

Minutes of Meeting  
Belton Planning Commission  
City Hall Annex, 520 Main Street  
August 17, 2009

CALL TO ORDER

Vice-chairman Holly Girgin called the meeting to order at 7 p.m.

ATTENDANCE

Commissioners: Vice-chairman Girgin, Mayor Pro Tem Lathrop, Commissioners Sally Davila, Tim McDonough, Scott VonBehren, Roger Horne, and Larry Thompson.

Staff: Jay Leipzig, Director of Community Planning and Development; Robert Cooper, City Planner; Jason Webb, Fire Marshal; and Ann Keeton, Community Development Secretary.

Absent: Chairman Paul Myers and Councilman Bobby Davidson

REPORT – NORTH CASS PARKWAY

Brian Baker, Cass County Commissioner, was present to report on the North Cass Parkway. The Interchange at 187<sup>th</sup> Street is proceeding as planned, but proposals to extend that road to 169 Highway in Kansas have been dropped. During public hearings, it was determined by MoDOT and KDOT that too many homeowners would be displaced by the project. Early in the project a moratorium was placed on properties in the unincorporated areas of the County, so a “sight line” could be developed. Since the project has been halted, the County Commission would like to lift the moratorium. Communication with the Cities is a priority of the County Commission according to Commissioner Baker, so he asked for the Planning Commission’s support in lifting the moratorium. He further explained there are preliminary talks of an east/west highway extension around 211<sup>th</sup> Street.

Mayor Pro Tem Lathrop asked for clarification about the first mile of the project that is in Belton City limits and extends to Mullen Road. Commissioner Baker explained the County is lifting the moratorium in the County portion only; their actions will not affect the section within the City limits. He went into detail about the property owners that would be affected if the road went through and the resulting decision by MoDOT and KDOT to halt development of the road project.

According to Commissioner Baker, the County Commissioners have voted to lift the moratorium once a letter of support from the Mayor is received from the City. There was discussion about the consequences of the moratorium on the affected land owners. **Commissioner Horne moved the Belton Planning Commission recommend the Cass County Commission proceed with lifting the moratorium placed on property located in the County along the North Cass Parkway, and release that land for future development considerations.** Commissioner Thompson seconded the motion. When a vote was taken, the following was recorded: Ayes: 7 – Vice-chairman Girgin, Mayor Pro Tem Lathrop, Commissioners Davila, McDonough,

VonBehren, Horne, and Thompson. Noes: none. Absent: 2 - Chairman Myers and Councilman Davidson. The motion carried.

#### MINUTES

Commissioner Davila moved to approve the minutes of the July 6, 2009, Commission meeting. Commissioner Horne seconded the motion. All members present voted in favor and the motion carried.

#### ELECTION OF OFFICERS

Mayor Pro Tem Lathrop moved to nominate Paul Myers as chairman of the Planning Commission. Commissioner Davila seconded the motion. All members present voted in favor of the motion and the motion carried.

Commissioner Davila moved to nominate Holly Girgin as vice-chairman of the Planning Commission. Commissioner VonBehren seconded the motion. All members present voted in favor of the motion and the motion carried.

#### PARK MASTER PLAN PRESENTATION

Todd Spalding, Director of the Belton Parks & Recreation Department, presented information regarding the Belton Trails Master Plan. He introduced Steve Bennett, Vice-President of the Park Board, who he said has participated in the trails project from the beginning.

He reported there are several small mixed use trails in the City parks but there is no connectivity to surrounding neighborhoods. The Master Plan goal is to connect all of Belton Parks with pedestrian and bike trails. Reasons given for creation of a trails system were:

- Lack of connectivity of trails and neighborhoods
- Congestion on 58 Highway
- People must drive to parks if they want to walk on a trail
- No safe bike routes on City streets
- Overall health concerns

Mr. Spalding provided a list of the benefits derived from a trails system.

It was reported by Mr. Spalding that plans for a trail under 71 Highway is moving along. The site has been marked with flags and will be surveyed next week. He anticipates the trail will be open by Spring of 2010 which will alleviate the obstacle of traveling between each side of the City. Mayor Pro Tem Lathrop made Commissioners aware there are a couple of residents in wheelchairs that are forced to travel on busy highways to get to Wallace Park.

Mr. Spalding told of the Longview Lake trail system and other significant connected trails that are part of the Metro Green system. If Belton can connect to the Metro Green system at Longview Lake, residents would become connected to hundreds of miles of trail systems according to Mr. Spalding.

Commissioner Horne initiated a discussion about pet stops on trails. It was reported that throughout the trails system there will be pet stations, benches and water fountains. Mr. Spalding

stated an off-leash pet park is part of the overall master plan for the park system. He went on to say there will be security lighting along the trail system. There was a discussion about types of grants available to fund trail projects. The benefits of a trail system for Belton citizens and the trail events that could be held in the City were topics of discussion. Mayor Pro Tem Lathrop noted that MARC made an attempt to acquire right-of-way (ROW) for trails from an area railroad, but the effort failed due to lack of funds.

Mr. Bennett spoke about the importance of the trails master plan. He acquainted the Commission with the challenges associated with the master plan, which he said are green space standards, connectivity, and existing infrastructure. He encouraged the Commission to ask questions and provide input for the trails project. Mayor Pro Tem Lathrop will provide the park with names of agencies that have grant money which has not been awarded.

Mr. Leipzig suggested the City's Comprehensive Plan be amended to include the trails master plan. He also recommended the Commission discuss requiring developers to dedicate park land for projects early in the process. Meetings in October were talked of as possible public hearing dates for amending the Comprehensive Plan. **Commissioner Horne moved the Commission take this under advisement and hold a public hearing on October 19, 2009, to discuss the inclusion of the Belton Trails Master Plan into the City of Belton's Comprehensive Plan.** Mayor Pro Tem Lathrop seconded the motion. When a vote was taken, the following was recorded: Ayes: 7 – Vice-chairman Girgin, Mayor Pro Tem Lathrop, Commissioners Davila, McDonough, VonBehren, Horne, and Thompson. Noes: none. Absent: 2 - Chairman Myers and Councilman Davidson. The motion carried.

#### CASE # SUP09-15

Mr. Leipzig introduced the Special Use Permit (SUP) request to allow a used car lot to operate at 604 N. Scott. It was stated the DRC committee members met with the applicant July 15 at which time the review process was explained to the applicant. Surrounding land use was mentioned as one of the issues connected to this application.

Mr. Cooper presented the staff report. The address of the SUP request for an automobile sales lot is 604 N. Scott, Suite AA. The sales lot parking area is approximately 3,600 sq. ft. according to Mr. Cooper. He reported there are auto repair shops on the same property in separate tenant spaces. The criteria used to evaluate an SUP application was presented by Mr. Cooper and it included:

*Welfare and Convenience of the Public* – He stated staff believes the proposed use and location would contribute to the proliferation of car lots along North Scott and could have a negative influence on the welfare and convenience of the public.

*Injury to Surrounding Property* – The use will not have an adverse affect on the neighboring properties due to the similarity in type.

*Domination of the Neighborhood* - The proposed used car lot will add to the predominance of that use in the neighborhood.

Parking requirements and driving aisle size were topics covered by Mr. Cooper in the staff report. According to the staff report, the single point access, the 24-ft. driving aisle, multiple tenants in the building, and high volume of traffic, all create a safety hazard for travel along N.

Scott. A timeline of the occupation license application process completed by Mr. Manohar was given. It was reported Mr. Manohar met with the DRC committee and was provided with a list of requirements necessary to open a car lot, and those included lighting, signage, paved and striped parking, dealer's license and licensed cars. He was advised the business cannot operate until the occupation license and the SUP have been approved. A list of conditions was provided by Mr. Cooper as guidelines should the Commission decide to approve the SUP.

Referring to photos of the property, Mr. Leipzig pointed out there were vehicles at the proposed business on August 11, 2009. A sign has been installed that does not comply with the sign ordinance according to Mr. Leipzig. The applicant was told the only vehicles that can be repaired at the business are the vehicles for sale, not vehicles of people coming in off the street. Mr. Leipzig stated it appears the building is being occupied.

Vice-chairman Girgin opened the public hearing at 7:47 p.m. The hearing was being held to receive public input regarding an application for a Special Use Permit to allow a used car lot to operate at 604 N. Scott.

Harium Manohar, the applicant, 9418 Leslie Avenue, Kansas City, Missouri was present to speak in favor of the SUP. Mr. Manohar praised the SUP process for car sales lots and indicated he wants to work with the City to follow the regulations for car dealerships. Mr. Manohar confirmed that he allowed the business sign to be erected in an attempt to comply with the Missouri Dealer Licensing requirements. He explained that a SUP was applied for to operate a used car dealership on the site and he would follow all the City requirements. He went on to say there will be an auto repair business adjacent to the car sales lot. Mr. Manohar reported that brake work and other "small things" will take place in the shop to get "for sale" cars ready to pass inspection.

Commissioner Davila initiated a discussion to clarify the intent of the "auto repair" part of the business. Mr. Manohar said the initial plan is to only repair cars that will be sold on the lot. Mr. Manohar clarified several aspects of the site drawing he submitted showing the proposed car lot, garage and office space. He explained the layout of the customer parking and he said the shop can hold approximately 10 cars.

Commissioner McDonough pointed out the sign on the business shows "Belton Value Auto Sales and Repair," and he asked why the sign advertises auto repair if he does not intend to do auto repair for the public. Mr. Manohar answered that Belton Auto Repair will be a different entity and he reiterated that repairs will be done on sale cars only. He was questioned further about the need for the word "repair" on the sign, if he is only repairing sale cars. Mr. Manohar implied that he was required to put the word "repair" on the sign but when questioned further, he contradicted his earlier declaration and stated it was something they thought would work out better. It was explained to Mr. Manohar the sign is misleading and may lead the public to believe car repairs are a service provided at the business. Mr. Manohar then acknowledged a mechanic will be applying for a permit to start his own repair business inside the car sales shop, but he has not applied yet. He stated there is room on the south side of the building for cars patronizing the future repair shop and they would make sure the business only has five parking spaces.

Commissioner Horne pointed out the site appears to be too crowded for a sales lot, and the overcrowding will be compounded with the addition of a repair shop. Mr. Manohar declared he will make sure everything works and he will address any complaints he receives from the City. It was mentioned the car sales business will not be outside only, but it will include the building. Mr. Cooper reported the City ordinance will not allow a second business in the same building as a licensed car lot without City Council review. He went on to say the future auto repair shop vehicle parking has to be fully screened with a six foot privacy fence and there will be no outside storage allowed. Again, Mr. Manohar indicated he is willing to work with the City to do whatever it takes to make sure everything is in proper order.

Fire department access was discussed. According to Mr. Webb, there are some access issues along N. Scott and the department typically stages the fire apparatus on the street. It was stated a hand lettered sign adjacent to the proposed used car business is not connected to the SUP.

It was reported on August 12 that code enforcement went to this property and cited the building for a business being operated without an occupation license. Mr. Leipzig noted that auto repair was taking place at the proposed business when code enforcement went to the site. The signage was not addressed by code enforcement on August 12 because the SUP application was in progress. **Commissioner McDonough moved to deny the Special Use Permit application allowing a car sales lot to operate at 604 N. Scott.** Commissioner VonBehren seconded the motion.

Before Vice-chairman Girgin called for a vote, she continued with the public hearing. Mr. Manohar requested the SUP be approved because he has spent money on the Missouri dealer's license and he recently got married. He stated that he is willing to do whatever it takes to "obey" the City laws.

There was no further input and the public hearing was closed at 8:05 p.m. The motion was restated by Commissioner McDonough and the second by Commissioner VonBehren.

During discussion it was made clear the motion on the floor is to deny the SUP for a car sales lot on the property at 604 N. Scott, so if approved this car sales lot could not operate at that address. There was further Commission dialogue to determine if there are any options open to the applicant that would allow the SUP to be approved. Five conditions listed in the staff report in the Commission agenda were mentioned as possible stipulations that must be followed if the SUP were to be approved. Mr. Cooper added the SUP is for the used car lot only and a future car repair business at the site should not be considered in this motion. Commissioner VonBehren indicated he does not want to stand in the way of a new business, but the Commission has spent a great deal time on used car issues and approval of a car lot at this location will perpetuate those issues.

Bario Saddiqui, a friend of the applicant, commented that when Adesa Auto Auction came to Belton, the elected officials welcomed dealers and businesses to the City of Belton. He said when the Auction was welcomed to the City the used car dealers and repair shops follow. Mr. Saddiqui indicated Mr. Manohar would like to start a small business and will not create traffic issues with a few cars. Mr. Manohar is obtaining a temporary license good for one year

according to Mr. Saddiqui, and if the business works out, he will move to a larger lot. He went on to say a lot of money has been spent. He stated Mr. Manohar is an honest, educated man and will not make trouble for the City of Belton. The State of Missouri required the sign to be put up before they inspected the building according to Mr. Saddiqui. Mr. Cooper agreed the State does require the sign to be erected for their licensing procedures, but he said Mr. Manohar could have contacted staff to find out the City requirements pertaining to signs. Other dealerships have been licensed by the State and have applied for a City sign permit also.

Commissioner McDonough made it clear the motion is not a reflection on the applicant, but the motion to deny the SUP is based on the location of the building, the building/parking layout and past uses of the building. He added that the site is not a good location for a used car lot. Commissioner Horne agreed the location is not adequate for a used car lot, and he then called for the question. **At this time a vote was taken on the motion to deny the SUP**, and the following was recorded: Ayes: 7 – Vice-chairman Girgin, Mayor Pro Tem Lathrop, Commissioners Davila, McDonough, VonBehren, Horne, and Thompson. Absent: 2 – Chairman Myers and Councilman Davidson. The motion carried and the SUP was denied.

#### UNIFIED DEVELOPMENT ORDINANCE (UDO)

Mr. Leipzig reported City staff is in the process of looking at the Unified Development Ordinance in detail. Tonight's discussion concerns performance standards, subdivision design and regulations, and signs. He pointed out the sign ordinance has been extensively revised over the years, but it is difficult for staff to enforce. It is his hope the UDO will make it easier to understand and will include diagrams.

Mr. Cooper presented the UDO staff report. He reviewed section headings and went into details about several to the subjects.

#### SIGNS:

Mr. Cooper covered section headings titled "Permits Required," "Signs Exempt from Regulation," and "Prohibited Signs."

*Signs allowed without a Permit:* These types of signs include real estate, real estate directional, garage sales, and political. If these signs are placed in prohibited locations such as the City ROW or on utility poles, staff will confiscate those signs according to Mr. Cooper.

*Sign Measurement and Interpretation:* This subject explains how sign size will be calculated and diagrams are shown.

*Sign Material & Construction:* He said there is a section about the types of approved materials that can be used to construct signs.

*Obstruction:* This section specifies locations where placement of signs will be unacceptable.

*Landscaping:* Mr. Cooper reported the UDO specifies that all monument signs must be landscaped.

*Master Signage Plan:* This section deals with site plans for new developments and displays a table to clarify sign regulations in all zoning districts.

*Off-Premise Signs:* Mr. Cooper summarized the subsection of this type sign and those included: Off-premise signs are permitted only along state and federal highways; no off-premise sign may be located within 1,000 feet of any existing off-premise sign; a letter of authorization from the property owner is required for application of any off-premise sign; and site plans and sign permits are required for off-premise signs.

*Subdivision Entrance Signs:* Staff will take the existing regulations that were recently updated by the Commission and incorporate them into the proposed UDO language for subdivision entrance signs according to Mr. Cooper.

*Electronic Message Center Signs:* The UDO designates this type of sign will be subject to review through the Special Use Permit process.

*Temporary Signs:* Mr. Cooper stressed this section is very clear in the UDO, and he read a few sentences from this section.

It was stated by Mr. Leipzig that hand-painted signs are addressed peripherally in the UDO, but they will also be covered in the Property Maintenance Code.

*Outdoor Lighting:* Mr. Cooper covered the UDO sections pertaining to lighting. Section titles included “Outdoor Recreational Uses,” “Flashing Lights,” and “Parking and Loading Areas.”

*Fences:* The existing fence language will be incorporated into the UDO fence section according to Mr. Cooper. Once again he pointed out there are diagrams and tables to make it easy to determine what is allowed in each zoning district.

*Subdivision Design and Improvements:* It was reported the UDO is being extensively reviewed by staff, and changes are made by incorporating staff and Commission input. This section deals extensively with the City Engineer. Details about a new “mud deposit” were discussed. This subject has to do with construction projects that do not clean mud/dirt they deposit on City streets. Mr. Leipzig added, this subject is dealt with in the erosion control portion of the Ordinance.

*Yard Matching:* Mr. Cooper spoke of yard matching between two subdivisions requiring residential yard lines to lineup with each other.

*Buffer Strips:* Mr. Cooper provided details about residential subdivisions that back onto arterial or major collectors and how a buffer strip must be provided. He went on to explain two buffering options included in the UDO.

The section to be reviewed at the next meeting by the Commission deals primarily with engineering. Mr. Leipzig pointed out that throughout the UDO there is an emphasis on sustainability. He went on to state there are many references to landscaping buffers, trees, and

there is a tree ordinance in the UDO. Mr. Leipzig reported there are approximately 10 – 12 cities in the metro area that are in the process or have recently adopted a UDO. One firm in the region has prepared several area UDO documents and it appears they are all basically the same with only a few details that differ. These similarities between cities may help developers because a large number of cities will have the same development process.

Mr. Leipzig mentioned he would like the Site Plan Review Committee to go through and examine the UDO in detail. To be consistent with what is currently in the code is a goal announced by Mr. Leipzig.

Mayor Pro Tem Lathrop suggested there be a provision inserted in the subdivision buffer zone section dealing with tree longevity, and he related an example of a subdivision where the buffer trees have died. There is a provision in the section covering landscape escrow that stipulates the trees must live for two years according to Mr. Leipzig.

Signs in the ROW were a subject initiated by Mayor Pro Tem Lathrop. He told of a developer that placed the subdivision sign on a rock in the ROW. A letter was sent to the developer advising him the sign must be removed, but the rock is still in the ROW. Mr. Cooper reported there is a dedicated sign easement in the subdivision he spoke of. There is not a sight line problem associated with the rock/sign according to Mayor Pro Tem Lathrop. He went on to say the last director of community development sent a letter to the developer stating the sign/rock was illegal and must be removed, but years later the rock is still in place.

It was explained that a “snipe sign” is a sign attached to either a pole or tree.

#### DIRECTOR’S REPORT:

The next regularly scheduled Commission meeting will be held September 21. A special meeting will be scheduled for September 14 at Fire Station #2 to help the Commission members understand planning from the fire department’s perspective.

Mr. Webb further explained the proposed agenda for the September 14 meeting at the fire station. One hour will be devoted to learning the fire marshal’s perspective of new projects that are under review. Cul-de-sac lengths, turning radius and residential sprinkler systems will be some of the topics focused on according to Mr. Webb. He reported that later the Commission will be given a ride through the City to observe firsthand some areas of concern encountered by the fire department.

Mr. Webb spoke of development tradeoffs and he gave an example of approving a smaller turn radius, if parking is not allowed on the street. Mayor Pro Tem Lathrop expressed concern about approving developments with smaller turn radii and Mr. Webb announced those topics will be discussed at the special meeting. Mr. Webb voiced his pleasure with the UDO document and indicated the long process will be worth the effort.

Mr. Leipzig announced staff has met with the developer of Boardwalk and he is hoping a concept plan can be brought to the Commission in September.

Staff is internally reviewing a site plan for a grocery store that will be located at Y Highway and 58 Highway. That case will be presented to the Commission at a future date.

Mayor Pro Tem Lathrop announced Councilman Davidson was ill and could not attend tonight's meeting.

#### ADJOURNMENT

Mayor Pro Tem Lathrop moved to adjourn the meeting. Commissioner VonBehren seconded the motion. When a vote was taken, all members present voted in favor and the meeting adjourned at 8:55 p.m.

Ann Keeton  
Community Development Secretary