

**Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
August 15, 2016**

CALL TO ORDER

Chairman Girgin called the meeting to order at 6:00 p.m.

ATTENDANCE

Commission: Chairman Holly Girgin, Mayor Jeff Davis, Councilman Chet Trutzel, Commissioners Sally Davila, Tim McDonough, Scott Swaggart, and Charles Crate.

Staff: Jay Leipzig, Community and Economic Development Director; Megan McGuire, City Attorney; Robert Cooper, City Planner; Ashley Scherer, Community Development Administrative Assistant.

Absent: Commissioners Chris Christensen and Larry Thompson.

Guests: Mike Neighbors, Cass County Development, LLC, P.O. Box 480811, Kansas City, Missouri

ELECTION OF OFFICERS

Commissioner McDonough nominated Chris Christensen as Vice-chairman. The motion was seconded by Mayor Davis. All members present voted in favor and Chris Christensen was elected Vice-chairman.

Commissioner Davila nominated Holly Girgin as Chairman. The motion was seconded by Commissioner McDonough. All member voted in favor and Holly Girgin was elected Chairman.

MINUTES

Commissioner Davila moved to approve the July 18, 2016 Planning Commission meeting minutes. The motion was seconded by Councilman Trutzel. All members present voted in favor and the motion carried.

PUBLIC HEARING- Consideration of a Zone Change from M-1 (Light Manufacturing) District to C-2 (General Commercial) District, for a 0.66-acre tract of land, addressed as 17229 S. Outer Road, in the City of Belton, Cass County, Missouri.

Currently on the property is a sixty-four foot by twenty-foot structure, constructed in 1960, which has been used periodically as an office space for Ferrell Gas Company. The site has an eight-foot chain-link fence surrounding the property. Cass County Development, LLC has expressed a desire to change the current zoning to commercial zoning, in an effort to attract a commercial developer.

The dominant zoning for this area is C-2 (General Commercial) and rezoning the property would expand the C-2 and would not create a spot zone. The area of the proposed zone change is located within the Outer Road Redevelopment corridor. The Future Land Use Committee is considering an amendment to

the Future Land Use Map and suggesting a shift in land use away from manufacturing to commercial/retail for the string of lots with frontage along the Outer Road.

Chairman Girgin opened the public hearing at 6:10 p.m. The hearing was being held to receive public input regarding Consideration of a Zone Change from M-1 (Light Manufacturing) District to C-2 (General Commercial) District, for a 0.66-acre tract of land, addressed as 17229 S. Outer Road, in the City of Belton, Cass County Missouri.

There was no public input regarding Consideration of a Zone Change from M-1 (Light Manufacturing) District to C-2 (General Commercial) District, for a 0.66-acre tract of land, addressed as 17229 S. Outer Road, in the City of Belton, Cass County Missouri. Chairman Girgin closed the public hearing at 6:15 p.m.

It was pointed out that there will be no access from this property to Bel-Ray Place because the property backs up to another parcel. However, additional access has been discussed for other parcels to provide access to Bel-Ray Place. Councilman Trutzel pointed out that there will be transportation limitations in that area regardless of what the property is zoned. Mr. Cooper stated the property is 0.66-acre in size and there are not many things you could do with the property zoned as an M-1 because of the size of the land. Commissioner McDonough questioned if they would be able to overlap parking lots with Frankie and Johnny's. Mr. Cooper stated that we would encourage them to do so, however the property owner has not been in touch with Frankie and Johnny's to discuss this.

Councilman Trutzel moved to approve the Consideration of a Zone Change from M-1 (Light Manufacturing) District to C-2 (General Commercial) District, for a 0.66-acre tract of land, addressed as 17229 S. Outer Road, in the City of Belton, Cass County Missouri.

The motion was seconded by Commissioner Crate. When a vote was taken the following was recorded: Ayes, 7 – Chairman Girgin, Mayor Davis, Councilman Trutzel, Commissioners Davila, McDonough, Crate and Swaggart.

Noes, 0.

Absent, 2 – Commissioner Christensen and Thompson.

The motion carried and will be forwarded to the City Council for review and approval.

CONTINUATION OF DISCUSSION AND RECOMMENDATION- TA16-11 / Consideration of a Text Amendment, regarding the Keeping of Poultry.

Over the last several months, city staff has received many comments, concerns and general questions from the public concerning the city's regulations regarding the raising and harboring of chickens in residential zoning districts. City staff has been meeting monthly with the Code Enforcement Advisory Committee, which has discussed, at length, the city's existing regulations and its effectiveness and a thorough review of other cities ordinances which regulate the keeping of chickens.

During the Planning Commission's June 6th, public hearing, brought to light, the many perceived benefits and detriments of raising chickens such as: raising chickens promote a healthy lifestyle; chickens help reduce the insect population by eating bugs, etc; some pet animals are more noisy than chickens; chicken coops produce odors; the appearance of chicken coops are unsightly; they reduce property values; and chickens are noisy.

After the public hearing was closed, however, the discussion was continued to the July 18th meeting, to allow staff additional time to re-evaluate the proposed code language, research other municipal codes, and rewrite the poultry ordinance in an effort to establish a balanced set of standards.

Below are the proposed changes in italics.

PROPOSED LANGUAGE / SECTION 6-4(g) – Keeping of Poultry.

ARTICLE 1 – POULTRY

DEFINITION:POULTRY

“Domesticated fowl, such as chickens, turkeys, ducks, or geese, raised for meat or eggs.

Section 1.01 – Keeping of Poultry.

- (1) Ducks, geese, turkeys, or chicken roosters are prohibited.*
- (2) With an approved permit and site plan, chicken hens are permitted only in Residential and Agricultural zoning districts and only under the following conditions:*
 - (a) No chicken hens shall be allowed on lots less than 8,400-square feet;*
 - (b) Lot sizes 8,400-sq. ft. up to 43,560-sq. ft. (1-acre) shall allow no more than four (4) chicken hens;*
 - (c) Lot sizes larger than 43,560 sq. ft. shall allow no more than eight (8) chicken hens; All other provisions of this Ordinance shall apply.*
 - (d) Chicken hens shall be maintained and kept in the rear yard only;*
 - (e) Chicken hens shall not be allowed to roam free unless chicken hens are within an enclosed chicken hen yard, not to exceed 100-sq. ft. in size.*

Section 1.02 – Enclosures.

- (1) Henhouses and chicken hen coops shall be kept in a clean, dry, odor free and sanitary condition at all times;*
- (2) Henhouses and chicken hen coops shall be designed to provide a safe and healthy living conditions for the chicken hens, while minimizing adverse impacts to other neighboring residents;*
 - (a) A henhouse or chicken hen coop shall be enclosed on all sides and shall have a roof and doors. Access doors must be shut and locked at night. Windows and vents must be covered with predator-bird proof wire of less than 1-inch openings.*

- (3) *Henhouses or chicken hen coops shall be setback no less than five feet (5') from a property line and no less than sixty-feet (60') from any neighboring residence;*
- (4) *There shall be a distance of no less than ten-feet (10') between the chicken hens owner's residence and the chicken hen coop;*
- (5) *A full or partial six-foot wood privacy fence shall be installed along the rear and side property lines; OR A row of evergreen shrubs, similar plantings (high opacity) shall be planted between the coop and the property line to provide an additional buffer from noise, sight and sound;*
- (6) *Henhouses, chicken hen coops and other accessory structures shall meet the requirements as outlined in Chapter(s) 1.5 and 4.1 of the Belton Unified Development Code.*

Section 1.03 – Nonconforming Number of Chickens / Violation.

- (1) *Existing chicken hen owners not in compliance with this code shall have sixty (60) days to comply;*
- (2) *Failure to comply with the regulations outlined in this code shall be deemed a violation and therefore subject to the enforcement provisions.*

Mr. Leipzig stated in Section 1.02-Enclosures items (1) and (2) should read as follows (with the changes made in *italics*):

- (1) *Henhouses or chicken hen coops shall be kept in a clean, dry, odor free and sanitary condition at all times;*
- (2) *Henhouses or chicken hen coops shall be designed to provide a safe and healthy living conditions for the chicken hens, while minimizing adverse impacts to other neighboring residents;*

Jodie Powell, 16203 Oakland Avenue, provided comments the afternoon of Monday, August 15, 2016 for staff review. Comments were provided to the Commissioners that evening at the meeting.

It was pointed out in the proposed ordinance a chicken yard and coop cannot exceed 100-square feet. Mayor Davis asked if there was any reference to corner lots in the proposed language. Mr. Cooper stated that the sixty-feet from any residence to the coop covers all properties. The only other way to address corner lots would be to prohibit chicken hens from corner lots.

An example site plan was provided to represent what an official application would look like. The site plan would include property lines, neighboring homes, fence and shrub locations, and the location of the proposed chicken coop. Commissioner Crate commented that the fencing and landscaping should be in the line-of-site so the neighbors are not required to look at the chicken coop.

Ms. McGuire stated that they city is trying to provide options for those who want chickens desperately enough to go through the requirements to keep them inside the city limits and balance with the rights of their neighbors for peaceful enjoyment of their property. Ms. McGuire referenced Section 1.02 –

Enclosures (5) A full or partial six-foot wood privacy fence shall be installed along the rear and side property lines; OR A row of evergreen shrubs, similar plantings (high opacity) shall be planted between the coop and the property line to provide an additional buffer from noise, sight and sound. The intent of Section 1.02(5) is to provide a buffer from the noise, sight and sound. The city still has a public nuisance clause that could also address those issues if they were to come up in the future.

Mayor Davis called to cease discussion. Councilman Trutzel seconded the motion. All members present voted in favor and the motion carried.

Commissioner Davila moved to approve TA16-11/Consideration of a Text Amendment, regarding the Keeping of Poultry.

The motion was seconded by Councilman Trutzel. When a vote was taken the following was recorded:
Ayes, 5 – Chairman Girgin, Councilman Trutzel, Commissioners Davila, McDonough and Crate.
Noes, 2 – Mayor Davis and Commissioner Swaggart.
Absent, 2 – Commissioner Christensen and Thompson.

The motion passed and the ordinance will be forwarded to the City Council for review and approval.

DIRECTOR'S REPORT

- Autumn Woods started work on August 12, 2016.
- Freddy's Frozen Custard is scheduled to open on August 23, 2016.
- The City is currently recruiting for a Certified Building Official. The first review of applicants is September 2, 2016.
- Public Works is working on Capital Improvement Plans and will have the draft ready for the next Planning Commission meeting on September 19, 2016.
- The site plan for Gateway Phase 2 will be presented to the Planning Commission on October 3, 2016.
- The Future Land Use Map discussion will come to the Planning Commission on October 17, 2016.
- Menards is scheduled to open October 29, 2016.
- Brewbakers Bar & Grill is scheduled to open in January 2017.
- Discussion was had on not allowing tire shops to keep tires outside overnight. Citing the Zika Virus and standing water as a concern. This issue will be turned over to Code Enforcement.
- The next meeting date is September 19, 2016.

ADJOURNMENT

Commissioner McDonough moved to adjourn the meeting. The motion was seconded by Commissioner Crate. All voted in favor and the meeting adjourned at 6:54 p.m.

Ashley Scherer
Community Development Administrative Assistant