

**Minutes of Meeting  
Belton Planning Commission  
City Hall Annex, 520 Main Street  
August 16, 2021**

<https://www.youtube.com/watch?v=w8Ek-M6sCo>

**CALL TO ORDER**

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

**ATTENDANCE**

*Commission:* Chairman MacPherson, Mayor Norman Larkey, Councilman Rob Powell, Commissioners Todd Christy, Tim McDonough, Marsha Vest, Kelly Monaghan-Bass and James Pryan

*Absent:* Commissioner Kara Anderson

*Staff:* Dave Clements, Planning and Building Director; Carolyn Yatsook, Economic Development Director; and Nikia Freiburger, Assistant City Engineer

*Guests:* Jennifer Powell, Lucky 1 LLC, PO BOX 25201, Shawnee Mission, KS 66225; and Edin Coralic, Coralic Architecture, 2643 Carousel Drive, St. Louis, MO 63125

**MINUTES**

Mayor Larkey moved to approve the July 19, 2021 Planning Commission meeting minutes. Commissioner Monaghan-Bass seconded the motion. All other members present voted in favor, and the motion carried.

**PUBLIC HEARING** – Consideration of a rezoning from the existing R-1 Single-Family Residential District to an R-2 Two-Family Residential District for the property located at 210 and 212 Mill Street.

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

The public hearing was opened at 6:02 p.m. Jennifer Powell, Lucky 1 LLC, PO BOX 25201, Shawnee Mission, KS 66225 was present to speak in favor of the rezoning. The applicant recently attempted to refinance a mortgage for the property. The refinance application was denied as the lender would not commit financing considering this non-conforming provision on rebuilding the structure in the event of damage more than 60 percent.

With no further input the public hearing was closed at 6:09 p.m.

Commissioner Monaghan-Bass moved to approve the consideration of a rezoning from the existing R-1 Single-Family Residential District to an R-2 Two-Family Residential District for the property located at 210 and 212 Mill Street.

The motion was seconded by Mayor Larkey. When a vote was taken, the following was recorded:

Ayes: 8 – Chairman MacPherson, Mayor Norman Larkey, Councilman Rob Powell, Commissioners Todd Christy, Tim McDonough, Marsha Vest, Kelly Monaghan-Bass and James Pryan

Noes: 0 – None

Absent: 1 – Commissioner Kara Anderson

The motion carried and will be forwarded to City Council.

**NON-PUBLIC HEARING** – Consideration of a Final Development Plan to permit the development of Dutch Bros Coffee on the property located at 1733 East North Avenue.

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

Edin Coralic, Coralic Architecture, 2643 Carousel Drive, St. Louis, MO 63125 was present to speak in favor of the project.

The Commission had concerns regarding the pedestrian crosswalk going through the drive thru stacking line.

Mayor Larkey moved to approve the consideration of a Final Development Plan to permit the development of Dutch Bros Coffee on the property located at 1733 East North Avenue. The recommendation is subject to the following conditions:

1. The Final Development Plan for Dutch Bros. Coffee is hereby approved, as shown on FDP drawings by Cole Engineering and Edin Coralic, Architect, dated 7/29/2021, subject to additional conditions.
2. Exceptions to code requirements for open space, pedestrian crosswalks and light levels at the trash enclosure are approved as shown on the Final Development Plan.
3. The parking area east of the building shall be seal-coated and striped as part of the development plan.
4. A speed bump shall be added before the PED XING shown in the site plan.

The motion was seconded by Commissioner Christy. When a vote was taken, the following was recorded:  
Ayes: 8 – Chairman MacPherson, Mayor Norman Larkey, Councilman Rob Powell, Commissioners Todd Christy, Tim McDonough, Marsha Vest, Kelly Monaghan-Bass and James Pryan

Noes: 0 – None

Absent: 1 – Commissioner Kara Anderson

The motion carried.

**OTHER BUSINESS** – Initial discussion pertaining to upcoming Unified Development Code amendments. Public hearing to be scheduled for September.

The Commission discussed upcoming amendments to the Unified Development Code. The public hearing is to be scheduled for September.

**ELECTION OF OFFICERS** – UDC Sec. 2-137: At its first August meeting, the commission must annually elect one of its citizen members to act as chair, another of its members to act as vice-chair. The terms are for one year with eligibility for re-election.

Commissioner Monaghan-Bass nominated Tom MacPherson as Chairman. The motion was seconded by Mayor Larkey. All members present voted in favor, and Tom MacPherson was elected Chairman.

Mayor Larkey nominated James Pryan as Vice-Chairman. The motion was seconded by Commissioner Monaghan-Bass. All members present voted in favor, and James Pryan was elected Vice-Chairman.

**DIRECTOR'S REPORT**

- The ribbon cutting for Chewy and Building 3 at the Southview Commerce Center was held on August 11, 2021.
- The applicant Cozy Pet Hotel from the July 19, 2021 Planning Commission meeting did complete the additional requirements and the City Council approved the first reading on August 10, 2021.
- There was no update for the applicant Caliber Collision from the July 19, 2021 Planning Commission meeting

**NEXT MEETING DATE:** September 20, 2021

**ADJOURNMENT**

Commissioner McDonough moved to adjourn the meeting. The motion was seconded by Mayor Larkey. All voted in favor, and the meeting adjourned at 6:59 p.m.

**EXHIBIT A**  
**REZONING**  
**210-212 MILL STREET**  
**BELTON PLANNING COMMISSION**  
**MONDAY, AUGUST 16, 2021 – 6:00 P.M.**  
**CITY HALL ANNEX BUILDING – 520 MAIN STREET**

**APPLICATION**

*Applicant/Owner*-Andrea Pautz/Lucky 1 LLC.

*Location*-The property is located at 210 and 212 Mill Street.

*Request*-**The application was filed for approval of a Rezoning from the existing R-1 Single-Family Residence District to a R-2 Two-Family Residential District.**

**BACKGROUND**

This application was filed for a rezoning from the existing R-1 Single-Family Residence District to a R-2 Two-Family Residential District.

The subject property is developed with an existing two-family duplex building. This structure is considered legal non-conforming in the existing R-1 zoning district. With this non-conforming designation, the property can be used and maintained as a duplex residence. However, Section 20-31 of the Unified Development Code (UDC) states that:

*If a nonconforming building or structure is damaged or destroyed by fire, explosion, flood, or other means that is not within control of the property owner or tenant to an extent of more than 60 percent of the assessed value of the building or structure, it may not be reestablished except in conformance with the provisions of this Code, and any associated use must also comply with this Code.*

It should be pointed out that this is standard non-conforming wording used in zoning administration.

The applicant recently attempted to refinance a mortgage for the property. The refinance application was denied as the lender would not commit financing considering this non-conforming provision on rebuilding the structure in the event of damage more than 60 percent.

**REZONING CRITERIA/FINDINGS OF FACT**

The Unified Development Code, Section 20-3, provides certain approval criteria that must be addressed with a rezoning application. These criteria are summarized below, with analysis for consideration of the Planning Commission:

*(1) The character of the surrounding neighborhood, including the existing uses and zoning classification of properties near the subject property.* The properties along Mill Street are primarily single-family homes. There is a two-family duplex immediately west of the site. A church is south of the property. There is R-2 zoning 170 feet to the north, and R-3 zoning east of the site.

*(2) Consistency with the goals and objectives of the Comprehensive Plan.* The Future Land Use Map of the Comprehensive Plan designates this area as single-family residential.

*(3) Suitability of the subject property for the uses permitted under the existing zoning district.* The duplex use of the property is not permitted in the existing single-family classification. While the non-conforming provisions of the UDC allow the duplex to continue to be used, it cannot be rebuilt if damaged more than 60 percent of assessed valuation.

*(4) The trend of development near the subject property, including changes that have taken place in the area since the subject property was placed in its current zoning district.* There is no recent trend of development in this area. The immediate neighborhood includes single-family zoning areas, and there is R-2 zoning 170 feet north of the subject property. Also, there is an area of R-3 zoning 400 feet east of the site. This helps indicate that there are a variety of zoning classifications nearby and that the proposed R-2 zoning is not inappropriate for the area.

*(5) The extent to which the zoning amendment may detrimentally affect nearby property.* The proposed rezoning would only serve to make the existing duplex conforming. The rezoning would not provide for any new development or change in the neighborhood that would adversely affect nearby property.

#### **STAFF RECOMMENDATION**

The staff recommends approval of the request for a rezoning of the property at 210-212 Mill Street.

#### **PLANNING COMMISSION ALTERNATIVES**

1. Motion to **approve** a rezoning of 210-212 Mill Street.
2. Motion to **deny** a rezoning of 210-212 Mill Street.
3. Motion to continue the application for further information.

**EXHIBIT B**  
**FINAL DEVELOPMENT PLAN**  
**DUTCH BROS COFFEE**  
**BELTON PLANNING COMMISSION**  
**MONDAY, AUGUST 16, 2021 – 6:00 P.M.**  
**CITY HALL ANNEX BUILDING – 520 MAIN STREET**

**APPLICATION**

*Applicant:* Coralic Architecture/Edin Coralic

*Property Owner-* North Cass Development, LLC. /John Evans

*Architect-* Coralic Architecture/Edin Coralic

*Location-* The property is located at 1733 East North Avenue, at the entrance of North Cass Shopping Center.

*Request-* **The application was filed for approval of a Final Development Plan to permit the development of Dutch Bros Coffee.**

**BACKGROUND**

This application was filed for a Final Development Plan for a Dutch Bros Coffee. Dutch Bros is the country's largest privately held, drive-thru coffee company, with over 450 locations and 10,000 employees in eleven states. The store is primarily a drive-thru facility, with a related walk-up window. Hours of operation are from 5:00am to 11:00pm, seven days a week. The company "is a fun-loving, mind-blowing company that makes a massive difference one cup at a time."

For additional information about the company, please see the website link below:

<https://www.dutchbros.com>

The property is zoned as C-2 General Commercial District. A drive through facility is a permitted use in this zoning district, with certain conditions pertaining to drive-through lanes and vehicle stacking.

**FINAL DEVELOPMENT PLAN**

The subject property is a .5-acre parcel on East North Avenue. The property is the former location of Sheridan's Custard. The existing building will be demolished to make way for construction of the proposed 950-square foot Dutch Bros.

Access to the site would be from existing private entrance driveways to the shopping center, no new access is proposed to East North Avenue.

*Compliance with C-2 Standards of the Unified Development Code (UDC):*

The plan generally meets all requirements of the C-2 General Commercial District, with requests for three code exceptions. The C-2 district is intended to provide mid-size retail and commercial businesses along commercial corridors.

Required Yards/Setbacks:

Front yard- 30-foot required setback. 76-foot setback proposed.

Rear yard- 20-foot setback required. 35-foot setback proposed.

Side yard- 10-foot setback required. The east and west side yards exceed requirements.

Maximum Building Height- 35-foot maximum. 10 feet to top of canopy, 24 feet to top of parapet.

Maximum Building Coverage- 25% maximum. 5% proposed building coverage.

Required Open Space- 20% of total land area required. 11.7% open space provided. The applicant is requesting an exception to this open space requirement.

Parking/Drive-Through requirements: The UDC requires that parking for a restaurant be calculated based on seating capacity and indoor customer service area. This drive-through coffee shop has no seating or customer service area. It should be noted that the final development plan includes 23 existing parking spaces east of the drive-through lanes. These parking spaces are part of the final development plan and are sufficient for the parking needs of walk-up customers.

Additionally, the UDC seeks to reduce conflicts between vehicle stacking lanes and pedestrian crosswalks. The site plan provides for a pedestrian crosswalk across the two stacking lanes, to provide walk-up access from the parking area to the east. To utilize these existing parking spaces for walk-up traffic, the conflict with the crosswalk cannot be avoided.

The applicant is requesting an exception for this vehicle stacking/crosswalk conflict.

Other site data can be found on Sheet C1.0.

*Building Design:* The UDC requires all new commercial buildings to include 50 percent masonry on the front and side elevations, with articulation and offsets to add architectural detail on all four sides. The primary materials on the building are brick veneer and cement board panel siding.

Building wall plane offsets, canopies, and variable the roof height provides the required building design features of the UDC.

This design and building materials meet the requirements of the Unified Development Code.

There is a trash enclosure on the plan. The enclosure will be constructed of masonry materials to match the building, with and appropriate screening/landscaping. All rooftop mechanical equipment is screened by the parapet walls.

*Landscaping:* A landscape plan was submitted with the Final Development Plan. The plan provides 11.7 percent open space, and this does not meet the required 20 percent total landscape area. The applicant explains that the property owner would not permit additional site modifications to increase open space on the parcel.

The landscape plan provides the required shade trees, parking lot landscaping, and street trees.

*Streets/access:* As noted, access is provided to the site from existing private driveways. There is no new access proposed for East North Avenue.

*Utilities:* Staff has reviewed the utility plan and determined that the plan provides adequate public facilities.

*Lighting/Photometric Plan:* A revised photometric plan was submitted after review of the initial plan. This plan provides zero footcandles at the property line, meeting the lighting standards of the UDC. However, the applicant would like to consider a revised lighting plan that provides increased light levels at the rear trash enclosure. This can be done with the building permit submittal.

### **STAFF RECOMMENDATION**

The staff recommends approval of the request for a Final Development Plan for Dutch Bros Coffee, as noted in the staff report and shown on the development plan. The recommendation is subject to the following conditions:

5. The Final Development Plan for Dutch Bros. Coffee is hereby approved, as shown on FDP drawings by Cole Engineering and Edin Coralic, Architect, dated 7/29/2021, subject to additional conditions.
6. Exceptions to code requirements for open space, pedestrian crosswalks and light levels at the trash enclosure are approved as shown on the Final Development Plan.
7. The parking area east of the building shall be seal-coated and striped as part of the development plan.

### **PLANNING COMMISSION ALTERNATIVES**

1. Motion to **approve** a Final Development Plan for Dutch Bros Coffee.
2. Motion to **deny** a Final Development Plan for Dutch Bros Coffee
3. Motion to continue the application for further information.