

Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main
April 20, 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 (7:38 p.m.), Roger Horne, and Larry Thompson.
Staff: Jay Leipzig, Director of Community Planning and Development; Robert Cooper, City Planner; and Ann Keeton, Community Development Secretary.

MINUTES: Commissioner Horne moved to approve the minutes of the March 2, 2009, Planning Commission meeting. Mayor Pro Tem Lathrop seconded the motion. All members present voted in favor and the motion carried.

CASES:

C. CASE #TA09-09: Mr. Leipzig called attention to Case #TA09-09, which was discussion of a proposed text amendment to allow electric fences only in Industrial Zoning Districts. He asked that the fence issue be postponed to the May 4 meeting because additional information has been received. **Commissioner Thompson moved to postpone Case #TA09-09 until the next regular meeting.** Commissioner Horne seconded the motion. All members present voted in favor and the motion carried.

A. CASE #SUP08-10: Chairman Myers introduced this case which was a review of a special use permit (SUP) for Belton Glass located at 309 Main Street. Mr. Leipzig gave a brief history of the SUP for Belton Glass. He reported that the Planning Commission approved the permit on April 21, 2008, to allow the construction of a garage door facing Loop Road. There were several conditions associated with the special use approval, and Mr. Leipzig listed those conditions which were:

- Allow the use of a particular exterior material insulated garage door, Type C-238 as presented with a carriage house exterior design, Type 430 as presented.
- Install a proper curb-cut
- No dumpster shall be placed on the side of the building
- Consideration be given to the business owner to restricting garage door access during special events on Loop Road
- The SUP is to be reviewed in one year

He went on to explain that a certificate of occupancy was issued January 13, 2009. The carriage house-type trim was installed on the garage door today according to Mr. Leipzig. There are outstanding issues still to be completed by Mr. Jeff Shaw, the business owner, and those are

canopies over the garage and building entrance doors facing Loop Road. Staff met with Mr. Shaw on March 30, 2009, and he was informed that staff might agree to an extension of the completion date until June 30, but that would require approval of the Planning Commission.

Mr. Jeffrey Shaw, 16409 Rebecca Lane, was present to speak about the SUP for 309 Main Street. He announced that the carriage-house trim was installed on the garage door today and the canopy still needs to be installed above the doors. According to Mr. Shaw, his business has been slow since January, so he is asking for an extension until June 30, because he said, "Money is tight." He indicated that he wants to install "nice" canopies, not something that looks inexpensive. He distributed pictures of canopies that could be used for the back of the building and eventually the front. Mr. Shaw went on to explain that the company name would be placed on the bottom flap of the canopy. It was stated by Mr. Shaw that he is still planning to stucco the building. He said the canopy can be removed to stucco the building in June or July, but he qualified that statement by adding that he would stucco whenever the funds are available.

Chairman Myers pointed out to Mr. Shaw that these issues have been going on for a year and it appears as if Mr. Shaw has been "dragging his feet," and now wants an extension. Mr. Shaw replied that it has been a long drawn-out process. Mayor Pro Tem Lathrop questioned Mr. Shaw about his stated intentions of putting a canopy up before the wall is repaired. Mr. Shaw indicated that the wall will be primed but without stucco, when the canopy is installed. He did not recall if his original drawing showing the building improvements had a canopy over the walk-in door.

Commissioner Davila questioned Mr. Shaw about how long he anticipated this project will go on if he cannot get the funds together to complete the work? Mr. Shaw answered that he will get the job finished as soon as possible. He was further questioned by Councilman Davidson regarding the amount of time (one year) it has taken to put the carriage door kit on the garage door, which was just completed today. Mr. Shaw reported he "just got around to it." Councilman Davidson further expressed his dissatisfaction that after the Commission assisted Mr. Shaw by approving the SUP, it took a year for him to install a \$60 trim kit. He went on to say that he believes June 1 is too much time to allow for completion of the job. Mr. Shaw said he completed projects when he could but the last six months were tough economically. When asked what happened during the first six months, Mr. Shaw stated that he just forgot.

There was discussion about the length of time the SUP should be extended and Chairman Myers suggested a date be selected and if the requirements of the SUP are not complete, the certificate of occupancy should be pulled. Commissioner McDonough informed the Commission that it appears there is a lot more work to be done on the exterior of the building before the canopy can be installed. He went on to suggest that to get a finished product, more than the canopy will be required. Mr. Leipzig reported that when a deadline date was set, it was to include painting the exterior rough lumber and the installation of the canopies. He recommended it be made very clear which items should be completed on specific dates e.g. canopy by May 30. Mr. Shaw suggested the weather may have played a part in the delay of completion of the SUP requirements, but other commissioners indicated that the weather was mild during the year.

Mayor Pro Tem Lathrop asked about the contents in a letter dated January 13, 2009, in which it states that Mr. Shaw has complied with all requirements noted in a letter sent in September. Mr.

Leipzig explained that Mr. Shaw had completed all the requirements necessary to issue a certificate of occupancy, the other requirements were part of the SUP conditions. He reported that the application of stucco was not part of the original recommendations from the Planning Commission according to records that were found. Mayor Pro Tem Lathrop referenced raw board and unfinished block on the building which he said was to be finished by March 31. It was verified that a curb cut has been installed on Loop Road. His stated opinion was that Mr. Shaw is wasting time and money installing the canopies until the building is finished.

Commissioner Horne pointed out that other buildings on Loop Road have appearance issues and he asked if the Commission is making a project of improving all of those buildings. Mr. Cooper explained that the requirements associated with Belton Glass are related to the SUP. During the initial review of the SUP by the Commission, Mr. Shaw presented designs of ways the building could be improved. Commissioner Horne stated that he did not believe “we should plunge ahead at such a rapid speed.” He indicated that as long as the building looks nice, he would be willing to give him additional time to complete the renovations. Mr. Shaw asked if the Commission would give him 30 days to stucco the building and 30 days to get the door canopies. There was further discussion about the length of additional time to allow Mr. Shaw to complete the SUP conditions. Commissioner Davila reviewed several instances of personal appearances made by Mr. Shaw at Commission meetings and one specific time he came without paperwork necessary to his case.

A review of the time allowed for the renovations and length of time it took Mr. Shaw to complete some of the projects was reviewed. Councilman Davidson reminded Mr. Shaw that a year ago he agreed to the conditions of the SUP and told the Commission he would comply with those conditions. He proposed that Mr. Shaw be allowed 70 days to complete the stucco and the canvas awnings (10 days in April plus the months of May and June). Mr. Leipzig asked for clarification of time frames for completion of the conditions and he confirmed that the Commission would like Mr. Shaw to complete the exterior of the building (stucco) by June 1, 2009, and to complete the installation of the door canopies by July 1, 2009. There was a brief discussion about a phone wire that is running from a junction box on the building exterior. Mr. Leipzig mentioned the telephone cable should be enclosed in conduit or a similar material. Mr. Shaw said he “fought” with AT&T about moving the box and he could not get them to cooperate. Mr. Leipzig said the City will try to help with this matter. Commissioner VonBehren arrived at the meeting at 7:38 p.m.

Councilman Davidson moved to allow until June 1 to complete the exterior of the building and until July 1 to complete the installation of the canopies at Belton Glass, 309 Main Street. Commissioner Thompson seconded the motion. When a vote was taken the following was recorded: Ayes: 7 – Chairman Myers, Councilman Davidson, Mayor Pro Tem Lathrop, Commissioners McDonough, Girgin, Horne, and Thompson. Noes: 1 – Commissioner Davila. Abstention: 1 – Commissioner VonBehren. Absent: none. The motion carried.

Mr. Leipzig stated he will follow up with Mr. Shaw in writing to advise him of the remaining items to be completed. Mr. Cooper further explained the special use permit process and the Commission has the authority to set conditions or limitations on the permit. He then explained the process used to establish a new business in the City and the inspections that go with the

certificate of occupancy. Commissioner Horne reiterated that he wants to give the applicant plenty of time so the final project looks nice.

B. CASE #TA09-08: Discussion of a proposed text amendment to allow used car lots as a special use in a C-2 (General Commercial) zoning district.

STAFF REPORT: Mr. Leipzig informed the Commission that it appears Belton has a large number of used car lots and staff has looked into regulating those lots by use of an SUP. This would give staff, the Commission and the Council flexibility in determining requirements for car lots, and he gave examples.

As an introduction Mr. Cooper gave examples of issues relating to a few of the used car lots located on North Scott. The layout of some lots is not conducive to used car sales but they are allowed in a C-2 zoning district by right. An explanation of the criteria that must be met with SUP permits was given by Mr. Cooper, and he stated that SUP criteria can be applied to used car lots. He described car lots that have too many cars with inadequate space for customer or employee parking. Mr. Cooper made a recommendation that the City adopts a definition for "Automobile Sales Lots."

COMMISSION DISCUSSION: In discussion, staff was asked if separation or distance requirements can be adopted for car lots. Mr. Cooper answered that separation requirements could be adopted by amending portions of the Zoning Ordinance. He also suggested that setback requirements would provide an area in which cars would not be allowed to park on the property. Councilman Davidson stressed that he would not be in favor of discouraging any business from locating in Belton. In the past, the City was categorized as not being friendly to business, according to Councilman Davidson and he believes that designation has been turned around. He summarized by acknowledging there could be restrictions placed on the lots, but he is not in favor of limiting the number of car lots. Mr. Leipzig announced that other cities do not tend to restrict the number of car lots because there might be legal issues. He expressed his satisfaction that the proposed text amendment gives the Commission the ability to review car lot businesses on a regular basis and make sure they are complying with regulations. Commissioner VonBehren asked if this text amendment will address the used cars being parked in various highly visible locations that are not in an actual used car lot. Mr. Cooper said if a definition of automobile sales lots is adopted that should address the issue Commissioner VonBehren spoke of.

Commissioner Thompson pointed out that in the area between 155th Street and Ouik Trip along North Scott, he counted 17 cars for sale by individuals that were in various parking areas, and he believes it creates an unattractive appearance within the City. Regarding used car dealers, Commissioner Thompson recommended the used car sales businesses should have a paved lot, a proper building, nice sign, proper lighting, cars displayed well, and adequate parking for customers. Damaged cars should not be visible on the sales lot. Chairman Myers added the goal of staff is to monitor these items by use of the SUP. Mr. Cooper agreed the used car lot SUP applicants should show the commission members all of the items mentioned by Commissioner Thompson when getting the application approved.

There was discussion about the closed car wash on North Scott with cars for sale in front of the business. Mr. Cooper gave an explanation of the circumstances that lead to cars for sale being placed on the car wash property. According to Mr. Cooper the property on North Scott is one lot with one owner and there are multiple uses on the lot. After further discussion about the car wash lot, it was asked if the owner could split the lot. Mr. Cooper addressed the question when he said the owner would have to request a lot split and then there would be additional access and easement issues. Chairman Myers informed commission members about the history of the property around the car wash site.

Commissioner Girgin initiated a discussion about establishing a separation requirement for used car lots. Mr. Leipzig will get with the City attorney to look at language for this issue. She noted that a separation requirement would not immediately affect existing lots, but over time as businesses close, there would be a long term affect. Another option to explore is limiting the number of car lots by population. Regarding the car lots already in operation, Mr. Cooper reported that the City can enforce the laws already in place but if something new is adopted it would take time to make a difference. Mayor Pro Tem Lathrop suggested an immediate difference would be made if the City was to enforce the current regulations and he read a few of the existing codes that could pertain to car lots. Mr. Cooper indicated there is a manpower issue involved. Car lots want to maximize their sales by getting the greatest number of cars possible on the lots, so Mr. Leipzig recommended enforcing the codes that exist and adding the SUP process for car lot approval. Commissioner Thompson told of several existing used car lots that are set up well and do not create problems. He went on to give an example of a lot that creates sight line problems for traffic due to the placement of the cars for sale. There was conversation about the safety issues associated with a few of the Cities used car sales lots.

Ways to address the cars for sale by individuals placed on various highly visible locations throughout the City was talked over. It was suggested by Mr. Cooper that the property owner could be notified and advised the area is not an approved used car lot and then asked to remove the cars. Mr. Leipzig mentioned there are codes relating to off site sales and it was recommended that staff consult with the police chief about towing policies. Additionally, it was suggested that if cars cannot be towed from private property, perhaps the property owner could be ticketed. Councilman Davidson indicated that he did not want to prohibit citizens from showing their vehicles for sale in visible locations. He said many times the vehicles are removed by the owners in a timely manner and he does not want to infringe on a citizens right to sell their car. It was stated that the vehicles for sale by owner that are left in a visible place for weeks are the cars specifically causing the appearance problem. It was suggested that citizens selling their cars could advertise in the newspaper or put a sign on the car in their driveway. The fact that property owners can have cars towed from their property at their own expense was brought up. The commission members engaged in further conversation about the affect the proposed text amendment will have on lots not licensed as car sales businesses. A question about a person that continuously sells used cars from their residential property was posed by Commissioner Davila. Mr. Cooper gave an explanation that if the primary use of the property is residential and the car sales are not an accessory to that use, then code enforcement can enforce the City regulations. An example of a truck that has been for sale for three years was presented. Chairman Myers wrapped up the discussion and asked for a motion. Mr. Cooper made the point that if the used car

lots can be regulated early, there should be fewer issues for code enforcement to enforce once the car lots are open for business.

A few code enforcement issues were talked about, along with court enforcement and plea bargains that were formerly offered to repeat offenders. Mayor Pro Tem Lathrop familiarized the commission with the fact that before vehicles can be towed, 24-hours notice must be given.

Commissioner Davila moved to turn the topic of requiring a special use permit for car lots over to staff for further research and development. The motion was seconded by Commissioner Thompson. All commission members voted in favor, and the motion carried.

DIRECTOR'S REPORT:

Mr. Leipzig presented the report which included:

- Code Enforcement: The code enforcement annual report will be presented to the City Council tomorrow. The report will include information about cross training of inspectors to assist code enforcement on occasion. Street department will assist with temporary sign removal.
- The proposed Unified Development Ordinance (UDO) implementation schedule was presented. He explained that all of the development ordinances will be consolidated into one book. He anticipates there will be no dramatic changes but information will become more organized and easier to read, understand and enforce. The UDO adoption goal is forecast to be December 8, 2009.
- The Site Plan Review Committee has had one meeting to review the Autumn Valley Development Plan. The developer has met with staff regarding sanitary sewer budget issues. CDBG funds might be available to use for part of the sewer connection. It is anticipated the committee will meet in the next two to three weeks.
- The City is a finalist in the All-America City contest. The presentation will be June 17-19 in Florida. The City is one of 32 cities selected as finalists and the only finalist in the state of Missouri. Ten cities will be selected as All-America Cities.
- A town hall meeting is scheduled for 6 p.m. May 18, 2009, in the Council Chambers for a joint meeting with the Cass County Commission, the Planning Commission and the City Council to update the public about the roads and bridges in the county.
- The hydro-seed that was applied to the Adesa property washed away and the hydro-seed will be reapplied on Wednesday, April 29 according to their general contractor.

OTHER DISCUSSION:

A privacy fence has been erected with the outside facing toward the property and the inside portion facing the street according to Commissioner McDonough. Mr. Cooper stated that issue was not addressed during the addition of fence design standards to the zoning ordinance. It was pointed out that the fence is highly visible because it is located on 58 Highway.

Commissioner Davila mentioned that the former Southview Golf Course is looking "shabby." Mr. Leipzig said that the developer will be reminded to mow that area and keep it mowed during the growing season. The TIF is scheduled for review and approval tomorrow evening at the City Council meeting.

The large hole near the ATM at the Bank of America is the responsibility of the property owner and they have been notified repairs are needed according to Mr. Leipzig.

ADJOURNMENT:

Commissioner VonBehren moved to adjourn the meeting. Councilman Davidson seconded the motion. All voted in favor and the meeting adjourned at 8:28 p.m.

Ann Keeton
Community Development Secretary