

**Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
April 20, 2015**

CALL TO ORDER

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

ATTENDANCE

Commission: Chairman Girgin, Mayor Jeff Davis, Commissioners Chuck Crate, Ryan Finn, Sally Davila, Tim McDonough, Larry Thompson and Councilman Tim Savage.

Staff: Robert Cooper, City Planner; Jennifer Dutcher, Community Development Secretary; Bobby Sperry, Fire Marshall.

Absent: Commissioner Chris Christensen

MINUTES

Commissioner Thompson moved to approve the minutes of the April 6, 2015 Planning Commission meeting. Commissioner Crate seconded the motion. All members present voted in favor and the motion carried.

PUBLIC HEARING

Robert Cooper presented a request submitted by property owner Roy Light for the vacation of ROW (Right Of Way) on Fifth Street between Ella/Scott. This address is adjacent to a dead-end reach of 5th Street (currently right-of-way) that functions exclusively as a driveway and/or parking for 912 Ella. In accordance with UDC Section 36-113 C-B Vacating Easement and Right of Way, this item was presented before the City Council on March 17, 2015 and then referred to the Planning Commission. In addition, a grassy island enclosed by South Scott, 5th St. and Ella is currently owned by the City as real property and is requested to be vacated to the property owner at 912 Ella. Mr. Light has maintained the grassy island for several years. The staff's recommendation is for the Planning Commission approval. Mayor Davis questioned Mr. Light, asking how he was able to come up with a valuation of \$23,520 as to the amount he has saved the City? Mr. Light stated his valuation is based on mowing and maintenance at \$30 twice a week, times 4 weeks in a month, times 7 months out of the year for 14 years equates to \$23,520.00. Chairman Girgin opened the public hearing at 7:09 p.m. The hearing was held to receive public input regarding vacation of ROW on Fifth Street between Ella/Scott. No additional persons were present to speak for or against the item. Public hearing was closed at 7:10.

Mayor Davis moved to approve the vacation of ROW on Fifth Street between Ella and Scott, with a second by Commissioner Thompson.

When a vote was taken, the following was recorded, Ayes: 8 – Chairman Girgin, Mayor Davis, Commissioners Finn, Crate, Davila, McDonough, Thompson and Councilman Savage. Noes: none. Absent: 1 – Commissioner Christensen. The motion carried.

PUBLIC HEARING

Mr. Cooper presented a Special Use Permit for Best Friends Pet Grooming submitted by business owner, Belle Wead. Mr. Cooper made note of the property description noting the physical address as 129 Cherry Hill Drive, in Cherry Hill Commercial Park, 3rd Plat, Lot 4. Site is 34,169 square feet. Building is just over 4,000 square feet divided into four (4) tenant spaces. Existing zoning is C-2/ Commercial – Retail. Proposed business use to be pet grooming facility. Surrounding zonings include R1 (Single Family), C2 (Commercial) and BPR (Business Park Restricted). The Special Use packet contains recommendations from other businesses and cities the applicant has worked in or has had an influence in. This applicant comes highly recommended. Mr. Cooper continued to say the applicant also wanted to make clear all animals and activities associated with the use will be contained within the building, that no kennels will be used or stored outdoors. Staff's recommendation is to approve the Special Use Permit with four conditions. 1. No issuance of the Certificate of Occupancy for 'Best Friend Pet', until the site has had a final life safety inspection; 2. No kennels shall be stored or used outdoors; 3. No outdoor storage of supplies and/or material unless fully screened from public view; 4. All grooming activities shall be performed indoors only. Chairman Girgin then opened the public hearing at 7:14 p.m. to receive public input regarding the Special Use Permit and explained the Commission was welcome to add commentary or address questions to the applicant. Mayor Davis questioned Mrs. Wead asking if additional signage will be placed on the building? Mrs. Wead indicated she will not be placing permanent signs however, will look into temporary signs based on the City's rules. Mr. Cooper stated, banner permits could be utilized and displayed 4 times a year in 20 day increments that can be run consecutively. Noting that possibly Mrs. Wead could look into applying for a Temporary Use Permit, which is good for 3 days and could help draw attention to her business. Mrs. Wead stated she plans to hold an open house showing off her brand new facility on June 13th, this will be a good time for her to meet new neighbors. Councilman Savage questioned if Mrs. Wead had a problem with listing no outdoor storage of supplies and or materials as a condition of her business license? Mrs. Wead stated the requirement was not a problem at all. Councilman Savage indicated if Mrs. Wead's outdoor storage needs should change in the future then he would like her to come back in and speak with the Commission. Mrs. Wead continued to say over time she will be closing the Leawood location and will operate maybe five days a week from the Belton location. She feels she will have possible clients from Loch Lloyd and Overland Park. No additional persons were present to speak for or against the item. Chairman Girgin closed the public hearing at 7:24 p.m. and acknowledged the four listed conditions on the staff report noting the change to item three.

1. No issuance of the Certificate of Occupancy for 'Best Friend Pet', until the site has had a final life safety inspection;
2. No kennels shall be stored or used outdoors;
3. No outdoor storage of supplies and/or material ~~unless fully screened from public view;~~
4. All grooming activities shall be performed indoors only.

Mayor Davis moved to approve as amended the Special Use permit for Best Friends Pet Grooming, with a second by Commissioner Crate.

When a vote was taken, the following was recorded, Ayes: 8 – Chairman Girgin, Mayor Davis, Commissioners Finn, Crate, Davila, McDonough, Thompson and Councilman Savage. Noes: none. Absent: 1 – Commissioner Christensen. The motion carried.

PUBLIC HEARING

Consideration of changes to the Unified Development Code (UDC) for the Fire Department was presented by Fire Marshall, Bobby Sperry. Mr. Sperry expressed, Belton Fire Department is requesting an amendment of the City of Belton Unified Development Code. This language change does not alter the intent of the UDC, rather clarifies language to match language already in place in the 2012 International Fire Code. On occasion the Fire Department will run into a business that doesn't follow the rules and must be issued a citation, this change in language will clarify the code. Mr. Sperry stated during business hours business doors must remain open for access. The department is finding businesses that are locking their doors with padlocks or other exterior locks. The department wants compliance not discipline; however after multiple warnings a citation must be issued. The department's goal is to get people out safely in the event of an emergency. Mayor Davis questioned how many citations have been issued? Mr. Sperry responded as of November last year he has not written any, writing a ticket is the very last option.

Chairman Girgin opened the public hearing at 7:38 p.m. The hearing was held to receive public input regarding changes to the Unified Development Code (UDC) for the Fire Department. No additional persons were present to speak for or against the item. Public hearing was closed at 7:39.

Commissioner McDonough moved to approve the changes to the Unified Development Code, with a second by Commissioner Davila.

When a vote was taken, the following was recorded, Ayes: 8 – Chairman Girgin, Mayor Davis, Commissioners Finn, Crate, Davila, McDonough, Thompson and Councilman Savage. Noes: none. Absent: 1 – Commissioner Christensen. The motion carried.

PRESENTATION

Mr. Cooper read the staff report for the consideration of the Heartland Dental Final Development Plan. Indicating the site to be a 6,000-sq. ft. mixed-use commercial building, with a drive-thru restaurant, anchored by a dental office, on Lot 2 of the Belton Gateway Addition, a 1.39-acre tract of land, tentatively addressed as 630-634 W. Markey Parkway. The current zoning is C-2 (General Commercial) District to be located within the Belton Gateway Addition, Lot 2. The subject site is located within the city's primary commercial/retail corridor. The proposed building will be 6,000-sq. ft. with a maximum building height of 22-feet. The general appearance of the building will be a brick combination with native stone veneer and ground face masonry. HVAC units will be roof-mounted and screened from public view. The site will be part of the Belton Gateway Development, which is a combination of multiple interconnecting parking lots. The primary access into the site will be from Markey Parkway,

immediately north and east of the Markey Parkway / 163rd Street traffic signal. The parking ratio for this project is 1 space for every 300-square feet which equates to no less than 20-parking stalls. The site will provide for 57 parking spaces which include three (3) handicap spaces. The site will be irrigated and landscaped with multiple native plantings, shrubs and sod. No more than 40% of the lot can be coverage by structures. This development site as proposed has a lot coverage of 10.1%. Mr. Cooper continued to say it is staff's recommendation to approve the Heartland Dental Final Development Site Plan. Staff is looking to gather comments to relay to the developer from the Commission. Mr. Cooper also made mention site planners and designers have acknowledged staff's comments and are ready to make necessary changes. Mr. Dave Olson with Christie Development addressed the Commission stating with the Planning Commission's approval, they plan to complete construction documents and submit for building and site permits concurrently by the end of next week. They are working very hard to be under construction by June 1, 2015. Opening of the dental facility would be before December of 2015. Mr. Olson wished to express to the Commission that the master developer has already approved the plan and they are very much identical to the already constructed Academy Sports. Mr. Olson asked for approval from the Planning Commission so that they can work to obtaining the building permits.

Councilman Savage expressed concern with the back of the building, if the building backs up against the thoroughfare, we would want it nicer. As designed it seems fairly bland, with the height of the building will you be able to help this with landscaping? Mr. Cooper addressed this by stating when submitting construction documents for review; those items could be worked out. Mr. Olson explained with the landscaping plan on top of the rock wall, at the line of site from Y Hwy, you will see roughly 50-60% of the wall. Councilman Savage requested staff to please keep these items in mind with the final plan. Commissioner Finn addressed concerns with the downspouts, questioning if a different manner of construction could be considered; possibly bricking in the gutters or mounting on the inside of the building. Mr. Olson expressed his dislike of interior roof drains, as it goes against the idea of removing water away from the building. Commissioner McDonough expressed concern for the back of the building for the drive up to the future restaurant stating it doesn't look like enough room for a drive thru and parking. Mr. Cooper stated the parking meets code and staff feels the design and measurements meet code. Commissioner Crate questioned if we put this item on hold how much time would be lost to return with a finished product? A finished product showing all corrections as stated in the staff report? Chairman Girgin stated much of the report is standard report language with regard to the taps and back flow preventers. She does not take the language as a concern rather more so of a thorough detailed report. Mr. Cooper reiterated a lot of the language found in the staff report is the standard language necessary for the project to be successful. Staff brings the site plan to the Planning Commission to gather input, if staff felt an overwhelming concern with poor design or poor quality, then we would not hold back from talking with the developer. Staff would ask the developer to a DRC meeting and then return with a finished project to submit to the Commission. Staff feels this is one of the nicer projects we've seen in a while. When construction documents are submitted staff will look at the down spouts and take in consideration the additional comments to enhance the project. Mr. Cooper finalized by saying staff is ready to move forward. Mayor Davis expressed he would like to see the project be aesthetically pleasing and make the discussed adjustments, stating staff is charged with seeing this look as good with the front and the back of the development. Commissioner Crate stated it is time this body

(Planning Commission) takes over and takes responsibility for approving these types of plans. We need to see more complete, finalized plans. Mr. Olson stated when he returns with plans for Lot 4; he guarantees the list from the staff report will not look like this list.

Commissioner Crate moved to postpone the approval of the Heartland Dental Final Development Plan until issues are resolved. Motion failed with a lack of a second.

Mayor Davis moved to approve the Heartland Dental Final Development Plan, with a second by Commissioner Finn.

Mr. Cooper stated staff will not approve and take plans to the next level with these outstanding issues. Commissioner McDonough stated the issues to be addressed include the doll up of the rear of the building, and then he is more likely to approve based on all conditions.

Mayor Davis moved to accept the Heartland Dental Final Development Plan as is with improvements included as charged to staff, with a second by Commissioner Finn.

Councilman Savage questioned if we should approve plans as is or send staff away to return with corrections? Commissioner McDonough stated Chuck (Commissioner Crate) is drawing the line; from now on we want a better complete set of plans. Commissioner Crate wished to make clear; this is not aimed at staff. We as the Planning Commission have set the tone for what is to be presented. We need to upgrade and update. Mr. Cooper stated what we are talking about is a policy change. Usually we send comments to developers and have them resubmit with corrections before going to the Commission for review. Mr. Cooper continued stating he has two concerns: one being a policy change and the second, implementing the Planning Commission's concerns and expectations of finished projects. Next project will be very short with staff comments and issues will be addressed. Chairman Girgin expressed there may be a need for a work session to discuss expectations.

When a vote was taken, the following was recorded, Ayes: 7 – Chairman Girgin, Mayor Davis, Commissioners Finn, Davila, McDonough, Thompson and Councilman Savage. Noes: 1 – Commissioner Crate. Absent: 1 – Commissioner Christensen. The motion carried.

The next Planning Commission meeting is scheduled for May 4th.

ADJOURNMENT

Commissioner Crate moved to adjourn the meeting. The motion was seconded by Commissioner Davila. All members present voted in favor and the meeting adjourned at 8:34 p.m.

Jennifer Dutcher
Community Development Secretary