



**AGENDA
CITY OF BELTON
PLANNING COMMISSION
PUBLIC HEARING AND MEETING
MONDAY, MARCH 7, 2011 - 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 FEBRUARY 7, 2011 PLANNING COMMISSION MEETING

- IV. PUBLIC HEARING
 - A. Consideration of a renewal of Special Use Permit #SUP09-20 to allow a used car dealership to continue to operate at 814 N. Scott.

- V. DISCUSSION
 - A. Discussion of an off-leash dog park to be located on 2.5 acres at Markey Park.

- VI. DIRECTOR'S REPORT

- VII. NEXT MEETING DATE: March 21, 2011

- VIII. ADJOURNMENT

MEETING MINUTES

FEBRUARY 7, 2011

Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
February 7, 2011

CALL TO ORDER

Chairman Holly Girgin called the meeting to order at 7 p.m.

ATTENDANCE

- Commission: Chairman Girgin, Mayor Pro Tem Gary Lathrop, Councilman Bobby Davidson, Commissioners Tim McDonough, Jeff Fletcher, Scott VonBehren, and Larry Thompson.
- Staff: Jay Leipzig, Community Development Director; Robert Cooper, City Planner; Jason Webb, Fire Marshal; and Ann Keeton, Community Development Secretary.
- Absent: Commissioners Sally Davila and Mike Van Eaton.

MINUTES

Councilman Davidson moved to approve the minutes of the December 6, 2010, Planning Commission meeting. Commissioner VonBehren seconded the motion. All Commissioners present voted in favor and the motion carried.

CASES – PLAT OF VACATION FOR SUNRISE GARDENS

Mr. Leipzig introduced the plat of vacation for the Sunrise Gardens subdivision. He reported the zoning will not change if the vacation is approved.

Mr. Cooper presented the staff report. The application to vacate all utility easements, street rights-of-way, and lot lines was submitted by the Bank of Lee's Summit. Excluded from the vacation is a 20-ft. utility easement. The sanitary sewer lift station that serves the Autumn Ridge Subdivision is located in that 20-ft. utility easement. According to Mr. Cooper the applicant would like to market the property in hopes of attracting new development to the area.

COMMISSION DISCUSSION

Mr. Cooper answered questions about the zoning on the property. Mayor Pro Tem Lathrop initiated a discussion about existing right-of-way along Cambridge and Mullen Roads dedicated to future road widening. He recommended the dedicated right-of-way should not be vacated. Mr. Leipzig suggested that when the plat is vacated, the Bank of Lee's Summit should be encouraged to dedicate the right-of-way necessary for the widening of the roadway. **Mayor Pro Tem Lathrop moved to keep the existing right-of-way dedicated for future road widening.** Councilman Davidson seconded the motion.

There were questions about the owner's intentions regarding the property's R-1 (Single-Family Residential) zoning. Rick Kehr, representing the Bank of Lee's Summit, reported the Bank plans

to hold the land until an acceptable buyer/developer has been found. He said if the vacation is approved, the Bank plans on “not doing anything right now.” He went on to say that at the appropriate time the property will be marketed, and right now there are no plans to ask for the property to be rezoned.

Mr. Kehr was asked about the Bank’s plans for maintenance of the property during the summer. Mr. Kehr reported the property will be mowed and not farmed, as was done last year. Any issues relating to the property will be addressed immediately according to Mr. Kehr.

Mr. Leipzig advised that a formal motion would not be needed to make the modifications to the vacation application so no vote was taken on the earlier motion. The modification will become part of the recommendation to the City Council. **Councilman Davidson moved to recommend approval of the vacation of all recorded easements, street rights-of-way, and lot lines, with the exception of the sanitary sewer lift station and associated 20-ft. sanitary sewer easement, and the existing 50-feet of right-of way along Cambridge and Mullen Roads which is dedicated for future roadway widening, as depicted in “Exhibit A” (attached) for a 68.7 acre tract of land located north of Cambridge Road and west of Mullen Road.** Commissioner VonBehren seconded the motion. When a vote was taken, the following was recorded: Ayes: 7 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners McDonough, Fletcher, VonBehren and Thompson. Noes: none. Absent: 2 – Commissioners Davila and Van Eaton. The motion carried.

PUBLIC WORKS STRATEGIC PLAN

Mr. Leipzig reported the Public Works Strategic Plan was initiated by Jeff Fisher, Public Works Director, and was recently endorsed by the City Council. Mr. Leipzig categorized it as a great plan with high standards for the Public Works Department. The goals in the Strategic Plan will be updated yearly.

It was reported the plan was endorsed by the Council but funding is not currently available for two items and those were, the equipment replacement program and accreditation from the American Public Works Association (APWA). Mr. Leipzig gave a brief summary of the APWA certification program which he said is a standard of excellence used to measure public works departments across the county. He asked that staff be contacted with any comments or concerns regarding the Strategic Plan.

REVIEW OF THE 2010 COMMISSION ACTIVITIES & PRIORITY ITEMS FOR 2011

Mr. Leipzig reported the Commission had a busy year and he mentioned the Unified Development Code (UDC) and the Zoning Map as significant accomplishments during 2010.

Priority items for 2011 include:

- An update of the Future Land Use Map
- Final edits of the UDC.
- The Downtown Belton Main Street, Inc. group to begin revitalization activities in the downtown area.
- Staff is looking into the development of a voluntary code enforcement program.
- Developing design guidelines for North Scott and the downtown area.

Leipzig spoke of the benefits of a Future Land Use Map update, and he categorized the map as a great economic development tool.

There was a brief discussion about Heart n' Hand Ministry's compliance with the conditions of their special use permit. It was reported that staff has only had one complaint about parking issues but overall things have been going well. Mayor Pro Tem Lathrop reported that he has only received one call on a storage trailer.

DIRECTOR'S REPORT

Mr. Leipzig is working with the City Attorney's office to expedite the renewal process for Special Use Permit applications that require a review/renewal in one year. If there are no problems or complaints associated with a special use permit, staff would like to make a recommendation to the Commission to renew, without going through a formal process and holding another public hearing. There was discussion about possible ways this process could be accomplished and Mr. Leipzig suggested a process similar to the City Council consent agenda.

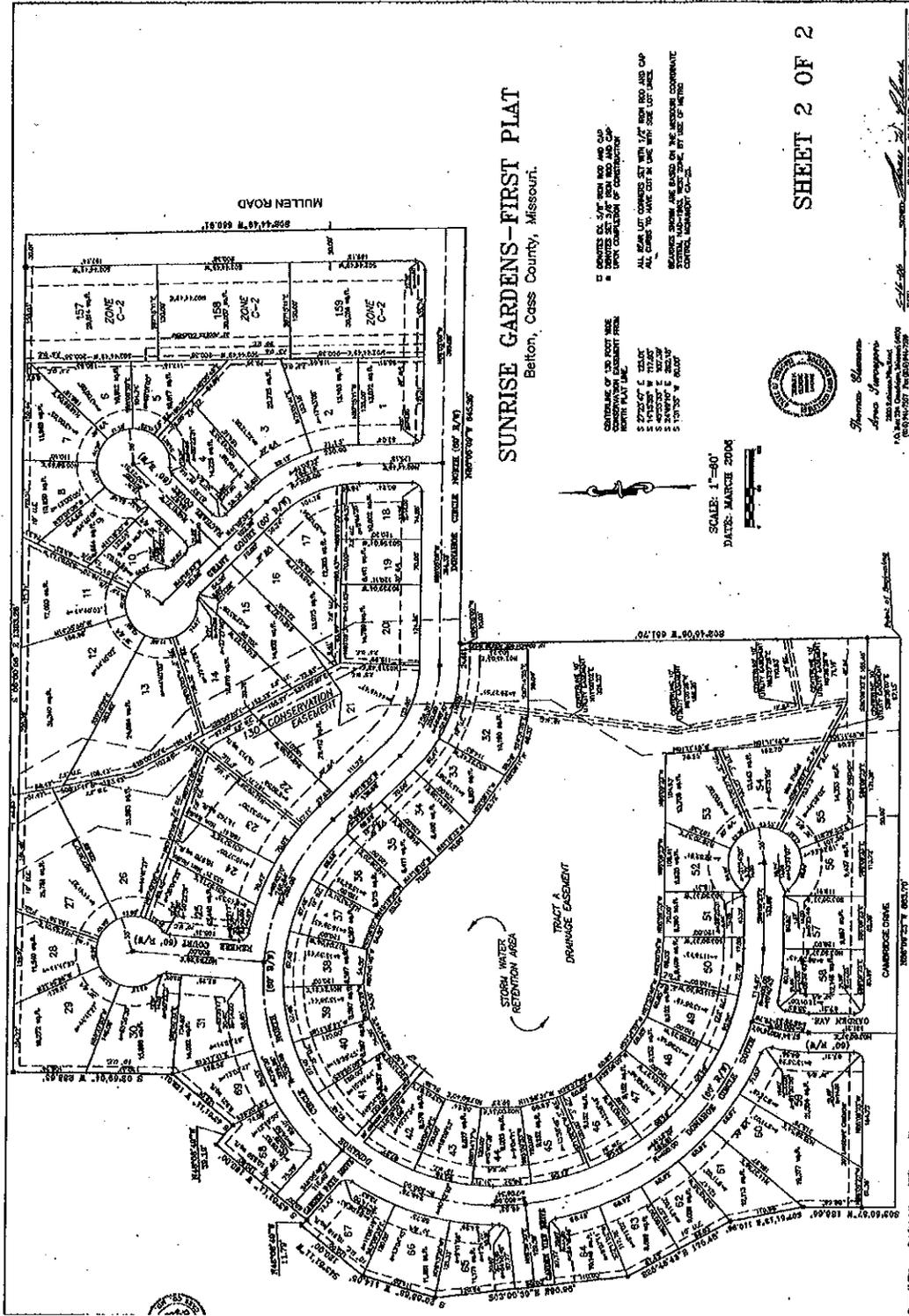
It was reported that ongoing parking issues at a local sign business appear to have been resolved.

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 7:35 p.m.

Ann Keeton
Community Development Secretary

EXHIBIT 'A'



SUNRISE GARDENS - FIRST PLAT
Belton, Cess County, Missouri.

CONTRIBUTION OF 150 FOOT WIDE CONSERVATION CASSEMENT FROM TRACT A TO TRACT B
CONTRIBUTION OF 150 FOOT WIDE CONSERVATION CASSEMENT FROM TRACT B TO TRACT A
CONTRIBUTION OF 150 FOOT WIDE CONSERVATION CASSEMENT FROM TRACT C TO TRACT D
CONTRIBUTION OF 150 FOOT WIDE CONSERVATION CASSEMENT FROM TRACT D TO TRACT C

SCALE: 1"=80'
DATE: MARCH 2008

SHEET 2 OF 2



Thomas Blumens
Professional Engineer
1000 S. Main Street
Belton, Missouri 64009
Professional Registration No. 10000

THOMAS P. CLARK, P.E. No. 152

RENEWAL OF SUP#09-20

VAN CITY

814 N. SCOTT



**PLANNING COMMISSION REGULAR MEETING
CITY HALL ANNEX, CITY COUNCIL ROOM
520 MAIN STREET
MONDAY, MARCH 7, 2011 – 7:00 P.M.**

ASSIGNED STAFF: Robert G. Cooper, City Planner

CASE #SUP09-20 / RENEWAL

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 between Markey Road and Myron Avenue. The street address is 814 N. Scott Avenue.

Legal Description: Kingsland Addition

Owner / Applicant: Allied Fence Company (building owner) / Terry Eakins (applicant), owner of Van City.

Size of Site: 150-ft. x 230-ft. (34,500-sq. ft.) / 0.81-acre

Sales Lot Surface Area: 140-ft. x 20-ft. (2,800-sq. ft.)

Existing Zoning / Land Use: C-2 / Used Car Sales Lot

Proposed Use: Used Car Sales Lot

Surrounding Zoning / Land Use:

North: C-2 / General Commercial

East: C-2 / General Commercial

South: C-2 / General Commercial

West: C-2 / General Commercial

Comprehensive Plan: Commercial

Nature of Current Request

Special Use Permit #09-20 was originally approved by the Planning Commission on November 16, 2009. As a condition of approval, the Special Use Permit is required to be reviewed by the Planning Commission in one-year. Mr. Eakins (applicant) wishes to continue operating Van City, a used car sales lot from 814 N. Scott Avenue. He sells his vehicles mostly on-line through the internet but will have approximately 15 cars on-site for display. These vehicles will be parked on the west side of the building in the rear parking area.

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Figure 1

STAFF REPORT

Welfare and Convenience of the Public

It appears, by allowing a used car sales lot in the existing location, would contribute greatly to an ongoing proliferation of used car lots along the North Scott corridor. It also appears there could potentially still be a negative affect on the welfare and convenience of the general public.

Injury to Surrounding Property

It appears the continued use will not have an adverse affect on the immediate surrounding or abutting properties due in part to the similarity in use type and intensity.

Domination of the Neighborhood

The site on North Scott Avenue is a commercial building with multiple tenant users. The space (814) which will be used by the applicant is located at the west end of the building.

It appears, the continued use as a used car sales lot will add to the predominance of that particular use within the neighborhood.

Code Citation

In accordance with Article IV, Section 7(15) of the Zoning Ordinance, "one (1) parking space for each 3,000-sq. ft. of open sales lot area devoted to the sale, display and rental of such vehicles, plus one (1) parking space for each employee".

Off-Street Parking / Access

The Zoning Ordinance requires, "one (1) parking space for each 3,000-sq. ft. of open sales area". The minimum parking stall dimensions as required by City code is 9'-0' x 20'-0'.

There is a single-point access from North Scott Avenue, which is the primary source of ingress/egress to the site, with a driving aisle of 24-ft. The Lot to the north also provides for an interconnected parking area with the subject site, which in the case of an emergency, allows for a second access.

Staff would like the applicant to continue displaying the sales vehicles on the west side of the building along the rear of the property and not along the N. Scott frontage.

The surface of the proposed parking area is still in need of repair. The concrete surface is currently cracked and separated with grass and weeds growing throughout. City ordinance requires all driving surface areas to be properly maintained and free of all weeds and grass.

NOTE: The City's Code Enforcement division has not received any code violations or nuisance complaints against the business since the original approval of the special use permit.

Staff Recommendation

Should the Planning Commission wish to approve Special Use Permit #09-20, the following condition(s) shall apply:

1. The City business license for 'Van City' is not renewed / issued until final approval by the City Council.
2. Special Use Permit #09-20 is reviewed by the Planning Commission in five (5) year to ensure compliance.
3. The sales display area shall be located on the west side of the building only and consist of no more than fifteen (15) vehicles as depicted in Exhibit 'A'.
4. No display vehicle shall obstruct visibility, or parked in a manner which would create a hazardous condition.
5. No material, supplies, or merchandise shall be stored outdoors.

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.

Attachments:

- 1) Aerial Photograph / Exhibit 'A'

EXHIBIT



814
814

NORTH SCOTT AVE

OFF-LEASH DOG PARK



Date: February 22, 2011

To: Holly Girgin (chair)

Planning Commission Members

From: Todd Spalding, Park Director

Re: Dog Park

While we are focusing much effort on renovations at Memorial Park, we also are looking at ways to offer new services to local residents, including an off-leash dog park. Specifically, we are interested in 2.5 acres of city-owned land at Markey Park. We have talked at length with city staff about the potential development and believe that there is little interest in the land for use by other departments.

Over the past several years, many residents have expressed their interest in an off-leash dog park in Belton. While our current system does not have any available space for a dog park, the fenced area at Markey Park is an ideal location. It is currently zoned for recreation use and would require rezoning for other purposes. In addition, the area is safe and easily accessible, and meets the needs of both the dog park users and public at large. The existing fence also would significantly reduce the cost and time necessary to have the park open for public use.

A dog park is a public park, typically fenced, where people and their dogs can play together. As the name suggests, a dog park offers dogs an off-leash play area where their owners can enjoy a park-like setting and the chance to socialize with other canines and their owners. Dog parks have been established all over the country and offer a lot of benefits to dogs, dog owners and the community as a whole.

A dog park also is a natural extension of the other health and wellness opportunities the department offers the community. And, the benefits are numerous. A dog park:

- Allows dogs to exercise and socialize safely
- Promotes responsible dog ownership
- Provides an outlet for dog owners to socialize
- Makes for a better community by promoting public health and safety

This is a great opportunity to improve our services to Belton residents. We are asking that this land be deemed park property for the purpose of constructing and maintaining a dog park.

I have attached an aerial view of the area, showing the proposed location of the new park.

