

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 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. 145<sup>th</sup> 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.

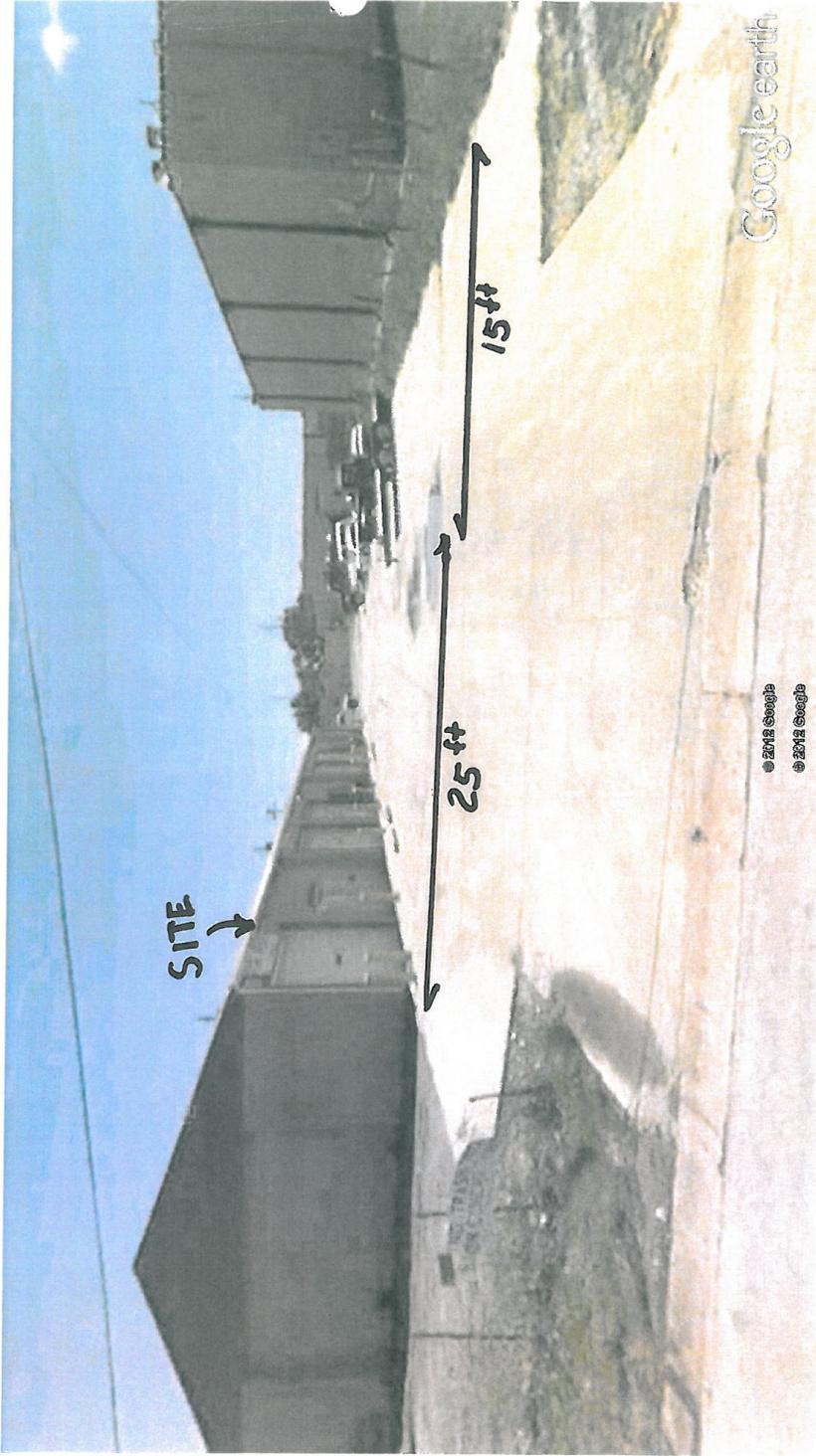
**ADJOURNMENT**

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



SITE

25 ft

15 ft

Google earth

Google earth

feet | meters

4

10



© 2012 Google

© 2012 Google

