

**Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
May 20, 2013**

CALL TO ORDER

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

ATTENDANCE

Commission: Chairman Girgin, Mayor Jeff Davis, Councilman Tim Savage, Commissioners Sally Davila, Chris Christensen, Steve Finn, Chuck Crate, and Larry Thompson.

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

Absent: Commissioner Tim McDonough

Chairman Girgin asked for a moment of silence in recognition of residents of Oklahoma who experienced damaging tornadic storms earlier in the day.

MINUTES

Councilman Savage moved to approve the minutes of the May 6, 2013, Planning Commission meeting. The motion was seconded by Commissioner Christensen. All members present voted in favor and the motion carried.

PUBLIC HEARING - Special Use Permit (SUP) for Tropical Sno stand at 209 E. North

Mr. Cooper described the proposed location for the requested temporary Tropical Sno stand and the property zoning. He introduced the applicant of the SUP, Natalie Freeman, and related a brief summary of her business plan. In the staff report, Mr. Cooper indicated the Tropical Sno trailer could provide a service to the area and would not have an adverse effect on surrounding properties. He reported there is ample off-street parking and pointed out the primary access point to the site is from Chestnut. The **applicant's** plans for signage were mentioned along with electrical requirements for the power source onsite.

Chairman Girgin opened the public hearing at 7:10 p.m. The hearing was being held to receive public input regarding an SUP application to allow a temporary Tropical Sno stand to operate at 209 E. North Avenue. Natalie Freeman, applicant, 5623 Holmes, Kansas City, Missouri, spoke in favor of the SUP. She told the Commission about her childhood and education in Belton. She mentioned her first job was at a similar stand in Belton. Ms. Freeman categorized the business as family-friendly and believes it would have a positive impact in the community. There was no further input and Chairman Girgin closed the hearing at 7:12 p.m.

Mr. Leipzig stated the site has some construction debris which will need to be removed to make the site code compliant. He went on to say there is an existing electrical outlet on the property. Councilman Savage acknowledged previous stands on the site proved to be an asset to the community and he moved to recommend approval of the SUP to allow a temporary Tropical Sno stand to operate at 209 E. North Avenue with **staff's** recommended conditions: 1) No issuance of the City business license until the site has had a final inspection by the fire marshal and building official for compliance with applicable city codes; 2) The location of the trailer shall not obscure motorist's view or pose a potential hazard; 3) A clearly demarcated (roped off) zone for any area which will be used for public seating / eating purposes. Mayor Davis seconded the motion.

When a vote was taken, the following was recorded, Ayes: 8 - Chairman Girgin, Mayor Davis, Councilman Savage, Commissioners Davila, Christensen, Finn, Crate, and Thompson. Noes: none. Absent: 1 - Commissioner McDonough. The motion carried.

PRELIMINARY PLAT - Highway Y Commercial

Mr. Leipzig introduced the next item for consideration which was a preliminary plat for the Highway Y Commercial development. He introduced, Dan Foster, land planner, who was present representing the applicant, and noted that he formerly worked at Ochsner Hare & Hare with Mr. Foster.

Mr. Cooper pointed out the area that is included in the preliminary plat. He described locations of the three proposed phases shown in the Development Plan. According to Mr. Cooper, the site is located along major arterial / collector streets and he identified access points and signalized intersections. Mr. Leipzig gave an overview of the steps involved in the platting process.

In discussion, the Commission considered the transportation design and access points displayed on the preliminary plat. It was pointed out the development plan shows an access onto E. North Avenue which is not shown on the plat. Commissioner Crate voiced concerns over the distance between access points along Y Highway and questioned whether there is sufficient space to maintain good traffic flow. Mr. Cooper indicated some questions remain to be decided about the future design of Turner Road and he provided details. Mr. Leipzig clarified that the existing cutouts on Y Highway were designed and accounted for by HNTB when an overall traffic study for the area was done. He went on to explain the developers on both sides of Turner Road are planning to meet and discuss the Turner Road area. It was clarified that street discussions should fall under the consideration of the preliminary development plan.

Dan Foster, with Schlagel and Associates, 14920 W. 107th, Lenexa, Kansas, was present appearing on behalf of the owners. Mr. Foster explained that preliminary plats show public rights-of-way and not private drives, which accounts for the access on to E. North Avenue which was discussed earlier. He went on to agree with a previous statement regarding the existing access points on Y Highway being designed by HNTB and sized to accommodate the area's commercial developments. The out lots are served by an internal street network shown on the preliminary plan, rather than each one separately accessing Y Highway. He went on to explain that some flexibility exists in the plan to accommodate the future property owners with their development. Mr. Foster specifically gave reasons for the flexibility shown on the plat regarding the design of Turner Road and the area platted as Wyatt Acres.

Turner Road issues were discussed further, particularly the future plans for the Turner / N. Scott area. Mr. Leipzig said the solutions to that area's road issues have been talked over, but no final decision for road improvements has been reached. He emphasized that Turner Road definitely will need to be improved.

Councilman Savage initiated a discussion about Givan Avenue, as shown on the preliminary plat, ending at the west side of the property. He questioned whether it should be shown on the plat another way, e.g. as a cul-de-sac. Mr. Matteo agreed that it would be reasonable to have a bulb at the west end of Givan instead of having the road cutoff at the property line. Councilman Savage recommended that the cutoff at the west end of Givan Avenue be addressed with some type of turnaround being designed. Commissioner Thompson moved to approve the preliminary plat for Highway Y Commercial with the previously identified condition which was the cutoff at the west end of Givan Avenue be addressed with some type of turnaround. Commissioner Christensen seconded the motion. When a vote was taken, the following was recorded, Ayes: 8 - Chairman Girgin, Mayor Davis, Councilman Savage, Commissioners Davila, Christensen,

Finn, Crate and Thompson. Noes: none. Absent: 1 - Commissioner McDonough. The motion carried.

PRELIMINARY DEVELOPMENT PLAN - Highway Y Commercial

Mr. Cooper reported in some detail about the potential retail-commercial buildings and building square footage as it pertained to each of the three lots in the Highway Y Commercial Development. He went on to point out the bulk and dimensional standard for the general commercial district. The zoning for surrounding properties was given by Mr. Cooper and he told of the screening requirements where residential areas adjoin commercial development. The staff recommended conditions of approval (attached) for planning which were read by Mr. Cooper and he called attention to the conditions from engineering and the fire department in the agenda packet. He went on to say that all elements of the recommended conditions of approval must be incorporated into the final development plan and he elaborated on how the staff review process works. Mr. Leipzig explained the **Commission's** role in the preliminary and final plat process.

Mayor Davis asked about the detention basins shown on the plan by Y Highway. Mr. Foster gave an explanation of the reason for the basins location, but he went on to state, the owners would prefer a regional detention basin as outlined in the City stormwater management study. An additional topic of discussion included the exact location of the access road to E. North Avenue, and the potential road realignment in the Turner /Markey Parkway area.

In further discussion about the access (Ona Avenue- platted street) onto E. North Avenue, Councilman Savage suggested consideration be given to making the access right-in, right-out to avoid traffic congestion / accidents and promote ease of access to the development. He also suggested that future consideration could be given to converting Ella to a right-in, right-out intersection in an effort to improve traffic flow. Councilman Savage commented on the **development's** future building facades and stressed the facades should have an upscale appearance to enhance the entire development and the community.

Mr. Foster explained the reason the access point on E. North Avenue is necessary to the development and specifically Lot 7. He went into detail about the benefits of the preliminary plat and development plan when marketing a site for development. Mr. Foster reiterated the developer would prefer a regional detention basin and he referred to the Engineering condition of approval regarding the removal of all notes of temporary detention basins on the plan when he requested the following: to change the note on the development plan to state the developer will comply with the detention requirements of the City, but if a regional detention basin is constructed that serves the watershed of this project, the developer would like the opportunity to submit a revised drainage analysis, and a request to remove those detention basins may be submitted to the City for consideration.

Regarding a stream setback for the third tributary, Mr. Foster asked for flexibility to be able to pipe the tributary at the **developer's** cost. Mr. Leipzig stated that staff would like to use Best Management Practices (BMPs) to work through the issue and look at other alternatives, with the engineering division and the developer. Mr. Leipzig stated he is comfortable with Mr. **Foster's** proposed language about compliance with the City drainage requirements and the regional drainage basin.

Councilman Savage moved to approve the Preliminary Development Plan for the Highway Y Commercial project with the written (attached) conditions and discussed conditions which included: 1) Address traffic flow by considering a right-in, right-out for the Ona Avenue access point at E. North Avenue; 2) Upscale appearance for building facades; 3) Developer to change

the note on the development plan to state they will comply with the detention requirements of the City but if a regional detention basin is constructed that serves the watershed of this project, the developer would like the opportunity to submit a revised drainage analysis and a request to remove those detention basins may be submitted to the City for consideration; 4) Look at BMP alternatives with the engineering division and the developer, for piping the third tributary of the stream setback. The motion was seconded by Commissioner Christensen. When a vote was taken, the following was recorded, Ayes: 7 - Chairman Girgin, Mayor Davis, Councilman Savage, Commissioners Davila, Christensen, Finn and Thompson. Noes: 1 - Commissioner Crate. Absent: 1 - Commissioner McDonough. The motion carried.

DIRECTOR'S REPORT

Mr. Leipzig announced that during the June 3, 2013, meeting, the Commission will consider a rezoning application for 401 N. Scott from Carriage Works.

There are no agenda items currently scheduled for June 17, 2013.

The Economic Development Task Force met to refine the **City's** economic development strategies and the best use of the hotel and motel tax dollars that currently go to the Belton Corporation for Economic Development (BCED). Mr. Leipzig reported there will be a discussion at the City Council meeting about whether to continue the contract with BCED or to handle economic development in-house.

Engineering will have a text amendment for consideration by the Commission during June or July.

ADJOURNMENT

Commissioner Davila moved to adjourn the meeting. The motion was seconded by Councilman Savage. All members present voted in favor, and the meeting adjourned at 8:37 pm.

Ann Keeton
Community Development Secretary

ATTACHMENT

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of application #PDP12-26 for the preliminary development plan with the following condition(s):

Community Planning & Development

The Preliminary Development Plan as presented is generally accepted by the planning department. The following items shall be applied to each development phase.

1. The location and arrangement of structures, parking areas, walks, lighting and accessory facilities shall be compatible with the surrounding land uses, and any part of the commercial development not used for structures, parking and loading areas, or access ways shall be landscaped and all such elements shall be presented in a revised preliminary development plan.
2. If a revised preliminary development plan includes provisions for a common open space or recreational facilities to be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.
3. All exterior ground-mounted and/or building mounted equipment including but not limited to mechanical equipment, utilities and banks of meters, shall be screened from public view with landscaping or with an architectural treatment compatible with the building architecture.
4. All roof-top equipment shall be fully screened from public view with an architectural treatment which is compatible with the building architecture.
5. All trash enclosures and compactors shall be screened from public view on at least three (3) sides with a gate, with a 6-ft. solid wood fence constructed of cedar, redwood, masonry or other compatible building material and shall be approved landscaping.
6. All assessable parking spaces shall comply with ADA/Accessibility Guidelines. Each accessible parking space shall be identified by a sign, mounted on a pole or other structure located 60-inches (5-ft) above ground measured from the bottom of the sign at the head of the parking stall.
7. A uniform sign plan is required and shall be submitted prior to final completion and occupancy, including all directional, ground-mounted, and free-standing signs.
8. A landscape plan shall be submitted in accordance with the Unified Development Code.
9. Detailed drawings shall be provided for any 'rain-garden' facilities.
10. All sidewalks shall be constructed to City design standards.
11. A detailed parking plan shall be submitted showing stall dimensions, ratios and calculations.
12. Upon the release of the construction permit, all arterial street impact, utility, sewer, water and building fees shall be paid prior to release of the permit.

Engineering - The City of Belton Engineering Division has reviewed the preliminary development plan. Detailed comments will be provided after submittal of each development phase. However, the following items shall be in accordance with Public Works Association, standards, city ordinances and subdivision regulations.

Easements:

- Provide proof of COE approval for grading in stream setbacks.
- Stream setback is required for 3rd tributary that is located on the south end of the property.
- Remove Note 7, Sheet 1 and Note 10 on sheet 2.
- Provide utility easements for all public utilities.
- Provide drainage easements for all detention areas and watercourses with a drainage area exceeding 2 acres.

General:

- Provide written description and elevation in NAD83 datum of the benchmark.

Roadways:

- Access from Turner Road shall be further reviewed upon submittal of final development plan or appropriate phasing.
- Before connection to Turner Road can be made, ownership and maintenance responsibilities of Turner Road need to be clarified and documented.
- If any roads are to become public, requirements for intersections, entrances, road curvature, minimum widths and sidewalks to be constructed per city design standards.

Utilities:

- Provide diameter of waterline.
- Provide valve locations on waterlines at all intersections not exceeding 1100 feet spacing.
- Provide fire hydrant location not exceeding 500 feet spacing.
- Provide diameters of sanitary sewers.
- Provide manhole locations with spacing not exceeding 400 feet for 16" diameter mains and 500 feet maximum for larger mains.
- Provide pipe diameters of storm sewers.
- Provide locations of inlets, junction boxes and outlets.

Grading and Detention:

- Minimum building opening elevations of any lot adjacent to or containing part of the 100-year storm routing are indicated on the plat.
- Indicate 100-year overflow swale locations.
- Include notes indicating maintenance assignments.
- Provide the assignment of maintenance responsibility for common areas, detention facilities, outlet works and appurtenances. Maintenance is the responsibility of the owner.
- Delete any references to Note 11 concerning a regional stormwater basin.
- Remove all notes of temporary detention basins. The City encourages and generally accepts permanent stormwater detention basins.

Fire Department

The Preliminary Development Plan as presented is generally accepted by the fire department. The following items shall be applied to each development phase.

1. All construction must comply with the provisions of the 2012 International Fire Code (IFC) (or code adopted at time of construction) and City of Belton local amendments and standards.
2. Comprehensive infrastructure construction plans shall be submitted for fire review and acceptance including, but not limited to:
 - a. Fire hydrants - existing and proposed.
 - b. Water mains - public and private.
 - c. Location of overhead utilities.
 - d. Location of exterior electric/gas appurtenances.
3. Exterior electric/gas appurtenances subject to vehicular impact will require vehicle impact protection in accordance with Section 312 of the IFC.
4. Provide documentation of current fire flow and impact on water system.
5. Fire flow shall be provided to each building in accordance with appendix B of the 2006 IFC (or standard adopted at time of submittal).
6. All fire department access roads, including parking lots, shall be designed to support the imposed loads of fire apparatus and be provided with an all-weather driving surface in accordance with appendix D of the 2006 IFC (or standard adopted at time of development). Turning radius shall be approved.
7. Gates across fire department access roads shall meet Belton Fire Department specifications and be in accordance with local fire codes.
8. The design of any traffic calming measures (speed bumps/humps, etc.) proposed in the fire department access shall be approved by the fire prevention bureau prior to installation.
9. Fire department access must be in place and maintained throughout construction.
10. Knox Box fire department access key boxes will be required at several locations throughout the development.
11. Separate fire protection permits will be required for each automatic fire sprinkler system, commercial kitchen hood suppression systems, or other fire protection systems installed.
12. Any blasting that takes place on the site requires a separate permit prior to commencement.