

**Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
September 15, 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, Chuck Crate and Larry Thompson.

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

Absent: None

MINUTES

Commissioner Crate moved to approve the minutes of the August 18, 2014 Commission meeting. The motion was seconded by Commissioner Christensen. All voted in favor and the motion carried.

PUBLIC HEARING - Special Use Permit - Body-Art Studio (Tattoo) at 212 E. North

Mr. Cooper reported that an application has been received for a Special Use Permit (SUP) to allow a body-art studio to operate at 212 E. North. He described features of the property and identified surrounding zoning districts. A brief history of the property and its buildings was given by Mr. Cooper. It was pointed out this would be the third tattoo parlor within a 1.5 mile area, and there have no documented complaints against the existing tattoo businesses made with the City. He reported the business would have ample parking, access onto E. North, and told of the signs that would be allowed. He went on to say that staff recommends approval of the SUP with seven conditions.

Chairman Girgin opened the public hearing at 7:08 p.m. The hearing was being held to receive public input regarding the proposed SUP to allow a tattoo business to operate at 212 E. North.

Mr. Bradley Franzen, applicant, 237 L Street, Lake Lotawana, Missouri spoke in favor of the SUP application. Mr. Franzen stated he is primarily a medical tattoo artist and he gave an explanation of this service. He reported that he owned a studio in Kansas City, Missouri for approximately eight years, and has been in the tattoo service industry for 22 years. He indicated the business would be a traditional tattoo studio with no body piercing or branding. According to Mr. Franzen, he will be the only artist initially but could add other artists as the business grows. He stated that he would not take customers or employ individuals less than 18 years of age.

Mayor Davis pointed out there appears to be a proliferation of tattoo and smoke businesses in the City and he indicated that he could not support an SUP application for another of these businesses. He brought up the City Beautification Plan and the incompatibility of these types of businesses locating in the priority corridors of that Plan. The result of an inquiry conducted by Mr. Cooper concerning the approval process used by other cities for tattoo businesses was provided. He stated that Belton is the most restrictive in approving that type of business. There was no further input and the hearing was closed at 7:16 p.m.

It was brought out there is no sales tax collected at a tattoo business because it is considered a service industry. Mr. Franzen reported that if the business obtains a retail license and sells products, there would be sales tax collected on those items. There was conversation about the tattoo studios being within a 1.5 mile distance of each other, and whether one existing studio is still open for business. The Commission discussed the historical public perception of tattoo businesses as opposed to the contemporary viewpoint concerning that type of service. Commissioner McDonough voiced a concern that three tattoo studios in a one mile stretch are too many, especially in an area of the City that is being cleaned up. Mr. Cooper explained how staff arrived at the recommendation to approve the SUP and the proposed conditions of approval. He went on to suggest other means of limiting this type of business in the future. Mr. Leipzig brought out that the SUP process is the most restrictive application the City can have. Chairman Girgin cautioned against prejudging a type of business based on unsavory reputations of earlier studios. She suggested adding an additional condition of approval to the SUP which would require an annual review by the planning commission to assure compliance with City codes.

There was discussion about ways to restrict the number of some types of businesses and to improve the City's image. Mayor Davis pointed out there is currently a number of tattoo shops, pay day loan and smoke/liquor businesses in close proximity of each other and he indicated that he is against adding more. Mr. Leipzig recommended that a condition of approval be added if the Commissioners want to review the SUP annually. Mr. Franzen was questioned about the State licensing process and then he provided further information about his work history. He went on to talk about the varied business license procedures in other cities. It was acknowledged the State does a background check as part of the license application process and an onsite visit is made.

Commissioner Christensen moved to recommend approval of a Special Use Permit to allow a tattoo business to operate at 212 E. North with the following conditions:

1. No Certificate of Occupancy shall be issued for Triple Crown Tattoo Studio until the site has had a final life/safety inspection for compliance with the applicable city codes.
2. The operation of the tattoo & body piercing business shall comply with all applicable laws, regulations, and standings of the State of Missouri including but not limited to those specified by the Office of Tattooing, Body Piercing and Branding in the Department of Insurance, Financial Institutions and Professional Registration.
3. Tattoo and piercing services shall not be provided to persons under the age of 18 years.

4. The Special Use permit is issued to Bradley Franzen only, with the provision that the tattoo business shall be owned and operated by Bradley Franzen, and shall be responsible for its actions.
5. The business shall be operated inside the approved tenant space (212 E. North Avenue) and may not be moved to a different location or expanded without first obtaining approval in accordance with the provisions for Special Use Permit as specified in the Unified Development Code.
6. Inspectors from the City, County, or State shall be allowed to inspect the premises at any time during normal business hours for compliance with the provisions of local and state laws and regulations.
7. The issuance of the Special use Permit does not relieve Bradley Franzen from following all other applicable code and laws of the City of Belton or other governmental agency. This permit also does not relieve Bradley Franzen from applying for all necessary building and sign permits, or occupational license.
8. The SUP allowing the tattoo business to operate at 212 E. North shall be reviewed in 12 months by the Planning Commission.

Commissioner Thompson seconded the motion. When a vote was taken, the following was recorded, Ayes: 4 - Chairman Girgin, Councilman Savage, Commissioners Christensen and Thompson. Noes: 5 - Mayor Davis, Commissioners Davila, McDonough, Finn, and Crate. Absent: none. The motion to recommend approval failed.

LOT SPLIT - 1730 E. Cambridge

Mr. Cooper reported the proposed lot split at 1730 E. Cambridge, is on an 8.97 acre tract of land which is unplatted. He stated the property is zoned A (Agricultural) and when split, will result in a 5-acre lot and a 3.97-acre lot upon which the current house is located. He informed the Commission the property meets the frontage, depth and total acreage requirement for an agricultural lot split. The existing waterline on the south side of the property will be shown in a dedicated utility easement when platted.

Mr. Whorten, property owner at 1730 E. Cambridge, explained that an existing metal building on the west side of the property will be torn down and a new house will be built on that site. Future plans for the site were discussed and Mr. Leipzig reported the property will not need to be rezoned. Mayor Davis moved to approve the lot split for the property located at 1730 E. Cambridge. Commissioner Crate seconded the motion. When a vote was taken, the following was recorded, Ayes: 9 - Chairman Girgin, Mayor Davis, Councilman Savage, Commissioners Davila, McDonough, Christensen, Finn, Crate and Thompson. Noes: none. Absent: none. The motion carried.

LOT SPLIT - 400 Mill Street

Mr. Cooper reported the proposed lot split is a 7.75 acre tract of unplatted land located at 400 Mill Street. He pointed out the location of the site on a map and related the size of the two new lots which will be 2.59-acres and 5.16-acres. He talked about the 50-ft. right-of-way along Mill Street and the existing access drive. He explained the lot split will separate the existing single-family residence from the adjacent manufactured home park. The property owner indicated their intention is to sell the single-family house and to leave the park as it is. Commissioner

Thompson moved to approve the lot split for property located at 400 Mill Street. Councilman Savage seconded the motion. When a vote was taken, the following was recorded, Ayes: 9 - Chairman Girgin, Mayor Davis, Councilman Savage, Commissioners Davila, McDonough, Christensen, Finn, Crate and Thompson. Noes: none. Absent: none. The motion carried.

UDC AMENDMENTS - Manufactured Home Definitions

Mr. Leipzig reported there was a public hearing held on August 18 to receive input about amending the Unified Development Code (UDC) including language in the "Definition" section pertaining to the minimum size allowed for manufactured homes. After voting to recommend approval of the amendments presented in August, there was further review by staff, and two versions of manufactured home language changes were created. He stated that staff is recommending "Version Two" and keeping the proposed 16-ft. minimum width size for manufactured homes. Commissioner Christensen moved to recommend approval of "Revision Two," amendments to the UDC regarding Manufactured Homes and removing the strikeout on Section 40-4(1)e16 and retaining the language "All manufactured homes shall have minimum dimensions of 16 feet in width and 40 feet in length. Commissioner Davila seconded the motion." The motion was seconded by Commissioner Davila. When a vote was taken, the following was recorded, Ayes: 9 - Chairman Girgin, Mayor Davis, Councilman Savage, Commissioners Davila, McDonough, Christensen, Finn, Crate and Thompson. Noes: none. Absent: none. The motion carried.

DIRECTOR'S REPORT

Mr. Leipzig distributed copies of the 2014 Economic Development Report and commented that he is pleased with the results of the first year.

There will be a special meeting on September 22, 2014 to consider a site plan and replat for ROM which is located at 6800 E. 163rd Street.

During the October 6, 2014 meeting there will be a presentation from the MARC Solar Ready KC Initiative; another review of the CIP, and a replat for a natural way in the Cherry Hill area.

There was a discussion about the appearance and status of the former Price Chopper property. Concern was voiced about the appearance created by a number of large trucks parking in the lot. Mr. Leipzig reported on the efforts being made to reduce/regulate the truck parking.

Façade regulations for commercial areas will be discussed at a future meeting according to Mr. Leipzig along with increased regulations for e-cigarettes.

Other topics discussed by the Commission included code violations at a home on Walnut; a report on the demolition of a house on Third Street; and the opening of Academy Sports on September 12, 2014. The Mayor complimented the progress and actions of the Economic Development division of the City.

ADJOURNMENT

Commissioner McDonough moved to adjourn the meeting. Commissioner Crate seconded the motion. All members voted in favor and the meeting adjourned at 8:22 p.m.

Ann Keeton
Community Development Secretary