

**Minutes of Meeting  
Belton Planning Commission  
City Hall Annex, 520 Main Street  
February 6, 2012**

**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, and Larry Thompson.

Staff: Jay Leipzig, Community Development Director; Robert Cooper, City Planner; and Ann Keeton, Community Development Secretary.

Absent: Commissioners Steven Chancellor and Mike Van Eaton

**MINUTES**

Commissioner Thompson moved to approve the minutes of the December 5, 2011, Planning Commission meeting. Mayor Pro Tem Lathrop seconded the motion. All members present voted in favor, and the motion carried.

**PUBLIC HEARING: Special Use Permit - 310 N. Scott**

Chairman Girgin introduced the first case which was consideration of a Special Use Permit (SUP) application to allow a car sales business to operate at 310 North Scott. Mr. Cooper related information about the property owner, and the two business owners that will be operating the car sales business on North Scott. According to Mr. Cooper staff has not received any complaints nor have there been any code violations about the property during the past year. He went on to say staff recommends the display cars should only be parked along the north and east side of the property, with a maximum of 11 display cars. Mr. Cooper pointed out that staff is recommending the SUP be reviewed administratively each year if there are no code violations or complaints. Mr. Earnshaw, the property owner, would like to have two tenants in the building on North Scott according to Mr. Cooper. The number of display vehicles will not increase, but both tenants will be required to obtain a business license.

Chairman Girgin opened the public hearing at 7:03 p.m. Speaking in favor of the SUP application was Todd Earnshaw, 5100 W. 162<sup>nd</sup> Street, Stillwell, Kansas. Mr. Earnshaw stated he is starting the exact same process as last year. He applied for an SUP which was approved, and two car sales businesses operated on the property. He indicated the businesses tried to “**follow** the rules,” and there have been no complaints. He would like to get the application approved administratively in the future.

George Sands, 311 E. South, spoke in favor of the SUP. Mr. **Sand's** property is near the business and he indicated that he has “no problem” with the car sales business.

There was no further input so Chairman Girgin closed the public hearing at 7:06 p.m.

Mr. Cooper further explained two car sales businesses will operate from the same property on North

Scott, but they will obtain separate dealers and business licenses. Only 11 display vehicles will be allowed on the lot. He went on to say that in the event there is a code violation, the SUP applicant would be held responsible. During further discussion, Commissioner McDonough asked if the applicants will be repairing cars and he pointed out that earlier today it appeared there were car repairs taking place on site. According to the applicants, there will be some mechanical and cleanup work done on the sale vehicles. Mr. Earnshaw explained the reason there are two new car dealers / tenants in the building this year. Commissioner McDonough noted there are two new homemade signs that have been erected on the building, which initiated a discussion about the Missouri license process and the City sign permit process. Mr. Cooper told Commission members that he has not received applications for sign permits from the property owner / tenants. The applicant reported the signs were erected to meet the requirements of the Missouri Department of Motor Vehicles when applying for a **dealer's** license. After further discussion about the signs and licensing processes, it was stated the applicant must apply for a sign permit and the signs must comply with the sign code. Commissioner McDonough questioned whether the **property's** dimensions could adequately support a car dealership(s). Councilman Davidson moved to approve the Special Use Permit to allow a car sales business to be located at 310 N. Scott with the following conditions:

- 1) No Certificate of Occupancy will be issued for "**Brand Used Auto Sales, LLC,**" until the site has a final inspection for compliance with Chapter 40-3(4)(a) of the Unified Development Code;
- 2) Special Use Permit #12-01 shall be renewed annually, and reviewed administratively barring any code violations and/or complaints;
- 3) The parking area shall be located on the north and east sides of the building only and consist of no more than 11 display vehicles and two customer parking spaces;
- 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 materials, supplies, or merchandise shall be stored outdoors;
- 6) Wheel stop-blocks shall be placed along the north property line as indicated.

The motion was seconded by Commissioner Thompson. After some clarification of the conditions, a vote was taken and the following was recorded: Ayes: 6 - Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, Fletcher and Thompson. Noes: 1 - Commissioner McDonough. Absent: 2 - Commissioners Chancellor and Van Eaton. **The motion carried.**

#### **PUBLIC HEARING: Special Use Permit - 305 E. North Avenue**

Mr. Cooper described the location of the property at 305 E. North. He named the car sales business that will be relocating to this site. A brief history of the property and businesses that operated from the site was given by Mr. Cooper. He related parking lot details, primary access locations and the placement of stop blocks. Information was provided about the vacation of C Street which crosses the site. It was noted by Mr. Cooper that the parking lot needs repair and to be restriped. He gave information regarding the city landscaping requirements and pointed out a location where the applicant could plant a tree on the property along Walnut Street. Mr. Cooper further explained the repairs to be made to the parking lot and the striping of parking stalls / handicap spaces. Councilman Davidson indicated he would like to see the building cleaned up.

Chairman Girgin opened the public hearing at 7:25 p.m. This hearing was being held to receive public input regarding a Special Use Permit application to allow a car sales business to operate at 305 E. North. Bill Ibrahim, 7724 W 141<sup>st</sup> Street, Leawood, Kansas, stated he operates C & S Sales and he

owns the building at 305 E North. Mr. Ibrahim indicated he agrees with the staff conditions and will “**stay on top**” of improvements to the building. He also stated they would clean grass out of parking lot cracks and then fill the cracks and holes.

Charles Creighton, co-operator of C & S Sales at 307 Chestnut, stated they will move their existing signage to the new location on E. North, and they have hired someone to clean up the “**mess**” that is out front. There was no further public input, and Chairman Girgin closed the public hearing at 7:28 p.m.

Mr. Cooper reported the vacated portion of C Street has become part of the adjacent property. There was conversation about striping the entire parking lot or only the customer parking spaces. Mr. Cooper explained the benefits of all parking spaces being marked. After discussion it was determined that the entire lot and customer parking should be striped. Mayor Pro Tem Lathrop moved to approve the Special Use Permit application to allow a used car business to operate at 305 E. North Avenue with the following conditions:

- 1) No Certificate of Occupancy will be issued for C & S Auto Sales until the site has had a final inspection for compliance with Chapter 40-3(4)(a) of the Unified Development Code;
- 2) Special Use Permit #12-02 shall be annually renewed and reviewed administratively barring any code violations and/or complaints;
- 3) The parking area shall be located on the north side of the building only and consist of no more than 30 display vehicles and six customer parking spaces;
- 4) No display vehicle shall obstruct visibility, or be parked in a manner which would create a hazardous condition, encroach upon abutting properties, or overhang street rights-of-way;
- 5) No material, supplies, or merchandise shall be stored outdoors;
- 6) Existing wheel stop-blocks shall remain in place;
- 7) Re-stripe all parking lot markings;
- 8) Plant one shade tree along the Walnut Street landscape strip.

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

### **DISCUSSION : Yearly Commission Activity Report**

Mr. Leipzig presented the report which included Planning Commission meeting statistics for 2011 and he announced the Commission accomplished all of their goals for the year. Some of the key projects for 2012 in Mr. Leipzig’s report included:

- Downtown Design Guidelines
- Amending the “**smoking in public places**” ordinance to refine the language regarding public parks;
- Development of an annexation plan and prioritize growth areas of the city;
- Evaluate review fees for Community Development;
- Establish a 353 Rehabilitation/Renovation Program for Old Town Belton;
- Develop North Scott Design Guidelines.

There was discussion about the steps that could be taken to approve the appearance of the North Scott Corridor. Mr. Leipzig reported data mapping regarding the types of businesses operating on North Scott can be obtained from the City business license records. When asked about modifying the sign

process for vehicle sales lots to accommodate the State and City requirements, Mr. Cooper related information regarding the current City sign permit process and related issues. It was suggested staff could look at instituting a minimum size requirement for vehicle sales lots and raising standards with the establishment of design guidelines. Commissioner Thompson initiated a discussion about a run-down building on North Scott and asked what steps the City can take to rectify the problem. It was stated that steps can be taken, but it would be an extended process. Mr. Leipzig suggested the creation of a North Scott Improvement Association/Board comprised of interested property owners, could be beneficial in creating development guidelines for the area.

#### **DIRECTOR'S REPORT**

Mr. Leipzig gave a report on the status of the Dollar General Store project. He provided information about the Price Chopper opening and announced the city has received preliminary plans for the second phase of the Crest Plaza project. The City has received building plans for the Hampton Inn. On the Commission agenda for March will be consideration of the preliminary plat and preliminary development plan for Menard's to be located at 163<sup>rd</sup> Street and 71 Highway according to Mr. Leipzig.

Mr. Leipzig announced there will not be a meeting on February 20, 2012, due to the **President's Day** Holiday.

At a meeting in March the Commission will consider whether to renew a Special Use Permit to allow Heart-n-Hand Industries to continue to operate at 122 Lillard. Mr. Leipzig gave a brief history of the case. There was additional discussion about other businesses that will be opening in the City including a used tire business, Chipotle, and Jiffy Lube. Mr. Leipzig told the status of the 163<sup>rd</sup> Street improvements and he spoke of the placement of the regulatory street signage on Givan Avenue. Mayor Pro Tem Lathrop reported he has received some complaint calls regarding the Heart-n-Hand operation on Lillard and he provided details of some of the complaints. It was reported by Commissioner Thompson that Crossroads United Methodist Church is converting the former Crest Food Store on North Scott into a youth center.

#### **ADJOURNMENT**

Mayor Pro Tem Lathrop moved to adjourn the meeting. Commissioner Thompson seconded the motion. All members present voted in favor, and the meeting adjourned at 8:05 p.m.

Ann Keeton  
Community Development Secretary