

Minutes of Meeting
Belton Planning Commission
City Hall Annex – 520 Main Street
November 16, 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, 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: None

MINUTES

Commissioner Horne moved to approve the minutes of the November 2, 2009, Planning Commission meeting. Commissioner Davila seconded the motion. All members voted in favor and the motion carried.

PUBLIC HEARING – LAWN-CORPS

Chairman Myers opened the public hearing at 7:01 p.m. This hearing was being held to receive public input regarding a Special Use Permit (SUP) renewal for Lawn-Corps to allow a mulch/compost business to operate at 2016 E. 171st Street.

Pat Caskey, 2016 E. 171st Street, owner of Lawn-Corps spoke in favor of the SUP. He stated the business has been located at the current site for a few years and he would like to continue to operate there. He asked the Commission to approve the SUP for five years. Mr. Caskey offered to answer any questions the Commission might have concerning the SUP application.

There was no further input from the public regarding the SUP application for Lawn-Corps.

STAFF REPORT – LAWN-CORPS

Mr. Leipzig reported staff supports the renewal of the SUP for Lawn-Corps and there are no outstanding code issues on the property.

Mr. Cooper continued the staff report with a history of the SUP applications for Lawn-Corp at this property on 171st. He read the conditions of approval for the most recent SUP authorized by the City in 2006.

The surrounding land uses and an explanation of the compost business process were presented by Mr. Cooper. He indicated the business should not create an adverse affect on surrounding

property and reiterated there have been no complaints from the public. The applicant addressed concerns about the appearance of the business by setting the compost windrows back from the highway 900-ft. according to Mr. Cooper. He went on to report the site has adequate parking for employees and patrons. Referring to an aerial photo, Mr. Cooper pointed out the direction of flow for the stormwater runoff, and the silt control measures that have been completed by the owner of the business.

It was noted by Mr. Cooper that the City's Future Land Use Map in the Comprehensive Plan shows the area as large lot residential but due to a number of oil wells (mineral rights) on the property, the site cannot be developed as residential. If the Commission approves the SUP renewal, Mr. Cooper proposed a list of conditions of approval.

COMMISSION DISCUSSION – LAWN-CORPS

Commission members provided positive comments about Lawn-Corps complying with City codes and being a clean operation. Review of the SUP in five-years to ensure compliance and address any concerns was a proposed condition of approval, and it was clarified this condition is a suggestion the Commission could approve, not a requirement of the Code. Mr. Caskey stated that Lawn-Corps has State inspections every year.

Mayor Pro Tem Lathrop inquired about the Future Land Use map showing the area as residential, when the mineral rights/oil lease makes the area virtually unbuildable. After a brief discussion, it was suggested the area be reexamined and an amendment to the Comprehensive Plan – Future Land Use map should be made to accommodate the oil wells in the area. It was reported by Mr. Caskey the oil well owner believes the mulch/compost business and the wells go well together.

Commissioner Horne moved to recommend approval of the renewal of the Special Use Permit for Lawn-Corps to allow a mulch/compost business to operate at 2016 E. 171st Street with the following conditions:

- **The SUP is reviewed by the Planning Commission in five years to ensure compliance and to address any concerns or issues.**
- **The gravel drive shall be treated to mitigate negative affects being caused from gravel dust.**
- **Maintain the environmental mitigation plan (silt control).**

Commissioner Girgin seconded the motion. When a vote was taken, the following was recorded: Ayes: 9 – Chairman Myers, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, McDonough, Girgin, VonBehren, Horne and Thompson. Noes: None. Absent: none. The motion carried.

Chairman Myers closed the public hearing at 7:15 p.m.

PUBLIC HEARING – VAN CITY

Chairman Myers opened the public hearing at 7:16 p.m. This hearing was being held to receive public input regarding a SUP application to allow a used car sales business to operate at 814 N. Scott.

Terry Eakins, 19200 Walmer, Stillwell, Kansas, business owner of Van City, was present to speak in favor of the request. Mr. Eakins stated he has been in the car sales business for 34 years and he opened Van City in Belton in January of 2009. He stated 99% of his business is over the Internet, and not from people driving by the lot. The 814 N. Scott location has more room according to Mr. Eakins. He emphasized this car lot will not be operated as a traditional lot because there will not be pennants, windshield stickers, or logos due to the majority of sales being wholesale or Internet sales. Mr. Eakins stated it will appear as if there are no cars for sale. He expressed his appreciation to the Commission for considering his request. He asked that the SUP be approved for a one year and then extended if his business proves to be an asset to the City. It was reported most of the cars for sale at Van City are 2005 – 2008 models. Mr. Eakins went on to say there will not be any auto reconditioning or repairs done on site. The current location at 310 N. Scott will be vacated if the SUP is approved for 814 N. Scott. Mr. Eakins reported there is no longer a detail shop at his current location and cars are sent out for detailing. He reiterated the business will become sales only and there will be no clean up, detailing or repair of cars at the 814 N. Scott site. The former detail employee is now working at other locations.

There was no further public input either for or against the SUP application for Van City.

STAFF REPORT – VAN CITY

Mr. Leipzig introduced the staff report for Van City which he said is currently located at 310 N. Scott. This site will be vacated and the business moved to 814 N. Scott.

Mr. Cooper announced the Development Review Committee (DRC) met with Mr. Eakins in October to discuss his business plan. Most of the sales will be online with some cars placed on site at 814 N. Scott. Referring to a site plan, Mr. Cooper pointed out the position of 15 parking spaces on the west side of the property that could be used to park sale cars.

It was reported by Mr. Cooper that a car lot in this location would add to the large number of used car lots along the N. Scott corridor. There is one other tenant currently occupying the commercial building and that tenant is a Mexican Restaurant. He informed the Commission there had been a laundromat in the building, but it is no longer operating at that site. Details about access to the property were given by Mr. Cooper. It was stated the vehicles would be displayed along the west property line and not along N. Scott. A photo of the parking lot was displayed showing cracks with weeds growing from the cracks. According to Mr. Cooper the parking area will need to be repaired, sealed, striped and the weeds will have to be removed. Mr. Cooper proposed five conditions that should apply if the Commission votes to recommend approval of the Van City SUP. He mentioned a list of required inspection items that are examined during the final inspection for the certificate of occupancy.

COMMISSION DISCUSSION – VAN CITY

It was reported the commercial building can hold four/five businesses when completely occupied. Mr. Cooper announced that since the Ordinance was adopted which requires an SUP for used car lots; there have been six applicants in a short time span. Commissioner McDonough provided information about the number of car lots on N. Scott, which he said were 17 “official” lots and several “unofficial” lots.

Mr. Eakins stated there will be a business sign in the window and the existing pole sign in front will be utilized. He went on to say the back of the building has been cleaned up and plans have been made for concrete repair.

Commissioner McDonough commented that he has concerns about the proliferation of used car lots. Commissioner Thompson pointed out Van City will be closing its current location when it moves to 814 N. Scott. There was discussion about a new sign for another used car business at the 310 N. Scott site. Mr. Eakins reported the sign appeared overnight and belongs to the owner of the building, and then he identified the person from whom he rented the building. He clarified Van City is the only business working out of the current location on N. Scott. Mr. Eakins mentioned he has an agreement with the owner of the building at 814 N. Scott to keep the west end of the property/building reserved for Van City. Mr. Eakins began cleanup of the area and he stated there will be cracks filled and some sections of the parking lot repaired. A couch that was dumped at the site will be disposed of in a few days according to Mr. Eakins. There was a discussion about the number of doors on the building at 814 N. Scott and Mr. Eakins explained which doors serve his business office.

Councilman Davidson indicated he has no objection to this SUP request since Van City is moving from one location to another site. He requested an investigation to see if a moratorium can be placed on vehicle sales lots within the city. He stated the city wants development but he clarified that he would like to see a moratorium on all types of vehicle sales businesses, not just cars. Mr. Eakins explained that two dumpsters in the area belong to a neighboring business. He stated his Internet car sales business will not generate much trash.

Commissioner Thompson moved to recommend approval of a Special Use Permit for Van City to allow a used car sales business to operate at 814 N. Scott with the following conditions:

- **No Certificate of Occupancy shall be issued for Van City until the site has a final inspection for compliance with city codes.**
- **The Special Use Permit shall be reviewed by the Planning Commission in one year to ensure compliance.**
- **The sales display area shall be located on the west side of the building only and consist of no more than 15 vehicles. (Shown on Exhibit A).**
- **No display vehicle shall obstruct visibility or be parked in such a manner which would create a hazardous condition.**
- **No material, supplies, or merchandise shall be stored outdoors.**

Commissioner Horne seconded the motion. When a vote was taken, the following was recorded: Ayes: 9 – Chairman Myers, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, McDonough, Girgin, VonBehren, Horne and Thompson. Noes: None. Absent: none. The motion carried.

Chairman Myers closed the public hearing at 7:36 p.m.

Concerning a moratorium on vehicle sales lots, Chairman Myers reported he agrees with Councilman Davidson and he asked for a motion to direct staff to investigate the possibility of a moratorium. Additional questions Councilman Davidson would like answered were: 1) the

length of time a moratorium can be in effect; 2) when a car lot closes at one location, does the Commission/Council have the right to deny another vehicle sales business from opening in the same location. Discussion took place about issues and safety concerns surrounding the some of the car sales lots on N. Scott. Mr. Eakins reported at 814 N. Scott there is sufficient room for fire truck access around the building. There was further dialogue about the legality of denying vehicle sales lots due to the large number of car sales businesses, and encouraging balanced development for the area.

Questions were asked about the car sales sign displayed on the building owned by the Assembly of God Church and located next to Sonic (404 Cherry). It was reported there have been some “junk” cars for sale at that site. Mr. Leipzig stated the church has approached City staff about opening a car sales lot at that location. He went on to say Codes will look into it because a sales lot has not been approved for that site. Mr. Cooper announced the City has received a SUP application for that site for a used car lot. He stated that if a sign is posted at the church owned building, it is a violation of City codes. The public hearing for the SUP application for a car sales lot has been advertised with the local newspaper. Additionally, Mr. Cooper reported there are more vehicle sales lot SUP applications “waiting in the wings.”

Mr. Leipzig suggested he meet with the City Attorney about a moratorium on vehicle sales lots and he reminded the Commission of an existing moratorium which was approved to give staff time to research and set review parameters for residential daycare centers. **Councilman Davidson moved to direct staff to begin the process of drafting language to place a citywide moratorium on vehicle sales lots, giving staff time to develop review parameters for vehicle sales businesses. (The moratorium would apply only to new applications for vehicle sales lots).** Commissioner Girgin seconded the motion. Commissioner Horne asked if the moratorium is found not to be legal, can there be a temporary suspension of vehicle sales lot approvals until staff is able to collect all the information and bring it back to the Commission? After discussion, it was determined staff should take as long as necessary to obtain the information. Mayor Pro Tem Lathrop added there have been moratoriums on various types of businesses in the past, and he believes it will be legal to approve one for vehicle sales, unless there have been changes in the law. Limiting vehicle sales lots based on population was an idea previously suggested but it was not clear if the City attorney had supported this suggestion. When a vote was taken, the following was recorded: Ayes: 9 – Chairman Myers, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, McDonough, Girgin, VonBehren, Horne and Thompson. Noes: None. Absent: none. The motion carried.

PROPERTY MAINTENANCE CODE

Mr. Leipzig presented the 2006 International Property Maintenance Code (IPMC) to the Commission. He included a draft ordinance prepared by staff for the City Council. If adopted, the IPMC would replace the current minimum standards for buildings. He complimented the City on the way a property maintenance code was gradually developed over time. He described the IPMC as one component of the International Codes and he stated the codes are compatible with each other. He reported the code enforcement department will make a presentation to the Commission at the December 7 meeting to explain the differences between the existing code and the IPMC.

DIRECTOR'S REPORT

Mr. Leipzig briefed Commission members on upcoming events:

- Trails Master Plan will be reviewed by the Council in December
- 1208 N. Scott, motorcycle/car sales business SUP to Council in November
- Lawn-Corps SUP to Council November 24
- 814 N. Scott SUP for car sales to Council November 24

He reported staff is continuing to work on developing the Unified Development Code.

The moratorium on the residential daycare centers will expire on December 14 and there is a draft ordinance regulating the centers that will be presented to the Council in the near future.

Staff was asked to look at restricting the number of payday loan businesses in Belton. Mr. Leipzig told of the current separation requirements for payday loan facilities operating in the City. He is working with the City attorney to refine those requirements or place further restrictions on that type of business.

There was a conversation about vehicle sales businesses that are now selling a large number of cars over the Internet and the location of Mr. Eakins car lot makes Internet sales a necessity because of the low visibility of the site.

ADJOURNMENT

Councilman Davidson moved to adjourn the meeting. Mayor Pro Tem Lathrop seconded the motion. All members voted in favor and the meeting adjourned at 7:57 p.m.

Ann Keeton
Community Development Secretary

EXHIBIT A

