



**AGENDA
CITY OF BELTON
PLANNING COMMISSION
MEETING AND PUBLIC HEARING
MONDAY, FEBRUARY 4, 2013 - 7:00 P.M.
CITY HALL ANNEX, 520 MAIN STREET**

- I. CALL MEETING TO ORDER**

- II. ROLL CALL**

- III. APPROVAL OF THE MINUTES OF THE DECEMBER 17, 2012 PLANNING COMMISSION MEETING**

- IV. PUBLIC HEARING**
 - A. Consideration of a Text Amendment to the Unified Development Code regarding Tree Topping.

- V. DIRECTOR'S REPORT**
 - A. 2012 Year-in-Review and Goals for 2013.
 - B. Discussion of Development Fees

- VI. NEXT MEETING DATE: March 4, 2013**

- VII. ADJOURNMENT**

MEETING MINUTES

DECEMBER 17, 2012

Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
December 17, 2012

CALL TO ORDER

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

ATTENDANCE

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

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

Absent: None

MINUTES

Councilman Von Behren moved to approve the December 3, 2012, Planning Commission meeting minutes. The motion was seconded by Mayor Pro Tem Lathrop. All Commission members voted in favor and the motion carried.

PUBLIC HEARING – Stormwater Management and Flood Protection

Mr. Matteo reported that the Federal Emergency Management Agency (FEMA) made revisions to the County Flood Insurance Rate Maps (FIRMs) which become effective January 2, 2013. The maps are required to be adopted by text amendment. He went on to explain Missouri's Floodplain Management Officer reviewed the City's Unified Development Code (UDC) and recommended text amendments to bring the City into full compliance with FEMA. The amendments must be adopted by January 2, 2013, for the City to remain in the National Flood Insurance Program (NFIP) according to Mr. Matteo.

Chairman Girgin opened the hearing to receive public input regarding the text amendments to the UDC regarding stormwater management and flood protection at 7:02 p.m. No one was present to speak so Chairman Girgin closed the public hearing at 7:02 p.m. Commissioner Thompson moved to recommend approval of the text amendments dealing with stormwater management and flood protection. The motion was seconded by Councilman Von Behren. It was explained that the City Council would consider the text amendments during a Special Meeting on December 18, 2012. When a vote was taken, the following was recorded: Ayes: 8 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Von Behren, Commissioners Davila, McDonough, Fletcher, Christensen and Thompson. Noes: none. Absent: none. The motion carried.

PUBLIC HEARING – Tree Topping

Mr. Leipzig reported the proposed text amendment pertaining to tree topping was brought to the Commission for consideration by Ted Lange with the Belton Parks Department. This proposed amendment to the UDC is being recommended because Belton has become a “Tree City.”

Mr. Cooper presented background information about Belton’s path to earning “Tree City” status. He went on to explain that when the City adopted the tree ordinance, the Missouri Department of Conservation requirement prohibiting tree topping was not included. The proposed amendment would bring the City’s tree ordinance in line with the State requirements.

Commissioner Thompson initiated a discussion about enforcement of the tree topping provision. It was pointed out the ordinance deals with trees on public, not private property, which led to further discussion about whether to expand and include private property in the tree topping ordinance. The pros and cons of restricting tree topping on private property were talked about, and Mr. Leipzig recommended continuing the discussion to a future meeting. Commissioner Thompson moved to continue the public hearing to consider a text amendment to the UDC regarding a tree topping ordinance to the January 7, 2013, meeting. The motion was seconded by Commissioner Christensen. All Commission members voted in favor, and the motion carried.

PUBLIC HEARING – Continuation of hearing regarding Manufactured Home Parks

Mr. Leipzig pointed out a change in the proposed text amendments regarding Manufactured Home Parks concerning the maximum size allowed for an accessory structure. The proposed language stated the structure may not exceed 8 feet-tall, 6-feet wide, by 12-feet long, but will be changed to 8-feet wide by 12-feet long. Chairman Girgin reopened the public hearing at 7:15 p.m. There was no public input and Chairman Girgin closed the hearing at 7:15 p.m. In discussion, Mayor Pro Tem Lathrop questioned whether storm shelters could be made to appear “architecturally compatible with surrounding structures” in a manufactured home park. There was also a question about whether each manufactured home space shall have a patio and/or deck. Mr. Leipzig answered that each space must have either a patio or deck, or both patio and deck. Mayor Pro Tem Lathrop moved to recommend approval of text amendments to the UDC regarding residential manufactured home parks. The motion was seconded by Commissioner Thompson. When a vote was taken, the following was recorded: Ayes: 8 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Von Behren, Commissioners Davila, McDonough, Fletcher, Christensen, and Thompson. The motion carried.

DIRECTOR’S REPORT

It was reported by Mr. Leipzig that a preliminary plan and preliminary plat for Y-Highway Commercial will be on the January 7, 2013, Commission meeting agenda.

Mr. Leipzig refuted information he reported was contained in an article from the Kansas City Business Journal regarding Menards pulling out of proposed projects in the Kansas City area.

Mr. Leipzig presented information about a non-illuminated billboard sign that is being constructed in the vicinity of the Apple Valley Shops. He also reported that a proposed digital billboard special use permit (SUP) application, which was denied by the Commission, is being submitted to the City Council for consideration on January 22, 2013. A history of the billboard applications received by the City in July 2012 was given by Mr. Leipzig. He went on to say, the ordinance has been amended since then and any new billboard applications can only be considered for installation along an Interstate and must go through the SUP process.

Chairman Girgin reminded Commissioners of the Open House for Mayor Odom on Wednesday, December 19, 2012.

ADJOURNMENT

Mayor Pro Tem Lathrop moved to adjourn the meeting. Commissioner Thompson seconded the motion. All present voted in favor, and the meeting adjourned at 7:28 p.m.

Ann Keeton
Community Development Secretary

TREE TOPPING



**PLANNING COMMISSION REGULAR MEETING
CITY HALL ANNEX, CITY COUNCIL ROOM
520 MAIN STREET
MONDAY, FEBRUARY 4, 2013 – 7:00 P.M.**

Robert G. Cooper, City Planner

CASE #TA12-36 / CONTINUATION FROM DECEMBER 17TH MEETING

Consideration of a Text Amendment to Section 22-18(a-b), of the Unified Development Code (Maintenance of Landscaping / Tree Topping).

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BACKGROUND

During the August 17, 2009 Planning Commission meeting, Commissioners were introduced to the newly created City Trails Master Plan. Belton's Trail Master Plan was part of a larger planning initiative undertaken by the Mid-America Regional Council (MARC), such as the 'Metro-Green' comprehensive plan, Missouri Department of Transportation's Bicycle and Pedestrian program and other resources, including the prestigious National Tree City USA distinction. Within the 'Metro-Green Plan, Belton has positioned itself as a model community for Cass County and other surrounding cities.

In an effort to further the initiative, the City of Belton had applied to the Missouri Department of Conservation for 'Tree City USA' status and on December 2011 it was granted. At the time the City Council adopted the tree Ordinance, a provision prohibiting tree-topping was not included, which is a requirement by the Missouri Department of Conservation. In an effort to align our tree ordinance with State requirements, the following language is proposed to be inserted into the existing tree ordinance:

DRAFT – SUGGESTED ORDINANCE LANGUAGE

Section 22-18

(c) Tree Topping

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three-inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the tree board.

STAFF COMMENT

During the December 17th Planning Commission meeting, several questions were raised by Commissioners relating to **enforcement, permitting requirements** and **applying the ordinance city-wide** –not just public trees but private property as well. These questions were subsequently brought to the City’s Tree Board for comment and explanation and offer the following:

- Enforcement would be enacted by and used through the standard code enforcement process;
- Permitting would not be required. Currently, the Tree Board does not have a permitting process in place...possibly in the future;
- Enacting the ordinance would apply to public trees only. Education would be provided by the Tree Board to individuals as a means to discourage the tree topping practice.

These regulations as outlined in the tree ordinance are designed to enhance good aesthetics, beautify city streetscapes as well as to preserve property values by preventing unsightly, and diseased landscaping and ill-placed trees that may create a negative influence upon the community.

STAFF RECOMMENDATION

Community Development supports the recommendation to approve amending Section 22-18 of the Unified Development Code to include a Tree Topping Ordinance as proposed.

PLANNING COMMISSION ACTION

1. Motion to recommend **Approval**, to amend Section 22-18 of the Unified Development Code, to include a Tree Topping Ordinance;
2. Motion to recommend **Denial**, to amend Section 22-18 of the Unified Development Code, to include a Tree Topping Ordinance;
3. Motion to **continue** the case pending additional information.

2012 YEAR-IN-REVIEW

2013 GOALS



COMMUNITY PLANNING & DEVELOPMENT
Jay C. Leipzig, AICP
Director

520 MAIN STREET
BELTON, MISSOURI 64012

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

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

MEMORANDUM

TO: Chairman Girgin and the Belton Planning Commission

FROM: Jay Leipzig, AICP – Director of Community Planning & Development

DATE: January 9, 2013

**RE: 2012 Year in Review for Planning Commission Activities & Priority Items
2013.**

The following report provides an overview of activities of the Planning Commission for the City of Belton, Missouri. The report below comprises three (3) components: 1) An overview of Basic Statistics of the Planning Commission; 2) List of Major Accomplishments in 2012; and 3) List of Proposed Issues and Key Projects in 2013. This document can be used as a summary guide to reflect upon the accomplishments of the past year, and also to provide a basic schedule of items that will be brought forward for review in 2013.

An overview of basic statistics of the Planning Commission

- The Commission met 18 times in 2012.
- Six meetings were cancelled due to no agenda items presented, or scheduling conflicts due to Holidays.
- The Commission reviewed and discussed 29 cases throughout the year.
- The Commission held 17 public hearings for planning related items.
- The Commission reviewed twelve (12) Special Use Permit applications. Five (5) of those applications were for used vehicles sales, an additional five (5) were for digital signs, and one was for the HELP Humane Society and one was for the renewal of Heart-n-Hand Ministries.
- Three text amendments were recommended for approval to the City Council.
- Two applications for rezonings were recommended for approval and one was denied.

- Chris Christensen filled the vacant seat left by the Dr. Steven Chancellor. In addition, Mike Van Eaton resigned from the Commission in November- this vacancy will be filled in the immediate future.

List of Major Accomplishments in 2012 (In Chronological Order when originally discussed)

- Review and recommendation of approval for a Special Use Permit for used vehicle sales at 310 N. Scott.
- Review and recommendation of approval for a Special Use Permit for used vehicle sales at 305 E. North Avenue.
- Review and recommendation of approval for a LED digital sign at Cosentino's Price Chopper- 109 N. Cedar Avenue.
- Review and recommendation of approval for the renewal of a Special Use Permit for Heart-n-Hand Ministries to continue operation at 122 Lillard Avenue.
- Review and recommendation of approval for the Preliminary Plat and Preliminary Development Plan for Menards.
- Review and recommendation for a utility easement vacation for the Discount Tire Store at E. North Avenue.
- Review and recommendation of approval for a Special Use Permit for used vehicle sales at 109F N. Scott.
- Review and recommendation of approval for the Final Plat and Final Development Plan for Menards.
- Review and recommendation of approval for a Special Use Permit for used vehicle sales at 307 Chestnut Street.
- Review and recommendation of approval for the Old Town Belton Overlay District Boundary Map.
- Review and recommendation of approval for a City initiated rezoning application at Mullen Road and Larkspur Road from M-1 to C-2.
- Review and recommendation of approval for a text amendment to the Unified Development Code for Used Vehicle Sales.
- Review and recommendation of approval for a LED digital sign at the proposed Jiffy Lube in the Belton Town Center.
- Review and recommendation of approval for a LED digital sign at the Cherry Hill Fuel Station.
- Review and recommendation of approval for a Special Use Permit for the HELP Humane Society to operate a shelter at 17122 Bel-Ray Place.
- Review and recommendation of approval for a text amendment to the Unified Development Code for Off-Site Advertising (Billboards).

- Review and recommendation of approval for the Final Re-Plat of Spanish Villa South, Lots 1 and 2.
- Review and recommendation of approval for a Special Use Permit for a preschool at 302 B Street.
- Review and recommendation of approval for the Final Plat of Transwest Inc. at the former Bus Barn location.
- Review and recommendation of approval for a LED digital sign at KC Rim Shop and Audio- 100 N. Chestnut Street.
- Review of the Final Development Plan of the Jack in the Box in the Cedar Tree Shopping Center. This project has been withdrawn by the developer due to economic conditions.
- Review and recommendation of denial for a digital billboard to be located at 8009 E. 171st Street.
- Review and recommendation of approval for a developer requested rezoning application on Cunningham Drive from M-1 to R-3A.
- Review and recommendation of approval for text amendments to the Unified Development Code Chapter 40-4 for Manufactured Home Communities.
- Review and recommendation of denial for a developer requested rezoning application on Markey Road in the Kingsland Addition from R-1 to C-2.

List of Proposed Issues and Key Projects in 2013

The following proposed issues are recommended by staff. In addition to those items described below, there will be additional projects submitted by private developers. Private development projects include potential tax increment financing applications, zoning changes, lot-splits, plat revisions and preliminary / final development plans.

- Review of possible financial incentives to encourage larger single-family housing with the City of Belton.
- Recommendation of a Tree Topping Ordinance in collaboration with the Belton Parks Department.
- Review and recommendation of approval for the Belton Capital Improvement Plan. (October 2013). This will coincide with the new process developed last year.
- Review the Digital Sign Ordinance requirements to possibly develop separation requirements between signs.
- Review and adopt revisions to the Nuisance Ordinances- Chapter 14 which address mowing provisions for “undeveloped land”.
- Review of existing sign Ordinance and other design enhancements to determine appropriate size and location requirements along gateway corridors.
- Development of an Annexation Plan and Strategy for proposed development areas.

- Develop a Neighborhood Problem Solving Guide with key contacts for City services.
- Review and examine all permit fees associated with Community Development for possible review and updating.
- Establish a 353 Rehabilitation/Renovation Program for Old Town Belton in association with Downtown Belton Main Street, Inc.
- Develop an Entrance Corridor Beautification Plan to establish beautification requirements and enhancements for entry corridors in the City.
- Revision and refinement of Enhanced Enterprise Zone incentives.
- Develop a North Scott Corridor Plan with design guidelines and financial incentives for property improvements.
- Staff will also be developing and refining several internal processes, including:
 - 1) Continue to develop a library of planning and community development materials about Belton. (On-going)
 - 2) Continue to refine the Plan Review Process to ensure consistency. (On-Going)
 - 3) Develop and refine Policies and Procedures for Code Enforcement to increase efficiency.
 - 4) Work closely with Belton Corporation for Economic Development. (On-Going)