



**AGENDA
CITY OF BELTON
PLANNING COMMISSION
PUBLIC HEARING AND MEETING
MONDAY, APRIL 18, 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 APRIL 4, 2011 PLANNING COMMISSION MEETING

- IV. PRESENTATION
 - A. Presentation of the Proposed Capital Improvement Plan.

- V. PUBLIC HEARING
 - A. Consideration of a Special Use Permit to allow a 50-ft. free-standing wireless communication tower to be constructed at 15918 Kentucky Road.

- VI. CASES
 - A. Consideration of revocation of Special Use Permit #SUP09-20 for a business located at 814 N. Scott.

- VII. DIRECTOR'S REPORT

- VIII. NEXT MEETING DATE: May 2, 2011

- IX. ADJOURNMENT

MEETING MINUTES

APRIL 4, 2011

Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
April 4, 2011

CALL TO ORDER

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

ATTENDANCE

Commission: Chairman Girgin, Mayor Pro Tem Gary Lathrop, Councilman Bobby Davidson, Commissioners Sally Davila (7:06 p.m.), Tim McDonough, Jeff Fletcher, Scott VonBehren, Mike Van Eaton, and Larry Thompson.

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

MINUTES

Councilman Davidson moved to approve the minutes of the March 7, 2011, Planning Commission meeting. Mayor Pro Tem Lathrop seconded the motion. All members present voted in favor, and the motion carried.

PUBLIC HEARING

Mr. Leipzig reported the Commission will not consider a request for a zone change from A to R-3/PUD for a 151 acre property located east of Holmes Road and north of Highway 58 at tonight's meeting. The applicant will instead be presenting an overview / concept plan for consideration, but the Commission will not be making a recommendation at this meeting.

Mr. Cooper presented a summary of the proposed concept plan and he provided details about the large scale retirement / assisted living facility with amenities. Review items included traffic flow, access, and environmental matters. It was reported the site will have access to Holmes Road, which is a major arterial street. An explanation of the purpose of a Planned Unit Development was given by Mr. Cooper. Staff generally supports the concept plan but will need a site development plan to review the details according to Mr. Cooper. He pointed out there are two comments included in the staff report from the city engineer regarding existing sanitary sewer and water connections in the area. Also included in the staff report was a list of submittal requirements for a preliminary development plan.

Chairman Girgin opened the public hearing at 7:13 p.m. This hearing was being held to receive public input regarding a zone change from A to R-3/PUD for a 151.7 acres located on the east side of State Highway D (Holmes Road) and north of Highway 58.

Pat Stiles, 901 Bernard Drive, Belton, Missouri, acquainted Commission members with details of the concept plan for the proposed retirement community and associated amenities. According to Ms. Stiles the services and amenities that will be available at the development include a lake,

small golf course, a staffed concession area, park, walking trails, amphitheatre, and there will be concerts.

She reported the development will be named "Camelot" and the buildings / houses will be built to fit in with the Camelot theme. She identified 151st and Mission, Kansas as having the style of homes that will be built in the proposed development. She indicated the homes will be primarily two-bedroom and approximately 2,000 square feet. Ms. Stiles announced the development will include a nursing home, Alzheimer's unit, assisted living and single-family homes for seniors. It was reported by Ms. Stiles, that she would also like to locate a hospital on the property.

Ms. Stiles announced that the original concept plan included townhomes, but she will be replacing those with patio homes and she stated her belief that senior citizens will not want homes with stairs. She went on to tell about other amenities she would like to incorporate in the development including restaurants, a banquet room, retail shops, and swimming pools. Ms. Stiles emphasized that she would like this to be a quality project. She identified two builders that she may select to work on the construction portion of the project. She reported the estimated cost of a home to be \$350,000 with a maximum price of \$500,000. The general contractor for the central building will be selected from experienced builders by Ms. Stiles. She indicated that she will build some of the homes, but will also consider selling some lots to qualified builders. She went on to say there will be more than one builder for the development construction projects. When lots are sold to various builders, those builders will be required to follow the building specifications set for the development according to Ms. Stiles.

The centrally located senior building will be four-stories in height, and Ms. Stiles reported the City fire department has the equipment to protect a building of that height

There were no additional public comments so Chairman Girgin closed the public hearing at 7:33 p.m.

Ms. Stiles stated Dan Quinn with Quinn Real Estate and Ms. Stiles' son will be involved in the development / construction project. She went on to say she is working with two companies on a feasibility study.

Councilman Davidson and Mayor Pro Tem Lathrop complimented Ms. Stiles on the existing Carnegie Village project with which she was associated. They also remarked favorably on the concept plan being discussed tonight and indicated they looked forward to receiving more information about the project.

SPECIAL USE PERMIT RENEWAL - 814 N. SCOTT

Mr. Cooper reported that during a Commission meeting on March 7, 2011, action on the special use permit (SUP) renewal application was tabled to allow the applicant time to work on a new parking plan. He stated the applicant was contacted in writing and by phone of the need to submit the new parking plan, but a revised plan has not been received. He reported that if the Commission would like to table review of the SUP renewal, the following conditions should apply: 1) Establish a deadline for the submittal of a new parking plan and, 2) Allow Van City to continue operating under the current business license with an expired SUP. There was a question

about whether the applicant was in the process of purchasing the building where Van City is currently located. It was reported that staff has no further information regarding the applicant's effort to purchase the building. **Councilman Davidson moved to postpone consideration of the renewal of SUP09-20 with the following conditions: 1) Establish a deadline for the submittal of a new parking plan; 2) Allow Van City to continue operating under the current business license with an expired SUP.** It was acknowledged that without receipt of the revised parking plan by the deadline, staff will begin the process to revoke the business license. When a vote was taken, the following was recorded: Ayes: 9 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, McDonough, Fletcher, VonBehren, Van Eaton, and Thompson. Noes: none. Absent: none. The motion carried.

UNIFIED DEVELOPMENT CODE (UDC) UPDATE

Mr. Leipzig reported the UDC is currently in codification with the Municipal Code Corporation. Proposed UDC changes were provided to the Commission for review and those changes were from Chapters 2, Definitions; 10, Agricultural and Residential Zoning Districts; 11, Commercial, Manufacturing & Public Use Zoning Districts; 14, Landscaping & Screening; and 15, Use Specific Standards-Residential and Commercial. According to Mr. Leipzig these changes are extensive but the data is basically the same information the Commission reviewed previously, only it has been moved to different locations in the UDC. He went over a few of the changes with Commission members. Councilman Davidson asked staff to make certain the UDC is clear on the definition of manufactured homes and where they can be located. Mr. Leipzig will review the UDC sections referring to manufactured home/parks and associated definitions with the city attorney.

DIRECTOR'S REPORT

Mr. Leipzig reported the SUP applicant at 300 N. Scott has until April 27 to comply with the conditions of approval. Mr. Webb reported he has talked to this applicant recently regarding the hydrant and bollards to be installed at the site. Additionally, the Code Enforcement division is issuing notices/tickets for code violations on some properties located on North Scott.

There was discussion about a business that has an excessive number of signs on their building. It was stated that only a certain percentage of a building can be covered with signage. Mr. Cooper reported that staff will notify the business about the sign code requirements.

Staff was asked to look at some handmade signs located at a local car repair business to see if those signs meet the City code requirements.

Staff was also asked to look at an overhanging roof that appears to be collapsing at a plumbing business on North Scott.

It was reported by Mr. Leipzig that a land disturbance permit has been issued for Crossroads at Belton. This is the site where the new Price Chopper will be built.

The Y Highway improvement project is "moving along" according to Mr. Leipzig, and staff is trying to coordinate the road improvements with the Crossroads project simultaneously.

The public improvement plan reviews for Price Chopper are finished and the construction drawings will be submitted to the City later this week. He reported that Y Highway will become four-lane with a turn lane. Mr. Leipzig will schedule a representative from Missouri Department of Transportation or from the City engineering department to report to the Commission about the Y Highway widening project.

Commissioner VonBehren reported that he attended the developers / contractors open house at the Annex. He said the open house was educational and well attended. He complimented staff for organizing the event.

Mr. Leipzig reported he does not have any new information about the Boardwalk of Belton development. If the site design substantially changes, the plan will have to go back to the Planning Commission for approval.

ADJOURNMENT

Councilman Davidson moved to adjourn the meeting and was seconded by Commissioner Van Eaton. All members voted in favor and the meeting adjourned at 7:58 p.m.

Ann Keeton
Community Development Secretary

SPECIAL USE PERMIT

COMMUNICATION TOWER

15918 KENTUCKY ROAD

**CITY OF BELTON
PLANNING COMMISSION
CITY HALL ANNEX, 520 MAIN STREET
MONDAY, APRIL 18, 2011 – 7:00 P.M.**

STAFF REPORT: Robert G. Cooper, City Planner

CASE #SUP11-05

Request: Special-Use-Permit to allow the construction of a 50-ft. free-standing wireless communication tower in an A (Agricultural) Zoning District.

Location: The west side of Kentucky Road, approximately mid-way between 155th Street and 163rd Street. The street address is 15918 Kentucky Road.

Owner / Applicant: Doug and Patricia Morlok (owner/applicant)

Size of Site: 455,000-sq. ft. / 10.4-acres

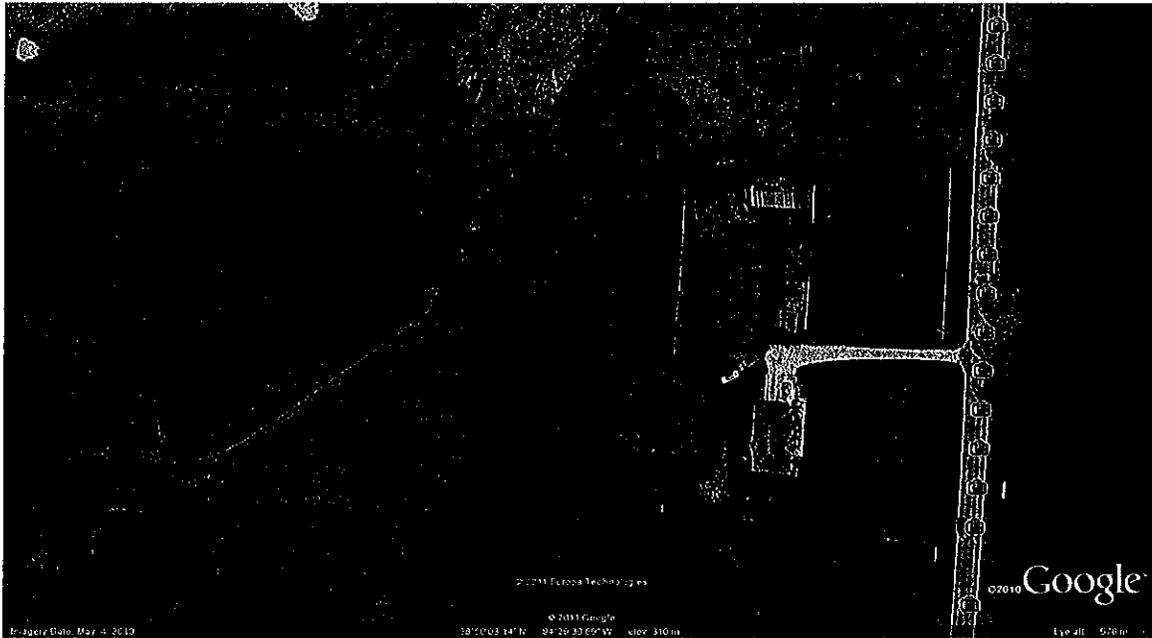
Existing Zoning / Land Use: Ag. / Agricultural

Proposed Use: Install a 50-ft. free-standing mono-pole communication tower.

Surrounding Zoning / Land Use:

North: R-1 / Residential
East: City of Raymore
South: Ag / Residential
West: R-1 / Residential

Comprehensive Plan: Agricultural



Nature of Current Request

The applicant met with the Development Review Committee to review a conceptual site plan for a new 50-ft. free-standing mono-pole communication tower to be constructed on-site at the Morlok's property, located at 15918 Kentucky Road. The proposed 50-ft. mono-pole tower is needed to help with the reception of internet access.

The proposed tower will provide access to internet service, which is essential to the daily business operations of Mr. Morlok's profession as a contract programmer for Union Pacific. Currently, the Morlok's use a 3G broadband provider, but the service is not always acceptable. They do not have access to 4G broadband, DSL, UVerse or Time Warner. They wish to use KcWeb service, however, in order to use their service, they are required to install a 50-ft. tower for their antenna.

Legal Consideration

Pursuant to Chapter 15 / Belton Unified Development Code – Telecommunication tower and antennas; the following criteria shall be used during a special use permit review: The regulations contained in this code have been developed in accordance with the general guidelines set forth in the Federal Telecommunications Act of 1996.

- a) height and setback limitations,
- b) aesthetics,
- c) lighting/fencing,
- d) landscaping/screening

STAFF REPORT

Height and Setback Limitations

- a) City code requires that a tower must be set back a distance at least four (4) times the height of the tower from any residential zoning district;
- b) Towers and accessory facilities must satisfy the minimum zoning district setback requirements;
- c) City code requires a special use permit be applied to any tower exceeding 20-ft. in height.

The proposed tower will be 50-ft. in height which includes the base. Due to the proximity of the Georgia Place subdivision to the west and the undeveloped, now defunct Orchard Park subdivision to the north, which are both zoned residential, the proposed tower must be setback at least 200-ft. Based upon the applicant's plot plan, staff has identified an area the tower can locate which meets the minimum code requirement for setbacks. Staff's suggested location of the tower will place it 200-ft. behind the principal structure (house) or approximately 380-ft. from the street.

The proposed tower will also be designed as a free-standing mono-pole without the need for guy wires.

Aesthetics

- a) Towers must either maintain a galvanized steel finish or be painted a neutral color, to reduce visual obtrusiveness;
- b) The design of the tower must use materials, colors, textures, screening, and landscaping that will blend the tower with the surrounding natural setting and built environment;
- c) All cables and related utility structures must be placed underground where required by the city;

The applicant's proposed tower is of aluminum construction with lattice design. The applicant did not provide staff with any detailed elevations of the tower.

Lighting/Security Fencing

Towers can not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the City may review the available lighting alternatives allowed by the FAA and approve the design that would cause the least disturbance to surrounding property owners. The applicant is not proposing any portion of the tower to be illuminated.

Free-standing towers/facilities must be enclosed by security fencing, secured with a locked gate that is six-feet (6-ft) in height and must also be equipped with an appropriate anti-climbing device. Chain-link or other wire fencing is only permitted where it is screened from public view by a minimum eight-foot (8-ft) wide landscaped strip.

Landscaping/Screening

- a) The base of the tower and ground equipment buildings must be landscaped with a buffer of plant materials that effectively screens it from adjacent residential properties. The standard buffer must consist of a landscaped strip at least eight-feet (8-ft.) wide around the perimeter of the facility;
- b) In locations where the visual impact of the tower and/or equipment building would be minimal or where the facility is adequately screened by existing vegetation, the landscaping requirement may be reduced or completely waived.

The proposed tower will be setback at least 380-ft. from Kentucky Road and placed behind the existing house, surrounded by trees, limiting ground-level visibility.

Access and Parking

All tracts of land upon which towers are located, must provide at least one vehicle space on site. The dimensions of access drives, parking aisles and spaces must meet the minimum design and construction standards of the City.

Staff Recommendation

The Planning Department recommends Tabling the application with the following condition(s):

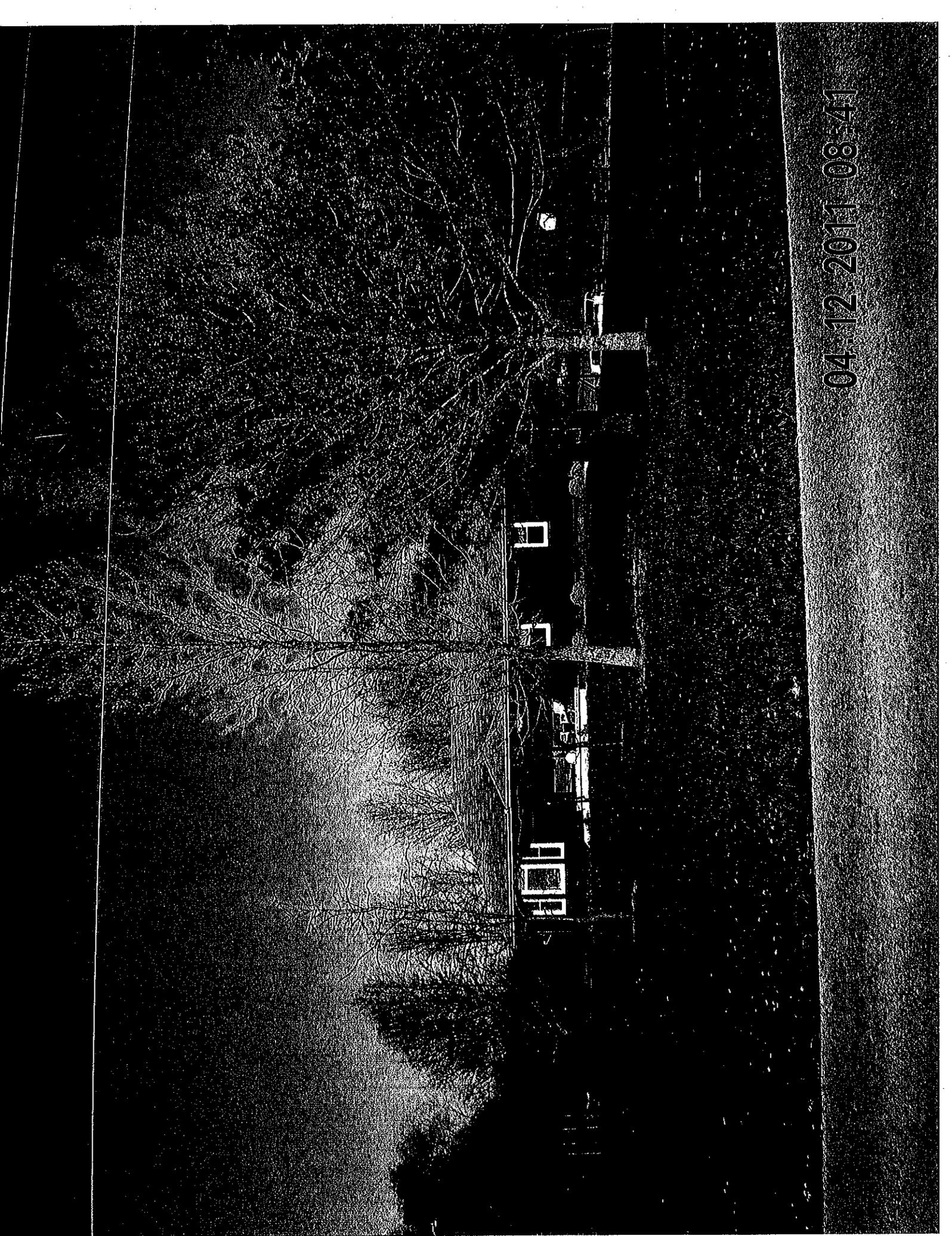
1. The applicant shall provide the Commission with detailed elevations of the tower;
2. The applicant shall provide the Commission with a detailed Screening Plan; and
3. The applicant shall provide the Commission with a detailed Landscape Plan

Planning Commission Alternatives

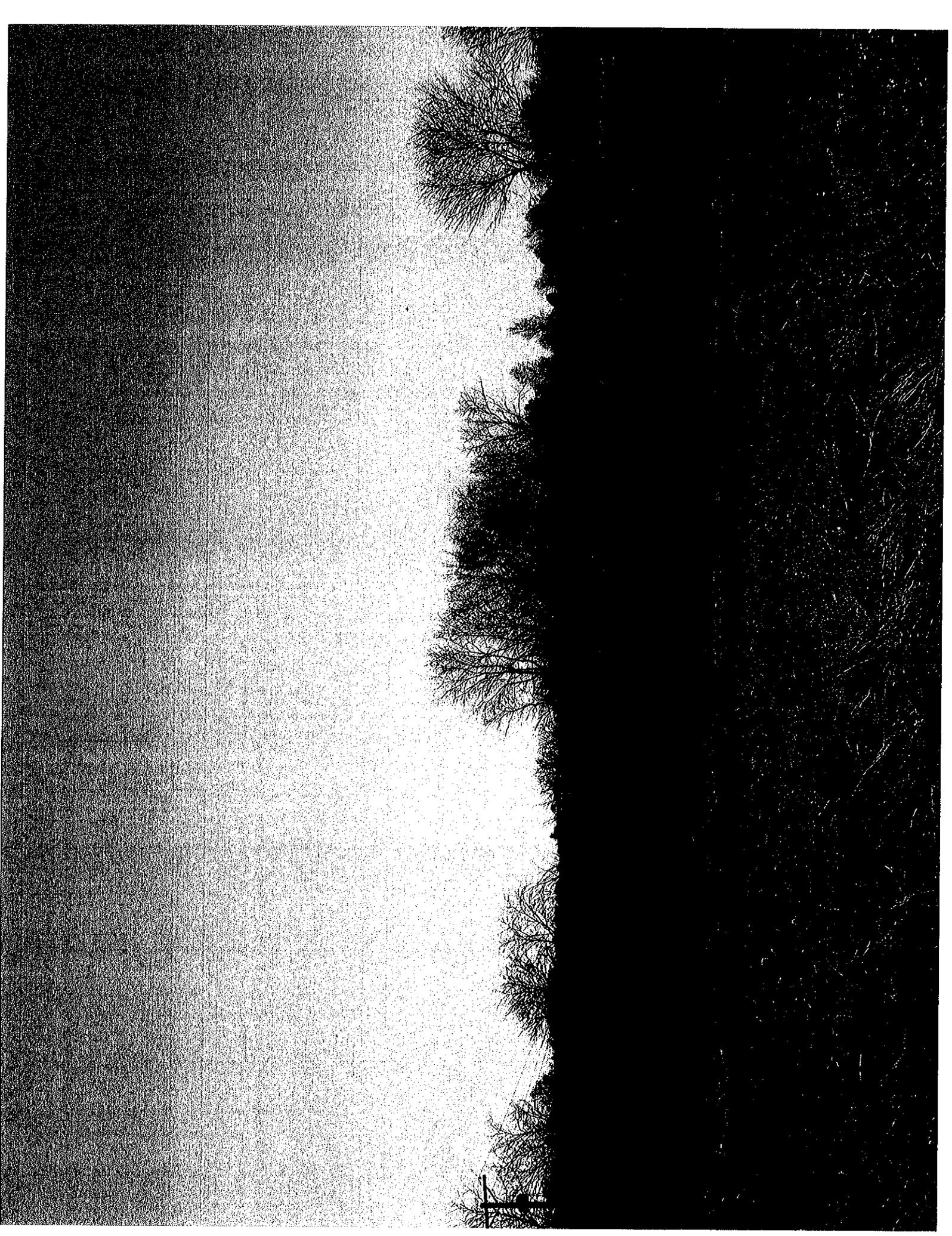
The Planning Commission has the following options available in the consideration of this application:

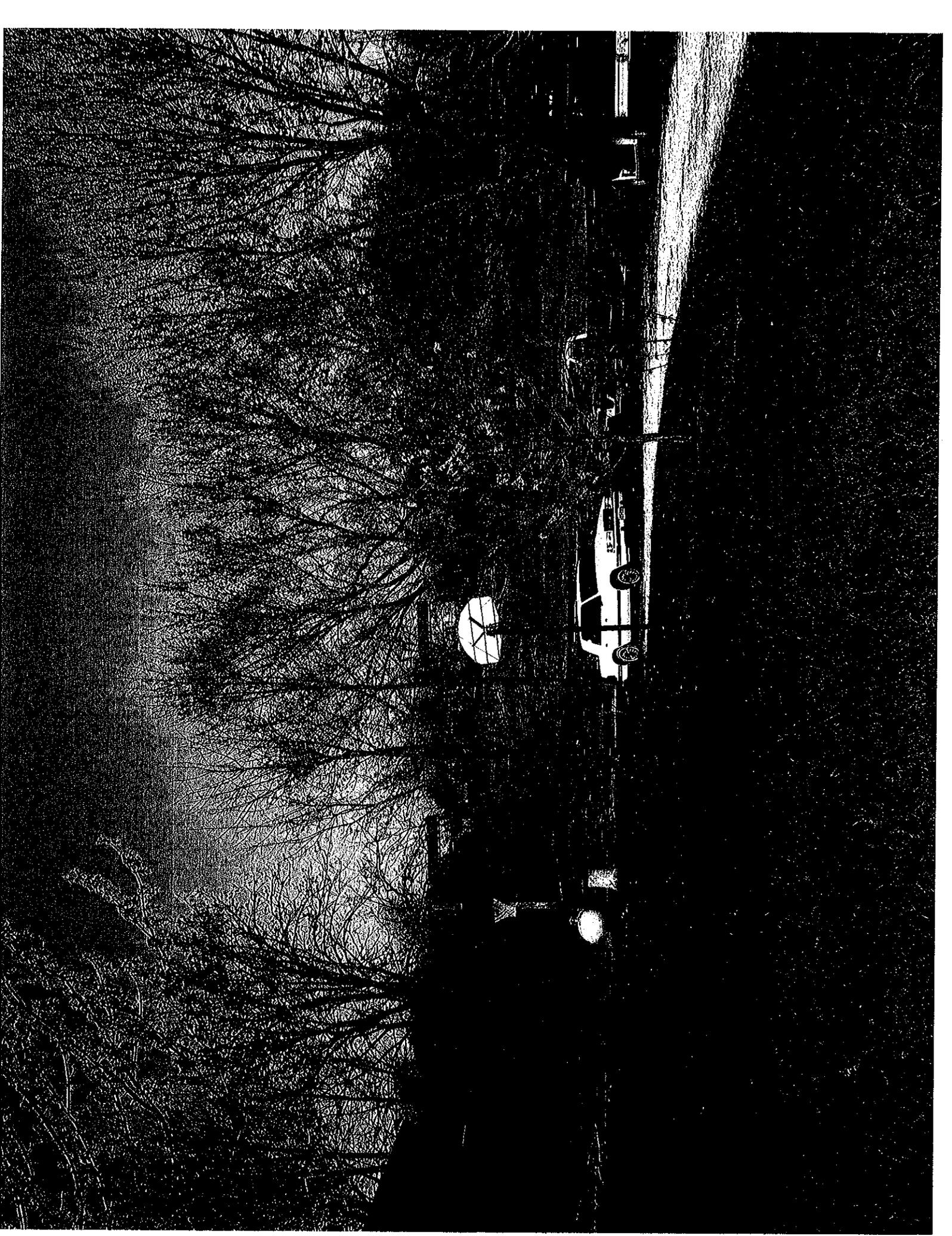
1. Approve the application as submitted upon finding that the requirements of Chapter 15.20 of the Belton Unified Development Code have been satisfied.

2. Approve the application subject to specified condition(s).
3. Table the application if additional information is needed, such as tower elevations, 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.



04-12-2011 08:41





REVOCATION OF SUP#09-20

814 N. SCOTT



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

Date: April 18, 2011

To: Planning Commission
Jay Leipzig, Director of Community Planning & Development

From: Robert Cooper, City Planner
Cc: Shannon Marcano, Assist. City Attorney

**Subject: SPECIAL USE PERMIT 09-20
PROCEED OF REVOCATION OF PERMIT**

814 N. SCOTT AVENUE / VAN CITY

Staff recommends that the Planning Commission commence the revocation process of their Special Use Permit.

As a result of non-compliance with the conditions outlined by the Planning Commission on April 4, 2011. Staff has not received a revised parking plan. In addition to the mailing of the letter, staff hand-delivered the notice to the applicant at his place of business on April 7th.

The applicant was notified in detail several times by staff and the Commission, to submit a revised parking plan for the used car lot, located at 814 N. Scott Avenue. Attached to this memo are copies of staff letters that were sent to the applicant advising him of the need to submit a parking plan.

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

April 5, 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 April 18th Planning Commission meeting

Mr. Eakins:

This letter is to inform you that the Belton Planning Commission convened on Monday, April 4, 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 9-0 to Table your request to the April 18th Planning Commission due to the lack of new information for the parking plan. However, the following condition(s) were applied by the Planning Commission to the tabling of SUP09-20:

1. April 18th is the final deadline to review the new parking plan;
2. The Planning Commission allows 'Van City' to continue operating under a current city business license with an expired Special Use Permit.

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 parking plan no later than Monday, April 11th.**

Be advised, failure to submit the new parking plan by the April 18th Planning Commission meeting, will result in the revocation of Special Use Permit 09-20 and the suspension of your current business license.

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
Mark Polk, City Inspector

Jason Webb, Fire Marshal

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 * rcoper@belton.org
WEBSITE * www.belton.org

March 7, 2011

Van City
c/o Mr. Terry Bakins
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