



**AGENDA
CITY OF BELTON
PLANNING COMMISSION
SPECIAL MEETING AND PUBLIC HEARING
MONDAY, JANUARY 25, 2010 - 7:00 P.M.
BELTON CITY HALL ANNEX, 520 MAIN STREET**

- I. CALL MEETING TO ORDER
- II. ROLL CALL
- III. APPROVAL OF THE MINUTES OF THE DECEMBER 21, 2009 PLANNING COMMISSION MEETING
- IV. ELECTION OF INTERIM OFFICERS
- V. PUBLIC HEARING
 - A. CASE #SUP10-02: Consideration of a Special Use Permit to allow a used motorcycle sales lot to operate at 1208-1210 N. Scott.
- VI. DISCUSSION
 - A. Planning Commission 2009 Year in Review and Priority Items for 2010.
- VII. DIRECTOR'S REPORT
- VIII. NEXT MEETING DATE: FEBRUARY 1, 2010
- IX. ADJOURNMENT

COMMISSION MINUTES

DECEMBER 21, 2009

Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main
December 21, 2009

CALL TO ORDER

Chairman Paul Myers called the Planning Commission meeting to order at 7 p.m.

ATTENDANCE

- Commission: Chairman Myers, Mayor Pro Tem Gary Lathrop, Councilman Bobby Davidson, Commissioners Tim McDonough, Scott VonBehren, and Roger Horne.
- Staff: Jay Leipzig, Director of Community Planning and Development; Ann Keeton, Community Development Secretary.
- Absent: Commissioners Sally Davila, Holly Girgin, and Larry Thompson.

MINUTES

Councilman Bobby Davidson moved to approve the minutes of the December 7, 2009, Planning Commission meeting. The motion was seconded by Commissioner VonBehren. All members present voted in favor and the motion carried.

PUBLIC HEARING – CASE #RZ09-24

Chairman Myers opened the public hearing at 7:03 p.m. This hearing was being held to receive public input regarding a request to vacate the utility easements and street rights-of-way as well as rezoning 68.7 acres from R-1 (Single-Family) to A (Agricultural) in the Sunrise Gardens subdivision.

It was announced that a letter (attached) has been received from the applicant asking that Case #RZ09-24, which is a request to vacate easements and rights-of-way and to rezone the property in Sunrise Gardens, be continued to the January 4, 2010, Commission meeting.

Councilman Davidson moved the public hearing and discussion of Case RZ09-24 be continued to the January 4, 2010, Planning Commission meeting. Mayor Pro Tem Lathrop seconded the motion. When a vote was taken the following was recorded: Ayes: 6 – Chairman Myers, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners McDonough, VonBehren, and Horne. Noes: none. Absent: 3 – Commissioners Davila, Girgin and Thompson. The motion carried.

DIRECTOR'S REPORT

Mr. Leipzig reported that in addition to the public hearing that has been continued to the next meeting, he will present a 2009 case summary report, plus goals for 2010.

CHAIRMAN REPORT

A letter of resignation was distributed by Chairman Myers and he announced that he is moving out of the Belton city limits. Chairman Myers stated he has enjoyed working with the

Commission members and with Mr. Leipzig. He reported that he served 16 years on the Planning Commission in Indiana and 9 years on the Commission in Belton. He stated that he will be available to help if asked by the Commission. Chairman Myers expressed his appreciation of the Commission's participation in meetings and the work they do for the City.

ADJOURNMENT

Mayor Pro Tem Lathrop moved to adjourn the meeting. Commissioner VonBehren seconded the motion. All members present voted in favor, and the motion carried.

Ann Keeton
Community Development Secretary

FILE COPY
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Thomas Clemons
Area Surveyors
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Grandview, MO 64030
(816) 941-7557
Fax (816) 941-7599
email: cclemons@kc.rr.com

December 18, 2009

Robert G. Cooper, City Planner
Department of Planning & Community Development
City Hall Annex
520 Main Street
Belton, Missouri 64012
(816) 331-4331 desk
(816) 331-6973 fax

Re: SUNRISE GARDENS – FIRST PLAT

We request a continuance for the vacation and zoning change on the plat of
SUNRISE GARDENS – FIRST PLAT.

Another possibility has come forth for doing something with this property. We
would like to have this continued until further notice to examine this opportunity.

Sincerely,



Thomas W. Clemons

CASE # SUP10-02

USED MOTORCYCLE SALES

**CITY OF BELTON
PLANNING COMMISSION
SPECIAL MEETING – CITY COUNCIL ROOM
CITY HALL ANNEX, 520 MAIN STREET
MONDAY, JANUARY 25, 2010 – 7:00 P.M.**

STAFF REPORT: Robert G. Cooper, City Planner

CASE #SUP10-02

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

Location: The west side of N. Scott Avenue between Elmyra Circle and Vivian Street. The street address is 1208-1210 N. Scott Avenue.

Legal Description: Neff Lake, Lot 1 & Lot 2 EX S 1/3 Blk 2

Owner / Applicant: Hawthorn Bank (building owner) / Bill Fennelly (applicant)

Size of Site: 15,729-sq. ft. / 0.36-acre

Sales Lot Surface Area: 66-ft. x 45-ft. (2,970 sq. ft.)

Existing Zoning / Land Use: C-2 / General Commercial

Proposed Use: Motorcycle 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

The applicant, Bill Fennelly, owner of RLB Services, LLC, met with the Development Review Committee (DRC) on September 30, 2009 to review a conceptual site plan for a used motorcycle sales business, located at 1208-1210 N. Scott Avenue. The applicant indicated to the committee he is currently in negotiations with a bank to purchase the property with the intention of operating a business selling pre-owned Harley-Davidson motorcycles. He was advised by staff a Special Use Permit would be required and reviewed by the Planning Commission.

RLB Services, LLC, sells pre-owned Harley-Davidson motorcycles predominately through the internet on e-Bay and is marketed worldwide.

STAFF REPORT

Welfare and Convenience of the Public

Staff believes that by permitting a used motorcycle sales lot at the proposed location would add to the general welfare and convenience of the community by eliminating a vacant structure from the North Scott commercial corridor.

Injury to Surrounding Property

Staff believes that the proposed 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 which was designed and constructed for use as a small retail store.

It appears to staff, the proposed use will not add to the predominance of that particular use within the neighborhood. A mitigating factor is the larger commercial lots which abut the subject property. In fact, many of the neighboring lots are larger which provides for larger separation and setbacks from similar uses.

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". Based on the total size of the lot, it appears there will be ample parking.

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.

In addition, there is rear access from Elmyra Circle, which provides secondary access to a sub-level area which includes double-garage doors with adjoining employee doors. It is anticipated; most of the customer parking and access will be from the Elmyra Circle side of the building.

NOTE: City files indicate the subject property has been vacant since it's completion in 2007. The original owner applied for a building permit in the fall of 2003. However, the building has never received a final inspection from the building inspections division or received a certificate of occupancy. As of today, there are several outstanding issues which need to be addressed before a certificate of occupancy can be issued. The following are some of the items:

1. Completion of the parking and drive area;
2. Landscaping;

3. Railings along outside stairs;
4. Interior heating system was conducted with the return air from the garage directly into the upstairs showroom area...these two areas must be separated.

There may be additional items with the conclusion of a complete inspection.

Staff Recommendation

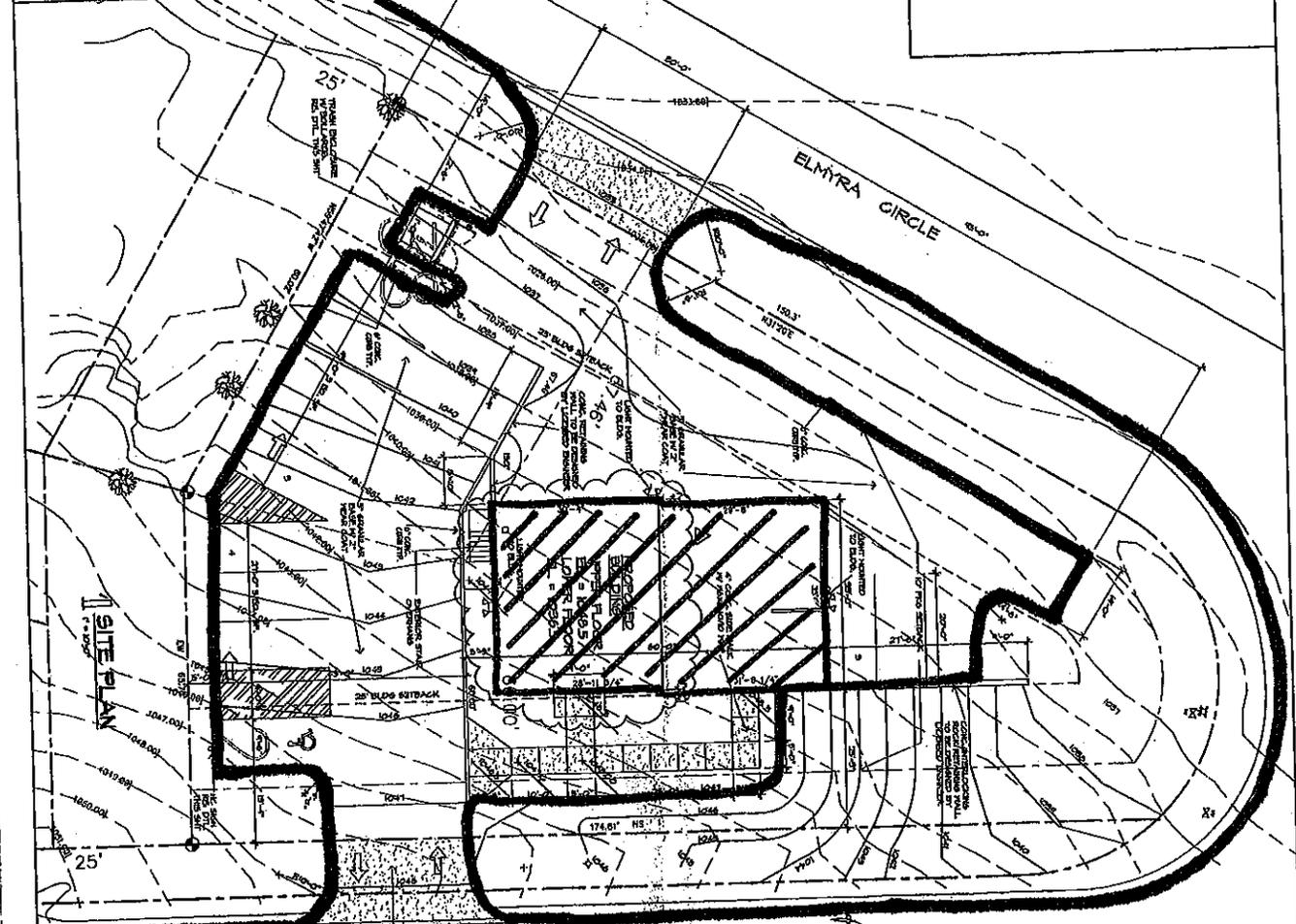
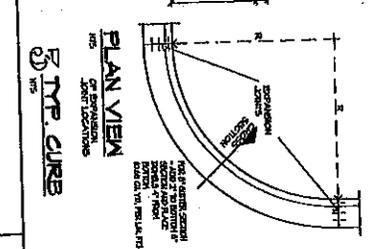
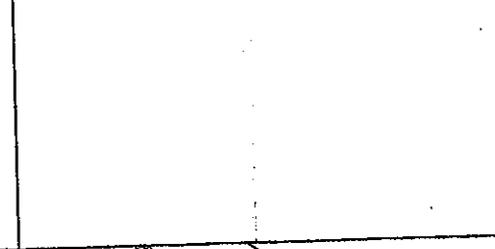
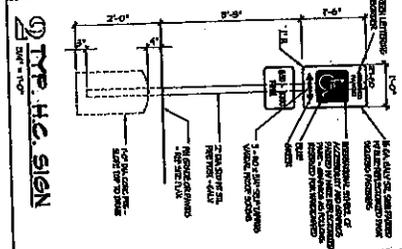
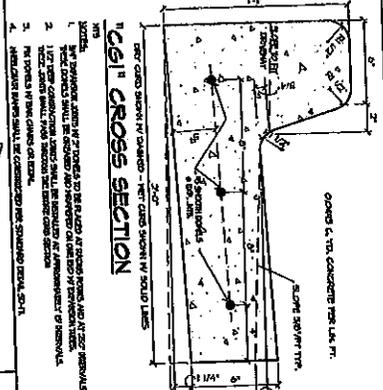
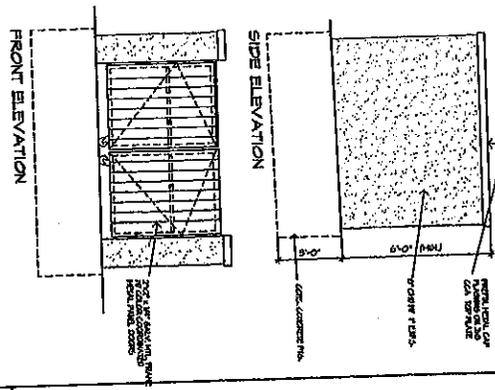
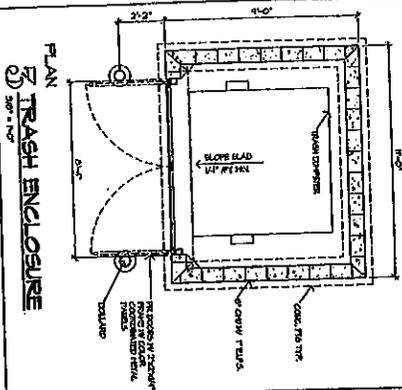
Should the Planning Commission wish to approve the Special-Use-Permit, the following conditions shall apply:

1. That no certificate of occupancy is issued for 'RLB Services, LLC' until the site has had a final inspection for compliance with the approved site development plan.
2. The Special Use Permit will become valid once a certificate of occupancy has been issued for the building.
3. That the Special-Use-Permit be renewed by the Planning Commission in one (1) year to ensure compliance.
4. No material, supplies, or merchandise shall be stored outdoors.
5. The 'display area' shall consist of motorcycle sales only.

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.



Revised
 City of Belton
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<p>NOTES</p> <p>1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF BELTON SPECIFICATIONS AND LOCAL ORDINANCES.</p> <p>2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF BELTON.</p> <p>3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.</p> <p>4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.</p> <p>5. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES.</p> <p>6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING ALL DEBRIS AND EXCESS MATERIAL FROM THE SITE.</p> <p>7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING THE SITE TO ITS ORIGINAL CONDITION.</p> <p>8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.</p> <p>9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY BONDS.</p> <p>10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF BELTON.</p>	<p>REVISIONS</p> <p>NO. 1: CORRECTED PERMISSIBILITY</p> <p>NO. 2: CORRECTED PERMISSIBILITY</p> <p>NO. 3: CORRECTED PERMISSIBILITY</p> <p>NO. 4: CORRECTED PERMISSIBILITY</p> <p>NO. 5: CORRECTED PERMISSIBILITY</p> <p>NO. 6: CORRECTED PERMISSIBILITY</p> <p>NO. 7: CORRECTED PERMISSIBILITY</p> <p>NO. 8: CORRECTED PERMISSIBILITY</p> <p>NO. 9: CORRECTED PERMISSIBILITY</p> <p>NO. 10: CORRECTED PERMISSIBILITY</p>
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NEFF LAKE
 BELTON, MISSOURI

PLANNING COMMISSION

2009 YEAR IN REVIEW

MEMORANDUM

TO: Planning Commission Members

FROM: Jay Leipzig, AICP – Director of Community Planning & Development

DATE: January 8, 2010

RE: **2009 Year In Review for Planning Commission Activities & Priority Items 2010**

The following report provides an overview of activities of the Planning Commission for the City of Belton, Missouri. The report below comprises three (3) components: 1) An overview of Basic Statistics of the Planning Commission; 2) List of Major Accomplishments in 2009; and 3) List of Proposed Issues and Key Projects in 2010. This document can be used as a summary guide to reflect upon the accomplishments of the past year, and also to provide a basic schedule of items that will be brought forward for review in 2010.

An overview of basic statistics of the Planning Commission

- The Commission met 15 times in 2009
- Six (6) meetings were cancelled due to no agenda items presented, or scheduling conflicts.
- No meetings were cancelled due to lack of quorum.
- The Commission reviewed and discussed 25 cases throughout the year.
- Fifteen (15) cases were recommended for approval to the City Council.
- The remaining 10 cases were general discussion items, reports, and other non-forwarded items.
- Three (3) cases were recommended to be reviewed by the Site Plan Review Committee.
- The Commission held 12 Public Hearings for planning related items.
- The Commission reviewed seven (7) Special Use Permit applications.
- Two (2) amendments were recommended for approval to the City Council.
- There were no re-zoning applications submitted.
- One (1) rezoning application was withdrawn.
- One (1) amendment to the Belton Comprehensive Plan was recommended for approval to the City Council.
- One (1) member of the Planning Commission resigned in 2009.

List of Major Accomplishments in 2009 (In Chronological Order when originally discussed)

- Review and recommendation of approval for a text amendment to increase the maximum height requirement for structures in commercial zoning districts.
- Approved a preliminary plat of the Autumn Valley subdivision. In addition, this project utilized the Site Plan Review Committee to develop the site development plan and final plat.
- Approved a variance to the landscaping requirements for Adesa Auto Auction to install hydro-seed and sod in the development.
- Review and recommendation of approval for a text amendment for the registration of properties in foreclosure.
- Reviewed the conditions of approval for Belton Glass-309 Main Street for a Special Use Permit, and recommended that the permit be revoked by the City Council.
- Review and recommendation of approval for a text amendment to limit the use of electrical fences in the Industrial, Commercial and Residential zoning districts.
- Review and recommendation of approval for a text amendment to require vehicle sales lots to submit a Special Use Permit application.
- Review of the initial draft of a proposed Unified Development Code.
- Review and recommendation of approval for a Special Use Permit for a shaved ice stand located at Chestnut Street and North Avenue.
- Review and recommendation of approval for a Church at 500 N. Scott.
- Review and recommended that the Cass County Commission proceed with lifting the moratorium placed on property located in the County along the North Cass Parkway, and release that land for future development considerations.
- Review and recommended denial of a Special Use Permit application for a vehicle sales lot located at 604 N. Scott.
- Review and recommended denial of a Special Use Permit application for a vehicle sales lot located at 604 N. Scott.
- Review and recommendation of approval to amend the Belton Comprehensive Plan to include the Trails Master Plan.
- Review and recommendation of approval for a Special Use Permit application for a vehicle sales lot located at 1208-1210 N. Scott.
- Review and recommendation of approval for the renewal of a Special Use Permit for Lawn Core- 2016 E. 171st Street.
- Review and recommendation of approval for a Special Use Permit allocation for a vehicle sales lot located at 814 N. Scott.
- Reviewed the 2006 International Property Maintenance Code.

- Reviewed a Special Use Permit application for Heart N. Hand Ministries, and recommended that the Site Plan Review Committee review this application.

List of Proposed Issues and Key Projects in 2010

The following proposed issues are recommended by staff. In addition to those items described below, there will be additional projects submitted by private developers. Private development projects include potential tax increment financing applications, zone-change, lot-splits, plat revisions and preliminary / final development plans.

- Review and recommendation of approval for the Belton Capital Improvement Plan. (February 2010)
- Adoption of the 2006 International Property Maintenance Code. (March 2010)
- Adoption of the Proposed Unified Development Code. (May/June 2010)
- Update the Future Land-Use Map and Zoning Map. (May 2010 – pending budget approval)
- Create financial incentives to encourage home-owner investment. (July 2009)
- Develop design guidelines for N. Scott (September 2010)
- Staff will also be developing and refining several internal processes, including:
 - 1) Continue to develop a library of planning and community development materials about Belton. (On-going)
 - 2) Continue to develop additional incentives that can be incorporated with the Enhanced Enterprise Zone. (On-going)
 - 3) Continue to refine the Plan Review Process to ensure consistency. (On-Going)
 - 4) Increasing consistency and efficiency of code enforcement. (On-Going)
 - 5) Prioritize Code Enforcement issues to establish consistency. (On-Going)
 - 6) Work closely with Belton Corporation for Economic Development. (On-Going)