AGENDA
CITY OF BELTON
PLANNING COMMISSION
PUBLIC HEARING AND MEETING
MONDAY, MAY 2, 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 18, 2011 PLANNING COMMISSION MEETING

IV. DISCUSSION

A. Capital Improvement Plan.

V. PUBLIC HEARING

A. Consideration of amendments to Chapters 2, 10, 11, 14, 15 of the Unified Development Code.

VI. DIRECTOR'S REPORT

VII. NEXT MEETING DATE: May 16, 2011

VIII. ADJOURNMENT

MEETING MINUTES

APRIL 18, 2011

Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
April 18, 2011

CALL TO ORDER
Chairman Holly Girgin called the meeting to order at 7 p.m.

ATTENDANCE

Commission:	Chairman Girgin, Mayor Pro Tem Gary Lathrop, Councilman Bobby Davidson, Commissioners Tim McDonough, Jeff Fletcher, Scott VonBehren, and Larry Thompson.
Staff:	Jay Leipzig, Community Development Director; Brad Foster, Assistant City Manager; Ed Ieans, City Engineer; Robert Cooper, City Planner; and Ann Keeton, Community Development Secretary.
Absent:	Commissioners Sally Davila and Mike Van Eaton.

MINUTES
Commissioner VonBehren moved to approve the minutes of the April 4, 2011, Planning Commission meeting. The motion was seconded by Mayor Pro Tem Lathrop. All members present voted in favor and the motion carried.

PRESENTATION – Capital Improvement Plan (CIP)
Mr. Ieans presented a PowerPoint presentation explaining the proposed Capital Improvement Plan. He told how the CIP benefits the City by guiding capital investments and the funding sources for future City projects. Mr. Ieans gave a breakdown of the two categories of funding sources, which are "Improvements from Identifiable Resources" and "Improvements Requiring Voter Approval or Other Sources." He acquainted the Commission members with the proposed CIP projects by department and project cost.

Projects mentioned by Mr. Ieans were for the fire department, police department, streets/roads, storm drainage, water, and pollution control. Some of the projects included in the report which are funded from "Identifiable Sources" include: Mullen Road projects, 163rd / Old Y Highway, Storm Drainage Master Plan, Cleveland Lake, Kingsland and 155th, Transportation Master Plan, East Cimarron Markey Meadows, sewer rehab / manhole lining, and the old sewer treatment plant demolition.

Projects that need "voter approval" include: fire / police radio upgrade, fire engine replacement, ambulance replacement, technology upgrade, Cleveland Road, North Cass Parkway, Boardwalk at Belton public improvements TDD, treatment plant expansion, Holmes Road projects, and connection to JCW. Mr. Ieans answered questions regarding the Mullen Road widening and overlay projects and he assured the Commission that staff will coordinate those projects. Mr. Ieans reported the Johnson County Water Connection project will in all probability be on the

ballot later this year or early next year. Councilman Davidson added that the water connection project is a joint project with Jackson County.

SPECIAL USE PERMIT – 15918 Kentucky Road

Special Use Permit (SUP) application #SUP11-05 is to allow the construction of a 50-ft. free-standing wireless communication tower at 15918 Kentucky Road to be used for Internet access. According to Mr. Cooper, Internet access is essential for the applicant's business. He went on to report the property does not have access to 4G broadband, DSL, U-Verse or Time Warner Cable. Mr. Cooper reviewed the Unified Development Code requirements covering telecommunication towers and antennas which included height and setback limitations, aesthetics, lighting/security fencing, and landscaping/screening. Due to neighboring residential subdivisions, the tower must be setback at least 200-ft. It was reported by Mr. Cooper that the tower will not be visible from the street at eye-level, and the code requires the tower have a parking space available for one vehicle. In addition, Mr. Cooper stated that staff would recommend approval, if the applicant can provide detailed elevations of the tower. Mr. Cooper presented a letter from the owners of the neighboring Orchard Park subdivision which states their support of the recommendation of approval for the SUP (attachment B).

Chairman Girgin opened the public hearing at 7:25 p.m. The hearing was being held to receive public input regarding the SUP application for a communication tower to be located at 15918 Kentucky Road.

Patty Morlok, 15918 Kentucky, spoke in favor of the SUP application. She stated the base of the antenna will be 3-ft by 3-ft. The antenna will be a spiral tower 40-ft. tall with a box on top for a total height of approximately 50-ft. Ms. Morlok explained that it is necessary for the tower to be tall enough to receive the signal. She went on to say a neighbor across the street in Raymore has a similar tower for Internet service. The tower will be a three-sided tower and it was compared to devices used by ham radio operators. She went into detail about the previous methods they have tried to receive Internet access on Kentucky Road. She reported that Time-Warner Cable will not run the cable to their property and Charter Cable that operates in Raymore will not come across the road into Belton. Mr. Leipzig stated staff is comfortable with the description and visibility of the tower, so no further information should be needed from the applicant. Mayor Pro Tem Lathrop suggested the Commission could waive the landscaping requirement since the tower will be located on a 10-acre property. Ms. Morlok stated that residents living in an adjacent subdivision will not be able to see the antenna and there was discussion about the distance between the property and the subdivision. A site drawing showing potential locations where the tower could be erected while meeting setback requirements was presented by Mr. Cooper. Ms. Morlok voiced concerns that the setback requirement would place the tower too far from the residence. As there was no further input, Chairman Girgin closed the public hearing at 7:40 p.m.

Councilman Davidson moved to recommend approval of the Special Use Permit application for a wireless communication tower to be constructed at 15918 Kentucky Road with the following amendments: 1) to waive the landscape requirement; 2) If the tower location cannot meet the setback requirements (as shown in exhibit A), the SUP application will be brought back to the Commission for further review. Mayor Pro Tem Lathrop seconded the motion. Chairman Girgin and Commissioner Fletcher abstained from voting

because they live in the immediate proximity of 15918 Kentucky Road. When a vote was taken the following was recorded: Ayes: 5 – Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners McDonough, VonBehren, and Thompson. Noes: none. Abstentions: 2- Chairman Girgin and Commissioner Fletcher. Absent: 2 – Commissioners Davila and Van Eaton. The motion carried.

SPECIAL USE PERMIT #09-20

Staff announced the applicant of a Special Use Permit (SUP) renewal for a vehicle sales business at 814 N. Scott submitted the required parking plan. Mr. Cooper gave a brief history of the previous discussion regarding the SUP renewal. The applicant is proposing his sale vehicles be placed along the south and the east sides of the building, and Mr. Cooper said the business will be limited to 15 cars. The applicant is the only occupant currently operating out of the building. Mr. Cooper reported staff would recommend approval with conditions, and he went over those conditions for the Commission.

Commissioner McDonough initiated a discussion about the parking problems that could occur when the other units of the building become occupied. Mr. Cooper suggested adding a condition to reduce the number of sale cars allowed, if the other units become occupied. Mr. Eakins, the applicant, was present and he stated the building owner has given permission for the sale cars to be placed anywhere on the parking lot. Only the parking stalls for the sale cars will be required to be striped if the SUP renewal is approved according to Mr. Cooper. Parking requirements for the other units will be reviewed when future tenant applies for a business license. Commissioner McDonough voiced concern about designating the parking spaces in the front of the building for used cars during a five-year period when there is a chance another business might locate on that site. There was a discussion about potential situations that could occur at this location and whether the sale car parking will influence future business at the site. Mr. Leipzig suggested, and the Commission discussed including a condition that would require a review of the SUP when another tenant leases a unit in the building. Mr. Eakins reported that his sales are primarily over the Internet and there is no walk-in traffic. He announced that he would be agreeable to the sale cars being located anywhere in the parking lot.

Councilman Davidson moved to recommend approval of the renewal of SUP09-20 for a vehicle sales lot to operate at 814 N. Scott with the following conditions:

1) **The City business license for Van City is not renewed / issued until final approval by the City Council.**
2) **Special Use Permit #09-20 will be reviewed by staff annually during the renewal of the business license.**
3) **Special Use Permit #09-20 will be brought back to the Planning Commission for review when a new tenant applies for a business license at 814 N. Scott.**
4) **The sales display area shall be located on the south and east sides of the building only and consist of no more than fifteen (15) vehicles. (See attached)**
5) **No display vehicle shall obstruct visibility, or be parked in a manner which would create a hazardous condition.**
6) **No materials, supplies or merchandise shall be stored outdoors.**

The motion was seconded by Commissioner Thompson. When a vote was taken, the following was recorded: Ayes: 6 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Davidson,

Commissioners Fletcher, VonBehren, and Thompson. Noes: 1 – Commissioner McDonough. Absent: 2 – Commissioners Davila and Van Eaton. The motion carried.

DIRECTOR'S REPORT

Mr. Leipzig reported that work is underway for the new Price Chopper development. There will be a neighborhood meeting on April 20, 2011 with area residents and the developers.

At the May 2, 2011 Commission meeting there will be a public hearing on the proposed Unified Development Code changes, and further review of the CIP.

Mr. Leipzig announced he attended the National Planning Conference where it was reported he got a broad perspective of how other cities are handling sign issues and special use permits.

Staff will be looking at improving the language in the sign ordinance to address some of the issues regarding "popsicle stick" and homemade signs.

Commissioner McDonough asked questions regarding the City's franchise agreement with Time Warner Cable. He asked if Time Warner is required by contract to make cable available to all areas of the City. Mayor Pro Tem Lathrop recalled that a certain number of foundations were required to be in place before Time Warner would install cable in an area.

ADJOURNMENT

Councilman Davidson moved to adjourn the meeting. The motion was seconded by Mayor Pro Tem Lathrop. All members present voted in favor and the meeting adjourned at 8:13 p.m.

Ann Keeton
Community Development Secretary

EXHIBIT A – 15918 KENTUCKY ROAD

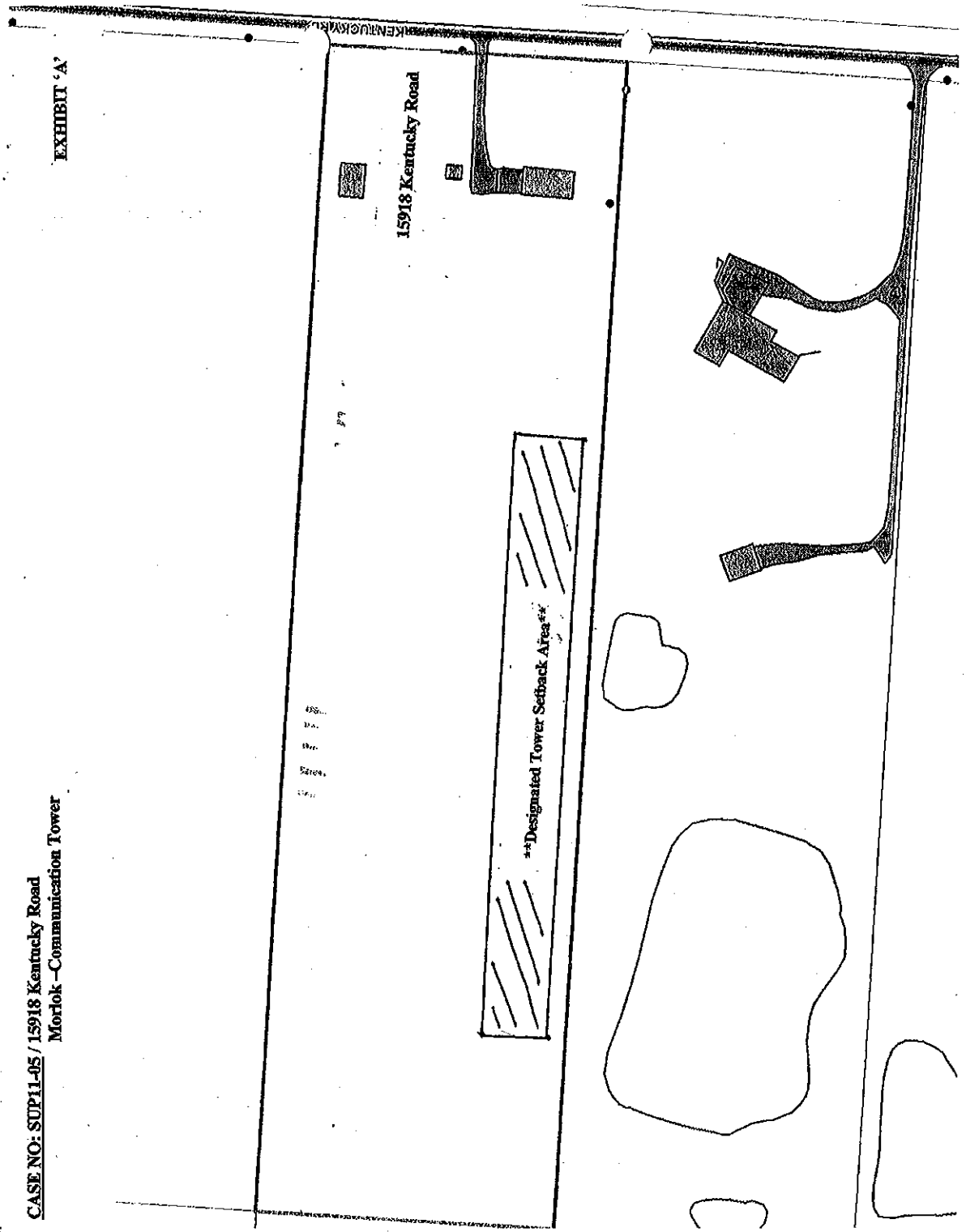

EXHIBIT 'A'

CASE NO: SUP11-05 / 15918 Kentucky Road
Morlok –Communication Tower

ATTACHMENT B

FILE COPY

Robert Cooper

From: Enyeart, Kevin [enyeart.kevin@unionbankmo.com]
Sent: Monday, April 18, 2011 4:13 PM
To: Robert Cooper
Subject: Proposed Special Use Permit Request for 15918 Kentucky Road

Robert,

Please relate to the City Council of Belton that as an adjacent property owner just to the north of the proposed Special Use Permit being considered at 7 PM tonight, April 18th, 2011, Union Bank (dba Bannister Realty Company, Inc.) – owner of the Orchard Park future new home community would support the request being presented provided the following stipulations for approval are included:

1) That the proposed tower be located at a setback requirement of approximately 340' to the west of Kentucky Road per what we believe to be consistent with staff's recommendation;
2) That the proposed tower be located at the southernmost portion of the highlighted and proposed area on the property located at 15918 Kentucky Road in cross correlation with the required setback distance from Kentucky Road.

Please also note that given Union Bank's (dba Bannister Realty Company, Inc.'s) interest in the Orchard Park new home development property located just to the north, these stipulations are requested as a means to cooperatively engage in a friendly manner for assistance with the adjacent property owners while still recognizing that most perspective purchasers of new homes would look negatively upon purchasing a home near or around overhead structures such as utility lines or other structures with any significant amount of height that may impact open sky views. We believe that staff's recommendations and the suggestions we've requested herein represent a cumulative balance between all factors and should serve as a solution in the best interests of all stakeholders involved.

Thank you in advance for noting our comments and considering our request for stipulated approval.

Respectfully submitted,

Kevin Enyeart
Loan Officer & Special Asset Manager
Union Bank dba Bannister Realty Company, Inc.
9300 Blue Ridge Blvd.
Kansas City, MO 64138
816-767-5944, Fax 816-767-5761
enyeart.kevin@unionbankmo.com
Your needs. Our services. A great Union.

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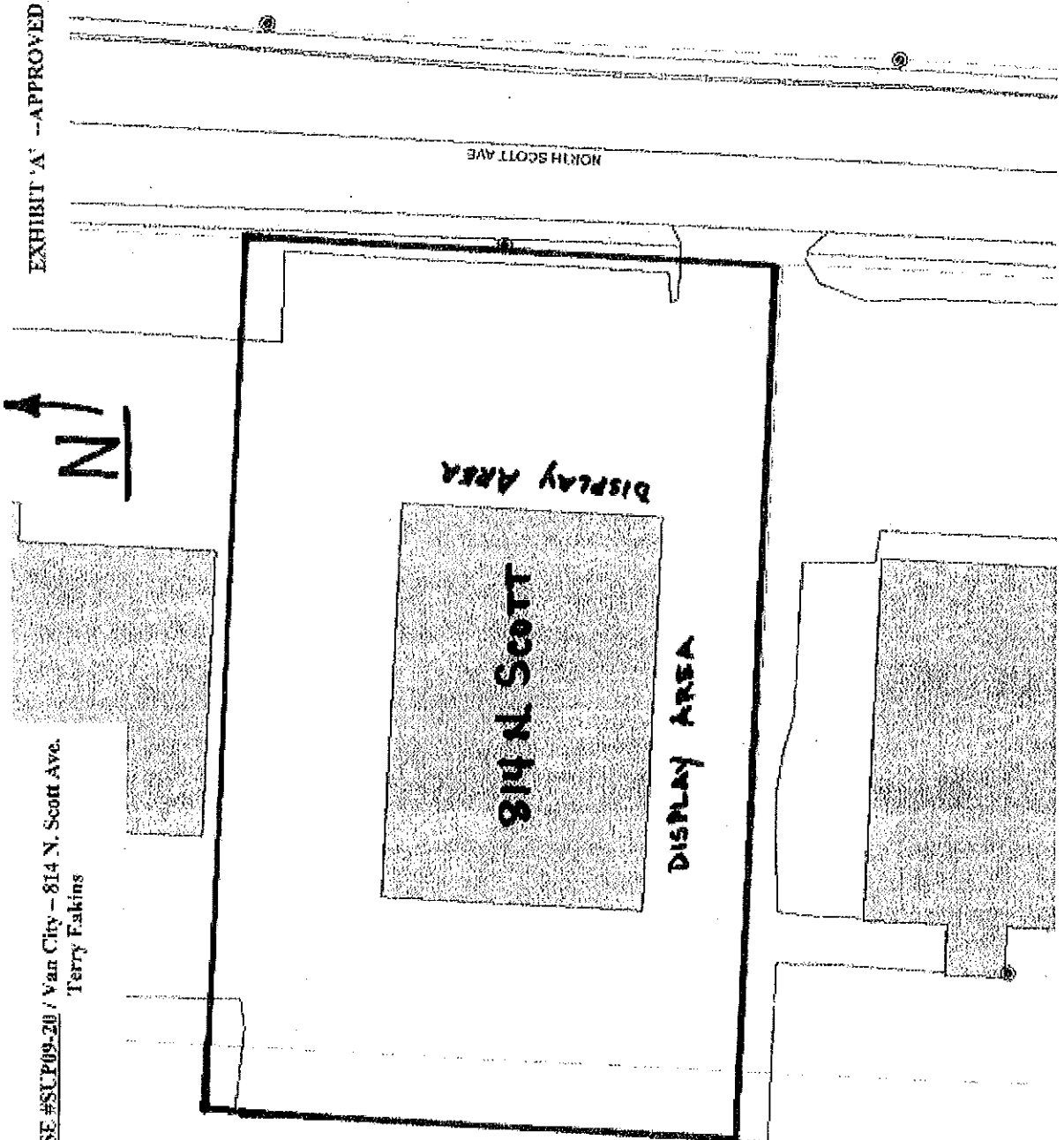
ATTACHMENT FOR 814 N. SCOTT

EXHIBIT 'A' --APPROVED SITE PLAN



CASE #SUP09-20 / Van City – 814 N. Scott Ave.
Terry Eakins