

GLADSTONE PLANNING COMMISSION MINUTES

Council Chambers October 15, 2018

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

Commissioners present were: Chase Cookson
Mike Ebenroth
Alicia Hommon
Gary Markenson
Jennifer McGee
Katie Middleton
Kim Murch
Shari Poindexter
Bill Turnage
Larry Whitton
Don Ward, Chair

Absent: James New

Also present: RD Mallams, Councilmember
Bob Baer, Assistant City Manager
Austin Greer, Assistant to the City Manager/Planning Administrator
Cheryl Lamb, Administrative Assistant

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

3. Approval of Minutes.

Chairman Ward asked if there was a motion to approve the minutes from the October 1, 2018 meeting. Mr. Whitton moved to approve the minutes; Mr. Cookson seconded. The minutes were approved, 11-0.

4. Other Business. None.

5. Public Hearing: Special Use Permit, 101 NE 62nd Terrace, Living By Nature. File #2018-013. Mr. Greer stated that the applicant is Sara and Kenny Boyer, primarily Mrs. Boyer, who was sitting in the audience. She is applying for a Special Use Permit for the purpose of having a Home Meridian Stress Assessment Testing and the pickup of Retail Sales of Natural Supplements business at her residential address of 101 NE 62nd Terrace. He clarified the definition of "retail" that was used and the title of the requested action. "Mrs. Boyer's natural supplements business is primarily conducted online or over the phone. Pickups would be scheduled ahead of time so that no shopping in the traditional sense would occur at her residence. It is simply buy online or over the phone, then pick up the products at a scheduled time."

Over the past couple of weeks, City staff had received a couple of phone calls from the neighboring residents who are concerned with parking at this location. After taking those concerns into account, the City staff recommends that the Planning Commission approve a one (1) year Special Use Permit for Mrs. Boyer contingent upon compliance with the recommended conditions. He stated the conditions for the record.

Recommended Conditions

1. This Special Use Permit is issued to Sara & Kenny Boyer to be used at the above noted address.

2. This Special Use Permit shall be non-transferable to any other person or company, or to any other location.
3. Any changes in operation of the business by Sara & Kenny Boyer or change in ownership shall render this Special Use Permit null and void.
4. No persons other than Sara & Kenny Boyer shall be employed at this location in association with the MSA testing and supplement sales by Sara & Kenny Boyer.
5. Hours of operation shall be limited to Mondays, Thursdays, and Fridays from 9:30 am to 3:30 pm.
6. Sara & Kenny Boyer must reside at this residence for this permit to be valid.
7. Sara & Kenny Boyer shall apply for and maintain all applicable State and City business and home occupational licenses; copy of such business and occupational licenses shall be supplied to the Community Development Department of the City of Gladstone.
8. No outdoor storage of products/materials.
9. No parking of commercial vehicles or commercial deliveries.
10. No more than 2 customers per hour during the allowed hours of operation.
11. No signage of the business shall be displayed on the premises.

Mr. Greer said that, given his conversations with Mrs. Boyer, she understands the importance of no on-street parking and no signage in an effort to keep the neighborhood environment residential. Ultimately, this type of business and special use permit are very similar to past projects considered by the Commission, such as children's daycares and home hair salons. City staff recommends that this Special Use Permit be approved for one (1) year.

Mr. Markenson stated that there were some concerns about the parking and asked how they were resolved.

Mr. Greer said that they were resolved by making sure that there will be no on-street parking, and by the restriction to have no more than two (2) customers per hour. That is reduced because the hours from 9:30am to 3:30pm are six (6) hours, so there will be no more than twelve (12) customers per day. Multiply that by three (3) days per week and it is roughly 36 customers. If Mrs. Boyer has that many customers she should have a storefront on N Oak.

Mr. Markenson asked how we would enforce the two customers per hour.

Mr. Greer stated that we are relying on the honor system and Mrs. Boyer's neighbors who will likely be calling City Hall if there is an influx of traffic and parking at her residence. He feels that Sara has a vested interest in adhering to this condition. If there is an issue at this location, the Special Use Permit is only valid for one year and we can take a look at this project a year from now.

Mr. Markenson stated that if there is no commercial parking, someone is going to have to deliver their merchandise to them.

Mr. Greer shared that Mrs. Boyer's driveway is significantly large. Anywhere between eight and ten cars could easily park there. Our hope is that if she receives deliveries they would be able to use her driveway as well. He asked Mrs. Boyer to speak to that.

Mrs. Boyer stated that her name is Sara Boyer and her address is 101 NE 62nd Terrace, Gladstone, Missouri, 64118. The supplements that they receive comes FedEx or UPS so there wouldn't be any more additional traffic than normal. She orders everything from Amazon so they probably wouldn't notice any difference. She also orders in bulk so it is just one delivery to her house. Her driveway easily fits eight to ten cars so there won't be anyone parking on the street. She has a fairly large amount of traffic at her house anyway as she has five kids and a parent and a husband in addition to herself. It's mostly internet

sales and mostly by phone. It's just a matter of people coming by to pick up orders once in a while. She just wants to be honest about who she has coming to her house.

Mr. Turnage asked Mrs. Boyer how long a customer would be there to pick up.

Mrs. Boyer stated that it depended on if they are just picking things up, no more than five (5) minutes tops. She knows most of her customers so, if they have a discussion, it might be an hour. Most of them will be five minutes. She does provide Meridian Stress Assessment Testing and that can take an hour. She may not have two people there in an hour. It might only be one or two people per day. It just depends on what she has going that day. She doesn't plan on this being a huge venture. She started it for another reason, due to health issues with a couple of her kids. She is just trying to be proactive.

Mr. Turnage asked if she could explain her business in layman's terms.

Mrs. Boyer said the easiest way to explain it would be Chinese meridians and the energy chakras that run through a body. She has a machine that she has taken training for and she is certified to use, to be able to measure energy input and output to organs. It picks up pathogens. It picks up viruses, chemicals, toxicity, in an effort to try to support and balance energies in a body to help it to naturally be able to heal itself. It is more of a holistic, natural way to support the body with illnesses.

Ms. Hommon asked if Mrs. Boyer could help her understand how her business operates in relation to, just for comparison, to Mary Kay. She also asked how the business operates and what the comparison is there.

Mrs. Boyer said it is more similar to a hair salon. Someone comes in to have testing done, she recommends supplements for them. If they decide they want them, she amasses an order through the week and she makes an order on Thursday. She usually has them delivered on Monday and she gives them to people. It just depends on what she has. It might just be one person per hour, if she even has two or three that day. It's more like that where, depending on what she has recommended and if they want to get that, then they come back on Monday.

Ms. Hommon asked if, industry-wise, does she have to have specific licensing for the industry in order be able to do that, and how does that affect her ability to do that.

Mrs. Boyer said that she is a certified technician for what is called a Quest 4 machine. She has already done all of her online training. She actually is going to Georgia this Saturday for four days in a clinic. She will be there for a while. Then she goes to Georgia again in November for more training and continuing education. Next summer she goes back to Georgia for more continuing education to stay on top of changes because her business changes a lot. There are a lot of new things, vitamins. She has a lot of continuing education and certifications for it.

Mr. Markenson shared that he can't pick up his stuff on one of those three days. He can only pick up on Tuesday. He asked what happens to him.

Mrs. Boyer stated that the odds are she is going to tell you, either come Monday, Thursday or Friday or she won't be there. By trade, before she started this, she does taxes, bookkeeping, payroll and she is an enrolled agent with the IRS. She defends people in audits against the IRS. She has a job that she does even outside of this. She doesn't have very many options outside of when she says she can do it, this is what she can do, and this is what it is.

Mr. Markenson asked what happens if he can't come until 4:00 pm, same thing.

Mrs. Boyer said more likely the same thing. She has a child that gets out of school at 4:10 pm so she isn't there at 4:00 pm. She has to go pick up her kid at 4:00 pm. That's why her hours are what they are. She gets on the bus at 9:00 am and she picks her up at 4:10 pm.

Mr. Markenson said he thought it was very strange operating hours. He clarified that these are her operating hours, not something else.

Mrs. Boyer agreed. It fits her schedule with the kids and having them and where they have to be during the day.

Chairman Ward asked if there was anyone in the audience who wished to speak in favor of the applicant. None.

Chairman Ward asked if there was anyone in the audience who wished to speak against the applicant. If so, please come forward and state your name and address.

Mr. Ronald Meyerkorth stated his name and that he lives at 50 NE 62nd Terrace. He said that he has nothing against the family. They are a wonderful family. His concern is who will take care of the home devaluation in the area when it comes out that it is a retail place. He's worried about that. His neighbors who can't be here are against it. Somebody was supposed to send a letter but he didn't know if they did.

Mr. Greer shared that it is in the Planning Commission packet.

Mr. Meyerkorth continued by saying that this has always been a family unit, no retail in the area around there. North Oak is wide open for retail. That's where retail happens to be, ought to be.

Mr. Markenson asked Mr. Meyerkorth to clarify that his position is that this is an inappropriate land use to have a commercial business in a single family neighborhood.

Mr. Meyerkorth said that the home evaluation around it, when people start finding out that this is a retail place; nobody will give him what he wants for his house. The land will go down. That is the only retail there so the home evaluation is bound to go down.

Mr. Markenson said he had not seen the location. He asked if it was all single family residential.

Mr. Meyerkorth confirmed it is all single family. There are two duplexes on the west end. Everything else is single family.

Mr. Markenson asked if it borders on a commercial area.

Mr. Meyerkorth said it does not.

Ms. Hommon asked Mr. Greer what knowledge he can share on what the impact on the property value would be. She asked if that was something that they need take under consideration, that that's a concern.

Mr. Greer stated that it is a Special Use Permit for one year. It is technically a business for one year at this point. He can't imagine from his standpoint, but he deferred to Bob (Baer) or Councilman Mallams, if they have any indication on the land value. He doesn't believe it would be affected for a Special Use Permit for one year.

Mr. Meyerkorth asked what happens after a year.

Mr. Greer said we can revisit the Special Use Permit if the Planning Commission determines that is needed.

Chairman Ward asked if it would change the landscape.

Mr. Greer confirmed it would not change the landscape, no land usage of any sort. It is still a residential area.

Mr. Cookson shared a general comment. He doesn't see this as significantly different as any other Special Use Permits that they have granted in the past. That is how he looks at it as he takes this into consideration. If it comes before them again, if they have any indication that there has been a decrease in value or something like that, they could certainly take that information under consideration at that time.

Mr. Greer shared that his research it is very similar to child daycares and home hair salons, from a business perspective.

Ms. Poindexter stated that she lives directly behind the Boyers and she knows the neighborhood very well. She doesn't believe that this business is going to have any impact on the community at all.

Chairman Ward asked if there was any more discussion. None.

Chairman Ward closed the Public Hearing.

MOTION: By Mr. Ebenroth, second by Ms. Poindexter, to recommend the approval of Public Hearing: Special Use Permit, 101 NE 62nd Terrace, Living By Nature. File #2018-013.

VOTE:	Mr. Cookson	Yes
	Mr. Ebenroth	Yes
	Ms. Hommon	Yes
	Mr. Markenson	No
	Ms. McGee	Yes
	Ms. Middleton	Yes
	Mr. Murch	Yes
	Ms. Poindexter	Yes
	Mr. Turnage	Yes
	Mr. Whitton	No
	Chairman Ward	Yes

The motion carried (9-2).

- 6. Communications from City Council.** Councilmember Mallams shared that he read the minutes from the last meeting and found it was a very informative meeting. He complimented Alan and Austin for the information they shared with the Commission. He made his notes to talk about some of the highlights that we're having with the City and he felt that Jeanne had covered them at the last meeting talking about Summit Grill and iWerx. One item that is coming up this next Wednesday, October 24th at 10:00am, weather permitting, the dedication of Hobby Hill Park. He invited them to come out and join that. It is another wonderful park system for our City. He reminded everyone that Election Day is November 6th and it's coming up very soon.

As general information, he shared that at the end of November the City Council comes together with the City leadership and they look at annual goal setting. That is always an interesting and very productive time for the City staff and for the City leadership for shaping the future of our City moving forward.

7. **Communications from City Staff.** Mr. Greer announced that the next Planning Commission meeting would be on Monday, November 5, 2018.

8. **Communications from the Planning Commission.**

Ms. Poindexter asked what's going on at the old flower shop. It's supposed to be a print screen business.

Mr. Greer said that it will be a salon and a screen printing shop. A husband and wife own it. They might be open, he wasn't sure.

Ms. Poindexter said that she had been waiting for it but hadn't seen it open yet.

Mr. Greer said he hadn't seen anything but they had done a really good job on the building. It looks really nice. It's incredible.

Mr. Cookson asked if it was the same building.

Ms. Poindexter confirmed that it is.

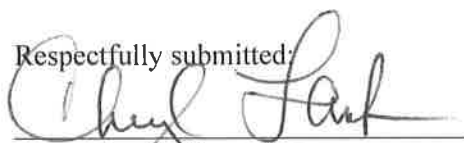
Mr. Markenson asked about the Fins & Foliage building and if the City is planning to sell it or use it for something.

Mr. Greer said that they are exploring options as they always are. They have some people in the pipeline but nothing solidified at this point.

Mr. Markenson shared his concerns for when they will need to move the AJ Farms items that are stored there.

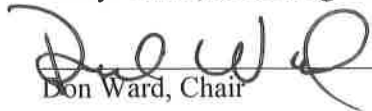
9. **Adjournment-** Chairman Ward adjourned the meeting at 7:20 pm.

Respectfully submitted:



Cheryl Lamb, Recording Secretary

Approved as corrected _____



Don Ward, Chair

Approved as submitted _____

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