

Minutes of Meeting  
Belton Planning Commission  
City Hall Annex – 520 Main Street  
April 5, 2010

CALL TO ORDER

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

ATTENDANCE

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

MINUTES

Commissioner Thompson moved to approve the minutes of the March 15, 2010, Planning Commission meeting. Commissioner VonBehren seconded the motion. All members present voted in favor and the motion carried.

PRESENTATION – Capital Improvement Plan

Mr. Foster presented and explained the corrections in the updated pages of the Capital Improvement Plan (CIP). He reviewed the changes to both “Improvements from Identifiable Resources,” and “Improvements Requiring Voter Approval or Other Sources.”

Mayor Pro Tem Lathrop moved to recommend approval of the CIP to the City Council. Commissioner Davila seconded the motion. When a vote was taken, the following was recorded: Ayes: 7 – Chairman Girgin, Mayor Pro Tem Lathrop, Commissioners Davila, McDonough, Fletcher, VonBehren, and Thompson. Noes: none. Absent: 2 – Commissioner Horne and Councilman Davidson.

SPECIAL USE PERMIT – 1412 N. Scott

*Staff Report:* Mr. Cooper gave the staff report about the Special Use Permit application for a vehicle sales lot and Internet sales at 1412 N. Scott. The proposed vehicle sales operation will be on the Morris Auto Sales lot, but will be owned by the applicant, Andrew Morgan. It was reported by Mr. Cooper the business will be primarily Internet sales but will have a few vehicles parked along the northwest side of the sales lot. He went over the criterion that is used to review car lots, which were: welfare and convenience of the public, injury to surrounding property, and domination of the neighborhood. The parking requirements and property access were topics covered by Mr. Cooper in the staff report. Staff recommended five conditions that should be applied if the Commission approves the SUP.

Chairman Girgin opened the public hearing at 7:10 p.m. This hearing was being held to receive public input regarding an SUP application to allow a used car lot to operate at 1412 N. Scott.

Andrew Morgan, applicant, 409 Westover Court, spoke in favor of the application. He has worked with and learned the sales business from the Morris Auto Sales owner for approximately five years. Mr. Morgan reported his cars would be good quality and for sale at a price of under \$5,000. Mr. Morgan added that he is just starting out in the business and enjoys the work. He stated he is licensed, bonded and insured to the Missouri state standards. Mr. Morgan acknowledged that the North Scott corridor is filled with car lots and pointed out his car sales application will not change the face of North Scott because his cars will be in an existing lot.

There was no additional public input so Chairman Girgin closed the public hearing at 7:14 p.m.

#### COMMISSION DISCUSSION

During discussion a question was asked about a moratorium on vehicle sales lots. Mr. Leipzig said there had been a recommendation made to place a moratorium on new vehicle sales lots, but the City Council decided the SUP process seemed to be working effectively to manage the number of new lots. Commissioner Davila expressed concern about fire safety issues due to the concentration of cars at an auto repair business on N. Scott. An SUP application for a vehicle sales lot at that same location on N. Scott was not approved, but an auto detailing business has opened at the site. Mr. Leipzig reported code enforcement is watching the site and has issued tickets to the auto detailing business.

Commissioner Thompson gave an explanation of the process involved in selling the inventory at a vehicle sales lot where the cars are owned by two owners. He went on to say this application will not create any change to the appearance of N. Scott since the cars will be sold from an existing sales lot. The applicant's cars that are sold from the lot will be connected with his (the applicant's) dealer's license. It was stated the proposed business is a means for the applicant to establish himself as a dealer and a separate occupation license will be issued. Mr. Cooper added that two businesses on the same lot require the applicant to go through the SUP process. According to Commissioner Thompson it is common practice in the used car business to have two owners of car inventory to work out of one location and he mentioned MTS Auto as an example. Mr. Morgan stated he will have his own buyer's guide in the window/car of the autos he is selling. Commissioner Thompson and Mr. Morgan spoke highly of the owner and management at Morris Auto Sales. Chairman Girgin told the applicant there have been concerns about a number of used car business applicants on N. Scott. She pointed out the car lot business owner of Morris Auto Sales has a first-rate reputation in the community. Commissioner McDonough expressed concern that the sales lot owner is not present to voice his support of the SUP. It was reported by Commissioner Thompson and Mr. Cooper that Mr. Morris is in favor of the SUP application. **Commissioner Thompson moved to recommend approval of the Special Use Permit application to allow a used car sales business to operate at 1412 N. Scott with the following conditions:**

- 1. No Certificate of Occupancy will be issued until the site has a final inspection for compliance with applicable city codes.**
- 2. The Special Use Permit will be reviewed by the Planning Commission in one (1) year to ensure compliance.**
- 3. The sales display area shall be located on the northwest side of the building only and consist of no more than six (6) vehicles.**
- 4. No display vehicle shall obstruct visibility or be parked in a manner which would create a hazardous condition.**
- 5. The designated parking spaces shall be striped and dimensioned 9'-0" by 20'-0".**

Commissioner Fletcher seconded the motion. When a vote was taken, the following was recorded: Ayes: 7 – Chairman Girgin, Mayor Pro Tem Lathrop, Commissioners Davila, McDonough, Fletcher, VonBehren, and Thompson. Noes: none. Absent: 2 – Commissioner Horne and Councilman Davidson. The motion carried.

#### LOT SPLIT – 1100 S. Cedar

Mr. Cooper reported the applicant wishes to divide a 4 ½ acre lot located at 1100 S. Cedar into two parcels. The new lot will be used for residential purposes and will have frontage on S. Cedar. There are sanitary sewer and utility easements on this property and a large drainage easement. Mr. Cooper provided details about the lot split regulations and how each of those applies to the lot on S. Cedar. The split will create two lots that meet the minimum square footage and lot width requirements.

#### COMMISSION DISCUSSION

Mr. Cooper pointed out that access for both lots is on S. Cedar. A description was given of the location of an existing house and the flood zone that travels through a portion of the property.

Brant Ladwig, surveyor, asked permission to speak to the Commission. He reported the house currently on the lot was moved to the site by a previous owner. The current owner of the property is Brett Rhodes and Mr. Rhodes' mother owns the property to the north. He spoke of an agreement between neighbors regarding the maintenance and use of the northern edge of the 1100 S. Cedar property. The lot is being split to allow Mr. Rhodes' mother to purchase, own and maintain the newly created northern lot 3A. **Commissioner Thompson moved to approve a lot split for property located at 1100 S. Cedar.** Commissioner McDonough seconded the motion. When a vote was taken, the following was recorded: Ayes: 7 – Chairman Girgin, Mayor Pro Tem Lathrop, Commissioners Davila, McDonough, Fletcher, VonBehren and Thompson. Noes: none. Absent: 2 – Commissioner Horne and Councilman Davidson. The motion carried.

#### LOT SPLIT – 201 W. North Avenue

Mr. Cooper reported the newly created lot will have frontage on Lynn Street. Currently, there are private service easements (sanitary sewer and water) on a portion of the property and staff suggested the applicant extend the easements into the newly created Lot 4B to provide service. Mr. Cooper reviewed the legal considerations and guidelines pertaining to lot splits. He pointed out there is a 20-ft. gravel alley separating 201 and 121 W. North that provides access to those properties. The alley was vacated in 1983 which resulted in the alley being divided and made part of the adjacent properties. This act virtually eliminated access to 201 W. North, which is from the alley. He went on to say an extension of a 10-ft. private service easement along the side property lines will be required, and a private access easement must be recorded allowing access from North Avenue and from Lynn Street as a condition of approval. There is currently a verbal agreement between property owners allowing use of the vacated alleyway according to Mr. Cooper.

#### COMMISSION DISCUSSION

Mayor Pro Tem Lathrop had questions and expressed concern about access issues that resulted from the alley vacation and could be further complicated by the proposed lot split. Mr. Cooper replied that the staff recommended the access easement be recorded with the County Records Office. Both property owners would be required to sign the easement agreement according to Mr. Cooper. Additionally, the new lot would be required to have a hard surface driveway.

**Mayor Pro Tem Lathrop moved to approve the Lot Split for property located at 201 W. North Avenue with the following condition: 1) A private access easement shall be recorded with the Cass County Recorder's Office allowing access from W. North Avenue and from Lynn Street, between Lot 1, Block 8 and Lot 4, Block 9 of the Scott & Colbern Subdivision.** The motion was seconded by Commissioner VonBehren. When a vote was taken, the following was recorded: Ayes: 7 – Chairman Girgin, Mayor Pro Tem Lathrop, Commissioners Davila, McDonough, Fletcher, VonBehren, and Thompson. Noes: none. Absent: 2 – Commissioner Horne and Councilman Davidson. The motion carried.

#### DIRECTOR'S REPORT

Mr. Leipzig announced the presentation of a portion of the Unified Development Code (UDC) was postponed until the April 19 Commission meeting.

The Park Department will be presenting information at the April 19 meeting, about establishing a tree ordinance which can be incorporated into the UDC.

The second reading of the Heart-n-Hand Special Use Permit application will be at the April 13 City Council meeting.

#### ADJOURNMENT

Commissioner VonBehren 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.