



**AGENDA
CITY OF BELTON
PLANNING COMMISSION MEETING
MONDAY, JUNE 20, 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 MAY 2, 2011 PLANNING COMMISSION MEETING
- IV. DISCUSSION
 - A. Overview of Capital Improvement Plan (CIP) Process
 - B. Consideration of an Amendment to Special Use Permit #11-05 to allow a free-standing wireless communication tower to be constructed at 15918 Kentucky Road
 - C. Consideration of Site Plan approval for SP11-08, an off-leash dog park to be located on 3.0 acres in Markey Park
 - D. Future Land Use Map
- V. DIRECTOR'S REPORT
- VI. NEXT MEETING DATE: July 18, 2011
- VII. ADJOURNMENT

MEETING MINUTES

MAY 2, 2011

Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
May 2, 2011

CALL TO ORDER

Chairman Holly Girgin called the meeting to order at 7:00 p.m.

ATTENDANCE

Commission: Chairman Girgin, Councilman Bobby Davidson, Commissioners Tim McDonough, Scott VonBehren, Mike Van Eaton, and Larry Thompson.

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

Absent: Mayor Pro Tem Lathrop and Commissioners Sally Davila and Jeff Fletcher.

MINUTES

Commissioner VonBehren moved to approve the minutes of the April 18, 2011, Planning Commission meeting. The motion was seconded by Councilman Davidson. All members present voted in favor, and the motion carried.

CAPITAL IMPROVEMENT PLAN (CIP)

Mr. Foster identified a few of the projects from the CIP that will begin in 2011.

STREET

- 1) *Y-Highway between 58 Highway and Turner Road* – Missouri Department of Transportation is reviewing the bids. The bids came in under the engineer's estimate. Improvements should begin in May / June and be completed by the end of the year.
- 2) *Mullen Road from SE corner of Hy-Vee south to the railroad tracks* – Road will be widened.
- 3) *Street maintenance* – Streets will be resurfaced throughout the city. Streets to be resurfaced were chosen based on a street classification study.
- 4) *Markey Parkway TDD* – This project will not take place this year but is being considered. This project is to construct Markey Parkway from the termination point south of Y Highway to Mullen Road by Home Depot.

POLLUTION CONTROL

- 1) *CIPP rehab and manhole lining* – Improvements to the sewer system for Basin #11, which is downstream of Hargis Lake. This should improve conditions upstream in the Hargis Lake area.

WATER

- 1) *Alternate Water Source* – Looking at Johnson County, Kansas Water District No. 1 as an alternate water source, and discussing improvements that could be made by Kansas City to increase the amount of water that Belton could purchase.

Mr. Foster reported that traffic will remain open during the Y Highway improvements. Commissioner Thompson moved to recommend approval of the Capital Improvement Plan. The motion was seconded by Commissioner VonBehren. When a vote was taken, the following was recorded: Ayes: 6 – Chairman Girgin, Councilman Davidson, Commissioners McDonough, VonBehren, Van Eaton, and Thompson. Noes: none. Absent: 3 – Mayor Pro Tem Lathrop and Commissioners Davila and Fletcher. The motion carried.

PUBLIC HEARING – Amend the Unified Development Code

Mr. Leipzig reported a memo containing recommended amendments to Chapters 2, 10, 11, 14, and 15 of the Unified Development Code (UDC) was presented during the April 4, 2011 Commission meeting. He classified the changes as “housekeeping items” that had previously been approved but need to be cleaned up.

Chairman Girgin opened the public hearing at 7:12 p.m. There was no public input so Chairman Girgin closed the public hearing at 7:12 p.m.

Councilman Davidson moved to recommend approval of the amendments to Chapters 2, 10, 11, 14, and 15 of the Unified Development Code. Commissioner VonBehren seconded the motion. When a vote was taken, the following was recorded: Ayes: 6 – Chairman Girgin, Councilman Davidson, Commissioners McDonough, VonBehren, Van Eaton, and Thompson. Noes: none. Absent: 3 – Mayor Pro Tem Lathrop and Commissioners Davila and Fletcher. The motion carried.

DIRECTOR’S REPORT

Mr. Leipzig reported a groundbreaking was held last week for the new Crossroads at Belton / Price Chopper development. The construction documents are being reviewed and should be finished this week. He added the new Price Chopper should be completed at approximately the same time as the Y Highway improvements. Mr. Leipzig informed Commission members that Price Chopper is actively recruiting potential businesses for the new development.

The plans for the Research Belton Hospital expansion will be submitted to the City next week according to Mr. Leipzig.

It was reported by Mr. Leipzig the meeting scheduled for May 16, may be canceled because there are currently no action items on the agenda for that evening.

ADJOURNMENT

Councilman Davidson moved to adjourn the meeting. The motion was seconded by Commissioner VonBehren. All voted in favor and the meeting adjourned at 7:18 p.m.

Ann Keeton
Community Development Secretary

SUP#11-05

15918 KENTUCKY

**CITY OF BELTON
PLANNING COMMISSION
CITY HALL ANNEX, 520 MAIN STREET
MONDAY, JUNE 20, 2011 – 7:00 P.M.**

STAFF REPORT: Robert G. Cooper, City Planner

CASE #SUP11-05

Request: Amend Special-Use-Permit11-05, to reduce the minimum setback requirement and height of the tower, to allow the construction and placement of a **40-ft. free-standing wireless communication tower.**

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 40-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



ORIGINAL PROPOSAL: 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.

BACKGROUND: The proposed provide is KcWeb out of Pleasant Hill, Missouri. Their transmitter is on the Raymore water-tower located at 58-Hwy and J-Hwy. There is a 320-ft. limitation on how far the tower can be from the residence.

REASON(S) FOR REQUESTING TOWER: The applicant works from home and needs fast reliable internet service. Currently using Sprint 3G broadband card...service is sporadic. The applicant can not use satellite internet service because of the latency of satellite service and working with Virtual Private Network (VPN) at the corporation were the applicant provides his contracting service.

The applicant can not use AT&T Uverse since it is basically DSL and his house is too far for reception. He also can not use Time Warner cable, Sprint 4G, Clear 4G or Verizon.

NATURE OF CURERNT REQUEST

The Planning Commission originally met to discuss and vote on this application during their April 18, 2011 regular meeting. The Commission voted to recommend approval to the City Council with the following condition(s) of approval:

1. The applicant shall apply for and obtain a city building permit prior to the construction of the communication tower; and
2. The Planning Commission shall re-evaluate the special use permit should the location of the tower move outside of the designated setback area as depicted in Exhibit 'A'.

On May 19, 2011, the applicant contacted staff asking to amend the condition(s) of approval for SUP11-05. The amendments would be to allow a reduction in the tower height from 50-ft. to 40-ft. and reduce the setback to 80-ft. from a residential structure. The following justification statements were submitted by the applicant:

1. "The elevation is lower west of my house that the installer from KcWeb said I would need a 50-ft. tower. The 40-ft. tower I am looking at now is \$908 (not counting shipping and tax) and the 50-ft. tower is \$424 more";
2. "The wind load is 7sf . There are cheaper models, but the installer recommended these models for wind resistance. To install the tower, a 3-ft. by 3-ft. hole 4-ft. deep is needed and 25-30 bags of quick cement. It would be cheaper to install a tower with guy-wires, but that wasn't what was approved and I don't like guy-wires";
3. "The installer from KcWeb is recommending a spot north of my house just to the west or north of my red shed. This shed is 80-ft. north of my house. The installer from KcWeb said we can use the shorter tower from this location even though the elevation drops off several feet."

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

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 structure and 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.

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.**

Staff Recommendation

Amend SUP11-05 to allow the reduction in the height of the tower from 50-ft. to 40-ft. with a RECOMMENDATION that the applicant apply for a variance to the setback requirement with the Board of Zoning Adjustment from 160-feet to 80-feet.

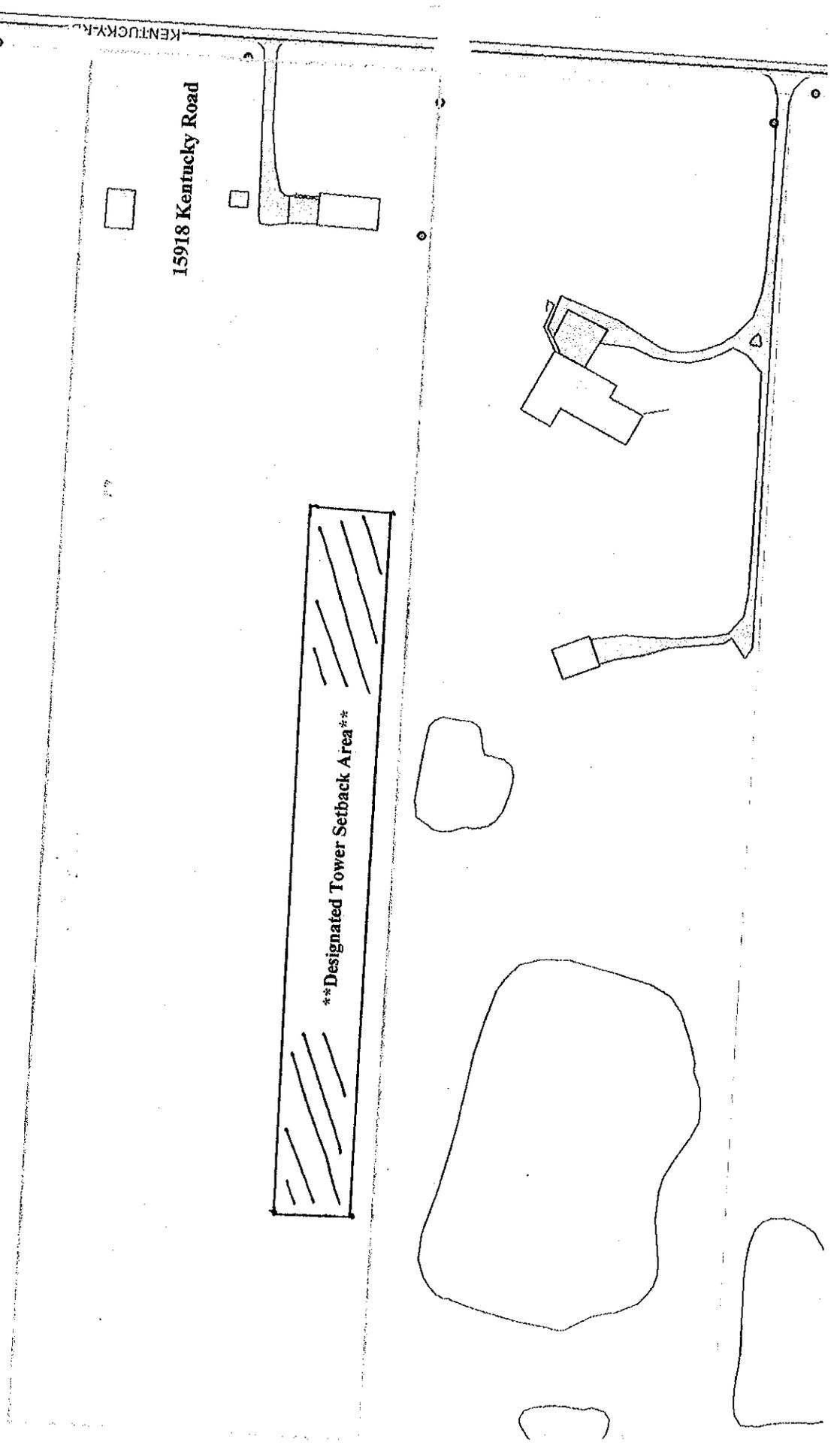
Planning Commission Alternatives

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

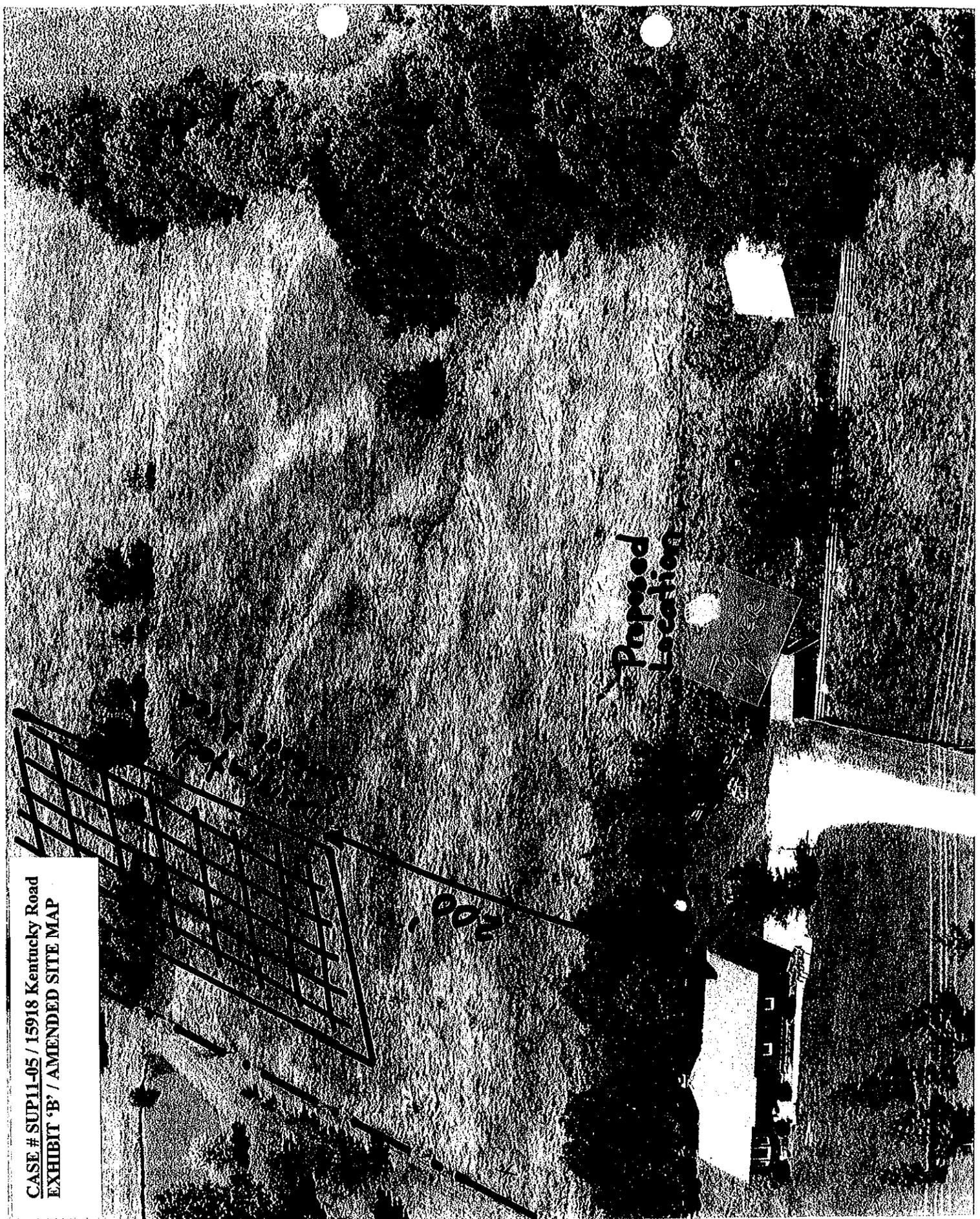
1. Approve the amendment to SUP11-05, to allow the reduction in the height of the tower from 50-ft. to 40-ft. and require the applicant to apply for a setback variance with the Board of Zoning Adjustment.
2. Table the application if additional information is needed.
3. Deny the amendment to SUP11-05, to allow the reduction in the height of the tower from 50-ft. to 40-ft.

ATTACHMENTS:

1. Exhibit 'A' / Site Plan
2. Exhibit 'B' / Amended Site Plan



CASE # SUP11-05 / 15918 Kentucky Road
EXHIBIT 'B' / AMENDED SITE MAP



15918 KY ROAD

OFF-LEASH DOG PARK

OFF-LEASH DOG PARK / SITE PLAN REVIEW

BELTON PLANNING COMMISSION MONDAY, JUNE 20, 2011 – 7:00 P.M. CITY HALL ANNEX, 520 MAIN STREET

Staff: Robert G. Cooper, City Planner

CASE # SP11-08

Case #SP11-08 has been filed by Todd Spalding, on behalf of Belton Parks and Recreation Department, is requesting site plan approval, to allow the Belton Parks and Recreation Department construct a public off-leash dog park.

BACKGROUND

Mr. Spalding presented this item to the Planning Commission during their March 7, 2011 regular meeting as a discussion item only. The general concept and layout of the plan, i.e. location, land features, and amenities were discussed. The Commission had some concerns about the location of the dog park, specifically the proximity to the adjoining BP-R (Business Park Restricted) zoning district. The general consensus of the Planning Commission towards the concept is, it's a 'good-idea, bad location,' however, the item passed 4-3 to recommend approval to the City Council.

REVIEW

The subject site is part of the Markey Park complex, which currently includes a playground and ball-fields. This site is currently owned and maintained by the City of Belton and is part of the city's park system. 'Landworks Studio' a landscape architecture firm was retained by the Parks Department to design a site development plan which was submitted to city staff for review.

Staff has reviewed the following key elements of the site development plan and offers the following comment(s):

Zoning: Ag (Agricultural) District (currently used as parkland).

Legal Description: Un-platted.

Site Dimensions: The tract is approximately 345-ft. x 385-ft. (132,825-sq. ft.) or 3.01 ac.

Intended Use: Dog-Park.

Future Land Use Map: The subject site is located in and part of the City's (PR) Park's and Recreation zone

Height & Dimension of Building: Staff has not seen any proposed building elevations and therefore, can not offer any comments.

External Lighting: No details are provided as to whether any external lighting fixtures, (i.e. lamp-poles, wall packs, etc.) will be provided through-out the park and/or on the building.

Fencing/Screening: The proposed development plan indicates the existing 6-ft. chain-link perimeter fence will remain in place.

Landscaping: The proposed development plan indicates landscaping will be provided, however, no details were provided as to plant type and quantity.

Driveway: There is currently a gravel driveway which extends north/south along the east side of the property. The proposed site plan shows a gravel access drive connecting to a driveway approach from Markey Road. The gravel drive can not continue to remain in place due to the original driveway being removed and reconstructed to another location on the site. The changes that are reflected on the submitted site development plan negate any legally non-conforming status on the gravel driveway.

Pursuant to the Unified Development Code, "all parking spaces shall be paved with a sealed surface i.e. concrete or asphalt, in accordance with City specifications and maintained in a manner that no dust will result from continued use".

Designated Parking Area: The site is located within a designated city park which already has adequate off-street parking. No additional off-street parking spaces would be required.

Fire Department: According to the Fire Marshall, the fire code requires fire department access to extend to within 150-ft. of all buildings. The distance may be increased as soon as the 'use' of the building is indentified.

Public Works: Erosion control measures need to be made, (i.e. silt fencing) are required to be in place prior to any grading work.

Conformance with Water and Sanitary Sewer Master Plans: The proposed Dog Park is consistent with the City Street Master Plan. The proposed fence location does not interfere with the proposed future Markey Road widening project.

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STAFF RECOMMENDATION(S): Staff would like to see more details as to the overall appearance and design of the park prior to the approval of the site plan...specifically a landscape plan, an exterior lighting plan and building design.

PLANNING COMMISSION ACTION

1. Motion to recommend approval / denial of the site plan, to construct an off-leash dog park to be located on a 3.0-acre tract of land adjacent to Market Park.
2. Motion to continue the case pending additional information.

ATTACHMENTS

1. Site Plan / Exhibit 'A'
2. Aerial Photo / Exhibit 'B'

