



**AGENDA
CITY OF BELTON
PLANNING COMMISSION
MEETING & PUBLIC HEARING
MONDAY, APRIL 16, 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 APRIL 2, 2012 PLANNING COMMISSION MEETING

IV. PUBLIC HEARING

A. Consideration of Special Use Permit application to allow a vehicle sales business to operate at 1016 N. Scott, Unit A.

V. DIRECTOR'S REPORT

VI. NEXT MEETING DATE: May 7, 2012

VII. ADJOURNMENT

MEETING MINUTES

APRIL 2, 2012

Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
April 2, 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, Mike Van Eaton, and Larry Thompson.

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

MINUTES

Commissioner Thompson moved to approve the minutes of the March 19, 2012, Commission meeting. Commissioner Fletcher seconded the motion. All members voted in favor, and the motion carried.

PUBLIC HEARING – Smoking in Public Places

Mr. Leipzig reported that he would like to postpone consideration of the “smoking in public places” proposed amendments until the May 7, 2012, meeting. According to Mr. Leipzig the Park Board would like to refine the language in the amendment.

PUBLIC HEARING – Special Use Permit (SUP) Application Vehicle Sales at 109-F N. Scott

Mr. Cooper reported the public hearing for this case was continued from the March 19, 2012, meeting. Staff met with the applicants after the last Commission meeting. Mr. Cooper gave a description of the applicant’s business plan for the proposed car sales business (Buy Max Auto Sales, LLC). He told about the exterior lighting and the required signage. It was noted that to meet the city’s landscaping code requirement, the applicants are willing to donate a tree to be planted in a City Park, due to a lack of suitable space for a tree on the property at 109 N. Scott. Mr. Cooper stated staff recommends approval of the SUP application with conditions. At the earlier meeting a letter was presented from a neighboring business owner who was against the car sales business at this location. Mr. Cooper reported he spoke to the business owner by phone, and the business owner no longer objects to the car sales business locating next door. Chairman Girgin asked for public comment, there was no public input and the hearing was closed at 7:08 p.m. Commissioner Thompson moved to approve the SUP application to allow a used car lot to operate at 109-F N. Scott with the following conditions:

1. No certificate of occupancy will be issued for Buy Max Auto Sales until the site has a final inspection for compliance with Chapter 40-3(4)(a) of the Unified Development Code;

2. SUP #12-05 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, consisting of no more than three display vehicles and one customer parking space;
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-ways;
5. No material, supplies, or merchandise shall be stored outdoors;
6. Re-stripe all parking lot markings; and
7. No auto repair, painting or body-work is allowed on site.

Commissioner Davila seconded the motion. When a vote was taken, the following was recorded: Ayes: 9 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, McDonough, Fletcher, Chancellor, Van Eaton, and Thompson. Noes: none. Absent: none. The motion carried.

SITE PLAN – Discount Tire Store at 110 Cunningham Parkway

Mr. Leipzig reported the City Council has approved the vacation of a utility easement on property at 110 Cunningham Industrial Parkway. Mr. Cooper presented the staff report and stated the new owner has plans to demolish the exiting building and rebuild a 6,947-sq. ft. tire store. He provided information about the dimensions of the building; screening; property access points, and landscaping. A copy of the recently revised conceptual building elevation showing a one foot offset was distributed by Mr. Cooper. He pointed out and went over some of the staff comments associated with the site plan (shown in the agenda). Mr. Leipzig added that staff has not received nor reviewed any construction documents and he went into more detail explaining the staff comments. There was discussion about the staff Building Inspection comments and the steps taken by the applicant to address those review comments. Mayor Pro Tem Lathrop moved to approve the Site Plan for Discount Tire Store at 110 Cunningham Industrial Parkway as submitted subject to the requirements of the Unified Development Code being satisfied and staff review comments being addressed. The motion was seconded by Councilman Davidson. When a vote was taken, the following was recorded: Ayes: 9 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, McDonough, Fletcher, Chancellor, Van Eaton, and Thompson. Noes: none. Absent: none. The motion carried.

DIRECTOR'S REPORT

Mr. Leipzig went into detail about the canned comments that will be included in the staff reports during site plan reviews, and he stressed the fact that staff will alert the Commission if there are any important issues to be considered.

The vehicle sales ordinance is being reviewed with the City Attorney and possible amendments will be presented to the Commission at a future meeting.

The City Council approved the final plat and final development plan for Menards along with the TIF agreement.

There was discussion about conceptual drawings that are submitted for review at the beginning of projects, and how to require developers / builders to guarantee those drawings are replicated in the appearance of the final product. Specific comments were made about EIFS being shown in the elevations for the Discount Tire Store.

Mr. Leipzig reported the property at 302 E. North Avenue has been cleared and the Dollar General Store project is ready to start construction.

ADJOURNMENT

Mayor Pro Tem Lathrop moved to adjourn the meeting. Commissioner McDonough seconded the motion. All voted in favor and the meeting adjourned at 7:26 p.m.

Ann Keeton
Community Development Secretary

SPECIAL USE PERMIT

1016 N. SCOTT

VEHICLE SALES LOT



**PLANNING COMMISSION REGULAR MEETING
CITY HALL ANNEX, CITY COUNCIL ROOM
520 MAIN STREET
MONDAY, APRIL 16, 2012 – 7:00 P.M.**

STAFF: Robert G. Cooper, City Planner

CASE #SUP12-09

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

Location: The west side of N. Scott Avenue, just north of Vivian Street. The physical address is 1016, Unit A N. Scott Avenue.

Legal Description: Neff Lake, Lot(s) 12-13, Block 2

Owner / Applicant: R/S Properties I, LLC / Della Saad – ‘Need 4 Speed Motors’

Size of Site: 43,500-sq. ft. / 1.00-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: M-1 / Industrial

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 1016 N. Scott Avenue. This 1.00-acre tract of land is between Goodfella’s Bar & Grill and Belton Family Worship Center on the corner of Vivian Street and N. Scott Avenue. The proposed tenant space to be utilized is the end unit nearest the church.

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Aerial photo of surrounding area

Figure 1

HISTORY

The tract of land contains one commercial building subdivided into separate tenant spaces. The commercial building was originally built in 1985 with a gross floor area (gfa) of 4,200-sq. ft. with the larger commercial building which fronts N. Scott Avenue, approximately 6,000-sq. ft., and subdivided into three separate tenant spaces, constructed in 1986. 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

Welfare and Convenience of the Public

It appears, by permitting a used car lot in the proposed location, would contribute greatly to an ongoing proliferation of used car lots along the N. Scott Avenue corridor. It also appears there could be a negative affect on the welfare and convenience of the general public.

Injury to Surrounding Property

It appears the proposed use will not have an adverse affect on the immediate surrounding or abutting properties due in part to the similarity in use and intensity.

Domination of the Neighborhood

It appears, the proposed use as a used car sales lot will add to the predominance of that particular use within the neighborhood.

Off-Street Parking / Access

There is limited open parking / display area in front of the building. Currently, there is single access to the site...from N. Scott Avenue, which would be the primary and only source of ingress/egress to the site.

Pursuant to Section 26-2, Unified Development Code, 'off-street parking ratio for auto sales is 1:1,000-sq. ft. which equates to a minimum of two (2) parking stall for customer parking.

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.

NOTE: It was explained to the applicant that an Occupational License can not be approved until the Planning Commission approved the Special Use Permit and that no business activity can take place on site until final approval by the City Council.

Staff Recommendation

Should the Planning Commission wish to approve Special Use Permit12-09, to allow a used car sales lot to be located at 1016-A N. Scott Avenue, the following condition(s) shall apply:

1. No Certificate of Occupancy is issued for 'Need 4 Speed 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 Permit12-09 shall be annually renewed and reviewed administratively barring any code violations and/or complaints.
3. The 'for-sale' vehicle display area shall be on a hard surface and located on the southeast side of the parking lot and consist of no more than four (4) display vehicles.
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 the four (4) parking stall markings to be used for display vehicles.

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) Site Plan

CASE # SUP12-09 / 1016-A North Scott Avenue
'Need 4 Speed Auto Sales'

