

Minutes of Meeting  
Belton Planning Commission  
City Hall Annex, 520 Main Street  
July 19, 2010

CALL TO ORDER

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

ATTENDANCE

Commission: Chairman Girgin, Mayor Pro Tem Gary Lathrop, Commissioners Sally Davila, Tim McDonough, Jeff Fletcher, Scott VonBehren, and Larry Thompson.

Staff: Jay Leipzig, Community Development Director; Patricia Jensen, City Attorney; and Ann Keeton, Community Development Secretary.

Absent: Councilman Bobby Davidson and Commissioner Roger Horne

MINUTES

Commissioner VonBehren moved to approve the minutes of the May 17, 2010, Planning Commission meeting. Mayor Pro Tem Lathrop seconded the motion. All members present voted in favor and the motion carried.

DISCUSSION – Residential Care Centers & Halfway Houses

Mr. Leipzig reported the City has been discussing possible revisions to the City's residential care center definitions. The current City ordinance is not consistent with the State statutes according to Mr. Leipzig. Patricia Jensen who is with the City Attorney's office was present to review a draft ordinance. The residential care centers will be allowed in R-3 zoning districts and halfway houses will be allowed in R-3 but also required to go through the special use permit process for approval.

Ms. Jensen reported she has worked with staff regarding issues that have come about from some group homes locating in residential districts, particularly in the single-family and two-family districts. After examining the scale of the types of residential uses comparing the least impactful to the most impactful on the single-family residential districts, a residential use classification chart was developed.

Details about the proposed ordinance and the various residential home classifications were explained by Ms. Jensen. She reported the foster home and group home definitions have changed to be in conformance with State law. The State law allows group homes in all residential districts and defines group homes as being for eight or fewer unrelated mentally or physically handicapped persons.

She went on to review the definition of residential care facilities which states those facilities care for persons with a handicap due to a development disability, persons in need of rehabilitation/resocialization, and children under the age of 18-years experiencing emotional

problems, neglected, or physically handicapped. Some of the people that could be living at a residential care facility were categorized by Ms. Jensen as juvenile delinquents. The definition of a halfway house is a home for the rehabilitation of drug addicts, alcoholics, and ex-offenders according to Ms. Jensen.

Ms. Jensen went over the various residential use classifications and explained in which zoning districts they are permitted. Single-family, foster homes and group homes are permitted by State statute in all residential zoning districts. She said the two-family dwellings are permitted in R-2 and R-3 districts. The multiple-family dwellings and residential care facilities are permitted in the R-3 zoning districts, while halfway houses are permitted in R-3 with a special use permit. Ms. Jensen then read eight special restrictions/conditions that must be met to gain approval before a halfway house can be located in an R-3 district. Mr. Leipzig informed commission members the City has had issues in the regulation of the residential group homes due to the various types of homes being grouped together. He stated the proposed ordinance will be more specific and will give the City more control regulating the various residential uses. Ms. Jensen pointed out a map displaying the R-3 districts within the city limits. She said it is important to note that even though the ordinance has restrictions, it will not totally eliminate a legal place for one of these homes to locate.

When asked about the location of existing residential care centers in Belton, Mr. Leipzig stated there are currently two licensed residential care centers. He said there are several foster homes but the City does not have a list of those homes. The two homes that were licensed as residential care centers would not fit the new proposed definition but would be grandfathered-in. Ms. Jensen clarified that once a legal nonconforming use has been established, you cannot shut them down. If there are homes that are currently operating illegally, those homes would not be grandfathered-in according to Mr. Leipzig. There was discussion about the possibility of creating a list of residential care facilities and it was determined that information would be public.

Mayor Pro Tem Lathrop asked about the additional requirements for residential care facilities and Ms. Jensen explained the requirements for this use classification are the same as the existing multiple-family zoning district requirements. Mr. Leipzig announced there will be a public hearing regarding the proposed residential care facility ordinance on August 16, 2010, and he will provide a list of the existing residential care centers.

#### DIRECTOR'S REPORT

Mr. Leipzig announced the City Council will hold a public hearing on the Unified Development Code on August 10, 2010.

At the August 16 Commission meeting a current zoning map along with a current land use map will be available. In September there will be discussion about the future land use map.

There was a brief discussion about the noise ordinance regarding the earliest permitted time for construction and/or mowing. Mr. Leipzig said the city code allows construction between the hours of 6 a.m. and 8 p.m.

## ADJOURNMENT

Commissioner Thompson moved to adjourn the meeting. The motion was seconded by Commissioner VonBehren. All members voted in favor and the meeting adjourned at 7:25 p.m.

Ann Keeton  
Community Development Secretary