



**AGENDA
CITY OF BELTON
PLANNING COMMISSION
MEETING AND PUBLIC HEARING
MONDAY, OCTOBER 19, 2009 - 7:00 P.M.
BELTON CITY HALL ANNEX, 520 MAIN STREET**

- I. CALL MEETING TO ORDER
- II. ROLL CALL
- III. APPROVAL OF THE MINUTES OF THE SEPTEMBER 21, 2009 PLANNING COMMISSION MEETING
- IV. PUBLIC HEARING
 - A. CONSIDERATION OF AN AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN TO INCLUDE THE PARKS AND RECREATION DEPARTMENT'S "TRAILS MASTER PLAN." (Distributed in the 8/17/09 agenda packet)
- V. DISCUSSION
 - A. PRESENTATION OF SUMMARY MEMO AND UDC UPDATE BY DIRECTOR.
- VI. DIRECTOR'S REPORT
- VII. NEXT MEETING DATE: NOVEMBER 2, 2009
- VIII. ADJOURNMENT

Meeting Minutes

September 21, 2009

Minutes of Meeting
Belton Planning Commission
City Hall Annex – 520 Main Street
September 21, 2009

CALL TO ORDER

Chairman Paul Myers called the meeting to order at 7:07 p.m.

ATTENDANCE

Commission: Chairman Myers, Mayor Pro Tem Gary Lathrop, Commissioners Tim McDonough, Roger Horne, and Larry Thompson.

Staff: Jay Leipzig, Director of Community Planning and Development; Jason Webb, Fire Marshal; Robert Cooper, City Planner; Shannon Marcano, City Attorney; and Ann Keeton, Community Development Secretary.

Absent: Councilman Bobby Davidson, Commissioners Sally Davila, Holly Girgin and Scott VonBehren.

MINUTES

Mayor Pro Tem Lathrop moved to approve the minutes of the August 17, 2009, Commission meeting. Commissioner Horne seconded the motion. All members present voted in favor and the motion carried.

CASE # SUP09-15: Consideration of a Special Use Permit to allow a used car lot to operate at 604 N. Scott, Unit AA.

Chairman Myers opened the public hearing at 7:07 p.m. Mr. Leipzig explained the reason Case SUP09-15 is on tonight's agenda after the Commission voted to recommend the application be denied at the August 17, 2009, Commission meeting. The applicant, Harium Manohar, was going to withdraw the application after the last meeting, but decided to investigate the possibility of selling cars from inside the building. It was stated the applicant would now like to keep a maximum of two cars for sale inside the building.

Staff Report: Mr. Cooper presented the staff report on the Special Use Permit (SUP) application for Belton Value Auto. He reported the Commission voted 7-0 to recommend the SUP application be denied at the August 17, 2009, meeting. The applicant indicated he wished to withdraw his application on August 21, 2009, during a meeting with staff, but he later reconsidered and decided to present the request again. He changed his original request for outdoor vehicle sales and requested the SUP application be for vehicle sales inside the building.

According to Mr. Cooper, the technical aspects of the original SUP request remain the same. He emphasized there is a single access point from North Scott to the property and the building has multiple tenants which could create a safety hazard for motorists.

One item noted by Mr. Cooper concerning the occupational license application was that Mr. Manohar was told at a meeting on July 9, 2009, the license could not be approved until the SUP was approved. Additionally, he was told that no business activity can take place on site until final approval. City staff has witnessed some type of business activity taking place on site prior to approval. Mr. Cooper gave a list of recommended conditions that should be applied if the Commission approves the SUP.

COMMISSION DISCUSSION

During discussion staff was asked what type of business is operating in Unit AA at the present time. Mr. Cooper answered that it appears to staff there is some type of auto repair taking place at the site and no occupational license has been issued for that business. Staff is not aware of the identity of the person(s) operating the repair business, but it is taking place in the unit Mr. Manohar has requested to put the automobile sales lot.

Harium Manohar, the applicant was present and Chairman Myers invited Mr. Manohar to provide input regarding the application. Mr. Manohar identified Ronnie McGowan, as the business mechanic, and also as the person repairing cars in unit AA. It was stated Mr. McGowan will be leaving the state so Mr. Manohar's automobile sales business will be the only one occupying the space. He went on to say the only vehicles on the site will be his two vehicles for sale. The site was rented by Mr. Manohar, but Mr. McGowan was paying a portion of the rent while working on his own cars according to Mr. Manohar. It was stated that Mr. Manohar will now be renting the site alone.

Mr. Cooper announced that Mr. McGowan applied for a business license but there were outstanding building code issues that needed to be resolved before the license could be approved. Mr. McGowan has been violating city code by working on vehicles at the site according to Mr. Cooper.

There was a brief discussion about the rental agreement for the site. In answer to a question about two businesses operating at one site, Mr. Leipzig explained the same business owner cannot run two businesses from the same address/location. He went on to say that currently there are two businesses that want to operate out of the same address with the same owner, and that is a violation of the City code. There was a question of tenant responsibility for the rental site and Ms. Marcano suggested there was no need for discussion of private agreements between parties, but the bigger concern for the City would be the codes and permit violation issues. It was recommended by Mr. Cooper that future SUP applicants for car sales lots be required to provide a copy of the lease agreement with the property owner(s).

Mr. Manohar was asked if he can make a profit selling only two cars from inside a building. Mr. Manohar described the proposed business as an automobile locating business and he indicated it would not create a large amount of traffic. Attention was called to the fact that Mr. Manohar told the Commission the business building can hold up to 20 cars. The dealer's license has not been approved and the license approval is dependent upon the SUP approval according to Mr. Manohar.

Concerns about an indoor car sales lot were discussed. Policing the business for compliance with City Codes was one issue mentioned, along with “Section 314.4 Vehicles” of the International Fire Code (IFC). Mr. Leipzig explained this IFC section deals with the regulation of liquid and gas fueled vehicles located indoors, and he gave a description of a few of the stipulations that must be observed. Chairman Myers asked Mr. Webb how businesses are monitored for code compliance. Mr. Webb described the difficulty staff has enforcing those codes due to limited personnel and resources. Chairman Myers questioned how this type of indoor car sales business can be approved if code compliance cannot be adequately enforced. Mr. Webb reminded the Commission how the SUP process benefits the City by considering each case individually to see what burdens will be placed on the Community as a whole.

It was clarified that Mr. Manohar’s business will be a used car locator service. Mayor Pro Tem Lathrop voiced concerns about the number of cars that would be for sale inside the building and he mentioned other businesses in the City that did not abide by City codes. Additional concerns about the number of cars at the site were discussed and Mr. Manohar reported that he will move cars quickly. He went on to say he already has customer contracts for cars. Furthermore, it was stated by Mr. Manohar that he will drive one car and have one car for sale. The indoor car sales/locating business proposed by Mr. Manohar was compared by him to another business currently operating on North Scott. Mr. Cooper explained the other car sales businesses located along North Scott were operating before the new ordinance was adopted regulating car sales lots. Mr. Manohar’s proposed business is the first SUP application received since the ordinance was adopted according to Mr. Cooper.

When asked if the auto repair business would operate from the site, Mr. Manohar stated repairs would not be done at the business unless one of his cars for sale needs repairs. It was reported by Mr. Manohar the car repair business owner previously mentioned at an earlier meeting, will be moving out of town. **Commissioner McDonough moved to recommend to the Council the Special Use Permit application for 604 N. Scott, unit AA be denied.** The motion was seconded by Commissioner Thompson. When a vote was taken, the following was recorded: Ayes: 5 – Chairman Myers, Mayor Pro Tem Lathrop, Commissioners McDonough, Thompson and Horne. Noes: none. Absent: 4 – Councilman Davidson, Commissioners Davila, Girgin and VonBehren. The motion to deny carried.

Being no further input, Chairman Myers closed the public hearing at 7:30 p.m.

UNIFIED DEVELOPMENT ORDINANCE (UDO)

Mr. Leipzig reported the UDO sections to be covered tonight were concerning stormwater management, natural resource and flood protection. This section of the UDO is stipulated in the American Public Works Association (APWA) manual. Additionally, items in this section are primarily managed through the Public Works Department.

Mr. Leipzig mentioned several methods of stormwater storage such as detention, retention and reservoirs. Other topics listed by Mr. Leipzig included land disturbance and erosion control, stream buffer requirements, and floodplain management guidelines.

Mr. Leipzig recommended adding language to the UDO that would require developers to record final plats within a certain period of time. In addition he would like to include a section explaining the administrative procedures used by the City for decision making.

He reported staff is working on a detailed review of the UDO draft document and making changes. This revised document will be presented to the Commission at the October 5, 2009, meeting, including a memo highlighting changes between the Zoning Ordinance and the draft UDO. Mr. Leipzig's stated goal is to send the UDO to the City Council for review by the end of the year.

A question was asked by Commissioner Horne regarding a reference in the UDO about floodplain maps. It was stated by Mr. Leipzig the National Flood Disaster Protection Act was passed in 1973 and the FEMA floodplain maps were last amended about 2006. It was clarified that building in the floodplain would not be allowed unless certain approved steps are followed.

Mr. Leipzig proposed an informal joint work session be scheduled for early December, with the Commission and the Council attending, to review the draft UDO document. An explanation of the language in the UDO that refers to "numbered and unnumbered A zones or AE zones" was given. It was stated those designations are on the FEMA flood maps and deal with flooding probability. A definition section will be included in the UDO according to Mr. Leipzig.

DIRECTOR'S REPORT

Mr. Leipzig reported that at the October 19, 2009 meeting the Commission will consider amending the Comprehensive Plan to include the Trails Master Plan.

The Dalmark group, an affordable housing developer, has withdrawn their proposal to rezone a portion of the Sunrise Gardens subdivision, to create a development of multi-family senior housing units according to Mr. Leipzig.

Chairman Myers described the Site Plan Review Committee as a beneficial tool for the Commission. When asked for remarks about the Dalmark group project, Commissioner McDonough reported that he was against the project at first, but he changed his mind. He visited and was impressed by one of the projects developed by Dalmark. Commissioner Thompson agreed and thought the proposed project would have been a nice addition to the area. He went on to explain the benefits of the Site Plan Review Committee meetings to the developer and the Commission. He indicated that he believes the meeting with the DRC staff eliminates a lot of potential problems. Chairman Myers thanked the Committee members for their help working on the Committee.

Mr. Leipzig thanked the fire marshal for hosting the September 14, 2009, Commission work session.

Mayor Pro Tem Lathrop reported that at the Cass County League of Cities meeting, he learned County Parks & Tourism is investigating a county-wide park plan that includes a County trail system that would connect cities. In addition, he reported the Cass County Commissioners are working on making the Harrisonville Airport a corporate airport.

ADJOURNMENT

Mayor Pro Tem Lathrop moved the meeting be adjourned. Commissioner Thompson seconded the motion. All members present voted in favor, and the meeting adjourned at 7:50 p.m.

Ann Keeton
Community Development Secretary

TRAILS MASTER PLAN

STAFF REPORT

CASE #CPA09-17 / AMENDMENT TO THE COMPREHENSIVE PLAN

BELTON PLANNING COMMISSION MONDAY, OCTOBER 19, 2009 – 7:00 P.M. CITY HALL ANNEX, COUNCIL CHAMBERS, 520 MAIN STREET

STAFF REPORT: Robert G. Cooper, City Planner

CASE #CPA09-17

Consideration of amending the City's Comprehensive Plan to include a "Trails Master Plan".

BACKGROUND

The Planning Commission originally heard a presentation on the newly created Trails Master Plan by Parks and Recreation Director, Todd Spalding on August 17, 2009.

He reported there are several small mixed use trails in the City parks, but there is no connectivity to surrounding neighborhoods. The goal of the Trails Master Plan is to connect all Belton Parks with pedestrian and bike trails. The creation of the trails system were, in part, due to the following reasons: 1. lack of connectivity of trails and neighborhoods; 2. congestion on 58-Highway; 3. residents must drive to neighborhood parks if they wish to walk on existing trails; 4. there are currently no safe bike routes; and 5. overall health concerns for the residence of the City of Belton.

The Belton Trail Master Plan will integrate and be a part of a larger planning initiative undertaken by the Mid-America Regional Council (MARC), such as the "Metro-Green" comprehensive plan, MoDOT's Bicycle and Pedestrian program and other resources. Within the Metro-Green plan, Belton and northern Cass County will function as the southern gateway to the entire trail system. By taking the initiative, Belton will position itself as the model community for Cass County and other surrounding cities will be tasked with connecting to its' trail system.

REVIEW

The purpose of this request is to amend the City's Comprehensive Plan, and to implement the newly created Trails Master Plan. It was suggested by the planning staff during the last Planning Commission meeting to adopt the Trails Master Plan and make it a part of the City's Comprehensive Plan.

STAFF RECOMMENDATION

Community Development supports the recommendation to approve amending the City's Comprehensive Plan to include the Trails Master Plan.

PLANNING COMMISSION ACTION

1. Motion to recommend *approval* of amending the City's Comprehensive Plan, to include the Trails Master Plan;

2. Motion to recommend *denial* of amending the City's Comprehensive Plan, to include the Trails Master Plan.
3. Motion to continue the case pending additional information.