

**Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
December 2, 2019**

CALL TO ORDER

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

ATTENDANCE

Commission: Chairman Girgin, Councilman Chet Trutzel, Commissioners Sally Davila, Kelly Monaghan-Bass, Scott Swaggart, Kara Anderson, Tim McDonough and RJ Warren

Absent: Mayor Jeff Davis

Staff: Dave Clements, Planning and Building Director; and Ashley Scherer, Development Technician

Guests: Eric Collins, Collins & Jones, 1010 W. Foxwood Drive, Raymore, MO 64083; and Cynthia Jones, 1201 W. 67th Terrace, Kansas City, MO 64113

MINUTES

Councilman Trutzel moved to approve the October 21, 2019, Planning Commission meeting minutes. Commissioner Swaggart seconded the motion. All members present voted in favor, and the motion carried.

PUBLIC HEARING – Consideration of a Special Use Permit for body art services, specifically being a tattoo studio/service in a C-2 General Commercial District at 230 A East North Avenue.

Mr. Clements gave a summary of the staff report. The staff report is attached as **Exhibit A**.

The public hearing was opened at 6:06 p.m.

Mr. Collins was present representing the applicant and gave an overview of the project. General hours for the tattoo studio will be 10:00 a.m. to 7:00 p.m.

Cynthia Jones, 1201 W. 67th Terrace, Kansas City, MO 64113 was also present. Ms. Jones is a partial owner

of J&L Diner. J&L Diner hours are 7:00 a.m. to 2:00 p.m. Ms. Jones expressed concerns regarding the patrons of the tattoo studio parking in the J&L Diner parking lot and any liability J&L Diner may incur if someone was to have an accident in their parking lot, such as falling. Ms. Jones stated the motorcycle business is busy and there is not enough parking for an additional business.

The Commission had many questions regarding the maintenance of the building, traffic and parking, why the applicant chose Belton, the number of booths, and code enforcement in that area as follows:

- Currently, the applicant does not have a formal lease due to not having approval from the City to proceed. Mr. Jones stated a general lease would not include the aesthetics of the building or

any structural items on the building. The lease would require them to take care of landscaping and snow removal.

- The applicant agreed to fix the roof on the building.
- The applicant has agreed to stripe the parking lot to help customers know where to park. There will be four parking spaces. Additionally, management will not park in those spots. Management will park behind the building.
 - The Commission also suggested J&L Diner install signs in their parking lot stating “J&L Diner Parking Only”.
 - The applicant stated if their customers park in the J&L Diner parking lot that they will ask them to move their vehicles.
- The applicant chose Belton because they have family here.
- The business will have two tattoo booths and one piercing booth.
- Staff agreed to investigate code enforcement issues in the area and report back to the Commission at the January 6, 2020 meeting.

Commissioner Monaghan-Bass moved to approve the plan with the following conditions:

1. The Special Use Permit shall be valid for a period of five years after approval of City Council. Renewal shall be by the filing of a new Special Use application.
2. The Special Use permit is subject to all the standards of Section 40-2 Special Use provisions, including conditions, transferability and revocations.
3. The applicant shall stripe the parking lot as shown in the parking exhibit.

The motion was seconded by Commissioner Warren. When a vote was taken, the following was recorded:

Ayes: 8 – Chairman Girgin, Councilman Chet Trutzel, Commissioners Sally Davila, Kelly Monaghan-Bass, Scott Swaggart, Kara Anderson, Tim McDonough and RJ Warren

Noes: 0 – None

Absent: 1 – Mayor Jeff Davis

The item will be forwarded to City Council.

DIRECTOR'S REPORT

- At the January 6, 2020 meeting a Final Development Plan of the Traditions will be presented along with the 2020 Planning Commission and Development Review Schedule.

NEXT MEETING DATE: January 6, 2020

ADJOURNMENT

Commissioner McDonough moved to adjourn the meeting. The motion was seconded by Commissioner Monaghan-Bass. All voted in favor, and the meeting adjourned at 6:31 p.m.

EXHIBIT A

**SPECIAL USE PERMIT-BODY ART SERVICES
230 A. EAST NORTH AVENUE
BELTON PLANNING COMMISSION
MONDAY, DECEMBER 2, 2019 – 6:00 P.M.
CITY HALL ANNEX BUILDING – 520 MAIN STREET**

APPLICATION:

Applicant/Attorney-Mandi Harvey, Tattoo Therapy, LLC/Eric Collins, Collins & Jones, P.C.

Location-The property is located at 230 A. East North Avenue, just east of Chestnut

Request-The application was filed for approval of a Special Use Permit for body art services, specifically being a tattoo establishment, Tattoo Therapy, LLC.

BACKGROUND:

The property is zoned a C-2 General Commercial District. This is a retail zoning classification that is located along commercial corridors in the City of Belton. The subject property is an approximate 800 square foot building on a large parcel with other uses, with access from E. North Avenue. The most recent occupant of the property was a consumer loan establishment.

The C-2 zoning district includes Body Art Services as a Special Use Permit. The Unified Development Code (UDO) includes a definition of Body Art Services as follows:

Body art services: Provision of any of the following procedures: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Missouri Medical Board, which may not be performed in a body art services establishment.

The proposed use would comply with this definition of the UDO. Attorney Eric Collins has prepared the following narrative which provides information on the applicant's experience and business details:

Tattoo Therapy, LLC ("Applicant") is requesting a special use permit in order to operate a tattoo and body piercing business located at 230A E. North Avenue, Belton, Missouri 64012. Applicant's tattooist, John Harvey, received college training in the arts and has been working as a tattoo artist for more than a decade. Images of his artwork have been published in magazines, and he has received awards for tattoos he has created. In Gillette, Wyoming, Applicant's sole member, Mandi Harvey, utilizing the tattooist services of, among others, John Harvey, established a business just like the one Applicant would like to open here, and it is still thriving. Applicant would like to bring that expertise to Belton to create a business that will benefit the community just as the Gillette business has benefitted its community. The business in Gillette has supported its surrounding community in a variety of ways, including by raising money to support causes such as the Boys and Girls Club, suicide awareness and breast cancer awareness and by sponsoring youth and other athletic organizations. Applicant believes this community involvement is a key factor of its success, and Applicant intends to operate its business in Belton in the same way.

Applicant proposes to open the shop in an approximately 800 square foot building situated on the north side of North Avenue. The location is adjacent to a four-lane road that is fully capable of handling the traffic burden Applicant's business will create. The parking adjacent to the building is adequate to serve customers of Applicant's business without causing any inconvenience to the public. Applicant intends to maintain a clean business and building with classy design that will contribute to the aesthetics of the neighborhood. Applicant does not tolerate and actively discourage any use of drugs on or around Applicant's business. Applicant's vision for this business is to create a safe environment that celebrates excellent art and self-expression while striving to promote good in the surrounding community.

The applicant has submitted supplemental information in support of the application. Those items are attached, and include State of Missouri Tattooist Professional Registration certificate, sample interior photographs, building exterior photograph, and parking lot striping plan.

REQUIRED SPECIAL USE STANDARDS FOR APPROVAL:

The UDC requires certain findings be made concerning a Special Use Permit application.

Impact on the public welfare or convenience of the public: The proposed tattoo studio would have no negative impact on the public welfare or convenience at this location. East North Avenue and nearby North Scott Avenue include a variety of personal consumer services such as barbershops/stylists, nail salons, physical therapists and two other tattoo establishments. The proposed use is similar to these other personal consumer uses.

Impact on the value of other property in the neighborhood: The proposed location is in an established commercial corridor, and it is not out of character for the area. It is not likely that the operation would have any impact on the market value or assessed valuation of other property in the neighborhood.

Nature and intensity of the operation with respect to the immediate neighborhood: Tattoo Therapy would be a small studio with limited staffing, it will not be an intense commercial use that would have any negative impact on the immediate neighborhood. The use would not generate any environmental conditions that would impact the area.

Adequacy of the street system to carry traffic generated by the use: The street system is adequate to carry and manage the traffic related to the proposed use.

NOTICE REQUIREMENTS:

A Notice of Public Hearing was published on November 15, 2019.

The applicant sent certified letters to all property owners within 185 feet of the property advising them of the Planning Commission public hearing.

STAFF RECOMMENDATION:

The staff recommends approval of a Special Use Permit for Body Art Services.

The recommendation is subject to the following conditions:

4. The Special Use Permit shall be valid for a period of five years after approval of City Council. Renewal shall be by the filing of a new Special Use application.

5. The Special Use permit is subject to all the standards of Section 40-2 Special Use provisions, including conditions, transferability and revocations.
6. The applicant shall stripe the parking lot as shown in the parking exhibit.

PLANNING COMMISSION ALTERNATIVES

1. Motion to **approve** a Special Use Permit for Body Art Services at 230 A E. North Avenue
2. Motion to **deny** a Special Use Permit for Body Art Services at 230 A E. North Avenue.
3. Motion to continue the application for further information.

ATTACHMENTS

1. Location Map
2. Supplemental Information/photographs.