

**Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
October 6, 2014**

CALL TO ORDER

Vice-chairman Chris Christensen called the meeting to order at 7:00 p.m.

ATTENDANCE

Commission: Vice-Chairman Christensen, Commissioners Sally Davila, Tim McDonough, Steve Finn, and Chuck Crate.

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

Absent: Chairman Holly Girgin, Mayor Jeff Davis, Councilman Tim Savage and Commissioner Larry Thompson.

MINUTES

Commissioner Davila moved to approve the minutes of the September 15, 2014 planning commission meeting. The motion was seconded by Commissioner McDonough. All members present voted in favor and the motion carried.

PRESENTATION

Mr. Leipzig introduced Laura Machala, the Solar Energy Coordinator with Mid-America Regional Council (MARC). Ms. Machala was present to provide an overview of solar energy initiatives MARC is working on, and ways the City can improve the solar energy provisions in the Unified Development Code (UDC). Her presentation included information on the Department of Energy's (DOE) Rooftop Solar Challenge II and Solar Ready II. She explained that solar panel costs have dropped but soft costs associated with solar availability are high and make up more than half the cost of the solar permitting / installation process. She gave examples of soft cost items that play into solar affordability including city permits, interconnection with local utilities, and financing issues. Solar Ready KC developed Best Management Practices (BMPs) to help cities facilitate and streamline their processes for the installation of solar energy.

Ms. Machala provided information about Solar Ready II which is helping planning councils across the country to implement the BMPs in their regions. The BMPs are divided into three categories according to Ms. Machala and those are: process improvements, planning improvements, and financing options. She stated that Belton does not currently address solar in the UDC and she gave examples of points that should be covered in the UDC. Those points would standardize and clearly identify the process for solar planning and permitting in the City. It was recommended by Ms. Machala that the City provide a set of solar guidelines on the City website so builders/contractors can easily access the information. She indicated that a permit application checklist template is being developed to create a uniform process for solar in jurisdictions across the region. The Commission was told about the new solar mapping website which allows searches for solar potential by address and Ms. Machala demonstrated how the website functions. She answered questions about solar financing availability in the area.

DISCUSSION - Outdoor display at 100 N. Chestnut

Mr. Cooper reported that Josh Burnett, owner of KC Rim & Audio has requested permission to allow an outdoor display for his business at 100 N. Chestnut. He provided background

information on the business including a variance received by the business, to allow a monument sign to exceed the maximum height allowed; and a special use permit (SUP) to allow a digital sign within the monument sign structure. When the business opened, there were outdoor displays made up of tires and banner signs. Mr. Cooper reported that in time, the outdoor display created visibility issues for the drivers at the corner of N. Chestnut and E. North Avenue and Mr. Burnett was told by staff to pull back or remove part of the outdoor display. The outdoor display was used to create greater visibility for the business located on N. Chestnut according to Mr. Cooper. Mr. Cooper included a section of the UDC in the staff report which states outdoor displays or storage of merchandise is permitted in commercial zoning districts, and listed the associated restrictions. It was noted by Mr. Cooper that the applicant told the Commission during a meeting held on November 5, 2012 at which the SUP application was discussed, that he would not put tires and rims out on the corner for display when the electronic sign was installed and functioning. Mr. Cooper was asked to read the outdoor display restrictions listed in the UDC again.

Josh Burnett, owner of KC Rim Shop, 100 N. Chestnut addressed the Commission stating that he would like to be allowed to place an outdoor tire display using a set of new tires. He stated the tires would only be outdoors on display during business hours of 8:30 a.m. - 6:00 p.m. weekdays and 8:30 a.m. - 5:00 p.m. on Saturday and would be stored inside every night. He explained that the display would consist of four sets of tires. He described the location of the outdoor display which he stated would be one or two feet back of the sidewalk, and he indicated it will be placed so as not to interfere with the traffic visibility. He clarified that the display would be in front of the existing monument sign with occasional variations in the angle of the display. There were questions asked about one of the UDC restrictions which states that outdoor displays are not permitted in "landscaped areas," and it was pointed out there is a grassy area on the corner being discussed. Mr. Cooper clarified the required landscaped area is a three-foot space around the base of the monument sign, so any display would have to be outside that required three-foot space.

Mr. Burnett was asked if he plans to remove the sign and place tires in that location and he answered that he does not plan on removing the sign. It was pointed out by Commissioner McDonough that when the Commission approved the SUP, Mr. Burnett told the Commission the monument sign would replace the outdoor tire display. It was also pointed out that the outdoor tire display continued after the sign was installed. Mr. Burnett reported that he removed a plywood sign with banners when the monument sign was installed but that he "misstated" when he said the tire display would be removed. Mr. Burnett was asked why he continued to put an outdoor display of tires on the corner after the City staff told him to stop. Mr. Burnett responded that the outdoor tire display remained because it was his belief that if other tire businesses in the City were allowed to have an outdoor tire display, then his business should be allowed to have an outdoor display. Mr. Burnett was questioned about the other businesses that have outdoor displays. Mr. Cooper explained that businesses are allowed by code to have the outdoor displays but KC Rim's display had been creating visibility issues. Additionally with the verbal agreement from Mr. Burnett during consideration of the SUP, it was thought the outdoor display would not be needed. He went on to say that Mr. Burnett feels his business and merchandise selection has grown and there is now a need for the outdoor display. It was suggested by Mr. Cooper that if the Commission were to approve an outdoor display, a specific site can be identified, the length of time, and the type of display can be approved as well. When questioned about whether there have been any other issues associated with the business, Mr. Cooper responded that there have been other code violations.

Mr. Burnett was asked about his plans for the building he purchased across the street on E. North to which garage doors have been added. Mr. Burnett stated he is not sure yet, but the

audio and window tint part of the business will be moving to the new building. He gave some details about the financial portion of his business expansion and indicated the building will be a temporary shop. He went on to say that as the business grows, he may possibly tear down the existing structure and rebuild. Mr. Burnett was asked if he will have an outdoor tire/rim display at newly purchased site. He responded that, "no, if we are allowed to display over on the KC Rim Shop side (100 N. Chestnut), then we won't need it over there (217 E. North). If we are not allowed to place an outdoor display there, then we will request under a different business name to have the display over there." Mr. Leipzig reminded the Commission of the benefits and flexibility of the SUP process and the restrictions/limitations that can be approved.

Commissioner Davila asked if the other tire businesses are operating in accordance with the City ordinance now. Mr. Cooper gave a summary of the two tire businesses with outdoor displays and reported that there were violations with one of the businesses at one time, but both are compliant with city codes now. Commissioner Crate questioned Mr. Burnett further about his business plan for the new building and he responded the building will be used as a shop for now. Mr. Burnett gave additional information on his business which he stated operates on a cash basis. Mr. Burnett was questioned about why he needs an outdoor display at this time. He stated that customer feedback has shown that people don't know a rim shop also sells tires. There was further discussion about his business plan and it was pointed out to Mr. Burnett that he has been in violation of several city codes and has been slow to rectify those situations. Commissioner Finn gave an example of a longtime Belton business that has experienced substantial growth and he stated that business operates within, and complies with the City ordinances.

Commissioner McDonough moved to recommend denial of the request to allow an outdoor display area of merchandise for KC Rim & Audio, LLC, located at 100 N. Chestnut. The motion was seconded by Commissioner Davila. When a vote was taken, the following was recorded, Ayes: 5 - Vice-chairman Christensen, Commissioners Davila, McDonough, Finn, and Crate. Noes: none. Absent: 4 - Chairman Girgin, Mayor Davis, Councilman Savage and Commissioner Thompson. The motion to deny an outdoor display passed. Mr. Cooper then asked for a justification statement. Commissioner Davila's stated reason was for the unknown and the past history of Mr. Burnett and his business. Commissioner McDonough's stated reason was because the City approved an SUP for a digital sign to do away with the outdoor displays and "that's why there is a large digital sign there." Vice-chairman Christensen added "that the other retailers don't have."

CAPITAL IMPROVEMENT PROGRAM

Mr. Fisher presented a summary of the proposed Capital Improvement Program (CIP). He explained the CIP is categorized by projects with certain and uncertain funding sources. He provided details and gave examples illustrating the reasons that capital projects with uncertain funding sources are included in the CIP. The certain funding projects he mentioned included water and wastewater items, along with the 155th Street and Mullen Road widening projects.

Mr. Fisher then spoke about projects with uncertain funding including the preservation and widening of certain roads, curbs sidewalks. He also pointed out and described other projects being requested by the Park and Fire Departments, and storm water improvements. After discussion it was decided the CIP will be considered again at the October 20, 2014 meeting.

DIRECTOR'S REPORT

Mr. Leipzig reported there will be a public meeting to discuss the North Scott Corridor on Monday, October 13, 2014. He expressed his pleasure with the input staff received at a North Scott Corridor steering committee meeting.

Staff is working with the City attorney on strengthening the **façade** standards and regulations for e-cigarettes. He mentioned that staff is reviewing the provisions dealing with poultry ownership within the city limits.

There will be another public hearing to receive input on proposed amendments to the manufactured home requirements in the UDC at the October 20, 2014 Commission meeting according to Mr. Leipzig. Staff will be meeting with Belton manufactured home owners/managers later this week.

The annexation strategy will be brought back to the Commission for review at a future meeting.

ADJOURNMENT

Commissioner McDonough moved to adjourn the meeting. Commissioner Crate seconded the motion. All members present voted in favor and the meeting adjourned at 8:04 p.m.

Ann Keeton
Community Development Secretary