



**AGENDA  
CITY OF BELTON, MISSOURI  
PLANNING COMMISSION MEETING  
MONDAY, APRIL 21, 2014 - 7:00 P.M.  
CITY HALL ANNEX, 520 MAIN STREET**

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- I. CALL MEETING TO ORDER**
  
- II. ROLL CALL**
  
- III. APPROVAL OF THE MINUTES OF THE APRIL 7, 2014 PLANNING COMMISSION MEETING**
  
- IV. SPECIAL USE PERMIT**
  - A. Consideration of a Special Use Permit for a Shaved-Ice stand to be located at 209 E. North.
  
- V. OTHER BUSINESS**
  
- VI. DIRECTOR'S REPORT**
  
- VII. NEXT MEETING DATE: May 5, 2014**
  
- VIII. ADJOURNMENT**

# **MEETING MINUTES**

**April 7, 2014**

**Minutes of Meeting  
Belton Planning Commission  
City Hall Annex, 520 Main Street  
April 7, 2014**

**CALL TO ORDER**

Chairman Holly Girgin called the meeting to order at 7:00 p.m.

**ATTENDANCE**

*Commission:* Chairman Girgin, Mayor Jeff Davis, Councilman Tim Savage, Commissioners Sally Davila, Tim McDonough, Chris Christensen, Steve Finn, and Chuck Crate.

*Staff:* Jay Leipzig, Community and Economic Development Director; Robert Cooper, City Planner; and Ann Keeton, Community Development Secretary.

*Absent:* Commissioner Larry Thompson

**MINUTES**

Commissioner Davila moved to approve the minutes of the March 3 and 17, 2014 Commission meetings. The motion was seconded by Commissioner Christensen. All members present voted in favor and the motion carried.

**PUBLIC HEARING - Special Use Permit (SUP) 209 E. North**

Mr. Cooper reported that an SUP was approved last year for a shaved ice stand at 209 E. North. The applicant is once more asking the Commission to consider the SUP application according to Mr. Cooper. He pointed out the proposed location on an aerial photo and identified items that will be onsite including a 10 x 10 canopy, picnic tables and a sign. The opening date of May 15, 2014, hours of operation from noon to 10:00 p.m., and the property zoning designation were related by Mr. Cooper. He went on to say that Ms. Freeman would like to have the business open and the building onsite all year. Mr. Cooper went over eight staff recommended conditions of approval.

Chairman Girgin opened the public hearing at 7:10 p.m. The hearing was being held to receive public input regarding an SUP application to allow a shaved ice business to operate at 209 E. North.

Natalie Freeman, the applicant, 5623 Holmes Road, Kansas City, Missouri, was present to speak in favor of the SUP. She stated the business will be open seven days a week. She indicated that she will improve the appearance of the site by planting flowers. Ms. Freeman reported that she has an approved business license which is valid until June 30, 2014, and she questioned the SUP approval condition requiring an inspection before obtaining a license. She asked for an explanation of a life-safety inspection which was listed in the conditions. Mr. Freeman reported an electrical inspection was conducted and approved last year and there have been no changes. Staff responded that there will be an inspection this year to verify there are no outstanding issues that could be potentially hazardous before the business opens for the

season. She had additional questions about the fire marshal inspection. She requested permission to erect some traffic directional signs onsite as a guide for customers. Ms. Freeman stated that she would like to install a lighted sign on the building and she categorized the lights on the proposed sign as Christmas-type lights. In addition she proposed a free-standing sign near the road. There was discussion about the proposed signage and it was suggested that staff administratively review the proposal.

Several points of discussion by the Commission regarding the SUP application included:

- Whether a five year SUP would be beneficial for the revitalization goals of the Downtown District.
- Use of the term “trailer” rather than “building” in the staff report as a description of the structure on the lot. Staff reported the word trailer was used to indicate portability and the temporary nature of the business/building.
- Additional site improvements if the business is to remain open year-round e.g. paving, plantings.
- Mr. Leipzig explained how the annual administrative review would function if the five-year SUP is approved by the Commission, and the pros and cons of an annual review versus a five-year review.
- The current sign code would not allow the proposed roof sign in the C-2 zoning district.
- Suggested adding Condition #9, to prohibit the display / sale of used cars on the site.
- The proposed location of the free-standing business sign.

The Commission voiced several concerns about essential site improvements when the business becomes year-round rather than seasonal, and it was suggested the SUP application be continued to allow time for further development with staff. Ms. Freeman concluded by commenting that she is requesting an SUP to be allowed to sell snacks and snow cones on the site. She commented that she does not own the lot so she doesn't know if it can be paved but she will have additional gravel put on the site. She believes the business is not a detriment but is helping the downtown area. Commissioners explained to Ms. Freeman the reason the shaved ice business requires an SUP to operate. There was no further public input and Chairman Girgin closed the hearing at 7:38 p.m. Commissioner Christensen moved to continue consideration of the SUP application to allow a shaved-ice stand at 209 E. North, to send back to staff to clarify the time, use and other related factors discussed during the meeting. Councilman Savage seconded the motion. When a vote was taken, the following was recorded, Ayes: 8 - Chairman Girgin, Mayor Davis, Councilman Savage, Commissioners Davila, McDonough, Christensen, Finn, and Crate. Noes: none. Absent: 1 - Commissioner Thompson. The motion carried.

#### **PUBLIC HEARING - Tobacco Retail Sales Establishments**

Mr. Cooper gave an explanation of the reason the City believes there is a need to address retail tobacco stores by amending the Unified Development Code (UDC). The amendments would go in UDC Section 40-4 - “Uses Subject to Conditions” according to Mr. Cooper, and he described the type of businesses that would be regulated by the change. A draft ordinance, developed by the City attorney, was presented by Mr. Cooper. He went over the proposed definitions and separation requirements in the draft ordinance. There was discussion about the following amendment: “No Retail Tobacco Store shall

be located within five-hundred feet (500') of a playground, youth center, city owned and operated recreational facility, park or library, measured by the shortest straight line . . ." Chairman Girgin asked if the 500-ft. separation could be strengthened to 1,000-ft. and Mr. Cooper replied that it could. There were questions and discussion about whether the terms "youth center", "playgrounds" can be defined to mean all youth centers and playgrounds including church run preschools/daycares. The Commission discussed possible language changes to ensure that all types of youth centers and playgrounds are included. Mr. Cooper said the suggested language changes will be given to the City attorney to review.

Chairman Girgin opened the public hearing at 7:54 p.m. The hearing was being held to receive public input on text amendments to the UDC regarding retail tobacco stores. There was no public input and the hearing was closed at 7:54 p.m.

Mayor Davis complimented the Commission on the discussion topics of the evening and initiated a discussion about the business license application process for uses allowed by right. He gave an example of illegal retail sales that took place in a neighboring city which resulted in a business being closed. There was additional discussion about the appearance of the shaved ice location and site improvements that would be a benefit to the business and the entire downtown area.

Mayor Davis moved to continue consideration of the text amendments to the UDC regarding Retail Tobacco Stores pending staff review to strengthen the ordinance language. The motion was seconded by Commissioner Crate. When a vote was taken, the following was recorded, Ayes: 8 - Chairman Girgin, Mayor Davis, Councilman Savage, Commissioners Davila, McDonough, Christensen, Finn, and Crate. Noes: none. Absent: 1 - Commissioner Thompson. The motion carried.

There was discussion about placing a moratorium on new retail tobacco stores until the ordinance language can be finalized. Councilman Savage moved to place a moratorium on new retail tobacco store licenses until the Council approves a revised ordinance. Commissioner Christensen seconded the motion. There was discussion about adding a time limit to the proposed moratorium and Councilman Savage amended the motion to place a 90-day moratorium on new retail tobacco store licenses or until the council approves a revised ordinance. Commissioner Christensen seconded the amendment. When a vote was taken, the following was recorded, Ayes: 8 - Chairman Girgin, Mayor Davis, Councilman Savage, Commissioners Davila, McDonough, Christensen, Finn, and Crate. Noes: none. Absent: 1 - Commissioner Thompson. The amended motion carried.

#### **DIRECTOR'S REPORT**

Mr. Leipzig provided information about educational articles for Commission members that are occasionally included in the American Planning Association magazine. These articles, when they become available, will be copied and provided to the Commission. He told of other Commissioner training opportunities available through Mid-America Regional Council.

Mr. Leipzig reported it is anticipated the owners of Carriage Works will submit a site plan to the City in the near future.

It is also anticipated the developer of the Villas of Briar Creek on Cunningham Parkway will be submitting a site plan in May. The zone change request for this property is to be considered by the City Council on April 8, 2014.

Mr. Leipzig announced the Cedar Tree Shopping Center will be undergoing a major refurbishment with a new façade, and he reported on the current status of other pending projects in the City.

**ADJOURNMENT**

Chairman Girgin moved to adjourn. Commissioner McDonough seconded the motion. All voted in favor and the meeting adjourned at 8:15 p.m.

Ann Keeton  
Community Development Secretary

**SPECIAL USE PERMIT**

**SHAVED ICE STAND**



**BELTON MISSOURI - PLANNING COMMISSION  
REGULAR MEETING – CITY COUNCIL ROOM  
CITY HALL ANNEX, 520 MAIN STREET  
MONDAY, APRIL 21, 2014 – 7:00 P.M.**

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STAFF: Robert G. Cooper, City Planner

**CASE #SUP14-05 / Continued from the April 7<sup>th</sup> Meeting**

**Request:** Special Use Permit to allow a temporary Shaved-Ice stand, to operate on property zoned C-2 (General Commercial) District.

**Location:** Located at the southwest corner of Chestnut & E. North Avenue. The physical address is 209 E. North Avenue.

**Property Description:** Original Belton Block 14

**Deed Holder / Applicant:** Loren and Barbara Brown / Natalie Freeman

**Size of Site:** 130-ft. x 138-ft. (17,940-sq. ft.) / 0.41-acre

**Existing Zoning / Land Use:** C-2 / Commercial

**Proposed Use:** Retail (Shaved-Ice)

**Surrounding Zoning / Land Use:**

North: C-2 / Commercial

East: C-2 / Commercial

South: C-2 / Commercial

West: C-2 / Commercial

**Future Land Use Map:** Retail /Commercial

**Nature of Current Request**

The applicant (Natalie Freeman) has contacted the City to gather information on what requirements are needed to once again operate a temporary trailer selling shaved-ice and treats at 209 E. North Avenue. According to Mrs. Freeman, they have located this site due to the close proximity to City Parks and ball-fields and the centralized location. The size of the trailer is approximately 7-ft by 10-ft. / 70-sq. ft.

The brand name ‘Sugar Shack’ has a reputation for quality and service. The applicant’s business plan indicates a start date of May 15<sup>th</sup>. Business hours are seven days a week, 12:00 PM to 10:00 PM.

**History**

The subject property is addressed as 209 E. North Avenue which is a corner lot with 3-sides of frontage: (Chestnut & E. North Avenue; Chestnut & B Street) and is just under a half-acre in size and vacant. No structures are on site...surface area is covered with grass/weeds mixed with crushed rock. Occasionally, the site is used to sell vehicles by private owner and used as a dumping or storage site for miscellaneous construction material.

**SPECIAL USE PROVISION** – Some uses of land are not appropriate in all locations within a district or under circumstances where the use imposes an inappropriate impact on the public or neighboring properties and are therefore designated as “special uses”. These uses may be approved at a particular location through the receipt of a special use permit where the impact of those users does not inappropriately affect or impair the use and enjoyment of neighboring properties.

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**STAFF REPORT**

**Welfare and Convenience of the Public**

Staff believes that by allowing Natalie Freeman the opportunity to operate a shaved-ice stand at the proposed location could contribute to the welfare and convenience of the public by providing a service and also, by performing specific site improvements to beautify the barren piece of ground.

**Injury to Surrounding Property**

It appears, the proposed use could potentially have an adverse affect (add to existing blight) on the surrounding or abutting properties if the site is not properly maintained.

**Domination of the Neighborhood**

The subject site is a vacant lot in a commercial zoning district. It appears to staff, the proposed use as a seasonal shaved-ice retailer will not dominate the neighborhood. Currently, the pre-dominate use in the immediate area is light commercial. In addition, it will occupy a vacant lot that would otherwise remain vacant; otherwise, the site normally contributes to the blighting effect which is occurring in sections along the East North Avenue corridor.

**Off-Street Parking / Access**

The Unified Development Code requires one (1) parking space per four (4) seats or 1 per 50-sq. ft. of customer service area. Based on the total size of the trailer (70-sq. ft.), it appears there will be ample parking. In addition, the City of Belton allows (and encourages) shared parking with adjoining businesses, provided the adjacent parking lot is located no more than 400-ft. lineal from the business.

The site has a driveway approach directly from Chestnut Street, which is the primary source of ingress/egress. Due to the size of the parking lot and a relatively low volume of users, no additional access or traffic calming devices would be needed.

**Signage**

The business may place temporary signage on site with an approved sign permit.

**Electrical Wiring**

City code requires that any external wiring for an outdoor recreational area must be enclosed in conduit and approved by a city building inspector.

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**Staff Recommendation**

Approval... subject to the following condition(s):

1. No issuance of a city business license, until the site has had a final life safety inspection by city staff for compliance with city codes and approved site plan;
2. The location of the shaved-ice stand shall not obscure motorists view or pose any hazard;
3. A demarcated area using a decorative white vinyl fence no taller than 24-inches shall be placed along any area that will be used for public seating / eating purposes;
4. The SUP shall be valid for six (6) months, beginning on May 15<sup>th</sup> and ending on October 15<sup>th</sup>;
5. Shaved-ice stand shall be removed from the site at the conclusion;
6. No other use or activity shall occur on site;
7. Flower pots and other plantings shall be provided on-site for beautification;
8. Existing roadway millings on the lot shall be removed and replaced with crushed stone.

**Planning Commission Alternatives**

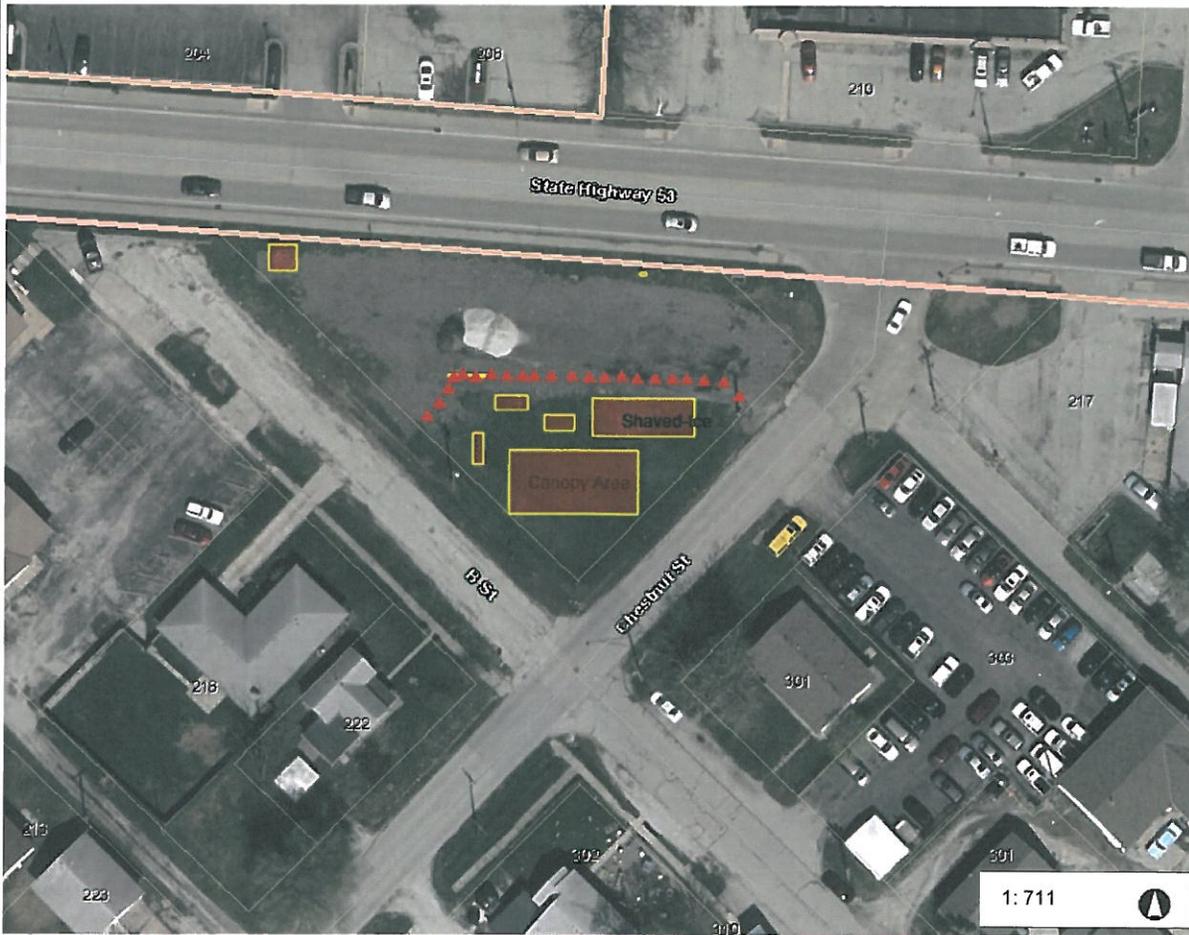
The Planning Commission has the following options available in the consideration of this application:

1. Approve the application as submitted upon finding that the requirements of Section 40, of the Unified Development Code for Special Use Permits, as been satisfactorily addressed.
2. Approve the application subject to specified conditions.
3. Table the application if additional information is needed, such as time of use or other related factors.
4. Deny the application if the required findings cannot be made or if the proposed use is found to be incompatible with the neighborhood.

**Attachments:**

1. Vicinity Map

# SUP14-05 / SHAVED-ICE



## Legend

- Street
- Parcel
- Subdivision
- Parks
- Cemetery
- Building Footprint Basemap
- Parcel Basemap

1: 711



## Notes

0.0 0 0.01 0.0 Miles

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION