

**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