



**AGENDA
CITY OF BELTON
PLANNING COMMISSION
PUBLIC HEARING AND MEETING
MONDAY, APRIL 4, 2011 - 7:00 P.M.
CITY HALL ANNEX, 520 MAIN STREET**

- I. CALL MEETING TO ORDER

- II. ROLL CALL

- III. APPROVAL OF THE MINUTES OF THE MARCH 7, 2011 PLANNING COMMISSION MEETING

- IV. PUBLIC HEARING
 - A. Consideration of a Zone Change from A (Agricultural) to R-3/PUD (Multi-Family Residential/Planned) for a 151.7 acre tract of land located on the east side of State Highway D (Holmes Road) and north of State Highway 58.

- V. CASES
 - A. Consideration of a renewal of Special Use Permit #SUP09-20 to allow a used car dealership to continue to operate at 814 N. Scott.

- VI. DISCUSSION
 - A. Amendments to the Unified Development Code.

- VII. DIRECTOR'S REPORT

- VIII. NEXT MEETING DATE: April 18, 2011

- IX. ADJOURNMENT

MEETING MINUTES

MARCH 7, 2011

Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
March 7, 2011

CALL TO ORDER

Vice chairman Scott VonBehren called the meeting to order at 7:00 p.m.

ATTENDANCE

Commission: Vice chairman VonBehren, Mayor Pro Tem Gary Lathrop, Councilman Bobby Davidson, Commissioners Tim McDonough, Jeff Fletcher, Mike Van Eaton, and Larry Thompson.

Staff: Jay Leipzig, Community Development Director; Robert Cooper, City Planner; and Ann Keeton, Community Development Secretary.

Absent: Chairman Holly Girgin and Commissioner Sally Davila

MINUTES

Mayor Pro Tem Lathrop moved to approve the minutes of the February 7, 2011 Planning Commission meeting. The motion was seconded by Commissioner Thompson. All members present voted in favor, and the motion carried.

PUBLIC HEARING

Vice Chairman VonBehren opened the public hearing at 7:04 p.m. The hearing was being held to receive public input regarding renewal of a Special Use Permit (SUP) to allow a used car dealership to continue to operate at 814 N. Scott.

Mr. Leipzig reported that staff has been working with the City attorney about ways to expedite the renewal process for SUP renewals. It was determined the Commission may grant a longer period of time until a review is required. If this SUP renewal is approved, staff is recommending a five-year renewal period.

Mr. Cooper reviewed details about Case #SUP09-20 to allow vehicle sales at 814 N. Scott, which was approved at a meeting on November 16, 2009. The majority of vehicle sales are carried out on the Internet, but there are approximately 15 cars for sale parked on the west side of the building. The applicant is the only business currently operating in the building according to Mr. Cooper. He told Commissioners the parking lot is in poor condition and said the lot must be repaired and the parking stalls striped again. Mr. Cooper recommended five conditions of approval if the Commission votes to approve the renewal of the SUP.

COMMISSION DISCUSSION

Commission members discussed delaying approval of the SUP renewal until the parking lot is repaired and striped. There was conversation about the five-year SUP renewal versus the one-year SUP renewal, and what action could be taken if there are code violations before the renewal

date. According to Mr. Leipzig if code issues develop, or the conditions of approval are not met prior to the renewal date, the City can begin the process to revoke the SUP.

The poor condition of the parking lot was talked about and Mr. Cooper indicated that some repairs were made to the parking lot last year before the business received an occupation license inspection. He said the parking lot appears to be the original lot. It was recommended that the following proposed condition, "Special Use Permit #09-20 is to be reviewed by the Planning Commission in five years to ensure compliance," should be reworded to say ". . . *in at least five years. . .*" An alternate suggestion was to have a formal review by the City Council in five years but to have a yearly review by the Planning Commission. There was discussion about the parking lot repairs and whether it is the responsibility of the building owner or the business owner to make those repairs.

Terry Eakins, owner of Van City, asked to speak to the Commission. Mr. Eakins stated that he understands the Commission's concern about the condition of the parking lot, but at the present time it is not possible to fix the lot. Mr. Eakins said it is only the back portion of the lot that is in disrepair and he is the only tenant left in the building. He reported the building is for sale and Mr. Eakins is investigating the possibility of buying the building. Mr. Eakins described the improvements that will be made to the building if he purchases the property; additionally he plans to move the cars to the front of the parking lot. Councilman Davidson stated he would like to withdraw his request that the parking lot be repaired and he recommended that a formal review be conducted in five years with a yearly review by the Planning Commission. In further discussion it was brought up that the SUP parking plan shown in Exhibit A in the agenda is for the sale cars to be parked in back of the building. Mr. Cooper said staff will work with Mr. Eakins to amend the parking plan and Mr. Leipzig recommended tabling discussion of the case until the next meeting.

There was no further input so Vice chairman VonBehren closed the public hearing at 7:26 p.m. **Councilman Davidson moved to continue further discussion of Case SUP#09-20 until the March 21, 2011, meeting.** Commissioner Fletcher seconded the motion. All members present voted in favor and the motion carried.

DISCUSSION – OFF-LEASH DOG PARK IN MARKEY PARK

Todd Spalding, Belton Park Director, presented an overview of a proposal for a 2.5-acre off-leash dog park on City owned property in the northwest corner of Markey Park. According to Mr. Spalding after a review of the City's current park system it was determined there is not enough undeveloped space to house a dog park. It was reported the proposed site is already fenced and is currently zoned for recreation use.

Mr. Spalding reported that the dog park would be the first step in expanding the park system. He stated that in a report from the Missouri Department of Natural Resources (DNR) it was shown the City of Belton falls short of the State recommended guidelines for developed parkland by 300 acres. Mr. Spalding pointed out features of the proposed dog park on a concept plan.

Other park sites were evaluated as potential areas for a dog park before concluding that the 2.5 acre area is the best location according to Mr. Spalding. Mayor Pro Tem Lathrop initiated a

discussion about the area being a prime spot for development and he suggested another location should be found for the off-leash dog park. Mr. Cooper identified the boundaries of the Business Park – Restricted (BP-R) zoning district on Markey Road, which he said begins to the west of the proposed park area. He went on to say Markey Park and the proposed dog park area are in the PR (Parks & Recreation) zoning district.

The Commission debated the merits of the property being parkland versus valuable development land. Mr. Cooper added that if the location were to be approved for an off-leash dog park, City staff will review the park department's site plan to ensure the quality of the park would not be a detriment to the neighboring BP-R zone. There was further conversation about postponing a decision relating to the property. Mr. Spalding indicated the property could be converted into a dog park in approximately two months but the park will work within the guidelines set forth by the Commission and City Council.

Mr. Spalding stressed the fact that an off-leash dog park, an outdoor pool, and more park space were items identified by the community as high priorities in pre-election survey results. Mr. Spalding stated there is \$25,000 set aside for an off-leash dog park. Councilman Davidson suggested waiting until some of the other park projects have been completed as a budgetary precaution before taking on this new project. It was reported by Mr. Spalding that the other unimproved areas of Markey Park are used for a tree farm, practice ball fields, and eventually will become a ball field complex. Consideration was given to proceeding with the dog park in Markey Park area now, with the possibility of utilizing the property in the future for a commercial development. The benefits of an off-leash dog park to dog owners were talked about. Mayor Pro Tem Lathrop voiced support for the off-leash dog park concept but suggested other location possibilities should be explored and more questions answered. **Commissioner McDonough moved to recommend approval of the conceptual design plan for an off-leash dog park to be located on 2.5 acres in Markey Park with a site plan to be reviewed at a future meeting.** Commissioner Van Eaton seconded the motion. When a vote was taken the following was recorded: Ayes: 4 – Commissioners McDonough, Fletcher, Van Eaton and Thompson. Noes: 3 – Chairman VonBehren, Mayor Pro Tem Lathrop, and Councilman Davidson. Absent: Chairman Girgin and Commissioner Davila. The motion carried.

DIRECTOR'S REPORT

Mr. Leipzig reported that staff will continue to work on the Future Land Use Map and should be completed with the Markey area by the time the site plan is brought forward for the dog park.

Downtown Belton Main Street, Inc. is holding a stakeholders meeting on March 31, 2011, at the Belton Presbyterian Church on Main Street. Anyone interested in the future of the downtown area is encouraged to attend.

There will be a contractors / developers open house on March 24, 2011, from 4 – 6 p.m. at the City Hall Annex.

The U.S. Census Bureau has announced the final numbers for the 2010 Census and they are reporting the City of Belton has a population of 23,116 which is a 6.4% increase from the 2000 census numbers.

Mr. Leipzig reported staff has received the public improvement documents for the Crossroads at Belton and he anticipates receiving construction drawings for Price Chopper in April.

ADJOURNMENT

Councilman Davidson moved to adjourn the meeting. Mayor Pro Tem Lathrop seconded the motion. All members present voted in favor and the meeting adjourned at 8 p.m.

Ann Keeton
Community Development Secretary

ZONE CHANGE

A (Agricultural)

to

R-3/PUD

(Multi-Family Residential/Planned)

**CHANGE OF ZONING CLASSIFICATION
AG (AGRICULTURAL) TO R-3/PUD (MULTI-FAMILY /PLANNED UNIT
DEVELOPMENT) DISTRICT**

**BELTON PLANNING COMMISSION
MONDAY, APRIL 4, 2011 – 7:00 P.M.
CITY HALL ANNEX BUILDING – 520 MAIN STREET**

Assigned staff: Robert G. Cooper, City Planner

CASE# RZ11-03

Consideration of a Zone Change from Ag (Agricultural) District to R-3/PUD (Multi-Family Residential/Planned) District for a 151.7 acre tract of land, located on the east side of State Highway D and north of State Highway 58.

PROPOSAL

The applicant, VF Development has met with city staff to discuss the potential development of a large scale retirement / assisted living facility, enhanced by several community amenities, i.e. fishing lake, parks, and amphitheatre. General retail and commercial shops are also proposed along the Holmes Road frontage.

In order to allow the applicant/developer to move forward with their plans, a zone change for this large tract of land is required to accommodate this large scale multi-phase residential / planned development. Typically, a developer will submit a preliminary development plan for a project of this magnitude, in which details are provided on building elevations; proposed height, size, arrangement of buildings; off-street parking, with proposed arrangement of stalls and number of cars, entrance and exit driveways and their relationship to existing and/or proposed streets; open-spaces; trash enclosures; access – ingress/egress; easements; general landscaping, includes location and height of all walls, fences, signs; screening; and infrastructure positioning; however, the applicant has not provided staff with a preliminary development plan at this time.

The applicant has indicated to staff they prefer the reclassification as multi-family / planned because of the proposed high density residential houses mixed with high density commercial/retail use.

BACKGROUND

Zoning Map. Included in the packet is a copy of the city's zoning map which shows this area zoned as Ag (Agricultural) District. Currently, this tract of land is open pasture land with no public utility improvements. A vast majority of the surrounding land is also open pasture farmland. The exception is the Village of Loch Lloyd, an independent incorporated entity which is located on the west side of Holmes Road, directly across from this proposed development site.

REVIEW

Traffic Flow. One (1) major street arterial will serve this development, which is State Highway D (Holmes Road). There is a potential the developer will access Prospect Avenue, which is located

to the east during the later phasing stages of development. Staff does not have specifics on any internal roadways and/or street layout at this time.

Access & Parking. The developer is required to submit to staff a detailed site development plan which would show all access points and available off-street parking spaces, including all commercial parking lots. Staff has not been provided with specifics on these items.

Environmental. It appears the rezoning of the property as proposed will create an increase in environmental impacts than what would typically be found with an R-3 / PUD zoning district. There would also be an increase in public utilities; i.e. water, sanitary and storm sewer, fire protection and street improvements.

The purpose of a Planned Unit Development (PUD) District is to encourage the unified design of residential, commercial, office, retail and institutional uses and facilities or combination thereof, in accordance with an approved comprehensive development plan.

However, a “PUD” Planned Unit Development, can provide for elements of flexibility in design, placement, arrangement, bulk and other considerations involved, to provide a framework within which the buildings and uses in the planned district may be interrelated with adjacent development and areas; and to maintain the desired overall intensity of land use, desired population densities, and desired areas of open-space.

STAFF RECOMMENDATION

Engineering, Fire and Community Development staff are in general support of a recommendation to approve this zone change with the required detailed site development plan.

Currently, there are limited public utilities serving this area. The City Engineer has stated the following:

1. The existing sanitary sewer from Fairway Ridge to Effertz can handle the assisted living and independent living buildings; however, after these phases are complete, then there would be a need for studies to be done to see if the force-main on Holmes Road will need to be built before future phasing could proceed.
2. Engineering recommends any water connections be connected to the 8-inch in Prospect Avenue. We don't allow connections to the force-main in Holmes because this is a major water supply line from Kansas City.

Should the Planning Commission wish to approve the zone change, they can make it conditional, by execution of documents, that the developer, submit a preliminary site development plan meeting all the requirements as outlined in the City's Unified Development Code, to be reviewed and approved during a regular meeting of the Planning Commission.

Below are the requirements as they apply to a preliminary development plan as outlined in Chapter 22 of the UDC:

1. Submission Requirements and Contents for a Preliminary Development Plan:

- a. Existing topography with contours at 5-foot intervals, and delineating any land areas within the 100-year floodplain.

- b. Proposed location of buildings and other structures, parking area, drives, walks, screening, drainage patterns, public streets, and any existing easements.
- c. Conceptual locations, types, and sizes of all storm drainage conveyance, detention and treatment facilities.
- d. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas and other elements of the plan.
- e. General extent and character of proposed landscaping.

2. With regard to area within 200-ft. of the subject property:

- a. Any drives or streets which are of record.
- b. Any drives which exist or which are proposed to the degree that they appear on plans on file with the city, except those serving single-family houses.
- c. Any buildings which exist or are proposed to the degree that their location and size are shown on plans on file with the city. Single and two-family residential buildings may be shown in approximate location and general size and shape.
- d. The location and size of any drainage structures, such as culverts, paved or earthen ditches or storm-water sewers and inlets.
- e. Preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. Where several building types are proposed on the plan, a separate sketch shall be prepared for each type. Such sketches shall include elevation drawings, but detailed drawings and perspectives are not required.
- f. A schedule shall be included indicating total floor area, dwelling units, land area, and parking spaces.

3. The following information shall be submitted in support of the preliminary development plan:

- a. All studies as may be required by the Director of Community Planning and Development;
- b. Assurances of adequate public facilities.

PLANNING COMMISSION ACTION

- 1. Motion to *deny* the Zone Change from Ag (Agricultural) District to R-3/P (Multi-Family /Planned Unit Development) District for a 151.7 acre tract of land, located on the east side of State Highway D and north of State Highway 58.
- 2. Motion to *approve* the Zone Change from Ag (Agricultural) District to R-3/P (multi-Family / Planned Unit Development District for a 151.7 acre tract of land, located on the east side of State Highway D and north of State Highway 58, with the condition the developer submit a detailed site development plan meeting all the requirements as outlined in Chapter 22 of the Uniform Development Code.

3. Motion to continue the case pending additional information.

ATTACHMENTS

1. Zone Map
2. Conceptual drawing
3. GIS / Utility map



RENEWAL OF SUP#09-20

VAN CITY

814 N. SCOTT



**PLANNING COMMISSION REGULAR MEETING
CITY HALL ANNEX, CITY COUNCIL ROOM
520 MAIN STREET
MONDAY, APRIL 4, 2011 – 7:00 P.M.**

ASSIGNED STAFF: Robert G. Cooper, City Planner

CASE #SUP09-20 / RENEWAL

Request: Special Use Permit to allow a used car dealership to operate in a C-2 (General Commercial) District.

Location: The west side of N. Scott Avenue between Markey Road and Myron Avenue. The street address is 814 N. Scott Avenue.

Legal Description: Kingsland Addition

Owner / Applicant: Allied Fence Company (building owner) / Terry Eakins (applicant), owner of Van City.

Size of Site: 150-ft. x 230-ft. (34,500-sq. ft.) / 0.81-acre

Sales Lot Surface Area: 140-ft. x 20-ft. (2,800-sq. ft.)

Existing Zoning / Land Use: C-2 / Used Car Sales Lot

Proposed Use: Used Car Sales Lot

Surrounding Zoning / Land Use:

North: C-2 / General Commercial
East: C-2 / General Commercial
South: C-2 / General Commercial
West: C-2 / General Commercial

Comprehensive Plan: Commercial

NOTE: During the March 7, 2011 Planning Commission meeting, a unanimous vote to table the application to the next regular scheduled (March 21st) meeting was approved. This was to give the applicant additional time to work with staff on his new parking plan. This new parking plan was is to allow the vehicles to be displayed in front of the building, facing North Scott Avenue. Staff notified the applicant in writing and by phone of the need to submit a new conceptual parking plan for staff review prior to the scheduled meeting date. The March 21st Planning Commission meeting was cancelled in part, due to the applicant not providing staff with the parking plan. As a result, staff has no additional information to present to the Commission.

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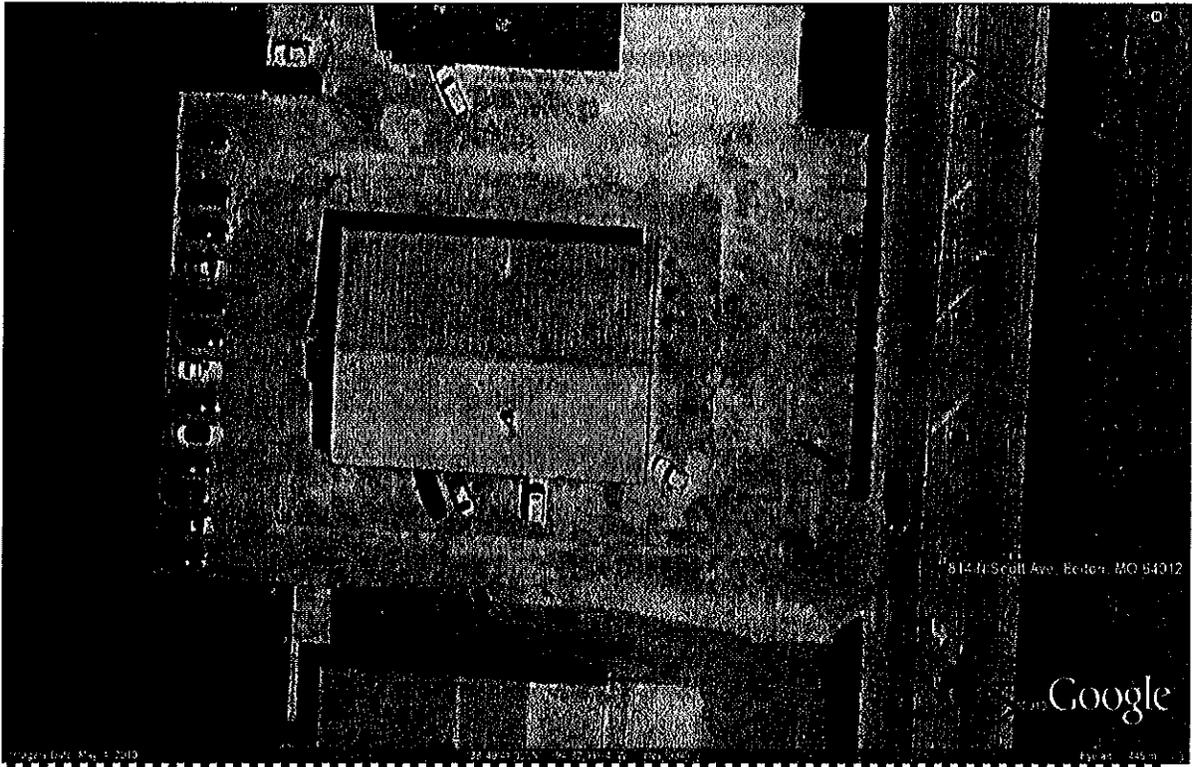


Figure 1

Staff Recommendation

Should the Planning Commission wish to table the review of Special Use Permit #09-20, the following condition(s) shall apply:

1. Establish a deadline for the submittal of a new parking plan;
2. Allow 'Van City' to continue operating under his current business license with an expired Special Use Permit.

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 2, Special Use Permits, of the City of Belton have been satisfied;
2. Approve the application subject to specified conditions;
3. Table the application if additional information is needed, i.e. parking plan;
4. Deny the application if the required findings of fact can't be made or if the proposed use is found to be incompatible with the neighborhood;
5. Initiate the revocation process of Special Use Permit 09-20.

Attachments:

- 1) Letter from staff to applicant

FILE COPY



PLANNING & COMMUNITY DEVELOPMENT
ROBERT G. COOPER, CITY PLANNER

CITY HALL ANNEX
520 MAIN STREET
BELTON, MISSOURI 64012

TELEPHONE * (816) 331-4331
FAX * (816) 331-6973

E-MAIL * rcooper@belton.org
WEBSITE * www.belton.org

March 7, 2011

Van City
c/o Mr. Terry Eakins
814 N. Scott Avenue
Belton, Missouri 64012

Re: SUP09-20 / Renewal
814 N. Scott Avenue
Tabled to the March 21st Planning Commission meeting

Mr. Eakins:

This letter is to inform you that the Belton Planning Commission met on Monday, March 7, 2011 and considered your request to renew Special Use Permit 09-20, which is to allow a used car dealership to continue operating on property zoned C-2 (General Commercial), and located 814 N. Scott Avenue, City of Belton, Cass County, Missouri.

Following presentation of the staff report and discussion, the Commission voted 7-0 to Table your request to the March 21st Planning Commission meeting to discuss a new parking plan. The additional time is needed to allow staff to work with you on the new proposed parking plan. Please keep in mind, it is imperative staff receives the new conceptual parking plan no later than Monday, March 14th.

The next step in the approval process is for this item to be placed on the next regularly scheduled Planning Commission meeting, which will be held on **Monday, March 21, 2011**, in the City Hall Annex building located at 520 Main Street.

Please ensure either you or an appointed representative is in attendance at the scheduled Council meeting to answer any questions that may arise.

Should you have any questions or concerns, please call the Planning Department at (816) 331-4331.

Sincerely,

Robert G. Cooper, City Planner
RGC/cgr

Cc: Jay Leipzig, Planning Director
Tamara Schenke, Code Enforcement Officer

Jason Webb, Fire Marshal
Mark Polk, City Inspector

AMENDMENTS

UNIFIED DEVELOPMENT CODE



**CITY OF BELTON
COMMUNITY DEVELOPMENT DEPARTMENT
INTERDEPARTMENTAL CORRESPONDENCE**

Date: April 4, 2011
To: Planning Commission
Jay Leipzig, Director of Community Planning & Development
From: Robert Cooper, City Planner
Cc: Shannon Marcano, Assist. City Attorney
Subject: **ADMINISTRATIVE CHANGES
REVIEW, COMMENTS**

UNIFIED DEVELOPMENT CODE (UDC)

In conjunction with the City Attorney's Office, staff has made administrative changes to the following Chapters in the Unified Development Code:

Chapter 2 / Definitions: 'Foster Home', 'Group Home', 'Halfway House', and 'Residential Care Facility'.

Chapter 10 / Agricultural and Residential Zoning Districts: formatting and sentence structure changes.

Chapter 11 / Commercial, Manufacturing & Public Use Zoning Districts: formatting and sentence structure changes.

Chapter 14 / Landscaping & Screening: residential landscaping requirements.

Chapter 15 / Use Specific Standards-residential and commercial: table of uses; special use provisions; manufactured home parks; home occupations.

During the May 2nd Planning Commission meeting, there will be a public hearing on these changes. During the interim period, between now and May 2nd, any commissioner wishing to have a hard copy of the amended Chapters, please let staff know and we will provide those to you.