

**Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
July 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, Steve Finn, Chuck Crate, and Larry Thompson.

Staff: Jay Leipzig, Community and Economic Development Director; and Ann Keeton, Community Development Secretary.

Absent: Councilman Tim Savage and Commissioner Chris Christensen

MINUTES

Commissioner Crate moved to approve the minutes of the July 7, 2014 Planning Commission Meeting. Commissioner Thompson seconded the motion. All members present voted in favor and the motion carried.

PUBLIC HEARING - Retail Tobacco Stores

Mr. Leipzig introduced Case #TA14-04 which was a continuation of a discussion about text amendments to the Unified Development Code (UDC) on the subject of retail tobacco stores. He reported that the Commission held a public hearing on March 17, 2014 and no input was received, but the Commission suggested some changes to the proposed language. Staff worked with the City attorney to incorporate the suggested language changes and to consider limiting the number of retail tobacco shops based on the City's population. According to Mr. Leipzig, after additional research, it was determined that separation requirements would be the best method for the City of Belton to limit tobacco shops. He reported the definitions are consistent with the "Smoking in Public Places" Ordinance and he went over the proposed language for UDC Section 40 covering retail tobacco stores. These amendments would apply only to new retail tobacco stores and if approved, would be considered by the City Council on August 12, 2014. Mr. Leipzig reported the moratorium on these types of businesses is expiring soon.

Chairman Girgin opened the public hearing at 7:06 p.m. This hearing was being held to receive input regarding text amendments to the UDC on the subject of retail tobacco stores. It was reported by Mr. Leipzig that there are approximately five retail tobacco shops doing business in the City. There was a brief discussion about hookah bars and whether the proposed language is sufficient to regulate those types of establishments. Mr. Leipzig indicated the City attorney has looked at the language in other City ordinances and believes it to be adequate. He went on to say there is also language in the Smoking in Public Places Ordinance that further defines the regulation. Commissioner Crate suggested modifications to the proposed language including:

c. Adding the language “smoking apparatus” which would read: “The term “Smoking” means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe hookah, or other tobacco product or **smoking apparatus**, including flavored tobacco. . .”

F. Replacing the second reference to “building” with the word “structure” which would read: “No Retail Tobacco Store shall be located within one-thousand feet (1000’) of a playground, youth center, city owned and operated recreational facility, park or library, measured by the shortest straight line from the Retail Tobacco Store building to the ~~building~~ **structure** containing the playground. . .”

H. To add the letter “g” to the list of subsections.

Mr. Leipzig gave an explanation about the grandfather status of current tobacco retail businesses and what type of circumstances must occur before that grandfather status would no longer exist. Regarding the separation requirements in the proposed amendment, Mr. Leipzig stated the proposed 1,000-foot is consistent with other separation requirements in the City code. There was no further input and Chairman Girgin closed the public hearing at 7:18 p.m. Commissioner McDonough moved to approve the text amendment to Section 40-4 of the Unified Development Code regarding Retail Tobacco Stores with the inclusion of the changes proposed by Commissioner Crate. The motion was seconded by Commissioner Crate. When a vote was taken the following was recorded, Ayes: 7 - Chairman Girgin, Mayor Davis, Commissioners Davila, McDonough, Finn, Crate, and Thompson. Noes: none. Absent: 2 - Councilman Savage and Commissioner Christensen. The motion carried.

DIRECTOR’S REPORT

Mr. Leipzig reported the Cedar Tree Shopping Center is under new ownership and there are plans for redevelopment. Other topics included in the Director Report included:

- Retail Tobacco Store amendments will be considered by the City Council on August 12, 2014.
- Planet Fitness and PepperJax Grill have submitted plans for tenant finish projects.
- A consultant has been selected to move forward with the North Scott Corridor Plan.
- The site plans for Carriage Works and Briar Creek Villas will be considered by the City Council on July 22, 2014.
- Provided an update on sign violations associated with a business at 100 N. Chestnut.
- Campaign signs
- Work has started on the Markey Parkway project and is expected to be complete first week in November.
- Discussion of Academy Sports opening date.
- Discussion of the dry detention in the Markey Parkway area.
- Arvest Bank intends to submit construction documents by the end of 2014.

ADJOURNMENT

Commissioner McDonough moved to adjourn the meeting. All members present voted in favor and the meeting adjourned at 7:30 p.m.

Ann Keeton
Community Development Secretary