

Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
July 6, 2009

CALL TO ORDER

Chairman Paul Myers called the meeting to order at 7 p.m.

ATTENDANCE

Commission: Chairman Myers, Mayor Pro Tem Gary Lathrop, Councilman Bobby Davidson, Commissioners Sally Davila, Tim McDonough, Scott VonBehren, and Larry Thompson.

Staff: Jay Leipzig, Director of Community Planning & Development; Shannon Marcano, City Attorney; Robert Cooper, City Planner; and Ann Keeton, Community Development Secretary.

Absent: Commissioners Holly Girgin and Roger Horne

MINUTES

Commissioner Thompson moved to approve the minutes of the June 1, 2009, Commission meeting. Commissioner VonBehren seconded the motion. All members present voted in favor and the motion carried.

UPDATE ON BELTON GLASS

Mr. Leipzig distributed two letters for review (attached) concerning the Belton Glass Special Use Permit (SUP). One letter was sent to the Belton Glass owner, Jeff Shaw, outlining the two deadlines he was given to meet the SUP conditions, and the other letter was from Mr. Hixon with an awning company. Mr. Leipzig explained the exterior work on the building at 309 Main was completed by the deadline date, but the awning was not installed by the second deadline date. The letter from Mr. Hixon reports the awning company has received a down payment for an awning to be installed at Belton Glass. According to the letter, the awning is backordered and is not available for installation at this time. It was reported by Mr. Leipzig that on June 29, Mr. Shaw ordered the awning which was not installed by the deadline date of July 1.

COMMISSION DISCUSSION

Chairman Myers gave a brief summary of the actions associated with the Belton Glass SUP and he stated that Mr. Shaw was aware if he did not comply with the conditions of the SUP his license would be revoked. The Commission has been waiting for Mr. Shaw to complete the conditions associated with the SUP for one and a half years according to Chairman Myers.

Mr. Leipzig reported that Mr. Hixon believes the awning will be in stock next week. He went on to explain that he had mistakenly referred to two awnings in the letter to Mr. Shaw but the original proposal was for one awning. Mr. Leipzig stated that it would be satisfactory for Mr. Shaw to install one awning as originally proposed. Several Commission members commented about the extreme length of time that has been given to Mr. Shaw to comply with the conditions

of the SUP and based on the fact that he still has not finished, they recommended his license be revoked. Commissioner Davila pointed out several instances when Mr. Shaw kept Commission members waiting for case data and did not meet the deadlines he was given.

Mr. Leipzig asked for clarification of Commission action from Ms. Marcano. He asked if the Commission action is to recommend to the City Council the SUP and the business license both be revoked for Belton Glass. With the revocation of the SUP, a zoning violation would be created allowing the Council to revoke the business license according to Mr. Leipzig. Ms. Marcano's stated opinion was the Planning Commission can decide on its own to revoke the SUP and through that action recommends to the Council that the occupancy license be revoked. If the applicant comes into compliance with the conditions of approval of the SUP, that issue goes away. It was clarified the recommendation to revoke the SUP would not be on the Council agenda until next week. **Mayor Pro Tem Lathrop moved to revoke the SUP and recommend that the occupancy permit for Belton Glass be revoked.** Commissioner Thompson seconded the motion. When a vote was taken, the following was recorded: Ayes: 7 – Chairman Myers, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, McDonough, VonBehren, and Thompson. Noes: none. Absent: 2 – Commissioners Girgin and Horne. The motion carried.

PUBLIC HEARING

CASE # SUP09-13: Chairman Myers opened the public hearing at 7:15 p.m. This hearing was being held to receive public input regarding a Special Use Permit application to allow a church to operate at 500 N. Scott in a C-2 (General Commercial) zoning district.

Staff report: Mr. Leipzig told Commission members it is a requirement of the Zoning Ordinance that churches go through a SUP approval process.

COMMISSION DISCUSSION

Councilman Davidson asked if the applicant meets all the criteria and was told the church does meet all the criteria. **Councilman Davidson moved to approve the SUP for the church to operate at 500 N. Scott.** Commissioner VonBehren seconded the motion. When a vote was taken, the following was recorded: Ayes: 7 – Chairman Myers, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, McDonough, VonBehren, and Thompson. Noes: none. Absent: 2 – Commissioners Girgin and Horne. The motion carried.

Mr. Cooper asked for clarification on the motion. He specifically asked if the approval included the conditions listed in the agenda which were: 1) No certificate of occupancy be issued for the church until the site has had a final inspection for compliance with applicable city codes; and 2) that the SUP be reviewed by the Planning Commission in one year to ensure compliance.

Mayor Pro Tem Lathrop questioned if there is adequate parking for a church at that location, and if the parking lot will be paved. It was reported by Mr. Cooper the back portion of the lot is not paved and the front and sides of the building are partially paved. He went on to say staff believes there will be enough parking spaces available. This is an existing building with several commercial units so paving is not required since the owner is not adding on to the building according to Mr. Cooper. There was discussion about the location of the church entry door and it

was made clear the entry door is in the back of the building. Chairman Myers closed the public hearing at 7:20 p.m.

UDO DISCUSSION

Mr. Leipzig presented a staff report about the Unified Development Ordinance (UDO). Tonight's sections of the proposed ordinance covered Use-specific Standards, Residential Uses; Accessory Uses and Structures; and Temporary Uses and Events. He reported that internally the DRC group has met and there will be meetings with the City attorney regarding the proposed UDO.

Mr. Leipzig drew attention to illustrations in the proposed ordinance that will help clarify minimum separation between buildings. He mentioned the biggest changes are in the formatting and the way items are visually presented. Mr. Leipzig pointed out and went into detail about several sections of the UDO. Discussion items included:

- **Manufactured Home Parks**
 - In discussion of the manufactured home parks, Councilman Davidson requested the UDO go into more detail about the definitions and the difference between trailer homes and manufactured / modular homes.
- **Group Homes**
 - The City is reviewing the definition of group homes and will be making changes to be consistent with State regulations.
- **Adult Business**
 - According to Mr. Leipzig the current ordinance is better than the proposed ordinance so that will be examined for incorporation into the UDO.
- **Pay Day Loans**
 - The current ordinance calls for a separation of 1,000-ft. between pay day loan facilities while the proposed ordinance calls for 1,500-ft separation requirement. The current code has a separation requirement of 500-ft. between loan facilities and residential districts while this separation requirement is absent from the proposed ordinance. Councilman Davidson warned that there is a court case pending regarding pay day loans and he recommended the city attorney be contacted about this section of the ordinance. Mr. Leipzig reiterated staff will be meeting with the city attorney to go through the proposed UDO to make sure that everything in the current ordinance becomes part of the proposed ordinance.
- **Title Loans**
 - Ms. Marcano indicated the proposed ordinance puts Pay Day and Title Loan facilities in the same category and as such will have the same separation requirements.
- **Drive-through Facilities**
 - Mr. Cooper informed Commission member the current ordinance does not address stacking in drive-through facilities, but the proposed UDO provides minimum stacking data and illustrations.
- **Wireless Telecommunications Facilities**
 - Mr. Leipzig reported the UDO had an entire section devoted to telecommunications, while the current ordinance has some language regulating cell towers hidden in the text. A complete section dedicated to

telecommunications facilities should help clarify the regulations according to Mr. Leipzig.

- Temporary outdoor and seasonal outdoor sales events
 - This section deals with events such as the fireworks stands

Mr. Leipzig reported the Commission is approximately halfway through the review process and on schedule for the UDO to be adopted in December, 2009. He reiterated the staff will be meeting with the City attorney to make sure the proposed ordinance is consistent with the current ordinance. Ms. Marcano stated the adoption process is “a marathon and not a sprint.” With a combination of initial questions from the Commission, review by staff and the City attorneys, a rough draft can be created and brought back for review before the final approval. She went on to state that the process will continue after final approval and referred to the UDO as a “living document” that will always have changes and amendments as circumstances dictate. Before final adoption, the DRC will review a couple of projects using the UDO to verify there is nothing missing. Chairman Myers commented that it looks like everything is coming together.

An explanation of the proposed UDO section concerning the number of units per building for single-family attached and multiple-family dwellings was given by Mr. Leipzig. He stated the proposed language may have to be modified to clarify the intent of the regulation.

There was a question from Mayor Pro Tem Lathrop about the separation requirement in the “Group Home” section. The proposed language requires a minimum distance of 1,000-ft. from other group homes unless the requirement is waived by the City Council. Mayor Pro Tem Lathrop indicated he is not in favor of group home applicants asking the Council to waive the regulation. Mr. Cooper said the Group Home section will change and should not have been added to this draft.

DIRECTOR’S REPORT

Mr. Leipzig will update the City Council on the status of the UDO.

The adoption of the International Property Maintenance Code (IPMC) schedule will be presented to the City Council July 7. The final adoption of the IPMC is tentatively scheduled for November 2009. According to Mr. Leipzig the adoption of the IPMC will help with consistent enforcement of the codes.

The action taken by the Commission at tonight’s meeting regarding Belton Glass will be on the Council agenda for the July 14 meeting.

At the July 20 Planning Commission meeting there will be a presentation about the Boardwalk at Belton development and a City Trails Master plan that has been developed by the Park Department.

There will not be a Planning Commission meeting on August 3 according to Mr. Leipzig. Chairman Myers verified with the Commission members present that they agree to the cancellation of the August 3 meeting, and they approved.

Mayor Pro Tem Lathrop announced there may not be a Council meeting on November 10 because it is the National League of Cities week.

The Commission was reminded of the Liability Training for Public Officials and Commission Members to be held tomorrow night in the Council Chambers at 6:30 p.m.

ADJOURNMENT

Mayor Pro Tem Lathrop moved to adjourn the meeting. Commissioner VonBehren seconded the motion. All members present voted in favor, and the meeting adjourned at 7:30 p.m.

Ann Keeton
Community Development Secretary

ATTACHMENTS

Baker-Lockwood-Western Awning Co.

Serving Kansas City since 1870

12918 2nd Street

Grandview, Missouri 64030

(816) 761-2443

(816) 761-3014 Fax

www.westernawningcompany.com

July 1, 2009

Belton Glass Company

309 Main Street

Belton, Missouri

We have received a down payment for the purchase of one welded frame fabric awning to be installed on the back of the above address. We currently are running about 3 to 4 weeks on manufacture and installation.

Sincerely,

Western Awning Co.



David Hixson



PLANNING & COMMUNITY DEVELOPMENT
JAY LEIPZIG, AICP
DIRECTOR

CITY HALL ANNEX
520 MAIN STREET
BELTON, MISSOURI 64012

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E-MAIL * jleipzig@belton.org
WEBSITE * www.belton.org

April 24, 2009

Mr. Jeff Shaw
Belton Glass
309 Main Street
Belton, Missouri 64012

Mr. Shaw:

As you are aware, the Planning Commission reviewed your progress concerning a Special Use Permit for your business at 309 Main Street in Belton, Missouri. The purpose of the letter is to provide written documentation and verification for the deadlines that were imposed by the Planning Commission for the completion of the renovation work, and to ensure compliance with the Special Use Permit. The Planning Commission believes that you are making progress on this renovation, and granted the following two additional deadlines to comply with the Special Use Permit.

By June 1, 2009, all remaining exterior work must be completed on this building. This work will include the completion of the stucco on the North wall, and enclosing the telephone cable wire either in conduit or a similar material for concealment. This work must also include the installation of a proper door frame and patching to ensure that the bare wood is not visible.

By July 1, 2009, two exterior canopies must be properly and completely installed over the garage door facing Loop Road and the walk through door. Prior to the installation, please provide a detailed work specification to my attention at the City of Belton for my review.

Thank you for complying with the requests of the City, and we look forward to the continued renovation of this building. Please keep in mind that these deadlines represent final due dates, and the failure to comply may result in the revocation of your business license for Belton Glass. Please do not hesitate to contact me if you have any questions.

Respectfully,



Jay G. Leipzig, AICP-Director
Community Planning & Development

Cc: Robert Cooper, City Planner
Mark Polk, City Inspector
Leo Lockard, City Inspector
Al Hoag, City Councilmember
Everett Loughridge, City Councilmember
Paul Myers, Planning Commission Chair