



**AGENDA
CITY OF BELTON
PLANNING COMMISSION
MEETING & PUBLIC HEARING
MONDAY, NOVEMBER 21, 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 NOVEMBER 7, 2011, PLANNING COMMISSION MEETING

IV. PUBLIC HEARING

A. Consideration of an Amendment to the Unified Development Code ("UDC") to include provisions regarding Street Impact Fees

V. FINAL PLAT

A. Consideration of a Final Plat for Dollar General Store located on the north side of E. North Avenue and west of Ella Street

VI. DISCUSSION

A. Consideration of Public Works Projects to be included in the Capital Improvement Plan (CIP)

B. Design Guidelines for the Downtown / Old Town Belton Overlay District

VII. DIRECTOR'S REPORT

VIII. NEXT MEETING DATE: December 5, 2011

IX. ADJOURNMENT

MEETING MINUTES

NOVEMBER 7, 2011

**Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
November 7, 2011**

CALL TO ORDER

Vice-chairman Jeff Fletcher called the meeting to order at 7:00 p.m.

ATTENDANCE

Commission: Vice-chairman Fletcher, Mayor Pro Tem Gary Lathrop, Commissioners Tim McDonough, Steven Chancellor, and Larry Thompson.

Staff: Jay Leipzig, Community Development Director; Ben McCabe, City Engineer; Robert Cooper, City Planner; and Ann Keeton, Community Development Secretary

Absent: Chairman Holly Girgin, Councilman Bobby Davidson, Commissioners Sally Davila and Mike Van Eaton.

MINUTES

Commissioner Thompson moved to approve the minutes of the October 17, 2011, Commission meeting. Mayor Pro Tem Lathrop seconded the motion. All members present voted in favor, and the motion carried.

PUBLIC HEARINGS

Vice-chairman Fletcher announced that the updated Future Land Use Map public hearing scheduled for tonight's meeting has been rescheduled until the December 5, 2011 meeting. Mr. Leipzig explained that the language in the public hearing notice was revised and the hearing rescheduled.

Mr. Leipzig announced the public hearing scheduled for tonight's meeting for a Special Use Permit application for a temporary concession building has been rescheduled until sometime in the spring of 2012. The applicants, Downtown Belton Main Street, Inc., would like to delay action on the application until the group has a formal plan for the lot located at 316 Main Street.

CAPITAL IMPROVEMENT PLAN (CIP)

Mr. McCabe was present to discuss and score the Public Works CIP Project Ranking totals as completed by the Planning Commission members. He reported there may not be enough data to determine the results of the scoring at tonight's meeting and he asked that the Commission email their results to him. After the results are tabulated, Mr. McCabe suggested the Commission discuss the results to ensure all the Commission's thoughts are included in the final recommendation to the City Council. This item will be considered at the next Commission meeting. Mr. McCabe asked for suggestions about the scoring process for next year and the Commission members suggested the following:

- Provide additional information about each project

- Provide CIP Project Ranking sheets that can be completed by computer.
- Email tabulated results to Commission members before the next meeting.
- Commission could review the projects together after the Capital Improvements Project packet has been distributed.

DESIGN GUIDELINES

Mr. Leipzig distributed a draft of Design Guidelines and an Executive Summary for the Old Town Belton Overlay District. The guidelines will be discussed in more detail at the November 21, 2011 meeting. There will be modifications made to the documents to shift the current emphasis from a design plan to design guidelines.

DIRECTOR'S REPORT

Mr. Leipzig reported the design guidelines will be discussed further at the November 21, 2011 meeting along with an amendment to the Unified Development Code to include the previously approved arterial street improvement impact fees.

A site plan for Dollar General Store will be considered at a meeting in December.

ADJOURNMENT

Mayor Pro Tem Lathrop moved to adjourn the meeting. Commissioner Thompson seconded the motion. All members present voted in favor, and the meeting adjourned at 7:15 p.m.

Ann Keeton
Community Development Secretary

UNIFIED DEVELOPMENT CODE

ARTERIAL STREET IMPACT FEES



CITY OF BELTON
PLANNING COMMISSION INFORMATION FORM

MEETING DATE: November 21, 2011
ASSIGNED STAFF: Jay C. Leipzig, AICP

<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Consent Item	<input type="checkbox"/> Change Order
<input type="checkbox"/> Agreement	<input type="checkbox"/> Discussion	<input type="checkbox"/> FYI/Update	<input type="checkbox"/> Public Hearing

ISSUE

Consideration of the proposed Ordinance regarding the Codification of the Arterial Street Improvement Impact Fee. This Ordinance would be placed in Chapter 9 of the Unified Development Code of the City of Belton.

REQUESTED ACTION

A Motion of approval to the City Council for the attached Ordinance regarding the Codification of the Arterial Street Improvement Impact Fee. This item would be placed on the November 22, 2011 City Council Meeting Agenda.

BACKGROUND

The Belton Planning Commission has been an integral component of the new Unified Development Code and its various review processes for approximately two years. This review process culminated in the adoption of the Unified Development Code by the City Council on August 24, 2010 by Ordinance 2010-3639. Since that time, staff has systematically been completing amendments to the Code to include minor revisions to the document as prescribed by the City Attorney as well as Municipal Code Corporation.

The attached Ordinance provides for the Codification of the calculation and administration of the Arterial Street Improvement Impact Fee. Essentially, the proposed Ordinance provides for the enactment procedures as well as the provisions for the calculation, implementation and a procedure for an appeal process. The Impact Fee was noted in the adopted Unified Development Code as Appendix A, but it did not include the Codification of the Fee itself. All calculations of the fee and its prescribed administration remain unchanged from its original approval.

The City Planner will be providing a brief explanation of the Ordinance at the Planning Commission meeting on November 21, 2011.

During the Planning Commission meeting on December 5, 2011, a final Codification Ordinance will be presented for approval. This will then complete the Unified Development Code implementation process.

ATTACHMENTS

Ordinance

AN ORDINANCE AMENDING THE CITY OF BELTON, MISSOURI'S UNIFIED DEVELOPMENT CODE BY ENACTING A NEW ARTICLE IN CHAPTER 9 TO CODIFY THE CITY'S ARTERIAL STREET IMPROVEMENTS IMPACT FEE PROGRAM.

WHEREAS, in 2005 after studying and analyzing the need for improvements that are necessary to the arterial street network transportation facilities to meet the demand generated by new development in the City of Belton, Missouri (the "City") and based on these studies, determining that new development in the City that will be served by the arterial street network should, as a condition reasonably related to the impact of the new development, be required to provide monetary contributions to the City proportionate to the impact of the new development on the arterial street network in the form of an Arterial Street Improvements Impact Fee as provided herein, to be used to construct the projected arterial street network of the City, said improvements being necessary to accommodate increased traffic generated by the new development, the City adopted an Arterial Street Improvements Impact Fee; and

WHEREAS, the City now wishes to amend the Unified Development Code ("UDC") IN ORDER TO CODIFY AND INCLUDE text and information related to the Arterial Street Improvements Impact Fee INTO THE UDC.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, MISSOURI, AS FOLLOWS:

Section 1: That Chapter 9 of the Unified Development Code is amended with the addition of a new article as follows:

ARTERIAL STREET IMPROVEMENTS IMPACT FEE

1. *Arterial Street Improvements Impact Fee- computation.*
 - a. The impact fee per vehicle trip for the Citywide Impact Fee Service Area ("Citywide Service Area") shall be computed by dividing total costs of arterial street network transportation facilities and facility expansions ("Arterial Street Network") necessitated by and attributable to the new development in the Citywide Service Area by the total number of vehicle trips anticipated within the Citywide Service Area, based upon the land use assumptions for that service area.
 - b. The impact fee per vehicle trip that is to be paid by each new development within the Citywide Service Area shall be the impact fee rate established by resolution of the City Council initially upon adoption of this Section, as provided for in Subsection 2, and thereafter as part of the update provided for in Subsection 10 or at such other times as deemed necessary by the City. If no action is taken by the

City Council to amend the impact fee rate, the rate then in effect shall remain in effect.

2. *Establishment of the Citywide Impact Fee Service Area and Adoption of the Methodology for Calculating the Arterial Street Improvement Impact Fee.* In furtherance of the implementation of the Arterial Street Improvements Impact Fee and upon adoption of this Section, the boundaries of the Citywide Service Area shall be established by adoption of a resolution by the City Council showing the geographic boundaries of the service area and the methodology for calculation of the Impact Fee shall be established. The City Council may also adopt administrative guidelines to facilitate implementation of the Arterial Street Improvements Impact Fee.

3. *Applicability.*

a. This Section shall be applicable to all residential and non-residential development on property within the boundaries of the City. This Section is applicable to an increase in demand for arterial street network transportation facilities and the amount of the impact fee shall be based solely upon the increase in demand for Arterial Street Network improvements generated by the new development. The impact fee is a condition of building permit approval.

(1) No building permit shall be issued within the City unless the applicant thereof has paid the applicable impact fee pursuant to this Section, except as otherwise specifically provided in this Section. The fee shall be collected prior to the issuance of a building permit for the development. If the permit is for less than the entire development, the fee shall be computed separately for the amount of development covered by the building permit.

(2) Any building permit issued without payment by the applicant and collection by the Community Planning and Development Department of the required impact fee shall be null and void.

b. This Section shall not be applicable if a completed application for a building permit has been submitted to the Community Planning and Development Department prior to the effective date of this Section, and if the construction proceeds according to the terms of the building permit. If said building permit expires, application for a new building permit shall be subject to this Section.

4. *Calculation of and Collection of Impact Fee.*

a. Upon receipt of an application for a building permit for a new development, the Director of Community Planning and Development or his/her designee shall calculate the impact fee due by:

(1) Verifying the number and type of dwelling units or square footage of nonresidential structures or other applicable development unit that are proposed

to be constructed as shown on the building permit application.

(2) Determining the impact fee that shall be applied for each dwelling unit or square footage of nonresidential structure or other applicable development unit pursuant to the most current edition of the Institute of Transportation Engineers (ITE) Trip Generation manual applying the most applicable land use classification.

(3) Multiplying the number of dwelling units or square footage of nonresidential structures, stated in terms of 1,000 square feet of gross floor area, or other applicable development unit by the applicable impact fee.

(4) The amount of each impact fee due shall be reduced by any allowable credits, in the manner provided in Subsection 5 of this Section.

- b. Impact fees shall be collected at the time a building permit is issued by the City for a development with respect to which this Section is applicable.
- c. **Payment Over a Period of Years**

For non-residential development, any person subject to an impact fee may arrange for payment of the impact fee over a period of three (3) equal annual payments in accordance with the following:

(1) Application for the payment over a period of years shall be made in writing to the Director of Community Planning and Development or his/her designee on or before the time the impact fee is due and payable.

(2) Participation in the Payment Over a Period of Years Program requires the person to enter into an Impact Fee Payment Agreement with the City.

(3) Upon execution of the Impact Fee Payment Agreement with the City, the person shall provide the City with financial assurances in the form of an irrevocable letter of credit from a bank with sufficient financial capacity as determined by the City Administrator or his/her designee in a form approved by the City Attorney in the amount of impact fee owed and with a three (3) year term.

(4) Throughout the three (3) year payment period the amount of the letter of credit may be reduced to reflect the remaining balance of the impact fee owed as payments are made to the City.

5. *Credits.*

a. *Construction Credits.*

(1) Any person subject to an impact fee pursuant to this Section may apply for a credit against any impact fee for any contribution, payment or construction accepted and

received by the city for any Arterial Street Network improvement identified in the Snyder & Associates Analysis, as amended, except that no credit shall be provided for the following:

- i. Dedication of rights-of-way, since land costs were not included in calculating the impact fee.
- ii. Improvements to city streets other than arterial streets, with the exception that improvements to the intersections of city arterials and city non-arterials, shall be eligible if they expand the capacity of the arterial and are included in the Snyder & Associates Analysis, as amended.
- iii. Any improvement that is primarily related to serving an individual development project, such as acceleration-deceleration lanes, turn lanes or traffic signals that primarily serve traffic entering or exiting the development project.
- iv. Improvements for which reimbursement or direct funding are being provided for under an approved City incentive financing plan.
- v. The City will not provide a credit when no impact fees for the new development can be collected pursuant to this Section or for any amount exceeding the total impact fee due for the new development, unless otherwise agreed to by the City.

(2) Credits shall be calculated as follows:

- i. No credit shall be provided under this Section for contributions, payments or construction made more than five (5) years prior to the effective date of this Section.
- ii. Credits for contributions, payments or construction received and accepted by the City prior to the effective date of this Section shall be provided if the development for which the contribution, payment or construction was made has not been completed. The current owner of the property or the individual making the contribution or improvement for which such contribution, payment or construction was made as a condition of development approval shall file an application for credit within one year of the effective date of this Section. If the application is not made within one year following the effective date of this Section, no credit shall be provided. The application for credit shall be submitted and reviewed as provided in this Section. The amount of the credit for a contribution, payment or construction made prior to the effective date of this Section shall be the current value of the contribution, payment or construction, less the total amount of arterial street impact fees that would have been owed for the building permits already issued for the project. The value of any construction shall not include costs for improvements that are in excess of city standards, unless the city specifically required the higher standard construction. The current

value shall be determined using the engineering news-record construction cost index, or an equivalent index if such index is discontinued.

iii. Any contribution, payment or construction received and accepted by the city on or after the effective date of this Section shall be credited in an amount equal to 100 percent of the contribution or payment or the estimated cost of the construction for the required Arterial Street Network improvement that expands the capacity of the City's Arterial Street Network as described in the Snyder & Associates Analysis, as amended. The estimated cost shall be based on the lowest responsive bid by a qualified bidder, which bid is approved by the Director of Community Planning and Development; or, if no bid is available, the estimated cost certified by a licensed engineer and approved by the Director of Community Planning and Development.

iv. A construction credit may be applied against Arterial Street Network impact fees that would otherwise be due for building permits issued anywhere within the benefit district of the development for which the Arterial Street Network improvement or contribution was required as a condition of development approval. The city shall maintain an accounting of the amount of the credits held by an impact fee credit holder and shall reduce the amount of the credits as authorized by the impact fee credit holder. After the credit balance is exhausted, no additional credits shall be applied to subsequent building permits.

b. Renovated and Damaged Structures Credits

Any person subject to an impact fee pursuant to this Section may apply for a credit against any impact fee for the following types of renovation or restoration.

(1) Renovation. Room additions, remodeling, rehabilitation or other improvements to an existing structure, provided that there is no increase in the number of dwelling units for residential use or in the amount of square footage for nonresidential use.

(2) Damage. Rebuilding or replacement of a damaged, destroyed, demolished or removed structure, whether voluntary or involuntary, provided that there is no increase in the number of dwelling units for residential use or in the amount of square footage for nonresidential use.

c. Redevelopment Credits

Any person subject to an impact fee pursuant to this Section may apply for a partial credit against any impact fee for the following types of redevelopment.

(1) Change of Use. The change of an existing use within an existing building shall result in a full credit. Any additional new vehicle trips created by the construction of additional building square footage for the change in use will be subject to the per vehicle trip impact fee based upon the new land use category. If the change in use, including the additional square footage, results in a total number of vehicle trips equal to or less than the previous use, a full credit will apply.

- (2) **Redevelopment of Property.** As used in this subsection “redevelopment” means the demolition of one or more existing buildings and the subsequent construction of one or more new buildings on the property. The redevelopment of property shall result in a full credit. Any additional new vehicle trips created by the construction of additional building square footage in the redevelopment will be subject to the per vehicle trip impact fee based upon the new land use category of the redevelopment. If the redevelopment, including the additional square footage, results in a total number of vehicle trips equal to or less than the previous use, a full credit will apply.

d. School District and Tax Exempt Entity Credits.

The following categories shall be granted a full credit in the amount of the impact fee imposed under this Section.

- (1) **School Districts.** Development of structures for a school district of the state.
- (2) **Tax Exempt Entity.** Development of structures for a person that is not subject to any federal, state or local taxes, including federal, state and local sales, income, personal property, real property, use, earnings or license taxes. The burden of proof shall be on the person claiming this credit to demonstrate, by clear and convincing evidence, that the development being constructed is exempt from all federal, state and local taxes as described in this subsection.

e. An applicant must apply for a credit against impact fees due at the time of application for a building permit unless the City agrees in writing to a different time. The applicant shall file a petition for credits with the Director of Community Planning and Development or his/her designee on a form provided by the City for this purpose.

The Director of Community Planning and Development or his/her designee shall provide the applicant, in writing, with a decision on the credit request, including the reasons for the decision. The decision shall specify the maximum value of the credit that may be applied against the impact fee.

The application for credit shall include the following information:

- (1) If the proposed application for credit involves construction:
 - i. The proposed plan of the specific construction prepared and certified by a duly qualified and licensed engineer or contractor; and
 - ii. The lowest responsive bid by a qualified bidder, or, if no bid is available, projected costs for the suggested capital improvement, which shall be based on local information for similar improvements, along with the construction timetable for the completion thereof. Such estimated costs shall include the cost of

construction or reconstruction; the cost of plans and specifications; the costs of professional services; and all other expenses necessary or incident to such construction or reconstruction.

(2) If the proposed application for credit involves a credit for any contribution or payment:

- i. A copy of the document in which the contribution or payment was agreed;
- ii. If payment has been made, proof of payment; or
- iii. If payment has not been made, the proposed method of payment.

(3) If the proposed application for credit involves any other type of development described above, provide as applicable:

- i. Information regarding the current proposed use of the building, previous use of the building, the time period it has been vacant or demolished, and information regarding the tax exempt entity.

6. *Establishment of Accounts.*

- a. The City's Finance Department shall establish an account for the Arterial Street Improvements Impact Fee ("Impact Fee Account"). All impact fees collected shall be deposited into the account.
- b. Interest earned on the funds in the account shall be considered funds of the account and shall be used only for the purposes authorized in Subsection 7 of this Section.
- c. The City's Finance Department shall maintain and keep adequate financial records of the account that shall show the source and disbursement of all funds placed in or expended from the account, and that ensure that the impact fees expended from the account are used only for the purposes authorized in Subsection 7 of this Section. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Section.
- d. The records of the account into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours. The fee for copying services shall be as established by the City.

7. *Use of Proceeds of Impact Fee Account.*

- a. The impact fees collected for the Citywide Service Area pursuant to this Section shall be used to finance or to recoup Arterial Street Network improvement costs.

Impact fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance Arterial Street Network improvements.

- b. Impact fees collected pursuant to this Section shall not be used to pay for any of the following expenses: (i) rights of way necessary for construction of the City's Arterial Street Network; (ii) individual development project required traffic improvements; (iii) construction, acquisition or expansion of transportation facilities other than those identified in the Snyder & Associates Analysis, as amended; (iv) repair, operation or maintenance of existing transportation facilities; (v) upgrade, expansion or replacement of existing transportation facilities to serve existing developments at the level of service established for arterial street network transportation facilities or facility expansions necessary to serve new development; and (vi) the cost of construction, acquisition or expansion of transportation facilities or transportation facility expansion necessary to accommodate trips with an origin and destination outside the Citywide Service Area.

8. *Refunds.*

a. Any impact fees collected shall be returned to the feepayer or his successor in interest if the impact fees have not been spent within seven (7) years from the date the building permit for the residential or nonresidential development was issued, along with interest at the average annual rate earned by funds in the Impact Fee Account. Impact fees shall be deemed to be spent on the basis that the first fee collected shall be the first fee spent. The refund of the impact fees shall be undertaken through the following process:

(1) The current owner of the property must petition the city for the refund within one (1) year following the seven (7) year period from the date on which the impact fee was paid. Within one month of the end of the seven (7) year period from the date on which the unspent impact fee was paid, the Director of Community Planning and Development shall notify the feepayer of eligibility for a refund at the address provided by the feepayer at the time of fee payment or at a new address subsequently provided by the feepayer. It shall be the responsibility of the feepayer to keep the address current.

(2) The petition must contain the following information:

- i. A notarized sworn statement that the petitioner is the current owner of the property;
- ii. A copy of the dated receipt issued for payment of the impact fee;
- iii. A certified copy of the latest recorded deed for the property; and
- iv. A copy of the most recent ad valorem tax bill for the property.

(3) Within one month from the date of receipt of a petition for refund, the Director of Community Planning and Development shall review the petition and determine if it is complete. If the Director of Community Planning and Development determines the petition is not complete, a written statement specifying the deficiencies shall be sent to the petitioner by certified mail. Unless the deficiencies are corrected, the Director of Community Planning and Development shall take no further action on the petition. When the Director of Community Planning and Development determines that the petition is complete, the petition shall be reviewed within one month. The Director of Community Planning and Development shall approve the refund petition if it is determined that the feepayer or his successor in interest has paid a fee which the city has not spent within the period of time permitted under this section. The refund shall include the fee paid, plus interest.

9. *Appeals.*

1. To the City Manager

- a. The applicant for a building permit may appeal the following decisions to the City Manager: (i) the applicability of the impact fee to the new development; (ii) the amount of the impact fee due (including the land use classification of the development or the number of trips generated by the new development); (iii) the applicability of a credit against an impact fee due and the amount of a credit or (iv) the decision regarding a refund.
- b. The burden of proof shall be on the applicant to demonstrate that the amount of the impact fee or the amount of the credit or refund was not calculated in accordance with the provisions of this Section or the administrative guidelines, if any.
- c. The applicant shall file a notice of appeal with the City Clerk within ten (10) days following notice of the applicable impact fee calculation or refund decision. The Notice of Appeal shall specify the grounds for the review. If applicable, the application for development approval with respect to which the appeal is filed may be processed while the appeal is pending, provided that the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the original determination of the impact fee due.
- d. Within ten (10) days of the notice of appeal, or by such date as shall be agreed upon in writing between the applicant and City, applicant may submit to the City Manager traffic engineering studies containing documentation of trip generation rates for the new development, vehicle miles at p.m. peak hour to be generated by the new development, and other trip or demand data appropriate for determination of the impact fee rate for the new development and economic documentation studies containing documentation of the cost per lane per mile for roadway construction appropriate for the new development

and credits attributable to the new development that can be expected to be available to replace the portion of the traffic demand generated by the new development.

- e. Within 30 days after filing of the Notice of Appeal, the City Manager shall render a final decision in writing to the applicant regarding the calculation of the impact fee or refund decision.

2. To the City Council

- a. An applicant may appeal the final decision of the City Manager by filing a Notice of Appeal with the City Clerk within ten (10) days following issuance of the final written decision of the City Manager as specified in subsection 9.1.e. If an applicant fails to appeal the final decision of the City Manager within ten (10) days as set forth in this subsection, the calculation of the impact fee shall be final and no appeal shall be heard.
- b. An applicant may appeal the following decisions of the City Manager to the City Council: (i) the applicability of the impact fee to the new development; (ii) the amount of the impact fee due (including the land use classification of the new development or the number of trips generated by the new development); (iii) the applicability of a credit against an impact fee due and the amount of a credit; or (iv) the decision regarding a refund.
- c. Within ten (10) days of receipt of the Notice of Appeal, or by such date as shall be agreed upon in writing between the applicant and the City, the applicant shall submit to the City Council copies of all studies, calculations and other documentation appropriate to the determination of the impact fee.
- d. The Notice of Appeal shall specify the grounds for the appeal. The Notice of Appeal shall be forwarded to the City Council along with a recommendation from the City staff, and the City Council shall conduct a hearing. The applicant shall receive notice of the hearing by certified mail at least 15 days prior to the hearing.
- e. Within 30 days after the hearing before the City Council, the City Council shall render a final decision. The applicant that submitted the Notice of Appeal shall receive written notice of the decision

3. Calculation of days. The number of days specified in this Section shall include weekend days and holidays. The last day of the period shall be included in the computation, unless it is a Saturday, Sunday or a legal holiday, and if it is, the period runs until the end of the next day which is not a Saturday, Sunday or a legal holiday. A half-holiday shall be considered as other days and not as a holiday. "Legal holiday" includes any day designated as a holiday by the Congress of the United States, Missouri legislature or the City Council.

10. *Updates to Planning and Revision of Fees.*
 - a. The City shall update its land use assumptions and Arterial Street Improvements Impact Fee transportation facilities or facility expansion plans and shall recalculate its impact fee not less than once every three (3) years.
 - b. From time to time it may become necessary for city staff to develop additional categories of land use for a more precise trip generation rate for calculation of an impact fee. These categories are in addition to the land use categories and related trip generation rates from the Institute of Traffic Engineers, Trip Generation Manual. In those instances, the new land use category and related trip generation rate will be incorporated into the City's transportation impact fee program and updated accordingly.
11. *Agreement for Capital Improvements.* An applicant for development approval within the Citywide Service Area may construct or finance arterial street network transportation facilities or facility expansions if required or authorized by the City, by entering into an agreement with the City prior to the issuance of any building permit for the new development. The agreement shall be in a form approved by the City, and shall identify the estimated cost of the Arterial Street Network improvement, the schedule for initiation and completion of the improvement, and contain a requirement that the improvement be designed and constructed to comply with City standards and all other terms and conditions as deemed necessary by the City. The agreement shall provide for the method to be used to determine the amount of the credit to be given against impact fees due for the new development.
12. *Use of Other Financing Mechanisms.*
 - a. The City may finance arterial street network transportation facilities or facility expansions through the issuance of bonds, through the formation of special, benefit, or improvement districts or other assessment districts or through any other authorized mechanism, in the manner and subject to such limitations as may be provided by law, in addition to the use of impact fees.
 - b. Except as hereinafter provided, the assessment and collection of impact fees shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment that is lawfully imposed on and due against the property.
 - c. The City may pay all or part of impact fees due for a new development taking into account available credits provided for in subsection 9 of this Section.
13. *Impact Fee As Additional and Supplemental Regulation.* Impact fees established by this Section are additional and supplemental to, and not in substitution for, any other requirement proposed by the City on the development of land or the issuance of building permits. Impact fees are intended to be consistent with and implement the policies of the

City's comprehensive plan, the capital improvements plan, the zoning ordinance, subdivision regulations, and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

14. *Definitions.*

As used in this Section:

Arterial Street Network means arterial street network transportation facilities and facility expansions as identified and discussed in the Arterial Street Improvement Impact Fee Analysis, prepared by Snyder & Associates, dated August 10, 2005, as amended.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building permit means the permit required for new construction and additions pursuant to the City Code of the City of Belton.

City Manager means the City Manager or his or her designee.

Developer means a person who engages in development.

Development means any man-made change to improved or unimproved land, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

Dwelling unit means one (1) or more rooms constituting all or part of a building and that are arranged, designed, or used exclusively as a single housekeeping unit for one (1) family, and that may include cooking, living, sanitation, and sleeping facilities.

Impact fee means Arterial Street Improvements Impact Fee.

Non-residential means created or used for any purpose other than residential uses or purposes.

Person means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.

Per trip, or vehicle trip means a single or one-direction vehicle movement with either the origin or the destination (exiting or entering) at the subject building. For trip generation purposes, the total trip ends for a building over a given period of time are the total of all trips entering plus all the trips exiting a site during a designated time period.

P.M. peak hour means the hour between 4:00 p.m. and 6:00 p.m. during the weekdays, Monday through and including Friday, at which the average traffic volume is highest.

Residential means primarily created or used for a dwelling for one or more persons.

School district means a public school district of the State of Missouri.

Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner for either residential or non-residential purposes.

Section 5: The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, general welfare and convenience of the citizens of the City.

Section 6: Should a sentence, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not effect the validity of the Ordinance as a whole, or any part thereof other than the part determined to be invalid.

Section 7: The provisions of this Ordinance shall become and be made a part of the Unified Development Code. The Sections of this Ordinance may be renumbered or relettered to accomplish such purposes.

Section 8: This Ordinance shall be in full force and effect from and after passage.

Duly read two (2) times and passed this _____ day of _____, 2011.

Mayor Jimmy Odom

Approved this _____ day of _____, 2011.

Mayor Jimmy Odom

ATTEST:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

STATE OF MISSOURI)
CITY OF BELTON)SS
COUNTY OF CASS)

I, Patricia A. Ledford, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton and that the foregoing ordinance was regularly introduced for first reading at a meeting of the City Council on the _____ day of _____, 2011, and thereafter adopted as Ordinance No. 2011-_____ of the City of Belton, Missouri, at a regular meeting of the City Council held on the _____ day of _____, 2011, after the second reading thereof by the following vote, to-wit:

AYES: COUNCILMEN:

NOES: COUNCILMEN:

ABSENT: COUNCILMEN:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

FINAL PLAT

DOLLAR GENERAL STORE

**BELTON CITY PLANNING COMMISSION
MONDAY, NOVEMBER 21, 2011 – 7:00 P.M.
CITY HALL ANNEX, 520 MAIN STREET**

**A Final Plat of CGB Subdivision, A Re-Plat of Part of Lot(s) 7 & 8 of the Plat of
Wyatt's Acres Subdivision**

Staff Report: Robert G. Cooper, City Planner

CASE #FP 11-25

Consideration of Final Plat approval of the CGB Subdivision, a Re-plat of the Plat of Wyatt's Acres Subdivision, located on the north side of E. North Avenue and west of Ella Street.

BACKGROUND

Capital Growth Buchalter, Inc. has taken ownership of the 1.07 acre tract of land (a portion of the platted subdivision) in conjunction with Dollar General Stores, Inc. The developer had to vacate a portion of the platted street right-of-way along the western most boundary line to make room for the proposed Dollar General Store. The new owner wishes to demolish the old, vacant, water bed mattress store and a portion of the RV pad sites. The plat shows a 60-foot dedicated right-of-way for a street, which runs 30-feet on either side of the common property line along the entire western most edge of the platted subdivision. No city/public utilities are located within the right-of-way. The City Council reviewed and approved the first reading of the vacation of the street right-of-way during their November 8th meeting. The next step in the review process involves the Planning Commission review of the re-platting of the tract of land.

Wyatt Acres subdivision, which consists of twelve (12) individual Lots, each approximately 2.0-acres in size, was originally approved and recorded with the Cass County Recorder's Office on June 12, 1925. No site improvements had been made until 1950, with the construction of a single-story residential and commercial building (former Water bed Store) and the adjoining RV Park. The dedicated right-of-way, to be used for a street was not utilized at the time of construction. The existing gravel drives and use as an RV Park are considered legally non-conforming as they predate the Zoning Ordinance.



REVIEW

The platted tract is approximately 1.07 acres (46,547-sq. ft.) in size and zoned C-2 (General Commercial). Wyatt's Acres subdivision, which consists of twelve (12) individual Lots, each approximately 2.0-acres in size, was originally approved and recorded with the Cass County Recorder's Office on June 12, 1925.

The proposed Dollar General Store has a gross floor area (gfa) of 10,640-sq. ft. Access to the development is from East North Avenue (58-Hwy). The site plan shows a single-point access, with an approach from North Avenue, one (1) ingress lane and two (2) egress lanes.

The off-street parking ratio for this type of development and use is 1:300-sq. ft. Based on this requirement, thirty-six (36) parking spaces are required. The site will provide a total of 30 parking spaces including 2 handicap spaces. Staff is working with the developer on design modifications to address the added parking.

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

NOTE: In an effort to encourage and foster safe and efficient commercial development north of this site, staff is working with the developer in using the balance of the dedicated right-of-way as a means to help facilitate future commercial development and to encourage the development of an internal street system, which would eventually tie into the Y-Highway street improvement project.

STAFF RECOMMENDATION

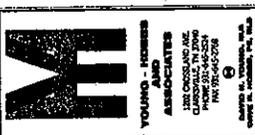
Engineering, Fire and the Community Development staff support a recommendation to approve the Final Plat.

PLANNING COMMISSION ACTION

1. Motion to recommend approval of the Final Plat of the CGB Subdivision, a Re-Plat of the Wyatt's Acres Plat, located on the north side of E. North Avenue, and west of Ella Street.
2. Motion to recommend denial of the Final Plat of the CGB Subdivision, a Re-Plat of the Wyatt's Acre's Plat, located on the north side of E. North Avenue, and west of Ella Street.
3. Motion to continue the case pending additional information.

ATTACHMENTS

1. Plat



YOUNG & ASSOCIATES, INC.
 1200 CROSS AND AVE.
 SUITE 200
 CLAYTON, MISSOURI 63105
 PHONE 935-462-2788
 FAX 935-462-2789

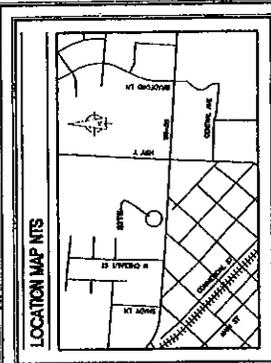


NO.	DATE	REVISION

DOLLAR GENERAL
 CGB SUBDIVISION

RECORDING INFORMATION
 A PART OF LOTS 2 & 9 OF THE
 CITY OF BELTON
 COUNTY OF MISSOURI

DRAWN BY: CHN
 APPROVED BY: DJM
 DATE (PLOT): 8/1/10
 DATE (OFFICE): 8/1/10
 TITLE: CGB SUBDIVISION
 SHEET 1 OF 1



CGB SUBDIVISION
 BEING A RE-PLAT OF THE PLAT OF WYATT ACRES, LOCATED IN THE
 SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12,
 TOWNSHIP 46 NORTH, RANGE 33 WEST, CITY OF BELTON, COUNTY OF
 CLAY, STATE OF MISSOURI

CLIENT
 DOLLAR GENERAL
 1200 CROSS AND AVE.
 SUITE 200
 CLAYTON, MISSOURI 63105
 PHONE 935-462-2788
 FAX 935-462-2789

OWNER ADDRESS
 1200 CROSS AND AVE.
 SUITE 200
 CLAYTON, MISSOURI 63105
 PHONE 935-462-2788
 FAX 935-462-2789

SURVEY NOTES
 INFORMATION PROVIDED TO THE ENGINEER, THE LOCATION OF MONUMENTS AND UTILITIES IS AS SHOWN ON THE SURVEY RECORDS AND FIELD NOTES. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE MONUMENTS AND UTILITIES AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE SURVEY RECORDS AND FIELD NOTES. THE ENGINEER HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE MONUMENTS AND UTILITIES AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE SURVEY RECORDS AND FIELD NOTES. THE ENGINEER HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE MONUMENTS AND UTILITIES AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE SURVEY RECORDS AND FIELD NOTES.

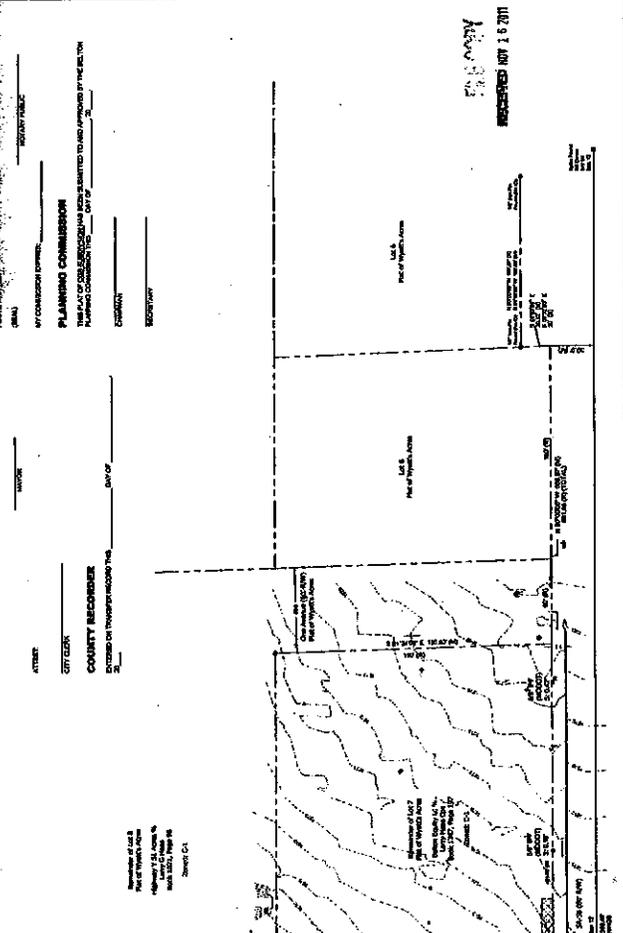
OWNER'S CERTIFICATION
 I, the undersigned, being the owner of the above described premises, do hereby certify that the above described premises are the same as those described in the plat of the City of Belton, Missouri, and that the same are being offered for sale to the public for the purpose of raising money for the improvement of the same.

CERTIFICATE OF COMPLETION AND INDICATION
 THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE MONUMENTS AND UTILITIES AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE SURVEY RECORDS AND FIELD NOTES. THE ENGINEER HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE MONUMENTS AND UTILITIES AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE SURVEY RECORDS AND FIELD NOTES. THE ENGINEER HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE MONUMENTS AND UTILITIES AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE SURVEY RECORDS AND FIELD NOTES.

LAND DESCRIPTION
 A PART OF LOTS 2 & 9 OF THE PLAT OF WYATT ACRES
 CITY OF BELTON
 COUNTY OF MISSOURI

PLANNING COMMISSION
 TABLE OF CORRELATIONS HAS BEEN PREPARED TO SHOW THE RELATIONSHIP BETWEEN THE PLAT OF THE CITY OF BELTON, MISSOURI, AND THE PLAT OF THE CITY OF BELTON, MISSOURI.

CITY CLERK
 COUNTY RECORDER
 EXTENDED ON THIS DATE



PLANNING COMMISSION
 TABLE OF CORRELATIONS HAS BEEN PREPARED TO SHOW THE RELATIONSHIP BETWEEN THE PLAT OF THE CITY OF BELTON, MISSOURI, AND THE PLAT OF THE CITY OF BELTON, MISSOURI.

CITY CLERK
 COUNTY RECORDER
 EXTENDED ON THIS DATE

RECORDING INFORMATION
 A PART OF LOTS 2 & 9 OF THE
 CITY OF BELTON
 COUNTY OF MISSOURI

CAPITAL IMPROVEMENT PLAN (CIP)

DESIGN GUIDELINES



COMMUNITY PLANNING & DEVELOPMENT
Jay C. Leipzig, AICP
Director

520 MAIN STREET
BELTON, MISSOURI 64012

TELEPHONE * (816) 331-4331
FAX * (816) 322-4620

E-MAIL * jleipzig@belton.org
WEBSITE * www.belton.org

MEMORANDUM

TO: Belton Planning Commission Members

FROM: Jay Leipzig, Community Planning and Development Director

DATE: November 21, 2011

RE: Presentation and Discussion of the Downtown Belton Main Street Design Guidelines.

As you are aware, during the last few months, staff has been working with Downtown Belton Main Street Inc. to develop Downtown Belton Main Street Design Guidelines. These Guidelines were developed by the Board of Directors of Downtown Belton Main Street Inc. in collaboration with Erik Berg of the Builders Development Corporation. Mr. Berg presented an overview of this document during the October 17, 2011 Planning Commission Meeting. In addition, a revised draft of the Design Guidelines was distributed during the November 7, 2011 Planning Commission Meeting.

During the Meeting on November 21st, Mr. Berg will provide an overview presentation on the Guidelines, as well as facilitate a discussion. Since this is only a preliminary discussion, no particular action is requested of the Planning Commission

Art Ruiz- President -Downtown Belton Main Street Inc. will be available for further discussion and to answer any questions.

If you would like an additional copy of the Design Guidelines and the Executive Summary, please contact Ann Keeton or myself at 816-331-4331.