

**Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
May 7, 2012**

CALL TO ORDER

Chairman Holly Girgin called the meeting to order at 7:02 p.m.

ATTENDANCE

Commission: Chairman Girgin, Mayor Pro Tem Gary Lathrop, Councilman Scott Von Behren, Commissioners Sally Davila, Tim McDonough, Steven Chancellor, and Mike Van Eaton.

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

Absent: Commissioners Jeff Fletcher and Larry Thompson.

MINUTES

Commissioner Davila moved to approve the minutes of the April 16, 2012, Commission meeting. Mayor Pro Tem Lathrop seconded the motion. All members present voted in favor, and the motion carried.

PUBLIC HEARING -Special Use Permit for vehicle sales at 1016 N. Scott

Mr. Leipzig reported that consideration of the Special Use Permit (SUP) application for 1016 N. Scott was continued from a meeting in April. Mr. Cooper presented a brief history of the commercial buildings on the property and the current occupants. He reported that staff reviewed the SUP by looking at: the welfare and convenience of the public; injury to surrounding property; domination of the neighborhood; parking, signage and landscaping. He read the staff recommended conditions of approval. It was reported that one condition of the SUP is for no more than four display vehicles to be shown on the southeast side of the parking lot.

Chairman Girgin opened the public hearing at 7:08 p.m. The hearing was being held to receive public input regarding the SUP application for a vehicle sales lot at 1016 N. Scott, Unit A. Chris Saad, 123 E 132nd Street, Kansas City, Missouri, spoke in favor of the SUP. Mr. Saad disclosed an alternate parking layout with three display cars in front of the building, three display cars along N. Scott, and the customer parking on the southeast side of the parking lot. An aerial photo of the site was displayed and Mr. Cooper pointed out the potential parking locations for display / customer parking. It was reported the ADA customer parking would have to be located near the office door. Mr. Saad indicated he would agree to place the customer parking by the building and park some display vehicles on the south side of the parking lot. It was questioned whether there is sufficient parking at the site if all three tenant spaces are occupied. Mr. Cooper stated the number of parking spaces (8) being requested by the applicant is a reasonable division of the building's shared parking. There was a lengthy discussion about the SUP application which included: leaving the driving lane open for access to the buildings in back; the pros and cons of installing stop blocks in front of the display vehicles on the south side of the site; the saturation of vehicle sales lots along North Scott; and the location of property access points from North Scott. Chairman Girgin suggested staff may need more

time to review the application due to the revised site plan submitted by the applicant tonight.

Mr. Cooper reported the applicants began operating the business before they had a business license. Details were provided about a church that has been meeting with staff and has also expressed an interest in occupying a portion of the building at 1016 N. Scott. There was no further public input so Chairman Girgin closed the public hearing at 7:44 p.m.

She reviewed the topics that had been discussed concerning the case at which time Commissioner McDonough moved to deny the SUP application based on the information as presented. The motion was seconded by Councilman Von Behren. Mr. Cooper reported the applicant has volunteered to reduce the number of sale vehicles to four. Mayor Pro Tem Lathrop asked for clarification of the reasons for denial and Commissioner McDonough provided the basis for the motion to deny which included several unanswered questions. He pointed out the proliferation of used car lots; the fire marshal has not reviewed the new site plan; and the size of the space to be occupied by the car lot; as some of the reasons for concern. There was conversation about the percentage/size of the space to be occupied by the vehicle sales lot in the building and parking lot. After further discussion, Commissioner McDonough withdrew his motion and Councilman Von Behren withdrew his second. Commissioner Chancellor moved to send the SUP application for a vehicle sales lot at 1016 N. Scott Unit A, back to staff for further clarification. The motion was seconded by Commissioner Van Eaton. Commission members pointed out several unclear items they would like explained further before the next review. When a vote was taken, the following was recorded: Ayes: 6 - Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Von Behren, Commissioners McDonough, Chancellor, and Van Eaton. Noes: none. Abstention: 1 - Commissioner Davila. Absent: 2 - Commissioners Fletcher and Thompson. The motion carried.

PUBLIC HEARING - SUP for vehicle sales at 307 Chestnut

Mr. Leipzig explained 307 Chestnut is the location of the former C & S Auto Sales. Mr. Cooper gave an explanation of the multi-use parcel which he stated has an occupied townhouse and an automobile service shop. It has been utilized as a vehicle sales lot in the last 10 years according to Mr. Cooper. He reported on the property access, display vehicle and customer parking spaces, signage and screening.

Chairman Girgin opened the public hearing at 8:02 p.m. This hearing was held to receive public input regarding an SUP application to allow a vehicle sales lot to operate at 307 Chestnut. Joel Challacomb, 403 B Street, Belton, asked questions about the SUP application including effect on his property value , and the status of the apartments on the property. He stated that he is not opposed to the vehicle sales lot. It was clarified by Mr. Cooper that the apartment complex is on the same lot but is not affiliated with the proposed SUP for a vehicle sales lot.

Alice Ibrahim, 3724 W 141st Street, Leawood, Kansas, spoke to clarify and explain the leases and subleases involving the property. Mr. Cooper reported the SUP is for the service shop and the car lot only and there is an 18-month lease agreement. There was discussion about the consequences a lot split would create for the property.

There were questions asked about the existing sign and whether it will be there permanently. It was stated by the applicant that the sign is permanent but he is not satisfied with the quality so he may change it in the future. Mr. Cooper stated the sign is acceptable but a sign permit must be obtained

from the City. As there was no further public input, Chairman Girgin closed the public hearing at 8:16 p.m. Mayor Pro Tem Lathrop moved to recommend approval of the SUP application for a vehicle sales lot at 307 Chestnut with the following conditions:

1. No Certificate of Occupancy is issued for M & M Auto Sales until the site has a final inspection for compliance with Chapter 40-3(4)(a) of the Unified Development Code.
2. Special Use Permit 12-11 shall be annually renewed and reviewed administratively barring any code violations and/or complaints.
3. The vehicle storage area shall consist of no more than thirty-seven display vehicles and thirteen customer parking spaces.
4. No display vehicle shall obstruct visibility, or be parked in a manner which would create a hazardous condition; encroach upon abutting properties, or overhang street rights-of-way.
5. No material, supplies, or merchandise shall be stored outdoors.
6. Re-stripe faded parking lot markings.

The motion was seconded by Councilman Von Behren. When a vote was taken, the following was recorded: Ayes: 6 - Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Von Behren, Commissioners Davila, Chancellor, and Van Eaton. Noes: 1 - Commissioner McDonough. Absent: 2 - Commissioners Fletcher and Thompson. The motion carried.

DISCUSSION - Text Amendment Section 40-4(a) 1 - 10 of the UDC, “**Commercial - Motor Vehicle Sales**”

A draft of potential changes to the existing language regarding motor vehicle sales was distributed for discussion purposes. Mr. Leipzig introduced the subject of amendments to the language in the UDC regulating motor vehicle sales businesses. He reported that staff studied the approach taken by various metropolitan cities to regulate motor vehicle sales businesses.

Mr. Cooper gave an account of some of the negative effects that have occurred as a result of the proliferation of vehicle sales lots along North Scott and E. North Avenue. He went over some of the proposed changes and highlighted a few including, minimum lot size. There was a discussion about minimum lot size and the options available when a vehicle sales lot closes on a property that does not meet the minimum lot size, including grandfathered versus amortization. Mr. Leipzig made it clear that these amendments would encompass all motor vehicle sales, new and used.

Other suggested amendments included a separation requirement between vehicle sales businesses. It was stated there are currently 15 documented vehicle sales lots in the City. Commissioner McDonough pointed out a Grandview ordinance that requires used car lots, tattoo parlors, title loan or check cashing establishments be separated by no less than 1,500-feet. He recommended that language be included in **Belton’s** amendments. In discussion there was agreement that language stating only one used vehicle dealer allowed with each special use permit and only one special use permit allowed per site would be beneficial in restricting the multiple used car sales businesses per lot.

Mr. Cooper provided details and emphasized the importance of the proposed regulation which would require SUP applicants to include a site plan with their application. There was a brief discussion on the Commission’s role in consideration of the business plans/models that may accompany SUP applications. It was suggested a site plan template could be provided to the vehicle sales lot SUP applicants. Mr. Leipzig was asked questions about the staff code enforcement responsibilities and he briefly described the code enforcement **officer’s** process of enforcement. There was further discussion about vehicle sales lots and code violations, and the total number of violations before an SUP is

revoked. It was suggested the word “sufficient” be included in the language that regulates sales lot lighting. Mr. Leipzig brought up the topic of Internet vehicle sales businesses for discussion.

It was suggested by Mayor Pro Tem Lathrop that a moratorium be placed on new vehicle sales applications until the language has been determined and approved for the text amendment. Commissioner McDonough moved to recommend placing a moratorium / administrative delay not to exceed 90 days on used vehicle sales and Internet car sales applications pending ordinance language amendments. The motion was seconded by Mayor Pro Tem Lathrop. When a vote was taken, the following was recorded: Ayes: 7 - Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Von Behren, Commissioners Davila, McDonough, Chancellor, and Van Eaton. Noes: none. Absent: 2 - Commissioners Fletcher and Thompson. The motion carried.

DIRECTOR’S REPORT

Mr. Leipzig reported there will be a public hearing for a City initiated zone change at Larkspur and Mullen. The proposed change will be from M-1 to C-2. All of the existing businesses in the area are allowed in a Commercial zone.

The revised boundaries for the Old Town Belton Overlay District will be considered by the Commission on June 4, 2012. There will be a neighborhood meeting on May 17, 2012, to discuss this topic.

Councilman Von Behren pointed out some code issues that he has observed at some vehicle sales lots and some unlicensed vehicles.

It was recommended that staff refuse SUP applications until they have submitted all the required documents necessary for staff and Commission review.

It was pointed out there is a damaged sign frame at 1016 N. Scott and it was requested the frame be removed.

ADJOURNMENT

Councilman Von Behren moved to adjourn. Mayor Pro Tem Lathrop seconded the motion. All members present voted in favor, and the meeting adjourned at 9:00 p.m.

Ann Keeton
Community Development Secretary