

## GLADSTONE PLANNING COMMISSION MINUTES

Council Chambers June 18, 2019

**1. Meeting called to Order- Roll Call.** Acting Chair Cookson called the meeting to order at 7:00 pm.

Commissioners present were: Chase Cookson, Acting Chair  
Mike Ebenroth  
J.N. Hernandez  
Alicia Hommon  
Gary Markenson  
Katie Middleton  
Kim Murch  
Shari Poindexter  
Bill Turnage  
Larry Whitton

Not present: Jennifer McGee, Chair  
James New

Also present: Jean Moore, Mayor Pro Tem  
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 Previous Meeting Minutes: May 20, 2019.** Acting Chair Cookson asked if there was a motion to approve the minutes from the May 20, 2019 meeting. Mr. Turnage moved to approve the minutes; Ms. Hommon seconded. The minutes were approved, 10-0.

**4. Other Business.** None.

**5. Public Hearing: Site Plan Revision, Hy-Vee, File #2019-006.** Acting Chair Cookson opened the public hearing.

Mr. Greer stated that the applicant is requesting site plan approval on behalf of Hy-Vee Stores for the purpose of an interior remodel, expansion of the building to the south by roughly 4,000 square feet in order to relocate the pharmacy drive through. Hy-Vee is also proposing the addition of a 900 square foot Aisles Online kiosk to the parking area north of the store. The purpose of the kiosk is to provide a separate location for customers to pick up grocery orders that have been placed through their Aisles Online program and redirect that traffic away from the pickup canopy at the front of the store. In order to meet the required parking count, Hy-Vee has reconfigured the north parking area.

What is Aisles Online?

- Customers can place their grocery order online and an Aisles Online personal shopper hand-selects their products. The groceries are kept in climate-controlled totes until they are unloaded into the customer's vehicle or delivered.

The parking lot reconfiguration on the north side of the property will allow better traffic flow designed for employees, store customers and the proposed Aisles Online standalone building for grocery pickup/delivery.

In regard to landscaping, Hy-Vee has proposed a removal and replace strategy to maintain and enhance landscaping throughout the entire project site using vegetation native to Missouri. City Staff approves of this strategy.

City Staff has requested that signage along 72<sup>nd</sup> Street and North Prospect Avenue is refurbished or replaced to look like new with 150 square feet of landscaping surrounding the signs.

Hy-Vee will use a combination of windows and higher-end building materials to aesthetically enhance the north side of the Aisles Online building facing 72<sup>nd</sup> Street.

In regard to the 4,000 sf building addition to the south side of the building located adjacent to their Wine & Spirits section of the store. City staff requests that exterior lighting be no higher than 10 feet, angled downward and/or covered with light shields in an effort to preserve residential properties south of Hy-Vee. City Staff also requests that Hy-Vee extend their proposed tree line, within reason, to the southeast side of the property to cover the proposed addition.

City Staff recommends that the following conditions be considered if the Planning Commission and City Council choose to approve this project request:

1. All exterior lighting shall be LED.
2. Trash service, deliveries, and distribution shall be scheduled between the hours of 7:00 a.m. to 10:00 p.m.
3. Any and all disturbed areas shall be sodded.
4. All landscaped areas shall be irrigated and maintained in perpetuity.
5. On the Aisles Online kiosk, and 4,000 square feet addition, all mechanical equipment on the roof(s) shall be screened from public view by a parapet similar in design to the rest of the structure. This must be a minimum of twelve (12) inches above the tallest piece of mechanical equipment.
6. Two refurbished or new monument signs shall be used to serve this development along 72<sup>nd</sup> Street and North Prospect Avenue. The two monument signs will need a minimum of 150 square feet of area landscaping around both signs.
7. Hy-Vee will use a combination of windows and higher-end building materials to aesthetically enhance the north side of the Aisles Online kiosk facing 72<sup>nd</sup> Street.
8. Any new exterior lighting being added to the south side of the building, in relation to the 4,000 square feet addition, will be no higher than 10 feet, angled downward, and/or covered by light shields in an effort to preserve residential properties south of Hy-Vee.
9. Tractor trailers and storage containers shall not be parked or stored overnight in the main parking lot.

Hy-Vee being the great community partner that they are, has agreed to all conditions.

Mr. Markenson asked Mr. Greer to reiterate his previous question so everyone knows the answer. He had asked if the expansion on the south side is well within the setback requirements of our zoning ordinance.

Mr. Greer confirmed that was correct. He said it is almost three (3) times the distance required.

Acting Chair Cookson asked if anyone would like to speak in favor of the application.

Mr. John Brehm, Director of Site Planning for Hy-Vee, 5820 Westown Parkway, West Des Moines, Iowa, approached the podium. He stated that he is in favor of the project. He pointed out a couple of items. They are in agreement with all of the conditions the City Staff has laid out. He wanted them to note that they have shown on the site plan the expansion to the south of the store, the Wine and Spirit extension, has been put on hold for right now. They are showing it as a future addition. They are still asking for approval on it but they are not planning to build it right away or at this time. Issues with lights and the light trespass and those kinds of items in building closer to the neighbors to the south shouldn't be an issue at this time.

As far as the Aisles Online is concerned, staff outlined it correctly. You get a good rough outline of what they are doing there. Hy-Vee is planning to open a fulfillment center shortly in the Kansas City area and that will allow them to pull orders; right now they have personal shoppers in the store itself and they get in the way of their customers who are trying to do their own shopping. The idea with the fulfillment center is that orders that are placed online will be picked there and delivered to a kiosk, which will be placed on the north side of the store. That way traffic coming to pick up groceries doesn't have to navigate all the people coming and going from the parking lot in the front of the store. They won't have the people picking orders getting in the way of customers in the store. This is a convenience item and it is Hy-Vee's way of keeping up with the Amazons of the world and providing the best service that a good chunk of their customers are looking for, which is the ordering online, ecommerce ordering of groceries.

Mr. Turnage asked if that will replace, on the north end basic parking lot, will that replace grocery pick up.

Mr. Brehm said no. Grocery pick up will remain and that will be for customers who actually buy the groceries in the store and want someone to help them load them in their car. This does not replace that function. This is simply providing space for the Aisles Online orders so they aren't interfering with customers who are doing their own shopping.

Mr. Turnage asked about Aisles Online and if they anticipate that being a significant cause of traffic backing up there.

Mr. Brehm said that was a good question. They have thought about that. They have the ability to limit the number of orders that can be picked up in a certain amount of time. Customers have a window of time that they can pick up their groceries and they can limit the number of orders that can be picked up at a time so they aren't overwhelming that space and creating a problem with traffic there.

Mr. Murch clarified that they want them to approve the expansion of 4,000 sf on south end, but didn't think that any objections would be relevant tonight.

Mr. Brehm explained that he hoped he didn't miscommunicate. There are some items on the list regarding lighting and noise. He wanted to be clear that they aren't planning on building that addition right now so those items wouldn't be pertinent at this point. But they are agreeing to the conditions listed.

Mr. Murch inquired if he was asking them to approve.

Mr. Brehm said they are asking them to approve it as a future expansion. The reason they are asking that is because of the expansion they are required to update their storm water requirements. They are required to bring the landscaping ordinance up to code. They are doing all those things with or without the expansion. But they want the ability to build that addition without having to go through the whole process again.

Mr. Murch said that if anyone had any objections they would certainly be valid.

Mr. Greer added that, as of right now, the budget didn't reflect that they would be able to do it now, but within a year they would probably be able to do that. If we can just approve the plan tonight "as is" we wouldn't necessarily have to see the 4,000 sf in 9 months or a year from now.

Acting Chair Cookson asked if there was any limitation on their ability to do that from a time perspective.

Mr. Greer didn't think so. He thinks, in the past they have seen, for example the laundromat that is being built off of Antioch right now. That remodel has taken longer than anticipated. There is a good chance that Hy-Vee could finish their project before they finish with the laundromat. He thinks that is what John is talking about. Just at a later date but still in the near future.

Mr. Markenson said he thought he heard staff say there would be no overnight parking on the main parking lot. The conditions say that there will be no overnight parking on the premises, which he assumes is the entire property.

Mr. Greer confirmed he was correct. The site report is slightly different than the conversations they had with them; it was late Friday last week. So the wording is slightly different today. They decided that since Hy-Vee does a lot of flower deliveries and other types of deliveries that it would make more sense to adjust that wording a little bit. That's why he reflected tonight, the paper they have is slightly different.

Mr. Markenson asked if anything else was different.

Mr. Greer replied no, only condition number 9 on the last line. It appeared that he and John's emails weren't going back and forth very well and so they were on the phone pretty late last Thursday and Friday discussing things.

Mr. Markenson added that things could be left overnight behind and on either side.

Mr. Greer confirmed that was true.

Mr. Brehm provided clarification on item number 9. The Hy-Vee store does actually own its own catering vans and some delivery vehicles. Those would be considered commercial vehicles according to language. They asked that the main parking lot in the front not be included so those vehicles could be parked there and kept.

Mr. Markenson said that sometimes the green trucks are parked in the back overnight.

Mr. Brehm said yes. They have no issues with keeping trucks overnight, freight vehicles, off the parking lot.

Mr. Greer provided additional clarification. It is mostly to primarily address independent truckers who are coming and parking their rigs overnight and sleeping in them. They have had issues with that on some other properties and if they can avoid doing that they would like to do so.

Ms. Middleton asked if that was an issue at the Hy-Vee right now.

Mr. Greer said no. Hy-Vee has been a great community partner and they just wanted to agree that they wouldn't like to see tracker trailers, multiples, sleeping there at night.

Mr. Ebenroth asked, although they are not planning to do the expansion on the south side, if they are planning to do the all of the landscaping.

Mr. Brehm confirmed that was correct.

Mr. Ebenroth inquired if the fence that is along the wall there; the stain is completely gone. It might be something they want to address as well.

Mr. Brehm said they can talk to the store and see about getting it done. He asked if it needs stain or repairs.

Mr. Ebenroth asked that they make it look the same as the frontage, street lights too.

Ms. Poindexter asked what the status of the Market Grille will be.

Mr. Brehm said that the Market Grille is planning to stay the same. They have been learning a lot about the restaurant business. They are making a lot of changes. He thanked them for their patience while they figure out how to run a restaurant.

Mr. Whitton asked about the handling of the water. He said it goes back to when they built the assisted living facility. He went there and walked around the area. The holding pond they had there was full of weeds and stuff. They had been maintaining it well and the City was supposed to address it. He wondered if they have straightened that up behind there.

Mr. Brehm replied that he was part of helping to get the detention pond issues straightened up. Five or six years ago they had the drain at the bottom of their system detention pond plug. The detention pond filled all the way to the top and that wasn't a good situation. They didn't like seeing that. That's dangerous for the residents downstream. They took immediate action and they had a company pump out all the water, got rid of it, so the danger of the walls or soil subsidence happening were alleviated. They cleaned up the pond at that point. Then the neighbors in the assisted living facility approached them. They needed extra room for their water detention. They put together an agreement between the two parties and Hy-Vee and the assisted living facility both detain their water in the same pond now. It was expanded to handle the assisted living facility's water and expanded to bring their site up to code at the time. An agreement is in place to also have the new fencing around the north maintained by the assisted living facility. They pay their pro-rated share to take care of it. It was kind of complicated but they did remove all the grading, did a lot of grading, re-planted it, and added new structures there. So it works a lot better. It detains more water and it's much safer than it was in the past.

Mr. Whitton asked what plans they have to change it now that they are going to add more water.

Mr. Brehm replied that city ordinance requires them to treat their stormwater. They won't actually do anything in the detention pond. They will be adding some landscaped areas or some underground structures that would go near the gas station in order to trap oils, sands, things that come off of cars in the parking lot. Trap that stuff so they can suck it up and it doesn't go into the detention pond, it goes into lakes and rivers. It more of a water quality issue than a quantity issue.

Mr. Murch addressed John and Acting Chair Cookson. He struggles to vote on and approve something today without hearing objections today and what changes or what objections they might hear a year from now. He proposes that they change this in some fashion to be able to revisit this before final approval.

Mr. Cookson said that they are still going to have a public hearing where the public is going to be able to talk about the plans tonight.

Mr. Murch asked what will happen if members of the Commission resign; what happens if Hy-Vee changes ownership; there are too many variables. Other neighbors that move in that might have future objections. That is his struggle; to ask why we would approve something today for a year down the road. We don't know what changes or objections might come up.

Acting Chair Cookson asked if Mr. Greer wanted to speak to that. He had a couple of thoughts as well.

Mr. Greer asked Mr. Brehm if he wanted to start.

Mr. Brehm shared that what they have submitted to the city is a full set of building elevations, full set of site plans for the building with the addition shown. If you approve that tonight, their assumption is that is what is approved and nothing else. If they decided to change the size of that

or the way it looks or the height or anything on those items, their assumption is that they would have to come back.

Mr. Murch said that was his assumption from the Hy-Vee perspective. He asked about the neighborhood or other objections and inquired how they approve something tonight and still allow them to have future objections.

Mr. Greer added that they have only approved the 4,000 sf south addition. If they came back and tried to do 5,000 sf they would have to look at it again.

Mr. Murch said they may not change anything.

Mr. Greer agreed. He went down the list of his concerns. He mentioned a change of resident ownership. That is a hypothetical. There is always a chance of residents changing ownership. The ownership change in Hy-Vee is always a hypothetical. They are dealing with the facts of today. The plans meet all of staff's requirements. Everything is in order. They can't plan for ownership changes in the future on both residents and Hy-Vee. That would be a difficult situation for us to wade into as we are going to see more projects down the road. There is always that possibility.

Mr. Murch understands that is a possibility. He wants to know what happens when there are different objections that come up over the next year. He doesn't have a problem with the plans the way they stand today. He is assuming they will hear some objections tonight. Over a period of a year, they might hear some further objections.

Ms. Middleton stated that her point of view is that they are never guaranteed anything. Anything that they approve at any particular time can delay or be put off or people could move in and out. She doesn't share that concern.

Mr. Greer added that construction takes quite a bit of time regardless of the project. Mr. Napoli is reviewing their building the permit right now. As of today, we have to deal with the facts of today, not hypotheticals for the future.

Mr. Markenson asked to confirm that the building permit has an expiration date.

Mr. Greer confirmed that it does.

Mr. Markenson added that they had to do something in that time.

Mr. Greer agreed. He said that they have had projects come in that have received approval and, after a certain time their building permit lapses and they have to go through the whole process again. There is a safeguard to that. A building permit is generally good for six months.

Mr. Whitton shared that he doesn't understand why they can't vote on this now. As far as he is concerned Hy-Vee is very good business for Gladstone. He shops there and they do a good job. His only concern was with the water. He hasn't heard if there are any other people with objections.

He can't see holding them up because of what they might do or could do. Anything they change, if they change the site plan, they have to come back before them anyway.

Mr. Greer said that is correct and they also have six months on their building permit. Once they pull their building permit, they would have six months to complete their project.

Acting Chair asked if there was anyone who would like to speak in opposition to the plan.

Jackie Pearson, 7008 S Montgall Court, said they are the neighbors to the south of this project. They are in the cul-de-sac that is at the end of Hy-Vee to the south. While they appreciate Hy-Vee and all they have done they have also had to endure a lot of inconveniences as a result of it. When they added the gas station several years ago, they couldn't even open their windows because of the dust and the dirt and the noise and the length of the project. That's tough. She has ten grandkids. They want to go outside and play. They couldn't. Everything was covered with dust if you live along there. When they were done with the project, they had all these lights- and she heard what they said about the lighting. But they have these lights that shine so bright that these two people (she pointed towards two people in the audience) their houses back up to it. You don't even need to turn your lights on in their living room because of the lights coming from the pharmacy and the liquor store. They can hardly sit on their front porch because the angle of their house faces that direction. The lights from the cars come through there and their fence makes it like a strobe light because it's a wooden fence with slats in it. When cars come by it's a flickering-type of light that comes past all the time.

Ms. Pearson continued. She said they live in a very quiet neighborhood for the most part and, they like Hy-Vee, they appreciate them. They have not done the best job in the last few years of keeping up with their end of the bargain. For example, their trash blows over all the time. Years ago they used to have someone who policed it on a regular basis. They came to pick trash up. They don't do that. To her knowledge they don't. Their trash ends up in her yard and these people's yard all the time, so they have to pick that up. The noise from the cars and the amount of additional traffic that could come from this is going to make it ten times worse just for them. On top of that, when the fence blew down several years ago, which was no fault of theirs, it took four calls to City Hall to get that fence fixed; that wooden fence that's there now. It laid down there to the point that people started to use it for a foot path to come between their houses. The final straw was when she came up here because they were driving mopeds down the hill straight from Hy-Vee's parking lot. They had gone to Hy-Vee and asked them about it and the manager kept saying he would pass it on but nothing ever happen with that. They are not opposed to Hy-Vee in any way. But if they are coming further towards their houses and their property, they feel like they need to consider a better barrier besides the wooden fence; maybe something more solid; maybe something higher that would prevent those car lights from constantly flickering into their homes and disrupting their lifestyle. The wood is fine, but it has to be constantly maintained. The mowers that mow their property for them do a pretty good job for the most part. Many times they leave the gate open. When they leave the gate open up there, they have foot traffic coming through their yards again. It is an ongoing problem.

Ms. Pearson added that she sounds like she's anti-Hy-Vee, but she's not. She shops there all the time and they do like Hy-Vee. They are good neighbors for the most part. As they change



managers, that determines how good of a neighbor they are, in her opinion. They had one manager that they could say anything to and he would take care of it immediately. They've had managers that just scoff you off and don't care what you say; you're just a complaining neighbor. She didn't know what else to say to get her point across that they are a good neighbor to a certain extent, but they are very noisy. They have people who pick people up from work, which is not fault of their own, it is just the fact that they are there as a business and operating as a 24/7 business. They don't get a break from it because it's 24/7. She asked if they add 4,000 more square feet on to it, how much more traffic and noise are they going to have as a result.

Mr. Cookson thanked Ms. Pearson for her comments. He asked if anyone had any questions.

Ms. Middleton asked if there is a way that Hy-Vee can provide a liaison, a contact-type person that the residents can take to about some of these issues.

Ms. Pearson said it all changes when managers change. That has been their experience. They have lived there for 16 years so they have seen a lot of changes with Hy-Vee. Her other neighbors have lived there longer than they have. It changes when they change management. That's when a lot of things change. Their property doesn't end at the fence line, it comes down further. They have to have a gate where they can come in and mow the hillside. She asked if their expansion will move the fence.

Mr. Greer shared that the required setback is 35 feet. They have 130 feet to play with even with the expansion of the 4,000 sf. That is almost triple the amount of setback required.

Ms. Pearson then asked if they move her direction, because it is a hill that is slanted, they have a 6' fence but if you move it halfway down a hill it's more like a 4' fence. She asked if they are going to move the fence.

Mr. Brehm responded no.

Ms. Pearson shared that the fence needs to be a solid fence. That fencing could provide a light barrier; it could provide a sound barrier; and it could catch their trash more instead of going under the fence line.

Mr. Cookson asked if Hy-Vee updated their fence by making it larger or making it stone, a different sort of fence, would Ms. Pearson change from being in opposition to being in support of.

Ms. Pearson said that was their number one concern now. That type of a solid fence, whether the concrete type or solid PVC without the holes and the gaps in it there would be more of a light block, you won't get the strobe light effect; there won't be as much noise.

Unknown audience member added that the fence could be taller. She said they are directly behind it. They've had kids and adults running through and climb the fence, because they can climb it easily.

Mr. Cookson asked if they could hold their comments and go in order. He addressed Mr. Greer and asked if he wanted to make a comment.

Mr. Greer said that City staff has recommended either a 6 foot PVC or 6 foot wooden fence. Hy-Vee currently has an adequate wooden fence so City staff wouldn't make that recommendation. City staff has currently has a really good relationship with Hy-Vee's manager and has been very responsive in the last couple of years in regard to complaints, whether it's trash or lighting or noise issues. He empathizes with Ms. Pearson. Living beside Hy-Vee, some of this territory comes with being adjacent to the property.

Ms. Pearson agreed, but Hy-Vee was not that big when they moved there. They have added on to it at least twice; the gas station and the end closest to their homes. It wasn't that big when they moved there.

Mr. Markenson confirmed that there are two issues there. One is the lighting and one is the fence. They can't do anything about cars. He thinks that there is something on lighting that they have taken care of. So lighting shouldn't be a problem.

Ms. Pearson agreed.

Mr. Markenson said the lighting shouldn't be a problem. The problem they really have is fencing.

Ms. Pearson said that the lighting is so high on the end where the liquor store is, except where it says "drive through pharmacy" it's very high so it shines right over that fence. They are talking about putting something on it to make it more of a down light and that would be great.

Mr. Markenson asked Mr. Greer to comment on the LED lights.

Mr. Greer shared that on the 4,000 sf addition the lighting would be lowered to 10 feet. Typically, some Hy-Vee locations go higher than that. They came to an agreement through negotiation that 10 feet would be adequate.

Mr. Cookson asked to confirm that it would be shielded.

Mr. Greer confirmed that it would. Angled downward, shielded, 10 feet, which is below the normal height, they feel would be adequate for residential properties.

Mr. Byran Sweet, 7011 N Montgall Ct directly south of Hy-Vee, took the podium. He has lived there since 1996. Normally, the noise doesn't bother him. His wife and everybody else, it does. Understandable. His problem is he lives directly south of Hy-Vee. There was a tree on the Hy-Vee property that fell into his yard leaning into one of his trees. He waited two months for Hy-Vee to do something about that tree. They did nothing. He didn't go over there and tell them because it is their property. He eventually cut it down; put it on their property. He dealt with it. It shouldn't have been his responsibility, but he did it. Also, maintaining the grass, the weeds that grow in that area. In the summertime, dandelions are thicker than the grass. They treat their yards; they pay to have somebody treat their yards. Their dandelions blow into their yards, they're screwed. He

doesn't mind Hy-Vee behind him. He doesn't mind that at all. The fact that they don't pay close attention to their property on the south side of the wall, that bothers him. That was all he had to say.

Ms. Middleton asked why he didn't talk to Hy-Vee or the city about it.

Mr. Sweet said he looks at this property and he tries to deal with what his property needs. Someone from the store could be going and checking out what, if anything is going on with the south side of the fence.

Ms. Middleton asked why he didn't contact them about it.

Mr. Sweet said he is non-confrontational. He doesn't like to cause any kind of argument between anybody. He didn't say anything, maybe he should have. The fact that he had to cut their tree down to be able to cut his grass cause he had to duck his head just to be able go under the tree to be able to cut it.

Mr. Greer wanted to address Mr. Sweet's concerns and he referred them to conditions 3 and 4.

1. Any and all disturbed areas shall be sodded.
2. All landscaped areas shall be irrigated and maintained in perpetuity.

Acting Chair Cookson confirmed that Hy-Vee had agreed to both of those conditions.

Mr. Greer confirmed they had.

Acting Chair Cookson asked if it was safe to summarize that his primary concern is about continued maintenance of that property adjacent.

Mr. Sweet agreed and added that it should be on a timely basis. Not every now and then.

Mr. Murch asked if the south side of the fence irrigated now.

Mr. Sweet didn't know.

Mr. Murch asked if he sees sprinklers come on.

Mr. Sweet said he has never seen them. He saw them years ago working on it. He has never seen any kind of irrigation taking place over the last 10-15 years.

Mr. Murch asked Mr. Greer if it was correct that the area would be sodded and irrigated.

Mr. Greer stated that irrigating the fence line would cause a lot of corrosion, he assumed. He asked John to address that question as he is the architect on the project. They will see if that is something that is feasible.

Mr. Brehm responded that lawn care on the south side of the fence, he doesn't know if it will work. He made a note to check to see if there is irrigation installed there. If not, they will need to get it installed. They will talk to the store about getting back behind that fence and maintaining what's back there. Initially repairing or maintaining the fence, and /or replacing it if it's in a state where they can't do much with it. That's one item, the fence. The other item he wants to address was the lighting. Right now they currently have metal halo lights on the poles. They are older. Obviously they don't have the same kind of technology that you can get now in an LED light. They are planning to replace all of those lamps. They are planning to change out the lamps to LED fixtures. LED light is very focused. It works the same way in a parking lot with the lamp on top of the post. The light is focused on the parking lot and it's not throwing light into the neighbor's yards and it is a really sharp cutoff light. It's less intense. It may appear brighter but it's less intense.

Acting Chair Cookson asked if there was a question for John.

Ms. Middleton asked if there is any kind of landscaping issues in as far as trees going into that property, will that become Hy-Vee's responsibility to look at or if a resident sees something can they report it to the City.

Mr. Greer replied that they can report it to the Community Development department. They have a really strong relationship with Hy-Vee management at this point. They are in regular conversations with them every couple of weeks, or more. They can help get that addressed if something would occur in the future. They would be more than happy to.

Mx. Hernandez had a question for John. The 4,000 sf addition is the one that is going to be happening down the line. He asked if the change to all exterior lighting being LED, if that is on the forefront; will that be something that is going to be happening.

Mr. Brehm replied that is what they are planning on doing right now.

Mx. Hernandez said that should address the lighting issue.

Mr. Brehm confirmed that it should address a lot of the lighting issues. It won't obviously impact car lights, but it should address the issues with the light poles.

Mx. Hernandez asked if it will be done irrespective of the addition.

Mr. Brehm confirmed that it will. The halogen lights are really inefficient. They are 800 watts and they will get the same amount of light out of 250 watts in an LED.

Mr. Murch asked John how they were going to address the car lights issues.

Mr. Brehm said they will look at the fence. If it's in a bad state of repair then they can go to a composite fence which has no gaps in it. He doesn't have the authority to just go and make that expense right now, but if the neighbors are concerned about it they will take that under strong consideration.

Mr. Murch asked if the same was true for the height.

Mr. Brehm confirmed they can adjust the height if there is an issue. Typically, Austin can correct him on this, typically 6 feet is the max height they can go without some kind of variance.

Mr. Greer said that was correct.

Mr. Turnage asked John if the store director of Hy-Vee has responsibility for the entire property; the fence and also the . . . with the neighbors if they do have an issue. He asked if the neighbors can go to the store director.

Mr. Brehm replied yes. They can come and ask for the store director. His name is Ash. They ask for Ash. He should be addressing their issues. He also gave them his business card. He has been with Hy-Vee for 14 years. He's going to be there for the next 18-20 years, unless something happens. They can call him anytime. He can get ahold of whomever in charge of the store at that time.

Mr. Sweet said he had lived there since 1996, and he was never told who to talk to. Never had any communication with Hy-Vee other than having to go over there physically.

Mr. Brehm addressed his concern this way. The store directors change a lot at Hy-Vee stores. That's how they get promoted and move up is they move around from store to store and gather experience. If there is ever a concern or a question the person who is responsible for that store is called the Store Director. That hasn't changed. He or she is in charge of every aspect of that store, maintenance, hiring, firing, pricing, product selection that goes on the shelves. Hy-Vee operates each of its stores autonomously. Essentially, Gladstone's Hy-Vee is unique to Gladstone. What people in Gladstone like to buy should be reflected in what they are selling in the store. What Gladstone is should reflect in the store. The Gladstone Hy-Vee should be integrally part of the fabric of Gladstone. If you ever have questions or need something from the store, for charity events, community events, those kinds of things, always go and ask for the store director. They should be willing and able to assist you and address your needs right there on the spot.

Mr. Cookson asked if anyone else wanted to speak in opposition. He asked them to come forward and state their name and address for the record.

Ms. Sandra Hall, 7012 N Montgall Ct, stated that they are directly behind the fence at Hy-Vee. Their big concern is the fence. Most likely they will not find it in bad shape now because it was replaced two years ago. It did sit down a long time. It has been down twice. She saw the one time it did fall during a storm and it was down for a long time. She would love to see a higher fence if possible; something that would cut out the lighting and would prevent people scaling the wall. Nowadays, people have no fear. She was born and raised here and they had respect for people's property. They didn't go tromping through other people's yards. Nowadays, people don't have that and they have had several incidents, and it was adults who came through too, they weren't too nice either. One kid was high as a kite or drunk or whatever. Young kids will come through. They throw their scooters over and they scale the wall. It would be nice to see something higher to cut

out the light and would prevent people from coming right through their yards and or throwing things. She's found beer bottles, syringes. Nowadays people do anything. There's no fear. You can go out and try to say "please, will you not come through our yards". It doesn't make any difference. When they replaced the fence she knows her husband spoke to a manager at that time about the gate and the mowers that come in and they talked to the people who would mow and things. They used to keep a lock on the gate. They were told personally that when the mowers came through they would get the key for the lock and keep the gate locked, and that did help some. She doesn't believe, because they have called a few times when they have had bad storms and the gate blows open, they will come and close it. That is a big concern. It would be nice if they are going to increase the building and there is going to be more traffic to have a higher fence to prevent people from tromping through and climbing the fence and throwing their stuff back over and coming back over all the time. She said she wasn't much of a public speaker and she thanked them.

Acting Chair Cookson asked if there were other questions.

Mr. Murch had a question for John. He asked if their plans, he can't read the copy he was provided because it is so small, if there is any shrubbery or trees proposed along that fence line.

Mr. Brehm replied yes. There is an entire row of small trees and midsize trees.

Mr. Murch asked if, in his professional experience, that would help with some of the lighting.

Mr. Brehm said it would help a lot. Those trees will get around 30 feet tall and should block out a lot of that lighting.

Mr. Markenson asked how many trees there would be along that fence.

Mr. Greer said he couldn't recall the number of trees but it almost lines the entire south side of the property. It will help. It is a tremendous buffer between the residents and the Hy-Vee premises.

Mr. Brehm responded that it is about 28 around the edge.

Acting Chair Cookson questioned if it was a condition of the plan.

Mr. Greer stated that it is. It is already part of the plan.

Acting Chair Cookson asked if there was anyone else who wanted to speak in opposition to the site plan revision.

Mr. Art Lambart, 7012 N Chestnut Ct, stated that he has the field drain that gets all the water from Hy-Vee. He said it was nice to meet them. He's the guy who let your store manager know (inaudible). He has a few concerns. He guarantees that there is no irrigation on the berm. He's owned that property since 1998 and there is no irrigation, no sprinkler system, it doesn't exist, never has; if that is part of it. When the new berm got built around the retention pond, or detention pond, call it what you will, they were told that it would be maintained, it would be landscaped,

which it never was. No sod, no seed, nothing. It was just turned to a natural state. They were told that the grass was going to be cut. Whenever Hy-Vee cut their grass, that berm would be cut. Hy-Vee cuts their grass every week; that berm, maybe every two or three. It's a fact. He has talked to the store manager several times over various issues. He's been told that they don't know what they can do; it's not in the budget. He called City Hall several times. When the assisted living home was being built he had 3 feet of water in his yard and he called because the storm drain was blocked off with sandbags. No one showed up. He went out and moved the sandbags so his yard wouldn't flood. He never had water in his basement. Now he gets water in his basement since the assisted living center was built. He has a question on the fence. The new fence is 8 feet tall; the old one was 6 feet tall. Changing it from his neighbors to his side shouldn't be an issue. It's already been done once; we do it again. He has a concern about the water. They were told that no water would drain from the north side of that fence to the south side. His neighbor is Kirk Davis, the former City Manager. You can come there right now and see the ravine that was carved out from the north side of that fence from the storm drain. It runs through his (Kirk Davis's) property into his. You can see it. When he calls the City, no one shows up. He sent videos of a flood coming through there. No one shows up. No one came; nothing. He would like to see plans for this addition, this 4,000 sf. He asked if it is 45 feet by 90 feet long. He hasn't seen a plan for this. He asked if the trees going to go inside the detention pond and block the new PVC fence. When he first bought the place, it was a jungle back there. The manager at Hy-Vee didn't even know that was their property. They never maintained it. He has a lot of issues with the water that comes in there. When they put the berm in; the berm doesn't drain right. Now instead of flowing towards the field drain, he had water flowing towards his house. He called the City, he called the developer, they said, "Well, no. It was put in the plan." Not the plan he looked at when they first came to this room and talked about that. He likes Hy-Vee. He shops there, he shopped there today. But he doesn't have any faith or trust that what they say is going to happen. He doesn't honestly have any trust in the City to respond to his complaints. Just facts. He can't say that he is for or against it. He hasn't seen the plans. He managed construction for General Motors. He knows a lot about construction, but he hasn't seen a plan. He can't say yeah or nay. All he can say is what has happened.

Acting Chair Cookson thanked him for coming and sharing that experience. He asked if anyone else had any questions. None.

Acting Chair Cookson closed the Public Hearing on the Site Plan Revision on File # 2019-006. He asked for comments and discussion from the Planning Commission.

Mr. Ebenroth said that the gentleman has a valid point. He's seen a lot of plans sent to them and the public gets to see them on a board out front. He suggested that they do that for all future things that come before them in a planning stage.

Mr. Austin replied that typically the projects that are put out front are ones that have already been passed by the Planning Commission and that are ready for the City Council to hear. He said he would be happy to share the plans with Mr. Lambart after the meeting and he and John can have a discussion with him to address any issues he may have. He thinks the difficult part is, as Mr. Lambart mentioned, the assisted living facility, and the drainage issues with that. Tonight they are talking about the Hy-Vee property. That is all he had on the issue.

Mr. Markenson asked if they needed to amend condition number 9 to take out the work premises and put the main parking lot.

Mr. Austin shared that it is on record already. It isn't necessary to amend it as they will already have it in there.

Mx. Hernandez asked if there will need to be an amendment in regards to the fence as John made mention that they will look over the fence and make repairs.

Mr. Greer stated that City staff will not make a recommendation to bring the fence to 8 feet. Typically, in the past and currently, they'll recommend a wood fence or a PVC fence. Hy-Vee currently has a 6 foot wooden fence so that is adequate to City staff right now. Their fence doesn't seem to be in any disrepair that they have noticed or received complaints over the past couple of years. In City staff's eyes, it is adequate.

Ms. Middleton asked if it would have to go to the Zoning Board if they wanted to go to 8 feet.

Mr. Greer said he didn't believe so. It could be addressed in Planning Commission.

Acting Chair Cookson asked if there was anything too significant to prevent Hy-Vee and the neighbors from reaching an agreement independently, outside of this body.

Mr. Greer said it is a very large fence. He assumes that the entire fence would have to be replaced with an 8 foot fence. He is unaware of being able to add 2 feet to the top of it.

Mx. Hernandez explained that their comment was in regards to the spacing between the slats. If the LED lights will be more focused, maybe the height of the fence won't be an issue. They still have what was discussed about the cars lights going through the slats, the spacing. That is more where they were going with the fence as opposed to height.

Mr. Greer restated that the whole fence would have to be taken down and readjusted to make those slats smaller.

Mx. Hernandez asked to confirm that would not need to be an amendment.

Mr. Greer said that for them to be required to do it, it would have to be an amendment. It would have to be an added condition.

Mr. Ebenroth stated that the landscaping should address some of that.

Mr. Greer shared that there is adequate landscaping being provided on the south side of the property, especially with the added tree line.

Mr. Markenson asked when this will come before the City Council.



Mr. Greer shared that it will be July 8<sup>th</sup>. There will be another public hearing. He explained how the process works. The Planning Commission is an advisory board. The City Council holds the final decision on the issue. There will also be another public hearing.

**MOTION: By Mr. Whitton, seconded by Ms. Middleton, to approve the Site Plan Revision, Hy-Vee, File #2019-006. The motion carried 10-0.**

6. **Work Session: New Sign Ordinance, Padriac Corcoran, File #2019-007.** Postponed.
7. **Communications from City Council.** Mayor Pro Tem Moore reminded everyone that this weekend starts the festivals at Linden Square. It's Food, Art & Drink this Friday and Saturday night and she asked them to take advantage of that free event.
8. **Communications from City Staff.** Mr. Greer shared that the next meeting will be on July 1<sup>st</sup> and they will hear from the proposed gas station and convenience store on N Chestnut. The PC heard that project last year. It is coming around again. On July 15<sup>th</sup> the Planning Commission will see the much anticipated, proposed hotel in downtown Gladstone. That will be a Fairfield Marriott product; 109 rooms. They are very excited about that. He also thanked the representatives from Hy-Vee for being there this night. He said that Hy-Vee is a great community partner and they look forward to doing business with them for many years.
9. **Communications from Planning Commission Members.** Mr. Murch shared that the 27th of this month there will be a flag dedication to the Hobby Hill Park at 10:00am.

Mx. Hernandez shared that their name in the minutes has been updated, as well as on their name tag. Their initials JN and also their title has been changed from Mr. to Mx. That is because, after the last Planning Commission meeting, they came out to the City staff and now they would like to come out to all of them. They are transgender, non-binary to be specific. What that means is they don't fit entirely into male-box or female-box. They are somewhere in the middle. They refer that people refer to them as "they" as opposed to he or she. The staff here at the City of Gladstone has been amazing. They took their coming out as a non-issue. Honestly, they are truly grateful to know that we have such wonderful welcoming people working here. They hope they can all continue working together to make Gladstone a better place. They are still the same person. They are just asking that instead of Nathan they be referred to by their initials JN, or by their last name, Hernandez, and that they are referred to as a "they". It is a learning curve for everybody. Mistakes happen; it's not going to be a big deal; it's not the end of the world. It takes some time getting used to. They are excited to be able to live authentically while being a part of this planning commission. That's all they had to say. He thanked them.

Acting Chair Cookson said to JN that he was sure he speaks for everybody when he says they will be happy to respect their request.

Mr. Turnage mentioned that he and his wife live just off M-1 Hwy and one of their neighbor's yards back up to the trail on M-1. They have had some transients in their neighborhood.

Mr. Greer said that he would speak with Public Safety and see if they are aware of the issue. He thinks Mr. Turnage said it was somewhat located behind Fire Station #2. He's sure they are aware of the issue and he will remind them.

Acting Chair Cookson thanked the members of the public who showed up for the public hearing, and those that are outside as well, for taking the time to come down here.

**10. Adjournment.** Mr. Markenson motioned to adjourn; Mx. Hernandez seconded.

**Acting Chair Cookson adjourned the meeting at 8:04pm.**

Respectfully submitted:

  
Cheryl Lamb, Recording Secretary

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

  
Chase Cookson, Acting Chair

Approved as submitted 