

PLANNING COMMISSION  
GLADSTONE, MISSOURI  
*Gladstone City Hall/Some were present via zoom*  
Monday, December 7th, 2020  
7:00 pm

**Item 1 on the Agenda: Roll Call.**

**Present:** Chase Cookson  
Mike Ebenroth  
JN Hernandez  
Alicia Hommon  
Brenda Lowe  
Gary Markenson  
Katie Middleton, Vice-Chair  
Kim Murch  
Bill Turnage  
Jennifer McGee, Chair

**Absent:** James New  
Larry Whitton

**Council & Staff Present:**

Bob Baer, Asst. City Administrator (via zoom)  
Austin Greer, Planning Administrator  
Angie Daugherty, Admin. Assistant

**Item 2 on the Agenda: Pledge of Allegiance.**

Chairperson McGee led the group in reciting the Pledge of Allegiance.

**Item 3 on the Agenda: Approval of the October 5th, 2020 minutes.**

**MOTION: By Mr. Turnage second by Mr. Ebenroth to approve the October 5th, 2020 meeting minutes. All said Aye. The motion carried. (10 Yes- 0 No)**

**Item 4 on the Agenda:** Public Hearing: on a Special Use Permit at 7406 N Main. Applicant /Owner Trudy Taylor. File #2020-012.

Mr. Greer read the staff report. Trudy Taylor has had a Special Use Permit for operating an in-home child care facility dated back to 1998. Mrs. Taylor is requesting another renewal of her existing Special Use Permit. Mrs. Taylor has operated this business from her home under Special Use Permit granted back in 1992 all the way through 2010 and is asking for another extension and there has been zero incidences requiring city involvement at her location. The City Staff recommends that the following conditions be considered if the Planning Commission and City Council choose to approve this project request.

- 1.) The Special Use Permit is issued to Trudy Taylor to be used at this address alone. This Special Use Permit shall be nontransferable to another person or company or to another location. Any change in operation of the business of Trudy Taylor or change of ownership shall render this Special Use Permit null and void.
- 2.) Trudy Taylor shall maintain a child care license as required by the State of Missouri Division of Child Services. If for any reason the State of Missouri revokes or suspends the child care license the Special Use Permit shall also be revoked or suspended.
- 3.) No person other than Trudy Taylor shall be employed at this location or at another address in association with the child care operated by Trudy Taylor. Except in emergency situations as required by state daycare licensing.
- 4.) The maximum number of children in care on the premises at any one time shall be limited to 10 full time none related.
- 5.) Hours of operation shall be limited to 6:30am to 5:30pm Monday through Friday.
- 6.) Trudy Taylor must reside at this address for this permit to be valid.
- 7.) Trudy Taylor must apply for and maintain all applicable state and city business and occupational licenses.
- 8.) Trudy Taylor must comply with all fire safety requirements made by the City of Gladstone Fire Inspector. In addition to all fire safety requirements for any state license.
- 9.) No structural changes shall be made to the house or property for the purpose of operating the child care other than the structural changes required by the State of Missouri or the City of Gladstone up to city code.
- 10.) A 42-inch-tall fence is to be maintained and in good condition around the child play area as long as this operation exist.
- 11.) Any false statements in the application or violation of these conditions or any other city code requirements may result in the cancelation of this Special Use Permit. City Staff recommends that the request be approved contingent upon the condition listed above for a period of 10 years.

Chairperson McGee asked if the applicant was present and would like to speak.

The applicant did not have anything to add.

Chairperson McGee asked if anyone in the audience that wished to speak in favor or opposing of this application.

Mr. Greer said no audience members would like to speak here in City Hall.

Chairperson McGee asked for discussion from the Planning Commission. Ms. Lowe needed Clarification on the number of children that can be kept at the home? Mr. Lowe thinks she heard 10 non related. Mr. Greer said 10 has been the number that has been used but if there were siblings they could go to this facility together. Mr. Markenson asked if the fence is in existence? Mr. Greer said yes the fence is there and in good condition.

Chairperson McGee close the public hearing.

**MOTION: By Mr. Markenson, second by Mix Hernandez to approve Special Use Permit at 7406 N Main file number 2020-012.**

<b>Vote: Mr. Cookson</b>	<b>Yes</b>
<b>Mr. Ebenroth</b>	<b>Yes</b>
<b>Mix Hernandez</b>	<b>Yes</b>
<b>Ms. Hommon</b>	<b>Yes</b>
<b>Ms. Lowe</b>	<b>Yes</b>
<b>Mr. Markenson</b>	<b>Yes</b>
<b>Ms. Middleton</b>	<b>Yes</b>
<b>Mr. Murch</b>	<b>Yes</b>
<b>Mr. Turnage</b>	<b>Yes</b>
<b>Chairperson McGee</b>	<b>Yes</b>

**All said Aye. The motion carried. (10-Yes, 0-No)**

**Item 5 on the Agenda:** Public Hearing: of a request for a Site Plan Revision and Zoning change at 5610 N Oak Trafficway. Applicant/Owner AutoSmart LLC File #2020-013.

Mr. Greer read the staff report. The applicant is proposing to construct a brand new Jeep Showroom between the 2 existing dealership buildings. The applicant is proposing to replat multiple properties into one plat and rezone the various commercial properties into cp3 planning district commercial. With an increase in impervious service on the Southwest and Northeast areas of the property. There will be storm water infrastructure upgrades. A new 6-foot vinyl fence earth tone in color and landscaping on the North side of the property will be installed. From that neighborhood meeting a concern was raised regarding the demolition of 2 homes currently owned by the applicant AutoSmart LLC in order to expand the parking lot adjacent to Northeast 57<sup>th</sup> Street. These 2 homes are located at 205 and 203 NE 57<sup>th</sup> Street and are currently being used as rental property by the applicant. In addition, the applicant is also installing an 8-foot vinyl privacy fence earth tone in color to separate the residential properties in the Gladstone Dodge property on the entire West side of the property. We have learned that some of the residents do have issues with vehicle delivery on 57<sup>th</sup> street. We have been working with the applicant and Mr. Mark Spurgeon on that progress as well as some of the representatives of the neighborhood. At this point we have not been able to come to a resolution on the delivery of vehicles on 57<sup>th</sup> Street. But this is something we are trying to work through. 2 featured manicured areas will be irrigated and maintained. Northeast corner of the property adjacent to Northeast 57<sup>th</sup> Street and N Oak Trafficway as well as the Southwest corner of the property adjacent to NE Englewood Rd. In order to improve traffic flow within the dealership on N Oak Trafficway the entry exit located to the South of the property adjacent to the intersection of N Oak Trafficway and Northeast Englewood Rd will be permanently closed and infilled with curb and gutter. City Staff recommends that the following conditions be considered if the Planning Commission and City Council choose to approve this project request.

- 1.) Keep an active business license perpetuity.
- 2.) All exterior lighting shall be LED.
- 3.) Trash service deliveries and distributions will be scheduled between the hours of 7am till 10pm.
- 4.) Any and all disturbed areas shall be sodded.

- 5.) Each manicured area should be irrigated and maintained properly. These 2 areas are Northeast corner of the property adjacent to NE 57<sup>th</sup> Street and N Oak Trafficway and the Southwest corner of the property adjacent to NE Englewood Rd.
- 6.) All Mechanical equipment on the roof shall be hidden from public view by a covering similar to the rest of the structure.
- 7.) Tractor trailers and storage containers shall not be parked or stored overnight in the parking lots directly adjacent to N Oak Trafficway, NE 57<sup>th</sup> Street and NE Englewood Rd.

The applicant of this project has agreed to all conditions.

The city staff recommends that the request be approved contingent upon the conditions listed above.

Chairperson McGee asked if the applicant was present and wanted to speak.

The applicant is Mr. Mark Spurgeon who is working for Gladstone Dodge is on virtually and between him and I think we can answer any question that you may have.

Chairperson McGee asked if there were any members in the audience that wish to speak in favor of the project.

Mr. Greer said he does not believe we have any members in the audience that are willing to speak in favor.

Chairperson McGee asked if there were any members in the audience that wish to speak in opposition to this project.

Mr. Greer said we do have members in the audience that would like to speak in opposition.

Mr. Dennis Clevenger own property on NE 57<sup>th</sup> Street. The main concern is the unloading of vehicles moved off of 57<sup>th</sup> Street. Which is a residential street. He would like for them to unload them on Englewood Road or build another drive. 57<sup>th</sup> Street is not zoned for commercial vehicles.

Daughter speaking on behalf of Husam Elgousi regarding 201 NE 57<sup>th</sup> Street. We see a lot of cars. Even with the fence we will still see cars because of our house sitting up on a hill. We also hear car noises at all hours. And our road is completely destroyed. I don't think nothing is going to change because we have discussed this at other neighborhood meeting that we have had. We did not come to an agreement on it then.

Mrs. Poole 5609 N Walnut. What are the plans for N Walnut? Mr. Greer said there are no plans for Walnut at this point in time. Gladstone Dodge built a fence right up on our property line. There is buffer that they agreed upon that are not being enforced. Cars parked on residential land. Very noisy trucks. The fences on the parking are not being maintained.

Mr. Douglas Poole 5609 N Walnut. Complaint regarding trucks unloading on 57<sup>th</sup> Street. Lighting shines in the houses. The city only wants the taxes from this company they don't care about the citizens. They honk their horns every time they go around that building. Very stressful and no comfortable living.

Jessie Poole 5609 N Walnut. Lived at this property for 4 years. During that time, I paid a visit to City Council. After working with Scott Wingerson and Bob Baer individually and tried to resolve my issues with the dealership at no avail. The cars are parked on residential zoning lots. Car horns and alarms going off at all hours of the day.

Mr. Greer said there is no one else here for public comment at this time.

Chairperson McGee said that she has a list of Commissioners who have made notes in the comment that they want to speak.

Chairperson McGee said there is one person that is via zoom that would like to speak of the member of the public. Chairperson McGee ask them to state their name and address.

Jerry (brother) to Cathy Chiaminto 5700 N Grand we are both online now. Cars are being tested up and down 57<sup>th</sup> street and trucks unloading on the side of the road. Not a safe environment.

Mrs. Middleton I have several questions. How often are the vehicles being unloaded and where are they currently unloaded? Mr. Mark Spurgeon stated that Tim Dougherty the President is on the line also. Unloading cars could be 6 or more a day sometimes or 6 or more a week. It depends on sales. They are unloaded on 57<sup>th</sup> street close to the parking garage on the Northwest corner.

Mrs. Middleton asked how many times police have been called regarding accidents with the unloading of cars. Mr. Greer stated that when he sent his comments out to different departments that Public Safety did not have a comment regarding this project.

Mr. Markenson ask about a comment that was made that the City had tax interest. There is not sales tax on motor vehicles that goes through our community. It is not a money maker for the city. My questions is what is going to happen to the families that rent these homes? Mr. Tim Dougherty said the one house is vacant and the other house as soon as we have an idea on what we are going to do then we will figure out where he is going to go. Mr. Markenson said he has concerns about this and when we vote he is going to vote no. This will give the applicant some time to meet with the people in the community and work out some of these issues.

Mr. Turnage asked the public that spoke tonight did they voice their concerns during the community meeting? And if so what was the response?

Mr. Mark Spurgeon said the original design had the parking lot going in to where the 2 houses are being demolished going clear up to 57<sup>th</sup> street with a drive way. One of the concerns was to try and soften that area from the residential area. So we put a 60 or 70-foot buffer from 57<sup>th</sup> St. down to our parking lot and we were able to connect the existing lot to the new lot eternally without having to do that. The other buffers that basically separate the residential area are set at 30 feet. These are going to be very steep hills going down that also is an area we are taking into consideration or BMP's and some of our site drainage to clean the water and soften that area with landscaping and trees. Between the dealership and residences there will be an 8-foot-high vinyl fence. There were concerns that the 2 houses in the lower left corner on Walnut those are

still zoned as residential lots so they are going to remain as is and are going to be rental houses. Site lighting on the back lot is going to be LED lighting.

Mr. Turnage asked if the residents were satisfied with the responses during the community meeting?

Mr. Mark Spurgeon stated I think the only thing they were concerned about was the unloading on 57<sup>th</sup> street. We talked about the buffer are between the houses and pointed out that a lot of our parking lot is going to be lower than properties to the West. With the 8-foot-high fence and the trees along there that we have a fairly decent buffer. On 57<sup>th</sup> Street there is a few comments not wanting to look at the area straight across the street in our parking lot so we pulled that back and created a fence line in there and put some landscaping in that area. As far as the transport of the unloading of vehicles we didn't really come to a conclusion on that. I felt that everyone was somewhat satisfied with the buffer zone and landscaping. We are working with the parking lot too so it will be lower than the current fence line to hide the cars.

Mr. Cookson asked staff regarding one resident mentioned some previous possibly a previous site plan revision for a buffer zone that was not honored. Does the staff have any record of that?

Mr. Greer stated that staff has not been able to locate anything that was described earlier. Mr. Greer stated that there is anywhere between 6 to 8 parcels and 3 to 4 different zoning designations. And with this project they are trying to make this one plat one zoning and one parcel.

Chairperson McGee asked if anyone wanted to make another comment and then she closed the public hearing.

Chairperson McGee stated we are ready for discussion and to take a motion to vote.

Mix Hernandez sounds like a lot of the residents are concerned about noise pollution maybe increasing due to these changes. I wanted clarity if that correct understanding because these changes wouldn't resolve these issue, but the comments said this would make more noise pollution. Is this correct understanding?

Mr. Greer stated that yes this was part of the conversation that some of the car alarms going off on the lot. So yes you are correct.

Mr. Ebenroth asked Mr. Greer how long it would take to get that issue on 57<sup>th</sup> Street resolved between the residents and the car dealership?

Mr. Greer stated that there are some big differences with the unloading on 57<sup>th</sup> Street. Hopefully, there will be a compromise to be made. The dealership is limited on what they can do. They discussed offloading on N Oak Trafficway or Englewood or 57<sup>th</sup> Street or trying to figure a way in there parking lot to unload. It is a tough one to tackle, but it is not impossible.

Mr. Ebenroth asked about maybe continuing this project to give the residents and dealership more time to work out differences.

Mr. Greer said that the residents and the owners have discussed it and not sure everyone will come to a resolution at the end, but if that is the desire of the Planning Commission, then we can go that way as well.

Ms. Lowe said her concern is the unloading of 57<sup>th</sup> Street. Do the residents have any other recourse if the Planning Commission does not address that within this plan.

Mr. Greer stated that the offloading of the cars has been going on for many years and it is a public street, I'm not sure I can answer to what the residents have as recourse.

Ms. Hommon stated she has respect and sympathy for the noise the stress with unloading on 57<sup>th</sup> Street. There is nothing that this new build is doing that is going to change that on and off loading correct?

Mr. Greer said not to my understanding.

Ms. Hommon also stated if there is anything about this that is not in compliance with what the guidelines and the requirements that have been previously set forth are.

Mr. Greer stated again that public safety has not sent any reports regarding this area.

Ms. Middleton wanted to know which came first the residents or business.

Mr. Greer stated that it is a mixture.

Mr. Cookson a comment regarding has Gladstone Dodge been a good neighbor and it is a difficult one and will influence my vote.

Ms. Hommon asked the applicant regarding comments about noise and ordinances that weren't being addressed. Will you comply with what the city has ask for you to do in order for this to be approved?

Mr. Mark Spurgeon said the they did agree to the condition the staff requested us to do. They are fixing the buffer zone. They are also trying to work on the noise and honking. Other than that there will be some noise.

Ms. Lowe asked Mark Spurgeon regarding the trucks unloading on 57<sup>th</sup> Street. So there are no other options other than 57<sup>th</sup> Street?

Mr. Mark Spurgeon said that is what he has been told at the moment.

Mr. Greer stated that this is a site plan, this is a replat and a rezone and that is why we are here tonight. Being a good neighbor is a relative term. Keep in mind why we are here. If you decide to take a vote this evening.

**MOTION: By Mr. Turnage, second by Ms. Middleton to approve the Site Plan Revision at 5610 N Oak Trafficway.**

<b>Vote:</b>	<b>Mr. Cookson</b>	<b>No</b>
	<b>Mr. Ebenroth</b>	<b>Yes</b>
	<b>Mix Hernandez</b>	<b>Yes</b>
	<b>Ms. Hommon</b>	<b>Yes</b>
	<b>Ms. Lowe</b>	<b>Yes</b>
	<b>Mr. Markenson</b>	<b>No</b>
	<b>Ms. Middleton</b>	<b>Yes</b>
	<b>Mr. Murch</b>	<b>Yes</b>
	<b>Mr Turnage</b>	<b>Yes</b>
	<b>Chairperson McGee</b>	<b>Yes</b>

**8 said Aye. The motion carried. (8-Yes, 2-No)**

**Item 6 on the Agenda:** Consideration: of a Final Plat at 5610 N Oak Trafficway.  
Applicant/Owner AutoSmart LLC File #2020-2013

Chairperson McGee can we have a motion for the Final Plat at 5610 N Oak Trafficway.

**MOTION: By Mr. Turnage, second by Mr. Ebenroth to approve the Final Plat at 5610 N Oak Trafficway.**

<b>Vote:</b>	<b>Mr. Cookson</b>	<b>No</b>
	<b>Mr. Ebenroth</b>	<b>Yes</b>
	<b>Mix Hernandez</b>	<b>Yes</b>
	<b>Ms. Hommon</b>	<b>Yes</b>
	<b>Ms. Lowe</b>	<b>Yes</b>
	<b>Mr. Markenson</b>	<b>No</b>
	<b>Ms. Middleton</b>	<b>Yes</b>
	<b>Mr. Murch</b>	<b>Yes</b>
	<b>Mr Turnage</b>	<b>Yes</b>
	<b>Chairperson McGee</b>	<b>Yes</b>

**8 said Aye. The motion carried. (8-Yes, 2-No)**

**Item 7 on the Agenda:** Other Business Mr. Greer stated no other business.

**Item 8 on the Agenda:** Communications from the City Council.

One of the Council Members spoke regarding the Mayor reminding us regarding the Christmas Tree Fund feeding the Northland children back packs of food item for weekends for the income eligible families. Second with the Christmas Tree Fund Clay County Christmas Story. Another very important resource for families during the holiday period.

**Item 9 on the Agenda:** Communications from City Staff.

No communications from the City Staff.



**Item 10 on the Agenda: Communications from the Planning Commission Members.**


Mix Hernandez said looks like there was a couple of residents on the zoom call Rick Kitchen and wife the way that the meeting operated there were specific moments for the residents to speak and when that part closed that is when it opened up to the Planning Commission Members to speak. I urge you all to go ahead and go to the Gladstone City Council Meeting and be sure to speak up during the audience portion of the meeting to make your voices heard. Just because we voted yes here tonight does not mean that it is really happening. It still goes through City Council.

Ms. Hommon said she loved the lights going down 70<sup>th</sup> streets. Thanks to the city.


**Item 11 on the Agenda: Adjournment**

Chairperson McGee adjourned the meeting at 8:05 pm.

Respectfully submitted:

  
Jennifer McGee, Chairperson

Approved as submitted \_\_\_\_\_

  
Angie Daugherty, Recording Secretary

Approved as corrected ☒