

**Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
September 21, 2015**

CALL TO ORDER

Chairman Holly Girgin called the meeting to order at 6:02 p.m.

ATTENDANCE

Commission: Chairman Holly Girgin, Commissioners Sally Davila, Tim McDonough, Ryan Finn, Chuck Crate, Councilman Chet Trutzel and Mayor Jeff Davis.

Staff: Jay Leipzig, Community & Economic Director, Robert Cooper, City Planner, Jennifer Dutcher, Community Development Secretary, Bobby Sperry, Fire Marshal and Jeff Fisher, Public Works Director.

Absent: Commissioners Chris Christensen and Larry Thompson

MINUTES

Commissioner Finn moved to approve the minutes of the August 17, 2015 Planning Commission meeting. Commissioner Davila seconded the motion. All members present voted in favor and the motion carried.

DISCUSSION

Mr. Cooper presented the staff report for a special use permit to allow a home child care business to operate on property zoned R-1 (Single-Family Residential) District; addressed as 307 Apple Valley Parkway by applicant Dana Gaston. The existing zoning and land use was noted as R-1 / Single-Family Residential. Mr. Cooper stated pursuant to Section 40-3(6) of the Unified Development Code, 'Day care homes and centers' with more than four (4) children must have a special use permit and must meet the following requirements:

- a. Day care homes and centers must be licensed by and in compliance with all state and local laws governing such facilities;
- b. Any outdoor areas used by the facility as recreational areas must be enclosed by a fence no less than 42-inches in height;
- c. Day care homes and centers must include a designated safe unloading (drop-off) and loading (pick-up) areas for children.

The property was noted as a 1,320 square foot residential house at 307 Apple Valley Parkway. The home was constructed in 1999 as a split-level wood-frame having five (5) rooms, containing three (3) bedrooms and two (2) full size bathrooms. There is an attached two-car garage with a double stacking capacity of four (4) vehicles. Mr. Cooper continued the staff report by indicating the permitting of a home day care center in the proposed location could contribute to the welfare and convenience of the public by providing a service in the neighborhood and for individuals living and working in the Belton area. It appears the proposed use will not have an adverse effect on the surrounding or abutting properties provided the user does not store any materials or items outdoors or maintains an unsightly yard. It appears to staff, the proposed use as a home day care center will not dominate the neighborhood. All of the adjoining lots within the immediate block have a similar lot size. The Unified Development Code requires one (1) parking space for every 600 square foot of gross-floor area. Based on the total square footage of the house; two (2) off-street parking spaces must be provided. Currently, there are not any on-street parking restrictions along Apple Valley Parkway. The property has direct access from Apple Valley Parkway, which is the primary source of ingress/egress. Due to the staggered scheduling scheme of the business owner and relatively low volume of users, no traffic calming devices are needed. Pursuant to Section 40-4

of the Unified Development Code, home based business are allowed one (1) non-illuminated wall sign, not to exceed two square feet and shall match the house in color and design with an approved sign permit. Mr. Cooper stated staff's recommendation is for an approval; subject to the condition of no outdoor storage of supplies and/or materials.

Commissioner Davila asked how many children Mrs. Gaston provide care for. Applicant, Mrs. Dana Gaston, 307 Apple Valley Parkway, stated she is state licensed for 10 children with an additional 3 before and after school, also indicating she cares for her 3 grandkids, however, not everyone is there at the same time. Mrs. Gaston indicated she keeps the number of children between 10 and 13 and has 2 to 3 additional providers. Commissioner Davila questioned the hours of operation, whereas Mrs. Gaston replied between 6 a.m. and 9 p.m., however, at this time she is not providing evening care. Mrs. Gaston stated she has provided care for 37 years and has not had any out of compliances. Commissioner McDonough questioned if Mrs. Gaston is currently operating from this location. Mrs. Gaston replied yes for almost 2 years now at this location, we transferred to this location and I don't think the city realized we transferred. The State and the Fire Marshall moved everything to this new location. I have not had any out of compliances as of this date. Mr. Gaston stated they had a 2014 license; we notified the city that we moved. We did have a current city license; there must have been a misunderstanding.

Chairman Girgin opened the public hearing at 6:08 p.m. for anyone wishing to speak for or against the special use permit.

Iretha Antwine, 300 Apple Valley Parkway, addressed the commission stating she has been in daycare for 35 years. When building their home, they did not build in an area that would be ruled and licensed for any businesses in the area. She asked for a 20 year study and found no businesses were planned to be in the area. Mrs. Antwine questioned why the applicant did not ring door bells, introduce herself and let people know what she was doing and that she was running a business in her home. Where does she plan to keep these children inside of the home? Mrs. Gaston indicated they utilize a bedroom, an entire living room and a big play room downstairs. Mrs. Antwine questioned Mayor Davis if he knew the applicants personally and if he would be recusing himself from voting. Mayor Davis indicated he has not seen the family in maybe 15 or 20 years and he would indeed be voting. Mrs. Antwine continued to express her concern stating the applicants have cars on jacks and chickens running in their driveway. Chairman Girgin requested all comments be addressed to the commission and that the meeting be kept civil, friendly and respectful. Mrs. Antwine questioned if the applicant has met the state and federal rules as she has a pool in the yard, which is not allowed by law for daycares.

George Antwine, 300 Apple Valley Parkway, addressed the commission, stating he has lived in the area for 18 years; he built his home in 1997. He has personally witnessed cars jacked up in the driveway while children are present. Although he does not live directly next door, he lives on the corner.

Jim Bushmoyer, 305 Apple Valley Parkway, stated, he is not here to tell someone they can't make a living. If he had a choice, he doesn't know that he would have moved into a home with a daycare next door. If they are home sick, it becomes a little bit of an issue because of the noise. The kids are right next door and they can be heard. They are not being excessively loud, but when you have multiple kids playing it's hard to keep them quiet. They have spent hundreds of dollars for landscaping and rock between the homes. Some rocks are 3" to 4" in diameter; several rocks are getting thrown into the yard. He has concerns when mowing because the kids have thrown the rocks around and has had damage to his home. He has concerns when mowing because he does not want the mower to throw a rock and hurt a child. He indicated he had a realtor come out; they did an assessment and had concerns with the daycare right next door, what if he decides he wants to sell. He has addressed concerns with the applicants Dana and Doug. He wouldn't want to take away their livelihood but he would have loved the opportunity to have a say so.

Helen Lashbrook, 900 Winesap Court, addressed the commission, stating she lives directly east of the applicant with abutting backyards with a big fence. She moved into her home in 1998, and bought in the area because it was a single family, new development and had hoped for no situations with businesses next door. She is home all day and hears noise from the children. Toys have been tossed over the fence into the yard and the noise from children can be heard. She addressed the commission; if you allow one daycare exemption, you will have others. She would prefer to keep the neighborhood to one family.

Gail Smith, 302 Apple Valley Parkway, addressed the commission stating, she lives across the street and has concerns of safety for the children. She has witnessed children's toys within feet of jacked up cars for weeks. She also has concerns that they have operated this daycare for 18-24 months at this location, and is confused as to why they are just now calling for a licensed daycare permit.

Applicant, Doug Gaston stated the house across from them has 7 to 8 children and you can hear that noise all the time, into the night and all day. If the neighbors had come to us, we might have done something. He questioned if they approve the daycare license will there be repercussions from the neighbors, because he has heard comments. Chairman Girgin said she certainly hopes not, that would become a legal matter. Chairman Girgin continued to state the commission appreciates everyone being here and taking the time, your input is a valuable part of the process and we thank you for that.

The public hearing was closed at 6:26 p.m.

Chairman Girgin questioned staff, why are we proceeding now with an application for a special use permit. Mr. Leipzig stated he assumes because the business licenses are due at the end of June with the clerk's office, possibly the applicant moved midway thru the licensing. Mr. Leipzig stated he assumes the city was under the impression they were at their previous address and was unaware the daycare had relocated. Chairman Girgin stated that she understood the applicant indicated she had spoken with someone at the city and that the address change did not translate to the business license. Mr. Leipzig made mention he was aware of some code issues previously, but all items had been corrected. Mr. Cooper cited there were also clerical errors in the clerk's office; the business license application was originally input as a home business allowing 4 or less children without a special use permit. However, it appears there was a misunderstanding for more than 4 children. During the renewal period the city realized, that in fact, they needed to go thru a special use permit process after becoming aware they were watching more children than originally intended. Commissioner McDonough questioned why the staff report did not list any of the code enforcement issues. Mr. Cooper indicated that code enforcement had signed off on the previous concerns. However, these items can be addressed thru the property maintenance inspections with code enforcement. Home daycares are not allowed to have children in the front yard, per state guidelines children must be in a fenced rear yard. If this is enforced by the business owner, all issues would be resolved. Mr. Cooper continued to state all the complaints received this evening are valid complaints. Business owners need to be made aware the neighbors are upset and the code enforcement issues need addressed, possibly needing to put some conditions to this application. Mr. Gaston approached the podium and stated, we are not here to step on anyone's toes. We appreciate what the neighbors have said.

At 6:32 p.m. Mr. Jerry Lashbrook, 900 Winesap, advanced to the podium indicating he wished to address the commission. Therefore, Commissioner Girgin stated the public hearing would be opened one more time to allow new comments. Mr. Lashbrook stated he bought his home 10 years ago and the area was geared for residential with no businesses and it should remain that way to keep the area stable. People work hard all their lives for a quiet, peaceful, enjoyable home, and if you let one daycare in then there will be more, driving down property values. This is not a business area; it's a quiet, peaceful residential area to raise our own children.

Chairman Girgin stated this is the final opportunity for members of the public to speak before she closes the public hearing for the second time.

Mr. George Antwine, 300 Apple Valley Parkway, approached the podium a second time and questioned what investment do the applicants have in this property; are they homeowners; are they purchasing that property? He does not have anything against them personally; however, as homeowners we invest into our homes, if you allow them to do this then what stops others? The Gaston's replied their cousin owns the home.

Commissioner Trutzel questioned Mr. Leipzig, are there additional businesses in the area. Home care is a little different from putting a car repair shop in a garage? What do we know about additional businesses in the area? Mr. Leipzig indicated 4 children or less only requires an administrative approval however, more than 4 require states approval and a special use permit. There are no other daycares within Apple Valley with special use permits.

Being no public input, Chairman Girgin closed the public hearing at 6:40 p.m.

Mr. Crate questioned if Mr. Cooper had an opportunity to view the playground equipment in the backyard. Mr. Cooper said no. Mr. Crate questioned what happens with the special use permit if the property owner sells that property from underneath the business. Mr. Cooper then stated a special use permit is tied to business owners name at that address; if this person leaves the premises the special use permit dissolves and does not move to a new location. Commissioner Davila requested additional information on the mentioned swimming pool. Mrs. Gaston stated it's a tiny blow up wading pool; she will poke a hole in it and throw it in the trash. She stated the daycare children do not play in the pool it is for her 2 grandsons ages 15 and 12 and 2 granddaughters; they are not confined to the backyard. Commissioner Crate questioned the condition of the fence in the rear yard. Mrs. Gaston stated it is a 6 foot high wooden fence. Mayor Davis stated it is a tragedy of no communication between neighbors and questioned if Mr. Cooper now agreed with the staff report citing the welfare and conveniences. Mr. Cooper stated the service itself can contribute to the neighborhood and we have seen this happen with other homecare businesses that go through the special use process. However, these issues brought out tonight are serious enough for the commission to place sanctions on the special use permit or to deny it. Mayor Davis stated this is the first meeting we have had with upset neighbors for a daycare. Commissioner Trutzel questioned how many daycares are in residential areas with a special use permit. Mr. Cooper indicated roughly a half dozen; however, at this time that number is unknown. However, for those businesses without a special use permit; the number is considerably higher. Mr. Leipzig stated there is a total of 15 licenses with special use permits in the city. The city receives notices from the state for daycare applications. This notice came in and we did not have a special use permit for this address. Chairman Girgin addressed the commission stating, we can approve, deny, or have the applicant address the cited concerns.

Commissioner Crate moved to postpone the special use permit pending future investigation to include; an inspection of the back yard, fence condition, cars in the driveway and an administrative research of the number of home daycare special use permits. Mr. Leipzig stated a full review of code enforcement is needed and to find out what exactly has happened with this license. Chairman Girgin stated we have a motion to continue/postpone the special use permit as staff does due diligence. Commissioner Trutzel seconded.

Commissioner McDonough stated he is almost against voting for this item, this is too big of a daycare for that area with up to 10 kids and grandkids. Chairman Girgin stated the commission takes these decisions extremely serious, we know they effect on a personal basis; we would be remiss if we did not take the input from the public. Mrs. Gaston stated that she called city hall several times. Chairman Girgin stated the best process is to let this verification take place, let this settle a little bit, work with the staff. The city owns some of this too by not keeping better track of records. So there is concern to be shared all around

the table. We respect this is your business, this is your livelihood and we would be remiss if we did not take into account the concerns of the neighbors. Hopefully this will resolve amiably.

When a vote to postpone was taken, the following was recorded, **Ayes: 6** –Chairman Holly Girgin, Commissioners Sally Davila, Tim McDonough, Chuck Crate, Councilman Chet Trutzel and Mayor Jeff Davis.

Noes: 1 – Commissioner Ryan Finn

Absent: 2 –Commissioners Chris Christensen and Larry Thompson
Motion to postpone carried.

Mr. Leipzig addressed the commission for the special use permit for Heart n Hand located at 200 B Street. Mr. Leipzig indicated there are still some open items with this request and staff would like additional time to work with Mr. Dawson. The request is for a seasonal concession stand which will operate from April thru October. Mr. Cooper then presented the staff report stating the request is for a special use permit to allow Heart n Hand Ministries, a faith-based community outreach facility, to operate a seasonal concession stand on property zoned C-2 (General Commercial) district. Mr. Cooper continued to say Rick Dawson, Heart n Hand Ministries, would like to operate a seasonal concessions stand selling grilled meat sandwiches at 200 B Street. According to Mr. Dawson, Heart n Hand has decided to utilize the donated concessions stand by serving the public an assortment of grilled meat sandwiches and snack foods. In order to facilitate this service, they also constructed a 30-foot by 20-foot / 600 square foot stand-alone platform, to be used as a place for people to sit and eat. The size of the concessions trailer is approximately 8-ft by 12-ft. / 96 square feet. The concessions trailer will be a seasonal event, operating April through October, between the hours of 10:00 A.M. and 3:00 P.M., Monday thru Friday. According to Mr. Dawson, the platform seating area can support up to 30 people, will be handicap accessible, and can accommodate small business / organization events. The property contains a building approximately 4,000 square feet in size, constructed in 1950 and was used as a church. In 1960, a small 2,000 square foot building addition was constructed and used as a retail store. Currently, the main building is being used as a Thrift Store, which is associated with Heart n Hand Ministries, a not for profit, 501C-3 charitable organization. Staff believes that by allowing a seasonal food trailer at the proposed location it could contribute to the welfare and convenience of the public by providing a service to area residents.

A major concern for the city and more importantly, the immediate neighborhood, is the multi-use aspect of the property. The property has seen chaotic growth over the last couple of years. The proposed use could have an adverse effect on the surrounding or abutting properties. Presently, the site experiences a considerable amount of traffic, with a combination of people occupying the thrift store and people dropping off donated items. Currently, there is nuisance code violations on the site related to donated household items being left outside, outdoor storage of miscellaneous items, etc. Trash management is another concern. Code enforcement staff has received numerous complaints concerning the trash dumpster and donated items being dumped illegally. City code requires the trash dumpster to be relocated behind the building line and screened by a 6 foot wood privacy fence. There is the potential for additional trash and dumping associated with the seasonal concessions activity. Staff's concern is that a blighting effect has been created and will continue following the allowance of a chaotic usage of the property. Currently, the predominate use in the immediate area is light commercial. The proposed use is adjacent to a vacant lot that normally contributes to the blighting effect which is occurring in sections along the East North Avenue corridor. Code requires one (1) parking space per 300 square feet of floor area. Based on the total size of the trailer (96 square feet), and the size of the eating/seating area (600 square feet), it appears there will be ample parking. The site has a driveway approach directly from B Street, which is the primary ingress/egress. There is also access from the alley, located on the back side of the facility. The event/activity may place temporary signage on site with an approved sign permit. An inspection and the issuance of a valid health department food handlers / preparations license are required prior to the serving

of food to the general public. Many, if not all of the supplies, materials, and labor is donated to the Heart n Hand Ministries project. As a charitable organization, city code exempts them from the building permit fee; however, they still are obligated to obtain a city building permit. In this case, there are two areas of concern: First, the 8' by 12' concession stand/trailer has running water and electrical service. This service connection to domestic water and electrical service has been done without the review of construction plans by the city building inspector or city inspection. Second, the 30-ft. by 20-ft. seating platform has also been constructed without city review or inspection. In a pro-active attempt by city building inspectors, they notified Mr. Dawson of the need to submit plans and schedule an inspection; they witnessed a few construction flaws with the seating platform. City code requires that any external wiring for an outdoor recreational area must be enclosed in conduit and approved by a city building inspector. Mr. Dawson did comply with city staff request and scheduled an inspection. On September 8, planning and zoning, building inspections and the fire marshal's office performed an on-site walk-thru inspection. The concessions trailer and the seating platform were one of the many areas that were inspected. Following a thorough inspection, city building inspectors deemed the concessions trailer and seating platform as compliant with applicable building codes. Mr. Cooper said he recommends an approval as submitted with the following conditions:

1. The concession trailer shall be open to the public between the months of April and October only.
2. The hours of operation shall be between 10:00 A.M. and 3:00 P.M., Monday thru Friday only.
3. No permanent or temporary building additions shall be made to the concessions trailer or the seating platform without prior Planning Commission approval.
4. The approved special use permit shall not be used for any other public or private use.
5. The special use permit shall be reviewed annually by the Planning Commission.

During the inspection, staff noted trash in the donation area, a tent installed prior to school in August containing backpacks, clothing and supplies. Although this is a good cause things were done without the approval of staff. As of this evening, the tent has not been taken down. Reports are coming in that people are sleeping on the sides and the rear of the property, in which Mr. Dawson indicated he does not endorse. Concerns are raised of a possible encampment to the homeless. Mr. Cooper stated there is a need in the community and with efforts to work with Heart n Hand, staff would like to postpone approval until the spring of 2016 prior to the needed date of April. Staff will work with Mr. Dawson to correct illegal dumping and enclosing dumpsters. Commissioner McDonough questioned if a building permit has been issued. Mr. Cooper indicated yes it has. Councilman Trutzel stated the homeless sleeping at the back of the building is an issue, how can we correct that? Mr. Dawson indicated he has lit the entire building up with lights; however, they just cover themselves up.

Chairman Girgin opened the public hearing at 7:13 p.m. to receive public input for or against the special use permit.

Mr. Dawson addressed the commission stating he needs the communities help with the trash and donations. He is out there every day picking up trash, has set security cameras and lit up the building, chain locking the dumpsters and donation bin. He is trying to minimize the mess and lock it down. The tent is coming down; it was for a school event. The parking lot is to be recoated and relined adding more parking. Commissioner Davila questioned how soon before the tent comes down. Mr. Dawson stated one week. Commissioner McDonough stated when they moved to this larger location he promised no more exterior issues. Mr. Dawson stated he has been trying to hide the mess with carports and needed to keep the school supplies and clothes protected. Mr. Dawson indicated \$1200 has been spent in dumpster fees to haul out the trash, and post a city ordinance sign of "no afterhours dumping". Mr. Leipzig stated some key issues that need addressed for the special use permit to continue includes; no one sleeping onsite, trash enclosure, general business operations, food being served, drop off issues. Mr. Cooper stated in relation to Commissioner McDonough's comment of outdoor activity, the best control is to get ahold of staff before beginning projects. Staff would be willing to walk with Mr. Dawson through this process. Mayor Davis reiterated for Mr. Dawson to get permits before beginning work. Mr. Dawson indicated he had received a general permit but it has since expired. He has been talking with Don from building

inspections and wants to play fair. Fire Marshal Bobby Sperry stated Mr. Dawson works well with the Fire Department. The interior of the building is better than it has ever been in 22 years. Every thrift store has issues with donations. Mayor Davis brought into light complaints of vagrancy with the Main Street Merchants. Mr. Dawson indicated he tries to keep an eye on what is being brought for donation, if he notices something from the sidewalks of merchants, he returns it. Mr. Dawson indicated he does not want to draw Jackson County here, just wants to help our own citizens.

With no one present to speak for or against the special use permit, Chairman Girgin closed the public hearing at 7:27 p.m.

Chairman Girgin acknowledged no vote was necessary as the item has been continued until the spring.

Mr. Leipzig welcomed Engineering Solutions, Matt Schlicht and Lane 4 attorney, Eric Collins. Mr. Leipzig announced if the lot split approval is granted; the Planning Commission can expect a site plan submission within a month to a month and a half. Mr. Cooper presented the staff report noting it as a consideration of a lot split for 1818 E. North Avenue, a 4.02 acre tract of land, zoned C-2 (General Commercial) District, located just east of the Cedar Tree shopping center, and immediately west of the 58-Highway & I-49 interchange.

Staff met with Engineering Solutions to discuss the possibility of splitting the 4.02 acre tract of land, which is located at 1818 E. North Avenue. The lot split would consist of **Lot 1A** / 111,452 square feet (2.56-acres) and **Lot 1B** / 63,574 square feet (1.46-acres) noting the minimum lot size for C-2 (General Commercial): 10,000 square feet or 0.23-acre. Mr. Cooper continued the staff report citing approval or disapproval of lot splits shall be made based on the following guidelines.

1. No Lot Split shall be approved if:

- A. It does not comply with the minimum design requirements of these regulations.
Staff Comment: Splitting of the lot will result in the newly created lot meeting or exceeding the minimum square footage and lot width.
- B. A new street or alley is needed or proposed and dedication is not being made.
Staff Comment: No new street or alley will be required.
- C. A vacation of streets, alleys, setback lines, access control, or easements is required or proposed.
Staff Comment: Not applicable.
- D. If such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets; or will interfere with maintaining existing service levels, e.g., additional curb-cuts, repaving, etc.
Staff Comment: Additional traffic control devices (roadway markings or signage) may be required.
- E. There is less street right-of-way than required by these regulations of the Comprehensive Plan unless such dedication can be made by separate instrument.
Staff Comment: Adequate access is available.
- F. All easement requirements have been satisfied.
Staff Comment: The site has existing cross-access easements.
- G. If such split will result in a tract without direct access to a street.
Staff Comment: Not applicable.
- H. A substandard-sized lot or parcel will be created, except, where a lot split will result in the substandard-sized portion being recombined with an adjoining substandard-sized,

platted lot, and where this recombination is duly filed and recorded with the County Recorder of Deeds.

Staff Comment: The lot being created will meet or exceed the minimum size requirement.

- I. If the lot has been previously split or been part of a minor subdivision in accordance with these regulations.

Staff Comment: Not applicable.

Mr. Cooper indicated based on the established criteria outlined in the Subdivision Regulations, staff believes this lot split request meets all the minimum requirements and therefore, recommends approval. Mr. Cooper asked the commission to make note to correct the address listed on the staff report to show 1818 E. North Ave. Mr. Leipzig stated the next step is a formal site plan which is to be submitted to the Planning Commission, however, this evening's approval pertains only to the lot split.

Commissioner Finn moved to approve the lot split for 1818 E. North Ave, seconded by Commissioner Davila.

When a vote was taken, the following was recorded, **Ayes: 7** –Chairman Holly Girgin, Commissioners Sally Davila, Tim McDonough, Ryan Finn, Chuck Crate, Councilman Chet Trutzel and Mayor Jeff Davis.

Noes: 0 – None

Absent: 2 –Commissioners Chris Christensen and Larry Thompson

The motion carried.

Mr. Cooper presented the staff report for consideration of a Final Plat approval for Carnegie Village indicating the site as a 13.4-acre, senior and assisted living facility, located on the south side of 58-Highway, east of Y-Highway, addressed as 107 Bernard Drive. Carnegie Village is a development that has been owned by the Tutera Group since 2006. Although the Tutera Group owned a minority share until 2010 when they assumed full ownership and management control, they have worked to improve the operation of the facility and brought the assisted living component to the project. The property is currently owned by JCT Belton Senior Living, LLC. The State of Missouri has granted them a Skilled Nursing Certificate of Need to construct a development next to Carnegie Village. At the present time the plan is to build and manage a 60-bed facility immediately west of the current development. A zone change was approved by the Planning Commission in July with plans to demolish a home and convert into parking which will be needed because some parking will be removed with the additional 60 bed facility. Mr. Cooper continued the report stating, the Carnegie Village site (entire tract) was viewed as a long term development and the existence of the assisted living and independent living units possible when excess land became available allows the owner to enhance the development by adding the Skilled Nursing Facility. This allows for additional services to the elderly and the population segment needing physical rehabilitation and other services. In addition, the new facility will need additional staff, most being skilled workers, providing job opportunities within the community. The City Engineer had one comment pertaining to the plat, requesting the identification of the existing wet detention pond as a 'Storm-Water Management Area', and includes the following statement:

“All storm-water management areas shall be maintained in perpetuity by the property owner. Maintenance of storm-water management areas shall not be the responsibility of the City.”

Mr. Cooper finalized his report by stating, staff finds the Final Plat to be in accordance with Section 35-36 of the Belton Unified Development Code, therefore, supports a recommendation to approve the Final Plat of the Carnegie Village Plat. Mr. Cooper continued to note: Pursuant to Section 36-37 of the Unified Development Code, if a final plat is not recorded within one year of the date of the Planning Commission's approval of the final plat, the approval shall become null and void and a new final plat must be submitted to the commission and the governing body for their consideration. No building shall be occupied until the final plat has been recorded with the Cass County Recorder's Office.

Commissioner Finn moved to approve the Final Plat for Carnegie Village, seconded by Councilman Trutzel.

When a vote was taken, the following was recorded, **Ayes: 7** –Chairman Holly Girgin, Commissioners Sally Davila, Tim McDonough, Ryan Finn, Chuck Crate, Councilman Chet Trutzel and Mayor Jeff Davis.

Noes: 0 – None

Absent: 2 –Commissioners Chris Christensen and Larry Thompson
The motion carried.

Mr. Cooper presented the staff report for the consideration of a Final Development Plan approval for Carnegie Village. Mr. Cooper indicated Cook, Flatt, and Strobel (CFS) Consulting Engineer, on behalf of Carnegie Village, have submitted a development plan for this project listing the building size as 47,977 square feet, single story structure. The site is designed to control the traffic flow with multiple ingress/egress access points. There will be access from Minnie and Central Avenue and the main entrance from the north along 58-Highway. The parking ratio for this project is one per unit / 1:p.u. per assisted living section, and 1: 1000 sf per skilled nursing care section, with a total for the site at 255 parking spaces. The project will have an assortment of shrubs and trees; all meeting or exceeding the minimum size at planting. There will be one cluster of three (3) dumpsters located on the east side of the new building. All outdoor trash receptacles and trash compactors must be permanently screened from view on all sides by a fence of 100-percent opacity and a minimum height of six-feet. The fence must be constructed to prevent accidental dispersal of material within the storage area. All screens for trash receptacles that are part of new construction projects must match the primary color and material of the structure served. Doors accessing storage areas must remain closed at all times when not accessed. Mr. Cooper noted some of the parking spaces along the perimeter and along the building do not meet the minimum depth requirement. City code requires parking space depth to be no less than 20-feet, the developer is requesting a variance of the parking stall depth be reduced from 20' to 18' at locations where overhang is available and when not adjacent to a sidewalk. Mr. Cooper continued by making note, in the event that a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or the section thereof and shall fail to commence the development within 18-months after final approval has been granted, then in such event, the final approval shall terminate and shall be deemed null and void unless such time period is extended by the Planning Commission. Whenever a final plan or section thereof has been abandoned, no development shall take place on the property until a new final development plan has been approved. Mr. Leipzig questioned the stall dimensions. Mr. Cooper stated there is an as built, with the dimensions. If the existing parking is 9x18 do we want to match what's there currently or impose current code or do we want to grant a waiver based on the fact that the stalls will be the same dimension. Chairman Girgin noted the elevations page shows the combination of stucco and brick veneer, is the color choice selected for the stucco portion. Leo Harris, from Tutera noted the construction will be a hardi-board lap siding having a 3 foot high brick wall matching the current colors. Mr. Leipzig verified the Unified Development Code Chapter 26 Section 6 lists the minimum space width of 9' and length of 20'. Mr. Leipzig continued to state we have granted variances for other developments within the city have the same parking stall as this is a common request. Commissioner Trutzel requested the date of the Unified Development Code revision. Mr. Leipzig stated 2011.

Councilman Trutzel moved to approve the Final Development Plan for Carnegie Village with the variance for parking, seconded by Commissioner Crate.

When a vote was taken, the following was recorded, **Ayes: 7** –Chairman Holly Girgin, Commissioners Sally Davila, Tim McDonough, Ryan Finn, Chuck Crate, Councilman Chet Trutzel and Mayor Jeff Davis.

Noes: 0 – None

Absent: 2 –Commissioners Chris Christensen and Larry Thompson
The motion carried.

Mr. Leipzig presented the Capital Improvement Plan draft to the commission, noting no formal presentation will be presented this evening. A plan copy has been included for each member to look over, please take note of the last 2 pages of the packet containing a ranking sheet for 13 projects. If the commission could rank the 13 projects, 1 being the most important and 13 being the least important, and have the ranking ready for the October 5th meeting. Mr. Leipzig continued with the Directors Report bringing focus onto the mailing notification of the public hearing for the Carnegie Village rezone in July. Due to an error, approximately 5 properties failed to receive notification of the hearings. To error on the side of caution, staff has re-notified property owners and has set a new hearing for October 5th. Citizens will have an opportunity to voice any concerns. Mr. Leipzig continued to state a TIF hearing was last week for the Cedar Tree Shopping Center and received approval. The \$13 million improvement will be going before the City Council in October. Mr. Leipzig continued to state a proposed site plan for the lot split will be presented in October. Mr. Leipzig also wished to invite the commission to an open house with the Builders Development Corporation at 710 3rd Street on Friday September 25th @ 11am. Builders Development Corporation purchased the house; it was dilapidated and in very poor condition. They went through the abandon property statute of Missouri and tore it down. State and possibly federal representatives will be present at the open house. Mr. Leipzig made reminder of the future land use meeting to be held on Monday September 28th at noon. Chairman Girgin wished to formally welcome Councilman Chet Trutzel to the Planning Commission.

ADJORNMENT

Commissioner McDonough moved to adjourn the meeting. The motion was seconded by Commissioner Finn. All members present voted in favor and the meeting adjourned at 8:05 p.m.

Jennifer Dutcher
Community Development Secretary