



**AGENDA  
CITY OF BELTON  
PLANNING COMMISSION  
PUBLIC HEARING & MEETING  
MONDAY, APRIL 5, 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 MARCH 15, 2010 PLANNING COMMISSION MEETING
  
- IV. PRESENTATIONS
  - A. Capital Improvement Plan – Assistant City Manager
  
- V. PUBLIC HEARING
  - A. Consideration of a Special Use Permit for a Vehicle Sales Lot and Internet Sales Business to be located at 1412 N. Scott.
  
- VI. CASES
  - A. Consideration of a Lot Split for 1100 S. Cedar.
  - B. Consideration of a Lot Split for 201 W. North Avenue.
  
- VII. DIRECTOR'S REPORT
  
- VIII. NEXT MEETING DATE: April 19, 2010
  
- IX. ADJOURNMENT

# Meeting Minutes

March 15, 2010

Minutes of Meeting  
Belton Planning Commission  
City Hall Annex – 520 Main Street  
March 15, 2010

CALL TO ORDER

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

ATTENDANCE

- Commission: Vice-chairman VonBehren, Mayor Pro Tem Gary Lathrop, Commissioners Sally Davila, Jeff Fletcher, Roger Horne and Larry Thompson.
- Staff: Jay Leipzig, Community Development Director; Brad Foster, Assistant City Manager; Robert Cooper, City Planner; Jason Webb, Fire Marshal; and Ann Keeton, Community Development Secretary.
- Absent: Chairman Holly Girgin, Councilman Bobby Davidson, and Commissioner Tim McDonough.

MINUTES

Commissioner Thompson moved to approve the minutes of the March 1, 2010, Planning Commission meeting. Commissioner Fletcher seconded the motion. All members present voted in favor and the motion carried.

CAPITAL IMPROVEMENT PLAN PRESENTATION (CIP)

Mr. Foster presented the City's five-year Capital Improvement Plan for consideration. The Commission is required by statute to be involved in the CIP process which examines potential capital projects. He told how the CIP benefits the City by organizing timelines and funding sources for future City projects. An explanation of the breakdown of funding sources into two categories which are, "Improvements from Identifiable Resources" and "Improvements Requiring Voter Approval or Other Sources," was given by Mr. Foster. He acquainted the Commission members with the proposed CIP projects by department and completion year. Projects touched on by Mr. Foster were for emergency management, fire department, police department, streets/roads, storm drainage, water, pollution control and the golf course.

Some of the projects funded from "identifiable resources" specifically discussed included:

- The South Mullen Road widening projects – Funding for these projects is split between both types of funding sources. It was made clear the total area covered by both S. Mullen Road widening projects will extend from Hy-Vee south to 187<sup>th</sup> Street.
- Terry Avenue storm drainage project – Mr. Foster explained that the amounts of \$40,000 and \$667,000 showing in the CIP for the Terry project are for Phase II. The Phase I work has been completed
- Stormwater Drainage Master Plan – The storm drainage projects that are being funded by GO Bonds are significant issues that need correction according to Mr. Foster, and the storm drainage master plan will supplement those drainage projects and identify other issues that need to be addressed.

- Kingsland and Neff Lake Drainage area – Mr. Foster reported there will be a correction to the cost of the project which will modify it to \$1,750,000.
- Loch Lloyd Sewer - Belton partnered with Loch Lloyd to put in a dual sewer system that connects to Johnson County Wastewater District. A connection still has to be made from where the new line terminated over to the Belton city limits. This connection will benefit the northwest portion of the City where sewers are not currently available.

Some of the projects that need “voter approval” specifically discussed included:

- Citywide radio system upgrade – required by the Federal Communications Commission (FCC) with a 2013 deadline.
- North Cass Parkway – Connect to Mullen Road and eventually to D Highway.
- Former Southview Golf Course - Cost for road system through the property is tied to development according to Mr. Foster. When asked about the reasons this property is not developing, he reported no one is building at the current time and business development may be waiting for the economy to improve. He attributed the slowdown to the general overall economic conditions.
- Markey Parkway – Funding for development from Y Highway to Mullen Road is also dependent upon Y Belton Plaza developing the property. He brought out some funding options for a portion of Markey Parkway from Quik Trip Way to North Scott.
- Sanitary Sewer Treatment Plant – Upgrade the plant at 211<sup>th</sup> Street to increase the capacity.
- Water Tower – Replacing or constructing a new water tower to increase capacity has recently been a City Council discussion item along with the best location for a new tower. The improvements will create a water source for development to the south.
- Alternative Water Supply – Mr. Foster indicated this is a critical item for the future and he mentioned some new sources that could be investigated.

Mr. Foster clarified CIP data regarding the Loch Lloyd sewer costs for Phase I and Phase II. There was conversation about the timing of the purchase of new ambulances proposed in the CIP.

PUBLIC HEARING-Special Use Permit (SUP) 122 Lillard – Continued from December 7, 2009

Mr. Leipzig introduced Case SUP09-22 which was consideration of an SUP application for Heart-n-Hand Ministries at 122 Lillard. The Commission Site Plan Review Committee members met twice with the applicant, staff and neighbors that live on Lillard. The committee looked for ways to accommodate the Ministry’s needs while maintaining the neighborhood character according to Mr. Cooper. Referring Commission members to the agenda packet, Mr. Cooper remarked that staff recommends approval of the SUP with the 17 conditions listed in the staff report.

An explanation of the rationale behind Condition #1 was given by Mr. Leipzig and that condition was to establish a two-year phase-out of operations for Heart-n-Hand Ministries from the 122 Lillard site. He reported the area is zoned residential and the Ministry has a business-type use that is prohibited in an R-1 (Single-Family) district.

Mr. Cooper answered questions about completion of a privacy fence on the property. He said there are existing fence sections that are being used as screening and will not be required to extend further, but the fence should be painted.

He was also asked about the third condition which calls for the removal of all junk and debris from the property. Once the SUP is approved, the applicant will have 30 days to finish removal of the junk and debris, finish painting the fence, and to put a gate on the trash enclosure according to Mr. Cooper.

Mr. Klinkenberg with TKM Law asked to speak, and he reported the Ministry has started the cleanup but it will be an ongoing process with volunteer labor. Mayor Pro Tem Lathrop expressed his concern that the property was not cleaned up before tonight's hearing. Rick Dawson with Heart-n-Hand Ministries replied the cleanup is 75% complete, and he took exception with the terms "junk and debris," indicating some of the items are not trash and are being moved off the property. Regarding the 30-day timeframe for removing all trash and debris, Mr. Cooper stated the SUP will go to the City Council for consideration and approval before the 30-day timeframe begins. Mr. Klinkenberg announced the amount of time proposed should be ample time to complete the property cleanup. Vice-chairman VonBehren commented this is not a perfect situation, but hopes everyone can work together until the situation is resolved.

Donald Johnson, 126 Lillard requested permission to speak. Mr. Johnson asked who is liable for any incidents that may occur resulting in injury to volunteers and/or damages to neighboring property. He went on to contend the Ministry has been at the site for three years and does not have an occupational license. A call was placed by Mr. Johnson to the State department that regulates corporate nonprofit organizations and he announced there is no record of Heart-n-Hand Ministries. He voiced his concern with allowing a commercial operation to continue in a residential zoning district. He called for immediate action to require the Ministry to obtain an occupational license. Mr. Johnson contended the Ministry has had an adverse affect on his property value and he reported there have been three burglaries at the 122 Lillard site. He went on to state concerns about the proposed conditions of approval and the difficulty those conditions will be to enforce. In conclusion Mr. Johnson asked for clarification regarding who is the registered owner of Heart-n-Hand Ministries.

Wilma Johnson, 122 Lillard, spoke about the proposed two-year phase out of the Ministry from the Lillard property. She indicated that two years is too long and pointed out there are vacant commercial buildings in the City that could be utilized by the Ministry. She requested it be put in writing that there will be no extensions granted to the two-year time limit, and she asked to see the Ministries certificate of insurance.

Mr. Klinkenberg responded to some of the comments made by Mr. Johnson. He offered to provide a copy of the organization's Certificate of Good Standing, the Charter and annual reports. He reported the last known break-in at 122 Lillard was approximately two years ago. Mr. Klinkenberg attributed the need for a two-year phase out of the organization to financial issues and stated the Ministry does not have funding to acquire a commercial property at this time. He went on to explain the Assembly of God Church pastor was the incorporator of the organization but he does not run the daily operations. He assured the Commission the property is covered by the required liability insurance and the name of the insurance company was provided.

The surrounding property owned by the Belton Assembly of God Church was pointed out and it was stated that Heart-n-Hand does not own any of the property.

There was a discussion about the proposed conditions limiting the number of people allowed at outdoor activities / events and the associated parking issues. It was suggested by Mayor Pro Tem Lathrop the picnic area could be at the corner of the church property which would eliminate parking problems. Mr. Dawson reported Heart-n-Hand will not construct a permanent picnic area at 122 Lillard.

According to Mr. Leipzig the organization was not required to obtain an occupation license in the past because it was not treated as a business. He told of the inspections that will be required to obtain a business license.

Don Butterfield, Pastor of Belton Assembly of God Church spoke to the Commission. He explained how the Ministry originated and gave a brief description of the evolution of the organization over the years. He announced that he is the President of Heart-n-Hand Ministries, but Mr. Dawson manages the daily operations for the organization. He stated the Ministry keeps growing and they are trying to find another site for the organization to relocate. Mr. Butterfield was asked if the Ministry will be able to address the concerns of the neighbors, and he responded that Mr. Dawson is working on the issues and he sees improvement. Mr. Butterfield was asked to consider the neighbors concerns and try to be "good neighbors" during the phase-out period.

Mr. Dawson announced the Ministry wants to be a good neighbor and they are working towards that goal. He believes there is confusion about the property ownership and the Ministry management. Mr. Dawson explained the church owns the property, the Ministry rents from the church, and he is the director of the organization. He understands the neighbor's wishes to keep the residential appearance and he stated he will "do his best" to make sure that goal is reached.

Mr. Johnson refuted the statements made by Mr. Dawson and he provided examples of past events. He then asked the Commission to respect and enforce the current code and not to allow any conditions or variation from the code.

Mrs. Johnson took exception to many vehicles of the volunteers / employees' parking on a vacant lot instead of parking in the church parking lot as was agreed upon at an earlier meeting. She stated there has not been a "good history" with past events on the property and she related some examples. She recommended Heart-n-Hand use the church building located on Cherry where they currently have their thrift shop. She pointed out there is designated parking at that site and their operations would all be in one location.

Mr. Dawson contended that many of the activities mentioned by the Johnson's took place before Heart-n-Hand Ministry rented the site and he asked that the Ministry not be held responsible for earlier events. Mr. Butterfield added those earlier events were church activities, not Heart-n-Hand events. Mr. Dawson went on to explain the assistance provided by the Ministry to the "community" and emphasized their non-profit status. The building on Cherry is used by the youth of the church and is not large enough to accommodate the Ministry according to Mr. Dawson.

When Commissioner Fletcher questioned whether everyone on the committee agreed to the SUP conditions, Mr. Johnson indicated that he has been against this compromise since the beginning of the discussion. He does not believe any changes / conditions to the city codes will be beneficial and accused the Ministry of trying to change a residential district into a commercial area. Mr. Cooper

reported the conditions were the topics of lengthy discussions during committee meetings where the Johnsons, ministry representatives, commission members and staff were present.

Mrs. Johnson reiterated there has not been a good history with the property and she asked for some assurance the decision will be dependable with no variation and no extensions to the time limits. She presented an example of what she called a welding shop that operated on the property at one time.

Mr. Leipzig gave an explanation of how the SUP process will be beneficial by identifying the Ministry's approved activities, ease of enforcing the code, and making the decision all part of public record.

Vice-chairman VonBehren closed the public hearing at 8:20 p.m.

It was stated there has been a great deal of discussion and the advisory committee came to agreement on the proposed conditions so **Commissioner Horne moved to approve the Special Use Permit for Heart-N-Hand Ministries, located at 122 Lillard Avenue, with the following condition(s):**

- 1) Establish a two-year 'Sunset Agreement' to phase-out / cease operation of Heart-n-Hand Ministries from 122 Lillard Avenue, a residential zoning district;
- 2) The following nuisance code violation(s) shall be removed from the property within 30-days of approval of the special use permit:
  - a) Remove all junk and debris which is scattered and stored throughout the property;
  - b) Finish painting the existing privacy fence.
  - c) Trash enclosure shall be fully screened from public view by a six (6) foot wooden privacy fence with a gate.
- 3) Heart-n-Hand Ministries shall obtain a City Occupational License, which includes fire and building code inspections, within 30-days of approval of the special use permit;
- 4) Volunteers of Heart-n-Hand Ministries shall park their vehicles in the adjoining Assembly of God church parking lot and employees of Heart-n-Hand Ministries shall be allowed to park on site, on the gravel parking area only;
- 5) Hours of operation of Heart-n-Hand Ministries shall be between the hours of 8:00 A.M. and 5:00 P.M. – Monday thru Friday;
- 6) Food Distribution and Life Skill classes shall not be held simultaneously to reduce parking issues;
- 7) Donated items shall be dropped-off during normal business hours only and shall not be left outdoors;
- 8) Work program trailer shall not be stored or parked on site;
- 9) Donated vehicles shall not be allowed or stored temporarily on site;
- 10) Commercial duty trucks shall not be parked or stored on site, except for loading and unloading;
- 11) Heart-n-Hand Ministries shall have no more than four (4) garage sales per year. Garage sales shall:
  - a) Have one (1) sign allowed on site the day of the sale;
  - b) Off-site signs shall specifically state the name of the organization and its non-profit classification;
  - c) Off-site signs shall be prohibited from being placed in the street right-of-way.
- 12) No fireworks shall be allowed or stored on site;

- 13) A maintenance shop shall be allowed on site to store lawn and garden equipment only and not to be used as a business;
- 14) The number of people allowed on site for an outdoor event shall not exceed twenty (20);
- 15) Events and/or activities held on site shall not impede vehicular traffic on Lillard Avenue;
- 16) Existing gravel driveway shall be allowed to remain on site and utilized for parking;
- 17) The utilization of a 10' x 20' (200-sq. ft.) temporary canopy shall be allowed on site. The canopy shall be erected no sooner than 24-hours prior to the event and shall be removed within 24-hours following the event.

Commissioner Davila seconded the motion. In discussion there was some clarification given by Mr. Cooper regarding the original and final versions of Condition #7. He went on to say that some of the items considered in the original list of conditions were removed from the list before the final draft. Vice-chairman VonBehren suggested the Ministry investigate partnering with the Vision Team to assist with the cleanup of the Lillard property. When a vote was taken, the following was recorded: Ayes: 6 – Vice-chairman VonBehren, Mayor Pro Tem Lathrop, Commissioners Davila, Fletcher, Horne and Thompson. Noes: none. Absent: Chairman Girgin, Councilman Davidson, and Commissioner McDonough. The motion carried.

#### UNIFIED DEVELOPMENT CODE

Mr. Leipzig gave a PowerPoint presentation to update the Commission on the Unified Development Code (UDC) and a new draft of the document was distributed. He reported city staff and the city attorney's office have been reviewing a draft of the UDC. A list of dates for the implementation and adoption of the UDC were proposed by Mr. Leipzig.

The UDC consolidates all the land development codes into one document according to Mr. Leipzig. He said portions of the Municipal Code were incorporated into the UDC and he listed which chapters were included. Additionally, the zoning ordinance and the subdivision regulations will become part of the UDC. An explanation of the document formatting which will be done by the Municipal Code was given by Mr. Leipzig. Planning and Fire will provide information and tell of changes that occur in the UDC at the first Commission meeting in April.

Mayor Pro Tem Lathrop reported that Community Development staff met with builders/contractors on March 11 and explained features of the new UDC. He complimented staff for the job they did with the presentation.

Vice-chairman VonBehren reported Councilman Davidson had a medical procedure over the weekend and is at home resting this evening. He also announced the next meeting would be April 5, 2010.

#### ADJOURNMENT

Commissioner Horne moved to adjourn the meeting. Commissioner Davila seconded the motion. All members present voted in favor and the meeting adjourned at 8:35 p.m.

Ann Keeton  
Community Development Secretary

Special Use Permit

Vehicle Sales Lot

1412 N. Scott

**BELTON MISSOURI - PLANNING COMMISSION  
REGULAR MEETING – CITY COUNCIL ROOM  
CITY HALL ANNEX, 520 MAIN STREET  
MONDAY, APRIL 5, 2010 – 7:00 P.M.**

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

**CASE #SUP10-04**

**Request:** Special Use Permit to allow a used car lot to operate in a C-2 (General Commercial) District.

**Location:** The west side of N. Scott Avenue, just south of 155<sup>th</sup> Street. The physical address is 1412 N. Scott Avenue.

**Legal Description:** Neff Lake Addition

**Owner / Applicant:** David and Ann Morris (building owner) / Andrew Morgan (applicant).

**Land Area:** 284-ft. x 205-ft. (58,220-sq. ft.) / 1.37-acre

**Sales Lot Surface Area:** 60-ft. x 20-ft. (1,200-sq. ft.)

**Existing Zoning / Land Use:** C-2 / General Commercial

**Proposed Use:** Used Car Lot (Primarily Internet Sales)

**Surrounding Zoning / Land Use:**

North: C-2 / General Commercial

East: C-2 / General Commercial

South: C-2 / General Commercial

West: C-2 / General Commercial

**Comprehensive Plan:** Commercial Use

**Nature of Current Request**

The applicant, Andrew Morgan, has contacted the City to gather information on what requirements are needed to open a used car lot. Pursuant to Appendix A of the Zoning Ordinance, a special use permit is required for all newly proposed used car lots located within a C-2 (General Commercial) zoning district. Mr. Morgan, who currently works for 'Morris Auto Sales, Inc'. which is located at the same location, would like to start his own used car sales business. He would be selling his vehicles mostly on-line through the internet but will have approximately 6 cars on-site for display. These vehicles will be parked on the northwest side of the parking area along the existing privacy fence.

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## STAFF REPORT

### Welfare and Convenience of the Public

It appears that by permitting a used car lot in the proposed location would contribute greatly to an ongoing proliferation of used car lots along the North Scott corridor. It also appears there could be a negative affect on the welfare and convenience of the general public.

### Injury to Surrounding Property

It appears the proposed use will not have an adverse affect on the immediate surrounding or abutting properties due in part to the similarity in type of use and intensity.

### Domination of the Neighborhood

The site on North Scott Avenue is a commercial building with a single tenant, which is 'Morris Auto Sales, Inc'. The space, which will be used by the applicant, is located at the northwest end of the building.

It appears, the proposed use as a used car lot will add to the predominance of that particular use within the neighborhood.

### Code Citation

In accordance with Article IV, Section 7(15) of the Zoning Ordinance, "one (1) parking space for each 3,000-sq. ft. of open sales lot area devoted to the sale, display and rental of such vehicles, plus one (1) parking space for each employee".

### Off-Street Parking / Access

The Zoning Ordinance requires, "one (1) parking space for each 3,000-sq. ft. of open sales area". Based on the total size of the vehicle sales display area, it appears there will be ample parking.

There is a double-point access from North Scott Avenue, which is the primary source of ingress/egress to the site, with a driving aisle of 24-ft.

The surface of the proposed parking area is currently paved with asphalt and un-striped. Each parking stall is required to meet current design standards and dimensions. City ordinance also requires all driving surface areas to be properly maintained and free of all weeds and grass.

NOTE: It was explained to Mr. Morgan that an occupational license can not be approved until the Planning Commission approved the Special Use Permit and that no business activity can take place on site until final approval.

Morris Auto Sales, Inc. currently has a high inventory of vehicles on site, thus leaving very little room for customer parking. It is a concern for staff that the new business will cause an increase in customer parking and possibly create an overcrowding issue.

**Staff Recommendation**

Should the Planning Commission wish to approve the Special Use Permit, the following conditions shall apply:

1. That no Certificate of Occupancy is issued until the site has had a final inspection for compliance with applicable city codes.
2. The Special Use Permit is reviewed by the Planning Commission in one (1) year to ensure compliance.
3. The sales display area shall be located on the northwest side of the building only and consist of no more than six (6) vehicles as depicted in Exhibit 'A'.
4. No display vehicle shall obstruct visibility, or parked in a manner which would create a hazardous condition.
5. The designated parking spaces shall be striped and dimensioned 9'-0" by 20'-0".

**Planning Commission Alternatives**

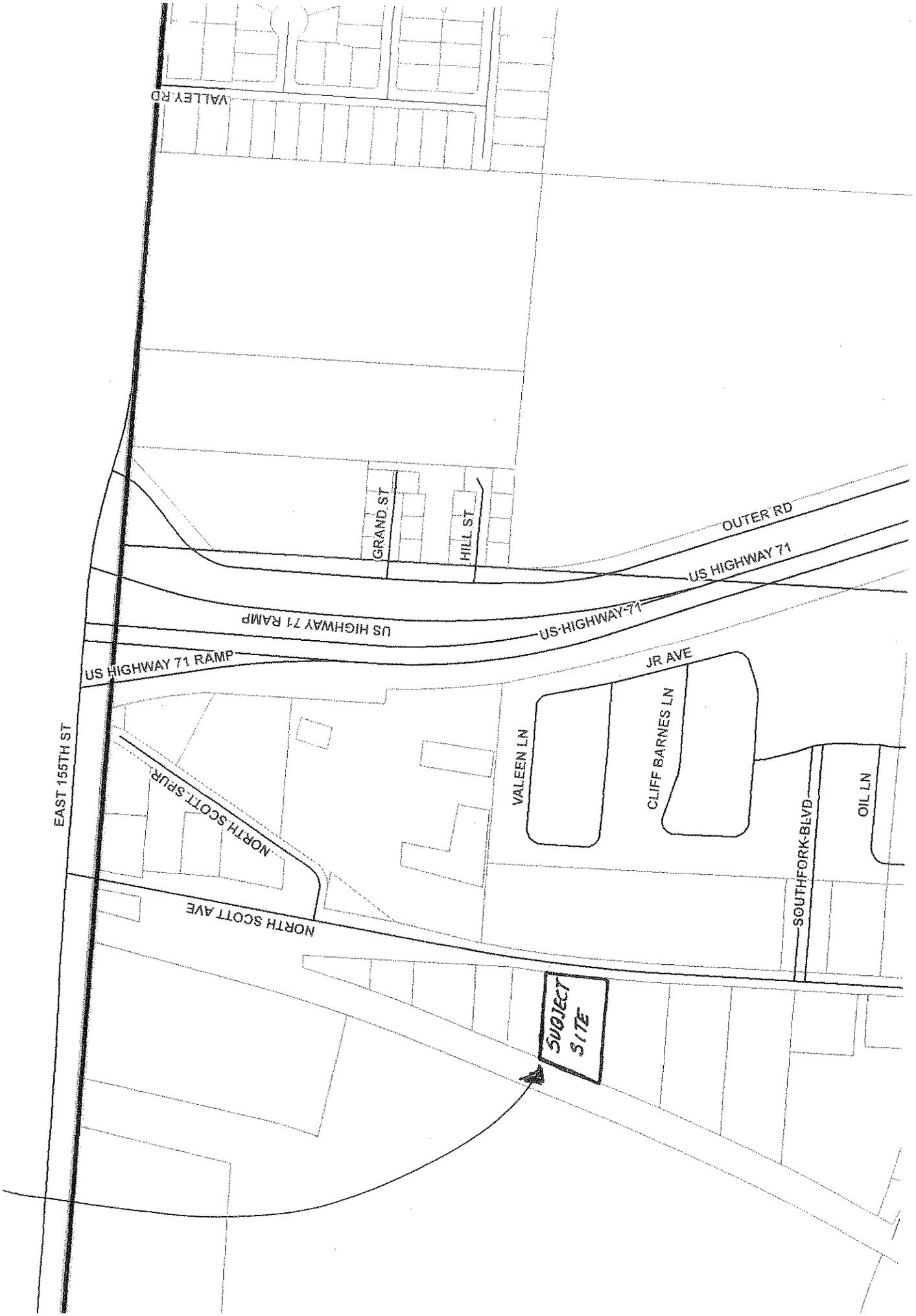
The Planning Commission has the following options available in the consideration of this application:

1. Approve the application as submitted upon finding that the requirements of Section 2, Special Use Permits, of the Belton Code have been satisfied.
2. Approve the application subject to specified conditions.
3. Table the application if additional information is needed, such as time of use or other related factors.
4. Deny the application if the required findings cannot be made or if the proposed use is found to be incompatible with the neighborhood.

**Attachments:**

- 1) Vicinity Map
- 2) Aerial Photograph / Exhibit 'A'
- 3) Photographs

CASE NO. SUP10-04  
1412 N. Scott Ave.





322-7744  
BUY SELL TRADE

www.morrisautobelton.com

1412 N. Scott

03.30.2010 09:46

FILE COPY



03.30.2010 09:49

Lot Split

1100 S Cedar

**CASE NO. LS10-07**  
**1100 S. CEDAR STREET / LOT SPLIT**

**BELTON CITY PLANNING COMMISSION**  
**MONDAY, APRIL 5, 2010 – 7:00 P.M.**  
**CITY HALL ANNEX, 520 MAIN STREET**

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

**CASE NO. LS10-07**

Consideration of a lot split for 1100 S. Cedar Street, a 4.5 acre tract of land, zoned R-1 (Single-Family Residential) District, located on the west side of S. Cedar just south of Cambridge Road.

**APPLICANT'S PROPOSAL**

Planning department staff has met with the applicant (Brett Rhodes) and the applicant's, Land Surveyor, Ladwig & Associates, to discuss the possibility of splitting the 4.5 acre tract of land.

The applicant wishes to divide the acreage into two separate parcels. This newly created lot will be used for residential purposes and will have frontage on S. Cedar Street.

**SITE REVIEW**

<i>Legal Description:</i>	Lot 3, Cambridge Corners Addition
<i>Zoning:</i>	R-1 (Single-Family Residential) District
<i>Lot Size:</i>	Existing Lot 3: 197,186-sq. ft. (4.5-ac.)  New Lot(s): <b>Lot '3A'</b> / 58,107-sq. ft. (1.34-ac) <b>Lot '3B'</b> / 139,011-sq. ft. (3.19-ac.)
<i>Minimum Lot Size Requirement</i>	R-1 (Single-Family Residential) 8,400-sq. ft. or 0.19-ac.
<i>Lot Width:</i>	Existing Frontage: 330-ft.  New Lot Width: <b>Lot '3A'</b> = 145-ft. New Lot Width: <b>Lot '3B'</b> = 185-ft.
<i>Required Lot Width:</i>	70-ft.

**Easement Restrictions**

Currently, there are sanitary sewer and utility easements on this tract of land, primarily within Lot 3B. There is a rather large drainage easement which runs along a creek tributary basin, which encompasses most of Lot 3B. Ingress and egress will be from South Cedar Street.

## LEGAL CONSIDERATIONS

Article II, Section 2(D)(4) – Zoning Ordinance, “for dwellings, there shall be a minimum lot width of 70-ft. at the front building line, and such lot shall abut on a street for a distance of not less than 38-ft.”

Article II, Section 2(D)(5)(a) – Zoning Ordinance, “for each dwelling and building accessory thereto there shall be a lot area of not less than 8,400-square feet”.

Section 5.90 of the Subdivision Regulations provides the following stated approval guidelines:

“The division of Lots under this regulation shall comply with the Comprehensive Plan, and major street and road plans, applicable zoning laws, and the minimum design requirements of these regulations and all other applicable regulations. Additionally, approval or disapproval of lot splits shall be made based on the following guidelines:

1. No Lot Split shall be approved if:

A. It does not comply with the minimum design requirements of these regulations.

Staff Comment: *Splitting of the lot will result in the newly created lot meeting the minimum square footage and lot width.*

B. A new street or alley is needed or proposed and dedication is not being made.

Staff Comment: *Not applicable.*

C. A vacation of streets, alleys, setback lines, access control, or easements is required or proposed.

Staff Comment: *Not applicable.*

D. If such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets; or will interfere with maintaining existing service levels, e.g., additional curb-cuts, repaving, etc.

Staff Comment: *Not applicable.*

E. There is less street right-of-way than required by these regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.

Staff Comment: *Not applicable.*

F. All easement requirements have been satisfied.

Staff Comment: *All easements have been identified. All statutory requirements have been met.*

G. If such split will result in a tract without direct access to a street.

Staff Comment: *Lot(s) 3A and 3B will have direct access to S. Cedar Street.*

- H. A substandard-sized lot or parcel will be created, except, where a lot split will result in the substandard-sized portion being recombined with an adjoining substandard-sized, platted lot, and where this recombination is duly filed and recorded with the County Recorder of Deeds.

*Staff Comment: The lot being created will meet or exceed the minimum size requirement. A survey, produced by a professional land surveyor will be required to be filed and recorded with the County Recorder of Deeds Office.*

- I. If the lot has been previously split or been part of a minor subdivision in accordance with these regulations.

*Staff Comment: Not applicable.*

#### **STAFF RECOMMENDATION**

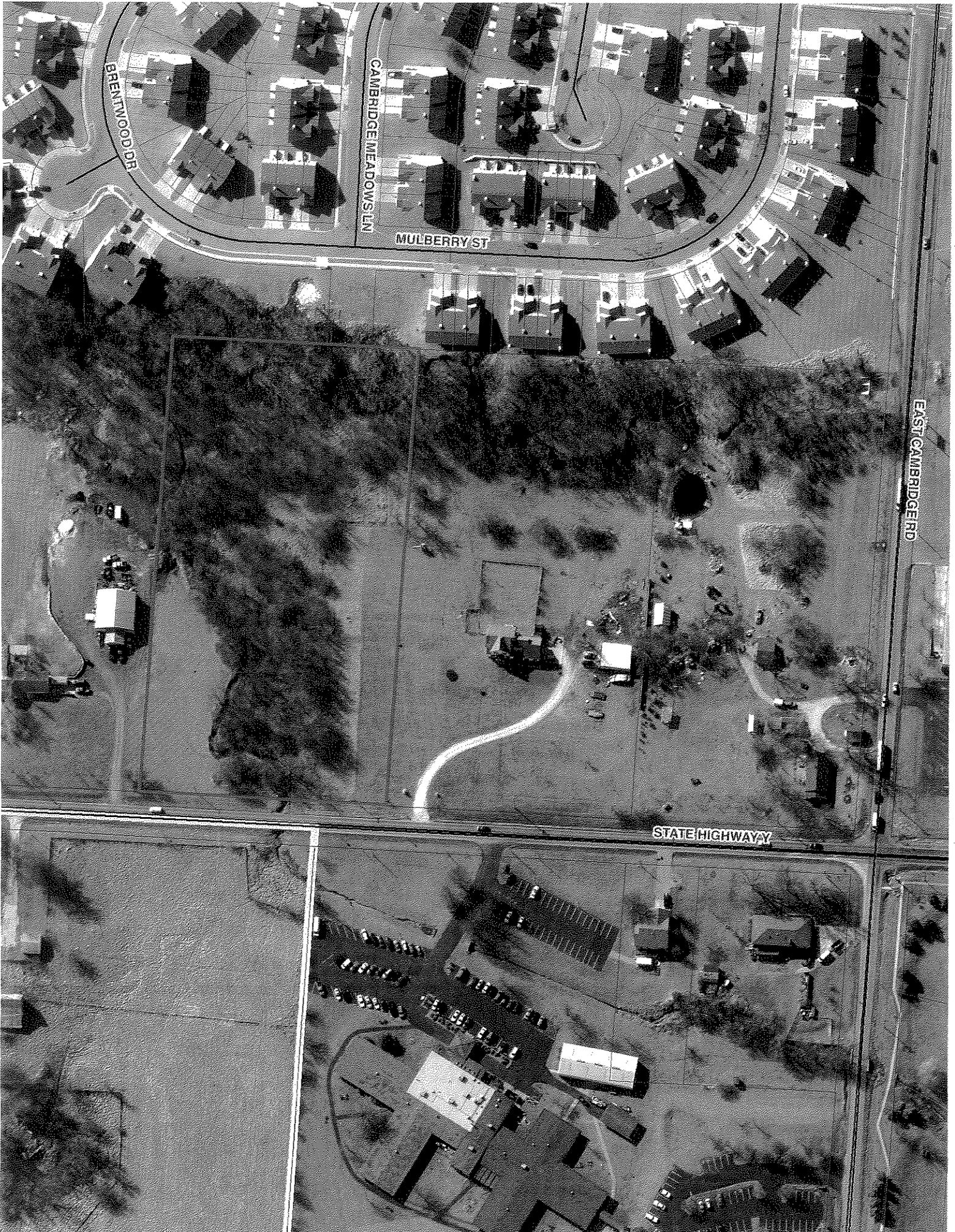
1. Based on the established criteria outlined in the Subdivision Regulations, staff believes this Lot Split request meets all the minimum requirements and therefore, recommends approval.

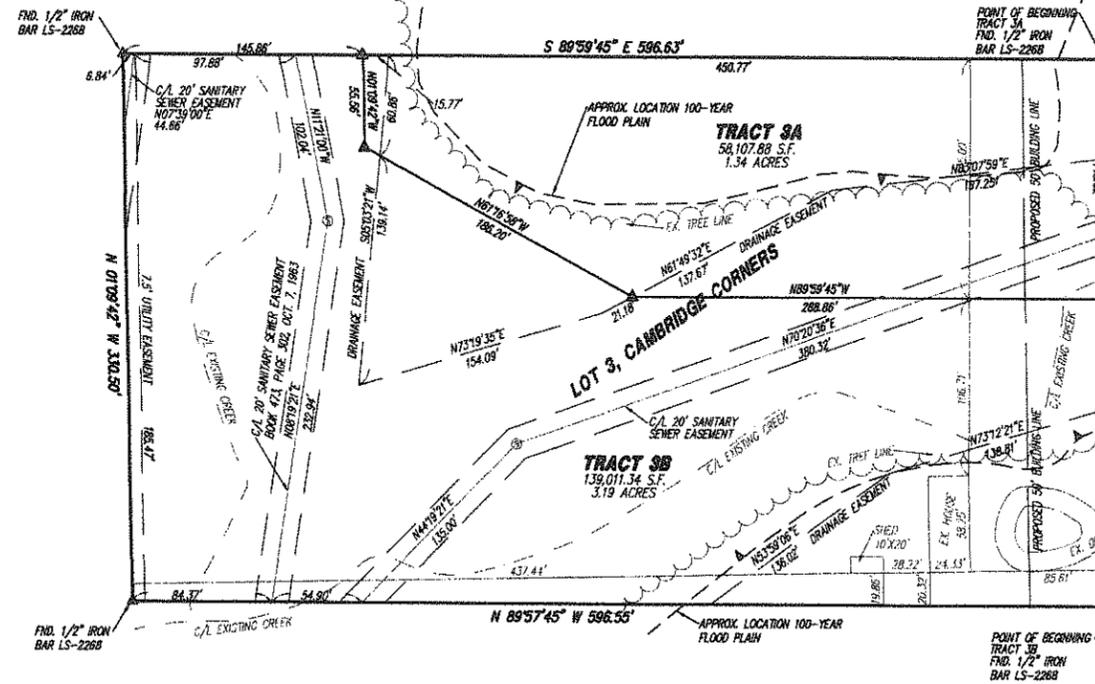
#### **PLANNING COMMISSION ACTION**

1. Motion to recommend approve / deny the Lot Split for 1100 S. Cedar Street.
2. Motion to continue the case pending additional information.

#### **ATTACHMENTS**

1. Aerial Photograph
2. Site Plan





**PROPERTY DESCRIPTION (TRACT 3A)**

All that part of Lot 3, CAMBRIDGE CORNERS, a subdivision of land in Belton, Cass County, Missouri more particularly described as follows:  
 Beginning at the Northeast corner of said Lot 3; thence South 00 degrees 59 minutes 37 seconds East, along the East line of said lot, a distance of 145.02 feet; thence North 00 degrees 59 minutes 45 seconds West, a distance of 288.86 feet; thence North 01 degrees 16 minutes 58 seconds West, a distance of 186.20 feet; thence North 01 degrees 09 minutes 42 seconds West, a distance of 55.56 feet, to the North line of said Lot 3; thence South 89 degrees 59 minutes 45 seconds East, along the North line of said Lot 3, a distance of 450.77 feet, to the Point of Beginning.

**PROPERTY DESCRIPTION (TRACT 3B)**

All that part of Lot 3, CAMBRIDGE CORNERS, a subdivision of land in Belton, Cass County, Missouri more particularly described as follows:  
 Beginning at the Southeast corner of said Lot 3; thence North 89 degrees 57 minutes 45 seconds West, along the South line of said lot, a distance of 596.55 feet, to the Southwest corner of said Lot 3; thence North 01 degree 09 minutes 42 seconds West, along the West line of said Lot 3, a distance of 330.50 feet, to the Northwest corner of said Lot 3; thence South 89 degrees 59 minutes 45 seconds East, along the North line of said Lot 3, a distance of 145.02 feet; thence South 01 degrees 09 minutes 42 seconds East, a distance of 55.56 feet; thence South 61 degrees 16 minutes 58 seconds East, a distance of 186.20 feet; thence South 89 degrees 59 minutes 45 seconds East, a distance of 288.86 feet, to the East line of said Lot 3; thence South 00 degrees 59 minutes 37 seconds East, along the East line of said Lot 3, a distance of 185.86 feet, to the Point of Beginning.

In Testimony Whereof: The undersigned owner(s) have subscribed their names on this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Brett Rhodes  
 Owner

State of Missouri }  
 County of Cass } SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 2010, before me personally appeared Brett Rhodes, owner, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they did the same as their free act and deed.

In witness whereof: I have hereunto set my hand and affixed my Notarial Seal at my office the day and year last above written.

Notary Public in and for Jackson  
 County, Missouri

**SURVEY NOTES:**

1.  $\Delta$  Denotes found monumentation as noted.
2.  $\blacktriangle$  Denotes 1/2" Iron Pin with Plastic Cap LS-2008016633 set this survey.
3. Bearings shown are based on the recorded final plat of "Cambridge Corners", a subdivision of land in Belton, Cass County, Missouri.
4. This survey meets or exceeds the accuracy standards of an "Urban Class" survey as defined by the Missouri Standards for Property Boundary Surveys.
5. Existing lot is currently zoned R-1B.
6. Building dimensions are exterior foundation measurements taken this date.
7. No UIC report was provided.
8. Lot dimensions, building line and easement taken from recorded plat only.
9. Parent tract of this survey is "Cambridge Corners" a subdivision in Belton, Cass County Missouri, as recorded on Book 14, Page 68, at the recorder of deeds office.
10. Property falls within the limits of the 100-Year Flood Plain, Zone A, per Flood Insurance Rate Map number 28037C0016E, dated March 16, 2006.
11. Front Building Line - 50', side yard setback - 10' min., rear yard setback - 20' min.

I hereby certify that the within Certificate of Survey is based on an actual survey made by me or under my direct supervision and that said survey meets or exceeds the requirements for the MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS as adopted by the Missouri Board of Architects, Professional Engineers and Land Surveyors.



Branton E. Ladwig, MO LS-2008016633  
 FEB. 4, 2010

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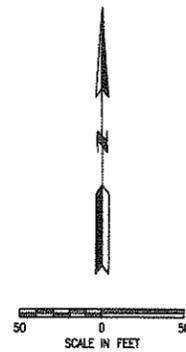
DATE	REVISION	NO.	BY	CAUSE
3/25/10	REVISED PER CITY COMMENTS.	1	BEL	

**LADWIG & ASSOCIATES, LLC.**  
 LAND SURVEYORS  
 33604 E. 735th Street  
 Pleasant Hill, Missouri 64080  
 816-309-6621

**LOT SPLIT SURVEY**  
 NE 1/4, NE 1/4, SEC. 23, TWN. 46, RNG. 33  
**LOT SPLIT - LOT 3,**  
**CAMBRIDGE CORNERS ADDITION**  
**BELTON - CASS COUNTY - MISSOURI**

DRAWING NO.	08-115B
DATE	FEB. 4, 2010
JOB NO.	08-115
SHEET	OF

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 P:\09-1756.dwg Mar 25, 2010 - 9:52AM



Surveyed For:  
 Brett Rhodes  
 1100 S. Cedar Street  
 Belton, MO. 64012

Lot Split

201 W. North

**CASE NO. LS10-08  
201 W. NORTH AVENUE / LOT SPLIT**

**BELTON CITY PLANNING COMMISSION  
MONDAY, APRIL 5, 2010 – 7:00 P.M.  
CITY HALL ANNEX, 520 MAIN STREET**

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

**CASE NO. LS10-08**

Consideration of a lot split for 201 W. North Avenue, a 0.77 acre tract of land, zoned R-1 (Single-Family Residential) District, located on the south side of W. North Avenue just east of Baldwin Street.

**APPLICANT'S PROPOSAL**

Planning department has met with the applicant, Sandra Paxton to discuss the possibility of splitting the 0.77 acre tract of land she currently own and reside at, which is located at 201 W. North Avenue.

The applicant wishes to divide their acreage into two separate parcels. This newly created lot will be used for residential purposes and will have frontage on Lynn Street.

**SITE REVIEW**

*Legal Description:* Lot 4, Block 9, Scott & Colbern's Addition

*Zoning:* R-1 (Single-Family Residential) District

*Lot Size:* Existing Lot 4: 33,060-sq. ft. (0.77-ac.)

New Lot(s):  
**Lot '4A'** / 17,454-sq. ft. (0.41.)  
**Lot '4B'** / 14,216-sq. ft. (0.33-ac.)

Minimum Lot Size for R-1 (Single-Family Residential):  
8,400-sq. ft. or 0.19-ac.

*Lot Width:* Existing Frontage: 114-ft.  
New Lot Width: Lot 'A' = 114-ft.  
New Lot Width: Lot 'B' = 114-ft.

Required Lot Width: 70-ft.

**Easement Restrictions**

Currently, there are private service easements on this tract of land for sanitary sewer and water. It is suggested by staff, that the applicant extend the private service easement (s/e) along the east and west property boundary lines onto Lot 4B to provide service. Ingress and egress for the newly created Lot 4B, will be from the south along Lynn Street.

## LEGAL CONSIDERATIONS

Article II, Section 2(D)(4) – Zoning Ordinance, “for dwellings, there shall be a minimum lot width of 70-ft. at the front building line, and such lot shall abut on a street for a distance of not less than 38-ft.”

Article II, Section 2(D)(5)(a) – Zoning Ordinance, “for each dwelling and building accessory thereto there shall be a lot area of not less than 8,400-square feet”.

Section 5.90 of the Subdivision Regulations provides the following stated approval guidelines:

“The division of Lots under this regulation shall comply with the Comprehensive Plan, and major street and road plans, applicable zoning laws, and the minimum design requirements of these regulations and all other applicable regulations. Additionally, approval or disapproval of lot splits shall be made based on the following guidelines:

1. No Lot Split shall be approved if:

A. It does not comply with the minimum design requirements of these regulations.

*Staff Comment: Splitting of the lot will result in the newly created lot meeting the minimum square footage and lot width.*

B. A new street or alley is needed or proposed and dedication is not being made.

*Staff Comment: Not applicable.*

C. A vacation of streets, alleys, setback lines, access control, or easements is required or proposed.

*Staff Comment:*

NOTE: The existing 20-ft. gravel alley which separates Lot 1 and Lot 4 and currently provides access to the properties at 201 & 121 W. North Avenue was vacated. The Board of Alderman approved a request to vacate the 20-ft. gravel alley on February 22, 1983.

As a result of the vacation, approximately 150-ft. of the northern part of the alley from W. North Avenue is owned (and made part of) the property at 121 W. North Avenue. The remaining 135-ft. of the alley was absorbed into lot 4, (201 W. North Ave.) As a result, access to 201 W. North Ave. has essentially been eliminated.

D. If such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets; or will interfere with maintaining existing service levels, e.g., additional curb-cuts, repaving, etc.

*Staff Comment: Not applicable.*

- E. There is less street right-of-way than required by these regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.

*Staff Comment: Not applicable.*

- F. All easement requirements have been satisfied.

*Staff Comment: An extension of a 10-ft. private service easement along the side property lines will be required.*

- G. If such split will result in a tract without direct access to a street.

*Staff Comment: Not applicable.*

- H. A substandard-sized lot or parcel will be created, except, where a lot split will result in the substandard-sized portion being recombined with an adjoining substandard-sized, platted lot, and where this recombination is duly filed and recorded with the County Recorder of Deeds.

*Staff Comment: The lot being created will meet or exceed the minimum size requirement. A survey, produced by a professional land surveyor will be required to be filed and recorded with the County Recorder of Deeds Office.*

- I. If the lot has been previously split or been part of a minor subdivision in accordance with these regulations.

*Staff Comment: Not applicable.*

#### **STAFF RECOMMENDATION**

Based on the established criteria outlined in the Subdivision Regulations, staff believes this Lot Split request meets all the minimum requirements and therefore, recommends approval with the following conditions(s):

1. A private access easement (a/e) shall be recorded with Cass County Recorder's Office, allowing access from W. North Avenue and from Lynn Street, between Lot 1, Block 8 and Lot 4, Block 9. Scott & Colbern's Addition.

#### **PLANNING COMMISSION ACTION**

1. Motion to recommend approve / deny the Lot Split for 201 W. North Avenue.
2. Motion to continue the case pending additional information.

#### **ATTACHMENTS**

1. Aerial Photograph
2. Site Plan



LYNN ST

STATE HIGHWAY 89

1114 W. 10th St  
1114 W. 10th St  
1114 W. 10th St

