



AGENDA  
CITY OF BELTON  
PLANNING COMMISSION  
MEETING AND PUBLIC HEARING  
MONDAY, MARCH 1, 2010 - 7:00 P.M.  
BELTON CITY HALL ANNEX, 520 MAIN STREET

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- I. CALL MEETING TO ORDER
  
- II. ROLL CALL
  
- III. APPROVAL OF THE MINUTES OF THE FEBRUARY 1, 2009 PLANNING COMMISSION MEETING
  
- IV. PUBLIC HEARING
  - A. Consideration of an amendment to the City Subdivision Regulations by repealing Section 8-42, Erosion, and enacting in lieu thereof a new section of like number and subject matter to be know as Section 8-42, Soil Erosion and Sediment Control.
  
- V. FINAL PLAT
  - A. CASE #FP10-03: Consideration of a Final Plat for Church's Chicken to be located at the southeast corner of Bel-Ray Place and 171<sup>st</sup> Street.
  
- VI. DIRECTOR'S REPORT
  
- VII. NEXT MEETING DATE: MARCH 15, 2010
  
- VIII. ADJOURNMENT

# Minutes of Meeting

February 1, 2010

Minutes of Meeting  
Belton Planning Commission  
City Hall Annex – 520 Main Street  
February 1, 2010

CALL TO ORDER

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

ATTENDANCE

Commissioners: Vice-chairman VonBehren, Mayor Pro Tem Gary Lathrop, Commissioners Sally Davila, Tim McDonough, Jeff Fletcher, and Larry Thompson.

Staff: Jay Leipzig, Director of Community Planning and Development; Ed Ieans, City Engineer; Robert Cooper, City Planner; and Ann Keeton, Community Development Secretary.

Absent: Chairman Holly Girgin, Councilman Bobby Davidson, and Commissioner Roger Horne.

Vice-chairman VonBehren introduced Commissioner Jeff Fletcher, who was recently appointed to serve on the Planning Commission. Commission members introduced themselves to Commissioner Fletcher.

MINUTES

Mayor Pro Tem Lathrop moved to approve the minutes of the January 25, 2010, Special Planning Commission meeting. Commissioner Fletcher seconded the motion. All members present voted in favor and the motion carried.

PRESENTATION – SEDIMENT AND EROSION CONTROL

Mr. Leipzig introduced Mr. Ieans, City Engineer, and reported he has been working with the city attorney on a draft of a sediment and erosion control ordinance.

Mr. Ieans announced that at the March 1, 2010, Planning Commission meeting there will be a public hearing for the new sediment and erosion control ordinance. The City is required by Missouri Department of Natural Resources (DNR) to update the sediment and erosion control regulations. The regulations will cover any grading on any residential or commercial lots, in addition to large construction projects. One exception mentioned by Mr. Ieans was for home gardens. He said a permit will not be required to establish a home garden. The new ordinance will require all contractors to have a bond which will be used if the contractor fails to complete the work. It was reported someone from the city attorney's office will be present for the commission meeting on March 1.

COMMISSION DISCUSSION

Mr. Ieans explained more about the "bond" mentioned in his presentation. The bond amount is based on the construction estimate and the contractors must have a bond before a permit will be issued. He went on to say small residential lots will have a permit cost of \$200 and larger

projects will be \$500. The permit fees will cover the cost of inspections conducted by city staff according to Mr. Ieans.

Mayor Pro Tem Lathrop asked if the proposed erosion control regulations are the same as the regulations adopted by Kansas City, Missouri. He reported he had read an article in a publication that indicated many builders were against the Kansas City erosion control regulations because of the cost involved. Mr. Ieans reported he researched the fees and believes the proposed fees are reasonable. Mr. Leipzig added the proposed regulations cover silt fence placement and removal. The proposals primarily deal with changes in the American Public Works Association manual. This will give the City a chance to keep ordinances up to date on the issue of sediment and erosion control according to Mr. Leipzig. It was confirmed by Mr. Ieans the permit cost for projects over one acre in size will be \$500 and projects less than one acre will be \$200.

Mayor Pro Tem Lathrop brought up the topic of silt fence removal. He inquired if the proposed ordinance will cover silt fence removal and he gave examples of projects where the silt fences were never removed. Mr. Ieans reported the proposed ordinance does have a provision for silt fence removal.

There are a few minor revisions coming from the city attorney's office according to Mr. Ieans, but at the March 1 meeting there will be a draft of the sediment and erosion control ordinance provided to commission members.

An explanation of the manner in which the bonds will be used was given by Mr. Ieans and he stated there are penalties written into the ordinance for noncompliance. The bond is a separate erosion control bond and the project will need permanent vegetation before the bond money will be refunded. It was stated the bond must be held by the City for at least 12-months. Mr. Ieans reported there will be a penalty if the silt fences are not removed. He did not have a dollar amount established, but agreed that the bond could be used if the fences are not removed.

Mr. Ieans informed the Commissioners there is a provision in the proposed erosion control ordinance for mud and debris deposited on streets during construction projects. Commissioner McDonough reported there are large fines assessed in Overland Park for mud and debris on city streets. The Commissioners discussed some projects where construction vehicles left mud on the streets without cleaning it up.

#### DIRECTOR'S REPORT

Mr. Leipzig reported the next Commission meeting will be held on March 1, 2010, and the public hearing for the proposed sediment and erosion control ordinance will be on the agenda. There will not be a second meeting in February due to the President's Day holiday.

He gave a brief history of the Special Use Permit application process completed for RLB Services to allow the sale of used motorcycles at 1208 – 1210 N. Scott. The applicant will be meeting with the Development and Review Committee (DRC) on Wednesday, February 03, 2010.

The Census will kickoff around the middle of March when survey forms will be sent to every household. Mr. Leipzig described the census document as a point-in-time survey of April 1, 2010. A census representative will speak to the City Council the second meeting in March. The importance of the census was explained by Mr. Leipzig.

Commissioner Davila asked about the large number of cars parked at the Belton Value Auto business. Mr. Leipzig reported that a code enforcement employee went to the site and did not observe any vehicles for sale. There were vehicles parked at the business waiting to be repaired. Code Enforcement is watching vehicle repair business lots to make sure there are no auto repairs being done in the parking lots. The cars parked at Belton Value Auto are all operable vehicles according to Mr. Leipzig, and the business does not have a vehicle sales stamp. There was further discussion about the large number of cars at the site on North Scott and Mr. Leipzig explained there are multiple car repair businesses at the same location. He indicated staff is looking at ways to tighten the ordinance for vehicle repair businesses.

There was discussion about the stacking of cars in business parking lots and possible solutions to the problem. Commissioner McDonough asked if the repair businesses are required to stripe their parking lots and Commissioner Davila questioned whether stacking cars violates a fire code. Mr. Cooper reported that access issues are always a concern, but code enforcement will issue a citation if necessary. He went on to say that one requirement of a new business is to have the parking lot striped and repaired. It was suggested by Commissioner McDonough that the existing auto repair business should be required to stripe the parking lot to create designated places to park vehicles rather than stacking cars all over the lot. Mr. Cooper explained some items examined by staff during a review of a new business license application. There was a discussion about whether an existing auto repair business can be required to stripe the parking lot. There was an additional explanation given by Mr. Cooper about business license applications and uses permitted-by-right in specific zoning districts. He agreed there is a parking lot maintenance ordinance that could be enforced and he reported new business applicants are encouraged to meet with the DRC committee to work out details and prevent parking / access issues. It was reported by Mr. Leipzig that during development of the Unified Development Code a provision has been included for vehicle repair shops. A vehicle repair shop application will be required to submit a parking sketch plan and designate a car pick-up / drop-off area.

#### ADJOURNMENT

Commissioner McDonough moved to adjourn the meeting. Commissioner Thompson seconded the motion. All members present voted in favor, and the meeting adjourned at 7:26 p.m.

Ann Keeton  
Community Development Secretary

Public Hearing

Sediment & Erosion Control

**FINAL DRAFT**

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE repealing Section 8-42 (Erosion) of the City's Subdivision Regulations of the Code of Ordinances of the City of Belton, Missouri, and enacting in lieu thereof a new section of like number and subject matter to be known as Section 8-42, Soil Erosion and Sediment Control, adopting standards for soil erosion and sediment control regulations for land development, defining the same, requiring permits, establishing fees and providing penalties and violations.**

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WHEREAS, soil is most vulnerable to erosion by wind and water during the construction process for development of land; and

WHEREAS, eroded soil endangers water resources by reducing water quality, and causing siltation for aquatic habitat of fish and other desirable species; and

WHEREAS, clearing and grading during construction also causes the loss of native vegetation necessary for terrestrial and aquatic habitat and a healthy living environment for the citizens of the City of Belton; and

WHEREAS, pursuant to the City's Missouri State Operating Permit, Water Pollution Control Program, issued by the Missouri Department of Natural Resources on July 3, 2008, the City is required to prepare and implement a Stormwater Management Program and Plan, including enactment and implementation of ordinances and regulations to control stormwater runoff and sediment and erosion controls during development and construction on properties within the City; and

WHEREAS, in order to safeguard persons, protect property, and prevent damage to the environment and in conformance with the City's Missouri State Operating Permit, it is necessary to minimize soil erosion and sedimentation during land development; and

WHEREAS, the assessment of a permit filing fee is necessary to offset costs incurred in processing applications, enforcement and in issuing and administering permits; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, MISSOURI THAT;

**Section 8-42. Soil Erosion and Sediment Control.**

**8-42.10. Introduction/ Purpose**

The purpose of this local regulation is to safeguard persons, protect property, prevent damage to the environment and promote the public welfare by regulating land

disturbance, land fill and soil storage in connection with the clearing and grading of land for construction related or other purposes and by effectively minimizing soil erosion and sedimentation during land development or any other type of land disturbance in the City of Belton. Further, it provides builders, developers and property owners with soil erosion and sedimentation control standards and regulations.

Facilitation of the regulations and standards contained herein shall accomplish the following:

- A. Establish standards for soil erosion and sediment control.
- B. Minimize soil erosion and sedimentation during land development or other land disturbing activities.
- C. Minimize pollution of streams, ponds and lakes.
- D. Encourage management of natural resources.
- E. Preserve the beauty of the community and the value of land.
- F. Reduce maintenance costs of public and private improvements and services.
- G. Promote and protect the public's health, safety, comfort and welfare.

#### **8-42.20. Definitions**

A. **Agricultural Crop Management Practices** means all land farming operations including plowing or tilling of land for the purpose of crop production or the harvesting of crops.

B. **Applicant:** Any person requesting approval of any application pursuant to this ordinance and the subdivision regulations.

C. **APWA:** American Public Works Association.

D. **APWA Erosion and Sediment Control Specifications and Design Criteria:** Sections 2100, 2150, 3100 and 5100 of the Kansas City Metropolitan Chapter of the APWA Standards, Specifications and Design Criteria manual, adopted in 2003.

E. **Army Corps:** United States Department of the Army, Army Corps of Engineers.

F. **Clearing:** Any activity which removes the vegetative surface cover including, but not limited to, root removal or top soil removal.

G. **Director:** The Director of Public Works of the City of Belton or his/her designee.

H. **Drainage Way:** Any channel that conveys surface runoff throughout the site.

I. **Erosion:** The wearing away of the land surface by the action of wind, water or gravity or a combination thereof.

J. **Erosion and Sediment Control Plan:** A set of plans prepared by or under the direction of a licensed professional engineer or a certified professional in erosion and sediment control indicating the specific measures and sequencing to be used to control runoff, sediment and erosion on a development site before, during and after construction and after all permanent improvements have been erected or installed. This is also sometimes referred to as the "Storm Water Pollution Prevention Plan" in the APWA Standards.

K. **Erosion Control:** Measures that prevent erosion.

L. **FEMA:** Federal Emergency Management Administration.

M. **Governing Body:** The City Council of the City of Belton.

N. **Grading:** Excavation or fill of earth material, or combination thereof, including the resulting conditions thereof.

O. **MDNR:** Missouri Department of Natural Resources.

P. **Permanent Vegetation:** Grass, sod or ground cover sufficient to prevent erosion.

Q. **Phasing:** Clearing a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.

R. **Sediment:** Solid material moved by erosion and deposited away from its point of origin.

S. **Sediment Control:** Measures that prevent eroded sediment from leaving the site.

T. **Site:** A parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

U. **Site Development:** Altering terrain, vegetation and/or constructing improvements.

V. **Site Development Permit:** A permit issued by the Director or his designee for the construction or alteration of ground, including improvements and structures for the control of erosion, runoff and grading.

W. **Stabilization:** The use of practices that prevent exposed soil from eroding.

X. **Start of Construction:** The first land-disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Y. **Streambank:** The top of the natural incline bordering a stream.

Z. **Stripping:** Any activity by which the vegetative cover is removed or significantly disturbed, including tree removal, clearing, grubbing and storage, or removal of topsoil.

AA. **Vegetative Cover:** Any grasses, shrubs, trees and other vegetation that protects and stabilizes soils.

BB. **Watercourse:** Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water which are delineated by the Director.

CC. **Waterway:** A channel that directs surface runoff to a watercourse, or to the public storm drain.

DD. **CPESC:** Certified Professional in Erosion and Sediment Control.

#### **8-42.30. Permits – Regulated Activities**

No person, firm or corporation may develop or disturb land, including clearing, grading, excavating, filling, storing or disposing of soil and earth materials or perform any other land disturbing activity, without first obtaining a site development permit and the approval of an Erosion and Sediment Control Plan by the Director or his assignee except as noted in section 8-42.40 of this chapter. The following permits shall be required:

- a. all sites 1 acre or more shall have a Missouri Department of Natural Resources permit and a City of Belton permit
- b. all subdivision and commercial lots less than 1 acre shall have a City of Belton permit

**8-42.40. Exemptions**

Persons performing land disturbance activities that meet any of the criteria below are not required to apply for a site development permit pursuant to this chapter:

- A. *Land disturbance activities by city departments.* In those cases, the department is required to comply with the requirements of the city's general permit, if applicable, the city's adopted standards and the city's building code;
- B. *Home gardens.* Home gardening operations including plowing or tilling of land for the purpose of growing flowers and/or vegetables;
- C. *Work to correct or remedy emergencies.* This includes situations that pose an immediate danger to life or property, or substantial flood or fire hazards; and
- D. *Routine agricultural crop management practices.*

**8-42.50. Site Development Permit Application and Issuance**

- A. Each application shall bear the name(s) and address (es) of the owner or developer of the site, and of any consulting firm retained by the Applicant together with the name of the Applicant's principal contact at such firm, including the name and phone of the grading or earth moving contractor and shall be accompanied by a filing fee. The filing fee for areas that are 1 acre or greater shall be Five Hundred Dollars (\$500). The fee for areas less than 1 acre shall be Two Hundred Dollars (\$200).
- B. The issuance of a permit shall constitute authorization to do only that work described or shown on the approved plan. Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Applicant's approved Erosion and Sediment Control Plan.

The permit shall be valid from the time that it is issued until a final certificate of occupancy or completion certificate has been issued for the site. A completion certificate will not be issued until the site is stabilized and erosion and sediment-control measures are no longer necessary. A site will be considered finally stabilized when all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover for the unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures have been employed. Prior to issuance of a completion certificate or occupancy permit the site will be inspected by the Public Works or Community Development inspector to determine if the site has been stabilized and all erosion control measures have been removed.

- C. If the permittee sells the property before the expiration of the permit, the permit may be assigned to the new owner of the site if the assignment is approved in writing by the Director.

D. If the permittee sells any portion of the property before the expiration of the permit, the permittee will remain responsible for that portion of the property until the new owners of the property, with respect to property covered by a permit, make all submissions required to obtain a new site development permit or an approved assignment of the permit or any portion thereof.

E. Clearing and Grading

1. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, unless proper permits have been obtained from MDNR, Corp of Engineer or FEMA.
2. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

F. Areas that have been cleared and graded but will not be constructed on for more than 14 days must be stabilized with temporary vegetation or mulch. (APWA Standard 5100.7)

G. Review and approval

1. The Director or assignee will review each application for a site development permit to determine its conformance with the provisions of this chapter. Within thirty (30) days after receiving an application, the Director shall, in writing:
  - a. approve the permit application;
  - b. approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
  - c. disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.

H. Permit Fee

The City of Belton shall charge, at the time of application, a filing fee of Five Hundred Dollars (\$500.00) for areas that are 1 acre or greater and a fee of \$200 for individual lots or areas of less than 1 acre. This fee shall be for the enforcement and administration of this chapter.

**8-42. 55. Erosion and Sediment Control Plan**

- A. The Erosion and Sediment Control Plan must be prepared and certified by a Professional Engineer or a certified professional in erosion and sediment control (CPESC) on behalf of the Applicant and must outline the measures he/she will take to ensure soil and sediment is contained on the development site.
- B. The Erosion and Sediment Control Plan for areas that are 1 acre or greater shall include:
1. The property owner's name, address and telephone number.
  2. A natural resources map, at a scale no smaller than one (1) inch equals one hundred (100) feet, identifying the location; soils; forest cover; the surrounding area's watercourses, water bodies and other significant geographic and natural features; and resources protected under other chapters of this code.
  3. A one (1) inch equals fifty (50) feet scale map of the site showing proposed excavation, grading or filling.
  4. Existing and proposed contours at two (2) foot intervals on USGS datum, clearing limits, and delineation of 100-year flood plain and floodway.
  5. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; final grading and landscaping; and removal of temporary erosion control devices. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of clearing, installation of temporary erosion and sediment measures, installation of storm drainage, paving of streets and parking areas, and establishment of permanent vegetation.
  6. All erosion and sediment-control measures necessary to meet the objectives of this chapter throughout all phases of construction and permanently, after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
  7. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
  8. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

9. Location of proposed and existing utility lines.
  10. Details of temporary drainage system to direct stormwater runoff from graded portions of the site and details of the permanent drainage plan.
  11. Temporary access routes and construction entrance.
  12. A signed and sealed estimate from the Professional Engineer or Certified Professional in Erosion and Sediment Control of the estimated cost for the work included in the Plan.
  13. Any additional items indicated in the APWA Erosion and Sediment Control Specifications and Design Criteria.
  14. The signature and seal of a Professional Engineer or a Certified Professional in Erosion and Sediment Control (CPESC).
- C. Additional information or data may be required as deemed appropriate by the Director. Requirements for maps, plans, reports or drawing may be waived if the Director finds that the otherwise submitted information is sufficient to show that the proposed work will conform to the erosion and sediment control requirements required by this chapter.
- D. Additional erosion and sedimentation control measures may be imposed by the Director.
- E. All Erosion and Sediment Control Plans shall be designed and shall meet the design criteria set forth in the most recent version of the *APWA Erosion and Sediment Control Specifications and Design Criteria*, as adopted by resolution by the Governing Body, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the City of Belton.
- F. Grading and erosion control on individual lots and areas less than 1 acre:
1. Applications for areas less than 1 acre or individual lots shall be shown on a plot plan that contains the following:
    - a. Property lines existing and proposed, lot and block number.
    - b. Location of structure.
    - c. Elevation on the top of the foundation, proposed and existing grading contours, property corners.
    - d. Location of drainage swales, inlets, and arrows showing direction of runoff.

- e. Location of sediment and erosion controls.
- f. Any additional information required by the Director.
- g. All sediment and erosion controls shall be removed from the lot after vegetation has been established.
- h. A permit fee of \$200. This fee shall be for the enforcement and administration of fees and documents.
- i. No building inspections shall take place until erosion controls and a construction entrance are installed.

#### **8-42.60. Security for Performance of Work**

The Director shall require the Applicant to provide security equal to the estimated cost to install and maintain the approved erosion and sediment control measures for the duration of the site development permit as defined in section 8-42.50 of this code if the land disturbance is within the watershed of a public or private lake or pond or if the Erosion and Sediment Control Plan is for an area of one (1) acre or greater and the estimated cost to install and maintain the approved erosion and sediment control measures is \$2,000.00 or greater. The Applicant has two options to secure the performance of work:

1. *Option 1: Performance bond.* The Applicant may furnish a performance bond, approved by the director of finance; or
2. *Option 2: Letter of credit agreement.* The Applicant may enter into a letter of credit agreement with the city, whereby the Applicant will submit a letter of credit from a bank approved by the director of finance.

#### **8-42.65. Mud, Material or Debris on City Streets**

- A. No activities are permitted that cause mud, soil, earth, sand, gravel, rock, stone, and concrete, building materials or other materials to be deposited on public streets. Other measures may be required in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.
- B. If mud, material or debris is deposited on a public or private street, the responsible party shall abate the violation based on section 15-36 of the Code of Ordinances of the City of Belton, Missouri.

#### **8-42.70. Inspection**

- A. By submitting a development plan or applying for a building permit, the Applicant consents to inspections of the proposed development site and all work in progress.

The Director or designated agent shall enter the property of the Applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed.

- B. A copy of the permit and Erosion and Sediment Control Plan must be available on the site for inspection by authorized representatives of the City of Belton.
- C. The Director or designated agent shall make inspection at its discretion and shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the City of Belton shall be maintained at the site during the progress of the work.
- D. The permittee or his/her agent shall make weekly inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for additional control measures. All inspections and modifications to the erosion and sediment controls shall be documented in written form and noted on the approved Erosion and Sediment Control Plan.
- E. The permittee or his/her agent shall inspect and repair as needed all sediment and erosion controls after each rainfall event. The dates of these inspections and repairs shall be noted on the Erosion and Sediment Control Plan.
- F. Copies of the reports on the Erosion and Sediment Control Plan shall be submitted to the Public Works department on monthly basis. Failure to submit this document could result in a stop work order.
- G. In the event work does not conform to the permit or conditions of approval or to the approved plan or to any instructions of the Director, notice to comply shall be given to the permittee. After a notice to comply is given, the permittee or the permittee's contractor(s) shall be required to make the corrections within the time period determined by the Director. If an imminent hazard exists, the Director shall require that the corrective work begin immediately.

#### **8-42.75. Coordination with Other Permits**

When a person is developing a site, and a site development permit is required in accordance with sections 8-42.30 and 8-42.50 of this chapter, no other construction permits shall be issued to make improvements on that site until the person has secured the site development permit for the same site. This includes all permits issues by the Director or any other city department. The city may simultaneously issue a site development permit and a grading permit.

**8-42.80. Maintenance of Control Measures**

The Applicant shall at all times maintain all erosion and sediment control measures in good order and in compliance with the Erosion and Sediment Control Plan for the site and with the city's adopted standards, for the duration of the permit as defined in section 8-42.50 of this chapter. In determining the Applicant's compliance with the Erosion and Sediment Control Plan for the site, the Director shall take into consideration any results the Applicant has obtained through sampling.

**8-42.85. Sampling**

The Applicant shall have the option of including a system of regular sampling by individuals approved to perform such sampling by the city as a part of the Applicant's Erosion and Sediment Control Plan. The Director may require sampling to determine the effectiveness of the erosion control plan or to obtain information to investigate complaints regarding the site. Sampling shall not be the only item reviewed to determine compliance with the Erosion and Sediment Control Plan for the site. The Director may also perform sampling.

**8-42.90. Removal of Control Measures**

The Applicant shall receive the Director's approval before any structural erosion and sediment control measure identified on the plans is removed or made ineffective. Removal of erosion and sediment control measures must be performed in the manner described in the Erosion and Sediment Control Plan and in accordance with the city's adopted standards. When determining whether an erosion and sediment control measures may be removed or made ineffective, the Director shall take into consideration testing results furnished by the Applicant.

**8-42.95. Action Against the Security**

The Director may take action against the security if the Applicant fails to install or maintain the erosion and sediment control measures in accordance with the Erosion and Sediment Control Plan for the site and the city's adopted standards for the duration of the permit as defined in section 8-42.50. The Director will provide the Applicant with ten days written notice before any action is taken against the security, and if during that ten-day period the Applicant bring control measures into compliance with the plan, no action shall be taken against the security.

**8-42.100. Enforcement and Penalties****A. Stop-Work Order; Revocation of Permit**

1. In the event that any person holding a site development permit pursuant to this chapter violates the terms of the permit, or implements site development in such a

manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Director may suspend or revoke the site development permit and issue a stop-work order.

2. For the purposes of this section, a stop-work order is issued by posting a copy of the stop-work order on the site of the land disturbance activity in reasonable proximity to a location where the land disturbance activity is taking place. A copy of the order, in the case of work for which there is a permit, shall be mailed by first class mail, postage prepaid, to the address listed by the permittee on the permit; faxed to the number listed on the permit; or e-mailed to the e-mail address listed on the permit. In the case of work for which there is no permit, a copy of the order shall be mailed to the person listed as the owner of the property on records filed with Cass County Missouri.
3. A permittee or property owner shall have the right to appeal the issuance of the stop-work order within five (5) working days of the issuance of the stop-work order. The City Manager shall hold a hearing on the appeal of the stop-work order and render a decision on the appeal.
4. No person is permitted to continue or permit the continuance of work in an area covered by a stop-work order, except work required to correct deficiencies with respect to an erosion or sediment-control measure.
5. Ten (10) working days after posting a stop-work order or upon issuance of a decision by the City Manager if an appeal is filed, the Director, if the conditions specified in the stop-work order have not been satisfied, may issue a notice to the permittee, or property owner, of the City of Belton's intent to perform work necessary to comply with this chapter. The City of Belton may go on the land and commence work after fourteen (14) working days from issuing the notice of intent. The costs incurred by the City of Belton to perform this work shall be paid by the property owner or permittee.

#### B. Violation and Penalties

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any violation of any provision of this ordinance by any person, partnership, corporation, or other entity shall be punishable by a fine of not more than one hundred dollars (\$100.00) per violation per day not to exceed five hundred dollars (\$500) and/or ninety (90) days in jail. Each day during which any such violation is committed, continued, or permitted, shall constitute a separate offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration. The City of Belton reserves the right

to revoke the building permit for serious and/or repeated violations and/or may place a lien on the property to pay for the City's costs in completing the work to remove the violation as provided in Section 8-42.100.5 and court costs.

**8-42.105 Severability**

The provisions and sections of this ordinance shall be deemed to be severable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
CITY CLERK

Approved as to Form and Legality:

\_\_\_\_\_  
SPECIAL COUNSEL

Final Plat

Church's Chicken

**“CHURCH’S CHICKEN / FINAL PLAT”  
7925 E. 171<sup>st</sup> STREET**

**BELTON CITY PLANNING COMMISSION  
MONDAY, MARCH 1, 2010 – 7:00 P.M.  
CITY HALL ANNEX, 520 MAIN STREET**

*Staff Report by Robert G. Cooper, City Planner*

**CASE #FP 10-03**

Consideration of Final Plat approval for ‘Church’s Chicken’, a sit down and drive-thru restaurant, located at the southeast corner of Bel-Ray Place and 171<sup>st</sup> Street (aka 58-Hwy).

**BACKGROUND**

The former ‘Discount Tobacco and Liquor store’ occupied this site prior to its closing in 2008. The property was purchased in 2009 by a Church’s Chicken franchisee owner, whose plans were to refurbish the existing building, make site improvements and open the Church’s Chicken restaurant. The developer met with the City’s Development Review Committee (DRC) on August 12, 2009 to go over a conceptual development plan. Staff discussed policy and procedural measures that are necessary to facilitate the efficiency of the review process.



## **REVIEW**

The un-platted tract is approximately 0.33 acres (14,310-sq. ft.) in size and zoned C-2 (General Commercial). The subject tract of land has never been platted. It was previously divided by metes and bounds and in order to bring the property into compliance with current surveying and platting standards, a final plat will need to be recorded with the Cass County Recorder of Deeds Office.

The existing building has a gross floor area (gfa) of 2,400-sq. ft. Access to the development is from 58-Highway (171<sup>st</sup> Street). There will be a six (6) vehicle stacking/drive-thru lane with access from Bel-Ray Place. This design and traffic configuration will help mitigate any potential traffic hazards.

The off-street parking ratio for this type of development and use is 1:200-sq. ft. Based on this requirement, twelve (12) parking spaces are required. The site will provide a total of 13 off-street parking spaces including 1 handicap parking stall.

The development site does not lie within a "Special Flood Hazard Area" (SFHA) as defined by the Federal Emergency Management Agency (FEMA).

Several safeguards have been implemented to help mitigate any negative impacts that may be generated by this development. Plantings and landscaping will be installed along and throughout the site, mainly along both street frontages, and the reuse of an existing pole sign will combine in aiding and maintaining a positive streetscape image along the 171<sup>st</sup> Street commercial corridor.

## **STAFF RECOMMENDATION**

Engineering, Fire and the Community Development staff support a recommendation to approve the 'Church's Chicken Final Plat'.

## **PLANNING COMMISSION ACTION**

1. Motion to recommend approve / deny of the Final Plat for Church's Chicken, a commercial development, located at the southeast corner of 58-Highway and Bel-Ray Place.
2. Motion to continue the case pending additional information.

## **ATTACHMENTS**

1. Plat

