



**AGENDA
CITY OF BELTON
PLANNING COMMISSION
MEETING AND PUBLIC HEARING
MONDAY, NOVEMBER 16, 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 NOVEMBER 2, 2009 PLANNING COMMISSION MEETING
- IV. PUBLIC HEARING
 - A. CASE # SUP09-19: CONSIDERATION OF A SPECIAL USE PERMIT RENEWAL FOR LAWN-CORPS TO ALLOW A MULCH/COMPOST BUSINESS TO OPERATE AT 2016 E. 171ST STREET.
 - B. CASE #SUPO9-20: CONSIDERATION OF A SPECIAL USE PERMIT FOR VAN CITY TO ALLOW A USED CAR SALES BUSINESS TO OPERATE AT 814 N. SCOTT.
- V. DISCUSSION
 - A. PROPERTY MAINTENANCE CODE
- VI. DIRECTOR'S REPORT
- VII. NEXT MEETING DATE: DECEMBER 7, 2009
- VIII. ADJOURNMENT

MINUTES OF MEETING

NOVEMBER 2, 2009

Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
November 2, 2009

CALL TO ORDER

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

ATTENDANCE

- Commission: Chairman Myers, Mayor Pro Tem Gary Lathrop, Councilman Bobby Davidson, Commissioners Sally Davila, Tim McDonough, Holly Girgin, Scott VonBehren, and Roger Horne.
- Staff: Brad Foster, Assistant City Manager; Robert Cooper, City Planner; and Ann Keeton, Community Development Secretary.
- Absent: Commissioner Larry Thompson

MINUTES

Commissioner Horne moved to approve the minutes of the October 19, 2009, Planning Commission meeting. Councilman Davidson seconded the motion. All members present voted in favor and the motion carried.

PUBLIC HEARING

Chairman Myers opened the public hearing at 7:03 p.m. This hearing was being held to receive public input regarding a Special Use Permit (SUP) application to allow a used motorcycle and car sales business to operate at 1208 – 1210 N. Scott.

Mr. Cooper introduced the SUP applicant, Mr. Bill Fennelly, and gave a brief description of his motorcycle sales business, RLB Services, LLC. A description of the location of the proposed business was given by Mr. Cooper. He explained that opening a vehicle sales business in the City requires a SUP.

Bill Fennelly, 17608 S. State Route D, Belton, Missouri, RLB Services business owner, spoke in favor of the SUP. Mr. Fennelly introduced his business partner and explained the proposed business building is a life-long dream. He has operated an Internet business for more than 10 years, from which he sold approximately 400 motorcycles in 2008. He described the proposed building site as an opportunity and stated he will work hard to represent the City of Belton. Commissioners were invited to check the eBay feedback site regarding his business sales and he asked if there were any questions. Mr. Fennelly explained that he will keep approximately 40 – 50 motorcycles on site for sale.

Danny Chevalier, 3405 E. 185th Place, stated he is not against the permit, but he voiced a concern about motorcycle traffic on Elmyra Circle, which is located behind the proposed business. He explained that motorcyclists test driving bikes from a former motorcycle sales business in the area, often used Elmyra Circle. He gave an account of a motorcyclist that sustained an injured

during a test drive on that road and he voiced concern about the safety of relatives that live on Elmyra Circle. Mr. Chevalier stated he spoke with Mr. Fennelly by phone to explain his reservations regarding test drives along the street, and was assured by Mr. Fennelly, the motorcycle traffic would be kept under control.

Being no further input, Chairman Myers closed the public hearing at 7:10 p.m.

Mr. Cooper distributed a business plan for RLB Services, LLC and presented the staff report. He again told the location of the proposed business and the lot size. The proposed use of the property is for motorcycle sales according to Mr. Cooper and he reported Mr. Fennelly met with the Development Review Committee (DRC). Elimination of a vacant building along the N. Scott commercial corridor was described as a benefit by Mr. Cooper. He reviewed the parking requirements for commercial establishments located in the City and he reported there should be ample parking for sale vehicles, employees and customers. It was noted by Mr. Cooper the building has not had a final inspection nor received a certificate of occupancy (CO). There are several outstanding items to be completed before a CO will be issued and he mentioned four of those which were: 1) complete the parking and drive areas, 2) landscaping 3) stair railings 4) separation of the return air from garage to upstairs showroom. He proposed four conditions the Commission should consider if they approve the SUP.

COMMISSION DISCUSSION

Mr. Cooper reported the SUP applicant would like to sell a few used cars along with the motorcycles. Mr. Fennelly indicated that at this time there are no plans to operate a nursing consulting business out of the same building. He went into detail about the sale cars location on the lot and he specified there will not be any cars hanging out of the lot. The price of the sale cars was estimated by Mr. Fennelly to be \$12,000 – \$15,000 per unit. The term “high-line” was used when describing the cars to be sold and Mr. Fennelly gave an explanation of the definition of the term. Mr. Fennelly anticipated there will be 10 – 15 cars for sale on the lot and the motorcycles will be inside on the showroom floor. Ample space will be reserved for customer parking according to Mr. Fennelly and he made it known he will always comply with the City Ordinances. Mr. Cooper gave details about the required size of parking spaces which he said will determine the number of spaces available for sale cars. He estimated there may be space for 10 sale cars.

Commissioner McDonough voiced concerns about the number of cars that will be on the lot. Mr. Cooper advised that the Commission members can set a limit on the number of cars and/or motorcycles that can be available for sale at the business. Chairman Myers pointed out one of the proposed conditions of approval calls for a review of the SUP by the Commission in one year. Mr. Fennelly stated ninety-nine percent of the sales last year for RLB Services were motorcycle sales, and he maintained this building creates an opportunity to have some cars on display. There was speculation about the future appearance of the proposed motorcycle/car sales lot. It was clarified for Mr. Fennelly that any speculation about the appearance of the proposed business is not a reflection on him personally, but due to past incidents of abuse by other vehicle sales businesses along N. Scott.

There was a discussion about regulating the number of cars allowed for sale on the property. Commissioner McDonough recommended there be a limit placed on the number of cars permitted on the lot. Councilman Davidson's opinion was that Mr. Fennelly should be allowed to place as many cars on the lot as the City Code allows. According to Mr. Cooper, it is hard to determine the number of cars the property can hold at this stage, but that number will be established as Mr. Fennelly gets further into the process and staff reviews the plans. There was discussion about the number of cars that could be parked on a lot which is approximately 3,000 sq. ft. It was stated by Mr. Fennelly, he would like to put a few motorcycles outside during the day for display purposes.

Benefits of Mr. Fennelly opening a business at this location were brought up including: occupation of a vacant building, investing in the area, upgrading the building and asphaltting the parking lot. Mayor Pro Tem Lathrop declared this was the first time he has heard of the sale of cars associated with this property. He voiced his disappointment with the absence of a site plan showing the layout of the proposed used car/motorcycle business. Mr. Fennelly again vowed to follow the City Codes and guaranteed "everything will be perfect."

The pros and cons of setting limits on the number of sale cars to be allowed on the lot were discussed. Councilman Davidson told of a former SUP applicant who promised the Commission he would comply with codes and then did not follow through. Commissioner Girgin indicated she did not feel qualified to determine the number of sale cars the property can hold, and she suggested the Commission trust the ordinance to establish that correct number. Mr. Cooper gave details about the absence of a site plan in the agenda packet. He said there are exterior issues to be completed which include the parking and drive areas, after which the parking layout will have to be designed. Mr. Cooper listed some items that are reviewed when creating the parking layout for the business so as to prevent vehicles extending into the street, sidewalk, right-of-way, or blocking visibility.

Commissioner McDonough asked if it is feasible to set a ratio of cars to motorcycles as a guideline to the number of vehicles allowed at the business. Mr. Fennelly reported he only sells motorcycles at the present time and he reiterated that the location of the building creates an opportunity to branch out into car sales. It was clarified that Mr. Fennelly's sale cars will not be trade-ins only. He added a dealer's license is not just for motorcycles but also includes the sale of cars. Commissioner McDonough reported he was not aware the SUP application was for a used car lot but was under the impression it was for motorcycle sales only. Commission members discussed and concluded the SUP applies to a particular location and is not for the property owner. Mr. Cooper suggested the Commission can prohibit used cars as a condition of approval if they want to limit the SUP to motorcycles only. Councilman Davidson emphasized the importance of bringing business into the City, especially in a "blighted" area. He went on to say that he is not in favor of restricting the number of sale cars for this SUP application. He related a story about a time in Belton's past when businesses went elsewhere due to the "unfriendly" reception they received. The business license can be suspended if the business does not comply with the City Codes according to Councilman Davidson. **Mayor Pro Tem Lathrop moved to approve the Special Use Permit to allow a used motorcycle and car sales lot to operate at 1208 – 1210 N. Scott subject to the occupancy issues being corrected and the staff recommended conditions which are: 1) No certificate of occupancy shall be issued for RLB**

services, LLC until the site has a final inspection for compliance with the approved site development plan; 2) The Special Use Permit will be valid once a certificate of occupancy has been issued for the building; 3) The Special Use Permit be reviewed by the Planning Commission in one year to ensure compliance; 4) No material, supplies, or merchandise shall be stored outdoors. Councilman Davidson seconded the motion. Mayor Pro Tem Lathrop announced Commissioner Thompson, who is out-of-town, is in favor of the SUP application. When a vote was taken, the following was recorded: Ayes: 7 – Chairman Myers, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, Girgin, VonBehren, and Horne. Noes: 1 – Commissioner McDonough. Absent: 1 - Commissioner Thompson. The motion carried.

UNIFIED DEVELOPMENT CODE (UDC)

Mr. Cooper announced that “Decision Making Bodies and Officials” is the last section of the proposed Code to be reviewed. Staff is working on producing a complete version of the UDC. This comprehensive section deals with the powers and duties of these “Bodies and Officials.” Mr. Cooper briefly went over some of the topics included in this section.

It was pointed out by Mr. Cooper there is now a section dealing with creating a time limit for recording a final plat. He explained there will be a section that requires the plat to be recorded within one year of approval. A nonconforming provision and enforcement powers were other sections referred to by Mr. Cooper.

Commission members called attention to a few sections of the document that need revising due to incorrect information. Those revisions include: Commission meetings are to be held on the first and third Mondays of each month, and the Mayor should be included as a member of the Planning Commission.

DIRECTOR’S REPORT

Chairman Myers expressed his appreciation for the discussion that took place during the meeting. Commissioner McDonough mentioned the topics discussed during consideration of the SUP are not of a personal nature, but necessary to the SUP approval process.

ADJOURNMENT

Commissioner VonBehren moved to adjourn the meeting. Councilman Davidson seconded the motion. All members present voted in favor and the meeting adjourned at 8:02 p.m.

Ann Keeton
Community Development Secretary

SPECIAL USE PERMIT
RENEWAL

LAWN CORP
2016 E. 171ST STREET

**CITY OF BELTON
PLANNING COMMISSION
REGULAR MEETING – CITY COUNCIL ROOM
CITY HALL ANNEX, 520 MAIN STREET
MONDAY, NOVEMBER 16, 2009 – 7:00 P.M.**

STAFF REPORT: Robert G. Cooper, City Planner

CASE #SUP09-19

Request: Special-Use-Permit to allow a mulch and compost facility (*Lawn Corp., Inc.*) to continue to operate in an Ag (Agricultural) District).

Location: The northwest corner of 58-Highway and the Kansas City Southern Railroad via-duct. The street address is 2016 E. 171st Street.

Legal Description: Un-platted

Owner / Applicant: Patrick J. Caskey (*Lawn Corp., Inc.*)

Size of Site: 740,520-sq. ft. / 17.0-acres

Yard Waste Surface Area: 10.0-acres

Existing Zoning / Land Use: Ag / Agricultural

Proposed Use: Yard Waste – Mulch and Compost

Surrounding Zoning / Land Use:

North: Ag / Agricultural
East: Ag / Agricultural
South: I-1, C-2 / Landscaping
West: Ag / Agricultural

Comprehensive Plan: Large Lot Single-Family

Nature of Current Request

The applicant, Patrick Caskey, owner of Lawn-Corp, Inc., wishes to renew the Special Use Permit, to allow a mulch and compost facility to continue to operate.

This application was originally reviewed and approved by the Planning Commission on August 29, 2005, to be reviewed annually. On December 18, 2006, the Planning Commission renewed the Special Use Permit with the following conditions of approval:

1. The Special Use Permit will be reviewed by the Planning Commission in three (3) years to ensure compliance and to address any concerns or issues that may arise;
2. The gravel drive shall be treated to help mitigate any negative affects that may be caused from gravel dust; and

3. An environmental mitigation plan, specially showing a silt control mechanism, to prevent silting of local waterways, shall be submitted for review and approved and by engineering staff.

The subject site is bordered by similar agricultural uses. Surrounding properties are either vacant or agricultural in nature. The properties to the east are owned by Effertz Farms and Rose Hill Nurseries. SEMCO Distribution Company, a landscape stone wholesale/retail operator is located to the south and east, along Prospect Avenue.

The business consists of using company trucks to collect yard waste from local residences. The yard waste, which consists of grass clippings and trimmings from trees and shrubs are shredded on site and mixed into the soil and spread into rows over the roughly 10-acre area. The composted soil is eventually sold retail as topsoil from the facility. The primary use is agricultural in nature and not retail.

Staff would like the applicant to update the Commission concerning the daily volume of truck and customer traffic in and out of the site as well as the number of company trucks and employees.

STAFF REPORT

Welfare and Convenience of the Public

Staff believes that by allowing Lawn Corp. to continue to operate its facility, will continue to contribute to the convenience of the general public in providing a service by helping area residents maintain their properties and also by helping the City of Belton by offering their services during the West Belton clean-up days, whereby citizens can drop off yard waste.

Injury to Surrounding Property

Staff believes that the proposed use will not have an adverse effect on the immediate surrounding or abutting properties due in part to the similarity in use type and intensity. During the past three (3) years of operating at this location, city staff has not received any complaints or concerns from any of the adjoining property owners or general public.

A concern staff has had from the beginning was the visual impact the mulch/compost business would have on adjoining properties and motorists traveling along 58-Highway. The applicant has established and aligned the wind-row area away from prominent view of the highway. The wind-row area has been setback approximately 900-feet from the via-duct overpass and is additionally screened from the east and south by an existing tree line.

Domination of the Neighborhood

The site in West Belton consists of a 40' x 80' (3,200-sq. ft.) accessory building in addition to the finished product area, a work area and the wind-row section.

It appears to staff, the proposed use will continue to not add to the predominance of that particular use within the neighborhood. A mitigating factor is the large agricultural acreage which surrounds the property. In fact, many of the neighboring tracts are larger which provides for greater separation and creates sufficient setbacks from abutting properties.

Off-Street Parking / Access

There is a single-point access from West 58-Highway, which is the primary source of ingress/egress to the site. The facility is actually off old 58-Highway, which runs parallel to the via-duct overpass. The site provides adequate off-street parking to include patron and employee

parking. The parking area has an overlay consisting of large gravel rock which provides stabilization and dust reduction.

NOTE: The City's Future Land-Use Map (Comprehensive Plan) shows this area to be large lot residential, although it is currently zoned Agricultural. Residential development of the area has been negated by the large number of oil wells scattered throughout the subject and surrounding properties.

Staff Recommendation

Should the Planning Commission wish to approve the Special-Use-Permit, the following conditions shall apply:

1. The Special Use Permit will be reviewed by the Planning Commission in five (5) years to ensure compliance and to address any concerns or issues.
2. The gravel drive shall be treated to mitigate negative affects being caused from gravel dust.
3. Maintain the environmental mitigation plan; i.e. silt control.

Planning Commission Alternatives

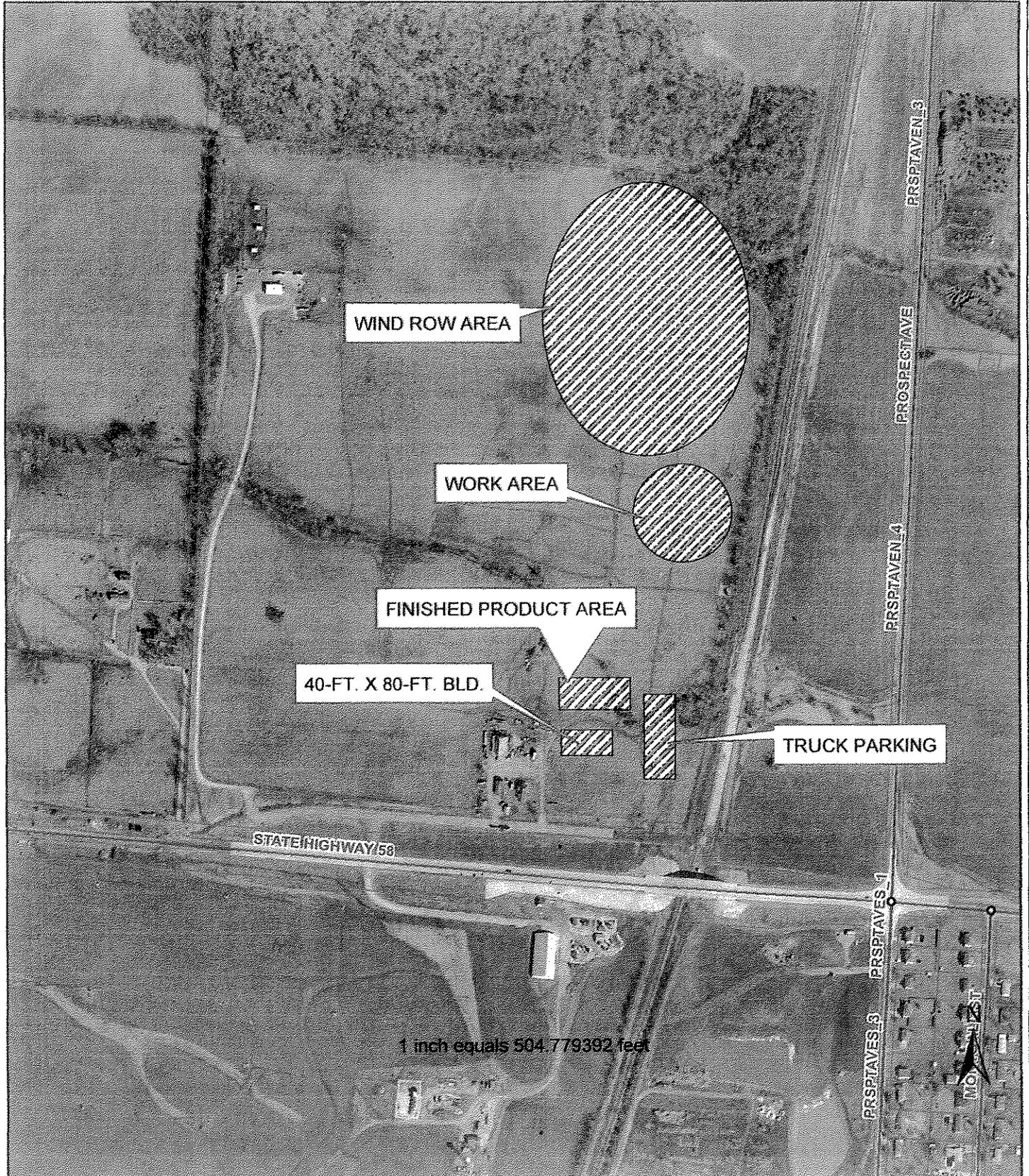
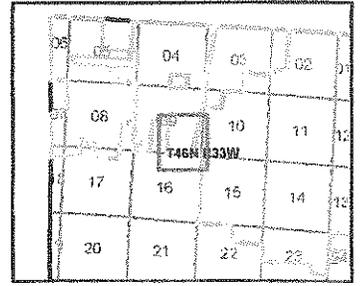
The Planning Commission has the following options available in the consideration of this application:

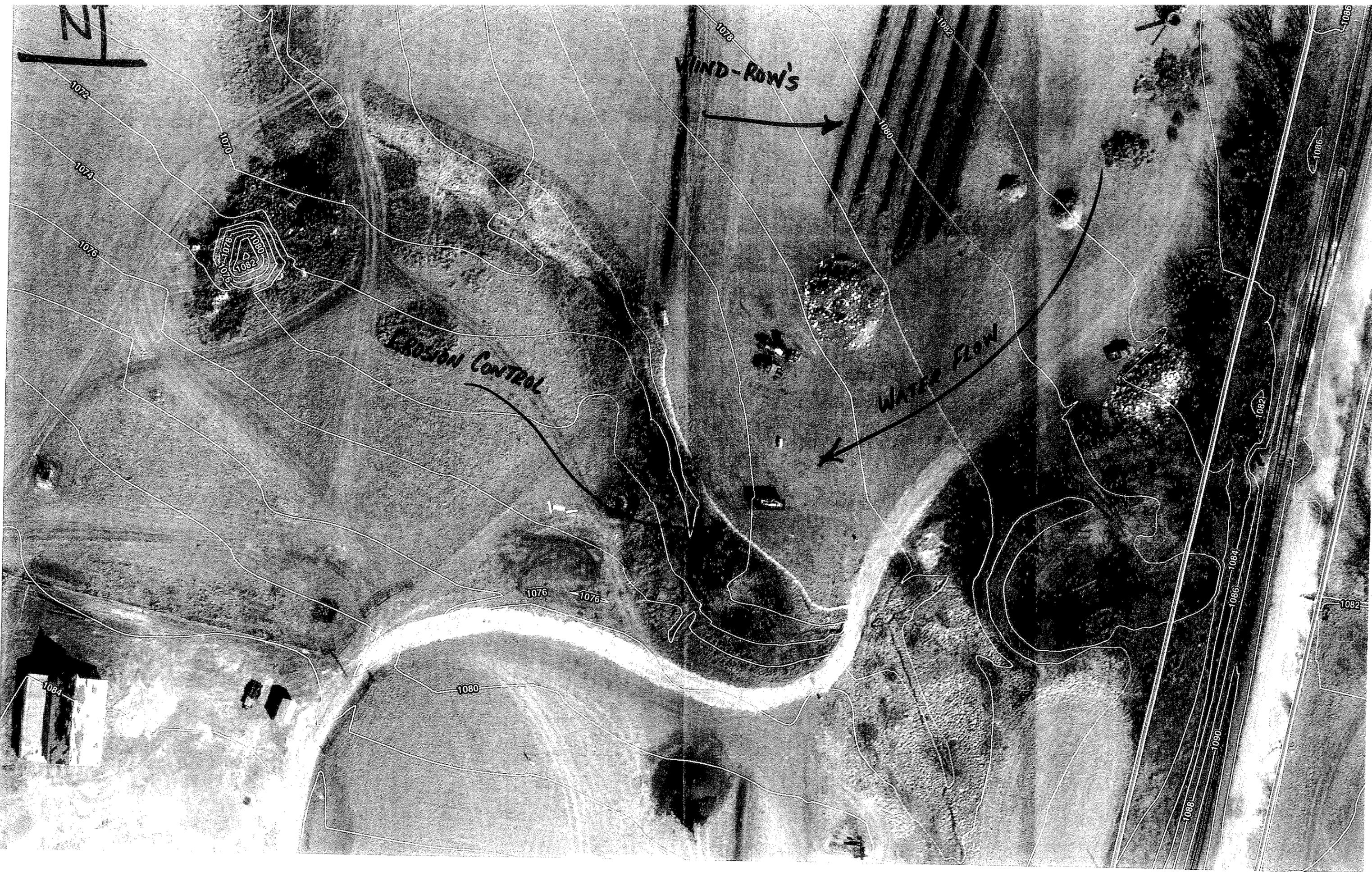
1. Approve the application as submitted upon finding that the requirements of Section 2, Special-Use-Permits, of the Belton Code have been satisfied.
2. Approve the application subject to specified conditions.
3. Table the application if additional information is needed, such as time of use or other 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.

City of Belton Cass County, MO

Map features are representations of original data sources and do not replace or modify land surveys, deeds, or other legal instruments defining land ownership or use.

Prepared by PLANNING DEPARTMENT





N

WIND-ROW'S

EROSION CONTROL

WATER FLOW

1072

1074

1076

1078

1080

1082

1076

1076

1080

1078

1080

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1088

1090

SPECIAL USE PERMIT

814 N. SCOTT

**BELTON MISSOURI - PLANNING COMMISSION
REGULAR MEETING – CITY COUNCIL ROOM
CITY HALL ANNEX, 520 MAIN STREET
MONDAY, NOVEMBER 16, 2009 – 7:00 P.M.**

STAFF REPORT: Robert G. Cooper, City Planner

CASE #SUP09-20

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

Location: The west side of N. Scott Avenue between Markey Road and Myron Avenue. The street address is 814 N. Scott Avenue.

Legal Description: Kingsland Addition

Owner / Applicant: Allied Fence Company (building owner) / Terry Eakins (applicant), owner of Van City.

Size of Site: 150-ft. x 230-ft. (34,500-sq. ft.) / 0.81-acre

Sales Lot Surface Area: 140-ft. x 20-ft. (2,800 sq. ft.)

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

Proposed Use: Used Car Lot

Surrounding Zoning / Land Use:

North: C-2 / General Commercial

East: C-2 / General Commercial

South: C-2 / General Commercial

West: C-2 / General Commercial

Comprehensive Plan: Commercial

Nature of Current Request

The applicant, Terry Eakins, has contacted the City to gather information on what requirements are needed to open a used car lot. Pursuant to Appendix A of the Zoning Ordinance, a special use permit is required for all new used car lots located within a C-2 (General Commercial) zoning district. Mr. Eakins owns Van City, which is currently located at 310 N. Scott Avenue, met with the DRC staff on October 21, 2009 and discussed his business plan which includes relocating to 814 N. Scott Avenue. He sells his vehicles mostly on-line through the internet but will have approximately 20 cars on-site for display. These vehicles will be parked on the west side of the building in the rear parking area.

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STAFF REPORT

Welfare and Convenience of the Public

It appears, by permitting a used car lot in the proposed location, it would contribute greatly to an ongoing proliferation of used car lots along the North Scott 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 type and intensity.

Domination of the Neighborhood

The site on North Scott Avenue is a commercial building with multiple tenant users. The space (814) which will be used by the applicant is located at the west end of the building.

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

Code Citation

In accordance with Article IV, Section 7(15) of the Zoning Ordinance, "one (1) parking space for each 3,000-sq. ft. of open sales lot area devoted to the sale, display and rental of such vehicles, plus one (1) parking space for each employee".

Off-Street Parking / Access

The Zoning Ordinance requires, "one (1) parking space for each 3,000-sq. ft. of open sales area". Based on the total size of the vehicle sales display area, it appears there will be ample parking.

There is a single-point access from North Scott Avenue, which is the primary source of ingress/egress to the site, with a driving aisle of 24-ft. The Lot to the north also provides for an interconnected parking area with the subject site, which in the case of an emergency, allows for a second access.

Staff would like the applicant to display the sales vehicles on the west side of the building along the rear of the property and not along the N. Scott frontage.

The surface of the proposed parking area is in need of repair. The concrete surface is currently cracked and separated with grass and weeds growing throughout. City ordinance requires all driving surface areas to be properly maintained and free of all weeds and grass.

NOTE: It was explained to Mr. Eakins 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.

Staff Recommendation

Should the Planning Commission wish to approve the Special Use Permit, the following conditions shall apply:

1. That no Certificate of Occupancy is issued for 'Van City' until the site has had a final inspection for compliance with applicable city codes.

2. That the Special Use Permit be reviewed by the Planning Commission in one (1) year to ensure compliance.
3. The sales display area shall be located on the west side of the building only and consist of no more than fifteen (15) vehicles as depicted in Exhibit 'A'.
4. No display vehicle shall obstruct visibility, or parked in a manner which would create a hazardous condition.
5. No material, supplies, or merchandise shall be stored outdoors.

Planning Commission Alternatives

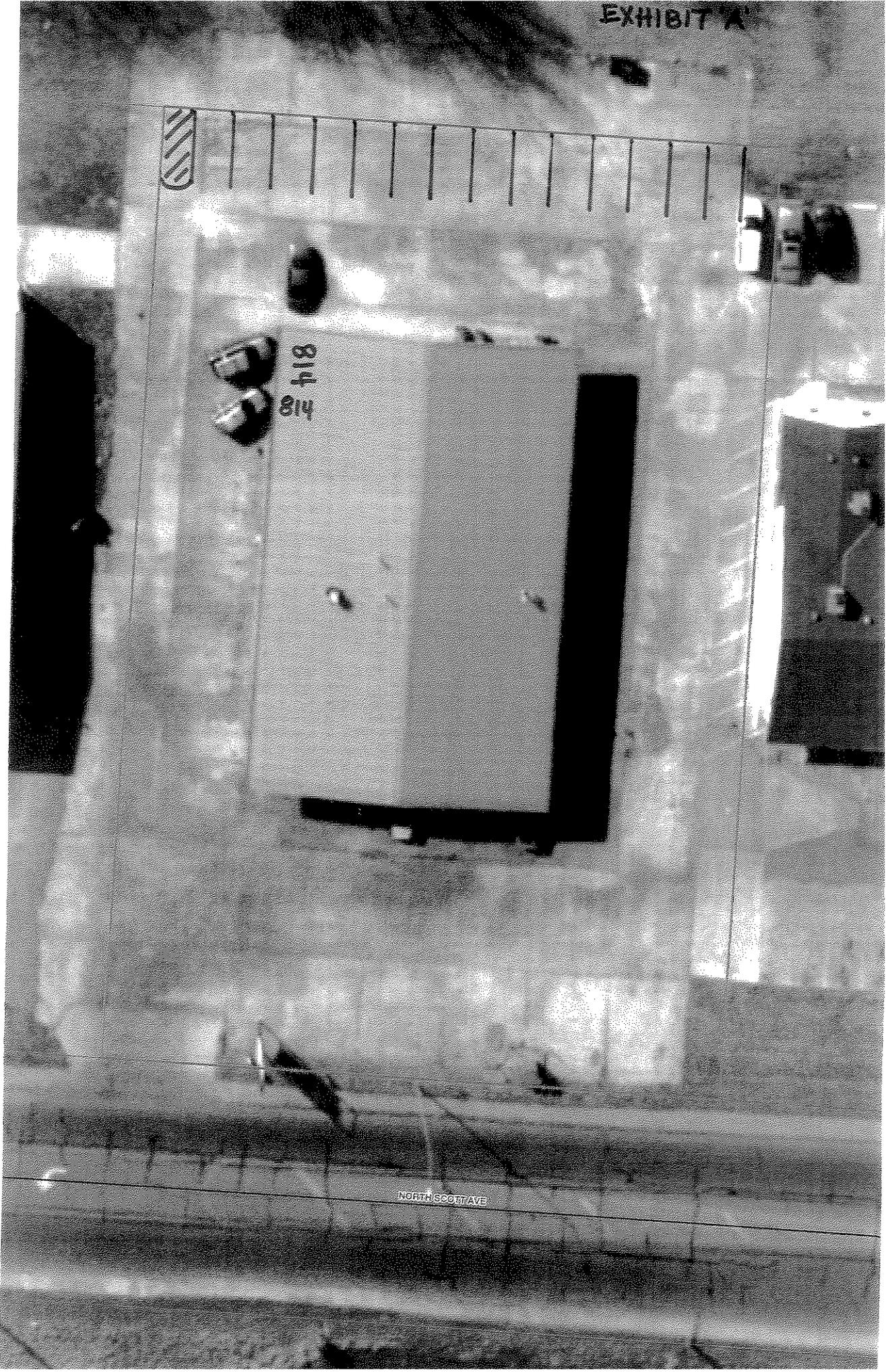
The Planning Commission has the following options available in the consideration of this application:

1. Approve the application as submitted upon finding that the requirements of Section 2, Special Use Permits, of the Belton 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) Vicinity Map
- 2) Aerial Photograph / Exhibit 'A'
- 3) Photographs

EXHIBIT A



NSA/ISS SECRET/AVE



