

PLANNING COMMISSION
GLADSTONE, MISSOURI
Gladstone City Hall
Monday, June 7th, 2021
7:00 pm

Item 1 on the Agenda: Roll Call.

Present: Mike Ebenroth V-Chair
Alicia Hommon
Brenda Lowe
Gary Markenson
Kate Middleton
Kim Murch
Bill Turnage
Larry Whitton

Absent: Jennifer McGee, Chair
James New
Chase Cookson
JN Hernandez

Council & Staff Present:

Alan Napoli, Building Official
Angie Daugherty, Admin. Assistant
Jean Moore, Council Member

Item 2 on the Agenda: Pledge of Allegiance.

Vice Chair Ebenroth led the group in reciting the Pledge of Allegiance.

Item 3 on the Agenda: Approval of the May 3rd, 2021. Vice Chair Ebenroth asked if there was a motion to approve the minutes from the May the 3rd minutes.

Mr. Whitten moved to approve the minutes; Mr. Markenson seconded. The minutes were approved, 8-0.

Item 4 on the Agenda: Public Hearing: Right-of-Way Vacation for property located at 7212 N Prospect. Applicant/Owner: William Mann

Mr. Napoli stated that the applicant is present. We also have several residents from the neighborhood present.

Mr. Napoli stated this is file# RWV21-00011 they are requesting a Right of Way Vacation of the property at 7212 N Prospect. This is the property just north of the QuikTrip. The next consideration on this will be at the City Council meeting June 28th.

Planning Information

- Current Zoning: R-1 Single Family Dwelling Unit
- Zoning History: R-1 Single Family Dwelling Unit
- Planned Land Use: The Comprehensive Plan indicates that this area is within the “Future Area Plan Studies” category. This category means that this particular area should be studied to address revitalization and redevelopment opportunities.
- Surrounding Uses: North - R-1 Single Family Dwelling District & NE 73rd Terrace; South – CP-2 Planned District, General Business (QuikTrip); East – M-1 Highway & CP-3 Planned District, Commercial (Walmart); West – R-1 Single Family Dwelling District
- Applicable Regulations: Zoning and Subdivision Ordinance and Comprehensive Plan

Additional Information

- Public Utility Availability: Existing
- Ingress/Egress: NE 73rd Terrace
- Traffic Impacts: None (Vacant Land)
- Parking Provided: None (Vacant Land)

Analysis

Mr. William Mann, the applicant and owner of the property is requesting the City of Gladstone vacate the roadway and cul-de-sac located at 7212 N. Prospect Avenue in order to excavate the property to a more level land grade. This is not an application for a development project at this site.

Recommended Conditions

1. All asphalt and concrete material being removed to be hauled off and properly disposed of.
2. All water main materials being removed to be hauled off and properly disposed of.
3. Any non-earth type materials uncovered during any excavation to be hauled off and properly disposed of.

Recommendation

City Staff recommends that the request be **APPROVED** subject to recommended conditions. The applicant is agreeable to the recommendations.

Mr. Ebenroth stated that the applicant is here and asked if they wanted to comment or make a presentation.

Ms. Sara Cunningham stated that her address is 9601 N Platte Purchase Dr. Kansas City, MO. As stated they are not asking for a development plan. It's simply just a Vacation of the street and cul-de-sac. We are not requesting a zoning change but our hope is to make the property more marketable. She is wanting to level the grade to be more in line with QuikTrip. They do not have any interested developers for the property right now. Of course any interest that they will get they want to make it neighborhood friendly. She knows that this is important to everyone. She

would be more than happy to answer any questions that they have.

Mr. Turnage asked about the history of that property? Has it always been vacant?

Ms. Cunningham stated that since William Mann bought it 5 years ago it has been vacant. It is 5 or 6 individual lots that combine a little over 3.6 acres.

Mr. Napoli stated that this property was previously owned by Mr. Rob. There were 4 houses on it that were actively lived in. Over the years, people have moved out of those houses and the houses deteriorated. The City of Gladstone had all four (4) of the houses demolished. Two (2) of the properties have never been developed. Those are the ones right on 73rd Street. Those lots are part of the subdivision that was developed across the street. At that time, a person had a development plan for that property but never built any houses.

Ms. Hommon asked if this was going to tear up the road in the cul-de-sac that is there.

Ms. Cunningham stated yes.

Mr. Ebenroth asked if anyone was in favor of the project.

Ms. Jennifer Hogen stated she lives at 2633 NE 74th Ter. which is in the Maple Lane neighborhood. This address is to the north of the property in question. She asked when the excavating is approved as planned, will it be at the same level as M1 highway or the QuikTrip.

Mr. Napoli stated that this hearing is not for the grading just the vacating. They do plan on lowering the grade down to about 73rd street. Not much lower than the QuikTrip. It will not be below M1 highway. But it will be down so that you can see the property from M1 highway.

Mr. George Wages stated he lived at 7201 N. Park. He stated that QuikTrip just put in all that sidewalk and you are going to take all that out?

Ms. Cunningham stated that they still need to work on all the details and how low we are going to take it.

Mr. George Wages stated that the neighborhood needs the details.

Mr. Napoli stated that tonight's meeting has nothing to do with the grading. It is strictly just the vacation of the right of way.

Mr. George Wages stated that he knows where the vacation is and you all want to take all of that out.

Mr. Napoli stated if this did not need to be vacated tonight they could come in and get the grading permit and that would have been it. They would not have had to come to a public hearing. The grading would happen regardless of this vacation. They are just bringing it down so it is more marketable. With the final grade if they do have to take out the sidewalk then they would have to replace the sidewalk. Whoever decides to buy this property would have to come

through this Planning Commission and go to a public hearing. It will go through the same process.

Mr. Wages stated that there is a lot to take out. I can't believe they would come and do that now. I can see them coming in taking that blacktop out and be done. Do something or build something in there.

Mr. Napoli stated that Mr. Mann is trying to get the land lowered so he would have interest in the property. Most people see this big hill and don't think any more about it because there is so much dirt there that has to be removed. Mr. Mann is trying to make it so there is less dirt that someone would have to do before they would develop it.

Mr. Wages stated they could leave it just like it is until Mr. Mann decides he wants to sell it. Then someone else can come in and do it and we can deal with it then.

Ms. Lisa Finzle stated she lives at 2505 NE 73rd Ter. which is the house right next to this property that is being discussed. According to this map who owns the land between Prospect and M1 Highway?

Mr. Napoli stated that there is a right of way there and that is owned by the Missouri Department of Transportation. From that right of way on belongs to Mr. Mann.

Ms. Finzle said what she is hearing Mr. Napoli talk about it completely taking out the street.

Mr. Napoli stated yes the street belongs to the City of Gladstone.

Ms. Finzle said if the street is removed for all practical purposes all of that property fronts M1 Highway. Which opens it up more to be zoned as a commercial property. Which is Mr. Mann's goal. The property is marketable if it were being marketed correctly. It is being marketed as a commercial property. She feels that the property could be sold as is if it were marketed as residential property. When she moved into her house there were houses back on the cul-de-sac. She sees no reason for the street to be removed to make the property sellable.

Ms. Noha Shelby said that her house is 7221 N Olive St. She is directly next door to QuikTrip already. She is concerned about this because her back fence backs to this property. She already has a lot of issues with a lot of trees and things over grown on the land already. I am concerned about leveling the land behind her and eventually having commercial property there. She has lived there for 20 years and when QuikTrip expanded now she hears them at night. She sits on her deck and she sees the people at QuikTrip. It isn't ideal for her and the people on her street to have another commercial building. She has a big concern for her backyard to be zoned and ready for another commercial property. She is already having issues with QuikTrip being right next door.

Mr. Ebenroth stated again that this is strictly for the street vacation anything else will come at a further time and place.

Mr. Sheila Lewis 7213 N Park. She recognizes many of these fears because we were all here when QuikTrip came in. And we think QuikTrip is a good neighbor and she has no problem

except for the noise. Once they tear that down and put that at a lower grade those of us here in the neighborhood we already hear QuikTrip trucks, we hear HyVee trucks, and we hear the turn signal trucks. Once you vacate that it's just preparing it for commercial development. She is very much opposed to the vacation of the street. She thinks it should be kept like it is until it is ready to be purchased for residential going forward.

Ms. Kathy Swenson 7313 N. Wabash. Her concern for the street vacation is very much like the others. The trees that go down to 2505 once those are removed and once that is vacated the erosion will begin before the property is sold. There won't be anything to prevent the drainage and the erosion from occurring. How many trees will be removed? How far down do you expect to go? What we are saying is that if this street is not vacated and the property is left as it is until they know what they are going to do with it. Once they develop the properties they can address those issues with drainage and erosion. We have a great deal of drainage now from the previous surface when 73rd Ter. connected to M1 highway. Our drainage has increased significantly. Now this will be even more drainage for us. That is why we are saying leave it as it is until the development is established. Then they can address all those concerns. If it is removed, then we will live with that drainage and that erosion until something happens.

Ms. Cunningham stated that they had some grading plans done a couple of years ago. I don't really know how far we will go at this moment. Of course we will work within what is approved.

Ms. Kathy Swenson asked once those trees are removed and the land leveled and the streets removed then there will be the erosion concerns that she has.

Mr. Stewart Borders 2600 NE 69th St. spoke and said that he is not against what they are wanting to do but usually they come with a package. You should do a street rezoning and site plan revision in one package so we know what is going on. Not just leveling grounds to sell it in the future. You can potentially sell the property as it is now and come through with the site plan and rezoning later.

Mr. Ebenroth closed the public hearing. And asked if there were any comments from the City Council Commissioners.

Mr. Markenson said he was also surprised with the vacation approach. Isn't it possible at some point that the developers could come with a rezoning and site development plan and the street vacation all in one proposal? Then we could vote on them simultaneously. Isn't that the most common?

Mr. Napoli stated that if there was a developer going in there at this point then yes we could do that. Mr. Mann has not had anyone that is interested in doing that. This is why he is proposing to have the vacated Right of Way of that street. If that street was not there at all, he would submit a grading plan to us so, he could excavate that property. And he would get a permit for that work. The only reason we are here tonight is to talk about the vacating of the right of way of the street and of the cul- de-sac that is there.

Mr. Markenson asked if it could be done simultaneously.

Mr. Napoli stated yes it could be.

Mr. Murch asked if Mr. Mann vacated that property and the city owns the street does Mr. Mann own the land under the street.

Mr. Napoli stated no. Once it is vacated then the city wouldn't own anything.

Mr. Murch asked what the comprehensive plans specifically say about land.

Mr. Napoli stated that The Comprehensive Plan indicates that this area is within the "Future Area Plan Studies" category. This category means that this particular area should be studied to address revitalization and redevelopment opportunities.

Mr. Murch asked if this has been done.

Mr. Napoli stated nothing specific.

Mr. Markenson asked currently this is single family.

Mr. Napoli stated there are four (4) lots total that are in zone R1.

Mr. Markenson asked if there were any utility right of way issues. He has known cities to vacate streets and find out they had utilities under them.

Mr. Napoli stated the only utility that is there is the water main. And that belongs to the city. And that would be vacated to with the right of way. We have a water main that goes through there to a fire hydrant that was there for the residents for water supply and fire.

Mr. Markenson asked if the city would vacate the water main.

Mr. Napoli stated we would vacate the right of way so everything in the right of way would go away. In the process when everything is removed the applicant will cap off the water main on 73rd street.

Mr. Markenson asked if something else would develop there they would have to recap it.

Mr. Napoli stated whatever may go in there we would determine what utilities supplies would be needed.

Ms. Hommon asked what the conditions of the street and sidewalks.

Mr. Napoli stated that there are not sidewalks and that the street is one of the worst streets in Gladstone. It has not been maintained or used since the houses have been demolished.

Ms. Hommon stated that this is very hard for her. Simply because particularly Mr. Swenson brought up something that is very much what we consider for the water drainage. At the same time having property streets not being in good shape is not good either. She wants to encourage all of us to make sure we are looking at things that need to be looked at. And for all of you it is

difficult to set aside the emotions of things because we love this community as well. We are looking into what we are allowed to consider as a part of this Planning Commission.

Mr. Napoli stated that after the property is graded erosion control will be in place. Afterwards the property will be seeded so that there is no run off. There will be erosion control in place.

Ms. Hommon stated that is good to know because that was a part of what I understand of the conditions.

Mr. Napoli stated that is not part of these conditions. That would be part of the grading application permit process that we would deal with.

Ms. Hommon asked if this is something they would have to do before they could do anything.

Mr. Napoli stated yes.

Mr. Turnage asked if there has been any response from QuikTrip.

Mr. Napoli stated he has not heard anything from QuikTrip.

Mr. Turnage asked if they were neutral on this.

Mr. Napoli stated to his understanding yes.

Mr. Whitton asked if this land has a cul-de-sac in the middle of it.

Mr. Napoli stated the cul-de-sac comes off of 73rd Street. It comes up to the top of the hill. There is land on both sides. The land to the east towards M1 Highway is not developable at this time. It drops off on one side. All the Residential homes were to the top to the south of the cul-de-sac on the west side and the 2 that Larry Mitchell (who is a developer) he had the two (2) lots that were right there adjacent to 73rd Street.

Mr. Whitton asked if they do develop the property and they try and get an entrance off of M1 Highway, it is probably unlikely that M1 Highway is going to allow an entrance.

Mr. Napoli stated they would have to go through the State of Missouri to get that entrance off of M1 Highway. It took over 20 years for QuikTrip to get theirs. I don't see the state giving one to have three (3) entrances that close together.

Ms. Hommon asked how close the street is to the nearest house that is there.

Mr. Napoli stated there are 2 lots between that and the first house. Probably around 150 feet

Ms. Hommon asked what we are doing is saying yes or no they can tear out the road but they are still going to have to come back for another hearing to do what they want.

Mr. Napoli stated that all they are doing is allowing the vacation of the right of way. Then we give that to the applicant. Whether they tear it out or not is up to them. We are just vacating the right of way. It becomes theirs.

Ms. Middleton asked if they are going to remove the road that they are vacating.

Mr. Napoli stated that they are planning on grading the road and water main and cap it on 73rd Street.

Mr. Whitten stated that there will probably be no entrance on M1 Highway, so it will come in on 73rd Street.

Mr. Napoli stated depending on exactly on what goes in there.

Mr. Markenson stated that with so much opposition to a simple street vacation we are going to have a heck of a time for redevelopment.

Mr. Napoli stated that this is just the street vacation and that any development would potentially go in there unless it was just R1 single family homes then they would have to go through the planning process.

Mr. Murch asked if the properties are currently zoned R-1 and if they decided to keep the property as R1 zoning but they tore out the street, would they have to put the street back in.

Mr. Napoli stated yes, they could put a private street in if they would like. There is nothing that states that it has to be a city street. They can do a private street. We do have a couple of developments with private streets. Or they could request a plat with a street and a right of way.

Mr. Murch asked if this was to the east of the property there is not room for a residential lot.

Mr. Napoli stated no everything has to be on the west side.

MOTION: By Mr. Whitton, second by Ms. Middleton to approve the Right of Way Vacation for property located at 7212 N Prospect.

Vote: Mr. Ebenroth	Yes
Ms. Hommon	Yes
Ms. Lowe	No
Mr. Markenson	Yes
Ms. Middleton	Yes
Mr. Murch	No
Mr. Turnage	No
Mr. Whitton	Yes

The motion carried. (5-Yes, 3-No)

Item 5 on the Agenda: Communication from the City Council.

Councilmember Moore stated that the City Council has been working on the budget. They had their public hearing for the budget at the last meeting. We will still need to approve that. She is

sure we all got the first addition email that goes to give you news about what is going on in the city. You know that Gladstone's Public Safety Director has retired. The Director of Public Safety is now Bob Baer our Assistant City Manager. As you know, we are splitting police and fire into their own separate departments. We will be in the process of hiring a new Police Chief. In our last meeting we also approved the COP for a lot of the Capital projects. That is including the Fire station #2 renovation, which they are all pretty excited about. She wanted to encourage everybody to be sure and go to Linden Square for all of the various events. There were some great events this past weekend. Blues fest will also be coming up so be sure to check the city's website to get information about all of the events.

Item 6 on the Agenda: Communication from City Staff.

Mr. Napoli stated that on Sunday, July 4th we will be celebrating at Oak Grove Park with fireworks. Sounds on the Square kicked off last weekend. You can visit the Gladstone Neighborhood Facebook page since we update a lot of information on there. Please check those out. If you haven't done so already, please become friends with the Gladstone Neighborhood Facebook page. The city wide garage sale is a bit tricky this year. Typically, it is always in conjunction with Blues Fest. It still is in conjunction with Blues Fest again this year but Blues Fest is not the first weekend in June this year. It will be the 3rd weekend in June. We have had several calls regarding the garage sale because of this. We are doing the City Wide garage sale June 18th, 19th and 20th. We will have banners up at 72nd and Broadway and over by HyVee. They will have these put up the week before the garage sales. It is a free garage sale for anybody. You can go on our Website and sign up for it and list everything you want to sell. It will not go against the two (2) that you get per year. In front of you is a copy of the ETC award that we received. The actual award is in the case right behind the clock. Please stop by and take a look at it. We were in the top 10 across the nation. A lot of the credit goes to Austin Greer. The hotel is moving along just fine. He and Angie visited last week. They are in the process of painting on the 5th floor working their way down. They are still sheet rocking the bottom 2 floors. The elevators are on site and should be installed this week. Which will be nice because he and Angie had to walk up 5 flights of stairs and walk down 5 flights of stairs. The rooms are really nice. The outside construction was slowed down due to the weather. As many of you know we received a lot of rain. It also slowed work down at White Chapel Funeral Home. The roof is going up on White Chapel now. That should be completed soon. It took a while to get the materials and the weather was not cooperating. Gladstone Foods is moving along. They have been doing a lot of work inside. The outside work has been delayed because of weather. DaVita Dialysis Center is coming along. Many people are asking why the bar joist and 2 walls on the side were left standing. That is because of timing. The bar joist would not have started production until July. They want to be open this fall. That would have pushed them back till late winter early spring next year to be opening up. That is the reason why the walls and the bar joist were left up. They have poured the concrete and are now working above grade. Woof's Doggy Day Care is open.

Mr. Markenson asked regarding the concessions stand be fully constructed for July the 4th.

Mr. Napoli said yes as of what he had been told. He does not know the status of that project. That project is being overseen but the City of Kansas City on the inspections. So he does not know where that is at. According to Mr. Merkey and everything I have heard it should be ready for the 4th of July festivities.

Mr. Napoli stated that he wanted everyone to know that we do notify everybody that is on this project and all projects that go out that the Planning Commission Public Hearing. We notify everyone within 185 feet of the property about the Planning Commission meeting and the City Council Meeting. So everyone has been aware of it and has received notification on it in that area.

Item 7 on the Agenda: Communications from the Planning Commission Members.

Ms. Hommon stated that Stone Canyon has been working on the seating area in the back. It is very nicely done. They will be having some concerts during the summer on nights that no one will be at the square. Please check that out and support them because they are working really hard on it. Also thank you for everyone that came out tonight. She really appreciates them coming and letting their voices be heard.

Mr. Murch stated that this Thursday night there is a band playing at Stone Canyon. On May 26th Austin and Jordan's baby was delivered. His name is Lincoln Shields which is a family name. Congratulations to them both.

Mr. Ebenroth stated he wanted to thank everyone for coming tonight. The outcome may have not been what you wanted, but again, the City Council meeting is coming up and you may voice your opinions at that time. They have the final decision.

Item 8 on the Agenda: Adjournment.

Vice Chair Ebenroth adjourned the meeting at 7:44.

Respectfully submitted:



Jennifer McGee, Chairperson

Approved as submitted ☒



Angie Daugherty, Recording Secretary

Approved as corrected ☒