

## Minutes of Meeting

Belton Planning Commission  
City Hall Annex, 520 Main Street  
December 3, 2012

### CALL TO ORDER

Chairman Holly Girgin called the meeting to order at 7:00 p.m.

### ATTENDANCE

Commission: Chairman Girgin, Mayor Pro Tem Gary Lathrop, Councilman Scott Von Behren, Commissioners Tim McDonough, Jeff Fletcher, and Chris Christensen.

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

Absent: Commissioners Sally Davila and Larry Thompson.

### MINUTES

Councilman Von Behren moved to approve the minutes of the November 19, 2012, Commission meeting. The motion was seconded by Commissioner Christensen. All members present voted in favor, and the motion carried.

### PUBLIC HEARING - Rezone 3.89-acres on north side of Cunningham Parkway from M-1 to R-3A

Mr. Cooper identified the property on an aerial map where the zone change is being requested. He reported the applicant requested the property be rezoned R-3A (Apartment Community Residential) as the next step in a project to build **age-restricted** multi-family apartments. The applicant is currently seeking approval from the Missouri Housing Development Commission for low income tax credits. Mr. Cooper described aspects of the proposed multi-family project and gave a brief history of a neighboring apartment complex. Staff recommended the zone change request be accepted with the stipulation that the developer receive approval from the Missouri Housing Development Commission for the low income tax credits prior to the City Council review and acceptance.

Chairman Girgin opened the public hearing at 7:04 p.m. The hearing was being held to receive public input regarding the requested zone change from M-1 to R-3A for a 3.89-acre property on the north side of Cunningham Industrial Parkway. Kyle Kippes with Kaw Valley Engineering, 14700 W 114<sup>th</sup> Terrace, Lenexa, Kansas, was present to represent the developer, spoke in favor of the zone change, and stated he agreed with the staff recommendation.

Bret Axtell, with Axtell and Company, 14815 S. 71 Highway, Grandview, Missouri, was present representing the seller of the property, and spoke in favor of the zone change request. He provided information about the difference of the property "tax bill" by comparing the amount for undeveloped vs. developed property.

As there was no further input, Chairman Girgin closed the public hearing at 7:06 p.m. After a brief discussion, Commissioner McDonough moved to recommend approval of the change in zoning classification from M-1 (Light Industrial) to R-3A (Apartment Community Residential) with the following condition: 1) The developer shall receive approval from the Missouri Housing Development Commission for low income housing tax credits prior to City Council review and acceptance. Mayor Pro Tem Lathrop seconded the motion. When a vote was taken, the following was recorded: Ayes: 6 - Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Von Behren, Commissioners McDonough, Fletcher, and Christensen. Noes: none. Absent: 2 - Commissioners Davila and Thompson. The motion carried.

**PUBLIC HEARING** - Rezone 1.73-acres south of Markey Road, and east of Belton Avenue from R-1 to C-2

Mr. Cooper gave a report about the property where a zone change is being requested. He described the location and identified the property owners. A summary of the **applicant's** proposal to locate a metal building for storage of lawn and landscaping equipment on the property was given by Mr. Cooper. In addition, he gave a summary of the zoning in the surrounding area, and emphasized that railroad tracks separate and act as a buffer between the commercial and residential areas. Mr. Cooper called attention to a list of permitted uses in a commercial zoning district included in the agenda packet.

Chairman Girgin opened the public hearing at 7:14 p.m. This hearing was being held to receive public input regarding a zone change from R-1 (Single-Family Residential) to C-2 (General Commercial) for a 1.73-acre property south of Markey Road, and east of Belton Avenue.

Raymond Gann, 805 Belton Avenue, spoke against the zone change. Mr. Gann voiced concerns about the zone change being approved for land next to his property. He categorized the area as a quiet and peaceful neighborhood, and he reported the neighbors would like to keep it that way. He went on to state that none of the neighbors he spoke with about the rezone were in favor of the change. Other concerns mentioned by Mr. Gann included a change in the view from his property, and the elimination of the sense of living on open land.

James Person, property owner of 706 and 712 Belton Avenue spoke against the zone change. He told Commission members the railroad tracks and the vegetation provide a buffer between the commercial properties and residential properties. He indicated that he does not have a problem with the proposed business / land use, but primarily with the precedent it would be setting by moving commercial properties to the west side of the railroad tracks. He reported there is a natural progression of uses throughout the area, and this zone change would deviate from the Future Land Use Map.

Curtiss Hutsell, owner of One Source Home Maintenance, spoke in favor of the zone change request. He stated that he understands the area is primarily residential zoning, but it is not uncommon to see commercial zoning on both sides of a railroad track. A house would not be well-matched adjacent to the tracks according to Mr. Hutsell and he speculated that it would not be inconsistent to see a warehouse building next to a railroad track.

Skip Axtell, with Axtell and Company, 14815 S. 71 Highway, Grandview, Missouri, was present representing the property seller. In the past the seller had the property sold for a duplex project but the sale did not take place due to “**excessive city requirements,**” according to Mr. Axtell. He expressed his belief that Markey Road would be used as a main corridor to 71 Highway (I-49) in the future. Mr. Axtell listed a few commercial businesses near the property on Markey Road and asked the Commission to extend the commercial zoning further west on Markey. He suggested the One Source business might be agreeable to adding more of a landscape buffer and a fence if required for approval.

Mr. Gann pointed out that if the property is rezoned he has concerns about the types of businesses that could locate there by right. He reiterated the area is a quiet neighborhood and strongly recommended the Commission deny the request.

Mr. Axtell called attention to the primary access for the property which he said would be on Markey Road and not Belton Avenue.

Mr. Hutsell pointed out the City has plans for a stormwater runoff project by the railroad tracks and he spoke of a two-acre parcel of land that could be used as a buffer. It was then acknowledged that the two-acre property belongs to Mr. Gann. Mr. Hutsell went on to say they intend to leave all the existing trees during construction of a building and added that a landscape buffer benefits their business by keeping the lawn equipment out of sight.

Mr. Gann stressed the peace, quiet and tranquil view on Belton Avenue would be interrupted by commercial business. He went on to say the neighbors are unhappy with the zone change and should be respected. There was no further input and Chairman Girgin closed the public hearing at 7:27 p.m.

Chairman Girgin announced the Commission seriously evaluates all the input received and considers land issues for today, and future impacts on the community. It was stated there have been no preliminary plans submitted for the site. Mr. Cooper called attention to the list of potential commercial uses that could locate on the property by right if rezoned, and recommended the Commission look at the property long-term. After additional discussion about setting a precedent by extending the commercial district, and the addition of a large metal building, Councilman Von Behren moved to recommend the application be denied for a zone change from R-1 (Single-Family Residential) to C-2 (General Commercial) for a 1.73-acre tract of land described as Kingsland Addition, Tract B, Lot 17, located on the south side of Markey Road, east of Belton Avenue. The motion was seconded by Commissioner Christensen. When a vote was taken, the following was recorded: Ayes: 6 - Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Von Behren, Commissioners McDonough, Fletcher, and Christensen. Noes: none. **Absent: 2 - Commissioners Davila and Thompson. The motion to deny the zone change carried.**

**PUBLIC HEARING** - Amendments to the UDC re: Stormwater Pollution Prevention - Illicit Discharges

Mr. Leipzig reported the Commission went over the proposed changes to the Unified Development Code (UDC) relating to illicit discharges, with the Assistant City Engineer, at the

last meeting. He reminded the Commission members the illicit discharge language will be added to the City Code as a requirement of the MS4 permit administered by the Missouri Department of Natural Resources. He reviewed the proposed revisions and referenced the Chapter / Section numbers involved in the text amendments.

Chairman Girgin opened the public hearing to receive public input for proposed text amendments regarding Stormwater Pollution Prevention - Illicit Discharges at 7:36 p.m. There was no public input and Chairman Girgin closed the hearing at 7:36 p.m. There was a brief discussion about the ordinance dealing with blowing leaves and debris into the City streets. Councilman Von Behren moved to recommend approval of the text amendments to the UDC Chapter 32, Section 1, Chapter 34, Section 7, and Chapter 42, Section 258 regarding Stormwater Detention Requirements - Illicit Discharges. The motion was seconded by Commissioner Fletcher. When a vote was taken, the following was recorded: Ayes: 6 - Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Von Behren, Commissioners McDonough, Fletcher, and Christensen. Noes: none. Absent: 2 - Commissioners Davila and Thompson. The motion carried.

#### **PUBLIC HEARING - Residential - Manufactured Home Parks**

Mr. Leipzig referred to a copy of the proposed revisions to the Manufactured Home Provisions included in the agenda. According to Mr. Leipzig the changes deal primarily with updating terms to the most current usage. He asked for comments from the Commission and announced the hearing will be continued until the December 17, 2012, meeting. He went over some of the proposed changes to the language including minimum space requirements and park regulations. Additionally, he mentioned changes to landscaping, provisions associated with the Property Maintenance Code, and the grandfathering clause. Commissioner McDonough pointed out language in the provisions that seems unclear and deals with required paved patio areas and decks. He went over additional changes concerning blocking requirements and the maximum width of storage sheds allowed. Mayor Pro Tem Lathrop recommended changing the maximum shed width from 6-ft. to 8-ft. to accommodate standard shed sizes sold to the public. Chairman Girgin opened the public hearing at 7:45 p.m. No one was present to speak about amendments to the UDC regarding Residential - Manufactured Home Parks and the hearing was continued to the December 17, 2012, meeting.

#### **DISCUSSION - Street Naming Policies**

Mr. Leipzig reported that at a previous meeting the topic of renaming the S. 71 Highway (I-49) addresses was discussed. He stated the current language in the UDC does not address memorial street naming and staff will be researching how other cities address that subject.

Mr. Cooper presented a report which included options to think about for renaming the S. 71 Highway addresses. He pointed out various street names in the areas adjoining the 71 addresses and he asked for input regarding the names. He presented pros and cons associated with memorial street naming which the Commission discussed further. It was clarified that buildings from 155<sup>th</sup> Street to the southern City limits (Harmon Drive or South Outer Road) will be renamed but there was discussion about the streets and structures to be included and further clarification was needed. An explanation was given about street naming by developers during

the platting process. Mr. Leipzig reported that some cities create temporary memorial parkways while keeping the underlying designated street names and he gave examples. There was discussion about potential street names and Chief Person recommended the Commission not adopt a duplicate street name and then use a different designation such as avenue, circle, parkway, etc., because it could be confusing to the emergency services personnel. He went on to recommend streets names be consistent throughout the entire length and he gave examples of existing streets with multiple names.

#### **DIRECTOR'S REPORT**

Mr. Leipzig reported at the next Commission meeting there will be public hearings on stormwater management and flood protection, tree topping standards, and the continued hearing for manufactured home parks. In addition, the Commission may be asked to consider a preliminary plat and preliminary development plan for the Y-Highway Commercial development at a future meeting in December or January.

Mr. Leipzig provided details about the date, times and locations of two press conferences that will be held for the opening of I-49.

#### **ADJOURNMENT**

Councilman Von Behren moved to adjourn the meeting. Commissioner McDonough seconded the motion. All members present voted in favor, and the meeting adjourned at 8:05 p.m.

Ann Keeton  
Community Development Secretary