



**AGENDA  
CITY OF BELTON  
PLANNING COMMISSION MEETING  
MONDAY, MARCH 2, 2009 - 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 2, 2009 PLANNING COMMISSION MEETING**

**IV. CASES**

**A. CASE #V09-05: CONSIDERATION OF AN EXCEPTION TO ARTICLE III, SECTION 19(F)(7) OF THE ZONING ORDINANCE REGARDING MINIMUM PLANTING REQUIREMENTS, FOR ADESA AUTO AUCTION, 15511 ADESA DRIVE.**

**B. CASE #TA09-04: DISCUSSION OF A PROPOSED AMENDMENT TO THE ZONING ORDINANCE REGARDING REGISTRATION OF PROPERTIES IN FORECLOSURE.**

**V. DIRECTOR'S REPORT**

**VI. NEXT MEETING: March 16, 2009**

**VII. ADJOURNMENT**

# **MEETING MINUTES**

**FEBRUARY 2, 2009**

Minutes of Meeting  
Belton Planning Commission  
City Hall Annex – 520 Main Street  
February 2, 2009

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, Holly Girgin, Scott VonBehren, Roger Horne, and Larry Thompson.

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

MINUTES: Commissioner Horne moved to approve the minutes of the January 12, 2009, planning commission meeting. Commissioner Girgin seconded the motion. All voted in favor and the motion carried.

CASE #PP09-02:

Chairman Myers introduced case #PP09-02, which was consideration of a preliminary plat for Autumn Valley Subdivision.

Mr. Leipzig pointed out the location of Autumn Valley and several neighboring subdivisions on a vicinity map.

During the staff report, Mr. Cooper went into detail identifying several features surrounding Autumn Valley on the map. He explained that the area is a mix of residential zoning districts. A description of the proposed apartment complex including the size, number of buildings, parking spaces, and subdivision access points was given by Mr. Cooper. He reported that the stormwater detention facilities will be maintained by the property owner.

Mr. Cooper reported that the preliminary plat submittal has complied with all the minimum requirements except the proposed use does not conform to the Future Land Use Map of the Comprehensive Plan. That plan identifies the area as single-family residential. Mr. Cooper indicated that staff believes the area was changed to multi-family in 1986 as part of the rezoning for Markey Meadows Subdivision, but the Comprehensive Plan was never updated to reflect that change. The property was already zoned multi-family residential when the developer purchased the land.

It was explained by Mr. Cooper that the zoning ordinance has a section (Appendix B) regulating multi-family developments. Requirements in Appendix B include a preliminary site development plan to be reviewed by a committee appointed by the planning commission chairman. That

committee is to be identified as the site development plan review committee. Mr. Cooper reported the site development plan requirements are listed in the commission agenda packet. The site development plan requirements are designed to protect the city and the developer according to Mr. Cooper. He went on to say that after the review of the plan has been completed by the committee, it will return to the commission for final approval.

Mr. Cooper explained that the developer was not required to rezone the property because it was already zoned R-3 (Multi-family Residential) and most of the housing in that area is multi-family. Chairman Myers explained the function of the site development plan review committee. He endorsed the committee process and stated it should benefit the city and developers. He made it clear that the documents in the agenda packet are the preliminary / rough draft copies, to be refined by the developer and committee before returning to the commission. Mr. Leipzig mentioned that Appendix B was adopted in 1993.

Chairman Myers recognized Mark Klinkenberg, 612 Meadow Lane, Raymore, MO as a spokesperson for the developers. Mr. Klinkenberg called attention to several features of the Autumn Valley preliminary plat. Details provided by Mr. Klinkenberg regarding the Autumn Valley preliminary plat were:

- Fourteen apartment buildings
- Seven 3-story buildings
- Seven 2-story buildings
- Two bedroom, two bath units – 75%
- One bedroom, one bath units – 25%
- Laundry facilities
- Façade to be stone, stucco, brick with concrete lap siding
- Twenty-five year composite roofs

He reported there will be four phases with one phase to be built each year.

Mr. Klinkenberg informed commissioners there is to be a trail system around the perimeter of the development. Dan Walberg, one of the developers of the project, explained that they anticipated constructing a walking trail in the northern part of the property. He went on to say that its design will be dependent on the engineering for that portion of the property, as it relates to the water that flows through that area. Mr. Walberg is hopeful that many of the existing trees will remain. He indicated that he is looking forward to working with the site plan review committee. The west side of the site will be the first phase of the project according to Mr. Walberg. He gave an estimate of possible rental rates for each type of apartment unit. Mr. Walberg expressed his expectation at being able to provide housing for employees of nearby area businesses. Mr. Klinkenberg added that the construction costs have not been finalized so the rental rate estimates may be different than those stated earlier. Mr. Walberg said the developers will remain owners of the finished apartments.

Chairman Myers appointed the site plan development committee and those appointees are Commissioners Thompson, VonBehren, and McDonough, along with Chairman Myers. Mr. Leipzig explained that other communities utilize a site plan development review committee on development projects, and when everyone (committee, staff and developer) works together, a better product comes out of the process.

**Councilman Davidson moved to approve the Autumn Valley preliminary plat with the following condition: a site development plan in accordance with the requirements listed in the planning commission agenda (2/2/09) shall be submitted to the planning commission for approval prior to the submittal of a final plat.** Mayor Pro Tem Lathrop seconded the motion. When a vote was taken, the following was recorded: Ayes: 9 – Chairman Myers, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners Davila, McDonough, Girgin, VonBehren, Horne and Thompson. Noes: none. Absent: none. The motion carried.

**DIRECTOR'S REPORT:**

Mr. Leipzig reported that the Boardwalk at Belton and the Southtowne TIFs were approved recently by the TIF Commission and will go to the City Council in the future.

Increasing the height restriction for C-2 zoning districts was approved by the City Council.

The second meeting in February falls on a city holiday so the next commission meeting will be held March 2.

**ADJOURNMENT:**

Councilman Davidson moved to adjourn the meeting. Commissioner VonBehren seconded the motion. All voted in favor and the meeting adjourned at 7:33 p.m.

Ann Keeton  
Community Development Secretary

**CASE # V09-05**

**EXCEPTION TO**

**LANDSCAPE REQUIREMENTS**

**ADESA AUTO AUCTION**

**CASE NO. V09-05  
ADESA AUTO AUCTION / 15511 ADESA DRIVE  
EXCEPTION TO ARTICLE III, SECTION 19(F)(7)  
OF THE ZONING ORDINANCE**

**BELTON PLANNING COMMISSION  
CITY HALL ANNEX, 520 MAIN STREET  
MONDAY, MARCH 2, 2009 – 7:00 P.M.**

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**A. Application V09-05 by Tyrone Garrison, on behalf of Adesa Auto Auction, 15511 Adesa Drive, requesting an exception to Article III, Section 19(f)(7) of the Zoning Ordinance.**

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**PETITIONERS' REQUEST**

In lieu of installing sod, Adesa Auto Auction, is requesting the acceptance to hydro-seed all of the project site with the exception of the disturbed area around the Arena building, which will be sodded. All remaining locations of the site which are considered highly visible from 155<sup>th</sup> Street, including Westover Road, which is located along the west side of the facility, will all be hydro-seeded.

**BACKGROUND INFORMATION**

Adesa Auto Auction, located at 15511 Adesa Drive, has developed this large tract of land south of 155<sup>th</sup> Street, just west of N. Scott Avenue. The landscaping for the facility is 90% complete with most of the required landscaping in place with the exception of plantings along the perimeter of the detention pond, with a 100% completion of all building structures on site.

The application of the hydro-seeding has begun through-out the entire site on areas of disturbed ground. Prior to the application of the hydro-seeding, it is necessary to prepare the area to be seeded by removing construction debris; dead undergrowth, large rocks and branches, to ensure the seed will germinate and effectively take root. In some areas, the hydro-seeding was used as an erosion control measure, final grading, or re-rolling of the turf will occur when the road improvements are completed to 155<sup>th</sup> Street.

The applicant is requesting the acceptance to hydro-seed due to the large size of the development site and cost considerations for the installation of sod. It should be noted that the hydro-seeding as already begun in some areas, but according to the applicant this action was necessary for erosion control. Since the application of the hydro-seed is not in conformance with Article III, Section 19(f)(7) of the Zoning Ordinance, this requires approval of the Planning Commission, and will be noted on the final plat.

**ENGINEERING RECOMMENDATION**

Based on erosion control measures, Engineering recommends sodding all concentrated drainage areas, including the detention pond and outlet of the detention facilities,

including disturbed areas on adjoining properties, including city property and the Belton Inn (Days Inn) property and seed the remainder.

### **ORDINANCE CITATION**

The Zoning Ordinance, Article III, Section F7 on minimum planting requirements states:

*"All areas shall be sodded unless otherwise approved for seeding at the time of final development plan approval by the Planning Commission".*

### **DISCUSSION ISSUES**

1. Because the property was zoned appropriately, the Zoning Ordinance does not require the Planning Commission to approve the site plan or final development plan.
2. However, the ordinance is specific about the Planning Commission approving a substitute to sod.
3. The majority of the property to be hydro-seeded will be throughout the entire project site, with the exception of the area in front of the Arena building.
4. The City requires a Landscape Escrow, equal to 150% of total valuation.

### **COMMISSION OPTIONS**

1. Motion to recommend approve / deny, an exception to Article III, Section 19(F)(7) of the Zoning Ordinance.
2. Motion to continue the case pending additional information.



**ATTACHMENTS**

Site Plan  
Photograph(s)

**CASE #TA09-04**

**DISCUSSION OF**

**FORECLOSURE PROPERTY**

**REGISTRATION**

**REGULAR MEETING  
BELTON PLANNING COMMISSION  
CITY HALL ANNEX, 520 MAIN STREET  
MONDAY, MARCH 2, 2009 – 7:00 P.M.**

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ASSIGNED STAFF: Robert G. Cooper, City Planner

**CASE #TA09-04**

Discussion of a proposed amendment to the Zoning Ordinance regarding registration of properties which are in foreclosure.

**DISCUSSION**

With the recent increase in the number of properties entering foreclosure, and the potential negative impact that vacant and unmaintained properties may have on a neighborhood, City staff has investigated the adoption of an ordinance that would require the registration of property that is in the process of foreclosure.

The purpose of the registration ordinance is to provide City staff with contact information for the lender of party responsible for maintenance of a property that is in foreclosure. Determining who is responsible for maintenance of a property in foreclosure can be a significant problem for staff. When a responsible party can not be located, the cost for maintaining the property often becomes the responsibility of the City. Typically, maintenance issues that occur with foreclosure properties include mowing of tall grass, securing the structure or property, or removal of water from an unused pool.

Lee's Summit, Missouri adopted one of the first ordinances in the Country to combat this problem, and has become one of the model ordinances that communities have utilized. City staff has based the proposed Belton ordinance on this model. Similar ordinances have recently been adopted in several Kansas City metropolitan communities.

The requirements of the proposed ordinance are simple. Any property within the City which is in the foreclosure process must be registered with the City and inspected to ensure compliance with City codes. The registration form requires listing of contact information for the lender and any other responsible party, and for a local property management company, if one is hired, who is responsible for maintenance of the property. There is no fee to register the property. The City will maintain the listing of registered properties and the information will only be utilized when contact is necessary due to a code enforcement issue.

City staff believes adoption of a foreclosure property registration ordinance may be beneficial to the Code Enforcement Officer in their efforts to ensure all property in the City is being properly maintained. Having contact information available would reduce delays in having violations corrected.

**PROPOSED ORDINANCE**

*REGISTRATION*

- A. *Any beneficiary under deed of trust covering a property located within the City of Belton shall cause an inspection to be performed of the property that is the security for the deed of trust within fifteen (15) days of issuing a notice of default to the trustor. If the property is found to be vacant or shows evidence of vacancy, it is, by this article, deemed*

abandoned and the beneficiary shall, within ten (10) days of the inspection, register the property with the Community Development Director or his/her designee on forms provided by the City.

- B. The registration shall contain the full legal name of the beneficiary and the registered representative, the direct street/office mailing address of the beneficiary and the registered representative (no P.O. Boxes), a direct contact name and phone number for the beneficiary and registered representative, and, if applicable, the local property management company responsible for the security, maintenance and/or marketing of the property.
- C. The registration shall be valid as long as the subject property remains vacant and shall be amended as needed.
- D. This section shall also apply to properties that have been subject of a foreclosure sale where title to the property was transferred to the beneficiary of a deed of trust involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.
- E. Properties subject to this Article shall remain under the security and maintenance standards of this section as long as they remain vacant.
- F. Any person, firm or corporation that has registered a property under this Article must report any change of information contained in the registration within ten (10) days of the change.
- G. If the beneficiary is an Out of Area beneficiary, a local property management company shall be contracted to ensure that the requirements of this Article, and other applicable laws, are being met.

#### MAINTENANCE REQUIREMENTS

Properties subject to this Article shall be maintained so as to be in compliance with City code. Adherence to this section does not relieve the beneficiary or property owner of any obligations set forth in any Covenants, Conditions and Restrictions or Home Owners Association rules and regulations which may apply to the property.

#### SECURITY REQUIREMENTS

Properties subject to this section shall be maintained in a secure manner so as not to be accessible to unauthorized persons. This includes, without limitation, the closure and locking of windows, doors (walk-through, sliding and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and or structure(s). In the case of broken windows "securing" means the reglazing or boarding of the windows.

#### COMPLIANCE WITH OTHER AUTHORITY

The requirements of this Article are in addition to any other maintenance and security measures required by the Code of Ordinances. The requirements of this Article shall not serve to lessen or abrogate any other applicable provisions of the Code of Ordinances.

#### VIOLATIONS

Any beneficiary, registered representative, or local property management company that violates any provision of this Article shall be in violation of this Article, and summons may be issued against the beneficiary's representative for such violation. In addition to any other penalties which

*may be assessed for a violation of this Article, any person or entity who violates a provision of this Article shall be assessed a fine of \$500.00 per violation.*

**STAFF COMMENT**

It is the purpose and intent through the adoption of this Article, to establish a program for registration of properties which are in the process of foreclosure as a mechanism to protect residential neighborhoods and non-residential areas from becoming blighted through the lack of adequate maintenance and/or security of the property.

**STAFF RECOMMENDATION**

Upon approval of the Planning Commission, schedule a Public Hearing to receive comment on the proposed foreclosure ordinance. Due to the Star Herald's publication deadline constraints, the earliest meeting date will be on Monday, April 6, 2009.