

Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
December 6, 2010

CALL TO ORDER

Vice-chairman Scott VonBehren called the meeting to order at 7 p.m.

ATTENDANCE

Commission: Vice-chairman VonBehren, Mayor Pro Tem Gary Lathrop, Councilman Bobby Davidson, Commissioners Sally Davila, Jeff Fletcher, Mike Van Eaton, and Larry Thompson.

Staff: Jay Leipzig, Community Development Director; and Robert Cooper, City Planner; and Jason Webb, Fire Marshal.

Absent: Chairman Holly Girgin, and Commission Tim McDonough

MINUTES

Commissioner Davila moved to approve the minutes of the November 15, 2010, planning commission meeting. Councilman Davidson seconded the motion. All members present voted in favor and motion carried.

CASE #SUP10-15 - Vehicle Sales Lot at 300 N. Scott

Mr. Leipzig reported the Special Use Permit (SUP) and site plan for 300 N. Scott was approved with conditions at an earlier meeting of the Planning Commission. In a follow-up meeting with the applicant, it was discovered that the applicant, Hamid Zabet, took issue with only being allowed three display parking spaces on the southeast corner of the car lot. Referring to a revised site plan, Mr. Leipzig explained the changes which included the removal of one customer parking space on the south side of the building, and the addition of one display space on the corner, resulting in four display parking spaces on the southeast side of the sales lot. According to Mr. Leipzig, the police chief does not object to the proposed changes to the site plan. Various commission members indicated the changes to the proposed site plan should not interfere with the line-of-sight for vehicles turning onto N. Scott. It was stated there will be 21 parking spaces including the customer parking. **Councilman Davidson moved to recommend approval of the changes to the proposed site plan for the SUP for a vehicle sales lot at 300 N. Scott.** Commissioner Thompson seconded the motion. When a vote was taken, the following was recorded: Ayes: 7 – Vice-chairman VonBehren, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Thompson, Van Eaton, Fletcher, and Davila. Noes: none. Absent: 2 – Chairman Girgin and Commissioner McDonough. The motion carried.

PUBLIC HEARINGS

A. CASE SUP10-19 – Vehicle Sales Lot at 906 N. Scott

Mr. Cooper reported the applicant; Don Bitterman with M & D Auto would like to open a used car dealership at 906 N. Scott. Mr. Bitterman would share the sales lot with the existing Jim's Auto Sales. The applicant will be placing a maximum of six additional cars for sale on the

northeast corner of the sales lot. Mr. Cooper gave a brief history of the 906 N. Scott property. Mr. Cooper pointed out on an aerial photo the area where the additional six cars will be placed, driving aisle width, and two access points. It was mentioned that the area where the sale cars are to be located currently has storage buildings for sale. Mr. Cooper said that area would be “cleaned-up” to make room for the sale cars.

Vice-chairman VonBehren opened the public hearing at 7:13 p.m. This hearing was being held to receive public input regarding a SUP application for a used car lot at 906 N. Scott. As there was no input, Vice-chairman VonBehren closed the hearing at 7:13 p.m.

Councilman Davidson moved to recommend approval of the SUP for a vehicle sales lot to be located at 906 N. Scott with the following conditions:

- 1) No certificate of occupancy is issued for M&D Auto until the site has a final inspection for compliance with Section 12-272, Belton Municipal Code.
- 2) Special Use Permit 10-19 is reviewed by the Planning Commission in one year to ensure compliance.
- 3) The sales display area shall be located on the northeast corner of the building only and consist of no more than six vehicles.
- 4) No display vehicle shall obstruct visibility, or be parked in a manner which would create a hazardous condition.
- 5) No material, supplies, or merchandise shall be stored outdoors.

Mayor Pro Tem Lathrop seconded the motion. When a vote was taken, the following was recorded: Ayes: 7 – Vice-chairman VonBehren, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Thompson, Van Eaton, Fletcher, and Davila. Noes: none. Absent: 2-Chairman Girgin and Commissioner McDonough. The motion carried.

B. CASE #SUP10-21 – Vehicle Sales Lot at 310 N. Scott

Mr. Cooper reported the applicant, Todd Earnshaw, with Mid-West Cars & Sales, Inc. would like to open a used car dealership at 310 N. Scott. Property details and a brief description of the building commercial /retail history were related by Mr. Cooper.

Mr. Cooper informed Commission members of complaints that have been received from the neighboring business owner (Shirley’s Cleaners) about cars associated with the former business at 310 N. Scott, trespassing by blocking and/or parking in the cleaner’s parking lot. He explained that the car lot on N. Scott is small and lacks adequate off-street parking which has resulted in police calls to the location primarily due to trespassing issues. The property line on the north side of the lot is about 6-ft. from the south wall of Shirley’s Cleaners according to Mr. Cooper He suggested that stop blocks be placed at this property line to prevent cars from encroaching on the cleaner’s parking lot. It was reported the parking lot needs repair.

The applicant proposed 14 parking stalls for display vehicles, but Mr. Cooper estimated the lot has space for no more than 11 display cars and two customer parking stalls.

There was discussion about placing the proposed stop blocks inside the property line to prevent vehicles from hanging over onto the neighboring property, and the location of customer parking. Mr. Earnshaw stated classic cars will be kept inside the business.

There was conversation about the trespassing issues from patrons of the car lots on both sides of Shirley's Cleaners.

Vice-chairman VonBehren opened the public hearing at 7:27 p.m. This hearing was being held to receive public input regarding an SUP application for a used car lot at 310 N. Scott.

Todd Earnshaw, Midwest Cars, spoke in favor of the application. He addressed the trespassing issue by remarking that in his opinion, Shirley's Cleaners customers are driving through the 310 N. Scott property. He asked questions about the location of the north property line. Mr. Earnshaw stated this car lot will be a small side operation and his primary lot is located in Kansas. He estimated there would not be more than 10-12 cars displayed outdoors on the lot.

There was no further public input and Vice-chairman VonBehren closed the public hearing at 7:31 p.m.

Councilman Davidson moved to recommend approval of the Special Use Permit application for a vehicle sales lot at 310 N. Scott with the following conditions:

- 1) No certificate of occupancy is issued for Mid-West Cars & Sales, Inc., until the site has had a final inspection for compliance with Section 12-272, Belton Municipal Code.
- 2) Special Use Permit 10-21 is reviewed by the Planning Commission in one year to ensure compliance and address complaints.
- 3) The parking area shall be located on the north and east side of the building only and consist of no more than 11 display vehicles and two customer parking spaces (site plan attached)
- 4) No display vehicle shall obstruct visibility or be parked in a manner which would create a hazardous condition or encroach upon abutting properties.
- 5) No material, supplies, or merchandise shall be stored outdoors
- 6) Wheel stop-blocks shall be placed 24-inches in from, and along the north property line to prevent vehicles from encroaching onto abutting property at 316 N. Scott Avenue.

Mayor Pro Tem Lathrop seconded the motion. When a vote was taken, the following was recorded: Ayes: 7 – Vice-chairman VonBehren, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, Fletcher, Van Eaton, and Thompson. Noes: none. Absent: 2 – Chairman Girgin and Commissioner McDonough. The motion carried.

C. CITY FIREWORKS REGULATIONS

The Commission reviewed the fireworks regulations because of changes in the Unified Development Code. Mr. Leipzig reported the City Council reviewed the proposed changes at an August work session. Mr. Webb went over proposed changes to the regulations including:

- Extending the deadline to apply for a permit/license to sell/store fireworks until June 1; applicants required to obtain a temporary use permit;
- Number of permits issued to be regulated by population;
- Fireworks sale sites to display sign with fireworks regulations;
- Changes in permitted fireworks discharge time.

Vice-chairman VonBehren opened the public hearing at 7:42 p.m. There was no public input so vice-chairman VonBehren closed the public hearing at 7:42 p.m.

DISCUSSION

FUTURE LAND USE MAP

Mr. Leipzig reported staff would like to “kick off” the Future Land Use Map project by introducing and displaying a logo and a brand, which is “Charting the Course the Future Land Use Map of Belton.”

DIRECTOR’S REPORT

The three vehicle sales lots discussed at tonight’s meeting will be on the Council agenda December 14, 2010, along with approvals for the Price Chopper development plans and plats.

There was discussion about whether to hold a Commission meeting on Monday, December 20, 2010. There was an agreement that the meeting be cancelled unless there is enough business to warrant holding a meeting.

There was a question about a trailer sitting in front of the former Southview Golf Course advertising “Boardwalk of Belton.” Mr. Leipzig stated trailers are allowed on thoroughfares for the larger projects and the precedent has been established in the past.

Mayor Pro Tem Lathrop asked that staff check on the vehicle sales lot at Walnut and Commercial because the vehicles are blocking the hydrant, parked across the sidewalks, and cars are parked across the street.

ADJOURNMENT

Councilman Davidson moved to adjourn the meeting. Commissioner Fletcher seconded the motion. All members present voted in favor and the meeting adjourned at 7:51 p.m.

Ann Keeton
Community Development Secretary

ATTACHMENT

SUP10-21 / MID-WEST CARS & SALES, INC. * 310 N. SCOTT AVENUE
EXHIBIT 'B'

