

**Minutes of Meeting  
Belton Planning Commission  
City Hall Annex, 520 Main Street  
March 5, 2012**

**CALL TO ORDER**

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

**ATTENDANCE**

Commission: Chairman Girgin, Mayor Pro Tem Gary Lathrop, Councilman Bobby Davidson, Commissioners Sally Davila, Jeff Fletcher, Steven Chancellor, Mike Van Eaton, and Larry Thompson.

Staff: Jay Leipzig, Community Development Director; Robert Cooper, City Planner; and Ann Keeton, Community Development Secretary.

Absent: Commissioner Tim McDonough

**MINUTES**

Mayor Pro Tem Lathrop moved to approve the minutes of the February 6, 2012, Planning Commission meeting. The motion was seconded by Commissioner Thompson. All members present voted in favor, and the motion carried.

**PUBLIC HEARINGS**

**A. Special Use Permit - Electronic message center sign at Price Chopper - 109 N. Cedar**

Mr. Cooper reported the proposed electronic sign will primarily be used by the on-site pharmacy. He described the size and appearance of the proposed sign. The electronic message center sign requirements shown in the Unified Development Code (UDC) Section 30-9(h) were presented by Mr. Cooper. According to Mr. Cooper there should not be an adverse effect on the adjacent road because of the large setback distance which is 475-ft. The sign will be facing 163<sup>rd</sup> Street and not toward the Bradford Place Subdivision.

Chairman Girgin opened the public hearing at 7:05 p.m. This hearing was held to receive public input regarding a Special Use Permit (SUP) for an electronic message center sign for Price Chopper at 109 N. Cedar. Ross Jenson, 1313 Vernon, North Kansas City, Missouri was present to speak in favor of the SUP. Mr. Jenson reported the sign would also be used as a community service to promote community events. As there was no further input, Chairman Girgin closed the public hearing at 7:06 p.m. **Councilman Davidson moved to recommend approval of the Special Use Permit for an electronic message center sign for Price Chopper located at 109 N. Cedar with the following condition:** The applicant shall comply with all the requirements of Section 30-9 of the UDC. 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, Chancellor, Van Eaton, and Thompson. Noes: none. Absent: 1 - Commissioner McDonough. The motion carried.

## B. Boundary Map for the Old Town Belton Overlay District and Downtown Belton Design Guidelines

Mr. Leipzig reported that in Chapter 18 of the UDC, the Old Town Belton Overlay District is referenced, but the boundaries were never established. He presented a PowerPoint presentation about the Design Guidelines which included the following: 1) Guidelines to be used as a guide only, 2) Goals for Main Street, Loop Road, Rail-yard and Downtown Expansion to 58-Highway Area, 3) Connection with Trails Master Plan, 4) Streets for Gateway Corridors, 5) Establishing a Design Review Committee, and 6) Steps of Implementation. Mr. Leipzig categorized the guidelines as a work in progress, to be built on in the future.

Chairman Girgin opened the public hearing at 7:17 p.m. This hearing was held to receive public input regarding the establishment of boundaries for the Old Town Belton Overlay District, and the Downtown Belton Design Guidelines. Art Ruiz, President of Downtown Belton Main Street, Inc., reported this is the beginning of a vision for the Main Street District, and he hopes it will encourage business/building owners to take pride in ownership and upgrade their facilities. Mr. Ruiz indicated reaching goals would start with existing facilities, and then move to the next level by obtaining grants as incentives for building owners. He answered questions regarding the expansion area and it was suggested the expansion area could be extended to include Herschel Street over to CVS Pharmacy. Mr. Leipzig provided an explanation of the reason North Scott is not included as part of the expansion area. There was no further public input so Chairman Girgin closed the public hearing at 7:23 p.m. **Mayor Pro Tem Lathrop moved to recommend approval of a boundary map for the Old Town Belton Overlay District and to adopt the Downtown Belton Design Guidelines**. Commissioner Thompson 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, Chancellor, Van Eaton, and Thompson. Noes: none. Absent: 1 - Commissioner Tim McDonough. The motion carried.

## C. Special Use Permit #09-22 Renewal - Heart-N-Hand Outreach Center - 122 Lillard

Mr. Leipzig introduced the next case which was an application for renewal of a SUP to allow the Heart-N-Hand Community Outreach Program to continue operating at 122 Lillard for an additional year. The existing SUP will expire on April 13, 2012. Mr. Cooper distributed a document created by Rick Dawson, Director of Heart-N-Hand, listing area buildings that were investigated as alternative sites to relocate the Outreach Program (attached). Mr. Cooper told of the surrounding zoning districts and he stated the Lillard property is zoned R-1 (Single-Family Residential District). He stated the applicant would like additional time to find a suitable commercial site to relocate. It was reported that in the past, code enforcement had to issue violation notices for various nuisance issues associated with the Outreach Program. Mr. Cooper went over the history of SUP09-22 and what he called the “special use umbrella” used to cover all the activities and events affiliated with the Outreach Program. He described how the original 16 conditions of approval for the SUP were created with input from neighboring residents, planning commission sub-committee members, City staff and Heart-N-Hand Ministry staff. The impact of the Outreach Program’s past and potential future events/activities on neighboring properties was mentioned by Mr. Cooper. He reported that if the SUP renewal

is approved, staff recommends the original 16 conditions remain in place and he read the original conditions. He left it up to the Commission to establish a new end date for the SUP renewal.

Chairman Girgin opened the public hearing at 7:37 p.m. This hearing was held to receive public input on the SUP renewal application to allow the Heart-N-Hand Community Outreach Program to continue to operate at 122 Lillard.

Donald Johnson, 126 Lillard, spoke against renewal of the SUP. Mr. Johnson identified several code issues that he had noted at the 122 Lillard address including: loaves of bread thrown in the yard attracting animals; occasions where 10 - 15 cars parked in driveway; van parked in front yard and on occasion crosses yard and exits the **Johnson's** driveway to street; previous owners were issued notices relating to non-residential uses / current owners allowed to carry out non-residential activities; and camper, pallets and trash in backyard.

Wilma Johnson, 126 Lillard, spoke against the renewal of the SUP. Ms. Johnson pointed out additional issues she has noted at 122 Lillard emphasizing violations of the SUP parking conditions including car/trucks parking along street and around building instead of in the church parking lot; panel truck parked in backyard; semi-truck on property; and box truck parked overnight on property. In addition she mentioned problems with a fireworks display in July, and donated appliances on the property that are visible from street which violates the SUP conditions. Mrs. and Mr. Johnson indicated that in discussions at meetings two years ago it was stated the Outreach Program would be phased out and cease operation at the Lillard site within two years.

Rick Dawson, Director of Heart-N-Hand Ministries, spoke in favor of the SUP renewal. Mr. Dawson reported that he respects the residential neighborhood and is making attempts to keep the area as residential as possible. He went over steps that have been taken by Heart-N-Hand to achieve the goal of keeping the area residential including: installing and enforcing "**no parking signs**;" addressing the problem of vehicles parking on grass; will require semi-truck to deliver to the church parking lot, not the Lillard property; and loaves of bread will no longer be thrown out in the yard.

Mr. Dawson briefly explained the Outreach Program's function, and pointed out several locations Heart-N-Hand has investigated as potential sites to relocate the program. He acknowledged there is traffic that results from the activities of the Outreach Program, which he said they try to control. Mr. Dawson reported the group is in the process of obtaining a warehouse that is located in Grandview and warned the Outreach Program may have to move to Jackson County. He categorized funding as the major roadblock to the relocation process and stated the ideal location would be a 2,000 - 3,000 sq. ft. building. Mr. Dawson said the Outreach Program will close if the SUP is not renewed and he gave estimates of the number of people the ministry serves. Mr. Dawson answered questions about the association between the Assembly of God Church and Heart-N-Hand, and said the church building on Cherry could not be utilized for the Outreach Program.

Don Butterfield, Pastor of Belton Assembly of God, 15709 Lawrence spoke in favor of the SUP. He stated that he is a founder and president of Heart-N-Hand Ministries. He restated the goal of Heart-Hand is to relocate, and he gave an explanation of the process that was used to procure the warehouse in Grandview. He elaborated on the search for a suitable commercial location to move the program. Details were given about Heart-N-Hand working to obtain additional resources to meet the needs in the community and move to a commercial area. Pastor Butterfield acknowledged the possibility exists that even with a one-year extension, the group may not find a place to relocate, with the exception of the property they own in Grandview. Mr. Dawson indicated that if the group moves its operation to Grandview and receives funding from that County; Heart-N-Hand may not provide services to Cass County residents.

Mr. Johnson took exception to the renewal of the SUP, and his stated opinion was that the permit was for two years at which time Heart-N-Hand was to cease operating from the Lillard site. Chairman Girgin summarized the two opposing viewpoints being heard by the Commission. She pointed out the needs of the homeowners and the assistance the Outreach Program provides to the community. Mr. Leipzig provided information about how reported code violation complaints are addressed by the City. There was a discussion about a fireworks display put on by the Assembly of God Church. It was stated that all the fireworks used in the display are legal in the City of Belton. Addressing a complaint regarding a camper truck and pallets in the yard, Mr. Dawson said those items will be removed from the yard in 30 days and taken to the Grandview site. **Councilman Davidson moved to recommend approval of a one-year renewal of the Special Use Permit to allow the Heart-N-Hand Outreach Program to continue to operate at 122 Lillard with the following conditions:**

1. Establish a one-year 'Sunset Agreement' to phase-out / cease operation of Heart-N-Hand Ministries from 122 Lillard Avenue;
2. Volunteers of Heart-N-Hand Ministries shall park their vehicles in the adjoining Belton Assembly of God church parking lot and employees of Heart-N-Hand Ministries shall be allowed to park on site, on the gravel parking area only;
3. 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;
4. Food Distribution and Life Skill classes shall not be held simultaneously to reduce parking issues;
5. Donated items shall be dropped-off during normal business hours only and shall not be left outdoors;
6. Work program trailer shall not be stored or parked on site;
7. Donated vehicles shall not be allowed or stored temporarily on site;
8. Commercial duty trucks shall not be parked or stored on site;
9. Heart-N-Hand Ministries shall have no more than four (4) garage sales per year. Garage sales shall:
  - a. be allowed one (1) sign on site, day of the sale only;
  - 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.
10. No fireworks shall be allowed or stored on site;
11. A maintenance shop shall be allowed on site to store lawn and garden equipment only and not to be used as a business;

12. The number of people allowed on site for an outdoor event shall not exceed twenty (20);
13. Events and/or activities held on site shall not impede vehicular traffic on Lillard Avenue;
14. Existing gravel driveway shall be allowed to remain and utilized for parking; and
15. The utilization of a 10' x 20' (200-sq. ft.) temporary canopy shall be allowed on site. The canopy shall be erected no sooner than 24-hours prior to the event and shall be removed within 24-hours following the event.

Councilman Davidson shared a brief account of the discussion that took place when the SUP was first approved. Commissioner Chancellor seconded the motion and recommended the neighbors use the existing City process for reporting code violations.

Mrs. Johnson reported that during meetings two years ago it was promised there would be no extensions and it was agreed on by the City and Heart-N-Hand. It was stated by some Commission members that they were not aware the SUP could not come up for renewal. The intent of the language regarding the two-year time period in the Ordinance approving the SUP was debated. There was no further public input and Chairman Girgin closed the public hearing at 8:32 p.m. Vote on the motion was taken, and the following was recorded: Ayes: 8 - Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, Fletcher, Chancellor, Van Eaton, and Thompson. Noes: none. Absent: 1 - Commissioner McDonough. The motion carried.

## **PRELIMINARY PLAT / PRELIMINARY DEVELOPMENT PLAN**

### **A. Menards at Belton**

Mr. Leipzig introduced the Menards at Belton project. He indicated that with approval of the preliminary plat, the final plat would be submitted during the second meeting in March for consideration.

Mr. Cooper reported Menards is a commercial retail development to be located on the southeast corner of Markey Parkway and 71 Highway. He provided details regarding the size of the property. His report told of the number of lots, the size of the Menards building and outdoor yard area, the location of the primary access points, and land dedicated for a trail to become part of the City Trails Master Plan.

Mr. Cooper went over specifics of the Menards at Belton Preliminary Development Plan. The site plan is in conformance with the future land use map and the comprehensive plan according to Mr. Cooper. He provided facts about the store's appearance, screening, landscaping and parking. It was pointed out the comments provided in the staff report are "canned comments" and have been included in the report to become part of the record. Chairman Girgin welcomed the Menards at Belton project to the City.

Tyler Edwards, real estate representative for Menards, reported the Belton site will be the first Kansas City area store to open. He anticipates a nine month construction period with the store opening in May 2013. Mr. Edwards explained that Menards is a home improvement retail store with a full outdoor lumberyard/warehouse. He pointed out details about the lumberyard access and screening. Mr. Edwards called attention to various merchandise categories that will be available for sale at the store. The store will employ approximately 150 people when fully

operational.

**Mayor Pro Tem Lathrop moved to approve the preliminary plat for Menards at Belton.** Councilman Davidson 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, Chancellor, Van Eaton and Thompson. Noes: none. Absent: 1 - Commissioner McDonough. The motion carried.

**Mayor Pro Tem Lathrop moved to approve the preliminary development plan for Menards at Belton with the conditions (staff comments) noted in the March 5, 2012, Planning Commission agenda.** Councilman Davidson 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, Chancellor, Van Eaton and Thompson. Noes: none. Absent: 1 - Commissioner McDonough. The motion carried.

#### **DIRECTOR REPORT**

Mr. Leipzig distributed information disclosing revisions to the City's "No Smoking Ordinance." He reminded Commissioners the city restaurants are non-smoking with the exception of a few that were granted a three-year exemption which ends August 7, 2012. He pointed out specific locations in the park system that are not currently covered by the "No Smoking Ordinance" and suggested the Commission look at revising the Ordinance. The Ordinance would be amended to prohibit smoking within 25 feet of public buildings / public areas with golf courses being excluded. He reported this issue will be discussed further at the March 19 meeting.

#### **ADJOURNMENT**

Mayor Pro Tem Lathrop moved to adjourn the meeting. The motion was seconded by Commissioner Van Eaton. All members present voted in favor, and the meeting adjourned at 9:00 p.m.

Ann Keeton  
Community Development Secretary

ATTACHMENT

Some of our attempts to relocate in the past year.

- 1) Pat Stiles building on North Scott. -
- 2) The Dentist building, now a clinic. -
- 3) The Apple Crest Building (waiting for response)
- 4) Belton Inn (Negotiating)
- 5) Richard Gebuar Buildings -
- 6) Adds in Papers -
- 7) Adds on web sites -
- 8) St Sabina Extra house -
- 9) House Property on W. 58hwy by Cherry Hill
- 10) Building on 155<sup>th</sup> st east of 71hwy. (Bible Printing Co now)

A lack of adequate space available and strategically located to serve the community.

And at a low or no cost are the current issues. We are working on funding continuously.