



**AGENDA  
CITY OF BELTON  
PLANNING COMMISSION  
MEETING & PUBLIC HEARING  
MONDAY, JULY 20, 2015 - 7:00 P.M.  
CITY HALL ANNEX, 520 MAIN STREET**

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- I. CALL MEETING TO ORDER**
  
- II. ROLL CALL**
  
- III. APPROVAL OF THE MINUTES OF THE JULY 6, 2015 PLANNING COMMISSION MEETING**
  
- IV. PUBLIC HEARING**
  - A. Consideration of a zone change from R1 (Single –Family Residential) to R-3 (Multi-Family Residential) District on behalf of Carnegie Village.
  - B. Consideration to allow a home childcare business at 311 Manor Drive.
  - C. Consideration of a Text Amendment to the Belton Unified Development Code, regarding Section 2-1 Enforcement.
  
- V. CONSIDERATION**
  - A. Consideration of a Preliminary Plat approval for Carnegie Village.
  
- VI. DIRECTOR'S REPORT**
  
- VII. NEXT MEETING DATE: AUGUST 3, 2015**
  
- VIII. ADJOURNMENT**

# **MEETING MINUTES**

**JULY 6, 2015**

**Minutes of Meeting  
Belton Planning Commission  
City Hall Annex, 520 Main Street  
July 6, 2015**

**CALL TO ORDER**

Chairman Holly Girgin called the meeting to order at 7:03 p.m.

**ATTENDANCE**

*Commission:* Chairman Holly Girgin, Commissioners Ryan Finn, Chuck Crate, Councilman Tim Savage, Mayor Jeff Davis.

*Staff:* Jay Leipzig, Community & Economic Director, Robert Cooper, City Planner, Jennifer Dutcher, Community Development Secretary

*Absent:* Commissioners Sally Davila, Tim McDonough, Chris Christensen and Larry Thompson.

**MINUTES**

Commissioner Crate moved to approve the minutes of the June 15, 2015 Planning Commission meeting. Commissioner Finn seconded the motion. All members present voted in favor and the motion carried.

**DISCUSSION**

Jay Leipzig announced the consideration of a zone change from C-2 (General Commercial) to M-1 (Light Manufacturing) District has been retracted by the owner of 207 N. Scott. The public hearing notice was published in the paper for this evenings meeting; however the owner has since withdrawn this request. As discussion focused on the address of 207 N. Scott, Mayor Davis questioned what type of activity happened at that location earlier in the day. Mr. Leipzig stated allegedly Xtreme Hauling dumped a load of spoiled grain onto the lot as a gift to the property owner. Code Enforcement Officers issued tickets, and as of this time the lot has not been cleaned up. Councilman Savage was questioned as to what can become of a load of spoiled grain. In response Councilman Savage indicated strong undesirable odor, and rodents. Councilman Savage continued to state it would be his desire to know that if a property has a lien by the city and there is a change in ownership, that the city can be righted for any debt. Mr. Leipzig indicated the city has just published a hearing notice in the paper for a text amendment for the UDC, concerning this very issue and it will be on the next agenda.

Mr. Leipzig continued the meeting with the consideration of a Final Development Plan for Arvest Bank as he welcomed Bart Brown with BRR Architecture and Arnie Tulloch from Shafer, Kline & Warren. The staff report was presented by Mr. Cooper as he described the location to be located at the SE corner of Givan and N. Cedar, and addressed as 305 N. Cedar Street, Crest Plaza, Second Plat, Lot 5. The location has an existing zoning of C-2 / General Commercial and a proposed use of Banking Services. The entire area is zoned C-2 / Commercial-Retail. The Final Plat of the Second Plat of the Crossroads at Belton

Addition received Planning Commission approval on October 4, 2010. The addition consists of five (5) separate lots with the Cosentino Price Chopper grocery store constructed on Lot 1, which was the first of many commercial/retail shops to be constructed. Arvest Bank with drive-thru service will be constructed on Lot 5, which is located at the southeast corner of Givan Avenue and N. Cedar Street. Upon Planning Commission acceptance of the site plan, the developer is ready to submit construction documents and begin moving dirt. Mr. Cooper continues to describe the site, adding it is just over an acre in size with a gross floor area of more than 3100 square feet. There will be no direct access from either N. Cedar or Givan Avenue. An internal driveway between Lots 3 and 5 will provide access. The site is designed to control the traffic flow with one ingress. Customer parking will be on the north side of the building with the drive-thru customers circling the building to the south side utilizing the four (4) drive-thru teller lanes with full egress. The parking ratio for this project is 1:200-sq. ft., which equates to no less than 16-parking spaces. The site will provide for 22 parking spaces including handicap stalls. The developer is proposing a single-tenant monument sign with LED display; located at the northwest corner of the site. The setback, size and height requirements as prescribed by code have been met. The exception is the LED display; code requires a Special Use Permit. Pursuant to Section 30-9(h)1-6 of the Unified Development Code, the following conditions must be applied:

- a. LED displays shall not be allowed as part of a temporary sign;
- b. Any portion of the LED display or image must have a minimum duration on screen of eight (8) seconds. An exception is made for 'time & temperature' display;
- c. The change from one message to the next shall not take more than one second and shall not involve flashing or movement of text or images;
- d. In case of malfunction, the sign display shall be defaulted to a blank screen;
- e. Prior to issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 7,000 NITS during daylight hours and 2,500 NITS between dusk and dawn and that the intensity level is protected from end-user manipulation; and
- f. The sign shall not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or result in a nuisance to the driver.

In lieu of a Special Use Permit, staff would like to include the LED sign display as part of the approval of the final development plan. Mr. Cooper stated this project will have an assortment of shrubs and trees with a mixture of Maple, Spruce, White Oak, and Juniper trees all meeting or exceeding the minimum caliper size of 2½ inches at planting. All disturbed land areas not landscaped will be sodded (tall fescue/bluegrass) mixture with irrigation system, complete with back-flow preventer. Rain-gardens and other storm water BMP's have been integrated with the landscaping to help mitigate storm-water runoff. Plans have been accepted as submitted by Planning/Zoning, Fire Department, Building Inspections and Engineering. As we move along there will be Civil and Construction plans submitted when the site is ready to go vertical. Mr. Cooper continued with a description of the trash enclosure indicating it to be constructed of material that matches the building color and materials as well as landscaped. Councilman Savage expressed concern over understanding the landscaping. Mr. Cooper went over the landscape plan in detail, discussing the placement of trees and shrubs along the lot. Councilman Savage questioned if the monument will stand alone or if it will have anything around it. Mr. Tulloch indicated the monument sign will be located within an oval area with landscaping around it. Mayor Davis questioned if the development will be in the retention plan. Mr. Leipzig indicated, indeed this site will be a part of the Markey Regional Detention Plan. Mr. Brown discussed the interior layout of the facility indicating a

reception desk, conference rooms, and private offices being among some of the design. He continued to state this facility will have a video conference set up for discussions with loan officers located at other branches; this location will have a lot of technology. They anticipate a lot of drive thru and ATM traffic at this location. Mr. Crate questioned the red LED band on the building. Mr. Brown indicated it is just a part of the Arvest image, similar to the golden arches for McDonald's or the band around the Qt.

Mayor Davis moved to approve as amended, the Final Development Plan for Arvest Bank, with a second by Councilman Savage.

Chairman Girgin acknowledged we have a motion to approve the application and to include the request for the monument sign as outlined in the proposal.

When a vote was taken, the following was recorded, Ayes: 5 – Chairman Girgin, Mayor Davis, Commissioners Finn, Crate and Councilman Savage. Noes: none. Absent: 4 – Commissioner Christensen, Davila, McDonough and Thompson. The motion carried.

Mr. Leipzig continued with the Director's report citing Hobby Lobby and Heartland Dental will be breaking ground this week. The upcoming July 20<sup>th</sup> meeting will have a rezone request from Carnegie Village and text amendment to the Unified Development Code requiring financial encumbrances to be cleared prior to processing any applications. Mr. Leipzig continued to say the Texas Roadhouse project is still moving forward.

Chairman Girgin announced she will be absent at the next meeting, however she has already contacted Vice Chairman Christensen to chair in her absence.

#### **ADJORNMENT**

Councilman Savage moved to adjourn the meeting. The motion was seconded by Commissioner Finn. All members present voted in favor and the meeting adjourned at 7:34 p.m.

Jennifer Dutcher  
Community Development Secretary

# **Carnegie Village request for zone change.**

**BELTON PLANNING COMMISSION  
MONDAY, JULY 20, 2015 – 7:00 P.M.  
CITY HALL ANNEX BUILDING – 520 MAIN STREET**

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**CHANGE IN ZONING CLASSIFICATION  
R-1 (SINGLE-FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL)  
600 MINNIE AVENUE**

.....  
Robert G. Cooper, City Planner

**CASE #RZ15-11**

Consideration of a Zone Change from R-1 (Single-Family Residential) District to R-3 (Multi-Family Residential) District for a 1.00-acre tract of land, addressed as 600 Minnie Avenue.

**BACKGROUND**

Carnegie Village is a development that has been owned by the Tutera Group since 2006. Although the Tutera Group owned a minority share until 2010 when they assumed full ownership and management control, they have worked to improve the operation of the facility and brought the assisted living component to the project. Tutera Group is requesting that the property located at 600 Minnie Avenue be rezoned from R-1 to R-3 which is the current zoning for the senior housing development known as Carnegie Village. The property is currently owned by JCT Belton Senior Living, LLC. The State of Missouri has granted them a Skilled Nursing Certificate of Need to construct a development next to Carnegie Village. At the present time the plan is to build and manage a 60-bed facility immediately west of the current development. As a part of the development, the house will be razed and converted into parking for the Skilled Nursing Facility as well as the adjacent senior housing facility.

The Carnegie Village site (entire tract) was viewed as a long term development and the existence of the assisted living and independent living units possible when excess land became available allows the owner to enhance the development by adding the Skilled Nursing Facility. This allows for additional services to the elderly and the population segment needing physical rehabilitation and other services. In addition, the new facility will need additional staff, most being skilled workers, providing job opportunities within the community.



Aerial photo of surrounding area

**CURRENT ZONING**

This area consists of a mixture of zoning classifications. The predominate zoning along 58-Highway is C-2 (General Commercial), while the zoning along and south of Minnie Avenue is primarily R-1 (Single-Family Residential) with higher density R-2 and R-3 (Two and Multi-Family) located on the west side of Cedar (Y-Highway) and south of E. North Avenue.

The characteristics and predominate land use in the immediate area is commercial/retail with store frontage along 58-Highway. However, the interior properties just south of the commercial corridor are residential in characteristic and design.

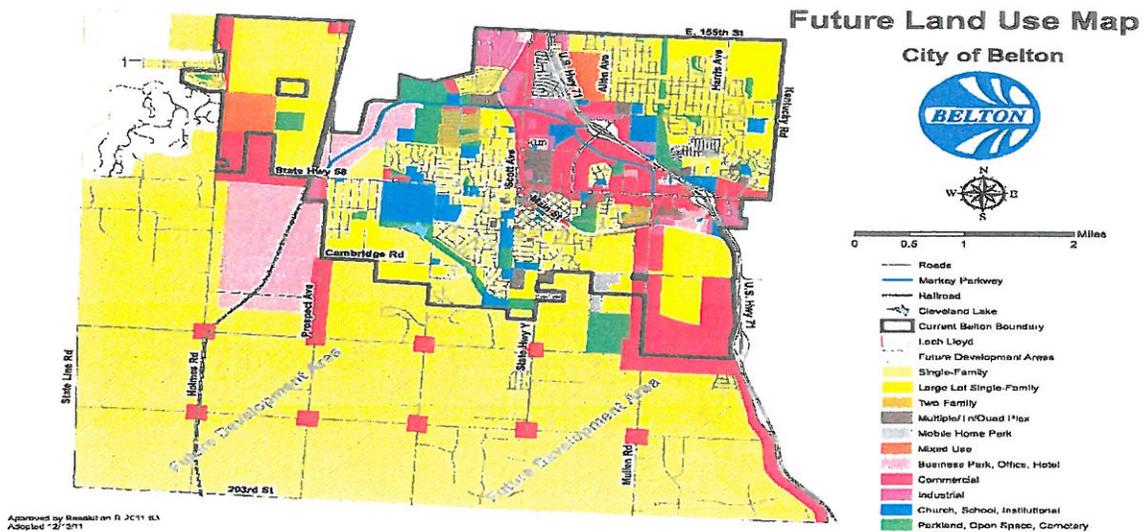


Area zoning map

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**REVIEW**

Comprehensive Plan. The city’s future land-use map designates this area as multi-family mixed use zoning. The rezoning to multi-family would be consistent with the City’s Future Land Use Map and future plans for this area of the city.



Approved by Resolution R 3011 SA  
Adopted 7/2/2011

**COMPATIBILITY:**

The proposed zone change to R-3 (Multi-Family Residential) for the one-acre parcel would be consistent with the existing zoning of the entire tract of Carnegie Village.

In addition, the change to multi-family residential zoning would serve as a buffer between the commercial uses along E. North Avenue and the single-family houses south of Minnie Avenue. This “zoning buffer” approach is consistent with national planning standards and common planning practice.

**ENVIRONMENTAL:** The rezoning of the property to multi-family as proposed does not appear to pose an increase in environmental impacts than what is currently found within the existing R-3 multi-family zoned area of Carnegie Village.

**ADVERSE IMPACT:** The zone change will not have an adverse impact on the surrounding properties due to similar zoning and uses in the immediate area.

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**STAFF RECOMMENDATION**

Staff has no on-going concerns or issues with this request.

**NOTE:** As the project moves along, staff will present to the Planning Commission a final plat and final development plan.

Community Development staff, support a recommendation to rezone the property from R-1 (Single-Family Residential) District to R-3 (Multi-Family Residential) District.

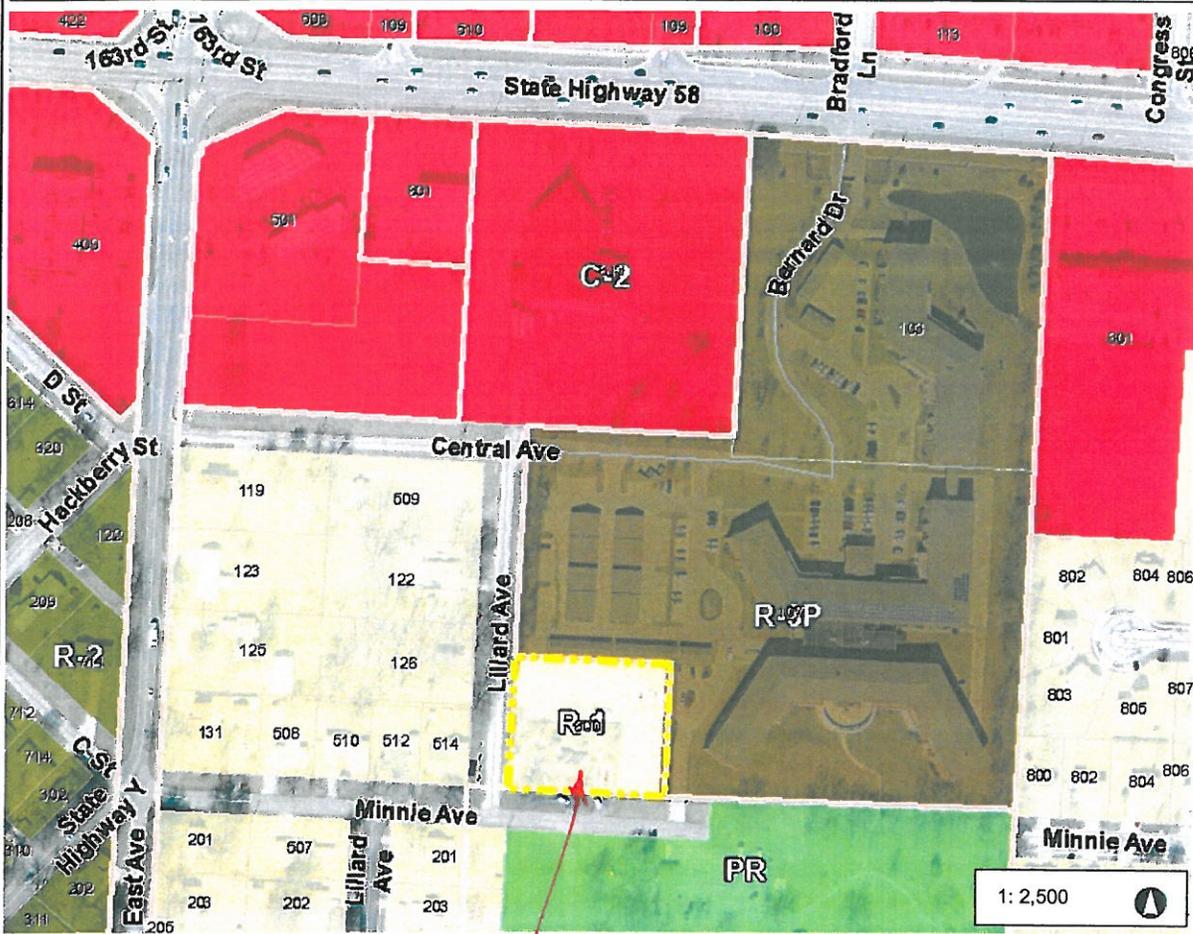
**PLANNING COMMISSION ACTION**

1. Motion to **approve** the zone change from R-1 (Single-Family Residential) to R-3 (Multi-Family Residential), for a 1.00-acre of land, located at 600 Minnie Avenue.
2. Motion to **deny** the zone change from R-1 (Single-Family Residential), to R-3 (Multi-Family Residential), for a 1.00-acre of land, located 600 Minnie Avenue.
3. Motion to **continue** the case pending additional information.

**ATTACHMENTS**

- Zoning Map
- Area Map

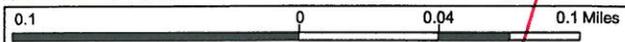
# CARNEGIE VILLAGE / R-1 to R-3



**Legend**

- Street
- Parcel
- Subdivision
- Zoning
  - A
  - BP-R
  - C-1
  - C-2
  - C-2P
  - C-2PUD
  - C-3
  - M-1
  - M-2
  - PR
  - PUD
  - R-1
  - R-1PUD
  - R-1B
  - R1-P
  - R-2
  - R-3
  - R-3PUD
  - R-3A
  - R-3P
- Building Footprint Basemap
- Parcel Basemap

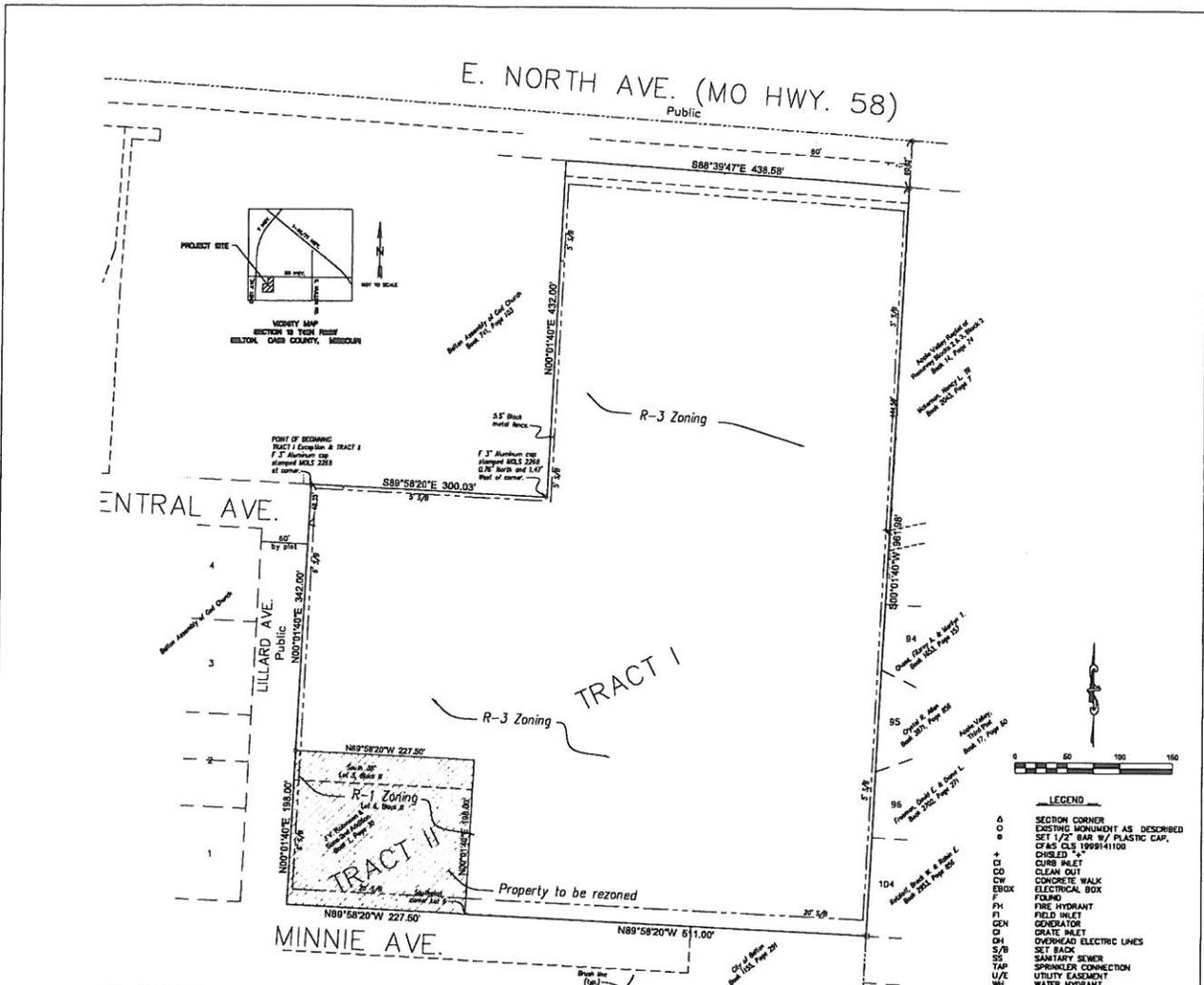
1: 2,500



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Notes**

*Zone Change*



**LEGAL DESCRIPTION**

**TRACT I**  
 A Tract of land in the Northwest Quarter of Section 13, Township 48 North, Range 33 West, City of Belton, Cass County, Missouri described as follows:  
 All of Lot 1, Carnegie Village, a subdivision in the City of Belton, Cass County, Missouri except that part described as follows:  
 Beginning at the Northwest corner of said Lot 1; thence South 89 Degrees 56 Minutes 20 Seconds East along the Northern line of said Lot 1, 300.03 feet; thence South 10 Degrees 00 Minutes 31 Seconds West, 78.71 feet; thence South 01 Degree 01 Minutes 20 Seconds West, 107.28 feet; thence South 44 Degrees 41 Minutes 52 Seconds East, 55.47 feet; thence South 00 Degree 01 Minutes 40 Seconds West, 104.33 feet; thence South 22 Degrees 39 Minutes 57 Seconds West, 75.09 feet; thence South 33 Degrees 41 Minutes 52 Seconds West, 80.02 feet; thence South 00 Degree 01 Minutes 40 Seconds West, 13.07 feet to a point on the Southern line of said Lot 1 and on the Northern Right-of-Way line of Minnie Avenue; thence North 89 Degrees 56 Minutes 20 Seconds West, along said Northern and Southern lines, 33.50 feet to the Southeast corner of Lot 6, Block B, J.V. Robinson & Sons 2nd Addition, a subdivision in the City of Belton, Cass County, Missouri; thence North 00 Degree 01 Minutes 40 Seconds East, along the Eastern line of said Lot 6 and the Eastern line of the South 38 feet of Lot 5, Block B, J.V. Robinson & Sons 2nd Addition, a subdivision in the City of Belton, Cass County, Missouri, 198.00 feet to the Northeast corner of the South 38 feet of said Lot 1; thence North 89 Degrees 56 Minutes 20 Seconds West, along the North line of the South 38 feet of said Lot 1 and the Southern line of said Lot 1, 227.50 feet to the Northwest corner of the South 38 feet of said Lot 1; thence North 00 Degree 01 Minutes 40 Seconds East, along the West line of said Lot 1 and said Eastern Right-of-Way line, 342.00 feet to the Point of Beginning.

**TRACT II**  
 Also a non-exclusive easement for access, ingress and egress and an exclusive easement for parking, as set forth in that certain Easement for Access, Ingress, Egress and Parking recorded in the land records of Cass County, Missouri, on 6/11/2015, as Document No. 664172 in Book 3855 of Page 73 being across the following:  
 A Tract of land in the Northwest Quarter of Section 13, Township 48 North, Range 33 West, City of Belton, Cass County, Missouri described as follows:  
 The South 38 feet of Lot 5 and all of Lot 6, Block B, J.V. Robinson & Sons 2nd Addition, an addition to the City of Belton, Cass County, Missouri together with that part of Lot 1, Carnegie Village, a subdivision in the City of Belton, Cass County, Missouri that is more particularly described as follows:  
 Beginning at the Northwest corner of said Lot 1; thence South 89 Degrees 56 Minutes 20 Seconds East along the Northern line of said Lot 1, 300.03 feet; thence South 10 Degrees 00 Minutes 31 Seconds West, 78.71 feet; thence South 01 Degree 01 Minutes 20 Seconds West, 107.28 feet; thence South 44 Degrees 41 Minutes 52 Seconds East, 55.47 feet; thence South 00 Degree 01 Minutes 40 Seconds West, 104.33 feet; thence South 22 Degrees 39 Minutes 57 Seconds West, 75.09 feet; thence South 33 Degrees 41 Minutes 52 Seconds West, 80.02 feet; thence South 00 Degree 01 Minutes 40 Seconds West, 13.07 feet to a point on the Southern line of said Lot 1 and on the Northern Right-of-Way line of Minnie Avenue; thence North 89 Degrees 56 Minutes 20 Seconds West, along said Northern and Southern lines, 33.50 feet to the Southeast corner of Lot 6, Block B, J.V. Robinson & Sons 2nd Addition, a subdivision in the City of Belton, Cass County, Missouri; thence North 00 Degree 01 Minutes 40 Seconds East, along the Eastern line of said Lot 6 and the Eastern line of the South 38 feet of Lot 5, Block B, J.V. Robinson & Sons 2nd Addition, a subdivision in the City of Belton, Cass County, Missouri, 198.00 feet to the Northeast corner of the South 38 feet of said Lot 1; thence North 89 Degrees 56 Minutes 20 Seconds West, along the North line of the South 38 feet of said Lot 1 and the Southern line of said Lot 1, 227.50 feet to the Northwest corner of the South 38 feet of said Lot 1; thence North 00 Degree 01 Minutes 40 Seconds East, along the West line of said Lot 1 and said Eastern Right-of-Way line, 342.00 feet to the Point of Beginning.

- LEGEND**
- △ SECTION CORNER
  - DISTING MONUMENT AS DESCRIBED
  - SET 1/2" BAR W/ PLASTIC CAP, OF AS (LS 1998/11/10)
  - ⊕ CHISEL "A"
  - ⊕ CURB INLET
  - ⊕ CLEAN OUT
  - ⊕ CONCRETE WALK
  - ⊕ ELECTRICAL BOX
  - ⊕ FILING
  - ⊕ FIRE HYDRANT
  - ⊕ FIELD INLET
  - ⊕ GENERATOR
  - ⊕ GRATE INLET
  - ⊕ OVERHEAD ELECTRIC LINES
  - ⊕ SET BACK
  - ⊕ SANITARY SEWER
  - ⊕ SPRINKLER CONNECTION
  - ⊕ UTILITY EASEMENT
  - ⊕ WATER HYDRANT
  - ⊕ WATER VALVE
  - ⊕ TRANSFORMER
  - ⊕ TREE (Deciduous)
  - ⊕ TREE (Conifer)
  - ⊕ SHRUBBERY

**REZONING MAP**

SHEET	RETON	GROUP	CLASS	ESSENT	JOB NO.
1	13	46H	33H	CASS	15-0099
DRAWN BY		SCALE		DATE OF PREPARATION	
RCS		1"=50'		5/15/15	

**LOT 1, CARNEGIE VILLAGE & PART OF THE NORTHWEST QUARTER SECTION 13**  
 In Section 13, Twp. 48N, Rge. 33W  
 Belton, Cass County, Missouri

**REVISIONS**

NO.	DATE	DESCRIPTION

**Home childcare business at 311 Manor Drive.**



**BELTON MISSOURI - PLANNING COMMISSION  
REGULAR MEETING – CITY COUNCIL ROOM  
CITY HALL ANNEX, 520 MAIN STREET  
MONDAY, JULY 20, 2015 – 7:00 P.M.**

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STAFF REPORT: Robert G. Cooper, City Planner

**CASE #SUP15-14**

**Request:** Special Use Permit to allow a home child care business to operate on property zoned R-1 (Single-Family Residential) District.

**Location:** 311 Manor Drive

**Property Description:** Hargis Gardens, Lot 8, Block 9

**Owner / Applicant:** Zakariah J. Berislavich (property owner) / Courtney R. Berislavich (applicant / business owner)

**Size of Site:** 77-ft. x 125-ft. (9,625-sq. ft.) / 0.22-acre

**Existing Zoning / Land Use:** R-1 / Single-Family Residential (S-FR)

**Proposed Use:** Home Child Care

**Surrounding Zoning / Land Use:**

North: R-1 / S-FR  
East: R-1 / S-FR  
South: R-1 / S-FR  
West: R-1 / S-FR

**Future Land Use Map:** Residential

**Code Citation:**

Pursuant to Section 40-3(6) of the Unified Development Code, 'Day care homes and centers' with more than four (4) children must have a special use permit and must meet the following requirements:

- a. Day care homes and centers must be licensed by and in compliance with all state and local laws governing such facilities;
- b. Any outdoor areas used by the facility as recreational areas must be enclosed by a fence no less than 42-inches in height;

- c. Day care homes and centers must include a designated safe unloading (drop-off) and loading (pick-up) areas for children.

**SPECIAL USE PROVISION** – Some uses of land are not appropriate in all locations within a district or under circumstances where the use imposes an inappropriate impact on the public or neighboring properties and are therefore designated as “special uses”. These uses may be approved at a particular location through the receipt of a special use permit where the impact of those users does not inappropriately affect or impair the use and enjoyment of neighboring properties.

**Nature of Current Request**

The applicant and business owner, Courtney Berislavich, has contacted the City to gather information on what requirements are needed to operate a home child care business at 311 Manor Drive.

According to the applicant, all children and activities associated with the use will be contained primarily within the building with the exception for outdoor play time.



Aerial photo of surrounding area

**History**

The 1,086-sq. ft. residential house at 311 Manor Drive was originally constructed in 1965 as a split-level wood-frame... has five (5) rooms with three (3) of them as bedrooms, with one (1) full size bathroom and two (2) toilet rooms including a full basement. There is a single car garage with an added wing for a double stacking capacity of four (4) vehicles.

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## **STAFF REPORT**

### **Welfare and Convenience of the Public**

It appears that by permitting a home day care center in the proposed location could contribute to the welfare and convenience of the public by providing a service in the neighborhood and for individuals living and working in the Belton area.

### **Injury to Surrounding Property**

It appears the proposed use will not have an adverse affect on the surrounding or abutting properties provided the user does not store any materials or items outdoors or maintains an unsightly yard.

### **Domination of the Neighborhood**

It appears to staff, the proposed use as a home day care center will not dominate the neighborhood. All of the adjoining Lots within the immediate neighborhood have a minimum lot size of 0.25 and 0.35 of an acre. These moderately large residential lots will help mitigate any potential negative affect a use of this type may produce.

### **Off-Street Parking / Access**

The Unified Development Code requires, "one (1) parking space for every 600-s.f. of gross-floor area (gfa)". Based on the total square footage of the house; two (2) off-street parking spaces must be provided. Currently, there are no restrictions for on-street parking along Manor Drive.

There is direct access from Manor Drive, which is the primary source of ingress/egress. Due to the staggered scheduling scheme of the business owner and relatively low volume of users, no additional access or traffic calming devices are needed.

### **Signage**

Pursuant to Section 40-4 of the Unified Development Code, home based business are allowed one (1) non-illuminated wall sign, not to exceed two-square feet and shall match the house in color and design.

### **Staff Recommendation**

Approval... subject to the following condition(s):

1. No outdoor storage of supplies and/or materials.

### **Planning Commission Alternatives**

The Planning Commission has the following options available in the consideration of this application:

1. Approve the application as submitted upon finding that the requirements of Section 40 of the Unified Development Code for Special Use Permits, as been satisfactorily addressed.
2. Approve the application subject to specified conditions.
3. Table the application if additional information is needed, such as time of use or other related factors.
4. Deny the application if the required findings cannot be made or if the proposed use is found to be incompatible with the neighborhood.

### **Attachments:**

1. Applicant's Business Plan, Policy & Procedures

# Courtney Berislavich's Business Plan

My goal is to provide an educational, fun and safe environment for children between the ages of zero to six years. My hours will be 7:00am to 5:30pm. During those hours, I will provide the children with a wide range of activities including arts and crafts, socialization, large muscle group activities, and general learning. I plan to help the children further their imaginations and prepare them for a brighter future.

For the past three years, I've been a nanny for a wonderful family. Their children are now at the ages of starting school and moving forward, which is why I've decided to move forward as well. Being a licensed childcare provider has been a dream of mine, so I'm looking forward to pursuing that dream.

## Daily Schedule

7:00-8:00	Drop off (free play)
8:00-8:45	Hand wash/diaper changes/bathroom break/Breakfast
8:45-9:15	Circle time
9:15-10:00	Craft & Learning activity
10:00-10:30	Hand wash/Snack
10:30-11:30	Play outside
11:30-12:15	Hand Wash/diaper changes/bathroom break/Lunch
12:15-1:00	Clean up/Story time/prepare for nap
1:00-3:00	Nap
3:00-3:30	Hand wash/diaper changes/bathroom breaks/Snack
3:30-4:30	Play outside/hand wash
4:30-5:30	Pick up (free play)

# **Belton Unified Development Code Text Amendment**



**COMMUNITY & ECONOMIC DEVELOPMENT**

Jay C. Leipzig, AICP  
Director

520 MAIN STREET  
BELTON, MO 64012

TELEPHONE.\* (816) 331-4331

FAX.\* (816) 322-4620

EMAIL.\* [jleipzig@belton.org](mailto:jleipzig@belton.org)

WEBSITE.\* [www.belton.org](http://www.belton.org)

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DATE: July 20, 2015  
FROM: Jay Leipzig, Community & Economic Development Director  
RE: Text Amendment to the Belton Unified Development Code Section 2-1 Enforcement

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Community & Economic Development is requesting amendment of the City of Belton Unified Development Code. This language change does not alter the intent of the UDC, rather it clarifies enforcement. The recommended language is listed below.

**Sec. 2-1 Enforcement**

(h) Remedies and enforcement. The City of Belton has all of the following remedies and enforcement powers:

(1) Withholding of permits and other approvals.

a. The city may refuse to accept applications or withhold or deny all permits, certificates of occupancy and other approvals related to land, or any building or structure on land, where there is an uncorrected violation of this Code or the Belton City Code, or of a condition of any permit, certificate or other approval previously granted by the city, or any outstanding financial obligations owed to the city, including liens for nuisance abatement and dangerous building abatement. The city may also grant a permit or approval subject to the condition that the violation be corrected. This provision applies whether or not the current owner is responsible for the violation.

b. The city may also withhold or deny all permits, certificates and other approvals related to other land or structures owned or built by a person who caused an uncorrected violation of this Code or the Belton City Code on another property in the City of Belton.

(2) Revocation of permits. Any permit granted under this Code may be revoked when the community development director determines:

a. There is a departure from the plans, specifications or other requirements of the terms of the permit;

b. The permit was obtained by false representation or was issued by mistake; or

c. Any provisions of this Code are being violated.

Written notice of the permit revocation must be served on the owner, owner's agent or contractor or must be posted in a prominent location; thereafter, no further construction may proceed.

Respectfully;

Jay Leipzig  
Community and Economic Development Director

**Preliminary Plat approval for Carnegie Village.**



**PRELIMINARY PLAT  
A Re-Plat of Lot 1, Carnegie Village  
Parts of Lot(s) 5 & 6, Block B, J.V. Robinson & Sons 2<sup>nd</sup> Addition  
'CARNEGIE VILLAGE'**

**PLANNING COMMISSION  
MONDAY, JULY 20, 2015 – 7:00 P.M.  
CITY HALL ANNEX, 520 MAIN STREET**

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Assigned staff: Robert G. Cooper, City Planner

**CASE #PP15-12**

Consideration of a Preliminary Plat approval for Carnegie Village, a 13.4-acre, senior and assisted living facility, located on the south side of 58-Highway, east of Y-Highway, address as 107 Bernard Drive.

**BACKGROUND**

Carnegie Village is a development that has been owned by the Tutera Group since 2006. Although the Tutera Group owned a minority share until 2010 when they assumed full ownership and management control, they have worked to improve the operation of the facility and brought the assisted living component to the project. The property is currently owned by JCT Belton Senior Living, LLC. The State of Missouri has granted them a Skilled Nursing Certificate of Need to construct a development next to Carnegie Village. At the present time the plan is to build and manage a 60-bed facility immediately west of the current development.

The Carnegie Village site (entire tract) was viewed as a long term development and the existence of the assisted living and independent living units possible when excess land became available allows the owner to enhance the development by adding the Skilled Nursing Facility. This allows for additional services to the elderly and the population segment needing physical rehabilitation and other services. In addition, the new facility will need additional staff, most being skilled workers, providing job opportunities within the community.

**REVIEW**

The City's future land use map identifies this as high density residential, with a senior assisted living facility as a permitted use by-right.

Primary access to the facility will continue to be from East North Avenue with additional access points from the south along Minnie Avenue and from the west along Lillard Avenue.

The preliminary plat indicates the project involves the realignment of the existing interior roadway system, the creation of new carports, and new parking areas, in addition to the new 60-bed facility.

PURPOSE OF THE PRELIMINARY PLAT:

1. ensures the City of Belton protects and provides for the public health, safety, and general welfare of its residents;
2. helps guide the future growth and development in accordance with the comprehensive plan;
3. provide for adequate light, air, and privacy, and to secure safety from fire, flood and other danger and to prevent overcrowding of the land and undue congestion of population;
4. to protect the character and social and economic stability of all parts of the city and to encourage the orderly and beneficial development;
5. to protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings;
6. to guide public and private policy and action in order to provide adequate and efficient transportation, water, sewer, schools, parks, playgrounds, recreation and other public requirements and facilities;
7. to provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic, avoidance of congestion in the streets and highways, heed pedestrian traffic movements in relation to buildings and land uses and provide for proper location and width of streets and building lines;
8. to establish reasonable standards of design and procedures, in order to further the orderly layout and use of land;
9. to insure public facilities are available and have sufficient capacity to serve the proposed development;
10. to prevent the pollution of air, streams, and ponds, and to assure the adequacy of drainage facilities;
11. to preserve the natural beauty of and topography of the city and to ensure appropriate development with regard to these natural features;
12. to provide for open spaces through the most efficient design and layout of the land including the use of average density in providing for minimum width and area of lots.

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The following segment is a collection of staff's comments from a previous review of the preliminary plat.

**Planning:**

- City code requires parking stall dimensions to be at a minimum 9-feet by 20-feet...Please modify plan to meet code.

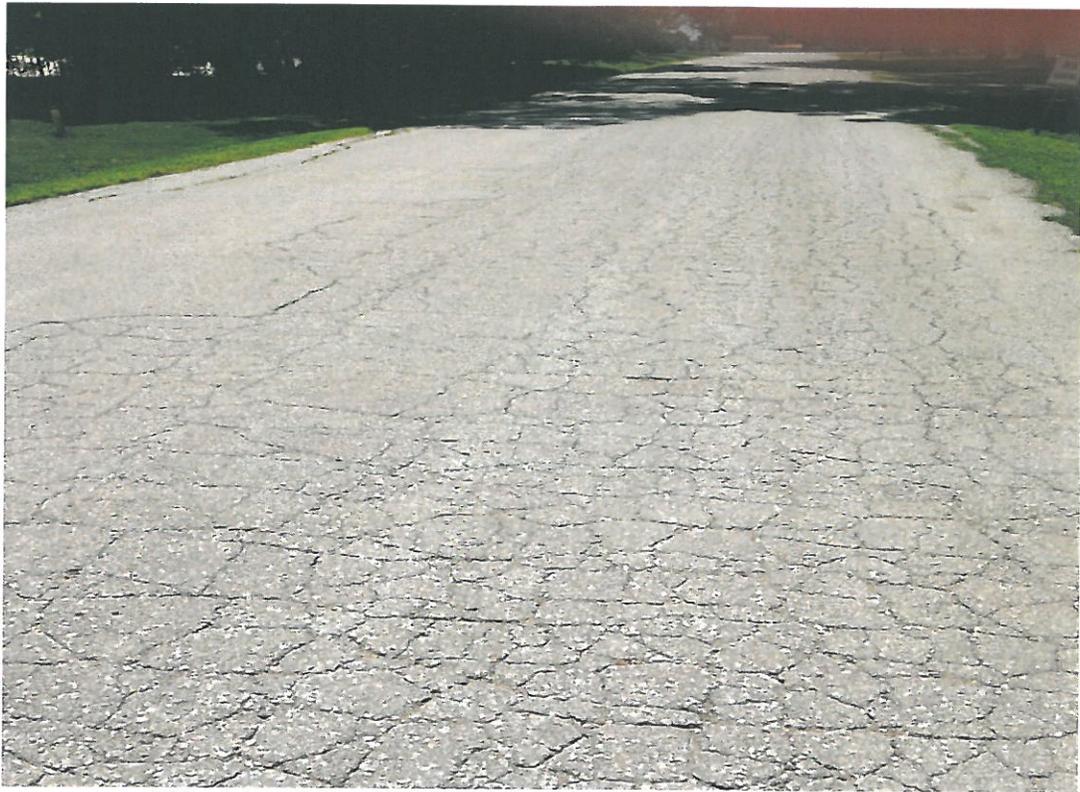
**Engineering Comments:**

- Section 36-108 of the City's Unified Development Code addresses improvements to public infrastructure triggered by redevelopment projects. Staff recommends the developer provide street improvements to adjacent residential streets (Lillard and Minnie), including resurfacing and curb improvements. A flat ribbon curb incorporating water quality BMPs or landscaping is a possible solution on Lillard and Minnie surrounding the site. Both streets are in poor condition and in need of improvements. (see photos)

- Submit drainage study addressing flood control and water quality requirements. The existing detention basin can be shown to meet storm-water requirements if:
  - The outlet structures have been surveyed and appropriate modeling has been conducted to ensure the water quality runoff volume can be captured and detained for at least 40 hours as specified in the BMP Manual
  - Appropriate level of service calculations are completed to ensure that a regular wet pond will meet the required level of service
  - Private ownership of the pond and maintenance responsibilities of the property owner are stated on the Final Plat.

Please submit a drainage study addressing the above if the intention is to utilize the existing detention basin to meet storm-water management requirements. Additional BMPs with a landscaping emphasis are encouraged. The drainage study should also provide information on whether the existing on-site storm sewer is adequately sized.

- The existing waterline onsite is private infrastructure. Repaint fire hydrants internal to site yellow rather than red. Private hydrants across the City are painted yellow, whereas red indicates a public fire hydrant.
- Construction traffic access will likely be limited to 58 Highway. Adjacent residential streets need to be protected from construction traffic, and left turns from southbound Y-Hwy onto Minnie with construction equipment are potentially dangerous.



**Lillard Ave. facing south - Alligator cracking in pavement**



**Lillard Ave. facing south – pavement sloughing at roadside ditch**

**Fire Marshal Comments:**

- Fire Department access road widths must meet Appendix D of the 2012 International Fire Code;
- Fire hydrant spacing and placement must meet 2012 International Fire Code specification.

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**NOTE:** The approval of the preliminary plat by the Planning Commission does not constitute an acceptance of the subdivision, but is merely deemed to be an authorization to proceed with the preparation of the final plat which requires Planning Commission and City Council approval.

The approval of the preliminary plat shall be effective for two-years. If the final plat for any part of the area covered by the preliminary plat has not been submitted for approval within this specified period, a preliminary plat must be resubmitted to the Planning Commission for approval.

**PLANNING COMMISSION ACTION**

1. Motion to recommend **approval** of the Preliminary Plat for Carnegie Village, a Re-Plat of Lot 1, Carnegie Village subdivision.
2. Motion to recommend **denial** of the Preliminary Plat for Carnegie Village, a Re-Plat of Lot 1, Carnegie Village subdivision.
3. Motion to continue the case pending additional information.

**ATTACHMENTS**

1. Preliminary Plat

