



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

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**I. CALL MEETING TO ORDER**

**II. ROLL CALL**

**III. APPROVAL OF THE MINUTES OF THE FEBRUARY 4, 2013 PLANNING COMMISSION MEETING**

**IV. PUBLIC HEARING**

- A. Consideration of a Vacation of Right-of-Way located east of North Scott and north of the Southfork Mobile Home Community entrance.
- B. Consideration of a Text Amendment to the Unified Development Code regarding Vacating Public Ways.

**V. DIRECTOR'S REPORT**

**VI. NEXT MEETING DATE: March 18, 2013**

**VII. ADJOURNMENT**

# **MEETING MINUTES**

**FEBRUARY 4, 2013**

**Minutes of Meeting**  
**Belton Planning Commission**  
**City Hall Annex, 520 Main Street**  
**February 4, 2013**

**CALL TO ORDER**

Chairman Holly Girgin called the meeting to order at 7:03 p.m.

**ATTENDANCE**

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

Staff: Jay Leipzig, Community Development Director; Robert Cooper, City Planner; Ted Lange, Building and Grounds Manager; and Ann Keeton, Community Development Secretary.

Absent: Commissioner Larry Thompson

**MINUTES**

Commissioner Davila moved to approve the minutes of the December 17, 2012, Commission meeting. The motion was seconded by Mayor Pro Tem Lathrop. All members present voted in favor, and the motion carried.

**PUBLIC HEARING – Amend UDC – Tree Topping**

It was reported by Mr. Leipzig that a text amendment to the Unified Development Code (UDC) regarding tree topping was first introduced during the December 17, 2012, Commission meeting. Mr. Cooper presented background information on how the City achieved the status of “Tree City USA.” He went over questions raised by the Commission during the December meeting and the answers that were provided by the City Tree Board. Points brought out included: 1) Enforcement will be through the normal Code Enforcement process; 2) Permits will not be required; 3) Ordinance applies to public trees only with the Tree Board to provide education and determine exemptions.

Chairman Girgin opened the public hearing at 7:08 p.m. The hearing was held to receive public input regarding a text amendment to the UDC regarding Maintenance of Landscaping / Tree Topping. There was no public input and Chairman Girgin closed the public hearing at 7:08 p.m.

Mayor Pro Tem Lathrop initiated a discussion about the tree topping enforcement and exemption processes. The Commission talked over tree topping details including tree trimming by utility companies. Mr. Leipzig offered to revise the proposed language to further clarify the exemption approval process. He stated the Ordinance language being proposed is standard language that has been adopted by other Tree City communities. There was further discussion about property owners maintaining public trees, and examples of situations when trees must be topped due to overhead utility lines were provided. Mr. Leipzig suggested the tree board develop parameters for acceptable

exemptions. Councilman Von Behren moved to recommend approval of a text amendment to Section 22-18(a-b) of the Unified Development Code (UDC) to include a tree topping ordinance that will be modified to clarify that the provisions will be governed by the Codes Department with special circumstances being referred to the Tree Board. The motion was seconded by Commissioner McDonough. When a vote was taken, the following was recorded: Ayes: 7 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Von Behren, Commissioners Davila, McDonough, Fletcher, and Christensen. Noes: none. Absent: Commissioner Thompson. The motion carried.

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

*2012 Review* – Mr. Leipzig presented an overview of key cases and discussion items reviewed by the Commission in 2012. In addition, he went over a list of proposed issues and projects that may be considered by the Commission in 2013 which included possible financial incentives to encourage larger single-family homes, and a review of certain aspects of the sign ordinance.

*Boardwalk at Belton* - Mr. Leipzig gave a status report on the proposed Boardwalk at Belton development. He stated the developer is trying to move forward with the project, and is meeting with staff next week.

*Digital signs* – There was a discussion about the code requirements for digital message board signs. Signs that may not be in compliance with the code were identified. Mr. Cooper indicated he will inspect the digital signs and contact the business owners by letter to advise them of the sign code requirements.

*Permit Fees* - A memo with an overview of building permit fees was distributed by Mr. Leipzig. He explained that some area communities have established a temporary reduction in permit fees to encourage development, with mixed results. He summarized certain data contained in the memo. He indicated it would be advantageous to study the data to determine how to create neighborhoods with larger single-family homes in Belton. Historically, the City has been primarily a community of starter homes according to Mr. Leipzig. He proposed researching strategies to attract quality large home developments and suggested scheduling a round-table meeting with a diverse group of participants. Mr. Leipzig reviewed a fee comparison table with the Commission. He pointed out that Belton has one of the fastest plan review times shown in the comparison table. Commissioner Fletcher complimented the City building inspectors on being helpful to citizens during building projects. Mr. Leipzig explained that he acts as the primary contact for plan review comments associated with development projects, and he explained the building official calculates the permit fees.

C.D. Donovan, 301 Berry, Belton, requested permission to speak to the Commission. Mr. Donovan's stated opinion was that until the value of existing homes goes up, builders will not be attracted to build new homes.

*Open House* – Mr. Leipzig reported the annual Contractors / Developers Open House is scheduled for March 12, 2013. He provided an outline of the open house program.

*Code Enforcement Advisory Committee* – This committee has been reviewing Code Enforcement policies and procedures. In consideration of undeveloped land, the committee looked at existing language which may be amended to allow vegetation to exceed 8-inches but no more than 12-inches.

*Downtown Belton Main Street* – It was reported by Mr. Leipzig that the Downtown Belton Main Street group is investigating grants to fund Wi-Fi for the downtown Main Street area.

**ADJOURNMENT**

Mayor Pro Tem Lathrop moved to adjourn the meeting. The motion was seconded by Councilman Von Behren. All members present voted in favor, and the meeting adjourned at 7:50 p.m.

Ann Keeton  
Community Development Secretary

**NORTH SCOTT AVENUE**

**RIGHT-OF-WAY**

**VACATION**



## CITY OF BELTON – PUBLIC WORKS MEMORANDUM

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### PUBLIC WORKS

**Date:** March 4, 2013  
**To:** Planning Commission Members  
**From:** Zach Matteo, P.E. – Assistant City Engineer  
**Division:** Engineering  
**Subject:** Axtell R/W Vacation

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As part of the City's Kingsland to 155<sup>th</sup> Stormwater Improvements Project, City staff proposes to vacate an area of right of way on North Scott Avenue. It is staff's understanding that due to a clerical error many years ago, this area was recorded as right of way rather than as easement, as was intended at the time. Therefore, as part of easement negotiations between staff and the property owner, both parties agree that the prudent course of action is to correct this error. The area of right of way to be vacated is located on the east side of North Scott Avenue and north of the entrance to the Southfork Mobile Home Community and legally described as follows:

Commencing at the Northwest corner of the said tract; thence Easterly along the North line of said tract, a distance of 18.16 feet to the point of beginning; thence continuing Easterly along said North line, a distance of 162.15 feet; thence Southerly, perpendicular to said North line, a distance of 35.00 feet; thence Westerly, parallel to said North line, a distance of 129.37 feet; thence Southwesterly, a distance of 30.35 feet to a point, said point being 81.05 feet East of the West line of the East half of the Northeast Quarter of Section 2, Township 46, Range 33, and 50.00 feet south of said North line; thence Southerly along a curve to the left having a radius of 5,679.58 feet and a central angle of 1 degree 27 minutes 25 seconds an arc distance of 144.43 feet; thence Southwesterly, a distance of 30.00 feet to a point, said point being 60.44 feet East of said West line of the East half of the Northeast Quarter of Section 2 and 194.06 feet South of said North line; thence Southerly along a curve to the left having a radius of 5,684.58 feet and a central angle of 1 degree 02 minutes 25 seconds an arc distance of 103.21 feet to a point, said point being on the Easterly right-of-way line of Scott Avenue as it now exists and 53.69 feet East of said West line of the East half of the Northeast Quarter of Section 2; thence Westerly along said Easterly right-of-way, a distance of 5.00 feet; thence Northerly along a curve to the right having a radius of 5,689.58 feet and a central angle of 3 degrees 17 minutes 40 seconds an arc distance of 327.14 feet to the point of beginning

A figure depicting this area and the additional easements required for this project is attached.



# Axtell Legal Exhibit Map



-  Right of Way to Be Vacated
-  Proposed Permanent Utility Easement
-  Proposed Temporary Construction Easement
-  Existing 15' Utility Easement
-  Existing 10' Sanitary Sewer Easement
-  Parcel Boundaries

**TEXT AMENDMENT**  
**VACATING PUBLIC WAYS**



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

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Robert G. Cooper, City Planner

**CASE #TA13-02**

Consideration of a Text Amendment to Article II, Section(s) 34-33 and 34-34, and 36-113, of the Unified Development Code (vacating public ways).

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**BACKGROUND**

Currently, there are two different code sections within the Unified Development Code which outlines the process for a person or entity to initiate the vacationing of a public easement or right-of-way. Section(s) 34 and 36 requires that a person or entity submit a petition to the city council first, then, upon its merit, the council may instruct the planning commission to hold a public hearing to consider the vacation. So, in an effort to minimize confusion, staff is suggesting consolidating the code sections to include the following:

**DRAFT – SUGGESTED ORDINANCE LANGUAGE**

**Section 34-33**

Whenever any person, persons or entity's desire to have vacated any public squares, public parks, streets, avenues, alleys, or other highways, or any part thereof, such persons, persons or entity shall petition the city council, giving a distinct description of the property to be vacated, which petition shall be filed with the city clerk for delivery to the city council at their next regular meeting.

**Section 34-34**

Upon any request, the city council may instruct the planning commission to hold a public hearing to consider the vacation of any public easement or right-of-way. Such public hearing shall be duly advertised and all property owners abutting such easements or rights-of-way and all utility agencies or companies using such easements shall be notified of such proposed vacation at least 14-days prior to the scheduled hearing. The city council, after receiving a recommendation from the planning commission, vacate such easements or rights-of-way; however, no easement may be vacated if any official protest is received from any utility which has lines contained within such easement.

**Section 36-113(c)**

Whenever any person, persons or entity's desire to have vacated any public squares, public parks, streets, avenues, alleys, or other highways, or any part thereof, such persons, persons or entity shall petition the city council, giving a distinct description of the property to be vacated, which petition shall be filed with the city clerk for delivery to the city council at their next regular meeting.

The following Code Section(s) shall be stricken from the Unified Development Code:

~~**Sec. 34-34. — Hearing on petition.**~~

~~Upon receipt of such petition the city council shall fix a date, time and place for a public hearing to be held on the petition. Such public hearing shall not be held until notice of the hearing date, reciting the substance of the petition to be heard, shall have been published four consecutive weeks in a newspaper printed in the city.~~

~~**Sec. 34-35. — Action on petition.**~~

~~If no opposition is made to such petition at the hearing, the city council may vacate the same with such restrictions and reservations as it deems in the best interest for the public good. If opposition shall be made to the petition by any person or persons owning property abutting on such square, park, street, avenue, alley or highway, the city council may, if it deems advisable, overrule such objection and grant the prayer of the petition or deny the petition or order further hearings into the matter.~~

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**STAFF COMMENT**

These regulations as outlined are to protect the character and the social and economic stability of all parts of the city and to encourage the orderly and beneficial development of all parts of the city and to protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

**STAFF RECOMMENDATION**

Community Development supports the recommendation to approve amending Article II, Section(s) 34-33, 34-34, and 36-113, of the Unified Development Code.

**PLANNING COMMISSION ACTION**

1. Motion to recommend **Approval**, to amend Article II, Section(s) 34-33, 34-34, and 36-113, of the Unified Development Code;
2. Motion to recommend **Denial**, to amend Article II, Section(s) 34-33, 34-34, and 36-113, of the Unified Development Code;
3. Motion to **Continue** the case pending additional information.