



**AGENDA
CITY OF BELTON
PLANNING COMMISSION
MEETING & PUBLIC HEARING
MONDAY, APRIL 2, 2012 - 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 MARCH 19, 2012 PLANNING COMMISSION MEETING

IV. PUBLIC HEARING

A. Consideration of an Amendment to the City's existing "Smoking in Public Places Ordinance."

B. CONTINUED FROM THE MARCH 19 MEETING...Consideration of Special Use Permit application, to allow a vehicle sales business to operate at 109-F N. Scott.

V. SITE PLAN

A. Consideration of Site Plan review for Discount Tire Store, 110 Cunningham Pkwy

VI. DIRECTOR'S REPORT

VII. NEXT MEETING DATE: April 16, 2012

VIII. ADJOURNMENT

MEETING MINUTES

MARCH 19, 2012

Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
March 19, 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, Steven Chancellor, and Larry Thompson.
- Staff: Jay Leipzig, Community Development Director; Jason Webb, Fire Marshal; Robert Cooper, City Planner; and Ann Keeton, Community Development Secretary
- Absent: Commissioner Mike Van Eaton

MINUTES

Commissioner Davila moved to approve the minutes of the March 5, 2012, Commission meeting. Commissioner Thompson seconded the motion. All members present voted in favor, and the motion carried.

FINAL PLAT – MENARDS AT BELTON

Mr. Cooper presented the staff report for the Menards at Belton Final Plat. Background information about the proposed development was provided by Mr. Cooper. The final plat is for Phase 1 of the project which is comprised of Lots 1 and 2. It was noted that the developer has agreed to dedicate a 10-foot trail easement along the Markey Parkway right-of-way which will tie into the Park's citywide trail system. **Mayor Pro Tem Lathrop moved to recommend approval of the Final Plat for Menards at Belton, Lots 1 & 2.** Councilman Davidson seconded the motion. Thanks were given to the Menards representatives for the dedication of land to be used in the trail system. When a vote was taken, the following was recorded: Ayes: 8 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, McDonough, Fletcher, Chancellor, and Thompson. Noes: none. Absent: 1 – Commissioner Van Eaton. The motion carried.

FINAL DEVELOPMENT PLAN – MENARDS AT BELTON

During the staff report, Mr. Cooper provided information about surrounding zoning districts and uses; types of screening to be used throughout the project; monument signage details; landscaping specifics; and a 10-ft. trail easement. According to Mr. Cooper, the final development plan is in conformance with what is shown on the Preliminary Plat. Included in the agenda packet were staff review comments, which Mr. Cooper stated are standard conditions applied to commercial projects and are part of the final development plan. Mr. Leipzig added that Menards has been willing to work with the City and staff

Plan

regarding plan details. **Mayor Pro Tem Lathrop moved to recommend approval of the Final Development Plan for Menards at Belton with the conditions (staff comments) shown in the March 19, 2012, Planning Commission Agenda.** Councilman Davidson seconded the motion. When a vote was taken, the following was recorded: Ayes: 8 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, McDonough, Fletcher, Chancellor, and Thompson. Noes: none. Absent: 1 – Commissioner Van Eaton. The motion carried.

PUBLIC HEARING – 109-F NORTH SCOTT – VEHICLE SALES

Mr. Cooper distributed a photo showing the entrance to the proposed vehicle sale site at 109-F North Scott. In the staff report, he provided information including the size of the property; the surrounding zones and uses; description of the existing building and tenant spaces; and a history of the two buildings located on the site. It was noted by Mr. Cooper that a letter opposing approval of a Special Use Permit (SUP) for used car sales at this location was received by staff and was included in the agenda packet. The report included concerns about the site's limited parking, inadequate space, curb cuts, and traffic hazards.

Chairman Girgin opened the public hearing at 7:29 p.m. The hearing was held to receive public input regarding a Special Use Permit application to allow a vehicle sale lot to operate at 109-F North Scott. Dwayne Kurecka, 9205 W. 145th Place, Overland Park, Kansas, spoke in favor of the SUP. Mr. Kurecka stated he gave staff an inadequate explanation of their business plan. He indicated their business will not need as much outdoor or customer parking spaces because it will be Internet car sales. They choose the site because of the large indoor parking warehouse space where they would like to keep the sale vehicles. According to Mr. Kurecka, there should only be two to four sale cars onsite at one time.

John Kowalski, 14012 Benson Street, Overland Park, Kansas, spoke in favor of the application. Mr. Kowalski stated the business will be an auto brokerage with most vehicles being sold before taking to delivery of the vehicles. He reiterated the majority of the business will be Internet based. Mr. Kurecka suggested there would only be one or two sale cars outside. When answering questions from Commission members, Mr. Kurecka indicated that he didn't represent the type of business well when he presented the application to staff. He reported the business will not be like typical car lots with lots of cars sitting on a lot. He told the Commission that he understood their concerns and suggested they (the applicants) would comply with conditions limiting the number of cars displayed outside. The inside of the building will be refurbished in order to display the late model cars which will be their primary inventory. Mr. Kowalski added the site was selected because of the large warehouse space with an existing small office space.

There was clarification made concerning the location of the building. Due to the discrepancy in information regarding the business model, Councilman Davidson recommended the applicant meet with staff and that the case be continued to a future meeting. Commissioner McDonough voiced concerns about a car sales lot operating at this location, and instances when past SUP applicants did not act in accordance with the statements made to the Commission. The applicants assured the Commission they intend to keep the number of outdoor sale cars to a minimum. Mr. Kowalski provided information

about his work history and knowledge of the Internet. He explained the process the business will use to sell vehicles over the Internet, and also the requirements that must be followed to sell used cars in Missouri. Mr. Kurecka told about his previous work experience and stated he was unfamiliar with the SUP process for car sales. He told Commissioners the size of the warehouse and office space. Additionally, it was stated the vehicles will be late model cars and he estimated the average price of the sale cars. There was discussion about the size of parking stalls shown on photos of the site, and whether they will encroach on the driving aisle. It was pointed out there appears to be abandoned unlicensed construction trailers/vehicles on the property. Mr. Cooper indicated the code enforcement officer will investigate those abandoned vehicles and send violation notices as needed. **Councilman Davidson moved to send the case for the SUP application to allow a vehicle sales business to operate at 109-F N. Scott, back to staff for further review.** Commissioner Chancellor seconded the motion. Chairman Girgin announced the public hearing will be continued to a future meeting. When a vote was taken, the following vote was recorded: Ayes: 8 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, McDonough, Fletcher, Chancellor, and Thompson. Noes: none. Absent: 1 – Commissioner Van Eaton. The motion carried.

DIRECTOR'S REPORT

Mr. Leipzig reported he has been discussing with the City attorney, ways to limit the excessive number of car sales businesses opening in the city. He shared information about the methods used by the City of Independence, which included requiring a SUP, in addition to establishing a minimum lot size requirement. City staff would like to explore the legal options further with the Commission's support. There was a brief discussion about various ways to manage the existing car lots on North Scott that would not meet a minimum lot size requirement, specifically "grandfathered" or "amortize out to compliance." Mr. Leipzig suggested methods that could be used to arrive at an average lot size for the minimum lot size requirement. Other considerations in addition to minimum lot size were proposed as potential ways to limit car sales businesses including building size and display area. Missouri requirements for Internet car sales were mentioned by Commissioner Thompson and it was suggested for consideration that Internet sales businesses keep all display cars indoors. It was emphasized that the enforcement of the code is an important tool the City can use when regulating the car sales lots.

Mr. Leipzig distributed a draft copy of amendments to the "Smoking in Public Places" Ordinance. He announced the three-year exemption given to City restaurants will expire on August 8, 2012, and reminder notices have been mailed. The amendments will supplement the current ordinance by adding "no smoking" within 25-ft. of City buildings and in City parks, with the exception of the golf course.

There was conversation about the legality of several business signs including signs that appear to be homemade, excessive numbers of signs on the building, and pole signs. An amortization schedule to bring nonconforming signs into compliance was proposed, along with consistent enforcement. Questions were asked and discussed about nonconforming signs and the length of time they can be grandfathered. There was further deliberation about which conditions must exist for the grandfather clause to be valid, and the sale of the property was used as an example. It was determined the city attorney will be consulted to get clarification of the "grandfather" issue.

Mr. Leipzig provided information about the status of several projects in the city including the Phase two of the Crossroads at Belton development, Hampton Inn, Chipotle, and the Discount Tire Store.

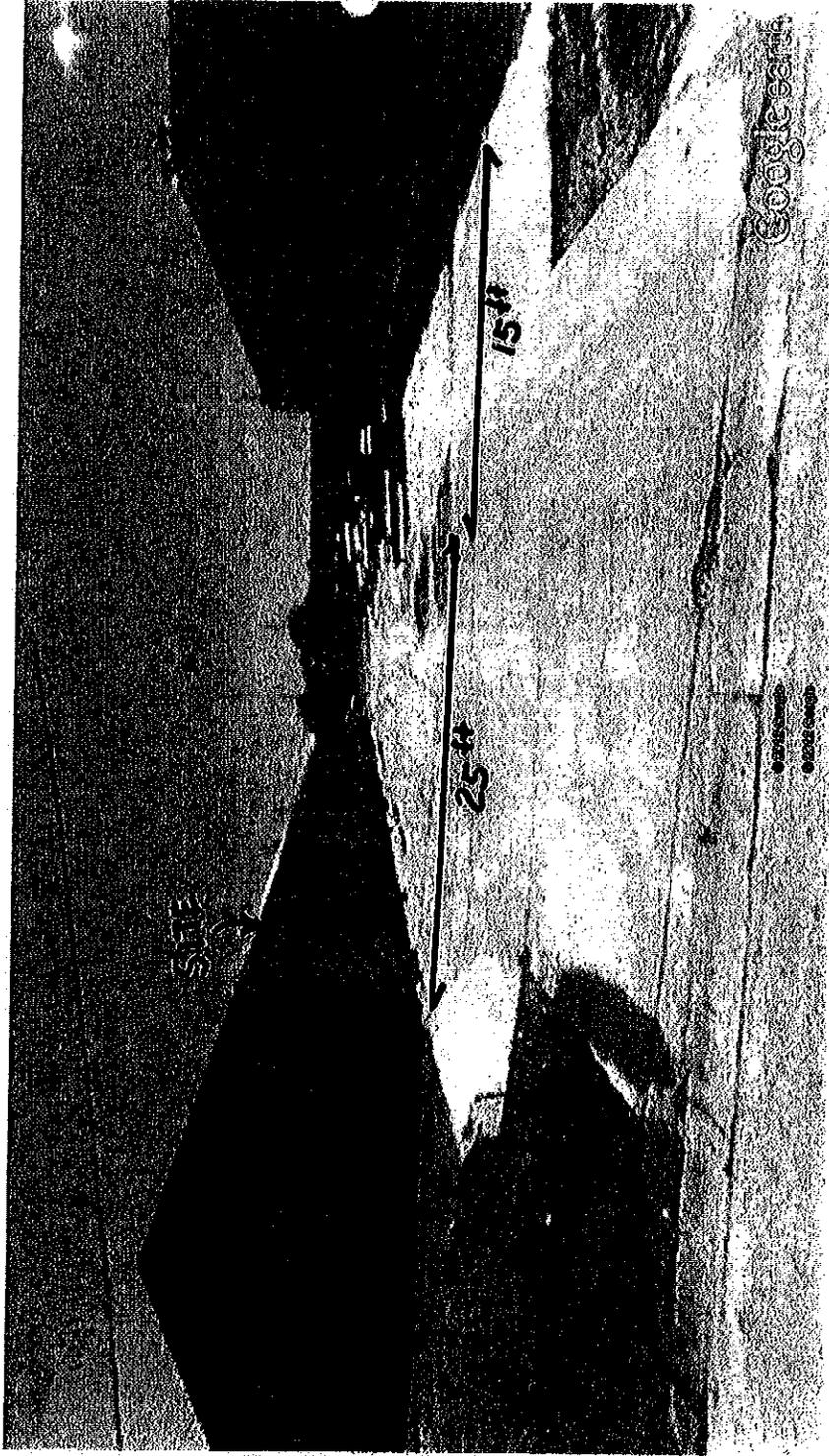
ADJOURNMENT

Councilman Davidson moved to adjourn the meeting. Mayor Pro Tem Lathrop seconded the motion. All members present voted in favor, and the meeting adjourned at 8:18 p.m.

Ann Keeton
Community Development Secretary

ATTACHMENTS

DISTRIBUTED AT MEETING



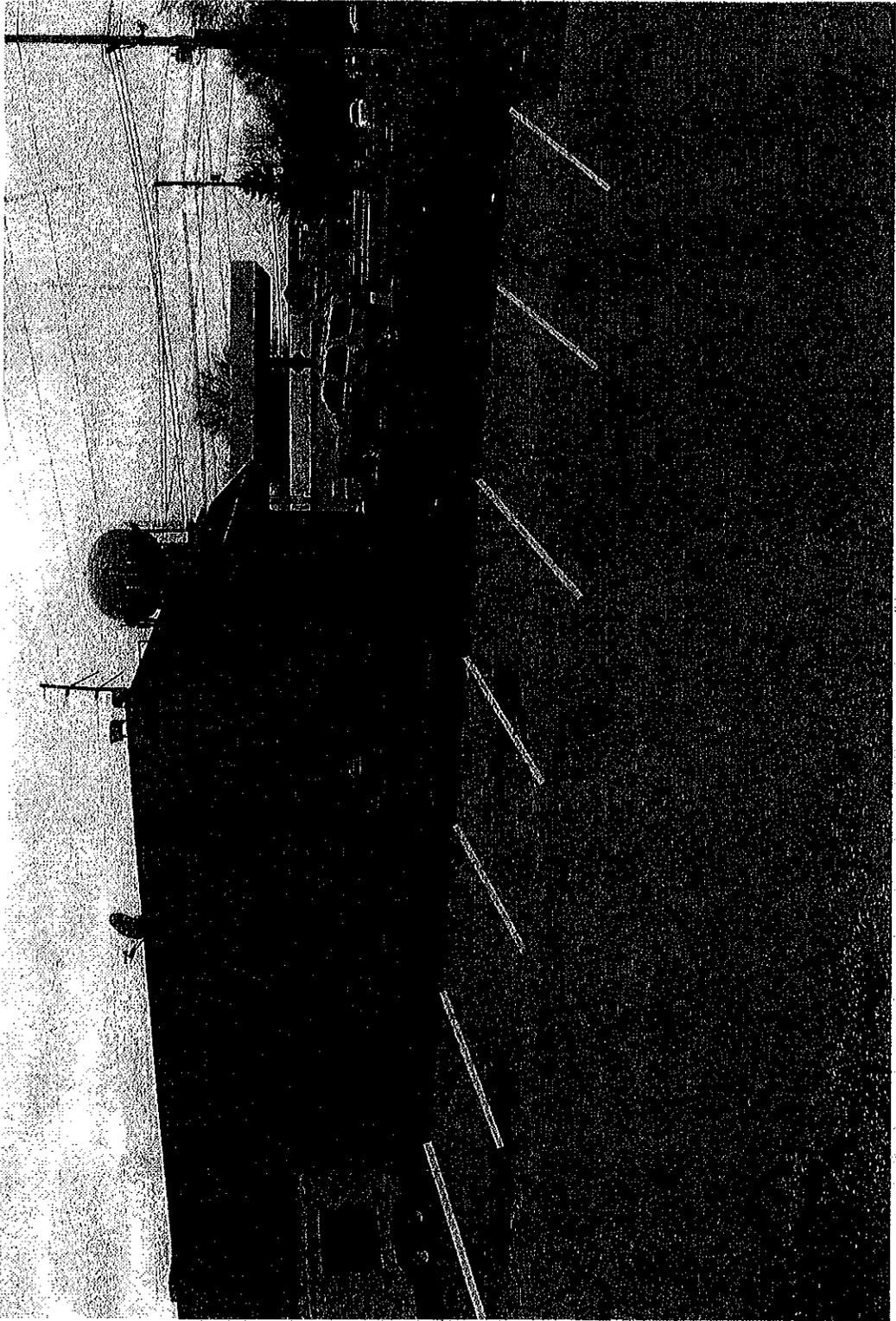
Google earth

feet
meters

10

4





SMOKING IN PUBLIC PLACES
ORDINANCE AMENDMENTS

BILL NO.**ORDINANCE NO.**

~~AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BELTON, MISSOURI, CHAPTER 11, HEALTH AND WELFARE, PROVIDING FOR CLEAN INDOOR AIR IN WORKPLACES AND PUBLIC PLACES IN THE CITY OF BELTON, MISSOURI, WITH CERTAIN EXCEPTIONS; REPEALING ARTICLE III OF CHAPTER 11 OF THE CITY CODE IN ITS ENTIRETY AND ENACTING IN LIEU THEREOF A NEW ARTICLE III OF CHAPTER 11 OF THE CITY CODE, SECTIONS 11-41 THROUGH 11-50, EFFECTIVE ONE HUNDRED TWENTY (120) DAYS FROM AND AFTER APPROVAL BY A MAJORITY OF THE VOTERS OF THE CITY, AUTHORIZING AND DIRECTING SUBMITTAL TO THE VOTERS IN THE CITY OF BELTON, MISSOURI, AT AN ELECTION TO BE HELD ON APRIL 3, 2009, AND PROVIDING THAT NOTICE OF SAID ELECTION BE GIVEN.~~

~~WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in smokers and healthy nonsmokers alike, including heart disease, stroke, respiratory disease, and lung cancer, and the National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of at least 65,000 Americans annually (National Cancer Institute (NCI), "Health effects of exposure to environmental tobacco smoke: the report of the California Environmental Protection Agency; Smoking and Tobacco Control, Monograph 10," Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI), August 1999); and~~

~~WHEREAS, the Public Health Service's National Toxicology Program (NTP) has listed secondhand smoke as a Class "A" (the deadliest) carcinogen (Environmental Health Information Service (EHIS), "Environmental tobacco smoke: first listed in the Ninth Report on Carcinogens," U. S. Department of Health and Human Services (DHHS), Public Health Service, NTP, 2000); and~~

~~WHEREAS, secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease, and children exposed to secondhand smoke have an increased risk of asthma, respiratory infection, sudden infant death syndrome, developmental abnormalities, and cancer (California Environmental Protection Agency (Cal EPA), "Health effects of exposure to environmental tobacco smoke," Tobacco Control 6(4): 346-353, Winter; 1997); and~~

~~WHEREAS, the Americans With Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability (Daynard, R.A., "Environmental tobacco smoke and the Americans with Disabilities Act," Nonsmokers' Voice 15(1): 8-9); and~~

~~WHEREAS, the U.S. Surgeon General has determined that the simple separation of smokers and nonsmokers within the same air space may reduce odors, but does not eliminate the exposure of nonsmokers to dangerous secondhand smoke (Department of Health and Human Services, The Health Consequences of Involuntary Smoking: A Report of the Surgeon General, Public Health Service, Centers for Disease Control, 1986), and the Environmental~~

~~Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in any enclosed space by high rates of ventilation, and air cleaners, which are only capable of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke (Environmental Protection Agency (EPA), "Indoor air facts no. 5: environmental tobacco smoke," Washington, D.C.: Environmental Protection Agency (EPA), June 1989); and~~

~~WHEREAS, the US Surgeon General finds that secondhand smoke causes premature death and disease in children and in adults who do not smoke; and~~

~~WHEREAS, the US Surgeon General finds that exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes a 25 to 30 percent increase in the risk of coronary heart disease in nonsmokers; and~~

~~WHEREAS, the US Surgeon General finds that there is a causal relationship between secondhand smoke exposure and lung cancer among lifetime nonsmokers regardless of the location of secondhand smoke exposure; and~~

~~WHEREAS, the US Surgeon General finds that separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposure of nonsmokers to secondhand smoke (U.S. Department of Health and Human Services, "The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General," US Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006); and~~

~~WHEREAS, smoking is a potential cause of fires, and cigarette and cigar burns and ash stains on merchandise and fixtures causes economic damage to businesses ("The high price of cigarette smoking," *Business & Health* 15(9), Supplement A: 6-9, August 1997); and~~

~~WHEREAS, the City Council desires to submit to the voters at the April 3, 2009 election, a proposed amendment to Article III of Chapter 11, to repeal the existing Article III in its entirety and prohibiting smoking in all public places, while allowing it in a limited manner in bars, restaurants and bowling alleys Belton, to be effective one hundred twenty (120) days from and after the date of approval by a majority of the voters of the city.~~

~~NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, MISSOURI, as follows:~~

~~SECTION 1. That Article III of Chapter 11 of the City Code be repealed in its entirety and a new Article III of Chapter 11 be hereby enacted in lieu thereof as follows:~~

Sec. 11- 41 Title

This Article shall be known as Smoking in Public Places and Places of Employment, which shall be shown in the Index to the Code of Ordinances as Smoking in Public Places and Places of Employment.

Sec. 11- 42 Inclusion In the Code of Ordinances

It is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Belton, Missouri.

Sec. 11- 43 Definitions

The following words and phrases, whenever used in this Article, shall be as defined as follows:

A. "Bar" means any licensed establishment which serves liquor on the premises for which not more than ten percent of the gross sales receipts of the business are supplied by food purchases, whether for consumption on the premises or elsewhere.

B. "Business" means a sole proprietorship, partnership, joint venture, corporation, or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.

C. "Employee" means any person who performs services for an employer, with or without compensation.

D. "Employer" means a person, partnership, association, corporation, trust, or other organized group of individuals, including the City or any agency thereof, which utilizes the services of one (1) or more employees.

E. "Enclosed Area" means all space between a floor and ceiling that is enclosed on all sides by walls or windows (exclusive of doorways).

F. "Health Care Facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of physicians, chiropractors, physical therapists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

G. "Place of Employment" means an area under the control of a public or private employer that employees normally frequent during the course of employment, including but not limited to work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a licensed child care, licensed adult day care, or licensed health care facility.

H. "Private club" shall mean an organization, whether incorporated or not, which is the owner, lessee or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of Federal

income tax as a club under 26 U.S.C. Section 501. A private club is a "public place" when being used for a function to which the general public is invited.

I. "Public Place" means an enclosed area to which the public is invited or in which the public is permitted, including but not limited to banks, bars, educational facilities, health care facilities, laundromats, public transportation facilities, reception areas, restaurants, casinos, food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a licensed child care, licensed adult day care, or licensed health care facility.

J. "Restaurant" means an eating establishment, including but not limited to coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

K. "Retail tobacco store" means a retail store used primarily for the sale of smoking materials and smoking accessories in which the sale of other products is incidental and where smoking is permitted within the Public Place. "Retail tobacco store" does not include a tobacco department of a larger commercial establishment such as a department store, discount store, or bar or retail stores used primarily for the sale of smoking materials where no provisions for smoking within the Public Place are provided or permitted.

Field Code Changed

L. "Service Line" means an indoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

M. "Shopping Mall" means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

N. "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other tobacco product.

O. "Sports Arena" means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

Sec. 11- 44 Application of this Article to City-Owned Facilities

All enclosed facilities, including buildings owned, or operated by the City of Belton shall be subject to the provisions of this Article.

Sec. 11- 45 Prohibition of Smoking in Public Places

1. Smoking shall be prohibited in all enclosed public places within the City of Belton, including but not limited to the following places:

Formatted: Indent: First line: 0"

A. Aquariums, galleries, libraries, and museums.

- B. Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public, including but not limited to professional offices, banks, laundromats, hotels, and motels.
- C. Bars.
- D. Bingo facilities.
- E. Convention facilities.
- F. Elevators.
- G. Facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital, or other similar performance.
- H. Health care facilities.
- I. Licensed child care and adult day care facilities.
- J. Lobbies, hallways, and other common areas in apartment buildings, condominiums, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- K. Polling places.
- L. Public transportation facilities, including buses and taxicabs under the authority of the City of Belton, and ticketing, boarding, and waiting areas of public transit depots.
- M. Restaurants.
- N. Restrooms, lobbies, reception areas, hallways, and other common-use areas.
- O. Retail stores.
- P. Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the City of Belton or a political subdivision of the State when a public meeting is in progress, to the extent the place is subject to the jurisdiction of the City of Belton.
- Q. Service lines.
- R. Shopping malls.
- S. Sports arenas, including enclosed places in outdoor arenas.
- T. Pool Halls and Billiard Parlors.
- U. Subdivision Homeowners' Association facilities, manufactured home commons area and similar areas accessible to the public.
- V. Bowling Alleys.

2. No one shall possess lighted smoking materials in any form, including, but not limited to, lighted cigarettes, cigars, pipes or other tobacco products within 25 feet of the entrance to or exit from a city-owned facility, nor within 25 feet of a window, crack, vent or other opening in the wall of a city-owned facility that would allow cigarette smoke to enter the facility.

Formatted: Indent: Left: 0", Hanging: 1.08", Tab stops: Not at 1.38"
Formatted: Bullets and Numbering
Formatted: No bullets or numbering

3. No person shall dispose of smoking waste or place or maintain a receptacle for smoking waste in an area in which smoking is prohibited under this chapter.

Formatted: Indent: Hanging: 1.38", Tab stops: 0", List tab + Not at 1.38"
Formatted: Bullets and Numbering
Formatted: No bullets or numbering

Sec. 11- Prohibition of smoking on or within all public park grounds.

1. Possession of lighted smoking material in any form, including, but not limited to, the possession of lighted cigarettes, cigars, pipes or other tobacco products, is prohibited on or within the grounds of all public parks within the City. This prohibition does not include the City's golf course.

Formatted: Font: Not Bold
Formatted: Font: Not Bold, No underline
Formatted: Font: Not Bold, No underline

2. The City Council may authorize smoking during special events, upon application by the event sponsor, and with the submission of a specific plan for location and operation of designated smoking areas where smoking may be allowed. The sponsor's plan shall include the designation of smoking areas acceptable to the director of parks and recreation, the provision by the sponsor of containers within the designation smoking areas for disposal of smoking refuse and paraphernalia, and the assurance by the sponsor that the sponsor that the sponsor will remove all smoking containers and smoking refuse and paraphernalia from the designated smoking areas at the conclusion of the special event.

Formatted: Font: Not Bold, No underline

Sec. 11- 46 Prohibition of Smoking in Places of Employment

Smoking shall be prohibited in all enclosed facilities within places of employment. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities. Smoking is not prohibited in vehicles if occupied exclusively by the driver, or if all passenger(s) are smokers who consent. Smoking is not prohibited in the place of employment of a sole proprietor with no other employee(s) or in a place of employment of any individual who is the sole employee at a facility to which the public is not invited nor in which the public is permitted, provided such place of employment is located in a freestanding structure occupied solely by the business or (i) is completely enclosed on all sides by solid walls extending from the floor to the underside of the floor or roof deck above; (ii) complies with all applicable fire and building code requirements; and (iii) has a separate ventilation system whereby the air from such space is immediately exhausted to an outdoor area rather than being recirculated inside, and is negatively pressurized to prevent back streaming of second-hand smoke into adjoining areas located in a freestanding structure.

Sec. 11- 47 Where Smoking Not Regulated

Notwithstanding any other provision of this Article to the contrary, the following areas shall be exempt from the provisions of Sections 11-45 and 11-46:

- A. Private residences, except when used as a licensed child care, licensed adult day care, or licensed health care facility.
- B. Private vehicles.
- C. Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than twenty percent (20%) of rooms rented to guests in a hotel or motel may be so designated.
- D. Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one (1) or more persons, all of whom are smokers and have requested to the management thereof in writing to be placed in a room where smoking is permitted.
- E. Outdoor areas of places of employment.

F. Retail tobacco stores as defined in Section 11-43 of this Article in operation prior to the effective date of this ordinance. Any new retail tobacco store or any existing retail tobacco store that relocates to another site may only qualify for this exemption if either (a) it is located in a freestanding structure occupied solely by the business or (b) it (i) is completely enclosed on all sides by solid walls extending from the floor to the underside of the floor or roof deck above; (ii) complies with all applicable fire and building code requirements; and (iii) has a separate ventilation system whereby the air from such space is immediately exhausted to an outdoor area rather than being recirculated inside, and is negatively pressurized to prevent back streaming of second-hand smoke into adjoining areas located in a freestanding structure, and (c) it has posted at every entrance signage at a height and location conspicuous to persons entering the establishment, with primary lettering of not less than one inch in height clearly stating

Field Code Changed

Field Code Changed

"WARNING!

Secondhand smoke causes coronary heart disease, lung cancer and premature death, according to the Surgeon General of the United States."

Retail tobacco stores as defined in Section 11-43 of this Article in operation prior to the effective date of this ordinance shall, however, also be required to post the foregoing-described signage at every entrance at a height and location conspicuous to persons entering the establishment, with primary lettering of not less than one inch in height in order to remain exempt under this section.

G. Private clubs as defined in Section 11-43 of this Article. A private club may only qualify for this exemption if either (a) it is located in a freestanding structure occupied solely by the private club and throughout which entire premises smoking is permitted or (b) it (i) is completely enclosed on all sides by solid walls extending from the floor to the underside of the floor or roof deck above; (ii) complies with all applicable fire and building code requirements; and (iii) has a separate ventilation system whereby the air from such space is immediately exhausted to an outdoor area rather than being recirculated inside, and is negatively pressurized to prevent back streaming of second-hand smoke into adjoining areas located in a freestanding structure, and (c) it has posted at every entrance signage at a height and location conspicuous to persons

entering the establishment, with primary lettering of not less than one inch in height clearly stating

"WARNING!

Secondhand smoke causes coronary heart disease, lung cancer and premature death, according to the Surgeon General of the United States."

H. Restaurants as defined in Section 11-43 of this Article which have previously chosen to comply with the former Section 11-43 of the Belton City Code and designate smoking areas with physical barriers and functioning ventilation systems to minimize the irritating and toxic effects of smoke in adjacent nonsmoking areas, prior to the passage of this Article. This exemption shall sunset on the 7th anniversary of the effective date of this Article. A restaurant may only qualify for this exemption if it has posted at every entrance signage at a height and location conspicuous to persons entering the establishment, with primary lettering of not less than one inch in height clearly stating

"THIS IS A SMOKE-RESTRICTED ESTABLISHMENT.

Smoking is permitted only in certain separately ventilated and designated areas. Secondhand tobacco smoke is not circulated to nonsmoking areas."

Field Code Changed

And only if it has posted at every entrance to the area where smoking is permitted signage at a height and location conspicuous to persons entering the area, with primary lettering of not less than one inch in height clearly stating

"WARNING!

Secondhand smoke causes coronary heart disease, lung cancer and premature death, according to the Surgeon General of the United States."

I. A Business, Public Place or Place of Employment as defined in Section 11-43 of this Article and existing as of the passage of this Article. This exemption shall sunset on the 3rd anniversary of the effective date of this Article. A Business, Public Place or Place of Employment may only qualify for this exemption if they have posted at every entrance signage at a height and location conspicuous to persons entering the establishment, with primary lettering of not less than one inch in height clearly stating

"WARNING!

Secondhand smoke causes coronary heart disease, lung cancer and premature death, according to the Surgeon General of the United States."

Sec. 11- 48 Declaration of Establishment as Nonsmoking

Notwithstanding any other provision of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 11-49 is posted.

Sec. 11- 49 Posting of Signs

A. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted at every public place and place of employment where smoking is prohibited by this Article, by the owner, operator, manager, or other person in control of that place.

B. Every public place and place of employment where smoking is prohibited by this Article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

C. All ashtrays and other smoking receptacles shall be removed from any area where smoking is prohibited by this Article by the owner, operator, manager, or other person having control of the area.

Sec. 11- 50 Nonretaliation

No person or employer shall discharge, refuse to hire or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Article files a complaint or reports a violation of this Article.

Sec. 11- 51 Enforcement

A. Any person who desires to register a complaint under this Article may do so with the City Manager or an authorized designee.

B. In addition to the remedies provided by the laws of the State of Missouri, and the provisions of this Section, the City Manager or an authorized designee or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Article may apply for injunctive relief to enforce the provisions of this Article in any court of competent jurisdiction.

Sec. 11- 52 Violations and Penalties

A. A person who violates this ordinance by smoking in an area where smoking is prohibited by the provisions of this Article shall be guilty of an infraction, punishable by a fine not exceeding fifty dollars (\$50) for each infraction.

B. A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Article shall be guilty of an infraction, punishable by:

1. A fine not exceeding one hundred dollars (\$100) for a first violation.
2. A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year.
3. A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.

C. In addition to the fines established by this Section, violation of this Article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of the business license issued to conduct business at the premises pursuant to Article 12 of the Belton Code of Ordinances.

D. Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

Sec. 11- 53 Public Education

The City Manager or an authorized designee may engage in a continuing program to explain and clarify the purposes and requirements of this Article to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this ordinance.

Sec. 11- 54 Governmental Agency Cooperation

The City Manager or an authorized designee may request other governmental and educational agencies having facilities within the City to establish local operating procedures in cooperation and compliance with this Article. This includes urging all Federal, State, City, County and School District agencies to update their existing smoking control regulations to be consistent with this ordinance.

Section 11- 55 Other Applicable Laws

This Article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Sec. 11- 56 Liberal Construction

This Article shall be liberally construed so as to further its purposes.

Sec. 11- 57 Severability

If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

Sec. 11- 59 Revocation of previous ordinance(s).

Upon the effective date of this Article, all prior ordinances in conflict herewith, specifically Article III of Chapter 11 of the Belton City Code, in its entirety, pertaining to smoking in public places and places of employment, shall be repealed.

~~SECTION 2: That this ordinance shall be referred to the people for approval and shall be effective one hundred twenty (120) days from and after the date of approval of this ordinance by the voters of the City.~~

~~SECTION 3: That an election shall be held on April 7, 2000, placing before the voters within the City of Belton the following question:~~

~~_____~~

~~SECTION 4: That at said election the qualified registered voters of the City shall vote at the polling places within the City, as designated by the Election Authority of Cass County, Missouri.~~

~~SECTION 5: That the judges and clerks at said election shall be designated by the Election Authority of Cass County, Missouri.~~

~~SECTION 6: The City Clerk is hereby authorized and directed to notify the County Clerk of Cass County, Missouri, of the passage of this Ordinance no later than 5:00 P.M. on January 27, 2000, and to include in said notification all of the terms and provisions required by Chapter 116, RSMo, as amended.~~

~~SECTION 7: That this ordinance shall be in full force and effect from and after the date of its passage and approval.~~

~~PASSED THIS _____ DAY OF JANUARY, 2000, BY THE CITY COUNCIL OF THE CITY OF BELTON, MISSOURI.~~

~~ATTEST:~~

~~_____
City Clerk Patty Ledford~~

~~APPROVED by the Mayor of said city this _____ day of January, 2000.~~

~~_____
Mayor Jim Odom~~

~~ATTEST:~~

~~_____
City Clerk Patty Ledford~~

~~APPROVED AS TO FORM:~~

~~City Attorney Christine Bushyhead~~

~~NOTICE OF ELECTION~~

~~CITY OF BELTON, MISSOURI~~

~~Notice is hereby given to the qualified voters of the City of Belton, Missouri, that the City Council of the City has called an election to be held in the City on Tuesday, April 3, 2009, commencing at 6:00 a.m. and closing at 7:00 p.m., on the questions contained in the following sample ballot:~~

~~OFFICIAL BALLOT
ELECTION~~

~~CITY OF BELTON, MISSOURI
TUESDAY, APRIL 3, 2009~~

~~"Shall the City of Belton prohibit smoking in enclosed places of employment and enclosed public places while allowing it in a limited manner in bars, restaurants and bowling alleys, for the purpose of promoting public health by decreasing citizen exposure to secondhand smoke and creating smoke free environments for workers and citizens through regulations in the work place and all public places, to be effective one hundred twenty (120) days from and after the date of approval by a majority of the voters of the city?"~~

~~YES _____~~

~~NO _____~~

~~INSTRUCTIONS TO VOTERS: If you are in favor of the question, place an X in the box opposite "YES." If you are opposed to the question, place an X in the box opposite "NO."~~

~~The election will be held at the following polling places in the City:~~

PRECINCT

POLLING PLACE

April 3, 2009.

Cass County Election Authority
Cass County, Missouri

SPECIAL USE PERMIT

109F N. SCOTT

VEHICLE SALES LOT



**PLANNING COMMISSION REGULAR MEETING
CITY HALL ANNEX, CITY COUNCIL ROOM
520 MAIN STREET
MONDAY, APRIL 2, 2012 – 7:00 P.M.**

STAFF: Robert G. Cooper, City Planner

CASE #SUP12-05 / Continuation from the March 19th Planning Commission meeting

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

Location: The east side of N. Scott Avenue, just south of Hargis Avenue. The physical address is 109-F N. Scott Avenue.

Legal Description: Unplatted

Owner / Applicant: Marion Biondo / Dwayne Kurecka – ‘Buy Max Auto Sales, LLC’

Size of Site: 38,753-sq. ft. / 0.89-acre

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

Proposed Use: Used Car Sales Lot

Surrounding Zoning / Land Use:

North: C-2 / General Commercial
East: R-3 / Multi-Family Residential
South: C-2 / General Commercial
West: C-2 / General Commercial

Comprehensive Plan: Commercial

Nature of Current Request

The applicant has contacted the City to gather information on what requirements are needed to open a used car lot. Pursuant to Chapter 40-1 of the Unified Development Code, a Special Use Permit is required for all ‘new’ used car lots located within a C-2 (General Commercial) zoning district. The applicant wishes to occupy one of the available tenant spaces that is within a commercial strip center, located at 109-F N. Scott Avenue. The tract of land contains two commercial buildings. One commercial building fronts N. Scott (former Baker’s Dozen Donuts shop and a Mexican food store). The second commercial building is located behind the gas-station & convenience store...this structure is subdivided into multiple tenant spaces. This .89-acre tract of land is between the convenience store/gas station on the corner of Hargis and N.

Scott and the Star Development shopping center to the south. The proposed tenant space to be utilized is the end unit near the E. Hargis Avenue driveway.

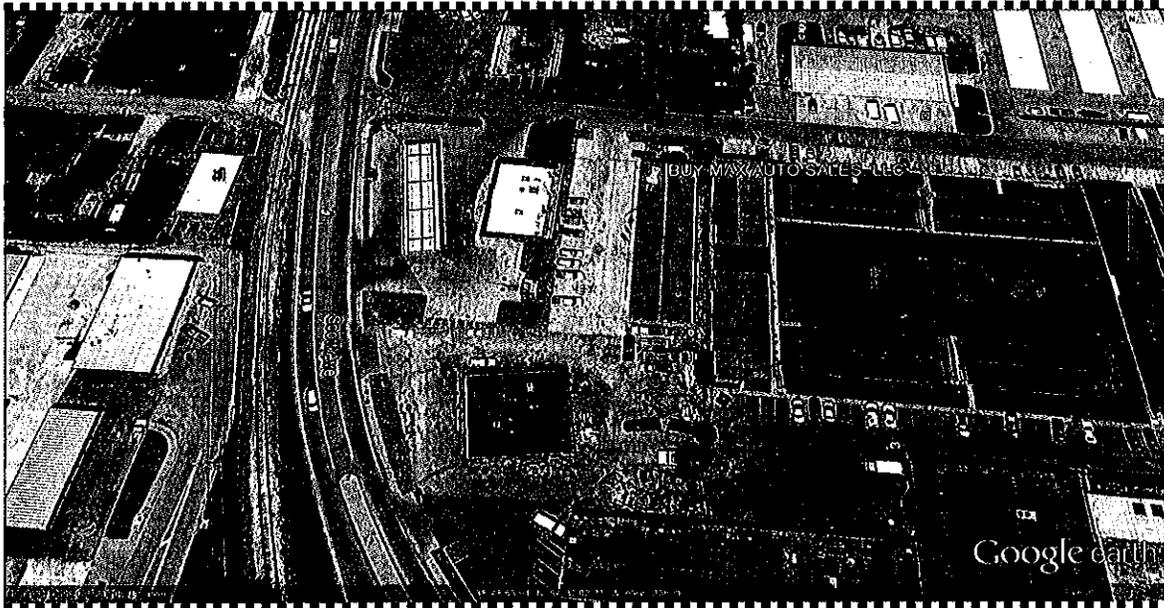


Figure 1

HISTORY

The first commercial building was originally built in 1965 with a gross floor area (gfa) of 3,600-sq. ft. with the second commercial strip center building (5,930-sq. ft.), constructed in 1995. Since then, the front building been used as commercial with small retail shops and the second building has been used periodically by heavy commercial users; i.e. auto repair, general contractor's, etc.

STAFF REPORT

On March 19th, the Planning Commission remanded the application back to staff for further review. The Commission requested that more information be provided by the applicant concerning their business plan and the exact number of vehicles that would be placed on-site.

Pursuant to the Commission's recommendation, staff did meet with the applicant during a Development Review Committee (DRC) meeting on March 21st. During the meeting, the following items were discussed:

1. Business is internet based, utilizing internet services such as 'ove.com; 'autotrader.com', which will allow them to advertise, purchase and ship vehicles with minimal time to the local inventory;
2. Business plan for 'Auto Max Auto Sales'...specialized high-end car sales, by appointment only;
3. Most cars will be stored inside the 1,000-sq. ft. building;
4. Would park cars outside temporarily...not long term;

5. Maximum number of cars parked outside would not exceed three (3) at any given-time;
6. Staff would allow a temporary window sign, not to exceed 2-square feet during the interim to comply with State Dealer License Statutes;
7. A stand-alone wall sign, not to exceed 10% of the total square footage of wall façade will be installed prior to opening business;
8. No cars are allowed to be parked on any graveled area; and
9. Fire Marshal discussed maximum amount of gasoline that is permitted in vehicles stored indoors;

CODE CITATION

ADA Parking

Pursuant to Section 26-8(2)(f), Unified Development Code, 'all accessible parking spaces must be identified by signs complying with the manual of Uniform Traffic Control Devices and the Department of Justice, Code of Federal Regulation 28 CFR, part 36, ADA Standards for Accessible Design...the sign must be vertically mounted on a post or wall, no more than five (5') feet from the space, include the wording: 'FINE - \$50 - \$300'.

Signage

The tenant space has no existing signage. A wall sign cabinet is required. A separate permit is required for any new signage per Section 30-8 of the Unified Development Code.

Exterior Security Lighting

Currently, there are two (2) roof-mounted spot-lights on top of the adjacent convenience store which illuminates the subject property.

Landscaping

Pursuant to Section 22-3(b)(3), Unified Development Code, 'a minimum landscape strip at least six (6') feet wide must be provided along the length of the right-of-way...including one (1) shade tree per 40-linear feet along the portion of the parking area that abuts a public street.'

NOTE: In an effort to comply with the landscaping requirement, the applicant is willing to donate a tree to the City's Parks Department, to be planted in one of the City's parks as an in-kind gesture... this is due to the lack of suitable space for on-site landscaping.

Staff Recommendation

Based upon new information concerning the proposed auto sales business, it appears the use will not have a significant negative impact on the surrounding neighborhood.

Should the Planning Commission wish to approve Special Use Permit 12-05, to allow a used car sales lot to be located at 109-F N. Scott Avenue, the following condition(s) shall apply:

1. No Certificate of Occupancy is issued for 'Buy Max 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 Permit12-05 shall be annually renewed and reviewed administratively barring any code violations and/or complaints.
3. The parking area shall be on a hard surface (no gravel) and located on the west side of the building only, consist of no more than three (3) display vehicles and one (1) customer parking
4. No display vehicle shall obstruct visibility, or 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. Re-stripe all parking lot markings.
7. No auto repair, painting or body-work is allowed on site.

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 Chapter 40, Special Use Permits, of the Unified Development 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) Section 40-3(4)(a), UDC
- 2) Buy Max Auto Sales –Business Plan
- 3) Email from Dwayne Kurecka

3. The minimum distance of a stable or corral from any residential structure on a neighboring lot existing at the time of issuance of the original permit shall be 200 feet.
- (3) **Commercial—Car wash.** Automatic car washes must have adequate vehicle stacking spaces in accordance with this Code.
 - (4) **Commercial—Motor vehicle sales.** Motor vehicle sales businesses must have a special use permit, granted for an initial term of one year and renewable for additional five-year terms, and must meet the following requirements:
 - a. **Multi-vehicle used dealer's license; site and space requirements.** 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 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 floodlighted 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 section.
 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 city council 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's zoning ordinance.
 - b. **Single-vehicle used dealers license; site and space requirements, qualifications.**
 1. A single-vehicle used vehicle dealers license may be granted to an existing bona fide business qualifying for Missouri State Dealers Tags. The business must provide proof of possession of current dealer's tags within 60 days after license issuance, and at time of renewal of city license.

Thank you for taking the time to consider approval of Special Use Permit for 1709F N. Scott Belton, MO. We are interested in this location as a place of business for our auto sales brokerage firm; Buy Max Auto Sales LLC. Below you will find the information you requested.

There will be two employees consisting of: Mr. Dwayne Kurecka and Mr. John Kowalski. Our business hours will be between 10:00AM to 2:00PM, Monday through Friday excluding holidays, and by appointment.

The business will largely be internet based and therefore we will be carrying an inventory of 2-5 vehicles at any one time. We will however utilize services such as ove.com, auto trader.com, among other industry sites, which will allow us to advertise, purchase and ship vehicles with minimal time in our local inventory.

This location allows for a minimum of 2 – 3 vehicles parked inside our garage. The exterior parking lot has enough space for 6 striped parking spaces, which will allow for customer parking and on occasion 2-3 additional vehicles for sale parked outside. It is important to note, that our business model is for us to only carry a max of 5 vehicles at any given time, much of our business will be providing an automobile broker service, to purchase vehicles for clients for specific vehicles. Once we purchase these vehicles, the client will take possession of vehicle, thus only stored at our location for a minimal period of time until transaction is completed.

Any type of vehicle maintenance and or detailing / cleaning of vehicle will take place off site. This site will be strictly limited to the display of vehicles in assigned parking spaces and customer parking.

This location allows us to meet all state required laws to operate and maintain a Missouri Auto Dealers License, and is a good fit for our business model. We will be making improvement to accommodate our office requirements allowing us to transact business via the internet with remote clients.

Please keep in mind this a start-up location. In the event our business requirements dictate more space for the display of vehicles or it is determined that we need to offer additional services requiring a change of location, we will make the appropriate changes to adhere to state laws and local zoning requirements.

If additional information is required, please do not hesitate to contact us at any time.

Dwayne Kurecka 816.564.2991

John Kowalski 913.226.0814

Members

Buy Max Auto Sales LLC

Robert Cooper

From: L.Dwayne Kurecka [dwayne.business@gmail.com]
Sent: Tuesday, March 20, 2012 4:37 PM
To: Robert Cooper
Cc: John Kowalski
Subject: Fwd: BuyMax Bus. model
Attachments: BUYMAX AUTO.BELTON.SPECIAL USE PERMIT.docx

Robert,

Thanks again for your help last night. I apologize that I did not do a better job of explaining our business model prior to last nights meeting. I just assumed that we just needed to fill out the application. That was a mistake on my part.

I have my meeting tomorrow at 10:30. I put the attached together to give a better outline of our business model.

thanks,

--
Dwayne Kurecka
816-564-2991 cell

3/27/2012

DISCOUNT TIRE STORE

110 CUNNINGHAM PKWY



**PLANNING COMMISSION REGULAR MEETING
CITY HALL ANNEX, CITY COUNCIL ROOM
520 MAIN STREET
MONDAY, APRIL 2, 2012 – 7:00 P.M.**

STAFF: Robert G. Cooper, City Planner

CASE #SP12-08 Site Plan review of the Discount Tire Store, located at the southwest corner of 58-Hwy and Cunningham Pkwy, addressed as 110 Cunningham Industrial Parkway

Legal Description: Kansas City-Belton Commercial-Industrial Park, Lot 8

Size of Site: 51,675-sq. ft. / 1.19-acre

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

Proposed Use: Commercial / Retail

Surrounding Zoning / Land Use:

North: C-2 / Retail - Cedar Tree Shopping Center
East: C-2 / Retail - Blockbuster Video
South: C-2 / Restaurant – Chinatown Buffet
West: C-2 / Vacant lot

Comprehensive Plan: Commercial / Retail

Background

Discount Tire Company has taken ownership of the 1.19 acre tract of land (former Guicho's Mexican Restaurant) with plans to demolish the existing restaurant building and build a new 6,947-sq. ft. Discount Tire Store.

On March 27th, the City Council accepted and approved an Ordinance to vacate an existing 15-foot utility easement that crossed the center of the property in an east-west orientation, which was located within the footprint of the proposed building. In order for the new owner to move forward with the plan review process and the final acceptance of the site development plan...Council approval of the vacation was needed.

Pursuant to the Unified Development Code, commercial site plans are subject to Planning Commission review.



Aerial photograph: Surrounding area of proposed Discount Tire Store

REVIEW

Kaw Valley Engineering, Inc. on behalf of Discount Tire Company has submitted development and construction plans for this project. Staff has reviewed the following key elements of the site plan:

Site Dimensions: 195-ft. x 265-ft. (51,675-sq. ft.) or 1.19-acre.

Intended Use: Sales and Service. Installation of commercial and passenger vehicle tires.

Future Land Use Map: The subject site is located within the City's primary commercial/retail corridor.

Height & Dimension of Building: The proposed building will be 6,947-sq. ft. with a maximum building height of 26-feet.

Conceptual Elevation: The general appearance of the building will be a gray split-face concrete masonry unit block (CMU).

Screening: HVAC units will be roof-mounted behind the parapet wall...painted to match building and screened from public view.

Driveway: The site will have a double ingress/egress from Cunningham Pkwy. Each driveway approach will be 30-feet wide.

Parking: The parking ratio for this project is 1:300-sq. ft. (gfl), which equates to no less than 23-parking spaces with a minimum dimension of 9-ft x 20-ft.. The site will provide for 43 parking spaces which include two (2) handicap stalls.

Signage: The existing pole sign will be removed...the developer has not provided details on any potential exterior signage. Pursuant to City code, wall mounted and monument type signs are an acceptable form of signage in a C-2 (General Commercial) zoning district....pole signs are prohibited.

Landscaping: Pursuant to the Landscape Ordinance, one (1) tree per 40-feet of street frontage is required. The project will provide four (4) Honey Locust trees along 58-Highway and six (6) Glory Maple trees along Cunningham Parkway with three (3) Golden Raintree planted within the parking lot islands, all meeting the minimum caliper size of 2½ inches. Twenty percent (20%) of the site will be landscaped, which is in accordance with City code.

Lot Coverage: Pursuant to Section 40 of the Unified Development Code, no more than 40% of the Lot can be covered by structures. This development site as proposed has a Lot Coverage of 13%.

STAFF COMMENTS

Fire Department: Based upon the submitted information provided by the developer, the proposed structure will be fully sprinklered and has approved the submitted construction plans.

Building Inspection: The submitted architectural plans do not show any architectural relief on the conceptual elevations of the building. City code requires a one-foot (1-ft.) off-set of the building façade.

Engineering Department:

Sanitary

- Detail on service line connections need to be provided, with information on pipe material, size, slope and fittings used.
- Details on grease interceptor location and size needs to be provided.

Storm

- Detail on proposed area inlet, curb inlets and pipe under parking lot needs to be provided.
- How was the pipe sized?
- How was the decision made to add an area inlet in the parking lot?
- Information on backfill under the pavement needs to be provided.

Water

- Detail on drawings showing where the connection to the main line will be made needs to be provided.
- Confirmation that no changes from existing conditions are proposed needs to be provided.
- Details on the water line's proximity to other utilities need to be provided.

Erosion Control

- Existing conditions information including contours of the site and existing drainage patterns needs to be provided. (All required existing condition information is provided in the checklist.)
- Erosion control measures need to be provided.
- A City Land Disturbance Permit will be required.
- A Storm water Pollution Prevention Plan (SWPPP) is required.

Planning Department: Detailed sign elevations are missing. A Master Sign plan showing type, size, quantity and location must be submitted. Provide details on the type of irrigation system that will be used, including details on the type of back-flow preventer.

Staff's Recommendation

Approve the submitted Site Plan for the proposed Discount Tire Store, located at 110 Cunningham Parkway.

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 the Unified Development 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) Site Plan
- 2) Copy of Easement Vacation Ordinance

BILL NO. 2012-14

ORDINANCE NO. 2012-_____

AN ORDINANCE VACATING A UTILITY EASEMENT ON PROPERTY ZONED C-2 (GENERAL COMMERCIAL), AND LOCATED AT 110 CUNNINGHAM INDUSTRIAL PARKWAY, BELTON, MISSOURI.

WHEREAS, the City of Belton was previously granted a storm sewer easement located on Lot 8 of the Kansas City-Belton Commercial Industrial Park as originally platted and filed with the County as a subdivision in Belton, Cass County, Missouri.

WHEREAS, no public or private utilities are located within this easement;

WHEREAS, a request to vacate is hereby given by the new property owner who plans are to construct a new building, of which said utility easement will run through new building footprint;

WHEREAS, this easement is no longer of benefit to the city or any other utility company;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, MISSOURI AS FOLLOWS:

Section 1. The City Council shall release said easement upon receipt of a re-plat; that a portion of the utility easement shown in the original plat of Lot 8, Kansas City-Belton Commercial Industrial Park filed with the County is described as:

A tract of land located in Lot 8 of the Kansas City-Belton Commercial Industrial Park, a subdivision of land in the City of Belton, Cass County, Missouri, lying along and 7-feet on either side of the following described line: Beginning at a point on the West right-of-way line of Cunningham Parkway, said point being 79.93-feet South of the centerline of Missouri Route 58 as now established, thence North 86°57'23" West a distance of 235.13-feet to the centerline of platted North-South utility easement.

Section 2. That, as provided by Section 36-113(b) of the Unified Development Code, a request to vacate said utility easement or right-of-way shall receive City Council approval;

Section 3. That all ordinances or parts of ordinances in conflict with the provisions hereof are hereby repealed.

Duly read two (2) times and passed this _____ day of _____ 2012.

Mayor Jimmy Odom