

Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
November 2, 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, and Roger Horne.

Staff: Brad Foster, Assistant City Manager; Robert Cooper, City Planner; Shannon Marcano, City Attorney; and Ann Keeton, Community Development Secretary.

Absent: Commissioner Larry Thompson

MINUTES

Commissioner Horne moved to approve the minutes of the October 19, 2009, Planning Commission meeting. Councilman Davidson seconded the motion. All members present voted in favor and the motion carried.

PUBLIC HEARING

Chairman Myers opened the public hearing at 7:03 p.m. This hearing was being held to receive public input regarding a Special Use Permit (SUP) application to allow a used motorcycle and car sales business to operate at 1208 – 1210 N. Scott.

Mr. Cooper introduced the SUP applicant, Mr. Bill Fennelly, and gave a brief description of his motorcycle sales business, RLB Services, LLC. A description of the location of the proposed business was given by Mr. Cooper. He explained that opening a vehicle sales business in the City requires a SUP.

Bill Fennelly, 17608 S. State Route D, Belton, Missouri, RLB Services business owner, spoke in favor of the SUP. Mr. Fennelly introduced his business partner and explained the proposed business building is a life-long dream. He has operated an Internet business for more than 10 years, from which he sold approximately 400 motorcycles in 2008. He described the proposed building site as an opportunity and stated he will work hard to represent the City of Belton. Commissioners were invited to check the eBay feedback site regarding his business sales and he asked if there were any questions. Mr. Fennelly explained that he will keep approximately 40 – 50 motorcycles on site for sale.

Danny Chevalier, 3405 E. 185th Place, stated he is not against the permit, but he voiced a concern about motorcycle traffic on Elmyra Circle, which is located behind the proposed business. He explained that motorcyclists test driving bikes from a former motorcycle sales business in the

area, often used Elmyra Circle. He gave an account of a motorcyclist that sustained an injured during a test drive on that road and he voiced concern about the safety of relatives that live on Elmyra Circle. Mr. Chevalier stated he spoke with Mr. Fennelly by phone to explain his reservations regarding test drives along the street, and was assured by Mr. Fennelly, the motorcycle traffic would be kept under control.

Being no further input, Chairman Myers closed the public hearing at 7:10 p.m.

Mr. Cooper distributed a business plan for RLB Services, LLC and presented the staff report. He again told the location of the proposed business and the lot size. The proposed use of the property is for motorcycle sales according to Mr. Cooper and he reported Mr. Fennelly met with the Development Review Committee (DRC). Elimination of a vacant building along the N. Scott commercial corridor was described as a benefit by Mr. Cooper. He reviewed the parking requirements for commercial establishments located in the City and he reported there should be ample parking for sale vehicles, employees and customers. It was noted by Mr. Cooper the building has not had a final inspection nor received a certificate of occupancy (CO). There are several outstanding items to be completed before a CO will be issued and he mentioned four of those which were: 1) complete the parking and drive areas, 2) landscaping 3) stair railings 4) separation of the return air from garage to upstairs showroom. He proposed four conditions the Commission should consider if they approve the SUP.

COMMISSION DISCUSSION

Mr. Cooper reported the SUP applicant would like to sell a few used cars along with the motorcycles. Mr. Fennelly indicated that at this time there are no plans to operate a nursing consulting business out of the same building. He went into detail about the sale cars location on the lot and he specified there will not be any cars hanging out of the lot. The price of the sale cars was estimated by Mr. Fennelly to be \$12,000 – \$15,000 per unit. The term “high-line” was used when describing the cars to be sold and Mr. Fennelly gave an explanation of the definition of the term. Mr. Fennelly anticipated there will be 10 – 15 cars for sale on the lot and the motorcycles will be inside on the showroom floor. Ample space will be reserved for customer parking according to Mr. Fennelly and he made it known he will always comply with the City Ordinances. Mr. Cooper gave details about the required size of parking spaces which he said will determine the number of spaces available for sale cars. He estimated there may be space for 10 sale cars.

Commissioner McDonough voiced concerns about the number of cars that will be on the lot. Mr. Cooper advised that the Commission members can set a limit on the number of cars and/or motorcycles that can be available for sale at the business. Chairman Myers pointed out one of the proposed conditions of approval calls for a review of the SUP by the Commission in one year. Mr. Fennelly stated ninety-nine percent of the sales last year for RLB Services were motorcycle sales, and he maintained this building creates an opportunity to have some cars on display. There was speculation about the future appearance of the proposed motorcycle/car sales lot. It was clarified for Mr. Fennelly that any speculation about the appearance of the proposed business is not a reflection on him personally, but due to past incidents of abuse by other vehicle sales businesses along N. Scott.

There was a discussion about regulating the number of cars allowed for sale on the property. Commissioner McDonough recommended there be a limit placed on the number of cars permitted on the lot. Councilman Davidson's opinion was that Mr. Fennelly should be allowed to place as many cars on the lot as the City Code allows. According to Mr. Cooper, it is hard to determine the number of cars the property can hold at this stage, but that number will be established as Mr. Fennelly gets further into the process and staff reviews the plans. There was discussion about the number of cars that could be parked on a lot which is approximately 3,000 sq. ft. It was stated by Mr. Fennelly, he would like to put a few motorcycles outside during the day for display purposes.

Benefits of Mr. Fennelly opening a business at this location were brought up including: occupation of a vacant building, investing in the area, upgrading the building and asphaltting the parking lot. Mayor Pro Tem Lathrop declared this was the first time he has heard of the sale of cars associated with this property. He voiced his disappointment with the absence of a site plan showing the layout of the proposed used car/motorcycle business. Mr. Fennelly again vowed to follow the City Codes and guaranteed "everything will be perfect."

The pros and cons of setting limits on the number of sale cars to be allowed on the lot were discussed. Councilman Davidson told of a former SUP applicant who promised the Commission he would comply with codes and then did not follow through. Commissioner Girgin indicated she did not feel qualified to determine the number of sale cars the property can hold, and she suggested the Commission trust the ordinance to establish that correct number. Mr. Cooper gave details about the absence of a site plan in the agenda packet. He said there are exterior issues to be completed which include the parking and drive areas, after which the parking layout will have to be designed. Mr. Cooper listed some items that are reviewed when creating the parking layout for the business so as to prevent vehicles extending into the street, sidewalk, right-of-way, or blocking visibility.

Commissioner McDonough asked if it is feasible to set a ratio of cars to motorcycles as a guideline to the number of vehicles allowed at the business. Mr. Fennelly reported he only sells motorcycles at the present time and he reiterated that the location of the building creates an opportunity to branch out into car sales. It was clarified that Mr. Fennelly's sale cars will not be trade-ins only. He added a dealer's license is not just for motorcycles but also includes the sale of cars. Commissioner McDonough reported he was not aware the SUP application was for a used car lot but was under the impression it was for motorcycle sales only. Commission members discussed and concluded the SUP applies to a particular location and is not for the property owner. Mr. Cooper suggested the Commission can prohibit used cars as a condition of approval if they want to limit the SUP to motorcycles only. Councilman Davidson emphasized the importance of bringing business into the City, especially in a "blighted" area. He went on to say that he is not in favor of restricting the number of sale cars for this SUP application. He related a story about a time in Belton's past when businesses went elsewhere due to the "unfriendly" reception they received. The business license can be suspended if the business does not comply with the City Codes according to Councilman Davidson. **Mayor Pro Tem Lathrop moved to approve the Special Use Permit to allow a used motorcycle and car sales lot to operate at 1208 – 1210 N. Scott subject to the occupancy issues being corrected and the staff recommended conditions which are: 1) No certificate of occupancy shall be issued for RLB**

services, LLC until the site has a final inspection for compliance with the approved site development plan; 2) The Special Use Permit will be valid once a certificate of occupancy has been issued for the building; 3) The Special Use Permit be reviewed by the Planning Commission in one year to ensure compliance; 4) No material, supplies, or merchandise shall be stored outdoors. Councilman Davidson seconded the motion. Mayor Pro Tem Lathrop announced Commissioner Thompson, who is out-of-town, is in favor of the SUP application. When a vote was taken, the following was recorded: Ayes: 7 – Chairman Myers, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, Girgin, VonBehren, and Horne. Noes: 1 – Commissioner McDonough. Absent: 1 - Commissioner Thompson. The motion carried.

UNIFIED DEVELOPMENT CODE (UDC)

Mr. Cooper announced that “Decision Making Bodies and Officials” is the last section of the proposed Code to be reviewed. Staff is working on producing a complete version of the UDC. This comprehensive section deals with the powers and duties of these “Bodies and Officials.” Mr. Cooper briefly went over some of the topics included in this section.

It was pointed out by Mr. Cooper there is now a section dealing with creating a time limit for recording a final plat. He explained there will be a section that requires the plat to be recorded within one year of approval. A nonconforming provision and enforcement powers were other sections referred to by Mr. Cooper.

Commission members called attention to a few sections of the document that need revising due to incorrect information. Those revisions include: Commission meetings are to be held on the first and third Mondays of each month, and the Mayor should be included as a member of the Planning Commission.

DIRECTOR’S REPORT

Chairman Myers expressed his appreciation for the discussion that took place during the meeting. Commissioner McDonough mentioned the topics discussed during consideration of the SUP are not of a personal nature, but necessary to the SUP approval process.

ADJOURNMENT

Commissioner VonBehren moved to adjourn the meeting. Councilman Davidson seconded the motion. All members present voted in favor and the meeting adjourned at 8:02 p.m.

Ann Keeton
Community Development Secretary