



**AGENDA
CITY OF BELTON
PLANNING COMMISSION MEETING
MONDAY, MAY 3, 2010 - 7:00 P.M.
BELTON CITY HALL ANNEX, 520 MAIN STREET**

- I. CALL MEETING TO ORDER

- II. ROLL CALL

- III. APPROVAL OF THE MINUTES OF THE APRIL 19, 2010 PLANNING COMMISSION MEETING

- IV. DISCUSSION
 - A. Unified Development Code (UDC)

- V. DIRECTOR'S REPORT

- VI. NEXT MEETING DATE: May 17, 2010

- VII. ADJOURNMENT

MEETING MINUTES

APRIL 19, 2010

Minutes of Meeting
Belton Planning Commission
City Hall Annex – 520 Main
April 19, 2010

CALL TO ORDER

Chairman Holly Girgin called the meeting to order at 7 p.m.

ATTENDANCE

- Commission: Chairman Girgin, Mayor Pro Tem Gary Lathrop, Councilman Bobby Davidson, Commissioners Tim McDonough, Jeff Fletcher, Scott VonBehren, and Roger Horne
- Staff: Jay Leipzig, Community Development Director; Robert Cooper, City Planner; Jason Webb, Fire Marshal; Mark Polk, City Inspector; Ted Lange, Belton Park Department; and Ann Keeton, Community Development Secretary
- Absent: Commissioners Sally Davila and Larry Thompson

MINUTES

Commissioner Horne moved to approve the minutes of the April 5, 2010, Planning Commission meeting. Mayor Pro Tem Lathrop seconded the motion. All members present voted in favor and the motion carried.

PUBLIC HEARING – Zone Change 702 Belton Avenue

Staff Report: Mr. Cooper presented the staff report for the zone change request for a five acre property at 702 Belton Avenue from R-1(Single-Family Residential) to A (Agricultural). He gave a description of the property and surrounding area which he categorized as having agricultural characteristics. He reported an old vacant farm house on the property has been vacant for years. The applicant would like to demolish the farm house and construct a barn on the property to be used primarily for storage of equipment. According to Mr. Cooper, the applicant has no plans to develop the property.

A review of the zone change request was given by Mr. Cooper in accordance with the comprehensive plan, neighborhood compatibility, and environmental impacts. He reported the requested use is less intensive, therefore it would be considered compatible, and should not create an increase in environmental impacts.

Mr. Cooper reported staff supports a recommendation to approve the zone change request.

Chairman Girgin opened the public hearing at 7:04 p.m. This hearing was being held to receive public input regarding a zone change application for property at 702 Belton Avenue from R-1 (Single-Family Residential) to A (Agricultural).

Ray Gann, 805 Belton Avenue and property owner of 702 Belton Avenue spoke in favor of the zone change application. Under the current zoning, when the house on the property is

demolished, the garage would also have to be taken down. Mr. Gann would like to remodel the garage to use for storing property maintenance equipment and machinery used to power a well. The property will be maintained for personal use and will not house a commercial farming operation according to Mr. Gann. It was reported the foundation of the farm house is made of concrete blocks. He went on to say the property has various types of fruit and ornamental trees on it and he may put in a garden for himself. It was clarified the reason for the rezoning request is to allow Mr. Gann to have a storage building on the site without a house. Councilman Davidson asked the Commission to consider adding a condition of approval which would prohibit farm animals from being raised on the property. Mr. Gann emphasized there would be no animals or fences on the property while he is the owner.

Being no further input, Chairman Girgin closed the public hearing at 7:12 p.m. **Councilman Davidson moved to recommend approval of a zone change at 702 Belton Avenue from R-1 (Single-Family Residential) to A (Agricultural) with the condition that raising livestock on the property will be prohibited.** Mayor Pro Tem Lathrop seconded the motion. When a vote was taken, the following was recorded: Ayes: 7 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Davidson, Commissioners McDonough, Fletcher, VonBehren, and Horne. Noes: none. Absent: 2 – Commissioners Davila and Thompson. The motion carried.

PRESENTATION – Unified Development Code

A PowerPoint presentation illustrating the changes and beneficial aspects of the Unified Development Code (UDC) was given by various departments and included planning and zoning, building codes, fire department and engineering. Some of the highlights included:

Planning: Mr. Cooper:

- Will combine the Zoning Ordinance, Subdivision Regulations and land use regulations into one document
- New zoning district R-3A (Apartment Community Residential)
- New zoning district PR (Parks, Recreation and Public Use)
- New zoning district PO (Professional Office)
- Industrial districts to change from I-1, I-2 to Manufacturing M-1, M-2
- UDC includes a section covering wind energy
- A preliminary and final development plan will be required with plat applications

Building: Mr. Polk

- UDC is the foundation for all development
- Plan review is based on building codes
- Building codes are the minimum requirements for life-safety
- Will include the 2006 International Property Maintenance Code (IPMC)
- UDC will result in a well-planned, consistent community

Fire: Mr. Webb

- Fire department is involved in development projects from planning through the entire life of the use.
- UDC will consolidate the review standards into one document.
- UDC is consistently formatted for ease of use by staff and developers
- Fire review items include access, water supply, setbacks, zoning and sprinkler incentives
- Residential sprinklers will be in the 2009 International Residential Code

Engineering: Mr. Leipzig

- UDC will contain regulations on water/sewer, streets/sidewalks, and storm water management
- Many engineering standards are regulated by the American Public Works Association (APWA)

Mr. Webb answered questions regarding the residential sprinkler incentives. He gave examples of a few of the incentives such as roadway width reduction, waterline size, fire flows and cul-de-sac length. He gave an explanation of how the UDC assists City departments while working together during the review process. He presented specific examples relating to residential sprinkler incentives, street width, and parking on one-side of the street to allow for fire truck access.

Chairman Girgin expressed thanks and congratulations to staff for their work on the UDC document. Mr. Leipzig went through an approximate schedule for the UDC adoption. It was decided that the future UDC review would be presented to the Commission in the form of a summary of highlighted changes. He reported the document formatting will be prepared by the Municipal Code Corporation. Mr. Leipzig's stated goal for implementation of the UDC is January of 2011. Mr. Polk explained the City's schedule and adoption process for the International Building Codes, which the 2006 version is the current edition that has been adopted by the City. Mr. Polk answered questions about the 2006 IPMC.

PRESENTATION – Tree Ordinance

Mr. Leipzig introduced Mr. Lange from the Park Department who was present to introduce a tree ordinance for consideration. He pointed out the tree ordinance has a list of preferred tree species and would be included as an appendix in the UDC.

Mr. Lange made it clear he is employed by the Park Department but is not representing the Park Board. Reasons for adopting a tree ordinance are to enhance the quality of life through a diversity of trees, and to provide a mechanism for enforcement. He reported that for the City of Belton to participate in the "Tree City" program, the City must have a tree ordinance. If Belton becomes a "Tree City" grant funding awarded to the park department would increase by 20 percent. Mr. Lange said the proposed tree ordinance is similar to many other ordinances that have been adopted statewide. Various City employees and the City attorney have reviewed the proposed ordinance according to Mr. Lange.

Mr. Lange reported the Missouri Department of Conservation awards the "Tree City USA" designation. He gave an explanation of the terms Community Forest Manager and City Arborist, which are non-salaried positions. Mr. Lange also stated the "Tree Board" is an advisory board and he gave one example of the Board's function. When asked if the Tree City USA designation must be reapplied for yearly, Mr. Lange indicated he will research the Tree City USA information that he has elsewhere to find answers to the Commission's questions.

Mr. Lange was asked if the Tree Board regulates the types of trees that Belton residents can plant on their property. He stated the Board does not tell residents the type of trees to plant in their

yard. He went on to say there will be recommended trees to be used for planting "street trees" in a new subdivision and there will also be a list of undesirable trees.

There was discussion about Section 10 of the proposed Tree Ordinance regarding Public Tree Care. It was suggested the language of this section is confusing and could be reworded for clarity.

The proposed and current regulations about the care of street (public) trees were discussed. Mayor Pro Tem Lathrop explained to Commission members there is already a regulation in place regarding the maintenance of street trees which designates the property owner as being responsible.

The language in Section 12 of the proposed ordinance regarding the replacement of trees that are removed with equivalent trees was talked over. It was concluded this statement is to ensure the replacement of the same number of trees that are removed.

According to Mr. Cooper, trees that are removed during development should be accounted for in the project's landscape plan, and the trees can be replenished in different locations scattered throughout the property. Mr. Leipzig reported the suggested changes will be noted and the proposed ordinance will be brought back to the Commission with the revisions before going to the City Council for approval. Since the proposed tree ordinance has similar regulations as those addressed by the current city codes, there was a discussion about the necessity of a separate tree ordinance. Mr. Leipzig suggested the language in the current code could be referenced in the proposed tree ordinance.

DIRECTOR'S REPORT

Mr. Leipzig reported the UDC summary memo will be reviewed during the May 3, 2010, meeting.

There have been three applications submitted for new home construction recently.

Affordable Housing Inc. will soon be submitting applications for 36 homes to be built in the Emerson Park Subdivision. Councilman Davidson encouraged Commission members to visit the homes built by the Affordable Housing group in Springfield and Bolivar, Missouri and he praised the quality of those homes.

ADJOURNMENT

Commissioner Horne moved to adjourn the meeting. Mayor Pro Tem Lathrop seconded the motion. All members present voted in favor, and the meeting adjourned at 8:27 p.m.

Ann Keeton
Community Development Secretary

UNIFIED DEVELOPMENT

CODE SUMMARY



COMMUNITY PLANNING & DEVELOPMENT
Jay C. Leipzig, AICP
Director

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MEMORANDUM

TO: Belton Planning Commission Members

FROM: Jay C. Leipzig

DATE: May 3, 2010

RE: Packet Items

Attached to this document you will find a Revised Table of Contents and three (3) revised chapters to be placed in your notebook of the Proposed Unified Development Code. You should find the following:

A Revised Table of Contents
Chapter 20- Subdivision Design and Regulations
Chapter 22- Land Use Applications and Procedures
Chapter 23- Enforcement, Violations and Penalties

Please remove the existing Chapters 20 and 22, and insert the revised drafts. In addition, add Chapter 23 at the end of the document.

In addition, in your packet you will find a document entitled, Summary of Changes to the Unified Development Code for Comparison to Existing Zoning Ordinance and the Subdivision Regulations. During the meeting on Monday evening, I will be reviewing this document in detail during the presentation.

Please contact either me or Ann Keeton if you have any questions concerning the revised Chapters.

Thanks, Jay



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MEMORANDUM

TO: Belton Planning Commission Members

FROM: Jay C. Leipzig

DATE: May 3, 2010

RE: Summary of Changes to the Unified Development Code for Comparison to Existing Zoning Ordinance and the Subdivision Regulations.

The following Memorandum summarizes changes that are currently proposed in the draft Unified Development Code (UDC) and the existing Belton Zoning Ordinance and Subdivision Regulations. The text for the UDC was developed after consultation with city staff, and the Planning Commission during the preliminary reviews over the past year. The purpose of the memorandum is to highlight these changes, and aid in the clarification of points of review in this document. Each chapter heading contains introductory notes on changes and an overview of the particular section and noted changes.

Table of Contents

The Table of Contents contains section headings. All Chapters in the proposed UDC are numbered sequentially from the beginning of every chapter. This will facilitate review and editing by the Municipal Code Corporation.

Chapter 1- General Provisions and Enforcement

This chapter includes basic provisions of the Unified Development Code (UDC), and introductory statements. All information contained in this chapter is consistent with Missouri State Law and the Charter for the City of Belton. There are no new provisions in this chapter except for sections concerning Annexation which are in the Code, but not listed in the current zoning ordinance because of its limited scope.

There is also a brief section explaining the Zoning Map of the City of Belton. If the proposed UDC is adopted, it is anticipated that the Zoning Map of the City of Belton will be updated to be consistent with this document.

Chapter 2- Definitions

All existing definitions in the current Zoning Code and the Subdivision Regulations are combined into a single definition section. In addition, all definitions have been reviewed to reflect current case law and current and

future planning trends. The most significant change is the use of illustrations to aid in the understanding of the definition for signs and stream ordering.

Chapter 3- Airports

This chapter has been unchanged.

Chapter 4-Fire Prevention and Protection

This chapter has been unchanged except for minor changes.

Chapter 5- Oil and Gas Drilling and Pumping

This chapter has been unchanged.

Chapter 6- Buildings, Structure and Property Maintenance

This chapter has been unchanged except that Article III has been repealed, and the 2006 International Property Maintenance Code will be added in its place.

Chapter 7- Electricity

This chapter has been unchanged.

Chapter 8- Water and Sewers

This chapter has been unchanged.

Chapter 9- Streets and Sidewalks

This chapter has been unchanged.

Chapter 10- Agricultural and Residential Zoning Districts

This chapter includes the new Agricultural and Residential Zoning classifications. The Special Use Table has been updated to include the new categories and the requirements. A summary is provided below:

Agricultural Zoning- This zoning classification has remained unchanged.

Residential Zoning Districts- the UDC includes two (2) new residential zoning classifications. R-3A which is a zoning classification intended for planned multi-family development under the control of one property owner. This zoning classification is an alternative to a traditional planned unit development application.

Chapter 11- Commercial, Industrial, Parks and Recreation and Public Use Zoning Districts

Commercial Zoning Districts- This chapter includes the existing C-1 and C-2 zoning classifications, and two additional districts, the Professional Office (PO) zoning classification and the C-3 Regional Commercial District. The PO zoning classification is intended to accommodate professional office uses in individual buildings, but not in a large campus-like setting. Similarly, the new C-3 Regional Commercial District zoning is intended for zoning

along major arterials for shopping centers and business uses that draw patrons from outside of Belton. The C-3 zoning would consist of large-scale developments that have the potential to generate large quantities of automobile traffic.

Industrial Zoning Districts- The UDC replaces the Industrial (I) zoning classification, and replaces it with the Manufacturing (M) classification. This change is consistent with current city planning and development trends.

The UDC further separates traditional industrial uses into two zoning classifications, the M-1 and the M-2 Districts. The M-1 is a Light Industrial zoning classification to accommodate light manufacturing, warehousing, and wholesale operations. The M-2, General Industrial District zoning classification is used for traditional industrial uses that cannot be accommodated by other districts.

Parks, Recreation and Public Use District- This zone will be for special use zones for active and passive recreational opportunities; for example, the development of a soccer facility, or baseball practice facility, the Wallace Park, High Blue Wellness Center facility would be an example of this type of zoning.

The Use Table and Use Categories table are updated consistent with the new zoning classifications.

In the UDC, when a use classification cannot be classified into a single use category, or appears to fit into multiple categories, the Community Development Director or designee is authorized to make this decision. In the current code, there is no stipulation on who has the ultimate authority for land use decisions.

The UDC also includes a Bulk and Dimensional Use Standards Table which easily summarizes zoning code requirements. This will clarify these standards in a table form rather than in the text which the current code utilizes.

Chapter 12- General Use Regulations

This chapter includes provisions for several Overlay and Special Use Districts in specific areas of the Residential and Commercial Zoning classifications. These Special Use Districts can accomplish specific City goals, and can be overlaid over the existing zoning to obtain the desired effect. This is a new concept which can be added to over time as the City of Belton's needs change.

Old Town Belton Overlay District

This district can be utilized for the downtown part of Belton where the City has the goal of maintaining historic character. As the City of Belton develops, and there are increasing development pressures, this overlay district will continue to grow in importance, especially if a future historic district is established.

Gateway Commercial Overlay District

This district will provide for quality design and development near interstate highway interchanges in order to create cohesive and attract entrances to the City of Belton. This zone will essentially be centered near the current 71 highway interchanges and will accommodate large amounts of commercial traffic.

Planned District Overlay

This district will provide latitude and flexibility in the location of building, structures and opens spaces for larger developments. This district will permit certain deviations from the standard zoning classification, but may have less implication than the traditional Planned Unit Development designation

Chapter 13- Parking, Loading and Access

This chapter stipulates parking requirements for all zoning classifications. This chapter also includes an Off Street Parking Requirements table to facilitate understanding for potential developers. In the previous Code, parking requirements were included in the text of the zoning code.

Chapter 14- Landscaping and Screening

This chapter provides an overview of all Landscaping and Screening Requirements for all zoning districts. There are diagrams and descriptions to facilitate understanding and applicability. There are also detailed descriptions of Recommended Planting Lists, and Trash Receptacle Screening Requirements.

Chapter 15- Use Specific Standards

This chapter includes a detailed Use Table which describes approval conditions for uses requiring Special Use Permits, which include Manufactured Home Parks, Day Care Homes, Residential Earth Contact Homes, Group Homes, Wireless Communication Towers, and Adult Oriented Businesses. Most requirements for these uses have remained unchanged, except for updating to include new State enabling statutes and consistency with local ordinances. In addition, it describes acceptable Home Occupations that may be approved with conditions, which is described as a Conditional Use Permit.

Chapter 16- Accessory Uses and Structures

This chapter has remained virtually unchanged from the existing Code, but it is re-formatted for ease of understanding and applicability. It describes the approval process for all accessory uses in all zoning classifications. This chapter includes recently adopted ordinances on the review and placement of carports and swimming pools and outdoor spas.

Chapter 17- Temporary Uses

This chapter provides a reference for the approval process for all temporary uses in all zoning classifications. These uses include Outdoor Sales Events, Contractor's Offices, Real Estate Offices, Carnivals and Circuses, Garage Sales, Personal Home Storage and the placement of Temporary Trash Receptacles. Changes in this chapter are only formatting in nature.

Chapter 18- Signs

The proposed changes in this section include clarification on the types of signs permitted within the City of Belton, and illustrative descriptions of these types of signs. In addition, it includes a sign use table that stipulates what types of signs are allowed in which zoning district and the appropriate bulk requirements for the types of signs.

Chapter 19- Performance Standards

This chapter includes regulations, which apply to primarily new commercial and industrial uses within the City. Generally, these standards apply to large retail and industrial sites and contain general design guidelines for architectural integrity. Also included are outdoor lighting requirements. However, the chapter also contains design standards for retaining walls and fencing in all zoning districts. Included in this chapter is a new section on Residential Fire Sprinklering performance incentives.

Chapter 20- Subdivision Design and Regulations

This chapter includes the existing Subdivision Design Guidelines, but reformatted to facilitate understanding and applications. This chapter includes clarifying the duties of staff and review procedures for preliminary plats and final plats consistent with current State of Missouri requirements, including checklists which highlight all of the required items. In addition, this chapter includes Public Utility Standards, and Park Land Dedication Requirements and options for developers. The Park Land Dedication option will facilitate the Parks and Recreation Department Trail Master Plan. The UDC includes checklists which explain to developers exactly what is required in terms of items needed for the preliminary plat and the final plat.

Another change in the UDC over the current code is that the UDC requires that developers record the final plat within one year of approval by the City Council. In the past this has been a problem for emergency services, and to enhance Code Enforcement. This language is consistent with general land planning practices in the Kansas City metropolitan area.

Chapter 21- Storm-water Management and Flood Protection

There are no major changes in this particular section. All items in this section are consistent with the American Public Works Association Manual. All text is similar to the current code.

Chapter 22- Land Use Applications and Procedures

This chapter includes summaries of procedural requirements for all land use applications and procedures. These include: Zoning Map and Text Amendments, Planned Unit Developments, Preliminary Development Plans and Final Development Plans. In the previous code, these requirements and procedures were not clearly defined, and a specific order of steps was not prescribed. This chapter will greatly aid developers on planning requirements, and provide an overview of the approval process.

Chapter 23- Administration and Enforcement

There are no changes in the proposed UDC that are different than the existing code. There may be minor adjustments to ensure compatibility with a Charter form of government. The UDC clearly shows what entity has authority over certain procedures, and what procedures are in place to ensure legal justification. In addition, there are expanded descriptions of the decision-making bodies, such as the Planning Commission and City Council.

Chapter 24- Appendixes

Overview of Development Review Committee Procedures

This is a document that is given to all applicants during a Development Review Committee meeting which provides an overview of the development process, key decision points, and review and work flows within the Community Development, Public Works and the Fire Department.

Development Fee Table

The UDC includes a fee table, which notes all development fees charged for the City of Belton. Currently, the Code has several sections, which designate development fees. Since these fees are in various portions of the text, and are scattered throughout the document, it is difficult to fully understand the fees in the proposed

development. The use of a fee schedule will ensure a consistent review for planning development fees, and assist in removing or amending fees as needed.

List of Preferred Planting Species

This document was recently brought before the Planning Commission in the Tree Ordinance proposed by the Parks and Recreation Department. This document will be reviewed on an annual basis by the Tree Board to facilitate the preferred species of trees to be planted in the Public Right-of-Way within the City, and will be an addendum to the Comprehensive City Tree Plan.