

ORIGINAL

GLADSTONE PLANNING COMMISSION HEARING - November 19, 2018

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GLADSTONE PLANNING COMMISSION HEARING

Monday November 19, 2018

Appearances:

Chase Cookson, Commissioner

Mike Ebenroth, Commissioner

Alicia Hommon, Commissioner

Gary Markenson, Commissioner

Jennifer McGee, Commissioner

Katie Middleton, Commissioner

Kim Murch, Commissioner

Shari Poindexter, Commissioner

Bill Turnage, Commissioner

Larry Whitton, Commissioner

Don Ward, Chairman

NICOLE M. CALCARA, C.C.R.
for
CROSS REPORTING SERVICE, INC.

ORIGINAL

1 MR. CHAIRMAN: I'm going to call the Planning
2 Commission for Monday, November 19th, to order.

3 (Roll call.)

4 (Pledge of Allegiance.)

5 MR. CHAIRMAN: Approval of previous minutes from
6 November 5th. Entertain a motion.

7 (Motion made, seconded, and carried.)

8 MR. CHAIRMAN: Okay. Next on the agenda is other
9 business.

10 CITY PLANNER: No other business tonight.

11 MR. CHAIRMAN: Before we go on to the next item on
12 the agenda, I have a little statement here to read real
13 quick. Everyone desiring to speak regarding the application
14 will be given the opportunity to be heard tonight. Your
15 comments should be regarding the application specifically, if
16 you have any questions regarding the application, ask your
17 questions to the commission and I will ask either the
18 applicant or the staff to respond to your question after you
19 have had the opportunity to speak. Order of business will be
20 as follows: There will be a presentation by City staff.
21 After that presentation there will be an opportunity for the
22 Commission to ask questions for clarification, then we'll
23 move forward with public comment. Those wishing to speak in
24 opposition to the application will be heard first. Then
25 those wishing to speak in favor of the application will be

1 heard second. We ask that comments be limited to around
2 three minutes. And if you have the same thing as everybody
3 else has said, you can come to the podium here, state your
4 name and address, and say you have the same issues as
5 everybody else. And after we've heard the public comments,
6 we will conduct Commission discussion and potential action.
7 Staff, anything else to add to that?

8 CITY PLANNER: That's good.

9 MR. CHAIRMAN: All right. Onto Agenda No. 5, we
10 have a public hearing for a site revision 607 Northeast 69th
11 Street file 2018-015. I will open the public hearing.

12 CITY PLANNER: The first applicant tonight is Kim
13 Catalano who is requesting a site plan revision for the
14 purpose of an expansion to their Gladstone FOODS operation by
15 adding a new building with one additional loading dock, new
16 paved and parking lot configuration and a side driveway to a
17 new screened trash enclosure. Their plan is to use the
18 existing wall, new concrete block to construct this new
19 addition. There will be additional landscaping such as
20 shrubs and trees added on the north and west side of the
21 property. These proposed improvements do not increase
22 impervious area or run-off, therefore, no storm water
23 improvements are required nor recommended. City staff
24 recommends that the planning commission approve this site
25 plan revision contingent upon compliance with the recommended

1 conditions. Number 1, all exterior existing lighting shall
2 be converted to LED. Dumpster enclosure shall be constructed
3 with materials in colors consistent with primary building,
4 specific colors shall be submitted and approved as part of
5 the building permit. Trash service deliveries and
6 distribution shall be scheduled between the hours of 7:00
7 a.m. and 10:00 p.m. Any and all disturbed areas shall be
8 sodded. All landscaped areas shall be maintained in
9 perpetuity. All mechanical equipment on the roof shall be
10 screened from public view by a parapet similar in design to
11 the rest of the structure. This must be a minimum of 12
12 inches above the tallest piece of mechanical equipment.
13 Thank you and that is all, Mr. Chairman.

14 MR. CHAIRMAN: Is the applicant here?

15 CITY PLANNER: The applicant is here, yes, and the
16 engineers.

17 MS. CATALANO: Kim Catalano, 607 Northeast 69th
18 Street.

19 MR. CHAIRMAN: Are there any questions for the
20 applicant? So you guys are just putting an addition onto the
21 front of the building that is currently there?

22 MS. CATALANO: Correct.

23 MR. CHAIRMAN: Thank you. Is there anybody in the
24 audience that wishes to speak in opposition to this
25 applicant? Is there anybody in the audience that wishes to

1 speak in favor? Okay. I will close the public hearing is
2 there any comments from commissioners, discussion?

3 MR. TURNAGE: I worked at this establishment when it
4 first started back in '59, I guess when I was 14, 15 years
5 old. I've been friends with them for a long time, they run a
6 tight ship. I don't know if you've tried their product. But
7 it is terrific products. It is taco shells. It always looks
8 nice, well in appearance, and they are great people. They've
9 employed a ton of people in Gladstone over the last few
10 years.

11 MR. CHAIRMAN: Entertain a motion?

12 (Motion made, seconded, and carried.)

13 MR. CHAIRMAN: Next on the agenda is a public
14 hearing for site revision 6221 North Chestnut Avenue, File
15 2018-016. I will open the public hearing.

16 CITY PLANNER: The applicant 3F30 architects is
17 requesting a site plan revision on behalf of Mr. Charles Cuda
18 OPES commercial real estate for the purpose of constructing a
19 convenience store and gas station at 6221 North Chestnut
20 Avenue, formerly known as Tanner's restaurant. Their plan is
21 to significantly remodel the building, bring the structure up
22 to code and retrofit the property using a combination of
23 EIFS, stone, artificial stone and a medal awning for the
24 exterior. The site plan shows additional trees and
25 landscaping being planted on the eastern side of the property

1 located directly behind the proposed convenience store and
2 gas station helping create the required 38 feet buffer zone
3 between the subject commercial and residential properties.
4 There is also proposed landscaping on the western side of the
5 property near the planned monument sign and green space
6 between the two egress and ingress access points off of
7 Chestnut. City staff recommends that the trees and shrubs
8 being planted on the property be native to Missouri by nature
9 in an effort to aid in better street scape and survival.
10 Regarding the aesthetics of the proposed structure, two
11 primary guiding principals are described in the City's
12 Comprehensive Plan. The plan states the City should promote
13 compatible growth, ensure the design work is the compatible
14 to the character of the community, promote quality
15 development and improve area appearance. In the BMP analysis
16 conducted by Kaw Valley Engineering, run-off drains toward
17 the southwest corner and a bio-swale will be implemented to
18 capture and treat run-off from the fueling area prior to
19 run-off exiting the site. Included in the planning
20 commission packet is a letter from World Fuel Services
21 describing the experience of Amir Nadeem Mehndi, who will be
22 the store operator for the proposed gas and convenience
23 store. Staff has also included a retail mystery shop score
24 for the proposed operator for their various other locations.
25 There are residents in adjacent neighborhoods located to the

1 east of subject property that are opposed to this particular
2 project. The community development department has received
3 multiple phone calls and a signed letter included in your
4 packet from the Woodlands HOA board in opposition. City
5 staff recommends that the following conditions be considered
6 if the Planning Commission and City Council choose to approve
7 this project request. Number 1, any and all disturbed areas
8 shall be sodded. Number 2, all manicured grass and
9 landscaped areas that'll be irrigated and maintained in
10 perpetuity. Number 3, all mechanical equipment on the roof
11 shall be screened from public view by a parapet or approved
12 screening similar in design to the rest of the structure.
13 This must be a minimum of 12 inches above the tallest piece
14 of mechanical equipment. Number 4, a compliant monument sign
15 shall be used to serve the development. The monument sign
16 will need a minimum of 240 square feet of area landscaping
17 around the sign. Number 5, relocation of the trash dumpster
18 to the northwest corner of the parking lot away from the
19 residential area adjacent to the property. Number 6, all
20 exterior lighting on the site shall be LED and designed to
21 reduce adverse impact on adjoining residential properties.
22 Number 7, outdoor lighting cannot be greater than 0.25 foot
23 candles and 10 feet beyond the property line. Number 8,
24 dumpster shall be enclosed with materials consistent with a
25 primary building. Specific colors shall be submitted and

1 approved as part of the building permit. Number 9, trash
2 service, store deliveries and gasoline refilling (underground
3 commercial gasoline tanks) shall occur between the hours of
4 7:00 a.m. and 10:00 p.m. Number 10, tractor/trailers,
5 storage containers and other commercial vehicles excluding
6 delivery trucks shall not be parked or stored overnight on
7 the premises. Number 11, no more than 50 percent of the
8 glazed area of the building shall have signage. Number 12,
9 hours of operation are from 5:00 a.m. through 2:00 a.m. The
10 store will be closed from 2:00 a.m. through 5:00 a.m., Monday
11 through Sunday. Number 13, signage compliant with the sign
12 code shall be used. Signage shall be approved at the time of
13 permitting. Thank you, and that is all, Mr. Chairman.

14 MR. CHAIRMAN: Any questions for staff?

15 COMMISSIONER: To begin with, could you be kind
16 enough to give us a broader picture of those four buildings
17 that are on that block? I just did a drive-by and it looked
18 like three of the four buildings were abandoned.

19 CITY PLANNER: Sure, one of the old buildings used
20 to be Lawson Bank. Currently that is vacant and we've been
21 hearing rumblings that it might be a doctor's office
22 eventually. And then the old Tanner's property obviously is
23 vacant. And then I'm trying to think of the other two
24 properties. QuikTrip.

25 COMMISSIONER: It was going to be a laundromat but

1 now it's on hold, I think.

2 CITY PLANNER: Sure. The owner of that development
3 has recently bought another property in Independence and is
4 working on that. His plans are to still develop a laundromat
5 in that location sometime early next year.

6 COMMISSIONER: I have a couple of others. Delivery
7 trucks can park there overnight?

8 CITY PLANNER: Delivery trucks cannot park there
9 overnight.

10 COMMISSIONER: Okay. No. 10 --

11 CITY PLANNER: Excluding -- I apologize.

12 COMMISSIONER: Should that be including? You see
13 where I am on 10?

14 CITY PLANNER: Including, yes, sir.

15 COMMISSIONER: Should be including, so any motion we
16 make -- can I just make a motion to change the word excluding
17 to the word including, number 10 of the recommended
18 conditions, if we could get that out of the way. And if I
19 could -- if I can move that we, condition No. 10, delete the
20 word excluding and replace it with the word including.

21 I don't see much in here on the screening between the
22 properties to the east and the --

23 CITY PLANNER: Between residential and commercial.

24 COMMISSIONER: Yeah. Right now there is a fence and
25 it is deteriorated, it's dilapidated. There is a five foot

1 gap in the fence, I mean it's, just falling apart. Is that
2 fence going to stay there? I know there is going to be shrub
3 and screening. Talk a little about the screening.

4 CITY PLANNER: Sure. I spoke with Mr. Cuda this
5 morning about the fence, and according to the survey we think
6 it's actually the residents that own that fence.

7 COMMISSIONER: The homeowner's association that owns
8 it or the residents that are adjacent to it?

9 CITY PLANNER: That is a really good question. But
10 we can find out.

11 COMMISSIONER: That's fine. Could you talk about
12 the screening that they envision putting there? Because I
13 assume the fence is going to remain.

14 CITY PLANNER: I think the architect could probably
15 do a better job than I could.

16 COMMISSIONER: Thank you, Mr. Chairman.

17 MR. CHAIRMAN: Any other questions for staff?

18 COMMISSIONER: I was also concerned about a fence in
19 the back. And I think if this fence has to be taken down
20 that there should be somewhere in here that says a
21 replacement fence should be put up.

22 CITY PLANNER: So what we could add, is if we find
23 out that HOA does or does not own the fence, then we could
24 include that in the conditions as long as the developer would
25 agree to that.

1 MR. CHAIRMAN: Any other questions for staff? Does
2 the applicant wish to come up and speak?

3 MR. RUOFF: Good evening. My name is Brian Ruoff.
4 I'm with 3F30 Architects. I'm representing the developer,
5 Chuck Cuda, who is behind me. I'm going to make this very
6 brief, because I think everybody understands the project in
7 its entirety, we are agreeable to the entire list with the
8 one exception is we are not -- we have not confirmed the
9 structural capability of the tall parapets on this building
10 yet. So we are agreeable to screen. We just don't know
11 exactly how that is going to occur. We have the option of
12 parapet walls, but then we get snow drifting issues and
13 without having a full structural analysis of the roof
14 structure at this point in time I don't know what I can do.
15 We are trying to get the front up as far as we can because it
16 is a new wall. The whole front wall is going to be new
17 because I don't know if everybody understands, we are taking
18 20 some feet off the existing building and rebuilding that
19 entire front face for store front. So with that said, the
20 other options would be hats on the rooftop units, other
21 options that may or may not be the best option we have
22 available. So I would promote a little more landscaping or
23 strategic placement of trees for that one line item. Going
24 backwards slightly we have tried our best to get the 35 feet
25 of landscaping between the residential and the commercial

1 property. Because of the existing building location it's not
2 going to be 35 feet in all places, but wherever it can be 35
3 feet, it will be 35 feet. We would like to maximize the tree
4 plantings in that area because that is going to be the most
5 benefit above the fence line, is trees. So I think that
6 would be recommended. We do have some landscaping going into
7 the front that was mentioned and a small retention pond,
8 filtering pond is going to be at the very front of the
9 property on the west side. And we've increased the
10 landscaping around the monument side that would be in the
11 southwest corner. I do have a color rendering if anybody
12 wants to see it over here that might be a little more visual
13 for everybody to look at. Other than that, we are available
14 for questions and comments.

15 MR. CHAIRMAN: Any questions for the applicant?

16 COMMISSIONER: Is this going to be a gas station
17 slash convenience store?

18 MR. RUOFF: It is going to be a gas station -- it is
19 convenience store -- it is going to have convenience store,
20 going to have liquor and a small restaurant. The restaurant
21 is a little bit up in the air. That may not occur. But it
22 is probably going to be a carry-out restaurant. It is
23 greatly simplified from what is there now, if anybody has
24 been in this the original Tanner's. The kitchen is huge.
25 And all that has to come out. There is a huge walk-in, there

1 is a huge hood. All of that has to be removed.

2 COMMISSIONER: Hours are going to be from 5 to 2?

3 MR. RUOFF: It is. We are agreeable to what staff
4 put in the report.

5 CITY PLANNER: We were suggesting between 2:00 a.m.
6 and 5:00 a.m. that they would close down.

7 MR. RUOFF: And the owner, developer and operator
8 are agreeable to those hours. I've done many, many
9 convenience stores in the past over the years. I used to
10 work, do stores for Phillips and Conoco and that sort of
11 thing. The petroleum part of this is going to be I think
12 very well laid out. It is going to be smooth and it is going
13 to operate as it should. From a convenience store
14 standpoint, that is an operational question. But it is a
15 4,000, 5,000 square foot building. So it should be
16 comfortable and have quite a bit of amenities on the inside.
17 No drive-through. I think drive-through was a concern with
18 the neighborhood. Because of the landscaping we are
19 completely landscaping the east side of this property so
20 there will be no drive-through. We are amiable to moving the
21 trash enclosures to the McDonald's side of the lot. I think
22 McDonald's is 24 hours, you know, in operation but they have
23 an easement that runs through that property so it is trash
24 enclosure will be between their easement and where the bank
25 property is. We are amiable. We are going to completely

1 relocate the trash enclosure. So we are basically agreeable
2 to the entire list of conditions.

3 COMMISSIONER: I'm sorry I have so many questions.
4 Can you tell me a little bit more about the screening, the
5 trees you are going to plant on the east side of the
6 building? I'm still a little hazy on what you are doing
7 there. Wrong person again? I'll get the right person if I
8 keep asking the question.

9 MR. RUOFF: Well, right now it is a very preliminary
10 landscape plan. But we are proposing a lot more trees than
11 shrubs, because the trees are going to be beneficial. So
12 this is the property as it is now. And the building extends
13 out to here. We are taking off this part of the building.
14 We are going to rebuild the front. This is all going to be
15 the existing building, structurally, you know, everything
16 inside here has to be dealt with, panels, panel room, all
17 that has to stay because that is the only way to meet the
18 budget on the project. We are proposing anything back here
19 that is not part of the building or the sidewalk system would
20 be removed and landscaped. So we can plant plants here, but
21 the neighborhood won't benefit from the plants we are willing
22 to do that. But the trees are going to be the biggest
23 benefits for the houses for the neighborhood. So this is
24 our -- this is our solution to the screening on the back side
25 of the building, is to get these trees in here. Now what

1 I've got is, I've got some medium size and some -- basically
2 I'll tell you exactly what they are right now, it is a Norway
3 maple and Patmore ash. So it is a combination -- we are open
4 to anything in here, but we want to make sure they are
5 selected and placed so we can get the most benefit and that
6 can be done by sightlines and those sort of things. The
7 front end we have to get traffic through here, so we've done
8 this triangular shape around the monument sign that will be
9 landscaped with flowering plants, this is the green space
10 here I have to work with the civil engineer on, because this
11 is going to be held down so water will run through that
12 filter. And there is the trash enclosure location now -- I'm
13 sorry future. And now it's right here. So that is what --
14 we are proposing to move it away.

15 COMMISSIONER: Where is the gas tanks going to go?

16 MR. RUOFF: Gas tank right now, I've done a bunch of
17 these -- gas tank right here. Okay. From a tanker
18 standpoint, I used to bring actual drivers to these meetings
19 which was always interesting, because they would say, well, I
20 gotta back the truck -- they do the whole scenario of how
21 they get the truck on and off-site. I don't want them to
22 back up if I don't have to. My goal is to get a tanker on
23 and off-site without backing up this site. They are going to
24 probably come in this way and swing around. They've got to
25 come all the way around here. And most tankers drop on the

1 right. The hoses are on the right side. So that is the
2 ideal situation. But it is kind of tight for doing that.
3 They may want to do another round. It depends if there is
4 cars parked here. But they can come through either way. But
5 the idea is to keep the fuel close to the canopy. That is
6 the objective.

7 COMMISSIONER: Just so that I'm clear, you are going
8 to tear out the concrete that is behind the building that is
9 all crater, and looks like there has been bombs dropped on it
10 and stuff, you are going to take that out and put in dirt and
11 sod and put the trees on that?

12 MR. RUOFF: It is going to be fully landscaped. It
13 is going to be sod and trees. My preference is sod and
14 trees. What you've seen in your packet is the -- a little
15 short of 35 feet because I was given the 35 foot condition
16 later. This is the 35 foot line right here. This line right
17 here. So we are going to take out to the sidewalk, I have a
18 transformer here there is that shed back here. We are taking
19 everything out that we can and landscaping.

20 MR. CHAIRMAN: Any other questions from the
21 commissioners?

22 COMMISSIONER: There is a Conoco station a couple
23 blocks across the street to the west. Will that continue to
24 operate, or are they separate entities unrelated, unrelated?
25 Okay.

1 COMMISSIONER: So you are going to need a variance
2 as far as the set-back on part of that, you don't have 35
3 feet?

4 MR. RUOFF: Well, that is up to staff.

5 CITY PLANNER: No. Since it is CP zoning, the
6 planned portion of that gives a little bit of flexibility, so
7 a variance wouldn't be needed.

8 COMMISSIONER: I just wondered if you needed to go
9 to BZA and get a variance.

10 CITY PLANNER: We didn't think that was necessary.

11 MR. RUOFF: We are caught between existing building,
12 we'll do what is required.

13 MR. CHAIRMAN: Any other questions?

14 COMMISSIONER: Yeah. I think I know, but can you
15 clarify what kind of access there would be for traffic from
16 that building to the neighborhood, behind there, what roads
17 are back there they would use to get -- I mean, part of the
18 thing is to increase traffic to the neighborhood. How will
19 that increase traffic to the neighborhood?

20 MR. RUOFF: The entrance of the neighborhood is
21 several blocks, I don't know what is the street that goes,
22 Shady Lane. This is bank property right here on this edge.
23 And so we have no real landscape on that edge on that side
24 available because the parking property line is right on
25 our -- existing property line.

1 COMMISSIONER: I just wanted clarification on that.

2 MR. CHAIRMAN: Any other questions?

3 COMMISSIONER: I'm not sure you are the person for
4 this either, but I was -- the hours of operation, the
5 restriction on them is very unusual. I can't think of
6 anything that we restrict except liquor sales. Several
7 months ago when we had the laundromat issue we put in
8 restrictions on hours, but the City Council felt that was
9 unwarranted and took them out. So the laundromat can operate
10 24 hours a day. But a convenience store that generally
11 operates 24 hours a day would be restricted. Is that a
12 problem for you, putting you at a competitive disadvantage
13 with Hy-Vee and QuikTrip and others?

14 MR. RUOFF: Well, because I've done 100 of these
15 over 25 years the ownership, that opinion does vary. Most
16 convenience store owners would like to stay open for 24 hours
17 for two reasons. One is it does bring a little more revenue,
18 but also it is a security issue, that they want -- they like
19 to have somebody on their site 24 hours a day so they don't
20 have other issues. They like a 24-hour operation so that
21 they are watching their stores.

22 COMMISSIONER: It is not a big time for business,
23 though, is it?

24 MR. RUOFF: They usually lose money on the sales
25 part. It depends on your relocation and what you are doing.

1 But, yes.

2 COMMISSIONER: It is not a problem for the owners,
3 is that what you are saying?

4 MR. RUOFF: Well, Chuck, do you want to talk about
5 that?

6 MR. CUDA: It is not an issue in this particular
7 case.

8 MR. CHAIRMAN: Step up to the mic. State who you
9 are and your address.

10 MR. CUDA: Chuck Cuda, 6051 North Chestnut,
11 Gladstone, Missouri. For this particular instance we felt
12 that we would be amenable to the neighborhood and it would be
13 beneficial to everybody if we operated within these hours, so
14 the owner feels that with this particular demographic he is
15 comfortable with these hours. And to the point about the
16 screening, with the topography differential with the houses
17 sitting lower we could put bushes over there but, we feel the
18 trees provide the better screening. And regarding the fence
19 with the differential of wood that is being used on those, we
20 feel it is each homeowner's fence, it's their particular
21 fence, but we would be amicable to looking at possibly
22 re-screening that back side once we are done with
23 construction.

24 MR. CHAIRMAN: So the fence isn't part of your guys'
25 development?

1 MR. CUDA: It is not part of our development, but we
2 would entertain incurring that cost post-construction.

3 MR. CHAIRMAN: Any other questions for the
4 applicant? Okay. All right, next on is anybody in the
5 audience wishing to speak in opposition, please step to the
6 mic and state your name and address, please.

7 MS. BAKER: Good evening, Michelle Baker, 108 the
8 Woodlands. Thank you for affording me the opportunity to
9 come and speak before you in lieu of being with my family
10 watching the Chiefs play, which I'm sure right about now you
11 would rather be watching as well. My attendance dance here
12 is twofold. One, for my own personal voice and the second to
13 be the voice for at least 44 residents of the Woodlands
14 neighborhood who have responded that they did not want this
15 site re-planned. We are a small close-knit single access
16 neighborhood of 95 residents. I've already shared with you
17 the residents' comments in writing in the packet. I printed
18 out additional ones that we've received since then if you
19 would like to see those as well. Some of the main issues and
20 concerns that we have are the disruptions due to the
21 proximity to the residents' property in the form but not
22 limited to the hours of operation. I know that you've
23 already touched on it our problem is that 5:00 a.m. to 2:00
24 a.m is really late for our neighborhood. And the noise that
25 will be generated with traffic flow and lighting would be

1 detrimental, especially to the six houses that butt right up
2 close to that. The potential of water leakage from
3 underground tanks is a worry and a concern for the neighbors,
4 the large tanker and delivery trucks, the -- if you are
5 familiar with Chestnut, the street of Chestnut itself, it's a
6 small little access. It is right there in front of -- it's
7 only access for UMB Bank, the property at 6221 Chestnut.
8 That's it. Because then it curves around and then you
9 actually have to go back around to get into where Lawson Bank
10 used to be. So for a tanker hauling gasoline to be able to
11 manage that, there is going to be, I would think and the
12 neighbors think, substantial destruction of that street right
13 there. It is not an easy turn. You've got the little
14 boulevard that is the beginning of Antioch right there where
15 it splits across the street from CVS. So you have that
16 entrance. And then another entrance coming in from where
17 Lawson Bank used to be off Antioch. The lighting, once
18 again, is so close to the neighborhood that the lighting
19 would be a distraction to those homes. As well as the noise
20 level. Not to mention the increased air pollution from
21 pumping gas, which the US Energy Information Agency says that
22 it's detrimental as far as green house gasses, carbon dioxide
23 that is emitted. And that's why during high ozone times they
24 say please don't fill up your cars with gas right now. Well,
25 that is right there behind our neighborhood. Sewage and

1 water run-off issues and the potential for devaluation of the
2 property due to the proximity. I would encourage the
3 planning committee to not only consider what the closest
4 neighborhood, the Woodlands, wishes with regards to this plan
5 revision but to also think about what is best for the City of
6 Gladstone. Does the City of Gladstone truly need another gas
7 station, slash, convenience store when we have 20 right now
8 as far as Google Maps goes and 14 convenience stores, all
9 within the area. Or would it be better for Gladstone to have
10 a restaurant Gladstone residents as well as neighboring
11 cities can come and enjoy and frequent? Thank you very much.

12 MR. CHAIRMAN: Thank you. Anybody else in the
13 audience that wishes to speak in opposition?

14 MR. McINTOSH: John McIntosh, 135 the Woodlands,
15 Gladstone. Chairman Moore, commissioners, I moved here from
16 Los Angeles two years ago and my wife and I, we chose the
17 Woodlands because we enjoyed the wonderful ambience of the
18 trees and everything we live in that was there. And the only
19 thing I just want to add to my fellow neighbor Michelle is
20 that in Los Angeles we had a problem and we brought it up
21 before the City Council, I lived in Whittier, which is a
22 suburb with liquor stores, they had liquor stores on every
23 corner. And so I equate this particular project, a gas
24 station, to the liquor store problem that we had. Why have
25 another gas station when I know we have four in the proximity

1 of between a mile and a mile and a half between each of them.
2 We have one on Antioch and Vivion. You have one -- a Conoco
3 on Antioch and Kendallwood. Then you have the gas station at
4 Hy-Vee there. And then across the street there is a Quick
5 Pick there. So my question is, why another gas station? So
6 I equate it to like the liquor stores and what it would do,
7 it would bring unnecessary traffic and later possibly crime
8 into the community we don't need. And so I would just ask
9 you to consider our needs, because there is other things we
10 can probably put there that will be more convenient for the
11 community rather than a gas station. Thank you for your
12 time.

13 MR. CHAIRMAN: Is there anybody else in the audience
14 that wishes to speak in opposition?

15 MR. CHAPMAN: John Chapman, 118 the Woodlands. I
16 don't have no problem against commercial development. I've
17 lived in this area since about 1965 from Old Meadowbrook to
18 Brooketree, now the Woodlands. That building has been Red
19 Lobster, Old Chicago pizza, Tanner's, Tommmys and I think a
20 barbecue place. If these developers want to put in another
21 restaurant, I would be frequenting it. But I'm concerned
22 with pollution issues. I'm concerned with light pollution,
23 air pollution, water pollution and pollution pollution. And
24 so I'm against the development.

25 MR. CHAIRMAN: Thank you. Anybody else in the

1 audience?

2 MR. SKINNER: Zachary Skinner, 105 the Woodlands.
3 Nothing really to add but to support my neighbors.

4 MR. CHAIRMAN: Thank you.

5 MS. THIESSON: Alicia Thiesson, 123 Woodlands. I
6 live in one of the area that is fairly close to that. We
7 have four kids. We moved into this neighborhood a year and a
8 half ago. We knew that there was restaurants back there,
9 there is a bank back there. We were aware of all that. But
10 a gas station we feel like is a completely different topic.
11 Our two-year-old -- sorry. She has health issues. One of
12 them being in her lungs. So it's a concern of ours that we
13 made this investment into a property and into a neighborhood,
14 we felt like our family would be safe and then the issues
15 that you can have from the pollution and things could further
16 cause her additional health issues. We also have a pool in
17 our backyard, which when you add in all of those factors we
18 spend a lot of time outside, and that would be an issue for
19 us along as resale value. We feel like if we were to need to
20 move, it would be very difficult knowing that there is a gas
21 station right there to sell our home, we feel like we would
22 have trouble. Nobody is going to want to buy a house with a
23 pool in the back yard and a gas station within -- from our
24 house it's probably 200 yards or so, but it is still close
25 enough we feel like it would cause issues.

1 MR. CHAIRMAN: Anybody else?

2 MS. NARCUS: Michelle Narcus, 82 the Woodlands. We
3 ourselves just moved to a town home that is in the Woodlands
4 development a year and a half ago. Ditto for all the same
5 issues that have been expressed. Including the property
6 value. I myself don't happen to have a property that is
7 adjacent to that, but I feel that it will definitely not help
8 the value of the homes that do back up to that. The
9 Woodlands is a very nice, well kept community and even though
10 it was developed in the early '80s and the traffic there is
11 congested enough at, I guess Shady Lane, whatever turns into
12 there at Antioch, a lot of congestion, it is really hard,
13 difficult to get out. That is just going to make it worse.
14 I would say for some reason if the committee would make the
15 decision that the development is going to go through that I
16 definitely think that the developers and the owners should be
17 responsible for paying for a very large private fence amongst
18 all those properties that are adjacent to that property.

19 MR. CHAIRMAN: Thank you.

20 MS. GUYSINGER: Hi there, I'm Donna Guysinger. I
21 live at 102 the Woodlands. I don't back up there, but I'm
22 down the street. And I -- we have been in the neighborhood
23 for 25 years. And when we first moved in here, it was kind
24 of nice to have the little restaurant back there. And it
25 wasn't an issue with noise. And you can hear the noise

1 currently on Antioch. All the police that go by and the fire
2 trucks, it just seems to like it has increased. However, to
3 have a convenience store and a gas station backed -- I'm
4 going to say 300 feet or 400 feet from your driveway, I can
5 only imagine all the noise that is going to create, not just
6 with big trucks, but with the garbage, you know, the garbage
7 guys coming and people putting in all the glass. There used
8 to be a Ripple glass area over there, that was so hard to
9 take. This is the Woodlands, the homes, 300, 350,000 and up
10 okay? So it's not just a small property. And everyone keeps
11 their property up very, very well. We have lots of trees.
12 But even still, with all that, you still hear a lot of noise.
13 And that is a concern. Especially for the people that
14 surround the property, if you are sitting in your back yard
15 on a Saturday afternoon with your friends and you hear all
16 the noise going on, I would be totally disturbed about that.
17 It would really ruin the ambience of that -- of the
18 Woodlands. It is a very nice neighborhood. It's quaint and
19 it's small and we like it like that. And I have like really
20 loved it since there haven't been hardly any -- Tanner's is
21 gone and the other building is gone, so it's really nice. It
22 is nice and quiet. And that is the way we like it. And the
23 other neighborhood that is by the Woodlands is much smaller
24 but still they are very quiet, lots of trees, they want it
25 that way. And I've talked to several of the homeowners and

1 they are very concerned also. They are just right down
2 there. Thank you very much.

3 MR. CHAIRMAN: Anybody else?

4 MR. CLIMOORE: My name is Joe Climoore and we live
5 in the closest house to the building. We live at 127 the
6 Woodlands. And we are really concerned about the light and
7 the noise. Of course everything that everyone else said
8 about the situation there. But I hadn't really thought until
9 she said about the trucks turning in, it is not a very good
10 place for trucks in and out. So really that is our greatest
11 concern is the noise and the lights. Tanner's was a good
12 neighbor. We -- Tanner's was probably the best. We
13 hardly -- maybe they didn't do any business. I don't know.
14 They were very quiet back there. When the other place was
15 there, they made a lot of noise and bottles over the fence.
16 But Tanner's did very well. Like I say, maybe they didn't do
17 a lot. So thanks.

18 MR. CHAIRMAN: Thank you.

19 MS. THIESSON: Berna Thiesson, 123 the Woodlands.
20 My main concern by the health of my child who I already have
21 to take to regular doctor's visits is everyone's health
22 actually within our community. We have a slightly older
23 population within our community. I'm worried about the air
24 quality. I know that although it didn't pass, several BP
25 organizations tried to push through not allowing a gas

1 station 500 feet on the back line property from residential
2 properties. We are looking at 35 feet. And that is 35 feet
3 of like a quarter of that. So how much is like 25 feet? It
4 just keeps getting closer and closer to the properties. So
5 every single time someone is re-fueling, every single time
6 the tankers come in, we are going to smell it in our back
7 yards and smell it in our front yards. And it is not what we
8 signed up for when we moved to this community. It is
9 outrageous. Unfortunately when the gas station is already
10 there, you know what you are getting into. And I think no
11 one signed up for this within this community. So, I mean, in
12 a year or two when my daughter has health issues, who do I
13 submit petitions to that it has been a detriment to her
14 health? That I can't take my daughter in my back yard
15 because I'm worried about water pollution coming in the
16 run-offs and there is not even going to be a fence. It is
17 all about cost. They are trying to put whatever works in
18 there for the lowest amount of cost without really caring
19 what is good for our community. It is just outrageous. Not
20 even affording a fence. We already talked about the fence at
21 the last meeting with him. It is not even in the plan, so
22 obviously he doesn't care what the community wants and he
23 doesn't care about the safety and the health of our
24 community. So just it's kind of crazy, but just the fact
25 that I bought this home to raise my four children in and now

1 we are considering moving out of the community. The second
2 it gets approves we are out. It is just insane. Thank you.

3 MR. CHAIRMAN: Anybody else in the audience?

4 MS. VANDERBERG: Winnie Vanderberg, 45 the
5 Woodlands, also a broker person for Re/Max and I have been
6 for almost 40 years and I have had experience with these sort
7 of projects. And I spoke out at the last meeting. I'm
8 adamantly opposed to this. I think there are far more
9 negatives than positives. I've not seen any site studies
10 that give us anything that is going to tell us that it is
11 going to help our property values. I feel our property
12 values are going to be dramatically diminished. Already
13 there are three properties up for sale in the neighborhood.
14 And I feel according to what I'm hearing here there are
15 probably going to be more. So what are we looking at, 10,000
16 20,000, \$30,000 in losses? I moved to the Woodlands as a
17 widow. I work still at Re/Max. I'm on Kendallwood Parkway.
18 I moved there to be safe, to have a quiet place to live and a
19 place to enjoy my seven grandsons. This does not make me
20 happy, nor does it make anyone in our neighborhood, the 95
21 homes, happy. I feel that if Mr. Cuda had presented this as
22 a restaurant or some other use that we would be much happier.
23 I don't feel that this is the highest and best use of that
24 space for us as residents there. And I feel if Gladstone
25 causes this entire community to gradually dissolve and lose

1 value, then what does that say about us as a city? I just
2 would ask for you to consider that. Thank you.

3 MR. CHAIRMAN: Anybody else in the audience wish to
4 speak in opposition? Is there anybody in the audience -- oh
5 sorry.

6 MR. WATT: My name is Merrill Watt. I'm a
7 registered professional engineer. 34 the Woodlands. In
8 addition to the comments you've heard from other members of
9 the Woodlands Homeowners Association, I would like to just
10 point out something that concerns me greatly; however, it is
11 not the most important subject that has come up. Health,
12 safety, and welfare happens to be the Number 1 issue in my
13 mind. However, what I would like to learn is if an economic
14 assessment impact study has been made that projects the
15 decreased value, cumulatively, for all properties within the
16 Woodlands Homeowners Association. We've heard from a realtor
17 that has more than 30 years experience who is gravely
18 concerned about a market depreciation of those individual and
19 thus cumulative property values. If, in fact, the assessment
20 bears out that is so, what remediation financial pool is the
21 developer or owner going to offer to offset over a long
22 period of time, a very long period of time, the depreciation
23 in the asset value? Keep in mind that I believe you heard
24 this evening from at least one to possibly two owners that
25 have stated they moved in approximately two years ago. And

1 with a simple market depreciation of 10 to 12 percent you
2 could be talking well over two million dollars if properly
3 assessed. I'm not a certified financial planner. I just
4 want to point this out. There seems to be no thought for
5 those people who have lived there before this idea came to
6 fruition. And so I would like to see, is there a sinking
7 fund who manages it? How much is it? Because once the
8 decent curb flattens out on the property valuations, it's
9 very difficult to get them back up. Many of you have bought
10 and sold homes and you realize that the appraised value seems
11 to work when you are buying or selling off of what previous
12 sales have been for like and similar properties in the
13 immediate area. So once oppressed, it is very difficult to
14 get them to rise again. This concludes my remarks. Again,
15 health, safety and welfare of people in my perspective is
16 Number 1, and this onerous potential economic depreciation
17 concerns me greatly. Thank you very much for your time and
18 consideration. I hope that you oppose this project.

19 MR. CHAIRMAN: Anybody else in the audience wish to
20 speak in opposition? Seeing no more, is there anybody in the
21 audience that wishes to speak in favor of the idea? No
22 response.

23 MR. CHAIRMAN: All right. Is there any discussion
24 by the planning commission?

25 COMMISSIONER: Can I offer another amendment?

1 MR. CHAIRMAN: Yes.

2 COMMISSIONER: Condition No. 14, the applicant shall
3 replace the fence on east side of property with a six foot
4 privacy fence. We've been talking about it and we've not
5 done anything with that.

6 COMMISSIONER: I'll second that motion. The
7 applicant shall replace the fence on the east side of
8 property with a six-foot privacy fence. And I use the word
9 replace because I think the fence that is there needs to come
10 down before it falls down.

11 COMMISSIONER: If the fence is on a property that is
12 owned by someone else, is that legal for us to require it?

13 CITY PLANNER: The fence, if it is on private
14 property, not on this property, then they cannot take it
15 down. They would be damaging private property. They can put
16 a secondary fence up on their property. Though, you do have
17 the problem of two fences being next to each other and issues
18 that happen between two fences, that type of thing. But they
19 could not take the other fence down unless the homeowner
20 allowed them to do it.

21 COMMISSIONER: I'll withdraw my motion.

22 MR. CHAIRMAN: Thank you.

23 COMMISSIONER: So I would like to say that I
24 personally don't have a problem with this but I think that we
25 need to consider all these people who came out to speak

1 against it and really take their perspective into
2 consideration when we are deciding on this.

3 COMMISSIONER: The issue of the fence still bothers
4 me quite a bit. I would really like to see them put a fence
5 up on the property -- the subject property and let the
6 homeowners that have that fence there that is falling down
7 take care of that.

8 MR. CUDA: We could add that condition subject to
9 the property owner's granting us access to the property to
10 put that fence on their property. But then who maintains the
11 fence? We will replace the fence if the property owner
12 maintains it, subject to their approval.

13 MR. CHAIRMAN: Quick question on the fence, and I
14 may need to address the audience on this, is it an HOA fence
15 or is it a residential owned fence?

16 CITY PLANNER: Either way it's still private
17 property. So either the resident who lives there, if it is
18 theirs -- or the HOA would have to agree to it either which
19 way.

20 COMMISSIONER: Does the QuikTrip not back up to this
21 same Woodlands?

22 MR. CHAIRMAN: No. It backs up to another
23 neighborhood.

24 COMMISSIONER: That is a different neighborhood
25 where the QuikTrip backs up to?

1 CITY PLANNER: It is a different neighborhood.

2 COMMISSIONER: Isn't it real close in proximity to
3 the Woodlands.

4 CITY PLANNER: Not as close. I don't actually
5 physically have the map, I could not tell you exactly, but it
6 does not appear to be as close.

7 COMMISSIONER: So McDonald's, the bank, not the
8 Lawson, but the other bank and then --

9 CITY PLANNER: Then the old QuikTrip and yeah --
10 Yep.

11 COMMISSIONER: I've heard Tanner's referred to as a
12 restaurant a lot. My personal opinion is that was more of a
13 bar than a restaurant.

14 CITY PLANNER: It was a restaurant/grill. I mean,
15 this -- all the years it has been there from Red Lobster to
16 Tanner's, it has been some form of restaurant/grill bar-type
17 thing.

18 COMMISSIONER: They had outdoor seating and that
19 wasn't a problem is what I heard?

20 CITY PLANNER: Outdoor seating was actually on the
21 west side of the building.

22 COMMISSIONER: But from a noise perspective, that
23 wasn't a problem? I mean, all -- any noise or whatever
24 should be on the west side of the building in the C store as
25 well.

1 PUBLIC MEMBER: They closed at 10 or 11. The hours
2 of their operation were 7 to 9, 7:00 a.m. to 9. But for a --

3 CITY PLANNER: She was correct, the hours were -- I
4 don't remember specifically, but somewhere between 9 and
5 10:00, I believe.

6 COMMISSIONER: That is consistent over time? I
7 remember at one point -- I believe it's owned by UMB Bank
8 now -- wasn't there a nightclub there at one time? Maybe
9 that goes back 20 years or so. I guess my next question
10 would be, who came first, the Woodlands or that building?

11 CITY PLANNER: Actually the building was there
12 before the Woodlands was there. The Woodlands developed
13 later on back in that area.

14 COMMISSIONER: What is the type of license for the
15 city? I believe Tommy had a 2:00 liquor license.

16 CITY PLANNER: I think we are 1:00. Don't hold me,
17 but I think we are 1:00.

18 COMMISSIONER: But if you build a housing
19 development next to a commercial development, shouldn't you
20 expect some of this stuff and shouldn't that already been in
21 your housing pricing?

22 CITY PLANNER: Current property there has been a
23 restaurant and it has always been a restaurant, never been
24 anything else. A restaurant bar grill restaurant, that type
25 of thing. This is the first time property has ever had a use

1 change since this development.

2 COMMISSIONER: How long has that property been CP3?

3 CITY PLANNER: Somewhere back in the '80s, late
4 '70s. I'm not 100 percent sure when Red Lobster, whenever
5 Red Lobster was the original.

6 COMMISSIONER: What are the types of businesses in
7 general that can go into CP3?

8 CITY PLANNER: There is a lot. Anywhere from the
9 convenience store, restaurants basically anything C 1, C 2.

10 COMMISSIONER: How long have those been vacant, do
11 you know just about?

12 CITY PLANNER: The Lawson BANK recently were bought
13 out by Bank Liberty sometime this year. They moved out of
14 there. The QuikTrip was last year when it closed up. And
15 those are the ones that are empty besides Tanner's moved out
16 maybe two years ago pushing that at the most.

17 COMMISSIONER: Thank you.

18 COMMISSIONER: I haven't given up on the privacy
19 fence.

20 CITY PLANNER: Mr. Chairman, you do need to close
21 the public hearing?

22 MR. CHAIRMAN: We'll close the public hearing.

23 COMMISSIONER: I wonder if we could consider
24 wording -- I'm not making a motion yet -- that says the
25 applicant shall build a six-foot privacy fence on the east

1 side of the property in addition to the plantings.

2 COMMISSIONER: Contingent upon homeowners.

3 COMMISSIONER: No, on the applicant's property, so
4 you are going to have fence on fence, but still going to have
5 a decent screen. And then the property owners can tear down
6 their fence, which I would recommend before it falls. Could
7 that be done?

8 CITY PLANNER: I think as long as the developer
9 would agree to that, I believe he stated he would do
10 something along those lines. We could add that as a
11 condition, yes.

12 COMMISSIONER: What would we do about growth in
13 between the two fences? Weed and vegetation?

14 CITY PLANNER: That becomes an issue. You could put
15 the fences -- I don't know how far their fence is off the
16 property line, that becomes an issue. Ideally you don't want
17 to have two fences because it does cause issues between the
18 two fences for maintenance and whose responsibility it is to
19 maintain those fences. So --

20 MR. CHAIRMAN: If something like that was done there
21 needs to be a separation of fences so that there is
22 maintenance that could be done between the two.

23 CITY PLANNER: That would be correct. And depending
24 where the current fence is, how much property and who is
25 going to maintain it, that type of thing.

1 MR. CHAIRMAN: If there is a property line, it is
2 three foot from their fence they still have to maintain.
3 Plus -- okay.

4 COMMISSIONER: Conceivably there could be an
5 agreement with the homeowners association to take their fence
6 down once the new one is built, too, I suppose.

7 MR. CHAIRMAN: Is that a condition we could put in,
8 that we have the developer put a fence in and in return the
9 neighborhood's fence --

10 COMMISSIONER: We can't require them -- this would
11 have to be informal, actually sit down and talk about it.

12 CITY PLANNER: What we might be able to do is, if
13 you want, is add the condition that the developer get with
14 the resident that lives there, discuss the fencing. I don't
15 know that we really want to say a fence has to be built by
16 the developer or whatnot. But we can at least ask them to
17 talk and meet and come up and get back to us as to if any
18 agreement may or may not have been made on it, who can use it
19 from which side.

20 COMMISSIONER: Hopefully before it goes to the
21 Council. When will this go to the Council?

22 CITY PLANNER: The earliest they will see this will
23 be December 10th.

24 COMMISSIONER: One more question, just so I
25 understand the procedures, so the people out there understand

1 the procedure, if we support this, it is a recommendation
2 that goes to the Council. If we do not recommend it, it goes
3 to the Council with no recommendation? How does that work
4 exactly?

5 CITY PLANNER: Well, if the Planning Commission does
6 not recommend this project, we will probably work with the
7 developer and the neighborhood to try to come to some type of
8 agreement before it gets brought to City Council.

9 COMMISSIONER: But it will go to the City Council no
10 matter what we do?

11 COMMISSIONER: Yes.

12 CITY PLANNER: Yes.

13 COMMISSIONER: On the east side I notice there is a
14 eight-inch tall curb that is, is it my correct understanding
15 that that is all going to be taken out? That curb? Because
16 that kind of keeps any water for getting into the back yards
17 of about three or four home homes there.

18 CITY PLANNER: I am going to ask for the architect
19 to go ahead and answer that question.

20 MR. RUOFF: Actually that is a good question,
21 because when we take all that paving out, storm water and
22 rain will soak into that ground. Which is a benefit and it
23 is a catch 22 in some ways. So I would send it to a civil
24 engineer to make sure we have to berm it or control it, we
25 don't want any water going to the residential, but right now

1 that water that is landing on that pavement is going to all
2 the -- it is going away from the residential properties
3 completely all the way to the street. So when we put the
4 plantings and such in there, it is going -- the ground water
5 could saturate. But we don't want any storm water running to
6 the east. It is going to be a civil engineering question
7 when it's all over.

8 COMMISSIONER: But that curb you think is going to
9 come out?

10 MR. RUOFF: Yeah, we'll have a new curb in front of
11 the landscaping that will be another curb, but that entire
12 site flows to the west. The north side goes up north and the
13 south side goes up south. That is -- we are not changing the
14 way water flows.

15 COMMISSIONER: Your pond that is the fancy word, the
16 bayou, whatever, that is kind of in the center of the
17 property there, that is not in the southwest corner and that
18 is where in here someplace I saw was going to be in the
19 southwest corner.

20 MR. RUOFF: The petroleum island area is actually in
21 the middle -- is kind of flat so we are going to catch most
22 of it into that island.

23 COMMISSIONER: If you built 25 of these, do you see
24 a lot of, call it spilled gasoline or whatever, that ends up
25 in this pond?

1 MR. RUFF: We are under BMP's, Gladstone is. Kansas
2 City Missouri doesn't enforce but Kansas City Kansas does, it
3 is a metro plan, it is a strategy put together by MARC,
4 Mid-America Regional Council, it is a guideline. The problem
5 with that is it just depends on how you handle certain sites
6 and what the situation is. In my experience is the BMP's are
7 relatively new to most municipalities. They've been working
8 with them for about six, seven, eight years. Some cities
9 don't even use them. But in this situation you are going to
10 have a brand new fuel system. You are going to have all the
11 pressure gauging, all the warning -- you are going to have
12 all the safety situations. All the lines are pressurized all
13 the time. If there is a pressure failure the, alarm goes
14 off, the system shuts down, somebody comes out and looks.
15 The new technology is the highest technology available for
16 that. Now, what the pond is for is when people are putting
17 their gas in and out and they drip. You get a real heavy
18 rain storm that comes through and water will wash through
19 there. That will accumulate that first rain amount, the
20 initial rain fall that catches in that pond and filters it
21 and it keeps the site cleaner. That is what it is really
22 intended for. So but from a spill and leaks and that sort of
23 thing, it is not the same as it was with the steel tanks 30
24 years ago. With that said, it is not fool proof. I'm
25 describing this the way it is. But any time you get a new

1 gas station that is much better than one that is 30, 40 years
2 ago, it is much more advanced. They have -- there is
3 different ways of doing this, too. I'm not sure what we are
4 going to use. This is a different, you know, different
5 clients use different systems. But it is called tank level
6 sensing system that goes in the tank and it keeps track of
7 the tank. The tank is pressurized. If the tank is losing
8 pressure based on the dispense volume to what is supposed to
9 be in the tank, alarms go off and they'll check. There is a
10 system in the lines that go between the tank and the
11 dispensers and that is pressurized and that has its own alarm
12 and its own sensors and that sort of thing. The boxes
13 underneath the dispensers can be alarmed. They are not
14 required to but they can be. So all these systems are
15 available to make that part safe. This is mostly for rain
16 water. What we are talking about on the front of the site is
17 mostly just get a -- or when they pressure wash to clean it,
18 that would go through the pond and it would air out and
19 clean -- it is not major. It is not significant. But it is
20 still something you want to watch.

21 COMMISSIONER: Are you saying with today's
22 technology, you are like 100 percent that the main storage
23 tanks are never going to leak or not contaminate the ground?

24 MR. RUOFF: I don't think I'm insured to say that,
25 but I've worked with -- I did all the corporate stores with

1 the previous employer for Phillips, Texaco, Conoco and none
2 of those stores, to my knowledge, have ever had an issue.
3 But I've done several private stores and I do all the Express
4 Marts, which are not really up north of the river. I've done
5 Express Marts. We've done 12 sites with them over the years,
6 never had any problems. But they will have warnings go off
7 every once in a while where they have an issue with the
8 dispenser and it is not a leak, there is a containment box
9 there, but the alarm goes off and they'll come out and check
10 it. From A tank standpoint, this is something that is new,
11 about two years ago Missouri set a deadline for all tanks
12 going in the ground have to be double wall. What that means
13 is, used to be able to put in a single wall steel tank. That
14 is the ones we had problems with 30 years ago. If they had a
15 leak, you had no way of controlling it. Now everything is
16 going to be double walls. Most of them are going to be
17 fiberglass. You have the big fiberglass tank with the two
18 walls and it is interstitial. There is a space in between.
19 If the inner wall leaks, it sets off the alarm. And if that
20 occurs, then they shut the site down. They come out and
21 remove the tank before it goes to the second tank. There is
22 a lot more going on now than there was in the '80s.

23 COMMISSIONER: I direct probably to the staff, if
24 this gas station C Star doesn't make it or whatever, is there
25 any ordinances or anything that these tanks have to be

1 removed, or do they just get to stay in the ground forever?

2 CITY PLANNER: By federal guidelines they have to be
3 removed.

4 MR. RUOFF: Yeah, there is a fund, insurance fund
5 State of Missouri has that all these -- not all operators, I
6 think most operators have to pay into it or have some other
7 means, the tanks have to be registered with the State and
8 most all of them pay into the super fund, so that super fund
9 would remove those tanks.

10 COMMISSIONER: Does the State or City do any soil
11 testing or whatever ecological testing?

12 CITY PLANNER: We do not. Typically it is not done
13 on a regular basis. I know areas in older areas that have
14 had issues with it do test ports, but we don't do any
15 testing. It is typically done through the EPA or State
16 agency or federal agency. They do test it when tanks come
17 out and check the soil, verify that the soil is clean before
18 they'll backfill.

19 MR. CHAIRMAN: Any other discussion?

20 COMMISSIONER: I just have one comment, from my
21 perspective, as far as when we go to vote and everything, I
22 find it really challenging being comfortable voting a certain
23 way without having a little bit more information from Cuda,
24 what is the architect describing on, we don't know about
25 this, we need to speak with a civil engineer or we don't know

1 a lot about the sightlines on the top of the roof because we
2 don't know if the roof is going to be able to support extra
3 structures and we don't know about the fence. So just to
4 comment before we vote, is that I have a little bit of a
5 struggle voting a certain way based on lack of information.

6 COMMISSIONER: I think there has been several
7 motions made and seconds we've never voted on, but this is
8 going to be voted on when we come to the final thing on this,
9 I hope you've taken notes and remember what you've made
10 motions to and you do it at that time. I myself, I don't
11 like the idea of 5:00 to 2:00. And it is a liquor store.
12 And it is a convenience store. Kids are going to be hanging
13 out there and making a lot of noise. And the trees lose
14 their leaves in the winter. That is not a good buffer. And
15 besides that, it doesn't have 35 foot variance between that
16 and residential property.

17 CITY PLANNER: Still got to do the first motion that
18 Mr. Markenson made.

19 MR. CHAIRMAN: On the first motion was to change
20 Item No. 10 to "including. "

21 COMMISSIONER: Take out the word "excluding" and
22 insert in lieu thereof the word "including."

23 MR. CHAIRMAN: So we had a motion and a second.

24 CITY PLANNER: Roll call.

25 (Roll call.)

1 (Motion carried.)

2 MR. CHAIRMAN: And the other motion was to put an
3 item 14, he retracted that.

4 CITY PLANNER: That is the only motion.

5 MR. CHAIRMAN: Okay. Any other discussion? Do we
6 feel we have enough information?

7 COMMISSIONER: Would you entertain a motion to place
8 this on the table until the next meeting? Give them an
9 opportunity to work on the fence and some of the other issues
10 that have been mentioned here, before we take a final vote on
11 this? I'm not making that motion.

12 MR. CHAIRMAN: I would entertain it, yeah. To make
13 sure that we get some of the concerns addressed with the
14 fence and some of the other issues that we had.

15 MR. CUDA: Can I address a couple of these concerns?
16 This is money for me.

17 MR. CHAIRMAN: I think we have enough. We need to
18 push it to another meeting.

19 CITY PLANNER: If that is what the planning
20 commission desires, we can continue this until the planning
21 commission meeting on December 3rd.

22 MR. CHAIRMAN: We are going to vote. Is that a roll
23 call?

24 CITY PLANNER: It will be a roll call.

25 MR. CHAIRMAN: I would entertain a motion to suspend

1 this until December 3rd.

2 (Roll call)

3 (Motion carried.)

4 MR. CHAIRMAN: Move this to the December 3rd agenda
5 and try and get some answers to the questions that are still
6 out there about the fence and other items. Okay. Thank you.
7 That concludes that item. Number 7 on the agenda is
8 communications from the City Council.

9 COUNCIL MEMBER: The Mayor's Christmas Tree lighting
10 is tomorrow night, so I hope you all can come to wish
11 everybody a happy Thanksgiving.

12 MR. CHAIRMAN: Next item is communication from city
13 staff. Do you have communication?

14 CITY PLANNER: I just want to thank everybody for
15 being here tonight, I appreciate it. I know the Chiefs and
16 Rams are playing right now I don't know whose winning but
17 hopefully it's Chiefs. Rams are winning. So it looks like
18 we will have the December 3rd planning commission meeting and
19 we will continue this then. That is all I have.


20 MR. CHAIRMAN: Next on the agenda is communications
21 from the Planning Commission members.

22 COMMISSIONER: Let's go home.

23 (Adjournment.)
24
25

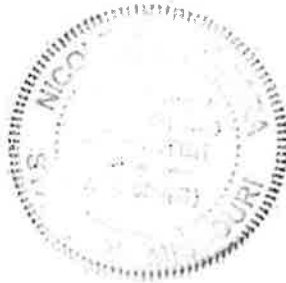
C E R T I F I C A T E

I, Nicole M. Calcara, Certified Court Reporter, do hereby certify that on November 19, 2018, I was present and reported all of the proceedings in the Gladstone Planning Commission Hearing; I further certify that the foregoing 47 pages contain a complete and accurate transcription of the proceedings.



C.C.R. #930

Nicole M. Calcara, Court Reporter



ORIGINAL

GLADSTONE PLANNING COMMISSION MINUTES

Council Chambers November 19, 2018

Respectfully submitted:


Don Ward, Chair

Approved as corrected _____


Alan Napoli, Recording Secretary

Approved as submitted _____

✓

