



**AGENDA
CITY OF BELTON
PLANNING COMMISSION MEETING
MONDAY, APRIL 20, 2009 - 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 MARCH 2, 2009 PLANNING COMMISSION MEETING

IV. CASES

A. CASE SUP08-10: Review of a Special Use Permit for Belton Glass, 309 Main Street.

B. CASE TA09-08: Discussion of a proposed Text Amendment to allow Used Car Lots as a Special Use in a C-2 (General Commercial) zoning district.

C. CASE TA09-09: Discussion of a proposed Text Amendment to allow Electric Fences only in Industrial Zoning Districts.

V. DIRECTOR'S REPORT

A. Implementation timeline for Unified Development Ordinance

VI. NEXT MEETING: May 4, 2009

VII. ADJOURNMENT

Minutes of Meeting

March 2, 2009

Minutes of Meeting
Belton Planning Commission
City Hall Annex – 520 Main St.
March 2, 2009

CALL TO ORDER: Chairman Paul Myers called the meeting to order at 7 p.m.

ATTENDANCE

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

MINUTES: Commissioner Horne moved to approve the minutes of the February 1, 2009, Planning Commission meeting. Commissioner VonBehren seconded the motion. All members present voted in favor and the motion carried.

CASES:

A. Case #V09-05: Consideration of an exception to Article III, Section 19(F)(7) of the zoning ordinance regarding minimum planting requirements, for Adesa Auto Auction, located at 15511 Adesa Drive.

Mr. Leipzig introduced the topic of Adesa Auto Auction's request for an exception to the Landscaping / Minimum Planting Requirements section of the zoning ordinance. They are requesting permission to hydro-seed the disturbed areas rather than lay sod, due to the sizeable amount of ground involved. Mr. Leipzig gave a description of the hydro-seeding process.

The staff report was presented by Mr. Cooper. He described the location of Adesa Auto Auction and gave further information about hydro-seeding. It was stated that Adesa would like approval to hydro-seed all of the areas of disturbed ground except around the Arena Building, which will be landscaped with sod. Mr. Cooper noted that the hydro-seeding of the property has already started. The hydro-seeding was used as an erosion control method and the final grading will take place when the road improvements to 155th Street are completed according to Mr. Cooper's report. Three photos were distributed by Mr. Cooper to illustrate the areas that have been hydro-seeded. He commented that more grading needs to take place due to large branches, rocks and miscellaneous debris that should be removed from the property. If the hydro-seeding is approved by the Planning Commission, it will be noted on the final plat.

Mr. Cooper read a list of recommendations from the city engineer regarding the Adesa request for hydro-seeding, based on erosion control measures for the site. Those recommendations included: placing sod in all concentrated drainage areas including the detention pond and outlet

of the detention facilities; laying sod on disturbed areas on adjoining properties including city property and the Days Inn property; and to seed the remainder.

It was reported by Mr. Cooper that the City requires a landscape escrow equal to 150% of the total valuation of the cost of landscaping the area. That valuation has not yet been determined but Tyrone Garrison, with Shiel Sexton, understands the process and will work with the city according to Mr. Cooper.

Tyrone Garrison with Shiel Sexton, 902 N. Capital, Indianapolis, Indiana, 46214, was present and Chairman Myers invited Mr. Garrison to speak to the commission. Mr. Garrison gave an account of the hydro-seeding that has been started on the property. He informed commission members that the Adesa building timeline had the project finished in mid-January, which was not conducive to completing the landscaping. He went on to say that they did the best grading possible in mid-winter, but due to concerns by the city engineers, they began hydro-seeding as a method of erosion control. At that time Shiel Sexton personnel made a decision to roll out ground areas at a later date. He asked for the commission's consideration to allow the hydro-seeding to germinate and become the final groundcover rather than using sod.

COMMISSION DISCUSSION:

In discussion, Councilman Davidson mentioned a church project in the city that hydro-seeded their property instead of using sod, and he said that seeding project has worked out well. He went on to say that due to today's economic climate, he would recommend approving the landscape exception request for Adesa Auto Auction.

Commissioner McDonough remarked that the construction timeline ending in January was set by Adesa at the beginning of the project. He added that the size of the property has not changed since the project was first introduced to the city, and at that time sod was the requirement. Commissioner McDonough stated that he is frequently in the Adesa area and has seen the recent grading/hydro-seeding on the Adesa property. He went on to express his concern about the way the property looks and recommended requiring the sod. It was observed by Commissioner McDonough that the church project hydro-seeded the back of the building, and the Adesa hydro-seeding is visible from the road.

Chairman Myer's stated opinion was that Adesa has improved the looks of the area with this project. He believes the outstanding issue with the site is that it should be cleaned up by removing the sticks / rocks. Commissioner McDonough pointed out the differences in appearance of the Belton Adesa site to the Adesa site in Georgia. Pictures of the Georgia facility were presented to the commission at the beginning of the project. He acknowledged the project started well, but he felt early expectations are not being met as the project ends.

Mr. Ieans reported that engineering would like to see the big lumps, rocks and branches removed because when the seed germinates, it will be hard to "fine grade" the ground, and the grass that has grown will be torn out. He asked the commission to require the stones / branches be removed before hydro-seeding or laying sod. Regarding the detention basins, Mr. Ieans reported there are problems with seeding a 3/1 slope due to the seed washing away when it rains.

Mr. Garrison responded that the rocks and sticks will be removed. He assured the commission members that Shiel Sexton is not trying to cut corners but they believe hydro-seeding will produce the same finished product as sod. It was further explained by Mr. Garrison, that due to the soft condition of the soil, they cannot go onto the disturbed ground without causing further damage.

Councilman Davidson mentioned the fact that the state highway department hydro-seeds disturbed ground when completing a road project and he pointed out the nice appearance of those projects. He indicated that the seed appears to germinate even on steep slopes. He reiterated that he is in favor of the hydro-seeding as long as the final product comes out well.

Mr. Garrison addressed the issue of seed on steep slopes. He said that an organic mat was placed on the slopes to hold the seed in place while it germinates. Mr. Jeans recommended the city require a 90% to 95% "good grade," and germination of the seed before the final plat is accepted. It was pointed out by Mayor Pro Tem Lathrop that it appears in pictures that there are still tree stumps, uneven grade, and large lumps on the ground. He stressed that some of these unsightly areas are along North Scott which is one of the main entrances to the city. Mr. Garrison said those areas will have to be "rolled out," and if they need to be graded and seeded again, they will regrade and reseed that ground. Mayor Pro Tem Lathrop drew attention to the fact that if Adesa is seeding rather than laying sod to cut costs, it won't save money if they have to redo the grading and seeding. Mr. Garrison added that part of the reason for the hydro-seeding was for erosion control and to keep some of the runoff from going onto North Scott. Mayor Pro Tem Lathrop stated he does not object to the hydro-seeding if the ground is adequately prepared, but this area was not prepared before it was seeded. Mr. Garrison answered that if the grass is damaged during regrading, they will reseed it.

Commissioner Davila asked about the sod/seed escrow amount. Mr. Leipzig said that the escrow will be 1 ½ times the cost of the hydro-seeding. The escrow will be released when the seed has fully germinated. Mr. Garrison requested the grading be included in the escrow conditions of release, to relieve the commission of any doubts that the grading issues will be addressed properly.

Commissioner Horne moved to 1) Approve a substitute to sod; 2) Approve the majority of the property throughout the entire Adesa project site be hydro-seeded, with the exception of the area in front of the Arena building; 3) Require a landscape escrow equal to 150% of the total valuation; 4) Remove branches, stumps and stones; 5) The erosion control fence shall remain in place until there is 90 to 95 percent adequate coverage of grass over the entire site. Councilman Davidson seconded the motion. When a vote was taken the following was recorded: Ayes: 7 – Chairman Myers, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, Girgin, VonBehren, and Horne. Noes: 1 – Commissioner McDonough. Absent: 1 – Commissioner Thompson. The motion carried.

B. Case #TA09-04: Discussion of a proposed amendment to the zoning ordinance regarding registration of properties in foreclosure.

Mr. Leipzig presented the foreclosure registration information for discussion. He reported that Raymore and Lee's Summit have recently adopted ordinances dealing with registration of properties in foreclosure. He added that if a foreclosure ordinance is adopted, the city's intent would be to keep track of foreclosures and obtain contact information for the property.

During the staff report, Mr. Cooper explained the benefit of adopting a foreclosure registration ordinance. He gave details about the manner in which a house foreclosure becomes a maintenance issue for the city. The proposed ordinance would require any property in the city going through a foreclosure process, register with the city. Additionally, the registration requires a listing of contact information for the lender or other responsible party, and a local property management company. He announced that there will not be a registration fee and the city will maintain a list of registered properties. Mr. Cooper noted and gave details about five sections of the proposed ordinance and those sections were registration, maintenance requirements, security requirements, compliance with other authority, and violations. It was stated that adoption of a foreclosure ordinance would help protect residential neighborhoods and non-residential areas from falling into disrepair.

Mr. Leipzig reiterated that registration of the houses is an important part of the ordinance. The ordinance presented for discussion requires inspections of every foreclosed home, but Mr. Leipzig commented that inspections may not be a necessary component unless the structures fall into disrepair. There are aspects of the notification process that will have to be worked out including the schedule of notification according to Mr. Leipzig. Additional benefits for the city may be derived for the neighborhood stabilization program from a foreclosure ordinance.

COMMISSION DISCUSSION:

Councilman Davidson initiated a discussion about the amount of the penalty to be assessed if the foreclosure ordinance is not complied with. He suggested a minimum of \$500 up to \$1000 be charged per violation. He informed the commission that it has been problematic for the city to contact lenders, and to get them to resolve code violations on a foreclosed property. It was asked by Mayor Pro Tem Lathrop how often the violation penalty will be assessed for the same issue. It was determined that the method of violation assessment and the amounts will be discussed further with the commission members and the city attorney.

Commission members considered the best way for the city to be notified when a house goes into foreclosure. The merits of the lender versus the County as the primary source of foreclosure notification were debated. There are cities that are notified by the lenders but the Belton city attorney thought it might be easier for the county to notify the city of foreclosures. Commissioner McDonough explained the foreclosure notification process used by the City of Raymore, and he said the finance company is held responsible for contacting the city. It was stated that in some cases the lender places a placard/sticker on the foreclosed house. Mr. Leipzig explained that on occasion it is code enforcement issues that alert the city of a foreclosure. The question was asked how mortgage companies learn they are required to register foreclosures with the city. Mr. Leipzig replied that there should be lender information on the mortgage documents so they could be made aware of the ordinance. Another suggestion was that the foreclosure ordinance should be mentioned in the contract/deed. It was pointed out again that the city attorney believes there is a way to receive notification of foreclosure from the County. Mr.

Cooper stated the city's preference would be to get notification of foreclosures before code enforcement issues occur. Additional dialogue occurred about the best method for the city to receive notification of foreclosures.

DIRECTOR'S REPORT:

Mr. Leipzig distributed an overview of the Cass County Remodeling Loan Program. The program is still in the early development stage according to Mr. Leipzig. Cities in Cass County will be working together on this program. Mid-America Regional Council (MARC) will be assisting to put the program together, work out the details, and develop an RFP to be sent to area lenders. According to Mr. Leipzig, the contract will be between the lender and MARC and the cities will be a participating jurisdiction. Mr. Leipzig noted that there is no risk for the city, and there are no income requirements for the loan applicants.

Belton Glass will be on the agenda again in April to review the special use permit for the business. Mr. Leipzig will be meeting with the owner, Jeff Shaw, to make sure he recalls all of the items that were part of the special use permit. It was proposed by Mr. Leipzig, that the review of the special use permit take place at the April 20 meeting. He reported there is still work to be completed at the business but the door that was installed is not consistent with the commission recommendation. Chairman Myers would like the case to be reviewed on April 20 and the commission agreed.

Mr. Leipzig announced that the mayor will be giving a "state of the city" address at the Chamber of Commerce meeting.

The Zoning Board of Adjustment will be meeting on March 23 to hear two cases. One case that night will be a variance to the sign ordinance for St. Sabina Catholic Church. A second case is regarding a variance to fence height for Adesa Auto Auction.

Commissioner McDonough conveyed to commission members that he felt insulted by the actions of the Adesa developers who knew their construction timeline and the size of the property at the beginning of the project. He stressed that the variance request should have been made when the project first came in for approval.

Commissioner VonBehren asked staff about the status of storage containers and whether letters have been sent to those businesses that are violating the ordinance. He identified a business that has an illegal storage container on site and Mr. Leipzig stated he would follow up on the information.

Mayor Pro Tem Lathrop told staff about a code violation at Commercial and Walnut. According to Mayor Pro Tem Lathrop a used car business is parking cars in the city right-of-way blocking the sidewalk. He classified this violation as a safety issue due to the fact that pedestrians are forced to walk in the street because the sidewalk is blocked. Mr. Leipzig will look into this issue. Mr. Leipzig mentioned that staff will be researching the development of an ordinance that will require used car lots to apply for a special use permit to operate in the City.

ADJOURNMENT:

Commissioner Horne moved that the meeting adjourn. Councilman Davidson seconded the motion. All members present voted in favor, and the meeting adjourned at 8:10 p.m.

Ann Keeton

Community Development Secretary

Belton Glass

309 Main



COMMUNITY PLANNING & DEVELOPMENT
Jay C. Leipzig, AICP
Director

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MEMORANDUM

TO: Belton Planning Commission Members

FROM: Director

DATE: April 16, 2009

RE: The Review for Compliance for Special Use Permit for Belton Glass- 311 Main Street

As you are aware, during the April 21, 2008, Planning Commission meeting, the Commission approved a Special Use Permit to allow the construction of a garage door at the building located at 309 Main Street facing Loop Road. During the meeting, and subsequent approval by the Board of Aldermen, the following conditions of approval were granted.

- *Allow the use of a particular exterior material 'Insulated Garage Door, Type C-238' as presented with a 'Carriage House Exterior Design, Type 430' as presented;*
- *Install a proper curb-cut;*
- *No dumpster shall be placed on the side of the building;*
- *Consideration be given to the business owner to restricting garage door access during special events on Loop Road;*
- *The Special Use Permit to be reviewed in one (1) year.*

Since the initial approval of the Special Use Permit, the owner has completed the interior renovations of the building, properly installed the curb cut off of Loop Road, and has been issued a Certificate of Occupancy on January 13, 2009. In addition, it is staff's understanding that the "Carriage House Exterior Design, Type 438" has been installed on the garage door. The owner of Belton Glass, Mr. Jeff Shaw will be available to provide an update to you on the renovation of the building during the meeting. However, Mr. Shaw is requesting an extension of the compliance stipulation to install an exterior canopy of the building which would complete the carriage house exterior design. Attached to this Memorandum is a reminder letter of March 10, 2009 which would tentatively authorize the owner an extension of June 30, 2009 for the installation of an exterior canopy. However, this is only staff's recommendation, and Mr. Shaw is aware that this will require Planning Commission approval before it is authorized. If Mr. Shaw is not able to comply with this extension, or any other approved extensions recommended by Planning Commission, the City of Belton may begin the process to repeal the Certificate of Occupancy for the Building.

A letter dated January 13, 2009, is also attached to this Memorandum which issues a Certificate of Occupancy to Belton Glass.



COMMUNITY PLANNING & DEVELOPMENT
Jay C. Leipzig, AICP
Director

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January 13, 2009

Mr. Jeff Shaw
Belton Glass
309 Main Street
Belton, Missouri 64012

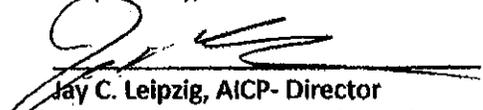
Mr. Shaw:

This letter confirms that the City of Belton Building Inspection Division has approved the bracing that you completed on the west wall of your building located at 309 Main Street. Attached to this letter is a complete Certificate of Occupancy for the structure. You have now complied with all requirements as stipulated in the previous letter dated September 9, 2008, except those items related to the garage door off of Loop Road, and the Special Use Permit. The Planning Commission had granted the following conditions of approval which must be completed by March 31, 2008.

- 1) Allow the use of a particular exterior material 'insulated Garage Door, Type C-238' as presented with a 'Carriage House Exterior Design, Type 430' as presented;
- 2) No dumpster shall be placed on the side of the building;
- 3) Install a curb-cut off of Loop Road (detailed in the Life Safety Items); and
- 4) The Special Use Permit will be reviewed for compliance in one year.

The Planning Commission will be reviewing your Special Use Permit for compliance during their regularly scheduled meeting on April 6, 2009. Thank you complying with the requests of the City, and we look forward to the continued renovation of this building. Please do not hesitate to contact me if you have questions.

Respectfully,


Jay C. Leipzig, AICP- Director
Community Planning and Development

cc: Robert Cooper, City Planner
Mark Polk, City Inspector
Leo Lockard, City Inspector
Al Hoag, City Councilmember
Everett Loughridge, City Councilmember
Paul Myers, Planning Commission Chair



COMMUNITY PLANNING & DEVELOPMENT
Jay C. Leipzig, AICP
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FILE COPY

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March 10, 2009

Mr. Jeff Shaw
Belton Glass
309 Main Street
Belton, Missouri 64012

Mr. Shaw:

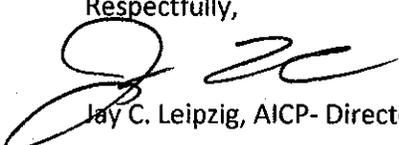
This letter is being sent as a courtesy reminder that your Special Use Permit for the installation of an insulated garage door, Type C-238' as presented with a 'Carriage House Exterior Design, Type 430' will be reviewed before the City of Belton Planning Commission on April 20, 2009 at 7:00 pm.

In our discussion at your business the previous week, you intend to complete the full installation of the garage door by the forthcoming meeting date. However, you are requesting an extension until June 30, 2009 for the installation of an exterior canopy. It is my understanding you will be presenting information to the Planning Commission on a proposed canopy and reporting on your progress to renovate the building during the April 20, 2009 meeting.

This arrangement is agreeable to staff, but will require formal agreement from the Planning Commission during the review on April 20, 2009. Staff understands that the economy has precipitated this request, and believes that you are making progress on the renovation of this building.

Thank you for meeting with Councilman Hoag and me last week and we look forward to your reviewing your request at the Planning Commission meeting.

Respectfully,


Jay C. Leipzig, AICP- Director

cc: Robert Cooper, City Planner
Mark Polk, City Inspector
Al Hoag, City Councilman
Everett Loughridge, City Councilman
Paul Myers, Planning Commission Chair

Text Amendment

Used Car Lots

DATE: April 20, 2009

TO: Planning Commission

FROM: Robert G. Cooper, City Planner
Jay Leipzig, Planning & Community Development Director

RE: **DISCUSSION: SPECIAL USE PERMIT REQUIREMENT FOR 'CAR LOTS' LOCATED WITHIN A C-2 (GENERAL COMMERCIAL) ZONING DISTRICT.**

Purpose of Meeting:

The purpose of the meeting is: 1) to discuss and establish standards for car lots in the C-2 (General Commercial) zoning district; and 2) to determine if Appendix A of the Zoning Ordinance should be amended to require a Special Use Permit.

STAFF REPORT

Discussion: Staff recommends requiring a Special Use Permit and establishing guidelines for all Car Lots in the C-2 (General Commercial) zoning district. The focus of this requirement is the result of numerous new and used car lots being located primarily along N. Scott Avenue. Many of the existing car lots along N. Scott are situated side-by-side. The close proximity of these car lots to one another has created nuisance issues as well as hazardous traffic concerns.

From an enforcement perspective, our current process of allowing car lots without any special permitting basically enables the car dealer operator to enlarge their sales yard and display areas, thus causing the reduction in available space for customer parking, which results in trespassing, and overcrowding, which creates a visually unattractive streetscape.

During a typical review of a proposed car lot, staff refers to Article IV, Section 7(A)(15) of the Zoning Ordinance, which is the off-street parking requirement section, which establishes the minimum number of parking spaces (which is derived by lot size). The other referenced area is from the Municipal Code, Section 12-272, which governs the site and space requirements. [See Exhibit 'A']

The benefit of requiring a Special Use Permit will allow staff and the Planning Commission to review each proposed location, set limitations and implement any mitigating measures that may limit the intrusiveness of these uses from onto adjoining properties.

During the review process of the Special Use Permit, staff will evaluate each proposed location based on its own unique characteristics, using the guidelines already established in the Zoning Ordinance and Municipal Code.

Ordinance Citation:

Article VIII, Section 2(4) of the Zoning Ordinance: "A Use Permitted Upon Review shall not be granted unless the submitted application clearly verifies that the following conditions do or will exist:

- a) The proposed use complies with all applicable provisions of these regulations, including yard regulations, parking requirements and use limitations.
- b) The proposed use at the specific location will not detract or encroach upon the welfare or convenience of the public.
- c) The proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- d) The location and size of the use, the nature and intensity of the operation in connection with it, and the location of the site with respect to the surrounding street network will not dominate the immediate neighborhood nor prevent the development of neighboring property. In determining such dominance, consideration shall be given to:
 - 1. The location, nature and height of buildings, structures, walls and fences on the site.
 - 2. The nature and extent of landscaping and screening on the site, and
 - 3. The adequacy of the adjacent street system to carry the traffic generated by the use.
- e) Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- f) Adequate access roads, loading areas and entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

An approved Special Use Permit may not be expanded, changed in use or deviate from the approved site plan or conditions without being resubmitted and approved in accordance with these regulations.

Staff recommends adopting a definition of “Automobile Sales Lot” as defined by the American Planning Association. Currently, the Zoning Ordinance does not address the term. It is the belief of staff that by adopting and implementing a definition section and a S.U.P. standard will effectively enhance the review and approval process.

In addition, staff recommends amending ‘Appendix A’ of the Zoning Ordinance, indicating a Special Use Permit is required for – 1. New and Used Car Dealers (Group No. 551); and 2. Used Car Dealers (Group No. 552).

Discussion Considerations – Proposed Definition

‘AUTOMOBILE SALES LOT’ / (add to Article I, Section 6(11)(A) of the Zoning Ordinance)

“Premises on which new or used passenger automobiles, trailer, mobile homes, or trucks in operating condition are displayed in the open for sale or trade.”

COMMISSION OPTIONS:

1. Discuss and accept the proposed definition of 'Automobile Sales Lot' and Amend Appendix A of the Zoning Ordinance, requiring a Special Use Permit for any new or used car sales lot in a C-2 (General Commercial) District.
2. Continue to the next regularly scheduled meeting for further discussion.



PLANNING & COMMUNITY DEVELOPMENT
ROBERT G. COOPER
CITY PLANNER

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SITE & SPACE REQUIREMENTS FOR NEW AND USED-CAR LOTS

[BELTON MUNICIPAL CODE / SECTION 12-272]

The following standards and norms shall govern the operation of existing multi-vehicle used vehicle lots and shall apply to any multi-vehicle used vehicle lots proposed or established in the future:

- (1) There shall be at least one entrance-exit on the main thoroughfare serving the lot of at least twenty-four (24) feet in width;*
- (2) The lot must be paved with a surface material such as asphalt or concrete;*
- (3) The lot must be sufficiently flood-lighted or have adequate lighting to discourage vandalism or theft;*
- (4) The lot must have barriers or other form of visible demarcation clearly delineating the specific area to be occupied by used vehicles, which shall be approved by the city inspector;*
- (5) Buildings and their intended uses must be stipulated on the application and receive approval prior to the issuance of an occupational license;*
- (6) All vehicles on the lot must be capable of passing the State vehicle inspection, as required by Missouri Statutes;*
- (7) All vehicles on the lot will be complete and no vehicle will be used for scavenging or other junk purposes by any operator issued a license under the provisions of this article;*
- (8) Multi-vehicle used vehicle lots may be operated in conjunction with the garage located thereon for the purpose of performing necessary maintenance on those vehicles offered for sale on said used vehicle lot; otherwise, a multi-vehicle used vehicle lot shall be used solely for the purpose of selling used vehicles and shall not be operated in conjunction with any other type of business without the approval of the Board of Aldermen of the City upon proper application and hearing thereon who shall consider in dealing with said issue, the compatibility of the proposed uses from a zoning, business, commercial and aesthetic viewpoint;*
- (9) Major maintenance work must be performed within the confines of the garage and must be completed before the vehicle is returned to the lot for sale;*
- (10) All multi-vehicle used vehicle lots shall be identified by an internally lighted sign, installed and maintained in accordance with the City of Belton Zoning Ordinance.*

{Ord. No. 69-394, §3, 5-27-69; Ord. No. 78-925, §1, 3-28-78; Ord. No. 82-1228, §1, 3-23-82; Ord. No. 82-1262, §1, 6-22-82; Ord. No. 02-2859, §1, 1-8-02}

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*Repair
Shops*

(14a) Engine and Body Repair Shops

Two (2) parking spaces for each two hundred (200) square feet of gross floor area in the building, exclusive of basement storage areas plus one (1) parking space for each employee.

(14b) Gas and Service Stations

Two (2) parking spaces plus one (1) parking space for each employee plus two spaces for each service bay.

(15) Automobile, Truck, Recreational Vehicle, Mobile Home Sales and Rental Lots

One (1) parking space for each 3,000 square feet of open sales lot area devoted to the sale, display and rental of such vehicles, plus one (1) parking space for each employee.

(16) Salvage Yards

One (1) parking space for each 10,000 square feet of storage area, plus one (1) parking space for each employee.

(17) Commercial Establishment Not Otherwise Classified

One (1) parking space for each two hundred (200) square feet of gross floor area in the building, exclusive of basement storage areas.

(18) Industrial Establishments

Adequate area to park all employees and customers vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or as a part of the primary operation of the establishment, but not less than one (1) parking space for each employee or less than one (1) parking space for each one thousand (1,000) square feet of floor area, whichever is less.

(19) Church Sanctuary

One (1) parking space for each three (3) seats plus the required parking spaces for auxiliary structures and uses as required elsewhere in these regulations. However, if the auxiliary structures and uses are not used simultaneously with the sanctuary, only the parking requirements of either the sanctuary or the auxiliary structures and uses, whichever is greater, shall be required. Notwithstanding the above, churches may establish

*Car
Lots
Used / New*



CITY OF BELTON
COMMUNITY DEVELOPMENT DEPARTMENT
INTERDEPARTMENTAL CORRESPONDENCE

Date: November 13, 2008
To: Jay Leipzig, Director
Cc: Planning Commission
From: Robert G. Cooper, City Planner
Subject: **New & Used Car Sales and Rental Lots
Text Amendment Proposal/ Special Use Permit Required**

Jay – Currently, the City of Belton allows used car sales lots only in the C-2 (General Commercial) zoning district as a permitted use by-right (no special permitting is required).

During a typical review of a used car lot proposal, staff refers to Article IV, Section 7(A)(15) of the zoning ordinance, the off-street parking section which establishes the minimum number of parking spaces (which is driven by the size of the lot). The other referenced area is from the Municipal Code book, Section 12-272, which governs the 'site & space requirements' for a particular lot.

From an enforcement perspective, this current process of allowing used car lots without any special permitting basically enables the dealer to enlarge the sales yard; and display area causing the reduction in space available for customer parking, and thus creating a trespassing issue with adjoining businesses (several sites along N. Scott prove this point).

The benefits of requiring a Special Use Permit, allows staff and the Planning Commission to review each applicant and the proposed location, establishing standards and implementing any mitigating measures that will limit the intrusive nature of these uses onto adjoining properties as well as requiring the renewal of the SUP on a yearly basis if deemed necessary.

Therefore, I would recommend drafting new language with the guidance and direction from the Planning Commission to require a special use permit for any new or used car lot within an established C-2 zoning dist.

rc

Text Amendment

Electric Fences

DATE: April 20, 2009

TO: Planning Commission

FROM: Robert G. Cooper, City Planner
Jay Leipzig, Planning & Community Development Director

RE: **DISCUSSION: ALLOWANCE OF ELECTRIFIED FENCES IN INDUSTRIAL ZONING DISTRICTS ONLY**

Purpose of Meeting:

The purpose of the meeting is: 1) to discuss and establish a standard for electrified fences in Industrial Zoning Districts.

STAFF REPORT

Staff Request: Staff recommends establishing specific standards for electrical fences in all Industrial zoning districts. The focus of discussion is the result of a recently installed electrical fence at a newly constructed development, which recently installed electrical fencing along the entire perimeter of the site.

The Zoning Ordinance currently does not address electrified fences. Staff has conducted a survey of adjoining cities and jurisdictions in determining whether they allow electrical fences and if so, what are the standards and/or requirements for installation. The information gathered indicates, very few jurisdictions allow electrical fences, and if they do, they're only allowed in Agricultural or farming zoning districts.

However, staff has not been able to find any 'standard' either locally or nationally when it comes to the actual construction of and/or setting an acceptable level of voltage and amperage for the fence.

There are National Standards as established by either, the North American Industry Classification System (NAICS), American Society for Testing and Materials (ASTM) or UL listed products, which the Belton Fire Marshal's Office uses as a standard. Typically, the Fire Department does not allow anything which is not UL Listed.

The Fire Marshal has concerns with the fact there are no national standards to regulate the intensity of the voltage and/or amperage serving the fence. From a Life Safety issue, the fire department needs to know the location of the shut-off switch, which in turn allows safe access to the facility during a medical or fire emergency.

Given the fact there are no 'standards' to use to help guide the city in regulating the usage of electrical fences, places the city in a public safety and liability dilemma. There should be a waiver of liability provision written into the proposed ordinance, indemnifying the city of any and all liability. Any approval of an electrified fence permit does not signify the fence is electrically sound or safe but only indicates the acceptance of the type and placement of the fence.

DISCUSSION CONSIDERATION

Should the Planning Commission wish to direct staff to draft language allowing electrified fences in Industrial zoning districts, staff offers the following suggestions:

1. All electrical fences require a permit;
2. Electrical fences shall be allowed only in Industrial zoning districts;
3. Fence shall comply with established construction standards and design guidelines;
4. Signs shall be posted on each outward face of the fence indicating, "No Trespassing – High Voltage";
5. Exemption – underground electrical fences located in residential zoning districts used to fence-in family pets.

COMMISSION OPTIONS:

1. Direct staff to draft language establishing guidelines for electrical fences.
2. Continue to the next regularly scheduled meeting for further discussion.

Implementation Timeline

For UDO

MEMORANDUM

TO: Planning Commission Members

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

DATE: April 15, 2009

RE: Proposed Implementation Schedule for the Development and Adoption of a Unified Development Code.

The following time line represents a development schedule for the preparation, review schedule, and adoption of a Proposed Unified Development Ordinance (UDO) for the City of Belton. The development of a UDO represents a significant activity, but given the current economic conditions, it is an excellent time to begin work on this plan, and its eventual adoption. A significant aspect of the successful adoption of the UDO will be ensuring collaboration with the development community and ensuring consensus throughout the process. This time-line will be updated as needed, but will serve as an overall guide to ensure timely adoption of the Code.

Presentation of the Time-line to the City Administration		April 7, 2009
Presentation of the Time-line to the Planning Commission		April 20, 2009
Presentation of the Time-line to the City Council		April 21, 2009
Presentation of the Time-line to the Chamber Board		TBD
Presentation of the Time-line the to the BCED Board		TBD
Presentation of the Time-line at the Contractors Summit		TBD
Discussion and Draft Introductory Provisions Enforcement Definitions	Planning Commission	May 4, 2009
Discussion and Draft Agricultural and Residential Business, Commercial and Industrial Overlay and Special Purpose Districts	Planning Commission	May 18, 2009
Discussion and Draft Use Regulations Parking, Loading and Access Landscaping and Screening	Planning Commission	June 1, 2009
Update to the City Council		June 23, 2009
Presentation at Chamber of Commerce Luncheon		TBD
Discussion and Draft Signs Performance Standards Subdivision Design and Regulations	Planning Commission	July 6, 2009

Discussion and Draft Stormwater Management Natural Resource Protection Flood Protection	Planning Commission	July 20, 2009
Discussion and Draft Decision Making and Officials Review Development Review Procedures Nonconformities	Planning Commission	August 3, 2009
Review Draft Document	Planning Commission	August 17, 2009
Review Draft Document	Planning Commission	Sept. 21, 2009
Review of Draft- BCED and Chamber Board		TBD
Three Public Meetings on Draft Document General Citizens Developers Community Chamber of Commerce		Sept. 24, 2009 October 1, 2009 October 8, 2009
Planning Commission Public Hearing		October 19, 2009
Planning Commission Recommendation		October 19, 2009
City Council Study Session		Nov. 3, 2009
City Council Study Session		Nov. 17, 2009
City Council Public Hearing		Nov. 17, 2009
City Council 1 st Reading		Nov. 24, 2009
City Council 2 nd Reading and Adoption		Dec. 8, 2009