



**AGENDA
CITY OF BELTON
PLANNING COMMISSION
MEETING AND PUBLIC HEARING
MONDAY, MARCH 18, 2013 - 7:00 P.M.
CITY HALL ANNEX, 520 MAIN STREET**

I. CALL MEETING TO ORDER

II. ROLL CALL

III. APPROVAL OF THE MINUTES OF THE MARCH 4, 2013 PLANNING COMMISSION MEETING

IV. SPECIAL USE PERMIT REVOCATION

A. Consideration of Revocation of a Special Use Permit allowing a car dealership, Brand Used Auto Sales, to operate at 307 Chestnut Street.

V. DIRECTOR'S REPORT

VI. NEXT MEETING DATE: April 1, 2013

VII. ADJOURNMENT

MEETING MINUTES

MARCH 4, 2013

**Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
March 4, 2013**

CALL TO ORDER

Chairman Holly Girgin called the meeting to order at 7:00 p.m.

ATTENDANCE

Commission: Chairman Girgin, Mayor Pro Tem Gary Lathrop, Councilman Scott Von Behren, Commissioners Sally Davila, Tim McDonough, Jeff Fletcher, Chris Christensen, and Larry Thompson.

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

MINUTES

Mr. Leipzig reported the date for the contractor's open house in the meeting minutes was incorrect and should be March 21, 2013. Mayor Pro Tem Lathrop moved to approve the minutes as corrected. Commissioner Thompson seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING – Vacation of Right-of-Way (ROW)

Mr. Matteo presented the staff report concerning the Kingsland to 155th Stormwater Improvements Project and the proposed vacation of ROW on North Scott Avenue. He explained a clerical error years ago resulted in part of the property owner's parcel being recorded as right-of-way rather than as an easement, as was intended. The property owner has agreed to donate easements in exchange for correction of the ROW error according to Mr. Matteo.

Mayor Pro Tem Lathrop initiated a discussion about the ROW vacation legal process; specifically the requirement to first "petition the city council" who may subsequently instruct the planning commission to hold a public hearing. Mr. Cooper gave an explanation of the proposed text amendment regarding the vacation of public ways, which is being presented as the next item on the agenda. He explained the the reason why the City initiated vacation request was brought before the planning commission for a public hearing prior to being presented to the city council. Mr. Matteo reported there are no utilities in the ROW to be vacated and he answered questions about the temporary and permanent easements. It was stated there is only one property owner and parcel involved in the vacation.

Chairman Girgin opened the public hearing at 7:11 p.m. The hearing was being held to receive public input regarding a vacation of ROW located east of North Scott and north of the Southfork Manufactured Home Community entrance. There was no public input and Chairman Girgin closed the hearing at 7:11 p.m. Councilman Von Behren moved to recommend approval of a vacation of right-of-way located east

of North Scott and north of the Southfork Manufactured Home Community entrance. The motion was seconded by Mayor Pro Tem Lathrop. When a vote was taken, the following was recorded, Aye: 8 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Von Behren, Commissioners Davila, McDonough, Fletcher, Christensen, and Thompson. Noes: none. Absent: none. The motion carried.

PUBLIC HEARING –Amendment to the Unified Development Code (UDC) re: Vacating Public Ways

Mr. Leipzig reported that it was discovered there is conflicting information in the UDC. He stated that Chapter 36 – “Subdivision Regulations” has requirements for vacating public ways and Chapter 34 – “Streets” also has vacation requirements. The differences in the vacation requirements from the two chapters were pointed out by Mr. Leipzig. He went on to say the proposed language, if approved, will be in both chapters of the UDC.

Chairman Girgin opened the public hearing at 7:16 p.m. to consider a text amendment to the UDC regarding vacating public ways. There was no public input and Chairman Girgin closed the hearing at 7:16 p.m. Commissioner McDonough moved to recommend approval of a text amendment to the UDC regarding vacating public ways. The motion was seconded by Commissioner Christensen. When a vote was taken, the following was recorded, Ayes: 8 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Von Behren, Commissioners Davila, McDonough, Fletcher, Christensen, and Thompson. Noes: none. Absent: none. The motion carried.

DIRECTOR’S REPORT

Mr. Leipzig circulated a water / sewer question and answer sheet prepared by Shockey Consulting for the April election. The sheet was distributed to assist Commission members to answer questions about the water /sewer question.

Other items being reported by Mr. Leipzig included:

- The Contractor’s / Developers Open House will be held on March 21, 2013, and Commission members are welcome to attend.
- The City Council is expected to appoint a planning commissioner at the meeting March 5, 2013.
- At the next Commission meeting, staff will begin the process to revoke a special use permit for an auto sales business at 107 Chestnut due to violations of the SUP conditions.

It was reported there was a building collapse at 314 Main Street due to the weight of snow on the roof from a recent storm. He presented a summary of the steps taken by City staff during the event. He related details concerning an engineer, hired by the property owner, to assess the building damage and surrounding structures. Mr. Leipzig reported that he anticipates the collapsed building will be demolished at the end of the week. Mr. Leipzig went on to say that from initial reports, it appears there is no additional damage to the standing portion of the building. He stated the gas to the building and under the south side of the building has been shut off.

There was discussion about one of the two new billboards (easternmost) which was reported is a tri-face billboard. Chairman Girgin explained how a tri-face billboard functions and mentioned the Commission was not informed it would be a rotating sign. A request for an SUP to allow a digital billboard at 8009 E 171st Street will be heard by the City Council in March.

Mr. Leipzig also presented information about:

- Menards – Planning to locate in Belton, but the date is unknown at this time
- Hampton Inn – Motel is open and employing area residents
- Cornerstone Point – No additional development planned at this time
- Boardwalk at Belton – Staff met with developer regarding new proposal in February, but the development group decided to locate at the Legends.

ADJOURNMENT

Commissioner Thompson moved to adjourn the meeting. The motion was seconded by Councilman Von Behren. All present voted in favor and the meeting adjourned at 7:32 p.m.

Ann Keeton
Community Development Secretary

REVOCAION OF SUP
307 CHESTNUT STREET



**PLANNING COMMISSION REGULAR MEETING
CITY HALL ANNEX, CITY COUNCIL ROOM
520 MAIN STREET
MONDAY, MARCH 18, 2013 – 7:00 P.M.**

STAFF: Robert G. Cooper, City Planner

CASE #SUP12-11

Request: Revocation of Special Use Permit, allowing a used car dealership (Brand Use Auto Sales) to operate in a C-2 (General Commercial) District.

Location: The south side of E. North Avenue, between B and Chestnut Streets. The physical address is 307 Chestnut Street.

Legal Description: Original Belton, Beginning at Northwest Corner of Lot 13, Block 13

Owner / Applicant: Jack L. Pollock & Lisa A. Pollock / Carl Mort & Josh Hetherington

Size of Site: 12,695-sq. ft. / 0.29-acre

Existing Zoning / Land Use: C-2 / Used Car Sales Lot

Proposed Use: Used Car Sales Lot

Surrounding Zoning / Land Use:

- North: C-2 / General Commercial
- East: C-2 / Multi-Family Residential
- South: C-2 / Multi-Family Residential
- West: C-2 / Single-Family Residential

Comprehensive Plan: Commercial

Nature of Current Request

Revocation of the approved Special Use Permit for failure to comply with Ordinance No. 2013-3811, Sec. 3(7), specifically stating 'no auto repair, auto painting, or bodywork shall be allowed on site'

During an inspection of the property by city code enforcement officers on February 25, 2013, violations were documented, specifically, auto repair work. Based upon visual observations, two (2) vehicles were in the shop undergoing major mechanical work, e.g. the removal of an engine block and transmission from the vehicles.

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An aerial photograph of the surrounding area.

HISTORY

The Planning Commission originally reviewed and approved a special use permit, to allow a used vehicle sales business to be conducted from this site, 307 Chestnut Street on May 7, 2012. Mr. Mohamad Almohimed was the original applicant and owner of M&M Auto Sales. The following seven (7) conditions of approval were made part of the special use permit:

1. No Certificate of Occupancy is issued for 'M & M Auto Sales', until the site has had 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 (37) display vehicles and thirteen (13) customer parking spaces;
4. No display vehicle shall obstruct visibility, or 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 all faded parking lot markings; and
7. **No auto repair, auto painting, or bodywork shall be allowed on site.**

STAFF REPORT

'Brand Used Auto Sales' was already operating a used vehicle sales business at 310 N. Scott Avenue under SUP12-01, which received PC approval on 2/6/12. During the summer of 2012, M &M Auto Sales' moved out from 307 Chestnut Street and 'Brand Used Auto Sales' transferred their business to this location from 310 N. Scott Avenue. Upon approval of their business license transfer by the City Clerk's Office, they assumed the conditions of approval of the Special Use Permit for that location.

Pursuant to Section 40-2(2)(g)(1) of the Unified Development Code, 'a special use permit may be transferred for existing conditions if the use for which the special use permit has been issued is in operation at the time of the transfer.

Several complaints were filed with the City concerning violations of the special use permit, specifically, conducting auto repair work. On October 12, 2012, a violation notice was issued to the business owners, advising them of the complaints and the possibility of the revocation of their permit. The complaints continued until the most recent inspection of February 25th in which Belton Police called city staff informing them of the mechanical work being done. Pursuant to Section 40-2(i)(1) of the Unified Development Code, 'any special use permit granted by the city council is subject to revocation for any or all of the following reasons:

- a. noncompliance with all the conditions of approval established in the ordinance granting such special use permit;
- b. a change from the original use or intensity of the original use for which the permit was issued resulting in a change in impact upon the surrounding neighborhood;
- c. expiration of the special use permit;
- d. violation of any provisions;
- e. violations of any provisions of the code pertaining to the use of land, construction or uses of buildings or structures, or activities conducted on the premises by the permit holder, agents of the permit holder or tenants and is declared to be a nuisance to the neighborhood in which located.

Citizen complaints, staff issued violation letters/warnings, and visual observations, warranted a "just cause declaration" and the revocation of their special use permit.

PROCEDURE

Pursuant to Section 40-2(i)(2) of the Unified Development Code, the Community Development Director may initiate revocation proceedings...the matter will then be placed on a designated planning commission agenda for hearing.

PLANNING COMMISSION ALTERNATIVES

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

1. Approve the revocation of the special use permit as submitted, upon finding that the requirements of Section 40-2(i)(2), of the Unified Development Code have been satisfied with a recommendation to forward to the City Council for review.
2. Table the revocation hearing if additional information is needed, such as time of use or other related factors.
3. Deny the revocation of the special use permit if the required findings cannot be made.

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Attachments:

- 10/4/012 – Email complaints from citizens
- 10/12/12 – Letter from staff
- 2/25/13 – Cease & Desist Notice
- 2/25/13 – Photographs of Violation
- 3/1/13 – Notice of Hearing
- 5/7/12 – PC Staff report
- Ordinance 2012-3811

Robert Cooper

From: Leo Lockard
Sent: Thursday, October 04, 2012 5:04 PM
To: Robert Cooper
Subject: FW: Complaint: Brand Used Auto sales LLC 307 N. Chestnut
Attachments: Belton.pdf

From: William McLaughlin [mailto:mclaughlinw51@gmail.com]
Sent: Thursday, October 04, 2012 4:50 PM
To: rooper@belton.org; Leo Lockard; Jay Leipzig; amarch@whitegoss.com; earnshawtj@gmail.com
Subject: Complaint: Brand Used Auto sales LLC 307 N. Chestnut

Dear Mr. Copper,

I'm giving a sworn statement. My name is William McLaughlin. I work for Josh Hetherington and Carl Mort owners of Brand Used Auto Sales LLC. at 307 N. Chestnut, Belton, MO 64012. from 7-10-2012 to 10-01-2012. I was hired as there full time Mechanic. I was told over and over to be carefull because they were not approved to do mechanical work. They had me work with the doors down, at nights and weekends.

I know they been worn over and over not to do this. I've attach Ordinance.

They need there Occupational Licensed suspended ASAP. This isn't right.

Thanks so much. William McLaughlin

Robert Cooper

From: Leo Lockard
Sent: Thursday, October 04, 2012 5:04 PM
To: Robert Cooper
Subject: FW: Compliant: Brand Used Auto Sales LLC 307 N. Chestnut

From: TJ Earnshaw [mailto:earnshawtj@gmail.com]
Sent: Thursday, October 04, 2012 4:00 PM
To: J Allen
Cc: rooper@belton.org; Leo Lockard; Jay Leipzig; amarch@whitegoss.com
Subject: Re: Compliant: Brand Used Auto Sales LLC 307 N. Chestnut

On Thu, Oct 4, 2012 at 1:35 PM, J Allen <j.allenday@yahoo.com> wrote:

Dear Mr. Copper, -

To who it may concern:

I'm giving a sworn statement. My name is Joe Day. I work for Josh Hetherington and Carl Mort owners of Brand Used Auto Sales LLC. at 307 N. Chestnut, Belton, MO 64012. from 7-25-2012 to 9-14-2012. I was worn they did a lot of illegal stuff and worn them stop. Then they fired me. I told them over and over they couldn't have a full time Mechanic and they ran a full time Mechanic business and did work for C and S motors and other customers besides there own cars.

I know they been worn over and over. I've attach Ordinance.
They need there Occupational Licensed suspended ASAP. This isn't right.

Thanks so much. Joe Day.



COMMUNITY PLANNING & DEVELOPMENT
ROBERT G. COOPER, CITY PLANNER

CITY HALL ANNEX
520 MAIN STREET
BELTON, MISSOURI 64012

TELEPHONE * (816) 331-4331
FAX * (816) 331-4973

E-MAIL * rcooper@belton.org
WEBSITE * www.belton.org

October 12, 2012

Mr. Joshua Hetherington
Mr. Carl Mort
Brand Used Auto Sales, LLC
307 Chestnut Street
Belton, Missouri 64012

Re: SUP12-11 / Brand Used Auto Sales
307 Chestnut St.
Violations

Gentlemen:

This letter is to inform you that our office has received numerous complaints from former customers and employees stating you are conducting auto repair, auto painting and bodywork on vehicles at your business located at 307 Chestnut Street. This activity is in violation of your Special Use Permit which states: 'no auto repair, auto painting, or bodywork shall be allowed on site.'

Be advised, a violation of your Special Use Permit will be just cause for the revocation of your city business license. Also, any violation of State Statute, specifically dealing with state motor vehicles sales dealer's license, would also be cause for the city to revoke your business license.

Be advised, the city's code enforcement officer may invoke the city's right to issue an administrative search warrant to enter the property upon cause.

This letter is to notify you of your obligation as a business owner and the city's right to enforce its duly recognized and enforceable codes and ordinances.

Please make every effort to ensure your business is not in violation of city code.

Should you have any questions or concerns, please call the Planning Department at (816) 331-4331.

Regards,

Robert G. Cooper, City Planner
RGC/cgr

Cc: Planning Director
Fire Marshal
Code Enforcement Officer
City Inspector



PLANNING OFFICE

CITY HALL ANNEX
520 MAIN STREET
BELTON, MISSOURI 64012

TELEPHONE * (816) 331-4331
FAX * (816) 331-6973

WEBSITE * www.belton.org

CEASE & DESIST ORDER

EFFECTIVE IMMEDIATELY....

'BRAND USED AUTO SALES'

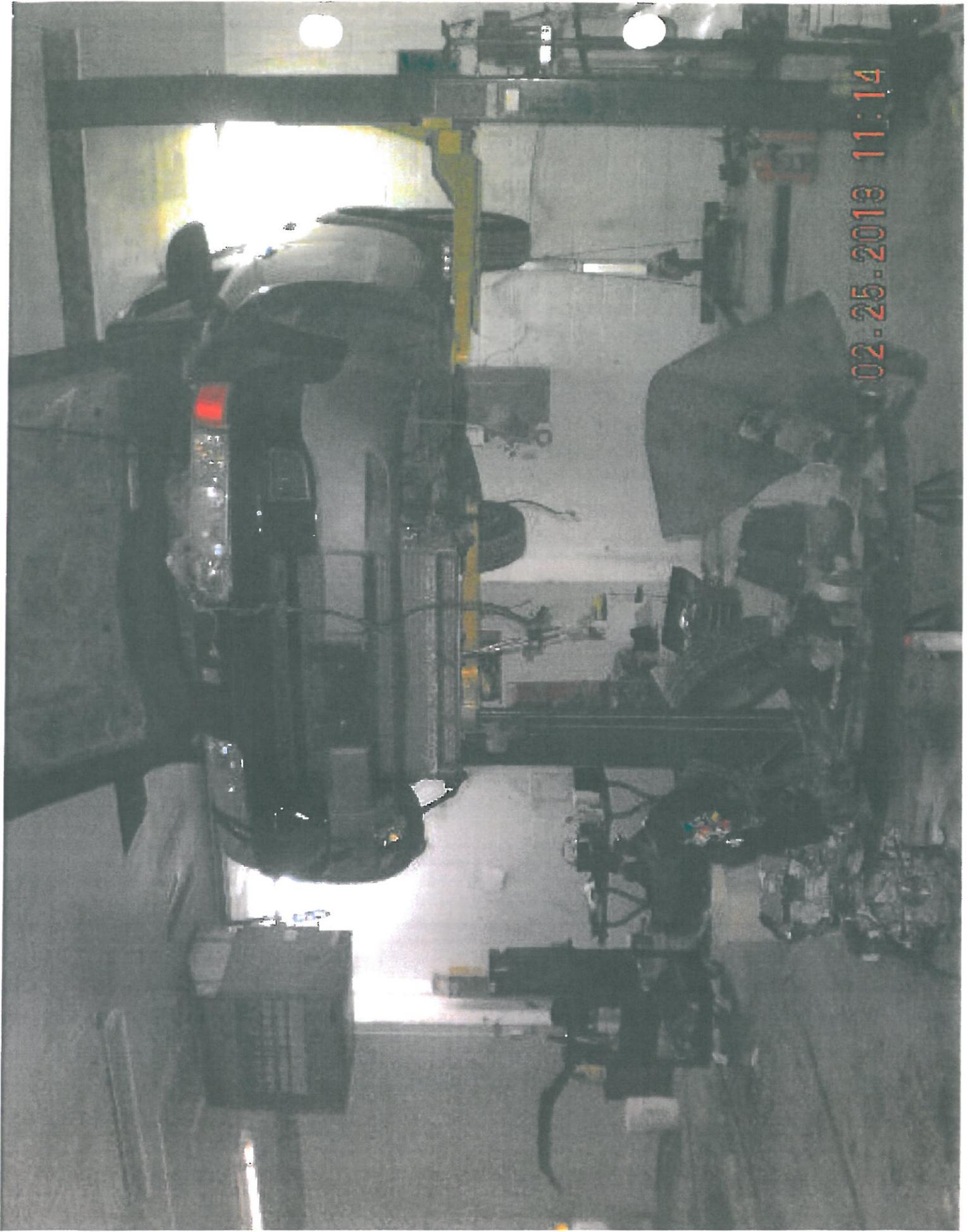
307 Chestnut St.

HAS BEEN CLOSED UNTIL FURTHER
NOTICE, FOR FAILURE TO COMPLY
WITH CITY CODE.

[PER SECTION 6-93, BELTON MUNICIPAL CODE]



02.25.2013 11:14



02-25-2013 11:14



COMMUNITY PLANNING & DEVELOPMENT
ROBERT G. COOPER, CITY PLANNER

CITY HALL ANNEX
520 MAIN STREET
BELTON, MISSOURI 64012

TELEPHONE * 816 331-4331
FAX * (816) 331-6977

E-MAIL * rcoper@belton.org
WEBSITE * www.belton.org

March 1, 2013

****Violation Notice****

Mr. Carl Mort
Mr. Josh Hetherington
Brand Used Auto Sales, LLC
307 Chestnut Street
Belton, Missouri 64012

Re: **Brand Used Auto Sales, LLC
307 Chestnut Street
C-2 (General Commercial) Dist.
Violation of Special Use Permit**

Gentlemen:

This letter is being sent to inform you that during an inspection of your property on February 25, 2013, city code enforcement staff, in conjunction with Corporal Nate Bradley of the Missouri Highway Patrol and Senior Special Agent Bradley Greiner of the National Insurance Crime Bureau have documented numerous violations, one of which is major auto repair work, which is in direct violation of your special use permit. Based upon visual observations, two (2) vehicles were in the shop undergoing major mechanical work, e.g. removing an engine block and transmission from the vehicles.

As a result, a 'Cease and Desist Order' was issued which required you to stop operating your used vehicle sales business. **Be advised, the City of Belton has initiated the process to revoke your special use permit.**

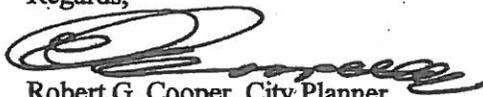
Pursuant to Section 40-2 of the Unified Development Code, this matter will be placed on a designated planning commission agenda for hearing.

The Planning Commission is scheduled to meet on Monday, March 18, 2013 at 7:00 P.M. to consider the revocation of your special use permit, at which time city staff will present documented proof of code violations.

You are encouraged to attend these meetings to answer any questions Commission and/or Council members may have regarding this case.

Should you have any questions or concerns, please don't hesitate to contact me at (816) 331-4331.

Regards,


Robert G. Cooper, City Planner
RGC/cgr

Cc: Jay Leipzig, Planning Director
Tamara Schenke, Code Enforcement Officer



**PLANNING COMMISSION REGULAR MEETING
CITY HALL ANNEX, CITY COUNCIL ROOM
520 MAIN STREET
MONDAY, MAY 7, 2012 – 7:00 P.M.**

STAFF: Robert G. Cooper, City Planner

CASE #SUP12-11

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

Location: The south side of E. North Avenue, between B and Chestnut Streets. The physical address is 307 Chestnut Street.

Legal Description: Original Belton, Beginning at Northwest Corner of Lot 13, Block 13

Owner / Applicant: Jack L. Pollock & Lisa A. Pollock / Mohamed Almohimed

Size of Site: 12,695-sq. ft. / 0.29-acre

Existing Zoning / Land Use: C-2 / Used Car Sales Lot

Proposed Use: Used Car Sales Lot

Surrounding Zoning / Land Use:

- North: C-2 / General Commercial
- East: C-2 / Multi-Family Residential
- South: C-2 / Multi-Family Residential
- West: C-2 / Single-Family Residential

Comprehensive Plan: Commercial

Nature of Current Request

The applicant has contacted the City to gather information on what requirements are needed to open a used car lot. Pursuant to Chapter 40-1 of the Unified Development Code, a Special Use Permit is required for all 'new' used car lots located within a C-2 (General Commercial) zoning district. The applicant wishes to occupy the former C&S Auto Sales location at 307 Chestnut Street.

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An aerial photograph of the surrounding area.

HISTORY

This parcel of land is part of the Original Belton subdivision. Included on this multi-use lot, a two-story, eight rooms, wood-frame townhouse, and a 2,828-sq. ft. automobile service shop, built in 1930. The townhouse apartments are still occupied today...the west side of the Lot which was used as commercial, has continuously been used over the years as an automobile service yard and was used most recently occupied (last ten years) by a used car dealer.

STAFF REPORT

Welfare and Convenience of the Public

It appears, by permitting a used car lot in the proposed location that it would contribute greatly to an ongoing proliferation of used car lots along the E. North Avenue 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 have an adverse affect on the immediate surrounding or abutting properties due in part to the opposing and conflicting land use and intensity. Although the current zoning classification is commercial, the existing and abutting residential uses may continue as they are deemed legally nonconforming. However, whenever there are opposing land uses, particularly commercial abutting residential, the negative impacts usually result in a lower property valuation.

Domination of the Neighborhood

It appears, the proposed use as a used car sales lot will perpetuate that particular use within the neighborhood.

Off-Street Parking / Access

Currently, there is a double-point access to the site. The primary access is from Chestnut Street and the secondary is from B Street, with a driveway approach of 24-feet in width. The site's vehicle storage area can hold fifty (50) cars with a 3-ft. separation. However, only thirty-seven (37) vehicles can be for display...with thirteen spaces dedicated for customer parking.

Pursuant to Section 26-2, Unified Development Code, 'off-street parking ratio for auto sales is 1:1,000-sq. ft. which equates to no less than thirteen (13) parking stalls shall be set aside for customer parking.

The surface of the parking area is in good condition. However, some of the existing parking stall striping has faded, including the handicapped spaces and will need to be repainted.

ADA Parking

Pursuant to Section 26-8(2)(f), Unified Development Code, 'all accessible parking spaces must be identified by signs complying with the manual of Uniform Traffic Control Devices and the Department of Justice, Code of Federal Regulation 28 CFR, part 36, ADA Standards for Accessible Design....the sign must be vertically mounted on a post or wall, no more than five (5') feet from the space, include the wording: 'FINE - \$50 - \$300'.

Signage

The site has an existing wall sign cabinet. The sign must be constructed of approved material. Plywood, cardboard or handmade signs are not acceptable. A separate permit is required for any new signage per Section 30-8 of the Unified Development Code.

Buffer/Screening

The site currently has a 6-foot chain-link perimeter fence with rolling gates at each driveway. A section of fencing along the southwest property line which abuts a residential dwelling, currently has screening slats weaved through it...a mitigating technique used to help soften the visual effect of the parking lot.

Exterior Security Lighting

The site has one (1) power pole with an attached street lamp, located at the southwest corner of the building.

Landscaping

Pursuant to Section 22-3(b)(3), Unified Development Code, 'a minimum landscape strip at least six (6') feet wide must be provided along the length of the right-of-way...including one (1) shade tree per 40-linear feet along the portion of the parking area that abuts a public street.'

NOTE: It was explained to the applicant 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 by the City Council.

Staff Recommendation

Should the Planning Commission wish to approve Special Use Permit 12-11, to allow a used car sales lot to be located at 307 Chestnut Street, the following condition(s) shall apply:

1. No Certificate of Occupancy is issued for 'M & M Auto Sales', until the site has had 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 (37) display vehicles and thirteen (13) customer parking spaces;
4. No display vehicle shall obstruct visibility, or 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 all faded parking lot markings; and
7. **No auto repair, auto painting, or bodywork shall be allowed on site.**

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 Chapter 40, Special Use Permits, of the Unified Development 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) Site Plan

307 Chestnut

Dec 31 2012

BILL NO. 2012-37

ORDINANCE NO. 2012-3811

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO ALLOW A VEHICLE SALES LOT ON PROPERTY ZONED C-2 (GENERAL COMMERCIAL), AND LOCATED AT 307 CHESTNUT STREET, BELTON, MISSOURI.

WHEREAS, the Belton Planning Commission has received a request for Special Use Permit to allow a vehicle sales lot on a property located at 307 Chestnut Street in the City of Belton, Missouri, and

WHEREAS, a public hearing was held before the Belton Planning Commission on May 7, 2012 in accordance with the provisions of Section 40-2 of the Unified Development Code of the City; and

WHEREAS, notice of the hearing was sent to property owners within 185-feet of the subject property by certified mail on April 6, 2012; and

WHEREAS, the Belton Planning Commission voted by a majority of those present to recommend APPROVAL of the Special Use Permit to the City Council with conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, MISSOURI AS FOLLOWS:

Section 1. That the proposed vehicle sales lot on property zoned C-2 (General Commercial), and located as 307 Chestnut Street, in the City of Belton, Missouri, is hereby approved for a Special Use Permit in accordance with Section 40 of the Unified Development Code, and is to be annually renewed and reviewed administratively barring any code violations and/or complaints.

Section 2. That a public hearing was held before the Belton Planning Commission on May 7, 2012 in accordance with the provisions of Section 40-3 of the Unified Development Code of the City, and the request received a recommendation of approval from the Commission.

Section 3. That the following condition(s) shall apply to the business as a matter of record for this Special Use Permit:

- 1) No Certificate of Occupancy is issued for 'M & M Auto Sales', until the site has had a final inspection for compliance with Section 40-3(4)(a) of the Unified Development Code;
- 2) Special Use Permit #12-11 shall be renewed annually and reviewed administratively barring any code violations and/or complaints;
- 3) The vehicle storage area shall consist of no more than thirty-seven (37) display vehicles and thirteen (13) customer parking spaces;
- 4) No display vehicle shall obstruct visibility, or parked in a manner which would create a hazardous condition or encroach upon abutting properties;
- 5) No material, supplies, or merchandise shall be stored outdoors;
- 6) Re-stripe all faded parking lot markings;
- 7) No auto repair, auto painting, or bodywork shall be allowed on site.

July 1 02