3. Any disturbed grassed areas shall be sodded.*
- 4. All landscaping and related improvements shall be maintained in perpetuity.*
- 5. All mechanical equipment on the roof shall be screened by a parapet similar in design to the rest of the structure a minimum of twelve (12) inches above the tallest piece of mechanical equipment.*
- 6. All exterior lighting of the site shall be converted to LED.*
- 7. Trash service shall continue to be scheduled between the hours of 7:00am to 10:00pm.*
- 8. Tractor trailers and other commercial vehicles shall continue to not be parked or be stored overnight on the premises.*
- 9. The ice unit shall be moved adjacent to the building on the side, behind front building line.*

Mr. New gave the second.

Ms. McGee stated that she plans on voting against the application because with so many conditions she doesn't think they know what it's going to look like. She'd really like to see the applicant come back with some drawings of the building they want to see. If they came back with the changes, she thinks she could support it, but as it stands today her vote will be no.

**Yes: Mr. New, Ms. Poindexter, Mr. Turnage.**

**No: Ms. Alexander, Ms. McGee, Mr. Cookson, Mr. Salazar, Mr. Ward, Mr. Yarber and Chairman Markenson**

**Vote: Motion failed 3-yes; 7-no**

**5. Other Business:**

- a. Planning and development related news.** Mr. Pappas reported that currently a trend happening in the State of Missouri is the deployment of wireless antennas in municipal rights of way. It's something they are starting to see in larger cities like Independence. Assistant City Manager Baer is aware of the situation and is working to convince our Congress differently. The House Committee Substitute (HCS) House Bill 656 was voted out of the House Utilities Committee with a do-pass recommendation on March 8<sup>th</sup>. The substitute bill virtually eliminates municipal authority over public rights of way and places gross receipts business licenses and other fees on wireless communication providers in jeopardy. He said that in Independence, Missouri for example by the Home Depot on I-70 or Drumm Farm on Lee's Summit Road you are going to see these huge towers that the city had no review over. They had no control over where they were located and they're not collecting any fees. They couldn't even comment on it. Hopefully, Gladstone won't see any of these towers until the State legislature makes up its mind. Discussion ensued.

Mr. Pappas announced that MARC has announced a new public participation project called "Beyond the Loop." This involves the future of the Broadway Bridge. Right now it's just a study. In the meantime, the State of Missouri has decided to rehab the Broadway Bridge; therefore MARC is trying to hurry up the process. Ultimately, it means the Broadway Bridge will be closed for a time. No dates have been set yet. Unfortunately, Gladstone residents will have to find another corridor to enter the City. He said if anyone would like to attend these meetings he would be glad to carpool. The next meeting is scheduled for April 19<sup>th</sup> from 1:30-3:30 pm.

He also announced that Kansas City Design Week is this week so there are going to be students from Iowa State University that will be touring several places in Gladstone. They are planning students. Mr. Pappas will be giving them a presentation on planning processes.

- b. Commissioner education (handouts)** Mr. Pappas had distributed an article titled, The Better Staff Report. It came out in the March Planning magazine and was written by Professor Bonnie Johnson who was his advisor/mentor in graduate school, University of Kansas. He thought it was full of a lot of good information and wanted to share. He also said he would be open to suggestions on his current staff reports.

**6. Communications from City Council and Staff-** Mayor Pro-Tem Mallams encouraged everyone to get out and vote tomorrow.

**7. Communications from Planning Commission**

Chairman Markenson announced that the Atkins-Johnson Farm and Museum will be having their annual garage sale at the end of April at the old Fins and Foliage building. If you would like to donate items, please drop them off.

**8. Adjournment-** Chairman Markenson adjourned the meeting at 7:40 pm.

Respectfully submitted:

  
Becky Jarrett, Recording Secretary

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

  
Gary Markenson, Chairman

Approved as submitted 