

**Minutes of Meeting  
Belton Planning Commission  
City Hall Annex, 520 Main  
April 21, 2014**

**CALL TO ORDER**

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

**ATTENDANCE**

Commission: Chairman Girgin, Mayor Jeff Davis, Commissioners Sally Davila, Tim McDonough, Chris Christensen, Chuck Crate, and Larry Thompson.

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

Absent: Councilman Tim Savage and Commissioner Steve Finn

**MINUTES**

Commissioner Crate moved to approve the minutes of the April 7, 2014 planning commission meeting. Commissioner Christensen seconded the motion. All members present voted in favor and the motion carried.

**SPECIAL USE PERMIT** - Special Use Permit for a shaved ice stand at 209 E. North

Mr. Leipzig announced that consideration of the Special Use Permit (SUP) application was continued from the April 7, 2014 planning commission meeting. Mr. Cooper gave a brief report and read the staff recommended conditions of approval for the SUP and the applicant's response to each of the suggested conditions.

There was discussion about Condition #3 which referred to a 24-inch decorative white vinyl fence being required to mark the seating area this year. It was stated that last year a rope was used to designate the eating/seating area. Mr. Leipzig provided additional information about the decorative white fencing which he categorized as "very affordable." He went on to say the park department has trees that could be planted on the site for beautification as mentioned in Condition # 7. It was noted the property owner will have to give permission for trees to be planted on the site.

Regarding Condition #2, Commissioner Crate suggested the words "and associated signage" be inserted into the condition language. It would then read: "The location of the shaved-ice stand and associated signage shall not obscure motorists view or pose any hazard." Mr. Leipzig reported that a rooftop sign will not be allowed in a C-2 zone, but a banner will be allowed. There was additional conversation about the decorative fence and positioning of the fence sections.

There was discussion about Condition #8 which requires the SUP applicant to have the existing roadway millings on the lot be removed and replaced with crushed stone. Commissioner Thompson asked if the crushed stone could cover the millings and Mr. Cooper answered "yes,"

that the goal is to make the site base appear uniform. There were questions about the sale of cars on the lot by the property owner, and whether the applicant or the owner is responsible for placing the crushed stone on the site. The owner will have to approve any modifications to the lot according to Mr. Cooper.

Natalie Freeman, the SUP applicant, spoke to the Commission about the application. She stated that the business will only sell snow cones and no other type of food products. Ms. Freeman told of her relationship to the property owner and reported there will not be any cars for sale on the lot. She went on to say the property owner does not object to gravel being placed on the lot and indicated they have the equipment to do the job. Mr. Leipzig clarified that it would be a violation of the SUP conditions if cars are sold on the lot. There was discussion about roadway millings and/or gravel for the parking area on site. It was explained by Mr. Leipzig that gravel parking areas are not allowed in C-2 zones for permanent businesses, but could be allowed with the flexibility of an SUP for this seasonal business.

There was discussion about yearly reviews of the SUP by the Commission versus an annual administrative review with the option for two renewals. Chairman Girgin suggested some compromises on the proposed conditions of approval, and Commission Thompson moved to recommend approval of the SUP application to allow a seasonal shave ice stand to operate at 209 E. North with the following conditions:

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 and associated signage 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. SUP to be reviewed by City staff yearly with the option for two renewals, after which the applicant must reapply.

Commissioner Crate seconded the motion. When a vote was taken, the following was recorded, Ayes: 7 - Chairman Girgin, Mayor Davis, Commissioners Davila, McDonough, Christensen, Crate, and Thompson. Noes: none. Absent: 2 - Councilman Savage and Commissioner Finn. The motion carried

## **DIRECTOR'S REPORT**

Mr. Leipzig distributed an article with information for Commission members from a Planning magazine and he gave a brief summary of the material contained in the article.

It was reported by Mr. Leipzig that Academy Sports building contractors will begin raising the building walls tomorrow morning.

Mr. Leipzig announced that on May 5, 2014 the Commission will consider Unified Development Code (UDC) amendments for a regional detention fee program and he related how the fee will be calculated.

Planning staff has been meeting with consultants about developing design concepts for the North Scott corridor plan. A planning intern from UMKC will begin working with staff in May.

June 2, 2014 the Commission will see a site plan for the Carriage Works project at 401 N. Scott, and a preliminary plat / development plan for the Villas of Briar Creek on Cunningham Parkway. Also, Mr. Leipzig reported the Commission will review a site plan for a new QuikTrip Generation 3 Store at 501 E. North at the first meeting in June.

Mr. Leipzig told Commission members about the Citizens Appreciation Fair which is scheduled for Thursday, May 8, 2014 in Memorial Park from 5:30 - 7:30 p.m.

## **OTHER BUSINESS**

Commissioner McDonough initiated a conversation about the City's minimum standards for building design / building materials in Commercial districts. He recommended the City pursue amending the UDC to eliminate the use of metal siding in Commercial zoning districts. Mr. Leipzig stated staff will look into amending the language.

It was also suggested that the Commission start the process of revoking a previously approved SUP for a digital sign. It was stated the sign is not in compliance with the approved conditions of the permit. Mr. Leipzig reported that staff will provide formal notification to the SUP applicant and invite the applicant to a meeting after which the Commission will review the case. There was a discussion about code compliance of all the digital signs throughout the City and enforcement of the code for those signs. It was explained by Mr. Cooper the digital sign provisions fall under the SUP requirements in the UDC. Mr. Leipzig reported that staff will further investigate this issue.

Mayor Davis gave a report and a detailed explanation about land transactions associated with a former proposed regional stormwater retention lake.

Commissioner Crate indicated he has concerns about the Cheap Smokes and Title Loan businesses and he suggested looking for ways to discourage those types of businesses from locating in Belton. Mr. Leipzig gave a report about recent UDC language changes for retail tobacco stores, and he stated the Council will be considering a moratorium/administrative delay on new retail tobacco stores tomorrow. He said staff will take another look at the current

separation requirements for those types of uses and provide that data to the Commission. Mayor Davis reported the Attorney General's office is looking at regulations for title loan establishments. There was conversation about the interest rates that can be charged by the loan businesses.

Mr. Leipzig reported that Summit Custom Homes purchased several lots in the Meadow Creek Subdivision and they have submitted building permit applications for new homes. They are seeking a variance to building setbacks according to Mr. Leipzig.

Information will be presented to the Commission on May 5, 2014 regarding a possible reduction in the City's Arterial Street Impact Fee. Mr. Leipzig explained the current per trip method of calculation for the impact fee and the proposed fee reduction. He went on to say the reduction will reduce the overall permit fees by approximately 25%.

#### **ADJOURNMENT**

Commissioner McDonough moved to adjourn the meeting. Commissioner Christensen seconded the motion. All members present voted in favor, and the meeting adjourned at 7:57 p.m.

Ann Keeton  
Community Development Secretary