



**AGENDA
CITY OF BELTON
PLANNING COMMISSION MEETING
MONDAY, JANUARY 12, 2009 - 7:00 P.M.
BELTON CITY HALL ANNEX, 520 MAIN STREET**

CONFERENCE ROOM

I. CALL MEETING TO ORDER

II. ROLL CALL

III. APPROVAL OF THE MINUTES OF THE DECEMBER 15, 2008 PLANNING COMMISSION MEETING

IV. PUBLIC HEARING

A. Case # TA09-01: Consideration of a text amendment to the Zoning Ordinance, to increase the maximum height requirement for structures in commercial zoning districts.

V. COMMISSION DISCUSSION

A. Planning Commission 2008 year in review, and 2009 priority items.

VI. DIRECTOR'S REPORT

VII. NEXT MEETING: February 2, 2009

VIII. ADJOURNMENT

Meeting Minutes

December 15, 2008

Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
December 15, 2008

CALL TO ORDER: Chairman Paul Myers called the meeting to order at 7 p.m.

ATTENDANCE:

Commission: Chairman Myers, Mayor Pro Tem Gary Lathrop, Councilman Bobby Davidson, Commissioners Sally Davila, Tim McDonough, Scott VonBehren, and Larry Thompson.
Staff: Jay Leipzig, Director of Community Planning and Development; Robert Cooper, City Planner; Jason Webb, Fire Marshal; Ann Keeton, Community Development Secretary.
Absent: Commissioners Holly Girgin and Roger Horne.

MINUTES: Commissioner VonBehren moved to approve the minutes of the November 17, 2008, planning commission meeting. Commissioner Thompson seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING:

Fence Design Standards: Chairman Myers opened the public hearing for case TA08-20 at 7:02 p.m. This hearing was being held to receive public input regarding a text amendment to the City's zoning ordinance establishing design standards for fence construction and placement.

Staff report:

Mr. Leipzig reported this topic came to the attention of staff after they were informed there was a residential fence constructed using, by what a neighbor considered to be, inappropriate fencing materials. This proposed text amendment would regulate appropriate fencing materials.

Mr. Cooper went into detail about the type of fence that was erected along the side property line of a Belton resident. The zoning ordinance currently does not contain language about design standards for fences according to Mr. Cooper. He went on to report that during discussion of fence standards at an earlier commission meeting, it was suggested that the maximum fence height allowed in residential zoning districts should be reduced from 8-ft. to 6-ft. Mr. Cooper presented the proposed text amendment which read:

“In all zoning districts, with the exception of A (Agricultural) District, all fences shall be allowed with a permit. Fence must not exceed six (6) feet in height along the rear and side yard lot lines only and must be limited to or similar to one of the following types of construction materials: split-rail; wood-rail; chain-link; solid-wood; picket; wrought-iron; or vinyl. Mesh and wire fences are prohibited, except for construction and/or emergency purposes. Bright colors such as orange, yellow, or red are not permitted, except for construction and/or emergency purposes.”

Commission Discussion:

In discussion, Mr. Cooper answered questions and explained the existing fence requirements for front yards. There was dialogue about fencing standards for commercial districts, specifically the proposed reduction of maximum fence height allowed from 8-ft. to 6-ft. The pros and cons of separating the fence standards by each zoning district were debated. It was suggested by Mr. Cooper that language could be added to the proposed text amendment to state "except where otherwise permitted." There was agreement that it is confusing to look up regulations in the zoning ordinance when there are multiple sections pertaining to one topic. Mr. Leipzig reiterated that it could be beneficial to group the fence standards by zoning districts. Mr. Cooper verified that the commission would prefer the fence standards be classified by district, type and height.

As there was no public input, Chairman Myers closed the public hearing at 7:18 p.m.

It was suggested that the proposed text amendment language could be changed to pertain only to residential zoning districts. Councilman Davidson returned at 7:18 p.m. **After further discussion, Mayor Pro Tem Lathrop moved to change the language in the first sentence of the proposed text amendment to read: "In all residential zoning districts, all fences shall be allowed with a permit. . ."** The motion was seconded by Commissioner Thompson. When a vote was taken, the following was recorded: Ayes: 7 – Chairman Myers, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, McDonough, VonBehren, and Thompson. Noes: none. Absent: Commissioners Girgin and Horne. The motion carried.

DISCUSSION ITEMS:

Maximum Building Height: The next item on the agenda was a discussion item regarding increasing maximum height limits for structures in commercial zoning districts. Mr. Leipzig explained that Cornerstone Pointe was recently replatted and it is anticipated that a four-story Hampton Inn will locate there. It was stated that the 35-ft. maximum height could be restrictive as Belton's commercial development grows.

The purpose of the discussion was presented by Mr. Cooper. He said discussion will be to establish a maximum height requirement for structures in commercial zoning districts. Mr. Cooper reported that staff recommends the increase to maximum structure height as a result of talks with developers interested in locating multi-story hotel and office buildings in the city. Staff would not recommend changing the maximum building height for structures built in the agricultural, residential and industrial zoning districts. In addition, he reported the fire department has acquired a ladder truck which will be able to suppress fires in taller structures.

Mr. Webb answered questions about the maximum height of buildings on which the aerial truck could suppress fires. The reach of the ladder is 105-ft. but the ladder must be set at an angle to function properly according to Mr. Webb. Councilman Davidson consulted with Mr. Webb about the building heights that can be protected comfortably by the aerial truck, and then he suggested increasing the maximum building height to 75 or 80 feet. Mr. Webb explained that once a building is higher than three or four stories, the height does not matter, because the fire and building codes take over and regulations become significantly more restrictive the taller the building.

Commissioner McDonough asked if the setbacks will increase as the height of the building increases. It was reported by Mr. Cooper that the building height would not have any effect on setbacks. Mr. Webb further explained that setbacks originated for fire separation, and the building and fire codes address additional issues.

Mayor Pro Tem Lathrop agreed the maximum building height should be 75-ft. and he suggested that language be included in the proposed text amendment to allow the building height to be reviewed without having to amend the zoning ordinance again. Mr. Leipzig indicated language could be included to allow review by the fire marshal with the proposed structure being required to meet the fire and building codes. In addition he suggested that the proposed structure must be compatible with the surrounding area.

Councilman Davidson moved that the proposed language include an increase in the maximum height limitation on structures in commercial districts as currently stated in the zoning ordinance to a maximum height of 75-ft. To also include language stating that the 75-ft. height requirement could be exceeded if there is a review of the building by the fire marshal. The proposed building must meet the fire and building codes, and the building must be compatible with surrounding land uses. The motion was seconded by Mayor Pro Tem Lathrop. When a vote was taken, the following was recorded: Ayes: 7 – Chairman Myers, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, McDonough, VonBehren, and Thompson. Noes: none. Absent: Commissioners Girgin and Horne. The motion carried.

Multi-family Housing: The last item of discussion was a report presented by staff on the topic of the percentage of multi-family housing in the city and if more multi-family projects are necessary or needed.

Chairman Myers complimented staff on the report. Mr. Leipzig introduced the multi-family report. He said the city comprehensive plan, Community Housing Assessment Team report (CHAT), the census data and comparative survey of other cities of comparable size were used to compile the report. The report points out that the City of Belton has the greatest need for high-middle and high cost single family homes. According to Mr. Leipzig the report shows that the city lacks that type of housing.

Councilman Davidson reported this same issue was covered several years ago and the findings were the same at that time, which was there is a lack of homes for the upper middle class. He went on to say that at one time people were moving out of Belton to locate in homes of this type because there was a shortage in the city. It was reported there are many vacant lots in the City that were scheduled to be starter homes. It was also stated that the number of starter homes and multi-family homes is sufficient and the upper middle price homes should become the focus of development for the near future.

With the addition of every lower tier multi-family development that goes in, it limits the space available for the upper middle type homes, because developers may hesitate to build near the lower tier multi-family projects. It was stated that the builders want to build the multi-family developments to make more money if they can get the project through planning and zoning.

There was further discussion about the CHAT report and the availability of lots in city subdivisions that are slated for larger homes.

DIRECTOR'S REPORT: Mr. Leipzig reported:

- Cornerstone Pointe replat was approved by the City Council.
- Kuecker Equipment has put sod down and has a seed escrow in place with the city.
- At the January 12, 2009, meeting a 2008 year-end summary report will be presented

Chairman Myers explained the reason the meeting will be held on January 12, 2009. He added that there will only be one meeting in January.

Mr. Leipzig gave an update on Belton Glass. He reported that the deadline to brace the wall at the site is January 9, 2009. City building inspectors have visited the business owner at the building on more than one occasion according to Mr. Leipzig. The completion of the garage door on Loop Road has a deadline in April.

ADJOURNMENT

Councilman Davidson moved to adjourn the meeting. Commissioner VonBehren seconded the motion. All voted in favor and the meeting adjourned at 7:52 p.m.

Ann Keeton
Community Development Secretary

Text Amendment

Increasing Maximum Height Requirement in Commercial Districts

**REGULAR MEETING
BELTON PLANNING COMMISSION
CITY HALL ANNEX, 520 MAIN STREET
MONDAY, JANUARY 12, 2009 – 7:00 P.M.**

STAFF PRESENTATION: *Robert G. Cooper, City Planner*

CASE #TA09-01

Consideration of a Text Amendment to the City's Zoning Ordinance, to increase the maximum height requirement for structures in commercial zoning districts.

DISCUSSION

The purpose of amending the Zoning Ordinance, to increase the maximum height requirement for structures in commercial zoning districts is the result of recent discussions with several high-end commercial developers who expressed concern with future development, specifically, high-rise hotels and office buildings, which would exceed the current maximum height limitation of 35-ft.

The Planning Commission has previously met with staff on December 15, 2008 and discussed the current maximum height requirements as outlined in the zoning ordinance, projected commercial development, market trends and whether the current ordinance needed to be amended.

Staff and the Commission believes that by increasing the maximum height limit for structures within commercial zoning districts will help Belton move forward in meeting the development challenges that are ever increasing as the commercial / retail market continues to flourish.

Staff suggested not changing the maximum height limit for structures within the Agricultural, Residential, and Industrial zoning districts. In an effort to preserve the natural aesthetics and character of these neighborhoods, staff would prefer not changing the existing height limitation of 35-ft., except as provided in Article III, Section 3 of the Zoning Ordinance.

During the December 15, 2008 Planning Commission meeting, the Commission directed staff to formally propose new language addressing the maximum height limitation for structures within the commercial zoning districts.

PROPOSED TEXT AMENDMENT

"HEIGHT REGULATIONS" {replace- Article II, Section(s) 7-10(E)}

" No structure shall exceed 74-ft. in height; however, an increase may be allowed pending review and approval of the fire marshal and building inspector. The proposed structure must meet applicable fire and building codes and be compatible with surrounding land uses."

STAFF RECOMMENDATION

Fire, and Community Development staff support the recommendation to approve the proposed text amendment to increase the maximum height limit in commercial zoning districts from 35-ft. to 74-ft.

PLANNING COMMISSION ACTION

1. Motion to recommend *approval / denial* of amending the zoning ordinance to increase the maximum height limit in commercial zoning districts from 35-ft. to 74-ft.
2. Motion to continue the case pending additional information.

2008 Review

&

2009 Priority Items

MEMORANDUM

TO: Planning Commission Members
FROM: Jay Leipzig, AICP – Director of Community Planning & Development
Planning Department Staff

DATE: January 12, 2009
RE: 2008 Year In Review for Planning Commission Activities & Priority Items 2009

The following report provides an overview of activities of the Planning Commission for the City of Belton, Missouri. The report below comprises three (3) components: 1) An overview of Basic Statistics of the Planning Commission; 2) List of Major Accomplishments in 2008; and 3) List of Proposed Issues and Key Projects in 2009. This document can be used as a summary guide to reflect upon the accomplishments of the past year, and also to provide a basic schedule of items that will be brought forward for review in 2009.

An overview of basic statistics of the Planning Commission

- The Commission met 18 times in 2008
- Eight (8) meetings were cancelled due to scheduling conflicts.
- One (1) meeting was cancelled due to lack of quorum.
- The Commission reviewed and discussed 33 cases throughout the year.
- Fifteen (15) cases were recommended for approval to the Board of Aldermen/City Council.
- The remaining 18 cases were general discussion items, reports, and other non-forwarded items.
- The Commission held 12 Public Hearings for planning related items.
- The Commission reviewed two (2) Special Use Permit applications.
- Four (4) amendments were recommended for approval to the Board of Aldermen/City Council.
- One (1) rezoning application was approved.
- One (1) rezoning application was withdrawn.
- The Commission recommended approval of five (5) development plans.
- The Commission approved one (1) lot split.

List of Major Accomplishments in 2008 (In Chronological Order when originally discussed)

- Review and recommendation of approval for Final Plat of the Orchard Park Subdivision.
- Brainstorming session to identify improvement areas within the community.
- Review and recommendation of approval for an Arterial Street Impact Fee.

- Review and recommendation of approval for the Preliminary and Final Plat for Price Chopper Addition.
- Review and recommendation of land vacation for a parcel at Y & 71-Hwys. For Herman Properties.
- Review and recommendation of approval for a text amendment for subdivision signs in residential zoning districts.
- Recommendation of approval for a Special Use Permit for a garage door installation at 309 Main Street.
- Review and recommendation of approval for a text amendment regulating portable cargo containers, i.e.: PODS.
- Implemented training sessions for Planning Commission members.
- Recommendation of approval for a Special Use Permit for an illuminated subdivision sign in Kentucky View.
- Review and recommendation of approval for an amendment to the Final Plat of Belton Marketplace.
- Review and recommendation of approval for a zone-change for the Boardwalk at Belton TIF Project.
- Developed the Development Review Committee project report for the Board of Aldermen.
- Review and recommendation of approval for a text amendment allowing carports in residential zoning districts.
- Approval of a lot split at 910 W. Cambridge Road.
- Review and recommendation of approval for the Belton Capital Improvement Plan.
- Approval of a variance to allow Kuecker Equipment Incorporated to hydro-seed the rear of the property.
- The owner of Sunrise Gardens residential subdivision withdraws his application for a zone-change from R-1/PUD to R-3.
- Review and recommendation of approval for an amendment to the Final Plat of Cornerstone Pointe.
- Review and recommendation of approval for a text amendment clarifying appropriate fencing material in residential zoning districts.
- Developed a multi-family housing report depicting current housing needs and priorities.

List of Proposed Issues and Key Projects in 2009

The following proposed issues are recommended by staff. In addition to those items described below, there will be additional projects submitted by private developers. Private development

projects include potential tax increment financing applications, zone-change, lot-splits, plat revisions and preliminary / final development plans.

- Review and recommend increasing the height limitation in commercial zoning districts (January 2009)
- Review and recommend sign ordinance clarification in order to facilitate enforcement. (February 2009)
- Review and recommend the creation of a foreclosure ordinance. (February 2009)
- Review and recommend ordinance revisions for used car lots. (February 2009)
- Review Special Use Permit compliance for 309 Main Street. (March 2009)
- Update the Future Land-Use Map and Zoning Map. (May 2009 – pending budget approval)
- Develop a Unified Development Ordinance to facilitate development. (May 2009 – pending budget approval)
- Creating a below market interest rate loan program to encourage home-owner investment. (June 2009)
- Develop design guidelines for N. Scott (July 2009)
- Evaluating possible economic incentive packages to encourage development (July 2009)
- Review and recommendation of approval for the Belton Capital Improvement Plan. (November 2009)
- Staff will also be developing and refining several internal processes, including:
 - 1) Developing a library of planning and community development materials about Belton. (June 2009)
 - 2) Developing an incentives packet which can be given to developers in targeted areas. (July 2009)
 - 3) Increasing consistency and efficiency of code enforcement. (On-Going)
 - 4) Prioritize Code Enforcement issues to establish consistency. (On-Going)
 - 5) Work closely with Belton Corporation for Economic Development. (On-Going)
 - 6) Refining the Plan Review Process to ensure consistency. (On-Going)