



**AGENDA
CITY OF BELTON
PLANNING COMMISSION
MEETING AND PUBLIC HEARING
MONDAY, MARCH 15, 2010 - 7:00 P.M.
BELTON CITY HALL ANNEX, 520 MAIN STREET**

- I. CALL MEETING TO ORDER

- II. ROLL CALL

- III. APPROVAL OF THE MINUTES OF THE MARCH 1, 2010 PLANNING COMMISSION MEETING

- IV. PRESENTATION OF THE CITY CAPITAL IMPROVEMENT PLAN

- V. PUBLIC HEARING – Continued from December 7, 2009
 - A. CASE #SUP09-22: Consideration of a Special Use Permit for Heart-n-Hand Ministries Community Outreach Program located at 122 Lillard

- VI. DISCUSSION
 - A. Discussion and Distribution of a draft copy of the Unified Development Code

- VII. DIRECTOR'S REPORT

- VIII. NEXT MEETING DATE: April 5, 2010

- IX. ADJOURNMENT

Meeting Minutes

March 1, 2010

Minutes of Meeting
Belton Planning Commission
City Hall Annex – 520 Main Street
March 1, 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, Councilman Bobby Davidson, Commissioners Sally Davila, Jeff Fletcher, Scott VonBehren, Roger Horne, and Larry Thompson.

Staff: Jay Leipzig, Community Development Director; Ed Ieans, City Engineer; Robert Cooper, City Planner; Patricia Jensen, City Attorney; and Ann Keeton, Community Development Secretary.

Absent: Commissioner Tim McDonough

MINUTES

Commissioner Horne moved to approve the minutes of the February 1, 2010 Planning Commission meeting. Commissioner VonBehren seconded the motion. When a vote was taken, all members present voted in favor and the motion carried.

PUBLIC HEARING – Sediment and Erosion Control

Chairman Girgin opened the public hearing at 7:03 p.m. This hearing was being held to receive public input regarding an amendment to Section 8-42 of the City Subdivision Regulations regarding soil erosion and sediment control.

Mr. Ieans presented a PowerPoint presentation on a proposed soil erosion and sediment control ordinance as required by Missouri Department of Natural Resources (MDNR). Presentation points included: proposed permit fees, exemptions, permit process, inspections, required bonds and photos of sites with improper or unsuccessful erosion control.

Mr. Ieans was asked if a homeowner wants to plant and/or remove a tree from his/her property is he/she exempt from the permit requirement. Those activities are exempt according to Mr. Ieans.

Commissioner Davila asked if City staff will be conducting inspections of permitted sites after rain events for compliance with the sediment and erosion control ordinance. Mr. Ieans answered there will be staff inspections as required by the MDNR. An explanation of the use of rip rap in storm water control was given by Mr. Ieans. It was mentioned there is a provision included in the proposed ordinance regarding the removal of silt fences.

The topic of permits being required for disposal of soil was discussed. Mr. Ieans explained that a permit would be required in some cases to prevent the soil from washing out into creeks or grassy areas.

As there was no one present to speak in favor of or against the proposed soil and erosion control ordinance, Chairman Girgin closed the public hearing at 7:13 p.m.

Councilman Davidson moved to approve an amendment to the City Subdivision Regulations by repealing Section 8-42, Erosion, and enacting in lieu thereof a new section 8-42, Soil Erosion and Sediment Control. Commissioner VonBehren seconded the motion. In discussion, Mayor Pro Tem Lathrop asked additional questions about the removal of trees being exempt from the permit requirements. Ms. Jensen suggested adding language to the proposed section 8-42.40B. Exemptions, to further define and clarify that it is okay to “remove a tree in your yard.” **Councilman Davidson amended his original motion to include the revised language allowing residential tree removal to be added to section 8-42.40.B Exemptions.** Commissioner Horne seconded the amended motion. When a vote was taken the following was recorded: Ayes: 8 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, Fletcher, VonBehren, Horne and Thompson. Noes: none. Absent: 1 – Commissioner McDonough. The motion carried.

FINAL PLAT – Church’s Chicken

Chairman Girgin introduced the second item on the agenda which was Case #FP10-03 consideration of a final plat for Church’s Chicken located at the southeast corner of Bel-Ray Place and 171st Street.

Mr. Cooper presented the staff report. He told commission members the name of the former business to occupy the building and reported a Church’s Chicken is now proposed for the site. He related a brief history of the development process the new business has completed to date. The property has never been platted according to Mr. Cooper and staff wanted to bring the property into compliance with current platting standards.

A description of the size of the building, the access points, and details about the drive-thru lane were provided by Mr. Cooper. The drive-thru will be accessed from Bel-Ray Place with a six-vehicle stacking lane, and he provided driveway dimensions. He believes this configuration will prevent traffic from backing up onto 171st Street. Mr. Cooper went on to report there will be some landscaping / plantings along 171st Street.

COMMISSION DISCUSSION

Mr. Cooper told Commissioners the existing building with some modifications will be utilized for the new restaurant. He stated the underground tanks and the canopy from the former gas station have been removed, and the soil has been tested and disposed of properly.

It was reported by Mr. Leipzig that this style of neighborhood based store is a new concept for Church’s Chicken in the Kansas City metropolitan area. Mr. Cooper spoke enthusiastically about this “infill” project for an abandoned property, as did Councilman Davidson. Commissioner Fletcher voiced concern about traffic issues associated with entering and exiting the business onto 58 Highway. Mr. Cooper stated he does not anticipate a major traffic problem and he gave an explanation. Mr. Leipzig announced the business owners are making an effort to have the business open in May, 2010.

There was a brief discussion about the tank removal and driveway repair. **Councilman Davidson moved to approve the final plat for Church's Chicken located at the southeast corner of Bel-Ray Place and 171st Street.** Mayor Pro Tem Lathrop seconded the motion. When a vote was taken the following was recorded: Ayes: 8 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, Fletcher, VonBehren, Horne and Thompson. Noes: none. Absent: 1 – Commissioner McDonough. The motion carried.

DIRECTOR'S REPORT

Mr. Leipzig gave a report about the upcoming census and stated a presentation from the Census Bureau will be made at the City Council meeting March 9, 2010.

A revised schedule for the Unified Development Code (UDC) was distributed by Mr. Leipzig and he reported a draft of the document will be distributed at the March 15, 2010, planning commission meeting. The meetings in April will include a detailed review of the UDC according to Mr. Leipzig with a public hearing scheduled for May 17, 2010. He went on to say the target date for final adoption is July 27, 2010.

On March 11, 2010, the City will hold a Builders / Contractors Development Forum at the City Hall Annex. Agenda items will include staff introductions, explanation of the City's development process, and a short PowerPoint presentation of the importance of the UDC. Mr. Leipzig invited Commission members to attend the Development Forum.

The Planning Commission Site Plan Review Committee met two times with Heart-n-Hand representatives regarding their special use permit application for a property on Lillard. This case will be brought back to the Commission on March 15, 2010. Mr. Leipzig reported the neighbors have been participating at the committee meetings and staff and committee members have been trying to mediate the issues to the satisfaction of both parties.

Councilman Davidson expressed his approval of the forthcoming Builders / Developers Forum. He told of negative comments he has received in the past regarding the City's development process. He went on to say developers should be encouraged to develop in the City and assisted with the process. The City has a reputation of "not being friendly" to developers according to Councilman Davidson, but he went on to say this attitude appears to be turning around. He attributed continued improvement to the development process to be the adoption of the UDC. Chairman Girgin agreed and added the commission has a responsibility to make wise decisions that will be enduring for the community but along with that to recognize the responsibility of working with the developers.

Commissioner Horne asked about the type of information that is provided to people when they want to build a home in the city. Mr. Leipzig gave a brief description of the information that is provided to developers and citizens to facilitate their building / development processes. Councilman Davidson encouraged staff to follow up the written information with verbal explanations when needed. Mayor Pro Tem Lathrop added the Development Review Committee (DRC) meetings are beneficial to builder / developers. Those meetings provide one place for builders / developers to meet with multiple department staff, at one time, rather than being required to contact each staff member separately. Mr. Leipzig mentioned one item that staff is

trying to implement along with the UDC is to have the fire marshal use a desk in the annex a couple of hours, one day a week for plan review. He went on to explain there would be someone from staff onsite acting as planner of the day that could take care of the review of the smaller nonemergency applications. Mayor Pro Tem Lathrop told of a city that assigns a staff member to be a point of contact for all the questions a developer/builder might have while working on a project.

Chairman Girgin announced she would not be available to chair the meeting on March 15, 2010.

ADJOURNMENT

Mayor Pro Tem Lathrop moved to adjourn the meeting. The motion was seconded by Commissioner Horne. All members present voted in favor and the meeting adjourned at 7:44 p.m.

Ann Keeton
Community Development Secretary

Special Use Permit

Heart-n-Hand Ministries

122 Lillard



**BELTON ASSEMBLY OF GOD
HEART N HAND MINISTRIES / OUTREACH CENTER**

**BELTON CITY PLANNING COMMISSION
MONDAY, MARCH 15, 2010 – 7:00 P.M.
CITY HALL ANNEX, COUNCIL ROOM– 520 MAIN STREET**

Staff Report: Robert G. Cooper, City Planner

CASE #SUP09-22

Consideration of a request for a Special Use Permit to allow the usage of a Community Outreach Facility, located at 122 Lillard Avenue. This area is zoned R1 (Single-Family Residential) District. Heart N Hand Ministries is a not-for-profit 501c-3 organization affiliated with Belton Assembly of God Church.

BACKGROUND

The applicant, Rick Dawson, Managing Director of Heart N Hand Ministries (a faith-based community outreach organization), has met with staff to discuss the possibility of designating an area for a Community Outreach Facility. Heart N Hand Ministries is currently operating the Community Outreach program from the house located at 122 Lillard Avenue. According to the applicant, a large and integral part of the program is the food pantry distribution and storage service. There is also an extensive list of secondary uses and activities that operate randomly at various days, and times throughout the year.

Periodically, city code inspectors had to issue violation notices for various nuisance issues that were associated with Heart N Hand Ministries and/or the Belton Assembly of God church. Rather than continue with the violation notices and patrol of the area, city staff felt it would be beneficial to create some sort of a special use 'umbrella' encapsulating all the events and activities which are affiliated with the outreach program, to ensure compliance with City codes.

It is the intent of the applicant and city staff that through the creation and adoption of a special use permit, carefully designed, to meet the needs of the organization as well as the requirements of the city, would be the most advantageous and prudent way to control the activities and events that are offered daily to the community at-large by Heart N Hand Ministries.

REVIEW

During the December 7, 2009 Planning Commission meeting, the Commission voted to send the application to the Site Plan Review Committee to review the various activities and events associated with Heart N Hand Ministries and establish a set of conditions as they apply to these events.

The Site Plan Review Committee (SPRC) met on February 11, 2010 and February 24, 2010. The Committee was comprised of members from the community, the Planning Commission, City staff and Heart N Hand Ministries.

The following is a list of activities Heart N Hand Ministries has submitted that would occur on site at any given time:

- 1) Food Pantry distribution and storage. Community food distribution every Friday and each second and fourth Saturday of each month;
- 2) Daily office, hours open, Monday thru Friday, 8:00 am to 5:00 pm;
- 3) Utility and rental assistance distribution;
- 4) Various evening life skill classes are held Monday thru Friday 4:00 pm to 9:00 pm
- 5) Temporary rear exterior and interior donations; large item furniture, appliances and building material;
- 6) Work program employee and client management, daily basis;
- 7) Periodic exterior staging for donated cars for clients, maximum two (2) at a time;
- 8) Daily parking or organization vehicles; work program van, food pantry box van and approximately 5 employee vehicles;
- 9) Periodic garage sales for fund-raising – approximately 6 per year;
- 10) Maintenance shop for lawn care and work program tools and supplies;
- 11) Placement of large dumpster;
- 12) Placement of exterior sheltered picnic/meeting area;
- 13) Service location of community service as ordered by the Court for client;
- 14) Occasional community outreach events such as picnics, open house, social gatherings, etc.

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SITE PLAN REVIEW COMMITTEE RECOMMENDATION(S):

Approve the Special Use Permit for Heart N Hand Ministries, located at 122 Lillard Avenue, with the following condition(s):

- 1) Establish a two-year ‘Sunset Agreement’ to phase-out / cease operation of Heart N Hand Ministries from 122 Lillard Avenue, a residential zoning district;
- 2) The following nuisance code violation(s) shall be removed from the property within 30-days of approval of the special use permit:

- a) remove all junk and debris which is scattered and stored throughout the property;
 - b) finish painting the existing privacy fence.
 - c) trash enclosure shall be fully screened from public view by a six (6) foot wooden privacy fence with a gate.
- 3) Heart N Hand Ministries shall obtain a City Occupational License, which includes fire and building code inspections, within 30-days of approval of the special use permit;
 - 4) Employees of Heart N Hand Ministries shall park their vehicles in the adjoining Assembly of God church parking lot;
 - 5) Hours of operation of Heart N Hand Ministries shall be between the hours of 8:00 A.M. and 5:00 P.M. – Monday thru Friday;
 - 6) Food Distribution and Life Skill classes shall not be held simultaneously to reduce parking issues;
 - 7) No donated items shall be dropped-off on site;
 - 8) Work program trailer shall not be stored or parked on site;
 - 9) Donated vehicles shall not be allowed or stored temporarily on site;
 - 10) Box trucks and/or vans shall not be parked or stored on site;
 - 11) Heart N Hand Ministries shall have no more than four (4) garage sales per year. Garage sales shall:
 - a) have one (1) sign allowed on site the day of the sale;
 - b) off-site signs shall specifically state the name of the organization and its non-profit classification;
 - c) off-site signs shall be prohibited from being placed in the street right-of-way.
 - 12) No fireworks shall be allowed or stored on site;
 - 13) A maintenance shop shall be allowed on site to store lawn and garden equipment only and not to be used as a business;
 - 14) The number of people allowed on site for an outdoor event shall not exceed fifteen (15);
 - 15) Any outdoor event which shall cause a nuisance and involve the Police Department shall cause the revocation of the special use permit;
 - 16) Events and/or activities held on site shall not impede vehicular traffic on Lillard Avenue;
 - 17) Existing gravel driveway shall be allowed to remain on site.

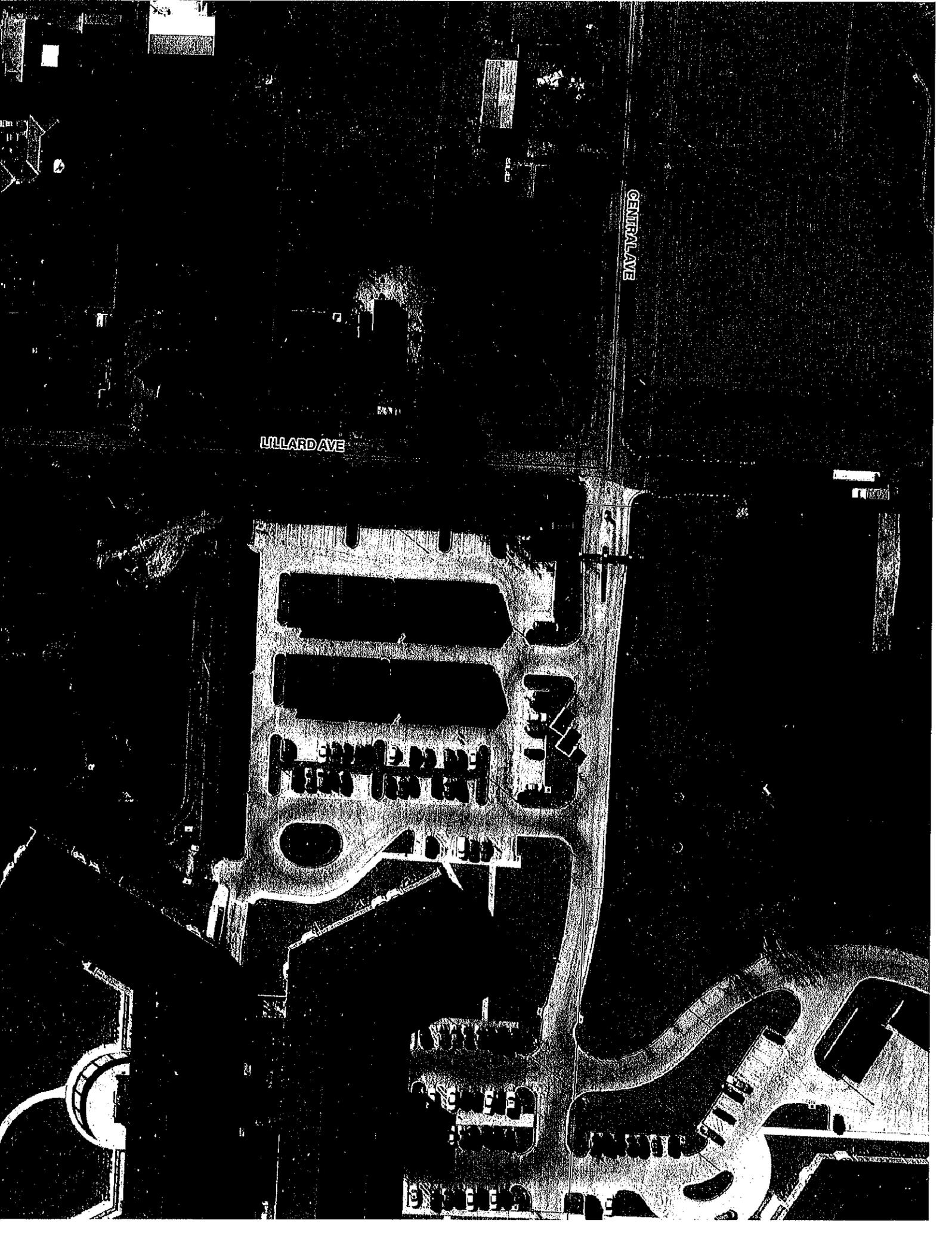
PLANNING COMMISSION ACTION

The Planning Commission has the following options available in consideration of this application:

1. Approve the application subject to specified conditions;
2. Deny the application if the required findings cannot be made or if the proposed use is found to be incompatible with the neighborhood;
3. Table the application if additional information is needed, such as time of use or other related factors.

ATTACHMENTS

1. Aerial Photograph
2. Vicinity Map



MILLARD AVE

CENTRAL AVE



SUBJECT SITE
122 LILLARD AVE



MINNIE AVE

BRADFORD LN

CONGRESS ST

STATE HIGHWAY 58

STATE HIGHWAY Y

CENTRAL AVE

LILLARD AVE

MINNIE AVE

LILLARD AVE

BLUE AVE

EAST AVE

D ST

C ST

CEDAR ST

BLA ST

HERSCHEL ST

B ST

HACKBERRY ST

COMMERCIAL ST