

GLADSTONE PLANNING COMMISSION MINUTES
Council Chambers May 7, 2018

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

Commissioners present were: Mike Ebenroth
Alicia Hommon
Jennifer McGee
Katie Middleton
Kim Murch
Bill Turnage
Larry Whitton
Chairman Ward

Absent: Chase Cookson
Gary Markenson
James New
Shari Poindexter

Also present: Jean Moore, Councilmember
Scott Wingerson, City Manager
Bob Baer, Assistant City Manager
Alan Napoli, Interim Community Development Director
Cheryl Lamb, Administrative Assistant

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

3. **Community Development Department Update.** City Manager Wingerson announced that Director Nick Pappas resigned on April 20th from his employment with the City of Gladstone. He shared that it was a difficult decision for Nick to make and Nick felt that he needed some time to resolve personal issues. He wished him well in those endeavors. He shared that their staff would be Alan and Cheryl, neither who are strangers or new to the Commission. Mr. Wingerson is evaluating what the options are moving forward. He said they will take some time to think through what's best for the organization and best for the Community Development Department. He wanted the Commission to hear the news from him. He offered to answer any questions that he can answer. No questions were asked.

4. **Approval of Minutes.** Chairman Ward asked if there was a motion to approve the minutes from the March 19, 2018, meeting. Mr. Turnage moved to approve the minutes. Mr. Whitton seconded. The minutes were approved, (8-0).

5. **Final Plat (Re-plat): 6831 & 6837 N. Norton. File #2018-009.** Interim Director Napoli shared that this was a simple re-plat. The builder owns both properties. He lives in one and is building a house on the other one. He built a couple of retaining walls and they inadvertently were built on the property next door to him that he owns and is building on now. He is asking to pivot the property line between the two houses by the street, from N. Norton to the back, so that both retaining walls are on his property and not encroaching on the other property. By doing that he will not reduce the side yard setback. It still meets City zoning requirements on both properties.

MOTION: By Mr. Ebenroth, second by Mr. Whitton, to approve the Final Plat (Re-plat) of 6831 & 6837 N. Norton.

VOTE:	Mr. Ebenroth	Yes
	Ms. Hommon	Yes
	Ms. McGee	Yes
	Ms. Middleton	Yes
	Mr. Murch	Yes
	Mr. Turnage	Yes
	Mr. Whitton	Yes
	Chairman Ward	Yes

The motion carried (8-0).

6. Public Hearing: Special Use Permit for 5940 N. Flora Avenue. File #2018-010. Chairman Ward opened the Public Hearing.

Interim Director Napoli shared that Tina Peery is the owner/operator of the daycare center at 5940 N. Flora. This is a renewal of her existing Special Use Permit. In 2003, she applied for and received a five (5) year Special Use Permit. In 2008, she was granted a renewal for ten (10) years. She is asking for another ten (10) year renewal. The City has not has any issues with Ms. Peery.

The Staff has ten (10) recommended conditions which are the same conditions stipulated when Ms. Peery reapplied in 2008. The recommendations are as follows:

1. Tina Peery shall maintain a Child Care License as required by the State of Missouri Division of Family Services. If, for any reason, the State of Missouri revokes or suspends the child care license this Special Use Permit shall also be revoked or suspended.
2. This Special Use Permit is issued to Tina Peery to be used at this address only. This Special Use Permit shall be non-transferable to any other person(s), company, or any other location. Any changes in operation of the business by Tina Peery or changes in ownership of the property shall render this Special Use Permit null and void.
3. The maximum number of children in care at any one time shall be limited to fifty-eight (58).
4. Hours of operation shall be limited to 6:30am to 6:00pm, Monday through Friday.
5. Tina Peery shall apply for and maintain all applicable State and City business and occupational licenses.
6. All fire safety requirements made by the City of Gladstone's Fire Marshal in addition to all fire safety requirements for such State license shall be maintained as required.
7. This Special Use Permit is to be issued in accordance with the previously submitted site plan along with any additional conditions established by the City upon passage of this Special Use Permit. Any violations of these conditions may result in the termination of this Special Use Permit.
8. The property shall be maintained in accordance with applicable property maintenance requirements.
9. All required fencing for play areas shall be maintained in good condition.
10. Signage on site shall not exceed existing square footage and height of current sign. Any replacement of existing sign(s) shall be in compliance with City of Gladstone's sign regulations.

Interim Director Napoli said that Ms. Peery is agreeable to these conditions. She is not planning to make any changes to the site or any modifications at this time. Everything that is there is staying the same and the operation will remain the same. Based on this information and the staff recommendations provided, City Staff recommends that the request be approved contingent upon compliance with the above recommended conditions.

Mr. Murch stated that in February there was a similar application, not as long as this one, but with several more requirements. He asked why there were fewer (conditions) for this permit.

Interim Director Napoli shared that he didn't recall the requirements for the other permit and would need to look them up. He had taken the requirements that were in place from ten (10) years ago and kept them the same for this application.

Mr. Murch provided a copy of the conditions from the previous Special Use Permit.

Interim Director Napoli shared that this was from the daycare on Shady Lane and 67th or 68th. Ms. Cole is in a single family residential area with several single family homes around her. Ms. Peery is next to a school and a park. There are no single family homes around her. Many of the recommendations weren't necessary. She is not working out of a house. She's working out of a larger building and that is why she has a larger maximum number of children. It isn't a house. It is run as a business. Because the property is zoned R1, it requires a Special Use Permit.

Mr. Murch said that we required the owner of the property at 1404 NE 66th Street to reside in the home with a maximum of ten (10) children. The hours are in conflict with the current one. It was not allowed to have a sign on the 66th Street one, this one is.

Interim Director Napoli stated that this business currently has a sign and has had the sign since 2003. They aren't adding a sign. The sign has been there since the inception of the daycare at that location. The times from 6:30am to 6:00pm have been the same. It is not in a single family residential neighborhood where there are other homes around it. She has an actual drive where they can come in and pick up so they are not picking up in the street. She has a drive area in front of the building. This is not a single family home being used as a home. It is being used strictly as a business. She does not reside there and never has resided at this structure.

Mr. Murch shared that he drove by the property and fifty-eight kids seemed like a lot for the size. He asked if there is a requirement for the square footage per child.

Interim Director Napoli said that there wasn't. She is required to have a certain number of employees per child. The fifty-eight is what she has had since she opened. There is nothing that says she is allowed a certain number of kids per square footage.

Mr. Murch continued that there was some concern about setting precedence on the prior application. He shared that he is new to the Commission so it is more of a curiosity. It is large discrepancy between the two requirements.

Interim Director Napoli stated that it isn't apples to apples. There is a difference from Ms. Cole, who has houses across the street and next to her. She is on a residential street. Ms. Peery is on N. Flora. To the south of her is Oakwood Manor. To the north is Flora Park. Behind her, quite a ways behind her, is a neighborhood, but there isn't any through traffic. All the traffic comes down N. Flora. There are differences on where the operations are being held.

Ms. Tina Peery, owner of Creative Kids Center Inc. at 5940 N. Flora Avenue, addressed the Commission. She wanted to let the Commission know that her business is licensed for this amount of children. The State comes in and does a measurement. It makes a difference if it is a residence or if it is a daycare center. Because she doesn't live in the home it is licensed differently, and it is a square footage per child. It isn't the same as a home. Because she doesn't live there, the entire building counts. For someone who has a child care center in their home, part of their home isn't allowed to count. They are only allowed to have so many children per adult. She has a staff, whereas it would be the homeowner and potentially an assistant. That makes the difference on home child care or a child care center. It does make a difference for actual licensing. When you look at that house versus the center, there is a classification difference even with the State. She hoped that cleared up any questions.

Mr. Turnage asked Ms. Peery if she normally has fifty-eight (children) and if she is at capacity or something less than that.

Ms. Peery said that usually, during the day, they have forty-five children. The license capacity of fifty-six is for before- and after-school care. She provides care for school-age children through Gladstone area schools, like Oakwood Manor and Meadowbrook, so they are allowed a window before and after school to have more kids, but typically her capacity is forty-five during the day. The building itself has been a daycare for over seventy-five years. The Catholic Church had a Montessori school, and then it changed hands through the course of time. She took it over in 2003 and made some changes. It has a full sprinkler system now to make it safer, and it's bigger. They have replaced the stairwells and made changes at that time. That is why they were able to go from the permit at first (five year) to a ten year permit. They made many changes. In the last year, they made almost \$30,000 in improvements to the building.

Mr. Murch asked why she wants to extend an R1 zoning as opposed to going to commercial zoning.

Ms. Peery said that where they are located, between a school and a City park, it would cause additional problems because it is all City-owned in front of them and all City-owned behind them. It would be such a small plot that the City of Gladstone, when she questioned it previously, said it would be better to have her Special Use Permit. She's had it before and it won't create a legal problem. Her backyard backs up to the City park. The people who owned the property originally owned from where the school is around to the City park. She was fortunate enough to meet the daughter of the original family. It started out as a little house and, as they plotted off what they sold, it has ended up with nothing around them but a school and City parks. When she requested to re-zone previously, she was told that wouldn't happen. So, she stayed with the Special Use Permit because of the location.

Chairman Ward asked if there was anyone in the audience that would like to speak for the applicant. None.

Chairman Ward asked if there was anyone in the audience who opposed the applicant. None.

Chairman Ward closed the Public Hearing. He asked if the Commissioners had any comments. None.

MOTION: By Mr. Whitton, second by Ms. Hammon, to approve Public Hearing: Special Use Permit for ten (10) years for the address 5940 N. Flora Avenue, Gladstone, for a day care center. File #2018-010.

VOTE:	Mr. Ebenroth	Yes
	Ms. Hommon	Yes
	Ms. McGee	Yes
	Ms. Middleton	Yes
	Mr. Murch	Yes
	Mr. Turnage	Yes
	Mr. Whitton	Yes
	Chairman Ward	Yes

The motion carried (8-0).

7. Other Business. None.

8. Communications from City Council and City Staff.

City Council: Councilmember Moore had no comments.

City Staff: Interim Director Napoli announced that there would not be a Planning Commission meeting on May 21, 2018.

9. **Communications from Planning Commission.** Ms. Middleton asked if she could get a personnel email for Nick Pappas to send him best wishes.

City Manager Wingerson said that he would check on whether it would be appropriate to share that information.

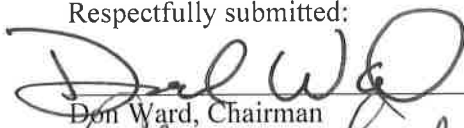
Mr. Murch inquired about training for the new Commissioners with the City Attorney.

Interim Director Napoli asked City Manager Wingerson if training was being scheduled for all of the members.

City Manager Wingerson said that he would invite the City Attorney to meet with as many Commissioners as are interested in a refresher course. New Commissioners would also receive a briefing on the Planning Commission, the process, the difference between a home occupation and special use permit. All of those things are generally covered. He will check on the schedule for that and let Alan know.

10. **Adjournment-** Chairman Ward adjourned the meeting at 7:17 pm.

Respectfully submitted:




Don Ward, Chairman

Approved as corrected _____



Cheryl Lamb, Recording Secretary

Approved as submitted  _____