

Minutes of Meeting
Belton Planning Commission
City Hall Annex – 520 Main St.
March 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: Jay Leipzig, Director of Community Planning and Development; Ed Ieans, City Engineer; Robert Cooper, City Planner; and Ann Keeton, Community Development Secretary.

Absent: Commissioner Larry Thompson

MINUTES: Commissioner Horne moved to approve the minutes of the February 1, 2009, Planning Commission meeting. Commissioner VonBehren seconded the motion. All members present voted in favor and the motion carried.

CASES:

A. Case #V09-05: Consideration of an exception to Article III, Section 19(F)(7) of the zoning ordinance regarding minimum planting requirements, for Adesa Auto Auction, located at 15511 Adesa Drive.

Mr. Leipzig introduced the topic of Adesa Auto Auction's request for an exception to the Landscaping / Minimum Planting Requirements section of the zoning ordinance. They are requesting permission to hydro-seed the disturbed areas rather than lay sod, due to the sizeable amount of ground involved. Mr. Leipzig gave a description of the hydro-seeding process.

The staff report was presented by Mr. Cooper. He described the location of Adesa Auto Auction and gave further information about hydro-seeding. It was stated that Adesa would like approval to hydro-seed all of the areas of disturbed ground except around the Arena Building, which will be landscaped with sod. Mr. Cooper noted that the hydro-seeding of the property has already started. The hydro-seeding was used as an erosion control method and the final grading will take place when the road improvements to 155th Street are completed according to Mr. Cooper's report. Three photos were distributed by Mr. Cooper to illustrate the areas that have been hydro-seeded. He commented that more grading needs to take place due to large branches, rocks and miscellaneous debris that should be removed from the property. If the hydro-seeding is approved by the Planning Commission, it will be noted on the final plat.

Mr. Cooper read a list of recommendations from the city engineer regarding the Adesa request for hydro-seeding, based on erosion control measures for the site. Those recommendations included: placing sod in all concentrated drainage areas including the detention pond and outlet

of the detention facilities; laying sod on disturbed areas on adjoining properties including city property and the Days Inn property; and to seed the remainder.

It was reported by Mr. Cooper that the City requires a landscape escrow equal to 150% of the total valuation of the cost of landscaping the area. That valuation has not yet been determined but Tyrone Garrison, with Shiel Sexton, understands the process and will work with the city according to Mr. Cooper.

Tyrone Garrison with Shiel Sexton, 902 N. Capital, Indianapolis, Indiana, 46214, was present and Chairman Myers invited Mr. Garrison to speak to the commission. Mr. Garrison gave an account of the hydro-seeding that has been started on the property. He informed commission members that the Adesa building timeline had the project finished in mid-January, which was not conducive to completing the landscaping. He went on to say that they did the best grading possible in mid-winter, but due to concerns by the city engineers, they began hydro-seeding as a method of erosion control. At that time Shiel Sexton personnel made a decision to roll out ground areas at a later date. He asked for the commission's consideration to allow the hydro-seeding to germinate and become the final groundcover rather than using sod.

COMMISSION DISCUSSION:

In discussion, Councilman Davidson mentioned a church project in the city that hydro-seeded their property instead of using sod, and he said that seeding project has worked out well. He went on to say that due to today's economic climate, he would recommend approving the landscape exception request for Adesa Auto Auction.

Commissioner McDonough remarked that the construction timeline ending in January was set by Adesa at the beginning of the project. He added that the size of the property has not changed since the project was first introduced to the city, and at that time sod was the requirement. Commissioner McDonough stated that he is frequently in the Adesa area and has seen the recent grading/hydro-seeding on the Adesa property. He went on to express his concern about the way the property looks and recommended requiring the sod. It was observed by Commissioner McDonough that the church project hydro-seeded the back of the building, and the Adesa hydro-seeding is visible from the road.

Chairman Myer's stated opinion was that Adesa has improved the looks of the area with this project. He believes the outstanding issue with the site is that it should be cleaned up by removing the sticks / rocks. Commissioner McDonough pointed out the differences in appearance of the Belton Adesa site to the Adesa site in Georgia. Pictures of the Georgia facility were presented to the commission at the beginning of the project. He acknowledged the project started well, but he felt early expectations are not being met as the project ends.

Mr. Jeans reported that engineering would like to see the big lumps, rocks and branches removed because when the seed germinates, it will be hard to "fine grade" the ground, and the grass that has grown will be torn out. He asked the commission to require the stones / branches be removed before hydro-seeding or laying sod. Regarding the detention basins, Mr. Jeans reported there are problems with seeding a 3/1 slope due to the seed washing away when it rains.

Mr. Garrison responded that the rocks and sticks will be removed. He assured the commission members that Shiel Sexton is not trying to cut corners but they believe hydro-seeding will produce the same finished product as sod. It was further explained by Mr. Garrison, that due to the soft condition of the soil, they cannot go onto the disturbed ground without causing further damage.

Councilman Davidson mentioned the fact that the state highway department hydro-seeds disturbed ground when completing a road project and he pointed out the nice appearance of those projects. He indicated that the seed appears to germinate even on steep slopes. He reiterated that he is in favor of the hydro-seeding as long as the final product comes out well.

Mr. Garrison addressed the issue of seed on steep slopes. He said that an organic mat was placed on the slopes to hold the seed in place while it germinates. Mr. Ieans recommended the city require a 90% to 95% “good grade,” and germination of the seed before the final plat is accepted. It was pointed out by Mayor Pro Tem Lathrop that it appears in pictures that there are still tree stumps, uneven grade, and large lumps on the ground. He stressed that some of these unsightly areas are along North Scott which is one of the main entrances to the city. Mr. Garrison said those areas will have to be “rolled out,” and if they need to be graded and seeded again, they will regrade and reseed that ground. Mayor Pro Tem Lathrop drew attention to the fact that if Adesa is seeding rather than laying sod to cut costs, it won’t save money if they have to redo the grading and seeding. Mr. Garrison added that part of the reason for the hydro-seeding was for erosion control and to keep some of the runoff from going onto North Scott. Mayor Pro Tem Lathrop stated he does not object to the hydro-seeding if the ground is adequately prepared, but this area was not prepared before it was seeded. Mr. Garrison answered that if the grass is damaged during regrading, they will reseed it.

Commissioner Davila asked about the sod/seed escrow amount. Mr. Leipzig said that the escrow will be 1 ½ times the cost of the hydro-seeding. The escrow will be released when the seed has fully germinated. Mr. Garrison requested the grading be included in the escrow conditions of release, to relieve the commission of any doubts that the grading issues will be addressed properly.

Commissioner Horne moved to 1) Approve a substitute to sod; 2) Approve the majority of the property throughout the entire Adesa project site be hydro-seeded, with the exception of the area in front of the Arena building; 3) Require a landscape escrow equal to 150% of the total valuation; 4) Remove branches, stumps and stones; 5) The erosion control fence shall remain in place until there is 90 to 95 percent adequate coverage of grass over the entire site. Councilman Davidson seconded the motion. 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.

B. Case #TA09-04: Discussion of a proposed amendment to the zoning ordinance regarding registration of properties in foreclosure.

Mr. Leipzig presented the foreclosure registration information for discussion. He reported that Raymore and Lee's Summit have recently adopted ordinances dealing with registration of properties in foreclosure. He added that if a foreclosure ordinance is adopted, the city's intent would be to keep track of foreclosures and obtain contact information for the property.

During the staff report, Mr. Cooper explained the benefit of adopting a foreclosure registration ordinance. He gave details about the manner in which a house foreclosure becomes a maintenance issue for the city. The proposed ordinance would require any property in the city going through a foreclosure process, register with the city. Additionally, the registration requires a listing of contact information for the lender or other responsible party, and a local property management company. He announced that there will not be a registration fee and the city will maintain a list of registered properties. Mr. Cooper noted and gave details about five sections of the proposed ordinance and those sections were registration, maintenance requirements, security requirements, compliance with other authority, and violations. It was stated that adoption of a foreclosure ordinance would help protect residential neighborhoods and non-residential areas from falling into disrepair.

Mr. Leipzig reiterated that registration of the houses is an important part of the ordinance. The ordinance presented for discussion requires inspections of every foreclosed home, but Mr. Leipzig commented that inspections may not be a necessary component unless the structures fall into disrepair. There are aspects of the notification process that will have to be worked out including the schedule of notification according to Mr. Leipzig. Additional benefits for the city may be derived for the neighborhood stabilization program from a foreclosure ordinance.

COMMISSION DISCUSSION:

Councilman Davidson initiated a discussion about the amount of the penalty to be assessed if the foreclosure ordinance is not complied with. He suggested a minimum of \$500 up to \$1000 be charged per violation. He informed the commission that it has been problematic for the city to contact lenders, and to get them to resolve code violations on a foreclosed property. It was asked by Mayor Pro Tem Lathrop how often the violation penalty will be assessed for the same issue. It was determined that the method of violation assessment and the amounts will be discussed further with the commission members and the city attorney.

Commission members considered the best way for the city to be notified when a house goes into foreclosure. The merits of the lender versus the County as the primary source of foreclosure notification were debated. There are cities that are notified by the lenders but the Belton city attorney thought it might be easier for the county to notify the city of foreclosures. Commissioner McDonough explained the foreclosure notification process used by the City of Raymore, and he said the finance company is held responsible for contacting the city. It was stated that in some cases the lender places a placard/sticker on the foreclosed house. Mr. Leipzig explained that on occasion it is code enforcement issues that alert the city of a foreclosure. The question was asked how mortgage companies learn they are required to register foreclosures with the city. Mr. Leipzig replied that there should be lender information on the mortgage documents so they could be made aware of the ordinance. Another suggestion was that the foreclosure ordinance should be mentioned in the contract/deed. It was pointed out again that the city attorney believes there is a way to receive notification of foreclosure from the County. Mr.

Cooper stated the city's preference would be to get notification of foreclosures before code enforcement issues occur. Additional dialogue occurred about the best method for the city to receive notification of foreclosures.

DIRECTOR'S REPORT:

Mr. Leipzig distributed an overview of the Cass County Remodeling Loan Program. The program is still in the early development stage according to Mr. Leipzig. Cities in Cass County will be working together on this program. Mid-America Regional Council (MARC) will be assisting to put the program together, work out the details, and develop an RFP to be sent to area lenders. According to Mr. Leipzig, the contract will be between the lender and MARC and the cities will be a participating jurisdiction. Mr. Leipzig noted that there is no risk for the city, and there are no income requirements for the loan applicants.

Belton Glass will be on the agenda again in April to review the special use permit for the business. Mr. Leipzig will be meeting with the owner, Jeff Shaw, to make sure he recalls all of the items that were part of the special use permit. It was proposed by Mr. Leipzig, that the review of the special use permit take place at the April 20 meeting. He reported there is still work to be completed at the business but the door that was installed is not consistent with the commission recommendation. Chairman Myers would like the case to be reviewed on April 20 and the commission agreed.

Mr. Leipzig announced that the mayor will be giving a "state of the city" address at the Chamber of Commerce meeting.

The Zoning Board of Adjustment will be meeting on March 23 to hear two cases. One case that night will be a variance to the sign ordinance for St. Sabina Catholic Church. A second case is regarding a variance to fence height for Adesa Auto Auction.

Commissioner McDonough conveyed to commission members that he felt insulted by the actions of the Adesa developers who knew their construction timeline and the size of the property at the beginning of the project. He stressed that the variance request should have been made when the project first came in for approval.

Commissioner VonBehren asked staff about the status of storage containers and whether letters have been sent to those businesses that are violating the ordinance. He identified a business that has an illegal storage container on site and Mr. Leipzig stated he would follow up on the information.

Mayor Pro Tem Lathrop told staff about a code violation at Commercial and Walnut. According to Mayor Pro Tem Lathrop a used car business is parking cars in the city right-of-way blocking the sidewalk. He classified this violation as a safety issue due to the fact that pedestrians are forced to walk in the street because the sidewalk is blocked. Mr. Leipzig will look into this issue. Mr. Leipzig mentioned that staff will be researching the development of an ordinance that will require used car lots to apply for a special use permit to operate in the City.

ADJOURNMENT:

Commissioner Horne moved that the meeting adjourn. Councilman Davidson seconded the motion. All members present voted in favor, and the meeting adjourned at 8:10 p.m.

Ann Keeton
Community Development Secretary