



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

- I. CALL MEETING TO ORDER

- II. ROLL CALL

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

- IV. CASE #SUP10-15 / Continuation
 - A. Consideration of a Special Use Permit application for a vehicle sales lot at 300 N. Scott.

- V. DIRECTOR'S REPORT

- VI. NEXT MEETING DATE: December 6, 2010

- VII. ADJOURNMENT

MEETING MINUTES

NOVEMBER 1, 2010

**Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
November 1, 2010**

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, Tim McDonough, Jeff Fletcher, Scott VonBehren, and Larry Thompson.
- Staff: Jay Leipzig, Community Development Director; Jason Webb, Fire Marshal; Robert Cooper, City Planner; and Ann Keeton, Community Development Secretary.
- Absent: Commissioner Mike Van Eaton.

MINUTES

Councilman Davidson moved to approve the minutes of the October 18, 2010, Planning Commission meeting. Commissioner Davila seconded the motion. All members present voted in favor, and the motion carried.

SPECIAL USE PERMIT APPLICATION: VEHICLE SALES LOT - 300 N. SCOTT

Mr. Leipzig reported this case was first heard by the Planning Commission at the October 4, 2010, meeting. The Commission voted to send the case to the Site Plan Review Committee for review.

Mr. Cooper told details of the Site Plan Review Committee's review and recommendations. According to Mr. Cooper the primary issues discussed at the meeting included: the sight triangle at Carnegie and N. Scott, fire hydrant protection, building ingress/egress, streetscape image, vehicle maneuverability, and separate parking areas. He went over the Committee's recommendations and eleven proposed conditions of approval. On an aerial photo of 300 N. Scott, Mr. Cooper pointed out features of the existing vehicle sales lot and proposed parking for display vehicles and customer/employee parking. He recommended two sale vehicles be parked in the driveway approach to block access to the lot from N. Scott. Approximately 19 vehicles can be parked on site if the proposed parking plan is followed according to Mr. Cooper.

In an email communication from Jim Person, Belton Police Chief, it was noted that he has concerns about the parking/sight issues at this location, along with overcrowded parking, and unsightly conditions. Chief Person supported the proposed elimination of some parking spaces in the sight triangle and recommended striping the parking lot according to the approved layout.

There was discussion about the number of cars that can be parked on the southeast corner of the lot without blocking the sight of vehicles turning onto N. Scott.

Mr. Hamid Zabet, the applicant, commented that there are five parking spaces on the southeast corner of the lot and with the removal of the end car; there are still parking spaces for four vehicles. He agreed not to park any cars in the first parking space on the southeast corner. Mr. Cooper explained the reasons the committee recommended “no parking” in front of the building and those reasons included, building access issues and the visual image of businesses along N. Scott.

The City ordinance regulating car lots requires the lot to be paved and to have striped parking spaces. There was discussion as to whether this lot would meet those requirements. There was dialogue about parking on the railroad right-of-way and vehicle parking for two cars in front of the building on the northeast side. The number of proposed parking stalls on the south side of the building was debated. Mr. Webb explained that safety is the primary reason the committee recommended using cars to block access to the business from N. Scott, which would prevent customers from backing cars out onto the street.

Mr. Zabet objected to the proposed layout because he stated it would make it impossible for customers to test drive a car from the north parking area. Commission members discussed the feasibility of paving and parking four cars on the southwest area of the lot which is partially in the railroad right-of-way.

Mr. Zabet, 10711 W 116th Terrace, Overland Park, Kansas, requested permission to speak to the Commission. He reported the vehicle sales lot owner is returning to school and Mr. Zabet, who is licensed to sell cars, would like to help him with his lot. His stated opinion was that it is easier for the customers to use the N. Scott entrance, while the south access point on Carnegie is difficult for customers to exit. Mr. Zabet said he would be forced to hire another employee to move cars around the lot, if the committee’s proposed site plan is approved. He pointed out on the aerial photo, areas where there are five parking spaces available and the owner is parking only four vehicles. The owner has agreed to remove a vehicle from the first space on the southeast corner, plus he will put in a flower bed on the corner according to Mr. Zabet. He went on to report the owner wants to be able to park four cars in front of the building and he does not want to block the driveway on N. Scott.

Commission members deliberated the pros and cons of leaving the N. Scott driveway access open. They questioned whether there is sufficient space in front of the building to park a car and still have space for a driving aisle. There was speculation about whether the property owner will agree to pave four parking spaces on the northwest portion of the lot and Mr. Zabet did not know if the owner will agree. Councilman Davidson emphasized that unless the lot is paved and striped, the owner will not be allowed to put cars for sale on the unpaved surface. Commissioner VonBehren recommended the Site Plan Review Committee meet onsite to clarify the number of cars that can be safely parked on the lot. Mr. Cooper noted the applicant was advised before the first Site Plan Review Committee meeting to bring a conceptual layout for parking at the sales lot, and they did not bring a proposal to the meeting, which resulted in the committee working “from scratch.” Councilman Davidson recommended to the applicant that a proposed parking plan be provided for staff / committee review. Mr. Leipzig added that staff tried to schedule another committee meeting with the applicant, but the applicant chose to meet directly with the

Planning Commission and not the committee. **Councilman Davidson moved to send this application for a vehicle sales lot at 300 N. Scott back to the Site Plan Review Committee for further review.** Commissioner McDonough seconded the motion. When a vote was taken, the following was recorded: Aye: 8 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, McDonough, Fletcher, VonBehren, and Thompson. Noes: none. Absent: 1 – Commissioner Van Eaton. The motion carried. Commissioner Fletcher asked the committee to consider a point made by Chief Person regarding parking cars on the southeast corner and the proximity of the cars to the hydrant. Mr. Cooper stated that staff will take measurements and accurately show those measurements on a site plan.

DIRECTOR'S REPORT

Mr. Leipzig reported that the special use permit application has been a challenging case and staff tried to work with the applicant to come up with some resolution before the meeting.

A proposed grocery store is moving forward and there will be TIF Commission meeting on November 10, 2010.

Building permit activity seems to be picking up, and he noted a couple of subdivisions with construction activity.

There was a brief discussion about the traffic issues near a QuikTrip store on 171st Street.

Mr. Leipzig provided detail regarding a drainage area being filled in the Emerson Park Subdivision. He reported staff has had discussions with the contractor and issued a warning citation. He said the contractor agreed to resolve the issue with the drainage feature. Mayor Pro Tem Lathrop expressed concern that the contractor has not corrected the problem.

The Commission discussed the possibility of the applicant at 300 N. Scott dropping his special use permit application and the property owner keeping the lot and cars as they currently are situated.

It was reported the vacant property to the north of 300 N. Scott has a couple of vehicles on the lot for sale. Mr. Cooper stated staff has talked to the owner and the cars have been removed.

There was further discussion regarding the size of the vehicle sales lot at 300 N. Scott and the overcrowded parking issues. Commission members voiced concerns about the safety issue of the poor visibility at Carnegie and N. Scott as a result of cars being parked on the southeast corner of the lot.

ADJOURNMENT

Commissioner VonBehren moved to adjourn the meeting. Councilman Davidson seconded the motion. All members present voted in favor and the meeting adjourned at 7:53 p.m.

Ann Keeton
Community Development Secretary

SPECIAL USE PERMIT
APPLICATION

300 N. SCOTT



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

ASSIGNED STAFF: Robert G. Cooper, City Planner

CASE #SUP10-15 / CONTINUED

Request: Special Use Permit to allow a used car dealership to operate in a C-2 (General Commercial) District.

Location: The west side of N. Scott Avenue, just north of Carnegie Street. The street address is 300 N. Scott Avenue.

Legal Description: Unplatted

Owner / Applicant: Jalal Zakeri (building owner) / Hamid Zabet (applicant)

Size of Site: 153-ft. x 50-ft. (7,650-sq. ft.) / 0.17-acre

Sales Lot Surface Area: 52-ft. x 32-ft. (1,664-sq. ft.) / North side
37-ft. x 38-ft. (1,406-sq. ft.) / South side

Existing Zoning / Land Use: C-2 / Used Car Sales Lot ('Elite Import Auto Center, LLC')

Proposed Use: Used Car Lot

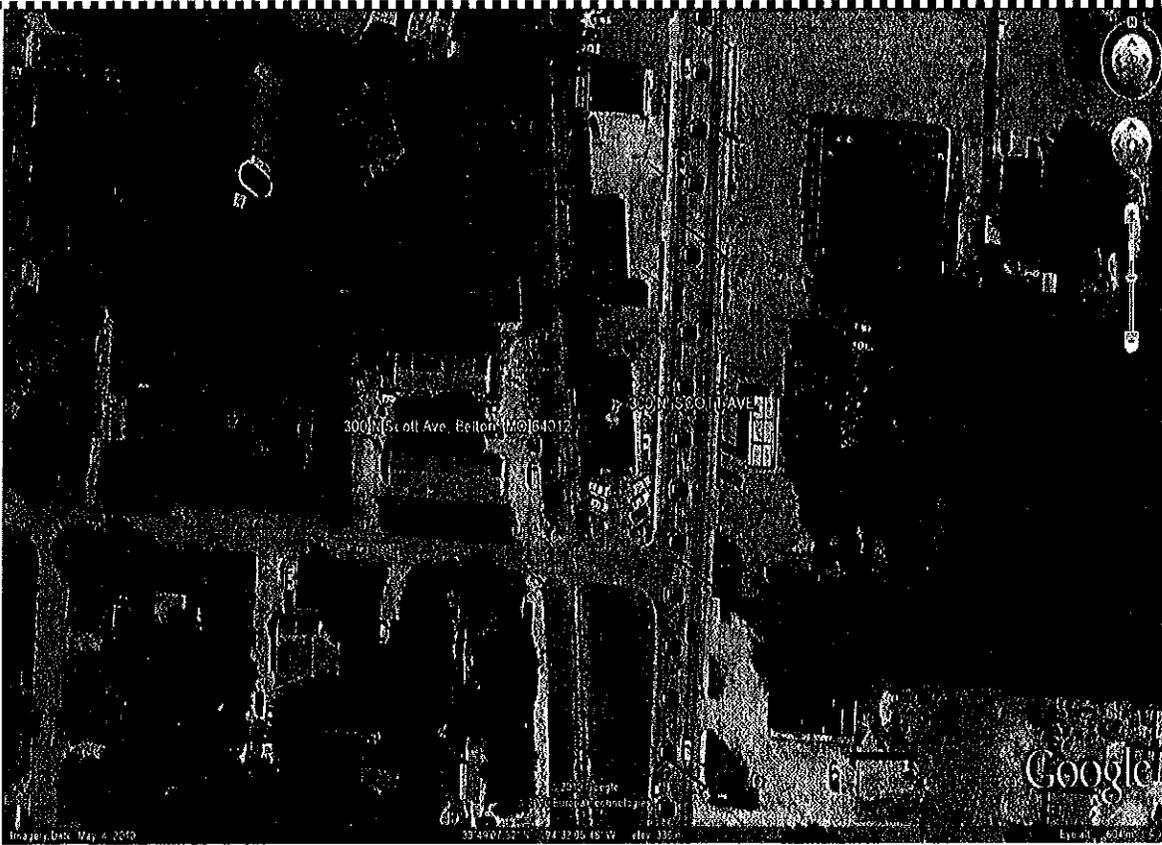
Surrounding Zoning / Land Use:

North: C-2 / Used Car Sales
East: C-2 / Used Car Sales
South: C-2 / General Commercial
West: R-1 / Railroad right-of-way & Duplex Housing

Comprehensive Plan: Commercial

Nature of Current Request

The applicant, Hamid Zabet, has contacted the City to gather information on what requirements are needed to open a used car lot. Pursuant to Appendix A of the Zoning Ordinance, a special use permit is required for all 'new' used car lots located within a C-2 (General Commercial) zoning district. Mr. Zabet, met with the planning department staff on September 8, 2010 and discussed his business plan which includes locating to 300 N. Scott Avenue. Mr. Zabet wishes to occupy the site of an existing used car sales lot.



HISTORY

The building located at 300 N. Scott Avenue was originally built in 1958 with a gross floor area (gfa) of 2,250-sq. ft. Since then, this building has subsequently been used periodically as a commercial/retail site. In 1997, during the North Scott street improvement and widening project, approximately 15-ft. of property was taken from the site to accommodate the widening project, the results of which was a reduction in available front yard space.

During March 2007, a business license was applied for and approved, to allow a used car sales and repair shop to operate at this location. An internal staff review and site inspection revealed several deficiencies pertaining to site planning as outlined in the Belton Municipal Code. These deficiencies included; no visible signage; no parking lot stripping; no exterior lighting; and an encroachment onto railroad right-of-way. These deficiencies were subsequently corrected and a City business license was issued.

No special use permit was needed at the time of submittal as it predates the current ordinance requirement.

REVIEW

During the November 1, 2010 Planning Commission meeting, the Commission voted again to send the case back to the Site Plan Review Committee (SPRC), this time to visit on site, to physically walk the area while evaluating the available off-street parking.

As mandated by the Planning Commission, the SPRC met on Tuesday, November 9, 2010 at 3:00 P.M. Committee members walked throughout the site with the applicant and discussed landscaping, vehicle placement, bollard location, repainting of parking stalls, and property maintenance concerns. At the conclusion of the on-site meeting, the applicant and committee members agreed to the following fourteen (14) recommended conditions:

SITE PLAN REVIEW COMMITTEE RECOMMENDATION(S):

Approve the Special Use Permit for a used car sales lot, located at 300 N. Scott Avenue with the following condition(s):

All proposed parking shall be in accordance with the applicant's submitted site plan (*Exhibit 'A'*) with the following detail:

- 1) Eliminate one (1) parking space within the sight triangle;
- 2) Allow eight (8) vehicles within the north parking area, to be used as a combined customer/display parking area;
- 3) Only allow four (4) vehicles to park in front of the building, always maintaining at least a 4-ft. separation from the building;
- 4) Allow ten (10) vehicles to park within the south parking area, to be used as a combined customer/display parking area;
- 5) Provide a landscaped buffer using layered designed landscaping blocks, not to exceed a height of 24-inches, consisting of low-rise vegetation, i.e. bushes and flowers, located at the corner of Carnegie St. and N. Scott Avenue;
- 6) Install three (3) bollards around the existing fire-hydrant in accordance with Fire Department specifications. Each bollard shall be setback no less than 3-ft. from the hydrant;
- 7) Wheel stop-blocks shall be provided for vehicles parked near the fire hydrant;
- 8) Allow a total of twenty-two (22) vehicles on site at any given time;
- 9) No display vehicle shall obstruct visibility, or parked in a manner which would create a hazardous condition;
- 10) No material, supplies, or merchandise shall be stored outdoors;
- 11) Restriping of all parking stalls to a dimension of 9-ft. x 20-ft;

- 12) Removal of all noxious vegetation (weeds) and grass trimmed, mainly behind the building near the railroad tracks;
- 13) No Certificate of Occupancy is issued for Mr. Zabet until the site has had a final inspection for compliance with **Section 12-272, Belton Municipal Code**;
- 14) Special Use Permit 10-15 is reviewed by the Planning Commission in one (1) year to ensure compliance.

Planning Commission Alternatives

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

1. Approve the application as submitted upon finding that the requirements of Section 2, Special Use Permits, of the Belton Code have been satisfied.
2. Approve the application subject to specified conditions.
3. Table the application if additional information is needed, such as time of use or other related factors.
4. Deny the application if the required findings cannot be made or if the proposed use is found to be incompatible with the neighborhood.

Attachment(s)

1. Exhibit 'A' / Site Plan

GROSS

Building

P13 P12 P11 P10 P9

Customer
Customer

P14 P15 P16 P17 P18

Customer

Customer
Customer

P8 P7 P6 P5

P4 P3 P2 P1

Grass

side walk

side walk

Scott

→ notes marked

(EXHIBIT 'A')

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