

## GLADSTONE PLANNING COMMISSION MINUTES

Council Chambers April 17, 2017

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

### **Roll Call**

Commissioners present were: Anne Alexander, Shari Poindexter, Chase Cookson, Carlos Salazar, Don Ward, Larry Whitton, Gary Markenson. Also present: Councilmember Jean Moore; Bob Baer, Asst. City Mgr; Nick Pappas, CD Director; Alan Napoli, Building Official; Becky Jarrett, Admin. Asst. Absent was: Jennifer McGee, James New, Bill Turnage.

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

3. **Approval of Minutes.**

Mr. Ward moved to approve the minutes from the April 3, 2017 meeting. Ms. Poindexter gave the second. The minutes were approved 7-0.

4. **Public Hearing: File #2017-004 Site Plan Revision at 5810 NE Antioch Road. Applicant: RB Architecture Engineering Construction. Owner: S&M Brothers, LLC. City Council hearing: April 24, 2017.**

Director Pappas gave the staff report. Tonight is a site plan revision at 5810 NE Antioch Road. Conoco/Phillips owns it and wants to develop a gas station there. The existing building would be torn down aside from the canopy, which will remain. They are wanting to add a new store, about 3,700 square feet, new signage and new landscaping. This property does back up right next to a residentially zoned area. Normally a buffer of 35' is required. Since this is a planned zoned district the Commission does have the ability to vary that a little bit if certain considerations are met such as increased landscaping or privacy fences which the applicant has done.

Director Pappas reported that notice was sent to property owners within 185' of the property. No positive or negative comments were received. He referred to the overhead screen to show the Commission how the building would lay out. The color scheme is a maroon brick along with an eggshell color which does comply with City Code. Additional landscaping is planned; however, staff is recommending that more be installed along the corridors. There are seventeen parking spaces which is adequate for the size of the building; however, there are some additional parking spaces that are needed for employees. The applicant is proposing a monument sign on the southeast corner of the property.

Currently, all public utilities exist on the property. Access to the property is adequate both from NE Antioch as well as NE 58<sup>th</sup> Terrace. Access will be improved by removing one of the access points on NE 58<sup>th</sup> Terrace. This should help traffic flow. No traffic concerns were evident from the Public Safety Department. Certification regarding a no-increase in impervious surface or a stormwater plan should be submitted prior to this application moving forward to City Council. Elevation renderings and signage are compliant with City Code. Specified additional landscaping should be required along the corridors and in buffers. Mr. Pappas said he would like more specifications on the types of trees, bushes, etc. Staff recommendation is to approve this site plan contingent upon the following conditions:

1. *Additional landscaping shall be planted so as to effectively buffer the structure from residential land uses to the west.*
2. *Additional deciduous trees shall be planted along N Antioch Road and NE 58<sup>th</sup> Terrace to enhance streetscapes.*
3. *Any disturbed grassed areas shall be sodded.*
4. *All landscaping and related improvements shall be maintained in perpetuity.*

5. *Additional parking spaces shall be demarcated to provide for reasonable employee parking.*
6. *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.*
7. *All exterior lighting of the site shall be converted to LED.*
8. *Trash service shall be scheduled between the hours of 7:00am to 10:00pm.*
9. *Tractor trailers and other commercial vehicles shall not be parked or be stored overnight on the premises.*
10. *All property maintenance issues shall be addressed before a certificate of occupancy is issued.*

He offered to answer any questions at this time or turn it over to the applicant.

Mr. Salazar asked about #8, which states trash service scheduling. He wondered about stipulations on fuel trucks or delivery trucks.

Mr. Pappas said that was a good catch. It can be added.

Chairman Markenson confirmed that the applicant would be demolishing the current car wash and convenience store.

Mr. Pappas answered yes, that is correct. Only the canopy will remain.

Riad Baghdadi, RB Architecture Engineering Construction, 10107 W. 105<sup>th</sup> Street, Overland Park, Kansas. Mr. Baghdadi stated that prior to this application they had a different plan; however, due to what's going on in the area, a new building would be better. The new plan better utilizes the site and also makes access easier. Mr. Baghdadi asked Mr. Pappas if it would be acceptable to have the stormwater study submitted with the construction plans, rather than by the City Council meeting. They were planning on doing it, just not at this point.

Mr. Pappas said he could ask the Council and at that time maybe it could be written in as a condition for the building permit.

Mr. Baghdadi said that would be good so they can keep the process going. He offered to answer any questions from the Commission.

Mr. Ward asked if the exit on to 58<sup>th</sup> Street would be in the same place.

Mr. Baghdadi answered yes.

Chairman Markenson noted that this is about the sixth business in Gladstone in recent years that has demolished the existing structure and replaced it with modern, up-to-date structures. He thinks this is a very good sign for our City.

Mr. Baghdadi said the existing building has outlived its life.

Chairman Markenson asked the applicant if any of the ten conditions causes him concern.

Mr. Baghdadi said they agree with all of them.

Mr. Salazar asked how the tanker trucks come into the property for fueling.

Curcharan Singh, owner of Conoco, stated that currently they come anytime during the day or night but they do not cause any disturbance to the community. They come in through NE 58<sup>th</sup> Street and then pass through to NE Antioch.

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

5. **Action: Ms. Poindexter moved to approve the Site Plan Revision at 5810 NE Antioch Road contingent upon the conditions listed by staff. Mr. Cookson gave the second.**  
**Yes: Anne Alexander, Shari Poindexter, Chase Cookson, Carlos Salazar, Don Ward, Larry Whitton, Gary Markenson**  
**No: None**  
**Vote: Motion carried 7-yes; 0-no**  
**The City Council will hear this application on Monday, April 24, 2017**
6. **Public Hearing: File #2017-006 Request to amend Chapter 135, "C-1 Local Business District", Title VII "Zoning and Planning Ordinance" of the City Code by adding an new Section 7.135.025 Public Policy and other Amendments as it relates to the expansion of smoke shops in the City.**  
**Applicant: City of Gladstone.**

Director Pappas reported that the City Council asked Community Development staff to look at the possibility of putting together a smoke shop ordinance. The process began back in August 2016. After researching some communities mostly on the west coast, but also some local cities such as Raytown, Missouri, staff came up with the current draft. The "meat and potatoes" of the regulations state that smoke shops be separated by at least 5,280 feet from other smoke shops. These are just smoke shops, places that deal exclusively with tobacco and related products. This doesn't include convenience stores, grocery stores or department stores like Walmart. Smoke shops should be at least 200 feet of any residential structure, and at least 500 feet of any school or daycare. In addition, such uses should be located in a multi-tenant development housing not less than four separate occupancies. This was put together as an attempt to address the number of smoke shops that have come into Gladstone. He's not sure of the exact number, but at least six pop up on a Google search. This change is being proposed to help mitigate the negative impacts smoke shops have on property values, encouraging youth to smoke and degrading commercial corridors.

Director Pappas said that this is the official public hearing for the proposal; however, the Commission has several options on moving forward: they can table, approve or deny.

Ms. Poindexter asked how this would relate to school bus stops. She's noticed some smoke shops near bus stops in the area.

Mr. Pappas said that would probably be difficult to do because of the temporary nature of bus stops. None of the communities he researched addressed those; although it may be valid.

Ms. Poindexter said that she thought she remembered several years ago that the City of Independence placed a cap on the number of smoke shops.

Mr. Pappas said that one thing that the City has done in the past with pawn shops is place a restriction of one for each 25,000. Raytown has implemented a similar restriction of one for 5,000. He said that is a possibility.

Chairman Markenson asked how many retail tobacco outlets the City has. This would include convenience stores, drug stores, grocery stores, etc.

Mr. Pappas said it would be too many to count.

Chairman Markenson said this would only apply to smoke shops, the six we have.

Mr. Pappas said the ordinance defines smoke shops as the area that is dedicated to the display of goods. At least 250 square feet or 2%, whichever is less defines if they are a smoke shop or not. Walmart wouldn't be one based on this calculation; however, a convenience store could fall into that category.

Chairman Markenson asked about a liquor store that had 30% cigarettes/tobacco and 70% beverages; would they be a smoke shop?

Mr. Pappas answered yes, it's more than 2%.

Chairman Markenson confirmed that there are only six.

Mr. Pappas said that was a quick Google search, but more probably fall into the definition.

Chairman Markenson asked why we want them in multi-tenant developments.

Mr. Pappas said it helps to conceal the ill-effects that they perpetrate on the corridors. They are also less likely to have excess signage or dedicate more of the property to that particular purpose.

Chairman Markenson said the legislative findings seem to concern two issues: retail tobacco outlets and young people. He wondered if a better approach would be the enforcement of existing ordinances or perhaps modifying them to cut down on the sale of tobacco products to minors. That would affect all the tobacco outlets. He's troubled by the fact that there may be 100 outlets, but we're dealing with just a few of them. His thought is that this ordinance won't have much of an effect on teenage smoking.

Mr. Pappas said that one thing he could do is bring in a member of Public Safety and find out how they enforce the current ordinances.

Chairman Markenson said he would also like to hear from the Clay County Health Director and the Kansas City Health Care Foundation.

Mr. Cookson asked about language in the draft related to drug paraphernalia and also some additional documentation related to synthetic cannabinoids and cathinones. He didn't see in the definitions a smoke shop being referenced specifically to the sale of those substances. Is the intent to as include them?

Mr. Pappas answered that it does include tobacco paraphernalia.

Chairman Markenson said that he did check the CDC website on community tobacco control and they have a number of strategies, but this really wasn't one of them. They talk about ways to reduce tobacco use to minors, which is raising the tobacco tax. He knows they can't do that, but there were a number of other strategies that they found effective.

**Action: Mr. Ward moved to table the Chapter 135 amendment to "C-1 Local Business Distract" as it relates to smoke shops until they have more information and consider it at a future meeting. Mr. Whitton gave the second.**

**Yes: Anne Alexander, Shari Poindexter, Chase Cookson, Carlos Salazar, Don Ward, Larry Whitton, Gary Markenson**

No: None

Vote: Motion carried 7-yes; 0-no

**7. Other Business:**

- a. **Planning and development related news.** Mr. Pappas said MARC will host its next discussion on "Beyond the Loop" on Wednesday, April 19<sup>th</sup> from 1:30-3:30 pm.

Chairman Markenson asked about the cell tower legislation.

Assistant City Manager Bob Baer reported that House Bill 656 did pass with a lot of amendments that gave some control back to the cities. It didn't affect the gross tax receipts. It still has some language that by-passes the cities fees for placing new equipment on the towers. MML is still opposed to it at this point, but it's a lot better than it was. It's currently on the Senate's informal calendar.

- b. **Commissioner education (handouts)** Mr. Pappas had distributed an article titled, Robot Cars. Discussion ensued.

**8. Communications from City Council and Staff-** Councilmember Moore said she is glad to be the Commission's new liaison.

**9. Communications from Planning Commission**

Mr. Whitton said he would like to state for the record that although he voted in favor of the Conoco application, he hopes that when the application gets to the City Council that they pay careful attention regarding the stormwater study. Although none of the neighbors were here tonight, they don't realize that this could affect them with water runoff. They will definitely be up here at City Hall if they have water problems.

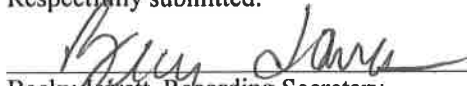
Mr. Salazar asked if the catch basins Conoco installs will feed into Line Creek.

Mr. Pappas right now he believes they are underground storage tanks. Staff would not permit an above ground retention pond. Ultimately, no additional runoff would be permitted by the City.

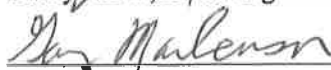
Mr. Salazar said he watched an interesting program on Channel 19 regarding water runoff in Johnson County parking lots that are having an impact on the Little Blue. It's catching all the oil and gas from the surfaces and contaminating the creeks.

**10. Adjournment-** Chairman Markenson adjourned the meeting at 7:35 pm.

Respectfully submitted:

  
Becky Jarrett, Recording Secretary

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

  
Gary Markenson, Chairman

Approved as submitted 