

PLANNING COMMISSION  
GLADSTONE, MISSOURI  
*Gladstone City Hall*  
Tuesday, January 18th, 2022  
7:00 pm

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

**Present:** Gary Markenson  
Kate Middleton  
Bill Turnage  
Brenda Lowe  
Mike Ebenroth, Vice Chair  
Alicia Hommon  
Jennifer McGee, Chair  
Larry Whitton

**Absent:** James New  
JN Hernandez  
Chase Cookson, Secretary  
Kim Murch

**Council & Staff Present:**

Austin Greer, Community Development Director  
Angie Daugherty, Admin. Assistant  
Jean B. Moore, Council Member

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

Chair McGee led the group in reciting the Pledge of Allegiance to the United States of America.

**Item 3 on the Agenda: Approval of the January 3rd, 2022 Minutes.** Chair McGee asked if there was a motion to approve the minutes from the January 3<sup>rd</sup> meeting.

**Ms. Hommon moved to approve the minutes; Mr. Ebenroth seconded. The minutes were approved, 8-0.**

**Item 4 on the Agenda: Public Hearing:** On a Site Plan Revision at 7000 N. Oak Trafficway. Applicant Chris & Amanda Surber/Owner Tom & Mary Ann Sims #Site21-00008. *The City Council Public Hearing is scheduled for Monday, February 14th, 2022.*

Mr. Greer read from the staff report.

Chris and Amanda Surber, the Applicants and Tom and Mary Ann Sims, the Owners are seeking site plan approval for the purpose of adding approximately 1,800 sq. ft. to the building located at 7000 N. Oak Trafficway in order to operate Pure Water of Kansas City, a Gladstone based business. Their plan is to remodel the interior and exterior of the building and improve the parking lot on the west side (backside) of the property.

Mr. Sims also plans to install a new stone veneer, approximately four (4) feet tall, on the front side of the building and enhance the landscaping around the monument sign adjacent to N. Oak Trafficway. With Mr. Sims upgrading the landscaping around the monument sign using more natural landscaping that requires minimal water, city staff is not requiring the installation of underground irrigation.

NE 70<sup>th</sup> St., which is a dead end street, is already being utilized by the AT&T maintenance facility directly to the south of 7000 N. Oak Trafficway for large commercial vehicles.

In the storm water analysis conducted by Kaw Valley Engineering, they recommend an extended detention basin on the west side (backside) of the property that will provide reductions in storm water runoff rates and volume.

City Staff recommends that the following conditions be considered if the City Council chooses to approve this project request:

1. Any and all disturbed areas shall be sodded.
2. All manicured grass and landscaped areas shall be maintained in perpetuity.
3. All mechanical equipment on the roof and ground shall be screened from public view similar in design to the rest of the structure. Mechanical screening will be submitted and approved as part of the building permit.
4. The trash dumpster shall be enclosed with materials consistent with the primary building and located on the west side of the property shielded from public view. Specific construction materials and colors shall be submitted and approved as part of the building permit.
5. All exterior lighting on the site shall be LED and designed to reduce adverse impact on adjoining properties.
6. Trash service and deliveries shall occur between the hours of 7:00 a.m. to 10:00 p.m.
7. Tractor trailers, RV's, and storage containers shall not be parked or stored overnight on the premises.
8. Signage compliant with the sign code shall be used. Signage shall be approved at the time of permitting.

City Staff recommends that the request be **APPROVED** contingent upon the conditions listed above.

Chair McGee asked if the applicants are here tonight.

Mr. Greer stated yes, the applicants and the property owners are in the audience tonight and will be willing to answer any questions that you may have regarding this project.

Mr. Turnage asked the applicants what the nature of the business is.

Mrs. Surber stated that they deliver water, install water filtration services for homes and install reverse osmosis water softeners. They also have a store where people can come in and fill up their bottles with water and a number of other water related services.

Chair McGee asked if there were any members of the public that would like to speak in favor of this project. – No members of the audience spoke.

Chair McGee asked if there were any members of the public that would like to speak in opposition of the project.

Mr. Jim Oldebeken stated that he lives at 76<sup>th</sup> Ter. He is not necessarily opposed to this particular project but there is a matter of public safety that he wants to present to the Planning Commissioners.

Mr. Greer asked Mr. Oldebeken if his remarks are related to this particular project tonight or are they related to the cave on 76<sup>th</sup> Terrace?

Mr. Oldebeken stated that he will cover that. Mr. Bob Bateman spoke to the Planning Commission in the previous meeting and made some statements that concern him. The one that concerns him the most has to do with a statement that said this cave could drown a child at Hobby Hill Park. Bob Bateman has said in this lawsuit exhibit one that he will be suing the business owners who's storm water ends up on his property. Which he thinks damages his property and to the hazard of a child drowning on his property. The connection has to do with a real hazard and a lawsuit. Mr. Oldebeken has a couple of questions that he would like to cover so they have the basics on the safety issue. His first question was "what water shed is this property on that we are considering tonight?"

Mr. Greer stated that he believes there is a mile or more between this particular property that we are discussing tonight and the location of the cave on 76<sup>th</sup> Terrace.

Mr. Oldebeken stated he has a handout for them. Mr. Bateman believes that the entire area of North Oak from Gladstone downtown area is damaging his cave and putting a child at risk. He never hears any feedback from the city since this lawsuit started on January 28<sup>th</sup> of 2021. Nothing comes back to the public when we have questions or concerns about this. The hazards with this cave are not limited to flooding. Another hazard is asphyxiation. Mr. Bateman neglected to comment about the fact that the cave map that was drawn in 2019, that the city has a copy of, was not completed. Also, you can get stuck in this cave. The area of this cave is two feet by two feet. In 1991, there was a report from Mike Banks when he surveyed the cave that there is a lower level to the cave. He is asking that the city does not consider any new applications until the public is comfortable with the safety hazards associated with storm water in this area. He asked if we could have a public hearing where the public can get some basics questions answered about safety. He wondered who has commented publicly to the city about Mr. Bateman's cave hazards and the lawsuit.

Mrs. Mary Ann Sims who owns the property at 7000 N. Oak Trafficway introduced herself and spoke. She would like to know how this cave has any connection to her property located at 7000 N. Oak Trafficway. This property is south of 72<sup>nd</sup> St. Her understanding is that the cave is on 76<sup>th</sup> Terrace. She would like to know how this has anything to do with her property and what they are proposing to do.

Mr. Greer thanked Mr. Oldebeken for being here tonight and sharing his comments with the Planning Commission. He also thanked Mrs. Sims for introducing herself and speaking as well. There is significant separation and distance between this project at 7000 N. Oak Trafficway and the cave location on 76<sup>th</sup> Terrace. Although, Mr. Oldebeken believes there could be a connection between these two locations, I do not believe that there is, so let's refocus on the project and application that is in front of us tonight. Thank you.

Mr. Whitton stated that he is a lifetime resident of Gladstone and he said there is no way that the water runoff from the property at 7000 N. Oak Trafficway could ever move up to 76<sup>th</sup> Terrace. The water will run downhill and it will end up south of Englewood Road. The Planning Commissioners can't stop every project in town just because Mr. Bateman is suing the city.

Ms. Hommon asked if Mr. Greer could speak to the qualifications of Kaw Valley Engineering to be able to address the issue of the runoff so they can be confident on making their decision.

Mr. Greer stated that the Kaw Valley Engineering Firm is a well-known firm in the metro area. They are a reliable engineering firm that actually completes a lot of work with the city and city staff believes they are more than qualified to do this type of work.

Ms. Hommon asked if the city has ever had any litigation or any legal liability related to any error on Kaw Valley Engineering Firm.

Mr. Greer stated that not that he is aware of. Part of the reason why staff requires an engineering study like you've seen for this project tonight is so that we can have it for our records in case an issue arises in the future. By requiring this study, paid for by the applicant, to be included in the application, it's Alan and I's way of helping protect the city, Planning Commission, and City Council from any future liability. Thank you.

**MOTION: By Ms. Hommon, second by Mr. Whitton to approve a Site Plan Revision for the property located at 7000 N. Oak Trafficway.**

<b>Vote: Ms. Lowe</b>	<b>Yes</b>
<b>Mr. Markenson</b>	<b>Yes</b>
<b>Mr. Whitton</b>	<b>Yes</b>
<b>Mr. Turnage</b>	<b>Yes</b>
<b>Ms. Middleton</b>	<b>Yes</b>
<b>V-Chair Ebenroth</b>	<b>Yes</b>
<b>Chair McGee</b>	<b>Yes</b>
<b>Ms. Hommon</b>	<b>Yes</b>

**The motion carried. (8-0)**

**Item 5 on the Agenda: Communication from the Audience**

Mr. Cody McElroy wanted to introduce himself to the Planning Commissioners. He is running for the Gladstone City Council and he is primarily concerned with affordable housing. People are looking to start families and want to buy housing at an affordable cost.

**Item 6 on the Agenda: Communication from the City Council**

Councilmember Moore stated that she wanted to pause for a moment to recognize the death of Anne Alexander. She died on December 23<sup>rd</sup> and served on this Planning Commission for over 20 years. Anne loved the City of Gladstone and would do anything for it. She had given a lot of her time, energy, and talents to the city. She most recently served on the Arts Commission. Thank you.

**Item 7 on the Agenda: Communication from the City Staff**

Mr. Greer stated that city staff is working with Shockey Consulting on the Comprehensive Plan. Staff is eyeing a February/March Planning Commission date to host the City Council and the Planning Commission together to introduce you all to the consultants for Shockey and what they have been up to the last couple of months. They have not nailed down a date yet but they are probably within a month or two of making that happen. I just wanted to let you all know because as the Planning Commission you are going to be one of the primary drivers and decision makers of the comprehensive plan moving forward. Thank you.

Mr. Markenson asked if we are looking at extensive revisions or just tinkering with an update of the Comprehensive Plan.

Mr. Greer stated that it will likely be more substantial than just tinkering

Mr. Markenson asked when the last time Gladstone had a comprehensive plan update completed.

Mr. Greer stated around 2007 or 2008.

**Item 8 on the Agenda: Communications from the Planning Commission Members**

No Communication

**Item 9 on the Agenda: Election of Officers**

Mr. Greer stated that he spoke to Mr. Cookson and Mr. Murch before tonight's meeting and they had a couple of things that they wanted him to relay to the commission before the conversation started.

Mr. Cookson would be happy to continue to serve as secretary or to serve as vice chair, but only if no other member of the committee has an interest. He said that he has had a couple of opportunities to serve in similar capacities with the city previously, so he would prefer that the position go to someone with an interest who has not had a chance to serve in this capacity if such a person exists.

The reason that Mr. Murch is not here tonight is because he is currently in the hospital but is doing just fine. He also asked me to tell the Planning Commission that he supports Mr. Ebenroth in becoming the new Chair of the Planning Commission.

Mr. Turnage nominated Mr. Mike Ebenroth as Chair. All said aye, the motion carried.

Mr. Markenson nominated Mr. Chase Cookson as Vice Chair. All said aye, the motion carried.

Mr. Markenson nominated Ms. Brenda Lowe as Secretary. All said aye, the motion carried.

Mr. Greer wanted to thank Ms. McGee for chairing us over the last couple of years. We have certainly had some tough projects that she has led us through so thank you for your time and leadership.

**Item 10 on the Agenda: Adjournment**

Chair McGee adjourned the meeting at 7:25 pm.

Respectfully submitted:

  
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Mike Ebenroth, Chair

Approved as submitted ✓

  
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Angie Daugherty, Recording Secretary

Approved as corrected ✓