

Minutes of Meeting  
Belton Planning Commission  
City Hall Annex – 520 Main Street  
May 4, 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, Commissioners Sally Davila, Holly Girgin, Scott VonBehren, Roger Horne, and Larry Thompson.  
Staff: Jay Leipzig, Director of Community Planning and Development; Robert Cooper, City Planner; and Ann Keeton, Community Development Secretary.  
Absent: Councilman Davidson and Commissioner Tim McDonough

MINUTES:

Commissioner Horne moved to approve the minutes of the April 20, 2009, Planning Commission meeting. Commissioner Thompson seconded the motion. All voted in favor and the motion carried.

CASES:

*Belton Glass:* Copies of a letter sent to Mr. Jeff Shaw, owner of Belton Glass, were distributed to Commission members (letter attached). Referring to the letter, Mr. Leipzig pointed out items still to be completed and the deadlines for completion, to comply with the special use permit (SUP) requirements for the building at 309 Main Street. Two issues relating to the letter were clarified by Mr. Leipzig and those were the awnings are to be installed over the garage and walk-in access doors, and the telephone cable wire will be enclosed in conduit or similar material. It was stated the City building inspectors will assist Mr. Shaw with obtaining authorization from AT&T to access the telephone box to complete the cable wire enclosure requirement. The Commission members approved the letter that was sent to Mr. Shaw regarding the SUP for 309 Main.

A. Case #TA09-04: Discussion of a proposed amendment to the zoning ordinance regarding registration of properties in foreclosure. Mr. Leipzig reported three text amendments will be discussed during the meeting after which the Commission will begin working on the Unified Development Ordinance (UDO).

*Staff Report:* Mr. Cooper reported the proposed text amendment, if adopted, will require the lender to provide contact information to City staff on any property in foreclosure. He gave a list of maintenance issues that often become the City's responsibility when a responsible party cannot be located to handle those issues. Mr. Cooper reviewed each item with Commission members regarding the proposed amendment for the registration of properties in foreclosure.

Requiring foreclosed properties to be registered with the City will allow a database of contacts to be created.

*Commission Discussion:* In the “Registration,” section, Item G, it is written that an out of area beneficiary is required to contract with a local property management company. It was suggested by Commissioner VonBehren that it should be specified in Item G, the cost of contracting with a property management company is to be the responsibility of the beneficiary, not the City.

In “Registration,” Item A, a 10-day time limit is proposed as the length of time allowed to register the property with the City if it is found vacant. The practicality of this length of time was debated and examples were given of the lengthy legal foreclosure process.

Speculation on the method that will be used to notify lenders about the foreclosure registration ordinance and the amount of time it will take to advise them was brought up by Mr. Cooper. He stated the eventual goal will be for lenders to become familiar with the registration ordinance and automatically notify the City when a property goes into foreclosure. Mr. Leipzig added that a number of cities that have adopted a foreclosure registration ordinance have notified lenders of the requirements by letter. Mayor Pro Tem Lathrop again cautioned that the court foreclosure process is a prolonged procedure and he expressed doubts that 10 days is sufficient for lenders/landlords to advise the City of the vacancy.

A question was introduced asking how the City tracks the lender/owner if the original lender sells the loan to another lending institution. Mr. Leipzig suggested that some of the owner information would appear on the series of titles. If the City is to incur costs relating to the maintenance of a number of the vacant homes, the registration will give the City an avenue to recover some of the costs by tracking the beneficiary according to Commissioner Girgin. She went on to say that it is to be expected there will initially be a trial and error period with the registration. It was explained by Mr. Leipzig that the foreclosure ordinances passed by other cities are extremely similar and the use of a 10-day notification timeframe was the most stringent requirement that could be utilized and still be in compliance with state statutes.

Mayor Pro Tem Lathrop recommended the City contract with the County Recorder’s Office to send notification to the City when a property is vacant or when there has been a change of ownership. Mr. Leipzig explained the benefit of working with lenders and the County for foreclosure notification.

The “Violation” section of the proposed ordinance was the next topic of discussion. The proposal is for \$500 per violation and Mayor Pro Tem Lathrop pointed out fines for violations are often worded “up to” a certain amount which gives the judge flexibility when assessing fines (e.g. up to \$500). It was suggested that a maximum fine could be established which would allow the judge to assess an appropriate fine based on the violation, especially for those that cannot meet the 10-day requirement due to the lengthy foreclosure process. Mr. Cooper reported the use of \$500 as a violation fine is standard language that other cities are using. There was discussion about instituting a minimum fine in conjunction with a maximum fine amount. Commissioner Davila was in favor of retaining the fine of \$500 per violation as written in the proposed ordinance, and she remarked that if the \$500 fine amount is working for other cities, it could work for Belton. Mayor Pro Tem Lathrop pointed out there are a lot of variables / situations that could occur where it would be beneficial to the judge to have flexibility in assessing fines.

Commissioner Girgin suggested that if there are consistent problems relating to the fines adopted in this proposed ordinance, it could be modified at a later date. Chairman Myers recommended the proposed fine be left at \$500 and he asked if the Commission is in agreement. Hearing no objections, he moved on to the next case.

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

*Staff Report:* Mr. Cooper presented the staff report and explained the proposed ordinance would require a SUP for all new and used car sales lots in the C-2 districts. A clear definition of automobile sales lots is needed to improve the review and approval process according to Mr. Cooper. A benefit to using the SUP process for new and used car lots will allow the Commission the opportunity to evaluate each proposed location and to use the guidelines set forth in the zoning ordinance and the municipal code. The proposed definition for “Automobile Sales Yard” was: “Premises on which new or used passenger automobiles, trailer, mobile homes, or trucks in operating condition are displayed in the open for sale or trade.”

*Commission Discussion:* Commissioner Girgin initiated a discussion of additional vehicle terms that could be included in the definition of Automobile Sales Yard. The terms RVs and motorcycles were identified as vehicles that should be included in the definition. Mr. Leipzig gave details about the benefits of using a SUP process when approving car sales lots and he named several metro cities that require car lots to go through the SUP process. Once the sales lots are approved through the process, there will be an annual review according to Mr. Leipzig. It was reported the “Automobile Sales Yard” definition was developed by the American Planning Association. Mr. Cooper gave a list of some of the car lot approval criterion that will be required including lighting, signage, paved surface, striped parking areas, and a building.

It was reiterated that RVs and motorcycles should be included in the definition of “Automobile Sales Yard.” In addition, it was suggested that ATVs be incorporated into the definition. Commissioner Horne recommended changing the definition title to “Automobile Sales Lot.”

The topic of two businesses operating on one lot was a discussion item. Mr. Cooper gave an example of the process a business goes through to obtain an occupation license in the City, and he explained the difficulty of denying the second business, when the use is allowed in the zoning district.

Commissioner Thompson identified an oil change business in the City that has approximately three cars for sale at all times. The cars are not parked on a paved surface and there are no used car lot signs, plus the cars have writing on the windshields. Mr. Cooper reported that staff can check on the primary use of the business and if it is an auto repair shop and not a car sales lot, code enforcement could intervene because it does not meet the current codes. Commissioner Thompson said hopefully this text amendment will eliminate the lots that are operating as a sideline business and the locations where the owners are operating nonconforming car lots. It was reported that the person selling the cars from the oil change business has a dealer’s license. In addition, Commissioner Thompson informed Commissioners there were recently six cars for sale in a car parts business parking lot.

There was discussion about federal requirements of information that must be posted on each car for sale. Mr. Leipzig told of other items that will be clarified by using a SUP for car lot approval and those items were the number of cars that will be allowed on the lot, and the hours of operation. The SUP process will not take care of the immediate issue with a few car lots according to Mr. Leipzig, but would go into affect when the business changes hands.

Setback requirements for car lots were discussed. Mr. Cooper explained the car lot vehicles cannot encroach onto a public walkway or obstruct visibility and he went on to say those issues seem to be a common problem along North Scott. He indicated that he would like to see the municipal code amended to limit the number of uses per lot, and examples of problems created by multiple businesses on a single lot were given by Mr. Cooper. Mr. Leipzig thought this topic would best be pursued through the City clerk's office where they monitor occupation license applications.

C. Case #TA09-09: Discussion of a proposed text amendment to allow electric fences only in industrial zoning districts.

*Staff Report:* Mr. Leipzig reported the zoning ordinance is silent on the use of electrical fences. After working with the City attorney, it was determined the language should be amended to prohibit electrical fences in residential and commercial zoning districts. The proposed amendment would allow electric fences in the Agricultural zoning district, and in the Industrial zoning districts with an SUP. Some aspects of the SUP review would include fence dimensions, intended use, voltage and watt restrictions, signage, emergency access, shut off procedures, and height restrictions. Mr. Leipzig presented five points for consideration and discussion on the subject of electrified fences. When developing the amendment, Mr. Leipzig reported the ordinance language used by several metro cities was examined and combined to create the proposed electric fence amendment.

*Commission Discussion:* According to Mr. Leipzig there is not a standard for electrical fences but the device powering the electric fence must be a UL standard. It was stated the electrified fence at Adesa Auto Auction is a 12 volt fence. Commissioner Horne suggested the inspectors can check the amperage in the circuit with a clamp-on amp meter. Mr. Cooper stated there is not a national standard that regulates the safety of electric fences. There was discussion about the proposed language relating to electric fences in an Agricultural district, specifically, "...clearly demonstrated agricultural purposes."

D. Discussion of the introductory provisions, enforcement, and definitions in preparation of adoption of a Unified Development Code (UDO).

*Staff Report:* Mr. Leipzig presented the introductory provisions, the enforcement, and the UDO definitions, which he said are components of our existing code with few changes. This information is to be reviewed and will be discussed at the meeting on May 18, 2009. There will be a report at the next meeting that will highlight the definition changes pointing out the differences between the current definitions and the proposed definitions according to Mr. Leipzig. He informed Commission members that someone from the City attorney's office will be present at some of the Commission meetings to answer questions that come about during the discussions. The public hearing for the UDO will be scheduled for October or November 2009.

Mr. Leipzig gave a detailed explanation of the review process that will be followed during the Commission discussions of the UDO.

#### DIRECTOR'S REPORT:

Chairman Myers announced there would be a joint meeting at 6 p.m., May 18, 2009, in the Council Chambers with the County Commission, the City Council, the Planning Commission, and interested citizens concerning the county roads and bridges.

Mr. Leipzig said there will be public hearings at the meeting on May 18, 2009, for the three text amendments discussed tonight.

Mr. Leipzig reported the City is applying for economic recovery funds to assist with funding for installation of new sanitary sewer lines and upgrading existing sanitary sewer lines in the area adjacent to the Autumn Valley Subdivision from Markey Drive to Vivian Road. It was stated that when official word is received regarding the grant status, the final development plan will be brought to the Commission for review.

There will be a public hearing at the May 18, 2009, meeting for consideration of a special use permit application submitted by Kevin Holman regarding a Tropical Sno stand.

Mayor Pro Tem Lathrop gave a report about the economic stimulus package. He enlightened the Commission about the weekly changes and "red-tape" associated with the grant application.

It was announced by Mr. Leipzig that the City has received a funding agreement from the State for Neighborhood Stabilization Funds in the amount of \$392,000 which is to be split between Belton, Liberty and Raytown. He told Commission members there are funding sources available but there are a lot of requirements to be completed in order to be awarded funds. He went on to explain the environmental review submission process for submittal with grant applications.

#### ADJOURNMENT:

Commissioner Horne moved to adjourn the meeting. Commissioner VonBehren seconded the motion. All voted in favor and the meeting adjourned at 8:17 p.m.

Ann Keeton  
Community Development Secretary



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April 24, 2009

Mr. Jeff Shaw  
Belton Glass  
309 Main Street  
Belton, Missouri 64012

Mr. Shaw:

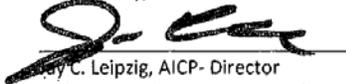
As you are aware, the Planning Commission reviewed your progress concerning a Special Use Permit for your business at 309 Main Street in Belton, Missouri. The purpose of this letter is to provide written documentation and verification for the deadlines that were imposed by the Planning Commission for the completion of the renovation work, and to ensure compliance with the Special Use Permit. The Planning Commission believes that you are making progress on this renovation, and granted the following two additional deadlines to comply with the Special Use Permit.

**By June 1, 2009**, all remaining exterior work must be completed on this building. This work will include the completion of the stucco on the North wall, and enclosing the telephone cable wire either in conduit, or a similar material for concealment. This work must also include the installation of a proper door frame, and patching to ensure that the bare wood is not visible.

**By July 1, 2009**, two exterior canopies must be properly and completely installed over the garage door facing Loop Road and the walk through door. Prior to the installation, please provide a detailed work specification to my attention at the City of Belton for my review.

Thank you complying with the requests of the City, and we look forward to the continued renovation of this building. Please keep in mind that these deadlines represent final due dates, and the failure to comply may result in the revocation of your business license for Belton Glass. Please do not hesitate to contact me if you have questions.

Respectfully,

  
Jay C. Leipzig, AICP- Director  
Community Planning and Development

cc: Robert Cooper, City Planner  
Mark Polk, City Inspector  
Leo Lockard, City Inspector  
Al Hoag, City Councilmember  
Everett Loughridge, City Councilmember  
Paul Myers, Planning Commission Chair